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Congressional Record

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HOUSE OF REPRESENTATIVES—*Wednesday, March 5, 1975*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Fear not, for I am with Thee.—Isaiah 43: 5.

O God, our Father, come anew into our hearts as we wait upon Thee and grant us strength and wisdom to do our work with a steady and a steadfast devotion. As we enter upon the duties of this new day we earnestly pray for good will among our people, for justice in our Nation, and for peace among the nations of the world.

Send us out into the crowded ways of a confused world with clear minds, courageous hearts, and clean hands. Give to us the insight and the inspiration to lead our people out of the darkness of despair into the glow of an abundant life and the greatness of a life lived with Thee.

Among our people may there be a rising tide of cooperative effort as hopefully and patiently we live through these days. In this hour may we fail not man nor Thee. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

FULL-SCALE GENERAL ACCOUNTING OFFICE AUDIT OF THE FEDERAL RESERVE SYSTEM

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, today I introduced legislation to provide for a comprehensive General Accounting Office audit of the Federal Reserve System. The legislation is cosponsored by 85 Members of the House. This bill is similar to a bill passed by the House in the last Congress. However, action was not completed on the bill in the Senate during the 93d Congress.

The bill will allow the GAO to examine all operational units in the Federal Reserve System.

Under this legislation, the Congress will be provided with an objective evaluation of the Federal Reserve System and whether the system is being operated with efficiency and according to the requirements of the law. Specifically, the audit would provide a basis for congressional judgment on:

Whether financial and other transactions of the System are conducted within the law and are properly accounted for;

Whether the System is properly managed and its resources are efficiently used; and

Whether the Federal Reserve System's programs and activities meet the public's needs and interests as reflected in the policies decided upon by the elected officials of Government.

The most important issue facing the people of this Nation is the economy. Millions of people are out of jobs. This means that families are unable to provide food for themselves. Every day, companies are filing for bankruptcy because there is inadequate credit, and interest rates are exorbitant. This situation, of course, will only insure that those who are without employment will remain unemployed and that we can expect even more unemployment and the human misery it brings for the future.

As you know, the Federal Reserve System is probably the single most important determinant of whether we will have prosperity or depression. Its power is vast and its decisions on monetary policy, whether effective or not, are of serious consequence to the state of the economy.

This legislation provides for a General Accounting Office audit of the Federal Reserve. In its 60-year history, the Federal Reserve System has never been subjected to a complete, independent audit, and it is the only important agency that refuses to consent to an audit by the Congress' agent, the General Accounting Office.

The Federal Reserve is the Government's monetary agent. It determines the Nation's money supply and other monetary policies, which, in turn, are vital determinants of interest rates, prices, and employment. The General Accounting Office audits the expenditures of the Defense Department, the Atomic Energy Commission, and every other important department and agency of the Federal Government except the Federal Reserve.

The proposed bill would correct this defect in Congress oversight of the operations of Government. It provides that the Federal Reserve will be given the same kind of financial, managerial, and program audits by the GAO that other departments and agencies of the Government receive.

The Federal Reserve handles a startling volume of transactions. In 1972, the latest year for which figures are now available, the Federal Reserve handled 35 billion pieces of paper worth $24 trillion. The Federal Reserve also holds close to $85 billion consisting of Treasury securities and other Federal agency securities, acceptances, and loans. Normally, it would be assumed that $85 billion in bonds held by a Government agency would in fact belong to the Government, but Chairman Burns of the Federal Reserve Board insists that the bonds are owned by the Federal Reserve banks. Dr. Burns' confusion over the ownership of the bonds simply reinforces the urgent need for a full-scale audit. GAO will determine whether these transactions were authorized by law, properly handled, and conducted with economy and efficiency.

GAO audits of the Federal Reserve will, moreover, fill the glaring gap that now exists in our information about the Fed's activities and programs. As things now stand, the only information that we get on programs of the Fed is what the Fed itself wants us to have. Can anyone, in 1975, believe that this is good government? Such secrecy is no more acceptable when it relates to Federal Reserve activities and programs than when it relates to any other matter of vital public concern. This bill will put on the table for all to see the Federal Reserve's finances, management, and programs which so importantly affect our economy's vitality and stability. Thereby, this bill will increase the Fed's accountability to the Congress and the public.

We feel strongly that the public and the Congress do have a right to know and this audit bill would be a giant step in the right direction. Those of us who are sponsoring this legislation believe that we will accomplish a great deal for the public interest.

The text of the bill and a list of the cosponsors follow:

H.R. 4317

A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) The Comptroller General of the United States shall make, under such rules and regulations as he shall prescribe, an audit for each fiscal year of the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches, including transactions of the system open market account conducted through recognized dealers.

(b) In making the audit required by subsection (a), representatives of the General Accounting Office shall have access to books, accounts, records, reports, files, and all other papers, things, and property belonging to or in use by the entities being audited, including reports of examinations of member banks, from whatever source. They shall be afforded full facilities for verifying transactions with balances or securities held by depositaries, fiscal agents, and custodians of such entities.

(c) The Comptroller General shall, within six months after the end of each fiscal year, or as soon thereafter as may be practicable, make a report to the Congress on the results of the audit required by subsection (a), and he shall make any special or preliminary reports he deems desirable for the information of the Congress. A copy of each report made under this subsection shall be sent to the President of the United States, the Federal Reserve Board, and the Federal Reserve banks. In addition to other matters, the report shall include such comments and recommendations as the Comptroller General may deem advisable, including recommendations for attaining a more economical and efficient administration of the entities audited, and the report shall specifically show any program, financial transaction, or undertaking observed in the course of the audit which in the opinion of the Comptroller General has been carried on without authority of law.

(d) The Comptroller General is authorized to employ such personnel and to obtain such temporary and intermittent services as may be necessary to carry out the audits required by subsection (a), without regard to the provisions of Title 5, United States Code, governing appointments in the competitive service, and such individuals may be paid without regard to the provisions of Chapter 51 and subchapter III of Chapter 53 of such Title relating to classification and General Schedule pay rates.

LIST OF COSPONSORS

ARIZONA

Morris Udall.

CALIFORNIA

Harold Johnson, George Miller, Charles Wilson, Tom Rees, Andrew Hinshaw, Edward Roybal, Leo Ryan, Fortney Stark, Yvonne B. Burke, Ronald Dellums, John Moss, Glenn M. Anderson, Augustus Hawkins, Lionel Van Deerlin.

COLORADO

Tim Wirth, Pat Schroeder.

CONNECTICUT

Ron Sarasin, William Cotter, Anthony Moffett.

FLORIDA

Dante Fascell.

GEORGIA

Dawson Mathis, Andrew Young, Larry McDonald.

HAWAII

Patsy Mink, Spark Matsunaga.

ILLINOIS

Frank Annunzio, Cardiss Collins, Ralph Metcalfe, Morgan Murphy.

INDIANA

Dave Evans.

KENTUCKY

John Breckinridge.

MARYLAND

Gladys Spellman, Parren Mitchell.

MASSACHUSETTS

John J. Moakley, Michael Harrington, Gerry Studds, Robert Drinan, Paul Tsongas.

MICHIGAN

James O'Hara, Bob Traxler, John Dingell.

MINNESOTA

Donald Fraser.

MISSOURI

Leonor K. Sullivan, William Randall, Richard Ichord.

NEW JERSEY

Robert Roe, Dominick Daniels, Henry Helstoski, Peter Rodino, Andrew Maguire.

NEW YORK

Bella Abzug, Stephen Solarz, Benjamin Gilman, Leo Zeferetti, Mario Biaggi, Charles Rangel, Richard Ottinger, John LaFalce, Tom Downey, Benjamin Rosenthal, Elizabeth Holtzman, Herman Badillo, Lester Wolff, John Murphy.

NORTH CAROLINA

Robert Jones, Stephen Neal.

OHIO

Charles Carney, Wayne Hays, Louis Stokes.

PENNSYLVANIA

Joseph Vigorito, Joseph Gaydos, Robert Edgar, Robert Nix.

SOUTH CAROLINA

Mendel Davis.

TENNESSEE

Marilyn Lloyd.

TEXAS

Bob Eckhardt, Henry Gonzalez, Robert Krueger, Wright Patman.

VIRGINIA

Dan Daniel.

WASHINGTON

Mike McCormack.

WEST VIRGINIA

Robert Mollohan,
Ken Hechler.

WISCONSIN

Clement Zablocki.

DISTRICT OF COLUMBIA

Walter Fauntroy.

A CONCERNED MISSOURIAN'S PROPOSALS FOR ENERGY CONSERVATION

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, during the past months numerous suggestions and proposals have come before this body as to how best confront our current energy dilemmas. When I was out in Missouri during the last recess, a good friend of mine, Wesley Bockman, provided me with a copy of his own suggestions for energy conservation, and I would like to take this opportunity to share them with my colleagues in the House. Mr. Bockman is deeply concerned about the need to conserve oil but is particularly concerned that the burdens of such conservation be equally and equitably shared. I am pleased to be able to present Mr. Bockman's views to this body:

SUGGESTION FOR CONSERVATION OF GASOLINE AND FUEL OIL

Different plans have been proposed in response to the need to curb the outflow of dollars for imported oil. One advocates a higher tax to force a reduction in the use of oil. Another would impose rationing to limit the amount used. There is some merit and demerit in both proposals.

Many gasoline users who responded to voluntary reduction last year feel they are helping to pay for gasoline being used by those who did not conserve. More tax on gasoline would make this situation worse and would be more hardship for millions who are already hurting.

Rationing would spread the supply around but there would be increased competition for a bigger share of the supply. It would be a restrictive band or fence leaving little room to adjust to individual needs. Some are in a position to reduce consumption more than others. If they do they should receive some benefit for doing so.

There is an alternate approach that would provide a strong incentive to conserve and would leave room for adjustment to different needs.

Through the blending of new oil, old oil and imported oil we are now paying an inflated price for gasoline from domestic oil and are, in effect, subsidizing imported oil. Let us deal separately with domestic and imported oil.

1. Under my proposal, the price of imported oil would rise to reflect its actual cost at retail rather than the reduced price we now have. It would not be rationed. It would be available but the price would be substantially higher.

2. The price of products from the domestic supply of oil would be reduced to reflect their cost of production. The difference in price would be a big incentive to stay as near as possible to the amount available from the domestic supply.

3. The domestic supply would be rationed to assure each user a fair share.

4. The division of the two classes could be made on a percentage basis. Retailers could be allotted a supply at the beginning. When they needed to replenish they could buy as much at the lower price as the amount of ration coupons thy had collected. Any more than that would be at the higher price. Both classes could be pumped from the same tank.

With the difference in price one could reduce consumption knowing there would be an immediate cash benefit and no high consumer would profit from that reduction. Instead of a restrictive band, rationing would then become a protective shield for those who do conserve.

The price of gasoline at the pump would change from an average of domestic and imported oil to a separate price for each.

Suppose the rationed gasoline is 40 cents per gallon for regular and the non-rationed is 65 cents. The 25 cent difference would be a strong incentive to car pool, use public transportation, curtail unnecessary trips or select a car with good fuel economy.

Some are in a position to reduce consumption more than others. Both large and small reduction would be compensated by a "cash in hand" savings immediately available for other needs. It would be better than an equal amount in income tax cut as the government would not have to borrow to replace it and there would be no interest to pay.

The two price approach can accommodate adjustment to conditions. Difference in the two prices could adjust to lead, not drive, to the desired reduction in use.

The price of domestic oil should not be so low as to discourage the search for new sources. Neither should it support wasteful efforts. Present exploration is being pushed faster than equipment is being produced. That is inflationary and absorbs some of the energy we are trying to conserve. The retail price should reflect enough margin for orderly development only.

Business and industry would also have an incentive to conserve. Reduced consumption by one would result in a slight cost advantage over a competitor who does not.

WESLEY BOCKMAN.

WINONA, MO.

WE'RE ASKING FOR SAVONAROLAS

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RONCALIO. Mr. Speaker, I would like to call the attention of my colleagues to the fact that when Jack Valenti publishes, he makes a very meaningful contribution to our governmental processes.

Last Sunday in the Washington Star-News his work dealt with the subject of morality and the quality of elected officials. It was entitled "We're Asking for Savonarolas."

Mr. Speaker, I am happy to insert this short article in the CONGRESSIONAL RECORD at this point:

WE'RE ASKING FOR SAVONAROLAS

(By Jack Valenti)

Watergate made every candidate and every office-holder suspect. There is a feeling in the country now that most public men are not to be trusted and therefore neither to be followed or believed. The smell of official blood and the taste of shredded political flesh has become the national appetite.

Broken faith and squandered trust should not be casually tolerated, but it may be we as a people are demanding human paragons when there are no such beings.

The public man-woman is fair game to reveal his financial holdings. But the norm now is to want to go into the bedroom, the locker room, the clubroom, and the restroom to visit upon the viewing and reading public every sliver of "news" about anybody who has won a public office. Who can survive that kind of scrutiny?

All public leaders are flawed. When we understand that human beings are our leaders, we might view them with tolerance and forebearance. What we might hope for our leaders is that they be right more often than they are wrong and not inspire within us larger expectations than they are capable of delivering. We are correct in asking them to be wiser than those who give them power, possessed of character and caring in such measure that the tasks they obligate themselves to fulfill will not go unserved by their skills or their integrity. And most of all, that they will bring honor to the duties they have sworn by solemn oath to perform. But to ask them to be sinless is to insist on more than Jesus or Paul thought possible.

All public people are inclined, from time to time, toward error—error of judgment, perhaps, or even silly behavior. Public officials are subject as you and I to the vagaries of emotion, pride, infatuation with self. There are no infallible heroes or heroines, bleached dry of sin, unblemished by lesser notions, with ideals fully intact and a conscience preserved against the need for contrition.

Perhaps the person who wants to enter public life (and no one puts a gun to a candidate's back and forces him or her to seek elective office) must have an understanding of the people he wants to serve, as well as of the inner person inside him.

He (in the generic sense) must be patient. Politics is a series of loops and turns, of ups and downs, of defeat and triumph. He must learn to deal with the one and endure the other, with neither arrogance nor panic.

He must be able to live with the burden of obloquy, assaults on his honor and his motives, plain lies and distortions, the long knives of those who aim to wound him and bring him down. He must accept this as the lot of the public official.

He must expect no gratitude because that is not the way of public response. But the fact that gratitude is not a public trait should never lessen his faith in the people's resolve, their common sense, their reliance on what is good and true. The people, he must understand, will, in the final end, make a distinction between right and wrong, and put aside those who didn't measure up, and call on those who give reason to trust their judgment.

And finally, the man who would enter public life must also be prepared for the day when he no longer is in power. Power is transient and in a democracy what is offered will, usually, be withdrawn. Thus, the public official must be able to live in the other world of lost power, without recrimination or the expectation that his voice, now without official timbre, will carry special weight. He must be willing to be satisfied with public respect which, it must be noted, is a valuable embrace and not at all without meaning.

But it is quite plain that the burdens on public officials grow heavier. It may be that in the future we will be facing a situation where the only candidates will be those who have no families, no wife or husband, no private income, no pleasure in a little human comfort, no desire to mingle with men and women on a personal level, no aberrations of thought or behavior, no inclination toward sin either venial or mortal, no minor derelictions, no human failings. What this describes is a Savonarola fanatic, and we have enough public recordings of the zealot in office here and in other lands to make that future ideal something less than attractive.

AIRPORT AND AIRWAY DEVELOPMENT EXTENSION ACT OF 1975

(Mr. MILFORD asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, I introduce, with the cosponsorship of Mr. SNYDER, Mr. HENDERSON, Mr. WRIGHT, Mr. DON H. CLAUSEN, Mr. RONCALIO, Mr. COCHRAN, Mr. GINN, and Mr. TAYLOR of Missouri, for appropriate reference, the Airport and Airway Development Extension Act of 1975. I ask unanimous consent to revise and extend my remarks and include the text of the bill immediately following my remarks.

The Airport and Airway Development Act of 1970, as amended by the Airport Development Acceleration Act of 1973, will expire June 30, 1975. When the act was originally adopted, the Congress found that the Nation's airport and airway system was inadequate and that substantial expansion and improvements were required to meet the needs of interstate commerce, the postal service, and the national defense. We are all aware that the needs are just as great today as they were when the act was originally passed.

Today, many airports have pavements that are deteriorating from normal use, which require overlay and reconstruction. In addition, the introduction of heavier jets, including the executive fleet, necessitates strengthening of pavements which were not designed for the current family of aircraft. Evidence to support this conclusion can be found in the large number of projects that were unable to be funded this year and national forecasts which show increasing demands for airport developments.

Expeditious action by the Congress is essential so that new legislation can be enacted promptly to insure the continuation of this vital program.

It should be noted that these developments directly add to the Nation's overall economic vitality while providing useful productive work to many of our citizens who are now unemployed in large numbers.

There have been a few deficiencies in the Aid to Airport Development Act. These can easily be corrected without abandoning Federal responsibilities for the development of a national system of airports for all segments of civil aviation. The features most criticized in the present airport grant program are corrected by the bill I introduce today. At the same time we will maintain the Federal leadership role. My bill will extend the existing act for a period of 5 years and will bring about modifications to make this program more responsive to the needs of the industry and the needs of the public.

The bill I have just introduced has been drafted after extensive consultation with all segments of the aviation community including knowledgeable and responsible people in the FAA, State aeronautical agencies, airport operators—small and major—local government airport officials, general aviation associations, air carrier associations, pilot associations, manufacturers associations, indeed—every section of the aviation industry.

I am proud to say that this bill has received wide acceptance among this group. As a matter of fact, when given a choice between this bill and the publicized administration proposals, almost all have indicated a preference for my bill.

Even though the present act expires on June 30 of this year, the administration has not submitted a new bill. Furthermore, in a recent hearing conducted by the Subcommittee on Aviation of the Public Works and Transportation Committee, the administration spokesman reported that the new bill would be ready "within the next several weeks."

The administration's delay is understandable when one considers the radical plan which will be proposed under its forthcoming bill.

The President's policy statements and working papers from the Federal Aviation Administration and the Department of Transportation have revealed the following key features in the administration plan:

First. To turn over the congressionally mandated "Federal airport system plan" to the individual States and to abandon any effective Federal direction;

Second. To continue Federal funding of airport aid on a reduced scale, but also to relinquish Federal coordination and planning on a national system basis in preference to individual State control;

Third. To allocate funds directly only to the large metropolitan centers, which have the ability to operate self-sustaining airports, while abandoning smaller metropolitan and reliever airports that cannot break even;

Fourth. To levy unreasonable fees on the general aviation segment for the payment of strictly "public" services performed by the Federal Aviation Administration;

Fifth. To "bust" the aviation trust fund, that was established for a specific purpose, by dispensing its funds for a completely different use.

In summary, my bill would continue the Aid to Airport Development Act in the same context and spirit as that mandated by Congress in 1970, as amended in 1973.

This is in opposition to the forthcoming administration bill which was literally mandated by OMB.

Furthermore, my bill will amend the act to correct some minor administration problems, environmental problems, and extend aid into some new areas—terminal construction and land acquisition to solve environmental noise problems.

Finally, this bill balances trust fund income and airport expenditures—leaving no surplus and creating no new taxes.

The Aid to Airport Development Act is extended for 5 years. The section-by-section changes are listed below:

(1) Section 2 makes land buffers needed to offset adverse environmental effects eligible for Federal participation.

(2) Section 4 will provide for a 5-year extension of the Act through 1982. It will provide $425 million per year for air carrier and reliever airports compared to $275 million currently, and $75 million per year for general aviation airports, up from $35 million in the present act.

Funding of airway facilities system projects will remain unchanged at $250 million per year.

(3) Section 5 will make all enplaned passenger funds due to airport owners available to them directly for any eligible developments, rather than through present programming-grant agreement process.

(4) Section 6 will require that federal standards be followed for all aircarrier and reliever airports, but will permit expeditious approval by FAA field representatives of deviations necessary to adapt to local conditions. Projects at general aviation airports may conform either to FAA or state aviation standards.

Environmental procedures for airport projects will also be substantially streamlined to allow FAA to concentrate on those projects with significant environmental problems in urban areas, or involving use of public parks, wildlife refuges, or recreational areas.

(5) Section 8 will authorize sponsors to utilize enplaned passenger funds for public-use portions of terminal buildings, which is prohibited under present legislation.

(6) Section 9 will reduce the head tax on airline passengers from 8 per cent to 7 per cent which could be further reduced if the trust fund continues to show a surplus.

These are the major points in my proposed bill, and I will appreciate the support of my colleagues in obtaining passage of this much-needed legislation.

I include the following:

TRUST FUND INCOME AND EXPENDITURE SUMMARY

1. Status of Trust Fund (end of FY 1974):

Unexpended balance	$1,534,181,000
Uncommitted balance	283,636,000

2. Estimated Annual Trust Fund Income Through FY 1979 (assuming no changes in tax structure):

1975	$939,658,000
1976	999,724,000
1977	1,060,422,000
1978	1,142,634,000
1979	1,223,198,000

3. Annual dollar commitments:

	Present program	Mr. Milford's bill
Air carrier and reliever	$275,000,000	$425,000,000
General aviation	35,000,000	75,000,000
Planning grants	15,000,000	15,000,000
R. & D.	[1] 50,000,000	[1] 50,000,000
Airway facilities	250,000,000	250,000,000
Total	625,000,000	815,000,000

[1] Minimum guaranteed by sec. 14(d).

H.R. 4312

A bill to amend the Airport and Airway Development Act of 1970, as amended, to authorize the Secretary of Transportation to make grants for airport development by Grant Agreements with sponsors and to provide for direct payments to certain types of sponors during fiscal years 1976 through 1980, to provide national policy for protection and enhancement of the natural resources and the quality of the environment of the nation in projects for airport development, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SHORT TITLE, ETC.

SECTION 1. (a) SHORT TITLE.—This Act may be cited as the "Airport and Airway Development Extension Act of 1976".

(b) AMENDMENT OF 1970 ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Airport and Airway Development Act of 1970 (84 stat. 219), as amended (49 U.S.C. 1701 et seq.).

SEC. 2. Section 11, relating to definitions, is amended as follows:

(a) Paragraph (2), relating to the definition of "airport development", is amended by inserting immediately before the period "or to mitigate adverse environmental effects resulting from an airport development project or the operation of aircraft";

(b) Paragraphs (13) and (14) are redesignated as paragraphs (14) and (15), respectively;

(c) A new paragraph (13) is included as follows: "(13) 'reliever airport' means a general aviation airport designated by the Secretary as having a primary function to relieve congestion at an air carrier airport";

(d) Paragraphs (15), (16) and (17) are redesignated as paragraphs (17, (18) and (19), respectively; and,

(e) A new paragraph (16) is included as follows: "(16) 'Standard Metropolitan Area' means a county or group of contiguous counties which contains at least one city of 50,000 inhabitants or more, or 'twin cities' with a combined population of at least 50,000. In the New England States, SMSA's consist of towns and cities instead of counties."

SEC. 3. Section 13 (b), relating to the amount and apportionment of planning grants, is amended—

(a) by inserting "or the per centum of such costs computed in accordance with section 17 (b), whichever is greater" before the colon; and,

(b) by striking out "$75,000,000" in subsection (b) (1) and inserting in lieu thereof "$150,000,000".

SEC. 4. (a) Section 14 (a), relating to airport and airway development program general authority, is amended—

(1) by changing the period after "1975" in paragraph (1) thereof to a comma and adding "and $425,000,000 for each of the fiscal years 1976 through 1980; and"; and

(2) by changing the period after "1975" in paragraph (2) thereof to a comma and adding "and $75,000,000 for each of the fiscal years 1976 through 1980.".

(b) Section 14 (b), relating to airport and airway development program obligational authority, is amended—

(1) by striking out "and the succeeding four fiscal years in a total amount not to exceed $1,460,000,000" in the first sentence thereof and inserting in lieu thereof "and the succeeding nine fiscal years in a total amount not to exceed $3,997,500,000";

(2) by striking "June 30, 1975" from the second sentence thereof and inserting in lieu thereof "June 30, 1980"; and,

(3) by striking out "and" in the last sentence thereof and inserting immediately before the period "an aggregate amount exceeding $1,960,000,000 prior to June 30, 1976, an aggregate amount exceeding $1,997,500,000 prior to September 30, 1976, an aggregate amount exceeding $2,497,500,000 prior to September 30, 1977, an aggregate amount exceeding $2,997,500,000 prior to September 30, 1978, an aggregate amount exceeding $3,497,500,000 prior to September 30, 1979, and an aggregate amount exceeding $3,997,500,000 prior to September 30, 1980.".

(c) Section 14(c), relating to airway facilities, is amended by striking out "1975" and inserting in lieu thereof "1980".

SEC. 5. Section 15(a) (1) (B), relating to the the apportionment of funds, is amended by inserting the word "directly" immediately after the word "distributed" in the first line thereof.

SEC. 6. (a) Section 16(a), relating to the submission of projects for airport development, is amended—

(1) by inserting the words "at airports served by air carriers certificated by Civil Aeronautics Board and reliever airports" immediately after the words "all proposed development" in the second sentence thereof;

(2) by changing the period at the end of the second sentence to a comma and adding the words "provided that deviations therefrom may be approved by the local Federal Aviation Administration Offices."; and,

(3) by adding at the end thereof the following new sentence: "All proposed development at general aviation airports other than reliever airports shall be in accordance with standards established by the State in which the airport may be located. In the absence of State standards, standards established by the Secretary shall be adhered to.".

(b) Section 16(c), relating to the approval of projects for airport development, is amended by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) It is declared to be national policy that airport development projects in Standard Metropolitan Statistical Areas that are authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of the environment of the Nation, and that airport development projects outside of Standard Metropolitan Statistical Areas shall be deemed to have no significant impact on the environment unless items of special significance such as wildlife refuges, public parks and recreational areas or historic sites of Federal, State or recreational areas or historic sites of Federal, State or local significance are involved. In implementing this policy, the Secretary shall consult with the Environmental Protection Agency and the Secretary of the Department of the Interior with regard to the effect that any project in a Standard Metropolitan Statistical Area involving airport location, a major runway extension, or major runway location may have on natural resources including, but not limited to, fish and wildlife, natural, historic, scenic and recreation areas, water and air quality, and other factors affecting the environment, and shall authorize no such project found to have adverse effect unless the Secretary shall render a finding in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all reasonable steps have been taken to minimize such adverse effect. For purposes of this section "major" means only those runways and runway extensions which require the extension of airport boundaries or permit the operation of noisier aircraft at an airport.

"Airport Development Projects within the purview of this Section shall require the preparation and consideration of detailed Environmental Statements as contemplated by section 102(2)(C) of the Environmental Policy Act of 1969 (PL 91–190). The National Environmental Policy Act of 1969 shall have no further force and effect with regard to other airport development projects authorized by this part.".

(c) Section 16(d), relating to public hearings, is amended—

(1) by inserting the words "in a Standard Metropolitan Statistical Area" after the word "project" in the first line of paragraph (1) thereof; and,

(2) by inserting the word "major" before the words "airport runway" and "runway extension" in the second line of paragraph (1) thereof.

Sec. 7. (a) Section 17(d), relating to the United States share of project costs for landing aids, is amended by inserting immediately before the period "or the per centum computed in accordance with section 17(b) of this Act, whichever is greater,".

(b) Section 17(e), relating to safety certification and security equipment, is amended—

(1) by inserting "or the per centum computed in accordance with section 17(b) of this Act, whichever is greater," immediately after "per centum" in paragraph (1) thereof; and,

(2) by inserting "or the per centum computed in accordance with section 17(b) of this Act, whichever is greater," immediately after "per centum" in paragraph (2) thereof.

Sec. 8. Section 20(b), relating to nonallowable project costs, is amended by striking all after "except" in paragraph (2) and inserting in lieu thereof "the public use portions of a terminal building that are directly related to the movement of persons and baggage through the airport.".

Sec. 9. Section 203(a) of the Airport and Airway Revenue Act of 1970 (84 Stat. 238), relating to the tax on transportation of persons by air, is amended to further amend section 4261 of the Internal Revenue Code of 1954—

(1) by striking out "8 percent" in subsection (a) and inserting in lieu thereof "7 percent";

(2) by striking out "8 percent" in subsection (b) and inserting in lieu thereof "7 percent"; and,

(3) by striking out "$3" in subsection (a) and inserting in lieu thereof "$5".

INTRODUCTION OF A BILL TO CREATE AN ELECTRIC POWER PRODUCTION AUTHORITY

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference a bill to create an Electric Power Production Authority to be located in the Department of Commerce. The tidal wave of delays and cancellations of new electric powerplants that is plaguing our Nation will not only cripple attempts to achieve self-sufficiency in energy but, if not immediately reversed, can mean that vast sections of our Nation will experience the disastrous chaos of repeated and prolonged electrical blackouts on the scale of the blackout that closed down our Nation's Northeast region 10 years ago this fall.

Electric utilities are facing the most massive financial crises in their history. Their annual requirements for new capital funds runs between $15 to $25 billion and will climb to between $30 and $35 billion annually in the 1980's. This annual need for new capital is now 10 times greater than those of the coal mining industry, nearly 9 times larger than those of all our airlines and 6 times more than those of our railroads.

But all the sources for raising such gigantic sums of money are being blocked and paralyzed. Further rate increases are anathema to our citizens especially in this period of severe economic recession. Electric utility stocks are still depressed with the vast majority selling at only 60 to 75 percent of book value. And interest rates required for new bond issues have been prohibitive—up to 14 percent—and cause only further burdens on utility customers who must ultimately pay the cost of such offerings.

The purpose of the Electric Power Production Authority I am proposing is to assure that our homes, offices, and factories have reasonably priced electricity to meet their future needs.

The Authority, outlined in my bill, would be authorized to provide loans, loan guarantees and bond guarantees up to a total of $50 billion over the next 10-year period. This amount would be to expressly aid electric utilities fund the construction of new powerplants and facilities with special preference given to the needs of high cost electric power sections of the country and to new power plants that would be fueled by domestic energy sources.

Where a utility was unable to itself arrange for construction of needed facilities, the Authority would be authorized to do so in its own right but with the provision that it lease such constructed plants to the appropriate operating utility and permit such utility to purchase the plant in accordance with terms and conditions to be negotiated.

In all cases the Authority would not be a research and development agency but would focus on the hard realistic choices that we must face today to insure an adequate supply of electricity, leaving to other Federal and private industry programs the problems of the year 2000.

The bill also proposes a $1 billion 10-year authorization to provide loans and loan guarantees to electric utilities for long-term contracts to purchase domestic-based fuel supplies. The fuel extractive and processing industries, electric utilities, and the Nation as a whole share responsibility and need to see that the investment is promptly made to expand our domestic energy supply, in particular coal and uranium.

However, fears that manipulations by the Arab oil cartel might undercut such multimillion-dollar investments have slowed down the pace of such expansion. This situation must be decisively corrected. By supporting long-term purchase contracts among the industries in this area all parties can have the assurances needed to get on with the job of freeing electric power production from the whims and harsh extortion imposed by foreign oil owners.

While we have talked about energy, studied energy, and analyzed energy, the electric utility industry has been collapsing. Some utilities face the prospect of imminent bankruptcy. The talk must end and action begin. The Electric Power Production Authority, I am proposing, and which is outlined in the bill being introduced, is an action we can take which will help us back on the path of meeting the needs and aspirations of a new America.

Mr. Speaker, I include the text of my bill and a letter from me to President Gerald Ford dated January 22, 1975, at this point in the Record:

H.R. —

A bill to provide for the establishment of the Electric Power Production Authority in the Department of Commerce, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This title may be cited as the "Electric Power Production Authority Act of 1975."

FINDINGS

Sec. 2. The Congress finds and determines that

(a) The continued generation and transmission of an adequate supply of electrical energy is critical to the nation's defense, a sound and stable economy and the general health and welfare of the people of the United States.

(b) Shortages in the supply of electricity caused by the financial problems confronting electric utilities now exist or are imminent and jeopardize the normal flow of interstate and foreign commerce by creating severe economic dislocation, including loss of jobs, closing of factories and businesses, and curtailments of vital public services.

(c) Delays and cancellations of new electric power plants, in particular those fueled by domestic energy resources of coal and uranium, will severely jeopardize the attainment of national self-sufficiency in energy and have a direct and immediate adverse affect on the balance of the nation's foreign commerce payments.

(d) The financial crisis confronting electric utilities if not promptly alleviated will not only jeopardize the supply of electricity vital to the conduct of interstate commerce but will also severely and adversely affect the public health, welfare and safety.

DEFINITIONS

Sec. 3. As used in this Act—

(a) "Investor-owned utility or utility"

means a corporation which is engaged in the business of furnishing or sale of electric power.

(b) "State or municipal power authority" means a state, territory or possession of the United States, or political subdivision thereof, a public service or public utility commission or authority or other similar body of any State, the District of Columbia, territory or possession of the United States or any political subdivision thereof engaged in providing, generating, furnishing or selling electric power.

ESTABLISHMENT

Sec. 4. There is hereby established in the Department of Commerce an office to be known as the Electric Power Production Authority (hereinafter referred to as the "Authority").

ADMINISTRATOR

Sec. 5. (a) There shall be at the head of the Authority an Administrator of the Electric Power Production Authority (hereinafter referred to as the "Administrator") who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Administrator shall be paid at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level IV of the Executive Schedule of section 5315 of title 5, United States Code.

ATTORNEYS, OTHER EMPLOYEES, AND CONSULTANTS

Sec. 6. (a) The Administrator may appoint and fix the compensation of such attorneys and other employees as he deems advisable, and shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Administrator may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

DUTIES

Sec. 7. (a) The Authority shall—

(1) assure that adequate supplies of electric energy, based on proven and developed technology, are available to meet the anticipated needs of the United States;

(2) continuously review the current and expected demand for and supply of electric energy in the United States and report annually to the Congress with respect to its finding;

(3) loan or provide loan guarantees or bond guarantees to investor-owned electric utilities or State or municipal power authorities of sums up to 100 per centum for the costs of new electric power plant construction and electric distribution and transmission facilities;

(4) contract for the construction of electric power plants where the need for such plants and the inability of existing authorities or utilities to procure such plants could result in an insufficient availability of electricity for consumers; provided that: the authority contracts with the appropriate power authority or investor-owned electric utility to lease from the authority such electric power plants as built by the Authority on such terms as may be deemed fair and reasonable by the Authority. Such Lease Agreement shall contain provisions permitting the lessee to purchase said power plants in accordance with such terms and conditions negotiated between or amongst the parties at the time of leasing.

(b) In carrying out the provisions of subsection (a) the Authority shall give preference initially—

(1) to the electric power needs of high cost electric power regions of the United States;

(2) to new electric power facilities to be fueled from energy supplies, of substantial domestic origin, such as, coal, nuclear and geothermal power;

(3) to requests for facilities which will serve a multi-State region.

(c) For the purpose of assuring that domestic fuel supplies are developed and available in adequate amounts to meet anticipated needs of electrical power plants, existing, under construction or to be constructed, the Authority may provide loans and loan guarantees for the long term purchase of coal and nuclear fuel supplies by investor-owned utilities or State or municipal power authorities, or lessee's of electric power plants initially built by the Authority.

(d) In carrying out the provisions of subsection (c), the Authority may take into account—

(1) the need of fuel producers for long-term price assurances commensurate with the economic requirements to expand domestic energy supplies; and

(2) the possibility that foreign suppliers can seriously undermine the domestic market structure for such fuels by drastic changes in the cost of imported fuels, such as oil and natural gas.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. (a) There are authorized to be appropriated $50,000,000,000 for the ten-year period beginning on the date of enactment of this Act to carry out the provisions of Section 7(a) of this Act.

(b) There are authorized to be appropriated $1,000,000,000 for the ten-year period beginning on the date of enactment of this Act to carry out the provisions of Section 7(c) of this Act.

January 22, 1975.

The President,
The White House,
Washington, D.C.

Dear Mr. President: It is now inevitable that our nation's energy outlook will worsen for the remainder of this decade. And if prompt and urgent action is not taken immediately, the prospects for the 1980's is for a deepening and staggering tragedy.

The nation's consumers have seen a 20% increase in their electric utility bills over the past two years and our nation has seen $70 million of its wealth cascading each and every day into the treasuries of the oil producing countries.

Even the most stringent of conservation measures can at best only lessen the flow of dollars from our shores and with them the job hopes of millions of Americans. Merely holding our own cannot restore the vitality of the American economy nor offer the promise of hope to the millions of Americans newly entering our work force or striving within it, to achieve the dreams of a lifetime.

Twenty years ago the American population was growing nearly twice as fast as today. We called this experience the baby-boom.

In the sixties these children swelled our school population—shooting enrollment up nearly 50% over that of the 1950's and requiring us to double the percentage of our gross national product that we allocated to school expenditures.

These children are now coming of age, forming their own households, looking to buy their own homes, and seeking to find a productive role in our economy for the 40 year work span that lies ahead of them.

In fact, over 46% of our population is under 24 years of age, while only 35% is between 25 and 54.

American society as we know it and hope to leave it for our children cannot exist without energy. To some the fact that we use a third of the world's energy is to be condemned.

What they fail to note is that with the exception of Switzerland, an economy a fraction of the size of ours, we are also the lowest user of energy per dollar of GNP in the world.

We have seen what the lack of energy can mean. Ten years ago this year, the Northeast experienced its massive electrical blackout. Last year the oil embargo directly lead to an estimated 500,000 Americans being unemployed. And in the post embargo era of unconscionable energy prices our unemployment rate is soaring to 8%.

If Americans are reducing their energy consumption at least one reason is that they no longer have the jobs that permit them to pay for the rising price of such energy.

Though many factors and events have caused this present situation, they are now part of the past. We can control the future. We are responsible to those Americans already here, to those newly joining our work force, and to the 2 million Americans that will be born each year between now and the end of this century, to take this responsibility and to insure that there will be energy, reasonably priced, to fill their needs.

I sincerely believe that it is now time to accept this responsibility; it is time that we Americans become *our own best friend:*

We have the possibility for abundant domestic energy, not in the year 2000, but starting right now. We are dependent on no nation for our coal and uranium technology.

Coal and nuclear energy are delivered to our homes and cities as clean electricity. Indeed all future energy fuels that are discussed, be they solar, fusion or some other exotic source, are finally seen in our homes and industries as electricity.

We must begin now to build an American fueled Electric Economy. Initially, coal and nuclear power can be our mainstays, later as energy from new sources still under development become available, essentially the same infrastructure can be used to keep our lights burning, our appliances functioning and the machines of industry running.

It is nearly 20 years since the first civilian nuclear power plant went into operation. Though there have obviously been problems to be learned and overcome with this new technology, as one will have with any new development, the record is unmistakably clear—nuclear power is safe and reliable. Environmentally, it is one of our cleanest sources of energy. Nucear power plants are *today* producing electricity at approximately 40% less total cost—including amortized capital allocations—than fossil fuel power plants.

In recent years, technology has come in for increasing and strident criticism. Some see the apocalypse around every new corner. There are indeed profound concerns for all mankind lying ahead. In the world, population is soaring from its present 3.7 billion figure to over 6 billion in just the next 25 years.

This means, for example, that all the cities built since the beginning of man's history must be duplicated in 25 years, and that food production, inadequate for present needs, must somehow be expanded to feed almost twice as many.

If coping, even inadequately, with such problems and those following in the wake of this reality seem awesome today, they are absolutely impossible to even consider without energy.

If we are to stop technology, if we are to live in a riskless society, then we must be told how we are to live without more energy.

We must be offered a plan to produce new jobs without more energy. We must see how the poor of the world are to survive, let alone improve, without more energy. We must be told how we are to pay for an improved quality of the environment, which requires both energy and capital, if the economy is not to grow sufficiently to allow the allocation of resources to such important, yet non-productive functions.

As a nation we have anguished over our options. We have analyzed and assessed impacts and alternatives. It is now time for action.

The energy future of America is being written now. Faced with a massive and overwhelming crisis in our nation's capital markets, our electrical utilities are being forced to cancel and delay over 27% of the new power plant capacity that had been scheduled to be on line before 1984.

In the case of nuclear plants, as of October 1974, over 46% had been deferred. And not a single new major power plant was placed under construction in November.

These delays and cancellations are alarming. The delay in nuclear plant construction alone could add 900 million barrels of oil equivalent to our nation's import needs which, even if oil prices do not advance into the 1980's would have an annual cost of $9 billion.

Utilities are facing the most massive financial crisis in their history. The capital needs of electric utilities are huge—accounting for some 25% of *all* new capital needs that must be raised in money markets.

Projections indicated that amounts of $15 to $25 billion will be needed each year remaining in this decade by utilities for capital construction. This amount will rise to between $30 to $35 billion in the early 1980's. Compared to the expenditures of the oil industry for new refinery capacity, electric utilities capital needs are five times as great.

But faced with this mounting need, utilities find themselves in an untenable position. Equity markets have seen a nearly 70% drop in the proportion of savings going into ownership of equity securities between 1969 and 1973. Debt markets have seen prime interest rates soar to over 12%.

Though approximately a quarter of utilities capital requirements are generated by internal funds, rate-making policy tends to severely limit rate increase, especially for the purpose of capital construction.

Confronted by such an array of conditions, utility managers are taking the only prudent course open to them—delaying and cancelling new construction. But though this action is prudent and necessary for the utility, its import for America's energy future is extremely grave. If this trend, is allowed to continue the necessity for allocation of electricity by some governmental agency, in face of a dwindling supply, will bceome mandatory. This nightmare must not be allowed to occur.

Investors must be encouraged to purchase equity securities. And the government must undertake the responsibility to insure that debt financing by utilities can be obtained at reasonable rates.

The choices are not easy, advantages and disadvantages can be arrayed for each of these options. But they are the choices we must select among.

I intend, therefore, to introduce legislation in this session of Congress to address this problem by proposing the establishment of an Electric Power Production Authority which would be responsible for assessing our Nation's electrical supply and demand situation and taking the responsibility to correct gaps arising, by means of federally guaranteed loans for new plant construction, and where appropriate, federal construction of electric power plants and facilities.

The time for clear and decisive action is now. I am sure you share with me the deep concern that our Nation takes all the steps necessary to assure that the power needs of our cities, our industries and our homes are met.

An Electric Economy, fuel from domestic resources and built upon the technology and productive capability of American industry, can answer the needs of tomorrow and permit scarce fossil fuels to be utilized in those sectors, such as transportation, where alternatives are still few and distant. The establishment of an Electric Power Production Authority is an answer to this challenge.

I ask you to join me in advocating within the Executive Branch such legislation and in the creation of the Electric Economy.

With kind regards,
Sincerely,

JOHN M. MURPHY,
Member of Congress.

NATIONAL FOSTER PARENTS DAY

(Mr. BAUMAN asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. BAUMAN. Mr. Speaker, I am today introducing a joint resolution which would authorize the President to declare the first Sunday in April of each year as "National Foster Parents Day." I am being joined in cosponsoring this resolution by Mr. EILBERG, Mrs. HOLT, Mrs. BOGGS, Mr. FLORIO, Mr. BADILLO, Mr. McDONALD of Georgia, Mr. GILMAN, Mr. KRUEGER, and Mr. SARASIN.

Mr. Speaker, undoubtedly, a happy and normal family lifestyle during the formative years of childhood has a major impact on the entire life of each of us as individuals. More than enough research has been done to indicate how important a wholesome family environment is for a young child.

While many of us seem to take for granted this kind of upbringing, we forget that many young children, for various reasons, are deprived of their natural parents. It is estimated that currently in the United States more than 350,000 children have been given some degree of family stability because they have the benefit of being cared for by foster parents. Because of the dedication and willingness to sacrifice on the part of thousands of foster parents these young Americans are being cared for and loved rather than being consigned to a life of homelessness and neglect.

It has come to my attention that although we presently celebrate as national days special occasions for mothers, fathers, and children, we have not set aside a day to honor the more than 150,000 foster families who care for children who might otherwise grow up under institutional care.

Mrs. Kay Daggett, of Betterton, Kent County, Md., a resident of my district, has long been interested in foster parent programs. She has suggested to me the need for congressional action to honor the foster parents of America.

Mrs. Daggett has long been active in the Kent County Foster Parents and has served in a number of posts with many civic groups interested in the welfare of children. She has enlisted the support of many government and community leaders in behalf of declaring a National Foster Parents Day. I want to commend Mrs. Daggett for her determination and for her interest in the welfare of children which prompted this suggestion.

I hope my colleagues will join me in enabling our Nation to show its gratitude to foster parents everywhere and at the same time dramatizing the need for additional help for the thousands of children who do not have the great benefits which come from living with a family that cares for them.

I include at this point in my remarks the full text of the joint resolution.

H.J. RES. 278

Joint resolution authorizing the President to declare the first Sunday in April of each year as "National Foster Parents Day"

Resolved by the Senate and House of Representatives of the United States in Congress assembled,

Whereas every child needs the love and stability of a family environment, and

Whereas each year more than 650,000 children in the United States are unable to be cared for by their natural parents and are thus deprived of a stable and loving family life of their own homes and

Whereas more than 350,000 of these children are receiving this love and sense of stability from foster parents, and

Whereas more than 150,000 foster families are caring for children who would otherwise be placed in institutional care, which is more costly and less responsive to the individual needs of children than foster family life, and

Whereas thousands of children would be deprived of the love and attention of a family environment if it were not for the willingness of thousands of foster parents to respond to their needs, and

Whereas society owes an enormous debt of thanks to those generous foster parents who are caring for its homeless and displaced children, and

Whereas it is our intention to show the nation's gratitude for the services which thousands of dedicated foster parents provide not only to their foster children, but to society as a whole; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President of the United States declare the first Sunday in April of each year as "National Foster Parents Day" to display the nation's gratitude, to express society's debt to foster parents, to dramatize the need to expand the number of foster parents and to reaffirm the need of every child for the love and stability of a family environment.

APPOINTMENT AS MEMBERS OF COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 92-489, as amended, the Chair appoints as members of the Commission on Revision of the Federal Court Appellate System the following Members on the part of the House:

The gentleman from Texas (Mr. BROOKS), the gentleman from Alabama (Mr. FLOWERS), the gentleman from Michigan (Mr. HUTCHINSON), and the gentleman from California (Mr. WIGGINS).

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE PRIVILEGED REPORTS

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file privileged reports on several House resolutions.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EARLY PASSAGE OF EMERGENCY FARM BILL NECESSARY

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, yesterday the House Committee on Agriculture reported out a 1-year emergency farm bill, the effect of which would be to raise both support and target prices on cotton, corn and wheat. In my judgment early passage of this bill is a must in order that farmers of this country may be assured of at least a basic support price on their 1975 crops.

I have never seen farmers more discouraged and with good reason for today's prices on cattle and on cotton are ridiculously low. The American farmer is still the backbone of this country and city people must recognize that if agriculture goes then they may expect to pay substantially higher prices in the retail markets for food and fiber.

Mr. Speaker, I would like to insert in the Record as a matter of emphasis to the serious plight in which the Alabama farmer today finds himself, a letter from Charles P. Storrs, who operates a general farming operation in Elmore County, Ala., producing cotton, cattle, and soybeans as well as price comparisons of principal agricultural commodities compared to prices received by farmers for these same farm products a year ago.

I respectfully urge the support of my colleagues for the farm bill as expediently as it may be brought to the floor of this Congress for a vote.

The letter referred to follows:

WETUMPKA, ALA.,
February 27, 1975.

Hon. BILL NICHOLS,
U.S. Congress,
Washington, D.C.

DEAR BILL: I am sure you are getting stacks of letters complaining about the agricultural situation so I am adding one to the stack.

Cattle—The situation is critical. I sold calves in 1973 for 68.8¢ and for 24.5¢ in 1974. These same quality calves are now selling for 18¢. There are 348,000 calves in Alabama that were carried over from last fall with cattlemen hoping to do better in the Spring. These calves will be thrown on the market in the next 60 days as there is not enough summer pasture to carry them and the cattlemen can't pay $160.00 per ton for pasture fertilizer. Some of my stock yard friends say the price may drop as low as 10¢ when the run starts.

A man was in court charged with stealing cattle and he plead guilty. The judge asked him to tell how he operated and he said he had a place to hide out the cattle and then he bought feed and fed them for a month and hauled them to another state and sold them. He told the judge that he lost $40.00 on every cow he stole.

Cotton—You know the story of 35¢ cotton and a production cost of 50¢. There is a lot of talk of shifting to soybeans, but this will be limited to the present combines available as all new combines are sold through October. One grower in the county that had 1,200 acres last year made a poor crop and I have just heard that he is unable to refinance and is going out of busines. A good number of growers are having trouble refinancing. I am afraid some cotton farmers will plant beans hoping to get them custom combines and there are only four or five custom combines in the county and beans will be left in the fields to rot.

Soybeans—The growing of beans in the past two years has been profitable due to good crops and a good price. It costs $80.00 an acre to grow beans and with a 24 bushel state average the growers will be in trouble if beans go below $4.00 and the price is now $4.75 and the price dropping every day.

A majority of the cattle and cotton growers are in a desperate situation. They borrowed heavily in the past three years for expansion and now can't meet the payments, operating expenses, and a living. I saw Comer Deas Sec Federal Land Bank a few days ago and he said that if the farmers had another disastrous year there would thousands of acres of land for sale with no one except doctors, lawyers, and oil dealers to buy it at a fraction of the present value.

Evidently the big majority of Congress is catering to the vote of the consumers and are indifferent to the desperate agricultural situation. If agriculture is allowed to collapse the nation will go hungry.

Sincerely,

CHAS. P. STORRS.

PRICES AND PRICE RANGE OF PRINCIPAL AGRICULTURAL COMMODITIES, FEB. 21, 1975, WITH COMPARISON OF YEAR EARLIER PRICES AND PERCENT CHANGES

	Market	Current price	Year earlier	Percent change
Slaughter cows, utility, hundredweight.	M	$17.00-$21.25	$31.75-$36.00	−43.5
Feeder steers, grade (400–600 lb) hundredweight.	M	16.50- 21.00	43.00- 50.00	−70.4
Feeder heifers, grade (400–600 lb) hundredweight.	M	14.00- 20.50	41.00- 47.50	−61.0
Feeder steer calves, grade (300–500 lb) hundredweight.	M	15.00- 21.50	45.00- 54.00	−63.1
Feeder heifer calves, grade (300–500 lb) hundredweight.	M	15.00- 20.50	41.00- 49.00	−61.7
Hogs, U.S. No. 1–2's (180–240 lb) hundredweight.	R	41.30- 42.00	41.50- 43.20	−1.7
Broilers, f.o.b. dock equivalent, pounds.	ALA	.4145	.3784	+9.5
Eggs, large, grade A, price to retailers/dozen.	B	$0.62- $0.67	$0.73- $0.74	−12.3
Cotton, middling inch, pound	M	.3920	.6830	−42.6
Soybean meal, 44 percent, bulk wholesale, ton.	B	130.00	168.00-174.00	−24.0
Cottonseed meal, 41 percent, bulk wholesale, ton.	B	104.50	126.20	−17.2
Blackstrap molasses, bulk wholesale, ton.	B	58.00	70.97- 71.00	−18.3
Soybeans, No. 1 yellow, paid to farmers, bushel.	D	5.72	6.28	−9.0
Soybeans, No. 1 yellow, paid to farmers, bushel.	MOB	5.63	6.41	−12.2
Corn, No. 2 yellow, f.o.b., bushel	D	3.25	3.28	−.9
Corn, No. 2 yellow, f.o.b., bushel	MOB	3.50	3.55	−1.4

Market symbols: ALA—Alabama; B—Birmingham; D—Decatur; MOB—Mobile; M—Montgomery; R—Robertsdale; NA—Not available.

Note: Above summary of prices taken from latest available market reports.

RESIGNATION FROM COMMITTEE ON DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from the Committee on District of Columbia:

WASHINGTON, D.C.,
March 3, 1975.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Due to my recent election to the House Government Operations Committee, I hereby tender my resignation from the House District Committee effective immediately.

Thank you for your attention to this matter.

Sincerely,

LES ASPIN,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 4, 1975.

Hon. CARL ALBERT,
Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 6:55 p.m. on Tuesday, March 4, 1975, and said to contain H.R. 1767, An Act to suspend for a ninety-day period the authority of the President under section 232 of the Trade Expansion Act of 1962 or any other provision of law to increase tariffs, or to take any other import adjustment action, with respect to petroleum or products derived therefrom; to negate any such action which may be taken by the President after January 15, 1975, and before the beginning of such ninety-day period; and for other purposes, and a veto message thereon.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

AUTHORITY OF PRESIDENT TO SUSPEND FOR 90 DAYS TARIFFS ON PETROLEUM—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–70)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning H.R. 1767 without my approval. The purposes of this Act were to suspend for a ninety-day period the authority of the President under section 232 of the Trade Expansion Act of 1962 or any other provision of law to increase tariffs, or to take any other import adjustment action, with respect to petroleum or products derived therefrom; to negate any such action which may be taken by the President after January 15, 1975, and before the beginning of such ninety-day period.

I was deeply disappointed that the first action by the Congress on my comprehensive energy and economic programs did nothing positive to meet America's serious problems. Nor did it deal with the hard questions that must be resolved if we are to carry out our responsibilities to the American people.

If this Act became law, it would indicate to the American people that their Congress, when faced with hard decisions, acted negatively rather than positively.

That course is unacceptable. Recent history has demonstrated the threat to America's security and economy caused by our significant and growing reliance on imported petroleum.

Some understandable questions have been raised since my program was announced in January. I am now convinced that it is possible to achieve my import goals while reducing the problems of adjustment to higher energy prices. Accordingly:

—I have directed the Administrator of the Federal Energy Administration to use existing legal authorities to adjust the price increases for petroleum products so that the added costs of the import fees will be equitably distributed between gasoline prices and the prices for other petroleum products, such as heating oil. These adjustments for gasoline will not be permanent, and will be phased out.

—To assist farmers, I am proposing a further tax measure that will rebate all of the increased fuel costs from the new import fees for off-road farm use. This particular rebate program will also be phased out. This proposal, which would be retroactive to the date of the new import fee schedule, will substantially lessen the adverse economic impact on agricultural production, and will reduce price increases in agricultural products.

These actions will ease the adjustment to my conservation program in critical sectors of the Nation while still achieving the necessary savings in petroleum imports.

Some have criticized the impact of my program and called for delay. But the higher costs of the added import fees would be more than offset for most families and businesses if Congress acted on the tax cuts and rebates I proposed as part of my comprehensive energy program.

The costs of failure to act can be profound. Delaying enactment of my comprehensive program will result in spending nearly $2.5 billion more on petroleum imports this year alone.

If we do nothing, in two or three years we may have doubled our vulnerability to a future oil embargo. The effects of a future oil embargo by foreign suppliers would be infinitely more drastic than the one we experienced last winter. And rising imports will continue to export jobs that are sorely needed at home, will drain our dollars into foreign hands and will lead to much worse economic troubles than we have now.

Our present economic difficulty demands action. But it is no excuse for delaying an energy program. Our economic troubles came up about partly because we have had no energy program to lessen our dependence on expensive foreign oil.

The Nation deserves better than this. I will do all within my power to work with the Congress so the people may have a solution and not merely a delay.

In my state of the Union message, I informed the Congress that this country required an immediate Federal income tax cut to revive the economy and reduce unemployment.

I requested a comprehensive program of legislative action against recession, inflation and energy dependence. I asked the Congress to act in 90 days.

In that context, I also used the standby authority the Congress had provided to apply an additional dollar-a-barrel import fee on most foreign oil coming into the United States, starting February 1 and increasing in March and April.

I wanted an immediate first step toward energy conservation—the only step so far to reduce oil imports and the loss of American dollars. I also wanted to prompt action by Congress on the broad program I requested.

The Congress initially responded by adopting H.R. 1767 to take away Presidential authority to impose import fees on foreign oil for 90 days.

Although I am vetoing H.R. 1767 for the reasons stated, I meant what I said about cooperation and compromise. The Congress now pledges action. I offer the Congress reasonable time for such action. I want to avoid a futile confrontation which helps neither unemployed nor employed Americans.

The most important business before us after 50 days of debate remains the simple but substantial tax refund I requested for individuals and job-creating credits to farmers and businessmen. This economic stimulant is essential.

Last Friday, the majority leaders of the Senate and House asked me to delay scheduled increases in the import fees on foreign oil for 60 days while they work out the specifics of an energy policy they have jointly produced. Their policy blueprint differs considerably from my energy program as well as from the energy legislation now being considered by the House Committee on Ways and Means.

I welcome such initiative in the Congress and agree to a deferral until May 1, 1975. The important thing is that the Congress is finally moving on our urgent national energy problem. I am, therefore, amending my proclamation to postpone the effect of the scheduled increases for two months while holding firm to the principles I have stated. It is also my intention not to submit a plan for decontrol of old domestic oil before May 1.

I hope the House and Senate will have agreed to a workable and comprehensive national energy legislation.

But we must use every day of those two months to develop and adopt an energy program. Also, I seek a legislative climate for immediate action on the tax reductions I have requested. It is my fervent wish that we can now move from points of conflict to areas of agreement.

I will do nothing to delay the speedy enactment by the Congress of straightforward income tax cuts and credits by the end of this month.

Under present conditions, any delay in rebating dollars to consumers and letting businessmen and farmers expand, modernize and create more jobs is intolerable.

I do not believe the Congress will endanger the future of all Americans. I am confident that the legislative branch will work with me in the Nation's highest interests.

What we need now is a simple tax cut and then a comprehensive energy plan to end our dependence on foreign oil.

What we *don't* need is a time-wasting *test* of strength between the Congress and the President. What we *do* need is a *show* of strength that the United States government can act decisively and with dispatch.

GERALD R. FORD.

THE WHITE HOUSE, *March 4, 1975.*

The **SPEAKER**. The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

POSTPONING CONSIDERATION OF VETO MESSAGE UNTIL TUESDAY, MARCH 11, 1975

Mr. **ULLMAN**. Mr. Speaker, I ask unanimous consent that further consideration on the bill and the President's veto message be postponed until Tuesday, March 11, 1975.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

PARLIAMENTARY INQUIRY

Mr. **BAUMAN**. Mr. Speaker, reserving the right to object, and I do so for the purpose of propounding a parliamentary inquiry, is this guaranteeing that on Tuesday the House will have a chance to work its will on the veto?

The **SPEAKER**. The matter will be entirely in the hands of the House on Tuesday.

Mr. **BAUMAN**. I thank the Chair.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CALL OF THE HOUSE

Mr. **CHARLES H. WILSON** of California. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. DINGELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 39]

Abzug
Andrews, N.C.
Ashley
Barrett
Bolling
Bonker
Brown, Mich.
Chappell
Chisholm
Cochran
Cohen
Conlan
Conyers
Corman
Cotter
Danielson
Davis
Diggs
Eshleman
Evans, Ind.
Fenwick
Flowers
Flynt
Ford, Tenn.
Fraser
Frey
Harsha
Hastings
Hébert
Heckler, Mass.
Horton
Howard
Jarman
Jones, Ala.
Kemp
Lujan
McCloskey
McCollister
McCormack
McDonald
McKay
McKinney
Macdonald
Mathis
Milford
Mills
Mitchell, N.Y.
Murphy, Ill.
Murtha
Nix
Nowak
Obey
Pepper
Pressler
Quie
Risenhoover
Roncalio
Scheuer
Schulze
Seiberling
Sharp
Shuster
Smith, Nebr.
Staggers
Stanton, James V.
Steed
Steiger, Wis.
Symms
Vander Jagt
Walsh
Waxman
White

The SPEAKER. On this rollcall, 360 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONGRESS AND THE PRESIDENT SHOULD WORK TOGETHER

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, it is my understanding that the leadership is currently planning to schedule a vote Tuesday on overriding the President's veto of H.R. 1767 suspending Presidential authority to impose the oil import tariff as he had indicated he would do.

I would like to call on the leadership to follow the President's gesture of conciliation and suspend the vote on overriding the President's veto just as he has voluntarily suspended for 2 months his March and April 1 increases in the import fees.

As the Members of this House know, I voted in favor of the bill to suspend the President's authority as I believed then and now that the price mechanism is a poor way to limit energy consumption which we all agree must be done. Accordingly, I applaud the President's affirmative gesture of compromise and his expressed willingness to give Congress an opportunity to develop its own comprehensive energy program. The House Committee on Ways and Means is currently engaged in an important round of hearings and panel discussion on alternative means of reducing our dependency on foreign sources of petroleum. The Energy Research and Development Subcommittee, of which I am a member, has recently been involved in authorization hearings for the newly established Energy Research and Development Administration headed by the very able Dr. Robert Seamans. While the short-term solution to our current energy problems can be addressed through prudent conservation programs such as are being considered, the long-term solutions must come through advanced research into alternative energy sources. In the State of Florida the rising cost of fuel has accelerated the rise in utility costs until monthly utility bills are major portions of the family's budget. The development of advanced nuclear systems and fuel cells will contribute to more efficient energy use and thus reduce our dependency on foreign sources.

But as important as these things are, the American people are demanding immediate action. They want to see their Federal Government acting in concert and not playing one-upmanship between the executive and legislative branches.

It is in this spirit of compromise that I respectfully urge the House leadership to postpone consideration if the President's veto and commit the House to a sustained period of work and study of the energy needs of our people so that meaningful solutions can be devised. The President has taken the first step and I believe that we owe it to our constituents to meet him half way and disregard the veto at the present time. Certainly, a confrontation over an issue which has been satisfactorily resolved without recourse to an override would be gratuitous and divisive.

THE OZONE PROTECTION ACT OF 1975

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, I have recently received an increasing number of calls and letters from constituents and from my colleagues about the dangers to health presented by aerosols.

As many of you know there is a growing body of evidence, including testimony before the Public Health and Environment Subcommittee, showing that the fluorocarbons released into the atmosphere by aerosol spray containers may be depleting the ozone layer surrounding the earth which protects us from dangerous ultraviolet rays. Other studies show a direct link between the intensity of these rays and the incidence of skin cancer. There are some indications this may also affect agricultural production and possibly global weather.

In response to this threat I am reintroducing, along with my colleague from Michigan, Mr. Esch, and 33 cosponsors, the Ozone Protection Act of 1975.

The bill would amend the Clean Air Act to commission a study by the National Academy of Sciences and the National Aeronautics and Space Administration to determine the nature and gravity of the potential threat to our health and also to suggest possible solutions.

Two years after the enactment of this bill it would become unlawful to manufacture any aerosol device which emits substances determined harmful by the Administrator of the Environmental Protection Agency. In making this determination the Administrator would consider the reports of the NAS and NASA studies, consult with the appropriate Federal agencies and hold public hearings to allow those with opposing views to present their case. If he decided there was no significant threat the Administrator could then waive all action against the aerosol manufacturers.

The studies required in the bill would also examine the use of fluorocarbons in closed systems, such as refrigerators and air conditioners, although no sanctions against these systems are in the bill. They would be searching for alternatives to the use of fluorocarbons, and ways of recovering the gases without discharging them into the atmosphere.

TAXPAYERS MUST NOT BE STUCK WITH GAS GUZZLERS

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, proposals have put forward to direct the Federal Government to "buy ahead of schedule" 121,000 automobiles and other Government and Postal Service vehicles to aid the depressed auto industry, now that the rebate plan has spent its course.

I have no objection to the Government's updating of its automobile fleet. However, the purchase order should mandate the acquisition of only the most gasoline efficient automobiles which are available through American producers. While GSA presently specifies the purchase of compacts and subcompacts, there is no mileage efficiency requirement.

It would be tragic indeed if the Government should end up as the purchaser of gasoline guzzlers that no one else can afford. It would be folly for our Government to bail-out the automobile industry from its policy of mismanagement at the expense of the American taxpayer.

Perhaps the best thing we could do with some auto models would be to export them to the OPEC nations in barter for whatever oil they may be worth.

NATIONAL GIRL SCOUT WEEK

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from Minnesota (Mr. Quie) is recognized for 5 minutes.

Mr. QUIE. Mr. Speaker, It gives me great pleasure to introduce today, along with my distinguished colleague Mr. Udall, of Arizona, this resolution designating the week beginning March 9, 1975, as "National Girl Scout Week" to commemorate the 63d anniversary of one of this Nation's most outstanding citizen-led organizations—Girl Scouts of the U.S.A. Founded on March 12, 1912, and chartered by Congress in 1950, Girl Scouts of the U.S.A. currently has a membership of more than 3 million girls and adults participating in over 160,000 troops throughout the Nation. During its 63-year history the Girl Scouts' informal educational program has served more than 32 million members offering to them activities promoting high ideals and exciting opportunities for personal growth by involving its members in programs dealing with education for parenthood, American Indian outreach, migrants, and interaction with the elderly. The proven value and flexibility of this program has produced unending results. It has helped to shape the lives of millions of American girls and adults.

As a member of the World Association of Girl Scouts and Girl Guides, Girl Scouts of the U.S.A. offers opportunities for girls to travel to distant countries or to act as hostesses to visitors from other lands. International flavor is also added to Girl Scouting by the troops on foreign soil program, which extends the movement to American families living overseas. More than 26,000 girls participate in this program, assisting teachers working with handicapped children, learning customs of other countries and sharing international handicrafts and attending village festivals. The international standing of this organization is particularly important to recognize this year which has been designated as "International Women's Year, 1975."

The girls and adults who become absorbed in girl scouting find in it a unique spirit of service, fellowship, fun, and self-realization. Americans have come to recognize it as a movement for increased understanding of women's contributions, international friendship, and as a large, deeply rooted and deeply motivated social force contributing significantly to the personal, social, ethical, and spiritual values of the Nation and the world. I, therefore, ask my colleagues to join with me today in expressing the pride of Congress in the outstanding contributions of Girl Scouts of the U.S.A. by designating the week beginning March 9, 1975, as "National Girl Scout Week."

MEDICAL MALPRACTICE—LEGAL PROCESS AND LAWYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HASTINGS) is recognized for 20 minutes.

Mr. HASTINGS. Mr. Speaker, since February 19, I have discussed several dimensions of the problem of medical malpractice, including its impact on health care consumers and providers, and problems relating to medical malpractice insurance. Today, I plan to discuss the legal process and lawyers as both relate to medical malpractice.

Providers, notably physicians, see the activities and motivations of lawyers as one of the major causes of the increasing number of medical malpractice claims. I cited a survey reported in the December 1971 issue of Medical Opinion where physicians were asked what were the major causes of the medical malpractice problem. Approximately 25 percent saw "aggressive lawyers" as the major cause. In a recent issue of American Medical News, a physician wrote the following letter:

> Here is my analysis of the medical malpractice problem: if there is money to be made, someone will make it. There will be no end to the problem as long as lawyers are able to make an excellent living from it. The problem will persist since most lawmakers are lawyers.

Providers, in many instances, see lawyers as "ambulance chasers," actively encouraging injured patients to make a claim against the doctor or the hospital. In an October 1973 issue of Medical Economics, a Cleveland attorney who defends physicians against medical malpractice claims was quoted as follows:

> The minute somebody gets hurt inside our hospitals, there's a lawyer there taking pictures. And the patient hasn't hired him—doesn't even know him.

Providers see lawyers becoming increasingly active in the medical malpractice field citing such reasons as the increase in no-fault auto insurance which will reduce tort claims and business for lawyers in that field, the rapid increase in the number of lawyers, and the increase in prepaid legal services which will assure the availability of legal counsel for medical malpractice claims. Most commonly, however, providers cite the contingent fee system of paying lawyers as a major motivating factor in the number and size of medical malpractice claims. Lawyers for the claimant are seen as a threat to the provider's pocketbook and his professional status.

How do lawyers respond to the allegations made by physicians and other providers that lawyers contribute to rather than help solve the medical malpractice problem?

Attorneys for the medical malpractice claimants respond by charging physicians, particularly, with attempting to deflect criticism from the major medical malpractice problem, which is the negligent acts by physicians. They point out that their representation of injured patients performs an essential role of assuring the patient his rightful due. They claim that allegations that attorneys are persuading patients to institute frivolous claims is without foundation, since even the greediest attorney would not take a case which he considered without merit, because he would lose the case and under the contingent fee arrangement get nothing. In one of my earlier discussions on medical malpractice, I quoted George Annas, director of the Boston University Center for Law and Health Sciences, as saying that the lawyer's office is "a place where weak and unfounded cases are screened out." To this extent, attorneys consider that they protect the physician from frivolous claims. At the same time, attorneys acknowledge that people who allege to have been injured are increasingly making claims for damages. Attorneys feel that a large segment of the patients who are injured through negligence at this time are not filing claims, but that they will increasingly do so. Regarding contingent fees, attorneys defend this system because they feel it is the best way to adequately compensate attorneys both for the time required to resolve claims and the risks they incur in the event the claim is unsuccessful, in which event the attorney would receive nothing for his time.

Finally, George Annas noted that medical malpractice actions and the threat of medical malpractice actions has resulted in greater attention by the medical profession and hospitals to providing better quality care to patients and to improving communications with patients. He states:

> . . . malpractice litigation has in general encouraged patients to assert their rights as citizens and encouraged doctors to treat their patients as persons with rights that are not automatically forfeited at the doctor's office or hospital door.

How well does the claims process work?

In my earlier statement on the impact of medical malpractice on health care consumers, I noted the deplorable situation where claims were taking years, not months, to settle. For actions at law, where a jury rendered the verdict, 10 percent of the cases had not been decided 6 years and 10 months after the medical malpractice incident. The time range of the several alternatives used in settling cases was 3 to 5 years, on the average.

Why does settlement of medical malpractice cases take so long?

The legal system serves both to decide claims and to protect the rights of both parties in any civil action. Resolving claims under such a system is complicated and time consuming. Because of the complexities of modern medicine, medical malpractice actions are even more difficult to resolve than in the majority of other civil actions. In a survey of lawyers in private practice by Dietz and others for the Secretary's Medical Malpractice Commission, the surveyers found that 90 percent of all lawyers considered that medical malpractice claims required more time than other personal injury claims. The surveyed lawyers estimated that medical malpractice claims required four times as much time as other personal injury claims.

Dietz and others found that substantial docket delays were occurring for cases accepted by lawyers. Docket delays refer to the time from the filing of the case until it can be brought to trial. The delay ranged from 15 to 21 months. Another measure used to determine time required is case duration, which refers to the time of case acceptance until the case is closed. Case duration ranged from 19 to 28 months. Docket delays reflect the backup in our courts—which is part of the medical malpractice problem. The lengthy case duration period appears to effect not only the cases which finally reach trial, but those settled before trial. Dietz and others found the lawyers interviewed stated that cases tended to be settled immediately before a case was scheduled to go to trial.

Approximately 65 percent of all claims are settled before a suit is filed. Again Dietz and others surveyed lawyers to determine what they considered as impediments to settlement. The major reason cited was the practice of insurers of obtaining permission of the defending health care provider to settle, since settlement may be considered by the defendant as an admission of guilt. The second most important reason given by plaintiff, but not defense, lawyers was the "last minute" settlement attitude of insurance companies. Major reasons cited by defense attorneys in addition to the requirement that the defending health care providers may not want to settle, were the plaintiff's desire for a jury trial, and unreasonably large money demands by the plaintiff.

The response that insurers tended to delay settlements was elaborated upon by plaintiff lawyers. The major reason given by these attorneys was the insurers were economically motivated not to reach settlements since premiums held in reserve for claims settlement earn investment income. Plaintiff attorneys accused defense attorneys of such actions as "filing phony motions" and "bringing frivolous appeals" both to satisfy the interests of the insurer clients and to add to their own fees. Plaintiff attorneys also noted that the good win record for the defense in the past prompted insurers not to settle.

One of the most controversial aspects of the medical malpractice problem relates to the legal doctrines associated with medical malpractice claims. They are cited by health care providers and insurers as causes of the medical malpractice problem because they deal unfairly with the defending provider.

According to the Secretary's Medical Malpractice Commission, legal doctrines have generally evolved to expand the liability of health care providers and to make it easier for plaintiffs to establish cases of negligence. Such legal doctrines or rules have evolved through precedents established in the courts. According to the Commission:

> Once a new or expanded rule of law is established and reported by an appellate court, it is binding on all lower courts in the State. Frequently, it has a persuasive effect on the courts of other States when they do not have their own legal precedents governing a specific issue that must be decided.

The doctrine most frequently discussed by the medical profession and the insurers as being discriminatory is res ipsa loquitur. This doctrine which literally means "the things speaks for itself," serves to shift the burden of proof to the plaintiff to prove he was not negligent. It is used where injury has occurred and negligence is suspected. It has been applied frequently where the injury occurred while the patient was under anesthesia during an operation—and the responsibility for the patient rested with the accused. The Commission of Medical Malpractice did find evidence that res ipsa loquitur was increasingly the issue in appeal cases. Between 1961–71, it was an issue in 13.4 percent of the cases, while prior to 1950 it was an issue in 6.3 percent of the cases.

While defending the concept as useful in selected cases, the Medical Malpractice Commission expressed concern that it might be applied differently in medical malpractice cases than in other cases.

Insurers and providers have expressed concern that such a doctrine will evolve where the burden of proof, according to to a presumption of negligence in cases where the burden of proof, according to one insurer, is "placed on the defendant doctor to prove or explain away something which is incapable of exact explanation due to the fact that medicine and the practice of medicine is not an exact science." Res ipsa loquitur, according to the Medical Malpractice Commission, grew out of the difficulty some patients experienced in obtaining expert medical witnesses in malpractice litigation. At the time of the Commission report it was not operable in the majority of jurisdictions, but as mentioned earlier, it appeared to be expanding into additional jurisdictions.

The second major controversial doctrine involves the doctrine of informed consent. Informed consent concerns the right of the patient to be informed of the risks and consequences of particular diagnostic and therapeutic procedures. The difficulty regarding this doctrine comes in its application. The California Supreme Court in Cobb against Grant attempted to articulate the standard "what would a prudent person in the patient's position do if adequately informed of all significant perils." As one insurer stated:

> The problem arises when attempting to satisfactorily define what is adequate and what is significant.

According to the Medical Malpractice Commission Report, courts are increasingly requiring affirmative action by the physician to advise the patient of the risks and consequences of particular procedures, whereas there had been a greater tendency not to require such action in the past—but to accept what might be termed implied informed consent by virtue of the patient agreeing to treatment. The Commission Report also noted that:

> There was some evidence that the courts are beginning to apply the doctrine unevenly in order to hold a physician liable when the patient's injury is severe but he lacks sufficient evidence to prove the physician was negligent.

A third major concern relates to the issues of the statute of limitations and its effect on rate making by the insurers. The statute of limitations for bringing civil actions varies by State. Most commonly, the range is from 1 to 6 years. The statute is compounded in medical malpractice cases because of the discovery rule, which causes the statute of limitations to begin to run when the injured party becomes aware that an injury caused by negligence has occurred. According to the Medical Malpractice Commission:

> Some courts have limited the application of the discovery rule to "foreign body" cases, but others have expanded it to include various acts, as well as the fraudulent concealment of injury by the treating physician.

As I noted during my discussion of medical malpractice insurance earlier, the discovery rule creates special problems for insurers in determining the length of time required to set aside reserves for medical malpractice incidents occurring in the year for which the premium has been paid.

Insurers have sought relief both through attempts to modify their coverage of providers by converting to claims made policies and urging State legislatures to shorten the span of time within which a claim can be made, regardless of when it is discovered.

Concern for legal rules or doctrines is not limited to the three discussed above. Others include the locality rule, which relates to the standards by which practitioners are judged, rules concerning the promise or guarantee of favorable outcomes of treatment and evidentiary rules relating to the qualifications of expert witnesses. Although there is not sufficient time to discuss all of these rules, I would like to point out that providers and insurers are concerned that such rules can act to the disadvantage of defending providers, if not appropriately applied.

Even the most cursory review of the medical malpractice problem today will deal, at some point, with the contingent fee arrangement for paying plaintiff attorneys. It is frequently cited by health care providers and by insurers as an area requiring abolishment or reform. It is listed as a major cause of the small amount of medical malpractice insurance dollars that finally reach the injured patient or his beneficiaries—and for the increase in the number and dollar value of medical malpractice claims.

The contingent fee paid to the plaintiff's attorney is a percentage of the plaintiff's awarded billed the plaintiff by his lawyer. Usually, the fee is one-third the award, in some cases it is 40 or 50 percent. In some cases, it may be a sliding amount, based on the stage at which a claim is settled, for example, a preclaim fee will be less than a post-trial fee.

According to the Secretary's Medical Malpractice Commission, the potential size of the award is a major factor in determining whether an attorney will take a case or not. Attorneys will not take cases which are too small for them to earn a sufficiently high fee. The more successful the attorney in medical malpractice cases, the larger the threshold will be. This has a serious effect on the injured patient with a relatively small claim. According to the survey of practicing lawyers by Dietz, and others, between 10 and 23 percent of all potential claims were turned down because the potential award size was too small. I would like to point out, Mr. Speaker, that this is not a criticism of the contingent fee alone. Because of the time consuming process in settling claims, most people with small claims cannot afford an attorney. According to Dietz, and others, the average amount of time attorneys claimed to have expended in losing cases was 440 hours. Although smaller claims may not require as much time, paying an attorney $50 or $60 an hour, with the risk of losing the case and receiving nothing, is too much to risk for the average person in this country.

There is a wide discrepancy in the earnings of lawyers regarding medical malpractice cases. Attorneys specializing in medical malpractice obtain far larger awards than other attorneys, and also realize far higher fees. Dietz and others found the mean gross recovery for cases by all lawyers was $22,000, while the mean gross recovery by lawyers specializing in medical malpractice was $81,000. The Signal-Imperial Insurance Group of Los Angeles, Calif., reviewed 565 closed claim cases in four States for the period January 1, 1970, through December 31,

1974. They found that over half of all attorney's fees went to "less than six lawyers." This and other information was presented to a special open meeting of the Dade County Medical Society, as justification for changing the contingent fees by applying the "New Jersey Rule." The New Jersey Rule reduces the contingent fee percentage of the award by increments as the size of the award increases.

The Medical Malpractice Commission examined the impact of the contingent fee on the amount of awards that finally is paid to the patient. The estimate varied from 30 to 60 percent of the award, depending upon the size of the award. The larger the size of the award, the greater the amount that went to the patient. These fees, along with defense attorney fees, take by far the largest part of the medical malpractice premium dollar. Any efforts to reform the system of settling medical malpractice claims will have to address this issue.

Mr. Speaker, this is the final background paper on the problem of medical malpractice. In these papers, I have discussed the extent of medical injuries, including those caused by negligence. I have noted the apparent wide disparity between patients injured through negligence and those who actually file a claim, and the small amount of the premium dollar that finally reaches the injured patient or his beneficiaries. It takes years, not months, to settle claims, many times causing great hardship to the injured patients and their families. Insurers have been unable to establish premiums which they consider adequate to cover the growth in the number and size of claims. Providers feel compelled to alter the way they practice medicine to protect themselves against medical malpractice suits. The present system of resolving the problems of medical malpractice is unacceptable to health care providers, insurers, and to patients and needs to be changed. Later this week, I plan to discuss existing and proposed alternatives to the present system of dealing with these problems.

SUPPLEMENTAL SECURITY INCOME PROGRAM REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN), is recognized for 15 minutes.

Ms. HOLTZMAN. Mr. Speaker, the supplemental security income program (SSI) has failed to meet the needs of many poverty-stricken aged, blind, and disabled Americans. A number of serious flaws have emerged since the program began on January 1, 1974. Since the SSI recipients are among the most helpless people in our society, hardest hit by inflation, it is essential that Congress act quickly to ease their plight. I am, therefore, introducing today a comprehensive SSI reform bill.

The most serious problem with SSI is that many recipients simply do not get enough money under the program to pay for food and shelter. I am sure that most of my colleagues have received, as I have, desperate appeals from elderly and disabled constituents on SSI who cannot survive on the benefits provided. As inflation continues, the number of persons in such circumstances will undoubtedly increase.

My bill will insure an adequate income for SSI recipients by: assuring that cost-of-living increases in benefits will go to recipients in all States; providing a supplementary housing benefit to persons with unusually high housing costs; mandating that persons who receive social security increases not suffer corresponding reductions in SSI benefits; and allowing SSI recipients in "cash-out" States to elect to receive food stamps. Each of these measures is essential if SSI is to make the difference between survival and despair for the poverty-stricken aged, blind, and disabled.

COST-OF-LIVING INCREASES

SSI now provides for cost-of-living increases, but there is no guarantee that recipients will actually get increased benefits. Most States provide a supplementary payment in addition to the basic Federal benefit, and there is nothing to stop a State from lowering its supplement as the Federal benefit goes up. In this way, a State may keep the benefit of a Federal increase entirely to itself. In addition, in some States, neither the State, nor the SSI beneficiaries receive cost-of-living increases. My bill assures that cost-of-living increases will go to all SSI recipients.

SUPPLEMENTARY HOUSING ALLOWANCE

A fundamental defect in SSI stems from its structure as an income program. Benefits are uniform, determined without regard to the actual living costs of individual recipients. Thus, people whose living costs are relatively high, receive the same benefit as those with lower expenses, and often simply cannot make ends meet.

Differences in living costs are largely due to variations in rent or housing costs. The New York State Assembly Standing Committee on Social Services, which held extensive hearings into SSI problems, noted:

> It is not at all uncommon in many areas of this State for even a single person to have to pay rent in the range of $140 to $160 per month. After also paying for utilities, an essential phone, personal necessities, transportation and perhaps heat, a person with as little as the basic monthly SSI grant of $206.85 may have as little as $1.00 a day with which to put food on the table. SSI recipients must therefore each month tread a thin line between malnutrition and eviction or utility disconnection.

My bill will prevent this intolerable hardship by providing a supplemental housing allowance of up to $50 per month for an individual or couple whose rent or housing costs exceed one-third of monthly income. Such a payment will, for many recipients, make the difference between severe deprivation and a subsistence level income. In addition, by giving SSI added flexibility to meet the needs of recipients, this provision retains the basic structure of SSI as an income program, while avoiding a general increase in benefits.

SOCIAL SECURITY INCREASES PASSED THROUGH

The bill provides a third protection against inflation, by insuring that persons receiving both SSI and social security payments do not lose the benefit of social security increases. Last year, persons eligible for social security benefits received increases of 11 percent. Those social security recipients whose incomes were so low that they were eligible for SSI, however, received no increase because their SSI checks were reduced by the exact amount of the social security increases. It is clearly unfair that social security recipients who are sufficiently well off that they do not need SSI will get benefit increases, while those who are poorer will not. My bill would prevent this cruel and senseless result.

FOOD STAMP OPTION

Some States have chosen to "cash-out" food stamps by providing SSI recipients with a cash increase in SSI benefits rather than the stamps themselves. "Cash-out" has created two problems for recipients. First, the payment in lieu of food stamps reflects stamp values which existed in 1972 rather than today. Second, the loss of food stamps denies to recipients a frequently useful budgeting tool and a program with flexibility to meet special needs.

My bill deals with both of these problems by allowing SSI recipients in cash-out States to elect to receive food stamps instead of the cash payment, and by providing that cash-out payments reflect the current value of food stamps.

EMERGENCY ASSISTANCE

In addition to the need to assure recipients a satisfactory standard of living, several other defects in SSI need correction. Chief among these is the program's failure to assist recipients in coping with various emergencies, such as fire, theft, or potential eviction. For the average person, these events generally cause great hardship; for the aged, blind, or disabled person living on limited SSI benefits, they can spell disaster—particularly since most SSI recipients have no other government aid available.

My bill provides emergency assistance to SSI recipients to allow them to replace furniture or clothing which has been stolen or destroyed. It also provides funds to aid in setting up a household when a person has been forced to change residences, or has left a nursing home or other institution; to maintain a household while a recipient is convalescing from illness; and to prevent threatened eviction.

It is important to realize that for most SSI recipients, the alternative to living at home is nursing home or other institutional care. In addition to being extremely costly to the taxpayer, such care may often be utterly inadeuqate. I believe, therefore, that it is in the interest of SSI recipients as well as the taxpayer that recipients be encouraged to live outside of institutions, and my bill provides the assistance which will enable them to do so.

PROTECTION OF "GRANDFATHERED" RECIPIENTS

One great inequity of the SSI program is in the fact that persons who are grandfathered-in to SSI from public assistance—because they have turned 65 or become sufficiently disabled to meet the rigorous Federal standards—often lose very substantial amounts of benefits. Congress recognized this problem when it required that persons grandfathered-in, when the SSI program began in January 1974, suffer no loss in benefits. Surely persons newly transferred to SSI deserve the same protection.

EMERGENCY CHECK REPLACEMENT

The bill contains a provision for the emergency replacement of undelivered, lost or stolen SSI checks or cash. At the present time, it takes at least 2 weeks for persons to receive replacement SSI checks, leaving many recipients with no money for food or rent in the interim. My bill requires that emergency check replacement procedures be made available, so that no elderly, blind, or disabled person need face eviction or go without food because of someone else's error or crime.

ADMINISTRATIVE CHANGES

My bill contains a number of other changes intended to make the SSI program more responsive to the needs of the aged, blind, and disabled. These include:

First. Requirement of speedy action on SSI applications.

Second. Revision of the eligibility rules for separated spouses.

Third. Provision that support and maintenance payments furnished to recipients be considered as income on the basis of their actual value.

Fourth. Requirement that the value of a home owned by recipients which may be excluded from assets be based on the value of other homes in the same area.

Fifth. Exclusion of any encumbrances from the value of excluded assets.

Sixth. Provision of more flexible payment methods for certain disabled persons.

We have seen, in SSI's first full year of operation, the great hardship it has caused to many elderly, blind and disabled persons. We have also learned, I believe, how to keep such hardship from continuing. I urge my colleagues to act quickly to make the essential reforms my bill offers, so that SSI will no longer mean, to many people, federally financed starvation.

A CITY BETRAYED—FINAL CHAPTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I have endeavored over these last days to outline how it was that San Antonio came to enter into a distastrous contract for a natural gas supply. What I have said, though it has entailed many statements and consumed much time, constitutes only part of a long and complex story. However, I believe enough has been said to give a general idea of the genesis and development of San Antonio's energy crisis. What remains is to summarize all this, and to consider some possible solutions. Today I intend to summarize the history of San Antonio's disastrous experience; in subsequent statements I will suggest ways to cope with the problem. For it is not enough merely to relate a sad and tortuous history; lessons for guiding future actions must be drawn from the past. If we cannot learn from the past, we are condemned to repeat it; and I for one am determined that San Antonio, God willing, never again finds itself betrayed.

San Antonio's tragic energy problem stemmed from a series of miscalculations on the part of well-intentioned people; from disregard of sound advice; from some incredibly bad and wholly inexplicable actions by the city's utility board; and from the greed and dishonesty of those who were vying to become the city's new supplier of natural gas.

The well-intentioned people were those who ran the city's utility board of trustees in the early 1950's. These trustees, looking into the distant future, wanted to assure that when their then-current gas supply contract expired in 1962, the new contract would be on the best possible terms. So they explored several possibilities.

Unfortunately, a gas supplier is a monopoly, and monopolies are not easy to deal with. As economic entities, monopolies tend to charge as much as they can, for as much profit as they can get. They also shun competition and discourage it in any way possible. So it is not easy for a customer to put pressure on a monopoly, but this is what the city public service board members wanted to do, so that when contract renewal time came in 1961, they could get an advantageous deal for San Antonio. So in 1952 they engaged a consultant to advise them on several possible ways of putting pressure on the gas supplier, which was then United Gas.

The board asked its consultant whether it would be best to renew the contract with United, seek to put the gas supply contract out for bids, or go into business for itself and become its own supplier. The consultant produced a report concluding this:

> It is our sound judgment that a renegotiated contract with United Gas for as long a period as possible would best serve the public interest.

But the bulk of the report was devoted to the alternatives, which were the leveraging factors that might produce a favorable result from the negotiations.

The possibility of soliciting a new supplier did not get much consideration—possibly because it seemed unlikely that anybody could break up the United monopoly. The consultant, considering the chances of forcing United to give San Antonio the same gas prices in the 1960's and 1970's as existed then, said it boiled down to:

> . . . the willingness of the board to engage in the natural gas business by developing its own gas fields.

In other words, the consultant did not believe that it was feasible for San Antonio to use any fuel other than natural gas, it seemed unlikely that anybody would be able to break up the United monopoly, and therefore, the only way to force United to give the city the best possible deal would be for the city to threaten to go into the gas business itself.

It might have been possible for San Antonio to go into competition with United, but it was at best a long shot, according to the consultant's geologist, one William Spice, who advised the board that:

> It is apparent that there is neither (1) a sufficient gas supply within 1 area of between 360 to 438 billion cubic feet to deliver from 50 to 60 million cubic feet a day within the area surveyed which is not already connected or dedicated to a main gas transmission system, or (2) a sufficient gas supply to fill these requirements in several areas which might be brought into a single system for the use of San Antonio.

Thus, according to Spice, there was not enough known gas within a 150 mile radius of San Antonio, available to the Board, that could be readily obtained. This meant that the risk of going into the gas business for itself was very high, so that the most feasible thing for San Antonio to do was go ahead and negotiate a new contract with United.

I suppose that San Antonio's City Public Service Board did attempt to negotiate a new contract with United, but could never get the kind of terms they wanted. For one thing, it appears that United would not offer a firm, fixed price for natural gas during the specified contract period 1962–82. The board decided to invite bids for new suppliers, even though this had been the least considered of all possible alternatives. Apparently the board felt that under pressure of competition, no matter how tenuous that competition might be, United would offer a fixed price for gas, at better terms than could be negotiated. So San Antonio offered a rare opportunity: a half-billion dollar deal, for anybody who could pull it off.

On July 8, 1960, the San Antonio City Public Service Board invited bids from anyone who might be interested in selling the city natural gas for the 20-year period commencing on April 1, 1962. On September 1, 1960, the board announced that six proposals had been received. After evaluation, the lowest price was said to be the offer of an unincorporated group known as Martin and Schoolfield. The question was whether Martin and Schoolfield could actually put together a company capable of handling the great demands of the contract. Could they produce evidence of having gas reserves of 1.2 trillion cubic feet? Could they get the necessary pipelines built? Could they get the necessary financing? All this remained to be seen.

The city public service board did not know it at the time, but the founder of Martin and Schoolfield had from the first day of his interest in the San Antonio contract, been closely connected to individuals who were important officers of another bidder for the San Antonio contract, an obscure outfit known as Coastal States Gas. These Coastal employees worked with Martin to set up his San Antonio bid. When Martin and Schoolfield finally incorporated, the Coastal employees were made officers of the company, which was called Alamo Gas. Moreover, when Alamo presented to the city public service board a list of key personnel who would be responsible for operating the pipeline system, at least three on that list were Coastal employees. However, these people were never employed by Alamo; they in fact never left Coastal.

From the very beginning of Glen Martin's interest in getting the San Antonio contract therefore, there was a mixture of interests, an intertwining that involved two supposed competitors, Alamo and Coastal—that never ceased. In fact, Alamo never existed as a viable, independent company. The only life it ever enjoyed was through the assistance of Coastal States, which controlled it from the outset of Alamo's operations. The truth is that Coastal controlled Alamo even before that company started delivering its first cubic foot of gas to San Antonio.

Throughout 1961, Martin and Schoolfield, now known as Alamo Gas, desperately tried to create a company that could actually handle the San Antonio contract. They had to get financing; they had to build a pipeline; they had to prove that they had sufficient gas reserves to meet the contract requirements. They could not do any of this.

At first, Alamo claimed that they had hired the best geologists in the business, DeGolyer and McNaughton, to produce a study of their gas reserves. The truth is that Alamo never retained this company, but instead hired another, Oliver and West. There is nothing wrong with Oliver and West, but it is symptomatic of the whole operation of Alamo that they claimed to be doing one thing—hiring people who they never hired, employing consultants who they never retained—as a means of putting up a show of strength. Alamo wanted to give good impressions. To do that, they stretched the truth. The trick was to get the contract signed. A half billion dollar deal is plenty of incentive to cause anybody to take a few liberties with the truth, and that is what Alamo did.

The critical thing for the contract was for the city public service board geologist to certify Alamo's reserves; and for Alamo to acquire the financing to construct its pipeline system. The city public service board retained William Spice to examine the Alamo reserves.

By 1966, it was becoming clear that those reserves were nothing like the claims that had been advanced, and nothing like what Spice had certified existed. In fact, perhaps only half the gas claimed for those reserves proved to exist. A geologist who studied the Spice survey concluded:

> It is found that in the vast majority of the reservoirs considered by Spice, that the possible gas reserves were maximized and in many cases "Proven" and "Probable" reserves were added with little, if any, supporting data.

The geologist went on to say:

> William H. Spice, Jr., did not wholly represent the interests of his employer, the City Public Service Board, in the determination of "recoverable pipeline reserves" submitted to the Board by Spice under date of June 7, 1961; that Spice added "proven" and "probable" reserves in more than one instance in order to have his total reserve exceed the minimum of 1,200 BCF requirement of the Board.

To state the matter in plain words, the reviewing engineer found that Spice claimed more reserves for Alamo than its own engineers did; and that in so doing he literally invented reserve numbers to pad the total reserves that he reported. If there is any conclusion to be drawn, it is that Spice's report was a thorough fraud.

Why did Spice do this? No one can say for sure, but no one has disputed the report saying that Spice, indeed, faked his work. However, the fact of the matter is that without Spice's report, Alamo would never have gotten its contract with the city public service board. On that report hinged a contract worth $500 million. If Spice supported Martin and Alamo Gas, millions of dollars in profits were going to flow into the anxious hands of Glen Martin. He was then deep in debt, and everything he ever hoped for hinged on the contract. Did Martin bribe Spice? No one knows for certain. But it is crystal clear that Spice faked his report, and the only possible beneficiary of that fraudulent work was Glen Martin and Alamo Gas.

One week after the city public service board received the Spice report, the contract with Alamo was signed.

Even then, however, Alamo had to get financing for its pipeline, or it could never go into business selling gas to San Antonio.

The financing was supposed to be arranged by White, Weld, and Co., but they backed out. At the time, rumors were that White, Weld had refused to go ahead with financing Alamo, because Alamo did not have adequate reserves.

At this critical time, who should come to the rescue but Alamo's erstwhile rival, Coastal States Gas.

Here was the situation: Alamo had a contract, but could not deliver on it. Coastal had the means to at least get Alamo started, but had no contract. It was an ideal marriage of convenience. Alamo would crash without Coastal, and Coastal would never break into the big leagues without Alamo. Besides, the supposed competitors were not total strangers: the very idea of founding Alamo had been broached to Glen Martin by a Coastal employee, Eugene Burnham.

Not long after the financiers at White, Weld dropped out of the Alamo deal, Coastal agreed to finance the necessary pipeline for Alamo. The price: effective control of Alamo. Coastal got 25 percent of Alamo's stock, plus a voting trust between Coastal and Glen Martin, which Coastal controlled, for another 27 percent. Thus, on the day that "Alamo" started delivering gas to San Antonio, the company was, in fact, controlled by Coastal.

Despite all this maneuvering, the city public service board went ahead with the deal. The Board never questioned the Spice report; they never asked why White, Weld had backed out; and they did not seem to feel a little uneasy that somehow, the real contractor they were doing business with was not the contractor who had been given the award.

Coastal's control of Alamo was so complete that, 2 months before Alamo started to deliver gas to San Antonio, when Coastal was asked about staging some kind of celebration to mark the event, the Coastal corporate secretary was told to instruct Alamo's chief:

> Don't make detailed plans for radio-TV barbecue, etc., on April 1—until we see whether injunction to be in effect at that time.

Notice, this was not the Alamo executives talking about what their company could do. This was their silent partner and real boss, Oscar Wyatt, the chief executive of Coastal, telling Alamo what they could do.

The control of Alamo depended on controlling Glen Martin. This was readily arranged. Coastal had 25 percent of the Alamo stock. Then they had a voting trust with Martin, covering another 27 percent. The trustees on this arrangement were Martin, the Coastal corporate secretary and general counsel, Norman Davis, and one of the Alamo founders, R. F. Schoolfield. Mr. Schoolfield was the odd man out. When it came to calling the shots, Coastal worked through Davis and Martin.

Martin was glad to comply. He was desperate, and Coastal had saved his once in a lifetime deal. He needed cash, so Coastal set up some nice special deals for him. For instance, on February 26, 1962, Coastal instructed Davis:

> Prepare letter from GAM (Glen A. Martin) to Alamo Board of Directors re freedom to make other deals not involving use of SADF facilities, without offering to Alamo—and Alamo not obligated unless specifically authorized by Board of Directors before deal made.

Translated, this meant that Coastal was telling Alamo that Glen Martin was to be allowed to buy and sell gas, without offering the gas to his employer. It was a clear conflict of interest. But it was also a way for Martin to make some fast money, which he needed to do. It was a favor for Martin, to assure that he represented Coastal's interests, and assure that Coastal had ironclad control over San Antonio's supposedly independent gas supplier.

Martin's partner Schoolfield knew nothing about this cozy little arrangement. Two months afterward, Schoolfield complained to Norman Davis, according to Davis' notes:

> (This) was sprung on me cold. They were so careful to get me to bring the proxies and I'm not going to do it again.

Schoolfield knew that he had been double crossed. He knew that the deal to let Martin have a sideline was contrary to the interests of his company, but, of course, he could do nothing. He groused to Davis:

> Don't object to him (Martin) going into the gas business . . . way in debt—But—Martin can't take gas that's offered to Alamo and go to Houston and sell it personally and make a profit. The only reason he is getting gas is because it's being offered to Alamo.

Besides this enormous conflict of interest, though, Schoolfield complained to Davis:

> United can blow us up if they can show that Glen is taking a deal that comes to Alamo, and takes it to Coastal and he makes the profit personally.

In other words, there was a danger that the competition would find out who really controlled Alamo, if they caught

Martin in one of these special side deals. United was suing to stop the contract, and 10 days after the San Antonio contract went into effect, on April 11, 1962, Schoolfield complained to Davis:

> It would be dangerous to our United case for Glen—personally—to go into a partnership with Coastal and be subject to Coastal's control.

But Martin was not deterred, and neither were his partners at Coastal. On April 26, Alamo Gas worked out a deal whereby Martin could conduct gas deals on the side.

It was not many more months before Coastal bought up all the Alamo stock and ended the charade. Alamo Gas disappeared into the hungry maw of Coastal in November 1963. Schoolfield and the others faded away, and only Martin remained. He went onto the Coastal payroll at $1,500 a month; and Wyatt also instructed that Martin was to have a deer lease. The arrangements were, Coastal's accountants were told, "informal arrangements between Mr. Martin and Mr. Wyatt."

The Coastal salary and small creature comforts, the side gas deals and all the rest, were not the only prizes that the lucky and duplicatious Glen Martin picked up. His biggest prize was a half interest in a gas plant on the old Alamo line, a deal that even Coastal's auditors questioned. On September 9, 1964, the Coastal attorney, Norman Davis, wrote attorneys in New York to explain the curious deal. Privately, he noted, on that same day:

> Auditors still feel that we gave away to Glen M(artin) a half interest in the plant (worth $3 million) in exchange for $500,000 note. So this was "gift" of corporate assets w.o. adequate consideration. So, they assume there must have been a deal to give this to Martin to get him to swing the stock deal—

Apparently Coastal had an exceptionally tough time with their auditors in 1964. The Martin deal was a very real problem. The auditors, Touche, Ross & Co., were very suspicious. Davis, reporting to himself a session between Coastal executives and a representative of the New York financial community:

> Today, top partners of T/R just don't believe us, and are suspicious of us, because we have withheld info from them and have intentionally misled them—can't make another misstep with them.

Somehow, all the tempers and suspicions were soothed, and Glen Martin was taken care of—set for life, in fact. The chances are that he never really had to worry even about paying off his note to Coastal. For on October 31, 1963, Coastal made a deal with Glen Martin to buy gas for a period of 10 years, or, according to the notes of Norman Davis, "until Glen recovers approximately $425,000 plus interest."

So Glen Martin assured his future, Coastal States emerged into the big leagues, and San Antonio's fate was sealed.

Because Coastal-Alamo did not have the gas reserves they claimed, there was only one way that they could fulfill the contract, and that was to hope that gas prices remained stable or went down. It was like a short sale of stock; they had promised to deliver goods that they did not own, at a certain date, and at a certain price. If they had to buy those goods at a higher price than the contract called for, Coastal-Alamo would be ruined.

There is no doubt that Coastal and Alamo knew that their gas reserves were inadequate. The shortage was rumored even outside the company; it might have caused Alamo's financiers to pull out; and the speculation was bad enough that even Coastal worried about it. Coastal assiduously worked to hide the shortages. If anybody found out about them, the contract would disappear, and everybody concerned would lose fortunes. Nobody found out, until it was too late.

Despite the shortages, Coastal was able to live up to its contract requirements through the 1960's. Gas prices remained steady, so Coastal could live up to its obligations and make money. And they did make money, a lot of it, to the point that by 1969 Coastal was a very hot item in the stock market.

The trouble was that Coastal's bosses decided not to buy the gas that they needed to cover their reserve shortages. That would have caused the company's growth to slow down. By 1969, Wyatt himself had made paper profits of more than a hundred million dollars on his stock. He was not about to jeopardize that. So, even as his problems multiplied, Wyatt continued to talk confidently of the future. The sky was the limit, he said.

But in 1971, the Federal Power Commission allowed the ceiling price of natural gas to rise. That put Coastal immediately into the position of having to lose money on every cubic foot of new gas they bought, because they were locked into long-term contracts—like the San Antonio contract, that called for delivery prices too low to allow any profit on sales of new gas. If Coastal's contracts could be made to stick, the company would inevitably crash. Coastal had nothing like the gas reserves that they claimed, and indeed never had anything like they claimed, from the very beginning. If Oscar Wyatt was to remain a magician, he had to break those contracts, get out of his short sales.

That is when Wyatt took a special interest in San Antonio politics.

A new city council was being elected in 1971, and on March 18, Wyatt and his Coastal executives discussed political expenditures for San Antonio. In the election that followed on April 3, one Charles Becker, among others, was elected. Becker soon became Coastal's biggest defender.

Wyatt caused to be introduced into the state legislature a bill that would allow all his contracts to be broken. He wanted San Antonio to support this, but the community leadership adamantly resisted. He tried to woo and win over the ex-mayor, Walter McAllister. To do this, Wyatt relied on Morris Jaffe, who had been a partner in some of the earlier deals that Wyatt had made, years before, and who was like Wyatt a self-made, hard driving, and extremely daring businessman. They were and are, in the Texas parlance, high rollers. Jaffe was also a good friend of Charles Becker, who seems susceptible to almost any influence, but especially so to the influence of Morris Jaffe. This probably is because Becker, whose own wealth is inherited, has an inordinate need to associate with men who have made their own fortunes, and who have been big risk-takers. In any event, Wyatt was grasping at every possible source of influence, to get his contract renegotiated. He wanted McAllister to support his bill in the legislature. He wanted Becker to work on the city public service board, to get them to renegotiate their contract. But the board did not trust Wyatt, and wanted to see the evidence that he could deliver the gas if they did what he wanted. Wyatt could never produce such evidence, and knew it. All he had was political pressure, and he played it for all he could.

In early October, 1971, for instance, Wyatt instructed the ever-faithful Norman Davis:

> Rue Thomas is working to coach (1) S. A. newspaper editor; (2) another S. A. businessman and (3) Jaffe.

The object of this was to put together a high-powered delegation to descend on the city public service board to demand that the board do Wyatt's bidding. Wyatt ordered:

> Jaffe to talk to McAllister and support my plan. Jaffe not to participate in presentation. Instead, suggest three people to go before CPSB on Oct. 11: 1. Chas. Becker, 2. Newspaper editor, and 3. Local businessman, to talk about 'gas shortage.'

Later, Wyatt changed his mind, and ordered Davis to try only for a newspaper executive to make the pitch for him. As far as I know, this particular approach never got off the ground. All the pressures notwithstanding, San Antonio did not support Wyatt's bill in the legislature, and did not renegotiate its contract, either. Meanwhile, Coastal's gas supply situation began to grow worse. If the company bought the gas they needed, they would start to lose money. That could not be allowed, because it would ruin the company's stock and cost Wyatt untold millions in paper profits. So Coastal started drawing down what few reserves it had, hoping that eventually the customers could be browbeat into renegotiating their contracts.

Wyatt never admitted that his gas supply situation was desperate. He claimed to the investing public that he had enough gas to cover 125 percent of the company's commitments, through 1989. He claimed to Walter McAllister that he had plenty of gas to meet the San Antonio contract. All he wanted, Wyatt said, was to be able to be certain of getting a gas supply adequate for the distant future, and that would require renegotiating the contract with San Antonio.

It was a lie, of course. Coastal had nothing like the gas needed for even the next 2 years, let alone 10 or 11. Almost 2 years to the day after Wyatt wrote McAllister, claiming that he could service the San Antonio contract through its completion date, Coastal literally ran out of gas. San Antonio, in the spring of 1973, faced a catastrophic loss of gas to operate its electric generating plants. There was insufficient oil on hand to use as a substitute; even if there had been, the plants were not equipped to burn oil over sustained periods of time. San Antonio woke up in a daze; it was as if a bomb had destroyed the heart of the city. There was every prospect, for a few days at least, that San Antonio would experience large scale backouts. Plans were laid for emergency, rotating blackouts of the city.

Somehow San Antonio avoided a total catastrophe. However, at last, the truth was known. Oscar Wyatt was a fake, a fraud and a liar. He never had possessed the gas reserves he claimed.

Charles Becker was elected to the San Antonio City Council once again in the spring of 1973. He staged the most vicious and expensive campaign in city history. He spent more than all other candidates combined—more than $200,000, to be elected to a $20 a week job. Becker wanted to be Mayor, because as Mayor he could, among other things, be a member of the city public service board. There, he would push and shove for Oscar Wyatt's team. What Wyatt wanted, Becker wanted. What Wyatt demanded, Becker demanded.

When outraged citizens joined me in demanding that the city sue Coastal States for its obvious breach of contract, Becker argued against it, dragged his feet, and obstructed every effort. Just before his election, Becker called Norman Davis to say that it was a shame that San Antonio was blaming poor old Oscar Wyatt for all its troubles. Davis marked his memo, "confidential." Whether this was because he knew that if Becker's activities were known it would cost him the election, I can not say. Neither he nor Becker ever made any mention of the call.

Clearly, though, before he became mayor of San Antonio, Charles Becker was committed to Oscar Wyatt's cause. As a mayor, he would be a member of the board that Wyatt had never been able to suborn or intimidate. A man like Becker, who was talking to Wyatt's own lawyer, could be a very useful asset.

It is impossible to tell who really financed Becker's lavish campaign. He probably put up much of the money himself. Some of it he attributed to employees of his grocery company. Some of it he extracted—willingly or unwillingly—from the people who did business with his grocery company. Some was attributed to associates of Jim Dement, a big commercial developer in the self-made mold that Becker so admires; some of it was attributed to Dement himself; some was attributed to associates of Jaffe. Throughout the Becker financial reports there are oddities. An apartment manager gave $2,000. A secretary was shown as giving $1,500. Others, who were reported as giving hundreds of dollars to Becker, or even thousands, are unknown for political contributions to any campaign. Still other amounts, usually in thousand-dollar chunks, Becker put down as "anonymous."

Becker promptly began working for Wyatt's interests as Mayor. He obstructed the city's lawsuit; he quarreled with the public service board's attorney; and he even brought Wyatt to town to explain things, but this only produced a fiasco that infuriated Wyatt and embarrassed Becker.

So we have it: a sorry story, in which powerful interests intertwined, in which bad decisions were made inevitable by a fabric of lies, in which fatuous fools like Charles Becker were used, in which a whole city was betrayed. A few emerged as winners: Wyatt created a billion dollar company from his grand gamble, and made himself a millionaire many, many times over. Glen Martin made millions himself, and today threatens to sue anybody who says he cheated his partners and deceived everybody he ever dealt with, with the possible exception of Oscar Wyatt, though that is only the simple truth. Others, like Becker, have been discredited, though for a simple fellow like him, this was inevitable and only hastened by his fascination for the clever Wyatt and his friends. The biggest losers were the people of San Antonio, who today face a permanent energy crisis, and the prospect of paying utility bills that are astronomically high in comparison with those of 2 years ago, and possibly will be higher still in the days and years to come.

San Antonio was and is truly a city betrayed. We have a bitter legacy from Wyatt, from Martin, and from those who aided and abetted them, like William Spice, the nearly forgotten geologist whose faked report made the whole thing possible. We have now to make the best of it.

In the coming days I will discuss some of the possible steps that San Antonio can take to deal with its energy problems. The first thing, obviously enough, is not to deal with a crook like Wyatt again. Beyond that, other actions can be taken to ease the pain and insure the future, and I will discuss these as time permits.

LEGISLATION TO EXTEND HEALTH INSURANCE COVERAGE TO UNEMPLOYED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, today 40 members have joined me in sponsoring a bill to extend health insurance coverage to the unemployed.

Under this proposal, an unemployed worker receiving unemployment compensation would retain the same coverage he or she held under the employer's or union's health plan. The Secretary of Labor will make payments to the carrier or the health and welfare fund to continue the coverage.

In January, 8.2 percent of the labor force was out of work. Of the 7.5 million jobless workers, it is estimated that 70 percent had been receiving health insurance benefits through group plans. Most of these benefits terminate within a few months after the loss of a job.

At $65 per week, the average unemployment compensation check, a worker cannot afford to purchase expensive individual health insurance coverage for himself and his family. He can barely stretch the check to cover food and shelter. My proposal will help those jobless workers by providing health insurance coverage to those receiving unemployment compensation. I have used this vehicle because 80 percent of those out of work will be eligible for these benefits. This health insurance coverage will be administered by the Secretary of Labor through the existing unemployment insurance structure.

I stress that this program is an emergency, stop-gap measure. It will have the problems and advantages of the unemployment benefits system, the problems and advantages of the private health insurance system. The only long-term solution to the problem of inadequate health care is comprehensive national health insurance. But until we get national health insurance—and I hope this emergency speeds up that legislation—we must do something for the millions of Americans who find that their health benefits are disappearing along with their jobs. In my own State of Minnesota, nearly 90,000 jobless are now drawing unemployment compensation—a 40-percent increase over a year ago. As they exhaust their health benefits, their only alternative is medicaid. But that program imposes stringent income eligibility requirements and assets tests. Thus, there is a lag between a worker losing his job and the possibility of medicaid coverage.

This emergency measure, which will run until June 30, 1976, will cost about $2 billion. However, much of this money would otherwise be spent on medicaid, which is financed in large part by State tax dollars.

I am pleased that legislation on ways to fill this gap in health insurance coverage is receiving immediate attention. Hearings on ways to solve the problem have started in both the Ways and Means Committee and the Interstate and Foreign Commerce Committee. There is widespread and diverse support for such proposals. The hearings and discussions will bring forth ideas on how best to administer the program and how to achieve maximum results.

Congress recognizes the need for legislation that treats all unemployed workers fairly. But we need to move quickly before millions of Americans find their economic problems are compounded by inadequate health care.

I include a list of those Members who have joined me in sponsoring this bill and a text of the bill:

LIST OF COSPONSORS

Ms. Abzug, Mr. Badillo, Mr. Baldus, Mr. Bingham, Mr. Brademas, Mr. Brodhead, Mr. Brown of California, Mr. John L. Burton, Mr. Carney, Mr. Carr.

Mrs. Collins of Illinois, Mr. Cornell, Mr. Conyers, Mr. Danielson, Mr. Dellums, Mr. Edgar, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Michigan, Mr. Gilman, Mr. Harrington.

Ms. Holtzman, Mr. Jenrette, Mr. Nix, Mr. Nowak, Mr. Nedzi, Mr. O'Hara, Mr. Ottinger, Mr. Rangel, Mr. Richmond.

Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Ms. Schroeder, Mr. Solarz, Mr. James V. Stanton, Mr. Stark, Mr. Studds, and Mr. Charles H. Wilson of California.

H.R. 3228

A bill to establish an emergency health benefits program for the unemployed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Unemployment Health Benefits Act of 1975".

Sec. 2. The Emeregncy Jobs and Unemployment Assistance Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE IV—EMERGENCY HEALTH BENEFITS PROGRAM

"ELIGIBILITY FOR HEALTH INSURANCE BENEFITS

"Sec. 401. (a) It is the purpose of the title to provide—

"(1) to each individual who—

"(A) is unemployed and is entitled to receive weekly compensation under a State or Federal unemployment compensation law (including the special unemployment assistance program established by title II of this Act), and

"(B) would, if his employment by his previous employer had not been discontinued, be covered under an employer-sponsored health insurance plan, and

"(2) to each dependent spouse (as defined in regulations of the Secretary) and to each dependent child (as defined in such regulations) of an individual described in clause (1),

health insurance benefits of the type and scope which would have been provided to such individual (or to such dependent spouse or dependent child) under the health insurance plan referred to in clause (1)(B), if the individual described in clause (1) were still employed by his previous employer.

"(b) For purposes of subsection (a) an individual is 'unemployed' for any week if, for such week, such individual is entitled (or would, except for illness or disease, be entitled) to receive compensation under a State or Federal unemployment compensation law. The Secretary may, in order to facilitate the administration of this title, provide by regulation that an individual will, for purposes of subsection (a), be deemed to be unemployed for all of the weeks in any period of weeks (not in excess of six weeks) if such individual is for one or more of the weeks in such period 'unemployed' within the meaning of the preceding sentence.

"(c) No health insurance benefits shall be provided under this title to any person—

"(1) during any period for which he is covered (without regard to the provisions of this title), or has the opportunity to obtain (by reason of action on his part or on the part of any member of his family) coverage, under any employer-sponsored health insurance plan, or

"(2) who would have received benefits under an employer-sponsored health insurance plan which provided health benefits to formerly employed persons which plan was in effect on February 7, 1975.

"ARRANGEMENTS WITH CARRIERS AND STATE AGENCIES

"Sec. 402. In carrying out the purpose of this title, the Secretary shall (whenever he is able to do so)—

"(a) enter into arrangements with the carriers (and in appropriate cases with employers or employee welfare benefit plans (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974)) whereby individuals covered for benefits under this title will be provided such benefits under the particular health insurance plan by which such individuals were covered while employed by their previous employer and there will be paid to such carriers (or, in appropriate cases, to such employer or employee welfare benefit plan) amounts equal to the premiums or other charges prescribed for such benefits plus any additional administrative expenses reasonable incurred by the carrier (or by the employer or health and welfare trust) in securing such benefits under the arrangement, and

"(b) enter into agreements with the State agency of each State under which such agency will be utilized by him for the purpose of making determinations, in the case of individuals in the State, of eligibility of such individuals for the health insurance benefits provided by this title, and for the purpose of making payments to carriers (and employers or employee welfare benefits plans) through whom such benefits are secured for individuals in such State; and any such agreement shall provide that the Secretary will pay to each State agency which is a party thereto amounts equal to the administrative and other expenses reasonably incurred by such State agency which is a party thereto amounts equal to the administrative and other expenses reasonably incurred by such State agency in performing the functions specified in the agreement.

"DEFINITIONS

"Sec. 403. As used in this title—

"(a) the term 'Secretary' means the Secretary of Labor;

"(b) the term 'employer-sponsored health insurance plan' means a health insurance plan which covers some or all of the employees of an employer and the premiums for which are paid or collected wholly or in part by the employer;

"(c) the term 'health insurance plan' means an insurance policy, contract, or other arrangement under which a carrier undertakes in consideration of premiums or other period payments, to provide, pay for, or reimburse the costs of, health services received by individuals covered by the plan;

"(d) the term 'carrier' means a voluntary association, corporation, partnership, or other nongovernmental organization which is engaged in providing, paying for, or reimbursing the cost of, health services under group insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier;

"(e) the term 'employer' shall have the meaning given such term in the applicable State or Federal unemployment compensation law described in section 401(a)(1)(A); and

"(f) the term 'State agency' means the agency of a State which administers the unemployment compensation law of that State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1954.

"TERMINATION DATE

"Sec. 404. Notwithstanding any other provisions of this title, no health insurance benefits may be provided under this title with respect to any week ending after June 30, 1976.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 405. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

AMENDING THE HATCH ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. Fisher), is recognized for 5 minutes.

Mr. FISHER. Mr. Speaker, I am a cosponsor of H.R. 3934, the Federal Employees' Political Activities Act of 1975, which would amend the Hatch Act by broadening and more explicitly defining the extent to which Federal civilian and postal employees may participate in political activities. I added my name to this legislation with the qualification that strong language be incorporated into the bill to protect Federal employees from harassment and coercion. I have been assured by its prime sponsors on the Post Office and Civil Service Committee that adequate protections will be incorporated.

I favor amending the Hatch Act because I believe that we should no longer bar Government employees from the ordinary forms of participation in political processes enjoyed by other citizens. The right to express their political views and support candidates of their choice is fundamental to our democratic system.

At the same time that we remove some of these constraints on freedom of expression, I am adamant that we not open the way to the abuses which led to the enactment of the Hatch Act in the first place. Federal employees must never be in danger of losing their jobs or damaging their careers because they exercise the right of a citizen to support candidates or political programs of their choice.

The Subcommittee on Employee Political Rights and Inter-Governmental Programs will be holding hearings on this proposal in Washington and in cities around the country where there are large numbers of Federal employees. I look forward to getting employee views on this subject, and finding ways to improve the bill based on information they provide. I will encourage citizens of my district, where more than one-third of the work force is employed by the Federal Government, to give me their views on this important legislation.

HEARINGS BEFORE THE SUBCOMMITTEE ON ENERGY AND POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Dingell) is recognized for 15 minutes.

Mr. DINGELL. Mr. Speaker, in February the President's omnibus energy bill—the Energy Independence Act of 1975, was assigned to committee. Nine of the 13 separate titles of this comprehensive package were assigned to the Committee on Interstate and Foreign Commerce.

In this Congress our committee has formed a new Subcommittee on Energy and Power in order to give focus to our decisionmaking responsibilities on energy policy matters. As chairman of that subcommittee, I want to take this opportunity to assure my colleagues in the House that I will commit my full capacities to move expeditiously and bring legislative recommendations to this floor in the very near future.

To gain an understanding of the dimensions of our energy difficulties and to give focus to our deliberations, the subcommittee during the week of February 17 held hearings on the President's energy proposals. Our task was to identify the underlying goals of the program, to evaluate the means selected to accomplish these goals, and to take the economic measure of the policies to which this Congress has been asked to accede. These matters were explored in 30 hours of intense review of the President's program concentrated in 4 days of hearing.

We discovered in these proceedings that great controversy attends the energy policy decisions made by the President. But perhaps the most dominant point made by all witnesses is that energy policy is inextricably linked with economic policy. Decisions in one area hold considerable implications for the other.

The development of a rational, cohesive energy policy, therefore, must necessarily be linked to tax policy and strategems for pulling this Nation out of its recessionary spiral.

In recognition of this interrelationship, my good friend and colleague, Chairman Ullman of the Ways and Means Committee, and I propose to commit our committees to a parallel course of action for the purpose of developing a cohesive and comprehensive energy program.

For my part, I intend to once again convene the Subcommittee on Energy and Power beginning the week of March 10 for a series of concentrated hearings to stretch over a 2-week period. The committee will invite testimony from a number of balanced panels on the subject of Federal and State allocation and price regulation of natural gas, coal, and petroleum and its products. We will also examine various proposals to equip the President and other agencies of the Federal Government with emergency powers.

Our purpose will be to draft legislation which responds to our most pressing and immediate needs. Although the focus of this legislation will be in the near term, it will necessarily provide the dimension for future long range energy policy decisionmaking.

Toward that end, I also intend to convene the Energy and Power Subcommittee beginning the week of March 24 for the purpose of defining the policy parameters of legislation to be drafted by the staff during the Easter recess. In giving legislative form to the subcommittee's policy decisions, committee counsel will be instructed to work with the staff of the Ways and Means Committee to assure to the maximum extent practicable consistency with the tax policy decisions of that committee. It will be our purpose to bring legislation to the floor by mid or late April to be combined with the legislative recommendations of the Ways and Means Committee into a comprehensive energy package.

The subcommittee at the earliest opportunity thereafter will begin consideration of proposals related to the price regulation of electric utilities and siting of energy facilities—titles VII and VIII of the administration's bill and related proposals. These hearings are tentatively scheduled to commence the week of April 28.

Let me make the record clear on another matter. Although the Energy and Power Subcommittee will invite testimony on the subject of price regulation of natural gas, I am not committed to an effort to bring legislation to the floor addressing the subject of natural gas price deregulation. As my colleagues know, this is a matter of great controversy and one I have for some time opposed. I will not burden this record with my reasons for doing so in the past, but I believe them to be cogent and still applicable.

I want to emphasize I have held many discussions with Chairman Ullman of the Committee on Ways and Means. It is our intention to work closely together as our two committees draft legislation within respective jurisdictions on the subject of energy.

ON THE CONTINUATION OF OUR CHILD NUTRITION PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am deeply concerned about a possible setback in the progress of our child nutrition programs. We all realize how crucial adequate nutrition is, and those who cannot afford a proper diet should be aided by the Government to achieve that basic goal.

The Ford administration has proposed a plan which would end the child nutrition programs as we know them, and replace some of them with a system of block grants to the States. This change would provide approximately $600 million a year less in food assistance, the primary savings result from the termination of Federal support for school meals served to nonpoor children. The block grant funds could be used by States to fund schools or institutions providing free meals only to children below the poverty line, now set at $4,510 a year for a family of four.

Children in the income range between 100 percent and 125 percent of the poverty line, who receive free meals under existing legislation, would generally find themselves paying 70 cents or more each day if this plan goes into effect. The administration's proposal would also eliminate all Federal meal standards. Under that plan, each State would prescribe its own nutrition standards and meal pattern requirements. Also eliminated by the administration's proposal is the WIC—women, infants, and children—program, which provides milk to pregnant and lactating mothers, as well as to their infant—4-year-old children. The proposal would allow States to fund only programs for children from birth to age 17. This, of course, cuts out mostly all mothers now participating.

There is no question in my mind that our Nation's nutritional health would suffer should the administration's plan go into effect, and I am hoping the Congress will realize this and defeat the measure when it comes before us.

Two much more practical plans of action exist in Senator McGovern's S. 850 and Congressman Perkins' H.R. 3736. Both provide for an extension of the nutrition programs as they now exist. The Perkins bill is a sound one and should be given full consideration. However, I would like to recommend that some modifications be made in H.R. 3736.

The goal of our child nutrition programs, as I see it, must be to provide as many persons as we can with the best possible nutritionally sound meals. I would like to see day care institutions receive the same reimbursement rate for meals as the school lunch program now receives. This can be achieved in two ways. Congressman Perkin's measure proposes to redefine "school" so that day care centers could be included in that definition, and thus have to receive funding equal to the school nutrition programs. The fault with this scheme, as I view it, is that suppers and supplements, which are served in most day care institutions would be overlooked because the meals are not recognized under the school food program. These meals account for 45 percent of all meals now served in day care food programs. S. 850, rather than merging day care centers and schools, requires that the reimbursement rates and commodity donation rates for lunches and breakfasts served in day care institutions be identical to the rates paid in the school food program.

Suppers would carry the same reimbursement rate as lunches, while supplements to the especially needy would be reimbursed at the rate of 25 cents each.

Another problem that might arise should day care centers be included in the definition of "schools" is that these centers would be competing with the schools for the equipment funding sent to each State for the school food program. In most cases, the day care institutions would have little or no chance of receiving equipment funds since there is usually not enough equipment money to satisfy even the schools applying for aid. The McGovern bill would provide that $5 million be apportioned among the States each year to provide equipment assistance to day care and summer feeding centers.

If the day care institutions become part of the school food program, States would legally be permitted to divide their reimbursement funds in any way they chose. Schools could receive higher than average reimbursements, while day care centers would receive lower than average payments. The McGovern bill, assuring separate funding, would preclude this from happening.

I would like to see the House bill include in the school lunch program family day care centers of 12 or fewer children, and licensed residential institutions such as nonprofit orphanages, homes for the mentally retarded and emotionally disturbed children, temporary shelters for runaway or abused children, juvenile detention centers and others. The bill should also make short term residential camps for poor children eligible for funding under the summer feeding program.

While the Congress is considering these nutrition programs, the WIC program should be looked into.

An estimated 7 percent of the liveborn infants in the United States have structural or metabolic defects that are evident at birth or can be diagnosed during the first 2 years of life. Nearly 8 percent of our newborn weigh 5½ pounds or less, and birth defects are three times as common in these low-weight babies as in larger infants. In fact, nearly half of all infant deaths in the United States are associated with low birth weight according to the National Center for Health Statistics. Low birth weight is associated with retarded mental development. There is growing evidence that improving nutrition during pregnancy, even as late as the last 3 months, can have a significant effect on birth weight and that maternal weight gain during pregnancy probably is the most important determinant of birth weight.

The WIC program, by providing milk and other supplements to pregnant mothers and their infants is the first major attempt by the U.S. Government to improve the quality of life at birth and during early childhood. Medical evidence concerning the irreversible effects of malnutrition during infancy will eventually cost taxpayers much more in remedial education, medical, and public assistance expenditures than the modest cost of the food packs offered by the WIC program.

I would strongly support S. 850's provision which would allow 25 percent of the funds provided to States to be used for administrative costs, instead of the current 10 percent. WIC clinics would be required to use part of the administrative funding for outreach and nutrition education, as well as for general administrative costs.

Catherine Cowell, director of the Bureau of Nutrition in New York City, informed me that an increase in administrative funds is sorely needed. Although census data indicates that at least 416 million pregnant women and young children are below the poverty line, there are only 635,000 participants in the WIC program. This is a serious gap—one which must be closed as soon as possible.

Legislation must be enacted which would continue, expand, and improve the WIC program. The $300 million requested in S. 850 should be enacted. The statistic that places the United States 14th in the world in infant mortality is a national disgrace, and should be acted upon immediately.

PERSONAL EXPLANATION

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, after introducing H.R. 640, I have found that the people of the 24th District of Texas stand in opposition to the intent and purpose of the legislation. Therefore, I would like to advise the Members of the House of my intention to withdraw my support of that piece of legislation and so to inform the chairman of the House Interstate and Foreign Commerce.

SOCIAL SECURITY INEQUITY

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, under current law, an individual over 45 who has not worked under social security for at least 5 of the last 10 years is not covered by disability, regardless of how many years, in total, he had worked under the system.

My concern in this area grows out of the experience of one of my constituents who is now permanently disabled. In his lifetime, he had worked under the social security system for 25 years, but because he had not worked under the system for at least 5 of the last 10 years, he has become totally disqualified from receiving any disability benefits.

Today, I am introducing legislation to correct this obvious inequity. I proposed to allow complete disability coverage for any individual over 45 who has worked under the social security system for at least 10 years, total.

The operative provisions of my bill reads:

> That (a) section 223(c)(1)(b)(i) of the Social Security Act is amended to read as follows:
>
> (i) he had not less than 40 quarters of coverage as of the close of the quarter in which such month occurred, or not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or.

In addition, section 216(i)(3)(B)(i) of the Social Security Act is amended by inserting the identical language above.

It is absolutely wrong for a disabled worker to be penalized in this manner, and this great inequity must be corrected. Thirty-eight of my colleagues have joined in cosponsoring this legislation and I am listing their names and the text of the bill below:

LIST OF COSPONSORS

Mr. Yates (Ill.).
Mr. Conyers (Mich.).
Mr. Benitez (P.R.).
Mr. Nix (Pa.).
Mr. Rosenthal (N.Y.).
Mr. Mitchell (N.Y.).
Mr. Brown (California).
Mr. Eilberg (Pa.).
Mr. Fascell (Pa.).
Mr. Solarz (N.Y.).
Mr. Thompson (N.J.).
Mr. Drinan (Mass.).
Mr. Dingell (Mich.).
Mrs. Collins (Ill.).
Mr. Harrington (Mass.).
Mr. Sarbanes (Md.).
Mr. Roybal (Calif.).
Mr. Helstoski (N.J.).
Mr. Pattison (N.Y.).
Mr. Badillo (N.Y.).
Mr. Hicks (Wash.).
Mrs. Spellman (Md.).
Mr. D'Amours (N.H.).
Mr. Edgar (Pa.).
Mr. Downey (N.Y.).
Ms. Holtzman (N.Y.).
Mr. Studds (Mass.).
Mrs. Burke (Calif.).
Mr. Riegle (Mich.).
Mr. Giaimo (Conn.).
Mr. Gaydos (Pa.).
Ms. Abzug (N.Y.).
Mr. Corman (Calif.).
Mr. Maguire (N.J.).
Mr. Wampler (Va.).

H.R. 4314

A bill to amend title II of the Social Security Act to provide that any fully insured individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned, even if he does not have 20 quarters of coverage during the 40-quarter period immediately preceding his disability

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223(c)(1)(B)(i) of the Social Security Act is amended to read as follows:

"(i) he had not less than 40 quarters of coverage as of the close of the quarter in which such month occurred, or not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or".

(b) Section 216(i)(3)(B)(i) of such Act is amended to read as follows:

"(ii) he had not less than 40 quarters of coverage as of the close of such quarter, or not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or".

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to disability determinations made, and benefits payable on the basis of disability determinations made, pursuant to applications filed on or after the date of the enactment of this Act.

THE 23D ANNUAL NATIONAL PRAYER BREAKFAST

(Mr. PREYER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PREYER. Mr. Speaker, the 23d annual National Prayer Breakfast was held in Washington, D.C., on January 30, 1975, with almost 3,000 guests—leaders of the United States and over 100 other nations of the world—in attendance.

This gathering is hosted every year by the House and Senate prayer breakfast groups as a way of reaching out beyond our own weekly meetings to a wider fellowship in God and a deeper understanding of our shared humanity.

We in the House prayer breakfast group would like to share the thoughts and prayers expressed at this meeting with those who were not able to be present and to make a record of the breakfast available for all. So on behalf of myself and the other officers of the House prayer breakfast group, Representative MARJORIE HOLT, vice president, and Representative RON MAZZOLI, secretary, I include the transcript of the National Prayer Breakfast in the RECORD:

NATIONAL PRAYER BREAKFAST PROGRAM

Opening song, "Let All the Nations Praise the Lord," Samford University Choir.

Presiding, the Honorable John Dellenback, Chairman, National Prayer Breakfast.

Opening Prayer, the Honorable Walter Washington, Mayor, City of Washington, D.C.

Call to fellowship, Dr. Billy Graham.

BREAKFAST

Introduction of head table and statement, the Honorable John Dellenback.

Greetings from the House Breakfast Group, the Honorable Richardson Preyer, U.S. House of Representatives.

Old Testament reading, the Honorable Oliver Gasch, Judge, U.S. District Court.

Greetings from the Senate Breakfast Group, the Honorable Sam Nunn, U.S. Senate.

New Testament reading, the Honorable Elizabeth Hanford, Commissioner, Federal Trade Commission.

Prayer for national leaders, the Honorable Reuben Askew, Governor, State of Florida.

Message, the Honorable Albert Quie, U.S. House of Representatives.

The President of the United States.

Closing song, "The Lord's Prayer," Samford University Choir.

Closing Prayer, the Honorable Harold Hughes.

The Lord looks out from heaven, he sees the whole race of men; he surveys from his dwelling-place all the inhabitants of earth.

It is he who fashions the hearts of all alike, who discerns all that they do.

A king is not saved by a great army, nor a warrior delivered by great strength.

A man cannot trust his horse to save him, nor can it deliver him for all its strength.

The Lord's eyes are turned towards those who fear him, towards those who hope for his unfailing love to deliver them from death, to keep them alive in famine. Psalm 33.

OPENING PRAYER: THE HONORABLE WALTER WASHINGTON, MAYOR, WASHINGTON, D.C.

Distinguished guests, I was asked to take part in this National Prayer Breakfast, by offering the opening prayer. The Prayer Breakfast, as many of you know, helps us each year to renew our faith in our God, in our country, and in our government, and in ourselves. It offers us a time of fellowship, one with the other. I ask you to join me in a word of prayer.

Our Heavenly Father, we give you thanks for the simplicity of the gospel that teaches all men and women that we must have faith, not doubt; love, not hate; hope, not despair; understanding, not misunderstanding; brotherhood, not disunity. In our weaknesses as human beings, we sometimes forget that if these simplicities were transferred into actions, we would have the power to remake the world. Spare us from any compromise with principle, and from the selfish expediency which ruins the soul and shrinks the character. Give us the common faith, this morning, our Father, that will move our people closer to Thee and to each other. Give us the common courage this morning that will let us be unashamed to demonstrate the love we have in our hearts and the faith that we have in You, and give us the wisdom to help create a solidarity among all people, a solidarity of spirit, a solidarity of accomplishment, and a solidarity of our efforts to achieve equality of opportunity for all. Help us to use the power and might with which Thou has blessed us, not in an arrogant self-glorification but in humble obedience, service to feed the hungry, to educate the children, to heal the sick, and to prepare a glorious path through which all Thy powers and mercies might be revealed to all men. Now, our Father, we ask Your blessings on our great President and on the leaders of our great country, and indeed, we ask these blessings in all their undertaking and that they may be guided by You. Give us courage amidst the days' crises, and give us the sense of understanding of Thy will through which we might find truth and lasting peace. Through Jesus Christ, our Lord, we pray, Amen.

CALL TO FELLOWSHIP: DR. BILLY GRAHAM

Mr. President, Mrs. Ford, Mr. Vice President, distinguished guests, it was my privilege to participate in that first Prayer Breakfast 23 years ago. We thought our problems were great then, as President Eisenhower sat here. Our problems have multiplied many times over, until now we face the very possibility of fighting for the survival not only of this country but of the human race itself. That is the point to which we have come.

There were three times in American history that we had our backs to the wall, and it did not seem that this country could survive: the Revolutionary War—and we have a picture of Washington on his knees in prayer; the Constitutional Convention, and we have a picture of Franklin calling the Constitutional Convention to prayer; the Civil War, and we have Lincoln praying and Lee praying, and out of those prayers came the salvation of this nation, and the survival of this nation. And I believe that we now face the fourth great crisis as to whether this nation will survive. And if it is to survive, it will survive because we turned to God.

There is one passage of Scripture that has been read, I think, at every prayer breakfast in these 23 years. And it's more relevant at this hour than any other hour: "If my people, who are called by my name, shall humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land." The time for talking about it has ceased. The time has come to humble ourselves, to pray, to seek the face of God and most of all, to turn from our wicked ways. If we obey God's formula, there's going to be a way out.

I call you today to this fellowship, for the purpose of seeking the face of God, of turning from the things that have been wrong. And I believe that if we do that, we are not only going to survive, but we will become not only a military and diplomatic superpower, we will become a spiritual superpower which the world so desperately needs at this hour.

Thank you. Will you please be seated.

INTRODUCTORY REMARKS: THE HONORABLE JOHN DELLENBACK

Ladies and gentlemen, if I may, I am John Dellenback, chairman of this year's National Prayer Breakfast Committee. In that capacity, I extend to each of you a warm welcome in the love that is the spirit of Christ. As Dr. Graham has called upon us to do, may we now join in fellowship together for a few minutes, as we eat. You will note that our breakfast this morning is a simple one. We have gone to the simple meal in recognition of the pressing human needs throughout the world. As the program notes indicate, hopefully less waste and consumption on our part will be translated into a sharing with people throughout the world who live in hunger. At each table there is a person or a couple who have been asked to serve as hosts. In the name of the Lord who really does love us all, may we now meet each other, may we learn a bit about each other, and may we fellowship together for a few moments as we eat together.

INTRODUCTION OF HEAD TABLE AND STATEMENT: THE HONORABLE JOHN DELLENBACK

Mr. President, Mrs. Ford, Mr. Vice President, honored guests, and friends from all over the United States and from more than 100 foreign countries: we welcome you once again. So that you may be able to identify this morning's participants in the program, I will proceed to introduce the head table.

Since at this Prayer Breakfast, the one whom we honor, the one who is our most distinguished guest, is the Lord God, and each of us program participants, and those of you who are in attendance, are here really as His conduit, and as His servant, may I ask please that you withhold your applause, if any, until all have been introduced.

From my left and your right, we have the Honorable Oliver Gasch, and Mrs. Gasch; the Honorable Oliver Gasch is Judge of the U.S. District Court. Next we have the Honorable friend, Dr. Billy Graham. Then we have Senator and Mrs. Sam Nunn of Georgia. We have the Honorable Harold Hughes; I don't know whether we say Governor, Senator, or Brother. And then the Vice President of the United States, the Honorable Nelson Rockefeller. The Congressman from the State of Minnesota who will later be introduced and bring the message, Al Quie and Mrs. Quie. To my far right, your left, the Honorable and Mrs. Richardson Preyer; Congressman Preyer is from the State of North Carolina. Next, the Honorable Mayor of the City of Washington, Mayor Walter Washington, and Mrs. Washington. Then, the Governor of the State of Florida, and Mrs. Askew, Governor Reuben Askew. Then, Commissioner Elizabeth Hanford, of the Federal Trade Commission. And on my immediate right, my wife Mary Jane. And between them, the President of the United States and Mrs. Ford.

I might say, at the outset, that this, our 1975 National Prayer Breakfast, is being broadcast live to service men and women around the world through the facilities of the American Forces Radio and Television Service. In addition to having concurrent breakfasts sponsored by chaplains in the field throughout our military, during the course of the day, they will be held in more than 900 military installations and ships; over 100,000 service men and women are expected to attend these local services.

I say just these few brief words to the approximately 3,000 of us who gather here today, at this moment, in this acknowledgment of the divinity of God and the reliance that each of us has, or should have, on His power that created this world, that made us, Who orders the events of nations and of individuals, Who has brought us all here together from across the world. Each of us is different. Each of us has been entrusted by the Lord, our God, with different talents. There are those here today who differ in superficialities of color of skin and superficialities of language; and yet a common acknowledgment of the dependence that each one of us has on the Lord, Whom we acknowledge, brings us here in this moment of fellowship.

This is the 23rd Annual Prayer Breakfast. Some of you have been in attendance from the very beginning. As a matter of fact, I was sharing very briefly with President Ford, during the course of the breakfast, some of his reminiscences, long before I was in the Congress and he was closer to being a freshman himself, some of his remembrances of those early days and breakfasts that he attended. And those that began so simply as a testimonial by leaders of this government of a common acceptance of the faith that created the Senate Prayer Breakfast in the first place, and the House Prayer Breakfast not too long after, and brought them together under General, then President, Eisenhower's administration. And they have grown steadily ever since.

We feel very strongly that this is not just a manifestation of some superficiality. This is anything but, my friends, just another event. It is hoped that throughout this group, many of you are deeply involved in individual fellowships that tie you together weekly, or monthly, or a regular basis of some other kind, to share together frustrations and the hopes and dreams and the faith that really make so much possible. We welcome you, and we are so pleased that you've come together with us for these few moments, and that you will go back from this time together, we hope, refreshed and ready once again to pick up the burdens that every one of us carries, to face the problems that God has given us the promise of strength to carry, not the promise of elimination. And we hope that this time proves, for you, as it has for so many of us through the years, a time of real inspiration.

We have already been warmly entertained by the choir of Samford University. You have already had the opening prayer from Mayor Walter Washington of Washington. You notice that your program speaks in terms of the Honorable Maynard Jackson. We hoped that Mayor Jackson was going to be with us, and we mean this in no derogation to Mayor Washington, but an emergency at the last moment made it impossible for him to be with us, and he sends his deep regrets. Our friend and dearly beloved Brother, Walter Washington, very graciously stepped in at the last moment and we are most grateful for that.

You have heard from Dr. Billy Graham who gave us the Call to Fellowship.

Rather than my upping and downing as each of the next program participants comes forward, I am going to indicate who the next series of participants will be, and then each will follow the other.

We will have Greetings from the House Prayer Breakfast Group brought to us by Congressman Richardson Preyer of the United States House of Representatives. That will be followed by an Old Testament reading by the Honorable Oliver Gasch, Judge of the U.S. District Court. We then will have the Greetings from the Senate Prayer Breakfast Group brought to us by the Honorable Sam Nunn, member of the United States Senate. Then the New Testament reading brought to us by Commissioner Eilzabeth Hanford, of the Federal Trade Commission, followed by a prayer for our national leaders by the Honorable Reuben Askew, Governor of the State of Florida. May we call upon Congressman Richardson Preyer, to give us greetings from the House Prayer Breakfast Group.

GREETINGS FROM THE HOUSE BREAKFAST GROUP: THE HONORABLE RICHARDSON PREYER

Thank you, John, Mr. President, Mr. Vice President. John, we appreciate your arranging that delicious breakfast for us. If there are any of you who feel the need of a ham biscuit after this, I hope you will come by my home.

In the greeting of St. Paul, Grace to you from the House of Representatives Prayer Breakfast Group. We meet each Thursday morning, although not always in such a grand style as this, and we are a representative group from among the 123 Roman Catholics and the 85 Methodists—which are the two largest denominations in the House—and from among the 66 Episcopalian, 65 Presbyterian, 57 Baptist, 25 United Church of Christ, 24 Jewish, 14 Lutheran, 13 Unitarian, 10 Latter Day Saints, 4 Eastern Orthodox, and 4 Christian Scientist members of Congress. Not only are we many-denominational we are also non-political and non-partisan—we are thoroughly bi-Protestant, as one wag has said. We range from true believers to "Almost Believers," in John Wesley's phrase. But all of us of whatever denomination or degree of faith find strength and something supportive in this religious fellowship. May our speaker, Al Quie, feel the support and love of his colleagues in the House of Representatives surrounding him at this time.

At our meetings, we do not find an answer to the question of how we should vote on specific issues, but we do find a better understanding of our world, an understanding in the sense of possessing the confidence that we can evaluate events on the basis of some organized principles and some eternal values.

The Prayer Breakfasts throughout our country, whether for mayors, legislators, or governors, fill a special need for elected officials, for we are highly competitive people. Otherwise we wouldn't be in office. The spirit of the prayer breakfast reminds us that the winner does not always take all, and that there is a place where the last shall be first, and where the weak stand side by side with the strong, so that the prayer breakfast teaches us humility.

Above all in a world preoccupied with power, we need to be reminded of the meaning of love. We must vote on issues—that's our job—so we must often disagree with our colleagues. And our prayer breakfasts help us to do this in the spirit of the old Quaker proverb, "When you disagree with your brother, show him that you love him." And we believe that as this spirit of love and humility radiates and spreads outward from the individual prayer group, into Congress, and into the world, that our Father's kingdom will come on this earth.

OLD TESTAMENT READING: THE HONORABLE OLIVER GASCH

Mr. President, Mrs. Ford, Mr. Vice President, Mr. Chairman, Brothers and Sisters: Scholars have long regarded the first Psalm as a prelude to the Book of Psalms. It emphasizes what really matters: faith and obedience as the ultimate meaning of the life of true believers. Its similarity to the beatitudes is apparent. Its reference to the law reminds us of the later saying of Jesus, "I have come not to abolish the law but to fulfill it." From the King James version, the 1st Psalm: "Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord, and in His law doth he meditate day and night. And he shall be like a tree, planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither, and whatsoever he doeth shall prosper. The ungodly are not so, but are like the chaff which the wind driveth away. Therefore the ungodly shall not stand in the judgment, nor sinners in the congregation of the righteous. For the Lord knoweth the way of the righteous, but the way of the ungodly shall perish." Here endeth the Old Testament reading.

GREETINGS FROM THE SENATE BREAKFAST GROUP: THE HONORABLE SAM NUNN

Mr. President, Mrs. Ford, Mr. Vice President, Mr. Chairman, Ladies and Gentlemen: One evening after an extremely busy day in a large city, Mr. Jones, a businessman, rushed to catch the commuter train which would take him back to his suburban home. In the station he noticed Johnny, a small, poorly-clothed crippled boy, selling apples at a small stand. Another man, obviously in a great rush, accidentally knocked the boy from his stand and all the little fellow's apples were scattered over the floor, the dirty floor of the train station. The man who caused this accident paused for a brief moment and muttered a meaningless apology, before quickly departing in a rush to avoid missing his train. Mr. Jones, also in a great hurry, quickly passed by, but as he was about to board the train he had a second thought and he returned to the scene. As he stooped over to help the little crippled boy recover his apples, he suddenly realized that Johnny, in addition to being crippled was also blind, as he groped about helplessly trying to pick each apple up from the floor. Mr. Jones took a little time from his busy schedule to recover all the apples. He brushed each off with his handkerchief and he put them back on the stand which he re-erected. In departing he handed the young lad a crisp $5 bill. As Mr. Jones started on his delayed journey, Johnny, the little crippled boy, almost desperately clutched his coat and with large tears in the eyes that could not see, he asked him: "Mister, are you Jesus?"

No, Johnny, Mr. Jones is not Jesus, but to be more like the Master, full of kindness and compassion and understanding, is the goal, or should be the goal, of each of us. Only Jesus Christ, the Master, lived a perfect life. And we, like Mr. Jones, as Senators who meet each week every Wednesday morning in the Vandenberg Room, are far from perfect. There are those who criticize our regular Wednesday morning prayer breakfasts. They say they are nothing more than self-serving exercises in senatorial soul-searching. Some claim that we are no better than the hypocritical Pharisee, praying aloud in the temple, raising our voice for all to see how devout we are. To those cynics, I readily admit, we have normal thoughts and we have normal motivations. For me, though, that is the very heart of it. If anyone knows he is human and subject to limitations and to frailties, it should be, and I think is, the Senator and Congressman who are trying to write laws that will govern, and govern fairly, the lives of over 200 million people and affect the world.

Think about that for a moment, and you will know how inadequate we are alone. That is why I believe that those of us in the Senate who gather each Wednesday morning to study the Scriptures, to share insights into our own religious convictions, emerge each week the better for the experience. In Proverbs, we find this admonition: "As a man thinketh in his heart, so is he." That is what we are trying to do: remold our own hearts, reshape our own thoughts, and better serve our nation and the world by obedience to God's laws and to God's will. As you may remember, the Pharisee I referred to was not alone in the Temple. Over in the corner was a publican, and his words more truly express the thoughts we all feel: "God be merciful to me, a sinner."

NEW TESTAMENT READING: THE HONORABLE ELIZABETH HANFORD

Mr. President, Mrs. Ford, Mr. Vice President, Ladies and Gentleman, I've chosen selected portions of Hebrews, XI and XII, from the New English Bible. I direct your attention to the importance which the early men and women of God attached to faith in facing the tribulations of their age. We would do well to heed their examples, as we across this great nation face the tremendous challenges of our day. Hebrews XI:

"What is faith? Faith gives substance to our hopes and makes us certain of realities we do not see. It is for their faith that the men of old stand on record. By faith Enoch was carried away to another life without passing through death. He was not to be found because God had taken him. For it is the testimony of Scripture that before he was taken, he had pleased God, and without faith it is impossible to please Him. For anyone who comes to God must believe that He exists and that He rewards those who search for Him. By faith Noah, divinely warned about the unseen future, took good heed and built an ark to save his household. By faith Abraham obeyed the call to go out to a land destined for himself and his heirs, and left home without knowing where he was to go. By faith he settled as an alien in the land promised him, living in tents as did Isaac and Jacob who were heirs to the same promise. For he was looking forward to the city with firm foundations whose architect and builder is God. By faith even Sarah herself received strength to conceive, although she was past the age. By faith Abraham, when the test came, offered up Isaac. He had received the promises and yet he was on the point of offering his only son, for he reckoned that God had power even to raise from the dead. By faith when Moses was born, his parents hid him for three months. They were not afraid of the King's edict. By faith Moses, when he grew up, refused to be called the son of Pharoah's daughter, preferring to suffer hardship with the people of God rather than enjoy the transient pleasures of sin. He considered the stigma that rests on God's anointed greater wealth than the treasures of Egypt, for his eyes were fixed upon the coming day of recompense. By faith he left Egypt, and not because he feared the King's anger, for he was resolute as one who saw the invisible God.

"Need I say more. Time is too short for me to tell the stories of Gideon, Barak, Samson, and Jephtha, of David and Samuel and the Prophets. Through faith they overthrew kingdoms, established justice, saw God's promises fulfilled. They muzzled ravening lions, quenched the fury of fire, escaped death by the sword. Their weakness was turned to strength. They grew powerful in war. They put foreign armies to rout. Others were tortured to death, disdaining release, to win a better resurrection. Others again had to face jeers and flogging, even fetters and prison bars. They were stoned. They were sawn in two. They were put to the sword. They went about dressed in skins of sheep or goats, in poverty, distress and misery. They were too good for a world like this. They were refugees in deserts, and on the hills, hiding in caves and holes in the ground. These also, one and all, are commemorated for their faith.

"And what of ourselves? With all these witnesses to faith around us like a cloud, we must throw off every encumbrance, every sin to which we cling, and run with resolution the race for which we are entered, our eyes fixed on Jesus, on Whom faith depends from start to finish."

PRAYER FOR NATIONAL LEADERS: THE HONORABLE REUBEN ASKEW

Mr. President, Mrs. Ford, Mr. Vice President, Ladies and Gentleman: I ask that we bow our heads and join our hearts in prayer.

Our gracious Heavenly Father, we ask Thy divine presence; we ask that Thou would fill the air at this moment with Thy Holy Spirit. We ask that Thou would strip us of any superficial pride that any of us may have in the positions we hold, and make us realize that we stand before Thee, but as Thy children; as in the day in which all of us will be judged, we will be judged solely as Thy children. Humbly do we turn to Thee in prayer, as we thank Thee for all the bounties that we enjoy in this glorious land of freedom and democracy. In these days of crises and challenge for our country and the world, we need leaders of faith and courage, of integrity and honor, to show us the way and to direct our nation upon the path of righteousness and peace. And we know from Thee that the answer today is not despair nor cynicism, but rather faith and optimism and confidence. We are grateful to Thee, dear God, for the great opportunity and even the greater challenge You have given us, for ours is the task of strengthening the moral and spiritual fiber that has made our country the hope of the world. From the earliest days of our nation, and the progress we have made, the obstacles we've surmounted, the frontiers we've opened, all these have been possible because of the character of our people, and the faith of our national leaders, faith that could only come from Thee. Help us to remember always our spiritual heritage.

We ask God's special blessing upon Thy servants, Gerald and Nelson, and all of those who labor in every branch of our federal government. And we ask, yes, a special blessing on their families. Give our national leaders wisdom and courage, and an ever-present realization of their dependence upon Thee. And help all of us, oh Father, to be worthy of all the good that is inherent in our beloved country, that we may prove ourselves worthy of our blessings by dedicating ourselves anew to the task of building a greater America, and a happier and nobler human society and world.

And lastly, strengthen our personal commitment to Thee, for we know the ultimate test of our faith is found in the living of it. We offer our prayer in Thy Holy Name. Amen.

Mr. DELLENBACK. It is a particular personal pleasure for me to introduce to you the man who will bring us the message of the morning. This is a man whom I met some eight years ago. We've served together, sometimes agreeing and sometimes disagreeing on issues that came before the Congress and the committees on which we served. He is a man whom I've grown truly to love, a man whom I think has grown in the Lord steadily for more years than I've known him, a man whom I am pleased to call Brother in Christ, the Honorable Congressman Al Quie of the State of Minnesota.

SPECIAL MESSAGE: THE HONORABLE ALBERT H. QUIE

Thank you, Brother Dellenback, Mr. President, Mrs. Ford, Mr. Vice President, those who are participating in this program here at the head table, and your spouses, and friends in Christ. Let me read to you a few words from Paul's letter to the Colossians, the second chapter, third verse:

"May your spiritual experience become richer as you see more and more fully God's great secret, Christ himself! For it is in him, and him alone, that men will find all the treasures of wisdom and knowledge."

Each morning when we pick up the newspaper and look at the headline, or listen to the news anywhere, or visit with each other about this world of ours, the enormous problems invade our consciousness—people killing each other, hunger in the world, economy in danger, the possibility of not having enough energy for what we desire, and a cynicism and distrust of government. What can we do?

We are prone as a people to look to a person, or to a nation to lead us out of our perils. And we are no different than the people who lived with Christ when He lived in flesh and blood here on this earth, because they wanted Him to be their king, to lead them so they could overthrow that Roman rule. They also would have liked it if He would have kept on feeding people, and healing everybody, too, so they wouldn't have to worry about that. And He said to His followers that greater things would be performed by them than by Him.

Our hope also is not in Christians, I might say to you, who do not carry that name of Christian. Our hope is in Christ, and what He showed us in His life which we can use—that one word love which has been mentioned by those who have preceded me to the platform. Our hope is in Christ.

Now, we who participate in government, or any other organization or institution, I think, should bear in mind that institutions, governments don't love. People love. Does that mean that we should not love our institutions, because I believe they are ordained by God. I think it is proper for those of us in the House of Representatives to love the House, Mr. President, as I know you expressed so often, and the Speaker has expressed so often about that institution—the House. But we as individuals love, not the House, the government, or nations. It bothers me when I hear our nation called a Christian nation, because a nation does not love, but people do. It is not, when we go through the annals of history, a nation or person who brought that life and hope to mankind. That was awakened and revived and nourished by millions of solitary individuals all over this earth, who broke down the barrier that is erected between human beings.

As one thinks of the problems that confront us today, we recognize that there are tremendous barriers between nations, between people. We live in that kind of a difference. We are different political parties in the House of Representatives. We have a different political party in control of the Congress than of the Executive Branch. So we can see within our own nation that division that exists all over this world, where it is even now finding people killing each other.

And so, what is the answer? We hear the words: Christ in us. Christ in us, that we love each other. Now those of us who have shared with each other different political beliefs in the Congress, and learned to live a little bit with that love of Christ, know that Christ lives, and lives in us. And we have seen it with our brothers and sisters in the government. We have joy that that occurs.

In my own example, I would say that the most living proof that Christ lives is the love and brotherhood that I have with Harold Hughes. If you looked at our voting records in the House and in the Senate, you would find them usually on opposite sides. But I love Harold Hughes as my own blood brother, and I would do anything for him, and I know he would do the same thing for me. And I believe that that relationship that we have with each other is the relationship that must exist beween all of us in the Congress, between all of us in the Congress and the Executive Branch, between all of us in this nation, between all of us on this globe. Because in that there is the great hope that people can love each other, and Mr. President, will continue to have that tremendous difference between people in this nation, where we have different ideas and beliefs in how we are going to accomplish the ends that we are trying to achieve. But if we can love each other, then I think we can blend our ideas together for the betterment of the people of this nation.

We will continue to fight strongly for what we believe in. I believe that is our responsibility, but always with the love that was expressed perfectly by Jesus Christ. And He promised to be with us; He promised to send the Spirit. The Spirit is here in this room, and can fill our hearts. We know that there is an eternal force in the world. We can read of it where the primitive man was seemingly at one with his cosmos, no matter how many his difficulties were. We know that there was a sense of communiity with people as this nation began, and it bothers us as we feel that sense of community disappearing, as we start depending on institutions and man for answers. But instead, it is in Christ, and the love of Jesus Christ, that we can live in grace with each other.

Now this isn't just a concept. This is an historical person who lived on this earth in flesh and blood, God incarnate, and He lives today.

Now we would like to be a part of that. As I mentioned a bit earlier, the people at the time when He was here in flesh and blood wanted Him to be their king. I'd like to relate to you one part of the Bible which really strikes me, as a person who is in government. It was when James and John, the disciples, wanted to be on the right hand and left hand of Christ in His kingdom. They wanted some special power. I guess they thought they could do some things if they were that way. And He chastized them and told them it wasn't of Him to decide that, it was the Father. And the other disciples then were giving them a hard time. And then Jesus really laid out how it is all possible to be a leader. He said, "You know that those who are recognized as rulers in the world lord it over the people, and there great men exercise authority over them, but it is not so among you. No, whoever wishes to be great among you shall be your servant, and whoever wishes to be first among you, shall be the slave of all. For even the Son of Man did not come to be served, but to serve and to give His life a ransom for many." As we serve other human beings we are serving God, when He asks us, as He put it in His words, to feed the hungry, to heal the sick, to visit with those in prison.

Oh, Lord, we pray that we might be vessels of Yours, and learn to love as Your Son Jesus Christ loves.

Mr. DELLENBACK. Thank you, Al.

The program in its next line is bowing to protocol and formality. May I say, Mr. President, that when we were deciding what should be on the program, what its structure should be, some of us felt that we should not put an anonymous line that said "The President of the United States" but rather we should put a line that said "The next message would be from the Honorable Gerald Ford, who happens to serve as the President of the United States." We weren't going to print "who happens to serve" but we were concerned, you see, about something that some of us observed who had a chance to serve with this man in the Congress for a period of time, as it was my privilege for some 7 years, and we wanted to reflect the fact that we had not just with us the President of the United States but we had a man of whom we are personally fond, whom we've had a change to see in times of stress and trial, whose faith we've had a chance to know as an individual, who has shared that faith with us in the House Prayer Breakfast Group. And it's a very special pleasure for me to introduce to you a man whom we are infinitely grateful, for the sake of this nation and for the sake of this world, to have as a brother Christian. I give you, the Honorable Gerald Ford, the President of the United States.

REMARKS OF THE PRESIDENT

Mr. Vice President, my good friends from the Congress, my associates in the Executive Branch and our fellow workers in government from the various states and local communities, ladies and gentlemen:

Al Quie is a very hard man to follow, whether in political debate, and especially at a prayer session. There are very few people I know who demonstrate better the truth that to be a leader one must first be a servant, and Al is indeed a diligent servant of God and of his fellow men.

Yes, I have been fortunate to know, during a few years in Washington, many, many others who have the same strength, the same feeling, and it has been a great experience for me.

The platform on which we are standing this morning—standing in the need of prayer, as the old spiritual goes—is broad enough and strong enough to hold politicians of all elements, of all parties, men and women of many different convictions, both religious and political convictions. The beauty of Joseph's coat is its many colors, and the beauty of these prayer breakfasts is the many faiths they bring together. We are joined in the profound realization that none of us can go it alone and that we do not need to go it alone if we seek the help of God and of our fellowship.

While I have been coming to these annual gatherings for a good many years, I must admit that this one takes on a little different meaning. In the past, I have found the opportunity for reflection and for rededication and, on occasion, to pray for our country and its leaders, for my friends and my loved ones, for the courage to do what is right and forgiveness for my own shortcomings and trespasses.

But, since we last met, I have discovered another aspect of the power of prayer. I have learned how important it is to have people pray for me. It is often said that the Presidency is the loneliest job in the world. Yes, and in a certain sense, I suppose it is. Yet, in all honesty, I cannot say that I have suffered from loneliness these past six months.

The reason, I am certain, has been that everywhere I go, among old friends or among strangers, people call out from the crowd or will say quietly to me "We're praying for you," or "You are in our prayers," and I read the same sentiments in my mail. Of course, there are some that are not so inspiring, but the great ground swell of good will that comes from the true spirit of America has been a wonderful source of strength to me as it was, I am sure, to other Presidents before me. Believe me, having counted the votes and knowing that you have them is a great satisfaction, but the satisfaction of knowing that uncounted numbers of good people are praying for you is infinitely more rewarding.

Prayer is a very, very personal thing, at least for me. Yet, to me, as many of my predecessors, it is a terribly important source of strength and confidence.

Now, I am able to truly appreciate that statement attributed to Abraham Lincoln, who confessed, and I quote: "I have been driven many times to my knees by the overwhelming conviction that I have nowhere else to go. My own wisdom and that of all about me seem insufficient for that day."

President John F. Kennedy spoke to one of these prayer breakfasts a few months before his tragic death. Many of you will remember his moving conclusion, and let me share it with you: "This morning we pray together, this evening apart, but each morning and each evening, let us remember the advice of my fellow Bostonian, the Reverend Phillips Brooks: 'Do not pray for easy lives, pray to be stronger men. Do not pray for tasks equal to your powers, pray for powers equal to your tasks.' "

On the day that I suddenly became President of the United States, after all the guests had gone, I walked through some of the empty rooms on the first floor of the White House and stopped by that marble mantle in the dining room to read the words carved in it—words that were a prayer of the first President who ever occupied the White House: "I pray to heaven to bestow the best of blessings on this house and all that shall hereafter inhabit it."

John Adams wrote, "May none but honest and wise men ever rule under this roof."

I am grateful to President Adams for leaving that message and to all who have said amen to it for nearly two centuries.

My own prayer is for God's continued blessing and God's continued guidance for our country and all its people whose servants we in government strive to be.

It had been my intention to suggest we have a prayer together at this point, but Harold Hughes will follow. Let me just say, I hope, at some time during this day, each in your own way, if you think it appropriate, will pause to ask God's blessing upon our Nation, our leaders in the Executive, the Legislative, leaders in all forms of government throughout this country and, yes, to all our people, and when you have finished, I think we can say that we should thank our Father for listening, in Jesus, name, amen.

Mr. DELLENBACK. Thank you, Mr. President. As we bring to an end this time of fellowship together, for which we who were the inviters, are most grateful, we appreciate so much so many of you coming so far in sharing with us. We will hear Harold Hughes, who will adjourn the meeting with a closing prayer. After Senator Hughes finishes praying, may we ask that you just remain where you are until the President and Vice President have left.

CLOSING PRAYER: THE HONORABLE HAROLD E. HUGHES

Will you remain seated at your tables, please, and I would like for you, just as a moment of meditation before we pray, to think of yourselves around these tables as an individual body joined together in the overall body of Christ in the spirit of our Lord God. And I'd like for you to join hands, if you would, around each table with each other. And in just a moment, I am going to ask, if you will, we'll take about 60 seconds and if someone at each table feels moved by the Holy Spirit to pray, I would like for you to do that, remembering there is one Lord, there is one God who reigns above all creation, who by His word sent forth and created all there is—wherever, whatever—the universe, the stars, the planets, and even us. And then breathed into us His Holy Spirit, that we might have life eternal. It is He who called us together. Shall we pray. . . .

Dear Father in Heaven, we are gathered together this morning because You have so ordained it. It is written that You have called those who serve in the governments of this world, Your creation. And out of the midst of the many, You brought them forth. Dear Father in Heaven, we have come to believe that the word You send forth grows among us in Your Holy Spirit. You have said to us that when we gather together You will be there also. You said that if we believe, that You and the Father will come to dwell with us. Father, we choose to believe that the Holy Word that You have given us is Truth. We submit ourselves to the Eternal Laws that You have revealed to us. We covenant with each other, not only to honor and obey, but to love one another as the only distinguishing feature that we have. Oh, Lord, have mercy upon us. Forgive us our sins, for truly we have sinned against Thee and against each other. Forgive us our pride and our proudness, that, as individuals and nations, we stand in moments of arrogance, and that we flail about and threaten one another, and we forget the message that You gave us—to love, even those who are our enemies. And that by so doing, we heap coals of fire upon their heads. Oh, God, we ask You to forgive even our enemies, to help us to be concerned not only in prayer for ourselves but for those who misunderstand us, with whom we are in confrontation.

Oh, Lord, our God, we pray for the great powers of this world. We pray that You might give them the discernment, the wisdom, and the concern for those who do not wield such power in this world. Especially, oh, Lord God, we ask You this morning, as we gather together, that You hear the wails and cries and the groanings of the harried, of the suffering millions of this world who haven't enough to eat, no shelter, no one perhaps to love them. Oh God, we know that You stand with them. Help us that we might, by Your Holy Word, discern the fact that we should share, and that all should have the right to the abundance of this earth. Oh, God, we especially call upon You this morning to plant our feet firmly in the Word that You have given us, to help us to meditate on Thy statutes, to help us to dwell in the love You expressed through Your Son, and to help us especially in our relationships with each other.

We want to pray for all those people who have come from around the world this morning to join with us in these United States of America, that we might in our relations with them establish the bond of the spirit of truth and love between us, and that we might be concerned for their well-being.

Oh Lord, our God, we pray for our President and his Lady this morning. We pray that You will give him that vision above all visions, that he might see the needs of this earth, and that he might, by the powers You have given him, exemplify the truth that You have brought among us. And that he might, by the very Spirit You have implanted in his heart, show the love that You have told us to demonstrate for each other. We pray that You give him the wisdom and the strength to meet the needs of this day. We thank God also that You humble him, Father, and that You make him feel the need of going to his knees in prayer.

And we thank You, Father, that You drive us all to our knees in prayer. We thank You that You take away the pride and the arrogance, and we praise You, Oh Lord God, even for the problems that You have given us this day in the world, even for the threat that dwells among us and the force of evil that at times seems to surround us, because we know You have not abandoned us, that You stand among us, and that You give us the Eternal Force, the force of Creation, the force of Resurrection that came forth from the grave, and that we stand before Thee, not in our righteousness, but in the righteousness of our Savior, Jesus Christ. And that in His righteousness, all sin is blotted out.

Oh Lord God, send us forth in strength, but more important, send us forth in mercy and in compassion. We thank Thee for the privilege of coming together, to call upon Your Holy Name, to seek forgiveness, and also to forgive. Be with us now as we go forth, and help us in our own families, that we might love each other in our family structure, and that we might love our neighbors wherever they are. Oh, Mighty God, have mercy upon us. We ask it all in the name of Jesus Christ, our Lord and Saviour. Amen.

HUMAN RIGHTS IN LATIN AMERICA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, today's Washington Post contains an article which summarizes an eloquent statement made to the Senate Foreign Relations Committee on human rights in Latin America by Rita Hauser with whom I had the privilege to serve as a member of the U.S. delegation to the United Nations. I heartily endorse Rita Hauser's call for strengthened U.S. support for the Inter-American Commission on Human Rights and am pleased to take this opportunity to bring the article to the attention of the House of Representatives:

Human Rights in Latin America

(By Rita E. Hauser)

Any attempt to revise our policy toward Latin America which fails to deal with suppression of basic human rights by governments of both the left and right will simply not be credible to serious people anywhere in the hemisphere. If we are to influence Latin America in the years ahead, it must be on the basis of shared human values which underpin our common heritage of freedom from foreign tyranny. Those values were collectively stated at the Bogota Conference of 1948, when the American Declaration of the Rights and Duties of Man was adopted as the "principal guide of an evolving American law." Included are the right to life, liberty and personal security, equality before the law, fair trial, freedom from arbitrary arrest, freedom of speech and religion. The Inter-American Commission on Human Rights was establishd in 1960 by the OAS as an advisory group and 10 years later made an official body of that organization, empowered to "keep vigilance over the observance of human rights." The United States supported all these actions—but little else since—and has not made use of the commission on the very occasions when it might have given its best service.

Most observers would agree that an enlightened United States policy toward Latin America in the 1970s must be predicated on nonintervention in the affairs of the other American nations, with due respect for the diversity of their political and economic systems. But this is not a license for us to ignore both the legal and moral obligations we have to seek compliance by all OAS members with the norms of the Bogota Declaration, and to work affirmatively toward enforcement of those rights as against any member state flagrantly in violation of them. Indeed, for the United States to take action which could reasonably be interpreted as supportive of these violations, e.g., sending arms or aid to a government using our materiel for a systematic abuse of the rights of its nationals, is probably a breach of international law under the "aiding and abetting" concept.

What can we do in cases of gross violations of rights of nationals by a Latin state? It is not in our interest, nor is it fruitful, to take unilateral action, whether by economic, diplomatic or military steps, against an egregious violator of human rights in the Americas to compel a change in policy. The OAS Charter probably requires collective action, for only in this manner can the principle of nonintervention in the affairs of another state be legally circumscribed. The perfect vehicle for the United States to support is the Inter-American Commission on Human Rights. Its members are usually distinguished jurists of independent stature; its investigations in the 1960s as to the Dominican Republic, Honduras, El Salvador and Haiti, among others, were well received and no serious effort has been made to refute its factual findings. And it must be stressed that objective fact-finding is often the most difficult task in human rights disputes. Yet, in the past few years, we have done little to support its work.

The commission made a 4-year investigation of the government of Brazil, and condemned it for acts of killing and torture of political prisoners. Brazil rejected these findings and refused to comply with the commission's request that it investigate the charges and punish those guilty. The commission's report was presented to the 1974 Atlanta session of the OAS General Assembly, which merely thanked it for its work. No public discussion on the report took place, due, it is safe to say, to Brazilian lobbying. The United States was silent.

The commission has just completed a lengthy investigation of violations of human rights by the military government of Chile, finding serious failures on a massive scale by that government. It remains to be seen whether this report will have the same fate as the Brazilian study when it reaches the OAS General Assembly this spring—and what role the United States will take in getting it aired. If the report is debated at the Assembly, most experts believe that virtually all OAS members will feel obliged to support a resolution calling on Chile to change its practices.

In dealing with a possible change of policy toward Cuba by the United States and the OAS, we should call for a commission investigation of Cuba's violations of human rights as concerns their large numbers of political prisoners. If Cuba refuses to permit a commission study, I, for one, would have little hesitation in continuing a policy of quasi-exclusion of Cuba from the OAS.

It would be idealistic in the extreme to expect equal respect for basic rights as among the varied nations of the hemisphere. But it is likewise cynical in the extreme to ignore governmental conduct which is violative of the basic concepts that unite the people of the Americas. Not only is that course of action morally and legally indefensible, but in the long, if not the short run, it promotes instability, often violent revolution, within the countries involved and thus discontinuity in our own relations with those countries. It is in our mutual interest to work diligently for respect of basic human rights by all the governments of the Americas. A policy in support of freedom is the best policy, and the safest, this nation can pursue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fuqua (at the request of Mr. McFall) for March 6, 1975, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kindness) to revise and extend their remarks and include extraneous material:)

Mr. Quie, for 5 minutes, today.

Mr. Hastings, for 20 minutes, today.

Mr. Bauman, for 20 minutes, today.

(The following Members (at the request of Mr. Nolan) and to revise and extend their remarks and include extraneous matter:)

Mr. Murphy of New York, for 10 minutes, today.

Ms. Holtzman, for 15 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Fraser, for 5 minutes, today.

Mr. Bingham, for 5 minutes, today.

Mr. Brodhead, for 5 minutes, today.

Mr. Fisher, for 5 minutes, today.

Mr. Dingell, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Preyer, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $903.50.

(The following Members (at the request of Mr. Kindness) and to include extraneous material:)

Mr. Quie in two instances.

Mr. Heinz.

Mr. Cohen.

Mr. Derwinski in two instances.

Mr. Duncan of Tennessee.

Mr. Del Clawson in two instances.

Mr. Gude.

Mr. Anderson of Illinois in five instances.

Mr. du Pont in two instances.

Mr. Crane in five instances.

Mr. Cochran.

Mr. Sebelius.

Mr. Armstrong.

Mr. Young of Alaska.

(The following Members (at the request of Mr. Nolan) and to include extraneous matter:)

Mr. Anderson of California in four instances.

Mr. Gonzalez in three instances.

Mr. Mottl.

Mr. Nolan in two instances.

Mr. D'Amours.

Mr. Udall in six instances.

Mr. Fisher.

Mr. Stokes in 10 instances.

Mr. Blouin.

Mr. Rangel.

Mr. Howe.

Mr. Hungate.

Mr. Pickle in three instances.

ADJOURNMENT

Mr. NOLAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, March 6, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

477. A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs),

transmitting a plan for the reorganization of military headquarters in the Pacific, requested in H. Rept. No. 93-1363, the conference report on the Defense Appropriation Act, 1975; to the Committee on Armed Services.

478. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed rules to govern financial assistance to meet the special educational needs of educationally deprived children (title I of the Elementary and Secondary Education Act), pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

479. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate William G. Bowdler and his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

480. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Wiley T. Buchanan, Ambassador-designate to Austria, and his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

481. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Donald B. Easum, Ambassador-designate to Nigera, and his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

482. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to section 112(b) of Public Law 92-403; to the Committee on Foreign Affairs.

483. A letter from the Secretary of the Treasury, transmitting the first annual report on debt relief granted by the U.S. Government to developing countries, covering calendar year 1972, pursuant to section 634(g) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

484. A letter from the Deputy Secretary of Defense, transmitting reports on the activities of the Department of Defense, including the Military Departments and the Defense Agencies, under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

485. A letter from the Acting Assistant Secretary of Commerce for Administration, transmitting a report on the department's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

486. A letter from the Director, Office of Public Affairs, Agency for International Development, Department of State, transmitting a report on the Agency's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552 (d); to the Committee on Government Operations.

487. A letter from the Secretary, American Battle Monuments Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552 (d); to the Committee on Government Operations.

488. A letter from the Vice Chairman, U.S. Consumer Product Safety Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

489. A letter from the Acting Executive Vice President, Export-Import Bank of the United States, transmitting a report on the Bank's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

490. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting a report on TVA's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552 (d); to the Committee on Government Operations.

491. A letter from the Director, Office of Government and Public Programs, National Science Foundation, transmitting a report on the Foundation's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

492. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the educational broadcasting facilities program and to provide authority for the support of demonstrations in telecommunications technologies for the distribution of health, education, and social service information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

493. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend titles VII and VIII of the Public Health Service Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

494. A letter from the Administrator, Federal Energy Administration, transmitting the first in a series of monthly reports on market shares for petroleum products, covering the months of October and November 1974, pursuant to section 4(c)(2)(A) of Public Law 93-159; to the Committee on Interstate and Foreign Commerce.

495. A letter from the Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting a report on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, for the month of January 1975, pursuant to section 308(a)(2) of the Rail Passenger Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

496. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, as amended, together with a list of the persons involved, pursuant to section 244(c) of the Act [8 U.S.C. 1254(c)]; to the Committee on the Judiciary.

497. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(2) of the Immigration and Nationality Act, as amended, together with a list of the persons involved, pursuant to section 244(c) of the act [8 U.S.C. 1254(c)]; to the Committee on the Judiciary.

498. A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972; to the Committee on Merchant Marine and Fisheries.

499. A letter from the Acting Secretary of Transportation, transmitting a report on the feasibility of establishing a National Center for Statistical Analysis of Highway Operations, pursuant to section 213(a) of Public Law 93-87; to the Committee on Public Works and Transportation.

500. A letter from the Acting Secretary of Transportation, transmitting a report on carpool incentives and opportunities, pursuant to section 3(e) of Public Law 93-239; to the Committee on Public Works and Transportation.

RECEIVED FROM THE COMPTROLLER GENERAL

501. A letter from the Comptroller General of the United States, transmitting a report assessing the performance of the Office of Management and Budget and the Federal agencies in implementing section 201 of the Intergovernmental Cooperation Act of 1968, which requires Federal agencies to give State information on grant awards made to them and their political subdivisions; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON: Committee on House Administration. House Resolution 104. Resolution to provide funds for the expenses of the investigation and study authorized by House Rule XI (Rept. No. 94-27). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 132. Resolution for primary expenses, 94th Congress, first session, for the Committee on Armed Services (Rept. No. 94-28). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 139. Resolution to provide for the expenses of the Committe on Education and Labor for the investigations and studies to be conducted pursuant to rule XI of the Rules of the House of Representatives (Rept. No. 94-29). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 164. Resolution to provide funds for the expenses of the investigation and study authorized by House rule XI (Rept. No. 94-30). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 201. Resolution to provide funds for the expenses of the investigations and studies of the Committee on Small Business pursuant to rules X and XI of the Rules of the House of Representatives (Rept. No. 94-31). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 226. Resolution to provide funds for the expenses of investigations and studies authorized by the Committee on Public Works and Transportation (Rept. No. 94-32). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 228. Resolution to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Agriculture (Rept. No. 94-33). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 236. Resolution to provide for the expenses of the Committee on Banking, Currency and Housing for the investigations and studies to be conducted pursuant to rule XI of the Rules of the House of Representatives (Rept. No. 94-34). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 237. Resolution to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Merchant Marine and Fisheries (Rept. No. 94-35). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 252. Resolution to provide funds for the expenses of the investigations and studies by the Committee on House Administration (Rept. No. 94-36). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON (for himself, Mr. Haley, Mr. Taylor of North Carolina, Mr. Johnson of California, Mr. Udall, Mr. Kastenmeier, Mrs. Mink, Mr. Meeds, Mr. Kazen, Mr. Vigorito, Mr. Steiger of Arizona, Mr. Lujan, Mr. Young of Alaska, Mr. Melcher, Mr. Roncalio, Mr. Bingham, Mr. Seiberling, Mr. Runnels, Mr. Won Pat, Mr. de Lugo, Mr. Eckhardt, Mr. Byron, Mr. Benitez, Mr. Howe, and Mr. Weaver):

H.R. 4269. A bill to amend the Organic Act of Guam and the Revised Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

By Mr. PHILLIP BURTON (for himself, Mr. Carr, Mr. Miller of California, and Mr. Risenhoover):

H.R. 4270. A bill to amend the Organic Act of Guam and the Revised Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of California:

H.R. 4271. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. ANDERSON of Illinois:

H.R. 4272. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 by establishing a Legislative Classification System within the Congressional Budget Office; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. Conte, Mr. Hastings, Mr. Shuster, Mr. Treen, and Mr. Lott):

H.R. 4273. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ANDREWS of North Dakota (for himself, Mr. Davis, Mr. Stuckey, and Mr. Evans of Colorado):

H.R. 4274. A bill to provide priority system for certain agricultural uses of natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. ARMSTRONG:

H.R. 4275. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on the amount of the deduction allowed for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. ASHLEY (for himself and Mr. Downey):

H.R. 4276. A bill to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or whose incomes have been significantly reduced as the result of adverse economic conditions; to the Committee on Banking, Currency and Housing.

By Mr. COHEN:

H.R. 4277. A bill to limit the use of limousines and passenger motor vehicles by officers and employees of the Federal Government, and for other purposes; to the Committee on Government Operations.

By Mr. COUGHLIN (for himself, Mr. Brodhead, Mr. Brown of California, Mr. Burgener, Mr. Devine, Mr. Eilberg, Mr. Flood, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hinshaw, Mr. Long of Maryland, Mr. Maguire, Mr. Murphy of New York, Mr. Riegle, Mr. Shipley, Mr. Solarz, Mr. Thone, Mr. Whitehurst, Mr. Winn, and Mr. Yatron):

H.R. 4278. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 4279. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

H.R. 4280. A bill to amend the Controlled Substances Act to increase the penalties for persons convicted of illegally distributing narcotic and other dangerous drugs; to the Committee on Interstate and Foreign Commerce.

H.R. 4281. A bill to amend title 18 of the United States Code to increase the penalties for persons convicted of committing a felony with or while unlawfully carrying a firearm; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 4282. A bill to provide that all petroleum imported into the United States after September 1, 1975, shall not be available for purchase other than by the Government of the United States; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H.R. 4283. A bill to prohibit the sale of Saturday Night Special handguns in the United States; to the Committee on the Judiciary.

By Mr. DIGGS (by request):

H.R. 4284. A bill to transfer certain real property of the United States to the District of Columbia Redevelopment Land Agency; to the Committee on the District of Columbia.

H.R. 4285. A bill to grant the consent of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact to authorize the Washington Metropolitan Area Transit Authority to establish and maintain a Metro Transit police force, to authorize the Washington Metropolitan Area Transit Authority to enter into mutual aid agreements with the various jurisdictions within the transit zone, and for other purposes; to the Committee on the District of Columbia.

H.R. 4286. A bill to amend the act of July 29, 1970 (Public Law 91–358); to the Committee on the District of Columbia.

H.R. 4287. A bill to provide for additional law clerks for the judges of the District of Columbia Court of Appeals; to the Committee on the District of Columbia.

H.R. 4288. A bill authorizing the Parole Board to credit "street time" for a prisoner whose parole is revoked; to the Committee on the District of Columbia.

H.R. 4289. A bill to permit States the reciprocal right to sue in the Superior Court of the District of Columbia to recover taxes due the State; to the Committee on the District of Columbia.

H.R. 4290. A bill relating to crime and law enforcement in the District of Columbia; to the Committee on the District of Columbia.

H.R. 4291. A bill to permit the District of Columbia Government to recover by set off against retirement funds, the amounts due from former employees; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN of Tennessee:

H.R. 4292. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternative method of valuing certain real property for estate tax purposes; to the Committee on Ways and Means.

H.R. 4293. A bill to amend title II of the Social Security Act to provide that increases in monthly insurance benefits thereunder (whether occurring by reason of increases in the cost of living or enacted by law) shall not be considered as annual income for purposes of certain other benefit programs; to the Committee on Ways and Means.

By Mr. du PONT. (for himself, Mr. Thone, Mr. Grassley, Mr. Coughlin, Mr. Stark, Mr. Eilberg, Mr. Carr, Mr. Simon, Mr. Pattison of New York, Mr. Badillo, Mr. Alexander, Mr. Mosher, Mr. Eshleman, Mr. Duncan of Tennessee, Mr. Edgar, Mr. Gilman, Mr. Talcott, Mr. Moorhead of California, Mr. Charles Wilson of Texas, and Ms. Abzug):

H.R. 4294. A bill to amend title 39, United States Code, to permit certain private nonprofit organizations to deposit mailable matter in letter boxes; to the Committee on Post Office and Civil Service.

By Mr. ESCH.

H.R. 4295. A bill to extend the authorization for carrying out title VI of the Comprehensive Employment and Training Act of 1973 for 2 additional years, to facilitate the administration of the public employment programs authorized by titles II and VI of such act, and to provide an additional 13 weeks of special unemployment assistance under title II of the Emergency Jobs and Unemployment Assistance Act of 1974; to the Committee on Education and Labor.

By Mr. FOLEY (for himself, Mr. Poage, Mr. Sebelius, Mr. Thone, Mr. Baldus, Mr. Bedell, Mr. Bergland, Mr. Bowen, Mr. Breckinridge, Mr. Brown of California, Mr. de la Garza, Mr. English, Mr. Fithian, Mr. Hagedorn, Mr. Harkins, Mr. Hightower, Mr. Jenrette, Mr. Jones of Tennessee, Mr. Krebs, Mr. Litton, Mr. McHugh, Mr. Mathis, Mr. Melcher, Mr. Moore, and Mr. Nolan):

H.R. 4296. A bill to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat and soybeans, to provide price support for milk at 85 percent of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes; to the Committee on Agriculture.

By Mr. FOLEY (for himself, Mr. Jones of North Carolina, Mr. Rose, Mr. Vigorito and Mr. Weaver):

H.R. 4297. A bill to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat and soybeans, to provide price support for milk at 85 percent of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes; to the Committee on Agriculture.

By Mr. FOLEY (for himself, Mr. Poage, Mr. Wampler, Mr. Sebelius, Mr. Bowen, Mr. de la Garza, Mr. Hightower, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mrs. Keys, Mr. Krebs, Mr. Litton, Mr. Mahon, Mr. Patman, Mr. Rose, Mr. Shriver, Mr. Skubitz, Mr. Talcott, Mr. Thone, and Mr. Winn):

H.R. 4298. A bill to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products; to the Committee on Agriculture.

By Mr. FORSYTHE (for himself, Mr. du Pont, and Mr. Roe):

H.R. 4299. A bill to amend the National Environmental Policy Act to provide for the filing of certain supplemental information statements; to the Committee on Merchant Marine and Fisheries.

By Mr. FORSYTHE (for himself, Mr. du Pont, and Mr. Roe):

H.R. 4300. A bill to amend the Coastal Zone Management Act of 1972 in order to authorize financial assistance to coastal States to enable them to study, assess, and plan effectively with respect to the impact within their coastal zones of off-shore energy-related facilities and activities and to assure the maximum effectiveness of the coastal zone management plans of such States; and for other purposes; jointly to the Committees on Merchant Marine and Fisheries, and Interior and Insular Affairs.

H.R. 4301. A bill to amend the Outer Continental Shelf Lands Act to provide for strict liability in the case of damage caused by oil spills, and for other purposes; jointly to the Committees on the Judiciary, Interior and Insular Affairs, Science and Technology, and Merchant Marine and Fisheries.

By Mr. FRASER (for himself, Mr. Steelman, Mr. Baldus, Mr. Badillo, Mr. Carr, Mrs. Collins of Illinois, Mr. Downey, Mr. Edwards of California, Mr. Eilberg, Mr. Gilman, Mr. Harrington, Mr. Hawkins, Mr. Hicks, Ms. Holtzman, Mr. Maguire, Mr. Mineta, Mr. Pressler, Mr. Rodino, Mr. Roybal, Mr. Stark, Mr. Stokes, and Mr. Vander Veen):

H.R. 4302. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies and expanding the services available in existing agencies which will provide home health services, and to provide grants to public and private agencies to train professional and para professional personnel to provide home health services; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER (for himself, Mr. Steelman, Mr. Baldus, Mr. Badillo, Mr. Carr, Mrs. Collins of Illinois, Mr. Downey, Mr. Edwards of California, Mr. Eilberg, Mr. Gilman, Mr. Harrington, Mr. Hawkins, Mr. Hicks, Ms. Holtzman, Mr. Maguire, Mr. Mineta, Mr. Pressler, Mr. Rodino, Mr. Roybal, Mr. Stark, Mr. Stokes, and Mr. Vander Veen):

H.R. 4303. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which posthospital home health services may be provided under part A thereof, and home health services may be provided under part B thereof; jointly to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. FRENZEL:

H.R. 4304. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 4305. A bill to amend the State and Local Fiscal Assistance Act of 1972 to extend the period during which general revenue sharing payments are made and to increase the amount of such payments; to the Committee on Government Operations.

By Mrs. HECKLER of Massachusetts (for herself, Ms. Abzug, Mr. Brodhead, Mr. Burke of Massachusetts, Mr. Edgar, Mr. Gilman, Mr. Harrington, Mr. Maguire, Mr. Mitchell of Maryland, Mr. Roybal, Mr. Solarz, Mrs. Spellman, Mr. Stokes, Mr. Tsongas, Mr. Walsh, Mr. Waxman, and Mr. Charles H. Wilson of California):

H.R. 4306. A bill to extend for 1 year the authorization for the emergency jobs programs under title VI of the Comprehensive Employment and Training Act of 1973; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 4307. A bill to direct the Director of the National Bureau of Standards to issue regulations with respect to recycled oil, and for other purposes; jointly to the Committees on Science and Technology, and Ways and Means.

By Ms. Holtzman (for herself, and Mr. Bingham):

H.R. 4308. A bill to amend title XVI of the Social Security Act to insure that cost-of-living increases in supplemental security income benefits are granted to recipients of such benefits in all States, to provide a housing supplement to certain recipients of such benefits, to prevent reductions in such benefits because of social security benefit increases, to allow recipients of such benefits in cash-out States to elect to receive food stamps, to provide for emergency assistance to recipients, and for other purposes; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mr. Teague, Mr. Mosher, Mr. Bingham, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Rangel, Mr. Stark, Mr. Stokes, and Mr. Zeferetti):

H.R. 4309. A bill to establish a National Energy and Conservation Corporation (AMPOWER), and for other purposes; jointly to the Committees on Interior and Insular Affairs, and Science and Technology.

By Mr. MICHEL:

H.R. 4310. A bill to amend title 18 of the United States Code to increase the penalty for committing certain crimes with a firearm or while unlawfully carrying a firearm; to the Committee on the Judiciary.

By Mr. MICHEL (for himself and Mr. Horton):

H.R. 4311. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MILFORD (for himself, Mr. Snyder, Mr. Henderson, Mr. Wright, Mr. Don H. Clausen, Mr. Roncalio, Mr. Cochran, Mr. Ginn, and Mr. Taylor of Missouri):

H.R. 4312. A bill to amend the Airport and Airway Development Act of 1970, as amended, to authorize the Secretary of Transportation to make grants for airport development by Grant Agreements with sponsors and to provide for direct payments to certain types of sponsors during fiscal years 1976 through 1980, to provide national policy for protection and enhancement of the natural resources and the quality of the environment of the Nation in projects for airport development, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. NIX (for himself, Ms. Abzug, Mr. Badillo, Mr. Blanchard, Mr. Brown of California, Mr. John L. Burton, Mrs. Collins of Illinois, Mr. Conyers, Mr. Downey, Mr. Edgar, Mr. Eilberg, Mr. Fauntroy, Mr. Fithian, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Mitchell of Maryland, Mr. Rangel, Mr. Rosenthal, Mr. Solarz, Mr. Spence, Mr. Stark, Mr. Waxman, and Mr. Yatron):

H.R. 4313. A bill to amend title 39, United States Code, to provide for the mailing of correspondence to Members of Congress free of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OTTINGER (for himself, Mr. Yates, Mr. Conyers, Mr. Benitez, Mr. Nix, Mr. Rosenthal, Mr. Mitchell of New York, Mr. Brown of California, Mr. Eilberg, Mr. Fascell, Mr. Solarz, Mr. Thompson, Mr. Drinan, Mr. Dingell, Mrs. Collins of Illinois, Mr. Harrington, Mr. Sarbanes, Mr. Roybal, Mr. Helstoski, Mr. Pattison of New York, Mr. Badillo, Mr. Hicks, Mrs. Spellman, Mr. D'Amours, and Mr. Edgar):

H.R. 4314. A bill to amend title II of the Social Security Act to provide that any fully insured individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned, even if he does not have 20 quarters of coverage during the 40-quarter period immediately preceding his disability; to the Committee on Ways and Means.

By Mr. OTTINGER (for himself, Mr. Downey, Ms. Holtzman, Mr. Studds, Mrs. Burke of California, Mr. Riegle, Mr. Giaimo, Mr. Gaydos, Ms. Abzug, Mr. Gilman, Mr. Steelman, Mr. Corman, Mr. Maguire, and Mr. Wampler):

H.R. 4315. A bill to amend title II of the Social Security Act to provide that any fully insured individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned, even if he does not have 20 quarter coverage during the 40-quarter period immediately preceding his disability; to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mrs. Sullivan, Mr. Roe, Ms. Abzug, Mr. Vigorito, Mr. Eckhardt, Mr. Fascell, Mr. Solarz, Mr. Johnson of California, Mr. Evans of Indiana, Mr. Annunzio, Mr. Miller of California, Mr. Dingell, Ms. Collins of Illinois, Mr. Zeferetti, Mr. Biaggi, Mr. Carney, Mr. Dominick V. Daniels, Mr. Davis, Mr. Mollohan, Mr. Charles H. Wilson of California, Mr. Rees, Mr. Metcalfe, Mr. Gilman, and Mr. Sarasin):

H.R. 4316. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches; to the Committee on Banking, Currency and Housing.

By Mr. PATMAN (for himself, Mr. Hechler of West Virginia, Mr. Rangel, Mr. Helstoski, Mr. Murphy of Illinois, Mr. Mathis, Mr. Ottinger, Mr. O'Hara, Mr. Roybal, Mr. Gaydos, Mr. McCormack, Mr. Ryan, Mrs. Spellman, Mr. Gonzalez, Mr. Neal, Mr. LaFalce, Mr. Mitchell of Maryland, Mr. Downey, Mr. Cotter, Mr. Stark, Mr. Moakley, Mr. Rosenthal, Ms. Holtzman, Mr. Wirth, and Mr. Hinshaw):

H.R. 4317. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches; to the Committee on Banking, Currency and Housing.

By Mr. PATMAN (for himself, Mr. Harrington, Mr. Edgar, Mrs. Lloyd of Tennessee, Mr. Randall, Mr. Rodino, Mr. Traxler, Mrs. Mink, Mr. Ichord, Mr. Studds, Mr. Badillo, Ms. Burke of California, Mr. Young of Georgia, Mr. McDonald of Georgia, Mrs. Schroeder, Mr. Fraser, Mr. Fauntroy, Mr. Drinan, Mr. Hays of Ohio, Mr. Moffett, Mr. Dellums, Mr. Wolff, Mr. Udall, Mr. Matsunaga, and Mr. Zablocki):

H.R. 4318. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches; to the Committee on Banking, Currency and Housing.

By Mr. PATMAN (for himself, Mr. Krueger, Mr. Breckinridge, Mr. Dan Daniel, Mr. Moss, Mr. Maguire, Mr. Jones of North Carolina, Mr. Tsongas, Mr. Anderson of California, Mr. Nix, Mr. Hawkins, Mr. Murphy of New York, Mr. Van Deerlin, Mr. Stokes, and Mr. Minish):

H.R. 4319. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches; to the Committee on Banking, Currency and Housing.

By Mr. PIKE (for himself, Mr. Obey, and Mrs. Spellman):

H.R. 4320. A bill to provide for the conservation of petroleum and other natural resources by imposing an excise tax on the sale of certain automobiles and granting a tax credit on the sale of certain automobiles according to the rate at which such automobiles consume fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. PREYER (for himself, Mr. McKinney, and Mr. Mitchell of New York):

H.R. 4321. A bill to give greater assurance that national and regional needs are satisfied in times of shortage of natural gas and petroleum and its products; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE:

H.R. 4322. A bill to amend the Internal Revenue Code of 1954 to provide that interest shall be paid to individual taxpayers on the calendar-year basis who file their returns before March 1 if the refund check is not mailed out within 30 days after the return is filed, and to require the Internal Revenue Service to give certain information when making refunds; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Bevill, Mr. Brown of Ohio, Mr. Cederberg, Mr. Cochran, Mr. Collins of Texas, Mr. Eshleman, Mr. Fish, Mr. Guyer, Mr. Johnson of California, Mr. Lent, Mr. Lott, Mr. McDonald of Georgia, Mr. Michel, Mr. Pattison of New York, Mr. Shipley, Mr. Simon, Mrs. Spellman, Mrs. Sullivan, Mr. Thone, Mr. Treen, Mr. Walsh, Mr. Whitehurst, and Mr. Winn):

H.R. 4323. A bill to amend the Internal Revenue Code of 1954 to raise the estate tax exemption from $60,000 to $185,000; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Kastenmeier, Mr. Blanchard, Mr. Buchanan, Mr. Lent, Mrs. Spellman, Mr. Symington, and Mr. Whitehurst):

H.R. 4324. A bill to regulate lobbying and related activities; jointly to the Committees on the Judiciary, and Standards of Office Conduct.

By Mr. RHODES:

H.R. 4325. A bill to provide a practicable precipitation management program for the Nation; to the Committee on Interior and Insular Affairs.

H.R. 4326. A bill to amend title 5, United States Code, to provide additional annual leave to certain employees for discharge of their duties as elected officials of municipalities, if not in violation of prohibited political activities laws applicable to Federal employees; to the Committee on Post Office and Civil Service.

By Mr. ROGERS (for himself, Mr. Esch, Mr. Burgener, Mr. Dominick V. Daniels, Mr. Edwards of California, Mr. Eilberg, Mr. Fish, Mr. Flood, Mr. Florio, Mr. Lehman, Mr. Miller of California, Mrs. Mink, Mr. Ottinger, Mr. Preyer, Mr. Pritchard, Mr. Rees, Mr. Riegle, Mr. Seiberling, and Mrs. Spellman):

H.R. 4327. A bill to amend the Clean Air Act so as to assure that aerosol spray containers discharging chlorofluoromethane compounds in the ambient air will not impair the environmental ozone layer, to prevent any increased skin cancer risk, and otherwise to protect the public health and environment; jointly to the Committees on Interstate and Foreign Commerce, and Science and Technology.

By Mr. ROGERS (for himself, Mr. Esch, Mr. Anderson of California, Mr. Brodhead, Mr. Carter, Mr. Dellums, Mr. Downey, Mr. Edgar, Mr. Gibbons, Mr. Hawkins, Mr. McHugh, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Obey, Mr. Rodino, Mr. Scheuer, Mr. Stokes, and Mr. Studds):

H.R. 4328. A bill to amend the Clean Air Act so as to assure that aerosol spray containers discharging chlorofluoromethane compounds in the ambient air will not impair the environmental ozone layer, to prevent any increased skin cancer risk, and otherwise to protect the public health and environment; jointly to the Committees on Interstate and Foreign Commerce, and Science and Technology.

By Mr. ROYBAL:

H.R. 4329. A bill to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself and Mr. Drinan):

H.R. 4330. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. SATTERFIELD:

H.R. 4331. A bill to amend title 5, United States Code, to revise the method of determining cost-of-living increases payable to civil service annuitants; to the Committee on Post Office and Civil Service.

By Mr. SIKES (for himself, Mr. Ginn, Mr. Roe, Mr. Edwards of Alabama, Mr. Holland, Mr. Flood, Mr. Jones of North Carolina, Mr. Dickinson, Mr. Hammerschmidt, Mr. Bevill, Mr. Waggonner, Mr. Cleveland, and Mr. Don H. Clausen):

H.R. 4332. A bill to amend the Agricultural Act of 1970 to increase the amount authorized to be appropriated for the forestry incentive program administered under title X of such act; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. Ginn, Mr. Roe, Mr. Edwards of Alabama, Mr. Holland, Mr. Flood, Mr. Jones of North Carolina, Mr. Dickinson, Mr. Hammerschmidt, Mr. Bevill, Mr. Waggonner, Mr. Cleveland, and Mr. Don H. Clausen):

H.R. 4333. A bill to amend the Agricultural Act of 1970 to increase the size of a tract which may be affected by the forestry incentive program administered under title X of such act; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. Collins of Texas, Mr. Santini, Mr. Dingell, Mr. McEwen, Mr. McDonald of Georgia, Mr. Ichord, Mr. Dickinson, Mr. Bevill, Mr. Waggonner, Mr. Frenzel, Mr. Alexander, Mr. McCormack, and Mr. Dan Daniel):

H.R. 4334. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 4335. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

H.R. 4336. A bill to amend the Immigration and Nationality Act to permit adoption of more than two children; to the Committee on the Judiciary.

H.R. 4337. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. SISK (for himself and Mr. Krebs):

H.R. 4338. A bill to designate the Monarch Wilderness, Sequoia, and Sierra National Forests, in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. STEELMAN (for himself, Mr. Goldwater, Mr. Horton, Mr. Hammerschmidt, Mr. McCormack, and Mr. Hawkins):

H.R. 4339. A bill to enforce the first amendment and fourth amendment to the Constitution and the constitutional right of privacy by prohibiting any civil officer of the United States or any member of the Armed Forces of the United States from using the Armed Forces of the United States to exercise surveillance of civilians or to execute the civil laws, and for other purposes; to the Committee on the Judiciary.

By Mr. STEELMAN (for himself, Mr. Fraser, Mr. Rosenthal, Mrs. Burke of California, Mr. Conyers, Mr. Yatron, Mr. Koch, Mr. Drinan, Ms. Abzug, Mr. Metcalfe, Mr. Dominick V. Daniels, Mr. Rangel, Mr. Brodhead, Mr. Waxman, Mr. Riegle, Mr. Bergland, Mr. Wirth, Mr. Ryan, Mr. Mitchell of New York, Mr. Vigorito, Mr. Ford of Tennessee, Mr. Murphy of New York, and Mr. Solarz):

H.R. 4340. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies and expanding the services available in existing agencies which will provide home health services, and to provide grants to public and private agencies to train professional and paraprofessional personnel to provide home health services; to the Committee on Interstate and Foreign Commerce.

Mr. STEELMAN (for himself, Mr. Fraser, Mr. Rosenthal, Mrs. Burke of California, Mr. Conyers, Mr. Solarz, Mr. Yatron, Mr. Drinan, Ms. Abzug, Mr. Metcalfe, Mr. Dominick V. Daniels, Mr. Rangel, Mr. Brodhead, Mr. Waxman, Mr. Riegle, Mr. Wirth, Mr. Ryan, Mr. Mitchell of New York, Mr. Vigorito, Mr. Ford of Tennessee, and Mr. Murphy of New York):

H.R. 4341. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which posthospital home health services may be provided under part A thereof, and home health services may be provided under part B thereof; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. Steelman, Ms. Abzug, Mr. Badillo, Mr. Boland, Mr. Dominick V. Daniels, Mr. Dellums, Mr. Diggs, Mr. Drinan, Mr. Eilberg, Mr. Florio, Mr. Harris, Mr. Lehman, Mr. Ottinger, Mr. Rees, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mrs. Schroeder, Mr. Solarz, Mr. Stark, Mr. Studds, Mr. Vander Veen, and Mr. Young of Georgia):

H.R. 4342. A bill to encourage conservation of natural resources, to authorize grants to the States for land use program, to coordinate Federal actions concerning land use; to require land use planning for the public lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska:

H.R. 4343. A bill requiring the Secretary of Defense to convey certain lands to Nome, Alaska; to the Committee on Armed Services.

H.R. 4344. A bill to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of Illinois:

H.J. Res. 277. Joint resolution designating the period beginning March 28, 1976, and ending April 3, 1976, as National Sunday School Week; to the Committee on Post Office and Civil Service.

By Mr. BAUMAN (for himself, Mr. Eilberg, Mrs. Holt, Mrs. Boggs, Mr. Florio, Mr. Badillo, Mr. McDonald of Georgia, Mr. Gilman, Mr. Krueger, and Mr. Sarasin):

H.J. Res. 278. Joint resolution authorizing the President to declare the first Sunday in April of each year as National Foster Parents Day; to the Committee on Post Office and Civil Service.

By Mr. DERWINSKI:

H.J. Res. 279. Joint resolution proposing an amendment to the Constitution of the United States with respect to the rights of unborn persons; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.J. Res. 280. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. HELSTOSKI (for himself, Mr. O'Neill, Mr. Danielson, Mr. Hawkins, and Mr. Sisk):

H.J. Res. 281. Joint resolution to designate April 24, 1975, as National Day of Remembrance of Man's Inhumanity to Man; to the Committee on Post Office and Civil Service.

By Mr. HUTCHINSON:

H.J. Res. 282. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. QUIE (for himself and Mr. Udall):

H.J. Res. 283. Joint resolution designating the week beginning March 9, 1975, as National Girl Scout Week; to the Committee on Post Office and Civil Service.

By Mr. RHODES:

H.J. Res. 284. Joint resolution directing the Secretary of State and the Secretary of the Interior, through the Bureau of Reclamation, to study the economic and engineering feasibility of acquiring riparian rights from the Republic of Mexico to water in the Gulf of California for the piping and pumping of water from the Gulf of California to Arizona for irrigation purposes, and to acquire a permit to locate a desalinization plant within the territorial limits of the Republic of Mexico; jointly, to the Committees on Foreign Affairs, and Interior and Insular Affairs.

By Mr. SIKES (for himself, Mr. Ginn, Mr. McHugh, Mr. Bowen, Mr. Cochran, Mr. McEwen, Mr. Jenrette, Mr. Flood, Mr. McDonald of Georgia, Mr. Dickinson, Mr. Hammerschmidt, Mr. Bevill, Mr. Waggonner, Mr. Quie, Mr. Cleveland, Mr. Broyhill, Mr. Hannaford, Mr. Moore, Mr. Blanchard, Mr. Eckhardt, Mr. Latta, Mr. Fulton, Mr. Cotter, and Mr. Dan Daniel):

H.J. Res. 285. Joint resolution asking the President of the United States to declare the fourth Saturday of each September National Hunting and Fishing Day; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON:

H. Res. 275. Resolution providing funds for the expenses of the Committee on Ways and Means; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

44. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Virginia, relative to the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

45. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to foreign investment in the energy and material resources of the United States; to the Committee on Interstate and Foreign Commerce.

46. Also, memorial of the Legislature of the State of Maine, relative to the U.S. fisheries management jurisdiction; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. YOUNG of Alaska introduced a bill (H.R. 4345) to amend the act entitled "An Act to authorize the sale of certain public lands in Alaska to the Catholic Bishop of Northern Alaska for use as a mission school," approved August 8, 1953, which was referred to the Committee on Interior and Insular Affairs.

SENATE—*Wednesday, March 5, 1975*

The Senate met at 12 noon and was called to order by the Vice President.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Creator, Redeemer, and Judge, we beseech Thee to forgive those national sins which so easily beset us: our wanton waste of soil and sea, our squandering of energy, our desecration of natural beauty, our heedlessness of scars of nature left to those who come after us, our love of money, our contempt for small things and our worship of big things, the loneliness of life in big cities, the dull complacency of small towns, the degeneracy of our culture, our bad manners, and our indifference to suffering—for these wrongs done and for right things left undone, good Lord, forgive us.

Now send Thy light and Thy truth to heal, cleanse, and renew us, that we may preserve our heritage and wisely "serve the present age, our calling to fulfill." Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 4, 1975, be dispensed with.

Mr. ALLEN. Mr. President, reserving the right to object—and I do not want to object—I would like to ask the distinguished majority leader if he plans to ask that the Senate divide the hour prior to the automatic cloture vote, the quorum call preceding the cloture vote, equally between the proponents and the opponents of cloture, as has been the invariable custom since the Senator from Alabama has had the honor to serve the people of Alabama in the Senate.

Mr. MANSFIELD. That is not the majority leader's intention.

Mr. ALLEN. Very well. The Senator is going to force us to go through this charade to use up the hour to prevent——

Mr. ROBERT C. BYRD. Mr. President, does the Senator wish to object or not?

Mr. ALLEN. I was reserving the right to object and was asking a question, if I might be permitted.

Mr. ROBERT C. BYRD. The majority leader has answered the question.

Mr. ALLEN. Very well. I object.

The VICE PRESIDENT. Objection is heard.

The Journal will be read.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be equally divided between the distinguished assistant majority leader, the Senator from West Virginia (Mr. Robert C. Byrd), and the distinguished Senator from Alabama (Mr. Allen). If this is agreed to, they, of course, can farm out the time to people to whom they want to yield during that period.

The VICE PRESIDENT. Is that the time between now and 1 o'clock?

Mr. ALLEN. Reserving the right to object—and I shall not object, of course—I appreciate the majority leader giving us an opportunity to explain the parliamentary situation regarding the cloture motion. I have no objection.

Mr. CRANSTON. Mr. President, may I make a unanimous-consent request?

Mr. MANSFIELD. Mr. President, I have to object.

The VICE PRESIDENT. Objection is heard.

Is there objection to the reading of the Journal? Shall the Journal be considered as having been read? Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate resumed the consideration of the motion to proceed to consider the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield 1 minute to the Senator.

Mr. CRANSTON. Mr. President, I ask unanimous consent that during the consideration of the rule change with respect to rule XXII, Janet Mueller, of my staff, may have the privilege of the floor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. Mr. President, will the distinguished Senator from Alabama yield 2 minutes to me?

Mr. ALLEN. I yield such time as the distinguished Senator from North Carolina desires.

Mr. HELMS. I thank the Senator from Alabama, and I thank the Chair.

Mr. President, on yesterday, late in the afternoon, when, as I recall, four Senators were in the Chamber, including the Presiding Officer, the distinguished Senator from Alabama gave a detailed review of just where we stand in this rule XXII matter. I fear that Senators, unless their attention is called to it, will not be blessed with this information.

This morning, the distinguished Senator from Alabama and the Senator from North Carolina prepared a very brief "Dear Colleague" letter which we circulated to those Senators who, hopefully, are not beyond redemption on this question. I ask unanimous consent that the full contents of this "Dear Colleague" letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 5, 1975.

DEAR COLLEAGUE: Please note from the speech below that the precedent as to majority vote cut-off of debate has not been reversed, and that the last Mansfield point of order was never acted on and died with the adjournment of the Senate on Monday, March 3, 1975.

JAMES B. ALLEN.
JESSE HELMS.

[From the Congressional Record, Mar. 4, 1975]

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. ALLEN. I thank the distinguished Senator from West Virginia for obtaining this time for me to speak with respect to Senate Resolution 4.

I might state that Senate Resolution 4, introduced by its chief sponsors, the Senators from Kansas (Mr. PEARSON) and from Minnesota (Mr. MONDALE), seeks to change the Senate rules without following the rules of the Senate in making that change.

Their argument is that at the start of a Congress, the Constitution gave them the power to amend the rules and cut off debate on the resolution to amend the rules or a motion to proceed to consideration of such a resolution by a majority vote. Of course, the Constitution says nothing of the sort. It merely says that it takes a quorum for the transaction of business, and that both Houses can make their own rules. But the resolution was introduced.

Then, following the introduction of the resolution and the making of a motion to proceed to the consideration of that resolution, that was followed by a motion by the distinguished Senator from Minnesota (Mr. MONDALE) which provided for immediately cutting off the debate on the motion to proceed without any debate, without any amendments, and without any intervening motions.

A point of order was made by the distinguished Senator from Montana (Mr. MANSFIELD) that this was not the method provided by the rules.

As soon as the point of order was made, without any opportunity to discuss the point of order—of course, the point of order was made by prearrangement—a motion to table the point of order was made. The Presiding Officer of the Senate, Vice President ROCKEFELLER, said that since a constitutional question was involved he was going to submit the constitutional question to the Senate. But he did not submit the direct question to the Senate. He said in effect that "Whatever the Senate's ruling is on this motion to table the point of order, I am going to consider that as a decision on what the Senate thinks the Constitution provides, and if the Senate tables the point of order, I am going to put into effect the very provisions of the Mondale resolution forcing the motion to proceed to a vote. I am going to rule that whatever the motion provides, I am going to consider that as having been passed, and if the motion says that there shall be no debate, no amendments, no intervening amendments, even before that motion passes, I am going to put that rule into effect."

And, sure enough, he did, by complete disregard of the rules, by throwing the rule book out of the window.

So the motion to table carried, and Mr. ROCKEFELLER said, in effect that whatever that motion provides, I am going to say it is in effect even before the motion is passed by the Senate.

So that was, in the judgment of the Senator from Alabama, a political decision on the part of the Vice President. It seemed to the Senator from Alabama that the Vice President wanted to reestablish his ultraliberal credentials as an answer to the false impression that he had moved toward the right in recent years. So he has established that position, and has become the ringleader in ramming this rule change through the Senate.

It has been interesting to me, Mr. President, that the original sponsors of this rules change outside the rules have slipped into the background. I did not hear a single one of those Senators have a word to say or a motion to make or a question to ask today, and ever since the leadership of both parties has taken over the pushing of this resolution to change the rule, we have heard nothing from the original sponsors.

Now, Mr. President, when you drive down the highway, in the experience of the Senator from Alabama at any rate, and see a little filling station or cafe there and it says, "Under new management," that makes me a little suspicious—there was something wrong with the first management or they would not be advertising that there is new management. It also makes me just a little bit leery of the new management.

In like fashion, Mr. President, we have a similar situation here. The sponsorship of this resolution is under new management, and I will have to say it is somewhat of an improvement in the management the resolution had prior to the leadership taking it over.

Now, Mr. President, following the tabling of the Mansfield motion, despite the fact that the Mondale motion choking off debate said there could not be intervening motions, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) offered a motion. A point of order was made, a motion to table the point of order was made, and the point of order was tabled. The effect of that, Mr. President, was to say that the Senate had decided that irrespective of the Mondale motion and the point of order as to it and the tabling of the point of order, the Senate felt that motions ought to be allowed.

So obviously, Mr. President, the gag rule Senators did not like the idea of motions being able to be presented and debated and voted on.

So the distinguished majority leader, always willing to comply and oblige, makes another point of order saying that the Mondale motion to break off debate is out of order in barring amendments, debate, and intervening motions, and the motion to table was made as to that point of order. That motion to table passed by a very narrow vote of 46 to 43.

Then, Mr. President, after some 11 Senators took the Vice President to task for not complying with the Senate rules in making recognition of Senators and a furor took place here on the floor, the suggestion was made by Mr. LONG that this rules change effort be changed from three-fifths of those present to cut off debate to three-fifths of all those in the Senate, all those elected and having been sworn, the effect of which would be that it would take 60 Senators to cut off debate no matter how many were here.

The effect of the motion to table the second point of order made by Mr. MANSFIELD was to cut the ground out from under the modest success that had been made by the free-debate Senators when the point of order made to Mr. HARRY F. BYRD, JR.'s intervening motion was tabled; for the effort of this tabling was that the Senate ruled that intervening motions were in fact in order.

When the compromise was met with some favor here in the Senate, not with the approval of the Senator from Alabama, or the Senator from North Carolina (Mr. HELMS) or the Senators from Virginia (Mr. HARRY F. BYRD, JR. and Mr. SCOTT) whom I see in the Chamber, the statement was made by the distinguished Senator from Michigan (Mr. GRIFFIN), the assistant minority leader, that they were going to have to reverse this precedent that had been set about a majority cutting off debate at the start of a session or else he would not be for the compromise.

Well, Mr. President, steps were taken, but I want to point out that those steps were ineffectual to accomplish that purpose and, further, that all of those who made that as a condition for accepting the compromise plan and agreeing to vote for cloture on tomorrow, the terms that they insisted on have not been met, because that precedent has not been reversed.

The first motion to choke off debate was made by the distinguished Senator from Minnesota (Mr. MONDALE) on February 20; Mr. MANSFIELD made his point of order then and it was tabled; and Mr. ROCKEFELLER stated the conclusions he drew from that.

Then, it was not until several days later that the point of order was made again to portions of the Mondale motion by Mr. MANSFIELD to cut the ground out from under the right that had been acquired by the free debt Senators to offer a motion.

A motion was made to table the Mansfield point of order, and as I say, it carried by a vote of 46 to 43.

It is true that the Senate did proceed to reconsider the vote by which the second Mansfield point of order was tabled and the Senate did vote to reconsider. Then on the putting again of the motion to table, the Senate refused to table the point of order.

So the point of order was before the Senate. But was a decision made by the Senate? No, it was not made.

At that juncture, immediately after the Senate had refused to table the point of order, meaning that it still had life, but it had to be considered by the Senate, the distinguished assistant majority leader, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), filed a cloture motion with respect to the motion to proceed to Senate Resolution 4, and then he adjourned the Senate for 5 minutes, the effect of which brought down and killed the second and third parts of the motion to proceed. It killed the Mondale choke-off debate motion, and it killed the point of order.

The point of order has never been acted upon by the Senate and cannot be acted on so we still have these precedents which would be argued as being precedents for cutting off debate on rules changes at the start of a session or any time a majority says they can do it.

The point I am making, Mr. President, is that those Senators who felt that this precedent was being overturned, and thinking that, agreed to vote for cloture and agreed to vote for the compromise, are deluding themselves because the precedents are still there.

Now, Mr. President, we have the further danger. A vote on cloture is coming up tomorrow. Suppose, Mr. President, that a majority, but not a two-thirds majority, votes to invoke cloture, that is, to cut off debate. Suppose the Presiding Officer said it either way, that two-thirds not having voted for cloture, the motion to invoke cloture is not agreed to and then gag-rule Senators would appeal that on the very same precedent that they have established. Suppose he said lacking a two-thirds vote cloture had not been invoked.

You would have the parliamentary question right before you again and a majority of the Senate willing to go against the rule and to choke off debate.

Suppose he ruled, "Now having established this precedent that a majority can cut off debate, even though two-thirds have not voted to invoke cloture, I declare that cloture has been invoked, because a majority of the Members of the Senate have asked for it and under the rules, under my ruling"—not the rules but the Vice President's ruling—"a majority can cut off debate."

So either way you go, Mr. President, the free debate Senators are in for a bad day unless they band together and vote against the cloture on tomorrow, against this compromise. Even then, Mr. President, there is no assurance that they would not ram the rules change through whether they would vote cloture or not. Mark my words. If they fail to get cloture, they are going to contend that it does not take two-thirds under the Constitution.

So it is heads they win, tails we lose, because there is little chance either way the result goes, given the determination of an arrogant majority and a determined presiding officer.

I make these points, Mr. President, just to show that while the Senator from Alabama did not engage in negotiations looking to this so-called compromise, if conditions were in fact exacted that this precedent be overturned—it has not been overturned, and even if it has been overturned momentarily—there is no way to prevent it being raised again.

Mr. President, I would say it would be much better to go down fighting for a principle than to compromise on a halfway measure.

I might say that the New York Times of March 1 refers to this as a "Dubious Compromise." I ask unanimous consent to have this article printed in the Record.

It says that the gag-rule Senators should not accept this because they could have gotten more.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 1, 1975]

Dubious Compromise

After winning an historic victory for the fundamental principle of majority rule, the United States Senate seems about to surrender that principle to bully-boy tactics.

A week ago, a bipartisan majority sustained Vice President Rockefeller's ruling that a new Senate cannot be bound by the rules of a previous Senate and can adopt new rules by majority vote. But Senator James Allen, Alabama Democrat, would not accept defeat. He continued his defense of the filibuster, and for five days paralyzed the Senate with an endless round of frivolous and dilatory motions.

On Wednesday, Vice President Rockefeller finally refused to entertain a parliamentary inquiry from Senator Allen, a refusal which is within a presiding officer's discretion. Right-wing veterans led by Senators Goldwater, Arizona Republican, and Long, Louisiana Democrat, then launched a concerted and verbally violent attack on Mr. Rockefeller, accusing him of unfairness and of attempting to "bulldoze" Senator Allen into submisison.

Instead of countering these patently untrue charges, the Senate reformers chose that moment to cave in and accept a "compromise" offered by Senator Long. The reformers had been seeking to reduce the majority needed to invoke cloture from two-thirds to three-fifths of those present and voting. The compromise would substitute a "constitutional" three-fifths of the total membership of the Senate, that is, sixty votes.

Since the full Senate is rarely present for any vote, the disadvantage of this new rule as compared to what the reformers were seeking—and had actually won a week ago—is readily apparent. Thus, if eighty Senators showed up for a vote, three-fifths of that number—48—could impose cloture. Under the Long compromise, sixty votes would be needed.

Even worse, the Long compromise further provides that in the future, the rule can be changed only by a two-thirds majority. That stultifies the reformers' victory of a week ago when for the first time a majority sustained the Vice President's ruling that no Senate can tie the hands of a future Senate in that fashion.

If Senate liberals in both parties vote for this compromise next week, as they now appear willing to do, they will be surrendering to the obfuscating and intimidating tactics of one man and a diehard minority. Only Vice President Rockefeller seems to be emerging from this fracas with honor. Under false and unrelenting attack, he met his first test as the Senate's presiding officer with fidelity to principle and dignified self-restraint.

Mr. Allen. Mr. President, I ask unanimous consent that there be printed in the Record at this point another article dated Monday, March 3, 1975, from the New York Times. This time by an independent columnist, Mr. William Safire.

I want to read a portion of it first. Here is a disinterested assessment of Mr. Rockefeller's actions—

"With a majority steamroller piloted by Mr. Rockefeller, a member of the minority—Senator Long—senses defeat and is suggesting a milder formula to stop dissent. He is wrong; once the gates are lowered, nothing he writes in his resolution—

And I wish the Senator were here at this time——

"is going to keep succeeding majorities from making it possible for a simple majority to cut off debate. And then you might as well not have a Senate at all."

That is what the Senator from Alabama, the Senator from North Carolina (Mr. Helms), and the Senators from Virginia, (Mr. Harry F. Byrd and Mr. William L. Scott) and many others have been arguing here in the Chamber. This is the start of a chain reaction that will end up with majority cloture because majority cloture has already been applied in this session.

Mr. President, the title of this article is "Crushing Dissent in the Senate." You can crush dissent in the Senate and you are letting the country in for very bad times and very bad situations where the rights of the minority here in the U.S. Senate will be run over roughshod, even as we have seen in this Chamber in the last 2 weeks. That is a pretty good example of what a ruthless majority and a ruthless Presiding Officer can do to achieve whatever ends they might desire.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, March 3, 1975]

Crushing Dissent in the Senate

(By William Safire)

Washington.—Good men, nobly motivated by the spirit of reform, can do more harm to our political system than the worst villains lusting after power.

A serious attempt is being made in the Senate this week to alter the compromise made at the Constitutional Convention of 1787. At that time, representatives of the smaller states were fearful of a "tyranny of the majority" in a legislature reflecting the population as a whole. Contrariwise, the states with large populations were not about to give in to demands that all states have equal votes.

So the checks-and-balances compromise of a bicameral, or two-house, legislature was struck: "Majority rule," based on population, would be the character of the House of Representatives; and "deliberation" or minority protection based on the same number of Senators from each state, chosen by state legislatures, would be the character of the Senate.

For two centuries, the Senate has helped make the Democratic experiment work by preventing the excesses of democracy. Time after time, lonely dissenters—right and wrong—have used the Senate's rules to delay, to restrain, to force some adjustment to minority demands. Ultimately, the theory went, the majority would rule, but not until the passions of the moment—or of the year—had passed.

In the course of time, the Senate agreed to attune itself more closely to the popular will by permitting direct election of Senators by the people, and they agreed to limit debate by a two-thirds vote, treating the veto of a minority the same as a veto by the President.

All along, however, Senators remembered what a senate was for, why it had been created in the first place; to protect the minority, to ensure deliberation, to make it impossible to crush dissent under the steamroller of democratic majority rule.

Now there is a move to make the Senate into a kind of slower House of Representatives. The Senators who want to change the rules to make it possible to cut off debate with only a three-fifths vote say this will make it harder for a minority to obstruct progressive legislation. And so it will.

The majoritarians say the filibuster is anti-democratic. They are absolutely right, if a democracy is the absolute rule of the majority. And the majoritarians say they will let the majority talk for weeks under the new rules, on the majority's kind of sufferance, as if talking—and not checking majority power—were the central issue.

Helping to crash through the resistance to this radical change in character of the Senate is its new presiding officer, Vice President Rockefeller. He ruled in favor of the anti-dissenters at the start, which was not unprecedented; but then he went on to refuse to recognize Senators who wanted to oppose the motion.

When Senator James Allen rose with a parliamentary inquiry, Mr. Rockefeller pretended not to hear or to see, and instead went to a vote the majority wanted. Once again, Mr. Rockefeller sees enormous mischief in delay.

With the majority steamroller piloted by Mr. Rockefeller, a member of the minority—Senator Long—senses defeat and is suggesting a milder formula for stopping dissent. He is wrong; once the gates are lowered, nothing he writes into his resolution is going to keep succeeding majorities from making it possible for a simple majority to cut off debate.

And then you might as well not have a Senate at all.

Senators Mondale and Pearson, who designed this steamroller, are men with the best of intentions who want only to turn the Senate into a more active body, more capable of defying a President, more able to exert leadership. With much logic, they can point out how a minority in the Senate was able to obstruct the rights of a black majority for generations.

But they are fiddling with the foundations of a good system in order to improve the chances for this year's legislation. The automatic supporters of good-guy reformers might want to consider the day when the other side is in the saddle.

Might it not be possible, only a decade or so hence, for the political picture to change so that a revived "silent majority" is reflected by a conservative Senate and House, a conservative President, and a conservative Supreme Court?

It could happen here. And then some little group of willful men, or some willful group of little men, or some fighting band of big men, will arise in the Senate to dissent from the popular tide. Brave liberals all, they will fling their voices and their votes in the way of right-wing retrogression, perhaps led by a white-haired Fritz Mondale battling to save the victories of the seventies.

And their dissent will be choked off by a simple majority cloture, their resistance flattened by the monstrous steamroller of their own invention. Poetic injustice will triumph, the temporary majority will rule, and the spirit of the United States Senate will be dead.

Mr. Allen. Mr. Mansfield, in the early days of this debate, denounced this effort to try to amend the Senate rule but not following the Senate rules in amending those rules. He said they excuse it by saying that the laudable ends justify the means. He said, "I reject that. I reject unworthy means employed to achieve what they consider to be a desirable result."

Mr. President, I am hopeful that we will unite against this effort to ram cloture down our throats. As I say, the danger there also is even if they do not invoke cloture, by a majority vote they will say that cloture has been invoked anyhow.

Another thing I want to point out is that there is some lack of understanding among people who were not familiar with what was going on here in the Senate from 12 until 2 o'clock. The point was that during that time it was possible that an original resolution by the distinguished assistant majority leader which does put into effect the compromise plan could have been brought up. I know the distinguished Senator from West Virginia is sincere in supporting it. If that had been allowed to come up even for a minute, the cloture motion would have been filed on that and we would have had the cloture vote on that on Thursday. As it is now, we can keep the situation on an even keel and not allow the distinguished assistant majority leader to bring up his resolution and file cloture. We will have two cloture votes: one on the motion to proceed to the consideration of Senate Resolution 4, and then, when and if that is voted, another cloture motion would be filed as to Senate Resolution 4. That would be voted on on Friday.

So it was necessary that this whole 2-hour period be occupied with priority matters before we got to the matter of the distinguished Senator from West Virginia. We are going to try to keep that from ever being the pending business until this matter has been disposed of.

When you are chasing big game sometimes you see a rabbit cross your trail and you forget your big game and go off after that rabbit. I am just hopeful that Members of the Senate who favor free debate will not chase this rabbit of compromise. I do not believe they are going to get the compromise through cloture; because even if cloture is not invoked, it is my firm judgment and opinion that a majority will ram it through anyhow.

Those are the remarks that I want to make for the Record. I appreciate the senior Senator from West Virginia (Mr. Robert C. Byrd) allowing me to address—if not the Members of the Senate—the Congressional Record and the public record, and the public in general, on this issue.

Mr. ALLEN. I yield myself such time as I may require.

Mr. President, on yesterday, near the end of the day's session, the distinguished Senator from West Virginia got unanimous consent that the Senator from Alabama might speak for 30 minutes on the parliamentary situation, and he did speak extemporaneously. In order to conserve time, the Senator from Alabama is going to read a portion of his extemporaneous speech of yesterday, pointing out the parliamentary situation at this time, pointing out that those Senators who think that the precedent that has been set as to a majority choking off debate having been reversed in the Senate are deluding themselves. Those who have agreed to this so-called compromise settlement of the rules issue—those who agreed to go along on the understanding that the precedent was reversed—have every right, it seems to the Senator from Alabama, to have pointed out that the precedent has not been reversed, and they are under no obligation to go along with the compromise.

On yesterday, the Senator from Alabama had this to say:

When the compromise was met with some favor here in the Senate, not with the approval of the Senator from Alabama, or the Senator from North Carolina (Mr. Helms) or the Senators from Virginia (Mr. Harry F. Byrd, Jr. and Mr. Scott) whom I see in the Chamber, the statement was made by the distinguished Senator from Michigan (Mr. Griffin), the assistant minority leader, that they were going to have to reverse this precedent that had been set about a majority cutting off debate at the start of a session or else he would not be for the compromise—

That was the understanding that the Senator from Alabama drew from the remarks of the distinguished Senator from Michigan (Mr. Griffin)—

Well, Mr. President, steps were taken, but I want to point out that those steps were ineffectual to accomplish that purpose and, further, that all of those who made that as a condition for accepting the compromise plan and agreeing to vote for cloture on tomorrow—

Today, of course—

the terms that they insisted on have not been met, because that precedent has not been reversed.

The first motion to choke off debate was made by the distinguished Senator from Minnesota (Mr. Mondale) on February 20; Mr. Mansfield made his point of order then and it was tabled; and Mr. Rockefeller stated the conclusions he drew from that.

Then, it was not until several days later that the point of order was made again to portions of the Mondale motion by Mr. Mansfield to cut the ground out from under the right that had been acquired by the free debt Senators to offer a motion.

A motion was made to table the Mansfield point of order, and as I say, it carried by a vote of 46 to 43.

It is true that the Senate did proceed to reconsider the vote by which the second Mansfield point of order was tabled and the Senate did vote to reconsider. Then on the putting again of the motion to table, the Senate refused to table the point of order—

Mr. President, let us analyze and see if anything has been reversed—

So the point of order was before the Senate. But was a decision made by the Senate? No, it was not made.

At that juncture, immediately after the Senate had refused to table the point of order, meaning that it still had life, but it had to be considered by the Senate, the distinguished assistant majority leader, the distinguished Senator from West Virginia (Mr. Robert C. Byrd), filed a cloture motion with respect to the motion to proceed to Senate Resolution 4, and then he adjourned the Senate for 5 minutes, the effect of which brought down and killed the second and third parts of the motion to proceed. It killed the Mondale choke-off debate motion, and it killed the point of order.

That, I assume, is unquestioned. So the point of order was killed without ever being acted on by the Senate. It was just withdrawn from the Senate's consideration by action of the distinguished assistant majority leader—

The point of order has never been acted upon by the Senate and cannot be acted on—

Because it is not before the Senate now. It was killed by the adjournment of the Senate—

So we still have these precedents which would be argued as being precedents for cutting off debate on rules changes at the start of a session or any time a majority says they can do it.

The point I am making, Mr. President, is that, those Senators who felt that this precedent was being overturned—

And I make my remarks specifically to the Senators on the floor who may be deluding themselves that this precedent has been overruled—

The point I am making, Mr. President, is that those Senators who felt that this precedent was being overturned, and thinking that, agreed to vote for cloture and agreed to vote for the compromise, are deluding themselves because the precedents are still there.

Now, Mr. President, we have the further danger.

I want Senators to understand just what they are voting for when they vote for cloture. I hope the distinguished Vice President will keep the chair, because a little later I wish to propound a parliamentary inquiry to the distinguished Vice President, if he will recognize the Senator from Alabama for that purpose.

The VICE PRESIDENT. I am delighted to.

Mr. ALLEN. Mr. President, we have the further danger—a vote on cloture is coming up—as I said yesterday, "on tomorrow"—it is coming up in just a few minutes—

Suppose, Mr. President, that a majority, but not a two-thirds majority, votes to invoke cloture, that is, to cut off debate. Suppose the Presiding Officer said it either way,

> that two-thirds not having voted for cloture, the motion to invoke cloture is not agreed to and then gag rule Senators would appeal that on the very same precedent that they have established. Suppose he said lacking a two-thirds vote cloture had not been invoked.

He is going to be called upon to make a ruling on that provided the vote falls short of two-thirds:

> You would have the parliamentary question right before you again and a majority of the Senate willing to go against the rule and to choke off debate.
>
> Suppose he ruled, "Now having established this precedent that a majority can cut off debate, even though two-thirds have not voted to invoke cloture, I declare that cloture has been invoked,

Or this is the Vice President speaking in a hypothetical situation—

> because a majority of the Members of the Senate have asked for it and under the rules, under my ruling"—not the rules but the Vice President's ruling—"a majority can cut off debate."
>
> So either way you go, Mr. President, the free debate Senators are in for a bad day unless they band together and vote against the cloture on tomorrow, against this compromise. Even then, Mr. President, there is no assurance that they would not ram the rules change through whether they would vote cloture or not. Mark my words. If they fail to get cloture—

That is, if they fail to get two-thirds—

> they are going to contend that it does not take two-thirds under the Constitution.

That very same contention was made in 1957 by the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Montana (Mr. MANSFIELD) moved to table the appeal and the Senate did table the appeal—

> So it is heads they win, tails we lose, because there is little chance either way the result goes, given the determination of an arrogant majority and a determined presiding officer.
>
> I make these points, Mr. President, just to show that while the Senator from Alabama did not engage in negotiations looking to this so-called compromise, if conditions were in fact exacted that this precedent be overturned—it has not been overturned—it has not been overturned, and even if it has been overturned momentarily—there is no way to prevent it being raised again.
>
> Mr. President, I would say it would be much better to go down fighting for a principle than to compromise on a half-way measure.

Mr. President, I make the parliamentary inquiry: when the question is submitted to the Senate in just a few minutes under the cloture petition before the Senate, will it take a two-thirds vote to end the debate?

The VICE PRESIDENT. In answer to the Senator from Alabama, if the motion is made under cloture rule XXII, then it will take a two-thirds vote to be operative.

Mr. ALLEN. I am asking specifically on the vote that is to be put to the Senate at approximately 1:15. Will that particular vote, no matter where it comes from, require a two-thirds majority to close off debate?

The VICE PRESIDENT. If cloture has been filed under the rule, the answer is "yes."

Mr. ALLEN. I thank the distinguished Presiding Officer, and I reserve the remainder of my time.

Mr. GRIFFIN. Will the distinguished Senator from West Virginia yield me some time?

Mr. ROBERT C. BYRD. Yes. I yield 5 minutes.

Mr. GRIFFIN. I have listened with attention to the argument made by the distinguished Senator from Alabama. At one point during the debate I did indicate my view that it would be important to a compromise to reverse the earlier action of the Senate with respect to the Mansfield point of order. I would like to say to the Senator from Alabama and to others that, in the context in which we are operating, I believe we went as far as we could go, as a practical matter, and the effect of the action taken was to reverse the situation that earlier prevailed.

As the Senator from Alabama has already pointed out, the crucial ruling of the Chair related to the effect of a vote by the Senate to lay on the table a point of order of the Senator from Montana. Certainly there is a lot of room for argument concerning the appropriateness of such a ruling by the Chair.

The fact is that the Senate did reconsider its earlier vote on the motion to lay the point of order on the table, and the Senate proceeded to reverse its earlier decision on that question accordingly to the extent that any significance was attached by the Chair to that earlier vote, it was rescinded or upset.

Now, the Senator from Alabama has pointed out that, after voting to reconsider, and after voting down the motion to lay on the table, the Senate did not then proceed to vote on the point of order itself.

However, it seems to me that we are at the same point where we were before the point of order was interposed, and the situation is as it existed back in 1967, when the Senate did take that third step, and did, by a majority vote, rule valid the point of order, which on that occasion was made by the late Senator from Illinois, Mr. Dirksen.

The precedent established in 1967 is still in effect. To the extent that precedents are meaningful, it can be said that when a majority of the Senate in 1967 voted to sustain a point of order similar to that made by the Senator from Montana, a precedent was established which is still in effect.

Of course, it must be pointed out that, once the vote on the motion to table had been reconsidered and reversed, the point of order then would have been debatable—if those working for the compromise had elected to seek a vote on the point of order itself.

If we had taken that route, I wonder whether and how soon the Senate would have been permitted an opportunity to vote on the point of order itself.

Insofar as this Senator is concerned, I believe we did achieve what was essential and necessary. We did reverse the earlier unfortunate action of the Senate by reconsidering and voting down the motion to lay on the table the point of order.

I do not wish to suggest that the Senator from Alabama has no point at all to his argument. He makes a point worth noting. Of course, I was conscious of the fact that the Senate did not proceed to a vote on the point of order. But weighing the advantages and disadvantages of taking that route, I came to the conclusion—a different conclusion than the Senator from Alabama—that those who do not like the Mondale resolution would fare much better if we accept the compromise—would otherwise be the case.

Mr. ALLEN. Mr. President, will the Senator yield on my time?

Mr. GRIFFIN. I am glad to yield.

The VICE PRESIDENT. The 5 minutes of the Senator from Michigan has expired.

Mr. ALLEN. I asked the Senator to yield on my time.

The Senator from Michigan says that we are now back where we were following the 1967 ruling, where the Senate failed to lay on the table the point of order which was similar to the point that the distinguished Senator from Montana (Mr. MANSFIELD) made.

I believe, however, that the Senator overlooks the precedent that was established on February 20, when the Mondale majority debate choke-off motion was made. The point of order was made by the distinguished Senator from Montana at that time, and the motion to lay on the table was made, on February 20, and it did carry.

The only thing that would have reversed that precedent would have been action on the point of order. So the point of order reversing the tabling of the second Mansfield point of order is all that has been reversed, and not the February 20 precedent. So it would take action on the point of order, which died when the distinguished Senator from West Virginia made the motion to adjourn and the Senate did adjourn.

The live precedent right now, if they are looking for a precedent—I do not think they need it, Mr. President; it has been demonstrated—but the live precedent is the precedent of February 20, and the Senator from Alabama says that that precedent has not been overruled and would not be overruled unless this point of order that Senator MANSFIELD made, the second point of order he made, was acted on. So we are still operating under the February 20 precedent.

Mr. GRIFFIN. Mr. President, will the Senator from Alabama yield to me?

Mr. ALLEN. Yes.

Mr. GRIFFIN. It would seem that the Senator's argument would have more validity if, on February 20, the Senate had actually voted on the point of order. But the Senate did not do that.

Mr. ALLEN. Well, the Senate voted on the tabling motion.

Mr. GRIFFIN. That is right.

Mr. ALLEN. And the distinguished Presiding Officer said he was going to use that vote to determine the Senate's feeling about the constitutionality of the Mondale debate choke-off motion.

Mr. GRIFFIN. So the crucial point, it seems to me, is the motion to lay on the table and the interpretation which the Chair has attached the Senate's vote.

Mr. ALLEN. Yes, but if the——

Mr. GRIFFIN. Now, in view of his interpretation, it was very important and significant that the Senate reconsidered its vote on the motion to table the point of order on this most recent occasion, and reversed itself.

Mr. ALLEN. Yes, but it still never passed on the point of order, to reverse the damage that was done on February 20. I just wanted to call that to the Senate's attention.

Mr. GRIFFIN. I cannot say that the Senator is not reciting facts accurately, but I do not attach the same significance to them. It seems to me it is a highly technical kind of argument. In terms of substance and intent, the Senate has done what is necessary to reverse—very emphatically and very dramatically—the action taken earlier. And we can continue to point out that in 1967, the Senate, by majority vote, did sustain a similar point of order. That precedent still stand and I, for one, I want to leave that argument on the RECORD, I think it is a good posture for the Senate to be in.

Mr. ALLEN. The Senator from Alabama maintains that the only way to reverse the February 20 precedent would have been to have acted on the point of order itself. Had the Senate acted on that point of order and stated that the debate on the so-called motion was out of order, then that would reverse February 20. But the distinguished assistant majority leader saw to it that the Senate had no opportunity to vote on the point of order, because he moved to adjourn the Senate for 5 minutes. That had the effect of killing the point of order without the Senate having an opportunity to act on it.

Mr. CURTIS. Mr. President, will the distinguished Senator from West Virginia yield to me?

Mr. ALLEN. I reserve the remainder of my time.

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. CURTIS. Mr. President, the junior Senator from Nebraska is very disturbed. I lent my support toward a compromise, because I was afraid that the Senate was drifting into a situation where we would no longer be the Senate of the United States, but just another body where the Presiding Officer and a majority would be in control, and that we would not be a deliberative body. I did not want that to happen.

I thought the compromise consisted of two parts: one, a reversal of the precedents or near precedents that were established; and the other one to go not to a two-thirds vote but to a three-fifths constitutional requirement.

I disagreed with the rulings of the Chair. The Vice President, in essence, ruled, as I understand, that when we voted on a motion to table a point of order that the tabling motion constituted a vote on the merits of the point of order.

Mr. ALLEN. On the merits of the motion.

Mr. CURTIS. The merits of the motion, yes.

That is not true. If a point of order is made and then tabled, the Senate is in the same position as if the point of order had never been made. So the vote should be submitted on the motion itself. That was not done.

I was of the opinion that part of the agreement here was that the procedure would be corrected, and then the three-fifths constitutional majority would prevail. I would like to ask the distinguished Senator from Alabama what vote would be necessary in order to clearly correct the procedures to which he has objected.

Mr. ALLEN. As the Senator from Nebraska says, when the distinguished assistant majority leader adjourned the Senate or the Senate adjourned in response to his request, that killed this point of order. It is no longer, without a decision on its merits.

Mr. CURTIS. What vote was that?

Mr. ALLEN. That was the point of order made by the distinguished Senator from Montana (Mr. MANSFIELD). The action that was taken——

Mr. CURTIS. It is that point of order that should be ruled upon.

Mr. ALLEN. That point of order should have been ruled upon.

Mr. CURTIS. All right.

Mr. President, I ask unanimous consent that notwithstanding the order for a cloture vote, at the time of the cloture vote that the Mansfield point of order be debated for 30 minutes, and that a vote be taken upon it before we proceed to the cloture vote.

At this point, Mr. BUMPERS assumed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 5 minutes. Much has been said with respect to the point of order raised by the distinguished majority leader to certain portions of the Mondale motion; the fact that that point of order was tabled; that the vote was reconsidered by which the vote was tabled; that the Senate proceeded to untable the majority leader's point of order; and that I then moved to adjourn the Senate for 5 minutes on Monday.

I think, as we have seen demonstrated here, various interpretations can be placed upon what happened, depending upon one's personal point of view, and the cause that one seeks to further.

I happen to agree with the distinguished Senator from Michigan when he said that the Senate marched up the hill, tabled the Mansfield point of order, and then marched back down the hill when it reconsidered the vote, and when it untabled the Mansfield point of order. In so doing, the Senate reversed its previous vote to table the Mansfield point of order.

Now, the reason we did not go further at that point was, as the distinguished Republican whip has stated, the point of order was back before the Senate and would have been debatable. The Senate had reversed itself, and had shown an inclination to move in a new direction on the point of order, by having untabled the point of order. The point of order was then left to stand with no further action thereon.

The Senate had been in session for several calendar days, and it was the desire of the leadership of the Senate to seek to have the resolution, Senate Resolution 93—which had been introduced late last week—come over under the rule. Only an adjournment would initiate that procedure.

Mr. CURTIS. Mr. President, will the distinguished assistant majority leader yield for an observation with respect to his reservation?

Mr. ROBERT C. BYRD. Would the Senator let me complete my statement?

Mr. CURTIS. I would like to point out, because I believe he is in error——

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. ROBERT C. BYRD. I yield if I have made an incorrect statement.

Mr. CURTIS. He rose on a reservation of a point of order on my unanimous-consent request.

The PRESIDING OFFICER. The time is under the Senator's control, and he yielded himself 5 minutes.

Mr. CURTIS. I would like to clarify myself for just 1 minute.

Mr. ROBERT C. BYRD. Yes.

Mr. CURTIS. Is it not true that under the unanimous consent I proposed it would avoid a long debate on this and would clarify the situation? That is why I hoped that by unanimous consent it could be agreed to.

Mr. ROBERT C. BYRD. Well, still reserving the right to object, Mr. President, it was desirable, in the view of the leadership, that the Senate adjourn so that the machinery could begin moving whereby Senate Resolution 93 would come over under the rule. There were other reasons, as well. For example, the leadership expected an objection to the request to suspend the reading of the Journal—which had been building up for several days. By adjourning for 5 minutes and having the Journal read on Monday evening, the Senate saved a day and cleared the way for morning business on Tuesday to open the door for Senate Resolution 93 to come up under the rule, which did not occur because the opponents were successful in running the clock for the first 2 hours. In any event, the Senate did reverse its previous action tabling the Mansfield point of order.

Now, Mr. President, I want to say that aside from all the talk about precedents this Senate has been lately moving in a very dangerous direction. Six weeks ago, I would not have given 10 cents for the chance of any action on the resolution offered by the distinguished Senator from Minnesota (Mr. MONDALE). But within the last 2 weeks I have seen a precipitous change in the mood of this Senate, and I feel that that mood bodes no good for those who are determined to prevent a change in Senate rule XXII.

I have expressed my opposition to the Mondale motion in no uncertain terms. But, regardless of the most recent precedent or any other precedent, may I say to my colleagues that if the Senate does not change Senate rule XXII now, and change it in a way that will bring about an equitable, fair, and moderate result, a different kind of result will ultimately but surely eventuate.

Now, in my judgment, the Senator from Minnesota and his colleagues can invoke majority cloture on this Senate—if not now I am afraid that it will be invoked later.

May I point to an event which occurred in the Senate in 1969.

Have my 5 minutes expired?

The **PRESIDING OFFICER**. The Senator's 5 minutes have just expired.

Mr. **ROBERT C. BYRD**. Mr. President——

Mr. **CURTIS**. Mr. President, I ask——

Mr. **ROBERT C. BYRD**. Mr. President——

Mr. **CURTIS**. A unanimous-consent request.

Mr. **ROBERT C. BYRD**. Well, Mr. President, my inclination is not to object——

Mr. **CURTIS**. Well, I am afraid that it will be objected to as time goes on.

Mr. **ROBERT C. BYRD**. No, I think as times goes on, the chances are it will not be objected to.

Mr. **CURTIS**. Perhaps the Senator is right. Some may appear that are not in the discussion.

Mr. **ROBERT C. BYRD**. Mr. President, if the Senator will allow me.

Mr. President, on January 16, 1969, Vice President HUMPHREY was in the Chair. He directed the clerk to call the roll to ascertain the presence of a quorum, and after a quorum had been ascertained the cloture motion was restated to the Senate, and, under the rule, the Senate proceeded to vote by yeas and nays on the question. "Is it the sense of the Senate that the debate shall be brought to a close?"

Fifty-one Senators voted "yea," 47 "nay."

The Vice President announced the motion was agreed to, as follows:

> The VICE PRESIDENT. Under the provisions of article I, section 5, of the Constitution and those provisions of Senate rule XXII and other rules not in conflict with this constitutional provision, the Chair announces that 51 Senators having voted yea and 47 Senators having voted nay, cloture has been invoked on the motion to proceed to the consideration of Senate Resolution 11, and debate will proceed under the limitation provisions of rule XX. (CONGRESSIONAL RECORD, vol. 115, pt. 1, p. 994.)

Mr. Holland, of Florida took an appeal from the ruling of the Chair. The Vice President immediately applied rule XXII in all respects but the two-thirds requirement holding that the appeal was not debatable. The Chair put the question, "Is the decision of the Chair to stand as the judgment of the Senate?" The Senate, by a vote of 45 yeas to 53 nays refused to sustain the decision of the Chair. Thus cloture not having been invoked, the Senate continued the debate on the motion to take up.

So in that instance, the Vice President ruled that, although two-thirds of the Senate had not voted to invoke cloture, the majority having voted to invoke cloture, cloture was invoked.

Now, Mr. Holland took an appeal. Fortunately, the Senate upheld the appeal and refused to sustain the decision of the Chair.

Now, Mr. President, that could happen again at a future time with a Presiding Officer ruling that a majority could invoke cloture and, that, cloture being invoked, no appeal would be debatable under rule XXII. Any appeal from the ruling of the Chair could be tabled by majority vote, the Chair's ruling would have been sustained, and you would have it—majority cloture.

Now, it has been demonstrated time and time again here recently that there are more than 51 votes wanting a rules change, and the compromise that has been offered is a reasonable compromise. It is equitable, it is fair, it is balanced, and I say that the Senate had better think twice before it refuses to go in this direction.

I do not want majority cloture. I believe that if this compromise is adopted, this battle will not recur again 2 years from now and 2 years from then, and that we will not be faced again with majority cloture in the near future.

Mr. President, I do not object to the——

Mr. **CLARK**. Mr. President, I object.

The **PRESIDING OFFICER**. Objection is heard.

Mr. **ALLEN**. Mr. President, I yield 5 minutes—how much time does the Senator from Alabama have?

Mr. **ROBERT C. BYRD**. Would the Senator from Alabama allow me? The Senator from Louisiana had asked me to yield. Would the Senator, before he yields, allow me to yield to Senator LONG?

Mr. **ALLEN**. If the Senator from Mississippi has no objection.

Mr. **ROBERT C. BYRD**. Would the Senator from Mississippi——

The **PRESIDING OFFICER**. The Senator from Mississippi.

Mr. **STENNIS**. Let the Senator proceed first.

Mr. **LONG**. The point I wanted to make was merely that there have been Senators in this body who have sought to accommodate those with whom they could not agree, those who changed their votes in order to reconsider the vote by which the appeal from the ruling of the Vice President was laid on the table. They did so, not because they thought they were wrong. They did so, in my judgment, because they hoped that as men of good will they could help bring together a fair compromise.

I believe if no compromise can be worked up they will feel they must join with the majority they fought to begin with. The Senator from Louisiana is seeking to work for a compromise, a rule that hopefully the Senate would be willing to live with in the future.

Now, I am satisfied that when matters of this type reach this point, the losers will be those who place themselves in the position of being unreasonable, not willing to accommodate the majority, not willing to accommodate people who are sympathetic to what they are trying to do and who are trying to do that which men of good will would try to suggest to bring together contending forces and try to settle for something less than what many want, but which is the best mix of everybody's position that can be agreed upon and to let the Senate work its will. Those who project the image of being unreasonable at a point like this are going to lose.

What I fear is that they are going to lose the whole blamed thing and wind up losing, if not today, before this fight is over—and it may take 2 years before it is over with—but they will wind up losing the entire right of those in the minority to maintain their debate while they are in the minority long enough to convince a majority of their position.

That, I think, is what we ought to keep very much in mind in all this.

I will be very disappointed, Mr. President, if, having worked for a compromise, it fails to work out because I think what will result will be that the majority will feel that they have no choice but to forge ahead now or at some future point within 2 years and change the rule by a simple majority proceeding such as that which the Senator from West Virginia (Mr. ROBERT C. BYRD) referred to in his very logical speech.

When that happens, even though the rule may say we have 60 percent cloture, as a practical matter, under majority cloture they would have done something I hoped never would happen in the Senate, and something that we ought to seek to avoid. They have abolished something that should be preserved in the Senate, and that is a right of a minority to make itself heard and to become a majority by persuading people that there is a great deal to be said, even the right for them to prevail for awhile, perhaps a period of years, while the people of this Nation consider the contending arguments of both sides, in the last analysis, and make the decision, rather than somebody running roughshod over the other.

Mr. **ALLEN**. Mr. President I yield 4 minutes to the distinguished Senator from Mississippi.

Mr. **ROBERT C. BYRD**. Mr President, how much time do I have remaining?

The **PRESIDING OFFICER**. The Senator from West Virginia has 3 minutes.

Mr. **ROBERT C. BYRD**. I yield 2 minutes of the 3 to the Senator.

Mr. **STENNIS**. I thank the Senator, and if the Chair would call me at the end of 5 minutes, that would be only 1 minute from the Senator from West Virginia.

Now, Mr. President, as I understood the Senator from Louisiana, I do not disagree with him except in his one single point of the wisdom of yielding just because we are in an unhappy situation.

Mr. President, for just a minute or two may we have quiet?

The **PRESIDING OFFICER**. The Senate will be in order.

Mr. **STENNIS**. Mr. President, I have been told by men who were in his presence that when Woodrow Wilson, the former President, asked the Congress for a declaration of war against Germany in 1917, he said that he wanted his friends and associates to know that he knew, when he did that act, that our Nation would never be the same again. Using his words, regardless of what the parliamentary situation is, if this body ever goes to what we call a majority cloture, for whatever reason, the Senate will never be the same again.

Senate Resolution 4, however stated about three-fifths, is just another forward step in that direction of majority cloture, whatever you may say otherwise.

I believe the effective thing to do is to defeat this cloture motion and then keep on trying to defeat the proponents of the resolution, the Vice President, and anyone else who may be in the Chair.

I am inclined to believe if we vote now on Senate Resolution 4, even though amended, just because we are in a tight place, that is just adding fuel to the fire and we will be in a tight place again. I say that based upon my being here when we yielded from the motion to take up the bill to two-thirds, and finally to two-thirds of those present and voting. This is just another step.

Let us remember as we look down the vista of time the Senate will never have the distinctive feature again. It will never be a so-called deliberative body. It will never live up to that standard, even as much as it does now. We get credit now for being more of a deliberative body than we actually are, but this will be the turning point.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. I was yielded 4 minutes plus 1.

Mr. ROBERT C. BYRD. I yield whatever remaining time I may have, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi has 3 more minutes.

Mr. STENNIS. Let us not make any mistake about it. Everyone will soon find out that we are degrading and downgrading the position of this body. I tell you when the people finally realize that, when they have the chance to find it out—and they do not realize it as of this moment, though in my opinion they have been made to realize it in other cases—they will not like it. Many of them will raise up, in my opinion.

This is the body that takes the hacking, though sometimes it is just the majority; it takes the criticism; it takes the bludgeons of office in order to hold the line so that somewhere in the Government—somewhere—there will be someone who can stand up and cause the country to take a second thought.

There is no doubt in my mind that this rule XXII is what saved the Supreme Court from being packed in 1937. There could not have been a more momentous and far-reaching precedent set than that would have been.

Mr. President, I believe we ought to quit talking about what the situation is, what they may do on some other vote, and stop this where we are. One stroke of the pen by the Vice President has already struck away, held for naught, for nothing, almost 200 years of precedents that this body has abided by.

It certainly is time to stand up and say we will stop this thing right now, if we can, and then if there is another resolution to change the rules that is their prerogative

Mr. President, may we have a semblance of deliberation?

Mr. LONG. Will the Senator yield?

Mr. STENNIS. If I have any time I will be glad to yield.

Mr. LONG. When I first came here, debate could not be shut off with 99 votes. Does the Senator contend we made a mistake?

Mr. STENNIS. I said it was changed on us.

I have been here as long as the Senator has, and he has been a great warrior. He is now. I have no quarrel with him.

Mr. President, I thank the Senator.

Mr. ALLEN. I yield 2 minutes to the distinguished Senator from North Carolina.

Mr. MORGAN. Mr. President, I thank the distinguished Senator from Alabama.

I will say for the RECORD I would have hoped we could have agreed to the request of the distinguished Senator from Nebraska, for I had understood the proposed compromise to be just as he has stated. While I had not made any firm commitments to anyone, I think I had led the Senator from Louisiana to believe that if the compromise were agreed to, as I understood it to be, I would vote for cloture and for whatever parliamentary rules or proceedings would have been necessary to accomplish the compromise.

I believe the distinguished Senator from Alabama understood that I would, although I had not told him so.

I have discussed the matter this morning with the Senator from West Virginia.

Mr. President, I am afraid that if we proceed to the compromise without voting on the point of order of the distinguished Senator from Montana, we will have the three-fifths rule only by the sufference of the Vice President and the majority leader of the Senate, and that they can change it any time they want to.

I would simply say, Mr. President, to all of those I have discused it with that unless we do proceed to vote on the point of order of the Senator from Montana in an affirmative sort of way, I will vote for cloture and will not vote for the compromise.

Mr. ALLEN. Does the Senator mean against cloture?

Mr. MORGAN. Against cloture, that is right.

I think the mere fact that the Senator from Iowa has objected to the request of the Senator from Nebraska is a clear indication that the proponents of Senate Resolution 4 intend at a later date to use the ruling as a precedent to cut off debate by a majority.

For that reason, I want to make clear to those with whom I have talked as to my reasons for voting against cloture this afternoon unless the point of order is later voted on.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. How much time does the Senator from Alabama have?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. ALLEN. Mr. President, the precedent as to majority vote cutoff of debate has not been reversed, I say to the Members of the Senate. The last Mansfield point of order was never acted upon and died with the adjournment of the Senate on Monday, March 3, 1975. I have inserted the speech that I made yesterday in the RECORD. I do not want any Senator to act under any misapprehension of the facts. There has been no reversal of the precedent. The Senate, by its precedents, and by the action of the Vice President, has decided that a majority can cut off debate. That precedent has not been reversed. I am hopeful that those Senators who are opposed to majority cloture will vote against cloture when the roll is called in about 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time for debate be extended an additional 10 minutes, to be equally divided between Mr. ALLEN and myself.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Does the Senator wish the Senator from Alabama to retain the floor for 5 minutes?

Mr. ROBERT C. BYRD. Mr. President, I again say that Senators can argue these precedents any way they wish. They can place any interpretations on these recent precedents that they want to place. But at any time that 51 Members of the Senate are determined to change the rule and if they have a friendly Presiding Officer, and if the leadership of the Senate joins them—especially if it is the joint leadership—that rule will be changed, and Senators can be faced with majority cloture.

I again call attention to the position taken by the Vice President in 1969.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. I would particularly call this to the attention of my good friend, the very able Senator from North Carolina (Mr. MORGAN).

A vote to invoke cloture was taken. Fifty-one Senators voted "yea"—that was a majority. Forty-seven Senators voted "nay." The Vice President announced that the motion was agreed to, as follows:

> Under the provisions of Article I, Section 5 of the Constitution and those provisions of Senate rule XXII, and other rules not in conflict with this constitutional provision, the Chair announces that, 51 Senators having voted yea and 47 Senators having voted nay, cloture has been invoked on the motion to proceed to the consideration of Senate Resolution 11, and debate will proceed under the limitation of the provisions of rule XXII.

So the Chair ruled in that situation that cloture had been invoked by majority vote.

Mr. CURTIS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

Mr. CURTIS. Mr. President, I ask unanimous consent that before the vote is taken on cloture, the Mansfield point of order be submitted to the Senate, under a limitation of 10 minutes of debate, 5 minutes to a side, prior to proceeding with the cloture vote.

The PRESIDING OFFICER (Mr. GARY W. HART). Is there objection?

Mr. ROBERT C. BYRD. And that a vote then occur.

Mr. CURTIS. And that a vote then occur on the point of order.

Mr. CLARK. Mr. President, reserving the right to object, I ask the Senator from Nebraska if he will withhold that request for 3 or 4 minutes, until we have had an opportunity to confer with some other Senators. We have a 10-minute delay, have we not?

Mr. ROBERT C. BYRD. Yes.

Mr. CURTIS. I will agree that the Chair can delay in putting my unanimous-consent request.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time thus taken not come out of my 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I say again that the Chair in 1969 ruled on that particular occasion that a majority vote was sufficient to invoke cloture. An appeal was taken. The Chair put the question:

> Is the decision of the Chair to stand as the judgment of the Senate?

The Chair applied rule XXII in all respects except that part of the cloture rule that holds that an appeal is not debatable.

So in that instance, debate on an appeal was allowed. But the Chair could just as well have held otherwise. The Chair could also have arbitrarily applied that part of rule XXII; and in a future case, if an arbitrary Chair were to hold that appeals were not debatable, a motion to table could immediately be made, the appeal could be tabled by a majority vote, and the Chair would be sustained, and the Senate would have majority cloture. That can happen. It did not happen in the 1969 instance to which I have alluded, because the appeal was upheld. The Chair was not sustained in that instance. But the next time, we cannot be sure that an arbitrary ruling by the Chair will not be sustained in support of majority cloture.

If we adopt this compromise, however, I think it will constitute insurance that majority cloture will not occur. If the compromise is turned down, I am afraid that the Senate is going to continue this debilitating exercise until some kind of majority cloture, or, in any event, cloture to a lesser extent than a three-fifths constitutional majority, will become the rule.

Mr. MORGAN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. If I have any time remaining, I shall be glad to yield to the Senator.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. MORGAN. Is it not true that if we have an arbitrary Chair or Presiding Officer and a majority of the Members of the Senate vote with him, to uphold him, debate can be cut off, regardless of what rule we have?

Mr. ROBERT C. BYRD. The Senator is correct. But I think if the Senate will show in this instance that it is moving in good faith toward a moderate change in this rule—in view of the many serious questions that confront this country today, and on which action needs to be taken soon—the situation to which the Senator from North Carolina refers is not nearly as likely as it may be otherwise.

Mr. MORGAN. Mr. President, I would simply say that I think that most Presiding Officers would listen in good faith to any precedent that the Senate may determine. If we could today uphold the Senator from Montana's point of order, I think it would be persuasive on any succeeding Presiding Officer or even the present Presiding Officer.

Mr. ALLEN. Mr. President, how much time does the Senator from Alabama have?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield, without losing his right to the floor and without the time being charged against him.

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. Mr. President, I yield 1 minute to the Senator from Nebraska, so that he may repeat his unanimous-consent request.

Mr. CURTIS. Mr. President, I ask unanimous consent that prior to the vote on cloture there be a vote on the Mansfield point of order—I refer to the point of order pointed out by the distinguished Senator from Alabama as not having been voted upon; that it be a 10-minute limit on debate, 5 minutes on a side; that after the rollcall, we proceed with the cloture vote now under consideration.

Mr. ROBERT C. BYRD. And that no tabling motion be in order to the Mansfield point of order.

Mr. CURTIS. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. If the Mansfield point of order is not before the Senate and the motion as to which point of order was made is now dead, and the motion to proceed to the consideration of Senate Resolution 4 is dead, by the Senator from West Virginia adjourning the Senate on Monday, how are we going to vote on a point of order made as to something that is not existent? I have no objection to this charade, but of what effect would it be? A point of order as to what? Nothing is pending before the Senate. That is the trouble.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. ALLEN. I will yield in a moment. When this question should have been voted on was when the Senate reconsidered the tabling motion to the second Mansfield point of order, then refused to table that point of order, and they had no opportunity to vote on it, because the Senator from West Virginia adjourned the Senate. So that point of order is not before the Senate.

How are you going to breathe life into it, to make it worth anything as a precedent?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. The unanimous-consent request has just been agreed to, that the Senate will vote on that point of order. Does the Senator not want to vote on that point of order?

Mr. ALLEN. I want to vote on it. I want the point of order made to something that is alive. Will we also resurrect the motion to proceed to the consideration of Senate Resolution 4, and also resurrect the Mondale motion?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. The Senator has made much about the recent precedent in which the Senate did not proceed to vote on the Mansfield point of order.

Mr. ALLEN. That is right.

Mr. ROBERT C. BYRD. The Senator appears to be unwilling to let the Senate vote now on that point of order, because that would stand as a precedent.

Mr. ALLEN. No, the Senator draws the wrong conclusion from that. What the Senator from Alabama wants is also to revive here before the Senate matters as to which the point of order was made. They are not before the Senate. Let us also revive them and get us back in the same position we were in prior to the Senator from West Virginia adjourning the Senate and killing the point of order.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ALLEN. Yes. I want to vote on the question, but I want it to be meaningful.

Mr. ROBERT C. BYRD. The Senator wants to go all the way back to the Mondale motion?

Mr. ALLEN. That was what the point of order——

Mr. ROBERT C. BYRD. Which is debatable. And all the way back to the motion of the Senator from Alabama.

Mr. ALLEN. No, the Senator is wrong about that. What I mean is I want something to be there. If the Senator cares, what is the sense of it?

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. The Senate will be voting on the Mansfield point of order.

Mr. ALLEN. As to what?

Mr. ROBERT C. BYRD. For the sake of establishing a precedent that the Senator from Alabama wishes to have on the record.

Mr. ALLEN. Very well. Of course, the Senator knows it is just a charade and worth nothing except to get some Senators back in line that seem to be about to jump the traces.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ALLEN. Yes, I yield.

Mr. ROBERT C. BYRD. What happened yesterday morning? Was that a charade when the Senator offered to amend the Journal to include the prayer of St. Francis of Assisi, and when the Senator wanted to amend the Journal to include the Lord's Prayer? Was that a charade?

[Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. The Senator, as the Senator well knows, was using up the time to prevent the Senator from West Virginia getting his cloture motion.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. That was a charade?

Mr. ALLEN. If that is what the Senator says, it was a charade participated in by the Senator from West Virginia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. I ask for the yeas and nays on the Curtis motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on the Mansfield point of order.

Who yields time?

Mr. ALLEN. Mr. President, what Mansfield point of order? He has made several.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be equally divided between the Senator from Nebraska (Mr. Curtis) and the Senator from West Virginia, the assistant majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. CURTIS. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, the unanimous-consent request was made for the purpose of correcting a defect in the procedure as raised by the distinguished Senator from Alabama. Around this Chamber for several days, there has been talk of a compromise. I lent my support to that. I thought it was in two parts: One, that we correct the procedure which many of us objected to, and the quid pro quo was that we would then consider and, no doubt, it would be up to the individual Senator's decision, but accept a three-fifths constitutional majority.

The Senator from Alabama pointed out that we had not proceeded with all the steps in order to correct the procedural matters that had been raised by those rulings of the Chair and subsequent actions to which we objected. Therefore, I ask that we now vote on whether or not to sustain the Chair as to the Mansfield amendment. I think it is fully understood. I am ready to yield back the remainder of my time, or I will relinquish to anybody else who wishes to be heard.

Mr. ROBERT C. BYRD. Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 3 minutes.

A moment ago, I referred to the effort of the distinguished Senator from Alabama on yesterday to have the Lord's Prayer printed in the Journal as an amendment to the Journal. May I say, for the Record, that I moved to table the Senator's amendment. My purpose in moving to table that amendment was that the amendment itself was debatable. We were engaged at that time in a race against the clock, the hour of 2 o'clock yesterday being the cutoff point for resolutions coming over under the rule. So I think the explanation for my tabling motion should be in the Record.

Mr. President, I ask unanimous consent that the vote today on the Mansfield point of order appear in the permanent Record of Monday, March 3, following the vote against tabling the Mansfield point of order, and just prior to my offering the cloture motion on that date, so that in the permanent Record, the outcome of today's vote will appear as a part of the entire proceeding.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. ALLEN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Will the Senator from Nebraska yield me 1 minute?

Mr. CURTIS. I yield.

Mr. ALLEN. Would the Chair, for the information of the Senator, state what the Mansfield point of order is and as to what it is directed?

The PRESIDING OFFICER. The Mansfield point of order was directed against that part of the motion by the Senator from Minnesota that provided that the motion would not be debatable, subject to intervening motions, or amendment.

Mr. ALLEN. It was not directed against that part of the Mondale debate choke-off motion that said that a majority could cut off debate?

The PRESIDING OFFICER. It was directed against what the Chair just stated.

Mr. ALLEN. And not what the Senator from Alabama has just stated?

The PRESIDING OFFICER. And nothing else.

Mr. CRANSTON. Mr. President, on Monday last, I voted to reconsider my earlier position to table the Mansfield point of order and then I voted against tabling the Mansfield point of order.

Today I am voting to uphold the Mansfield point of order for the very same reasons I cited on Monday.

We have the opportunity to amend rule 22 if we can get the reasonable leadership compromise up for a vote. Upholding the Mansfield point of order only adds one tree to the jungle of precedents we reside in. But above and beyond that jungle stands the Constitution. And no precedent can reverse the fact that the Constitution supersedes the rules of the Senate—and that the constitutional right to make its rules cannot be challenged.

Mr. ROBERT C. BYRD. I yield back my time.

Mr. CURTIS. I yield back my time.

The PRESIDING OFFICER. The question is on the point of order. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. Hollings) is necessarily absent.

I also announce that the Senator from Arkansas (Mr. McClellan) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Taft) is absent due to illness.

I further announce that, if present and voting the Senator from Ohio (Mr. Taft) would vote "yea."

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—53

Abourezk
Allen
Baker
Bartlett
Beall
Bellmon
Biden
Brock
Buckley
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cranston
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Ford
Garn
Goldwater
Gravel
Griffin
Hansen
Hart, Gary W.
Helms
Hruska
Huddleston
Johnston
Laxalt
Long
Mansfield
McClure
McGee
Montoya
Morgan
Nunn
Pastore
Roth
Scott, William L.
Sparkman
Stennis
Stevens
Stone
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—43

Bayh
Bentsen
Brooke
Burdick
Case
Church
Clark
Culver
Eagleton
Glenn
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mathias
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Tunney
Williams

NOT VOTING—3

Hollings
McClellan
Taft

So Mr. Mansfield's point of order was sustained.

CLOTURE MOTION

The VICE PRESIDENT. The time for debate having expired, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of S. Res. 4, amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Robert C. Byrd, Jr., Jennings Randolph, Robert P. Griffin, John O. Pastore, Edmund S. Muskie, Charles McC. Mathias, Jacob K. Javits, Ted Stevens, Edward W. Brooke, Clifford P. Case, James B. Pearson, Gaylord Nelson, William D. Hathaway, Alan Cranston, Walter F. Mondale, Dick Clark, Warren G. Magnuson, Mike Mansfield.

ORDER VITIATING REQUIREMENT FOR A QUORUM UNDER RULE XXII

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the rule XXII requirement for a quorum be vitiated.

The VICE PRESIDENT. Without objection, it is so ordered.

VOTE

The VICE PRESIDENT. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of Senate Resolution 4, amending rule XXII of the Standing Rules of the Senate with respect to limitation of debate, shall be brought to a close.

The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CANNON (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from South Carolina (Mr. HOLLINGS). If he were present and voting, he would vote "nay." I have already voted "aye." I, therefore, withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, I, too, have a pair with the distinguished Senator from South Carolina (Mr. HOLLINGS). If he were present and voting, he would vote "nay." I have already voted "aye," and I, therefore, withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

I also announce that the Senator from Arkansas (Mr. MCCLELLAN) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The yeas and nays resulted—yeas 73, nays 21, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—73

Abourezk
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Tunney
Weicker
Williams
Young

NAYS—21

Allen
Baker
Bartlett
Bellmon
Brock
Buckley
Byrd,
  Harry F., Jr.
Eastland
Fannin
Fong
Goldwater
Hansen
Helms
McClure
Morgan
Scott,
  William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Cannon, for
Mansfield, for

NOT VOTING—3

Hollings
McClellan
Taft

The VICE PRESIDENT. On this vote the yeas are 73, the nays are 21. Two-thirds of the Senators present and voting having voted in the affirmative, the cloture motion is agreed to.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to consider the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The question is now on the motion to proceed to the consideration of Senate Resolution 4.

Mr. ALLEN. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. ALLEN. Mr. President, how much time does the Senator from Alabama have?

The VICE PRESIDENT. One hour.

Mr. ALLEN. Mr. President, I yield myself 30 minutes.

The VICE PRESIDENT. The Senator from Alabama has the floor. May we have order?

Mr. ALLEN. May we have order in the Senate and in the galleries?

The VICE PRESIDENT. The Senate will please be in order. The Senator from Alabama has the floor.

Mr. ALLEN. Mr. President, in the judgment of the Senator from Alabama this is a sad day in the history of the U.S. Senate. It is quite obvious that we are moving toward, and in fact have already reached, a point where we can do, and will cut off free debate in the U.S. Senate by a majority vote.

Whatever rights the minority in the Senate might have they hold merely through the sufferance of the majority.

This whole cloture vote exercise has been merely an effort to give legitimacy, or the stamp of legitimacy, to the original action of those gag rule Senators who sought, and, from a practical standpoint, succeeded, in cutting off debate by a majority vote. It was only when there was a rebellion here in the U.S. Senate against the tactics which were being used to ram this rules change through that the gag rule Senators backed off. They stepped out of the picture. They moved into the shadows, into the background, and turned this issue over to the joint leadership.

Mr. President, it reminds me of the time when you might be riding down a highway and see a little filling station or a cafe off on the side of the road, with a little hand-drawn sign which says "Under New Management."

Your immediate inclination is not to stop at that place because if they have to put up a sign saying that the place is under new management, chances are that the original management was not the type of management that you would like to have in an establishment that you might patronize. You have a little bit of suspicion about the new management as well.

Mr. President, the effort to ram Senate Resolution 4 through by cutting off debate by a majority vote, and the steamroller and strong-arm tactics that were used to ram that measure up to the point where it was almost on the verge of having debate cut off, became so distasteful in the eyes of the public that they backed off from it. They said, "No, we will agree on a compromise. We will agree on 60 to vote cloture instead of three-fifths of those Senators present."

Immediately, the sponsors of the gag-rule effort moved out of the picture and turned it over to the leadership.

Mr. President, the Senator from Alabama did not participate in this effort to compromise this matter. There can be no compromise with principle. If we first concede that we have to operate under the rules, then any effort outside of the rules to amend the rules should not be countenanced. If the rule book says that it takes two-thirds to cut off debate, then we should not give the stamp of approval to efforts cut off debate in a manner not provided by the rules.

Where do we stand from now on? We stand at the tender mercies—shall I say—of a ruthless majority.

That is just the purpose of a provision for a two-thirds vote of cutting off debate, that a minority might have protection against a ruthless and arrogant majority.

Mr. President, I pay tribute to the 20 other Senators who stood by their convictions on this matter. We soon will vote, I assume, to proceed to the consideration of Senate Resolution 4. I assume that they will allow an amendment, putting in the so-called compromise.

But the fact remains that this concession to the minority is just given at the sufferance of the majority. They just reached the conclusion that public opinion would not support this effort to amend the rules by a method not provided for in the rules. So they dropped that effort and said they were going to go the cloture route—that is, cut off debate by a two-thirds vote.

Mr. President, if they had gone the cloture route to start with, there is no chance whatsoever that cloture would have been invoked: because on the very first vote we had of any consequence, the vote was only 46 to 43 to cut off debate by a majority vote, and it would take only 34 votes to prevent the cutoff of debate.

Mr. President, the great English parliamentarian, Mr. Onslow, the ablest among the speakers of the House of Commons, had this to say about the rules of a parliamentary body:

> And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is, that there may be a unanimity of proceeding in business, not subject to the caprice of the speaker—

And, I might say parenthetically, the Presiding Officer of the Senate.

> or capriciousness of the members. It is very material that order, decency and regularity be preserved in a dignified public body.

Mr. President, if we had any assurance that there would be protection in this constitutional three-fifths, that might not be so bad.

The New York Times, as a matter of fact, denounces the gag rule Senators for agreeing to this compromise.

The trouble is that it is like cutting off a dog's tail an inch at a time. It is a constitutional three-fifths today, a majority of the Senate. At the next session—or tomorrow, for that matter—they could change this to a majority cloture.

Mr. President, there is not a thing in the world to prevent a resolution to cut off debate, not by 60 percent but by 40 percent. Make the motion, have a point of order made, have the Chair submit it, have the majority ram it through, and then you would cut off debate by 40 percent. Why have any provision at all to cut off debate?

We are operating merely at the sufferance of the majority, and we have seen that the majority can be pretty ruthless around here. When you couple that with a friendly Presiding Officer, what chance does that leave a Senator or Senators who wish to comply with the rules?

Mr. President, we went through a charade here in acting on a point of order that should have been acted upon on March 3. Of course, many of the gag rule Senators voted for that, knowing that it was worthless, knowing that if the Members of the Senate cave in to their requirements with a club over the head, they will have their way from now on. Personally, the Senator from Alabama would rather have stood by our guns, had the three-fifths of the Senators present authorized to cut off debate, than to have agreed on a halfway compromise that puts the stamp of legitimacy on this effort by gag rule Senators to go contrary to the rules and, by the strength of a majority, to ram through their requirements.

So the effect of this whole charade has been that this majority, with a favorable ruling from the President of the Senate, has voted to disregard the rules. Having proved that they could make this change with a majority vote, but seeing that it was just a little too raw for the public to take, they backed off on it and agreed on a so-called compromise.

Mr. President having, in effect, given the stamp of legitimacy to this effort by gag-rule Senators, we will be in a much more precarious position at the next Congress when an effort is made to change these rules again.

Mr. President, I stated that the New York Times spoke disapprovingly of this compromise. In effect, they said, "You have the battle won; you have rammed it through. Why did you give back part of your victory?"

Well, the New York Times believes in a little free speech, and they have columnists who do not necessarily agree with the editorial policy of the Times. On March 3 of this year, a very interesting article by Mr. William Safire appeared opposite the editorial page. It was entitled "Crushing Dissent in the Senate." That is what we are seeing—the crushing of dissent. You are a majority or you do not get in the game. If your opinion is contrary to that of the majority, your effort to state your views is going to be choked off. In a few days, the rule is going to be 60 percent to cut off debate, and then, the Senator from Alabama fears, 50 percent; and he has stated it is possible to go to 40 percent of Senators to cut off debate, if that matter is presented to the Senate by the Presiding Officer.

Let us see what Mr. Safire said:

> For two centuries, the Senate has helped make the Democratic experiment work by preventing the excesses of democracy. Time after time, lonely dissenters—right and wrong—have used the Senate's rules to delay, to restrain, to force some adjustment to minority demands. Ultimately, the theory went, the majority would rule, but not until the passions of the moment—or of the year—had passed.
>
> In the course of time, the Senate agreed to attune itself more closely to the popular will by permitting direct election of Senators by the people, and they agreed to limit debate by a two-thirds vote, treating the veto of a minority the same as a veto by the President.

So it is not so unusual to have a two-thirds vote to be the requirement for cutting off debate.

> All along, however, Senators remembered what a Senate was for, why it had been created in the first place: to protect the minority, to ensure deliberation, to make it impossible to crush dissent under the steamroller of democratic majority rule.

That is what we have seen here in the Senate. I add that parenthetically.

> With the majority steamroller piloted by Mr. Rockefeller, a member of the minority—Senator Long—senses defeat and is suggesting a milder formula for stopping dissent. He is wrong; once the gates are lowered, nothing he writes into his resolution is going to keep succeeding majorities from making it possible for a simple majority to cut off debate. And then you might as well not have a Senate at all.

So that is what we are faced with, Mr. President, the cutting off of the right of free debate in the U.S. Senate.

The U.S. Senate is the only parliamentary body in the world that has a provision that does give some measure of free discussion. This effort is making the Senate just another House of Representatives. I say that not by the way of disparagement, but by way of commenting on the fact that in the House, there is no way to have a full discussion of the issue; whereas here, in the Senate, there is an opportunity to discuss, to reason, to shape legislation, to slow down the steamroller, to say, "Stop, let us consider this legislation that is being proposed. Let us not ram it through."

I have not seen any matter that was subjected to free debate, the free offering of amendments, that has not emerged from the legislative process a better bill than the bill first offered.

Mr. President, the right of free debate in the Senate is a time-honored right. That right is being taken away, not just from Senators. Individual Senators are of little importance in this issue. Whether the Senator from Alabama is allowed to debate as long as he wants to is not important, but whether the right of the people to have their views expressed here, in the Senate, the right of the people of Alabama and the people of other States to have their views expressed here, on the floor of the Senate, without having a gag rule applied—that is important.

I am not worried whether the Senator from Alabama personally is allowed to speak. It is no great amount of pleasure to speak for extended periods on the Senate floor. But the right of the people to have their representatives speak is important. That is what we are in the process of killing in the Senate today.

Mr. President, I fear that I must comment on the procedure that has taken place to bring us to this unhappy result that is clear for all to see. Senate Resolution 4, setting the modification in the Senate rules from two-thirds requirement to invoke cloture down to a three-fifths requirement, three-fifths of those present, was introduced on the first day of the session. Then, on February 20, it was brought up and a resolution was offered by gag rule Senators. Then a motion made to proceed to the consideration of that resolution. Then a motion was filed saying that debate on the motion to proceed that had never even started, would be brought immediately to a close, that there be no amendment, that there be no intervening motion, that it not be amended.

A point of order was made by the distinguished Senator from Montana that that effort was outside the rules, as clearly it was, because it provided for a majority cutoff of debate, as distinguished from the two-thirds required by the rules. Without any opportunity to discuss the point of order, a motion was made to table the point of order. Then the Vice President stated this, or this in effect, that a constitutional question was involved about whether the Senate had the right to change its rules at the start of a session and that that right could not be cut off by debate and that a majority could cut off debate. Of course, the Constitution does not say that. It merely says that it takes a quorum to transact business and that both houses can make their own rules. But the Vice President stated that he was going to take this vote on the motion to table the point of order as being the Senates decision on whether this motion to proceed to immediate vote on the motion to proceed should be put without debate and without amendment. And without intervening motion. He said that either way they voted on the motion to table, he was going to regard their decision on the validity of the motion and of the provisions therein.

Here comes the strange part of his ruling. He said that if the Senate votes to table the point of order, he is going to regard these provisions of the motion that had not even been voted on as being binding on the Senate.

Now, how could there be such a ruling as that? He is going to put into effect a motion that is before the Senate and has never been acted on. He says, "If you table a point of order, I am going to treat as self-executing"—this is the effect of what he said—"I am going to consider as being self-executing these provisions of the motion saying there won't be any debate, there won't be any amendments, there won't be any motion." How in the world can we activate a motion until we act on it?

This is the strange ruling that we had.

So the Senate tabled the point of order, and the Vice President put that far-fetched, as we say down in my part of the country, construction on the action of the Senate.

So, Mr. President, ever since the ruling of the Vice President we have been fighting a rear-guard action to try to head off this steamroller, and it has been pretty hard to do. With a determined majority, determined to ram this measure through, with a Presiding Officer lending assistance to their efforts by his rulings, with the leadership of both parties at least favoring the compromise, it has been rather difficult to head off this effort. But the warning the Senator from Alabama wants to make is that this is not the last of the efforts to amend the Senate rules. We will never go back to the two-thirds; of course not. But there is danger of going to a majority for the debate cutoff. In fact, we have already reached that point; whatever the majority says, irrespective of the rules, is going to be put into effect.

The VICE PRESIDENT. The Senator from Alabama limited himself to one-half hour, which has expired. Does he care to take his other half hour at this time?

QUORUM CALL

Mr. ALLEN. No. In view of the absenteeism in the Chamber, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 15 Leg.]

Allen
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Hart, Gary W.
Helms
Leahy
Mansfield
McGee
Tower
Young

The PRESIDING OFFICER (Mr. TOWER). A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Abourezk
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Eastland
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Griffin
Hansen
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Long
Magnuson
Mathias
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams

The PRESIDING OFFICER. A quorum is present.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to consider the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ALLEN. Mr. President, let me first call for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. ALLEN. That being true, Mr. President, I have no recourse but to suggest the absence of a quorum; and as soon as a sufficient number of Senators come in, I will ask to call off the quorum call.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator will have ample opportunity to get the yeas and nays, I assure him.

Mr. ALLEN. I would like to have that understood, so that if the Senator from Alabama should step out of the Chamber, we will not have a quick voice vote.

Mr. ROBERT C. BYRD. I assure the Senator that if he does step out of the Chamber, we will not have a quick voice vote.

Mr. ALLEN. The Senator is not planning to step out of the Chamber. [Laughter.]

Mr. ROBERT C. BYRD. I assure the Senator that if something unforeseen should require his being called from the floor, he will not be caught with a voice vote.

Mr. ALLEN. Very well. Under those circumstances, I withhold the request for a quorum call.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER (Mr. BAKER). The Senator from North Carolina is recognized. How much time does the Senator yield himself

Mr. HELMS. As much time as I may require.

Mr. President, I ask unanimous consent that a member of my staff, Dr. James P. Lucier, be accorded the privilege of the floor during the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, perhaps the most unfortunate aspect of this latest assault on rule XXII is the fact that the American people, by and large, do not understand what they have at stake. The news media, for the most part, have attempted—perhaps successfully so—to portray what has been going on in the Senate for the past month as an idle exercise, indeed a waste of time. Mr. President, nothing could be further from the truth.

I say to the Presiding Officer and other Senators present that there never has been a filibuster against stopping forced busing of schoolchildren. There never has been a filibuster against a move by my liberal friends to balance the budget of the Federal Government. The truth is, of course, that our liberal friends rammed through the Senate their ideas about forced busing, and excessive Federal spending—and they did it even with the two-thirds requirement for cloture. How much more of this sort of thing will they ram through the Senate when they can gag the minority with a three-fifths vote?

Speaking of the Federal budget, one thinks immediately of the Federal debt, which is now in the neighborhood of a half trillion dollars. We have a proposal by the administration which is a considerably modest one by the big-spending standards of those who are trying to thrust a revision of rule XXII upon us. They consider it a modest deficit that the President of the United States is proposing—that is to say, a $52 billion deficit in 1 year's time.

I would say to the American people, if it were possible for this Senator to get their ear, that if they want sanity returned to their country, if they want to put an end to the profligacy of the Federal Government—the waste, the extravagance, the Federal controls about which they have complained to me so often and at such great length—then it is not the Senator from Alabama, nor the Senator from North Carolina, nor anybody else who opposes this latest assault on rule XXII, who has brought this kind of travail upon the people of America. That is precisely what this issue is all about. How much more travail can the American people endure?

Mr. President, this is a liberal versus a conservative matter. It cannot be cast in any other mold. Viewing it in that light, I think all of us had better take a look at what the American people think of their Government. When I say "Government," I mean all three branches—the executive, the legislative, and the judicial.

In a survey taken after the election of last year, 70 percent of the American people said, "I still favor a party system, I suppose." But 50 percent of the American people polled said they could not tell any difference in the parties. There was a dramatic increase in the alienation from the political system for the past 10 years reflected in this poll and in an earlier poll taken last year. For the first time, a majority of the American people thought that the average person does not have any say about what the Government does.

Mr. President, that poll was accurate. Debate does not seem to matter in the Senate. Look around. If you use both hands, you can count every Senator present in the Chamber at this time. We might as well seal these doors and fill this Chamber with water and make a swimming pool of it, so that visitors to Washington can at least have some recreation for their tax dollars [Laughter.]

If we are going to have two bodies of Congress operating under the same rules, then why have a Senate of the United States? Let us save the money, the money, the enormous amount of money, that it costs to operate the U.S. Senate. Let us go to a unicameral system. If all we are going to do is flood unwise legislation through the Senate—and that is what is going to happen; that is what is at stake in this matter, Mr. President—then let us not kid the American people any more. Let us tell them that the U.S. Senate is no longer a deliberative body, or a body of restraint and reason. Let us at least be honest with them.

Returning to the poll that I mentioned a moment ago, it showed that for the first time, the feeling that the people running the Government did not know what they were doing exactly equaled the feeling that they did. That aspect of the poll may have given us the better of it, Mr. President. [Laughter.]

For the first time, the feeling that quite a lot of people running the Government were crooked surpassed the feeling that not many were crooked, and the belief that a few big interests were running the Government went as high as 70 percent. In fact, nearly 60 percent of the sample thought that public officials did not care what the people thought and that the Government could not be trusted.

Yet the people, those who were surveyed in this poll, probably believe in large measure that, well, the Senate of the United States has been engaging in a sort of useless activity for the past month. But they do not understand the tyranny of the majority. I think it was Senator THURMOND, the distinguished Senator from South Carolina, who said on this floor just the other day that it was a majority who crucified Christ. We have seen an example here in the past week wherein all that was needed was a majority of Senators and a very complaisant Vice President of the United States. Frankly, this Senator felt that the referee was playing on the opposition team.

Mr. President, if democracy means anything at all in the purest sense, it means that the majority ought to have its way over the minority except—and we ought to draw a line under the word "except"—with conditions applied. No one committed to our republican form of government—and that is "republican" with a little "r"—no one committed to our republican form of government, least of all those who framed it, could disagree with this basic maxim. But here is where the "except" comes in.

The principle of majority rule, far from answering every question concerning what the Republican government ought to be like, itself poses some vexing ones. For example, what kind of majority should rule? Geographic? Economic? Ideological? Should one suppose there is, in our Nation, one majority on all issues and one minority on all issues, or that there are as many majorities and minorities as there are issues? Probably the latter, Mr. President.

Should the majority express itself through one or more institutions? Should the majority triumph in the same way, with the same ease on all issues?

No, Mr. President. Commonsense should tell us. That is what the Founding Fathers had in mind when they envisioned the Senate of the United States. My good friend and colleague from North Carolina (Mr. MORGAN), who is on the floor at this time, well knows that when the Senate was established by the Founding Fathers, there was no limitation of debate at all—for the very reason that I pointed out at the outset of my remarks. No, the existing two-thirds rule is a fairly recent development. Commonsense should tell us, Mr. President—commonsense—just as commonsense told the Founding Fathers that appropriate answers to these questions are not self-evident; that the majority must be counted in different ways for different purposes; and that one should be skeptical of doctrinaire positions.

Yet what do we have in the Senate today? I am not being personally critical of any Senator. I have my own moments of didacticism just like anybody else, far too many of them. But I have the uneasy feeling that too many people in leadership positions really do not care about how much of the taxpayers' money we spend or how much debt we run up, just so politicians can look to the next election instead of the next generation. And, really, Mr. President, that is what this rule XXII fight is all about—to give the minority, though we may be, a chance to say whoa. To give the minority in this Senate a chance to restrain the grasping hand of Federal bureaucracy, Federal controls and Federal spending.

Let us not kid ourselves. If the sponsors of this resolution felt that they had the votes to pass an absolute majority rule, they would go like Blalock's bull and pass it. But the fact is, Mr. President, that they do not yet have the votes.

Three Senators have come to me in the last 2 days and said, "I got hooked on a commitment on this thing, I have to go through with it. But you are right: Rule XXII should be left intact."

One Senator even went so far as to say, "I wish we could have a secret ballot on this question." Of course, we cannot.

The Founding Fathers' commonsense, Mr. President, their statesmanship, exercised with the kind of foresight and diligence and honesty that are so rare today, settled on a rather complex understanding of majoritarianism. The Founding Fathers said: The majority is going to express itself in many ways, not run roughshod over the minority. Through an elected President, one majority rules on all issues for 4 years. The people are represented in the House of Representatives where majorities and minorities form and dissolve on every issue. But the Founding Fathers provided, Mr. President, that the majority's face would be seen yet in another forum. The U.S. Senate, the Constitutional Convention decided, would speak for the majority of the people insofar as they were organized into States and—and I wish I could underscore the "and"—would do so in an especially reflective manner. Had the Founding Fathers understood majority rule naively, they would never have established the body where two-thirds of the Members represent but one-third of the Nation's population. They did it by design and by intent. The Senate was meant to be a peculiar body.

In the Federalist papers, James Madison was especially clear on this point. The Senate was not to duplicate the work of the House. It was not a smaller copy of the House of Representatives. It was not to give legislation a second look, but a more deliberative look—a much more deliberative look than one could expect that it would receive anywhere else. The Founding Fathers' understanding of majority rule required them to establish one body wherein majorities of the Members could be held in check, both by yesterday's majorities—for two-thirds of the Senate is always a continuing body—and by today's minority.

The men who established the custom of unlimited debate in the U.S. Senate had sat—where, Mr. President? The distinguished Senator from Tennessee (Mr. BAKER), who is now the occupant of the chair, knows that they sat in a Constitutional Convention, and therefore it was no historical accident that they allowed unlimited debate. And let me reemphasize, that was absolute unlimited debate from the beginning, and on up until 1917. They rendered a judgment on how representation of the majority might best be accomplished.

They said the presidency would provide for summary judgment by a majority, which remained fixed for 4 years, but could then change altogether. The House of Representatives, on the other hand, provided for the expeditious rule by a shifting majority.

But where, if not in the U.S. Senate, our Founding Fathers asked, could a minority on any given date require the majority to reconsider, and reconsider again and perhaps again, what the majority proposed to impose upon the people?

There are a lot of folks, a lot of citizens throughout this country, who wish that the majority had not prevailed, for example, on the issue of forced busing of schoolchildren. After all, it was by imposing the gag rule that this was brought about. And that was by two-thirds, Mr. President. That was not by three-fifths, it was two-thirds.

When we look at the way this Congress has led this Nation into deficit financing for a generation—only 4 or 5 years in most of my adult lifetime has the Federal Government operated on a balanced budget—when we look at this, maybe it would have been good for the American people if there had been totally unlimited debate, because there were men around who did not agree—and I am looking at the distinguished

Senator from Virginia (Mr. HARRY F. BYRD, JR.), whose illustrious father sat in this Chamber, and constantly warned about the consequences of deficit financing. On many occasions Senator Harry Byrd, Sr., in his time, as does HARRY BYRD, JR., today, warned that this irresponsibility was leading America into bankruptcy.

But even in the sole Chamber, the only Chamber where the minority once had the right to defend itself without limitation, a minority was found. What a serious thing it is to remove from a minority the filibuster, which is traditionally a minority's last retreat; the U.S. Senate, since 1917, has required a two-thirds vote. Prior to that time there was no way to end debate. But since 1917, two-thirds has been the margin—the margin which the Constitution requires for serious actions.

I wonder, Mr. President, how some can argue that ousting a minority from its last refuge is not a very serious matter. If the events of the past 2 years have taught us anything at all, it is that the Founding Fathers knew what they were doing when they fashioned this U.S. Senate. And it has been my feeling, as a matter of principle, that if we tamper further with the work of our Founding Fathers, we ought to be influenced by something more than our analysis of the last election and perhaps a slogan or so. Today as never before, in a system built on majority rule, no slogan is more dangerously antagonistic to the real cause of freedom, perhaps even survival, than absolute "majority rule."

That is why I have been proud to stand with the distinguished Senator from Alabama as best I could, and not because, really, Mr. President, I thought that we would win. Particularly was I certain that we would lose when I viewed the heavy-handed rulings by the Chair a few days ago. But it was at least a battle for a principle that this Senator from North Carolina thought ought to be waged, because I do not think the people of America comprehend what they have at stake in this matter. Mr. President, I sincerely believe that if they did comprehend it, there would be a rising up such as the Senate has seldom seen before on the part of the people.

I mentioned conservatives and liberals at the outset of my remarks. I must acknowledge that my side of this issue, the side which has opposed this rules change, that we did not do our homework. Common Cause was out there getting commitments last year, before and after the election. The labor union leaders were out there getting commitments before and after the election. They did their homework, and the truth of the matter is that our side did not do ours.

Mr. President, I do not have much more to say except, perhaps, in the form of a suggestion to those American people who might somehow, in some accidental fashion, discover what the Senator from North Carolina and others have been trying to say here this afternoon, and that suggestion is this: that they watch the Senate after this rule is changed if, indeed, it is changed. They should watch how much of the taxpayers' money flows through here, money belonging to the taxpayers; they should watch the imposition of even more Federal controls—and all of the other frustrations that might have been held up for further consideration had this rule not been changed.

This, whether the American people know it or not, is a perilous matter insofar as the things they are interested in are concerned. If the media want to perform a useful service for the people, the media should explain to them that forced busing, for example, was not favored by those who opposed this rule change; deficit financing is not favored by those who oppose this rule change; the imposition of Federal controls on the lives of the people is not favored by those who oppose this rule change.

We are talking about philosophy and, more important even than that, whether the people of the United States can hope to have any restraints placed on the flood of legislation that is certain to come before the Senate of the United States.

Mr. President, I reserve the remainder of my time.

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself such time as I may take.

Mr. President, I think it is a mistake for the Senate to change rule XXII. It has served the Senate for a long time.

Let me review the history. Rule XXII was enacted March 8, 1917. Until that time there was unlimited debate in the Senate, and no way in which a Senator could be prevented from speaking.

During the period near the beginning of World War I, it was the prevailing view of the Senate that that went too far and there should be some means by which debate in the Senate could be brought to a close.

The proposal which is now the rule of the Senate was presented to the Senate on March 8, 1917. It was presented by one of my predecessors, the late Senator Thomas S. Martin, of Charlottesville, Va., was the majority leader, the Democratic leader, of the Senate at that time. That proposal provided that at any time 16 Senators signed a petition requesting that debate be brought to a close, that 1 calendar day after that but one, a motion should be put before the Senate and a yea-and-nay vote obtained.

If two-thirds of the Senators present and voting supported a shutting off of debate, then debate would be brought to a close.

That rule seems to me to be a fair one, a reasonable one. It gives some protection to those who are in a minority. Over a period of time, Mr. President, every group at one time or another finds itself in a minority.

What we are doing today, if we go through with the proposal to change the rule, is to take away some reasonable protection for those who happen to be in a minority.

When rule XXII was enacted in 1917, the opposition to that change came from the leading liberal of his day, Senator Robert M. LaFollette, Sr., of Wisconsin. In expressing his opposition to the proposal which would permit two-thirds of the Senators to shut off debate, Senator LaFollette said this:

> I shall stand, while I am a Member of this body, against any cloture that denies free and unlimited debate.

So it was the great liberal Senator from Wisconsin who led the opposition to having any proposal to shut off debate. But the prevailing view was summed up perhaps best by Senator Norris, of Nebraska, where he said, and I quote his address to the Senate or a paragraph of it:

> I have always opposed any change to the rule which would give any majority, no matter how large, the right absolutely to close debate and permit no one to be heard further, because under that kind of a rule Members of the Senate could absolutely be precluded even from expressing an opinion on a pending measure. . . . But this rule, Mr. President, goes only to a reasonable extent. It requires, in the first place, a two-thirds vote to invoke the rule.

Then Senator Norris said:

> To my mind that is a reasonable proposition.

Senator Norris, like Senator LaFollette, was one of the leading liberals of his day.

When we begin to transgress the rules, as the Senate has done in the last week or 10 days, in order to force a rule change, the Senate is getting itself into a position where those who might be in a minority at a particular point will have no way to reasonably protect themselves and protect the people they are representing.

I do not see how the charge can reasonably, accurately, and logically be made that the two-thirds rule prevents the Senate from doing its business.

Just to cite the most recent history, just 3 months ago in December, cloture under the two-thirds rule was invoked three times. If my memory is correct, it was invoked three times in just 1 week.

Just within the last 10 days cloture has been invoked twice. It is not difficult to invoke cloture under the two-thirds rule. It is relatively easy to invoke cloture if the proposal under consideration has merit, and has behind it a substantial sentiment in the Senate.

Mr. President, I say again, I feel that the Senate has done and is doing itself a great disservice, and it is doing the people of our Nation a disservice in changing this rule.

More than the change of the rule, however, the greatest disservice has been done by the method which has been used to seek to change the rule.

Had it not been for what so many Members of the Senate regard as an unreasonable ruling by the Vice President of the United States, there is little likelihood that rule XXII would be changed.

To show the Senate how far afield the Vice President's ruling went, I want to quote from the RECORD of February 20, 1975. The speaker I will quote is the distinguished senior Senator from Minnesota (Mr. MONDALE). Mr. MONDALE and the distinguished Senator from Kansas (Mr. PEARSON) are the authors of the proposed rules change. They favor changing the rule.

But Senator MONDALE, whose motion

it was to change the rule, said on February 20, page 3844 of the Record:

> We are not asking the Senate today to rule on what rule XXII should be. After 5 weeks of the Senate's time, we are simply asking for a vote to bring Senate Resolution 4 before the Senate for consideration.

An then the Senator adds this significant paragraph:

> It will be available for amendment; it will be available for referral; it will be available for debate.

But the Vice President of the United States, Mr. Rockefeller, as the Presiding Officer of the Senate, handed down a rule with such a wide sweep that it prevented amendments; it prevented referrals; it prevented a motion making it debatable.

In effect, the Vice President's ruling implemented the Mondale motion even before it came to a vote.

Not even the author of the rule change asked for that. As a matter of fact, the author of the rule change assured the Senate, and I will read again his words on page 3844, that if his parliamentary motion were to prevail that Senate Resolution 4, namely, the resolution advocating a rule change, will be available for amendment; it will be available for referral; it will be available for debate.

The Vice President, Mr. Rockefeller, by a carefully prepared ruling, shut off debate and prevented amendments to the Mondale proposal. He carefully set the stage where a majority of one can silence all other Senators.

His ruling could radically change the Senate as a deliberative body.

Now, Mr. President, the die appears to be cast.

Those of us who are in the minority on this matter and those of us who feel that it is a mistake to change the rule have been beat down by brute force. One might say that we have been banged over the head by the gavel of the Vice President of the United States.

Now, the Vice President in handing down his ruling said that he was following precedent.

Well, I have consulted with the Parliamentarian and the only precedent that he followed was that of another Vice President, Hubert H. Humphrey, before he became Vice President, had spent 20 years in the Senate attempting to change this rule.

So, naturally, when Mr. Humphrey became Vice President and had the opportunity to rule, he ruled in such a way as to benefit his own cause. The Senate failed to support Vice President Humphrey's ruling.

So I submit that the current Vice President cannot properly or appropriately claim to have followed precedent; and if he did follow precedent it was a self-serving precedent by one who had spent a whole career in the Senate attempting to change this rule.

The Senate of the United States has been the one legislative body in the world where those who found themselves in the minority on a particular issue had a fighting chance to try to convince their colleagues that their colleagues were wrong. The Senate has been the one legislative body in the world where those who were in the minority had a fighting chance to convince the people of the Nation that the majority was wrong.

As the years go by, no doubt those who are in the majority today will, at times, find themselves in the minority. I hope they will be treated a bit better than many who today find themselves in the minority have been treated.

Be that as it may, the merits of the case, in my judgment, lie with retaining the current rule. I say again the facts show that rule XXII, permitting debate to be shut off by a two-thirds vote, is a reasonable one. I cite the fact that in the month of December, three cloture motions were approved shutting off debate, and within the past 10 days, including one today, two cloture motions have been approved shutting off debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAM L. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAM L. SCOTT. Mr. President, I want to associate myself with the remarks of my distinguished colleague, the senior Senator from Virginia. Certainly, I do not intend to take up the Senate's time further on this matter. I believe we have discussed the merits of preserving rule XXII. Frankly, I do not see any useful purpose that would be accomplished by prolonging the debate by each Senator who is in opposition to any change in the two-thirds rule taking the 1 hour of time that is allotted to him under the rule.

I merely want to reiterate by belief that we should retain rule XXII which would permit the imposition of cloture upon a motion being filed by 16 of the Members of the Senate, and then having two-thirds of the Senate vote to close debate.

To me, this means that we are a deliberative body; that we do fully consider the various sides of any given question that comes before the Senate. It means the preservation of the rights of the minority on any given issue—not just the rights of the Republican minority that exists at the present time, but the rights of the Democratic minority should that come into being some time in the future.

I believe it is in the interests of the country not to have any matter that is before the Senate be hurriedly passed. That does not mean that I feel we should have extended debate on every issue that comes before the Senate. In fact, I believe the Record will show there are very few instances in which cloture is imposed; very few issues in which there is extended debate.

I believe we do move programs through the Senate even with greater speed than the House of Representatives does where they have a 5-minute rule, generally, with regard to amendments on bills coming before them. They do not have the right to full discussion of the issues.

Mr. President, once again I would hope that the rules will not be changed, but if they are to be changed, if two-thirds of the Senate want the rules changed, then we must bow to the will of two-thirds of the Senate.

Mr. President, I yield to the distinguished Senator from Alabama.

(Mr. GARN assumed the chair at this point.)

Mr. ALLEN. Mr. President, I yield myself 15 minutes.

Mr. President, I am pleased that the cloture rule, rule XXII, does give a Senator the opportunity to speak. He is given a definite length of time and, I assume, is assured of recognition for the purpose of using 1 hour of time in debate. The Senator from Alabama has used, I believe, some 30 minutes of his hour.

Those of us who are opposing this rules change that is being rammed down the Senate's throat outside of the rule, have no disposition to prolong the debates. I would anticipate that within the next hour or two we will have a final vote.

Mr. President, I was asked a moment ago how long this new rule, this compromise rule, the 60-vote cloture, would remain as the rule of the Senate.

I said that in my judgment it would remain the rule until it started pinching those who do not want to see adequate consideration given to measures here in the U.S. Senate.

It will remain the rule only so long as no effort is made to deliberate on issues here in the Senate.

When the membership starts wanting to discuss an issue and when some 41 Senators ban together to see that an opportunity is given to each Senator to discuss an issue, then we will see the rules changed; because whatever rights the individual Members of the Senate now enjoy, or whatever rights the minority in the Senate enjoy, in connection with the exercise of free debate in the Senate is held merely at the sufferance of an arrogant and determined majority in the Senate.

As long as the minority Senators—I do not mean the minority party, but those of the minority philosophy—as long as we are good boys, as long as we do not presume to take the floor of the Senate and discuss issues, then this rule is going to remain the same. But when we start being naughty boys, when we start getting up and asking for recognition and seeking the opportunity to engage in free debate, then the screw is going to be twisted, and this rule is going to be changed.

So, Mr. President, in actual practice, from a standpoint of reality, what are we going to have in the Senate? We are going to have a monolithic 60. The Senate is going to consist of a monolithic 60—monolithic in philosophy, monolithic in determination, monolithic in dedication to ultraliberal philosophy—and the other 40 Senators might as well go on back to their respective States. In practice, instead of there being a 100-Member Senate, we are going to see a monolithic 60 calling all the shots, saying now far debate can go, saying what matters can be considered in the Senate, saying what issues will be allowed to be discussed, saying what programs will be put through. That monolithic 60 is going to be the U.S. Senate.

This is a pretty sad situation, that 40 Senators, representing 20 States—or various combinations, depending on whether there is a split delegation—will not have any opportunity to express the will of the people they represent, because this monolithic 60 is going to call all the shots.

Mr. President, I was asked the other day why Vice President ROCKEFELLER rammed this issue through the Senate. The only answer, as the Senator from Alabama sees it, is that it was a political decision. It was an effort to establish his ultraliberal credentials, in answer to the false charge that has been made about him in supposedly moving to the right in his political philosophy. So his action in this matter reassured the ultraliberals that he is one of them; he is one of the boys: "Forget all this stuff about my having moved toward a conservative position. That is not true. By my actions in this matter, by my joining in ramming this illegitimate move through the Senate, I'm proving my ultraliberal credentials." That is what we had to face, Mr. President.

I am aware of the old saying that one picture equals a thousand words, and action in the Senate sometimes gets down to areas outside this metropolitan area. On February 28, a cartoon appeared in the Birmingham News that pretty well describes what happened in the Senate. Since I will not be able to put the cartoon in the RECORD, I am going to describe the cartoon for the RECORD.

It show the Vice President presiding over the Senate. He has a great, big gavel, the mallet of which is about a foot long, and protruding from one end of the gavel is a long spike, and he is wielding that. There is a big sign in back of the Presiding Officer's chair which says, "Let's hear it for the antifilibuster side."

Another sign, pointing to the gavel, says, "Conservatives, keep quiet or you'll get this gavel on your head." Another sign says, "Go, Senator MONDALE." Another sign, on the rostrum itself, says "OK, fellow liberals, let's get ALLEN and that blankety-blank filibuster." The caption of the cartoon, coming from some unidentified Senator, says, "Mr. Vice President, I don't believe you quite got the idea of presiding."

I believe the Vice President did have the idea of presiding, according to his own rule; but he did throw the rule book out the window when he mounted the rostrum on February 20. So we have been operating against that action ever since.

Mr. President, they talk about a need to change the rule that calls for a two-thirds majority to cut off debate. Yet, the cloture motion on this very issue carried by a vote of 73 to 21—many, many votes beyond the two-thirds required. So what is the great need for changing the rule?

Another point that the Senator from Alabama would like to point out: What we will be called upon to vote on in a very short while is a motion to proceed to the consideration of Senate Resolution 4, and that is a resolution that has been thoroughly discredited because of the effort to bring it to a vote by a majority vote.

For the last few days, they have been seeking to abandon that resolution because of the bad odor that has been attached to it by the methods that have been employed to get it to a vote, and they have been trying to put in a so-called compromise resolution. But this motion to proceed has reference not to the compromise issue, not the compromise resolution, but to Senate Resolution 4. That speaks of three-fifths of the Senators voting as the requirement for cutting off debate. We might assume that they would accept an amendment putting in a compromise. I trust that that is true. I have not had any negotiations or any connection whatsoever with any compromise talks.

I do not know what agreement was made in this connection, but the truth of the matter is we are not moving toward requiring a vote on the compromise. What we are moving toward is bringing up Senate Resolution 4, which does not have any compromise language in it. Mr. President, I hope that Members will consider that.

Mr. President, what we have had an illustration of in this whole matter is the principle that a majority, a simple majority in the Senate, 51 Senators, aided by a Presiding Officer who has cooperated with them, can go contrary to the Senate rules and change the Senate rules just by the philosophy that might makes right.

The distinguished Senator from Montana (Mr. MANSFIELD) renounced this effort on February 20 when he said that there might be some who feel that a desirable end justifies any means whatsoever. He said:

> I do not buy that philosophy; I do not feel that it is proper to employ unworthy means to gain a desirable end.

So. Mr. President, assuming that the change to three-fifths, constitutional or present and voting, is a desirable end—and I dispute that fact—is it right and is it proper to resort to the unauthorized majority cutoff of debate? I say that it is not. Mr. President, if they can cut it down to 60, they can cut it to 50 or 51. If they can cut it to 50 or 51, if they so desire, they can cut it to 40 that it takes to cut off debate. So, Mr. President, I am hopeful that the Senate will not vote to proceed to Senate Resolution No. 4. As a matter of fact, I should a lot rather that we would proceed to the resolution of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), Senate Resolution 93, I believe, that does at least have the compromise.

I do not favor the compromise. I would rather go down fighting for a principle than to have agreed on some half-way measure that is not worth anything. Just as quickly as these same Senators decide that maybe they are not able to ram through the legislation they want because they can get but 58 to cut off debate, then we are going to see a movement to reduce the number required to cut off debate.

Mr. President, if we carry on along this line, free debate is ended in the Senate. The U.S. Senate as a deliberative body is going to be no more and we are going to have a great—I almost said "faceless"—monolithic 60 Senators calling the shots. But there will be some identifiable faces in that 60. There will be about five or six or seven identifiable faces.

We will have the Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE), and Mr. MCGOVERN from South Dakota. We will have Mr. JAVITS from New York. We will have Mr. PERCY from Illinois, and two or three other identifiable faces. The other 50 or 52 or 53 are going to be, their faces are going to be lost in this monolithic mass.

Mr. President, I feel that the Senate can best serve its function as being a deliberative body not by having a Senate consisting of 60 Senators, but by having 100 individual and individualistic Senators who can contribute to the discussion, who can contribute to the shaping of legislation, and not have a few faces leading this monolithic 60 and thereby controlling the entire Senate.

Mr. President, I am hoping that we will not turn our backs on precedent, that we will not knuckle under to a compromise forced by the club of might.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. ALLEN. I yield myself an additional 2 minutes.

This is a compromise agreed to under the gun, a compromise dictated by Senators with the backing of a ruthless majority, with a club over the head of the Senate, by saying that we have a clear majority, we have a Presiding Officer that is helping us ram this through.

What chance do we have? So a large number of Senators did knuckle under to this threat. I am sorry that that is the case. I respect their reason for doing so, but I would have hoped that they would have stood fast and either won fairly and squarely on the basis of what is right, or have gone down fighting.

Mr. President, I reserve the remainder of my time.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I am going to say but a few words on this subject. My views are well known. I simply state that up until 1917, any Senator could speak as long as he pleased and there was no way to stop debate. In 1917, rule XXII was passed, and since that time, it has taken two-thirds of the Senate to shut off debate.

This rule continued until a few years ago, when the rule was modified further to provide that two-thirds of those present and voting could stop debate; and that is the rule under which we operate today.

Mr. President, I predict that if this proposed rule change which is being suggested passes, to shut off debate with a constitutional three-fifths, it will not be more than a few more years until it will be modified further to provide for three-fifths of those present and voting to shut off debate. If that happens, the next movement will be to shut off debate by a mere majority, and when that day comes, of course, the Senate will no longer be a deliberative body. In fact, when we pass this resolution, if we do, to shut off debate with a constitutional three-fifths, it nullifies to a great extent the Senate as a deliberative body. And certainly when we change the rule again, as we probably will do, to three-fifths of those present and voting to shut off debate, the Senate will practically cease to be a deliberative body.

Mr. President, I think it is important for the Senate to be a deliberative body. There are many matters affecting the States, the Nation, and the world which require extended debate. There are many matters about which the people of the country, who are busy making their livings, working at their jobs, and who do not have the time for deliberation or debate, as we do, will not be informed without extended debate to focus attention on an issue.

So it is important that we allow debating in this body. The House of Representatives can cut off debate. The Members speak for a few minutes, and many times they do not have the opportunity to present the great issues before the people of the Nation. This body has prided itself on what was called unlimited debate. It was not totally unlimited, but there was a broad field for debate, requiring a two-thirds vote to shut off debate.

Later when two-thirds of those present and voting could shut off debate, it was still called unlimited debate.

But when we begin to narrow the debate, and to chip away, as has been done, and then to chip away again, the privilege of unlimited debate; the people of this country will begin to suffer, and I believe it is not in the best interest of our Nation that we limit debate. I am truly concerned, when we try to make this body just another body like the House of Representatives. The House is important; it has functions to perform, but why have the Senate? Why have a debating organization, if a mere majority, or even if three-fifths of those present and voting, can cut off debate? And that is what it will come to sooner or later, I am afraid.

Mr. President, this matter has been debated here for some time, and I commend all those who have taken an active part in the debate. I especially commend the able and distinguished Senator from Alabama. No one since I have been in the Senate, in my judgment, has shown more dedication and loyalty to principles than the able and distinguished Senator from Alabama. No one, since I have been in the Senate, has shown a finer knowledge of the rules than the able and distinguished Senator from Alabama.

I ask unanimous consent to have printed in the RECORD following these remarks two articles concerning Senator ALLEN which were published in the Washington Post. The first article was published on April 12, 1974, written by George F. Will, is entitled "The Filibuster: Shield for Minorities," and the second, written by Spencer Rich, was published on July 1, 1974, and entitled "Allen, a Master of New-Style Filibuster."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. THURMOND. Mr. President, the distinguished Senator from Alabama has done his best to enlighten the Senate on this question, and I only wish that Senators could have been here throughout the debate and heard what the Senator had to say. I only wish that the Senators would read the debate on this important subject; but they have not been here in great numbers, and I am afraid they have not had the opportunity to read the full debate on this subject. As a consequence I fear as to how the vote will go.

But in any event, I do want to highly commend the able Senator from Alabama for the great fight he has made on this and many other important matters which vitally affect our Nation.

EXHIBIT 1

THE FILIBUSTER: SHIELD FOR MINORITIES

(By George F. Will)

James Allen of Alabama is an unlikely man to be the Senate's most gifted practitioner of the noble art of using a filibuster to block Senate action.

His is not the medieval fervor of an emotional soul, and his forte is not flashing badinage or the deftly aimed mot juste. Nothing—not badinage, not mots, juste or otherwise—flashes from Allen, whose demeanor at all times is that of a man who has been prematurely aroused from a summer snooze to which he hopes to return soon.

But he actually is about as sleepy as a well-rested fox. In fact, he is like a lot of those wily men the South has been sending North ever since it lost the Civil War and began exercising a disproportionate influence in Congress.

In recent weeks, as he did last December, Allen filibustered to block a vote on a bill that would provide public financing of presidential and congressional campaigns. Some editorialists and columnists and other low forms of pond life have called Allen obstinate, meaning that he finds resistable their advocacy of a position inconsistent with his.

But Allen can be gloriously, usefully obstinate without violating the letter—or the spirit—of the Senate rules.

Unlike many of his colleagues he had the good fortune to have humble political beginnings as a state legislator. The Alabama legislature's rules, like those of the Senate, are based on Jefferson's manual of parliamentary practice.

Jefferson wrote the manual during his tenure as Vice President and President of the Senate (1797–1701). Never since has a Vice President used his copious spare time as fruitfully.

Jefferson noted that while "it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves" are "the forms and rules of proceeding" which help a minority check the majority's "wantonness of power." The filibuster, permitted by Senate rules, is a shield for minorities.

Pure democratic theory demands the political equality of all individuals. But prudent men, like Jefferson, try to accommodate this fact: not all individuals feel equally intensely about all issues. So our system has provisions to diminish the number of occasions when intense minorities will be intensely frustrated by casual majorities.

For example, "special majorities" are required before certain things can be done. It takes two-thirds of both houses of Congress to propose an amendment to the Constitution, and three-quarters of the states must ratify an amendment. And the most important (because the one most central to the regular business of government) "special majority" provision is Senate Rule XXII. This requires a vote of two-thirds of the Senate to shut off debate on a particular matter and bring it to a vote.

Filibusters are the traditional means by which intense Senate minorities make it hard for majorities to get their way. But today's filibusters have a new look. Gone are the days when Sen. Strom Thurmond (then a Democrat) held the floor to pour forth 24 hours and 18 minutes of uninterrupted rhetoric—a record.

For such talk-a-thon filibusters a senator needed the intrepidity of a Spartan at Thermoylae and kidneys of cast iron. But today filibusters involve little talk, other than a senator saying "no" at the right times.

The Senate runs, when it runs, with the unanimous consent of its members. If a single senator present in the chamber refuses to consent to a request to set a time to vote on a bill, no vote occurs. Technically, the debate on the bill continues.

Usually the Senate goes on to other matters, and the filibustering senator must stay near the floor so he can jump up and object if anyone tries to get a "unanimous consent agreement" to vote on the bill he wants to bloc.

Eventually, if the majority favoring the bill is large enough to muster two-thirds of the Senate, and if it is so intensely in favor of the bill that it is willing to violate the Senate's proud tradition of unlimited debate, it votes to shut off the filibuster. That is what happened to Allen.

But Allen, with his filibuster, asserted a principle, the Jeffersonian principle that intense minorities should not be ridden over by slender or lukewarm majorities.

EXHIBIT 2

ALABAMA SENATOR "SWALLOWED THE RULE BOOK"—ALLEN A MASTER OF NEW-STYLE FILIBUSTER

(By Spencer Rich)

In the past seven months, soft-spoken Alabama Democrat James B. Allen has administered two terrific legislative beatings to Sen. Edward M. Kennedy (D-Mass.) and Senate liberals, and has emerged as a master practitioner of the "new style" Senate filibuster.

In December, Allen led a filibuster to block Kennedy from attaching a public campaign financing bill to a routine measure extending the federal debt limit. Last week, using the same techniques, he choked off a Kennedy move to use another debt-ceiling extension bill as a vehicle for tax reform and tax cuts.

To be sure, Allen had warm support from the White House and from Senate conservatives. But he exhibited an extensive knowledge of the Senate rules, an admirable tactical sense, and the patience and endurance needed to stay on the floor all day long for nearly two weeks and make certain his opponents didn't grab a procedural advantage.

Here since 1969, Allen, 61, is a deep-eyed conservative, a staunch foe of school busing who has gradually taken over leadership of the anti-busing forces in the Senate, and a political ally of Gov. George C. Wallace, under whom he served as lieutenant governor. He is quiet, slow-talking, courteous and sometimes witty in a sly country way.

Allen knows very well how to use the filibuster, even though the techniques has radically altered in recent years.

In the old days, before Mike Mansfield (D-Mont.) became Senate Majority Leader when Lyndon B. Johnson moved to the vice presidency, there was a giant Southern conservative bloc united against civil rights legislation. A filibuster meant getting the floor and holding it and being prepared to speak all night if your opponents attempted to wear you down by forcing round-the-clock sessions.

One of the last such marathons was in August 1957, when Strom Thurmond held the floor for 24 hours and 18 minutes against a civil rights measure.

Thurmond's feat, made possible by the fact that the South Carolina senator (he was then a Democrat, but has since switched to the Republicans) is a physical fitness enthusiast, is unlikely to be matched again.

Mansfield has changed the whole technique by refusing to schedule round-the-clock sessions. He thinks they are ridiculous, endanger the health of older senators, and actually help the filibusterers rather than those who want to shut them off.

"What you wear down is not the filibusterers but the moderates. And too many people were coming in here to all-night sessions in bedroom slippers," Mansfield said.

He explained that to keep holding the floor, the filibuster team needed only shifts of three or four members on the floor for several hours at a time.

The anti-filibusterers, in contrast, needed many more people constantly ready to ward off a surprise attempt to kill or further entangle the legislation the filibusterers didn't want.

So now, instead of the picturesque but fruitless all-night sessions, the Senate uses a much more polite and less exhausting procedure. Things are done by signals, and if the filibusterer happens to be off the floor, he is sometimes notified to come back if he wishes to object to an opponent's attempt to move the business forward.

"Yes, I always make it my business to inform the opposition leader. In the long run it pays off," Mansfield said. Eventually it comes down to whether the proponents have the two-thirds vote needed to break the filibuster. "We get the job done," said Mansfield, "sooner or later we get a cloture vote."

Under the new-style filibuster, a senator doesn't actually have to talk and hold the floor for 20 or more hours. He and one or two of his allies simply have to be on hand to signal that they will seek to talk and will object if anyone tries to get a vote on the proposition they are opposing.

For this reason, a debate-limiting cloture petition is sometimes filed before an hour's debate. A senator makes known that he is going to filibuster, but without actually dragging "Gone With The Wind," a Bible and a sack of nourishing candy bars out to the floor.

His opponents then give him credit for having done what he has only signaled he intends to do, and they file cloture immediately. This happened in last week's debate, when a tax-reform amendment was introduced by Sen. Hubert H. Humphrey (D-Minn.) and a cloture petition was filed at once by Mansfield, without a single word of debate or even an explanation of the amendment.

Mansfield, Kennedy and Humphrey knew opponents would block a vote, so they moved immediately to shortcut the verbal barrage and got a test of cloture. (Two days later the cloture move failed by 18 votes, ending the tax fight and giving Allen his big victory.)

Filibusters have always worked best at the end of a session or when the Senate is up against some other deadline, such as a need to pass an urgent bill by a certain date, a need for an election break or simply a scheduled start of a vacation.

This is because some senators, regarding the right of unlimited debate as a protection for small states and minorities, will normally vote against cloture at first even if they are for the bill. That's why it often takes two or three attempts before the needed two-thirds is obtained. So the less time left, the easier it is for filibusters to ward off cloture.

This has become even more true with the erosion of the Southern Democratic bloc over the years. Once it was big and powerful, with 30 or more Senators who could be absolutely relied on to vote conservative. Today many of the Southerners are moderates or are even strongly in favor of civil rights.

Men like Lloyd M. Bentsen Jr. (D-Tex.), Marlow W. Cook (R-Ky.), Walter Huddleston (D-Ky.), and Henry L. Bellmon (R-Okla.) simply don't vote and think the same way as the old-line Southern conservatives of the 1930s and 1940s.

As a result, Southerners normally can't hope to sustain a long filibuster in the middle of a session or when no vacation is in sight.

Kennedy, stung by the tax bill beating, said the Senate, instead of deciding issues by a majority as would be proper, "is turning into rule by two-thirds. This tax bill is the classic example. We got it on campaign financing and we're going to get it on consumer protection. Unless you have two-thirds, on an issue that really reaches at the important power bases of this country, you can't get a vote." He called this a serious distortion of the legislative process.

Mansfield, who doesn't like filibusters, said he believed (as did Kennedy) that the two-thirds rule should be reduced to three-fifths. But he added "the liberals and moderates have come to the conclusion that they can use" filibusters, too—as they did to kill the supersonic transport and to block anti-busing legislation two years ago.

Allen rejected the notion that he is trying to convert the Senate from a place where a majority makes the decisions to a place where you must have a two-thirds majority, allowing the tyranny of the one-third minority.

He said that in recent years many liberals have concluded that the filibuster was a protection for them as well as for conservative. Sens. Frank Church (D-Idaho) and Alan Cranston (C-Calif.), for example, after first favoring filibuster reform said they had changed their minds.

With the new style filibuster and the willingness of many liberals to accept the filibuster as a useful if sometimes vexing parliamentary device, it doesn't appear that Strom Thurmond's 24-hour and 18-minute record will ever be broken.

Still, you can't tell. Until Thurmond's epic 1957 all-night speech, the champion talker was Sen. Wayne Morse of Oregon, who spoke 22 hours and 26 minutes in 1953 against the tidelands oil bill. Morse's lungs are still good. And he is running for election again.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. GARN). The Chair, on behalf of the Vice President, pursuant to Public Law 85–474, appoints the following Senators to attend the Interparliamentary Union Meeting, to be held in Sri Lanka, March 31–April 5, 1975: The Senator from New Jersey (Mr. WILLIAMS), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Indiana (Mr. BAYH), and the Senator from Vermont (Mr. STAFFORD).

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to consider the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ALLEN. Mr. President, I yield myself such time as I may use.

I wish to express my very deep and sincere appreciation to the distinguished senior Senator from South Carolina (Mr. THURMOND) for the very fine and highly complimentary remarks that he has made about the junior Senator from Alabama.

I wish to commend him for his great stands for principle in this body, and to salute him as the holder of the record for length of debate here in the U.S. Senate—more than 25 hours on one occasion, as he made a great stand for principle.

I might state that any efforts that I have made to seek to have the Senate act on this matter according to the rules has been inspired in very large part by the great record through the years of the distinguished Senator from South Carolina (Mr. THURMOND), who enjoys my high esteem and admiration.

Mr. THURMOND. Mr. President, I thank the able Senator from Alabama for his kind remarks.

NOMINATION OF CARLA ANDERSON HILLS

Mr. ROBERT C. BYRD. I yield myself 1 minute.

Mr. President, I ask unanimous consent, as in executive session, that at such time as the nomination of Carla Anderson Hills to be Secretary of Housing and Urban Development becomes the pending business before the Senate, there be a time limitation of 1 hour on the nomination, the time to be equally divided between and controlled by the Senator from Texas (Mr. TOWER) and the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to consider the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the consideration of Senate Resolution 4.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator may speak on a nongermane matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REPRESENTATIVE THOMAS N. DOWNING OF VIRGINIA

Mr. HARRY F. BYRD, JR. Mr President, I want to pay tribute today to a colleague in the House of Representatives, Representative THOMAS N. DOWNING of the First Congressional District of Virginia.

Each year the Non-Commissioned Officers Association presents the L. Mendel Rivers award for legislative action to a deserving Member of Congress. Last year's recipient was Representative F. EDWARD HÉBERT of Louisiana, at that time chairman of the Armed Service Committee of the House of Representatives.

I am pleased that Representative DOWNING's efforts on behalf of national defense, on behalf of our armed services, and on behalf of the men and women serving in our Armed Forces have been recognized.

Representative DOWNING is a graduate of the Virginia Military Institute; a Silver Star veteran of World War II where he commanded troops in General George S. Patton's 3d Army.

He ably and actively represents the people of the First Congressional District of Virginia. He represents them with dedication and with ability, and I am proud of my long friendship with him.

I am pleased today to invite the attention of the Senate to this deserved honor which has come to Representative DOWNING.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to consider the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ALLEN. Mr. President, how much time remains to the Senator from Alabama?

The PRESIDING OFFICER. The Senator from Alabama has 12 minutes remaining.

Mr. ALLEN. Mr. President, I yield myself such time as I may use, and I would like to use a portion of the time in asking a question or two of the distinguished assistant majority leader with respect to Senate Resolution 4, and also his amendment to Senate Resolution 4 embodying the provisions of Senate Resolution 93.

I would like to ask the distinguished assistant majority leader if it is going to be his purpose, when Senate Resolution 4 is brought before the Senate, as I feel confident it will in a very few minutes, and he will offer as a substitute for Senate Resolution 4 his Resolution 93 as an amendment to Senate Resolution 4, and if his amendment would provide for the cutting off of debate under the cloture provisions of rule XXII by a vote of 60 percent of all those elected and sworn into the Senate, and that a two-thirds vote of those present and voting be required for the rules change; is that correct?

Mr. ROBERT C. BYRD. The answer is yes.

Mr. ALLEN. That will be offered, and while the Senator from Alabama has had no part in the negotiations leading to the so-called compromise, is this, in fact, the compromise that has been agreed to by certain Members here in the Senate, estimated as being more than a majority?

Mr. ROBERT C. BYRD. It is.

Mr. ALLEN. That being the case, the Senator from Alabama would say that while he would oppose Senate Resolution 93 as a separate amendment to the rules, inasmuch as it does water down somewhat the thrust of Senate Resolution 4, the Senator from Alabama would be glad to support Resolution 93 as an amendment to Senate Resolution 4 with, of course, the opportunity of offering strengthening amendments to the substitute to be offered by the Senator from West Virginia.

Would the Senator advise us as to when it would be his purpose to offer the amendment? Would it be early in the game so that we might offer amendments to it?

Mr. ROBERT C. BYRD. Mr. President, I seek the floor in my own right.

Mr. ALLEN. Very well. I reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, when the Senate votes later today to adopt the motion to proceed to the consideration of Senate Resolution 4, I will present the substitute amendment—which has been referred to as Senate Resolution 93—and ask that the substitute amendment appropriately qualify under the reading requirements. I shall then offer a cloture motion.

Mr. ALLEN. Mr. President, will the Senator yield for further questioning?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Might it be that the Senator would offer this as an amendment and that it might be accepted as the original text with leave to amend?

Mr. ROBERT C. BYRD. That very well may be the case.

The PRESIDING OFFICER. The Chair points out to the Senator from Alabama and the Senator from West Virginia that Senators do not have to yield time; they are in cloture time, and they may seek the floor in their own right.

Mr. ALLEN. I was not aware that we were under that rule, but I will follow what the Presiding Officer says.

Mr. ROBERT C. BYRD. I will yield the floor.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second asistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS AND FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, after the two leaders or their designees have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Messrs. GARN, THURMOND, FANNIN, LAXALT, HANSEN, MCCLURE, BUCKLEY, HELMS, SCHWEIKER, and FORD; and that there then be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 1975

APPOINTMENT OF CONFEREES

Mr. INOUYE. Mr. President, on Friday, February 28, 1975, the Senate passed House Joint Resolution 219, a joint resolution making further continuing appropriations for fiscal year 1975, with two amendments proposed by the Senate Appropriations Committee.

At that time, since it was unclear as to whether a conference would be necessary, one was not requested and conferees were not appointed.

It now appears that a conference is indicated. Therefore, Mr. President, I move that the Senate insist on its amendments, and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. INOUYE, Mr. Magnuson, Mr. McGee, Mr. Proxmire, Mr. Montoya, Mr. Chiles, Mr. Johnston, Mr. Young, Mr. Brooke, Mr. Hatfield, Mr. Stevens, and Mr. Mathias conferees on the part of the Senate.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to consider the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama to proceed to the consideration of Senate Resolution 4.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. Gravel) and the Senator from North Carolina (Mr. Morgan) are necessarily absent.

I also announce that the Senator from Arkansas (Mr. McClellan) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Taft) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. Taft) would vote "nay."

The result was announced—yeas 69, nays 26, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—69

Abourezk
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Culver
Domenici
Eagleton
Ford
Garn
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Tunney
Weicker
Williams
Young

NAYS—26

Allen
Baker
Bartlett
Bellmon
Brock
Buckley
Byrd, Harry F., Jr.
Chiles
Curtis
Dole
Eastland
Fannin
Fong
Goldwater
Hansen
Helms
Hollings
Hruska
McClure
Nunn
Scott, William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower

NOT VOTING—4

Gravel
McClellan
Morgan
Taft

So Mr. Allen's motion to proceed to the consideration of Senate Resolution 4 was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I submit an amendment in the nature of a substitute to Senate Resolution 4. I ask unanimous consent that it be agreed to and considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment in the nature of a substitute is as follows:

Strike all after the word *"Resolved,"* and insert in lieu thereof the following: That rule XXII of the Standing Rules of the Senate is amended to read as follows:

"1. When a question is pending, no motion shall be received but—

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, except one to amend the Senate rules, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"3. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter to amend the Senate rules, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"4. The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate.".

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I offer a cloture motion.

The PRESIDING OFFICER. Without objection, the clerk will report the cloture motion.

The assistant legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. Res. 4, as amended, amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate:

Robert C. Byrd, Mike Mansfield, Jennings Randolph, Warren G. Magnuson, John O. Pastore, Walter F. Mondale, Quentin N. Burdick, James Abourezk, Frank E. Moss, Vance Hartke, Lee Metcalf, Walter D. Huddleston, Wendell H. Ford, Dale Bumpers, Claiborne Pell, Walter D. Hathaway, Abraham Ribicoff, Mark O. Hatfield, Floyd K. Haskell, Charles H. Percy.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations, in the order stated: Otto George Stolz, of North Carolina, to be a member of the Board of Directors of the New Community Development Corporation; Thomas G. Cody, of Maryland, to be an Assistant Secretary of Housing and Urban Development; and Carla Anderson Hills, of California, to be Secretary of Housing and Urban Development, after which the Senate consider the nominations placed on the Secretary's desk.

There being no objection, the Senate proceeded to consider the nominations.

The PRESIDING OFFICER. The clerk will report the first nomination.

NEW COMMUNITY DEVELOPMENT CORPORATION

The assistant legislative clerk read the nomination of Otto George Stolz, of North Carolina, to be a member of the Board of Directors of the New Community Development Corporation.

Mr. PROXMIRE. Mr. President, is this nomination now before the Senate for approval or disapproval?

The PRESIDING OFFICER. This is the nomination of Otto George Stolz.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that it be in order for me to ask now for the yeas and nays on the nomination of Carla Anderson Hills.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask for the yeas and nays on the nomination of Carla Anderson Hills.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of the nomination of Otto George Stolz, that upon the disposition of that nomination, the Senate proceed to consider the nomination of Carla Anderson Hills.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

The clerk will report the first nomination.

The assistant legislative clerk read the nomination of Otto George Stolz, of North Carolina, to be a member of the Board of Directors of the New Community Development Corporation.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Carla Anderson Hills, of California, to be Secretary of Housing and Urban Development.

The PRESIDING OFFICER. There is not to exceed 1 hour of debate on this nomination, equally divided between the Senator from Wisconsin and the Senator from Texas.

Who yields time?

Mr. TOWER. Mr. President, I yield to the Senator from California such time as he may require.

Mr. CRANSTON. I thank the Senator from Texas.

Mr. President, I shall not take any substantial time in regard to the Carla Hills nomination. I think that all Senators are well aware of her background. I believe that she is eminently qualified for this nomination, basically for these reasons: She is a highly intelligent, superbly educated woman. She has demonstrated great ability to use her education and her brains effectively in a variety of fields, primarily including the practice of law and exercising administrative responsibility in the Department of Justice. She has a deep concern and commitment about the social issues of our time. She has a real understanding of the needs of many of our people for better housing and for many other human needs that are not now being well met.

She is not an expert in housing and there are some who feel that that is a disqualification. I wish to say that I feel that is a qualification. We have not been doing very well in housing and I think it is good to bring in someone with a mix of talents to be able to take a new look at housing. Mrs. Hills is capable of using her great energy, her determination, her brains, her administrative talent, and her commitment to lead us to better times in housing. It is for those reasons, very simply, that I strongly support her nomination.

Mr. GRIFFIN. Will the Senator yield?

Mr. PASTORE. Will the Senator yield?

Mr. CRANSTON. I am glad to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I am very interested in the argument that some have advanced in opposition to this nomination because, not so very long ago, a nominee from my State to serve on the Federal Communications Commission ran into a lot of opposition, not because he was not qualified and knew nothing about the industry that was to be regulated, but he was opposed because he did know something about it. That was the ground for the opposition. We had a dickens of a time getting him confirmed because he was an expert in the field.

I suppose there is no particular virtue to consistency, but I think it is rather interesting that now we have somebody who does not claim to be an expert and that is a ground for disqualification in the minds of some people.

Mr. PASTORE. Will the Senator yield?

Mr. GRIFFIN. I join the Senator from California in supporting this person, who is an able administrator, an outstanding attorney, and I am sure that she can hire some experts in the housing field to assist her.

Mr. CRANSTON. I thank the Senator. I agree with him. I hope that she is wise in the choices she makes of experts, because I am not sure how many experts there are in that field.

I am delighted to yield to my good friend from Rhode Island.

Mr. PASTORE. The Senator from Michigan knows that we are talking about apples and oranges. As a matter of fact, I was very much involved in the situation that he mentioned. It was not a case that the fact that he was knowledgeable in the field of broadcasting was the objection to him. It was really the fact that a lot of public witnesses came and thought that there might be a conflict of interest only he had been a——

Mr. TOWER. If the Senator will yield, if he is going to speak against the nominee, will he please get his time from the Senator from Wisconsin?

Mr. PASTORE. I am not speaking against anybody and I am not speaking for anybody. I am just correcting a misconception. I do not care whose time I use, but I would like to have a little time to use.

Mr. TOWER. May I ask the Senator from California, I yielded to him such time as he may require——

Mr. PROXMIRE. Mr. President, I am proud and happy to yield some of my time to the Senator from Rhode Island.

Mr. PASTORE. I thank the Senator for the time.

The cases are entirely different and people were somewhat concerned about the fact that there might be a conflict of interest. It so developed that the Senator from Rhode Island felt that there was not and we went along with it.

In this particular case, from the newspaper reporting, it has been more or less brought to public attention that the witness was rather evasive before the committee, and I would like to have, before I make up my mind whether I shall be for it or against it, whether or not she was indeed evasive or whether or not she was so sophisticated because of her brilliance that she kind of demeaned the interrogators asking her questions.

Mr. BROOKE. Will the Senator yield?

Mr. PASTORE. On whose time are we going now?

Mr. BROOKE. I will be very pleased to talk on the time of the proponents, if the Senator from Texas will yield to me.

Mr. PASTORE. All right, but let us get this straight.

Mr. TOWER. Will the Senator from California yield the floor to me?

Mr. CRANSTON. Of course. I do yield back, although I want to have an opportunity to add to the comments I made.

Mr. TOWER. I shall give to the Senator from California additional time.

I yield to the Senator from Massachusetts 4 minutes.

Mr. BROOKE. I thank the Senator from Texas.

I wish to say to the distinguished Senator from Rhode Island that in the Committee on Banking, Housing and Urban Affairs, we had exhaustive hearings. I thought, as has been said before, that Mrs. Hills demonstrated brilliance. She is obviously a very able lawyer, has the intellectual capacity for doing the job. There was a whole day given to opponents of Carla Hills. The only thing they could say about her was that she did not have experience in housing. She has been head of the Civil Division in the Justice Department, but she has not had any direct experience in the housing field. Some thought this was to her credit. They said that she was not a victim of cronyism, that she was not tied into any vested interest in the housing industry, and that she came in with a fresh, new approach.

The question of evasiveness, which the Senator from Rhode Island raises, came about as the result of a question from the distinguished Senator from Delaware (Mr. BIDEN). He asked her specific questions, and I think he concluded that she had not answered his questions directly at the time. It was a question of whether she was answering philosophically or answering on specifics.

Mrs. Hills did not know the specific programs, to be sure. She had not had an opportunity to become familiar with the specific programs. But she did have some very concrete ideas. She knew where she wanted to go. She demonstrated a commitment, a very strong commitment, to carrying out the mandates of Congress as far as housing programs for the country are concerned. I should like to read one question and her statement, if I may. Senator BIDEN said:

> How about reservation concept public housing versus scattered site housing? What is your view in that area, and there is a great deal of debate in that area.
>
> Mrs. HILLS. I think there are many advantages to scattered housing. Indeed this group and the Congress adopted a mix, a range of income mix, in the new law, and I think there are advantages not to put in all your low-income people with all their multitude of problems into one single type community.
>
> But as I said when I started, it would be inappropriate for me, without eliciting a discourse with the environmentalists, the civil rights people, the consumer, the low-income groups, lenders, the home builders, just to name a few, and to tell you I have decided, for example, in rural housing, to have only single-families, that is the way to go, because I have read some academic discourses, and I think it would be wrong for me to say scattered dwellings is the only way to proceed without any discourse, but even the academic communities, and your respective staffs, and it's that discourse that I would like to commence, so that I can look at it and make a determination.

Mr. PASTORE. Mr. President, if the Senator will yield, I have not decided whether I would be for or against the nomination, but the Senator from Rhode Island was rather disturbed because the allegation was made that she was absolutely incompetent. I understood that this very fine lady—and she is a very fine lady—had had no experience with housing, and could not state categorically anything about one phase of the program.

That is understandable and natural. Having been in authority at one time in my life as Governor of my State, I have always given the benefit of the doubt to the one in authority as to whether or not there should be advice and consent as to a particular nomination. That is the point of view I take toward this particular nomination. The assumption seemed to have been made on the floor that because I have borrowed time from one side or another, I have made up my mind.

Mr. BROOKE. Mr. President, if I may have 1 further minute——

Mr. TOWER. I yield the Senator 1 minute more, provided the Senator will not yield to others.

Mr. BROOKE. Prior to becoming Governor, the distinguished Senator from Rhode Island was one of the outstanding and distinguished legal minds in the State of Rhode Island. As he knows, I have had some experience as attorney general of Massachusetts in prosecuting cases and examining witnesses. I can say categorically that nothing was said before that committee which, in my opinion, was evasive, and I have dealt with evasive witnesses many times in the past. I wanted the Senator to know that.

Mr. CRANSTON. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield 2 minutes to the Senator from California.

Mr. CRANSTON. I want to say first to the Senator from Rhode Island that I did not think Carla Hills was evasive at all. I think she was simply wise in not stating "I will do this, that, or the other, or I will not do this," because she was not prepared to make any such statements. She will come back before the committee. Or she will, by her actions, after she learns more about the problems in this field, provide answers to those questions.

I would like to say briefly, in response to the statement of the Senator from Michigan, that once the conflict-of-interest issue was disposed of by the Senator from Rhode Island and others, there was no controversy about the nominee for the FCC. Otherwise, there are a couple of differences that I think should be touched on. An expert in the field of housing is an expert in a field where programs are not working, where the builders are going bankrupt, and where the consumers cannot get homes. An expert in the field of broadcasting, on the other hand, is an expert in a field where the public, generally, is satisfied and broadcasters are doing well. Expertise and experience in a field that is doing well are far more meaningful, it seems to me, than in a field where everything seems to be going wrong.

There is one further issue involved in the field of broadcasting, that is the issue of freedom of the press. I think an expert in that field, who has been in broadcasting for as long as the nominee to the FCC had been, might well be expected to be an expert in that whole area—including areas where the FCC should not intrude if we are to preserve a free press. For all those reasons, I am not as troubled about a nominee for a housing post who has not come out of the field of housing as I would be about a nominee for the FCC who did not have knowledge of broadcasting.

Mr. TUNNEY. Mr. President, will the Senator from Texas yield me 1 minute?

Mr. TOWER. I yield 1 minute to the junior Senator from California.

Mr. TUNNEY. I am not, of course, a member of the Banking Committee, but I have had the opportunity to evaluate the nominee's qualifications for the office, and I think she can be an outstanding Secretary of HUD.

I think that her intelligence is well known and well accepted by the Senate. On the question of her experience, she has had good experience in administering a very important division of the Justice Department. She has had over 100 attorneys working for her. She has done an excellent job, by all accounts, and I think that it is about time that we began to turn to people who do not have very strong ties with special interests to head up some of these major departments.

I think she will be a breath of fresh air, and I think that, with her intelligence and her hard work, and the fact that she wants to be responsive not only to the problems of the potential homeowners and the existing homeowners of the country, but that she wants to be responsive to Congress as well, demonstrates that she has the right attitude on going into the job.

So I am 100 percent for her, and I hope her nomination will be approved by an overwhelming vote on the floor of the Senate this afternoon.

Mr. BIDEN. Mr. President, will the Senator from Wisconsin yield me 3 minutes?

Mr. PROXMIRE. I yield 3 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, it is with some reluctance that I rise in opposition to the nomination of Mrs. Carla Hills to be Secretary of the Department of Housing and Urban Development. She is bright, articulate and, as she proved to me in the hearings, strong-willed.

However, I feel I would be doing less than my constitutional duty were I to vote to confirm her.

My vote against her is not based on her lack of experience in the housing field. On the contrary, inexperience can be an asset to someone sitting atop the bureaucracy.

My objection to Mrs. Hills' nomination has a different focus. She was reluctant to explain her general housing philosophy to the members of the committee. As I said, inexperience could be a valuable tool, but only if there was a genuine commitment to better housing in this country. Although Mrs. Hills stated that she was committed to better housing, she was unwilling to demonstrate the depth or the philosophical basis of that commitment.

For too long, I think we in Congress have abdicated our responsibility to "advise and consent" to Presidential appointments. The current standard seems to be that if a person appears intelligent and ethical, he or she is confirmed.

Only later do we realize that we did not ask the hard questions. Only later do we wonder why we did not challenge a person's views. By then it is too late.

I think the Senate's role is to ask those hard questions. It is our role to find out how a person thinks. Even if we all feel a nominee is the "perfect" person for a position, we should question them closely and find out how and what they think. If they are unwilling or unable to give us a reason to vote for them, we should vote against them.

I think an analogy can be drawn to a nomination for Secretary of State. We would not expect the nominee to tell us the status of American treaties throughout the world. We would expect, however, that he or she tell us their views on détente, NATO, or the desirability of better relations with China.

It is this aspect of the Hills nomination that troubles me. At a time when our housing industry is at its lowest level since the Great Depression, we need to have a HUD Secretary with a demonstrated commitment to housing and to implementing legislation enacted by Congress, such as the Housing and Community Development Act of 1974. We need a Secretary who promises action, not further study.

When I speak of the housing industry, I do not just mean builders, contractors, realtors, and others involved in the construction and sale of houses. It's not just those people who are in trouble. It's also Americans who cannot meet mortgage payments and those who cannot find decent homes. They are the real constituents of the Department of Housing and Urban Development.

Finally, Mr. President, I have been labeled a "male chauvunist" by some who feel that my questioning of Mrs. Hills was unduly harsh. I think she realizes that my questioning indicated no disrespect for her, but rather was an effort to find out what she thinks. It should be noted that I asked the same "hard" questions of the former Secretary, James Lynn and also voted against his nomination. For me, or any member of the Senate Banking Committee or of Congress to "tone down" because a nominee is a woman or to vote for a nominee solely because she is a woman seems to me to be the height of male chauvinism.

Mr. President, on several occasions during my 2 years in the Senate, I have come on this floor to admit I was wrong about an issue. Nothing would make me happier than to have time prove me wrong in opposing the nomination of Carla Hills.

I call the attention of my colleague from Rhode Island to the basis of my position, which is analogous to the position of our distinguished colleague from Massachusetts. I was a criminal defense lawyer, and our colleague from Massachusetts was a prosecutor. Maybe I had to ask harder questions than the Senator from Massachusetts did as prosecutor, because a prosecutor's case is already in the bag when he comes into court.

But it seemed to me that Mrs. Carla Hills did not respond to questions. She used phrases such as "I am committed in principle," and "I will initiate meaningful dialog," with regard to her commitment to implementing the act which Congress had passed. It was not a commitment in terms of time, other than that she is committed to the intent of the act.

To set another part of the record straight, I also made the same arguments against Mr. Lynn—and Mr. Lynn, as everyone knows, is not a woman—because he failed to make the same kind of commitments.

I think if there is anywhere where we in Congress are remiss, it is in the nomination process, both in foreign policy and domestically. The Senate may do much to redress the imbalance between the executive and legislative branches; yet in many instances, when nominees come before this body, we say they are bright, they are moral, they have committed no crimes of moral turpitude; and we go on from there and say that is why we should approve their nominations.

If I may give some insight to my distinguished colleague from Rhode Island, after the questioning I went up to Mrs. Hills and I said, "Mrs. Hills, maybe I did not get my point across. Quite possibly you and I could discuss this at a further time."

She said, "On what issues?"

And I said, "Well, just issues on housing generally, and where you fall on those major issues like multifamily dwelling versus single-family dwelling."

She said, "Like on scattered site versus reservation?"

I said, "Yes."

She said, "Well, I cannot tell you my point of view on that, because if I were to reveal that point of view to you, then those who held a different point of view in the various industries would not sit down with me and have that meaningful dialog."

I said, "You mean to tell me I have got to guess what is in your head and what your point of view is?"

And she said, "Well, I think that is what you have to do because I cannot be committed."

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BIDEN. And so has his speech.

Mr. PROXMIRE. Mr. President, I will yield an additional 1 minute.

Mr. BIDEN. I do not make my opposition on the basis of the fact that she is inexperienced. If experience were a criterion for doing a job, I sure could not have run for the U.S. Senate at 29. But the fact is that is not the basis of my argument. The basis of my argument is I am tired of guessing what nominees are going to do. I am tired of buying pigs in pokes. I sincerely hope that a year from now events will have proved me wrong. If this is the case, I give my commitment now that I will formally apologize and confess my error to my distinguished colleagues from California and the members of the Banking Committee for being in error. I sincerely hope I am wrong. I sincerely hope she turns out to be a brilliant appointee.

But my problem is I have no way of knowing that, no real indication, and I have got to guess, and I have given up guessing. When in doubt I am voting "no." That is the way I have done it, and I am going to continue to do it, and I would suggest that my colleagues do the same.

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

Mr. President, I ask unanimous consent that Mr. Robert Kutter, who is a member of the staff of the Banking Committee, be permitted access to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the distinguished Senator from California and others have indicated it is a qualification to be Secretary of Housing and Urban Development if one knows nothing about housing.

This is a unique argument: That we ought to find a person who knows the least about housing and who has the least association with it, to be Secretary of Housing and Urban Development.

Of course, this is really a ridiculous argument. I do not say this would necessarily completely disqualify a person, but certainly it is most desirable.

Now, Mr. President, of all times, we need a Secretary of Housing and Urban Development, somebody who has the competence that can only come from some experience with housing, some knowledge of which programs have worked and which have not worked, because the new Secretary is going to be in a very, very difficult position.

Mr. President, if there is any one major cause of our present recession, it is the housing depression. The fact is that we should have housing starts at a level of about 2.6 million—that was our goal, that is where we should be. We were close to that a couple of years ago. Now our housing starts are below 1 million. For each housing start 2 man-years of work are required or two jobs. If we can increase housing starts by 1 million, we will put 2 million people to work. In housing alone we can reduce the present rate of unemployment from above 8 percent to below 6 percent.

In my view, there is no more important economic action that Congress can take or the Government can take than to turn around our recession and move in the right direction. In order to do that, we need somebody, as I say, with some knowledge of housing, some competence, because what they have to do is turn this Department around, and that would be hard. People in this Department now are people who came along under the present administration, people who were persuaded that the programs which the administration has followed and the policies they have followed are the right policies, and those policies have been catastrophic.

They not only have to turn those policies around, but then they have to go to the President and convince him that he must adopt new policies, and that takes a great deal of persuasion and, particularly, takes a great deal of persuasion in view of the fact that the new head of the Office of Management and Budget is James Lynn. He was the former head of HUD. He is the man whom Carla Hills would succeed. It is going to take a great deal of persuasion to persuade President Ford that the new Secretary knows more about the kind of housing programs we should have than the man who has been in charge of the housing programs for the last 2 years.

Mr. President, we have a marvelous case study in what happens when an attractive lawyer with a lot of charm and great intelligence is appointed as Secretary of Housing and Urban Development. Mr. Lynn is exactly that kind of a person. He knew nothing about housing; he had no background in housing. He was made Secretary of Housing and Urban Development, and what happened? A disastrous result for our country and for housing.

It is no secret that every witness before our committee—and we made this available to all people who wanted to appear on this nomination pro or con—were all against this nomination. That is not easy for somebody who represents the homebuilders or somebody who represents renewal housing to come in and oppose the person who is likely to become the next Secretary.

Why did they do it? They did it, because they were deeply convinced it was very important for this industry and this country to get a Secretary who has knowledge in this area.

Mr. President, I can tell you that Mrs. Hills is, as advertised, a very bright and articulate person with good general credentials. And I can also tell you that she has very little feeling for the problems of housing. I do not mean that she is ignorant of the precise nuances of housing jargon and FHA forms. That would be a silly qualification to ask of any nominee.

I mean that Carla Hills does not seem to have a philosophy or an opinion on the major broad questions of housing policy facing this country, or if she has an opinion, she will not share it with the committee. The housing crisis requires not just an expert, but an advocate for housing; someone who knows housing well enough to fight for it; someone who can fight for housing when officials at HUD or OMB or the White House contend that we must undercut housing programs duly enacted into law, because these programs would "bust the budget." They must know enough about it to show it would not "bust the budget." It is the most economical way we can stimulate the economy with the least budgetary impact and inflationary impact.

What about the low-income wage earner spending 50 percent of his income on shelter because this administration refuses to carry out a congressionally mandated program to build housing. Is not his budget busted? What about the idle construction workers who could be on the job, building needed homes, collecting a paycheck, but who are instead drawing an unemployment check, at public expense. What about their family budget, and what about the unemployment compensation budget?

We calculate that by a program that will cost the Federal Government $300 million, $300 a mortgage, we can provide for 1 million housing starts. But that kind of a program has been opposed by the administration. We got no assurance, no indication, that Mrs. Hills would be sympathetic to that kind of a program. She may change her mind and may learn a lot about it. But this is not the time for on-the-job training. It means that it would take months and, perhaps, years.

We had one very intelligent woman, Ms. Dolbeare who appeared before the committee. She said she came into housing 10 or 12 years ago, and it has taken her almost all that time, almost a decade, to become sufficiently familiar with housing so that she feels with confidence she could manage a housing program and recommend policies of the kind that Mrs. Hills will be called upon to recommend.

We listened to Mrs. Hills last Monday, and she would not provide answers.

We asked specific questions and we asked more general philosophical questions, and Mrs. Hills would not give us answers. We asked her just to assure us that when Congress passed a law mandating such-and-such a level of low- and moderate-income housing construction, she would see that the law was carried out, as her oath of office requires. But she would not promise unequivocally to carry out the law as Congress wrote it—or even to fight within the administration to persuade OMB or the White House that the law should be implemented.

We asked her whether the level stipulated in the 1968 Housing Act of 600,000 low- and moderate-income housing units per year was a valid level. She would not say.

We asked her whether she felt that single family detached dwellings, the traditional home to which American families have aspired, should continue to be the preferred type of housing in the coming years as the country's population grows more densely clustered, and she equivocated.

We asked whether she favored dispersal of low-income public housing from central cities into the suburbs. She hedged.

We asked whether she supports a national land use policy; whether she favors reservation or scattered site public housing, which of the current tools on the books she prefers to get housing built, whether she backs a shallow subsidy program to bring mortgage rates for middle-income persons down to 6 percent. And she did not give us answers.

She would not say whether she would release funds for low- and moderate-income housing, frozen since February 1973—appropriated by Congress, and those have been frozen in violation of the law.

Some of Mrs. Hills defenders in the press and elsewhere have applauded the fact that she is a newcomer to the housing field. These defenders argue that the so-called housing experts have failed to get housing built, and that it is time for some new blood. And I would say in reply that it is not the housing experts—the homebuilders, the local redevelopment officials, the planners—who have failed housing, but rather this administration with its frozen funds and its administrative incompetence.

As I say, who was the predecessor of Mrs. Hills? Who is responsible for the catastrophe we have in housing? It was an inexperienced lawyer, intelligent—experienced as a lawyer but completely inexperienced in the housing field. That is why I think the next HUD Secretary should have the background and, frankly, the self-confidence of a housing specialist to argue knowledgeably against these shortsighted policies.

Mr. President, I am very cognizant of the fact that this would be the third woman Cabinet officer in the history of our country. It is just a shame, it is an outrage, that we have not had 30, 40, 50, 100 women Cabinet officers. There are certainly that many well-qualified women who should have been appointed in the past, and I feel very bad about not voting for this nominee. I wish I could.

But under the circumstances it seems to me it would be wrong, because housing is so critical if we are going to move ahead.

I will yield myself an additional 3 minutes.

Mr. PASTORE. Will the Senator yield?

Mr. PROXMIRE. Yes, I am happy to yield to the Senator.

Mr. PASTORE. Now, I have been listening to both sides of the question. I must admit I did not attend the hearings. I am not a member of the committee. But if in fact this fine lady did say that she was absolutely unfamiliar with housing, would not the Senator now admit that the questions he was asking her were hard questions for specific answers in a field that she already acknowledged she had no knowledge?

I mean, if she took the position that she did not subscribe to the intent of the law, that would disturb me. If she was evasive in her answers, that would disturb me as well. But if she meant she knew nothing about housing and the Senator put hard questions about whether or not housing should be dispersed, or whether or not one should do this or that, and she had already acknowledged that she did not know what it was all about, does the Senator not think we are pressing something that is unimpressible?

Mr. PROXMIRE. May I say to the Senator from Rhode Island, I tried to make two points. First, she does not know about housing. I think it is undisputed. I think it is not a time for on-the-job training. Second, we asked general questions that I think she, as a lawyer, would be able to answer, such as whether or not she agreed that it is the law, and that she should do her best to carry out the law, that we should have 600,000 publicly assisted housing starts as our goal.

She would not tell us she would agree to fight for the execution of that law. It does not take any knowledge of housing. She conceded that is the law, it was in the housing bill, and questions of this kind troubled me.

I think we cannot have it both ways. We agree she knows little about housing, I think that is established. I think it is also clear that where there is a philosophical question, she would not reply to that, either.

Mr. MAGNUSON. Will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Washington.

Mr. MAGNUSON. What bothers me is she may not be able to answer specific questions as an expert about housing, but the Senator did ask her about whether or not she would agree to lower interest rates. Did the Senator not ask that?

Mr. PROXMIRE. Well, I asked her——

Mr. MAGNUSON. About 6 percent.

Mr. PROXMIRE. That was certainly the thrust of my questions when I asked about the program which would have provided 6-percent mortgages. We would have lower interest rates. The Senator is correct.

Mr. MAGNUSON. She could have said she agreed or did not agree.

Another question, out in my area, unemployment in the lumber industry is the highest. I heard the Senator from California talk about how sophisticated she was and how brainy, and all of these things, which she probably is, but to me, that has been some of the trouble around here where someone that has some commonsense about housing, and I do not think one can have a sophisticated approach to the housing problem; it is a tough field and it is going to get tougher.

Maybe she is that tough, I do not know, but when she will not answer.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. PROXMIRE. I yield myself an additional minute.

Mr. MAGNUSON. Generally speaking, when she is evasive about lowering interest rates and making it easier for people to buy homes, she may be a marvelous person, but this is a pretty rough deal now, and all my people out in the State of Washington are quite worried about this.

I am like the Senator from Delaware. If she turns out all right, I will apologize, too, but I read part of the testimony and it was evasive in respect to many of the questions.

We have in the Committee on Commerce nominees every day and they say, "Oh, I do not know anything about it, so I cannot answer." But in this case there is some philosophy involved in this that if she has it, or not, why that is all right.

So I am going to cast my vote, not because she is not sophisticated or brainy, as has been said. She probably is, and much more than I am, and perhaps even more brainy than the Senator from California. It might be; that is possible. So I will vote against her for the reason that I am so deeply concerned about the lumber industry, or the housing industry, and these unconscionable interest rates, and she did not answer those questions and I read the testimony.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Washington.

Mr. President, I will complete my speech in just a minute.

May I say, Mr. President, Mrs. Dolbeare, who has had many years of experience as head of the Rural Housing Conference, said it would not be fair to anybody to be put in that position now. There are times when the Secretary of Housing and Urban Development might be somebody with very little experience, but now, of all times, it requires experience, knowledge, the capacity to move in right away.

The day after she is confirmed, take over, and take over with force and effect, persuade the people in the agency that it has to turn around, and persuade the President of the United States and the Secretary, the head of OMB, also, that it has to change.

One of the witnesses who testified on the Hills nomination—a woman, incidentally, whose whole professional career has been in housing—told the committee that it took her 10 years before she felt fully confident that she knew the ins and outs of housing.

Now, I do not know how much Mrs. Hills—or anyone for that matter—can learn about housing in a few months of on the job training. But I intend to find out. I hope she will learn enough to answer some of the committee's questions, because if Mrs. Hills is confirmed, we plan to invite her back to answer all the policy questions which she ducked last week, pleading ignorance.

Mr. President, I think we have to ask ourselves, Will this new nominee release some of those frozen funds we have been calling for so long in the Senate to get housing and the economy moving? Does she intend to carry out the law? Will this administration make housing a priority? Secretary Lynn has claimed that no special Federal efforts are necessary, because housing is right on the verge of a major recovery—this old Hoover-type talk in a month when housing starts are the lowest on record is a disgrace—right around the corner, leave it alone, it will be fine.

In the 1969–70 recession, when we had a tight money contraction, the housing industry survived, because resources were shifted to federally subsidized low- and moderate-income housing. For 2 years almost half a million units a year were built, or nearly the goal of the 1968 Housing Act. But in the current recession, tight money has combined with a suicidal Federal housing policy, and starts are running below a million units a year.

If Mrs. Hills is confirmed, we expect her to do something about this disgraceful situation.

Last week, we also heard from an Assistant Secretary of Housing and Urban Development whose nomination we are also considering. This man is not a newcomer to the field. He has been in the job on an acting basis since last May. And yet, he would not answer any of our questions either. Incidentally, he is up for nomination a little later in the week. If advice and consent means anything, I would submit that this body must demand answers of nominees before we routinely confirm them on the basis of general intelligence and absence of scandal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. I yield myself 2 additional minutes.

If we cannot even get a nominee to pledge that she will uphold the law in advance of her confirmation, what can we expect of her once she is in office?

After the Watergate experience, legislative oversight and revival of congressional authority are very popular notions. But they have little meaning when the Senate is so reluctant to exercise even the power to carefully scrutinize executive branch nominees, a power explicitly given this body by the framers of the Constitution 200 years ago.

Mr. President, I expect to cast my vote against this nomination, because the nominee lacks experience for the job and because she would not tell the committee anything about what sort of policies she will pursue, or even whether she will carry out policies and laws which we enact.

That combination is fatal. If we confirm a nominee with neither experience nor a willingness to at least tell us about her general philosophy of the job, we are squandering our constitutional power to advise and consent.

Mr. President, this is a golden opportunity for a new HUD Secretary. Housing is not being built, either by the private market because money has been so tight, or through Government programs because of HUD's incompetence. HUD, in short, is a shambles.

It is an excellent opportunity for the next HUD Secretary to break the logjam and get some housing built. Money is getting a bit freer; supplies are a little more plentiful, and 22 percent of the construction industry work force is idle, waiting to do the job. If Carla Hills is half the person her supporters claim, she will seize this opportunity, and prove this Senator wrong. I hope, as does Senator BIDEN, and Senator MAGNUSON just said, that she will do so. If she does just that I will become one of her most ardent backers, and I also will be very surprised and happy to eat crow and apologize.

Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from Alabama.

Mr. SPARKMAN. I thank the Senator from Texas.

Mr. President, I support this nomination and I support it strongly. I thought she made a wonderful presentation to our committee. She answered the questions fully, fairly, and intelligently and if there was something she did not know about, she said so.

She did not wobble around to try to make us think that this was something that she knew all about, and she said so, I want to say to my friend from Wisconsin.

He said he did not like to have someone in on-the-job training.

I want to tell him something. I remember a day back yonder, August 28, 1957, when a brand new freshman Senator entered from the State of Wisconsin—the Senator from Wisconsin. He is one of the most able men in the Senate today, but he was not the most able that day. He had on-the-job training, through the years, and the Senator from Wisconsin will be the first to admit that.

Mr. PROXMIRE. Will the Senator yield

Mr. SPARKMAN. Yes.

Mr. PROXMIRE. Of course, I am very flattered, even though what the Senator said is probably inaccurate as far as my ability is concerned.

I would like to tell the Senator that certainly on-the-job training in the Senate is essential. All of us get on-the-job training here.

Mr. SPARKMAN. It is essential everywhere.

Mr. PROXMIRE. But he is asking that

this nominee move into a position where, if this economy is to move ahead, it must move ahead in the next 6 months or we will have more unemployment, which is tragic and which can be prevented.

We need someone who will not take 6 months, 1 year, or 18 months to learn the job, as most of us did when we came to the Senate.

Mr. SPARKMAN. It will not take her 6 months to do the job. I think Mrs. Hills has shown the committee that she is one of the most intelligent and brightest persons we have had before our committee. She has demonstrated that in a job of high responsibility in the Department of Justice, and also back home before she came to Washington. I think she answered the questions fairly in our committee.

Mr. PASTORE. Will the Senator yield?

Mr. SPARKMAN. I just have 3 minutes.

Mr. PASTORE. Will the Senator yield for a question?

Mr. SPARKMAN. Yes.

Mr. PASTORE. The Senator has had a tremendous amount of experience in this area. Does he consider that she was being evasive?

Mr. SPARKMAN. No, I did not. She was being honest.

Mr. PASTORE. The Senator from Rhode Island wants to know that.

Mr. SPARKMAN. If she did not know, she said so.

Let me say this: I asked her the question, if Congress passes a law, will she carry it out.

Mr. PASTORE. What did she say?

Mr. SPARKMAN. She said, "I will."

Mr. PASTORE. That is enough for me.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPARKMAN. Will the Senator yield a couple more minutes?

Mr. TOWER. Yes.

Mr. SPARKMAN. I have often pointed out that we do not have the power to appoint. I recommended someone else for this job. I recommended a person that had been in the housing business for many, many years—an expert, not from my State, but from the State of New York. I know other members of the committee recommended others. But that does not keep me from being for Mrs. Hills.

We do not appoint. The President has the power to appoint. I believe we ought to remember that all the time.

Maybe we can think of somebody else who we think would do a better job, but that name is not before us. This is the name before us today. I earnestly hope that the Senate, by an overwhelming vote, will sustain the vote of the committee in recommending the nomination of Carla Hills.

Mr. HARRY F. BYRD, JR. Will the Senator yield for a question?

Mr. SPARKMAN. Yes.

Mr. HARRY F. BYRD, JR. The Senator from Alabama made a powerful argument in behalf of Mrs. Hills. May I ask what the vote was in the committee?

Mr. SPARKMAN. It was a voice vote. There was no rollcall. It was a voice vote. I believe I am correct in saying that the only two Senators who were opposed to Mrs. Hills have spoken here today.

Mr. HARRY F. BYRD, JR. So far as the Senator knows, the rest of the committee did not oppose the nomination?

Mr. SPARKMAN. That is correct.

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from Utah.

Mr. GARN. Mr. President, I rise not only to speak as a Senator from Utah, but as a mayor who, until 2 months ago, for 7 years had on-the-job training.

I would say that I have some knowledge of the Department of Housing and Urban Development and their problems.

I also rise as a mayor who was very upset with the Congress of the United States. We considered that we were at least partially experts in the performance of our duties in our cities. We would be called back here to testify before Senate and House committees, and then promptly be ignored because of our experience. The Congress would go ahead and pass laws as they saw fit.

I would submit that inasmuch as I had difficulties with HUD, and sometimes felt like the local manager for HUD rather than the mayor of a city, really the ultimate and the first fault lies with the Congress for not listening to experts and those who have experience in the administration of these programs at the local level to begin with.

Most mayors around this country can tell you what is wrong with our housing programs, and most of them will agree that the Congress has ignored local government officials.

My first reaction to Mrs. Hills was that she was inexperienced because I did not know her, but I made it a point to talk to her. I was at all the hearings. I listened to every bit of testimony, hers and other witnesses.

I am in total support of her nomination. I think she is eminently qualified and an extremely capable and intelligent person.

With all due respect to the distinguished Senator from Wisconsin, I respectfully disagree that she was evasive. I thought under the circumstances her answers were extremely significant. She did a very good job. She showed some toughness of mind, in contrast to a man whom I questioned—and it is in this testimony—who had admitted he had been in the housing business since 1946. I asked him the same questions Senator BIDEN asked her, about what would he do if he was going to be the Secretary of HUD in a week or so. His answers were not as good and not as specific as Mrs. Hills' answers.

Having been in the executive branch I advised her that I thought she would be irresponsible to make commitments to a Senate committee as to exactly what she was going to do.

I do feel very strongly that she was not evasive. She did make a very specific commitment to carry out the laws passed by Congress.

I would hope that from some of this dialog the Congress would recognize its responsibility in the housing programs of this country; that they would get back to listening more to those of us, my former colleagues, as mayors, county officials, and Governors of this country, in the formulation of the laws to begin with. Then maybe Housing and Urban Development would be able to do a better job of administration.

I wholeheartedly support the nomination of Mrs. Hills.

Mr. BIDEN. Will the Senator yield for a question?

Mr. GARN. I yield.

Mr. BIDEN. Is it not true that the group of mayors, of which the Senator was a member, came out against the nomination, those knowledgeable mayors?

Mr. GARN. So far as I know there was not an official statement by the National League of Cities. I would point out that the immediate past president and Mayor Tom Bradley, of Los Angeles, most enthusiastically supported her. I was the most immediate past president-elect, and I support her. That is two out of the three of last year's officers to support her nomination.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The Senator from Utah has referred to the fact that the mayor of the city of Los Angeles, the second largest city, I believe, in the United States, endorsed Mrs. Hills.

We are not just talking about housing. We are also talking about urban development, which is a big part of the load of HUD. It is not strictly housing. It is community development.

Here is an excerpt of a letter that Mayor Bradley wrote to our distinguished chairman of the committee. He has not read it into the RECORD. I am sure he will not object, however, if I do so, because it is printed in the committee report.

> Nevertheless, I want to take this opportunity to wholeheartedly endorse and support the nomination of Mrs. Hills. I have known her for a number of years and through this association. I have found her to be extraordinary capable and very likable. She is highly respected in the legal community where she has a well-deserved reputation as a brilliant legal mind, and she has shown a deep concern and understanding of the plight in this nation's urban areas.

In his closing paragraph, Mayor Bradley says:

> Because of her outstanding record in administration and law, I believe that Carla Anderson Hills will be an effectual and innovative Secretary of Housing and Urban Development. I strongly urge you, Mr. Chairman, and the members of this distinguished committee to support the confirmation of Mrs. Hills for this very important position.

That is the former president of the National League of Cities, Mayor Bradley, of Los Angeles.

Mr. President, a great deal has been said about experience. I think what we want is a good administrator. Carla Hills has the kind of lawyer's mind that can grasp a situation very quickly. Lawyers try cases in areas in which they have no expertise, but they bone up and a good lawyer usually becomes an expert, at least for a brief period of time in that particular area.

This lady has that kind of mind. She has a splendid mind which I think will grasp things quickly, and I believe by virtue of her fine administrative ability, she will be able to handle this position.

I point out, so far as experience is concerned, that I do not believe that any of us who write the laws on housing and urban development have had much previous experience. The Senator from Utah is a former mayor. I am not. I am a former college professor. I have had no experience in housing and urban development. Yet, every day, I participate in drafting legislation on these matters.

I think we make a little too much of this. I wonder what would happen if we insisted on experience in military matters on the part of the Secretary of Defense. They would have to appoint a general or an admiral. I can hear the squawk that would go up if we did that.

I think that by virtue of this woman's character, her fine intellect, her quick grasp, her proven administrative ability, the Senate should confirm her nomination.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. TOWER. I yield 1 minute to the Senator.

Mr. CRANSTON. Just in case there are any present who might think that I simply support the nominee, Carla Hills, because I am a Californian and she is a Californian, I point out two things. First, I am a Democrat. She is a Republican, nominated by a Republican President. Second, I expect to be opposing a suggested nominee by the President for another position, who also is a Californian.

As a Californian, I have an opportunity to know a lot about Californians. I happen to know Carla Hills very, very well, and that is one of the reasons why I have great confidence in supporting her.

Mr. DOLE. Mr. President, I am pleased to give my support to the Senate confirmation of Mrs. Carla Hills, the President's nomination for the Secretary of Housing and Urban Development.

Mrs. Hills has received a number of compliments during confirmation hearings that have been conducted recently, and I would simply like to make a few remarks reflecting my personal observations.

PERSONAL INTEGRITY

Mrs. Hills has a glowing record of service in the Department of Justice. Her record there has been a shining example of personal integrity and competence.

She has shown in carrying out the duties of Assistant Attorney General a record that we should promote in all members of Government.

Her high personal calibre is a good example of what is needed to restore the confidence of the American people in their Government.

It is my hope that by confirming Mrs. Hills, we will encourage other members of Government to emulate her excellent example.

ADMINISTRATIVE KNOW-HOW

Mrs. Hills has also demonstrated a superior level of administrative ability. That, in my opinion, is the key quality to successful performance in a Cabinet-level position. I believe we can find housing experts to provide adequate technical assistance. What is needed in the executive branch today is administrative ability so that the programs enacted by the Congress and the President can be properly implemented.

It has been pointed out that our housing programs have not been too successful in recent years. Perhaps fresh and new ideas are what the housing industry needs. I believe Mrs. Hills, with her excellent capacity to manage and with her tremendous personal vigor, could put together the technical expertise of HUD officials to produce better housing programs than we have seen in the past.

BRIDGING THE GAP

It is no small point that the nomination of Mrs. Hills helps bridge some of the inhibitions about letting women participate in decisionmaking at the national level. I commend the President for his nomination.

The junior Senator from Kansas firmly believes that Mrs. Hills will make an excellent Secretary for Housing and Urban Development and I hope we can confirm her nomination today.

Mr. BAYH. Mr. President, the Senate is considering the nomination of Carla Anderson Hills to be the new Secretary of the Department of Housing and Urban Development.

Mrs. Hills has a very distinguished legal background. She is a graduate of Yale Law School and formerly a U.S. attorney for Los Angeles. Before her nomination as the Secretary of HUD, Mrs. Hills served as an assistant attorney general in charge of the Civil Division of the Department of Justice. Testimony during her confirmation hearings indicated that Mrs. Hills has built a solid reputation as a very able administrator and an intelligent, well-qualified lawyer.

However, her nomination has not been without criticism. The major objection to her nomination was that Mrs. Hills has no direct knowledge or experience in housing or urban affairs. Given the desperate condition of the housing industry during this time of economic crisis, this objection is not without merit.

The housing industry is one of the hardest hit by inflation—with an unemployment figure of 22.6 percent and new housing starts at the lowest rate since 1966. In addition, high interest rates and lack of available credit are preventing American citizens from purchasing their own homes. The housing industry has been in trouble for many months and is now near a state of total collapse.

Mrs. Hills will be facing a very difficult challenge in attempting to correct the conditions that have caused the crisis in the housing industry. It is possible that her lack of direct experience with the housing industry will serve her well. She will be approaching the overwhelming bureaucracy at the Department of Housing and Urban Development with fresh vision and hopefully her administrative skills will improve the tangled logjam of redtape at HUD. I would respectfully suggest, however, that in choosing her top deputies and associates at HUD she seriously consider bringing in people who have an intimate knowledge of the housing industry to back up her lack of expertise in this area.

In addition, as a member of the Subcommittee on HUD and Independent Agencies of the Committee on Appropriations, I will be keeping a close watch on her actions at HUD. We will insist that HUD pursue policies that will invigorate the housing industry. I have every expectation that Mrs. Hills will meet her responsibility to provide leadership at HUD and it is our responsibility to see that she does.

Therefore, while I have reservations concerning her lack of knowledge about the housing industry, I trust that the Senate will approve her nomination. I hope that Mrs. Hills will provide the initiative to produce a dynamic national housing policy.

SEVERAL SENATORS. Vote! Vote!

Mr. PROXMIRE. Mr. President, I am happy to yield the remainder of my time to the Senator from Texas.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Colorado (Mr. HASKELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from Arkansas (Mr. MCCLELLAN) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

The result was announced—yeas 85, nays 5, as follows:

[Rollcall Vote No. 44 Ex.]

YEAS—85

Allen
Baker
Bartlett
Beall
Bellmon
Bentsen
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Griffin
Hansen
Hart, Gary W.
Hartke
Hatfield
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Stevenson
Stone
Symington
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—5

Abourezk
Biden
Hathaway
Magnuson
Proxmire

NOT VOTING—9

Bayh
Eastland
Gravel
Hart, Philip A.
Haskell
McClellan
Stennis
Taft
Talmadge

So the nomination was confirmed.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the next nomination.

The legislative clerk read the nomination of Thomas G. Cody, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

Mr. PROXMIRE. Mr. President, we have just considered the nomination of Carla Andersen Hills for the secretaryship of Housing and Urban Development. We now come to the nomination of an Assistant Secretary of HUD for Administration.

We just had considerable discussion concerning the nomination of Mrs. Hills to be Secretary of Housing and Urban Development on the ground of no experience, and the Senate concluded that although she had no experience, she was intelligent and would learn, and learn quickly, to do a good job.

Last Friday our Committee on Banking, Housing and Urban Affairs, held a confirmation hearing on that nomination, the nomination of Thomas Cody, before us now, and the nomination of Dr. Stolz, whom we just confirmed.

I have rarely seen as cautious a man as Mr. Cody. He would tell the committee just about nothing on the crucial policy choices facing HUD and the country. He gave us no basis of qualifications other than his general résumé, the fact that he has never been involved in a scandal, and President Ford's willingness to appoint him to the job.

Unlike Carla Hills, who declined to answer some of the questions put to her on the grounds that she knew nothing about housing, Mr. Cody does know about housing. He has been Acting Assistant Secretary since last May. Yet he ducked every one of the committee's substantive questions. I would invite every one of my colleagues who might feel the need of a primer on advise and consent to take a look at our hearing record, and look at our colloquies:

> QUESTION. One of the arguments * * * against these programs is they are inherently wasteful and inefficient.
>
> Do you agree with that?
>
> Answer. Sir, I couldn't give you an opinion that I have documentation for.

This is a man who has been in office for 9 months.

When asked about section 235, Mr. Cody said:

> I really am not competent to deal with that question.

When asked if he would recommend the release of frozen funds, he said:

> That would be speculative. My advice has not been sought.

And when asked what his advice to Congress would be, he said:

> I really have no advice to offer.

And so on. Well, if this gentleman has no opinions, and cannot offer advice, why has he been nominated? Why should we confirm him? His only qualification seems to be a talent for obfuscation, which I suppose is no small asset in a bureaucracy.

I think we have all heard some nominees like this, who will not tell us what they think. Perhaps on the ground that it would be bad politics to do otherwise, in the absence of outright scandal, we confirm them, and I think it is deplorable. Perhaps we could let such nominations lie over for 90 days, and permit the nominee to fill the job on an acting basis, and presumably they would know enough under those circumstances to answer these questions, and then we could confirm them. But if we keep on rubber-stamping these nominations where we do not get any cooperation, it makes a mockery of advice and consent.

And I might point out that in this case the man was in office through May, June, July, August, September, October, November, December, January, and February, and it is March now, and he still cannot answer the basic questions that he certainly should have been able to answer after a week or so on the job.

For that reason, Mr. President, I have considerable reservations about this nominee, but I personally will not ask for a rollcall. The Senate has spoken so recently in its position on Mrs. Hills that I think it would be a futile action. But I certainly will vote against Mr. Cody's confirmation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the next nomination.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Coast Guard which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. TOWER. I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will return to the consideration of legislative business.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 7 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there morning business?

Mr. ROBERT C. BYRD. Mr. President, if the Chair will indulge me a moment——

AUTHORITY FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL MIDNIGHT TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 3:30 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has agreed to the concurrent resolution (H. Con. Res. 133) to lower interest rates, in which it requests the concurrence of the Senate.

The message also announced that the Speaker has appointed Mr. KOCH and Mr. GOLDWATER as members of the Privacy Protection Study Commission on the part of the House.

The message further announced that the Speaker has appointed Mr. ZABLOCKI and Mr. BROOMFIELD as members of the Commission on the Organization of the Government for the Conduct of Foreign Policy on the part of the House; and Dr. Stanley Wagner of Oklahoma and Dr. Arend D. Lubbers of Michigan as members from private life of the Commission on the Organization of the Government for the Conduct of Foreign Policy.

The message also announced that the Speaker has appointed Mr. BROOKS, Mr. FLOWERS, Mr. HUTCHINSON, and Mr. WIGGINS as members of the Commission on Revision of the Federal Court Appellate System on the part of the House.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The Vice President laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION BY THE UNITED STATES INFORMATION AGENCY

A letter from the Director of the United States Information Agency transmitting a draft of proposed legislation to authorize appropriations for the USIA and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

Proposed Legislation by the Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to amend the Public Health Service Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, the Drug Abuse Office and Treatment Act of 1972, the Social Security Act, to revise and extend programs of health services, and for other purposes (with accompanying papers); jointly to the Committee on Labor and Public Welfare and the Committee on Finance.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the communication from the Department of Health, Education, and Welfare relating to the Health Services Amendments of 1975 be jointly referred to the Committees on Labor and Public Welfare and Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 133) to lower interest rates was referred to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 622. A bill to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement United States obligations under international agreements to deal with shortage conditions (Rept. No. 94–26).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 7. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes (together with minority and additional views) (Rept. No. 94–28).

IMPLEMENTATION OF THE BUDGET ACT IN 1975—REPORT OF THE COMMITTEE ON THE BUDGET (REPT. NO. 94–27)

Mr. MUSKIE. Mr. President, the Senate Budget Committee has today filed a report, pursuant to section 906 of the Congressional Budget and Impoundment Control Act of 1974, to implement significant portions of the Budget Act for fiscal year 1976. The House Budget Committee has filed a substantially identical report in that body.

Against the background of a rapidly deteriorating economy, and numerous proposals advanced for Federal action to remedy it, the Congressional Budget and Impoundment Control Act assumes an even larger role than was originally contemplated when it was enacted scarcely 8 months ago. We have made substantial progress toward meeting that challenge. The Budget Committees in both Houses are now fully staffed. A Director has been appointed for the Congressional Budget Office, the functioning of which is essential to the success of this process. With this first year plan, we have embarked on implementation of the most significant budgetary reform Congress has enacted in this century. Our success will require the full cooperation of all Members and all committees. We are grateful for the support we have already received from the Members of this body, from the chairmen of its committees, and from the leadership on both sides of the aisle. We are confident of its continuation as we undertake to fulfill the mandate of the Budget Act.

The filing of these two reports implements basic provisions of the Budget Act in 1975. The House and the Senate Budget Committees will be reporting first concurrent resolutions on the budget by April 15. Congress will complete action on those resolutions by May 15. A second concurrent resolution on the budget will be reported by the Budget Committees and enacted by the Congress this coming fall.

The budget resolution reported April 15 will not deal in all the detail that subsequent resolutions in future years will involve. But in this year of severe economic distress; the Budget Committees have determined that, although not required by the act, our committees should help Congress devise a sound spending and taxing policy as the Federal Government strives to do its share to return the Nation to a healthy economic footing.

Numerous other provisions of the act will be implemented by this report. All these provisions are being implemented pursuant to discussions which began last fall between our committees and the chairmen and staffs of the House and Senate committees, and the leadership of both Houses.

We will be circulating this report as soon as it is available for distribution to the committees and to each Member of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

John T. Dunlop, of Massachusetts, to be Secretary of Labor.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

CHANGE OF REFERENCE—S. 827

Mr. ROBERT C. BYRD. Mr. President, S. 827, a bill to amend the National Environmental Policy Act concerning environmental impact statements for Federal actions related to Outer Continental Shelf oil and gas lease was introduced on February 25. This bill was referred to the Public Works Committee. Inasmuch as the Committee on Interior and Insular Affairs has jurisdiction over matters concerning both the National Environmental Policy Act and the Outer Continental Shelf, those matters should have been referred to that committee. I have conferred with the chairman of the Public Works Committee and the Parliamentarian and they concur in this judgment.

Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that S. 827 be rereferred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, the Committee on Public Works will be discharged from further consideration of the bill, and the bill will be referred to the Committee on Interior and Insular Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TOWER (for himself, Mr. BUCKLEY, Mr. FANNIN, Mr. HUMPHREY, Mr. LAXALT, Mr. THURMONT, and Mr. GARN):

S. 949. A bill to increase the corporate surtax exemption to $100,000. Referred to the Committee on Finance.

By Mr. DOLE:

S. 950. A bill to terminate the requirement for the prior approval of the export sales of agricultural commodities. Referred to the Committee on Agriculture and Foresty.

By Mr. BEALL:

S. 951. A bill to create a temporary program, as an emergency measure during the current period of high unemployment, in order to assure continued health care for unemployed persons and their families; and for this purpose to provide for continuation of coverage under employer programs of health insurance for their employees, and Federal financing from general revenues to meet the cost of such continued coverage. Referred to the Committee on Labor and Public Welfare.

By Mr. MONTOYA (for himself, Mr. RANDOLPH, Mr. BAYH, and Mr. MAGNUSON):

S. 952. A bill to provide States unable to meet the matching requirements for Federal-aid highway funds with moneys to cover Federal Highway Administration apportionments. Referred to the Committee on Public Works.

By Mr. STEVENSON:

S. 953. A bill to amend the Export Administration Act of 1969 to clarify and strengthen the authority of the Secretary of Commerce to take action in the case of restrictive trade practices or boycotts. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WILLIAMS:

S. 954. A bill to suspend the duty on railroad and railway rolling stock exported for repairs or alterations on or before August 31, 1975. Referred to the Committee on Finance.

S. 955. A bill to authorize certain filling and construction in a portion of Upper New York Bay, Hudson County, New Jersey. Referred to the Committee on Public Works.

By Mr. HUGH SCOTT:

S. 956. A bill for the relief of Tak-Shul Chan. Referred to the Committee on the Judiciary.

By Mr. MUSKIE (for himself, Mr. Brock, and Mr. Chiles):

S. 957. A bill to amend the Intergovernmental Personnel Act of 1970 to provide more effective means to improve personnel administration in State and local governments; to correct certain inequities in the law; and to extend coverage under the law to the Trust Territory of the Pacific Islands. Referred to the Committee on Government Operations.

By Mr. PROXMIRE (for himself, Mr. Tower, Mr. McIntyre, and Mr. Stevenson) (by request):

S. 958. A bill to provide for Federal regulation of foreign banks establishing, acquiring, operating, or controlling banks, branches, and agencies in the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BROCK:

S. 959. A bill to provide for a temporary period a 20 percent investment credit for small business enterprises with respect to property placed in service which increases production or decreases cost of production. Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 960. A bill to alleviate the financial crisis confronting the public schools of the Nation by providing increased financial resources for elementary and secondary education, and by promoting the equitable distribution of such resources within the States through the establishment of a National Education Trust Fund. Referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself, Mr. Beall, Mr. Gravel, Mr. Hathaway, Mr. Hollings, Mr. Jackson, Mr. Kennedy, Mr. Long, Mr. McIntyre, Mr. Moss, Mr. Muskie, Mr. Packwood, Mr. Pastore, Mr. Randolph, Mr. Ribicoff, Mr. Stevens, Mr. Weicker, and Mr. Williams):

S. 961. A bill to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain areas in order to conserve and protect such fish from depletion, and for other purposes. Referred to the Committee on Commerce.

By Mr. KENNEDY (for himself, Mr. Eagleton, and Mr. Church):

S. 962. A bill to amend the Older Americans Act of 1965 to establish a Community Service Employment Program for older Americans. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself and Mr. Schweiker):

S. 963. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the administration of the drug diethylstilbestrol (DES) to any animal intended for use as food, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. DOMENICI:

S. 964. A bill to amend part A to title XVIII of the Social Security Act to cover certain additional inpatient hospital services furnished outside the United States to individuals insured for benefits provided under such part A. Referred to the Committee on Finance.

S. 965. A bill for the relief of Edward J. Becvar. Referred to the Committee on Finance.

By Mr. HARTKE (by request):

S. 966. A bill to amend the Emergency Jobs and Unemployment Assistance Act of 1974 to establish an Emergency Health Insurance Extension Program to assure continued health care for unemployed persons and their families, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BUCKLEY:

S. 967. A bill to provide employment opportunities for unemployed and underemployed persons, to establish a program of loans to provide employment opportunities, to promote safe and efficient service by rail, and for other purposes. Referred by unanimous consent to the Committee on Commerce.

By Mr. HARTKE (by request):

S. 968. A bill relating to the appointment of the Veterans' Administration Deputy Administrator, the Chief Benefits Director, and the Chief Medical Director; to the authority of the Administrator of the Veterans' Administration to readjust the schedule of ratings for the disabilities of veterans; to the construction, alteration, and acquisition of hospitals and domiciliary facilities; to the closing of hospital and domiciliary facilities and regional offices; and to the transfer of real property under the jurisdiction or control of the Administration; and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE (for himself, Mr. Cranston, Mr. Talmadge, Mr. Randolph, Mr. Stone, Mr. Stafford, Mr. Bayh, Mr. Beall, Mr. Case, Mr. Clark, Mr. Dole, Mr. Gary W. Hart, Mr. Philip A. Hart, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Ribicoff, Mr. Schweiker, Mr. Hugh Scott, and Mr. Williams):

S. 969. A bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under Chapter 34 and for certain dependents under chapter 35 from 36 to 45 months. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE:

S. 970. A bill to amend the Social Security Act to provide for catastrophic health insurance coverage for the unemployed. Referred to the Committee on Finance.

By Mr. BAKER:

S. 971. A bill authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes. Referred to the Committee on Public Works.

By Mr. MOSS:

S. 972. A bill to provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HUGH SCOTT (for himself, Mr. Robert C. Byrd, and Mr. McClure):

S.J. Res. 46. A joint resolution authorizing and requesting the President to issue a proclamation designating October 5–11, 1975, as "Newspaper Week" and also designating October 11, 1975, as "Newspaper Carrier Day". Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S.J. Res. 47. A joint resolution to authorize the President to proclaim annually the last Friday of April as "National Arbor Day". Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER (for himself, Mr. Buckley, Mr. Fannin, Mr. Humphrey, Mr. Laxalt, Mr. Thurmond, and Mr. Garn):

S. 949. A bill to increase the corporate surtax exemption to $100,000. Referred to the Committee on Finance.

Mr. TOWER. Mr. President, it is in the public interest to maintain a strong, locally controlled small business sector in our economy. Toward this end, a healthy tax environment is essential. Today, I am introducing a bill which I submitted in the last two Congresses which is designed to provide some recognition of the tax problems faced by smaller businessmen over the past several decades as the dollar has depreciated in value. Joining me in introducing this measure today are my distinguished colleagues, Mr. Buckley, Mr. Fannin, Mr. Humphrey, Mr. Laxalt, Mr. Thurmond, and Mr. Garn.

Under present law a corporation is subject to a normal tax of 22 percent on all taxable income. In addition taxable income in excess of $25,000 is subject to a surtax of 26 percent for a combined rate of 48 percent on all corporate taxable income in excess of $25,000. The surtax exemption as well as the lower tax rate on the first $25,000 help to protect small businesses from too heavy a tax burden so they may compete with larger businesses and accumulate earnings with which to expand.

Congress has traditionally provided tax relief for small corporations. For example, during the period when corporations were subject to a graduated tax, the first $25,000 in taxable income was generally taxed at much lower rates than income in excess of that amount. When a flat rate for corporations was established by the Revenue Act of 1950, the $25,000 surtax exemption as we use it today was adopted. The Revenue Act of 1964 also contained provisions designed to assist the small corporations.

Prior to the Revenue Act of 1964—Public Law 88–272—the corporate normal tax rate was 30 percent and the surtax was 22 percent for a combined rate of 52 percent. The Revenue Act of 1964 provided for the reduction of the combined rate to 50 percent for 1964 and to 48 percent for 1965. In addition, that act provided for the "reversal" of the corporate tax rates so that the normal rate was reduced to 22 percent and the surtax changed to 28 percent for 1964 and 26 percent for 1965 and subsequent years.

The major reason given for the reversal of the rates was to benefit small business. The report of the Committee on Ways and Means which accompanied H.R. 8363, Revenue Act of 1964, cited the importance of small businesses in maintaining competitive prices in the economy, and noted the difficulty small businesses may have in finding outside funds to finance their expansion. The committee noted that small businesses traditionally find it necessary to expand largely out of income remaining after tax. The Senate Finance Committee noted similar reasons for the rate reduction and reversal.

I believe that Congress should continue to endorse the principles set forth in 1964 as to the merits and special needs of small businesses. I believe that an increase in the corporate surtax exemption to $100,000 is an appropriate way of doing this.

Although an exemption of $25,000 may have been adequate in 1950 and prior years, it is not adequate today. Inflation has had a particularly damaging effect on small businesses. Undervalued inventories have caused profits to be overstated and thus illusory. At the same time, the costs of replacing capital assets have soared as have costs of assets needed for expansion. Small businesses must be granted tax relief if that sector of our economy is going to have sufficient capital available to remain healthy.

Not only has inflation weakened small businesses but now because of the depressed economy, many small businesses are suffering from a serious cash flow reduction and after-tax earnings need to be increased so they will be able to meet current operating expenses. Let us not forget that our system of small businesses is a natural resource as vital to the survival of this Nation as are the energy resources we are currently struggling to protect.

Large corporations have a number of methods available to them when they need financing for growth, modernization, diversification or simply to carry them through periods of reduced earnings. Public offerings of securities such as stocks and bonds may be made or loans may be acquired from banks and investment companies. Small businesses, however, generally must depend on retained earnings for capital needs. When all income in excess of $25,000 is taxed at the rate of 48 percent, the ability of small business to accumulate funds for expansion or to survive periods of economic depression is severely limited.

Some have suggested that small businesses might be more equitably aided if a graduated tax were imposed on corporations so that businesses would gradually become subject to higher taxes as they grow and expand. I do not agree. A graduated tax for corporations means that a heavy penalty would be imposed on businesses with fluctuating incomes as compared to businesses with more stable levels of income but with the same total income over a period of years. A graduated tax also means that tax burdens will vary as do the characteristic sizes of business units in various industries and I do not believe in such arbitrary standards for the allocation of tax burden. Finally, graduated tax rates would encourage the division and reorganization of corporations for tax reasons rather than for sound business reasons. The principal advantage of raising the surtax exemption is that an effective rate reduction could be achieved without tampering with the normal rate structure through statutory reductions.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11(d) of the Internal Revenue Code of 1954 (relating to the surtax exemption) is amended by striking out "$25,000" and inserting in lieu thereof "$100,000":

Sec. 2. (a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "$25,000" and inserting in lieu thereof "$100,000" each place it appears therein:

(1) section 12(7),

(2) section 962(c),

(3) section 1561 (as in effect for taxable years beginning before 1975),

(4) section 1561(a)(1) (as in effect for taxable years beginning after 1974), and

(5) section 1564(a)(1)(A).

(b) The table contained in section 1564 (a)(1) of such Code is amended by striking "4,167" in the column headed "Surtax exemption" and inserting in lieu thereof "16,667".

Sec. 3. The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DOLE:

S. 950. A bill to terminate the requirement for the prior approval of the export sales of agricultural commodities. Referred to the Committee on Agriculture and Forestry.

Mr. DOLE. Mr. President, in the past 5 months, the price of wheat has dropped 30 percent, the price of corn has dropped 33 percent and the price of soybeans has dropped by more than 46 percent. Last week the Washington Post reported cancellations of grain sales by China of more than 318,000 metric tons. That cancellation follows an earlier cancellation by the Chinese of 983,000 metric tons. The Soviet Union canceled a sale of about 32,000 tons and India canceled a sale of 164,000 tons and placed orders for next year's wheat of 127,000 tons. Those rejections of sales from our country are due in part, if not entirely, to action by the U.S. Government to discourage export sales.

I ask unanimous consent that an article from the Washington Post be printed at this point in the Record, to substantiate those cancellations.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 26, 1975]

China Cancels Another Order for 318,000 Tons of U.S. Wheat

(By Bernard Brenner)

China has canceled orders for another 318,200 metric tons of American wheat, the Agriculture Department said yesterday.

The announcement brought total Chinese cancellations of American wheat purchases since late January to about 983,000 metric tons. Officials said the grain would be worth about $140 million at current prices, but may have been priced considerably higher when the orders were placed last year.

The entire 318,200-ton cancellation disclosed yesterday and half of the 610,000-ton cancellation revealed in January covered wheat ordered from the 1975 U.S. crop for delivery during the 1975–76 marketing year, which begins July 1. The latest announcement eliminated all outstanding Chinese orders for deliveries of 1975 U.S. wheat.

The remaining 300,000 tons of the January cancellation had covered 1974 crop wheat scheduled for shipment during 1974–75 marketing year, which ends June 30. That action by Chinese officials left only a remnant of 7,400 tons of American wheat scheduled for movement to China between now and June 30.

Unless new orders are placed, total U.S. wheat sales to China in the 1974–75 season will reach only 1.445 million tons, worth about $183 million. This is a sharp drop from the previous year when China purchased nearly 3.2 million tons of American wheat valued then at about $351 million.

China, which emerged briefly as the biggest single overseas buyer of American wheat in the 1973–74 marketing year, also bought 1.8 million tons of American corn in that year but has taken only 23,000 tons of corn in 1974–75.

Agriculture Department experts said they could only speculate on why the Chinese have canceled sizable wheat orders recently. They said the action may be linked to reports of good harvests in China or to Chinese foreign exchange difficulties.

Several other foreign buyers, including the Soviet Union and Iran, earlier had also canceled some U.S. wheat orders. Officials maintained, however, that the loss would be offset by recently approved increases in shipments under the U.S. Food for Peace aid program.

A weekly export sales report issued by the Agriculture Department yesterday noted that India had canceled an order for 163,900 tons of wheat for 1974–75 delivery but had placed new orders for 126,600 tons in the 1975–76 season. The Soviet Union canceled a small 31,900-ton wheat order for the current season.

The report showed new wheat orders for Iran, Chile and Western Europe but a drop in corn sales to the European Common Market and a decline in outstanding commitments for soybean sales to Japan.

FARMERS WANT MARKETS, NOT STUDIES

Mr. DOLE. In the same 5-month period, we have appropriated $4 billion for emergency unemployment, $2.5 billion for public service jobs, $347 million to bail out the northeastern railroads, and have made concessions to the automakers and the autoworkers unions as well as taking action that will provide billions of dollars of relief to other parts of the economy.

At the same time Washington has been giving out billions of dollars of aid to others, farmers have been sold down the river. They have been the subjects of a discrimination policy of discouraging farm exports. The farmers I know are not asking for billion dollar subsidies from the Government. But Kansas farmers are asking for a fair chance to compete in the market. They cannot do that when the Federal Government discourages foreign buyers from buying the grain they want.

The effect of the export prior approval system is indicated by a series of reports published by the Great Plains Wheat, Inc., on January 31, 1975, and I request unanimous consent that these reports be entered at this point in the Record.

There being no objection, the reports were ordered to be printed in the Record, as follows:

[From Great Plains Wheat, Inc., January 31, 1975]

GPW/Washington Weekly Report

CHINESE CANCEL U.S. WHEAT CONTRACTS

Early this week one of the leading U.S. grain exporters announced the People's Republic of China had canceled orders for U.S. wheat which they had sold the Chinese. The quantity canceled, about 600,000 tons (about 22.5 million bushels), represents about two-thirds of the total quantity of U.S. wheat which the PRC had on order, still pending shipment. There were no reasons given for the cancellations, although there is a great deal of speculation as to why the Chinese no longer wished to import the wheat. The Chinese apparently did harvest particularly good crops this year, reducing their dependence on imports to meet their food requirements. Many observers indicate, however, that the principal reason for the cancellations was that the PRC is short of foreign exchange and must, for that reason, cut back on imports. This reasoning was given greater credence because of rumors (subsequently denied by the Australian Wheat Board) that the Chinese were also negotiating cancellation of contracts for wheat purchased from Australia.

AUSTRALIA ANNOUNCES WHEAT SALE TO PRC

After denying rumors that the USSR and the People's Republic of China were seeking to cancel wheat contracts they had pending with Australia, John Cass, Chairman of the Australian Wheat Board announced the successful conclusion of a sale of 1,000,000 tons (about 37 million bushels) of Australian wheat to the PRC. The contract calls for delivery of Australian Standard White Wheat, but the Wheat Board has the option to provide Prime Hard and Hard Wheat, as well as a quantity of General Purpose Wheat. The sale, negotiated in Canberra and Melbourne between AWB officials and officials of the China National Cereals, Oil and Foodstuffs Import and Export Cooperative, traveling in Australia, calls for shipment between April 1975 and March 1976. Payment is to be made within 12 months of the date of shipment. Although the announcement by Mr. Cass appeared to indicate this was a new sale, there are some indications that it is not and that rather than a sale, the action may actually constitute cancellation of an existing commitment. According to a Reuters report, only the day before the announcement of the sale, when the Wheat Board denied rumors of Chinese and Soviet cancellation or deferment of orders, Wheat Board officials stated that under a three-year agreement China had purchased 1.2 million tons (about 44.1 million bushels) of Australian wheat. They indicated no price had as yet been negotiated for the 1.5 million tons (about 55.1 million bushels) of Australian wheat on order by the Chinese this year. Without confirmation of the 1.5 million ton order to which the Wheat Board official referred, the sales contract just announced could actually constitute a reduction of the previous commitment by 500,000 tons (18.4 million bushels). Adoption of a more aggressive sales posture by the Australians tends to lend credence to this assumption.

SOVIET WHEAT ORDER CANCELLATIONS PUZZLE MARKETS

The Soviet cancellations of orders for U.S. wheat this week are being considered to be more serious and raising greater questions than did the Chinese cancellations. Observers are now speculating about Soviet intentions and what the grain situation may be in the Soviet Union. The Soviet grain crop is, according to even the official Soviet announcements, appreciably smaller than the crop harvested last year. (Official Soviet figures are higher than some of the estimates issued from other sources.) There is, furthermore, some indication that the USDA is revising downward its estimate of the Soviet 1974 wheat crop. Some USDA officials theorize that the Soviet 1974 wheat crop was of better quality than the 1973 crop and, therefore, more of it was usable. Some others contend this would make little difference, since Soviet grain needs must be considered in terms of their requirements for both food and animal feeds, and both domestically produced and imported grains are considered in terms of total quantities for all needs. There is some speculation that the Soviets may be thus expressing annoyance at having the U.S. limit Soviet purchases of U.S. corn to 1.0 million tons this year, whereas the European Community has purchased 14.0 million tons. A more plausible theory is that because of earlier concern that they might be able to buy more grains this year the Soviets may have made the necessary adjustments in grain use and may not need more grains this year. Such an adjustment would have appeared to be necessary in view of the U.S. embargo and the Soviet subsequent inability to contract additional quantities from other sources. It is fairly obvious, in any event, that the Soviets must have relaxed what earlier concerns they had regarding availabilities of 1974 crop grains and, watching prices drop on the U.S. commodity exchanges, are not in a hurry to take any additional quantities of grain, even if they still need more.

AUSTRALIANS INCREASE SALES ACTIVITY

This week the Australian Wheat Board reduced prices on Australian wheats, putting them in line with U.S. wheats, indicating a more aggressive sales posture and raising some doubts that they may have sold an additional 1.0 million tons of wheat to the People's Republic of China. The Australian Wheat Board has, furthermore, stated it has sent a three-man delegation on a sales mission to Latin America. The group, led by Leonard Dorman, General Manager of the Australian Wheat Board, will go to Peru, Chile, Colombia, and Mexico. The Wheat Board has indicated particular interest in sales to Chile, to whom Australia has sold substantial quantities in the 1960's, although at the present time the Maritime unions have in effect a ban on grain shipments to Chile. According to a *Reuters* report, John Cass, Chairman of the Australian Wheat Board, has indicated that the Australian Council of Trades Unions is due to meet on February 10th to consider the ban on shipments of grain to Chile. This will be shortly before the delegation actually arrives in Chile.

CANADA REDUCES WHEAT EXPORT PRICES

For the second time in one month, this week the Canadian Wheat Board lowered the export prices for most classes of wheat (See, GPW/Washington Weekly Report dated January 10, 1975, for a report on the earlier price cut). Export prices for Nos. 1 to 3 Canadian Western Red Spring and Nos. 1 to 4 Durums were reduced by 60¢ per bushel. Prices for Canadian Nos. 1 to 3 utility grades were lowered by 50¢ per bushel. This further export price reduction in January now brings the price of Canadian Western Red Spring 13.5% protein to about $5.40 per bushel fob St. Lawrence. This move is another effort to bring Canadian wheat export prices in line with world wheat prices, which have continued a sharp decline. Although still higher than current U.S. wheat offers, the Canadians were successful this week in participating in the weekly Japanese wheat business.

Mr. DOLE. Mr. President, those reports show that the People's Republic of China, for example, canceled a sale of about 600,000 tons in the week of January 24. At the same time, they agreed to purchase 1,000,000 tons from Australia. The reports also show that the Australians and the Canadians have taken steps to become more competitive in the world market.

That means foreign buyers like China and the Soviet Union, when faced with the uncertainty of completing their purchases in the U.S. market, go to other sources. We have spent many years developing our position in foreign markets. It now appears that we have begun a determined effort to destroy that position, beginning with the freeze on the grain sale to the Soviet Union on October 4, 1974.

All of this appears to be the result of those misinformed advocates of export restrictions who mistakenly promote the scarce mania that the American people have "suddenly found themselves running short of food."[1]

I would fully expect the Secretary of Agriculture and administration officials to take a more responsible attitude. Instead, they have made concessions to those advocates of export restriction who mistakenly believe that depression level farm prices will lead to lower prices for food. I am disappointed and disillusioned with this policy and am introducing this legislation today to prohibit such a policy of restricting farm exports.

NO BENEFIT TO CONSUMERS

Many Members of the Government persist in the invalid belief that low farm prices mean lower food prices for consumers. The market developments in recent months show that a greater fallacy never existed. Since August of 1973, the price of cattle has declined by nearly 50 percent. The price of retail meat shows nothing even near that type of reduction. In fact, reports from the Department of Agriculture show record margins for processors and middlemen.

In recent months, when the price of wheat declined by more than $1.50, the price of bread has not declined any. In fact, the price of bread from October to January rose from 35.6 cents to 37.3 cents per loaf, according to USDA. I suggest that even if wheat was given away free, there would be no reduction in the price of bread.

PRICE DECLINE CAN HURT CONSUMERS

Mr. President, the price decline for farm commodities can actually be harmful to consumers. That is because the price of wheat, corn and soybeans has now declined to a level lower than what will provide a fair return on the investment by farmers. The result must be that farmers are more likely to reduce production. They are following the same procedure that any intelligent businessman or anyone else, for that matter, would follow. If you cannot get a fair return on your investment, you generally look elsewhere for a better investment. Just like anyone else, farmers cannot afford to throw their money away just to subsidize the profit margins of middlemen.

So farmers may reduce production. In fact, in the past 2 months, dozens of farmers have contacted my staff and me to advise of their intentions to reduce their planting of corn and feed grains and possibly to plow up some of the wheat they have planted. The Department of Agriculture has been urging all out production. But farmers have to make a living, just like everyone else, and with prices falling as they have, farmers are getting the signal from the market that they should reduce production. Those signals from the market are directly related to the export monitoring system that was established last year and which has discouraged exports and forced a decline in the price of farm commodities.

AGGRAVATES TRADE DEFICIT

Last year, we exported $22 billion worth of farm commodities. At the same time, we paid a whopping $24 billion for foreign oil. It is clear that our farm exports nearly offset the drastically increased price we paid for foreign oil. Without the record level of farm exports, our trade deficit would have been in a much worse position.

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[1] Senator Henry Jackson, Hearing before the Permanent Subcommittee on Investigations of the Committee on Government Operations, United States Senate, October 8, 1974, p. 1.

This year, our rate of dollar outflow for foreign oil purchases is even higher. Yet we have a clear policy of discouraging exports of farm commodities that might offset that dollar outflow.

By discouraging exports with the export prior approval system, the market price for farm commodities has been driven down. This means when the Russians, Chinese, Japanese, Europeans, and other foreign buyers purchase grain in this country, they are paying much less than it is worth. So it even further aggravates our trade deficit by letting our farm commodities go at a lower price than they should.

The depressing of farm commodity prices and the aggravating effect it has on our balance-of-payments deficit means an even greater loss of jobs and national income. It means that every American, not just farmers, suffers from the discriminating export control policy since every American suffers a loss of real income when more dollars leave the country than come in.

The policy of this Government for years has been to improve our access to foreign markets. It is grossly inconsistent to now deny access to those markets and to hurt the economy as a whole by further detracting from our trade balance.

So I believe we should stop discriminating against the farmers. We should stop aggravating our already large trade deficit. We should lift the export prior approval system and prohibit it from being instituted in the future.

INTERFERENCE DESTROYS INCENTIVE

The United States has an incentive economy—not a controlled economy like that of many other nations. The level of worldwide prices the past 2 years, due to many factors, has stimulated the American farmer to step up his production of wheat, feed grains, and soybeans. The January USDA planting intention report and the indicated winter wheat production report portend greater crops of wheat, feed grains, and soybeans—our major food and feed crops— and export crops.

This expanded production is a result of the increased demand demonstrated by increased prices.

Since October 4, 1974, however, there have been some definite losses in these market prices, with wheat going from $5.04 per bushel to $3.52; corn from $3.94 per bushel to $2.63; and soybeans from $9.31 per bushel to $4.98 as of February 28, 1975.

Arguments have been made that prices fluctuate during this period due to the harvest of corn and soybeans and that farmers sell a good quantity of their wheat in January. Those fluctuations took place in the last 2 months of 1974 for corn and soybeans and in January for wheat. The wheat selloff in January was minimized this year, however, due to wheat growers' efforts at orderly marketing. They are selling their wheat throughout the year so as not to flood the market and break the price.

MARKET DROP DUE TO EXPORT CONTROL

My point is that the drop in market prices was mostly effected by the prior approval export controls as announced by the administration on October 4, 1974. That action had the same effect on the market prices as did the "dumping" of surplus grain stocks on the markets in the 1960's when we had huge surpluses.

Too often our farmers have seen their hopes for better prices destroyed through the actions of Government in dumping surplus commodities on the market. Now they have experienced it again under the guise of monitoring and prior approval. It is simply a form of export controls—a form of dumping—to lower prices. This system of reporting and approval has inhibited export sales, backing up the flow of exports in the marketing system.

Any export controls, no matter how they are disguised, have the effect of "dumping" grain on the market as surely as when it was done with surpluses.

Today I am introducing legislation which would terminate this program of export controls. It provides that—

> The Secretary of Agriculture shall not require or provide on a voluntary basis for the prior approval of export sales.

Mr. President, our farmers deserve the assurance of ready access to these foreign markets. Our winter wheat farmers made plans to plant the crop they will harvest this summer last October when the wheat price was $5.04 per bushel. On February 28, that price had dropped $1.52 per bushel, 30.2 percent, as a result of the prior-approval program; corn had dropped $1.31 per bushel, 33.2 percent; and soybeans dropped $4.33 per bushel, 46.5 percent. And farmers see these declining prices as they face costs of production items averaging 13 percent higher, with fertilizer, fuel and other particular items doubling or tripling in cost.

I ask unanimous consent that this table showing price declines for farm commodities be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CASH PRICES (WALL STREET JOURNAL)

	Oct. 4, 1974	Feb. 28, 1975	Drop	Percent drop	February 1974	Drop	Percent drop
Wheat, per bushel	$5.04	$3.52	−$1.52	−30.2	$5.76	−$2.24	−38.9
Corn, per bushel	3.94	2.63	1.31	−33.2	3.21	.58	−18.1
Soybeans, per bushel	9.31	4.98	4.33	−46.5	6.32	1.34	−21.2
Soybean meal, per ton	188.00	103.00	85.00	−45.2	155.00	52.00	−33.5

Mr. DOLE. Mr. President, it should be stated that this table does not reflect the sharp price drop that is taking place in the market today. Nor does the table show the 30 to 50 cent lower price that farmers actually receive. Reported prices from the Kansas City or Chicago markets are always 30 to 50 cents higher than what farmers get due to handling, storage, and transportation charges.

Prices in western Kansas are reported at about $3 per bushel for wheat in the past few days.

This is unfair to our farmers—and it is unfair to our foreign customers who could well look to other nations for their future purchases.

MONITORING SYSTEM REMAINS IN PLACE

It should be pointed out that the monitoring of exports and the reporting system would continue to operate as established in the farm bill of 1973. In this manner, we would continue to receive reports of how much grain has been exported and how much grain remains available for domestic consumption. I suggest that that system is adequate to protect our domestic needs.

When grain stocks begin to be reduced, the price goes up sharply. At that time, all potential buyers in our market must pay a higher price or go elsewhere. I suggest that before we run out of grain or any other food, the price will become prohibitive for foreign buyers. There has been a great deal of concern expressed about how the Russians "will buy every last bushel of grain they can lay their hands on." But the funds available to the Russians, Chinese, or any other potential buyer is limited. When the price of wheat or any other commodity begins to rise, they begin to look elsewhere for alternate supplies or find substitute kinds of food that cost less. That is the normal function of the market.

I suggest that the market is an inherently protective function to insure that this country will never run out of food and that the price depressing prior approval system is counterproductive and in the end will cause a higher cost to consumers than letting the market operate properly would.

Mr. President, I believe that ending the export prior approval system at this point would be too late to improve the market prices for farmers. I believe the damage has been done with the restrictions and uncertainties that have led to the cancellations mentioned earlier. But it is my strong conviction that this situation should be remedied as soon as possible to prevent it from happening again.

Many farmers have told me they believe Congress and the administration will take notice of farm income needs only if farmers respond to export reductions and market declines by sharply curtailing production. This may be so, but the result could be a painful lesson.

So I would urge my colleagues to study this situation and to understand that our farmers deserve the incentive provided by expanded export markets. Without incentives, they will surely reduce production due to adverse cost factors and the resultant loss of production will be even more harmful to consumers.

By Mr. BEALL:

S. 951. A bill to create a temporary program, as an emergency measure during the current period of high unemployment, in order to assure continued health care for unemployed persons and their families; and for this purpose to provide for continuation of coverage under employer programs of health insurance for their employees, and Federal financing from general revenues to meet the cost of such continued coverage. Referred to the Committee on Labor and Public Welfare.

BEALL URGES HEALTH INSURANCE FOR UNEMPLOYED

Mr. BEALL. Mr. President, I introduce today the "Employees' Health Insurance Extension Act of 1975." Millions of Americans are today unemployed. While this represents a loss to the Nation as a whole, we must not overlook the fact that unemployment statistics represent individuals who as a result of their unemployment, are facing serious personal and financial problems. Fortunately, we have enacted a number of stabilizers, such as unemployment insurance, to help cushion or ease the impact of unemployment on individuals and their families. However, there is another serious problem for unemployed individuals; namely, the loss of health benefits.

If during the difficult period of unemployment, the worker and his family also face emergency health problems, a difficult situation becomes impossible.

In previous downturns in the economy, the loss of health insurance has not been as big a problem, primarily because collective bargaining agreements often continue health insurance for periods varying from 1 to 3 months. However, because this recession has been so protracted, it has been estimated that 80 percent of individuals laid off last year are today without medical insurance.

The proposal I am introducing today would authorize the Secretary of HEW to pay the health insurance premiums of the unemployed worker who has lost his health benefits. The mechanism is quite simple. The unemployed individual would make application for such premium payment with the State unemployment office who would then certify the individual's eligibility both to the employee's former employer and to the carrier of the employer. It should be emphasized that this is a temporary measure. The benefits would be limited to those which are elective services and the Secretary of HEW's payment to the carrier would reflect an actuarial reduction of premiums based on the coverage provided in this emergency measure.

Mr. President, I ask unanimous consent that an editorial which appeared in the March 10 edition of "Business Week" entitled "First Aid for the Jobless" be printed at this point in the Record in support of emergency health insurance for the unemployed. In addition, I ask unanimous consent that the full text of my bill also be printed in the Record.

There being no objection, the editorial and bill were ordered to be printed in the Record, as follows:

First Aid for the Jobless

Hundreds of thousands of workers laid off recently are losing more than their jobs. They are losing their medical benefits as well. Without the means to pay for illnesses or accidents, they have become double victims of the deepening recession. And, to make matters worse, the hospitals and welfare programs that provide for the medically indigent are overburdened as health insurance payments run out.

In previous economic slumps, the problem never really arose. Most union contracts require employers to maintain health coverage for one to three months after laying off workers—plenty of time in a "normal" recession to work off inventories and recall workers. But the current recession is so deep and widespread that an estimated 80% of those who lost their jobs last year are now without medical insurance.

A national health insurance plan is the best solution, but it will be at least a year before a comprehensive plan is enacted. What Congress must do—and do quickly—is administer some first aid. It should tie medical insurance to the existing unemployment compensation system. Such a program would be administratively simple and would cost the government no more than $1.5-billion in premiums through mid-1976. When a national health plan is finally enacted, the emergency aid for the unemployed would end.

Washington has already shown its willingness to soften the recessions' impact by extending basic unemployment insurance to 52 weeks. It should now add this important fringe benefit.

S. 951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Emergency Health Insurance Extension Act of 1975."

Sec. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XVII—CONTINUATION OF EMPLOYEE HEALTH INSURANCE DURING PERIODS OF UNEMPLOYMENT

"Sec. 1701. (a) Every individual who is receiving benefits under any Federal or State unemployment compensation law (or would be entitled to benefits except for illness or disease) and who, at the time of termination of his employment, was covered under an employer health insurance plan for employees, and the members of his family if included in such coverage, shall be entitled to a continuation of such insurance, with premiums paid therefor by the Secretary of Health, Education, and Welfare as set out below, under the following terms and conditions:

"(1) Insurance of an individual and his family under this section shall become effective at such time as the obligation of the employer to furnish insurance coverage under the employer's health insurance program for employees otherwise expires.

"(2) This section shall not apply in the case of an individual who, together with members of his family previously covered through his employment, is covered or is eligible for coverage under an employer's health insurance program by which such coverage is available through another member of his family.

"(3) To be entitled to benefits under this section an individual shall make application therefor to the state unemployment compensation agency or other appropriate state agency, and such agency shall promptly determine eligibility and give notice of certification of eligibility or rejection of the application to the individual's last employer and the carrier for such employer's health insurance program.

"(4) Application for benefits under this section shall be made within 30 days following termination of the employment, and the initial certification shall be effective to provide for coverage commencing on the date of termination of the employment or, if later, the date of expiration of coverage of the employee and his family by insurance under the employer's health insurance program. Any certification of eligibility shall be effective for a period of four weeks, and the agency shall from time to time review and recertify any individual's eligibility in order to provide for continuation of coverage for the period during which he is unemployed and eligible for compensation benefits.

"(5) Insurance coverage provided under this section shall not apply with respect to elective services.

"(b) Payment of premium, actuarially determined for coverage under this section, shall be made by the Secretary of Health, Education and Welfare directly to the carrier or as reimbursement to the employer.

"Sec. 1702. There is authorized to be appropriated to the Secretary of Health, Education and Welfare such sums as may be necessary to carry out the provisions of this section. No payments may be made by the Secretary of Health, Education and Welfare for any benefits under this title for any period subsequent to June 30, 1976."

By Mr. MONTOYA (for himself, Mr. Randolph, Mr. Bayh, and Mr. Magnuson):

S. 952. A bill to provide States unable to meet the matching requirements for Federal-aid highway funds with moneys to cover Federal Highway Administration apportionments. Referred to the Committee on Public Works.

ECONOMIC RELIEF TO STATES FOR BUILDING ROADS

Mr. MONTOYA. Mr. President, I am introducing a bill today to give badly needed financial relief to States which find themselves unable to make full use of their apportionments of the trust fund to build roads. President Ford's decision on February 11 to release $2 billion of impounded trust fund money was correctly claimed to provide over 250,000 badly needed jobs. There is serious doubt that more than $1 billion can be obligated because of the complications of the many categories which fully half the released money is bound to. However, providing jobs was clearly one of the important benefits which the Congress foresaw when the Highway Act was enacted in 1956. We must remember that there will be no roads built and no jobs created until the States can meet their financial requirements under the act.

There has been a remarkable coincidence in the development of this legislation. It emphasized the need for dependable legislative relief for some States. While I am not creating a cloak and dagger episode, the simple chronology of events will speak for themselves. Up until February 27 of this year, the State of New Mexico had accumulated $10,600,000 in a reimbursable account known as Advanced Construction on the Interstate, or ACI.

On February 27, New Mexico officials had still heard no word that the funds were available from ACI, which is administered by the Federal Highway Administration, though they had been urgently requested on previous occasions. Also on February 27, I announced my intention to Administrator Norbert Tieman of FHWA, and others, in hearings before the Committee of Public Works, that I would then introduce legislation to permit States to borrow against future apportionments. Still on the same day, February 27, the FHWA advanced the full $10,600,000 to the New Mexico State Highway Department. This occurred a few hours later in the day, in Santa Fe, N.M. This $10,600,000 is adequate to meet the State matching funds requirements for the apportionments which are available between now and the end of this fiscal year. Obviously, this removes the urgency for my State to meet its matching fund requirements and permits it to participate fully in highway construction for the remainder of this fiscal year.

Mr. President, this emphasizes again the need to act resolutely in the best national interest. We cannot afford another round of "divide and conquer" by the administration, if that is what is being attempted. If this legislation is unneeded, as the administration insists that it is, then it simply will not be applicable, nor will it be used. If this legislation is needed, as the representatives of the recent Governors' Conference advised the Committee on Public Works, then it will be available. I much prefer to believe that the Governors do, indeed, know what is needed in their States to continue vital highway construction.

It is possible, as FHWA officials now advise me, that it is pure coincidence that the ACI money was advanced to New Mexico on the exact date, and only hours after, I announced to FHWA my intent to introduce legislation to help the States which need help. Certainly the outstanding efforts of the FHWA officials in Santa Fe and in Dallas have been an example throughout New Mexico's recent economic crisis in roads construction. Their sincerity and ability are beyond question. It is at the policymaking level in the administration that the coincidence is difficult to accept at face value. There is, however, no penalty if we procede with the cure for this economic disease. If it is needed, we will be prepared for some other unlikely coincidence in the future.

JOBS WITHOUT DEBT

This is the time for the Congress to act to create productive jobs, promote full employment and still hold down any drain on the Federal Treasury. The highway trust fund is not taxpayer money from the general fund. It is taxes paid into an account by road users expressly for use on roads and transportation. This legislation will not take 1 cent out of taxpayers' pockets now will it penalize any State which can meet matching fund requirements without this relief. No State will lose funds because of the provisions of this legislation. It is not an open end invitation to continue an increased Federal share of the road costs. Any increased Federal share awarded to a State now to catch up on using apportioned Federal aid highway money will be subtracted from that State's apportioned funds by September 30, 1978.

It is unwise to measure the ability of a State to meet the recently inrceased matching fund requirements, due to the release of $2 billion by President Ford, solely on the basis of whether they can scrap every other program on the State's administrative program to raise the money to claim their share of Federal money. It amounts to unintentional blackmail. A State is sorely tempted to make extraordinary sacrifices—unwise sacrifices—to avoid the dilemma of losing large amounts of Federal funds which they have themselves contributed heavily into. That is a case of the poor get poorer. We must all make real sacrifices to overcome the present economic crisis, but those sacrifices must be carefully considered, not mandatory reactions to the threat of losing fairly apportioned Federal funds.

INFLATION AND DELAY

If we should wonder about the consequences of waiting longer to build the Interstate System, recent history is a good teacher. The Defense and Interstate System was originally planned for completion by 1972. The FHWA now estimates that it will be completed by 1983 at the present level of funding, even if there is no inflation factor from now until it is completed. At the conservative estimate of 7 percent per year inflation, the completion date would be 1990. In short, the completion date is becoming so elusive that it may never be achieved. We have a responsibility to expedite the Interstate System. It is not the one and only element of a responsible transportation program, yet it is certainly vital.

The revenue which is necessary and available to States to meet Federal fund matching requirements has been caught in an economic squeeze between two jaws of a vice. Funds collected have dropped off because the high price of gasoline has discouraged gasoline sales. The funds needed have increased because the highway construction industry has been victimized by inflation. Unlike most taxes, there is no tie to the level of the national economy with road user taxes on gasoline. The taxes collected are tied to the gallons of gasoline sold. Most other taxes are tied to the dollar volume, so revenues have some chance of keeping pace with cost increases.

THE COST OF JOBS

Mr. President, the administration has estimated that public services jobs will cost the Government $8,500 each, per year. It is very surprising to me to discover that the Federal Highway Administration estimates that each job generated through highway construction computes to less than $8,000. The estimate, based on 126,000 jobs per billion dollars spent, is $7,936.50. When we can complete a vital Defense and Interstate System at a lower cost per job than public service jobs, I find it highly irresponsible of the administration to withhold the remaining trust funds approved by the Congress or to discourage its use in any way.

Mr. RANDOLPH. Mr. President, I join the able Senator from New Mexico (Mr. MONTOYA) in the introduction of legislation to alleviate a financial situation faced by several States.

For the past 8 years I have worked to end the impoundment of congressionally approved funds for highway construction. The withholding of these funds by the executive branch has been, I believe, contrary to the law and to the intention of the Congress. It has caused delays in the development of our Interstate Highway System and other needed roads and, because of growing inflation, it has contributed to the eventual higher cost of building these facilities.

Legislation enacted last year gives to the Congress greater authority over impoundment of funds. No longer can the executive branch act unilaterally in this area. I believe that from this new dual responsibility will develop a system under which the total Federal budget is established on a realistic and equitable basis.

Acting under the requirements of this legislation the President last September submitted to the Congress a deferral message withholding $10.7 billion in highway obligational authority. On February 7 of this year I introduced Senate Resolution 69 with the cosponsorship of Senator MONTOYA and other Members of this body. That resolution would override Presidential deferral and require the immediate release of all impounded funds. Subsequently, on February 11, President Ford ordered the release of $2 billion in impounded Federal-aid highway funds. This was, of course, a welcome action. It will permit accelerated highway construction in the months immediately ahead.

These additional funds will help to compensate for the impact of inflation on the highway program and they will stimulate the creation of jobs at a time when they are badly needed.

Mr. President, it appears, however, that because of the shortage of required matching funds some States will not be able to utilize any of the recently released Federal highway money. General decline in the economy and reduced highway travel have contributed to this situation.

The legislation being introduced follows a pattern adopted in 1958 during another period of economic recession. This measure permits States to, in effect, borrow against apportionments and utilize this money to match the newly released funds. I believe it to be an equitable system which will not penalize States which have sufficient funds but will allow those States in need of matching funds to fill the existing gap if they so desire. This is a flexible measure intended to assist the States in overcoming what I hope is only a temporary condition.

Mr. President, I commend the Senator from New Mexico (Mr. MONTOYA) for his leadership in bringing this proposal to the Senate. His State is one of those most seriously affected by a shortage of matching funds. While the State I have the privilege to represent does not share this problem at the present time I recognize it as a matter of great concern for a number of other States. Therefore, I am glad to support this bill and hope that it can be considered and acted on without delay.

Mr. BAYH. Mr. President, it is my pleasure to join with Senator MONTOYA, Senator RANDOLPH, and several other of my colleagues in introducing this bill to provide funds for States to meet matching requirements for Federal-aid highway funds. I believe this is one of the more important pieces of legislation introduced in this session thus far.

Mr. President, we are all acutely aware of the economic hardships which have befallen our Nation. In January we had over 7½ million citizens who could not find work, and that number is rising. Only last Thursday the Commerce Department reported that its index of leading economic indicators fell another 1.3 percent in January for the steepest 6-month decline since the Government began collecting the statistics after World War II. Some have been heartened by the recent release of information showing that the rate of inflation subsided substantially in January, but I cannot consider this good news when the primary cause of the lower rate was our deepening recession.

There is clearly a need for the Government to act to halt the slide of our economy, and helping the States meet matching requirements under the Federal-aid highway program is a step we can and should take immediately.

Earlier this month, President Ford announced that he would release $2 billion of the impounded highway funds. This action was a step in the right direction, although many State officials maintain that much more money is needed and can be utilized. However, there are many States which will find it difficult if not impossible to meet matching requirements and take advantage of the funds which have been released. The States are in this position due to declining gasoline tax revenues and other revenue losses caused by the recession. The administration has estimated that the release of $2 billion in Federal-aid highway funds will provide about 150,000 jobs in construction and related industries. But, this estimate will be quite hollow if the bulk of the funds are not used by the States because they are unable to come up with the matching requirements.

Unfortunately, the Office of Management and Budget has announced that it opposes any further aid to the States to meet their matching problems. Thus, as has happened so often in so many areas during the last few years, it is now up to Congress to provide the leadership necessary to take full advantage of our Federal highway program.

Mr. President, I do not believe we can allow a large portion of those 150,000 jobs promised by the President, or additional jobs provided by the further release of impounded funds, to be lost due to a lack of matching money. It is up to us to take prompt and decisive action. The times require no less.

The jobs provided through the highway program will not be makework. They will not be just raking or sweeping. Instead these jobs will result in extension and improvement of our highway system. The program will increase the safety of highway travel for our citizens. The benefits will be real, visible, and lasting.

The bill we introduce today is quite simple. It provides the Secretary of Transportation with authority to increase the Federal share for a highway project up to two-third of the State's share of the cost of the particular project. This would include projects under the Federal-aid primary, secondary, and urban systems as well as the Interstate System. The increase in the Federal share will be provided from future apportionments and will be repaid to the Federal Government in equal deductions from apportionments for fiscal year 1977 and 1978.

Though I personally would prefer to see the Federal share increased up to 100 percent of State matching needs, Senator MONTOYA and Senator RANDOLPH believe a two-third limit is desirable and more practical. I bow to their expertise as distinguished members of the Public Works Committee, and I believe that this bill as drafted will meet the basic needs of the States.

Moreover, this approach will not be costly and inflationary. There will be no loss to the Federal Government, other than interest, and the highway funds will be put to quick use now, when we badly need to provide jobs. The bill also provides a simple mechanism for repayment of the loans, which will place a minimal burden on the States and involve no out-of-pocket expenses to them.

Mr. President, it is clear that the people of this Nation expect their elected officials to take all possible steps to get our economy moving forward again. It is also quite clear that while not a panacea for our economic ills, the Federal-aid highway program is a weapon which can be helpful in our battle against recession. I hope that this body will support our bill to insure that this weapon is used to maximum benefit.

By Mr. STEVENSON:

S. 953. A bill to amend the Export Administration Act of 1969 to clarify and strengthen the authority of the Secretary of Commerce to take action in the case of restrictive trade practices or boycotts. Referred to the Committee on Banking, Housing and Urban Affairs.

THE ARAB BOYCOTT

Mr. STEVENSON. Mr. President, the United States has long had a policy of opposing foreign restrictive trade practices and boycotts against countries friendly to the United States. That policy is expressely set forth in the Export Administration Act of 1969. The act also makes it U.S. policy to encourage and request domestic concerns engaged in the export trade to refuse to take any action which has the effect of furthering or supporting such trade practices and boycotts. Nonetheless, recent disclosures of Arab boycott lists and discrimination in international transactions against firms with Jewish interests make it clear that U.S. policy has not been effectively implemented.

Boycotts and restrictive trade practices designed to support Arab policy are apparently being perpetrated with impunity against U.S. companies which have dealings with Israel. Thousands of U.S. firms appear on Arab boycott lists. There are also increasing reports of discrimination against U.S. financial and investment institutions with Jewish interests. A number of investment bankinghouses have apparently been excluded from financings involving Arab investment funds. Reports indicate that last year more than half of all U.S. firms which had been asked to comply with Arab restrictive trade practices or boycotts directed against Israel had complied. The U.S. Government, too, has apparently bowed to Arab demands by agreeing to exclude Jewish personnel from Army Corps of Engineers projects in Saudi Arabia. Such actions raise grave implications for an open international trading system, a nondiscriminatory U.S. economic system and the conduct of U.S. foreign policy.

One of the major deficiencies of existing law is its failure to make clear that export controls are intended to be used to counter foreign boycotts and restrictive trade practices. Under the Export Administration Act, both the President and the Secretary of Commerce have broad authority to implement all the policies of the act. Yet, despite the existence of foreign boycott and restrictive trade practices directed against countries friendly to the United States, neither the President nor the Secretary of Commerce has taken any action under that law to restrain such behavior. Indeed, in forms prepared for filing with the Department of Commerce under the Export Administration Act, U.S. companies are explicitly told that they "are not legally prohibited from taking any action—that has the effect of furthering or supporting—restrictive trade practices or boycotts." The same forms ask U.S. companies whether they have complied or intend to comply with requests to support a foreign boycott, but at the same time state that submission of such information "is not mandatory." Such statements leave no doubt in the minds of U.S. companies that U.S antiboycott policy carries a very small stick indeed. It is no wonder that most U.S. companies have gone along with Arab demands.

With the OPEC nations' rapid accumulation of monetary reserves and their willingness to use their new-found economic power for political purposes, the problem takes on added dimensions. Any doubt about the ability of the United States to respond effectively should be removed. The President should have clear and unambiguous authority to curtail economic transactions by U.S. concerns with countries which impose boycotts or engage in restrictive trade practices. Limitations on exports to, investments in, or any other economic transactions with such countries, can be an effective tool for advancing U.S. policy.

A second deficiency of present U.S. law is its failure to make it clear that U.S. policy against foreign boycotts and restrictive trade practices extends to discriminatory actions against U.S. companies. As phrased, the antiboycott provisions of the Export Administration Act are limited to boycotts or restrictive trade practices directed against "other countries." But such action, when directed against U.S. concerns, whether as part of a boycott against another country or independently on the basis of race or religion, should be equally repugnant to American policy.

Finally, the disclosure provisions of existing law require U.S. concerns to disclose only "requests for—information or the signing of agreements" which further or support a foreign boycott. But such requests can take broader forms and involve substantially more subtle action than the mere furnishing of information or the signing of an agreement.

Moreover, it is essential that the Government know whether U.S. companies are in fact complying with requests for action which has the effect of supporting foreign boycotts or restrictive trade practices. Since Department of Commerce forms issued pursuant to existing law make it clear that U.S. firms need not supply information on whether they are complying or intend to comply with foreign boycott requests, information which is essential to effective implementation of the law is lost.

To remedy this situation and to reaffirm and strengthen American opposition to foreign boycotts and restrictive trade practices, I am introducing a bill which would amend the Export Administration Act to: a give the President express authority to counter foreign boycotts and restrictive trade practices through controls on U.S. exports, including the curtailment by any U.S. concern of exports to, investments in, or any other economic transactions with countries which impose boycotts or engage in restrictive trade praces; b. make it clear that boycotts or restrictive trade practices directed at U.S. concerns in their domestic operations are also contrary to U.S. policy; c. provide for disclosure of all requests for action of any kind which would further or support foreign boycotts or restrictive trade practices, and d. require disclosure of any intended compliance with foreign boycott requests.

Taken together, these provisions will make it clear that the United States has no intention of supinely submitting to foreign economic threats or racial or religious discrimination. They will greatly strengthen the ability of the United States to respond to such boycotts. And they provide the information necessary to effective implementation of U.S. policy.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. (a) Section 3(5)(A) of the Export Administration Act of 1969, as amended (the "Act"), is further amended by inserting immediately after "against" the following: "United States concerns and".

(b) Section 3(5)(B) of the Act is further amended by inserting immediately after "against" the following: "United States concerns and".

SEC. 2. Section 4(b)(1) of the Act is further amended by striking out the next to the last sentence thereof and inserting in lieu thereof the following: "Such rules and regulations shall implement the provisions of section 3(5) of this Act, and require that any domestic concern which receives any request for information, for participation in agreements, or for the taking of any other action as specified in that section report the same to the Secretary of Commerce, together with any other information which the Secretary may require regarding such request and intended compliance therewith, for such action as the President may deem appropriate to carry out the policy of that section, including the curtailment by any U.S. concern of exports to, investments in, or any other economic transactions with countries which impose boycotts or engage in restrictive trade practices as specified in that section.

By Mr. WILLIAMS:

S. 955. A bill to authorize certain filling and construction in a portion of Upper New York Bay, Hudson County, N.J. Referred to the Committee on Public Works.

CAVEN POINT REDEVELOPMENT ACT

Mr. WILLIAMS. Mr. President, I am reintroducing the Caven Point Redevelopment Act today. This bill would declare the Caven Point portion of the Jersey City waterfront to be nonnavigable. The developable sections of this area are currently owned by Jersey City. It is only 4 feet under water, and it has never been used for navigational purposes in the past.

Clear title to this property is essential to the city's Liberty Harbor redevelopment program. Liberty Harbor is a 3,000-acre tract of land in Upper New York Bay. The site extends from the Jersey City-Bayonne line on the south to the Morris Canal Basin and Grand Street on the north, and from the New Jersey Turnpike Extension on the west to the U.S. Pierhead Line on the east. Over the years large portions of the site have been filled for use as railroad yards and for various shipping and warehousing functions. Today, however, much of the land lies vacant and abandoned. This largely vacant, abandoned, and underutilized acreage represents what is probably the most magnificent development opportunity presently available in the New York-New Jersey metropolitan region.

The site itself presents startling contrasts. The land is largely derelict, weed-covered, and abandoned. The railroads, which once made this site a major transportation link, are bankrupt and have largely ceased operations. Miles of shorefront are dotted with abandoned piers and wrecks. Nonetheless, this site stands at the core of the metropolitan region. To the east are the bustling harbor, Ellis Island, and the Statue of Liberty. To the west is the Jersey Turnpike Extension, with its direct linkages to the metropolitan highway network. To the south, on the water's edge, are new active container ports at Port Jersey. Just across the bay rise the spectacular towers of lower Manhattan.

The Redevelopment Plan for Jersey City includes the construction of new homes and apartments, and it provides for major new industrial and shipping activities as well. In addition, the State of New Jersey is developing Liberty State Park to the east of the proposed new residential communities. The park will greatly enhance public access to the waterfront and serve as a unique recreation resource for Jersey City as a whole.

Jersey City and its surrounding environs have literally served as a gateway for this country for centuries. In the 17th century the present site of Jersey City was a commercial focal point for the Dutch traders who settled Manhattan and for the settlers who began to bring their farm products to New York. In the 18th century the establishment of a new land route to Philadelphia made Paulus Hook a vital link between New York and the south and west. In the late 19th and early to mid 20th centuries, Ellis Island, merely a few hundred yards from Jersey City's waterfront, was the "Gateway to the New World" for more than 16 million immigrants to this country. In its peak year, 1,285,349 immigrants passed through Liberty Harbor and Ellis Island.

I am hopeful that this legislation will help to revitalize an area which is currently at the core of our eastern metropolitan region, and which has played a significant role in our Nation's history as well.

By Mr. MUSKIE (for himself, Mr. BROCK, and Mr. CHILES):

S. 957. A bill to amend the Intergovernmental Personnel Act of 1970 to provide more effective means to improve personnel administration in State and local governments; to correct certain inequities in the law; and to extend coverage under the law to the Trust Territory of the Pacific Islands. Referred to the Committee on Government Operations.

AMENDMENTS TO THE INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Mr. MUSKIE. Mr. President, on behalf of myself and Senators BROCK and CHILES I introduce, for appropriate reference, a bill to amend the Intergovernmental Personnel Act of 1970.

This legislation contains essentially the same provisions included in S. 4135, introduced in the second session of the 93d Congress. The major difference between this bill and S. 4135 is the deletion of a provision in the latter bill to extend programs of the IPA to Indian tribal governments. I am pleased that this provision was included in the Indian Self-Determination Act of 1974 and, therefore, is no longer necessary.

The principal purpose of the amendments is to extend for 3 additional fiscal years, to October 1, 1978, the authority of the Civil Service Commission to make grants for up to 75 percent of the costs of programs and projects under the Intergovernmental Personnel Act. Under current law, the Federal share would be reduced to 50 percent on July 1, 1975.

Mr. President, I am convinced that the current state of our economy, which has put an unusual squeeze on every aspect of State and local budgets, more than adequately justifies extending the current 75–25 funding mix. Any reduction in the Federal share of the costs of intergovernmental personnel project grants would hit hardest at those governments which need the most help. At the present time, the pressing need for improving personnel administration in local governments accounts for about 62 percent of IPA grant outlays. Under a reduction to a 50–50 funding ratio these jurisdictions, in many cases, would have to abandon projects to further improve their personnel administration system, or else choose projects which could more easily be supported with a noncash participation. Other recent Federal assistance programs have recognized the desirability of a reduced matching requirement.

Mr. President, these amendments also include a number of technical changes to the Intergovernmental Personnel Act. I ask unanimous consent that a section-by-section analysis and the text of the bill be included in the RECORD following my remarks.

The Subcommittee on Intergovernmental Relations will hold a hearing on this legislation on Friday, March 14, 1975. It is my hope that the Senate will act expeditiously to approve the amendments before the current 75–25 percent funding ratio expires at the end of this fiscal year.

There being no objection, the analysis and bill were ordered to be printed in the RECORD, as follows:

SECTION ANALYSIS

Paragraph 1 of section 1 continues for three more fiscal years, to October 1, 1978, the Commission's authority to make grants to State and local governments and other organizations for up to 75 percent of the costs of programs and projects to strengthen personnel administration in State and local governments and to train and develop State and local government employees. Under the current law, the Federal share of such costs will be reduced to 50 percent by July 1, 1975.

Paragraph 2 of section 1 raises the limit on reimbursements to State and local governments for Government Service Fellowships from one-fourth (25%) to 75 percent of the salary of a recipient of a Government Service Fellowship, and establishes an obligated service requirement for recipients.

Paragraph 3 of section 1 defines the Trust Territory of the Pacific Islands as a jurisdiction which is eligible to participate in all of the IPA programs.

Paragraph 4 of section 1 includes the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands in the allocation of formula grant funds (80% of appropriated grant funds).

Paragraph 1 of section 2 defines the Trust Territory of the Pacific Islands as an eligible jurisdiction for the purpose of participating in intergovernmental mobility assignments.

Paragraph 2 of section 2 permits a Federal employee on a mobility assignment to act as the attorney or agent for a State or local government or institution of higher education in representations before another Federal agency, except his employing agency or an agency with which he was employed during the year prior to his assignment. Currently, conflict of interest statutes prohibit such representations by mobility assignees except for Federal employee mobility assignments to an Indian tribe which are authorized under provisions of the Indian Self-Determination and Education Assistance Act (P.L. 93–638).

Paragraph 3 of section 2 provides technical amendments to assure fairness and equity for persons participating in mobility assignments. If enacted, Federal retirement and other benefits, in the rare case where such programs apply to certain State and D.C. Government employees, would not be lost by such employees while they are on mobility assignments. Federal agencies would also be permitted to supplement the pay of State or local employees on detail to Federal agencies to assure comparability of pay with other State or local employees doing work of equal responsibility. Federal agencies would be authorized to reimburse State and local governments and institutions of higher education for various fringe benefit costs (e.g., health and life insurance, retirement, etc.) of employees on detail from such organizations. This is in line with a recent decision of the Comptroller General of the United States (B–157936) permitting reimbursement for such fringe benefits.

Paragraph 4 of section 2 authorizes an executive agency to reimburse mobility assignees for certain miscellaneous travel expenses (e.g., automobile registrations, drivers' licenses, etc.).

Section 3 provides an effective date for these amendments of not later than 90 days after enactment of an earlier date after enactment if the Commission so decides.

S. 957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Intergovernmental Personnel Act of 1970 (84 Stat. 1909–1929) is amended as follows:

(1) Section 202(a), section 203(a), section 303(a), and section 304(a), relating to grants to State and local governments and other organizations, are amended by striking out "after the expiration of three years following the effective date of the grant provisions of this Act" and substituting therefor "on and after October 1, 1978".

(2) Section 305, relating to Government Service Fellowships, is amended—

(A) by striking out from paragraph (2) of subsection (a) "one-fourth", and inserting "75 per centum" in place thereof;

(B) by renumbering paragraph (3) of subsection (c) as paragraph (4) and deleting therefrom the words "and continuation";

(C) by striking the word "and" at the end of paragraph (2) of subsection (c); and

(D) by inserting in subsection (c) a new paragraph (3) as follows:

"(3) require, as a condition for the award of such fellowship, that the recipients enter into a written agreement, enforceable by the government concerned, to serve with such jurisdiction upon the completion of the fellowship, for a period equal to the length of the fellowship. Such agreement shall provide that in the event the recipient fails (except for good and sufficient reason, as determined by the jurisdiction concerned) to carry out such agreement, he shall be liable for payment of all expenses (excluding salary) of such fellowship. Any amount for which a recipient becomes liable shall be paid to the jurisdiction concerned within the three-year period beginning on the date he becomes so liable; and shall be available for use by such jurisdiction for advanced education of its employees; and";

(3) Section 502, relating to the definitions of eligible jurisdictions, is amended by inserting in paragraph (3) "the Trust Territory of the Pacific Islands," immediately before "and a territory or possession of the United States,";

(4) Section 506, relating to the distribution of grants, is amended by striking out of section 506(b)(5) "and the District of Columbia," and by inserting in place thereof: ", the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands."

SEC. 2. Title 5, United States Code, is amended as follows:

(1) Section 3371, relating to definitions of eligible jurisdictions for the purpose of intergovernmental mobility assignments, is amended by inserting "the Trust Territory of the Pacific Islands," after "Puerto Rico," in paragraph (1);

(2) Section 3373, relating to the assignment of Federal employees to State and local governments, is amended by adding the following at the end thereof:

"(e) Notwithstanding the provisions of sections 203 and 205 of title 18, and employee of an executive agency assigned under this subchapter to a State or local government or institution of higher education may act as an agent or attorney on behalf of that State or local government or institution of higher education before any other agency, other than his employing agency or an agency with which he was employed during the one year period previous to his assignment under this subchapter, in connection with a proceeding, application, contract, claim, or controversy in which the United States is a party or has a direct and substantial interest.";

(3) Section 3374, relating to assignments of employees from State or local governments, is amended—

(A) by adding the following flash sentence at the end of subsection (b):

"However, the above exceptions are not applicable to employees who are subject to coverage under chapters 83, 87, and 89 of this title by virtue of employment immediately prior to assignment and appointment under this section.";

(B) by striking out the semicolon at the end of paragraph (1) of subsection (c), and by adding the following: "except to the extent that the pay received from the State or local government is less than the appropriate rate of pay which the duties would warrant under the provisions of chapter 51 and subchapter III of chapter 53 of this title, or other applicable authority;" and

(C) by striking out the period at the end of subsection (c) and adding the following: ", or for the contributions of the employer, or a part thereof, to employee benefit systems.";

(4) Section 3375(a), relating to the travel expenses of a Federal, State, or local government employee while on a mobility assignment, is amended by striking out "and" after paragraph (4); renumbering paragraph (5) as paragraph "(6)" and inserting the following:

"(5) Section 5724a(b) of this title for miscellaneous expenses related to change of station where movement or storage of household goods is involved; and"

SEC. 3. The amendments made by this Act shall take effect after the ninetieth day following its enactment or any earlier date following the date of enactment or any earlier date following the date of enactment that the Commission may prescribe.

By Mr. PROXMIRE (for himself, Mr. TOWER, Mr. MCINTYRE, and Mr. STEVENSON) (by request):

S. 958. A bill to provide for Federal regulation of foreign banks establishing, acquiring, operating, or controlling banks, branches, and agencies in the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

REGULATION OF FOREIGN BANKING

Mr. PROXMIRE. Mr. President, at the request of the Federal Reserve Board I am introducing a bill providing for the regulation and supervision of foreign banks operating in the United States. This legislation is substantially similar to S. 4205 introduced in the last Congress.

As the Chairman of the Board of Governors of the Federal Reserve System points out in his letter to the Senate Banking Committee, banking has increasingly become a multinational business in recent years. By the end of 1974, 25 countries operated 150 banking facilities in the United States with total assets of $50 billion. Although foreign banks now constitute a substantial segment of our domestic banking system, these banks are not under the same controls which are applicable to domestic banks. For example, a foreign bank may establish branches in more than one State and may engage in activities not closely related to banking.

The legislation recommended by the

Board would place all foreign banks operating in the United States under the same regulations as are applied to domestic banks. Thus, the legislation would insure that foreign and domestic banks compete with one another on a fair and equitable basis.

Mr. President, I ask unanimous consent that at the end of my remarks, a copy of the bill be published in the RECORD together with a section-by-section analysis of the bill, a summary of its principal features, and a letter from the Chairman of the Board of Governors of the Federal Reserve System.

There being no objection, the bill and material was ordered to be printed in the RECORD, as follows:

S. 958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Foreign Bank Act of 1975".

AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956

SEC. 2. Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended—

(1) by striking out "paragraph (5)" in paragraph (1) of subsection (a) and inserting in lieu thereof "paragraph (6)";

(2) by redesignating paragraphs (5) and (6) of subsection (a) as paragraphs (6) and (7), respectively, and by adding after paragraph (4) of subsection (a), a new paragraph as follows:

"(5) For the purposes of this Act, any company which is a foreign bank shall also be deemed to have control over a bank, if such bank is a branch or agency of the foreign bank established or operating under the laws of the United States, any State of the United States, or the District of Columbia.";

(3) by adding at the end of subsection (b) the following new sentence:

" 'Company covered in 1975' means a company which becomes a bank holding company as a result of the enactment of the Foreign Bank Act of 1975 and which would have been a bank holding company on December 3, 1974, if that Act had been enacted on that date.";

(4) By striking out subsection (c) and inserting in lieu thereof the following:

"(c) 'Bank' means (1) any institution organized under the laws of the United States, any State of the United States, or the District of Columbia which (A) accepts deposits that the depositor has a legal right to withdraw on demand, and (B) engages in the business of making commercial loans, or (2) any branch or agency of a foreign bank established or operating under the laws of the United States, any State of the United States, or the District of Columbia, at which deposits are received, credit balances are maintained incident to or arising out of the exercise of commercial banking powers, checks are paid, money is lent, or other commercial banking activities are performed. Such term does not include (i) any organization operating under section 25 or section 25(a) of the Federal Reserve Act, or (ii) any company organized under the laws of any State of the United States or the District of Columbia which does not do business within the United States except as an incident to its activities outside the United States. 'District Bank' means any bank organized or operating under the Code of Law for the District of Columbia.";

(5) by striking out "or (3)" in subsection (d) and inserting in lieu thereof "(3)";

(6) by striking out the period in subsection (d) and inserting in lieu thereof the following:

"; or (4) if such bank holding company either is a foreign bank or has a subsidiary which is a foreign bank, any branch or agency of such foreign bank established or operating under the laws of the United States, any State of the United States, or the District of Columbia."; and

(7) by adding at the end thereof the following new subsections:

"(j) The term 'foreign bank' means any company that is organized or created under the laws of a foreign country and which is principally engaged in the banking business outside the United States. For the purposes of this Act, this term includes, without limitation, foreign commercial banks, foreign merchant banks and other foreign institutions which engage in banking activities usual in connection with the transaction of the business of banking in the countries where such foreign banks are organized or created.

"(k) The term 'foreign country' means any country other than the United States, and any colony, dependency, or possession of any such country, and includes, for the purposes of this Act, any territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands.

"(1) A 'foreign bank holding company covered in 1975' means a company that became a bank holding company prior to the date of enactment of the Foreign Bank Act of 1975 and which has a subsidiary that is defined as a 'bank' as a result of the enactment of the Foreign Bank Act of 1975."

SEC. 3. Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended—

(1) by striking out the first sentence of subsection (b) and inserting in lieu thereof the following:

"Upon receiving from a company any application for approval under this section, the Board shall give notice to the Comptroller of the Currency, if the applicant company or any bank the voting shares or assets of which are sought to be acquired is a national banking association or a district bank, or if the bank sought to be acquired is a branch of a foreign bank established under section 18 of the Foreign Bank Act of 1975, or a branch or agency of a foreign bank established or operating under the Code of Law for the District of Columbia, or to the appropriate supervisory authority of the interested State, if the applicant company or any bank the voting shares or assets of which are sought to be acquired is a State bank, or if the bank sought to be acquired as a branch or agency of a foreign bank established or operating under the laws of any State of the United States, and shall allow thirty days within which the views and recommendations of the Comptroller of the Currency or the State supervisory authority, as the case may be, may be submitted.";

(2) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) Except as provided in subsection (g) of this section, no application shall be approved under this section which will permit any bank holding company or any subsidiary thereof to acquire, directly or indirectly, any voting shares of, interest in, or all or substantially all of the assets of any additional bank located outside of the State in which the operations of such bank holding company's banking subsidiaries were principally conducted on July 1, 1966, or the date on which such company became a bank holding company, whichever is later, unless the acquisition of such shares or assets of a State bank by an out-of-State bank holding company is specifically authorized by the statute laws of the State in which such bank is located, by language to that effect and not merely by implication. For the purposes of this section, the State in which the operations of a bank holding company's subsidiaries are principally conducted is that State in which total deposits of all such banking subsidiaries are largest: *Provided, however,* That for the purposes of this section, the State in which the operations of a bank holding company's subsidiaries are principally conducted for any company which becomes, as a result of the enactment of the Foreign Bank Act of 1975, a bank holding company on the date of such enactment, is that State in which total assets of all such banking subsidiaries are greatest."; and

(3) by adding at the end thereof the following new subsections:

"(f) Every bank that is a subsidiary of a holding company (1) which is a foreign bank having total world-wide bank assets in excess of $500,000,000, (2) which is organized under the laws of a foreign country and owns or controls a foreign bank having total world-wide bank assets in excess of $500,000,000, or (3) of which control is held directly or indirectly by the shareholders of a foreign bank having total world wide bank assets in excess of $500,000,000, the majority of whom are not citizens of the United States or companies controlled by citizens of the United States, shall become and remain a member bank as such term is defined in section 1 of the Federal Reserve Act.

"(g) Notwithstanding any other provision of this section, a company covered in 1975 and a foreign bank holding company covered in 1975 may retain and operate all branches and agencies of foreign banks which, as a result of the enactment of the Foreign Bank Act of 1975, are defined as banks under section 2(c) and which such company had established on or before December 3, 1974. After the date of enactment of the Foreign Bank Act of 1975, no application shall be approved under this section which will permit any bank holding company or any subsidiary thereof to establish or operate any additional branch or agency of a foreign bank located outside of the State in which the operations of such bank holding company's banking subsidiaries are principally conducted as determined in subsection (d) of this section, unless (1) the establishment or operation of such a branch or agency is specifically authorized to State banks by the statute laws of the State in which the operations of such bank holding company's banking subsidiaries are principally conducted as determined in subsection (d) of this section, by language to that effect and not merely by implication, and (2) the statute laws of the State in which such branch or agency is to be located specifically authorize an out-of-State bank organized under the laws of the State in which the operations of such bank holding company's banking subsidiaries are principally conducted as determined in subsection (d) of this section, to establish or operate such a branch or agency, by language to that effect and not merely by implication: *Provided, however,* That applications may be approved under this section for any such bank holding company or any subsidiary thereof (A) to establish an additional branch of a foreign bank in any State where such bank holding company or subsidiary thereof had established a branch of a foreign bank on or before December 3, 1974, if the establishment or operation of such additional branch is specifically authorized by the statute laws of the State in which such additional branch is to be located, and (B) to establish an additional agency of a foreign bank in any State where such bank holding company or subsidiary thereof had established an agency of a foreign bank on or before December 3, 1974, if the establishment or operation of such additional agency is specifically authorized by the statute laws of the State in which such additional agency is to be located. For the purposes of this subsection and subsection (d) of this section, a company covered in 1975 or a foreign bank holding company covered in 1975 or any subsidiary thereof shall not be deemed to have established an additional branch or agency of a foreign bank, or acquired another additional bank located outside of the State in which the operations of such bank holding company's banking subsidiaries are principally conducted as determined in subsection (d) of this section, if such bank holding company or subsidiary thereof changes or converts a branch or agency referred to in the preceding proviso into a branch, agency, or other form of banking organization, as the case may be. Notwithstanding any such conversion, this subsection shall not prohibit a company covered in 1975 or a foreign bank holding company covered in 1975 or any subsidiary thereof from applying to establish additional branches or agencies under the preceding proviso: *Provided, however,* That for the purposes of such proviso, any such company or subsidiary thereof may only establish additional branches if it has converted its form of banking organization in that State to a branch, and may only establish additional agencies if it has converted its form of banking organization in that State to an agency. For the purposes of this subsection, a branch or agency of a foreign bank shall be considered as 'established', if the foreign bank has been granted a license, certificate of authority, or other necessary approval to operate such branch or agency by the appropriate State supervisory authority. Notwithstanding any other provision of this subsection, no company covered in 1975, no foreign bank holding company covered in 1975, and no subsidiary thereof, shall at any time own or control in any State outside of the State in which the operation of such bank holding company's bank subsidiaries are principally conducted as determined in subsection (d) of this section, (i) both a branch and agency of the same foreign bank, (ii) both a branch of a foreign bank and a national or State bank, or (iii) both an agency of a foreign bank and a national or State bank, unless such company, or any subsidiary thereof, had acquired or established both such bankiing subsidiaries in such State on or before December 3, 1974.

"(h) Except as provided in subsection (g) of this section, after two years from the date of enactment of the Foreign Bank Act of 1975, no company which becomes, as a result of the enactment of the Foreign Bank Act of 1975, a bank holding company on the date of such enactment, no foreign bank holding company covered in 1975, and no subsidiary thereof may, directly or indirectly, own, control, or operate any bank that is a branch or agency of a foreign bank in any State outside the State in which the operations of such bank holding company's banking subsidiaries are principally conducted as determined in subsection (d) of this section. The Board is authorized, upon application by a bank holding company, to extend the two-year period referred to above from time to time as to such bank holding company for not more than one year at a time, if, in its judgment, such an extension would not be detrimental to the public interest, but no such extension shall in the aggregate exceed three years."

SEC. 4. Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended—

(1) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) after two years from the date as of which it becomes a bank holding company, or in the case of a company which has been continuously affiliated since May 15, 1955, with a company which was registered under the Investment Company Act of 1940, prior to May 15, 1955, in such a manner as to constitute an affiliated company within the meaning of that Act, after December 31, 1978, or in the case of any company which becomes, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment, after December 31, 1980, or in the case of any company which becomes, as a result of the enactment of the Foreign Bank Act of 1975, a bank holding company on the date of such enactment, after December 31, 1985, retain direct or indirect ownership or control of any voting shares of any company which is not a bank or bank holding company or engage in any activities other than (A) those of banking or of managing or controlling banks and other subsidiaries authorized under this Act or of furnishing services to or performing services for its subsidiaries, and (B) those permitted under paragraph (8) of subsection (c) of this section subject to all the conditions specified in such paragraph or in any order or regulation issued by the Board under such paragraph: *Provided,* That a company covered in 1970 may also engage in those activities in which directly or through a subsidiary (i) it was lawfully engaged in June 30, 1968 (or on a date subsequent to June 30, 1968 in the case of activities carried on as the result of the acquisition by such company or subsidiary, pursuant to a binding contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and (ii) it has been continuously engaged since June 30, 1968 (or such subsequent date): *Provided further,* That a company covered in 1975 may also engage in those activities in which directly or through a subsidiary (i) it was lawfully engaged on December 3, 1974 (or on a date subsequent to December 3, 1974 in the case of activities carried on as the result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before December 3, 1974, of another company engaged in such activities at the time of the acquisition), and (ii) it has been continuously engaged since December 3, 1974 (or such subsequent date). The Board by order, after opportunity for hearing, may terminate the authority conferred by the preceding provisos on any company to engage directly or through a subsidiary in any activity otherwise permitted by those provisos if it determines, having due regard to the purposes of this Act, that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices; and in the case of any such company controlling a bank having bank assets in excess of $60,000,000 on or after the date of enactment of the Bank Holding Company Act Amendments of 1970 the Board shall determine, within two years after such date (or, if later, within two years after the date on which the bank assets first exceed $60,000,000), whether the authority conferred by the preceding first proviso with respect to such company should be terminated as provided in this sentence. Nothing in this paragraph shall be construed to authorize (1) any bank holding company referred to in the preceding first proviso, or any subsidiary thereof, to engage in activities authorized by that proviso through the acquisition, pursuant to a contract entered into after June 30, 1968, of any interest in or the assets of a going concern engaged in such activities; or (2) any bank holding company referred to in the preceding second proviso, or any subsidiary thereof, to engage in activities authorized by that proviso either through the acquisition, pursuant to a contract entered into after December 3, 1974, of any interest in or the assets of a going concern engaged in such activities, or through the acquisition after December 3, 1974 (except pursuant to a binding written contract entered into before December 3, 1974) of any shares of, interest in, or assets of any company, or any branch or agency of a foreign bank, engaged or to be engaged in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks, bonds, debentures, notes, or other securities in the United States. Any company which is authorized to engage in any activity pursuant to the preceding provisos or subsection (d) of this section but, as a result of action of the Board, is required to terminate such activity may (notwithstanding any otherwise applicable time limit prescribed in this paragraph) retail the ownership or control of shares in any company carrying on such activity for a period of ten years from the date on which its authority was so terminated by the Board.";

(2) by striking out paragraph (12) of subsection (c) and inserting in lieu thereof the following:

"(12) shares retained or acquired, or activities engaged in, by any company which becomes, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment, or which becomes, as a result of the enactment of the Foreign Bank Act of 1975, a bank holding company on the date of such enactment, or by any subsidiary thereof, if such company—

(A) within the applicable time limits prescribed in subsection (a)(2) of this section (i) ceases to be a bank holding company, or (ii) ceases to retain direct or indirect ownership or control of those shares and to engage in those activities not authorized under this section; and

(B) complies with such other conditions as the Board may by regulation or order prescribe;"; and

(3) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and by adding after paragraph (13) the following new paragraph:

"(14) shares owned directly or indirectly by a company covered in 1975 in a company which does not engage in any activities other than those in which the bank holding company, or its subsidiaries, may engage by virtue of this section, but nothing in this paragraph authorizes any bank holding company, or subsidiary thereof, to acquire (A) any interest in or the assets of any going concern (except pursuant to a binding written contract entered into before December 3, 1974, or pursuant to another provision of this Act) other than one which was a subsidiary on December 3, 1974, or (B) any shares of, interest in, or the assets of any company, or any branch or agency of a foreign bank, engaged, or to be engaged, in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks, bonds, debentures, notes, or other securities in the United States, other than one which was a subsidiary on December 3, 1974, or which was acquired pursuant to a binding written contract entered into before such date."

FEDERAL RESERVE ACT AMENDMENTS

SEC. 5. Section 1 of the Federal Act (12 U.S.C. 221) is amended to read as follows:

"Whenever the word 'bank' is used in this Act, the word shall be held to include State bank, banking association, and trust company, and any branch or agency of a foreign bank established or operating under the laws of any State of the United States, except where national banks, Federal branch banks, or Federal reserve banks are specifically referred to.

"The terms 'national bank' and 'national banking association' used in this Act shall be held to be synonymous and interchangeable. The term 'Federal branch bank' shall be held to mean any branch of a foreign bank that is established and operating under section 18 of the Foreign Bank Act of 1975. The term 'member bank' shall be held to mean any national bank, Federal branch bank, State bank, or bank or trust company which has become a member of one of the reserve banks created by this Act. The term 'board' shall be held to mean Board of Governors of the Federal Reserve System; the term 'district' shall be held to mean Federal reserve district; the term 'reserve bank' shall be held to mean Federal reserve bank; the term 'the continental United States' means the States of the United States and the District of Columbia."

Sec. 6. Section 2 of the Federal Reserve Act is amended—

(1) by striking out the last sentence of the first paragraph thereof (12 U.S.C. 222) and inserting in lieu thereof the following:

"Every national bank and every federal branch bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal reserve bank of its district in accordance with the provisions of this Act and every national bank and every federal branch bank shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section.";

(2) by adding at the end of the third paragraph thereof (12 U.S.C. 282) a new sentence as follows:

"Every federal branch bank within each Federal reserve district shall subscribe to the capital stock of the Federal reserve bank for that district in a sum equal to 6 per centum of the paid in capital stock equivalent required to be deposited by the foreign bank holding a certificate of authority to establish and operate such federal branch bank, which shall be payable in the same manner as that prescribed for a national banking association in this section."; and

(3) by inserting after the second sentence of the sixth paragraph thereof (12 U.S.C. 501a), a new sentence as follows:

"Should any federal branch bank fail within one year after the passage of this Act to become a member bank or fail to comply with any of the provisions of this Act applicable thereto, all of the rights, privileges, and franchises of such bank granted to it under section 18 of the Foreign Bank Act of 1975, or under the provisions of this Act, shall be thereby forfeited in accordance with the same procedures applicable to national banking associations: *Provided, however*, That, except as otherwise provided in this Act, any reference in the provisions of this Act to the capital stock and surplus of a member bank or national banking association shall, for the purpose of applying any limitations or restrictions in such provisions to any federal branch bank, be deemed to be a reference to the dollar equivalent amount of the capital stock and surplus of the foreign bank holding a certificate of authority to establish and operate such federal branch bank; *Provided, further*, That any such foreign bank which has more than one federal branch bank in any State shall be required to aggregate the accounts of all such federal branch banks in such State for the purpose of computing any limitations or restrictions under any provision referred to in the preceding proviso."

Sec. 7. Paragraph 1 of Section 6 of the Federal Reserve Act (12 U.S.C. 288) is amended by adding at the end thereof the following new sentence:

"For the purposes of the preceding sentence, a member bank that is a branch or agency of a foreign bank shall be deemed to be insolvent when the foreign bank's license or certificate of authority to operate such branch or agency has been terminated or revoked, or when a receiver has been appointed for such branch or agency, or when the foreign bank licensed or holding a certificate of authority to operate such branch or agency is declared insolvent, or a receiver is appointed therefor, or is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation."

Sec. 8. Section 9 of the Federal Reserve Act is amended by adding at the end thereof the following new paragraph:

"Any branch or agency of a foreign bank established or operating under the laws of any State of the United States may apply for and be admitted to membership in the Federal Reserve System in the same manner and subject to the same provisions of law as State banks and trust companies and may continue to exercise all powers granted it by the State in which it is operating or established, and shall be entitled to all the privileges of member banks except that (1) any reference in the provisions of this Act to the capital stock and surplus of an applying bank, member bank or national bank shall, for the purpose of applying any limitations or restrictions in any such provisions to any such branch or agency, be deemed to be a reference to the dollar equivalent amount of the capital stock and surplus of the foreign bank licensed or authorized to establish or operate such branch or agency: *Provided, however*, That any foreign bank which has more than one branch or more than one agency in any State, shall be required to aggregate the accounts of all such branches or agencies in such State for the purpose of computing any restrictions or limitations in any such provisions: *Provided, further*, That every such branch or agency shall subscribe for capital stock of the Federal reserve bank of the district in which such branch or agency is located in an amount equal to either six per centum of the paid in capital stock equivalent which is required under State law to be deposited by the foreign bank licensed or authorized to establish or operate any such branch or agency or, if there is no such requirement under State law, six per centum of the paid in capital stock equivalent which would be required to be deposited by a foreign bank holding a certificate of authority to establish and operate a federal branch bank in the place in which it is located; and (2) nothing in the provisions of this Act shall authorize the Board of Governors of the Federal Reserve System to appoint examiners to examine the home office or foreign branches or agencies of the foreign bank licensed or authorized to establish or operate such branch or agency, or to regulate the organization or internal affairs of such foreign bank."

Sec. 9. Section 23A of the Federal Reserve Act (12 U.S.C. 271c) is amended by adding at the end thereof the following new paragraph:

"With respect to a member bank that is a branch or agency of a foreign bank, the provisions of this section shall not apply to (1) any extension of credit by such branch or agency to the foreign bank licensed or authorized to establish or operate such branch or agency or to any other branch or agency of such foreign bank; (2) any extension of credit by such branch or agency to a subsidiary, within the meaning of the Bank Holding Company Act of 1956, as amended, of the foreign bank licensed or authorized to establish or operate such branch or agency, if such subsidiary is organized under the laws of a foreign country and does no business within the United States, except as an incident to its international or foreign business; or (3) any extension of credit by such branch or agency to a bank holding company of which such branch or agency is a subsidiary, within the meaning of the Bank Holding Company Act of 1956, as amended, or to another subsidiary of such bank holding company, if made within one year after the effective date of the Foreign Bank Act of 1975 and pursuant to a contract entered into prior to that date."

Sec. 10. Section 25(a) of the Federal Reserve Act (12 U.S.C. 611) is amended—

(1) by inserting ", except with the approval of the Board of Governors of the Federal Reserve System," after "all of whom" in the second sentence of the fourth paragraph thereof (12 U.S.C. 614);

(2) by inserting in the second proviso of the first sentence of the twelfth paragraph thereof (12 U.S.C. 618) ", except with the approval of the Board of Governors of the Federal Reserve System," after "That";

(3) by striking out the thirteenth paragraph thereof (12 U.S.C. 619) and inserting in lieu thereof the following:

"Except as otherwise provided in this section, a majority of the shares of the capital stock of any such corporation shall at all times be held and owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States, chartered under the laws of the United States or of a State of the United States, or by firms or companies, the controlling interest in which is owned by citizens of the United States."; and

(4) by adding at the end thereof the following new paragraph:

"Notwithstanding any other provisions of this section, any foreign bank or any bank organized under laws of the United States, any State of the United States, or the District of Columbia, the controlling interest in which is owned by a foreign bank, group of foreign banks, or company organized under the laws of a foreign country which owns or controls a foreign bank, may, with the prior approval of the Board of Governors of the Federal Reserve System and upon such terms and conditions and subject to such rules and regulations as the Board of Governors of the Federal Reserve System may prescribe, own and hold a majority of the shares of the capital stock of any corporation organized under this section, and any such corporation shall be subject to the same provisions of law as any other corporation organized under this section: *Provided, however*, That the Board of Governors of the Federal Reserve System shall not approve such ownership and holding of a majority of the shares of the capital stock of any corporation organized under this section, if, after consultation with the Secretary of State of the United States and the Secretary of the Treasury, the Board of Governors of the Federal Reserve System determines that such ownership and holding would adversely affect the domestic or foreign commerce of the United States or would otherwise not be in the interest of the United States."

NATIONAL BANK ACT AMENDMENTS

Sec. 11. Section 5133 of the Revised Statutes (12 U.S.C. 21) is amended by striking out the period at the end of the first sentence and adding the following new proviso:

": *Provided, however*, That subject to the provisions of section 5169 of the Revised Statutes, as amended, an association may be formed by or on behalf of a foreign bank, as such term is defined in the Bank Holding Company Act of 1956, as amended."

Sec. 12. Section 5146 of the Revised Statutes (12 U.S.C. 72) is amended by striking out the period at the end of the first sentence and adding the following new proviso:

": *Provided, however*, That the Comptroller of the Currency may in his discretion permit as directors not more than one-third the total number thereof, to serve as such, although such directors are not citizens of the United States.

Sec. 13. Section 5169 of the Revised Statutes (12 U.S.C. 27) is amended by striking out the period at the end of the last sentence and adding the following:

"; or whenever, after consultation with the Secretary of State of the United States, the Secretary of the Treasury, and the Board of Governors of the Federal Reserve System, the Comptroller determines that it would adversely affect the domestic or foreign commerce of the United States or would otherwise not be in the interest of the United States to grant such certificate."

AMENDMENTS TO THE BANKING ACT OF 1933

SEC. 14. Section 2 of the Banking Act of 1933 (12 U.S.C. 221a) is amended by adding the following new subsection at the end thereof:

"(c) Except where otherwise specifically provided, with respect to any member bank that is a branch or agency of a foreign bank, the term 'affiliate' shall include the foreign bank which is licensed or authorized to operate such branch or agency, any other branch or agency of such foreign bank, and any affiliate of such foreign bank, as such term is defined in subsection (b) of this section."

SEC. 15. Section 20 of the Banking Act of 1933 (12 U.S.C. 377) is amended—

(1) by inserting "or section 2(c)" after "section 2(b)" in the first sentence thereof; and

(2) by striking out the period in the first paragraph thereof and by adding the following:

": *Provided, further,* That the provisions of this paragraph shall not prohibit a member bank from being affiliated in any manner described in section 2(b) or section 2(c) hereof with any such organization if such member bank is a subsidiary, within the meaning of the Bank Holding Company Act of 1956, as amended, of a bank holding company which is permitted to retain its ownership or control of any voting shares of such organization under the authority of section 4(a)(2) of the Bank Holding Company Act of 1956, as amended, or, with the specific consent of the Board of Governors of the Federal Reserve System, under section 4(c)(9) of the Bank Holding Company Act of 1956, as amended."

SEC. 16. Section 21 of the Banking Act of 1933 (12 U.S.C. 378) is amended by striking clause (B) of paragraph (2) of subsection (a) thereof and inserting in lieu thereof the following:

"(B) shall be permitted by the United States, any State, Territory, or District to engage in such business and shall be subjected by the laws of the United States, or of such State, Territory, or District to examination and regulation,".

FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS

SEC. 17. Within ninety days after the enactment of this Act, the Federal Deposit Insurance Corporation shall submit to the Congress a proposal for implementing the existing provisions of the Federal Deposit Insurance Act so as to include within the coverage of such Act, branches and agencies of foreign banks established or operating under the laws of the United States, any State of the United States, or the District of Columbia.

ESTABLISHMENT OF FEDERAL BRANCHES BY FOREIGN BANKS

SEC. 18(a) Definitions. For the purposes of this section, these terms shall have the following meanings:

(1) The term "Comptroller" means the Comptroller of the Currency.

(2) The term "foreign bank" means any corporation or similar organization organized under the laws of a foreign country, a majority of the shares of the capital stock of which are not owned by citizens of the United States, or by firms or companies, the controlling interest in which is owned by citizens of the United States, and which is principally engaged in the banking business outside the United States. This term includes, without limitation, foreign commercial banks, foreign merchant banks, and other institutions which engage in banking activities usual in connection with the transaction of the business of banking in the countries or places where such foreign banks are organized or operating.

(3) The term "foreign country" means any country other than the United States and any colony, dependency, or possession of any such country, and includes, for the purposes of this section, any territory of the United States, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

(4) The term "initial branch" means the first branch of a foreign bank established under this section in any State.

(5) The term "State" means any State of the United States and the District of Columbia.

(b) Establishing of branches.

Notwithstanding the laws of any State, any foreign bank may, upon receipt of a certificate of authority from the Comptroller, and subject to the provisions of this section, establish and operate one or more branches in any State: *Provided, however,* That no foreign bank may at any time in any State have both a branch established and operating under this section and a branch or agency established or operating under the laws of such State.

(c) Conversion of State branch, agency, or bank.

Any foreign bank with a branch or agency established or operating under the laws of any State and any foreign bank which owns all of the stock (except for directors' qualifying shares) of any bank organized under the laws of any State may, with the prior approval of the Comptroller and pursuant to the requirements of subsections (d), (e), (f) and (g) of this section, change or convert such branch, agency, or State bank into a branch to be established and operated under this section with any name approved by the Comptroller: *Provided, however,* That any such conversion shall not be in contravention of the State law. In any such case, all of the liabilities of such foreign bank previously payable at the offices of the State branch or agency and all of the liabilities of the State bank shall thereafter be payable by such foreign bank at the office of the branch established under this section. When the Comptroller has given such a foreign bank a certificate that the provisions of this section have been complied with, such foreign bank shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by the Federal Reserve Act and this section for foreign banks with branches originally established under this section.

Subject to the limitation of subsection (i) of this section, any foreign bank may (1) if it is converting a State branch under this subsection, retain and operate as additional branches under this section, any other branches established in the State of the converting branch prior to conversion; (2) if it is converting a State agency under this subsection, retain and operate as additional branches under this section, any other agencies established in the State of the converting agency prior to conversion; and (3) if it is converting a State bank under this subsection, retain and operate as additional branches under this section, any other branches established by such State bank prior to conversion.

The Comptroller may, in his discretion and subject to such conditions as he may prescribe, permit such foreign bank to retain and carry at a value determined by the Comptroller such of the assets of the converted branch, agency, or State bank as do not conform to the legal requirements relative to assets acquired and held by branches established and operating under this section.

(d) Requirements of Application.

A foreign bank, in order to obtain a certificate of authority to establish and operate a branch under this section, shall make application therefor to the Comptroller which application shall include such information with respect to the factors to be considered in subsection (f) of this section as the Comptroller may, in his discretion, prescribe as necessary or appropriate to carry out the purposes of this section.

Such application shall be made on forms prescribed and furnished by the Comptroller and shall be duly executed by the foreign bank by one or more of its principal officers.

(e) Views and recommendations.

Upon receipt of an application for a certificate of authority by a foreign bank to establish and operate a branch under this section, the Comptroller shall transmit a copy of such application to the Secretary of State of the United States, the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the bank supervisory authority of the State in which such branch is to be located and shall allow thirty days within which the views and recommendations of the Secretary of State, the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the State bank supervisory authority may be submitted.

(f) Factors to be considered.

The Comptroller shall not issue a certificate of authority to a foreign bank under this section if—

(1) the establishment of such a branch would adversely affect the domestic or foreign commerce of the United States, or

(2) the establishment of such a branch would otherwise not be in the interest of the United States. In making his determination with respect to the preceding factors, the Comptroller shall take into account the written comments of the Secretary of State of the United States, the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the appropriate State bank supervisory authority. In every application, the Comptroller shall also take into consideration the financial and managerial resources and future prospects of the applicant foreign bank and the branch concerned, and the convenience and needs of the community to be served.

(g) Certificate.

If, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the Comptroller, it appears that such foreign bank is lawfully entitled to establish and operate a branch under this section, the Comptroller shall issue a certificate of authority to such foreign bank, under his hand and official seal, that such foreign bank has complied with the provisions of this section required to be complied with before the establishment of a branch under this section, and that such foreign bank is authorized to establish and operate a branch under this section at the location specified in such certificate.

(h) Banking powers.

Upon the issuance of a certificate of authority by the Comptroller, the foreign bank may, subject to the provisions of this section, establish and operate a branch at the location specified in such certificate, and may conduct thereat its banking business with the same rights and privileges as a national bank at that location, and, except as otherwise provided in this section, or in the Federal Reserve Act, subject to the same duties, restrictions, limitations, penalties and liabilities now or hereafter imposed on natonal banks under the provisions of the National Bank Act and the Federal Reserve Act: *Provided, however,* That in any such provision which imposes limitations or restrictions based on the capital stock and surplus of a national bank, any reference in such provisions to the capital stock and surplus of a national bank shall be deemed for the purpose of applying the limitations or restrictions in such provisions to a branch established under this section to be a reference to the dollar equivalent amount of the capital stock and surplus of the foreign bank holding a certificate of authority to operate the branch established under this section: *Provided further*, That any foreign bank which has more than one branch established and operating under this section in any State shall be required to aggregate the accounts of all such branches in such State for the purpose of computing any limitations or restrictions under any provision referred to in the preceding proviso.

(i) Additional branches in any State.

A foreign bank with a single branch established and operating under this section in any State may, with the prior approval of the Comptroller and pursuant to the requirements of subsections (d), (e), (f), and (g) of this section, retain or establish and operate additional branches in the State in which such branch is located on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of branches by a national bank if the principal office of such national bank were located at the same place as the initial branch in such State of such foreign bank.

(j) Change of name or location.

Any foreign bank holding a certificate of authority issued pursuant to this section must secure an amended certificate of authority if it changes its corporate name or changes the duration of its corporate existence, on such application forms and under such rules and regulations as the Comptroller may prescribe. Any foreign bank holding a certificate of authority issued pursuant to this section may not change the location of any branch established and operating under this section without obtaining the prior approval of the Comptroller and no change of location shall be valid until the Comptroller shall have issued his certificate of approval of the same.

(k) Accounts.

The accounts of each branch established and operating under this section shall be conducted independently of the accounts of the principal office of the foreign bank and its branches outside the United States.

(1) Examinations and reports—penalties.

(1) The Comptroller shall appoint examiners who shall examine every branch established and operating under this section at least once in every calendar year and any such examiner shall have all of the powers of an examiner of national banks. The cost of such examinations shall be assessed against and paid by the foreign bank holding the certificate of authority to operate such branch based on the assets of its branch as determined under subsection (k) of this section.

(2) Every foreign bank holding a certificate of authority issued pursuant to this section shall make reports of condition for each branch established and operating under this section to the Comptroller in accordance with the provisions of the Federal Deposit Insurance Act. The Comptroller may call for additional reports of condition, in such form and containing such information as he may prescribe, on dates to be fixed by him, and may, from time to time, require special reports under oath to keep him informed as to whether the provisions of this section and regulations or orders issued under this section have been complied with.

(3) Every foreign bank holding a certificate of authority issued pursuant to this section which fails to make any report required by this subsection shall be subject to a penalty of $100 for each day after the periods respectively therein mentioned, that it delays to make and transmit such report. All sums of money collected for such penalties shall be paid into the Treasury of the United States, after deduction of the costs incurred in their collection.

(m) Capital equivalency.

Upon the opening of a branch in any State and thereafter, a foreign bank holding a certificate of authority issued pursuant to this section shall keep on deposit, in accordance with such rules and regulations as the Comptroller may prescribe, with such national bank in the State where such branch is located and as such foreign bank may designate and the Comptroller may approve, investment securities of the type that may be held by national banks for their own account pursuant to paragraph "Seventh" of section 5136 of the Revised Statues, as amended, equal to an aggregate amount, based upon principal amount or market value, whichever is lower, in the case of the above-described securities, of not less than the greater of that amount of capital which would be required of a national bank being organized at that location, or 5 per cent of the total liabilities of such branch, including acceptances, but excluding (1) accrued expenses, and (2) amounts due and other liabilities to other offices, branches, or agencies of, and wholly-owned (except for directors' qualifying shares) subsidiaries of, such foreign bank: *Provided, however*, That the Comptroller may from time to time require that the assets deposited pursuant to this subsection may be maintained in such amount as he may deem necessary or desirable, for the maintenance of a sound financial condition the protection of depositors and the public interest. The deposit shall be maintained with any such national bank pursuant to a deposit agreement in such form and containing such limitations and conditions as the Comptroller may prescribe. So long as it continues business in the ordinary course such foreign bank shall, however, be permitted to collect interest on the securities so deposited and from time to time exchange, examine, and compare such securities.

(n) Domestic assets.

The Comptroller shall have the power to require every foreign bank holding a certificate of authority issued pursuant to this section to hold, under such rules and regulations as the Comptroller may prescribe, in any State where it has established a branch under this section, currency, bonds, notes, debentures, drafts, bills of exchange or other evidences of indebtedness or other obligations payable in the United States or in United States funds in an amount which the Comptroller shall prescribe as necessary in order to protect domestic depositors and creditors of any branch established under this section.

(o) Revocation of certificate of authority.

Any certificate of authority issued to a foreign bank pursuant to this section shall be revoked when voluntarily surrendered by such foreign bank or when such foreign bank is dissolved or its authority or existence is otherwise terminated or cancelled in the country of its organization, and if at any time the Comptroller is of the opinion or has reasonable cause to believe that such foreign bank has violated or failed to comply with any of the provisions of this section or any of the rules, regulations, or orders of the Comptroller made pursuant thereto, the Comptroller shall have the power, after notice and opportunity for hearing, to revoke the certificate of authority of a foreign bank to operate any branch under this section. The Comptroller may restore any such certificate of authority upon due proof of compliance with the provisions of this section and the rules, regulations, or orders of the Comptroller made pursuant thereto.

(p) Receivership.

Whenever the Comptroller has revoked the certificate of authority of a foreign bank to operate any branch under this section, or whenever any creditor of any such foreign bank shall have obtained a judgment against it in any court of record of the United States or any State of the United States and made application, accompanied by a certificate from the clerk of the court stating that such judgment has been rendered and has remained unpaid for the space of thirty days, or whenever the Comptroller shall become satisfied of the insolvency of such foreign bank, he may, after due consideration of its affairs, in any such case, appoint a receiver who shall take possession of all the property and the assets of such foreign bank in any State of the United States. Thereafter the receiver shall exercise the same rights, privileges, powers and authority with respect to such property and assets of such foreign bank as are now exercised by receivers of national banks appointed by the Comptroller.

(q) Regulations.

The Comptroller is authorized and empowered to issue such rules, regulations, and orders as he may deem necessary to enforce compliance with the provisions of this section, to prevent evasions thereof, and to ensure the proper exercise of the powers granted herein.

(r) Service of process.

Every foreign bank holding a certificate of authority issued pursuant to this section shall execute and file with the Office of the Comptroller and the applicable State bank supervisory authority an irrevocable appointment of an agent for service of process in every State where it has established a branch under this section. Such irrevocable appointment shall be on such form as the Comptroller may prescribe.

If any such agent shall be removed, resign, or die, become insane or otherwise incapable of acting, it shall be the duty of such foreign bank to appoint another agent in his place, and until such appointment shall have been made, or during the absence of any officer, or other agent of such foreign bank from the applicable State, service of process may be made upon the Comptroller, any Deputy Comptroller of the Currency, or upon any person authorized by the Comptroller to receive such service of process. If any process is served on the Comptroller, he shall immediately cause a copy thereof to be either delivered personally to such foreign bank by a person and in the manner authorized to serve process by law in the jurisdiction where service is made, or forwarded by registered mail addressed to such foreign bank at the post office address specified for mailing process as the same appears on the Comptroller's records, or if no address is there specified to the bank supervisory authority of the country of such foreign bank's organization. Nothing in this section limits or affects the right to serve any process, notice of demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

The Comptroller shall keep a record of all processes served upon him by this subsection and shall record therein the time of such service and his action with reference thereto.

(s) Venue of suits.

Actions and proceedings under this section against any foreign bank holding a certificate of authority issued pursuant to this section may be had in any circuit or district court of the United States held within the district in which any branch established under this section is located, or in any State, county, or municipal court in the county or city in which such branch is located having jurisdiction in similar cases.

(t) Civil penalties.

Any foreign bank holding a certificate of authority issued pursuant to this section which violates or fails to comply with any provision of this section, or any rule, regulation or order of the Comptroller issued pursuant thereto, is subject to a penalty of not less than $1,000 nor more than $5,000 for each and every offense, for each day in which the violation or failure to comply continues. All sums of money collected for such penalties shall be paid into the Treasury of the United States, after deduction of the costs incurred in their collection. The civil penalties provided in this subsection shall be in addition to all other civil remedies and criminal penalties provided by law.

(u) Criminal penalties.

Any foreign bank holding a certificate of authority pursuant to this section which willfully violates any provision of this section, or any rule, regulation or order issued by the Comptroller pursuant thereto, shall upon conviction be fined not more than $1,000 for each day during which the violation continues. Any individual who willfully participates in a violation of any provision of this section shall upon conviction be fined not more than $10,000 or imprisoned not more than one year, or both.

JURISDICTIONAL AMENDMENTS

SEC. 19. Title 28, United States Code, is amended by adding the following new sections:

"§ 1364 FOREIGN BANKS AS PARTY

The district courts shall have original jurisdiction of any civil action commenced by the United States, or by direction of any officer thereof, against any foreign bank arising out of the business of any branch of such foreign bank established and operating under section 18 of the Foreign Bank Act of 1975, any civil action against any foreign bank to wind up the affairs of any such branch, and any action by such a foreign bank in the district for which the court is held under section 18 of the Foreign Bank Act of 1975 to enjoin the Comptroller, or any receiver acting under his direction, as provided by such section.

"§ 1407 ACTIONS BY FOREIGN BANKS TO ENJOIN COMPTROLLER

Any civil action by a foreign bank arising out of the business of a branch established under section 18 of the Foreign Bank Act of 1975 to enjoin the Comptroller under the provisions of any act of Congress relating to the business of any such branch, may be prosecuted in the judicial district where such branch of such foreign bank is located."

UNITED STATES CRIMINAL CODE AMENDMENTS

SEC. 20. Title 13, United States Code, is amended by adding the following new sections:

"§ 16 MEMBER BANK

The term 'member bank', as used in this Title, includes any branch or agency of a foreign bank that is a member of the Federal Reserve System.

"§ 17 NATIONAL BANK

The term 'national bank', as used in this Title, includes any branch of a foreign bank established and operating under section 13 of the Foreign Bank Act of 1975."

BANK PROTECTION ACT AMENDMENTS

SEC. 21. Section 2 of the Bank Protection Act of 1968 (12 U.S.C. 1881) is amended—

(1) by inserting the following in paragraph (1) after "national banks" and before "and district banks";

", any branch of a foreign bank established and operating under section 18 of the Foreign Bank Act of 1975,"; and

(2) by inserting the following in paragraph (2) after "State banks" and before "which are members of the Federal Reserve System";

"and any branch or agency of a foreign bank established or operating under the laws of any State".

TRUTH-IN-LENDING ACT AMENDMENTS

SEC. 22. Section 108 of the Truth-in-Lending Act (12 U.S.C. 1607) is amended—

(1) by inserting after the words "national banks" in subparagraph (A) of paragraph (1) of subsection (a) the following:

"and branches of foreign banks established and operating under section 18 of the Foreign Bank Act of 1975"; and

(2) by inserting after the words "national banks" within the parenthesis in subparagraph (B) of paragraph (1) of subsection (a), the following:

"and branches of foreign banks established and operating under section 18 of the Foreign Bank Act of 1975".

FAIR CREDIT REPORTING ACT AMENDMENTS

SEC. 23. Section 621 of the Fair Credit Reporting Act (12 U.S.C. 1681s) is amended—

(1) by inserting after the words "national banks" in subparagraph (A) of paragraph (1) of subsection (b) the following:

"and branches of foreign banks established and operating under section 18 of the Foreign Bank Act of 1975"; and

(2) by inserting after the words "national banks" within the parenthesis in subparagraph (B) of paragraph (1) of subsection (b), the following:

"and branches of foreign banks established and operating under section 18 of the Foreign Bank Act of 1975".

INTERNATIONAL INFORMATION AGREEMENTS

SEC. 24. Notwithstanding any other provision of law, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, are hereby authorized to make available, under such conditions as they may prescribe, upon request, examination, operating, or condition reports, or other information, in their possession of State banks and national banks to the banking supervisory authority of a foreign country in which such bank has or proposes to have a branch, agency, office, or banking subsidiary, including any banking affiliate which is to be in the form of a joint venture between such bank and any other person, firm, or corporation: *Provided,* That any of the foregoing information may only be made available to such foreign banking supervisory authority upon the condition that such foreign banking supervisory authority shall make available upon request to the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, its examination, operating or condition reports or other information in its possession of banks organized or operating under the laws of such foreign country which engage or propose to engage in a joint venture banking affiliate with a State or national bank, whether in the United States or such foreign country, or which do business or propose to do business through a branch, agency, office, or banking subsidiary in the United States: *Provided further,* That any such arrangement shall be contingent on the condition that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation and such foreign banking supervisory authority shall not disclose or otherwise make such reports available to any person not an officer, employee, or agent of the Board of Governors of the Federal Reserve System, of any Federal Reserve Bank, of the Comptroller of the Currency, of the Federal Deposit Insurance Corporation, or of such foreign banking supervisory authority.

FEDERAL BANKING LICENSE

SEC. 25(a) Definitions.

For the purposes of this section, the terms "bank", "company", "control", "foreign bank", "foreign country", and "subsidiary" shall have the meanings assigned to them in section 2 of the Bank Holding Company Act of 1956, as amended. The term "Comptroller" means the "Comptroller of the Currency".

(b) Requirement of License.

In addition to any other requirements imposed under the laws of the United States, any State of the United States, or the District of Columbia, no foreign bank or group of foreign banks, and no company (1) which is organized under the laws of a foreign country and which controls a foreign bank, (2) which is a subsidiary of a foreign bank, or (3) of which is held, directly or indirectly, by the shareholders of a foreign bank, the majority of whom are not citizens of the United States or companies controlled by citizens of the United States, shall, directly or indirectly, control, establish, operate, organize, acquire all or substantially all of the assets of, or merge or consolidate with, as the case may be, any bank located in any State of the United States or the District of Columbia unless such foreign bank, group of foreign banks or company, as the case may be, shall have received a federal banking license to directly or indirectly control, establish, operate, organize, acquire all or substantially all of the assets of, or merge or consolidate with such bank issued by the Comptroller under this section, or shall have received a certificate issued by the Comptroller under section 5169 of the Revised Statutes, as amended, or section 18 of the Foreign Bank Act of 1975: *Provided,* That any such foreign bank, group of foreign banks, or company shall not be required to apply for a federal banking license under this section for any bank directly or indirectly controlled, established, operated, organized, merged or consolidated, or all or substantially all of the assets of which were acquired on or before the date of enactment of the Foreign Bank Act of 1975, if, within one hundred and eighty days after the date of enactment of the Foreign Bank Act of 1975, such foreign bank, group of foreign banks, or company shall register with the Comptroller on forms prescribed by the Comptroller, which shall include such information with respect to the financial condition and operations, and management of such foreign bank, group of foreign banks, or company and such bank or banks, as the Comptroller may deem necessary or appropriate to carry out the purposes of this section.

(c) Requirements of Application.

A foreign bank, group or foreign banks, or company, in order to obtain a federal banking license under this section, shall make application therefor to the Comptroller which application shall include such information as the Comptroller, in his discretion, may prescribe as necessary or appropriate to carry out the purposes of this section.

Such application shall be made on forms prescribed and furnished by the Comptroller and shall be duly executed by one or more of the principal officers of the applying foreign bank or company, or of each applying foreign bank in a group of foreign banks.

(d) Authority Vested in the Secretary of the Treasury.

Upon receipt of an application for a federal banking license under this section, the Comptroller shall retain a copy thereof and shall transmit the original application to the Secretary of the Treasury who is authorized and empowered to approve the issuance by the Comptroller of any federal banking license under this section. The Comptroller shall also transmit a copy of an appliction for a federal banking license under this section to the Secretary of State of the United States and the Board of Governors of the Federal Reserves System, who shall submit their views and recommendations to the Secretary of the Treasury within thirty days after the date of receipt of the application.

(e) Factors to be Considered.

The Comptroller shall not issue a federal banking license to a foreign bank, group of foreign banks, or company under this section if the Secretary of the Treasury, after taking into account the views and recommendations of the Secretary of State and Board of Governors of the Federal Reserve System, determines that the issuance of a federal banking license would adversely affect the domestic or foreign commerce of the United States, or would otherwise not be in the interests of the United States. In every application, the Secretary of the Treasury shall also take into consideration the views and recommendations of the Comptroller on the financial and managerial resources and future prospects of the applicant and bank concerned, and the convenience and needs of the community to be served.

(f) Federal Banking License.

If, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the Secretary of the Treasury, it appears to the Secretary of the Treasury, after taking into account the views and recommendations of the Secretary of State and the Board of Governors of the Federal Reserve System, that such foreign bank, group of foreign banks, or company is lawfully entitled directly or indirectly to control, establish, operate, organize, acquire all or substantially all of the assets of, or merge or consolidate with such bank under this section, the Secretary of the Treasury shall direct the Comptroller to issue a federal banking license to such foreign bank, group of foreign banks, or company, under his hand and official seal, authorizing such foreign bank, group of foreign banks, or company, directly or indirectly, to control, establish, operate, organize, acquire all or substantially all of the assets of, or merge or consolidate with such bank.

(g) Revocation of Federal Banking License.

Any federal banking license issued to a foreign bank, group of foreign banks, or company pursuant to this section shall be revoked when any other approval, certificate, charter or license it may have to directly or indirectly control, establish, operate, organize, acquire all or substantially all of the assets of, or merge or consolidate with the bank for which the license has been issued, has been revoked, cancelled or otherwise terminated under the laws of the United States, any state of the United States, or the District of Columbia.

(h) Regulations.

The Secretary of the Treasury and the Comptroller are authorized and empowered to issue such rules, regulations, and orders as each of them may deem necessary in performing their respective duties and functions under this section to enforce compliance with the provisions of this section, to prevent evasions thereof, and to ensure the proper exercise of the powers granted therein.

(i) Criminal Penalties.

Any foreign bank or company which willfully violates any provision of this section or any rule, regulation, or order issued by the Secretary of the Treasury or the Comptroller pursuant thereto, shall upon conviction be fined not more than $1,000 for each day during which the violation continues, and any individual who willfully participates in a violation of any provision of this section shall upon conviction be fined not more than $10,000 or imprisoned not more than one year, or both.

SEPARABILITY

SEC. 26. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the Act, and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

WASHINGTON, D.C.,
March 4, 1975.

Hon. WILLIAM PROXMIRE,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Board of Governors is transmitting herewith draft legislation providing for the regulation and supervision of foreign banks operating in the United States. Except for certain technical changes, the draft legislation is identical to that sent to the Congress on December 3, 1974.

Banking has increasingly become a multinational business in recent years. One aspect of this development has been the growing number of foreign banks establishing offices in this country to conduct both international and domestic banking activities. In doing so, foreign banks have added to the banking and financial services available to the American public and have provided additional competition to domestic banking institutions. At the same time, because foreign banks are largely subject only to the laws and regulations of individual States, they have certain advantages and disadvantages when compared with domestic banks. Specifically these differences relate to where they may establish banking operations in the United States and to the nature of their activities and the terms on which the latter may be conducted. Also, the operations of foreign banks here do not fall directly within the ambit of the central bank even though they are of growing significance to the workings of monetary policy.

The enclosed draft bill is the outgrowth of the work of the System Steering Committee on International Banking Regulation which the Board established in February 1973. Part of that Committee's assignment was to review the activities of foreign banks in this country because of their growing importance in the functioning of U.S. money and credit markets and their increasing impact on the structure of the banking system. As a result of that review, the Board is convinced that the time has come for the establishment of a national policy on the entry and operations in the United States of foreign banking institutions.

The underlying principle embodied in the draft legislation is national treatment, or nondiscrimination, a principle long advocated by the United States in its international economic and financial relations. Following this principle, the legislation would subject the entry and activities of foreign banks to the same rules and regulations as comparable domestic banking institutions. In this way, foreign banks would continue to be welcome in the United States to operate on a fair and equitable basis. The legislation would also provide for a Federal presence in the licensing and supervision of foreign bank operations in order to assure uniformity of treatment and to enable a national approach to multinational banking issues.

The Board believes that adoption of this legislation would be in the national interest and strongly recommends its prompt consideration.

Enclosed for your reference are: a copy of the draft bill; a paper indicating the technical changes made in the December 1974 version; a summary of the principal features of the bill; and a section-by-section analysis. Please let me know if I can be of further assistance.

Sincerely yours,
ARTHUR F. BURNS.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FOREIGN BANK ACT OF 1975—SUMMARY OF PRINCIPAL FEATURES

The proposed legislation, entitled for Foreign Bank Act of 1975, would establish a national policy on foreign banks entering and operating in the United States and a system of Federal regulation and supervision of those operations.

Foreign banks have in recent years been coming to the United States in increasing numbers and operating through branches, agencies, and subsidiary banks. The scale and nature of foreign bank activities through these facilities is now significant in terms of competition within the banking industry and of the functioning of money and credit markets. This movement by foreign banks into the United States is part of the broader development of multinational banking in which United States banks are deeply involved through their extensive operations overseas. The multinational banking system that has evolved as a result of the establishment by the world's leading commercial banks of banking and financing facilities on a global basis is now a key element in the world's financial system. Its functioning has far-reaching ramifications for international financial policy and for the economic and financial policies of individual nations.

At the present time, foreign banks entering and operating in this country do so on terms and conditions almost exclusively determined by the laws and regulations of the various States. The uneven incidence of these laws and regulations has the result that in some States foreign banks are precluded from entry; in others, the form of organization and the nature of their activities are restricted in various ways. On the other hand, by careful choice of organization form, foreign banks are able to engage in deposit banking activities in several States, an opportunity presently not available to domestic banks. Also, in contrast to the large United States banks, a number of foreign banks conducting sizable banking operations through branches and agencies are not subject to the constraints imposed by the Bank Holding Company Act on nonbank activities. Few foreign banks are members of the Federal Reserve System; as a consequence, a growing and increasingly important sector of money market and credit operations is not directly subject to the monetary disciplines of the central bank. Finally, existing arrangements provide only a limited role for the Federal Government in regulating and supervising the entry and operations of foreign banks in this country despite the fact that foreign bank operations in this country and their treatment here have important implications for our external financial policy and for our relations with foreign governments.

The proposed legislation seeks to regularize the status of foreign banks in the United States on the basis of the principle of national treatment, or nondiscrimination. Its provisions are aimed at providing foreign banks with the same opportunities to conduct activities in this country as are available to domestic banking institutions and subjecting them to the same rules and regulations. In this way, equitable treatment would be afforded to comparable institutions competing in the same national market. The legislation also provides for a Federal Government role in licensing and supervising foreign bank operations because of the national policy considerations involved and would bring most of those operations directly within the purview of the Federal Reserve as the nation's central bank. The ways in which the legislation seeks to implement these general objectives are described in the following sections.

COVERAGE

At the present time, foreign banks operating in the United States exclusively through branches and agencies are not subject to the Bank Holding Company Act. Moreover, the branches and agencies of foreign banks that are subject to that Act because of their ownership of a subsidiary bank are not considered as additional "banks" for purposes of the Act. This situation is remedied by Section 2 of the bill which amends the Bank Holding Company Act to redefine "bank" to include branches and agencies of foreign banks established or operating under the laws of the United States, any State of the United States, or the District of Columbia, at which deposits are received, credit balances are maintained incident to or arising out of the exercise of commercial banking powers, checks are paid, money is lent, or other commercial banking activities are performed. As a result, the Bank Holding Company Act would apply to virtually all foreign banks conducting depository and bank lending functions in the United States.

These amendments to the Bank Holding Company Act would not extend to New York State Investment Companies nor to certain banking organizations that are joint ventures or consortia of foreign banks. New York State Investment Companies are organized under Article XII of the New York banking law and are empowered to transact virtually all the usual activities of a commercial bank, except that they may not engage in the general business of accepting deposits. Instead, they are limited to accepting credit balances from their customers that are incident to or arise from the exercise of their lawful powers. There are currently three of these Companies that are foreign-owned and conduct the essence of a commercial banking business in this manner. Two of these Companies are wholly-owned subsidiaries of foreign banking organizations, the other being a joint-venture or consortium formed by six foreign banks. At the same time, there are about nine domestically-owned Investment Companies that are active but which conduct essentially a domestic finance company business. The foreign-owned Investment Companies are excluded from coverage under these amendments because of the limited number involved and because of the difficulty of distinguishing those Companies on a nondiscriminatory basis from the domestically-owned companies that are not essentially engaged in a commercial banking function.

Some banking organizations that are joint ventures or consortia of foreign banks will be excluded from coverage by retaining the existing standards of control in the Bank Holding Company Act. Under those standards, a company must become a bank holding company if it controls 25 per cent or more of the voting stock of a bank. Thus, a bank owned by several companies, none of which owns 25 per cent of the bank, is excluded. Currently, there is only one institution of significance that falls in this category, the European-American Bank and Trust Company. That institution, which is owned by six European banks, recently became a member of the Federal Reserve System. The singularity of such joint ventures to date, together with the potential domestic repercussions of changing the existing control sandards of the Bank Holding Company Act, are the principal reasons for excluding these joint ventures or consortia from coverage of the Act.

EQUALITY OF TREATMENT

This objective is achieved by subjecting all foreign banks to the Bank Holding Company Act through the redefinition of "bank" (Section 2 of the bill as just described), by enlarging entry alternatives through facilitating ownership of national banks (Section 12) and enabling the establishment of a Federally-licensed branch (Section 18), by permitting foreign banks and subsidiary U.S. banks thereof to own Edge Corporations (Section 10), by requiring Federal Reserve membership in most instances (Sections 3 and 5–8), and through enabling FDIC insurance on deposits in branches and agencies (Section 17).

ENTRY ALTERNATIVES

The provisions of Sections 12 and 18 would provide an alternative to State chartering and licensing, comparable to that available to domestic banks. At present, foreign ownership of national banks is inhibited by the requirement that all directors of national banks shall be citizens of the United States. The proposed amendment to the National Bank Act would allow the Comptroller of the Currency to permit not more than one-third of the directors of a national bank to be non-citizens of the United States.

The Comptroller is also authorized to license branches of a foreign bank in any State to conduct a banking business on the same basis as a national bank. This would enable foreign banks to establish branches in States where such branches are prohibited or not permitted by State law. Establishment of such branches would, however, be subject to the provisions of the Bank Holding Company Act with respect to multi-State banking operations.

EDGE CORPORATIONS

Domestic banks are presently authorized to own Edge Corporations at various locations in the United States to conduct international lending and deposit activities. Under Section 25(a) of the Federal Reserve Act, however, a majority of the shares of an Edge Corporation must be owned or controlled by citizens of the United States. Moreover, all of the directors of an Edge Corporation must be citizens of the United States. The proposed amendments to this Section would give the Board of Governors the authority to waive these provisions and, consequently, to allow foreign banks to conduct international business throughout the country on the same basis as domestic banks.

FEDERAL RESERVE MEMBERSHIP

The foreign banks operating in the United States are with few exceptions very large banks when their activities are viewed on a world-wide basis. As such, they are direct competitors, both in this country and abroad, of the large U.S. money market banks, all of which are members of the Federal Reserve System. The legislation would require Federal Reserve membership for all foreign banking operations in the United States where the foreign bank involved had world-wide assets in excess of $500 million. Such foreign banks would have to maintain reserve requirements and conform to other provisions of the Federal Reserve Act with respect to their operations in the United States, and would have access to the discount and lending facilities of the Federal Reserve. The exception made for foreign banks with less than $500 million in world-wide assets is on the grounds that banks of that size are likely to come to the United States for specialized purposes and that such treatment is comparable to that given domestic banks. Only a handful of domesic banks with assets larger than $500 million are nonmember banks.

FDIC INSURANCE

Subsidiary banks of foreign banks are now required by the Bank Holding Company Act to carry Federal Deposit Insurance. The legislation would extend that requirement to branches and agencies of foreign banks, thus assuring that depositors in virtually all banking institutions in the United States are covered by insurance. Because of the possible technical problems in implementing this requirement with respect to institutions that are not incorporated in the United States, the bill directs the Federal Deposit Insurance Corporation to submit within 90 days of its enactment proposals to extend insurance coverage to deposits in branches and agencies.

FEDERAL GOVERNMENT PRESENCE

To assure a consistent national policy toward foreign banks and to enable consideration of international financial relations in the entry of foreign banks, the legislation provides in section 25 that a Federal banking license shall be obtained for all banking facilities of foreign banks, whether organized or operating under State or Federal law. The Comptroller of the Currency is designated as the Federal licensing agent for this purpose. However, the Secretary of the Treasury must approve the issuance of any such license and before granting approval he is required to consult with the Secretary of State and the Board of Governors of the Federal Reserve System. Similarly, the Board of Governors is required to consult with the Secretary of State and Secretary of the Treasury before chartering an Edge Corporation to be owned by a foreign bank.

To facilitate discussions and agreements with foreign authorities on multinational banking issues, section 24 of the bill authorizes the Federal supervisory authorities—the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation—to enter into mutual arrangements with foreign bank supervisory authorities for the interchange of information on banking institutions. At present, the Federal supervisory agencies are strictly limited by law on the disclosure of information arising from bank examinations or other sources in the course of exercise of their supervisory functions.

GRANDFATHERING PROVISIONS

Foreign banks presently conducting banking operations in the United States have in a number of instances commercial banking facilities in more than one State. In a few cases, they have ownership interests in companies engaged in a securities business in the United States and in other nonbanking activities that are not permissible to domestic banks. Under the provisions of the bill, future multi-State banking operations and ownership interests in securities and other nonbanking companies would be limited to the same extent as domestic banks.

The proposed legislation in sections 3 and 4 gives permanent grandfather status to existing banking and nonbanking operations. Such a grant recognizes the vested interest of foreign banks in these facilities, conforms broadly to this country's obligations under its treaties of friendship, commerce and navigation, and is generally consistent with past Congressional precedent. The grandfathering date is set at the date of the original introduction of the legislation in Congress i.e., December 3, 1974. Nonconforming banking facilities established after the grandfathering date would have to be divested within two years, unless extended for up to an additional three years by the Board of Governors. Nonconforming nonbanking interest acquired after the grandfathering date would have to be divested within a period of 10 years.

The grandfathering provisions with respect to multi-State banking operations would work as follows: foreign banks would be allowed to retain banking facilities in the States in which presently located. The principal State of operations for foreign banks that become bank holding companies as a result of the enactment of this legislation would be defined to be the State in which the foreign bank's operations are the largest, as determined by a total assets test. For foreign banks that became subject to the Bank Holding Company Act prior to the date of enactment of the legislation, their principal State of operations would remain the same as when they became a bank holding company. In its principal State, a foreign bank would be able to expand its operations through any form of organization as permitted by State law: additional branching, mergers, and acquisitions. Outside the principal State of operations, a foreign bank would be able to expand through the form in which its present operations in that State are conducted—i.e., additional branches if it had branches, additional agencies if it had agencies, or if it had a subsidiary bank, that bank could expand by branching or mergers. However, the foreign bank would be able to convert its operations in that secondary State to another form of organization provided that all of its operations in that State were so converted. In essence, a foreign bank would be able to retain its operations in the States in which it is located and to expand within those States in accordance with State law.

The securities affiliates of foreign banks are few in number and small in size with little competitive impact within the securities or banking industries. For the most part, these securities affiliates engage in brokerage activities for the foreign customers of the foreign bank and in corporate financial services such as advice on mergers and acquisitions. The underwriting and dealing activities of these securities affiliates are relatively small. The permanent grandfathering of these affiliates reflects the Board's judgment that no public purpose would be served by requiring divestiture. However, the foreign banks with grandfathered securities affiliates would not be allowed to acquire or to establish *de novo* additional securities affiliates.

The other nonbanking affiliates of foreign banks that are of a nonconforming nature are limited in number and significance. Providing permanent grandfathering status to these activities again reflects a judgment that no public purpose would be served by forcing divestiture of these interests or providing a limited grandfathering period.

SECTION-BY-SECTION ANALYSIS OF THE BILL

SECTION 1. Citation of Act:

This section provides that the Act may be cited as the Foreign Bank Act of 1975.

AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956

SEC. 2. Section 2(1) would make a technical conforming amendment in subsection (a) of section 2 of the Bank Holding Company Act by striking out "paragraph (5)" in paragraph (1) thereof and inserting in lieu thereof "paragraph (6)". This change reflects the fact that section 2(2) of the Bill would add a new paragraph (5) to subsection (a) of section 2 of the Bank Holding Company Act and would redesignate the present paragraph (5) of subsection (a) as paragraph (6).

Section 2(2) would redesignate paragraphs (5) and (6) of subsection (a) of section 2 of the Bank Holding Company Act as paragraphs (6) and (7), respectively, and would add a new paragraph (5) to subsection (a) which would provide that for the purposes of the Bank Holding Company Act, any company which is a foreign bank shall also be deemed to have control over a bank, if such bank is a branch or agency of the foreign bank established or operating under the laws of the United States, any State of the United States, or the District of Columbia. Since the acquisition of control over a bank or over a bank holding company requires prior Board approval under the Bank Holding Company Act and because the present provisions of the Bank Holding Company Act primarily look to control by share ownership or control over shares, it is necessary to include an explicit "control" provision covering foreign bank branches or agencies which are not separately incorporated entities, in order to ensure that a foreign bank with a branch or agency in any State of the United States or the District of Columbia would technically be deemed to have "control" over such branch or agency for purposes of the Bank Holding Company Act.

Section 2(3) would amend subsection (b) of section 2 of the Bank Holding Company Act by adding a new term—"company covered in 1975"—which is defined to mean any company which becomes a bank holding company as a result of the enactment of the Foreign Bank Act of 1975, and which would have been a bank holding company on December 3, 1974, if that Act had been enacted on that date. This term is used in the new subsection (g) of section 3 of the Bank Holding Company Act, which is proposed in section 3(4) of the Bill, and in paragraph (2) of subsection (a) of section 4 of the Bank Holding Company Act, as it would be amended by section 4 of the Bill, which sections deal, respectively, with the grandfathering of banking and nonbanking subsidiaries of such companies.

Section 2(4) would make the following changes in the definition of "bank" in subsection (c) of section 2 of the Bank Holding Company Act:

(1) The new subsection (c) would first change existing law by excluding from the definition of "bank", banks organized under the laws of any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands. These places have been considered foreign countries for the purposes of section 25 and section 25(a) of the Federal Reserve Act, which sections govern the establishment of foreign branches by national banks [§ 25], and the acquisition of foreign banks by national banks either directly [§ 25], or through an Edge corporation [§ 25(a)]. Accordingly, banks organized under the laws of these places will be considered foreign banks for purposes of the Bank Holding Company Act and thus the acquisition of control over such banks will not require prior Board approval under section 3 of the Bank Holding Company Act.

(2) The new subsection (c) would change existing law by including within the definition of bank a branch or agency of a foreign bank established or operating under the laws of the United States, any State of the United States, or the District of Columbia, at which deposits are received, credit balances are maintained incident to or arising out of the exercise of commercial banking powers, checks are paid, money is lent, or other commercial banking activities are performed. This definition also makes it clear that the definition of "bank" in section 2(c) of the Bank Holding Company Act would specifically not include representative offices of foreign banks or any other offices of foreign banks at which no commercial banking activities are performed, e.g., an office of a foreign bank at which only investment banking activities are performed.

(3) Under existing law, "any organization which does not do business within the United States except as an incident to its activities outside the United States" is excluded from the definition of bank in subsection (c) of section 2 of the Bank Holding Company Act. In order to make it clear that this exclusion cannot be construed to include agencies or branches of foreign banks, the second sentence of the new subsection (c) would change this exclusion by specifically narrowing it to include only State-chartered Edge Act-like corporations which do no business in the United States except as an incident to their international banking activities outside the United States, such as American Express International Banking Corporation, which is organized under the laws of the State of Connecticut and which has an agency in New York City.

Section 2(5) strikes out "or (3)" in subsection (d) of section 2 of the Bank Holding Company Act and inserts in lieu thereof "(3)".

Section 2(6) would include within the definition of subsidiary in subsection (d) of section (2) of the Bank Holding Company Act, with respect to any bank holding company which either is a foreign bank or has a subsidiary which is a foreign bank, any branch or agent of such foreign bank that is established or operating under the laws of the United States, any State of the United States, or the District of Columbia. As in the case of "control" in subsection (a) of section 2 of the Bank Holding Company Act, this amendment is necessary because branches and agencies are not separately incorporated entities. Accordingly, this amendment ensures that branches and agencies will be treated the same as any other banking subsidiaries of a holding company for purposes of the Bank Holding Company Act.

Section 2(7) would add three new definitions to Section 2 of the Bank Holding Company Act:

(1) The new subsection (j) of section 2 would define foreign bank to mean any company that is organized or created under the laws of a foreign country and which is principally engaged in the banking business outside the United States. The term is explicitly defined to include, without limitation, foreign commercial banks, foreign merchant banks, and other foreign institutions which engage in banking activities usual in connection with the transaction of the business of banking in the countries where such foreign banks are organized or created. Accordingly, in determining what is a foreign bank for purposes of the Bank Holding Company Act, the traditional domestic definition of accepting demand deposits and making commercial loans will not apply.

(2) The new subsection (k) of section 2 would define the term foreign country to mean any country other than the United States and any colony, dependency, or possession thereof, and includes, for the purposes of the Bank Holding Company Act, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands. The addition of subsection (k) to section 2 would change existing law by making banks organized under the laws of any territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands foreign banks for purposes of the Bank Holding Company Act. As noted in the section analysis of section 2(4) of the Bill, such banks are presently considered foreign banks for the purposes of section 25 and section 25(a) of the Federal Reserve Act.

(3) The new subsection (l) of section 2 of the bank Holding Company Act would add a new term—"foreign bank holding company covered in 1975"—which is defined to mean a company that became a bank holding company prior to the date of enactment of the Foreign Bank Act of 1975 and which has a subsidiary that is defined as a "bank" as a result of the enactment of the Foreign Bank Act of 1975. This term is used in the new subsection (g) of section 3 of the Bank Holding Company Act, which is proposed in section 3(3) of the Bill, regarding the grandfathering of multi-State banking subsidiaries of such companies.

SEC. 3. Section 3(1) of the Bill would amend subsection (b) of section 3 of the Bank Holding Company Act by adding the requirement that the Board must give notice (1) to the Comptroller of the Currency when it receives an application by a bank holding company to acquire a branch of a foreign bank established under section 18 of the Foreign Bank Act of 1975, i.e., a federal branch established under section 18 of this Bill, or a branch or agency of a foreign bank established or operating under the Code of Law for the District of Columbia, and (2) to the appropriate State supervisory authority when it receives an application by a bank holding company to acquire a branch or agency of a foreign bank established or operating under the laws of any State of the United States. Under Section 3(a) of the Bank Holding Company Act, before a foreign bank establishes any new branch or agency in the United States, such foreign bank and any company of which such foreign bank is a subsidiary, would have to obtain the Board's approval to establish such branch or agency under the Bank Holding Company Act since the foreign bank would be taking action that causes it and any company of which it is a subsidiary to become a bank holding company under § 3(a)(1) of the Bank Holding Company Act, or which causes a bank to become a subsidiary of a bank holding company under section 3(a)(2) of the Bank Holding Company Act. This addition merely requires the Board to give notice to the Comptroller when the foreign bank proposes to establish a federal branch (see section 18 of the Bill) or a branch or agency in the District of Columbia, and to give notice to the State bank supervisory authority when it proposes to establish a branch or agency under the laws of any State. The ultimate effect, however, of this section of the Bill is to give the appropriate supervisory authority the right to recommend disapproval of the application and require a hearing under § 3(b) of the Bank Holding Company Act before any Board approval. This treatment conforms with the present requirements of the statute with respect to the acquisition of domestically incorporated banks.

Section 3(2) of the Bill would first amend subsection (d) of section 3 of the Bank Holding Company Act by striking out "Notwithstanding any other provision of this section," in the first sentence thereof and inserting in lieu thereof "Except as provided in subsection (g) of this section,". The purpose of this amendment is to exclude from the multi-State prohibitions of subsection (d) of section 3 of the Bank Holding Company Act those banking subsidiaries of foreign banks which would be given specific grandfather treatment under the new subsection (g) of section 3 of the Bank Holding Company Act proposed in section 3(3) of the Bill. Section 3(2) would also amend subsection (d) by adding a new proviso at the end thereof specifically designed to cover those companies which become bank holding companies as a result of the enactment of the Foreign Bank Act of 1975. Under subsection (d) of section 3, a bank holding company's State of principal banking operations for purposes of section 3 is determined by looking to the State where the deposits of its banking subsidiaries are largest. In the case of branches of foreign banks, however, deposits, or similar credit balance accounts for agencies, are not the best measure of their size because of their overwhelmingly wholesale banking business. A better measure of their business for purposes of section 3 would be to determine their principal State of operations by looking to that State in which their assets are greatest, which test is adopted in the new proviso at the end of setcion 3(d).

Section 3(3) would add three new subsections to section 3 of the Bank Holding Company Act:

(1) The new subsection (f) should require every bank that is a subsidiary of a holding company (1) which is a foreign bank having total world-wide bank assets in excess of $500,000,000, (2) is organized under the laws of a foreign country, and owns or controls a foreign bank having total world-wide bank assets in excess of $500,000,000, or (3) of which control is held, directly or indirectly, by the shareholders of a foreign bank having total world-wide bank assets in excess of $500,000,000, the majority of whom are not citizens of the United States, or companies controlled by citizens of the United States, to become and remain a member bank of the Federal Reserve System.

(2) The new subsection (g) would first grandfather for companies covered in 1975 and foreign bank holding companies covered in 1975, as such terms are defined in the Bill, all branches and agencies of foreign banks which, as a result of the enactment of the Foreign Bank Act of 1975, are defined as banks under section 2(c) of the Bank Holding Company Act and which such company had established on or before December 3, 1974 (the date the Bill was originally introduced in Congress). After the date of enactment of the Foreign Bank Act of 1975, no bank holding company or subsidiary thereof would be able to establish or operate an additional branch or agency of a foreign bank outside of its State of principal banking operations unless (1) the establishment and operation of such a branch or agency is specifically authorized to State banks by the statute laws of the State in which the operation of such bank holding company's banking subsidiaries are principally conducted as determined in subsection (d) of section 3 of the Bank Holding Company Act, by language to that effect and not merely by implication, and (2) the statute laws of the State in which such branch or agency is to be located specifically authorize an out-of-State bank organized under the laws of the State in which the operations of such bank holding company's banking subsidiaries are principally conducted, as determined in subsection (d) of this section, to establish or operate such a branch or agency, by language to that effect and not merely by implication. This provision is intended to ensure that a foreign bank has no greater interstate branching rights than a State bank whose principal office is located in the foreign bank's State of principal banking operations. However, a proviso in the new subsection (g) would allow companies covered in 1975 or foreign bank holding companies covered in 1975 or any subsidiary thereof to establish additional branches in accordance with State law, in States where they had a branch established on or before the grandfathering date, and to establish additional agencies in accordance with State law, in States where they had established an agency on or before the grandfathering date. Basically, this proviso is intended to allow such companies to expand naturally their multi-State banking offices in accordance with State law. Such companies are, however, restricted to expanding in the same form of organization which they had on the grandfathering date. The third sentence of the new subsection, however, modifies the preceding proviso to some extent, by allowing such bank holding companies or their subsidiaries to convert their multi-State branches or agencies to another form of banking organization without their being deemed to have acquired an additional bank under section 3 of the Bank Holding Company Act. For example, a company whose principal State of operations is New York but which also has an agency in California, may convert its California agency to a State or Federal branch without its being deemed to have acquired an additional bank. The fourth sentence ensures that any such conversion will not cause such a bank holding company or subsidiary thereof to lose its expansion rights under the proviso in the second sentence, as after conversion, the bank holding company could continue to expand in its converted form of organization. Thus, a company with grandfathered foreign bank branches or agencies in States outside of its State of principal operations could (a) expand in the same form of organization which it had established on or before the grandfathering date or (b) expand in those States by converting its grandfathered branch or agency into a more desirable form of banking organization, including a stock association or corporation, and by then continuing to expand in that converted form of organization, e.g., if converted to a branch it could acquire additional branches, if converted to an agency it could acquire additional agencies, or if converted to a stock association or corporation it could open branches or merge with other banks under section 3(a)(4) of the Bank Holding Company Act. For purposes of the new subsection (g), a bank holding company would be deemed to have "established" a branch or agency on or before the grandfathering date, if it or its subsidiary had received approval from the appropriate State banking authorities. The last sentence of the new subsection (g) provides that no companies covered in 1975, no foreign bank holding companies covered in 1975, and no subsidiaries thereof can have both (1) a branch and agency of the same foreign bank, (2) a branch of a foreign bank and a national or State bank, or (3) an agency of a foreign bank and a national or State bank, in any State outside of their State of principal banking operations unless both of those types of banking subsidiaries in such State were established or acquired on or before the grandfathering date. The purpose of this latter provision is to ensure that outside of their State of principal banking operations, foreign banks be permitted to expand only in their grandfathered (or converted) form of banking organization.

(3) The new subsection (h) would require that all branches and agencies of foreign banks that are not grandfathered be divested or liquidated within two years of the date of enactment of the Foreign Bank Act of 1975. The Board is, however, given the option of extending such period of divestment a year at a time up to an additional three years, in total, if it determines such an extension would be in the public interest.

Under section 4(1) of the Bill, paragraph (2) of subsection (a) of section 4 of the Bank Holding Company Act would be amended in the following respects:

(1) In the case of companies being brought under the Bank Holding Company Act by this legislation, they would have ten years to divest their nonpermissible nonbanking interests unless those interests were permanently grandfathered by the new proviso to paragraph (2) of subsection (a) which would also be added by section 4(1) of the Bill. This conforms with the treatment afforded one-bank holding companies covered by the 1970 Amendments to the Bank Holding Company Act.

(2) Section 4(1) would add a new proviso to paragraph (2) of subsection (a) of section 4 of the Bank Holding Company Act which would allow a company covered in 1974, as earlier defined in section 2(3) of the Bill, to engage in the activities in which it was directly or through a subsidiary engaged on December 3, 1974. An additional provision would also be added that would allow a bank holding company to engage in those activities carried on by it as a result of the acquisition by it or by one of its subsidiaries, pursuant to a binding written contract entered into on or before December 3, 1974, of another company engaged in such activities at the time of that acquisition. This latter provision is proposed in order to prevent inequities from arising with regard to a company which may have, in good faith, entered into a binding written contract to acquire a new subsidiary on or before December 3, 1974, and which otherwise would have been required under the provisions of this legislation to divest such a subsidiary, even though it was legally committed to make the acquisition before the "grandfather date".

(3) Section 4(1) would also amend paragraph (2) of subsection (a) of section 4 of the Bank Holding Company Act by extending the discretionary review provisions contained therein to the grandfathered activities of companies covered in 1975. The mandatory review provisions of that paragraph, i.e., those requiring review within two years for a holding company that has a bank with bank assets exceeding $60 million, would be limited as now to those companies that became bank holding companies as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date. The grandfathered nonbanking activities of foreign banks that

would be brought under the Bank Holding Company Act by this legislation could thus be terminated if the Board determines, after opportunity for hearing, that such action would be necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

(4) Section 4(1) of the Bill would also amend paragraph (2) to make it clear that the grandfathering provision would first, not authorize any foreign bank brought under the Bank Holding Company Act by this legislation to engage in grandfathered activities through the acquisition, pursuant to a contract entered into after December 3, 1974, of any interest in or the assets of a going concern engaged in such activities. This amendment would parallel a similar restriction placed on the permanently grandfathered activities of companies covered by the 1970 Amendments. Secondly, section 4(1) would also amend paragraph (2) to make certain that the grandfathering provision would not authorize any foreign bank brought under the Bank Holding Company Act by this legislation to engage in investment banking activities in the United States through *de novo* acquisitions after the grandfathering date. Such a foreign bank would be limited to engaging in investment banking activities directly or through subsidiaries which it owned on the grandfathering date or which it had a binding legal commitment to purchase on or before the grandfathering date.

Section 4(2) would amend paragraph (12) of subsection (c) of section 4 of the Bank Holding Company Act by giving any company, which becomes, as a result of the enactment of the Foreign Bank Act of 1975, a bank holding company on the date of such enactment, the same choice of remaining a bank holding company as that given one-bank holding companies covered by the 1970 Amendments to the Bank Holding Company Act. Essentially, this section would exempt shares retained or acquired by a company brought under the Bank Holding Company Act by this legislation if the company ceased to be a bank holding company within applicable time limits, or if the company ceased to retain ownership or control of those shares and to engage in nonpermissible nonbanking activities within applicable time limits and complied with whatever conditions the Board may deem appropriate.

Section 4(3) would amend subsection (c) of section 4 of the Bank Holding Company Act by striking the period in paragraph (13) and inserting in lieu thereof"; or" and by adding a new paragraph (14) which would exempt from the prohibitions of section 4 of the Bank Holding Company Act shares owned directly or indirectly by a company covered in 1975, as earlier defined in section 2 (3) of the Bill, in any company which does not engage in any activities other than those in which the bank holding company, or its subsidiaries, may engage by virtue of section 4 of the Bank Holding Company Act, but nothing in this pargaraph would authorize any such bank holding company, or subsidiary thereof, to acquire (1) any interest in or the assets of any going concern (except pursuant to a binding written contract entered into before December 3, 1974, or pursuant to another provision of this Act) other than one which was a subsidiary on December 3, 1974 or (2) any shares of, interest in, or the assets of any company, or any branch or agency of a foreign bank, engaged or to be engaged in the issue, floatation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks, bonds, debentures, notes, or other securities in the United States, other than one which was a subsidiary on December 3, 1974, or which was acquired pursant to a binding written contract entered into before such date. This provision parallels paragraph (11) of subsection (c) of section 4 of the Bank Holding Company Act which allows holding companies with permanently grandfathered activities to retain existing companies and to form *de novo* companies to engage in such grandfathered activities, but which does not allow such companies to acquire going concerns engaged in activities which are grandfathered for the bank holding company. This provision would, however, in addition, prohibit any company covered in 1975 from acquiring *de novo* investment banking companies or from establishing branches or agencies of foreign banks to engage only in investment banking activities under the authority of this paragraph. While Congress in 1970 felt that *de novo* companies engaged in grandfathered activities would be procompetitive, this factor should not outweigh the policies of the Glass-Steagall Act. Accordingly, foreign banks with grandfathered investment banking activities or affiliates may only conduct such activtites directly, if engaged in before the grandfathered date, or indirectly through subsidiaries acquired on or before the grandfathering date, or acquired pursuant to a binding written contract entered into before such date.

FEDERAL RESERVE ACT AMENDMENTS

SEC. 5. Section 5 of the Bill would amend the first paragraph of Section 1 of the Federal Reserve Act by including within the definition of "bank" any branch or agency of a foreign bank which is established or operating under the laws of any State of the United States. The purpose of this amendment is to include within the definition of bank, for purposes of the Federal Reserve Act, all branches and agencies of foreign banks estabilshed under State law. This amendment is thus included to ensure that in the provisions of the Federal Reserve Act all such branches and agencies will, except as otherwise provided, be treated the same as any other member bank.

Section 5 of the Bill would also amend the second paragraph of Section 1 of the Federal Reserve Act by adding a new term—"federal branch bank"—which is defined to mean any branch of a foreign bank established and operating under section 18 of the Foreign Bank Act of 1975. This term is then included within the definition of "member bank" in the following sentence. These branches will be specifically required to become members of the Federal Reserve System by the provisions of the Federal Reserve Act itself. A conforming amendment is also made to the first paragraph of Section 1 to reflect that the term "bank" will not include a State bank, banking association, and trust company, and any branch or agency of a foreign bank established or operating under the laws of any State of the United States where a Federal branch bank is specifically referred to.

SEC. 6. Section 6(1) of the Bill would amend the last sentence of the first paragraph of Section 2 of the Federal Reserve Act to require all branches of foreign banks established and operating under Section 18 of this Bill, i.e., federally established branches, to become members of the Federal Reserve System and to become "insured banks" under the Federal Deposit Insurance Act.

Section 6(2) of the Bill would amend Section 2 of the Federal Reserve Act by adding a new sentence to the third paragraph thereof which would require branches of foreign banks established and operating under Section 18 of this Bill, i.e., federally established branches, to subscribe to the capital stock of the Federal Reserve bank of their district in a sum equal to 6 per centum of the paid capital stock equivalent required to be deposited by the foreign bank holding a certificate of authority to establish and operate such federal branch bank, which would be payable in the same manner as that prescribed for a national bank under the Federal Reserve Act.

Section 6(3) of the Bill would first amend Section 2 of the Federal Reserve Act by inserting after the second sentence in the sixth paragraph thereof a new sentence which would provide that any branch of a foreign bank established and operating under section 18 of the Foreign Bank Act of 1975 would forfeit all of its rights, privileges, and franchises under that section and the Federal Reserve Act should it fail to become a member bank or otherwise fail to comply with the provisions of the Federal Reserve Act. Any noncompliance with or violation of the Federal Reserve Act would be determined in the same manner applicable to national banks as set forth in that same paragraph.

Section 6(3) would also add a proviso to the above new sentence which would provide that, except as otherwise provided in the Federal Reserve Act, any reference in the provisions of the Federal Reserve Act to the capital stock and surplus of a member bank or national banking association shall for the purpose of applying any restrictions or limitations in any such provisions to any federal branch bank be deemed to be a reference to the dollar equivalent amount of the capital stock and surplus of the foreign bank holding a certificate of authority to establish and operate such federal branch bank. Several provisions of the Federal Reserve Act look to the capital stock and surplus of a member bank for imposing certain conditions or restrictions, e.g., Federal Reserve Bank discount of paper of one borrower (12 U.S.C. 345), acceptances by member banks (12 U.S.C. 372), bank acceptances to create dollar exchange (12 U.S.C. 347c), and loans to affiliates and investment in, or loans on, their obligations (12 U.S.C. 371c). Since a branch of a foreign bank established under Section 18 of this Bill does not have its own capital stock and surplus, the parent foreign bank's capital stock and surplus would be used for the above-described tests. Were any such provisions based on such branch's capital stock equivalent, it would set limits so low as to make any such branch's operations unfeasible. Since the parent foreign bank is ultimately liable for the debts of its branch, basing these limitations on such parent's capital and surplus is a reasonable solution and one that has generally been adopted by the States currently licensing branches. However, a second proviso is also added which would require a foreign bank with more than one federal branch bank in any State to aggregate the accounts of all such branch banks for computing any of the above-described limitations, e.g. loans to affiliates by all branches in that State would be aggregated against the parent's capital and surplus.

SEC. 7. Section 7 of the Bill would amend the first paragraph of Section 6 of the Federal Reserve Act by adding a new provision at the end thereof designed to anticipate those circumstances which indicate when a branch or agency of a foreign bank effectively becomes insolvent. Since a branch or agency is but an unincorporated part of its parent foreign bank, it cannot fit within the traditional concept of insolvency as applied to most independent legal entities. Accordingly, the new provision looks to those instances where the parent foreign bank loses its license or certificate of authority to operate such a branch or agency, or when a receiver has been appointed for such branch or agency, or when the parent foreign bank is declared insolvent or a receiver appointed therefor, or is dissolved or its authority or existence is otherwise terminated or cancelled under the jurisdiction of its incorporation.

SEC. 8. Section 8 of the Bill would amend section 9 of the Federal Reserve Act by adding at the end thereof a new paragraph which would enable branches and agencies of foreign banks established or operating under the laws of any State of the United States to become members of the Federal Reserve System. Such branches or agencies could continue to exercise all powers granted to them by the State in which they were established or operating and would be entitled to all the privileges of member banks and would be subject to the same provisions of law as a State member bank except that (1) the branch or agency could use the capital stock and surplus of its parent foreign bank for the purposes of computing any requirements, limitations, or restrictions imposed under the provisions of the Federal Reserve Act; provided, however, that any foreign bank which has more than one branch or more than one agency in any State, shall be required to aggregate the accounts of all such branches or agencies in such State for the purpose of computing any restrictions or limitations in any such provisions; and provided further, that every such branch or agency would subscribe to the stock of the Federal Reserve Bank of its district in an amount equal to either six per centum of the paid-in capital stock equivalent which is required under State law to be deposited by the foreign bank licensed or authorized to establish and operate any such branch or agency, or if there is no such requirement under State law, six per centum of the paid-in capital stock equivalent which would be required of a foreign bank for the establishment of a federal branch bank in the place in which it is located; and (2) nothing in the provisions of the Federal Reserve Act would authorize the Board of Governors of the Federal Reserve System to appoint examiners to examine the home office or foreign branches or agencies of the foreign bank licensed or authorized to establish and operate such branch or agency, or to regulate the organization or internal affairs of such foreign bank. The first of these exceptions recognizes that a branch or agency of a foreign bank must be able to utilize the capital stock and surplus of its parent foreign bank for computing limitations under the Federal Reserve Act, else it would be unable to operate effectively. However, it is also recognized that foreign banks with Statewide branching or agency systems should be required to aggregate the accounts of all such branches or agencies for the purpose of computing limitations, in order not to give such foreign banks a competitive advantage over State banks with similar Statewide systems. The second exception recognizes that the Board's authority to examine and regulate a foreign bank only applies to its branches and agencies (and incorporated banking subsidiaries) in this country, as such foreign bank's home office and foreign branches and agencies are subject to separate examination and regulation by the banking authorities in those jurisdictions.

SEC. 9. Section 9 of the Bill would amend Section 23A of the Federal Reserve Act by adding a new paragraph at the end thereof. In general, Section 23A of the Federal Reserve Act limits the aggregate amount of loans to affiliates and investments in the capital stock, bonds, debentures, or other obligations of affiliates which may be made by member banks to twenty per centum of such member bank's capital stock and surplus. Within the foregoing limitations, Section 23A also requires each loan or extension of credit by a member bank to an affiliate to be secured by appropriate collateral whose market value is at least 20 per centum more than the amount of the loan or extension of credit. The provisions of this section do not apply in general, however, to foreign bank affiliates of member banks, wholly-owned Edge corporations of member banks or wholly-owned subsidiaries of such Edge corporations. In order to give branches and agencies of foreign banks parallel treatment to that afforded domestic banks, Section 9 would not apply the provisions of Section 23A to (1) any extension of credit by such branch or agency to its parent foreign bank, or to any other branch or agency of such foreign bank; (2) any extension of credit by such branch or agency to a subsidiary, within the meaning of the Bank Holding Company Act of 1956, as amended, of its parent foreign bank which is organized under the laws of a foreign country and does no business within the United States except as an incident to its international or foreign business; and (3) any extension of credit to any bank holding company of which such branch or agency is a subsidiary or to another subsidiary of such bank holding company, if made within one year after the effective date of the Foreign Bank Act of 1975 and pursuant to a contract entered into prior to that date. The first exception recognizes that the provisions of Section 23A of the Federal Reserve Act logically do not apply to extensions of credit between a parent bank and its branches and agencies since they are all part of the same banking organization. The second exception parallels to a certain extent the exemption in Section 23A for foreign bank subsidiaries of member banks and wholly-owned subsidiaries of domestic member banks' wholly-owned Edge corporations. The third exception parallels treatment afforded banking subsidiaries of bank holding companies in the Bank Holding Company Act Amendments of 1966 by grandfathering extensions of credit made within one year of the effective date of the Foreign Bank Act of 1975, if made pursuant to a contract entered into prior to that date.

SEC. 10. Section 10 of the Bill would amend Section 25(a) of the Federal Reserve Act (the "Edge Act") in four respects:

Section 10(1) would amend the second sentence of the fourth paragraph of Section 25(a) of the Federal Reserve Act by adding a new provision that would give the Board the power to waive the requirement that all directors of an Edge corporation (corporations organized under Section 25(a) of the Federal Reserve Act) be citizens of the United States. This would facilitate foreign bank ownership of Edge corporations.

Section 10(2) would amend the second proviso of the first sentence of the twelfth paragraph of Section 25(a) of the Federal Reserve Act by adding a new provision that would give the Board the power to waive capital and surplus limitations imposed on the aggregate liabilities outstanding of Edge corporations. This new provision would benefit both foreign bank-owned and domestically-owned Edge corporations.

Section 10(3) is a conforming amendment as it would except from the foreign ownership prohibitions of the thirteenth paragraph of Section 25(a) of the Federal Reserve Act, foreign bank ownership approved under the new last paragraph which would be added to the section.

Section 10(4) would add a new paragraph to Section 25(a) of the Federal Reserve Act which would allow any foreign bank or any bank organized under the laws of the United States, and State of the United States or the District of Columbia, the controlling interest in which is owned by a foreign bank, group of foreign banks, or company organized under the laws of a foreign country which owns or controls a foreign bank, to own and hold a majority of the shares of an Edge corporation. However, any such foreign bank ownership would require prior approval of the Board and would be upon such terms and conditions and subject to such rules and regulations as it may prescribe. Any such foreign bank-owned Edge corporations shall be subject to the same provisions of law as any other Edge corporation. There is included a proviso, however, that the Board shall not approve any such foreign ownership and holding of the majority of the shares of an Edge corporation if, after consultation with the Secretary of State of the United States and the Secretary of the Treasury, it determines that such ownership or control would adversely affect the domestic or foreign commerce of the United States or would otherwise not be in the interest of the United States. Accordingly, while these provisions do permit direct and indirect foreign bank ownership of Edge corporations, they also give the Board the explicit power to consider what effects foreign bank ownership may have on the domestic or foreign commerce of the United States, or other interests of the United States.

NATIONAL BANK ACT AMENDMENTS

SEC. 11. Section 11 of the Bill would amend section 5133 of the Revised Statutes by adding a new proviso that would allow a national bank to be formed by or on behalf of a foreign bank, as defined in the Bank Holding Company Act of 1956, as amended. Any such formation would, however, be subject to the provisions of section 5169 of the Revised Statutes, as it would be amended by Section 13 of this Bill.

SEC. 12. Section 12 of the Bill would amend Section 5146 of the Revised Statutes by adding a new proviso that would give the Comptroller of the Currency the authority to permit not more than one-third of the directors of a national bank to serve as such without being a citizen of the United States.

SEC. 13. Section 13 of the Bill would amend Section 5169 of the Revised Statutes by adding a new provision which would give the Comptroller the power not to issue a certificate of organization for a national bank whenever, after consultation with the Secretary of State of the United States, the Secretary of the Treasury, and the Board of Governors of the Federal Reserve System, the Comptroller determines that it would adversely affect the domestic or foreign commerce of the United States, or would otherwise not be in the interest of the United States to grant such certificate.

AMENDMENTS TO THE BANKING ACT OF 1933

SEC. 14. Section 14 of the Bill would amend Section 2 of the Banking Act of 1933 by adding a new subsection (c) at the end thereof which, except where otherwise specifically provided, with respect to any member bank that is a branch or agency of a foreign bank, would define the term "affiliate" to include the foreign bank which is licensed or authorized to operate such branch or agency, any other branch or agency of such foreign bank and any affiliate of such foreign bank, as such term is defined in subsection (b) of Section 2 of the Banking Act of 1933. This amendment is necessary because the provisions of the Banking Act of 1933 do not contemplate a "bank" which is but a branch or agency of another bank and not a separately incorporated subsidiary thereof.

SEC. 15. Section 15(1) is a conforming amendment which inserts "or section 2(c)" after "section 2(b)" in the first sentence of Section 20 of the Banking Act of 1933. This amendment reflects the new definition of affiliate in Section 14 of the Bill.

Section 15(2) would amend Section 20 of the Banking Act of 1933 by adding a new proviso at the end of the first paragraph thereof which would except from the prohibitions of that section securities affiliates of a member bank which is a subsidiary, within the meaning of the Bank Holding Company Act of 1956, as amended, of a bank holding company which is permitted to retain its ownership or control of any voting shares of any such organization under the grandfathering provisions of section 4(1) of this Bill as they would amend section 4(a)(2) of the Bank Holding Company Act of 1956, or, with the specific consent of the Board of Governors of the Federal Reserve System, under section 4(c)(9) of the Bank Holding Company Act of 1956. Under section 4(c)(9) of the Bank Holding Company Act, the Board has the authority to exempt from the prohibitions of section 4 of that Act shares owned by foreign bank holding companies if the Board determines such exemption to be consistent with the purposes of that Act and in the public interest. Some foreign banks have already become bank holding companies and have been ordered by the Board of Governors to divest their interests in securities affiliates in the United States under the authority of section 4(c)(9). Should Congress adopt the recommended grandfathering of the securities affiliates of branches and agencies of foreign banks, the Board could reconsider its prior divestiture orders under section 4(c)(9) and allow those few foreign bank holding companies affected to retain their securities affiliates. This provision would ensure that the provisions of the Banking Act of 1933 would conform to any such retention determination under section 4(c)(9) of the Bank Holding Company Act.

SEC. 16. Section 16 would amend Section 21 of the Banking Act of 1933 by amending clause (B) of subsection (A) thereof to include a reference to any person, firm, corporation, association, or similar organization permitted by the United States to engage in the business of receiving deposits subject to check or to repayment upon presentation of a passbook, and subject by the law of the United States to examination and regulation. Essentially, this amendment recognizes that a foreign bank may lawfully engage in a deposit-taking business in the United States through the establishment of a federal branch under Section 18 of the Foreign Bank Act of 1975. The current provisions of the Banking Act of 1933 do not cover such a possibility and accordingly an amendment is needed in order to avoid any possible conflict between the federal branch provisions of this Bill and Section 21 of the Banking Act of 1933 which provides criminal penalties for any violation of its provisions.

FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS

SEC. 17. Section 17 of the Bill directs the Federal Deposit Insurance Corporation within ninety days after the enactment of the Foreign Bank Act of 1975, to submit to the Congress a proposal for implementing the existing provisions of the Federal Deposit Insurance Act so as to include within the coverage of such Act, branches and agencies of foreign banks established or operating under the laws of the United States, any State of the United States, or the District of Columbia.

ESTABLISHMENT OF FEDERAL BRANCHES BY FOREIGN BANKS

SEC. 18. This section provides for the establishment of federal branches by foreign banks.

Subsection (a). Paragraphs (2), (3) and (5) of this subsection would retain the position adopted in the proposed amendments to the Bank Holding Company Act of treating banks organized under the laws of the territories of the United States, Puerto Rico, Guam, American Samoa and the Virgin Islands as foreign banks for purposes of the section. It should be noted, however, that a "foreign bank" as defined in paragraph (2) must be a "corporation or similar organization" as, for example, a joint stock association, a majority of whose capital stock is not owned by citizens of the United States, or firms of companies, the controlling interest in which is owned by citizens of the United States. Foreign banks doing business as sole proprietorships, partnerships, and limited partnerships may not obtain a federal license to establish and operate a United States branch. The bankruptcy of a United States branch of a bankrupt foreign bank which is a sole proprietorship, partnership, or limited partnership is not a "banking corporation" for purposes of the Federal Bankruptcy Act and hence would not be exempt from the provisions of that Act. Accordingly, a conflict would be created between the receivership provisions of subsection (p) of this Section and the bankruptcy provisions of the Federal Bankruptcy Act. The other provisions are self-explanatory.

Subsection (b). Subsection (b) of Section 18 of the Bill would provide that, notwithstanding the laws of any State, a foreign bank may, upon receipt of a certificate of authority from the Comptroller of the Currency, establish and operate one or more branches in any State; provided, however, that no foreign bank may at any time in any State have both a branch established under this section and a branch or agency established or operating under the laws of such State. Under the amendments to the Bank Holding Company Act in Section 3 of the Bill, a foreign bank will not be permitted to establish any such branch if it violates the multi-State prohibitions of the Bank Holding Company Act.

Subsection (c). Subsection (c) of Section 18 of the Bill would allow a foreign bank, with the prior approval of the Comptroller of the Currency and pursuant to the requirements of subsections (d), (e), (f) and (g) of this section, to convert a branch, agency, or wholly-owned (except for directors' qualifying shares) subsidiary bank established or organized under State law, to a federal branch operating under this section; provided, however, that any such conversion could not be in contravention of State law. In any such case, the federal branch would assume all of the liabilities of the converting branch, agency, or bank. When the foreign bank would receive its certificate of authority to operate such a federal branch, such branch could thereafter be operated as any other federal branch. In addition, it is provided that such foreign bank, if it is converting a State branch, may retain and operate other branches in that State as additional branches under this Section; if it is converting a State agency, it may retain and operate any other agencies in such State as additional branches under this Section; and, if it is converting a State bank, it may retain and operate any branches of such State bank as additional branches under this Section. However, in any such retention, such foreign bank would be subject to the provisions of subsection (i) of this Section. This conversion feature would give a foreign bank flexibility as to the forms of organization in which it wishes to conduct its banking business.

This subsection would also give the Comptroller of the Currency the power to permit the foreign bank to retain and carry at a value to be determined by him such of the assets of the converted State branch, agency, or bank that do not conform to the legal requirements relative to assets held and acquired by branches established and operating under this section.

Subsection (d). Subsection (d) of Section 18 of the Bill would give the Comptroller of the Currency the power to require such information and prescribe such application forms as he may deem necessary to carry out the purposes of this Section.

Subsection (e). Subsection (e) of Section 18 would provide that the Comptroller must transmit a copy of any application for a certificate of authority to operate a branch under this section to the Secretary of State of the United States, the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the State bank supervisory authority of the State where the branch is to be located, each of whom shall have thirty days to respond with their views and recommendations.

Subsection (f). Subsection (f) of Section 18 of the Bill would prohibit the Comptroller of the Currency from issuing a certificate of authority under this section if he finds the establishment of such a branch would either adversely affect the domestic or foreign commerce of the United States or would otherwise not be in the interests of the United States. In reaching any such determination, he shall take into account written comments of the Secretary of State, the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the appropriate State bank supervisory authority. The Comptroller of the Currency in deciding every application would also have to take into account the financial and managerial resources and future prospects of the parent foreign bank and branch concerned, and the convenience and needs of the community to be served.

Subsection (g). Subsection (g) of Section 18 of the Bill would provide for the issuance by the Comptroller of the Currency of a certificate of authority to a foreign bank to establish and operate a branch under this section once he is satisfied that the provisions of the Section have been complied with.

Subsection (h). Subsection (h) of Section 18 of the Bill would provide that upon issuance of a certificate of authority, a foreign bank may establish and operate a branch at the location specified in the certificate and may conduct thereat its banking business with the same rights and privileges as a national bank at that location, and except as otherwise provided in this Section or the Federal Reserve Act subject to the same duties, restrictions, limitations, penalties and liabilities now or hereafter imposed on national banks under the provisions of the National Bank Act or the Federal Reserve Act. It is provided, however, that such branch may use the capital stock and surplus of its parent foreign bank in computing any limitations in any such provisions based on the capital stock and surplus of a national bank, with a further proviso that any foreign bank which has more than one federal branch in any State shall be required to aggregate the accounts of all such branches in such State for the purpose of computing any limitations or restrictions under any such provision.

Subsection (i). Subsection (i) of Section 18 of the Bill would allow a foreign bank which has established a single branch under this Section in any State to acquire or retain additional branches in such State on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of branches by a national bank if the principal office of such national bank were located at the same place as the initial branch in such State of such foreign bank.

Subsection (j). Subsection (j) of Section 18 of the Bill would require a foreign bank to obtain the prior approval of the Comptroller of the Currency before it changes the location of any branch established under this section and require it to file with the Comptroller of the Currency an amended certificate if it changes its corporate name or the duration of its corporate existence.

Subsection (k). Subsection (k) of Section 18 of the Bill is similar to the ninth paragraph of Section 25 of the Federal Reserve Act governing foreign branches of member banks. In order to properly examine the domestic branches of foreign banks, the accounts of the United States branches should be conducted independently of those of the principal office of the foreign bank and its foreign branches.

Subsection (l). Paragraph (1) of subsection (l) of Section 18 of the Bill would provide the Comptroller of the Currency with the power to appoint examiners, who would have the same powers as examiners of national banks, to make yearly examinations of every branch established and operating under this section with costs to be assessed against the foreign bank authorized to establish and operate such branch. Paragraph (2) requires the foreign bank to make reports of condition for each branch to the Comptroller of the Currency in accordance with the provisions of the Federal Deposit Insurance Act and gives the Comptroller of the Currency the power to call for additional reports of condition and special reports keeping him informed as to whether the branch is complying with the provisions of this section. Paragraph (3) prescribes penalties similar to those imposed on national banks (12 U.S.C. 164) for any failure to make a required report.

Subsection (m). Subsection (m) of Section 18 of the Bill would require a foreign bank, upon the establishment of a branch in any State, to keep on deposit at a national bank in the State where the branch is to be located, permissible investment securities for national banks in an amount equal to the greater of either the capital which would be required of a national bank being organized at that location, or 5 per cent of the total liabilities of such branch, including acceptances but excluding accrued expenses and amounts due and other liabilities to other offices, branches, or agencies of, and wholly-owned (except for directors' qualifying shares) subsidiaries of, such foreign bank. This subsection would further give the Comptroller of the Currency the power to require the deposit of such additional assets as he deemed necessary for the maintenance of a sound financial condition, the protection of depositors, and the public interest. The Comptroller of the Currency would also have to approve any deposit agreement covering such assets, and the foreign bank would be allowed to collect interest on all securities deposited.

Subsection (n). Subsection (n) of Section 18 of the Bill would give the Comptroller the power to require every foreign bank holding a certificate of authority issued pursuant to this section, to hold, under such rules and regulations as the Comptroller of the Currency may prescribe, in any State where it has established a branch under this section assets payable in the United States or United States funds in an amount which the Comptroller shall prescribe as necessary to protect domestic depositors and creditors of a branch established under this section. The purpose of this provision is to ensure that if a parent foreign bank becomes insolvent or otherwise goes into liquidation or receivership abroad there wil be sufficient assets in the United States to protect depositors and creditors of the branch in the United States.

Subsection (o). Subsection (o) of Section 18 of the Bill would provide that the certificate of authority of a foreign bank to operate a branch under this Section would be automatically revoked when voluntarily surrendered or when such foreign bank is dissolved or its authority or existence is otherwise terminated or cancelled in the country of its organization. The subsection would also give the Comptroller of the Currency the power to revoke, after notice and an opportunity for hearing, the certificate of authority of a foreign bank to operate any branch under this section if he is of the opinion or has reasonable cause to believe that the foreign bank has violated or failed to comply with any of the provisions of this section or any of the rules, regulations or orders of the Comptroller of the Currency made pursuant thereto. The Comptroller of the Currency may restore any such certificate of authority upon due proof of compliance. The standards governing the Comptroller's action—"of the opinion" or "Has reasonable cause to believe"—are taken from the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b)(1)).

Subsection (p). Subsection (p) of Section 18 of the Bill would provide that whenever the certificate of authority of a foreign bank to operate a branch is revoked, or whenever it is unable to satisfy judgments against it in the United States, or whenever the Comptroller of the Currency shall become satisfied of the insolvency of a foreign bank, the Comptroller of the Currency may appoint a receiver to take possession of its property in any State of the United States. Thereafter, the receiver shall exercise the same rights, privileges, powers and authority with respect thereto as are now exercised by receivers of national banks appointed by the Comptroller of the Currency. Pursuant to subsection (c) of section 1821 of Title 12 of the United States Code, the Comptroller of the Currency must name the Federal Deposit Insurance Corporation as receiver.

Subsection (q). Subsection (q) of Section 18 of the Bill would give the Comptroller of the Currency the power to issue such rules, regulations and orders as he may deem necessary to enforce compliance with the provisions of the section, to prevent evasions thereof and to ensure proper exercise of the powers granted therein.

Subsection (r). Subsection (r) of Section 18 of the Bill would require every foreign bank holding a certificate of authority under this section to appoint an agent for service of process in every State where it establishes a branch. Such appointment would be filed at the Office of the Comptroller of the Currency and at the office of the State bank supervisory authority in the State where the branch was located. If the agent shall be removed or otherwise become incapacitated to receive process, it shall be the duty of such foreign bank to appoint another agent. If, at any time, the agent or an officer or other agent of the foreign bank cannot be served, service may be made upon the Comptroller of the Currency or a Deputy Comptroller of the Currency, or any other person authorized by the Comptroller of the Currency to receive process, and he shall cause such process to be either personally served upon the foreign bank in the manner authorized by the jurisdiction where service is made, or by registered mail at the post office address kept in the records of the Comptroller of the Currency for that purpose. If no address is available, service may be made upon the bank supervisory authority of the foreign bank's country of organization.

Subsection (s). Subsection (s) of Section 18 of the Bill is substantially similar to section 94 of Title 12 of the United States Code applicable to national banks and would provide that an action or proceeding under this section may be brought against a foreign bank holding a certificate of authority under this section in the circuit or United States district court of the district in which any branch established under this section is located, or in any State, county, or municipal court in the county or city in which such any branch established under this section is located having jurisdiction in similar cases.

Subsection (t). Subsection (t) of Section 18 of the Bill would provide civil penalties for any violation of this section in addition to any civil or criminal penalties already provided by law.

Subsection (u). Subsection (u) of Section 18 of the Bill would provide criminal penalties for any willful violations of this section substantially similar to those imposed under Section 8 of the Bank Holding Company Act.

JURISDICTIONAL AMENDMENTS

SEC. 19. Section 19 of the Bill would amend Title 28 of the United States Code by providing a new section 1364 which would be substantially similar to section 1348 of Title 28 of the United States Code applicable to national banks, and which would provide that U.S. District Courts would have original jurisdiction of (1) civil suits brought by the United States or by direction of any officer thereof against a foreign bank arising out of the business of its federal branch established under Section 18 of the Bill, (2) any civil action against any foreign bank to wind up the affairs of any such branch, and (3) any action by a foreign bank to enjoin the Comptroller of the Currency or his appointed receiver.

Section 19 of the Bill would also amend Title 28 of the United States Code by providing a new section 1407 which would be substantially similar to section 1394 of Title 28 of the United States Code applicable to national banks and which would provide that actions by a foreign bank against the Comptroller of the Currency arising out of the business of a branch established under Section 18 of this Bill under the provisions of any Act of Congress relating to the business of any such branch, may be prosecuted in the judicial district where such branch of a foreign bank is located.

UNITED STATES CRIMINAL CODE AMENDMENTS

SEC. 20. Section 20 of the Bill would amend the United States Criminal Code to ensure that all sections applying to U.S. member banks would equally apply to branches and agencies of foreign banks established under State law and that all sections applying to national banks would equally apply to federal branches of foreign banks established under Section 18 of this Bill.

BANK PROTECTION ACT AMENDMENTS

SEC. 21. Section 21 of the Bill would amend the Bank Protection Act of 1968 to ensure that all branches and agencies of foreign banks established under State law would maintain the same minimum security devices as are required of State member banks, and that all federal branches of foreign banks established under Section 18 of this Bill would maintain the same minimum security devices as are required of national banks.

TRUTH-IN-LENDING ACT AMENDMENTS

SEC. 22. All foreign bank branches and agencies established under State law would be subject to the Truth in Lending Act by the provisions of section 108(a)(1)(B) of that Act (15 U.S.C. 1607) as all such branches and agencies will be members of the Federal Reserve System. However, the provisions in the Act with respect to the Comptroller of the Currency speak only of national banks. Accordingly, Section 22 of the Bill would amend that Act to ensure that federal branches established under Section 18 of the Bill would be subject to the Act and would be subject to the Comptroller's jurisdiction in enforcing compliance with that Act.

FAIR CREDIT REPORTING ACT AMENDMENTS

SEC. 23. All foreign bank branches and agencies established under State law would be subject to the Fair Credit Reporting Act by the provisions of section 621(b)(1)(B) of that Act (12 U.S.C. 1681s) as all such branches and agencies will be members of the Federal Reserve System. However, the provisions in that Act with respect to the Comptroller of the Currency speak only of national banks. Accordingly, section 23 of the Bill would amend that Act to ensure that federal branches established under Section 18 of the Bill would be subject to the Act and would be subject to the Comptroller's jurisdiction in enforcing compliance with that Act.

INTERNATIONAL INFORMATION AGREEMENTS

SEC. 24. Section 24 would authorize the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation to make available upon request examination, operating, or condition reports, or other information in their possession of State and national banks to the banking supervisory authority of a foreign country, on the condition that such foreign banking supervisory authority would also agree to make available to the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation similar reports or other information in its possession of banks organized under the laws of its country. The applicable United States bank supervisory authority could request these reports for foreign banks that would be joint venture partners of a U.S. bank, whether in the U.S. or in such foreign country, and for foreign banks already operating or applying to acquire a branch, agency, office, or subsidiary in this country. Foreign banking supervisory authorities could request reports for national or State banks which have or propose to have a branch, agency, office, or banking subsidiary in their country, including a joint venture banking affiliate. A further provision is inserted which would ensure that any reports transmitted under this provision could only be divulged to officers, employees or agents of the Board of Governors of the Federal Reserve System, a Federal Reserve Bank, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the foreign banking supervisory authority.

FEDERAL BANKING LICENSE

SEC. 25. This section would provide for mandatory federal licensing of the commercial banking operations of foreign banks in this country, whether conducted under State or Federal law.

Subsection (a). Subsection (a) of Section 25 of the Bill would provide that the terms "bank", "company", "control", "foreign bank", "foreign country", and "subsidiary", as used in this section, would have the meanings assigned to them in section 2 of the Bank Holding Company Act of 1956, as amended. Under section 2(4) of the Bill, the term "bank" in the Bank Holding Company Act is expanded to include branches and agencies of foreign banks. It does not include, however, representative offices of foreign banks. Thus, the licensing requirements of this section will apply to branches, agencies and subsidiary banks of foreign banks. The term "Comptroller" is also defined as meaning the "Comptroller of the Currency".

Subsection (b). Subsection (b) of Section 25 of the Bill would provide that, in addition to any other requirements imposed under the laws of the United States, any State of the United States, or the District of Columbia, no foreign bank or group of foreign banks, and no company (1) which is organized under the laws of a foreign country and which controls a foreign bank, (2) which is a subsidiary of a foreign bank, or (3) of which control is held, directly or indirectly, by the shareholders of a foreign bank, the majority of whom are not citizens of the United States or companies controlled by citizens of the United States, shall, directly or indirectly, control, establish, operate, organize, acquire all or substantially all of the assets of, or merge or consolidate with, as the case may be, any bank located in any State of the United States or the District of Columbia, unless such foreign bank, group of foreign banks, or company, as the case may be, shall have received a federal banking license to, directly or indirectly, control, establish, operate, organize, acquire all or substantially all of the assets of, or merge or consolidate with such bank from the Comptroller of the Currency under this section, or shall have received a certificate issued by the Comptroller of the Currency under section 5169 of the Revised Statutes, as amended (for a national bank charter), or section 18 of the Foreign Bank Act of 1975 (for a federal branch bank). It is provided, however, that this requirement shall not apply to any bank, directly or indirectly, controlled, established, operated, organized, merged or consolidated, or all or substantially all of the assets of which were acquired, on or before the date of enactment of the Foreign Bank Act of 1975, if within one hundred and eighty days after the enactment of that Act, such foreign bank, group of foreign banks or company shall register with the Comptroller on forms prescribed by the Comptroller, which shall include such information with respect to the financial condition and operations, and management of such foreign bank, group of foreign banks or company and such bank or banks, as the Comptroller may deem necessary or appropriate to carry out the purposes of this section.

Subsection (c). Subsection (c) of Section 25 of the Bill would give the Comptroller of the Currency the power to require such information and prescribe such application forms as he may deem necessary to carry out the purposes of this Section.

Subsection (d). Subsection (d) of Section 25 of the Bill would require the Comptroller of the Currency to retain a copy of any application received, and to transmit the original to the Secretary of the Treasury, who is given the power to determine whether the Comptroller should issue a federal banking license. The Comptroller is also required to transmit copies of any applications received to the Secretary of State of the United States and the Board of Governors of the Federal Reserve System, who are to submit their views and recommendations to the Secretary of the Treasury.

Subsection (e). Subsection (e) of Section 25 of the Bill would prohibit the Comptroller of the Currency from issuing a license if the Secretary of the Treasury, after taking into account the views and recommendations of the Secretary of State of the United States and the Board of Governors of the Federal Reserve System, determines that the issuance of a federal banking license would adversely affect the domestic or foreign commerce of the United States, or would otherwise not be in the interest of the United States. In every application, the Secretary of the Treasury is also to take into account the views and recommendations of the Comptroller on the financial and managerial resources of the applicant and banks concerned and the convenience and needs of the community to be served.

Subsection (f). Subsection (f) of Section 25 of the Bill would provide that the Secretary of the Treasury shall direct the Comptroller to issue a license under this section, once the Secretary of the Treasury determines that the provisions of this section have been complied with.

Subsection (g). Subsection (g) of Section 25 of the Bill would provide that a federal banking license issued to a foreign bank, group of foreign banks or company under this Section would be automatically revoked when any other approval, certificate, charter or license it may have to, directly or indirectly, control, establish, operate, organize, acquire all or substantially all of the assets of, or merge or consolidate with the bank for which the license has been issued, has been revoked, cancelled, or otherwise terminated under the laws of the United States, any State of the United States, or the District of Columbia.

Subsection (h). Subsection (h) of Section 25 of the Bill would give the Secretary of the Treasury and the Comptroller of the Currency the power to issue such rules, regulations, and orders as they may deem necessary in the performance of their respective duties and functions under this section to enforce compliance with the provisions of this section, to prevent evasions thereof and to ensure proper exercise of the powers granted therein.

Subsection (i). Subsection (i) of Section 25 of the Bill would provide criminal penalties for any willful violations of any of the provisions of this Section.

SEPARABILITY

SEC. 26. Section 26 would provide that if any provision of the Act or the application thereof is held invalid, the remainder of the Act and the application of the provision to other persons shall not be affected thereby.

Mr. STEVENSON. Mr. President, multinational banking is rapidly becoming one of the key features of the international financial system. Its emergence as a dominant force reflects the growing worldwide integration of commercial and capital markets, an element of which is expanding foreign investment, a subject which the International Finance Subcommittee, which I chair, explored in a series of hearings last year.

An important dimension of the trend toward global banking is the growth of foreign bank activity in the United States. Over the last 7 years, foreign bank assets in the United States have grown from less than $7 billion to more than $38 billion, and are now equal to more than a third the level of U.S. bank assets abroad. More than 60 foreign banks have operations in the United States today, and it is estimated that they currently account for nearly 10 percent of all commercial loans in this country.

In light of its growth and size, foreign banking in the United States has significant ramifications for U.S. financial and monetary policy as well as for the international financial system. It has also become an important factor in domestic bank competition.

Moreover, since U.S. banks operating abroad do so within a framework of foreign as well as domestic regulation, U.S. policy toward foreign banking affects the climate for U.S. bank operations abroad.

Yet despite these important national and international ramifications, foreign bank operations in the United States are governed almost exclusively by State law. The United States has no comprehensive policy toward foreign banking and thus the States must, and indeed are largely free to, develop policies of their own. However, no matter how well conceived or intentioned, exclusive State jurisdiction provides great potential for regulatory conflict and leaves the resolution of important matters of national and international policy to jurisdictions unequipped to grapple with the broader national issues involved.

The consequence is a patchwork of conflicting laws and regulations governing the activities of foreign banks in the United States. In many States, foreign banking is prohibited altogether. In others it is permitted but subject to special constraints. Foreign banks can engage in multistate banking, but U.S. banks cannot. Few foreign banks belong to the Federal Reserve System, while most large U.S. banks do. Foreign banks can engage in nonbanking activities, but U.S. banks cannot. And nonbanking activities by foreign banks are subject to few, if any, constraints.

It was to resolve these conflicts and establish a national policy on foreign banking in the United States that, I along with Senators SPARKMAN, MCINTYRE, and

TOWER, on behalf of the Federal Reserve Board, introduced S. 4205 in the last Congress. That bill focuses attention on this important issue as well as other issues relating to multinational banking and foreign investment. And it is for that reason that I join in introducing it again.

To help in the consideration of legislation on these important issues, I commend to my colleagues an important and useful study done by Franklin Edwards and Jack Zwick for the International Finance Subcommittee entitled "Foreign Banks in the United States: Activities and Regulatory Issues." It surveys the economic developments giving rise to increased foreign banking in the United States, the scope and nature of such activity, the pattern of U.S. regulation, and suggestions for legislation made to date. In addition, it analyzes such controversial issues as international reciprocity, competitive equality, multistate branching, foreign bank securities affiliates, deposit insurance coverage, reserve requirements, the implications of foreign ownership and control and the effect of foreign banking on U.S. monetary policy and the soundness of the banking system. While I reserve judgment on its recommendations, the Edwards-Zwick study makes an important contribution to the understanding of these complex issues. I ask unanimous consent that it be reprinted in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

FOREIGN BANKS IN THE UNITED STATES: ACTIVITIES AND REGULATORY ISSUES

(By Franklin R. Edwards and Jack Zwick[*])

INTRODUCTION

During recent years the operations of foreign-owned financial institutions in the United States have expanded dramatically. The number of new foreign banks operating here has increased. Also there has been a marked increase in the assets of foreign-owned banks established here many years ago. Today more than 100 foreign banks have facilities in the United States with total U.S. assets of some $35 billion, and the commercial and industrial loans of these banks have grown to nearly 10% of all such loans in the United States. (See Table I)

This expansion has occurred almost entirely under the supervision of individual states since there is no unified federal regulatory structure which applies to foreign-owned institutions. In the absence of a coherent federal policy, each individual state has adopted its own regulatory postures with respect to foreign-owned institutions. It is not surprising, therefore, that various proposals have been advanced to place foreign institutions under federal purview. During the past 18 months, several proposals have been introduced in the Congress and State Legislatures pertaining to the regulation of foreign banks.

Congressmen Patman[1] and Rees[2] introduced bills that would among other things:

1. Substitute federal regulation for state regulation of foreign banking;
2. Require that any foreign bank doing business only through a subsidiary and only in one state;
3. Require that foreign banks divest themselves of all non-conforming assets within a two-year period.

In addition, the Federal Reserve Board has recently introduced legislation which would place foreign banking activities under tighter federal control.[3] The proposed legislation would:

1. Require that virtually all foreign branches, agencies, investment companies, and subsidiaries be members of the Federal Reserve System and be fully subject to the requirements of the federal Bank Holding Company Act;
2. Require that all foreign banks establishing new operations in the U.S. obtain a federal banking license from the Comptroller;
3. Enable the Comptroller of the Currency to issue national charters to foreign banks where up to half of the directors may be foreigners.
4. Require all existing foreign banking affiliates to register with the Comptroller; and,
5. Require all branches and agencies of foreign banks to carry federal deposit insurance.

Of special significance in the Federal Reserve's bill is the "grandfather clause" provision, which would permit foreign banks now operating in the U.S. to retain existing operations permanently even though such activities would be prohibited by the bill in the future.

The purpose of this paper is to help place these and other proposals in perspective—i.e. to provide the background information on foreign bank activity in the United States necessary to evaluate the current situation, and to develop criteria for evaluating various schemes which have been advanced to restructure the present regulatory framework.

Recent economic developments

This paper is the first comprehensive study prepared for Congress on the subject of foreign bank activity in the U.S. since the report submitted to the Joint Economic Committee in 1966.[4] During the intervening years, international trade and finance have become much more important to the U.S. economy. In contrast to other industrialized countries, the United States had until recently not been very dependent on other economies due to the abundance of resources available at home, large domestic markets, and a large, skilled work-force. As indigenous sources of raw materials, such as oil, iron, and nickel, have begun to run low, foreign sourcing has become more important. Simultaneously, technological developments, economies of scale, and marketing opportuniites abroad have encouraged firms to develop global strategies. Consequently, U.S. involvement and dependence on international trade and investment have increased significantly, in both absolute terms and as a percentage of Gross National Product.

This increased U.S. participation in world trade and investment, together with a rapidly growing volume of international transactions generally, has been accompanied by a wider range of financial services in support of these activities. Large banks have established operations in many foreign locations to finance trade and to attend to the numerous needs of their major corporate customers. An internationalization of banking has resulted, characterized by banks and banking consortia operating through branches, affiliates, and subsidiaries in a large number of banking markets, both geographically and functionally.

The overall dimension and geographic focus of American bank participation in this expansion can be seen from Tables II, III, IV, and V.[5] As these statistics suggest, several U.S. banks have acquired worldwide branch and affiliate networks during the past ten years, thereby becoming truly multinational institutions. American banks have also made numerous foreign investments through Edge and Agreement corporations set up under the authority of the Federal Reserve Act. The total assets held abroad by U.S. banks exceed $125 billion, more than four times the present assets of foreign banks in the U.S.

In addition, U.S. banks have expanded their activities into a wide variety of specialized financial operations including development finance, factoring, installment finance, equipment leasing, and mutual fund management operations. They have also entered into investment banking activities abroad that they are not permitted in the United States. The American banks and their overseas operations not only service foreign affiliates of U.S. corporations; they are also active in the domestic markets of foreign countries in which they are located, serving local as well as third-country customers. The U.S. banks are unsurpassed in the worldwide scope and range of financial services they provide. It is within the context of these banking development that the so-called invasion of the U.S. market by foreign banks must be analyzed and appraised.

Other economic factor have also contributed to the growth of foreign banking in the U.S. and to multinational banking in general. Unprecedented levels of activity have developed in the eurocurrency markets, and these markets have become more closely linked to national currency markets. The United States continues to be the most important link in the international financial network due to the sheer size of its financial market, the important role of the U.S. dollar, and the relative weight of U.S. production and consumption in the whole economy. Most recently, prices of oil and other commodities have brought severe economic and political difficulties to both industrialized and developing countries. This development, coupled with worldwide capital shortages, floating exchange rates, and global inflation, has forced a realization that our economic and financial problems are inextricably interwoven with those of other nations.

The trends depicted above together with such recent developments as the foreign exchange problems of several major banks make the regulation of foreign banks (and, for that matter, all multinational banks) far more urgent and complicated than in 1966. The development of a coherent and comprehensive regulatory structure should be given high priority. Ways must be found to maintain orderly money markets, trade, and investment, and, above all, to allocate increasingly scarce resources, capital, and products on a global basis.

Legislative directions

Three thrusts for regulatory reform are clearly identifiable. The first seeks to preserve the basic characteristics of our present regulatory structure—the dual banking system, and the separation of commercial and investment banking functions. The second seeks to develop some type of transnational regulatory machinery to promote a sound, efficient, and competitive banking and financial structure on a global basis. Proponents of this view are persuaded that the present nationalistic regulatory structures fail to provide either adequate safeguards for depositors or sufficient control by individual countries over their money supplies. Officials have also become increasingly concerned that the rules and administrative procedures affecting international markets may lack precision and adequate remedies for dealing with liquidity or solvency problems as they arise in foreign-owned banking entities. A final legislative thrust endeavors to assure that both U.S. and foreign banks are treated equally and equitably under U.S. banking laws.

The succeeding sections of this paper will discuss the existing regulatory framework for licensing and monitoring the activities of foreign bank entities in the United States, the scope and nature of foreign bank activities here, and the major controversial issues which have arisen because of these activities. We conclude with our recommendations.

Footnotes at end of article.

THE REGULATORY ENVIRONMENT

More than 10 foreign banking corporations conduct business activities in the United States using several major operating forms—i.e. the representative office, the agency, the branch, and the subsidiary operating under bank or trust company charter. A few foreign banking corporations have also chartered investment companies in New York State where the banking law makes provision for this form of entity. Some foreign banks or foreign banking groups have also become foreign bank holding companies in compliance with the Federal Bank Holding Company Act in 1956, as amended in 1970. These holding companies are registered with the Board of Governors of the Federal Reserve System, own numerous banks located in several states, and operate many agencies and branches, most of which are located in New York and California. Finally, a number of foreign banking corporations are minority shareholders in United States banks which they do not control, and have made both controlling and non-controlling investments in security affiliates in the United States. Table VI indicates the organizational entities operated by the foreign banking corporations and the states in which these entities are domiciled, as of 1973.

To ascertain U.S. regulatory practices pertaining to foreign banking corporations, one must look to the statutes and the policies of individual states. (An exception is the law pertaining to foreign bank holding companies, which is summarized in Appendix I.) Attitudes differ among the states regarding foreign banks, and, consequently, options open to foreign banking corporations are not uniform among states. There are ten states whose laws specifically permit some form of foreign banking activity. These are: Alaska, California, Georgia, Hawaii, Illinois, Massachusetts, New York, Oregon, Utah, and Washington. Of the eight states which permit branches, five now have operating foreign branches—Illinois, Massachusetts, New York, Oregon and Washington. Sixteen states specifically prohibit foreign banking, and the laws of the remaining twenty-six states are silent. For the most part, those states which have received and continue to receive applications from foreign branches for licenses or charters process them in the same way as they do applications from domestic banks.

As a practical matter, foreign banking corporations desirous of penetrating the American market have sought primarily to form entities in New York and California, although more recently they have begun to operate in Illinois as well. These locations are attractive for the simple reason that a substantial proportion of the country's commercial and international financial transactions originate in these states. The regulations of these three states, therefore, are particularly relevant to understanding the present controversy over foreign bank operations.

In New York, California, and Illinois agency and branch licenses are granted for a fixed time period by the respective state superintendents of banking and the state banking boards, and may be revoked for cause. New York chartered trust companies and investment companies (both domestic and foreign) differ from agencies and branches in that they are granted perpetual charters by the superintendent and the banking board. Unlike California, New York and Illinois do not require that representative offices be licensed, the rationale being that these offices do not engage in actual banking business.

The four major aspects of state banking law of greatest concern are capital requirements, lending restrictions, deposit functions, and reserve requirements. In New York, California, and Illinois the banking laws establish minimum capital stock requirements for subsidiary bank and trust companies. In practice the banking departments require initial funds greater than the statutory minimums as well as subsequent injections of capital based on location and scope of operations. While the formation of branches and agencies does not require capital injections, the state banking departments test the adequacy of the parent bank's capital before licensing such entities. Additionally, a statutory provision for branches and agencies is essentially analogous to a capital requirement. State laws oblige such licensees to hold specific types of assets in the individual states equivalent to not less than 108% of the aggregate amount of liabilities payable at or through the agencies or branches. These assets must be payable in the United States, in U.S. funds, or with the specific prior approval of the state banking superintendents, in funds clearly convertible into U.S. funds. Finally, New York law requires branches to deposit specified securities or cash equal to 5% of total liabilities in an account in the banking superintendent's name.

With respect to lending restrictions, state laws set forth size restrictions on individual loans for subsidiary banks, trust companies, and branches—normally, 10% of the banks' capital stock, surplus and undistributed profits. (Loans to U.S. federal or state government agencies are usually exempt from such lending restrictions.) The branch or agency form of entity is advantageous to many banks because the restriction on branch or agency lending is related to the capital of the parent institution, in contrast to the restrictions imposed on subsidiaries.

The state laws provide that only banks, trust companies, and branches of foreign banks (in New York and Illinois) may accept deposits. Agencies and investment companies, although prohibited from accepting deposits, are permitted to maintain what are termed "credit balances". When properly used, these credit balances represent monies held by the investment companies or agencies which arise out of, or are incidental to, the exercise of their lawful powers. Investment companies are permitted to accept deposits only if they have branch offices outside the states where they are chartered, and only then with state banking board approval. Since 1973 agencies in California have been permitted to accept deposits from abroad.

Branches of foreign banking corporations are required to maintain the same levels of reserves against deposits as do state chartered banks. State banking superintendents have the power to require state chartered banks owned by foreigners and branches of foreign banks to make good any encroachment on reserves and to levy assessments for reserve deficiencies. Agencies and investment companies are exempt from maintaning reserves on the ground that they do not accept deposits.

In addition, when the Federal Reserve Board recently sought voluntary compliance with tighter reserve requirements, both branches and agencies of foreign banking corporations were urged to comply. This request for maintenance of reserves against deposits from abroad included the "due to head office" accounts as well. State banking department spokesmen report that compliance with this request has been excellent.

In most areas there has been a close working relationship among the state banking departments and the Federal Reserve Board, although the Federal Reserve has no statutory authority over foreign banking operations. For example, branches of foreign-owned banks have traditionally been subject to state-imposed interest rate ceilings and reserve requirements which closely parallel federal requirements. Also, when the VFCR guidelines were in effect, foreign banking entities were subject to these guidelines just as were domestic banks. Finally, foreign banks submit monthly reports of conditions both to the state banking superintendents and to the Federal Reserve, and in these reports supply specific data requested by the Federal Reserve.

THE SCOPE AND NATURE OF FOREIGN BANK ACTIVITY

Agencies

The foreign "agency banks" are important both numerically and in terms of asset size. As of April 31, 1974, the 33 agencies of foreign banking corporations in New York held assets in excess of $15 billion. Twenty-eight agencies licensed by California reported more than $3 billion in assets. While there are marked differences among agencies, many of these banking offices have common characteristics. They finance trade and investment between the United States and their home countries. They buy, sell, pay, and collect bills of exchange. Many of the agencies manage the dollar balances of their parents and sister institutions and administer their dollar needs. Many act as agents of central banks and other home-country governmental institutions. Liquid balances are characteristically placed either in the domestic federal funds and interbank markets or abroad in the eurocurrency markets. A few of the agencies are regular borrowers of dollars which are exported to capital-scarce home market borrowers.

The agencies rely on two principal sources of funds. Approximately half the agencies' resources are obtained from parent or sister institutions. Until recently it was not uncommon for agencies to attract deposits from U.S. corporations in the name of parent or sister institutions which the latter would redeposit in their captive U.S. agencies. This subterfuge permitted agencies to conform with restrictions imposed on their deposit gathering activities while at the same time allowing them to attract short-dated deposits. Agencies borrow the remainder of their funds in the interbank and federal funds markets (where they are both active borrowers and lenders) and from corporate and bank customers (the latter amount to approximately 10% of their total liabilities).

A few of the agencies work closely with sister "trust company" entities in the United States. The related trust companies operate under special letter agreement with the state banking departments and do not accept deposits. The trust companies exist essentially to invest in the equities of home country corporations whose securities are listed and traded in the American equities markets.

Branches

As the name implies, branches are direct extensions of the foreign banking corporations and are empowered by statute to conduct a general banking business, including the right to receive deposits (both time and demand) from local and foreign interests. Most branches of foreign banks are located in New York (See Table VI) where their principal business activities relate to the financing of trade, both domestic and foreign, and investment of liquid dollar balances.

Certain foreign branches have a retail orientation and are actively engaged in consumer lending and the solicitation of personal accounts. Most of the recently established branches in New York belong to banks in the United Kingdom and Western Europe. The clients of these branches are frequently the subsidiaries of home-country corporate clients. The branches also extend loans to U.S. based international companies whose affiliates abroad are clients of the branches' head offices. A few of the foreign branches are very active in arbitrage operations between the euro-dollar and federal funds markets as well as in the New York foreign exchange market. Until recently, when certain British-owned banks began to pursue retail markets aggressively, most branches of foreign banking corporations with a retail orientation featured an ethnic appeal—e.g. the Puerto Rican and Israeli branches in New York.

Foreign branches are not eligible for FDIC insurance. In California, the banking law prohibits branching without FDIC insurance, so that foreign banks which seek deposit receiving powers in California must form subsidiary banks.

In general, there are no discretionary state restrictions regarding the types of assets foreign branches may hold. State lending limits are the same as for branches of banks operating under state law and, as noted earlier, are based on the capital of the foreign parent rather than the branches themselves. Branch applications are processed in the same way as domestic applications. State laws require foreign banking corporations to maintain books and assets for the branches separate from those of the parent banks.

The important states for foreign branch activity—which include New York, California, and Illinois—all have reciprocity requirements. These states insist that their domestic banks be permitted to operate branches in the countries of the foreign banks that seek to operate branches in their states. (It is important to note that this requirement extends only to banks chartered or licensed in the state of question and does not extend to the United States market as a whole.) At present, therefore, the question of what is the appropriate principal of reciprocity is handled entirely at the state level.

Subsidiary banks

Some foreign banks have converted their New York branches into subsidiaries in order to obtain federal deposit insurance and thereby enhance the capability of attracting deposits in the retail market. The California subsidiaries reflect the fact that branching is effectively disallowed in that state by virtue of the statutory requirement that branches have FDIC insurance. (By the end of 1973 twelve foreign institutions had received charters for subsidiaries in California.) Subsidiaries together with their branches provide services aimed at the general consumer. In addition, powers and restrictions applicable to them are identical to those applicable to U.S. banks.

Securities affiliates

During the past several years, foreign banks have established broker-dealer security firms in New York and have joined regional stock exchanges. These affiliates provide first-hand information on developments in the U.S. capital markets to their parent institutions, which in many cases manage mutual funds with substantial shareholdings in U.S. corporations. The existence of these affiliates may also be viewed as a competitive response to the establishment of a large number of branch offices in major European financial centers by New York securities-brokers, which have sought the business of local investors who formerly traded in U.S. securities through local banks. Furthermore, direct representation in New York through these affiliates enables foreign banks, which are themselves an important source of business for U.S. securities dealers, to obtain an entree to the underwriting of securities and to participate as principals in the trading of securities in the New York and regional markets. In addition to underwriting and trading operations, these affiliates assist in mergers and acquisitions, and provide investment advisory services to U.S. and foreign clients. Thus, the opening of affiliates in large measure reflects the desire of foreign banks to better serve the requirements of their clients who have substantial investments in U.S. money and capital markets.

Significantly, several of the foreign banking corporations which have established or bought directly or indirectly into foreign dealer firms are also engaged in commercial banking in the United States and in foreign markets. Hence, these firms enjoy something of a privileged position vis-a-vis domestic commercial banks—the latter being estopped under the Glass-Steagall Act from combining banking with a general securities business. Recently, a few prominent foreign banking institutions have made substantial investments in U.S.-based investment banks which act as broker-dealers. This development has attracted considerable attention. Indeed, an effort to thwart this initiative, the Federal Reserve Board recently denied the request of a newly registered Foreign Bank Holding Company to retain a ⅓ interest in a New York securities affiliate.[6]

CONTROVERSIAL ISSUES

The presence of foreign banks in the United States raises five major issues. First, what principle of international reciprocity should be applied to these institutions? Second, are current U.S. banking laws and regulations discriminatory in the sense that they give a significant competitive advantage to either foreign or American banks? Third, do the operations of foreign banks prevent or impede the effective implementation of U.S. domestic monetary policy? Fourth, do the U.S. activities of foreign banks (whose parent operations are largely beyond the reach of U.S. regulators) seriously undermine our supervisory apparatus for maintaining a sound financial structure? Finally, should any limits be imposed on foreign ownership and control of banks and financial institutions operating in the U.S.?

International reciprocity

A basic question to be resolved in developing a regulatory structure to govern the international activities of multinational entities is: What concept of international reciprocity should underlie this structure? Both the expansion of international banking and the continued development of international financial markets depend upon the existence of close cooperation among countries. A U.S. regulatory scheme that does not guarantee "fair" treatment to foreign nationals, therefore, is very likely to abort the trend towards international financial integation by undermining international cooperation. In recent years the major U.S. State and Federal banking authorities have implicitly agreed that a principle of mutual nondiscrimination should be applied to multinational banks.[7] Foreign banks should be subject to the same laws that apply to domestic banks in the host country. In the United States, foreign banks should be granted the same banking powers and should be placed under the same regulatory constraints as are American banks, or foreign banks should not be permitted to engage in activities permissible in their homelands if these activities are not allowed by U.S. laws. Reciprocally, U.S. banks operating abroad should have the same powers and be subject to the same regulations applicable to home country banking institutions.

The best way for the United States and other countries to implement this principle of "equal treatment" is not always clear, however. Should our banking laws extend such treatment in a *de jure* or *de facto* way? Need both State and Federal banking laws treat foreign banks in an identical manner? Narrowly construed, there are a number of ways in which the U.S. banking laws can be made consistent with this principle of "equal treatment."[8]

We believe that these implementation issues are largely intellectual controversies, and that solutions to them should not be sought in the legislative arena. If either U.S. or foreign regulatory authorities were to apply the "equal treatment" principle in a way unacceptable to the other, although within the "letter of the law," the result would unquestionably be political and economic conflict. We believe that such conflict would be quickly resolved. The various economic interests involved are such that too many have too much to lose to not resolve such a conflict quickly. Thus, we recommend that U.S. banking regulatory authorities be given maximum freedom to determine administratively whether or not foreign countries are conforming in a satisfactory manner to the "equal treatment" principle, as well as maximum administrative flexibility to respond in the event that foreign countries do not conform to this principle. Legislative encumbrance on regulatory discretion in this area of banking can only impede the resolution of conflicts over international reciprocity.

A legislative issue which does arise in this area is whether to exempt any country (or countries) from the requirements of "equal treatment". In particular, should less developed countries be required to admit the giant banks of the developed nations in order to gain direct access to the financial markets of developed countries? In other words, is not the "infant industry" argument as valid for banking (and other financial industries) as it is for non-financial industries? We believe it is. Consequently, we recommend that a different principle of international reciprocity be applied to less-developed nations. If these nations choose to close their financial markets to American banks, their banks should still be permitted to participate directly in our markets. The precise form and content of any legislative enactment along these lines, of course, must be the subject of a more thorough study.[9]

Competitive equality under United States banking laws

Do U.S. banking laws put foreign banks on an equal competitive footing with American banks? The two areas of dispute with respect to competition that are of greatest concern in the long-run are:

(1) the power of foreign banks to operate multistate banking offices; and,

(2) the ability of foreign banks to operate (through direct ownership of) U.S. security affiliates, such as underwriting and broker-dealer firms.

U.S. commercial banks can engage in neither of these activities. There are, in addition, a number of less important instances of discriminatory treatment. These are also discussed subsequent to our analysis of the two major issues.

Multistate Branching. Some states have unilaterally permitted foreign banks to operate one or more offices within their boundaries, despite the fact that these banks already have one or more branch offices in other states. The Barclays Bank, for instance, has offices in California, Illinois, Massachusetts, and New York. Since certain domestic banks headquartered in these states do considerable banking business in foreign countries, these states have extended banking privileges to foreign banks for obvious reasons.

There is, of course, no legal obstacle to prevent these states, as well as others, from refusing to extend branching privileges to foreign banks which simultaneously operate in other states, just as they now refuse to license non-resident American banks with operations in other states. It is clear, however, that states which license foreign banks have concluded that it is in their interest to extend privileges to foreign banks, whether or not such banks also operate in other states.

In contrast, states have consistently refused to extend multistate banking privileges to American banks, either through multistate branching or through the formation of multistate bank (holding companies) subsidiaries. Presumably, if and when it becomes beneficial, states will permit U.S. banks

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to engage in multistate banking operations.[10] Until multistate banking is permitted, however, the current system of regulatory supervision bestows upon foreign banks a competitive advantage in that they can operate full-service multistate banking offices.

How significant is this advantage? We judge it to be of minor importance, at least at the moment. First, only a handful of states currently permit foreign banks to operate branches within their boundaries; and, only six permit the operation of full-service branch offices. (See Table VI.) Second, through the formation of bank holding companies, large U.S. banks can and do operate a wide range of multistate affiliates: loan production offices, consumer and business finance companies, mortgage banks, financial consulting services, fiduciary services, etc.[11] The chief U.S. competitors of foreign banks, therefore, presently do operate multistate organizations which enable them to provide financial services on a multistate basis, with the exception that they cannot solicit retail (small) deposit accounts. Finally, U.S. banks have formed Edge Act and Agreement corporations through which they have established multistate office networks to conduct international or foreign activities incidental to whatever international banking business they do anywhere in the country.[12] In 1972, forty-five U.S. banks operated thirty-nine such offices in six states, and this number has expanded rapidly since then. (See Table VII).

Thus, although U.S. banks cannot have multistate branch offices, they presently do possess a substantial capability to provide financial services on a multistate basis. The ability of foreign banks to operate multistate branch offices, therefore, does not at present pose a serious competitive threat to American banks.[13]

Further, if the multistate-office advantage were eventually to bestow upon foreign banks a superior ability to penetrate the retail deposit market, states could always, individually and collectively, put U.S. banks on an equal competitive footing by extending the same (multistate office) privileges to them as well as to foreign banks.[14]

For the above mentioned reasons we conclude that Federal legislation to prohibit or curb multistate branching by foreign banks is not necessary to protect American banks. Such legislation would also be contrary to the interests of states which now permit such activities, since it would probably lead to additional foreign restrictions being imposed on their banks abroad.

Securities Affiliates. A second area of alleged competitive inequality concerns the respective powers of foreign and American banks to operate security affiliates in the United States. Foreign banks, through either a New York state-licensed "investment company" [15] or through direct participation in a security affiliate (such as a broker-dealer or investment banking company) may engage in securities and investment banking activities in the U.S. Presently, foreign banks have twenty security affiliates in the United States. (See Table VI.) American banks, on the other hand, are forbidden by the Glass-Steagall Act and the Federal Bank Holding Company Act from owning or controlling security affiliates.[16]

Existing law also does not prohibit foreign banks from operating a securities or investment company affiliate in conjunction with a "branch" or "agency" because the latter entities are not "banks" under U.S. law. Specifically, section 2(c) of the Bank Holding Company Act,[17] which is the most restrictive law,[18] defines a "bank" as an "institution organized under the laws of the United States, any state of the United States, . . . which (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans." Neither foreign branches nor foreign agencies met this test. Branches are offices of institutions organized under foreign law, and agencies do not accept demand deposits. An issue of growing importance, therefore, is whether the ability of foreign banks to provide securities and investment banking services in conjunction with commercial banking services will put American banks at a serious competitive disadvantage.

To assess this possibility the present powers and "securities" activities of U.S. banks must be examined. In the last decade U.S. banks have greatly extended their "securities" activities. They now underwrite the revenue bonds of states and municipalities, offer a number of automatic investment plans to depositors and shareholders, sponsor and advise both closed-end and open-end investment companies, manage over $300 billion of trust and agency accounts (which includes investment portfolios as small as $10,000), and provide direct-placement services for business customers who wish to raise funds through the issuance of long-term debt obligations.

Thus, despite the Glass-Steagall Act prohibition against engaging in the "issuance, sale, underwriting, and distribution of securities", the current exceptions to this prohibition are not unimportant.

In addition, through Edge Act and Agreement Corporation subsidiaries abroad, U.S. banks can and do engage in the underwriting, distribution, and sale of securities in foreign countries. Edge Act and Agreement Corporations are domestically-organized bank subsidiaries that are vehicles for foreign banking and investments, and are licensed and supervised solely by the Federal Reserve Board.[19] Under the impetus of competition from foreign banks in foreign markets, the Federal Reserve Board has dealt with Edge Act and Agreement Corporation subsidiaries much more liberally than it has with domestic bank holding companies. In London or Paris, for example, large U.S. banks are free to provide investment banking services, while in New York or Chicago they are not.

Thus, although foreign banks are exempt from the restrictions of the Glass-Steagall Act and the Bank Holding Company Act, they gain only one clear competitive advantage vis-a-vis U.S. banks: a U.S. (or New York) office from which to conduct a securities and investment banking business. Whether such an office gives foreign banks an important competitive edge is open to question. Our judgment is that it does not, at least at present. Foreign banks' securities and investment banking services are currently on a small scale, are provided primarily to foreign corporate customers, and rarely involve underwriting. In addition, as noted earlier, American banks are currently providing a number of securities services. Nevertheless, it cannot be denied that present U.S. laws applicable to securities and investment banking activities treat foreign and American banks differently, and that these legal differences could, in the future, result in significant differences in fact as well as in law.

There are no easy solutions to this potential problem. Divestiture by foreign banks of their U.S. securities affiliates may impose costs on foreign banks that were never envisioned by these banks (and never intended by U.S. authorities), and may conceivably invite retaliatory action by foreign countries (although this seems unlikely). On the other hand, the politically expedient remedy of "grandfathering" the existing security activities of foreign banks [20] simply replaces one kind of competitive inequality with another. Specifically, such a remedy would allow foreign banks now in the United States to continue their securities activities while closing the door to competition from foreign institutions not yet in our markets. In addition, it would retain on a permanent basis the present inequality between (some) foreign banks and American banks. In our minds there is no economic rationale to support our choosing one kind of inequality over another.

Finally, unlike the issue of interstate branching, there is little agreement among objective students of banking about what role banks should play in the securities business. The Glass-Steagall Act arose out of the economic ruins of the 1930's and has not been the subject of serious study since that time. Further, as noted earlier, American banks are presently quietly challenging some of the basic provisions of the Glass-Steagall Act, both in the courts and in regulatory offices.

It is our view, therefore, that the most pressing current need is for a thorough Congressional review of the Glass-Steagall Act. Existing inequalities between American and foreign banks are not now significant enough to necessitate immediate legislative action in this area, so that the costs of delaying a legislative decision would, in our opinion, be much less than would be the costs of adopting a hasty, uninformed, remedy (that would undoubtedly become a permanent feature of our financial system).

Once it has been decided what the "securities" role of banks should be, however, these laws should be applied equally forcefully to both American and foreign banks, even to the extent of requiring divestiture by foreign banks of non-conforming activities. If the Congress concludes that such divestiture will impose undue hardships on foreign banks, it can always establish procedures to provide just compensation to those foreign banks that can demonstrate substantial injury due to divestiture. Such a remedy would in the long run be more equitable and less costly than a "grandfather clause" solution.

Additional Competitive Issues. There are three additional issues of lesser importance which are frequently cited in the debate over competitive equality. First, foreign banks have alleged on occasion that U.S. regulators have applied a different and discriminatory merger (or competitive) standard to foreign acquisitions of U.S. Banks; [21] second, the inability of frozen bank branches to obtain deposit insurance coverage from the Federal Deposit Insurance Corporation (F.D.I.C.) is cited as putting foreign banks at a competitive disadvantage; [22] and, third, differential reserve requirements are alleged to favor foreign banks. In examination of these issues we reject the first allegation as untrue, consider the second to be relatively unimportant, and argue that legislation is needed to correct the reserve differential problem.

With respect to the competitive standards used by U.S. regulators in cases of foreign bank acquisitions, we have discovered no discriminatory treatment. In Barclays Bank's attempted acquisition of Long Island Trust Co. in 1973, New York's Superintendent of Banks denied the acquisition using a "potential competition" standard consistent with previous bank merger cases in New York State.[23] Similarly, in his subsequent approval of Barclays' acquisition of First Westchester National Bank,[24] the New York Superintendent of Banks used a competitive standard consistent with previous decisions.[25] Finally, the standards applied by the Federal Reserve in approving acquisition of First Western Bank and Trust Co. by Lloyds Bank Ltd. in 1973 [26] are totally consistent with the standards it has applied in cases involving domestic funds.

The inability of foreign banks to insure their branch deposits is of minor but growing importance because foreign banks can conduct a full-fledge retail banking business solely through U.S. bank subsidiaries, which

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are eligible for F.D.I.C. insurance. The California situation illustrates this well. Despite California's refusal to permit foreign branches to accept deposits because such deposits would be uninsured.[27] Japanese and British banks presently conduct a highly successful retail banking business **through** insured bank subsidiaries. Further, there do not appear to be important competitive disadvantages associated with operating through subsidiaries rather than branches, although some may exist. In particular, the "loan limit" of a subsidiary is governed by the subsidiary's rather than the parent's capital; subsidiaries necessitate having U.S. citizens as directors and stockholders; and ownership of a U.S. bank may bring foreign banks under the Bank Holding Company Act. In most cases, however, these are not now serious drawbacks.[28]

The final issue concerns the imposition of differential reserve requirements on foreign and American banks. Specifically, Federal Reserve Regulations M and D have in the past placed American banks at a cost disadvantage vis-a-vis their foreign rivals. Regulation M (or subsection 213.7.B) imposes a reserve requirement of 8 percent on loans by foreign branches of U.S. banks to borrowers resident in the United States. Foreign banks are not subject to this requirement and therefore have a cost advantage over foreign branches of American banks.[29]

Regulation D now imposes a similar reserve requirement on the CD deposits of both American member banks and foreign bank branches. Pursuant to a recent Federal Reserve request, foreign banks maintain such reserves voluntarily although they are under no legal compulsion to do so.[30]

All differences in reserve requirements should be eliminated either by subjecting foreign banks to the same requirements or by eliminating these requirements for U.S. banks. Our recommendation is to eliminate the Regulation M requirement. This requirement serves no useful purpose: it is not necessary to implement monetary policy effectively; and, even if it were considered necessary, it would be inadequate. In addition, we recommend that Regulation D be made mandatory for foreign branches.

Implementing monetary policy

The presence of foreign banks in the United States has caused concern on the part of the Federal Reserve as to whether it can effectively implement monetary policy. Recently, the Federal Reserve has asked foreign banks to provide information voluntarily on their U.S. operations, and has proposed legislation which would extend federal reserve requirements to the U.S. branches of foreign banks.

To evaluate these Federal Reserve proposals, some understanding of the basic goals and instruments of monetary policy is required. Monetary policy can be described largely as the activity of controlling the U.S. money supply. If the Federal Reserve can effectively manage the money supply, the traditional goals of monetary policy are capable of being achieved—control over interest rates, spending, inflation, unemployment, etc.[31] In its endeavor to manage money, however, the Federal Reserve must have access to information about the magnitude of the current money supply and must be able to make reasonably accurate forecasts of future money flows. Without such information, it would obviously be impossible to determine how to alter the money supply to achieve the desired goals of monetary policy. The recent Federal Reserve requests for more information about foreign branch activities and for greater authority to control these activities, therefore, clearly reflects its fear that foreign banks may now be undermining (or will in the future undermine) its ability to effectively implement monetary policy.

How real are these fears? First, it should be noted that foreign banks maintain deposits in this country primarily in two capacities—in branches and in U.S.-chartered bank subsidiaries.[32] Bank subsidiaries may or may not opt to be members of the Federal Reserve System, similar to American-owned, state-chartered banks. Consequently, the issue of nonmember foreign-owned bank subsidiaries should be viewed as a part of the larger issue of "nonmember" American banks. Currently, there are eight thousand nonmember banks in the United States, which account for about $55 billion of demand deposits and about twenty-five percent of the demand deposit component of the money supply. Clearly, how we decide to treat American nonmember banks should be the determining factor in how foreign-owned U.S. bank subsidiaries are treated. There is no economic rationale to support regulating foreign-owned banks differently from American-owned banks.

U.S. branches and agencies of foreign banks, on the other hand, are not eligible for Federal Reserve membership, even if they desired it. Presently, there are about 60 foreign branches with $5 billion in assets and about 60 agencies[33] with about $12 billion in assets. Thus, foreign branch deposits constitute less than 2 percent of the U.S. money supply.

Nonetheless, branches of large foreign banks are quite active in money markets and may conceivably have an effect greater than that suggested by their size. For example, in the period of monetary restraint during 1969 and 1970 the Federal Reserve found that a few very large *U.S.* multinational banks diluted the impact of monetary policy through their extensive borrowing in the Eurodollar market. As a consequence, it imposed reserve requirements against the Eurodollar borrowings of these banks.[34] Branches of large foreign banks may give rise to a similar problem, which explains the Federal Reserve's request for greater powers to impose reserve requirements on foreign branches similar to those now imposed on U.S. member banks.[35] Such reserve requirements would also put large American and foreign banks on a more equal competitive footing, as noted earlier.[36]

To summarize, the "foreign bank" monetary control issue must be viewed as part of two issues: whether mandatory membership in the Federal Reserve for all U.S. banks is necessary to achieve effective monetary control; and whether large multinational banks, American, as well as foreign, can significantly impede the implementation of monetary policy. The first of these is now the object of heated debate,[37] and the second is a topic about which little is known. We urgently need to know more about how multinational banks can dilute the powers of monetary authorities to pursue traditional monetary goals.[38] Until there is a resolution of the nonmember bank issue, and until there is some consensus about just how multinational banks may thwart monetary policy, additional foreign-bank legislation in this area would be presumptuous and possibly harmful.

This conclusion should be carefully distinguished from our earlier recommendation that Federal Reserve requirements be mandatory for foreign branches.[39] This recommendation was made to assure competitive equality among foreign and American banks. With respect to monetary policy, such reserve requirements will neither enhance nor diminish the ability of the Federal Reserve to control the money supply.

Soundness of banking system

The objective of almost all banking regulation in the United States is to maintain a sound banking system. Among other virtues, such a system encourages the use of demand deposits as a means of payment and provides an attractive savings alternative for small savers, both of which enhance economic welfare in the long-run. The recent expansion of foreign banks in the United States and the growth of multinational banking in general, however, raises serious questions about the ability of U.S. regulators to safeguard the soundness of banking institutions operating in the United States.

Before discussing these concerns, a brief review of the U.S. regulatory system may be helpful This system has a dual "safety" structure. The first is federal deposit insurance, sponsored by the Federal Deposit Insurance Corporation (F.D.I.C.). Of approximately 14,000 U.S. banks, only about 150 very small banks are not covered by F.D.I.C insurance The F.D.I.C. insures all deposit accounts up to a maximum of $40,000, and receives premium income from a uniform effective annual assessment on all insured banks equal to 1/25 of 1 percent of the bank's (assessable) deposits. Its reserve deposit insurance fund is currently about $6 billion. Further, the F.D.I.C. is authorized to borrow an additional $3 billion from the U.S. Treasury if such funds are necessary.

The second structural dimension consists of a number of restrictive regulations designed to prevent banks from taking "excessive" risks. "Portfolio" restrictions prohibit banks from owning or engaging in high-risk activities, such as owning corporate equities or corporate bonds, or doing investment banking; "capital" and "liquidity" requirements limit debt-to-equity ratios and asset composition; ceilings on the payment of interest on deposits limit price competition; and, licensing requirements for new bank and office formation limits competition through new entry. Such restrictions are designed to supplement F.D.I.C. insurance by keeping the number of bank failures low so as not to jeopardize the viability of the F.D.I.C.[40]

Finally, this supervisory structure depends heavily upon first-hand "bank examination" as an enforcement device. At least once a year, insured banks are intensively examined by a task force of trained bank examiners to determine, first, whether banks are conforming to all laws and regulations, and, second, to develop information so that regulatory authorities may make judgements about the soundness of banks and the capability of their managements.

The "safety" issue that springs from the presence of foreign banks has two aspects. First, deposits in foreign branches are not now insured by the F.D.I.C. and are not eligible for such insurance.[41] Second, given the world-wide operations of many foreign banks, can unilateral supervision by a single country be effective in guaranteeing the soundness of foreign banks?

Supervision of foreign banks, or their U.S. offices and affiliates, through examination is difficult at best. Branches, for example, are integral parts of the "parent" foreign banks, most of whose activities are beyond the reach of U.S. regulators (in law as well as in fact).

Foreign banks are chartered under foreign law and supervised by foreign banking authorities. In addition, countries such as Switzerland, Lebanon, and the Bahamas have strict banking secrecy laws. An attempt by U.S. supervisory authorities to examine parent foreign banks on foreign soil, therefore, would almost certainly raise questions of extraterritorial jurisdiction. Further, even if such examination were possible, it is unlikely that a U.S. corps of bank examiners would have the training and knowledge to render an independent and informed judgement on the soundness and managerial competence of such giant multinational banks, which operate in a multitude of different economic environments.[42]

Footnotes at end of article.

One dimension of the safety issue, therefore, is whether we should extend F.D.I.C. coverage to the deposits of foreign branches when the second prop of our supervisory structure—the limitation of risk-exposure through regulation coupled with on-the-spot examination is impractical. This issue is compounded by the fact that foreign banks directly engage (as permitted under foreign law) in "non-traditional" (banking) activities that carry greater risk exposure (such as investment banking) and by the fact that foreign banks frequently have close ties (formal and informal) to industrial and commercial companies.[43] Thus, at minimum the extension of F.D.I.C. insurance to foreign branch deposits may constitute a subsidy to foreign banks because these deposits entail greater risk for the F.D.I.C.; at worst it may threaten the viability of the F.D.I.C. itself.

Nevertheless, it is our judgment that F.D.I.C. insurance should immediately be extended to foreign branch deposits. First, not to do so would be discriminatory, since much the same argument concerning the ineffectiveness of bank supervision can be made with respect to large, multinational, American banks, which have extensive foreign operations.[44] In addition, we do not believe that the substantive difference between foreign branches and foreign-owned U.S. bank subsidiaries is sufficient to justify the differential insurance treatment which now exists. Regulatory "insulation" of subsidiaries may prove in reality to be just as difficult as "insulation" of branches. Second, the ultimate goal of bank regulation is to maintain a sound banking system, and the maintenance of public confidence in banks is essential to that goal. Since any losses suffered by U.S. depositors doing business with uninsured foreign branches could work to undermine such confidence, it would seem self-defeating to withhold insurance coverage of foreign branch deposits.

Finally, the real issue raised in this section is that of maintaining a sound financial system in a world populated by large multinational banks. It is our opinion that this problem can only be resolved by the development of some transnational regulatory machinery, such as through more coordination among national supervisory authorities, or by establishment of an international supervisory authority. There is considerable doubt in our minds that in an environment of multinational banking individual countries can continue to maintain separate and distinct supervisory standards. Nowhere is this clearer than in the case of our own banks. Large American banks are currently engaged in a range of activities abroad far greater than that now permissible at home. Under section 4(c)(13) of the 1970 Bank Holding Company Act, and sections 25 and 25(a) of the Federal Reserve Act, the Federal Reserve Board is authorized to allow banks and bank holding companies to invest in any foreign company which does no business in the United States if the Board deems that investment to be in the public interest. Consequently, large American banks are presently engaged in activities abroad that are not permitted at home, such as the underwriting of stocks and bonds. The Federal Reserve has been moved to extend greater freedom to U.S. banks abroad than at home so that American banks could be fully competitive with foreign banks in foreign markets.[45] Such a supervisory philosophy must inevitably lead to a "double" regulatory standard for even our own banks. Thus, we feel that international supervisory cooperation and coordination is essential to maintaining both a sound domestic and international banking system.

Foreign ownership and control of banks

The final issue concerns the extent to which foreign ownership and control of U.S. banks should be permitted. Although foreign control of domestic banks has become a major political issue in many countries, such as Canada,[46] foreign direct investment in U.S. banks has not reached a magnitude sufficient to alarm Americans.[47] Such investment amounts to less than $1 billion, or less than 2 percent of total U.S. bank equity. Nevertheless, with almost $100 billion of surplus dollars being accumulated each year by oil-producing nations, there may be some basis for concern.

Is banking such an essential industry as to require statutory restrictions on the amount of foreign ownership and control? Banks are clearly a critical and integral part of monetary policy. In addition, they constitute an important savings repository, especially for small U.S. savers. Can foreign control of banks somehow undermine or distort these functions? We see no reason to think that it does. Some regulation, of course, may be necessary to guarantee that foreign banks continue to perform these functions effectively, but that is well within our current governmental powers. In addition, to enact statutory restrictions on foreign bank ownership will hinder the integration of international financial markets and make recycling of "Petro-Dollars" even more difficult. Thus, at least for the present, we do not see foreign control of U.S. financial institutions as a *per se* threat to the workability and soundness of our financial system.

SUMMARY AND CONCLUSIONS

Our analysis of the operations of foreign banks in the United States indicates that some new legislation is presently needed. In addition, it points to a number of areas that urgently need study.

We recommend that legislation be enacted to:

1. Impose federal reserve requirements on foreign branches similar to those now imposed on U.S. member banks under Regulation D;

2. Eliminate the Regulation M reserve requirement on loans by foreign branches of U.S. banks to borrowers resident in the United States;

3. Extend F.D.I.C. insurance coverage to the deposits of foreign banks' U.S. branches, at their option;

4. Make federal licensing of branches and subsidiaries more accessible to foreign banks; and,

5. Extend special privileges to less-developed nations, with respect to the ability of their banks to enter U.S. financial markets without their having to reciprocate.

We also see an urgent need to study the following multinational banking issues:

1. The activities of U.S. banks abroad and their consistency with domestic banking regulations;

2. The supervisory responsibilities of the various U.S. regulatory agencies with respect to U.S. multinational banks;

3. The past performance of the Federal Reserve Board in its role as the primary supervisory authority of U.S. bank activities abroad;

4. The ability of U.S. supervisory authorities to safeguard the soundness of multinational banks, and concomitantly, the safety of U.S. depositors; and, finally,

5. The need for international cooperation to safeguard the solvency of multinational banks, either in the form of uniform regulatory standards or in the form of international regulatory bodies.

Finally, we urgently need a thorough review of the Glass-Steagall Act. In particular, the wisdom and effectiveness of the Glass-Steagall Act in a world of multinational financial markets and institutions requires careful study.

TABLE I

ASSETS AND LIABILITIES OF FOREIGN-OWNED U.S. BANKING INSTITUTIONS AS OF OCTOBER 31, 1973

[*Billions of dollars*]

ASSETS	
Commercial and industrial credits	
To U.S.	11.8
To foreign	3.6
Money market assets:	
Interbank loans and securities:	
Loans to U.S. banks[1]	4.4
Loans to foreign banks	1.1
U.S. Government agency securities	1.5
Due from parent bank and other affiliated institutions:	
In U.S.	2.9
Foreign	4.2
Clearing balances	3.0
Other assets	2.5
	35.1
LIABILITIES	
Deposits and other liabilities:	
Nonbank:	
From foreign	3.6
Bank (non-affiliated):	
From U.S.	6.8
From foreign	.5
Due to parent bank and other affiliated institutions:	
In U.S.	3.4
Foreign	10.1
Clearing balances	2.0
Other liabilities	2.3
Capital and reserves	.9
	35.1

[1] Includes loans to security dealers.

Detail may not add to total due to rounding.

Source: FR 886a form, "Monthly Report of Condition of U.S. Agencies, Branches and Domestic Banking Subsidiaries of Foreign Banks."

FOOTNOTES

[*] Dr. Edwards is a Professor at the Columbia University Graduate School of Business and is a member of the Columbia Multinational Enterprise Research Project; and Dr. Zwick is a Vice President at E. M. Warburg, Pincus and Co., Inc. in New York.

[1] H.R. 11440, 93rd Congress, First Session, 1973.

[2] H.R. 11590, 93rd Congress, First Session, 1973.

[3] Draft legislation submitted by Arthur F. Burns, Chairman, Federal Reserve Board, to the Committee on Banking, Housing and Urban Affairs, December 3, 1974.

[4] See Joint Economic Committee Print number 9 Foreign Banking Activity in the United States.

[5] Tables II, III, IV and V are from the unpublished manuscript, "American Banking: Trends and Prospects," Andrew F. Brimmer, 51st Annual Meeting of the Bankers' Association for Foreign Trade, Boca Raton, Florida, April 2, 1973.

[6] See Banco di Roma, Rome, Italy, 58 *Fed. Res. Bull.* 940, at 940–41 (1972), and Banco di Roma, S.P.A., Rome, Italy, 58 *Fed. Res. Bull.* 930 (1972).

[7] This principle has been widely accepted. See the Barclays Bank Merger decision, N.Y. State Banking Board, May 10, 1973, p 13; A. Brimmer, "American International Banking", Speech before the 51st Annual Meeting of the Bankers' Association for Foreign Trade, Boca Raton, Florida, April 2, 1973, p 49–51; and S. Robinson, Jr. *Multinational Banking* (A. W. Sisthoff: Leiden) 1972. On the other hand, many of our States prohibit foreign banking altogether.

[8] For a discussion of this problem, see F. Edwards, "Regulations of Foreign Banking in the United States: International Reciprocity and Federal-State Conflicts", *The Columbia Transnational Law Review,* Vol. 13, No. 2 (1974).

[9] Omitted.

[10] Interstate branching is expressly prohibited under federal law for national banks (12 U.S.C. s36, 1969) and for state banks which are members of the Federal Reserve System (12 U.S.C. s321). Thus, complete interstate branching requires Federal enabling legislation. Multistate bank holding company subsidiaries can be allowed at the discretion of individual states. Recently, California and New York have made some effort to permit interstate holding company operations. See "States Cool to Bank Bill," N.Y. Times, March 22, 1974, p. 55, col. 2.

[11] See, for example, "Citicorp Sets New Centers," N.Y. Times, Oct. 8, 1974, p. 57, col. 4.

[12] See 12 U.S.C. s615(b) (1974); 12 U.S.C. s616 (1964).

[13] Although foreign banks, with the exception of the Japanese banks in California, have not exerted much effort in the past to penetrate the retail deposit market, it is possible that their inability to obtain F.D.I.C. deposit insurance has hindered this effort. Extension of F.D.I.C. insurance to foreign branches may, therefore, accelerate foreign banks' activities in the retail deposit market. Presently, foreign branches are not "banks" as defined by 12 U.S.C. s1813(a) and, therefore, cannot apply for F.D.I.C. insurance under 12 U.S.C. s1815. State chartered bank subsidiaries of foreign banks (such as those operated by the Japanese in California) are eligible for F.D.I.C. insurance.

[14] It should be noted that an alternative route is for the Federal Reserve Board to expand the multistate banking privileges of American banks by allowing bank holding companies to operate multistate savings and loan affiliates. A ruling that the savings and loan business is "incidental to the business of banking" is not without some logic.

[15] N.Y. Bank Law s508(5) (McKinney 1971). There are only three such entities in New York: The European-American Investment Company, The French-American Corporation, and J. Henry Schroder Banking Corporation.

[16] See 48 Stat. 162 (1933), 12 U.S.C. s221(a) (1934).

[17] 12 U.S.C. § 1824 et seq. (1970).

[18] The relevant sections of the Glass-Steagall Act are: 16, 20, 21, and 32. If a foreign bank were to own or control a state-licensed U.S. bank subsidiary however, it would be subject to the Federal Bank Holding Company Act.

[19] See 12 C.F.R. § 211.1–.09 (1972).

[20] See Footnote 3, *Supra.*

[21] "N.Y. Ruling Against Barclays Resented," N.Y. Times, May 19, 1973, p. 49, col. 1.

[22] Foreign branches are not "banks" as defined by 12 U.S.C. s1813(a) and therefore cannot apply for deposit insurance under 12 U.S.C. § 1815.

[23] See: *Release,* May 10, 1973.

[24] See: *Release,* Jan. 9, 1974.

[25] See: Kohn and Carlo, *Potential Competition: Unfounded Faith or Pragmatic Foresight* (N.Y. State Banking Dept.) March, 1970.

[26] See "World Airways Sells First Western to Lloyds," N.Y. Times, Jan. 17, 1974, p. 57, col. 4.

[27] See Cal. Fin Code § 1756 and 1756.1 (West, 1964).

[28] In any case, at a later point in this paper, we recommend for reasons of depositor protection, that F.D.I.C. insurance be extended to foreign branch deposits.

[29] The exact magnitude of the cost disadvantage is a direct function of the level of the cost of funds to banks. If, for example, Eurodollar deposit rates were 9 percent, branches of American banks would have a cost disadvantage in making loans of about 80 basis points.

[30] New York branches of foreign banks are all subject to State reserve requirements against deposit liabilities in essentially the same ratio as apply to member banks of the Federal Reserve System. Nevertheless, they can in one way or another reduce or entirely eliminate the cost disadvantage associated with such reserve requirements. See F. Klopstock, "Foreign Banks in the United States: Scope and Growth of Operations," *Monthly Review,* Fed. Res. Bank of New York, June, 1973, p. 147.

[31] These goals are not always mutually compatible, of course.

[32] Foreign agencies may also have "deposits". No state can forbid an agency from holding funds deposited with its parent outside the state and repayable outside the state. Thus, an agency in California may be able to sell its parent's certificate of deposit to a non-California corporation, provided that the certificate is delivered and is repayable outside California. In practice, however, agencies derive the bulk of their funds from borrowing Eurodollars and federal funds.

[33] California "branches", which cannot accept deposits, are counted as agencies.

[34] See A. Brimmer, op. cit.

[35] Foreign governments commonly impose such reserve requirements on the foreign branches of U.S. banks, so such requirements would not be inconsistent with international custom. See G. Garvy, "Reserve Requirements Abroad", *Monthly Review,* N.Y. Fed. Res. Bank. Oct., 1973.

[36] See previous discussion on pp. 30–31 above.

[37] See Report of the President's Commission on Financial Structure and Regulation, Dec., 1971, p. 68; Press Release, Board of Governors of the Federal Reserve System, Jan. 25, 1974 (introduced in the Senate on Jan. 28, 1974 as S. 2898; and "Optional Affiliation with the Federal Reserve System for Reserve Purposes Consistent with Effective Monetary Policy", by R. Robertson and A. Phillips, Conference of State Bank Supervisors, 1974.

[38] See, for example, A. Brimmer, "Multi-national Banks and the Management of Monetary Policy in the United States", *Journal of Finance;* May, 1973, 439–454; and W. Gibson, "Eurodollars and U.S. Monetary Policy", *Journal of Money, Credit and Banking*", August, 1971, 649–665.

[39] See Supra p. 32.

[40] The F.D.I.C.'s reserve fund plus its borrowing authority from the U.S. Treasury amounts to slightly more than 1% of insured bank deposits.

[41] U.S. bank state-chartered subsidiaries of foreign banks are eligible for F.D.I.C. insurance. See also *supra* note 22.

[42] U.S. bank subsidiaries of foreign banks might be distinguished from foreign branches. The operations of such subsidiaries are not as closely integrated into the parent's operations and may, therefore, be more easily supervised. For example, to determine the subsidiary's liquidity, capital adequacy, etc., examination of the parent bank is not required. In addition, in the event of bankruptcy, the U.S. subsidiary's assets are reachable. Problems still remain, however. It is by no means a simple regulatory task to monitor and guarantee that a subsidiary's assets remain "insulated" from its parent's.

[43] Examples are the relationship between Japanese banks and other members of Zaibatsus.

[44] See F. Dahl, "International Operations of U.S. Banks: Growth and Public Policy Implications," 32 Law and Contemp. Prob., 1967, pp. 100–130.

[45] See A. Brimmer, "American International Banking", speech delivered before Bankers' Association for Foreign Trade, Boca Raton, Florida, April 2, 1973.

[46] Under Canadian law, a single foreign shareholder may hold no more than 10 percent of the voting shares of *federally* incorporated trust and loan companies, insurance companies, and sales finance companies. In addition, foreign banks are prohibited from engaging directly in banking.

[41] But see, "Foreign Outlays May Get Scrutiny", N.Y. Times, Aug. 22, 1974, p. 45 col. 5; and "Move to Study Foreign Investing in U.S. Reflects Concern on Rising Trend and Lack of Fresh Data", N.Y. Times, Aug. 29, 1974, p. 44, col. 1.

TABLE II.—INTERNATIONAL OPERATIONS OF U.S. BANKS: SELECTED INDICATORS, 1960–72

[Monetary magnitudes are in billions of dollars]

	1960	1964	1965	1966	1967	1968	1969	1970	1971	1972
I. U.S. offices: [1]										
Bank credit to foreigners [2]	$4.2	$9.4	$9.7	$9.6	$9.8	$9.2	$9.3	$9.7	$12.1	$13.4
Foreign deposits [2,3] (other than due to foreign branches)	$9.1	$13.4	$13.6	$12.6	$14.4	$14.7	$16.5	$16.5	$17.7	$17.4
Due to foreign branches [4]		$1.2	$1.3	$4.0	$4.2	$6.0	$12.8	$7.7	$.9	$1.4
II. Overseas branches of banks: [5]										
Number of banks with overseas branches	8	11	13	13	15	26	53	79	91	108
Number of overseas branches	131	181	211	244	295	375	459	536	583	627
Assets of overseas branches [6]	$3.5	$6.9	$9.1	$12.4	$15.7	$23.0	$41.1	$52.6	$67.1	[7]$90.2
III. Edge and agreement corporations:										
Number	15	38	42	49	53	63	71	77	85	[9]89
Assets	(8)	$.9	$1.0	$1.4	$1.5	$2.5	$3.5	$4.6	$5.5	[9]$4.6
Memorandum—All insured commercial banks in United States:										
Total assets	$255.7	$343.9	$374.1	$401.4	$448.9	$498.1	$527.6	$572.7	$635.8	[9]$661.8
Total deposits	$228.4	$305.1	$330.3	$351.4	$394.1	$432.7	$434.1	$479.2	$535.7	[9]$550.0

[1] All data for U.S. offices are on a balance of payments basis.

[2] Bank credit to foreigners and foreign deposits relate to all commercial banks reporting on the Treasury foreign exchange forms, and include credits and deposits of branches and agencies of foreign banks as well as U.S. banks. Bank credit includes short- and long-term loans and acceptance credits denominated in dollars; for 1960, some other short- and long-term claims are also included. Data for 1972 do not include claims of U.S. banks or their foreign branches or claims of U.S. agencies and branches of foreign banks on their head offices.

[3] Foreign deposits include demand and time deposits of 1 year or less maturity, and, beginning in 1964, include negotiable certificates of deposit issued to foreigners and international institutions.

[4] Due to branches refers to the gross liabilities due to foreign branches of large U.S. weekly reporting banks.

[5] Overseas branches include branches of member banks in U.S. possessions and territories as well as in foreign countries.

[6] Branch assets include interbranch balances.

[7] Partly estimated.

[8] Not available.

[9] Data are for end of year, except where indicated which is end of June.

Sources: Treasury forms B–2 and B–3; Division of Supervision and Regulation, Board of Governors of the Federal Reserve System. Secondary source: Unpublished speech of the Honorable Andrew Brimmer (see footnote 5).

TABLE III.—FOREIGN CREDIT OUTSTANDING AT DOMESTIC BANKING OFFICES AND AT FOREIGN BRANCHES OF U.S. COMMERCIAL BANKS, 1960–72

Year	Foreign credits				Annual percentage change		
	Total	Held by domestic offices for own account [1]	Held by foreign branches				
			Amount [2]	Percent of total	Total	Domestic offices	Foreign branches
1960	6.6	4.2	[3] 2.4	36.3			
1964	13.3	9.4	[3] 3.9	29.3			
1965	15.2	9.7	5.5	36.1	14.3	3.2	41.0
1966	15.6	9.6	6.0	38.4	2.6	−1.0	9.1
1967	17.5	9.8	7.7	44.0	12.2	2.1	28.3
1968	19.4	9.2	10.2	52.5	10.9	−6.5	32.5
1969	25.4	9.3	16.1	63.3	30.9	1.1	57.8
1970	38.3	9.7	28.6	74.7	50.8	4.3	77.6
1971	53.1	12.1	41.0	77.2	38.6	24.7	43.4
1972	72.9	13.4	[4] 59.5	81.6	37.3	10.7	45.1

[1] All commercial banks reporting on Treasury Forms B-2 and B-3; includes credits of U.S. branches and agencies of foreign banks, as well as U.S. banks. Covers short- and long-term loans and acceptance credits denominated in dollars. For 1960, a minor amount of other short- and long-term claims (not denominated in dollars) is also included. For domestic offices, totals include loans to own foreign branches. Branch totals exclude interbranch balances and amounts due from head offices.

[2] Data for foreign branches are from U.S. Treasury (From 3954) for years 1965-68. Data for 1969-72 from the Federal Reserve Board (Form 502).

[3] Estimated.

[4] Preliminary.

TABLE IV.—DOMESTIC ASSETS AND SELECTED DEPOSITS OF U.S. MULTI-NATIONAL BANKS, 1964 AND 1972

	Total domestic assets	Deposits (as of Dec. 31, 1964)				Total domestic assets	Deposits (as of June 30, 1972)			
		Total deposits	At domestic offices	At foreign offices	Foreign as percent of total		Total deposits	At domestic offices	At foreign offices	Foreign as percent of total
Bank of America NTGSA	14,589	14,349	12,970	1,279	9.6	26,086	32,393	21,667	10,726	33.1
Chase Manhattan Bank, S.A	12,177	11,446	10,064	1,391	12.1	19,919	22,826	14,985	7,838	34.3
First National City Bank	12,149	10,946	9,166	1,760	16.1	17,847	25,035	13,471	11,584	46.2
Manufacturers Hanover	6,852	6,054	5,722	332	5.4	10,972	11,964	9,024	2,941	24.6
Chemical Bank	6,182	5,377	5,225	151	2.8	10,971	10,787	8,520	2,267	21.0
Morgan Guaranty	6,764	4,788	4,282	406	8.4	9,724	10,717	6,646	4,071	38.0
Security Pacific	4,824	4,393	4,218			9,162	9,132	7,721	1,411	16.5
Bankers Trust	4,673	3,754	3,707	186	4.2	8,152	9,521	6,550	2,971	31.2
Continental Illinois	4,754	4,123	4,128	47	2.2	7,932	8,176	5,978	2,199	26.9
FNB of Chicago	4,214	3,613	3,613			7,405	7,400	5,195	2,206	29.8
Wells Fargo Bank, N.A	3,790	3,312	3,312			7,016	6,711	5,589	1,122	16.7
Crocker National Bank	3,688	3,216	3,216			6,095	5,862	4,911	951	16.2
United California Bank	3,181	2,745	2,745			5,761	5,088	4,468	615	12.1
National Bank of Detroit	2,772	2,508	2,508			5,110	4,802	4,222	580	12.1
Mellon National Bank	3,183	2,677	2,677			4,736	4,963	3,548	1,415	28.5
Irving Trust	3,249	2,982	2,782			4,043	4,164	3,165	999	24.0
FNB of Boston	2,192	1,886	1,774	112	5.9	3,765	3,974	2,646	1,328	33.4
First Pennsylvania	1,555	1,353	1,353			3,501	2,946	2,566	380	12.9
Marine Midland Bank—N.Y	951	1,092	1,074	18	1.6	3,136	4,962	2,610	2,352	47.4
Cleveland Trust	1,640	1,847	1,847			2,774	2,361	2,358	3	
Total	100,870	92,242	86,461	5,781		174,107	193,776	135,840	.57,939	

Note: Multi-National Banks are those exceptionally large institutions which play a substantial role in international affairs. All of them have one or more branches in foreign countries, and each one has a relatively large volume of loans to foreign borrowers on the books of its head office. For a fuller description of the criteria used to identify multi-national banks, see Andrew F. Brimmer, "Multi-National Banks and the Management of Monetary Policy in the United States," presented before a joint session of the American Economic Association and the American Finance Association, Toronto, Canada, Dec. 28, 1972, 19–23.

TABLE V.—CLAIMS ON FOREIGNERS REPORTED BY BANKS IN THE UNITED STATES, BY GEOGRAPHIC REGION

[Amounts outstanding in millions of dollars]

	Dec. 31, 1964		Dec. 31, 1968		Dec. 31, 1972 [1]	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
I. Short-term claims:						
Western Europe	1,210	15.2	1,181	13.6	2,831	18.2
United Kingdom	310	3.9	318	2.1	856	5.5
Canada	1,004	12.6	533	6.1	1,927	12.4
Japan	2,810	35.3	2,889	33.2	4,172	26.8
Latin America	2,235	28.1	3,114	35.7	4,445	28.6
All other countries	698	8.8	994	11.4	2,165	13.9
Total	7,957	100.0	8,711	100.0	15,540	100.0
II. Long-term claims:						
Western Europe	1,707	39.8	526	14.7	802	16.3
United Kingdom	87	2.0	68	1.9	138	2.8
Canada	328	7.7	428	12.0	382	7.8
Japan	430	10.0	122	3.4	315	6.4
Latin America	1,275	29.8	1,375	38.5	1,992	40.5
All other countries	544	12.7	1,116	31.3	1,423	29.0
Total	4,284	100.0	3,567	100.0	4,914	100.0
III. Total claims:						
Western Europe	2,917	23.8	1,707	13.9	3,633	17.8
United Kingdom	397	3.2	386	3.1	994	4.9
Canada	1,332	10.9	961	7.8	2,309	11.3
Japan	3,240	26.5	3,011	24.5	4,487	21.9
Latin America	3,510	28.7	4,489	36.6	6,437	31.5
All other countries	1,242	10.1	2,110	17.2	3,588	17.5
Total	12,241	100.0	12,278	100.0	20,454	100.0

[1] Preliminary.

Source: Treasury Foreign Exchange Report.

TABLE VI.—SCOPE OF FOREIGN BANK ACTIVITY, BY TYPE OF ORGANIZATIONAL ENTITY AND STATE

	Foreign banking offices				Representative offices		State chart subsidiaries		Branches of State chart subsidiaries		Securities affiliates	
	Agencies		Branches									
	1965	1973	1965	1973	1965	1973	1965	1973	1965	1973	1965	1973
California	11	[1] 24	1	1	7	19	7	12	14	192		
Washington, D.C						4						
Florida								1				
Illinois					6	15	1	2		1		
Massachusetts				1								
New York	22	29	23	40	62	85	6	18		27		21
Oregon			2	2								
Texas						6						
Washington		1	1	1								
Puerto Rico			7									
Virgin Islands			3	3								
Hawaii		1		3				1				
Total	33	55	37	51	75	129	14	34	14	220		21

[1] California branches that cannot accept deposits are treated as agencies.

Source: F. Edwards, "Regulation of Foreign Banking in the United States: International Reciprocity and Federal-State Conflict", The Columbia Transnational Law Review, vol. 13, No. 2 (1974).

TABLE VII.—EXPANDING NETWORK OF OUT-OF-STATE EDGE CORPORATIONS,[1] 1964 AND 1972

Category	1964	1972
Number of banks with out-of-state edge corporations	6	[2] 45
Number of out-of-state edge corporations	6	39
Located in New York	6	21
Other locations		18
Miami, Fla		7
Los Angeles, Calif		4
San Francisco, Calif		2
Chicago, Ill		2
New Orleans, La		1
Houston, Tex		2
Assets of out-of-state edge corporations [3] (millions of dollars)	724	4,401
Located in New York	724	3,961
Other locations		440
Miami, Fla		123
Los Angeles, Calif		120
San Francisco, Calif		130
Chicago, Ill		
New Orleans, La		67
Houston, Tex		

[1] Out-of-state edge corporations are international banking subsidiaries located outside of the headquarters city of the parent.

[2] Includes 18 banks that are joint owners of Allied Bank International, New York.

[3] Asset figures may differ slightly from those in table 10 because of rounding in basic statistics.

Source: A. Brimmer, supra. note. 1, 38–41, table 9

APPENDIX I

SUMMARY OF THE LAW PERTAINING TO FOREIGN BANK HOLDING COMPANIES

Foreign banks may be subject to the Federal Bank Holding Company Act. This Act defines a bank holding company as a corporation (domestic or foreign) that ". . . directly or indirectly exercises a controlling influence over the management or policies of (a) bank." It requires that a company, domestic or foreign, must obtain prior approval from the Federal Reserve Board before becoming a bank holding company; and, upon becoming a bank holding company, the company is subject to complete supervision by the Federal Reserve Board. In particular, it must submit to periodic examination by the Federal Reserve Board, and must obtain the prior approval of the Board before acquiring direct or indirect ownership or control of any company, whether bank or non-bank.

There are three restrictive aspects of the Bank Holding Company Act which are particularly relevant to foreign banks. First, the Act generally prohibits bank holding companies from engaging in nonbanking activities, except for a few limited exemptions. This restriction may be especially odious to foreign banks, since they are accustomed to combining banking with nonbanking activities.

Second, the Federal Reserve Board's merger or acquisition "standard" is frequently more stringent than that of the State regulatory authorities. A foreign bank holding company which already owns or controls one state-chartered bank subsidiary and wishes to acquire a second such subsidiary must obtain approval from the Federal Reserve Board as well as the relevant State Banking Commission. Not infrequently, the Federal Reserve puts more weight on the possible anti-competitive effects of such an acquisition than do state banking authorities.

Finally, the Bank Holding Company Act prohibits multi-state operations by holding companies unless the laws of the states involved specifically authorize such operations. Since only one state, Iowa, presently permits acquisition of a local bank by an out-of-state bank holding company, the Act effectively prevents multi-state operations.

By Mr. BROCK:

S. 959. A bill to provide for a temporary period a 20 percent investment credit for small business enterprises with respect to property placed in service which increases production or decreases cost of production. Referred to the Committee on Finance.

Mr. BROCK. Mr. President, one of the true paradoxes of a recession is the circular relationship between employment, investment, and consumer spending. Products are not being purchased because people do not have jobs. People do not have jobs because no new money is being invested. No new money is being invested because products are not being purchased.

Typically, Government has responded to this circular problem by massive and random influxes of capital through deficit spending. Twenty years of deficit spending, however, have completely mortgaged our policy options. Rather than give us a full-employment economy, our actions have given us recession, inflation, and high interest rates. Thus, we must develop new methods and policies.

Perhaps one of the most efficient stimuli to increasing investment is the investment tax credit. And the sector of our economy that responds most rapidly to a change in tax policy is small business. Therefore, I am proposing today a temporary increase to 20 percent in the small business investment credit.

This legislation will allow small business firms to claim for a period of 36 months a 20 percent tax credit on capital investments. This can be expected to increase production and stimulate employment. This credit would be allowed up to a maximum of $200,000, for the purchase of capital equipment or reinvestment during any taxable year.

I would like to emphasize that my proposed legislation is quite different from other legislation that is either pending before the House of Representatives, or was introduced into the last session of Congress. Unlike other small business relief acts, my suggestion does affect depreciation. Depreciation adjustments only allow for recovery of capital over time. During inflation capital recovery through depreciation means a return of cheaper dollars in years to come from more expensive dollar investments made today. Therefore, there is some doubt as to the stimulation provided by liberalized depreciation allowances during times of high inflation.

The Small Business Act of 1974 did call for a minor increase in the investment tax credit. However, the increase was so small, and the maximum amount allowed so insignificant, that it is doubtful that the legislation would have been an effective stimulant to capital investment.

To solve the triple problems of inflation, unemployment and high interest rates we must act prudently. Any policy suggested must appreciate and compensate for the errors previous Congresses and administrations have made. The old, cliché suggestion of "spend, spend, spend" is no longer appropriate.

Unfortunately, over the last few years the United States has consumed or given away more than it has produced. Most national efforts have centered on the problems of consumption rather than the problems of production. Recent fuel and grain shortages should have caused the United States to realize that its major long-term economic problem is underproduction of goods, shortages of materials, and a decline in labor and capital productivity.

Unless direct action is taken to stimulate investment, the high cost of money and negative impact of unemployment will surely decrease the rate of capital investment. Without a sensible and careful plan, the deadly circle of inflation, unemployment and high interest rates will intensify in the coming months.

My suggested legislation provides a direct tax incentive to break this circle. It relies on a small, direct action to cause maximum impact.

By Mr HUMPHREY:

S. 960. A bill to alleviate the financial crisis confronting the public schools of the Nation by providing increased financial resources for elementary and secondary education, and by promoting the equitable distribution of such resources within the States through the establishment of a National Education Trust Fund. Referred to the Committee on Labor and Public Welfare.

NATIONAL EDUCATION INVESTMENT ACT OF 1975

Mr. HUMPHREY. Mr. President, today I am introducing the National Education Investment Act of 1975. When I introduced similar legislation 2 years ago, I stated then that we needed to launch "decisive Federal action to address the critical problems confronting school districts across the Nation."

Today, the problems are even more critical and decisive action is even more urgent. We need to establish a new education policy for America—a policy to guarantee that all children and youth, without regard to circumstances of residence, family income, or race will have a full and equal opportunity to obtain a quality education.

The National Education Investment Act provides for——

First, loan guarantees and interest subsidies to tap major private investment resources to assist school districts across America that have increasingly experienced high debt service costs, or voter turndowns of bond referendums for vitally needed school construction, due to resulting increased local taxes. Last year, almost 45 percent of the referendums proposed by local jurisdictions across the Nation were rejected by residents.

Second, the establishment of a national education trust fund in the Treasury, from which payments would be made to State and local jurisdiction applicants which agree to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education, under a program which would promote progressive tax reform in the State and the improvement and balancing of per pupil expenditures among all local school districts.

The title of my bill, the National Education Investment Act, indicates the fundamental commitment that must be made to increasing the Federal investment in education to one-third of all public resources.

But the administration's recent budget proposals show that there are no plans to increase that investment. On the contrary, a recent Library of Congress study reveals that President Ford's fiscal 1976 budget request for education division programs is almost $400 million below the fiscal 1975 appropriations for such programs, and $1.1 billion below the 1975 appropriations in terms of real purchasing power when double digit inflation is considered.

The budget actually reduces Federal support for elementary and secondary education from 8 percent of total public education outlays in fiscal 1975 to an estimated 6 percent in fiscal 1976. This is an intolerable burden to shift to State and local governments who already, according to some estimates, will be required to spend an additional $4 to $5 billion just to maintain the current level of human resource services.

Though Federal outlays for education assistance have risen from $1.3 billion in fiscal 1965 to more than $7.5 billion in 1975, inflation has rendered this increase largely meaningless. The real increase between 1967 and 1974 was less than $100 million. And between fiscal years 1972 and 1974, there was an actual decrease of Federal education expenditures of 884 million real dollars.

By direct contrast, the National Education Investment Act proposes that a major advance be launched in Federal policies toward education. It is not the final answer—a number of other important legislative proposals have been made toward the achievement of this objective which is so vital to the future of our Nation.

However, the legislation which I am introducing today has several characteristics which merit the most serious consideration by Congress.

First, it proposes direct measures to address profound problems—the need for up-to-date school facilities, and for ending the unconscionable inequality where a child's education is made dependent on the wealth or poverty of his or her community.

Second, this bill is comprehensive, addressed both to overcoming major fiscal resource disparities among school districts, which undermine equality of educational opportunity for all American children, and to pinpointing special education needs of children which for too long have received a totally inadequate response—including the needs of preschool children, of mentally or physically handicapped children, and of educationally deprived children in areas of poverty.

Third, the National Education Investment Act presents clearly defined measures and a definite time schedule for addressing all these problems—not through just providing more Federal dollars, but through using Federal assistance as leverage to promote counterpart efforts by State and local governments and by the private investment sector. It calls for a total national effort on behalf of our children.

I urge Congress to take action on this priority national agenda for education without delay.

Mr. President, it is necessary that two subjects be addressed directly with respect to this legislation.

First, the issue of tax reform within the States, and the issue of finding adequate revenues to pay for our schools, must not be dealt with as separate matters, in any legislation before Congress. These issues must be seen as a single, major problem demanding a comprehensive solution. On the other hand, it must not be the function of the Federal Government to dictate the answers, but rather to provide a strong incentive for the States and local jurisdictions to find equitable and constructive solutions. I believe the National Education Investment Act provides an effective program to address tax reform and education financing issues simultaneously, and to encourage State and local governments to accept the primary responsibility for carrying out this task.

Second, the issue of maintaining local control of schools should be addressed fairly and honestly. Some may view this issue as a slogan without adequate philosophical substance or clear definition, or as being used to justify resistance to school desegregation, or as being divorced from reality where school districts are increasingly finding it almost impossible to fund rising school costs and must depend more and more on outside financial resources.

However, this issue also reflects a deep feeling, a strong belief, of our people in cities and towns across America about local responsibility for the education of children. My bill undertakes to respect this belief, subject to the assurance that an equal opportunity will be provided for all children to obtain an education of high quality.

The National Education Investment Act does call upon State and local educational agencies to specify school-age populations being served and to indicate the scope of educational services, in accounting for the use of Federal assistance. And it does place requirements upon such agencies to implement and carry out certain educational programs for groups of children who have been neglected or inadequately served. But most importantly, this bill takes the basic view that States and localities should now be enabled, through the provision of adequate and dependable Federal assistance—as intended, for example, by the establishment of a National Education Trust Fund—to work out their own answers to the unique problems they confront in guaranteeing the right of every child to a quality education.

Mr. President, I ask unanimous consent that a summary of the National Education Investment Act be printed at this point in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary: National Education Investment Act of 1975

TITLE I

Establishes a program of Federal loan guarantees and interest subsidies for construction and acquisition of facilities for elementary and secondary schools. Authorization period: October 1, 1976 through September 30, 1979. Amount of authorizations: $2.5 billion in fiscal year 1977, and for the succeeding fiscal year. Establishes in the Treasury an Elementary and Secondary School Facility Construction and Acquisition Loan Guarantee and Interest Subsidy Fund to be made available to the Commissioner of Education for the purpose of guaranteeing loans and making interest subsidy payments, on behalf of State and local educational agency applicants, to non-Federal lenders making loans to such agencies. Stipulates interest-differential for reduction of borrowing costs borne by such agencies, and sets forth criteria and limitations for assistance under this title to enable such agencies to meet capital outlay obligations. Provides for appropriate measures to protect the financial interests of the United States, and to assure that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency.

Labor standards and nondiscrimination provisions are stipulated. In addition to regular reporting requirements, provides for a consolidated report to be made by the Commissioner of Education to the Congress, on assistance authorized under this title, not later than January 1, 1979.

TITLE II

Establishes a National Education Trust Fund in the Treasury, from which the Secretary of the Treasury will make payments to State and local jurisdiction applicants, to enable such applicants to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education, during an initial authorization period beginning October 1, 1976 and ending with the close of September 30, 1979. Level of authorizations: $10 billion in each of fiscal years 1977 and 1978, and such sums as may be necessary to carry out the purposes of this title, for fiscal year 1979. Provides that during the first and second fiscal year for which application is made, Federal payments shall not exceed (1) the amount of funds received by the applicant from the taxation of real property during the last full fiscal year of the applicant when such funds were raised by such taxation for the purpose of financing elementary or secondary education, or (2) the amount of funds for that year which an applicant in a State would require in order to expend for elementary and secondary education an amount per pupil which is equal to the applicable target per pupil expenditure for that applicant, as further provided (basically, increases and balances per pupil expenditures among local school districts, without penalty to high-cost or high-expenditure areas, while focusing increased assistance on areas of educational deprivation), whichever is greater.

Provides that to be eligible to receive payments under this title in any fiscal year, an applicant must (1) eliminate the taxation of real property, for the purpose of financing elementary and secondary education, on the first $35,000 of assessed value of resident owned domiciles where the head of household or immediate survivor is dependent upon certain forms of fixed retirement income, and (2) reduce real property taxes and rent constituting real property taxes upon an individual's homestead (where such taxes are used to finance elementary and secondary education) to not more than 5 per centum of that individual's income.

Federal payments under this title in the second fiscal year for which application is made, and thereafter, are made further contingent upon appropriate certification by the State of the applicant that in the preceding fiscal year, all local educational agencies in the State had per pupil expenditures which met the required level for elementary and secondary school children, as provided under this title. Moreover, the applicant must have planned and will carry out programs to meet identified needs for early childhood development, vocational education, comprehensive educational programs designed to meet the special education needs of mentally or physically handicapped children and children with specific learning disabilities, and compensatory education for children who are educationally deprived. Provision is made for an incentive increase of 10 per cent in payments to an applicant to meet such obligations, and for the withholding of 20 per cent of the payment for which the applicant would otherwise be eligible, where such obligations have not been assumed.

Provides that in the third fiscal year for which application is made, or in any fiscal year for which application is made by a State which meets certain enumerated requirements, including the presentation of a State plan under which specific obligations are assumed, only the State will be eligible to apply for Federal payments from the trust fund. The amount of payment to such State shall be equal to 33⅓ per cent of the expenditures for elementary and secondary education by the State in the preceding fiscal year.

To be eligible for this assistance, the State must comply with the provisions of this title with respect to the substantial reduction or elimination of the taxation of real property, the achievement of the required level of per pupil expenditures by all local educational agencies, the planning and carrying out of educational programs as stated above, and certain general provisions. In addition, the State must have adopted a State tax system under which combined State and local fiscal effort is maintained on behalf of elementary and secondary education, and that assures an equitable distribution within the State of the burden of financing elementary and secondary education, making such financing a function of the total taxable wealth of the State, achieved primarily by basing State taxes upon total personal income.

By Mr. MAGNUSON (for himself, Mr. Beall, Mr. Gravel, Mr. Hathaway, Mr. Hollings, Mr. Jackson, Mr. Kennedy, Mr. Long, Mr. McIntyre, Mr. Moss, Mr. Muskie, Mr. Packwood, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Stevens, Mr. Weicker, and Mr. Williams):

S. 961. A bill to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce for referral to the appropriate committee the Emergency Marine Fisheries Protection Act of 1975, a bill which passed the Senate last year as S. 1988. This bill would extend the contiguous fisheries zone of the United States to 200 nautical miles, and would give the United States management authority over anadromous fish spawned in our waters throughout their migratory range.

This is essentially the same bill that passed the Senate on December 11, 1974, by a vote of 68 to 27. It is intended to give the United States expanded management jurisdiction over the fish off our shores. The reason for this extension of jurisdiction is to manage and conserve valuable marine resources presently threatened by overfishing. This is an interim measure and will terminate automatically at the time an acceptable international agreement on the question of fisheries jurisdiction is forthcoming from the United Nations Law of the Sea Conference and such agreement is either in force or is provisionally applied.

The list of fish stocks off our shores which are being depleted grows each year. Scientists have now concluded that approximately 25 different stocks of fish are at such a low level that they are either considered to be depleted or threatened with depletion. The following is a list, though not necessarily complete, of stocks which are either damaged or threatened off U.S. coasts at present and are of direct interest to U.S. fishermen: haddock, in the Atlantic; herring, in the Atlantic; mackerel, in the Pacific; menhaden, in the Atlantic; sablefish, in the Pacific; shrimp, in the Pacific; yellowtail flounder, in the Atlantic; and halibut in the Atlantic and Pacific. Three other species, although presently of lesser interest to U.S. fishermen, are also severely damaged—Alaska pollack, Pacific; yellow-finned sole, Pacific; and hake, Pacific. It is because of the rapid decline of these species of fish that the United States must exert management control over a 200-mile zone, a zone which roughly encompasses nearly all of our continental shelf and nearly all of our important coastal species.

This bill will prevent depletion of fishery resources. Patterned after U.S. fisheries position put forth in the U.N. Law of the Sea Conference, it would provide this Nation with the management authority needed to enact and enforce conservation measures. The bill is founded on the rationale that a coastal nation has a much greater stake in protecting the fish off its shores than do long-distance fishing nations whose fleets can move elsewhere if the fish disappear. With management authority out to 200 miles, the United States will be able to control the massive foreign fishing effort that it cannot now control. Most importantly, this bill will provide the United States with a much stronger bargaining position when dealing with long-distance fishing nations whose fleets operate near our shores. It will give us the kind of leverage we need to protect our fish stocks.

Mr. President, I wish to point out to my colleagues that the principal objection to S. 1988 raised by the administration has been the timing of the bill and not its substance. The Department of State believes that Senate action at this time would be inappropriate because it might interfere with their objectives in the Law of the Sea Conference now underway. In my view, an adverse impact on U.S. interests will not take place if Congress considers this proposed legislation. The nations of the world know our fishery position and it is contained in my bill. That Congress would seek to finalize our position should be of no surprise give the well-known problem of overfishing throughout the world. I believe a majority of coastal nations concur with the 200-mile limit concept. Most agree that action to protect fish is needed now, not in 1980 or later.

I believe that the vote in the Senate last session indicated to the Department of State that this body considers fisheries to be one of the most important issues being considered in the Law of the Sea negotiations. It is my view that a separate treaty could be, and ought to be, carved out from this extremely complex—perhaps fatally so—attempt to prepare one unified Law of the Sea treaty dealing with all ocean issues. Fisheries simply cannot wait for the world to become educated on the nuances of the "archipelago theory" or the intricate facets of the so-called Enterprise. We need immediate attention to the fish depletion problem. Given the positions already taken by coastal nation countries, the 200-mile limit should be unanimously adopted together with certain international requirements as to how fish would be managed within that zone.

What I am introducing has nothing whatever to do with any other matter being discussed at the Law of the Sea Conference. It stands on its own two feet; it is the greatest real problem which the Conference must deal with and time is running out. Previous attempts to get all nations which fish in a certain area to agree on an effective international conservation treaty has failed and it has been very difficult to turn around the momentum of overfishing in previous years through the treaty process. The only way to stop this spiral is to provide for a different management scheme, one which relies upon the incentive of coastal nations to maintain a constant fish resource off their shores. This is what S. 1988 does, and this is why I vigorously urge its enactment.

I expect that the Senate Committee on Commerce will hold hearings soon and will again move quickly to report this bill. The 200-mile fishing—or economic—zone will, I believe, soon become reality, either through this legislation or by means of an international agreement. We must begin now to prepare ourselves to manage this broad expanse of ocean and, more immediately, to prevent the disappearance of the very resource which makes it important.

I ask unanimous consent to print the bill in its entirety at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Marine Fisheries Protection Act of 1975".

DECLARATION OF POLICY

Sec. 2. (a) Findings.—The Congress finds and declares that—

(1) Valuable coastal and anadromous species of fish off the shores of the United States are in danger of being seriously depleted by excessive fishing effort.

(2) Stocks of coastal and anadromous species which inhabit waters of the 3-mile territorial sea and the existing 9-mile contiguous fishery zone of the United States are being depleted by foreign fishing efforts outside the 12-mile combined zone in which the United States presently possesses fishery management responsibility and authority.

(3) International negotiations have so far failed to result in effective international agreements on the conservation and management of threatened stocks of fish.

(4) There is danger that further depletion of these fishery resources will occur before

an effective general international agreement on fishery jurisdiction can be negotiated, signed, ratified, and implemented, unless emergency action is taken pending such international agreement.

(b) PURPOSES.—It is therefore declared to be the purpose of the Congress in this Act—

(1) to take emergency action to protect and conserve threatened stocks of fish by asserting fishery management responsibility and authority over fish in an extended contiguous fishery zone and over certain species of fish beyond such zone, until a general international agreement on fishery jurisdiction comes into force or is provisionally applied;

(2) to extend, as an emergency measure, the fishery management responsibility and authority of the United States to 200 nautical miles;

(3) to extend, as an emergency measure, fishery management responsibility and authority of the United States over anadromous species of fish which spawn in and fresh or estuarine waters of the United States; and

(4) to commit the Federal Government to act to prevent further depletion, to restore depleted stocks, and to protect and conserve fish to the full extent of such emergency responsibility and authority, and to provide for the identification, development, and implementation within 1 year of the date of enactment of this Act of the best practicable management system consistent with the interests of the Nation, the several States, and of other nations.

(c) POLICY.—It is further declared to the policy of the Congress in this Act—

(1) to maintain the existing territorial or other ocean jurisdiction of the United States without change, for all purposes other than the protection and conservation of certain species of fish and fish in certain ocean areas pending international agreement on fishery jurisdiction;

(2) to authorize no action, activity, or assertion of jurisdiction in contravention of any existing treaty or other international agreement to which the United States is party other than that necessary to further the purposes of this Act; and

(3) to authorize no impediment to our interference with the legal status of the high seas, except with respect to fishing to the extent necessary to implement this Act.

DEFINITIONS

SEC. 3. As used in this Act, unless the context otherwise requires—

(1) "anadromous species" means those species of fish which spawn in fresh or estuarine waters of the United States but which migrate to ocean waters;

(2) "citizen of the United States" means any person who is a citizen of the United States by birth, by naturalization or other legal judgment, or, with respect to a corporation, partnership, or other association, by organization under and maintenance, after the date of enactment of this Act, in accordance with the laws of any State: *Provided,* That (A) the controlling interest therein is owned or beneficially vested in individuals who are citizens of the United States; and (B) the chairman, and not less than two-thirds of the members, of the board of directors or other governing board thereof are individuals who are citizens of the United States;

(3) "coastal species" means all species of fish which inhabit the waters off the coasts of the United States, other than highly migratory and anadromous species:

(4) "contiguous fishery zone" means a zone contiguous to the territorial sea of the United States within which the United States exercises exclusive fishery management and conservation authority;

(5) "controlling interest" means (A) 75 percent of the stock of any corporation, or other entity, is vested in citizens of the United States free from any trust or fiduciary obligation in favor of any person not a citizen of the United States, (B) 75 percent of the voting power in such corporation, or such other entity, is vested in citizens of the United States, (C) no arrangement or contract exists providing that more than 25 percent of the voting power in such corporation, or such other entity, may be exercised in behalf of any person who is not a citizen of the United States, and (D) by no means whatsoever is control of any interest in such corporation, or such other entity, conferred upon or permitted to be exercised by any person who is not a citizen of the United States *Provided,* That any corporation, or other entity, subject to a controlling interest acquired prior to the date of enactment of this Act with the approval of the Secretary granted pursuant to section 9 or section 37 of the Shipping Act of 1916, as amended, (46 USC 808, 835) shall be deemed to be subject to a controlling interest owned or beneficially vested in individuals who are citizens of the United States.

(6) "fish" includes mollusks, crustaceans, marine mammals (except the polar bears, walrus, and sea otter), and all other forms of marine animal and plant life (but not including birds), and the living resources of the Continental Shelf as defined in the Act of May 20, 1964 (78 Stat. 196);

(7) "fishing" means the catching, taking, harvesting, or attempted catching, taking, or harvesting of any species of fish for any purpose, and any activity at sea in support of such actual or attempted catching, taking, or harvesting;

(8) "fishing vessel" means any vessel, boat, ship, contrivance, or other craft which is used for, equipped to be used for, or a type which is normally used for, fishing;

(9) "fishing-support vessel" means any vessel, boat, ship, contrivance, or other craft which is used for, equipped to be used for, or of a type which is normally used for, aiding or assisting one or more fishing vessels at sea in the performance of any support activity, including, but not limited to, supply, storage, refrigeration, or processing;

(10) "highly migratory species" means those species of fish which spawn and migrate during their life cycle in waters of the open ocean, including, but not limited to, tuna;

(11) "optimum sustainable yield" refers to the largest economic return consistent with the biological capabilities of the stock, as determined on the basis of all relevant economic, biological, and environmental factors;

(12) "person" includes any government or entity thereof (and a citizen of any foreign nation);

(13) "Secretary" means the Secretary of Commerce, or his delegate;

(14) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the territories and possessions of the United States;

(15) "stock", with respect to any fish, means a type, species, or other category capable of management as a unit;

(16) "traditional foreign fishing" means long-standing, active, and continuous fishing for a particular stock of fish by citizens of a particular foreign nation in compliance with any applicable international fishery agreements and with the laws of such foreign nation; and

(17) "United States", when used in a geographical context, includes all States.

FISHERIES MANAGEMENT RESPONSIBILITY

SEC. 4. (a) CONTIGUOUS FISHERY ZONE.—(1) There is established, for the duration of this Act, a fishery zone contiguous to the territorial sea of the United States. The United States shall exercise exclusive fishery management responsibility and authority within this contiguous fishery zone.

(2) The contiguous fishery zone has as its inner boundary the outer limits of the territorial sea, and as its seaward boundary a line drawn so that each point on the line is 197 nautical miles from the inner boundary.

(3) Notwithstanding any other provision of law, the fishery management responsibility and authority of the United States within the contiguous fishery zone of the United States shall not include or be construed to extend to highly migratory species, except to the extent such species are not managed pursuant to bilateral or multilateral international fishery agreements.

(b) ANADROMOUS SPECIES.—(1) The fishery management responsibility and authority of the United States with respect to anadromous species, for the duration of this Act, extends to such species wherever found throughout the migratory range of such species: *Provided,* That such responsibility and authority shall not extend to such species to the extent found within the territorial waters or contiguous fishery zone of any other nation.

(c) GENERAL.—The United States shall manage and conserve, and have preferential rights to, fish within the contiguous fishery zone, and with respect to anadromous species of fish, pursuant to the responsibility and authority vested in it pursuant to this section, subject to traditional foreign fishing rights as defined and recognized in accordance with section 5 of this Act.

(d) REGULATIONS.—The Secretary is authorized to promulgate such regulations in accordance with section 553 of title 5, United States Code, as are necessary to implement the purposes of this Act. The Secretary is further authorized to amend such regulations in the manner originally promulgated.

FOREIGN FISHING RIGHTS

SEC. 5. (a) GENERAL.—The Secretary and the Secretary of State, after consultation with the Secretary of the Treasury, may authorize fishing within the contiguous fishery zone of the United States, or for anadromous species or both, by citizens of any foreign nation, in accordance with this section, only if such nation has traditionally engaged in such fishing prior to the date of enactment of this Act.

(b) PROVISIONS.—The allowable level of traditional foreign fishing shall be set upon the basis of the portion of any stock which cannot be harvested by citizens of the United States. Allowed traditional foreign fishing and fishing by citizens of the United States annually shall not, for any stock, exceed the optimum sustainable yield for such stock.

(c) RECIPROCITY.—Traditional foreign fishing rights shall not be recognized pursuant to this section unless any foreign nation claiming such rights demonstrates that it grants similar traditional fishing rights to citizens of the United States within the contiguous fishery zone of such nation, if any exist, or with respect to anadromous species which spawn in the fresh or estuarine waters of such nations.

(d) PROCEDURES.—(1) In determining the allowable level of foreign fishing with respect to any stock, the Secretary shall utilize the best available scientific information, including, but not limited to, catch and effort statistics and relevant available data compiled by any foreign nation claiming traditional fishing rights. The National Oceanic and Atomospheric Administration shall take steps to verify the authenticity of the foreign catch statistics and any other relevant data furnished for the purpose of this paragraph, including placing observers aboard foreign-flag fishing vessels as necessary during any fishing operations which may be authorized for foreign-flag fishing vessels pursuant to this Act.

(2) The Secretary is authorized to establish reasonable fees which shall be paid by the citizens of any foreign nation engaged in exercising foreign fishing rights recognized

under this section. Such fees shall be set in an amount sufficient to reimburse the United States for administrative expenses incurred pursuant to this section and for an equitable share of the management and conservation expenses incurred by the United States in accordance with this Act, including the cost of regulation and enforcement.

(e) Prohibition.—Except as provided in this Act, it shall be unlawful for any person not a citizen of the United States to own or operate a fishing vessel or fishing support vessel engaged in fishing in the internal waters, territorial sea, of contiguous fishery zone of the United States or for anadromous species of fish.

MARINE FISHERIES MANAGEMENT AND CONSERVATION PLANNING

Sec. 6. (a) Objectives.—It is the intent of the Congress that the following objectives be considered and included (to the extent practicable) in plans, programs, and standards for the management and conservation of marine fisheries; (1) evaluation of actual and foreseeable costs and benefits attributable thereto; (2) enhancement of total national and world food supply; (3) improvement of the economic well-being of fishermen; (4) maximum feasible utilization of methods, practices, and techniques that are optimal in terms of efficiency, protection of the ecosystem of which fish are a part, and conservation of stocks and species; and (5) effectuation of the purposes stated in section 2(b)(4) of this Act. Due consideration shall be given to alternative methods for achieving these objectives.

(b) Fisheries Management Council.—There is established a Fisheries Management Council (hereinafter refered to as the "Council"). The Council shall consist of 11 individual members, as follows:

(1) a Chairman, a qualified individual who shall be appointed by the President, by and with the advice and consent of the Senate;

(2) three Government members, who shall be the Secretary, the Secretary of the department in which the Coast Guard is operating, and the Secretary of State, or their duly authorized representatives; and

(3) seven nongovernment members, who shall be appointed by the President, by and with the advice and consent of the Senate, on the following basis—

(A) three to be selected from a list of qualified individuals recommended by each of the regional fisheries commissions or their successors, one of whom shall be a representative respectively of Atlantic, Pacific, and Gulf of Mexico commercial fishing efforts; and

(B) four to be selected from a list of qualified individuals recommended by the National Governors Conference, at least one of whom shall be a representative of a coastal State.

As used in this paragraph, a list of qualified individuals shall consist of not less than three individuals for each Council member to be appointed.

As used in this subsection, "qualified individual" means an individual who is distinguished for his knowledge and experience in fisheries management and conservation, and who is equipped by experience, known talents, and interests to further the policy of this Act effectively, positively, and independently if appointed to be a member of the Board. The terms of office of the nongovernment members of the Council first taking office shall expire as designated by the President at the time of nomination—two at the end of the first year; two at the end of the second year; and three at the end of the third year. The term of office of the Chairman of the Council shall be 2 years. Successors to members of the Council shall be appointed in the same manner as the original members and, except in the case of Government members, shall have terms of office expiring 2 years from the date of expiration of the terms for which their predecessors were appointed. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term.

(c) Powers and Duties.—The Council shall—

(1) engage in the preparation of a plan or plans for marine fisheries management and conservation;

(2) provide information and expert assistance to States and local or regional fisheries authorities in marine fisheries management and conservation;

(3) adopt, amend, and repeal such rules and regulations governing the operation of the Council and as are necessary to carry out the authority granted under this section; conduct its affairs, carry on operations, and maintain offices; appoint, fix the compensation, and assign the duties of such experts, agents, consultants, and other full- and part-time employee as it deems necessary or appropriate;

(4) consult on an ongoing basis (A) with other Federal agencies and departments; (B) with officials of coastal States who are concerned with marine fisheries management and conservation planning; (C) with appropriate officials of other nations which are exercising traditional foreign fishing rights, through the good offices of the Secretary of State; and (D) with owners and operators of fishing vessels;

(5) enter into, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 9), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions and duties with any person (including a government entity);

(6) prepare a survey of fisheries subject to the emergency conservation and management authority granted to the United States by this Act, including, but not limited to, depleted stocks and stocks threatened with depletion; and

(7) survey, study, and prepare a marine fisheries management plan setting forth the elements of a national management system to conserve and protect fish.

(d) Review by Congress.—The Council shall submit the marine fisheries management plan adopted by the Council to the Senate Committee on Commerce and the Committee on Merchant Marine and Fisheries of the House of Representatives not later than 1 year after the date of enactment of this Act. The marine fisheries management plan shall be deemed approved at the end of the first period of 180 calendar days of continuous session of Congress after such date of transmittal unless the House of Representatives and the Senate pass resolution in substantially the same form stating that the marine fisheries management plan is not favored. If the House and the Senate pass resolutions of disapproval under this subsection, the Council shall prepare, determine, and adopt a revised plan. Each such revised plan shall be submitted to Congress for review pursuant to this subsection. For purposes of this section (1) continuity of session of Congress is broken only by an adjournment sine die; and (2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 180-day period.

(e) Miscellaneous.—(1) The marine fisheries management plan which is adopted by the Council and which becomes effective after review by the Congress is not subject to review by any court.

(2) The Council shall have a seal which shall be judicially recognized.

(3) The Administrator of General Services shall furnish the Council with such offices, equipment, supplies, and services as he is authorized to furnish to any other agency or instrumentality of the United States.

(4) A member of the Council who is not otherwise an employee of the Federal Government may receive $300 per diem when engaged in the actual performance of his duties as a member of the Council plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties. Each member of the Council shall be authorized such sums as are necessary to enable him to appoint and compensate an adequate qualified full-time professional staff responsible and subject to his control, but not otherwise subject to control by the Council.

(f) Termination.—The Council shall cease to exist 30 days after adoption by Congress of the marine fisheries plan pursuant to subsection (d) of this section.

(g) Authorization.—There are hereby authorized to be appropriated for the purposes of this section a sum not to exceed $1,000,000 for each of the fiscal years ending June 30, 1975, and June 30, 1976.

INTERNATIONAL FISHERY AGREEMENTS

Sec. 7. (a) General.—The Secretary of State, upon the request of and in cooperation with the Secretary, shall initiate and conduct negotiations with any foreign nation which is engaged in, or whose citizen are engaged in, fishing in the contiguous fishery zone of the United States or for anadromous species. The Secretary of State, upon the request of and in cooperation with the Secretary, shall, in addition, initiate and conduct negotiations with any foreign nation in whose contiguous fishery zone or equivalent economic zone citizens of the United States are engaged in fishing or with respect to anadromous species as to which such nation asserts management responsibility and authority and for which citizens of the United States fish. The purpose of such negotiations shall be to enter into international fishery agreements in a bilateral or multilateral basis to effectuate the purposes, policy, and provisions of this Act. Such agreements may include, but need not be limited to, agreements to provide for the management and conservation of—

(1) coastal species, which are found in both the contiguous fishery zone of the Untied States and the equivalent such zone of a foreign nation adjacent thereto;

(2) anadromous species, which are found during the course of their migrations in ocean areas subject to the fishery management responsibility and authority of more than one nation;

(3) highly migratory species which are or may be covered by international fishery agreements; and

(4) coastal species, which are found in areas subject to the fishery management responsibility and authority of any foreign nation, through measures which allow citizens of the United States to harvest an appropriate portion of such species in accordance with traditional United States fishing rights in such areas.

(b) Review.—The Secretary of State shall review, in cooperation with the Secretary, each treaty, convention, and other international fishery agreements to which the United States is party to determine whether the provisions of such agreements are consistent with the purposes, policy, and provisions of this Act. If any provision or terms of any such agreement are not so consistent, the Secretary of State shall initiate negotiations to amend such agreement: *Provided*, That nothing in this Act shall be construed to abrogate any duty or responsibility of the United States under any lawful treaty, convention, or other international agreement which is in effect on the date of enactment of this Act.

(c) Boundaries Agreement.—The Secretary of State is authorized and directed to initiate and conduct negotiations with adjacent foreign nations to establish the boundaries of the contiguous fishery zone of the United States in relation to any such nation.

(d) Nonrecognition.—It is the sense of the Congress that the U.S. Government shall not recognize the limits of the contiguous fishery zone of any foreign nation beyond 12 nautical miles from the base line from which the territorial sea is measured, unless such nation recognizes the traditional fishing rights of citizens of the United States, if any, within any claimed extension of such zone or with respect to anadromous species, or recognizes the management of highly migratory species by the appropriate existing bilateral or multilateral international fishery agreements irrespective of whether such nation is party thereto.

RELATIONSHIP TO STATE LAWS

Sec. 8. Nothing in this Act shall be construed to extend the jurisdiction of any State over any natural resources beneath and in the waters beyond the territorial sea of the United States, or to diminish the jurisdiction of any State over any natural resource beneath and in the waters within the territorial sea of the United States.

PROHIBITED ACTS AND PENALTIES

Sec. 9. (a) Prohibited Acts.—It is unlawful for any person to—

(1) violate any provision of this Act, or any regulation issued under this Act, regarding fishery within the contiguous fishery zone or with respect to anadromous species;

(2) violate any provision of any international fishery agreement to which the United States is party negotiated or reviewed pursuant to this Act, to the extent that such agreement applies to or covers fishing within the contiguous fishery zone or fishing for anadromous species as defined in section 4 of this Act;

(3) ship, transport, purchase, sell or offer for sale, import, export, possess, control, or maintain in his custody any fish taken in violation of paragraphs (1) or (2) of this subsection where such person knew or had reason to know that such taking was not lawful;

(4) violate any duly issued regulation under this Act with respect to making, keeping, submitting, or furnishing to the Secretary any records, reports, or other information;

(5) refuse to permit a duly authorized representative of the Secretary, or of the Secretary of the department in which the Coast Guard is operating, to board a fishing vessel or fishing-support vessel subject to his control where the purpose of such requested boarding is to inspect the catch, fishing gear, ship's log, or other records or materials; or

(6) fail to cooperate with a duly authorized representative of the Secretary, or of the Secretary of the department in which the Coast Guard is operating, engaged in a reasonable inspection pursuant to paragraph (5) of this subsection, or to resist any lawful arrest.

(6) Civil Penalties.—(1) Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by subsection (a) of this section, shall be liable to the United States for a civil forfeiture in accordance with subsection (d) of this section and for a civil penalty. The amount of the civil penalty shall not exceed $25,000 for each day of each violation. The amount of such civil penalty shall be assessed by the Secretary, or his delegate, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(2) Any person who is found to have committed a prohibited act and against whom a civil penalty is assessed under paragraph (1) of this subsection may obtain review in the appropriate court of appeals of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings of the Secretary shall be set aside if found to be unsupported by substantial evidence, as provided by section 706(2)(e) of title 5, United States Code.

(3) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(4) The Secretary may, in his discretion, compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection.

(c) Criminal Penalties.—Any person who willfully commits an act prohibited by subsection (a) of this section shall, upon conviction, be fined not more than $50,000 or imprisoned for no more than 1 year, or both.

(d) Civil Forfeiture.—(1) Any district court of the United States shall have jurisdiction, upon application by the Secretary or the Attorney General, to order forfeited to the United States any fish or fishing gear, used, intended for use, or acquired by activity in violation of any provision of subsection (a) of this section. In any such proceeding, such court may at any time enter such restraining orders or prohibitions or take such other actions as are in the interest of justice, including the acceptance of satisfactory performance bonds in connection with any property subject to civil forfeiture.

(2) If a judgment is entered under this subsection for the United States, the Attorney General is authorized to seize all property or other interest declared forfeited upon such terms and conditions as are in the interest of justice. All provisions of law relating to the disposition of forfeited property, the proceeds from the sale of such property, the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informants with respect to forfeitures shall apply to civil forfeitures incurred, or alleged to have been incurred, under this subsection, insofar as applicable and not inconsistent with the provisions of this section. Such duties as are imposed upon the collector of customs or any other person with respect to seizure, forfeiture, or disposition of property under the customs laws shall be performed with respect to property used, intended for use, or acquired by activity in violation of any provision of subsection (a) of this section by such officers or other persons as may be designated for that purpose by the Secretary of the department in which the Coast Guard is operating.

ENFORCEMENT

Sec. 10. (a) General.—The provisions of this Act shall be enforced, together with regulations issued under this Act, by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, and facilities of any other Federal agency in the performance of such duties.

(b) Powers.—Any person duly authorized pursuant to subsection (a) of this section may—

(1) board and inspect any fishing vessel or fishing-support vessel which is within the contiguous fishery zone of the United States, or which he has reason to believe is fishing for anadromous species;

(2) arrest any person, with or without a warrant if he has reasonable cause to believe that such person has committed an act prohibited by section 9(a) of this Act;

(3) execute any warrant or other process issued by an officer or court of competent jurisdiction; and

(4) seize all fish and fishing gear found onboard any fishing vessel or fishing-support vessel engaged in any act prohibited by section 9(a) of this Act.

(c) Courts.—The district courts of the United States shall have exclusive jurisdiction over all cases or controversies arising under this Act. Such court may issue all warrants or other process to the extent necessary or appropriate. In the case of Guam, such actions may be brought and such process issued by the District Court of Guam; in the case of the Virgin Islands, by the District Court of the Virgin Islands; and in the case of American Samoa, by the District Court of the District of Hawaii. The aforesaid courts shall have jurisdiction over all actions brought under this Act without regard to the amount in controversy or the citizenship of the parties.

DURATION OF ACT

Sec. 11. (a) Effective Date.—The provisions of section 4 of this Act shall become effective 90 days after the date of enactment of this Act. All other provisions of this Act shall become effective on the date of enactment.

(b) Termination Date.—The provisions of this Act shall expire and cease to be of any legal force and effect on such date as the Law of the Sea Treaty, or other comprehensive treaty with respect to fishery jurisdiction, which the United States has signed or is party to, shall come into force or is provisionally applied.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 12. Except with respect to section 6 and section 9 of this Act, there are auhtorized to be appropriated for the purposes of this Act to the Secretary such sums as are necessary, not to exceed $4,000,000 for each of the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977, and to the Secretary of the department in which the Coast Guard is operating such sums as are necessary, not to exceed $13,000,000 for each of the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977.

Mr. GRAVEL. Mr. President, the bill which the Senator from Washington (Mr. Magnuson) is introducing today has great significance to my home State. The largest segment of the Alaskan labor force is employed in the fishing industry. Until the recent advent of oil development within the State, fishing was the major industry. Today, while it still remains a major industry, its importance is diminishing. It is only sensible, in this time of nonrenewable resource extraction, to concentrate some of our efforts on preserving renewable resources.

I was greatly dismayed, as were many Alaskans, to learn that the Third Law of the Sea Conference had adjourned without resolution of the fisheries problem. It was indeed a heartening time when Ambassador Stevenson announced the

U.S. position regarding fisheries jurisdiction. Although this position was conditional upon a comprehensive package resolving the other issues faced by the conferees, it was a position that could be embraced by all our coastal fishing interests.

I adhere to the premise that this measure could be handled by international agreement. I have had difficulty in balancing the international implications of unilateral action with the overriding need to protect our living marine resources. Only through multilateral action could we be assured there would be no international friction. But international negotiations have failed.

Since a 200-mile bill was first introduced in the Senate, we have been told to await the outcome of international negotiations. The Nixon administration, which prided itself on forging international accords, has failed to effect agreement in this area. Similarly, this International Conference that was to be the bulwark of protection for these resources has also failed. To delay enactment of this measure further only sanctions the rapacious actions in marine resource harvesting. The time is ripe to curtail the overexploitation of these resources.

The situation facing Alaska's commercial fisheries is grave, at best. In November 1973, the U.S. delegation to the International North Pacific Fisheries Commission meeting were totally frustrated in attempts to get the Japanese to refrain from the high seas harvesting of salmon. The valuable Bristol Bay salmon fishery has been seriously depleted by the Japanese fishing effort. In December, the Alaska Department of Fish and Game announced it was no longer able to carry out its constitutional mandate to manage the Bristol Bay fishery.

In May of 1974, the Governor of Alaska, in the face of an expected catastrophe, declared Bristol Bay to be a State disaster area. This was followed in June by a similar declaration from the Federal Government. Massive aid was mobilized, as the residents of this area rely mainly on commercial fishing. Few fishermen even bothered to put their vessels into the water. Alternative sources of livelihood for these people had to be found.

As if this situation were not serious enough, on June 14 the U.S. Coast Guard seized a Japanese gill-netter for fishing in violation of the International Convention for the High Seas Fishery of the North Pacific. Again, on July 1, the Coast Guard seized another Japanese gill-netter for a similar violation. This appalling behavior further underscores the need for some action on this issue.

As last year's Commerce Committee report on this measure pointed out, the inroads of foreign fleets on American coastal fisheries is destroying this valuable resource. Further delay is encouragement for these foreign fleets to take what they can get, as soon as possible. A workable international pact is years away; our coastal fisheries cannot tolerate further exploitation.

Mr. STEVENS. Mr. President, I am once again pleased to join my good friend from Washington in introducing the Emergency Marine Fisheries Protection Act which would temporarily extend our fishing zone to 200 nautical miles, in order to declare conservation principles that all nations should adhere to.

In the last session of Congress after a series of hearings by the Commerce Committee and intense consideration by both the Committee on Foreign Relations and Committee on Armed Services, the Senate adopted this bill by a substantial margin.

While I would like to hope that the upcoming Law of the Seas Conference in Geneva this spring will result in an international agreement for effective conservation and management of our valuable fisheries resource, I am most doubtful that this will come to pass. Rather, I think that we will return from Geneva armed with an even more certain knowledge that unilateral action is needed by the United States if our fisheries on both coasts are to be saved from total depletion by foreign fishing.

The rapid international intensification of effort in fishing has been underway for more than 10 years. The exploitation of fisheries has been pushed beyond the practical limit in many regions of the ocean. At least 25 stocks of fish have been, or are threatened with depletion—11 of these stocks are off our own coasts.

Having served as a congressional advisor to the Law of the Seas Conference, I support the over-all effort and believe that international law governing the oceans is desirable. Unless agreement is reached in Geneva this spring, however, I most strongly believe that we must act unilaterally to implement and enforce this temporary and emergency fisheries conservation measure embodied in this bill.

Mr. McINTYRE. Mr. President, I am pleased to join my Senate colleagues in introducing this measure which would extend, on an interium basis, our fisheries jurisdiction to 200 miles. During the last Congress, the Senate was successful in passing this urgently needed legislation. We recognized then that expeditious treatment was necessary in order to control this dangerous situation. It is my hope that the Congress will see that threat to our commercial fishing industry is worsening day by day and will move, therefore, to enact this measure in the near future.

Mr. President, we can not allow our fish stocks to become further depleted. Many of our domestic fisheries resources are already threatened with extinction. Nowhere is this problem more severe or dramatic than on the New England fishing grounds. Before the 1960's, the New England fishing grounds were, except for a few Canadian vessels, fished exclusively by U.S. fishermen. By 1961, Soviet fishing vessels reported taking 68,000 tons of fish off Georges Bank. In 1965, Soviet fishing efforts were expanded to the Chesapeake Bay with an increase take of over a half million tons. Today, our New England fisherman harvest only 12 percent of the southern New England catch and only 10 percent of the catch of George's Bank.

Despite 22 fishery agreements between the United States and other fishing nations, our situation is worsening. From all reports, the negotiations at the Law of the Seas Conference are proceeding but no firm agreement is within sight. I recognize the desirability of a comprehensive treaty, however, until this can become a reality we must insure protection for this resource which is rapidly losing its economically viability.

Over the past several years I have had the opportunity to discuss personally with New Hampshire and New England fishermen the many problems facing these small businessmen. An already demanding and dangerous job is being complicated by direct threats to our fishing fleet. Nets have been cut, boats rammed, and the economic well-being of New England threatened by the foreign fishing fleets. Soviet fishermen, utilizing fishing methods which can only damage our marine environment, have been sighted vacuuming the ocean floor and destroying nature's aquatic balance.

During the last Congress, the Committee on Armed Services, of which I am a member, explored the question of national security with regard to an extension of our fisheries jurisdiction to 200 miles. The committee found that the fears expressed of retaliatory action or curtailment of free passage were speculative. Approximately 36 coastal nations have extended their fishery limits beyond 12 miles; 25 to 30 nations expressed their support of a 200-mile fisheries limit during deliberations at the Law of the Seas Conference.

This measure is not aimed at locking other nations out of our seas. Cooperative agreements are possible which would allow for the establishment of safe fishing levels. Sound conservation practices could be enacted and established levels of fish stocks would allow for regeneration.

I support the work the U.S. delegation is doing in seeking a treaty at the Law of the Seas Conference. By way of enforcing our belief in a 200-mile fisheries zone and protecting our domestic fishing fleets we need to enact this sound, well-conceived legislative proposal.

Mr. MUSKIE. Mr. President, I am pleased to join the distinguished Senator from Washington, Mr. MAGNUSON, in cosponsoring legislation to extend U.S. fisheries jurisdiction to 200 miles from our coasts, until an international oceans agreement can be negotiated.

Similar legislation was adopted by the Senate in the last Congress, but was not brought to the House floor for a vote.

This proposal is essential to the wellbeing of our fishing industry; and it is essential to the conservation and rational exploitation of an important world source of protein.

There are many reasons why Congress should act quickly on this legislation. I would like to touch on three.

First. Quick action is essential to the preservation of our rapidly dwindling fisheries resource. The world demand for protein has put enormous new burdens on our stocks of fish. Within the last 5 years alone, the foreign fishing effort off our coasts has increased severalfold. Stocks can be decimated in a year or two, a rate much to fast to be dealt with effectively by international negotiations. Scientists have now concluded that about

25 stocks of fish are depleted or threatened with depletion.

Fish landings in Maine demonstrate the gravity of the situation in the Northwest Atlantic. In 1950, Maine fishermen landed 353 million pounds of fish of all species. By 1970, that total had been more than cut in half, and in 1974 fish landings totaled only 148 million pounds.

The statistics for individual species are more dramatic. Since 1966 the whiting catch has declined by 90 percent, from 30 million pounds to 3 million in 1974. Since 1950 the catch of sea herring has declined 75 percent; ocean perch, 61 percent; cod, 30 percent; pollock, 42 percent; and haddock, 97 percent, from 6.5 million pounds in 1950 to 220,000 pounds last year.

Clearly, our fish stocks are in trouble. And it must be the United States, not the Russians, English or Japanese, which takes action to protect this important source of protein.

Second. International negotiations on the law of the sea are unlikely to conclude this year. Senators PELL, CASE, STEVENS, and myself—as Senate advisers to the U.S. delegation to the Law of the Sea Conference, attended last year's meeting in Caracas. We concluded that the Conference had so far failed to make any form of substantive progress because of its inability to overcome regional and group politics. We pointed out that the delegates at Caracas have gone about as far as they can in the development of a technical and nonpolitical base for a final agreement. We urged that this whole matter be taken up by the heads of state, or at least at the ministerial level. As we said in the report, the negotiations cannot be left to those of lower rank because the questions that are holding up the agreement cannot be settled as technical matters. They require compromises and trade-offs that can only be negotiated at the political level.

We also agreed that it is imperative that the negotiations reach agreement by the end of 1975. Should the Conference go beyond its scheduled time-frame, the chances for success will be considerably diminished.

I cannot report optimistically on prospects for real progress in the negotiations this year. Consequently, I think enactment of a 200-mile fishing limit in the 94th Congress is a necessity.

Third. A unilateral U.S. 200-mile limit could improve prospects for an early Law of the Sea agreement. Fears have been expressed that a unilateral 200-mile limit might provoke retaliation from other countries. We created a stir in the Conference by indicating our vigorous support for a 200-mile limit. We were told that the United States ought not to act that irresponsibly. So we suggested a course of action that might serve as a substitute, if we were being asked to exercise restraint with respect to this kind of legislation, then it seemed to us not unreasonable to ask restraint of those who created the problem off our coasts—the Soviet Union and Japan. I suggested that to them, but got very little positive response.

If the United States does not take effective short-run action to protect the fish stocks off our coasts, who is going to do so?

There is no evidence to suggest such restraint on their part. Indeed, at most, other countries will protect their own offshore stocks, if they have anything left to protect.

I would like to emphasize that nothing in the 200-mile fish limit legislation is inconsistent with our negotiating position at the United Nations Law of the Sea Conference. Some foreign delegates to the Conference expressed reservations about America's enacting interim 200-mile fish limit legislation. But my guess is that their first reaction, after denouncing the legislation, would be to negotiate at the Conference with a new sense of urgency.

It is important to remember that this legislation will not prohibit other nations from fishing in the 200-mile zone. In fact, it would preserve the rights of nations which have traditionally fished off our shores. But it would reserve to the United States the right to manage our offshore fish stocks to assure their best, and most prudent, use.

And in a hungry world, there is a global interest in assuring a continuing supply of protein from the sea.

Mr. President, I hope the Senate will give full and favorable consideration to the legislation we introduce today. It is past time to act.

Mr. HATHAWAY. Mr. President, there are many and varied reasons for my cosponsoring the 200-mile fishing limit today.

As a Senator from Maine, I am acutely aware of the effect foreign fishing has on not only the men and women who battle the sea to earn their living, but on the sea harvest itself. I have addressed this body on this subject many times in the past 2 years, inspired by the urgent need to do something for an industry which has the capacity to feed people, yet which is sometimes tragically ignored by its Government.

Foreign fishing fleets, heavily subsidized by their governments, sweep into the waters off Maine and all too frequently destroy nets and other fishing gear belonging to Maine fishermen. There is little if any restitution by the Government for this damage. There is little if any low-interest money for American fishermen to replace the gear destroyed by foreign fishermen.

I recently chaired hearings in Maine on the fishing industry, and heard first hand from those who work on the water the problems of dealing with this sort of situation.

A healthy fisheries industry is a vital asset for any State. In Maine, earning a living from the water is a way of life; a rugged, vigorous, challenging way to make a living. There are enough dangers inherent in such a life; the Government need not add to them by ignoring this opportunity to help an industry which has the capacity to harvest a renewable crop and feed people.

Depletion of a food industry such as fisheries would be a terrible mistake.

Both coasts of this Nation participate—for profit—in harvesting the yield of the sea. In terms of money, this Nation would suffer tremendous loss of income were we to lose this industry. In terms of food, it is even more critical. The lack of protein to meet the world's need could in large part be met by intelligently harvesting the food in our seas.

We can take steps here in this Chamber to encourage that harvest. Adoption of a 200-mile limit will first of all establish our right to harvest those fish which breed in our territorial waters now—within the present limit. Second, it will offer some protection to every American fisherman against encroachment by foreign fishing fleets, a right which I consider basic.

Food is an important commodity. We cannot afford to ignore, or to treat badly, an industry which has so much to offer not only America, but all nations which need vital protein for the nutrition of its people. The fishing industry already makes a significant contribution to the world's food supply. We can help make that contribution larger, and more significant, by supporting the 200-mile limit, and by encouraging stronger Government participation in the as yet unrealized potential of harvesting the food that exists in the sea.

By Mr. KENNEDY (for himself, Mr. EAGLETON, and Mr. CHURCH):

S. 962. A bill to amend the Older Americans Act of 1965 to establish a Community Service Employment Program for older Americans. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am introducing today a bill to authorize a total of 190,000 part-time jobs for older workers over the next 3 years.

The older Americans community service employment bill I am introducing would extend for 3 years the title IX program that has been under attack from the Department of Labor almost since its inception.

I am introducing this bill with Senator EAGLETON, chairman of the Senate Aging Subcommittee, and Senator CHURCH, chairman of the Senate Special Committee on Aging, as a clear expression of our belief that older workers are the most vulnerable part of the labor force, particularly during moments of economic crisis.

In the last 6 months of 1974, there was a 37½-percent increase in the number of persons over 45 who were unemployed. In November 1974, some 440,000 older workers over 55 years of age were unemployed, 31 percent jobless for 15 weeks or more. By January the number had climbed to 600,000 older persons over 55 years of age out of work.

We know from experience that older workers are the last to be hired in normal times and during a recession, their chances of employment drop to near zero.

In this community service program, we target Federal funds to the needs of older persons who still desire to work and who still can make significant contributions to our society.

I introduced the title IX program in the 91st Congress where it was passed by the Senate by a 77 to 0 vote. Later it was incorporated in the Older Americans Comprehensive Services Amendments of 1972 which was pocket-vetoed by President Nixon.

Finally signed into law on May 4, 1973, title IX was designed to expand the Operation Mainstream program initiated under OEO and to spread that model across the Nation.

Instead, the administration, which had opposed my bill from the outset, refused to request any funds to operate it.

After the Congress approved an initial appropriation of $10 million in defiance of that position, the administration announced its intention to hand over the $10 million to its prime sponsors under the comprehensive manpower legislation. This was a direct failure to heed the congressional intent that the title IX program be operated independently of LETA and with strong participation of the national organizations which had so successfully administered Operation Mainstream.

After a series of letters and Senate Appropriations Committee warnings, the administration desisted, but insisted nevertheless that the $10 million would not be continued in future years.

Last year, we appropriated another $12 million for title IX after all evaluations reported the need for the program's expansion. Again, the administration opposed that action and actually submitted a proposal to rescind those funds—despite the mounting unemployment and the failure of the traditional manpower programs to do the job.

Now they propose not only to halt all funding for title IX but to end the Operation Mainstream older workers pilot projects as well by June 1975. If that were permitted to occur, a total of 12,674 older men and women would lose their jobs, their dignity and their hopes.

Congress has rejected that rescission request and I have proposed an amendment to add $36 million to the supplemental appropriations bill to expand the program this year.

The House Appropriations Committee has approved $24 million already and, hopefully, final action on increased appropriations will come shortly.

However, we must now extend the program's authorization—which expires on June 30, 1975—and further insure, with clear legislative language, our intent that the national organizations now administering the program continue in that role.

Only through this targeted program can we protect the availability of employment opportunities to elderly citizens.

The administration assurance that existing manpower programs run by State and local governments would do the job has been proved false. Revenue sharing, whether general or special, simply cannot be relied on to serve the needs of the elderly.

In 1973, older workers over 55 years of age, represented only 1.7 percent of the enrollees in the major manpower programs. In a survey of CETA prime sponsors for the July to September quarter of 1974, of 121,000 persons enrolled under title I programs, only 3 percent were persons over 55 years of age, according to the National Council of Senior Citizens. And in title II public service employment programs studied, only 5 percent of the enrollees were over 55 years of age.

These statistics demonstrate that the broad gage Federal manpower and public service jobs programs simply cannot adequately meet the special needs of workers 55 and older. They are not geared to part-time employment. They are not geared to appreciate the special contribution that the elderly can make.

The National Farmers Union made a State-by-State survey of State CETA prime sponsors to determine their willingness to fund green thumb type projects. They found "very little enrollment to that date of elderly people." More recently, a followup showed "little change in that situation."

For that reason, we have submitted this bill to extend the title IX program, to expand it and to protect its integrity and purpose.

We have included language to restrict the Secretary of Labor's ability to try to absorb these programs under special manpower revenue sharing. We have provided a hold harmless funding at this year's level to the national organizations which have accumulated an impressive record of achievement in operating these programs.

Let me cite just a few examples of how these organizations have been successful:

NRTA-AARP's senior community service employment program has compiled a remarkable record of placing 49 percent of its enrollees into unsubsidized employment. Yet the average age of enrollees remains at 66 and those enrollees include substantial numbers of minority group members, physically handicapped and even ex-offenders.

The National Council of the Aging currently reports eight applicants for each available job. And they note that the programs are "designed to promote self-help, not dependency."

The National Farmers Union operates the green thumb program, which concentrates its activities in rural towns and communities. Its workers strengthen existing community services, direct conservation programs, and provide special outreach services to help the aged shut-ins and the handicapped. It has been the pioneer in rural community service employment and it has produced exceptional successes in the 25 States in which it operates.

The National Council of Senior Citizens has been a vigorous supporter of the title IX program and was one of the earliest innovators in the field of community service employment for older persons. They have had 1,200 formal requests from communities in all 50 States for a senior aides program—yet they cannot meet those requests with current funding.

In recent testimony, William R. Hutton, executive director of NCSC, described some of the kinds of services performed by older workers in this program. His description could apply as well for all of the national contractors:

One senior aide was assigned to work with problem children at a day care center. She was able to draw the first words from a 3-year-old child who had until then not spoken. Neither the doctor, the therapist or the little girl's parents had been able to coax the child into speaking.

The senior aide, a mother of five, a grandmother of many more, said she could tell when to work with the child on her problem and when to just give her attention and love.

Homemaker-home health aides act as the eyes, ears, and feet of elderly shut-ins who try desperately to stay out of costly nursing homes. They also arrange for "security" telephone calls to check up on their patients and to maintain the bond of communication they often arrange for other visitors as well.

Day care center aides help teach children colors and new games and take the time to be the grandma or grandpa who listens to their stories and dreams. They also act as escorts for downtown window shopping and special trips for the children.

Outreach aides seek out the isolated elderly and often are the safety line that pulls many older men and women out of their lonely rooms and back in touch with the community. They link them to needed resources before it is too late for rehabilitation, follow up on their progress and often take the role of advocates when the bureaucratic system forgets that it is dealing with human beings and not computer cards.

The health clinic aides make arrangements for transportation, calm worried patients, take temperatures and pulse, and schedule appointments. Later, they are the reassuring contact to check on the patients' progress, to see if instructions have been followed or prescriptions purchased. Where the cost of the drugs is the problem, the health clinic aides try to find ways to insure that lack of income does not spell lack of medical care.

These are some of the examples of the basic services offered by title IX programs.

Equally impressive from a budgetary point of view is the national contractors' low overhead administrative cost. When both the regional offices of the Department of Labor were compared with the national contractors in operating programs under Operation Mainstream, the national contractors' costs were found to be almost $1,000 less per man-year.

Similarly in the Kirschner report on Operation Mainstream, an evaluation commissioned by the U.S. Department of Labor:

> It has been demonstrated consistently in Operation Mainstream that by any standard the overall administration and operation of the program has been most effective when the national contractors are involved. It is also apparent that the particular national contractors involved are appropriate for the program and have demonstrated a capability to minister effectively to the needs of both older enrollees and communities served. Thus, it is recommended that: "The proposed older worker program be continued to operate under the direction of NCSC, NRTA and the National Farmers Union.

That recommendation is one that the authorizing committees and the appropriating committees of the Senate and the House of Representatives have shared.

The title IX, older Americans community service employment program is essential for the elderly. It offers them vital income, the opportunity to continue to contribute their skills, and the sense of personal dignity and accomplishment that comes with meaningful work.

For that reason, I have introduced this bill and hope to see its early consideration and adoption.

I ask unanimous consent that the bill be printed in the RECORD along with recent testimony in the House of Representatives by elderly groups and organizations related to title IX.

There being no objection, the bill and testimony were ordered to be printed in the RECORD, as follows:

S. 962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older American Community Service Employment Amendments of 1975".

SEC. 2. Title IX of the Older Americans Comprehensive Services Amendments of 1973 is amended to read as follows:

"TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Older American Community Service Employment Act'.

"OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

"SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor is authorized to establish an older American community service employment program.

"(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), and projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

"(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

"(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

"(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

"(D) will contribute to the general welfare of the community;

"(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

"(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

"(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

"(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

"(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

"(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

"(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

"(L) will assure that, to the extent feasible, such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

"(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

"(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

"(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

"ADMINISTRATION

"SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

"(1) the localities in which community service projects of the type authorized by this title are most needed:

"(2) consideration of the employment situations and the types of skills possessed by available local individuals who are eligible to participate; and

"(3) potential projects and the number and percentage of eligible individuals in the local population.

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Comprehensive Employment and Training Act of 1973, the Economic Opportunity Act of 1964, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Comprehensive Employment and Training Act of 1973, the Economic Opportunity Act of 1974, or the Emergency Employment Act of 1971.

"(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

"(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

"(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Government.

"PARTICIPANTS NOT FEDERAL EMPLOYEES

"SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

"(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as authorized by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

"INTERAGENCY COOPERATION

"SEC. 905. (a) The Secretary shall consult and obtain the views in writing of the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.

(b) The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 906 (a) (1) From sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for contracts with national organizations currently funded under this title to maintain their level of activities at least at the level of such activities supported under this title and under other federal authorities in fiscal year 1975. Each such contract shall contain provisions to assure that, to the extent practicable, funds received under that contract will be allotted in the same manner as is provided under paragraph (2) of this subsection.

"(2) The Secretary shall allot the remainder of the sums appropriated for any fiscal year under section 908 so that equal proportions are distributed on the basis of (A) the relative numbers of persons aged fifty-five or over in each State as compared to all States, (B) the number of persons aged fifty-five and over who are unemployed in each State as compared to all States, and (C) the number of persons aged fifty-five and over who are in families with income below the poverty level in each State as compared to all States, except that (i) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $100,000, whichever is greater; and (ii) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) (A) The number of persons aged fifty-five or over, the number of persons aged fifty-five and older who are unemployed, and the number of persons aged fifty-five and older who are in families with income below the poverty level, in any State and for all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him.

"(B) The poverty level shall be determined for each fiscal year by the Secretary, after consultation with the Director of the Office of Management and Budget.

"(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State and (2) the relative distribution of such persons residing in rural and urban areas within the State.

"DEFINITIONS

"SEC. 907. As used in this title—

"(1) 'State' means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

"(2) 'eligible individual' means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act:

"(3) 'community service' means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe;

"(4) 'program' means the Older American Community Service Employment Program established under this title; and

"(5) 'Secretary' means the Secretary of Labor.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 908. There are authorized to be appropriated $100,000,000 for the fiscal year 1976, $150,000,000 for the fiscal year 1977, and $200,000,000 for the fiscal year 1978, to carry out the provisions of this title."

TESTIMONY OF JOHN B. MARTIN OF THE NATIONAL RETIRED TEACHERS ASSOCIATION AND THE AMERICAN ASSOCIATION OF RETIRED PERSONS

Another area of concern relates to employment of older workers during this present period of high inflation. As a part of Operation Mainstream, the NRTA-AARP Senior Community Service Aids Project, which was begun in 1969 as a demonstration program, has expanded since that time and now includes 32 project sites in 18 states with an authorized enrollment of 1775 persons. The average age of enrollees is 66+; 66 percent are white, 33 percent black with a 10 percent Spanish-speaking enrollment since 1972. The numbers also include Indians and Orientals. Fifteen percent of the monthly enrollment are physically handicapped and we have retrained also a large number of ex-offenders. Since the program began in 1969, well over 5,000 people have been enrolled.

Our placement rate of enrollees into unsubsidized employment is at present 49 percent. During the past twelve-month period we have placed 881 enrollees in permanent jobs. These enrollees are dependable, conscientious and completely dedicated to their work for the host agency. There is no question that it is better to have these men and women working and earning small wages than to have them on relief. They are employed only if they are in the poverty category and have poor employment prospects. Operation Mainstream and Title IX, referred to below, are the only programs which will make sure that they have an opportunity to earn a modest living. The Labor Department advises that Operation Mainstream is to go out of existence on June 30, 1975.

Under the 1973 Amendments to the Older Americans Act, Title IX was established to give statutory form to the older workers program. The NRTA-AARP Senior Community Service Employment Program was funded in July of 1974 and is now operating in eleven states where we have some 300 enrollees which represents nearly 50 percent of our total authorized enrollment. Within the next few weeks we will have reached a full enrollment of 636 and will have a waiting list of more than this authorized number.

In the meantime, the Comprehensive Employment and Training Act has been passed and the administrators of the Act have taken the position that it contains sufficient incentives for prime sponsors so that an older worker program can be worked out on a state and local basis without the categorical approach which uses national organizations to develop older worker programs under Operation Mainstream and Title IX.

Thus far, out of 132 projects submitted by CETA prime sponsors, not more than six have indicated possible funding for the current older worker enrollment. From the data available from CETA project plans, approximately four percent of CETA enrollment positions are supposed to be available to assist older workers. Past manpower programs have shown a consistent lack of interest in the older worker and, based on general revenue sharing's practically total disregard of the need of the elderly, it would appear that there is little hope of having older workers share in CETA programs in any real relation to their need.

Based upon past experience, therefore, we are of the very strong opinion that it is necessary and desirable to renew the Title IX authorization and to maintain in the Labor Department a categorical older worker program which can be relied upon to find jobs for older workers. If subsequent experience with the operations of CETA should show that prime sponsors can be educated or pressured to develop adequate older worker programs, it is possible that we will be able to do without the provisions of Title IX. Until that time arrives, however, it seems essential that such a program be continued.

We urge, therefore, that the Title X authorizations be renewed at $100 million, $150 million and $200 million for Fiscal Years 1976, 1977 and 1978 respectively, with $35 million, $45 million and $60 million allocated to present national contractors.

We further urge that this program remain in the Labor Department. We have studied the possibility of transferring the program to the Administration on Aging, but it is our opinion that there are several reasons for keeping the program in the Labor Department where it now is operating. Among these reasons are the following:

1. The Department of Labor working-level staff are trained and on-board. They are currently knowledgeable and generally sympathetic to older workers.

2. Working with two agencies would be difficult for national contractors who would be operating a program under the Administration on Aging and also involved in the development of programs with prime sponsors under CEAT.

3. It is our impression that the larger appropriations for employment assistance are most likely to go to the Department of Labor since this is the official agency dealing with employment. A transfer of Title IX responsibilities to the Administration on Aging might lead to neglect of the program by Congress in subsequent appropriations.

4. Finally we feel that it would be an additional burden on the Administration on Aging to have to develop from scratch a national employment program and it would be better to continue the present operation through the Labor Department by the national contractors as at present.

We are aware that the Labor Department is not happy with a categorical program such as Title IX presents. On the other hand, we are also aware that neither the Labor Department nor state and local employment agencies have ever shown great interest in older worker programs. For this reason, we feel strongly that Title IX ought to be continued with an authorization until it is clear that the Labor Department under CETA can and will encourage the development of an older worker program throughout the country. The attitude at the present time seems to be that if the local communities want it, they will do something about it. Unfortunately, however, local communities have other pressures and their failure to do anything about an older worker program will simply mean that the older worker, as in the past, will be the most discriminated against—last hired and first fired—and those older workers who lose their jobs will soon find themselves on the ash heap as far as further work is concerned.

We think, finally, that it should be recognized that these older workers in the Title

IX program and Operation Mainstream will be candidates for SSI assistance or welfare assistance if they are not given an opportunity to work in a constructive program. Generally speaking, it appears to us far more desirable to have them working and caring for their own welfare rather than having them drawing welfare checks. Additional welfare costs, of course, would include food stamps, medicaid and housing assistance so that the costs of not maintaining this program are substantially greater, we believe, than the cost of maintaining it.

STATEMENT OF WELDON V. BARTON, DIRECTOR OF GOVERNMENTAL SERVICES, NATIONAL FARMERS UNION

Mr. Chairman and Members of the Subcommittee, I am Weldon V. Barton, Director of Governmental Services, National Farmers Union. Our Washington office is 1012 14th St., N.W., Washington, D.C. 20005, Ph. 202-628-9774.

While Farmers Union would encourage you to extend all Titles of the 1973 Older Americans Comprehensive Services Amendment in a form that will be more serviceable to the elderly, my testimony will focus on Title IX because of Farmers Union's particular interest and responsibilities under that Title.

Farmers Union, during Fiscal 1974–75, contracted with the Department of Labor to carry out an elderly workers employment program under the Community Services Employment for Older Americans Act (Title IX of the 1973 Act). We are currently employing some 1,331 elderly people under that program.

Farmers Union carries out the Title IX program in close cooperation with a similar older workers employment program that we have administered under Department of Labor contract since 1965. Called Farmers Union Green Thumb, this Operation Mainstream program which is funded under Title III of the Comprehensive Employment and Training Act of 1973, employs some 3,739 elderly people during the current Fiscal Year.

Green Thumb employs older low-income rural persons, 55 years or older, to carry out community betterment and conservation projects, strengthen existing community services, and provide special outreach services to help the aged, shut-ins and handicapped.

Green Thumbers carry out a variety of projects and work assignments. Park and recreation facilities are built and improved. Courthouses and community centers are renovated. Green Thumb workers serve as librarian assistants and teachers aides. They work in senior citizen centers and provide many other outreach services.

Despite the fact that these programs have proven effective for the meaningful employment of persons 55 years or older who otherwise would not have jobs, the Department of Labor on March 5, 1974, sent official notice to Farmers Union and other national contractors of Operation Mainstream older workers programs that the programs would be terminated on June 30, 1975.

If that decision was allowed to stand, it would mean that over 5,000 older poor people who are now working for their living on Green Thumb projects would lose their jobs and would be forced to find some other way to supplement their meager incomes. When the other Operation Mainstream contractors are also included, over 9,000 older poor people would have their jobs terminated.

We are appealing to you on this Committee, and to the Congress, to prevail upon the Labor Department to continue these employment programs for our elderly people beyond mid-1975, and to prevent the dignity of the presently-employed older workers from being trampled upon.

Specifically, we respectfully request that you: 1) prevail upon the Department of Labor to make available to Green Thumb and the other Operation Mainstream national contractors the $12 million for Title IX that was contained in the FY 1975 Labor-HEW Appropriations Act and that was explicitly designated by the Appropriations Committees of both the House and Senate to be allocated primarily to the Operation Mainstream national contractors; 2) extend the Community Services Employment for Older Americans Act of 1973 (Title IX) as a part of an Older Americans Act of 1975, with the necessary changes and money authorizations to make sure that the nationally-contracted Green Thumb and other older workers programs will be continued at their full strength in 1976 and beyond.

Allow me briefly to review several reasons why the Operation Mainstream programs should be enabled to continue to serve elderly people who are poor and who want meaningful jobs in order to maintain their dignity and to serve their communities.

1. The programs have proven successful. The Kirschner report—prepared by an evaluation group contracted by the Department—compared the Operation Mainstream program administered through regional Department of Labor offices and the national contractors and came to the following conclusion three years ago:

"It has been demonstrated consistently in Operation Mainstream that by any standard the overall administration and operation of the program has been most effective when the national contractors are involved. It is also apparent that the particular national contractors involved are appropriate for the program and have demonstrated a capability to minister effectively to the needs of both older enrollees and communities served. Thus, it is recommended that: The proposed older worker program be continued to operate under the direction of NCSC, NCOA, NRTA, and the National Farmers Union."

2. A categorical program is required, if older persons who want to work are not to be ignored.

Administrators of the Comprehensive Employment and Training Act of 1973 are manpower people, who tend to think in terms of younger workers, full-time jobs and career planning—the same type administrators who ran manpower programs in 1973 when enrollees over 55 years represented only 1.7 percent of the total enrollees.

Another major consideration for retaining a separate program for older people administered outside the CETA prime sponsor mechanism is the CETA provision which allows governments to limit enrollment to those people who fit within their particular personnel policies, including their mandatory retirement age policy. This could result in age discrimination and could, in effect, cut out the neediest of the Operation Mainstream older workers—those who are over 65 years of age and therefore are offered no protection under the Age Discrimination Act.

From the data available from CETA project plans, approximately 4 percent of CETA enrollment positions are supposed to be going to assist older workers. However, this figure is not only much too low in relation to the need, but also may include anyone 45 years or over since the Department of Labor did not define its term "older worker."

At the request of Mr. William Kolberg, the Labor Assistant Secretary for Manpower, Farmers Union has made every effort to work through the state CETA prime sponsors to secure funding for Green Thumb-type projects, and has attempted to monitor the situation regarding involvement of elderly people in CETA-funded employment programs within states with Green Thumb programs.

In a state-by-state report to Assistant Secretary Kolberg dated August 6, 1974, Farmers Union Green Thumb reported that, to our knowledge, there had been very little enrollment to that date of elderly people in the CETA-funded employment programs administered through the prime sponsors.

We have updated that August 6 report with telephone calls last week to each of our states, and we find little change in that situation. Among the 25 states and Puerto Rico in which there are Green Thumb programs, only in Michigan has a CETA prime sponsor made any funds available under workable and acceptable conditions for the operation of a state Green Thumb-type program. In Michigan, $60,000 was made available.

Also, insofar as the Green Thumb personnel are aware, CETA prime sponsors have ignored older workers in their employment programs generally to date, and have restricted enrollments almost entirely to younger workers and the recently unemployed. Furthermore, the Governors' state and area councils under CETA, apparently have seldom included persons sensitive to the need to employ elderly people.

Consequently, CETA has not proven to be a workable alternative to the categorical, nationally-contracted approach, in making sure that elderly persons who are poor and need to work are able to participate in employment programs.

3. Welfare or other alternatives to meaningful work opportunities for the elderly are more costly.

The average Operation Mainstream enrollee's pay for one month is $191.00 less an approximate $11.00 deduction for Social Security. Certainly the services that these older workers provide, if put in dollar and cents values, would be more than equal such a cost differential.

Welfare is not a real alternative, in any case, for many of the elderly who are employed with Green Thumb. These elderly, rural people have a fierce pride, and they need to work to maintain dignity. It is only right in a moral sense that they be afforded work opportunities.

4. There is plenty of meaningful work to be done. Repair, renovation, construction, conservation, development, and beautification tasks of the kind that Green Thumb older workers—men and women—are performing abound in rural areas.

For these reasons, we urge you to amend and extend Title IX so as to assure the continuation of Green Thumb and other Operation Mainstream programs at their full strength.

TESTIMONY OF JACK OSSOFSKY, EXECUTIVE DIRECTOR, THE NATIONAL COUNCIL ON THE AGING

WHAT SHOULD BE THE ROLE OF TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS?

Mr. Chairman, NCOA strongly supports continuation and expansion of Title IX. Since 1968, NCOA has had in-depth experience with the Senior Aide Program through its Senior Community Service Project (SCSP). Currently NCOA administers Title IX and Operation Mainstream funded projects in 26 areas of the country with a total enrollment of 1400 older workers. We continue to receive about eight applicants for each available job. Increasingly, we have had success in placing participants in permanent employment in the competitive labor force. SCSP is designed to promote self-help, not dependency.

The need for employment among older workers is great and continues to grow with little or no governmental response. Our experiences make it clear that a significant number of the men and women over 55 who are not in the labor force desire part-time employment as provided under Title IX. In November, 1974, persons 45 and over represented more than 18 percent of the total unemployed, 28 percent of those unemployed for 15 weeks or longer, and 37 percent of the individuals looking for jobs 27 weeks or longer. Nevertheless, as of December 1974, persons aged 45 and above totaled approximately 4 percent of all enrollees benefitting from the Comprehensive Employment and Training Act of 1973 (CETA). The CETA program is characteristic of previous Federal manpower programs which have "track records" of not responding to the needs of older workers. Since Title IX is the only Federal manpower program to have successfully addressed the employment needs of our older population while also permitting communities to improve their delivery of services, it is imperative that it be extended and expanded.

Title IX and Operation Mainstream components of the Manpower Administration have been highly successful. NCOA recommends that these programs continue to be administered by the U.S. Department of Labor and consolidated into a single categorical manpower program for older persons aged 55 and above. We believe that the national contractors with experience in the administration of the older worker programs should have a continued, but increasingly diminished role in the implementation of Title IX. There is a need for an expanded technical assistance effort by the national contractors with the eventual goal of local administration of the program. Lastly, we feel a three-year extension with the following authorized levels of funding would result in more effective program planning: $100 million for FY 1976; $150 million for FY 1977; and $200 million for FY 1978.

These changes will enable many older persons to continue using their accumulated skills and experiences in meaningful community services. We urge this Committee to counter the Department of Labor's decision to terminate the Operation Mainstream Older Worker Program on June 30, 1975.

At a time when the nation is confronted with the highest unemployment rate in a quarter of a century, when many older people are reducing their intake of daily meals to one meal a day, and when social service agencies will be strained to their utmost, America surely needs the help of these older people experienced in providing sound social services in their own communities. What this country doesn't need is greater unemployment among older persons who would eventually become a burden on the Federal treasury.

Statement By William R. Hutton, Executive Director, National Council of Senior Citizens

Mr. Chairman, Members of the Select Committee on Education. I am William R. Hutton, Executive Director of the National Council of Senior Citizens. Our national headquarters office is at 1511 K Street, N.W., Washington, D.C.

The National Council is a non-profit, nonpartisan organization of over 3,000 older people's clubs in all states. We are the country's largest organization of senior citizens' clubs.

The National Council is proud of its history—an organization initially built to gain passage of Medicare—and we are equally proud of our sustained efforts to build a better life for the old and the young of America. Our members are primarily those people who have worked hard all their lives to support themselves and their descendants and have a continuing sense of community and national pride.

Many older Americans find that their meager Social Security or SSI benefits do not afford them decent food and shelter. These people however, do not really wish to collect welfare if they can possibly avoid it. They would rather work several hours a day to provide for themselves like they have in times past before their age became an artificial barrier to their obtaining work. These elderly Americans—particularly those who have read reports of senior citizen community service programs under Title IX or Operation Mainstream—would like to have such a program to provide opportunities for working in their own home town. The National Council has over 1,200 formal requests from communities in all 50 states for a Senior Aides program. Requests from individuals fill several feet of filing space. Many older people who write for jobs do not belong to the National Council and are consequently not aware that only a few communities in our country are able to provide some work opportunities to older people.

The National Council of Senior Citizens is, therefore, extremely concerned with Title IX of the Older Americans Comprehensive Services Amendments of 1973.

Two years ago when this Title, the Older American Community Service Employment Act, became law, the National Council had high hopes that, at last, many older poor Americans would have a choice—a choice between welfare and a job, a choice between loneliness and involvement, a choice between worthlessness and usefulness, a choice between desperate poverty and making ends meet, a choice between hopelessness and hopefulness.

Title IX, modeled after the very successful Operation Mainstream Older Workers Program, was viewed by us as the Title that could have an impact on many problems in the aging field.

Title IX would offer an opportunity for able bodied older people to help themselves. It would give them a chance to keep their dignity because they were working for a living, as most good Americans must do to keep their place in society. Art Buchwald's recent comment on our country's work ethic rings true. "We've been told for such a long time that the only people in this country who are unemployed are those who are lazy, shiftless and don't give a damn. In America, not having a job makes you an outcast . . ."

Title IX would be a useful tool in breaking down the barriers and myths that keep senior citizens from being treated as part of our soceity. The vast array of jobs that could be initiated under Title IX would put seniors in contact with all ages of people in their communities. The older person would be portrayed in an active role. The stereotype older person rocking away the last years, or dozing off in the park, or lying incoherent in a nursing home, would be replaced by a truer picture of a senior citizen—a person who can think, talk, walk, dream, learn, teach, love, hate. A person rather than an old thing.

And that is not all that Title IX could do. It could provide your communities with an experienced and talented resource. This resource would help your communities to extend and to better the services they provide to shut-ins, to children in day care centers, to the infirm in nursing homes and hospitals, to the clients at health clinics, legal aid offices, housing projects, nutrition sites, community centers, employment offices, tax offices, the local "Y" or the Red Cross.

Title IX could help an unemployed older person come back to the mainstream of our society. It could help that person regain a sense of usefulness; it could help him keep his health and his mental alertness; it could reverse the downhill slide from being a drain on society to returning to helping us build a better place for us to work and play.

We had visions of how Title IX could really play a huge role in helping America relearn the value of the individual before the number, the statistics, the polls took all of us and put us in neat columns. I am not saying we want to return to the good ol' days, but just possibly, if we could work out a way to recognize people's needs and desires, individually as well as collectively, we might end up with a nation of people more dedicated to building a country than to taking advantage of it.

Unfortunately, almost 2 years after Title IX was signed into law, only $10 million has been allocated to operate this good program. That amount of funding limits the program to only providing approximately 3,300 older unemployed people, 55 years and over, with the opportunity to work part-time for one short year.

That number combined with the Operation Mainstream older workers program gives older workers a total of only 12,674 part-time job opportunities for the whole nation including Puerto Rico and the trust territories. As of June 30, there may be *no* job opportunities left for older workers as the U.S. Department of Labor is terminating Operation Mainstream and the Title IX appropriation of $12,000,000 is on the Administration's recision list. These two moves will leave over 12,000 older poor people without a job and, in reality, without any hope of ever earning a living for themselves, again. During good times the regular labor market didn't want them and now with so many unemployed people, they will never stand a chance.

It is disturbing that 2 years after the fact, Title IX is not securely funded at a level that would enable it to pick up the Operation Mainstream enrollees who will be terminated in 5 short months. The delaying tactics used by the Department of Labor to stop the commencement of Title IX and their continued fight to kill this good program is a discredit to our country.

The National Council was ready to begin putting Title IX in operation in 1973 and once the Department of Labor decided to administer part of the Title IX program it took us only a few weeks to have all the local projects operating and hiring older people who would begin to proudly call themselves Senior Aides. However, during the year that elapsed between passage of the Act and finally putting the program in operation, the Department of Labor tried many techniques to stop this program from ever seeing the light of day.

First, of course, the Administration never requested any funds for the program. Congress did appropriate $10,000,000 for Fiscal Year 1974 in December, 1973. In February, 1974, the Administration, in a Fiscal Year 1974 Supplemental Request for the Comprehensive Employment and Training Act, tried to weave Title IX in CETA and Assistant Secretary Kolberg testified during the next month that the $10 million already appropriated was a one time, one shot appropriation and that the money would be given to the State CETA Prime Sponsors even though the Senate Report to the appropriations bill said national contractors of older worker programs were to be primarily used to administer the new Title IX program. In the second supplemental, the House Report of April, 1974, contained the same direction for the Department of Labor to use national contractors. Then in late April, 1974, the Department of Labor finally released draft regulations for Title IX and they gave the states first priority for the funds. In May, the Senate report to the second supplemental appropriations came out with language directing the Secretary to primarily use national contractors as their tried and proven approach of administering these programs was superior. The Department of Labor still didn't amend its regulations. The Conference Report to the second supplemental directed the Department of Labor to use national contractors for the Title IX program.

Finally, the Department of Labor understood Congressional intent and the $10,000,000 was released to national contractors on June 28, 1974, but the New Federal regulations said the use of national contractors was only for Fiscal Year 1974 funds and in future years, the regulations state, priority is to be given to organizations such as State and local agencies responsible for administering grants and programs under CETA.

A full circle—a complete run around.

Not to be daunted, Congressional advocates for older workers picked up the ball and again appropriated $12,000,000 for Title IX for Fiscal Year 1975 with language in the Appropriation Reports again directing the Department of Labor to primarily use national contractors. Once more the Department of Labor came around and stated that the national contractors would be used to operate the Title IX program for Fiscal Year 1975. However, the Department of Labor wants to impound the $12,000,000 appropriated for Fiscal Year 1975 and it has yet to change the Title IX regulations to reflect Congressional intent for administration of the program.

Considering the nation's high unemployment rate and the fact that older workers have a very tough time finding jobs during good times, it is extremely hard to understand why the Department of Labor and this Administration is completely bent on reducing the budget by taking dollars and opportunities away from older poor people. These tactics rather remind me of the dumb bully in the block who picked on kids smaller than he, presumably to show his strength. We all laughed at him because we could see he was greatly afraid of the big kids and we knew he would not pick a fight with the kids equal to his strength. The little kid he knocked down though, didn't laugh.

Most of you sitting on this distinguished panel understand the reasons why Congress has supported national contractors as the administrators of older worker programs. Please allow me, though, to briefly outline why the National Council and other national organizations have been able to administer older worker programs effectively, and why the manpower revenue sharing system should not be used as the primary administrative method for operating older worker programs.

At the very top of all considerations to be weighed, is what types of skills and knowledge are needed so that the older worker receives the very best assistance possible. Most unemployed older people who are able to work part or full-time are unable to obtain jobs in the regular labor market only because of age. Most of the older people that come to us have many skills, though possibly a little rusty, a life-time of experience and good work habits. It is very easy to utilize these people in community service work.

However, since many of the people served by our Operation Mainstream and Title IX programs have been out of work for a considerable length of time, have been subjected to many employers turning them down for jobs and have been living in poverty, the first problem we must solve is to bring despairing older workers out of their depression and show them how extremely useful their skills are in providing other disadvantaged people with social services. Along with this psychological boost of usefulness, an enrollee may need some help in getting some new eyeglasses, dentures and new shoes or clothes since they have been unable to purchase anything for a considerable length of time and everything they have has mostly been worn out.

Then as the person probably has lost all self-confidence along the way, an initial job must be devised that will make the older worker feel that he can produce. This first job is very important, and the director must be able to delicately maneuver the older person into describing the type of work he or she has done during their lives, whether for pay or not, what kind of habits or other interests they have and what kind of jobs they think they would like. The answer to this, at best, is usually—"I'll do anything for a job"—and then they back off because they are also afraid at this point that they can't do anything. After a nice long chat, our older persons are assigned to a mutually agreeable job with a specific social service or other agency that can utilize skills and talents, will provide sensitive supervision and supportive services and is relatively accessible. This first job is gradually upgraded as the older worker regains his self-confidence and his talents and skills begin to come back.

Shortly, an outstanding worker is again producing, and the community now is able to utilize an older person's resources, which vary considerably from good homemaking and mothering to bookkeeping, counseling or carpentry. One resource that we have found to be most common among older people is good judgement, especially as applied to working with and helping other people and their problems. Some professional teachers, social workers, physical and mental therapists have remarked about the older worker's ability to almost sense the needs of their respective clients and hence be able to provide valuable services.

For example, one Senior Aide assigned to work with problem children at a day care center was able to get a 3 year old child to say her first words. Neither the doctor, the therapist nor the parents were able to do this. The Senior Aide, mother of 5, grandmother of many more than that, said she could tell when to work with the child on her problem and when to just give her some love and attention. Another Senior Aide says his decisions are simple to make. This Aide is sent out to do incidental home repairs for people who are supposedly unable to pay for them. It is easy, he says, to tell whether the clients need his free services or if they really don't need them—"If they're living like I am, they need free service."

Another remarkable ability that older people bring to the program is their responsiveness to the "other" needs that their clients may have. Homemaker-home-health Aides, acting as the eyes, ears, or feet of shut-ins trying desperately to stay out of the costly nursing home, also arrange for "Security" telephone calls to checkup on their patients during their absence and set up other visitors for their "patients daily phone calls."

Day Care Center Aides helping to teach the children colors or a new game, also take the time to be the grandma or grandpa who listens to their stories and act as escort for downtown window shopping on Saturdays. Outreach Aides who seek out the isolated elderly and put them in touch with the right resources before it is too late for rehabilitation, follow-up on their clients and act as their advocates if the system starts kicking them about. The Health Clinic Aides do more than take temperatures and pulse or make appointments; they calm the nerves of the patient waiting to see the doctor; they make arrangements for transportation back home; they call them later and see if they understand the doctors orders, if they bought the prescription, or if they are waiting till they have some money saved for it.

If money is the problem, the Aides work hard to find a source of funds for the needy patient's medicine. Repairmen Aides, mending the broken stoop or replacing a broken glass pane for the elderly widow, also will ask about any other worries she may have and make sure the people who can help learn about her need for transportation to the doctor's office or the grocery store once a week, or her fear of not being able to pay the heat bill next month.

The diversity of jobs that Senior Aides competently perform each day really runs the gamut from employment counselors to Physical Therapy Aides, from interpreters to nutrition site managers, from friendly visitors to housing locators, from Mental Health Aides to legal paraprofessionals, from bookkeepers to medicare claim specialists. The lists of jobs Senior Aides perform is practically endless. Let me, though, try to relate to you through one incident how well the Senior Aides are able to alleviate the hardships of other disadvantaged people.

A local Senior Aides program was contacted recently by a small non-profit agency asking if an Aide could serve an elderly lady a meal each day as she was released from the hospital after suffering a broken hip and was unable to do for herself. A neighbor of the enderly lady had called this agency as she felt something had to be done, and she, being a working woman, was unable to provide for this incapacitated lady.

The neighbor also related that the city had been contacted about three weeks prior to this, but so far nothing had been accomplished through them besides an initial visit by a social worker. A Senior Aide was assigned to help the client.

When the Senior Aide arrived at the client's apartment he recognized that there was an emergency situation to be handled—a situation that the social service department had three weeks to either avert or to take care of—neither of which they had done. The toilet was stopped up, the sink was stopped up, the client was limited in mobility as she could not walk a step without using a walker and therefore was unable to shop for groceries or do laundry, unable to take a bath or clean the apartment—in other words the client had hardly been able to keep herself alive. Within three days after the Senior Aide saw the situation, this client was packed up, bodily moved, and placed in a decent home with personal care being provided by a registered nurse who has volunteered her home to the Senior Aides' clients. The client now is served three meals a day, is helped with personal hygiene by a Senior Aide Health Aide, is receiving medical attention for her broken hip obtained through a Senior Aide Advocate Information and Referral Aide, and is being provided with badly needed clothing through another Senior Aide in charge of a senior center thrift shop.

Once the older worker has his self-confidence restored, usually his need for supportive services greatly diminishes. But the directors of the program constantly visit with the supervisors and the Aides to make sure the situation stays good.

To further ensure that the older person will continue to live a better life and to help other people live better, each month the Senior Aides have a staff meeting where local resource people are asked to share their knowledge. In a year's time an Aide will get tips on Social Security, SSI, food stamps, crime prevention, good consumer techniques, good nutrition, health and many other helpful ideas for living better longer. The Aides also share the individual knowledge they have learned in their jobs and some Aides receive training in their various fields of work.

The National Council knows that each community has unique needs and that each older person they enroll in the program has unique skills, experience and desires. What we try to do is instill in the local sponsors a real sense of dedication to meet the general goals of our program, and within the broad guidelines that we have established, to develop their own special program.

We, of course, know the methods of operating programs that work really well and we know of some that don't work at all. We pass on this information and we make decisions daily based on our past. However, our normal role is usually one of careful guidance. One of knowing the pros and cons and steering the local projects toward the better way of administering their program without jeopardizing their creativity or their uniqueness.

This way of operating a program takes long hours and hard work, but we believe it is the best way to serve each older person and the best way to constantly improve an already effective program.

As you can see from the above sketch,

the personnel involved with these programs must be truly dedicated to working for and with the older person and must be skilled in both aging and manpower techniques. Since the National Council of Senior Citizens efforts are centered around working for a better quality of life for the older person in our society, and since we have been administering the Senior AIDES program for over six years at an increasingly successful level, we believe that we have effectively combined aging and manpower concepts and are able to impart this ability and dedication to our current programs and to new programs for the poverty stricken unemployed older worker.

One outside factor that tends to assist the National Council in administering an "outstanding" program (U.S. Department of Labor) is our neutral position in state and local politics. We pick our sponsors based on their past record of working for and with the elderly, and the relationships they have established with other community based social service agencies.

Within every community where there is a Senior AIDES program it enjoys a reputation of providing good workers and good support to those workers. Hence, the waiting list of agencies that wish to utilize these workers and the waiting list of people who wish to join the program, is long. The National Council has had to step in many times to get our sponsors out of hot water because the sponsor is being pressured to assign Aides to agencies for reasons other than those that would tend to help the older worker and expand services to the community's citizens. It is very hard for a local agency to tell the mayor's office, or the county judge's office or some other agencies that have power within a community that they can't have Aides to do their personal cleaning, or be their personal chauffeurs, or that they can't demand certain colors or creeds of people when that agency could make life rough for our sponsoring agency. But the National Council can and does make sure that the goals of this program are upheld: 1) that the most economically disadvantaged older person who has been on the waiting list the longest gets hired onto the program first and 2) given that persons's skills and desires, that the agency in town that can best utilize this person in its services to other disadvantaged people as well as provide the person with sensitive supervision and a good working atmosphere is assigned the Senior Aide.

We do not think we have a monopoly on the skills needed to operate good older worker programs. However, the expertise needed can not be gained overnight and most government manpower programs have a concentration of younger workers as enrollees. Manpower administrators seem to know about skill training, career planning and how to develop good working habits and seem to be at a loss when a 67 year old slightly arthritic person comes into their offices looking for assistance. It may be the person knows how to repair all sorts of mechanical gadgets or has raised eight kids during the Depression, but what the manpower people see is old age and a physical handicap and their first impulse is to ring up our Senior Aides office—the older worker specialists of the town—if they are lucky enough to have a Senior AIDES program nearby.

If the Department of Labor wishes to administer older workers programs, and we feel that this is a proper role for the government, then I believe that they should start by setting up an older workers division within the office of the Secretary.

Back in 1913, when the Department of Labor was made a separate Department in the Executive Branch of the government, its enabling legislation stated, "The purpose of the Department of Labor shall be to foster, promote and develop the welfare of the wage earners of the United States, to improve their working conditions and to advance the opportunities for profitable employment." (37 Stat. 736; 5 U.S.C. 611) Nowhere do we see that the Department was ever mandated since to foster, promote and develop the walfare of only the young wage earners or to advance the opportunities for profitable employment to just those people under a certain age. It seems to us the purpose of the Department of Labor was not limited by any age limits. Yet in reality, our U.S. Department of Labor has limited its manpower services to the younger worker. We do not want to take away any assistance now given to younger workers who need services. We do think the Department should add to its present responsibilities and services those that will benefit older workers who suffer undue discrimination in the labor market and are in need of advancement into opportunities for profitable employment.

The CETA Prime Sponsors are not setting a new trend by not assuming responsibilities at the state and local level for older workers. Rather they are continuing the federal Department of Labor's policy of practically disregarding older workers needs and desires. In 1973, older workers, those 55 years or over, represented only 1.8% of the enrollees in all major manpower programs. This included the 14,885 older workers then served by Operation Mainstream. The regulations governing CETA certainly offer no assistance to any Prime Sponsor that would like to administer to the needs of older workers and will most certainly offer no encouragement to a Prime Sponsor who has other needs he would rather attend to.

We have been working very hard to persuade CETA Prime Sponsors to fund the local Operation Mainstream Senior AIDES program since the U.S. Department of Labor is going to push these older workers off their jobs next June 30, 1975. Some of the comments we have received from the field describe the state of the battle . . . "What a problem! Everybody and their brother is requesting CETA funds! Seniors have always been the *last* and the *least* to be considered and they still are!!!" or "We've got $1.3 million in CETA funds and $4 million in requests, the oldies don't stand a chance."

These remarks are not surprising to us. We saw the same thing happen—the needs of the elderly pushed aside—with general revenue sharing. Revenue sharing, including manpower revenue sharing allows "that local determination . . . will be truly responsive to local needs." (U.S. Department of Labor) What happens is each group shares in accordance with the degree of power it exercises. The bureaucrats of varied fields with their positions in governments already established and a full army of technical knowledge behind them, maintain the control and power. Unfortunately, the aging bureaucracy is not fully established and with reference to manpower programs, older worker professionals are non-existent.

Therefore, the helpless older worker is overlooked when the pie is being divided.

The initial statistics—admittedly only covering approximately 50% of the CETA Prime Sponsor areas for the quarter July–September, 1974—show again that older workers, 55 years and over, are gaining very little manpower assistance in relation to their need. These CETA Title I statistics show that 121,000 people were either given counseling, training or employment under this Title. Three percent of those counted were persons 55 years or over. Title II provided 13,500 people with manpower assistance with emphasis on employment. Only five percent were 55 years or over—and when the results for the entire list of CETA prime sponsors are received, it may work out to be very much less.

These rates of service don't even match the percentage of unemployed older people in relation to the total unemployed of our nation in 1973 and the statistics on the unemployed older worker are so unreliable that they are hardly useable.

Since older workers have such a hard time regaining employment once they become unemployed, they become the hidden unemployed who are not picked up through our current national and local methods of compiling the unemployment statistics. Based on 1973 manpower statistics for people 65 years or over, 2.8 million are employed, 88,000 are unemployed and there are only 7.2 million people of any age not in the labor force because of retirement or old age. That leaves over 10 million people 65 or over unaccounted for. The Senate Special Committee on Aging estimated in 1971 that there were between 4–5 million people 55 years or over who are in need of a Senior Aides type program. And we tend to believe this is a more reliable estimate of the need than the unemployment statistics of the Department of Labor.

It would seem that as our country's budget is under a terrible strain, that every effort should be made to get the most out of each and every dollar. No matter who operates these programs, there will be administrative overhead. But, in 1973, when both the regional offices of the Department of Labor and the national contractors were operating programs under Operation Mainstream, the national contractor's costs were almost $1,000 less per man-year. And the nationally contracted programs were more effective in meeting the goals of the program. The Kirschner Report on Operation Mainstream—an evaluation commissioned by the U.S. Department of Labor—came to the following conclusion after its comparative study of the 2 different types of Operation Mainstream programs. "It has been demonstrated consistently in Operation Mainstream that by any standard the overall administration and operation of the program has been most effective when the national contractors are involved. It is also apparent that the particular national contractors involved are appropriate for the program and have demonstrated a capability to minister effectively to the needs of both older enrollees and communities served. Thus, it is recommended that:

"The proposed older worker program be continued to operate under the direction of NCSC, NCOA, NRTA, and the National Farmers Union."

The National Council of Senior Citizens appeals to Congress to save the over 9,000 Operation Mainstream and over 3,000 Title IX older workers from losing their jobs and to enlarge this proven effective federal effort for older workers so more than 3 ten-thousandths of 1% (.0003) of the population 55 years or over might have an opportunity to serve their communities as tax paying citizens.

Mr. CHURCH. Mr. President, I am very pleased to join the Senator from Massachusetts (Mr. KENNEDY) in sponsoring his proposal to continue and expand the Older American Community Service Employment Act.

It was just 2 years ago that the Congress enacted a senior service corps to build upon the outstanding achievements of the Mainstream pilot projects.

Those programs—such as Green Thumb, Senior Aides, Senior Community Service Aides, and Senior Community Services—demonstrated beyond any doubt the effectiveness of the concept of community service employment.

The primary purpose of the Older American Community Service Employment Act was to convert these successful Mainstream pilot projects into permanent, ongoing national programs.

During its 2 years of existence the title IX senior service corps has proved to be an enormously effective program, not only for the elderly participants but also the communities served.

In practically every case the program has been oversubscribed. For example, the National Council of Senior Citizens' Senior Aides program has anywhere from 7 to 10 applicants for each position available.

The enthusiastic acceptance of this program—as well as those sponsored by National Retired Teachers Association-American Association of Retired Persons, National Farmers Union, and the National Council on the Aging—strongly suggests that there are many low-income older Americans in virtually every community who are ready, willing, and able to serve in their localities.

What is needed is a genuine commitment to expand the wide range of useful job activities under the Older American Community Service Employment Act. And that is precisely what this bill is designed to achieve.

The reasons for extending and expanding this legislation, it seems to me, are especially compelling.

Today there are 600,000 unemployed persons in the 55-plus age category, a 52-percent jump during the past 6 months alone.

But this describes only a small part of a very bleak situation because there is a substantial amount of hidden unemployment among older workers.

If the hidden unemployed were also counted, the real unemployment for persons 55 and above could conceivably reach 1.5 million to 2 million.

Many older workers are also dropping out of the labor force. During the past 3 years the number of persons 55 or older in the civilian labor force has declined by more than 500,000. In sharp contrast, nearly 6.9 million jobs were created for persons under 55 during this same period.

Yet, by whatever indicator one would employ, older Americans have been largely overlooked by our job and training programs. Typically, they account for less than 2 percent of all enrollees. But they now represent 8 percent of the total unemployment and 17 percent of the long-term joblessness, 27 weeks or longer.

For these reasons, I believe it is absolutely essential to continue a special emphasis jobs program for the aged.

Employment not only provides vitally needed income for older workers and their families, especially during this period of double-digit inflation; it means much more. A job is also something to do; a means to engage in fulfilling activity; and an opportunity for association.

Time and time again, we at the Committee on Aging have been told that employment and productive activity can provide an important psychological lift for persons who want to remain active.

Unfortunately, today, large numbers of older Americans are destined to lead empty and frustrating lives. However, the later years can offer a second career, such as useful community services.

This type of activity can also lead to the development of new interests. In economic terms such employment can help many of these low-income persons to escape from poverty and in a dignified manner. In noneconomic terms there is really no way to measure the worth of a job in replacing frustration and despair with hope and fulfillment.

For these reasons, I urge early and favorable action on this bill.

By Mr. KENNEDY (for himself and Mr. SCHWEIKER):

S. 963. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the administration of the drug diethylstilbestrol (DES) to any animal intended for use as food, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am pleased to introduce on behalf of myself and Senator SCHWEIKER, a bill to protect the American people from the potentially tragic consequences of the continued misuse of the drug DES in both animal feed and as a morning after contraceptive.

DES is a synthetic estrogen. It is also a proven cancer causing agent in human beings. Already 220 cases of vaginal and cervical cancer have been reported in daughters of women who took DES during the first trimester of their pregnancy.

In the 1950's DES was widely used to prevent impending miscarriages in pregnant women. At the time, this was considered to be an appropriate use of the drug. In 1971, Dr. Arthur Herbst, of Massachusetts General Hospital, began to see the occurrence of the rarest form of vaginal cancer—a form of cancer virtually unknown prior to that time in the United States. Through his magnificient epidemiological research work and that of Dr. Peter Greenwald, the director of the Cancer Control Bureau of New York State, a definite cause-and-effect relationship was established between DES and cancer in the offspring of women who had taken it to prevent miscarriage. The FDA at that time moved to alert all physicians that DES was now contraindicated for use during pregnancy. The fact is that today no one knows whether doctors have stopped using it for that new discredited indication. There is some evidence, as presented in testimony before the committee, that it is still in use in this country in the first trimester of pregnancy.

Recently the Food and Drug Administration announced the decision to approve the use of DES as a morning after birth control pill in certain very limited emergency situations. The Commissioner of the Food and Drug Administration and the Director of the National Cancer Institute have made it very clear that the drug must not be used outside of these limited indications. Nonetheless, testimony before the Health Subcommittee has shown that the drug is today in widespread misuse in the United States as a morning after contraceptive. The Commissioner of the Food and Drug Administration and the Director of the National Cancer Institute concede that this is the fact. Dr. Raucher, the Director of NCI, considers this a serious public health problem. He stated that unless the use of the drug can be limited to emergency situations, the drug must be banned entirely from the market.

I believe that the evidence now available indicates that in the real world the misuse of the drug DES will continue and that its continued availability under the inadequate conditions outlined by the Food and Drug Administration presents an unacceptable risk to possible unborn female offspring of women who take DES. No method of contraception is foolproof. Convincing evidence was presented that many women do not take the full treatment required for DES to work. In these cases of DES failure, potential female offspring are placed at a risk of developing vaginal cancer which is 44 times higher than the annual incidence of leukemia in the United States according to Dr. Peter Greenwald.

In May 1973, the Food and Drug Administration through an inexcusable error informed all physicians that DES had been approved as a morning-after contraceptive for certain emergency conditions. In fact it had not been approved and will not be approved until March 7 of this year. Nonetheless, the error was never corrected. All physicians in the United States have thus been operating for the past 2 years under the assumption that DES has been approved as a morning-after pill. The subcommittee received testimony that in those 2 years the use of the drug increased and the use of the drug went far beyond the emergency indications described in the May 1973 bulletin.

The only difference between the situation in 1973 and that in 1975 is that FDA will require a patient package insert to accompany the administration of the drug. The University of Michigan Health Service, however, has given its coeds a type of patient package insert ever since the FDA mistakenly sent out its 1973 bulletin. Convincing testimony was presented that in spite of that insert the use of DES was careless and inappropriate.

It is equally disturbing that the Food and Drug Administration saw fit to use an abbreviated new drug application instead of a regular NDA for the handling of DES in this matter. This in effect waived the requirement that the producing drug company prove safety and effectiveness on the basis of its own research. The Eli Lilly Co. which has been a major manufacturer of DES decided not to submit an abbreviated new drug application for use of the product as a morning-after pill. They felt that it did not meet their company's standards for safety. They made that judgment after reviewing the published literature—the same literature which led FDA to grant approval. To its credit, Eli Lilly will not market a product that it has not tested itself for safety. Unfortunately the FDA's standards are not as high.

I do not believe we need to wait another year and place additional women at risk in order to find out that it does not work. I believe that when the threat of cancer is involved every effort must be made to protect the American public. I do not believe FDA's position is consistent with walking the last mile to protect American women from potential disastrous tragedy.

The legislation I am introducing today would place a 1-year moratorium on the use of DES, the morning-after pill. During that time additional data on the safety and effectiveness of DES for this use could be obtained. Also the Health Subcommittee, hopefully in conjunction with the Food and Drug Administration, would develop an appropriate mechanism to effectively insure that if DES is to be used as a morning-after pill, it is in fact limited to bona fide emergency situations.

I do not believe it is asking too much to ask the Food and Drug Administration to suspend its approval order for 1 year. I believe it is our responsibility to provide the necessary safeguards to assure that the risks of developing a tragic cancer are minimized.

This is an urgent situation. The drug is in widespread misuse today. It alarms the Director of the National Cancer Institute. It alarms the director of the Cancer Control Bureau of New York State. I am sure it alarms each and every one of my colleagues. There is no justification for delay. We must move immediately.

Three years ago, the Senate passed legislation to prohibit the administration of DES to animals intended for use as food. The legislation was strongly supported by the Director of the National Cancer Institute. The House of Representatives unfortunately did not have time to complete action on the measure. However, the Food and Drug Administration moved administratively to remove DES from the market. In January 1974, that administrative ban was overturned in the courts because of procedural abnormalities. The Food and Drug Administration had not granted the required public hearing on the issue. As a result DES was put back in use. The Department of Agriculture now reports that residues are appearing in beef liver at levels as high as four parts per billion. Dr. Rauscher in testimony before the subcommittee last week urged once again that DES be removed from the American dinner table. He advised that pregnant women should not eat beef liver during the first trimester of pregnancy. He explained that there was potential risk for other Americans as well.

Over 20 countries have banned the use of DES in cattle feed. Other countries banned the importation of American meat that has been derived from cattle fed with DES. What do these countries know that the Government of the United States does not know? Why have these countries taken the added precaution of protecting their populations from exposure to potentially dangerous carcinogens and our Government has not.

It is disheartening that now, 3 years after the Senate passed this measure, we are forced to pass it once again. It is seldom that we can fully eliminate carcinogens from our environment. It is possible to eliminate DES from beef liver. I believe we must act immediately on this piece of legislation.

Mr. President, I ask unanimous consent that the full text of this legislation be printed in the Record and that appropriate excerpts of the Labor Committee report on DES of 1972 be printed in the Record.

There being no objection, the bill and excerpts were ordered to be printed in the Record, as follows:

S. 963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new subsections:

"(q) The administering of the drug diethylstilbestrol (DES) to any animal intended for use as a food or any animal the product of which is intended for use as food.

"(r) The introduction or delivery for introduction into interstate commerce the drug diethylstilbestrol (DES) for use as a postcoital contraceptive for a one-year period beginning on the date of the enactment of this subsection".

Regulation of DES

I. HISTORY OF THE REGULATION OF DES

In 1941, the Food and Drug Administration of the Department of Health, Education, and Welfare permitted 11 pharmaceutical firms to begin to market DES for clinical use.

In May, 1945, the Food and Drug Administration received the first application for the use of DES pellets in poultry (pellets were to be implanted under the skin at the base of the skull of poultry). In January 1947, that application was permitted to become effective. It was known at the time that DES had been shown to produce cancer in test animals, but it was believed that no significant residues of the drug would remain in the edible tissues of the treated birds.

In 1954, an application was permitted to become effective for marketing of DES through addition to the feed of beef cattle. Since that time, many similar applications have been made effective—all of them were based on the absence of detectable residues in meat from the treated animals.

In 1955, an application was made effective for the implantation of DES pellets in the ears of beef cattle. This was also based on the absence of detectable residues in the edible tissues. Subsequently, a similar use was permitted for lambs.

In 1957, a reliable method of assay for DES in animal tissues had been developed. Tests showed no residues in beef, but confirmed the presence of 20–30 parts per billion of residues in the liver, and 30–100 parts per billion in the skin fat of treated poultry. The Commissioner of FDA concluded that any drug applications involving DES could not be suspended at that time.

In 1957, FDA permitted the marketing of DES for addition to the feed of sheep.

In September 1958, Congress enacted the Food Additives Amendment, including the Delaney provision. (The Delaney amendment prohibits the appearance of any known carcinogen in food). In May 1959, FDA published a statement of policy in the Federal Register in which it interpreted the Delaney provision as prohibiting FDA from making effective any further applications for the addition to animal feed or any use which leaves residues in human food of any drugs which produce cancer in man or animal when ingested. On December 10, 1959, the Secretary of HEW took the following steps:

1. He requested all authorized manufacturers of DES for use in poultry immediately to suspend the sale of the product.

2. He requested representatives of the poultry industry and the retail food industry to arrange for the immediate discontinuance of the sale of treated birds to consumers.

3. He requested FDA to initiate actions suspending all effective new drug applications for the use of DES in poultry.

The 1962 Drug Amendments sponsored by Senators Kefauver and Harris added to the original Delaney amendment (the original Delaney clause read as follows: "No additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal, or if it is found after tests which are appropriate for the evaluation of the safety of food additives to induce cancer in man or animal.") the following language: "except that this proviso shall not apply with respect to the use of a substance as an ingredient to feed for animals which are raised for food production. If the Secretary of HEW finds that under the conditions of the use in feeding specified in proposed labeling and reasonably certain to be followed in practice, such additive shall not adversely affect the animals for which such feed is intended, and (2) that no residue of the additive will be found by methods of examination prescribed or approved by the Secretary by regulations in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal."

On July 13, 1968, Congress enacted the animal drug amendments which created the section of the law dealing exclusively with animal drugs and medicated feeds containing such drugs. Prior to the effective date of the Animal Drug Amendments in 1969, such drugs and feed were handled under law and regulations as both new drug and food additives. The animal drug amendments retained the Delaney clause and the other requirements to apply to such drugs and feeds under the food additive law, but permitted the Secretary of HEW to allow the use of a known carcinogen if he were "reasonably certain" that no residues of the carcinogen would appear in food.

In December 1971, the Commissioner of the FDA conceded that administrative procedures for the control of DES residues in food were not working, and he changed them. The change required a 7-day withdrawal for all cattle fed with DES as opposed to the earlier regulation requiring 48-hour withdrawal. (Withdrawal means that the drug administration is stopped early enough so as to assure no residue of the drug in the tissue of the slaughtered animal). In the 6 months followng the institution of the new regulations, the incidence of DES residues, as detected by the Department of Agriculture, quadrupled. In July 1972, the Commissioner of the FDA testified that the rising incidence fast due to faulty compliance with the administrative procedures. Two weeks later, the Commissioners of FDA cited new scientific evidence explaining that DES residues appear in cattle even after the 7-day withdrawal period had been carefully observed. Because of that, he announced an immediate ban on the production of DES, and a phased withdrawal—over a 5-month period—of existing DES supplies from the market.

The FDA press release read:

The Food and Drug Administration today ordered an end to the use of diethylstilbestrol (DES) as a growth stimulant in animal feeds.

Charles C. Edwards, M.D., Commissioner of Food and Drugs, said: "New scientific data developed by the U.S. Department of Agriculture and received by my office on July 28, 1972, casts serious doubt on our ability to set rules for the use of DES in animal feed that will insure against residues remaining in animal livers at time of slaughter. The Delaney amendment of the Food, Drug, and Cosmetic Act explicitly forbids any such residues. Since regulatory requirements of the law cannot be met we have no choice but to discontinue approval for use of the chemical in animal feed."

Effective immediately, all production of DES for use in feeds must be stopped.

Dr. Edwards emphasized that the withdrawal order is an administrative action dictated by strict provisions of law which govern the use of products, such as DES, which have been shown to induce cancer in test animals. Dr. Edwards pointed out that levels found in livers of animals were far lower than those used in tests, and that today's action was not based on any known hazard to human health. DES has been used in the feed of cattle and sheep for nearly two decades, without a single known instance of human harm.

"Therefore," said the Commissioner, "in order to avoid an abrupt disruption in the production of the Nation's meat supply, the FDA will permit existing stocks of DES for feed to be used until January 1, 1973.

"This will permit an orderly phaseout and will provide the animal feeding industry an opportunity to switch to implants or to other methods of meat production," said Dr. Edwards.

Today's order makes final a preliminary proposal published for public comment on June 21. Under the law this proposal gave manufacturers 30 days to submit legal objections and to request a formal hearing.

Such objections and requests were received from 15 of the 25 holders of new animal drug approvals for the products.

In denying those requests, Dr. Edwards reiterated that the final withdrawal decision is predicated on new scientific evidence devloped by the USDA's Agricultural Research Service and reported to him on Friday, July 28. This new study used an extremely sensitive radioactive tracer technique and showed that detectable residues could occur in cattle livers, even after withdrawal for 7 days in conformance with current regulations. Prior to this experiment, all available tests had shown no measurable traces of DES in animal livers 48 hours after withdrawal.

On this basis, Dr. Edwards said: "We can only conclude that the animal feeding and pharmaceutical industries are unable at this time to suggest restrictions that are reasonably certain to be followed in practice and will at the same time eliminate all possibility of detectable residues. A hearing, therefore, would serve no useful purpose."

Use of DES as implants will continue to be allowed, pending results of tests now underway by the USDA and scheduled to be completed in the next several weeks. To this point USDA has never detected a residue when implants were used as the sole source of DES. Implants have been shown to be approximately as effective as DES in feed, even though used at a dosage level at least 30 times lower than that used in feed.

Further decisions on DES implants, including the possible need for a hearing, will await the results of these tests.

II. NEED FOR THE LEGISLATION

This Nation has recently undertaken an all-out effort to conquer cancer. The Director of the National Cancer Institute of the National Institutes of Health has stated that an important component of the effort will be the reduction of man's carcinogenic burden: "My view is exactly that anything that increases the carcinogenic burden to man ought to be eliminated from the environment if at all possible—and in this case it is possible."

The Delaney clause of the Food, Drug, and Cosmetic Act, as it applies to new animal drugs, section 512(d)(1)(h) is directed at reducing man's carcinogenic burden. It states that no residue of a carcinogenic drug may be found in any edible portion of animals after slaughter or in any food yielded or derived from living animal.

Diethylstilbestrol (DES) is universally recognized as a carcinogen for animals. Most expert witnesses, including the Director of the National Cancer Institute, also feel that DES is a carcinogen for human beings. DES has also widely been used over the past years to fatten cattle either by the addition of DES to feed or by the implantation of DES in the ears of cattle.

The Food and Drug Administration has recently instituted a ban on the production of DES for use as a feed additive. The ban was necessary because the Food and Drug Administration, after careful study, felt that no regulatory action could assure that DES residues would be absent from edible tissue after slaughter. The ban, however, permitted the continuing use of existing DES supplies until January 1, 1973. The ban did not apply at all to DES used via the implantation method.

Since the FDA announced the ban, the incidence of DES residues has risen from 2.2 to 2.3 percent. Under the current FDA plan, cattle will continue to be fed with this carcinogen until January 1; and hence, DES will continue to appear on the American dinner table until well past January 1.

Though there has been no reported incidence of residues of DES in edible tissue following its use via the implantation method, it is also true that a proper assay method for detection of DES residues after implantation has not yet been developed. The FDA proposes to permit the continued use of implants pending the results of study to determine whether or not residues will, in fact, be found. Under these circumstances, it is not possible to say whether or not a known carcinogen is reaching the meat supply via the implantation method; and under the current ruling, the burden of proof is on those who say it may be, instead of on those who say it is not.

For these reasons, the committee has developed legislation to ban DES in feed additives effective immediately and to ban DES implants effective January 1 unless the Secretary of HEW determines prior to that time that no residues of DES remain after the implantation method is used. The committee's view is supported in the following letter from Congressman L. H. Fountain, chairman of the House Intergovernmental Relations Subcommittee:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., August 15, 1972.

Senator EDWARD M. KENNEDY,
Senate Office Building.

DEAR SENATOR: I was very pleased to have you appear at the subcommittee hearing this morning. Your testimony was very helpful and most effective.

The recent performance of the Food and Drug Administration has been disappointing. DES is only one of a number of products which the subcommittee's investigations have shown to be inadequately or improperly regulated.

I hope you would agree with me that when Congress gave FDA the responsibility by law for preventing residues of carcinogens in edible animal tissue, Congress intended FDA to administer that law promptly and effectively. It should not be necessary now for Congress to spend valuable time enacting special legislation to force the agency to implement the law. However, I certainly applaud your taking the legislative initiative in connection with the DES situation since you have helped stimulate the agency into doing what the law requires of it.

I greatly appreciate your kind complimentary words about the work of this subcommittee which I chair.

With kindest regards and best wishes,
Sincerely,

L. H. FOUNTAIN.

The committee's intent is to require the Secretary to make an affirmative determination on the basis of scientific studies specifically designed for the purpose of detecting DES residues following the implantation of DES in beef cattle.

III. HEARINGS

The committee conducted hearings on July 20, 1972, on S. 2818, a bill to prohibit the administration of the drug diethylstilbestrol (DES) to any animal intended for use as food. Witnesses included Senator William Proxmire, of Wisconsin; Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration; Dr. Frank L. Rauscher, Jr., Director of the National Cancer Institute; Dr. Peter Greenwald, director, Cancer Control Bureau of New York State; Dr. Arthur Herbst, gynecologist at Massachusetts General Hospital in Boston; and Mr. Duane Flack, president, Monfort Feed Lots in Greeley, Colo., and chairman of the task force on DES for the American National Cattlemen's Association. The Pharmaceutical Manufacturers Association and the Animal Health Institute were invited to testify, but declined.

Both Drs. Greenwald and Herbst presented studies they have completed which indicated that children of women who had taken therapeutic doses of DES during pregnancy ran a significant risk of developing vaginal cancer in their early 20's. Both pointed out that there was an absence of vaginal cancer in girls of this age group born before the time of common use of DES. Both witnesses agreed that although there are many causes for any given cancer, DES was probably a significant factor in the appearance of all the cases of vaginal cancers that their two studies had uncovered.

Greenwald pointed out that there was more evidence on the linkage between the therapeutic use of DES and vaginal cancer than there had been between cyclamates or pesticides and any known human cancer. Said Dr. Greenwald, "It is clear that with DES, we have direct evidence of a cancer-producing effect in humans, while with the other compounds, we do not." He felt that the prudent course would be to ban the use of DES.

Dr. Frank L. Rauscher, Jr., Director of the National Cancer Institute, agreed that there was evidence linking DES to cancer in humans. He agreed that the prudent course would be to try to remove all possible carcinogenic stimuli from the environment and to limit man's carcinogenic burden as much as is possible. Dr. Rauscher also raised the question of a possible occupational health hazard to workers involved in the production and administration of DES. He recommended that a survey of occupational sources of exposures be conducted as well as an epidemiologic study of the exposed populations. He pointed out that it is currently impossible to determine whether very low doses of a known carcinogen will have a carcinogenic effect in man if he is exposed to it over a long period of time. In the absence of such knowledge, he felt that the prudent course would be to reduce the carcinogenic burden to man.

Commissioner Charles C. Edwards of the Food and Drug Administration testified that FDA had commenced appropriate proceedings to withdraw the approval for the use of DES because of persistent and increased violations of FDA restrictions on the use of the drug.

Edwards stated that an immediate ban would require the declaration that DES was an imminent hazard to health. He was not prepared to make that recommendation. He testified that the doses of DES appearing in meat residues were of such a small magnitude that its carcinogenicity to man in that dose was unproven and unlikely. The Commissioner admitted, however, that he could not define a known maximum safe dose of DES for humans.

Commissioner Edwards further testified

that in the past, administrative procedures designed to remove a product from the market had taken up to 15 months to complete. He gave assurances to the committee that action on DES would be prompt and that if there were no protests against his notice to withdraw approval for DES, he would ban it. Commissioner Edwards also testified that manpower shortages prevented him from administering the regulations in the most desirable fashion. The administration opposed the enactment of S. 2818 on the grounds that DES would not be the only substance to generate these issues. The administration stated that piecemeal legislation directed at any given substance would not be appropriate.

Mr. Duane Flack testified on behalf of the American National Cattleman's Association that the appearance of DES in animal tissues could be prevented because the fault lay in the implementation of FDA regulations and not in the regulations themselves. He also testified that the carcinogenicity of DES had been legitimately challenged, and felt that the use of DES was of significant economic importance.

IV. COMMITTEE VIEWS

The committee is committed to an all-out attack on cancer as contained in the National Cancer Act of 1971—Public Law 92-218. It recognizes that such an effort is extremely complex and must be carried forth in many ways: by basic biomedical research; by clinical research; by support of the training of needed professional manpower, by epidemiological investigations; by control of environmental hazards; and by assuring prompt treatment for those who need it.

The committee agrees with the Director of the National Cancer Institute that man's carcinogenic burden should be reduced whenever possible. When there is contradictory evidence, the burden of proof should rest with those who declare that continued use of the substance is without risk to man. The committee does not believe in tackling the problems presented by environmental carcinogens on a piecemeal basis. It regrets that an exception has to be made in this case and that specific legislation on DES has had to be developed; but the committee feels that the Food and Drug Administration's regulatory actions with regard to DES have been incomplete and insufficient.

The committee is guided in its deliberations by the provisions of the Delaney clause of the Food, Drug, and Cosmetic Act as it applies to new animal drugs, section 512 (d)(1)(h), which states that no residue of a carcinogenic drug may be found in any edible portion of animals after slaughter or in any food yielded or derived from the living animal. The committee supports the general intent of the Delaney clause, which is to protect the American public from exposure to known cancer-causing substances. Several Senators expressed concern about the implications of the Delaney amendment in this era of continuing technological advances which makes possible the detection of smaller and smaller quantities of carcinogens in the tested substances. Other members felt that the Delaney clause was not providing the kind of complete protection needed for the American people. The committee therefore agreed to hold hearings on the Delaney amendment in the future.

The committee notes unanimous scientific agreement that DES is a carcinogen in animals. In the committee's view there is also a preponderance of scientific evidence indicating that DES is a carcinogen in man.

The committee has reviewed FDA's successive and unsuccessful attempts to eliminate DES from the Nation's meat supply. It has noted that in the 6 months following the imposition of a requirement that cattle be withdrawn from DES 7 days prior to slaughter instead of the previous requirement of 2 days, the Department of Agriculture has reported that the incidence of DES residues has quadrupled from 0.5 percent to 2.25 percent of samples tested. The committee notes that FDA recently announced the acquisition of new information indicating that DES residues could not be eliminated from the meat supply by administrative action. Therefore, the FDA banned the production of DES for use in feed additives. That same order permitted existing supplies of DES feed additives to be used until January 1, 1973. Implants were not affected at all by the order, although the FDA indicated that tests were underway which would determine whether or not residues appeared after use of the implantation method. If the tests showed residues, the FDA promised to evaluate the situation and take appropriate action.

The committee agrees with the Food and Drug Administration when it says that DES residues cannot be eliminated from food by administrative measures; the committee does not agree that FDA's action goes far enough. The committee feels that if the substance is hazardous enough to be banned, then it is hazardous enough to be banned immediately. Thus, the committee feels that the FDA ban on all existing supplies of DES feed additives should become effective immediately and the committee's bill is designed to assure that effect.

The committee is also concerned about the use of DES implants in beef cattle. It notes that implants were originally allowed in poultry because of the absence of an assay method to detect DES residues following implantation in poultry; when such a method was developed, DES residues following implantation in poultry were found and the process of implantation was banned. The committee notes that the Department of Agriculture is currently conducting tests designed to determine if DES residues remain in edible tissues after the implantation method is used. But the committee feels that the burden of proof rests with those who say that a known cancer-causing substance is not a health hazard to man and would thus require a positive affirmative that DES implants do not leave residues as opposed to an assumption that in the absence of a reliable test method the DES implant method is safe. Therefore, the committee's bill bans the use of DES implants effective January 1, 1973, unless, prior to that time, the Secretary of HEW conducts and reports the results of tests which indicate that no residues of DES are found in edible tissues following the implantation of DES in beef cattle. If the Secretary of HEW should discover that DES residues appear in edible tissue, and if that determination is made prior to January 1, 1973, the committee's bill requires that the Secretary take immediate steps to halt the implantation of DES.

The committee is also concerned about the potential occupational health hazard to workers involved in the production of DES and agrees with the Director of the National Cancer Institute that more evidence must be produced in order to define the magnitude of this particular potential health problem.

The committee has been guided in its judgments on these matters by the findings of the expert scientific and medical witnesses who testified before it. Two such witnesses testified that vaginal cancer developed in the children of mothers who had taken therapeutic doses of DES during pregnancy. The committee was impressed by the testimony which pointed out that the evidence linking human cancer to DES is far more significant than that which linked either cyclamates or pesticides to cancer in humans. The committee recognizes the fact that doses of DES appearing in meat are significantly smaller than that used to therapeutically treat human beings, but the committee also accepts the expert testimony of all its scientific witnesses to the effect that there is no known safe level for a proven carcinogen. It agrees with the Director of the National Cancer Institute that it will require a 30–40 year followup to be sure that minute levels of DES did not harm humans. The committee is particularly concerned with the possible cumulative effect of chronic long-term, low-dosage administration of DES to humans. The committee does not wish the Nation to continue to be, as the Director of the National Cancer Institute put it, "a research laboratory on this kind of issue."

Because the committee received no testimony regarding the complex and controversial issue of compensation for losses incurred pursuant to an immediate ban of existing supplies of DES, the committee decided, pending Senate hearings on the matter, to reserve judgment on the compensation issue.

In summary, the committee felt that there was sufficient evidence of DES' carcinogenicity in man, such that the administrative banning proposed by the Food and Drug Administration was considered to be insufficient. Rather, the committee's bill was designed to fully protect the public in respect to the use of DES. It will ban DES as a feed additive immediately and will ban DES implants effective January 1, 1973, unless the Secretary determines prior to that time that no DES residues appear in meat after implantation.

V. TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes in committee:

Motion to report the bill to the Senate carried unanimously.

There were no rollcall votes in committee.

VI. COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

The committee's bill does not authorize any additional appropriations.

VII. SECTION-BY-SECTION ANALYSIS

(Section 1) amend section 301 of the Federal Food, Drug, and Cosmetic Act by adding new subsections: new subsection (q) (1) prohibits the administering of the drug diethylstilbestrol (DES) to the feed of any animal intended for use as food or to the feed of any animal, the product of which is intended for use as food; new subsection (q) (2) prohibits the administration of the drug DES after December 31, 1972, in any form, to any animal intended for use as food or to any animal the product of which is intended for use as food, unless the Secretary of HEW determines, by a scientific study, prior to that date, that the product may be used in accord with the provisions of section 512 (d)(1)(H) of the Federal Food, Drug, and Cosmetic Act. If, however, the Secretary determines prior to December 31, 1972, that DES cannot be used according to the provisions of section 512(d)(1)(H), he shall take immediate steps to prohibit the administering of the drug.

VIII. CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL FOOD, DRUG, AND COSMETIC ACT, AS AMENDED

* * * * *

CHAPTER III—PROHIBITED ACTS AND PENALTIES

Prohibited Acts

SEC. 301. [331]. The following acts and the causing thereof are hereby prohibited:

(a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.

(c) The receipt in interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

(d) The introduction or delivery for introduction into interstate commerce of any article in violation of section 404 or 505.

(e) The refusal to permit access to or copying of any record as required by section 703; or the failure to establish or maintain any record, or make any report, required under section 505 (i) or (j), 507 (d) or (g) or 512 (j), (l) or (m) or the refusal to permit access to or verification or copying of any such required record.

(f) The refusal to permit entry or inspection as authorized by section 704.

(g) The manufacture within any Territory of any food, drug, device, or cosmetic that is adulterated or misbranded.

(h) The giving of a guaranty or undertaking referred to in section 303(c)(2), which guaranty or undertaking is false, except by a person who relied upon a guaranty or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the food, drug, device, or cosmetic; or the giving of a guaranty or undertaking referred to in section 303(c)(3), which guaranty or undertaking is false.

(i)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of section 404, 506, 507, or 706.

(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drugs a counterfeit drug.

(3) The doing of any act which causes a drug to be a counterfeit drug, or the sale of dispensing, or the holding for sale or dispensing, of a counterfeit drug.

(j) The using by any person to his own advantage, or revealing, other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, any information acquired under authority of section 404, 409, 505, 506. 507, 512, 704, or 706 concerning any method or process which as a trade secret is entitled to protection.

(k) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, drug, device, or cosmetic, if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being adultered or misbranded.

(l) The using, on the labeling of any drug or in any advertising relating to such drug, of any representation or suggestion that approval of an application with respect to such drug is in effect under section 505, or that such drug complies with the provisions of such section.

(m) The sale or offering for sale of colored oleomargarine or colored margarine, or the possession or servicing of colored oleomargarine or colored margarine in violation of section 407(b) or 407(c).

(n) The using, in labeling, advertising or other sales promotion of any reference to any report or analysis furnished in compliance with section 704.

(o) In the case of a prescription drug distributed or offered for sale in interstate commerce, the failure of the manufacturer, packer, or distributor thereof to maintain for transmittal, or to transmit, to any practitioner licensed by applicable State law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved by the Secretary. Nothing in this paragraph shall be construed to exempt any person from any labeling requirement imposed by or under other provisions of this Act.

(p) The failure to register as required by section 510.

(q)(1) The administering of the drug diethylstilbestrol (DES) to the feed of any animal intended for use as food or to the feed of any animal the product of which is intended for use as food.

(2) After December 31, 1972, the administering of the drug diethylstilbestrol (DES) to any animal intended for use as food or to any animal the product of which is intended for use as food unless, prior to such date, the Secretary affirmatively determines (pursuant to tests specifically designed to detect residues of such drug) that the provisions of section 512(d)(1)(H) of this Act are not applicable. If prior to December 31, 1972, the Secretary affirmatively determines (pursuant to tests specifically designed to detect residues of such drug) that the provisions of section 512(d)(1)(H) of this Act are applicable, he shall take immediate steps to prohibit the administering of such drug.

Mr. SCHWEIKER. Mr. President, we have a problem in this country with the use of diethylstilbestrol—DES. The drug is being used as a cattle feed additive and as a morning after contraceptive. DES is a known carcinogenic; that is, it is known to cause cancer. Nevertheless, it continues to be used as a cattle feed additive and even more frightening, it is being misused as a morning after pill.

Several years ago the Senate went on record banning the use of DES as an animal feed additive. Unfortunately, the legislation never became law. However, the FDA has been trying to remove the drug from the market. Due to a procedural defect in the FDA's effort the District of Columbia Court of Appeals overturned the agency's ban on DES and it is again available as an additive. It is significant to note that a number of foreign countries ban the use of DES and, in fact, prohibit the importation of meat which was grown with the use of DES.

The National Cancer Institute has recommended very strongly that DES not be used in animal feed. Therefore, the bill that the distinguished Senator from Massachusetts (Mr. KENNEDY) and I introduce today will attempt again to ban the use of this dangerous drug as a cattle feed additive. Specifically, the bill prohibits the administering of the drug DES to any animal intended for use as food or to any animal the product of which is intended for use as food.

Mr. President, in my judgment the most insidious and dangerous use of DES is as a postcoital contraceptive. Effective March 7, 1975, the FDA has approved the use of this drug as a morning after contraceptive in emergency cases only; that is, for use in the prevention of a pregnancy following rape, incest, or other dire emergency. If the drug fails and the women's pregnancy is carried to term and she delivers a female offspring, chances are 4 in 1,000 that her child will develop cancer. The incidence or risk under those circumstances are extremely high. However, it is an alternative to an abortion. A woman may accept that particular therapy. I question whether a woman in that circumstance, following a rape, for example, will be in the frame of mind to make an informed judgment and assess the cancer risk to her offspring—should the drug fail—which is inherent in the use of DES as an alternative to abortion. Nevertheless, a physician and a fully informed patient may choose that option.

Unfortunately, the problem with DES is not with its use in emergency situations but rather its indiscriminate use, particularly on college campuses, as a morning after contraceptive. Last week the Senate Health Subcommittee held a hearing on the use of DES. Three of the witnesses for the committee were women who had either used DES approximately 20 years ago when it was regularly prescribed as a means to prevent miscarriages or, in the case of one woman, was the offspring of a woman who used DES. Two women lost their daughters as a result of the cancer produced by DES and the third woman herself is suffering from cancer. The drug is no longer used for treatment of miscarriages. However, the risk remains and we find that the drug is being indiscriminately prescribed. It is being misused. Young women are taking the pill unaware of the risks inherent in its use.

During the hearing the Director of the National Cancer Institute recommended "that DES not be used routinely as postcoital drug, that its use be confined to victims of rape, incest, other illnesses which could be life threatening following pregnancy and that its use for this purpose be withdrawn if it continues to be used for nonemergency purposes." It is clear from the evidence that the drug continues to be used for nonemergency purposes.

Mr. President, approximately 2 years ago the Food and Drug Administration published a physicians' bulletin which erroneously stated that DES was approved for use as a postcoital contraceptive under limited emergency circumstances. That physicians' bulletin has never been withdrawn nor has any subsequent notification been published by the Food and Drug Administration indicating that it has not approved DES for such use. However, the FDA has published within the last few weeks notification that effective March 7 DES will be approved as a morning after contraceptive in emergency situations only. The circumstances surrounding this approval are somewhat questionable since during the Health Subcommittee's hearing it was determined that several abnormal procedures were used by the Agency in arriving at its present position. The customary procedures were not used and there is some question as to whether the process which led to the approval is appropriate under the circumstances.

Mr. President, the bill being introduced today, which also prohibits the approval by FDA of the use of the drug DES as a postcoital contraceptive for a 1-year period beginning on the date of enactment, is designed to provide the Congress and the Food and Drug Administration the time necessary to come to grips, with the problem of drug misuse and to hopefully establish new procedures for the control of the use of DES under emergency conditions.

Mr. President, the issue is the misuse or abuse of diethylstilbestrol, DES. I believe that in part the publication of the erroneous bulletin by FDA has left the impression that since the drug is approved the Agency has assessed the risks and has given it a seal of approval. The approval implies safety and freedom from risk. For example, at the University of Michigan, where the evidence suggests DES is being provided indiscriminately to coeds, patients are provided a form, in part designed as a procedure of informed consent as well as a legal protection for the university, which states the drug is approved by the Food and Drug Administration. I suspect that the document allays any fears a young coed might have with respect to the use of DES as a morning after pill. I am concerned about the lack of awareness of the risks involved on the part of those who choose to use DES or have it prescribed for them under emergency circumstances.

With the approved use of DES becoming official as of March 7, I, for one, am concerned that the situation could get worse. FDA, aware of the abuse regarding DES, will require an elaborate and explicit notice to the patient as a package insert to alert the patients to the risks and to warn them that the drug should be used only in emergency situations. In addition, FDA intends to carefully monitor its use. This procedure is a departure from customary practice for the FDA and the Agency feels that it will be sufficient to preclude the current misuse of the drug. Frankly, I have my doubts. What disturbs me is that during the 2-year period the FDA was aware its erroneous bulletin was in the hands of physicians, while at the same time misuse was occurring throughout the country, the Agency did nothing. As a result, one can have little confidence that the FDA's anticipated procedure to monitor the use of DES will have any different impact.

Mr. President, what concerns me even more is the apparent lack of any assessment by the FDA as to the probable or possible misuse of a drug when it determines what the risk/benefit circumstances are for a drug. During the testimony of the Commissioner of FDA there was no indication that in determining the benefit versus the risk of a drug, he takes into account the evidence he has of its current misuse or makes an assessment of its probable misuse.

It is significant that the manufacturer of the drug, Eli Lilly, Inc., has removed DES from the marketplace since it does not feel it meets the company's safety standards. According to its spokesman, on the basis of information that was available to the company, it did not feel that it could go ahead and market DES. Whether the company had all the information available to FDA or vice versa, is unknown. Nevertheless, since the company which manufactures DES has chosen not to market its product, I find it hard to understand why FDA persists in approving the use of DES. In my judgment, a moratorium of 1 year on the use of DES should not create any problems. After all, it is not at the present moment approved for use. During the year we, in consultation with the Food and Drug Administration, can develop a method by which we can control the use of the drug and still make it available for emergency circumstances.

By Mr. DOMENICI:

S. 964. A bill to amend part A to title XVIII of the Social Security Act to cover certain additional inpatient hospital services furnished outside the United States to individuals insured for benefits provided under such part A. Referred to the Committee on Finance.

S. 965. A bill for the relief of Edward J. Becvar. Referred to the Committe on Finance.

Mr. DOMENICI. Mr. President, late last year I introduced a bill which will fill a small, but important gap in the health insurance protection that is afforded to aged and to disabled social security beneficiaries under the medicare program. As action was not taken before the 93d Congress adjourned, I am reintroducing the measure in the hopes this necessary change to the Social Security Act will be enacted soon.

The bill I am introducing would amend the medicare program so that a beneficiary who is temporarily visiting another country could receive hospital benefits and payment for related physicians' and ambulance services if a medical emergency makes it necessary for him to be hospitalized before he can return to the United States.

Under the present medicare law, hospital and related services furnished abroad are covered only when provided in Canada or Mexico and even then only where the beneficiary is hospitalized in Mexico or Canada as the result of an emergency that arose in the United States. This coverage applies only where the foreign hospital is either nearer to, or more accessible than, the nearest suitable U.S. hospital.

Social security legislation enacted in 1972 added two more exceptions to the general exclusion of services rendered abroad. One permits payment to be made for a U.S. resident in a border State who lives nearer to a suitable foreign hospital than to the nearest U.S. hospital that is adequately equipped to meet his needs. For these beneficiaries, benefits can be paid without regard to whether an emergency existed or where the illness or injury took place. The 1972 social security legislation also provided benefits for U.S. residents who are forced by a medical emergency to be hospitalized in Canada while traveling from Alaska to another State.

These various provisions for paying medicare benefits for people who are hospitalized in a foreign country meet very real and very serious problems for the individuals involved. However, they do not go far enough. Many American residents, especially people living in the border States, have friends and relatives in the neighboring country whom they visit. Others travel abroad on vacations or in the course of their business. Under present law, these people leave their medicare protection behind them when they leave the United States. If they have a medical emergency during their temporary absence from the country, they run the risk of incurring very substantial expenses that will have to be paid out of the pocket—if possible on limited incomes.

I can offer an excellent example illustrating the need for this legislation. An elderly couple, residents of New Mexico, were recently visiting their son in Buffalo, N.Y. While in that part of the country, they decided to extend their visit to see the Shrine of St. Anne de Beaupre in Quebec, Canada. Shortly after arriving in Quebec, the husband began suffering acute abdominal pains. Immediately, this couple canceled their original plans and made a run for the border. Soon the pains became too severe to ignore, and it was necessary to stop for a physician's assistance. The doctor immediately placed the patient in the hospital for surgery. The operation was a success, but the bills have been mounting ever since. Medicare obviously will not cover these expenses as they were incurred out of the country.

This couple only receives a $360 social security check each month. They saved a long time for this trip, not foreseeing the medical emergency. It is likely they will not lose their home and any other assets to pay their medical bills.

Private health insurance plans generally are sensitive to this problem and cover their own policyholders during temporary absences from the country. I am proposing that similar protection be extended to the aged and disabled under social security who are permanent residents of this country and who have been physically present in the United States within the preceding 6-month period. As in the case of the benefits now provided for services furnished outside the United States, this bill would cover the related ambulance and physicians' services as well as the hospital services themselves.

Mr. President, the bill I am introducing today would affect relatively few medicare beneficiaries. But those who would benefit would be relieved of a potentially large financial burden that could, through no fault of their own, spell financial disaster. I urge that the proposed legislation be enacted. I ask unanimous consent that the text of S. 964 be printed at the end of my remarks.

In addition, Mr. President, I am introducing a private bill for the relief of Mr. Edward J. Becvar. The payment extended to Mr. Becvar, the subject of my previous remarks today, will only equal the amount he would have received had the current law contained a provision such as the one I am introducing today, for emergency hospital services outside the United States. I also ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814(f) (2) of the Social Security Act is amended—

(1) by striking out clause (ii) of subparagraph (A) and inserting in lieu thereof the following:

"(ii) at a place outside the United States;",

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu of such period "; and", and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) in the case of an individual described in subparagraph (A) (ii), such individual (i) had, as of the date he first began to receive such emergency inpatient hospital services, been physically present in the United States within the preceding 6-month period, and (ii) such individual maintains a residence in the United States.".

(b) The amendments made by subsection (a) shall apply only with respect to services furnished in the case of admissions to hospitals occuring after the date of enactment of this Act.

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the hospital insurance program under part A of title XVIII of the Social Security Act, the inpatient hospital services furnished to Edward J. Becvar (Social Security Number 120–07–7923A), of Roswell, New Mexico, at the Cornwall General Hospital, Cornwall, Ontario, Canada, in June, 1974, shall be considered to be emergency inpatient hospital services of the type for which payment is authorized under section 1814(f) of the Social Security Act (42 U.S.C. 1395f).

By Mr. HARTKE (by request):

S. 966. A bill to amend the Emergency Jobs and Unemployment Assistance Act of 1974 to establish an emergency health insurance extension program to assure continued health care for unemployed persons and their families, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. HARTKE. Mr. President, I ask unanimous consent that the text of this bill I am introducing by request regarding health insurance for unemployed persons be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Emergency Health Insurance Extension Act of 1975".

Sec. 2. The Emergency Jobs and Unemployment Assistance Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE IV—EMERGENCY HEALTH INSURANCE EXTENSION PROGRAM

"Sec. 1. (a) Every individual who is receiving benefits under any Federal or State unemployment compensation law and who, at the time of termination of his employment, was covered under an employer health insurance plan for employees, and the members of his family if included in such coverage, shall be entitled to a continuation of such insurance, with premiums paid therefore by the Secretary of Labor as set out below, under the following terms and conditions:

"(1) Insurance of an individual and his family under this title shall become effective at such time as the obligation of the employer to furnish insurance coverage under the employer's health insurance program for employees otherwise expires.

"(2) This title shall not apply in the case of an individual who, together with members of his family previously covered through his employment, is covered or is eligible for coverage under an employer's health insurance program by which such coverage is available through another member of his family.

"(3) To be entitled to benefits under this title an individual shall make application therefore to the state unemployment compensation agency or other appropriate state agency, and such agency shall promptly determine eligibility and give notice of certification of eligibility or rejection of the application to the individual's last employer and the carrier for such employer's health insurance program.

"(4) Application for benefits under this title shall be made within 30 days following termination of the employment, and the initial certification shall be effective to provide for coverage commencing on the date of termination of the employment, or, if later, the date of expiration of coverage of the employee and his family by insurance under the employer's health insurance program. Any certification of eligibility shall be effective for a period of four weeks, and the agency shall from time to time review and recertify any individual's eligibility in order to provide for continuation of coverage for the period during which he is unemployed and eligible for compensation benefits.

"(5) Insurance coverage provided under this title shall not apply with respect to elective services.

"Sec. 2. For the purposes of this title a person shall be deemed eligible for insurance benefits even though he may be disqualified for compensation benefits by reason of inability to work because of illness or disease.

"Sec. 3. Payment of premium, actuarily determined for coverage under this title, shall be made by the Secretary of Labor directly to the carrier or as reimbursement to the employer.

"Sec. 4. There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out the provisions of this title. No payments may be made by the Secretary of Labor for any benefits under this title for any period subsequent to June 30, 1976."

By Mr. BUCKLEY:

S. 967. A bill to provide employment opportunities for unemployed and underemployed persons, to establish a program of loans to provide employment opportunities, to promote safe and efficient service by rail, and for other purposes. Referred by unanimous consent to the Committee on Commerce.

RAIL MAINTENANCE IMPROVEMENT AND EMPLOYMENT ACT OF 1975

Mr. BUCKLEY. Mr. President, in the last days of the 93d Congress, a bill to provide $2.5 billion for public service jobs was brought to the floor of the Senate. No hearings had been held to carefully sort out the kinds of programs that could most effectively utilize this major infusion of money. No thought or investigation was given to selecting kinds of work that would contribute to permanent improvements while stimulating productive work in the private sector. Instead it was proposed that $2 billion be pumped into outdated public service programs that contribute little beyond the direct employment of those involved; and encourage still greater growth of Government payrolls when our objective ought to be to encourage the growth of economically productive private payrolls.

This poorly conceived proposal was rushed through the Congress last December with no time to consider how the funds could best be used to create jobs. We now have proposals to spend still larger sums on the public service approach. Very little is heard, however, about the type of employment that would serve the Nation and the individual most advantageously.

A recent Wall Street Journal editorial gives a vivid description of the confusion this law has brought to State and local governments. The editor likens the city hiring halls to theaters of the absurd. New York City is reported to be firing 260 policemen and 150 firemen while hiring 400 other people as ward assistants in the department of mental hygiene in an attempt to comply with the new law. Buffalo is reported to be dropping city-funded services not essential to survival while the U.S. Department of Labor pressures the city for "totally new labor intensive programs."

Mr. President, I am introducing legislation today that provides a constructive alternative to the sterile approach of the Emergency Jobs and Unemployment Assistance Act of 1974. It will redeploy half a billion dollars in a manner that will not only produce badly needed employment, but help us meet other urgent priorities as well. This expenditure will encourage expansion of the wealth-creating private sector, while at the same time helping us meet our twin goals of improved rail service and the expansion of our domestic output of energy.

Mr. President, I am introducing today an amendment to the Emergency Jobs and Unemployment Assistance Act of 1974 that addresses itself to the major issues of the day. This amendment provides $500 million to employ more than 50,000 maintenance-of-way workers to rehabilitate track and roadbeds for railroads throughout the Nation for 1 year. I have been advised that the Federal Rail Administration estimates that $686 million is the maximum amount that could be used for this employment in 1 year. I have chosen $500 million, as a figure which is more likely to be efficiently used. I have also been advised that railroads have deferred hiring maintenance workers just as they have deferred maintenance. There is every indication that once a major rehabilitation program is launched, the employment provided by my bill will prove permanent.

There is a strong parallel between the degree of deterioration of the railroads and rail service and the degree of unemployment in an area. A healthy rail system is an asset to a community attempting to hold existing industry or attract new firms. Conversely, the poor service offered today by many carriers places communities along these lines at a disadvantage in competing for new industries and new jobs.

In the city of Buffalo, N.Y., a major eastern rail terminal, Mayor Makowski estimates that unemployment now exceeds 15 percent. Obviously this legislation would provide relief for the unemployed in Buffalo, but it is also true that revitalization of the rail lines in Buffalo would hasten a recovery of the depressed economy that has beset the city for 20 years. Efficient delivery of coal would encourage increased production in the steel mills located in the area. Revitalization of the railroads would encourage industries and business on the threshold of relocation decisions to remain in Buffalo.

Once assured of dependable and economical rail transportation, new industries would be attracted to this and other economically depressed regions. Just last week, when it was affirmed that the Wallkill line in Orange County, N.Y. would be a part of the ConRail system, an industry which promises to employ 250 people finalized plans to locate in that community, and at least 3 other shippers will expand present facilities. Rejuvenated rail transportation will produce more jobs. Therefore, the employment that will result from the bill I am introducing will have a significant multiplier effect on job markets.

Mr. President, let me cite another important benefit that would flow from my bill. The administration has emphasized the need to increase the use of coal as a source of energy. Indeed, it is estimated that the United States has more than a 1,000-year supply of coal, and the United States also has the technology and research capacity to minimize the pollution commonly associated with coal. But encouraging or mandating the use of coal is an exercise in futility if the railroads that deliver 70 percent of the coal we produce are incapable of handling increased tonnage.

At the present time, most railroads are restricted to reduced rates of speed, many as low as 10 miles per hour, because of hazardous track conditions, and capital is so scarce that railroads are unable to purchase an adequate number of boxcars. Thus, the workers employed to restore the track would expedite the delivery of coal, and encourage the expansion of our coal producing capacity. This in turn will add significantly to employment, as coal mining is a labor intensive industry that can bring new employment opportunities to some of our most depressed areas.

Not only would the workers who reconstruct the rail lines ease unemployment and the energy crisis, but they would help protect the life and property of Americans from the sharply increasing accident rate on the Nation's railroads. In a Wall Street Journal article dated October 10, 1974, the head of the Federal Rail Administration Safety Department was quoted as saying:

> Deferred maintenance is the virus that is plaguing the industry. There's no question that badly maintained track is the main cause for the upsurge in accidents we have been experiencing.

According to the National Transportation Safety Board, broken rails were responsible for 5,756 train accidents for the 10-year period, 1963 to 1972. During 1973 alone, the FRA reports 3,800 train accidents attributable to track defects.

I believe it is clear from the foregoing that the employment provided for in my bill is anything but "make-work." It will provide work that has dignity and purpose; work that is urgently required. Railroad maintenance has been deferred for too long because the capital reserves of much of our railroad industry are almost nonexistent. Railroads inside and outside of reorganization have deferred capital financing because profits are so marginal that carrying loans at the going interest rates cannot be justified.

Reports filed by the railroads with the ICC for last year revealed that 43 railroads had deferred maintenance in the amount of $2.6 billion. Recently completed studies of the industry suggest the total may be higher than $5 billion.

Mr. A. L. Sams, an Illinois Central and Gulf vice president, explained in a 1973 article in Railway Age why the rail lines have reached this sorry state. He wrote:

> When you're faced with making a budget and there is not enough money for everything, you look for things that can be omitted in order to meet the budget. Of course, you can't cut out trains because this will immediately affect revenues. The same thing applies to cars and locomotives to a certain extent. But, one thing you can do over a fairly long period of time is reduce maintenance. This means you operate slower. You may have derailments, but it is still something you can do, and that's what we have done.

Mr. President, the recent ICC 10 percent rate increase designed to generate capital for maintenance was too little, too late. In the past 12 months, inflation in railroad purchasing has accelerated far beyond 10 percent. The cost of a ton of rail is up 36 percent; a tie is up 40 percent; tie plates are up 42 percent; and spikes are up 31 percent. Today it costs the railroads 40 percent more on equipment debt than it did 1 year ago. The simple answer is these rate increases have not been enough to meet inflationary costs, and, without substantial Federal help to offset the deterioration caused by excessive regulation, the situation will grow still worse.

It is clear from the evidence that the Federal Government will have to do more than provide $500 million required to have the more than 50,000 employees needed to repair track and roadbeds. This alone will not enable the railroads to assume the capital cost of $2 billion that the FRA estimates will be required to purchase equipment—about $200 million—and materials—about $1.8 billion—required for this project. My proposal, therefore, also provides that Federal loans in the amount of $2 billion at 3 percent interest, to be amortized over a 30-year period, be made available to railroads participating in this program. Since rail has a life expectancy of 60 years, the 30-year amortization period is not unreasonable. The distribution of funds for employment and the loan program would be administered by the Secretary of Transportation.

It is my understanding that this amount can be allocated from funds currently being earmarked for transportation purposes. Therefore, my proposal could be adopted without adding to the huge deficits already estimated for the next fiscal year. The investment provided by the bill is economically sound; but equally important, it will accomplish two essential objectives: The rejuvenation of our right of ways, and the reduction of unemployment.

I wish to emphasize that what I propose is a loan program and not a grant program, although there are strong arguments to justify direct grants. A recent study published by the Association of American Railroads shows that the Federal Government is spending more than $7 billion in direct grants per year for the continuing development of the highway system. The Federal Government has been spending billions of dollars in fostering competition for the railroads by subsidizing the national highway system, the airway system, and the inland waterways.

There are numerous precedents for the type of low-interest loan funding that I recommend. Rural electrification, small business, national defense education, and natural disaster loans are examples. In each of these instances, the loan fund was created by the Congress to meet the financing needs of socially desirable programs. In the case of the railroads, Government regulation has created such mammoth problems to be overcome that private capital is not available except at costs so high as to threaten their ability to once again become self-supporting.

I am normally extremely reluctant to see the Federal Government run a rescue operation to save private companies that are usually the victims of their own mismanagement. In this situation, however, we have unique factors. The first is that it is the Government itself that bears the major responsibility for the problems faced by our railroads. The second is that the fate of rail transportation cannot be left to the hazards of bankruptcy sales in which only the most productive assets might be purchased. We need to keep most of the existing system intact. We must keep in mind that railroads are essential to the health of the economy. They are the major movers of raw materials to supply industry, and they also handle 60 percent of the shipments by manufacturers. Without rail service, exports could not be moved to the ports, and our balance of payments would be seriously damaged. They carry 41 percent of all intercity traffic, more than trucks, barges, and air carriers combined. According to Stephen Ailes, president of the Association of American Railroads—

> Projections of increased rail traffic are being made because compared to highway competition, railroads can move most goods in volume between the same points with less than one-third the fuel, one-third the air pollution, one-sixth the casualties and one-tenth the land.

Mr. President, there is irony in the fact that just when it has become clear that rail transportation is the most efficient and economical in terms of cost and energy and, therefore, crucial to the survival of this Nation, more and more sections of the country are threatened with loss of rail service through bankruptcies. At the time the Rail Reorganization Act of 1973 was passed there were eight bankruptcies. Today there are 13, and others are on the brink of collapse but reluctant to publicize their precarious situation for fear of losing the few sources of capital still available to them. This crisis, like so many others, is not due to Government neglect, because the railroads could have survived neglect, but due to incentive-stifling Government interference over a period of years.

This bill I am introducing today will not solve these other problems, but it will create enormously productive jobs while accomplishing work that cannot any longer be deferred. This legislation is not intended to be a panacea for the railroads or the economy. It is a 1-year interim program limited to those things that can be accomplished in 1 year. It is a shot of adrenalin that can help us toward recovery.

Much more obviously needs to be done to restore viable, competitive systems of transportation. I am delighted that the Senate Commerce Committee will soon be considering the establishment of a national transportation policy with more equitable treatment for railroads. I am also delighted that the President's commission is studying regulatory reform. But right now—today—there is an urgent need for relieving unemployment and for repairing the railroad rights of way. I hope that my proposal will be the subject of early hearings, and that we can have prompt consideration of a bill with the potential of alleviating so many of our most serious problems.

I ask unanimous consent that my bill be printed in the Record at the conclusion of my remarks.

Mr. President, because this bill deals with railroad problems and subject matter which has been given considerable study by the Senate Commerce Committee, I ask unanimous consent that the Rail Maintenance Improvement and Employment Act of 1975 be referred to the Commerce Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Maintenance Improvement and Employment Act of 1975".

Sec. 2. Section 601 of the Comprehensive Employment and Training Act of 1974 is amended by striking out "2,500,000,000" and inserting in lieu thereof "2,000,000,000".

Sec. 3. The Emergency Jobs and Unemployment Assistance Act of 1974 is amended by the addition of the following Title IV.

"TITLE IV—EMERGENCY RAIL EMPLOYMENT

Sec. 401. (a) To carry out the purposes of this title, the Secretary of Transportation, in accordance with the provisions of this title and notwithstanding any provisions to the contrary, is authorized from funds appropriated and made available under this title to provide financial assistance to common carriers engaged in transportation by railroad, as defined in the Railway Labor Act (45 U.S.C. § 51), for wages of persons employed in programs and projects to maintain and improve their rights-of-way and structures, including mainline tracks, side tracks adjacent thereto, roadbed, culverts, fills, tunnels and other structures.

"(b) The Secretary shall provide financial assistance for any program or project under this title only upon application by the carrier under regulations to be prescribed by the Secretary.

"(c) The Secretary shall not provide financial assistance for any program or project under this title unless it is determined under regulations to be prescribed by the Secretary that the program or project (1) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of overtime work or wages or employment benefits), and (2) will not result in the substitution of Federal for other funds in connection with work that could otherwise be performed by the carrier during the 12 months following application by the carrier.

"(d) All persons employed under the program or project shall be considered employees of the carrier working under any applicable labor contracts and subject to the same managerial control as all existing employees of the carrier: *Provided however,* That persons employed under such program or project shall not attain interests entitled to protection or the imposition of protective arrangements under the Interstate Commerce Act (49 U.S.C. § 5) or any other provision of law.

"(e) The provisions of Title I shall apply as to eligibility: *Provided however,* That to the extent the carrier had employees on furlough at the date of enactment, such employees shall be first employed.

"(f) Persons employed under such program or project shall be paid wages at rates provided for in collective bargaining agreements negotiated under and pursuant to the Railway Labor Act, and such rates shall be considered as being in compliance with the Davis-Bacon Act, as amended (40 U.S.C. § 276a).

"(g) The Secretary may require reports or by other means insure that assistance authorized under this title is expended by the carrier consistent with its application.

"Sec. 402. There is authorized to be appriated the sum of $500,000,000 to carry out the provisions of this title.

"Sec. 403. (a) The Secretary of Transportation is authorized, on such terms and conditions as he may prescribe, to make loans on behalf of the United States to common carriers engaged in transportation by railroad, as defined in the Railway Labor Act (45 U.S.C. § 51), to be used for equipment, materials, and supplies necessary for rehabilitating, maintaining, and improving their rights-of-way and structures, including mainline tracks, side tracks adjacent thereto, roadbed, culverts, fills, tunnels, and other structures. The maturity date of any loan including all extensions and renewals thereof, shall not be later than thirty years from its date of issuance.

"(b) Any loan by the Secretary under this Act shall be made within 1 year of enactment; shall not be terminated, canceled, or otherwise revoked; and shall be conclusive evidence that such loan complies fully with the provisions of this Act.

"(c) Before making any loan pursuant to this Act, the Secretary must consider whether the prospective borrower is responsible and whether adequate provision will be made for repaying the loan. The Secretary may not make a loan under this Act unless he finds that:

(1) the loan is needed to provide employment opportunities for unemployed and underemployed persons;

(2) the loan will provide funds for needed rehabilitation, maintenance and improvement of the Nation's railroads; and

(3) the activity to be financed will promote the efficiency of rail operations.

"(d) The Secretary may prescribe, as he deems necessary and appropriate, rules and regulations for the administration of this Act.

"(e) The rate of interest to be charged the borrowers shall not be more than 3 per centum per annum. The aggregate unpaid principal amount of loans made by the Secretary under this Act, may not exceed $2,000,000,000.

"(f) Loans authorized under this Act shall be for programs and projects to be performed by the carrier during the 12 months following the carrier's application."

By Mr. HARTKE (for himself, Mr. Cranston, Mr. Talmadge, Mr. Randolph, Mr. Stone, Mr. Stafford, Mr. Bayh, Mr. Beall, Mr. Case, Mr. Clark, Mr. Dole, Mr. Gary W. Hart, Mr. Philip A. Hart, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Ribicoff, Mr. Schweiker, Mr. Hugh Scott, and Mr. Williams):

S. 969. A bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months. Referred to the Committee on Veterans Affairs.

Mr. HARTKE. Mr. President, on behalf of the members of the Committee on Veterans' Affairs, which I am privileged to chair, together with other Senate colleagues, I introduce today a bill to provide for an unrestricted extension of basic eligibility for GI bill educational assistance benefits from 36 to 45 months. This is an obvious piece of "unfinished business" from our efforts during the past 4 years to significantly improve educational benefits for Vietnam veterans. Hopefully we will be able to proceed quickly to successful enactment of this legislation so that we can insure the continuity of eligibility for most veterans currently in training.

I am pleased to be joined in this measure by fellow committee member, the senior Senator from California (Mr. Cranston) who has shown a continued keen interest in the unrestricted extension of an additional school year of entitlement during the past year. Other committee members joining me in introduction of this measure are the Senator from Georgia, (Mr. Talmadge), the Senator from West Virginia (Mr. Randolph), the Senator from Florida (Mr. Stone) and the Senator from Vermont (Mr. Stafford).

I am also pleased that I am joined in cosponsorship of this measure by my esteemed colleague from Indiana (Mr. Bayh) and by Mr. Beall, Mr. Case, Mr. Clark, Mr. Dole, Mr. Gary Hart, Mr. Philip Hart, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Ribicoff, Mr. Schweiker, Mr. Hugh Scott, and Mr. Williams.

Mr. President, while I believe the merits of this measure are obvious, it would be worthwhile to examine the history of this proposal that is before you today. During extensive hearings on readjustment assistance benefits for Vietnam-era veterans held by the Subcommittee on Readjustment, Education and Employment of the Committee on Veterans' Affairs, which I am also privileged to chair, we received extensive testimony urging that the then maximum entitlement of 36 months be extended.

Proponents of this extension, noting that the World War II veterans could have received up to a maximum of 48 months entitlement argued for additional eligibility and repeatedly testified as to the difficulties of many veterans in obtaining an undergraduate degree in 36 months, that in 4 standard college years of 9 months each. A survey by the National Association of Concerned Veterans—formerly the National Association of Collegiate Veterans, of selected States indicated that large numbers of veterans were not able to obtain an undergraduate degree in the standard 36 months of entitlement. They noted that the higher price of education, the loss of credits involved in transferring from one institution to another, and the lack of adequate benefits in the GI bill heretofore, had all combined to make it very likely that many Vietnam era veterans would not be able to complete baccalaureate degree requirements within 4 school years.

The relatively low level of benefits caused many veterans to devote excessive hours to earn money to supplement their monthly benefit checks in their attempt to obtain an education under the GI bill. NAVC pointed out in its testimony that 12 credit hours per semester added up to 96 credit hours after 4 school years, or 24 credit hours short of 120 required for graduation. Under the quarter system, four years minimum requirement accumulated 144 credit hours or 36 short of the 180 necessary for graduation.

Supportive data on the difficulty in obtaining degrees in 36 months was also submitted by representatives of the American Association of Community and Junior Colleges, who testified that most veterans average only 12 hours for a semester.

Surveys of veterans attending California University at Fullerton, and the University of California at Irvine found that in crowded public institutions where most veterans turn for education, it is often extremely difficult to gain admission in the courses required for graduation and that it took large numbers of veterans an average of 5 years to complete their degree. Given this background these arguments were most persuasive to committee members and in adopting an additional 9 months of eligibility the committee noted in its report accompanying my bill, S. 2784, that—

> Extension of entitlement must be provided to insure that veterans—taking reduced credit loans, forced to work and facing technical and administrative bottlenecks—will be able to complete their undergraduate degrees.

At the same time, the committee noted that since the adoption of the first GI bill over 30 years ago, the American work force had changed radically. Considering the exclusiveness of higher education after World War II, the GI bill then was very much of a bonus but 30 years later it was very much of a necessity. Noting that a major aspect of readjustment assistance is to make a veteran economically competitive, the committee report also noted that in 1950, 7.1 percent of those in the 25 to 29 age bracket in the Nation had baccalaureate degrees, while in the 1973, 19 percent had undergraduate degree in the same age bracket. The committee report also acknowledged that NACV had testified that—

> The employment market today requires that, in many instances, the applicant to attain a higher than bachelor's level degree in order to compete with others. It is possible for an individual to graduate from college and enter the employment market and not even qualify to fill out an employment form, much less compete for a job.

The committee report further noted a recent report by the Carnegie Institution of Higher Education, which pointed out that educational requirements imposed by employers and State licensing agencies and professional certification boards demand increasing periods of higher education.

Thus, in providing for an additional 9 months of educational entitlement, it is clear that the Senate committee was recognizing a dual purpose: first, to allow veterans having difficulties obtaining an undergraduate degree sufficient time to do so; and second, to allow other veterans to make maximum use of additional schooling to meet the increasing educational requirements of society.

The 9-month additional unrestricted entitlement in S. 2784 unanimously passed the Senate by a vote of 91 to 0 on June 19, 1974. The Senate then returned to the House, H.R. 12628, with the text of the Senate-passed S. 2784. Following rigorous discussion and negotiation, all Senate and House conferees agreed to a version of H.R. 12628, which included an additional 9 months of eligibility without restriction. On August 21, the full Senate unanimously agreed to that conference report. On the following day, August 22, however, the House did not consider the conference report following a successful parliamentary point of order raised against its consideration. The House then quickly amended H.R. 12628, which amendments did not include any extension of eligibility. Following this action, a second conference was requested and negotiations began anew. Without reciting in detail all those negotiations, it should be noted that they took place in the context of very strong objections voiced by the executive branch to the extension of any additional entitlement at all. Committee members were diligently seeking a way for compromise that would enable the bill to be approved by the Nation's new President. In this context, the House and Senate conferees unanimously, though not without very serious misgivings on the part of many, agreed to restrict the additional entitlement of up to 9 months to those attempting to complete their undergraduate education. Ironically, this and other conciliatory gestures by Congress were rebuffed by the President who promptly vetoed the measure prompted in my opinion either by bad advice or a misunderstanding of the intent and effect of the measure before him. The compromise having been rejected, congressional misgivings of restricting the expanded eligibility soon proved to be all too well founded. Protests by veterans were unanimous. And, if there was any question then, there is none now, that the restricted eligibility has proven difficult to implement, is inequitable in operation, and contrary to the basis underlying objectives of the program.

I joined in sponsoring separate legislation to remove this restriction with Senator CRANSTON, in S. 4139, but it was not possible to complete action on this measure prior to adjournment of the 93d Congress. Mr. President, as I have mentioned, this restricted 9 months of eligibility is proving to be difficult to implement. Whether one qualifies for the additional benefit turns on technicalities that often seem absurd. For example, a person enrolled in a standard 5-year undergraduate program, such as pharmacy or engineering, may qualify for benefits. But then again he may not qualify for benefits if he was entitled to a bachelor's degree at the end of 4 years. These arguments which rival those computing the number of angels on the head of a pin are both time consuming and unworthy of a Government program designed to aid veterans who served their Nation honorably. Further, the restriction limiting additional entitlement to undergraduate education may have the unintended effect of discouraging rapid and efficient progress by a veteran to his or her ultimate educational objective. Veterans may be encouraged to stretch out their undergraduate career rather than make maximum efficient use of their benefits.

Mr. President, this restriction is also unprecedented. Never in the history of the GI bill readjustment assistance programs, beginning with the World War II GI bill—which provided for up to 48 months of unrestricted entitlement in certain cases—and including both the Korean conflict GI bill and the present program, has any stipulation been imposed on the level of training, undergraduate or graduate, for which the GI educational assistance may be used. The limited 9-month extension thus, in effect, provides unequal benefits for equal service. Veterans who have pursued the same military obligation may receive unequal education benefits. Thus, those students who have completed undergraduate work and are pursuing graduate training or additional education, do not qualify for the additional entitlement. The additional burden demanded by employers, State licensing agencies, and professional certification boards must then be borne by the student veteran. With veteran employment rates for younger veterans running close to 20 percent, educational benefits under the GI bill program, must assist and not detract motivated veterans seeking greater opportunity through disciplines that previously required less training. Teachers, business persons, lawyers, doctors, dentists, veterinarians, are a few of the professions that generally require advanced degrees.

The Carnegie Commission on Higher Education and others have pointed out that educational requirements imposed by employers, State licensing agencies, and professional certification boards demand increasing periods of higher education. What a bachelors degree would qualify a veteran for in 1948 or even 1955 in terms of salary, job opportunities, and responsibilities, may very well require a masters or other advanced degree in the 1970's. As I have mentioned many times before, such additional education should be viewed as an investment in the country not only in the young veterans that have served it but also in the future of the country itself. Increased education through the GI bill has invariably meant increased tax revenues as well as a better educated populace contributing to the welfare and development of our Nation. Based upon last year's estimate, the cost of this provision will be approximately $29 million. However, it should be noted that those estimates were based upon caseloads which are now undergoing revision and the costs may be higher ranging up to $77 million. Mr. President, I am sure that I am not alone when I say that the restriction of eligibility has produced an unprecedented amount of mail from veterans throughout the country. I believe their letters eloquently stress why we should enact this legislation and I ask unanimous consent that excerpts from various letters be placed in the RECORD at this point.

There being no objection, the excerpts and letters were ordered to be printed in the RECORD, as follows:

My undergraduate education was completed prior to my military service. I have exhausted the 36-month limitation of benefits. I can not see why the additional 9 months of benefits should be limited to only those veterans working toward their undergraduate degree.—Veteran, Bloomington, Ill.

The idea of extending the amount of time for attendance at any institution to forty-five months is great, if you want to waste time and spend it as an undergraduate. . . . I hope to become as highly qualified and well versed in my chosen field of study and not to become a Jack of all trades but master of none. . . . Why not have the best qualified people you can get?—Veteran, Portland, Oreg.

Consider, please, the consequences of the current restrictions on the nine month extension. If I was advising a veteran on utilizing his benefits, I would tell him that if he wished to pursue vocational training, or to receive a Bell and Howell color television kit, or to take flying lessons and in addition seek a college degree, then he should attend college last because he can receive more entitlement, nine months of entitlement. Sir, is this fair, right or equitable?—Veteran, Waco, Tex.

DEAR SENATOR HARTKE: I am a four-year veteran of the Vietnam area and a first-year evening student at the University of Connecticut School of Law. During the day I earn enough money to support my wife and son; only my veterans' benefits permit me to attend law school, and these have only a few more months to run.

I come from a poor family, and I have had to finance my own education from beginning to end. It took me ten years to complete my undergraduate studies, and I can measure the cost in my own sweat. . . . I ask your help, not only for myself and my family, but for the thousands of other veterans who, like me, would seek professional education beyond the undergraduate level—Veteran Hartford, Conn.

Thank you for your support of legislation which provides for increased GI benefits. I find however, that the nine-month extension has failed to help myself and many other students as most are able to complete their bachelors degree in thirty-six months. Too often many prolong their graduation date in order to obtain the extra money. In many cases, students can receive a bachelors and masters degree on the same day.

I graduated with a bachelors degree in technology which proved insufficient in my profession and am currently pursuing a second bachelors degree in electrical engineering but I am ineligible—for the additional benefits—Veteran Provo, Utah.

That graduate students are excluded is patently unfair. That I spent eighteen months as a line officer with a combat unit apparently means nothing. I must respectfully insist that graduate students be treated fairly. . . . There is no equitable distinction between graduate students and undergraduates. We both have tuition bills to pay. I urge you to please act now—Veteran Syracuse, N.Y.

I am seeking information on . . . that part of the act which extends the maximum entitlement of educational assistance benefits for eligible veterans from 36 to 45 months, which can only be used for *undergraduate work*. This really puts a stranglehold on a veteran who intends to complete graduate school. In essence, those of us with families, must not even think of continuing in school past the common four year degree—Veteran, F.S.U. Veterans Club, Tallahassee, Fla.

The key word is "undergraduate." This seems to be inequitable. It discriminates against those of us who struggled to finish our undergraduate programs in the previously allowed 36 months and with, what was then, an inadequate GI Bill.

This new bill benefits only a few of the Vietnam Veterans who have attended or are now attending college. Most of us who wanted to attend colleges are now finished. Many of us need to attend graduate school to better prepare ourselves for professional occupations.

This is the first time in the history of veterans' benefits that this sort of restriction has been placed on graduate study.

The impact of the World War II GI Bill speaks for itself. The number of doctors, lawyers, engineers, and educators it helped through graduate school is in the millions. It seems to me that the government was paid back many times over through the increased taxes of these professional people.

I recently read that we have spent $8 billion in South Vietnam since the peace agreement, and that the Defense Department will be asking for $95 billion in order to carry on their programs in 1975. I'm asking for $261 a month for 9 months, or $2,349, to carry on my program in 1975. That's not too much—Veteran, Marshall, Minn.

I am a graduate student who was recently informed that my veterans' benefits have expired and as a result my educational future is in doubt. . . . I suspect many (are) like me, the failure to extend the benefits for nine months for grad students as well as undergrads represents a gloomy way to begin the new year. . . . At this point I realize that my chances are indeed dim. However, I owe it to myself and my family of four to exhaust the last hope. Is there any chance for that nine month extension to apply to graduate students?—Veteran, Monroe, Mich.

The nine month extension before the amendment to underclassmen only wouldn't have guaranteed that education, but it would have allowed veterans to have time to establish themselves. Many graduate schools won't grant scholarships or fellowships until grades are earned. In many cases this leaves veterans in an untenable position. With the economy declining at an accelerating rate the problem is compounded by veteran's inability to seek work to support their education—Veteran, Bloomington, Ind.

The primary thirty-six months can be used in all phases of education. Does it not seem rather arbitrary to apply a different standard of education to the extension period?—Veteran, Columbia, Md.

I am somewhat distressed, however, at the restriction placed on the nine month extension which limits its use to undergraduate study. This would seem to have the tendency to diminish the veteran/students opportunity to advance into professional level careers requiring advanced study. I hope there will be further efforts to remove this restriction so that veterans have the chance to repay Uncle Sam by making larger contributions to the tax man on the income derived from their professional level jobs—Veteran, Johnson State College, Johnson, Vt.

We do not understand why the new increase in the GI benefits is limited to undergraduate studies . . . In our opinion this is encouraging undergraduates to become lackadaisical and not care about finishing their schooling. The way our economy is, you need a Master's Degree to get and hold a decent job.—Veteran, Virginia Beach, Va.

I do not consider myself a "professional student", but my ambition is to enter agricultural research and this is impossible with only a baccalaureate degree. With your decision to exclude graduates from this additional year of benefits you have made it very difficult for me to complete my objectives within the next two semesters.

Because of the high rates of inflation I have had to work more and more hours per week in order to meet food and housing costs. I now work thirty hours per week while attending college full time.

In the state of California a fifth year is required after graduation in order to receive a teaching credential. You have now eliminated an opportunity for many qualified veterans to become teachers which could only benefit young people and the country as a whole.—Veteran, LeGrand, Calif.

Mr. HARTKE. Mr. President, I also ask unanimous consent that the full text of the bill be inserted in the RECORD at this point and restate my conviction that I believe we should act expeditiously on this measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sub subsection (a) of section 1661 of title 38, United States Code, is amended by striking out in the second sentence all after "period of" the second time it appears and inserting in lieu thereof "45 months (or the equivalent thereof in part-time educational assistance).".

(b) Subsection (c) of such section is amended to read as follows:

"(c) Except as provided in subsection (b) and in subchapters V and VI of this chapter, no eligible veteran shall receive educational assistance under this chapter in excess of 45 months.".

SEC. 22. Subsection (a) of section 1711 of title 38, United States Code, is amended by striking out "thirty-six" and inserting in lieu thereof "45".

Mr. CRANSTON. Mr. President, I am pleased to join the distinguished chairman (Mr. HARTKE), other members of the Senate Veterans' Affairs Committee, and a bipartisan group of 21 other Senator in introducing this measure to extend from 36 to 45 months the basic eligibility for GI bill educational assistance under chapter 34 of title 38, United States Code.

BACKGROUND

Mr. President, during the Senate Veterans' Affairs Committee's consideration last year of S. 2784, the Vietnam Era Veterans Readjustment Assistance Act of 1974, now Public Law 93-508, I proposed an amendment to increase the total GI bill entitlement period by 9 months, from 36 to 45 months. This amendment was accepted by the committee and retained in the first conference report on this measure—H.R. 12628.

As my colleagues will recall, the Senate unanimously passed S. 2784 on June 19, 1974, and the first conference report on H.R. 12628 was unanimously approved by the Senate on August 21, 1974.

So I point out, Mr. President, the bill we are introducing today, is not raising a new issue. During the 93d Congress, the Senate, on two occasions, overwhelmingly approved a measure containing precisely this provision.

Unfortunately, however, this provision—which had previously received such strong support—was amended in the second conference agreement that was unanimously passed in both the Senate and the House in October 1974. The conference agreement restricted the additional 9 months of entitlement for use only by GI bill trainees who are pursuing a program of education leading to a standard undergraduate college degree.

Mr. President, just prior to the second House-Senate conference on H.R. 12628 on October 2, 1974, I wrote to all the members of the Senate Veterans' Affairs Committee urging that this restriction, which had been agreed to as a negotiating position by the Senate committee prior to the conference, not be included in the conference agreement. After the restricted provision was retained in the conference agreement, I introduced S. 4139, a bill identical to the bill we are introducing today.

UNWISE AND INEQUITABLE RESTRICTION

Mr. President, it was clear then, as it is now, that this restriction will seriously disadvantage many veterans going to school on the GI bill. There are a number of reasons why I feel very strongly that this baccalaureate restriction on the extension of educational assistance eligibility is most unwise and inequitable.

INTENDED DUAL PURPOSE OF 9 MONTHS OF ENTITLEMENT

As stated in the Senate committee report in the last Congress—No. 93-907, page 61—the 9-month provision had two principal purposes: "to insure that veterans—taking reduced credit loads, forced to work, and facing technical and administrative bottlenecks—will be able to complete their undergraduate degrees" and to meet "the increasing periods of higher education" demanded by "the educational requirements imposed by employers, State licensing agencies, and professional certification boards." The baccalaureate restriction removes the second purpose regarding the need for advanced degrees in order for veterans to be competitive in a job market which more and more requires a master's degree rather than just a bachelor's degree.

This trend is set forth in a recent report of the Carnegie Commission on Higher Education, which points out that educational requirements imposed by employers, State licensing agencies, and professional certification boards demand increasing periods of higher education. In plain terms, what a bachelor's degree would qualify a veteran for in 1948 or 1955 in terms of salary and job responsibility may very well require a master's degree in 1974.

INEQUITIES AND ADMINISTRATIVE PROBLEMS

Mr. President, the baccalaureate restrictions will create gross inequities and has already resulted in administrative difficultes in the overall educational assistance program. Specifically, I have the following concerns:

UNPRECEDENTED POLICY DECISION

Never in the history of GI bill readjustment assistance programs, beginning with the World War II GI bill which provided for 48 months of unrestricted entitlement in certain cases, and including both the Korean conflict GI bill and the present program, has there ever been any stipulation as to the level of training—undergraduate or graduate—for which GI bill educational assistance must be used. Nor am I aware, Mr. President, that there has ever been such an underlying policy. The baccalaureate restriction serve as only to widen further the gap between the educational benefits available to veterans after World War II and the benefits currently available to Vietnam-era and post-Korean conflict veterans.

DISCRIMINATES AGAINST VETERANS WITH LEAST PRIOR EDUCATION

The baccalaureate restriction is also highly discriminatory as applied in the case of veterans leaving service without any college-level training. Data on post-Korean conflict GI bill trainees through April of 1974, reveal that 21 percent have had 1 or more years of college. No restriction is placed, nor is any proposed, on these veterans using their GI bill entitlement for study toward advanced degrees beyond a bachelor's degree. No such restriction has ever been statutorily or administratively imposed under the GI bill. Numerous veterans—including a number of distinguished Members of Congress—have been supported by the GI bill through medical or law school. Yet, under the present baccalaureate restriction, the 79 percent of GI bill trainees leaving service without any college-level training—those who obviously need the greatest education and training assistance to compete effectively in this tight, selective job market—would be denied this same advantage.

UNEQUAL BENEFITS FOR EQUAL SERVICE

In the same way, Mr. President, the restriction violates the principle of "equal benefits for equal service," which has for so long been a touchstone of the GI bill. Those veterans who were able to finish college with 36 months of entitlement and those who left service with some or all their college training completed would get no added benefit for their equal service contribution. Whereas other veterans needing extra time to finish college could obtain a monetary benefit of up to $2,430—9 months by $270—plus eligibility for a $600 low-interest loan.

ADMINISTRATIVE DIFFICULTIES

The restriction has already resulted in numerous difficulties in administration by the Veterans' Administration, particularly in terms of 5-year, single degree programs such as in engineering, pharmacy, and veterinary medicine.

BROAD SUPPORT FOR UNRESTRICTED EXTENSION

Mr. President, in my opinion, there is no question about the need to enact a measure which would extend the period of eligibility with no restriction. In addition to the thousands of letters, calls, and telegrams my office has been receiving over the past several months—the great majority of which specifically have been in support of the original version of the 9-month extension provision or my bill S. 4139—my offices, both here in Washington and in California, have been swamped with phone calls, protesting the restricted provision, since it was adopted in conference last October.

The Veterans of Foreign Wars, in an October 2, 1974, letter to me had urged the elimination of the "unwise, unjustified" restriction on the additional 9-months entitlement. The National Association of Concerned Veterans had also stressed its strong disapproval of any limitation on additional months of entitlement.

CONCLUSION

Mr. President, in closing, I would like to stress, once again, the dual purpose of the 9-month entitlement provision, as I originally proposed it in the 1974 GI bill amendments. In addition to providing a means of insuring that all veterans may obtain at least an undergraduate degree, it clearly was meant to enhance the ability of many veterans to be economically and educationally competitive with their nonveteran peers. Limiting these additional months of entitlement to undergraduate courses is preventing and will continue to prevent many veterans from having the opportunity to compete for the increasing number of jobs which require advanced courses of education.

By Mr. HARTKE:

S. 970. A bill to amend the Social Security Act to provide for catastrophic health insurance coverage for the unemployed. Referred to the Committee on Finance.

CATASTROPHIC HEALTH INSURANCE FOR THE UNEMPLOYED

Mr. HARTKE. Mr. President, unemployment in the United States is more widespread today than anytime since the Great Depression. The prospect is for further economic recession and higher levels of unemployment. Each morning the newspapers carry yet another set of statistics that emphasize the dire nature of the present situation.

The unemployed individual is not a statistic. He is a man who faces not a mathematical field, but a world turned sour. In a matter of a few months his life has been fundamentally disrupted. He is no longer able to face the future with equanimity, let alone anticipation; tomorrow is filled with fear and anxiety.

Foremost among his fears is the fear of illness. The prohibitively high cost of medical care would make even a relatively minor illness or operation financially disastrous. Not even the wealthiest families can afford not to have health insurance. I propose that the Federal Government assist the unemployed to insulate themselves against the severe and often devastating financial shocks associated with health care.

Let me preface my remarks by stating that what I am proposing today is not an ideal answer to the fundamental problems facing this Nation in the field of health care. I strongly believe that we need a system of national health insurance; and were such a system in effect, there would be no need to enact what can only be viewed as stopgap legislation. It is my hope that the present crisis together with the consideration and adoption of legislation of the sort I am proposing will spur the Congress towards the goal of establishing a national health policy.

A majority of working men and women carry some form of health insurance, although it is generally inadequate. However, those policies are almost invariably work-related. When the individual is terminated, his health insurance usually expires within a month. He is then given the option of retaining a watered down version of the policy at double or triple the premium. Since this comes at a time when the individual is most vulnerable financially, coverage usually lapses. Some union contracts provide for longer carryover periods, but the final result is the same.

There is another class of worker which does not fall into this pattern. That is the individual who has no hedge against health-related expenses except his job. On the whole, these workers tend to be the same ones who are not covered by regular State unemployment programs. Recent Federal legislation has provided coverage for these groups. Since January of this year, almost all unemployed individuals are covered for at least 26 weeks; in most cases, coverage extends for a full 52 weeks.

The legislation I am introducing is uncomplicated in conception and, comparatively, easy to administer. It eschews continuing an individual's existing health insurance program at government expense because that invokes two major inequities. First, assistance would be extended to the unemployment in a pattern which is inverse to real need. Individuals with the best and most comprehensive health care insurance would be given more assistance than those less fortunate. Second, the plight of individuals who have no job-connected health insurance is ignored. All the unemployed should be aided—equally and irrespective of any prior health insurance policy.

It has also been suggested that the unemployed should be covered by part A of medicare. This is a more equitable solution to the problem.

It is also fraught with off-setting difficulties. First, fundamental administrative problems are connected with certification of individuals for medicare. What is required now is immediate relief; I fear that the medicare approach will involve lengthy and inflexible administrative procedures that will not be responsive to immediate needs. Second is the cost factor; even by conservative estimates, it would be an extremely expensive program.

My legislation builds from the working assumption that what the unemployed need most immediately is protection against catastrophic health care expenses. What frightens most people during this very insecure and anxiety-ridden period is the prospect of illness or accident requiring hospitalization, operations, extended care, or rehabilitation therapy. In other words, the big, expensive items that would be absolutely ruinous but which are also absolutely essential.

I have borrowed the catastrophic illness section of the national health insurance proposal introduced last Congress by Senators Long and Ribicoff to use as a standard for minimal coverage under this bill. However, to make the plan more relevant to the financial situation of the unemployed, I have fundamentally altered—in monetary terms—the definition of what constitutes a catastrophic illness.

Full hospitalization coverage begins on the 16th day of in-patient hospital care, as opposed to the 61st day under the original plan. If the average hospital cost per day is approximately $100, the family would be responsible for $1500 before the coverage came into effect. The total amount of payments for physicians' services and other medical services would be $100 in 1974 dollars, while the limit on copayments would be $500. Thus, the notion of what is catastrophic has been scaled down to an approximate threshold of $3,000.

The parameters of the catastrophic insurance coverage are mandated by this legislation; implementation, on the other hand, is left to the States. They are required to enter into agreements with private carriers to provide the mandated coverage. The duration of benefits would coincide, as would eligibility, with coverage under State and Federal unemployment compensation statutes. States would be reimbursed by the Federal Government for 100 percent of the cost of the coverage and for 100 percent of the cost of administering the program.

Funding would be provided through general revenues. A special catastrophic health insurance trust fund for the unemployed would be created within the Treasury that would be entirely separate from any social security or medicare funds. The program would terminate 3 years from the date of enactment subject, of course, to congressional review and extension if economic conditions warrant.

This legislation is no panacea either for the plight of the unemployed or for the sorry state of American health care delivery. It is, however, a reasonable alternative which provides an essential level of assistance to an important segment of American society during a period of competing social demands. It is not an unreasonably expensive program, nor would it create any administrative nightmares. It avoids glaring inequities, and favors no group among the unemployed more than any other.

My proposal is not a substitute for a comprehensive national health insurance program. But it is a measure that is essential to deal with the immediate economic crisis and the great human suffering that it has generated.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 226 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j) (1) Notwithstanding the foregoing provisions of this section or any provisions of title XVIII—

"(A) every individual who—

"(i) is unemployed,

"(ii) is not, and upon filing any appropriate application would not be, entitled under any other provision of law to hospital insurance benefits, and

"(iii) is not the dependent spouse (as defined in regulations of the Secretary), and

"(B) every individual who is the dependent spouse or dependent child (as defined in regulations of the Secretary) of an individual described in clause (A),

shall be entitled to hospital insurance benefits under title XX for each calendar month for which the conditions prescribed in clause (A) or clause (B), as the case may be.

"(2) An individual shall be deemed to be unemployed for a calendar month only if, for the first week which ends in such month, such individual has established, under a State or Federal unemployment compensation law, entitlement to weekly benefits under such law. For the purposes of the preceding sentence, an individual shall not be regarded as having failed to establish entitlement to a weekly benefit under such law for any week if a benefit for such week is not payable to him solely because he was unable to work because of illness or disease if such individual received a weekly benefit under such law for the week preceding the first week he was unable to work because of illness or disease."

Sec. 2. The Social Security Act is amended by adding after title XIX the following new title:

"TITLE XX.—CATASTROPHIC HEALTH INSURANCE FOR THE UNEMPLOYED

"DESCRIPTION OF PROGRAM

"Sec. 2001. The insurance program established by this title provides protection against the high cost of catastrophic illnesses for the unemployed and establishes the conditions individuals must meet to become entitled thereto.

"ELIGIBILITY

"SEC. 2002. (a) The Secretary shall make grants to States equal to 100 percent of the costs and administration for the implementation of programs which provide health benefits to the unemployed in accordance with the requirements of subsection (b).

"(b) To be eligible for a grant under subsection (a) a State shall have in effect an agreement with insurance carriers within such State that such insurance carriers shall provide for payments for health services as described in section 2003 on behalf of individuals described in section 226(j).

"SCOPE OF BENEFITS

"SEC. 2003. (a) The benefits provided to an individual by the insurance program under this title shall be—

"(1) hospital insurance benefits which shall consist of entitlement to have payment made on behalf of an individual for—

"(A) inpatient hospital services (as defined in section 1861(b));

"(B) post hospital extended care services (as defined in section 1861(i) but only if with respect to at least one of the three days of hospitalization required by such section payment may be made pursuant to section 2004(a)(1)(A) for services furnished on each day);

"(C) home health services (as defined in section 1861(m));

"(D) outpatient physical therapy services (as defined in section 1861(p));

"(E) medical and other health services (as defined in section 1861(s), but subject to the limitation and conditions described in section 1832(a)(2)(B)); and

"(2) medical insurance benefits which shall consist of entitlement to have payment made to an individual or on his behalf for—

"(A) medical and other health services (as defined in section 1861(s));

"(B) services of the type described in section 1814(d)(1) for which payment cannot be made under paragraph (1)(A) or subparagraph (A) of this paragraph solely because the hospital does not elect to claim payment, but only if the provisions of section 1814(d)(2)(B) or section 1835(b)(2)(B) are met);

"(C) services described in section 1814(f).

"(b)(1) Notwithstanding the previous provisions of this section no payment may be made with respect to expenses incurred for items or services if pursuant to section 1862 (a), (b), (c), or (d) payment may not be made for such expenses under title XVIII.

"(2) Notwithstanding the previous provisions of this section no payment may be made with respect to expenses incurred for items and services provided under subparagraph (a)(1)(B) for any individual over and above those provided under section 1812(a)(2).

"PAYMENTS, DEDUCTIBLES AND COINSURANCE

"SEC. 2004. (a) Subject to the succeeding provisions of this section, there shall be paid to the States from the Federal Catastrophic Health Insurance Trust Fund for the Unemployed, in the case of each individual who is covered under the insurance program established by this title and incurs expense for services with respect to which benefits are payable under this title, amounts equal to—

"(1)(A) in the case of services described in subparagraph (A) of section 2003(a)(1), the reasonable cost of such services (as defined in section 1861(v)) furnished after the 15th day of inpatient hospital services (as defined in section 1861(b)) to such individual in any calendar year, reduced by a coinsurance amount (subject to subsection (e)) equal to one-quarter of the inpatient hospital deductible (as determined under section 1813(b)(2)) for each day after such 15th day on which such individual is furnished such services, except that—

"(i) the days on which such individual was an inpatient of a hospital in the last 3 months of the preceding calendar year and which were included in the 15-day period for which no benefits were payable during such calendar year shall be included in determining such 15-day period; and

"(ii) the reduction under this sentence for any day shall not exceed the charges imposed for that day with respect to such individual for services (and for this purpose, if the customary charges for such services are graded in the charges so imposed, such customary charges shall be considered to be the charges so imposed);

"(B) In the case of services described in subparagraph (B) of section 2003(a)(1), the reasonable costs of such services (as defined in section 1861(v)) reduced by a coinsurance amount (subject to subsection (e)) equal to one-eighth of the inpatient hospital deductible (as determined under section 1813(b)(2)) for each day on which such individual is furnished such services;

"(2) In the case of services described in subparagraphs (c), (d) and (e) of section 2003(a)(1), 80 percent of the reasonable costs of the services (as determined under section 1861(v)) and subject to subsection (e) of this section; and

"(3) In the case of services described in subsection (a)(2) of section 2003, 80 percent of the reasonable charges for such services (subject to subsection (e)).

For the purposes of paragraph (1)(A), any individual who is entitled to benefits under this title and to hospital insurance benefits under part A of title XVIII shall be deemed in the case of services described in section 2003(a)(1)(A) to be entitled to a payment made only under this title when such services are furnished after the 15th day of inpatient hospital services (as defined in section 1861(b)) to such individual in any calendar year.

"(b) Before applying paragraphs (2) and (3) of subsection (a) with respect to expenses incurred by an individual during any calendar year, the total amount of the expenses incurred for such individual during such year including any expenses incurred for medical insurance benefits provided under part B of title XVIII (which would but for this subsection constitute incurred expenses from which benefits payable under paragraphs (2) and (3) of subsection (a) are determinable) shall be reduced by deductible of $1,000; except that—

"(1) the amount of the deductible for such calendar year as so determined shall first be reduced by the amount of any expenses incurred by such individual in the last three months of the preceding calendar year and applied toward such individual's deductible under this section for such preceding year, and

"(2) any such expenses so incurred by other members of such individual's family shall be deemed to have been incurred by such individual.

For the purposes of paragraph (2), a family may consist of one or more individuals (i) one of whom is entitled to benefits under this title by reason of section 202(a)(1)(A) or (B), (ii) such others of whom are so entitled by reason of section 2002(a)(1)(C) or (D), but only to the extent that the individuals included under clause (i) and (ii) are living in a place of residence maintained by one or more of them as his or her own home.

"(c) The Secretary shall between July 1 and October 1, 1975, and each year thereafter determine and promulgate the deductible which shall be applicable for purposes of subsection (b) in the succeeding calendar year. Such deductibles shall be equal to whichever is higher—

"(1) $1,000, or

"(2) $1,000 multiplied by the ratio of the component of the Consumer Price Index, prepared by the Department of Labor for June of the year in which such determination is made and promulgated which represents fees for physician's services to such component of such Consumer Price Index for the month of June 1974, with such product, if not a multiple of $50 being rounded to the nearest multiple of $50.

"(d) Payment for services under this title shall also be subject to limitations described in section 1812 (c) and (e) and section 1813 (c) and (e).

"(e) Whenever the total of any coinsurance amounts under subsection (a)(1)(A) or (B) and any deductible under subsection (a)(2) and (3) which is required to be paid by an individual under this title exceeds the sum of $500 in any calendar year the Secretary shall pay any such amounts as are in excess of $500 during such calendar year.

"CONDITIONS OF AND LIMITATIONS ON PAYMENT FOR SERVICES

"SEC. 2005. (a) To the extent that payment may be made for services described in section 2003 (a)(1), the provisions of section 1814, 1815, 1816, 1833 (f) and 1835 shall apply.

"(b) To the extent that payment may be made for services described in section 2003 (a)(2), the provisions of section 1842 shall apply.

"APPLICABILITY OF CERTAIN PROVISIONS OF TITLE XVIII

"SEC. 2006. The provisions of section 1861 (except subsection (a) and (y)), 1866, 1867, 1869, 1870, 1871, 1872, 1873, 1874, and 1875 shall apply with respect to this title to the same extent as they are applicable with respect to title XVIII.

"(b) The provisions of section 402(a) of the Social Security Amendments of 1967 shall be applicable to this title to the same extent as they are applicable to title XVIII.

"FEDERAL CATASTROPHIC HEALTH INSURANCE TRUST FUND FOR THE UNEMPLOYED

"SEC. 2007. (a) There is hereby created on the books of the Treasury of the United States a trust fund to be known as the Federal Catastrophic Health Insurance Trust Fund for the Unemployed (hereinafter in this section referred to as the 'trust fund'). The trust fund shall consist of such amounts as may be deposited in, or appropriated to, such fund as provided in this part. There are hereby appropriated to the trust fund for the fiscal year ending June 30, 1975, and for each of the next 2 succeeding fiscal years thereafter, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this title. The amount appropriated by the preceding sentence shall be transferred from time to time from the general fund in the Treasury to the trust fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes, specified in the preceding sentence, paid to or deposited into the Treasury; and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than taxes specified in such sentence.

"(b) With respect to the trust fund, there is hereby created a body to be known as the 'board of trustees of the trust fund' (hereinafter in this section referred to as the 'board of trustees'), composed of the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health, Education, and Welfare, all ex officio. The Secretary of the Treasury shall be the Managing Trustee of the board of trustees (hereinafter in this section referred to as the 'Managing Trustee'). The Commissioner of Social Security shall serve as the secretary of the board of trustees. The board of trustees shall meet not less frequently than once each calendar year. It shall be the duty of the board of trustees to—

"(1) hold the trust fund;

"(2) report to the Congress not later than the first day of April of each year on the operation and status of the trust fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next 2 fiscal years;

"(3) report immediately to the Congress whenever the board is of the opinion that the amount of the trust fund is unduly small; and

"(4) review the general policies followed in managing the trust fund, and recommend changes in such policies, including necessary changes in the provisions of law which govern the way in which the trust fund is to be managed.

The report provided for in paragraph (2) shall include a statement of the assets of, and the disbursements made from, the trust fund during the preceding fiscal year, an estimate of the expected income to, and disbursements to be made from, the trust fund during the current fiscal year and each of the next 2 fiscal years, and a statement of the actuarial status of the trust fund. Such report shall be printed as a House document of the session of the Congress to which the report is made.

"(c) It shall be the duty of the Managing Trustee to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purpose for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of public-debt obligations for purchase by the trust fund. Such obligations issued for purchase by the trust fund shall have maturities fixed with due regard for the needs of the trust fund and shall bear interest at a rate equal to the average market yield (computed by the Managing Trustee on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of 4 years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest on such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield. The Managing Trustee may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price, only where he determines that the purchase of such other obligations is in the public interest.

"(d) Any obligations acquired by the trust fund (except public debt obligations issued exclusively to the trust fund) may be sold by the Managing Trustee at the market price, and such public debt obligations may be redeemed at par plus accrued interest.

"(e) The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

"APPROPRIATIONS FOR CONTINGENCY RESERVE

"SEC. 2008. In order to assure prompt payment of benefits provided under this title and the administrative expenses thereunder during the early months of the program established by this title, and to provide a contingency reserve, there is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to remain available for the 2 calendar years immediately following December 31, 1975, for repayable advances (without interest) to the trust fund, an amount equal to one-half of the amount of benefits estimated to be paid under this title in each of such calendar years.".

(b) Section 201(g) of the Social Security Act is amended by—

(1) inserting after "title XVIII" the first time it appears the following: "and the Federal Catastrophic Health Insurance Trust Fund for the Unemployed established by title XX";

(2) inserting after "title XVIII" each time it appears therein after the first time the following: "and title XX".

SEC. 3. Effective 3 years after the date of enactment the amendments made by this Act are repealed.

By Mr. BAKER:

S. 971. A bill authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes. Referred to the Committee on Public Works.

Mr. BAKER. Mr. President, I am today introducing legislation that has been recommended by the administration. This bill would extend indefinitely the authority for the Interior Department to pay for the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts here in Washington. This includes a portion of the security, utilities, and janitorial costs.

At the direction of the Committee on Public Works, the General Accounting Office is studying the financial status of the Kennedy Center. This 2-year study, which should be available to the Congress next month, will assess questions such as the adequacy of the formula for determining the nontheatrical costs of the Center and the effectiveness of the Kennedy Center's auditing system.

Once this report is available, I would hope that the Senate will be able to act on this proposal so that the question is decided before the present authorization expires on June 30, 1975.

I recognize, of course, that the Senate traditionally shuns authorization that are indefinite in cost and period. I agree that such indeterminate authorizations are unwise, and I would assume that the Senate will limit this authorization in time and dollars.

I would note, Mr. President, that the President's budget requests $2,575,000 for the Kennedy Center during fiscal year 1976; the fiscal year 1975 cost is estimated at $2,500,000.

To explain more fully the need for this bill, I ask unanimous consent that a copy of the letter of transmittal be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 13, 1975.
Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "Authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Section 10 of the Public Buildings Amendments of 1972 (86 Stat. 216, 222), approved June 16, 1972, added a new subsection (e) to section 6 of the John F. Kennedy Center Act, as amended. The new subsection directed the Secretary of the Interior, acting through the National Park Service, to provide maintenance, security, information, interpretation, janitorial, and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. It authorized such sums as may be necessary to carry out these functions, but only for the fiscal year ending June 30, 1973. Section 6 was further amended on July 10, 1973 by Public Law 93-67 (87 Stat. 161) which authorized sums to carry out the nonperforming arts functions of the Center through the fiscal year ending June 30, 1975.

The enclosed draft bill would amend the appropriation authorization in subsection 6(e) to delete the language limiting the authorization to fiscal year 1975, thus permitting the National Park Service to continue to receive appropriations after 1975 for carrying out the nonperforming arts functions for the Center.

On October 4, 1972, this Department entered into an agreement with the Board of Trustees for the Kennedy Center whereby interpretation and information services, maintenance services, and utilities and janitorial services, as related to the nonperforming arts functions, would be supplied by the Secretary.

The amounts authorized by the July 1973, amendment were: FY 1974, $2,400,000; and FY 1975, $2,500,000. At the time the $2,400,000 for FY 1974 was authorized on July 10, 1973, the electric bill for the Center was running approximately $60,000 per month, or $720,000 per year. The bill is now averaging $82,400 per month, while the use of electric energy at the Center has been reduced by 30 percent. This results in an annual cost of about $1,000,000. The National Park Service share of that cost is about $670,000. A year ago, the National Park Service share of the annual cost was $482,000. In addition, PEPCO is seeking a further rate increase of about 20 percent. We have reduced the lighting at the Center as much as possible, while still permitting continued use of the building.

The $100,000 increase in fiscal year 1975 over fiscal year 1974 has been completely absorbed with a wage board and classified pay increase in excess of 5 percent and a police salary increase of 16 percent.

In addition, the amounts authorized did not provide for replacement of items such as floor carpeting and wall covering and equipment for the mechanical plant. It is now necessary to make some replacements of the floor carpeting and wall covering, which will cost approximately $100,000 per year.

We have determined, that unless the present limitation is removed, the existing increase of $188,000 for electricity, plus the pending rate increase, can only be absorbed through termination of the security personnel assigned to the theaters during the day, and through termination of the Park Service interpretation booths in each of the halls and on the roof-top. All interpretation at the Center would thus be left to the Friends of the Kennedy Center, although we would be able to continue to develop and coordinate audio services and hand-out materials. This public interpretive program is presently similar in quality to the program for other memorials in the Washington, D.C., area, such as the Washington Monument, and the Lincoln and Jefferson Memorials. No increase in the level of public service is proposed, except during the 3-month period when Bicentennial visitation will be at the highest level.

The only alternative to these cutbacks would be to close the Center one day a week. This action would require the concurrence of the Board of Trustees, and would require considerable advance notice.

We believe that these alternatives are inappropriate for the Kennedy Center, the official memorial to the late President Kennedy, and a Center of National reputation and importance. Visitation at the Center continues to exceed 2.5 million annually, and the Center attracts 15,000 to 20,000 visitors per day during the peak periods.

We urge timely and favorable action on the enclosed proposal in view of the approaching expiration of the appropriation authorization with which the proposed bill deals.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

CURTIS BOHLEN,

Acting Assistant Secretary of the Interior.

By Mr. MOSS:

S. 972. A bill to provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. MOSS. Mr. President, among the most underpaid employees in this Nation are the peace officers and firemen who serve in our local communities. These public servants who are underpaid often die in the line of duty without adequate benefits or protection for their surviving families. This is so because being underpaid they cannot afford the death and disability insurance policies which require a higher premium payment for insurance because of the "high risk" nature of their public service. Policemen and firemen should not have to sacrifice both in salary and in benefits just because they are public servants, but they are doing so because of their convictions and their desires to provide a better community in which each of us can live.

To those who give their lives in this public service we owe some responsibility to insure the future of their dependents, a future which will be placed in jeopardy because the provider lost his life for our protection. The Public Safety Officers Memorial Act which I introduce today will provide at least some assurances for the future of the children of public safety officers. With the passage of this bill those public servants can at least go to work with the assurance that their children's future will be provided for should they lose their life in the line of duty.

Mr. President, one of the only assurances for some future for these children is the enactment of this legislation. Police officers and firemen are highly trained, skilled, and professional individuals who are underpaid for their dedication. Certainly they should not be asked to jeopardize their children's future any longer in service to their communities when that jeopardy can be avoided simply by enactment of this legislation. I urge immediate committee and Senate consideration of the Public Safety Officers Memorial Act.

By Mr. HUGH SCOTT (for himself, Mr. ROBERT C. BYRD, and Mr. MCCLURE):

S.J. Res. 46. A joint resolution authorizing and requesting the President to issue a proclamation designating October 5–11, 1975, as "Newspaper Week" and also designating October 11, 1975, as "Newspaper Carrier Day." Referred to the Committee on the Judiciary.

Mr. HUGH SCOTT. Mr. President, once each year for nearly a half century the newspapers of this country have observed during 1 week in October "Newspaper Week" and "Newspaper Carrier Day." These observances have been recognized by Presidential proclamation following passage of a joint resolution by the Congress of the United States.

It is particularly fitting that the Congress this year should recognize "Newspaper Week" during the period October 5–11 and "Carrier Day," Saturday, October 11, because the theme ties in well with the responsibilities of a free press during our two centuries of American democracy. Were it not for the contributions of the press during this 200-year period and the time prior to the signing of the Declaration of Independence in Philadelphia, we might not be privileged to enjoy such an open forum for discussion of the actions of our Federal Government today.

The press of this Nation has been in the forefront of support for the basic freedoms of speech, religion, and press embodied in the first amendment since the beginning.

It is important to note that the first observance of Newspaper Week developed from the cooperative efforts of the executives of the Pennsylvania Newspaper Publishers Association and the California Newspaper Publishers Association. They foresaw a continuing need for the press of America to rededicate itself each year to maintenance of high standards of service to the American people.

With 1,760 daily newspapers serving more than 63,000,000 circulation and 7,650 weekly newspapers with more than 35,000,000 subscribers, Americans enjoy a healthy and viable press.

The boys and girls who serve millions of families as newspaper carriers for these newspapers also deserve equal consideration. These young people supply their customers with their newspapers while at the same time learning about business service, thrift and thoroughness. Few people realized that they earn almost $800 million yearly which is put toward educational and other personal needs.

I am pleased to introduce this resolution honoring the American newspaper carriers. I urge its early passage in order to facilitate observance of their important part in the American Bicentennial.

By Mr. WILLIAMS:

S.J. Res. 47. A joint resolution to authorize the President to proclaim annually the last Friday of April as "National Arbor Day." Referred to the Committee on the Judiciary.

NATIONAL ARBOR DAY RESOLUTION

Mr. WILLIAMS. Mr. President, tree planting ceremonies to symbolize man's bond with nature are probably as old as civilization itself. Arbor Day, however, is purely an American idea which had its origins in the treeless prairies of Nebraska. There, on the west bank of the Missouri, Julius Sterling Morton took squatter's rights in 1854 and started planting trees. Throughout Nebraska, he spread the message to other farmers—that trees are a source of protection, of permanence, of fuel and building materials, and of beauty. He also recognized the educational, social, and spiritual value of tree planting.

In 1872, as president of the State board of agriculture, Morton introduced a resolution to designate one day in April as State Arbor Day. Nebraskans espoused the resolution enthusiastically and planted more than a million trees that first Arbor Day. The idea was soon adopted in surrounding States, and by 1920, Arbor Day observance had spread to 45 States and territorial possessions of the United States, as well as to several foreign countries. People of all ages and callings participated in tree planting on a large scale, and the new awareness of the importance of trees inspired significant conservation legislation.

Our environment has undergone considerable changes since the first Arbor Day. The frontier setting of that first observance has yielded to urban development and suburban sprawl. The Nebraskan pioneers who overcame the desolation and hostility of their environment by planting trees have been replaced by city dwellers and modern farmers. But these new pioneers confront another sort of desolation—that caused by the continuous encroachment of man on nature. Our natural environment has largely been conquered, and now its gradual depletion poses a serious threat. Man has again begun to realize that his survival depends upon the survival of his environment.

For this reason, Mr. President, I believe it is time for us to renew our commitment to nature and its conservation. What better way for us to affirm this commitment than to set aside one day each year as National Arbor Day. In the 92d Congress, I was pleased to have introduced the Senate version of legislation which designated the last Friday in April 1972, as Arbor Day. That date marked the 100th anniversary of the first observance in Nebraska. But I believe that it should be a national observance every year, an annual pledge of all Americans to preserve and restore the earth. Therefore, I am today introducing a resolution to authorize the President to proclaim the last Friday of each April as National Arbor Day. It is my hope that this holiday will attain its well-deserved importance and will symbolize our ongoing responsibility to our environment.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 32

At the request of Mr. Kennedy, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 32, a bill to establish a framework for the formulation of national policy and priorities for science and technology, and for other purposes.

S. 357

At the request of Mr. Bayh, the Senator from New York (Mr. Javits) was added as a cosponsor of S. 357, a bill to amend title II of the Social Security Act to increase to $4,800 the amount of outside earnings permitted each year without deductions from benefits thereunder.

S. 425

At the request of Mr. Williams, the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of S. 425, the Foreign Investment Act of 1975.

S. 448

At the request of Mr. Cranston, the Senator from California (Mr. Tunney), the Senator from Vermont (Mr. Leahy), and the Senator from New York (Mr. Javits) were added as cosponsors of S. 448, a bill to amend the Immigration and Nationality Act with respect to a waiver by the Attorney General, of certain grounds for exclusion and deportation, for an offense in connection with possession only of marihuana.

S. 551

At the request of Mr. Domenici, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of (S. 551), a bill to provide for the recycling of used oil, and for other purposes.

S. 566

At the request of Mr. Humphrey, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 566, a bill to provide authority for the District of Columbia to place two statues in Statuary Hall of the Capitol.

S. 584

At the request of Mr. Burdick, the Senator from Georgia (Mr. Nunn) was added as a cosponsor of S. 584, a bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

S. 625

At the request of Mr. Kennedy, the Senator from South Dakota (Mr. McGovern), the Senator from Michigan (Mr. Philip A. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from New Jersey (Mr. Case), the Senator from Vermont (Mr. Leahy), the Senator from Indiana (Mr. Bayh), the Senator from Maine (Mr. Hathaway), the Senator from Utah (Mr. Moss), the Senator from Massachusetts (Mr. Brooke), and the Senator from Vermont (Mr. Stafford) were added as cosponsors of S. 625, the Emergency Unemployment Health Benefits Act of 1975.

S. 660

At the request of Mr. Mondale, the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. Humphrey), the Senator from South Carolina (Mr. Hollings), the Senator from California (Mr. Tunney), the Senator from Illinois (Mr. Percy), and the Senator from Pennsylvania (Mr. Schweiker), were added as cosponsors of S. 660, the Home Owners' Loan Act of 1975.

S. 667

At the request of Mr. Beall, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of S. 667, a bill to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of historic buildings and structures and the rehabilitation of other property, and for other purposes.

S. 697

At the request of Senator Humphrey, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 697, to improve agricultural yields in the production of soybeans through the establishment of a Soybean Research Institute jointly supported by the United States and the People's Republic of China.

S. 718

At the request of Mr. Hollings, the Senator from Idaho (Mr. Church), the Senator from Arkansas (Mr. Bumpers), the Senator from Iowa (Mr. Clark), and the Senator from Oregon (Mr. Hatfield) were added as cosponsors of S. 718, the U.S. Postal Service Amendments of 1975.

S. 744

At the request of Mr. Mansfield, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of S. 744, a bill to authorize a vigorous Federal program of research, development, and demonstration to assure the utilization of MHD (magnetohydrodynamics) to assist in meeting our national energy needs.

At the request of Mr. Metcalf, the Senator from Florida (Mr. Stone) was added as a cosponsor of S. 744, supra.

S. 805

At the request of Mr. Domenici, the Senator from Arizona (Mr. Fannin), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 805, a bill to amend section 5(c) of the National Trails System Act.

S. 862

At the request of Mr. Church, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor to S. 862, a bill to amend the Social Security Act to provide for the coverage of certain drugs under part A of the health insurance program established by title XVIII of such act.

S. 863

At the request of Mr. Pearson, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 863, the Local Rail Services Act of 1975.

SENATE RESOLUTION 92

At the request of Mr. Clark, the Senator from Maryland (Mr. Beall), and the Senator from New Mexico (Mr. Montoya), were added as cosponsors of Senate Resolution 92, a resolution directing standing committees of the Senate to identify laws in their jurisdictions which discriminate on the basis of sex and to make suggestions for changes which would be consistent with the principle of equal rights.

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. Humphrey, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of Senate Concurrent Resolution 10, to provide for the selection of members of minority groups who have made significant contributions to the United States, and to obtain their likenesses for placement in the Capitol.

SENATE RESOLUTION 99—SUBMISSION OF A RESOLUTION TO PROTECT TUNA AND OTHER FISH IN THE EASTERN TROPICAL PACIFIC

(Referred to the Committee on Commerce.)

Mr. TUNNEY. Mr. President, I am introducing today a resolution which will request the Secretary of Commerce, in collaboration with the Secretary of State, to submit a report which should greatly assist the Congress.

The continuing dispute between the United States and Ecuador over the seizure of American tuna fishing vessels during the last 15 years has cost the American taxpayer millions of dollars and has caused over 135 American fishing vessels to be detained in a foreign port.

The situation has dramatically escalated during the last 2 months to the point now where American fishermen have not only been subjected to severe and unreasonable financial penalties, but assaults have been made to their persons, thefts have been reported of their belongings, and numerous other indignities have taken place.

The United States must stop ignoring these injustices and not stand idly by while another nation abuses our fishermen and their right to earn a decent living. We must not continue an embarrassing precedent which has shown other nations that we will not protect U.S. citizens who must work the oceans to help feed this Nation.

We must take serious and forthright action. The resolution looks toward the possibility of economic and other nonmilitary sanction against Ecuador in an attempt to end the acts of piracy. Hopefully this resolution will be a base for action and the forthcoming report will act as a catalyst for settlement of this dispute which has lasted far too long and cost this country too much in unjust fines.

I urge my fellow Senators to join with Senators Magnuson, Jackson, Cranston, Tower, Symington, Philip Hart, Hollings, Fong, Bentsen, and myself in supporting this most important resolution.

The resolution reads as follows:

S. Res. 99

Whereas the tunas represent a high protein food resource that is of great value to the world and to the United States of America,

Whereas the Congress enacted the Tuna Conventions Act of 1950, as amended (76 Stat. 923) to implement the Convention for the Establishment of an Inter-American Tropical Tuna Commission, which was concluded in 1949,

Whereas since 1966, the Inter-American Tropical Tuna Commission has recommended, on the basis of scientific investigations, proposals by the High Contracting Parties to such Convention designed to keep the populations of Yellowfin Tuna at levels of abundance which will permit the maximum sustained catch,

Whereas since 1966 the Government of the United States and other countries party to the Inter-American Tropical Tuna Commission have agreed to regulate their citizens and vessels subject to their jurisdiction for purposes of carrying out the tuna conservation recommendations of the Inter-American Tropical Tuna Commission,

Whereas the Government of Ecuador joined the Inter-American Tropical Tuna Commission in 1961 and then denounced the Convention effective August 1968,

Whereas the Government of Ecuador during the period 1961 through 1974, and most recently on January 25, January 28 and February 1, 1975, has seized 136 fishing vessels of the United States on the basis of rights or claims on the high seas which are not recognized by the United States,

Whereas the Government of Ecuador and the United States of America engage in extensive trade: Now, therefore, be it

Resolved, that Congress hereby expresses its grave concern with respect to the actions of the Government of Ecuador which have directly and indirectly affected tuna fishing operations within the Eastern Pacific Ocean in a manner and under circumstances which have diminished the effectiveness of the Inter-American Tropical Tuna Commission tuna conservation program, and further, that the Government of Ecuador, by its actions, has adversely affected the interests of the United States in the tuna fishery of the Eastern Tropical Pacific in that the Government of Ecuador has seized tuna fishing vessels of the United States on the basis of rights or claims in the high seas which are not recognized by the United States or by international law.

Sec. 2. The Secretary of Commerce, in collaboration with the Secretary of State, is hereby directed to determine and report to the Congress what action can be taken to promote international compliance with conservation measures established by the Inter-American Tropical Tuna Commission, an international commission to which the United States is a party, to include but not be limited to—

(1) a determination whether the provisions of Section 8 of the Fishermen's Protective Act of 1967 (85 Stat. 786) should now be invoked, the extent to which it should be invoked, whether it should be amended to more clearly apply to countries that seize vessels of the United States on the basis of rights or claims in the high seas not recognized by the United States, and whether it should be amended to include products in addition to fisheries products; and

(2) a study of what other unilateral steps or international measures can be taken to promote the objectives of this Senate resolution, including bilateral talks with Ecuador; and

(3) an examination of trade agreements with Ecuador in the light of the objectives of this Senate resolution.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 25

At the request of Mr. Metcalf, the Senator from Florida (Mr. Stone) was added as a cosponsor of amendment No. 25, intended to be proposed to the bill (S. 598), to authorize appropriations to the Energy Research and Development Administration.

At the request of Mr. Mansfield, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of amendment No. 25, supra.

NOTICE OF HEARINGS ON EFTS MORATORIUM BILL

Mr. McINTYRE. Mr. President, the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs, will hold hearings on S. 245, a bill to impose a temporary legislative moratorium on electronic fund transfer systems, at 9:30 a.m., on March 14, in room 5302, Dirksen Senate Office Building.

Anyone wishing further information regarding this hearing should contact Mr. William Weber, room 5300, Dirksen Senate Office Building, 224–7391.

ANNOUNCEMENT OF HEARINGS ON "FUTURE DIRECTIONS IN SOCIAL SECURITY"

Mr. CHURCH. Mr. President I would like to announce that the Senate Special Committee on Aging will continue its hearings on "Future Directions in Social Security" in room 4221, Dirksen Senate Office Building, at 10 a.m. on March 18 and 19 and on March 20 at 2:30 p.m. Witnesses will deal with recent appraisals of the future of the social security system and will deal, in particular, with the challenges posed to the social security system by present economic difficulties.

ANNOUNCEMENT OF HEARING

Mr. KENNEDY. Mr. President, the Subcommittee on Health will hold a public hearing on Monday, March 17, 1975, at 10 a.m. in room 4232 on legislation to extend the expiring provisions of the Public Health Service Act respecting the Heart, Lung, Blood, and Blood Vessel Act and the National Research Act.

Persons desiring to testify should contact Mr. Lee Goldman, subcommittee staff director, at 224–7675.

HEARINGS SCHEDULED ON LEGISLATION CREATING STRATEGIC ENERGY RESERVES

Mr. JACKSON. Mr. President, on March 11 at 10 a.m., in room 3110 of the Dirksen Senate Office Building, the Senate Committees on Interior and Insular Affairs and Armed Services will hold joint hearings on legislation creating strategic energy reserves and authorizing the production of petroleum from the naval petroleum reserves.

The measures to be considered at the hearing include S. 618 and titles I and II of S. 594 which set forth the administration's proposals on these subjects, and Senate Joint Resolution 13, a joint resolution introduced by Senator Cannon to authorize increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes. S. 677, the Strategic Energy Reserves Act of 1975, which I have introduced, will also be considered.

Testimony will be received from administration witnesses.

NOTICE OF HEARING

Mr. JACKSON. Mr. President, on February 11, I announced 2 days of field hearings in Hawaii by the Committee on Interior and Insular Affairs on Hawaii Native Claims. These hearings are to be held at 10 a.m. on March 24 at the Honolulu International Center in Honolulu and at 6 p.m. on March 25 at the Konawaena Cafetorium in Kona.

I would like to announce today the scheduling of a third day of hearings to accommodate the numerous requests to testify. This hearing will be held in the Hanalei District Court, Hanalei, beginning at 3 p.m., March 27, 1975.

Those who wish to testify or submit a written statement for the hearing record should, by no later than March 17, contact Mr. Steven P. Quarles, Senate Interior Committee, 3106 Dirksen Senate Office Building, Washington, D.C. 20510 (202-224–9894); Ms. Barbara Sakamoto, Office of Senator Daniel K. Inouye, 1833 Kalakaua Avenue, room 414, Honolulu, Hawaii, 96815 (808–946–1691), Ms. Patsy Chung, Office of Senator Hiram L. Fong, Finance Factors Building, room 702, 195 S. King Street, Honolulu, Hawaii 96813 (808–538–7011).

ADDITIONAL STATEMENTS

THERE WAS NO TIME FOR SAIGON'S SIDE

Mr. MORGAN. Mr. President, this morning a professor from the University of North Carolina expressed to me his opposition to the granting of further aid to Cambodia and South Vietnam. He said that based on what he had seen on CBS television, he was convinced that "our ravaging of these countries is inexcusable." It was rather ironic that he should make such statements to me on this morning, for just a few minutes before I had read a column in the Philadelphia Inquirer by John D. Lofton, Jr., which appeared February 28, 1975. The column was entitled "There Was No Time for Saigon's Side." Mr. Lofton pointed out in his column that, when Mr. Tran Van Lam, the president of the Republic of Vietnam's senate, appeared before the National Press Club to present his country's cause for continued military aid, neither the CBS, NBC, nor ABC news networks bothered to give any coverage to his plea. It seemed, according to Mr. Lofton, who made inquiries of each network, that they were all too busy covering "heavy news" assignments of the day.

CBS was covering the sentencing of the Watergate defendants and "chasing reactions" to the sentencing. There was also on CBS a report on a speech in Pittsburgh by convicted Watergate Conspirator Jeb Magruder—and a story about Bebe Rebozo's plans to turn the former Florida White House into a monument to Richard Nixon. This piece included an interview with an irate neighbor who opposed the idea.

According to Mr. Lofton, on NBC the same night there was a story about a woman in Hesperus, Colo., who owns a coal mine and is fighting with the Government about it.

The rationale behind the NBC blackout of Mr. Lam's talk was that—

> It is normal and not out of the ordinary that an official of a government should make such a pitch for his government.

Yet it was perfectly acceptable to NBC on their Sunday night program "The Loyal Opposition" to present the views of two of my distinguished colleagues, who oppose aid to these countries and who contend that the killing will stop if we withdraw from the picture and permit the Communists to prevail.

Mr. President, I commend the Members of the Senate and the House who took valuable time from their schedules here and away from their constituents at home to go to Cambodia and Vietnam and see for themselves some of the things that are happening there. I have been impressed with some of the press reports of their reactions. Until I see their own reports, I will not comment except to say that I will be far more willing to base my judgment upon reactions and views of those who have taken the time to find some of the facts for themselves.

Mr. President, I ask unanimous consent that the article by Mr. Lofton, which I have referred to, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NETWORKS WERE BUSY—THERE WAS NO TIME FOR SAIGON'S SIDE

(By John D. Lofton, Jr.)

WASHINGTON.—When the Honorable Trans Van Lam made the case last week for why his country should get continued U.S. Military aid, the man who is South Vietnam's Henry Kissinger and Mike Mansfield rolled into one stressed to his National Press Club audience that he spoke for a government but not for his constituency.

"I am convinced," said Lam, who is president of the Republic of Vietnam's senate, "that the Vietnamese people ought to be heard in a debate which is of total concern to them."

But from all practical purposes—aside from those of us in the audience—no one heard Mr. Lam's side of the argument because none of the three TV networks showed up to film him. Why? This is what I asked the networks.

Monica Newton, who identified herself as "one of the desk flunkies" at CBS News, explained that the problem was one of "availabiilty." You know, she said, "we've just completely down to our last man."

I said I did not know, and asked what those people who were available were doing when Mr. Lam spoke? She says just a minute, puts me on hold and switches me to Bill Headline, an assistant news director.

Headline explains that CBS News has six or seven film crews but they were "busy with a lot of other things." Like, Well, primarily at the court for the sentencing of the Watergate defendants and "chasing reaction" to the sentencing.

At ABC—which has five staff camera crews and can hire free cancers for any given situation—assignment editor John Arrowsmith explained the ignoring of Mr. Lam's address saying: "We just had such a heavy news day that we couldn't get it."

The rationale behind the NBC News blackout of Mr. Lam's talk was the most interesting. Dina Modianot, an assignment editor, tells me:

"It is normal and not out of the ordinary that an official of a government should make such a pitch for his government. On that basis, we did not go." Presumably had Mr. Lam attacked the idea of military aid for his country, NBC News would have been there.

Watching the network news the night after Mr. Lam's talk, there were several "soft" stories which could have either been cut down or eliminated to make way for what the President of South Vietnam's Senate had to say:

For example, on CBS—besides a brief report on a speech in Pittsburgh by convicted Watergate conspirator Jeb Magruder—there was a story about Bebe Rebozo's plans to turn the former Florida White House into a monument to Mr. Nixon. This piece included an interview with an irate neighbor opposed to the idea.

On NBC, this same night, there was a story about a 69-year-old woman in Hesperus, Colo., who owns a coal mine and is fighting with the government about it.

But the Honorable Tran Van Lam should not despair. Perhaps if his country falls to the Communists—and if he can be located before he is executed—maybe Walter Cronkite will condescend to at least a telephone interview at which time Mr. Lam can talk about how U.S. military aid might have helped prevent the Red takeover of his country.

Who knows, with any luck at all, the interview may actually be broadcast on the CBS Evening News, assuming of course that Jeb Magruder makes no speeches the same day.

INDUSTRY MOVES TO METRICS—WITHOUT CONGRESS

Mr. GARN. Mr. President, the Congress has been studying the issue of metric conversion for more than 10 years, and practically every year authorizes studies of the question which cost millions of dollars, to tell us what we already know: That the metric system is simple, easy to understand, more efficient, and used by most of the world.

Still there are cries for Government action to accomplish conversion, no doubt through the creation of a metrication board or agency, which will be authorized to do more studies, issue regulations and guidelines, and provide subsidies to minimize the impact of metrication or industry.

Interestingly enough, a recent article in Industry Week indicates that private industry in this country is able to accomplish something without Government action. Even though the Federal Government is not through studying the problem yet, 30 percent of U.S. industry has already converted to the metric system. Perhaps when the results of the studies are in, we will fall into line behind the progressive sector of the national economy.

Mr. President, I ask unanimous consent that the article referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDUSTRY MOVES TO METRICS—WITHOUT CONGRESS

(Metrication was legalized in the U.S. in 1866, but since then Congress has repeatedly failed to pass a conversion bill—most recently last summer. Meanwhile, about 30% of U.S. industry has converted.)

"Metrication will never happen here." That myth has died. About half of the top 500 industrial companies in the U.S. have made the move, and the domino effect is rippling through the rest of manufacturing USA.

There is no conspiracy against suppliers by the corporate giants, but if you are caught unprepared by increased metric usage, you may think there is.

The burdens of metrication are not unique. Once studied, they are revealed as the usual problems of businesses confronted by market and technical changes of any kind. And that is why it is important not to wait for legislation.

Actually, there is no need to legalize the metric system—that was done in 1866. And in 1893, we officially became a metric nation.

Federal legislation would merely coordinate a conversion to the system. Ideally, the major points of such a bill would include a national planning board, an eight- to ten-year voluntary conversion period, no special subsidies or exemptions, and the coordination of federal buying with the piecemeal conversion of the industrial sectors.

Firms large enough to have international markets and operations appear to be the leaders in metrication because of their exposure to buyers who customarily think in the metric system. Although "made in America" still carries enough prestige to offset our nation's system of measuring, it is inefficient for international firms to have manufacturing plants working both in inches and millimeters.

"Firms without a direct international connection face the biggest danger in not planning their metric conversion early enough," says metric consultant Robert C. Sellers of Robert C. Sellers & Associates Inc., Floral Park, N.J.

"Consider the impact of the General Motors Corp. announcement [in April 1973] that all new components would be designed in metric units. That impacted on 40,000 suppliers, and many of them no doubt felt that metrication couldn't happen to them."

One small company that did make the changeover to the metric system early is Regal-Beloit Corp., South Beloit, Ill. Few companies can count their advertising department as a profit center, and fewer yet can sell their direct mail, but that is how Regal-Beloit is profiting from its marketing transition to the metric system. Its primary business is selling tooling and gages.

Kenyon Y. Taylor, president, first saw the opportunities about ten years ago while visiting European operations in France and Italy. "We reacted by setting up a metric study group that planned our transition to the metric system. When we began laying out our promotional brochures, we discovered the general absence of any metric information designed for manufacturing. So our promotion efforts are aimed at metric education; product information is almost incidental.

"Over 300,000 copies of our first brochure, 'U.S.A. Goes Metric,' were mailed to managers. We had a similar reaction from a film, 'Discover Why Metrics,' that we made with the assistance of the University of Wisconsin. A brochure version followed, and we now produce a complete line of training materials and a bimonthly publication that we handle via our newly formed subsidiary, Swani Publishing Co. We also conduct metric seminars—over 2,000 in the past 18 months."

Here is a sampling of companies that are taking actions that will lead to metrication:

Honeywell Inc., Minneapolis, is operating under a ten-year metric conversion plan aimed at reversing the roles of the inch and metric systems in its U.S. operations by 1982.

"Costs so far look as if they will be lower than an outsider might have thought," says Lowell W. Foster, director of corporate standardization and also a director of the American National Standards Institute (ANSI).

"In most cases, we find that standard inch machines need only minor adjustments to produce metric parts. No wholesale replacement of machines and equipment is required.

"Training should be highly selective. A massive training program is not only costly, but upsetting to personnel. Our approach is: decide carefully what employees need to know and when they need to know it. Teaching them too far ahead of time can be just a waste of time."

Timken Co., Canton, Ohio, began its move to the metric system in 1962, the result of increasing resistance to its inch-measured products in international markets, says A. E. Matejka, group manager-engineering.

The company's background not only included some metric manufacturing during World War II, but also a French operation which had been producing both inch and metric products in the same plant with the same equipment.

"Looking back, our decision to start designing and producing metric products in 1962 was correct, but we made some mistakes in other decisions.

"First, we continued our old shotgun philosophy of designing new bearings. We evolved more and more new metric bearings, tailored specifically to each new job that came our way. That policy gave us products with limited appeal, low volume, and high prices that penalized anyone who wished to use the metric bearings in preference to the inch units.

"Another mistake was the failure to identify the new metric bearings in a significant way. The metric products were lost in the galaxy of inch-bearing part numbers. Most of our customers and some of our salesmen did not recognize them.

"Mixing U.S. industry inch standards with ISO [International Standard Organization] metric standards was another problem. All of our problems were really part of one problem: inadequate planning."

Timken's second look at metrication started in 1965 and evolved into 326 metric bearings in 12 application-oriented lines. "The package was presented to the Anti-Friction Bearing Manufacturers Assn. as a proposal for an industry standard in the U.S. Under the sponsorship of ANSI, the plan was presented to ISO to be considered as an international standard.

"Although the plan was rejected by ISO, we are not going to scrap our concept of a metric-bearing master plan. Remember that you must consider fully the implications of national and international standards on any plan that is developed. It can be a serious stumbling block."

Deere & Co.'s Waterloo, Iowa, plant. The company made the decision to go metric 13 years ago.

"Farm and construction equipment makers are less dependent on supplier groups, since they control more of the design process than other industries," says Harold Brock, consulting engineer. "We design, develop, and make all but a few parts. Our goal is to make parts interchangeable throughout the world, thereby reducing their total number.

"Existing drawings are dual-dimensioned, and factories in the U.S. still use customary inch units. Since November 1973, all new drawings have been in Metric SI [System International D'units], with computer-generated customary printouts in the corner of the drawing.

"We find that the toolmaking industry, which is not trained in SI, can present a problem, since it often charges an additional 10% to 15% to work exclusively in metric.

"Company reports and correspondence use metric only or dual metric-English units. Eventually, only metric units will be used in correspondence and reports."

Rockwell International Corp., Pittsburgh, announced its decision to adopt the metric system in January 1974.

"It will take about ten years for the system to become predominant in all divisions," says Willard F. Rockwell Jr., chairman.

"We didn't wait for metric legislation because, with the United States in the position of being the only major nation not yet committed to the metric system, delays can seriously affect our industrial position in the world."

Although the corporation is now preparing for metrication, the decision on when to convert—or whether to convert—is a divisional responsibility that must be based on cost effectiveness.

Using a drafting practice similar to John Deere, Rockwell International plans to use only metric dimensions, but it will include computer-generated inch conversions in a chart on each drawing.

Only new products will be designed with metric units, but inch system-threaded fasteners will be retained until the Industrial Fasteners Institute's Optimum Metric Fastener System (OMFS) proposal is resolved with ISO:

EXPORT TRADE

One example of the pressure on U.S. firms exporting to other markets is the directive on measurement units issued by the European Community (United Kingdom, West Germany, France, Luxembourg, Belgium, Denmark, the Netherlands, Italy, and the Republic of Ireland). Anyone trading with EC countries must, by the end of 1977, use SI metric units.

The directive is limited to the language describing the product. Only sales literature, invoices, service manuals, and drawings must be expressed in metric SI units.

The EC directive is in reality merely an objective, and the difficulty will lie in the enforcement it will receive by the individual member nations. However, the EC could take corrective action in the European Court of Justice against member countries which fail to observe the basic objectives.

The use of dual dimensioning, both inches and millimeters, could pose a problem to some exporters. Although the directive doesn't prohibit that practice, it doesn't authorize it either. Even EC officials have some doubts about what will eventually be allowed by member countries. For anyone using dual dimensioning, probably the best guideline would be to avoid any dimensioning practice that could possibly mislead.

DO NOT FORGET STANDARDS

U.S. manufacturing shouldn't delay metric standards-making, either, warns Donald L. Peyton, ANSI managing director.

"Every standards-developing organization should now begin to prepare for metric standards development," he says. "Whatever Congress does, the worldwide trend to metric will, in time, bring about a change in product design, engineering, and manufacturing in the United States. If American industry waits for governmental action, if it waits for someone else to begin the long, hard, tedious, and complex process of developing engineering standards, it may become dependent on the metric standards of other nations. In the final analysis, the name of the metric game is standards.

"In international standards development, the U.S. in many respects is playing catch-up ball. Our participation at times is considered too little and too late by metric countries.

"Even in those cases where an enormous amount of research and money have gone into the development and testing of totally new metric series, such as in the Optimum Metric Fastener Series, we are finding growing objection to its consideration in the technical committees of the ISO because of the reluctance of other countries to change.

"But there is still time for the U.S. to have a real influence. Out of some 3,000 ISO and International Electrotechnical Commission standards, only about 300 are metric.

"Being the last player in the metric game can have its advantages. There are thousands of metric standards available from metric countries that could be utilized or adapted in the U.S. and should be considered by standards committees."

Standards-developing organizations should have or should develop the capability to perform document search and analysis on metric standards, Mr. Peyton advises. Every committee should start from the premise of adoption or adaptation of international standards. Where metric standards are not needed immediately, he adds, they should be developed in parallel with new nonmetric ones as a hedge against the future.

SENSITIVITY GUIDANCE

"We firmly believe that with or without legislation the U.S. will and is going metric," says Kenyon Y. Taylor, president Regal-Beloit Corp. "The first job for American manufacturing is to determine its senstivity to the measurement change.

"Large multinational firms are keenly aware of their sensitivity to a measurement system, but smaller firms are often late to feel metric impact—usually due to their different market exposure."

The following are guidelines recommended by the Research Institute of America Inc. (RIA), New York, in its latest study, "Preparing Now To Go Metric."

Is the product or product line exported in substantial quantities? Your metric customers may now prefer metric-dimensioned parts, to avoid costly parts and repair problems.

Are any manufacturing facilities located in other nations? Metrication can provide standardization benefits and improve intracompany liaison.

Does the cost of operations involve a significant design component? Because metric units are easier to work with, savings in design time could be as high as 10%.

What are competitors' plans on metrication?

Are the byproducts of metrication advantageous? Changeover can give manufacturers the once-in-a-lifetime opportunity to eliminate needless sizes or to redesign to today's engineering practices. For example, General Motors Corp. plans to replace 900 sizes of inch fan belts with only metric sizes.

Are metric material and purchased parts readily available?

Do suitable metric standards exist? That caused a problem with Britain's goal of conversion by 1975, because many segments of its industry are still waiting for the emergence of effective international standards.

Are new or improved products planned? That could be the logical time to start conversion.

Is the product among the 20% that is often responsible for 80% or more of the profits? This is the group often most susceptible to metrication initially. Slow movers may be partially phased out in a variety reduction effort.

Would the metrication process be relatively lengthy and costly? Manufacturers need to analyze product life span, the need for inch replacement parts, and how to handle the problem machines that do not convert to metrics easily.

Would metrician be relatively straightforward for customers and suppliers? That could be the case when the products are dimensionless—liquids for instance—and when neither the manufacturing process nor the end product must be altered.

RIA's advice: Analyzing an updated input-output table can produce a good rough cut for predicting how metrician programs in other sectors of the economy might affect the sector in which you operate.

RULE XXII

Mr. ALLEN. Mr. President, a valued constituent, Mr. Finley P. Ledford, Jr., of Athens, Ala., has written me at length with reference to several matters of importance to the people of Alabama and our Nation at this time.

In his letter, Mr. Ledford focuses particularly upon the importance of retaining Senate rule XXII as presently constituted.

I have found the contents of Mr. Ledford's letter to be most thought-provoking and I ask unanimous consent to have his letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ATHENS, ALA.,
March 1, 1975.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: In recent days, I have found the "Congressional Record" more than equivalent to the nation's best selling books, for holding a readers interest. It is the first time, I can recall, that I look forward to the next edition of the "Record", with more eagerness, than for the daily newspaper. It is exciting, and, in my opinion, illustrative of the most crucial debate in modern history. I detect the grave danger that America is about to lose a freedom which can, ultimately, lead to the total destruction of our great nation, as a Republic. "Freedom of debate", is absolutlely essential, in the Senate, for maintaining the God given rights, that our forefathers fought for, so valiantly, and the American people will be forever in your debt for whatever vestige of freedom is left, when the current debate is concluded. I, as one citizen, still loyal to our American form of government, wish to express my eternal gratitude to you, and to those distinguished Senators, who have so ably assisted you, in this current effort to preserve "Rule XXII", as it presently stands.

Rule XXII, is to the Senate, and to the American people, as a fire extinguisher is to the driver of a gasoline "Tank Truck". It is rarely needed, but ONE single instance is enough to justify it's presence, regardless of any inconvenience it might cause beforehand. I refer to this analogy, because I once operated a tank truck, which had an extinguisher in the cab, and one in the rear. Frequently, these extinguishers were in my way, and it was a bother to check them, at regular intervals, making sure they were completely filled, and ready. I was careful, and anticipated no fires, but, when one did, finally, occur, while unloading, at a station, in a congested area, I feel that hundreds of lives, and many dollars worth of property, were saved, due to the ready availability of one of these "fire guns". For several more years, I had not the slightest need for these extinguishers, but I found indescribable comfort in knowing they were there, loaded, and ready for any remote emergency. The "Filibuster", by the same token, may not be needed for many years,—maybe never,—but it should certanily be a comfort to any Senator, and to any loyal American Citizen, knowing that it is a protective weapon, always loaded, and ready for our immediate safety. A Senate, operated on a principle of a simple majority system of voting, is no longer a "Protective" agency, and I would even question the value of having a Senate, under such circumstances. We, the people, have ample representation, as such, in the House of Representatives, and, certainly, it should appear that 435 of our peers are quite capable of working with the Executive Branch, in passing legislation suitable for the masses, but, so long as we deal with human beings, we are subject to error; thus, our forefathers saw fit to establish the safeguard of having a third body, to review such possibilities. We've repeatedly observed the necessity of having minority views brought to light, in every government operation, if we are to retain our freedom. This is not, necessarily, to infer that even such an exalted body, as the United States Senate, is infallible, or sanctified, but, in combination wtih the Executive, and the House, Branches, we have the greatest government on this Earth, and the people should tolerate no further tampering with its inherent protective devices.

Many of us are presently impatient, and deeply disappointed, with the progress of legislation to meet with our current crises, and we may expect pressure to increase, daily, toward a solution of our immediate problems. This very urgency, however, could lead to hasty decisions of serious detriment to our most valued heritage. We must recover, and maintain, our perspective. We are in an emergency, with our economy, and with Energy, but we must not destroy our very means of coping with such situations. We've had previous emergencies, and, in their time, were looked upon just as seriously, as we look upon ours; meanwhile, we did not consider the destruction of our form of government, for the simple purpose of meeting with a temporary emergency. With our present form of government, we can overcome our obstacles, and many more to come, but, if we lose our government, while overcoming one emergency, we've gained nothing. In years past, we, the people, have tended to leave critical decisions to our elected representation, with confidence, but, in recent years, we, the people, have begun to sit up and take notice that there are those in government, whose greed, for money, and personal gain, are bringing about our destruction. There is obvious unrest, and doubt, growing to anger, if the most recent election began to demonstrate these feelings, "you ain't seen nothing yet"! I am just one of those simple, but dedicated, citizens, and while I can't purport to speak for the vast majority, I find that my thinking is quite typical with that of the "man on the street". We're angry about being misled, misinformed, and looked down upon as having too little intelligence to understand what goes on, in Washington, and to understand what is wrong with our economy. I consider it highly probable that the average citizen has a much better understanding of our economy, and it's present failures, than do our so-called economic exparts. We're informed that they wish to educate us, when it is they, who need the educating. It is they, who have brought on this mess, for they are not our "Peers", and it is our peers, by whom we wish to be governed. We have reached an extremely dangerous condition, in which our president seems to search for "experts", in solving our problems. The true experts, are out here amongst us. They are not, repeat: not, in Washington. To offer due credit, I concede that our Washington economists may have all knowledge required, for amassing personal fortune, and for advising clients, in how to amass fortunes, but, this is not the interest of the masses of people. We have little hope of making massive investments, for we are consumed in the simple problems of existing, from day to day. One of the typical ridiculous suggestions that we hear, from the economists, is that we pay more for something now, and look for a "rebate", later. Can't they understand that "rebates, next year", have absolutely no appeal to one who finds it a strain to pay this month's house rent, or mortgage payment? We can't buy the stupid proposal of depositing 5¢ or any other amount, on gasoline, in hopes of a "rebate", next year if we are able to do without this money for a year, we can do without it forever. There is just no convincing evidence that another nickel of tax on gasoline would reduce consumption. The real evidence shows in the fact that the price of gasoline has already been doubled, with no reduction in consumption, as a result. Truly, the people have reduced consumption, as a voluntary measure, but it is extremely doubtful that price had the slightest appreciable effect upon the volume of consumption. The people have cooperated, and are about to be penalized further, for their cooperation. Now, is not the time for increased prices of energy, and Washington will not convince us that it is. We are intelligent enough to realize that increased prices are not the answer to our dilemma, for the answer is obviously in increased production of necessary goods, along with purchasing power to buy these goods. It was our "expert" economists, who stopped industrial growth, and our ability to meet buyer demand, with "tight money", and exorbitant interest rates. We're not too dumb to realize that energy facilities must be built, before we have a form of self-sustenance, and we'd like to ask when these facilities are to be built? I see little wonder that we doubt the educational value of anything our "economists" might have to say. Our kind of needed economy will not come from the "higher institutes of learning", but will eventually come from the common citizenry. Herein lies the key to our lack of credulence in what we hear from Washington, but it goes much further.

Let's isolate a few simple, and recent, examples of why we doubt our leadership. Here's a good one: In January, our great president announced that he was about to implement an immediate form of assistance to the "Long-Term" unemployed. This made headlines, and revived a slight feeling of confidence among millions of our unemployed, but—we didn't observe any headlines to explain that the specified form of assistance was practically nulled, with a condition that required a prospective recipient of these benefits to have filed a valid claim for compensation within the immediately preceding 52 weeks! Now, we hardly require a Computer, to calculate that anyone who filed a valid claim, within the previous 52 weeks, was probably already receiving benefits, but, those who had exhausted their valid claims were not entitled to receive any form of assistance. Obviously, this move did not assist the long-term unemployed, but appeared as a form of pure trickery, which led us to believe that our president was coming to our rescue. (I'm, personally, fully aware of the trickery illustrated here, for I'm one of the victims, having exhausted my benefits in February of 1974, and with no recourse to further compensation, under existing law.) Now, the masses of people have been led to believe that our great president "rescued" us, when nothing could be further from the truth. I blame the news media, for not bringing these facts before the people, for this farce could have been exposed, and, if the interpretation were in error, the president might have saved credence in a correction of an obvious misrepresentation. With the aforementioned trickery in mind, I, naturally, examined the proposal to reduce income taxes. This, to me, appears as just another, and similar, form of trickery, in the appearance that, in effect, we are to "get a hundred dollars," in return for a possible seven hundred dollars, in tariffs, or taxes; not to mention the multitudinous disastrous side-effects of, higher utility bills, increased shortages and prices of consumer goods related to oil and gas production, and a hidden opportunity for another "rake-off," by big oil interests. Yes, I'm bitter toward government, for it is side-stepping the urgent issues, with more, and more, tomfoolery.

Inherently, our government machinery is slow, and, even this, has it's ultimate advantages, for some problems simply "go away," if left to simmer, for a while. In our present instance, the problems can do nothing but get worse, until we have a crash program in the construction of new production facilities, research and development of existing resources, and the immediate financial salvation of our most important resource of all; the American worker. No matter how we try to evade the facts, it should be evident to every citizen of this great nation, that all taxes, revenues, trade, and everything else of monetary value, goes back, ultimately, to the employment of our citizenry. Without jobs, there are no sales, no tax money available, and no production. Just as logically, we must conclude that, regardless of immediate, and temporary, cost, we must take drastic action to re-employ our unemployed. Such action is not, really a cost, but an investment, which pays dividends, in the long range.

Further, if we delve deeply into our energy crisis, we *may* find that we will eventually wish we'd *increased* our purchases of crude oils, while they are available, rather than cut back. Certainly we should practice conservation, especially in motor fuels, but we have other, and more important uses for oil and it's by-products. There are hidden dangers in a "Price Floor" under oil and I should consider the Senate very wise, in taking some second looks at every facet of our proposals for price floors, increased tariffs, and ANY increase in oil taxes. The situation could become explosive, upon short notice, if we do anything to hamper our present flow of crude oil, and it will be to our ultimate advantage to accumulate enormous quantities, at the lowest possible price.

Undoubtedly, there has been trickery, and unfair profit-taking, in oil, sugar, and in many other items, in whose shortages we have actually promoted, in many instances. These markets are obviously being manipulated for unfair advantage to a few greedy individuals. Apparently these manipulations are being sanctioned in certain areas of government, whether by purpose, or inadvertently. Some form of tax penalty, is in proper order, against these manipulators. On the one hand, we must encourage private enterprise toward increasing production (meanwhile making jobs), but just as importantly, we must recognize the greed, exhibited by certain individuals, who have absolutely no regard for the welfare of our citizenry, as a whole.

Now, despite the undesirable length of this letter, I have hardly touched upon our real problems, and their solutions, but, hopefully, I have suggested cause for doubt, and for further study, in some of our more prevalent attempts at recovery, through common sense methods.

In summary, I'd say, let's first save our government, in it's danger of losing the right for free debate on the Senate Floor. Then, let's consider a government by our "peers", by dropping the ridiculous requirements for experts, at every turn. Certainly, the head of a housing agency should be well acquainted with our housing problems, and should have a reasonable knowledge of HOUSING, in general, but such information is certainly not copyrighted in any University. I've observed people better versed in housing, who had only a high school education, or less, than I've observed in Washington, during the past ten years. At least, we out here, in the boon docks, know the relative value of a house suitable for a common working man and his family, and this appears to be a mystery to the Washington bureaucrats, who seem to think of homes in a $45,000 class, and up. Many of us, down here, are still trying to negotiate homes in the $10,000 class, and less. We see much more good in four $10,000 homes, than in one $45,000 mansion. We need homes, jobs, unemployment benefits, ample old age benefits, and many other practical items, now, and we need our peers, to administer these benefits—not a gang of super-educated, wealthy, bureaucrats. I respect education, but let's remember that someone "had to write the book", and he had to do it from experience, that may have denied him a formal education. Some of the books didn't get written, and they're still out here.

Sincerely,

Finley P. Ledford, Jr.

OIL TARIFF COMPROMISE

Mr. DOLE. Mr. President, it is the understanding of the junior Senator from Kansas that the President has made a compromise on the imported oil duty which will delay increasing the tariff to $2 per barrel until May 1. I am pleased to hear that the President is making this compromise and support his willingness to seek an accommodation with Congress in this matter.

FOLLOWS EARLIER PROPOSAL

On February 10, 1975, I suggested the need and possibility for a compromise on the oil import duty. The nature of that compromise, as described in the Record at that time, was to freeze the imported oil tariff at $1 per barrel until May 1.

On February 13, amendment No. 11 to H.R. 1767, which incorporated that compromise, was laid on the desk and ordered to be printed. For several days, support was sought for this compromise amendment. No Member of the Senate Finance Committee was willing to lend any support to my compromise proposal.

On February 17, 1975, the Finance Committee reported H.R. 1767 to the Senate. My supplemental views in the report again spoke of the need for compromise and the need to move promptly toward a comprehensive program to reduce our dependence on foreign oil. Those remarks spoke of the time lost in a confrontation between the President and Congress, of the rhetorical support for compromise by a number of Senators but with an absence of any specific action, and of the urgency of finding solutions to our economic and energy problems.

On February 19, when H.R. 1767 was passed by the Senate, there was again no support for freezing the $1 per barrel tariff until May 1. The amendment was withdrawn without a rollcall vote.

SUPPORT IN CONGRESS

During the debate on H.R. 1767 on February 19, the senior Senator from Rhode Island (Mr. Pastore) was adamantly opposed to any compromise on the oil import duty, as he was when the compromise proposal was first spoken of on February 11, as the record shows. The junior Senator from Kansas now understands that the senior Senator from Rhode Island is willing to support a freeze of the $1 per barrel tariff until May 1. The Senator from Kansas is pleased to see the Senator from Rhode Island joins in the compromise.

In addition, the junior Senator from Kansas is pleased to note that his colleague from Delaware, Mr. Roth, is now able to support this compromise.

It is also the understanding of the junior Senator from Kansas that the majority and minority leadership of Congress is now prepared to accept a compromise of freezing the tariff at $1 until May 1. It is regrettable this compromise could not have been agreed on nearly 1 month ago when it was first considered so that we could have already spent that time in consideration of a comprehensive program to reduce our dependence on foreign oil. However, this new willingness to compromise is greatly beneficial and hopefully it is a sign that Congress can now move forward and work together with the President toward achieving independence in energy production and toward an end of our dependence on foreign oil.

Perhaps the President was correct in waiting until now to offer this compromise solution. During earlier consideration of H.R. 1767, feelings on both sides of the aisle were too polarized to reach a middle ground. It only seems regrettable that we must have a confrontation between Congress and the President and use up the time involved in that confrontation before we can reach a compromise.

PROBLEM OF CONFIDENCE

This Senator believes that the American people want to see some meaningful progress toward achieving energy independence and a reduction of our dependence on foreign oil. The American people would like to see something besides the great deal of rhetoric that has been stated during the more than 500 days since the oil embargo.

There has been a great deal of testimony in the Senate Finance Committee and other committees that indicates we need to move as promptly as possible to stop to drain of our national wealth going for oil imports. We need to stop the outflow of dollars that means a loss of jobs and loss of real income for the American people. That testimony also indicates we need to reduce the threat to our national security which any potential oil embargo would hold for our economy, since more than 35 percent of our petroleum consumption comes from imported oil.

The energy proposals of the President and the tariff order he issued was an initiative that has stimulated a great deal of action in Congress. The views of this Senator were expressed in the committee report on H.R. 1767 that a compromise is needed to keep that initiative going. It is my hope the middle ground of freezing the import tariff at $1 until May 1 will accomplish that purpose.

It is also my hope the Congress will accept that middle ground. Otherwise it is my concern that the American people will continue to lose confidence in the ability of their Government to find meaningful solutions to their economic and energy problems.

The dialog that is and has been taking place on energy proposals is good. As stated before, the junior Senator from Kansas hopes acceptance of the compromise the President has made will be an indicator that we can move forward together toward a meaningful and comprehensive program to reduce our dependence on foreign oil.

EARL OF SNOHOMISH ELECTED TO HALL OF FAME

Mr. JACKSON. Mr. President, as a lifetime resident of Snohomish County, Wash., and as a baseball fan for as long as I can remember, I am doubly proud of the acceptance of Earl Averill of Snohomish, Wash., into the Hall of Fame, in Cooperstown, N.Y.

Earl Averill is known as the Earl of Snohomish because he hails from Snohomish, Wash., just a few miles from my hometown of Everett. Earl was one of the great center fielders in baseball history, serving for many years with the Cleveland Indians and he had a lifetime batting average of .318.

I am proud that Earl, who is now 73, could see in his lifetime his acceptance into the Hall of Fame. My county has spawned many great baseball players but Earl was certainly the greatest of all.

After him came Earl Torgeson, who had a great baseball career with Boston, and then Earl Averill's son, who later played with the Los Angeles Angels. Each was successively known as the Earl of Snohomish and each brought pride to our area.

I ask unanimous consent to have printed in the RECORD the article from the Seattle Times of February 3 announcing the acceptance of Earl Averill into the Hall of Fame as well as the column by Hy Zimmerman who is a well known sportswriter for the Seattle Times, entitled "The Earl of Snohomish Feels Like a King."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Seattle Times, Feb. 3, 1975]

AVERILL, HERMAN, HARRIS ELECTED TO HALL OF FAME

NEW YORK.—Earl Averill of Snohomish, Wash., Billy Herman and Bucky Harris were elected to baseball's Hall of Fame by the veterans committee today.

They joined Ralph Kiner, home-run slugger, elected by the Baseball Writers Association of America last week, and will be inducted in ceremonies at Cooperstown, N.Y., August 18.

Warren Giles, chairman of the board of the Hall of Fame and former president of the National League, made the announcement of the election by the committee, which judges persons who were out of the game 25 years or more.

Averill, known as the Earl of Snohomish, an outfielder, came up with the Cleveland Indians in 1929 and also played with the Detroit Tigers and the Boston Braves through 1941.

He batted .318 in the major leagues and had a son, Earl, Jr., who also played in the majors from 1956–1963.

Herman, a second baseman, played for the Chicago Cubs, Brooklyn Dodgers, Boston Braves and Pittsburgh Pirates from 1931 through 1947. He compiled a .304 batting average and later managed the Pittsburgh Pirates and the Boston Red Sox as well as several minor-league teams.

Harris was an infielder with the Washington Senators and Detroit Tigers from 1919 through 1931 and also gained recognition as a major-league manager with Washington, Detroit, the Boston Red Sox, Philadelphia Phillies and the New York Yankees.

As a player he batted .274 and holds the major-league record for most put outs in a season by a second baseman, 479 in 1922.

Harris won pennants in his first two seasons as a manager with the Senators in 1924 and 1925 and piloted the Yankees to the American League pennant in 1947.

The veterans committee is allowed to elect two players and one nonplayer each year.

The 12-man committee consists of Charlie Gehringer, Waite Hoyt, Joe Cronin, Bill Terry and Stan Musial, all Hall of Famers; Bill DeWitt, Giles and Paul Kerr, executives, and Charles Segar, Bob Broeg, Fred Lieb and Dan Daniel, writers.

Terry and Musial were absent from today's meeting. Election required eight affirmative votes from the 10 men present.

[From the Seattle Times, Feb. 3, 1975]

THE EARL OF SNOHOMISH FEELS LIKE A KING

(By Hy Zimmerman)

The Earl of Snohomish today felt like a king.

Earl Averill, after years of disappointment, was elected to baseball's Hall of Fame.

"I understand," said the former star outfielder, "that it was a unanimous vote. That kind of makes up for the long wait.

"It's been a long time coming, but better later than never."

Averill, over a major-league span which covered nearly 13 years in center field with the Cleveland Indians, Detroit Tigers and Boston Braves, batted .318.

He totaled 238 homers and twice hit 32 in a season. He had 128 triples, with a league-leading total of 13 one season. His credentials were gilt-edged, yet he couldn't gain entry to baseball's shrine, to which he was elected today along with Billy Herman and Bucky Harris.

"It is wonderful," said Averill, "to make it while you still are alive. I'm going on 73.

"In fact, I told my sons that, if I didn't make it while I was still alive, that they turn it down if I made it afterward."

Averill said he first heard of the honor when Warren Giles, former National League president and a member of the Veterans' Committee which voted him in, telephoned.

Calls followed from two other committee members, Joe Cronin, former president of the American League, and Waite Hoyt, former major-league pitcher.

All three narly missed him—by the width of a razor. Earl just was setting out for Seattle to have his razor fixed. "Yes," he said, "have to take the darn thing to Seattle. They can't fix it around here."

He has plenty of time for such errands. Earl retired from motel ownership five years ago. Now he is taking it easy, with "a little poker in the winter and ocean fishing in the summer.

"My boy, Les, has a charter-boat business in Sekiu. Earl, Jr.? He has a good job in California but wants back here. He likes the fishing."

Young Averill also reached the majors, as an outfielder-catcher, but never neared his father's accomplishments. And now, the father said:

"My ambition is reached. I really longed for this. And, you know, a lot of good ballplayers never make it.

"I think I would have made it last year but missed by one vote because Cronin was sick and wasn't there to vote.

"Now, I can hardly wait for my ring that goes with it. The rings are beautiful. Lefty Gomez showed me his when he was up here."

One of the good ballplayers who has not yet made it is Bob Lemon, who seven times won 20 or more games a season for Cleveland. Averill said:

"When Lem's Sacramento team played in Tacoma, I made a trip down to see him and asked him when he'd make it into the Hall of Fame.

"So he asked me when I would make it. Now, I hope Lemon doesn't have to wait as long as I did. He deserves it now."

Young Earl played for Lemon when Bob managed the Seattle Angels. The senior Earl also wore a Seattle uniform. He finished out his playing career with the Rainiers of 1941.

And now, he was in the Hall of Fame. He savored the situation; his voice had the timbre of delight. He might have talked on but broke it off.

He had to get that razor fixed.

GOVERNMENT-MANDATED PRICE INCREASES

Mr. TOWER. Mr. President, concern over inflation in the past has tended to focus either on actions taken by the private sector or the role played by monetary and fiscal policies. Recently, however, attention has turned to the role which various Federal programs play in the inflationary process. To those of us who have viewed the proliferation of Federal programs with some degree of concern, it should come as no surprise that these new programs not only cost the taxpayer something in tax dollars but that they also introduce an inflationary bias in the economy.

This subject is dealt with in some detail by Murray L. Weidenbaum in a recent publication entitled "Government-Mandated Price Increases." Dr. Weidenbaum is director of the Center for the Study of American Business at Washington University in St. Louis, Mo., and an adjunct scholar at the American Enterprise Institute. In this publication, Dr. Weidenbaum analyzes the various Federal programs which have an inflationary bias. As he points out, Government actions can make inflation worse by increasing the costs of production and raising the prices of the products and services which are sold to the public. He concludes that if the trend continues "the resulting loss in productivity could lead to stagnation in real living standards."

Mr. President, I commend Dr. Weidenbaum's analysis to all those who are concerned about the role of Government in causing inflation, and I ask unanimous consent that the introduction and summary to Dr. Weidenbaum's publication be printed in the RECORD.

There being no objection, the introduction and summary were ordered to be printed in the RECORD, as follows:

INTRODUCTION AND SUMMARY

The dollars that private enterprises and individuals are required to spend for environmental and other purposes are no less a drain on output because they come from private pockets than they would be if they came directly from government coffers.—MILTON FRIEDMAN.

As the American public is learning to its dismay, there are many ways in which government actions can cause or worsen inflation. Large budget deficits and excessively easy monetary policy are usually cited as the two major culprits, and quite properly. Yet, there is a third, less obvious—and hence more insidious—way in which government can worsen the already severe inflationary pressures affecting the American economy.

That third way is for the government to require actions in the private sector which increase the costs of production and hence raise the prices of the products and services which are sold to the public. As shown in Chapter 3, for example, the price of the typical new 1974 passenger automobile is about $320 higher than it would have been in the absence of federally mandated safety and environmental requirements. Attention needs to be focused on this third route to inflation for two reasons: (1) the government is constantly embarking on new and expanded programs which raise costs and prices in the private economy and (2) neither government decision makers nor the public recognize the significance of these inflationary effects. Literally, the federal government is continually mandating more inflation via the regulations it promulgates. These actions of course are validated by an accommodating monetary policy.

In theory, the monetary authorities could offset much of the inflationary effects of regulation by attempting to maintain a lower rate of monetary growth. In practice, however, public policy makers, insofar as they see the options clearly, tend to prefer the higher rate of inflation to the additional monetary restraint and the resulting decreases in employment and real output.

Obviously, most of these government actions are not designed to increase prices. Nevertheless, that is their result. In part because of efforts to control the growth of government spending, we have turned increasingly to mechanisms designed to achieve a given national objective—better working conditions, for example, or more nutritious foods—without much expenditure of government funds. The approach emphasizes efforts to influence private decision makers to achieve specific ends. Thus, rather than burden the public treasury with the full cost of cleaning up environmental pollution, we now require private firms to devote additional resources to that purpose. Rather than have the federal governmental spend large sums to eliminate traffic hazards, we require motorists to purchase vehicles equipped with various safety features that increase the selling price.

At first blush, government imposition of socially desirable requirements on business appears to be an inexpensive way of achieving national objectives: it costs the government nothing and therefore is no burden on the taxpayer. But, on reflection, it can be seen that the public does not escape paying the cost. For example, every time that the Occupational Safety and Health Administration imposes a more costly, albeit safer, method of production, the cost of the resultant product will necessarily tend to rise. Every time that the Consumer Safety Commission imposes a standard which is more costly to attain, some product costs will tend to rise. The same holds true for the activities of the Environmental Protection Agency, the Food and Drug Administration, and so forth.

The point being made here should not be misunderstood. What is at issue is not the worth of the objectives of these agencies. Rather, it is that the public does not get a "free lunch" by imposing public requirements on private industry. Although the costs of government regulation are not borne by the taxpayer directly, in large measure they show up in higher prices of the goods and services that consumers buy. These higher prices, we need to recognize, represent the "hidden tax" which is shifted from the taxpayer to the consumer. Moreover, to the extent that government-mandated requirements impose similar costs on all price categories of a given product (say, automobiles), this hidden tax will tend to be more regressive than the federal income tax. That is, the costs may be a higher relative burden on lower income groups than on higher income groups.

This study does not address the philosophical question of whether government regulation is good or bad. Government regulation is an accepted fact in a modern society. The point being made here is the more modest one that a given regulatory activity generates costs as well as benefits. Hence, consideration of proposals—and they are numerous—to extend the scope of federal regulation should not be limited, as is usually the case, to a recital of the advantages of regulation. Rather, the costs need to be considered also, both those which are tangible and those which may be intangible.

It should be acknowledged that what is taking place in the United States represents not an abrupt departure from an idealized free market economy, but rather the rapid intensification of fairly durable trends of expanding government control over the private sector. In earlier periods, when productivity and living standards were rising rapidly, the nation could more easily afford to applaud the benefits and ignore the costs of regulation. But now the acceleration of federal controls coincides with, and accentuates, a slowdown in productivity growth and in the improvement in real standards of living. Thus, the earlier attitude of tolerance toward controls is no longer economically defensible.

Worthy objectives, such as a cleaner environment and safer products, can be attained without the inflationary impact that regulation brings, and public policy should be revised to this end. But before we turn to this question, we need to examine more closely the phenomenon of government-mandated price increases. It is likely that this unwanted phenomenon will be with us for some time—at least until consumers and their representatives recognize the problem and urge changes in public policy.

As these government-mandated costs begin to visibly exceed the apparent benefits, it can be hoped that public pressures will mount on governmental regulators to moderate the increasingly stringent rules and regulations that they apply. At present, for example, a mislabeled consumer product that is declared an unacceptable hazard often must be destroyed. In the future, the producer or seller perhaps will only be required to relabel it correctly, a far less costly way of achieving the same objective.

TABLE 1.—*Extension of Government regulation of business, 1962–73*

Year of enactment, name of law, and purpose and function:

1962, Food and drug amendments: require pretesting of drugs for safety and effectiveness and labeling of drugs by generic names.

1963, Equal Pay Act: eliminates wage differentials based on sex.

1964, Civil Rights Act: Creates Equal Employment Opportunity Commission (EEOC) to investigate charges of job discrimination.

1965, Cigarette Labeling and Advertising Act: requires labels on hazards of smoking.

1966, Fair Packaging and Labeling Act: requires producers to state what package contains, how much it contains, and who made the product.

1966, Child Protection Act: bans sale of hazardous toys and articles.

1966, Traffic Safety Act: provides for a coordinated national safety program, including safety standards for motor vehicles.

1967, Flammable Fabrics Act: broadens federal authority to set safety standards for inflammable fabrics, including clothing and household products.

1967, Wholesome Meat Act: offers states federal assistance in establishing interstate inspection system and raised quality standards for imported meat.

1967, Age Discrimination in Employment Act: prohibits job discrimination against individuals aged 40 to 65.

1968, Consumer Credit Protection Act (truth-in-lending): requires full disclosure of terms and conditions of finance charges in credit transactions.

1968, Interstate Land Sales Full Disclosure Act: provides safeguards against unscrupulous practices in interstate land sales.

1968, Wholesome Poultry Products Act: increases protection against impure poultry.

1968, Radiation Control for Health and Safety Act: Provides for mandatory control standards and recall of faulty atomic products.

1969, National Environmental Policy Act; Requires environmental impact statements for federal agencies and projects.

1969, National Environmental Policy Act: warning about the hazards of cigarette smoking.

1970, Amendment to Federal Deposit Insurance Act: Prohibits issuance of unsolicited credit cards. Limits customer's liability in case of loss or theft to $50. Regulates credit bureaus and provides consumers access to files.

1970, Securities Investor Protection Act: Provides greater protection for customers of registered brokers and dealers and members of national securities exchanges. Establishes a Securities Investor Protection Corporation, financed by fees on brokerage houses.

1970, Poison Prevention Packaging Act: Authorizes establishment of standards for child-resistant packaging of hazardous substances.

1970, Clean Air Act amendments: Provide for setting air quality standards.

1970, Occupational Safety and Health Act: Establishes safety and health standards which must be met by employers.

1971, Lead-Based Paint Elimination Act: Provides assistance in developing and administering programs to eliminate lead-based paints.

1971, Federal Boat Safety Act: Provide for a coordinated national boating safety program.

1972, Consumer Product Safety Act: Establishes a commission with power to set safety standards for consumer products and ban those products presenting undue risk of injury.

1972, Federal Water Pollution Control Act: Declared a national goal to end the discharge of pollutants into navigable waters by 1985.

1972, Noise Pollution and Control Act: Regulates noise limits of products and transportation vehicles.

1972, Equal Employment Opportunity Act: Gives EEOC right to sue employers.

1973, Emergency Petroleum Allocation Act: Establishes temporary controls over petroleum.

1973, Vocational Rehabilitation Act: Requires federal contractors to take affirmative action on hiring the handicapped.

Yet, the recent trend is clear—more frequent and more costly governmental regulation of the private sector. Table 1 summarizes some of the major extensions of this trend in recent years. This monograph is not concerned only with a past trend, however. For example, the desire to increase the federal role in health care while minimizing the burden on the public treasury has led to a variety of proposals to require employers to pay part of the cost of health insurance for their employees and their families. Although these proposals would not directly result in an added burden on the taxpayer, they would increase the cost of doing business and would inevitably lead to higher prices to consumers or in lower wages for employees.

If the trend continues unchecked, the resulting loss in productivity could lead to stagnation in real living standards. Further expansion of government control over private industry is not inevitable, however. Not all controls last forever and the federal government does not adopt every suggestion for increasing government controls over the private sector. For example, in January 1974, the government ended the interest equalization tax on American holdings of foreign stocks and bonds and the controls over direct investments abroad by U.S. corporations. Simultaneously, the Federal Reserve System ended its guidelines limiting lending and investments overseas by U.S. banks and other financial institutions. Further, on April 30, 1974, the legislation authorizing wage and price controls was allowed to expire and the formal wage and price control system was dismantled. Yet it is likely that some vestige of government influence over private price formation will remain. The recently established Council on Wage and Price Stability appears to be in an early stage of its development; it is expected to "jawbone" against large wage and price increases. To a limited extent, the newer controls over energy use are performing some of the functions previously exercised by the wage and price review system.

THE HUMANITARIAN NEEDS OF ETHIOPIA

Mr. KENNEDY. Mr. President, events in Ethiopia have been a source of deep concern for many Americans and people around the world. Reports from Addis Ababa—including official reports to our own Government and elsewhere—fully confirm the massive humanitarian problems facing the Ethiopian people. Fighting in Eritrea has created severe hardship for thousands of civilians caught between the forces of the Ethiopian Army and the Eritrean liberation organizations.

Whatever the outcome of this civil conflict, the people of Eritrea have been totally cut off from food and medical assistance as a result of the fighting. Refugees from the province tell of much suffering and severe malnutrition. And civilian casualties—both dead and wounded—number in the hundreds, if not thousands.

In Ethiopia's two drought-stricken provinces—Wollo and Tigre—the situation is just as desperate. These two provinces, which have been forced to endure the severe effects of drought for several years, have not received adequate food assistance in weeks. Due to the unstable political and military situation throughout the countryside, international food relief efforts have come to a virtual standstill, leaving millions of people stranded without food.

Mr. President, I do not rise to offer any magic solution for meeting the immediate political and humanitarian problems of Ethiopia. But I do rise to express a deep personal concern over the plight of Ethiopia's civilians—and especially the continuing violence in Eritrea which is taking such a great toll in human life. While conflict is not unknown to the Ethiopian people, the sheer magnitude of death and destruction in Ethiopia today is cause for great concern, which must be met with an international commitment to help alleviate the humanitarian problems of the country.

Apart from securing a meaningful cease-fire and a negotiated settlement in Eritrea, there are several humanitarian concerns of immediate interest to me as chairman of the Subcommittee on Refugees.

First, emergency relief needs of refugees and others in distress—including food, water, shelter, medicine, and protection—must be made available in the three provinces to help avert further suffering.

Second, freedom of movement for international relief convoys and humanitarian personnel from the United Nations or the International Committee for the Red Cross—ICRC—including the access of Red Cross personnel to detention centers on both sides, should be permitted by the Provisional Ethiopian Government. I urge the administration to do whatever it can in exercising its best efforts with the Ethiopian Government to secure this humanitarian goal.

Third, I call upon the administration to be generous in its contributions to these relief efforts. The important cooperation and assistance of our Government in helping to meet the immediate relief needs of the Ethiopian people is necessary to the eventual success of any relief undertaking. I am hopeful that our Government will work closely with the United Nations and the ICRC as well as with other regional organizations in their efforts to bring relief and security to the Ethiopian people.

In conclusion, let me express some concern over the course of U.S. policy toward Ethiopia. I fully appreciate the immense difficulties which the situation in Ethiopia poses for our Government and the international community. It is a complex matter for diplomats and humanitarians alike. But Congress should be informed of U.S. policy objectives—especially in view of Ethiopia's recent request for military assistance. I am extremely hopeful, Mr. President, that the administration will show evidence of a very active concern over the needed efforts to bring peace and relief to the people of Ethiopia, and help minimize further suffering in Eritrea.

RESEARCH AND DEVELOPMENT OF MAGNETOHYDRODYNAMICS

Mr. BAKER. Mr. President, I would like to add my support to the amendment introduced yesterday by Senators MANSFIELD and METCALF to the ERDA legislation. Briefly this amendment will establish a separate agency within ERDA to manage the research and development of magnetohydrodynamics.

Magnetohydrodynamics is a technology for coal conversion and utilization, which is capable of increasing the energy efficiency of coal-fired electrical generation by a very substantial amount. And MHD will also greatly reduce the air pollution problems associated with coal use.

Coal is our most abundant domestic resource and must play a vital role in future energy policies. But conversion to coal is hampered by two problems: The long leadtime and extensive capital requirements for increasing production capacity and air pollution problems associated with coal use. MHD can provide great assistance with both of these problems.

The University of Tennessee in association with the Arnold Engineering Development Center has been working with MHD technology for almost a decade. The university has established a multimillion-dollar facility which has played a leading role in MHD research. According a spokesman for the research facility located at the UT Space Institute in Tullahoma, Tenn.:

> Our MHD generator system was the first and has remained for three years the only system in the world operating entirely on coal. We have shown that coal can be burned successfully at the high temperatures needed in MHD. . . . We have designed and operated apparatus which even in the first model removes up to 95% of the ash from the gas flow after the generator:
>
> Because of its simplicity, MHD power generation is less expensive than ordinary coal or nuclear plants. It also is more economical; because of its higher temperature, it can raise the 40% efficiency of present baseload power stations to 60% or more. That would mean that we will get 50% more energy for a pound of coal burned in our MHD plant than can be obtained from a conventional coal-fired plant.

Mr. President, there are several MHD research efforts going forward across the Nation. These programs have been hampered in the past by sporadic and inadequate funding.

The establishment of the Division of MHD Electric Power Generation within the ERDA and the provision of adequate funding for these research efforts will insure that MHD technology is given the priority it deserves.

I am advised that the funding provided by the proposed amendment, $50 million for fiscal year 1976, will not only maintain existing research programs, but will acelerate the development of this important fuel conservation technology. And the expanded research effort will be able to focus on the problems and potentials of the applications of this technology to both eastern high-Btu and western low-Btu coals.

Mr. President, the continuation of the MHD research efforts of institutions like the University of Tennessee Space Institute with the funding provided by this amendment will be appropriately responsive to our energy goals. I commend the Senators from Montana for their leadership in bringing this matter to the Senate.

THE GENOCIDE CONVENTION AND INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, there are those who oppose the ratification of the United Nations Genocide Convention on the grounds that it is entirely superfluous. After all, they argue, any nation engaging in the act of genocide would become the immediate focal point of public outrage, with or without a convention.

I agree that public opinion would be outraged with or without a convention, but I vehemently disagree that this makes ratification of the convention unnecessary.

I maintain that any convention which enjoys the support of a vast majority of sovereign nations will have an important deterrent effect among the nations of the world. The Genocide Convention clearly brings the issue of genocide into the international legal framework and thereby assigns world opinion greater weight than if it were just a matter of moral importance.

As former Ambassador to the United Nations Charles W. Yost stated before a subcommittee of the Committee on Foreign Relations in 1970:

> We are trying at the United Nations to build up a climate, both of opinion and of law, which will make things more and more unlikely to happen which in the absence of a mobilized opinion and a clear body of international law and practice would be more likely to happen.

Referring specifically to the Genocide Convention, Ambassador Yost continued:

> Governments which might be tempted to, under certain circumstances, engage in this practice, might think twice if there were on the statute books of the international community and of all the principal States of the world legislation of this character.

In ratifying this convention, the United States would be making an important contribution to the development of international law in the field of human rights. This is the way international law is built.

The delay in Senate ratification of the Genocide Convention has been pathetically long. I urge speedy consideration and ratification of the convention.

DIFFICULT CHOICES

Mr. BROCK. Mr. President, if all of the decisions facing this body were easy, there probably would be little need for it to exist. Recently, columnist James Kilpatrick wrote a very interesting article entitled "Difficult Choices." I believe the matters which he has discussed should be shared, and I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIFFICULT CHOICES

(By James J. Kilpatrick)

Let me talk for a moment, if I may, about the high price of cars, the need for coal, and the road to Woodville, because the three themes twist together; they all add up.

For the past 10 or 12 months, the Forces of Progress have been at work on our road. A year ago, we had an entirely adequate gravel country road. It was lined with trees that were pastel lace in spring and crimson fire in fall, the ditch banks provided cover for rabbits, woodchucks, and quail. Near White Walnut Run, the day lilies, red and gold, used to spring up like pennoned trumpets every May.

In the memory of man, there had not been a serious accident on the road. The volume of traffic was not impressive: two vehicles an hour around the clock. But the Forces of Progress prevailed. Now the trees are gone, the animals are gone, the day lilies lie bedded beneath three inches of compact stone, and we have a spendid boulevard instead.

Last week the President of the United States, a man of conservative instincts, wrestled with the strip mining bill. The purpose of the bill is to protect land and surface waters from the bleeding scars that are left when stripped earth exposes veins of coal.

If the bill becomes law, coal will cost more; and the higher price will further inflate the cost of steel, electric energy, and industrial goods.

Earlier this month, General Motors filed an impressive statement with the Senate Government Operations Committee, pleading for a three-year moratorium on further safety and environmental requirements. These requirements, imposed with the very best intentions, already have added $615 to the cost of a new car. If pending proposals also are adopted, these costs would roughly double, to about $1,225 per car. Largely because of high price tags, automobile sales have slumped and nearly 300,000 auto workers have lost their jobs.

How do we tie these things together? How do we find right answers? How do we cope wisely with both the short run and the long haul? In the making of political decisions, it is no problem to choose between right and wrong. The problem—the most difficult of all problems—is to balance right against right, to choose between what is needed and what is needed in a different way.

Nothing is gained, it seems to me, by vituperation, demagoguery, and insult. Out in Kansas City the other day, George McGovern delivered a blistering assault upon the "robber barons" and "exploiters" of industry. My friends in industry, for their part, tend to denounce McGovern's people as bleeding hearts, do-gooders, and gauzy dreamers. This gets us nowhere.

My brother conservatives, if they would be worthy of the name, cannot let themselves be identified with the short haul only. If our function is not to conserve, what, then, is our function?

We are often accused of looking too much to history, to what is past. We ought to welcome a charge that we look also to history yet unwritten, to what will be.

Our little winding country road offers an example of all those bogus improvements that are destructive to no good end. The strip mining bill and the moratorium on automobile requirements are examples of the grey area in which men of good will must seek fair compromise. Looking to the short haul, we must insure economic survival. Looking to the long haul, we cannot afford to lose the momentum toward clean air, clear water, and the preservation of a livable land.

A sensible strip mining bill ought to be enacted; we need it for the long haul. The automobile industry must be protected from further obsessive demands by overzealous environmentalists and safety fanatics. The industry desperately needs short-haul relief. And men of good will everywhere owe it to generations past, and to generations future, to think harder on the need for conserving this planet. It is after all the only planet we have.

TRAVEL AND THE HANDICAPPED

Mr. MONDALE. Mr. President, as a member of the Subcommittee on the Handicapped, I am very aware and concerned about the problems faced by handicapped persons when they travel. We have tried to eliminate some of the barriers that face the handicapped when they come to Capitol Hill, but we still have a long way to go.

I was pleased to see the New York Times call attention to this problem in two articles which appeared in the February 23 editions. These stories make it clear that it is possible now for the crippled, the deaf and the blind to experience the tourist attractions of Europe to some degree. One reason for this is the development of travel companies which specialize in services to the handicapped. I am proud that one of these organizations—Flying Wheel Tours—is located in my home State of Minnesota.

I ask unanimous consent that the articles entitled "World From a Wheelchair: Travel for the Handicapped"; and "They Have Guts . . . They're Patient . . . They Enjoy" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE WORLD FROM A WHEELCHAIR: TRAVEL FOR THE HANDICAPPED

(By Stanley Carr)

Friends were skeptical when Ruth and John Moline of St. Paul, Minn., announced plans to honeymoon in Hawaii. Both had been afflicted with polio since childhood and were confined to wheelchairs. But the Molines did fly to Hawaii, enjoyed the sightseeing, the restaurants, the sunbathing—they even splashed in Waikiki Beach's surf with the help of able-bodied companions who carried them into the water.

Their trip was organized by Flying Wheel Tours of Owatonna, Minn., one of a handful of travel agencies in the United States that regularly schedule tours for the handicapped. Most travel agents say they lack the expertise necessary to look after disabled travelers, or the time to make special arrangements, and that in any case they don't encounter sufficient demand to warrant packaging vacations for the disabled. But the few agents who have established themselves as tour operators for the handicapped in the past few years say that their business is growing steadily.

Of course, only a fraction of the 11 million adult handicapped Americans (the figure comes from the last United States Census) can afford to travel very far on vacation. While many are employed, the number able to attain the middle or higher income brackets is small. "Most handicapped people are concerned mainly with survival," said a member of the Mayor's Office for the Handicapped in New York. "They are not executive types, and travel is expensive."

Yet thousands of severely handicapped persons are today making the tourist rounds, including those afflicted with muscular dystrophy, multiple sclerosis, myasthenia and polio. Paraplegics, even quadraplegics, as well as the blind, the deaf and the retarded are also taken on major trips by agents.

Most organizers do not count on making much profit from tours for the handicapped. "The markup is very low," says Jack Hoffman, whose mother, Mrs. Betty Hoffman, is president of Evergreen Travel Service in Lynnwood, Wash. "We sometimes operate our handicapped tours in red ink." Evergreen's tours for the disabled are a sideline to its regular business. Handy-Cap Horizons, which like Evergreen is a major operator in the field, is in fact a nonprofit organization involved in education and job placement for handicapped people as well as travel. Handy-Cap is led by Mrs. Dorothy S. Axsom and run from her home in Indianapolis. Judd Jacobson, a quadraplegic who operates Flying Wheel Tours, says that his prices are sometimes higher than those for regular tours, "but only as a result of the attendant care we must provide and the fact that we have to use the higher priced hotels because they're more suitable for our clients."

One piece of equipment all handicapped-tour operators use is a "boarding chair," a high-backed, all-metal, two-wheeled chair, only 13 inches wide, that is employed to wheel or carry non-ambulatory travelers onto planes and trundle them along an aircraft's aisles. The disabled cannot take their wheelchairs into a plane's cabin; the chairs are stowed in the luggage compartment. "Most handicapped people remain virtually immobile during flights," says Hoffman. "Many don't drink any liquids for 24 hours before take-off so they needn't go to the bathroom."

People with catheters are seated next to a window because they won't have to use the lavatory; others who do have to use it either squeeze into the boarding chair and wheel themselves along or are carried by an agency escort or relative.

The ratio of escorts, relatives and friends to handicapped persons on a trip varies (often about one to three), but most organizers balk at taking along too many able-bodied types. Mrs. Axsom's rule of thumb is: "Don't have more able-bodied persons than are actually needed because they may desire activities not possible for the handicapped and therefore contribute to the 'left-out' feeling to which the disabled are vulnerable." Evergreen doesn't normally send a doctor or a nurse with a group; Mrs. Hoffman says its experienced escorts are quite capable of taking care of clients. The mobile helpers' tasks include aiding the handicapped on and off buses, cutting up food for those who have lost the use of their hands, and the like.

Once a destination is reached, the groups usually do all their touring aboard a bus equipped with a mechanical elevator that lifts wheelchairs and their occupants up to sliding doors on the side of the vehicle. The interior of the buses have room for the wheelchairs and wide aisles so the chairs can be wheeled to and fro.

Transportation is something the operators have become proficient at smoothing out. What remains more of a challenge is the suitability of hotel accommodations, requiring careful scouting in advance of a trip. Doorways, especially bedroom and bathroom doorways, have to be measured. Wheelchairs are usually 24 or 26 inches wide, so doors that are narrower present a problem. One solution is to ask the hotel to remove the offending doors. If an entrance is still not wide enough, a device called a "narrower" can be brought into service. A narrower fitted to the arms of a wheelchair and then tightened with a turning movement can shave the width of a chair by as much as two inches.

Other barriers: Does the hotel have entrance steps and, if so, can the management provide a ramp? Are rooms on the same level? Steep steps up or down at the entrance to a dining room, for example, are bad news.

"In some of the older hotels in Europe, particularly in England and Scandinavia, elevators just aren't large enough to take a wheelchair,' says Hoffman, 'and often the floor buttons are too high. Some have "man-eating' doors that close too quickly for people in chairs."

As Ruth Fein of Rambling Tours puts it, "All architectural barriers have to be checked out well in advance." That policy extends to facilities other than hotels. Rambling, for example, checks out places of entertainment in a city to insure there won't be any problem when chairs are wheeled in and out of restaurants or nightclubs.

While handicapped tour groups have roamed the world and visited many cities during a single trip, places with good accessibility to sightseeing are preferred. Mrs. Marie Kasheta, president of Kasheta Travel of East Rockaway, L.I., a regular agent who is now extending her business to include tours for the handicapped, emphasized this accessibility after traveling thousands of miles in Europe, the Orient and South America to inspect suitable locations. "You must have interesting sightseeing within easy reach of the hotels," says Mrs. Kasheta, who often during her research trips put herself in a wheelchair to test local conditions. Hilliard Fahn, a quadraplegic who operates Hills Travel House in Sacramento, Calif., says 'London is very good in this respect—a great deal to see packed into one area."

For the most part, the handicapped and their escorts engineer their own solutions to problems, but they are quick to give credit to persons who make their travels smoother. The bus drivers hired to transport the groups, for example, often become very attached to their charges. A muscular dystrophy patient who has traveled three times with Evergreen said: "In Honolulu our driver was a huge man who liked to carry us into the surf, and in Hong Kong there was another fellow, tremendously strong, who carried everybody about and wouldn't let anyone else help."

In Dusseldorf a hotel purchased a wooden ramp, with railings, to run from the door of a bus up the seven feet of steps to the entrance hall. In Honolulu, the Princess Kaiulani Hotel ripped out narrow doors and installed wider ones so that it could accommodate a wheelchair group. In Sydney, the Chevron Hotel built a ramp with a wooden wall at one side to enable wheelchairs to navigate a short flight of stairs to the restaurant. In London groups are often allowed to sit inside the gates of Buckingham Palace to watch the Changing of the Guard, and at the Louvre in Paris members of blind groups are permitted to touch the Venus de Milo and other treasures.

On tours for blind persons, said Betty Hoffman of Evergreen, guides skilled in description and with a good knowledge of such subjects as architecture are essential. She leads her agency's blind groups in conjunction with her son who comments on art and history. She concentrates on word pictures of the locale and people.

"It is important, we believe, to maintain a continuous and very detailed commentary," she says. "We like to buy small plastic models of landmarks on our route, such as Mont Blanc, or St. Peter's in Rome, which are passed around so the travelers can feel with their fingers what is being described." While in flight, the blind travelers are handed models of the plane.

Fewer special techniques are needed for deaf tourists. The main requirement is to have experts at sign language available every step of the way. Jim Grant of Grant Travel Consultants of Shrewsbury, N.J., who has organized deaf groups for cruises, says: "When we stop in Bermuda our party joins other passengers for a motorcoach tour, and a sign language expert translates the guide's words. Someone who 'reads sign' is also with the group in the ship's dining room to help them with their orders, and there is a daily meeting with an interpreter to review the day's itinerary and determine which activities are likely to appeal to the group. They enjoy bingo, for example, with the aid of an interpreter, and one of their favorite diversions is dancing; they feel the vibrations of the music from the floorboards."

Grant said that many of the deaf people who sailed on the two cruise trips he has run so far had traveled little before, but were happy to vacation with other deaf people. He wants to continue arranging cruise trips and to branch out into a European tour.

The growth in travel by the disabled is bringing its own rewards, "More and more hotels, and cities, are eliminating architectural barriers—providing ramped curbs, for example—so that it becomes easier for us to get about," says Fahn. This trend helps generate travel, which, say Fahn and Jacobson, both agents in wheelchairs, is of tremendous therapeutic value, Jacobson, who has been paralyzed from the neck down since an accident 30 years ago, says: "As a result of the advances made in rehabilitation and the programs that make opportunities available to handicapped people today, more and more of them are getting into the mainstream of society—and, therefore, developing a desire for travel, especially foreign travel. But we can't always get the cooperation we would like from the travel industry. There is still some discrimination against us."

Mrs. Kasheta, who believes she is the first commercial agent in the New York area to make a major effort to organize foreign tours for the handicapped, says: "After speaking to disabled people's clubs about my plans, I realize that they are citizens who have been shortchanged. They can travel. As one man put it, 'You have opened the door of a cell for me.'" Tour operators like Mrs. Axsom of Handy-Cap Horizons have been doing that and much more for some time. "Cupid," says Mrs. Axsom, "is among the products of our trips and our work. There are many children around today whose parents met on one of our tours."

AIRLINES POSE OBSTACLES

The handicapped are traveling more than ever before, but they don't always find the going easy. Spokesmen for groups of the disabled speak of the "capricious" attitude of airlines, in particular toward a handicapped person—in a wheelchair or using a brace—who travels without an able-bodied companion.

The traditional rule is that airlines may refuse to board any person traveling alone who is incapable of caring for himself. But, as Edmond J. Leonard, program director for the President's Committee on Employment of the Handicapped, points out, the rule is "subject to subjective interpretation." Mrs. Rhoda Gellman, a consultant to the National Easter Seal Society, underlines the uncertainty faced by the unaccompanied handicapped person. "In one case," she says, "a girl in a wheelchair was among the passengers asked to leave a plane before take-off because of some technical difficulty. Then she was refused permission by the pilot to board again when the other people got back on." Such actions, the airlines say, reflect employes' concern for the handicapped passenger's safety, as well as the safety of other passengers, in the event an emergency situation develops.

The Federal Aviation Administration, which is trying to work out equitable rules, held hearings on the subject in six cities across the country in 1973, but the tentative proposals it made last year ran into such strong opposition from organizations for the handicapped that it decided to review its ideas—and is still doing so. The proposal that drew the fiercest criticism was one that would require disabled passengers flying unaccompanied to obtain a certificate (renewable every six months) from a physician saying they were able to participate unassisted in emergency procedures. That requirement is likely to be dropped from the revised F.A.A. proposals when they are issued, probably in June.

An F.A.A. official said that among ideas now being discussed is that the number of unaccompanied disabled persons on a plane should be limited to the number of floor-level emergency exits. (There are eight on a 747.) Also under consideration is that handicapped people flying alone should sit next to the emergency exits and should be briefed individually by flight personnel on how they would be assisted during an emergency evacuation.

Meanwhile, the F.A.A. is conducting tests at its Aeromedical Institute at Oklahoma City—both with dummies and with handicapped volunteers—on how various categories of disabled people could best use a plane's emergency chutes.

A LIST OF TOUR OPERATORS

Following is a list of the travel agents mentioned in the accompanying article who operate tours for the handicapped in this country and abroad. There may be other such agents as well, and the list does not include service agencies, religious bodies and other organizations that from time to time arrange vacations for the disabled.

Flying Wheel Tours, 148 West Bridge Street, Box 382, Owatonna, Minn. 55060 (tel: 507 451-5005). The agency, which opened in 1970, runs one- and two-week tours for wheelchair travelers and separate trips for the blind and the deaf. Among destinations scheduled this year are Acapulco, Mexico ($399 a person plus air fare for one week), Hawaii ($829 from the West Coast for 12 days), the Orient ($1,428 from the West Coast for 10 days).

Evergreen Travel Service Inc., 19429 44th Street, Lynnwood, Wash. 98036 (206 776–1184) has been operating tours for the handicapped for 15 years and runs about four a year, plus three for blind persons and two for retarded youngsters. Its program for this year includes a 22-day South Pacific tour in March for $2,016, a 19-day tour of Britain in May for $1,490 and a two-week visit to Alaska in July.

Handy-Cap Horizons, 3250 East Loretta Drive, Indianapolis, Ind. 46227 (317 784–5777). This is a nonprofit organization that has been operating trips since 1963 and specializes in people-to-people contacts in other countries. Last year it had a 26-day European tour of eight countries for $1,099. This year it's planning a Caribbean cruise, a week in Myrtle Beach, S.C. and another European tour.

Rambling Tours Inc., P.O. Box 1304, Hallandale, Fla. 33009 (305 921–2161). Rambling, which started in 1969, plans an 18-day visit to Spain, Portugal and North Africa in May for $1,195 and 16 days in Britain and Ireland in July at a cost of $1,250.

Hill Travel House, 2628 Fair Oaks Boulevard, Sacramento, Calif. 95825 (916 488–8681), which started in 1973, has run tours to Hawaii and is now planning trips to Europe and Israel.

Kasheta Travel, Inc., 139 Main Street, East Rockaway, L.I. 11518 (516 887–4545), recently started vacations for the handicapped and on its schedule is a 14-day vacation in Paris, Rennes and Tours in May for $1,444 a person, a two-week tour of Italy in May for $1,679 and a three-week trip to the Orient and Hawaii in November for $2,914.

Grant Travel Consultants, 427 Broad Street, Shrewsbury, N.J. 07701 (201 842–7447), is continuing its program of cruises for deaf persons with a seven-day trip to Bermuda and Nassau in August from about $395 a person and a 12-day tour of the Caribbean (after a flight to Miami or San Juan, P.R.) next winter for about $600.

"THEY HAVE GUTS . . . THEY'RE PATIENT . . . THEY ENJOY"

(By Justine DeLacy)

"I'm ready to pawn everything and take to the road." This from a gray-haired grandmother in a wheelchair, Bridget Willox of New Jersey, who has been crippled with rheumatoid arthritis for a quarter of a century. "For years I never left my back porch," she says. "Oh, there were outings with the family to upstate New York. Rockland County, that was my big deal. But look at me now! I'm in Paris!"

This is her second trip to Europe with Rambling Tours, an organization that specializes in foreign travel for the physically handicapped. Before her first trip, to make sure she would fit in with the group, Bridget wrote a 10-page letter to Ruth Fein (who, with her husband, Murray, runs the tours), describing the things she could and could not do. Mrs. Fein picks up the story: "Most handicapped people read about these tours and say to themselves, 'They don't have my problems.' Well, we've had a girl who could move only one thumb and one heel, and a quadraplegic with a portable iron lung. You just have to want to come badly enough."

There were 32 tour members who arrived in Paris, the 15th day of their 18-day trek through Europe. Seventeen were in wheelchairs, paralyzed from either the neck or the waist down, eight others walking on crutches or with canes, seven were accompanying family members or friends. All were jubilant.

On the sidewalk in front of the Ambassador Hotel, Boulevard Haussmann, the tour members are riding the 900-pound-capacity hydraulic elevator invented by Murray Fein to lift wheelchair patients into their bus. (The elevator, about the size of a couple of steamer trunks, is transported as luggage aboard planes and buses during Rambling's travels.) First up is a Kate Smith-size woman named Margaret Dyer. "Willy, give me a hand," says Ruth Fein to the Belgian bus driver. "She's very heavy." Turning to Margaret, she adds, "I don't mean to insult you, baby." "No way," chortles Margaret, who had to have both her legs amputated not long ago. The exchange is typical of the spontaneous, non-pity atmosphere of the group. Next is Don Tuttle from Chicago, "the elephant man" to his fellow travelers. Don's chief concern in Paris is getting back to the Galleries Lafayette where he saw a bargain china elephant. He is in a wheelchair and there are four curbs between the hotel and the store. "Paris isn't so expensive!" he exclaims. "Elephants only 5 francs!"

Bobby Arts is standing on his battery-operated scooter, awaiting his turn in the elevator. Everyone is talking about the traffic jam he caused the night before by leading a caravan of wheelchairs down a taxi lane with his scooter, to the outrage of French taxi drivers. Crippled by cerebral palsy from birth, he is on the tour with his wife, June. June would be much taller than Bobby, who is about four and a half feet, if she stood up. But she never does. She has had polio since she was 12 years old. She and Bobby met at a camp for the handicapped in Hunter, N.Y., 20 years ago. "That was when they still put mentally retarded people in with the physically handicapped," explained Bobby. "June came up to the first person she saw reading The New York Times—she figured he wasn't mentally retarded—and that was me."

Next on the bus was Frank Vytal, a handsome Bostonian in his thirties who was paralyzed from the waist down a couple of years ago during an operation for a spinal tumor. He does not have full use of his hands, so his chair, instead of just having a wheel to push, is fitted with protruding spikes that enable him to use his wrists to propel himself. "Here's Frank in his Roman chariot," announces Ruth. He beams at the attention.

Once the wheelchairs are strapped down on the right side of the bus, where the seats have been removed, we're off to the Louvre. Some people stay in their chairs for the ride; others transfer to regular seats with the help of Willy, the driver, who has a penchant for breaking into "She'll Be Comin' Round the Mountain" in Flemish. Ruth has obtained special permission for the group to use the Louvre's Henri II entrance, which has no steps. Don can't resist yelling, "Hi, Jeanne," as we pass the golden statue of Jeanne d'Arc near the Tuileries, described by Bill, the tour's droll English guide, as "a French wench who thought she could try her tricks on the English and get away with it."

Frank is worried that he won't get any pictures of the Arc de Triomphe. He can hold the camera fine; he just can't push the button. I aim his Kodak and shoot, then ask him which country he liked best. He preferred Switzerland, like most of the people on the trip. "I used to ski and hike a lot in the Presidential range in New Hampshire," he says by way of explanation, then rattles off the peaks he has climbed: "Monroe, Franklin, Madison, Jefferson, Adams. . . ." His voice trails off, and he looks out the window.

Most of the people on the tour have lived a long time with their afflictions, but Frank has only been paralyzed for about two years and he's having trouble getting used to it. Seeing how other handicapped people have managed to accept their condition is more important than France or Germany for people like Frank.

The group was delighted with Paris's sidewalk cafes, which are to wheelchairs what drive-in food chains are to automobiles. Everyone agreed that the biggest problem facing handicapped people who travel was bathroom facilities. "We've never been anywhere we didn't have to have the bathroom door taken off," says Tonka Sadesky, who has been crippled with muscular dystrophy for 17 years. Bidets in Europe block access to the toilet, she says, and she wishes the two could be switched around. "Everyone in Europe has offered to help, though," said Patsy, "not like in New York, where they run from wheelchairs!" But people's willingness to help is actually a problem in a foreign country, Don added. "Unless you take a wheelchair perpendicularly down a curb, it is likely to tip over," he said. "You can't warn people about that if you don't speak the language. Last night I was waiting to go down the curb and a Frenchman took hold of my chair before I knew it. I almost fell out into the street!"

Bobby and June Arts have traveled all over the world alone. This is their first trip with a group, and they're enjoying it. "You can relax. You don't have to worry about the next flight of steps all the time," says Bobby. He recalls how he and June were stranded in London one evening after the theater. "The taxis disappeared in five minutes. When you're handicapped, you can't exactly beat the other guy to a cab! It started pouring, and finally June had to roll her chair out into the street to stop one. You don't have these problems with a group, and it's more fun to be with other people." Bobby also finds it too expensive to travel alone now, since being handicapped means hiring private cars, chauffeurs and taxis.

He feels the biggest help to the handicapped would be the standardization of airport loading equipment. The Arts were once trapped for three hours in a plane at Kennedy Airport because the ground personnel claimed that union rules precluded them from boarding the plane to carry them off. Bobby praised the Zurich airport, which sends a car equipped with an elevator to the plane to unload the handicapped first.

Mrs. Fein seems to be everywhere at once, hugging, reassuring, smiling, encouraging, helping to hoist wheelchairs into the bus, or getting them up and down the thousand curbs they have encountered in Europe. She is especially attentive to Althea Taylor, an 18-year-old quadraplegic from Ft. Lauderdale, Fla., who had the courage to come alone on the trip—a high school graduation present from her parents.

Ruth Fein likes traveling with the handicapped. "They have guts," she says, "and they're so patient. They never complain. In Ireland, another tour director saddled with a bunch of grumpy old maids wanted to trade places with me.

"You should have heard the group after our wine-tasting party in Burgundy. I could hardly get them back into the bus, they were singing so loudly. On the Scandinavian tour last year, six of our group went on the Tivoli roller-coaster in Copenhagen!"

Back in the bus, Ruth was making a note to try and switch the group to a 9 P.M. sound and light show instead of one at 11 P.M., since everyone wanted to go to the Lido nightclub and the Folies Bergère later on.

PROJECT DA VINCI

Mr. DOMENICI. Mr. President, historically, New Mexico has been the proving ground for an impressive amount of scientific and technological research in this country. It has recently enjoyed another successful scientific research accomplishment known as Project Da Vinci, a manned balloon utilized for meteorological purposes. Even though balloons have been used for many years, they have not been devoted to studying the structure and composition of the lower atmosphere which has so much to do with our environment.

New Mexico was proud to have participated in this research project which took place in Las Cruces on November 1, 1974. The project was sponsored jointly by the U.S. Atomic Energy Commission, the Army's Atmospheric Sciences Laboratory, the National Geographic Society, and many other organizations.

Mr. President, I ask unanimous consent that two articles appearing in recent issues of Ballooning magazine and New Mexico magazine which describe Project Da Vinci be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From New Mexico Magazine]

Science Soars Into the Past

(By Mike Murphey)

Almost in the shadow of White Sands Missile Range—the proving ground for some of man's most advanced technology—science recently took a step into the past.

For the project, scientists shunned the missiles which climb from WSMR into the lower reaches of outer space. Neither did they employ the ultra-modern aircraft that operate from various New Mexico Air Force bases, nor the advanced propulsion systems developed in Las Cruces by the National Aeronautics and Space Administration.

They turned instead to man's oldest vehicle of aviation—a balloon.

On Nov. 1, Project da Vinci, the largest manned balloon package ever launched, lifted off from the Las Cruces Municipal Airport on a manned atmospheric research expedition.

The 70-foot-tall helium balloon hoisted aloft a 5,000-lb. payload of 25 scientific experiments and a four-member crew. Floating to altitudes of 14,000 feet, its mission was to study the immediate layer of atmosphere that most affects man's environment, and about which surprisingly little is known. But an important secondary goal for those involved was to prove the usefulness of manned balloon flight in scientific research.

The 25 experiments aboard Project da Vinci were divided into five major categories. One group of instruments was designed to explore the meteorological structure of the lower atmosphere. These instruments gathered information on pollution levels, temperature, winds and rainfall.

Other instruments were to determine exactly what substances now make up the earth's atmosphere. Scientists believe that such things as pollutants and solar radiation may be slowly altering the atmospheric makeup.

A third group of experiments measured the earth's electrical field. They were designed to determine how the field varies, and what things cause such variation. The fourth category of scientific instruments studied the radiation in the earth's atmosphere.

Other equipment was aboard for the purpose of measuring balloon dynamics and response. Project officials hoped that data gathered during the flight on how balloons and air masses interact would be useful in future balloon design.

One crew member explained, "Ballooning has been ignored as a means of scientific exploration. It was passed over in the interest of speed and controllability."

Project officials added that the primary advantage of a balloon over other aircraft in such research is that the balloon can travel slowly with a specific parcel of air and study it as the given air passes over cities, deserts and mountains.

Project da Vinci was a joint undertaking of the U.S. Atomic Energy Commission, the Army and the National Geographic Society. The crew included pilot Jimmie Craig, a balloonist employed by the U.S. Navy; copilot Vera Simons, an artist and balloonist who first conceived of Project da Vinci; Dr. Rudolf J. Englemann, a scientist with the AEC, and Otis Imboden, a National Geographic photographer.

Originally, the flight was planned to last 36 hours and to end near Lubbock, Texas. Las Cruces was chosen as the launch site because of the availability of ground tracking and telemetry at White Sands, and because of the area's "almost ideal average October weather conditions," for such a flight.

But unfortunately, October weather in 1974 was far from the "ideal average." Clouds and southerly winds, which would have carried the balloon into Mexico, caused four weeks of launch delay. Finally, at 8:45 p.m. on Nov. 1, the project was launched. Winds carried it on a more northerly path than planned, and threatening weather conditions caused termination of the flight near Wagon Mound in northern New Mexico after only 12 hours.

Flight officials were disappointed until they learned that 23 of the on-board experiments had been successful. That success warrants future manned research flight funding, they said.

The very limitations that forced man to look beyond balloon flight as a practical means of aviation eventually victimized Project da Vinci. But not before the practicality of manned balloon research had been proved. New Mexico may have witnessed the rebirth of a balloon age.

[From Ballooning Magazine, Winter 1974–75]

The Midnight Ride of Balloon DaVinci

(By Dick Brown)

In an age of super-sophisticated scientific research vehicles, it was back to the simple manned balloon for a meteorological research mission under the name "Project DaVinci." The vehicle was a 75-foot diameter helium gas balloon with a 10-foot square, double-decker, fiberglas gondola, complete with coed living quarters and nearly 3000 pounds of scientific, life support, communication, and navigation equipment. Aboard this translucent dream machine were four aeronauts who rode "DaVinci" across the moonlit San Andres mountains and northwards through starry New Mexico skies, to a stand-up landing a few hours after sunrise.

The project mission was to gather information about the structure and composition of one of the least understood parts of the earth's atmosphere—the lower region that is shared by all of us. This is the region which controls how far pollution is carried from its source, where regional air circulation takes place, and how inversions trap pollution at the breathing level. In-flight measurements included air pressure, temperature, humidity, gravity waves, density, ozone content, electrical fields, aerosol content and pollutant concentrations. In addition to atmospheric research, Project DaVinci included experiments on balloon dynamics and balloon response which will benefit man's many uses of balloons, whether for science, for industry, or for sport.

DaVinci was outfitted with a three-directional wind flow detector in order to study how air is moving in relationship to the balloon. The aerostat's behavior in response to atmospheric motions, heating, and cooling were also documented. Five temperature sensors were placed on the envelope surface and inside the helium gas in order to record the thermal changes caused by darkness and daylight. How rapidly the balloon gains or loses altitude as it gains or loses heat on the envelope skin was recorded in concert with the directional wind flow detector data and the recorded altimeter readings.

After several weekends of adverse weather, a launch window appeared between two frontal systems. The flight was scheduled to start at Las Cruces, on the west side of the Rio Grande and the San Andres Mountains of the White Sands Missile Range. Weekday range operations restricted a balloon from crossing the military reservation. But on November 1st, both the weather and the range were clear for launch.

The Project is named after our first aerospace engineer and artistic genius, Leonardo da Vinci. It was he who first employed art as an instrument of science and it was he who first set the pattern for a scientific investigation of air as a medium of transport. Leonardo da Vinci attempted to reveal the order and beauty of the universe through visualized knowledge.

It is no wonder that Vera Simons, project originator and a world-renowned artist, chose DaVinci for the project name. Project DaVinci merged old and new methods of atmospheric exploration. For Vera, DaVinci is a dream come true. As a balloonist and a scientist, she had advocated for years the use of manned balloons as a multi-experiment platform for atmospheric studies. A gas balloon is an ideal tool for such studies since it does not contaminate the surrounding air, and yet it floats noiselessly (speaking both acoustically and electrically) with a packet of air on its journey over various types of terrain, making meaningful measurements as it drifts.

There was no mistaking "DaVinci" for a sporting gas or hot air balloon. And it was not just another helium-filled scientific contraption. It had a 600-pound, two-tier gondola that was designed and constructed by Grumman Houston Corporation. The aluminum and fiberglas structure featured corrugated cardboard shock absorbers and was designed to withstand a landing impact of 3 G's. The lower level was devoted to crews quarters, battery banks, and equipment storage.

The gondola was delivered in early September to Sandia Laboratories in Albuquerque for equipment installation and checkout. Keith Smith and Preston Herrington of Sandia handled the systems engineering and integration tasks for the science and life-support equipment.

The gondola, with all of its projecting arms and dangling instruments, was suspended 70 feet below the balloon. Karl Stefan of the Balloon Works served as the balloon systems engineer and was responsible for ensuring that the balloon lift matched the payload weight. The balloon, built by Winzen Research, Inc. of Sulphur Spring, Texas, was a 160,000 cubic foot, naturally-shaped sphere. The envelope was fabricated from vertical gores of double-walled, 2-millimeter polyethelene film. The gores were heat-sealed at the seams and reinforced by 2-inch wide non-woven fiber tapes.

A startling feature of the DaVinci system was its string of 10 tetroons (4-sided helium balloons) which resembled the fins of a chinese dragon. These 6-foot mylar tetrahedrons were to be released to study atmospheric turbulence and diffusivity by measuring the rate at which they separated from the gondola.

The launch site was the airfield at Las Cruces Municipal Airport. The bright yellow gondola glistened in the late afternoon sun. It was a scene of bustling activity as engineers and technicians made their final instrument check-outs. At the same time, the DaVinci crew gathered in a back room of the hangar for a briefing with Duke Gildenberg, Launch Advisor. In attendance were Jimmie Craig, pilot; Vera Simons, co-pilot; Dr. Rudolf Engelmann, on-board scientist; Otis Imboden, on-board photographer and assistant scientist; Dr. Harold Ballard, ground-based director; Dick Keuser, launch director; and other project personnel. They debated the flight options which included a landing on the Range. The anticipated flight duration was weighed against the amount of scientific data that could be gathered. The winds aloft showed a projected flight path to southwestern Kansas, with a maximum duration of 24 hours. The ground wind was out of the southwest at 10 mph. The decision was go!

The 470-pound envelope was laid out just before sunset. The inflation lasted 90 minutes and was by far the noisiest part of the entire project. For what seemed an infinite length of time, the shrill hissing of helium gas rushing through two plastic inflation ducts into the top of the balloon, prevailed at the launch site. A tense moment occurred during the link-up between the inflated balloon and the 6000-pound gondola. The clutch on the crane slipped and the balloon jerked upward, almost departing on its own. It was a good, but unplanned, mechanical shock test for the double-walled gores and 900-pound fiberglas load tapes. The entire link-up procedure was a formidable sight to behold. A 6000-pound dummy load hung 6 feet off the ground at the side of a rental truck. With a ladder on the truck roof, leaning against the crane cable, two crewmen (one on the ladder, the other on the top of the crane) disconnected balloon DaVinci from the weighted block and attached it to the gondola which itself was loaded down with bags of lead shot and 1500-pound weights at each corner. When the latter were removed, lift-off was imminent.

Pilot Jimmie Craig of Ridgecrest, California, began dropping ballast bags. Since his early ballooning experiences with Ed Yost, Jimmie has logged over 750 hours of gas and hot air balloon flight. He was the U.S. National Hot Air Balloon Champion in 1964 and 1965.

Leaving a stream of lead shot ballast across the Las Cruces airfield, balloon DaVinci (N4DV) lifted off at 8:50 PM. (Stowed on board were copies of the Summer and Autumn issues of *Ballooning!*) The balloon drifted toward the northwest, then penetrated an inversion layer at 5000 feet and finally swung around to the northeast. Soon only the balloon's steady white light and flashing red beacon were visable. The crew carried with them the excitement of night flight and the nagging worry that a seam may have opened as a result of the severe shock experienced less than an hour ago. After punching through another temperature inversion layer, the balloon levelled at 9000 feet and flew the ground contour for the duration of the flight. That nagging worry faded and the balloon tracked up the slopes of the San Andres, crossing the mountain range near Capital Peak at 12,000 feet. From high above the San Andres Range, the crew could see the sparkling sands of White Sands National Monument. This was the only point in the flight at which the crew donned their oxygen masks.

Once on the top side of the inversion layer, very little ballast was dropped. Jimmie timed the valving to establish the desired rate of descent on the east slope of the mountains. Balloon DaVinci acquired a tremendous attraction for the mountains and drifted northwards along the eastern slopes of the Los Pinos and Manzano Ranges. After settling at 7000 feet, Jimmie turned the controls over to co-pilot Vera Simons, and went below for a few hours of sleep.

Vera, a resident of Washington, DC, has 17 years of helium balloon design, construction and flight experience. She is also an artist who is known internationally for her LTA inflatable sculptures. She has logged 150 hours of balloon time and is one of less than half a dozen women in the U.S. licensed to fly gas balloons. She was the first woman in the world to fly plastic balloons. She has been intimately involved in numerous atmospheric research projects, including Transosonde, Sky-Hook, Stratolab, and Man-High. She is co-holder of 4 balloon patents, some involving gas balloon manufacturing techniques.

Vera became convinced that a well-planned combination of experimentation and manned flight could be advantageous in lower atmospheric study. In 1971, she began discussing the possibilities for such a flight with members of the scientific community. These discussions eventually led her to the AEC and the National Geographic Society. Project DaVinci was jointly funded by the AEC which currently supports one of the largest meteorological research programs in the United States, the National Geographic Society which has had a distinguished association with balloon research, and the Army's Atmospheric Sciences Laboratory at White Sands. Some of the other organizations which provided scientific equipment and support services include the Institute for Storm Research of the University of St. Thomas at Houston, the Atmospheric Physics Laboratory at John Hopkins University, and the National Oceanic and Atmospheric Administration.

There were 25 interrelated experiments conducted during the flight. Five telemetry data links relayed the airborne measurements to ground stations where the data was coupled with that of ground-based experiments for comparison. The on-board scientist, Rudy Engelmann, monitored the data gathering functions and kept so busy targeting instruments that it is believed he rarely looked up to enjoy the flight. Rudy is an AEC meteorologist and has a wide range of experience spanning the entire gamut of environmental sciences and balloon research. Rudy was backed up by Dr. Robert Woods of Sandia Laboratories just in case he was unable to make the flight.

The chase started out with a midnight ride across White Sands. An instrumented motorhome, a 4-wheel drive carryall, and this writer's 2-wheel drive passenger car followed the balloon on the ground from start to finish. The flight was documented by video tape and still-camera photography. The aeronauts maintained radio contact with the chase vehicles, the flight advisory center in Houston, and the base station at White Sands throughout the flight. An instrumented trailer-van at the Range base station received and recorded the telemetered data while two other mobile vans were deployed along the flight path in a leap-frog fashion, one recording from a fixed position, as the other proceeded to an advance location. Approximately 95% of the data was collected.

Also on board was Otis Imboden, a photographer with the National Geographic Society. He was the Society's photographer in residence at Cape Kennedy during the active years of the U.S. manned space program and helped design the photographic systems for some of the space flights.

Balloon DaVinci swung north, away from the chasers. When the carryall broke down near Alamogordo, this author's car was loaded up with video tapes, radios and stranded chase personnel. The situation, though unfortunate in one respect, was an excellent opportunity to meet strandees Bob Gall of Sandia Public Relations, Bill O'Neill of the NGS News Service, and Gail Bradshaw of the AEC Office of Information Services. By the light of the silvery moon (as they say), the chase wound its way through quiet ghostly New Mexico villages such as Corona, Willard, Moriarty, Trementina, and Solano.

Meanwhile, balloon DaVinci, picking up a more easterly wind component, swung past Clines Corners on Interstate-40 and watched the eastern sky grow brighter. The sun appeared over the horizon as the balloon drifted over Villanueva at the southern tip of the Santa Fe National Forest. Soon threatening frontal activity would force a premature end to this scientific voyage through 350 miles of the earth's delicate atmosphere.

In preparation for landing, the crew tied down all equipment and carried spent batteries to the upper deck in case ballast needed to be dropped. Gas was valved off and the balloon dropped down to a lower altitude. Two cow-punchers chased the balloon between two tabletop mountains. Jimmie guided the balloon over an abandoned ranch house and held at 100 feet, waiting for the balloon to lose its inertia. He lowered the ground rope and stopped at 50 feet. From there on, it was a "story book" landing (as Jimmie explains it). In a controlled descent, Jimmie alternated between valving and throwing batteries. The corrugated cardboard crash pads were not even dented. At 8:30 AM, November 2nd, "DaVinci" was down, only 4 miles northeast of Wagon Mound, New Mexico. The chasers arrived an hour later . . .

The scientific success of this manned balloon expedition has paved the way for a 5-day cross country flight, tentatively planned for this autumn on the west coast. "DaVinci" marks the beginning of a new era in manned balloon flight.

OVERCOMING BARRIERS AMONG GENERATIONS

Mr. WILLIAMS. Mr. President, for some years now, in my work with the Special Committee on Aging, I have tried to make the point that communities lose much if they ignore their elders.

Within the past decade or so, I have seen a very gratifying increase in senior citizen involvement within their communities. Many are serving in volunteer or senior aide programs. Others are being served by Older Americans Act programs or engaging in political action designed to inform the Congress, State legislatures, and municipal officials of their opinions and needs.

Gradually, the barriers between generations are being reduced.

Gradually, the retirement years are recognized for what they are: a large part of a lifetime, too precious to be wasted or thwarted.

Recently, a New Jersey newspaper, the Hackensack Record described a significant and heartwarming example of interaction between a community and its older residents.

The editorial described the use of public schools in Glen Rock, a largely suburban municipality in the northern part of the State. It also wisely observed:

> There is no single formula for effectively meeting the needs of the growing ranks of senior citizens, nor can there be. Human beings do not become peas in a pod merely by retiring on pension or passing a designated birthday. They remain distinct individuals with diverse interests, abilities, likes, and dislikes.

In addition, I have an editorial which appeared in the February 17 issue of the Washington Star. It deals with efforts by a group of high school students in Alexandria who are acting on behalf of older Americans in their community—and deriving a great deal of satisfaction from their efforts.

I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles

were ordered to be printed in the Record, as follows:

[From the Hackensack (N.J.) Record, Feb. 4, 1975]

Bridging a Generation Gap

There is no single formula for effectively meeting the needs of the growing ranks of senior citizens, nor can there be. Human beings do not become peas in a pod merely by retiring on pension or passing a designated birthday. They remain distinct individuals with diverse interests, abilities, likes, and dislikes.

For some, the secluded retirement community is the answer, filling the days—just as the advertisements claim—with new friends, pool parties, shuffleboard leagues, and talent shows. For others, who can't afford or can't bear to move away from hometowns and old friends, golden-age clubs provide welcome opportunities for associating with others of retirement age.

Still others, however, prefer to remain active in the wider community, with people of all ages. It is with this group in mind that the Glen Rock public schools have embarked upon an interesting program designed to involve senior citizens in school life.

Older residents of Glen Rock can pick up a Golden Key Card at any school. The card entitles them to free admission to all school concerts, plays, and athletic events, and to take adult-school courses without tuition fees. There will be a special matinee performance of the high-school musical show this month for senior citizens who like to get out in the daytime but prefer to spend evenings at home. And elderly residents are invited to have lunch whenever they like in the high-school cafeteria. The daily hot meal there costs 85 cents, a price that should help those hard-pressed to live on a retirement budget.

More than 100 senior citizens attended the opening luncheon at which the program was explained, but it is too early to tell how many will find it appealing on a long-term basis. Lunch in the spirited confusion of a high-school cafeteria is not, after all, every senior citizen's cup of tea. Neither is a high-school basketball game or student concert.

But if the Glen Rock program broadens the horizons and brightens the days of even a handful of older residents, it will perform a useful service—and at little or no public cost. Other communities would do well to consider similar programs of their own.

[From the Washington Star-News, Feb. 17, 1975]

Super Teenagers

Almost everytime we sink into a slough of despond and temporarily succumb to the feeling that the world is going to hell in a handbasket, or some larger and speedier conveyance, a small piece of intelligence pops up that reassures us that perhaps all is not as gloomy as it seems. This time, we are indebted to a group of high school students in Alexandria for banishing our mental shadows.

They are the members of the Distributive Education Club (which Star-News reporter Mary Margaret Green informs us is a "marketing" group) at T. C. Williams High School. Exhibiting what struck us as a remarkable degree of maturity and tenacity, the students undertook as a project an ambitious survey of the status of elderly residents of the city. They were stunned to discover just how wretched is the plight of many older people today. Many must exist on annual incomes "less than some of us make on part-time jobs," said Cheryl Hanback, vice president of the club. "But we don't have to pay for rent, food or medicine and they have all of that," she added.

Well, what's so super about high school students doing a survey, even one of sufficient breadth and depth as to be commended by the Virginia Office of Aging as "the only statistically valid report on the elderly in the state of Virginia"?

It was not just the competence of their project, it was the reaction of the T. C. Williams students to the results they turned up. They decided to "try our hardest to get something done" about the widespread deprivation of elderly citizens. They have resolved to spend the rest of the year trying to prod government officials, businessmen and civic groups to increase the buying power of the aged. Their statistics showed that more than half of the elderly spent at least 50 percent of their income on housing, leaving less than $2.30 a day for food.

The youngsters are going to visit local merchants to seek to persuade them to add their stores to those already offering discounts to the elderly. They intend as well to work with the city's Senior Citizen Employment Service to inform older people to special prices and government programs available to serve their needs. City Councilman Nicholas A. Colasanto, who was an adviser to the project, has put himself firmly behind the young people's campaign.

The economic predicament of many older Americans gets a great deal of unctuous rhetoric, particularly around election time. But far less is done to improve their situation than is needed. We applaud these T.C. Williams students; they are doing a proud job. And we would add one further note that demonstrates that these youngsters are not naive about the dimensions of the task. Miss Hanback said, "We're doing everything we can do to let people know the conditions (cited in their report). If we don't get a response, maybe people just don't want to listen."

We deeply hope that will not sum up their experience. So impressive, indeed, is the degree of commitment from these students that we are almost inclined to forgive them for their taste in music, the dread sound of rock.

THE PRESERVATION OF CIVILIZATION

Mr. BROCK. Mr. President, I could not help but be moved upon recently reading an article by Sir Arthur Bryant. His remarks were directed toward Britain, but I believe it would be very easy to simply substitute our Nation in most instances.

Mr. President, I ask unanimous consent that this excellent article by Sir Arthur Bryant be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Preservation of Civilization

(By Sir Arthur Bryant)

Twice in the present year we have had a general election in which, viewed cynically, the chief issue for many ordinary men and women seemed little more than which of two highly organized major political parties should, by securing a virtual monopoly of legislative power for the next few years, dictate to us and order our lives from Westminster. By every one of us exercising a tiny and insignificant fraction of a constituency poll, we were allowed the choice of deciding which of the rival factions' leaders should retain, or win, place and power by occupying the much-coveted and highly rewarded offices whose political holders preside, in the name of the Crown, over the executive Departments of State.

Such an attitude, however just, is held today, to a greater or lesser degree, by large numbers of electors whose views of politicians and the profession of politics have become very different from those held earlier this century by their parents and grandparents. It may partly explain why as many as five million of them voted for a third party, whose leaders had little or no chance of holding office at all. If parliamentary democracy is to survive and not be superseded by anarchy or dictatorship—and history teaches that the latter almost invariably follows the first—this is not a state of affairs which bodes well for the future.

There is, however, another and, I believe, better explanation for the comparatively low place into which politics and politicians have fallen in this traditionally mature political country, as well as for the general malaise from which, as a nation, we seem at the moment to be suffering. The explanation is the excessive and disproportionate emphasis laid by politicians of all persuasions on the purely economic aspects of our corporate life. For, as a Conservative ex-Minister pointed out in a speech last October, during the election the voter was faced with three parties, all of whom claimed that they alone had the secret of fighting inflation, of achieving economic growth, of keeping down prices and of providing financial "benefits."

Sir Keith Joseph justly said about the years during which our general elections have increasingly presented voters with this purely economic choice: "This auction has raised expectations which cannot be satisfied, generated grievances and discontents. Far from bringing well-being, this 'economics first' approach has aggravated unhappiness and social conflict, as well as overstraining the whole economic system to a point where it is beginning to seize up. Would it not now be better," he therefore asked, "to approach the public, who know that economics is not everything, as whole men rather than economic men?" For while the rival political parties were exclusively seeking, the one economic "growth", and the other redistribution of incomes and "Socialist" or Civil Service control of industry, he pointed out that neither increased economic prosperity nor great economic equality were producing the beneficial results expected. "Real incomes per head have risen beyond what anyone dreamed of a generation back; so have education budgets and welfare budgets. So also have delinquency, truancy, vandalism, hooliganism, illiteracy, decline in educational standards . . . Teenage pregnancies are rising; so are drunkenness, sexual offenses, and crimes of sadism."

In short, here was a Conservative statesman publicly saying what some of us have been vainly contending over the past 30 or more years: that man is not merely an economic consumer-unit, and that any society which, on whatever ideological pretext—be it "capitalist" or "socialist"—treats him solely as such, will find in the end that its economy, and ultimately its very existence, will break down. Human beings so conditioned become bereft of the human and moral virtues and capacities without which no economy or corporate society can remain viable. For man is not only an economic consumer, a mere mouth and purchaser of commodities of use. He is, and far more importantly because even consumption depends on his being so, a creator and a producer. Unless he takes satisfaction in creating and producing and treats this essential human activity as something more than a means of acquiring purchasing power, he will be an unhappy, discontented and, because aggrieved and deprived, ultimately aggressively destructive being.

To seek to abolish want, squalor, disease and ignorance, as the late Sir William Beveridge and his political disciples set out to do towards the end of the Second World War 30 years ago, was a noble ideal. Yet to do so by purely economic means was not sufficient. The mere absence of these scourges of humanity—as observation of any society of idle and richly-endowed playboys and millionaires will show—does not itself create satisfactory and useful human beings or rid them of the vices of selfishness, self-indulgence, greed and unkindness, malice and cruelty.

The well-being of any community depends in the last resort on the virtue—the honesty, industry, self-control, good behaviour and helpfulness to one another—of its members. As these virtues do not come at all easily to mankind and have to be inculcated, preferably in youth, it follows that any society which fails to foster and teach them is doomed to ultimate disintegration and ruin, both political and economic. Financial "growth", that false ideal of "Selsdon Man" Conservatism, unless simultaneously accompanied by moral growth—the indispensable human virtue which alone creates economic wealth—is only, as we are now beginning to see, another word for the social cheat, inflation, which is the cliff towards which the Gadarene swine of today are hastening.

When Sir Keith Joseph spoke of the destruction of the Christian ideals which made our civilization and led us, little by little, from the jungle, by a permissive, money-mad and so-called progressive but, in reality, reactionary, ideology, he was saying to an infinitely wider public what I wrote on this page six years ago. "The more vocal part of the younger generation, both in Europe and America, has been, and is being taught, by those who should know better, to denigrate and revile the virtues—truthfulness, honesty, courage, tolerance, industry—which have built the house in which civilized man lives and has his being. Above all, they . . . are being taught, often in the name of high-sounding abstractions like pacifism, equality and antiracism, to hate and, the inevitable fruit of hatred, to destroy. What is wanted, in a world still riven by two great global wars, is not anger, violence and destruction, but tolerance, understanding, love and peaceful creation. If those responsible for our schools, universities, books, television, broadcasting and newspapers could only realize this and apply their realization of it to their work, they could do more to remove the causes of war, racial intolerance and class conflict than all the protest marches, demonstrations and sit-downs that have ever taken place."

There is so much good—the cumulative product of 2,000 years of Christian civilization—still surviving in this country and its people that it is like hearing a trumpet-call when a political leader of whatever party raises his voice, amid all the babel of false shibboleths and cheap-jack prescriptions, and points the way back to the virtues and age-long truths which made us great.

NUCLEAR LEADERSHIP

Mr. GRAVEL. Mr. President, we in Washington are often referred to as—among other things—leaders. But sometimes we might do a better job if we thought of ourselves as followers.

The nuclear power controversy is an example.

Here in Congress, nuclear power has been one of our least controversial topics. We have handed out billions of dollars to subsidize an industry that could render our Earth barely habitable and could compromise the genetic integrity of our race.

All this without batting an eye.

In the Senate, it has been rare even to have rollcall votes on nuclear proposals.

The feeling seems to prevail that somewhere, someone—some "expert"—is taking care of us.

Thank heaven our citizens are more skeptical of the nuclear genie, and of all those Alladins busy polishing their brass lamps.

With little help from their "leaders," people are finding out that nuclear power is unreliable, uninsurable, underregulated and unsafe.

The antinuclear movement is not a toy of utopians in Washington. It is a call for sanity from the people whose land and whose children are threatened.

In California, half a million voters have signed an initiative petition that would stop the licensing of nuclear power plants at least until the technology is proven safe.

When we look at what the Californians are asking for, we get an idea of the kind of "leadership" that has been exhibited in nuclear development.

The initiative says nuclear plants should not be built:

Until their principal safety equipment has been tested;

Until they are insurable;

Until nuclear accident evacuation plans are publicized; and

Until we know whether nuclear wastes can be safeguarded, and we have a plan for doing so.

Would "leaders" who deserve the name have allowed nuclear energy to grow without these basic, commonsense provisions?

Even in an age bent on suicidal weapons production, it is not unreasonable to want to curb further atomic assaults on our lives.

There are plans today for initiative drives and moratorium acts in many of our States: Oregon, Washington, Arizona, Nevada, Colorado, Iowa, Massachusetts, New Jersey, Maine, Florida. The task force against nuclear pollution now has more than 150,000 signatures on its clean energy petition.

May the leaders of the Congress follow their constituents.

Mr. President, I ask unanimous consent that there be printed in the RECORD the New York Times article, "Coast Group Seeks Nuclear Plant Curb;" the Newsweek article "Pulling the Plug on A-Power;" and the text of the California Nuclear Safeguards Initiative.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COAST GROUP SEEKS NUCLEAR PLANT CURB

(By Gladwin Hill)

LOS ANGELES, Jan. 25.—While President Ford has been calling for the development of nuclear energy, a California environmental coalition reported this week that it was well on the way to qualifying a ballot proposition, that could end atomic power generation in the state.

The proposal, an initiative measure, would prohibit state licensing of new nuclear plants until there was public "proof" of the safety of their operating and radioactive waste disposal systems.

Also, pending such proof, existing plants would be restricted to operating at 60 per cent of their design level, and this figure would be reduced by 10 per cent each year until such proof was forth coming.

The coalition, called the California Committee for Nuclear Safeguards, includes the Sierra Club, Friends of the Earth and Zero Population Growth, all national organizations. Its chairman is Richard B. Spohn, a lawyer who is the Los Angeles director of Ralph Nader's Citizen Action organization.

Mr. Spohn said the campaign's aim was not to halt nuclear power development, but simply to "shift to the nuclear power industry and the utility companies the burden of proving the claims of safety they have long been advancing."

Up to now, he said, citizens uncertain about the safety of the installations had the burden of trying to prove that the sponsors' claims were not valid.

The "Nuclear Safeguards Initiative" would make the state Legislature the final arbiter of whether safety aspects in a given case had been adequately demonstrated.

The measure calls for the creation of an advisory panel for the Legislature of at least 15 experts in fields ranging from nuclear engineering to geology and sabotage.

The advisory panel would hold public hearings and make recommendations to the Legislature, which would then hold its own hearings. A two-thirds vote of the Legislature would be required to approve a project.

A key provision of the measure is unlimited liability of nuclear plant operators for damages from accidents, instead of the $560-million limit under existing Federal law.

This requirement would be prohibitive, utility executives say, because of insurance costs.

However, Mr. Spohn commented: "If the proponents of nuclear plants can demonstrate that the dangers are as infinitesimal as they have been contending, they should be able to convince the insurance companies to adjust coverage rates commensurately."

The committee announced that it had already collected 216,000 of the 313,000 petition signatures needed by an April 7 deadline to qualify the initiative for the state's June, 1976, primary election ballot.

Mr. Spohn said that 31 full-time and 100 part-time signature collectors were at work throughout the state.

A campaign for a similar measure was mounted last April but was ended in October when it became evident it was going to fall short on signatures. Under the law, they have to be collected within a six-month period. Mr. Spohn was accompanied at a news conference here by two Nobel laureates, both of whom endorsed the initiative—Dr. Hannes Alfven, a Swedish-born physicist, and Dr. Harold G. Urey, a chemist. The scientists are on the faculty of the University of California.

The measure sets a deadline of one year after its passage for full liability responsibility as a condition of a construction permit; a five-year deadline for mandatory demonstration of the effectiveness of safety systems; a one-year deadline for imposition of the 60 per cent operating-level limit on existing plants, in the absence of demonstrated safety; and a five-year deadline on imposing the progressive annual power reduction.

There are now three nuclear power plants operating in California—at Humboldt Bay, Sacramento and San Clemente. A fourth is to go into operation at Diablo Canyon near San Luis Obispo next year, and the San Clemente plant is scheduled to be roughly triple in size by 1980. Several other plants are under discussion.

PULLING THE PLUG ON A-POWER

(To the village square we must carry the facts of atomic energy. From there must come America's voice.—Albert Einstein, 1946)

Three decades after the dawning of the Atomic Age, the United States is almost as much in the dark as ever on the question of nuclear power. The irony is painful. Just when it ought to be providing a comfortable cushion during the worldwide energy crunch, atomic power seems to be falling short—plagued by mammoth cost overruns, by uncertain operating and safety records and by mounting criticism from scientists, environmentalists and ordinary citizens. "This will be the showdown year for nuclear power," say David Freeman, an energy specialist on the Senate Commerce Committee. Indeed, important political decisions must soon be made on nuclear development—in Congress and in "village squares" around the country.

Safety is still a major concern for opponents of atomic power, although no deaths or significant property damage have yet been linked directly to accidents at nuclear plants. But 1,400 "abnormal occurrences" at such plants were reported last year alone, including four that the government considered serious and one—at a reactor in Zion, Ill.—in which a small amount of radioactive material escaped. Another release of radioactivity occurred just last month at a plant in Maryland.

THEFT

Beyond that is the unsolved problem of what to do with deadly nuclear waste products. "We would have to have fail-safe storage for lethal radioactive waste—with no social instability or earthquakes—for the next 500,000 years," warns David Dinsmore Comey, environmental director for an aggressive Chicago-based group called Business and Professional People for the Public Interest. Critics also worry about possible theft of nuclear material by criminals or revolutionaries and about the far-reaching—potentially oppressive—security measures that might be necessary to guard against such incidents. "If we decide that's not acceptable," says Terry Lash, staff scientist in Palo Alto, Calif., for the Natural Resources Defense Council, "we have no choice but to start de-emphasizing nuclear-fission power."

Despite bold promises by nuclear proponents over the years, atomic power still is barely beyond its infancy. The nation's 53 working atom generators provide just 7 per cent of all electrical energy. The vulnerability of the atomic system was demonstrated recently when the discovery of cracks in the emergency cooling system of one giant generator in Illinois forced the temporary shutdown of 23 others from coast to coast. Still, the need for something like nuclear power was further underscored last week by a National Academy of Sciences report suggesting that vital domestic supplies of gas and oil—including the controversial offshore oil deposits (page 68)—might run out far sooner than previously expected. But even scientists are divided over how much reliance should be placed on atomic energy; some find its risks easily acceptable, while others lean toward a moratorium on atomic development and redoubled research into alternatives, from solar energy (page 50) to the burning of common garbage.

President Ford displays few doubts about the atom. In his State of the Union message, Ford promised to "energize our nuclear power program," and to put 200 working reactors "on-line" by 1985. But White House officials concede privately that this goal may be hard to reach, given current economic cutbacks and growing environmental opposition. Even the Federal government's own watchdog, the new Nuclear Regulatory Commission, seems likely to take a tougher line than the old Atomic Energy Commission, which it replaced last month. The AEC had responsibility for promoting the industry as well as regulating it, a combination Congress finally decided was unwise. "I will be like an umpire in a football game," says NRC chairman William Anders, a former Apollo astronaut.

Congress may throw up even bigger roadblocks to nuclear development. Old allies of the industry have left the Hill and influential Senate Democrats such as Connecticut's Abraham Ribicoff, Rhode Island's John Pastore and Washington's Henry Jackson have begun to ask hard questions about the cost and safety of atomic energy. On the House side, Judiciary Committee chairman Peter Rodino was among 30 legislators who last week asked the nation's broadcasters to make free time available for a variety of anti-nuclear spot advertisements.

POISONED

Those ads could frighten many Americans. One, from the Public Media Center of San Francisco, intones: "Seventeen billion dollars' property damage . . . 100,000 square miles of land poisoned by radioactivity . . . 100,000 injured . . . 50,000 dead. That's what could result from a serious accident at just one nuclear power plant, according to an Atomic Energy Commission report."

The Atomic Industrial Forum, which advocates nuclear power, is already gearing up for a $1.2 million publicity counter-counteroffensive to face what it fears will be "several imminent showdowns" on legislation. Congress will soon be debating bills that could restrict new atom-plant locations and reduce funding for development of a liquid-metal fast breeder reactor (intended to produce fuel for other reactors, but already $6 billion to $9 billion over budget). There also will be a battle over renewing the Price-Anderson bill, which mandates government subsidies for the insurance costs of atomic generators. "If nuclear power is so safe, why won't the insurance industry issue it?" asks consumer advocate Ralph Nader, a leader in the anti-nuclear forces.

But Washington is not the only battleground in the nuclear debate these days—nor even the hottest. Environmental groups in California want to limit the output of atomic plants until the industry can show nearly absolute safety; with the help of stars such as Robert Redford and Nobel scientist Harold Urey, the anti-nuclear forces are already well on their way to collecting enough signatures to win a place for their proposal on next year's ballot. In the state's fertile San Joaquin Valley, farmers have joined a fight to delay a planned $4.5 billion facility because they fear it may use up vital water, change the atmosphere or—at the very least—give their crops a bad public image. Former California Gov. Pat Brown is leading the pro-nuclear forces in the state, but his son Jerry, the current governor, says that the atomic plants raise "a very serious question."

CRASH

Stronger stands against nuclear expansion have been taken by Govs. Hugh Carey of New York, Robert Straub of Oregon and Philip Noel of Rhode Island. In Oklahoma, the Oil, Chemical and Atomic Workers Union warned of widespread safety violations at a plutonium plant operated by the Kerr-McGee Corp., and Federal experts recently substantiated twenty of the 39 charges. (The FBI also is investigating the mysterious death in a car crash of Karen Silkwood, a plant employee who raised the safety issue.) And a spirited fight is under way against the $500 million Barnwell, S.C., fuel reprocessing plant. Opposition spread over the border last month when outgoing Gov. Jimmy Carter was persuaded to bring Georgia into hearings on Barnwell.

In the end, however, serious economic problems within the industry itself may prove to be the major stumbling block to rapid nuclear development. Proponents argue that the operating costs of an atomic plant may be less than for an equivalent coal-burning facility, but the start-up costs are undeniably greater. At the Diablo Canyon project near San Francisco, for example, the estimate has more than doubled, from $435 million to $900 million. And cost-conscious utilities last year canceled or delayed about 60 per cent of the 230 atomic plants on their drawing boards, mostly for economic reasons. "This is an indication that things are moving in the direction we would like to see them go," says MIT Prof. Henry W. Kendall, a director of the Union of Concerned Scientists, which believes more work should be done to develop other energy sources.

Whatever happens in the months ahead may well set a pattern for decades and perhaps generations to come. Advocates and opponents alike agree that the pace of development for atomic plants over the next two years will determine the degree to which the U.S. becomes a truly nuclear-powered nation.

NUCLEAR SAFEGUARDS INITIATIVE

The People of the State of California Do Enact as Follows:

SEC. 1. Title 7.8 (commencing with Section 67500) is added to the Government Code, to read:

TITLE 7.8 LAND USE, NUCLEAR POWER LIABILITY & SAFEGUARDS ACT

67500. This title shall be known and may be cited as the Nuclear Safeguards Act.

67501. The people and the State of California hereby find and declare that nuclear power plants can have a profound effect on the planning for, and the use of large areas of the State, as do related facilities connected with the manufacture, transportation, and storage of nuclear fuel, and the transportation, reprocessing, storage, and disposal of radioactive materials from nuclear fission power plants.

67502. The people further find and declare that substantial questions have been raised concerning the effect of nuclear fission power plants on land use and land use planning, as well as on public health and safety. Such questions include, but are not limited to: (a) the reliability of the performance of such plants, with serious economic, security, health, and safety consequences; (b) the reliability of the emergency safety systems for such plants; (c) the security of such plants, and of systems of transportation, reprocessing and disposal or storage of wastes from such plants from earthquakes, other acts of God, theft, sabotage, and the like; (d) the state of knowledge regarding ways to store safely or adequately dispose of the radioactive waste products from nuclear fission power plants and related facilities; and (e) the creation by one generation of potentially catastrophic hazards for future generations.

67503. A nuclear fission power plant and related facilities may be a permitted land use in the State of California and its waters and considered to be reasonably safe and susceptible to rational land use planning, and may be licensed by state or local agencies, and may be constructed in the State only if all of the following conditions are met:

(a) after one year from the date of the passage of this measure the liability limits imposed by the federal government have been removed and full compensation assured, either by law or waiver, as determined by a California court of competent jurisdiction and subject to the normal rights of appeal, for the people and businesses of California in the event of personal injury, property damage, or economic losses resulting from escape or diversion of radioactivity or radioactive materials from a nuclear fission power plant, and from escape or diversion of radioactivity or radioactive materials in the preparation, transportation, reprocessing, and storage or disposal of such materials associated with such a plant; and

(b) after five years from the date of the passage of this measure

(1) the effectiveness of all safety systems, including but not limited to the emergency core cooling system, of any nuclear fission power plant operating or to be operated in the State of California is demonstrated, by comprehensively testing in actual operation substantially similar physical systems, to the satisfaction of the Legislature, subject to the procedures specified in Section 67507; and

(2) the radioactive wastes from such a plant can be stored or disposed of, with no reasonable chance, as determined by the Legislature, subject to the procedures specified in Section 67507, of intentional or unintentional escape of such wastes or radioactivity into the natural environment which will eventually adversely affect the land or the people of the State of California, whether due to imperfect storage technologies, earthquakes or other acts of God, theft, sabotage, acts of war, governmental or social instabilities, or whatever other sources the Legislature may deem to be reasonably possible.

67504. (a) If within one year from the date of the passage of this measure the provisions of subsection 67503(a) have not been met, then each existing nuclear fission power plant and such plants under construction failed to meet the conditions specified in subsection 67503(a) shall not be operated at any time at more than sixty percent of the original licensed core power level of such plant.

(b) Beginning five years from the date of the passage of this measure, each existing nuclear fission power plant and each such plant under construction shall not be operated at any time at more than sixty per cent of the licensed core power level of such plant and shall thereafter be derated at a rate of ten per cent per year of the licensed core power level of such plant, and shall not be operated at any time in excess of such reduced core power level, unless all of the conditions enumerated in Section 67503 are met.

67505. The provisions of Section 67503 and 67504 shall not apply to small-scale nuclear fission reactors used exclusively for medical or experimental purposes.

67506. One year from the date of the passage of this measure, the Legislature shall initiate the hearing process specified in Section 67507, and, within three years from the date of the passage of this measure, determine whether it is reasonable to expect that the conditions specified in Section 67503(b) will be met. Unless the Legislature determines that it is reasonable to expect that the conditions of Section 67503(b) will be met, then nuclear fission power plants shall be a permitted land use in California only if such existing plants and such plants under construction are operated at no more than sixty per cent of their licensed core power level. Unless the determinations specified in this section are made in the affirmative, then neither the siting nor the construction of nuclear fission power plants or related facilities shall be permitted land use in California.

67507. The determinations of the Legislature made pursuant to subsection 67503(b) and Section 67506 shall be made only after sufficient findings and only by a two-thirds vote of each house.

(a) To advise it in these determinations, the Legislature shall appoint an advisory group of at least fifteen (15) persons, comprised of distinguished experts in the fields of nuclear engineering, nuclear weaponry, land use planning, cancer research, sabotage techniques, security systems, public health, geology, seismology, energy resources, liability insurance, transportation security, and environmental sciences; as well as concerned citizens. The membership of this advisory group shall represent the full range of opinion on the relevant questions. The group shall solicit opinions and information from responsible interested parties, and hold widely publicized public hearings, after adequate notice, in various parts of the State prior to preparing its final report. At such hearings an opportunity to testify shall be given to all persons and an opportunity to cross-examine witnesses shall be given to all interested parties, within reasonable limits of time. The advisory group shall make public a final report, including minority reports if necessary, containing its findings, conclusions, and recommendations. Such report shall be summarized in plain language and made available to the general public at no more than the cost of reproduction.

(b) To ensure full public participation in the determinations specified in subsection 67503(b) and Section 67506, the Legislature shall also hold open and public hearings, within a reasonable time after the publication of the report specified in subsection (a) of this section, and before making its findings, giving full and adequate notice, and an opportunity to testify to all persons and the right to cross-examine witnesses to all interested parties, within reasonable limits of time.

(c) All documents, records, studies, analyses, testimony, and the like submitted to the Legislature in conjunction with its determinations specified in subsection 67503 (b) and Section 67506, or to the advisory group described in subsection (a) of this section, shall be made available to the general public at no more than the cost of reproduction.

(d) No more than one-third of the members of the advisory group specified in this section shall have, during the two years prior to their appointment to the group, received any substantial portion of their income directly or indirectly from any individual, association, corporation, or governmental agency engaged in the research, development, promotion, manufacture, construction, sale, utilization, or regulation of nuclear fission power plants or their components.

(e) The members of the advisory groups shall serve without compensation, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties to the extent that reimbursement is not otherwise provided by another public agency. Members who are not employees of other public agencies shall receive fifty dollars ($50) for each full day of attending meetings of the advisory group.

(f) The advisory group may:

(1) Accept grants, contributions, and appropriations;

(2) Create a staff as it deems necessary;

(3) Contract for any professional services if such work or services cannot satisfactorily be performed by its employees;

(4) Be sued and sue to obtain any remedy to restrain violations of this title. Upon request of the advisory group, the State Attorney General shall provide necessary legal representation.

(5) Take any action it deems reasonable and necessary to carry out the provisions of this title.

(g) The advisory group and all members of the advisory group shall comply with the provisions of Sections 87100 through 87312 inclusive, of Title 9 of the California Government Code.

(h) Any person who violates any provision of this section shall be subject to a fine of not more than ten thousand dollars ($10,000), and shall be prohibited from serving on the advisory group.

67508. (a) The Governor shall annually publish, publicize, and release to the news media and to the appropriate officials of affected communities the entire evacuation plans specified in the licensing of each nuclear fission power plant. Copies of such plans shall be made available to the public upon request, at no more than the cost of reproduction.

(b) The Governor shall propose procedures for annual review by State and local officials of established evacuation plans, with regard for, but not limited to such factors as changes in traffic patterns, population densities, and new construction of schools, hospitals, industrial facilities, and the like. Opportunity for full public participation in such reviews shall be provided.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the legislative advisory group created by Section 67507 of the Government Code the sum of eight hundred thousand dollars ($800,000) for the expenditures necessary in carrying out the responsibilities and duties set forth in Section 67507 of the Government Code.

SEC. 3. Amendments to this measure shall be made only by a two-thirds affirmative vote of each house of the Legislature, and may be made only to achieve the objectives of this measure.

SEC. 4. If any provision of this measure or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the measure which can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

POLITICS, GET LOST

Mr. GOLDWATER. Mr. President, strange as it may seem to some people, it is beginning to sink in on many Members of Congress and Government officials that the American people want some unity and teamwork in the affairs of the National Government.

I am sure I do not have to remind my colleagues that there are times when the problems confronting the majority of our people become so critical that they overshadow political considerations and call loudly for a moratorium on what we know as "politics-as-usual."

And, Mr. President, this is one of those times. If anyone present wants to challenge that statement let him go out and talk to the man on the street, to the elderly person living on a fixed income—let him talk to any wage earner who is struggling to make ends meet in this critical time.

Believe me, I know what I am talking about, and not just for having talked to people in various parts of the country where I have traveled. My mail is loaded with a cry for action from our officials and our Congressmen. The American people—at least at this point in our history—do not want arguments, they do not want fault-finding, they do not want procrastination. They want action and they want it right now. For my part, I believe it is time to give them exactly that.

Mr. President, because of its timeliness and importance, I ask that the editorial written by Mr. Howard Flieger in the March 10th issue of U.S. News and World Report and entitled "Politics, Get Lost" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS, GET LOST!

(By Howard Flieger)

In times such as these can any of us afford the antic diversion of politics-as-usual?

The answer should be obvious.

With the exception of World War II years, it has been more than four decades since the country has had such an urgent need for nonpartisan unity and team leadership. Today's problems tower far above politics.

You'd never guess it in Washington.

We have a divided Government—a Republican Executive Administration and a Congress controlled by Democrats. We have a presidential election coming up in 1976. Normally, this is the flowering season for big league politics, and it is burgeoning this year.

But these aren't normal times. These are days of crisis. Nobody can doubt for a minute that the vast majority of Americans are eager for action and yearning for solutions.

What are they getting? Nothing.

When you hear talk of a "showdown" in Washington, nine times out of 10 it means a political showdown. But to most people, partisan politics is out of style right now.

You would think that professional politicians—those who are supposed to be exquisitely sensitive to the mood of the public—would sense that. Well, if they do they are keeping their sensitivity well hidden.

The winter crisis of 1975 is now more than two months old. Solutions are just as far beyond the horizon as they were at the first dawn of January. Some in both parties seem to approach such wrenching problems as inflation, recession, energy and unemployment with an eye on the partisan ballots of 1976. Each one of them acts as though the most important thing in today's world is to try to make certain that the other gets no political profit out of the present sad state of affairs.

Under the circumstances, it is timely to recall 1933 and the first 100 days of the Administration of Franklin D. Roosevelt.

That, too, was an era of anxiety. But Government moved. The White House and Congress united to do a job. Whether they did the right job has been a matter of debate ever since—but the point is that things got done.

True, we did not have a divided Government in those days. A Democratic President and a Democratic Congress worked as one. So the parallel with the present is not precise.

But the point is that Washington responded to the Great Depression with confrontation, unity and action. What we are getting now is evasion, disunity and inaction.

Possibly a divided Government wouldn't have worked in 1933. Who knows? Be that as it may, it certainly isn't working in 1975.

The other day the syndicated columnist, Roscoe Drummond, recalled the Washington of Roosevelt's first 100 days, and it prompted him to look in comparison on today's scene with foreboding and horror. He is now urging both parties to declare a moratorium on politics for the sake of us all. He wants politicians to put party considerations in deep freeze for the next nine months and to join forces in this four-point program:

"1. No partisan speeches by Congressmen attacking the President or by the President or his aides attacking Congress.

"2. Uninterrupted conferences between the President and legislative leaders of both parties until an agreed economic-energy program is worked out and accepted.

"3. Then—and only then—a joint television report to the nation by the President and the legislative leaders announcing what is going to be done.

"4. And then doing it promptly."

Is Mr. Drummond's a voice in the wilderness, beseeching the impossible? Certainly not, if you go by the rules of common sense.

But those rules seem to curdle when they are mixed with politics-as-usual. So he probably is unrealistic. What a pity.

TAXPAYERS UNION OPPOSES B-1

Mr. McGOVERN. Mr. President, the National Taxpayers Union, a nonpartisan organization which is deeply concerned about the growth in Federal spending, has taken a very strong position on the question of moving ahead with the B-1 bomber.

Specifically, the NTU urges that we,

> . . . delete all funds for B-1 procurement ($108 million) and research and development ($840.5 million) from the budgets . . .

for fiscal 1976, and for the transition period.

This is a very significant recommendation, coming from a group which does not limit its attention to spending in the military sector, but which instead takes a very tough position on waste in all parts of the national budget.

Based on its analysis of costs and the B-1 operating environment, the NTU concludes that:

> Continued funding of the B-1 bomber will damage, rather than enhance, U.S. security. Indeed, B-1 production would consume so much defense procurement money that meeting a true threat might prove unaffordable.

The NTU statement also underscores another critical point—that while the research, development, test and evaluation program on the B-1 is not yet fully completed, we should certainly be able to make a decision this year on whether or not to proceed. Indeed, we are being forced to that decision by the Air Force, which has included some $108 million in procurement money in the 1976 and transition budgets, with the argument that those long lead costs will escalate dramatically if we postpone them until the research program is finished.

The truth is that there is nothing in the remainder of the test program that should have any bearing at all on our decision to buy the B-1. We know what its likely costs will be. We know as much now as we will know next year about the likely threat our strategic forces will have to face. We have seen the prototype fly, and we know its capabilities. And there are no technological breakthroughs associated with the B-1 which would make continued R. & D. useful even if we decide not to go ahead with procurement.

So I agree with the National Taxpayers Union that the only way to justify a vote in favor of any of the nearly $1 billion requested for the B-1 is to decide now to support the full $18.6 billion program. That is the question before us this year, and we cannot avoid it any longer. If this program is to be ended, then we ought to end it now.

Mr. President, because it is such a concise and helpful analysis of the issues involved with the B-1, I ask unanimous consent that the National Taxpayers Union statement to which I have referred be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

B-1 BOMBER

(By National Taxpayers Union)

The B-1 Bomber is one of the most questionable programs in the Fiscal Year 1976 and Transition budgets. National Taxpayers Union urges Congress to delete all funds for B-1 procurement ($108 million) and research and development ($840.5 million) from the budgets for the following reasons:

1. The B-1 is not needed. U.S. strategic security is insured by the present bomber force, which is three and a half times as large as the Soviet force. In the past few years, over $6 billion has been spent to equip B-52 "G" and "H" models with new engines, new wings, new weapons, and the most advanced electronic equipment. By Secretary Schlesinger's own admission (2-18-75), these planes will remain viable until at least 1990, ten years after the B-1 is to be introduced. The B-1's slight technological advantages over B-52s could be easily countered by enemy improvements in air defenses for a fraction of the B-1's cost.

2. The B-1 is too expensive. In 1969, the Air Force estimated that the B-1 would cost $8.8 billion. That estimate has now risen to over $20 billion, making B-1 overruns the worst in military history. Yet even these estimates account for only half of the B-1's cost. In its presentations to Congress, the Air Force has counted only the cost of producing 244 "stripped" planes, leaving out the costs of arming and operating the B-1. The cost of arming each B-1 with twenty-four Short Range Attack Missiles, decoys, or the like adds $5.16 billion to program costs. Ten-year operation and maintenance costs add another $12.6 billion. Thus the B-1 will cost at least $38.25 billion, more than four times the original estimate. ($20.49 billion for 244 stripped planes at $84 million each, plus $5.16 billion for armaments, plus $12.6 billion in operating costs = $38.25 billion).

3. The B-1 is a serious threat to the environment. Like the SST, the B-1's supersonic high altitude flight will degrade the earth's ozone layer. Military secrecy has obscured the issue and prevented full knowledge of the B-1's impact on the environment.

Continued funding of the B-1 Bomber will damage, rather than enhance, U.S. security. Indeed, B-1 production would consume so much defense procurement money that meeting a true threat might prove unaffordable.

The B-1, if continued, will cost the average taxpayer nearly $1,000 in the next ten years. Forty-three states will lose more money in tax contributions to the B-1 than they will gain in B-1 contracts. Congress should terminate the project immediately.

CONSUMER PRICE INDEX

Mr. BROCK. Mr. President, it is amazing to me how we in Government sometimes ignore commonsense solutions. It borders on being ridiculous. Sylvia Porter recently took a look at the Consumer Price Index and reported some interesting finds. I would like to share those findings and I ask unanimous consent that her column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUTDATED CONSUMER PRICE INDEX

(By Syvia Porter)

Item: In the Consumer Price Index—the closest measure we have of fluctuations in our living costs across-the-board and probably the most important single index the U.S. government publishes—the only cosmetic product priced is pressed face powder.

Fluctuations in this one product are supposed to reflect price changes in shampoo, suntan lotion, other makeup, on which we spend billions of dollars a year. Omitted from the "personal care" category are hair dryers, water picks and other such products, sanitary supplies.

Item: To represent all the small appliances in the home on which we also spend billions a year are carpet sweepers! Not priced are such far more important products as toasters, blenders, rotisseries, irons, electric frying pans.

Item: Among foods, "pasta" is represented by a can of spaghetti—that's all. Not included are any of the dry pastas crowding supermarket shelves today. Also not included among foods are imported cheeses, peanut butter, meat extenders, snacks, frozen TV dinners, tonic and other mixers, bottled water, diet beverages, cat food, organic foods, artificial sweeteners, dessert mixes, spices, sauces or condiments (except salad dressing).

Not since 1961–62—a full 13 years ago—has the official "marketbasket" of the Bureau of Labor Statistics through which we trace changes in our cost of living been updated. The 396 different types of goods and services chosen to represent the then-current spending patterns of U.S. city families are now startlingly out-of-date. With the incomes of an estimated one-half of the U.S. population already tied to this index, a reconstruction is badly needed.

This reconstruction is now under way—and it tells the fascinating tale of how much our spending patterns have changed over the years. To suggest a few astounding omissions:

Despite the fantastic explosion in the whole field of "convenience" foods, the only prepared foods in today's index are canned bean and chicken soups, spaghetti and tomato sauce, instant mashed and frozen french-fried potatoes, baby food, sweet pickle relish and pretzels.

Vodka is not even counted among alcoholic beverages, although vodka sales have soared 320 percent in the past 15 years and vodka is now running neck and neck with bourbon as the top selling alcoholic drink.

Conspicuously omitted from the list of household supplies and services are heavy duty cleaners, floor wax, baggies and aluminum foil, most of today's home plastic products, diaper service, landscaping and home security products and services.

Of course hospital care is counted—but among major factors in today's zooming health care costs not priced by the index are emergency room care, nursing home care, convalescent care. Not included among outpatient medical laboratory tests are Pap smears, electrocardiograms, chest X-rays and blood tests. In today's CPI index, a "routine urinalysis" speaks for a long list of costly lab tests now also routine to millions.

To represent the category of "postage, stationery, school and office supplies," an adding machine is priced. Ignored are products ranging from ballpoint pens to typewriters, copying services and minicalculators.

So it goes. As I went down the 396 goods and services supposed to chart our cost of living, I couldn't help noticing how many items you might consider commonplace or next to commonplace are not included—luggage, stereo sets or phonographs, tape decks, musical instruments, auto rental, sewing machines, home study courses. And among astonishing omissions: mobile homes, boats, motorcycles.

Nor could I miss how drastically underplayed are the phenomenal booms we have been experiencing in leisure time, travel and education, do-it-yourself, convenience products, pet ownership.

The new CPI, reflecting the "marketbasket" of our times and tracing new trends of the 1970s, won't be ready until spring 1977. The world we live in—according to statistics charting our cost of living—won't be ours at all. It will be the early 1960s, an era that well may seem ancient history to you.

P.S. You can do your own guessing as to whether the updating will accelerate or decelerate our living cost rise. The authorities won't say—but it's not too tough to guess. Try.

CHILD AND FAMILY SERVICES HEARINGS

Mr. MONDALE. Mr. President, on February 21, 1975, we held our second joint hearing of the Subcommittee on Children and Youth, the House Select Subcommittee on Education and the Senate Subcommittee on Employment, Poverty, and Migratory Labor on the Child and Family Services Acts of 1975, S. 626 and H.R. 2966.

We were fortunate to have a highly impressive and respected group of witnesses at this hearing including: Joseph Reid, executive director of the Child Welfare League in New York; Mrs. Jeanne H. Ellis, executive director of the Child Care Center, Stamford, Conn.; Hon. Andrew Jacobs, Jr., Member of Congress from Indiana; a panel on the handicapped comprised of Fred Weintraub, assistant executive director of the Council on Exceptional Children; Hal Benson, director of governmental affairs of United Cerebral Palsy; Paul Marchand, director of governmental affairs of the National Association of Retarded Persons; Richard Dowling, director of governmental affairs for the American Speech and Hearing Association; and Dr. Samuel Ornstein, president of the National Association of Coordinators of State Programs for the Mentally Retarded; Ms. Judith S. Helms, executive director of the National Council of Organizations for Children and Youth; and Dr. Frederick Green, associate director of Children's Hospital and Mr. John Sharon, president of Children's Hospital.

Their testimony provided an eloquent and compelling case for the need for this kind of legislation.

Because of the large number of requests our subcommittees have already received for copies of these statements, I ask unanimous consent that a copy of each submitted statement be printed in the Record.

I urge my colleagues and members of the public to review carefully the testimony we received.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement of Joseph H. Reid, Executive Director, Child Welfare League of America, Inc., Accompanied by Mrs. Jeanne H. Ellis, Executive Director, the Child Care Center of Stamford, Conn., Member Agency, Child Welfare League of America, Inc.

INTRODUCTION

My name is Joseph H. Reid. I am the Executive Director of the Child Welfare League of America at 67 Irving Place, New York, New York. I am authorized to testify on the Child and Family Services bills, S. 626 and H.R. 2966, on behalf of the Board of Directors of the Child Welfare League of America. We are primarily concerned with how this legislation would affect children and their families.

Established in 1920, the League is the national voluntary accrediting organization for child welfare agencies in the United States. It is a privately supported organization devoting its efforts completely to the improvement of care and services for children. There are nearly 400 child welfare agencies affiliated with the League. Represented in this group are voluntary agencies of all religious groups as well as non-sectarian public and private non-profit agencies. Mrs. Jeanne H. Ellis, who joins in this statement and who is authorized to testify on behalf of her Board of Directors, is involved with three Stamford, Connecticut, early childhood educational programs, and her agency is one of our members. Her programs are the Child Care Center of Stamford, Inc., the Stamford Day Care Program, and the Stamford Head Start Program, 64 Palmer's Hill Road, Stamford, Connecticut. We will also be presenting data prepared for these hearings and intended to be submitted in person by Sally Provence, M.D., Professor of Pediatrics and Director of The Child Development Unit, Yale Child Study Center, New Haven, Connecticut.

The League's primary concern has always been the welfare of all children regardless of their race, creed, or economic circumstances. The League's special interest and expertise is in the area of child welfare services and other programs which affect the well-being of the nation's children and their families. The League's prime functions include setting standards for child welfare services, providing consultation services to local agencies and communities, conducting research, issuing child welfare publications, and sponsoring annual regional conferences.

During the League's many appearances before the Congress in the past, we have commented on the need for the kinds of services authorized in these bills. We are pleased, therefore, to respond to the invitation to testify on the general need for these services and to offer some specific suggestions regarding the legislative proposals.

THE NEED FOR CHILD CARE SERVICES

At the outset, we concur with Elizabeth Waldman and Robert Whitmore, authors of "Children of working mothers, March 1973," which appeared in the May 1974 *Monthly Labor Review*. They were speaking from the vantage point of the Bureau of Labor Statistics and we speak from the vantage point of one of the largest collections of data available in the U.S. Together, we agree that ". . . little is known about the current supply of and demand for child care services and facilities."

In a nation that spends millions on surveys, it is regrettable that our most recent comprehensive survey is based on 11-year-old data published in 1968. We join Waldman and Whitmore in calling for a new study; the study should be at least as comprehensive as the last survey.

Child care arrangements of working mothers in the United States

The fact is that no one knows what the situation of America's children is. We do have some data, however, and, if we may be permitted to extrapolate from what data we have, we believe that we can arrive at some indications of the scope of need.

The 1974 estimate

The League's 1974 estimate of need is attached as an Appendix to this statement.[1] At that time, based on available data, we estimated that 32,852,000 children under 18 years needed child care. We arrived at the estimate as follows:

Children with mother in labor force	26, 189, 000
Children with father (the single parent) in labor force	721, 000
Children with handicapping conditions (computed at 10 percent of the remaining child population of 39,393,000)	3, 939, 000
Children in families where father is in the home and not in the labor force (usually because he is aged, blind, or disabled and unable to provide care and supervision)	1, 209, 000
Children in families not previously listed, with incomes below $8,069, who could presumably benefit from services	794, 000

Of the total 32,852,000 children we estimated as requiring care for all reasons, we

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Footnotes at end of article.

estimated that 7,002,000 were under six years of age.

Our estimate, based on data available as of June 1974, listed the total licensed or approved capacity of child care arrangements at 774,021. In October 1974, a publication of the Senate Finance Committee[2] listed the total as 1,021,202—about 250,000 more. Assuming that all those 250,000 spaces were newly created, and that the quality of the facilities, regardless of auspices, was the same as existing licensed and approved facilities, at least 62.5 percent of the facilities were so inferior in quality that they need to be replaced.[3] In other words, 156,250 of those spaces are "unusable" for our definition and cannot be counted in capacity.

Updating our 1974 estimate in this way, we find that the entire capacity—licensed, approved, and *unlicensed*—is 4,270,284 at most. Of those current spaces, 3,334,344 are so low-quality that they cannot be used. This leaves us with about 945,940 spaces of a quality that is acceptable for use.

The need for child care, obviously, is immense—given an estimate of about one million usable child care spaces and nearly 33 million children that require care and supervision. Since most licensed spaces are designed for and utilized by preschool children, the greatest relative need is for school-age child care. Still, if every space somehow were fully utilized and given over to the care of the younger, more obviously vulnerable segment of the child population—those under age six—the need would still be for six million new spaces at once. Counting only those children under six whose parents cannot provide adequate care and supervision for them because they are in the work force, the need is still over five million.

A later source of data

About the time the Senate Finance Committee publication appeared, "Findings of the 1973 AFDC Study, Part III, Services to Families"[4] was released. Various studies have found that the child care practices of AFDC mothers do not significantly differ from that of the rest of the mothers in the work force. Once we looked more closely at the data, we decided that the stated arrangements and the large numbers of children for whom arrangements are "unknown" is also indicative of "need." We presume, for instance, that "arrangements unknown" is unreliable if not hazardous.

Here's the state of child care arrangements for AFDC children.[5]

Children under three

58,164 children, or 28.4%, are in "arrangements unknown."

2,334 children, or 1.1%, apparently are left in the home without care—"caretaker looks after child while away from home."

Were we to extrapolate these data to the entire population of 3,220,000 children under three with mothers in the work force, the picture would look like this.

914,480 children are in "arrangements unknown."

35,420 children are in "caretaker looks after child while away from home."

Children 3–5

71,485 children, or 29.7%, are in "arrangements unknown."

3,423 children, or 1.4%, are in "caretaker looks after child while away from home."

Extrapolated to the 2,126,000 children of working mothers in this same age group, here's how the percentages translate.

631,422 children are in "arrangements unknown."

29,764 children are in "caretaker looks after child while away from home."

"CHILD LOOKS AFTER SELF"

One of the more startling statistics is the incidence of publicly reported "self-care" by children aged 3–5: 1,043 children, or 0.4%, looked after themselves. Extrapolated, 8,504 children nationally could potentially be officially recognized as being in "self-care."

Given any evidence to the contrary, the facts would appear to be that 1½ million children under six are in "arrangements unknown." More frightening, more than 73,000 preschool children—35,420 of whom are under three—apparently have no child care other than what the mother can arrange while separated from the child. We grant that the mothers may be attempting to care for their child by telephone or while actually working on the job; we doubt that the care is acceptable to either the parents or the children. Such arrangements should certainly not be acceptable to public policy makers—they are not to the Child Welfare League.

Children 6–11

The statistics grow more troubling as the children of working mothers grow older. By the time they have reached the 6–11 stage, 36.1% are in "arrangements unknown," 2.2% are in "caretaker looks after child while away from home," and 9.6% look after themselves.

Extrapolating these statistics for the approximately 625,000 children of each age—about 3,750,000 children—we come up with these estimates:

More than one and one-third million are in "arrangements unknown."

About 82,500 children are in "caretaker looks after child while away from home."

About 375,000 children aged 6–11 care for themselves.

Children 12–14

The AFDC statistics stop with age 14. We believe they should not stop at this age, since many children, as evidenced in various juvenile delinquency and other statistics, require care and supervision until they are of legal age, 18. Nonetheless, the AFDC computations stop at this age, but by this age the child care arrangements have deteriorated to the point where more than two-thirds of the children are in no formal child care arrangement:

37.5% are in "arrangements unknown."

1.9% are in "caretaker looks after child while away from home."

4.1% are in "other."

25.9% of the children care for themselves.

Extrapolated to the estimated 1,875,000 children of working mothers of these ages, 469,000 children look after themselves.

Recapitulation

Approximately 852,000 children of working parents currently look after themselves. They are "latch-key" children.

Approximately 184,000 children of working parents currently are looked after by the caretaker while the caretaker is away from home. They either accompany the caretaker to work or in some other fashion are "looked after."

About one-fourth of all children of working parents—some four million children—are in "arrangement unknown."

Need on the State level—Connecticut and Stamford

According to data provided by Mrs. Ellis, here is the way "need" expresses itself in Connecticut, and particularly in Stamford.

In 1973, there were approximately 225,895 children ages 0–5 in Connecticut. (About 6,000 additional children are now in this category in 1975.) Of these 31,000 were AFDC recipients.

There are licensed spaces for about 18,800 children in the state. As of January 1, 1975, there were 825 licensed day care centers (including nursery schools, Head Start centers, and profit-making centers) with a capacity of about 13,300 children (excluding basis). There are currently about 2,000 family day care homes, accommodating about 5,500 children. New family day care homes are being licensed by the State Welfare Department at the rate of 100–200 per month.

nursery schools and Head Start programs serving preschool children on a part-day

Stamford has 46 centers, enrolling approximately 1,600 preschoolers.

Ten are publicly funded, by the State Department of Community Affairs.

Two are funded in part by United Way.

Five are Head Start centers.

Seventeen are nursery schools.

Eleven are profit-making centers.

One is an infant day care center.

Mrs. Ellis is responsible for the operation of eleven day care centers and five Head Start centers serving approximately 500 children aged three through five. The need for additional spaces is evident from the requests for service and waiting list of Mrs. Ellis's agency, the Stamford Day Nursery. Ten to twenty requests for day care service are received daily, mostly for three's and four's. The agency currently has a waiting list of 162. The need is even greater for five-year-old children. In Stamford, as in many communities, the two-and-one-half-hour kindergarten is inadequate to meet the needs of working or training mothers. A real hardship is created, particularly for the one-parent family. Sixty percent of the families are one-parent families. The Stamford Day Nursery kindergarten program can accommodate 50 five-year-olds. To date, there are 138 requests for this service for September 1975 enrollment.

Need in terms of appropriations

Working with somewhat modest "need" figures, the League estimates these immediate appropriations are required to serve those children most obviously at risk.

Eight hundred twenty-five thousand children in "latch-key" situations need care. About 10,000 are under six, and their care is estimated to cost $26 million ($2,600 x N).[6] The remaining 842,000 are of school age; their care is estimated to cost $1.094 billion ($1,300 x N). In sum, care needed by latch-key children will require $1.120 billion per year.

There are 184,000 children looked after by the caretaker while at work—at the work site or otherwise—who need care. Of these, 65,000 are preschool children, and their care is estimated to cost $169 million. The remaining 119,000 need before- and after-school and summer and vacation care, and their care is estimated to cost $154 million. In sum, care needed by children now on the work site or in other arrangements will require appropriations of $323 million.

If we add to these needs those of the remaining preschool children requiring care whose parents are in the work force, we would need care for 4,925,000 children (the 5 million estimate from page 4 of text minus the 75,000 accounted for above). Appropriations to fund care for those children would be $12.8 billion.[7]

New appropriations needed to provide decent child care for the segments of the child population most at risk is, therefore, $14.243 billion per year. Costs for purely custodial care, a self-defeating, damaging expenditure, would be about half that amount, or something on the order of $7 billion plus per year.

Having discussed the scope of the need, here are our suggestions regarding the particular legislative proposals put forth to begin meeting this need.

THE CHILD AND FAMILY SERVICES ACTS

The League's *Newsletter*, Vol. 4, No. 2, Summer-Fall 1974, contained a comparison of the Senate and House versions of the Child and Family Services Acts and is attached as an Appendix to this statement.[8] In general,

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Footnotes at end of article.

we continue to find the Senate version preferable for reasons outlined in our article last year and as specified below. For that reason, please consider these suggestions as pertaining to the Senate version—it is S. 626 that we would prefer to see enacted, with substantial changes.

Title

We do not wish to quibble over labeling. We recognize the importance of stressing that day care and child development services benefit families as well as children. But they also "benefit" society, industry, etc. We also recognize that certain kinds of family services, especially those discussed in the bill, are especially complementary to child care services. So long as the bill's scope is limited to the clearly-linked child and family services and does not move into very important but peripheral areas (such as marriage counseling, substance abuse counseling, job counseling, etc.), we would be supportive. We do believe there is some potential for misunderstanding in the current title.

Authorization

We are distressed by the difficulty in obtaining authorizations for existing legislation and the even more difficult task of obtaining and spending appropriations. In particular, the example of funding for Title IV-B of the Social Security Act comes to mind.

Therefore, we would suggest that authorizations for this bill be set either at a level at least twice as high as that required or that an open-ended appropriation be voted.

Specifically, we would favor first-year authorization of at least $1 billion, with expansion at the rate of at least $1 billion per year until the children with the greatest needs are served.

We recognize, of course, that the level of real spending (not imputed value) we estimated earlier—in the $14 billion area—would be at least a decade away. Still, we believe it is important to authorize and appropriate realistically and humanely.

Since the Head Start program has been extended in other legislation, we would suggest that the tie-in of Head Start funding in the authorization section be eliminated. We favor Head Start and all the other quality children's services programs but would not want any failure to fund for one of these programs to endanger funding for this program.

We are extremely hesitant to recommend spending for training, planning, and technical assistance only—even for the first year. What is so desperately needed is immediate new operating funds. At the same time, proportionate and appropriate expenditures for training, planning, and technical assistance should be expended—but as new operating funds flow, not in lieu of direct spending for services to children. We agree with Mrs. Ellis when she says: "I would like some safeguards to assure that less money is spent at the top and more in actual services to the people."

The Office of Child and Family Services

The League is increasingly troubled by the lack of a focused effort at the Federal level which is both a watchdog and an advocate for children. We question whether the new Office of Child Family Services can perform these functions, and at the same time administer large programs, any more effectively than the well-meaning current agencies, Social and Rehabilitation Service (SRS) and the Office of Child Development (OCD).

We have worked for many years to arrive at a sensible solution to the administrative tangle. This culminated within the League in 1971 with the publication of *A National Program for Comprehensive Child Welfare Services*. Our 1971 position recommended that "a unit should be designated in the federal government in which responsibility is centralized for the surveillance and advocacy of children's rights and for the social services designed to implement those rights." [9]

Unfortunately, a glaring example exists of failure to watchdog day care quality and to advocate decent (if expensive) day care. The evidence suggests that neither SRS nor OCD can fit our 1971 description.

The nation now knows what many parents and public officials have known for a long time now that the HEW audit of Federally funded day care in nine states has been made public. Child-staff ratios were not met. Health and safety requirements were not met. The cause, which might well have been predictable, was that neither Federal agency could bring surveillance and advocacy to bear against practices that were in the short-term financial and policy interests of the government. Shoddy day care is cheaper and easier to set up. Day care that meets *requirements* is more expensive. When it is imperative to hold down costs and at the same time keep spaces open in order to encourage welfare recipients to take jobs or training, surveillance and advocacy suffer.

The failure to close down poor day care is similar to the failure to close down poor nursing homes for the aged. As the HEW failed to close down programs because they didn't want to lose the day care "slots."

This failure of surveillance and advocacy at the Federal level has also been mirrored by a failure to help make social services work. In the May 1974 issue of *Child Welfare*, Winford Oliphant wrote about the sad, disorganized state of children's services in the states.[10] From the other angle, viewing "disorganization of public child welfare services in the states," he suggsted that "what the states need is the kind of leadership formerly provided by the U.S. Children's Bureau." [11]

Faced, therefore, with the recommendation in this new legislation for creation of a Federal agency which appears destined to repeat the failures of SRS and OCD (at least in respect to surveillance, advocacy, and technical assistance of the Children's Bureau sort), we must hesitate.

We grant the need for an administrative home for this new, hopefully massive program. However, we cannot abandon what we think is another administrative necessity—the creation (or re-creation) of an agency that can do the three jobs we feel are so vital and that must be done if this new money is not to go down the same kinds of ratholes as HEW discovered past money has gone.

We applaud such reorganization as will achieve these twin, complementary goals: 1) setting up an agency to operate large programs offering comprehensive services to children; 2) setting up another agency which has a rather different mission than seeing that the "slots" stay open or that the costs stay down.

For now, we leave it to the inventiveness of the Congress to accomplish both goals.

Earmarked funds

We have no objection to the allocation of funds in the bill's Section 103. We enthusiastically endorse the 5% set-aside for monitoring and enforcement of standards. This is precisely the kind of surveillance we discussed above. It represents the most genuine commitment to quality we can imagine. At the same time, it offers part of the financial base for the kind of separate agency we discussed.

We have always endorsed a priority for the economically disadvantaged, but we query the seemingly overweighted allocation on the basis of economically disadvantaged status. As we noted in our discussion of needs, the need is to serve more than the children of the poor. The working poor, the so-called middle class, and children with handicapping emotional and physical conditions require these services too.

Prime sponsors

The League's "Child Care Principles," which is attached as an Appendix to this statement, has long called for "a flexibility of administration to permit adaptation of programs to meet local needs." That position was reaffirmed at the most recent meeting of our Board of Directors. The Board of Directors said that ". . . there should be no presumed prime sponsor, and that the prime sponsor best able to provide quality services should be chosen." [12] This means the League cannot endorse legislation which writes in any presumed prime sponsor.

Mrs. Ellis, from her vantage point as an operator, says essentially the same thing:

"With reference to prime sponsors, we feel that the definitions of prime sponsor should not be limited to state or municipal governments. In many cases, a municipality or a board of education should not become involved in child care. Prime sponsorship should be varied and open to municipalities, private non-profit agencies, boards of education, departments of health or welfare and others as the area and community may dictate. I do feel the necessity for strict requirements of program sponsors, but specific restrictions as to who may serve as sponsors may prevent funds from reaching geographical areas and people where the need is greatest."

Child and Family Service Councils

One of the League's principles is that "there should be provision for parental involvement in all child care programs." [13] Our Stamford agency says it like this:

"Quality day care which includes parents as partners and a professional staff is expensive. But we believe that American children deserve this financial expenditure. Stamford enjoys active and viable parent involvement. Our work with parents is an enriching experience. We work closely with parents as team members, to assure that parents are actually involved in policy decisions which affect their children and to see that parent gains are carried forth into the larger community, beyond the day care experience. We advocate programs that educate, respect and involve parents."

Try as we may with parental involvement, however, there are problems that we believe you should examine prior to mandating what may be parental involvement that isn't what they want or have the time, energy, or money for.

First, a finding from a recent Illinois survey on the amount of time parents spent in their child's day care center (including bringing the child in and taking the child home): [14]

44% spent less than 15 minutes a week (1½ minutes, morning & evening);
25% spent 15 to 30 minutes;
11% spent 30 to 45 minutes;
11% spent 45 to 60 minutes;
5% spent 1 to 2 hours;
3% spent more than 2 hours.

Findings from a survey of parents in San Francisco also help provide some guidance as to what sorts of parental involvement they may wish.[15]

First, about 30% of parents didn't visit the program before they enrolled their child.

Second, only about 34% of parents enrolled their child in a particular center because it had a good program—the more pressing reasons, in sum, were convenience, no choice, and cost.

Third, the problems that keep parents from being involved are other demands at home, no additional time, physical exhaustion, and lack of transportation.

Finally, here's what parents say they want for "involvement:"

34.9%—spend time with children;
19.8%—planning program;

Footnotes at end of article.

14.0%—obtaining instruction or information;
14.0%—spending time with staff;
9.3%—helping care for children;
5.8%—spending time with parents;
2.3%—deciding on budget.

We think, therefore, that the Congress ought to carefully consider ways to build in the kinds of involvement parents say they want. Perhaps program requirements ought to include provision for and funds for time for parental involvement in the child's program, etc.

The precise politics of "control" and "representation" may be less important to parents than they are to those that design or implement programs designed to meet the needs of parents and children.

Child and family service plans

We repeat our concern that the set-aside for economically disadvantaged may be excessive. There is an increasing number of single parents noted by our agencies and others. It can be claimed that the single parent without child care who must work or take training may have a greater need than the economically disadvantaged two-parent family, especially if one of those parents is in the home and able and willing to provide care and supervision for the child or children.

The whole question of priorities is fraught with problems, in that it reinforces our insistence on the availability of such quality services as all children may require, regardless of economic status. As George Hoshino, writing in the Summer 1974 *Public Welfare*, suggests. ". . . if social services were social utilities, we could get away from the need to individually select users of services. . . ." Hoshino says service workers and professionals could then avoid the dilemma they now face: the essence of fairness and justice is procedural regularity but the essence of professionalism is the capacity to exercise judgment without undue limits imposed by procedural constraints.[16]

We especially favor the specific wording of the fee schedule language in Sec. 106, and the provision for monitoring and evaluation in that Section.

Project applications

The League's Board of Directors, after careful and lengthy consideration, took the following position regarding funding for any for-profit operations through such legislation as is proposed here at its last meeting: ". . . enough is known about the poor performance of most for-profit children's services to recommend that no public money be provided to for-profit organizations through child and family services legislation."[17]

We should point out that this position was arrived at only after careful examination not only of evidence gathered by researchers outside the League, such as the National Council of Jewish Women's national survey, Windows on Day Care, an intensive study of profit-making operations in New England,[18] but also individual research and investigations by a variety of persons.

In addition, the League carried out an extensive Study of the Expansion of Day Care in the U.S. which was aimed at evaluating the role to be played by the for-profit operations. The results of that Study, funded by the League and five foundations over more than a three-year period, in the form of selected publications reflecting our findings, are attached as Appendices.

In brief, we found the same patterns of low-quality, questionable care that have emerged in nearly every instance where for-profit interests have gone into the human services area. Whether in blood banking, methadone maintenance clinics, nursing homes for the aged, hospitals, correspondence schools, child care institutions or group homes, or day care, it has been the same.

We commend the Appendices to you. Perhaps at a subsequent hearing you would want us to discuss at greater length our findings and recommendations. For now, we can only repeat our Board's position: no public money should be provided to for-profit organizations through child and family services legislation.

Our comments on parental involvement, fees, and the like are noted above.

Federal share

We would like to see Federal funding remain at 90%. As in the President's Budget, we have noted an increasing tendency to shift the spending from the Federal level. We believe that the Federal share should increase.

Federal standards for child care

We believe that the Federal standards should be uniform for every program receiving Federal funds, whether through tax deductions, income disregard, or vendor payments. The 1968 Requirements should govern, with additional language to assure that in-home care meets appropriate standards, such as those of the Child Welfare League or the National Council of Homemaker-Home Health Aide Services. In addition, specific requirements for the group care of children under three should be stipulated by the Congress in the legislation.

Staff-child ratios for infant care

The League is well aware of the controversy surrounding the matter of infant day care. We vigorously support any infant day care that not only helps infants but does them no harm. In taking this position, we are aware that there are many well-intentioned people who disagree with us. We are pleased, however, that the Congress has repeatedly recognized the need for infant care to be of high quality. Despite the unfortunate provisions in this regard contained in the recently enacted Social Services legislation, the new Title XX of the Social Security Act, we believe that the outstanding leadership on behalf of decent day care standards will eventually carry the day for children.

We recall the outstanding bipartisan leadership in the Senate in 1972 which resulted in the passage of a child development bill with a decent child-staff ratio for children under two mandated. We must commend, among others, Sen. Walter F. Mondale of Minnesota for his leadership on that occasion.

More recently, despite substantial problems in wording caused by the legislative gremlins which led to national confusion, the House passed legislation which required decent child-staff ratios for infant care.

On both occasions, the League research and experience was utilized to support high-quality care. Today, we once again call for the following ratios and group size requirements to be written into law:

On page 42 (House print), line 10, after the date "1968," insert the following:

"Provided, however, that in the case of group care facilities, the ratio of caregivers to children under two shall not be more than one to two, such care to be provided for in groups of not more than four."

That is the language which passed the Senate on June 20, 1972. Subsequently, because there was no specific language pertaining to group care of children ages 24 months through 35 months, the League decided after substantial investigation into research and other data to stipulate requirements for children 24 through 35 months of age. The Board of Directors voted to recommend in regard to this legislation and the 1968 *Federal Interagency Day Care Requirements* that the ratio of caregivers to children two but under three shall not be more than two to five, such care to be provided for in groups of not more than five.

Consistent with that position, we ask that the new language proposed above be supplemented by adding the following phrase: "groups of not more than four, *and that the ratio of caregivers to children age two but under three shall not be more than two to five, such care to be provided for in groups of not more than five.*"

We purposefully do not attempt to derive fractional ratios; a ratio of one adult to every 2½ children in this age range could be widely misinterpreted.

The rationale for the ratios in group care of infants

The one person best equipped to discuss the rationale for our position, at least from the professional, research viewpoint is Sally Provence, M.D., Professor of Pediatrics and Director of the Child Development Unit, Yale Child Study Center, New Haven, Connecticut. Dr. Provence planned to present her statement with us, but scheduling conflicts made it impossible for her to be with us today. She asked me to present her testimony for her, along with a number of extremely important Appendices, and to express her regrets to the Committee. Her testimony follows.

"The testimony to follow is based upon clinical and research experience in regard to the development of young children over a period of many years. Most immediately relevant to the present testimony is the last period of seven years during which I have been responsible with help from colleagues for conducting early intervention programs, including a day care program for children from the early months of life through age five years. My involvement has been not as an occasional visitor but as a planner, observer, and evaluator of the programs and as the person responsible for solving problems that came up in the daily work with children, parents, and staff.

I heartily subscribe to the Child Welfare League's position in regard to the ratio of adults to children. Infants not yet walking are dependent upon adults to provide what they need. First of all they require care from persons who not only know what is important or necessary for their well-being but also can respond appropriately to the signals from the infants about their discomforts and immediate needs. In the beginning many of the emotional and social needs of babies are taken care of along with their being fed, bathed, dressed, changed, lifted, and put to sleep. As they grow during the first year, while these bodily needs are still central to their well-being, they are ready for and benefit from a larger number and variety of experiences as long as these experiences are anchored in a solid relationship with the maternal figure. If a large part of this experience as well as the physical care and protection of the infant is provided outside the home in family or center day care by persons other than the child's own parents, it is incumbent upon the system to insure that the care is adequate and beneficial, not harmful.

It is difficult enough for one caregiver to respond to the developmental and bodily needs of two infants who, indeed may need to be fed or changed or made comfortable or talked to or provided a play time at the same time. To have the responsibility for more than two places an impossible burden on the caregiver and guarantees that some child is going to be shortchanged. When this goes on day after day, a situation of chronic stress occurs in which even the sturdiest of infants is regularly taxed beyond his limited capacities for coping with stress, and his development is interfered with in one way or another.

As infants enter the second year and become toddlers, what they need from adults differs in some respects from their needs in the first year, but adult presence and involvement are not less vital. The toddler's

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Footnote at end of article.

increased activity and striving for independence and competence, his necessity to achieve control over his sphincters, to gradually modify his egocentricity and to begin the long task of controlling and channeling his impulses, require adult support and guidance. Similarly, his personal and social relationships as well as his curiosity and eagerness to learn about and deal with the world cannot be accomplished without substantial help from understanding adults. One adult, no matter how talented and durable, cannot provide those important ingredients for more than a few minutes' time with three or four or five or more such young children.

Feelings are intense, needs are immediate, capacities for hurting oneself or others are expanding. In such a situation it is not only that support for good development is not adequate. More than that, the nursery becomes a confusing and frightening jungle. Such a scene is a disservice to young children, to their parents and ultimately to their community, for not only does such a situation interfere with the child's realization of the individual and unique potentials with which he was born. His participation as a well-functioning member of a family and of a larger society is markedly hampered by such experiences. The second and third years of a child's life, while delightful, rewarding and expansive in many respects, are tempestuous and stressful even under good conditions. If he is ill cared for, if his environment is not geared to his most important developmental needs, at the very least he will be unable to realize his potential and at worst he will be programmed for failure either in his cognitive or in his emotional life and/or in his social adaptation.

In our present society when stresses upon families are greater than ever before, and the supports provided by extended families, neighborhoods and social groups are fragmented and unsustained, the tasks of rearing children well are indeed enormous. The widespread need for parents to be assisted with tasks of childrearing is a fact, not a theory. Nowhere is that need more crucial and urgent and long-term implications more relevant for the society than during the early years of the child's life and during the early phases of the development of parenthood. Families and young children at unusual risk (e.g., one-parent families, poor families, families with one or both parents mentally disturbed or physically handicapped, children with biological vulnerabilities) are traditionally and unquestionably in need of services and supports. However, the important services for young children and young families are by no means limited to the high-risk groups. Many families in which both parents are self-supporting, well-functioning individuals and whose children are healthy also need not only sound advice for childrearing but tangible services as well. While the needs of the children of well-functioning families may be a long-range rather than immediate goal, the need exists and will one day have to be acknowledged and planned for. Varied and individualized services delivered directly for infants and young children and both tangible and psychological supports for parents in the multiple and important tasks of parenthood are essential.

The attached documents contain material relevant to the care and nurturance of the very young. They are not written from the point of view of what the country is ready to afford economically nor what might be realizable social policy at the present time. They also are not written, however, from what might be theoretically ideal in order to optimize the child's development. They speak to the rationale, principles and problems involved in creating substitute care programs for the very young and their parents, bearing in mind that the intent not only is to help but to do no harm. For us as individuals and for our government to fail to act in accordance with our best current knowledge about what improves the development of children and the quality of their lives is a copout that can only damage them further. Equally serious is to set up, institutionalize, and ossify programs for children which, again according to the best current knowledge, are likely to be harmful. If necessity forces us to start programs we know to be far from adequate for children, this is excusable and tolerable only if tied to that beginning is a plan for continuous monitoring and improvement that moves us toward experience, program, and situations for the very young which do indeed support their development.

Peter Neubauer's paper on Issues in Early Day Care is a succinct summary of the major reasons why many of us in the field are concerned about inadequate care. Audrey Naylor's *Position Paper on Day Care* (not yet published) is a chapter from a forthcoming book on day care which reports on our work at Yale. I heartily support the statements and position she presents. Two of my own papers include details and recommendations derived from years of work. All four items are attached as Appendices to this statement."

Operators' views of day care standards

Our agencies also have a very clear idea of what they want in terms of quality. As Mrs. Ellis says:

"We in Stamford are concerned with the maintenance of a high-quality educational component within the day care environs which challenges and stimulates the young mind. The idea of a 'mind-numbing' custodial program is abhorrent to us. As a result, we have striven to retain a teacher-child ratio of 1–7 for four's and five's and a ratio of 1–5 for three's in order to promote a closer relationship between teacher and child, vitally essential in a caring environment. Less than this number of qualified staff in our opinion cannot provide even good custodial care. With today's active youngsters, who are all over in a flash, there must be enough staff to assure the safety and well-being of every child at all times. It is well to note that today's preschoolers function under excessive pressures, which in some cases prove to be beyond their coping ability. Thus, we have early intervention. Quality day care which includes parents as partners and a professional staff is expensive. But we believe that American children deserve this financial expenditure. Stamford enjoys active and viable parent involvement. Our work with parents is an enriching experience.

"Feedback from public and private schools indicates that the children who have had day care or Head Start experiences progress rapidly in academic, social, and communication skills. They have an enthusiasm for learning. We note mounting requests for infant day care services and after-school programs.

"One of the real needs in the field is for people who are capable administrators. The profession needs persons who understand fiscal management; who have the mental ability, experience, and emotional stamina to work with committees, within the governmental framework of their particular program; to work closely with parents as team members, to assure that parents are actually involved in policy decisions which affect their children, and to see that parent gains are carried forth into the larger community, beyond the day care experience. They must be able to work with staff so as to assure that they are responsibly carrying out written and unwritten job assignments, to assure that staff is responsive to individual as well as group needs. As they plan and implement exciting preschool programs which include a potpourri of day-to-day activities, staff must gain and maintain community respect and support."

We question stipulating at this time, another extensive and expensive process of writing Federal Standards, given the experience with the OCD project that culminated in the publication of *Guides for Day Care Licensing*. A more usable and sounder guide to day care licensing was developed with no public funding of any kind under the auspices of the Day Care Alliance of the National Council of Organizations for Children and Youth. That product, inserted in the *Congressional Record* for May 6, 1974, by Sen. Walter F. Mondale, is attached as an Appendix to this statement.

We vigorously applaud the requirement that Congressional committees have approval power for any new Standards which would replace the 1968 *Requirements*.

Uniform code for facilities

We believe this to be a difficult project at best, given the confusing welter of local land use, zoning, and building codes. We recommend that a closer look be given to this Section before enacting it.

Program monitoring and enforcement

As noted above, we find this to be one of the finest features of this bill.

Criteria for fee schedule

As noted above, we heartily approve of this provision.

Title III

We prefer the Senate version, because we believe mortgage insurance would largely benefit for-profit operators. We caution against experimentation with vouchers under either version of Title III. We also remind the Congress that despite large research expenditures our opening paragraphs dealt with the lack of basic data regarding child care arrangements.

Title IV

The League views the House language, with its specific mention of the Child Development Associate approach, with concern. HEW plan for the program have been monitored from the outset by the League. Still we—along with major national groups from the fields of education, home economics, and child psychiatry—remain unconvinced of the worth of the approach.

Our enthusiasm for training, technical assistance, and planning expenditures is somewhat limited. As our member agency executive remarked above, we want "to assure that less money is spent at the top and more in actual services to the people." We believe that generally research utilization has not been adequate and that better use of what we already know with minimal new expenditures will have better results.

Definitions

We would prefer to see "child" defined in such a way as to assure that there can be no break in services. Some persons under 18 require services from 15 through 17, particularly those with emotional and physical disabilities.

Additional clarifying definitions should include a definition for "non-profit" and "family day care home" which does not inappropriately limit participation.

Conclusion

We would like to close by voicing our hope that our sincere concerns for decent child care programs will assist you in arriving at your final legislative decisions. You will affect the lives of millions of young children and their parents. The need for additional child and family services—especially group, family, home-based, infant, and school-age day care—is well-documented. Large numbers of mothers *are* in the labor force or training to enter the work force. We also need to work for programs that do not limit human services based on family economics—need for these services knows no financial boundaries. People of varying ethnic, socioeconomic and religious groups must live, work and play together. Business and industry also gain in productivity and performance when parents are content with their child care arrangements.

It is our hope that a new kind of accounting—based on needs and human priorities—will begin to come forth. All of us need to remember that communities will survive healthily only if people, especially our youngest people, survive and develop healthily.

In calling these hearings and continuing the fight for the kind of comprehensive child and family services so many millions need, we know that you realize that survival is the issue. We commend your continuing efforts on behalf of decent legislation and pledge our support for your work.

We thank you for inviting us to present our Statement and to continue, with you, the task of forging legislative remedies to meet the needs of all the Nation's children and families.

APPENDICES*

Appendix I—"Child Care Arrangements in the United States in 1974": a "Guess-timate," by William L. Pierce.

Appendix II—"Child and Family Services Act—1974," by William L. Pierce.

Appendix III—"Child Care Principles" (of the Child Welfare League of American, Inc.).

Appendix IV—"Power, Profits, and the Preschool 'Market,'" by William L. Pierce.

Appendix V—"Day Care Services: A 'No-Quality' Future?", by William L. Pierce.

Appendix VI—The League's Study of the Expansion of Day Care in the United States: Summary of the Final Report, by William L. Pierce.

Appendix VII—"Early Intervention: Experience in a Service-Centered Research Program," by Sally Provence, M.D.

Appendix VIII—"A Program of Group Day Care for Young Children," by Sally Provence, M.D.

Appendix IX—"Issues in Early Day Care," by Peter B. Neubauer.

Appendix X—"A Position Paper on Day Care," by Audrey K. Naylor, M.S.W.

Appendix XI—"Model State Day Care Facility Licensing Act," Sen. Walter F. Mondale."

FOOTNOTES

*Because of the length of the Appendices, copies have not been attached to each copy of the League's Statement. One copy of each Appendix has been provided to the Committee staff. Persons wishing to obtain Appendices should contact the League.

[1] *Child Care Arrangements in the United States in 1974: A "Guess-timate,"* William L. Pierce. (Child Welfare League of America, New York, N.Y.: June 17, 1974, 8 pp.)

[2] We assume that the same "replacement factor" will hold for these arrangements as we did in our 1974 estimate, *op. cit.*, p. 7.

[3] See *Child Care Data and Materials*, a Committee print prepared by the staff for the use of the Committee on Finance, dated October 1974. It is a compendium of statistics on child care, reports of child care studies, relevant statutory language, and regulations on child care.

[4] DHEW Pub. No. (SRS) 75-03766, NCSS Report AFDC-3(73), October 1974.

[5] All base data are from the 1973 AFDC study, especially pp. 23-31.

[6] We "conservatively" estimate the 1975 cost to be $2,600 per year for full-day (10-12 hours), full-year (250 days) care for preschool children. The cost for before- and after-school care and care during holidays and vacations of children six and older we estimate at $1,300 per year.

[7] It is beyond the scope of this statement to fully explicate our position on the problem of recognizing the imputed value of child care provided by parents in the home and the implications that we believe this has for public policy makers. Various studies have placed the value of housewives' services in the U.S. at 21% of the gross national product (GNP) and volunteer services at 2% of the GNP.

This "current, uncomputed" cost of child care needs to be kept in mind when viewing the funding requests in our estimate. We are essentially converting uncompensated but real work into compensated work in our society, and it is vitally important that all policy makers remember that one of the real costs of earning income and of putting persons into the work force are child care expenditures.

Useful material on this subject is available, and one of the better sources is the 1970 *Report of the Royal Commission on the Status of Women in Canada*. We would hope that these issues could be examined by the tax-writing committees in some detail.

[8] "Child and Family Services Act—1974," William L. Pierce, p. 3.

[9] *A National Program . . .*, p. 28.

[10] "Observations on Administration of Social Services in the States," *Child Welfare*, May, 1974, by Winford Oliphant.

[11] *Op. cit.*, pp. 284 and 285.

[12] Minutes of the Dec. 5, 1974, meeting of the Board of Directors of the Child Welfare League of America, Inc., in New York City.

[13] "Child Care Principles," Appendix III, item (5).

[14] *Day Care Licensing and Regulation: A Program Evaluation*, Ill. Economic & Fiscal Commission. (Springfield, Ill.; October 1974.) Appendix I-1, p. 12.

[15] *Parents and Child Care*, by Stevanne Auerbach Fink, Ph.D. (San Francisco: 1974.) Pages 41 and 43 provided the data but this book contains a good deal of other useful material about parental attitudes.

[16] "The Pursuit of Justice in the Social Service State," Hoshino. See especially pages 65 and 66.

[17] Minutes of Dec. 5, 1974, CWLA Board of Directors meeting.

[18] *Corporations and Child Care: Profit-Making Day Care, Workplace Day Care, and a Look at the Alternatives*, published by the Women's Research Action Project, Box 119, Porter Square Station, Cambridge, MA 02140. This 74-page publication found that profit-making centers provided mediocre care for children, charged high prices to parents, and paid low wages to staff. It may be obtained by contacting the address above or by writing the Child Welfare League.

STATEMENT OF THE COUNCIL FOR EXCEPTIONAL CHILDREN, UNITED CEREBRAL PALSY ASSOCIATION, INC., AMERICAN SPEECH AND HEARING ASSOCIATION, NATIONAL ASSOCIATION OF COORDINATORS OF STATE PROGRAMS FOR THE MENTALLY RETARDED, AND NATIONAL ASSOCIATION FOR RETARDED CITIZENS

Mr. Chairman and Members of the Subcommittees: I am Fred Weintraub, Assistant Executive Director of The Council for Exceptional Children. I am here, along with Mr. Harold Benson, Director of Governmental Affairs of the United Cerebral Palsy Association, Mr. Richard Dowling, Director of Governmental Affairs of the American Speech and Hearing Association, Mr. Robert Gettings, Executive Director of the National Association of Coordinators of State Programs for the Mentally Retarded, and Mr. Paul Marchand, Director of Governmental Affairs of the National Association for Retarded Citizens, to present the joint views of our respective organizations on H.R. 2966, The Child and Family Services Act.

On February 26, 1970, The Council for Exceptional Children brought the House Subcommittee its basic endorsement of increased federal assistance to stimulate and support comprehensive daycare, health and educational services for young children. It is saddening that five years later we find ourselves again before the Congress seeking the same opportunities for children.

While we understand the broad implications of H.R. 2966 for all children we will focus our remarks on its implications to handicapped children.

Persons concerned about handicapped children have long agreed as to the importance of early developmental programs for such children. In 1967 the United Cerebral Palsy Association, Inc. noted:

"School entrance is not the beginning of a child's learning experience, nor is 'readiness' only a formal training program to be initiated around the time of school entrance. Development must be considered as a continuous process throughout life. From the cradle on, children will be 'ready' for experiences on an individual basis. The child with cerebral palsy is essentially like other children. However, the limitations imposed on him by his disabilities may deprive, or at least impoverish the learning experience inherent in the environmental explorations of children without such disabilities. For some children, such deprivations may result in a permanent barrier to learning which then becomes a secondary disability."

At the Fifth Congress of the World Federation of the Deaf in 1967 in Warsaw, Poland, Grace Margaret Harris, Supervisor of Preschool Services for the Deaf, Society for Crippled Children and Adults in Winnipeg, Canada stated:

"Today the guidance of hearing-impaired children begins, on a much broader scale than ever before, in infancy and the early preschool years. For children with sensory-neural or 'nerve' deafness, the only avenue to integration into the hearing world so far is through skilled guidance in the home and in the more structured environments of the preschool clinic and nursery school."

At the 1966 meeting of the American Association of Instructors of the Blind, Lawrence E. Blaha of California State College at Los Angeles pointed out that:

"Current practice in education implies that both sighted persons and blind persons have common basic needs and developmental tasks to be satisfied. The difference between the blind and the sighted, however, lies in the manner in which each relates to and gains information about his surrounding and thereby orients himself.

"The more meaningful the basic orientation to the environment, in terms of training, variety and quality of experience, the better will be the total development of the individual and his command of his environment."

In a study by Robert Chamberlin and Phillip Nader, published in the American Journal of Orthopsychiatry, the disfunctions of nursery school children were found to be "significantly related to later school function" and clearly, "early intervention appeared warranted" to prevent those disfunctions from irreversible development.

What the evidence clearly shows is that with appropriate early intervention some handicapping conditions are reversible some handicapping conditions are susceptible to a high degree of amelioration and in some instances the multiplying consequences of a disability can be sharply curtailed.

As the recent HEW-funded study by the Rand Corporation entitled, "Services for Handicapped Youth: A Program Overview," observes: "for handicapped children, age 6 is past the optimal time to start the child" in programs designed to reverse the disability.

It is conservatively estimated that there are one million handicapped children of preschool age. Approximately 350,000 are receiving some form of early childhood developmental services from either public and/or private sources. This leaves approximately 65% of the preschool handicapped children without needed services.

Over the past decade government at all levels has been increasingly attending to this issue. At the federal level The Handicapped Children's Early Education Assistance Act (EHA, Part C) has funded over 100 model programs in every state in the nation. This year the program will provide direct services to 7,000 children, screening services to 15,000 children, and counseling to 14,000 parents. An additional 30,000 children will be served in programs set up to replicate these centers.

Through what might be characterized as the parent of the legislation before us, Headstart, approximately 38,000 handicapped children will receive some special services. It should be noted that this opportunity came about because of the 10% enrollment set-aside provided by your parent Committees.

We have cited these two major programs because of their positive impact and because they represent the commitment your Committees have already expressed relative to early intervention for handicapped children.

We are also pleased that there has been significant change in the posture of the states since we last testified. Forty-five of the states have now provided some form of legal commitment to extend education services to preschool age handicapped children. Five legal mechanisms are used (with some states using more than one mechanism):

1. All exceptional children are eligible for services in the following states:

From birth—Idaho, Maryland, Mississippi, New Hampshire. North Carolina, Vermont

From 3 years of age—Alaska, Illinois, Louisiana, Massachusetts, Texas, Wisconsin

From 4 years of age—Tennessee

Under 5 years of age—Arizona

Under 6 years of age—Montana

2. Preschool education must be provided to handicapped children if it is provided to other children in the public schools—Pennsylvania.

3. Preschool programs *may* be provided strictly as a local option with no state aid to children below age 5—Utah.

4. Preschool programs may be provided for all handicapped children beginning:

At age 3—Florida, Georgia, West Virginia, Rhode Island, Indiana, New York

At age 3 for specified disabilities—Colorado (physically handicaped), Nevada (physically handicapped, mentally retarded), Ohio (deaf, blind), California (physically handicapped, mentally retarded), Connecticut (hearing handicapped)

At age 4—Tennessee, Connecticut (except hearing handicapped), Delaware (except hearing handicapped), Oklahoma

At age 4 for specific disabilities—Minnesota (deaf, blind, physically handicapped, speech defective), Nevada (academically talented), North Dakota (deaf), South Carolina (hearing impaired)

At age 2—Oklahoma (hearing handicapped, visually handicapped), Virginia

At birth—Vermont, Virginia, Washington, Wisconsin, South Dakota, Nebraska, New Jersey, Idaho, Iowa, North Carolina, Oregon (except educable mentally retarded), Mississippi, Michigan, Kentucky, Maryland.

At birth for specific disabilities—Nevada (aurally handicapped), Delaware (deaf or hard of hearing), Florida (deaf, blind, severely physically handicapped, trainable mentally retarded), Indiana (deaf, beginning at 6 months), Nebraska (multihandicapped), New York (deaf), Maine (speech impaired)

Under age 5—Colorado, Hawaii, Kansas, Missouri, Nevada (for aurally and visually handicapped), New Jersey, Pennsylvania, Washington.

5. The remaining 5 states have no provision for preschool education for handicapped children: Alabama, Arkansas, District of Columbia, New Mexico, and Wyoming.

It is our belief that first, there exists a body of research and other professional literature to support the critical importance of early childhood educational services to the handicapped child, his family, and his community; and second, all levels of government have taken some steps to develop programs in this area, however, such programs are sparse and often overlook many children in dire need.

Therefore, the basic concept of the Child and Family Services Act is the next logical step for the federal government to take to assure that all children, particularly handicapped children, equitably receive the services they so desperately need.

SPECIFIC COMMENTS ON THE LEGISLATION

There are particular features of H.R. 2966 which we would cite for special commendation as absolutely vital provisions for handicapped children and their parents. These features appear in Title I, Section 102 and Section 103, where the potential and required uses of federal funds are laid out.

PREVENTION

Provision is made for programs of prenatal and other medical care to expectant and post-partum mothers to reduce both infant and maternal mortality as well as the incidence of mental retardation and other handicapping conditions. Such authority is aimed squarely at the eventual reduction of the overall incidence of handicapping conditions in the American population and we most heartily endorse, as we have so often in the past, such preventive authority.

EARLY DIAGNOSIS

As already cited in our testimony, identification of a handicapping or potentially handcapping condition in a child at the earliest possible moment in that child's life can make a critical difference in the potentials for outright alleviation or the highest possible level of amelioration. We are, therefore, most enthusiastic with respect to the programmatic prescription of diagnosis, identification, and treatment of visual, speech, medical, dental, nutritional, and other physical, mental, psychological, and emotional barriers to "full participation in child service programs."

EARLY AMELIORATION

Correspondingly, we are pleased that *special* emphasis has been given to the creation of effective programs toward the earliest possible amelioration of handicapping or potentially handicapping conditions once they have been identified. Through such provision, the Congress will insure maintenance and, hopefully, most considerable expansion of that thrust already well underway on behalf of *handicapped preschoolers* in the existing Headstart program.

PARENT INVOLVEMENT

What might be characterized as nothing short of *total* parent involvement is a major theme of the legislation before us, and specific provisions to achieve that objective are laced throughout the bill. From our standpoint, particular acknowledgement must be given to those mandates of Subsection (c) of Section 102 of Title I which:

(a) order regular dissemination of information with respect to program activities to parents;

(b) order regular consultation with parents relative to all aspects of the child's development;

(c) order regular observation and participation by parents in their children's activity within particular programs.

Parent involvement in every conceivable aspect of their child's development is of course most desirable for all children; total parent involvement with handicapped children is absolutely *crucial*. It can be safely asserted that without appropriate joint development of the handicapped child and his or her parents with all service delivery systems, the handicapped child can produce a significantly handicapped family.

Parenthetically, one of the gratifying by-products of the development of early childhood programs nationwide has been the *early* introduction of the parents of handicapped children to the universe of needs, rights, and potentials of their offspring, which enhances the prospects that they will be truly sophisticated advocates in the fullest sense in responding to that "world beyond the home" when their children embark upon the traditional educational program.

TEN PERCENT SETASIDE

In prior testimony before the Congress with respect to an earlier version of this legislation, we strongly urged that a certain portion of funds under the Act be clearly earmarked for handicapped children. We were impelled to that proposal for at least two reasons:

(a) For handicapped children—the deaf, blind, retarded, disturbed, or physically handicapped—early development opportunities are not simply a support, such opportunities may be the critical determinant as to whether they will be able to compete in the mainstream of education.

(b) As both Subcommittees well know, handicapped children traditionally are too often excluded if earmarks do not exist. That is why earmarks are not new (ESEA Titles I and III, Vocational Education Act, Headstart).

We congratulate both Subcommittees for their commitment to a ten percent setaside for special activities relating to handicapped children, such funds presumably to be utilized at the discretion of the Secretary of HEW.

We would like, at this point, to strongly urge that these setaside funds be more precisely targeted to meet the overall objective of the earmark itself. We urge that these funds be targeted for use against the genuine, legitimate excess costs in providing development services within regular projects provided for under this Act, i.e. costs incurred in providing services beyond and in addition to those costs for providing minimal standards of service for all children served under the aegis of this Act, handicapped and nonhandicapped.

Such an excess cost target will assist in achieving two objectives:

(a) assist in guaranteeing that handicapped children are in fact participating in programs authorized under this Act on a ratio which corresponds to their general incidence within the population of all children;

(b) provide those additional services needed to guarantee that handicapped children, especially the more severely handicapped, will enjoy that full participation enjoyed by nonhandicapped children.

FULL ACCESS

Past history has taught us and has certainly taught this joint panel that there will always be the potential that handicapped children will be discriminated against in programs not established for them alone—and, we would hasten to add, with no malice necessarily involved. Certainly our experience with Headstart is evidence of this reality.

Section 106 of H.R. 2966 lays out those assurances sought from the prime sponsors; correspondingly, Section 107 lays out those assurances sought from the actual project applicants. We would most strongly recommend that a required assurance be placed in both sections that *full access* to handicapped children be guaranteed in each and every project funded under this legislation, at least commensurate with the demographic incidence for such children in the eligible target population of each project.

We would further recommend that those vital assurances now sought from the states as essential guarantees for handicapped children which are contained in the recently-passed Education Amendments of 1974 (P.L. 93-380, Title VI, Part B) now be more clearly extended to preschool handicapped children through their inclusion in this legislation.

These are:

Provision of specific due process guarantees for the handicapped children served and their parents in all matters relevant to identification, evaluation, and placement;

Provision that all handicapped children be served in the least restrictive environment;

Prohibition against the classification of children to promote racial or cultural discrimination.

COORDINATION

Permit us one final, brief recommendation. The General Provisions (Title V, Section 506) of the Child and Family Services Act provide for coordination of services under this Act with other Federal assistance for child development, child care, and related programs. Specific Federal legislative authorities are then cited, such as Title I of ESEA. We observe that ESEA Title VI B, Education of the Handicapped, Aid to the States, and ESEA Title VI Part C, the Handicapped Children's Early Education Assistance Act, are not included in that listing. We would respectfully recommend that they be included in Section 506.

In closing, may we again express our thanks to the Chairmen of this joint panel for the opportunity to testify on a matter of such vital concern for the futures of children. May we also say that we stand ready to make the resources of our organizations available whenever they may be of assistance to you as you continue your deliberations on this worthy legislation.

Testimony of Judith S. Helms

Chairman Brademas, Chairman Mondale and Members of the Subcommittees— I am Judith Helms, Executive Director of the National Council of Organizations for Children and Youth, a coalition of over 200 national, state, and local organizations which have as their common goal the improvement of the quality of life of our Nation's children.

I greatly appreciate your invitation to testify on the great need for comprehensive quality child care. At the outset, I would like to commend Senator Mondale and Congressman Brademas for their continued leadership over the years in the effort to achieve needed services for children and their families and for their leadership in convening these hearings.

I am here today, as Director of a broad coalition of organizations with a wide variety of interests, a wide variety of constituencies and a wide variety of views on, and approaches to, the problems confronting our Nation's children. But, within this coalition, there is a broad agreement on the need for child care services. Many of our member organizations which have never taken an active interest in this issue, have become spokesmen for child care. Specifically, over 80 of our member organizations have joined an informal coalition to work together on the need for child care.

As the director of an umbrella group, I, of course, cannot always speak on a specific piece of legislation on behalf of all our members. With regard to the Child and Family Services Act, many important and controversial issues must be resolved before legislation can be passed. These issues include:

(1) the level of funding;
(2) the role of the states and localities;
(3) the role of public schools;
(4) the role of profit-makers;
(5) the relationship of new legislation to existing programs, such as Title XX; and
(6) eligibility.

As director of NCOCY, I cannot attempt to deal with these questions here. But, I do know that many of our member organizations have opinions and expertise on these issues and I urge you in the hearings which follow to call upon these organizations to testify so that we may reach a concensus and move forward with a program.

The subject I would like to address—and on which we can all agree—is the overwhelming unmet need.

America prides itself on being a child-loving society. In reality, we pay only lip service to this ideal. A simple examination of the status of children today painfully illustrates this fact:

America has the distinct honor of lagging behind 14 other countries in the rate of infant mortality.

In a land of plenty, millions of children go to bed hungry each night.

29% of all children in our inner cities do not see a doctor during a given year.

One out of 9 youths will be in juvenile court by age 18.

There are hundreds of thousands of handicapped children in America receiving no services.

Suicide is the second leading cause of death for young Americans between the ages of 15 and 24.

Teenage alcoholism and drug abuse are growing problems.

And what leadership role has the Federal government taken to help alleviate this growing crisis?

HEW is currently spending about 14% of its total budget on children.

Children represent 40% of our population and receive only 10% out of every health service dollar.

The costs of neglect are enormous. For the children, neglect means limited opportunities to develop, poor health and limited opportunities to lead a happy and fruitful life. For society, neglect means expensive compensatory social and income assistance programs.

For years now, we have been going at these problems backwards. We intervene after the damage is done, at huge social and economic cost.

But, there is another answer.

We now know with a great deal of certainty that the first 5 years of life are a most important period for the intellectual, emotional, social, and physical development of a child. We used to think that 0–5 were years to mark time before children were ready to learn. We now know with a great deal of certainty that if a child does not learn many very important things during this critical period, the child will be seriously handicapped in acquiring these skills. We also know with great certainty that pre-natal nutrition and early intervention are crucial to the healthy development of young children. To argue that it is still possible to intervene later makes no sense when we know that it is easier and better to begin early.

To ignore these facts and to deprive millions of children of a healthy and stimulating early development is simply crazy if we care anything about our future generation.

What is quality child care?

1. Quality child care is early intervention, diagnosis, and treatment of disease and disability before treatment becomes impossible or expensive.

2. Quality child care is insuring a balanced diet for children where malnourishment can cause permanent physical and mental damage.

3. Quality child care is nutritional counseling for mothers to prevent a host of birth defects through proper diet.

4. Quality child care provides an educational experience during crucial learning years.

5. Quality child care provides the assurance that a child is being well cared for.

6. Quality child care is the assurance to a family that needs help that help is available.

7. Quality child care is preventive, and, from a purely economic standpoint, prevention is the best medicine against inflation.

The need for child care is greater today than it has ever been. Why? Much of the answer lies in the fact that growing numbers of women have to work and are being forced to leave their child without the support and attention they so desperately need. A day care crisis exists in this country for women who must work and have nowhere to place their children and women on public assistance who desire to work but cannot find adequate child care.

The statistics clearly support the growing nature of the crisis:

From 1948 to 1973, there was an increase in the percentage of mothers working from 18% to 44%.

26 million children in this country have working mothers—6 million are under 6 years old.

12 million children live in female-headed households where the median income is $6,195 if the mother works and $3,760 if she doesn't.

In addition, during a time of rising unemployment and spiraling inflation, the percentage of employed women continues to grow and the number of children with working mothers continues to increase. The simple reason is that as a family's real dollar shrinks and as husbands become unemployed, women have to supplement or even replace the income of their husbands.

All these facts point to the conclusion that more and more mothers are finding it necessary to enter the work force.

And what about the statistics we don't have? Statistics on the number of children whose mothers need to and want to work, but cannot find child care?

And what about the disadvantaged child whose mother is home but who could benefit from child care services? In fact, there are five million children under 6 just in poor and near-poor families in this category.

Poor, working poor, lower-middle class, and middle-class women all face the same problem. In increasing numbers, they must work. With only a small percentage of good, licensed care available, the rest are forced to face the never ending nightmare of making arrangements with a changing group of sitters or with relatives, or leaving their children in custodial parking lots—or worse.

Some parents are fortunate and their child is safe and in a few luckier instances, is well cared for. But too often, parents are not so fortunate and the child is forced to spend the entire day in an unsafe, unhealthy environment with little or no attention.

In some families, parents work different shifts and the parent home sleeping cares for the child.

In some cases, women bring their children to work because no arrangements can be found. A recent Women's Bureau Study indicated that as high as 15% of children under 6 went to work with their mothers.

In some families, siblings are kept home to care for younger family members.

In some families, children are left home alone. We don't know how many of these children exist, but conservative estimates are that there are thousands of very young children left completely alone. This situation no matter how small a percentage of the total picture, simply should not exist in this country.

Other families find group arrangements through day care homes and centers. But here, the situation is not always better. Only a small percentage of group day care homes are licensed. Many are overcrowded and understaffed. A much smaller percentage of children have access to center care. Here again, the quality ranges from excellent to injurious—and in too many instances is merely the mass warehousing of children.

At this point, some would argue that all this information on poor quality care only proves that day care is bad for children and that the federal government is wise to not involve itself.

Nothing could be further from the truth.

Women will go on working regardless of what actions are taken by this Congress. The lack of access to quality child care will not eliminate the economic necessity of supporting a family. Rather, failure to provide quality child care to those who need it will simply force families to settle for custodial care. And, it will be the children who suffer as a result of this ostrich-like approach we often hear advocated. The problem will not go away by ignoring it. It is not a question of encouraging women to leave home. Rather, women working and leaving the home are facts which have existed and which continue to increase in spite of rising unemployment and in spite of decreases in family size.

President Ford has announced that he will veto any new social programs this year, arguing that the country cannot afford it. In addition, he proposes seriously cutting back on the Federal government's commitment to health, education, nutrition, and a whole host of service and programs which benefit children.

What is it that this country cannot afford?

Is it true that we simply cannot afford to provide health care to pregnant women and children who do not have access to this care?

Is it true that we simply cannot afford social services to disadvantaged and handicapped children to give them a chance in life?

Is it true that we simply cannot afford to assure that no American child goes to bed hungry at night?

These "cannot affords" add up to an incredibly costly legacy to our society—a legacy of poor health, costly services, institutionalization, crime, and social alienation.

And what about the cost to a child in lost opportunity to grow up healthy and whole? Who can measure that cost?

Now, in a time of economic recession, child care services are needed more than ever. The family's available income continues to decrease and families are finding it more and more difficult to pay for basic necessities, much less the "luxury" of things such as preventive health care. Families need assistance now more than ever.

And let me say too, that all of us who care about children oppose the use of custodial rather than high quality child care in a time of economic emergency as an expedient to move parents into the job market. This economic scheme does nothing for children and indeed will be more costly in the long run.

In fact, as an example of the broad interest in the highest quality child care, I am attaching a copy of The State Day Care Facility Licensing Act drafted and endorsed by 35 member organizations of NCOCY.

In closing, I would respond to President Ford's statement that we cannot afford new social programs. I say that we cannot sacrifice our children for the sake of cutting government budget costs. I say quite emphatically that we cannot afford *not* to provide child care services for our nation's most valuable resource—our children.

Statement of Frederick C. Green, M.D., F.A.A.P.

Mr. Chairman and Members of the House Subcommittee on Select Education and the Senate Subcommittee on Children and Youth, I am pleased to have this opportunity to testify in support of S. 626 and H.R. 2968—Child and Family Services Act.

As an active participant and workshop leader in Forum 10 of the White House Conference on Children, I enthusiastically supported the number one Overriding Concern; namely, the need for "Comprehensive family oriented child development programs including health services, day care and early childhood education."

As the Associate Chief of the Children's Bureau, OCD, HEW, from 1971–1973, my elation over your passage of S. 2007—the Economic Opportunity Amendments of 1971 was converted to bitter dismay over the unjustified vehemence of veto message by former President Nixon.

Today, as a pediatric practitioner and educator, I feel an obligation to speak to the needs of our 25 million citizens under the age of 6 years and specifically to the needs of our 6 million preschool children who require full or part-time care outside of their homes because their mothers must work.

The dismal state of our country's economy notwithstanding, those of us working in the fields of Maternal and Child Health, Child Development and Child Welfare are legitimately dismayed by the apparent low priority placed on programs that may be critical determinants in enhancing the developmental potential of our children.

We have seen few if any of the 16 Overriding Concerns and 25 specific recommendations of the 1970 W.H.C.C. implemented. We have seen Title V, Maternal and Child Health Projects (C&Y and M&I) that have proven their effectiveness in reducing fetal wastage and infant mortality; in the early identification and correction of physical and mental deficits; and in the prevention of disease, significantly emasculated bureaucratically. We have seen the EPSDT provision of Medicaid—the law since 1967—ineffectually implemented. In essence, we have seen these and many other programs, with great potential for enhancing the quality of life of our children, simply not brought to fruition. All of this, against a background of steady increasing needs.

I believe this bill to be consonant with a principal declaring that if, in the best interest of a child, society has a right to intervene when the child's well-being is jeopardized by parental failure, then surely society has an obligation to be *supportive* to parents in order to prevent such failure. Supportive is the key word rather than programs that essentially displace the parent.

Although there is little that I can disagree with in this bill, I would like to make the 8 following observations.

1. Title I; Sec. 101—Establishment of the Office of Child and Family Services.

Experience has shown that attempts to coordinate disparate programs without bureaucratic clout is futile. Therefore, hopefully the Director of the Office of Child and Family Services, although appointed by the President and located in the Office of the Secretary, HEW, will hold the rank of an Assistant Secretary. This will be the first step toward implementing Recommendation 12 of the 1970 W.H.C.C. that requests the establishment of a "Department of Family and Children with Cabinet status: state and local councils, all adequately funded."

2. Title I; Sec. 102(b) (2)—(G&H)—Health Services.

In light of our presently unacceptable immunization completion rate and serious deficits in primary health care to preschool children, these programs should serve as an entry point for children and their families into a comprehensive health care system. Complete and ongoing health assessment as well as completion of the basic immunizations, in my opinion, should be obligatory.

3. Title I; Sec. 102 (b) (2) (D)—Maternal Health.

I agree that emphasis should be placed on prenatal and post partum care, however, if inter-conceptual care is also included, significant benefits may accrue.

4. Title I; Sec. 105—Child and Family Service Councils.

Emphasis is justifiably placed on meaningful parent participation on such councils; however, I am concerned that the bill does not specifically assure the participation of individuals knowledgeable in the fields of child health and welfare as non parent member of these policy formulating councils.

5. Title I; Sec. 103(a)—Handicapped Child.

Although services to handicapped children are identified as being essential, hopefully the thrust will be towards the integration of such individuals in the regular program setting. Clear guidelines should be available to avoid the inappropriate labeling of children as "handicapped" with its consequential counterproductive impact. Mr. John Sharon, the President of our Board of Directors at Children's Hospital National Medical Center here in the District of Columbia, can speak quite knowledgeable to this issue because he is a parent of a physically handicapped child.

6. Title I; Sec. 111 (a–e).

The communities in greatest need of these programs are consistently those that are economically most disadvantaged. Community groups in these areas may have serious difficulty in obtaining non federal matching funds even if in-kind services are acceptable. I would suggest that under certain well-defined circumstances, state formula grant funds (e.g., Title XIX) that may be generated by the program could be used for the non federal match, as was the case with Model Cities Funds.

There is another aspect to the site selection for such programs that must be considered. Consistently, the allocation of Demonstration Funds are dictated by grantsmanship expertise rather than by the areas of greatest need. This is best exemplified by the fact that approximately 50% of the M&I Projects are located outside of areas having the highest infant mortality. If grantsmanship sophistication is to be a determinant, then community groups should have available to them a well identified technical assistance resource.

7. Role of the Public and Parochial School.

It is my considered opinion that the Federal law should not mandate that preschool programs be exclusively sponsored by the school system; however, neither should they be denied the opportunity to participate. With all due respect to the competence and the dedication of our elementary and secondary school teachers, I personally do not believe that the school setting is always the most appropriate site. Different skills are required in dealing with the preschool child because different objectives should be operable.

In the school system, primary emphasis is appropriately placed on enhancing cognitive development; however, in the preschool programs it seems reasonable that the major emphasis should be placed on enhancing the motivational and experiential components of intelligence. I submit, therefore, that such programs may function quite effectively outside the school setting in neighborhood churches and community centers.

I feel that the appropriate role of the school as it relates to these programs, is to enhance their own capacity to assure a continuum of enriching experiences when the child leaves the preschool setting.

8. Integration of Programs.

All costs, preschool programs—as defined in this act—should be socially, ethnically and culturally integrated to assure the maximum total developmental progress of the child and certainly to lay the cornerstone of a far better society than the one in which we now live.

In summary, I sincerely hope that you will collectively use the powers of your good offices to see that this bill, with any reasonable modification, is passed and implemented.

I have recently spent three weeks on the continent of Africa observing and participating in the Maternal and Child Health Programs in Kenya, Algeria, Egypt, Tanzania and Mozambique. As a result of this trip, sponsored by the Phelps-Stokes Fund of New York City, I now realize that relatively, maternal and child health and family support initiatives command a major priority at the national levels. I suggest that we would do well to learn from them.

Thank you for giving me this opportunity to share my thoughts and concerns with you.

NATIONAL NUTRITION WEEK

Mr. McGOVERN. Mr. President, March 2 through 8, 1975, marks the third year of observance of National Nutrition Week, which is identified as the first full week in March each year to focus attention and action on sound nutrition information and practices and its importance all year long.

Initiated by the American Dietetic Association, representing 26,000 dietitians, and supported and endorsed by national, State, and local organizations, National Nutrition Week provides the general public with the latest information about nutrition and food selections for health.

Jointly sponsored by the American Dietetic Association, and its State and local affiliates, National Nutrition Week is endorsed by the National Nutrition Consortium, with participation by State extension and public health agencies, local nutrition councils, and interested groups, to improve the nutrition of human beings, to advance the science of dietetics and nutrition, and to promote education of the public and professionals in these and allied areas.

As chairman of the Select Committee on Nutrition and Human Needs, I am acutely aware of the growing concern in America with nutrition related issues. National Nutrition Week provides a valuable focus for this concern, and I look forward to joining with millions of others in the continuing nutrition dialog.

DELAY ON RESCISSIONS BILL THREATENS LOSS OF SAVINGS

Mr. PROXMIRE. Mr. President, as of last Friday, February 28, the 45-day period for congressional action on the President's rescission bills expired. The practical consequences of this inaction by the Senate is the automatic obligation of $949 million in various Federal programs.

The following statement represents the views of my good friends and colleagues the Senator from Iowa (Mr. CULVER) and the Senator from Colorado (Mr. GARY HART) as well as my own:

> By refusing to act on the President's request for rescission authority, the Senate has missed an opportunity—at least temporarily—to meet the President half-way and cut down on wasteful federal spending.
>
> The $949 million rescission request by the President contains a number of controversial items. It is not likely that support for each rescission could be maintained nor is each one wise. But there were opportunities for multimillion dollar savings that could well be applied to more needed areas or simply saved.
>
> Of particular interest to us was the requested rescission of three military procurement programs totaling $158.2 million. They are the purchase of 48 UH–1H helicopters, 24 A–7D's, and 12 F–111F's. These three programs have one common feature—namely that the President and the Secretary of Defense did not request funding for them in the fiscal year 1975 budget. They were placed in the budget by Congressional action. The helicopters were added on the floor of the Senate. The F–111's were added in Conference with the House, after being excluded in the Senate bill. The A–7D's were placed in the bill by both Houses though not contained in the annual Defense budget.
>
> The President and the Secretary of Defense have stated that these items were not requested, "not included in the President's 1975 budget, and are considered marginal in light of present and projected aircraft inventories." They are not essential for national defense.
>
> We deeply regret the lack of action on the budget rescission bill by the Senate. Default is inexcusable. These savings can be made without weakening our national defense. The President and the Secretary of Defense have clearly certified this fact.
>
> We are prepared to offer an amendment cancelling these unneeded aircraft to an upcoming bill. But we hope a full rescissions bill will be passed quickly before the released funds are obligated. The time for action is now.

SUMMER YOUTH JOBS

Mr. HUMPHREY. Mr. President, while America is in the midst of a serious recession with extremely high unemployment rates, by this summer there will be over 3.1 million poor youths in the Nation looking for jobs. Present trends indicate the possibility of an unemployment rate of 50 percent or more among disadvantaged youth during June to September. This crisis situation demands that urgent preventive action be taken by Congress now.

Senator JAVITS, with whom I have worked jointly for several years, pressing home the case for supplemental appropriations to provide for urgently required summer jobs for youth, spelled out the harsh statistics of anticipated youth joblessness in America's cities in the summer of 1975, in a statement in the RECORD on February 3.

I want to state clearly my intention to support wholeheartedly a future legislative request for supplemental appropriations toward meeting the goal of the cities to effectively employ disadvantaged youth in some 1.1 million, 9-week job slots this summer, as reported by the National League of Cities.

In 1974, with $1.536 million in Federal assistance, Minneapolis and St. Paul were able to provide 2,870 critically needed job slots. These cities have reported that this year they can effectively provide jobs for 6,700 young people, out of some 9,200 disadvantaged youth who would be eligible for work.

I view the level of effective employment that can be provided by our cities, with a total Federal funding requirement of some $650 million, as the absolute minimum that can and must be achieved. I urge my colleagues in the Senate to give immediate attention to this serious need and to support a supplemental appropriations request when it comes before the Senate.

ADOPTION AND FOSTER CARE

Mr. MONDALE. Mr. President, as chairman of the Subcommittee on Children and Youth, I wish to announce our plans for hearings on adoption and foster care.

Right now, more than 300,000 children in this country are in foster care—living with families or in institutions with no guarantee that they will ever have a stable, permanent home before they grow up. At the same time, many thousands of American families are eager and qualified to adopt youngsters who need a home. Experts believe that many youngsters in foster care—even though some are handicapped or older than children who are traditionally adopted—could be placed with a family if the necessary guidance, support, and encouragement were provided.

For nearly a year the Subcommittee on Children and Youth has been looking into the broad questions of Federal policy relating to adoption and foster care in this country. Our study was prompted by the introduction in the last session of Congress of the "Opportunities for Adoption Act," by Senator CRANSTON, which was referred to our subcommittee. We have been impressed with the complexity of the issues relating to adoption and foster care and with the immense impact that they have on the lives of thousands of American children.

The subcommittee will soon be releasing a consultant's report entitled "Foster Care and Adoption: Some Key Policy Issues." This report is the result of a 6-month investigation by Paul Mott, who has been serving as a consultant to our subcommittee. It outlines recent trends in this area, including the reduction in the number of normal infants available for adoption and the new and successful attempts to place handicapped and older children in adoptive homes. It also analyzes the Federal laws which affect children in adoption and foster care, and proposes some possible solutions to current problems. The subcommittee intends to circulate this report widely and hopes that persons interested in and concerned about these matters will read the report and make their views on it available to us.

As I announced publicly last fall, we hope to be able to start hearings on these subjects later this spring. Among the issues we hope to examine in the hearings are: Whether existing Federal policy on adoption and foster care serves the best interests of children and families and if not, how the laws should be changed; the problem of independent adoptions—including black market activity in which children are in effect sold illegally; and effectiveness of current practices relating to adoption of children from other countries.

FOOD AID AND AGRICULTURAL POLICIES

Mr. HUMPHREY. Mr. President, I wish to point out a recent address before the National Association of Wheat Growers by Mr. Herbert J. Waters, who is president of the American Freedom From Hunger Foundation. Mr. Waters offered some thoughtful comments on the world hunger problem in this speech entitled, "Don't Kill the Goose."

The food issue is one which should concern us all. I agree with Mr. Waters' assertion that the "world food problem is everyone's problem, not just the farmer's problem." We must provide farmers with improved incentives so that they can produce to their capacity.

The speaker focused considerable attention upon the need for the Government to commit itself to a target level of food assistance early each year. This commitment is essential for the producers so that they can program their efforts with optimum efficiency.

It is becoming increasingly obvious that one of the inadequacies of our Government food assistance program is its failure to plan ahead and share this information with farmers and producers. Considering the growing pressures upon critically needed food supplies, it is imperative that we make a concerted attempt to coordinate the allocation of these resources.

Mr. Waters enthusiastically relates that the world has awakened to the vital role of the agricultural producers. His warning to the association not to ruin their good fortune or "kill the goose" demonstrates the need for responsible action on the part of all involved in encouraging these producers. The speech by Mr. Waters is clear and direct in its approach to the economic realities which face our Nation's agricultural producers.

Mr. President, I ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DON'T KILL THE GOOSE

(By Herbert J. Waters)

It is a privilege—and an opportunity—to participate in this significant convention, and on this significant panel. I feel surrounded by experts, and I don't profess to be an expert. I'm just a concerned citizen; perhaps my role is to prick your conscience—and take some advantage of my approaching senior citizenship to give you some of my observations about the past AND the future, as I see both.

I appear before you in my non-professional role as a volunteer President of the American Freedom from Hunger Foundation, which took the leadership in mobilizing public concern about world hunger prior to the recent UN World Food Conference in Rome—and now plans continuing that educational effort on an even broader scale. But I speak also as one who has devoted a lifetime of concern to farm producers, and as a small businessman who currently buys wheat and other farm products as an agent and who advises some governments on farm commodity procurement. My dual role in often-controversial food issues has compelled me to look at all sides of such issues.

Our assigned time is too short to further review world events helping to shape your destiny as producers. Perhaps I can best serve the purposes of this panel on food reserves by giving you some of my specific conclusions, with a few comments on each—in the hope they will spark some discussion and debate among you.

First, some system of world food reserve is going to be established, whether you like it or not, whether our country wants it or not. World conditions are going to require it; world demand is going to insist on it. The challenge you face is using the benefit of your combine experience to help make some such system workable, rather than wasting your time and talents and money fighting the inevitable.

Second, all-out production is going to be the order of the day for the forseeable future; for the rest of my lifetime, if not all of yours. Changing public attitudes will no longer tolerate or support governmental policies designed to deliberately curtail production to achieve unit price, as long as hunger exists in the world—whether people have the money to pay the costs of food or not. If you think a few big crop years and even some temporary surplus is going to change this, I think you are mistaken. The world has learned some valuable lessons, about the hazards of weather on agriculture; it will no longer sanction a turn on-turn off production policy for you that we seem to sanction for General Motors. Food resources have become too much of a public utility for the government to ignore consumer pressures, at home and abroad—to assure that we always have ample food supplies. If my premise is true on future production policies—and I think it is valid reasoning—a properly structured-and-operated food reserve becomes all the more necessary—for your protection as well as the public's.

Third, wheat and grain producers have a far more vital stake in food assistance programs than they sometimes seem to realize. While these programs involve but a tiny fraction of your production, they are and can continue to be a vital marketing cushion—a guaranteed market for at least some of your production. Furthermore, wheat and other grain producers should be taking a greater interest in the significantly growing acceptance around the world of "blended foods"—mixtures of cereals and oilseeds to upgrade protein content, and provide the highest possible nutritional value at lowest cost. For economic reasons alone, there are strong arguments for favoring procesed product over raw agricultural commodities—keeping jobs and industry at home at a time when jobs are urgently needed, and retaining feed byproducts in this country at a time of shortages and high costs of domestic feed supplies. High shipping costs also argue in favor of moving the highest nutritional value per ton of products shipped. Congress is going to thoroughly review PL 480 programs this year; from what I find, there will be greater interest in the Title II phases of these programs involving American voluntary agencies and the World Food Program—food donations that require more planning for good programming, and food programs that can't be easily or quickly turned on and off. They really require some firm commitments over a crop-year's span, and Congress is likely to insist they get such commitments.

Fourth, most essential to you as producers is early information about the extent of the government's commitments for food aid. If the government is going to ask you to continue all-out production, then I think you have every right, in turn, to ask the government to tell you some minimum level of commitment that it intends taking off the commercial market and purchase for food assistance programs. You should know at planting time. The government asks you about your intentions to plant; why aren't you entitled to ask the government about its intentions to buy? Somehow, the government has always wanted to keep it a deep mystery about how much food it will commit to purchasing and sharing with the world until after most of the crop has left your hands. Oh, I know and understand all the bureaucratic arguments about need-to-know final production levels, final budget levels—there are always good arguments they can dredge up for delaying decision. But they know they are going to make *some* commitment to food assistance—for humanitarian programs, for emergency relief, for development needs, and, particularly in the last few years, international political deals. There is no reason why the Government shouldn't firmly determine at least minimum levels of firm commitment in advance of each crop year, then review additional requirements that may depend upon production availability. In all instances, however, the earlier the decision, the earlier it is announced, and firmness of the commitment is in everybody's best interest—the producer, the processor, the end user, including food aid beneficiaries. It makes for better programming of food assistance, and it makes better sense in not distorting commodity markets. It just means letting everybody know the same ground rules at the start of the crop year. As growers, you should insist upon it. You have a right to know.

Fifth, all of these conclusions I have suggested are public interest requirements, not just farm program requirements; and they should be public interest commitments, not thought of as farm program commitments. Maintenance of adequate reserves, continuing all-out food production, greater sharing of food aid, earlier and longer-term public commitments of the levels of government purchases of food assistance—all these are national commitments required to meet the needs of our times; they are the public's obligation, not just the farmer's obligation—and certainly the public, not the farmer, should pay the bill to achieve them.

I have said this everywhere I have talked, whether to housewives, consumer groups, or church groups—not just to producer groups. The world food problem is everybody's problem, not just the farmers problem—and everybody is going to have to share the bill.

Just last week I addressed a conclave of social workers in Baltimore. I told them, in part:

"We must produce enough food for every human being on earth—and we can. But we must learn new respect for our producers, and recognize their right to a fair reward for their production. "We must be willing to maintain a world food reserve to meet any emergency—and we can. But we have no right to ask farmers to maintain it, on their own, at their risk. It is everybody's problem."

Sixth, and last on my list of basic conclusions, is on the issue of export controls. I happen to be personally against them, because I feel they create more new problems in the long run than they provide solutions for even the short run. But most of my consumer friends wouldn't now agree with me on this one. Make no mistake about it—the pressure for some form of export control will continue unless and until mankind is rational enough, and compassionate enough, to devise some better system of assuring enough food for all—on the basis of human, nutritional need, not just on the basis of ability to pay. If you don't want export controls, the best way to avoid them is help implement some of my earlier conclusions on the need for adequate reserves against emergencies, and firmer advance commitments by our government on food assistance for people and countries in most severe need.

Perhaps you will note that in all of my comments I haven't specifically mentioned price. Aside from my continuing argument that the world can't meet its food needs without willingness to assure fair rewards for producers, and to provide them with some protection against the risk of overproducing and driving down farm prices, I haven't tried to second-guess anybody about where wheat prices should be, or where they are going. It's rather impossible to do because prices you receive have to be equated with the prices you must pay, and our economy as well as the world's economy is too out of kilter to make many valid judgments on what is really "reasonable" on wheat prices—from the standpoint of the producer or the consumer.

Some of you have gathered in some golden eggs after a lot of lean and uncertain years. Nobody should begrudge farmers getting back to a fairer share of national earnings. I just hope that none of us—producers or consumers—kills the goose that provided the golden eggs; producers by becoming too self-centered and greedy, or consumers by blindly ignoring the production costs farmers face.

The world has at long last awakened far mor to the vital importance of agriculture, and agricultural producers. Yet the world at the same time has become increasingly concerned over the imbalances in our society, over the mass hunger and starvation in some areas while arrogant affluence is flouted in others.

If we want to avoid killing the goose that laid these recent golden eggs, all of us must share in facing the responsibility of seeing that better answers are found for both problems: assuring adequate incentives to farmers, and assuring food made available within the reach and needs of all. If we can send men to the moon, we should be able to tackle these two twin social problems at the same time—together, not one against the other.

Farmers share moral concern just as much as city people do. They have long provided the moral fiber and backbone of our nation. It would be tragic now, when the country and the world that neglected them for so long suddenly realizes their importance, if farmers themselves walked away from sharing in helping to plan wiser answers to the world's food and hunger problems. Instead, farmers should be asserting their leadership, and influence—working hand and hand with other concerned groups—in seeing that the world's hunger problems ARE solved.

MOROCCO CELEBRATES NATIONAL HOLIDAY

Mr. HARTKE. Mr. President, one country with which we have had excellent relations over the years is the Kingdom of Morocco, which celebrated their national holiday on March 3, 1975.

Under King Hassan II, Morocco has proclaimed a policy of nonalinement and has made great steps in modernizing the social services of the country. Morocco spends about 20 percent of the annual budget on education; with over 1 million students currently enrolled in various schools.

His Majesty King Hassan II is regarded by the people of Morocco as a worthy successor to H.M. King Mohammed V. Having shared exile with his father in Madagascar, he came in contact with the responsibilities of power early in life. Morocco is a constitutional monarchy, and the new constitution of 1972 was promulgated in March of that year after being approved in a national referendum by an overwhelming majority.

The country is divided into 19 provinces and 2 urban prefectures, with a population of 15½ million. The gross national product is about $4.2 billion and Morocco has an annual budget of $1¾ million.

Morocco has begun a system of irrigation to reclaim most of the desert and through a system of dams produces 60 million kilowatts of electricity.

I take this opportunity to congratulate King Hassan II, the government, and the people of Morocco on their national holiday and as evidence of the long-standing friendship between our countries, I ask unanimous consent that a letter from President George Washington to Emperor Sidi Mohammed Ben Abdellah, dated December 1, 1789, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

City of New York,
December 1, 1789.

To the Emperor of Morocco,
His Majesty Sidi Mohammed Ben Abdellah.

Great and Magnanimous Friend: Since the date of the letter which the late Congress, by their President, addressed to Your Imperial Majesty, the United States of America have thought proper to change their government and to institute a new one, agreeable to the Constitution, of which I have the honor of, herewith, enclosing a copy.

The time necessarily employed in the arduous task, and the derangements occasioned by so great, though peaceable revolution, will apologize and account for Your Majesty's not having received those regular advices and marks of attention from the United States which the friendship and magnanimity of your conduct toward them afforded reason to expect.

The United States having unanimously appointed me to the Supreme Executive authority in this Nation, Your Majesty's letter of the 17th of August 1788, which by reason of the dissolution of the late government remained unanswered, has been delivered to me. I have also received the letters which Your Imperial Majesty has been so kind as to write, in favor of the United States, to the Bashaws of Tunis and Tripoli, and I present to You the sincere acknowledgements and thanks of the United States for this important mark of your friendship for them.

We greatly regret that the hostile disposition of those regencies toward this Nation, who have never injured them, is not to be removed, on terms in our power to comply with. Within our territories there are no mines, either gold or silver, and this young nation, just recovering from the waste and desolation of a long war, have not, as yet, had time to acquire riches from agriculture and commerce. But our soil is bountiful and our people industrious, and we have reason to flatter ourselves that we shall gradually become useful to our friends.

The encouragement which Your Majesty has been pleased generously to give to our commerce with your dominions, the punctuality with which you have caused the Treaty with us to be observed, and that just and generous measures taken in the case of Captain Proctor make a deep impression on the United States and confirm their respect for, and attachment to, Your Imperial Majesty.

It gives me pleasure to have this opportunity of assuring Your Majesty that, while I remain at the head of this Nation, I shall not cease to promote every measure that may conduce to the friendship and harmony which so happily subsist between Your Empire and them, and shall esteem myself happy in every occasion of convincing Your Majesty of the high sense, which in common with the whole Nation, I entertain of the magnanimity, wisdom and benevolence of Your Majesty. In the course of the approaching winter, the National legislature which is called by the former name of Congress, will assemble, and I shall take care that nothing be omitted that may be necessary to cause the correspondence between our countries to be maintained and conducted in a manner agreeable to Your Majesty and giving satisfaction to all the parties concerned in it.

May the Almighty bless Your Imperial Majesty, our great and magnanimous friend, with His constant guidance and protection.

(signed) George Washington.

WORLD WAR I VETERANS' PENSIONS

Mr. McGOVERN. Mr. President, I ask unanimous consent that S. 880, my bill to provide guaranteed pensions for World War I veterans and their widows, be printed in the Record.

(Senator McGovern's introductory remarks appeared in an earlier Record.)

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 15 of title 38, United States Code, is amended by adding immediately after section 512 the following new section:

"§ 513. Certain World War I veterans

"(a) For purposes of this section—

"(1) The pension and other benefits provided by this section shall be deemed, for all purposes, to be in payment of the debt owed by the Nation to the beneficiaries thereof for services rendered by them and shall not, for any reason, be considered to be a gratuity.

"(2) The term 'World War I' means the period beginning on April 5, 1917, and ending on July 2, 1921.

"(b) The Administrator shall pay to each veteran who served in the active military, naval, or air service at any time during World War I and who is not eligible for pension under section 521 of this title pension at the rate prescribed by this section.

"(c) (1) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, the monthly rate of pension shall be $150.

"(2) If the veteran is unmarried (or married but not living with reasonably contributing to the support of his spouse) and has no child, the monthly rate of pension shall be $135.

"(d) If the veteran is in need of regular aid and attendance, the monthly rate of pension payable to him under subsection (c) shall be increased by $125.

"(e) If the veteran has a disability by reason of which he is permanently housebound but does not qualify for the aid and attendance rate payable under subsection (d), the monthly rate payable to him under subsection (c) shall be increased by $50.

"(f) (1) Any veteran entitled to pension under this section is entitled to hospital, domiciliary, and medical care under chapter 17 of this title for any non-service-connected disability.

"(2) Notwithstanding any other provision of law, the Administrator shall pay on behalf of any veteran receiving pension under this section the cost of any medical services provided outside of Veterans' Administration facilities to such veteran by any physician if the Administrator finds that travel to and from a Veterans' Administration medical facility for such services would impose a medical or financial hardship on the veteran.

"(g) The pension, medical, and hospital benefits, and reimbursement for medical costs provided for by this section shall be paid, or provided, as the case may be, without regard to (1) any income of any kind or from any source payable to the veteran or his spouse, and (2) the corpus of the estate of the veteran or his spouse.

"(h) Any veteran who is eligible for pension under section 521 of this title shall, if he so elects, be paid pension, and provided the other benefits, prescribed by this section. If pension is paid pursuant to such an election, the election shall be irrevocable."

(b) The analysis of such chapter 15 is amended by adding immediately after

"512. Spanish-American War veterans."

the following:

"513. Certain World War I veterans.".

SEC. 2. (a) Subchapter III of chapter 15 of title 38, United States Code, is amended by adding immediately after section 537 the following new section:

"§ 538. Widows of certain World War I veterans

"(a) The Administrator shall pay to the widow of each veteran of World War I who at the time of his death was receiving pension under section 513 of this title pension at the rate prescribed by this section, if the widow is not eligible for widow's pension under any other provision of this subchapter.

"(b) (1) If there is a widow and one or more children, the monthly rate of pension shall be $150.

"(2) If there is no child, the monthly rate of pension shall be $135.

"(c) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

"(1) before December 14, 1944; or

"(2) for one year or more; or

"(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

"(d) The pension provided by this section shall be paid without regard to (1) any income of any kind or from any source payable to the widow, and (2) the corpus of the estate of the widow.

"(e) Any widow who is eligible for pension under section 541 of this title shall, if she so elects, be paid pension prescribed by this section. If pension is paid pursuant to such an election, the election shall be irrevocable."

(b) The analysis of such subchapter III is amended by inserting immediately after

"537. Children of Spanish-American War Veterans."

the following:

"538. Widows of certain World War I veterans.".

FORMER REPRESENTATIVE JOSEPH P. O'HARA

Mr. HUMPHREY. Mr. President, it is with deep sadness that I announce the death yesterday of the Honorable Joseph P. O'Hara, a former U.S. Representative from Minnesota. He served our State and Nation well and faithfully.

A candidate of the Republican Party, Joe O'Hara served in Congress for 18 years, from 1941 to 1959. Born in Tipton, Iowa, in 1895, he served in the Army during World War I, and subsequently attended the Inns of Court, London, and graduated from the law department of Notre Dame University in 1920. Congressman O'Hara began his law practice in Glencoe, Minn., and became well known as an attorney for several local jurisdictions and as county attorney of McLeod County, during 1934–38. He was a vigorous partisan, but above all, a dedicated public servant.

After completing his ninth term in Congress, Joseph O'Hara resumed the practice of law and resided in Washington, D.C. He had the singular blessing of being 32 times a grandfather.

I know my colleagues join me in extending sincere sympathy and warm condolences to Joe's wife, Lela, and their three sons.

THE CLEAN AIR ACT AND AUTOMOBILE EMISSIONS

Mr. RANDOLPH. Mr. President, the Administrator of the Environmental Protection Agency today announced his decision relative to the extension of deadlines for compliance with statutory requirements of the Clean Air Act for the reduction of automobile emissions.

My reaction to his announcement is contained in the following statement which I released to the press. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RANDOLPH

EPA Administrator Russell Train has made his recommendations on a future timetable for the reduction of automobile emissions. I believe that his decisions were made on a thorough examination of the extensive evidence presented at hearings conducted by his agency.

This morning, prior to his public announcement, Mr. Train met with Senators Muskie, Baker, Buckley and me to inform us of his decision. We thoroughly discussed the matter. I will consider his recommendations that require legislation very carefully. The Committee on Public Works will conduct hearings on these proposals this spring. All of their implications, both short and long range, will be examined.

PRIVATE INSURANCE TO SUPPLEMENT MEDICARE

Mr. CHURCH. Mr. President, the Special Committee on Aging recently issued a working paper called "Private Health Insurance Supplementary to Medicare."

Its purpose was to provide consumer information which would be helpful to older persons who have questions about so-called Medi-Gap insurance designed to protect against charges not covered by medicare.

As Senator MUSKIE and I said in our preface, such insurance is no small matter:

> Approximately 11.2 million of the 21 million of age 65 and up have at least one private health insurance policy . . . the author of this paper . . . has arrived at the conclusion that the elderly spend, at the very minimum over a half billion dollars on premiums for private health insurance each year, in addition to the $1.6 billion they are paying for Medicare's Part B premiums.

The working paper, prepared by economist Gladys Ellenbogen, was based largely on consultations with commissioners of insurance in five States. It pointed out that many policies provide protection against important costs that can arise when a person uses medicare. But it also described sales practices and shortcomings which make other policies far less useful than consumers may realize.

Theodore Schuchat, whose well-read column on aging appears regularly in many of the Nation's newspapers, dealt recently with the Ellenbogen report. He provides a useful summary of the paper, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INSURANCE—ENIGMA FOR THE ELDERLY

(By Theodor Schuchat)

"Age 65 is not a magic age at which one is likely to become suddenly expert on the technicalities and legalities of insurance policies," the Senate Special Committee on Aging warned in a recent report.

"Many persons do not understand Medicare's provisions or private policy provisions," commented the committee report on "Medi-Gap" insurance. These are private policies dovetailed with Medicare coverage.

The committee was told of unscrupulous selling tactics of some insurance agents preying on older people. The information came from state insurance departments with the power to revoke insurance selling licenses for shady practices.

"The sale of several policies to the same individual to cover the same risk results in a waste of the money spent for the premiums," the Senate committee advised. "Benefits are coordinated so that overpayments to policyholders are avoided."

Suppose you buy three policies, each promising to pay the Medicare hospital deductible, now $92. If you go to the hospital, you might expect one policy to pay the deductible and the others to pay you $184.

"Only one policy will pay the deductible. This is referred to as coordination of benefits," the committee report explained.

"Cancellation and sale of a new policy is another unfortunate tactic which has resulted in revocations of an agent's license. For example, a policy is sold and some months later the insured elderly person is advised by the agent to cancel the policy and purchase a new one."

"The major advantage for the agent is the commission he receives on selling each policy," the Senate committee report continued. "The major disadvantage to the elderly person is the beginning of a new prior exclusion clause."

This is a fine-print provision that delays your eligibility for collecting health insurance benefits. Otherwise, one could buy a policy soon after hospitalization was recommended.

Switching from one policy to another could mean that neither would pay benefits when you need them. That would be good for the insurance company but bad for you.

The Senate committee reported "the duplication of benefits and the replacement of one policy with the other were the most frequently cited by the investigations divisions of the state insurance departments as adversely affecting the elderly. . . .

"These are only two unfair practices. There are others, of course, particularly the refusal of an agent to show the policy in advance."

The committee warned, also, that some salesmen show one policy and deliver another.

Much has been accomplished by state insurance departments, the Senate committee declared. "More needs to be done and the insurance departments are aware of the continuing problems."

"A decision to purchase Medi-Gap insurance is sometimes a very difficult one for older persons to make," noted Sens. Frank Church, D.-Idaho, and Edmund Muskie, D.-Maine.

"They want protection—particularly the assurance that they can meet the Medicare coinsurance and deductible payments that are likely to arise if illness strikes—and yet they are caught in an inflationary squeeze which is relentlessly driving up the cost of essential items."

"Their difficulties provide ample reason for improving Medicare by closing several of its major gaps," the two senators stated.

"Coverage of some out-of-hospital prescription drugs, for example, would reduce the overall health care expenditures of the elderly."

THE FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974

Mr. HUMPHREY. Mr. President, the importance of our forest and rangeland resources has become increasingly apparent during recent months. The growing need for more effective utilization of our Nation's natural resources has focused particular attention upon forests and rangelands because of their potential for increased output through improved management.

The Forest and Rangeland Renewable Resources Planning Act, which was enacted into law by Congress in August 1974, addresses itself to these concerns. As the initiator of that bill and a member of the Agriculture and Forestry Committee, I would like to bring to the attention of this body the developments which have resulted since its passage.

One of the major purposes of this legislation was to develop a longrange strategy for the Forest Service in improving the management of these resources. Careful planning can insure that the United States will derive maximum benefit from its forest and rangeland resources in the future while simultaneously maintaining the quality of the environment.

The Resources Planning Act requires the Forest Service to submit periodically a renewable resource assessment to Congress. In response to this task, two meetings have been held to outline the steps being taken. I addressed the September meeting to launch this effort, and on January 29 the Forest Service reported on its timetable to develop the assessment.

The objective of the Forest Service in the preparation of the Assessment Document is to develop:

First, an analysis of present and anticipated uses, demand for, and supply of the renewable resources of the forest, range and other associated lands with consideration of the international resource situation, and an emphasis on pertinent supply and demand and price relationship trends;

Second, an inventory, based on information developed by the Forest Service and other Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services.

It is important that public participation in this process continue in order to preserve the spirit of the act. I actively support these efforts and hope that the Forest Service will continue to work with interested groups, organizations, and individuals in the development of the assessment.

The Forest Service recently released for public comment a package of outline materials relating to developing the Assessment Document. These materials extensively illustrate the proposed scope, direction, and planned content of the initial agency report which is due for completion on December 31, 1975.

I am encouraged by the events which have transpired since the passage of this Act. It is necessary that we attack our resource needs pragmatically via long range planning, and I would like to direct my colleagues' attention to the proposed outline for the Assessment Document which the Forest Service has released.

Mr. President, I ask unanimous consent that the section of the report, entitled "Outline of Assessment Document," be printed in the Record.

There being no objection, the outline was ordered to be printed in the Record, as follows:

Outline of Assessment Document

(By U.S. Department of Agriculture Forest Service)

PREFACE

This assessment has been prepared in response to the provisions of Section 2 of the "Forest and Rangeland Renewable Resources Planning Act of 1974" which directs the Secretary of Agriculture to

> . . . prepare a Renewable Resource Assessment . . . the Assessment shall be prepared not later than December 31, 1975, and shall be updated during 1979 and each tenth year thereafter, and shall include but not be limited to:
>
> (1) an analysis of present and anticipated uses, demand for, and supply of the renewable resources of the forest, range and other associated lands with consideration of the international resource situation, and an emphasis of pertinent supply and demand and price relationship trends;
>
> (2) an inventory, based on information developed by the Forest Service and other Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services,

In accordance with these provisions, this study provides an analysis of the present situation and the outlook for (1) outdoor recreation and wilderness, (2) fish and wildlife, (3) rangeland grazing, (4) timber, and (5) water. It includes statistical data on the ownership and condition of the Nation's 1.5 billion acres of forest and range lands; recent changes in forest and range resources; trends in the consumption and prices of major products; the prospective demand, supply, price outlook to 2020; and opportunities for increasing supplies of the products growing economically scarce. Data are also presented on international trade in forest and range products and the forest resources of important trading countries. The last section of the study discusses the kinds of data and scientific information needed to provide an adequate quantitative basis for future assessments of this kind.

The analyses of prospective economic scarcity are based primarily on projections of demands and supplies of renewable resource products. The projections of demand indicate the amount of the products likely to be consumed or used under a range of assumptions on population, economic activity, prices, and other determinants. The supply projections show the amount of the products that will be available for consumption or use if recent levels of management and utilization continue through the projection period.

A comparison of these projections provides a measure of future imbalances between demands and supplies, given the underlying assumptions, and an indication of the kinds and sizes of programs needed to bring about an improved resource situation. These comparisons, along with the current and historical statistical data, also provide a basis for appraising ongoing forestry and range programs and an indication of opportunities for economic development of forest and range resources.

In recent years, many and rapid changes have taken place in the use of American forests and ranges. Demands for all renewable resources have been rising rapidly, and there has been increasing emphasis on the management of lands for mutiple purposes. But perhaps most important of all has been the growing concern about the forest and range environment and the need to preserve and enhance scenic and esthetic values.

In this study, an effort has been made to recognize the changes that have been taking place and likely impacts on future supplies of renewable resources. For example, multiple use management and the protection of the environment have been taken into account in projection timber supplies for the National Forests. Projections for the private owerships recognize the importance of nontimber objectives and that timber harvests might be limited. Specific allowances for the continuing transfer of commercial timberlands to other uses were made on all ownerships.

The analysis in this study covers the next four and a half decades. For the longer run, with growing population pressure on the environment and nonrenewable stocks of ores and fuels, renewable resources could become of greater and greater importance. In appraising the needs for programs and the urgency for action, consideration must be give to the situation beyond the period covered in this report.

The concern about the environment, recent large increases in fosil fuel prices, and the ultimate depletion of stocks of energy materials and many ores emphasize in a striking way the long run role of renewable and expandable forest and range resources. Coal, petroleum, and natural gas, once used, are gone forever, and in time it seems probable that most ores can only be extracted at rising real costs. In contrast, with proper management, the output of products from forest and range lands can be increased and the higher levels of output maintained for future generations.

BASIC ASSUMPTIONS

This section presents the general basic assumptions used in making the demand and supply projections for outdoor recreation, fish and wildlife, rangeland grazing, timber, and water presented below. In partial recognition of the uncertainty about future changes, three alternative assumptions are presented for population, economic activity and income. The alternatives cover the range over which growth in these major determinants could reasonably be expected to vary.

In making these assumptions, it is recognized that the outlook during the next few decades is much more dark and uncertain than it seemed a few years ago. The long run effects of large increases in the price of fossil fuels and other raw materials, world wide inflation and recession, and the unchecked growth in population and famine in many regions of the world are still unclear. However, it seems reasonable to expect that population, economic activity, and income in the United States—and most countries of the world—will continue to grow and do so much in line with recent trends.

Population assumptions

Changes in population have an important effect on the demand for timber, forage, water, and the other renewable resources. They also influence the size of the labor force, a major determinant of the level of economic activity and related materials usage.

In the five decades between the early 1920's and the early 1970's, the population of the United States increased by about 100 million people, rising at an average annual rate of 1.3 percent per year (table 1). The most recent projections of the Bureau of the Census[1] indicate that population is likely to continue to grow fairly rapidly through the projection period. The Census Series E projection, for example, the medium projection of this study, shows population rising by another 86 million by 2020. In line with recent trends however, the annual rate of growth declines from about 1 percent in the late 1960's and early 1970's to 0.5 percent in the decade 2010–20.

The decline in the rate of population growth reflects Bureau of the Census assumptions about fertility rates.[2] There have been large fluctuations in the fertility rates in recent decades but since the late 1950's, the trend has fallen sharply. The medium projection is based on an assumed fertility rate of 2.1—a level close to birth expectations of American women. The current rate is somewhat below this figure, but, of course, it could rise again in the future, as it has in the past.

TABLE 1.—MEASURES OF POPULATION AND ECONOMIC GROWTH, SELECTED YEARS 1920–74, WITH PROJECTIONS TO 2020

Year	Population		Gross national product [1]		Per capita gross national product		Disposable personal income [1]		Per capita disposable personal income	
	Millions	Annual rate of increase	Billions of 1967 dollars	Annual rate of increase	1967 dollars	Annual rate of increase	Billions of 1967 dollars	Annual rate of increase	1967 dollars	Annual rate of increase
1920	106.5		160.5		1,507					
1925	115.8	1.7	201.8	3.2	1,743	3.0				
1930	123.2	1.2	215.8	1.4	1,752	.1	159.1		1,391	
1935	127.4	.7	199.3	—1.6	1,564	—2.3	150.8	—1.1	1,184	—1.7
1940	132.6	.8	267.1	3.3	2,014	5.2	190.3	4.8	1,435	3.9
1945	140.5	1.2	417.6	3.5	2,972	8.1	262.8	6.7	1,870	5.4
1950	152.3	1.6	417.8	.1	2,743	—1.6	285.6	1.7	1,875	.1
1955	165.9	1.7	515.0	4.3	3,104	2.5	339.4	3.5	2,046	1.8
1960	180.7	1.7	573.4	2.2	3,173	.4	389.2	2.8	2,154	1.0
1965	194.3	1.5	726.4	4.8	3,739	3.3	497.7	5.0	2,562	3.5
1966	196.6	1.2	773.8	6.5	3,936	5.3	525.0	5.5	2,670	4.3
1967	198.7	1.1	793.9	2.6	3,995	1.5	546.3	4.0	2,749	3.0
1968	200.7	1.0	830.8	4.7	4,140	3.6	570.8	4.5	2,844	3.4
1969	202.7	1.0	853.2	2.7	4,209	1.7	587.6	2.9	2,899	1.9
1970	204.9	1.1	849.0	—.5	4,143	—1.5	610.0	3.8	2,977	2.7
1971	207.0	1.1	872.1	2.7	4,213	1.6	634.6	4.0	3,066	2.9
1972	208.8	.9	929.7	6.6	4,446	5.5	661.1	4.3	3,170	3.4
1973	210.4	.8	984.5	5.9	4,679	5.2	695.7	5.2	3,307	4.3
1974										
Low projections:										
1980	222	.9	1,240	3.5	5,610	2.7	870	3.6	3,920	2.8
1990	239	.7	1,670	3.0	6,990	2.2	1,170	3.0	4,900	2.3
2000	251	.5	2,250	3.0	8,960	2.5	1,570	3.0	6,260	2.5
2010	259	.3	3,020	3.0	11,640	2.6	2,110	3.0	8,150	2.7
2020	264	.2	3,870	2.5	14,610	2.3	2,710	2.5	10,270	2.3
Medium projections:										
1980	224	.9	1,300	4.0	5,830	3.1	910	4.1	4,060	3.2
1990	247	1.0	1,840	3.5	7,470	2.5	1,290	3.6	5,220	2.5
2000	264	.7	2,600	3.5	9,820	2.8	1,820	3.5	6,890	2.8
2010	282	.7	3,660	3.5	12,990	2.8	2,560	3.5	9,080	2.8
2020	298	.5	4,920	3.0	16,540	2.4	3,450	3.0	11,580	2.5
High projections:										
1980	229	1.1	1,370	4.5	5,990	3.4	960	4.6	4,190	3.5
1990	259	1.2	2,030	4.0	7,840	2.7	1,420	4.0	5,480	2.7
2000	286	1.0	3,000	4.0	10,490	3.0	2,100	4.0	7,340	3.0
2010	318	1.1	4,440	4.0	13,960	2.9	3,110	4.0	9,780	2.9
2020	351	1.0	6,270	3.5	17,840	2.5	4,390	3.5	12,510	2.5

[1] The 1970 trend level for the gross national product ($882 billion) and disposable personal income ($600 billion) were used as the base for calculating the projected values.

Note: Annual rates of increase are calculated for 5-yr periods from 1920 through 1965, for 1-yr periods 1965 through 1974, and for 10-yr periods 1970 through 2020.

Sources: Population, U.S. Department of Commerce, Bureau of the Census. 1920–45—"Population estimates and projections." Cur. Pop. Reps. Ser. P–25, No. 442, 1970; 1950–70—"Estimates of the population of the United States to December 1, 1971." Cur Pop. Reps. Ser. P–25, No. 474. 1972; 1971–72—"Estimates of the Population of the United States to January 1, 1973." Cur. Pop. Reps. Ser. P–25, No. 496, 1973. 1980–2000—"Projections of the population of the United States, by age and sex (interim revisions): 1972 to 2020." Cur. Pop. Reps. Ser. P–25, No. 493, 1972. Gross national product and per capita gross national product derived from data published in the following sources: 1920–25—U.S. Congress, Joint Committee on the Economic Report. "Potential economic growth of the United States during the next decade." 83d Cong. 2d sess. 1954; 1930–74—Council of Economic Advisers. "Economic report of the President." January 1975. Disposable personal income and per capita disposable personal income derived from data published in the following source: 1930–74—Council of Economic Advisers. "Economic report of the President." January 1975.

Immigration accounts for a significant part of population growth and the estimates shown in table 1 include 400,000 net immigrants per year. There has been some decline in immigration recently. Some future reduction could result from mounting national concern about unemployment and population pressure on resources and the environment.

The age distribution of the population is important in estimating demands for recreation and housing—an important determinant of the demand for timber products. The Bureau of the Census projections of age classes associated with the population projections shown in table 1 have been used in this study. These projections indicate that an increasing proportion of the population will be in the older age classes—the classes that have the highest income levels and the largest demands for many goods and services.

As a part of the general assumptions on population, it was assumed that the labor force would grow more rapidly than the total population. This reflects the shift in population toward the older age classes and increasing participation in the labor force, chiefly on the part of women. Hours per year are expected to continue to drop fairly rapidly to a level 15 to 20 percent below the present by 2020.

Gross national product assumptions

In recent decades, changes in the consumption of water and many timber products have been closely associated with changes in the Nation's gross national product, i.e., the value of all the goods and services produced in the economy.

Between 1920 and 1970, the gross national product, measured in constant 1967 dollars, increased more than five times—rising at an average annual rate of 3:4 percent (table 1). Annual changes have fluctuated widely, from as much as +16.1 percent to −14.8 percent. The highest sustained rates of growth in gross national product occurred in the 1960's, when growth averaged 4.5 percent per year.

Decade	Annual rates of growth		
	Low	Medium	High
1970 to 1979	3.5	4.0	4.5
1980 to 1989	3.0	3.5	4.0
1990 to 1999	3.0	3.5	4.0
2000 to 2009	3.0	3.5	4.0
2010 to 2019	2.5	3.0	3.5

The wide fluctuations in annual rates of growth in the gross national product have reflected such factors as differences in the rates of change in labor force, rates of unemployment, hours worked per year, and productivity. These factors will presumably continue to cause fluctuations in gross national product in the years ahead. But for this study only trends in growth were considered, and projections were based on the following assumed rates of increase. The differences in assumed growth rates partly reflect the different assumptions on population growth and the related size of the labor force. Thus, the highest rate of growth in gross national product is associated with the high projection of population. However, most of the difference in projected rates is due to underlying assumptions on trends in productivity of the labor force.

The declines in the rates over the projection period reflect in part the assumptions on population growth. They also reflect the assumptions on the age distribution of the population, hours worked per year, and productivity.

The medium assumed rate of growth would result in a gross national product of $2,600 billion in 2000—some percent above that of

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[1] U.S. Department of Commerce, Bureau of the Census. Projections of the population of the United States, by age and sex: 1972 to 2020. Cur. Pop. Reps. Ser. P–25, No. 493, 26 p. 1972.

[2] Fertility rates indicate the number of births per 1000 women during their child bearing years. For a more detailed technical definition, see U.S. Department of Health, Education, and Welfare; Public Health Service, Natality Statistics Analysis, United States, 1965–67. National Center for Health Statistics, Ser. 21, No. 19, 39 p. 1970.

1974 (table 1). By 2020 this projection would reach $4,920 billion—some times that of 974. The associated projection of per capita gross national product in 2020 rises to times the 1974 average.

Obviously, such projections rest on the assumption that the U.S. economy will continue to be oriented largely to production of economic goods, and that adequate supplies of raw materials and energy will be available to support such sustained growth over the projection period.

Both of these assumptions are being increasingly challenged,[4] and for the long run it is difficult to conceive of an indefinite continuation of high geometric growth rates. Also, concern for the environment could affect the types of goods produced, rates of productivity, and rates of increase in gross national product. For the projection period used in this study, however, it was assumed that the economic growth assumptions adopted provide an acceptable basis for evaluation of potential demands for renewable forest and range resources.

Disposable personal income

This measure of income available for spending or saving by the Nation's population has been another important determinant of the demand for certain products, such as recreation and various grades of paper and board. It also has a significant influence on household formation, size of dwellings and furniture consumption—all important determinants of the demand for lumber and other timber products.

Since 1929, disposable personal income has equaled about 70 percent of the gross national product. This historical and rather constant relationship was assumed to continue through the projection period (table 1).

The resulting estimates (medium level) show per capita disposable personal income nearly quadrupling by 2020. This means, of course, that the Nation is faced not only with the task of meeting the resource demands of an additional 86 million people, but the demands of 298 million people with a much higher standard of living.

Technological and institutional assumptions

Institutional and technological changes in the U.S. economy have substantially influenced use of renewable resources. Increasing urbanization, for example, has led to increased demand for some types of outdoor recreation, and has been an important source of the intensifying concern about the environment. It has also been the cause of important shifts in the use of raw materials including the partial displacement of timber products by steel, concrete, and other materials suitable for use in high rise buildings and other large urban structures.

Technological changes have also profoundly affected the demand for some resources. For example, recent developments in the pulp industry have substantially reduced the amount of water required to produce a ton of wood pulp. Innovations in the metals and plastics industries have resulted in the displacement of lumber and plywood in products such as furniture and containers. On the other hand, new technology has simultaneously led to large increases in the use of lumber in pallets, greater use of plywood in construction, and use of pulp and paper, plywood, hardboard, and particleboard in a wide assortment of end uses.

In the following sections of this study, projections of demand for renewable resources have been adjusted for specific technological and institutional changes that appear to be in prospect. The use of historical data as a base for projections implicitly assumes a continuing stream of technological and institutional changes such as have occurred in the past, as well as the continuation of recent trends in other variables such as educational levels, tastes, capital availability, and military activities.

Energy assumptions

The recent and large increases in energy costs, and the prospects for continuing limitations on supplies, have created great concern about prospective impacts on economic growth and the demand for outdoor recreation, rangeland grazing and timber. In this study, it has been assumed . . . material being prepared . . .

Mineral development assumptions

Prospective development of the coal and oil shale resources of the West have raised questions about the prospective impacts on renewable forest and range resources. An analysis of the situation indicates . . . material being prepared . . .

Price assumptions

For the purposes of this study, it was assumed that there would be no change in prices, or costs to consumers, relative to the general price level of water and wildlife. In recognition of the likelihood of increased costs to consumers of many types of outdoor recreation resulting from the rise in transportation costs associated with the recent upward shift in energy prices, the medium projections of demand for certain types of outdoor recreation have been prepared under two cost assumptions. Because of past increases in the relative prices of stumpage and most timber products, and the high probability of continued increases, the medium projections of demand for, and supply of, timber have been developed using three alternative price assumptions. It was also recognized that increased fertilizer costs, associated with the jump in energy prices, could significantly affect the demand for rangeland grazing. The specific price and cost assumptions are described in the following section dealing with recreation, timber, and grazing.

Other assumptions

In addition to the general assumptions outlined above, the projections of demands and supplies for the resources included in this study rest on a variety of other specified and implied assumptions. The most important of these, such as the assumptions on changes in commercial timberland and range areas, management intensities, the continuation of past relationships between variables, and constraints on the supplies of renewable resources associated with multiple-use management and the protection of the forest and range environment are described in the following sections.

I. SUMMARY

A. Projected growth in population, economic activity and income.
B. Outdoor recreation and wilderness.
1. The outdoor recreation resource situation.
2. Projected demand/supply relationships.
3. Opportunities for increasing and improving outdoor recreation resources.
C. Fish and wildlife.
1. The fish and wildlife resource situation.
2. Projected demand/supply relationships.
3. Opportunities for increasing supplies of fish and wildlife and improved habitats.
D. Rangeland grazing.
1. The range resource situation.
2. Projected demand/supply relationships.
3. Opportunities for increasing and improving range grazing.
E. Timber
1. The timber resource situation.
2. Projected demand/supply relationships.
3. Opportunities for increasing and extending timber supplies.
F. Water.
1. The water resource situation.
2. Projected demand/supply relationships.
3. Opportunities for increasing and improving water supplies.
G. Data and scientific information needed for the preparation of future assessments.

II. THE FOREST AND RANGELAND BASE

The section presents information on the area, location, ownership, characteristics, and major uses of the Nation's forest and range lands.

A. Introduction.
B. Definition of forest lands.
C. Definition of rangelands.
D. Land inventory.
1. Forest.
2. Range.
E. Geographic distribution.
1. Forest lands.
2. Rangelands.
F. Ownership.
1. Forest lands.
2. Rangelands.
G. Forest land characteristics.
1. Noncommercial.
2. Commercial.
3. Major cover types.
H. Rangeland characteristics.
1. Major cover types.
I. Major uses of forest and rangeland.
1. Wildlife.
2. Grazing.
3. Outdoor recreation.
4. Timber.
5. Water.
6. Wilderness.
7. Other uses—parks, scenic rivers, historical and archeological sites, etc.
8. Minerals—impacts of development on forest and rangelands.

III. AN ASSESSMENT OF THE OUTDOOR RECREATION AND WILDERNESS SITUATION

This section presents information on (1) trends in the use of forest and range lands for developed site and dispersed outdoor recreation with projections of demand to 2020, (2) recent and prospective changes in supply of outdoor recreational facilities, and (3) opportunities for improving forest and range lands for outdoor recreation activities. It also includes a discussion of the use of forest and range land as wilderness.

A. Introduction.
1. Participation in outdoor recreation.
a. As described in the 1972 National Outdoor Recreation Study (BOR).
b. As described by National Forest System statistics by activities and sites (RIM).
2. Prospective demographic changes and potential effects on demand for outdoor recreation.
3. Other influences on recreation activities.
B. Developed site activities.
1. The demand and supply situation for developed camping.
a. Recent trends in camping.
b. The characteristics of campers.
c. Projected demand for camping.
d. Supply of camping facilities.
e. Opportunities for providing camping facilities.
2. The demand and supply situation for picnicking (Outline similar to camping).
3. The demand and supply situation for skiing (Outline similar to camping).
4. The demand and supply situation for visitor information.
C. Dispersed area activities.
1. The demand and supply situation for dispersed camping (Outline similar to camping).
2. The demand and supply situation for recreation vehicle travel (Outline similar to camping).
3. The demand and supply situation for trail uses including hiking and horseback riding.
(Outline similar to camping).

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[4] See, for example: Commoner, Barry. The closing circle. Alfred A. Knopf, 1971; Meadows, Donella H., Dennis L. Meadows, Jorgen Randus, and William W. Behrens. The limits of growth. Universe Books, New York. 1972.

4. The demand and supply situation for boating and canoeing (tentative).

(Outline similar to camping).

D. Wilderness and primitive areas.

1. Use of wilderness areas.

a. Recreation.

b. Scientific and other uses.

2. Recent trends in recreation use of wilderness areas.

3. User characteristics.

4. Present status.

5. Areas under review.

E. Specially designated areas.

1. Scenic rivers.

2. National trails.

3. Other special areas.

IV. AN ASSESSMENT OF THE FISH AND WILDLIFE SITUATION

This section presents information on (1) trends in wildlife and fish-oriented recreation activities on forest and range lands; (2) recent and prospective changes in supplies of fish and wildlife; and (3) opportunities for improving forest and range lands for fish and wildlife. This discussion covers four types of activities: hunting, fishing, trapping, and nonconsumptive uses.

A. Introduction.

B. Consumptive activities.

1. The demand and supply situation for big game, upland game and waterfowl.

a. Recent trends in hunting.

b. The characteristics of hunters.

c. Projected demand for hunting.

d. Supply of game.

(1) Trends in harvest

(2) Population estimates

e. Opportunities for improving habitats and increasing supplies of game.

(Discussion under each heading will cover big game, upland game, and waterfowl.)

2. The demand and supply situation for fish—coldwater, warmwater, and anadromous.

(Outline similar to hunting)

3. The demand and supply situation for trapping.

(Outline similar to hunting)

C. Nonconsumptive activities.

1. The demand and supply situation for fish and wildlife enjoyment—nature walks, photographs, birdwatching, etc.

a. Recent trends.

b. The characteristics of users.

c. Projected demand for fish and wildlife enjoyment.

d. Supply of fish and wildlife.

e. Opportunities for improving habitats and increasing supplies of fish and wildlife.

(Discussion under each heading will cover the major types of activities.)

2. The situation and outlook for endangered species.

3. Opportunities for protecting and increasing endangered species.

V. AN ASSESSMENT OF THE RANGELAND GRAZING SITUATION

The sections present (1) estimates of expected demand for rangeland as a source of livestock grazing, (2) a description of the Nation's rangeland resource base and its current use and productivity, and (3) a summary evaluation of opportunities for rangeland development and management.

A. Introduction.

1. Traditional role of rangeland.

2. International aspects.

B. Demand for rangeland grazing.

1. Issues and factors affecting USA range demands.

a. Economic outlook (agricultural prices).

b. Political-social factors (agricultural policies, foreign trade, etc.).

c. Changing price relationship (among alternative livestock feed and forage sources).

d. World markets for grain, vegetable proteins, and meat.

e. Fossil fuel energy (trade-offs between feed and range).

f. Scientific breakthrough (animal, meat substitutes, fiber, range and agronomic technologies).

g. Optional uses for range.

2. Range demand concept (targets for management alternatives).

3. Demand for meat.

a. Overall trends in production and consumption.

b. Alternative sources of protein.

c. Preferences by kind and type of meat.

d. Import and export of meats.

4. Demand for livestock feed and forages.

a. Feed and forage supplies and rations (by type of livestock production system).

b. Impact of changes in demand for kind and type of meat on feed needs.

c. Import and export of feeds.

5. Demand for grazing.

a. Distribution by kind of grazing (nonrange) and type of farming-ranching area.

b. Influences of changing production costs (fuel prices, fertilizer, labor, etc.).

6. Demand for range grazing.

a. Geographic area, season, and range type.

b. Major ownership (federal, non-federal).

7. Demand for national forest system grazing (as a function of supply potential).

8. Demand for nonlivestock grazing range outputs.

C. The rangeland resource situation.

1. Rangeland base (by ecosystem and ownership).

a. Area.

b. Occurrence.

c. Present status.

2. Current management.

a. Levels of management.

b. Interdependence of NFS, other Federal and non-Federal lands.

3. Resource outputs.

a. Outputs with direct economic value.

b. Other outputs with direct economic value.

c. Qualitative outputs with indirect economic value.

D. Opportunities for rangeland development and management.

1. Productivity under alternative management strategies.

2. Opportunities for increasing and improving range grazing.

VI. AN ASSESSMENT OF THE TIMBER SITUATION

This section presents information on: (1) Recent trends in consumption of timber products and projections of demand to 2020; (2) imports and exports of timber products and the timber demand and supply situation in the major importing and exporting countries; (3) recent changes in the area and condition of timber resources with projections of timber supplies to 2020; (4) comparisons of projected timber demands with supplies and the economic and social implications of prospective imbalances; and (5) opportunities for increasing and extending timber supplies.

A. The demand for timber.

1. Trends in the major markets for lumber and panel products.

2. Projected demand for lumber and panel products.

3. The demand for pulpwood.

4. The demand for miscellaneous roundwood products.

5. The demand for fuelwood.

6. Log imports and exports.

7. Summary of demand for timber.

B. World timber demands and supplies.

1. World timber demands.

2. World forest land and timber resources.

3. Summary of prospective trends in U.S. trade in timber products.

C. Commercial timberland and timber resources.

1. Commercial timberland characteristics.

2. Timber volumes.

3. Timber growth.

4. Mortality.

5. Timber removals.

6. Net growth in relation to removals.

D. Projections of timber supplies with recent levels of management.

1. Basic assumptions.

2. Projected supplies by species group and section.

E. Timber demand/supply relationships.

1. Softwood timber demand/supply balances with recent levels of forest management.

2. Hardwood timber demand/supply balances with recent levels of forest management.

3. Economic implications of timber demand/supply imbalances.

a. Prices.

b. Timber industries.

4. Social and environmental implications of timber demand/supply imbalances.

F. Opportunities for increasing timber supplies through intensified management and improved utilization.

1. General opportunities for management intensification.

2. The importance of forest ownerships.

3. Environmental factors relating to intensification of forest management.

4. An example of potentials for increasing softwood sawtimber supplies.

5. Potential increases in timber supplies from improved utilization.

6. The potential contribution of research.

VII. AN ASSESSMENT OF THE WATER SITUATION

This section presents an appraisal of (1) the current water situation, (2) a nationally consistent set of projections of water demands and supplies, which will identify existing and potential water supply problems at the national and regional level, and (3) opportunities for increasing water supplies and improving water quality. Much of this material will be abstraced from the "1974 Assessment of Water and Related Land Resources" being prepared under the overall direction of the U.S. Water Resources Council.

A. Basic assumptions.

1. Agricultural and forestry production.

2. Water quality (including assumptions about meeting requirements of P.L. 92-500).

3. Water use.

4. Electric power.

5. Flood damages.

6. Navigation.

7. Fish and wildlife.

8. Recreation.

9. Energy.

B. The demand for water.

1. Trends in water consumption by region and major uses.

a. Manufacturing.

b. Mineral (fuels, metallic, nonmetallic).

c. Electric power.

d. Domestic use—central system.

e. Domestic noncentral system.

f. Agricultural (irrigation and livestock).

g. Public lands (including Indian reservation).

h. Fish hatcheries and wildlife refuges.

2. Projected demands for water by region and major uses.

Same as above.

C. The supply of water.

1. Assumptions.

2. Estimates of current water supplies by region (surface and groundwater).

3. Estimates of water imported and exported by region, as controlled by legal commitments.

D. Water/demand supply relationships.

1. Identifications of water short areas with prospective deficits.

2. Identification of water surplus regions.

3. Identification of other water problems.

a. Flood damage.

b. Navigation.

c. Fish and wildlife.

d. Land and water preservation needs.

4. Opportunities for increasing water supplies and improving water quality by region.

VIII. AN ASSESSMENT OF DATA AND SCIENTIFIC INFORMATION NEEDS

This section of the study discusses the kinds of data and scientific information needed to provide an adequate quantative basis for the 1979 and following assessments of renewable forest and range resources. The discussion is primarily concerned with the need for (1) inventories of resources, (2) surveys of the use of forest and range products, (3) measures of increased yields of products resulting from management, utilization, and research programs, and (4) research on the techniques of collecting data and preparing future assessments.

A. Inventories of renewable resources.

1. Grazing.

a. Current inventory data.

b. Needed inventory data.

2. Outdoor recreation.

a. Current inventory data.

b. Needed inventory data.

3. Timber.

a. Current inventory data.

b. Needed inventory data.

4. Water.

a. Current inventory data.

b. Needed inventory data.

5. Wildlife.

a. Current inventory data.

b. Needed inventory data.

B. Surveys of renewable resources.

1. Grazing.

a. Current grazing use surveys.

b. Needed surveys.

2. Outdoor recreation.

a. Current recreation use surveys.

b. Needed surveys.

3. Timber.

a. Current timber products use surveys.

b. Needed surveys.

4. Water.

a. Current water use surveys.

b. Needed surveys.

5. Wildlife.

a. Current wildlife use surveys.

b. Needed surveys.

6. Surveys of unique features of forest and range lands, i.e., archeological and historical sites, endangered species, etc.

7. Surveys of prices of forest and range products.

8. Surveys of costs of management practices.

C. Measures of responses to alternative programs for increasing supplies.

1. Grazing.

2. Outdoor recreation.

3. Timber.

4. Water.

5. Wildlife.

D. Techniques research on collecting data and improving assessments.

1. Conducting renewable resource inventories.

2. Conducting surveys of use of renewable resources.

3. Projecting longrun trends in demands and supplies of renewable resources.

4. Measuring responses to management.

5. Measuring impacts of economic and sociological factors on demands and supplies.

6. Measuring economic, social, and environmental impacts of economic resource scarcity.

7. Impact interactions among renewable resources from changes in management practices.

IDLE CAPACITY GREATEST SINCE DEPRESSION MEANS VIGOROUS STIMULATION WITHOUT INFLATION

Mr. PROXMIRE. Mr. President, this country is now operating at the lowest level of capacity operation that we have at any time since the Great Depression. And there is every indication that in coming months our great industrial plant will be operating even farther below capacity.

This should remind us of one big central fact about how promptly and vigorously we stimulate the economy, it is this: We have a very, very long way to go before economic stimulation by cutting taxes or by getting the housing industry moving ahead vigorously, or any other effective program for putting Americans back to work provokes inflationary pressures in the economy.

As a matter of fact, if we can succeed in turning the economy around so that the slide in production stops and the unemployed go back to work, inflation is likely to be reduced, I repeat inflation will be reduced as we begin to recover.

No, this is not a contradiction. It is a well established fact. Repeatedly as we have moved out of recessions in the past, the rate of inflation has eased. Why?

Why, when there is a greater demand for goods and services and manpower and resources, do price pressures ease?

The answer is that as the volume of sales pick up employers can do two things to cut their costs. First, they begin to reduce their unit overhead costs because they spread their overhead over a larger quantity of sales.

Second, they can put their work force back to work full time and get a full day's work for a full day's pay. Right now with demand falling and production being cut back employers are getting less work out of their work force because the demand just is not there. Last year, for the first year in all American history, the average worker worked less than 37 hours a week. That is a lower use of our work force than we had during the depths of the depression. But in January—the most recent month for which we have statistics—the work week fell below 36 hours to only 35.7.

This is why productivity of American workers has fallen so sharply and why unit labor costs and inflationary pressures—the wage-cost push are shoving up prices while the economy is running downhill so fast.

But the big economic figure we should recognize today is the fact that we are operating at less than 70 percent of our factory capacity.

Mr. President, most Senators agree with President Ford that we should have a large and prompt tax cut. I think many will support a program that will put the depressed housing industry back to work.

But none of these recovery programs will have any substantial effect unless we are sure that the money supply, the credit available so that a recovering housing industry, for instance, does not run into rapidly rising interest rates that choke off recovery before it can provide the employment and the housing we so urgently need.

The seven Governors of the Federal Reserve Board should take a long, hard look at these capacity utilization figures. They should understand that they tell us very clearly it will take many months—extending into years of vigorous economic growth to get unemployment down below 6 percent, that meanwhile we need sustained monetary and credit growth, so interest rates will stay low. They should realize that such a policy is a responsible policy, a policy that can be modified as time goes on to prevent the kind of runaway explosion of credit that could result in an eventual inflation-recession pattern.

Mr. President, Tuesday's Wall Street Journal carries an excellent article by Alfred L. Malabre Jr. that details the deflationary effect of the present idle plant capacity. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 4, 1975]

The Slack Economy: Idle Capacity Reaches Postwar High, Tending To Dampen Inflation

(By Alfred L. Malabre, Jr.)

If inflation in the U.S. eases substantially in coming months, as many forecasters now expect, a major reason won't be hard to pin down. It will be the giant gap that has opened up between the economy's capacity to produce and its actual output.

Idle economic capacity—unused people as well as unused plant facilities—has recently reached such proportions, many economists claim, that inflationary pressures are unlikely to rekindle anytime soon. This will be true, these analysts maintain, even if Washington's policymakers finally settle on recovery tactics that may appear, at least to some of those most fearful of inflation, to be dangerously stimulative.

"My desk is piled high with statistical data showing the enormous buildup of slack in the economy in recent months," declares George Wino, an economist at Lionel D. Edie & Co., an investment research concern owned by Merrill Lynch, Pierce, Fenner & Smith Inc.

BULGING INVENTORIES

Inflation tends to subside in a slack economy, analysts note, because many of the forces that traditionally tend to drive up prices—excessive demand for goods and services, labor shortages, production bottlenecks—are absent. Instead, pressures mount to trim prices to ease such costly burdens as bulging inventories and idle plant facilities.

Lionel Edie economists foresee a progressive easing of inflation as 1975 goes along, even though they also anticipate a sharp pickup in general economic activity after midyear. They estimate that prices in the current quarter will climb at an average annual rate of close to 8%, while economic activity, in "real" terms after adjustment for price changes, will decline at an annual rate of nearly 9%. By the fourth quarter, however, they expect that the price climb will ease to 4.7% annually, despite "real" economic growth of 8.4% annually.

Arthur Brickner, economist of Brown Brothers Harriman & Co., a New York investment firm, also is impressed by the amount of slack in the economy. "With substantial slack in the resources of labor, materials and productive capacity," Mr. Brickner declares, "there now is a chance of inflation gradually tapering off." By 1976, he sees prices generally rising on the order of 5% and a strong economic upturn in progress.

A similar view is expressed by Peter L. Bernstein, a New York-based economic consultant. "A yawning gap" has opened up, he says, "between what we actually are producing and what we could potentially produce at full output." As a result, he asserts, "fears of renewed inflation at the first sign of stimulus are groundless."

OPERATING AT ONLY 70 PERCENT

Evidence of the gap between potential and actual production shows up, among other places, in a government index that pinpoints the percentage of manufacturers' plant capacity actually in use. Analysts estimate that the index currently stands at about 70%, down from more than 80% as recently as mid-1974. The current plant operating rate is the lowest on record since the index was initiated in 1948. The previous record low occurred in the second quarter of 1958, when manufacturers used only 72.5% of their facilities.

An indication of the slack that has developed in the economy as a whole appears in other government figures that compare actual and potential gross national product.

As recently as mid-1969, actual GNP matched the potential figures, which is based on government estimates of the economy's theoretical ability to expand. Lately, however, the gap between actual and potential GNP has sharply widened, from about $6 billion annually in early 1973 to more than $100 billion annually in the current quarter, according to federal estimates. The GNP gap crossed the $50 billion mark for the first time in the second quarter of 1974. The series, which is based on "real" statistics, with inflation removed, goes back to 1952.

A buildup in unusued labor power can readily be seen in recent unemployment figures. In January, 8.2% of the labor force was jobless, the highest monthly rate in two dozen years. As recently as last April, only 5% of the labor force was jobless. In absolute terms, 7,529,000 persons wanted work but couldn't find any in January. Only during the worst years of the Great Depression were more Americans out of work.

OTHER SIGNS OF SLACK

Other signs of slack in the economy are noteworthy. The rate of home building in the country has fallen by more than 50% in two years, a decline indicating the vast amount of home-building capacity currently untapped in the nation. Other fields where capacity greatly exceeds demand range from office building to airline transportation. And, of course, the huge number of unsold automobiles is telling evidence of that industry's idleness.

A glance at the economic record book suggests why many forecasters anticipate—with so much excess capacity around—a substantial easing of inflation in coming months. It shows that, once it accumulates, idle capacity remains high for a considerable time after the economy begins to recover. At the pit of the last recession, which persisted from the end of 1969 to the end of 1970, manufacturers were operating at 74% of capacity, on the average. More than a year later, in the first quarter of 1972, the operating rate was only up to 75%, and it remained below the 80% level until the end of that year.

Similar patterns are evident in earlier postwar recovery periods. Often, plant operations remained at recession-type levels—well under 80%—for six months or more after business generally turned around.

By no coincidence, the record also shows that inflationary pressures have been slow to resume in recovery periods. The consumer price index, the most widely followed inflation gauge, actually rose more slowly during the first two years after the 1969–70 recession than during the recession itself. The slowdown was pronounced well before the Nixon administration's controversial decision to impose wage-price restraints in late 1971. The price rise remained below 1969–70 levels until the end of 1972, when plant operations finally crossed above the 80% mark.

The pattern is the same, analysts note, in other recovery periods. And this is so even if other price and capacity yardsticks are used. Economists at Boston Co., an investment research firm, put particular emphasis on the amount of slack apparent in the GNP statistics. These and other figures lead Richard C. Katz, Boston Co.'s senior vice president, to forecast that the country has "just entered a period with no prospect for the resumption of inflationary pressures before 1977 at the earliest."

It should be noted, parenthetically, that the likelihood of a slack economy in coming months, unstrained by inflationary pressures, suggests to Mr. Katz, as well as many other forecasters, that this may be a good time for investors to purchase common stocks. "Periods when slack capacity exists are good environments for favorable equity performance," Mr. Katz says.

One key reason that inflation is slow to rekindle in a slack economy, even long after business turns around, involves labor productivity. The first thing to happen when operating rates finally begin to edge higher during recovery periods, analysts explain, is normally a sharp pickup in workers' productivity. This is not because people suddenly begin to work harder. Rather, it reflects a fuller use of idled production facilities, without resort to extensive rehiring of furloughed employes. The effect, however, is to boost the hourly output of those on the job. This productivity climb, in turn, serves to reduce per-unit labor costs. And such costs, of course, can be a major source of inflationary pressure in the economy.

This pattern can be seen, for instance, during the recovery from the 1969–70 recession. Hourly output of workers employed in private businesses, after declining during the actual recession, rose for about two years, until plant operations leveled off near 85% of capacity. During the same two years, despite a series of big pay boosts in major contracts, per-unit labor costs remained about flat and then actually declined in 1972 when plant operations began to climb appreciably. The pattern is still more pronounced, economists note, in earlier postwar recoveries when pay boosts generally were smaller.

The prospect of continuing slack in the economy as a whole—and easing inflation as a result—does not erase the fact that price pressure could redevelop relatively soon in some industries. Although overall plant operations are at about 70% of capacity at present, a few industries continue to operate at much higher rates that could rise to inflationary levels relatively quickly in an economic turnaround. A recent survey by the American Machinist, a trade magazine, shows that instrument makers, for instance, continue to use about 85% of their capacity.

Some economists also question whether there is quite as much slack in today's overall economy as the various statistics suggest. It's noted, for example, that government estimates of potential GNP are based on the assumption that the country's labor force is fully activated, but not under inflationary strain, when the unemployment rate is at 4%. Many analysts, however, believe that theoretical "full" employment nowadays is closer to 5% than 4%. As a result, it's argued that the gap between actual and potential GNP isn't as huge as government estimates indicate.

Similarly, some analysts contend that plant capacity isn't growing as much as various surveys assume to be the case. They claim that estimates of plant expansion often rely too much on raw capital spending figures, which have been on the rise, and don't take into sufficient account the rising portion of such outlays aimed at curbing pollution rather than expanding capacity. More than 10% of manufacturers' outlays nowadays are for pollution abatement, up from about 2% as recently as 1967.

Other considerations prompting some analysts to question how much slack really exists in today's economy range from possible economic constraints caused by costlier and less certain supplies of imported oil to questions about the ability of the financial system to accommodate renewed business growth. A. Gilbert Heebner, economist of Philadelphia National Bank, says flatly that "after the strains encountered in 1974" the country's "financial system does not have the capacity to sustain a renewed period of rapid growth."

Such caveats, however, don't appear to alter the basic fact that a very great amount of economic slack does exist. Boston Co. economists reckon, for instance, that using 4.75% instead of 4% as the "full" employment level reduces the gap between actual and potential GNP this year by only $7 billion.

MASSACHUSETTS SELECTMEN'S ASSOCIATION

Mr. KENNEDY. Mr. President, yesterday, we in the Massachusetts delegation had the opportunity to visit with many of the selectmen, mayors, and town and city officials from the Commonwealth of Massachusetts. These local elected officials came to Washington to let us know first hand of the problems facing local communities during this period of economic distress for all our citizens.

I would like to call to the attention of my colleagues a distinguished organization, the Massachusetts Selectmen's Association. For 46 years the association has served municipal government in Massachusetts by assisting selectmen in performance of their duties. The Massachusetts Selectmen's Association acts as a legislative liaison and provides united and effective leadership in developing legislation which will benefit the citizens of the Commonwealth.

The numbers and size of our towns and cities has grown enormously since the Massachusetts Selectmen's Association was first organized; and this group has managed to develop efficient and human practices and procedures for municipal administration. In addition to assisting each town to promote good government administration, the association has encouraged cooperation among communities in solving the social, economic, and environmental problems that cut across municipal boundaries and call for joint action.

Mr. President, I would like to pay tribute to this outstanding organization and its officers: President, William Gerry Whitlock, Belchertown; first vice president, Richard T. Moore, Hopedale; second vice president, John E. Taft, Sudbury; Secretary, Eleanor N. Johnson, Walpole; and treasurer, Paul C. Barber, Duxbury.

I ask unanimous consent that two resolutions adopted at the legislative conference of the Massachusetts Selectmen's Association be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

MASSACHUSETTS SELECTMEN'S ASSOCIATION: FEDERAL REVENUE SHARING RESOLUTION

Whereas, the towns in the Commonwealth of Massachusetts have been annually receiving needed financial assistance through the allocation of federal dollars under the general revenue sharing programs; and

Whereas, these revenue sharing dollars

come to the communities without substantial bureaucratic interference thus enabling the towns of the Commonwealth to use these funds to meet locally determined needs of the communities, and

Whereas, the selectmen of the towns are viewed as the officials accountable for expenditure of these funds, and

Whereas, the general revenue sharing program is providing needed fiscal relief to the towns during this critical period of inflation, and

Whereas, the 94th Congress must deal with the extension of the general revenue sharing program before the termination in 1976;

Now therefore be it *resolved* that the Massachusetts Selectmen's Association unanimously endorses the continuation of the general revenue sharing program and calls upon the 94th Congress to reenact the general revenue sharing program to insure that this critically needed federal assistance will be provided to the towns of the Commonwealth of Massachusetts.

Massachusetts Selectmen's Association: President Ford's Energy Program Resolution

Whereas, the energy program of President Gerald Ford will impose an unnecessary hardship on the citizens of the Commonwealth of Massachusetts and the municipalities of New England, and

Whereas, the New England region relies heavily on imported oil, and

Whereas, the towns of the Commonwealth of Massachusetts are major consumers with programs such as street lighting and maintenance of public buildings as well as substantial owners of motor vehicles, and

Whereas, the President's proposals will result in a substantial additional cost for both the fuel adjustment and fuel prices, and

Whereas, the tourist industry in Massachusetts would be severely hurt by increased motoring costs at a time when this area is a prime target for celebrations of the country's bicentennial, and

Whereas, the tariff on imported oil will result in an additional $38 million dollar cost to Massachusetts residential consumers for heating costs;

Now therefore be it *resolved* that the Massachusetts Selectmen's Association does hereby support the actions of the New England Congressional delegation and the New England's Governors Conference in their efforts to secure legal reversal of the President's proposal;

Be it further *resolved* that the Massachusetts Selectmen's Association urges President Gerald Ford to provide some mechanism to insure that consumers in the towns of Massachusetts will not be discriminated against in this difficult economic time.

(1) NAM. (2) HOME. (3) JOBLESS

Mr. McGOVERN. Mr. President, for a young veteran of the Vietnam era seeking employment today, the outlook is not very promising. One look at the most recent Bureau of Labor Statistics figures can empty his spirit, drain his enthusiasm, and erase his hopes for entering the Nation's working force. The report tells him that veterans in the 20 to 24 age bracket are facing an unemployment rate of 19.7 percent. But even more astonishing than this figure is the one that minority veterans of the same age must combat. The latest quarterly report shows these veterans with a jobless rate of over 22 percent.

But beyond the grim job and economic situation, there is another problem that hundreds of thousands of veterans must contend with—the problem of less-than-honorable discharges. Also referred to as "bad paper," these discharges are issued administratively, without the safeguards required at a court-martial, and have proven to be one of the major problems faced by veterans seeking employment. Even if they are able to find work, it is usually demeaning and falls into the category of unskilled labor with little hope of advancement. The only real hope these men have is to have their discharges reviewed and recharacterized. But that review system as it now exists is ineffective, slow, and expensive. Too often a veteran holding a less-than-honorable discharge is a veteran vexed by an inescapable stigma for life.

The situation is a dark one, and unfortunately not an easy one to solve. But I see one answer in the creation of regional boards with guidelines for reviewing and upgrading the dismissals of these men who have been branded by the less-than-honorable discharges. I am working on such legislation now and was therefore very interested in Robert L. Hill's article in the March 3 issue of the New York Times in which he makes a similar recommendation. It is important, I think, that the Congress and the public learn more about the "bad paper" dismissals—what they are, what they mean to veterans, and what can be done about them. I therefore ask unanimous consent that Robert Hill's article, "(1) Nam. (2) Home. (3) Jobless" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 3, 1975]

(1) Nam. (2) Home. (3) Jobless.

(By Robert L. Hill)

WASHINGTON.—The figures tell the story. With an unemployment rate of 8.2 per cent for January, our nation is drifting further toward economic difficulties. In the case of the young minority Vietnam veteran those difficulties are compounded.

The rate of unemployment for young minority veterans aged 20 to 24 is now conservatively estimated at 25 per cent or more, up from 8.5 per cent in the final quarter of 1973. Finding work is undoubtedly the No. 1 problem confronting the black and other minority veteran.

But it is not the only one. Some 350,000 Vietnam-era veterans left the service with less-than-honorable discharges. Of this number, most have been black, brown, poor and undereducated. And less-than-honorable discharges and a veteran's opportunity for employment are directly related.

With a less-than-honorable discharge, a veteran's chances for employment are minuscule. The National Urban League, among others, has found that employers who would hire civilians who had been convicted of misdemeanors would not hire veterans with administrative discharges.

June Willenz, executive director of the American Veterans Committee, wrote in a recent issue of "The Crisis," the official publication of the National Association for the Advancement of Colored People, the blacks, Chicanos, and Puerto Ricans received other-than-honorable discharges far out of proportion to their numbers, just as their combat casualties in Vietnam were egregiously disproportionate.

The armed forces issue five types of discharges: honorable, general, undesirable, bad-conduct and dishonorable. The last three are less-than-honorable, and the last two are conferred by sentences of special and general courts-martial.

The general and undesirable discharges are given by administrative action, usually by a commanding officer (and sometimes personal animosities are involved), and these represent the vast majority of administrative discharges. Many individuals guilty of minor infractions have chosen quick release over a brief prison confinement. They fail to realize that a less-than-honorable discharge can carry with it a stigma for life.

In many cases the veteran with a less-than-honorable discharge will find as he reenters civilian life that he is ineligible for the benefits of the G.I. Bill, such as educational assistance, medical care, Veterans Administration loans, employment assistance, unemployment benefits and civil service point preferences. And upgrading of discharges is no easy matter.

The Discharge Review Board is in Washington, D.C., and the veteran must travel at his own expense for a hearing before it. He must assume his own legal fees in a procedure that is lengthy and cumbersome. Even then only about one out of every seven discharge review cases is acted upon favorably. Since at the most, only one out of every five veterans who receives a bad discharge ever appeals, only about 3 per cent have had their discharges upgraded.

The remedies for this deplorable situation would appear obvious. The creation of review boards at the Veterans Administration regional level would reduce the waiting time, now eight months to two years. Enlisted personnel and civilians appointed to the board might provide for more equitable reviews. The payment of the appellant's legal and other expenses would help since many of these individuals are poor minority members.

Consequently, more veterans with less-than-honorable discharges would be encouraged to upgrade their discharges and, simultaneously, the chances for employment, education and the better life.

But this is not enough. Much more can and must be done with regard to expanding the opportunities for the Vietnam veteran, particularly the blacks and those in other minorities.

There are Federal and other agencies working on the problem of finding jobs for veterans, but the bureaucracy frequently gets bogged down in its own efforts. The National Alliance of Businessmen has pledged to find jobs for 200,000 Vietnam-era veterans in 1975 and President Ford has ordered all Federal departments and agencies to find jobs for 70,000 veterans.

But there are more than 430,000 unemployed Vietnam-era veterans. Nearly 60,000 of them are black or in other minorities. Neither the Veterans Administration nor any other Federal agency supports a program aimed specifically at the black or minority veteran. Isn't it about time that they or someone else finally cared?

MULTINATIONAL OIL COMPANIES USED FOREIGN TAX CREDIT TO CUT 1972 U.S. TAX BILL BY 77 PERCENT, TREASURY REPORT SHOWS

Mr. MONDALE. Mr. President, a new Treasury Department report shows that U.S. multinational oil companies used foreign tax credits to cut their 1972 U.S. tax bill by almost 77 percent.

According to the Treasury report, the oil companies reduced their 1972 U.S. income tax bill from $3.8 billion to $893 million by subtracting from their U.S. taxes the amount they paid in taxes to foreign governments.

The foreign tax credit is generally a legitimate device to avoid double taxation. But the multinational oil companies have used it like an enormous tax eraser. The U.S. oil companies took fully 47 percent of all foreign tax credits claimed by U.S. industry for 1972. And while the oil industry cut its taxes 77 percent by using the tax credit, all other industries combined cut theirs by only 8.5 percent.

The new "preliminary" Treasury report on 1972 corporation income tax returns shows that all U.S. industries claimed $6.264 billion in foreign tax credits against total 1972 income taxes of $42.798 billion. But the oil companies—listed in the Treasury report as "crude petroleum and natural gas" and "petroleum refining and related industries"—claimed $2.953 billion in foreign tax credits against total 1972 taxes of $3.846 billion, thereby reducing their U.S. taxes to $893 million.

The secret of this gargantuan oil industry tax avoidance is the arrangement which allows them to treat their payments to the OPEC oil cartel as income taxes—which can be credited dollar for dollar against U.S. taxes—rather than as royalties or excise taxes, which can reduce U.S. taxes by only about half as much. This technique—sometimes known as the golden gimmick—dates back to a highly controversial 1950 Treasury ruling which deemed these payments to be income taxes. The ruling—a combination of foreign aid for the Arab countries and welfare for the oil companies—has had the following effects:

Oil exploration and drilling has been encouraged in insecure and unreliable foreign areas rather than here at home;

The multinational oil companies have been encouraged to transfer other operations—refining, shipping, insurance, et cetera—abroad as well, so this income, too, can be sheltered by foreign tax credits; and

The OPEC oil cartel has been allowed to pick the pockets of the U.S. Treasury at the same time it is picking the pockets of U.S. consumers, since every extra dollar going to OPEC in taxes—that is, royalties—means $1 less for the U.S. Treasury.

As a result of this tax largesse, the 19 major U.S. oil companies ended up paying a total of 5.7 percent of their 1972 income in U.S. income taxes, less than a family making $8,000 a year. And some of the biggest companies paid the smallest percentage. Gulf paid 1.2 percent, Mobil 1.3 percent, Texaco 1.7 percent, Standard of California 2.1 percent, and Exxon 6.2 percent.

The tax bill passed by the House Ways and Means Committee last year made a modest start on limiting abuse of the foreign tax credit by the big multinational oil companies. Unfortunately, the bill died at the end of the year. Its revival must be one of the first orders of business in the new Congress.

EXPORT-IMPORT BANK FINANCING PRENOTIFICATION

Mr. PROXMIRE. Mr. President, I call the attention of my colleagues to a communication I have received from the Chairman of the Export-Import Bank, William J. Casey, notifying me of a pending credit transaction with the Republic of Korea. This is the first notice to be transmitted pursuant to section 2(b)(3) of the Export-Import Bank Act, as amended in the last Congress. That section requires prenotification to both Houses of Congress of any loan, financial guarantee, or combination thereof in an amount of $60 million or more at least 25 days of continuous session of Congress prior to the date of final approval. Upon the expiration of this period of time, the transaction goes through unless Congress takes action to deny the approval.

In this case, the Bank proposes to provide financing to Korea Electric Co.—KECO—to purchase U.S. goods and technical services for the construction and initial operation of a 600-megawatt, nuclear powerplant. Out of a transaction total of $263 million, Eximbank will supply $78.9 million, or 30 percent, in direct loans and an additional $105.2 million, or 40 percent, in loan guarantees to private financial institutions. The direct loan portion will bear interest at the rate of 8½ percent, and it will be repaid at the end of a 15-year repayment term beginning March 20, 1981.

Mr. President, I ask unanimous consent that Chairman Casey's letter and the attached statement be printed in full in the RECORD.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT BANK OF
THE UNITED STATES,
Washington, D.C., February 26, 1975.

Hon. WILLIAM PROXMIRE,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with section 2(b)(3) of the Export-Import Bank Act of 1945, I have reported to the President of the Senate and the Speaker of the House of Representatives on an application currently pending consideration by the Bank. I respectfully furnish herewith a copy of this statement for your consideration.

Sincerely,

WILLIAM J. CASEY.

Enclosure.

EXPORT-IMPORT BANK OF
THE UNITED STATES,
Washington, D.C., February 25, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States Senate with respect to the following transaction.

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to extend a direct credit of $78,900,000 to Korea Electric Company (KECO) a public company which is the sole electric utility in the Republic of Korea, and to guarantee loans by private financial institutions to KECO in the amount of $105,200,000. The purpose of the Eximbank financing is to facilitate KECO's purchase from the United States of goods and services for the construction and initial operation of KoRi II, a 600 MW nuclear power plant to be located near Pusan on the southeast coast of the Republic of Korea. The power plant when completed will be incorporated into the transmission system of KECO. In August, 1969, Eximbank authorized a credit in the amount of $47,250,000 to finance 75 percent of the United States Costs of KoRi I, a sister nuclear power plant to KoRi II. KoRi I is now under construction.

The equipment and material for KoRi II which is to be financed by Eximbank and the private financial institutions participating with Eximbank will be manufactured in the United States and the related services will be performed by United States firms. The estimated total construction cost for KoRi II is $648,000,000 of which $263,000,000 represents purchases of United States goods and services, including the initial fuel core having an estimated cost of approximately $26 million.

Exports of the equipment and the fuel will be made within the framework of a cooperation agreement on atomic energy entered into in 1972, and amended in 1974, by the United States and the Republic of Korea. Contracts for purchase of fuel by KECO have been concluded with the Energy Research and Development Administration. In addition, prior to export, licenses must be obtained from the Nuclear Regulatory Commission with respect to individual sales of equipment and fuel.

2. Identity of the parties

(a) Korea Electric Co.

KECO was incorporated in 1961 and is Korea's sole supplier of central station electric power. The majority of KECO's stock is owned by the Government of the Republic of Korea.

(b) Korean Exchange Bank

The Korean Exchange Bank (KEB) will guarantee repayment of principal and interest by KECO to Eximbank and to the private financial institutions which are also guaranteed by Eximbank. KEB is wholly owned by the Republic of Korea and its guarantee is backed by the full faith and credit of the Republic.

3. Nature and use of goods and services

The principal goods to be exported from the United States for use in the construction and initial operation of KoRi II will consist of a nuclear steam supply system and components. In addition, United States firms will perform various related technical services in connection with the design, installation, and start-up operations of the nuclear power plant.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reasons

The proposed extension of $78,900,000 in credits by Eximbank and the guarantee of $105,200,000 of private credit will result in the export of $263,000,000 of United States goods and services. This will result not only in a favorable impact on the United States balance of payments, but also in employment for substantial numbers of United States workers at a time when business activity in the United States is slackening. Additional benefits from the transaction include sizeable follow-on export earnings from sales of future nuclear fuel loads. Furthermore, over the next 5 years Korea has a program of 6 nuclear power plants involving potential purchases of $1,500,000,000. Finally, a Canadian reactor is being offered to the Koreans supported by official financing which we understand to be on substantially the terms Eximbank proposes to offer.

In view of the magnitude of the transaction, the extent of the private financing that will be available, and the Canadian competition, Eximbank's loan and guarantee appear to be necessary to effectuate this sale for United States manufacturers.

No adverse impact upon the United States economy will be caused by the export of these goods and services. Due to current slow-downs and cancellations of previously planned power facilities by United States public utilities, United States manufacturers particularly welcome the opportunity to export such goods and services at this time and ample supplies will remain available for use in United States markets.

Accordingly, Eximbank's participation in this major export implements the Congressional mandate to aid in financing and to facilitate United States exports.

2. The financing plan

The total cost of United States goods and services to be purchased by KECO is $263,000,000 for which KECO will make a 10 percent cash down payment. The balance of the United States costs will be financed by Eximbank and private financial institutions as follows:

[Dollar amounts in millions]

	Nuclear steam supply system	Initial fuel core	Total	Percentage of U.S costs
Cash payment	$23.72	$2.58	$26.3	10
Eximbank credit	71.16	7.74	78.9	30
Private credits with Eximbank guarantee	94.88	10.32	105.2	40
Private credits without Eximbank guarantee	47.44	5.16	52.6	20
Total	237.20	25.80	263.0	100

(a) EXIMBANK CHARGES

The Eximbank Credit will bear interest at the rate of 8.5 percent per annum, payable semiannually. A commitment fee of ½% per annum will also be charged on the undisbursed portion of the Eximbank Credit. In addition, the private financial institutions being guaranteed by Eximbank will pay a guarantee fee to Eximbank of 1 percent per annum on the amounts they have disbursed to KECO.

(b) REPAYMENT TERMS

The total financing of $213,480,000 for the purchase of the nuclear steam supply system will be repaid by KECO in 30 semiannual installments beginning March 20, 1981 (which is six months after the estimated completion of the nuclear power plant). The Eximbank Credit of $71,160,000 will be repaid by KECO from the final 10 installments. The total financing of $23,220,000 for the purchase of the initial fuel core will be repaid by KECO in 10 semiannual installments beginning March 20, 1981, with Eximbank's Credit of $7,740,000 being repaid from the final 4 installments.

A 15-year repayment term is offered for the nuclear steam supply system in order to enable KECO to generate sufficient revenues to service the indebtedness to Eximbank and the private financial institutions. It is the policy and the marketing practice of United States nuclear power manufacturers and their competitors in other countries to offer 15-year repayment terms because the economics of a nuclear plant justify and require it. If only 10- or 12-year terms were offered, it would make it substantially more difficult to buy nuclear power plants and would seriously retard programs to replace oil consumption with nuclear power and thus help moderate the world price of oil.

Sincerely,

WILLIAM J. CASEY.

THE LOYAL OPPOSITION

Mr. HUMPHREY. Mr. President, on Sunday evening the National Broadcasting Co. presented an excellent program on the views of Democrats in Congress. Entitled "The Loyal Opposition," this program assembled three panels of Democratic Members of Congress to discuss our alternative policies on the economy, energy and foreign affairs. In addition to conducting extensive interviews on these three issues, NBC conducted a nationwide poll for the program and released the results on the air.

I want to commend NBC for this program. I do so not only because the network allowed Democrats to express their point of view. But this type of programing is important to maintain the vitality of the two party system and provides the American people with new and different ideas on the significant problems facing the Nation.

The Democratic Party is the loyal opposition because we want to work with the President and the executive branch. We do not want to oppose for opposition's sake. We offer our proposals in the spirit of cooperation—not confrontation. Both Democrats and Republicans want to see the Nation recover from its economic maladies. We have different ways to approach the problems of economic recovery and energy conservation. The NBC program explored these alternatives and at the same time told viewers through poll data the way the American people felt these issues should be handled. I recommend that my colleagues on both sides of the aisle read the NBC poll and the transcript.

Mr. President, I ask unanimous consent that this poll and transcript be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOYAL OPPOSITION

ECONOMY PANEL

1. How much confidence do you have in President Ford's ability to improve the economy? Do you have complete confidence, a lot of confidence, not very much confidence, or do you have no confidence at all that he can improve the economy?

[In percent]

High confidence	30
Low confidence	68
Not sure	2
Average	42

2. How much confidence do you have in the ability of Congress to improve the economy? Do you have complete confidence, a lot of confidence, not very much confidence or do you have no confidence at all that Congress can improve the economy?

[In percent]

High confidence	35
Low confidence	62
Not sure	3
Average	45

3. During the next year, do you think the economy will get better, get worse or stay about the same?

[In percent]

February 27–28:	
Better	34
Same	37
Worse	26
Not sure	3
January 27–28:	
Better	30
Same	26
Worse	40
Not sure	4
September 10–11:	
Better	17
Same	35
Worse	42
Not sure	6
August 13–15:	
Better	53
Same	34
Worse	5
Not sure	8

4. The way things look now, the federal government will be 50 billion dollars in the red next year. Under the circumstances, do you think there should be a tax reduction?

[In percent]

Yes	55
No	37
Not sure	8

5. The President wants to refund twelve percent of your 1974 income tax, with richer people receiving up to one thousand dollars. The Democrats in Congress propose to refund ten percent of your 1974 tax, up to two hundred dollars, with the larger benefits going to poorer people. Which of these two tax cuts would you be more likely to favor?

[In percent]

President's tax cut	11
Democrats' tax cut	81
Not sure	8

6. President Ford says we have to find solutions to our economic problems at the same time that we take measures to conserve energy. On the other hand, Democrats in Congress say we should concentrate on the problems of recession and inflation first and put off energy programs until times are better. Which position is closer to your own, the President's or the Democrats'?

[In percent]

President's position	37
Democrats' position	55
Not sure	8

ENERGY PANEL

7. Which branch of the government do you think is more to blame for our present energy crisis . . . Congress or the White House?

[In percent]

Congress	36
White House	42
Not sure	22

8. One of the things President Ford wants to do is limit fuel consumption. His plan is to raise the price of fuel so that people will buy less. Would you favor or oppose such a plan?

[In percent]

Favor	22
Oppose	75
Not sure	3

9. Congress has passed a law limiting the President's power to raise fuel prices. President Ford says he is going to veto that law any day now. Do you think the Congress should override his veto, or not?

[In percent]

Should override veto	64
Should not override veto	29
Not sure	7

10. Another plan to conserve fuel is to issue ration stamps which would keep down the price but restrict everyone to a limited amount of fuel. How would you feel about rationing . . . would you favor or oppose it?

[In percent]

Favor	42
Oppose	55
Not sure	3

11. President Ford has proposed that Congress relax clean air standards for automobiles but require major auto companies to manufacture cars which get many more miles per gallon than they do now. Would you favor such a trade or would you oppose it?

[In percent]

Favor	71
Oppose	25
Not sure	4

FOREIGN AFFAIRS PANEL

12. President Ford says that the government of Cambodia will fall in a few weeks if it doesn't receive an additional 222 million dollars in military and econome aid from the United States. Do you think Congress

should grant the President's request of this aid to Cambodia, or not?

[In percent]

Yes	23
No	69
Not sure	8

13. Some people say that if we continue to support Israel, we risk being cut off from Arab oil. If we get to the point where we have to choose, which of the two would you think was more important . . . guaranteeing the security of Israel or guaranteeing our supplies of Arabian oil?

[In percent]

Guaranteeing Israeli security	40
Guaranteeing oil supplies	41
Not sure	19

14. The United States and the Soviet Union have already agreed to some reduction of nuclear weapons. Do you favor or oppose further strategic arms limitations?

[In percent]

Favor	69
Oppose	26
Not sure	5

15. Do you agree or disagree with the following statement: "As a gesture of friendship to Communist China, we should break off relations with Chiang Kai-shek and the Nationalist Chinese on Formosa."

[In percent]

Yes	16
No	67
Not sure	17

16. The President says that Democrats in Congress have interfered in our foreign policy. Do you agree?

[In percent]

Yes	39
No	44
Not sure	17

17. President Ford and the Democratic majority in Congress frequently disagree about how to solve the major problems that confront the nation. Do you think this disagreement is good for the country or bad for the country?

[In percent]

Good	41
Bad	51
Not sure	8

THE NATIONAL BROADCASTING COMPANY PRESENTS THE LOYAL OPPOSITION

10:00 o'clock p.m., EDST, Sunday, March 2, 1975.

Panel 1. The Economy: Senator Edmund Muskie (Me.); Representative Henry Reuss (Wis.); Representative Al Ullman (Ore.); Representative Brock Adams (Wash.).

Panel 2. Energy: Senator John Pastore (R.I.); Senator Herman Talmadge (Ga.); Representative James Wright (Tex.).

Panel 3. Foreign Policy: Senator George McGovern (S.D.); Senator Dick Clark (Iowa); Representative Clement Zablocki (Wis.).

Interviewed by: Douglas Kiker, Catherine Mackin, Ray Scherer, of NBC News.

ANNOUNCER: "A Shooting Gallery Called America" originally scheduled to be seen at this time will not be broadcast tonight. It has been rescheduled for the same hour on Sunday, April 27th. In its place tonight is this special program.

President FORD. What we need is a plan that the Democrats can agree on, if they can, and then we can sit down and hopefully negotiate. I am willing to cooperate, but we have to have something to cooperate with and so far they have not come up with anything where they are in agreement, so until they do we are going to pursue our plan which I think is fair and equitable—

Senator MONDALE. He says his plan is fair and equitable. It is neither.

Senator BAYH. It wasn't until the middle of January that the President recognized we had a recession.

Mr. MINETA. I think there is a lack of recognition on the part of the President that he has been there since the 9th of August. The Congress has only been there since the 14th of January.

Senator ABOUREZK. He is one man and we are 62 Democrats in the Senate.

Senator HART. I think it is nothing short of miraculous that the Democrats have been able to come up with a proposal.

Mr. BRADEMAS. This is my 17th year in Congress and never has a Congress been so productive in six weeks during that time.

Senator BURTON. The Democrats do have a program. We are going to pass it. We will put it on the President's desk. It will be a better program than President Ford's program. It is a blueprint for disaster.

Mr. KIKER. Good evening. What you have just seen is a familiar sight, that of the American two-party political system at work. In this case with a Republican President and members of a Democratic Congress going at each other.

Under our unique political system the party in power is the party which holds the White House. Whether or not that party commands a majority in the Congress. Ours is one of the few Democratic governments in which it is possible for the Chief Executive to belong to a minority party. Without a majority, any President has trouble getting his programs passed into law and if the opposition constitutes a huge overriding majority, the President is faced with the threat of a runaway Congress.

The party in power speaks with one voice, the President's, but the opposition has many voices—governors, party leaders, and especially members of Congress.

This is the Rayburn Room inside the United States House of Representatives, and it is here in this historic room at the Capitol that NBC News is bringing you another in a continuing series of programs we have presented periodically since 1962, programs designed to examine the views of the party which currently constitutes the opposition.

Here with us tonight are ten Democratic leaders of the 94th Congress. Here to talk about the major problems facing the nation, what they think should be done about those problems and how they size up the Republican Administration of President Ford.

In other words, the viewpoint of the Loyal Opposition.

We are going to start tonight with a discussion by these members of the loyal opposition of the problem most Americans believe to be the most important facing the nation today, the problem of a troubled economy which has produced both excessive inflation and soaring unemployment.

Later in the hour we will also be discussing the energy crisis and the conduct of American foreign policy. Here now to talk about the economy are Representative Henry Reuss, Chairman of the House Banking Committee; Representative Al Ullman, Chairman of the House Ways and Means Committee; Representative Brock Adams, Chairman of the new House Budget Committee, and Senator Edwin Muskie, Chairman of the new Senate Budget Committee, and joining me in the questioning, Catherine Mackin, who is the NBC News Correspondent in the Senate, and Ray Scherer of NBC News who covers the House of Representatives.

NBC has conducted a special poll for this program. It is a nationwide poll. It was conducted by telephone on February 27th and 28th. In other words, just a few days ago. 1576 adults were interviewed and before we begin our discussion let's take a look at some of the things they had to say.

One question we asked was, "How much confidence do you have in President Ford's ability to improve the economy?"

The response was, high confidence, 30 per cent; low confidence, 68 per cent; not sure, 2 per cent.

We also asked "How much confidence do you have in the ability of Congress to improve the economy?"

The response was not all that much different: High confidence, 35 per cent; low confidence, 62 per cent and not sure, 3 per cent.

And the final question asked: "During the next year do you think the economy will get better, get worse, or stay about the same?"

The results: Better, 34 per cent, stay the same, 37 per cent; get worse, 26 per cent, and not sure, 3 per cent.

I would like to start this discussion by asking you gentlemen this: Only 26 per cent of the people in this country think that things are going to get worse next year. Do you agree?

Congressman Reuss, let's start with you.

Mr. REUSS. Yes, I think things will get better. I think the main reason they will get better is that Congress is moving and I think there is still a hope that the President and Congress can get together and that would be the best thing of all.

Ms. MACKIN. Mr. Ullman, our poll indicates the tremendous lack of confidence that people have in either the President or the Congress really understanding and being able to do something about the economy. A feeling I have had myself in watching the Congress.

Do you, as Chairman of the House Ways and Means Committee, really believe that you know what is wrong with the economy in this country?

Mr. ULLMAN. I think we have come to a time when the Congress must reassume some real leadership in answering some of the difficulties of the country. We are not going to get out of this unless we form some kind of a new partnership in government whereby the Congress has a much fuller input into the solution area and finds some accommodation with the Administration.

I think the Congress is prepared to do that. I think that this is a new Congress. I think that we are going to assume a lot more leadership and responsibility and come up with a lot more tough answers for the country than the Congress has ever done before.

Ms. MACKIN. But the question really is, do we know what is wrong with this economy?

First they say inflation, then they say recession, then they say stagflation, slumpflation. What is wrong with this economy?

Mr. ULLMAN. I think it would be presumptuous for anybody to know all of the answers, but I think we know generally what the problems are. The short-term problem is certainly the one of recession. We have to go to that issue, but we are not going to get out of that issue. We are not going to find answers unless we face up to some of the long-term problems, and the long-term problems obviously are energy and inflation and in the process of resolving the short-term problem of recession we must find answers for the long-term problems and I think that we do have a fairly good understanding of the problem if we just have the courage to move out and face up to the issues.

Mr. KIKER. Senator Muskie, there must be 5,000 more Americans becoming jobless with every passing week. Is unemployment going to hit and exceed 20 per cent this year?

In other words, are we going to have a true old-fashioned depression in this country?

Senator MUSKIE. That is the danger and I think that question pinpoints the problem in response to Cathy's question.

You know in respect to the long-term problems, and they are serious, I don't think we in this country have any doubt we can handle them once we are strong economically, and right now the two principal problems are unemployment and an economy slide that threatens to take us to that level. I don't think we need to go through that experience.

I think with the policies the Congress is developing and indeed with the cooperation which the President has indicated that he will give, that we can meet this challenge; that we can stop this down slide and then equip ourselves to deal with the long-term problems which as Congressman Ullman has said are very serious and they include energy.

I think really the difference between the President and the Congress is a question of timing. When do you deal with the long-term problems? How do you deal with the short-term problems? And the short-term ones are the most difficult and the most dangerous at the moment.

Mr. Scherer. Congressman Adams, I would like to put a question to you as the new head of the House Budget Committee and perhaps also put the same question to Senator Muskie, the head of the Senate Budget Committee.

For the first time you are about to come up with your own budget proposals as an alternative to the President's proposals. You will have these, I am told, by May, perhaps April. Have we any reason to believe your budget proposals will be more stimulative to the economy than the President's proposals?

Mr. Adams. Yes, I think the Congress will come forth with a more stimulative budget in the tax area. I think we will phase in the energy program because the President's proposal can have a very bad inflationary effect as well as shifting consuming power out of the general public into the oil or energy sector, so we will phase that in more slowly.

I think we will also take the position that during this period of time we must stimulate the economy in order to bring ourselves out of recession and looking at the years '76, '77, '78, toward a balanced budget, so that we do not continue an inflationary spiral. So we have a pretty good handle on it—in answer to Cathy's question—on where we want to go as compared with where the President wants to go.

He is following the old "Let's let the recession run and bottom out," free market type approach. His basic approach to the budget this time, for example, is not really stimulative. If you look at his figures of what he proposes as a deficit and take just where we are today, the difference is only about $2 billion between the two.

So I think that we will probably reject great portions of his energy package, which involves taxation and moving of funds within the budget and that we will stimulate more and probably not take money from the old people and from the federal employees, which takes it out of the consuming stream.

Mr. Kiker. Speaking of taxes, let's go back to the NBC poll for just a minute. Another question we asked in this poll was this: The way things look now, the federal government will be $50 billion in the red next year. Under the circumstances, do you think there should be a tax reduction?

The answer: Yes, 55 per cent; no, 37 per cent; not sure, 8 per cent.

Next question asked is this: The President wants to refund 12 per cent of your 1974 income tax. The Democrats in Congress propose to refund 10 per cent of your 1974 income tax, up to $200, with the larger benefits going to poorer people. Which of these two tax cuts would you be more likely to favor?

Democrats' tax cut, 81 per cent; the President's tax cut, 11 per cent; not sure, 8 per cent.

And so it would appear, gentlemen, that the American public likes your idea better, at least in this instance.

Ms. Mackin. Mr. Ullman, on that question, let me ask you this: The American public seems to like what the Democrats are offering but are the Democrats really in agreement, or is this just sort of a facade we have seen, the announcement this week that you all have a program? Do you really agree on what the approach should be?

Mr. Ullman. Well, I think that the Democrats generally agree in the direction that we should go. I think we obviously must differ in the application.

I feel, for instance, much more strongly than some, that we must find some hard answers to the energy problem before we can really find the right answers to the economic problem.

But these are differences in degree and not really in direction. I think we are all agreed that the President's energy program that would impose import fees that would put an inflationary bulge into the economy is the wrong approach to the energy problem. And so we have an alternative that we are in the process of developing. Some of us would like to have a tougher energy approach; others less tough, but I think it is mainly an issue of when you phase it in, and I think that the Democrats are generally agreed as to the direction we are going and in the legislative process we are going to work out our differences.

When we bring a bill to the floor from the Ways and Means Committee facing up to the energy issue, it probably will be a little tougher than some will want, but I think that the Congress should have that alternative; we should bring it to the floor and in the normal traditional legislative arena we should make that decision.

Senator Muskie. Could I add something to that very briefly?

The issue you are developing with your question is what is done with respect to overriding the President's veto on his energy package, because if we do not override, if we do not override and if there is no compromise of his original energy goals, then we will be committed in addition to an economic policy and that economic policy is geared in the direction of more recession and more unemployment. So that decision is critical. I hope we can avoid that kind of a confrontation and reach a compromise with the President, but that is the key issue.

Now, if we could override his veto, then we can move in the direction of the kind of stimulative tax policy that Congressman Ullman and Congressman Adams are speaking about. But that is the key issue and the economic policy adopted in this session of the Congress may well depend upon what happens in the next week or two.

Mr. Kirk. Will Rogers once said, "I don't belong to any regular, organized political party. I am a Democrat."

My question is, can the Democrats in the House and in the Senate get together, first among themselves in each House and then finally between the House and the Senate and come up with a comprehensive program, an alternative program of their own?

Mr. Reuss. We not only can, but we have. We have done it in the last few days under the leadership of Senator Pastore and Congressman Jim Wright. We have a coherent program, a program that differs markedly from the President's. Our tax program is beamed more at moderate income and low income people. It would give them the most of the benefits on the theory that they are gong to spend more and help the economy more. Ours does more about housing. Ours does something about getting the very high interest rates down. Ours comes to grips with energy without plunging the economy into a depression. So we think we have put something together.

My only regret is that we didn't do it six months ago. We should have. The public is quite right in not giving us straight A's. I hope they will think better of us when we have done our job.

Mr. Scherer. You said the other day in your talk on the tax bill that the speed of the tax bill was almost as important as its amount. In the meantime, the House has attached the repeal of the depletion allowance which we all know means some delay in the Senate. Suppose it is delayed more than two weeks. How much damage will that do to the stimulation that the tax bill is meant to bring?

Mr. Ullman. I think it would create some real problems. I am hopeful at this point that it won't involve that much delay.

As you know, I opposed putting the depletion matter on the tax bill because I felt it should go out there immediately, go out straight and clean, giving a signal to the economy and the American people that the Congress is responsible. The House chose to put the matter on the bill. I think it will have to stay in some form. We will have to work out a compromise. I have already talked to the Senators. I think we can. All of us, I think now are working together to try and find a way out of this problem so we can in fact involve the minimum of delay and I think we can and I think it is terribly important that we get this in place in May so that by May the first the checks are starting to roll on the rebates and that the withholding tax can be in place so that the take home pay of the American people is higher. This is an excellent package. It is geared to the low and middle brackets; it is the right size for the American economy and I think it must get in place and somehow we will find the answers.

Ms. Mackin. Congressman Reuss, what the Congress is talking about now and what the President is talking about doing for the economy, isn't this what is traditionally called tinkering with the economy in the Tienzien theory?

Mr. Reuss. I don't know what a more fundamental or radical solution would be. It is true that both the Democrats and the Republicans operate within a so-called private free enterprise system and there aren't any big governmental takeovers proposed by anyone, although there is some talk about taking over private corporations that can't make a go of it by themselves, an idea that I am not always sure is so good.

But within the system I think that our Democratic program is more than tinkering. It is tinkering with it in the sense perhaps that FDR tinkered with it, but most people think he did a pretty good job by the time he was through.

Mr. Ullman. Let me follow up on what Henry has said. If you look at the deficit we have proposed by the President now of about $50 billion, you can use a rule of thumb that as unemployment rises you pay out about $2 billion worth of unemployment compensation and you lose about $14 billion worth of tax receipts. So, as you look at that deficit, you have got almost all of the deficit involved in an unemployment rise from five per cent to eight per cent in the last two years. Now, what that poll indicates to me is that the American public are aware of the fact that the faster you can get the economy moving again out of the recession, you can begin to drop that deficit and therefore they want more stimulus so that they are going back to work and the Democratic program is aimed at the consuming stream, more, and at the same time, and where the energy panel I am sure will comment on this later, we are not pulling the money out of the consuming stream by raising oil prices—deregulation—and by raising prices through an additional tax per barrel of oil. These have to mesh together so that the people see that as the economy moves we have finally got a chance to have the revenues available so that that budget begins to come closer to balance you don't have a long-term inflationary stream.

Mr. Kiker. Senator Muskie, you are the head of the new Senate Budget Committee. Isn't it true—we keep talking about a $50 billion budget deficit. Isn't it true that if you passed all of the Democratic programs that have been proposed that you would have a budget deficit far exceeding $50 billion, therefore contributing to more and more inflation?

Senator Muskie. No, not really. Our Budget Committee staff estimate of the spending in '76, if this program were passed, is about $355 billion. That is about $5 billion more than the President. And the important thing is that the stimulus is more than the $5 billion difference. Because we do not have the President's energy taxes which would take $30 to $50 billion out of the consumer spending stream, and reduce federal revenues additionally and increase unemployment. The President's program could well produce a ten per cent unemployment rate. The $355 billion budget that is represented by the Wright-Pastore package would result in unemployment moving down from the 7 to 8 percent levels the President's budget projects, to 6 percent. That is the difference, and $5 billion is not the true picture.

Mr. Reuss. To add to what Ed Muskie has just said about fighting inflation, I think the American public are well ahead of some of the President's advisers on how to do that. I think the American public by those polls you have there correctly perceives that the best way to fight inflation is to get this economy moving forward; as it is now, we are only using 75 percent of American factories; we are only using 92 percent of American—the American work force. If we brought the utilization of plants and manpower up, we would get lower unit costs and we would be fighting inflation.

So I think the public really could well replace some of the President's economic advisers. It would be an improvement.

Mr. Kiker. Let's close this discussion by going back to take another look now at our NBC poll.

President Ford says we have to find solutions to our economic problems at the same time as we take measures to conserve energy. Democrats in Congress say that we should place first priority on the problems of recession and inflation and put off energy problems until times are better.

We asked: Which position is closer to your own? The President's or the Democrats'?

The response was, the Democrats' position, 55 percent; the President's position, 37 percent; not sure, 8 percent.

So it would appear most people think the approach by the Democrats is the better one.

We will be back with a discussion of the energy problem by members of the Loyal Opposition in just a moment.

ENERGY

Mr. Kiker. Because of the energy crisis which has suddenly confronted this nation, both Houses of Congress have set up special ad hoc committees.

With us now to talk about the work they are doing are Senator John Pastore, Chairman of the Senate Special Committee on Energy; Senator Herman Talmadge, one of its members, and Representative James Wright, who is Chairman of the Special Energy Task Force in the House.

In our NBC News Poll we asked this question: "Which branch of the government do you think is more to blame for our present energy crisis, Congress or the White House?" And the answer we got was: The White House, 42 per cent; Congress, 36 per cent; not sure, 22 per cent.

We also polled the public on its opinion of the President's proposal to place higher tariffs on imported oil by asking this question:

"One of the things President Ford wants to do is limit fuel consumption. His plan is to raise the price of fuel so people will buy less. Would you favor or oppose such a plan?"

The response was pretty clear-cut: Favor, only 22 percent; oppose, 75 percent; not sure, 3 per cent.

Now, Congress has passed legislation limiting the President's power to raise fuel prices, but the President says he is going to veto that law probably some time this coming week. So we asked, "Do you think the Congress should override the presidential veto or not?" And the response was: Congress should override the veto, 64 per cent; should not override the veto, 29 per cent, and not sure, 7 per cent.

Senator Pastore. I suppose the most obvious question to begin with is this: Are the votes there to override if the President does veto your bill?

Senator Pastore. If the vote we passed only a short while ago postponing it for ninety days holds fast—the vote at the time in the Senate was 66 to 28; in the House it was 309 to 114—we would have no trouble.

But, as you well know, quite a lobbying campaign has been afoot. Many Senators, as I understand it, have been approached to change their vote and it all depends on what influence the President has had in that direction.

Now, I would hope that we wouldn't get to that point. As a matter of fact, last Friday we were invited down to the White House and we had quite a talk with the President; we stayed there for about an hour and 15 minutes and a suggestion was made. I believe I made the suggestion that he should hold off on the second dollar which would be imposed on March 1, hold off on the April 1 dollar and hold off on decontroling old petroleum and he said he would take that under advisement and he would notify the Speaker and Mr. Mansfield on Monday, and I would hope by that time that he would have held off on this further imposition and that we could hold off on either deciding whether or not to override or sustain the veto. Because, I have always maintained that confrontation will not solve this problem. It is a problem where we have to be wedded together, have a real marriage between the Executive and the Legislative; get on with doing the people's business and come out of this mess.

Mr. Kiker. So you are not going to have a showdown at the O.K. Corral after all?

Senator Pastore. We may not have provided he tells us tomorrow he is not going to impose the second dollar and the third dollar.

Mr. Scherer. Congressman Wright, there are strong indications that the President is going to hold off; that he won't propose a second and third dollar. That represents for him a sizeable compromise. What compromise are you Democrats willing to make in return? What do you see?

Mr. Wright. Ray, I can see a number of very reasonable accommodations that Congress and the President jointly could make.

For one thing, our program doesn't limit what Congress can do for that program. Senator Pastore's group and the group I work with in the House put together. There can be superimposed upon that additional initiatives. I think we can meet the President half-way as was suggested by the earlier panel. With respect to the matter of depletion allowances I think most of us want to get rid of the depletion allowances for the major oil companies, but perhaps for the independents, the small ones, the people who have to go out and find this energy, we can exempt them.

I think surely we are going to have to have an accommodation of some sort with the Executive Branch who want very much to relax clean air standards. We want to keep those reasonable standards intact, but we think we can find some reasonable ways to accommodate the desires of those who want to see us convert more electric power plants and other big plants to the use of coal, of which we have got two or three or four hundred years' supply, rather than natural gas, which is running out.

We can do that perhaps by saying to a factory that would convert and would comply faithfully with those EPA requirements for clean air that exist at the time it puts up these millions of dollars, that we would give them maybe eight years as a grace period to amortize that investment before we just arbitrarily came in and imposed stricter limitations upon them.

Mr. Kiker. Just a few months ago we were paying $1.80 a barrel for oil. Now we are paying $11 a barrel and under President Ford's plan we would be paying at least $12 a barrel.

Can the American economy stand $12 a barrel oil and what sort of programs are the Democrats putting forward to first of all allow our economy to stand it, or to bring the price of oil down and make us self-sufficient in energy? What are we going to do about that?

Senator Talmadge. The Democrats in the House and the Senate overwhelmingly agreed we can not ration a product based on the ability of the purchaser to pay for it.

Now, this energy crisis is one of the most serious problems that has ever confronted our country. We spent for imported energy last year about $25 billion. There is no way on the face of the earth that we can earn the foreign exchange to pay for it.

Now, we don't think the way to ration it is to make the price higher. We think there are two ways of approaching it. No. 1 is the short-range solution. That means to conserve more energy and, of course, the Congress and the President are on parallel ground there. The President wants to conserve energy. The Congress wants to conserve energy. He wants to conserve it by raising the price. The Democrats in the Congress don't follow that line because we think it would be destructive to the economy, would increase inflation anywhere from two to four per cent, so you are talking about almost a trillion and a half dollar economy. That means 30 to 60 billion dollars a year.

It would raise unemployment—we already have too high a level. It would be much higher than that. Now, short-range, we want to create an energy board with full authority to take whatever action is necessary in the field of conservation and in the field of allocation, and, if necessary, even to the field of rationing. But that would be a last resort.

Now, about half the gasoline used in the United States of America is used for pleasure. That is the source that we should zero in on immediately in our conservation measures. There are many ways you can do it. We proposed to give the Energy Board full authority to do so. Rigid enforcement of the 55-mile speed limit. Close your filling stations on weekends to cut out some of your joy riding. Cancel your courtesy cards where people buy gasoline on credit and don't pay for it until later. Those and other things. Long-range, we will create this Energy Board. Create a trust fund authorized to spend $5 billion a year to develop alternative sources of energy in this country.

Mr. Kiker. You were talking about rationing and that is one of the questions we asked in our NBC News poll. It is another obvious way to cut the consumption of fuel so we asked this question: "How would you feel about rationing? Would you favor it or oppose it?" And the answer is, favor, 42 per cent; opposed, 55 per cent; not sure, 3 per cent.

I suppose I would ask you now, do you think if it came down to it, would the American people accept gas rationing?

Senator Pastore. Not at this point, you see, because it isn't the paucity of the product. Today it is the price. We are getting the gasoline. As a matter of fact, there was a campaign only a short while ago by the big oil companies encouraging their gasoline stations to dispose of the gasoline that they had because they had so much inventory stock. Now, we realize that we have to promote and accomplish independence and we'd like to do it by 1985, whereby we could reduce it in half from 20 per cent, the reliance, down to 10 per cent. But as far as rationing at this point, it will not be accepted by the public. The public hasn't had the education as to the criticality.

As a matter of fact, I am not surprised at all at that poll. If you had read my mail, you would have had the same poll. Exactly the same poll, because we go back home and feel the pulse of the people. We don't sit in the cabinet room and decide how the people feel about this and how the people feel about that. And when anybody wants a job, they don't write to the President; they write to us.

Mr. KIKER. President Ford and you agree about that. He didn't want rationing either.

Senator PASTORE. I know, but he is asking now for standby authority and that is exactly what we are giving him. You ask me the question will they accept it now. The answer is no.

Senator TALMADGE. If we have another Arab boycott, that might be his last-resort measure, but before we get into rationing we ought to exhaust every remedy in the field of conservation. Make it mandatory.

Mr. SCHERER. You Democrats are proposing a five per cent a gallon rise in the price of gasoline. Does anyone here think that will really discourage people from driving?

Senator PASTORE. It isn't meant to do that exactly. That is to build up this trust fund to be used for conservation. If you get down to the fact that you have to limit the supply of gasoline, then you ought to get into quotas.

Mr. SCHERER. Well, the Ways and Means Committee are going to consider quotas and they are also going to consider a much tougher program of taxes on gasoline. Maybe ten cents a year up to 40 cents a gallon. Isn't it the feeling if you are really serious about that you have got to put teeth in it and adopt something like that.

Mr. WRIGHT. As John Pastore said, the purpose of the five cents tax is not to discourage consumption. We think the way to discourage consumption is by the elimination of waste, not by the elevation of price. The purpose of the five cents tax is to raise revenue so we can bring on a whole lot faster some of the longer-range developments, so that we can have a NASA-like approach, putting a high priority on coal gasification plants, for example, that will take an enormous amount of money.

The President says we need to have twenty large coal gasification plants in operation in the short run future. The trouble is, each one of those is going to cost about $800 million, so we have got to have some money to stimulate this kind of activity, together with such activities as helping our citizens better to insulate their homes.

You can save an astronomical amount of energy by that means and it is going to take money to do it so this is the purpose, so that the American public realize that the taxes they are paying by way of energy taxes are going to work to build energy sufficiency so that the next decade will get the benefit of it.

Mr. KIKER. Senator Talmadge, you were talking about the fact that we burn so much of our fuel for pleasure. In our NBC poll we asked people what they thought about the President's proposal that Congress pass new legislation that would relax clean air standards for cars, but require auto makers to manufacture new cars which get better mileage. Would you be in favor of it, we asked, or would you oppose such a move?

And they said, favor, 71 per cent; opposed, 25 per cent; not sure, 4 per cent.

Isn't that really one way out, Senator Talmadge?

Senator TALMADGE. Yes, it is. I will give you a personal illustration. I have a six year old Oldsmobile 98 which I use in Georgia when I go home on weekends. I get 15 miles to the gallon on my six year old car that is rather heavy. I have a Cutlass which is the smallest car Oldsmobile makes, supposed to be a gas-saver and that is the reason I bought it. I get 12 miles to the gallon on that. That is some of these mandated congressional solutions to create more gasoline.

I think we are going to have to relax that and I think the Congress will. That doesn't mean that we have got to go back and let anyone pollute everything that he wants to, but you must have balanced programs between emergencies.

Right now the energy emergency is one of the gravest that we face and I think we can afford to relax some of these standards to some degree on a temporary basis. We have certainly got to get these ultilities to burning more coal and we must use coal for boiler fuel wherever we can.

We can relax some of these automotive standards that we passed very rapidly when we didn't see an energy crisis.

Mr. WRIGHT. You might be interested in another of the initiatives we have suggested and this is a combination excise tax and rebate on new car sales as a stimulus for the buying public to shop for more energy-saving vehicles and it is a stimulus to the automobile manufacturers to build them. It would work roughly this way, that we would establish what the norm, the average of the new cars got by way of mileage and then the car that got less mileage performance than that would bear an excise tax, maybe up to $600 for the biggest gas guzzler, on the other end of the spectrum. Those cars that got better mileage up to the highest performance of the best American-built car would get a rebate. We wouldn't try to make money off of the automobile industry. It is pretty hard hit. What we would try to do is to make most citizens who want to buy a big gas guzzler help pay a rebate to encourage others to shop for energy-efficient cars. We think that would help a lot.

Mr. KIKER. Senator Pastore, I'd like to ask you one final question and that is, I guess, the most important question of all:

Are the Democrats in Congress and President Ford going to get together on an energy program they both can agree on and compromise on?

Senator PASTORE. I hope we can. As I have already said, that is the only way we are going to ever solve this problem. This name-calling isn't doing anybody any good. I must admit that the President was very gracious last Friday and he listened to us. He hadn't had an opportunity to study our plan and I am hopeful he will come along and say, "Okay, let's sit down and do this," but as I told him, let us not meet with a fait accompli. If you impose this tax and insist upon it, I mean that doesn't give us any leverage at all because the very hinge pin of our program is the rejection of this $3 tax, which, as you said, brings the price of imported oil from about $11 up to $14. That is prohibitive.

Mr. KIKER. Thank you, gentlemen. Thank you for being with us tonight.

FOREIGN AFFAIRS

Mr. KIKER. Any discussion of the energy crisis must necessarily involve discussion of Arab oil suppliers and the Middle East, and American foreign policy.

Senator George McGovern is a member of the Senate Foreign Relations Committee and so is Senator Dick Clark, a relatively new and junior member, and Representative Clement Zablocki is the second Ranking Democrat on the House Foreign Affairs Committee.

Gentlemen, on our NBC News poll we asked this question: Some people say that if we continue to support Israel we risk being cut off from Arab oil. If we get to the point where we have to choose which of the two you think was more important, guaranteeing the security of Israel or guaranteeing our supplies of Arab oil, which would you choose?

And the response we got was, guarantee Israeli security, 40 per cent; guaranteeing oil supplies, 41 per cent; not sure, 19 per cent.

Senator McGovern, I would ask you, is it going to come down to that? Are we going to have to choose between security of Israel and the supply of oil to our own industrial machine?

Senator MCGOVERN. Mr. Kiker, I don't think so. I don't think that is the choice we face. The American people understand that it is in our interest that a free and independent Israel survive in the Middle East and I would quickly add that sacrificing Israel is no assurance of adequate supplies of oil. There is nothing in the collapse of the State of Israel which is going to open the way for permanent guarantees of oil for the United States. What is in our interest in the Middle East is to continue doing what Secretary Kissinger is now trying to do and that is to bring the two sides together, to recognize that there has to be concessions, both on the Arab side, and recognizing the right of Israel to survive as an independent and free country and by the same token concessions on the part of Israel recognizing that the Palestinians have a right to an existence in the Middle East.

I think what American policy ought to encourage is a spirit of compromise between the two sides, not trying to line up the oil interests against the survival of an independent country.

Ms. MACKIN. Senator Clark, do you think there is any chance we would ever go into a mutual security agreement with Israel whereby we would guarantee Israel's security? There has been some talk about that.

Senator CLARK. I don't think the Israelis want that and certainly there is no indication the Arabs do. I think that kind of guarantee would come only after the two countries, Israel and Egypt, or Israel and Syria as the case may be, would come to some kind of agreement themselves. If they were able to come to some negotiated agreement, some kind of step by step approach, then it seems to me after each of those steps are taken that it might well be helpful for the United States and the Soviet Union and the major powers to come in as a guarantee at that point, but not in and of itself.

Mr. KIKER. Mr. Zablocki, I will ask you the unthinkable. Let's say there is another Middle East War and let's say there is another Arab oil boycott. Our oil is cut off. Do you think that the public pressure will build in this country for us to go in and take it over?

Mr. ZABLOCKI. No, I don't think so. I think that the people hope that we would have a balanced approach in the Middle East which would (1) prevent a boycott and then, on the other hand, I will agree with the Senator that we have a commitment and obligation to Israel. Three Presidents have underlined and have assured the security of Israel. Therefore, I think with regard to Israel being driven into the sea, we will not permit that, but I don't think our public for the sake of oil would want to have our boys fight a war in the Middle East for the sake of Israel.

Ms. MACKIN. Is there some reason we should not have an actual treaty? Is there some reason the United States should not put it on paper that we are guaranteeing the survival of Israel?

Mr. ZABLOCKI. I think if we put it on paper to that extent it would further tend to cause problems between the Arab States and the United States. At the present time they are critical of the United States because we have been tipping, if I may use that term, toward

Israel much too much and that we don't have a balanced policy in the Middle East.

I think if we have evidence that we have a balanced policy at the same time assuring that we will help Israel maintain its security, but not to such an extent that it would be a threat to the Arab States, I am sure that the Arab States will be in a mood to compromise and negotiate.

I think there is a strong possibility of having the Middle East resolved by negotiation.

Mr. KIKER. Senator McGovern, there is some talk, not of war, to take over oil fields, but of a counter boycott; that the industrialized nations of the world get together and cease providing supplies and technicians and the things that we make and grow to the Arab countries. Would this work? Could this work?

Senator MCGOVERN. Mr. Kiker, I don't see any purpose served either for ourselves or for the peace of the world in talking about that kind of confrontation diplomacy. All that can do is to inflame a very dangerous and tense situation today. It would be sheer folly for the United States to even think about committing American military power to a takeover of the oil fields. Those who talk in those terms seem to have learned nothing about our long and sad experience in Southeast Asia. If we were to send American forces into the Middle East for an oil take-over, the first thing that would happen would be the destruction of the oil facilities by the Arab governments. They have made that clear. You would set off guerrilla and terrorist activities all across the Moslem world to the point where it would not be safe for any outsider to travel. The whole area would explode. We would lose both the oil and our good name as a country that stands for peace.

Now, I think the same thing extends to this business of using economic boycotts. This is not the direction in which the world ought to be moving. The most important thing to the United States and other great powers to do today is to work out arrangements with these developing countries so that they are given a fair return for the raw materials that they produce and in return for that we work out reasonable trading arrangements with them but it doesn't serve any purpose on either side to talk about threats and counter threats at this stage of the game.

Mr. KIKER. Speaking of Southeast Asia, let's take another look at our NBC News poll. We asked this question: President Ford says the Government of Cambodia will fall in a few weeks if it doesn't receive an additional $222 million in military and economic aid from the United States.

Do you think Congress should grant the President's request for this aid to Cambodia or not?

The answer was, yes, 23 per cent; no, 69 per cent; not sure, 8 per cent.

Senator McGovern, it would appear the vast majority of American citizens appear to agree with your position on this matter.

Senator MCGOVERN. Well, Mr. Kiker, I think this demonstrates the good sense of the American people that they would vote by a margin of three to one against any further military shipments to the government in Cambodia. All that would accomplish would be to prolong the agony, to prolong the killing and the destruction and I might say to perpetuate an actual starvation situation that exists in Cambodia today. I think it is clear that the American people understand that it is not Cambodia that is about to fall. Cambodia is going to still be there a thousand years from now. What is about to fall is an unpopular and somewhat corrupt government that no longer seems to have the confidence of its own people and no amount of American military shipments is going to save that situation.

So I think the American people are on sound ground in sending the Administration a message that they want at long last this expensive and inflationary and wasteful practice of shipping military aid to Cambodia to stop.

Mr. KIKER. Congressman Zablocki, do you agree with that?

Mr. ZABLOCKI. No, I don't fully agree. I must say, Mr. Kiker, that certainly we did learn our lesson in Southeast Asia; we are not going to commit our military troops, but we do have an obligation to Cambodia and if we are going to have credibility in the world we must stand by in the most bleakest of hours by our allies who may need our help.

Now, Lon Nol has announced he is willing to resign if it means the saving of his country. That is a patriotic position to take, and we are not—our interest is not in the government of Lon Nol as a man, but I do think we have an interest in the people and there is going to be a blood bath in Southeast Asia and in Cambodia if we are going to permit the Communists to run roughshod over that area, not giving at least a minimum of military assistance so they can at least protect themselves against the type of aggressor that is so repulsive.

Senator CLARK. Well, I wonder though, Congressman Zablocki, if it is really true that after having bombed in Cambodia rather heavily at one point, the incursion in Cambodia with our troops, hundreds of millions of dollars that we spent there, whether another $222 million is going to make that kind of difference? It seems to me after each of those developments, the Cambodian government has been in Khmer Rouge. The Cameroon has moved closer to and closer to Phnom Penh after each of those events and it just doesn't seem to me, short of going back in there with heavy military strength, that this is going to happen and we are not prepared to do this.

Mr. ZABLOCKI. This may not be a good analogy but it is somewhat like a patient who has had all of the treatments and the doctor says, "Is it worth giving an antibiotic in the 11th hour, or should we just let him die?

Senator CLARK. Do you think he can live?

Mr. ZABLOCKI. I think he can live and we ought to try.

Senator MCGOVERN. As long as Congressman Zablocki has talked about the dying patient, I would like to paint the picture of a boxer in the ring whose face is bloody, who is groggy, who has no possibility of going on with the fight, the referee at this point steps in and says enough is enough. We are not going to permit any more bloodshed in the ring.

Now, this is a much more serious situation in Cambodia where you have a government that can't secure even the major cities; it has lost 80 to 90 per cent of the countryside. We are providing 95 per cent of their total budget right now. This is a government that is not viable and enough is enough. Eventually you reach a point where you recognize we have a bankrupt political situation on our hands and that we need to do at this point is stop the killing, cut off the flow of ammunition. You talk about a blood bath, Congressman Zablocki; there is a blood bath going on now and our armaments, our bombs, our ammunition is helping to fuel that blood bath. The quickest way to end this is to permit negotiations and that will take place, I think, when we cut off our military aid.

Mr. KIKER. What about South Vietnam? Now, if we don't furnish the aid that they say they need and Henry Kissinger says they need, are you prepared to see the Thieu Government fall? Are you prepared to see a Viet Cong takeover in South Vietnam, which is what the Administration says will happen?

Senator MCGOVERN. Mr. Kiker, what I am prepared to see is the Paris Peace Agreement implemented. The Paris Peace Agreement did not commit us to a permanent defense of General Thieu. It called on General Thieu and the other side to enter into a Council of Reconciliation to set the stage for an election. Now, General Thieu has been unwilling to do that. He has imprisoned even the neutralists. He has imprisoned his non-Communist critics and I don't think it is in our interests to commit another $300 million in American tax funds to perpetuate a regime of that kind. If we will cut off that support and let the local political forces assert themselves, they will get together. It may not be the kind of a government that you and I want, but they don't have that kind of a government there now. I think the best way to implement the Paris Agreement is for us to stop this flow of military equipment and let the local political forces assert themselves.

Mr. KIKER. I think you will all be interested in one other question we had on our NBC poll on foreign affairs. The President says the Democrats in Congress have interfered in the conduct of foreign policy. Do you agree, we asked, or not?

Yes, 39 percent agreed; no, 44 percent disagreed; 17 percent said they were not sure.

So I guess I would ask you, starting with you, Mr. Zablocki, Henry Kissinger says that you are sticking your nose into his business too much. Do you agree?

Mr. ZABLOCKI. I don't think Secretary Kissinger was addressing himself to me particularly nor to the Democrats as a whole, because some of the Loyal Opposition is a bipartisan opposition, as well as we should have a bipartisan foreign policy. For example, much of the complaint by the Congress is that we do not have all of the information that we should be getting. Until the so-called Case-Zablocki Act, where the executive agreements were never known, were never made known to Congress, now they must be reported to Congress.

Now, it is not that we are opposing for political purposes opposition for opposition's sake, but I do think if the Congress is informed and if it is going to carry its constitutionally mandated duties out, it must have the information. I don't think that the poll indicates—or the question was properly put because it is not the Democrats alone opposing the foreign policy; it is a bipartisan opposition to the executive branch.

Ms. MACKIN. Senator Clark, let me ask you about the Defense budget this year that the President is proposing. It is bigger than ever.

Defense Secretary Schlesinger's argument is, inflation is in large part responsible for that.

Will the Democrats in Congress buy this argument?

Senator CLARK. I think it is quite clear the Democrats and the Republicans together are going to cut the Defense budget. The only question is how much. Or more properly put, it is not really even a question of cutting it; it is a question of not allowing such an enormous increase.

Now, I don't think there is any question but what it will be cut something between $5 and $10 billion. How much only 435 members of the House and 100 members of the Senate will decide, but it has to be cut, particularly in this time of great inflationary pressure and because of the recession.

Ms. MACKIN. To return to Vietnam again, there is a billion and a half in this new budget for Vietnam. How much of that do you think can get through this Congress?

Senator CLARK. Well, I think this last year we appropriated about half that, about 700 million. I think that will be cut again this year because I think there is a determined effort in the Congress, at least that would represent a majority, that we are going to have a phase-out of assistance to Southeast Asia. I don't think it will all be cut this year, but it was significantly cut down to 700 million. I would like to see it cut to about 350 million this next year, cut again in half the following year and then ended the following year.

Ms. Mackin. On Cambodia I had this question I did want to get in: The aid that the President is asking for is about $220 million. There is a problem there of starvation right now. Isn't there a moral and a humanitarian responsibility, if not a military responsibility, to this country—

Senator Clark. Absolutely. Absolutely. And I think most all of us support the idea of the rice flights into Cambodia. I think we ought to be doing more by way of food in Cambodia just as we should be in many parts of the world. That is a very, very inexpensive proposition and a very important one and we all support that, I think.

Senator McGovern. On that question, we are flying in about 500 tons a day in ammunition but in terms of direct humanitarian food assistance almost nothing. The food we are flying in there is for sale to finance—to provide currency to support the government. Very little of that gets into the hands of poor people, and what I think we need is a food airlift as a substitute for the arms airlift and that kind of a food airlift can take place no matter what kind of a government you had in Cambodia.

Mr. Zablocki. Senator, I don't know where you are getting the information it is not getting down to the people. It is my understanding that indeed our food is getting to the people and it is getting to those who need the food most and as far as the military arms to Cambodia is concerned, they are not very sophisticated, and the type of arms that the Viet Minh are getting from the Soviet Union—they are not tanks. They are not antimissile missiles, they are not missiles they are not airplanes; just defensive weapons that you are going to deny them if you are going to vote against it and I think of the 220 some million dollars we ought to give both.

Mr. Kiker. Thank you very much

Thank you, gentlemen. Thank you all for being with us.

Thank you, Katy.

The final question posed on our NBC News poll was this:

President Ford and the Democratic majority in Congress frequently disagree about how to solve the major problems which confront this nation. Do you think this disagreement is good for the country or bad for the country?

The answer we got was, good, 41 per cent; bad, 51 per cent; not sure, 8 per cent.

Well, no matter what the public might think about this, we can be sure that as long as we have a two-party system, we are going to have disagreement. I think it was the late Senator Robert Taft who once said, "The proper role of the opposition is to oppose." But the Democratic Congressional leaders we have heard from tonight have said in effect, the Loyal Opposition must do more than that; must not only oppose, but propose alternatives of its own. All of which leads us right back where we began, with a Republican Administration and a Democratic Congress, the Loyal Opposition in a continuing struggle for the foreseeable future.

For Catherine Mackin and Ray Scherer, I am Douglas Kiker. Good night for NBC News.

CARTEL THREAT GROWS

Mr. THURMOND. Mr. President, a thoughtful editorial, entitled the "Cartel Threat Grows" appeared in the February 25, 1975 issue of the Aiken Standard newspaper in Aiken, S.C.

The editors make some points that neither the White House nor official Washington may wish to hear, but they are words of warning which are long overdue.

If this Nation is to continue in its world leadership role, it will be necessary to show more conviction and cohesiveness than has been demonstrated to date.

Mr. President, I ask unanimous consent that this editorial be printed in the Record.

There being no obection, the article was ordered to be printed in the Record, as follows:

Cartel Threat Grows

The move toward global price-fixing of raw materials by Third World nations should send an economic shock wave through the industrialized nations whose economies still are struggling to recover from tactics used by oil-producing nations to send petroleum prices skyrocketing.

The strategy for establishing a resources cartel was defined more clearly by representatives of 110 Third World nations in a meeting recently in Dakar, Senegal. That strategy already had been set in motion with a "Declaration on the Establishment of a New International Economic Order" adopted nearly a year ago in a special session of the United Nations General Assembly. That document warned the world that natural resources other than oil might be withheld from industrial nations.

The magnitude of the danger to the United States of America becomes clear with a realization that the United States imports 50 per cent or more of 22 of the 41 basic minerals it uses. For example, we depend on imports for 85 per cent of the bauxite and alumina, 80 per cent of the tin and 75 per cent of the nickel that we use.

A recent White House study of the possible threat from a raw materials cartel downgraded its potential danger, which is unfortunate. The report said that the U.S. depends on imports for "about 15 per cent" of its most critical raw materials. It ignores the fact that the 15 per cent could well be the margin that furnishes this nation with its high standard of living.

However, the United States is not powerless in its relations with Third World nations. The recent trade bill provides an avenue with which to respond to economic blackmail of the type contemplated by the Senegal conference. The bill grants trade advantages to developing nations but forbids them to nations which form market cartels. The bill can thus be used to fight any cartel attempting to deny the U.S. raw materials.

Resources sanctions against the United States could cause us some discomfort by denying us a few luxuries. In return the Third World would invite immediate economic retaliation by the United States. A large share of the world market would thus be denied to the cartels.

The industrialized nations surely have been warned sufficiently by the Third World, and, having been burned once by the OPEC nations, should be alert against other economic blackmail. The United States cannot afford to keep turning the other cheek and remain a leader in a changing world.

WHERE IS THE LINE BETWEEN HARDSHIP AND POVERTY?

Mr. FANNIN. Mr. President, in Arizona we have an extremely interesting weekly newspaper with the colorful name of The Brewery Gulch Gazette. Each week publisher Bill Epler runs a short front page column under the heading of "The Brewery Gulch Philosopher Says."

The commentary in the February 2, 1975, edition of the newspaper strikes me as especially relevant in the light of the figures which were reported to us recently concerning food stamps. Although some 17 million already are receiving food stamps, we are told that more than 40 million should be.

Mr. President, it seems to me that the Brewery Gulch Philosopher raises some pertinent questions regarding the definition of poverty, and I ask unanimous consent that his column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

The Brewery Gulch Philosopher Says

(By Bill Epler)

One of the incongruities of this day and age is the inordinate amount of money spent by this nation on welfare in recent years when the country has been experiencing one of the largest economic booms in its history. On the one hand we are called an affluent society, enjoying the highest standard of living in the history of man, with higher levels of education and well being than ever before known on this planet. At the same time we are told a large percentage of Americans are ill-fed, ill-clothed and living in abject poverty. Relentlessly we are told that billions of additional dollars must be spent on welfare programs of all kinds. What is the score—what is the true situation? Is "poverty" actually so widespread? Or has the borderline between poverty and mere hardship been moved upward as our standard of living has increased? If there is a truly serious poverty problem, it must be that we are losing ground. Can we correct it by simply spending more on direct relief or are new approaches required so more people can do more to help themselves rather than just lining up for the checks each month? These are serious questions and we must start getting some equally serious answers.

APOLLO-SOYUZ

Mr. MOSS. Mr. President, the Apollo-Soyuz project, space détente of the United States and Russia, is expected to make significant contributions to our knowledge in the Earth science, in space processing and manufacturing, in space science and in life science. Let me describe some of the important Apollo-Soyuz investigations currently planned.

Two Earth science experiments will measure gravitational field variations. Such gravity data is useful in satellite navigation and in deciphering the Earth's structure and composition, including those associated with petroleum and mineral deposits.

Another Earth science experiment will measure pollution of the atmosphere by small solid or liquid particles called aerosols which remain suspended in the lower atmosphere and well into the upper atmosphere for extended periods of time. The experiment will investigate use of a device called a photometer which measures absorption of sunlight by these atmospheric particles and is a potential method for long-term satellite monitoring for this problem. Balloon flights carrying similar photometers will cover the lower 30 kilometers of the atmosphere during the same period. Understanding this type of pollution is important because aerosols present in sufficient quantity can affect the balance of radiation transfer through the atmosphere giving changes in weather patterns and overall earth environmental conditions.

Building on the experience of earlier manned missions, Earth features and phenomena will be observed and photographed. For example: ocean currents, plankton blooms and red tide concentrations, desert movements and dune patterns, fault structures in earthquake regions, snow cover and melting patterns, and dynamic features of tropical storms. A specific study will be made of the growth of river deltas using Skylab photographs for comparison. The growth of deltas is coupled with a growth in the organic materials which result in accumulations of oil and natural gas. In the field of water resources a study will be made of the snow cover of the Himalayas. Quality photographs will allow measurements of the quantity of snow and the drainage patterns of water for irrigation and flood control in the Indian lowlands. Water circulation in closed basins, such as Great Salt Lake and the Black Sea, will be studied in terms of effects on shore lines. Major trends of ocean currents will be studied for application to trade, shipping, and fishing. Near shore environments and the extent of water pollution as well as the location and extent of the "Red Tide" will be studied. Visual investigation and documentation with photographs of tropical weather problems such as hurricanes, storm centers, and localized atmospheric circulation will be accomplished which could provide additional insight into weather generation and forecasting.

The space processing experiments could potentialy lead to separation of human cell mixtures and components not previously possible and could contribute to such fields as immunology and cancer research.

Electrophoresis is a process for separating living cells and other biological materials by affecting the rate of flow of their constituents in solution by applying an electric field. Two experiments will be conducted to determine whether zero gravity enhances this separation using two special techniques. Determination that separation of living cells by either technique is enhanced under near zero gravity conditions could lead to further development of these techniques in shuttle missions as a tool for medical research and therapy.

Preliminary Apollo and Skylab experiments in the field of space processing of materials in the absence of gravity will be extended by melting and solidifying various metal combinations in an improved Skylab furnace. Such processes may eventually be used to manufacture electronic products in orbit. A test being conducted on germanium, a material currently important in the semiconductor industry, will develop data to analyze and improve processing methods that are used on the ground. Increased lead to greatly increased efficiency and size and purity of semiconductors will capacity in power transmission. In another experiment, crystals will be formed in water solution. Both techniques could lead to improved materials for such application as integrated circuits, infrared lenses and high strength magnets.

In the field of space science, there are three astronomy experiments. These will use recently available detectors to investigate deep space sources of high frequency electromagnetic radiation which cannot be observed from Earth because of our obscuring atmosphere. ASTP provides an early platform for investigation of these phenomena that could open up a new branch of astronomy and revise our understanding of the universe. In addition, the new data could help explain emission processes and help us understand their methods of energy generation. For example, radiation from atomic fusion was observed on the Sun before it was produced on Earth. Measurements of radiation from interplanetary helium flow in one of the experiments could contribute to our understanding of the evolution of the stars.

In another experiment, ultraviolet light between the Apollo and Soyuz spacecraft will be used to measure atomic oxygen and nitrogen concentrations at the altitude of 125 miles. These data will contribute to understanding the upper atmosphere and its interaction with the lower atmosphere where weather is generated. The experiment could help us determine the environmental effects of high altitude aircraft.

In life science experiments, measurements will be made of the effects of space radiation and zero gravity and the closed spacecraft environment on both primitive and advanced organisms. Effects of space flight on resistance to disease provided by the astronaut's white blood cells, effects of cosmic rays on their optic nerves, and the growth of bacteria, other microbe forms and fungi are included in these measurements. These experiments will provide new medical knowledge for applications on earth as well as in space.

The promotion of international scientific and medical cooperation is an interesting and important aspect of the ASTP Program. There are five joint experiments with the Soviets. Two experiments will be provided by the Federal Republic of Germany and one experiment is cooperatively supported by a U.S. industrial firm. These experiments, therefore, provide a model for conducting future cooperative experiments. This will be most important not only in developing the Space Shuttle payloads at reduced cost to the United States, but could provide a new era of international scientific and medical cooperation.

THE INFLATIONARY COSTS OF GOVERNMENT REGULATIONS

Mr. **FANNIN.** Mr. President, there are a number of us in Congress who feel that the inflation which has plagued our country for the past several years is the direct result of legislation and policies which have come out of the Congress in the past decade.

Today a good portion of the Washington Post editorial page was devoted to a discussion of the economic impact—that is, the inflationary impact—of the steady flow of legislation imposing regulations on U.S. business and industry.

Because of our deep concern over the effects of heavy Federal deficits, the proliferation of new Federal programs, and the consequences of excessive regulation, a group of us introduced S. 15 on January 15, 1975. This bill would require the Congressional Budget Office to prepare inflationary impact statements in connection with legislation reported by Senate and House committees.

Today the Post headlined one of its editorials: "It's Time for Economic Impact Statements." The Post also carried an article by Murray L. Weidenbaum, the director of the Center for the Study of American Business at Washington University, St. Louis, and former assistant Secretary of the Treasury.

Mr. President, it has been my good fortune to listen to Mr. Weidenbaum's testimony at many hearings. He has the ability to carefully analyze economic problems and clearly present the means of dealing with the problems. I ask unanimous consent to have printed in the RECORD the excellent article by Mr. Weidenbaum and the accompanying editorial from the Washington Post.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

GOVERNMENT REGULATIONS: THE INFLATIONARY COSTS

(By Murray L. Weidenbaum)

As the American public is learning to its dismay, there are many ways in which government actions can cause or worsen inflation. Large budget deficits and excessively easy monetary policy are usually cited as the two major culprits, and quite properly. Yet, there is a third, less obvious—and hence more insidious—way in which government can worsen the already severe inflationary pressures affecting the American economy.

That third way is for the government to require actions in the private sector which increase the costs of production and hence raise the prices of the products and services which are sold to the public. For example, the price of the typical new 1974 passenger automobile is about $320 higher than it would have been in the absence of federally mandated safety and environmental requirements. Attention needs to be focused on this third route to inflation for two reasons: (1) the government is constantly embarking on new and expanded programs which raise costs and prices in the private economy and (2) neither government decision makers nor the public recognize the significance of these inflationary effects. Literally, the federal government is continually mandating more inflation via the regulations it promulgates These actions of course are validated by an accommodating monetary policy.

Obviously, most of these government actions are not designed to increase prices. Nevertheless, that is their result. In part because of efforts to control the growth of government spending, we have turned increasingly to mechanisms designed to achieve a given national objective—better working conditions, for example, or more nutritious foods—without much expenditure of government funds. The approach emphasizes efforts to influence private decision makers to achieve specific ends. Thus, rather than burden the public treasury with the full cost of cleaning up environmental pollution, we now require private firms to devote additional resources to that purpose. Rather than have the federal government spend large sums to eliminate traffic hazards, we require motorists to purchase vehicles equipped with various safety features that increase the selling price.

At first blush, government imposition of socially desirable requirements on business appears to be an inexpensive way of achieving national objectives: it costs the government nothing and therefore is no burden on the taxpayer. But, on reflection, it can be seen that the public does not escape paying the cost. For example, every time that the Occupational Safety and Health Administration imposes a more costly, albeit safer, method of production, the cost of the resultant product will necessarily tend to rise. Every time that the Consumer Safety Commission imposes a standard which is more costly to attain, some product costs will tend to rise. The same holds true for the activities of the Environmental Protection Agency, the Food and Drug Administration, and so forth.

The point being made here should not be misunderstood. What is at issue is not the worth of the objectives of these agencies. Rather, it is that the public does not get a "free lunch" by imposing public requirements on private industry. Although the costs of government regulation are not borne by the taxpayer directly, in large measure they show up in higher prices of the goods and services that consumers buy. These higher prices, we need to recognize, represent the "hidden tax" which is shifted from the taxpayer to the consumer. Moreover, to the extent that government-mandated requirements impose similar costs on all price categories of a given product (say, automobiles), this hidden tax will tend to be more regressive than the federal income tax. That is, the costs may be a higher relative burden on lower income groups than on higher income groups.

Government regulation is an accepted fact in a modern society. The point being made here is the modest one that a given regulatory activity generates costs as well as benefits. Hence, consideration of proposals—and they are numerous—to extend the scope of federal regulation should not be limited, as is usually the case, to a recital of the advantages of regulation. Rather, the costs need to be considered also, both those which are tangible and those which may be intangible.

It should be acknowledged that what is taking place in the United States represents not an abrupt departure from an idealized free market economy, but rather the rapid intensification of fairly durable trends of expanding government control over the private sector In earlier periods, when productivity and living standards were rising rapidly, the nation could more easily afford to applaud the benefits and ignore the costs of regulation. But now the acceleration of federal controls coincides with, and accentuates, a slowdown in productivity growth and in the improvement in real standards of living. Thus, the earlier attitude of tolerance toward controls is no longer economically defensible.

Worthy objectives, such as a cleaner environment and safer products, can be attained without the inflationary impact that regulation brings, and public policy should be revised to this end. But we need to examine more closely the phenomenon of government-mandated price increases. It is likely that this unwanted phenomenon will be with us for some time—at least until consumers and their representatives recognize the problem and urge changes in public policy.

As these government-mandated costs begin to visibly exceed the apparent benefits, it can be hoped that public pressures will mount on governmental regulators to moderate the increasingly stringent rules and regulations that they apply. At present, for example, a mislabeled product that is declared an unacceptable hazard often must be destroyed. In the future, the producer or seller perhaps will only be required to relabel it correctly, a far less costly way of achieving the same objective.

It's Time for Economic Impact Statements

The scope of new government programs and regulations has never expanded so rapidly as it has in the past decade, except, perhaps, during the early days of the New Deal. Since the mid-1960s, federal legislation and administration orders have set new standards for air, water, noise, meat, poultry, fabrics, land sales, boats, paint, credit transactions, industrial safety, and employment practices—to mention but a few. All of these regulations involved efforts to improve the quality of life for some or all citizens, and most have had a measure of success. Some have required the expenditure of large sums of tax money, while others have not. All, however, cost somebody something, and the costs that don't show up in tax bills tend sooner or later to show up in price increases. As Murray L. Weidenbaum makes clear in a new study, a portion of which appears elsewhere on this page today, those price increases have been a significant component in the inflationary spiral. And, if the expansion of regulation goes on at its present rate, such price increases could produce a stagnant economy.

The argument over health care provides a classic example of the way the present system works. Health insurance plans before Congress are usually discussed in terms of how much they will cost federal or state governments in tax money. While these figures are of obvious importance, the true cost of any such plan must incldue the additional expenses the plan will impose on employers and employees. If those additional expenses are paid by the employers, they will be reflected, sooner or later, in prices. If they are paid by employees, they will be reflected in a loss of buying power. In either case, they are real costs, just as tax increases are real costs.

Congress has taken note of one aspect of this problem by requiring that the President's budget set out as "tax expenditures" those losses in tax revenues that result from deductions or tax credits used to encourage economic activities. But it needs to go further. In order to get a true picture of the full costs of a health plan or noise reduction regulation or any other federal program, Congress needs an "economic impact" statement not unlike the environmental impact statements now required of many construction programs. Then it could know how much a particular program or set of regulations really costs.

This is not to suggest that things like health insurance or safety regulations or meat inspection programs should be postponed or abandoned. Rather, it is to suggest that Congress and the public should be aware of the full costs of the legislation it approves—and of the individuals or institutions that will be made to bear those costs. We suspect that if Congress recognized the full cost of some of the information federal agencies now gather or of some of the health and safety regulations that have been imposed, it would cut back certain federal activities. The benefits, in some instances, of the information or the regulations would hardly seem commensurate with the costs. And, in a time of inflation and recession, any unnecessary cost imposed by government on business or individuals simply increases the agony.

QUICK ACTION ON TAX CUT NEEDED

Mr. ROTH. Mr. President, nearly two months after President Ford recommended the enactment of an immediate tax cut, Congress has still not completed action on effective tax legislation. I commend the distinguished chairman of the Finance Committee and the other members of my committee for beginning work so quickly on the House-passed tax legislation, and I hope that we can move quickly and send legislation to the President for his signature as soon as possible.

The most important factor of this tax legislation is speed. Congress must act immediately to return tax dollars to the economy to stimulate consumer spending and create jobs. If Congress cannot get the tax cut to the President's desk within the next few weeks, I believe Congress should postpone its Easter recess and stay in session until its work on the bill is completed.

I am not, however, urging a blanket endorsement of the House-passed tax legislation, about which I have some reservations. I believe that the tax cut must be designed to achieve an increased flow of money throughout the economy and, at the same time, treat all taxpayers fairly. But the legislation passed by the House raises, in my mind, some serious questions of equity.

Under the House legislation, almost half of those taxpayers with adjusted gross income of between $10,000 and $20,000 would receive no benefit at all from the tax cut on 1975 income because they itemize their deductions. In my opinion this is just not fair.

While tax relief must be granted to low income people, I believe that more tax relief must also be directed at the taxpayers who pay the most taxes, the middle-income taxpayers. In many ways, the House bill is "soak the middle-income" legislation.

Middle-income taxpayers, earning too much to receive Government benefits and too little to use Government tax loopholes, are now bearing the brunt of the Federal tax system.

The increased tax load has made it increasingly difficult for middle-income families to raise their standard of living, to purchase their own homes, or to meet skyrocketing college education expenses.

A tax cut that includes significant relief for middle-income taxpayers is essential, both in terms of equity and in terms of restoring economic health. Most of our economy is in the midst of a recession, but the housing and automobile industries are in a state of depression, with both industries experiencing alarming levels of unemployment.

A major drawback of the House bill is that, by ignoring the middle-income taxpayers and by limiting the rebates to $200, it provides no stimulus for the housing and automobile industries. The administration proposal, with tax cuts applied more evenly to the middle-class up to a maximum of $1,000, is more likely to stimulate these two industries and put more people back to work.

The primary purpose of this legislation is to get the economy moving again and to provide more jobs, and I hope the Finance Committee will take a careful look at the House bill and reshape it to provide more stimulus to the housing and automobile industries.

I also hope that we can provide some help for our small businesses, which are in desperate need of tax relief. Small businesses have not been able to absorb the impact of inflation and recession as well as many of our larger corporations, and the Congress must take steps to assure the continued growth of these firms.

I have been urging for more than a year now that the oil depletion allowance be repealed, but I want to avoid—and a majority of the other members of the Finance Committee also want to avoid—any action that would jeopardize the tax cut.

We need the tax cut, as promptly as possible, in order to restore consumer confidence and get the economy moving again, and I am concerned that prolonged debate over the depletion allowance would tie up the tax cut. I am pleased that Senator LONG, the chairman of the committee has given us his assurances that legislation to repeal the depletion allowance will be taken up, retroactive to January 1, 1975, just as soon as work on the tax cut is finished.

But the most important tax reform facing the members of the Finance Committee and the Senate is an antirecession tax cut legislation. There is no time for delay, and no time for partisan party politics. Our economy is in too serious a condition for the Congress to continue acting like it is business as usual. The Congress must demonstrate to the American people that decisive and effective leadership can lead the economy out of this recession and put America back on the road to economic prosperity.

IMPROVEMENTS IN FTC PROCEDURES

Mr. MOSS. Mr. President, last year the Committee on Commerce conducted 4 days of oversight hearings on the Federal Trade Commission. Additionally, we considered a number of legislative proposals having to do with the Commission. As a result, we gained considerable familiarity with the Commission and its immense potential.

One of the difficulties to which we addressed ourselves in our oversight hearings was case selection procedures and timeliness. Now, FTC Chairman Lewis Engman has proposed a number of changes which the Commission believes will significantly improve Commission responsiveness and timeliness.

I believe that the steps which the Commission proposes to take in changing its rules and in improving its internal management are important advances. Only time will tell whether they function successfully, but all evidence indicates that given dedicated personnel, these changes will have a positive effect.

Mr. President, I ask unanimous consent that a speech by FTC Chairman Lewis Engman outlining these changes be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. LEWIS A. ENGMAN

One of the criticisms leveled at the Federal Trade Commission since time immemorial—or at least since 1915—is that the wheels of our justice grind so exceedingly slowly that the public is deprived of responsive resolution of issues and cases however fine our eventual product may be. Certainly there is some merit in that allegation. Over the years, the Commission has been plagued by the problem of delay. Its effects have been apparent at every stage of our process, from investigation to final adjudication.

It is more important to make good law than to make fast law. Nonetheless, the Commission's proceedings have, too often, had a Nuremberg quality, providing the public with more moral compensation than meaningful protection.

As many of you here will appreciate, some of these problems may be attributed to factors outside the Commission. The private bar has, to put it mildly, not been reluctant to take its full measure of due process. Still, much of the fault has been that of the Commission itself. Two years ago, Commissioner Dave Dennison addressed the problem of delay before this very group. His message at that time was that the Commission acknowledged its faults and was working to correct them. My message to you today is that during the time that has elapsed since Dave Dennison made his remarks, much progress has been made.

(Some of you may be bemused by the fact that it has taken us two years to have made some progress toward solving the problems of delay. You are not alone.)

That progress, which is the subject I want to address now, is the result of two separate developments. The first is reform of the Commission's internal rules of procedure. The second is improvement in the planning and management of the Commission's activities. I will deal with these developments in that order.

One of the things we have done in the past two years is to revitalize our Rules Committee in order to take a hard look at the problem of procedural incentives to delay. The Committee's work is not yet complete; but as a result of that Committee's recommendations, two rule changes have recently been adopted by the Commission.

The first rule change eliminates the Commission's cumbersome delay-inviting, so-called Part II procedures which have been in effect for the past 14 years. As many of you know, this procedure—unique to the FTC—provided for a 30-day period after the Commission had determined to issue a complaint during which the proposed respondent could agree to a settlement. This procedure was well intended. In fact, the point of Part II was to avert delay by forcing settlement, where possible, before rather than during litigation.

In practice, Part II turned out to be a time waster rather than a time saver. First, the 30-day period was extended so often by the Commission that its strictures became meaningless. Second, the Commission's stated firm intent not to utilize the consent order procedure during the adjudicative stage except in "exceptional and unusual circumstances" crumbled under the weight of practical considerations. In practice, because of the costly and time-consuming nature of litigation, the Commission continued to withdraw matters from adjudication whenever it became apparent that a satisfactory settlement was possible. The "exceptional and unusual" circumstance became the "ordinary and routine" disposition. Finally, when—in the interest of accountability and openness—the Commission decided a few years back to announce a complaint when it was "proposed" rather than waiting until the commencement of formal proceedings, the proposed respondent was deprived of one incentive to settle during Part II—the incentive to minimize publicity (regardless of how far and evenhanded that publicity might be).

The evidence is now overwhelming that the Part II procedure has served primarily to give respondents three shots at settling a case where before they had only two. It was slowing things down rather than speeding things up. During Fiscal Year 1974, the 27 matters that were eventually settled in Part II consumed an average of six months before the Commission accepted a matter and submitted it for public comment. Not only that, but 31 other matters which eventually proceeded to formal litigation did so only after having languished fruitlessly, in Part II for an average of more than 5 months. Part II was clearly an idea whose time was costly.

I should emphasize that the elimination of this one stage from the Commission's procedures in no way affects the Commission's established practice of seeking public comment for 60 days prior to final issuance of a consent order.

Nor does it affect the Commission's policy of encouraging settlements and discouraging extensive litigation where an agreed-to order is in the public interest. Companies who wish to negotiate consent orders will have ample opportunity to do so during the investigative stage. In addition, in appropriate circumstances, the Commission will continue to consider consent orders which are negotiated between complaint counsel and respondent after a formal complaint has issued.

The Commission will be publishing in the near future revised rules clarifying these new procedures.

The second major procedural change which the Commission has recently approved is the elimination of the so-called *All-State* doctrine. This doctrine was a Commission requirement that the staff complete virtually all of its investigatory work and present a *prima facie* case prior to Commission consideration of a complaint. Though the rule sprang from good intentions, it was a source of considerable delay since the staff frequently found itself investing large amounts of time and effort assembling evidence during an investigation only to have the respondent settle short of adjudication.

No doubt, in some instances, the large amount of evidence compiled by the staff was responsible for the respondent's willingness to settle. But in some cases, the staff work may have been superfluous, for the respondent might have agreed to the same settlement without it.

Elimination of the Commission's *All-State* rule will restore flexibility to our procedures by allowing each complaint to be examined on its own merits as to whether or not there is "reason to believe" a law violation has occurred; delay may be avoided in some cases by virtue of the fact that the matter may be settled by consent order before the evidence-gathering process has been completed by the staff. In addition, such evidence-gathering that still may be necessary after a complaint issues may take place simultaneously with respondent's discovery rather than preceding it.

In addition to reviewing our rules with an eye to cutting back on delay, the Commission, in the last year and a half, has made at least four basic changes in the way we are planning and managing our operations.

To begin with, we have introduced a concept of Commission programs under which the Commission's activities, for purposes of planning and budgeting, are grouped according to specific objectives. For the first time, we are now able to tell the Congress and the public that the Commission is devoting "X" percentage of its effort to an investigation of competition in the energy area or competition in the food industry and "Y" percentage of its effort to an investigation in some other area. Just as important, for the first time, the Commission itself knows how it is matching up its resources with its objectives. Under our old management system, we could tell you what we were spending on salaries or how much money was being spent for travel or for postage stamps, but there was no way to relate these random facts to substantive Commission activities and accomplishments.

Now, for the first time, as part of the 1976 budget which will be submitted to Congress in the near future, we will be able to tell the public not only how much we propose to spend for gasoline but also how much we intend to spend to enforce honest gasoline advertising.

Which brings me to a second major change in the way the Commission is conducting business and that is our current effort to apply cost/benefit analysis. Charting the flow of resources towards specific objectives—which our program planning and budgeting enables us to do—is only part of intelligent management. In a world of finite resources and seemingly infinite problems, it is also essential that the Commission be able to identify those areas in which our efforts will yield the highest returns. This is true as it applies to the selection of broad objectives and it is equally true as it applies to selection of the individual cases by which we choose to further those objectives.

This will not be easy. Although we can predict with some degree of certainty the probable cost of pursuing a particular investigation or case, it is extremely difficult in most cases to quantify with precision the probable impact of Commission success in a given endeavor. It is difficult because of the paucity of hard economic data. And it is difficult because of imponderables such as the effect of deterrence. How many anticompetitive mergers are not consummated because of *Kennecott?* How many unsubstanitated advertising claims are never made because of *Pfizer?* As practicing lawyers, you can answer those questions better than I.

Not all cases produce easily identifiable benefits. And questions of probable impact are not easy to answer. In fact, sometimes it is hard to identify the right questions to ask. Until recently, the Commission did not believe it necessary to raise such questions, much less to attempt to answer them. Happily, that view belongs to the past.

The third notable change in the management of the Commission today is our new computerized information retrieval and case tracking system. In the old days—not to be confused with the good old days—cases would disappear into the bureaucratic maw and become lodged in the various nooks and crannies of the Commission's digestive tract until one fine day—often years after meaningful action was possible—they would reemerge as proposed complaints. To illustrate the rudimentary nature of our old system, I was told that when one of our supervising attorneys first came on board and asked for a survey of pending cases, he was handed a shoe box full of 5 x 8 cards. All that has changed. Today cases are programmed to move past each checkpoint in the system on a day certain. If it doesn't happen, the computer kicks it out and we find out what the delay is. I won't say the computer has made us perfect. But I will say that it promises to be a useful purgative for what was once a very clogged system.

Finally, the Commission has made an important change in its control of expenditures within a given program. In the past, the purse strings were tightly held at the top. If a project manager wanted to send an investigator to Cincinnati, he could not do so without clearance from above. Our operational managers had responsibility without authority. It was an arrangement which was harmful not only to efficiency but to morale. It is an arrangement which no longer exists. Within the general constraints of the overall allocation to a project, project managers today have broad discretion as to how funds are used. With that authority, we have also achieved accountability.

All of these administrative changes are recent and much refinement will be necessary. But I believe they have contributed significantly to a more effective Commission. In addition to facilitating intelligent planning reflecting current priorities, they have given the Commission the means to ensure that plans become translated into performance while they are still relevant. In sum, these tools will enable us to give our activities sharper focus, to make more rational case selection and to process those cases faster and with greater effect.

Already we have some tangible results. The Bureau of Competition, which had a head start on the implementation of a computerized case management system, has dramatically reduced its backlog to a manageable number of pending investigations. Over the past twenty months, the Bureau has cut from 200 to less than eighty the number of outstanding investigations without diluting either the number or, in my judgment, the quality of proposed cases.

In addition, the average time for the processing of merger matters, for example, through investigation to complaint, has been cut in half.

I hope that we can match these improvements with further improvements in the year ahead. This week, for the first time in its history, the Commission will conduct a "mid-year review" of its activity. This session is in addition to the normal yearly budget exercise. We will look at where we have come in the first half of Fiscal Year 1975 and match that progress against what was promised. We will re-examine the priorities which seemed appropriate six months ago to see if they hold up today. If changes are warranted, changes will be made.

The procedural reforms and improved management and priority selection efforts I have discussed today have as their single purpose the sharpening of the Commission's tools for doing the public's business. They have been developed and implemented through the efforts of the entire staff. They represent institutional changes—changes in the way we look at ourselves and in the way we do business. They are not the stuff of which banner headlines are made but they are the hard news behind the headlines.

In short, their success can only be measured by the success of the Commission in effectuating its Congressional mandate. By that standard, I am optimistic that the future will prove our efforts to have been worthwhile.

EQUAL EMPLOYMENT OPPORTUNITIES FOR ALL AMERICANS

Mr. DOLE. Mr. President, recently I wrote to the General Accounting Office concerning the sorry plight of our equal employment opportunity effort and the rather appalling array of deficiencies in that program and the Equal Employment Opportunity Commission itself. Not the least of these is the latest action within the EEOC wherein Chairman Powell was actually censored publicly by the other Commissioners.

GAO INVESTIGATION

The GAO is presently involved in a thorough audit of the EEOC. It is none too soon. An independent study by my staff has indicated without question that a wide variety of abuses exists which jeopardize our ability to meet the very laudable objectives of the EEO program. These preliminary findings, most of which are already being confirmed by the GAO, indicate that legislation may well be necessary in this Congress to get this program back on track. I expect, when the GAO report provides additional guidance this fall, to introduce appropriate legislation. Hopefully, we all can be ready to act swiftly at that time.

In order that my colleagues can be considering this situation prior to that point, I offer the following areas of concern which already appear to need some attention:

First. Certification or other means of assuring apropriate qualifications for EEO and Federal contract compliance officers;

Second. Better processing and certification procedures for complaints;

Third. Strengthening of referral actions to qualified fair employment agencies;

Fourth. Coordination of complaints between recipients;

Fifth. Faster, more equitable processing of complaints;

Sixth. Clarification and modification of legal action permissble by employers regarding false or malicious complaints; and

Seventh. Review of section 205 of Executive Order No. 11246 to provide for single approval of affirmative action plans.

Mr. President, it is as important now—10 years later—as it was in 1964 when the Civil Rights Act was passed that we assure the benefits and right of equal employment opportunity for all Americans. It is probably even more important now, in view of the lessons of these 10 years of history, that we assure these rights in a fair and equitable manner.

I want to promote these noble goals, and intend to further refine these issues with the objective of introducing constructive legislation after the General Accounting Office has completed its audit. As a further aid to those interested in joining me in this effort, I ask unanimous consent that my letter of February 28 to the GAO on this matter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON
AGRICULTURE AND FORESTRY,
Washington, D.C., February 28, 1975.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: My staff has recently studied the operation of the Equal Employment Opportunities Commission and application of its regulations in Kansas. The findings give me great cause for concern—sufficient to request an audit of its operations if you were not already so engaged.

My purpose here is to offer our help in your investigation and to provide you with the following list of topics which appear to need in-depth review:

Claims of blackmail, coercion and payoffs;

Actual success in meeting goals;

Credentials of officers and examiners;

Efficiency;

Validity of claims (cost of pursuing fraudulent invalid, malicious claims) and malicious abuse of process; and

Percentage of claims settled in favor of claimant and propriety of settlements.

If my staff can be of assistance in any way, please let me know.

Sincerely yours,

BOB DOLE,
U.S. Senate.

AMERICANS PULL THEMSELVES BACK FROM THE BRINK

Mr. FANNIN. Mr. President, the March 3 issue of U.S. News & World Report contains interesting and meaningful comments by James Hitchcock, a historian at St. Louis University.

Professor Hitchcock points out that the sustained prosperity of the past decade resulted in a habit of self-gratification among the American people.

Many people lost sight of the really important aspects of life, and frivolous concerns became paramount.

Now our society is facing some economic hardship. None of us want to see such hardship, but Professor Hitchcock does find some positive developments as a result of the economic conditions.

Students are becoming much more realistic in planning for their own role in the future. Conditions would appear right for a strengthening of families. Professor Hitchcock seems to suggest that people who have engaged in a frenetic search to find themselves or find success in the past decade might well find what they are looking for in their own homes.

Mr. President, this is an article which I think would be of interest to my colleagues, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SILVER LINING

(NOTE.—James Hitchcock is a highly regarded historian, a professor on the faculty of St. Louis University. Recently, he and George E. Jones, an Associate Executive Editor of this magazine, engaged in a long conversation that ranged across the entire spectrum of today's America—its politics, economy, morals, ethics, social and cultural trends. At one point in their discussion, Professor Hitchcock made the observations that follow on this page.—Howard Flieger, Editor.)

You can argue that in any society that experiences sustained prosperity—and ours, of course, experienced more sustained prosperity than any in the history of the world—there begins to develop in people the habit of self-gratification.

It will extend from material things to spiritual things, so that people will not only expect to have a new car every year and color television whenever they want it, but they will also expect to have all the spiritual gratifications as well.

Thus, there will be more and more emphasis on self-fulfillment, on finding "the true me," and asking "Who am I? How can I find my identity?"—which, incidentally, are problems which most people throughout history have not really been much concerned with. We've now reached the place where it's sort of bred into many people's bones that "I am very important; I should be able to satisfy myself."

Hard times may act as a decompressing factor to this self-awareness pressure. On campus it's amazing. Five years ago all the rhetoric of student reform emphasized the idea of self-fulfillment. People were saying "I don't want to be a cog in the economic machine. I don't want to be processed as a servant of the system."

Now, with jobs hard to find, students are primarily interested in vocational education. They ask you "What kind of a job can I get if I go through this program?"—which is a total contradiction of what they were saying five years ago.

I'm not in any way advocating a depression, but I think that, if we do have a period of tight economy, much of what has been fashionable in the past 10 years will begin to appear frivolous. The same phenomenon happened in the 1930s, when people looked back on the '20s as a decade of tremendous frivolity.

The unfortunate thing about it is an economic cutback always tends to harm first and perhaps most those who never did share too much in the prosperity.

I can think of many Americans—including myself—who can easily stand to have their living standards reduced somewhat. It might be morally beneficial to them. But there will be lots of other people who are already living at a kind of poverty line, and they are going to be harmed very, very much.

But if recession goes on I think there could be a rebirth of the family. Affluence seems to have drawn people more and more away from the family into a larger orbit. We may see a rebirth of family unity simply in the possibility that economic conditions may make people stay home more and find family ways of amusing themselves.

Maybe hard times will mean less emphasis on this extremely hard-driving, aggressive spirit of ambition and achievement which has taken many fathers away from home a lot.

I think also we have the basis, at least, for a political renaissance, because people do want to believe in something. I don't think we've reached the point where people are prepared simply to dismiss politics as being something that is hopeless. Given the proper kind of leadership, there can be a rebirth of belief in our traditional systems.

It is true that in past periods of uncertainty the American people have pulled themselves back from the brink. That may happen here, too. I have a lot of faith in the good sense of people.

BACKGROUND AND POLICY ISSUES IN THE APOLLO-SOYUZ TEST PROJECT

Mr. MOSS. Mr. President, Vikki A. Zegel, with the Science Policy Research Division of the Library of Congress, has prepared a comprehensive paper on the background and policy issues involved in the Apollo-Soyuz test project.

The final increment of funds for the U.S. portion of this joint program was appropriated by Congress last year, and the mission is on schedule for launch next July 15.

Part VII of the Library of Congress report summarizes the policy issues quite succinctly. I invite the attention of my colleagues to the entire report and in particular to the excerpts from part VII which I ask unanimous consent to have printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

VII. POLICY ISSUES IN THE APOLLO-SOYUZ TEST PROJECT

It is hoped that the scheduled 1975 joint mission will be more than a simple "handshake in outer space" for the Soviet and American participants, but several skeptical speculators have expressed doubt that any meaningful benefits will be realized as a result of the ASTP. Some Western sources feel that the project will be little more than a "wheat deal in the sky" reaping few, if any, scientific or technological benefits for the United States.

Further skepticism about the safety and reliability of the Soyuz vehicle has been raised in light of repeated Soviet failures, most recently that of the Soyuz 15 mission, which had to be aborted due to the failure of an automatic docking system that was being tested. At least one United States Senator has raised strong objections to the United States participation in this project and has asked for extensive further studies into the safety aspects of the mission. In response to these objections, Soviet officials have confirmed that the Soyuz 15 mission was not directly related to the Apollo-Soyuz Test Project.

In addition to questions about benefits and dangers, other issues which have been raised in connection with this flight involve the credibility of detente in light of continued Russian secrecy, the practical applicability of the universal docking system, and the feasibility of follow-up joint missions and future cooperative efforts between the United States and the Soviet Union.

The purpose of this final section will be to explore the policy issues involved in the Apollo-Soyuz Test Project, and to consider some of the various questions which have arisen as a result of the planning and implementation of a joint endeavor of this nature.

A. *International Cooperation: What Are the Expected Benefits to Detente?*

As already mentioned, a major accomplishment of the 1975 joint mission will be the demonstration of cooperation in space between the United States and the Soviet Union. United States and Soviet engineers have worked jointly in designing and testing the universal docking mechanism to be used during the ASTP. This is the only jointly developed piece of hardware, but space officials are hopeful that the attitude of cooperation in engineering technology may thus be fostered. Perhaps the Apollo-Soyuz Test Project will serve as a springboard for future joint research and development efforts between the two countries.

The present atmosphere is still probably best described as one of competitive cooperation, but it is hoped that this joint endeavor will lead to further relaxation of competitive tensions in the future. According to Glynn S. Lunney, technical director for the United States ASTP group:

"We've run into a cooperative attitude, and that attitude grows with time. There's been a fair amount of trust and good faith put in the bank by both sides, so there is a willingness to draw on that today that we sure didn't have at the beginning. It takes time to develop, but when you stop to look back, I think both of us have made a pretty good bank account ... They're still (our) competitors, but you can speculate on what 10 more years might bring."

There are others, however, who feel that the continued policy of Russian secrecy will preclude any meaningful benefits for the United States, other than political imagery:

"The political symbolism of the joint space flight planned for mid-1975 by the United States and the Soviet Union cannot be discounted. The image of Americans and Russians orbiting the earth while dependent on each other's life-support systems suggests detente in a most dramatic fashion.

"Beyond the political imagery, however, are the very practical considerations of the scientific and technological benefits of the joint Apollo-Soyuz project. If this country is to spend several hundred million dollars to put three Americans in orbit to meet two Russians launched from the Soviet Union, we would expect some demonstrable return in terms of science and technology ..."

The joint space flight must be viewed chiefly as a political effort—a demonstration of the potential of detente—and a costly one at that.

Recently, an article in the Soviet Novosti Press regarding the Soyuz 16 flight cited ASTP's contribution to detente. In his article, Alexiy Gorokhov stated:

"The launching of the Soyuz 16 is regarded at Baykonur as an addition to the results of the (Vladivostok) summit meeting, as further proof of the implementation of the agreement on Cooperation in the Exploration and Use of Outer Space for Peaceful Purposes, concluded in May, 1972."

Analyses of the Apollo-Soyuz Test Project's worth have thus ranged from overwhelming praise to open criticism of the costs vs. the expected benefits to both countries. The nature and extent of the ASTP's scientific and political contributions will have to be judged in the light of history, but some effects are already being realized. Even the most critical opponent of the project would have to recognize the fact that the two historically competitive powers in the space race have moved to a far more cooperative ground as a result of the effort. The sharing of engineering skills and opening up previously '"sensitive" Soviet materials and "restricted" areas to the United States can only be regarded as a positive step toward cooperation. While these events may not lead to any new technological insights for the United States, they represent a real change in Soviet attitude, which in the past has been that of total secrecy in the areas which are now opening. The Soviet space program has existed within a seemingly impenetrable wall of secrecy, which led to negative attitudes on both sides and thus precluded any real attempts at cooperation. While it may be argued that this atmosphere still exists to a certain extent, the wall that was built up in the early days of the space race now seems to at least be opening a few windows through which the new atmosphere of increasing openness will hopefully continue to flow. Again, only time and history will be able to judge the extent of this change in attitude, but the steps taken have thus far been positive ones. In this sense, the ASTP has already made positive contributions to fostering the spirit of detente.

B. *Technology Transfer: Will the Russians Gain More Than the Americans?*

The Apollo-Suyuz Test Project is not planned as a technological exchange project, but there is some feeling that there will be a unilateral technology transfer from the United States to the Soviet Union. Since United States space technology has progressed beyond that of the Soviet Union in many areas, some feel that the Russians stand to gain substantial technical knowledge from the ASTP. Others feel that the Russians are using the project as an opportunity to catch up to the United States in the so-called space race.

Chester M. Lee, NASA program director for the Apollo-Suyuz Test Project, defended the program against such recurrent suggestions of one-way technology transfer at a meeting of the National Space Club in Washington, D.C.:

"Technology transfer has never been an objective of ASTP . . . and the program has been structured to minimize it . . . Drawings, schematics and the like are exchanged, but this is not technology transfer . . . no manufacturing or assembly techniques are being revealed, and insights into NASA management techniques that are gained by the Soviets may or may not be applicable to their system . . . I cannot imagine that they don't have an inertial guidance system, but if they do not, they will not learn how to develop one through ASTP . . ."

Nevertheless, many are questioning the justification for United States participation in the ASTP. As indicated earlier, some feel that if the United States is to spend some $250 million to place three astronauts in orbit, some demonstrable scientific and/or technological return should be expected. It is true that the ASTP provides an opportunity for a United States manned spaceflight in the interim period between Skylab and the Space Shuttle, but there are no new technical advances expected, other than the test of the universal docking mechanism.

In the event that the United States and Soviet crews are unable to achieve proper rendezvous and docking orbits with their respective spacecraft, or if the joint project should be impeded for some other reason, the United States will continue with the experiments part of the mission as scheduled, as the experiments are to be carried on board the Apollo craft. Still, some experts feel that the expected scientific and technological return from the project will not justify the cost in time, money, and effort spent by the United States.

In summary, both sides are likely to gain some new technological insights, but both nations have indeed tried to protect their own technical secrets. While some U.S. techniques may be more advanced, our more open society has not made these matters unattainable to Soviet engineers through other channels.

C. *Crew Safety and Hardware Reliability: What Are the Risks Involved?*

In light of several Soviet space failures, concern has been raised by many as to the safety and reliability of the Soyuz vehicle. The flights of Soyuz 1 and Soyuz 11 ended in death for their crew members, and Soyuz 10 and Soyuz 15 apparently failed in their efforts to complete certain airlock actions or docking maneuvers with the Salyut–1 and Salyut–3 space stations, respectively. Speculators have questioned the possible implications of this safety record for the Apollo-Soyuz Test Project. According to official Soviet statements, none of these flights had any direct relation to the ASTP. The Soyuz 16 mission in December 1974 was the most recent ASTP-related flight. Prior to that, National Aeronautics and Space Administrator Dr. James C. Fletcher indicated, the last manned mission directly related to the ASTP was the successful Soyuz 12 mission in September 1973, according to Soviet information. Also, Cosmos 672, an unmanned spacecraft launched and recovered in August 1974, was reportedly an ASTP precursor.

Thorough equipment tests have been conducted to ensure the Apollo-Soyuz Test Project mission success and crew safety. Despite all this, and despite repeated assurances of Soviet hardware reliability, some United States officials remain skeptical about the flight and question the justification of United States participation in the joint mission. NASA's Apollo-Soyuz Test Project program director Chester M. Lee, in defense of the program, stated that the joint docking mission will be as safe as NASA can make it, but conceded that '. . . there are some things that could happen that only God can prevent . . .".

The recurring policy question for the United States appears to be whether the benefits to detente are worth the monetary costs and human risks involved. This is a value judgment not subject to definitive answer. To date, NASA has been fairly conservative in decisions on human safety and has not obviously put human life second to political considerations.

D. Practical Return: *What are the Applications of the Universal Docking System?*

The Apollo-Soyuz Test Project's main technological goal is to test the new jointly designed universal docking mechanism between the United States and Soviet spacecraft. The proven success of this mechanism could have far-reaching applications for future space missions involving more than one spacecraft. This would include missions involving only one or more than one country. The applications for space rescue (again on either a unilateral or international basis) are perhaps the most commendable. In theory, if all nations agreed to use this mechanism, it would be possible for a space rescue to take place between any two spacecraft having such an androgynous device for docking purposes. This is a practical return to be ultimately realized by all nations, not just the United States and the Soviet Union.

In addition to the amplifications of the universal docking mechanism, experiments to be conducted during the Apollo-Soyuz Test Project promise to yield significant data, and, hopefully, some new insights into various areas of physics, chemistry, biology, and astronomy, among other fields.

E. *Post-ASTP: Are Any Future Joint Missions Planned Between the U.S. and the U.S.S.R.?*

Both the United States and the Soviet Union are apparently committed to continuing space cooperation beyond the joint docking mission, and much of the Apollo-Soyuz Test Project's justification would be lost if nothing further were planned:

"But both sides also appear to believe that whatever happens next is some years away, and that agreeing on the right mission is more important than agreeing on something quickly . . ."

Some very informal discussions about future plans may have taken place during NASA Administrator James C. Fletcher's visit to Moscow in September 1974, but the visit was described by the National Aeronautics and Space Administration as ". . . much more on the order of a courtesy call than a business call . . .".

At least one post-ASTP cooperative effort has been agreed to by the two countries, however. The Soviet Union has invited the United States National Aeronautics and Space Administration to propose and furnish one or more biology experiments to be carried aboard a Soviet Kosmos biology satellite in the last quarter of 1975. It was announced that this offer was agreed to by NASA December 11, 1974. . . .

It is felt that in order to maintain continuity in U.S.-Soviet space collaboration, more negotiations toward post-ASTP agreements will be necessary, and will probably begin next spring (1975). The United States Space Shuttle may or may not fit into these plans. It is felt, however, that technology transfer will become an increasingly important factor in any future long-range considerations of U.S.-Soviet cooperation. . . .

For the United States and the Soviet Union, the Apollo-Soyuz Test Project represents a major step toward the realization of goals set forth in the May 1972 agreement on cooperation in the exploration and peaceful uses of outer space. As the preparations for the ASTP continue to develop, the cooperative attitudes on both sides appear to grow, correspondingly. The fact that post-ASTP plans are already being discussed would seem to indicate that this spirit of cooperation will be a part of future joint missions. History will be the judge of its success or failure, but the prospects appear good that the ASTP will make significant contributions, both to the future of space science and to the strengthening of cooperation between the two leading competitors in the space race.

SENATOR LAXALT

Mr. THURMOND. Mr. President, today I wish to call to the attention of the Senate an interesting column about one of our colleagues, Senator Paul Laxalt, which appeared in the February 26, 1975, issue of the Aiken Standard newspaper, Aiken, S.C.

Written by the distinguished columnist, Holmes Alexander, this article provides some interesting information on the background of one of our newest colleagues. This article is refreshing in that Mr. Alexander has so capably revealed the personality and character of the new Senator from Nevada.

The people of Nevada apparently recognized, as has Mr. Alexander, unusual traits of character and openness in this man, who in such a short time has come across as a person of strong convictions and beliefs.

Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Laxalt's Old Fashioned Views

(By Holmes Alexander)

His mother kept a small hotel in Carson City, Nev., which prospered when the legislature was in town.

She was French Basque from Bordeaux, and had come to America to be with her dying brother who had suffered poison gas in World War I. Her husband, a Basque also, but from the misted valley of the Pyrennes, had migrated to become a sheepherder in the mountains and deserts of Nevada.

A strange and lonely man, Dominique Laxalt, whose wife said he should never have married "because he didn't go with a house." One of his sons wrote in a well-received book that Dominique's home was in the hills.

"And seeing him in a moment's pause on some high ridge, with the wind tearing at his wild thickness of iron-gray hair, you could understand why this was what he was meant to be."

Like most immigrants, Dominique felt drawn to go home again, but he put it off until late in life, and made the air-trip only after a brush with death and at his family's insistence. In "Sweet Promised Land" (Harper & Row), by Robert Laxalt, Dominique's life story hits its climax when he starts to leave the Pyrennes village, and the kinfolk there call after him, "Come back. Come back." With grim face, with gasping breath, he plunged along unheeding, and spoke savagely to his son. "I can't go back. It ain't my country anymore. I've lived too much in America ever to go back . . . Don't you know that?"

Such were the parents of Sen. Paul Laxalt (R-Nev.) He is whipcord fit at 52. He bears himself with the masculine gentility of the Old West, which is quite different from that of the Old South, and yet is somehow related. He is smooth with the polish of confidence and popularity, and of deserved success in law and politics. He was in uniform in World War II, and still seems to wear the proud regimentals of inherited freedom which came down from forebears who valued it and knew they would find it in America.

If you need help in believing that the USA is going to survive its decline from military supremacy, its fall of the Nixon government, the crumbling of the economy and the stumbling of our national leaders, pay a visit to Senator Laxalt.

He is a believer. I tried to get him to speak out for a new Conservative party, but he still sees the GOP as the citadel of responsible government, free enterprise and national security. He told me how painful it was to have been elected on the promise of a Federal balanced budget, and now to have a Republican President with a planned deficit of $52-billion, and unplanned indebtedness of much more. But he makes a mighty effort and tries to accept Mr. Ford's word that this is a one-shot emergency plan.

He believes that our political disease is Bigness, and he told this to the Navada legislature in a Lincoln Day address: "What we are fighting in this country is Bigness . . . I'm impressed sitting at the Senatorial desk to see how the presentations come in. Almost every morning we get glossy presentations from organized labor, beautifully done . . . we get glossy presentations from big government . . . from big business—all making their pitch . . . and the poor devils who are not included within that classification are not represented at all . . . small business."

Laxalt's Republicanism comes down to three items. One is plain honesty in spending the people's money. Two is a special custodianship for small business which contributes $500-million a year to the economy, employs over 5 million workers, and is not beholden to the Federal government for protected contracts and bailouts. Third is an unapologetic attitude toward military preparedness—armed services second to none.

"Don't you know that?" demanded the Senator's father angrily when declaring America to be his home and country.

ANOMALIES IN THE RETIREMENT SYSTEM

Mr. MANSFIELD. Mr. President, on Monday, February 24, 1975, I made a statement to the Senate regarding certain anomalies in the retirement system whereby high level Federal personnel may retire and be rehired for the same job and receive increases in annuities which would not be realized if this person continued to work without such a "paper" retirement.

This matter was discussed at length on February 26 at a meeting of the Democratic Policy Committee which was attended by the chairman of the Committee on Post Office and Civil Service, Senator Gale McGee. The Policy Committee unanimously urged that the Post Office and Civil Service Committee make a thorough examination of the Federal retire-rehire practices as well as other related problems, in particular, the so-called double-dipping and triple-dipping practices. With regard to this meeting I have today written to Senator McGee confirming this discussion.

I ask unanimous consent that my letter to Senator McGee and attachments be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., March 4, 1975.

Hon. Gale W. McGee,
Chairman, Committee on Post Office and Civil Service, Washington, D.C.

Dear Gale: First, let me express to you my deep appreciation for your contribution to the discussion in the Democratic Policy Committee on February 26, concerning reemployment of Federal annuitants and retirees. In the light of continuing inflation and the pay freeze and other considerations, the problems and anomalies in this area, increase, as is partially documented in the attached material. Confirming the discussion by the Policy Committee on February 26, I would note that the Committee on Post Office and Civil Service should make a full and complete investigation of the practices, anomalies and problems connnected with the Federal annuities and notably those which grow out of the rehiring by the Federal government of civilian and military retirees.

You will note in the attached documentation that I have requested information from the Civil Service Commission concerning reemployment of Federal annuitants and military retirees. I would hope that your Committee will follow through on this request in addition to gathering from the Commission any other information which may be required in your investigation.

The Policy Committee also unanimously supports the passage of the attached bill as an interim step in dealing with an aspect of the situation on an urgent basis. This bill is requested by the Civil Service Commission.

Please be assured that the Policy Committee and I, personally, will do whatever we can to sustain your efforts in connection with this investigation. In my judgment, some of the current practices and distortions, if persisted in, will raise the gravest questions about the integrity of the career system and the stability of the federal retirement structure.

With best personal wishes, I am
Sincerely yours,
Mike Mansfield.

Statement of Senator Mike Mansfield to the Senate Democratic Policy Committee

In June, 1973, the Policy Committee adopted unanimously a resolution regarding a practice permitted by the Civil Service Commission whereby a Federal employee who has worked a sufficient number of years in the upper salary levels, which have been frozen since 1969, could retire and be rehired for the same or similar responsibilities. In this way, this person could take advantage of the cost-of-living increases in his or her annuity while being paid the difference between his annuity and frozen salary. At the direction of the Policy Committee, I wrote the Civil Service Commission and others responsible in the Senate and House asking that the rehiring of Federal annuitants in such cases be limited to six months pending further clarification.

In the year and a half since the Policy Committee called for this action, there have been cost-of-living increases in benefits every six months totaling 25.3%. What this can lead to is clear from the following example. If a Senate aide retired June 1973 with a $28,800 annuity and was rehired for the same or similar responsibilities, he would now in 1975 be making more than $36,000 which is in excess of the general salary freeze maximum. That in one year and a half! In three more years, with cost-of-living increases limited only to 5% per year, this person's annual take from the Federal Government would rise to $43,000 or more than the present salary of Members of Congress. In some cases, the prospect is for a compounded 100% increase in annuities in less than ten years. As inflation continues and supergrades remain frozen, the advantages of such a practice to the employing agency and the employee increase and the practice becomes more widespread. In the Senate, alone, the number of reemployed annuitants has more than tripled in a year and a half, even though the practice is not permitted in the offices responsible to the Majority Leadership. We do not know exactly how many other Federal employees have taken advantage of this situation. Even though only a few thousand may be involved, there is cause for considerable concern because we are referring to those who fill a very limited number of positions in the highest echelons of the Government and, hence, those who wield considerable power to shape its course.

Recently I received a letter from the Chairman of the Civil Service Commission stating that the Commission would discontinue the policy of discouraging the rehiring of Federal annuitants for longer than six months. Chairman Hampton stated that a 6 month limitation on the rehiring period of Federal annuitants was, in their view, no longer in the best interest of the Government since the executive pay freeze is responsible for the loss of a number of exceptionally able, high-level officials in the three branches of the Government.

While I can appreciate the consideration which may have led the Commission to shift its policy, I cannot agree that it is a proper course to take. It is my feeling that the change constitutes a circumvention of the intent of the Congress in establishing the freeze on their own salaries as well as on those of other high officials. Moreover, if the rehiring of civilian and military retirees especially for the same or similar jobs becomes extensive, the practice could contain very grave implications for the maintenance of an alert and vigorous Federal career system not to speak of the financial drain to the Federal Retirement Fund. There must be room at the top for an inflow of new faces and new ideas in the direction of the Federal bureaucracy. The Commission's new approach goes in the opposite direction.

However, pending a much broader examination of Federal retirement practices and inequities—both civilian and military—it would be my hope that the Policy Committee will urge the Chairman of the Post Office and Civil Service Committee to make a thorough investigation of the practices, anomalies and problems connected with Federal annuities and notably those which grow out of the rehiring by the Federal Government of civilian and military Federal retirees.

I suggest that the Committee urge Senator McGee as Chairman of Post Office and Civil Service to give priority consideration to reporting out a bill which I introduced on Monday. This measure requires agencies that rehire Federal annuitants to deposit the savings realized to their budget from this practice, into the General Fund of the U.S. Treasury. This would eliminate immediately the advantage which now accrues to the rehiring agent, whether it be a member of Congress, a committee or Federal agency or department. It would require the employing agency to pay the full salary of the person hired and not merely the difference between his or her annuity and the listed salary of the position. This is essential if the Retirement Fund is not to be strained to a dangerous point.

STATEMENT OF SENATOR MIKE MANSFIELD

FEBRUARY 24, 1975.

Mr. PRESIDENT: Over a year and a half ago, the Democratic Policy Committee adopted a resolution calling attention to an anomaly in the Civil Service retirement system. The anomaly arose out of the unforeseen high rate of inflation coupled with the automatic cost-of-living increases for annuitants and the freeze on salaries of Members of Congress, high level appointees and top grade civil servants which has been enjoined by Congress for more than five years.

The situation to which I refer involves an unkown number of Federal employees who retire and thus qualify for automatic cost-of-living increases in annuities but are then reemployed by the Federal government, sometimes immediately and for the identical job from which they retired. In this way, the reemployed annuitant receives from the retirement fund his annuity enriched whenever there is an automatic cost-of-living increase. Moreover, the rehiring agency need cover out of its appropriated funds, only whatever amount is necessary to equal the rehired employee's previously frozen salary level.

Since the granting of automatic cost-of-living increases to annuitants has occurred every six months for the past 1½ years, for a total percentage of 25.3%, the advantage of retire-rehire to the annuitant is obvious. His pension for eventual retirement is permanently enriched by the cost of living increases. At the same time, by continuing to work for his full pay, he is not losing any of his current level of income. If a Senate aide or high executive official who retired June, 1973, with an annuity which could be as high as $28,000, was rehired for the same or similar responsibilities by his agency, he could have reached an annuity of over $36,000 which would actually be in excess of the general executive salary freeze mazimum of $36,000. That, in one year and a half! If the cost of living increases continue at 5% per year for the next three years—that is at the limit President Ford asked for Federal salaries and annuities—this person's annual take from the Federal government would still rise to almost $43,000 by 1978, or more than the present salary of Members of Congress. In some cases, the prospect is for a compounded 100% increase in annuities in less than ten years.

There are actually several related employment problems in this situation which grows so largely out of the inflationary spiral. Nevertheless, the whole range of Federal retirement-rehire and other matters pertaining to the retirement system—both civilian and military—needs a thorough examination. One such question, for example, involves the impact of the automatic cost-of-living increases for annuitants. *The Washington Post* on Sunday, February 16, contained an article on the subject by Associated Press reporter Dick Barnes raising complex questions of how annuities pyramid under the present system. While I shall not go into these matters here, they clearly warrant further attention by the Post Office and Civil Service Committee.

The specific practice of retiring from the federal service and being rehired for the same job, however, which the Democratic Policy Committee focused on a year and a half ago has again surfaced. On January 10, 1975, the Commissioner of the Civil Service Commission wrote to me stating that as a matter of policy the Commission intended no longer to discourage the rehiring of retired annuitants in the top grades for longer than six months. For the good of the Civil Service system and the government that was the maximum time which the Majority Policy Committee had urged be adopted as a standard a year and a half ago.

I have replied to Mr. Hampton's letter giving my reasons for disagreeing with this shift in policy by the Civil Service Commission. I can appreciate the considerations which may have led the Commission to give this incentive to top employees to go through the motions of retiring from the Federal government and then to return to work in the Federal government. Nevertheless, it is my belief that the change constitutes a circumvention of the legal intent of Congress in establishing the freeze on their own salaries as well as on those of other higher officials. Moreover, if the Civil Service Commission permits the rehiring of retirees especially for the same or similar jobs to become extensive, the practice contains very grave implications for the maintenance of an alert and vigorous Federal career system and a sound Federal administration, not to speak of the new financial drain on the already overladen Federal Retirement Fund. For the good of the government, there must be a continuing flow of new faces and new ideas into the management levels of the Federal bureaucracy; regrettably, the new position of the Civil Service Commission moves precisely in the opposite direction.

Mr. President, I intend to bring this matter before the Senate Majority Policy Committee in the near future. At that time, I will recommend that the Policy Committee urge the Chairman of the Committee on Post Office and Civil Service to make a thorough examination of the particular practice to which reference is made in the exchange of correspondence between Commissioner Hampton and myself. In addition, there is a need for the latter Committee to examine in a full investigation the broader related problems connected with Federal annuities notably those which emanate from the practice of rehiring by the Federal agencies and departments of growing numbers of civilian and military Federal retirees, in particular, the so-called "double-dipping" and "triple-dipping" practices.

As an immediate and, hopefully, at least partial deterrent to increasing numbers of "paper" retirements, however, I intend to recommend that the Post Office and Civil Service Committee report out promptly a bill which the Civil Service Commission is anxious to see passed and which I will introduce today. It would require agencies which have rehired persons receiving Federal annuities to deposit the savings which accrue to their budgets in the General Fund of the U.S. Treasury. This would eliminate immediately an advantage to the rehiring agency whether it be a Senate committee, a Member of Congress or an executive department or agency. It would require the hiring agent to pay the full salary of the person and not merely the difference between his or her annuity and the listed salary of the position. This measure is essential if the Retirement Fund is not to be drained in order to pay part of the employment budgets of the agencies and departments who engage in this retire-rehire practice.

I ask unanimous consent that the letters to which I have referred and related material to be inserted at this point in the Record.

U.S. SENATE,
OFFICE OF THE MINORITY LEADER,
Washington, D.C., February 21, 1975.

Hon. ROBERT E. HAMPTON,
Chairman, U.S. Civil Service Commission,
Washington, D.C.

DEAR MR. HAMPTON: This will acknowledge your letter of January 10 regarding the Commission's latest rulings on the rehiring of annuitants. Quoting from your letter, you state:

"We believe it is no longer in the interest of the Government to discourage the re-employment of recently retired high-level officials whose experience, knowledge and talent an agency needs to retain. The total number of such re-employed annuitants is expected to be quite small, but some may be retained for longer periods of time than heretofore."

While I can understand and share the motive of serving the interest of the Government, I must most respectfully disagree with the policy through which you expect to do so in this instance. To be sure, it is in the interest of the Government to retain competent personnel in the career service and, perhaps, in unusual circumstances even to rehire them for short periods after retirement. However, there are additional facets involved in your present approach which are not alluded to in your letter.

In the first place, the responsible elected officials of the Government—the President and the Congress have adopted a ceiling on Federal pay scales. The law is specific: maximum salaries of civil servants, no less than those of other appointed officials, Members of Congress and the Judiciary are frozen under present law. This freeze is related to the state of the economy. Because of the high rate of inflation and the existing system of reflecting that rate in automatic increases in annuities, your policy of permitting the rehiring of retirees could constitute a circumvention of the freeze. If a retired annuitant with maximum annuity is rehired for an indefinite period, he could be receiving in due course out of the annuity fund more than the pay ceiling. In so saying, I am not arguing for or against the existing ceilings on Federal pay. Whether or not they are desirable, it is the sole responsibility of the President and the Congress to change them. It seems to me, however, that it is not a prerogative of the Civil Service Commission to adopt administrative courses which could tend to circumvent or nullify those policies.

In the second place, whatever the shortcomings of the present ceilings, the fact is that when coupled with the automatic cost-of-living increases for annuitants, the effect has been to provide a very powerful incentive for retirement of employees when they reach eligibility for retirement. Prompt retirement, which provides openings in the higher grades, in turn, has the effect of encouraging the career concept and stimulating a flow of new blood into the management and direction of the Federal agencies. That, too, it seems to me, is in the interest of the Government. I very much fear that the Commission's present course regarding rehiring of retirees could act to increase immobility and atrophy, at least in the upper levels, in the management of the agencies.

Insofar as the Senate is concerned, as you know, the Majority Policy Committee adopted a resolution last year which states in relevant part, the following:

The Majority Leader is directed to communicate, jointly with the Minority Leader or separately, to all Committees of the Senate, to the Civil Service Commission, and the Director of the Office of Management and Budget as an urgent recommendation, that pending clarification of the situation (of rehiring retirees), all reemployment of annuitants by the Federal government, by the same office, agency or department for the same or similar responsibilities from which they may be retired be limited to a period not to exceed six months.

That policy is being maintained in offices responsible to the Senate through the Majority Leadership and it has been encouraged throughout the entire personnel structure of the Senate.

So I must reiterate my personal disagreement with the course which the Civil Service Commission has adopted in this matter. It would seem to me that at the very least you should have and make available without delay the following information for the consideration of the Congress and the appropriate Committees:

(1) The criteria or guidelines which have been communicated by the Commission to the Departments and Agencies concerning maximum numbers and permissible length of service for retired annuitants.

(2) The present number of civilan Federal employees who are rehired retirees, broken down by agency by which they are presently employed as well as the broad pay categories (i.e.: "above $30,000 salary;" "above $20,000 salary," etc.)

(3) The number of retired military personnel now working as civilian employees of the federal government, analyzed on the same basis as the above.

For numbers (2) and (3) above, if it is feasible, the totals might be broken down further into those rehired by the same agency from which they retired and those hired by agencies other than that from which they retired.

This exchange of letters will be called to the attention of the Majority Policy Committee with the suggestion that the Chairman of the Post Office and Civil Service Committee of the Senate be urged by the Committee to make a full and complete inquiry into all aspects of the Commission's present policies in connection with retirement-rehire. It would also be my intention to make this exchange of correspondence a matter of public record.

Sincerely,

Mike Mansfield.

U.S. Civil Service Commission,
Washington, D.C., January 10, 1975.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: I am writing further concerning your interest in the matter of reemployment by the Government of employees retired under the Civil Service Retirement System which previously was discussed in our correspondence during June 1973 and my letter to you of March 8, 1974.

During the past few years we have seen a number of exceptionally able, high-level officials in the Executive, Legislative and Judicial branches leave the Government service at a date earlier than expected because of the ceiling on Federal salaries. Some of these officials with long service and eligibility for an immediate annuity might have been prevailed upon to continue their work as a reemployed annuitant, but we discouraged agencies from following this course. A few high-level officials were reemployed nonetheless, but the period of reemployment was generally only for a few months.

However, with the executive pay freeze now in its 6th year, we believe it is no longer in the interest of the Government to discourage the reemployment of recently retired high-level officials whose experience, knowledge and talent an agency needs to retain. The total number of such reemployed annuitants is expected to be quite small, but some may be retained for longer periods of time than heretofore.

There is one anomaly connected with the retirement and rehiring of retired Federal employees which the Commission thinks merits Congressional action. This anomaly is an omission in the retirement law which permits agencies to save the difference between a reemployed annuitant's salary and annuity. The Commission has recommended in the past and will do so again that the law be amended to require agencies to deposit savings on reemployed annuitant's salaries in the General Fund of the U.S. Treasury. We believe that correction of this anomaly would ensure that agencies will reemploy annuitants only where they are essential to carrying out the agency's mission.

Sincerely yours,

Robert E. Hampton,
Chairman.

[From the Washington Post, Feb. 16, 1975]

HUGE BONUS FOUND IN U.S. PENSION PLAN

(By Dick Barnes)

Federal retirees can get billions of extra dollars at taxpayer expense because a formula designed to keep their pensions in step with inflation actually propels them ahead.

The unintended bonus could easily cost taxpayers $100 billion or more by 1990, according to projections by the Associated Press—projections that Congress failed to make before it approved the formula.

So many variable factors are involved that the exact cost of the bonanza for today's nearly 2 million federal pensioners cannot be determined.

But Associated Press calculations show that a typical federal employee who retired in January, 1973, could, during the rest of his life, draw more than $27,500 beyond what he would receive if his pension merely kept even, month by month, with the cost of living index.

Put another way, at a point when the cost of living had risen 46 per cent since this employee's retirement day, his monthly pension check would have increased by 57 per cent.

The pension overpayments come about because under a 1969 law, retirees are given an extra permanent 1 per cent pension increase each time their checks are adjusted for changes in the consumer price index. That index is the standard measuring tool for the cost of living.

The extra 1 per cent is supposed to compensate for money lost between the time living costs increase and the time retirement checks are adjusted to meet those increases.

But in reality, the extra 1 per cent compounds over the years, pushing retirement checks farther and farther ahead of any rise in the cost of living.

In fact, the faster the cost of living increases, the farther and faster federal pensions move ahead.

Civil servants, congressmen and retired military personnel all benefit from the extra 1 per cent formula, which Congress approved in 1969.

Although it is more than five years old the lucrative retirement pay formula has never drawn significant public attention.

In his budget message to Congress on Feb. 3, however, President Ford called for a comprehensive evaluation of the federal retirement system. He referred briefly to "cost-of-living adjustments which over-compensate by providing for permanent annuity increases in excess of changes in the consumer price index."

Ralph J. Devlin, who was top staff assistant on the House subcommittee that first approved the formula, expressed surprise in an interview about how the plan was operating in practice.

But he acknowledged that in 1969 no detailed projections of its effect had been made. He characterized the formula as a "throw-in in a bill that had some goodies."

The General Accounting Office warned the committee of a spiral effect, but even GAO did not make long-range projections.

Referring to the recent rapid rise in the cost of living, Devlin said, "Nobody had a crystal bill that could tell what would happen."

But Associated Press calculations show that overpayments occur whether the cost of living rises slowly or rapidly.

Take an employee who retired in January, 1973 at $400 per month, at the average civil service retirement age of 57 and who lives the 18 years predicted by insurance industry tables.

If future inflation continues at an average rate of 0.5 per cent per month, or a bit more than 6 per cent per year, he will be overpaid in pension checks by $27,588.62.

If future inflation is at a low rate of 3-plus per cent a year, he will be overpaid $13,688.29. But if it continues at the present high rate of 12-plus per cent per year, his overpayment will total $78,388.59.

When Congress more recently tied Social Security benefits to the cost of living, it did not add in the extra 1 per cent factor.

Total costs of the federal retiree overpayments in future years depend on so many factors they are difficult to compute. Rates of retirement, age of retirement, federal pay levels and the cost of living all affect calculations.

But for just the 133,318 civil servants who retired in the year ended June 30, 1974, the cost of extra payments in their lifetimes could exceed $5 billion if the cost of living rose steadily at .05 per cent per month—a rate well below current levels.

Add in another 800,000 civilians already retired, try to estimate future retirements in the 2.5 million-person federal work force, figure in nearly 1 million retired military personnel, who tend to retire earlier and draw benefits longer, and the cost of these overpayments by 1990 could easily exceed $100 billion.

For several years before the 1969 change, federal retirees' pensions followed the cost of living this way: when the cost of living increased 3 per cent from the most recent base month and stayed at or above that level for three consecutive months, pension checks would be increased by the percentage rise in cost of living from the base month to the highest month during the three-month period.

The increase would take effect two months later. The high month during the three-month period would then become the new base for any subsequent increase.

By 1969, however, employee organizations were arguing that retirees were losing money because of the time lag between increases in the cost of living and the effective date of pension increases.

Congress settled on adding one percentage point to each increase generated by the cost of living.

S. 801

A bill to amend section 8344 of title 5, United States Code, to require Government agencies to deposit in the General Fund of the U.S. Treasury the amount of annuity payments withheld by them from the salaries of certain reemployed annuitants

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8344(a) of title 5, United States Code, is amended by inserting between the third and fourth sentences the following new sentence: "The amounts so deducted shall be deposited in the General Fund of the United States Treasury."

MISSOURI FARMERS OPPOSED TO OIL IMPORT TARIFF

Mr. SYMINGTON. Mr. President, in connection with the vote last week on the President's oil import tariff proposals, it would appear significant that an opinion survey conducted by the Midcontinent Farmers Association, an organization of some 165,000 farm families in Missouri and adjacent States, found the farmers contacted unanimously opposed to the President's energy proposals.

Increased agricultural production requires increased energy use; and therefore increased petroleum prices can only add to the farm price squeeze and higher food costs to the consumer.

I believe Members of the Senate will find of interest the comments made by several Missouri farmers as reported in the MFA "Farm News" release; and therefore I ask unanimous consent to have the comments printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Farm News From Jack Hackethorn

Columbia, Mo.—President Gerald Ford's proposed $3 per barrel oil import tax and the removal of controls on domestic crude oil prices is not popular with Missouri farmers.

A survey of opinion by the Midcontinent Farmers Association found farmers were unanimously opposed.

Don Harshbarger of Centralia said the proposed import tax on crude oil will be inflationary and will result in higher production costs to farmers. "Instead we need to conserve our resources. To do this, I feel there will have to be gasoline rationing."

D. T. Weekley of Blackwater replied: "From what I have read, the proposed $3 per barrel tax would add about one-third to the cost of fuel. Last year our cost per acre for fuel was $5.50. This includes all tractor and combine use, trucks to haul the grain to market and the pickup to service the machinery. The new cost would be about $7.30 per acre. In addition there is truck and pickup used in caring for livestock and other necessary farm chores. In our operation the additional cost would amount to about $1,600. In my opinion a system of rationing would be much better for all types of business. Fuel used for driving to work deserves consideration. It would not be popular but the fuel saving must come from pleasure and recreational uses."

George James of Brunswick replied "I think the import tax on crude oil is inflationary and will not conserve the use of gasoline enough to meet import objective. Rationing is the only sure way to save a million barrels of crude oil a day. I, as a farmer, cannot reduce the use of gasoline for my farming operation. In fact, when I try to increase yields per acre, farm the acres that were in soil conservation, plow more grassland due to cheap cattle and milk prices, I will use more gasoline regardless of the price. This situation will only increase the prices squeeze on farmers or add to the cost of food to the consumer. We need to curtail pleasure driving, use of boats, snowmobiles and other activities which consume gasoline."

Lawrence H. Kullmann, Route 2, Warrensburg, thinks the proposed measures will add considerable to the cost of producing crops. "Farmers will be affected much more than other classes of people because tractors drink quite a bit of gas in a days run."

Sam Murrell of Unionville points out that removing controls on domestic crude oil prices is even more inflationary than the $3 import tariff. "Those who will be hardest hit by additional costs can least stand the added costs. Farmers have been subsidizing consumers for years with low priced food. With inflation and low prices for livestock few farmers ever receive their costs of production.

Robert Shepard of Gilliam explained "the proposed tax on imported oil means higher input cost in every phase of my business. This reaches from the fertilizer, chemical and fuel input for grain farming to every trip we make to care and feed our cattle and hogs. I have 10 farms—all in the township where I reside—but some are 7 miles apart. Transportation expenses for the grain and livestock we sell plus the increased costs of inputs will jump our expenses close to 20 percent. In todays falling economy this will work grave hardship on all farmers." Shepard said he received a letter from a sister on a cattle ranch in New Mexico who wrote "The increase in gasoline price is going to be a real hardship on folks here because of distance—37 miles to town."

J. Deal Bolton of Fairfax stated "with the present farm problems we don't need any more. The prices of machinery, trucks, labor, fertilizer, chemicals are high enough. We can't afford to pay higher prices for fuel. I have farmed for 32 years and things look worse now than at any other time."

James Bess of Advance said "I am very much against the import tax on crude oil. Fuel is already too high."

Richard Miller, Cassville, answered "it looks to me like there are other methods that would be better for conserving energy—even rationing. Costs of production are already forcing some farmers out of business. This will add to the number."

Kenneth Barkley of Canton says the import tax on crude oil "will have a very serious effect on farmers in our country. Farmers are probably more dependent on oil than any other industry. We must have diesel fuel and gasoline to operate our tractors and machinery, natural gas and oil products to make fertilizer, herbicides, insecticides and for drying grain. Transportation is also a must and oil is needed for heating. Our fuel bill is one of our major expenses and we always try to hold down consumption as much as possible. Our President has asked the farmers to produce more grain for food to feed the hungry. Why is he going to impose more tax on us to do so? Why not try rationing with teeth in it to prevent black marketing?"

Turpin Youtsey farms in the Grand River bottom near Gallatin. "The import tax will be inflationary. The industries that supply farmers compound the problem. They need fuel to generate the electricity we use, to make our fertilizer, our chemicals and just about every input going into the farming operation. This tax is sure to create a further breakdown of our farm economy." Youtsey favors a tough control policy and adds that farmers "can not take the bus."

Glenn Meyer, Rhineland, answered "A tax on imported oil will increase the costs of producing food. What we need is more oil. Why put a fuel tax on imported oil which will only make it less available."

Keith Meek, Cameron, replied "I don't like rationing of gas but I believe it could cut consumption. Farming is very unstable with lower crop yields, depressed livestock prices and every thing a farmer buys has gone up. A tax on crude oil will make everything we buy higher priced."

Paul Lynn of Cooter said "this will not cut inflation or increase the buying power of consumers. Only the gasoline bought by the poor will be curtailed—all others who can afford to buy will buy gasoline regardless of cost."

James Teague of Cyrene replied "for government that is requesting all out production for 1975, it is beyond me to understand how anybody would consider putting an additional tax on fuel needed in the production of food. It reminds me of Bernard Shaw's statement 'education and taxation will ruin the world'."

Ed L. Weaver of Birch Tree thinks such an increase would be highly inflationary. "Farmers must be big consumers of fuel if they continue to produce."

Elvis Besand, Route 7, Perryville, answered "This may be the straw that breaks the camel's back for some of us. I just got through fertilizing my pasture and hay fields with fertilizer that went from $80 to $178 per ton. I sell a lot of hay. Cattlemen tell me they can't pay my price for hay. Some are selling their cows. This will eventually even itself out and the consumer will pay the cost. But some of us farmers will be hurt in the meantime."

SHORTAGES OF COAL, FUEL OIL, AND NATURAL GAS

Mr. HOLLINGS. Mr. President, I wish to insert in the Record a concurrent resolution passed by the South Carolina General Assembly memorializing the President of the United States, The Congress of the United States and the Attorney General of the United States to make certain investigations and take certain action relative to limiting exports of coal and determining whether shortages of coal, fuel oil and natural gas are artificially created by certain major oil companies and other industrial companies.

I ask unanimous consent to have the resolution printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

Concurrent Resolution

Whereas, there is currently a shortage of coal, fuel oil and natural gas for fuel in steam electric generating stations in the United States ;and

Whereas, there have been no substantial increases in production of utility steam coal, fuel oil and natural gas for the past several years; and

Whereas, there has been an increase in exports of coal to foreign markets by more than fifty percent since 1968; and

Whereas, most of the independent coal mining companies and uranium producing companies have been acquired by the major oil companies and certain other industrial companies who apparently have no interest in increasing the Nation's production of coal or uranium; and

Whereas, this situation has resulted in spiraling coal and fuel oil costs and dwindling coal inventories for some of the Nation's electric power systems to the point where the reliability of those systems is in danger and their customers are burdened with constantly rising fuel costs. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That (1) the President of the United States and the Congress of the United States are hereby urged to exercise their statutory authority under the Export Administration Act of 1969 to limit exports of coal to the pre-1968 level;

(2) the Attorney General of the United States is hereby urged to investigate all recent acquisitions of coal-producing companies and uranium-producing companies by companies who are primarily engaged in the production or marketing of another form of energy, to determine whether the current shortage of coal, fuel oil, and natural gas is an artificially created one; and

(3) the Attorney General of the United States is hereby urged to investigate the interlocking ownership and dealings of coal, fuel oil, natural gas and uranium companies to determine if any violations of law,

be it antitrust or otherwise, have occurred and may be continuing which would give any persons or companies such control over the above forms of energy as could require the consumers of this state and nation to pay artificially high prices or become burdened with policies and dealings which are void of the public interest.

Be it further resolved that a copy of this resolution be forwarded to the President of the United States, to each member of the Congress of the United States and to the United States Attorney General.

GUERILLAS MURDER MONTANAN SERVING IN ARGENTINA

Mr. MANSFIELD. Mr. President, on Friday night we learned of the untimely and despicable murder of John Patrick Egan, the U.S. consul in Cordoba, Argentina. Mr. Egan was murdered by a group of guerrillas who refused to respond to appeals of reason. The comrades they sought in exchange were, according to all sources, not under the control of the Argentinean Government.

As soon as we were informed of John Egan's abduction by the guerrillas, the matter was taken up with the Department of State who immediately embarked on an investigation. This senseless murder was totally out of the hands of both United States and Argentine officials. This kind of international violence is reprehensible, and will contribute little to the advancement of any political ideology. The entire Montana congressional delegation is incensed by this display of paganism.

John Patrick Egan was a Montanan, and his daughter, Mrs. Susan Sirokman, and brother, Eugene Egan, continue to live in Valier, Mont. Mrs. Mansfield and I have expressed our sense of horror and dismay to the family, and I take this opportunity to publicly extend our deepest sympathy in the family's hour of sorrow and tragedy.

Mr. President, I ask unanimous consent that statements of sympathy on the death of John Egan by President Ford, Secretary Kissinger, and Ambassador Alejandro Orfila be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
March 1, 1975.

STATEMENT BY THE PRESIDENT

The kidnapping and murder of U.S. Consular Agent John Patrick Egan by terrorists in Cordoba, Argentina is a vicious act which will be condemned by men of decency and honor everywhere. There can be no justification for the wanton killing of an innocent and defenseless person. Mr. Egan served his country loyally and well. All Americans will join in honoring the memory of Mr. Egan and expressing deepest sympathy to his widow and family.

The following is the text of a telegram the President sent to Mrs. Egan:

"Dear Mrs. Egan:

"Mrs. Ford and I want you to know you have our deepest sympathy. The death of your husband is as unjust as it is tragic. Words cannot capture the strain nor mitigate the suffering you have undergone, but we want you to know that our hearts are with you in this most difficult moment.

"Your husband was highly esteemed in Cordoba. As U.S. Consular Agent there he served his country well. His tragic, senseless death is mourned by all men of goodwill."

GERALD R. FORD.

FEBRUARY 28, 1975.

STATEMENT BY SECRETARY OF STATE HENRY A. KISSINGER

It is with the utmost regret that we have learned of the murder of Consular Agent John Patrick Egan at Cordoba in Argentina. Mr. Egan met violent death at the hands of a group of terrorists, a senseless and despicable crime which shocks the sensibilities of all civilized men. We are sure those responsible will be found and brought to justice.

Mr. Egan was a loyal, dedicated citizen who served his country quietly and effectively. He joins the ranks of loyal Americans who have laid down their lives in the line of duty. This murder should again signal to the community of civilized nations the necessity of concerted and firm action to combat the continuing menace of terrorism.

On behalf of my colleagues in the Department of State and the Foreign Service, Mrs. Kissinger and I extend deepest sympathy to Mrs. Egan and other members of the family on this loss to them and to ourselves.

MARCH 1, 1975.

Hon. MIKE MANSFIELD,
U.S. Senate, Cannon House Office Building,
Washington, D.C.

DEAR SENATOR: On behalf of the people and the government of Argentina, I would like to express to you our sincere condolences for the passing of Honorary U.S. Consul John Patrick Egan.

I can assure you that this unjustifiable event has shocked all of us and has strengthened our desire to continue the struggle against violence and those who practice it.

Mr. Egan gave his life in the fullfillment of his professional duties through which he was strengthening the relations between the United States and Argentina, a common objective of our people.

Please accept, Senator Mansfield, the sorrow of the Argentine Nation for this extremely tragic crime.

Sincerely,

ALEJANDRO ORFILA,
Ambassador.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate convenes at 12 noon on Thursday. The following Senators will be recognized, each for not to exceed 15 minutes, and in the order listed:

Senator GARN, Senator THURMOND, Senator FANNIN, Senator LAXALT, Senator HANSEN, Senator MCCLURE, Senator BUCKLEY, Senator HELMS, Senator SCHWEICKER, Senator FORD.

There will then be routine morning business for not to exceed 15 minutes.

Senate will then resume consideration of the Byrd substitute to Senate Resolution 4. Amendments will be in order. Rollcall votes will undoubtedly occur.

On Friday, the cloture vote will occur on Senate Resolution 4 as amended by the Byrd substitute. Rollcall votes are expected thereafter on amendments to the Byrd substitute.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 noon tomorrow.

The motion was agreed to, and at 6:29 p.m. the Senate adjourned until tomorrow, Thursday, March 6, 1975, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5, 1975:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Carla Anderson Hills, of California, to be Secretary of Housing and Urban Development.

Thomas G. Cody, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

NEW COMMUNITY DEVELOPMENT CORPORATION

Otto George Stolz, of North Carolina, to be a member of the Board of Directors of the New Community Development Corporation.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE COAST GUARD

Coast Guard nominations beginning Robert E. West, to be captain, and ending Thomas S. Latham, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 1975.

EXTENSIONS OF REMARKS

LITHUANIAN INDEPENDENCE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. CRANE. Mr. Speaker, at a time when we hear a great deal of discussion about "détente" and an easing of tensions between East and West, the unfortunate fact is that millions of men and women continue to live under Communist tyranny and continue to see their own national life destroyed by those who have, since 1917, been practicing a brutal and ruthless form of colonialism.

On February 16, Americans of Lithuanian descent together with Lithuanians through the world commemorate the 57th anniversary of the Declaration of Independence of Lithuania, whose history dates back to the 12th century. It is an irony indeed that the only country in which Lithuanians will be unable to observe this event will be in Lithuania itself.

It was in 1251 that Mindaugas the Great unified the Lithuanian principalities into one Kingdom. For the better part of their history, the Lithuanians have been subjected to brutal attacks, from the Teutonic knights in the West and from the Russians in the East. It has taken remarkable spiritual and ethnic strength to survive these pressures.

Many Americans have forgotten the history even of our own era. After the Nazis and Soviets destroyed Poland in September 1939, the Kremlin moved troops into the Baltic Republics and annexed them in June 1940. Thus, the independence of Lithuania was terminated on June 15, 1940, when the Soviet Union sent an army of occupation of 140,000 men into that country. With the support of the occupying force, the Soviets staged mock elections, in which only one slate of Moscow-sponsored candidates was allowed, and through this subversion of the will of the people, formally annexed Lithuania.

The Lithuanian people have shown their hostility to Soviet rule, and have paid a heavy price for such opposition. On June 22, 1941, the Lithuanian people revolted against the Soviet occupation and control and proclaimed the reestablishment of an independent state. This effort cost the Lithuanians almost 12,000 casualties. The Provisional Government, proclaimed by the leaders of the revolt, was disbanded as Lithuania was occupied by the German armies on the march into the Soviet Union.

From 1945, when the Soviet Union reimposed its rule, until approximately 1953 an armed patriotic resistance movement waged a war against the Communists with approximately 50,000 Lithuanian patriots losing their lives. The Soviet leaders, in an effort to eliminate the national resistance, deported about every sixth Lithuanian to the distant parts of the Soviet Union or to concentration camps, where a large number of them died as a result of the harsh conditions, starvation, and executions. Trials of partisans were held as late as 1955.

Lithuania, together with the other Baltic Republics, Latvia and Estonia, represent a special example of Soviet colonialism. They have been physically annexed by the Soviet Union and forcibly incorporated into its group of "socialist republics." As far as the Communists are concerned, these three countries have ceased to exist as separate entities entitled to their own national identity and independence.

During his trial Simas Kudirka, the Lithuanian seaman turned back to the Russians by the U.S. Coast Guard in a shocking reversal of America's humane treatment to all those seeking freedom, declared that:

> I have nothing to add to what I have already said; only one wish, more specifically a request to the supreme court and the government of the Soviet Union: I ask that you grant my homeland, Lithuania, independence.

The Soviet Union has been unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. This was recently demonstrated by a petition to the United Nations, signed by 17,000 Lithuanian Catholics, charging the Soviets with religious persecution and by riots in Kaunas on May 18, 1972, following the funeral of a Lithuanian youth, Romas Kalanta, who had self-immolated in a public square in Kaunas in a dramatic protest against the Soviet occupation of his country.

As we commemorate this important anniversary today, our request should be the same as that of these Lithuanian patriots: that Lithuania be granted independence. It is a request which all Americans should share, particularly those who are most vehement in their denunciations of colonialism and imperialism when they think that those committing such acts are on the political right.

All those who deny man's freedom and dignity, and the right of peoples to self-determination should be equally condemned. We must not forget that it is the Soviet Union which has perpetrated this new colonialism across the face of Eastern Europe.

Lithuanian independence and freedom, as well as the independence and freedom of other subjugated nations and peoples, must remain an important goal for all of those in our own country who seek a world at peace. The only peace which will advance mankind is a peace based upon the respect for each man and nation to have an identity and a life of its own. The kind of peace based upon subjugation and surrender to tyranny is one which honorable men can endorse only at the price of their own integrity.

INSIGHT TO A BILLION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 5, 1975

Mr. HARRY F. BYRD, JR. Mr. President, the American Farm Bureau Federation is the largest organization of farmers in America. Their weekly Farm Bureau News has important articles on farming in our Nation, and the February 17, 1975, edition carried a particularly important editorial.

The Farm Bureau News points out that the proposed billion-dollar-a-day budget offered by President Ford for fiscal 1976 is so large that few can comprehend its size.

The editorial dramatizes the magnitude of the number, 1 billion.

The editor of the Farm Bureau News is Donald T. Donnelly.

I ask unanimous consent that this excellent editorial be printed in the Extension of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INSIGHT TO A BILLION

One billion seconds ago the Japanese bombed Pearl Harbor.

One billion minutes ago was a world forty years after the death of Christ. One billion hours ago man had not set foot on the face of the earth. One billion dollars ago was yesterday.

The budget of the United States for fiscal year 1976 recently sent to Congress by President Ford calls for spending of $349.4 billion during the twelve months beginning July 1, 1975—nearly $1 billion per day, seven days a week. But the budget provides that the federal government will only collect enough money from tax-payers to spend at that rate for six days. So instead of resting on the seventh day, we'll borrow $1 billion.

And those figures are only budget figures. The Congress has already indicated that it is going to cut taxes more than President Ford proposed, and it is likely that spending will run higher than budget estimates.

Because Uncle Sam has been running his business like this all too often over the past thirty years, the total federal debt outstanding will pass $600 billion in 1976. To pay the interest on that debt, it will take nearly $100 million each day next year—10 percent of total spending. The next $450 million to be spent each day will cover welfare, social security, health care, and veterans benefits, and another $300 million will go each day for defense, foreign aid, and space programs. The remaining $150 million to be spent daily will be stretched to cover all agricultural, transportation, housing, educational, law enforcement, and sewer and water programs, including revenue sharing.

If you're an average American, you probably think you're paying too much tax. If you're an average American taxpayer, just what do you think your contribution will do in 1976?

Your total taxes will pay the interest on the debt for about three seconds. Big government makes for little people.

SOUND ADVICE FROM YESTERYEAR—THE PALEY COMMISSION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. PICKLE. Mr. Speaker, 20 years ago a Presidential Commission warned Americans what might happen to their standard of living 25 years hence if no countervailing measures were taken, particularly as to an eventual shortage of oil and gas. President Truman's Materials Policy Commission in 1954 warned that, in the land of plenty, the plenty was giving out.

The Paley Commission, as it came to be called, consisted of William S. Paley, George R. Brown, Arthur H. Bunker, Eric Hodgins, and Edward S. Mason. They sought to learn what the country's basic resources were and how they were likely to be spent in years to come.

There was no energy crisis then, but the Commission uncovered its roots. They warned that the United States was consuming vast amounts of materials, that in the future it would have to rely on harder-to-get—and therefore more expensive—ores, that interdependence was a coming fact of life. And the Commission made many recommendations which are still valid today.

A recent pamphlet recounts what the Paley Commission said and I would like to reprint it at this time in the RECORD.

SOUND ADVICE FROM YESTERYEAR

The voice and face were from television's past. The black-and-white image of Edward R. Murrow—leading commentator of the Fifties—intoned electronic words recorded 20 years ago. His earnest manner, his careful language, his personal trademark of a glowing cigarette, seemed almost quaint to a viewer accustomed to the candid brashness of contemporary TV reporters projected in vivid color and stereophonic sound.

Yet Murrow's message, rebroadcast recently by Columbia Broadcasting System, sounded strangely familiar.

"There never was a nation that consumed so much coal and steel and oil and copper and lumber and water and strange minerals and everything that comes out of the earth, and at the same time, gave so little thought to where it comes from," Murrow told his viewers of 1954. And he added, "You may get a jolt this evening to realize that although America is the land of plenty, the plenty is giving out."

Someone viewing the CBS documentary in 1974 might readily conclude that he had tuned in on a discussion of today's energy crisis and materials shortage. Yet, Murrow took his text from a remarkable document published in 1952 under the title, "Resources for Freedom." This five-volume work of President Truman's Materials Policy Commission warned Americans what might happen to their material standard of living 25 years hence if no countervailing measures were undertaken.

True, there was no energy crisis then. But the Paley Commission, as it came to be called, uncovered its roots. Chairman William S. Paley, along with fellow commissioners George R. Brown, Arthur H. Bunker, Eric Hodgins, and Edward S. Mason, sought to learn what the country's basic resources were and how they were likely to be spent in years to come. After taking stock of America's natural riches, the commission concluded: The country was no longer self-sufficient in the raw materials needed for life and growth. Moreover, a developing shortage of materials, including energy, might over the next quarter-century bring about an economic crisis and a dangerous dependency on foreign sources of supply.

"Demand," Murrow explained on their behalf, "is growing, but supply is shrinking." Trouble lay ahead, their conclusions indicated, unless we as a nation did something to control waste and assure further development of domestic supplies.

The Paley Commission prophesied well. America did not act in the Fifties to protect its long-term material interests. Now, in the Seventies, the "plenty" threatens to give out, but only recently have plans and policies been put forward.

Where might this leave us? In 1954, Murrow turned to America's most respected elder statesman, Bernard Baruch, for guidance. His words have the ring of good common sense today.

"In the next 25 years," Baruch estimated, "the population of this country will be about 200 million, one third bigger than it is now. That means more goods, more services . . . Do we have, or can we get, these vast supplies? The answer is yes, because it must be yes," he said.

The commissioners pointed out that in 1954, the average American consumed goods and materials weighing a total of 18 tons. "There's no consumption like it anywhere in the world," Murrow said. "The United States has only 10 percent of the world's population, but we chew up half the free world's raw materials. On an average, we use six times more of them than we did when this century was beginning . . . all the way from six times more copper to 30 times more crude oil. In the lifetime of a young man or woman 35 years old, the United States alone has used up more minerals than the entire world did from the dawn of history down to World War I."

Exploring the growing shortage of minerals, Murrow questioned mining engineers who reported that most of the nation's easily found ore bodies had been discovered, and were well on their way toward depletion. Deeply buried ore deposits, they said, would have to be found and mined, despite sharply higher costs. Low grade ores, such as iron-bearing taconite, would have to serve as the nation's primary source of metals, despite the greater cost of processing them.

It was basically a matter of cost, they said—the expenditure of labor and energy and capital in producing a given amount of materials and goods. With economic incentives, leaner and leaner ores might be employed. To supplement these, the commissioners recommended that scarce materials be imported from other countries where costs and prices might be more reasonable.

Yet, Murrow found there was opposition to U.S. employment of foreign raw materials.

Spokesmen for organized labor feared the loss of jobs in America if domestic mines, smelters, and refineries were eliminated in favor of those in foreign lands.

Also, leaders of foreign countries resisted the intrusion of Americans seeking new sources of raw materials. "The East as a whole is suspicious of the West," said India's Madame Pandit. "Many countries in Asia and in Africa are fearful of economic exploitation by the U.S.A."

Turning to an economist and member of the commission, Murrow inquired of Dr. Mason, "What would you say about how the U.S. and the rest of the free world can best cooperate to solve their materials problems?"

"There is no such thing as an absolute shortage of material," he answered. "There is enough to go around, both now and 25 years from now. But the stuff is geographically so distributed that no one country can go it on its own." Interdependence is not just a fancy idea, Dr. Mason believed. "It's one of the hard facts of life. Take our own position. For some time now, we have not been able to meet our own requirements from our own resources. We have been dependent on exports from other countries, and the chances are, that we are going to become increasingly dependent as our demand increases. That is true of even such a basic resource as energy."

"Energy?" Murrow asked. "Since when has energy been a material? The answer is, we get energy from material and material from energy. We produce energy from burning up coal and oil and natural gas and from falling water. This gives us power to dig with great shovels, move millions of tons of earth, and melt out metals from their ores." Murrow turned then to another member of the commission, George Brown, for comment.

"For 50 years," said Brown, "we have had, and have used, more energy than any nation on earth. This is one of the factors that have made us what we are today. But the demands for our goods and services are climbing so rapidly that we will have to increase the output of our total energy 100 percent in the next 25 years. How? The answer could be in the practical application of atomic energy and solar energy. But it is too early to estimate the contributions from these sources. For quite a while, we will have to rely on so-called conventional sources . . . first, petroleum from new and previously untapped fields."

New oil fields would help, but the commissioners suggested that Americans also learn to "use things better and waste things less." For advice, Murrow turned to Howard Coonley, whose wartime work in materials conservation had given him special insight into this area.

"This problem of waste is complex," said Coonley. "Nobody spends a dime to recover a penny, nor should he. But it indicates that some waste is unavoidable. And it makes no sense to hoard materials in the thought that tomorrow they will be more scarce, because we'd find that we'd made a bad mistake. If our ancestors, who lived by lamplight, had hoarded their whale oil in order to give it to us, their great-great-grandchildren, we'd probably have given them little thanks. We need it no longer. We live on kilowatts of electricity that come from coal and petroleum and falling water. Still, even though we should not be misers, we must be prudent." Coonley cited examples of waste in the mining of coal, and in the production of oil and natural gas. "Now that gas costs more," he said, "we waste it less." And he added, "The older we grow, the more we must learn to use, and the less we should have to discard."

Conservation was important, Murrow reported, because the commission's figures indicated "mighty, mighty big" increases in the amount of materials America would require in 1975. For example, the commission believed that industrial water needs might rise 170 percent, demand for minerals might double, timber products need might grow 10 percent, all agricultural products could go up 40 percent. Demand for energy of all kinds would soar, they said, with consumption of liquid fuels doubling and of electricity tripling. Assuring such energy supplies was vital. "If materials are the egg," Murrow said, "energy is the hen."

Better development of coal reserves was called for. Labor leader John L. Lewis told viewers, "By 1975, coal will again be powering railroads, and probably millions of automobiles . . . not as a solid, but as a liquid synthetic fuel."

But this would clearly require technology and especially more research, a thought seconded by famed scientist Dr. Vannevar Bush, who urged young people to seek careers in engineering and science. "Scientists and engineers are scarce," Bush said. "They will always be scarce because there is so much for science and engineering to do. This problem of producing new materials, adapting old ones, finding better ways . . . is so important that it warrants the finest scientists and the best engineers this country can muster."

"You see," said Murrow, "the materials problem has another problem inside it—the manpower problem." And he called upon Commissioner Eric Hodgins to comment.

"For the world's most highly industrialized nation," Hodgins observed, "the United States has a remarkably small working force of researchers, some 76,000 scientists, 59,000 engineers. If all our industries were as progressive as the chemical industry or the oil industry, there might be ten times that number that work on research. But they aren't." Hodgins said it was high time the country developed a "consciously designed, broad-gauge research program to meet the materials and energy problem on all fronts."

Murrow summed it up. "We have great wealth and great talent and great willingness. But these all must be harnessed together if we are to cope with this great problem." He then cited the Materials Policy Commission's recommendations to guard America's materials position.

"Recommended: Take a minerals census every five years. Speed up geological mapping. Step up and improve exploration programs. Give better financial aid to small miners and to prospectors seeking strategic ores.

"Recommended: Open up federally owned timberlands by building 6,000 miles of access roads. Stop destructive timber cutting on private land. Create a national system of forest credit and forest insurance. Step up fire protection.

"Recommended: Make new agreements with friendly resources countries that will encourage and protect U.S. investment. Expand technical aid to underdeveloped countries who want to sell us materials we need. Get rid of tariffs that keep out of our country materials we need.

"Recommended: Make a thorough study on how to advance our coal technology most rapidly. Develop our water power potential to the fullest. Encourage government and industry cooperation to develop commercial electrical power from atomic energy. Allow the National Science Foundation to sponsor some of the basic research we are falling behind on.

"Recommended: Use military materials more efficiently. Review current policies for conserving scarce materials and to increase that recovery. Keep on stockpiling strategic and critical materials."

Said Chairman Paley:

"Our commission came up with some sobering facts which translate into some sobering problems. If we are watchful and alert, we can meet these facts and we can solve these problems. The only cause for alarm would be if we closed our eyes to the threat of creeping scarcities and higher costs and pretended that somehow the materials problem would blow over. It won't."

In 1974, do we find the problem has blown over? Was the commission wrong in its concern? No. The problem remains, and in fact, worsens. Where in 1952 the average American used 18 tons of assorted goods per year, he was by 1974 using 22 tons. Mineral and energy reserves continue to fall, and dependency on foreign sources of supply continues to climb. The commissioners erred only in underestimating the size of the future's appetite. For example, instead of doubling, demand for liquid fuels tripled. Instead of tripling, demand for electrical power has increased five times. The commissioners were about right in their estimates on demand growth for timber products, agricultural products, and minerals.

The country's resources remain the same, but more people use them. Bernard Baruch's 1954 estimate of a 200 million population in 25 years was surpassed in 1968, and is estimated in 1974 at 210 million.

Despite Howard Coonley's urging, our energy deficiency ratio continues to worsen; over half the fuel we burn performs no useful work. Murrow's energy hen has had to grow to ostrich size in order to hatch a bigger materials egg.

John L. Lewis called bravely for better uses of coal, but his predictions were optimistic. Coal still powers no automobiles nor locomotives with liquid synthetic fuel, despite the effort of researchers to create processes that would be economically, as well as technologically, acceptable.

Vannevar Bush would not be surprised to learn that scientists and engineers are still in great demand, and that challenging opportunities still abound in science and industry. He might be startled to learn, though, that the nation now counts 1.3 million engineers and chemists and 178,000 scientists.

And doubtless, Eric Hodgins would lament that the country is only now beginning to develop a broad-gauge research program to meet the energy problem on all fronts, despite the commission's warning that a crisis in supply would inevitably occur.

"Twenty years ago," said CBS commentator John Hart, in bringing the 1974 rebroadcast to a close, "we saw resources as an American problem. Now we can see that the whole world is in this same pantry, all elbows. And the United States—still without a coherent plan for the future—has no model to offer."

PRIVATE ENTERPRISE IS BEST ECONOMIC SYSTEM, COMMISSIONERS BELIEVED

Members of the Paley Commission recommended the American system of private enterprise as the best means of achieving national materials supply goals. In a summary of "Fundamental Concepts," the commissioners stated:

"We believe in private enterprise as the most efficacious way of performing industrial tasks in the United States. With this belief, a belief in the spur of the profit motive and what is called "the price system" obviously goes hand in hand. This method, motive, and system have served uniquely well in America. They have brought us to a commanding industrial position, promoting growth and keeping the basic costs of production low so that the standard of living could reach its present high levels. We believe in a minimum of interference with these patterns of private enterprise. But to believe in a minimum of interference is not to believe that this minimum must be set at zero. Private enterprise itself has from time to time asked for help, or restraints, or counterpoises from Government to keep the system working at its best; for this reason, among others, we have experienced for a long time a mixture of private and public influences on the functioning of our economy. The Commission sees no reason either to blink this fact or to decry it; as we see the future, the coexistence of great private and public strength is not only desirable but essential to our preservation."

CONSTITUENTS' REACTION TO STATE OF THE UNION MESSAGE

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. HEINZ. Mr. Speaker, on January 15 President Ford delivered the state of the Union message, setting forth new directions for America to take in the problem areas of energy and economy. To determine the reaction of my constituents in the 18th Congressional District of Pennsylvania, on February 1 I mailed a questionnaire, addressed to every household in my district, asking the people how they feel about the key elements of the President's plans.

I have received replies from more than 30,000 persons. While their reaction is mixed, they indicate that the people favor our achieving oil independence and favor giving a larger share of the income tax rebate and energy tax income to low- and middle-income families. They oppose giving $80 to people who pay no tax, however. They support mass transit, housing and construction, and health programs, but oppose foreign aid, farm subsidies, and defense cost increases. A large majority said they would accept a 5 percent limit on their salaries, if it would help fight inflation. Many added the proviso, however, that a limit must be fairly applied to everyone.

President Ford's plan to decontrol the price of domestic oil on April 1 was opposed by most who replied to the questionnaire. While the President's plans, both economic and energy, received the general approval of nearly half of those replying, rationing seems to be preferred to increased costs on all gasoline, oil, and petroleum products, and most people seem to disagree with the President's ideas on spending the energy tax.

The results of such questionnaires are far from scientific, of course, but I believe it is important that I—or any elected official—have an idea of how our constituents are thinking. In order to provide some insight into the way citizens of Allegheny County, Pa., feel about our energy and economy proposals, I insert the text of the questionnaire and its results at this point in the RECORD:

QUESTIONNAIRE

1. The President's Plan. In general, how do you feel about President Ford's State of the Union Message and his economic and energy proposals?

[Percent]

Strongly approve	9
Mostly approve	40
Mostly disapprove	33
Strongly disapprove	18

2. Energy and pollution. President Ford proposed that we turn to alternate sources of energy to help relieve the energy crisis. These alternatives include requiring electric utilities now burning oil and natural gas to convert to coal, a less clean fuel, and modifying or deferring industrial and automotive pollution standards for five years. Should we suspend or reduce health-related pollution standards as proposed?

Yes, 61%; No, 39%.

3. Oil Conservation. (a) The President's goal is to cut oil imports by 2,00,000 barrels a day by 1977, to reduce our dependence on Arab oil. Obviously, considerable sacrifices will have to be made to do this. In principle, do you support this goal?

Yes, 84%; No, 16%.

(b) The President's own plan is likely to result in increased costs and taxes on all gasoline, oil, and petroleum products, but it avoids rationing, the main alternative. What conservation plan do you prefer?

[Percent]

Prefer President Ford's plan	27
Prefer rationing	37
Prefer a much higher tax on gasoline only	11
Prefer combination of rationing and taxes	25

4. Oil Prices. To stimulate domestic production and to reduce demand and imports, President Ford plans to decontrol the price of domestic oil on April 1. A windfall profits tax will be part of this plan, but the cost of gasoline, heating oil, electricity, and other items is sure to go up. Do you favor or oppose this plan?

Favor, 38%; Oppose, 62%.

5. Tax Rebate. President Ford's plan calls for a 1975 tax cut of $16 billion. Three-quarters of this is earmarked for individuals, giving most people a cash refund of 12 percent of their 1974 tax bill, up to $1,000 each. The balance would be used for increasing the investment tax credit. How would you divide the $16 billion tax cut? (Can check more than one)

[Percent]

I agree with President Ford's division of the rebate	21
I would give less to low and middle-income persons	1
I would give more to low and middle-income persons	51
I would give more to business and less to individuals	3
I would give less to business and more to individuals	24

6. Spending the energy tax: The President's proposals include using $27 billion from the additional taxes on energy as indicated below. How would you like to see it divided up? Indicate more, less, or the same.

[In percent]

	More	Less	Same
$16,500,000,000 to reduce the individual income tax	53	12	35
$2,000,000,000 to local and State governments	16	39	45
$2,000,000,000 to pay $80 each to adults who pay no tax	14	54	32
$6,000,000,000 to reduce the corporate tax rate to 43 percent	12	51	37
$500,000,000 to allow a tax credit up to $150 for home insulation equipment	28	32	40

7. Spending priorities: To keep down Federal spending, President Ford wants to delay new spending programs and hold the line on present programs, except for energy and defense, for one year. Should the Federal Government spend more, less or the same amount on these programs:

[In percent

	More	Less	Same
Defense	13	58	29
Housing and construction	47	25	28
Public service jobs	33	44	23
Health, including national insurance	43	33	24
Farm subsidies	14	68	18
Environment/conservation	37	30	33
Education	36	29	35
Foreign aid	1	90	9
Welfare	15	54	31
Mass transit	50	19	31

8. Cost of living limits. Also to hold down Federal spending, President Ford wants to limit to 5 percent any cost-of-living increases in such programs as Social Security payments, Civil Service and military retirement pay, food stamps, and Civil Service salaries.

(a) Assuming that inflation continues at or near the double-digit percentage rate, how do you feel about setting a 5 percent limit on:

[In percent]

	For limit	Oppose limit
Social security	41	59
Civil service/military retirement pay	79	21
Food stamps	66	34
Civil service salaries	80	20

(b) Would you favor a 5 percent limit on increases in each of the above programs *and* on your own salary if it would help fight inflation?

Favor, 79%; Oppose 21%.

REX CONN

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. BLOUIN. Mr. Speaker, I wish today to insert a letter which was published in a recent edition of the Cedar Rapids, Iowa, Gazette, which I think deserves the recognition and attention of my colleagues in the House.

The letter pays tribute to one of the pioneers in farm broadcasting, Mr. Rex Conn, who recently passed away, and I believe it is a better tribute to his memory than anything which I might say.

The letter, from the February 12, 1975, issue of the Gazette, follows

TRIBUTE TO REX

Last week the profession of agricultural communications lost a man who stood tall among us. He was the most genuine apostle of faith in farming I have ever met. His name was Rex Conn, and I was proud to know him.

As a farm broadcaster for over a quarter of a century, it was my pleasure to work alongside this fine gentleman for 20 of those years. Covering much the same agricultural "beat" in Eastern Iowa, we shared plane and auto rides, notes, pictures and even news stories, even though we worked for competing news media.

UNSELFISHNESS

It wasn't just because he had a warm and disarming manner, but because he possessed a creed that if it wasn't good for agriculture, he saw through it for what it was and never hesitated to tell it the way he saw it, regardless of the consequences.

Many of us sought his advice and counsel, which he gave freely. His wide experience in agricultural matters, travel and affairs of state was a well that ran deep and one from which he always let us drink. I admired his unselfishness.

Working with Rex on literally dozens of committees and special projects from agricultural education to a Crusade for Cancer, you always knew he was in it to give his all. It would be hard to say whether he adopted those groups and individuals with whom he took great pleasure in working or whether they adopted him.

UPHELD PRINCIPLES

They gave him their top awards and honors because they liked the way he upheld the principles of ethics in journalism and always set a good example to his peers. It was well known that by following these principles himself, he was able to open doors which might otherwise have been shut.

His writing was a joy to read. That's because he spoke when he wrote. He never found it hard to write what came naturally and his columns never lacked warmth. His lines planted the seed of friendship that grew week by week and year by year even to those readers who never met him.

Upon his retirement from active newswriting a few years back, I was chosen to act as master of ceremonies for a "'This is Your Life" program that brought out hundreds of his friends to pay him tribute. I've always been happy I had that privilege.

A devoted family man, I never tired of hearing of the accomplishments of his talented family and sharing the experiences of he and his lovely wife, Helena.

Men like Rex were the heartbeat of the people themselves. We all are richer for having known him, and to say he will be missed is the understatement of our time.

BOB NANCE.

CEDAR RAPIDS, IOWA.

BILL INTRODUCED TO CONVEY CERTAIN LANDS TO NOME, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill to authorize the Department of the Army to convey a certain 5.45 acres, more or less, of land back to the city of Nome, Alaska, for $1.

Mr. Speaker, I insert the text of my bill to be printed in the RECORD:

H.R. 4343

A bill requiring the Secretary of Defense to convey certain lands to Nome, Alaska

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense shall convey, by deed or other appropriate instrument, all right, title, and interest of the United States in and to lots 4 through 15 in block 67; lots 6 through 12 in block 8; and lots 7 through 12 in block 89, located in Nome, Alaska, to the city of Nome, Alaska, upon the payment of $1 by the city of Nome, Alaska, to the Secretary of Defense.

TAXES: THE LARGEST INCREASE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. CRANE. Mr. Speaker, the American people are told to tighten their belts during the current period of inflation and recession. Unfortunately, the very men giving them this advice—government officials and administrators—seem unwilling to do the same.

An interesting example is provided by the Department of Transportation. Thus, while the Department of Transportation tells the average citizen that he should conserve energy, form carpools and use public transit facilities—exactly the opposite policy is pursued by Government itself. Approximately 15,000 Federal employees get free or cutrate parking space near their offices, even though a Transportation Department study 2 years ago estimated that such parking arrangements cost taxpayers about $11 million a year. Surprisingly, the Transportation Department itself provides its employees with subsidized indoor parking for $6.60 a month, compared with nearby commercial rates of approximately $45.

This, of course, is only one brief example of the extravagance of Government. The important fact for Americans to remember is that while food prices rose 11.9 percent in the past year and the cost of housing increased 13.5 percent, personal income and social security taxes rose twice as fast.

A recent report issued by the Joint Economic Committee of the Congress showed that—

> For the family at the intermediate income level of $14,466, social security taxes rose 21.6 percent in 1974 . . . Personal income taxes rose even more—by 26.5 percent.

Discussing the meaning of these figures, columnist George Will notes that—

> When a virulent inflation accompanies recession, the tax system reinforces rather than counters the downward recessionary trend. The tax bite grows, cutting real disposable income just when the economy needs the stimulation of consumer demand.

Mr. Will concludes that—

> Government is a font from which blessings—like rebates of our own money—flow. Inflation, too, flows from government. Government giveth and government taketh away, and it does a lot more of the latter than the former.

The only answer to our economic problems is a dramatic cut in Government deficit spending and in the accompanying artificial increase in the supply of money. The largest increase Americans have had to face in the past year has been an increase in their taxes, not to mention the hidden tax of inflation which government also inflicts upon them.

I wish to share the column, "The Largest Increase: Taxes," by George Will, which appeared in the February 14, 1975 issue of The Washington Post with my colleagues, and insert it into the RECORD at this time:

THE LARGEST INCREASE: TAXES

(By George F. Will)

Hubert Humphrey is amazed. Releasing a report on "Inflation and the Consumer in 1974," he exclaims: "Amazingly, the biggest increases in the middle-income family's budget resulted from higher social security and income tax payments."

The report was prepared by the staff of the Joint Economic Committee of Congress, of which Humphrey is chairman. The report obviously comes as a startling intrusion of the outer world on the inner peace of Humphrey. It says:

"While food prices rose 11.9 per cent, housing 13.5 per cent and transportation 14.3 per cent, personal income and social security taxes rose twice as fast. For the family at the intermediate income level of $14,466, social security taxes rose 21.6 per cent in 1974, from $647 in 1973 to $787 in 1974. Personal income taxes rose even more—by 26.5 per cent. The family at the intermediate budget level would pay $2,033 in federal, state and local income taxes in 1974 compared to only $1,607 in 1973—an increase of $426—even though its real standard of living remained the same."

The less wealthy you are, the more inflation hurts your tax position by devaluing the standard deduction and exemptions. The report gives this example:

"An average four-person family with an income of $13,000 in 1973 took the standard deduction and paid $1,391 in federal income taxes. Its disposable, after-tax income was $11,609. Let us assume that this family's income rose 8 per cent in 1974 (per capita personal income rose 8.3 per cent from third quarter 1973 to third quarter 1974) to $14,040. This family would be liable for $1,609 in federal income taxes and its after-tax income would be $12,431. This means that family's after-tax income in dollar terms has risen by 7 per cent. The higher taxes that resulted from the diminished value of the standard deduction and the exemption actually increased the tax burden on this family from 10.7 per cent of income to 11.5 per cent.

"In real terms, of course, this family's real after-tax income has fallen as a result of higher taxes *and* inflation. Measured in 1973 dollars, its 1974 disposable income of $12,431 is actually worth only $10,939. Therefore, even though the family's income rose by 8 per cent during 1974, its purchasing power has dropped 6 per cent.

"Even if this family's income had risen by the rate of inflation, 12 per cent, its after-tax purchasing power would have declined 3 per cent from 1973 to 1974."

The perverse effect of inflation on the tax system is responsible for this American "first": We are in the first recession in which the overall tax burden on individuals and families has increased.

In a normal recession—economic decline without inflation—the tax system operates, at least a little bit, as a counter-cyclical device. As income's decline, the tax bite becomes smaller.

But when a virulent inflation accompanies recession, the tax system reinforces rather than counters the downward recessionary trend. The tax bite grows, cutting real disposable income just when the economy needs the stimulation of consumer demand.

So while waiting for the mailman to bring your tax rebate check this spring, ponder the examples cited above.

The House Ways and Means Committee favors rebates ranging from about $100 to a maximum of $200. That news must have been received with, shall we say, muted jubilation by the family that in 1974 earned $14,466 and paid an extra $140 just in social security taxes.

Remember that the family the Humphrey report describes as "as the intermediate budget level" paid $426 more in federal, state and local income taxes in 1974 than in 1973. Its rebate may be a quarter of that sum.

And remember the family that earned $13,000 in 1973 and $14,040 in 1974. Perhaps they will get a rebate of $149.20, which would be one-tenth of the $1,492 they, in effect, lost in real disposable income between 1973 and 1974.

Government is a font from which blessings—like rebates of our own money—flow. Inflation, too, flows from government.

Government giveth and government taketh away, and its does a lot more of the latter than of the former. So Humphrey should not be amazed if the public, once it has those rebate checks in hand, still feels filleted.

BLACK COLLEGES SUFFER EFFECTS OF ECONOMIC CRISIS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. STOKES. Mr. Speaker, the very existence of our Nation's black institutions of higher education is threatened in these times of national economic dislocation. In order to better inform my colleagues of the extent and scope of this impending crisis for black colleges and universities, I submit the following article by Dr. Hugh M. Gloster, president of Morehouse College, which appeared in the February 25, 1975 edition of the Boston Evening Globe:

ECONOMIC BURDEN FOR BLACK COLLEGES

(By Hugh M. Gloster)

Today's economy is disheartening for just about every segment of our society, but especially for the nation's black colleges, the majority of which have perennially struggled for basic survival.

The dual forces of recession and inflation have severely aggravated the already precarious condition of many of these colleges. Unfortunately, most parents of students in black colleges do not possess the resources themselves to significantly influence this state of affairs. Increases in tuition, no matter how slight or justified, still place an additional and sometimes intolerable burden on many parents.

Of course, few parents of college students pay the entire cost of tuition and other expenses. This would be impossible, particularly when, as at Morehouse College in Atlanta, more than half of the students come from families earning less than $7500 per year. Nearly 70 percent of the 1275 students receive financial aid, whether through a scholarship, grant, loan, campus job or any combination of these. Luckily, financial assistance at Morehouse has increased. But any increases to students are negligible, since more and more students need additional aid in order to compensate for what their parents simply cannot afford.

Recently, I read with interest in an educational journal that several colleges have initiated slick recruitment programs with a view toward increasing enrollment and thereby combating mounting financial pressure. Colleges have employed such techniques as massive direct-mail and telephone campaigns, radio and television advertisements, nonrestrictive distribution of brochures and catalogues, and hiring of free-lance salesmen and professional management consultants.

Even if black colleges had the funding to implement such tactics, and even if these efforts were successful, no substantial revenue would accrue. More students may apply, but the majority would still need considerable financial aid.

Almost any discussion about how the economic ills affect black colleges produces the inevitable question from at least one skeptic, "But do black colleges deserve to survive?" or "Is it worthwhile to save these colleges?"

The answer is yes. Black colleges merit the right to exist IF they provide their students with a quality education. The point, is, why must black colleges always defend their right to exist?

In the spring of 1974, Central State University in Ohio was nearly flattened by a tornado. Members of the Ohio legislature questioned the feasibility of releasing funds toward the reconstruction of the predominantly black institution. Had such misfortune befallen a comparable white institution, I have no doubt that construction crews would have immediately been dispatched to start rebuilding.

"Merger" has recently become a threatening word to black college administrators. The predominantly black Arkansas AM&N College is no longer autonomous, but has been merged with the University of Arkansas. Plans of similar mergers are already under discussion for several other public colleges.

If public and private black colleges are not given the necessary financial and moral support, our society will lose an irreplaceable asset. Book learning is only a part of the whole education process. Black colleges offer motivation, consciousness, character-building, and perhaps most important, a positive image of blackness, an image which a young black student does not often find in the larger society.

The first black colleges educated ex-slaves, and the task was formidable. Today, black colleges educate the sons and daughters of ex-slaves, and the task is no less awesome. We must not allow national economic ailments or rationales of any type to interfere with the significant work of black colleges.

LEGISLATIVE CLASSIFICATION OFFICE AND THE CONGRESSIONAL BUDGET OFFICE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. ANDERSON of Illinois. Mr. Speaker, I am today introducing an amendment to the Congressional Budget and Impoundment Control Act of 1974 which would incorporate the Legislative Classification Office established by the so-called Hansen amendments (H. Res. 988) in the new Congressional Budget Office.

By way of background, the original Bolling Select Committee on Committees had recommended the establishment in the House of a Legislative Classification Office for the purpose of creating a cross-referencing capability linking Federal programs and expenditures to their authorization statutes and committee jurisdictions. In arguing for this system, the Bolling report noted that—

> Actual jurisdiction by committees over legislation is not clear, and oversight assignment responsibility over enacted programs is difficult.

The report goes on to read:

> The simple tracing of a program to learn what happened after its enactment, its appropriation, agency funding, and unexpended balances is very difficult.

The proposed legislative classification system was thus aimed at alleviating these problems.

My bill would simply eliminate the need for a separate House office of this nature by folding the classification system into the duties of the new Congressional Budget Office which not only serves both the House and Senate budget committees, but the authorizing and appropriations committees of both Houses as well. The classification system is perfectly consistent with the existing responsibilities of the Congressional Budget Office which is to supply the information needs of other congressional committees as well as individual members, to the extent possible. At this point in the RECORD, Mr. Speaker, I include the full text of my proposed bill and commend it to my colleagues' attention:

H.R. 4272

A bill to amend the Congressional Budget and Impoundment Control Act of 1974 by establishing a Legislative Classification System within the Congressional Budget Office

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

"(d) Legislative Classification System.—The Director shall establish with the Office a Legislative Classification System for the purpose of supplying the information needs of Members and committees of both Houses as provided by this section. The purpose of the system shall be to link Federal programs and expenditures to the authorizing statutes through a cross-reference capability based on the authorizing statutes, showing committee jurisdiction, appropriation Acts, budget authority, budget outlays, unexpended balances, other relevant systems which are or may be compatible, and the relationships between them. In developing, supervising, and maintaining the system, the Director shall—

"(1) work closely with the standing committees of both Houses in all phases of the development of the cross-referencing capability and coordinate with the Congressional Research Service and General Accounting Office, in the development, implementation, and operation of the system;

"(2) advise the Speaker of the House of Representatives and the Majority Leader of the Senate of the developments which could improve the operation of the classification system and issue an annual report to both Houses on the progress in implementation and use of the system, and plans for the coming year;

"(3) make available (as development permits) publications or information in appropriate format for the use of Members and committees of both Houses and provide the capability to answer specific queries on the available information; and

"(4) appoint such employees as may be necessary for the prompt and efficient implementation of the system."

SEC. 2. The Legislative Classification Office of the House of Representatives as created by the Committee Reform Amendments of 1974 (H. Res. 988, 93rd Congress) is hereby abolished.

GOVERNMENT REGULATIONS GENERATE MORE INFLATION

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. DEL CLAWSON. Mr. Speaker, an editorial column in this morning's Washington Post raises a number of questions which, unfortunately, the American people have not had the opportunity to answer. The Federal Government in its omniscience has both asked and answered the questions too often. I would quarrel with the statement that "the point being made here is a modest one that a given regulatory activity generates costs as well as benefits." I believe it is not modest, but highly significant in relation to the inflationary spiral we are supposedly fighting and to an understanding of just how far we have come along the road to domination of the individual by "big brother" government. I commend the editorial by Murray L. Weidenbaum to the attention of my colleagues.

GOVERNMENT REGULATIONS: THE INFLATIONARY COSTS

(By Murray L. Weidenbaum)

(NOTE.—Mr. Weidenbaum, director of the Center for the Study of American Business at Washington University, St. Louis, was an assistant Secretary of the Treasury from 1969 to 1971. This article is adapted from "Government-Mandated Price Increases," permission and copyright by the American Enterprise for Public Policy Research, Washington, D.C.)

As the American public is learning to its dismay, there are many ways in which government actions can cause or worsen inflation. Large budget deficits and excessively easy monetary policy are usually cited as the two major culprits, and quite properly. Yet, there is a third, less obvious—and hence more insidious—way in which government can worsen the already severe inflationary pressures affecting the American economy.

That third way is for the government to require actions in the private sector which increase the costs of production and hence raise the prices of the products and services which are sold to the public. For example, the price of the typical new 1974 passenger automobile is about $320 higher than it would have been in the absence of federally mandated safety and environmental requirements. Attention needs to be focused on this third route to inflation for two reasons: (1) the government is constantly embarking on new and expanded programs which raise costs and prices in the private economy and (2) neither government decision makers nor the public recognize the significance of these inflationary effects. Literally, the federal government is continually mandating more inflation via the regulations it promulgates. These actions of course are validated by an accommodating monetary policy.

Obviously, most of these government actions are not designed to increase prices. Nevertheless, that is their result. In part because of efforts to control the growth of government spending, we have turned increasingly to mechanisms designed to achieve a given national objective—better working conditions, for example, or more nutritious foods—without much expenditure of government funds. The approach emphasizes efforts to influence private decision makers to achieve specific ends. Thus, rather than burden the public treasury with the full cost of cleaning up environmental pollution, we now require private firms to devote additional resources to that purpose. Rather than have the federal government spend large sums to eliminate traffic hazards, we require motorists to purchase vehicles equipped with various safety features that increase the selling price.

At first blush, government imposition of socially desirable requirements on business appears to be an inexpensive way of achieving national objectives: it costs the government nothing and therefore is no burden on the taxpayer. But, on reflection, it can be seen that the public does not escape paying the cost. For example, every time that the Occupational Safety and Health Administration imposes a more costly, albeit safer, method of production, the cost of the resultant product will necessarily tend to rise. Every time that the Consumer Safety Commission imposes a standard which is more costly to attain, some product costs will tend to rise. The same holds true for the activities of the Environmental Protection Agency, the Food and Drug Administration, and so forth.

The point being made here should not be misunderstood. What is at issue is not the worth of the objectives of these agencies. Rather, it is that the public does not get a "free lunch" by imposing public requirements on private industry. Although the costs of government regulation are not borne by the taxpayer directly, in large measure they show up in higher prices of the goods and services that consumers buy. These higher prices, we need to recognize, represent the "hidden tax" which is shifted from the taxpayer to the consumer. Moreover, to the extent that government-mandated requirements impose similar costs on all price categories of a given product (say, automobiles), this hidden tax will tend to be more regressive than the federal income tax. That is, the costs may be a higher relative burden on lower income groups than on higher income groups.

Government regulation is an accepted fact in a modern society. The point being made here is the modest one that a given regulatory activity generates costs as well as benefits. Hence, consideration of proposals—and they are numerous—to extend the scope of federal regulation should not be limited, as is usually the case, to a recital of the advantages of regulation. Rather, the costs need to be considered also, both those which are tangible and those which may be intangible.

It should be acknowledged that what is taking place in the United States represents not an abrupt departure from an idealized free market economy, but rather the rapid intensification of fairly durable trends of expanding government control over the private sector. In earlier periods, when productivity and living standards were rising rapidly, the nation could more easily afford to applaud the benefits and ignore the costs of regulation. But now the acceleration of federal controls coincides with, and accentuates, a slowdown in productivity growth and in the improvement in real standards of living. Thus, the earlier attitude of tolerance toward controls is no longer economically defensible.

Worthy objectives, such as a cleaner environment and safer products, can be attained without the inflationary impact that regulation brings and public policy should be revised to this end. But we need to examine more closely the phenomenon of government-mandated price increases. It is likely that this unwanted phenomenon will be with us for some time—at least until consumers and their representatives recognize the problem and urge changes in public policy.

As these government-mandated costs begin to visibly exceed the apparent benefits, it can be hoped that public pressures will mount on governmental regulators to moderate the increasingly stringent rules and regulations that they apply. At present, for example, a mislabeled product that is declared an unacceptable hazard often must be destroyed. In the future, the producer or seller perhaps will only be required to relabel it correctly, a far less costly way of achieving the same objective.

MY RESPONSIBILITIES

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. RONCALIO. Mr. Speaker, Miss Susan Rae Fox, of Cheyenne, Wyo., has won first place in the VFW and ladies auxiliary sponsored Voice of Democracy contest for the State of Wyoming with her speech entitled "My Responsibilities as a Citizen."

Susan, the daughter of Mr. and Mrs. Mark M. Fox, is to be commended for her winning speech and her active participation in community and school affairs. Her speaking ability has already been proven in winning the statewide 4-H public speaking contest. A sophomore at Cheyenne's Central High School, she is already making plans to major in physical therapy in college.

Susan is an outstanding young American and I think we can all take inspiration from her speech which follows:

MY RESPONSIBILITIES AS A CITIZEN

(By Susan Rae Fox)

"*I*—me, an individual, a committee of one. *Pledge*—dedicate all my worldly goods to give without self-pity. *Allegiance*—my love and my devotion. *To the Flag*—our standard, Old Glory, a symbol of freedom. *Of the United*—that means that we have all come together. *States*—individual communities that have united into 50 great states. *Of America and to the Republic*—a state in which sovereign power is invested in representatives chosen by the people to govern. *For which it stands, one nation*—meaning, so blessed by God. *Indivisible*—incapable of being divided. *With liberty*—which is freedom and the right of power to live one's own life. *And Justice*—the principle or quality of dealing fairly with others. *For all*—which means, it's as much your country as it is mine." [1]

No those aren't my own words but the words of one, Mr. Lasswell. But they say what I feel, inside. We have to read between the lines. We have to find the author's thoughts and feelings that are expressed in his words. If we fail to find the deep meanings of our Country's great verses and anthems, then when we sing the songs or recite the poems they become just words in a monotonous pattern.

For me, this is a great part of my responsibilities as a citizen. I have to know where I stand on my country. By looking at each great work done by great Americans, By finding the real value, I find myself feeling very lucky to be an American. Another, more important, of my responsibilities as a citizen is to make myself as worthy a citizen as an alien does when he becomes naturalized. When an alien becomes a citizen of the United States, he swears an oath of loyalty and love for this country. His citizenship is precious to him—it's priceless.

Today, I feel we often take for granted the gift of liberty and freedom that natural born citizens are born with. Even though I may not swear this oath publicly, I should swear it in my heart. I swear to love this country and to bear arms in her defense and to place her above all other countries. The wonderful gifts of freedom and liberty, given to us in our Constitution, are worth standing up for. They hold a value beyond compare and they are more than worth the love, honor and respect that we owe this country; the love, honor and respect that we owe the men who died to defend her flag; and the love, honor and respect that we owe the qualities these United States stand for.

The most important of my responsibilities as a citizen, everyone's responsibility as a citizen, is to become involved, to be involved with our country and with our communities. Though it may be hard to be directly involved with a country as big as ours, we should be sure we don't become uninvolved. Keep up with the happenings and events of this country. Know what's going on. Vote! V-o-t-e! Vote, it's the easiest way of showing that you care. In my community, I need to be a part of clubs and fund raising drives, good organizations and charities. These are all an important part of our communities. When you become a part of these, you become a part of your country. *Your Country*. When you accept the responsibilities I have named, when you will get involved with your community and your country, when you will publicly swear on an oath of love and loyalty for the United States, then you are a working part of *your country*. Then you are a citizen worthy enough to live in these great states. These are my responsibilities and I must fulfill them for my goals. If everyone found their goals and responsibilities of being a citizen, then we would have a totally united feeling toward our country. Our country. Our Country! Has a nice ring to it, doesn't it? But, we need to work together to make our country strong. We can do it if everyone strives to be the best citizen of *our country*. In the words of Mr. Lasswell, ". . . it's as much your country as it is mine."

MY RESPONSIBILITY AS A CITIZEN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. DUNCAN of Tennessee. Mr. Speaker, I would like to take this opportunity to recognize before my colleagues a fine young man from Athens, Tenn., Mr. John B. Powers, who is the Tennessee winner of the Veterans of Foreign Wars of the United States Voice of Democracy Contest. John was chosen as the State winner of Tennessee by virtue of his fine speech on the subject, "My Responsibility as a Citizen." I would like to insert John's speech in the CONGRESSIONAL RECORD. His speech is a reflection on his respect for our great Nation, and the many leadership qualities John has displayed in his school, church, and community activities.

The speech follows:

You may have heard this startling statement: Democracy, our way of life, is only one generation from extinction. If that tiny spark of freedom that our founding fathers held so dear is allowed to go out, then democracy may be lost forever. For years, the United States, the lamplight of freedom, has been threatened from all sides, within and without. Open threats from the outside are usually met by valiant men who volunteer to prevent obvious annihilation. The more subtle, inner threats that slowly chip away at the morale of freedom-minded individuals are the ones to be feared.

There are many examples of this new immorality but two seem to particularly stick in my mind. During the Olympics in Munich, Germany, two American gold and silver medalists, the epitomy of athletic leadership, laughed and joked during the American National Anthem. Closer to home, at the University of Oklahoma, an American Flag was taken down and replaced with the flag of the Viet Cong. The same American flag that hundreds of thousands had died to save was then trampled into the ground.

It is during these times, when people are often disenchanted with America, that our responsibilities as citizens must be kept alive. I heartily agree with Adlai Stevenson when he said, "I venture to suggest that patriotism is not a short outburst of emotion but the steady dedication of a lifetime."

I am very proud to be an American citizen. With citizenship come rights that are superior to any other country's rights of the citizenry. But with rights come responsibilities, an inseparable pair. Yes, there are dangers to the American way of life but the main danger is presented by those not involved enough to stop deteriorization of our basic ideals. Therefore, my responsibility as a citizen is to get involved because, if involvement occurs, all other responsibilities will come naturally. One thing that will develop by itself is that of taking an active, informed role in government on the federal, state, or local levels. After learning about particular issues we can voice our beliefs to student governing bodies, the City Council, and our Congressmen. We have the responsibility of writing our representatives in Congress if only to tell them that they are doing a good job.

A fourth area in which we can register our opinion is that of voting, every citizen's right and duty. This is what our whole represenative system is based upon, and without voting, our right to representative choice is lost. If we get involved we will resultingly become active in community or school organizations, another responsibility. Still another duty is not only to obey laws, because even poor citizens do that, but to support law and order. I also need to promote better harmony and spread nationalism within my community. I may not be able to prevent national war but I can easily stop fighting with my neighbor. I might not be able to prevent pollution, but I can remember never to liter and to try to pick up other's trash whenever possible. I have a responsibility to study my nation's history and to remember our patriots and our fighters, especially those who gave their lives defending the ideals they saw in America. It is also my duty to love my country, respect its flag, and defend the United States against all its enemies, within or without. A further responsibility and a right is to seek to correct all laws that I feel are impotent or unnecessary by lawful means rather than by riots or protesting. Finally, I have the responsibility of getting involved in the betterment of my life by arresting all corruption that may be present.

In 1788, Edward Gibbon, in his book Decline and Fall of the Roman Empire listed three main reasons for Rome's fall. Firstly, an undermining of the dignity and sanctity of the home; secondly, a mad craze for pleasure which resulted in brutal and immoral sports and plays; and, lastly, a decay of religion in which the leaders lost touch with life and lost their power to guide the people.

Each of these 3 factors seems evident in today's society but our clue to survival lies in the words of Daniel Webster nearly 200 years ago: "Nothing will ruin this nation if the people themselves undertake its safety; Nothing can save it if they leave that safety in any hands but their own."

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[1] From the script of the Red Skelton Hour, January 14, 1969. Mr. Shelton cited Mr. Lasswell as having been one of his teachers.

The duties I listed are only a few of my responsibilities as a citizen. However, they are not only mine, but the responsibilities of every American citizen. Meeting these tasks in these small ways will invariably influence others to do likewise. What is needed today is an awake and alert citizenry searching for ways in which they can serve their country.

It is often said, "The American dream does not come to those who fall asleep." Following these principles, we will be able to preserve America as the greatest living example of freedom in the world today.

CONGRESS CALLED UPON TO SAVE THE SCHOOL LUNCH PROGRAM FOR AMERICAN CHILDREN

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. MOTTL. Mr. Speaker, this Nation recently reacted with outraged indignation when Secretary of Agriculture Earl Butz made a misdirected effort to increase the cost of food stamps to needy recipients.

Largely as a result of this public outcry, Congress took quick action to cancel out his effort to "economize" at the expense of the less fortunate members of our society.

Now this same Secretary Butz is trying to "save" a few pennies out of the bellies of the school children of America.

He proposes to do so by making savage slashes in the school lunch and breakfast program which, in recent years, has been one of the soundest and most sensible investments this Nation has been making in the future of the coming generation—and the future of the Nation itself.

I am proud to be a cosponsor, with Chairman CARL PERKINS of the House Committee on Labor and Education, of H.R. 3736, a bill to extend the school lunch and breakfast program in its present form.

This program needs no defense. It has produced rich rewards in the form of improved nutrition and health for millions of American children.

All that is necessary to produce an almost unanimous shout of approval from the American people for continuance of the program is for the public to become aware that it is threatened by Mr. Butz and his ill-advised advisers.

To help tell the facts to the American people, I call attention to the following factual article distributed by United Press International and published in today's New York Times:

LUNCH PLAN SLASH MAY HIT 6 MILLION

WASHINGTON, March 3.—The Ford Administration wants to cut Federal school lunch subsidies for children from middle-income homes, and Agriculture Department experts say that up to six million children could be involved.

About 15.2 million youngsters currently pay school cafeteria lunch prices ranging from 40 to 50 cents a day in most of the country. About 9.9 million children who are considered needy get free or token-priced lunches and breakfasts.

The Administration's budget request would limit spending on child nutrition to $1.6-billion in the year starting July 1, about $600-million less than under present programs. Over the next five years, the plan would save $4-billion, government officials said.

Under legislation expected to go to Congress soon, despite a cold preliminary reaction, subsidies would be halted for non-poor children in school lunch, breakfast and other feeding programs, including a special milk subsidy plan. A new "bloc grant" plan would be substituted, giving states money for one third of the daily nutritional needs of poor children.

If the states could not replace the money, an Agriculture Department expert said, school cafeteria prices would have to be raised 21 cents a meal—or $1.05 a child weekly—to offset Federal subsidies that now hold down the "regular" lunch price.

Agriculture Department officials estimated that an average of 8.3 million children would be eligible instead of the present total of 9.9 million.

An Agriculture Department economist, Stephen J. Hiemstra, said that studies last year indicated that such an increase would reduce the number of students eating in school cafeterias by about six million.

Department officials estimated that more youngsters could be eliminated by a tighter definition of "poverty" in the proposal.

"Poverty" income for a family of four is currently estimated at $4,510 a year. Most states now give free lunches to youngsters from homes with incomes up to 125 per cent of the poverty line, or $5,638 a year. Families with incomes up to 175 per cent, or $7,839, are eligible for token price meals for their children.

Under the Administration plan, free meals would go only to children from families earning $4,510 or less. Token-priced meals, if states could stretch their grant money, could go to youngsters from families earning up to $5,638.

MY RESPONSIBILITY AS A CITIZEN

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. SEBELIUS. Mr. Speaker, "My Responsibility as a Citizen," this year's theme for the VFW's 28th annual Voice of Democracy scholarship program offers us all a unique opportunity to reassess our own responsibilities as American citizens.

Each year thousands of secondary school students participate in this contest in which five national scholarships are awarded as the top prizes. Freedom and democracy are not just catch words to these students but concrete meaningful terms which describe an important aspect of their everyday lives. The significance of these terms is characterized in the notable insight and depth of feeling exhibited through the thoughts of the winning State contestants.

Miss Susan Apley, a student at Larned High School in Larned, Kans., will be arriving in Washington this week along with the winning contestants from each State to participate in the final judging. Miss Apley, daughter of Dr. and Mrs. A. D. Apley, is active in student government, a tireless participant in 4–H and a member of the National Honor Society. It is with a great deal of pride that I have the privilege of introducing into the RECORD Miss Apley's outstanding winning entry:

MY RESPONSIBILITY AS A CITIZEN

(By Susan Apley)

A country auction held on a clear, crisp day—the smell of hot coffee drifts through the air—farmers discuss the merits of the machinery and tools while women move among the displays of fancy work, dishes and furniture accumulated over a lifetime. The auctioneer starts his warm up to signal that the auction will soon begin. As the crowd assembles around him, you hear snatches of conversation describing the old couple who once lived here—phrases like—"neighbors you could count on"—"they did their part for their church and community"—"good folks"—"they were responsible citizens."

I began to wonder, if a similar auction would be held for me in the future, would I be remembered as a good neighbor—as a contributing member of my community—as a responsible citizen? I would hope so, but what really is a responsible citizen? It is such a big area of concern, it is hard to know just where to begin in this great, complex land of ours. I appreciate the words of Norman Thomas: "To us Americans, much has been given; of us much is expected!"

One way to discover just what my responsibilities as a young citizen are would be to carefully study the Constitution of the United States of America. I have been given, like every other citizen of the United States, opportunities which are unique throughout the world. It is up to me as an individual, to make sure that I first know and understand my rights and privileges. Only then will I be able to make intelligent decisions concerning my use and protection of these rights.

It has been said by Frank Crane that "Responsibility is the thing people dread most of all. Yet it is the one thing in the world that develops us, gives us manhood or womanhood fibre." It follows that I need to relate my responsibility as a citizen to my everyday life.

As a young citizen, I can begin with the responsibilities I have within my own family. They range from simple tasks such as drying the dishes to the complex fabric of my relationship to other members in the family. This, to me, is where responsibility really begins, where even the efforts of a very young citizen can count.

As a young citizen, I can become involved in community projects such as doing volunteer work in a senior citizen's center or hospital. This personal effort and contact can mean very much to someone else who needs my help. I can also actively participate in my school. One avenue to voice my opinions and to work for solutions to problems within the school, would be to serve as a student government representative or a class officer. Many worthwhile youth organizations also offer opportunities for service while working with others toward specific goals.

It is also my responsibility to take part in the elective process, now and in the future. I might work in a community campaign to urge eligible voters to exercise that privilege. I should constantly try to keep myself informed about pertinent issues that affect our country and what elective officials propose to do about them. I need to actively support the candidate of my choice and when the time comes, take advantage myself, of that important privilege, my right to vote. Following an election, I can inform my representatives of my opinions and ideas and be ready to work to carry them through.

My responsibility as a citizen also extends to others. The Constitution seeks to guarantee all citizens equal rights. Protection is provided to every citizen against the indiscriminate action of others. I can fulfill part of my responsibility as a citizen by helping others to be aware of their rights and obligations. As an example, I might assist with programs to help those preparing for citizenship. I should encourage the participation of others, as well as myself, in local, state and national, and even international affairs.

Still, one of my most important responsibilities regarding citizenship lies within the formation of my own attitudes and programs of personal action involving my country's policies, environment, and protection of human rights. I know that just as a puzzle is not complete without all the pieces, our country cannot be strong without the help of all its citizens. We must all work together for a better tomorrow.

I wish to fulfill my responsibilities as a citizen. Now, and as I mature. I want to make my energy felt—to live up to the challenge of citizenship. I want to help the United States of America endure, grow, and prosper. I want to be remembered, as were the old couple, as one who could be counted on to do my part. I accept, I welcome my responsibility as a citizen.

VOICE OF DEMOCRACY CONTEST

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. GUDE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conducts a Voice of Democracy Contest. This year, nearly 500,000 secondary students from over 7,500 schools participated, competing for the five national scholarships which are awarded as the top prizes. The theme, entitled "My Responsibility as a Citizen" focused the attention of youth on the obligations of citizenship and called for a personal evaluation of their responsibility in preserving democracy in this country. Each final product was then transcribed on tape and judged for content, originality, and delivery.

I am pleased to announce that Leda Cosmides, daughter of Dr. and Mrs. George J. Cosmides of Rockville, Md., and a resident of my district, submitted the winning speech in the State competition. Miss Cosmides, a 12th grade student at Richard Montgomery High School in Rockville, plans to pursue a medical research career at Harvard, Yale, or Princeton. Her scholastic achievements and leadership qualifications are praiseworthy, including her present office as president of the student council. Miss Cosmides is also a violinist in the Montgomery County Youth Symphony, as well as a sports enthusiast. She will join other State winners in Washington, D.C., on March 7, to compete for the $10,000 first prize scholarship. I wish her well.

The high quality of her speech speaks for itself:

MY RESPONSIBILITY AS A CITIZEN

Last week was The Game. We were playing our arch-rivals and Everyone was there. I was standing at the top of the stadium and all I could see around me were heads. There must have been at least 30,000 heads in that stadium. All of a sudden I realized that I was only one of all those heads. I felt very small and insignificant. I felt like if I dropped, right there, no one would even have noticed it. That's how many Americans feel today—insignificant—lost in a mob of the 200 million people who make up this great big country. But our country is not just a teeming mass of humanity. It is not just a huge social organism. Our Country is a Group of Unique, Creative, and Important Individuals. Plato said ". . . governments vary as the characters of men vary; . . . the state is what it is because its citizens are what they are." So if we, the American people, think that we are insignificant, and act like we're insignificant, then America will be insignificant. We cannot afford to let this happen! My responsibility as a citizen is to stand up and be an individual; to take pride in myself, take pride in my work, and take pride in my country. Sometimes I lose perspective and I think that my job is irrelevant or unimportant. Sometimes I even think that I have to be a statesman or political lobbyist or cabinet member to have any effect—to be important, and to be anything else is to be just one of the millions of so-called "little people". But then I remember that every job, be it teacher or truck driver or physician or store clerk or anything else you can think of is vital to the functioning of our society. The Empire State Building, for example, was not built by one powerful man or by a faceless mob—it was built by a large group of individual people—each doing his little bit, each putting his brick into place, until the whole building was constructed. My responsibility as a citizen is to put my brick into place, and take pride in the knowledge that my brick, no matter how insignificant it may seem, was necessary to help build America. If everyone does his part, if everyone puts his brick into place, then we will build America strong, we will build her proud, and we will build her great. And not only will we be fulfilling our responsibility as citizens, but we will also be fulfilling our responsibility as human beings. Working individually, we are heroic. Working together, we are unbeatable.

TROOP 5 OF AUSTIN'S FIRST METHODIST CHURCH

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. PICKLE. Mr. Speaker, last week I had the pleasure of joining with the President and many of my colleagues to celebrate the 65th anniversary of Scouting. I was pleased to learn at this sunrise breakfast with the Boy Scouts of America that the majority of U.S. Representatives were former members of this esteemed organization. In fact, according to a poll conducted by my friend from the Buckeye State, the Honorable CLARENCE BROWN, 60 Members of the Senate and 250 House Members belonged to the Girl or Boy Scouts.

In connection with this recognition of the outstanding achievements of Scouts and the good leadership training provided by the Scout program, I would like to recognize the Scout troop from my church in Austin, Tex., the First United Methodist Church.

Troop 5 of the Methodist Church has a long and illustrious record. It is more than 60 years old and the accomplishments of its members are very noteworthy.

I am also very pleased that the current Scoutmaster of this group is Mr. George Phenix, my former administrative assistant.

I am inserting in the RECORD an article which recently appeared in the church bulletin, First Church Beacon, regarding Troop 5:

BOY SCOUT SUNDAY, FEBRUARY 9

A long tradition of dedicated, high-quality leadership has made First Methodist Church's Boy Scout Troop 5 one of the most honored troops in Scouting history. Troop 5 was adopted by the Men's Bible Class of FUMC in 1914; and later, official sponsorship was received from the church. In the 1950's, one additional Scout troop and an Explorer Post were also headquartered at the church.

A highlight of each year's program is a long camping trip in the summer. The first of these was to Cowles, New Mexico, in 1947. Since that time the troop has camped in Colorado, Oklahoma, Arkansas, Missouri, North Carolina, and in Big Ben National Park. Next summer the troop will camp for a week at the Caddo Council Campsite in Mena, Arkansas.

Fund-raising for these trips has been a big job, and one which boys and leaders have enjoyed together. The boys have collected wastepaper, delivered circulars, washed cars, sold tickets to Scoutaramas, and operated concession stands and parking lots at University of Texas football games. Scout leaders estimate that over the years the troop has raised almost $30,000 for their program.

Troop 5 has received many honors over the years. Among these, the group holds the distinction of having received more charters than any other troop in the history of Scouting in the United States. Since records have been kept, sixty-eight members have attained the ranks of Star and Life status.

From the very beginning, Troop 5's greatest asset, besides the boys involved in it, has been the tireless leadership of dedicated churchmen. Nine members of FUMC have served as president of the Capital Area Council, comprised of seventeen counties in central Texas. Twenty-one members have received Scouting's highest award for service to boyhood, the Silver Beaver. One member has served as institutional representative for twenty years. Another churchman is now chairman of the Eagle Board of Review and was a Scoutmaster for many years. One Scoutmaster came into the troop as a Scout and has thirty-seven years tenure as an Eagle Scout and as a Scoutmaster. One member has served as troop treasurer since 1946.

Troop 5's present Scoutmaster, Mr. George Phenix, is supervising a well-planned program for the boys these days. He extends a warm invitation to boys of this church who would like to participate in Scouting—a program of training, fellowship, and learning that can last a lifetime.

(EDITOR'S NOTE.—Your editor reluctantly agreed to the wishes of the persons who brought her the information from which this story was written and did not use any names. She cannot identify each of the persons described above by name, but cannot resist the temptation to add that anyone who has been around First Church for any length of time knows that L. J. "Pop" Ireland is the mainstay of Scouting, with H. H. Colley and Gilbert Leifeste close at hand. Your editor further takes responsibility for leaving out many others whose contributions are great, but whose names are not known to her. We appreciate all of them for their work on our behalf.)

VOICE OF DEMOCRACY CONTEST

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. D'AMOURS. Mr. Speaker, each year the Veterans of Foreign Wars of the

United States and its ladies auxiliary conducts a Voice of Democracy essay contest. This year nearly 500,000 secondary students across the Nation participated in the contest competing for the five national scholarships which are awarded as the top prizes.

This year's contest theme was "My Responsibility as a Citizen" and I am proud to announce that this year's winner from the State of New Hampshire is Miss Cynthia Jean Ginn of the First Congressional District.

In her poignant essay Miss Ginn, who lives at 47 Gale Avenue in Laconia, N.H. 03246, reminds us that our citizenship confers upon us responsibilities as well as rights. She further reminds us that in order for our Nation as a whole to continue to remain strong and free we will have to, in the words of the late President John F. Kennedy, "ask not what our country can do for us but what we can do for our country."

Mr. Speaker, we in New Hampshire have always been proud of our decentralized school system which allows each community to retain control over its local schools. Cindy Ginn's essay is an excellent example of the high caliber education which the youth of New Hampshire are continuing to receive under this system.

It is with great pride and pleasure that I share her essay with you:

MY RESPONSIBILITY AS A CITIZEN

(By Cynthia J. Ginn)

I am an American citizen. This is my country. As a citizen, I have certain responsibilities. Although I am only one among many, my actions . . . my attitudes will greatly affect the future.

Each citizen, like a cell in a massive body, receives the nourishment of certain rights and privileges from the heart of the body—the government. Yet each cell carries out its own life cycle with often unique duties essential to the life of the whole. So each citizen is responsible for his duties; the country cannot live without him, nor can he survive without the country behind him, providing for his protection and well-being.

The coordination of the working parts of the body is essential to its performance. Citizens must work as a cooperative unit so that the country may function smoothly. It is the organization and the unity of the citizens that will determine the success or failure of the nation. Individuals who create "muscle spasms" will hamper the body's ability. Everyone must do his best individually by carrying out his duties responsibly. Only then can the entire body benefit and prosper.

The brain leads and directs all other parts of the body. Thus the leaders of the country are charged with directing the lives of all citizens. The individual citizen has great power in his ability to vote for his administrators, and he should exercise this power. He who says his single vote is unimportant, unnecessary or ineffective, is mistaken. Each vote is a step toward better representation; better democracy.

The body's conscience will remind it of right and wrong. The conscience must be honored and heeded at all times; a responsible citizen will try to uphold justice whenever possible. He may serve on jury duty, doing his part to defend the Constitution—the body's will. All of his actions should harmonize with the country's will so that its conscience can be at ease.

Physically, the muscles of the body give it strength and keep it whole. The nation's Armed Forces are its muscles—its strength can help defend the country's principles. Citizens may become an active part of this organization to strengthen the country in times of need. This strength may also protect or defend other bodies of people—the strong arms of our nation can shield those of a crippled one.

The bloodstream of the body is a system which must reach all parts to bring life-giving substances. It is the major source of food for the next generation. Thus the communication in the nation must keep all citizens informed so that they may work better together. Working on a newspaper, giving speeches, or using the telephone will help to spread ideas and issues in government. Communication with the young in this nation is important, since we are growing fast to become tomorrow's active leaders. Education in citizenship based on good communication will prepare us to be mature citizens.

Finally, the soul of the body is important. More important than what the body does when and where, is *how* and *why* it is done. The attitude that each citizen takes reflects the reputation of the country. As I say the Pledge of Allegiance to the American flag, I am reminded of the respect that all citizens should hold for their country. Each individual represents his nation and may impress or repel others with his attitude. Our actions should always be in accord with the ideals of democracy and freedom that our country stands for.

Each citizen should feel that giving support to his country is more important than the benefits he receives from it. His responsibilities are those which he feels will best help himself, his fellow citizens, his country, and eventually the world. As an American citizen, *I can accept* these responsibilities with pride, *because this is my country.*

LET US END MANDATORY RETIREMENT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. QUIE. Mr. Speaker, Paul Harvey, one of America's popular news commentators, recently spoke out in support of a bill—H.R. 2588—introduced by the gentleman from Illinois (Mr. FINDLEY) which would end forced retirement based on age.

Mr. Harvey pointed out the injustices of a system which forces individuals to retire at a certain age and noted statistics which favor the employment of those over 65.

I cosponsored Mr. FINDLEY's bill and want to share this convincing commentary with all those interested in aiding America's senior citizens:

PAUL HARVEY NEWS,
February 12, 1975.

REQUIRED RETIREMENT MAY BE OUTLAWED

Two-thirds of the world's most creative people are over sixty years of age.

More than two-thirds of the men and women in medicine, education, science, government and the arts are over sixty.

Yet in industry and civil service and most unionized businesses retirement is required at 65 and there are efforts to reduce it to 60.

Our Government has gone to great lengths to eradicate employment discrimination based on race, religion or sex—yet continues to allow this most insidious of all discrimination *based on age.*

Illinois' Congressman Findley is going to try to do something about it.

The United States Department of Labor confirms other studies which show that:

Older workers are less prone to change jobs.

Older workers' absenteeism is less.

Older workers are ill or disabled *less frequently* than younger workers, less frequently.

In production jobs the output of a person past 65 compares favorably with that of younger workers.

In office jobs, efficiency differentials are minimal.

Older workers are generally more reliable in positions of responsibility. (Positions involving honesty.)

Yet unions, industry and government conspire to perpetuate our nation's ugliest discrimination, forcing retirement at age 65 or younger.

Illinois' Congressman Findley has introduced in Congress a bill to make discrimination in employment based on advancing years illegal.

Congressman Findley says, "Before the Bicentennial year we should reaffirm the principles epitomized by the life of Benjamin Franklin whose most productive years were beyond 65. (He helped draft the Declaration of Independence at 81.)

Each year the list grows of notables whose greatest period of productivity began at the age when we are still turning most men and women out to pasture. These notables notwithstanding, each decade has increased the average Americans span of productive years while by legislation and regulation we have sought to curtail his potential for productivity.

Findley had 34 cosponsors for his bill though there are sixty members of the House and fully one-fourth of the members of the Senate who would be forced out if the "sixty-five retirement formula" applied to them. (Including the Senate's party leaders, Mansfield and Hugh Scott.)

Half the members of the Supreme Court would be bumped off if their own law applied to themselves.

You might want to suggest your Congressman help outlaw this discrimination everywhere or apply it to everyone.

YALTA PACT—DAY OF INFAMY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. DERWINSKI. Mr. Speaker, on February 12, 1945, U.S. President Franklin D. Roosevelt, England's Prime Minister Winston Churchill, and Soviet Dictator Josef Stalin met to sign the "Yalta Pact," under which the pretense of bringing world peace actually reconstructed the map of Europe by allowing Soviet domination over the peoples of Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, and East Germany and incorporated the Rumanian provinces and the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Empire.

On this 30th anniversary, Aloysius A. Mazewski, president of the Polish American Congress and the Polish National Alliance, reminded the world of this "day of infamy" by issuing a statement which I insert at this time. Following Mr. Mazewski's remarks is a copy of a press release issued by the Assembly of Captive European Nations located in New York which calls for the restoration of freedom and self-determination to these nations. Both statements follow at this time:

[News release from the Polish American Congress, Inc., Feb. 11, 1975]

YALTA PACT—DAY OF INFAMY FOR WESTERN CIVILIZATION

February 12 marks the 30th anniversary of the Yalta Pact.

When the defeat of Nazi Germany was in sight, political leaders of the United States, Great Britain and the Soviet Union met at the resort on the Black Sea to chart diplomatic course that was to follow Allied victory in Europe.

President Franklin D. Roosevelt, Premier Winston Churchill and Dictator Josef Stalin reached a series of accords during several sessions.

The central and crucial issue of these agreements was the freedom, independence and integrity in the political future of Central and East European nations of millennial history, particularly Poland, Hungary and Czechoslovakia.

The key test laid in the restoration of a free and independent Poland, for the decisions regarding that nation sealed the fate of its neighbors.

In the perspective of history we see now that the Soviet Union came to Yalta with a brutal blueprint for the conquest and domination of Central and Eastern Europe. Every demand and every argument of Stalin had the precise goal of extending and perpetuating Soviet domination over one half of Europe.

On the other hand, the United States and Great Britain came to Yalta with wishful thinking and rhetorics without substance and without determination to stop the Soviet advances at its historic borders.

The resultant declarations and intents, arrived at without consulting the nations directly affected by them, contained unwarranted concessions to the Soviet Union and its instrument of conquest, the Communist Party in the areas in question.

Shortsightedness, naive faith in Russia's adherence to the signed agreement, and the fact that the Western powers came to Yalta without comprehensive plans, and basically, unversed in the intricacies and issues inherent in that part of Europe, led to disastrous consequences.

Soon, Moscow agents, backed by the Red Army, made mockery of free elections in Poland, Hungary and Czechoslovakia, promised in the Yalta Pact.

With the Red Army in the vanguard, communist tide engulfed Europe down to the Elbe River.

The Western Powers were unwilling, although they were able, to prevent the Communist take over in the nations which by history and tradition belong to the Western Civilization.

Instead of peace and reconstruction, red terror reigned in those countries, annihilating the forces of freedom within them.

And to this day, Soviet military forces are stationed in Poland, Hungary, Czechoslovakia and East Germany, ready to suppress any movement toward an even partially opened societies in these lands.

It is small wonder, then, that to millions of subjugated peoples of Central and Eastern Europe and their compatriots and friends abroad, the date of the Yalta Pact is a Day of Infamy for the West.

In the context of current international realities, the Yalta Pact appears as the first attempt at détente between the West and the Soviet Union.

Today, détente is very much on the mind of American public.

It is, therefore, proper and urgent to ask and appraise several questions:

Are we now as unprepared for détente as we were in 1945 in term of understanding the weakness and covert designs of the Soviet Union?

Are we rushing into an era of accommodations with the Soviet Union with the same wishful thinking, naive faith in Moscow's good intentions and with disregard for the evils of Communism?

There is sufficient evidence to conclude that the Soviet Union is approaching accommodations with the West in the same spirit of ruthless aggrandizement in the field of economics, it has demonstrated in the area of political and geographic expansion at Yalta.

The lessons of Yalta should steer us on a course of quid pro quo dealings and concern for those nations of Europe we have abandoned at Yalta.

The Soviet Union took an advantage of our moral confusion and diplomatic weaknesses at Yalta. Now we should take full and bold advantage of Russia's economic weaknesses and correct at least a part of the blunders we have committed at Yalta.

[Press release from the Assembly of Captive European Nations, Feb. 11, 1975]

THIRTY YEARS AFTER YALTA

Thirty years ago, in February 1945, on the threshold of victory in the Second World War, Roosevelt, Churchill and Stalin met in Yalta to decide the fate of nations drawn into that tragic holocaust and to draft the map of post-war peaceful Europe. Unfortunately, their decisions taken without regard to the legitimate aspirations of the nations concerned failed to heal the wounds of war and did not bring real peace either to Europe or to the world.

The Eastern frontier of Poland was arbitrarily moved to the so-called Curzon Line, without the knowledge and consent of the government of allied Poland whose soldiers were fighting on all the fronts against common enemy. This was the area grabbed by Russia during her association with Germany after the conclusion of the infamous Ribbentrop-Molotov Pact. Soviet domination over other territories grabbed by Russia during the same period was not questioned. Among them were the Rumanian provinces of Bessarabia and Bucovina and the Baltic States of Estonia, Latvia and Lithuania.

The two Yalta Declarations on Liberated Europe and on Poland, promising the adherence to the principles of the Atlantic Charter and free unfettered elections of governments responsive to the will of the people, were never fulfilled. When later on, whole nations and peoples were swallowed up behind the Iron Curtain, Communist governments were imposed upon them without regard to a free vote of the peoples concerned. These included Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania and East Germany.

Wherever the influence of Soviet armed forced could be brought to bear, independent countries, just liberated from Hitler's terror, were absorbed and their national aspirations savagely repressed by a State bent on enforcing obedience to Communist ideology on all peoples within Soviet domain.

Thus, a big Soviet empire was created founded on coercion and denial of human rights, freedom and national independence. Its armies entrenched today in the heart of Europe are a constant threat to peace.

On this thirtieth anniversary of the ill-fated Yalta Conference, the Assembly of Captive European Nations calls for the unconditional application of the principle of self-determination of nations and of the Universal Declaration of Human Rights which would lead to the restoration of freedom and independence to the victims of Soviet aggression in East-Central Europe.

MAINE URGES CONGRESS TO EXTEND FISHING BOUNDARIES

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. COHEN. Mr. Speaker, the people of Maine are anxious to see the 94th Congress enact legislation which would extend the fisheries jurisdiction of the United States seaward to 200 miles. On February 20, 1975, the 107th Legislature of the State of Maine adopted a joint resolution stating its support for Federal action to protect our coastal fisheries resources.

On the first day of this session, I cosponsored H.R. 200, a bill introduced by Congressman STUDDS of Massachusetts. This measure, which now has over 100 cosponsors in the House, would achieve the precise objectives sought by the Maine Legislature. I am pleased to note that the Subcommittee on Fisheries, Wildlife Conservation, and the Environment, of the House Committee on Merchant Marine and Fisheries, has scheduled 5 days of legislative hearings on this bill and other related measures. These hearings will take place here in Washington next week, March 10 to 14. In an effort to insure that all Members of Congress are aware of the Maine Legislature's position on this important issue prior to these hearings, I am inserting the legislature's joint resolution in the RECORD at this point:

STATE OF MAINE—JOINT RESOLUTION

Joint resolution memorializing the Congress of the United States to extend the United States fisheries management jurisdiction 200 miles seaward from its boundaries

We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, Maine fishermen are currently losing the livelihood of generations through failure of the Federal Government to control excessive foreign fishing off the coast; and

Whereas, Federal negotiations at the "law of the sea" conference even if successful will take 6 to 10 years to ratify and implement leaving little or no protection during the interim; and

Whereas, this inaction has prompted the Maine Legislature to declare Maine's fisheries management jurisdiction 200 miles seaward from its boundaries or to the edge of the continental shelf; and

Whereas, the Congress of the United States must act now to extend United States fisheries management jurisdiction beyond 12 miles to the 200-mile limit before fishing stocks are exhausted; now, therefore, be it

Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to pass legislation which will extend the fisheries management jurisdiction of the United States without interfering with Canada 200 miles seaward or to the edge of the continental shelf and thus reduce the chances of further depletion of fishing stocks by overfishing; and be it further

Resolved: That a duly authenticated copy of this Memorial be immediately submitted by the Secretary of State to The Honorable Gerald R. Ford, President of the United

States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each Member of the Senate and House of Representatives in the Congress of the United States and to each Member of the Senate and House of Representatives in the Congress of the United States from this State.

House of Representatives. Read and adopted; February 20, 1975. Sent up for concurrence.

EDWIN H. PERT,
Clerk.

In Senate Chamber. Read and adopted; in concurrence; February 21, 1975.

HARRY N. STARBRANCH,
Secretary.

THE MEANING OF CITIZEN

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. DU PONT. Mr. Speaker, Liam P. Corbalis has won the student VFW Voice of Democracy Scholarship Program Contest in Delaware. He has written an essay on the meaning of citizen and I insert it in the RECORD so that my colleagues may share the benefit of Mr. Corbalis' thinking:

Suppose I were to describe to you a miracle machine. When one fed into it just about anything of worth it would put out an amount of pleasure, wealth and security far greater than the equivalent of that which was put into it. The input into this machine could come in the form of money, physical labor or other forms of service. To most of you this would seem a desirable thing. For example, by placing a small sum of money into the mechanism you would receive out of it the ingredients of a feeling of security and well being far greater than that which you previously had. It would be like a coin operated semi-utopia.

Although it seems like an impossible thing this mechanism does exist. The device I speak of is the United States of America. The input into this device comes in many forms, some of them are money, labor and a diversified spectrum of other physical services.

The fruits of this machine are those which are associated with life in this country. Despite the many hardships some Americans think they suffer, we are actually well off here in the United States compared to most countries. We receive more from our society than any other average citizen in any other country.

I see that my duty as a citizen is similar to that of a fireman on a train; I must keep the engine, the United States of America, fueled. I personally must do this in various ways.

One way which I as a citizen must fuel my country is by putting money in the form of taxes and contributions into the system. I as a citizen must not look for ways of getting around paying income tax or trying to get out of making donations to charities. If you stop and think about it, it is just logical that I should want to put money in to the system, since the machine I have described to you has a much higher output than that of the input. It would benefit you and me in the long run if all of us put input into this machine.

Another way which I, as a citizen, must fuel my country is by putting my time and effort into the mechanism. Everyone, no matter how rich or poor can give time, it costs practically nothing. There are many charities which need volunteers nowadays and many campaigns both political and social which need workers. I also believe that one of the most important duties of a citizen is to protect that mechanism which we live under. I see it as my duty to serve in the armed forces when called upon and even to volunteer for service if my country should ask it of me. After all anyone would fight without hesitation to protect that hypothetical slot machine which I described, or suppose you or I owned the goose that laid the golden egg, would we not jump to protect this goose if it were endangered?

The number of ways to maintain this machine, which I have postulated, are infinite. My duty as a citizen is to put as much as I can into this machine in as many ways as I can.

CASTLE AIR FORCE BASE AND COMMUNITY RELATIONS

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. SISK. Mr. Speaker, for a number of months I have been working with my constituents who are experiencing a serious problem related to the Castle Air Force Base in central California. Despite the problem and the intense desire to have the matter resolved, my constituents and officials of Castle Air Force Base have refused to allow their close relationship jeopardized.

My constituents respect the job officials at Castle Air Force Base have to do and know how fortunate they are to have the facility in their community. Likewise, base officials realize they are fortunate to have the kind of community support that they now enjoy. This relationship speaks well for the community and Castle Air Force Base, and it is one that every community that has a military facility should want to have also.

I would like, therefore, to insert a copy of a resolution that the Base Community Council adopted which speaks of this relationship and which I think my colleagues will find rewarding:

RESOLUTION

Whereas, The Base Community Council of CAFB is composed of officially designated representative members of the cities of Atwater, Livingston, Merced, the Merced County Board of Supervisors, the Commands at CAFB and the Chambers of Commerce of the cities of Atwater, Livingston, Merced, the community of Winton and the County of Merced, and

Whereas: The Base Community Council has been successful in achieving its goals by actively working to foster and perpetuate an aura of thorough understanding and an enthusiastic working relationship between the civilians and military at CAFB since 1955, and

Whereas: During this time, the Commands at CAFB have efficiently completed their assigned missions while the citizens of our community have been nearly unanimous in their appreciation of having the men, women and airplanes of CAFB among us as evidenced by the fact that during the nineteen years of our council's existence, the population in our area has very nearly doubled with people who also apparently had no qualms or other concern about an alleged noise factor, and

Whereas: There has recently been issued by the Department of Housing and Urban Development a "noise map" that delineates an area of our community approximately 10 by 30 miles in size as being unsuitable for residential use due to the noise generated by the airplanes based at CAFB while they are performing their assigned missions, and

Whereas: The immediate practical effect of this noise map is to eliminate all federal financing or guarantees for other financing for all residential and much commercial building in this community until the noise is abated or current federal restrictions are lifted, and,

Whereas, This cessation of all building activity and growth in this area will be economically disastrous to most every resident and nearly every business firm located here as well as causing economic handicap and great operational inconvenience to the performance of their mission by the Commands at CAFB, and

Whereas: The members of this council who represent our various communities firmly believe that the noise generated by the airplanes from CAFB is not and should not be considered a deterrent factor to stop the growth or way of life of our communities or the efficient accomplishment of the military missions of CAFB and we as firmly believe that we who live here and in the many fine communities throughout our great nation should not have our lives and livelihoods disrupted so shatteringly by the whims of a computer dependent bureaucracy located thousands of miles from us now, be it

Resolved: That the Base Community Council does hereby reaffirm our position of support for the Commands at CAFB in the efficient performance of their assigned missions and reexpress our opinion that the noise generated by their airplanes is of no great significance in the lives of the citizens living in our area, and, be it further

Resolved: That we petition any federal department or agency involved in this problem and particularly do we petition the Congress of the United States to help us to expeditiously resolve this unnecessary problem by establishing a "disclaimer method of obtaining financing for homes and businesses to be built here or by whatever other means this totally restrictive ruling may be eliminated or resolved to our immediate benefit, and, be it further

Resolved: That we urge the Commands at CAFB to promptly abandon any plans to divert training flights or other activities from here in an expensive and time consuming effort to satisfy an apparently misdirected computer, and be it further

Resolved: That by copy of this Resolution the U.S. Air Force and any other interested parties be advised that we not only are proud to be the home of CAFB now, but, that we will continue to be so when the B-1 aircraft are assigned here and shall do all in our power to welcome and aid them in whatever way is appropriate.

MIDEAST PEACE—THE NEW REPUBLIC

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. UDALL. Mr. Speaker, the current issue of New Republic magazine contains one of the most insightful and clear statements regarding the state of peace in the Mideast I have had the pleasure to read.

Mr. Martin Peretz, the new editor of New Republic, has done all of us a service by separating reason from passion in a straightforward and eminently readable exposition of the diplomatic intracacies and pitfalls that have made the achievement of peace with trust so difficult to attain in this smoldering and troubled part of the world.

Mr. Speaker, I urge all my colleagues to read this excellent editorial. I hope they find it as informative as I did:

MIDEAST PEACE?

Israel has become in world affairs a pariah nation. Why this is so is both complicated and simple: Israel is, after all, the political expression of a historically oppressed people, and the power of Arab oil is just now great enough to sway both the weak and the mighty to join the anti-Israel chorus. Surely, as two prominent French leftist intellectuals wrote recently in *Le Monde*, it is not that Israel can be seen on *any* comparative scale—whether measured against Communist, Western, Arab, or Third World countries—as a monster state. Whatever the reasons for the lopsided anti-Israel majorities in various U.N. agencies or behind the hostile rhetoric of intrinsically indifferent political figures from distant and otherwise preoccupied countries, the implications of the new mood are clear—and they constitute a peril to the security of Israel.

The persuasive capacity of insincere analysis seems to be without match, and there is a particular virulence to the contagion of insincere phrases. With reference to the Middle East, these are now the stuff of orthodoxy. James Reston, in a column for some of whose factual and intellectual gaucheries he has already apologized, sees an obstacle to peace not so much in the reluctance of Israel itself to make concessions, as in the anxieties of Israel's friends in America that territorial concessions made to the Arabs will be the military advantage from which a future war begins. Tom Wicker fears Israeli defiance of an "acceptable" settlement—and fears also American (for which read Jewish) support of that defiance. Evans and Novak, Carl Rowan, Nicholas Von Hoffman, others, the same and more. "Columnists are like blackbirds on electric wires," Eugene McCarthy used to say. "They move in groups." Everywhere, it seems, it is assumed, "if only Israel were not so intransigent . . . if only Israel would return to the borders of June 4, 1967. . . ."

History and logic alike should confound the easy confidence with which such impatient sentiments are uttered. The frontiers existing at the outset of the six-day war separated Israel and her Arab neighbors for 19 years, and they were not frontiers of peace or even of real truce—but frontiers from which wars were waged and threatened. Indeed, much of the territory in the Sinai that Israel is now urged to restore to Arab sovereignty had already been restored twice in exchange for guarantees that proved to be of no value whatever. And if this was the case when the Arab governments were weak and divided, when there was virtually no Russian presence capable of great mischief in the area, why will the territorial *status quo ante* bring peace now that the Arabs are strong and relatively united, and now that the Russians are positioned to disrupt any situation not in accord with their own—and shifting—political ends? This isn't a rhetorical question intended to bolster an Israeli minority which opposes relinquishing Arab lands. In the first disengagement on Suez after the Yom Kippur war, more reluctantly to be sure on the Golan, Israel amply demonstrated that it would make territorial concessions to build momentum toward an agreement with the Arabs. Even those who fault what they call "Israel truculence" know that in the next round of negotiations the Jerusalem government is willing to take considerable risks to keep alive the process so painstakingly nurtured by Secretary Kissinger.

The question in the next days, however, is not what Israel will give up; it is rather what Egypt will give in return. It is sheer sloganeering to say, as some rather casually have, that since it is Egypt's land that is at issue, that country is obliged to give little or nothing to reclaim it. For what is expected of Israel is no small gesture toward Cairo. In the present environment, no one can underestimate the importance of fuel-poor Israel's withdrawing from the Abu Rhodeis oil fields at the tip of the Gulf of Suez, which have met half of Israel's petroleum needs during the last seven years. Nor, in an unstable situation, will the Shah's pledge to Kissinger to supply Israel's oil needs be fully reassuring. But the Mitla and Gidi passes, which are part of the anticipated bounty of negotiations, constitute an even more vexing problem for the Israelis. These mountain passes control the rest of the Sinai peninsula and an Israeli withdrawal would be a surrender of significant strategic advantage.

To the extent that risk is assumed, Israel is entitled to reciprocal—if necessarily asymmetrical—political concessions from Egypt. While the signals from Cairo have been confusing, perhaps deliberately so, the Egyptians do not yet seem to be particularly conciliatory. No doubt agreement to the demilitarization of the relinquished territories is a prerequisite of any Israeli withdrawal. But as with a decision to allow Israeli cargoes through the canal, this is an easily revokable concession. Installing tanks or missiles where it has been agreed they are not to be might be a *casus belli*, but that's sparse consolation. What is required from Egypt are moves, now, that would make it more difficult and costly for Egypt to wage war later—as the contemplated Israeli withdrawals would make a renewed war much more difficult and costly for Israel.

What is especially striking, and should make people suspicious, is Sadat's reluctance, in exchange for Israeli withdrawals, to commit his country to the politics of nonbelligerence, to tell his countrymen that the journey of conciliation with Israel has at long last begun. A leader who fears doing that might not be able to lead his country to peace; perhaps he does not want to. If he wants to but won't say so, he limits his flexibility and circumscribes the strategy of negotiations by bellicose talk. By continually saying, as he did again last week, that this next stage entails no political commitments on Egypt's part, Sadat bolsters those who want to make no political commitments to Israel of any sort. If "the hero of the crossing" cannot tell his own people what he is so eager to confide to American journalists, what Arab politician can? And if none can, how can anyone be so sure that the problem between Israel and the Arabs is simply a matter of territorial adjustments, a Mideast version of the Alsace-Lorraine question?

In addition, then, to earnests that draw the Egyptian people into the reality of negotiations, Israel is justified in wanting to know that the infinitely more complicated problems with Syria or regarding the West Bank will not be used sometime hence as an occasion for Egypt to abrogate the concessions it makes as part of an agreement on Israeli withdrawals. The most tangible measures insulating a rapprochement between Israel and Egypt from extraneous pressures would be an indefinite or, at minimum, a long-term extension of the UN peacekeeping forces in the vacated territories, revokable only by the Security Council. The present mandate, renewable every six months, institutionalizes periodic instability, and is an open invitation to interference from outside. To argue for less is to argue for making the resumption of war easy.

Given the depth of the conflict between the Arabs and the Israelis, it would be endangering the entire process of negotiations, in fact, if one side were to get concessions on the cheap. It would establish a pattern of unrealistic expectations without creating relationships between old foes on which a peaceful future for the region depends.

What with the difficulties encountered so far in eliciting significant concessions from Egypt—not, it should be noted, in eliciting such from Israel—an assortment of journalists and politicians have fixed on the notion of American guarantees to Israel as a substitute for an accord between the two contending parties. In a discussion with *New Republic* editors last week, Kissinger said that an American guarantee by treaty or otherwise would be only "icing on the cake," that such guarantees would make sense only once there were actual agreements on and concrete movement toward final settlement by the two countries.

Kissinger had been drawn into the discussion of guarantees by the persistent Russian offer to "guarantee" Israel's 1967 borders. The Soviets, of course, are wholly without *bona fides* on this matter, and Kissinger is in any case suspicious of their intentions. There is no justification, though, he reasoned correctly, for abjuring an American guarantee at some unspecified point in the future. But he knows, as surely the Israelis and Arabs know too, what is wrong with a guarantee now.

In the absence of tangible Arab, or in this instance, Egyptian, steps toward peace, an American guarantee to Israel upon its withdrawal from militarily significant positions increases the likelihood of circumstances that may require American intervention on behalf of Israel. Now Israel has never wanted, does not now want, such an intervention. Moreover, a firm guarantee is a politically dubious proposition in the U.S. The Arabs may well reason that the Americans might renege on such a guarantee in an extremity; but Israel also is aware of that possibility, and thus what is being talked about should seem to Israel hardly a guarantee at all.

The idea of an American guarantee to Israel emerged under curious auspices. Many of its enthusiasts have on the record no demonstrable concern for Israel's security, a fact that raises serious and unavoidable questions about motives. Many others who find an American guarantee an attractive alternative to measurable moves by Egypt adhere to a politics that would make the guarantee simply not credible. For a real guarantee to Israel might require a declared American interest and greater presence than the US now maintains in the Indian Ocean, the Mediterranean, and the Persian Gulf. Moreover, it implies a commitment to produce certain weapons and aircraft like the big transport planes and more advanced fighter planes which may face the ax in congressional budget-making. One cannot all at once credibly support an American guarantee in a very unsettled area while pushing for a general retrenchment of our foreign involvements everywhere else. Nor should it be imagined that the very idea of an American guarantee or protective arrangement with any country would appear at this moment in history as anything more than a bedraggled remnant of the past. There are many to blame for this, not the least the perpetrators of the Vietnam war. But congressional critics of American foreign policy, having belatedly and not very discriminately asserted legislative prerogatives against the executive, share responsibility for having rendered the US incapable of acting decisively for its own interests and those of its allies.

While there are, then, many objections to the US as guarantor of agreements, there is everything to be said for the US continuing its role as broker between the adversaries. Indeed, no power other than America, and perhaps no man other than Secretary Kissinger, could aspire to these historic burdens. Such achievements as there have been in the Middle East are directly attributable to him and to his persuasive powers. But the obligations that Israel and Egypt now assume in negotiations should be to each other, and not to Kissinger—if only to preserve his ability to function as broker in future talks. Otherwise any violation committed by one side may injure his credibility with the other. In an interview with Philip Geyelin of *The Washington Post,* Sadat carried the concept of pledges to Kissinger one step further by suggesting that the secretary personally be the guarantor of commitments reached through him. Mr. Geyelin thought this to reflect "new flexibility" on Sadat's part.

If Israel is gradually to withdraw from the largest portions of the occupied territories, then its enemies will have to persuade Jerusalem that these are not likely to be scenes of new battles against Israel's survival. It is fashionable to say—the power of cliches again!—that, with modern weapons, territory is no guarantee of security. But to think that is to have failed to learn one of the primary lessons of Indochina. With modern weapons, one should understand from the American air war against North Vietnam, you can heap excruciating torments on a country from afar; but unless you can get into its territory with conventional weapons and troops you cannot capture it or bring it to its knees. That is why a small country like Israel, with hostile borders straddling in places only a few kilometers of its pre-1967 territories, is justifiably anxious about exactly where her frontiers will be and what armies and hardware are to be allowed beyond them. Worrying about particular hills and valleys is no trifle for the Israelis: It is a bare hour's march from the Jordan River to Jerusalem; geography itself seems almost to threaten both the agricultural settlements in the north and population centers on the coast. The cliche about the insignificance of territory—a distinctively American perception, one thinks—ordinarily goes on to assert that the only real guarantee of security is genuine trust between neighbors. This no doubt is true, but that trust can be built best—if there is reason to trust at all—when neighbors obligate themselves to each other.

This is precisely the kind of trust that the Secretary of State has been trying to foster. It has not been easy in the past, and it will not be easier in the immediate future. What is likely to develop as Kissinger shuttles back and forth between Cairo and Jerusalem is something less than optimal movement toward peace. This realistic expectation has provoked in many quarters, and for diverse reasons, a backlash against the step-by-step, country-by-country structure of Kissinger's mediation. But much of the pressure to dispense with these particular negotiations and revert to the Geneva conference derives also from the fact that it is now open season on Dr. Kissinger. This has much less to do with his actual performance than with the general demoralization of American politics and an embarrassed overreaction to an embarrassing exaltation of Kissinger's talents in the past. Sen. Stevenson's attack on the secretary's attachment to "the myth of his own personality and indispensability" is understandable as early campaign rhetoric. But the senator's corollary proposal to reconvene Geneva is not sensible.

For the strategy of peace requires first the maximization of those interests of Egypt that will keep it out of any future fighting in the Middle East. How much more difficult it would be to fix on the common concerns of Israel and Egypt in a conference attended by the other Arab states and with the redoubtable Gromyko in the chair. Sadat, in fact, does need peace. In a recent series of especially informative articles in the British *Guardian,* David Hirst found Egypt menaced by "serious internal instability . . . a growth of violence that is untypical of Egyptian society . . . deep social and economic frustrations, a sharpening of class antagonisms in a country where, some people now say, contrasts between rich and poor are quite as shocking, if different in nature, as they were in the day of King Farouk." This situation might incline Sadat to a diversionary adventure; but for the moment he has risked the enmity of fellow Arabs and alienated his on-again-off-again Russian benefactors to pursue Kissinger's byways. Consideration for Sadat's difficulties should not oblige the Israelis to overlook their own strategic concerns; but his problems do suggest that the coming talks may begin to unlock the generation-long political stalemate that has cost so many lives.

The reconvening of Geneva if these talks were to fail would be a perfect setting for the parties to play to the balconies, with full peace plans that don't give anything. The good offices of the United States—stigmatized by failure—would be broken. The initiative then would shift to the Soviet Union which, with the backing of the Europeans and Japan, terrorized by the specter of another oil embargo, would seek to force upon Israel a *dictat* devoid of the preconditions or components of genuine peace. Sadat might also not be in attendance, pushed by failure off history's stage; or he might be there only because the Soviets allow him once again to be their client. Every disruptive influence, including especially the PLO, which already shows signs of decline despite its successes on Manhattan's East River, will come to the fore; and the king of Saudi Arabia will frantically be trundling his billions behind those aiming in the end to undo him as eagerly as they would undo Israel. Paradoxically the king would also then be doing service for the Russians who need the format of Geneva and the vehicle of the PLO to install themselves on Israel's eastern borders, a standing irritant playing for stakes incompatible with a decent settlement.

It will probably not be possible to avoid Geneva in the long run. But what ultimately happens there will be much less inconsistent with a peaceful resolution of the conflict if Sadat's heretical tactics have paid off for him and if Israel's territorial concessions win some significant political responses from Egypt.

For this would mean the US diplomacy remains the key to an agreement between Israel and its neighbors, rather than another battered piece of evidence of how intractable their problems are. The awful prospect of Geneva without successful negotiations in the next stage on the Sinai should not induce a desperate Panglossian optimism about these present talks. But it is precisely the prospect of a witches' sabbath in Geneva that makes the success of Secretary Kissinger's current efforts so vital to those who live and otherwise might die in the Middle East.

THE SUGAR ACT

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. BERGLAND. Mr. Speaker, labor's role and actions during the consideration of Sugar Act legislation last year has been a source of discussion. I am inserting in the RECORD a memorandum written by Arnold Mayer, legislative representative of the Amalgamated Meat Cutters and Butcher Workmen, AFL–CIO, concerning this matter.

Mr. Mayer is in a particularly good position to discuss labor's role. His union led the lobbying efforts of other labor organizations—both members of the AFL–CIO and independent ones—on behalf of the labor provisions of the Sugar Act legislation.

I would like to add one point of information to the memorandum. In December, the Committee on Agriculture considered the possibility of a 3-month extension of the then-expiring Sugar Act. This action would have given the committee the necessary time to consider renewal legislation in the 94th Congress without the act's expiring.

The positions of the various groups active on sugar legislation was sought by committee members to determine whether it was feasible to continue with the legislation. Labor said it would not oppose the extension. Its spokesman frankly told me that no benefits from a 3-month extension would accrue to workers, yet the unions would not stand in the way of an extension. Labor would actively seek the inclusion of sugar field worker amendments in any permanent legislation in the 94th Congress, the labor spokesman said, but not on the 3-month bill.

In contrast, some industry groups insisted on changes in the act in the 3-month extension and some said they would oppose the measure in any case. The committee then gave up the effort.

I am inserting Mr. Mayer's memorandum in the RECORD:

LABOR'S POSITIONS AND ACTIONS CONCERNING THE 1974 RENEWAL OF THE SUGAR ACT

Some misconceptions have developed over why the Sugar Act was not renewed by the House of Representatives last year. A central part concerns the role of labor.

Since a misunderstanding of labor's position and role could cause further problems concerning sugar legislation, we would like to tell it exactly the way it was. A good means of doing that is to use, as a takeoff point, the speech of Rep. W. R. Poage of Texas to the sugar beet growers of California, as printed in the Congressional Record of February 17. (See pages 3216–17.)

In a discussion of the demise of the Sugar Act, Mr. Poage made the following comments about labor's role:

"The labor unions, whose members have had an especially favorable position since the beginning of the program, felt that they must make a show of having achieved some new advantage for sugar workers, and they sent up a list of about 10 or 12 demands. Our committee gave them 6 of the items for which they asked but felt we could not go any further. The union representative felt that they could run a bluff and announced they would support no sugar bill, unless it contained all of their demands."

The following points must be made:

1. The labor-supported amendments would not have affected a single member of a union. The amendment concerned only sugar field workers, who harvest and cultivate cane and beets. Only in Hawaii do field workers belong to unions, but the conditions of these laborers are far above any of those sought in the amendments.

2. The conditions of U.S. sugar field workers outside Hawaii are incredibly bad. They work for an industry which received $90 million a year in direct subsidies and perhaps another $350 million a year in indirect aid under the Sugar Act, yet the workers earned incomes less than one-half the government poverty level. Their housing and health records were among the worst in the U.S. In some sugar areas, field workers are in debt all their lives to the company store and are almost like indentured servants. They are among the most poverty-stricken, exploited and abused group of workers in this nation.

(See testimony before House Agriculture Committee for details.)

3. Originally, labor supported the Equitable Benefits Amendments, H.R. 12988, of Rep. William D. Ford of Michigan, Chairman of the House Agricultural Labor Subcommittee. Depending how individual items are divided, the bill contained between two-dozen and three-dozen separate efforts to improve the condition of sugar workers.

In talks with Agriculture Committee members, Rep. Ford and his staff immensely scaled down the proposals while the Committee considered sugar legislation in the hope of reaching an agreement. That agreement was not possible because, although the Committee did make six changes in the then-existing law, it did not touch the key proposals of Rep. Ford.

By the time the House considered the sugar legislation, Rep. Ford had scaled down the proposals further until only four remained. These amendments were considered so moderate that the House approved the first by a 244–143 recorded teller vote, the second by a 233–151 recorded teller, the third by a 79–32 division and the fourth by voice vote.

4. During the two-week period between the Committee approval of H.R. 14747 and House consideration, various Congressmen and labor representatives urged Committee members, key Committee staffers and sugar industry representatives to consider approval of the four scaled-down labor provisions. The labor representatives pointed out that the union would take a *neutral position* on renewal of the Sugar Act until the four labor provisions were assured. Labor would neither oppose nor support renewal without the additional provisions.

Labor representatives also told Committee personnel and industry representatives that the Sugar Act appeared to be in serious trouble, according to an incomplete vote count. They named specific Congressmen, representing a wide cross-section of the House, who apparently intended to vote against the bill. The unions suggested that the Committee also accept a consumer amendment and shorten the life of the bill from five to three years as a means of attracting more votes for it. Interestingly, neither the Committee nor the industry sought to make a vote count on the legislation.

5. The day before the House considered the sugar legislation, a labor representative talked to several members of the Committee and top staff. He said that no agreement on the labor provisions was likely or necessary anymore. The labor amendments would apparently easily pass on the House floor. However, the position of the unions still was that the labor amendments had to be assured before labor could abandon its neutral stance and work for renewal. He again urged that an amendment concerning consumers and a change from five to three years in the duration of the bill would aid passage, but these were only suggestions.

He pointed out that labor provisions were among the last parts of the bill and suggested that the bill be carried through the Committee of the Whole on June 5, but final passage be delayed until June 6, so that labor representatives could have some time to discuss the legislation with Congressmen and urge renewal of the Act in view of the approval of the labor provisions by then.

6. During the House consideration of the bill, Rep. Peter Peyser of New York could not get the needed number of members to support a request for recorded tellers for several of his amendments. In discussions with Congressmen coming off the floor, the labor representatives found that this development did not demonstrate any strength of the bill, but a weakness. Many members did not want to bother to change the bill with the Peyser amendments, but to kill the measure. The union representatives transmitted this message to some Committee members and Committee staff and again urged postponement of a final vote until the next day. The Committee decided not to postpone.

7. As expected, the labor provisions were approved overwhelmingly over intense Committee opposition. During the half-hour which intervened between the time of the last labor amendment's approval and the final vote, labor lobbyists distributed a memorandum by Andrew J. Biemiller, Director of the Department of Legislation of the AFL-CIO, urging support of H.R. 14747 as amended. The memo had been prepared in advance and held until the labor amendments were approved. In addition, the labor representatives sought out as many opponents of the bill as possible and tried to convince them to support the legislation. Progress was made, but time was too short to discuss a very complex bill on which there was strong feeling with so many Members.

INTRODUCTION OF A BILL TO ESTABLISH AN ASSISTANT SECRETARY FOR INDIAN AFFAIRS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing today a bill to establish within the Department of the Interior the position of Assistant Secretary for Indian Affairs and to abolish the position of Commissioner of Indian Affairs.

By elevating the Commissioner to the status of Assistant Secretary, this bill will provide American Indians and Alaska Natives with a policy level administrator and spokesman. Although the Commissioner is supposed to be in charge of Federal Indian matters, he has for years been required to report to an Assistant Secretary who reports to the Under Secretary who reports to the Secretary of the Interior. American Indians and Native people need recognition and strong representation at the highest level in the Department of the Interior, because policy decisions by other department bureaus and agencies can have far-reaching effects on them. It is only logical and fair that their interests be represented at the policy-making level.

This is not a new idea. It was proposed in 1970 as part of the administration's legislative package to implement its policy of self-determination for American Native people. Although not opposed on merit, Assistant Secretary legislation has nonetheless failed to reach the President's desk. In the 93d Congress the House approved an Assistant Secretary bill, H.R. 620, by a wide margin. However, the Senate saddled it with a nongermane amendment to the Alaska Native Claims Settlement Act which the House, in its wisdom, saw fit to reject. The Assistant Secretaryship was an unfortunate casualty. This year I am hopeful that the proposal will avoid a similar fate.

One of the best aspects of this bill is that it does not create a single new job in the executive bureaucracy. If it did, I would probably oppose it, because there is already far too much dead weight on the Federal payroll. This bill merely gives the Indian Affairs Commissioner increased status and a new title which I expect would be conferred on the present Commissioner, Morrie Thompson, who is doing a fine job.

I strongly urge my colleagues in the House to pass this bill and provide American Indians and Alaska Natives with appropriate policy level representation within the Department of the Interior.

The bill follows:

H.R. 4344

A bill to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Department of the Interior, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of the Interior for Indian Affairs, who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe with respect to the conduct of Indian affairs, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

Sec. 2. Section 5315 of title 5 of the United States Code is amended by striking out "6" at the end of item (18) and by inserting in lieu thereof "(7)".

Sec. 3. Section 462, Revised Statutes, as amended and supplemented (25 U.S.C. 1), and paragraph (45) of section 5316 of title 5 of the United States Code, are repealed: *Provided,* That this section shall not take effect until an Assistant Secretary of the Interior for Indian Affairs has been confirmed and takes the oath of office.

CALIFORNIA DREAMIN' JUST A "JET-LAG"

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. HUNGATE. Mr. Speaker, since one of the problems in Congress is a staff and a press in Washington that too often have too little idea of what goes on back in the district, and a staff and a press in the district that have too little idea of what takes place in Washington, I think the following article by our colleague, Tom Rees of California, may lead to a better understanding at least on the part of some:

[As reprinted in "Roll Call," March 6, 1975]

California Dreamin' Just A "Jet-Lag"—How I Spent My Lincoln's Birthday Vacation, by Tommy Rees, Age 49

Dear Teacher:

I just wanted to let you know what a keen time I've been having on my vacation.

Monday and Tuesday I spent right here in the Nation's Capital trying to catch up on two months of letters and constituent problems which had been piling up. As you know, the first three weeks of this Congress produced more changes in the system than had been seen in the last fifty years. With caucuses and committee organizational meetings, it had been hard to find time for office work.

The first real thrill of my vacation was my airplane ride to Los Angeles early Wednesday morning. I just love hurtling across the country past those time zones, building up that jet lag.

I landed at the L.A. airport, rented a car, hit the San Diego Freeway, switched to the Santa Monica Freeway, and took the turnoff to Hollywood for a radio station taping, and then a television interview. Reached my Los Angeles Westside district office at 3 PM just in time for my appointment with a local candidate for a picture-taking session. Then I met with my constituents: aerospace workers concerned about their salary problems; someone who wanted to run for Congress from another district (probably envious of our vacations); an architect who wanted consideration by the General Services Administration; a political science student who interviewed me; people who were worried about brokerage commissions on the Chicago Option Exchange; a person who wanted to be appointed to a newly-formed commission; a businessman having problems with the Small Business Administration.

Skipped dinner to be on time at the Westside Democratic Forum meeting at 8 PM in Santa Monica. Made the speech, survived the question and opinion session, and got to bed by 10:30 PM which was 1:30 AM Washington time.

Thursday the day began at 4:30 AM because I woke up. I woke up because it was 7:30 AM Washington time. Read over material I was going to use at my 9:30 AM press conference downtown. Phoned across the country to Washington to find out how things were going at home and at the office. My office informed me that the President had just come back from a trip to Houston and Topeka and was about to go to New York City, all the while chiding Congress for taking a vacation while he worked hard trying to solve the energy problem by flying around the country chiding Congress!

At the press conference I chided the President on his energy program which would raise petroleum prices 67%, rekindle inflation, and ruin the economy. Then drove to the Hollywood Freeway to the Ventura Freeway to my San Fernando Valley office.

After checking in there, my first stop was a visit with a women's group concerned about the economy and the Ford oil plan. They were deeply concerned. Then had a staff lunch in Tarzana, had a radio interview on problems of banks overextending themselves; met a candidate for City Council; listened to a group of people who oppose smoking and tobacco subsidies; heard thoughts from a local Democratic leader in the Valley; received a plea from someone who wanted a straight answer from the authorities on a bank charter; heard a complaint from a traveling salesman who did not want gasoline rationing, and then spent fifteen minutes with a student who was writing a thesis.

Thursday, 5:15 PM: The Ventura Freeway to the Hollywood Freeway—the traffic was moving like glue—to the press club for a retirement reception for an old colleague from county government. Next grabbed a short dinner in Hollywood with a reporter friend, then drove back to the Valley on the freeways to Woodland Hills for a house meeting with community leaders concerned with the economy, international oil problems, and the tensions in the Middle East. Was back at Westside and in bed by 11:15 PST.

Friday morning: The San Diego Freeway to the Ventura Freeway for an 8 AM local Valley press conference. Had a staff meeting at the Tarzana office reviewing constituent cases and local problems; gave a short speech at a senior citizens' Valentime party in Sherman Oaks; went back to the Ventura and San Diego Freeways for a lunch in Beverly Hills; then went to the Westside office for a meeting on the upcoming school board elections, and a staff meeting to review constituent cases and local problems.

Saturday morning following a working breakfast, then a brunch for political supporters at 10:30 AM and after saying hello to my friends giving a talk and answering questions and hearing concerns on the Ford energy plan rushed off at 11:55 AM to hit the San Diego Freeway to the airport to catch the 12:45 PM United 54 for Washington.

A faulty control board light kept us on the runway for 45 minutes before we took off. Guess what, the plane had a movie! After the flight engineer fixed the projector, it was pretty good.

We landed at 9 PM Washington time, and I got home at 10 PM. By now I'd adjusted to the east-west time lag and couldn't get to sleep until 1:30 AM.

Once home I read the paper and saw that the President had just returned from New York—still raising Cain about Congress's "vacation."

But it was a good vacation. I was able to return to my district and talk to a lot of constituents, and again I realize that there is more to being a Congressman than believing everything I hear in Washington. Somehow, after the vacation in my Congressional District, I had a better idea of what I should be doing here in Washington.

Tommy Rees is a Democratic Congressman from California who reads automobile bumper stickers on the Santa Monica Freeway to pass away time during rush hours.

IT IS TIME FOR ECONOMIC IMPACT STATEMENTS

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. DEL CLAWSON. Mr. Speaker, if we could personalize the law of gravity impatiently awaiting Isaac Newton's conclusion upon being hit on the head with that legendary apple, it might be possible to understand the proprietary emotions of many of us in the Congress upon reading this morning's Washington Post. An economic verity which we have been preaching for years has at last been "discovered" and we are both exhilarated and relieved. At this point in the RECORD, I would like to include for the information of my colleagues the editorial entitled "It's Time for Economic Impact Statements." High time. The editorial follows:

IT'S TIME FOR ECONOMIC IMPACT STATEMENTS

The scope of new government programs and regulations has never expanded so rapidly as it has in the past decade, except, perhaps, during the early days of the New Deal. Since the mid-1960s, federal legislation and administration orders have set new standards for air, water, noise, meat, poultry, fabrics, land sales, boats, paint, credit transactions, industrial safety, and employment practices—to mention but a few. All of these regulations involved efforts to improve the quality of life for some or all citizens, and most have had a measure of success. Some have required the expenditure of large sums of tax money, while others have not. All, however, cost somebody something, and the costs that don't show up in tax bills tend sooner or later to show up in price increases. As Murray L. Weidenbaum makes clear in a new study, a portion of which appears elsewhere on this page today, those price increases have been a significant component in the inflationary spiral. And, if the expansion of regulation goes on at its present rate, such price increases could produce a stagnant economy.

The argument over health care provides a classic example of the way the present system works. Health insurance plans before Congress are usually discussed in terms of how much they will cost federal or state governments in tax money. While these figures are of obvious importance, the true cost of any such plan must include the additional expenses the plan will impose on employers and employees. If those additional expenses are paid by the employers, they will be reflected, sooner or later, in prices. If they are paid by employees, they will be reflected in a loss of buying power. In either case, they are real costs, just as tax increases are real costs.

Congress has taken note of one aspect of this problem by requiring that the President's budget set out as "tax expenditures" those losses in tax revenues that result from deductions or tax credits used to encourage economic activities. But it needs to go further. In order to get a true picture of the full costs of a health plan or noise reduction regulation or any other federal program, Congress needs an "economic impact" statement not unlike the environmental impact statements now required of many construction programs. Then it could know how much a particular program or set of regulations really costs.

This is not to suggest that things like health insurance or safety regulations or meat inspection programs should be postponed or abandoned. Rather, it is to suggest that Congress and the public should be aware of the full costs of the legislation it approves—and of the individuals or institutions that will be made to bear those costs. We suspect that if Congress recognized the full cost of some of the information federal agencies now gather or of some of the health and safety regulations that have been imposed, it would cut back certain federal activities. The benefits, in some instances, of the information or the regulations would hardly seem commensurate with the costs. And, in a time of inflation and recession, any unnecessary cost imposed by government on business or individuals simply increases the agony.

MIDEAST PEACE?

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. DRINAN. Mr. Speaker, I reproduce here an extraordinarily perceptive article about Israel and the Middle East from the March 8 issue of the New Republic magazine.

This particular editorial sharpens in a most useful and indeed brilliant manner the dilemmas in the Middle East and the options available to all of the interested parties.

The editorial follows:

MIDEAST PEACE?

Israel has become in world affairs a pariah nation. Why this is so is both complicated and simple: Israel is, after all, the political expression of a historically oppressed people, and the power of Arab oil is just now great enough to sway both the weak and the mighty to join the anti-Israel chorus. Surely, as two prominent French leftist intellectuals wrote recently in *Le Monde*, it is not that Israel can be seen on *any* comparative scale—whether measured against Communist, Western, Arab, or Third World countries—as a monster state. Whatever the reasons for the lopsided anti-Israel majorities in various UN agencies or behind the hostile rhetoric of intrinsically indifferent political figures from distant and otherwise preoccupied countries, the implications of the new mood are clear—and they constitute a peril to the security of Israel.

The persuasive capacity of insincere analysis seems to be without match, and there is a particular virulence to the contagion of insincere phrases. With reference to the Middle East, these are now the stuff of orthodoxy. James Reston, in a column for some of whose factual and intellectual gaucheries he has already apologized, sees an obstacle to peace not so much in the reluctance of Israel itself to make concessions, as in the anxieties of Israel's friends in America that territorial concessions made to the Arabs will be the military advantage from which a future war begins. Tom Wicker fears Israeli defiance of an "acceptable" settlement—and fears also American (for which read Jewish) support of that defiance. Evans and Novak, Carl Rowan, Nicholas Von Hoffman, others, the same and more. "Columnists are like blackbirds on electric wires," Eugene McCarthy used to say. "They move in groups." Everywhere, it seems, it is assumed, "if only Israel were not so intransigent . . . if only Israel would return to the borders of June 4, 1967 . . . ."

History and logic alike should confound the easy confidence with which such impatient sentiments are uttered. The frontiers existing at the outset of the six-day war separated Israel and her Arab neighbors for 19 years, and they were not frontiers of peace or even of real truce—but frontiers from which wars were waged and threatened. Indeed, much of the territory in the Sinai that Israel is now urged to restore to Arab sovereignty had already been restored twice in exchange for guarantees that proved to be of no value whatever. And if this was the case when the Arab governments were weak and divided, when there was virtually no Russian presence capable of great mischief in the area, why will the territorial *status quo ante* bring peace now that the Arabs are strong and relatively united, and now that the Russians are positioned to disrupt any situation not in accord with their own—and shifting—political ends? This isn't a rhetorical question intended to bolster an Israel minority which opposes relinquishing Arab lands. In the first disengagement on Suez after the Yom Kippur ware, more reluctantly to be sure on the Golan, Israel amply demonstrated that it would make territorial concessions to build momentum toward an agreement with the Arabs. Even those who fault what they call "Israeli truculence" know that in the next round of negotiations the Jerusalem government is willing to take considerable risks to keep alive the process so painstakingly nurtured by Secretary Kissinger.

The question in the next days, however, is not what Israel will give up; it is rather what Egypt will give in return. It is sheer sloganeering to say, as some rather casually have, that since it is Egypt's land that is at issue, that country is obliged to give little or nothing to reclaim it. For what is expected of Israel is no small gesture toward Cairo. In the present environment, no one can underestimate the importance of fuel-poor Israel's withdrawing from the Abu Rhodeis oil fields at the tip of the Gulf of Suez, which have met half of Israel's petroleum needs during the last seven years. Nor, in an unstable situation, will the Shah's pledge to Kissinger to supply Israel's oil needs be fully reassuring. But the Mitla and Gidi passes, which are part of the anticipated bounty of negotiations, constitute an even more vexing problem for the Israelis. These mountain passes control the rest of the Sinai peninsula and an Israeli withdrawal would be a surrender of significant strategic advantage.

To the extent that risk is assumed, Israel is entitled to reciprocal—if necessarily asymmetrical—political concessions from Egypt. While the signals from Cairo have been confusing, perhaps deliberately so, the Egyptians do not yet seem to be particularly conciliatory. No doubt agreement to the demilitarization of the relinquished territories is a prerequisite of any Israeli withdrawal. But as with a decision to allow Israeli cargoes through the canal, this is an easily revokable concession. Installing tanks or missiles where it has been agreed they are not to be might be a *casus belli*, but that's sparse consolation.

What is required from Egypt are moves, now, that would make it more difficult and costly for Egypt to wage war later—as the contemplated Israeli withdrawals would make a renewed war much more difficult and costly for Israel.

What is especially striking, and should make people suspicious, is Sadat's reluctance, in exchange for Israeli withdrawals, to commit his country to the politics of nonbelligerence, to tell his countrymen that the journey of conciliation with Israel has at long last begun. A leader who fears doing that might not be able to lead his country to peace; perhaps he does not want to. If he wants to but won't say so, he limits his flexibility and circumscribes the strategy of negotiations by bellicose talk. By continually saying, as he did again last week, that this next stage entails no political commitments on Egypt's part, Sadat bolsters those who want to make no political commitments to Israel of any sort. If "the hero of the crossing" cannot tell his own people what he is so eager to confide to American journalists, what Arab politician can? And if none can, how can anyone be so sure that the problem between Israel and the Arabs is simply a matter of territorial adjustments, a Mideast version of the Alsace-Lorraine question?

In addition, then, to earnests that draw the Egyptian people into the reality of negotiations, Israel is justified in wanting to know that the infinitely more complicated problems with Syria or regarding the West Bank will not be used sometime hence as an occasion for Egypt to abrogate the concessions it makes as part of an agreement on Israeli withdrawals. The most tangible measures insulating a rapprochement between Israel and Egypt from extraneous pressures would be an indefinite or, at minimum, a long-term extension of the UN peacekeeping forces in the vacated territories, revokable only by the Security Council. The present mandate, renewable every six months, institutionalizes periodic instability, and is an open invitation to interference from outside. To argue for less is to argue for making the resumption of war easy.

Given the depth of the conflict between the Arabs and the Israelis, it would be endangering the entire process of negotiations, in fact, if one side were to get concessions on the cheap. It would establish a pattern of unrealistic expectations without creating relationships between old foes on which a peaceful future for the region depends.

What with the difficulties encountered so far in eliciting significant concessions from Egypt—not, it should be noted, in eliciting such from Israel—an assortment of journalists and politicians have fixed on the notion of American guarantees to Israel as a substitute for an accord between the two contending parties. In a discussion with *New Republic* editors last week, Kissinger said that an American guarantee by treaty or otherwise would be only "icing on the cake," that such guarantees would make sense only once there were actual agreements on and concrete movement toward final settlement by the two countries.

Kissinger had been drawn into the discussion of guarantees by the persistent Russian offer to "guarantee" Israel's 1967 borders. The Soviets, of course, are wholly without *bona fides* on this matter, and Kissinger is in any case suspicious of their intentions. There is no justification, though, he reasoned correctly, for abjuring an American guarantee at some unspecified point in the future. But he knows, as surely the Israelis and Arabs know too, what is wrong with a guarantee now.

In the absence of tangible Arab, or in this instance, Egyptian, steps toward peace, an American guarantee to Israel upon its withdrawal from militarily significant positions increases the likelihood of circumstances that may require American intervention on behalf of Israel. Now Israel has never wanted, does not now want, such an intervention. Moreover, a firm guarantee is a politically dubious proposition in the US. The Arabs may well reason that the Americans might renege on such a guarantee in an extremity; but Israel also is aware of that possibility, and thus what is being talked about should seem to Israel hardly a guarantee at all.

The idea of an American guarantee to Israel emerged under curious auspices. Many of its enthusiasts have on the record no demonstrable concern for Israel's security, a fact that raises serious and unavoidable questions about motives. Many others who find an American guarantee an attractive alternative to measurable moves by Egypt adhere to a politics that would make the guarantee simply not credible. For a real guarantee to Israel might require a declared American interest and greater presence than the US now maintains in the Indian Ocean, the Mediterranean, and the Persian Gulf. Moreover, it implies a commitment to produce certain weapons and aircraft like the big transport planes and more advanced fighter planes which may face the ax in congressional budget-making. One cannot all at once credibly support an American guarantee in a very unsettled area while pushing for a general retrenchment of our foreign involvements everywhere else. Nor should it be imagined that the very idea of an American guarantee or protective arrangement with any country would appear at this moment in history as anything more than a bedraggled remnant of the past. There are many to blame for this, not the least the perpetrators of the Vietnam war. But congressional critics of American foreign policy, having belatedly and not very discriminatingly asserted legislative prerogatives against the executive, share responsibility for having rendered the US incapable of acting decisively for its own interests and those of its allies.

While there are, then, many objections to the US as guarantor of agreements, there is everything to be said for the US continuing its role as broker between the adversaries. Indeed, no power other than America, and perhaps no man other than Secretary Kissinger, could aspire to these historic burdens. Such achievements as there have been in the Middle East are directly attributable to him and to his persuasive powers. But the obligations that Israel and Egypt now assume in negotiations should be to each other, and not to Kissinger—if only to preserve his ability to function as broker in future talks.

Otherwise any violation committed by one side may injure his credibility with the other. In an interview with Philip Geyelin of *The Washington Post*, Sadat carried the concept of pledges to Kissinger one step further by suggesting that the secretary personally be the guarantor of commitments reached through him. Mr. Geyelin thought this to reflect "new flexibility" on Sadat's part.

If Israel is gradually to withdraw from the largest portions of the occupied territories, then its enemies will have to persuade Jerusalem that these are not likely to be scenes of new battles against Israel's survival. It is fashionable to say—the power of clichés again!—that, with modern weapons, territory is no guarantee of security. But to think that is to have failed to learn one of the primary lessons of Indochina. With modern weapons, one should understand from the American air war against North Vietnam, you can heap excruciating torments on a country from afar; but unless you can get into its territory with conventional weapons and troops you cannot capture it or bring it to its knees. That is why a small country like Israel, with hostile borders straddling in places only a few kilometers of its pre-1967 territories, is justifiably anxious about exactly where her frontiers will be and what armies and hardware are to be allowed beyond them. Worrying about particular hills and valleys is no trifle for the Israelis: It is a bare hour's march from the Jordan River to Jerusalem; geography itself seems almost to threaten both the agricultural settlements in the north and population centers on the coast. The cliché about the insignificance of territory—a distinctly American perception, one thinks—ordinarly goes on to assert that the only real guarantee of security is genuine trust between neighbors. This no doubt is true, but that trust can be built best—if there is reason to trust at all—when neighbors obligate themselves to each other.

This is precisely the kind of trust that the Secretary of State has been trying to foster. It has not been easy in the past, and it will not be easier in the immediate future. What is likely to develop as Kissinger shuttles back and forth between Cairo and Jerusalem is something less than optimal movement toward peace. This realistic expectation has provoked in many quarters, and for diverse reasons, a backlash against the step-by-step, country-by-country structure of Kissinger's mediation. But much of the pressure to dispense with these particular negotiations and revert to the Geneva conference derives also from the fact that it is now open season on Dr. Kissinger. This has much less to do with his actual performance than with the general demoralization of American politics and an embarrassed overreaction to an embarrassing exaltation of Kissinger's talents in the past. Sen. Stevenson's attack on the Secretary's attachment to "the myth of his own personality and indispensability" is understandable as early campaign rhetoric. But the senator's corollary proposal to reconvene Geneva is not sensible.

For the strategy of peace requires first the maximization of those interests of Egypt that will keep it out of any future fighting in the Middle East. How much more difficult it would be to fix on the common concerns of Israel and Egypt in a conference attended by the other Arab states and with the redoubtable Gromyko in the chair. Sadat, in fact, does need peace. In a recent series of especially informative articles in the British *Guardian*, David Hirst found Egypt menaced by "serious internal instability . . . a growth of violence that is untypical of Egyptian society . . . deep social and economic frustrations, a sharpening of class antagonisms in a country where, some people now say, contrasts between rich and poor are quite as shocking, if different in nature, as they were in the day of King Farouk." This situation might incline Sadat to a diversionary adventure; but for the moment he has risked the enmity of fellow Arabs and alienated his on-again-off-again Russian benefactors to pursue Kissinger's byways. Consideration for Sadat's difficulties should not oblige the Israelis to overlook their own strategic concerns; but his problems do suggest that the coming talks may begin to unlock the generation-long political stalemate that has cost so many lives.

The reconvening of Geneva if these talks were to fail would be a perfect setting for the parties to play to the balconies, with full peace plans that don't give anything. The good offices of the United States—stigmatized by failure—would be broken. The initiative then would shift to the Soviet Union which, with the backing of the Europeans and Japan, terrorized by the specter of another oil embargo, would seek to force upon Israel a *dictat* devoid of the preconditions or components of genuine peace. Sadat might also not be in attendance, pushed by failure off history's stage; or he might be there only because the Soviets allow him once again to be their client. Every disruptive influence, including especially the PLO, which already shows signs of decline despite its successes on Manhattan's East River, will come to the fore; and the king of Saudi Arabia will frantically be trundling his billions behind those aiming in the end to undo him as eagerly as they would undo Israel. Paradoxically the king would also then be doing service for the Russians who need the format of Geneva and the vehicle of the PLO to install themselves on Israel's eastern borders, a standing irritant playing for stakes incompatible with a decent settlement.

It will probably not be possible to avoid Geneva in the long run. But what ultimately happens there will be much less inconsistent with a peaceful resolution of the conflict if Sadat's heretical tactics have paid off for him and if Israel's territorial concessions win some significant political responses from Egypt.

For this would mean that U.S. diplomacy remains the key to an agreement between Israel and its neighbors, rather than another battered piece of evidence of how intractable their problems are. The awful prospect of Geneva without successful negotiations in the next stage on the Sinai should not induce a desperate Panglossian optimism about these present talks. But it is precisely the prospect of a witches' sabbath in Geneva that makes the success of Secretary Kissinger's current efforts so vital to those who live and otherwise might die in the Middle East.

ON POLYGRAPH TESTING

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. KOCH. Mr. Speaker, as a part of my legislative efforts to safeguard the privacy of individuals, I have sponsored legislation to control the use of polygraph testing in employment. I have recently amended H.R. 564 and reintroduced it as H.R. 2596, which places an absolute prohibition on such testing. A report on polygraph testing in employment by the Committee on Federal Legislation of the New York State Bar Association has been invaluable in the recasting of this bill. Because it has been so instrumental, I am including the text of the report, as follows.

REPORT OF THE COMMITTEE ON FEDERAL LEGISLATION ON POLYGRAPH TESTING IN EMPLOYMENT*

USE OF POLYGRAPH BY EMPLOYERS

Employees in both the public and private employment sector in the United States are increasingly being forced to submit to polygraph testing in connection with seeking employment and thereafter for varied reasons while employed.[1] It is reported that each year approximately 200,000 persons in private employment—as well as thousands of other employees in federal, state and local governments—take polygraph examinations.[2] Employers frequently justify the use of polygraph testing on the grounds that it (a) ferrets out undesirable applicants for employment and (b) constitutes a useful device to assist employers in security matters.[3] Not surprisingly, the polygraph service business has been growing. It is estimated that there are now between 4,000 and 5,000 polygraph practitioners in the United States.[4]

The polygraph machine, or lie detector as it is commonly called, attempts to analyze a machine's reaction to the uncontrolled variations in physiological responses, such as blood pressure, perspiration flow and breathing, generated in the subject by emotional stress caused by requiring the subject to reply to questions propounded by the polygraph operator.[5] Thus, in the employment context, the usual practice is for the polygraph operator to ask the employee a series of probing questions relating to personally sensitive areas such as the employee's family background, sex life, political views and personal relations. Such questioning usually covers a much broader area of inquiry than is normally followed by law enforcement agents. To illustrate—in the law enforcement area, polygraph examinations are normally limited to determining whether an individual is replying truthfully to questions specifically relating to whether the subject did or did not commit a particularly alleged act of criminal conduct.

The principal objections to the use of polygraph testing in the employment context may be summarized as follows: (a) Neither the reliability of the data obtained from polygraph testing nor the validity of the conclusions drawn therefrom has been scientifically established; (b) the use of polygraph testing infringes upon an individual's personal autonomy and privacy; and (c) the compulsory use of polygraph testing, because of the need to strap a person to a machine and ask him a wide range of questions, constitutes an affront to the individual's sense of personal dignity. Other arguments raised against the use of polygraph testing are that it violates the fundamental view that "one is innocent until proven guilty," that it forces the subject into a position of self-incrimination, and that it represents an illegal search and seizure of the subjects thoughts, attitudes and beliefs.[6]

While the use of polygraph testing may in some instances ease personnel administration and assist in maintaining security, there appear to be alternative means available to the employer to accomplish these aims such as the use of less restricted pre-employment interviews, the careful assessment of references, the investigation of prior work history, the creation of probationary work trial periods and the use of a wide variety of readily available security procedures and devices. Although use of the lie detector test may be the least costly method,[7] the economic savings alone are not large enough to justify its use.

LEGAL STATUS OF POLYGRAPH TEST

Polygraph test results have almost uniformly been barred as evidentiary material in both the federal [8] and state [9] courts, chiefly on the ground that such data is scientifically unreliable. Interestingly, J. Edgar Hoover, the late director of the Federal Bureau of Investigation, publicly expressed an opinion that polygraph tests were scientifically unreliable,[10] Similarly, there is ample evidence indicating that arbitrators, particularly in the labor arbitration field, have rejected polygraph testing data as admissible evidence in arbitration proceedings.[11] At

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Footnotes at end of article.

present, 15 states have made the use of the polygraph tests in the employment context illegal, unless it can be established that an employee has voluntarily consented to submit to such a test.[12] Another 17 states have chosen to regulate polygraph operators through comprehensive licensing statutes which require the creation of regulatory boards for the certification of polygraph operators.[13]

These boards normally have the power to revoke for stated reasons licenses previously granted. While over the last several years bills on the subject have been introduced in the New York State Legislature, no bill has been passed either making the polygraph test illegal in the employment context or creating a regulatory scheme to govern polygraph use.[14]

Several legal writers have expressed the view that the use of polygraph testing on a compulsory basis in the employment context violates the federal constitutional rights of the subject, under the First, Fourth, Fifth and Fourteenth Amendments to the Federal Constitution.[15] Support for this position may be found in the Supreme Court decision in *Griswold* v. *Connecticut*,[16] which held unconstitutional a Connecticut state statute forbidding the dissemination of birth control information and the use of contraceptive devices. The Supreme Court found that the Connecticut statute violated the constitutional right of privacy of the litigants. The Court noted that requiring an individual to expose his beliefs, attitudes and associations chills the free exercise of First Amendment constitutional rights. However, the constitutionality of the polygraph test has not yet been litigated.

H.R. 688, PROHIBITING POLYGRAPH TESTING

H.R. 688 was introduced in the 93d Congress by Representative Koch on January 3, 1973 and has been referred to the House Committee on the Judiciary. Previous attempts in earlier Congresses to regulate polygraph testing have been unsuccessful.[17] H.R. 688 makes it unlawful for any employee of a federal governmental agency or of a department or for any person employed by an entity engaged in a business affecting interstate commerce to "require or request, or to attempt to require or request," any individual applying for employment or any individual presently employed to take any polygraph test in connection with his services or duties, or in connection with such individual's application for employment. This bill also makes it unlawful for the employer (whether governmental agency or private employer) to deny employment to, to deny promotion to, to discipline, or to discharge (or to threaten any of the aforesaid) any employee who refuses or fails to submit to a requested polygraph test. The willful violation of this proposed law is a misdemeanor punishable by a fine of up to $1,000 or imprisonment not exceeding one year, or both.

In addition, H.R. 688 provides that the employee or prospective employee who is aggrieved by violations or threatened violations of the provisions of H.R. 688 may bring a civil action against the offending employee of the governmental agency or the private employer for injunctive relief or for damages in his own behalf or as a class action in the appropriate United States District Court.

RECOMMENDATIONS RELATING TO H.R. 688

The Committee supports in principle the adoption of H.R. 688,[18] but suggests that the Bill be amended to prohibit absolutely the use of polygraph testing in the employment context, thereby precluding the use of the polygraph test even if the employee "voluntarily" consents to submit to it. This suggestion is offered because of the dubious validity ascribed to any consent obtained from an employee in view of the pressures and the weaker bargaining position of the employee in his relationship with his employer. If this revision is not accepted, consideration might be given to adding a proviso to H.R. 688 that any reference in the employee's files and records or any written notation by the employer of a refusal by the employee to consent to a polygraph test must be expunged.

Respectfully submitted.

Robert C. Miller, Chairman, Theodore W. Allis, J. Raymond Bell, Mark K. Benenson, John C. Bivona, Joseph P. Burke, William F. Connell, John P. Cuddahy, A. W. Driver, Jr., Stephen V. Dubin, James W. Fay, Gerard Fishberg, Alan W. Granwell, Joel B. Harris, Robert N. Landes, Ronald B. Mole, Michael J. O'Connor, John F. Reilly, Leslie Steinau, III, Robert L. Tooker, Robert R. Troup, Robert H. Werbel.

FOOTNOTES

[*] This report is based on the work of the Subcommittee on Polygraph Testing in Employment, Robert N. Landes, Chairman. Neither the Executive Committee nor the New York State Bar Association as a whole has taken any position on these recommendations.

[1] N.Y. Times, October 29, 1972 at p. 3 of Sunday Business and Financial Review. For a thorough discussion of the legal aspects of polygraph testing see Alan F. Westin, Privacy and Freedom (1967), Chapter Nine, "Truth Through Stress," 211–241 (hereinafter cited as "Westin"); and Donald H. J. Hermann III, Privacy, The Prospective Employee, and Employment Testing; The Need to Restrict Polygraph and Personality Testing, 47 Washington Law Review, 73–153 (1971) (hereinafter cited as "Hermann").

[2] N.Y. Times, November 22, 1971 at p. 1 and p. 45.

[3] See Westin at 236–237; Hermann 73–74. See also Inbau and Reid, The Lie-Detector Techniques; A Valuable Investigative Aid, 50 A.B.A.J. 470 (1964). For a discussion of scientifically improved versions of the polygraph machine see Edsin, "The Week in Review," N.Y. Times, November 28, 1971.

[4] N.Y. Times, *supra*, footnote 2.

[5] See Skolnick, Scientific Theory and Scientific Evidence: An Analysis of Lie-Detection, 70 Yale L.J. 694 (1961): "The scientific basis for lie detection is questionable. There seems to be little evidence that upholds the claim to a regular relationship between lying and emotion; there is even less to support the conclusion that precise inferences can be drawn from the relationship between emotional change and physiological response." "Whatever the unconditional accuracy of the lie detector, the number of false positives it diagnoses is going to be related to the number of true positives in the population being tested. This fact could make the use of lie detectors, even if they had high unconditional accuracy, questionable in those situations—such as personal screening—in which there are few positives in the population."

See also Hermann at 77–88; Westin at 211–212.

[6] See monograph sponsored by the American Civil Liberties Union entitled "The Use of Polygraphs as 'Lie Detectors' in Private Industry (1972)" prepared by Brown and Carlson.

[7] According to one source, the average lie detector test costs $25 compared with a fee in excess of $100 for a routine background search covering a prospective employee. N. Y. Times, October 29, 1972 at p. 3 of Sunday Business and Financial Review.

[8] See *Frye* v. *United States*, 293 F. 1013 (D.C. Cir. 1923). But in two recent federal district court decisions, *United States* v. *Ridling* (U.S. Dist. Ct. E. Mich., Oct 6, 1972) and *United States* v. *Zeigler* (U.S. Dist. Ct., Dist. of Columbia, October 10, 1972), evidence of polygraph test results were ruled admissible where defendants, who voluntarily took such tests, wished to offer the results in support of their respective defenses. See discussion of these two cases in the New York Law Journal, p. 4, October 27, 1972. See also discussion about similar California decision in New York Law Journal, November 10, 1972.

[9] For example, *People* v. *Forte*, 279 N.Y. 294 (1938); *State* v. *Bohner*, 210 Wis. 651 (1933); *People* v. *Becker*, 300 Mich. 562 (1942); and *State* v. *Cole*, 35 Mo. 181 (1945); *People* v. *Leone*, 25 N.Y. 2d 511 (1969); *People* v. *Jacobson*, Queens County, Supreme Court, Criminal Term (1972) as discussed by New York Law Journal, November 15, 1972.

[10] Warren Commission Report, p. 815.

[11] For example, Marathon Elec. Mfg. Corp., 31 Lab. Arb. 1040 (1959); United Mills, Inc., 63–1 CCH Lab. Arb. 8179 (Miller 1963); Ramsey Steel Co., Inc., 66–CCH Lab. Arb. 8310 (Carmichael 1966); Safeway Inwood Service Station, 44 LA 769 (Kornblum 1965). However, evidence of a polygraph test was admitted but not given significant weight, in Owens Corning Fiberglas Corp., 67–1 CCH Lab. Arb. 8378 (Doyle 1967).

[12] Alaska Stat. § 23.10.037 (1964); Cal. Labor Code § 432.2 (1953); Conn. Gen. Stat. Ann. § 31–51 (1967); Del. Code Ann. tit. 19, § 705 (1953); Hawaii Rev. Laws § 378–21 (1965); Md. Ann. Code art. 100 § 95 (1966); Mass. Gen. Laws ch. 149 § 198 (1963); Mich. Comp. Laws Ann. § 338.1728 (1973); Minn. Stat. ch. 181.75 (1973); Mont. H. B. 787 (3 CCH Employment Practices, Mont. ¶25,060 (May 16, 1974)); N.J. Rev. Stat. § 2A:170–90.1 (1966); Ore. Rev. Stat. §§ 639. 225.990 (1963); Pa. Stat. Ann. tit. 18 § 4666.1 (1969); R. I. Gen. Laws Ann. § 28.6.1–2 (1964); Wash. Rev. Code § 49.44.120 (1965).

[13] Ala. Code tit. 46 § 274 (1971); Ark. Stat. Ann. §§ 71–2201 to –2225 (1967); Fla. Stat. Ann. §§ 493.40–56 (1967); Ga. Code Ann. §§ 84–5001 –5016 (1968); Ill. Ann. Stat. ch. 38 §§ 202–1 to –30 (Smith-Hurd) (1963); Ky. Rev. Stat. §§ 329.010–990 (1962); Mich. Comp. Laws Ann. § 338.1701 to –1729 (1973); Miss. Code Ann. §§ 39.8920–61 to –84 (1968); Nev. Rev. Stat. §§ 648.005–210 (1937); N. M. Stat. Ann. §§ 67–31–4 to –14 (1963); Gen. Stat. N. C. § 66–491.1 (1974); N.D. Cent. Code §§ 43–31–01 to –17 (1965); Okla. Stat. Ann. tit. 59 § 1451 to –1476 (1971); Code Laws S.C. § 56–1543.51; Tex. Rev. Civ. Stat. art. 2615 F–3 §§ 1–30 (1969); Utah Code § 34–37–1 to –14 (1973); Va. Code Ann. §§ 54–729.01 to –018 (1968).

[14] For a summary of the unsuccessful attempts to pass legislation in New York State outlawing the use of polygraph testing, see The Record, Association of the Bar of the City of New York, 322–324 (1963); see also Westin at 223–226. There are six Senate bills and one Assembly bill in committee for the 1974 Session of the legislature.

[15] See Hermann at 26–137. For an early treatise on the constitutional rights of privacy see Warran & Brandeis, The Right of Privacy, 4 Harv. L. Rev. 193 (1890).

[16] 381 U.S. 479 (1965).

[17] A series of bills were introduced into the Senate in the 89th and 90th Congresses culminating in the Senate's passage of S. 1035 in 1967, which prohibited the use of both polygraph and personality testing of federal government employees. However, S. 1035 died in the House Committee on Post Office and Civil Service during the 90th Congress. A similar bill, S. 1438 (barring the use of both polygraph and personality tests on federal government employees) was reintroduced in the 91st Congress and again in the 92nd Congress. In addition, two bills were introduced in the House during the 92nd Congress, H.R. 9449 and H.R. 9783, both identical to H.R. 688. H.R. 9783 is cosponsored by the members of the House Judiciary Committee. No hearings were ever held regarding these House bills.

[18] To refute a possible argument that H.R. 688 constitutes in the private employment area an unwarranted, and possibly an uncon-

stitutional, interference with an employer's right to hire and discharge employees, mention should be made of several other major pieces of federal legislation, which also affect the employment relationship. In each of these instances, federal legislation restricting the employer's rights was enacted to achieve important social objectives. Thus, Section 8(a)(3) of the Labor Management Relations Act, 1947 (29 U.S.C.A. § 158(a)(3) (1965)), makes it unfair labor practice for an employer:

"by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization . . ."

Similarly, Section 703(a)(1) of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000 e–2(a)(1) (1970)) makes it an unlawful employment practice for an employer to:

". . . fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin."

Likewise, Section 4(a)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C.A. § 623(a)(1) (1972 Supp.)), makes it unlawful for an employer:

"to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;"

Moreover, Section 304(a) of the Consumer Credit Protection Act (15 U.S.C.A. § 1674(a) (1972 Supp.)), provides that:

"No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness."

PARKCHESTER 35 YEARS YOUNG

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. BIAGGI. Mr. Speaker, it is with a great sense of pride that I advise my colleagues of the 35th anniversary celebration of the establishment of Parkchester, a community located within the Bronx portion of my congressional district.

On March 1, 1940, the dreams of such individuals as Frederic Ecker, a local civic leader, and others were culminated with the official opening of Parkchester. In the succeeding 35 years, Parkchester has grown both in size and stature and is now one of the most stable and respected communities in the entire city of New York.

I am proud to represent the people of Parkchester in Congress. I have a great deal of contact with the people of Parkchester and find them to be involved citizens committed to the preservation of their neighborhood and the betterment of the city of New York as a whole.

This Nation is preparing to celebrate its 200th birthday. Occasions such as this prove once again that the United States is really a nation of neighborhoods and the contributions of areas such as Parkchester and the numerous other communities large and small across the Nation should be saluted throughout our bicentennial celebration.

I salute the people of Parkchester on this joyous occasion. Many of the current residents have been in Parkchester for many of the 35 years, a further tribute to this fine community. Parkchester is a strong and viable community which will endure and grow in the years to come. At this point in the RECORD I wish to insert a most informative article published by the Bronx Press Review entitled "Parkchester Hits Ripe Age of 35":

PARKCHESTER HITS RIPE AGE OF 35

This week Parkchester becomes 35 years old.

The place has held up well, and so have many residents who were among the first to move in, back in 1940.

Ten years ago there were 1500 residents in the community—then owned by Metropolitan Life Insurance Company—they were FFPs, First Families in Parkchester. At that time Douglas Lowe, resident manager, sent out a personal letter to each of the quarter-century residents.

Their names were culled by the office staff in a search which was complicated by the fact that many of them had moved once or more within the community in the 25-year span.

The official opening date was Mar. 1, 1940, but the first resident in fact was Mrs. Margaret Crandall, who moved into 2001 McGraw Ave. on Feb. 22, with her children. Ten years ago she still was living at that address.

The South Quadrant was the first of the four units to be opened to residency, and to business tenants, too. In the first few months, while working still was going on for the completion of the West, East and North Quadrants, heavy trucks churned the streets into quagmires, and early residents trod on duckboards to keep out of the mud. The first stores opened were those on lower Unionport Rd. One laundry company even did business from a truck prior to taking store occupancy.

As many as 500 moving vans a day lumbered into the South Quadrant when the move-ins were started in earnest, residents taking apartments in the South quadrant apartment buildings and in five in the West Quadrant.

In those days Douglas Lowe was assistant manager in the rental department, and Frank C. Lowe, later to become a Metropolitan vice president in charge of all company housing, was the resident manager. They and the renting and administration staff members worked seven days a week, through most of 1940, to bring in the 12,272 families.

The advent of World War II delayed completion of the original renting lists. Because the heads of some 1500 families were going into the Armed Forces, they were released from lease obligations. But servicemen were promised they'd be given apartments when they returned from service, and this pledge was redeemed.

Ten years ago Douglas Lowe estimated that between 300 and 500 second generation members of the original movers-in had taken Parkchester apartments, too. At about the same time, the Press-Review printed a news item about a fourth-generation Parkchester family.

The establishment of the giant home center, at that time the largest in the world, in many ways transformed the Unionport community in which it was set on the site of the old Catholic Protectory. New churches were established to serve the newcomers, schools were enlarged or were constructed, a retail center was established within the community, and many stores were located in the fringe areas.

Today Parkchester still is a viable community, intact and serviceable, with its buildings in good repair, and its famous features, notably the Metropolitan Oval area, even more handsome now than ever before.

There have been changes, of course. There is a new landlord for the renters and a new program for the owners of condominiums in the North Quadrant.

And there are two strong tenants organizations in being now which were never thought seriously about in years past: the Parkchester Tenants Association, headed by a young man who grew up in the community, energetic Assemblyman John C. Dearie (D., 85th A. D.); and the Parkchester Defense Fund, led by dogged, rescurceful John J. Whalen, who also heads Community Democratic Club—another comparative newcomer organization.

As someone has said "the days of wine and roses" are gone. Still, there's good water and there are flowers, for Parkchesterites.

When Doug Lowe sent out his quarter-century message he was able to note that in the first 25 years of the community there were six voluntary increases asked, and in those days, there was a 95 percent voluntary acceptance. Well, look, it's not the same now. There's the new ownership, headed by Harry Helmsley in fact and Parkchester Management in title; there are the raises ordered through City agreements and announced by municipal departments, not by a resident manager. There are frictions and troubles occasioned by mistrust, but even more so by the zoom of expenses and the disarrayed shambles of the landlord-tenant situation throughout the City, throughout the country.

Always the Parkchester residents sense the presence of Harry Helmsley, whom only a comparative few of them ever have seen—at a dinner to Monsignor Gustave J. Schultheiss, former pastor of St. Raymond's Church.

The renters deal with Ben Lafiosca, who came to his post after serving years with Metropolitan housing. He is an engaging, concerned and forthright young man, frank and sensitive. And the head of highly attractive family. He has plunged into civic and philanthropic activities. He is a highly useful citizen who contributes a great deal to the Bronx at large.

Rix McDavid still is in charge of what used to be called the operating department. He is executive vice president of Parkchester Management; he has been on this job since before Parkchester opened, and he has a consuming drive to keep the community operating at highest level of efficiency.

There is a real estate office in the community, Brown, Harris, Stevens, Inc., on East Ave., sales agent for Parkchester North Condominium, and the condominium owners are holding their first meetings in preparation for taking over their share of operations of their own individually and privately-owned homes in the North.

The Court of Appeals last week gave rulings in favor of Harry Helmsley in suits against John J. Whalen and against Attorney General Louis J. Lefkowitz both. There is more legal actions posed, and conducted by the Parkchester Defense Fund.

And Mr. Whalen says that on balance, he and the Defense Fund won more from the Court of Appeals decision than was lost, despite the fact that the ruling appeared to be contrary. This he will develop.

Thirty-five years ago there was not a single black resident, despite the fact that applications were open in such public places as the first World's Fair in Flushing Meadows. The first occupancy was illegal—a sublease on civil rights testing grounds, the so-called Decatur case which ended in an eviction.

The first routine rental to a black followed when Frank C. Lowe personally arranged it—after pressure from the NAACP, to be sure. Today the presence of blacks, Latin-Americans and other minority group residents is a commonplace.

So, after more than one-third of a century, Parkchester—the personal pride of the late Frederic Ecker, president of the Metropolitan, is very much a community of service, healthy and attractive, offering good homes at rentals which still are moderate in view of the general market levels.

There are problems and there are troubles, but 35 years after the Crandall family moved in—

Parkchester—there she stands.

CONGRESSIONAL BLACK CAUCUS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. RANGEL. Mr. Speaker, on Thursday, February 27, the Congressional Black Caucus announced its legislative agenda for the 1st session of the 94th Congress. This legislative agenda is the Caucus' first formal statement of legislative goals and activities for an upcoming session of Congress.

The Congressional Black Caucus has as its motto, "We have no permanent friends and no permanent enemies, only permanent interests." The Caucus will be working with other groups inside and outside the Congress to develop legislative strategy around these common interests. This agenda will serve as a backbone for the Caucus' efforts to curb the present economic recession through sound and meaningful legislation.

The agenda will be presented in three parts. Today I submit to my colleagues an overview and opening statement of the Caucus' legislative priorities of 1975:

CONGRESSIONAL BLACK CAUCUS, LEGISLATIVE AGENDA, 1ST SESSION, 94TH CONGRESS

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CONGRESSIONAL BLACK CAUCUS, LEGISLATIVE AGENDA, 94TH CONGRESS, 1ST SESSION

For too long, we have seen no fundamental change in our national policies and priorities in response to domestic needs. In the 1930's, the Great Depression led to a system of Social Security. Following the War, the Employment Act of 1946 was passed. In the 1960's major civil rights laws were passed. And in the mid-'60's, a belated and only partial response to the problems of poverty was begun.

Today, we face a period of economic turmoil following closely an era of tragic international and American political turmoil. Yet, as in the '30's, these great events have served to create a common understanding among most Americans as to our common dilemma. It is not the rich against the poor, black against white. Instead, there is a mutual recognition that any of us may be the next victim of unemployment, and that all of us will most certainly be the next victims of inflation.

The Congressional Black Caucus has as its motto that "we have no permanent friends and no permanent enemies, only permanent interests." At this time of economic distress, we feel we have many more friends than enemies, as our interests are even more clearly those of the nation. While our foremost concerns are those of blacks, those concerns and their remedies are inextricably intertwined with those of all Americans.

This legislative agenda begins to address both economic and political problems common to the nation and the black community. In this agenda, there are no instant solutions; there are specific remedies. As legislators, we operate in the legislative context, and our agenda consists of bills and resolutions which will come before Congress this year. Some are far-reaching; some are short-range. Some will pass; some will not.

But each will be passed through the legislative process with a full recognition that many persons beyond our individual constituencies—including all those who bear the brunt of the economic dislocation—support our position and form a new constituency. Because blacks have endured economic hardship for so many years and learned much from the experience, we have unique contributions and leadership to provide in the development of constructive alternatives to the current situation.

The time is right for others to join with us.

The position of the Congressional Black Caucus is stated in the text which follows. The factual basis for these positions has been stated by the Caucus and by others many times in the past. At our meeting with former President Nixon in March 1971, a statement of the concerns of black and poor constituents was presented. At our meeting with President Ford in August 1974, further facts were presented. We have held Caucus hearings and fact-finding conferences around the country, as well as congressional committee hearings. Our legislative positions are compelled by our findings.

There are several legislative issues to be decided this year which the Caucus considers of primary importance. These are bills of broad scope with major implications for blacks and others, on which major national attention will be focused. They fall into three broad categories: (1) economic issues, (2) access and political participation issues, and (3) issues involving federal domestic assistance programs.

1. Economic issues

Our economic program will focus on full employment, tax reform, and a careful review of congressional appropriations in the framework of national priorities. The Caucus' January 16, 1975 letter to the President spells out in more detail our position on economic issues.

The political context is fresh for new discussion and action on these issues. Procedural reforms, changes in leadership, and an influx of new House members will permit measures to move which have been stymied in the past. The soaring unemployment rate puts the question of 'guns or butter' in a striking light. And inept Administration attempts to cut the Federal budget through the Food Stamp program while calling for an additional half billion dollars for Southeast Asia can only help to forge the new constituency around a reordering of national economic priorities. The Caucus does not agree that every time Congress asks for more money it adds to the deficit, for the reordering of priorities will permit the use of old funds for new purposes.

2. Political participation issues

The second major goal of the Caucus' program this year, will be to increase voter participation by removing barriers to voting.

While black voter participation has increased tremendously since the 1965 Voting Rights Act, it still lags significantly behind that for whites. Equally striking is the decline in voter participation nationwide from 64 percent of those eligible in 1960 to 55 percent of those eligible in 1972.

As a remedy, we will work vigorously for renewal of the Voting Rights Act for an additional ten years, as well as for passage of a new comprehensive and far-reaching universal voter registration act.

3. Federal Domestic Assistance Programs:

Our third major priority will involve federal domestic assistance programs. Four broad and timely issues here are revenue sharing, health care, social insurance, and education.

(a) Prior to endorsing continuation of general revenue sharing, we will be making a searching review of that program and its impact on minority and lower-income persons.

(b) Health care and (c) Income security, two other program priorities, involve the most basic security and well-being of a very large number of our citizens.

(d) Two major existing education programs, the Higher Education and Vocational Education Acts, will be up for renewal this year and important questions involving aid to education will be debated.

(e) Other major issues will come before this Congress, such as energy, the environment and assistance to nations of the Third World. It is those with lower incomes who suffer most from massive cost rises for energy. The Caucus supports passage of an energy rebate system, the F.U.E.L. plan (summarized in the agenda) to keep energy costs within the means of lower-income persons. It is those in the central cities, and in many rural areas, who suffer these effects of our worst environments. And it is those in developing nations who suffer the effects of a turn from our long-term commitment of economic aid and equity to the developing Third World nations to an over-reliance on military aid. As these issues arise and are raised in the legislative process, the Congressional Black Caucus will make its position known.

In addition to the three areas of primary focus, there are some forty additional important pieces of legislation in ten major categories which are being introduced this year which the Caucus strongly supports and which are being introduced by Caucus members.

Each involves a significant federal activity which does, or could, affect the lives of low and moderate income citizens. These legislative initiatives range from creating a cabinet-level minority enterprise agency to child care. They range from criminal justice to bureaucratic accountability, and from the problem of dishonorable discharge from military service to the problems which have have developed with widespread condominium conversions.

At the same time as we press the legislative agenda, the Caucus will expand its oversight of federal activities, continuously evaluating the impact of federal programs on our constituents, to review civil rights enforcement, affirmative action, and substantive program effectiveness and equity. We have a particular concern this year with surveillance activities of the CIA and FBI, much of which appears to have been directed at black organizations and individuals. A more aggressive Congress will, we hope, further this oversight function. Further, we will be carefully scrutinizing nominees for federal appointive posts for their suitability with respect to the black community.

CHILDCARE DEDUCTIONS SHOULD BE FAIR

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. ARMSTRONG. Mr. Speaker, I am introducing legislation to eliminate undue restrictions on income tax deductions for childcare.

While the Internal Revenue Code allows itemized deductions for the childcare expenses of working parents with children under age 15, the guidelines are so narrow that four-fifths of all families with working parents are excluded.

Childcare expenses are a legitimate business expense, and should be treated as such, rather than be limited by arbitrary income standards and restrictions not applying to other business expenses.

Right now, one set of working papers is favored over another by the tax law—simply on the basis of income. That is bad economics and dubious law.

We do not deny personal exemptions to some Americans because they make more or less money. We do not limit interest charge deductions to one group of people. So we should not limit childcare deductions.

There may be inequities in the tax laws, and we should move to remove them.

That is why I am proposing elimination of the income limits used to determine childcare deductions, since such restrictions are discriminatory, particularly to more successful working women. And that should not be.

SST BILL AMENDED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. WOLFF. Mr. Speaker, once again I must address this House on the threat to our people and environment represented by supersonic aircraft, and once again I must express a sense of disappointment and outrage at actions by the administration which smack of outright duplicity in what I trust will prove a futile attempt to go behind the back of Congress and the American people.

Mr. Speaker, many of us here today witnessed a lengthy debate and vote which we felt settled the question of supersonic aircraft in our country once and for all, unless genuine environmental and technological advances were achieved by the would-be producers of the SST.

Yet what was our astonishment yesterday when we had placed on our desks a 120-page document which, upon careful reading, appeared to substantiate the worst fears of critics of the SST, only to find that the document was seen by the administration to be a justification for approving the SST of a foreign nation.

Even worse, Mr. Speaker, not only was this document an attempt to force the SST down our throats, but it represented a shameful end-run around what we had been previously assured would be a study of a series of test flights prior to any question of final commercial flight approval.

Accordingly, I am today amending my bill to ban SST flights until full environmental clearance is given by the Congress to include a provision which I hope will cover last Friday's incredible recommendation by the EPA which, I fear, grants a virtual waiver to the present 16 or so Concorde SST's, and an unknown number of Russian TU–144's, to land in our country despite clearly unacceptable noise levels.

Mr. Speaker, the time has come to demand that SST's of all manufacture meet the same standards for noise pollution as required of subsonic aircraft by FFA regulations, part 36, and my amendment so reads.

Incredible as it may seem, the Federal Aviation Administration has seized on this concession by EPA to recommend authorization of regular commercial service of what its own reports proves to be a monstrous intrusion on the peace and tranquility of our citizens, and what its own report concedes to be a potentially grave threat to our environment, specifically our upper atmosphere.

The rationale, as I read it, appears to be that since the Concorde is such an absurdly uneconomical aircraft, costing up to $62 million each, believe it or not, the FAA would have us ignore our own decision to ban the SST because only a few are ever expected to be built and operated.

There are several flaws in this childlike innocence that the FAA apparently operates under these days. In the first place, the FAA's own report concedes it expects 30 to 40 aircraft to be built and operated, even if no one but Britain and France are foolish enough to buy the SST.

We have already seen substantial scientific testimony, which I have been pleased to place in the RECORD in the past few weeks, indicating that "only" 30 or 40 SST's will be quite sufficient to alter the ozone layer of the Earth's atmosphere in an adverse fashion and cause many thousands of cases of skin cancer.

It should be noted that the FFA's report yesterday tiptoes through this fear in a superficial and gingerly fashion, relying heavily on a DOT report of January which has already come under heavy fire from scientists not on the Government payroll and who, we must assume, do not have a vested interest in "proving" the SST is environmentally and economically acceptable.

The FAA's own report yesterday also confirms the worst fears of those of us who have been fighting the SST because it will be the noisiest airplane ever flown. The report proves with its own deliberately obscure charts and diagrams that the Concorde SST is at least 20 to 30 percent noisier than the maximum noise level allowed at John F. Kennedy Airport, near my district.

I am hopeful that the Port of New York Authority will remain firm in its previous opposition to any aircraft which cannot meet this noise standard, a standard, I should add, which is "acceptable" only in a very limited sense, because I can assure this House that the maximum allowed is very loud, indeed. Further, Mr. Speaker, the FAA's own report concedes that the SST will set up household vibrations five times—five times—greater than present aircraft.

It need hardly be pointed out that today's aircraft are being required to retrofit and to undergo serious modification of engine and fuel technology in order to be allowed to operate, and I find it incredible that we are expected to swallow such a flouting of our own standards as is represented by the SST.

Let me suggest, in fact, that those FAA officials and those in the administration who do not think that noise is the principal problem with the SST be required to live in the areas the SST will land. Then let them make their studies and recommendations. I think we would hear a very different tune.

The FAA seems to be vaguely aware of the absurdity of its report, because it concedes that significant advances in fuel and engine technology must be made before a fleet of SST's can meet our environmental standards. But, in another burst of touching innocence, the FAA would have us accept manufacturer's claims that such advances will be made.

What a charming fairy tale, Mr. Speaker. We in Congress are supposed to take it on faith that we can allow something completely unacceptable today because the good manufacturer will surely make it better somewhere down the line.

Finally, I am sorry to have to add this depressing note to an already depressing story of evasion, half truth, and outright deception, but there is in the FAA's own report a concession of outright diplomatic blackmail which this House cannot ignore.

The FAA report states in very plain language that because the United States is signatory to an international agreement on licensing of pilots and certification of aircraft that we cannot risk "rocking the boat," in effect, on the SST.

Mr. Speaker, no matter how much sympathy we may have for our good friends and allies in England and France, we can hardly be expected to help them out of this monstrous white elephant at the expense of our environment, and our citizen's constitutional right of peace of mind.

As I said on the floor of this House last week, when introducing my bill with 20 cosponsors to ban the SST pending full environmental clearance, groups of responsible citizens in England have contacted me pledging full support, and I noted then that their organizations, representing more than 20,000 active members, have been fighting the Concorde for years because of the absurd noise levels of this aircraft.

We are more fortunate in this country, Mr. Speaker, because we still have a chance to nip this dishonest proposal in the bud by a series of actions which I urge this House to give full consideration. The FAA and the administration, much to their chagrin, cannot ram the SST down our throat. Here is what we can do:

First, I would respectfully urge support of my bill, as amended, to ban the SST pending full environmental studies satisfactory to this House, and passage of suitable noise regulations governing the SST. I would also respectfully ask that we join in urging a complete study of the FAA and DOT reports on the SST by our own Office of Technology and Assessment. We obviously cannot afford to rely any longer on this administration and its house scientists to tell us the truth about the SST.

Next, let me respectfully urge that we insist on prompt hearings on EPA's incredible action of last Friday, an action swept under the rug until yesterday's FAA report, which would apparently grant waivers to the present world SST fleet of 16 or so aircraft. This action is completely unjustifiable, and I can only suspect that EPA must have been subjected to grave internal pressures to contravene its normally high standards of integrity.

Finally, the FAA is compelled by law to hold hearings on its recommendation, and has set April 14 as the date in Washington, D.C. Let me strongly and respectfully urge full attendance that Monday.

Mr. Speaker, I submit for the Record the excellent story in today's Washington Post clearly outlining the present situation.

[From the Washington Post, Mar. 5, 1975]

SST Service for Dulles, New York Backed

(By Jack Egan and Paul Hodge)

The Federal Aviation Administration yesterday recommended that French and British airlines be allowed to fly the controversial supersonic Concorde jetliner into Washington's Dulles International Airport and John F. Kennedy International Airport in New York City in regular commercial service by early 1976.

The agency, in a preliminary environmental impact statement, said the Concorde causes more vibration and greater amounts of some types of pollutants than any subsonic airplane.

But the FAA said the environmental consequences from the limited number of daily Concorde flights proposed by British Airways and Air France "are not so severe as to compel a refusal" of the right to land.

"The volume of Concorde operations will be limited and consequently the environmental impact will be limited," the report said.

The French and British airlines—the only carriers with firm orders for the Anglo-French-built Concorde—plan two supersonic flights a day into Dulles and four into Kennedy.

The FAA impact statement is a draft and subject to revision or reversal.

The agency scheduled an April 14 public hearing at its Washington headquarters.

But agency sources said it would take compelling arguments by local residents and environmentalists to overturn the decision, which, after hearings, becomes law without further federal or congressional action.

Environmental groups that strenuously lobbied Congress in 1971 to defeat a U.S. supersonic transport promptly promised to mount a similar effort against the Concorde.

California Sens. John V. Tunney and Alan Cranston said they opposed any Concorde flights if the aircraft do not meet noise limits for new-production planes.

"These aircraft are 20 to 30 per cent noisier than the (Boeing) 707, the noisest craft in our jet fleet," the two Democrats said in a statement. "Further, they produce four times the carbon monoxide emissions on takeoff and landing, and will cause those living around airports discomfort as the result of their vibrations, estimated at five times those of present aircraft."

Friends of the Earth legislative director Ann Roosevelt said that while the "limited nature" of the FAA recommendation "may not have immediate significant environmental impact, it is definitely a foot in the door for advocates of supersonic civil aviation."

She said "the SST in any design is uneconomical" and a waster of energy that her organization and other environmental groups "will vigorously oppose."

Washington-area officials have taken no position on supersonic jets at Dulles, largely "because we assumed they were not going to be coming here," according to Dennis Bates, director of health and environmental protection of the Metropolitan Washington Council of Government (COG).

Rep. Lester Wolff (D-N.Y.), one of Congress' leading opponents of the SST, labeled the FAA decision "incredible and smacking of diplomatic blackmail."

Commented Wolff: "In view of the absolutely unacceptable levels of noise and physical pollution which the report admits the Concordes will produce, I can see no excuse for the FAA bowing to diplomatic pressure on this point and allowing tests of aircraft which make absolutely no sense from either an economic or an environmental standpoint."

The FAA environmental impact statement said the noise levels of the Concorde "are not substantially higher" than the noisiest of existing jetliners. But it added that the Concorde does "generate more low frequency energy" than any existing planes, and that this will cause vibrations in nearby homes.

One Department of Transportation study conducted at Alaska's Fairbanks International Airport last year found the vibration of walls, ceilings and windows of nearby homes was up to five times greater for the Concorde than for other jetliners, the FAA said. This was at subsonic speeds.

The noise levels and vibrations discussed by the FAA impact statement are associated with normal takeoff and landing, not with supersonic flight and its window-shattering sonic booms. Supersonic flight by civilian planes is banned over the continental United States or territorial waters, and the Concorde would only fly supersonically over the ocean.

The Concorde is able to fly from Washington to London in about 3½ hours, less than half the present flight time, with the beak-nosed plane cruising at about 1,300 m.p.h., or more than twice the speed of sound.

The air fare has not yet been set. But British Airways has talked about charging the present first-class fare plus a surcharge of perhaps 20 per cent. That would put the charge for a supersonic trans-atlantic round-trip at $1,459, compared with $804 for an economy peak-season fare. It clearly would be out of the reach of all but the expense-account or luxury traveler.

The FAA report came one day after a decision by the Environmental Protection Agency, which sets noise standards, that the 16 Concordes now in production or planned should not have to meet the more stringent noise standards that apply to new subsonic jets. However, future production of the Concorde would have to meet the stricter noise standards.

British Airways has ordered five of the planes, and Air France has ordered four. In addition, the governments of Iran and of the People's Republic of China have options on a total of five planes, but orders have not been firmed.

CONGRESSMAN NIX REINTRODUCES FREE CONSTITUENT MAIL BILL

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. NIX. Mr. Speaker, I am today reintroducing my bill to allow citizens to correspond free of charge with their Representative and Senators. Twenty-two Members of the House are joining me in cosponsoring this legislation.

As I have said before, correspondence between Members of Congress and their constituents is a vital part of the democratic legislative process. Members of Congress now have the right to correspond with their constituents free of charge under the franking privilege. My bill would extend this privilege to the constituent.

I believe it is important, in these days when the Federal Government has grown to be large and complex, that each citizen have free access to his Congressman. When a citizen has a question or problem relating to the Federal Government, he should be able to turn to his elected representatives, free of charge, to get the information or assistance he needs. When he wants to express his opinion on the issues of the day, he should be able to contact his Congressman free of charge.

Mr. Speaker, I believe that enactment of this bill would be an important reform that would make Congress and the Federal Government better servants of the people.

NATIONAL REGISTRATION FOR ALL AMERICANS?

HON. ALLAN T. HOWE

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. HOWE. Mr. Speaker, a recent U.S. News & World Report carried an interview with Frances G. Knight, Director of the U.S. Passport Office, in which she called for a national registration of all Americans, complete with the issuance of a national identity card to each citizen. Ms. Knight contends that fraudulent documentation for the purpose of obtaining passports or other U.S. Government benefits represents a serious problem in our country and that we owe "every American citizen a true, recorded national identity." She further predicts that only a small minority of honest Americans along with criminals, illegal aliens, and tax dodgers would oppose a national registration system.

I am shocked and dismayed that an American, and one who is a high public official, would espouse such authoritarian methods. Ms. Knight's suggestion recalls thoughts of 1984, come 10 years too early, with governmental monitoring of an individual's activities. As she so aptly pointed out in her interview:

> We have a nation of over 200 million individuals who are not restricted in their freedom of movement, their choice of jobs or place of residence. They move about freely, from State to State, and even across contiguous international borders.

I value these freedoms; I believe their preservation is important and vital to our free society.

With current investigations of CIA and FBI domestic and private surveillance activities, many Americans are justifiably alarmed over the watchdog role of their Federal Government. National registration of Americans would only represent a further invasion of privacy and another area ripe for potential abuse.

I recognize the problem outlined by Ms. Knight and will give serious consideration to the report expected from the Federal Advisory Committee on False Identification at the end of the year, but I took with disbelief on a public servant suggesting a national registration system that would merely increase the bureaucratic tangle. Improved administrative procedures and stronger criminal penalties for those dealing in illegal documents represent better alternatives for helping us to reduce these cases of fraud.

Americans do not need to be "logged in" and "logged out." What we need is some clear thinking and some concern for the individual's freedom and right to privacy which are essential to our national well-being.

I am asking the Secretary of State if, in fact, Ms. Knight reflects the administration's position on this issue. I cannot believe a Government official would suggest such a concept, and I indeed hope the Secretary of State responds in the negative.

HOUSE CONCURRENT RESOLUTION 133

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. DU PONT. Mr. Speaker, yesterday I voted in opposition to House Concurrent Resolution 133, the bill that supposedly lowers interest rates. I am in favor of low-interest rates; they benefit homeowners, businessmen, farmers, and almost every person in our society. They are a desirable goal in our economy and they should be considered as one cornerstone of our financial policies. The problem is that House Concurrent Resolution 133 contributes absolutely nothing to this objective. In fact, it is an ill advised bill which is deceptive in its content and misleading to the American people in its implications.

The committee's feelings about the merits of this legislation are demonstrated by its reluctance to make the legislation binding, by presenting it as a sense of Congress resolution, rather than a regular bill. The resolution does not require any action by anybody—unless you consider a report to Congress as action. If the American people are led to believe that by this resolution, Congress has done anything, they will be sadly deceived. The resolution is wholly cosmetic, devoid of any substance at all.

But, more important, I must ask why the resolution does not propose to do anything about inflation? Inflation is certainly the most pervasive financial problem we have in our economy and yet this resolution ignores it. Are we prepared to conduct our monetary policy on the single objective of reducing interest rates? I hope not, for while the problems of recession and unemployment are important ones, so is the problem of inflation.

We are already suffering through a deep recession owing, at least in part, to prices which encounter consumer resistance on purchases of everything from automobiles to sugar; prices which, in turn, are traceable to past expansionist monetary policy and deficit Federal financing. Rapid expansion of the money supply has historically been one of the primary causes of inflation, and this resolution appears to suggest that such an expansion should be pursued as the only objective of our monetary policy. Such singlemindedness is not in the long-term best interest of our Nation's economy.

Finally, I am not naive enough to believe that economic policies are not affected by political considerations. However, I am concerned by the increasing politicization of our economy by direct congressional intervention in the management of our financial affairs. I can think of little worse for the long-term health of our economy than to have interest rates and monetary policy directed by the Congress. Day to day or month to month changes in monetary policy directed by the Congress in response to the latest or most powerful pressure from special interests in the country would soon make a shambles of our economy. Such decisions should remain in the hands of the independent Federal Reserve Board, a body far better suited to making such decisions than the Congress.

I do not believe that Congress should undertake the day to day management of our monetary policies. But, it is even worse to suggest, as House Concurrent Resolution 133 does, that the Congress is doing this when in fact it is not. This represents the ultimate combination of bad judgment and legislative deception—a combination that neither solves a problem nor encourages faith in the integrity of Congress or its members. I refuse to support such a measure, even if its effect is only symbolic in nature.

HOWARD UNIVERSITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. STOKES. Mr. Speaker, I wish to direct the attention of my colleagues to the fact that Howard University, one of the most prestigious black institutions of higher learning in the world, has recently commemorated its 108th anniversary. On March 3, 1975, a Charter Day dinner was held at the Sheraton Hall of the Sheraton Park Hotel here in Washington, to celebrate the founding of the university.

The commemoration was held under the joint auspices of the board of trustees, faculties, students, staff, and graduates of all classes of Howard University. Mr. Julian R. Dugas, City Administrator of Washington, D.C., presided as chairman of the 1975 Charter Day dinner committee.

The opening invocation was given by Dr. Howard Stone Anderson, vice chairman of the board of trustees of Howard University. Greetings followed by Dr. Asa T. Spaulding, chairman of the board of trustees. Next came the presentation of the recipients of alumni awards for distinguished postgraduate achievement.

I submit for the interest of my colleagues the following biographies of the alumni achievement awards recipients as they were published in the program for the Charter Day dinner.

ALUMNI ACHIEVEMENT AWARDS

FREDERIC ELLIS DAVISON

(In the fields of Military Science and Public Service)

The highest ranking graduate of Howard's ROTC program, Major General Frederic Ellis Davison, USA (Ret.), is internationally recognized for his extraordinary leadership qualities and talents in military operations. His commitment to public service has been evidenced through his outstanding ability and his wide knowledge of military tactics.

General Davison, born in Washington, D.C. on September 28, 1917, received the B.S. and M.S. degrees in Zoology and Chemistry from Howard University in 1938 and 1940, respectively. In 1946, he was separated from the Army and enrolled in the Howard University College of Medicine for one year; thereafter, he returned to the Army as company commander at Fort Dix, New Jersey. In 1963, he received the M.A. degree in International Affairs from George Washington University. He was honored by the Howard University Alumni Federation for outstanding public service in 1973.

Beginning his career as a second lieutenant in the U.S. Army in 1939, he became the third Black ever to achieve the rank of general in the United States Armed Services and the first to lead an integrated combat infantry division. Prior to his assignment as Commanding General of the Military District of Washington in November, 1973, he had completed two other assignments of the same level in Vietnam and in Germany.

JAMES HENRY MERIWETHER HENDERSON

(In the fields of Biological Science and Research)

Recognized as one of the nation's leading biologists, Dr. James H. M. Henderson is director of the Carver Research Foundation at Tuskegee Institute. He has also held several other positions at Tuskegee in the span of his three decades of service to that institution. Throughout his career, he has been a frequent contributor to scientific journals as a result of his extensive research in plant physiology and biochemistry. In 1964, he was cited for conspicuous service in the field of biology by Howard's General Alumni Association.

An active member of numerous professional organizations, Dr. Henderson was appointed to the Commission on Undergraduate Education in the Biological Sciences in 1965 and has served as consultant to two panels of the National Academy of Sciences. Since 1973, he has been a member of the Executive Committee of the National Council of University Research Administrators and is past chairman of the American Society of Plant Physiologists—Southern Section.

After earning the B.S. degree from Howard University in 1939, he enrolled in the University of Wisconsin where he was awarded the M.Ph. and Ph.D. degrees in 1940 and 1943, respectively. He did further study at the California Institute of Technology from 1948–50 and at the Oak Ridge Institute for Nuclear Studies in 1951.

Recently appointed as co-chairman of the University's Bequest Committee, Dr. Henderson was born in Falls Church, Virginia on August 10, 1917.

JOHN HENRY POWELL, JR.

(In the fields of Law and Legal Service)

Through legal expertise and an extensive background in law, John Henry Powell, Jr. has assisted the progress of Civil Rights in this country for more than a decade. He was sworn in as Chairman of the U.S. Equal Employment Opportunity Commission on January 22, 1974, making him the fifth chairman of that Commission since its inception in 1965. He served as General Counsel of the Civil Rights Commission for more than three years, was an attorney in the Office of the Solicitor, U.S. Department of Labor, and an Assistant U.S. Attorney for the U.S. Department of Justice in the Eastern District of New York. Following an association with the law firm of Wachtel and Michaelson, New York, he started a private practice in Mineola, New York. He worked as Special Counsel to the Southern Christian Leadership Conference. During this same period, he was Special Counsel to Joseph F. Carlino, then Speaker of the New York State Assembly.

Mr. Powell, born in Mineola, New York on February 11, 1931, received the B.A. degree, *magna cum laude*, from Howard University in 1953. He later received the Juris Doctor degree from Harvard University and the Master of Laws degree from New York University Graduate School of Law.

ALMA WOODSEY THOMAS

(In the fields of Art and Colorifics)

When Alma Woodsey Thomas received the B.S. degree from Howard University in 1924, she also received the distinction of being the first graduate of Howard's Department of Art. She received the M.A. degree from Columbia University in 1934, and studied painting at American University from 1950 to 1960. She is perhaps best known for her earth and space paintings which are abstractions composed of mosaic patterns in concentric circles and straight lines in vibrant colors. Though inspired entirely by nature, she says she is also indebted to the tradition of color painting made famous by this city.

Miss Thomas, born in Columbus, Georgia on September 22, 1894, was brought to Washington, D.C. as a small child and has lived here ever since. She taught at Shaw Junior High School from 1924 until her retirement in 1960. Since that time she has devoted her energies to painting and has been represented at more than seventy shows, including major national exhibitions of contemporary Black artists. Her one-woman exhibitions have been held at the Franz Bader Gallery, the Whitney Museum of American Art, the Corcoran Gallery of Art, and Fisk and Howard Universities.

LETTER FROM A CAPTIVE FISHERMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 1975

Mr. ANDERSON of California. Mr. Speaker, earlier this year seven American fishing boats, along with their crews, were held captive by the country of Ecuador for refusing to recognize that nation's claim to a 200-mile territorial zone off her coast. Only now are they being released.

It has been a policy of the United States not to recognize Ecuador's, and other South American nations', claim to a jurisdiction 200 miles out at sea. Yet it has been the fisherman who has borne the burden of that policy by being arrested, having his catch confiscated, and being held against his will in foreign countries.

James E. Larkins is one of the American fishermen who was recently detained in Ecuador for an extended period of time. He wrote a letter to President Ford on February 2 of this year which eloquently expresses his feelings during his detention. At this point, I would like to insert Mr. Larkins' letter into the RECORD:

SALINAS, ECUADOR,
February 2, 1975.

DEAR MR. PRESIDENT: Inside my passport there is a reference to the effect that I am a citizen and a subject of the United States. It requests that no one unduly detain me or interfere with my freedom as such. In the days of Theodore Roosevelt the inference would clearly have been that someone who did so would risk incurring the severe displeasure of the people and the government of the United States. I am very confident that my fellow citizens would be upset at my current situation and would wish to rectify it. It is my government that I can't help but wonder about. Is this passport and other documents issued me merely a means of keeping track of my movements and controlling me?

As a citizen is my only remaining right to pay taxes to support the government or face prosecution for failing to do so?

Doesn't my government recognize its obligations and responsibilities towards me?

Does the government completely lack the principles for which it supposedly stands?

Is our foreign policy now completely dominated by large corporate interests outside the control of the citizenry of the U.S.?

Are there no officials in Washington capable, competent, and courageous enough to comprehend and subsequently discharge their duties to their fellow citizens?

Has the U.S. Navy now gone completely from the days of John Paul Jones to the "Pueblo"?

As a student I was taught about the Monroe Doctrine, Boston Tea Party, Great White Fleet, etc., etc., etc. It seems to me that our more recent history, both domestic and foreign, bears little, if any, resemblence to that which I was taught to believe about my government.

Frankly, I believe that until the officials in Washington under your direction and guidance, regain the spirit and attitudes that made our nation great; situations such as I'm now in will continue to be commonplace, and not just here, but all over.

I find it difficult to be upset or resentful towards the people and the government of Ecuador. If I were in their position I wouldn't hesitate either to step on a toothless tiger's tail.

You can sit in Washington and discuss this situation until hell freezes over. The facts will remain the same and relatively simple: to date seven ships, subject to U.S. law and protection, while operating on the high seas in international waters, have been stopped, boarded, seized, and taken under armed guard. Are you or aren't you going to do anything about this? Am I going to be given the protection due me as a U.S. citizen or am I going to be subjected to, and mired down in, the usual bureaucratic rhetoric? Are you going to see to it that the duties and obligations my nation has to me are taken care of as they should be? Or am I simply going to end up involved in a great diplomatic whitewash, possibly making someone's secret list in Washington, the result being that I'll probably have my income tax return audited for having been somewhat critical.

I wonder how I'll someday explain this situation to my infant daughter as I try to teach her to believe in her country. I wonder if she'll ever be old enough to understand, as I certainly don't myself. I hate to admit it, but I find myself wondering if I'd be here if I had a British, Russian, or Chinese passport. I've always been proud to be a U.S. citizen but right now I'm not too proud of my government. I will remain a loyal citizen and I just hope that it doesn't continue to be a one-way proposition. My sentiments are entirely my own and I speak for myself. I hope I still have the right to do so. I have taken the liberty to make my sentiments known not only to you and your office but to others as well. As a citizen I wish you good health and the utmost success during your term of office.

Respectfully,

JAMES E. LARKINS,
M/V Neptune.

GOLDEN JUBILEE OF RT. REV. MSGR. NICHOLAS H. WEGNER, BOYS TOWN DIRECTOR

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 1975

Mr. ABDNOR. Mr. Speaker, I am pleased to join with my colleague from Nebraska (Mr. McCOLLISTER) in paying tribute to the 50th anniversary of ordination to Priesthood of the Rt. Rev. Msgr. Nicholas H. Wegner.

For those of us in South Dakota, we know Monsignor Wegner as Father Wegner, the director of Father Flanagan's Boys' Home at Boys Town, Nebr.

Father Wegner became director of Boys Town in May 1948, upon the death of its founder, Msgr. Edward J. Flanagan. He served as director for 25 years until his retirement at age 75 in October 1973.

On March 7, this Friday, Monsignor Wegner will celebrate the golden jubilee of his ordination.

As tribute is paid for his great contributions in an illustrious 50 years of service, I would like to particularly refer to his role in providing the guidance and counsel which has helped so many boys become outstanding citizens. I can think of no greater service than that of helping a youngster along the rockly road of life, teaching him how to make the most of his opportunities and how to recognize and avoid the pitfalls which may lie ahead.

A tremendous debt of gratitude is owed Monsignor Wegner for his work with youth and on the occasion of his 50th anniversary of ordination, I deem it an honor to join in the salute to him.

Mr. Speaker, I would like to include in the RECORD a biographical sketch about Monsignor Wegner:

THE GOLDEN JUBILEE OF RT. REV. MSGR. NICHOLAS H. WEGNER

Monsignor Nicholas H. Wegner became Director of Father Flanagan's Boys' Home at Boys Town, Nebraska upon the death of its founder, Monsignor Edward J. Flanagan in May, 1948. Msgr. Wegner—he preferred to be known as Father Wegner—served Boys Town for 25 years until his retirement at age 75 in October, 1973. He was succeeded by Rev. Robert P. Hupp.

Under Father Wegner's direction, Boys Town expanded greatly, not only in its traditional work of caring for disadvantaged and homeless boys, but in extending its service to youth nationally and internationally.

The Boys Town Institute for Communication Disorders in Children was created in June, 1972. Initially financed at $30 million from the Boys Town endowment fund, it will be headquartered on the Boys Town campus and will include a clinical, diagnostic and rehabilitation center; a pre-school language and learning center; built in conjunction with and adjacent to the Creighton University's Criss Institute for Health in Omaha, Nebraska, just a few miles from Boys Town. It will care for physically handicapped boys and girls and will be receiving its first patient applications in 1976.

A second major youth service project undertaken during Father Wegner's term as director of Boys Town is the Boys Town Center for the Study of Youth Development. Funded at $40 mililon from the Boys Town endowment fund, the research complex is headquartered at Boys Town and has regional research centers at Stanford University and at the Catholic University of America. The Center will research such painfully urgent youth problems as rejection of parents, drug addiction, inability or unwillingness to learn, and social maladjustment.

Recent major developments on the Boys Town campus include a new grade school, built at a cost of $2 million, and acclaimed by educators nationwide as being outstanding among grade schools in the matter of architecture, equipment, and teacher/student facilities. By unanimous action of the Home's Board of Directors, the school was named for Father Wegner.

Tall, well over six feet, lean and sturdy of frame, Father Wegner's figure was a familiar sight anywhere on Boys Town's beautifully-landscaped 1,700 acres, or in its more than 50 buildings. He was born July 6, 1898, at Humphrey, Nebr., one of 12 children of Mr. and Mrs. Herman Wegner, Nebraska pioneers. He attended Humphrey schools and later helped finance his education as a pitcher with a semi-pro baseball team. His skill attracted contract offers from two major league teams but he chose the priesthood. He studied at St. Joseph's Seminary, Teutopolis, Ill.; St. Paul Seminary, St. Paul, Minn.; and the Gregorian University in Rome, where he obtained his Doctorate in Sacred Theology and where he was ordained March 7, 1925. He later received a degree in Canon Law from the Catholic University of America in Washington, D.C.

His first priestly assignment was as assistant pastor of St. Cecilia's Cathedral in Omaha, September, 1925. Less than four years later he was named Assistant Chancellor of the Diocese of Omaha, becoming Chancellor on July 1, 1939. On November 15, 1944, he was honored as a Domestic Prelate, with the title of Right Reverend Monsignor.

He was administrator of the Archdiocese of Omaha during the interim between the death of Archbishop James Hugh Ryan and the installation of Archbishop Gerald T. Bergan. On December 15, 1959, he was named Protonotary Apostolic by Pope John XXIII. On January 13, 1960, he was named Vicar General of the Archdiocese of Omaha.

In addition to his concern for the spiritual needs of "his boys"—symbolized by the Catholic chapel where Father Flanagan lies buried, and a Protestant chapel with resident chaplain—Father Wegner insisted upon scholastic excellence and a wide variety of extra-curricular activities. The Boys Town High School is accredited by the North Central Association of Colleges and Secondary Schools. The Boys Town Choir gives concerts around the country. There is a varsity team in all major sports.

Father Wegner, long and actively identified with the Boy Scouts, had been honored as a 25-year veteran of scouting. There are seven Boy Scout units on the campus.

Demonstrating his interest in the problems of youth everywhere, he made a five-month trip through the Far East and the Middle East on behalf of the State Department, counseling on youth problems. He aided in establishing a counterpart of Father Flanagan's Boys' Home at Monterrey, Mexico, and also a Boys Town in the Philippines.

For his work with youth and service to society he received numerous awards and citations, among such honors being a Doctor of Laws from Creighton University.

In recognition of the dedication and the 25 years Father Wegner served the youth of this country as well as thousands of boys who called Boys Town their home, the Alumni of Boys' Town, Nebraska are honoring Msgr. Nicholas H. Wegner on March 7, 1975 on his 50th Golden Jubilee.

SENATE—*Thursday, March 6, 1975*

The Senate met at 12 noon and was called to order by Hon. GARY W. HART, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Hear the words of the book of Proverbs:

Keep thy heart with all diligence; for out of it are the issues of life.—Proverbs 4: 23.

O Lord, our God, keep our hearts alive with the divine spirit that our heads may work better for the Nation and Thy coming kingdom. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 6, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. GARY W. HART, a Senator from the State of Colorado, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. GARY W. HART thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 5, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of an excellent choice to be Secretary of Labor.

There being no objection, the Senate

proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of John T. Dunlop, of Massachusetts, to be Secretary of Labor.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AID TO CAMBODIA

Mr. MANSFIELD. Mr. President, on February 25, in a letter to the Speaker of the House, the President said that "an independent Cambodia cannot survive" without the supplemental aid he requested and posed the question: "Are we to deliberately abandon a small country in the midst of its life and death struggle?" The day before, Assistant Secretary of State Philip Habib told a Senate Foreign Relations Subcommittee that only if the aid requested was provided can "that nation survive." Now Secretary Habib has made a "summary of negotiating efforts on Cambodia" available to the Congress and the media. The State Department claimed yesterday that the August 1973 halt of U.S. bombing in Cambodia, which Congress ordered—and I did not vote for that particular proposal—cut off "extremely promising" efforts to negotiate a settlement of the Cambodian conflict.

This is extravagant language, sadly reminiscent of the political rhetoric of another era. Cambodia's survival as a nation is not involved in the supplemental request; neither is there a question of the survival of the Cambodian people. But there is, admittedly, a possibility that Congress denial of more military aid may tend to expedite negotiations between the Cambodians themselves.

The interests of the people of Cambodia will best be served by bringing an end to the killing, not by providing more bullets and guns by the United States, China, and the Soviet Union, but by providing rice and medical supplies.

Cambodia is not ours to win or lose, just as China was not ours to win or lose. The struggle in Indochina is not a football game, with the United States as coach. It is, in Cambodia, a war among Cambodians in which we have permitted ourselves, unfortunately, to become involved on one side. If there is one lesson the United States should have learned from the long, bitter years in Vietnam it is that we should stay out of civil wars of other nations.

Fingerpointing at home will only foul public discussion of legitimate policy issues relating to Indochina. And blamesmanship will not help to build a cooperative working relationship between Congress and the executive branch on foreign policy matters. The question is not who lost Cambodia, if the present government falls, but who got us into Cambodia, for what purpose and what its cost in men, money, refugees, and destruction has been.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Michigan.

(The remarks made by Mr. GRIFFIN at this point appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Utah is recognized for not to exceed 15 minutes.

Mr. GARN. Mr. President, I ask unanimous consent that a member of my staff, Daniel Wall, may have the privilege of the floor during the colloquy this morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GOVERNMENTAL SOVEREIGNTY OR COMPULSORY PUBLIC SECTOR BARGAINING

Mr. GARN. Mr. President, in a letter to L. L. Stewart, president of the National Federation of Federal Employees, President Franklin Roosevelt said:

> . . . militant tactics have no place in the functions of any organization of government employees. . . . A strike of public employees manifests nothing less than an intent on their part to obstruct the operation of government until their demands are satisfied. Such action, looking toward the paralysis of government by those who have sworn to support it, is unthinkable and intolerable.

For 200 years Americans have recognized and fought for the representative, ordered, and sovereign government that President Roosevelt stood for in his statement. Yet forces are mounting which threaten this Government and the elements which support it. I refer to the drive to carry compulsory bargaining even deeper into the public sector. The battle cry has reached Capitol Hill, and as all of us in Congress know, a serious legislative drive will soon be underway to enact compulsory bargaining laws—laws that any objective analysis will show to be violently incompatible with a sovereign, responsible government.

The key ingredients we will doubtless see in forthcoming public sector collective bargaining legislation are:

First. Federal imposition of compulsory public sector bargaining on all governments—in other words, the law would force a sovereign government to negotiate as an equal with a private organization—in this case, a labor union.

Second. Monopoly bargaining privileges—that is, individual public employees would be compelled to accept unwanted union officials as their "exclusive representatives" in dealing with their own government employer.

Third. Compulsory membership where all public employees, including those who do not want the alleged "services" of the union, will have to join or pay money to the union—or lose their right to work for their own government.

It is my purpose and that of several of my colleagues to take a careful look today at a wide range of legislative proposals covering public employees. We contend that these proposals, if enacted, will severely damage the public interest. Our quality of life will be diminished through the wanton disregard of the individual rights of millions of Americans. And, the free spirit of democracy will be crushed by those who seek to compromise it.

What has led us to the point where we can actually seriously discuss the transfer of any of the sovereign functions and powers of government to a private, independent organization not subject to public control and rarely subject to public scrutiny?

The answer can be found in the enormous growth of employment in Federal, State, and local governments. The Bureau of Labor Statistics estimates that public employment has grown faster than any other sector of the economy. There are now some 14 million government workers—three million Federal employees and 11 million State, county, and municipal employees—and their number is growing by leaps and bounds. Public employment unions, having discovered that government unionism holds the most lucrative potential of all, are the fastest growing and best organized labor unions in the country. From 1951 to 1972, government work forces grew by 151 percent, payrolls by 596 percent, union membership by 130 percent, and strikes by public employees by 1,000 percent. And, I might add that one need not be a Philadelphia lawyer to realize the cost of these strikes to the taxpayer both in terms of higher taxes and in terms of disruption to the community.

Therefore, it is hardly unexpected that Americans have begun to take a closer look and active interest in labor relations of State, local, and Federal Governments. And, as a result, several States and legislatures have passed legislation governing labor relations of public employees. What have we reaped from this activity? Where has it left us and where will it take us?

Legislators have usually been persuaded to adopt the "orderly process" of collective bargaining from the private sector. The enactment of such laws are usually justified in the name of peace and tranquility. Union supporters assure the public employee/employer conjugal bliss and reduced "industrial strife." Yet the facts support the contrary.

Virtually every "solution" has created more unionization problems than have been solved. Conflicts, unrest and illegal strikes continue to mount. Moreover, the concessions employees are not able to get at the bargaining table they frequently try to get from the legislatures. The solutions, for the most part, often do nothing more than merely add to the power and privileges of union organizers,

The prohibition of public employees from striking is based on a sound premise which recognizes their unique position and potential ability to paralyze the community by a strike action. However, the record shows that officials of public employee unions openly flout laws which stand as obstacles to their quest to take over control of public services—openly flout them and then brag about their illegal actions. Seldom has this resulted in any significant legal penalty, however, because of fear on the part of public officials that strong punishment will be met with even more intensive retaliation. In New York City a few years ago, officials of public employee unions convincingly proved that they can put a major U.S. metropolis out of business whenever they choose to do so. What happened in New York City has also happened in recent years in Philadelphia, Baltimore, Albuquerque and dozens of other major cities.

Further, the majority of economists recognize the power of labor unions to force up wages and costs year after year without corresponding advances in productivity. This monopoly element, as we have recently seen first hand, is a prime cause of inflation.

Moreover, it is widespread knowledge that many candidates and elected officials have depended on contributions from labor organizations. Many newly elected Members of Congress are indebted to organized labor for their financial backing that helped them win elections. All unions including public employee unions are out for political control. Yet, the implications of political power in the hands of the public sector are far more threatening than for other unions.

And of course there is the fundamental question of whether employees should be forced to relinquish their bargaining rights to unions which they do not want.

Contrary to the evidence, a wide range of proposals will be presented for our consideration based on the hypothesis that compulsory collective bargaining for government employees "safeguards the public interest and contributes to the effective conduct of public business." Despite the profound differences between the public and private sectors, there are those who approve extension to the public sector of the same kind of compulsory collective bargaining legislation which has been operative in the private sector for some 40 years.

When the Federal Government sanction was given to exclusive union representation and compulsory unionism in private employment for private industry in 1935—through the National Labor Relations Act—it thereby extended to a private organization—a union—the power of government.

But several public employee legislative proposals would go far beyond NLRA. Bills suggested by the American Federation of State, County, and Municipal Employees and the National Education Association would force a wide aggregation of union power and special privilege on every government unit in the country outside of the Federal Government. Among a long list of special privileges these proposals would: grant monopoly status to a union without secret ballot elections, authorize strikes of public employees, permit union officials to engage in coercive acts, authorize and approve full compulsory union membership and obligate every State, political subdivision, town, city, county, borough, district, school board, board of regents, public or quasi-public corporation or any other entity which is tax supported to abide by its provisions and to obey the decisions of a national public employment relations commission.

Today's discussion will look into all aspects of these various legislative proposals as well as the development of a new spoils system through public employee political action, the rights of State and municipal governments and their employees, compulsory arbitration and the role of individual freedom in an orderly society.

This discussion will also define the distinctions between the public sector and the private sector. The public and the private sectors are as different as night and day. And, a fundamental problem lies in the fact that private sector models are being applied to the public sector where they are not appropriate. By definition collective bargaining suggests a parity of powers which is essential to the bargaining process. In the public sector this parity is nonexistent. Management in the private sector is granted a greater degree of economic leverage than its counterpart in the public sector. Because of market restraints, it is possible for an employee of private industry to negotiate himself out of a job. However, because government supplies essential services for the public, it is not possible for him to "lock out" the employees or go out of business.

The most fundamental question we will address in this dialog is whether government sovereignty can survive in the wake of compulsory public-sector bargaining. Noted law professor Dr. Sylvester Petro states:

> There is an absolute and ineradicable incompatibility between government sovereignty and compulsory public-sector bargaining, an incompatibility which must necessarily weaken if not ultimately destroy effective governing power and the integrity of government vis a vis the general citizenry, since the necessary consequence of according public-employee unions exclusive bargaining status is to encourage among government employees a tendency to repose their loyalties primarily in the units which they have been induced to believe are their protagonists.

Obviously, what we need asked and answered is whether the government—by its nature, a monopoly and the protector of all citizens' rights and liberties, has the authority legally or morally, to transfer any of its functions to a private, independent organization. When public officials acting under authority granted to them by other public officials, give union organizers the right to say who will perform public service and how those services will be performed, do we not have a situation in which the authority of government has been divested from the public?

Unwelcome as it may be in many quarters, and unrealistic as it may seem in others, the proper labor relations policy for any government might well be one which rejects collective bargaining in every form.

Last September, the U.S. District Court for the Middle District of North Carolina held constitutional a State law which declared contracts between government and unions in that State to be void. In its decision the Court said:

> . . . to the extent that public employees gain power through recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus, the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decisions are rights inuring to each citizen. All citizens have the right to associate in groups to advocate their special interests to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process.

It is our hope that the discussion today will generate a serious national dialog about compulsory public-sector bargaining laws and governmental sovereignty. I would like to suggest that the American people and their representatives take a hard look at the validity of legislation that sanctions compulsory unionism. I, for one, intend to introduce legislation to protect this country against universal adoption of compulsory public sector bargaining laws, and I urge my colleagues to support it.

I want to make it clear that I am not opposed to voluntary unionism, or the right of individual public employees to organize and join unions if they so desire. But I am a great believer in the right of free people to decide whether they wish to do that or not. I am also a great believer in the right of the States to decide whether they shall have compulsory unionism or not.

I am not proposing or intending to propose national right-to-work laws. There are only 14 States that do so, and that is their right, to make such decisions on their own. They should not be mandated by the Senate or by Congress in efforts to impose their will on all the local governments of this country. As a former mayor, I could not tolerate that intrusion into my ability as the chief administrative officer of a city to make such decisions, and be held accountable to the citizens of my city for those decisions.

The ACTING PRESIDENT pro tempore. The Senator's 15 minutes have expired.

Mr. GARN. I ask unanimous consent that Elizabeth Yee be accorded the privileges of the floor during the remainder of the discussion on this subject.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from South Carolina is recognized for not to exceed 15 minutes.

Mr. THURMOND. Mr. President, my colleagues here today will address the question of whether the Federal Government should impose upon the States and their political subdivisions a system of compulsory public sector collective bargaining. More broadly, we will be considering whether it is in fact in the public interest and is sound public policy for any government to be compelled to recognize and bargain with unions.

I believe that in consideration of this issue, we must pay careful attention to the question of the effect that such a system of compulsory bargaining would have on the sovereignty of government.

In this area, I would like you to consider what sovereignty consists of, whether it can exist where government is forced to submit itself and its decisionmaking processes to the negotiating table. I hope that at the conclusion of these remarks, it will be crystal clear that governmental sovereignty is absolutely essential and that it is so diametrically opposed to any system of compulsory public sector collective bargaining that it would not only be a grave error for us to legislate such a system for the States and their political subdivisions, but an equally grave error for this body to approve any system whereby the agencies of the executive branch of the Government of the United States would be compelled to bargain with unions representing its employees.

I wish to say at the outset that I do not believe that this position reflects on my part or on the part of my colleagues any antiworker sentiment whatsoever. We are faced with a very difficult question of public policy, and I believe the interest of the entire public, including all the employees of Government at all levels in America, is best served by systems of redress of grievances and terms of employment under which elected representatives hold and retain complete and ultimate control of the decisionmaking process. Employees of Government, like all employees, have the right of association in unions to present their position on these matters. However, because of the uniquely different character of Government employment, it is clear that collective bargaining is a system completely inappropriate to determining the terms and conditions of employment.

However, the question is sovereignty and the different nature of government which makes compulsory collective bargaining completely out of the question.

First of all, Government is a monopoly. There is not, and there cannot be, any competition with Government in its activities. There are those who will argue that Government is engaged in many activities in direct competition with the private sector. However, rather than being an argument against the concept of monopoly in Government, this should be considered an argument against these activities of Government, and we should reserve that discussion for another day. I do not think anyone will seriously question the necessity of a governmental monopoly on national defense, law enforcement, judicial proceedings, taxation, the coinage of money, or a long list of functions which belong entirely to the people through their elected representatives.

Second, in Government, as opposed to the private sector, there is no profit motive. I regard the profit motive as one of the single most important forces in giving America its tremendous productive capacity. It is at the very heart of our system of competitive free enterprise, a system which has produced a higher standard of living and more goods and services at lower prices than any other economic system, but we must submit that the profit motive is absent from considerations of Government employer-employee relations. In short, if we or any other body of elected officials pay our employees less money, not 1 cent of that money goes into our pockets. Our commission, as is that of every other elected public body, is to provide necessary services to the people in the best and most efficient manner possible. To provide those services, we must employ people, and the better people we employ, the better service we can provide. Thus it is in our interest and in the public interest to employ and keep in our employment the very best employees. In order to do this, we must keep ever mindful that the total compensation of our employees and their working conditions must be comparable with those in the private sector.

Now we come to the last and most crucial difference between public and private employment. That is the very nature of Government itself. The ruling principle of action in the private sector is free contract. That is, every action that takes place between free individuals in a free society is done by mutual agreement. This is true in employment, in purchase, in all of our obligations. However, the ruling principle of action in Government is force. Government is government only because it and it alone has the power to rule by compulsion. This is the way it must be because only through compulsion can Government insure the ordered, peaceful society upon which all other segments of society depend for their existence.

This is the crux of the question, can any government exist as government once it has lost its sovereignty? Furthermore, can any government retain sovereignty when it must submit important decisions of public policy to collective-bargaining negotiations with unions?

The answers to these questions are simple and clear, because of the very nature of unions and collective bargaining.

A collective-bargaining relationship—any and every collective bargaining relationship—depends on establishing an adversary relationship between employer and employee. Unions, in order to win and hold the loyalty of their members, must demand more than the employer is willing to offer. If a union were to accept only what the employer offered, it would serve no useful purpose for its members and soon it would have no members. So unions by virtue of their very nature and to preserve their existence, must make demands. The only instrument that unions have at their disposal to support their demands is the withdrawal of the services of their members—the strike. The strike is, even when it is peaceful, the use of force. It cannot be defined or construed any other way. No government can call itself sovereign if it permits the use of force to enforce demands against it. We can see from this that there can be no true collective bargaining without strikes and there can be no true government with strikes.

This is the essential question we must face. Are we to have sovereign government, or are we to have public sector collective bargaining? We cannot have both. I am confident that the vast majority of the American people will agree with this position.

For us, my colleagues, the question is equally simple. We must decide whether we as the elected representatives of the people are going to continue to run our Government, or whether we are going to turn it over to a relative handful of professional union organizers.

I am firmly convinced that we must do everything in our power to resist any attempts to institute a system of compulsory public sector collective bargaining at any level of Government. I do not doubt for a moment that the future of our system of government depends on it.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona is recognized for not to exceed 15 minutes.

UNIONIZATION OF FEDERAL, STATE, COUNTY, AND MUNICIPAL EMPOLYEES

Mr. FANNIN. Mr. President, I commend my colleagues, the Senator from South Carolina and the very able and distinguished Senator from Utah; the Senator from South Carolina, who served with distinction as Governor, and who has great knowledge in the field which he is discussing, and who has worked with the employees both at the State and the local levels. I am very pleased to follow him in discussing this subject, so important to all the people of America, and my colleague from Utah, the former mayor of Salt Lake City, that great city that stands as a symbol of good government in this country of ours, and who performed admirably as its mayor, and who is now a U.S. Senator. We are proud that we have him with us, with his knowledge of the affairs of municipalities that has proven to be very helpful to us, having had recent experience in these particular fields, because we are in a period of changing times, some better and some otherwise. However, we know that there are different issues that face our municipalities today than, perhaps, when some of us served in our particular States several years ago.

Mr. President, Congress is now confronted by demands from union spokesmen to sanction the forced unionization of the 14½ million individuals employed by the States, local jurisdictions, and the Federal Government. These incredible demands were dramatized last November 6 by the first meeting of the AFL–CIO's new Public Employees Department. That meeting was featured by an address by the labor federation's president, George Meany, who said:

> Certainly, it's against the law to strike the civil service, but it's AFL–CIO policy to ignore those laws.

Now, just imagine that.

Mr. President, I was appalled by the irresponsibility of that statement.

Mr. Meany advised our 14½ million civil servants to "quit working for the guy who's kicking you around." Is that not a fine way to address these people?

> You stop the job. You shut it down. You take the consequences, and you fight. And if the guy happens to be the mayor of a city or the governor of a state, it doesn't make a damn bit of difference.

That is the end of the quote, that particular quote. I think that is a shameful quote.

It was reassuring to note that Mr. Meany was censured on the editorial page of the New York Times. That newspaper is influential. I do not always agree with it, but it observed in its edition of November 10:

> The accent Mr. Meany chose to put on militant action to bring Governors and Mayors to heel—with or without a law—raised new doubts that the general welfare would benefit from a Federal mandate to strengthen civil service unions.

On November 11 the New York Daily News editorialized as follows:

> The 94th Congress must screw up its courage and take a firm stand against such reckless labor adventuring. Government workers are entitled to representation and bargaining. But strikes against the public should be taboo—period. And that goes also for compulsory union membership. We simply cannot afford these callous, indefensible threats to the health, safety and economy of the nation. Nor should civil service workers be compelled to pay tribute to unions to hold jobs won on merit.

Mr. President, I think that illustrates exactly what we are discussing today.

These people are proud public servants. They want to hold their jobs on the basis of their merit, their work, they want to go forward, they want to earn a right to go forward.

Mr. President, today public employees in 34 of the 50 States are shielded from compulsory unionism by constitutional provisions, laws and executive orders.

Those States are Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, and Wyoming.

Mr. President, the people of these States have afforded their friends and neighbors that work for their governments this protection that is so vital to their State and the future of their particular communities, and certainly vital to this great Nation of ours.

Obviously, the safeguards now enjoyed by civil servants in those States would be eliminated by a new Federal law authorizing the forced unionization of citizens employed by the States and their political subdivisions.

Mr. President, the erection of barriers against involuntary union membership in the public sector was strongly recommended by the Advisory Commission on Intergovernmental Relations. In March 1970, that distinguished bipartisan body published its recommendations dealing with employer-employee relations in the public sector.

Mr. President, it is advantageous for us to recall that this Commission was created by the Congress in 1959. Its members represent the general public and the legislative and executive branches of Federal, State, and local governments. The Commission overseees the operation of our federal system with its division of powers, and it submits carefully studied recommendations relating to improvement of the system.

In their 1970 report members of the Advisory Commission on Intergovernmental Relations declared:

> While recognition of the right to membership is fundamental, of equal importance is the principle that no public employee should be required or coerced into joining an organization as a condition of employment . . . the right to refrain is just as basic and precious as the right to join, and the Commission supports this position.
>
> Some authorities contend that State legislation should not include language that gives employees the option of not joining an employee organization. They point out that the States should not mandate the "choice" provision since it would preclude employer and employee representatives from negotiating union and closed shop agreements. The preferable approach, according to this argument, is for the State laws to remain silent on this matter, thereby providing a greater degree of flexibility for public agencies and employee organizations to arrive at agreements tailored to fit their own special circumstances.
>
> The Commission believes these contentions ignore the fact that in the public service the right to join an employee organization must be accompanied by the right not to join. When the right to join becomes a duty, obviously freedom of choice becomes merely a catchword.
>
> The union shop and the closed shop may or may not be appropriate for various crafts and trade portions of private industry. But given the size of many governmental jurisdictions and agencies, the diversity of employee skills, and the intense competition between and among public employee organizations, this arrangement is wholly unsuitable in the public service.

A similar view of impropriety of compulsory unionism in the Federal service was expressed 13 years ago by then-Secretary of Labor Arthur Goldberg. He spoke out in defense of prohibition against the union shop and the closed shop in Executive Order 10988, issued by the late President John F. Kennedy to authorize collective bargaining in the Federal service.

Addressing members of the American Federation of Government Employees, Secretary Goldberg said:

> I know you will agree with me that the union shop and closed shop are inappropriate to the Federal government. And because of this, there is a larger responsibility for enlightment on the part of the government union. In your own organization you have to win acceptance by your own conduct, your own action, your own wisdom, your own responsibility, and your own achievements . . . so you have an opportunity to bring into your organization people who come in because they want to come in and who will participate, therefore, in the full activity of your organization.

Now, Mr. President, that was Secretary Goldberg addressing this Government employees' organization, so this is not a partisan issue, this is an issue of righteousness, this is an issue of freedom.

Significantly, the ban on forced unionism in the Federal service has been maintained by President Kennedy's three successors. A similar prohibition was incorporated by the Congress in the Postal Reorganization Act of 1970.

Mr. President, if we permit ourselves to be stampeded on the issue of authorizing involuntary unionism in the public sector, exposing 14½ million public employees to union coercion, then the American people will recognize clearly that the Congress merits their contempt.

Mr. President, we should listen to the voice of the American people. We should take the actions by the people that are close to the scene of activity, to understand what is happening. They are the ones that have made the decisions as to what to be done in their particular States, particular localities.

Mr. President, I think it would be highly irresponsible for us to take an action that is contrary to their best interest.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Nevada is recognized for not to exceed 15 minutes.

Mr. McCLURE. Mr. President, I ask unanimous consent that the time allotted to the Senator from Nevada under the special order be allotted to the Senator from Utah (Mr. GARN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GARN. Mr. President, I wish to amplify my previous remarks with some specific examples of the effect of laws passed by Congress that are not nearly as severe as the matter we are condemning today, that being mandatory collective bargaining and binding arbitration, and the effect these laws have had on the cities and States of this country. I refer specifically to the imposition of the Fair Labor Standards Act upon municipal and State and county governments of this country last year, despite the position of the National League of Cities Board of Directors representing 15,000 cities across this country, despite the fact that the Governors' Conference took a similar position in opposition to the Congress of the United States imposing the Fair Labor Standards Act and the provisions of it on local government, despite the fact that we testified opposed to it—Mayor Tom Bradley of Los Angeles and I, he being a Democrat, I being a Republican—despite the fact that the National League of Cities Board of Directors representing 15,000 cities, both liberals and conservatives, Republicans and Democrats, came back and testified before House and Senate committees in opposition, so that a very united bipartisan, nonpartisan effort opposed this, nevertheless it was imposed upon the cities of this country at a tremendous cost to the taxpayers of this country. I use my own city as an example.

It will require us to pay time and a half to firemen for sleeping. There will be no additional firemen, no better quality of fire service, and just in my relatively small city a cost of $3 million a year to the local taxpayers for nothing. There is an additional half million dollars because of rules that are involved with telling us how to run our personnel management system.

I will put in a specific example here. Most people know that in Salt Lake City you have very distinct seasons. You have hard winters and warm summers. So our park department employees would work a lot of overtime on the parks and golf courses during the summer and build up overtime. I might add this was on a voluntary basis. They enjoyed taking that compensatory time off in the middle of the winter when they were not needed. They would take 5 or 6 weeks off at a time and enjoy the long periods. The snow removal crews would do the opposite and would take the time off during the summer. So it enabled us to balance our work force. The employees loved it. As I said, it was voluntary and 85 percent of the employees chose to work in that manner. It saved the taxpayers some money.

Now, because Congress, due to the influence of the national labor organizations, has decided to ignore all of the mayors and Governors of this country, because I do not suppose we have as much political power, they changed those rules and said that you cannot grant compensatory time off unless you grant it during the week in which the overtime was incurred, or the following week, or you have to pay it in cash at time and a half.

That is an imposition of another half million dollars of cost on Salt Lake City government.

Congress in their great wisdom passed revenue sharing. Salt Lake City received $4 million in revenue sharing. Because of the imposition of the Fair Labor Standards Act, Congress has taken $3.5 million of it away. But more importantly, it has taken away the right of an elected mayor and a city council to make decisions in their own community, in their own sovereign community, and be held accountable to the voters of that community for their actions. So the Congress giveth and they taketh away. We have a net of a half million dollars left.

Well, we were ignored. We were not listened to by the Congress. A small group of labor leaders obviously had more effect on the outcome of this imposition of the Fair Labor Standards Act than the representatives of all of the cities in this country. So we decided to take it to court. We did, and we have received an injuction, a restraining order, from the imposition of this law. We are going to find out whether the Congress of the United States has the constitutional right to impose their will on the locally elected officials of this country.

The Governors Conference is supporting the National League of Cities and the U.S. Conference of Mayors in this effort.

I wish to add that I hope the American people will wake up to what is being done, to demonstrate the arrogance of some people in the labor movement to impose their will, despite the feelings of the elected representatives of this country.

I wish to report to the Senate a meeting held this week with the Congressional Cities Conference Workshop on Collective Bargaining held March 3, 1975, 2 p.m. to 4:30 p.m., at the International Ballroom East, Washington Hilton Hotel, Washington, D.C.

I refer to a memorandum addressed to me from Commissioner Jennings Phillips, Jr., of Salt Lake City, Utah.

This concerns the Congressional Workshop on Collective Bargaining held during the League of Cities Conference at the Washington Hilton Hotel.

Present were: Robert LaFortune, mayor, Tulsa, presiding; Robert Moss, General Counsel, House Subcommittee on Labor of the House Committee on Education and Labor; and George P. Sape, Associate Counsel, Senate Committee on Labor and Public Welfare, representing Donald Elisburg.

I want the arrogance of this statement to be carefully noted in the RECORD:

> In the introductory remarks, both Mr. Moss and Mr. Sape advised those present that regardless of what the Supreme Court's decision was on the suit brought by the League of Cities contesting the right of Congress to interfere with the employment practices of the cities and counties of this country, it was their opinion that Congress would move ahead to impose such regulations on the cities and counties.
>
> After questions by those present, Mr. Moss and Mr. Sape stated Congress could very well make collective bargaining and the right to strike a condition of getting a federal grant.

That is really something, when employees of the Senate and the House of Representatives of the United States are telling mayors of this country that even if we win a suit in the Supreme Court of the United States declaring the very act of the Congress to be unconstitutional, that Congress will go ahead and stuff it down our throats anyway.

Mr. Moss and Mr. Sape were extremely arrogant and in essence said that we could do nothing to stop it and had just as well sit back, relax, and enjoy it.

I submit that it is time the American people awakened to what is being imposed upon them. If they want to have Government close to the people, if they want their local mayor and city council, county commissioners, Governors, and legislators able to be anything but local stooges for the Federal Government, then we cannot tolerate further extension of the power of the Federal Government into the internal affairs of local and State government. We cannot tolerate a bill that imposes mandatory collective bargaining and binding arbitration on the cities and counties of this country.

We need to work to repeal the imposition of the Fair Labor Standards Act which interferes with the sovereign right of a mayor or a Governor to administer the affairs of his own city or State.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wyoming is recognized for not to exceed 15 minutes.

Mr. HANSEN. Mr. President, I have consistently supported efforts to require private sector unions to conduct a secret ballot vote among their members before calling a strike. I have also supported efforts to require that each new offer from management be voted on by the membership. I believe that these measures are necessary to instill the greatest amount of democracy into union affairs. Under this system, a strike could not be called unless a majority of members desired it, and union leaders would not be allowed to reject management offers without first consulting the membership. This would go a long way toward placing control of their own affairs back in the hands of the workers instead of a few union leaders.

Mr. President, in the public sector we are faced with increasing union demands for a federally mandated system of compulsory collective bargaining. A major concern has to be the question of strikes.

The undesirability of public sector strikes and the reasons for this are obvious to all of us. One needs only to look at the havoc wrought by these strikes—such as those in San Francisco and Baltimore—to realize their danger.

In Baltimore—police, prison guards, and sanitation workers on strike at the same time. The result: Garbage piled in the streets; individuals attempting to take their own garbage to the dumps harassed and physically threatened by strikers, in one instance fired upon—an uprising of inmates at the city prison subdued only with the assistance of nonrebellious inmates—looting and arson erupt within hours after the police walk off the job, resulting in millions of dollars of property damage and at least one death. And the national president of the union threatens Governor Mandel that Baltimore City would burn to the ground unless their demands were met.

In San Francisco—the city crippled by a massive strike of its employees. Public transportation shut down—schools experiencing 25 percent attendance and on a half-day schedule—San Francisco General Hospital operating on an emergency-only basis, all but 150 critically ill patients moved to other locations—over 100 million gallons of raw sewage a day being pumped into the bay. After the settlement, a local labor leader tells the strikers:

> I want to compliment you on the way you mounted your picket lines—the way you kept this city in turmoil until our demands were met.

One would think that something really terrific had been accomplished, without ever giving a thought to the havoc and the pain and suffering that resulted from this illegal strike.

The scene has been repeated arcoss the country: a firemen's strike in Albuquerque that resulted in residents attempting to put out fires with garden hoses; a prolonged teacher strike in Wisconsin that led to deep divisions and outbreaks of violence within the community; a recent bus strike in Washington that, as reported in the Washington Post, most adversely affected low-income individuals that relied on the buses to get jobs far from their homes; a recent case in New York City where the leadership of the firefighter's union called a strike after the membership had voted against it.

As a rule, have we been able to prevent these work stoppages? Experience shows that we have not. Learned opinion holds that under a system of compulsory public sector collective bargaining these strikes are, in fact, unavoidable.

Experts in the field of labor relations have reached this conclusion. Theodore H. Kheel, the well-known arbitrator, has said that "collective bargaining and strikes are like siamese twins." Robert Hillman, former labor commissioner for the city of Baltimore, at a conference on public sector labor relations held this past December at the University of Maryland said, "collective bargaining means strikes." He further characterized as "hypocritical" those who believe strikes can be prevented through the enactment of legislation which obligates government to bargain with unions.

Labor leaders have echoed this and, as their actions demonstrate, have shown a total lack of regard for the law and society by engaging in illegal strikes. George Meany, speaking at the founding convention of the AFL–CIO's new Public Employee Department, said:

> If you just quit working for the guy who's kicking you around. And if that guy happens to be the mayor of the city or the Governor of a State, it doesn't make a damn bit of difference.

Actual experience with public sector collective bargaining further verifies this. The State of Michigan, for example, enacted public sector bargaining legislation in 1965. In the 7 years prior to this, they had experienced one strike. In the 3 years that immediately followed, there were 103 illegal strikes. In fact, a statistical compilation of all States shows an average of 1.92 strikes per State per year before the enactment of compulsory collective-bargaining legislation and 6.58 strikes per State per year thereafter.

Let me repeat those figures: The average statistical compilation of all States prior to the enactment of this legislation was 1.92, and after the enactment of compulsory collective-bargaining legislation, that figure rose to 6.58 per State per year thereafter.

Legislated strike bans have proven ineffectual, as have penalties for illegal strikes. The vast majority of public sector strikes have been and continue to be illegal. The penalties against both the union and the individuals striking have rarely been enforced, even in those States where the law has been written so as to make these penalties automatic and mandatory. Prime among the reasons for this has been the tendency to include in the "negotiated" settlement of a strike a clause granting amnesty to the strikers and their union.

The simple fact is that collective bargaining and strikes are inseparable. Public sector unions are going to strike when and where they feel like it.

The recent trend has been to give up the fight altogether and legalize public sector strikes, much to the delight of the unions. The State of Pennsylvania undertook such a course of action in 1971, and in 1972 had the dubious honor of leading the Nation in the number of public sector strikes.

The point being conveniently ignored by the proponents of compulsory public sector collective bargaining is that public sector collective bargaining is the reason for public sector strikes. This fact is inescapable. A union must satisfy its membership. To do this, that union must make demands. This establishes the adversary relationship that unions thrive on. To maintain this adversary relationship and insure the success of their demands, the union must show a willingness to strike, for the strike is their equalizer. The establishment of a willingness to strike necessitates actually going on strike when the situation demands it.

We, as legislators, have a responsibility to our constituents to see that public safety is maintained and that Government services continue uninterrupted. To fulfill this responsibility, we must oppose the injection of compulsory public sector collective bargaining into our society.

SUMMARY

Faced with increasing union demands for compulsory public sector collective bargaining, a major concern has to be the question of public sector strikes.

The undesirability of public sector strikes and the reasons for this are obvious.

We have been unable to prevent them. Experts on labor relations and union leaders have declared them unavoidable. Actual experience has echoed this. Strike bans and penalties have been ineffectual.

The reason for public sector strikes is public sector collective bargaining. The rational course is to oppose compulsory public sector collective bargaining.

Mr. President, I was very much interested in the observations of the distinguished junior Senator from Utah. Here is a man who has had firsthand experience in the managing of a great city. He is a man who knows what he is talking about. He is a man who has experienced firsthand what some of the laws that are passed by Congress can do to a city in America. I am a believer in the right of people to join unions. I am well aware, as every interested American must be that unions have moved the standard of living and the welfare of workers forward in a very marked fashion in this country in the last 100 years.

I think the words of the distinguished junior Senator from Utah and others here today who have talked on this subject ought to be listened to by every Member of this body. They ought to be read by every Member of the other body, and before we pass legislation that guarantees public employees the right to strike, we had better see what we are doing. I hope that this Congress will act responsibly in this area and not take a step that, some say, would be a step forward, but, in fact, would be a very sad, step backward for America.

This is a great country. The rights of individuals are protected here as they are nowhere else on Earth.

I yield the floor.

Mr. McCLURE. Mr. President.

The PRESIDING OFFICER (Mr. FORD). Under the previous order, the Senator from Idaho (Mr. McCLURE) is recognized for not to exceed 15 minutes.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order of appearance between Mr. BUCKLEY and myself be reversed and that he be recognized at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

Mr. BUCKLEY. I thank the distinguished Senator from Idaho.

Mr. President, I wish to address, in my remarks, one aspect of this discussion, namely, whether or not the Federal Government has any authority or any right to intervene in what is basically the business of the States and their political subdivisions.

Mr. President, I find it disturbing to read predictions in the newspapers that this Congress will soon enact what is described as "a new Federal law granting collective bargaining rights" to the more than 11 million employees of the Nation's States, counties, cities and towns.

During the current session numerous bills have been introduced here for the purpose of mandating collective bargaining at all levels of government. Such legislation was submitted to the 93d Congress and to several of its predecessors.

But somehow, we are seeing steam generated behind them.

I recognize that this legislation has been the subject of public hearings conducted by committees and subcommittees of the Senate and House of Representatives.

It would be a grave mistake, in my view, for the Federal Government to attempt to dictate to the States and their political subdivisions with respect to their own employees.

If a given State bargains, or refuses to bargain, with its own civil servants, that is the State's business and not the business of the Federal Government.

If a given State grants monopoly bargaining privileges to labor unions comprised of its own employees, or withholds such privileges, that is the State's business and not the business of the Federal Government.

If a given State either prohibits or sanctions the mandatory unionization of State workers who do not want to be represented by labor unions, that also is the State's business and not the business of the Federal Government.

If a given State decides to permit employees of the State and its political subdivisions to engage in strikes, that, too, is the State's business and not the business of the Federal Government.

Several proposals now pending in the Congress would compel all of the 50 States and their political subdivisions to recognize and bargain with unions purporting to represent their employees. These proposals would also extend monopoly bargaining privileges to recognized unions. They would legalize the practice of requiring workers on public payrolls to pay dues or fees to labor unions as a condition of employment. And the measures to which I refer would put the Federal Government's stamp-of-approval on strikes by State, county, and municipal employees—including public schoolteachers.

The very fact that serious consideration is likely to be accorded—in fact, is being accorded—these proposals illustrates how far we have strayed from the principles which guided the Nation's Founding Fathers.

The men who established our form of government sought to diffuse sovereign power. George Washington said:

> Government is like fire, a dangerous servant and a fearful master.

Students of our country's history well remember that ratification by the States of our Constitution was assured only by adoption of the first 10 amendments to that document. Throughout our national life those amendments have been popularly known as the "Bill of Rights" and have been deemed to be that body within the Constitution that protects the citizens and protects the States from the kind of domination out of a centralized government that ultimately represents a threat to all our liberties.

The 10th amendment explicitly declares:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Nowhere, Mr. President, do I find in the Constitution anything that remotely suggests that the Federal Government would have the authority to dictate the way in which the individual sovereign States would conduct their own relationships with their own employees.

Mr. President, the imposition by the Congress of a collective bargaining straitjacket on the States and local jurisdictions would be an indefensible violation of the authority reserved to the States by the 10th amendment to the U.S. Constitution.

It would extend still further the already dangerous concentration of power in the Federal Government and would continue the transformation of our once-sovereign States into the status of mere administrative units for the administration of Federal policy. This is precisely the result that the Constitution was designed to prevent, a concentration, namely, of power that would ultimately threaten the freedoms of our people. Such a law would supersede and override constitutional provisions and statutes adopted by a majority of the States in the Union. Within recent years many States have enacted comprehensive collective bargaining laws for the benefit of public sector employees.

A distinct advantage of our form of government is that it encourages the use of the States as laboratories in which varied ideas and theories can be tested without committing the entire Nation to a certain policy or course of action. The collective bargaining process is now being tested in the public sectors of many of our States, and even if it had the constitutional authority to impose its will, Congress ought not to try to interfere. It would, in fact, be well advised to permit that testing to continue.

To date no less than 34 States have chosen to outlaw compulsory unionism in their public sectors. By what authority will we, as Federal legislators, tell the States they may not prohibit the forced unionization of public employees over whom they exercise jurisdiction?

In 1959 the Congress created the Advisory Commission on Intergovernmental Relations to monitor the operation of the American federal system and also formulate recommendations pertinent to the system's improvement. The Commission periodically chooses specific intergovernmental issues for study and invites review and comment by spokesmen for all affected levels of government, representatives of interested groups, and technical experts. Members of the Commission then debate the selected issue and formulate its policy position on the issue.

In 1970 the Commission published its findings and recommendations after conducting a 1-year study of employer-employee relations in the public sector. In unmistakable language, the Commission's report expressed vigorous opposition to:

> Any Federal effort to mandate a collective bargaining, meet and confer, or any other labor-relations system for the employees of State and local jurisdictions or for any sector thereof. Little would be left of the Federal principle of divided powers were such legislation enacted. No interpretation of the commerce power, of the State as proprietor, or of the "general welfare" clause can, in our opinion, serve as a legitimate constitutional basis for this kind of drastic infringement upon the basic authority of the States and localities as governments in a federal system.

Mr. President, it is germane to observe that agencies of the Federal Government are not yet obligated by law to engage in bargaining with their employees. Under the prevailing circumstances, imposition by the Congress of such an obligation on the States and their political subdivisions would be anomalous—not to say gratuitous.

The failure or refusal of the Congress to apply a labor relations law to its own agencies and departments and their employees was not overlooked by the Advisory Commission on Intergovernmental Relations. Its report concluded:

> In the absence of overwhelming evidence of the unwillingness or inability of State and local governments to act, the Federal Government should refrain from preemptive action. Such evidence clearly is lacking at present. States and localities have developed and are developing their own response to the challenge of employee militancy, especially teacher militancy. Given the nature of this challenge, experimentation and flexibility are needed, not a standardized, Federal, preemptive approach . . .
>
> The Federal Government clearly has an interest in the development of stable and equitable labor-management relations at the other levels. This interest can be best served, however, by avoiding actions that would exacerbate these relations and by focusing on ways and means of directly encouraging the establishment of strong, innovative personnel systems.

The Commission, whose members represent the public and the executive and legislative branches of Federal, State and local governments, is a respected and permanent bipartisan body. Among its members who fashioned the 1970 report on employer-employee relations in the public sector were Senator MUSKIE of Maine, former Senator Ervin of North Carolina, the late Senator Karl E. Mundt of South Dakota, Congressman ULLMAN of Oregon, Congressman FOUNTAIN of North Carolina, and the former Congresswoman from New Jersey, Mrs. Florence P. Dwyer.

Mr. President, I appeal to my colleagues to heed the Commission's recommendation. We are bound by our oaths to reject all legislation designed to compel the States and localities to bargain with labor unions purporting to represent their employees.

I might add, Mr. President, that only 2 weeks ago, at the National Governors' Conference, the Committee on Executive Management and Fiscal Affairs adopted the following resolution, which I shall read in its entirety. It is headed "Public Employee Relations," and reads as follows:

> The United States Congress is considering legislation which would provide to State and local government employees the right to organize and collectively bargain. This legislation would substantially replace individual state laws and porcedures which now regulate these activities with a uniform federal law.
>
> The National Governors' Conference opposes federal intervention in this area. It is the belief of the Nation's Governors that matters relating to the employees of State and local governments are within the sole jurisdiction of these units and are not properly the subject of federal legislation.
>
> The National Governors' Conference, in adopting this statement, takes no position on the principle of collective bargaining for public employees but states its firm commitment to the view that this is an area which should be left to the discretion of the several States.

Mr. President, I know it has become unfashionable in this body to suggest that there are any constitutional limitations remaining to Federal action. The courts have cooperated in a gradual expansion of the commerce clause, so that it bears no conceivable relationship to what our founders intended, and the same thing has been said about the general welfare clause. And although each one of us is sworn to defend the Constitution, I believe we ought to remind ourselves once in a while as to what is in the Constitution.

The PRESIDING OFFICER. The time of the Senator from New York has expired. Under the previous order, the Senator from Idaho (Mr. McCLURE) is recognized.

Mr. McCLURE. Mr. President, let me begin by expressing my commendation to those who have already spoken, particularly to the freshman Senator from Utah (Mr. GARN), the former mayor of the great city of Salt Lake City, and to the Senator from South Carolina (Mr. THURMOND) for his comments, and also to commend the additional comments by the Senators from Arizona, Wyoming, and New York, who have just concluded.

Mr. President, the nature of our discussion here today brings to mind an enduring observation by the 17th century philosopher, Baruch Spinoza, on the role of government in a free society:

> . . . The object of government is not to change men from rational beings into beasts or puppets, but to enable them to develop their minds and bodies in security, and to employ their reason unshackled . . . in fact, the true aim of government is liberty.

This philosophy quickly found its way into our own national law and discourse.

It is not a long step from Spinoza's ideal government to the Declaration of Independence, in which the Founding Fathers wrote:

> . . . That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.

Our society, our Constitution, and supposedly every law and statute enacted by Congress in the past 200 years is built on this concept of government and the governed.

Yet, I am afraid, we have wandered far astray in the field of labor relations law; and, if we are careless in our actions to come, we might not only jeopardize the freedoms we are supposed to protect, we might even jeopardize the Government itself.

As we have already noted, union professionals are trying to build a case for Federal legislation affecting labor relations in the public sector—in the Federal Government, as well as every State, county and borough across the country.

They will undoubtedly attempt to sell these proposals to us in the name of liberty and worker rights.

They will discuss the right to join a union—and it must be noted here that that is a right already protected by the U.S. Constitution—and various other claimed rights, such as the "right" of Government employees to strike against their Government.

But they will ignore other rights, rights which may not seem too important to them, but which in one way or another affect all of us. While it is true that each person has a different focus and perspective on his own and the Nation's needs, there are some insights common to all. Everyone will agree that the protection of his freedom is basic to all other propositions. Most people see that the best way to protect their own freedom is to insist on the protection of freedom for others.

For many, the most precious freedom of those guaranteed by the Constitution is that of religion. They insist that without it any adherence to freedom in other forms is folly. Representatives of several religious groups have come to me explaining that compulsory unionism would force them to violate their religious convictions. Because of this I offered an amendment to the 1970 Postal Reorganization Act providing that:

> No individual who is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization as a condition of employment, if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless said individual and said labor organization mutually agree upon some other condition of employment.

This amendment was accepted by the House Committee on Post Office and Civil Service. Although the section to which it was amended was ultimately removed from the bill for very different reasons, Congress made it clear that it did not intend to undermine religious beliefs. It seems to me that those people who profess to believe in the separation of church and state ought to be in the forefront of this fight to prevent an incursion by the state into what is for some a religious matter. This will give those people a chance to show that what they really believe in is a separation of church and state—not a separation of church and people.

It is important to stress here again that government, by definition, is unique. It is a uniquely privileged and powerful monopoly, whose very existence is derived from the consent of the governed.

As the distinguished scholar Russell Kirk wrote last year in Education magazine:

> By its nature, government is a monopoly. In any community nowadays, ordinarily, there exists but one police force, one fire department, one department of sanitation, one post office system . . . one apparatus for the collection of revenue and the disbursing of public funds.
>
> If the people employed in such a monopoly are subject to the will of officers in a union, in some emergency the authority of government might be defied successfully by the men who dominate the union.

Then he warned, even the most essential public services, including the ordinary enforcement of law and keeping of the peace—

> Would depend upon the mood and the ambitions of the people controlling the union.
>
> The real government might be the union itself.

Harsh words, but not unrealistic if we fall into the trap of granting to public sector union officials monopoly control of the public sector workforce through the concession of monopoly representation privileges and compulsory union shop taxing powers, coupled with the right to strike in those unions.

If we grant them monopoly status, we have, as Dr. Kirk has eloquently pointed out, in effect, created a system of dual governments—one legitimate, appointed by the authority of the people, and the other a de facto government, accountable to no one except possibly the political system it feeds on.

The citizen taxpayer, subject to abuse by both governments, could exercise some control over the one, but would be virtually powerless to control the monopoly of the other.

As union officials gain a bigger and mightier foothold, and are able to exercise more control over the selected government, we could be faced with the actual day-to-day operation of vital government services at the whim of a union bureaucracy.

Government is unique. Its function is to serve the cause of liberty. We cannot have liberty and compulsory monopoly unions in control of the public service workforce, coupled with the right to strike. The measure of any proposition must be its impact upon a free people. It would be ironic if we were to move into the bicentennial period by inaugurating a program so alien to all that our Founding Fathers fought for.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina (Mr. HELMS) is recognized.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum on the time of the Senator from North Carolina.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Chair will recognize the Senator from North Carolina (Mr. HELMS).

Mr. HELMS. Mr. President, I ask unanimous consent that I will be allowed to yield 2 minutes of my time to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I thank my distinguished friend.

The PRESIDING OFFICER. The Chair might inform the Senator from North Carolina that the quorum call was taken from his time of 15 minutes.

Mr. HELMS. Very well.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. CURTIS. Mr. President, I wish to join with the distinguished Senator from Utah and others in calling attention to the Senate the problems involved in these efforts for unionization of Government employees at all levels of Government.

Within the last day or two, there was an account that appeared in the Washington Star concerning what has happened in the State of Illinois.

I believe in the right of people to join the union, I do not think that should be interfered with. I do not believe in the principle of compulsory unionism either by coercion or by a matter of law.

I also wish to point out that there are certain essential services of Government which by their very nature call for restraint.

So, whatever might be our attitude toward strikes involving nongovernmental activities, I am of the opinion that it is not according to sound public policy that these Government unions should be allowed to strike.

We will be faced with this problem in reference to the postal service before long and I think it is important that we look at all of the problems involved and not permit this to further deteriorate a very poorly administered and run postal service.

In saying that, I want to set the record straight, I am sure that there are just countless honest and dedicated postal workers. Yet there is something wrong somewhere. Our Postal Service continues to deteriorate.

I want to again commend the distinguished Senator from Utah for taking the lead in promoting thought on this important subject.

I thank my distinguished friend from North Carolina.

I yield back the remainder of my time.

NORTH CAROLINA'S SOLUTION

Mr. HELMS. Mr. President, we have just heard it from our colleagues—about the threat to the basic political institutions of the country posed by the compulsory public-sector bargaining proposals being offered for our consideration.

We have discussed here today, in particular what compulsory public sector bargaining on all levels of Government by Federal legislators would mean.

These proposals would compel through Federal action individual public employees to accept an unwanted union as their "exclusive representative" in dealing with their own government, and most likely—as a consequence of compulsory monopoly representation—would cause workers to pay tribute to union officials in order to keep their jobs.

Antistrike provisions and the myriad other technical details union officials propose really only obscure these basic problems—each of which threatens both individual and government sovereignty.

Mr. President, there are very few among us, I think who would argue with these other points made here today:

That strikes against the government cannot be tolerated by a free society.

That government must—by definition—be responsive to and fully accountable to the people at all times.

That the only true function of government is the preservation of liberty.

And that pubic sector employees are indeed different from their counterparts in industry, both in terms of the rights and privileges they enjoy and the nature of their noncompetitive employment.

I believe that there is a viable solution without passing Federal laws. We can preserve government sovereignty and individual freedom in the public sector without being unrealistic, and certainly without being "unfair" to public employees.

In fact, in my State of North Carolina we have devised and implemented a viable solution at the State level. All public-sector collective bargaining is prohibited in the State of North Carolina.

We recognize that all public employees—and all Americans—are protected in their right to join lawful employee associations by the first amendment.

We have rejected, however, the notion that governments should be duty bound to recognize and bargain with these associations. Experience has taught us that the one thing which gives growth and strength and pressuring power to a union is to recognize that union, treat with it and enter into exclusive agreements with it. Each such agreement is a prelude to successive negotiations, accommodations, and agreements until the union grows to become uncontrolled and uncontrollable.

Now, Mr. President, the North Carolina General Statutes, section 95–98 reads as follows:

> Contracts between units of government and labor unions, trade unions or labor organizations concerning public employees declared to be illegal.—Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instrumentality of government, is hereby declared illegal, unlawful, void and of no effect.

Mr. President, this North Carolina statute is a good law. It has successfully restrained the growth of public sector union power in North Carolina. Yet it has not led to continuous struggles with public employee disputes and conflict. And the statute has withstood challenges in the courts.

In a September 1974 decision the U.S. District Court for the middle district of North Carolina held constitutional this North Carolina law which declares invalid any contracts between a sovereign government and a union in that State.

The court said, that—

> To the extent that public employees gain power through recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus, the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decisions are rights inuring to each citizen. All citizens have the right to associate in groups to advocate their special interests to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process.

Simply put, the court made a very affirmative statement of the rights of all citizens and groups of citizens to have equal access to their own Government.

While the North Carolina law puts a statutory prohibition on recognition and contract-making, it does not preclude representatives of employee associations from petitioning their government over conditions in the workplace. What it does preclude is government granting monopoly status to a particular union, trading away its own sovereignty, and depriving individual workers of their precious liberty to deal with their own government.

A strict nonrecognition policy, such as exists in North Carolina, would prevent any compromise of necessary government sovereignty.

Second, as the court found last September, it would keep the channels of redress open to all employees—not just to a monopoly bargaining organization.

Third, it would allow government administrators to create and conduct responsible, humane, and effective public employee personnel policies—a responsibility which, when subject to adversary collective bargaining, is less imaginative, and less progressive.

The attention of government administrators would thereby be focused—as it should be—on dealing effectively with the employees and their interests, rather than dealing with the union and its interests.

Among the most important considerations, however, is the fact that nonrecognition would prevent the abuses of human liberty which has been created by the National Labor Relations Act's "exclusive recognition" and compulsory unionism policies.

The North Carolina experience seems to be a good place to start. It shows that the States can handle the problem on their own without Federal intervention. I commend this law to my colleagues as the way to go in the States which they represent.

Mr. President, the decision of the U.S. district court on the North Carolina law, provides further insights into its working and value, and I ask unanimous consent that the decision be printed in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

[No. C–286–WS–72]

IN THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, WINSTON-SALEM DIVISION

Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators, an unincorporated association, and Jacqueline A. Ballentine, individually and on behalf of other similarly situated teachers in the Winston-Salem/Forsyth County School System, Plaintiffs, *v.* A. Craig Phillips, State Superintendent of Public Instruction; Frank Crane, Commissioner of Labor for the State of North Carolina; Robert B. Morgan, Attorney General of the State of North Carolina; and John C. Kiger, Omeda Brewer, Eunice Burge, Richard Janeway, Mary Lauerman, William F. Maready, Alan R. Perry, Carol G. Thompson, As Members of the Winston-Salem/Forsyth County School Board, and the Winston-Salem/Forsyth County School Board, and David W. Darr, Henry L. Crotts, G. P. Swisher, Dr. W. L. Thompson, Jr., and Leonard Warner as Members of the Forsyth County Board of Commissioners, and the County of Forsyth, Defendants

Before Craven, Circuit Judge, Gordon, Chief Judge, and Ward, District Judge.

Argued July 12, 1974, decided September 17, 1974.

William G. Pfefferkorn of Winston-Salem, North Carolina, for the plaintiff.

Edwin M. Speas, Jr., Assistant Attorney General, North Carolina Department of Justice, Raleigh, North Carolina, for defendants A. Craig Phillips, Frank Crane, and Robert B. Morgan; William F. Womble, Jr., of Womble, Carlyle, Sandridge & Rice, Winston-Salem, North Carolina, for Winston-Salem/Forsyth County School Board; and P. Eugene Price, Jr., County Attorney, Winston-Salem, North Carolina, for Forsyth County Board of Commissioners, and the County of Forsyth.

OPINION OF THE COURT

Ward, District Judge:

This case presents a renewed attack on North Carolina General Statute 95–98 which provides that contracts between state governmental units and public employee labor organizations shall be void.[1] Previously, in *Atkins v. City of Charlotte*, 296 F. Supp. 1068 (W.D.N.C. 1969), a three-judge court upheld the constitutionality of that statute while declaring related sections to be unconstitutional.[2]

In the instant case, plaintiffs request injunctive and declaratory relief against the statute on the grounds that it operates to violate their rights of freedom of association guaranteed by the First Amendment of the United States Constitution and of equal protection and due process guaranteed by the Fourteenth Amendment. Jurisdiction is premised upon 28 U.S.C. §§ 2201 and 1343 and 42 U.S.C. § 1983. A three-judge court has been properly convened pursuant to 28 U.S.C. §§ 2281 and 2284.

Plaintiff Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators is an unincorporated labor association representing professional employees, including teachers and administrators. The individual plaintiff is a teacher in Forsyth County and a member of the association. She wishes to represent all teachers in the Winston-Salem/Forsyth County School System. The defendants are State officials, the Winston-Salem/Forsyth County School Board, the Forsyth County Board of Commissioners, and the County of Forsyth.

The discontinuation of a salary supplement plan in 1972 supplied the irritant which caused plaintiffs to bring this action. In 1967, the school officials proposed the plan whereby the teachers in the Winston-Salem/Forsyth County school district would receive a portion of a school tax as part of their salary supplement. Since the supplement was tied to a county tax, it would increase along with the tax base of the county. The school board approved the plan. In 1972, the County Commissioners terminated the plan when they adopted the final budget for the county. Plaintiffs admit that no one source can be blamed for the discontinuation of the plan. They say that the determination of local school salaries results from input by the State Board of Education and the local units composed of the school board and county commissioners. Plaintiffs suggest that one of the reasons for the termination of the salary supplement was the discovery of the statute, N.C.G.S. 95-98, by the governmental officials between 1967 and 1969. Plaintiffs claim that upon this discovery, the school officials became increasingly intransigent in their discussions with the teachers' association. They would like to blame a drop in their membership to their claimed growing ineffectiveness in discussions with the school officials after the purported discovery of N.C.G.S. 95-98.

In this case, there never was a signed contract between the teachers' organization and the school board. Defendants suggest that plaintiffs lack standing because there is no contract which is rendered void by N.C.G.S. 95-98. We agree that the plantiffs never had a contract or agreement with the school. However, we read that fact as the basis of their complaint. They say that the school refuses to enter into a contract with them, or even engage in meaningful discussion, because of the statute. Viewed in this light, the question before this court is not moot and plaintiffs have standing to litigate the issue.

Plaintiffs allege that the statute is unconstitutional because of the detrimental effect it has on their ability to associate in a labor organization. They contend the statute renders negatory their right to associate since it voids any contract obtained by the association. Thus, they say, it becomes fruitless for the organization to discuss matters with the school, and the individual teachers in turn become disenchanted with their organization.

Accepting those consequences as true, we cannot accept the premise that plaintiffs' alleged right of association requires that state governmental units negotiate and enter into contracts with them. The Constitution does not mandate that anyone, either the government or private parties, be compelled to talk to or contract with an organization. What Judge Craven wrote in *Atkins, supra*, at 1077, is controlling and bears repeating:

"We find nothing unconstitutional in G.S. § 95-98. It simply voids contracts between units of government within North Carolina and labor unions and expresses the public policy of North Carolina to be against such collective barganing contracts. There is nothing in the United States Constitution which entitles one to have a contract with another who does not want it. It is but a step further to hold that the state may lawfully forbid such contracts with its instrumentalities. The solution, if there be one, from the viewpoint of the firemen, is that labor unions may someday persuade state government of the asserted value of collective bargaining agreements, but this is a political matter and does not yield to judicial solution. The right to a collective bargaining agreement, so firmly entrenched in American labor-management relations, rests upon national legislation and not upon the federal Constitution. The State is within the powers reserved to it to refuse to enter into such agreements and so to declare by statute."

The other cases considering the problem raised here have likewise rejected plaintiffs' argument. *Newport News F.F.A. Loc. 794* v. *City of Newport News, Va.*, 339 F. Supp. 13 (E.D. Va. 1972); *Hanover Tp. Fed. of Teach. L. 1954* v. *Hanover Com. Sch. Corp.*, 457 F.2d 456 (7th Cir. 1972). While the First Amendment may protect the right of plaintiffs to associate and advocate, not all of their associational activities have the protection of that amendment. The State is not required to provide plaintiffs with a special forum in order to advocate their views. It is under no duty to provide a "guarantee that a speech will persuade or that advocacy will be effective." *Hanover Tp. Fed. of Teach. L. 1954* v. *Hanover Com. Sch. Corp., supra*, at 461.

Plaintiffs' reliance on *Healy v. James*, 408 U.S. 169, 92 S.Ct. 2338, 33 L.Ed.2d 266 (1972), in support of the request for reconsideration of *Atkins* is misplaced. *Healy* concerned a college's denial of recognition to a student group. The Court held that the nonrecognition abridged the student group's First Amendment rights. The college had denied the group a formal meeting place, and the use of college bulletin boards and the college newspaper. Significantly, it had granted those rights to other student groups. The court noted that "the group's possible ability to exist outside the campus community does not ameliorate significantly the disabilities imposed by the President's action." (408 U.S. at 183, 33 LdEd.2d at 280). Thus the restriction in *Healy, supra*, directly affected the student group's right of advocacy and ability to organize in a situation where the college had granted those rights to other groups. In the present case the statute we are concerned with does not differentiate between public employee labor associations, nor does it restrict in any material way the ability to organize.

In *Healy, supra*, the college's action materially and discriminatorily affected the student group's right to speak and advocate. Here the statute has no such effect. All that it does is to render void contracts between the labor association and the State. As stated previously, the First Amendment does not guarantee that an organization's advocacy will be effective; it only protects the right to speak.[3]

The State, as a matter of public policy, has chosen not to enter into enforceable contracts with public employee organizations. That policy decision cannot be regarded lightly, or as merely the result of anti-union animus. The decision of whether to permit public employees to engage in collective bargaining with the government involves far greater interests than the mere right to association claimed by the plaintiffs here. Professor Sylvester Petro in "Sovereignty and Compulsory Public-Professor Bargaining," 10 *Wake Forest Law Review* 25 (1974), ably and thoroughly discusses the case against the recognition of public employee labor organizations and bargaining with them. Even in an article more sympathetic to plaintiffs' position, Professor Summers discusses serious problems which cannot be avoided if collective bargaining problems which cannot be avoided if collective bargaining is permitted. *See* Summers, "Public Employee Bargaining: A Political Perspective," 83 *Yale Law Journal* 1156 (1974). There the author views collective bargaining by public employees as part of the political decision-making process. As such it cannot be fairly compared with collective bargaining in the private sector. While he sees collective bargaining in the public sector as giving the public employees a chance to give unity, clarity, and persuasion in discussing their views with a governmental body, he also notes that, at present, permitting public employee collective bargaining might well over-shift the balance of power because of the inability, in some instances, of present governmental structure to effectively deal with a collective bargaining situation. Moreover, to the extent that the public employees gain power through recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decisions are rights inuring to each citizen. All citizens have the right to associate in groups in order to advocate their special interests to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process. As Professor Summers notes at 1193-94:

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[1] N.C.G.S. 95-98 reads as follows:

"*Contracts between units of government and labor unions, trade unions or labor organizations concerning public employees declared to be illegal.*—Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instrumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void and of no effect."

[2] The statutes declared unconstitutional in *Atkins, supra*, were N.C.G.S. 95-97, which prohibited fire fighting employees of a governmental unit from becoming members of or from assisting a labor organization which was affiliated with a national or international labor organization that had collective bargaining as one of its purposes, and N.C.G.S. 95-99, which provided a criminal penalty for violation of the related sections of the chapter.

[3] In *Aurora Ed. Ass'n E. v. Board of Ed., Etc., Kane County, Ill.*, 490 F.2d 431 (7th Cir. 1973), the court distinguished *Hanover Tp. Fed. of Teach L. 1954 v. Hanover Com. Sch. Corp., supra*, from the issue before it concerning whether a school could penalize a teacher who merely *believed* that teachers should ge given the right to strike. It said at 434:

"Whatever else may be said about the case, it dealt with the question whether a public body is under a constitutional duty, apart from statute, to bargain collectively with the labor representative of its employees. There was no occasion to consider in that case, and the court did not consider, the problem of this case, that is, whether a public body may interfere with its employees' freedoms to think and to speak—which from the beginning of time have been recognized as wholly different from the freedom to associate and to seek to use the strength which comes from union in assembly and action. See Wyzanski, "The Open Window and the Open Door," 35 Cal.L.Rev. 336 (1947)."

"In the private sector the parties may agree at the bargaining table to expand the subjects of bargaining, but a public employee union and a public official do not have the same freedom to agree that certain decisions should be removed from the ordinary political processes and be decided by them in a special forum. The private employer's prerogatives are his to share as he sees fit, but the citizen's right to participate in governmental decisions cannot be bargained away by any public official.

"In legal terms the principal question in the private sector is what the *mandatory* subjects of bargaining are, *i.e.*, what decisions the employer *must* share with his employees. The principal question in the public sector is what the *permissible* subjects of bargaining are, *i.e.*, what decisions *may* be made through the specially structured political process."

Viewed in this context, plaintiffs' purported right to associate via collective bargaining must compete with equally, if not more, important rights belonging to the citizenry.

The actual decision of how to accommodate public employees in the decision-making process without denying the right of association to others is a legislative decision.[4] Both legally and logically that decision is the prerogative of the legislature, which is much better suited to make it than are the federal courts, whose many duties cannot, under our system of government, include those of legislation. In North Carolina, the legislature has decided to resolve the competing interests by voiding contracts between the state and public employee labor organizations.

Plaintiffs also urge that N.C.G.S. 95-98 violates equal protection and due process. We disagree. While an unwarranted or unjustified interference with a First Amendment right may also be a violation of a Fourteenth Amendment right, *McLaughlin v. Tilendis*, 398 F.2d 287 (7th Cir. 1968); *Shelton v. Tucker*, 364 U.S. 479, 81 S.Ct. 247, 5 L.Ed.2d 231 (1960), we have concluded that the statute in question does not violate plaintiffs' right of freedom of association under the First Amendment. From our previous discussion it follows, and we so hold, that plaintiffs' Fourteenth Amendment rights are not violated.

Plaintiff's request for injunctive and declaratory relief is, therefore, denied.

[No. C-286-WS-72]

In the U.S. District Court for the Middle District of North Carolina, Winston-Salem Division

Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators, An Unincorporated Association, and Jacqueline A. Ballentine, Individually and on Behalf of Other Similarly Situated Teachers in the Winston-Salem/Forsyth County School System, Plaintiffs, v. A. Craig Phillips, State Superintendent of Public Instruction; Frank Crane, Commissioner of Labor for the State of North Carolina; Robert B. Morgan, Attorney General of the State of North Carolina; and John C. Kiger, Omeda Brewer, Eunice Burge, Richard Janeway, Mary Lauerman, William F. Maready, Alan R. Perry, Carol G. Thompson, As Members of the Winston-Salem/Forsyth County School Board, and the Winston-Salem/Forsyth County School Board, and David W. Darr, Henry L. Crotts, G. P. Swisher, Dr. W. L. Thompson, Jr., and Leonard Warner as Members of the Forsyth County Board of Commissioners, and the County of Forsyth, Defendants

ORDER

For the reasons set forth in an Opinion of the Court entered contemporaneously herewith,

It is ordered that the relief requested by the plaintiffs in the prayer for relief be and the same hereby is denied, and the action is dismissed.

For the Court:

Hiram H. Ward,
U.S. District Judge.

September 17, 1974.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. Schweiker) is recognized for not to exceed 15 minutes.

SENATE RESOLUTION 100—SUBMISSION OF A RESOLUTION RELATING TO DISCRIMINATION IN INTERNATIONAL COMMERCE

(Referred to the Committee on Commerce.)

Mr. SCHWEIKER. Mr. President, on behalf of myself and Senator Williams, and Senators Allen, Bayh, Beall, Bentsen, Case, Clark, Cranston, Domenici, Fong, Garn, Philip A. Hart, Hartke, Humphrey, Leahy, Mathias, McGee, McGovern, Mondale, Moss, Muskie, Nelson, Packwood, Proxmire, Ribicoff, Roth, Hugh Scott, Stafford, Stone, Tunney, and Weicker, I submit today a sense of the Senate resolution condemning blacklisting in international trade.

In recent weeks, it has become clear that Arab investors are using their vast economic leverage to dictate the ethnic composition of international business institutions. Two of Britain's most prestigious investment banking houses, N. M. Rothschild & Sons and S. G. Warburg & Co., were excluded from a $20 million bond issue at the request of the Libyan Arab Foreign Bank and the Kuwait Foreign Trading, Contracting, and Investment Co. Lazard Freres & Co., a Paris banking institution associated with Lazard of Manhattan, was excluded from a $25 million bond issue at the request of a company funded by Kuwait, Qatar, and Lebanon. And apparently a number of U.S. companies have passively accepted the Arab boycott list, and in some cases have even tried to negotiate their way off.

The standard apologies for blacklisting are that companies—or countries—cannot be denied the right to determine who they will do business with, and anyway, the Arabs have maintained a boycott list for years. But let us not fool ourselves, Mr. President—the boycott is not simply a businessmen's guide anymore. It is now an offensive trade weapon, deployed to dictate the ethnic composition of international business firms.

And while the Arabs have been maintaining boycott lists for years, the Arab countries were never a major world market—until the oil money explosion. Suddenly the Arab countries have emerged as the only flourishing area in our world economy, and the Arab boycott lists are now backed up with massive economic leverage. So it is an entirely new situation, Mr. President, and I do not think we can afford to silently acquiesce to these discriminatory tactics.

I was gratified by President Ford's strong reaction to this situation last week, and I commend him for it. But I think we in the Senate also have a responsibility to face this issue, and to put the world on notice that the full force of this Government's influence will be used to counter discriminatory demands. If we accept these economic strong-arm tactics today, I predict we will face an uglier choice next month or next year—and the stakes wil be higher then.

The Senate can make two responses to blacklisting tactics, Mr. President: We can condemn these tactics unconditionally and urge individuals and institutions to resist them, and we can prepare detailed legislative countermeasures. The resolution we introduce today accomplishes the former objective, and I hope the Senate moves promptly to consider legislation in this area.

Today's resolution does not push us into any precipitous action in the Middle East, and it allows sufficient flexibility so current diplomatic efforts are not impeded.

But it also suggest very clearly certain legislative approaches which might be considered if these tactics continue. First, individual Americans—and American institutions—must be encouraged to say "no" to discriminatory demands. One way to accomplish this is to insure that those who take discriminatory actions to obtain approval from the blacklisters immediately forfeit all U.S. Government assistance from such agencies as the Commerce Department, the Export-Import Bank and the Overseas Private Investment Corporation. This would give every individual and company an additional reason to resist boycott pressures.

Second, we should review all government-to-government relations with the nations which impose these demands. I do not think it makes much sense to be the major weapons supplier to countries which boycott American companies—and I think every transaction we have with such countries should be scrutinized by Congress if these practices continue.

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[4] The Tenth Amendment of the United States Constitution reserves to the states those powers not delegated to the federal government. The Amendment is a clear expression of the desire that the states would retain their sovereignty within our federal form of government. The decision by the State of North Carolina to void contracts between public employee organizations and governmental units is a matter entrusted to the state's sovereign discretion. See *Atkins, supra*, as quoted above. It cannot be emphasized enough that in speaking of a state's sovereignty, the term means more than prerogatives belonging to some inanimate object, rather it signifies the right of the people of a state to govern themselves under the form of government of their choosing. Therefore, since the prospect of public employee collective bargaining impinges upon those rights, it truly is important that the legislature, elected by the people, determine whether to permit such collective bargaining, and if so; on what terms.

In closing, Mr. President, let me say that the question we address today is a fundamental one. Do we stand up and affirm our commitment to the principles on which this Nation was founded, or, for a few Arab dollars, do we look the other way? I think the broad support for this resolution clearly indicates that the U.S. Senate will stand up and be counted on this issue—and I am confident individual American citizens will do likewise.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 100

Whereas discrimination in international commerce against individuals or institutions on religious, racial, or ethnic grounds is repugnant to the principles of our nation;

Whereas President Ford has declared that such discrimination "has no place in the free practice of commerce as it has flourished in this country";

Whereas the Export Administration Act of 1969 declares "it is the policy of the United States . . . to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States . . . "; and

Whereas acquiescence, by individuals, institutions, or nations, to such discrimination undermines international commerce and the fundamental rights of every American citizen: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Discrimination in international commerce against individuals or institutions on religious, racial, or ethnic grounds must not be tolerated, and all Americans are urged not to cooperate in any way with such discriminatory practices.

(2) Every individual or institution approached to participate in any such discriminatory practice should be required to make a full report of such action to the appropriate agency of the United States Government, which should make this information a matter of public record.

(3) Appropriate agencies of the United States Government should discourage such discriminatory practices and review all forms of Government support, subsidy, or assistance to American companies which acquiesce in such discrimination.

(4) The United States Government should examine its relationships with countries which practice such discrimination, and the President should advise the Congress as to any justification for continuing any foreign aid, sales of defense articles or services (whether for cash or by credit, guarantee, or any other means) or other assistance programs for the benefit of any country practicing such discrimination.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States.

Mr. SCHWEIKER. Mr. President, I yield 5 minutes of my time to the distinguished Senator from Florida (Mr. STONE), who is one of the sponsors of my resolution.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. STONE. Mr. President, during the past months, it has been revealed that a number of private concerns have yielded to the pressure of Arab petrodollars and agreed to discriminate against Jewish investors because of their "Zionist sympathies."

This is an extension of previous boycott efforts by the Arab States to isolate and stifle Israel. In the past, this boycott, under the aegis of the Arab League, has been aimed at industrial and commercial firms that engage in trade and commerce with Israel. Now, the Arab financial world, enhanced by its huge oil profits, has joined the Arab League boycott refusing to participate in international bond issues which are also backed by Jewish financial houses.

It is disheartening that the Arab world is extending its policy of economic warfare during this delicate period when Israel is declaring her intent to return territory in return for the beginning of normalized relations with her Arab neighbors. Moreover, this new Arab economic warfare injects direct religious discrimination into the business dealings between nations.

While this new form of blackmail has been repudiated by many individual businessmen in both Western Europe and the United States, the failure of European governments to take a firm stand against these practices, can only encourage the Arabs to politicize the financial world.

The American people have always stood up against attempts at international blackmail and discrimination against individuals and minority groups. We already have the anti-boycott legislation of 1965 and other antidiscrimination laws on the books which might have to be strengthened to meet these new challenges.

An editorial in the February 14, 1975, Wall Street Journal, entitled "Bad for Business," calls upon the United States to take the lead in resisting Arab pressure and force an early end to the Arab blacklist scheme.

I quote one paragraph from the editorial:

> It may well be useful to obtain further legislation voiding contracts with boycott clauses if only to forestall the inevitable broadside bills that would seriously hamper straightforward trade. At a minimum, the Office of Export Control should make public the reports of boycott compliance, which are currently confidential.

The editorial further points to the need for American businessmen to reject immoral business practices based on ethnic or religious exclusion.

I ask unanimous consent that the text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BAD FOR BUSINESS

Arab economic pressure on the West took a particularly ugly turn this week with the revelation of a blacklist against banking interests with Jewish connections. In terms of both morality and self-interest, it is incumbent on Western businesses to resist such pressure, and on the U.S. government to press for an early end to the whole Arab blacklist.

A Kuwaiti investment firm withdrew from two leading syndicates headed by Merrill Lynch this week; it objected to the inclusion in the syndicates of Lazard Freres, which is on the Arab boycott list. This follows reports that Lazard Freres in Paris, the Rothschild Merchant Banking Group and S. G. Warburg and Co. of London have been excluded from European syndicates. The blacklisting of these firms appears less to be an attempt to undermine Israel than an attempt to inject anti-Semitism into Western business practice.

The Arabs have had trouble distinguishing these two purposes throughout their 30-year-old economic boycott of businesses with ties to Israel. Until recently the boycott was in any event massively ineffective. But the economic warfare is bound to become far more effective with the massive accumulation of oil revenues. Businessmen who desire to get their hands on some of this money will be tempted to carry anti-Israel, and even anti-Jewish discrimination far beyond the hopes of the Arab's leagues "Israel Boycotting Agency."

In fact, the boycott is still not notably successful in the U.S. The Commerce Department's Office of Export Control demands a report on each business transaction that complies with boycotts against friendly countries. In the most recent period, the second quarter of 1974, these transactions numbered 167.

Compliance is relatively infrequent because it is often unnecessary. The rhetoric of the militant boycott bureaucracy in Damascus carries little weight when each Arab country decides what goods and services it really needs. In one case we know of, an American subcontractor was asked to sign a contract originating in Abu Dhabi stipulating that none of the goods came from an Israel-connected company. The subcontractor, who happened to have close ties to Israel, vehemently protested, and Abu Dhabi went ahead with the deal, minus the boycott condition.

As one European financier said of the loan syndicate situation, resistance to the boycott demands could have been ridiculously easy. Thus, it is remarkable that some reputable banks have so readily complied. That compliance is almost certain to arouse public hostility toward any dealing with "the Arabs," no matter how innocuous. This sort of reaction already has blocked two Arab entrepreneurs from buying into banks in San Jose, Calif., and Pontiac, Mich., even though no hint of anti-Israeli or anti-Jewish bias was involved. Investors like Saudi Arabia's Adnan Khashoggi or Ghaith Pharaon or Lebanon's Ahmad Sarakbi—and their American colleagues—should have a lively interest in calling a halt to this dangerous trend.

The U.S. government should make it clear to Arabs and, more important, to American businessmen, that attempts to do business by discriminatory clauses will backfire badly. Some such clauses already are illegal and their use should be prosecuted. It may be useful to obtain further legislation voiding contracts with boycott clauses if only to forestall the inevitable broadside bills that would seriously hamper straightforward trade. At a minimum, the Office of Export Control should make public the reports of boycott compliance, which are currently confidential.

The alternative to a strong stand now will be dishonorable behavior by a few American businessmen and a disgusted public reaction with who knows what legislative consequences. For businesses to follow the Arab bidding and introduce ethnic discrimination into their dealings would be morally repugnant. In anything but the shortest view, it would also be very bad for business.

Mr. SCHWEIKER. Mr. President, I yield to the Senator from Connecticut (Mr. RIBICOFF).

Mr. RIBICOFF. Mr. President, I am pleased to add my name to the resolution of my distinguished colleagues from Pennsylvania and New Jersey. The developments which have prompted this resolution demand the attention of both Houses of Congress. We must go on record in complete opposition to the Arabs' blacklisting tactics and give careful thought and prompt action to strong measures to counter this totally unacceptable procedure.

I note with apprehension and dismay the inclusion of 13 Connecticut firms on this list. The Arabs have cited companies which have always been evenhanded in their operations. They include such business giants as Connecticut General, Colt Firearms, and Pratt & Whitney—healthy organizations which employ thousands of Connecticut residents and maintain unyielding standards in their business relations.

Mr. President, the impact of this boycott is only the most recent in a series of developments which pose a severe challenge to the American economy. The first and most noticeable change was, of course, the tremendous increase in oil prices. This single action rocked the foundation of both industrialized and underdeveloped economies and is responsible for a significant portion of our current economic dilemma.

The influx of Arab investments in many U.S. industries represented a different kind of problem. These investments must be monitored carefully. These investors could, with a concerted effort, shake the structure of many key industries and send our financial markets into confusion.

It is argued that these investments are simply one method for recycling petrodollars and thereby recovering part of the outflow from high oil prices. It is important to remember, however, as the Arabs themselves well know, that American firms are secure and profitable repositories of this newfound wealth. And in the years ahead we can expect the American economy to become relatively even more inviting. This security is a U.S. asset, and we must not let the beneficiaries be those who might do us harm.

Now we are faced with another threat to our economy—and this challenge strikes at the very root of America's traditions. By excluding certain firms from Arab trade and investment, the boycotters are hoping to impose their prejudices on others.

I applaud the President for stating his objections to these tactics in such strong terms. We in the Senate must also raise our voices on this issue and confront it head on.

Like many of my colleagues, I will work toward long-range solutions to this situation. But let those who continue these discriminatory practices know now that they will not be tolerated. America will not exchange her principles for the advantage of Arab trade.

Mr. SCHWEIKER. Mr. President, I yield to the Senator from New Jersey (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. President, the governments of the Arab world are spearheading an international campaign of religious discrimination against the State of Israel and, regardless of nationality, against American businesses with Jewish ownership, officers, and even customers. In my judgment, this political exploitation of economic leverage for blatantly discriminatory purposes through blackmail, blacklists, and boycotts is a dangerous and foreboding development in international commerce and relations that is without historical parallels.

In joining with Senator SCHWEIKER to cosponsor this sense of the Senate resolution, I believe the U.S. Senate must officially condemn this latest manifestation of Arab oil diplomacy. Religiously inspired economic discrimination is contrary to American values, and disruptive of the orderly conduct of our economic affairs, at both the national and international level. This Nation must use every means at its disposal to bring this reprehensible and unlawful conduct to the sudden and ignoble end it deserves.

Through their support of the Arab League and its boycott manifesto made public last week, Middle Eastern governments have evidenced their resolve to do more than assert their sovereign prerogative to boycott a country with whom they are at war. Beyond that, they have demonstrated their intention to enlist in their international discriminatory crusade against Israel and Jews, or persons in sympathy with these groups or their causes, American businesses and citizens as well as those of other countries. Unfortunately, some businessmen anxious to establish or maintain business relationships with Middle Eastern countries in these difficult economic times may submit to these unconscionable dictates.

Although the Arab boycott is more than a quarter of a century old, it has only recently come under strong attack. Last week, expressing the sentiment of our Nation, the President declared that:

> Such discrimination is totally contrary to the American tradition and has no place in the free practice of commerce as it has flourished in this country and in the world in the last 30 years.

Leading government officials, businessmen, clergy and scholars, regardless of political or religious beliefs, have joined voices to deplore the heinous purposes and implications of the Arab boycott. Under instructions from the President and in response to demands from myself and many of my colleagues, Government agencies are already studying suitable techniques to effectively deal with the Arab financial boycott.

The Subcommittee on Securities is nearing completion of 3 days of hearings on S. 425, the Foreign Investment Act of 1975. At the hearings, the dimensions of the Arab boycott and broader questions concerning this country's approach to foreign investment are being explored. And, in a separate action on Monday, I introduced an amendment to S. 425 which would prohibit the acquisition of more than 5 percent of the equity security of any U.S. company by any foreign investor who has forced or attempted to force other firms to boycott an American business because of its dealings with or in a foreign country with which the United States has diplomatic relations.

I am hopeful the result of this intensive reexamination will be to encourage foreign investment while at the same time discouraging practices which can only cause major disruptions in international affairs and diminish the prospects of a durable peace in the Middle East. However, in light of the apparent success of the Arab boycott in imposing their exclusionary and discriminatory policies on some European businessmen and governments, I believe official condemnation by the Senate, even if only symbolic and nonbinding, is obligatory. This is the precise purpose of this sense of the Senate resolution.

To further insure the immediate cessation of these practices, I believe the Senate in unequivocal terms, must serve notice to instigators of these boycotts: first, that it will not tolerate conduct of this kind; and, second, that official action will be taken against American companies and individuals who, voluntarily or involuntarily, acquiesce or participate in such boycotts. With the unanimous support the resolution should command, it will constitute official affirmation that the U.S. Senate is prepared to lend its considerable influence to discourage practices so antithetical to the national values we are all elected to safeguard.

The United States must not leave to others the responsibility to lead the opposition against blackmail, blacklists, or boycotts such as we are now witnessing.

The Export Administration Act of 1969 declares the policy of the United States "to oppose restrictive trade practices and boycotts fostered or imposed by foreign countries against other countries friendly to the United States." I supported this declaration of policy then and I support it today. Nevertheless, it may not be adequate alone to convey our fundamental opposition to restrictive discriminatory trade practices which involve our own nationals and interject foreign political, discriminatory, and religious considerations into American national and international economic affairs.

In this connection, I must conclude that the "quiet diplomacy and persuasion" suggested last week by a State Department official would be a woefully inadequate, and, indeed, even a dangerous, American response to the Arab boycott. To continue our policy of informal and nonpublic negotiations is to do no more than condone the practices and perpetuate the conditions which led to the boycott in the first place.

In my judgment, a long-term and more realistic solution will be found. In the meantime, this sense of the Senate resolution will strengthen the resolve of U.S. companies to continue to oppose boycotts and encourage our allies to take a similar stance.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. THURMOND). The Senator from Kentucky is recognized for 15 minutes.

AMENDMENT OF THE UNIFORM TIME ACT OF 1966—S. 980

Mr. FORD. Mr. President, I thought for a moment that my maiden voyage was going to be disrupted by my being caught in the Chair.

Today, I introduce my first piece of legislation, together with the senior Senator from Kentucky. We raise an age-old question called "time," in an effort to amend the Uniform Time Act of 1966. Hopefully, this legislation will improve the attitude, the confusion, and, yes, the concerns and fears of the general public.

Mr. President, the question of what time it is, and what time it should be, has repeatedly been asked in reference to actions taken in setting clocks ahead, or back, an hour.

At present, we are experiencing daylight saving time because of the Emergency Daylight Saving Time Energy Conservation Act of 1973. This act was the result of an amendment to the Uniform Time Act of 1966, and designed to conserve energy throughout the United States.

In reality, Mr. President, the most significant result of the amendment has been public confusion.

I find no conclusive evidence that energy has been saved insofar as conservation can be traced to the amendment enacted on December 15, 1973. In fact, there are examples of more energy usage.

I do find overwhelming evidence that Federal action has only produced needless work on the part of those who must struggle with this matter.

By introducing legislation to amend the Uniform Time Act of 1966, Senator Huddleston and I hope we can settle once and for all an issue which has, at times, produced chaos.

In the vague hope of saving energy, this country is now on 8 months of daylight saving time and 4 months of standard time. Instead of saving energy, in many cases it has caused the additional use of energy. Factories are opening earlier, lights are turned on sooner, people arise earlier in the morning, when the day is colder and additional heat is needed. The present situation endangers the lives of schoolchildren, disrupts the working day of the farmer, hinders commerce, and inconveniences the general public.

In this building today in the offices of many Members of this body, high school students from across the country are visiting. Many have visited my office this morning. Those students are going to school, under the present law, at 9:30 in the morning, and hopefully they can arrive home in the evening before dark.

There is no excuse for schoolchildren to stand on the roads in the dark, waiting for transportation to their classes. There is no reason for parents to bear the concerns prompted by longer periods of daylight saving time. There is no reason to establish time settings that result in energy use rather than energy savings.

A lesson has been learned, and it has been learned the hard way. Yet, the senior Senator from Kentucky and I believe that this measure will bring some of the current problems down to a minimum.

In essence, it provides that daylight saving time shall begin on the first Sunday in May and end on the last Sunday in September of each year. The Uniform Time Act of 1966 provides for daylight saving time commencing on the last Sunday of April and ending on the last Sunday of October of each year.

More important, Mr. President, there are concerns by many that any effort that is made to make permanent an 8-month daylight saving time period each year would result in chaos and family disruption, while serving no purpose whatsoever in the critical matter of energy conservation. Our measure, therefore, seems the most acceptable approach to an ongoing issue which Congress must settle for the benefit of those whom Government serves, and that is the people of this great country.

I hope that the hearings will be held promptly and that we will do those things which will bring back from the chaotic position in which we now find ourselves the peace and tranquillity that the people of this country deserve.

Mr. President, I ask unanimous consent to have printed in the Record a statement by the senior Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Mr. Huddleston

I am pleased to cosponsor this bill to shorten by approximately 5 weeks a year the period during which Daylight Saving Time is in effect under the Uniform Time Act of 1966.

The conditions with regard to time zones in Kentucky, and I am sure in many other States, have been chaotic in the past year and a half. We tried year-round Daylight Saving Time. It was my contention when year-round Daylight Saving Time was enacted that it would not result in any appreciable savings of energy. Instead, the result would be inconvenience and disruption of the lives of millions of Americans. I believe our experience bore me out. In the vague hope of saving energy, we endangered the lives of schoolchildren, disrupted, the working day of our farmers, hindered commerce and inconvenienced the public in general. And, instead of saving, in many cases we encouraged the additional use of energy as workers got up in the coldest part of the day, parents drove their children to school rather than permit them to take the bus, and people decided to drive rather than wait in the dark for public transportation.

Now we are trying Daylight Saving Time for 8 months of the year. While we are grateful for a 4-month reprieve, the problems remain the same as long as Daylight Saving Time is in effect during a winter month. Even under the amended provisions, schoolchildren must stand in the dark while awaiting school buses, presenting a serious safety hazard. I have had numerous complaints from parents throughout the State, and most recently the Kentucky Farm Bureau appealed to Senator Ford and me to seek a change in the law.

We have experimented too long at the expense of schoolchildren, farmers, businessmen and the public in general, and it is time to assure them that we will not put them through the hazards and inconveniences of winter Daylight Saving Time again. I hope that our proposal to return to a reasonable Daylight Saving Time policy can be acted upon favorably as soon as possible.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes each.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE GIRL SCOUTS OF AMERICA

Mr. BAYH. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Thurmond). The clerk will state the resolution.

The second assistant legislative clerk read as follows:

> It is the wish of the Congress to pay tribute to the achievements of the Girl Scouts of the United States of America as this important youth movement celebrates its 63rd anniversary on March 12, 1975.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. BAYH. Mr. President, I think the resolution speaks for itself. It documents at some length the tremendous service that the Girl Scouts have provided for their community and our country.

On March 12, 1975, the Girl Scouts of the United States of America will celebrate their 63d anniversary. Founded in 1912 for the purpose of "inspiring girls with the highest ideals of character, conduct, patriotism, and service that they may become happy and resourceful citizens", Girl Scouts of the United States of America has served more than 32 million girls in its 63-year history. Chartered by Congress in 1950, Girl Scouts of the United States of America has actively worked to develop our Nation's most precious resource: America's youth.

Today, more than 3 million girls, ages 6 to 17, through participation in over 160,000 troops, are learning to relate to others with increasing skill, maturity and satisfaction; developing meaningful values giving direction to their lives; contributing to American society through their own talents and in cooperative effort with others; and fostering an awareness of themselves as unique, resourceful persons of worth today and in the future.

Girl Scouts of the United States of America is an organization whose business is America's future. Through its informed educational program of environmental action, youth leadership, career exploration, and cooperative community-oriented projects, Girl Scouts of the United States of America is actively involved in strengthening our American way of life.

As a member of the World Association of Girl Scouts and Girl Guides, Girl Scouts of the United States of America, through participation in exchange visits, conferences, and seminars, has been continually involved in promoting a better understanding of the hopes and aspirations of all the world's population. The international work of the Girl Scouts of the United States of America will play a significant role in the observance of International Women's year 1975.

I ask all my colleagues to join with me today in expressing the pride of Congress in the outstanding contribution Girl Scouts of the United States of America has made to our American way of life.

The concurrent resolution (S. Con. Res. 22) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 22

Whereas the Girl Scouts of the United States of America were granted a Charter by Congress in 1950;

Whereas Girl Scouts, since its founding, has been dedicated to helping girls develop as creative, responsible individuals with a deep sense of personal worth, and has helped millions of girls to grow into resourceful women;

Whereas the informal educational programs of the Girl Scouts involve girls and volunteer adults in an ongoing partnership in a variety of service, social and environmental action, youth leadership, career exploration, and other cooperative, community-oriented projects;

Whereas these activities benefit others, promote active participation in matters affecting the home, the community, the Nation, and the world, and encourage the development in girls of skills, or personal, social, ethical, and spiritual values, and of a sense of oneness and interdependence with others;

Whereas Girl Scouts of the United States of America continues to make an outstanding contribution to the strengthening of our American way of life;

Whereas the anniversary week of the founding of the Girl Scout movement is an appropriate time to express America's congratulations and gratitude to the more than three and a half million girls and adults who participate in Girl Scouting: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that this Nation should pay tribute to the continuing strength and growth of Girl Scouting, to the pioneering role of Girl Scouting in expanding the personal horizons of girls and women, to the encouragement which Girl Scouting gives to understanding and friendship among the youth of all nations, and to the allegiance of Girl Scouting to the noble and enduring principles upon which this Country was founded.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a joint resolution introduced by Mr. MANSFIELD for himself and Mr. HUGH SCOTT, and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution to amend the Defense Production Act of 1950, as amended, and for other purposes.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length, and the Senate will proceed to its consideration.

The joint resolution (S.J. Res. 48) was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (h), (i), and (l) of Section 720 of the Defense Production Act of 1950, as amended, are amended to read as follows:

"(h) In the first sentence strike out 'March 1, 1975' and insert 'June 30, 1975'. In the second sentence strike out 'June 30, 1975' and insert 'December 31, 1975'.

"(i) (2) In the second sentence strike out 'for the fiscal year ending June 30, 1975' and insert 'to remain available until December 31, 1975'.

"(l) Strike out 'for the fiscal year ending June 30, 1975' and insert 'to remain available until December 31, 1975'."

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the ACTING PRESIDENT pro tempore (Mr. GARY W. HART) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:33 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the joint resolution (H.J. Res. 219) making further continuing appropriations for the fiscal year 1975, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MAHON, Mr. WHITTEN, Mr. SIKES, Mr. PASSMAN, Mr. EVINS of Tennessee, Mr. NATCHER, Mr. FLOOD, Mr. CEDERBERG, Mr. MICHEL, and Mr. SHRIVER were appointed managers of the conference on the part of the House.

The message also announced that Representative THOMAS P. O'NEILL, of Massachusetts, the majority leader, recommends the name of Robert O. Tiernan, of Rhode Island, for the term ending April 30, 1977; and Representative JOHN RHODES, of Arizona, the minority leader, recommends the name of Vernon W. Thomson, of Wisconsin, for the term ending April 30, 1980, as members of the Federal Election Commission, pursuant to the provisions of section 208(a), title 2, Public Law 443.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GARY W. HART) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE CENTRAL INTELLIGENCE AGENCY

A letter from the Director of the Central Intelligence Agency transmitting, pursuant to law, a report of the experience of the CIA with requests for information under the Freedom of Information Act during the calendar year 1974 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 66. A bill to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services (Rept. No. 94–29).

By Mr. PROXMIRE, from the Committee on Appropriations, without amendment:

S. Res. 61. A resolution disapproving the proposed deferral of budget authority to carry out the homeownership assistance program under section 235 of the National Housing Act (views of the Committee on the Budget and Committee on Banking, Housing and Urban Affairs) (Rept. No. 94–30).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. GARY W. HART, from the Committee on Armed Services:

Donald G. Brotzman, of Colorado, to be an Assistant Secretary of the Army.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By WILLIAM L. SCOTT, from the Committee on Armed Services:

Victor V. Veysey, of California, to be an Assistant Secretary of the Army.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the following nominations in the Army: Gen. Michael Shannon Davison to be placed on the retired list in that grade; Lt. Gen. Elvy Benton Roberts to be placed on the retired list in that grade; and, Maj. Gens. Robert Morin Shoemaker and Howard Harrison Cooksey to be lieutenant generals. In the Navy, Rear Adm. Stanley S. Fine for appointment as Director of Budget and Reports in the Navy for a 3-year term; and, 38 captains for promotion to rear admiral. In the Marine Corps there are 11 temporary appointments to the grade of brigadier general—beginning with Francis W. Tief and ending with Charles D. Roberts, Jr.—and 9 Marine Corps Reserve appointments to the grade of major general. In the Air Force Reserve, there are 5 appointments to the grade of major general and 12 to the grade of brigadier general—list begins with Brig. Gen. Richard Bodycombe to the grade of major general and ends with Col. Edwin D. Woeller, Jr., to be brigadier general. I ask that these names be placed on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. In addition, Mr. President, there are 1,204 in the Army for appointment to the grade of colonel and below; in the Navy and Naval Reserve there are 2,038 to the grade of commander and below; in the Marine Corps and Marine Corps Reserve there are 1,909 for appointment to the grade of colonel and below; and, in the Reserve of the Air Force there are 52 Air National Guard promotions to the grade of lieutenant colonel. Since these names have already appeared in the Congressional Record and to save the expense of printing again, I ask unanimous consent that these lists be placed on the Secretary's desk for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the Record of February 3, 7, 11, 18, 20, and 25, 1975, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN:

S. 973. A bill to amend the Internal Revenue Code of 1954 to provide incentives for the efficient use of gasoline and the increased use of coal and to encourage the development of synthetic fuels and solar energy. Referred to the Committee on Finance.

By Mr. GRIFFIN (for himself and Mr. Philip A. Hart):

S. 974. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles. Referred to the Committee on Finance.

By Mr. McCLURE:

S. 975. A bill to amend the Act of December 27, 1950. Referred to the Committee on Commerce.

By Mr. McCLURE (for himself, Mr. Church, Mr. Cranston, Mr. Fannin, Mr. Hansen, and Mr. Metcalf):

S. 976. A bill to exempt range sheep industry mobile housing from regulations affecting permanent housing for agricultural workers. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS (for himself and Mr. Church):

S. 977. A bill to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies. Referred to the Committee on Government Operations.

By Mr. EASTLAND (for himself, Mr. Stennis, Mr. Baker, and Mr. Allen):

S. 978. A bill to authorize the financing of parkways from the Highway Trust Fund, and for other purposes. Referred to the Committee on Public Works.

By Mr. SPARKMAN:

S. 979. A bill for the relief of Benesdene L. Strawn. Referred to the Committee on the Judiciary.

By Mr. FORD (for himself and Mr. Huddleston):

S. 980. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall begin on the first Sunday in May and end on the last Sunday in September in each year. Referred to the Committee on Commerce.

By Mr. PHILIP A. HART:

S. 981. A bill to amend the Food Stamp Act of 1964 to increase the Federal share for State administrative expenses in carrying out the food stamp program, to authorize the sale of coupon allotments in credit unions, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. SPARKMAN:

S. 982. A bill for the relief of Jae Sill Rim and his wife, Young Ja Rim. Referred to the Committee on the Judiciary.

By Mr JACKSON (for himself and Mr. Fannin) (by request):

S. 983. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. Abourezk, Mr. Brooke, Mr. Bumpers, Mr. Church, Mr. Cranston, Mr. Gravel, Mr. Philip A. Hart, Mr. Gary W. Hart, Mr. Haskell, Mr. Hatfield, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. McGee, Mr. Magnuson, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Nelson, Mr. Packwood, Mr. Randolph, Mr. Ribicoff, Mr. Stevenson, Mr. Tunney, and Mr. Johnston):

S. 984. A bill to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land resource programs and to assist Indian tribes to plan the use of tribal lands; to encourage expeditious energy facility siting decisions; to coordinate Federal programs which significantly affect land use; to encourage research on and training in land resource planning and management; to establish an Office of Land Resource Planning Assistance in the Department of the Interior; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PELL (for himself, Mr. Schweiker, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Brock, Mr. Brooke, Mr. Bumpers, Mr. Case, Mr. Clark, Mr. Cranston, Mr. Culver, Mr. Domenici, Mr. Goldwater, Mr. Philip A. Hart, Mr. Hartke, Mr. Hathaway, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Leahy, Mr. Mathias, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Nelson, Mr. Pastore, Mr. Ribicoff, Mr. Stafford, Mr. Stone, and Mr. Tunney):

S. 985. A bill to amend the Social Security Act to establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed; to expedite hearings and determinations respecting claims for benefits under titles II, XVI, and XVIII of the act and part B of title IV of Federal Coal Mine Health and Safety Act of 1969; and to amend title II of the Social Security Act to limit to 25 percent the reduction that may be made in an individual's benefit check for any month because of any previous overpayments of monthly benefits. Referred to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. Eagleton, Mr. Garn, Mr. Inouye, and Mr. Stevenson):

S. 986. A bill to end the District of Columbia Self-Government and Governmental Reorganization Act by abolishing the National Capital Service Area. Referred to the Committee on the District of Columbia.

By Mr. BUCKLEY:

S. 987. A bill to amend the Internal Revenue Code of 1954 and certain other provisions of law to provide for automatic cost-of-living adjustments in the income tax rates, the amount of the standard, personal exemption, and depreciation deductions, and the rate of interest payable on certain obligations of the United States. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Williams, Mr. Schweiker, and Mr. Stafford):

S. 988. A bill to amend the Public Health Service Act to revise and extend programs of the National Heart and Lung Institute and National Research Service Awards. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Williams, Mr. Schweiker, Mr. Pell, Mr. Hathaway, Mr. Clark, Mr. McGovern, Mr. Abourezk, and Mr. Randolph):

S. 989. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program, and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Williams, and Mr. Schweiker):

S. 990. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 991. A bill to amend the Public Health Service Act, to revise the programs of student assistance, to revise the National Health Service Corps program, to establish a system for the regulation of postgraduate training programs for physicians, to provide assistance for the development and expansion of training programs for nurse clinicians, pharmacist clinicians, community and public health personnel, and health administrators, to provide assistance for projects to improve the training provided by undergraduate schools of nursing, pharmacy, and allied health to provide assistance for the development and operation of area health education systems, to establish a loan guarantee and interest subsidy program for undergraduate students of nursing, pharmacy, and the allied health professions, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 992. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. INOUYE.

S. 993. A bill to provide for the adoption of "The Perpetual Calendar." Referred to the Committee on Commerce.

By Mr. PASTORE:

S. 994. A bill to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975. Referred to the Joint Committee on Atomic Energy.

By Mr. ROTH:

S. 995. A bill to regulate investment by foreign governments and foreign government enterprises in certain U.S. business enterprises. Referred to the Committee on Banking, Housing and Urban Affairs and the Committee on Commerce, jointly, by unanimous consent.

Br. Mr. SCHWEIKER (for himself, Mr. Javits, Mr. Kennedy, and Mr. Williams) (by request):

S. 996. A bill to amend titles VII and VIII of the Public Health Service Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MANSFIELD (for himself and Mr. Hugh Scott):

S.J. Res. 48. A joint resolution to amend the Defense Production Act of 1950, as amended, and for other purposes. Considered and passed.

By Mr. BAYH (for himself and Mr. Thurmond):

S.J. Res. 49 A joint resolution to amend the joint resolution entitled "Joint Resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America." Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Pell, Mr. Schweiker, and Mr. Williams):

S.J. Res. 50. A joint resolution to authorize and request the President to proclaim the second week of April of each year as "National Medical Laboratory Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 973. A bill to amend the Internal Revenue Code of 1954 to provide incentives for the efficient use of gasoline and the increased use of coal and to encourage the development of synthetic fuels and solar energy. Referred to the Committee on Finance.

ENERGY CONSERVATION AND DEVELOPMENT ACT

Mr. BENTSEN. Mr. President, I am today introducing a four-point program to gradually reduce energy consumption and encourage the development of alternative sources of fuel in a manner which is consistent with our economic goals.

My proposed "Energy Conservation and Development Act" includes the following four provisions:

A rebatable gasoline tax of 5 cents a gallon beginning in 1976 and increasing to 20 cents over a 4-year period;

An excise tax on new automobiles which get poor gasoline mileage and a tax credit for new autos with good mileage;

A tax incentive for the conversion of boiler capacity from the use of oil or gas to coal; and

An energy development fund to back programs for developing alternate fuel sources such as liquified coal.

Last month the President proposed a complex system of tariffs, taxes and increased petroleum prices to reduce oil imports by 1 million barrels a day by the end of this year. It has been estimated that the President's proposals would result in as much as a 4 percent increase in the rate of inflation, $10 billion in lost economic output and an additional half million Americans unemployed.

The administration's energy program would impose an unacceptable burden on our economy during the current period of rising unemployment and double-digit inflation. The immediate crisis is not oil—it is jobs. Seven and one-half million Americans are now out of work and almost all economists have urged Congress to give top priority to the recession and to deal with energy on a more gradual, long-term basis.

Mr. President, I do not know of anyone who challenges our need for lessening our reliance on foreign oil. I was warning against the dangers of our growing imports 5 years ago when not very many people were listening. Now everyone wants to reduce that reliance. It is draining our wealth, disrupting our domestic and international financial markets, and posing a constant threat to our national security. The question is not should we reduce imports—the question is how much, how fast, by what means, and at what cost.

I believe that we should begin today—in 1975—by both increasing energy production and reducing energy consumption. However, it is essential that the mandatory conservation measures that we adopt be phased in to allow the most rapid economic recovery possible without setting off another round of inflation. If we act too precipitously on the energy front, then the benefits of energy conservation will be far outweighed by the tremendous economic costs to the American people.

The legislation that I am introducing today will gradually reduce our dependence on foreign sources of oil but it will avoid aggravating an already serious recession and inflation.

Mr. President, I would now like to explain my energy proposals in some detail.

GASOLINE TAX WITH A PROGRESSIVE REBATE

The first provision in my bill would phase in a gasoline tax of 20 cents per gallon by 1979. All revenues collected by the Government from this tax would be rebated in a progressive manner to low- and middle-income Americans. This proposal would achieve very significant energy savings without resulting in serious economic dislocations.

I believe that any energy conservation tax should focus on gasoline rather than all petroleum products since there is far greater room for savings in the use of gasoline. For example, Americans can reduce nonessential driving much more easily than they can reduce their consumption of heating oil during the cold winter months.

Under my proposal, the gasoline tax would be increased 5 cents a gallon in 1976, another 5 cents up to 10 cents in 1977, then to 15 cents in 1978, and 20 cents in 1979. This tax would reduce consumption by an estimated 500,000 barrels per day by 1980 and 1 million barrels per day by 1985.

Due to the gradual increase in tax rate under my proposal, there would be a minimal increase in the rate of inflation and lost economic output. Commuters would have time to adjust their driving habits; automobile manufacturers, their production lines. A phased-in gasoline tax would put both industry and consumers on notice as to what kind of automobiles lie in our future.

The revenues collected from this tax proposal would be fully rebated to individuals over 18 years of age under a sharply progressive rate schedule. A person earning $10,000 or less a year would receive almost twice as large a rebate as a person earning between $20,000 and $25,000. Americans would be on notice that they could be net gainers if they reduced their consumption. Families earning up to $20,000 per year and using no more than the national average of about 24 gallons a week would receive as much in rebates as they paid in tax. Families earning less or consuming less gasoline than the national average would receive more rebates than they paid in taxes.

Approximately 120 million of the over-18 population would receive their rebates as credits on their income tax, while the 20 million adults who do not file normal returns would file a simple form for their rebate. As the size of the tax increased and the revenues grew, withholding schedules could be adjusted and quarterly checks sent to those not subject to withholding in order to avoid any hardship on individuals or any drag on consumer purchasing power.

Under my proposal, all of the money collected from the phased in gasoline tax would be rebated to low- and middle-income Americans. It is estimated that about $5 billion would be collected and rebated in 1976, $10 billion in 1977, $15 billion in 1978 and $18 billion in 1979 and subsequent years.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD rebate schedules which would be provided by my proposal.

There being no objection, the schedules were ordered to be printed in the RECORD, as follows:

REBATE SCHEDULE FOR 5 CENT GASOLINE TAX—1976

Income	Number of families and unrelated individuals (millions)	Size of rebate	Total revenues rebated (millions)
Families:			
$0 to $5,000	8.1	$110	$891.0
$5,000 to $10,000	13.4	95	1,273.0
$10,000 to $15,000	14.0	80	1,120.0
$15,000 to $20,000	9.4	60	564.0
$20,000 to $25,000	5.0	45	225.0
$25,000 to $30,000	2.5	25	62.5
Total			4,135.0
Unrelated individuals:			
$0 to $5,000	10.6	55	583.0
$5,000 to $10,000	4.8	47	226.0
$10,000 to $15,000	1.9	40	76.0
$15,000 to $20,000	.5	30	15.0
$20,000 to $25,000	.3	25	7.0
$25,000 to $30,000	.07	20	1.4
Total			908.4

REBATE SCHEDULE FOR 10 CENT GASOLINE TAX—1977

Income	Number of families and unrelated individuals (millions)	Size of rebate	Total revenues rebated (millions)
Families:			
$0 to $5,000	8.1	$220	$1,782.0
$5,000 to $10,000	13.4	190	2,546.0
$10,000 to $15,000	14.0	160	2,240.0
$15,000 to $20,000	9.4	125	1,175.0
$20,000 to $25,000	5.0	90	450.0
$25,000 to $30,000	2.5	60	150.0
Total			8,343.0
Unrelated individuals:			
$0 to $5,000	10.6	100	1,060.0
$5,000 to $10,000	4.8	90	432.0
$10,000 to $15,000	1.9	80	152.0
$15,000 to $20,000	.5	60	30.0
$20,000 to $25,000	.3	40	12.0
$25,000 to $30,000	.07	20	1.4
Total			1,687.0

REBATE SCHEDULE FOR 15 CENTS GASOLINE TAX—1978

Income	Number of families and unrelated individuals (millions)	Size of rebate	Total revenues rebated (millions)
Families:			
$0 to $5,000	8.1	$330	$2,673.0
$5,000 to $10,000	13.4	285	3,819.0
$10,000 to $15,000	14.0	240	3,360.0
$15,000 to $20,000	9.4	185	1,739.0
$20,000 to $25,000	5.0	140	700.0
$25,000 to $30,000	2.5	60	150.0
Total			12,441.0
Unrelated individuals:			
$0 to $5,000	10.6	160	1,696.0
$5,000 to $10,000	4.8	135	648.0
$10,000 to $15,000	1.9	120	228.0
$15,000 to $20,000	.5	90	45.0
$20,000 to $25,000	.3	50	15.0
$25,000 to $30,000	.07	30	2.1
Total			2,634.0

REBATE SCHEDULE FOR 20 CENT GASOLINE TAX—1979 AND SUBSEQUENT YEARS

Income	Number of families and unrelated individuals (millions)	Size of rebate	Total revenues rebated (millions)
Families:			
$0 to $5,000	8.1	$380	$3,078.0
$5,000 to $10,000	13.4	325	4,355.0
$10,000 to $15,000	14.0	300	4,200.0
$15,000 to $20,000	9.4	240	2,256.0
$20,000 to $25,000	5.0	130	650.0
$25,000 to $30,000	2.5	65	162.5
Total			14,701.0
Unrelated individuals:			
$0 to $5,000	10.6	200	2,120.0
$5,000 to $10,000	4.8	180	864.0
$10,000 to $15,000	1.9	150	285.0
$15,000 to $20,000	.5	100	50.0
$20,000 to $25,000	.3	70	21.0
$25,000 to $30,000	.07	30	2.0
Total			3,342.0

In future years Congress would make any necessary adjustments in this rebate schedule to insure that all of the money collected from the gasoline tax is returned to lower and middle income consumers.

Under my proposal, individuals who have to drive more than 50 miles round trip to work each day would receive an additional tax deduction. They would be able to deduct the taxes paid on the gasoline used for driving in excess of 50 miles. This deduction would ease the burden on individuals who are required to commute long distances.

Furthermore, the full amount of the gas tax would be deductible to commercial enterprises as an ordinary business expense.

Although a 20-cent gas tax seems like a substantial hike in the price of gasoline, this increase is not so substantial when compared to what has happened to other fuels. In the past year, the price of oil for homes has increased by two-thirds and the price of residual oil for electricity by 180 percent. These increases occurred during a time when the price of gasoline increased by only 35 percent. Even with the full tax, Americans will still be paying less than half as much for gasoline as Europeans who spend $1.80 a gallon right now.

I know that a gasoline tax has been described as inequitable, and even with a progressive rebate system there will be no perfect equity. However, let us look briefly at the inequities and enormous administrative problems associated with rationing.

How do you award the coupon books? To licensed drivers? That discriminates in favor of the family with teenagers who drive and against widows and single persons.

Do you award books on the basis of the number of automobiles owned? Then you are treating the executive with three cars three times better than the steelworker with one.

Do you award one book to a household? That discriminates against the family where more than one has to work to make ends meet.

What about the person who must drive long distances in an emergency—or move across the country? Do we solve all of these problems with local rationing boards?

If we create a so-called "white market," in which ration coupons can be bought and sold legally, we are back to allocating on the basis of price—with no certainty as to how high the price will go.

In addition, there are the problems of spot shortages developing for coupons, requirements for additional Government bureaucracy with an annual price tag of at least $1.5 billion, and a significant Government interference in people's private lives, which is not likely to retain public support during any period other than a national emergency.

Rationing and any other system of allocation tied to base periods and previous levels of consumption are, at least, short-time solutions but these are times when the Nation needs to establish a long-range course for reduced energy consumption and greater energy efficiency.

I fully realize that a gasoline tax is not a politically popular proposal at the moment. However, it is in the interest of all Americans to reduce our dependence on foreign sources of oil and a gasoline tax with a rebate for low- and middle-income Americans is the simplest and most equitable method to reduce gasoline consumption. A gasoline tax is not as arbitrary and cumbersome as a system of rationing or allocation. A gas tax does not require a large bureaucracy to administer and should not result in large regional disparities. Furthermore, the economic hardships of a 20-cents-per-gallon tax are greatly alleviated by a progressive rebate schedule for low- and middle-income Americans.

AUTOMOBILE FUEL EFFICIENCY STANDARDS

Mr. President, one of the most promising methods to reduce domestic oil consumption and to lessen our dependence on foreign sources of oil is to encourage Americans, when they purchase new cars, to select automobiles that obtain better mileage per gallon. The legislation I am introducing today will help achieve that goal.

A recent study by the Department of Transportation and the Environmental Protection Agency indicates that it is practical to achieve as much as a 60-percent fuel economy improvement for the average automobile manufactured in 1980 compared to 1974 models. The average car in 1974 obtained only 14 miles per gallon. A 60-percent improvement by 1980 would result in an average new car achieving 22 miles per gallon. Gasoline savings due to improvements in automobile fuel economy have the potential to reduce oil imports by as much as 1 million barrels per day.

Since the automobile currently consumes about one-third of all oil used in the United States, any realistic energy conservation program must include measures aimed at improving the fuel efficiency of the automobile.

The legislation that I am introducing today will encourage the use of fuel-efficient automobiles by imposing an excise tax on manufacturers or importers of new automobiles that fail to obtain good mileage and by providing a Federal tax credit to individuals who purchase domestically manufactured cars that get good mileage.

The average new automobile in 1975 obtained only 15.9 miles per gallon. We must and we can do better. My proposal will help achieve a goal of at least 22 miles per gallon for the average new car in 1980.

Basically, my proposal would establish a national automobile standard of 22 miles per gallon. Individuals who purchase new cars that obtain 22 miles per gallon or greater would receive a Federal income tax credit. Manufacturers of less efficient cars would pay a tax proportional to the automobile's fuel consumption. The purpose of this tax would be to encourage consumers to select cars which get better mileage and encourage automobile manufacturers to make them.

The proposed excise tax would be only imposed once on the manufacturer or importer of each new automobile. The excise tax would take effect in 1976 at a reduced rate and would be greatly increased in 1979. This would give the automobile industry time to make the necessary production modifications to achieve greater fuel-efficiency. Greater fuel-efficiency for automobiles can be achieved in a variety of ways: engine modifications; reduced engine size; technological changes in the automobile which affect aerodynamic drag, rolling resistance and accessory power requirements, and shift to a large proportion of small cars in the total fleet of automobiles. Because of differences in construction and operation, this tax proposal would not apply to trucks or buses.

The following excise taxes would be imposed on the manufacturers or importers of new cars under my proposal:

For the period beginning August 31, 1976 and ending August 31, 1979:

If the fuel consumption rate (in miles per gallon) is:	*Excise tax*
Over 22	None
Over 20 but not over 22	$100
Over 17 but not over 20	200
Over 14 but not over 17	400
Over 10 but not over 14	600
Not over 10	800

For the period after August 31, 1979:

If the fuel consumption rate (in miles per gallon) is:	*Excise tax*
Over 22	None
Over 20 but not over 22	$200
Over 17 but not over 20	400
Over 14 but not over 17	600
Over 10 but not over 14	800
Not over 10	1,000

In addition, my proposal provides a Federal tax credit for individuals who purchase domestically manufactured automobiles that get at least 22 miles per gallon. A tax credit reduces the income tax an individual owes by the exact amount of the credit. The purpose of this individual tax incentive is to further encourage consumers to select the most fuel-efficient automobiles when they purchase new cars. Under my proposal, the following tax credits would be provided to individuals:

If the fuel consumption rate (In miles per gallon) is	*Tax credit*
Between 22 and 24	$200
Over 24, but not over 26	300
Over 26	400

Since the purpose of this proposal is to encourage automobile fuel efficiency, the tax should be levied on the most direct and appropriate measures of fuel economy and that measure is "miles per gallon." Taxes on automobile horsepower or weight would not be as closely correlated to fuel economy as "miles per gallon." Under my proposal, the mileage rate of an automobile would be determined on the basis of an "automobile fuel consumption schedule" prepared by the Environmental Protection Agency.

Although some argue that greater automobile fuel efficiency can best be achieved by the free enterprise system, the seriousness of the current energy situation requires congressional action to insure that we achieve our goal of reasonable energy self-sufficiency. The potential for market forces to achieve major automobile fuel economy improvements is unclear. Without some form of positive encouragement the potential for energy conservation in this area may not be fully realized. The longer we hesitate in encouraging greater automobile fuel efficiency, the more difficult it makes the job of reducing oil consumption.

The United States is the leading producer of automobiles in the world and has more manufacturing experience than any other country and yet American automobiles are simply not as efficient at using fuel as they could be.

Several comprehensive Government studies have clearly demonstrated that major improvements in automobile fuel efficiency can be achieved during the next few years using existing technology. A 1973 staff study by the Department of the Treasury indicated that the automobile industry "can produce large cars which yield close to 20 miles per gallon using existing technology without sacrificing comfort, styling or exhaust emission standards." An October, 1974 study by the Department of Transportation and the Environmental Protection Agency concluded that the new car fleet in 1980 could be 60 percent more fuel-efficient than the 1974 fleet.

My proposal would insure that we obtain greater automobile fuel efficiency over the next several years.

TAX INCENTIVE FOR THE CONVERSION OF BOILER CAPACITY FROM THE USE OF OIL OR GAS TO COAL

Mr. President, our Nation is very fortunate to have enormous coal reserves. In fact, we can be described as the Saudi Arabia of the world when it comes to coal since the United States has over one-third of the world's supply. We can help reduce our dependence on foreign sources of oil by simply converting existing oil and gas burning facilities to the use of domestic coal where this conversion will not interfere with our environmental goals.

Since the costs of conversion can be enormous we should assist industry in meeting these expenses by providing reasonable tax incentives. Under existing tax law, industry is entitled to special 5-year depreciation deductions for the installation of pollution control equipment. The legislation that I am introducing today would provide an identical 5-year depreciation deduction for the costs of converting boiler capacity from oil or gas to coal.

ENERGY DEVELOPMENT FUND

Any comprehensive energy program must focus on methods to increase the total domestic energy supply as well as methods to reduce wasteful energy consumption. Although traditional fuels such as oil, natural gas and coal are presently our primary sources of energy, we must develop new domestic energy supplies if we are to meet our future energy needs and reduce our reliance on foreign sources of oil. A major program with both private and public participation must now be initiated to produce alternative domestic energy sources. Promising new areas include coal gasification, coal liquifaction, oil shale, tar sands, and solar energy. The legislation that I am proposing today includes an energy development fund which would provide loan guarantees to private industry to help meet the costs of developing these new fuels where this is consistent with environmental policy.

For example, the conversion of our vast U.S. coal reserves to synthetic gas and liquid fuels offers a significant potential for supplementing the Nation's declining reserves of natural gas and oil. Experts have estimated that over 1 trillion cubic feet of natural gas per year can be derived from coal by 1990 through coal gasification processes. One company has designed plans for the construction of a coal liquification plant that could convert up to 60,000 tons of coal per day into 100,000 barrels of oil.

Oil shale is one of the most abundant but undeveloped U.S. energy sources. High-grade oil shale found in the Green River formation in Colorado, Utah, and Wyoming contain the equivalent of an estimated 600 billion barrels of synthetic oil. Development of this resource, where it is environmentally feasible, would greatly supplement the U.S. supply of petroleum.

Similarly, the United States has large quantities of untapped tar sands which can also be converted to oil. It is estimated that U.S. tar sands deposits may exceed an equivalent of 30 billion barrels of oil.

My proposed "Energy Development Fund" will help private industry meet the costs of developing synthetic fuels. Under my proposal, companies would generally be required to provide 25 percent of the cost of the project and could obtain loan guarantees, with liability limited to the facilities, from the "Energy Development Fund" for the remaining cost. Very selective purchasing commitments for synthetic fuels could be made at the discretion of the Board of Directors of the Energy Development Fund. A minimal tariff of only 1 cent per barrel of imported oil would be imposed to raise the necessary operating and startup expenses of the bank. The Secretary of the Treasury would be authorized to borrow any additional funds that may be needed for the program.

Private companies are presently reluctant to commit the enormous investments for these projects because the Middle East countries with their low cost of oil production but currently arbitrarily high price could indulge in price wars for the purposes of destroying competitors who had financed alternate sources of energy. The synthetic fuels could be made uncompetitive at the whim of foreign governments. Potential investors are concerned that years from now some of the oil-producing nations. which can produce oil for as little as 20 cents a barrel, may again sell petroleum to the United States at low prices which would simply price synthetic fuels out of the market and bankrupt those who had invested in such facilities. My proposal would help spread the risk of investments which are important to achieving long-term energy self-sufficiency. This proposal would protect the development of new sources of energy and avoid the need to impose a floor on the price of imported oil as Secretary of State Kissinger has recently proposed.

It is important for the Government to assist private industry in meeting the enormous costs of developing synthetic fuels. However, we cannot develop a viable synthetic fuel industry unless private companies retain some of the risk and retain incentives for efficiency and the adoption of cost-effective technologies. A Federal loan guarantee program will provide the necessary spur for investment without eliminating incentives for efficency.

SUMMARY

In summary, my proposed "Energy Conservation and Development Act" has the following four major provisions:

First, a rebatable gasoline tax of 5 cents a gallon beginning in 1976 and increasing to 20 cents over a 4-year period.

Second, an excise tax on new automobiles that get poor mileage and a tax credit for autos with good milage.

Third, a tax incentive for conversion of boiler capacity from the use of oil or gas to coal, and

Fourth, an Energy Development Fund to back programs for developing alternate fuel sources such as liquified coal.

I believe that these four proposals represent a constructive step toward achieving reasonable energy self-sufficiency. Although I disagree with many of the administration's energy proposals such as the $3 tariff on imported oil, I support a number of their other proposals. For example, the President has asked Congress to provide a tax credit for homeowners who insulate their homes or install storm windows. The President has also proposed establishing mandatory standards for heat efficiency in new homes and commercial businesses. These are excellent suggestions.

It is now essential for the President and Congress to work together in a spirit of compromise and accommodation to meet our energy needs. I am confident that we can rise to the challenge.

Mr. President, at this point in the RECORD I ask unanimous consent to have printed in the RECORD a fact sheet describing my four-point energy package.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET—SENATOR LLOYD BENTSEN'S ENERGY CONSERVATION AND DEVELOPMENT ACT

1. *Gasoline tax with rebate.*—A gasoline tax of 20 cents per gallon would be phased-in by 1979. The tax would be increased 5 cents a gallon in 1976, another 5 cents up to 10 cents in 1977, then to 15 cents in 1978 and 20 cents in 1979. This tax will gradually reduce gasoline consumption and lessen our reliance on foreign sources of oil without aggravating inflation or prolonging the recession.

All revenues collected by the Government from this tax would be rebated in a progressive manner to low and middle income Americans. Families earning up to $20,000 per year and using no more than the National average of about 24 gallons of gasoline a week would receive as much in rebates as they pay in gasoline taxes. Taxpayers would receive this rebate through reduced Federal taxes. Non-taxpayers would be rebated by quarterly checks from the Government. Individuals who have to drive more than fifty miles roundtrip to work each day would receive an additional tax reduction. They would be allowed to deduct the taxes paid on the gasoline used for driving in excess of fifty miles daily. This deduction would ease the burden on individuals who are required to commute long distances. Furthermore, the full amount of the gas tax would be deductible to commercial enterprises as an ordinary business expense.

It is estimated that a gasoline tax of 20 cents per gallon will reduce gasoline consumption 500,000 barrels per day by 1980 and 1 million barrels per day by 1985. Our dependence on foreign sources of oil must be reduced. Oil imports are draining our wealth, disrupting our domestic and international financial markets and posing a constant threat to our National security.

2. *Automobile fuel efficiency standards.*—A National automobile standard of 22 miles per gallon would be established. Individuals who purchase new cars that obtain 22 miles per gallon or greater would receive a Federal income tax credit of up to $400. Manufacturers or importers of less efficient cars would pay a tax proportional to the automobile's fuel consumption. The purpose of this tax would be to encourage consumers to select cars which get better mileage and encourage automobile manufacturers to make them.

A recent study by the Department of Transportation and the Environmental Protection Agency indicates that it is practical to achieve as much as a 60% fuel economy improvement for the average automobile manufactured in 1980 compared to 1974 models. The average new car in 1974 obtained only 14.0 miles per gallon. A 60% improvement by 1980 would result in an average new car achieving 22 miles per gallon. Gasoline savings due to improvements in automobile fuel economy have the potential to reduce oil imports by as much as 1 million barrels per day.

3. *Tax incentive for the conversion of boiler capacity from the use of oil or gas to coal*—Businesses would be entitled to special tax deductions—five year depreciation—for the costs of converting boiler capacity from the use of oil or gas to coal. This would be identical to the existing five year depreciation deduction for the installation of pollution control equipment. The United States can be described as the Saudi Arabia of the world when it comes to coal since we have over one-third of the world's supply. We can help reduce our dependence on foreign sources of oil by simply converting existing oil and gas burning facilities to the use of domestic coal where the conversion will not interfere with our environmental goals.

4. *Energy development fund*—An "Energy Development Fund" would be established to help private industry meet the costs of developing "synthetic fuels" such as liquified coal, gasified coal, oil shale and tar sands as well as developing solar energy. Although traditional fuels such as oil, natural gas and coal are currently our primary sources of energy, we must develop new domestic energy supplies if we are to meet our future energy needs and reduce our reliance on foreign sources of oil. The "Energy Development Fund" will help private industry meet the costs of developing alternative energy sources. Companies would generally be required to provide 25% of the cost of the project and could obtain loan guarantees from the bank for the remaining costs.

By Mr. GRIFFIN (for himself and Mr. PHILIP A. HART):

S. 974. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles. Referred to the Committee on Finance.

Mr. GRIFFIN. Mr. President, on behalf of Senator PHILIP A. HART and myself, I introduce for appropriate reference a bill to repeal the 10 percent excise tax on buses, trucks, and semitrailers. The bill would also repeal an 8-percent excise tax still imposed on parts and accessories for those motor vehicles.

It will be recalled that Congress, in 1971, repealed the Federal excise tax on passenger automobiles, an action which stimulated higher sales and generated thousands of jobs in the auto industry.

Today a very serious situation confronts millions of workers whose jobs depend directly or indirectly on that industry. Sales of passenger autos plummeted 23 percent in 1974, and today nearly one-fourth of the industry's work force is idled—that is the highest unemployment rate of any major industry in the United States.

In a way, it may be unfortunate that there is no excise tax left on passenger cars to repeal at a time like this. But a significant segment of the motor vehicle industry still remains subject to a discriminatory excise tax—and repeal of that tax now would provide a real economic "shot in the arm" for Michigan, which is the State hardest hit by the current recession, and workers throughout the country.

The important benefits that would flow from repeal of those remaining taxes may be summarized as follows:

First, and most important, such a move would stimulate new sales which would reduce unemployment. Michigan, staggering under an unemployment rate of nearly 14 percent, produces about one-third of all the trucks and buses manufactured in the United States. Obviously, since two-thirds of such vehicles are produced outside Michigan, many other States and communities would also benefit from enactment of this legislation.

Second, the resulting reduction in the price of trucks would help farmers and other businesses whose activities generate jobs.

Third, to lower the price of buses would be a boost, not only for workers in plants where buses are made, but also for those in many communities who need mass transit for necessary transportation.

Finally, repealing of these excise taxes would represent a significant step in the battle against overall inflation. At a time when Government is under increasing criticism for regulatory policies which fuel inflation, this bill would help to reverse that trend.

These taxes, which are deposited in the highway trust fund, account for only about 11 percent of trust fund revenues. Since the trust fund surplus has been steadily increasing in the past few years, the loss of this revenue should not have any significant adverse effect on the fund even with the recent release of $2 billion for highway projects.

Mr. President, this legislation would provide timely and needed help, not only for Michigan, but for the whole country—at a time when a depression in the auto and housing industries is pulling down the economy of the whole country.

Mr. **PHILIP A. HART**. Mr. President, I am delighted to join Senator GRIFFIN in introducing a bill to repeal the remaining excise taxes on sales of buses, trucks, and their parts and accessories. The need for this legislation should be obvious to anyone who looks at the unrelenting rise in unemployment statistics. The city of Detroit now has an astonishing 21 percent of its workers unemployed. The rate for the State of Michigan is 13.7 percent. The greatest cause of the human suffering represented by those statistics is the decline in sales of motor vehicles. Truck sales alone have fallen nearly 40 percent in the last year.

Removing the excise tax will provide a needed stimulus to sales of trucks, buses, semitrailers, and their parts. When the excise tax on autos was removed in 1971, auto sales responded dramatically to the price cut made possible by repeal. When the automobile companies introduced their rebate program early this year, auto sales picked up and gave most companies their first monthly advance over the previous year's sales figures in a long time. Hopefully repeal of the 10 percent tax on trucks and buses and the 8 percent tax on their parts and accessories will have the same stimulating effect.

Removal of the excise tax on buses is particularly sensible in view of our long term goal toward expansion of mass transit operations as an energy saving measure.

By Mr. **McCLURE** (for himself, Mr. CHURCH, Mr. CRANSTON, Mr. FANNIN, Mr. HANSEN, and Mr. METCALF):

S. 976. A bill to exempt range sheep industry mobile housing from regulations affecting permanent housing for agricultural workers. Referred to the Committee on Labor and Public Welfare.

Mr. **McCLURE**. Mr. President, the western range sheep industry depends upon summer grazing on open range lands. With a yearly average rain fall of only 10 inches in this area of highland and desert range, the sheep must be constantly moved over large, sweeping areas. Good range changes from year to year, depending upon local conditions. Often herders will move their flocks into areas accessible only by the most meager of trails, literally out of sight of roads, powerlines, or houses.

Over the years, wagons rugged enough to withstand the western terrain, yet compact and light enough to be horse-drawn evolved as mobile dwelling units to provide the herders with comfort and protection from the elements. With these highly mobile camp wagons the herders can follow their flocks into all but the most inhospitable terrain.

In 1968, the Secretary of Labor issued regulations to assure that housing accommodation for transient agricultural workers meet minimum hygienic, space, health, and safety requirements. These requirements included items taken for granted as standard for permanent quarters—that is, electricity and hot and cold running water. But the irony of the regulations is that they do not distinguish between permanent housing camps for transient workers and necessary summer mobile housing for western sheepherders.

Many of our western herders are foreign nationals who contract their services for several years, thus being considered transient agricultural workers under Immigration and Naturalization Service regulations. Recently the INS has taken the position of refusing—except through a narrowly defined system of variations—to grant necessary entry permits to foreign national sheepherders under contract to ranchers who are not in full compliance with the Department of Labor's regulations dealing with housing. To impose these regulations—that is, electricity and hot and cold running water—on the summer wagons, would seriously cripple the entire western range sheep industry.

The bill I am introducing would protect the future of the western sheep industry—and the continuous flow of needed meat and wool—by exempting mobile sheep wagons from the Department of Labor's transient agricultural workers housing regulations. This is an interpretation generally accepted as practical and reasonable, which would vitiate further INS objections.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in administering part 620 of title 20 of the Code of Federal Regulations, the Secretary of Labor shall not apply such regulations to nonwintering, mobile housing facilities used in the range sheep industry, commonly known as camp wagons.

By Mr. **MATHIAS** (for himself and Mr. CHURCH):

S. 977. A bill to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies. Referred to the Committee on Government Operations.

NATIONAL EMERGENCIES ACT

Mr. **MATHIAS**. Mr. President, 2 years ago the Senate created the Special Committee on the Termination of the National Emergency to examine the state of emergency which then existed and to provide a regular and constitutional process to meet future needs. Senator CHURCH and I were named cochairmen of the only bipartisan committee in the Senate, and Senators HART, PELL, STEVENSON, CASE, PEARSON, and HANSEN were named committee members.

The committee concluded that not one, but four national emergencies exist and continue to this day. Moreover, we discovered that emergency powers exist in more than 470 separate statutes and, when combined, give the President potential dictatorial powers. It seemed appropriate to change the name of the committee to its present title, the Special Committee on National Emergencies and Delegated Emergency Powers and to consider remedial legislation.

Last year the special committee submitted to the Senate Government Operations Committee, S. 3957. This bill defined a national emergency, removed obsolete statutes from the books, continued six statutes in their present status, and placed the remainder of the emergency powers under special procedures which insure that adequate notice exists of Presidential action invoking emergency powers and that there is created in Congress the right to terminate such emergencies by concurrent resolution. Moreover, procedures would be established by the law which would encourage the Congress to consider and vote every 6 months on whether a state of national emergency should or should not be continued.

S. 3957 was favorably recommended to the Senate by the Government Operations Committee and passed the Senate unanimously on October 7. It had been the intention of the chairman of the House Judiciary Committee to hold early hearings in the House so that the National Emergencies Act might become law in the last session of Congress. The impeachment hearings and the nomination of Vice President ROCKEFELLER prevented the committee from realizing this hope.

Senator CHURCH and I have now met with the chairman, Representative RODINO, and the subcommittee chairman, Representative WALTER FLOWERS, to determine how the act might be given early and favorable consideration. The House committee leaders have been most helpful and have scheduled the first hearing today.

I now have the pleasure of introducing the National Emergencies Act for consideration in this Congress. The version I lay before the Senate is nearly identical to S. 3957 and is identical to the version introduced in the House last week. Two minor technical amendments have been made.

It is my hope that we will soon see the enactment into law of this legislation. I ask that this bill be appropriately referred.

By Mr. **FORD** (for himself and Mr. HUDDLESTON):

S. 980. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall begin on the first Sunday in May and end on the last

Sunday in September in each year. Referred to the Committee on Commerce.

(The remarks of Mr. Ford and statement by Mr. Huddleston in connection with the introduction of the above bill are printed earlier in today's Record).

By Mr. PHILIP A. HART:

S. 981. A bill to amend the Food Stamp Act of 1964 to increase the Federal share for State administrative expenses in carrying out the food stamp program, to authorize the sale of coupon allotments in credit unions, and for other purposes. Referred to the Committee on Agriculture and Forestry.

FOOD STAMPS AMENDMENTS OF 1975

Mr. PHILIP A. HART. Mr. President, I introduce the Food Stamp Amendments of 1975. This bill results from field hearings I conducted in Detroit on February 6, 1975.

Certainly Detroit and Michigan face the gravest economic and social problems as a result of the current slump in sales of automobiles and other durable goods. But as the mayor of Detroit, Coleman Young, so aptly put it at the hearings: "Today Detroit; tomorrow America." In others words, this is not a bill for Detroit or Michigan alone. The Nutrition Committee could hold hearings almost anywhere in this Nation today and find most, if not all of the same problems of under utilization and enforced delay in the delivery of food stamps to recipients. Human deprivation is real and it is widespread. The time to meet these problems is now before they become too much for our cities to handle.

Several important considerations were highlighted at the hearing which demonstrated the crisis faced by the poor in their attempt to buy a nutritionally adequate diet.

First, witnesses testified that they had to spend 40 percent and more of their income on food. There has been a disastrous decrease in the food budget of the poor and the working poor. Because so much of their budget is spent on food, they, more than any other income group, have felt the full impact of inflation in supermarkets.

Second, in analyzing these price increases for the unemployed and the working poor, these conclusions can be made:

First. Simultaneous grain crop failures and Government sales of grain vastly reduced domestic supplies.

Second. The rest of the world has greatly increased its demand for both grain and nongrain U.S. farm products. The Department of Agriculture is pursuing a worldwide policy of sales of U.S. farm products.

Third. During the wage-price freezes of the Nixon administration the price of food in supermarkets simply was not subjected to the same scrutiny as other consumer goods.

Fourth. The poor usually consume the lowest cost and lowest quality items, and there is literally nowhere for them to turn in an attempt to shop down to lower cost items. Families with more money have, of course, begun to purchase less expensive items and the greater demand for these items has increased their cost to the poor.

Briefly, the bill would require the Federal Government to increase its share of State administrative expenses from 50 percent to 65 percent. It would provide funds for additional staff recruited from the ranks of the unemployed to assist State agencies in expediting the processing of food stamp applicants.

In addition, the bill would require the sale of food stamps in all U.S. Post Offices during all regular business hours. It would permit the Secretary of Agriculture to allow the sale of coupon allotments in banks and credit unions and similar institutions. Finally, this bill provides a 20 percent increase in the coupon allotment for those individuals who require special diets, because of health related problems, such as diabetes.

With these considerations in mind, I am going to include testimony from witnesses at the hearings in Detroit in an effort to focus on some of the individual, human problems faced by food stamp recipients.

Mr. President, I ask unanimous consent that testimony from the select committee hearings in Detroit be printed at the conclusion of my remarks.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

TESTIMONY

ELEANOR JOSAITIS

(Chairperson, Mayor-Common Council Task Force on Hunger and Malnutrition).

Yes, there's definitely a problem there, and the second problem is there's never enough information out in the field that tells people what they should bring with them. And, you know, it's very complex. It's very complicated, but people that are eligible, number one, they are oftentimes afraid to go down and take advantage of it because they don't want to be treated with a great deal of disrespect, and there are many people that when they are poor, all they have left is their dignity. So when they come down there, at least let us treat them with the dignity. Make it as easy as possible for people who are already living from crisis to crisis.

Yes, there is a problem and there are hundreds of people who fall beneath the cracks, Senator, who have to stand in extremely long lines, who don't know where to go to get help, who are living with a great deal of fear and insecurity right now. These are troublesome times for all of us and they are extremely troubled times in Detroit.

Senator Hart. The second thing I would like is a little fuller reaction from you on, you describe the people in attendance at this hearing and, by implication, those outside the building, as suffering controlled frustration. Now when frustration becomes uncontrolled, disorder and violence results.

To what extent do you believe the inadequacy of food programs, not just food stamps, threatens to bring us across the dividing line between controlled and uncontrolled frustration? How close are we to that kind of disaster?

Mrs. Josaitis. Senator, I think that we are closer than anybody wants to admit. I think it's extremely telling when a man with seven children walks into a ministation and says, "I have fourteen cents in my pocket. I have seven children at home and either you give it to me or I'm going to get it off the first person on the street." I think that we have to listen to that. I think that the fear is tremendous and I think that everyone in this room is saying to those who they come in contact with and the people who they have tried to help are saying, "Please, let's try to hold the lid on it. Let's try to get help. Let us tell the Senators what our problems are."

We don't want that. I don't believe that there is anybody in this room who wants that, but we do want the problem solved. We do want to know that what we are saying is listened to, that there is help on the way and, you know, I would—I would never encourage anyone to take to the streets if there was any other way to do it, but I do know the frustration. I do know the number of people who are going down and rummaging through the garbage cans for food and when they find it, they wrap it up like they are wrapping up a very fine Christmas package.

MARYANN MAHAFFEY

(Common Councilwoman, City of Detroit.)

Provisions should be made to provide additional bonus amounts of food stamps for those with special diet needs, and I would like to add for pregnant women. We know from all of the research that's been published for many years, and particularly in recent years, that when a woman is pregnant, she needs more food and more nutritious food. There needs to be an increase in the allotment for the pregnant woman.

There needs to be, also, certain changes in the administration on a state level, and this is partly dependent on what happens at the federal level. For example, mention has already been made of the high caseloads that workers have, very high caseloads. When a worker has, in the Department of Social Services, a caseload of 250 to 300 and a supervisor has 1,000 or more to supervise, the end result is that it's easy for paper to be lost on desks. And those who are on public assistance in many instances are in a worse shape when it comes to getting their application processed. Something must be done to recognize that services are important also, and to increase the staff. We did get an increase from the state for the Wayne County operation of food stamps. However, they also hired more workers to check fraud. They also have done some interesting things in addition.

For example, there was a directive that beginning February 1st, service workers are to devote two weeks of time each month to food stamp certification. This means they will be unavailable for that amount of time for adult supportive services, foster care, for the kind of job that Mr. Lerner described a little bit ago of going into the home and checking to make sure that an individual has the home health aids they need in order to stay out of the hospital.

We learned yesterday that the Office of Management and Budget in the state issued an order voiding the checks for the home chore workers who are the ones who at $9 a day go into someone's home to make sure that they have food, perhaps to help bathe a patient, in order that they can be in their home when released from the hospital. That's $9 a day compared to $21 a day in a nursing home, compared to even more for hosiptalization.

We are robbing Peter to pay Paul when we cut services in order to find workers to man the food stamp offices, when we need both; particularly in this time when unemployment is creating an increase in suicides, an increase in family tension and depression.

Some other recommendations: We believe very strongly that something must be done about the post office contract. That is a federal contract between the post office and the U.S. Department of Agriculture. However, each state must negotiate with its regions for specific provisions. So even though you have the U.S. Department of—U.S. Post Office in to testify in Washington, may we urge you to keep in mind that that over all contract will not reflect accurately what is happening in each state.

For example, in the State of Michigan, the mention has already been made that the post office does not sell food stamps between—after three o'clock and on Saturday. The person from the post office region in Detroit testified that they didn't want to sell food stamps after 3:00 or between 8:00 and 9:00 in the morning, or on Saturdays because it would interfere with their regular customers. If this is what the post office service means to the people, we better relook at that whole arrangement.

The post office has also insisted in its contract with Michigan that not all of the Authorization to Purchase cards will be mailed out at the same time because they are afraid too many people will come into the post office at once. The end result is that for some families that Authorization to Purchase card comes after they have already had to spend some of their money for food and they no longer have the sum they need to buy their food stamps.

Now, we obviously need more office locally and offices at clients' convenience, not department convenience.

Senator Hart. Well, in those fair hearings, in the cases where, after the hearing, they have been given the food stamps retroactive, does the hearing inquire why the lady has been refused?

ELLA BRAGG

(State Director Welfare Rights Organization).

No, they have not been refused. They have not been denied. They just weren't issued their food stamps because the only thing we hear is "We don't have enough help." There's no question that the person deserves the food stamps, that they should have them, and that they had done all the things, and in most cases so had the worker done all the things they were supposed to, but the food stamp is a different division from the Department of Social Services, although it's being administered by Social Services.

Senator Hart. Let me see if I can get it a little clearer. You say that three different workers——

MRS. JONES

(A recipient, member of Westside Mothers Organization—Detroit).

Right, in my case.

Senator Hart. Turned you down?

Mrs. Jones. Right.

Senator Hart. Why?

Mrs. Jones. There was no reason. There was no reason why. Every time I called or went down and asked if they would make out the necessary papers, they said they would and I never got them. I called back in a week or so and I still haven't got them.

Senator Hart. Is this what you meant by saying too much work as the excuse?

Mrs. Bragg. This is the excuse they give us, that they do not have enough help. But in so many instances, understand this, that the AP worker—this is a different worker from the food stamp worker—has done her job. She has certified the recipient for food stamps and forwarded it on to the food stamp division, but they refuse to follow up on it and we are finding in our organization that the most of the people that are getting their food stamps are people that are getting them through our organization because we are aware that they are entitled to the retroactive bonuses that they have missed.

Senator Hart. What I hope we can get a better handhold on before we get out of here, why the delays, why the delays.

What percentage, if I may ask, of your monthly income goes for food now?

Mrs. Jones. Oh, I'll say at least 40% of it.

Senator Hart. Forty.

Mrs. Jones. If not more, because like Miss Bragg said, before the month is out, you still have to pay cash for some foods for the stamps are running out.

WALTER BRAME

(Welfare Specialist of the Department of Inter-Group Community Services of the Detroit Urban League.)

The irony is that low-income, working, non-assistance families are part of the taxpaying public who help make the food stamp bonus possible.

The Detroit Urban League asks the Committee to examine the following recommendations as possible avenues of approach, leading to maximum, efficient benefits to needy persons and families:

1. Evening and Saturday hours as well as 9:00 to 4:00, Monday through Friday. A list of verifications with sufficient personnel in order that appointments for certification and recertification are honored.

2. Sufficient power in order that Wayne County's Department of Social Services can compel food stamp sales by the Department several evenings a week and on Saturday.

3. Saturday sales by post offices.

4. Centralized data on lost, strayed, stolen, undelivered, unsent, inaccurate Authorizations to Purchase in order to immediately correct Department of Social Services' originated error, commanding the attention of the computer.

We need vast improvement in Operations on the local level. We need attention given to how this program really functions by the Senate Select Committee. We need an understanding authoritative body that realizes the people of this country deserve to share in the abundance which they have helped to create.

Senator Hart: As you leave, I have just asked Counsel whether the post office has agreed to testify before the Committee in Washington, and my information is that it it yet unsettled . . . But, clearly, the obligation on this Committee is to get them in and find out if I ask a banker friend to open his bank for the sale of food stamps, why in heavens name can't we get the post office to open.

Mr. Brame: I believe we need—I'd like to remind you, Senator that we would not be asking the post office to do something that it's not ordinarily doing, anyway; it's open on Saturday morning. It just doesn't sell food stamps.

Senator Hart: As usual, Urban League has some very practical suggestions.

Under existing food stamp arrangements, the administrative costs are split 50-50.

LAURA HESS

(Director, Governor's Office of Nutrition). Right.

Senator Hart. —state and federal. How helpful would it be, in your judgment, if the federal share was increased substantially?

Ms. Hess. It would help considerably. The problem with the 50-50 split is that it only went into effect in the last part of 1974. I would assume that since the money has been appropriated at that level, hopefully, if the federal government were to take over a larger split, then the money that's been appropriated could be used for other purposes.

Senator Hart. I have an uneasy feeling we'd be lucky to get increased on what we have, but we can try. But in any event, the answer is additional federal assistance to the state in the administrative operation of the program would be useful and you recommend it.

Ms. Hess. Emphatically, yes.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 983. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. Fannin) a bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the Record at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., February 18, 1975.
Hon. Nelson A. Rockefeller,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a proposed bill "To amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands."

Late in the 93rd Congress legislation was introduced and hearings were held on the Administration's proposal to authorize appropriations for the continuance of the civil government of the Trust Territory for fiscal year 1975 and 1976. The reason for the two year proposal was that it would coincide with Stage I of the transition of Micronesia to a new political status. Since that legislation was introduced, negotiations with the Congress of Micronesia's Joint Committee on Future Status have experienced some delay. It now appears that Stage I of the transition will also include fiscal year 1977. The attached Departmental proposal has been amended to reflect that change in schedule in including fiscal year 1977. In addition, authorizations have been included for the transition quarter between fiscal year 1976 and fiscal year 1977. This transition quarter will cover July 1, 1976 through September 30, 1976. We recommend new consideration of the proposed bill and strongly urge that it be enacted.

Public Law 93–111 currently authorizes the appropriation of $60 million for fiscal year 1975. Our proposed bill would authorize a total annual appropriation of $75 million for fiscal year 1975, and the 1975 constant dollar equivalent of $80 million for 1976, $15.1 million for the transition quarter and $79 million for 1977. Section 2 of our proposed bill would authorize $1.5 million for a special program to aid transition of the Mariana Islands District to a new commonwealth status as a territory of the United States.

The Trust Territory of the Pacific Islands is administered by the United States pursuant to a strategic trusteeship agreement concluded in 1947 with the Security Council of the United Nations. Governmental responsibilities are carried out through a territorial government which has executive and judicial branches, and a bicameral legislative body composed entirely of Micronesians.

Under the trusteeship agreement, the United States is charged with the promotion of political, social, educational and economic development. Beginning in 1964, with the establishment of the Congress of Micronesia, political development in the Trust Territory has been rapid and, by most accounts, effective. Indeed, the United States has been engaged since 1969 in continuing negotiations with the Micronesians to determine new political relationships for the area. One major topic of the negotiations is the future financial assistance by the United States to Micronesia.

The bulk of the increased annual authorization would be devoted to the Department's accelerated capital improvement program which the Secretary of the Interior announced in a January 1974 speech to the people of Micronesia. The accelerated capital improvements program has been agreed to because, despite a great expansion of Micronesia's capital plant over the past six years, much remains to be done. The accelerated program is designed for construction of such rudimentary physical infrastructure as will be necessary for a sound and self-sufficient economy. To the extent possible, we would like to have this physical infrastructure in place within the next few years before the trusteeship gives way to a new political status for Micronesia in order to make economic self-sufficiency a more feasible goal when the trusteeship ends.

This policy dovetails with concern over the economy expressed by members of the Congress of Micronesia who cite roads, airports, and shipping facilities as high priority items. Construction or improvement of these and other facilities is vital to education, health, commerce, and even the most simple operations of government and private enterprise in the Trust Territory. Their importance is underlined by the fact that Micronesia's 115,000 population is scattered across 3,000,000 square miles of ocean.

The proposed program will reflect a policy of holding down the cost of governmental operations in order that maximum funding may be devoted to important capital improvement projects. The on-going Trust Territory Government program of replacing U.S. personnel with qualified Micronesians will remain an integral part of policy in Micronesia. Future requests for appropriations will also seek to continue the fledgling program for education in self-government and ongoing programs the fields of health and education. In addition, we look for improvement in communications and transportation among the 2100 islands of Micronesia.

The bill provides an authorization of $80,000,000 for 1976, $15,100,000 for the transition quarter and $79,000.00 for 1977 plus or minus such amounts as will offset changes in the purchasing power of the U.S. dollar measured by the Gross National Product Implicit Price Deflator. This last provision is necessary for implementing an agreement reached in the negotiations. The selection of the GNP Implicit Price Deflator as the appropriate index is based on the need to have as broad and objective an indicator as possible of the changes in the purchasing power of the U.S. dollar.

Our proposal for an expanded authorization would make unnecessary the existing authorization of $10,000,000 for terminated categorical grant programs past its present expiration date at the end of fiscal year 1975. We note that in fiscal 1975 only $700,000 were appropriated to cover such terminated grants.

Section 2 of the proposed legislation relates to the negotiations between the United States and the Marianas Political Status Commission which will lead to a new Commonwealth status as a territory of the United States for the Marianas Islands District.

The U.S. Congress has final approval authority over these negotiations. Section 2 would authorize the appropriation of $1,500,000 for a special program of transition in the Marianas which will include, among other things, a constitutional convention and referendum, a political status plebiscite, political education programs and economic, fiscal and physical planning studies. The need for these funds is quite urgent since the agreement was signed on February 15, 1975, at which time the transition phase began.

The proposed increases in authorization are endorsed by Ambassador Franklin Haydn Williams, the President's Personal Representative for Micronesian Status Negotiations. The proposal in section 1 is deemed vital to our negotiating efforts since it reflects the tentative agreements reached with the Congress of Micronesia's Joint Committee on Future Status at Carmel, California, in March 1974. Section 2 supports the agreement on a Marianas transition program reached in Saipan in May 1974 during the Fourth round of Marianas political status negotiations.

The Office of Management and Budget has advised that the presentation of this proposed legislation is in accord with the program of the President.

Sincerely yours,

Royston C. Hughes,
Assistant Secertary of the Interior.

By Mr. JACKSON (for himself, Mr. Abourezk, Mr. Brooke, Mr. Bumpers, Mr. Church, Mr. Cranston, Mr. Gravel, Mr. Philip A. Hart, Mr. Gary W. Hart, Mr. Haskell, Mr. Hatfield, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. McGee, Mr. Magnuson, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Nelson, Mr. Packwood, Mr. Randolph, Mr. Ribicoff, Mr. Stevenson, and Mr. Tunney):

S. 984. A bill to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land resource programs and to assist Indian tribes to plan the use of tribal lands; to encourage expeditious energy facility siting decisions; to coordinate Federal programs which significantly affect land use; to encourage research on and training in land resource planning and management; to establish an Office of Land Resource Planning Assistance in the Department of the Interior; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

LAND RESOURCE PLANNING ASSISTANCE ACT

Mr. JACKSON. Mr. President, I introduce for myself and several of my colleagues S. 984, the Land Resource Planning Assistance Act. The basic purpose of the proposal is to encourage improvement in State and local land resource decisionmaking—decisionmaking which considers, balances, and where possible, accommodates all competing demands for the land—economic and noneconomic—in an open manner with the full participation of landowners and the public.

This purpose is achieved principally through a program of voluntary grants, totaling $800 million over 8 years, to the States to assist them to inventory their land resources, retain competent professional staff, develop planning and institutional procedures to both avoid, and resolve unavoidable, land resource conflicts, and to develop and implement land resource programs for critical areas and uses of more than local concern. The bill would also encourage better coordination of Federal programs and projects which significantly affect land use; provide grants to Indian tribes to assist them to plan the use of tribal lands; assist research on land resource issues such as reducing delays in licensing procedures and forecasting secondary growth and its impacts; and encourage expedited energy facility siting and licensing in accordance with both energy demand projections and energy conservation programs. This measure is a revised and simplified version of my earlier proposals which passed the Senate in 1972 and 1973 by votes of 60 to 18 and 64 to 21, respectively.

This new bill, like its two Senate-passed predecessors, reflects my strong contention that past failures to anticipate and accommodate competing demands for our finite land base have precipated many of the most crucial problems and conflicts facing all levels of Government, including those related to the protection of environmental amenities; siting of energy facilities and industrial plants; design of transportation systems; provision of recreational opportunities, and water and sewage facilities, police and fire protection, and other public services; and development and conservation of natural resources.

IMPENDING LAND USE CRISIS

If we perpetuate these failures by continuing to indulge in the ad hoc, short term, case-by-case, crisis-to-crisis land resource decisionmaking so prevalent today, we will shortly be facing a land use crisis of major dimensions. Recognition of this impending crisis is becoming widespread. It is reflected in such diverse, largely defensive actions of worried citizens and public officials as the passage of no growth referenda and sewer moratoria at the local level and the submission and introduction of an increasing number of bills in Congress calling for Federal intervention in State and local land resource decisionmaking. It is dramatically demonstrated in the growth statistics which indicate that—

Over the next 30 years, an additional 19.7 million acres of undeveloped land will be consumed by urban sprawl—an area equivalent to the States of New Hampshire, Vermont, Massachusetts, and Rhode Island.

Each decade's new growth will absorb an area greater than the entire State of New Jersey.

Each year the equivalent of 2½ times the Oakland-San Francisco metropolitan region must be built to meet the Nation's housing goals.

By the year 2000, over 3.5 million acres may be paved over for highways and airports.

By the end of the century, 5 million acres of valuable agricultural land may be lost to public facilities, second home development, and waste control projects, and another 7 million may be taken for recreation areas.

Finally, in the next two decades, one industry alone—the energy industry—will require vast areas of land; new high voltage transmission lines will consume 3 million acres of new rights-of-way, while nearly 400 new major generating stations will require hundreds of thousands of acres of prime industrial sites.

In short, Mr. President, between now and the year 2000, we must build again all that we have built before. We must build as many homes, schools, hospitals, and office buildings in the next three decades as we built in the previous three centuries. For all but the last few decades of those previous three centuries, our citizens enjoyed a superabundance of free land. There was always more land over the next rise as our settlements grew and spread westward across the continent. Gone are the days, however, when there was always land enough for all people and all uses. Today, in the face of the mounting pressures of technological advances, population growth, and rapid urbanization, land has become our most valuable resource—an all too finite resource. Unlike air, water, and many minerals, land cannot be recycled. Mountains carved by strip mines, wetlands dredged and filled, or streams "channelized" can seldom be returned to their former use or beauty. Land once committed to a use today is often unable to support a different use in the future more closely attuned to our children's or grandchildren's values or goals.

It has become increasingly obvious to environmentalists and industrialists alike, to both urban and rural interests, and to private citizens and public officials that the problem of exponential growth in the last quarter of the 20th century cannot be met with 19th century laws and procedures. We simply cannot afford to continue to absorb the enormous costs in economic losses, delays, resource misallocations, and adverse social and environmental effects which have been and will be exacted by our failure to plan for the sound and balanced use of our land base. In the past, many land resource decisions were the exclusive province of those whose interests were selfish, short term, and private. In the future—in the face of immense pressures on our limited land resource—these decisions must be long-term and public.

A STATES RIGHTS BILL

The Land Resource Planning Assistance Act is a States rights bill. If enacted, it would constitute a congressional statement of belief that, with Federal financial and technical assistance, State and local governments can develop their own innovative land resource policies and procedures to meet the land use crisis. With such encouragement our State and local governments can avoid the unnecessary, unwise extremes of no growth localism and progrowth Federal preemption bred of exasperation over existing ineffectual land resource decisionmaking.

Many States are already considering legislation to deal with mounting land use problems and pressures. They are anxious to meet the challenge. All they need is the assurance that sufficient technical and financial resources will be available to implement the land resource legislation they enact. The Land Resource Planning Assistance Act would provide that assurance by offering grants to the States to assist them to develop land resource programs involving critical areas and uses of more than local concern—programs which open land resource decisionmaking to full participation of landowners and the public. This assistance would be provided absent any conditions allowing the Federal Government to substitute its own policies for those of the States. Furthermore, there would be no sanctions should the States decline to participate.

WIDELY FAVORED PROPOSAL

Mr. President, the Land Resource Planning Assistance Act is a realistic and widely favored proposal. It has received the endorsement of the National Governors' Conference, the Council of State Governments, the National Association of Regional Councils, the League of Cities, the Conference of Mayors, the AFL–CIO, National Association of Industrial Parks, League of New Community Developers, and all the major environmental organizations and such diverse publications as Business Week, the New York Times, Wall Street Journal, Washington Post, Washington Star-News, Kansas City Star, Akron Beacon Journal, Fort Wayne Journal Gazette, Boston Globe, St. Louis Post Dispatch, and Minneapolis Star.

The need for land resource legislation has been identified by the Douglas Commission, the Kerner Commission, the Kaiser committee, the Advisory Commission on Intergovernmental Relations, the National Estuarine Pollution Study and the National Estuarine Inventory, the Task Force on Land Use and Urban Growth of the Citizens Advisory Commission on Environmental Quality, and numerous other study commissions.

PROTECTION OF STATE AND LOCAL DECISIONMAKING AND PRIVATE PROPERTY RIGHTS

Despite the widespread support this legislation has received, it has also been the target of a campaign of strident sloganeering. These sloganeers contend that we cannot give direction to growth and make dire predictions of ruin—"destruction of property values," surrender of local control, "rampant socialism"—should the laws of the free market be amended, no matter how slightly, by the laws of society. They argue that public planning and implementation of policies to protect the public interest and the environment somehow invade constitutionality protected rights.

Quite the contrary, the Land Resource Planning Assistance Act is perhaps the Nation's best and probably its last chance to preserve and to invigorate State and local land resource decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats in places far removed from the sites of land resource problems.

If State and local governments do not accept the challenge implicit in this bill and such other voluntary assistance programs as the Coastal Zone Management Act, the only solution will likely be the usual solution for national problems: Federal control. No one wants Federal controls, but if we fail to enact this measure and turn our backs on the critical land resource problems we face, that is what we will have by the end of the decade. Problems have a way of turning into crises. And crisis situations tend to bring forth strong and often heavy-handed Federal responses which ignore traditional State and local responsibilities and prerogatives. The failure to enact this legislation to meet the impending land use crisis may have the inevitable result of precipitating a kind of "national zoning". At a minimum, we will be pressured to accept more bills similar to that proposed by the President for energy facility siting—bills calling for Federal intervention in State and local policymaking on one type of land use decision after another. I, for one, believe we cannot continue to countenance single-minded, single purpose Federal preemption of land resource decisionmaking whether it be for the purpose of siting refineries and pipelines or the cleansing of our air and water. I prefer to give the States and local governments the opportunity and assistance to prove that they can solve difficult land resource problems, before we cavalierly assume they cannot and pre-empt their rights to do so.

In addition, the bill contains specific provisions which guarantee constitutionally protected property rights and access to courts for those who feel their rights have been denied. These provisions are stronger than language in any other Federal land-resource legislation already enacted into law: the Coastal Zone Management Act; the Housing Act of 1954; and the Land and Water Conservation Fund Act. Again, if the Land Resource Planning Assistance Act is not enacted and if the challenges it provides are not met—if, instead, in a crisis atmosphere we turn to "national zoning"—then many property rights may not survive.

We must not forget we have always had controls—we have never allowed land to be used in absolute freedom by its owners. We must remember that our controls over land have had as their principal purpose the protection, not the denial, of property rights and values. Even at the birth of our Nation the original States and their cities placed controls upon land and the courts restricted the uses of land under the nuisance doctrine. By the 1930's most of the cities and counties of this country had zoning laws, building codes, and other controls which restricted property use. These restrictions did not reduce property values, rather they were used to increase property values both for the owners and for the property tax-dependent governments. For example, home values were protected and enhanced by land use controls in residential areas which prohibited such uses as stockyards, tanneries, factories, and dance halls.

We all know of the abuses of many of these traditional land use controls, including zoning. Too often, a local zoning body will allow a use of land that will clog the streets, pollute the air, crowd the schools, and add to the tax burden of people living outside its jurisdiction. These people have no chance to alter this undemocratic decisionmaking because they can neither participate in the decision nor vote for the officials who made it.

The Land Resource Planning Assistance Act does not require—and I want to emphasize this—a whole new set of land use controls. It encourages changes in the zoning and other land use controls, not necessarily to place greater restrictions on land, but to insure that the existing land resource decisionmaking considers social and environmental needs and not just caters to economic interests. In addition, the bill would make certain that our existing decisionmaking respects the interests and allows the participation of all the people who would feel the impacts of land use decisions—not just those who live within the jurisdiction of the decisionmaker or have the best means to influence his decision in their favor.

In short, Mr. President, I believe the nay-sayers of this bill do a real disservice to their own constituency. This bill constitutes the best protection possible for basic property rights and against Federal intervention in State and local land use decisionmaking.

SUMMARY OF THE PROVISIONS

The Land Resource Planning Assistance Act has been redrafted from the bill which last passed the Senate, not to alter its substance or purpose, but to reduce its length, simplify its text, and eliminate controversial or confusing provisions. I will confine my remarks here to a summary of the major provisions of the bill and ask unanimous consent that at the end of my statement there be printed in the RECORD a short description of the differences between this bill and the measure which the Senate passed last Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRANTS TO STATES

Mr. JACKSON. In recognition that many land resource decisions today have major impacts on the citizens, the economy, and the environment beyond the immediate borders of the local zoning bodies, the act provides grants to the States, as representatives of wider public interests, to develop, in 5 years and in partnership with local government, State land resource programs for several categories of critical areas or uses of more than local concern: areas of critical State concern—wetlands, flood plains, wildlife habitats, historic sites; secondary-growth causing, key public facilities—major airports, highways and highway interchanges, water and sewage treatment facilities, and recreation facilities; prime food and fiber producing lands; large scale private development—large subdivisions and industrial parks; installment land sales or recreational home development projects in rural areas; and energy facilities.

Under the philosophy that one cannot plan wisely for the use of a resource or any significant portion of it without as complete a knowledge of it as possible, a principal component of the land resource program is a land resource planning process involving the inventorying of the land and the competing demands for its use. Other components of the land resource program to be assisted by the bill would be the development of a land planning agency, the study of existing State and local land use authorities, and the establishment of methods to provide for full landowner and public participation in, and effective implementation of, the program.

Several points should be emphasized: The bill does not contemplate sweeping changes in the traditional responsibility of local government for land resource management. The land resource decisions of local concern, which the American Law Institute estimates to be over 90 percent of all decisions, will continue to be made by local government. However, for land resource decisions which would have significant impacts beyond the jurisdiction of the local public or private decisionmakers, the bill encourages wider public participation and review by the State. The procedures for and nature of, State involvement in critical areas and uses decisions are left to the determination of the individual States and local governments, subject only to certain due process procedural requirements, such as participation of property owners and the public, appeals, and dissemination of data, and to certain requirements that the necessary authorities to implement the land resource program exist. To insure that the States and local governments have the flexibility to develop their own innovative procedures and methods, two alternative but not mutually exclusive techniques of implementation of State land resource programs are suggested: local implementation pursuant to State guidelines—as done in Florida, Oregon, and Colorado—and direct State planning—as done, in part, in Hawaii and Vermont.

The grants to the States for the development and implementation of land resource programs would total $100 million per year for 8 years, at 90 percent Federal share of the cost for 5 years, and 66⅔ percent thereafter.

OTHER GRANT PROGRAMS

The act also provides $10 million annually at 100 percent of cost for 8 years for grants to Indian tribes to assist them to plan tribal lands and $2 million annually for 8 years for grants for research and training in land resource planning and management.

LIMITED FEDERAL ROLE

The Federal review of State land resource programs is to focus not on the substance of each program, but on whether each State has authority to develop and implement its program and whether it is making good faith efforts to do so. This is in keeping with the proposal's purpose to encourage better and more effective land resource decisionmaking at the State and local levels, and not to provide substantial new land use decisionmaking authority to Federal agencies or allow the Federal Government to intervene in State or local decisionmaking. Furthermore, if any State should feel that it has been declared ineligible for grants on improper substantive policy grounds or any other grounds not permitted under the bill, the bill invites the State to appeal to the court of appeals to have the ineligibility determination overturned.

Rather than increasing Federal authority the bill would actually provide the States with a better handle on Federal activities within their borders by requiring that Federal activities which significantly affect land use in States receiving grants under the proposal be consistent with the State land resource programs except in cases of overriding national interest as determined by the President.

Guidelines for the Land Resource Planning Assistance Act are to be promulgated by the President. Federal determination of State grant eligibility is also not a line agency responsibility as the bill provides for interagency review of grant applications. The Secretary of the Interior, through an Office of Land Resource Planning Assistance, would administer the grant programs.

Certainly, the land use impacts of Federal and federally assisted program exert the most profound influences upon local, State, and national land use patterns. Yet, often, these programs either have conflicting land use implications or the Federal officials administering them are not fully cognizant of their land-use impacts. My proposal requires the Federal Government to "put its own house in order" at the same time that it asks the States to do likewise. The Secretary of the Interior is directed to consult with heads of other agencies and to form a land resource advisory board to provide interagency communication concerning the land use impacts of and policies embodied in Federal and federally assisted programs.

WHAT S. 984 DOES NOT DO

The proposal takes the unusual step of stating in the very beginning—in section 3—what are not its purposes by prohibiting the construing of any of its provisions to find such purposes. Among the denied purposes are any diminishing of the rights of property owners or the permitting of the Federal Government to intercede in any State or local government land resource decisionmaking.

ENERGY FACILITY PLANNING

The Land Resource Planning Assistance Act contains a new title, addressed to energy facility planning issues, not included in the Senate-passed bill of last Congress. Title III encourages the development of State energy facility planning programs as integral components of the State land resource programs and establishes an expedited Federal energy facility licensing program. Contrary to provisions of the President's proposed energy facility siting bill, S. 619, the State energy facility planning programs portion of title III of my bill focuses on planning rather than siting; encourages the integration of that—otherwise single purpose—planning with the comprehensive planning in the State land resource program; provides for no Federal override of State decisionmaking; and encourages consideration of energy conservation measures to reduce siting needs. The expedited Federal licensing program established by title III does not add to or pre-empt various Federal agencies' licensing authorities, but instead provides a streamlined procedure for obtaining those agencies' approvals or disapprovals of energy facility license or permit applications. It is not a "one-stop" but a "fair stop" proposal.

As this title is new and, unlike the other provisions of the bill, has not been the subject of extensive hearings and floor debate, I would like to explain the philosophical basis of its provisions and of the differences between it and the administration's proposal.

In recent years, we have heard increasing complaints about the inability of industry to site needed energy facilities. Yet reports of the Federal Power Commission, the Atomic Energy Commission, the Office of Science and Technology, the National Petroleum Council, the Edison Electric Institute and other governmental and industrial entities have all concluded that, with some important exceptions, siting problems have not been among the most significant of constraints on the construction and operation of new energy facilities. Instead, they point to management problems, government policies, capital and materials shortages, equipment failure, and labor problems.

The purpose of the title, then, is not simply to remove uncertain constraints in energy facility siting but rather to provide for a more rational, balanced, open, and rapid siting decisionmaking.

In his state of the Union message to Congress on January 15, 1975, President Ford stated that in the next 10 years his energy program "envisions 200 major nuclear powerplants * * * 150 major coal-fired powerplants, 30 major new oil refineries and 20 major new synthetic fuel plants."

The social and environmental impacts of these facilities, should they be proven needed and ultimately constructed, will be extraordinary. Given the potential impacts of this program or, for that matter, almost any alternative program put forward to date, and given the importance of energy to our national well-being and security, it stands to reason that energy facilities should be subjected to careful planning. But what kind of planning?

I believe that, first, the planning must be balanced. It must not be left solely to the necessary, but necessarily limited, vision and interests, shaped largely by economic concerns—and, in the case of utilities, by their very charters—of utility board members or corporation executives or to the equally important, but sporadic, ad hoc, and often litigious, opposition of determined environmentalists. We can no longer countenance a facility siting process which selects sites solely on the economic basis of cost or on the political basis of least community resistance.

This balanced decisionmaking can be obtained only through full participation of the public with all its varied interests, and the extent to which the public participates is dependent on the extent to which the decisionmaking process is the responsibility of public agencies. Public agencies do have siting authority, but the authority has been tail end authority—authority not to effect or substantially affect the siting decisions but only to second or deny decisions already made by the energy industry. Under traditional methods of siting energy facilities, the utility or company determines the type of facility required to meet that demand, quietly acquires the land upon which the facility will be sited, and at virtually the "last minute"—just in time to meet construction deadlines—applies to regulatory agencies for the necessary site approval, permits, or licenses.

Under these circumstances, there is little opportunity for any party other than the utility or company to conduct large scale planning. The public is effectively precluded from participating in the site selection process. And, reasoned regulation by governmental agencies is easily frustrated because the utility or company can argue that any delay for proper study or revision of the industry proposal would adversely affect electric power reliability or fuel production or transportation. The pressure on both the public and the Government to avoid questioning an industry proposal is increased by the extent of the pre-licensing financial commitments, often in the millions of dollars, already made to the project. Hence, the Government is left with one usual course of action: rubber stamp the siting proposal. Only if the proposal is clearly perceived to have major shortcomings may the Government resist "construct now" pressures and question the facility. But the siting statutes' own shortcomings too often so handcuff the relevant Government that it cannot work constructively with the proposal; instead, it can only veto it outright, an occurrence which is happening more frequently these days.

Given a need for a stronger governmental role in energy facility planning, the question arises as to how that planning is to relate to the much broader comprehensive planning receiving new emphasis among State and local governments and in Federal legislation—such as this Land Resource Planning Assistance Act, the Coastal Zone Management Act, and the Community Development Act. Should we limit Federal assistance to single purpose energy facility planning as the President's proposal would do or encourage its integration in comprehensive planning as my bill would do? Should we join the President in calling for Federal pre-emption of energy facility siting decisions and thus impose narrow, mission-oriented Federal planning on comprehensive planning at the State and local level?

I believe the questions are answered immediately when one reviews the severe demand for land which will be made on behalf of energy facilities. The 1970 National Power Survey of the FPC disclosed that 395 new generating plant sites would be required between 1971 and 1990. The Office of Science and Technology noted that the larger 3,000 megawatt stations which will be constructed in the future will each require as much as 1,000 acres of land.

As I have noted, in the next 20 years new high-voltage transmission lines will consume 3 million acres for new rights-of-way—an area the size of Connecticut. In reducing the problem to the absurd, one commentator suggested that, if the current rate of doubling of the generating capacity every 10 years continues, within two centuries all available land within the United States would be used by powerplants, leaving no room even for transmission lines. A North Carolina utility executive found that within his utility's market area more land would be needed for new energy facilities than the total land area of the market within only 77 years. Clearly, if such pressures for land are given preference over all other economic, social, and environmental demands for the same resource, comprehensive planning would be routed. To accommodate energy facilities within our finite land base without destroying that base in the process, comprehensive planning must be strengthened, not partially displaced.

Finally, energy facility planning should not concentrate fully on supply as is encouraged in the President's proposal. To do so would be self-defeating. There should be no automatic assumption of the existing energy demand trend. If such an assumption is allowed to stand—if energy facility planners are not mandated to question whether additional capacity is broadly consonant with public policy—then the legislation will only serve to foster profligate demand and the waste and inefficient use of fuels and electric power and, by relieving public pressure for conservation action in the face of possible shortages, postpone critically needed Federal policy attention to curbing the demand trend. If such waste and inefficient use is allowed to continue or is even encouraged by a ready supply of additional fuels or energy made available by quick siting of energy facilities in the first few years, it is questionable whether any system of planning and siting of energy facilities could, over the long run, keep pace with the very demand it would help to encourage. Because demand can seldom be adequately questioned in the context of siting an individual facility, if it is to be questioned at all, it must be on a generic basis; it must be ingrained in the whole planning process.

If however, we are going to place greater emphasis on public planning we have the responsibility to provide assurances that the planning will be conducted expeditiously. Existing siting authority has been balkanized both within and between governmental levels, creating unnecessary duplication of efforts and delay. Any utility or corporation officer worthy of his salary can cite numerous frightful anecdotes on the large number of licenses or permits required in even the simplest action and the conflicting procedures for and requirements of those licenses or permits.

Even in areas where a single level of government has exercised strong preemptive authority, siting decisionmaking still remains elusively diverse. For example, in the case of the Atomic Energy Act in which Congress clearly asserted Federal authority over nuclear power facilities, the States may still regulate thermal discharges and chemical effluents and may require compliance with building codes and zoning ordinances—all critical factors in siting decisionmaking.

The absence of collateral estoppel among administrative proceedings means that the same issues may be raised again and again in obtaining the numerous licenses or permits for a single siting action. Furthermore, multiple licensing deprives agencies of their initiative to act on, rather than react to, a siting proposal and of their power to consider alternatives. For example, if 10 agencies are involved in licensing a particular agency facility, the tenth will feel constrained not to insist on a major change in plans which will affect the other licensing proceedings and result in substantial delays. Multiple licensing situations also make timely settlement of conflicts between siting applicants and intervenors less likely because of the obvious difficulties in obtaining the participation in the negotiations of all the agencies which would have to incorporate the settlement in their licenses or permits.

Clearly, energy facility licensing procedures can and should be made more efficient. This does not require, however, the so-called "one-stop" certification process which some hold forth as the answer to the multiple licensing problem. One-stop licensing can result in totally unbalanced decisionmaking, particularly if conducted by a single agency or commission with a particular, well-ingrained bias, whether environmental or developmental. Furthermore, it can frustrate the participation of the public and numerous important governmental and private spokesmen of divergent expertise and views. By adding sufficient powers necessary to make a one-stop permit possible, it may be necessary to strip a number of other programs of critically important authority, thus increasing the inefficiency of, and perhaps the incidence of multiple licensing in, these other programs.

The approach taken in the expedited Federal energy facility licensing program portion of title III is not to mandate a one-stop procedure pre-empting Federal agencies' authorities, but rather to speed the decisionmaking of those agencies by authorizing the Administrator of the Federal Energy Administration to design composite applications for energy facilities, to designate lead agencies for those applications, and set deadlines for all agencies' actions on the applications.

In a December 24, 1974, editorial, the Washington Post stated:

> Few subjects could be more relevant to energy and the economy (than land-use planning). A generation of suburban sprawl fostered the national dependence on fuel-hungry private cars. Proposed strip-mining of vast stretches of the West has enormous implications for food production. The list of interrelationships goes on. Indeed, it is no exaggeration to say that the nation's ability to shape and carry out sound energy policies may depend substantially on land-use decisions and the ways they are made.

Title III would build on these interrelationships between land use decisionmaking and energy policies with the purpose of bettering both.

CONCLUSION

I urge early and favorable action on this measure. It is the product of long and careful study by this body and the Interior Committee. It has been under active consideration for 5 years and the subject of 26 days of hearings in three committees in the Senate alone. It has been reported three times by the Interior Committee, and it has been passed by the Senate twice.

In an August 15, 1972, editorial in the Wall Street Journal favoring an earlier version of my proposal, the Journal's editors stated:

> If the Jackson bill fails to make it through this Congress it may be two years from now, in the second session of the new Congress, before it will have much chance. And since it will take the states some five years to work out their planning procedures under the bill, final implementation would be seven years away. Judging from the planning hassles that already are taking place around the country, that could prove to be too long to wait.

Two and a half years have passed since that plea for swift enactment of this proposal was made. The sense of urgency expressed then deserves reiteration today.

Mr. President, the chaotic land use decisionmaking of the present will insure an unsightly, unproductive, and unrewarding land resource for the future. To avoid this unfortunate tomorrow, we must improve our land resource policies, procedures, and institutions. I commend the Land Resource Planning Assistance Act to my colleagues as the best vehicle to achieve this improvement.

Mr. President, I ask unanimous consent that at the end of my remarks, in addition to the description of differences between this year's and last year's bills, there be printed the text of the bill itself.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) SHORT TITLE.—This Act may be cited as the "Land Resource Planning Assistance Act".

(b) TABLE OF CONTENTS.—

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PART A—STATE ENERGY FACILITY PLANNING PROGRAMS

Sec. 303. State energy facility planning programs.
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Sec. 307. Expedited Federal energy facility licensing program.

TITLE IV—PROGRAM OF ASSISTANCE TO INDIAN TRIBES

Sec. 401. Grants to Indian tribes.
Sec. 402. Study commission.

TITLE V—AUTHORIZATIONS AND ALLOCATIONS

Sec. 501. Authorizations of appropriations.
Sec. 502. Allocations.

SEC. 2. STATEMENT OF POLICY AND PURPOSE.—(a) The Congress, recognizing that the Nation's land is its most valuable national resource and that the maximum benefit to all from this resource can be achieved only with the development and implementation of wise and balanced State and local land resource policies, declares that it is the continuing policy of the Federal Government to render assistance to State and local governments to enable them to develop and implement such policies.

(b) It is the purpose of this Act to—

(1) assist the several States to exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land resource programs;

(2) assist Indian tribes to inventory and plan the use of reservation and other tribal lands;

(3) increase the coordination of the activities of Federal agencies which significantly affect land use and of such activities with State land resource programs;

(4) encourage expeditious planning and siting of energy facilities;

(5) provide for meaningful participation of property owners, users of the land, and the public in land resource planning and management;

(6) encourage research on and training in land resource planning and management; and

(7) promote the development of systematic methods for the exchange of information pertinent to land resource decisionmaking among all levels of government and the public.

SEC. 3. RIGHTS OF STATES AND PROPERTY OWNERS AND EFFECT ON OTHER EXISTING AUTHORITY.—Nothing in this Act shall be construed to—

(1) enhance or diminish the rights of owners of real property as provided by the Constitution of the United States or the constitution of the State in which the property is located;

(2) authorize or direct the Secretary or any Federal official to intercede in a State or local government or private land resource planning or management decision with respect to non-Federal lands;

(3) authorize or direct the Secretary to manage or regulate non-Federal lands, through the issuance, approval, or disap-

proval of substantive State land resource policies, standards, or criteria, or as a condition of eligibility for grants under this Act;

(4) require States to intercede in land resource planning and management decisions of purely local concern;

(5) enhance or diminish the authority of a State to control the use of any land owned or held in trust by the Federal Government within such State;

(6) adversely affect the entitlement of a State to receive any grant under any other Federal program;

(7) except as provided herein, change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office;

(8) expand or diminish Federal, interstate, or State jurisdiction, responsibility, or rights in the field of land and water resources planning, development, or control; to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States, a State, or a region and the Federal Government; to limit the authority of Congress to authorize and fund projects;

(9) supersede, modify, or repeal existing laws applicable to the various Federal agencies which are authorized to develop, or participate in the development of, land and water resources or to exercise licensing or regulatory functions in relation thereto; or affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico;

(10) supersede, repeal, or conflict with the Coastal Zone Management Act of 1972 (86 Stat. 1280);

(11) expand or extend Federal review or approval authority to an energy facility or part thereof not otherwise covered by Federal law;

(12) authorize or require the termination of any existing trust responsibility of the United States with respect to the Indian people;

(13) delay or otherwise limit the adoption and vigorous enforcement by any State of standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans which are no less stringent than the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by the Federal Water Pollution Control Act, the Clean Air Act, or other Federal laws controlling pollution; or

(14) adopt any Federal policy or requirement which would prohibit or delay States or local governments from adopting or enforcing any law or regulation which results in control to a degree greater than provided for in this Act of the use of land in any area over which the State or local government exercises jurisdiction.

Sec. 4. Definitions.—For the purpose of this Act—

(a) "Administrator" means the Administrator of the Federal Energy Administration or the head of the agency designated by the President to carry out the functions assigned to the Administrator in this Act upon the termination of the Federal Energy Administration.

(b) "Areas of critical State concern" means areas on non-Federal lands defined, identified, and designated by each State pursuant to sections 102 and 106.

(c) "Board" means the Interagency Land Resource Advisory Board established pursuant to section 203.

(d) "Developer" means any person or persons who directly or indirectly, through any formal or informal combination or aggregation, own or control a tract or tracts of land for which such person or persons propose a "project" as defined in subsection (k) hereof.

(e) "Director" means the Director of the Office of Land Resource Planning Assistance established pursuant to section 202.

(f) "Energy facility" means any of the following new facilities or additions to existing facilities: (1) electric generating plants with a capacity of three hundred megawatts or more; (2) petroleum refineries with a consumption capacity of fifty thousand barrels per day or more of crude oil; (3) synthetic gasification plants, oil shale processing plants, coal liquefaction and gasification plants, liquified natural gas conversion facilities, and uranium enrichment facilities; (4) offshore petroleum loading or marine transfer facilities within State jurisdiction; (5) transmission lines and pipelines associated with the above facilities; and (6) any other facilities or additions to facilities defined and identified by each State pursuant to sections 102 and 303.

(g) "Federal lands" means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except reservation and other tribal lands as defined in subsection (q) hereof and the Outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (67 Stat. 462).

(h) "General purpose local government" means any general purpose unit of local government as defined by the Bureau of Census and any regional, intergovernmental, or other public entity which is deemed by the Governor to have authority to conduct land resource planning on a general rather than a strictly functional basis.

(i) "Indian tribe" means any Indian tribe, band, pueblo, colony, rancheria, or community which receives or is eligible for the special programs and services provided for Indians because of their status as Indians, including Alaska Native village or group as defined in the Alaska Native Claims Settlement Act (85 Stat. 688).

(j) "Key facilities" means major public facilities on non-Federal lands which tend to induce development and land use of more than local impact, including major airports, highways, and frontage access streets, and other major transportation facilities; major water supply systems, sewer trunk lines, and sewage or wastewater treatment facilities; and major recreational land and facilities, as defined and identified by each State pursuant to sections 102 and 106.

(k) "Land sales or development projects", "projects", or "project" means any of the activities set forth in clauses (1) through (3) of this subsection which occur on non-Federal lands ten miles or more beyond the boundaries of any standard metropolitan statistical area or any other general purpose local government certified by the Governor as possessing the capability and authority to regulate such activities:

(1) the partitioning or dividing into fifty or more lots for sale or resale primarily for housing purposes within a period of ten years of any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer as defined in subsection (d) hereof;

(2) the construction or improvement primarily for housing purposes of fifty or more units within a period of ten years on any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer, as defined in subsection (d) hereof, including the construction of detached dwellings, townhouses, apartments, and trailer parks, and adjacent uses and facilities, whatever their form of ownership or occupancy; and

(3) such other projects as may be designated by the State pursuant to sections 102 and 106.

(l) "Large scale development" means private development on non-Federal lands which, because of its magnitude or the magnitude of its effect on the surrounding environment and public resources, is likely to present issues of more than local significance in the judgment of the State. In determining what constitutes large scale development pursuant to sections 102 and 106, the State should consider, among other things, the number of persons likely to be present and the size of the site to be occupied; the potential for creating environmental problems such as air, water, or noise pollution; the requirements for water and sewage systems, police and fire protection, transportation facilities, and other public services; and the likelihood that additional or subsidiary development will be generated.

(m) "Local government" means any general purpose local government as defined in subsection (h) hereof or any regional combination thereof, or, where appropriate, any other public agency within a State, other than a State agency, which has land resource planning or management authority.

(n) "Non-Federal lands" means all lands which are not Federal lands as defined in subsection (g) hereof, the Outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (67 Stat. 462), and reservation and other tribal lands as defined in subsection (q) hereof, and are not held by the Federal Government in trust for the benefit of Indians, Aleuts, and Eskimos.

(o) "Office" means the "Office of Land Resource Planning Assistance" established pursuant to section 202.

(p) "Person" includes any individual, corporation, association, consortium, unincorporated organization, trust estate, or any entity organized for a common business purpose, and, except for subsection (d) hereof, any governmental unit and the United States.

(q) "Reservation and other tribal lands" means all lands within the exterior boundaries of any Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all land held in trust for or supervised by any Indian tribe as defined in subsection (i) hereof.

(r) "Secretary" means the Secretary of the Interior.

(s) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

TITLE I—PROGRAM OF ASSISTANCE TO THE STATES

Part A—Grants to the States

Sec. 101. Grants to the States.—The Secretary of the Interior is authorized to make annual grants to the States to assist each State in developing and administering a State land resource program for non-Federal lands. A State land resource program shall be defined as a program which: includes a land resource planning process as set forth in section 102, a land planning agency as set forth in section 103, a study of existing land resource planning and management authority as set forth in section 104, a statement of policies and objectives as set forth in section 105, methods of implementation and coordination as set forth in section 106, and an energy facility planning program as set forth in section 303; provides for the participation of owners of real property, local government and the public pursuant to section 108; and meets the requirements of section 107.

Part B—State Land Resource Programs

Sec. 102. Land Resource Planning Process.—As a condition of continued eligibility of any State for grants pursuant to this Act after three full fiscal years following enactment of this Act, the State land resource program of such State shall contain a land resource planning process, which process shall include—

(1) the preparation and continuing revision of a statewide inventory of the land, water, and other natural resources of the State;

(2) the preparation and continuing revision of an inventory of environmental, geological, and physical conditions (including soil types) which influence the desirability of various uses of land;

(3) the compilation and continuing revision of information related to population densities and trends, economic characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;

(4) projections of the nature, quantity, and compatibility of land needed and suitable for recreation and open space; scientific and educational purposes; conservation and preservation of natural resources; agriculture, mineral development, and forestry; industry and commerce; solid waste management and resource recovery; transportation; housing; urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base; rural development, taking into consideration future demands for and limitations upon products of the land; and health, educational, and other State and local governmental services;

(5) the inventorying of natural or historic lands with important scientific, educational, recreational, or esthetic values, such as significant shorelands of lakes, rivers, and streams, rare or valuable ecosystems and geological formations, significant wildlife habits, and unique scenic or historic areas; natural hazard lands, such as flood plains and other areas frequently subject to weather disasters, and areas of unstable geologic formations, including areas with high seismic or volcanic activity; and important watershed lands, aquifers, and aquifer recharge areas;

(6) the establishment of methods of identifying and designating for inclusion in the State land resource program key facilities and areas which are or may be impacted thereby, large scale development, land sales or development projects, energy facilities, those areas inventoried pursuant to paragraph (5) which the State determines to be of critical State concern, and prime food and fiber producing lands;

(7) the monitoring of land resource information periodically to determine changes in land use, the comparison of such changes with State and local land resource plans and programs, and the reporting of the findings to the affected local governments, State agencies, and Federal agencies by request;

(8) the establishment of arrangements for the exchange of land resource information among State agencies and local governments, with the Federal Government, among the several States and interstate agencies, and with the public; and

(9) the consideration of, and consultation with the relevant States on, the interstate aspects of land resource issues of more than local concern.

SEC. 103. LAND PLANNING AGENCY.—(a) As a condition of continued eligibility of any State for grants pursuant to this Act after three full fiscal years following enactment of this Act, such State shall have a State land planning agency, established by law, which shall have primary authority and responsibility for the development and administration of the State land resource program.

(b) Each State may designate the planning agency participating in programs pursuant to section 701 of the Housing Act of 1954 (85 Stat. 590, 640), as amended, and, where such State is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280, 1281), as amended, the planning agency participating in programs under that Act, as the eligible land planning agency required by subsection (a) of this section.

SEC. 104. STUDY OF EXISTING LAND RESOURCE PLANNING AND MANAGEMENT AUTHORITY.—In the development of the State land resource program, the State land planning agency shall review existing State and local government land resource planning and management authorities. Such review shall include an assessment of whether such authorities and performances provide management decisions which are based on a planning process; which consider and, to the extent possible, accommodate, the full range of social, economic, and environmental needs; which are effectively coordinated; which are rendered without undue delay; and which are fully implemented. Such review shall be completed within three full fiscal years following enactment of this Act, distributed as widely as practicable, and submitted to the Land Resource Information Center established pursuant to section 202.

SEC. 105. POLICIES AND OBJECTIVES.—As a condition of continued eligibility of any State for grants pursuant to this Act after five full fiscal years following enactment of this Act, the State land resource program of such State shall contain a statement defining the State's role in land resource planning and management and the policies and objectives concerning the areas and uses which have been defined, identified, and designated pursuant to sections 102, 106, and 303 for inclusion in the State land resource program.

SEC. 106. METHODS OF IMPLEMENTATION AND COORDINATION.—(a) As a condition of continued eligibility of any State for grants pursuant to this Act after five full fiscal years following enactment of this Act, the State land resource program of such State shall include methods for—

(1) guiding the use of land within areas which are or may be impacted by key facilities and major access features thereof;

(2) influencing the location of new communities and guiding the use of land around new communities;

(3) controlling proposed large-scale development of more than local significance in its impact upon the environment and public resources;

(4) promoting the continued use and productivity of prime food and fiber producing lands to meet long-range food and fiber requirements;

(5) controlling development and guiding the use of land within areas of critical State concern to insure the perpetuation of the significant values thereof and to eliminate unreasonable dangers to life and property thereon;

(6) controlling land sales or development projects to assure that—

(A) the developer of any proposed project is financially capable of completing the project consistent with the provisions of this clause (6);

(B) the project will not exceed the capacity of existing systems for water and power supply, sewage and waste water collection and treatment, and solid waste disposal, unless expansion of the relevant systems to meet the requirements of the proposed project is planned and approved, and sufficient financing for the construction of the expanded systems is available;

(C) the project will not place an unreasonable burden on the ability of the State and local governments to provide municipal or other public services, including transportation, education, and police and fire protection;

(D) the project will not cause unreasonable soil erosion and is not located in an area which, in the determination of the State, constitutes an undue risk to public health and safety, such as a flood plain or an area of high seismicity or unstable soil;

(E) the effects on scenic values or the natural environment and on open space possessing valuable potential for public recreation are taken into consideration;

(F) the project will be developed within a time schedule submitted by the developer or within an alternative schedule necessary to insure that the project will be consistent with the provisions of this clause (6); and

(G) the project is consistent with local land resource plans, regulations, and controls and with the other elements of the State land resource program;

(7) assuring that Federal lands within the State are not significantly damaged or degraded as a result of inconsistent land use on adjacent non-Federal lands;

(8) assuring that (A) any source of air, water, noise, or other pollution pertaining to the areas and uses included in the State land resource program will not be located where it will result in a violation of any applicable pollution standard or implementation plan; (B) any developmental activities in combination with pollution sources will not cause such violations to occur; and (C) the program is consistent with the policies, standards, and other requirements of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution;

(9) assuring that all State and local government programs and services which significantly affect the use of land are not inconsistent with the State land resource program;

(10) assuring that the State land resource program is coordinated with the planning and other relevant activities and programs of the State agencies, local governments, areawide agencies designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262), as amended, and Federal agencies, and with adjacent States and local governments within such States concerning lands and waters in interstate areas. With respect to a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280, 1281), as amended, such coordination shall include the consolidation of the State's management program under that Act and the State land resource program into a single program for the purposes of annual submission to the Secretary of the Interior for determination of eligibility for grants pursuant to this Act and to the Secretary of Commerce for determination of eligibility for grants pursuant to section 306 of the Coastal Zone Management Act of 1972, as amended; and

(11) periodically revising and updating the State land resource program to meet changing conditions.

(b) The methods set forth in subsection (a) may include either one or a combination of the following general techniques—

(1) implementation by general purpose local governments pursuant to criteria and standards established by the State, such implementation to be subject to State administrative review with State authority to disapprove such implementation wherever it fails to meet such criteria and standards; and

(2) direct State land resource planning and regulation.

(c) Any method employed by the State shall include State authority to regulate the use of land and other methods determined by the State to be appropriate to prevent land use which is inconsistent with the State land resource program in areas which, under the program, have been designated as areas of critical State concern, areas which are or may be impacted by key facilities, and areas which are presently or potentially subject to large-scale development and land sales or development projects.

(d) Any method employed by the State shall include a process of appeal of any decision or action or failure thereof related to the development or implementation of the State land resource program.

SEC. 107. IMPLEMENTATION. As a condition of continued eligibility of any State for grants pursuant to this Act after five full fiscal years following enactment of this Act, such State shall—

(1) demonstrate that it is making good faith efforts to implement the purposes, policies, and requirements of its State land resource program;

(2) certify that the State land resource program has been reviewed and approved by the Governor; and

(3) be participating on its own behalf in the programs established pursuant to section 701 of the Housing Act of 1954 (68 Stat. 590, 640), as amended, and, where such State is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280, 1281), as amended, the programs established pursuant to that Act.

SEC. 108. PARTICIPATION OF PROPERTY OWNERS, LOCAL GOVERNMENT, AND THE PUBLIC.—As a condition of continued eligibility of any State for grants pursuant to this Act, such State shall develop and make full use of procedures to inform, make information readily accessible to, and encourage the early and continuous participation of appropriate officials of representatives of local governments, owners of real property, users of the land, and the public in the development of, subsequent revision in, implementation of, and formulation of guidelines, rules, and regulations concerning, the State land resource program.

PART C—FEDERAL ACTIONS IN STATES FOUND ELIGIBLE OR INELIGIBLE FOR GRANTS

SEC. 109. CONSISTENCY OF FEDERAL ACTIONS WITH STATE LAND RESOURCE PROGRAM.—(a) Federal programs, projects, and activities on non-Federal lands significantly affecting land use, including but not limited to permitting, licensing or leasing activities and grant, loan, or guarantee programs, shall be consistent with State land resource programs of States found eligible for grants pursuant to this Act, except in cases of overriding national interest, as determined by the President.

(b) Any State or local government submitting an application for Federal assistance for any program, project, or activity, or any applicant for a Federal permit or license to conduct an activity, significantly affecting the use of land in an area or for a use subject to a State land resource program in a State found eligible for grants pursuant to this Act shall transmit to the relevant Federal agency the views of the State land planning agency and/or the Governor as to the consistency of such program, project, or activity with the State land resource program.

SEC. 110. FEDERAL ACTIONS IN THE ABSENCE OF STATE ELIGIBILITY.—Where any major Federal action significantly affecting the use of non-Federal lands is proposed in a State which is not eligible for grants pursuant to this Act, the responsible Federal agency shall hold a public hearing, with adequate public notice, in such State, at least one hundred and eighty days in advance of the proposed action, concerning the effect of the action on the use of land, taking into account the relevant considerations set out in sections 102, 105, 106, 107, and 303 of this Act, and shall make findings which shall be submitted to the Secretary and the Board for review and comment in the interagency review process required by section 102(2) (C) of the National Environmental Policy Act of 1969 (83 Stat. 852, 853). This section shall be subject to exception where the President determines the overriding national interest so requires.

TITLE II—ADMINISTRATION OF STATE ASSISTANCE PROGRAM AND COORDINATION OF FEDERAL LAND-RELATED ACTIVITIES

SEC. 201. GUIDELINES, RULES AND REGULATIONS.—(a) Not later than six months after the date of enactment of this Act, the President shall issue guidelines to the Federal agencies and the States to assist them in carrying out the provisions of this Act.

(b) Not later than nine months after the date of enactment of this Act, the Secretary shall promulgate rules and regulations, and subsequently make any revisions therein, to implement the guidelines formulated pursuant to subsection (a) of this section and to administer this Act.

SEC. 202. OFFICE OF LAND RESOURCE PLANNING ASSISTANCE.—(a) There is hereby established in the Department of the Interior the Office of Land Resource Planning Assistance.

(b) The Office shall have a director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315), and such other officers and employees as may be required. The Director shall have such duties and responsibilities as the Secretary may assign.

(c) The Secretary, acting through the Office, shall—

(1) administer the grant-in-aid programs established under this Act;

(2) maintain a continuing study and analysis of the land resources of the United States and their use;

(3) maintain a continuing study and analysis of the methods adopted by State and local governments to carry out the provisions of this Act;

(4) cooperate with Federal agencies and the States in the development of standard methods and classifications for the collection of land resource information and in the establishment of effective procedures for the exchange and dissemination of land resource information;

(5) develop and maintain a Land Resource Information Center, with such regional branches as the Secretary may deem appropriate, which shall have available to it and disseminate to Federal agencies, State and local governments, the public and other users of the Center the results of the studies undertaken by the Interagency Land Resource Advisory Board pursuant to sections 203(c), 207, and 306; plans for federally initiated and federally assisted activities which significantly affect land use; to the extent practicable and appropriate, the plans and programs of State and local governments which have more than local significance for land resource planning and management; statistical information on past, present, and projected land use patterns which are of more than local significance; studies pertaining to techniques and methods for the procurement, analysis, and evaluation of information relating to land resource planning and management; and such other information pertaining to land resource planning and management as the Director deems appropriate;

(6) consult with other officials of the Federal Government responsible for the administration of Federal land resource planning assistance programs to States, local governments, and other eligible public entities in order to coordinate such programs, and, in particular, consult with the Secretary of Agriculture to develop procedures to utilize and coordinate existing land resource expertise and information available through Department of Agriculture programs, including the programs of the Soil Conservation Service, Forest Service, and Extension Service, where applicable, in providing technical assistance in the development of State land resource programs; and

(7) provide administrative support for the Interagency Land Resource Advisory Board.

(d) The Office may provide, directly or through contracts, grants, or other arrangements, technical assistance to any State or Indian tribe found eligible for grants pursuant to this Act to assist such State or tribe in the performance of activities under this Act.

(e) Upon the request of the Secretary, the head of any Federal agency is authorized: (i) to furnish to the Office such information as may be necessary to carry out the functions of the Office and as may be available to or procurable by such agency, and (ii) to detail to temporary duty with the Office, on a reimbursable basis, such personnel within his administrative jurisdiction as the Office may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

SEC. 203.—INTERAGENCY LAND RESOURCE ADVISORY BOARD.—(a) The Secretary is authorized and directed to establish an Interagency Land Resource Advisory Board.

(b) The Board shall be composed of:

(1) The Director of the Office of Land Resource Planning Assistance, who shall serve as Chairman;

(2) representatives of the Departments of Agriculture, Commerce, Defense, Housing and Urban Development, Transportation, Treasury, and Health, Education, and Welfare; the Environmental Protection Agency; the Federal Energy Administration; and the General Services Administration, appointed by the respective heads thereof;

(3) observers from the Council of Economic Advisors, the Council on Environmental Quality, and the Office of Management and Budget, appointed by the respective heads thereof; and

(4) representatives of such other Federal agencies, appointed by the respective heads thereof, as the Secretary may request to participate when matters affecting their responsibilities are under consideration.

(c) The Board shall meet regularly at such times as the Chairman may direct and shall—

(1) provide the Secretary with information and advice concerning the relationship of policies, programs, and activities established or performed pursuant to this Act to the programs of the agencies represented on the Board;

(2) render advice to the President and the Secretary concerning proposed guidelines, rules, and regulations;

(3) assist and advise the President in determining any overriding national interest exception to the provisions of sections 109 and 110;

(4) assist the Secretary and the agencies represented on the Board in the coordination of the review of State land resource programs;

(5) provide reports on such land resource policy matters as the Secretary or the heads of Federal agencies through their respective representatives on the Board may refer to the Board for its consideration; and

(6) maintain a continuing study of the impacts, and the forecasting of such impacts, of governmental activities including, but not limited to, land management programs, construction projects, grant, loan, and guarantee programs, and tax policies, on land resource planning and management and land use patterns. Particular emphasis should be given to the impacts of Federal programs, various local assessment practices, other Federal, State, and local tax policies, and the effects of land use controls on the rights of owners of real property.

(d) Each agency representative on the Board shall have a career position within his agency of not lower than GS–15 and shall not be assigned any duties which are unrelated to the administration of land resource planning and policy, except temporary housekeeping or training duties.

SEC. 204. DETERMINATION OF GRANT ELIGIBILITY.—(a) After three complete fiscal years following enactment of this Act, no State shall be eligible for any grant pursuant to this Act unless the Secretary, pursuant to the procedure provided in this section, determines annually that the State land resource program of such State conforms to the relevant provisions of this Act. Prior to making such determination, the Secretary shall submit the State land resource program of such State to the heads of all Federal agencies represented on the Board and to the Board. The Secretary shall review the comments of each agency head which are submitted to him by such agency head no later than thirty days after submission of the State land resource program to such agency head by the Secretary.

(b) The Secretary shall determine the eligibility of a State for a grant under this Act not later than three months following receipt of the State's grant application.

(c) Each State receiving grants under this Act shall submit periodic reports on work completed and scheduled and such other information as the Secretary may request.

(d) A State may revise at any time its State land resource program: *Provided*, That such revision does not render the program inconsistent with the provisions of this Act: *And provided further*, That any significant revision is reported to the Secretary. The Secretary shall make a temporary determination, prior to the full annual review of the program pursuant to this section, of whether such revision would render the program inconsistent with the provisions of this Act, and shall inform the State, in writing, of his determination.

SEC. 205. APPEAL PROCEDURE.—(a) Any State which receives notice that the Secretary has determined that the State is ineligible for grants, under this Act, or, having found a State eligible for such grants, subsequently has determined to withdraw such eligibility, may, within sixty days after receiving such notice, file with the United States court of appeals for the circuit in which such State notice, file with the United States court of Appeals for the District of Columbia, a petition for review of the action of the Secretary. The petitioner forthwith shall transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(b) The Secretary shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(c) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The court may order additional evidence to be taken by the Secretary and to be made part of the record.

(d) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 206. TRAINING AND RESEARCH GRANTS AND CONTRACTS.—(a) The Secretary is authorized to make grants to public and private nonprofit institutions of higher education to assist the conduct of research and investigations into the theoretical and practical problems of land resource planning and management.

(b) The Secretary is authorized to conduct or contract for the provision of training programs for personnel employed or seeking employment in land resource planning and management. Such training programs may consist of support for conferences, short courses, and fellowships for advanced training in public or private nonprofit institutions of higher education offering graduate study in fields having application to land resource planning and management.

SEC. 207. STUDY, RECOMMENDATION, AND CONGRESSIONAL CONSIDERATION OF LAND RESOURCE POLICIES.—Pursuant to section 2(a), the following procedures concerning the study, recommendation, and congressional consideration of land resource policies shall be followed:

(a) Each State submitting a report under section 204(c) during the three full fiscal years following the enactment of this Act shall include in such report comments on the desirability of establishing national land resource policies, suggestions concerning the substance of such policies as might be established, comments in regard to any proposed national land resource policies which have been recommended by the Council on Environmental Quality pursuant to subsection (b) of this section, and such additional suggestions for national land resource policies as it deems appropriate.

(b) The Council on Environmental Quality shall consider the desirability of national land resource policies and the substance of any such policies which might be determined desirable, and, at the end of the first full fiscal year following the enactment of this Act, submit to the Board a Land Resource Policy Report containing such specific recommendations as it may deem appropriate for the establishment of national land resource policies. The Board shall review the Land Resource Policy Report, the reports of the States, and the suggestions of Board members, and, through public hearings with adequate public notice, the public. Before the end of the third full fiscal year following the enactment of this Act, the Board shall recommend to the Congress such legislation as it may deem appropriate or necessary to establish national land resource policies.

SEC. 208. BIENNIAL REPORT OF THE SECRETARY.—The Secretary, with the assistance of the Office and the Board, shall report biennially to the President and the Congress on land resources, uses of land, and current and emerging problems of land use.

TITLE III—ENERGY FACILITIES PLANNING

SEC. 301. SHORT TITLE.—This title may be cited as the "Energy Facilities Planning Act".

SEC. 302. FINDINGS AND PURPOSE.—The Congress hereby finds and declares that the national public interest requires that energy facilities adequate to meet the nation's current and future energy needs, reduced, as practicable, by energy conservation measures, be sited and constructed in a timely and rational fashion without undue delay, with minimum environmental damage, and with early opportunity for thorough public review; that the siting of energy facilities be integrated with State land and water resource planning and management, the other elements of the State land resource program, and any coastal zone management program; that provisions be made for States to establish, operate, and fund energy facility planning programs; that energy facilities which require Federal approval be subject to a coordinated, prompt, and simplified approval process; and that steps to expedite the Federal approval process be taken without any expansion of existing Federal authority over proposed energy facilities and without unduly interfering with the present statutory authorities and responsibilities of individual Federal agencies.

PART A—STATE ENERGY FACILITY PLANNING PROGRAMS

SEC. 303. STATE ENERGY FACILITY PLANNING PROGRAMS.—(a) As a condition of continued eligibility of any State for grants pursuant to this Act after five full fiscal years following enactment of this Act, the State land resource program of such State shall contain an energy facility planning program.

(b) Such energy facility planning program shall be compatible with State land and water resource planning and management; where the State is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280, 1281), as amended, an approved coastal zone management program; and the other elements of the State land resource program; and provide for—

(1) an energy facility planning process, which shall—

(A) identify intermediate and long-term anticipated levels of energy demand, resource availability, conservation programs, projected peak load demands, reserve margins, on-line facilities, scheduled facilities and projected service dates, and planned facilities;

(B) recommend appropriate energy conservation measures;

(C) identify energy facilities necessary to meet projected energy needs, both before and after consideration of the possible results of recommended conservation measures; and

(D) evaluate the economic, social, and environmental consequences of developing and operating projected energy facilities, including the development of specific criteria to evaluate such consequences in relation to energy facility sites;

(2) a coordinated review and approval process at the State level to insure that applications for any State licenses or permits required to site and construct energy facilities are processed and a final decision rendered as expeditiously as practicable;

(3) consideration of the national, regional, and marketing area energy needs, as set forth in the National Energy Facility Planning Report required by section 305, in the planning, licensing or permitting of energy facilities;

(4) cooperation with other States in the planning, siting and approval of energy facilies, transmission lines and pipelines which will serve or affect two or more States;

(5) procedures to encourage the location of transmission lines and pipelines so as to minimize environmental impacts and to maximize multiple use of energy and transportation corridors;

(6) procedures for evaluating the environmental impact of energy facilities, including full consideration of alternative facilities and sites;

(7) identification of environmental baseline data needed for evaluation of proposed energy facilities;

(8) public participation in the energy facility planning process and in the licensing or permitting procedures related to energy facility siting, construction, or operation; and

(9) a capability and process for acquiring, analyzing, and disseminating information on State energy needs and demands, available energy facility sites, operating and proposed energy facilities, effects of energy conservation measures, and other information which can be used by the State and the public and in the preparation of the National Energy Facility Planning Report.

SEC. 304. REVIEW AND APPEAL.—The review and appeals procedures for the entire State land resource program provided in sections 204 and 205 of this Act shall be fully applicable to such program's component energy facility planning program, except that (A) for the determination of whether the energy facility planning program conforms to the provisions of section 303, the Administrator shall assume the responsibilities of the Secretary; (B) in addition to the views of the Board and agencies represented on the Board, the views of the Federal Power Commission, the Energy Research and Development Administration, the Nuclear Regulatory Commission, and such other Federal agencies as the Administrator may deem appropriate, shall be solicited on the energy facility planning program; and (C) at least one public hearing on the energy facility planning program shall be held in the State: *Provided,* That the provisions of clauses (B) and (C) may be waived by the Administrator in the case of an amendment, if he determines, in accordance with the procedures of section 204(d), that the amendment will not have a substantial effect on the existing energy facility planning program.

Sec. 305. National Energy Facility Planning Report.—(a) To assist the States to consider regional and national energy needs and conservation opportunities in, and to provide them with other information essential to, the development of State energy facility planning programs, within two full fiscal years following enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to the President and to the Congress, a National Energy Facility Planning Report (hereinafter referred to as the "Report"). The Report shall be developed in consultation with the States, industry, and appropriate Federal agencies, and it shall include information on:

(1) the location, type, size, and production capacity of existing energy facilities;

(2) present and projected long range energy needs and demand on a national, regional, and marketing area basis, including, where appropriate, peak and off-peak production capacity requirements, and the assumptions used to arrive at demand projections;

(3) the potentials and methods for energy conservation;

(4) energy facilities which have been or are likely to be removed from production and the reasons for such removals;

(5) the present and projected status of all applications pending at Federal and State levels for the siting, construction, or operation of energy facilities;

(6) the present and projected availability and shortfall of suitable energy facilities and facility sites, both before and after consideration of the energy conservation potentials and methods;

(7) the alternative types of energy facilities and fuels (categorized by region, type, size, and production capacity) which would meet projected national, regional, and marketing area energy needs, both before and after consideration of the energy conservation potentials and methods;

(8) the economic, social, and environmental advantages and disadvantages of constructing and operating energy facilities in various regions or marketing areas;

(9) the impacts of various projected energy facilities on the environment, including information on the sources and volumes of water required for, and projected effects upon air quality from, the operation of such facilities at potential sites, and geographical, ecological, population and load center data relating to such facilities; and

(10) the financial and public service requirements imposed on local communities by various types of energy facilities and alternatives available to the States to offset such impacts.

(b) The Administrator shall afford appropriate State and Federal agencies, and other interested persons, an opportunity to comment, and shall make adequate provision for holding public hearings, prior to completion of the Report. All comments received shall be considered in the preparation of the Report and copies of the Report shall be made available to the States and appropriate Federal agencies.

(c) The Administrator is authorized to request, collect, and acquire information from States and other non-Federal governmental entities for the proper exercise of his responsibilities under this title.

(d) The Administrator is authorized for the purpose of carrying out his responsibilities under this title to request from any department or agency of the Federal Government, and such department or agency shall provide him, information, except—

(1) information, the disclosure of which to another Federal agency is expressly prohibited by law; or

(2) trade secrets, commercial, financial or demographic information which is privileged or confidential and obtained by an agency from a person for statistical or law enforcement purposes, the disclosure of which to another Federal agency would frustrate development of accurate statistics by the collecting agency or would adversely affect law enforcement procedures.

(e) Notwithstanding any other provision of law, information acquired by the Administrator shall be made available to the public upon request, except information which is—

(1) classified in the interest of national defense or foreign policy pursuant to statute or Executive order;

(2) specifically prohibited from disclosure by statute or which would constitute a clear invasion of personal privacy if disclosed;

(3) acquired from a Federal, State, or local agency and obtained by that Federal, State, or local agency in a privileged or confidential manner; and

(4) individual respondent data which contains trade secrets, commercial or financial information the disclosure of which the Administrator finds would have a significant and adverse effect upon the competitive position of that respondent.

Part B—Expedited Federal Energy Facility and Other Licensing Procedures

Sec. 306. Feasibility Study for Expedited Federal Licensing Procedures.—The Interagency Land Resource Advisory Board established pursuant to section 203 of this Act shall conduct a study, and report to the President and the Congress the results thereof within two years of the enactment of this Act, of methods to reduce the delays in obtaining, conflicting requirements for, and number of permits, licenses, and other governmental decisions which serve as prerequisites to proposed development activities, with particular emphasis on permits, licenses, and decisions associated with Federal programs. The Board shall analyze the procedures of and experiences under the expedited Federal energy facility licensing program established pursuant to section 307 to assess the advantages and disadvantages of such program as one such method.

Sec. 307. Expedited Federal Energy Facility Licensing Program.—(a) In order to coordinate, simplify, and expedite the processing of applications to construct energy facilities, the Administrator, in cooperation with designated lead agencies, shall supervise the expedited Federal energy facility licensing program established pursuant to this section. The actual authority to approve or disapprove applications for energy facilities, however, shall continue to reside in those Federal agencies possessing specific statutory authority over proposed energy facilities or their appendages.

(b) The Administrator shall have the following duties and authorities in the expedited Federal energy facility licensing program—

(1) The Administrator shall develop in cooperation with all other Federal agencies with authority over any aspect of energy facility site or facility approval, a single composite application which, once developed, shall be the sole application required for Federal approval prior to the commencement of construction. For the purpose of this section the term "commencement of construction" means any clearing of the land, excavation, or other substantial action which would adversely affect the natural environment of the site or area surrounding a proposed energy facility or a proposed addition to an existing facility, but does not include changes necessary for the site feasibility investigations such as borings to determine foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site of the protection of environmental values.

(2) The Administrator shall designate for each application for a proposed energy facility a lead agency which shall carry out the responsibilities provided for in subsection (c) of this section: *Provided,* That in all cases the lead agency shall be a Federal agency with existing approval authority over the proposed energy facility: *And provided further,* That the lead agency so designated shall be the Nuclear Regulatory Commission with respect to any energy facility subject to its jurisdiction under the Atomic Energy Act, and the Federal Power Commission with respect to any energy facility subject to its jurisdiction under the Federal Power Act.

(3) In order to carry out the purposes of this title, the Administrator is authorized to coordinate and expedite the review of applications for energy facility approval undertaken by Federal agencies pursuant to their statutory mandates and, in consultation with such agencies, may establish appropriate priorities and timetables for the completion of those agencies' review processes: *Provided, however,* That all priorities and timetables established by the Administrator shall be consistent with the statutory obligations of such agencies. In appropriate circumstances, the Administrator may grant requests from agencies for extensions or revisions in priorities and timetables.

(4) The Administrator shall keep apprised of the processing of applications for proposed energy facilities at the State level and, where appropriate and consistent with applicable Federal and State law, suggest possible procedures for consolidating State and Federal proceedings with a view to reducing duplication of effort and expediting the review process.

(5) The Administrator may, within twenty days after receipt of any Federal agency decision approving or disapproving an application, petition that agency to reconsider its decision. Petitions for reconsideration filed by the Administrator shall be granted or denied within thirty days of their receipt by the agency involved.

(6) Upon the petition of any agency with authority to approve or disapprove an application, the Administrator may grant an extension of the eighteen-month period permitted under subsection (f) of this section for that agency's consideration of the application: *Provided,* That no extension of the eighteen-month period shall be granted by the Administrator unless he determines that despite all due diligence on the part of the agency involved it has been impracticable to reach a decision within eighteen months and that the public interest requires continuation of that agency's proceedings for a longer period.

(7) The Administrator shall designate within his agency a responsible official to provide prospective applicants, citizen groups, and members of the general public, available sources of technical assistance and the status of pending energy facility applications. The Administrator shall publish, periodically or as applications for proposed energy facilities are received, notice of applications received and the status of applications in the licensing process.

(8) The Administrator shall encourage prospective applicants for proposed energy facilities to contact his agency as soon as possible in order that any eventual Federal action may be expedited.

(c) The duties of the lead agency, as defined in subsection (b)(2) of this section, shall be:

(1) to receive from the applicant the application for a proposed energy facility and

determine, as soon as possible and in cooperation with other affected agencies, any deficiencies therein;

(2) to distribute promptly copies of the applicaton determined to be complete to those other Federal agencies whose review is necessary;

(3) to notify the applicant and the Administrator of those Federal agencies with review authority over the proposed energy facility;

(4) to review the application under its existing statutory authority and to notify the Administrator of its eventual decision;

(5) to hold, to the extent practicable under applicable law, a consolidated public hearing in cooperation with other governmental agencies with interest in, or statutory duties to hold public hearings with respect to, the proposed energy facility;

(6) to receive all necessary Federal determinations and to notify the Administrator and the applicant immediately as each such determination is received; and

(7) to notify the applicant as soon as either all necessary Federal approvals required prior to construction of the proposed energy facility have been obtained or the application of such facility has been denied. A copy of this notification shall also be sent to the Administrator.

(d) A complete application for a proposed energy facility, other than a facility owned or to be owned by the Federal Government, shall be filed with the Administrator at least eighteen months prior to the planned date of commencement of construction: *Provided, however,* That in order to assure an orderly transition to the full requirements of this section, any application received during the period beginning January 1, 1976, and ending June 30, 1977, shall be accepted if it, while not received eighteen months prior to the planned date of commencement of construction, was made as expeditiously as possible by the applicant: *Provided further,* That where an application can reasonably be processed in significantly less time than eighteen months, the Administrator, in his discretion, may waive the eighteen-month filing requirement.

(e) Effective January 1, 1976, commencement of construction on an energy facility which requires approval by a Federal agency, other than an energy facility owned or to be owned by the Federal Government, shall proceed only if the applicant for such facility has, pursuant to the provisions of this section, been notified by the lead agency that all the necessary Federal approvals have been obtained.

(f) Each Federal agency with authority to act on an application for a proposed energy facility, including the lead agency, shall move expeditiously to determine the matters within its jurisdiction through the exercise of its full powers and responsibilities, including the issuance of any notice and participation, to the extent possible, in the unified public hearings provided for under subsection (c)(5) of this section. In addition, each agency shall comply with any timetables or priorities which may be established by the Administrator, pursuant to subsection (b)(3) of this section and shall report to the Administrator, upon request, the status of pending applications and whether established timetables are met. Where Federal environmental standards and requirements are enforced and applied by the States under a program approved by a Federal agency, such Federal agency shall execute as expeditiously as possible the authority it retains under applicable statutes or regulations. Within the established timetables, and not later than eighteen months from its receipt of an application determined to be complete by the lead agency, each agency shall render a decision on the application and shall immediately notify the lead agency of that decision. The lead agency shall also render a decision within established timetables and within eighteen months of the determination that an application is complete: *Provided, however,* That any agency may petition the Administrator for an extension of time beyond the eighteen-month period.

(g) Any decision of a Federal agency, including a lead agency, denying or approving an application for a proposed energy facility shall not become a final order, for purposes of judicial review, until twenty days after it has been transmitted to and received by the Administrator or until such time as a decision has been rendered on any petition for reconsideration filed by the Administrator. A notification by the lead agency, pursuant to subsection (c) of this section that necessary Federal approvals required prior to construction have been obtained, shall not constitute a final order subject to judicial review.

(h)(1) Notwithstanding any provision of law to the contrary, any person who is aggrieved by a final order of a Federal agency granting or denying an application for a proposed energy facility may appeal within sixty days from the date such order became final, as provided in subsection (g) of this section. Any such appeal shall be conducted in accordance with the provisions of sections 2341–2351 of title 28, United States Code.

(2) If there shall be pending simultaneously appeals from the final order of more than one Federal agency with respect to the same proposed energy facility, the courts are authorized where possible to consolidate such appeals for hearings and to transfer proceedings to a single court whenever such actions would promote a speedier disposition of the proceedings without undue prejudice to any party.

TITLE IV—PROGRAM OF ASSISTANCE TO INDIAN TRIBES

Sec. 401. Grants to Indian Tribes.—The Secretary is authorized to make annual grants to Indian tribes to assist any such tribe to inventory, and plan the use of, reservation and other tribal lands and the resources thereof of such tribe, and to enter into contracts to obtain expert assistance in such inventorying and planning activities.

Sec. 402. Study Commission.—(a) The Secretary is authorized and directed to appoint a commission to study and report to him on the existing legal authority for tribal management, regulation, or control of reservation and other tribal lands. In conducting the study, the commission shall identify the various lands involved, the resources thereof, and the legal authorities pertaining thereto. The commission shall investigate the problems related to coordination of land resource planning and management within such lands where the legal authority therefor is divided and between such lands and adjacent lands under Federal, State, or local government or other tribal jurisdiction. The commission shall make such recommendations as they deem appropriate concerning the consolidation or coordination of such authorities and the advisability and possible procedures for a land resource program applicable to reservation and other tribal lands with requirements similar to the requirements in this Act relating to State land resource programs.

(b) The commission shall include representatives of concerned Federal agencies, State and local governments, and the Indian tribal community.

(c) In addition to per diem and travel expenses, the representatives of the State and local governments and the Indian tribal community shall be compensated at a rate not to exceed $100 per day when actually on commission business. Federal representatives shall serve without compensation.

(d) The Secretary shall submit the study and report of the commission, together with his recommendations, to the Congress not later than eighteen months from the date of enactment of this Act.

TITLE V—AUTHORIZATIONS AND ALLOCATIONS

Sec. 501. Authorizations of Appropriations.—(a) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to the States $100,000,000 each fiscal year to carry out the purposes of this Act.

(b) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary $2,000,000 each fiscal year to carry out the purposes of section 206 of this Act.

(c) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to Indian tribes $10,000,000 each fiscal year to carry out the purpose of section 401 of this Act.

(d) For each of the two fiscal years following the enactment of this Act, there are authorized to be appropriated to the Secretary such sums as are necessary to carry out the purpose of section 402 of this Act.

(e) For each of the five full fiscal years following the enactment of this Act, there are authorized to be appropriated to the Secretary and the Administrator such sums as are necessary for the administration of this Act. After the end of the fourth full fiscal year after the enactment of this Act, the Secretary shall review the programs established by titles I, II, and IV and the Administrator shall review the programs established by title III, and they shall submit to Congress their assessments thereof and such recommendations for amendments to this Act as they deem proper and appropriate.

Sec. 502. Allocations.—(a) Annual grants, pursuant to section 101, to States found eligible for financial assistance pursuant to this Act shall be made in amounts not to exceed 90 per centum of the estimated cost of developing and administering the State land resource programs for the five complete fiscal year period following the enactment of this Act and amounts not to exceed 66⅔ per centum of the estimated cost of administering such programs for the next three fiscal years.

(b) Grants pursuant to section 101 shall be allocated to the States on the basis of regulations of the Secretary, which regulations shall take into account the amount and nature of each State's land resource base, population, pressures resulting from growth, land ownership patterns, energy needs and energy conservation efforts, extent of areas of critical State concern, financial need, and other relevant factors.

(c) Any grant pursuant to section 101 shall increase, and not replace, State funds presently available for State land resource planning and management activities. Any grant made pursuant to this Act shall be in addition to, and may be used jointly with, grants or other funds available for land resource planning, programs, surveys, data collection, or management under other federally assisted programs.

(d) Annual grants to Indian tribes pursuant to section 401 shall be made in amounts of not to exceed 100 per centum of the estimated cost of the inventorying and planning activities for which the grants are awarded.

(e) Considering, among other factors, the degree of responsibility assumed, a State receiving grants under this Act is authorized to make a portion of its grant funds available to local governments for planning and review purposes associated with the development or amendment of the State land resource program; to general purpose local governments for participation in the development, amendment, and implementation of such program; and to interstate agencies to coordinate State land resource programs as they relate to interstate areas.

(f) No funds granted pursuant to this Act may be eypended for the acquisition of any interest in real property.

DIFFERENCES BETWEEN THE LAND RESOURCE PLANNING ASSISTANCE ACT AND S. 268 (THE LAND USE POLICY AND PLANNING ASSISTANCE ACT OF THE LAST CONGRESS)

1. Reduced in length—last year's text is reduced from 84 pages to 37—with only minor changes in substance (see below). (A new title described in 7 and 8 below, totalling 19 pages was added.)

2. Simplified—the unnecessarily complex provisions were rewritten to make them more understandable.

3. Deletion of title IV—"Federal-State Coordination in the Planning and Management of Federal Lands and Adjacent Non-Federal Lands." This title should more properly be included in S. 507, the National Resource Lands Management Act (the so-called "BLM Organic Act"). I am introducing it today as an amendment to S. 507, the Land Resource Planning Assistance Act.

4. Deletion of the separate grant program for interstate land resource planning and management. This reduces the overall price tag of the bill by $120 million (total of new bill: $880 million over 8 years). Indications were that, in any case, there were not sufficient funds in the interstate grant program to encourage States to enter into formal interstate arrangements.

5. Changing the purpose of grants to Indian tribes from assisting both planning and management of reservation and other tribal lands to assisting only planning. The Committee, after approving an Indian title last Congress, discovered that the question of who has the authority to wield land use controls on reservation and tribal lands is more complicated than had been previously known. Therefore, the new bill limits the purpose of grant funds to planning only until the management jurisdictions are better understood. To achieve such understanding, the bill establishes a study commission of representatives of Indian tribes, Federal agencies, and State and local governments to report to Congress on the issues involved, with recommendations on how to resolve them.

6. Elimination of the provision authorizing the Secretary of the Interior to require that a State include "areas of critical environmental concern of more than statewide significance" in the State land resource program. Although this did not permit Federal pre-emption on policy matters in that the States could adopt whatever policies they wanted toward those areas after they included them in their programs, it still clearly raised fears of Federal pre-emption in the minds of many; thus the reason for its removal.

7. Addition of an energy facility planning title calling for the development of State energy facility planning programs which, unlike the Administration's proposal, focuses on planning rather than simply siting, makes that planning part of the multi-purpose planning of the State land resource program and not single purpose in effect, is completely voluntary and has no Federal override of State decisionmaking, and encourages consideration of energy conservation measures to reduce siting needs.

8. Additional emphasis given to encouraging land resource decisionmaking which is not only more open and effective, but also more efficient. Reflecting the concern of many businessmen over the proliferation of permit and license requirements at all levels of government, the bill would require a high-level interagency study of means of expediting licensing, permitting, and other governmental decisions which serve as prerequisites for development. The bill also would establish an Expedited Federal Energy Facility Licensing Program, which is needed in its own right, but also can serve as a prototype program to be critically reviewed in the interagency study.

9. Elimination of the ad hoc hearing board which was to consider State appeals from a determination of ineligibility and the provision instead for immediate access for the States to the Court of Appeals to challenge the determination.

10. Inclusion at the beginning of the bill of a specific statement of what are not the purposes of the bill and a prohibition against construing any provisions of the bill to find such purposes.

Mr. PACKWOOD. Mr. President, for a Nation which has been ill-prepared for an energy crisis and the expanding recession and inflation of today, what could be more important than planning? There is hardly a social, economic, energy, or environmental issue that does not rest upon questions of land use—how and where we use our limited valuable lands. Before our country unwisely develops and irreversibly changes much of its land resources, land-use planning must be initiated. To come to grips with urban expansion, rural sprawl onto prime agricultural lands, efficient plans for community transportation, air and water quality control, we should devise effective democratic ways of dealing with our problems of growth and development.

Conflicting land uses are an ever-increasing dilemma—from powerplant siting policies which run counter to open space and wilderness plans that collide with highway routing. An over-all State-county-local land-use plan is the key for coordinating the patchwork of these "single purpose" State and local planning efforts.

The Land Resource Planning Assistance Act, which I am cosponsoring today, has passed the Senate twice, most recently on June 31, 1973, by a vote of 64 to 21.

The basic purpose of the Land Resource Planning Assistance Act is to encourage, through voluntary grants, improvement in State and local land-use programs. The American Law Institute has estimated that 90 percent of all land-use decisions are only of local concern. I believe this Act is designed correctly, in that it merely provides funds for States to use jointly with local governments, without the fear of Federal land-use intervention. Congress has proven time and time again that it cannot run programs well from Washington. In fact, any possible Federal pre-emption of local and State land-use planning under the Act is specifically ruled out by a statement of what the purposes of assistance to States are, and a prohibition against construing any provisions of the act to allow Federal intervention.

The grants to the States for the development and administration of land resource programs would total $100 million per year for 8 years at 90 percent Federal share of the cost for 5 years, and at two-third the total program cost as the Federal share thereafter.

The act has an essential feature which will affect Federal land-use activities in States receiving program funding. Federal activities which significantly affect land-use in these States must be consistent with the State land resource programs, except in cases of overriding national interest as determined by the President. In Oregon, 32,089,000 acres or 52 percent of total land area is under Federal control. Therefore, this provision is extremely helpful by allowing a State such as Oregon to get a handle on Federal forest, mining, and range management policies, habitat protection and soil erosion, to name just a few.

Land-use planning is undoubtedly needed so that State and local governments can prepare for the demands upon scarce land in the future. There is not even a preliminary blueprint for land use in this country, let alone a master plan. The Nation has to get going now, this year, to assist States which elect, hopefully, to develop wise land resource planning programs.

Many States like Oregon have developed or are considering legislation to deal with mounting land-use problems and pressures. These States are eager to meet the challenge. All they need is the assurance that technical and financial resources will be made available to implement the legislation they enact. We should recognize that profit, economic growth, and technological expansions are not necessarily or automatically good, especially at the expense or potential danger to our invaluable quality of life.

In the same spirit which inspired and helped pass the National Environmental Policy Act and the Coast Zone Management Act of 1972. I believe the Land Resource Planning Assistance Act is a fine piece of legislation that is crucial to accomplish our environmental goals of resource protection and enlightened management.

I am pleased to represent my home State of Oregon on the subject of land-use planning here today. Oregonians are once again setting a precedent which I believe this act will foster at a time when land-use planning is most critically needed.

Mr. President, I ask unanimous consent that a summary of Oregon's land-use planning efforts provided by the Oregon Conservation and Development Commission be included at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

OREGON'S HISTORY IN LAND-USE PLANNING

BACKGROUND

In 1973, the 57th Legislative Assembly adopted Senate Bill 100 (ORS Chapter 197), otherwise known as the 1973 Land Use Act. This represented the latest in a series of actions by the State of Oregon to promote comprehensive land use planning to assure the highest level of livability for its citizens. The Act provides for the coordination of local comprehensive plans through state standards and review. Furthermore, the statute mandated active citizen involvement in the on-going land use planning process at all governmental levels.

Until the 1973 Act, efforts in Oregon had been guided by ORS Chapter 215.515, enacted in 1969. That statute set forth broad goals and objectives for comprehensive physical planning. Although, the goals in the 1969 Act were not mandatory, they were made required interim goals under provisions of SB 100, Section 48.

To guide local comprehensive planning, the 1973 Act directed the Land Conservation and Development Commission (LCDC) to adopt statewide planning goals and guidelines by January 1, 1975. These planning goals, adopted by the LCDC, replace the interim goals and are regulations. The goals and guidelines are to be used by state agencies, cities, counties and special districts in preparing, adopting, revising and implementing comprehensive plans.

Using the ten broad goals and objectives from the 1969 law as a foundation, the LCDC expanded each and added forest lands; energy; citizen involvement; land use planning; and housing. The goal subjects include definitions, as well as, guidelines which provide alternative ways to accomplish the planning goals.

In developing the statewide land use goals and guidelines, LCDC conducted 56 public workshops in the Spring and Fall of 1974 to ascertain citizen attitudes and concerns about land use and comprehensive planning. In November and December, 1974, the Commission conducted 18 public hearings and a number of public work sessions on the drafts of the statewide goals. The goals and guidelines were formally adopted December 27, 1974.

The Citizen Involvement goal was also adopted as an administrative rule on December 27, 1974 so that it would become effective January 25, 1975. This action was taken to assure that citizen involvement opportunities would be created throughout the plan review and development in 1975.

All goals are of equal importance. The order in which the goals are printed does not indicate any order of priority.

Comprehensive plans, and any ordinances or regulations implementing the plans, are to comply with the statewide goals by January 1, 1976. Extensions may be granted by the Commission in those situations where satisfactory progress is demonstrated.

FUTURE CHANGES

Substantive changes in the statewide planning goals and guidelines will be kept to a minimum so that governmental units will have an opportunity to incorporate the goals into their comprehensive plans.

The refinement of goals and guidelines will be on-going to assure that they reflect the State's current needs and provide for regional differences. The various needs of these areas will be incorporated into more specific regionalized goals and guidelines in the future.

GOAL-GUIDELINE DESCRIPTION

"Goals are intended to carry the full force of authority of the state to achieve the purposes . . . of the Act." Goals are regulations and the basis for all land use decisions relating to that goal subject.

"Guidelines . . . are suggested directions that would aid local governments in activating the mandated goals. They are intended to be instructive, directional and positive, but not limiting local governments to a single course of action when some other course would achieve the same result . . . guidelines are not intended to be a grant of power to the state to carrying zoning from the state level . . ."—The Senate Journal—1972.

Guidelines following most goals are divided into two sections—planning and implementation. Planning guidelines relate primarily to the process of bringing plans into conformance with the goals. Implementation guidelines relate primarily to the process of carrying out the goals once they have been dealt with in the plans. Both of these sections are to be considered during the preparation of land use plans.

CITIZEN INVOLVEMENT

Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

LAND USE PLANNING

Goal: Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

AGRICULTURAL LANDS

Goal: To preserve and maintain agricultural lands.

Goal: To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space. These lands shall be inventoried and preserved by adopting exclusive farm use zones pursuant to ORS Chapter 215. Such minimum lot sizes as are utilized for any farm use zones shall be appropriate for the continuation of the existing commercial agricultural enterprise within the area. Conversion of rural agricultural land to urbanizable land shall be based upon consideration of the following factors: (1) environmental, energy, social and economic consequences; (2) demonstrated need consistent with LCDC goals; (3) unavailability of an alternative suitable location for the requested use; (4) compatibility of the proposed use with related agricultural land; and (5) the retention of Class I, II, III and IV soils in farm use.

FOREST LANDS

Goal: To conserve forest lands for forest uses.

Forest land shall be retained for the production of wood fibre and other forest uses. Lands suitable for forest uses shall be inventoried and designated as forest lands. Existing forest land uses shall be protected unless proposed changes are in conformance with the comprehensive plan.

In the process of designating forest lands, comprehensive plans shall include the determination and mapping of forest site classes according to the United States Forest Service manual "Field Instructions for Integrated Forest Survey and Timber Management Inventories—Oregon, Washington and California, 1974."

OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

Goal: To conserve open space and protect natural and scenic resources.

Programs shall be provided that will: (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, and (3) promote healthy and visually attractive environments in harmony with the natural landscape character. The location, quality and quantity of the following resources shall be inventoried:

a. Land needed or desirable for open space;

b. Mineral and aggregate resources;

c. Energy sources;

d. Fish and wildlife areas and habitats;

e. Ecologically and scientifically significant natural areas, including desert areas;

f. Outstanding scenic views and sites;

g. Water areas, wetlands, watersheds and groundwater resources;

h. Wilderness areas;

i. Historic areas, sites, structures and objects;

j. Cultural areas;

k. Potential and approved Oregon recreation trails;

l. Potential and approved federal wild and scenic waterways and state scenic waterways.

Where no conflicting uses for such resources have been identified, such resources shall be managed so as to preserve their original character. Where conflicting uses have been identified the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

AIR, WATER AND LAND RESOURCES QUALITY

Goal: To maintain and improve the quality of the air, water and land resources of the state.

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plan, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Goal: To protect life and property from natural disasters and hazards.

RECREATIONAL NEEDS

Goal: To satisfy the recreational needs of the citizens of the state and visitors.

ECONOMY OF THE STATE

Goal: To diversify and improve the economy of the state.

Both state and federal economic plans and policies shall be coordinated by the state with local and regional needs. Plans and policies shall contribute to a stable and healthy economy in all regions of the state. Plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability; labor market factors; transportation; current market forces; availability of renewable and nonrenewable resources; availability of land; and pollution control requirements.

Economic growth and activity in accordance with such plans shall be encouraged in areas that have underutilized human and natural resource capabilities and want increased growth and activity. Alternative sites suitable for economic growth and expansion shall be designated in such plans.

HOUSING

Goal: To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

PUBLIC FACILITIES AND SERVICES

Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served. A provision for key facilities shall be included in each plan. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.

TRANSPORTATION

Goal: To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services, (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility .

ENERGY CONSERVATION

Goal: To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

URBANIZATION

Goal: To provide for an orderly and efficient transition from rural to urban land use.

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land.

Establishment and change of the boundaries shall be based upon consideration of the following factors:

(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

(2) Need for housing, employment opportunities, and livability;

(3) Orderly and economic provision for public facilities and services;

(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;

(5) Environmental, energy, economic and social consequences;

(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,

(7) Compatibility of the proposed urban uses with nearby agricultural activities.

By Mr. PELL (for himself, Mr. SCHWEIKER, Mr. BAKER, Mr. BAYH, Mr. BEALL, Mr. BROCK, Mr. BROOKE, Mr. BUMPERS, Mr. CASE, Mr. CLARK, Mr. CRANSTON, Mr. CULVER, Mr. DOMENICI, Mr. GOLDWATER, Mr. PHILIP A. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. LEAHY, Mr. MATHIAS, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MONTOYA, Mr. NELSON, Mr. PASTORE, Mr. RIBICOFF, Mr. STAFFORD, Mr. STONE, and Mr. TUNNEY):

S. 985. A bill to amend the Social Security Act to establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed; to expedite hearings and determinations respecting claims for benefits under titles II, XVI, and XVIII of the act and part B of title IV of the Federal Coal Mine Health and Safety Act of 1969; and to amend title II of the Social Security Act to limit to 25 percent the reduction that may be made in a individual's benefit check for any month because of any previous overpayments of monthly benefits. Referred to the Committee on Finance.

SOCIAL SECURITY RECIPIENTS FAIRNESS ACT OF 1975

Mr. PELL. Mr. President, today I am introducing the Social Security Recipients Fairness Act of 1975. The purpose of this legislation is to remedy widespread unfair and unfortunate procedural problems which plague hundreds of thousands of social security recipients each year, with unjustifiable and intolerable delays in applying for, and receiving, social security and black lung benefits due to them.

I am sure that we who serve in the Senate are all too familiar with the case histories of individuals in our States who have experienced severe hardships because their social security checks have been lost, stolen, or delayed; persons who suffer because their social security, supplemental security income, disability insurance, or black lung claims are being held up for an unconscionably long time in the tortuously convoluted appeals systems; and persons who are left destitute because the Social Security Administration is penalizing them wholesale for an accidental benefit overpayment by withholding entire benefit checks to affect a repayment.

When these travesties of administrative procedure fall upon an individual, the consequences are frequently economically disasterous and psychologically demoralizing. The low-income recipient who relies upon the prompt and regular delivery of a benefit check and does not receive it often must go without food or medicine, delay payment of rent or utility bills, or risk fuel or telephone shutoffs. In these times of inflation and tight credit, the middle-income recipient faced with no check, is no better off.

I am determined that a stop should be put to this unfair imbalance of the administrative scales. This imbalance places paperwork and computer time requirements of the enormous Social Security bureaucracy far above the human needs of an individual for whom the regular and prompt receipt of benefit checks is absolutely necessary.

I am delighted to be joined in this important effort by Senator SCHWEIKER, whose concern for black lung recipients is responsible for title III of this bill. Title III is identical to legislation which Senator SCHWEIKER introduced in the last Congress, to grant procedural protection to hundreds of persons who have experienced long delays in the black lung benefit application process. In all, 33 Senators have cosponsored this legislation, and I believe that this reflects our direct experience of the enormous numbers of cases of benefit check losses, and procedural delays.

The legislation I am introducing today reflects my ideas and my evaluation of studies which have focused on the social security claims and appeals process. It is directed toward four basic situations, each of which shares a common denominator; namely, the unfair burdens of loss of time and money which are placed on the benefit recipient or applicant, whenever this massive bureaucracy stalls or makes an error.

LOST, STOLEN, OR DELAYED CHECKS

The most frequent problem I have seen is the delay in issuing benefit checks when a change in personal status occurs or when a regularly issued check is lost or stolen. A study currently under preparation for the Commissioner of the Social Security Administration will show that, last year, there were more than 108,000 lost checks for title II benefits, and more 64,000 lost checks for supplemental security income benefits. This total of more than 172,000 checks points to many cases of hardship and deprivation. I have recently worked on several cases which clearly illustrate this problem.

Mrs. B. and her daughter live in Providence, R.I. Mrs. B.'s husband died in May of 1973, and although she properly notified the Social Security Administration, her claim checks were improperly drafted and made for the wrong amount, for several months. After my office interceded, one check was properly drafted, but the next several reverted to the incorrect amount and wrong recipient name. Again, my office interceded, and again, Mrs. B. went on the merry-go-round of one accurate check, followed by a series of unusable drafts.

After my third intercession, the checks stopped completely. In February 1974, the situation was corrected, taking 9 months to solve.

Mr. D. of Warwick, R.I., was disabled in May 1972. His benefits were supposed to begin in December 1972, but, as check after check failed to arrive, Mr. D. contacted my office. An investigation failed to locate Mr. D.'s file in Social Security's Baltimore headquarters. To complicate matters, each time a call was made to the Social Security Administration, the earlier contacted individual had been replaced, or was ill, or on vacation. Mr. D.'s case ostensibly was placed on "critical," "emergency," and then "special claim" status, but the checks did not come. In February of 1974, Mr. D. began to receive some compensation. This gentleman's problem took 14 months to resolve.

When Mrs. Y. of Cranston, R.I., discovered that her monthly check had been stolen from her mailbox, she correctly reported the theft and requested a substitute. That was in February 1973. After repeated requests had brought no result, Mrs. Y. contacted my office, and I was advised in early October 1973, that a substitute check would be delivered to Mrs. Y. during the third week of that month. By November 15, when no check had been received, I called Social Security again. Mrs. Y. finally received a check, hand delivered by a member of the Secret Service, on December 3, 1973. Mrs Y. is on a totally fixed income. She had no resources to cushion the loss of her money, yet it took the SSA and other agencies 10 months to issue a substitute check.

It is hard enough upon the average family when a check is merely delayed, but the experience of Mr. S. of Cranston, R.I., illustrates that it may not help to attempt to straighten out the problem.

Shortly before retirement, Mr. S. had inquired regarding his level of benefits, and learned that he would receive approximately $388 per month. His first three checks had not arrived when Mr. S. contacted my office. He had already filed the proper notification forms, and to complicate matters, his wife's medicare premiums, which should have been deducted automatically from her benefit check, could not be paid.

When Mr. S. finally received an official looking envelope and opened it, hoping that it was a check, he learned that the couple's medical insurance coverage had been stopped, because the premiums were not being paid. The local social security manager conceded that, with inquiries coming in on the case, the solution might have been delayed. In other words, if Mr. S. had not pointed out that the defaulting of medical insurance was social security's fault, he might have been reimbursed faster.

These examples clearly illustrate that the present operation of this nonsystem is too rigid to meet the completely justifiable emergency needs of the individual social security recipient. My legislation puts the flexibility that is needed into the social security law, so that no person or family will ever again have to wait for more than 4 days for the replacement of a delayed, stolen, or misplaced social security check.

DETERMINATION, HEARING, AND APPEALS

If the sorry performance of the Social Security Administration with regard to lost, stolen, or delayed checks, is distressing, the discrepancies which mark the disposition of disability claim appeals are astonishing.

I have conducted a thorough study of the disability appeals process, and I have carefully documented an outstanding problem which deserves immediate attention and rectification.

The process by which a claimant must contest a social security disability determination is long and complex: it can also be a costly and arduous route. This is, unquestionably, an area in which much thought needs to be given to the rights of the claimant, and to the proper role of the Social Security Administration. In this legislation I have pinpointed one shocking aspect of this appeals process; namely, the length of time it takes from the date an appeal is filed, until a final decision is reached. It has been said that "justice delayed in justice denied." What then, can we say about an appeals process which can be routinely completed in 93 days in one region, but which takes 120 days in the Atlanta region, 206 days in the Chicago region, and, worst of all, takes an average of 226 days to complete in New England?

The very important question which is resolved for some of our citizens in 93 days, or 3 months on the average, takes more than 7 months, or an average of twice as long, to be resolved for others. How can the Social Security bureaucracy be content when vital decisions are delayed for months beyond the time which is reasonable and proper for a careful determination?

It is edifying to note that the Railroad Retirement Board which administers a similar disability insurance system for railroad employees maintains a 3-month average for their hearings and appeals process, regardless of the region in which the claim originated.

In the last year for which statistics are available, more than 68,000 persons requested appeal hearings after they were dissatisfied with initial disability decisions made by the Social Security Administration. Of those, 61,000 appeals were finally adjudicated. Of that number, 31,467 were reversals, that is, findings in favor of the claimant and in opposition to the earlier disability determination. This means that of the cases which were appealed, more than half were found to have been improperly decided on the local level. I believe that this statistic, in itself, calls for a thorough reappraisal of the initial decision process. What I find shocking in this situation is the enormous disparity in regional efficiency in the determination of this issue. Thousands of disabled Americans wait for months because of unnecessary bureaucratic time wasting. Each month means a loss of badly needed income. Each month of waiting longer than is reasonably necessary represents a tragedy.

Furthermore, these are only average figures which conceal extremes. A close study of the figures indicates that 20 percent of the cases in the New England region are more than 289 days old.

I can compare this sorry record with the Dallas region, the Nation's most efficient in this regard, in which the average age for the one-fifth longest pending cases is only 163 days. I have explored this interregional timelag, and I can find no reason for it other than the fact that some regional offices, my own region among them, apparently believe that they are not responsible for providing adequate service to the average American. I believe that this cavalier attitude is wrong and must be changed, and I have today introduced legislation which will require that standards of efficiency which can be set by one region must become the standards for all of the regional offices.

In addition, this legislation would extend procedural guarantees to applicants for title II and title XVI, supplemental security income benefits.

In an important hearing conducted by the Special Committee on Aging last summer, several expert witnesses testified on the procedural problems and delays faced by SSI applicants. One witness, Robert N. Brown, who is the director of the Center for Legal Services for the Aging at Syracuse University referred to this legislation as introduced last year, as a specific remedy for the problems faced by applicants who desperately need the benefits of these programs, but whose applications or appeals are held up for many months.

BLACK LUNG BENEFITS

Applicants for black lung benefits suffer from the same delays in their applications for benefits, and in the appeals process, as do persons for benefits under titles II, XVI, and XVIII. Senator SCHWEIKER originally introduced this legislation to the Social Security Recipients Fairness Act in the 93d Congress, and it made sense to us to incorporate it in this bill.

REPAYMENT OF ACCIDENTAL OVERPAYMENTS

Finally, this legislation addresses itself to the problems faced by persons who have received inadvertent benefit overpayments. The present social security benefit structure is so complex that innocent mistakes are bound to occur in the computation of benefits. It is presently the practice of the SSA, upon discovering an overpayment, to deduct the amount of the overpayment in one lump sum from the beneficiaries' monthly check or checks, often completely wiping out an entire month's benefits. I propose that no more than 25 percent of a monthly check be deducted, for as many months as are necessary to refund the overpayment, in this way easing the often intolerable burden upon the individual beneficiary.

Mr. President, if this legislation is passed it will relieve hundreds of thousands of Americans from the burdens imposed by a bureaucracy which is more oriented toward machines than toward people. I do not think that anything could be fairer than to require the bureaucracy to perform important procedures in reasonable amounts of time, and this is the focus of this bill.

Mr. President, I ask unanimous consent that the text of the Social Security Recipients Fairness Act be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Social Security Recipients Fairness Act of 1975."

TITLE I—REPLACEMENT OF LOST, STOLEN OR DELAYED CHECKS

SEC. 101. Section 205(q) of the Social Security Act is amended to read as follows:

"EXPEDITED BENEFIT PAYMENTS

"(q)(1) Notwithstanding any other provision of law, the Secretary shall establish and put into effect procedures under which expedited payment of monthly benefits under this title will, subject to paragraph (4) of this subsection, be made in the manner prescribed in paragraphs (2) and (3), of this subsection.

"(2)(A) Not later than one day after the date an individual files (with the official and at the place prescribed under regulations of the Secretary) a completed application (described in subparagraph (b)), the Secretary shall certify for payment and cause to be made to such individual the monthly insurance benefit payment, or so much thereof which has not been paid, alleged in such application to be due to such individual, unless information known to the Secretary indicates that a material allegation made in the application is untrue or for other reasons such individual is not entitled to such benefit payment, in which case, the Secretary shall apprise such individual of such information in writing.

"(B) The application referred to in subparagraph (A) shall contain:

"(i) the name, address, and Social Security number of the applicant,

"(ii)(a) an allegation that, one or more monthly benefit payments due and payable to the applicant have not been received by the applicant as of the date of the filing of the application, and are at least seventy-two hours overdue, together with the date that each such payment was due, or, (b) an allegation, concurred in by the Secretary, that one or more monthly benefit payments have been made and received in an amount less than that to which such individual is entitled, together with the date that each such payment was received.

"(iii) an allegation that the applicant is entitled to such benefit, and,

"(iv) such other data or information as the Secretary shall by regulations prescribe.

"(3) Any payment made pursuant to a certification under this subsection shall not be considered an incorrect payment for purposes of determining the liability of the certifying or disbursing officer.

"(4) For purposes of this subsection, benefits payable under section 228 and under Title XVI shall be treated as monthly insurance benefits payable under this title."

SEC. 102. Section 1631(d)(1) of the Social Security Act is amended by striking "and (f)" and inserting the following in lieu thereof: "(f) and (q)".

SEC. 103. The amendments made by sections 101 and 102 of this Act shall be effective in the case of applications filed and written requests filed, under section 205(q) of the Social Security Act, on and after the first day of the first calendar month which begins more than sixty days after the date of enactment of this Act.

TITLE II—EXPEDITING OF HEARINGS AND DETERMINATIONS

SEC. 201. Part A of Title XI of the Social Security Act is amended by inserting, immediately after section 1123, the following new section:

"SEC. 1124. (a) In the administration of the programs established by Titles II, XVI, and XVIII, the Secretary shall establish procedures designed to assure that—

"(1) any duly requested hearing to which an individual is entitled thereunder will be held within a reasonable period of time after such hearing is so requested, if such hearing is requested with respect to a determination of the Secretary: (A) as to the entitlement of such individual to monthly insurance benefits under Title II and Title XVIII or the amount of any such benefit; (B) which is described in section 1869(b)(1); and (C) as to the entitlement of such individual to benefits under Title XVI or the amount of any such benefit.

"(2)(A) Not later than ninety days after any hearing (except a hearing described in subsection (2)(B) of this section) described in subsection (1) of this section is requested, the Secretary shall render a final determination on the issues which were the subject of such hearing, or if no final determination of the Secretary has been made at that time, the Secretary shall make payments of benefits to such individual in like manner as if a final determination has been made fully in favor of thhe individual.

"(B) Subsection 2(a) of this section shall be applicable to any hearing in which the matter in disagreement involves the existence of a disability (within the meaning of sections 423(d) and 1614(a)(3) of the Social Security Act) except that the applicable period of time shall be one hundred and ten days.

"(3) The time period described in subsection (2) of this section shall be extended whenever and to the extent that such individual requests any extension of time or continuance, or fails to appear at the time of a hearing.

"(4) No payments to an individual shall be made under paragraph (2) for any period after a final determination of the Secretary has been made (after a hearing on the matter) denying the claim of such individual.

"(5) Any payments made pursuant to paragraph (2) shall not be considered to be an incorrect payment for purposes of determining the liability of the certifying or disbursing officer who made or authorizes such payment to be made.

"(6) Any payment made pursuant to paragraph (2) shall be nonrefundable and shall remain the property of the individual.".

TITLE III—EXPEDITED PAYMENT OF BLACK LUNG BENEFITS; AND EXPEDITED HEARINGS AND DETERMINATIONS RESPECTING SUCH BENEFITS

SEC. 301. (a) Section 413(b) of the Federal Coal Mine Health and Safety Act of 1969 is amended by striking out "and (1)" and inserting in lieu thereof "(q), and (1)".

(1) The amendment made by subsection (a) shall be effective in the care of applications filed and written requests filed and written requests filed, under part B of Title IV of the Federal Coal Mine Health and Safety Act of 1969, on and after the first day of the first calendar month which begins more than sixty days after the date of enactment of this Act.

SEC. 302. The Secretary of Health, Education, and Welfare, in the administration of part B of Title IV of the Federal Coal Mine Health and Safety Act of 1969, shall, with respect to hearings and determinations on claims thereunder, establish procedures for the expediting of such hearings and determinations which are, to the maximum extent feasible, patterned after and consistent with the objectives of section 1124 of the Social Security Act.

TITLE IV—LIMITATION OF BENEFIT REDUCTION TO COMPENSATE FOR BENEFIT OVERPAYMENT

SEC. 401. (a) The first sentence of Section 204(a)(1) of the Social Security Act is amended by inserting, immediately before the period at the end thereof, the following: "; except that the monthly insurance benefit to which any individual is entitled shall not be reduced by more than 25 percent on account of any overpayment (or overpayments) in monthly insurance benefits previously made to such individual or any other individual".

(b) The amendment made by subsection (a) shall be applicable in the case of decreases made under section 204(a) of the Social Security Act from monthly insurance benefits payable for months after the month in which this Act is enacted.

Mr. RIBICOFF. Mr. President, today, I am joining in reintroducing legislation to assure speedy replacement of lost, stolen, or otherwise misplaced social security, supplemental security income—SSI—and disability benefit checks. The legislation would also speed up and reform the disability insurance and SSI appeals process. This year Congress must come to grips with the problems affecting the social security system. One of the problems which concerns me most is the bureaucratic delay which can prove so burdensome to a deserving applicant.

Too often, Government redtape and bureaucratic delay deprives citizens of the benefits due them. This works a special hardship on older Americans, SSI recipients, and the disabled who depend largely on these payments for their income. Delays in getting their checks mean more than inconvenience. Delays can mean going without food, defaulting on rent, utilities, medicine, and other necessities.

I have received many letters from people in Connecticut complaining of Government delay. We must not allow our needy citizens to become strangled in Government paperwork.

The legislation I am cosponsoring with Senator Pell would assure that no person or family would have to wait more than 4 days for the replacement of a delayed, stolen, or lost social security, SSI, or disability check. Families should not have to wait 6 or 7 weeks for a new check as they do today.

Another section of our legislation would reform the SSI and disability claim hearings and appeal process.

One of the most unresponsive and unfair bureaucratic procedures is the disability claim hearings and appeal process. The length of time between the filing of an appeal and final determination is shocking. In the Atlanta region it takes 93 days. In Dallas it takes 163 days. And in Chicago it takes 206 days.

But the New England region is the worst offender of all. The average time it takes for final disposition of a disability claim in the New England region is 226 days. This is a most shocking case of justice denied because of delays. Compared with the nationwide average of 90 days for full disposition of a railroad retirement claim, the New England disability claims process problem is even more startling.

We must put an end to this bureaucratic disgrace. These are not frivolous appeals which are being made. In fact, of the 61,000 disability appeals finally adjudicated last year, 31,467 were reversals. That is, the appeal found in favor of the claimant and against the Government.

Our bill therefore modifies the disability process, putting time on the side of the individual claimant. It requires that the hearing and appeals process be completed expeditiously. If the full process is not completed within 110 days, the claimant would be entitled to the full benefit from the 110th day onward. If the appeal process later found the applicant ineligible, the compensation already paid would remain the property of the claimant, and would be assessed as a penalty on the appeals system for delaying the decision process.

Supplemental security income beneficiaries involved in a claim dispute would become eligible for benefits after a 90-day delay in the appeal process.

It is time to put an end to unresponsive bureaucracy. Government programs must serve the people—fairly and promptly. This bill will help us achieve that goal.

Mr. SCHWEIKER. Mr. President, I am pleased to be a cosponsor of the Social Security Recipients' Fairness Act. This bill is similar to S. 3952, introduced by my colleague, Senator Pell, during the 93d Congress. The bill would establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed, and would expedite hearings and determinations respecting claims for benefits.

In addition, the legislation contains a provision which I introduced as an amendment to the bill last year, to extend these procedures to those applying for black lung benefits. Delays in processing black lung benefit claims are a national disgrace. The Social Security Administration must speed up processing of black lung benefit cases so the thousands of eligible, needy recipients can receive their long overdue black lung benefits. I have in my office literally hundreds of cases from people who have asked my assistance in expediting the tortuously long process of applying for black lung benefits. It is unusual for a claim to be processed in less than 4 months, and common for a claimant to wait for a full year for a final decision. This is totally unacceptable to me, and highly unfair to miners, their families, and widows who have been burdened by black lung.

The social security black lung programs are among our Nation's most deserving programs, but they have become paperwork nightmares. This bill would speed up benefit procedures so that the average citizen, who desperately needs these benefits, will not be the one who gets hurt.

By Mr. MATHIAS (for himself, Mr. Eagleton, Mr. Garn, Mr. Inouye, and Mr. Stevenson):

S. 986. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act by abolishing the National Capital Services Area. Referred to the Committee on the District of Columbia.

Mr. MATHIAS. Mr. President, I send to the desk on behalf of myself and the chairman of the Senate Committee on the District of Columbia, Senator Eagleton, and of Senator Garn, Senator Inouye, and Senator Stevenson, a bill to repeal provisions in Public Law 93-198, the District of Columbia Self-Government and Governmental Reorganization Act which established, effective January 2, 1975, a National Capital Service Area or so-called Federal enclave within the District of Columbia.

Section 739 of Public Law 93-198, in addition to carving out an enclave encompassing the Federal monuments, the Mall, the White House, the Capitol Building, executive, legislative, and judicial buildings, Fort McNair, the Navy Yard, and Bolling Air Force Base, also provides for the appointment of a level IV Director in the Executive Office of the President. This $38,000 a year Presidential appointee would be responsible for assuring adequate police and fire protection within the "Federal Enclave," and the maintenance of streets, highways, and sanitation services.

Mr. President, the Federal enclave is simply an idea whose time never came. During the public hearings conducted in the Senate, no witness either for or against D.C. self-government ever suggested that the Congress entertain such an idea. The amendment creating the Federal enclave, in fact, was added at the 11th hour to the home rule bill on the floor of the other body with the stated purpose to make certain that the final responsibility for municipal services in the Federal enclave would not rest with elected officials of the District of Columbia. This amendment was adopted in the House by a narrow vote of 209 to 202.

As one of the Senate's managers of the home rule legislation who participated in the House/Senate conference, I can state that the Senate conferees made it quite clear to our House counterparts that we viewed the enclave proposal as unnecessary and accepted it only as the price of necessary compromise.

The House conferees expressed the view that the deletion of the enclave amendment would seriously jeopardize the fate of the home rule bill when that measure was returned to the House floor for final adoption. Consequently, the Senate managers, who had successfully steered home rule legislation through the Senate on several previous occasions only to witness these bills die in the House, reluctantly agreed to accept the enclave provision.

Mr. President, there are three principal reasons why the bill I am introducing today should be swiftly adopted by the Congress.

First of all, as the act now stands, the Office of the President of the United States is drawn into the daily problems of the investigation of homicides, the performance of autopsies, execution of search warrants, booking and detention of prisoners, "hot pursuit," response to emergencies, inspection of business establishments and enforcement of applicable municipal regulations, and patrol of the harbor and wharf areas; the providing of water distribution and sewage collection services, disposal of solid wastes, and the enforcement of environmental and health regulations; the cleaning of streets; the enforcement of traffic and motor vehicle regulations across jurisdictional lines, including coordination of traffic control, and installation and maintenance of signals and traffic control devices; street lighting, snow removal, underground public utility installations, and parking; and the installation and maintenance of fire alarm signal boxes, utilization of the harbor fireboats, providing of emergency ambulance services, and crash and rescue vehicles; and many others.

Second, the existing arrangements between the Federal Government and the District of Columbia for providing services within the so-called Federal enclave are effective. Ironically, at no point in the House debate over the enclave amendment did any Member question the effectiveness of the relationships between the District and Federal Governments.

On the contrary, recent events clearly demonstrate that the working relationship between the two levels of government remain sound. During the first week of February, this region experienced its first heavy snowfall. Contrary to the fears expressed by the proponents of the enclave, the District Government did provide snow removal services within the service area. Additionally, no complaint has been levied against the D.C. Fire Department for the manner in which it responded to the fire at L'Enfant Plaza last month. But more importantly, both the Congress and the President have sufficient authority to make certain that all needed and appropriate services are provided to the Federal enclave.

Third, article I, section 8 of the Constitution of the United States creates the whole District of Columbia as the seat of the Federal Government. When the Congress passed and the President signed into law the Home Rule Act, a substantial degree of authority was delegated from the Congress to an elected Mayor and City Council to conduct the affairs of the Nation's Capital. Public Law 93-198, however, did not and could not relinquish the Congress constitutional responsibility for the District of Columbia. By focusing the Federal concern on the narrow stretch of land within the enclave, as section 739 does, the Congress overall interest throughout the District of Columbia is diminished.

Mr. President, the last minute inclusion of the Federal enclave in the Home Rule Act must stand as a congressional error in judgment. While it lies beyond the powers of Congress to avoid all mistakes during the course of great undertakings, I believe the Congress does possess the wisdom to avoid persisting in such errors. The bill I am sending to the desk allows us to correct our mistake. The White House has assured me that it supports this bill. I am confident that the Congress will demonstrate its support by moving swiftly on this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsections (a), (b), (c), (d), (e), (f), (i), and (j) of section 739 of the District of Columbia Self-Government and Governmental Reorganization Act are hereby repealed.

(b) Paragraphs (1) and (2) of subsection (g), and paragraph (1) of subsection (h), of section 739 of the District of Columbia Self-Government and Governmental Reorganization Act are hereby repealed.

Sec. 2. Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889, as amended (D.C. Code, sec. 39-603), is amended by deleting "or for the National Capital Service Director,".

By Mr. BUCKLEY:

S. 987. A bill to amend the Internal Revenue Code of 1954 and certain other provisions of law to provide for automatic cost-of-living adjustments in the income tax rates, the amount of the standard, personal exemption, and depreciation deductions, and the rate of interest payable on certain obligations of the United States. Referred to the Committee on Finance.

TAX REFORM/INDEXING

Mr. BUCKLEY. Mr. President, one of the most pressing needs this Nation faces is to reform its tax system. Taxes are high, and increasingly inequitable as the surge of inflation squeezes the low- and middle-income wage earner between high prices and high taxes. The very rich always survive, and the nonworking poor frequently receive so much in welfare benefits and in-kind payments that their real income exceeds that of a taxpaying working citizen.

Today I am introducing legislation which will contribute to mitigating one of the most flagrant inequities in the income tax system, namely the windfall profit the Federal Government gains from inflation. As any working person knows, our dollar incomes have risen in recent years, just to offset the loss in purchasing power of the dollar, but as a consequence of that increase, lower- and middle-income taxpayers have been pushed into even higher income tax brackets. The result is that the real income of the middle class wage earner has declined because taxes have been imposed on him making it impossible for him to offset the increased prices resulting from inflation. In short, there has been a real decline in his standard of living.

The mechanism to cope with the effects of inflation is usually described as "indexing". As such, indexing, or the adjustment of payments to reflect changes in the Consumer Price Index to reflect changes in price levels, does not in any way affect inflation nor does it imply a willingness to "live with" inflation. To change the rate of increase of prices, one must look to other means including monetary and fiscal remedies. What indexing can do, however, is to reduce the adverse consequences of inflation while otherwise painful anti-inflation efforts are being put into effect.

The most important and familiar forms of economic contracts between the Government and the ordinary citizen that would be addressed by indexing are in the fields of Government taxing and borrowing in the private arrangements which would take into account the effect of inflation. But in his dealings with the Federal Government, the ordinary citizen is presently at an overwhelming disadvantage in trying to protect his economic welfare in the face of chronic inflation. In point of fact, under present circumstances, Government actually profits from inflation at the expense of the private taxpayer and lender.

By way of illustration let us examine a case familiar to us all: The personal income tax system. Suppose an individual is earning $5,000 per year in 1974, and that inflation causes prices to rise at an average rate of 7 percent per year from 1974 through 1984. If the individual receives cost of living pay increases sufficient to keep pace with inflation, his income would be $10,000 in 1984. Yet he would be no better off in 1984, than he was in 1974 in terms of what he could buy with his income. In fact inflation would make him significantly worse off in regard to his income tax.

Assuming he is the head of a typical family of four, he would be required to pay 2 percent of his earnings in Federal income taxes. However, because inflation would have the effect of lifting this same individual into ever higher tax brackets, by 1984, when he would be earning $10,000 merely to stay even in terms of purchasing power, he would be required to pay over 10 percent of his earnings to the Federal Government. Thus although his "real income" in terms of purchasing power remains unchanged, his increase in "money" income will cause him to pay five times as much in taxes leaving him poorer in 1984 despite a doubling of his dollar income. A table is shown below which illustrates the impact of inflation on all levels of income, assuming a 7 percent annual rate of inflation and a family of four.

HYPOTHETICAL TAX COLLECTIONS AT CURRENT TAX RATES, 1974 AND 1984

[Assuming inflation causes prices and incomes to double in 10 yr]

1974 income	1974 percent of income paid in taxes	1984 income	1984 percent of income paid in taxes
$5,000	2	$10,000	10
$10,000	10	20,000	15
$20,000	15	40,000	25
$50,000	29	100,000	42
$100,000	42	200,000	54
$1,000,000	67	2,000,000	68

At the higher rates of inflation we are now experiencing, any anti-inflation techniques that are apt to be employed will take several years to reduce the growth of prices to an acceptable level. This means that the ordinary citizens might have to suffer the consequences of several years of relatively higher prices while his income and the value of his assets continue to be eroded.

I believe the Congress must enact appropriate legislation to protect the individual taxpayer from the consequences of inflation under circumstances where he is compelled to deal with the Government—the agency in our society principally responsible for inflation. I also believe the Congress should provide the ordinary citizen with a medium of investment that will permit him to protect the purchasing power of his savings.

The bill I am proposing today is designed to tie government income taxes and borrowing to the Consumer Price Index. This legislation indexes the personal income tax, perhaps the largest single source of economic inequity in Government-citizen relations. Now I want to emphasize here that indexing does not require any change in rates of taxation. This legislation merely adjusts the dollar amounts in the tax tables to reflect changes in the Consumer Price Index. It in effect merely corrects a technical deficiency in the income tax tables so as to impose a consistent rate of taxation on real earnings, one that properly reflects that inflation would cause people to pay higher and higher effective rates of taxation without any compensating increase in purchasing power.

In addition to indexing the personal tax system, this bill also proposes that capital gains, depreciation, corporate income tax, the standard deduction and the personal exemption all be indexed. Let me briefly outline the manner in which indexing would affect each case.

The bill would correct an inequity which is arising with greater frequency in recent years, what might be called the capital-gain-that-is-not-there. Let us say an individual purchased a home 20 years ago for $20,000, and sells it today for $40,000. Let us further assume that the dollar has lost 50 percent of its value in the intervening years. Therefore in real terms, the owner has broken even. Yet under existing tax laws, the owner is compelled to pay a capital gains tax on an illusory profit that represents nothing more than inflation. He realized no "real" capital gain in the transaction and as a consequence he is actually subjected to a capital levy, which is contrary to the intent of the law.

This is becoming a specially burdensome problem as many of our older citizens whose homes often represent their major assets, and who are forced to sell in order to move into smaller quarters that are easier to maintain. This bill would adjust the cost basis of an asset to reflect changes in the purchasing power of the dollar. Thus an individual would pay a capital gain only on a real "capital gain" rather than a fictitious inflationary gain.

The capital stock, and, thus, the productive capacity of the Nation, is being eroded by inflation. Moreover, the profitability of American business is being overstated as a consequence. For example, a machine purchased in 1974 for $10,000 with a 10-year life would cost $20,000 to replace with prices doubling in 10 years. The real profits of the corporation are being overstated because there is an inadequate allowance in the firm's statement of expenses for depreciation, which currently are not adjusted to reflect replacement costs. My bill would seek to protect the productive cacapability of the Nation's capital stock by permitting the cost basis of a depreciable asset to be adjusted over its economic life to reflect the impact of inflation. The legislation also deals with the standard deduction, the personal exemption, and corporate income tax in a similar manner by simply adjusting the statutory deduction or exemption level to reflect changes in the price level as measured by the consumer price index.

Finally, and equally important, is the issue of providing for equity in the borrowing activities of the Federal Government when it borrows from private citizens and institutions. There is no clearer example of the injustice of the existing system of Federal borrowing than the savings bond program. In recent years, the interest which the private citizen expected to earn on the bond has been more than offset by inflation; and to add insult to injury, he is expected to pay taxes on these fictitious earnings. Moreover, the value of the principal is also eaten away by inflation. As a result, the Government reaps a windfall profit from inflation on both the tax side of the Government balance sheet and the liabilities side. It is simply unconscionable that the Congress should permit the Federal Government to continue to reap a windfall profit from inflation while continuing to cause the inflation from which it profits.

I am persuaded that indexing has an important role to play in the fight against the destructive effect of inflation. I would list some of the most important elements as follows:

First. Indexing the tax system would require the Congress to show the political courage to vote the tax increases required to pay for the full cost of new Federal programs by removing the windfall Government profits from inflation. At the present time, if the forces of inflation cause prices and income to rise at 10 percent, Government tax revenues will rise by perhaps 12 or 13 percent. Under the bill I have introduced, Government revenues would only rise in direct proportion to the rate of inflation.

Second. Indexing the tax and borrowing system would remove the most indefensible inequity of inflation from the statute books, namely the power of the Government to profit from the inflation it causes.

Third. Indexing of borrowings would allow individuals and pension funds to protect savings against inflation-related losses. It would provide a substantial measure of relief for older Americans, and would restore incentives to save. I might note in passing that one of the more insidious effects of chronic inflation is to discourage the habit of saving, thus inhibiting the capital formation so essential to the creation of new jobs.

Fourth. Indexing the tax and borrowing system would eliminate the distortion in the allocation of resources between the public and private sectors that now occur as a consequence of inflation. As things now stand, the Government is in a position to increase the transfer of real resources from the private sector to the public sector by simply increasing the rate by which it prints money.

Fifth. Indexing the tax and borrowing system will restore to economic calculations the true legislative intent of the Congress by taxing an individual's "real" income at the originally intended statutory rates and borrowing money from him at "real" rates of interest rather than permitting these rates to be changed in favor of the Government by Government induced inflation.

Sixth. Since indexing would mitigate many of the consequences of inflation, it would serve to defuse pressure for the kind of wage and price controls with which we have been recently experimenting, with such disasterous effects.

Mr. President, since I first proposed the concept of indexing in legislative form last year, the notion has gained increasing support from business as well as academic quarters. It is, I believe, an idea whose time has come.

I ask unanimous consent that my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Cost-of-Living Adjustment Act".

Sec. 2. Rate of Taxation.

(a) Section 1 of the Internal Revenue Code of 1954 (relating to tax imposed) is amended by adding at the end thereof the following new subsection:

"(e) Cost-of-Living Adjustment.—

"(1) Changes in amount.—At the beginning of each calendar year as soon as the necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the base period. Each dollar amount listed in the tables under subsections (a), (b), (c), and (d) of this section shall be multiplied by such ratio and, as multiplied, shall be the amount in effect for the calendar year in which such report is made.

"(2) Definitions.—For purposes of paragraph (1)—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1974.".

(b) Section 11(d) of the Internal Revenue Code of 1954 (relating to surtax exemption) is amended to read as follows:

"(d) Surtax Exemption.—

"(1) General rule.—For purposes of this subtitle, the surtax exemption for any taxable year is $25,000, except that, with respect to a corporation to which section 1561 or 1564 (relating to surtax exemptions in case of certain controlled corporations) applies for the taxable year, the surtax exemption for the taxable year is the amount determined under such section.

"(2) Cost-of-living adjustment.

"(A) At the beginning of each calendar year as soon as necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the preceding calendar year bears to the price index for the base period. The dollar amount in paragraph (1) of this subsection shall be the amount in effect for the calendar year in which such report is made.

"(B) Definitions.—For purposes of paragraph (1)—

"(i) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(ii) the term 'base period' means the calendar year 1974.".

Sec. 3. Standard Deduction.

Section 141 of the Internal Revenue Code of 1954 (relating to standard deduction) is amended by adding at the end thereof the following new subsection:

"(f) Cost-of-Living Adjustment.—

"(1) Changes in Amount.—At the beginning of each calendar year as soon as the necessary data becomes available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the preceding calendar year bears to the price index for the base period. Each dollar amount listed in the table under subsections (b) and (c) of this section shall be multiplied by such ratio and, as multiplied, shall be the amount in effect for the calendar year in which such report is made.

"(2) Definitions.—For purposes of paragraph (1)—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(B) the term 'base period' means the calendar year 1974.".

Sec. 4. Personal Exemptions.

Section 151 of the Internal Revenue Code of 1954 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"(f) Cost-of-Living Adjustment.—

"(1) Changes in Amount.—At the beginning of each calendar year as soon as the necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the preceding calendar year bears to the price index for the base period. Each dollar amount in subsections (b), (c), (d), and (e), of this section shall be multiplied by such ratio and, as multiplied, shall be the amount in effect for the calendar year in which such report is made.

"(2) Definitions.—For purposes of paragraph (1)—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(B) the term 'base period' means the calendar year 1974.".

Sec. 5. Depreciation.

Section 167(a) of the Internal Revenue Code of 1954 (relating to depreciation) is amended to read as follows:

"(a) Allowance of Deduction.—

"(1) General Rule.—There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

"(A) of property used in the trade or business or

"(B) of property held for the production of income.

"(2) Cost-of-Living Adjustment.—

"(A) At the beginnning of each calendar year, as soon as the necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall report to the Secretary or his delegate the ratio which the price index for the preceding calendar year bears to the price index for the next preceding calendar year. The amount determined under this section to be a reasonable allowance for depreciation shall be multiplied by such ratio and, as multiplied, shall be the amount allowed as a depreciation deduction.

"(B) For purposes of this paragraph, the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

Sec. 6. Adjusted Basis of Property.

Section 1016(a) of the Internal Revenue Code of 1954 (relating to adjustments to basis) is amended—

(1) by striking out the period at the end of paragraph (22) and inserting in lieu thereof a semicolon; and

(2) by adding at the end thereof the following new paragraph:

"(23) in respect to any period after December 31, 1975, before making any other adjustments of basis under this subsection, for an amount which is equal to the difference between—

"(A) the basis of the property, as determined under section 1011, before adjustment under this section, multiplied by the ratio which the price index (average over a taxable year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics) for the taxable year in which the property is sold or otherwise disposed bears to the price index for the taxable year in which the property was acquired, or for the calendar year 1975, whichever is later, and

"(B) this basis of the property as determined under section 1011 before adjustment under this section.".

Sec. 7. Cost-of-Living Adjustment for Certain Obligations of the United States.

(a) Savings Bonds and Certificates.—Section 22(b) of the Second Liberty Bond Act (31 U.S.C. 757c (b)) is amended—

(1) by striking out the colon and "*Provided,* That" in paragraph (1) and inserting in lieu thereof a period and "Except as provided in paragraphs (4) and (5), the"; and

(2) by adding at the end thereof the following new paragraphs:

"(4) In the case of a savings bond or savings certificate on which interest is paid and which is issued after the date of enactment of the Cost of Living Adjustment Act, the rate of interest on that bond or certificate shall be multiplied by the ratio which the price index for the calendar year in which the bond or certificate is issued bears to the price index for the calendar year preceding the year in which any amount of interest accrues. Whenever interest accrues on such a bond or certificate, the amount of interest which accrues shall be equal to the amount corresponding to the interest rate as multiplied under this paragraph. For purposes of this paragraph, the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(5) In the case of a savings bond or certificate issued after the date of the enactment of the Cost of Living Adjustment Act, the redemption value of that bond or certificate shall be multiplied by the ratio which the price index for the calendar year in which the bond or certificate is issued bears to the price index for the calendar year preceding the year in which the bond or certificate is redeemed. The amount for which such a bond is redeemed shall be equal to the amount of the redemption value as multiplied under this paragraph. For purposes of this paragraph, the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

(b) OTHER OBLIGATIONS OF THE UNITED STATES HAVING A MATURITY OF ONE YEAR OR MORE.—

(1) RATE OF INTEREST.—Notwithstanding any other provision of law, the rate of interest on any interest-bearing obligation of the United States having a maturity of 1 year or more issued after the date of enactment of this Act shall be multiplied in accordance with the provisions of section 22(b) (4) of the Second Liberty Bond Act as if that obligation were a savings bond or certificate. The Secretary of the Treasury shall promulgate such regulations as may be necessary to carry out the provisions of this paragraph.

(2) REDEMPTION VALUE.—Notwithstanding any other provision of law, the face value of any obligation of the United States issued after the date of enactment of this Act having a maturity of 1 year or more, without regard to whether that obligation is interest bearing or not, shall be multiplied, on the maturity date of that obligation, in accordance with the provisions of section 22(b) (5) of the Second Liberty Bond Act as if that obligation were a savings bond or certificate. The Secretary of the Treasury shall promulgate such regulations as may be necessary to carry out the provisions of this paragraph.

SEC. 8. EFFECTIVE DATE.

The amendments made by sections 2, 3, 4, 5, and 6 of this Act apply to taxable years beginning after December 31, 1974.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. WILLIAMS, Mr. SCHWEIKER, and Mr. STAFFORD):

S. 988. A bill to amend the Public Health Service Act to revise and extend programs of the National Heart and Lung Institute and National Research Service Awards. Referred to the Committee on Labor and Public Welfare.

THE NATIONAL HEART, LUNG, BLOOD VESSEL, AND RESEARCH TRAINING ACT OF 1975

Mr. KENNEDY. Mr. President, 3 years ago the Congress enacted the National Heart and Lung Act, which will expire this June 30. At the same time the research training authority of the NIH will also expire.

The bill that I take pleasure in introducing today along with my friends Senators JAVITS, WILLIAMS, SCHWEIKER, and STAFFORD is a 2-year extension of both of these expiring programs. The bill does not propose any increases in authorization levels.

A 2-year extension for these two key NIH programs will synchronize them with the National Cancer Act, which the Congress extended last year through 1977. This is essential given the forthcoming report of the recently appointed President's Biochemical Research Panel. That prestigious panel grows out of legislation which Senator JAVITS and I authored last year.

The task before the panel is to assess, review, and evaluate the biomedical and behavioral research programs at the NIH, and to make recommendations to the Congress by the summer of 1976 respecting areas needing improvement.

I believe this panel has a critically important function to perform. Its report may well be the most important study of the NIH since its creation 37 years ago.

Mr. President, I ask unanimous consent that at the conclusion of my statement there be printed in the RECORD two documents. The first contains the highlights of the National Heart, Blood Vessel, Lung, and Blood Disease program. And the second is the response of the Heart and Lung Institute to pertinent sections of the 1972 act.

I have scheduled hearings on this legislation before the Senate Health Subcommittee on March 17, 1975. Persons interested in testifying should contact Mr. Lee Goldman, subcommittee staff director, at 202–224–7675.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. HIGHLIGHTS OF THE NATIONAL PROGRAM

Collectively, heart, blood vessel, lung, and blood diseases cause more deaths than all other diseases in the United States combined. They have a devastating effect on the health of our citizens as well as on the nation's economy. More than 30 million Americans suffer from these diseases. Their impact in terms of national economic loss has been estimated at more than $40 billion a year. These figures while impressive in terms of identifying the problem, fail to convey the seriousness of the social impact of these diseases—the dimensions of suffering, grief, disability, stress and hardship, and the effects these diseases have on the patient and the patient's family.

Why do these diseases overwhelm our current health care system, and is there hope for a solution to the problem? The principal reason why they overwhelm our health care system is that we lack the necessary understanding to deal with them effectively. This understanding can be obtained through research. A second reason is that the results of medical research are sometimes not applied to the health care system as expeditiously as they might be. Thus further medical research and the application of the knowledge gained through research offer substantial hope of reducing the devastating effects of heart, blood vessel, lung, and blood diseases in the future. Accordingly, the National Heart, Blood Vessel, Lung, and Blood Program focuses primarily on two types of efforts: (1) Research Programs, and (2) Prevention, Control, and Education Programs to bridge the gap between research findings and clinical application. Currently, the expenditures for research on these problems represent less than one percent of the total costs for these diseases. For instance, in the case of heart and blood vessel diseases, the estimated annual cost to the economy is more than $30 billion, while the total Federal expenditure for research in this area in FY 72 was about $200 million. Yet, medical research is the wisest investment that the nation can make to insure further progress in the attack against heart, blood vessel, lung, and blood diseases. Thus, the common interest of everyone in our society dictates a high priority for the further development of the comprehensive National Heart, Blood Vessel, Lung, and Blood Program.

A conceptual strategy for the National Program Plan was presented nearly one year ago in the National Heart and Lung Institute Summary, referred to earlier. This initial strategy provided the first approximation of the direction the program would take, its underlying principles, and its method of implementation. The strategy was not complete in concept or in operational detail—nor was it intended to be at this early stage. Each year as we gain more experience and knowledge in the planning, implementation, and evaluation of a major national program for biomedical research, the conceptual and operational aspects of the program will become clearer and more precise. In the initial program strategy, three underlying principles were outlined as summarized below:

The long-range goal must be to improve the health of the American people.

Programs for achieving this goal must be based on an orderly progression of sequenced activities from acquisition of fundamental knowledge to the application of existing knowledge.

Evaluation of the use of knowledge—both *before* its application in health care delivery and *after* to determine its impact on the health of the American people—will be the key to meeting national health goals.

The major planning problem addressed during this past year has been how to translate abstract goals and principles, conceived at a policy-making level, into meaningful program activities involving thousands of individuals. In formulating an attack on this problem, we have reexamined the above principles and found them still viable. We have extended these principles conceptually into a more complete strategy. And we have begun to implement this strategy operationally. The updated program strategy, outlined below, gives increased attention to the importance of the social and physical aspects of our human environment and their relationship to health and disease. The operational steps taken to implement this strategy are described in Chapters III, IV, V, and VI of this report, and the estimated resources to put the plan into effect are presented in Chapter VII.

In seeking solutions to the pressing health problems of heart, blood vessel, lung, and blood diseases, we are giving special recognition to the social and physical aspects of the human environment and their role in the development of these diseases. Also, the importance of the context of the total human environment to the success of the National Program is being considered in the planning, implementation, evaluation, and coordination of the Program.

Our modern technology society offers many choices of life style both for everyday working life and for the increasingly available leisure time. We live in an age characterized by specialization of labor, sophisticated machinery, complex systems of organization, and mass production. In communicating with the public and the health professions, the Program emphasizes how the choice of life style and physical environment, by individuals as well as communities, in fact may imply a choice of future health or disease of the heart and the lungs. Current and future program plans stress how disease might be prevented before the onset of catastrophic illness which may be beyond the reach even of modern medical technology. Currently, the National Program gives special emphasis to five program areas described in detail in Chapter III and highlighted below:

Prevention of heart attacks—the greatest killer in our nation

High blood pressure education—millions of our citizens do not know that they have high blood pressure, that it may lead to serious complications such as stroke and death, and that treatment is available.

Expansion of the attack on lung diseases—a heretofore neglected area

Development of a national blood policy—a critical national need

Methods of controlling sickle cell disease.

Social change, brought about by the increasing use of rapid communication and transportation systems, has radically altered leisure and work activities, resulting in new health problems which fall within the scope of the National Heart, Blood Vessel, Lung, and Blood Program.

Changing attitudes are directing our attention to long-neglected disease problems particularly prevalent in certain population groups. Sickle cell disease, one of these problems, is receiving special emphasis in the National Program. Such programs, in addition to the need for medical expertise, require a high degree of knowledge about the special needs and desires of these patients. The great expense of providing available medical treatment, such as Factor VIII for patients with hemophilia, creates drastic social changes for the family of the victim. It may, in fact, condemn the family to lifelong poverty. Social change is causing increasing numbers of elderly citizens, many of whom have cardiovascular or respiratory problems, to be without the aid of or proximity to their families in times of need.

Socioeconomic factors play a role in the development of many diseases. While poverty is associated with increased infant, maternal, and overall mortality, the general affluence in the United States is thought to be associated with the high mortality rate from coronary heart disease and heart attacks.

Social isolation is a problem in many parts of the United States, both in urban and rural areas. This often prevents the National Program from reaching those people who need it most. The Institute is paying particular attention to developing lines of communication with community health resources and developing education and demonstration programs to alert the medical profession and the public to new methods of disease control and treatment in the local community. Specifically, the Institute is developing cooperative programs with Federal and non-Federal health agencies for the purpose of controlling, and in the long-term preventing, heart, blood vessel, lung, and blood diseases. One example is the National High Blood Pressure Education Program, discussed in Chapter III under Prevention, Control, and Education.

Social mobility, particularly geographic mobility, creates problems which limit the timing of National Program efforts. An average of 18 percent of the total U.S. population moves annually. This places restrictions on the length of time available for follow-up of patients participating in clinical studies to determine the benefits of new treatments, such as the modification of diet in the therapy of heart disease. It further poses managerial problems in carrying out well-controlled studies in large free-living populations. The Institute is careful to take these factors into consideration in its planning of long-range clinical trials, such as the Multiple Risk Factor Intervention Trial discussed in the section on Arteriosclerosis in Chapter III.

Our American culture and the quality of life in the United States appear important in increasing a person's susceptibility to heart and lung disease. For instance, in Denmark, Norway, and Sweden, the death rate from coronary heart disease for men under the age of 55 is less than half that for the same age group in the United States. In Japan it is one-sixth that in our country. These international statistics indicate that the high death rates from coronary heart disease in the United States are neither necessary nor inevitable. Research has identified a number of factors which appear important in increasing a person's susceptibility to heart and lung disease. Programs are being developed to modify these factors without disrupting our way of life. Specifically, the National Program emphasizes research, control, and education efforts on how heart and vascular disease might be prevented through changes in life style, and how such changes can be most effectively implemented. Good health is everyone's major source of wealth and happiness. The American public is generally not aware of the extent to which the individual can contribute to maintenance of good health and prevention of disease. Programs are underway to explore, develop, and evaluate the most effective means of motivating the public as a whole to take voluntary action which may be helpful in promoting personal health, preventing disease, and assuring prompt treatment of disease before a crisis situation develops.

Urbanization and life stresses in general are being studied to determine how these factors affect the development of disease. Behavioral studies have indicated that certain types of individuals are more prone than others to develop heart and lung disease under conditions of similar stress. Periods of mental and environmental stress may thus be associated with an increased incidence of disease. However, the exact nature of these associations remains to be defined.

In the case of lung diseases, the social habit of cigarette smoking is believed to be a prime factor in the etiology or exacerbation of both chronic bronchitis and emphysema—two chronic obstructive lung diseases which are on the increase in the United States. Smoking also contributes to environmental lung diseases and hypersensitivity lung diseases. Up to 20 percent of smokers have chronic obstructive lung disease, and almost all afflicted patients are smokers. Thus, one of the major goals of the National Program in the field of lung diseases is to modify the smoking habits of persons at risk of developing lung diseases and to extend successful anti-smoking programs to the general population. The Program also addresses the problem of pollution brought on by the technological revolution in the United States. This is a well-recognized problem in lung disease, and one which may be regulated by society. The choice is ours.

In developing and evaluating highly sophisticated therapeutic modalities such as artificial circulatory assistance, the National Program has given a prominent place to nonmedical aspects of the human environment. Examples are public attitudes and social, ethical, legal, and other factors important in assessing the public impact and in ensuring the acceptance of the new treatment when it is introduced in practice. Behavioral scientists, ethicists, lawyers, economists, educational experts, and interested laymen are cooperating in the Program to identify nonmedical issues that may help or hinder this and other research, prevention, and treatment programs.

The human environment also plays an important role in the National Program efforts to deal with the difficult problem of national blood resources. This entire program depends upon the willingness of human beings to donate blood for use by other human beings. High quality blood and blood products are essential to effectively treat many diseases as well as to save the lives of injured individuals. To be able to supply sufficient quantities of any given blood product on a moment's notice requires many steps, from recruiting the donor to collecting the blood, separating it into its components, detecting and eliminating disease-causing agents, matching the components for compatibility with the recipient's blood, and administering the blood or blood component to the patient in a safe manner. In the United States, many different organizations are responsible for these operations. A major problem with the present system is the lack of uniform quality control of blood donations. The NHLI, in cooperation with a number of Federal and non-Federal agencies, is striving for an all-volunteer blood system.

A comprehensive account of recent progress and future challenges for all program areas addressed by the National Program is presented in Chapter III of this report. Since Chapter III is rather technical in content, the use of medical terminology is unavoidable. To provide the lay reader with an overview of prominent program developments, highlights of recent progress and future challenges are presented below in lay language for each of heart and blood vessel diseases, lung diseases, and blood diseases and blood resources.

HEART AND BLOOD VESSEL DISEASES

Highlights of recent progress and future challenges in research, prevention, control, and education programs include:

Prevention of heart attacks—identification of risk factors

There are approximately 1,250,000 heart attacks in America each year. The five major and well-established risk factors for coronary artery disease and heart attacks are: age, male sex, high levels of blood lipides, high blood pressure, and cigarette smoking. The latter three can be modified, and for two of these we know that a decrease in the factor results in reduced risk. Cessation of cigarette smoking will decrease the enhanced risk of heart attacks among smokers. Reduction of moderate or severe hypertension reduces devastating complications such as stroke, heart failure, and kidney failure.

Prevention of heart attacks—modification of risk factors

The Institute has implemented three large-scale clinical trials to evaluate the cardiovascular effects of risk factor modification. Within this decade, we should know the impact of lowering the levels of blood lipids on heart attacks and the impact of controlling high blood pressure on heart attacks, as well as the impact of controlling simultaneously the three major risks factors: high levels of blood lipids, high blood pressure, and cigarette smoking.

Prevention of heart attacks—determination of blood lipids

Accurate and precise determination of blood lipids is essential for effective and efficient risk factor detection and management. Review of operating conditions in United States laboratories reveals a wide and unacceptable variation in the accuracy and precision of blood lipid (cholesterol and triglyceride) measurements. Quick-kit methods are totally unacceptable. Many of the large automated laboratories are employing techniques that yield values 10 to 40 percent too high. Over the last two years the NHLI has evaluated available technology and developed with industry a rapid, inexpensive, accurate, and precise method for determining cholesterol and triglyceride levels.

Prevention of heart attacks—behavioral studies

Current studies demonstrate that chronic and asymptomatic disorders such as arteriosclerosis (hardening of the arteries) and high blood pressure are not easily brought and held under control. Health attitudes and lack of motivation often lead to failures in compliance with changes in life style or with diets and drugs in attempting to change risk factors. Evidence from smoking clinics and from diabetics or hypertensives under treatment indicates that these behavioral elements rather than our understanding of risk factors may prove to be the limiting factors in our ability to prevent coronary heart disease.

Prevention of heart attacks—role of public education

Public education is of primary importance in the prevention of coronary heart disease. Major steps have been taken to educate the general public regarding the causes and prevention of coronary heart disease. An example is the Seattle Heart Watch which includes a series of television programs produced with the University of Washington. Among topics covered in the series are dietary alteration, exercise programs, signs of impending heart attack, and whom to contact concerning an attack.

Heart attacks—the role of blood lipids

Epidemiological studies have established strong positive associations with high levels of blood lipids (cholesterol) and with age relative to the incidence of heart attacks. A recent study with a special X-ray technique has emphasized these associations in terms of the pathological changes in the coronary arteries.

Heart attacks—a new sudden cardiac death syndrome

A previous undefined syndrome of potentially major clinical importance has been described. This new syndrome has been called the Primary Ventricular Fibrillation Syndrome or Instantaneous Death Syndrome. Clinically, those patients fortunate enough to be resuscitated following sudden collapse exhibit disturbance of heart rhythm, absence of recent or evolving myocardial infarction (death of heart muscle), presence of chronic coronary heart disease, and a very high incidence of sudden death (30 percent per year) subsequent to resuscitation. The recognition of this sudden death syndrome presents an opportunity to prevent premature deaths from coronary artery disease by preventing or controlling the disturbance in heart rhythm.

Heart attacks—therapy to reduce heart muscle damage

Recent investigations have shown that the patient's prognosis is directly related to the amount of dead heart muscle resulting from a heart attack. Pharmaceutical agents, oxygen therapy, and mechanical circulatory assistance are promising new therapies for limiting the amount of heart muscle damage from heart attacks.

High blood pressure—national education program

Drug therapy to control high blood pressure reduces the incidence of strokes and heart failure among persons with moderate or severe hypertension. However, only about 12 percent of hypertensives in the United States are currently receiving adequate treatment. The National High Blood Pressure Education Program, initiated in 1972, is an interagency Federal/non-Federal cooperative effort designed to bring individuals with moderate and severe hypertension under effective treatment. Sustained effective blood pressure management in such persons is expected to result in a reduction of disability and death by as much as 40 percent when compared with expected rates for untreated hypertensives.

Prevention of heart and blood vessel disease—the Framingham Heart Study

A 22-year follow-up has been completed on 5,209 participants in the Framingham study. Analysis of the data reveals that: (1) High blood pressure is the major cause of congestive heart failure, with elevations of systolic pressure ("upper" blood pressure reading) playing as great a role as diastolic pressure ("lower" blood pressure reading); (2) Cigarette smoking is a major contributor to intermittent claudication (severe cramps and pain in the muscles of the legs on walking due to insufficient blood supply) and acts independently of high blood pressure, high levels of blood lipids, or diabetic status; (3) Obesity is a risk factor in coronary heart disease, stroke, and congestive heart failure, independent of other risk factors; and (4) The quantitative influence of several risk factors acting simultaneously has been analyzed and the results published for use by clinicians in the prevention of heart disease.

Understanding arteriosclerosis

Arteriosclerosis is responsible for about 85 percent of the deaths from heart and blood vessel diseases. Recent progress has been made in the understanding of arteriosclerosis. Certain preliminary studies of smooth muscle cells that make up the bulk of atherosclerotic plaques suggest the possibility that each plaque consists mainly of one colony of cells that have all arisen from a single cell of the artery wall that is ancestral for the particular plaque. While this work remains to be confirmed, it raises fundamental issues in the pathogenesis of atherosclerosis.

Studies of the blood vessel wall

While elaborating and extending methods of culturing cells derived from human blood vessels, investigators are studying their properties to develop ways to use these cells in artificial blood vessels. The method has now been carried beyond seven generations of cells in culture as pure colonies that maintain all the basic morphological and metabolic properties of the lining of the vessels. These methods offer hope for enhancing our ability to construct artificial blood vessels compatible with the blood.

Using computers to detect irregularities in the blood

Utilizing contrast angiograms (a special X-ray technique together with computerized analysis of the images produced, it has been possible to obtain sensitive and highly reproducible diagnosis of changes in the blood vessel wall resulting from disease. This technique can facilitate early detection of cardiovascular disease.

Noninvasive instrumentation

Instrumentation is probably the most important single constraint to the effective prevention of clinical complications of arteriosclerosis. Convenient, preferably noninvasive, specific, and sensitive instrumentation for the diagnosis and monitoring of atherosclerotic plaques is needed. This would allow studies of the relationship of risk factor levels to actual development of atherosclerotic plaques is needed. This would allow studies of the relationship of risk factor levels to actual development of arteriosclerosis in the individual patient and provide a precise statement of what the total identified risk factors mean for that individual. Of most important, such instrumentation could monitor the development of arterosclerosic and measure the therapeutic affect of changing one or more of the risk factors. The ability to safety determine the results of a therapy or life style change on the development of arteriosclerosis, without having to wait for a crisis event such as heart, attack or death, would also enormously decrease the rigorous demands and costs of clinical trials.

Mechanical circulatory assistance

Mechanical circulatory assistance with intra-aortic balloon counterpulsation was introduced into clinical studies about a decade ago. Its exact role and effect in patients with acute heart attack had to be determined. Studies showed that this form of mechanical left heart assist could temporarily reverse shock even when refractory to all forms of medical therapy. This assistance permits further diagnostic studies and possible surgical therapy in patients who would otherwise be unable to withstand these procedures.

However, the overall impact of this form of therapy remained to be determined, especially in relation to the morbidity and mortality in those patients less critically ill. Recent studies in patients have now shown a definite reduction of infarct size associated with the use of mechanical left heart assist.

Implantable heart assist device

A totally implantable left heart assist device may have a significant future in terms of acute and chronic cardiac insufficiency. In recent experiments, a device has performed successfully in calves. In several acute implantations, excellent results were obtained in terms of the amount of blood put out by the heart, heart rates, and blood pressure. These implantations have demonstrated functionally the potential of these devices for individuals requiring left ventricular assist.

LUNG DISEASES

Highlights of recent progress and future challenges in research, prevention, control, and education programs include:

Pediatric lung disease—detection before birth

Hyaline membrane disease (HMD) is a disorder of newborn babies characterized by the immaturity of the lung. It usually occurs in premature infants, starts within hours of birth, and frequently leads to death within a few days. Without special treatment, over 50 percent of babies with this disease will die. If death from this disease could be eliminated, the infant mortality rate in this country might be reduced to a level comparable to the best in the world. Current therapy is available for treatment of hyaline membrane disease. However, delay in diagnosis contributes greatly to its high morbidity and mortality. A major diagnostic breakthrough has occurred which allows detection of hyaline membrane disease before birth. This technique, which involves sampling amniotic fluid, promises to result in exciting new therapeutic and preventive measures.

Pediatric lung disease—new therapy

Hyaline membrane disease is characterized by collapse of the oxygen-exchanging portions of the lung resulting in extreme difficulty in breathing and in death, as noted above. The course of HMD is relatively rapid, and survival is usually determined within a matter of days to 1 to 2 weeks. Therapeutic efforts have focused on methods of maintaining the airways open and allowing adequate oxygenation of the blood. Until recently, the usual therapy for HMD consisted of artificial ventilation and other intensive care usually available in large hospital centers. Unfortunately, this was not sufficient. Many infants still died from this disease. The therapeutic breakthrough that long has eluded investigators may now have been achieved. A provocatively simple technique, albeit one that requires scrupulously attentive patient care, has resulted in a survival rate of up to 90 percent in some studies. This therapy is continuous positive airway pressure (CPAP) and is used in conjunction with artificial ventilation.

Asthma—diagnosis in the asymptomatic child

Asthma, which affects more than 8 million Americans, could be prevented or treated while still reversible if it were diagnosed sufficiently early. A diagnostic test has been developed recently and is currently undergoing evaluation. This test involves exposing patients to a substance called methacholine. It may allow physicians to predict, perhaps years before symptoms develop, whether an individual is a potential victim of asthma. This potentially important diagnostic tool should permit already available therapeutic and preventive measures to be initiated early.

Chronic obstructive lung disease—early detection

Chronic bronchitis and emphysema are the major chronic obstructive pulmonary diseases (COPD). A new, and potentially more sensitive, method has been developed for early detection of changes in lung function and structure which appear to be the first sign of chronic obstructive pulmonary disease. This method (measurement of closing volume) is now being used on selected populations to determine its usefulness as a mass screening test.

Chronic obstructive lung disease—risk factors

Emphysema is the fastest growing cause of death in the United States. There are many different kinds of emphysema, none of which is well understood. Cigarette smoking has long been recognized as a major risk factor for emphysema, but attempts to identify other causes and risk factors have frequently ended in failure. New lines of research have been opened up by the recent discovery of a genetic basis for one type of emphysema. Other risk factors may soon be found as well.

Understanding lung disease

It has been recognized that the lung is an organ with several functions which may be as complex as the liver. The structure of the lung is also very complex as it is made up of as many as 40 different cell types. Technology is now at hand to relate structure and function at the cellular level by using cell culture techniques. As this information develops, it should be possible to begin investigations into the molecular basis of lung disease—an essential step toward effective prevention and treatment.

Artificial lung to treat respiratory failure

It has been estimated that at least 150,000 adult patients a year suffer from respiratory failure. Despite the availability of intensive care units, the lung function of these patients on occasion continues to deteriorate. Approximately 40 percent of these patients die. Therefore, patients with potentially reversible lung disorders still die because of a need for short-term respiratory augmentation. An artificial lung has been developed and tested that oxygenates the blood external to the body. This device can provide long-term (days) support without serious blood damage. In recent years, clinical studies have shown that these membrane oxygenators can be used successfully to provide partial respiratory support for patients with acute respiratory failure.

BLOOD DISEASES AND BLOOD RESOURCES

Highlights of recent progress and future challenges in research, prevention, control, and education programs include:

Dissolving blood clots in the lung

A clinical trial has been completed of an enzyme capable of dissolving blood cots in the lung. Results indicate that the enzyme streptokinase (a relatively inexpensive and available preparation) dissolves blood clots in the lung just as effectively as the more widely publicized urokinase (another enzyme preparation), which is quite difficult to obtain. These results are important to the development of more readily available treatment of thromboembolic diseases.

A new technique to measure abnormal tendency of blood to clot

A hypercoagulable state in which the blood is more likely to clot than normally contributes to a variety of diseases including development of arteriosclerosis and heart attacks. Methods to adequately measure or characterize this state have been lacking. A method of sufficient sensitivity and specificity has now been developed which will make possible earlier initiation of appropriate therapy.

Sickle cell disease—prevention of sickle cell crisis

While clinical trials to evaluate urea as an anti-sickling agent have shown that it is not effective in the treatment of the sickle crisis, evaluation of other anti-sickling agents continues. Preliminary studies with sodium cyanate are quite promising.

A Cooperative Study Group composed of researchers and clinicians has been formed to collaborate and work together to answer research and clinical questions in sickle cell disease. This group will form the nidus for a larger group which will address itself to hemolytic diseases in general.

Five sickle cell disease centers and eleven screening and education clinics have been added to continue research and demonstration efforts (bringing the total of 15 centers and 26 clinics).

Hemophilia—improved treatment

A procedure has been developed which will improve production of Factor VIII, which is used to stop bleeding in hemophiliac patients. This procedure will enable blood banks and laboratories throughout the country to obtain more potent and more uniform Factor VIII from donor blood. Use of this procedure will improve hemophilia therapy and also permit more efficient use of donated blood and plasma.

Hepatitis—transmission through blood transfusion

Two large studies on the epidemiology of hepatitis B infection are nearing completion, including one in New York City of blood donors found to be carriers of hepatitis antigen. Newer, more sensitive detection systems for hepatitis B are being developed and compared. A study of the efficacy of hepatitis B immune globulin in the treatment or prevention of hepatitis B infection has shown that this agent is not effective in the treatment of acute fulminant type B viral hepatitis.

Preventing the rejection of transplanted organs

Investigators are pursuing means of preventing the sensitization of the transplant patient by lowering or attempting to eliminate histocompatibility-antigens (HL–A) in transfused blood. Platelet (one of the formed elements in blood) studies are in progress to determine the indications for HL–A typing in platelet transfusions. Studies of *in vitro* methods for removing HL–A from blood will be completed this year to be followed by clinical trials on renal dialysis patients.

Development of artificial materials which will not harm blood

Important progress has been made in developing techniques to impart blood compatibility to materials for artificial organs in contact with blood. As one example, a class of "springy" polypropylene has been synthesized with unique tissue-like physical properties for potential prosthetic applications. The technology now exists to graft blood compatible materials, such as hydrogels, to the polypropylene surface and thus greatly increase its potential for biologic use.

Safe materials for blood bags

A method has been developed and evaluated which accurately detects the amount of plasticizer DEHP (di-2-ethylhexylphthalate), a substance leached out of blood bags during blood storage. It should now be possible to assess more readily the clinical signifiance of the presence of DEHP in tissues and body fluids of transfused patients.

II. PROVISIONS OF THE ACT AND NHLI RESPONSE

The Act: Section 413(a). The Director, NHLI, with the advice of the Council, shall develop a plan for a National Heart, Blood Vessel, Lung and Blood Program.

Response: In 1972, NHLI undertook a review of progams at NIH and at other Federal Agencies, and also, with the aid of approximately 300 consultants, reviewed the state of knowledge in the four areas specified in the 1972 Act, namely, Heart and Blood Vessel Diseases, Lung Diseases, Blood Diseases and Blood Resources. The review resulted in an assessment of the ongoing programs, and the opportunities for additional efforts. With the advice of the National Heart and Lung Advisory Council, the Interagency Technical Committee (IATC) and representatives of nonfederal and voluntary organizations with related programs, NHLI organized the results of this review into a National Program Plan (DHEW Publication No. (NIH) 73-515) supported by extensive resource material from the Council, Panels and IATC.

The National Program Plan was forwarded by the Director of the Institute in May 1972 for transmittal to the Congress and was transmitted to the Congress on July 24, 1973.

As forwarded, the total report is contained in the following publications:

Volume I—National Heart and Lung Institute Summary.

This included the actual 5 year plan as required by the Act and the Institute's projections on the appropriation necessary to carry it out.

Volume II—Report of the National Heart and Lung Advisory Council.

This contains the Council's recommendations, after having reviewed the scientific inputs of the Panel Reports (Volume IV) and the analysis of current program activities (Volume V).

Volume III—Report of the Panel Chairmen.

Volume IV—Panel Reports.

Part I—Report of the Heart and Blood Vessel Diseases Panel.

Part II—Report of the Lung Diseases Panel.

Part III—Report of the Blood Diseases Panel.

Part IV—Report of the Blood Resources Panel.

Volume V—Program Analysis.

Part I—National Heart and Lung Institute.

Part II—National Institutes of Health (Exclusive of NHLI).

Part III—Other Federal Agencies.

The Act: Section 413(a) . . . and (The Director, NHLI) . . . shall carry out the Program in accordance with the plan.

Response: Within the constraints of available resources the program is carried out as detailed in the report, described above.

The Act: Section 413(b)(2). The Director of the NHLI shall prepare annually a report on activities, progress and accomplishments during the preceding calendar year and a plan for the Program for the next five years.

Response: During the latter part of 1973 and the early part of 1974, an update of the National Program Plan was prepared, which presented the Institute's revised plan for FY 1976–1980. This updated plan (The First Annual Report of the Director of the NHLI, DHEW Publication No. (NIH) 75-514), was forwarded to the President who transmitted it to the Congress on September 24, 1974.

The Act: Section 413(c)(1). If authorized by Council, obtain services of not more than 50 experts or consultants.

Response: The Institute currently has on board 3 full time and 1 part time experts/consultants under these provisions. The Institute has not made fuller use of these provisions because these special NHLI experts/consultants have not been exempted from the Institute's regular personnel ceiling. This is in contrast to the instructions to NCI, which clearly indicate that such positions are not to be counted in the regular personnel ceiling.

The Act: Section 413(d). There shall be in NHLI an Assistant Director for Health Information Programs appointed by Director, NHLI . . . shall conduct a program to provide public and health professionals with health information.

Response: The Institute has established and filled the position of Assistant Director for Health Information Programs. An analysis of public and professional inquiries has resulted in several workshops, and new publications for broad distribution are being developed. New approaches to communication involving multi-media approaches are being developed. The distribution of health related information is steadily increasing; last year in the area of hypertension alone, approximately 30,000 articles appeared in magazines and newspapers (or the print media).

The Act: *Section 414(a)(1)*. Director of NHLI shall establish control programs as necessary for cooperation with other federal health agencies, state, local and regional . . . and non-profit private health agencies.

Response: The National High Blood Pressure Education Program is the major effort currently involving active cooperation and participation of other federal, state, local and regional public health agencies. There are currently about 100 such agencies actively involved in this program. This activity is of high priority to the Institute and will continue. The Sickle Cell Disease Program is another major program involving the coordination by NHLI of the National Institutes of Health, Health Services Administration, Center for Disease Control, Veterans' Administration, Department of Defense and the Labor Department. Major emphasis is on decreasing morbidity and mortality in sickle cell disease through a program of research and development and demonstration activities in public education, testing, rehabilitation and follow-up. Other cooperative efforts are in the planning stages to deal with cardiac rehabilitation, hemophilia and diet modification.

The Act: *Section 415(a)(1)*. Director, NHLI may provide for development of: (A) 15 new centers for research and demonstration in heart and blood diseases, (B) 15 new centers for research and demonstration in lung diseases.

Response: (A) During FY 1975 one National Research and Demonstration Center was established for heart diseases (Baylor College of Medicine, Houston, Texas) and one for blood resources (King County Central Blood Bank, Inc., Seattle, Washington). Each of these deals with a broad spectrum of issues including basic and clinical investigation, community demonstrations of diagnostic and preventive techniques and public and health professional educational dealing with current knowledge and new approaches to disease control.

(B) One National Research and Demonstration Center for lung diseases (University of Vermont, Burlington, Vermont) has been established. It focuses primarily on occupational safety and health as related to lung diseases. The program of this center covers the spectrum as in (A) above.

The Act: Section 416(a). The Secretary shall establish an Interagency Technical Committee responsible for coordinating all related Federal programs and providing for full communication and exchange of information.

Response: The Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources was established by the Secretary, DHEW, on November 3, 1972. Departments and agencies represented on this committee are:

Constituent Agencies of HEW:
Alcohol, Drug Abuse and Mental Health Adminstration.
Center for Disease Control.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.
Social and Rehabilitation Services.
Social Security Administration.
Other Departments and Agencies:
Department of Agriculture.
Department of Defense.
Department of Transportation.
Atomic Energy Commission.
Environmental Protection Agency.
National Science Foundation.
National Aeronautics and Space Administration.
Veterans Administration.

This Committee has assisted in the preparation of an annual report which summarizes the Federally-supported research programs in Heart, Blood Vessel, Lung and Blood Diseases and Resources. It has also provided a vehicle for exchange of information on current operating programs and the development of new programs.

The Act: Section 417(a). There is established a Heart and Lung Advisory Council of 23 members.

Response: The Council was revised to 23 members following enactment of the legislation.

The Act: Section 417(d). The Director, NHLI, shall designate a member of the staff . . . to act as Executive Secretary to the Council.

Response: Following the enactment of P.L. 92–423, the Director appointed a senior member of the Institute staff to serve as Executive Secretary to the Council. One of the major duties of the Executive Secretary is to assist the Council in preparation of the annual Council report required by P.L. 92–423.

The Act: Section 417(e). The Council shall meet not less often than 4 times per year.

Response: The Council as a whole meets regularly four times per year; in addition, subcommittees or working groups meet between Council meetings as necessary.

The Act: Section 418(b)(2). The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year.

Response: The First Annual Report of the National Heart and Lung Advisory Council, DHEW Publication No. (NIH) 74–508, was transmitted by NHLI to upper echelons on January 2, 1974 and was forwarded by the President to the Congress on July 29, 1974. The Second Annual Report is now being prepared for transmittal.

The Act: Section 5, Section 419A(2)(c). The Director, NHLI, may approve grants not to exceed $35,000 without review and recommendation by Council.

Response: The Institute has not taken advantage of this provision because of administrative difficulties and the necessity for clarification whether the stipulated sum refers to direct cost or total cost. The Institute has submitted a legislative recommendation that the $35,000 be identified as direct costs in a similar manner to the provision in the National Cancer Act Amendment of 1974 (P.L. 93–352, July 23, 1974).

The Act: Section 419B. Appropriations for any fiscal year shall be not less than 15% lung and 15% blood.

Response: This requirement has been met. For FY 1974 the allocation for Lung Diseases was 15%; for Blood Diseases and Resources, 17%.

The Act: Section 8. The Secretary, HEW, shall carry out a review of all administrative processes and submit a report to Congress within one year of the findings.

Response: The Secretary, HEW, forwarded the required report on administrative processes to the Congress on September 27, 1973. The report concluded that the authorities made available by the 1972 Act generally have provided the administrative tools necessary to implement the National Heart, Blood Vessel, Lung and Blood Act efficiently.

Mr. JAVITS. Mr. President, the tragic consequences of cardiovascular, pulmonary and blood diseases—pain, suffering, and death—have long been of deep concern to me. Twenty-eight years ago, in 1947, I introduced with Senator, now Congressman PEPPER of Florida a bill which became law to establish a National Heart Institute and which I believe was the first to focus attention on the issue. I am, therefore, particularly pleased to join with Senator KENNEDY in the introduction of the "Heart, Blood Vessel, Lung and Blood Act Amendments of 1975 and the National Research Award Act amendments of 1975" which allows us to continue to combat these dread diseases through an expended intensified and better coordinated program under the auspices of the National Heart and Lung Institute with broadened authorities.

Regrettably, the statistic I cited in 1948 when I testified in support of my National Heart Institute bill—H.R. 3762— as true now as it was then about heart disease: "It is the No. 1 killer." The time has come when we must recognize the serious proportion of cardiovascular and pulmonary diseases, and their dire effects on the health and well-being of the American people. The need for the legislation we are considering today can, and I quote from my testimony in 1948, "be justified as a national security investment."

The need for a continued, concerted, comprehensive coordinated attack on diseases of the heart, blood vessels and the lungs—which account for more than half of all the deaths in our country—is seen in the following tragic statistics, without reference to their human pain and suffering and economic toll upon the Nation where the combined economic and social impact of morbidity and mortality is enormous and the direct costs for medical care for patients with heart disease and related complications are estimated to cost more than $4 billion per year.

Heart and blood vessel diseases kill more than 1 million people each year.

Myocardial infarctions—heart attacks—kill some 600,000 people annually.

More than 12 million Americans will suffer some kind of heart attack in the next 10 years.

Lung diseases are deadly killers and debilitators. Approximately 20 million Americans are disabled with diseases of the lungs. Death from emphysema is rising at a rate unparalleled by any other disease.

Enormous numbers of people are being killed and disabled by thrombosis. This disease, the formation of blood clots in the vessels, is responsible for most of the suffering and death caused by the 200,000 strokes occurring annually in the United States.

The bill we introduce today will continue the intensified effort begun under the "National Heart and Lung Act," for 2 additional years at the fiscal year 1975 level of authorizations—$520 million.

This bill also continues the biomedical research training authority, established under Public Law 93-348, for 2 additional years at the fiscal year 1975 level of authorizations—$207,947,000.

Also, under the programs authorized by this measure will be considerably illuminated by the assessments, findings and recommendations of the President's Biomedical Research Panel—chaired by Franklin D. Murphy, chairman of the board, Times Mirror Co. of Los Angeles; and, upon which also serve Robert H. Ebert, dean of the faculty of medicine for the Harvard Medical School; Albert L. Lehninger, DeLamar professor and director of the Department of Physiological Chemistry, Johns Hopkins University School of Medicine; Paul A. Marks, vice president for health sciences, Columbia University; David B. Skinner, professor and chairman for the department of surgery, University of Chicago Hospitals and Clinics; Ewald W. Busse, director of medical and allied health education and associate provost for Duke University School of Medicine; and the chairman of the President's Cancer Panel, Benno C. Schmidt.

Mr. SCHWEIKER. Mr. President, in 1972 the Congress enacted the National Heart, Blood Vessel, Lung and Blood Act. It was the purpose of that act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack upon heart, blood vessel, lung and blood diseases. The key provision of that legislation was a requirement that the Director of the National Heart and Lung Advisory Council develop a plan for a 10-point National Heart, Blood Vessel, Lung and Blood program. The plan provided for investigation into the epidemiology, etiology and prevention of all forms and aspects of heart, blood vessel, lung and blood diseases; studies and research into the basic biological processes and mechanisms involved in these diseases; research into the development, trial and evaluation of techniques, drugs and devices; establishment of programs to focus and apply scientific and technological efforts involving the biological, physical and engineering sciences; setting up of programs for the conduct and direction of field studies, large scale testing and evaluation; studies and research into blood diseases; the education and training of scientists, clinicians and educators; public and professional education; programs for study and research into heart, blood vessel, lung and blood diseases of children; and the establishment of programs for study, research, development, demonstrations and evaluations of emergency medical services. That 10-point program constituted a rational approach to the problem of organizing a national attack against cardiovascular and pulmonary diseases as well as diseases of the blood. Such a plan provides a coherent program for action as well as evaluation. In addition, we placed particular emphasis on the prevention of these crippling diseases.

The bill being introduced today by my colleagues and myself will continue the effort we began 3 years ago. The bill makes no fundamental changes in the present act, but incorporates the recommendations of the Association of American Medical Colleges, the National Heart and Lung Institute and the American Heart Association.

Specifically, the bill provides: First, changes in the requirement for a calendar year report to a fiscal year; second, requires the setting forth of staff and appropriation recommendations as those required in the annual report; third, broadens the construction grant authority to include alteration and renovation; fourth, extends the program for 2 years at the current level of authorizations; fifth, broadens heart prevention activities to include lung and blood diseases; sixth, increases the $5 million maximum single grant to a research center to include "cost-of-living" increases"; and seventh, conforms the contract peer review mechanism to that which is provided in the Cancer Act.

Mr. President, this extension of the Heart Act is an appropriate second step in our national effort against America's No. 1 killer.

This bill also continues the biomedical research training authority established under Public Law 93-348, the National Research Service Award Act of 1974, for 2 additional years at the fiscal year 1975 level of authorizations. The changes to existing law in this title of the bill are not major.

Last year the Congress consolidated existing research training and fellowship authorities at the National Institutes of Health into a single national research service awards authority. This increased the capability of the National Institutes of Health and the National Institutes of Mental Health to carry out their statutory responsibility of maintaining a superior national program of research into physical and mental diseases and impairments and perpetuate the excellence of research activities at the Institutes. The fellowship and training programs of the NIH are essential to insure that biomedical researchers of the future will continue the national research effort. The success and continued viability of the Federal biomedical and behavioral research depends on the availability of excellent scientists and a network of institutions capable of producing superior research personnel. Direct support of the training of scientists and careers in biomedical and behavioral research is an appropriate and necessary role for the Federal Government.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Williams, Mr. Schweiker, Mr. Pell, Mr. Hathaway, Mr. Clark, Mr. McGovern, Mr. Abourezk, and Mr. Randolph):

S. 989. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program, and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Williams, and Mr. Schweiker):

S. 990. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Williams, and Mr. Schweiker):

S. 991. A bill to amend the Public Health Service Act, to revise the programs of student assistance, to revise the National Health Service Corps program, to establish a system for the regulation of postgraduate training programs for physicians, to provide assistance for the development and expansion of training programs for nurse clinicians, pharmacist clinicians, community and public health personnel, and health administrators, to provide assistance for projects to improve the training provided by undergraduate schools of nursing, pharmacy, and allied health to provide assistance for the development and operation of area health education systems, to establish a loan guarantee and interest subsidy program for undergraduate students of nursing, pharmacy, and the allied health professions, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Javits, Mr. Williams, and Mr. Schweiker):

S. 992. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, the Health Professions Educational Assistance Act expired June 30, 1974. Throughout 1974 the Congress struggled to fashion a profound restructuring and extension of that act. That struggle ended in a deadlocked conference with the House the day before the 93d Congress adjourned sine die.

This legislation has become controversial. That is unfortunate, but, given the complicated health manpower problems the legislation addresses, that controversy is unavoidable.

I am hopeful that with the bills I am introducing today with my friends and colleagues, Senators Javits, Williams, and Schweiker that it will be possible to bring back to the Senate a comprehensive health manpower bill which adequately addresses the major health manpower problems of geographic maldistribution, and reliance upon foreign medical graduates in the very near future. I am confident that all members of the Senate Health Subcommittee share that goal.

In order to facilitate the subcommittee's consideration of major health manpower proposals, we are today submitting four bills. The first, which is also cosponsored by Senators PELL, HATHAWAY, CLARK, MCGOVERN, ABOUREZK, and RANDOLPH is the bill which emerged from the committee last year, less the deletion of nongermane health manpower amendments. I continue to strongly believe that it is the only measure which adequately addresses the health manpower problems described above. In addition, Mr. President, we are introducing on request a bill which has been recently developed by the Association of American Medical Colleges. While I am heartened by the association's movement respecting specialty maldistribution of physicians and provisions to contain the increasing flow into the country of foreign medical graduates, I am disappointed that the proposed provisions of the bill regarding geographic maldistribution and capitation conditions are so weak. As they stand, they will not be sufficient to effectively address the problem of geographic maldistribution. The rhetoric of voluntarism has not been sufficient to motivate young physicians to practice either on a temporary or permanent basis in rural communities or innercity areas. Yet the residents of these areas by the millions pay the tax that so generously supports these educational institutions and their students. This problem must be more adequately addressed, if the health manpower legislation in the 94th Congress is to avoid the fate it met in the 93d Congress.

In addition, Mr. President, we are introducing the health manpower proposal introduced last year in the House by my very good friend Bill Roy of Kansas. His approach to overcome geographic maldistribution relied upon substantially increasing student scholarships, while eliminating institutional—capitation—support. This approach did not receive adequate attention in the Senate last year. And the introduction of this bill will place it before the Health Subcommittee at a time when it can be fully evaluated. Lastly, we are introduced the House-passed bill.

Subcommittee hearings will be scheduled in April and May, if necessary. Given the fact that much of the legislation in 1975 will be a repeat of the legislation which grew out of the subcommittee's hearings in 1974, it will not be necessary for the subcommittee to schedule hearings for the purpose of simply repeating testimony from interested parties. The 1975 hearings will rather focus on the main problem areas described above. Parties wishing to comment on these bills and others which may be introduced should file statements with the subcommittee no later than April 7, 1975.

Finally, Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a document entitled "H Health Manpower Legislative Proposal," dated January 24, 1975, and developed on a "crash basis" by the health officials in HEW with representatives from the Office of the Assistant Secretary for Health, the Health Services Administration, and ADAMHA. This is a fascinating document and had it officially seen the light of day in the form of a new administration health manpower proposal for 1975, it would have made a major contribution to the work of the Senate and House in restructuring health manpower legislation.

Unfortunately, I understand the administration intends to simply reintroduce its 1974 bill, which received little or no serious attention by the Congress.

The task force report identified the same pervasive problems as has the Senate Health Subcommittee:

First. A shortage and uneven geographical distribution of primary care;

Second. Uneven geographical distribution of specialty service;

Third. High cost and uneven productivity of service delivery; and

Fourth. Lack of uniform standards for assuring adequate levels of service quality.

The report acknowledges that efforts to date to deal with these problems have been uneven, fragmentary, and inadequate.

Unlike the administration's bill, the report calls for stable institutional support in the form of capitation grants for the schools. The report calls for reducing the net influx of foreign medical graduates.

The report calls for the creation of a **National Graduate Medical Education** Residency Commission to advise the Secretary of Health, Education, and Welfare on the numbers, types, and locations of medical residency positions in the various specialties appropriate to national needs.

The report calls for a program to develop uniform standards for the health services and for the use of comparable examinations for entrance into graduate medical education for FMG's and USMG's.

I know this report will be useful to me and the members of my subcommittee. I commend it to my colleagues and to those who have an interest in these important and complicated health manpower issues.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

"H" HEALTH MANPOWER LEGISLATIVE PROPOSAL

> "Here comes Edward Bear down the stairs—bump, bump, bump on the back of his head. He is sure there must be a better way to get down the stairs if he could only stop bumping his head long enough to think of it. But, on the other hand, perhaps not."—A. A. Milne, Winnie the Pooh

NOTE

House and Senate conferees of the last Congress were unable to agree in late December on new health manpower legislation to replace the Comprehensive Health Manpower Act of 1971, which expired on June 30, 1974. New legislation to replace the Nurse Training Act of 1971, which also expired on that date, was vetoed by the President. This is a proposal for new consolidated legislation to replace the expired bills.

On a crash basis during the past several weeks, an H work group lead by HRA, with representatives from OASH, HSA and ADAMHA participating, developed the attached proposal. In the course of its development, the work group re-examined the previous Administration proposal, first submitted to the Congress on May 20, 1974, in the context of the H Forward Plan for FY '76–'80 which was not available during development of that earlier proposal. The work group took into account actions of both the House and Senate during the last Congress on health manpower legislation. Recently published reports, both government (e.g., The Supply of Health Manpower—BHRD, HRA) and non-government (e.g., Manpower for Health Care—Institute of Medicine) were also used as major reference sources.

The proposal has been endorsed as a recommended policy position by the H Health Manpower Coordinating Committee and the H Policy Board.

This proposal is in three parts, each paginated separately:

Part I—Overall Rationale and Approach.
Part II—Proposed Legislative Authorities.
Part III—Supporting Analyses.

Because of the tight deadline, there is some overlap of content among the three parts.

PART I—OVERALL RATIONALE AND APPROACH

Scope

This legislative proposal focuses on Federal relationships with the Nation's post-secondary health education and training systems that are involved in producing manpower for the direct delivery of personal health care services (excluding alcohol, drug abuse and mental health manpower) and for service delivery administration.

Persistent Problems in Delivery of Health Care Services

Delivery of personal health care services to the nation's population is accomplished through a complex, pluralistic, largely private system involving several major components—consumers, product manufacturers, third party payors, State and local governments, education and training institutions, providers and provider institutions, and the Federal government. A very broad national consensus has emerged during the last decade that the overall performance goal for this multi-faceted system should be to provide access to adequate services at a reasonable cost for all persons, regardless of their socio-economic status. This consensus has been explicitly codified in the recently enacted National Health Planning and Resources Development Act of 1974.

There are generally recognized performance short-falls of the health care system with respect to this overall goal: widely varying access to and utilization of services, uneven quality of available services, and continuing escalation of service costs. Because the system is labor-intensive, it is not surprising that several major deficiencies and inefficiencies within the system that have been identified as directly related to these performance short-falls involve health manpower. The most pervasive of these problems are the following:

1. Overall shortage and uneven geographical distribution of primary care services.*

2. Uneven geographical distribution of secondary and tertiary care (specialty) services, including apparent distortions (under

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**Working Definition of Primary Care Services:* Provision of personal health services characterized by delivery of first contact health care services; assumption of longitudinal responsibility for the patient regardless of the presence or absence of specific diseases; serving as referral entry point to specialized secondary and tertiary care services; and integration of physical, psychological and social aspects of health care to the limits of the capability of the practitioner.

or over supply in certain specialties), in the national profile of specialty services.

3. High cost and uneven productivity of services delivery, associated in great measure with inefficient organization of service delivery systems.

4. Lack of uniform standards for assuring adequate levels of service quality.

These deficiencies and inefficiencies are persistent and interrelated *systemic conditions* of the health care system which, through time, have grown more serious in nature. The conditions do not represent problems with just one component of the system (e.g., third party payors), but rather joint problems resulting from the structural and functional characteristics of the linkages among the system components, and of the components themselves.

It is clear that no quick, "silver bullet" solution can cope with these systemic conditions. Change in the system necessarily must be viewed as a very long-term process which will require the concerted action of all major system components in a national effort. The legislation proposed herein is designed to reinforce and facilitate those changes in health manpower production components which are necessary if they are to appropriately and effectively participate in that national long-range effort.

Changes in Direction for Health Manpower Production

It is a generally accepted proposition that health manpower production systems must modify both their processes and outputs in order to contribute to a long-range attack on the four systemic conditions identified in the preceding section. Specifically, there is a broadly-based consensus that the following interrelated major changes in direction are needed:

1. Improved Geographic Distribution of Manpower Output.

2. Increased Production Capacity and Output in Primary Care Manpower.

3. Increased Training in Team and Group Practice Modes.

4. Improved Specialty Profile of Manpower Output.

5. Standardization of Manpower Performance Qualifications.

6. Extension of System Capacity to Support Continued Competence.

Both self-generated and Federally stimulated activities along each of the above directions are already underway within the health manpower production systems, but efforts to date are uneven, fragmentary, and inadequate in the aggregate. The compelling requirement is for these changes in direction to be viewed as critical structural reforms that must be institutionalized, and not viewed as temporary or transient "crisis" responses by the systems.

The Federal Role in Health Manpower Production

The necessity for the Federal government to participate, indirectly or directly, in the health care system in order to assure achievement of national health care goals, has been historically established. In addition to direct operation of limited special purpose service delivery systems (*e.g.*, Department of Defense, Veterans Administration, Indian Health Service) and public health programs (*e.g.*, disease control and hazardous product protection), the Federal government has conducted and fiscally supported biomedical research on a large scale.

The Federal government's involvement in health services delivery on a broader base has included financing the costs of health care facilities, primarily hospitals, partial financing of health care services for major segments of the population, and more recently partial, sometimes total, financing of health planning and service agencies (*e.g.*, Neighborhood Health Centers). For over a decade, now, health manpower development also has been partially financed in a substantial amount by the Federal government through student assistance, institutional support and special project and program support.

The basic rationale for the Federal activities listed above includes two major dimensions: achievement of the end-results desired as a matter of national public policy are (1) beyond the jurisdiction or resource capacity of the separate states, and/or (2) the competitive market economy system is unacceptably inefficient or ineffective.

The objective of the Federal role in health manpower development is to assure an adequate supply and an appropriate mix and distribution of qualified health personnel for the nation's health care system so that it can achieve national health care goals most efficiently and effectively. The changes in direction for health manpower production systems listed in the preceding section are directly targeted on improvements in the supply, mix, distribution and productivity of health manpower. Federal role relationships with the manpower production systems that are necessary to assure those desired changes in direction represent the focus of the proposed legislation.

Beyond their intrincis differences in manpower production purpose and substantive content, the separate categorical production systems are dissimilar in institutional structure and function in ways that are significant to establishing Federal role relationships that are necessary to assure desired changes in those systems. These important distinguishing characteristics among the systems center around those which produce manpower who require post-baccalaureate training for entry into health service occupations, and those who do not.

Although the empirical data available are not comprehensively definitive, the following characteristics of these two groupings are generally accepted. For those health manpower categories requiring no more than a baccalaureate degree:

1. Educational and training opportunities are more evenly distributed nationally than post-baccalaureate opportunities;

2. The separate states, local governments and nongovernment organizations provide more of the total fiscal resources for operation of the educational and training institutions at these levels and their health manpower programs, compared to post-baccalaureate institutions;

3. Output capacity of these institutions is more readily adjustable to proximate (local and state) level supply and demand determinations, without major impact on national supply and demand, than post-baccalaureate capacity;

4. Institutions at these levels have tended to respond well to demands for increased personnel in most occupational categories, without large programs of direct Federal support;

5. Federal assistance under various Office of Education scholarship and loan programs can provide a larger portion of the students' expenses for training at these levels;

6. A higher proportion of students are originally residents of the states in which the institutions they are attending are located.

7. The manpower output of these programs is generally less mobile than the output of post-baccalaureate programs.

For those health manpower categories requiring post-baccalaureate education and training, the obverse of the factors stated above holds. Institutions offering such education and training are less evenly distributed among the States; the total operating costs of these institutions are largely Federally financed because of interlocked service and research functions; these institutions more often provide educational opportunities for residents of States not having such institutions; graduates are more mobile; finally, the manpower output of these schools, in both numbers and types of manpower, determines the national supply in these categories.

On the basis of the above consideration, Federal health manpower programs of institutional support and of general student assistance for manpower production at the less than post-baccalaureate levels do not appear necessary, or justified, to assure desired changes in those production systems. However, there are situations in which specific, targeted fiscal support of particular training programs is needed on a discretionary selective basis (including student assistance in some instances). This support is required to stimulate development and output of manpower categories found to be in short supply nationally to revise roles and duties within categories for more productive manpower utilization, and to address specific training process or utilization issues.

Post-baccalaureate training institutions and programs, on the other hand, must be viewed as vital national resources. It is most difficult for State and local jurisdictions, and for private organizations, to generate the fiscal resources necessary for these institutions to respond to nationwide needs. Federal programs of institutional support and student assistance, as well as targeted discretionary programs, are justified to assure that desired changes in those production systems occur.

The health professional schools, particularly medical and dental schools, are vital national resources from other perspectives than just their role as producers of manpower needed nationwide: these institutions perform the bulk of Federally financed biomedical research and development and deliver a substantial amount of the nation's hospital-based patient care, much of it Federally reimbursed. Most of these activities, separately funded through different Federal agencies with separate program, policy and funding priorities, must be performed jointly by the schools. Because of these interrelationships, changes in priorities, policies or fund flows from one Federal sponsor have profound effects on these jointly performed activities and their other outputs. Institutional support, therefore, in the form of a stable capitation-based operating subsidy under the Federal health manpower program for assuring manpower production changes, should be viewed more broadly as helping to assure the financial viability of institutions, with multi-purpose functions of critical national importance.

The principal conclusion following from this basic rationale for determining Federal role relationships with the nation's post-secondary education and training systems producing manpower for the delivery of personal health care services is that Federal institutional assistance programs should be limited to schools of medicine, osteopathy, dentistry, podiatry, and public health. Schools of Veterinary Medicine would not be included because the bulk of their graduates do not enter the personal health care delivery systems; however, targeted student assistance and discretionary program support are necessary to assure that portion of manpower output that is involved in public health activities. Neither would schools of Pharmacy, Nursing and Allied Health be included under institutional assistance, but targeted student assistance and discretionary program support are necessary to assure desired changes in direction of these manpower production systems.

CHANGES IN DIRECTION FOR THE FEDERAL HEALTH MANPOWER ROLE

Historically, the nation's health manpower production systems have responded well to Federal encouragement to change. The post-baccalaureate health professional institutions, for example, earlier expanded their biomedical research capacity dramatically during the 50's and 60's. During the last decade, they have equally dramatically expanded their manpower production capacity and output. This latter goal was represented the major priority of Federal health manpower programs of the last decade, with the bulk of Federal funds expended targeted to that general purpose—a quantum increase in the supply of health manpower.

Current projections of manpower supply indicate that the output capacity of the nation's manpower production system is approaching a level that assures an adequate supply for the range of manpower requirements that are likely to be obtained during the 80's and beyond (see Tab A of Part III of this legislative proposal package). This suggests that the major Federal priority should shift from encouraging further rapid and massive expansion of capacity to more targeted efforts to assure the changes in direction of manpower production systems identified in an earlier section.

The need for the Federal government to shift from a priority of assuring a rapid and massive increase in health professional supply is justified by explicit recognition of the non-validity of what may have been an implicit assumption partially embodied in that priority. As noted earlier, the four persistent systemic problems in service delivery have not just suddenly emerged, but have been with the nation for some time, surely in significant ways during the last decade. The belief may have persisted that massive increases in professional manpower supply —even oversupply—would satisfactorily address those problems through operation of the competitive market for physician services.

Two essential characteristics of a truly competitive market, for this approach to be effective, are: individual sellers (or buyers) have no discretionary power over the price of the service in the market and changes in supply do not effect demand at a given market price (supply and demand are independently determined). While these conditions generally hold for most professional manpower—economists, lawyers, engineers—they do not hold for most health professionals, particularly physicians and dentists. Physicians enjoy considerable discretion over the demand for services by their patients and within fairly wide limits can set prices to attain chosen income levels. For these reasons, physicians can continue to choose practice specialties, settings and locations which do not alleviate specialty or geographic maldistribution problems in the face of various supply levels—even with "oversupply". Given the high cost of physician production, Federal policies should guard against encouraging an oversupply.

In shifting away from encouragement of rapid and massive increases in capacity to avoid oversupply and to give priority to other desired changes in manpower production systems, two additional considerations must be taken into account.

First, the supply projections and requirements forecasts which provide the basis for a shift in Federal priorities involve assumptions which do not allow a total lack of Federal concern for production capacity (see Tab B of Part III). Specifically, for example, the supply projections assumed a modest annual growth in production capacity for physicians of 1.3%. The uncertainties associated with requirements forecasting (e.g., annual increases in physician productivity, potential impact of national health insurance) strongly suggest that the Federal government encourage this modest growth in output capacity to assure that physician supply falls within a reasonable range of potential requirements.

Secondly, two legislative authorities proposed herein, which also have appeared in various forms in other legislative proposals, impact on judgments about the adequacy of physician output capacity. Changes in Immigration and Educational Exchange programs will have the effect of reducing the net influx of FMGs into the U.S. health care system to a level substantially below the number assumed in the previously mentioned supply projections. Increases in primary care physician capacity and output cannot, and probably should not, be accomplished at this time through precipitous and premature reduction or elimination of other specialty outputs.

For these reasons, there is a need for the Federal government to not encourage continued rapid and large expansion of health professional production capacity, but rather to encourage both the maintenance of the existing capacity and a modest increase in that capacity to assure an adequate aggregate supply for addressing persistent systemic problems through other means.

Special Economic Considerations for Federal Role

The nation's general economic condition, as well as more focused considerations about health professional manpower, have led to suggestions that the Federal government essentially withdraw from providing fiscal support to the health professional educational and training institutions and to students in those professions.

The basic rationale asserts that since most health professionals, particularly physicians, realize incomes in the top five (5) percent of the country, this represents a very good return on their educational investment and they should be willing to bear the brunt of that investment. The health professional schools could raise tuition levels to cover full educational costs; Federal involvement at most would be to provide loan guarantees or perhaps direct loans in some instances.

The above approach deserves consideration, particularly in times of intense pressure to reduce Federal outlays generally. Unfortunately, the market conditions described in the preceding section mean that this approach likely would lead to an exacerbation of the persistent systemic problems in the health care system. Graduates, under this approach, would be encouraged to seek even higher fees to attain a targeted income level while repaying their educational debt; there would be even more incentive to choose specialties and practice locations where the volume of services is likely to be the highest; socio-economically disadvantaged persons would be less likely to enter the professions.

In the final analysis, the income transfer implied in this approach would still be borne by the public generally (assuming some form of national health insurance) at a level at least equal to Federal investments in educating and training the professionals. Also, this approach frequently overlooks the portion of the transfer returned to the society through taxes. More importantly, Federal involvement in health manpower production allows leverage to encourage desired changes in direction of the production system, and its output, to assure an adequate supply, distribution and mix of manpower for meeting national health care goals.

However, the Federal role need not be all or nothing in this regard. Without abandoning Federal support, capitation levels for institutional support can be set to encourage some increases in tuition in the health professional schools and student assistance can be conditioned to reflect legitimate societal expectations that the recipients of such aid do have service obligations not always entirely met through pursuit of strictly personal goals. Evidence is beginning to emerge that students in the production pipeline have attitudes and values quite compatible with the changes in direction which are necessary to address the four persistent systemic health services problems. Federal policies should encourage these trends.

Consolidating and Integrating Strategy

Historically, the legislative approach generally has identified and isolated specific health manpower problems, and then equally specific legislative provisions authorizing the use of one of the available Federal mechanisms to address the identified problem have been devised. This one-to-one problem/legislative provision approach has been partially successful in addressing many critical health manpower issues, but frequently it has resulted in overlapping, duplicating, and occasionally, conflicting statutes. In addition, while an authority may have been successful in addressing a targeted problem, it sometimes has exacerbated other problems or reduced the efficacy of efforts being made under other authorities.

This legislative proposal breaks with such historical precedent. The legislation provides for a consolidation of authorities along two dimensions. First, it extends the consolidation of health manpower categories begun in the Comprehensive Health Manpower Training Act of 1971, which incorporated allied health and public health manpower categories with health professional categories, by including nursing manpower. Secondly, it consolidates provisions for separate purposes which use the same mechanism (e.g., scholarships) into a single provision for that mechanism, allowing for multiple use of the mechanism.

These consolidations reflect recognition of the systemic interdependency of health manpower problems. Because of their systemic character, the legislation addresses these problems at multiple points within the system, with the full range of mechanisms. This approach facilitates administration of the separate mechanisms through an integrated, orchestrated strategy employing common assumptions and compatible regulations and policies. It is explicitly recognized that a single provision may address more than one problem area and conversely, that a given problem can be addressed by a combination of legislative authorities.

The following is an outline of the integrating strategy implied by the separate legislative authorities described in Part II of this legislative proposal.

Improved National Planning and Analysis Capacity

As noted previously, manpower-related deficiencies in the health care system will yield to nothing less than a concerted long-range effort involving all components of the health care system. This implies the need for new mechanisms and capacities to establish long-term health manpower goals, to monitor and assess performance in achieving those goals, and to develop appropriate strategies and policies for Federal involvement in that effort. The proposal contains three specific provisions addressed to this need.

Firstly, a revitalized National Health Manpower Advisory Council is established which will report to the Secretary, DHEW, and will not only advise the Secretary on the award of appropriated funds, but will also have the responsibility for developing long-range national health manpower goals and Federal health manpower strategies. Secondly, a National Graduate Medical Education Residency Commission is proposed to advise the Secretary on the numbers, types, and locations of medical residency positions in the various specialties that are appropriate to national needs.

Both of these bodies are envisioned as broadly representative of the national health care system, including consumers. The important matters of public policy which will be addressed mandates such broad representation; for example, the numbers, types, and locations of high-cost, high-technology, tertiary care services and manpower, e.g., organ transplant units) involve judgments which go beyond strictly professional medical views on the quality of medical care.

Finally, the legislation calls for an enhanced and integrated Federal manpower analysis capacity to assemble, analyze and interpret information and data on health manpower in the health care system; the existing Federal capacity is fragmented and inadequate. An improved capacity is required to provide a sound informational base for the two advisory groups, for internal HEW planning and policy development, for Congressional legislative development, and for appropriate feedback to the various components of the health care system to encourage self-generated change to meet national goals.

All of the above efforts will be conducted in close collaboration with the programs authorized under the recently enacted P.L. 93–641, The National Health Planning and Resource Development Act of 1974, and with data collection programs of the National Center for Health Statistics under provisions of Section 306 of the Public Health Service Act. (See Tab C for additional discussion of planning and analysis issues and anticipated collaboration efforts).

Assurance of Adequate Aggregate National Manpower Supply—It is a generally accepted proposition that an increase in manpower supply alone will not effectively address persistent manpower-related deficiencies in the health care system. However, it does not follow that an adequate supply, including some increases in certain manpower categories, is unnecessary for successfully addressing those persistent problems. In keeping with the rationale presented in the preceding section, legislative authority is provided for institutional support for those health manpower categories considered to be national supply concerns.

Basic capitation support would be conditioned only on maintenance of both output capacity and non-Federal support. These minimal conditions for basic support recognize and preserve the desirability of a pluralistic health professional educational system. The provision recognizes the institutions as national resources possessing the capacity for imaginative and innovative contributions to the attack on persistent manpower-related deficiencies in the health care system.

Provision is made for bonus capitation awards to provide incentives to the institutions to address the problems of inadequate primary care manpower output and to increase production capacity for this purpose, as well as to assure a modest increase in overall system capacity to meet desired levels in view of supply and requirement uncertainties (e.g., decreasd in FMG net influx, increase in demand for certain occupations under NHI).

This emphasis on maintenance of output capacity, with selective increases in capacity is reflected in the construction authority which focuses on modernization and replacement needs, with new construction limited to that which would increase primary care output, primarily development of detached ambulatory care facilities. Also, a provision for limiting deficits sharing (financial distress) is provided for schools in temporary special circumstances not adequately covered by capitation assistance.

Improved Geographic Distribution of Manpower Output—A major premise of the proposed legislation is recognition of the systemic character of the geographic maldistribution problem. Thus, it is proposed that the bulk of student assistance be used as the primary mechanism for addressing this problem, embodying both short-term and long-range approaches. Specifically, the legislation provides for a consolidated student scholarship authority targeted on the needs of the National Health Service Corps and other HEW manpower requirements, with a student loan authority targeted on disadvantaged persons who have problems of access to health careers. The scholarship program is voluntary and has no institutional quotas. A year of service for each year of scholarship aid received is required, with a minimum of two years service; the provision includes strong payback, buy-out sanction. A private practice option in underserved areas in lieu of service in the National Health Service Corps with the approval of the Secretary, is also included.

The longer term need to establish a system for providing continuity of care in underserved areas is addressed in several provisions: the capitation bonus for increased primary care graduate training opportunities; portions of the consolidated discretionary target authority for extending the outreach of health education and training institutions to provide ongoing support and continuing education to health personnel in underserved areas; construction of ambulatory care training facilities and in selected instances, new schools, in regions currently not having such facilities; incentives in the consolidated discretionary target authority for increased training of mid-level professionals and an increase in interdisciplinary team training programs, particularly in primary care.

Increased Primary Care Manpower Output and Production Capacity—The geographic maldistribution deficiency in the health care system is largely, although not exclusively, a deficiency in primary care services. Thus, the approach described in the preceding paragraph will, at the same time, be increasing primary care manpower output and production capacity. In addition, the consolidated discretionary target authority contains provisions for support of development and expansion of family practice residency programs and of programs preparing health personnel for primary care service, including both medical residency and general faculty development.

Improved specialty profile of manpower output

The emphasis placed on improving geographic distribution and primary care output in the proposed legislation, as described in the preceding paragraphs, implicitly addresses the apparent distortion in specialty manpower output. By definition, increased enrollment in the primary care specialties, given a relatively stable capacity, will at the least mitigate against continued increases in output of other specialty categories. Specialty emphasis in the proposed legislation clearly is on medical education although other manpower categories are included. The legislation recognizes, moreover, that there currently is no consensus regarding the specialty mix that is appropriate for health services delivery in various settings (other than the general consensus that more primary care manpower is required). The establishment of a National Graduate Medical Education Residency Commission, mentioned in the paragraph addressing an improved capacity for national planning and analysis, reflects the need to establish consensus on this question, even in the absence of complete and definitive data on all the issues involved.

Uniform quality standards and continued competence

Professional standards and measures of competence are not available for all manpower categories. Where available and proscribed, they are in sharp variance from state to state and are applied differentially. The proposed legislation extends and complements existing authorities to provide for a program to develop uniform standards for those health professions and occupations not currently mandated by statute, where critical need for such standards exist.

Provision is made for the use of the discretionary target authority to support education and training programs designed to maintain continued competence of personnel in practice. (See Tab D for additional discussion of Qualifications Standards and Continued Competence issues.) The legislation calls for the use of comparable examinations for future entrance into graduate medical education for FMGs and USMGs. Related to this concern, the legislation mandates a return in the educational exchange program to the original purpose for which it was intended, namely, assistance to other countries in improving their health care capacity. Finally, special attention is given to programs designed to improve the qualifications of U.S. students currently studying abroad for entering U.S. medical schools and the qualifications of FMGs currently practicing in this country with limited and/or restricted licenses. (See Tab E for additional discussion of FMG issues.)

IMPROVED UTILIZATION AND PRODUCTIVITY

It is a generally accepted proposition that highly trained health personnel are being used for the performance of tasks that can be performed with comparable, adequate quality by personnel with less formal training. Programs for increasing manpower output in mid-level occupational levels and for inter-disciplinary "team" training are included in the proposed consolidated discretionary target authority as direct approaches to these problems of improved utilization and productivity of health professionals. The productivity of manpower production systems is the target of another provision of the consolidated discretionary target authority which supports programs of educational research and development designed to improve the effectiveness and efficiency of those systems. Finally, the overall approach of increasing the nation's primary care capacity impacts on these deficiencies by guiding the health care system away from inappropriate utilization of specialists for providing general primary care.

Summary Statement

As part of its larger public responsibility for assuring the health and welfare of the Nation, the Federal government must establish national goals for the health care system and monitor its performance in achieving those goals. The Federal government also has the derivative responsibility of participating indirectly, or directly if necessary, in the health care system if national goals are not being achieved without such participation.

The proposed legislation is designed to provide the Federal Government with an improved capacity for setting national goals and monitoring achievement of those goals by the health care system. It also establishes a series of Federal role relationships with the Nation's health manpower production systems which facilitate and reinforce the latter's participation in a concerted, long-range national effort to address persistent manpower-related deficiencies in the Nation's complex pluralistic health care system.

While, in one sense, there is nothing new in the Federal mechanisms proposed as authorities (there are only a finite number of variations on those themes), the proposal does chart new directions for the Federal role in the targeted and coordinated use of those mechanisms in an overall consolidating and integrating strategy. These new directions are significant enough to have profound effects, if implemented in a complementary fashion with other Federal programs (e.g., health financing mechanisms), on the persistent, systemic problems of the Nation's health care system.

The more salient new directions for Federal role relationships are the following:

1. The use of Federal scholarship and loan programs as a direct means of addressing the problem of geographic maldistribution of services.

2. The use of the institutional assistance programs to bring about structural reforms to increase national primary care manpower output capacity.

3. Augmenting 1 and 2 above, the establishment of a Federal regulatory mechanism, with broadly-based representation from the health care system, to address the problems of specialty distortions in graduate medical education.

4. Supporting the development of uniform standards for manpower qualifications, with special emphasis on addressing the problems associated with the heavy dependence of the U.S. health care system on FMG supply.

5. Shifting priority from encouragement of manpower supply expansion as an implicit indirect means of addressing distributional problems to increased concern with utilization and productivity of manpower in service settings.

PART II—PROPOSED LEGISLATIVE AUTHORITIES

INTRODUCTION

This consolidated health manpower legislative proposal is conceived as a four-year extension and modification of Federal support for health manpower education. While most of the Federal health services and resource development authorities in recent years have been limited to three-year extensions (and some of the more recent to two years), this proposal adds a fourth year for the purpose of providing transitional time to develop and promulgate regulations and implementing policies for selected programs. This one transitional year (FY '75) is also required because Congressional action on the health manpower bill will probably not occur until the late Spring of 1975. Accordingly, while certain uncomplicated modifications of essentially continuations of existing programs can go into effect immediately in FY '75, others will require more time in implementation preparation. Specifically, capitation assistance, the Consolidated Scholarship Program, the National G.M.E. Residency Commission, the Uniform National Standards for Qualifications, and the Immigration and Educational Exchange Program modifications would commence in FY '76 in order to provide time to develop and promulgate the necessary implementing policies and materials. All other elements of this proposal would become effective during FY '75.

MANPOWER PLANNING AND REGULATORY ACTIVITIES

National Health Manpower Advisory Council

Discussion

A new consolidated National Health Manpower Advisory Council should be established to include all health professions, including nursing, public health, and allied health. The Council would establish national health manpower goals, assist in Federal policy development, and perform grant application reviews. Application reviews would be limited to selected grant programs in order that the Council could devote a large measure of time, commensurate with its status, to its broader policy functions.

Proposal

Establish a National Health Manpower Advisory Council to develop short-term and long-range national health manpower goals, to recommend Federal health manpower policy, strategy and priorities for achieving the goals and to report to Congress on this charge within 30 months after enactment of the legislation. The Council will review all proposed Federal politics and regulations related to health manpower development and utilization before promulgation. Grant applications for construction and target programs, would be reviewed by the advisory council prior to award. The Council would be chaired by the Secretary and would consist of 25 members, representing health professionals, students, general public, major segments of the health care system, and other individuals qualified because of their position, experience or training to assist the Secretary in the administration of Federal health manpower program.

National manpower analysis capacity

Discussion

The development of national health manpower goals and the formulation of appropriate and effective strategies, priorities and policies in the health manpower area requires sound analysis of information and data on the functioning of health care system—financing mechanisms, consumer behavior, organization of service delivery—as well as the deployment and utilization of personnel within the system. The pluralistic character of the health care system presents complex analytic problems that require sophisticated use of advanced multi-variate methods, techniques and approaches including computer-based models which take account of major interacting factors in the system. The Federal capacity for such analysis is fragmented and inadequate; existing analytic resources are properly attached to organizational units to support program administration and operations, and their perspective is focused on special-purpose analyses of those aspects of the overall system with which the program interacts. A centralized organizational capacity is required to assemble and aggregate information and data on the total system from a national perspective, to utilize existing sub-system analytic outputs, and to conduct in-depth analyses on critical short-term and long-range national problems and issues.

Proposal

The Secretary is required to establish a national health manpower analysis capability which would include data on all health professions personnel, including nursing, allied health and health administrators.

The proposal would authorize DHEW to make grants and contracts with public and other nonprofit bodies and contracts with other entities for the purpose of improving the assembly, processing and analysis of health manpower data and other relevant health system data including the development of advanced analytic methods and techniques.

The authority would be used for national level policy and strategy analyses with these activities performed in close collaboration with the National Center for Health Statistics; a major data input to the analyses will come from the data collection activities of NCHS under Section 306 of the PHS Act, particularly the Cooperative Health Statistical System. The authority also would be used in close collaboration with sub-national data collection and analysis efforts authorized under P.L. 93–641, the recently enacted National Health Planning and Resource Development Act.

The analytic capability established would be authorized to provide analytic support to the proposed National Health Manpower Advisory Council and the National Graduate Medical Education Residency Commission.

Appropriation Authorizations

FY '76, $10 million; FY '77, $10 million; FY '78, $10 million.

National Graduate Medical Education Residency Commission

Discussion

Traditionally, the Federal role in specialty distribution has been limited to special project grants and other types of similar activity, discretionary on the part of the Federal Government, and voluntary with respect to the participation by graduate medical programs.

Given the growing problem of specialty maldistribution, however, it is unlikely that any combination of Federal special project grants and voluntarism can adequately cope with the problem. The problem is clearly manifested by the reduced number of physicians is increasing. For example, 47.9 percent entering primary care specialties, while the absolute number of physicians of all active non-Federal physicians were in primary care specialties in 1963 as opposed to 44.9 percent in 1972. The difference is far greater if the number of internists who enter subspecialties are excluded from this total. For the same period, the number of general practitioners dropped from 25.6 percent to 15.8 percent. Further, of the 51,115 residency positions offered in September 1972, only 17,934 were in primary care, of which 2,089 went unfilled.

Conversely, while there is an insufficient number of primary care physicians, there appears to be a surplus of the number of physicians in other specialties. Unfortunately, while opinions differ regarding what constitutes a sufficient number within each specialty, there is general agreement that certain specialties are in excess of national needs.

There are several reasons for the anti-primary care bias in existing residency programs. One reason is that institutions have great incentives for establishing large numbers of residency programs because they constitute a source of inexpensive physician manpower. In this way, training needs become secondary to an institution's service needs. Also, primary care has not attained the prestige of other more established specialties. Primary care residencies also suffer because of current reimbursement policy. Because of third party reimbursement policies outpatient services usually operate at a loss.

Furthermore, residency programs and positions are approved by a large number of residency specialty and subspecialty review committees. While these committees are to be credited with maintaining a high quality of training, they are not concerned with the total number of future specialists, particularly in relation to other specialties as they involve national needs. Finally, specialty boards operate independently and there is no attempt to coordinate the number of residency positions with the number of United States medical school graduates. As an example, of the 51,658 approved residency positions existing in 1973, only 30,610 were filled by graduates of United States and Canadian medical schools.

Proposal

A National Commission on Graduate Medical Education Residency Programs (NCGME) would be established by the Secretary within six months after enactment, and be composed of appropriate representatives of medical schools, teaching hospitals, State and local health planners, third party payors, specialty groups, the health professions, and consumers. The Assistant Secretary of Health, DHEW, the Assistant Secretary of Health and Environment, DOD, and Chief Medical Officer, VA, would serve as ex-officio members.

The Commission, which would be chaired by a member appointed by the Secretary, would be provided with adequate staff support from DHEW. The Commission would have the authority and resources to conduct and contract for various studies. It would have the general responsibility for designating the number, type, and location of medical residencies; and Federal reimbursements under Medicare, Medicaid and Maternal and Child Health would eventually be limited to the Commission designated positions. The Commission, in the development of the plan, and otherwise, would consult with the CCME, and State and local health resources planning agencies. The plan for such a residency determination and allocation system would be required to be completed within thirty months after enactment, and effective four years after enactment. The plan would include, but not be limited to, the following:

1. The number, location, and type of residency positions, with appropriate cognizance for the need for primary specialties;

2. A method for bringing the total number of residencies to a level reflective of national need, while at the same time recognizing and devising recommendations by which hospitals may develop alternative ways of delivering services;

3. Developing recommendations for reimbursement under Medicare and Medicaid which would adequately compensate for ambulatory care services, thereby, among other things, appropriately support primary care residencies;

4. Proposing the methods and conditions under which the non-Federal third party payors would participate in the implementation of the Commission's decisions; and

5. Recommending an administrative system (within HEW) responsible for administering the plan and annual Commission determinations, including an appeals mechanism for institutions seeking redress from Commission determinations.

Appropriation Authorizations

FY '76, $2 million; FY '77, $2 million; FY '78, $2 million.

Uniform national standards for manpower qualifications

Discussion

DHEW has examined the issue of national standards for the health professions in several reports and studies. Generally, standards for assuring adequate level of quality and competence of health manpower in services delivery—both at initial entry and on a continuing basis—vary from State to State, or in the case of continued competence, are non-existent in many manpower categories.

Under authority of the Health Manpower Training Improvement Act of 1970 (P.L. 91-519) and the Social Security Amendments of 1972 (P.L. 92-603), DHEW has developed a limited program of proficiency examinations for certain categories of health manpower. The limitations of this program are both in the selection of categories cited by the statutes and in the termination date, in P.L. 92-603, of December 31, 1977.

In addition, although various programs in BHRD, BQA, BHSR, and RMP have addressed the issues of professional standards and measures of competence, the objective of such activity—with the possible exception of the Division of Associated Health Professions activities and of the PSRO program—was not to develop uniform national standards for professions. Consequently, the measures that are currently employed relative to Medicare and Medicaid reimbursement are in sharp variance from State to State; individual practitioners in some of the health fields have great difficulty in moving from one State to another, from one institution to another, or from one health discipline to another. In addition, some States and professions are requiring certain demonstrations of continued competence while others are not—thereby exacerbating the potential problem of interstate mobility of health professionals.

One alternative to the existing system would be, of course, to promulgate a national licensing system. The Federal government, traditionally, has opposed such an approach and has supported instead approaches that would assist the States and professions in adopting uniform standards of professional quality.

Proposal

Authority would be sought to extend the proficiency testing concept inherent in the mandate of P.L. 91-519 and P.L. 92-603. P.L. 91-519 authorizes DHEW to develop uniform national standards for allied health personnel and P.L. 92-603 authorizes the Secretary to develop equivalency examinations for allied health personnel presently not qualified for Medicare reimbursement because of problems with certifications. This proposal would provide the authority to assist in the development of uniform national standards for those health professions and occupations, where there exists a critical need for such national standards, as determined by the Secretary, including proficiency testing and other measures of competence. This mandate must be viewed as a critical step toward national health insurance and its attendant reimbursement scheme.

Appropriation authorizations

FY '76, $1 million; FY '77, $1 million; FY '78, $1 million.

Immigration and education exchange program modifications

Discussion

Addressing the problems associated with Foreign Medical Graduates necessarily includes the ethical issue in respect to non-U.S. citizens trained in foreign medical schools, practicing in the United States, and, as a consequence, being lost to their native country. There is, however, the more immediate and consuming problems, the question of FMG-U.S. medical school graduate skill comparability. This same question relates to American graduates of foreign medical schools.

At the present time, there are more than 63,000 graduates of foreign medical schools in the United States constituting more than 22 percent of the active physicians in this country. In some specialties, they constitute a third or more of the active positions, i.e., Pathology, Anesthesiology, Pediatric Cardiology, and Physical Medicine.

While some FMG's enter the United States as direct immigrants, a majority enter as post-graduate physician trainees under the exchange study or J-visa program. This program, conceived after World War II as a way to provide future leaders of foreign countries with experience in the U.S., has become a primary source of inexpensive medical manpower for many U.S. health facilities. In 1972, more than 17,000 graduates of foreign medical schools were in post-graduate physician training programs in the United States, constituting over one-third of all of the trainees at the time. The 1972 amendments to the Immigration and Nationality Act has made conversion from the J-visa program to the immigration visa (i.e., a permanent resident status) a relatively simple task.

In 1970, the AAMC initiated the Coordinated Transfer Application System (CONTRANS) which arranges for qualified American students to take Part I of the National Medical Board Examination and apply for transfer into a United States medical school. As of May 1973, a total of 42 American students had been admitted through this mechanism to medical schools for advanced training. To date, only 30% of the U.S. citizens taking this required examination have passed it, indicating special training needs for these students in order to qualify to enter a U.S. medical school.

In summary, new legislation concerning FMG's should be directed toward assuring that:

(1) The quality of care delivered by FMG's who become permanent additions to the licensed physician manpower pool in this country is comparable to that delivered by USMG's;

(2) The Educational Exchange Program be of mutual benefit to the countries of origin of the exchange visitors and to the United States, and not be used to supplement or expand the health resources of the United States; and

(3) The return of qualified U.S. citizens presently studying medicine abroad be facilitated.

Proposal

1. As policy, DHEW currently supports the development of a single qualifying examination for all physicians who are entering hospital training programs where they will have some responsibility for patient care. The existence of such an examination would introduce into the physician training experience a way to determine for U.S. and foreign graduates alike, suitability for the years of graduate education. Because this examination is not yet established and because immigrant physicians should be expected to meet standards of U.S. medical graduates in provision of care in the United States, it is proposed that the most appropriate screening examination for FMG's presently available would be the first part of the examination used on a national basis as evidence of physician competence. Therefore, it is recommended that by legislative mandate:

The definition of a physician for purposes of qualification for admission to the United States as an immigrant physician be revised and that successful performance on National Board of Medical Examiners (NBME) Part I and an English language proficiency test replace the ECFMG examination as a determination that an alien qualify as a physician.

It is recognized that adequate advance provisions must be made for administration of this NBME examination prior to implementation of this recommendation, because administrative problems related to utilization of this examination for the proposed recommended are complex.

2. Extensive changes in the Exchange Visitor Program are required. It is proposed that the U.S. Informational and Educational Exchange Act be amended as follows:

A. Exchange visitor programs for physicians must be sponsored by accredited U.S. medical schools. It must be demonstrated that those programs are designed to prepare the exchange visitor physician for medical practice in his home country and such programs must provide the exchange visitor with a cultural orientation which will include supplemental English language training when necessary.

B. The issue of Exchange Visitor (J) visas will be limited to those foreign medical graduates selected and sponsored by their home country medical school or designated official agency of the home country.

C. The period of stay in the United States for the Exchange Visitor physician will be limited to no more than two years.

D. Aliens who have entered this country as exchange visitor physicians are not eligible to apply for admission to the United States as permanent residents unless they have resided outside of the United States for a period of no less than three years.

E. Only visiting medical scholars of distinguished merit ability shall qualify for H-1 temporary visas.

3. In order to facilitate the return of U.S. citizens presently studying medicine abroad, efforts to accommodate transfer students into the U.S. medical education system must be expanded. This proposal would authorize grants and contracts to schools of medicine and osteopathy for the development of "transfer" training for qualified U.S.

citizens enrolled in foreign medical schools at the time of enactment of the legislation, and who apply for advanced standing transfer to U.S. schools. These programs will identify any academic deficiencies these transfer students may have and incorporate these transferers into the regular program of the school by providing any supplemental instruction necessary.

4. Since it is known that many foreign medical graduates are practicing in the United Staates in State hospitals on temporary, partial, or institutional licenses, a program would be established to prepare these physicians for unrestricted licensure. This recommended grant and contract program would provide assistance to schools of medicine and osteopathy to develop preparatory courses directed at a well-defined population of nonfully licensed FMG's presently serving in State institutions. The course would prepare those FMG's to pass the appropriate State licensure examination, qualifying them for unrestricted practice within the State.

The program will be temporary in nature and limited to FGM's already practicing in this country.

Impact of Proposal and Appropriation Authorizations

FY '76, $5 million; FY '77, $10 million; FY 78, $15 million.

It is estimated that this authorization will support: "transfer" programs involving a total number of 350 U.S. FMGs in FY '76, 700 in FY '77, and 1,050 in FY '78, at an average educational cost per student for the supplemental courses of $5,000; licensure preparatory courses involving a total number of 750 FMGs in FY '76, 1250 in FY '77, and 3000 in FY '78 at an average educational cost per student of $3000; estimated costs do not include student stipends.

STUDENT ASSISTANCE

Consolidated scholarship program

Discussion

Geographic maldistribution of health manpower represents one of the greater barriers to access to quality health care. Despite increases in the total number of health manpower personnel, geographic maldistribution has increased in the last ten years. Without intervention, this condition, primarily affecting rural and inner city areas, is not generally expected to improve.

The several existing scholarship programs (PHS and NHSC programs, and Physician Shortage Area Scholarships) can continue to address these problems; however, since these separate programs were established at different times and for discrete purposes, existing authorities tend to overlap and policies often appear to conflict. Much more could be accomplished through a single broad and conditional health manpower scholarship program.

The broadened program would serve as a mechanism for addressing geographic distribution, fulfilling various HEW internal health manpower requirements, and offer, at least, potential for addressing problems associated with the maldistribution of medical specialties.

A conditional scholarship program would also be consistent with the principle that the public is ordinarily entitled to public service, or service meeting a public need, from those individuals who receive special scholarship assistance while preparing for a health professions degree.

Proposal

The proposal would consolidate the existing Public Health and NHSC, and Physician Shortage Area Scholarships into one broadened conditional scholarship program. The Secretary would be provided with clear authority to assign participants in the program to a Federal health service or other areas of critical need. Under the broadened program, the Secretary could decide that certain participants could serve in the National Health Service Corps, while others could serve in other parts of DHEW. Still others could serve elsewhere in other Federal agencies, or State or local government. Overall, however, at least 90% of all participants would have to be involved directly in the delivery of personal health care services. Equally important, the broadened authority would permit a service obligation to be fulfilled by individuals practicing their skills as private practitioners. These individuals need not be employed by the Federal Government, but would agree to serve in a shortage area, as determined by the Secretary.

While the existing DHEW policy limits NHSC assistance to physicians and dentists, this proposal would continue the broad existing statutory authority which comprises all health professions, nurses, allied health professions, and other related health personnel as determined by the Secretary.

The service commitment would consist of one year service for each year of assistance; however, a minimum of two years would be required.

A payback provision in lieu of service would be available. Payback would be equal to twice the cost of support (minus any time equivalent already fulfilled), plus compound interest at prevailing market rates dating back to the first year recipients received scholarship support.

Payback or service would begin immediately after the completion of training—in the case of medicine, deferments would be granted for the period of residency training. Payback, in lieu of service, would be made in equal annual installments with the number of installments equal to the number of fiscal years for which the student received such scholarship support. Payback could be waived by the Secretary in the case of death of the recipient or in other cases where payback would be against equity and good conscience.

Unlike some preceding scholarship programs, a direct Federal relationship would be established between DHEW and the student.

Impact of Proposal and Appropriation Authorizations

Scholarships: FY 76, $40; FY 77, $80; FY 78, $120.

Number of scholarship recipients: FY 76, 6,000; FY 77, 12,000, FY 78, 18,000.

Average award computed at $6,666 per student. However, specific awards would vary by discipline. When the program is in full operation, output will equal 6,000 graduates per year.

These figures do not include funds to phase out (continue prior obligations) the health professions and nursing scholarship programs estimated at $7.5 million for FY '76.

Student loan programs

Discussion

Except for specialized assistance to cope with the unique problems of the disadvantaged, it can be argued that Federal outlays for direct student loans are probably unnecessary because the private market can generate sufficient funds under proper Federally-guaranteed conditions. On the other hand, critics of the private market loan approach point out that not all students have equal access to private financial institutions. However, to minimize this potential problem, schools would be permitted to make new Federal loans from funds already repaid by former students, first to students in financial need, then to others less needy.

To mitigate the absence of a direct Federal loan program, it would be proposed that the OE loan guarantee program be expanded, special unconditional student assistance and unconditional scholarships would be created for the economically disadvantaged, and the conditional scholarships would be broadened as described earlier. Also, it would be proposed that the several OE student loan and scholarship programs be broadened to make these programs available to all health manpower students and institutions.

Proposal

The existing health manpower and nursing direct loan program would terminate, except for students already asisted under these programs who would be eligible to receive loan assistance for three additional years. Also, authority should be provided so that funds would remain available for the schools to make new student loans from amounts paid back from previous student loans. These loans would be made first to students in financial need, then to others. As in the existing loan program, up to 85% repayment would be available to graduates who practice in a shortage area for three years. The 85% Federal payback provision would also continue to be available for non-Federal loan recipients who practice in a shortage area. Also, any individual serving a period of obligated service under the proposed scholarship program may concurrently apply for loan repayment based on such service in a shortage area.

Further, the present OE guaranteed student loan program would be expanded for graduate level education with the existing aggregate loan ceiling increased from $2,500 to $7,000 per year. OE student assistance programs would also be made available to those health professions institutions now excluded from these programs.

Impact of Proposal and Appropriation Authorizations

	Fiscal year—		
	1976	1977	1978
Student loan programs	$9.0	$12.0	$15.0
Forgiveness and cancellations	.5	.5	.5
Repayment:			
Health professions	6.0	7.5	9.5
Nursing	2.5	4.0	5.0

These figures do not include sales insufficiency and interest losses (payments) estimated at $4 million per year. Also, they do not include funds to phase out the health professions and nursing loan programs estimated at $32 million for FY '76.

Support for the disadvantaged

Discussion

While progress has been made in attracting the disadvantaged individual into the health professions, more needs to be done. The existing legislation (Section 774(B)) provides grant authority for awards to public or nonprofit health or educational entities. These awards may include limited assistance for individuals as part of the cost incurred for undertaking non-degree, remedial type activities.

Even with a special program for identifying and assisting the economically disadvantaged, these individuals frequently experience difficulty acquiring the capital for health professions education once they are admitted to professional schools. Also, disadvantaged students are reluctant to borrow heavily in the early years of training. A special short-term unconditional scholarship program would hopefully ease the problem of capital acquisition and increase their confidence until their future potential is recognized.

To exercise the unique advantages of a targeted effort, a separate statutory authority should continue, providing support for educational programs assisting disadvantaged individuals to enter health careers. Further, the authority would be broadened to include contract support, and stipends to permit assistance to any individual in financial need who has the potential and desire to become a health professional. Contract authority would allow a new basis for supporting developmental efforts that focus on high priority needs.

Proposal

The existing 774(b) authority for grants for identifying and assisting the disadvantaged would be extended and expanded to include contracts and a separate appropriation authorization not tied to any other activity as is now the case. It is proposed that this existing authority be further expanded to permit the award of stipends to individuals in professional training. A four-year unconditional scholarship mechanism would be established (at amounts comparable to the conditional scholarship program) for two years of prebaccalaureate study (or equivalent) and two years of undergraduate medical and other equivalent health professional training levels. These scholarship funds would be made available to the school which, under Federal guidelines, would in turn award them to disadvantaged students. After this scholarship support, directly financed Federal loans would be available. These loans should be in an amount sufficient to cover educational costs and living expenses.

Loans would be made available from the Federal Capital Contribution program currently authorized. Also, as in the existing loan program, up to 85% repayment would be available to graduates who practice in a shortage area for three years.

Impact of the proposal and appropriation authorizations

	Fiscal year—		
	1976	1977	1978
Grants and contracts to organizations	$10	$15	$20
Unconditional scholarships	10	15	20
Total	20	30	40
Number of scholarship recipients	1,500	2,250	3,000

The amounts of individual awards are comparable to the conditional scholarship program, and the output is estimated at 750 graduates per year.

INSTITUTIONAL SUPPORT

Capitation

Discussion

Basic operating suport to institutions calculated on the basis of student enrollment has usually been justified, on the one hand, as an incentive necessary to encourage schools to carry out Federal initiatives such as expansion of enrollment and, on the other hand, as a means of assuring these institutions a stable source of financial support.

Recently, Congress has viewed capitation as a means to accomplish specified Federal objectives. These include causing a redistribution of health personnel by requiring practice in certain geographic areas and/or training in shortage specialties. Moreover, it is felt that substantal Federal support should only be extended to institutions which agree to fulfill nationally perceived needs. However, there is not general agreement that such a course is the most effective way of accomplishing Federal initiatives. It can be argued that specific Federal initiatives should not become a part of what is essentially basic institutional assistance, but rather such initiatives can be most effectively carried out through targeted special project activities, as well as through planning and regulatory measures. Furthermore, basic capitation support is frequently essential to the survival of certain types of health manpower schools, and should be limited in purpose to maintenance of enrollment. Accordingly, basic capitation would not be used as a mechanism for making substantive changes in the quality and types of health manpower.

Moreover, for reasons presented earlier, capitation support should be limited to MOD schools and schools of podiatry, public health, and optometry. Capitation support is not proposed for schools of veterinary medicine because the majority of their graduates do not provide personal health care services.

At the same time, a bonus capitation payment would have utility for encouraging certain activities relating to increasing enrollment, training in a community setting, curriculum improvement, interdisciplinary team training, and other similar activities. Such a bonus capitation would serve to stimulate innovation and individual school flexibility, without tying these activities as requirements to the basic capitation support.

Proposal

Capitation authority would be continued for MOD schools and schools of podiatry, public health, and optometry, but at a lower level of support for the basic grant. Awards would be based simply on the number of full-time enrolled students. Schools would be required to assure the maintenance of enrollment and the same level of non-Federal support received during the previous fiscal year. Bonus capitation would be paid to schools for meeting two of the following conditions:

1. Increase in enrollment by the greater of 5% or 10 students annually, beginning in 1975–1976;
2. Increase in affiliated primary care residency positions (family medicine, general pediatrics, general internal medicine) to at least 50% of all affiliated positions beginning July 1978 (medicine and osteopathy);
3. Achieve annual incremental increases of 10 students or 10% (whichever is greater) of graduating class enrollment who choose primary care residencies;
4. Achieve or maintain proportion of this years graduating class who choose primary care residencies at a level equal to or greater than 60% of the whole class or equal to or greater than last year's proportion choosing primary care residencies (whichever is greater);
5. Provide a mechanism whereby 50% or more of all students will have a significant educational experience (as defined by regulations) in the direct provision of personal health care delivery to underserved areas.

Impact of Proposal and Appropriation Authorizations

	Fiscal year—		
	1976	1977	1978
Basic institutional capitation	$120	$125	$130
Bonus capitation	40	50	60

Eligibility is limited to approximately 213 schools of medicine, osteopathy, dentistry, podiatry, optometry, and public health.

Awards would amount to approximately 20 percent of educational costs as determined by the Institute of Medicine study. It is estimated that 25 to 50 percent of eligible institutions will participate in the bonus program.

Construction

Discussion

With the exception of some publicly-owned schools, there is ample evidence that without direct Federal capital assistance, many schools would have great difficulty maintaining enrollment levels because of the inability to acquire the capital necessary for physical plant renovation and replacement. Also, loan guarantees and direct Federal loans are not satisfactory alternatives to grants because the schools are not sufficiently revenue generating.

With this in mind, authority to support the renovation, and remodeling of existing facilities and the construction of selected new facilities should be preserved. However, statutory priorities should exist to assure that funds are expended in areas of greatest need. These would include supporting existing programs to maintain enrollment (modernization and replacement, including multi-use facilities); provide new facilities in regions (as defined by the Secretary) which have no such facilities or existing programs (including multi-use facilities) and supporting facilities necessary for the development of primary care training.

With the exception of schools of veterinary medicine, construction support should be limited to schools providing post-baccalaureate training, e.g., MOD schools and schools of podiatry, public health, and optometry, and schools providing graduate training in nursing.

Proposal

Continue the construction grant authority, but limit support to the following: (a) renovation and modernization (including replacement) for the purpose of maintaining existing programs (including multi-use facilities, (b) construction of new facilities in regions where no such facilities or at schools where no such programs now exist (including multi-use facilities), and (c) primary care training facilities (primarily freestanding ambulatory care facilities).

The Federal share would not exceed 50 percent of project costs.

The existing authorities for interest subsidies and loan guarantees would continue only as necessary to cover existing obligations and the application of appropriate "recapture" provisions.

Projects for renovation and remodeling would be required to maintain the enrollment of the preceding academic year and assure that sufficient non-Federal funds will be available to maintain the program in future years. For new construction, the institution would be required to assure that it will develop the program for which the facility is being built as well as assure that sufficient non-Federal operating funds will be available to support the facility and programs in future years.

In the case of support for the construction of a new facility or the replacement of an existing structure, 20 years' use would be required. In the case of support for alterations and remodeling, 10 years' use should be required.

Impact of proposal and appropriation Authorizations

	Fiscal year—		
	1975	1977	1978
Construction:			
Renovation and modernization (including replacement)	$21.0	$21.0	$21.0
New facilities of regional need	3.5	3.5	3.5
Primary care facilities	10.5	10.5	10.5

The allocation of funds is based on recent program history, i.e., 60 percent to maintain existing facilities, 10 percent for new facilities, and 30 percent for primary care facilities.

The funding level does not include costs of interest subsidies on construction loans guaranteed under the existing loan guarantee and interest subsidy program. These costs are estimated at $2 million (health professions) and $1 million (nursing) for FY 1976.

Institutional Deficit Sharing (Financial Distress)

Discussion

The need for Federal support to institutions faced with serious financial difficulties will in all probability continue. Furthermore, the proposed reduced capitation level would reinforce the need for a deficit sharing authority. However, by continuing such an authority it should be made clear that such support is not to be a long-term Federal responsibility. It should also be emphasized that the Federal Government is prepared to share the institution's deficit, not assume it. This support would be limited to MOD schools and schools of podiatry, public health and optometry.

Proposal

The existing financial distress authority would be continued with significant amendments, with statutory visibility in respect to the fact that this program involves a sharing of the institution's deficit. For each year of the authority, the Federal share of the Institution's annual deficit will be limited to a maximum of 75 percent of the Federal deficit contribution for the preceding year. In other words, if a school received a financial distress grant in the immediately preceding fiscal year, the sum granted to any school in a following year may not exceed 75 percent of the sum granted to that school for that immediately preceding year.

If an institution received no such support in the year preceding the year of application, the Federal share would be 100 percent for the year for which such an application is made.

Impact of the proposal and appropriation authorizations

FY 1976	$5.0
FY 1977	5.0
FY 1978	5.0

It is estimated that an average of 10 to 12 institutions will require such assistance for the 1976–1978 period.

DISCRETIONARY TARGET PROGRAMS (SPECIAL PROJECTS)

Discussion

One of the most effective means for carrying out specific Federal initiatives is through targeted special project grants and contracts as opposed to attaching various conditions to basic capitation institutional support. In this way, support can be directed to specific objectives carrying the highest Federal priorities, and efforts can be more effectively traced and evaluated.

Discretionary funds should only be used to stimulate action to achieve national goals not likely to be addressed adequately from other sources. Discretionary funds are not to become basic institutional support but are to provide a short range stimulus to desired action by institutions. Projects supported under these discretionary authorities should be used for the purpose of initiating or demonstrating new activities or modifying or augmenting existing ones for a limited period of time and not for long-term operational support.

The agreements under which such activities are supported with Federal grants or contracts would have to contain a plan for phasing out this type of support and for either ending the activities or supporting them from non-Federal sources. In most cases, project periods should be no longer than three years, but in no case would projects be eligible for more than five years of support without the specific approval of the Secretary. Unlike capitation support, special project support should encompass support of MODVOPP schools, schools of nursing, allied health, and public health.

Proposal

Extend and amend existing special project authority to authorize grant and contract support for specified purposes. To assure appropriate special project support for all health manpower, nursing and allied health schools, a general consolidated authority would be created. Within this consolidated authority, specific appropriation authorizations would be established for each category of health professions schools. In addition to separately identified purposes for all institutions, there would be separate purposes for interdisciplinary education, national manpower data collection and analysis, and uniform national standards for manpower qualifications. Eligible applicants for grants and contracts would include all health professions schools, while contracts alone would be available to public or nonprofit private health or educational entities.

Recipients of these funds would be required to fulfill the purposes of the support in most cases by the end of the first year of such support, and in all cases no later than the end of the second year of such support.

For all targeted authorities, the proposal would require a plan for ending the program or continuing the project with non-Federal funds at the completion of Federal support, and a time limit of Federal support, generally three years, but no longer than five years.

Purposes

National health manpower priority programs (Separate appropriation authorization would be available for each category of schools, MOD, VOPP, N, PH & AH).

1. Remote Site Health Professions Education. Establish and operate satellite clinical training centers in manpower shortage areas, which coordinate to the maximum feasible extent training programs of each of the health disciplines in coordination with appropriate health training institutions, to emphasize the provision of primary care to the residents of such areas, and to provide continuing education programs for health professions personnel in such areas;

2. Family practice of medicine. Support for development and expansion of family practice residency programs, for family practice faculty development and for undergraduate training programs in family medicine;

3. Preparation of Health Manpower for Primary Care. Support for development and expansion of programs preparing health personnel for primary care including residency and faculty development (including stipends where appropriate and as determined by the Secretary);

4. Health Care extenders. Develop and operate training programs, and train, for new roles, types, or levels of health professions personnel, including programs for the training of physician extenders, nurse practitioners, and other health professions assistance (including stipends where appropriate and as determined by the Secretary);

5. Interdisciplinary Education. Develop programs for cooperative interdisciplinary training among schools of health professions, allied health and public health, including projects for training in the use of the team approach to the delivery of health services.

Impact of the Proposal and Appropriation Authorizations

A.—NATIONAL HEALTH MANPOWER PRIORITY PROGRAMS

	Fiscal year— 1976	1977	1978
1. Remote site health professions education, all schools and other entities would be eligible	$30.0	$35.0	$40.0
2. Family practice of medicine, support would be limited to medical schools and family practice departments	10.0	11.0	12.0
3. Preparation of health manpower for primary care, support would be limited to:			
Medicine	10.0	15.0	20.0
Dentistry	5.0	7.5	10.0
Nursing	5.0	7.5	10.0
4. Health care extenders:			
Physician assistants	10.0	11.0	12.0
Nurse practitioners	10.0	11.0	12.0
Expanded function dental auxiliaries	5.0	6.0	7.0
5. Interdisciplinary education, all schools would be eligible	5.0	5.0	5.0
Subtotal	90.0	110.0	128.0

In addition to National Health Manpower Priority Programs for which all institutions would be eligible, the authority would exist for National Health Manpower Development Awards. As in the case of the Priority Awards, eligibility for grants and contracts would be health professions schools, while contracts alone would be available to public or nonprofit private health or educational entities.

Purposes

National health manpower development awards (Specific appropriations authorizations for each category of schools, MOD, VOPP, N, PH & AH).

1. Admission Criteria Changes. Establish and operate programs designed to identify, and increase admissions to, enrollment and retention in schools of the health professions allied health and public health, individuals whose background and interest make it reasonable to assume that they will engage in the practice of their health profession in rural or other areas having a severe shortage of personnel in such health professions.

2. Student Preceptorships. Provide traineeships (including costs of training and fees, stipends, and allowances for the students (including travel and substance expenses and dependency allowances)) for full-time students to secure part of their education under a primary care preceptor in medicine, dentistry, or other health fields designated by the Secretary in rural or other areas having a severe shortage of health manpower;

3. Emergency Medical Services Training. Establish and operate programs in the interdisciplinary training of health professions personnel for the provision of emergency medical services, with particular emphasis on the establishment and operation of training programs affording clinical experience in emergency medical services systems receiving assistance under Title XII of this Act;

4. Bilingual Health Manpower Training. Plan, develop, and operate programs to accomplish the dual purpose of increasing the awareness by health professions personnel of the cultural sensitivities related to health of individuals with limited English-speaking ability, with special emphasis on training programs which include clinical training and utilize team training, and on continuing education programs, and in conjunction with this or separately, providing training for practitioners with limited English-speaking ability;

5. Educational Methodology Development. Plan, develop or establish new programs or innovative modifications of existing programs with regard to research in educational design and methodology and implementation of such innovative curriculum development;

6. Health Manpower Training in Aging. Provide increased emphasis on, and training in, the aging process including the social, behavioral, and biomedical aspects of the aging process, and training in the diagnosis, treatment, and prevention of diseases and related problems of the aged;

7. New Roles and Efficient Utilization of Health Manpower. Support the development of projects relating to training for changes in the duties, functions, and responsibilities, including team training, of various categories of health manpower to increase the quality of services and to decrease the costs of such services;

8. Advanced Training Programs. The establishment of new or expansion of existing specialized training programs, including the use of advanced traineeships when necessary in areas (geographic, as well as specialty fields) identified by the Secretary as being in short supply in the areas of such specialized health manpower;

9. Training for Continued Competence. Determine the requirements, and devise, demonstrate, and evaluate education programs to insure the continuing competency of health manpower.

Impact of the Proposal and Appropriation Authorizations

B.—NATIONAL HEALTH MANPOWER DEVELOPMENT AWARDS

	Fiscal year—		
	1976	1977	1978
1. Admission criteria changes:			
Medicine and osteopathy	$4.0	$4.0	$4.0
Dentistry	2.0	2.0	2.0
OPPV	2.0	2.0	2.0
Public health, allied health	2.0	2.0	2.0
Nursing	2.0	2.0	2.0
2. Preceptorships:			
Medicine and osteopathy	4.0	4.0	4.0
Dentistry	2.0	2.0	2.0
OPPV	2.0	2.0	2.0
Nursing	2.0	2.0	2.0
3. Emergency medical services training:			
Medicine	3.0	3.0	3.0
Allied health	2.0	2.0	2.0
Nursing	1.0	1.0	1.0
4. Bilingual training:			
Medicine	2.0	2.0	2.0
Dentistry	1.0	1.0	1.0
OPPV	1.0	1.0	1.0
Nursing	1.0	1.0	1.0
5. Educational methodology development:			
Medicine	4.0	4.0	4.0
Dentistry	2.0	2.0	2.0
OPPV	2.0	2.0	2.0
Public health, allied health	2.0	2.0	2.0
Nursing	2.0	2.0	2.0
6. Training in aging:			
Medicine	2.0	2.0	2.0
OPPV	1.0	1.0	1.0
Allied health	1.0	1.0	1.0
Nursing	1.0	1.0	1.0
7. New roles and efficient utilization:			
Medicine	2.0	2.0	2.0
Dentistry	2.0	2.0	2.0
Allied health	5.0	5.0	5.0
Nursing	1.0	1.0	1.0
8. Specialized training programs:			
Medicine	4.0	4.0	4.0
Dentistry	2.0	2.0	2.0
Allied health	2.0	2.0	2.0
Nursing	2.0	2.0	2.0
9. Training for continued competence:			
Medicine	6.0	6.0	6.0
Dentistry	2.0	2.0	2.0
OPPV	2.0	2.0	2.0
Allied health	8.0	8.0	8.0
Nursing	2.0	2.0	2.0
Subtotal, pt. B (National health manpower development awards)	90.0	90.0	90.0
Subtotal, pt. A (National health manpower priority awards)	90.0	110.0	128.0
Total	180.0	200.0	218.0

HEALTH MANPOWER LEGISLATIVE PROPOSAL—PROPOSED AUTHORIZATION LEVELS

[In millions]

	Fiscal year—		
	1976	1977	1978
Student assistance:			
Consolidated Scholarship Program[1]	40	80	120
Student loan programs[2]	9	12	15
Support for the disadvantaged[3]	20	30	40
Institutional support:			
Capitation assistance[4]	160	175	190
Construction assistance	35	35	35
Institutional deficit sharing	5	5	5
Discretionary target programs	180	200	218
Manpower planning and regulatory activities:			
National Health Manpower Advisory Council			
National Manpower Analysis Capacity	10	10	10
National GME Residency Commission	2	2	2
Uniform national standards for manpower qualifications	1	1	1
Immigration and educational exchange program modifications	5	10	15
Total	467	560	651

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[1] Fiscal year 1976 estimate based on 6,000 scholarship recipients comprised of all eligible health professionals, including nurses.

Does not include sales insufficiency and interest losses estimated at $4,000,000 per year, nor funds to phase out of health professions and nursing loan and scholarship programs estimated at $7,500,000 for fiscal year 1976.

[3] Includes unconditional scholarship assistance to the disadvantaged as well as grants and contracts.

[4] Assumes that bonus payments would amount to 25 percent of the total amount authorized. Basic capitation would then be approximately equal to 20 percent of educational costs as determined by the Institute of Medicine Study.

Mr. JAVITS. Mr. President, I join in introducing with Senator SCHWEIKER on behalf of the administration the Comprehensive Health Professions Education Act of 1975, which is cosponsored by Senators KENNEDY, and WILLIAMS. At the same time, I am joining in the introduction with Senators KENNEDY, SCHWEIKER, and WILLIAMS of four other separate bills: First, the Kennedy/Javits health manpower bill of the 93d Congress as favorably reported by the Committee on Labor and Public Welfare, having deleted nongermane provisions; second, the House-passed bill; third, the bill introduced in the 93d Congress by former Congressman Roy, which utilizes student assistance as the sole funding mechanism; and fourth, a bill drafted by the Association of American Colleges based upon the recommendations of its task force.

All of the bills have one common theme—they recognize that the health professions schools are a national resource which must be supported through the Federal tax dollar and, at the same time, that if such support is to be provided that the Nation has the right to expect that these schools will make vital contributions to the solutions of the problems of shortages and geographic and specialty maldistributions of physicians, dentists, and other health professionals. Senators KENNEDY, SCHWEIKER, WILLIAMS, and I have agreed to introduce all these bills so that the Congress can draw from all of them to develop the most effective response in the public interest to the problems.

The Senate-passed bill of the 93d Congress—the substitute to the committee reported bill by Senator BEALL—is not being introduced at this time since Senator BEALL will soon introduce that bill.

I believe a reasonable compromise on the issues can be effectuated:

I would recommend that we consider a division of capitation support; a percentage available to the schools—to provide appropriate, stable financial support—with the schools required to meet only limited conditions, for example, increased enrollment and the establishment of the necessary primary medical care responses.

The balance, a form of bonus capitation, available when a school could assure the Secretary that it—based upon the Senate-passed substitute provision—would have a 25-percent minimum student commitment for service, upon completion of education and training, in medically underserved areas. An additional form of bonus capitation support would be provided to each school—on a pro rata basis—for increased percentages of enrolled students who agree to such service.

I would recommend we consider adoption of the provisions of the Senate-passed bill which seeks to limit effectively the number of foreign medical graduates through Immigration and Naturalization Act restrictions, and that the waiver provisions in that restrictive authority approach be reconsidered.

I believe it would be appropriate to adopt the House provision with respect to specialty training limitations, but it is essential that the authority be vested in the Secretary, rather than the private sector as the House bill provides. However, it would be up to that same private sector, acting in cooperation and coordination with the Secretary, to develop the necessary accreditation expertise and requirements regarding specialty training.

My concerns about the administration bill are similar to those I expressed in the 93d Congress. I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, I introduce by request, on behalf of the administration, a bill entitled the Comprehensive Health Manpower Act of 1974. I do this today so that the administration bill may have parallel consideration with the bills on the same subject I join in introducing today.

I am deeply concerned that the bill sets in motion a departure from existing law's capitation grant program. The Health Manpower Act of 1971 and the Nurse Training Act of 1971 for the first time used a "capitation" approach of providing assistance to health profession schools whereby schools were to receive institutional support based on student enrollment—as an appropriate Federal undertaking to provide a stable source of financial support for medical, dental, nursing, and other health profession schools. At the same time I am also deeply concerned because this bill—proposed by the administration—fails to confront realistically—as does our Health Profession Education Assistance Act of 1974 and the Nurse Training Act of 1974, bills I joined in developing and introduced today with Senator Kennedy—the overriding medical manpower problems of shortages and geographic and specialty maldistribution, problems which adversely impact upon the well-being and health of millions of Americans.

I believe the administration bill translates into legislation the health manpower themes of the Office of Management and Budget but fails to meet the health needs of the American people.

I am not convinced that where there are $352,300,000 in HEW approved and unfunded construction grant applications for schools of the health professions, that we should propose the repeal of construction grant authority. Rather than encourage through Federal grants, interest subsidies and guaranteed loans the construction of desperately needed medical, dental, nursing, and other health profession schools the bill fails to continue the grant or interest subsidy authority. It merely authorizes a severely limited and redirected loan guarantee program and one which is not applicable to schools of pharmacy and public health.

Such action may be consistent with an Office of Management and Budget budgetary philosophy of zero budget requests over recent years, it is not consistent with congressional priorities. Only last fiscal year the Senate-passed appropriations bill provided $120 million for construction grant assistance.

I am not convinced we should sharply reduce capitation amounts for medical, osteopathic, and dental schools—to $1,500 per student from the currently authorized basic capitation amount of $2,850. If one reflects that the $4,000 capitation award for graduates; over 3 years phase down to practically zero for schools of optometry, podiatry—$400, $300, and $200 per student for fiscal years 1975, 1976, and 1977 respectively, from the currently authorized basic capitation amount of $800—and for veterinary medicine—$900, $600, and $300 per student for fiscal years 1975, 1976, and 1977 respectively from the currently authorized basic capitation amount of $1,750; and wipe out all capitation support at schools of nursing and pharmacy. This is particularly tragic when pursuant to section 205 of the Comprehensive Health Manpower Act of 1971, Public Law 92–157, Congress has before it the recently completed costs of education in the health professions study by the Institute of Medicine of the National Academy of Science which endorses a policy that health professional schools be regarded as a national resource requiring Federal support and recommends that the Federal Government use net education expenditures as a basis for establishing rates of capitation payments to health professional schools.

If one chooses to use the capitation amount of 33⅓ percent of the average net education expenditures pursuant to such study for purposes of comparison it would provide capitation support for each student enrolled, as follows:

Medicine	$3,250
Osteopathy	2,300
Dentistry	2,450
Optometry	1,075
Pharmacy	1,000
Podiatry	1,650
Veterinary Medicine	1,850
Nursing (per student equivalent):	
Baccalaureate	800
Associate	550
Diploma	500

Experience suggests that the capitation grant program has improved the financial viability of many health profession educational institutions, for example, financial distress grants, received by one-half of the Nation's more than 100 medical schools—which necessitated Senate passage of my Emergency Medical and Dental Schools Assistance Act of 1969, (S. 3150)—has been reduced to only six medical schools receiving such support. That is a substantial drop.

Such action may be consistent with an Office of Management and Budget budgetary philosophy. It is not consistent with congressional priorities. Only last fiscal year the Senate passed appropriations bill provided $225,777,000 for capitation grant authority to schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, and nursing.

I am convinced that where there is an actual shortage of, for example, 30,000 physicians, based on the empirical data, exclusive of the Department of Health, Education, and Welfare's unconscionable reliance upon noncitizen foreign medical graduates—FMG's—to provide medical manpower, Congress should make every appropriate effort to increase our Nation's medical schools capacity to increase enrollment and train qualified Americans to become physicians. My views with respect to the FMG issue are set forth in my January 17 and April 10, 1974 letters to Secretary Weinberger. I ask unanimous consent that they be printed at this point in the Record, along with his response.

There being no objection, the material was ordered to be printed in the Record, as follows:

January 17, 1974.

Hon. Caspar Weinberger,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: As the Committee on Labor and Public Welfare, of which I am ranking minority member, considers the development and extension of medical and other health profession student and institutional educational support legislation, I believe it would be most helpful if the Committee could have the statistical data and analyses upon which representatives of the Department of Health, Education, and Welfare have relied for their published statements to the effect that America's physician shortage will soon be eliminated.

I understand that this statement is based upon the assumption that our country will continue to rely upon the utilization of FMG's (Foreign Medical Graduates) rather than educating and training the requisite numbers of qualified Americans to achieve the goal of eliminating the physician shortage without the "brain-drain" on countries which ought not to be submitted to it. I believe it would be contrary to our nation's ethics to follow such a procedure. I can find no reasonable intellectual or philosophical rationale for this nation to support the "brain-drain"—take desperately needed medical manpower from underdeveloped, impoverished or nations less fortunate than ours to meet our own needs for physicians.

Therefore, any evidentiary presentation of data should be explicit as to the extent the physician shortage is eliminated or reduced by the continued practice of utilizing FMG's to provide America's health care, particularly where it extends beyond the scope of educational training to enable them under appropriate conditions to become qualified physicians.

With best wishes,
Sincerely,
Jacob K. Javits.

Hon. Caspar Weinberger,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Cap: On January 17th I wrote you requesting statistical data and analyses upon which it has been alleged that America's physician shortage will soon be eliminated.

My letter, a copy of which is enclosed, made clear that the data should be explicit as to the extent the physician shortage is relieved by utilizing Foreign Medical Graduates.

As you know, I find it almost degrading for our nation to take desperately needed medical manpower from developing nations with desperate health and economic problems to meet our nation's physician shortage. Moreover, I believe that so long as foreign medical graduates are used to alleviate our medical manpower shortage, our nation will continue to be dependent on this source and that this is improper and deplorable.

The Committee on Labor and Public Welfare will soon be considering legislation for the extension of medical and other health profession student and institutional educational support legislation and it is urgent that we have this information which was requested more than two months ago.

With best wishes,
Sincerely,
Jacob K. Javits.

The Secretary of Health,
Education, and Welfare,
Washington, D.C., April 15, 1974.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: This is in further response to your letter of January 17 requesting information regarding the projected supply of physicians and, in particular, the future influx of graduates for foreign medical schools.

As you know, the current output capacity (enrollment) of health professional schools has increased significantly over the past decade (e.g., first-year places in U.S. medical schools increased by 65 percent). The rate of those entering the field is much greater than the rate of those leaving due to death or retirement and, as a result, we can expect by 1985, 50 percent more M.D.'s, 40 percent more dentists, and 60 percent more registered nurses than in 1970.

The statements we have made about supply adequacy are predicated upon the assumption that there will be a large increase in the supply of U.S. trained physicians. Our position is not necessarily dependent upon a continued reliance upon FMG's. If the increase in M.D. manpower contributed by foreign medical graduates were to fall to zero by 1975 and stay there, the total supply of M.D.'s in the United States would be about 460,000 in 1985. This compares to about 323,000 for 1970 and represents a change in the physician population ratio from 158/100,000 to 192/100,000.

We do not feel that it is realistic to assume that the influx of FMG's can be entirely eliminated unless the Congress were to do away with the exchange program and to deny access to an immigrant because he happens to be a physician. In developing physician supply projections we used rather conservative assumption regarding the flow of FMG's because we did not want to depend upon future increases and because we feel that it is entirely possible that State governments and accrediting bodies may strengthen education and licensure requirements. Our projections for 1985 indicate that the total supply of physicians will range between 495,000 and 520,000. These estimates are based upon the assumption that the net annual increase to total supply attributed to FMG's will range between 3,500 and 5,500 per year. This range represents between 50 percent and 80 percent of the number that were probably added during 1972.

In evaluating the ability to meet future requirements, it is also important to take into consideration changes that are likely to occur in provider productivity because increases in productivity can reduce aggregate requirements. Our conclusion regarding supply adequacy is based upon the assumption that increases in provider productivity will range between 0 and 2 per cent. Many people feel this is a conservative assumption. Experience with physician extenders indicates that provider productivity can be increased by as much as 50 percent. Our requirements estimates are not predicated on such large increases. Nevertheless, we feel that investments in new types of manpower are particularly efficient when one considers the very high cost of medical education.

Obviously there are many different schools of thought on the FMG issue. I personally do not believe that as a matter of policy the Federal government should deny access to an individual because he happens to be a physician. Much of our progress in the past was made possible because this country was able to provide employment opportunities for skilled individuals. The medical sector in particular has benefited from many fine practitioners and researchers that immigrated during the last two decades. I might point out that many of our Nobel prize winners in medicine are foreign medical graduates.

In your letter you stated that the United States is perpetuating a "brain-drain" from the underdeveloped countries. It is unfortunately true that some FMG's would be providing health care services to needy persons in their own countries were they not allowed in the U.S. We are trying to help underdeveloped countries deal with this problem by giving them, under our Cultural Exchange Program, the option of specifying that certain specialties represent a shortage category of manpower. This being the case, a medical exchange student who entered the U.S. after June, 1972, must generally return to his country of origin for a period of two years before he can usually apply for permanent immigration status.

Also, many FMG's would leave their home country even if we barred them from practicing here. There are many strong "push factors" that encourage an individual to leave an underdeveloped country. For example, many underdeveloped nations are unable to provide the financing or technical backup necessary for the full utilization or support of a medical practice. As a result physicians in major cities such as Bangkok and Manila are under-employed. These and numerous other factors specifically related to the socioeconomic characteristics of underdevelopment exert a strong influence over an individual's decision to emigrate. From the FMG's perspective, the industrialized world, particularly Western Europe, the United States, Australia, etc., provides an excellent opportunity for education and employment. If the U.S. were to shut its doors to FMG's, the push factors would not change and the FMG would go elsewhere.

The continued flow of FMG's into the United States has concerned authorities in the medical profession because of the possibility that the services provided by certain FMG's may be inferior relative to the services provided by American trained physicians. I am particularly concerned about this potential problem because the Department has an intrinsic responsibility to assure quality medical care to the citizens to whom the Department has provided access. FMG's should be required to meet the rigorous standards required of Americans.

We are actively considering the policy implications which surround the FMG issue. For example, various private organizations have recently recommended the development and implementation of a new qualifying examination to be required of both FMG's and USMG's for entry into graduate medical education. We are seriously evaluating this proposal and will support it if worthwhile.

Please be assured that the issues you have raised in your letter are of serious concern to us.

Sincerely,

CAP, *Secretary*.

Mr. JAVITS. Mr. President, I am not convinced that we can overcome geographic maldistribution of health professionals by relying solely upon a strengthened scholarship program for the National Service Corps—although I commend this effort in the bill and Senator KENNEDY and I have adopted this concept, fathered by Senator MAGNUSON, as one facet of our all-out attack on the problem in our bill—and would agree with discontinuing reliance upon loan forgiveness as an irrational approach to the problem. I ask unanimous consent that the conclusions of the May 24, 1974, report to the Congress by the Comptroller General be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAPTER 7.—CONCLUSIONS, RECOMMENDATIONS, HEW COMMENTS AND OUR EVALUATION, AND MATTERS FOR CONSIDERATION BY THE CONGRESS

Although the Congress apparently initiated HPSAP as part of an overall program to increase the output of the Nation's health professions schools, it has had no significant impact on this goal.

Secondary goals apparently intended by the Congress for HPSAP were:

To improve the quality of health professions students by increasing the number of applicants.

To induce health professionals to practice in geographic areas having shortages of their skills, and

To increase the proportion of health professions graduates who come from low-income families.

HPSAP does not appear to have had a significant impact on the quality of health professions students or on their choices of locations for practice. Although the program has undoubtedly increased the ability of students from low-income families to pursue health professions careers, its impact in this area could be greatly improved.

The program was to have been directed to students in "need" or "exceptional financial need." Ambiguities and imprecision in need determinations by the schools have resulted in a large portion of the aid going to students from middle income or upper income families who may have been able to complete medical or dental school without it. Also, the lack of coordination between the various sources of aid to health professions students—including Federal sources—has resulted in disproportionate or duplicate awards of aid to some students.

The lack of definitive criteria for distinguishing "need" from "exceptional financial need" has caused inconsistent and sometimes inequitable scholarship awards.

Statements by school officials and students suggest that HPSAP goals could be served just as well if the scholarship portion was eliminated and its funds added to the loan portion. Also, questions have been raised about the basic equity and need for subsidizing—through scholarships and interest rates lower than those available to the Government—medical and dental students because they have a very high earning potential upon graduation.

HEW needs to improve its monitoring of the schools' administration of HPSAP to insure compliance with program instructions.

RECOMMENDATIONS TO THE SECRETARY OF HEW

We recommend that the Secretary of HEW direct the Administrator of the Health Resources Administration to:

Establish uniform criteria to be used by participating schools in determining student need. Such criteria should outline the types of costs which may be considered necessary and the resources which should be considered.

Develop regulations and criteria for determining how scholarship funds are to be awarded to students.

Develop, to the extent feasible, methods for insuring the consideration and coordination of all available sources of aid, especially Federal sources, in meeting students' needs.

Establish procedures to insure that participating schools make students fully aware of loan repayment and cancellation provisions before they graduate.

Encourage participating schools to establish good internal controls, improve operating records, and develop aggressive and thorough collection procedures.

Closely monitor the operation of the program at participating schools to insure full compliance with program regulations, instructions, and guidelines.

HEW COMMENTS AND OUR EVALUATION

HEW concurred (see app. 1) with our recommendations for improving HPSAP's administration and effectiveness and agreed that HPSAP has not had a significant impact on influencing medical and dental graduates to practice in shortage areas. HEW generally disagreed with our views on the impact HPSAP has had on increasing the output of medical and dental schools and improving the quality of medical and dental students.

In commenting on our recommendations, HEW stated that:

Guidelines would be reviewed and revised to require all institutions to use definitive and uniform criteria for determining financial need and would indicate specifically what items can and cannot be considered for determining individual need.

Regulations and operating criteria would be amended to specify how scholarship funds are to be awarded and the criteria would establish the minimum level of need that will determine eligibility of students to receive loans and scholarships.

Operating procedures and guidelines would be amended to require each student recipient to make a declaration of need quarterly and to specify all financial resources.

Schools would be required to audit each student's need quarterly to document any change in the need certification and to terminate aid when need does not warrant continuation.

An attempt would be made to make student aid officers in the schools aware of all Federal funds made available to students.

Each school would be required to conduct an exit interview with each student participating in HPSAP and document that the student is aware of the loan repayment and cancellation provisions.

Regulations and guidelines would be amended and revised to mandate that schools establish and follow effective operating procedures, including fiscal and management controls, aggressive and thorough collection procedures, and the maintenance of appropriate records.

HEW stated that our report clearly documents that some schools have abused the freedom of action provided in regulations and guidelines. HEW also stated that, in addition to improving the regulations and guidelines, it will be necessary to more aggressively monitor the programs in the schools. HEW stated that it has depended too heavily on the schools to use good management procedures in administering HPSAP and that the number of personnel available to monitor HPSAP has been inadequate.

HEW also stated that (1) additional monitoring of the schools will be shared between headquarters and regional offices, (2) the collection procedures in all health professions schools will continue to be studied, (3) new guidelines will be issued to schools requiring them to safeguard all program assets and to execute all notes properly, and (4) all schools will be required to keep promissory notes and other critical documents in fire safes and locked files.

These actions, if properly implemented, will correct many of the problems identified during our review.

HEW stated that the quantity and quality of medical and dental students have increased since enactment of the HPSAP legislation and congressional objectives appear to have been met. HEW also stated that it was convinced that HPSAP had helped to attain these objectives but that it was impossible to measure the extent it has done so because it is part of a multifaceted program to increase and improve the health professions manpower pool.

We recognize that conclusive evidence supporting the impact of HPSAP on increasing the quantity and quality of students accepted by medical and dental schools since HPSAP began is not available. However, based primarily on discussions with school officials and the answers to the questionnaires that were sent to medical and dental students, it does not appear that HPSAP has been a significant factor in these increases. As stated in chapter 4, officials at the schools we reviewed attributed the increases in the number of applicants and the quality of these applicants to factors other than HPSAP. They pointed out that medicine and dentistry were enjoying great popularity because they are humanitarian professions and provide opportunity for high earnings and security.

Officials at most of the schools reviewed also believed that the demand for admissions exceeded the capacity of the schools to such an extent that HPSAP had no impact on the number of graduates the schools could produce. Faculty, classrooms, and space limited enrollment at each school. Increases in enrollment that did occur did not result from the increased applicants but from new construction or expansion of facilities—a part of the multifaceted program other than HPSAP. Most of the schools stated that full enrollment could easily be attained without HPSAP.

The schools also indicated that the number of medical and dental students that currently withdraw for financial reasons was virtually as low as before HPSAP. In addition, the vast majority of students that received HPSAP loans or scholarships in school year 1972–73 did not find out about HPSAP until after they had enrolled.

Therefore, it is our view that HPSAP has not had a significant impact on increasing the number and the quality of medical and dental graduates in the United States.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The appropriation authority (Public Law 92–157) for loans and scholarships to health professions students expires June 30, 1974. Recognizing the minimal impact of HPSAP on the original congressional goals and the availability of other Federal and national aid programs for health professions students, the Congress should consider whether the goals can better be accomplished through other existing programs. These include Federal assistance in constructing teaching facilities, federally insured loans, and the Shortage Area Scholarship Program.

If the program is continued, the Congress should consider:

Whether its goals could be served as well if the scholarship funds were added to loan funds and the scholarships eliminated. This may be warranted in view of the difficulties experienced in equitable distributions of scholarship funds and the excellent potential of all medical and dental students to repay loans upon graduation.

The necessity of continuing to provide loans at interest rates lower than those available to the Government in view of the very high earning potential of medical and dental school graduates.

Whether the goal of increasing the number of health professions students from low-income families could be better served if HPSAP were directed to a specifically defined income group.

The need for providing overall coordination of the various Federal programs providing aid to health professions students.

Mr. JAVITS. Mr. President, I believe all the American people are entitled to have health care services—their tax dollar supports 50 percent of the cost of medical schools operations—and it is clear, based upon the evidence, that only one avenue is available to achieve this objective—service by all graduates in designated shortage areas upon the completion of their education. As I said, their education was in great measure paid for by the American taxpayer and the taxpayer is entitled—if only for a brief 2-year period—to be assured that the health professionals will be there, wherever it is, to provide health care.

I am not convinced, having carefully reviewed the testimony of all the administration witnesses during the course of the hearings of the House Subcommittee on Public Health—in regard to the administration bill I introduce on request today and other related measures—that the decision to withdraw capitation support for nursing schools is because we have overcome the serious shortage and maldistribution of nurses. My data indicates there is a shortage of 500,000 full-time practicing registered nurses.

Once again, such action was consistent with an Office of Management and Budget budgetary philosophy of zero budget requests over recent years. It is not consistent with congressional priorities. Only last year the Senate-passed appropriation bill provided $38.5 million for capitation support for schools of nursing.

Moreover, this Office of Management and Budget philosophy was reflected as far back as 1971. At that time—when I introduced the Nursing Education Act of 1971—I expressed to the administration my grave concern about the lack of separate nurse training funding authorities and the need for a balanced program of support to nursing schools and nursing students. Even then the administration—for the same fiscal Office of Management and Budget philosophy—refused to support the nurse training philosophy expressed in my bill and cosponsored by all the Republican members of the Senate Committee on Labor and Public Welfare. Fortunately the philosophy expressed in my bill was in great measure adopted and became Public Law 92–158.

Having set forth my deep concerns about the administration bill I believe it is appropriate that I also point out some of its good features. However, I am not convinced that such standing alone—without the provisions in the bills developed and introduced today by Senator KENNEDY and me—adequately respond to our Nations health care needs.

I support the bill's national priority incentive awards provisions which would seek to increase the number of health professionals who enter critical health shortage specialities by providing: First, an award to each school of medicine and osteopathy an amount equal to $2,000 for each of its graduates who enters a residency in the practice of family medicine; and second, grants to pay part of the cost of planning, developing, and operating for an initial period—not to exceed 3 years—programs of graduate or specialized education or training in family medicine, pediatrics, internal medicine, and other health care shortage fields.

Unfortunately the administration hearing testimony—previously cited—with respect to these efforts raises serious concerns about budget requests to accomplish the worthwhile objectives of this provision.

The administration's continuation and consolidation for the special project grants for health professions and the health professions health manpower education initiative awards authority is commendable.

I commend the concept of the administration bill which provides special assistance to the disadvantaged, for training in the health care field, by authorizing the payment to eligible individuals of stipends, with allowances for travel and for dependents, for post-secondary education or training required to qualify the individual for admission to a school providing health training, or to assist a person in undergoing the training. However, its limitations on assistance with respect to nursing, pharmacy, and public health administration are, I believe, inappropriate. Moreover, as previously indicated in other provisions of the bill, there are limitations on the future funding of health professions and nursing student loan funds to the amounts required to continue loans to students previously assisted from the funds, and no provision for such future assistance.

The rhetoric regarding the need for such service to overcome specialty maldistribution is clear throughout HEW's letter of transmittal of their bill. Unfortunately, the appropriate means—which I believe is called for in the bills Senator KENNEDY and I introduced today—was either not found or taken by their measure.

In conclusion, any National Health Insurance scheme is doomed to failure unless it provides the necessary support for a massive expansion of medical, dental, nursing and other health manpower.

Mr. JAVITS. Mr. President, in authorizing and reorganizing health manpower legislation the Senate acts as the steward of the American people regarding the purposes and the amount of funding for health professional schools. In that respect the Senate must be constantly vigilant in asking itself—is the public receiving full value for the investment the Nation is making? I believe that the public at large is not at this time receiving full value. Having reached that conclusion, based upon the evidence to date, I believe we must act to overcome the problems which deny the public the benefits they rightly deserve, or call into question the appropriateness of continuing to require the American public through their tax dollars to contribute so heavily to the health professions institutions.

In essence, I believe it is essential that the Senate pass a bill designed to achieve the following health manpower objectives, which have yet to be attained:

First, assure financial stability for the educational institutions upon which the Nation must depend for its supply of high-quality health professional manpower.

Second, assure adequate forms of student assistance. For too long the health professional educational institutions of this Nation have not reached out and recruited capable young people regardless of their financial situation.

Third, assure that we overcome effectively the problem of geographic maldistribution of health professionals, a problem that is national in scope and a problem that is long-standing and pervasive and which is a problem that is rapidly growing worse, not better.

Fourth, assure that we overcome specialty maldistribution of physicians. All too frequently residency training programs which are the determinants of the number and kinds of physicians the Nation produces are designed to meet the service needs of community hospitals or the research needs of medical school faculties, rather than the health needs of the American people. The time has come to reorder such priorities.

Fifth, assure that we overcome our Nation's reliance on foreign medical graduates for the routine delivery of medical services. The record amply documents the growing reliance of this Nation on FMG's, the qualifications and skills of many of whom must be seriously questioned. There is already existing in this Nation a dual system of medical care in which some of the most unfortunate citizens of society, such as residents of State- and county-operated mental institutions, must rely for medical services on doctors who may not be able to converse with them in the English language and whose professional skills were acquired under very different conditions. Testimony documents that one-third of all physicians in residency training programs in this Nation today are foreign medical graduates and about 50 percent of the new licenses granted to physicians are granted to foreign medical graduates.

I believe any national insurance scheme must be based on the necessary support for a massive expansion of medical, dental, nursing, and other health manpower and this should be the goal of any bill favorably acted upon by the Senate.

By Mr. INOUYE:

S. 993. A bill to provide for the adoption of "The Perpetual Calendar." Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, for the past several decades my constituents, Dr. and Mrs. Willard E. Edwards, have been carrying on a campaign on a worldwide basis for the adoption of "The Perpetual Calendar."

Although I am not personally sufficiently involved to provide any judgment in this matter, I believe it would be prudent for the appropriate committee to consider the merits of their proposal.

I ask unanimous consent to have printed in the Record an article by Dr. Edwards and two newspaper articles on the same subject.

There being no objection, the articles were ordered to be printed in the Record, as follows:

New-Year Days Are Anniversaries

(By Willard E. Edwards)

Several authorities commented on the above article on the Christian Era dating as follows:

Dr. Walter Orr Roberts of the High Altitude Observatory of Harvard University and the University of Colorado at Boulder, Colorado observed:

"Needless to say, I think that the history which you present in this manuscript of the way in which we mark time will be of considerable interest to many people. Certainly one of the soundest ways in which to prepare for the improvement of the time system (or any system, for that matter) is to explore the rather shaky historical basis on which our present customs rest."

Director L. B. Aldrich of the Smithsonian Institution's Astrophysical Observatory at Washington, D.C. stated:

"I read your article with interest. Your device for correcting the mistake of having no zero year in the transition from B.C. to A.D. is essential in determining elapsed time between B.C. and A.D. dates."

Dr. Hugh S. Rice, former Research Associate of New York City's Hayden Planetarium stated:

"Theoretically you are unquestionably correct in the idea developed. The entire work seems to be exactly right, including the schedule (Chart) at the end. . . . The other paragraph (3rd last), upon which you wanted special comment, is quite correct indeed. Personally, I would be glad if all astronomers would accept this method officially."

Dr. Fred E. Wright of the Carnegie Institution of Washington, Washington, D.C., wrote:

"My own impression is that you are quite correct in your assertion that the old year 1 B.C. should be called the zero year, and that it was certainly a mistake in calling A.D. 1 "the first year." I believe your article is worth publishing. It reads well and emphasizes the desirability of inserting zero year in passing from the Roman B.C. Calendar to our present A.D. Calendar."

From Dr. Willard E. Edwards, Originator of The Perpetual Calendar, 1434 Punahou Street, Apt. 622, Honolulu, Hawaii, U.S.A. 96822: "In researching this subject over many years, I think I have really discovered the historical truth regarding the actual start of the Christian Era as conceived by Dionysius Exiguus. It seems time to clear up the misunderstanding that has existed in the past and to put our reckoning of the years B.C.E. and C.E. on a sound mathematical basis."

1975 Is Our 1976th Year or New-Year Days Are Anniversaries

(By Williard E. Edwards)

Many of us think of New-Year Day as the birth of the newly-numbered year, and are thinking of this year as the 1975th. But this is a misconception. Of course New-Year Day 1975 was the start of a new year. But it was the start of the 1976th year of the Christian or Common Era, not that of the 1975th.

January 1st 1975 was the anniversary or end of 1975 years of the Era, exactly as anyone's 75th birthday anniversary marks the completion of 75 years of life. A truthful woman says she is 75 all during her 76th year, the year before her 76th birthday anniversary. We are also recording the events of this year as occurring in 1975. The Christian Era will become 1976 years old on New-Year Day 1976, and 2000 years old on New-Year Day 2000, not 2001.

HOW A MISCONCEPTION STARTED

Let's see how the misconception started, i.e. of looking at New-Year Days as birth days, instead of anniversaries. It began in the 6th century. Previous to that time, the year began with January 1st. Then, about A.D. 525–533, a Scythian monk named Dionysius Exiguus introduced the system of counting years of a Christian Era from the Incarnation of Christ. He calculated his epoch and New-Year Day as March 25th 753 A.U.C., the date of the Vernal Equinox at that time. March 25th is still celebrated as Annunciation, or Lady Day.

A.U.C. is from Ab Urbe Condita, and means dating from the founding of the city of Rome. See the two dating systems on the Accompanying Chart.

Dionysius added the human gestation period (280 days) to the date of Spring (March 20th in his time) and got December 25th A.D. 525 as the 525th Nativity anniversary. December 25th has been celebrated as the date of Christmas ever since. But adding the gestation period to March 25th 753 A.U.C. put the Nativity at the end of December of that year. Some chronologers and historians want to start the Common Era from the following January 1st (754 A.U.C.) and, like the Oriental custom, call Jesus a year old at birth.

Unfortunately, Dionysius made a mistake of four years in calculating the beginning of his Christian Era. King Herod, who ordered the Biblical "Massacre of the Innocents," died in 750 A.U.C. And since Jesus is reputed to have escaped this massacre, he was living before Herod died. His birth is therefore now placed at the end of 749 A.U.C. (the end of December, 4 B.C.). However, the calendar was not changed when the error was discovered.

Dionysius called March 25th 754 A.U.C. the start of the first anniversary year, or the year one of the Christian Era. He designated it as "A.D. unum" (Roman cardinal numeral I). He called 753 A.U.C. (the previous year) "Anno ab incarnatione Domini primo," for "the first year of our Lord from the Incarnation" (an ordinal number). This was shortened to "A.D. primo." Roman chronologers in his time were handicapped by the concept of zero not yet having been introduced into their mathematical notations. However, 753 A.U.C. should now be called "A.D. zero" (a cardinal number).

BEGINNING OF THE YEAR MOVED

If the Incarnation had occurred on January 1st 753 A.U.C., the year one of the Christian Era would have begun on January 1st 754 A.U.C. However, in 1582 the beginning of the Christian year was moved again, in all Catholic countries, from March 25th back to January 1st. It was so moved in England and in America in 1752, when George Washington was 20 years old.

Scotland had changed the year's beginning to January 1st in 1600, but England didn't change until 152 years later. That was 170 years after Pope Gregory changed the year's beginning and dropped 10 days from the calendar, in order to have Spring come on March 21st. When Washington was born, it was still the year 1731 in England, where the year began on March 25th. But it was already 1732 in Scotland. That's why Washington's birth date was recorded as February 11th 1731/32. See his family Bible at Mt. Vernon, Virginia.

Washington's 20th birthday anniversary was on February 11th 1751/52, but his 21st was on February 22nd 1753 (New Style). The calendar was changed in September 1752 by dropping 11 days; and George had to wait until the following February 22nd before he was legally 21 years old.

But moving the beginning of the year to January 1st helped cause the misconception of the start of the Christian Era as following the Nativity, instead of the Incarnation; and the year 753 A.U.C. (really "A.D. primo") became incorrectly shown in publications as the year "one B.C."

CORRECTING THE MISCONCEPTION

English astronomers Maskelyne, Herschel and others attempted to correct this misconception. They recognized 753 A.U.C. as "Anno Domini primo" or "the year A.D. zero." This is shown by referring to the Accompanying Chart. When we count the years backward, the number of any year is always one less than the number of the year which followed it in time. The year one, less one, is zero. Therefore, the old year formerly designated "1 B.C." is correctly renumbered as "A.D. zero." Similarly, the old year called "2 B.C." is correctly renumbered as 1 B.C.; the old year "3 B.C." is 2 B.C.; etc.

B.C. years may thus be added numerically to A.D. years to find the correct elapsed time between them. Elapsed time from January 1st 3 B.C., the day following the reputed 4 B.C. birthdate of Jesus, to our 1975 New-Year Day anniversary is 1978 years. From the supposed Nativity date to the start of the Christian or Common Era is only 3 years, not 4. The correct assignment of "the year zero" between 1 B.C. and A.D. 1 is not simply a convenience; it is a mathematical necessity. We must also have a zero degree on thermometer scales to show that the rise in temperature from −3° to +75° is 78°.

ZERO IS A REAL NUMBER

To say that there was no actual A.D. year called "the zero year" does not mean anything. There were no A.D. years at all until A.D. reckoning was introduced by Dionysius in the 6th century. But since he went back in history to renumber the years, the numbering should be rational and mathematically correct, as Dionysius intended it to be. He was an astronomer, chronologer and mathematician, and he deserves more credit than he has received.

Zero is a perfectly good number, even though it may seem somewhat confusing to those who are not mathematicians. Some of us think of it as meaning simply "nothing," or the absence of quantity. But zero has many common uses, the most common being "in place of any other number," as in 1903. Zero is a real cardinal number, 1 less 1. It is correctly shown as the first Arabic numeral (0, 1, 2, 3, etc.). Zero is also the point of departure in reckoning, and its position after 9 on telephone dials is numerically incorrect.

We use zero in the measurement of elevations, bearings and temperatures; and as the first figure on our balances, meters and scales. The first or prime meridian through Greenwich is "the zero meridian." In the 24-hour system of reckoning time, midnight is expressed as 0000, the beginning of the first hour of the day or the zero hour.

Also, the first day of the year could be called "the zero day," "January zero," or just "New-Year Day." It could be a holiday apart from any week, as in "THE PERPETUAL CALENDAR." This "New-Year Day" holiday, followed by 52 even weeks in 4 equal quarters, would allow "THE PERPETUAL CALENDAR" to become fixed for all time. This is proposed as a new International Standard Civil Calendar, along with change to The Metric System and Worldwide Decimal Currency.

We went into a zero-ending year at the start of the 20th century in going from 1899 to 1900. January 1st 1900 was noisily welcomed in worldwide as the beginning of the 20th century; and New-Year Day 2000 will begin the 21st century. Common sense and public opinion will so dictate. Let us subtract 1970 from each of the years shown on the last line of the Accompanying Chart. We then get the years for the start of the Common Era, including A.D. zero. This alone proves their correct numbering.

ORDINAL AND CARDINAL NUMBERS MISUNDERSTOOD

We should not confuse the counting of objects with measurements of time or distance. In time and distance there's a decided difference between first (an ordinal number) and one (a cardinal number). The first hour of the day is "the zero hour." We don't say it is one o'clock or 0100 until 60 minutes after midnight, the beginning of the second hour of the day.

Ordinal numbers show the order in a series (1st, 2nd, 3rd, etc.), whereas cardinal numbers express how many (1, 2, 3, or I, II, III, etc.). We start with and from zero, and the first inch on an engineer's scale is the inch of zero measurements, from 0 to 0.1, 0.2, 0.3, etc. The second inch is the inch of ones, from 1 to 1.1, 1.2, 1.3, etc. We count our age, length of time in business, wedding anniversaries and centuries likewise.

Years of the 20th century are those of the 19 hundreds (1900–1999); of the 2nd century, those of the one hundreds (100–199). Years of the 21st century are those of the 20 hundreds (2000–2099); of the 1st century, those of the zero or no hundreds (0–99). In its 1st year, a baby's age at 6 months is 0.5 year. In the Christian Era, years are distinguished by cardinal numbers.

We should not confuse "the 1st year A.D." (A.D. zero, or 753 A.U.C.) with "the 2nd year A.D." (A.D. one, or 754 A.U.C.). Our year "A.D.1" (2nd year) could not have started until the 12th month of "A.D. O" (1st year) had been completed. Unfortunately, the phrase Anno Domini primo (the 1st year, an ordinal number) came to be wrongly used for Anno Domini unum (the 2nd year, with the cardinal number 1). This has caused considerable confusion as to when the Christian or Common Era began.

NEW-YEAR DAYS ARE ANNIVERSARIES

Accepting the year preceding A.D. 1 as "the year A.D. zero" is the accurate, consistent, rational and uniform way of recording the beginning of the Christian Era. Instead of perpetuating an ancient misconception, let's correct it like intelligent and rational people. Let's remember New-Year Days for what they are, anniversaries of the approximate or practical beginning of the Christian or Common Era (abbreviated C.E., and B.C.E. for Before the Era).

At the end of its 75th year, a business becomes 75 years old. It is then beginning its 76th year. This year of 1975 is our 1976th year, but throughout this year we will call it 1975. It becomes 1976 years old on January 1st 1976. If we count New-Year Days the same as we count birthday, business and wedding anniversary days, the past misconception will disappear.

We have only one real birthday. All the others are simply "birthday anniversaries." On New-Year Day 1976 we shall have our next "yearly anniversary." It should be thought of and recorded as the 1976th. An Accompanying Chart showing correct time recording, as accepted by astronomers and modern chronologers, follows.

Should the Calendar Be Reformed?

(By George Harry)

Our present calendar is an imperfect thing. Businessmen, accountants and statisticians call it a mess.

The months, quarters and half-years are all of unequal length. The months contain from 28 to 31 days. The quarters vary from 90 to 92 days. The first half of the year contains 181 or 182 days, the second half 184 days.

Each year begins and ends on a different day of the week than the year before. Companies have to open and close their annual accounts in the middle of a weekly payroll period.

Holidays wander all over the place like a cowpath, further disrupting business.

Leap Year arrives every four years, throwing the calendar into further disorder. Without Leap Year the year would at least consist of an even 52 weeks plus one day, thus each year would move forward one day more than the preceding year.

There are many other problems with the Gregorian calendar. The first and fifteenth day of the month, on which wages and rents are often paid, may fall on Sunday, making it necessary to advance or postpone payments. Easter hops from March 22 to April 25, causing numerous civil inconveniences.

One of the biggest problems is that the months and quarters cannot be compared statistically for income, production, payroll, absenteeism and similar studies. A further complication is that some months have a fifth Sunday, thus causing further distortion of the figures.

The calendar has so many inequalities that we have to recite a jingle to remember the days of the month:

> Thirty days hath September,
> April, June, and November.
> All the rest have thirty-one
> Excepting February alone.
> Which hath but twenty-eight days clear
> And twenty-nine in each Leap Year

The present lopsided calendar is a legacy from the Caesars. Before Julian and Augustus started naming months after themselves, the Romans used a ten-month calendar totaling 304 days.

But Julian and Augustus didn't really create all the calendar inequalities. Centuries before their time, the Egyptians had a twelve-month calendar of 30 equal days, with five "heavenly" days to make a year of 365 days. They did nothing about the quarter day that adds up to Leap Year once every four years, merely noting, straight faced, that the problem of Leap Year solved itself every 1,460 years, when another whole year had been created out of the quarter days.

Julius Caesar proceeded to adapt the Egyptian and Numa Pompilius calendars, the latter named after a legendary king of Rome, the successor to Romulus. Basically the Julian calendar followed these, except that the five heavenly days were added to various months at random and that February was reduced to 28 days to provide for two more 31-day months. At that time September and November each had 31 days.

Julius also recognized that quarter day by adding one day to February every four years and honored himself by naming the seventh month July. He was such a renowned statesman and strategist that his family name became imperial in character and appeared in the German language as Kaiser and in Russian as Czar.

His grand-nephew, Augustus, to whom he willed his wealth and power, also did some jiggling with the calendar. He named the eighth month after himself and gave it 31 days, taking one day from November. To satisfy complaints about the inequality of the third and fourth quarters, he obligingly took a day from February and added it to December, and one from the 31-day September and added it to October.

The world lived with the amended Julian calendar until the 16th century, when Pope Gregory XIII made small revisions to account for an accumulated ten days between the Julian calendar and the sun's time. He solved the 10-day problem by simply changing October 5 to October 15. He also eliminated Leap Year every century unless the number of the century is divisible by 400; this revision corrected an over-adjustment of the quarter-day every 3,500 years.

While the Gregorian calendar eliminated minor inconsistencies, it did nothing to correct the problem of unequal months and quarters, the wandering holidays and the difficulty of comparing sales and costs month by month.

Some people believe the time has now come for another calendar. It has been tentatively named The Perpetual Calendar because precisely the same calendar would be used year by year.

The chief attraction of The Perpetual Calendar would be that each quarter would be of equal length, 91 days. In each quarter the first two months would have 30 days, the third month 31 days. That would make a year of 364 days. The 365th day would be called New-Year Day, a day apart from January or any other month, just as Washington, D.C. and Canberra are apart from any state. New-Year Day would indeed be a day without any weekday name being tagged to it. In other words, it would not be a Monday, Tuesday, etc., but just New-Year Day.

Thus the creation of a separate New-Year Day would allow the remaining 364 days to be divided into 52 weeks.

Leap-Year Day, like New-Year Day, would be another day apart. It would be observed not in February, but more logically between Sunday, June 31 and Monday, July 1.

The proponents of The Perpetual Calendar say it should properly have equal quarters of 91 days each, and equal half years of 182 days.

Every month, whether 30 or 31 days, would have 26 weekdays. Every quarter would begin on a Monday. The second month of every quarter would begin on Wednesday and the third month on Friday.

As every month would have the same number of working days—and every quarter too—production schedules would be easy to plan. Comparisons with previous periods would be more reliable than now. The first and fifteenth day of each month would always fall on a weekday. The months would have a rhythmic pattern of 30, 30 and 31 days. Throughout the year, incidentally, there would never be a Friday the 13th.

Though The Perpetual Calendar is easy to remember and figure out, it too has a jingle to help those who need memory devices:

> With a day apart the year's begun—
> Then thirty, thirty, thirty-one.
> Months always start in a certain way—
> On Monday, Wednesday and Friday.
> Each quarter and each year the same—
> Is The Perpetual Calendar's aim.

There would be no January 31, May 31, July 31, August 31 or October 31 in The Perpetual Calendar. This would create problems for those born on those days, but the problem is not critical and would disappear in a few generations. The calendar would add February 29 and 30, June 31 and September 31.

Easter Sunday could be fixed for Sunday, April 14, which is close to the Resurrection Day. Anniversaries and holidays would always fall on the same day of the week. Christmas would be on Monday.

The Perpetual Calendar would have to be inaugurated on any year after one that ends on Sunday, December 31. Such inaugural dates include 1979, 1990, 1996, 2001, 2007 and in cycles of 11, 6, 5 and 6 years thereafter until 2100 A.D.

The time is ripe for calendar reform. Will it ever come about?

OVERCOMING OBJECTIONS TO THE PERPETUAL CALENDAR

Who would be responsible for introducing the new calendar? No country would want to take on the job.

Agreed. The first action should come from the United Nations. Later an international conference should be held and an ad hoc committee formed.

There would be tremendous upheaval when the calendar is introduced. What would make matters worse is that many countries probably would resist for years.

A few might resist, but if any unanimity is reached among some nations, the conversion would be accomplished almost as easily as the changeover to daylight savings time. Many countries were reluctant to adopt the Gregorian calendar.

People who have birthdays and anniversaries on January 31, May 31, July 31, August 31 and October 31 would be left out on a limb.

They would learn to celebrate the day after. People born on February 29 have to do the same thing now, without any traumas. Under the new calendar, Leap-Year babies would get a break at last.

Religious bodies won't like it. Especially they won't like the eight-day week caused by New-Year Day and Leap-Year Day.

These days could be considered religious holidays and not extra days of the week. This would appease most religious groups.

It would be a costly business comparing two sets of figures produced by the old and new calendars.

The extra cost, if any, would not be excessive. The problem would soon disappear as the new calendar takes over entirely.

Many business people would stand to lose.

Maybe, but offhand I can think of only one group, the calendar manufacturers. It would not be necessary to have calenders every year because the same one can be used in perpetuity. Calendar manufacturers would soon find something else to produce.

[From the Honolulu Star-Bulletin,
Feb. 14, 1975]

PRESIDENT'S DAY STORY

(By Willard E. Edwards)

SIR: "The perpetual calendar" was devised in 1919. I also proposed a "presidents day" then and other Monday holidays. This hobby continued to 1953 when I requested a bill for a single Hawaii holiday honoring all past presidents.

We had been celebrating three presidents' birthdates in a little over three weeks: Roosevelt's (Jan. 30), Lincoln's (Feb. 12) and Washington's (Feb. 22).

The bill passed, and Hawaii was the first to celebrate a single "presidents day," on Feb. 22, 1954. I requested another bill in 1961 to move "presidents day" to the second Monday in February. But it was amended to have this holiday come on the nearest Monday or Friday to Feb. 22.

In 1967, I requested a bill to have "presidents day" and some other state holidays moved to Mondays. This was done. At the same time I also asked members of Congress and other state legislators to do this. The aid of chambers of commerce and various hotel, travel and transportation organizations was then obtained.

Five federal holidays were then made legal on Mondays in 1971, and most states followed. At present "Presidents Day" is officially observed in Hawaii, Montana, South Dakota, Utah, Washington, and possibly other states.

Fourteen states have had distinguished native sons who have become past presidents: Iowa, Kentucky, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio (7), Pennsylvania, South Carolina, Texas, Virginia (8), and Vermont. I'd think they'd ALL want to include them in one national and state "presidents day," especially Ohio and Virginia.

[From the Honolulu Advertiser, Feb. 17, 1975]

CALENDARS—WASHINGTON'S REAL BIRTHDAY?

(By Willard E. Edwards)

The 243rd birthday anniversary of "the father of his country" falls on Saturday, Feb. 22, 1975. However, George Washington's birthday was actually Feb. 11, 1731/32. He was born in the "old style" year 1731; "new style" year 1732.

At that time, in England and its colonies, the legal year began on March 25. At the same time, in Scotland, the year began on Jan. 1. While it was Feb. 11, 1731, in Virginia, it was Feb. 11, 1732, in Scotland.

This confusion dated back to Julius Caesar. To correct the old Roman Calendar, history says he added two extra Decembers in 45 B.C.E. That year, which began with March, became known as "the year of confusion." Romans tired of it after 12 months, and called Jan. 1 the start of the next year.

In 1278 A.U.C., March 25 (the vernal equinox date) was chosen by Dionysius Exiguus as "Annunciation Day." It became the epoch of the Christian Era and the new beginning of the Christian year. This latter date was variously observed for over 1,000 years, until the Julian calendar was corrected in 1582 C.E.

Pope Gregory then dropped 10 calendar days and moved the start of the civil year back to Jan. 1. Scotland accepted this new-year date in 1600, but England refused to accept it until 1752. At that time, 11 days had to be dropped from the count. Washington went to bed on Sept. 2 and woke up the next day on Sept. 14, 1752.

He was then 20½ years old, and would normally have celebrated his majority on Feb. 11, 1753. But before he could become legally 21, he had to wait one year from his 20th anniversary. That time came on Feb. 22, 1753; and this date was observed until 1961 in Hawaii, and until 1971 nationally.

In "The Perpetual Calendar," Washington's anniversary would be on Feb. 11, a Saturday. Lincoln's would come on Feb. 12, a Sunday. Both could then be celebrated as a legal holiday on Monday, Feb. 13. This day is proposed as "President's Day," in honor of all past presidents (except one). It will be the third day of an annual three-day holiday weekend, as it has been now since 1971. "Presidents Day" is now legally observed on the third Monday in February in Hawaii, Montana, So. Dakota, Utah, Washington, and possibly other states.

By Mr. ROTH:

S. 995. A bill to regulate investment by foreign governments and foreign government enterprises in certain U.S. business enterprises. Referred to the Committee on Banking, Housing and Urban Affairs and the Committee on Commerce, jointly, by unanimous consent.

FOREIGN GOVERNMENT INVESTMENT CONTROL ACT OF 1975

Mr. ROTH. Mr. President, I am today introducing the Foreign Government Investment Control Act of 1975 designed to insure that investments made in American industries or real estate by foreign governments are compatible with U.S. national interests.

This bill would not affect private foreign investment. Rather it seeks to distinguish between private investment made for essentially economic reasons and investment by foreign governments which may have noneconomic, political motivations, and consequences. Reports of Arab discrimination against Jewish business illustrate the kinds of political implications that such investment may entail.

The Foreign Government Investment Control Act hopes to encourage foreign investment that creates new jobs and helps to provide the capital resources we need for economic recovery and expansion without bringing control by foreign governments. Until the United States has a definite policy which lets potential foreign investors know how they will be treated, I am afraid that some potentially very useful private foreign investment may be discouraged from coming in. It is important to remember that foreign investment was an important element in our country's early economic growth.

This legislation is not intended to be a definitive answer to all problems raised by increased foreign investment in the United States. It is intended to be illustrative of the kinds of safeguards that can be created to protect American industry and property from harmful investments while maintaining our traditional welcome mat for advantageous investment. I hope that it can serve as a basis on which further refinements can be made in the course of committee consideration and when the recommendations of the executive branch, now in preparation, become available.

The bill distinguishes between four kinds of foreign government investment which would be treated differently. A major consideration involved in establishing these categories is to avoid unnecessary bureaucracy and redtape.

Investment by foreign governments would be prohibited in the first category consisting of sensitive areas like defense industries and public media.

A second category consists of portfolio investment of more than 1 percent of equity or debt obligations of companies whose assests are more than $100 million, direct investment in companies whose assets are more than $10 million, and real estate valued at more than $4 million. Such investment could not take place until submitted to the Secretary of Commerce and found by him to be in the national interests. The Secretary would study the effect of the investment on employment, capital availability, foreign relations, the balance of payments, and whatever else he thought appropriate, and he would also be required to consult the Governor of the State in which the investment is to take place. I believe that State and local receptivity should play a significant role in the ultimate decision as to whether the investment will be permitted.

The Secretary of Commerce is required to consult with the Secretary of Labor about the effect of the proposed investment on employment conditions and equal opportunity for all Americans. This provision has been added to insure that discrimination by foreign governments against any individual on racial or religious grounds cannot be imported via the foreign investment route. The practices of a number of Arab governments in this regard are outrageous and an affront to American ideals. New investments should be examined from this perspective and any foreigner who is unwilling to abide by our laws prohibiting discrimination should be told to stay out.

A third category of investments involves direct investment in small companies, portfolio investment of more than 1 percent of equity or debt obligations of companies whose assets are between $10 and $100 million and real estate valued between $1 and $4 million. Such investment by foreign governments would be required to be submitted to the Secretary of Commerce for 60 days. The Secretary could disapprove any investment in this category he found disadvantageous to the national interests. If he does not disapprove, the investment could take place.

The final category of investments—portfolio investment of less than 1 percent of equity or debt obligations or real estate of less than $1 million—would generally not be subject to the approval or disapproval mechanisms outlined in this act.

I believe that the Foreign Government Investment Control Act is a responsible approach to the issues created by increased foreign investment that will help foster investment beneficial to the United States while screening out potentially harmful foreign investment.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a bill introduced earlier today by the Senator from Delaware (Mr. Roth), relating to the regulation of investment by foreign governments and their enterprises in certain U.S. business enterprises, be jointly referred to the Committees on Banking, Housing and Urban Affairs and Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. SCHWEIKER (for himself, Mr. Javits, Mr. Kennedy, and Mr. Williams) (by request):

S. 996. A bill to amend titles VII and VIII of the Public Health Service Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE HEALTH PROFESSIONS EDUCATION ACT OF 1975

Mr. SCHWEIKER. Mr. President, I introduce on behalf of the administration, the Comprehensive Health Profession Education Act of 1975 (S. 996), which is cosponsored by Senators Javits, Kennedy, and Williams. I ask unanimous consent that the letter of transmittal and copy of the bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCHWEIKER. Mr. President, the Federal Government is the primary source of financial support for the training of physicians, dentists, nurses, and other health professionals. In fact, in the past decade Federal support for health manpower programs has reached over one-half billion dollars annually. This does not even include the funds provided through research grants and the delivery of services by our health teaching institutions.

The return on this investment has been an increasing number of physicians and other health professionals as well as improvement in the quality of medical education. We continue to make advances in medical science, due in part to the continued support of the Federal Government to medical education. In the last decade our support of medical education was in response to the critical shortage of physicians and other health professionals. Health manpower shortages have existed in this Nation for a number of years and our policy with regard to support of medical education has concentrated mainly on improving the total supply of health manpower. However, while shortages in some categories still exist, the primary issues surrounding health manpower today are geographic maldistribution of physicians, the maldistribution of specialties and the increased reliance on graduates of foreign medical schools. Obviously, these problems impact on any program of national health insurance which we may enact in the next 2 years.

Although we may eliminate the problem of inadequate health manpower, the problems involving maldistribution, both geographic and specialty, have an obvious implication to the availability and accessibility of care to many segments of our population. Those kinds of problems can make the promise of access to quality health care for all Americans an unkept promise.

Amid this problem we face the additional issue of foreign medical graduates. It is ironic that many young people are complaining that they are unable to enter medical school while at the same time we discover a reliance on foreign medical graduates to provide services in our community hospitals across the country. It is certainly hard to justify our sizeable investment in our medical schools while admitting to this phenomenon.

The fundamental question being posed, therefore, is what is the obligation and responsibility of the Nation's medical schools to come to grips with these problems in response to the investment we are making in those institutions? The former Assistant Secretary of Health, Dr. Charles Edwards, in a speech to the Association of American Medical Colleges, stated that very succinctly:

> The last decade has witnessed a number of changes in the way medical schools and other health teaching institutions operate but I have some serious questions about the extent to which these institutions have responded to the kind of problems that affect the whole system of health care. Yet I think all of us must question whether the medical schools and indeed the whole health training establishment have been willing to accept their share of responsibility for solving these problems.

Mr. President, it seems to me that the taxpayers of this Nation have a right to ask what is the quid pro quo for the investment of their taxes in our medical teaching institutions. If they are, as they allege, a national resource, and I do not quarrel with that assertion, then there must be an adequate response from these institutions.

I join several of my colleagues in the Labor and Public Welfare Committee in introducing a series of health manpower proposals. Specifically, in addition to the administration's bill which I have introduced, we are introducing the bill as proposed by the Association of American Medical Colleges, legislation as reported by the Labor and Public Welfare Committee during the 93d Congress, the bill as passed by the House of Representatives during the 93d Congress, and the proposal originally introduced by former Congressman William Roy which represents a major departure from the traditional method of supporting health professions education. All of these bills will provide the committee the full range of proposals and recommendations which it must consider in bringing to this body a workable program. I should add that it is expected that the bill as passed by the Senate last year will also be introduced and referred to the committee.

In its deliberations and ultimately in the reporting of a health manpower bill to the Senate, the Labor and Public Welfare Committee, it seems to me, will have to insure that we maintain adequate and stable institutional support for our medical schools, by preserving the traditional capitation grant mechanism, provide an expanded program of student assistance through the National Health Service for scholarships and student loans, design a method of eliminating the geographic maldistribution problem as well as the specialty maldistribution of physicians, and lastly eliminate the dependence upon foreign medical graduates. Embodied in the legislative proposals being introduced today are clearly the means to meet all of these objectives, and I am confident that through thoughtful deliberation and compromise we can fulfill our responsibilities in this connection.

Exhibit 1

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCES TO ACT

Section 1. (a) This Act may be cited as the "Comprehensive Health Professions Education Act of 1975".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, part, section or other provision, the reference shall be considered to be made to a title, part, section or other provision of the Public Health Service Act.

TITLE I—LOAN GUARANTEES FOR CONSTRUCTION FOR REPLACEMENT OR REMODELING OF TEACHING FACILITIES

Sec. 101. (a) (1) Section 729 (including the caption thereof) is amended to read as follows:

"LOAN GUARANTEES

"Sec. 729. (a) To assist eligible nonprofit private entities to carry out approved projects for the construction of teaching facilities of private nonprofit schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, or podiatry, other than the construction of new buildings or the expansion of existing buildings, the Secretary may, during the period beginning July 1, 1974, and ending with the close of September 30, 1977, guarantee (in accordance with this section and subject to subsection (f)) to any non-Federal lender that makes a loan to an eligible entity, for that project, payment when due of the principal of and interest on that loan. The Secretary may make commitments, on behalf of the United States, to make those loan guarantees prior to the making of the loans."

(2) Section 729(b) is repealed. This repealer shall not be construed to impair the obligation of the Secretary to pay any amount that the Secretary has agreed to pay, under that section, with respect to any loan made under section 729 prior to the enactment of this Act.

(3) There is added after section 729(a) a new section 729(b) to read as follows:

"(b) A nonprofit private entity shall be eligible to receive a loan guaranteed under subsection (a) if the entity meets the requirements (as determined under regulations of the Secretary) of sections 721, 722, and 723, insofar as they are applicable to nonprofit private entities, except that in lieu of any requirement of section 721(c) respecting the maintenance or increase of student enrollment, an application for a loan guarantee under this section shall contain or be supported by reasonable assurances that the teaching facility with regard to which the loan guarantee is obtained will maintain a first-year enrollment of full-time students after the completion of the construction, and for each of the next nine school years, that is not less than that enrollment during the fiscal year ending June 30, 1974. For purposes of the application of sections 721, 722, and 723 to this section, the term 'grant', as used in sections 721, 722, and 723 is deemed to mean 'grant by the Secretary of a loan guarantee under section 729'."

(4) Section 729(c) is amended by striking out "or interest subsidy payment" in the first and second sentence.

(5) Section 729(e) is amended (A) by striking out "interest subsidy payments authorized by this section" each time it appears and inserting in lieu thereof "interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1975"; and (B) by inserting before the period after "1974" the following: ", and for each succeeding fiscal year such sums as may be necessary to make interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1975".

(6) Section 729(f) is amended (A) by striking out "(1)" after "(f)", and (B) by striking out paragraph (2).

(b)(1) Section 809(a) (including the caption thereof) is amended to read as follows:

"LOAN GUARANTEES

"SEC. 809. (a) In order to assist nonprofit private schools of nursing to carry out construction projects for training facilities, other than the construction of new buildings or the expansion of existing buildings, the Secretary may, during the period beginning July 1, 1974, and ending with the close of September 30, 1977, guarantee (in accordance with this section and subject to subsection (f)) to non-Federal lenders making loans to such schools, for such construction projects, payment when due of the principal of and interest on any loan for that construction. The Secretary may make commitments, on behalf of the United States, to make those loan guarantees prior to the making of the loans."

(2) Section 809(b) is repealed. This repealer shall not be construed to impair the obligation of the Secretary to pay any amount that the Secretary has agreed to pay, under that section, with respect to any loan made under section 729 prior to the enactment of this Act.

(3) There is added after section 809(a) a new section 809(b) to read as follows:

"(b) A nonprofit private school of nursing shall be eligible to receive a loan guaranteed under subsection (a) if it meets the requirements (as determined under regulations of the Secretary) of sections 802, 803, and 804, insofar as they are applicable to nonprofit private schools of nursing, except that in lieu of any requirement of section 802(b) respecting the maintenance or increase of student enrollment, an application for a loan guarantee under this section shall contain or be supported by reasonable assurances that the applicant with respect to which a loan is guaranteed under this section will maintain a first-year enrollment of full-time students after the completion of the construction, and for each of the next nine school years, that is not less than that enrollment during the fiscal year ending June 30, 1974. For purposes of the application of sections 802, 803, and 804 to this section, the term 'grant', as used in sections 802, 803, and 804 is deemed to mean 'grant by the Secretary of a loan guarantee under section 809'."

(4) Section 809(c) is amended by striking out "or interest subsidy payment" in the first and second sentence.

(5) Section 809(e) is amended (A) by striking out "interest subsidy payments authorized by this section" each time it appears and inserting in lieu thereof "interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1975"; and (B) by inserting before the period after "1974" the following: ", and for each succeeding fiscal year such sums as may be necessary to make interest subsidy payments for which an agreement was entered into under this section prior to its amendment by the Comprehensive Health Manpower Act of 1975".

(6) Section 809(f) is amended (A) by striking out "(1)" after "(f)", and (B) by striking out paragraph (2).

TITLE II—CAPITATION GRANTS, START-UP ASSISTANCE, AND NATIONAL PRIORITY INCENTIVE AWARDS

CAPITATION AMENDMENTS

SEC. 201. (a) Section 770 is amended to read as follows:

"SEC. 770. (a) GRANT COMPUTATION.—The Secretary shall make annual grants to schools of medicine, osteopathy, dentistry, optometry, podiatry, and veterinary medicine for the support of the education programs of those schools. The amount of the annual grant to each school with an approved application shall be computed as follows:

"(1)(A) Each school of medicine, osteopathy, and dentistry shall receive for the fiscal year ending June 30, 1975, 1976, and 1977, $1,500, $1,250, and $1,000, respectively for such years, for each full-time student enrolled, in each of those years, in the medical or dental training program of the school.

"(B) In the case of a school that conducts a training program designed to permit the student to complete, within six years after completing secondary school, the requirements for the degree of doctor of medicine, osteopathy, or dentistry the medical or dental training program of the school, within the meaning of subparagraph (A), shall be deemed to be the last three years of the school's training program.

"(2) Each school of optometry and podiatry shall receive for the fiscal year ending June 30, 1975, 1976, and 1977, $400, $300, and $200, respectively for those years, for each full-time student enrolled in the school in each of those years.

"(3) Each school of veterinary medicine shall receive for the fiscal year ending June 30, 1975, 1976, and 1977, $900, $600, and $300, respectively, for those years, for each full-time student enrolled in the school in each of those years.

"(b) APPORTIONMENT OF APPROPRIATIONS.—If the total of the grants to be made under subsection (a) for any fiscal year—

"(1) to schools of medicine, osteopathy, and dentistry with approved applications exceeds the amounts appropriated under subsection (f)(1) for the grants, or

"(2) to schools of optometry, podiatry, and veterinary medicine with approved applications exceeds the amounts appropriated under subsection (f)(2) for the grants,

the amount of the grant for that fiscal year to each school under subsection (a) shall be an amount that bears the same ratio to the amount determined for the school for that fiscal year as the total of the amounts appropriated for that year under subsection (f)(1) or (f)(2), as the case may be, bears to the amount required to make grants in accordance with subsection (a) to each school referred to in clause (1) or (2), as the case may be.

"(c) MAINTENANCE OF EFFORT.—The Secretary shall not make a grant under this section to any school for a fiscal year beginning after June 30, 1974, unless the application therefor contains or is supported by reasonable assurances satisfactory to the Secretary that in the school year that ends during, or with the close of, that fiscal year, the school will maintain a first-year enrollment of full-time students that will be not less than the school's first-year full-time enrollment for the school year ending during, or with the close of, the fiscal year ending June 30, 1974. For purposes of this subsection, a student enrolled in the first year of the last three years of the training program of a school described in subsection (a)(1)(B), or a student enrolled in the first of the two years of the medical training program of a two-year school of medicine, shall be considered a first-year student.

"(d) ENROLLMENT DETERMINATIONS.—

"(1) For purposes of this part and part F, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or entering residencies in the practice of family medicine, as the case may be, on the basis of estimates or on such other basis as he deems appropriate.

"(2) For purposes of this part and part F, the term 'full-time student' means a student pursuing a full-time course of study leading to a degree of doctor of medicine, doctor of osteopathy, doctor of dentistry (or its equivalent), doctor of optometry (or its equivalent), doctor of podiatry (or its equivalent), or doctor of veterinary medicine (or its equivalent).

"(e) APPLICATIONS FOR NEW SCHOOLS.—In the case of a new school of medicine, osteopathy, dentistry, optometry, podiatry, or veterinary medicine that applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subsection (a) shall be the number of first-year full-time students that the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There are authorized to be appropriated $118,000,000 for the fiscal year ending June 30, 1975, $95,500,000 for the fiscal year ending June 30, 1976, and $82,914,000 for the succeeding fiscal year for grants under this section to schools of medicine, osteopathy, and dentistry.

"(2) There are authorized to be appropriated $6,600,000 for the fiscal year ending June 30, 1975, $5,500,000 for the fiscal year ending June 30, 1976, and $3,228,000 for the succeeding fiscal year for grants under this section to schools of optometry, podiatry, and veterinary medicine."

(b) Section 775(b) is amended by striking out "pharmacy,".

START-UP ASSISTANCE AMENDMENTS

Sec. 202. (a) Section 771(a)(1) is amended by inserting before the period at the end of the first sentence thereof the following: "; except that for any fiscal year beginning after June 30, 1974, no grant may be made under this subsection except to a new school that has received a grant under this subsection for the preceding fiscal year".

(b) Section 771(a)(6) is amended in the first sentence by inserting before the period at the end thereof the following: ", $4,620,000 for the fiscal year ending June 30, 1975, and $3,000,000 for each of the next two fiscal years".

NATIONAL PRIORITY INCENTIVE AWARDS

Sec. 203. (a) Sections 775 and 776 are redesignated sections 776 and 777, respectively, and there is added after section 774 the following new section:

"NATIONAL PRIORITY INCENTIVE AWARDS

"Sec. 775. (a) Family practice residency grants.—To each school of medicine and osteopathy eligible, in a fiscal year, for a grant under section 770, the Secretary shall make a grant, from the sums appropriated under section 770(f)(1) for that fiscal year, of $2,000 for each individual (i) who entered, in the preceding fiscal year, the first year of a residency in the practice of family medicine approved by the Council on Medical Education of the American Medical Association; and (ii) who, during the school year ending in that or the preceding fiscal year, received from the school a degree of doctor of medicine or doctor of osteopathy.

"(b) Graduate training in shortage specialties.—

"(1) In order to enable the Secretary to award grants to public or nonprofit private entities providing graduate or specialized education or training in the provision of health care (including education or training in systems or methods of health care delivery), there are authorized to be appropriated $23,800,000 for the fiscal year ending June 30, 1975, and $39,000,000 for each of the next two fiscal years.

"(2) Grants under this subsection may be awarded to an entity to plan, develop, and, as provided by paragraph (3), pay part of the cost to operate or participate in, for an initial period, a new or expanded program of education or training (accredited, certified, or approved by such professional bodies, and in such manner, as the Secretary may deem appropriate) in family medicine, pediatrics, internal medicine, or such other specialties for the delivery of health care services as the Secretary may determine to lack of practitioners sufficient to serve a national need, including augumentation of stipends of individual participants in any such program who plan to specialize or work in the field in which they are to receive training under the program.

"(3) A grant under paragraph (2) for payment of part of the cost, for a fiscal year, to operate or (insofar as it may require the payment of operational costs) participate in a new or expanded program may be awarded only to an entity that has provided assurances satisfactory to the Secretary that there are sufficient non-Federal funds to pay the remainder of that cost for that fiscal year; that for each year a grant is awarded for such operation of or participation in a new or expanded program, the proportion of non-Federal funds employed in the operation of, or participation in, that program shall be increased over the proceeding fiscal year; and, if the award is for the operation of a program, that there is a reasonable prospect that the program (or the program as expanded) will be continued, without Federal financial assistance, after eligibility for assistance under this subsection has terminated. The Secretary may not award grants under this subsection for defraying more than the first three years of the costs of operating or participating in any new or expanded program."

(b) Section 776 (as redesignated by this section) is amended (1) by striking out "or 773" each time it appears and inserting in lieu thereof "773, or 775(a)", and (2) by (A) striking out "and" at the end of subsection (d)(2), (B) redesignating subsection (d)(3) as subsection (d)(4), and (C) inserting a new subsection (d)(3) to read as follows:

"(3) contains, in the case of an application for a grant under section 775(a), a description of the activities to be undertaken by the applicant to assist and encourage its students to enter the practice of family medicine and a certification by the applicant that it will use its best efforts to increase the number of its students applying for residencies in, and entering the practice of, family medicine; and".

(c) Section 770, as amended by this Act, is further amended (1) by adding before ", or" at the end of subsection (b)(1) the following: "(after reduction of the amounts appropriated by the total of grants to be made under section 775)"; (2) by adding at the end of subsection (b) the following new sentence: "If the total of the grants to be made under section 775 for any fiscal year to schools of medicine or osteopathy with approved applications exceeds the total of the amounts appropriated under subsection (f)(1) for that fiscal year, the amount of the grant for that fiscal year to each such school shall be reduced proportionately."; and (3) by adding "and section 775" after "this section" in subsection (f)(1).

TITLE III—SPECIAL PROJECTS, HEALTH MANPOWER EDUCATION INITIATIVE AWARDS, AND FINANCIAL DISTRESS GRANTS

CONSOLIDATION OF SPECIAL PROJECT AUTHORITIES

Sec. 301. (a)(1) Section 772(a) is amended in the matter preceding clause (1) by striking out "and podiatry" and inserting in lieu thereof "podiatry, nursing, and public health, and any training center for allied health professions".

(2) Section 772(a) is further amended (A) by striking out "or" at the end of clause (13); (B) by striking out the period at the end of clause (14) and inserting "; or" in lieu thereof; and (C) by adding after clause (14) the following new clauses:

"(15) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(E) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs; or

"(16) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession."

(3) Section 772(a)(3) is amended by inserting "nurse practitioners," before "physicians' assistants".

(4) Sections 772(a)(4) and 772(a)(5) are amended by striking out "in such health professions" and inserting in lieu thereof "or training in health care".

(5) Section 772(a)(6) is amended by striking out "in such health professions".

(6) Section 772(a)(8) is amended by striking out "and podiatry of," and inserting in lieu thereof "podiatry, nursing, and public health, and any training center for allied health professions of,".

(7) Section 772(a)(9) is amended by inserting "or training centers" after "such schools".

(b) Section 724 is amended by adding at the end thereof the following new paragraphs:

"(7) The term 'school of nursing' means a school of nursing as defined by section 843.

"(8) The term 'training center for allied health professions' means a training center for allied health professions as defined by section 795."

CONSOLIDATION OF SPECIAL PROJECT AND EDUCATION INITIATIVE AWARD APPROPRIATIONS AUTHORIZATIONS

Sec. 302. (a) Section 777 (as redesignated by section 203 of this Act) is redesignated section 778, and there is added after section 776 a new section to read as follows:

"APPROPRIATIONS AUTHORIZED FOR SECTIONS 772 AND 774

"Sec. 777. There are authorized to be appropriated $110,000,000 for the fiscal year ending June 30, 1975, and $122,000,000 for each of the next two fiscal years for the purpose of making payments under sections 772 and 774."

(b) Sections 772(d) and 774(e) are repealed.

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM; INELIGIBILITY OF SCHOOLS OF PHARMACY; AMOUNT OF GRANT; TECHNICAL ASSISTANCE

Sec. 303. (a) Section 773(a) is amended (1) by striking out "and" before $10,000,000", and (2) by inserting "and $5,000,000 for each of the next three fiscal years," after "1974,".

(b) Sections 773(b) and 773(d) are amended by striking out "pharmacy,".

(c) Section 773(b) is further amended by adding at the end thereof the following new sentence: "In the case of a school that has received a grant in the immediately preceding fiscal year, the sums of amounts granted to that school under this section for any fiscal year may not exceed 75 per centum of the sum of amounts granted to that school under this section for that immediately preceding fiscal year."

(d) Section 773(c) is amended by adding at the end thereof the following new sentence: "The Secretary may provide, to any school of medicine, osteopathy, dentistry, optometry, podiatry, or veterinary medicine which is in serious financial straits to meet its costs of operation or which has a special need for financial assistance to meet accreditation requirements, technical assistance to enable the school to conduct a comprehensive cost analysis study of its operations, to identify operational inefficiencies, or to develop or carry out appropriate operational or financial reforms."

TITLE IV—STUDENT ASSISTANCE

PRE-ADMISSION AND FOLLOW-UP ASSISTANCE TO THE DISADVANTAGED

Sec. 401. Section 774(b) is amended—

(1) in clause (2)(A) by inserting after "assisting them" the following "(including the payment to them of such pertinent stipends, with allowances for travel and for dependents, as the Secretary deems appropriate)"; and

(2) by striking out the matter following clause (2)(C).

SCHOLARSHIPS FOR SERVICE

Sec. 402. (a) Section 225(a) is amended by striking out "other units of the Service" and inserting in lieu thereof "such other uniformed or civilian Federal health service as the Secretary may determine is appropriate, and to promote the more adequate provision of medical care for persons who reside in areas determined by the Secretary, under section 329(b)(1), to have critical health manpower shortages".

(b) Section 225(b)(4) is amended to read as follows:

"(4) agree in writing to serve, as prescribed by subsection (e) of this section, (A) as a civilian member of the National Health Service Corps or in such other uniformed or civilian Federal health service as the Secretary may determine is appropriate; or (B) in an area determined by the Secretary, under section 329(b)(1), to have a critical health manpower shortage".

(c) Section 225(b)(3) is amended to read as follows:

"(3) except in the case of an applicant who enters into an agreement under clause (4)(B), be selected for civilian service in the National Health Service Corps or in such other uniformed or civilian Federal health service as the Secretary may determine is appropriate; and".

(d) Section 225(e) is amended (1) by amending the first clause of the first sentence to read "In accordance with his agreement under subsection (b)(4), a person participating in the Program shall be obligated following completion of academic training to serve as a civilian member of the National Health Service Corps or in such other uniformed or civilian Federal health service as the Secretary may determine is appropriate, or in an area determined by the Secretary, under section 329(b)(1), to have a critical health manpower shortage,"; (2) by striking out the second sentence; and (3) by amending the last sentence by inserting "Federal health" before the word "facility", by placing a period after the word "facility", and by striking out "of the Service or other facility of the National Health Service Corps."

(e) Section 225(f)(1) is amended by striking out "an active duty service obligation" and inserting "a service obligation" in lieu thereof.

(f) Section 225(i) is amended to read as follows:

"(i) There are authorized to be appropriated $12,500,000 for fiscal year 1975, and $22,500,000 for each of the two succeeding fiscal years to carry out the Program."

FEDERAL CAPITAL CONTRIBUTIONS TO STUDENT LOAN FUNDS; DIRECT LOAN INTEREST RATE MADE EQUIVALENT TO INSURED LOAN INTEREST RATE; AND CLARIFYING CHANGE

SEC. 403. (a) Sections 743, 794D(e), and 826 are each amended by striking out "1977" each time it appears and inserting in lieu thereof "1980".

(b) Sections 741(e), 794D(b)(2)(E), 823(b)(5) are each amended by striking out "3 per centum" and inserting "7 per centum" in lieu thereof

(c) Section 741(f)(1) is amended by adding at the end thereof the following sentence: "In the case of any individual who, on or after November 18, 1971, meets the requirements of subparagraphs (A) and (B) and who practices his profession as described by subparagraph (C) by virtue of his employment as a member of the National Health Service Corps, the individual shall be deemed to have entered into the agreement required by subparagraph (C) with respect to that practice."

TITLE V—EFFECTIVE DATE

SEC. 501. This Act is effective with respect to appropriations for fiscal years beginning after June 30, 1974, except for section 403(c) which is deemed to have become effective on November 18, 1971.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 3, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed for the consideration of the Congress a draft bill "To amend titles VII and VIII of the Public Health Service Act, and for other purposes." The bill, when enacted, would be cited as the "Comprehensive Health Professions Education Act of 1975".

The draft bill is intended to translate into legislation the health professions education themes of the President's budget for fiscal year 1976.

"In 1976, total HEW outlays for training health professionals are estimated at $620 million. Measures undertaken since 1969 have assured major increases in the number of graduates of U.S. health professions schools. From 1965 to 1974, medical school enrollments and the number of graduates each grew by 56%. Medical school enrollments have grown from 32,428 to 50,477 and the annual number of graduates has increased from 7,409 to 11,580.

"As in other fields of higher education, Federal assistance in 1976 will emphasize aid to students rather than to institutions. Unnecessary Federal institutional subsidies will be gradually phased out. Since students in the health professions can anticipate high earnings, they can be expected to finance a greater share of their own educational costs. Federally guaranteed private loans are available, and recently increased ceilings on such loans will heighten their usefulness to students in the health professions. Proposed legislation will reflect this appropriate Federal role in the support of health professions training.

"An expanded National Health Service Corps program of scholarships in return for service will both assist students financially and help meet Federal needs for health professionals." (At p. 133.)

Of the 1976 outlay estimate of $620 million for all of the Department's health, education, and training activities, approximately $330 million is attributable to programs to be authorized in this bill.

CONSTRUCTION OF HEALTH TEACHING FACILITIES

Projections of the current volume of health professions graduates against expected population increases persuade us that existing facilities, if maintained, are sufficient to meet foreseeable future need. For example, in 1970 there were some 323,200 practicing physicians in the United States, or 159 physicians per 10,000 population. If the number of first-year training places existing at the end of 1972 are maintained without change through 1990, and we may assume a constant net addition of foreign medical graduates approximately the net increment during the mid-1960's, about 3,800 a year, the number of practicing physicians in the United States will grow to at least 435,000 in 1980—about 192 per 100,000 population, and 554,000 in 1990, or about 331 per 100,000.

If there is sufficient public and private support to allow for a post-1978 growth in output capacity of 1.3 percent for medical schools and 0.6 percent for osteopathic schools, and a net addition of 5,200 foreign medical graduates per year (a level approximating recent levels) we would estimate the number of physicians in 1990 per 100,000 population to arrive at 237. We are aware of no studies that suggest that a projected increase of this size—almost 40 percent, and probably nearly 50 percent, more physicians per 100,000 population within sixteen years—would be insufficient, if appropriately distributed geographically and by specialty (concerns addressed by aspects of our proposal discussed below) to meet prospective national requirements for medical care.

Accordingly, the draft bill would change the focus of the current health professions teaching facilities, and nurse training facilities, construction programs. Rather than continuing to encourage, through the making of Federal grants, the multiplication of teaching facilities, we would instead concentrate resources on encouraging existing facilities to maintain and improve their adequacy. The bill would accomplish this (1) by allowing the expiration of the construction grant programs of part B of title VII of the Public Health Service Act and of title VIII; and (2) by amending the provisions that now make Federal guarantees available for loans for the construction of health professions and nursing teaching facilities, to instead provide assistance limited to the replacement or remodeling of facilities.

Loan guarantees for the construction of new buildings (except as replacements for old buildings) or the expansion of existing buildings, would no longer be available. In addition, consistent with the philosophy expressed in the President's budget of aiding students rather than institutions, we would no longer offer to subsidize interest payments on new guaranteed loans under the program.

Loan guarantees would no longer be available under the program for schools of pharmacy and public health, because the replacement or remodeling of these facilities does not serve a significant national need. The draft bill also omits the long unfunded authorization for appropriations for the construction of health research facilities.

CAPITATION AWARDS

In the Comprehensive Health Manpower Training Act of 1971, the establishment of a capitation grant program reflected a judgment by both the Congress and the Administration that "first dollar" funding of health professions education was an appropriate and needed mechanism of Federal support. Experience to date suggests that the capitation grant program has achieved certain of its originally objectives, in that the financial viability of many of these educational institutions has improved, and in that some portion of the enrollment increases experienced would probably not have come about in the absence of the expansion requirements in the capitation grant law.

Despite these positive aspects, which the Administration recognizes, an analysis of the capitation program and consideration of future trends revel serious flaws in the capitation grant concept. These defects call into question the appropriateness and desirability of the capitation mechanism as the Federal Government's primary tool for the support of health professions education. Chief among the deficiencies are that the capitation program:

Due to its inherently rigid allocation formula, resulted in comparative windfalls for certain schools and shortfalls for other schools—that is to say, the funds were not targeted based on an assessment of need for such support;

The incremental enrollment increases that may have resulted from the program proved to be very costly;

The amounts authorized and appropriated for the program were arbitrary and unrelated to any concept of actual educational costs;

The costs of this program would only be expected to continue to increase, with the schools and the students becoming increasingly and undesirably dependent upon the continued flow of Federal subsidies for the health professions educational process; and

Reasonable alternative sources of funding support for the health education process are available in lieu of Federal across-the-board, formula-type institutional subsidies.

In this regard, we would emphasize that capitation support must be viewed, at least in part, as means of subsidizing health professions students indirectly through institutions. In conjunction with other assistance to health professions schools, Federal capitation grants enable a student to pay a tuition that commonly defrays from 10 to 20 percent of a school's costs of training that student. Nevertheless, health professionals, particularly physicians and dentists, have high earnings. The annual rate of return on the total costs of basic medical and dental education has been estimated to be over 20 percent, a rate that is two to three times the rate of return for graduate education generally.

In view of these earnings, health professions students can and should be called upon to pick up a larger share of their educational costs. The Federal Government should not call upon the general public, through tax revenues, to subsidize the training of individuals who are themselves able to bear the real costs of their training and who, because of that training, will quickly recoup those costs from members of the public in the form of compensation for their professional services.

We recognize that immediate withdrawal of capitation support for health professions education would be very disruptive to some institutions, particularly those receiving the highest rates of capitation.

Accordingly, we propose to extend capitation for most health professions schools for an additional three years, but modified as follows:

1. The statutory capitation amounts for schools of medicine, osteopathy, and dentistry, now $2,500 for each student in each of the first three years of training and $4,000 for each student in a graduating class, would be set at $1,500 per enrolled student (without regard to year-class) for fiscal year 1975, $1,250 per student for fiscal year 1976, and $1,000 per student for fiscal year 1977. This compares to an average actual capitation level, under the 1974 appropriation for this activity, of about $2,000 per student.

2. Schools of veterinary medicine, for which capitation is now set at $1,750, would be set at $900, $600, and $300, for the fiscal years 1975, 1976, and 1977, respectively. Again, this compares with the actual 1974 appropriations level of about $1,325 per student.

3. Schools of optometry and podiatry, for which capitation is now set at $800 per student, would be set at $400, $300, and $200, for fiscal years 1975, 1976, and 1977, respectively. The actual 1974 appropriation for these disciplines averaged about $625 per student.

4. Because the draft bill would not impose any enrollment increase requirements on the school (merely requiring that the schools maintain their 1974 level of first-year enrollment), the capitation for "enrollment bonus students" (*i.e.*, students in year-classes meeting certain enrollment increase requirements) would be dropped.

5. Capitation of undergraduate training—*i.e.*, the training provided by schools of pharmacy and nursing—as well as general assistance, under section 309(c) of the Public Health Service Act, to schools of public health, would be allowed to expire.

6. The current program of grants for small medical, osteopathic, and dental schools—essentially a one-time bonus of $50,000—and the capitation for three-year schools of medicine ($2,500 for each student enrolled in a fiscal year, plus $6,000 for each student graduating in that year) would be repealed.

START-UP ASSISTANCE

The current program of start-up assistance would be phased out by limiting it to schools that have received a start-up grant for fiscal year 1974.

NATIONAL PRIORITY INCENTIVE AWARDS

The draft bill would establish a new program of National Priority Incentive Awards to increase the number of health professionals who enter critical health shortage specialties. The program would have two principal features:

1. It would award to each school of medicine and osteopathy an amount equal to $2,000 for each of its graduates who enters a residency in the practice of family medicine. As a condition of receiving this award, a school would be required to use its best efforts to increase the number of its graduates who enter such practice.

2. It would award grants to pay part of the cost of planning, developing, and operating for an initial period (not to exceed three years), programs of graduate or specialized education or training in family medicine, pediatrics, internal medicine, and other health care shortage fields. The grants could include amounts intended to augment the compensation otherwise payable to an individual in consideration of his participation in a program.

CONSOLIDATION OF SPECIAL PROJECT AUTHORITIES

The existing health manpower special projects authority would be amended in order to embrace assistance now authorized under comparable special project authority contained in the nursing, allied health, and public health professions portions of the Public Health Service Act. Those latter authorities would be allowed to expire.

CONSOLIDATION OF SPECIAL PROJECT AND HMEIA APPROPRIATIONS AUTHORIZATIONS

The authorizations of appropriations for the special project grants for the health professions and the health professions Health Manpower Education Initiative Awards would be consolidated in a single provision. That provision would extend both programs for three years.

FINANCIAL DISTRESS

The health professions financial distress grant program would be extended for three years, but would be amended to terminate the eligibility for financial distress grants of schools of pharmacy. The bill would also limit the financial distress grant to any school for a fiscal year to 75 percent of the financial distress grant awarded for the preceding fiscal year. This limitation is intended to make clear that amounts awarded under the financial distress provisions of the law are not intended as an increase of the general educational support that a school receives under the previously-described capitation provisions, but are truly amounts awarded on a short-term basis to meet an extreme and unusual exigency.

PRE-ADMISSION AND FOLLOW-UP ASSISTANCE TO THE DISADVANTAGED

The draft bill would amend the existing program of special assistance to the disadvantaged, for training in the health care field, by authorizing the payment to eligible individuals of stipends, with allowances for travel and for dependents, for post-secondary education or training required to qualify the individual for admission to a school providing health training, or to assist a person in undergoing that training.

The Department proposes to administer this authority as follows:

1. It would restrict the assistance to study in preparation for, or leading to, a first professional degree in the health care field. That is, stipends would not be provided in connection with training, such as in nursing or pharmacy, at the undergraduate level.

2. It would limit assistance to fields that prepare the individual to provide health care. Stipends would not be provided, for example, for the study of public health administration.

3. As previously discussed, persons who enter most health care fields enjoy a high income potential. As their professional education progresses they are increasingly able to command loans for the completion of their education.

Accordingly, stipends awarded for professional study (as distinct from pre-admission assistance) under the amended health professions program of special assistance to the disadvantaged will be limited to the first year of training.

SCHOLARSHIPS FOR SERVICE

We believe that the Public Health and National Health Service Corps Scholarship Training Program offers the potential not only of assuring an adequate future supply of health professionals to meet essential Federal health care delivery responsibilities, but also of truly opening the door to a health professions education to sizeable numbers of deserving students. For these reasons, the President's 1976 Budget contemplates funding for this program, at a level of $22.5 million. Funding of the program at that level would provide full support for in excess of 2,000 health professions students, and would accompany the phasing out of the traditional scholarship programs operated by the Bureau of Health Resources Development in the Health Resources Administration. The basic philosophy reflected in this disposition of resources is that the public is ordinarily entitled to public service, or service meeting a public need, from those individuals who are beneficiaries of special scholarship assistance while receiving their health professions degrees. The traditional scholarship programs—which do not require such service—are inconsistent with that principle.

We propose to broaden and strengthen the program, consistent with these views, as follows:

1. We would extend the Program indefinitely, and authorize appropriations for it of such sums as may be necessary.

2. We would provide the Secretary with clear and unambiguous authority to assign participants in the Program to *any* civilian or uniformed Federal health service. The National Health Service Corps and other health service delivery programs of this Department would doubtless be the primary users of the program participants, and perhaps in the short run would be the sole users. At some future time, however, the Secretary might determine that certain of the participants could more appropriately serve elsewhere in the Department, or even in other Federal agencies (*e.g.*, the Veterans Administration) or State or local governmental units. It would be preferable to not have to appoint individuals to the Commissioned Corps of the Public Health Service in order to do this but rather to be able to assign them directly to other health service duties.

3. Finally, we believe there should be room within the Program to assist individuals who wish to remain in the private sector, but who are prepared to practice a health profession in a geographic area of critical health manpower shortage. These individuals would not be employed by the Federal Government but would undertake to serve in shortage areas, as determined by the Secretary, for the same period of service to which other individuals assisted under the program are obligated to serve the Federal Government: that is, one year of service for each year of scholarship assistance.

HEALTH PROFESSIONS AND NURSING STUDENT LOAN PROGRAMS

The draft bill would also limit further Federal capital contributions to health professions and nursing student loan funds to the amounts required to continue loans to students previously assisted from the funds. However, the funds would remain available, for the next three years, for the schools to make new student loans from amounts revolving back into the student loan funds; and for continuation loans.

The bill would also raise the interest rate on these loans from 3 to 7 percent (the same maximum rate of interest now prescribed under the student loan insurance program contained in the Higher Education Act of 1965).

We believe that enactment of this legislation would be an important step toward assuring an adequate future supply of health professionals, both for meeting the general needs of the public and meeting essential Federal health care responsibilities. It would remedy the problem of unnecessary public subsidization of the education of individuals preparing to enter highly paid health care occupations. Nevertheless, it would significantly improve the possibility of a health professions education for large numbers of students. We urge the Congress to give the measure its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

Caspar W. Weinberger,
Secretary.

By Mr. BAYH (for himself and Mr. Thurmond):

S.J. Res. 49. A joint resolution to amend the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America." Referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I am introducing a joint resolution to clarify the provisions of chapter 10 of the United States Code, popularly known as the flag code. A similar resolution was introduced in the last Congress and hearings were held by the Subcommittee on Federal Charters, Holidays, and Celebrations. At that time, numerous representatives of veterans organizations and patriotic groups testified in favor of this legislation which would clarify the existing confusion over the proper use of the flag of the United States of America.

When first enacted by Congress in 1942, the flag code set forth rules for the display and use of the flag of the United States by civilian organizations who are not required as a matter of law to comply with the flag regulations of the executive departments of the Government of the United States of America. Over the years these guidelines have been subject to various interpretations leaving many patriotic Americans, civic groups, and church groups without a clear understanding of the proper etiquette to be afforded the symbol of our Nation and the ideals represented by the American flag.

As we approach our Bicentennial celebration, several patriotic groups, particularly the American Legion, have urged Congress to take action to clarify the existing confusion regarding the flag code. The American Legion has long been recognized as an organization dedicated to the principle of promoting the American ideal.

The leadership demonstrated by their proposal to restate the rules and customs relating to the use of the symbol of our country underscores once again the American Legion's commitment to promoting patriotism among all our citizens. I applaud their efforts to advance proper respect to be shown the American flag.

The resolution I am introducing today will clarify for all our citizens the manner in which the flag should be used on ceremonial and other occasions. The revisions to the flag code offered by this resolution change outdated customs, add new guidelines and clarify other provisions that have been a source of misunderstanding.

I ask my colleagues to carefully examine this resolution while reaffirming the principles symbolized by our flag.

I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", as amended (36 U.S.C. 171–178), is amended—

(1) by adding after the last sentence of Section 1 the following: "The flag of the United States for the purpose of this Chapter shall be defined according to Title 4 U.S.C. Chapter 1, Section 1 and Section 2 and Executive Order 10834 issued pursuant thereto."

(2) by striking out the second sentence of section 2(a) and inserting in lieu thereof the following: "However when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.";

(3) by inserting in section 2(c) before the period a comma and the following: "unless it is an all-weather flag";

(4) by striking out section 2(d) and inserting in lieu thereof the following:

(d) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, the third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), on the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Citizenship Day, September 17; Columbus Day, the second Monday in October; Veterans Day, the fourth Monday in October; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; such other days as may be proclaimed by the President of the United States; the birthdays of States (dates of admission); and on State holidays.";

(5) by striking out ", weather permitting," in section 2(e);

(6) by striking out "radiator cap" in section 3(b) and inserting in lieu thereof "right fender";

(7) by inserting before the period in the last sentence of section 3(f) a comma and the following: "its own right";

(8) by striking out section 3(i) and inserting in lieu thereof the following:

"(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.";

(9) by striking out section 3(k) and inserting in lieu thereof the following:

"(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.";

(10) by striking out section 3(m) and inserting in lieu thereof the following:

"(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. As used in this subsection—

"(1) the term 'half-staff' means the position of the flag when it is one-half the distance between the top and bottom of the staff;

"(2) the term 'executive or military department' means any agency listed under sections 101 and 102 of title 5, United States Code; and

"(3) the term 'Member of Congress' means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.";

(11) by adding at the end of section 3, a new subsection as follows:

"(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the North, when entrances are to the East and West or to the East when entrances are to the North and South. If there are entrances in more than two directions, the union should be to the East.";

(12) by striking out section 4(a) and inserting in lieu thereof the following:

"Sec. 4. (a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.";

(13) by striking out section 4(d) and inserting in lieu thereof the following:

"(d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of a platform, and for decoration in general.";

(14) by striking out section 4(e) and inserting in lieu thereof the following:

"(e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.";

(15) by striking out section 4(i) and inserting in lieu thereof the following:

"(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.";

(16) by redesignating section 4(j) as section 4(k) and by inserting after section 4(i) a new subsection as follows:

"(j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.";

(17) by striking out section 5 and inserting in lieu thereof the following:

"SEC. 5. During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.";

(18) by striking out section 6 and inserting in lieu thereof the following:

"SEC. 6. During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. When the flag is not displayed, those present should face toward the music. During rendition of the anthem, men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note.";

(19) by striking out section 7 and inserting in lieu thereof the following:

"SEC. 7. The Pledge of Allegiance to the Flag, 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.' should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute."; and

(20) by striking out section 8 and inserting in lieu thereof the following:

"SEC. 8. (a) The Commander in Chief of the Armed Forces of the United States shall appoint a National Flag Commission for the purpose of necessary study and revision of this joint resolution.

"(b) Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.".

Mr. THURMOND. Mr. President, it is with great pleasure that I join today in cosponsoring a joint resolution aimed at clarifying certain provisions of the laws concerning the proper use and display of the U.S. flag, which is popularly known as the flag code.

In past years, the flag code has been interpreted in a multitude of ways. These differing interpretations have caused much confusion throughout the country regarding the proper manner of displaying the flag. Many of the customs are obsolete and need to be revised while other provisions of the flag code need clarification and reemphasis.

As we approach the Bicentennial of the founding of this great Nation, it seems rather appropriate that we should clarify the state of confusion which exists regarding the use of our flag.

Mr. President, there are many organizations which have expressed their concern over the uncertain situation which now exists. Time after time, the American Legion has called for legislation which would restate and clarify the rules and customs relating to the use, display, and proper respect for the flag of our country. I would like to extend my sincere appreciation to the American Legion for their hard work and assistance in the development of this resolution.

This resolution clarifies a state of confusion which presently exists in the custom and use of our national symbol. I ask that my colleagues carefully examine this resolution and join me in supporting it.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. PELL, Mr. SCHWEIKER, and Mr. WILLIAMS):

S.J. Res. 50. A joint resolution to authorize and request the President to proclaim the second week of April of each year as "National Medical Laboratory Week." Referred to the Committee on the Judiciary.

NATIONAL MEDICAL LABORATORY WEEK

Mr. KENNEDY. Mr. President, I am very pleased and honored to introduce today a joint resolution which provides for the annual proclamation of a National Medical Laboratory Week during the second week of April. This week of recognition is being supported by the many professional associations representing medical laboratory personnel throughout the country.

Currently, there are some 150,000 practitioners of medical laboratory science in the United States. These dedicated men and women have over the last 50 years played an increasingly vital role in the diagnosis and prevention of disease. Today, the medical laboratory and the medical laboratory scientist stand as an integral part of the health care team by providing attending physicians with the reliable diagnostic data needed to insure quality patient care.

Mr. President, laboratory personnel are team members in the third largest industry in the United States. Unfortunately, the dedicated efforts of medical laboratory scientists often go unnoticed by the public. And because public confidence in all segments of the health arena is vitally needed, it is important that the public more adequately understand the role played by the laboratory in their well-being. That is the purpose of this resolution.

Throughout the United States, medical laboratories perform some 5 billion tests annually in the pursuit of accurate health treatment. These laboratories are staffed by pathologists, medical technologists, medical laboratory technicians, and specialists such as histologic technicians, cytotechnologists, chemists, microbiologists, and others. They are highly educated, skilled professionals in their science.

While these individuals often go unnoticed, they are actively involved in improving standards of practice for the patient's benefit. To the extent that the quality of laboratory service is affected by education, certification and accreditation, the profession has made significant advances toward insuring that well trained personnel are available to provide quality health services. Very often it is these same personnel who are responsible for the development of new methodologies which not only increase the reliability of diagnostic procedures but also improve the chances of a more healthful life for every American.

The services rendered by our Nation's medical laboratories certainly provide a very direct contribution in enabling the large majority of Americans to enjoy good health. Therefore, as both professional and public attention becomes increasingly focused on the provision of quality health care, I think it is most fitting that this Congress recognize the dedicated effort being made daily by the thousands of men and women who serve so ably in our Nation's medical laboratories by proclaiming April 13–19 as National Medical Laboratory Week.

Later this year, Mr. President, I will be joining my close friend and colleague, Senator JAVITS, in sponsoring legislation to amend and improve the Clinical Laboratory Act. During the Senate Health Subcommittee consideration of that measure, we will want to look very closely at the efforts of all laboratory personnel. I consider this forthcoming legislation to be of critical importance. And I look forward to working with Senator JAVITS during its consideration.

Mr. JAVITS. Mr. President, today I join with Senator KENNEDY in introducing a joint resolution to provide for the annual proclamation of National Medical Laboratory Week for the period of April 13–19. This week of recognition is endorsed by six national, professional laboratory organizations: American Society for Medical Technology—ASMT; American Medical Technologists—AMT; International Society of Clinical Laboratory Technologists—ISCLT; American Society of Clinical Pathologists—ASCP; American Society for Microbiology—ASM; and American Association of Blood Banks—AABB.

Medical laboratory science has expanded tremendously over the years. There are more than 150,000 practitioners, performing some 5 billion tests annually as an integral part of a health care team seeking to provide reliable diagnostic data to insure quality patient care.

The advent of automation and sophisticated instrumentation in the laboratory has strengthened the need for intensive academic and clinical training to carry out the responsibilities which involve the very preservation of human life. The active involvement of highly skilled, educated professionals dedicated to establishing the highest standards of medical laboratory methods and research to increase the reliability of diagnostic procedures that may improve the chances of a more healthful life for every American is essential.

The services rendered by our Nation's medical laboratories directly contribute to the individual and public health. As all Americans increasingly turn their attention to issues of quality in our health care services, it is appropriate that we in Congress recognize the daily service of these thousands of men and women in the medical laboratory who seek to advance that ideal. I ask, therefore, that we proclaim April 13–19 as National Medical Laboratory Week.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 32

At the request of Mr. Kennedy, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 32, a bill to establish a framework for the formulation of national policy and priorities for science and technology, and for other purposes.

S. 143

At the request of Mr. McClure, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 143, a bill to prohibit the Consumer Product Safety Commission from restricting the sale or manufacture of firearms or ammunition.

S. 123

At the request of Mr. Inouye, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 123, a bill to amend title XVIII of the Social Security Act to provide for the coverage of certain clinical psychologists' services under the supplementary medical insurance benefits program established by part B of such title.

S. 408

At the request of Mr. Brooke, the Senator from Pennsylvania (Mr. Hugh Scott) was added as a cosponsor of S. 408, a bill to repeal exemptions to the antitrust laws relating to fair trade laws.

S. 795

At the request of Mr. Kennedy, the Senator from Wisconsin (Mr. Proxmire), the Senator from Vermont (Mr. Leahy), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Colorado (Mr. Hart), the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. Mondale), and the Senator from South Dakota (Mr. McGovern), were added as cosponsors of the bill (S. 795) which provides a 6-month moratorium on sales of arms and related services to the Persian Gulf States.

S. 911

At the request of Mr. Pell, the Senator from Maryland (Mr. Mathias) and the Senator from Connecticut (Mr. Weicker) were added as cosponsors of S. 911, a bill to encourage the conservation of energy by requiring that certain buildings financed with Federal funds are so designed and constructed that the windows in such buildings can be opened and closed manually.

S. 949

At the request of Mr. Tower, the Senator from Utah (Mr. Garn) was added as a cosponsor of S. 949, a bill to amend the Internal Revenue Code of 1954 to increase the corporate surtax exemption to $100,000.

SENATE JOINT RESOLUTION 4

At the request of Mr. Inouye, the Senator from Maine (Mr. Muskie) and the Senator from Kentucky (Mr. Ford) were added as cosponsors of Senate Joint Resolution 4, a joint resolution to authorize and request the President of the United States to issue a proclamation designating September 17 as "Constitution Day."

SENATE RESOLUTION 94

At the request of Mr. Hatfield, the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. McGovern), and the Senator from Washington (Mr. Jackson) were added as cosponsors of the resolution (S. Res. 94) relating to food assistance to Cambodia.

AMENDMENTS SUBMITTED FOR PRINTING

NATIONAL RESOURCE LANDS MANAGEMENT ACT—S. 507

AMENDMENT NO. 26

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. JACKSON. Mr. President, on June 21, 1973, the Senate passed S. 268, the Land Use Policy and Planning Assistance Act. Title IV of that act would have established procedures for the coordination of the planning and management of Federal lands and the planning and management of adjacent non-Federal lands.

In the Western States where lands owned or held in trust by the Federal Government constitute anywhere from 29 to 95 percent of each State's land mass and the Federal holdings often exist in a checkerboard pattern with other land, planning for or regulating non-Federal lands under present law is made very difficult by the inability of local and State governments to obtain sufficient knowledge of, much less an input in, Federal land management decisions. By the same token, the quality of Federal lands, particularly national parks, wildlife refuges, and the wilderness areas, can be and is often threatened by unplanned or poorly planned land-use patterns on the periphery of those lands—patterns which could be avoided with better intergovernmental cooperation and coordination. The problem of coordination of planning and management of Federal lands and of non-Federal lands was emphasized in "One Third of the Nation's Land," the report of the Public Land Law Review Commission.

Title IV of S. 268 addressed this problem by encouraging coordinated planning and management of Federal lands and adjacent non-Federal lands. First, the Federal Government and State and local governments would be required to provide for compatible land uses on adjoining lands under their respective jurisdictions. Secondly, short term ad hoc joint Federal-State committees, composed of representatives of affected Federal agencies, State agencies, local governments, private property owners, and user groups, including recreation and conservation interests, would be established by the Secretary of the Interior on his own volition or upon the request of the Governor of an affected State to study, and make recommendations to the Secretary for the solution of general or specific conflicts between uses of Federal lands and uses of adjacent non-Federal lands. The Secretary would be directed to act upon the recommendations and to resolve such conflicts, or, where he lacks the requisite authority, to recommend legislative solutions to Congress.

S. 984, the Land Resource Planning Assistance Act, S. 268's successor bill which I introduced today, does not contain title IV of S. 268. Instead, I offer that title with only minor changes as an amendment to S. 507, the National Resource Lands Management Act. This so-called "BLM Organic Act" has as its purpose the provision of a modern statutory base for the management of the national resource lands, lands which comprise nearly two-thirds of all Federal land and approximately one-fifth of our Nation's land base.

I believe S. 507 is the better vehicle for consideration of the coordination provisions of my amendment.

As the Subcommittee on the Environment and Land Resources will hold a hearing on S. 507 tomorrow, I ask unanimous consent that the text of my amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 26

Intended to be proposed by Mr. Jackson to S. 507, a bill to provide for the management, protection, and development of the national resource lands, and for other purposes

On page, after the last line, insert the following language:

"TITLE VI—FEDERAL-STATE COORDINATION AND COOPERATION IN THE PLANNING AND MANAGEMENT OF FEDERAL AND ADJACENT NON-FEDERAL LANDS

"Sec. 601. Planning and management of Federal lands.
"Sec. 602. Planning and management of adjacent non-Federal lands.
"Sec. 603. Ad hoc Federal-State joint committees.
"Sec. 604. Biennial report on Federal-State coordination.
"Sec. 605. Public participation.
"Sec. 606. Agency assistance.".

(b) On page 4, between lines 21 and 22, insert the following language:

"(h) 'Federal lands' means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except lands held by the Federal Government in trust for the benefit of Indians, Aleuts, and Eskimos, and the Outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (67 Stat. 462).

"(i) 'Non-Federal lands' means all lands which are not Federal lands as defined in subsection (h) hereof, lands held by the Federal Government in trust for the benefit of Indians, Aleuts, and Eskimos, and the Outer Continental Shelf as defined in the Outer Continental Shelf Lands Act (67 Stat. 462).

"(j) 'Adjacent Federal lands' means all Federal lands which are in the immediate geographic proximity of and border non-Federal lands.

"(k) 'Adjacent non-Federal lands' means all non-Federal lands which are in the immediate geographic proximity of and border Federal lands.".

(c) On page 55, after the last line, insert the following new title:

"TITLE VI—FEDERAL-STATE COORDINATION AND COOPERATION IN THE PLANNING AND MANAGEMENT OF FEDERAL AND ADJACENT NON-FEDERAL LANDS

"SEC. 601. PLANNING AND MANAGEMENT OF FEDERAL LANDS.—(a) All agencies of the Federal Government charged with responsibility for the management of Federal lands shall consider State, local government, and private needs and requirements as related to the Federal lands, and shall coordinate the land use inventory, planning, and management activities on or for Federal lands with State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands to the extent such coordination is not inconsistent with paramount national policies, programs, and interests.

"(b) For the purposes of this section, any agency proposing any new program, policy, rule, or regulation relating to Federal lands shall publish a draft statement and a final statement concerning the consistency of the program, policy, rule, or regulation with State and local land use planning and management, and where inconsistent, the reasons for such inconsistency, forty-five days and fifteen days, respectively, prior to the establishment of such program or policy or the promulgation of such rule or regulation, and except where otherwise provided by law, shall conduct a public hearing, with adequate public notice, on such program, policy, rule, or regulation prior to the publication of the final statement.

"SEC. 602. PLANNING AND MANAGEMENT OF ADJACENT NON-FEDERAL LANDS.—Any State receiving grant funds to assist it to plan or manage non-Federal lands under the Land and Water Conservation Fund Act (78 Stat. 897), as amended, the Coastal Zone Management Act of 1972 (86 Stat. 1280), as amended, the Housing Act of 1954 (85 Stat. 590), as amended, and other Federal laws shall, in conducting such planning or management, take such steps as are necessary to assure that Federal lands within the State are not significantly damaged or degraded as a result of inconsistent land use patterns on adjacent non-Federal lands.

"SEC. 603. AD HOC FEDERAL-STATE JOINT COMMITTEES.—(a) The Secretary, at his discretion or upon the request of the Governor of any State involved, shall establish an Ad Hoc Federal-State Joint Committee or Committees (hereinafter referred to as 'joint committee') to review and make recommendations concerning general and specific problems relating to jurisdictional conflicts and inconsistencies resulting from the various policies and legal requirements governing the planning and management of Federal lands and of adjacent non-Federal lands. Each joint committee shall include representatives of the Federal agencies having jurisdiction over the Federal lands involved, representatives of the private land owners involved, representatives of affected user groups, including recreation and conservation interests, and officials of affected State agencies and units of local government. Prior to appointing representatives of private landowners and user groups and officials of local governments, the Secretary shall consult with the Governor or Governors of the affected State or States and with other appropriate officials of the affected State or States and local governments. The Governor of each State shall appoint the officials of the affected agencies of his State who shall serve on the joint committee.

"(b) Each joint committee shall terminate at the end of two years from the date of its establishment: *Provided, however*, That each such joint committee shall be continued for one additional two-year term at the direction of the Secretary or upon the request of the Governor of any State involved.

"(c) Each member of a joint committee may be compensated at the rate of $100 for each day he is engaged in the actual performance of duties vested in his joint committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently: *Provided, however*, That no compensation except travel and expenses in addition to regular salary shall be paid to any full-time Federal or State officials.

"(d) Each joint committee shall have available to it the services of an executive secretary, professional staff, and such clerical assistance as the Secretary determines is necessary. The executive secretary shall serve as staff to the joint committee or committees and shall be responsible for carrying out the administrative work of the joint committee or committees.

"(e) The specific duties of any joint committee shall be assigned by the Secretary, in his discretion or upon the request of the Governor of any State involved, and may include—

"(1) conducting a study of, and making recommendations to the Secretary concerning methods for resolving general problems with and conflicts between land use inventory, planning, and management activities on or for Federal lands and State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands; and

"(2) investigating specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands and making recommendations to the Secretary concerning their resolution.

"(f) Upon receipt of the recommendations of a joint committee upon a problem or conflict pursuant to subsection (e) of this section, the Secretary shall—

"(1) where he has legal authority, take any appropriate and necessary action to resolve such problem or conflict; or

"(2) where he does not have jurisdiction over or authority concerning the Federal lands which are involved in the problem or conflict, work with the appropriate Federal agency or agencies to develop a proposal designed to resolve the problem or conflict and to enhance cooperation and coordination in the planning and management of Federal lands and of adjacent non-Federal lands; or

"(3) if he determines that the legal authority to resolve such problems or conflicts is lacking in the executive branch, recommend enactment of appropriate legislation to the Congress.

"(g) In taking or recommending action pursuant to the recommendations of a joint committee, the Secretary shall not resolve any problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands in a manner contrary to the requirements of the laws governing the Federal lands involved.

"SEC. 604. BIENNIAL REPORT ON FEDERAL-STATE COORDINATION.—The Secretary shall report biennially to the President and the Congress concerning—

"(a) problems in and methods for coordieral lands and planning and management of adjacent non-Federal lands, together with recommendations to improve such coordination;

"(b) The resolution of specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands; and

"(c) at the request of the Governor of any State involved, any unresolved problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands, together with any recommendations the Secretary and the Governor or Governors may have for resolution of such problem or conflict.

"SEC. 605. PUBLIC PARTICIPATION.—(a) Prior to the making of recommendations on any problem or conflict pursuant to subsection (e) of section 603, each joint committee shall conduct a public hearing or provide an opportunity for such a hearing in the affected State or interstate area on such problem or conflict, with adequate public notice, allowing full participation of representatives of Federal, State, and local governments and members of the public. Should no hearing be held, the joint committee shall solicit, with adequate public notice, the views of all affected parties and the public and submit a summary of such views, together with its recommendations, to the Secretary.

"(b) Prior to the making of recommendations or the taking of actions pursuant to subsection (f) of section 603, the Secretary shall review in full the relevant hearing record or, where none exists, the summary of views of affected parties prepared pursuant to subsection (a) of this section, and may, in his discretion, hold further public hearings with adequate public notice.

"SEC. 606. AGENCY ASSISTANCE.—Upon request of a joint committee, the head of any Federal department or agency or federally established or authorized interstate agency is authorized: (i) to furnish to the joint committee, to the extent permitted by law and within the limits of available funds, such information as may be necessary for carrying out the functions of the joint committee and as may be available to or procurable by such department, agency, or interstate agency; and (ii) to detail to temporary duty with the joint committee, on a reimbursable basis, such personnel within his administrative jurisdiction as the joint committee may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.".

AMENDMENT OF RULE XXII—SENATE RESOLUTION 4

AMENDMENTS NOS. 27 THROUGH 30

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted four amendments intended to be proposed by him to the resolution (S. Res. 4) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

AMENDMENT NO. 31

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the resolution (S. Res. 4), supra.

WHY THREE-FIFTHS OF THE SENATE SHOULD NOT CUT OFF DEBATE UNTIL AFTER 15 DAYS OF DEBATE

Mr. PROXMIRE. Mr. President, I submit an amendment for printing, and I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Strike out paragraphs 2 and 3, and insert the following:

"2. (a) Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subparagraph, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"(b) Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subparagraph, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays and legal holidays), he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senator present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

Renumber paragraph 4 as 3.

Mr. PROXMIRE. Mr. President, let me explain first what the amendment does and secondly why I believe it should be adopted.

WHAT THE AMENDMENT DOES

This amendment amends the Byrd resolution by providing for cloture by three-fifths of the Senate present and voting only after 15 calendar days of debate.

Its effect is to allow cloture by a two-thirds vote as early as 2 days after a cloture petition is filed as in the present rule. It keeps that part of the present rule. But it adds an additional provision to section 2 of rule 22 which provides for cloture by three-fifths of the Senate present and voting only after 15 days of debate. That is what it does.

WHY IT SHOULD BE ADOPTED

In the Senate of the United States, I believe, there should be full and free debate. This is essential to orderly procedure, the rights of the minority, and the ability of Senators to arouse public opinion over great and important issues, especially when they believe that the Congress or the President is about to take a badly mistaken action.

But equally important to the right of full and free debate is the right of the Senate, at some stage, to act and to vote. That should not be restrained by rules which are impossible or extremely difficult to achieve.

In the past there are those who believed in full and free debate, but they would not let the Senate vote.

If we move to a three-fifths rule now, either a constitutional three-fifths or three-fifths of those present and voting, and if three-fifths of Senators can cut off debate after only 2 days of debate, then I believe we may be putting too much emphasis on the right to vote but too little emphasis on full and free debate and the ability of one man or even a large minority to have a fair opportunity to change public opinion through debate.

In the past the Senate has debated issues for 3 or 4 weeks without any one considering that there was a filibuster because those who were speaking were not attempting to prevent an ultimate decision by the Senate.

But at the end of the session last year we adopted cloture on the trade bill after only an hour of debate, voted cloture on the Christmas tree tax bill with no debate at all, and had a series of cloture votes on the Export-Import Bank bill after only a short period of debate.

There can be as much danger in voting too soon on some issues as not voting at all.

ALTERNATIVE

What my amendment provides is that for 15 calendar days—not counting Sundays and holidays—or for 2½ to 3 weeks, the two-thirds rule should prevail. Debate should not be cut off by three-fifths of those present and voting until after at least 15 days of debate.

This protects the minority in their ability to state their case, to arouse public opinion, and to change the views of Members of the Senate. But this also protects the country in case of war or an emergency when two-thirds believe that it is necessary to act quickly and promptly.

But after 15 days of debate, or 2½ to 3 weeks, depending upon whether the Senate meets for 5 days or 6 days in a week, then three-fifths of those present and voting should be able to reach a vote.

FULL AND FREE DEBATE

Somewhere in our system there should be a place for public debate, and for lengthy public debate if that is necessary.

When we get bills from the administration, Democratic or Republican, those bills most often are worked out in private and in behind the scenes meetings of the executive branch. There is often no public debate about their general terms and none at all about specifics.

When a bill goes to the floor of the House of Representatives, debate is most often limited by the 5-minute rule and by the previous question motion, so that there is often no real opportunity for a Member or Members to educate the public and to attempt to change the course of public opinion through the debate itself.

That leaves only the Senate where the institution of full and free and protracted debate can take place.

The two-thirds has often been used to thwart the Senate and the country in acting properly, but it has also protected the country against hasty and ill-conceived action.

I would not like to see three-fifths of the Senate able to cut off debate after only 2 days of debate—and with a two-track system it is possible that could happen—and it has happened by two-thirds—after only a few minutes of debate.

Therefore the sensible thing to do is to keep the two-thirds cloture rule intact if debate is to be stopped after only a few days, but to provide for three-fifths of those present and voting after about 3 weeks or 15 calendar days of debate.

I commend the amendment to the Senate.

AMENDMENT NO. 32

(Ordered to be printed and to lie on the table.)

Mr. HATHAWAY submitted an amendment intended to be proposed by him to the resolution (S. Res. 4), supra.

AMENDMENTS NOS. 33 THROUGH 51

Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted 19 amendments intended to be proposed by him to the resolution (S. Res. 4), supra.

AMENDMENT NO. 52

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the resolution (S. Res. 4), supra.

ADDITIONAL STATEMENTS

OUR CURRENT ECONOMIC WOES

Mr. TOWER. Mr. President, only rarely do I find myself in agreement with columnist Jack Anderson, and those occasions are worthy of special note.

I would like to direct the attention of my colleagues to Mr. Anderson's column which appeared today in the Washington Post. In that column, Mr. Anderson and his associate, Mr. Whitten, express a point of view on our current economic woes that is cogent, perceptive, and very close to my own.

The column presents a thought-provoking assessment of the economic woes we face, puts those woes into perspective, and explores our willingness to undertake their solution.

Mr. President, I ask unanimous consent that this column may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLEAK FORECASTS BELIE U.S. STRENGTH

(By Jack Anderson and Les Whitten)

Most Americans have never known a time when economic expectations weren't bright. For two-thirds of the population, there has been a steady rise in living standards.

But now, the outlook has suddenly turned bleak. No longer can Americans count on a better life for less effort.

Will the response be panic, a demand by each distressed group that it be subsidized? Or will there be a recognition that belts must be tightened, overdue accounts reconciled, dreams deferred, individual productivity increased and the price paid for the costly development of new sources of energy?

So far, the emphasis has been on special pleading and hot air.

At their recent Washington conclave, big city mayors invoked the specter of mass rioting and mob violence unless they get $15 billion in immediate federal aid.

Leaders of our national unions threaten to march on Washington by hundreds of thousands of unemployed workers. Penn Central regularly issues doomsday announcements, warning of a total shutdown, unless it gets more money from the Treasury.

A leading businessman, Eli Black of United Brands, has revived the 1929 syndrome by jumping to his death from the 44th floor of the Pan Am building in New York. Marxist economists have come out of the closet and on to the lecture circuit.

Capsule news bulletins keep dinning each month that the number of unemployed is the highest since the Great Depression. And nightly television interviews at unemployment lines keep turning up angry men who say they'll commit crime before they'll go without.

Well, we don't think this theater of the hysterical reflects either the condition of the country or the temper of most Americans. Our system is stronger and our people more resilient, we believe, than they are portrayed.

Let's begin by putting a few facts in perspective:

Six million unemployed out of 80 million workers is bad news. But during the Depression, we had 12 million jobless out of 35 million.

The prices of most goods have skyrocketed. Yet before we decide that our productive mechanism is slipping over a precipice, consider that a major appliance can be purchased today from the wages of only half the hours required 10 years ago.

Taxes are distressingly high. Still, the percentage of our income going for taxes of all kinds is under 30 per cent, the second lowest among the 13 top industrial nations.

Sixty per cent of American families own their own homes. Social Security and Medicare payments provide protection not available during the Depression. Federal insurance assures that bank failures will be isolated and no depositor will be victimized. Unemployment compensation, food stamps, federalized welfare and other programs provide a floor above Dickensian destitution.

But the most reassuring facet of all, in our view, is the quality of the American people. In the past few months, we have received 750,000 letters in response to an invitation to readers to tell us how they felt about the country and to suggest a slogan for next year's bicentennial celebration.

From these letters we have gained a picture of a people in times of turmoil and disappointment. What shows through is a love of country undampened by the betrayals of unworthy leaders, an idealism undiminished by the sight of so much high chicanery, a willingness to sacrifice for the common good.

Dozens of organizations also responded. We were contacted by Edward J. Piszek, president of the Copernicus Society of America, who wanted to participate. The society is now putting up a $5,000 first prize for the best slogan and 13 runner-up prizes ranging from $500 to $1,000.

American Motors offered a station wagon to the winner, and Holiday Inns will put up the winning family at its motels anywhere in America for 30 days.

The International Association of Fairs and Expositions will make the bicentennial slogan search part of 2,800 fairs around the country. The American Song Festival will invite aspiring composers to set the winning slogans to music.

The Jaycees, American Legion, Urban League, Boy Scouts, Girl Scouts, General Federation of Women's Clubs and the National Education Association are involved. Even Baseball Commissioner Bowie Kuhn wants to promote the slogan search at baseball games.

Slogans should be addressed to Slogans, USA, Box 1976, Washington, D.C.

The temper of the times, then, is not for mass marches on the Capitol to bullyrag Congress for benefits, or for billion-dollar grabs by ailing power blocs.

It is a temper which recognizes that in the months ahead the President and Congress must calmly deliberate and strike a bold but delicate balance between short-term action to halt the slide and long-term austerity to choke off permanent inflation.

FINANCIAL STATEMENT OF SENATOR J. GLENN BEALL, JR.

Mr. BEALL. Mr. President, in keeping with my usual practice, I am submitting a copy of my financial statement for 1974.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the financial statement was ordered to be printed in the RECORD, as follows:

Financial statement of Senator J. Glenn Beall, Jr., December 31, 1974

Assets:	
Cash in bank:	
Checking accounts	$7,092.88
Savings accounts	13,458.68
Total	20,551.56
Stocks and bonds (see attached list, appendix A)	217,271.15
Life insurance—cash surrender value	22,013.90
Vested interest—Beall, Garner, and Geare, Inc. Retirement Trust	26,953.82
Equity interest—Beall, Garner, and Geare Realty	12,280.12
Real Estate	
Beall's Lane, Frostburg, Md	50,000.00
Western Avenue, Chevy Chase, Md	80,000.00
Total	130,000.00
Personal property	20,000.00
1972 Chrysler 4 door sedan	2,650.00
Total	451,720.55
Liabilities:	
Note payable, First National Bank and Trust Co. of Western Maryland	4,987.36
Due on life insurance	2,744.26
Mortgages:	
The Fidelity Bank, Frostburg, Md. (Frostburg house)	12,230.41
Citizens Building and Loan Association (Chevy Chase house)	52,792.30
Total	72,754.33
Net worth	378,966.22

Appendix A—Stocks and bonds

34 Allegheny Power System	$433.50
39 Beall, Garner and Geare, Inc. (common)	146,139.63
100 Beall, Garner and Geare, Inc. (preferred)	26,000.00
Beall, Garner and Geare, Inc. (7% conv. notes)	5,000.00
100 Canadian Export Gas & Oil	162.50
1 Capitol Hill Associates	100.00
5 Charter New York Corp	91.87
183 Cumberland Fair Association	3,660.00
30 Exxon	1,938.75
234 First National Bank and Trust Co. of Western Maryland	17,550.00
50 General Telephone and Electronics	843.75
17 Kaiser Aluminum & Chemical	214.63
8 Kaiser Aluminum & Chemical (4¾% conv. pft. 1959)	298.00
174.431 Massachusetts Investors Growth Stock Fund	1,371.02
275 Mercantile Bankshare Corporation	2,475.00
60 Minnesota Mining and Manufacturing Co	2,767.50
30 Northern Illinois Gas	525.00
34 Tenneco	799.00
268 United States Fidelity & Guaranty Co	6,901.00
Total	217,271.15

Statement of income and taxes for 1974

Gross income	$78,736
Less adjustment to income	3,144
Adjusted gross income	75,592
Less:	
Contributions	2,562
State, local and other taxes	8,355
Interest paid	4,297
Miscellaneous expense	489
Total	15,703
Total	59,889
Less exemptions	2,250
Taxable income	57,639
Federal income tax paid	21,042

WORLDWIDE TRADE IN CONVENTIONAL WEAPONS

Mr. KENNEDY. Mr. President, last Tuesday, March 5, marked the opening of the 655th session of the United Nations Conference of the Committee on Disarmament in Geneva.

For some time, I have strongly believed that the agenda for disarmament discussions must not neglect the serious problems of the burgeoning worldwide trade in conventional weapons. This trade—to rich and poor nations alike—is now more than $18 billion a year, up more than 5½ times from a decade ago, and 60 times greater than 1952.

Last year, the United States alone sold more than $8 billion worth of military equipment to 136 foreign nations.

Many of us in the Congress have strong and growing reservations about the apparent failure of the administration to try bringing together the major arms-supplier and buyer nations, in order to impose some controls on this traffic.

Last year, I introduced an amendment to the Foreign Assistance Act of 1974, calling on the President to raise this issue as a high-priority item at the Geneva Conference. That amendment is part of the law.

In his remarks at the Conference's opening session on Tuesday, Ambassador Joseph Martin expressed the U.S. delegation's desire that "the question of restraints on conventional arms" be considered by the Conference.

Mr. President, this is a beginning. I hope it means that the administration is now seriously concerned with the unbridled marketing of sophisticated weapons around the world, and will follow the expressed will of Congress by building on this initiative.

Mr. President, I ask unanimous consent that Ambassador Martin's remarks at the opening session of the Committee be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AMBASSADOR JOSEPH MARTIN REMARKS AT THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT MEETING

We are resuming our work in the committee at a time when disarmament efforts are receiving increasing attention in the search for a more stable and secure world. Evidence of growing interest in arms control solutions to national security problems can be found in the extensive treatment of disarmament questions at the 29th UN General Assembly. It is also reflected in the unprecedented number of international meetings dealing with the subject.

Here in Geneva, Soviet and American negotiators are working out the specific provisions of a second-stage SALT agreement, the broad outlines of which were agreed at the Vladivostok summit. In Moscow, representatives of the United States and the Soviet Union are engaged in discussions aimed at reaching the agreement governing peaceful nuclear explosions that is called for in article III of the Threshold Test Ban Treaty. In Washington, representatives of the two countries have been considering the question of effective measures of restraint on environmental modification techniques. In Vienna, members of NATO and the Warsaw Pact are continuing their efforts to reach agreement of mutual and balanced force reductions in central Europe. The idea is the focal point for international examination of safeguards on the peaceful uses of nuclear technology as well as of various aspects of peaceful nuclear explosions. Two months from now the Conference to Review the Operation of the Non-Proliferation Treaty will begin in Geneva.

The CCD occupies a unique and important position in this overall effort. Our newly enlarged committee can expect a heavier workload in 1975 than it has had in several years. The 29th General Assembly of the United Nations, in addition to urging the CCD to continue its work on a comprehensive test ban and chemical weapons limitations, called on the committee to examine questions that have so far received relatively little attention here—namely, environmental modification for military purposes, nuclear-free-zones, and the arms control implications of peaceful nuclear explosions. My delegation welcomes these new responsibilities and is confident that the CCD can make a valuable contribution in each of these fields.

Among the large number of items on the international disarmament agenda, the most pressing, in our view, concern non-proliferation and related nuclear issues. An encouraging sign at the 29th U.N. General Assembly was the recognition by many delegations that there is serious cause for concern in the prospect of the further spread of independent nuclear explosive capabilities. Another constructive development was the wide support given to the non-proliferation treaty and the many calls for broader adherence to that treaty.

At the same time, a large number of delegations recognized that the prevention of the further spread of nuclear weapons capabilities cannot be taken for granted, and that a broad and determined international effort is needed to strengthen the non-proliferation regime. My government is urgently considering what courses of action would contribute most effectively to achieving a more universal, reliable system of safeguards against diversion of nuclear materials and technology to military purposes and to increasing political and economic incentives to forego the nuclear explosive option. My government looks to the NPT review conference to assess how well the treaty has functioned in the first five years of its existence, to consider how the treaty can be more effectively implemented, and to provide an impetus for the broadly-based effort that will be essential if we are to avoid a proliferation of nuclear powers.

The review conference will be concerned not only with the operation of those provisions of the NPT that deal directly with the spread of nuclear weapons capabilities, but also with the implementation of those provisions, notably article VI, that were designed to halt and reverse the nuclear arms race. In this connection, I am pleased to note that, since this committee last met, the United States and the Soviet Union took another major step to curb their competition in nuclear arms. At Vladivostok, President Ford and General Secretary Brezhnev set firm and equal numerical limits on the strategic forces of both sides. Specifically, they agreed to put a ceiling of 2400 on the total number of intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers for each country. They also agreed that the maximum number of launchers for missiles that could be armed with multiple independently targeted reentry vehicles would be 1320. By agreeing to place all these strategic delivery vehicles under the ceiling and to set an additional limit on MIRVs, this general framework for a new SALT accord goes well beyond the scope of the interim agreement concluded in 1972.

Because of this breakthrough at Vladivostok, for the first time in the nuclear age each side's strategic calculations and force planning will not be driven by fear and uncertainty about a possible open-ended strategic buildup by the other side but will instead be based with confidence on the firm parameters that were established. This can be expected to make a valuable contribution to the stability of the strategic relationship. Of perhaps greater long-range importance, the ceilings worked out by the leaders of the two countries will provide a solid foundation for negotiating future arms reductions. While many details remain to be settled before this general framework can be transformed into a new agreement, the United States is confident that such an agreement can be concluded this year and that further negotiations on reducing the force ceilings can follow soon thereafter.

My government is aware of the importance attached internationally to a comprehensive test ban as a means of curbing the nuclear arms race. The United States remains firmly committed to seeking an adequately-verified CBT. The threshold test band treaty, negotiated in Moscow last summer, is not only a step toward that objective, but will be, in itself, a significant constraint on the nuclear arms competition between the US and USSR.

The question of peaceful nuclear explosions has recently become a major topic in international disarmament discussions. Recognizing that a number of uncertainties about the feasibility and practicability of PNES have yet to be resolved and that the use of PNES is a highly complicated matter both politically and legally, the US delegation at the recent UNGA called for thorough international consideration of the PNE question. We accordingly supported the general assembly's request, in resolution 3261 D, that the CCD consider the arms control implications of peaceful nuclear explosions.

The arms control implications of PNES have two aspects: their implications for the development and testing of nuclear weapons by nuclear weapon states and their inplications for the spread of nuclear weapons capabilities among non-nuclear weapon states.

With respect to the first of these categories, it is clearly important to ensure that nuclear explosions carried out ostensibly for peaceful purposes are not used to gain weapons-related information in circumvention of agreed limitations on weapons testing. This is the central task of the bilateral negotiations now underway in Moscow, where the two sides are discussing criteria to ensure that PNES are consistent with the threshold test ban treaty. An analogous question arises with respect to any form of international test ban agreement, and this question would be particularly crucial with a comprehensive test ban—since, in the absence of any authorized weapons testing, there would be a greater incentive to seek weapons information in the course of a PNE program.

With respect to PNE implications for the spread of nuclear weapons capabilities, my government's firm conviction, which I wish again to recall to this committee, is that it would be impossible for a non-nuclear weapon state to develop a nuclear explosive device for peaceful purposes without in the process acquiring a device that could be used as a nuclear weapon. It has been argued that the critical factor is not the capability to produce nuclear devices but the intention of the country producing the device. However, the issue is not whether we can accept the stated intentions of any country, but whether a world in which many states have the capability to carry out nuclear explosions—and in which all therefore fear the nuclear weapons capability of others—would not be vastly less secure than a world that has successfully continued the spread of nuclear explosive technology.

A notable development at the last UNGA was the heightened interest in nuclear-free zones. Resolutions were adopted dealing with nuclear-free zone proposals for South Asia, the Middle East, and Africa as well as with the Latin American nuclear free zone treaty. Reflecting this renewed interest, and motivated in part by the diversity of the regional initiatives and the complexity of some of the issues involved, the General Assembly requested that an ad hoc group of governmental experts under old auspices undertake a comprehensive study of the question of nuclear free zones in all its aspects.

My delegation welcomes this study and hopes it will contribute to a better understanding of the wide range of nuclear-free zone issues. We think it would be unrealistic to expect the experts to reach agreement on requirements for nuclear-free zone arrangements that could be applied universally, given the vast differences that exist from region to region. One purpose of the study might be to identify issues where standardized NFZ provisions might be feasible, and others where they would not.

Unlike earlier studies undertaken under the auspices of the UN Secretary-General, the study of nuclear-free zones will involve issues that are primarily political, rather than technical, in nature. This is the first study to be carried out under the auspices of the CCD, and it has entrusted to the CCD with the understanding that a number of states not represented in the committee would participate. My delegation has developed a number of ideas on the organization of this project and will be discussing these ideas with members of the committee in the next few months.

In the area of restraints on chemical and biological weapons, I am pleased to be able to report two important actions recently taken by the United States Government. On January 22, President Ford signed the U.S. instrument of ratification of the Geneva Protocol of 1925. I should point out that, although not party to the Protocol in the past, my government has always observed its principles and objectives.

The President also signed on January 22 the U.S. instrument of ratification of the Biological Weapons Convention, a product of the expert and painstaking efforts of this committee. As members of the CCD are aware, this Convention is the first agreement since World War II to provide for the actual elimination of an entire class of weapons, namely, biological agents and toxins. With ratification procedures already completed by the three depositary governments and by many more than the required 19 additional governments, we expect the convention to enter into force in the very near future. It is our hope that this will prompt many other governments to adhere to the Convention.

As members of the committee are aware, article II of the Biological Weapons Convention requires parties to destroy or to divert to peaceful purposes, as soon as possible but not later than nine months after entry into force, all agents, equipment, and means of delivery prohibited in article I. In this connection, I would like to state that the entire U.S. stockpile of biological and toxin agents and weapons has already been destroyed, and former U.S. biological warfare facilities have been converted to peaceful uses. My delegation, and I am sure other members of the committee, would welcome similar confirmations of implementation of article II from parties to the Convention.

The ratification of the Geneva protocol and the ratification and entry into force of the biological weapons convention are viewed by my government as significant steps toward our common objective of the effective prohibition of chemical and biological weapons. My delegation is prepared at the current session to participate in the active examination or possibilities for further effective restraints on chemical weapons. An important element in this examination should continue to be a thorough analysis of the verification question in relation to the possible scope of any prohibition.

U.S. interest in overcoming the dangers of the use of environmental modification techniques for military purposes was reflected in the U.S.-Soviet summit joint statement of July 3, 1974, in which both countries advocated the most effective measures possible to accomplish that objective. In the United Nations General Assembly last fall, my government indicated that it would be ready at the CCD to consider this subject further. We pointed out that little is known about the scientific and technological aspects of environmental modification and that many of the applications posed for discussion are at present hypothetical. At the same time we stressed that we were prepared to participate actively and positively in further discussion of this matter. In that spirit we are prepared to contribute to the committee's deliberations.

In my statement today, I have discussed a number of new responsibilities assumed by the committee. There is another issue I think should be added to the list: The question of restraints on conventional arms. This committee has always given the highest priority to the control of weapons of mass destruction. While my delegation regards this as entirely appropriate, we see no reason why possible controls on conventional weapons, which account for the largest share of world military expenditures, cannot be considered concurrently. I plan to return to this subject in a later intervention.

"NEWSPAPER WEEK" AND "NEWSPAPER CARRIER DAY"—SENATE JOINT RESOLUTION 46

Mr. McCLURE. Mr. President, I am proud to join in cosponsoring Senate Joint Resolution 46 giving special tribute to our Nation's newspapers and to the young people who deliver them to our homes.

Since 1939, the newspapers of our country have, each year during 1 week in October, commemorated "Newspaper Week" and "Newspaper Carrier Day." This period is a time for the newspapers of America to rededicate themselves to maintaining high standards of service to the American people.

Congress, in recognizing October 5 to 11 as Newspaper Week and Saturday, October 11, as Newspaper Carrier Day, should also remember the contributions of a free press during America's nearly two centuries of freedom. Without an ever vigilant press, dating since before the Declaration of Independence, we might not enjoy the opportunity for public discussions we have today. The American press has always been a leader in support of the basic first amendment guarantees of freedom of speech, religion, and press.

As the 1976 Newspaper Week would not occur until most of the Bicentennial observances had concluded, this year's commemoration will be the official Bicentennial observance for America's newspapers. This should be a time for all Americans to rededicate themselves to upholding the fine ideals of our Founding Fathers, including freedom of speech and service to our fellowmen.

Today there are 1,760 daily newspapers with a circulation exceeding 63,000,000. And more than 35,000,000 people subscribe to America's 7,650 weekly newspapers. They are read for their news content, editorial and opinion comments, advertising, and entertainment. In short, newspapers still keep us aware of the happenings in our communities, as well as the world.

We also need to salute the efforts of the young people who deliver our papers. They are usually up before sunrise for their morning routes; and in the afternoons, they forego free time to assure that we will have a paper before dinner. Like the postmen, they are out in all types of weather; but they persevere. I know, because I have had two of them in my own family. In addition to earning extra money, they learn the fundamentals of business, thrift, thoroughness, and responsibility.

This year the chairman of the Newspaper Association Managers' Newspaper Week is William Moon, executive director of the Idaho Newspaper Association. We in Idaho have been proud of Bill Moon and are glad to share his talents with the Nation. His lesson of good citizenship is in actions which speak louder than words.

I am proud to join in the introduction of this resolution honoring our newspaper industry and newspaper carriers, and I urge swift passage of this measure.

ALMALGAMATED MEAT CUTTERS STATEMENT ON WORLD FOOD SITUATION

Mr. CLARK. Mr. President, organizations throughout the country have taken direct action in the battle against hunger and malnutrition both here and abroad. Religious organizations, educational groups, labor unions, and others are joining in a much needed effort to develop a national food policy to fight hunger.

The reason for concern is simple: 500 million people go to bed hungry every night. Three or four times that many are undernourished. Some even argue that the numbers are so overwhelming that we should abandon attempts to feed the hungry. The increase in world population is matched by demands for increased food production.

That demand falls most heavily right here, for the United States produces most of the world's food. We can increase domestic production, and at the same time, work to develop other countries' virtually untapped potential for agricultural production. It is too soon and too selfish to ignore and abandon the hungry while we have so much to offer.

The Amalgamated Meat Cutters and Butcher Workmens Union, AFL–CIO, has a long history of leadership on food issues. Recently, the union announced a 10-point program entitled "We Dare Not Fail: The Battle Against Hunger, Unwholesome Food and Starvation." It is this sort of action and this type of policy which will help find the right answers to the food problem.

I ask unanimous consent that the union's program be printed in the Record

There being no objection, the program was ordered to be printed in the Record, as follows:

We Dare Not Fail: The Battle Against Hunger, Unwholesome Food and Starvation

(A policy statement, international executive board, Amalgamated Meat Cutters & Butcher Workmen, AFL–CIO)

A 10-POINT PROGRAM FROM AMERICA'S FOOD WORKERS UNION

The critical problems of hunger, malnutrition and skyrocketing food prices can—and must be—conquered, and quickly. The ability of this nation to produce food is immense. We must fully use that ability to avoid hunger at home and starvation in many parts of the world.

The Executive Board of the Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO) calls for the intensification of our Union's long-time efforts against hunger, unwholesome food and food price inflation. There is no time to spare in the national and worldwide effort to bring adequate amounts of wholesome food to every man, woman and child on this earth.

In the light of the food crisis here and throughout the world, we urge action on the following ten-point program:

1. The 94th Congress must undertake a fundamental and critical review of the nation's fragmented food and nutrition policies with a view toward quickly ending the contradictions, outmoded goals, and bureaucratic fumbling which cause the present mess in food, and toward establishing a National Food and Nutrition Policy.

2. The nation requires a realistic policy which encourages without reservation the maximum production of food to reduce consumer prices and help feed the hungry throughout the world. The remnants of the old "scarcity" philosophy of restricting production are both morally indefensible and economically wasteful.

3. Food price inflation must be licked through the growth of an abundance of food, action against consumer ripoffs and enactment of drastically improved consumer protective laws. Spiraling food costs are the most dangerous and destructive of all inflationary pressures.

4. Federal and state governments must act to assure the safety and wholesomeness of all foods. Increasingly complex environmental and technological factors cause dangers which consumers cannot discover themselves and against which they cannot protect themselves.

5. The federal government must assure farmers an adequate return for their work and investment to reward their seeking the maximum production.

6. The poverty-stricken and exploited farm workers must achieve full, first-class citizenship. They must have the benefit of the protective laws which now cover most other wage earners, be paid wages commensurate with those of industrial wage earners and have access to decent housing, school and health facilities.

7. The present alliance between labor, including the Amalgamated, and the various consumer organizations must be strengthened and made even closer. It is absolutely essential to achieve victory against food-price inflation and improvements in the nation's consumer-protective laws and practices.

8. The U.S. must develop effective policies to help feed the hungry people of other countries. The contradictory government moves which cancel each other out must stop. While recognizing that our first responsibility is to the people in our own country, we realize we can not morally ignore the starving children—and their parents—of sub-Sahara, Africa, South America, Southeast Asia and other parts of the world. The President must establish a joint legislative-executive committee to oversee the follow-up to the recent World Food Conference.

9. As a first step, the President must immediately remove from office Secretary of Agriculture Earl L. Butz. He is more than a symbol of what is wrong. He has caused divisiveness in our country; he has mocked religious and ethnic groups; he has been the cynical apostle of scarcity and high prices; he has shown a complete lack of sensitivity to the need to feed the hungry; his statements reflect a lack of concern for facts and a lack of faith in the democratic processes. He is completely ill-suited for an important government post. We reaffirm the efforts of our Union's Chief Executive Officer, Secretary-Treasurer Patrick E. Gorman—first made more than two and one-half years ago—to have Mr. Butz replaced as Secretary of Agriculture.

10. In another immediate and specific action, Congress must block the Ford Administration's attempt to cut the funds available for food stamps. As inflation increases food prices, the Administration drives poor American families to even greater desperation by reducing the available food aid. The Administration's projected food stamp budget cut is a shameful attempt to starve our elderly and poorest citizens. It must be reversed.

A CALL TO ACTION BY A 500,000-MEMBER UNION

The ten-point program presented here is squarely in the tradition of the Amalgamated Meat Cutters & Butcher Workmen, AFL–CIO, whose half-million members make it the nation's largest union of food and allied workers.

For many years we have fought for agricultural and nutritional policies which would provide sufficient and healthful food for Americans and other peoples. We have led campaigns to initiate, aid or improve meat and poultry inspection, the food stamp program, food production policies and farm labor conditions.

As Secretary of State Kissinger reminded the World Food Conference, we must proclaim a bold objective: that within a decade "no child will go to bed hungry, no family will fear for its next day's bread."

Our union is well aware that the terrible problems of hunger, malnutrition and food price inflation are causing great human suffering. They are the result of long neglect and either inadequtae or contradictory governmental policies.

That is why the Amalgamated Meat Cutters & Butcher Workmen calls this situation and this program to the attention of our members, other unions and citizens' organizations. We seek cooperation in getting needed action on our common program.

Everywhere people are looking to the United States and its democratic government for leadership and for help. We dare not fail.

RAYMOND MOLEY

Mr. GOLDWATER. Mr. President, today I should like to record my tribute in the Senate to a resident of my home State who was both a close friend and one of the finest political minds of this century. My preference, of course, is to Raymond Moley who is credited with coining the phrase "New Deal" while serving as a member of President Franklin D. Roosevelt's original "brain trust." Ray died in Phoenix on February 18.

It was my privilege to get to know Ray Moley very well during my campaign for the Presidency in 1964 when he was kind enough to serve as an adviser. And I might explain that Ray had long since broken his connection with the New Deal and the radical leftist branch of the Democrat Party. In fact he was one of the first to find fault with the radical leanings of the New Deal, leaving his position with Roosevelt in 1933 to become editor of a new magazine entitled "Today." In 1937 when Today merged with Newsweek Ray became one of the editors of the new, combined magazine and wrote a column for that magazine which he continued for 30 years.

Mr. President, in studying the career of Ray Moley it strikes me that there must have been many other "brain trusters" and fixtures of the New Deal who came to disagree with its policies but who lacked the courage to stand up and say so.

Ray Moley had the courage of his convictions. It perhaps is appropriate that he should pass on during a period in this Nation's political life when courage is a much needed product in the body politic.

Mr. President, I doubt if anyone could do justice to the contributions which Ray Moley made to the political thinking of this Nation over the many years that he observed and commented on national developments. For my part, I can only say that the forces of freedom in this country have lost a good friend and one whose abilities will be very difficult, if not impossible, to replace.

STRENTHENING ENVIRONMENTAL STANDARDS

Mr. McCLURE. Mr. President, the Interuniversity Consortium for Environmental Studies has concluded its Third Invitational Symposium. I was pleased to cosponsor this symposium, together with my colleagues in the Senate, Senator Helms, Senator Domenici, and Senator Johnston, and my colleagues in the House, Representative Archer, Representative Whitten, and Representative Hinshaw. I would like to extend special appreciation to Leonard J. Goldwater, M.D., department of community health sciences at the Duke University Medical Center for his admirable work as general chairman of the symposium.

The outstanding quality of the presentations made during this symposium is illustrated by the caliber of men and women who appeared.

Mr. President, I ask unanimous consent that the program of the symposium be printed in the Record.

There being no objection, the program was ordered to be printed in the Record, as follows:

Program of Interuniversity Consortium for Environmental Studies, Third ICES Invitational Symposium, February 24–25, 1975

STRENGTHENING ENVIRONMENTAL STANDARDS

General Chairman: Leonard J. Goldwater, M.D., Department of Community Health Sciences, Duke University Medical Center, Durham, N.C.

Monday, February 24, 1975

Welcome: Dr. Goldwater.

Keynote Address: Mr. Richard A. Carpenter, Executive Director, Commission on Natural Resources, National Research Council, Washington, D.C.

Chairperson for morning session: Anna M. Baetjer, Sc. D., Professor Emeritus of Environmental Medicine, The Johns Hopkins University, School of Hygiene and Public Health, Baltimore, Maryland.

Air Pollution—An Overview: Professor Arthur C. Stern, Department of Environmental Sciences and Engineering, School of Public Health, University of North Carolina at Chapel Hill.

Carbon Monoxide

1. Richard D. Stewart, M.D., Professor and Chariman, Department of Environmental Medicine, The Medical College of Wisconsin, Milwaukee, Wisconsin. "The Effect of Carbon Monoxide on Man."

2. Edward P. Radford, M.D., Professor of Environmental Medicine, The Johns Hopkins University, School of Hygiene and Public Health, Baltimore, Maryland. "Carbon Monoxide and Human Health."

Sulfur Dioxide, Sulfates and Particulates

Moderator: Benjamin G. Ferris, Jr., M.D., Professor of Environmental Health and Safety, Harvard University, School of Public Health, Boston, Massachusetts.

1. Herbert Schimmel, Ph.D., Associate Professor for Mathematics and Physics and T. J. Murawski, M.D., Epidemiologist, Albert Einstein College of Medicine, Bronx, New York. Relation of Air Pollution to Mortality, New York City, 1963–1972."

2. Mario C. Battigelli, M.D., Professor of Medicine, College of Medicine, University of North Carolina at Chapel Hill. "Health Effects of Sulfur Oxides."

Tuesday, February 25, 1975

Oxidants

Moderator: Quentin N. Myrvik, Ph.D., Professor and Chairman, Department of Microbiology, Bowman Gray School of Medicine, Wake Forest University, Winston-Salem, North Carolina.

1. Daniel B. Menzel, Ph.D., Associate Professor of Pharmacology and Medicine; Head, Division of Pharmacology; Director, Laboratory of Environmental Pharmacology and Toxicology, Duke University Medical Center. "Oxidants and Human Health."

2. R. A. Rasmussen, Ph.D., Professor of Environmental Engineering, Air Pollution Research, Washington State University, Pullman, Washington. "Oxidant Standards."

Moderator: Irwin W. Tucker, Ph.D., Professor of Engineering Research, University of Louisville, Louisville, Kentucky.

1. Irving R. Tabershaw, M.D., Consultant for Environmental Health, President-elect, American College of Preventive Medicine. "Environmental standards for sulphur oxides."

2. Paul B. Hammond, D.V.M., Ph.D., Professor of Environmental Health, University of Cincinnati Medical Center, Kettering Laboratory, Cincinnati, Ohio. Air Standards for Lead and Other Metals."

Luncheon speaker: Senator James A. McClure—"Environmental Statesmanship."

Mr. McCLURE. Mr. President, the proceedings will be published and will be made available to the Congress, especially to those committees having responsibility for air quality and the Clean Air Act. Our legislative work in this vital area will unquestionably benefit from the outstanding work of these scientific and medical experts. On behalf of my colleagues, I thank them.

Mr. President, in order to provide some indication of the problems concerning air pollution which I believe we have to examine and solve, I ask unanimous consent that my remarks at the symposium be included in the RECORD.

There being no objection, the remarks are ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL STATESMANSHIP

(Remarks by Senator JAMES A. MCCLURE)

Ladies and gentlemen, for the Senate Public Works Committee, 1975 will be the Year of the Clean Air Act. The 94th Congress will find that it has only a few short months in which to analyze, evaluate, and decide on what exactly has to be done—if anything—in order to bring the Clean Air Act into conformance with our new knowledge, national goals, and basic needs. Since the far-reaching Clean Air Act Amendments of 1970 were signed into law, we have progressed further, and faster, in our quest for a healthier environment, and it is essential that we know whether the standards and schedules set down almost five years ago will meet our needs of today.

I have chosen for the theme of my remarks here today "Environmental Statesmanship" because I believe that this has been one of the most serious deficiencies in our quest for a healthy environment. Whereas the medical community, the scientists and engineers, and the public in general have shown their willingness and ability to make the efforts necessary, to improve the quality of our natural environment, this same dedication has not been evident within the Federal Government. Whether we examine the records of either the Congress or the Administration, we see a sad lack of willingness to set aside petty bureaucratic or partisan aims in order to arrive at solutions based on fact.

I will define "environmental statesmanship" in terms of certain criteria which I believe should be met by governmental policies and programs intended to protect our environment. First and foremost, all environmental standards must be scientifically sound, and environmentally beneficial—in a total sense. They must also be economically realistic and legally valid. There has been entirely too much demagoguery, one-upship, and just plain name-calling, which leads only to public apathy and cynicism, with the quality of our air and water suffering as a consequence. Opportunism and short-term apparent gains must not be permitted to interfere with the achievement of the more useful long-range objectives.

For example, there is sometimes found on Capitol Hill a reluctance to reconsider past political decisions based on new scientific evidence. This can be self-defeating. A recent report, prepared by the Naval Research Laboratory in Washington, D.C., aptly illustrates how our improved knowledge can directly impact on the legal standards which have been set. In our quest for clean air, we have assumed that removal of man-made pollution would suffice. It appears, however, that this may not be true.

In August, 1973, the Washington metropolitan area experienced severe smog conditions, which were immeditaely blamed on automobile exhausts. The NRL study suggests, though, that the automobile played a minor role. What did these scientists discover? They found that the predominant contaminant was hydrocarbons volatized from Appalachian vegetation. According to one of the scientists responsible for this finding, "When there is a high temperature in the 90's, the effect of pollution from vegetation is a hundred-fold greater than that from autos."

The implications of this finding are indeed far-reaching. At present, EPA and local government officials are urging stringent automobile control regulations for the Washington metropolitan area—as in other major urban cities—including parking restrictions and surcharges, limitations on commuter driving, and even outright banning of automobiles in certain areas. But, if the NRL report is accurate, then we are faced with the conclusion that even if we banned all automobile travel in D.C.—with the accompanying physical and economic hardships—we would still experience severe smog conditions whenever the right combinations of temperature and pressure occured. In other words, we would have accomplished nothing worthwhile.

On the other hand, such scientific evidence could mean that the money and effort being directed at limiting automobiles could be spent towards actually solving the air pollution problem that we know exists. The basic guiding principle, though, should be that whatever action is taken has to be based on the scientific evidence—not preconceived, emotional biases. If we ignore the facts—and available reports—we run the risk of wasting our limited resources and finding ourselves breathing dirty air.

I have contacted the Naval Research Lab and requested more detailed information regarding their report, and I intend to bring it before my colleagues on the Environmental Pollution Subcommittee, when we begin our reconsideration of the Clear Air Act. In addition, I have asked EPA to provide me with their evaluation of this report.

At the same time, I will urge the Subcommittee to consider the recent report by the Stanford Research Institute, concerning the EPA proposed Parking Management Regulations—sometimes referred to as the PMR. Here again we find a scientific analysis flashing a warning to us—that we could be on the wrong road to clean air.

Just for brief background, the proposed PMR are based on two assumptions: that, one, regional control of carbon monoxide and oxidant emissions and, two, reduction of total vehicle miles traveled in an area, will lead to cleaner air. The Stanford analysis, however, stated unequivocally that "neither of these underlying principles is supportable; in fact, empirical test results show opposite conclusions." I do not intend to go into this Report in detail here today, but I believe that a few pertinent points will illustrate the complexity of the problem facing the 94th Congress in their evaluation of the Clean Air Act and its resulting regulations.

First, Stanford explicitly disagreed with the assumption that the Parking Management Regulations would discourage vehicle travel. In fact, Stanford concluded that in many ways the proposed PMR would encourage increased vehicle miles traveled, and increased carbon monoxide emissions. In addition, the report concludes that "there is no a priori reason to expect that all VMT reduction measures will result in corresponding decreases in emission of reactive hydrocarbons (HRC), oxides of nitrogen (NO_x), and carbon monoxide (CO)."

These conclusions are extremely disturbing. They form the basis for a serious charge against both EPA and the U.S. Congress. The Federal government's only justification for imposing the existing and proposed civil and criminal penalties against private citizens is to protect the health of all citizens. If the proscribed acts do not threaten that health, then the penalties are certainly unjust. And, it is the responsibility of the Congress to determine if the authority for such controls—as the Parking Management Regulations—is indeed necessary to protect the rights of all citizens. Speaking as one Member of the Senate, I intend to work for a full investigation of the scientific basis for both the existing and the proposed air quality legal requirements.

The National Academy of Sciences study completed last year will also be helpful in this regard. I regret that the Academy was unable to be more precise in its findings concerning the health effects of air pollution. But, even this lack of preciseness is useful, in providing us with an indication of the effort which is still required in our future investigations. For an example, we can examine that section of the Academy's report dealing with sulphur dioxide.

The question of adequate standards for sulphur dioxide concerns more than the subject of environment. It has a direct impact on our energy supply situation, our international balance-of-payments problem, and our particularly serious problem of excess reliance on imported oil. Any standard for sulphur dioxide should be established based on the need to protect human health. If a tighter standard is proposed, then the adverse effects on other vital areas of national concern must be recognized.

In this regard, the Academy report clearly illustrates the problem facing us. In their words, concerning high sulphur dioxide concentrations resulting from burning fossil fuel, there is "no way to decide whether an observed effect is due to high particulate content, high sulphur dioxide content, or a high concentration of the combination of both." This doesn't leave us with much hard data with which to evaluate the existing standards. And, to further complicate our task, the Report adds that the generally-held view—that a high concentration of either sulphur dioxide or particulates is bad—may be open to question. The experience in London illustrates this, where improvement in health indexes has been observed despite a relatively small reduction in sulphur dioxide.

The Report includes what is to me an astonishing statement: "It is clearly a matter of great importance to determine the role of sulphur dioxide in the absence of high particulate pollution in causing health effects." Does this mean that the Federal government has set and enforced nationwide standards for sulphur dioxide without knowing the health effects? The answer appears to be "yes." And, the next question that has to be asked is, "Are the present standards too high or too low?" The answer is, to me, obvious—we don't know. But, considering the serious health implications of standards set too low versus the threats in other areas of national concern from standards which are too high, we had better find an answer soon.

I won't go into the Academy's work in any great detail, but will just briefly mention two other areas of specific concern—especially to a Congressional Committee responsible for determining the validity of its past actions, and ensuring the adequacy of its recommendations for protecting the public.

The Academy raised an extremely serious—and sensitive—point: should environmental standards be set to protect the vast majority of the population or should they be set on the basis that *all* pollution is bad, and should be eliminated? Obviously, from reading the Report, there existed a differing of views on this subject. We are left with only the simple statement "it is not practicable nor possible to protect everyone from every hazard." A simple statement, indeed, but one involving serious moral questions. And, I am sure that these questions will be raised soon in the Congress.

The other area which causes specific concern to me is that regarding the hazards of automotive pollution. Most of us, I am sure, have seen the press accounts of this area of the Academy's reports. They varied, but in general the public was told that automobile emissions cause 4,000 deaths a year in the United States. In fact, this figure has been quoted by political leaders, when expressing concern about automobile emissions. But, let us look at what the Academy *actually* said. I quote, "It is *suggested* that automobile emissions *may* account for *as much as* one quarter of one percent of the total urban health hazard. For the whole U.S. urban population, effects of this magnitude *might* represent *as many as* 4,000 deaths . . ." (emphasis added). And, the Report put even this figure into perspective by adding, "Four thousand deaths is . . . one-twelfth of the deaths from automobile accidents."

This does not mean, of course, that we should not be concerned about any possible automobile emission-related health hazards. Whether the figure is 4,000 or 1,000 or 400, it is a problem that should be—and can be—solved. But, the effort to solve the problem is not furthered by misusing scientific statements. It is fact—not sensationalism—that will be the basis for our progress in protecting the quality of our air.

The Congress received last year proposals from the Executive Branch concerning amendments to the Clean Air Act—proposals which I hesitate to label as the "Administration's position." The cover letter to these proposed changes was signed by the EPA Administrator and includes a surprising, and unusual, proviso. After explaining most of the suggested amendments, Mr. Train went on to say that there were two proposals which he does not support, but which "other Executive Branch agencies" believe are needed. In other words, there was no Administration position with regard to two of the most critical problems resulting from the Clean Air Act. I refer to the questions of "intermittent control systems" and "significant deterioration." These are two issues which have to be decided as first orders of business by the 94th Congress, and I am hopeful that the Ford Administration will quickly agree with itself.

The question of intermittent control systems is straightforward. The United States does not have adequate supplies of low-sulphur fuel, nor do we yet have technology commercially available for removing sulphur from coal before combustion. And, we most certainly do not have suitable systems available for removing sulphur dioxide from the exhaust gases of commercial-size electric power plants. The question, then, reduces to: do we want to use intermittent control systems or do we want to create even more serious shortages of fuel and energy, with the resulting economic and social impacts. The 94th Congress should face up to this question immediately.

I won't go into all the details concerning flue gas desulphurization. The findings of the Ohio Environmental Protection Agency have been published, and there can be no doubt that the hearing examiners in this case believe that the technology has not been demonstrated to a degree which would justify its installation. At the same time, they found that tall stacks are an effective means of meeting ambient air quality standards.

On the other hand, EPA has issued its own report which concludes that desulphurization systems are available and are effective. Incidentally, the hearings which EPA uses as the basis for its findings consisted primarily of papers and statements presented to an EPA panel. The hearings conducted by the Ohio EPA were based on sworn testimony, subject to cross-examination—in other words, an official adjudication hearing. But, instead of comparing the two reports, we can look briefly just at EPA's own conclusions and statements. We find, first of all, that many of the power plants used as examples of successful scrubber operations are in the range of 100 to 200 megawatts—definitely not full-size modern day plants. But, even with these plants we find test results such as "Performance unsatisfactory due to poor scrubber control," and scrubber "availability of 27%" or scrubber "availability of 5.1%." These do not sound like successful operating histories. But, EPA now uses the decision of Philadelphia Electric to install scrubbers as a proof of their acceptance. The official EPA release on this decision quotes the President of Philadelphia Electric as saying, "The sulfur removal system we have *under development* is a good one. I have great faith that we can make anything work *if we have to*." (emphasis added).

Terms such as "under development" and "great faith" do not sound to me like descriptions of operational, proven systems. The phrase "if we have to", however, probably gives us a clearer indication of why Philadelphia Electric chose to take this route towards compliance with EPA demands. But, who loses in the end?

The public, of course, the public will end up paying for the additional costs of these expensive systems, plus paying for disposal of the byproducts of the various systems. And, after all that, we will not have improved our air quality. With bypasses as standard equipment and operating reliabilities below 25%, ambient air quality measurements would probably not detect any appreciable improvement. The public loses all the way around.

One personal point of interest concerns a statement in the cover letter from EPA, to the effect that intermittent controls could be more costly because of possible new requirements to deal with sulfates. I remember that, in early 1973, during hearings concerning automotive emissions, I raised the sulfate question with our EPA witness. My concern was that the use of catalytic converters on automobiles could create emissions of both sulfates and sulphuric acid. My concern was based strictly on the basic chemistry of the oxidizing catalyst, wherein sulphur dioxide in the engine exhaust would be converted to SO_3. At that time, I was officially assured by EPA, and General Motors, that no such problem existed.

Despite my insistence on this subject, EPA and GM's arguments were more persuasive with my colleagues. As you know, EPA has finally admitted that the catalytic converter does indeed produce emissions of both sulphuric acid and sulfates. However, we are now told, this is no problem because of the small number of cars which will use this device. In fact, we are told that there will be no health hazard during the next two years. It appears, however, that EPA uses the sulfate question as a two-edged sword. I am hopeful that their present research will finally provide some accurate, scientific data concerning sulfate levels and their health effects.

Incidentally, in fairness I should mention that the Ford Motor Company also attempted to warn the Senate Public Works Committee about sulphuric acid emissions, during those 1973 hearings. And Chrysler, of course, very prophetically warned of the entire range of problems which would be created by mandating the use of the converter—warnings which were supported by the National Academy of Sciences' report. One of the often repeated warnings was the impact that converters and unleaded fuel could have on 1975 auto sales.

Once more, though, we have an example where emotional, political demand superseded reason. Despite clear evidence that superior alternatives to the catalytic converter were available and could have become production equipment in a relatively short time—the Congress and the Administration insisted on sticking to decisions which had been made several years earlier. Once again, it is the public and the environment which pay the cost.

The U.S. Congress would do well to follow the example of the Idaho State Legislature. Its House Joint Memorial No. 20 contains the basic, commonsense principles which should be kept in mind whenever a lawmaker enters the field of technology. As the Memorial states, the efficiency of engineering and mechanical devices is governed by predetermined laws of science. This does not mean, of course, that we cannot improve existing designs and make them cleaner and more efficient. In fact, the Japanese-designed CVCC engine decreases the pollution emissions by increasing the efficiency of the combustion process, thereby benefitting both the environment and our energy needs. But, this improvement had to be accomplished in accordance with the laws of nature.

As much as the U.S. Congress may wish to repeal the Second Law of Thermodynamics, it would be ridiculous to attempt it. But not as easily recognized as ridiculous are some of the serious proposals to legislate engine performance, with no regard to other serious considerations such as safety. The recommendation of the Idaho legislature is fair and reasonable—that the Congress carefully reconsider such legislation already enacted. I am prepared to begin such an evaluation, and I will urge my colleagues to join me.

I have not been able to go into each of the significant questions which face us with regard to the Clean Air Act. The Senate Public Works Committee will be looking at each one closely, beginning soon, and I am certain that you will all be following our progress with at least some interest. One of the key factors in determining our degree of success will be public understanding of any proposed changes, and their relationship to our national goals and needs. In this area, especially, each of you will play a vital role. For that reason—among others—I am pleased to have had the opportunity to have told you about some of the questions which have been raised in my mind, together with some idea of the approach which I believe will be necessary if we are to successfully meet our responsibilities.

Such success will ultimately come, I believe, and will enable the final realization of that primary goal set down in the Clean Air Act Amendments of 1970; namely, to prevent and control air pollution in our Nation, so as to promote the public health and welfare and the productive capacity of our population. Regardless of difference of opinions on specific issues or points, adherence by all to this goal will ensure us success in this, one of the most worthy national efforts ever undertaken by the American people.

And, there can be no doubt but that the work of this Conference during the past two days will play a vital role in that success. Your work gives us the one absolutely essential ingredient for environmental statesmanship: scientific facts. Without your work, and the work of other concerned experts such as yourself, there can be no real progress in achieving our goal of a healthy environment. On behalf of my colleagues in the Congress who will be using the results of your work during the coming months and years—I thank you.

THE GENOCIDE CONVENTION: A FIRST STEP

Mr. PROXMIRE. Mr. President, an article in yesterday's Washington Post, entitled "Human Rights in Latin America" written by Rita E. Hauser, former U.S. representative to the United Nations Commission on Human Rights, expresses the need to work for respect of basic human rights by all the governments of the Americas.

The time has come to reaffirm our commitment to basic human rights not only in the Americas, but in all areas of the world. Speedy ratification of the United Nations Genocide Convention, about which I have risen to speak on so many occasions, would be a first step toward a new commitment to universal human rights. I urge my distinguished colleagues in the Senate to join me in my fight to secure ratification of the convention.

Mr. President, I ask unanimous consent that Ms. Hauser's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS IN LATIN AMERICA

(By Rita E. Hauser)

(NOTE.—Rita E. Hauser served from 1969 to 1972 as U.S. representative to the United Nations Commission on Human Rights. She recently completed service as a member of the Commission on U.S.-Latin American Relations. This article is adapted from testimony before the Senate Foreign Relations Committee.)

Any attempt to revise our policy toward Latin America which fails to deal with suppression of basic human rights by governments of both the left and right will simply not be credible to serious people anywhere in the hemisphere. If we are to influence Latin America in the years ahead, it must be on the basis of shared human values which underpin our common heritage of freedom from foreign tyranny. Those values were collectively stated at the Bogota Conference of 1948, when the American Declaration of the Rights and Duties of Man was adopted as the "principal guide of an evolving American law." Included are the right to life, liberty and personal security, equality before the law, fair trial, freedom from arbitrary arrest, freedom of speech and religion. The Inter-American Commission on Human Rights was established in 1960 by the OAS as an advisory group and 10 years later made an official body of that organization, empowered to "keep viligance over the observance of human rights." The United States supported all these actions—but little else since—and has not made use of the commission on the very occasions when it might have given its best service.

Most observers would agree that an enlightened United States policy toward Latin America in the 1970s must be predicated on nonintervention in the affairs of the other American nations, with due respect for the diversity of their political and economic systems. But this is not a license for us to ignore both the legal and moral obligations we have to seek compliance by all OAS members with the norms of the Bogota Declaration, and to work affirmatively toward enforcement of those rights as against any member state flagrantly in violation of them. Indeed, for the United States to take action which could reasonably be interpreted as supportive of these violations, e.g., sending arms or aid to a government using our materiel for a systematic abuse of the rights of its nationals, is probably a breach of international law under the "aiding and abetting" concept.

What can we do in cases of gross violations of rights of nationals by a Latin state? It is not in our interest, nor is it fruitful, to take unilateral action, whether by economic, diplomatic or military steps, against an egregious violator of human rights in the Americas to compel a change in policy. The OAS Charter probably requires collective action, for only in this manner can the principle of nonintervention in the affairs of aonther state be legally circumscribed. The perfect vehicle for the United States to support is the Inter-American Commission on Human Rights. Its members are usually distinguished jurists of independent stature; its investigations in the 1960s as to the Dominican Republic, Honduras, El Salvador and Haiti, among others, were well received and no serious effort has been made to refute its factual findings. And it must be stressed that objective fact-finding is often the most difficult task in human rights disputes. Yet, in the past few years, we have done little to support its work.

The commission made a 4-year investigation of the government of Brazil, and condemned it for acts of killing and torture of political prisoners. Brazil rejected these findings and refused to comply with the commission's request that it investigate the charges and punish those guilty. The commission's report was presented to the 1974 Atlanta session of the OAS General Assembly, which merely thanked it for its work. No public discussion on the report took place, due, it is safe to say, to Brazilian lobbying. The United States was silent.

The commission has just completed a lengthy investigation of violations of human rights by the military government of Chile, finding serious failures on a massive scale by that government. It remains to be seen whether this report will have the same fate as the Brazilian study when it reaches the OAS General Assembly this spring—and what role the United States will take in getting it aired. If the report is debated at the Assembly, most experts believe that virtually all OAS members will feel obliged to support a resolution calling on Chile to change its practices.

In dealing with a possible change of policy toward Cuba by the United States and the OAS, we should call for a commission investigation of Cuba's violations of human rights as concerns their large numbers of political prisoners. If Cuba refuses to permit a commission study, I, for one, would have little hesitation in continuing a policy of quasi-exclusion of Cuba from the OAS.

It would be idealistic in the extreme to expect equal respect for basic rights as among the varied nations of the hemisphere. But it is likewise cynical in the extreme to ignore governmental conduct which is violative of the basic concepts that unite the people of the Americas. Not only is that course of action morally and legally indefensible, but in the long, if not the short run, it promotes instability, often violent revolution, within the countries involved and thus discontinuity in our own relations with those countries. It is in our mutual interest to work diligently for respect of basic human rights by all the governments of the Americas. A policy in support of freedom is the best policy, and the safest, this nation can pursue.

AUTOMOBILE EMISSION STANDARDS

Mr. BELLMON. Mr. President, it is not ordinarily well received to say, "I told you so." I am making an exception to this rule today; not with any sense of smugness, but with a sense of sadness.

On September 11, 1973, I introduced S. 2400 to freeze automobile emission standards until a thorough review of the entire emission control problem could be completed. If we had done this, Mr. President, we would have saved scarce oil resources, saved billions of dollars of capital investments in this technology which was sorely needed in our hard-pressed economy for other investments, and avoided the loss of sales in our currently depressed automobile industry.

Mr. President, the rush to premature technical judgments that occurred in this area must not be repeated either here or in other areas. To say, "I told you so" is also to say, "Heed the admonition that 'What is Past is Prolog.' "

Mr. President, I plan to introduce legislation freezing present nationwide automobile emission standards. This goes slightly beyond what the President asked for. It gives Mr. Train slightly more than what he said he recommended yesterday. But, I say we cannot afford another mistake of this sort in the current state of our affairs.

Mr. President I ask unanimous consent that an editorial along these lines appearing in today's Wall Street Journal be printed in the RECORD.

Mr. President I also ask that S. 2400, my introductory statement of September 11, 1973, and the final list of cosponsors of that bill be reprinted in the RECORD at this point.

Finally, Mr. President I ask unanimous consent that a statement I made on November 5, 1973, before the Public Works Committee on S. 2400 be printed in the RECORD since it draws attention to the then emerging energy crisis and the relation of automotive emission standards to that crisis which has only grown worse with time and which we still seem unable to solve.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 5, 1975]

We Told You So

At long last, the Environmental Protection Agency has admitted that a colossal mistake was made by the government in forcing the automobile industry into catalytic converters. The gadgets that supposedly would clean the air by removing emissions of hydrocarbons and carbon monoxide in fact are fouling the air even worse by spewing out sulphuric acid mists.

EPA chief Russell Train yesterday broke this news by announcing a year's delay in further tightening the emission standards and by recommending to Congress a plan that would probably eliminate the need for the catalyst by model year 1979. EPA could not quite bring itself to admit that because catalysts do more harm than good to public health the contraptions should not be phased out but torn off immediately. To do that, of course, would mean violation of the Clean Air Act of 1970, which sets the standards for HC and CO, but says nothing about sulphuric acid mists and the respiratory diseases they cause.

The episode is one we hope will cause some sleepless nights in the appropriate homes in and around our nation's capital. There's always the large chance that legislative or administrative decisions will turn sour, of course, and there's nothing shameful in that so long as the error is rectified and forgotten. But in this experience, it has been painfully clear for almost two years that the government had fouled up, yet stubbornly pushed ahead anyway because the individuals responsible refused to admit to themselves that a mistake had been made.

In was perhaps easier for Washington to cling to its ways because the first prominent (and now vindicated) warning that the nation was on the wrong track came in a controversial advertising campaign by Chrysler Corp. In popular mythology such business warnings are self-serving, while clean-air Senators and EPA bureaucrats are assumed to have no self-aggrandizing motives. But for those who cared to learn enough about the issue to judge it not by motives but by merits, the conclusion Mr. Train yielded to yesterday has long been apparent.

A committee of the National Academy of Sciences, for example, only came to conclusions much like Chrysler's. And on this page, the first warning of the problems of catalysts came in a May 21, 1973 article ("Oh, Oh! Here Come the Catalyst") and an accompanying editorial ("Senator Muskie's Ducks") that concluded: "Now is the time for Senator Muskie to back off a bit, to make sure the standards really are solid, to make sure the auto makers are directed down the most promising technological paths rather than the worst ones, to get all the ducks in a row."

A series of editorial warnings followed: June 1, 1973 ("The Tailpipe Debates"); June 11, 1973 ("Behold the Market Place"); September 28, 1973 ("The Scientific Method"); October 4, 1973 ("Congress and Catalysts"); Nov. 5, 1973 ("Last Chance on Catalysts"); Nov. 5, 1973 ("The $8 Billion Buck Passing"); and Nov. 30, 1973 ("Decision on Catalysts").

In the October 1973, editorial, for example, we commented on the concern at the National Environmental Research Center about the sulphuric acid mist problem. "The only mistake will be if Congress now refuses to adjust to the scientific information it did not have when the act was passed. Such a refusal would surely lead to enormous and unnecessary expense, and if the scientists are correct about the sulfate problem, would also damage public health rather than improve it."

But Senator Muskie, author and architect of the Clean Air Act, did not back up a bit, Congress refused to adjust, the EPA called for no congressional reassessment. To have done so would supposedly have been a setback to the environmentalist crusade, a "knuckling under to the auto tycoons." Instead, the petroleum industry had to spend a small fortune converting to unleaded gasoline, because leaded gas poisons catalysts. About 100,000 service stations had to add another pump to accommodate the catalysts. Factories had to be built to make the things; all this effort added to the cost of automobiles and thus forced a deeper recession on Detroit and the economy in general than would otherwise have been the case. An enormous and unnecessary expense.

Even so, maybe these costs will prove to be a good investment. Passage of the Clean Air Act in itself was a healthy development, even though it carried through on the wings of environmental zealotry and had behind it little in the way of substantive deliberations. The terrible error came when the politicians refused to adjust the act to realities, thereby punishing the society and the economy. Perhaps the enormous costs of this experience can be recouped if Washington learns a few lessons: That there are serious pitfalls in running an entire industry by remote control, that the public interest should come before the pride of authorship, that someone professing noble intentions like cleaning up the air is not invariably right, and that businessmen are not invariably wrong.

[From the Congressional Record, Sept. 11, 1973]

Statement by Mr. Bellmon

S. 2400. A bill to amend section 202 of the Clean Air Act with respect to motor vehicle emission standards. Referred to the Committee on Public Works.

CLEAN AIR ACT AMENDMENTS

Mr. BELLMON. Mr. President, in a recent interview, Robert W. Fri, former Administrator of the Environmental Protection Agency, stated in reference to EPA transportation control proposals for Los Angeles, that:

"Such extreme remedies surely were not envisioned by Congress when it enacted the Clean Air Act of 1970."

He went on to say:

"Nevertheless, the government must take these steps to meet national ambient-air standards by May 31, 1975, unless the law is changed."

Mr. President, I propose to change that law.

I firmly believe that certain amendments to the Clean Air Act are indicated in order to prevent unnecessary waste of scarce energy resources which will cause great hardship and even deaths this winter among those who cannot get fuel for home heating and other essential purposes.

It has become abundantly clear that there is not enough fuel available at the present time to do everything everyone wants done. Nor will this condition improve in the immediate future. On the contrary it will likely get worse—perhaps much worse.

Already most Americans have had personal experiences with energy shortages. Empty gasoline pumps, brown-outs, reduced airline operations, shortages of energy-derived agricultural fertilizers, and empty home heating fuel tanks are only a few of the symptoms that "a nation that runs on oil is running short."

Mr. President, we presently consume in this country 16 million barrels of crude oil per day. Over 50 percent is represented by gasoline consumption. The present EPA regulations will significantly increase the consumption of the automobile population in the years to come. It has been estimated by the Office of Emergency Preparedness that these standards, which are highly questionable as to their effectiveness, will increase fuel consumption over the next 30 years by 48 billion barrels of crude oil which amounts to almost 8 years of our annual crude oil consumption.

A strong debate has been going on since the passage of the Clean Air Act regarding the merits of the emission standards that were established. It has been argued that the emission standards, if attainable from a technological standpoint, may in fact not be that solution to the vehicle emission problem.

Mr. President, I wish to submit for the record a memorandum written by Dr. Edward G. David, Jr., of the Office of Science and Technology, regarding EPA vehicle emission regulations. This document seriously questions EPA regulations. In regard to the national automotive emission standards, the Office of Science and Technology states it "does not believe it is in the interest of the consumer or the nation to have a uniform national automotive emissions standards."

Mr. President, I ask unanimous consent that the memorandum by Dr. David be printed in the RECORD following my remarks.

Not only are we faced with the danger of making the wrong decision that would cost billions of dollars to the American consumer, we are also running the risk of severely aggravating our present energy shortage through an inordinately high consumption rate brought about by these emission control devices.

It is for this reason, Mr. President that I am introducing legislation to help husband the limited supplies of fuel we have available so that the highest priorities of human need can be met. It makes little sense to waste fuel nationwide in inefficient automobile engines in a premature effort to clean up the air in a few large metropolitan areas while much of the country is cold, dark, or paralyzed.

More time is needed to develop new fuel sources and new emission control devices. This bill will gain that time.

It is becoming more and more obvious that adding devices onto conventional automotive engines is not the ultimate solution to vehicle emissions. Even pursuing this course for some short term interim period until better technology is developed will cause a significant waste of energy resources. It will also produce 3 to 5 years of low-performance, high-maintenance cost cars, which require special expensive lead-free fuel.

Mr. President, this bill would amend the Clean Air Act to suspend all emission controls standards beyond the 1974 model year until such time that a thorough review of the entire vehicle emission control problem is completed.

In addition, it calls for careful consideration of any environmental regulations as to the effect they have upon the economic health of the country.

My proposal also calls for an in-depth study of the entire vehicle emission problem to be conducted jointly by the National Academy of Sciences, the Office of Technological Assessment and other interested governmental agencies. Upon completion of this study in 1976, a decision will be made by the Administrator of the Environmental Protection Agency with the consent of Congress as to what further course of action is required in the vehicle emission control area.

Mr. President, while I do not quarrel with the intent of environmental legislation, in view of the energy crisis this Nation faces it is apparent that a reevaluation of priorities is necessary and a determined search for rational solutions must be undertaken. We simply cannot afford to cause people to freeze in their homes this winter for lack of heat in order to achieve arbitrary environmental benchmarks.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill and memorandum were ordered to be printed in the RECORD, as follows:

S. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Clean Air Act is amended to read as follows:

"ESTABLISHMENT OF STANDARDS

"SEC. 202. (a) Except as otherwise provided in subsection (b)—

"(1) The Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause or contributes to, or is likely to cause or to contribute to, air pollution which endangers the public health or welfare. Such standards shall be applicable to such vehicles and engines for their useful life (as determined under subsection (d)), whether such vehicles and engines are designed as complete systems or incorporate devices to prevent or control such pollution.

"(2) Any regulation prescribed under this subsection (and any revision thereof) shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

"(b)(1) The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light duty vehicles and engines manufactured during or after model year 1975 shall contain standards which were established for the 1974 model year.

"(2) Emission standards under paragraph (1), and measurement techniques on which such standards are based (if not promulgated prior to the date of enactment of the Clean Air Act Amendments of 1970), shall be prescribed by regulation within one hundred eighty days after such date.

"(3) For purposes of this part—

"(A)(1) The term 'model year' with reference to any specific calendar year means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If the manufacturer has no annual production period, the term 'model year' shall mean the calendar year.

"(ii) For the purpose of assuring that vehicles and engines manufactured before the beginning of a model year were not manufactured for purposes of circumventing the effective date of a standard required to be prescribed by subsection (b) the Administrator may prescribe regulations defining 'model year' otherwise than as provided in clause (i).

"(B) The term 'light duty vehicles and engines' means new light duty motor vehicles and new light duty motor vehicle engines as determined under regulations of the Administrator.

"(4) On July 1 of 1971, and of each year thereafter, the Administrator shall report to the Congress with respect to the development of systems necessary to implement the emission standards established pursuant to this section. Such reports shall include information regarding the continuing effects of such air pollutants subject to standards under this section on the public health and welfare, the extent and progress of efforts being made to develop the necessary systems, the costs associated with development and application of such systems, and following such hearings as he may deem advisable, any recommendations for additional congressional action necessary to achieve the purposes of this Act. In gathering information for the purposes of this paragraph and in connection with any hearing, the provisions of section 307(a) (relating to subpenas) shall apply.

"(5)(A) At any time after January 1, 1972, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1) with respect to such manufacturer. The Administrator shall make this determination with respect to any such application within sixty days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination, prescribe by regulation, interim emission standards which shall apply (in lieu of the standards required to be prescribed, by paragraph (1)) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during the duration of these standards.

"(B) Any interim standards prescribed under this paragraph shall reflect the greatest degree of emission control which is achievable by application of technology which the Administrator determines is available, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers, except that no technology shall be allowed that is not compatible with the expected ultimate system or that is likely to induce significant waste of scarce energy resources.

"(C) Within sixty days after receipt of the application for any such suspension, and after public hearing, the Administrator shall issue a decision granting or refusing such suspension. The Administrator shall grant such suspension only if he determines that (i) such suspension is essential to the public interest or the public health and welfare of the United States; (ii) all good faith efforts have been made to meet the standards established by this subsection; (iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (iv) the study and investigation of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that suitable technology, processes, or other alternatives are available to meet such standards.

"(c)(1) The Administrator shall undertake to enter into appropriate arrangements with the National Academy of Sciences and other concerned Government agencies to conduct a comprehensive study of the entire vehicle emission problem. Factors considered should include but not be limited to:

"(A) available technology for engine design and emission control systems,

"(B) energy conservation aspects of the desired solution,

"(C) air quality requirements and reasonable time frame for achieving them,

"(D) costs versus effectiveness for incremental levels of control, and

"(E) effect of alternate strategies such as transportation controls and land use planning or air quality.

"(2) Of the funds authorized to be appropriated to the Administrator by this Act, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.

"(3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation authorized by paragraph (1) of this subsection, the Administrator shall request the National Academy of Sciences to submit semiannual reports on the progress of its study and investigation to the Administrator and the Congress, beginning not later than January 1, 1974, and continuing until such study and investigation is completed, not later than July 1, 1976.

"(4) The Administrator shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by paragraph (1) of this subsection. For the purpose of furnishing such information, the Administrator may use any authority he has under this Act (A) to obtain information from any person, and (B) to require such person to conduct such tests, keep such records, and make such reports respecting research or other activities conducted by such person as may be reasonably necessary to carry out this subsection.

"(5) Upon review of the report the Administrator shall recommend. after such hearings as he may deem advisable, additional congressional action necessary to insure implementation of the optimal engine-fuel-hardware strategy for emission control.

"(d) The Administrator shall prescribe regulations under which the useful life of vehicles and engines shall be determined for purposes of subsection (a)(1) of this section and section 207. Such regulations shall provide that useful life shall—

"(1) in the case of light duty vehicles and light duty vehicle engines, be a period of use of five years or of fifty thousand miles (or the equivalent), whichever first occurs; and

"(2) in the case of any other motor vehicle or motor vehicle engine, be a period of use set forth in paragraph (1) unless the Administrator determines that a period of use of greater duration or mileage is appropriate.

"(e) In the event a new power source or propulsion system for new motor vehicles or new motor vehicle engines is submitted for certification pursuant to section 206(a), the Administrator may postpone certification until he has prescribed standards for any air pollutants emitted by such vehicle or engine which cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the public health or welfare but for which standards have not been prescribed under subsection (a)."

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., November 1, 1972.

Memorandum for Mr. Donald E. Grabill, Office of Management and Budget.
From: Dr. Edward E. David, Jr.
Subject: EPA Proposed Regulation Affecting Lead in Gasoline.

OST has reservations with respect to both major thrusts of this regulation:

(1) The requirement that unleaded gas be made available nationally after July 1, 1974. Any individual who operates a single retail outlet which sells 200,000 or more gallons annually shall offer unleaded gas, or any person who operates six or more retail outlets shall offer unleaded gas at no fewer than 60% of such outlets.

(2) The requirement that the lead content per gallon in leaded gasolines be decreased

from 2 grams to 1.25 grams per gallon during the period January 1, 1974 to January 1, 1977.

With respect to the first thrust of the regulation, the peak lead level specified of .05 grams and the peak phosphorous level of .005 grams per gallon seem adequate to meet the requirements of those catalytic emission control systems designed to meet the 1975–1976 standards. There is some question as to the sulphur content of gasoline and its effects on catalysts. While most modern refining techniques reduce sulphur considerably, we cannot be assured that only low sulphur gasoline would be available from all refineries. Experience to date indicates that sulphur may collect on catalysts and poison them when the driving cycle is mild. A demanding driving cycle seems to burn off deposited sulphur from catalysts. If sulphur does become a problem presumably EPA could regulate its content in gasoline at some future time but hopefully before catalysts in consumers cars are destroyed.

NO NEED FOR A NATIONAL AUTOMOTIVE EMISSION STANDARD

However, OST does not believe it is in the interest of the consumer or the nation to have a uniform national automotive emissions standard. At least 30% of the nation's autos are in a region with an air quality that is unimpaired by cars meeting 1972 emissions standards. Much larger portions of the country have an air quality that would be unimpaired utilizing thermal reactors, some exhaust gas recirculation, and lead particulate traps if needed. Only a small portion of the country requires the most expensive emission abatement equipment, namely, catalytic converters mandated by the current automotive emission standards. Lead-free gasoline is needed only for this equipment.

The Clean Air Act should be modified to diminish the enormous financial burden with few compensatory benefits to the consumer required by present legislative requirements. Should the Clean Air Act be rationally modified, the requirement for unleaded gasoline to be nationally available in large quantities diminishes to a requirement for large quantities of unleaded gasoline in those regions where catalytic converters must be used and enough unleaded gasoline to provide reasonable mobility in those regions where cars equipped with catalytic converters may drive but are not required. The issue for the government is whether to require retailers to plan to have a uniformly widespread distribution of unleaded gasoline even though this would not be required if rational modifications to the Clean Air Act could be obtained.

With respect to the second thrust of these regulations, OST has reviewed the medical evidence that supposedly supports the EPA Administrator's desire to reduce the lead content of gasoline. OST finds the Administrator's position in this regard unsupported by the evidence. OST also finds that there are better strategies should the health issue be supportable than the one selected, namely, the use of lead traps in car exhaust systems rather than a general reduction of lead in gasoline.

LACK OF MEDICAL EVIDENCE TO SUPPORT FINDINGS

With respect to the medical evidence, there is no correlation between airborne lead and lead levels in blood for the range of airborne lead levels encountered in rural or urban communities, as the following Table 1 indicates:

TABLE I

	Airborne lead density (micrograms/M^3)	Lead blood level (micrograms/100 ml)
Pasadena	3.4	17.5
Ardmore (Philadelphia suburb)	1.15	18.0
Los Alamos	.2	15.0

On the average, it is true that urban populations have somewhat higher lead blood level concentration than suburban populations—19 micrograms as compared to 17 micrograms—of the order of 10%. However, there is the same difference in lead level concentration between smokers and nonsmokers. While it is true that airborne levels were higher in 1968–1969 than in 1961–1962, there is no indication that lead blood levels in either urban or rural populations are approaching clinically significant levels of 40 micrograms per milliliter.

EPA's health concern seems to focus on the ingested as compared to respired lead due to lead particulates exhausted by automobiles. EPA reports levels of lead in dust fall on some urban streets of 0.3% to 0.5%. They also point out that this is comparable to the current standard of lead paint, 1%, and that the proposed standard for leaded paint is .06%.

However, the lead dust fall in Los Angeles should be greater than lead dust fall in most other communities because of the greater dependence on the automobile. Airborne lead measurements seem to support this conclusion. Nevertheless, to the best of our knowledge, no lead poisoning attributed to ingestion of urban lead dust has occurred in the Los Angeles area in the last decade. However, in the older ghettos of urban areas with less automotive dependence than Los Angeles and lower concentrations of airborne lead, there are cases of deaths due to lead poisoning. It seems to be attributable to the very high concentrations of lead in paint (30%) in houses built before 1940. Both the stucco construction and the small number of houses predating 1940 in Los Angeles seem to minimize exposure to the lead in paint in Los Angeles.

Thus the urban area problem does not seem to be the dust fall due to lead in gasoline or even the lead in paint at the 1% level but the legacy of high lead concentrations in paint (30%) used before the 1940–1950 era. It would seem reasonable to concentrate abatement strategy on the greatest threat. There is no evidence that the lead in dust fall (at most 1.5% of the lead in old paint) is the critical exposure that leads to lead poisoning in children in older urban areas. There is no evidence that the high level of roadside lead in dust is correlated with regions where children are likely to play. There is no evidence of the duration of such levels as a function of wind or rainfall. In other words, EPA's presentation does not correlate high instances of urban roadside lead dust with exposure to children who might ingest it or to known instances of high lead blood levels. Before a lead abatement strategy could be promulgated by the Administrator on this basis it would seem that these issues would have to be addressed.

LEAD ABATEMENT STRATEGIES

Should further analysis justify a general lead abatement strategy, OST believes that lead traps in muffler systems are an effective approach that will not diminish fuel economy and that will be more cost effective than the reduction of lead in gasoline. Long-term—in the 1980's—engine technology will probably develop so that low octane fuels without lead additives can be efficiently used.

While EPA grants the effectiveness of lead particulate traps for the large particle size, they seem concerned about the ability of lead particulate traps to operate on smaller particle sizes. This is an unrealistic concern for two reasons:

(a) The literature continues to report improvements in the ability of lead particulate traps to catch small particles.

(b) The smaller particles, less than 0.3 microns, probably are airborne for considerable periods of time and do not cause the high concentrations noted in roadside dust. For example, the settling time of 0.1 micron particles is 3–4 hours to fall one centimeter. The settling time for a one-micron particle is 5 minutes for one centimeter. The smaller range of particles contribute to the general burden of atmospheric lead but certainly not to roadside lead. Therefore, if the medical concern of EPA is roadside lead dust levels, particulate traps effective to 0.3 microns may be quite adequate.

The average muffler is replaced every two years. A lead abatement strategy that calls for a muffler that includes lead particulate traps would increase the price of installed mufflers by approximately 20%. A lead abatement strategy could require that all replacement mufflers include lead particulate traps. In a short time at low cost the bulk of the car population would be so equipped. Lead particulate traps within mufflers can contain the lead volumes that would be generated during 100,000 miles of driving. The cost of such a muffler replacement program would be less than the cost of altering the refining capacity to obtain the proposed lowering of the lead content of leaded gasoline and would provide greater lead reductions.

COSTS OF REMOVING LEAD

Since there is no indication that lead is biologically helpful, one would naturally desire to remove lead unless there were a penalty in some other portion of the social system. That penalty is substantial. The penalty can be understood in terms of the automotive emission standards achievable by various technologies. Table 2 is a comparison of California 1975 standards, the standards achievable by use of a lean thermal reactor and the 1976 federal standards that may be achievable with catalytic converters and unleaded gasoline.

TABLE 2.—EMISSION STANDARDS

[gram/per mile]

	California 1975	Thermal reactor	1975 Federal
HC	1.0	0.6	0.41
CO	24.0	9.0	3.4
NO_x	1.5	1.5	.4

In current technology engines there is a fuel penalty due to lowering of compression ratio. In current technology engines lead additives are required to maintain compression ratio. This fuel penalty is variously estimated from 5.4% to 11.9%. The cost over a 85,000-mile car lifetime due to the decrease in compression ratio and the necessity to use nonleaded gasoline, is estimated to be a total of $160 per car—$30 due to increased fuel cost and $130 due to decreased mileage due to lower compression ratio. This cost penalty is based on the lower fuel penalty estimate, namely 5.4%.

Table 3 compares the cost of alternate approaches to meeting emission standards over the car lifetime. Because of measurement errors in background NO_x levels and because of the penalties in meeting the 1976 NO_x requirement, the costs are calculated in Table 3 for the current federal NO_x standard at 0.4 grams per mile and an assumed change in that standard to 0.8 grams per mile. Furthermore, since it is by no means cetrain that catalysts can last for 25,000 miles, the costs have been calculated for two cases (1) where the catalyst is assumed to last for 25,000 miles, and (2) where the catalyst is assumed to last for 50,000 miles.

By comparing Tables 2 and 3 it can be seen that the lean thermal reactor at a cost of $230 over the car lifetime can more than meet the California 1975 standards. The catalytic converted cost varies from $700 to $1100 over the care lifetime and may not be able to meet the federal 1976 standards.

It is probably true that only 10–20% of the cars in the U.S. have to meet the 1973 federal standards in order to satisfy ambient air quality. The remainder would be satis-

fied either by cars utilizing 1973 technology or a lean thermal reactor. The net savings to the country is approximately $6 billion annually.

TABLE 3.—COSTS OF ALTERNATE APPROACHES OVER CAR LIFETIME (85,000 MILES)

[Dollars]

	Lean thermal reactor	Catalytic converter (a)	Catalytic converter (b)
Initial equipment	230	390	390
Fuel penalty: compression ratio		160	160
To achieve NO_x:			
At 0.4 gram/mile		230	
At 0.8 gram/mile			40
Dual catalyst replacement (per change net costs):			
25,000 mile lifetime		330	
50,000 mile lifetime			110
Total	230	1,110	700

Table 4 represents the annual import cost of the catalytic converter relative to lean thermal reactor approach.

TABLE 4.—IMPORT COSTS RELATIVE TO LEAN THERMAL REACTOR

[Millions of dollars per year 1985]

	NO_x0.4 grams/mile	NO_x0.8 grams/mile
Platinum/palladium[1]	500	500
Fuel ($4 barrel)[2]	2,000	1,000
Total	2,500	1,500

[1] Platinum imports are a function of recycling capability which is not taken into account here.

[2] Fuel costs are lowest estimate provided.

It is well known that the costs exceed the benefits of the nationally imposed federal 1976 standards by considerable margins—approximately $6 billion per year. One should consider the costs to the consumer, the impact of the additional imports, and the cost/benefit relationship when evaluating the health threat.

TECHNOLOGICAL FORECASTS

Engines developed for the 1980 time frame will probably be less dependent on compression ratio and flame front propagation than current engines. This means that lead additives would be unnecessary and low octane fuels would be appropriate. This is probably true for external combustion engines, gas turbines, compression ignition engines, spark ignited dual chamber and stratified charge engines. Most of these engines have promise of meeting the 1976 federal standards in the 1980's at lower cost and far greater fuel efficiency than the current spark ignited internal combustion engines. It would not be a wise expenditure of national fluids ($2 billion) to provide for the refining and distribution of no lead gasoline when there is a strong possibility that alternate propulsion systems using an entirely different fuel may be predominant in the 1980's.

List of Co-sponsors of S. 2400

1. Mr. Bennett.
2. Mr. Bartlett.
3. Mr. Brock.
4. Mr. Curtis.
5. Mr. Fannin.
6. Mr. Scott of Virginia.
7. Mr. Taft.
8. Mr. Hansen.

Statement by Senator Henry Bellmon Before the Senate Public Works Committee, November 5, 1973

Mr. Chairman, and Members of the Committee: I appreciate this opportunity to appear before you and to present my views regarding the vehicle emission standards as defined in Title II of the Clean Air Act Amendments of 1970.

I understand that these hearings are to be directed to the specific problems of new and possibly harmful catalytic converter emissions, such as sulphuric acid, and particulate sulfates. However, I respectfully hope that this committee will at the same time consider the full implications of the many complex social and economic issues so inextricably associated with vehicle emission standards.

Mr. Chairman, I recognize that many aspects of this subject are highly technical. I have had a member of my staff, Mr. Carl Kettler, working on this subject for many months. Also, I have relied upon the expertise of Mr. Miles Brubacher, a private consulting engineer and former chief engineer of the California Motor Vehicle Pollution Control Board. I ask that these gentlemen be allowed to accompany me to the witness stand.

It is my understanding that there are numerous experts present at these hearings who will address themselves to the detailed technical aspects of these issues. I wish to address myself to the enormous impact that the vehicle emission standards, particularly those established for 1975 and beyond, have upon this nation's ability to maintain the economic vigor and the social well-being of the American people. It is now abundantly clear that our desire to achieve a relatively clean environment cannot be separated from the needs of our citizens to have sufficient energy to run their factories, to transport their goods, and to heat and illuminate their homes.

Mr. Chairman, as a result of your foresight and leadership in sponsoring S. Res. 45, the Senate has been conducting indepth and intensive studies relating to this nation's national fuels and energy policies. I have had the privilege of participating in these studies. It became clear to me, quite some time ago, that this nation was approaching a severe energy crisis. That shortage is now here.

Many factors have brought about this crisis, and I do not appear before you today to categorize them. However, one contributing factor, which has increased energy demand, particularly for gasoline, is vehicle emission standards. We do not need to be astute or experienced automotive engineers to realize that today's automobile is far less efficient in the use of fuels than models of a few years ago. The consumer knows full well that he is buying more gas, more frequently, than ever before. He is not reassured by "official" estimates that this emission control fuel penalty is only a modest amount. In addition, the associated equipment and maintenance costs, particularly those anticipated to come with 1975-76 standards, place a heavy financial burden on many of our citizens without assurance of achieving desired emission control results.

To achieve the 1975 interim California emission standards, or even the interim 1975 Federal standards, catalytic converters have been prescribed. Intense technical debates concerning the effectiveness of this device have continued unresolved during these past months, and newly raised questions have precipitated today's hearings. I believe that it is essential to have a resolution of these questions before we are irreversibly committed.

On September 11, 1973, I introduced S. 2400 which has been referred to your committee for action. This bill calls for stabilizing vehicle emisison standards at the 1974 level, until such time as a comprehensive study is completed and recommendations are submitted to the Congress by the National Academy of Sciences.

The present National Academy of Sciences review of this matter, which your committee has wisely commissioned, would be expanded to include an assignment of the impact upon the economy and available energy resources as well as the social well-being of its citizens.

Among the most pressing questions requiring a resolution are the energy depletion factors imposed by the requirements of the non-lead gasoline for operation of the catalytic converter, and also the new and added potential hazards from the combustion products from this new technology.

Respected and knowledgeable individuals have expressed their concern time and time again.

In a November 1, 1972 memo Dr. Edward E. David, Jr., of the Office of Science and Technology, seriously questioned EPA emission standards and stated that:

"OST does not believe that it is in the interests of the consumer or the Nation to have a uniform national automotive emission standard."

Dr. Philip Handler, President of the National Academy of Sciences, in testimony before the Energy Subcommittee of the House Aeronautics and Space Committee, urged that the Nation go slowly in committing itself to catalytic converter control systems on new autos.

Mr. Miles Brubacher, former chief engineer of the California motor vehicle pollution control board, states that:

"In my opinion catalysts will spell disaster for vehicle air pollution control. Catalysts will prove to be bad for the public, industry and government."

The lists of concerned, knowledgeable professionals can go on and on and I will not belabor the point. I would like to ask that some of these statements be printed in full in the RECORD.

Aside from the potentially harmful effects of the catalytic converter and the already questionable performance in controlling the intended pollutant, the use of this device could saddle the American consumer with billions of dollars spent for devices using unproven technology and further aggravate this nation's already critical energy shortage.

Vehicle emission controls have been estimated by the Office of Emergency Preparedness to consume up to 300,000 barrels of crude oil per day. This figure could increase if the statutory limits are retained.

The fuel economy ramifications of employing catalysts in new cars, including the engine compression ratio reduction penalties already imposed on new vehicles since 1971, are complex and demand a fuller examination than has yet been made available.

I would urge the Committee to carefully scrutinize the basis for the fuel economy claims of auto manufacturers. The public interest demands substantiation of these ambitious claims for catalyst technology before motorists commit hundreds of millions of dollars to inefficient and wasteful vehicles. Congress should not hastily condemn American motorists to the costs and frustrations of operating a generation of motorized lemons.

Many pertinent questions have been raised which deserve definitive answers:

Will catalyst technology permit substantial fuel economy through adjustment of engine paramaters as claimed?

Will much of these economies be derived from improved fuel and ignition systems not now on cars?

How large a vehicle fleet has been operated using catalytic converters and how many miles of satisfactory service has been accumulated on test vehicles to substantiate the fuel economy claims made by proponents of this device?

Are claims of fuel economy using catalytic converters overstated to the extent that much of the contemplated improvement can be achieved by non-catalyst equipped new 1974 cars using conventional fuels?

The American public deserves to know the answers to these questions before being asked to accept catalyst technology on blind faith. I would hope that this committee would pose these questions to those who advocate imposition of catalyst technology on a nationwide basis.

Any substantial loss and/or possible wasteful use of scarce energy supplies would seem unjustified in view of the present Middle East embargo of oil shipments to the United States. As realists, we must face the fact that such embargoes have now become a permanent fact of life until this Nation again achieves energy self-sufficiency.

We have not yet felt the full detrimental impact of the current crude oil cut off that will unfortunately arrive at the same time as cold winter temperatures set in. The efforts to produce maximum quantities of heating oil this winter will further restrict the traditional build up of inventories of gasoline for the heavy spring-summer demand season.

We cannot expect relief from Europe, which has traditionally shipped us much of our processed petroleum products. This is particularly true of heating oil and power generating fuel for the New England states. This shortage will be worldwide. The Netherlands has already imposed a ban on weekend driving because that country is now being deprived of Middle East and North African oil.

Mr. Chairman, the reality of a fuel crisis is upon us. We must reconsider other national priorities in the light of this development.

Neither should we be optimistic about a mandatory fuel rationing or allocation program. Such a program can do little more than distribute as equitably as possible the available limited energy supplies. Shortages will still exist.

Let us not be deceived that this shortage is only of a temporary nature and that it will be resolved in the near future. Instead we can expect several years of energy belt-tightening. Under such circumstances this nation cannot permit conditions to prevail that waste our limited supply of energy without assured compensating benefits.

Unless the Congress acts promptly to provide a modest delay in the impending severe auto emission requirements, largely untried and potentially wasteful catalyst technology will be imposed nationwide on the new car buying public beginning next year.

In this likely sequence of events the catalyst equipped vehicles that may be produced for up to several years will represent a consumer burden from the standpoint of low performance as well as costly maintenance. Also they will require special fuels long after the introduction of improved engine designs, which more efficiently consume conventional fuels with superior environmental results.

Perhaps the most vexing question of all is how Federal and State agencies will monitor the success or failure of catalyst equipped vehicles. Without thorough and constant monitoring, motorists cannot be expected to maintain and replace catalytic converters. If prohibition laws were difficult to enforce in the 1920's, catalytic converter laws will likely be equally unenforceable in the 1970's, since they may waste millions of barrels of already critically short fuel. What seemed to be an attainable and desirable objective in 1970 must be re-examined in the light of the realities of 1973 and 1974.

In S. 2400 vehicle manufacturers would be permitted to continue to manufacture new motor vehicles over the next two or three model years meeting current 1974 level emission standards. Conventional motor vehicles would continue to be produced and normal engine, ignition and carburetion improvements could still be incorporated at regular model change intervals.

The public will be spared any mass imposition of untried technology. Our energy resources will not be unnecessarily depleted by a predictable decrease in fuel efficiency. In the meantime the National Academy of Sciences, which is presently investigating this matter and whose investigation would be expanded under the provisions of S. 2400, will present its findings to the Congress not later than July, 1976. The Congress could then act to impose whatever emission control limitations that it deems appropriate in light of 1976 conditions. I believe that this modest delay of two to three years, with minimal concessions on the level of vehicle emission controls, would serve the larger public interest.

I urge early and affirmative action on S. 2400.

MAINE

Mr. HATHAWAY. Mr. President, the people of Maine have a long and justifiable reputation for independence and resourcefulness. Twice in recent weeks, a writer from Maine, who is also the editor of the Maine Times, Mr. John Cole, has had articles printed in national magazines. Inasmuch as New England in general and Maine in particular have squarely faced the problems of dealing with a rigorous winter along with the cost and shortage of fuel, and Mr. Cole has articulately described the conditions and some possible solutions to these problems, I would like to share with my colleagues the two articles.

I ask unanimous consent to have them printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

As Maine Goes

Geography may not be the parent of ideas, but surely it is an uncle. Maine lunges from the corner of the northeastern United States as if it were leaping to freedom in the North Atlantic. Every schoolchild recognizes the state for its geographic extremity; and the Yankees who live in Maine grow up with a consciousness that they are at the end of the line.

In the heyday years of mass production, mass consumption, and mass waste, Maine sent ambassadors to the industrial heartland, trying to catch the boom as it went by. But the smokestacks never came to Maine, and now that the trend is toward community production, careful consumption, and almost no waste, Maine finds herself in the vanguard. Instead of trying to catch up, she is leading the way.

Her remoteness has traditionally been an incentive to self-sufficiency. Because it takes so long to locate and acquire the new, Maine makes do. More than 80 percent of her homes are heated with oil, however, and last winter's shortage and the continuing price gouge has made Maine take an official look at ways to become less dependent on such shaky power sources.

With secession talk as an inspiration and self-sufficiency as a goal, Maine's lawmakers established an official Office of Energy Resources (OER) a year ago, and the new legislature is considering a plan designed by Robert A. G. Monks, the director of the OER. A classic Yankee combination of thrift and ingenuity, the plan uses Maine-made methanol as a primary fuel source—if and when the lawmakers agree to encourage the fermentation of some 4.5 million tons of wood waste now left annually on the state's forest floor in the wake of pulp- and paper-company cutting. The paper-makers use only the trunk of the tree, yet there is enough clean-burning methanol locked in the boughs and branches to heat all the state's homes and to power every vehicle. The technology of the fermentation process is as old and reliable as the recipe for beer. With 87 percent of Maine covered by timber, the methanol potential escapes computation.

Finding replacement fuels is but half the plan. If the legislature responds, it will also carry out OER proposals to encourage fuel thrift by helping to finance efficient home insulation, by imposing tax penalties on what Monks calls inefficient automobiles, by imposing energy consumption limits on new government buildings (if any are built), and by asking industry to recycle the heat energy generated in the manufacturing process.

Setting Maine free means using the tides that surge unfettered from Kittery to Calais, harnessing the winds that blow more fiercely along this coast than any other, and catching the sun, which shines just as brightly on Maine as it does on Italy. If its 1 million citizens are thrifty enough to conserve, and ingenious enough to create energy from what's now being wasted, Maine may become the first state to make do with the energy it has.

Which means more than merely becoming smug Yankees. For once Maine folk know they can make do, they will look at the nuclear power plants planned (and built) along the coast and wonder why their shoreline must become a super-nuclear platform to feed the wasteful energy appetites of Boston, New York, Philadelphia, and beyond. When Mainers know their survival springs from self-sufficiency, they are not going to allow their bays to be soiled by radioactive systems feeding out-of-state city folk. And that's when the beginning of the end of waste will begin in earnest.—JOHN N. COLE.

[From the New York Times, Mar. 1, 1975]

Thoughts on the Secession of Maine

(By John Cole)

TOPSHAM, ME.—The wet snow drops straight and steadily. Somewhere between our home and the center of town, the burden of its beauty is too much for an aging wolf pine. A limb snaps and falls, taking the roadside utility lines down with it. Our lights blink and die; the furnace shuts down, as do our water pump and refrigerator. We have lost our power, as they say in Maine.

This happens with reasonable regularity where we live, at the tip of a wooded point that tapers gently into Casco Bay. We are miles from town; squirrels, falling branches, ice and errant motorists cut our fragile electrical connection four or five times a year.

Even the children are too accustomed to become excited. There is light and heat coming from the wood stove in the living room and from another in the boys' room; there are plenty of candles, an oil lamp, and we can get icy water from the cistern. We know our routine for being thus set adrift, on our own, and there is satisfaction in it. Collectively reassured by the knowledge that we have planned well enough to survive independently, to stay warm, and even to continue our reading and talking, we are gentled and drawn together, not anxious or irritated.

I can see the snow falling in the luminous night, and I can tell where the white land ends and the dark waters of the bay begin. It is a nocturnal landscape I would have been denied if we had not been marooned by the wounded wolf pine.

In the peace of the still night and the contentment of our collective security, I dream a bit about a continuation of this insularity. Without its links to the beyond, the point becomes an island cradling this house in protective isolation. We can exist, I say, indeed, we can find a kind of fulfillment in making do, in cutting stove wood, in planting a larger garden, in raising a beef creature or two and harvesting crops of mussels, clams and fish from the bay.

And beyond our place, the community could exist. There is enough open land, enough wood, enough water, enough resources for every person in the town. Self-sufficiency is possible in this place—a decentralized, low-energy life-style can be made to work, and it comes naturally to Maine.

It is an old dream, one I return to often—so often I can provide my own detractions: Isolation is selfish and impractical; this world is increasingly interdependent; no one in my family is rugged enough for sustained self-sufficiency or has the sinew for the long, lonesome haul. I know the arguments, and I accept them; but still I go on to ponder a new style of self-sufficiency, not merely for our place, or this town, but for the community of Maine.

I wish there were a great wolf pine at the border that would fall with such a crash that it cut Maine off from the rest of the nation—a kind of natural secession. There would be no trauma; Maine would not be convulsed. Last winter's energy crisis, which brought Manhattan to the edge of panic and introduced cheating, bribery and gunplay in the name of gasoline, was no crisis in Maine; it was scarcely a minor irritation. There were no lines and no anxiety. Never quite fully acquainted with the Industrial Age, Maine folk were never introduced to its early excesses.

But as those excesses grow more swollen, the tendrils of their pain have reached this place. Even as the news reached here of crude oil smothering the shores of three nations along the Singapore Straits and fouling the Celtic fishing boats of Bantry Bay, the Pittston Company stubbornly shoved closer to the time when it would bring its supertankers through the narrow, tide-tossed waters of Head Harbour Passage to berth at Eastport docks which have known only sardine carriers for two centuries. And along the shores of Penobscot Bay, at the edges of that great blue circle that holds its fretwork of islands like green patterns on a Dresden plate, a consortium of New England utilities plans a string of nuclear power plants. Drawing on the cold Atlantic waters and exploiting the pure remoteness of the coast, the consortium will build an ominous nuclear necklace, strung not to serve or enhance its native state but for the profit it will reap from energy-starved cities beyond Maine's border.

Divine secession could change that fate. If she could find herself cut off, insular and isolated, Maine could not only survive and make do, but Maine could become a metaphor for the equilibrium economics that can sustain the nation. In the process, the state's environmental integrity could be preserved, not merely for its citizens, but for the millions who live beyond its borders and need the sustenance of natural truths. If Maine could set that example, might not the nation follow and find its way out of the darkness and violence of the wretched last days of the petroleum century?

As I ask that question, the lights return, the refrigerator hums and the children stir drowsily from their places by the woodstove. Our home is no longer independent; we are part of the network again, and I find no contentment in it. There is no great wolf pine to accomplish the secession of Maine. The people of Maine will have to do it themselves. Secession is a strong word; perhaps self-sufficiency is a more comfortable one. Like Maine, I'm going to keep trying to find ways to make self-sufficiency possible, and unselfish.

NEEDED REFORM OF OUR JUDICIAL SYSTEM

Mr. GARN. Mr. President, I again call the attention of my colleagues to the pressing need for reform of our Federal judicial system.

The recent speech by Chief Justice Warren E. Burger which I requested printed in the Record was a compelling call for congressional action to sustain this vital branch of our Government.

The need for congressional action is immediate. Congress must not continue to delay; rather, we must give our bipartisan consideration to such responsible proposals. Our economic crisis dictates that we must halt Federal spending. However, one does not need a magnifying glass to spot programs that could easily be trimmed to release the relative pittance it would take to make major and substantive improvements.

The February 27th Washington Post and the March 4th New York Times carried thoughtful editorials which so well point out that we have pinched pennies with the Judiciary far too long. If we do not act now, we may find ourselves in the whirlpool of yet another crisis.

I ask unanimous consent that these editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Quality of Justice

Chief Justice Burger's recent gloomy assessment of the state of the Federal judicial system, coming as it did in the wake of the great cover-up verdict, had a sad ironic quality. While the country was still warmed by the afterglow of its most successful law enforcement effort, the Chief Justice warned that it was forcing on the Federal judicial system—and thus on the quality of justice—a condition of acute, progressive deterioration.

Many of the problems catalogued by the Chief Justice are matters for continued, thoughtful consideration by law schools and the organized bar. They include such issues as raising the ethical standards of the profession, sharpening disciplinary procedures and increasing the courtroom competence of the young practitioners sent to court both by the Government and by legal defenders' offices. It is up to the bar and the legal education community to intensify their efforts to remedy these problems.

However, the question of quality of the Federal judiciary itself must be addressed immediately by the Congress. The problem is twofold. There are not enough Federal judges and those already on the bench are underpaid. The Chief Justice pointed out that the number of criminal cases filed in the Federal courts rose by 25 per cent during the last decade and the number of civil cases filed during that period rose by 55 per cent.

The Federal judges, upon whose shoulders this increasingly heavy burden falls and upon whose wisdom and industry the quality of justice largely depends, have not received a salary increase since 1969. Despite the facts that Congress has recently enacted legislation which is bound to increase the work load of the Federal judiciary and that the Judicial Conference of the United States has called upon the Congress to create 52 new judgeships and 13 circuit judgeships, no action was taken by Congress last year.

In justice, as in everything else, you get what you pay for. Right now, according to the Chief Justice, the budget of the Federal judiciary accounts for one-tenth of one per cent of the Federal budget. It is the obligation of Congress to get to work on increasing the number of Federal judges and increasing their compensation to levels commensurate with both the cost of living and the complexity of the tasks they perform.

Help for the Federal Courts

In a speech in Chicago Sunday, Chief Justice Warren Burger made a compelling case for immediate action by Congress to increase the number of federal judges, raise their pay, and provide more money for administrative support. Failure by Congress to do these things promptly, he suggested, could lead to a crisis in the federal courts once the speedy trial act comes into effect and might, in the long run, reduce the quality of federal justice. The situation in those courts is just as serious as the Chief Justice says it is, and this new Congress ought not to dally with it as the preceding Congress did.

The need for more federal judges is pretty much a chronic thing. The work load of the federal courts began expanding at a rapid pace right after World War II and has never slowed down. Although Congress created 70 new judgeships in 1970, the Judicial Conference made a good argument for 52 more in late 1972. A Senate subcommittee, after hearing the views of most of the chief judges around the country, recommended in 1973 that 29 more such judgeships be created. But nothing further happened. Part of the reason for the lack of interest in the subject on Capitol Hill, of course, is purely political. The Democratic Congress did not wish last year to provide another batch of judgeships for Richard Nixon to fill. It is, of course, not likely to be wild about the idea of creating these jobs for President Ford to fill either, but the courts cannot wait much longer. Certainly, they cannot wait until 1977 when a Democratic president might be in the White House.

As the Chief Justice pointed out, part of the reason the courts cannot wait is of the Congress' own making. The speedy trial act, passed last December, will begin to go into effect this July. That act sets time limits on the delay between arrest and trial in federal criminal cases. Although these limits are to be phased in over a three-year period beginning in 1976, the courts need additional judges and funds to prepare for them. Without the judges and the funds the Chief Justice is requesting, either the speedy trial act will be a disaster or the other work of the federal courts will become hopelessly bogged down. While we do not think Congress passed that act quite as casually as the Chief Justice suggested in his speech, we agree with him that Congress ought to give the courts the tools they need to do the job given them.

The Chief Justice's request for the long-delayed salary increases for judges is not new. He has made it before, and he may have to make it again. But that does not detract from the validity of his argument. Judges, like other top officeholders in the federal government, have not received salary increases since 1969. That is simply not fair, and it is beginning to take a toll in the quality of the federal judiciary. Several judges have resigned because their salary ($40,000 for district judges) is substantially below what they could earn in private practice. While it may be good politics for Congress to hold up federal pay increases during the current economic crisis, pinching these pennies in the federal courts is playing a dangerous game. The quality of justice depends heavily on the quality of judges—and that quality is on the way to impairment because Congress has been unwilling to pay for it.

FORMER FCC COMMISSIONER SUPPORTS FIRST AMENDMENT CLARIFICATION ACT OF 1975

Mr. PROXMIRE. Mr. President, Judge Lee Loevinger, formerly of the Minnesota Supreme Court and a Federal Communications Commissioner from 1963 to 1968, recently delivered an eloquent address defending the first amendment against the FCC's control over broadcasting.

Mr. Loevinger, who now practices law here in Washington, spoke on February 26 to the Broadcast Pioneers 15th annual Mike Award banquet honoring station WCCO at the Hotel Pierre in New York City.

His address is a clear, well-reasoned defense of the first amendment. And I am pleased and honored that in it he singled out my bill, The First Amendment Clarification Act of 1975, to support "wholeheartedly and unequivocally."

But even without that support, Mr. President, I would be more than happy to commend it to anyone who wants a concise and pointed explanation of what is wrong with governmental control of broadcasting.

Before asking that it be inserted in the Record, I would like to quote a few highlights of Judge Loevinger's cogent arguments against governmental regulation of programing.

The highlights follow:

To explain the manner and degree of FCC control of broadcast programming content would require a volume of detailed analysis. It is possible here only to suggest some of the constraints. There is the requirement for what the FCC considers "balanced" programming—which means a melange or mix satisfying the current majority of Commissioners on the basis of arbitrary categories. There is the prime time access rule, which specifies that certain types of programs not favored by the Commission cannot be broadcast at particular times of day while other types favored by the Commission can be. The Commission demands that programs be "responsive" to the needs (not the desires) of the community as initially determined by the broadcaster but ultimately adjudged by the Commission. The Commission openly favors local programming, news and so-called "public affairs" programs rather than sports or entertainment, and programming designed to appeal, in a decorous way, to children. The Commission enforces the equal time rule of Section 315, and insists upon compliance with its "Fairness Doctrine" by which it requires a presentation of contrasting viewpoints that meet the standards of the Commission and its staff, under threat of license forfeiture for failure to do so. This doctrine has been further codified and elaborated in rules relating to political editorials and personal attacks.

The Commission has administered these and other measures of control in a relatively benign and reasonable manner, and with frequent references to its beliefs in the general principle of free speech. Nevertheless, the fact is that today no broadcaster can schedule a minute of programming without being aware that some bureaucrat's opinion of that programming may eventually influence the decision to permit or forbid him to continue broadcasting.

* * * * *

Those who argue for government control or influence of broadcast programming on whatever grounds seem to me to misunderstand the meaning of free speech and the First Amendment. Freedom of speech does not mean merely freedom for speech that we approve—that is mere self-indulgence. Freedom of speech does not mean merely freedom for speech we can tolerate—that is only civility. Freedom of speech means freedom for speech that we abhor and reprehend—that is democracy and high principle.

Although I wish that all broadcasters were able and willing to present programming of better quality and higher character than most of that broadcast, the advocacy of full First Amendment freedom for broadcasting does not rest upon any judgment or assumption as to the quality or character of broadcasting.

* * * * *

We live in an age when morals change by the calendar and the eternal verities have a half-life of about one month. It may be, as some contend, that democracy and its attendant freedoms are impractical and unworkable in an era of high technology and mass society. It may be that our pretensions to free speech and civil rights are a mere rhetorical facade for an ever increasing government authority and a dwindling degree of freedom for the private citizen.

The other view, which I hold, is that democracy and its freedoms are more important than ever in a society whose mass and technology increasingly threaten the individual. If life is to be more than physical survival, if life is to have a quality we can call humane, then we must uncompromisingly maintain the principle of democratic freedoms. It is only in freedom that the human spirit can flourish.

Thus the principles that have made this nation the world's greatest bastion of freedom must apply equally to old and new technologies of public expression if they are to have contemporary relevance.

* * * * *

There are times and situations in which principle is more important than consensus or compromise. There are usually dozens of arguments for expediency, and there may be only one argument for principle. But when the one argument is that the principle is morally right, it outweighs all the dozens of arguments on the side of expediency.

Mr. President, I commend Judge Loevinger's entire speech to those either interested in keeping governmental regulation of broadcasting or to those who feel, as I do, that governmental control is unconstitutional.

Mr. President, I ask unanimous consent that his address be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Lee Loevinger

In 1976 we celebrate the 200th anniversary of the American Revolution and this nation's independence. But the greater American revolution was not in 1776 with the declaration of national independence but 13 years later when the United States adopted the Constitution and shortly thereafter the Bill of Rights. These actions established a new form of government based upon moral principles elevating freedom to an unprecedented political value. Under these principles it became the supreme law of the land that speech and publication of all kinds should be free of governmental restraint.

The revolutionary nature of these principles is indicated by the fact that even today, 186 years later, no other country in the world has similarly made freedom of speech a basic political and legal rule.

Within this country there continue to be those who would, for one reason or another and in one guise or another, limit the constitutional principle of freedom of speech and press. The full scope and implications of the principle are still being developed. Social, economic and technological changes continually challenge the premises, the validity and the practicality of the free speech principle. The most important and dramatic conflict between the free speech principle and contemporary conditions and demands undoubtedly occurs in the field of broadcasting.

As Judge David Bazelon has pointed out, when radio first developed into broadcasting there were doubts whether the First Amendment applied to it at all. Broadcasting then held no legitimacy as press, radio was regarded as merely entertainment, and broadcasters viewed themselves as entertainers rather than journalists. (473 F2d 16, at 71–72) In 1928 the Federal Radio Commission said that it was unable to see that the guarantee of freedom of speech had anything to do with radio entertainment programs.

Since that time the Federal Radio Commission has developed into the Federal Communications Commission, a host of cases from the Supreme Court have developed and expanded the scope and meaning of the First Amendment, and the dialogue concerning government relation to broadcasting has become vastly more sophisticated—at least in vocabulary. Today the Commission, the Congress, and the advocates of innumerable groups within the public all loudly declare not only their dedication to the principle of free speech but their recognition that this principle encompasses broadcasting. Nevertheless, the actions of the Commission, the rulings of the courts, and the demands of those groups importuning the FCC all seem to be moving toward greater rather than less government control of broadcasting. When the FCC speaks of broadcasting, the voice is the voice of freedom but the hand is the fist of restraint.

To explain the manner and degree of FCC control of broadcast programming content would require a volume of detailed analysis. It is possible here only to suggest some of the constraints. There is the requirement for what the FCC considers "balanced" programming—which means a melange or mix satisfying the current majority of Commissioners on the basis of arbitrary categories. There is the prime time access rule, which specifies that certain types of programs not favored by the Commission cannot be broadcast at particular times of day while other types favored by the Commission can be. The Commission demands that programs be "responsive" to the needs (not the desires) of the community as initially determined by the broadcaster but ultimately adjudged by the Commission. The Commission openly favors local programming, news and so-called "public affairs" programs rather than sports or entertainment, and programming designed to appeal, in a decorous way, to children. The Commission enforces the equal time rule of Section 315, and insists upon compliance with its "Fairness Doctrine" by which it requires a presentation of contrasting viewpoints that meet the standards of the Commission and its staff, under threat of license forfeiture for failure to do so. This doctrine has been further codified and elaborated in rules relating to political editiorials and personal attacks.

The Commission has administered these and other measures of control in a relatively benign and reasonable manner, and with frequent references to its beliefs in the general principle of free speech. Nevertheless, the fact is that today no broadcaster can schedule a minute of programming without being aware that some government bureaucrat's opinion of that programming may eventually influence the decision to permit or forbid him to continue broadcasting.

The rationale for government control of broadcasting is varied and ambiguous, depending upon the framework of discussion. The reason principally advanced is the argument that the broadcast spectrum, is limited so that not all who wish can be heard. Consequently, it is said, it is necessary for government to choose and license those who will be heard and, therefore, government has the right or duty to supervise what is broadcast under such a license. It is also argued that the public owns the air waves—whatever that metaphor may mean—and the conclusion is then drawn that the government, representing the public, can control the use that is made of the air waves, which is another way of saying that the power of licensing carries the power to control the content of the broadcast licensed. Some argue that everyone is entitled to access to the broadcasting media and that this right requires government enforcement. Many are dissatisfied with the quality of broadcasting and favor government control in the hope that this will make broadcasting more to their taste. Finally, it is argued that broadcasting is too important and influential to be left in private hands—an argument that has been convincing to other governments approximately to the degree that they deny democratic freedom in other realms.

Recently government control of broadcast programming has been increasingly challenged by thoughtful men dictated to the First Amendment principle of free speech. Senator Proxmire has introduced a bill in the 94th Congress, known as S. 2, to recognize and confirm the applicability of the First Amendment to broadcasting. This bill would repeal Section 315 of the Communications Act and would explicitly declare that the FCC has no jurisdiction to forbid or require the broadcasting of any viewpoint or to exercise any power, control, influence or review over the content of any broadcast program, except where such material is otherwise prohibited by law (which refers to recognized First Amendment exceptions, such as obscenity, lotteries, and clear and present danger of incitement to riot). A similar bill has been introduced by Senator Hruska.

As one who believes above all in the moral principles embodied in the Constitution and the Bill of Rights, and who has spent years participating in and observing the actual FCC operation in relation to broadcasting content, I believe wholeheartedly and unequivocally in the Proxmire Bill and declare that nothing less will meet the test of the First Amendment principle. Those who argue for government control or influence of broadcast programming on whatever grounds seem to me to misunderstand the meaning of free speech and the First Amendment. Freedom of speech does not mean merely freedom for speech that we approve—that is mere self-indulgence. Freedom of speech does not mean merely freedom for speech we can tolerate—that is only civility. Freedom of speech means freedom for speech that we abhor and reprehend—that is democracy and high principle.

Athough I wish that all broadcasters were able and willing to present programming of better quality and higher character than most of that broadcast, the advocacy of full First Amendment freedom for broadcasting does not rest upon any judgment or assumption as to the quality or character of broadcasting. I yield to no man, woman or person, in my distaste for most of television. I have said that television is the literature of the illiterate. I would add that it is the opiate of the elite. Radio is more numerous, more segmented and specialized, and thus more diverse. The universe of radio is consequently more encompassing than that of TV and less subject to attack. Yet much of broadcasting is awful, some is merely poor, a modest amount rises to the high level of mediocrity, and a modicum is above that.

This seems like a harsh judgment until one compares the other media forms. Tens of thousands of books are published annually, of which no more than one-tenth are even considered worthy of review. A few dozen make the best seller lists, and even fewer, usually not on the best seller lists, can be considered as making a contribution to literature, culture, or human knowledge. The great majority of books published each year are probably a net social loss in terms of resources required for publication compared to their contribution to society. A similar judgment is inescapable for plays and motion pictures. Of all the material published by newspapers certainly by far the major part is repetitive, and most of the rest is trivial, inconsequential or of interest to only a very few. Without reviewing all the forms of expression, it is apparent that in a free society merit or content is essentially irrelevant to the right of expression. If it were not so, there would be no right of expression, there would be only an all-embracing government bureaucracy telling us what we should see, read and speak.

Fortunately others are coming to this same realization. In 1972 Chief Judge Bazelon, of the U.S. Court of Appeals for the District of Columbia, said that ancient assumptions and crystallized rules have blinded all of us to the depth of the First Amendment issues involved in the Fairness Doctrine. (473 F2d 16, at 64)

The talk of public ownership or public trust as applied to broadcasting, Judge Bazelon stated, is merely a "conclusory label dangerously applied without reference to its history or derivation, and has no constitutional weight of its own." With respect to the argument as to the influence of broadcasting, Judge Bazelon said:

"There is no doubt about the unique impact of radio and television. But this fact alone does not justify governmental regulation. In fact, quite the contrary. We should recall that the printed press was the only medium of mass communication in the early days of the Republic—and yet this did not deter our predecessors from passing the First Amendment to prohibit abridgment of its freedom. If, as has been suggested, we are to focus on the newly acquired role of broadcasting as the 20th century version of the 18th century town meeting or political pamphlet, we must be all the more careful to preserve a 'free press' in the broadcast media. To argue that a more effective press requires a more regulated press flies in the face of what history has taught us about the values and purposes of protecting the individual's freedom of speech." (473 F2d 16, at 79)

Judge Bazelon concluded that "the time is over-ripe to take our blinders off and look further toward First Amendment goals than the next regulatory step which the FCC urges us to take in the name of fairness." (473 F2d 16, at 70) "There is no factual basis for continuing to distinguish the printed from the electronic press as the true news media." (473 F2d 16, at 73)

Although the majority of the Supreme Court has not yet come this far, in 1973 a majority, speaking through the Chief Justice, said with respect to broadcast regulation that "Congress appears to have concluded, however, that of these two choices—private or official censorship—Government censorship would be the most pervasive, the most self-serving, the most difficult to restrain and hence the one most to be avoided." CBS v. DNC, 36 Led 2d 772, at 785.

In the same case Justices Douglas and Stewart in separate concurring opinions stated that broadcasting stands in the same position under the First Amendment as newspapers and magazines and that the electronic press is as much protected from government control as the printed press. Justice Douglas said that:

"The Fairness Doctrine has no place in our First Amendment regime. It puts the head of the camel inside the tent and enables administration after administration to toy with TV or radio in order to serve its sordid or its benevolent ends. In 1973—as in other years—there is clamoring to make the TV and radio emit the messages that console certain groups. There are charges that these mass media are to slanted, too partisan, too hostile in their approach to candidates and the issues.

"The same cry of protest has gone up against the newspapers and magazines. When Senator Joseph McCarthy was at his prime, holding in his hand papers containing the names of 205 communists in the State Department . . . there were scarcely a dozen papers in this Nation that stood firm for the citizen's right to due process and to First Amendment protection. That, however, was no reason to put the saddle of the federal bureaucracy on the backs of publishers. Under our Bill of Rights people are entitled to have extreme ideas, silly ideas, partisan ideas.

"The same is true, I believe, of the TV and radio. At times they have a nauseating mediocrity. At other times they show the dazzling brilliance of a Leonard Bernstein; and they very often bring humanistic influences of far-away people into every home.

"Both TV and radio news broadcasts frequently tip the news one direction or another and even try to turn a public figure into a character of disrepute. Yet so do the newspapers and the magazines and other segments of the press. The standards of TV, radio, newspapers, or magazines—whether of excellence or mediocrity—are beyond the reach of government. Government—acting through courts—disciplines lawyers. Government makes criminal some acts of doctors and of engineers. But the First Amendment puts beyond the reach of government federal regulation of news agencies save only business or financial practices which do not involve First Amendment rights." (36 Led 2d 772, at 813–814)

In 1974 a unanimous Supreme Court held that the application of a "fairness doctrine" to newspapers would clearly abridge freedom of the press guaranteed by the First Amendment. Miami Herald v. Tornillo, 418 US 241. The arguments for application of a "fairness" doctrine, or right of reply to newspapers parallel the arguments for application of a similar principle to broadcasting. The reasoning of the court rejecting these arguments seems equally applicable to broadcasting. It was argued that government has an obligation to insure that a wide variety of views reach the public, and that, under modern conditions, newspapers are big business, organized in large chains, mainly non-competitive, and served by a few national news services. Entry into the market place of ideas served by the print media is almost impossible, the only effective way to insure fairness and accuracy is for the government to require accountability, and this is required by the First Amendment interest of the public in being informed.

The court responded to these arguments that "A responsible press is an undoubtedly desirable goal but press responsibility is not mandated by the Constitution and like many other virtues it cannot be legislated. * * * Faced with the penalties that would accrue to any newspaper that published news or commentary arguably within the reach of the right-of-access statute, editors might well conclude that the safe course is to avoid controversy. Therefore, under the operations of the Florida statute, political and electoral coverage would be blunted or reduced."

The court therefore concluded that:

"Even if a newspaper would face no additional costs to comply with a compulsory access law and would not be forced to forgo publication of news or opinion by the inclusion of a reply, the Florida statute fails to clear the barriers of the First Amendment because of its intrusion into the function of editors. A newspaper is more than a passive receptacle or conduit for news, comment, and advertising. The choice of material to go into a newspaper, and the decisions made as to limitations on the size and content of the paper, and treatment of public issues and public officials—whether fair or unfair—constitute the exercise of editorial control and judgment. It has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press as they have envolved to this time." (418 US 241, at 258)

We live in an age when morals change by the calendar and the eternal verities have a half-life of about one month. It may be, as some contend, that democracy and its attendant freedoms are impractical and unworkable in an era of high technology and mass society. It may be that our pretensions to free speech and civil rights are a mere rhetorical facade for an ever increasing government authority and a dwindling degree of freedom for the private citizen.

The other view, which I hold, is that democracy and its freedoms are more important than ever in a society whose mass and technology increasingly threaten the individual. If life is to be more than physical survival, if life is to have a quality we can call humane, then we must uncompromisingly maintain the principle of democratic freedoms. It is only in freedom that the human spirit can flourish.

Thus the principles that have made this nation the world's greatest bastion of freedom must apply equally to old and new technologies of public expression if they are to have contemporary relevance.

Justice Douglas has said it in these words:

"What kind of First Amendment would best serve our needs as we approach the 21st century may be an open question. But the old fashioned First Amendment that we have is the Court's only guideline; and one hard and fast principle which it announced is that government shall keep its hands off the press. That principle has served us through days of calm and eras of strife and I would abide by it until a new First Amendment is adopted. That means, as I view it, that TV and radio, as well as the more conventional methods for disseminating news, are all included in the concept of 'press' as used in the First Amendment and therefore are entitled to live under the laissez faire regime which the First Amendment sanctions." (36 Led 2d 772, at 817)

The establishment of First Amendment freedom for broadcasters will not be an unmitigated blessing. It will expose them to private pressures and demands against which they may have some measure of protection today, and it will result in political and legal pressures for economic changes and, above all, for more and new forms of competition. Whatever the difficulties these possibilities may involve, I think that broadcasters, particularly those who assume the proud title of "pioneer", must be prepared to bear the risks. There are times and situations in which principle is more important then consensus or compromise. There are usually dozens of arguments for expediency, and there may be only one argument for principle. But when the one argument is that the principle is morally right, it outweighs all the dozens of arguments on the side of expediency.

An American soldier who was captured by the Vietcong and subjected to starvation, privation, torture and propaganda to make him speak out against his country recently wrote in the New York Times of what gave him the strength to exist and survive. He said:

"It was a matter of putting something on the line to back up one's belief in the ultimate good in his country. I questioned as never before: Was this country and Government worth what I was going through?

"The answer was clear. This country and our system of Government are the finest in the world today. With all the problems and injustices which could be pointed out we have the one element that makes us strong. The citizens of this nation have inherent rights and freedoms which allow them full participation in the system politic. * * *

"I came home having learned lessons that could have been taught no other way. Our system is not guaranteed forever. It must be fought for and participated in or it will fail." (New York Times, Feb. 12, 1975, p. 37)

It will be an extremely rough and difficult political fight to secure passage of the Proxmire Bill applying the First Amendment to broadcasting. There is no guarantee of early success and there is a certainty of difficult, bitter resistance and political injury in the fight. However, no broadcaster will be killed or tortured and the injury will be no worse than economic. Broadcasters cannot, in good conscience, avoid fighting politically for those principles that so many have preserved for them at the expense of their bodies and their lives. Any broadcaster who believes that broadcasting is more than a mere means of making money must fight for the Proxmire Bill. In fighting for principle the ultimate risk is small. You have nothing to lose but your wealth; you may preserve democracy and you will save your soul.

THE HANDGUN AMMUNITION CASE

Mr. McCLURE. Mr. President, while the national press writes and speaks as if guns perpetrated evil on their own, and devotes itself to hysterical pleas for legislation which would take guns from sportsmen while leaving them to criminals, the local papers often do better.

With their close to home perspective, they often articulate the attitudes of the people with greater accuracy than the national media, which tend to act as advocates for causes of their own design.

Some legislators may be intimidated by such emotional outpourings, but I was very happy to see that my colleagues from Wyoming have joined in cosponsoring legislation which would prevent the Consumer Product Safety Commission from interfering with our constitutional right to keep and bear arms. Between this Commission and the proposed CPA, there seems to be a determined effort to "protect" us right out of all our constitutional rights.

Mr. President, I ask unanimous consent that an editorial of February 15 from the Wyoming State Tribune be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE HANDGUN AMMUNITION CASE

The best thing that can be said about the Consumer Product Safety Commission's decision to "consider" a ban on pistol bullet ammunition is that it is asking the public for comments on the case. Otherwise, the commission has everything going against it.

The Consumer Product Safety Commission got a request from an organization last June which asked it to hold that pistol ammunition is a hazardous product and in effect, outlaw it. Such a product would be limited to possession of police, the military services, pistol clubs and licensed security guards.

The commission, it might be said in its favor, rejected the request made by the Committee for Handgun Control which has its headquarters in Chicago. It ruled reasonably that if it held that pistol ammunition was hazardous and should be restricted only to police, military, pistol clubs and security guards, then it in effect would be deciding that pistols were outlawed.

The Chicago organization took the commission into federal court and a judge ruled the commission had to consider the request. This has to be one of the more absurd and ridiculous court rulings in recent years because what it does is to place an administrative agency in a legislative responsibility.

Whether handguns are to be banned entirely or partially, or whether guns are to be registered or not, is a legislative function, not the responsibility of an agency of the executive department.

Why this decision by a U.S. district court wasn't appealed by the Consumer Product Saftey Commission isn't immediately clear; the commission bowed to the judge's ukase without demurrer, apparently, and now is asking the public to register its sentiments on the matter.

But even if the commission should receive an overwhelming amount of mail favoring a decision outlawing handgun ammunition, what would it do then? Proceed to hold that pistol bullets are "dangerous" products and should not be possessed by anyone other than those exempted? This still would be an unconstitutional abrogation of the powers of Congress; if such a ruling were issued, then the commission could conceivably outlaw cars, whiskey, knives, and almost any array of consumer items.

We don't think the commission should have given up so easily on that judge's decision; as a government agency it is perfectly able to take its case to the U.S. Court of Appeals or to the U.S. Supreme Court with no financial burden involved.

Both of Wyoming's senators, Cliff Hansen and Gale McGee, have announced they intend to use their legislative authority to do something about this outrageous decision by sponsoring legislation to prohibit the commission from restricting the sale of both firearms and ammunition.

Hopefully the anti-gun nuts in Congress will not mount an offensive against this legislation. Some consideration ought to also be given to the powers and latitude of the Consumer Product Safety Commission. And Senator McGee in particular perhaps should review his co-sponsorship of another consumer agency, a brand new one which would have even greater power over consumer matters, which currently has been re-introduced at this session after having been defeated last year.

This is the proposed U.S. Agency for Consumer Advocacy which would be given the broadest powers yet in consumer areas. (Besides the U.S. Consumer Product Safety Commission, the federal government already has an Office of Consumer Affairs in the Department of Health, Education and Welfare, but so imbued are some legislators and movers and shakers in the consumer field that they apparently feel these two agencies already on the scene are not enough. After viewing the current work of the Consumer Product Safety Commission, we would say there is at least one too many.)

The bill which creates this new Agency for Consumer Advocacy gives it virtually unlimited powers in its role "to protect and promote the interests of the people of the United States as consumers of goods and services which are made available to them through commerce or which affect commerce . . ."

In the holy name of protecting the American consumer, this Frankenstein monster of a bureaucracy can do almost anything.

What the public needs to be protected against more than anything is bureaucracy, and the courts in some cases, run amok.

GHANA CELEBRATES 18TH ANNIVERSARY OF INDEPENDENCE

Mr. HUGH SCOTT. Mr. President, Ghana is today celebrating the 18th anniversary of her independence, at a time when the whole world is beset by inflation coupled with sharp increases in the prices of petroleum products. Nonetheless, Ghana is forging ahead with determination in her development program aimed at raising the standard of living of her people.

Three years ago the Government of Ghana addressed herself to the major task of making the country self-reliant to the highest possible degree within her resources. The government, therefore, placed emphasis on agricultural development as the general strategy to spearhead the country's economic development. The adoption of this policy was dictated by the actual conditions of the economy at that time, and Ghanaians were called upon to muster all available resources to produce the food needed by the nation. The program known as "Operation Feed Yourself" was regarded as an emergency operation aimed at reducing the country's crippling dependence on food imports. The years 1972–74 were, therefore, declared to be "Agricultural War Years," devoted to the increased production of selected crops and livestock. The basic policy under the program is the rapid and orderly development of agriculture toward self-sufficiency in food and raw materials and the diversification of agricultural exports.

Production targets have been exceeded, and Ghana has become self-sufficient in maize—the staple food of the majority—which used to be imported in large quantities. Rice production has reached 70 percent of the national need and Ghana hopes to become self-sufficient in rice this year.

The success story of the economic recovery during the past 3 years will long be remembered. The strict discipline injected into the economy by the government since coming into office has paid off so well that the country has been able to record a balance-of-trade surplus for the first time in the past 2 successive years.

To improve the quality of life of the people, the government has introduced plans for accelerated improvement in housing, health, and education. A crash program of low-cost houses for the low-income group is being pursued vigorously and work is in progress to complete, this year alone, some 5,000 houses started under the program.

A new "Health-on-Wheels" program, aimed at providing more adequate medical services for the rural areas through mobile clinics, has also been instituted.

The government has recently launched a 5-year development plan aimed at effecting a structural transformation of the country's economy and promoting full and efficient use of all of the Nation's resources.

The Government of Ghana has always encouraged foreign participation in its economy, and during the past year many foreign companies, including U.S. businesses, took advantage of a wide range of fiscal and tax incentives and good infrastructure to invest in Ghana. The country continued to maintain very fruitful partnerships with a number of major U.S. companies.

To give practical expression to its relations with its neighbors, Ghana is exporting electrical power to Togo and Dahomey and continues to pursue a policy of friendship and cooperation with all countries.

Ghana is determined to succeed, and with hard work and the sympathetic cooperation of her friends, success is not far off.

HELP FOR THE NEEDY

Mr. McCLURE. Mr. President, the generosity of the American people is well known. Yet, each new story telling of those among us who made a personal commitment to improve the lot of the needy continues to inspire.

I recently learned about Dr. and Mrs. Val Franklin, of Salmon, Idaho, who, in December, embarked on their second annual pilgrimage to Mexico, where they distribute, among other items, eyeglasses to the destitute. The Franklins' story was told in a recent edition of the Salmon Record-Herald and I would like to share it with my colleagues, and I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Glass Frames, Lenses Needed—Franklins Plan Trip To Assist Destitute

Dr. and Mrs. Val Franklin of Salmon are preparing for their second annual visit to Mexico in a personal endeavor to assist destitute Mexicans of all ages.

The main goal is to provide glasses to those with sight problems.

Dr. Franklin, an optometrist, and Mrs. Franklin traveled some seven thousand miles last winter to visit out-of-the-way villages from Guadalajara to beyond Mexico City.

They now are collecting glass frames and lenses and have appealed to anyone having old glasses to turn them in at their office on Main Street.

Also being sought are children's shoes which they say are needed for youngsters to prevent them from picking up diseases through the feet.

"We feel the problem with children are diseases because sanitation is so bad," Mrs. Franklin said. "Half their problem is contact with filth on the ground."

The Franklins, who will leave in January on their "mission," also are collecting soap and disinfectants, clothing, food, reading material, school supplies.

They plan to spend two months distributing the items to the needy they come across during their tour. They plan to visit the same villages as a "follow-up" of their work last year.

Mrs. Franklin said they are planning to take their supplies south in a large motor home.

She said that the poverty they found in the areas they visited last year was "just terrible." And the people lacked the transportation and financial means to travel to where they could have optical work done.

"They are very, very poor and can't afford it. They beat the brush to find enough food to eat," Mrs. Franklin said.

"We are not medical people so we can't give antibiotics or prescribe, but we can teach them how to disinfect and clean up. And we can deal with their eyes."

The Franklins on reaching a village put up a sign telling the people they will work with their eyes and that it is a public service.

"We try to put colored glasses on those so terribly blinded by the sun," Mrs. Franklin said.

They plan to take along the old frames and lenses they have accumulated but want all the glasses they can get as well as sun glasses.

Last year they visited "hundreds upon hundreds" of people.

"The Mexican government was really receptive to our idea and has treated us royally. We have a letter of permission to assist the poor," Mrs. Franklin said.

"We have purchased a lot of pens and pencils to take with us and some of our friends are making children's clothing. We have been given new and used clothing. The local motels and hotels have been saving the leftover soap bars from the guest rooms and we now have some 500 pounds of soap to take with us."

Mrs. Franklin noted their program is a personal one and not connected with any church.

"We are going again on our own. Last year we were gone six weeks but this year we hope to spend two months. Many people down there are living in paper boxes and packing cartons and huddle beneath with the rain drenching through on top of them.

"There are lots of villages in the high country we couldn't get to because of lack of roads.

"We would stop in what appeared to be an isolated spot to eat our lunch only to find we were soon surrounded by hungry faces and in the end we would give them our food."

The Franklins, who both speak Spanish, got the idea of trying to be of some help from Mrs. Franklin's sister and brother-in-law, Mr. and Mrs. David Watts.

"He was an evangelist on the Gulf of Mexico and he told us what he had seen and how great the need so we decided to go down and look around," Mrs. Franklin said.

"We don't call ourselves missionaries, but those we help call us missionaries. It is a pity we can't help more of them. During our visit last year we saw upwards of 80 in a day."

SENATE RESOLUTION 94—PUBLIC LAW 480 AID TO CAMBODIA

Mr. HATFIELD. Mr. President, since Senate Resolution 94 was submitted on Monday, the State Department has announced an increase in the rice being airlifted into Cambodia by establishing a title II program of 20,000 tons of rice. This will mean that an additional 100 to 150 tons of rice will be delivered to Phnom Penh each day, and that this rice will be distributed through a title II program. I commend the State Department for this action; it is a step in the right direction.

More, however, can and must be done. Our food efforts directed toward humanitarian relief must be increased to the maximum amount during the next few weeks. Since it takes 90 days from the time food is committed by our Government under the Public Law 480 program until it actually arrives in Phnom Penh, the critical amounts of food needed for immediate relief must be taken from what is already in the pipeline, and expedited to those most in need. That is the purpose and general goal of this resolution.

There may be questions as to the quantity of food and other humanitarian supplies that can be effectively utilized by the voluntary agencies in Cambodia. But there is no question that the magnitude of need, and the capability of the voluntary agencies to handle food relief supplies, far exceeds their present efforts.

Food commodities going to Cambodia at this time are made available first to those in the army, and then to Government officials, and then to the market, where prices prohibit all but the rich from buying amounts adequate for their nutritional needs.

Those who need our food aid the most are receiving the least. This resolution would change the present pattern of distribution by directing more aid through the voluntary agencies operating in Phnom Penh. With the additional title II aid announced by the State Department, the resolution would have the effect of increasing title II aid to 325 tons a day, leaving an equal amount for distribution through Government channels.

It may be that this amount will exceed the capability of the voluntary agencies to distribute it. No one really knows what their capability is in this instance. But should it be exceeded, I am sure they will relinquish the surplus for redistribution through Government channels or for the creation of stockpiles which will be needed in the future regardless of the political situation in Cambodia. In any event, the purpose of this resolution is to distribute as much food as possible to the hungry in Phnom Penh through a Public Law 480 title II program.

UNEMPLOYMENT AND THE PRESIDENT'S STATEMENT

Mr. JAVITS. Mr. President, yesterday, the White House Press Office announced that President Ford will request $1.6 billion in supplemental funds for public service employment opportunities under title VI of the Comprehensive Employment and Training Act—CETA—and $412 million under that act for summer jobs for poor youth.

This is a most welcome commitment for fiscal 1975 and demonstrates an understanding by the President of the urgent needs of our people in this unemployment crisis. This is a real victory for human relations.

PUBLIC SERVICE JOBS

Together with the $875 million already appropriated for public service jobs under title VI of the Comprehensive sive Employment and Training Act, the $1.6 billion which the President is now requesting will provide an aggregate total of $2.5 billion for fiscal year 1975—the full amount authorized by the Congress for fiscal year 1975 under title VI.

The statement by the Press Secretary indicates that the President's proposal will provide funding for 310,000 public service jobs through fiscal year 1976.

The Department of Labor has advised me that the 310,000 estimate includes jobs that may be provided from the $2.5 billion aggregate appropriation under title VI for fiscal year 1976 and appropriations under title II of the Act—for which the administration has already requested $400 million for fiscal year 1976—under the "such sums" authorization for that title now contained in CETA.

For the same period—through fiscal year 1976—Senator Williams and I have proposed that standby authority be available to make possible a level of 1 million public service jobs.

To that end, on February 7, joined by 16 of our colleagues, we introduced S. 609, the Emergency Public Service Employment Extension Act of 1975, a bill to extend for 1 year, fiscal year 1976, the authorization of appropriations for the emergency job program under title VI.

While the President's plan would therefore spread the use of requested fiscal year 1975 supplemental funds through fiscal year 1976—rather than seek a new authorization of appropriations for fiscal year 1976, as we have proposed—the supplemental request itself is most welcome.

SUMMER JOBS FOR YOUTH

Mr. President, the $412 million requested by the President for summer jobs for youth—which will provide approximately 760,000 summer jobs for youth—is a significant—even if not yet adequate—response by the President to a letter which I, joined by 19 other Senators, transmitted to the White House on February 28. Joining with me were Senators Beall, Brooke, Case, Cranston, Hart, Hathaway, Humphrey, Jackson, Kennedy, McGovern, Muskie, Nelson, Pell, Randolph, Ribicoff, Stafford, Tunney, and Williams.

In that letter, we requested that the President submit a revised budget request for fiscal year 1975 for an aggregate of $680,211,844 to meet the urgent needs for 1,147,847 summer youth jobs and related transportation and recreational activities for this summer, as documented in surveys conducted by the National League of Cities, and the National Recreation and Park Association.

The President's request, while substantial and commendable, is still 387,847 opportunities short of the needs in the summer youth job program, and will not meet at all the needs for transportation and recreational opportunities which the cities have documented.

The President anticipates that some of these needs will be met by State and local governmental prime sponsors from general funds under CETA title I for manpower training.

However, as we noted in our letter to the President:

> . . . because of the very substantial needs for comprehensive programs for adults and others under title I—stemming from the crisis unemployment situation—it is clear that title I cannot be regarded as an adequate source to meet to any significant extent the aggregate needs for summer youth jobs and transportation that we have documented. Already, preliminary estimates from the Department of Labor suggest that only a small number of prime sponsors have been able to plan for a summer youth job program, even at last year's level—which will clearly be inadequate.

Accordingly, given the great overall needs for sufficient resources to deal with the problem of unemployment, I shall continue to seek—as I did in my testimony before the Appropriations Committee, the full amount documented to make sure that 1.1 million jobs are provided, as well as full funding for recreation and transportation. As we noted in our letter, almost three times that many youth, or 3.1 million, will be out looking for work and any funds also allocated by the States, cities, and counties from title I can help further to bridge the gap.

I am encouraged by the President's action yesterday that additional funds can be sought for the very badly needed summer job program and full appropriations will be sought under the existing authorization for the public service jobs program.

Mr. President, I ask unanimous consent that there be printed in the Record a copy of our letter to the President of February 28, together with materials documenting the needs of the cities, along with a copy of the President's statement, and an article entitled "President Seeks $2 Billion More for Public Jobs," which appeared in today's New York Times, as well as the basic text of my testimony before the Subcommittee on Labor-HEW Appropriations of the Senate Appropriations Committee, which includes also requests for supplemental funds under the Economic Opportunity Act of 1964.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Labor and
Public Welfare,
Washington, D.C., February 28, 1975.

Hon. Gerald R. Ford,
President, The White House,
Washington, D.C.

Dear Mr. President: We urge you to submit revised budget requests for fiscal year 1975, aggregating $680,211,844, to meet urgent needs for 1,147,847 summer youth jobs and related transportation and recreational activities for this summer. Last summer, an aggregate of $397.0 million was made available for these purposes which included approximately 709,200 nine-week jobs.

Our request consists of the following elements:

First, an aggregate of $649,681,402 for the provision of 1,147,847 summer jobs for economically disadvantaged youth 14 to 21 years of age, as authorized under section 304(a) (3) of the Comprehensive Employment and Training Act of 1973. Each job would provide a nine-week opportunity of 26 hours a week at the minimum wage of $2.10 an hour. The 1,147,847 jobs consist of 458,463 in the Nation's 50 largest cities, and 689,384 jobs in smaller cities and other areas. Last summer, $380.0 million was made available for approximately 709,200 nine-week jobs.

These needs are documented on a city-by-city basis in the enclosed letter dated January 29, from Alan E. Pritchard, Executive Vice President of the National League of Cities, in response to a request made by Senator Javits.

Second, $4,530,442 under section 304(a) (3) of the Comprehensive Employment and Training Act of 1973 to provide transportation to youth to enable them to participate in the summer youth job program. Last summer, approximately $1.7 million was made available.

This request is set forth in the enclosed letter dated February 6, from Mr. Pritchard.

Third, $26,000,000 to provide recreational opportunities to poor youth, six to 13 years of age, under the Summer Youth Recreation program authorized by section 222(a) (13) of the Economic Opportunity Act of 1964, as amended by P.L. 93–644, which became law on January 4. $15.3 million was provided last summer.

This request is set forth in the enclosed letter dated February 25, from Dwight F. Rettie, Executive Director of the National Recreation and Park Association.

The Administration has not submitted any specific budget requests for any of these elements.

We note that summer youth job programs are among the eligible activities for which state and local governmental prime sponsors may use funds allocated to them under title I of CETA, "Comprehensive Manpower Services".

However, because of the very substantial needs for comprehensive programs for adults and others under title I—stemming from the crisis unemployment situation—it is clear that title I cannot be regarded as an adequate source to meet to any significant extent the aggregate needs for summer youth jobs and transportation that we have documented. Already, preliminary estimates from the Department of Labor suggest that only a small number of prime sponsors have been able to plan for a summer youth program, even at last year's level—which will clearly be inadequate.

While the Nation as a whole continues in a severe recession with unemployment at 8.2 percent in January and 7.5 million unemployed—and with the Administration's projections that unemployment will average 8.1 percent throughout this calendar year—poor youth, which have unemployment levels of 30 to 40 percent even in better times, are expected to suffer rates of 50 percent and more this summer. The National League of Cities, which has projected such a rate, indicates that it expects more than 3.1 million poor youth to be looking for jobs this summer.

We urge, in light of the serious emergency situation for the coming summer, that you send to the Congress a revised budgetary request for a special youth job program and related transportation and recreation, to meet the aggregate needs which we have documented.

Sincerely,

Jacob K. Javits, Alan Cranston, Jennings Randolph, George McGovern, Hubert H. Humphrey, Walter F. Mondale, Clifford P. Case, Edward M. Kennedy, Claiborne Pell, Henry M. Jackson, Harrison A. Williams, Jr., Robert T. Stafford, John V. Tunney, Edward W. Brooke, Abraham Ribicoff, J. Glenn Beall, Philip A. Hart, William D. Hathaway, Edmund S. Muskie, Gaylord Nelson.

NATIONAL LEAGUE OF CITIES,
January 29, 1975.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: In accordance with your request and as in the past, we have surveyed the nation's cities to determine the needs for a summer youth employment program this year.

The information we have received from the 50 largest cities shows that the total number of slots these cities could effectively use this summer is 458,463. On the basis of our contacts with a sample of smaller cities, we estimate that their needs for summer jobs total 689,384. Combining these figures, the present real need for 1975 is 1,147,847 slots nationwide.

As you are aware, rapidly rising unemployment rates and deteriorating economic conditions are having a severe impact on joblessness among youth. With projected increases in the number of disadvantaged youth and alarming numbers of lay-offs in both the private and public sectors, an unemployment rate of 50% or more may be anticipated among disadvantaged youth this summer.

Congress has recognized the crisis of unemployment among adults through the Emergency Jobs and Special Unemployment Assistance Act of 1974, and it is essential that it address this separate crisis of unemployment among youth.

As summer job prospects for youth in the private sector become increasingly dim, it is clear that job creation in the public sector must be greatly expanded to fill this void. In addition, local government lay-offs are rapidly expanding and substantial efforts made by cities to hire youths during the summer months with local funds will be severely curtailed. In facing dramatically increased needs and evaporating job opportunities, your leadership is again urgently requested in securing additional funds for a summer employment program at the earliest possible date. Adequate time to plan and implement summer youth programs is critical to the operation of an effective national effort.

While it is clear from the survey that those eligible for a summer youth employment program far exceed the capacity of cities to employ these youngsters effectively, it is urgent that the Congress also address the need for additional funds for a recreation program to provide disadvantaged youngsters with some form of constructive activity during the summer months. We are currently in the process of surveying city needs for recreation programs and should have this information to you shortly.

We would appreciate your assistance again this year in assuring adequate funding for a summer jobs program.

Sincerely,

ALLEN E. PRITCHARD, Jr.,
Executive Vice President.

SAMPLING OF CITIES OTHER THAN 50 LARGEST

	1974 Actual		1975		
City	Funding[1]	Slots[2]	Number eligible	Effectively employ	Funding need[3]
Region I:					
Bridgeport, Conn	$1,074,314	2,008	4,500	3,000	$1,698,000
Cambridge, Mass	616,566	1,152	1,200	1,000	566,000
Lowell, Mass	385,052	719	1,600	1,000	566,000
Worcester, Mass	348,291	651	1,700	1,200	679,200
Region II:					
Elizabeth, N.J	173,228	322	1,500	375	212,250
Albany, N.Y	401,086	749	5,000	5,000	2,630,000
Yonkers, N.Y	178,286	333	900	600	339,600
Carolina, P.R	498,180	931	6,000	4,000	2,264,000
San Juan, P.R	1,166,329	2,180	12,296	3,117	1,764,222
Region III:					
Erie, Pa	185,745	347	2,500	650	367,900
Hampton and Newport News, Va	557,863	1,042	2,000	1,300	735,800
Region IV:					
Huntsville, Ala	264,980	495	2,000	1,200	679,200
Montgomery, Ala	658,920	1,231	1,800	1,800	1,018,800
Savannah, Ga	297,401	555	2,500	1,050	594,300
Lexington, Ky	502,790	939	3,000	1,200	679,200
Jackson, Miss	551,117	1,030	3,000	1,200	679,200
Durham, N.C	449,046	839	1,800	839	474,874
Greensboro, N.C	297,574	556	1,500	1,000	566,000
Chattanooga, Tenn	548,910	1,026	2,175	1,975	1,117,850
Knoxville, Tenn	712,386	1,331	4,500	2,000	1,132,000
Region V:					
Peoria, Ill	260,742	487	2,000	650	367,900
Evansville, Ind	745,308	1,393	3,040	1,500	849,000
Fort Wayne, Ind	584,414	1,092	2,000	2,000	1,132,000
Gary, Ind	2,713,313	5,071	7,000	6,500	3,679,000
South Bend, Ind	$522,918	977	2,000	1,101	$523,166
Dearborn, Mich	36,540	68	120	120	67,920
Duluth, Minn	143,135	267	4,000	2,000	1,132,000
Akron, Ohio	772,002	1,442	2,300	1,800	1,018,800
Canton, Ohio	317,121	592	700	667	377,522
Youngstown, Ohio	1,048,872	1,960	10,000	6,000	3,396,000
Region VI:					
Little Rock, Ark	768,039	1,435	2,200	1,481	838,246
Shreveport, La	314,340	587	4,035	1,200	679,200
Albuquerque, N. Mex	475,776	889	10,500	2,500	1,415,000
Region VII:					
Cedar Rapids, Iowa	77,053	144	1,400	300	169,800
Des Moines, Iowa	471,468	881	4,500	1,200	679,200
Kansas City, Kans	391,248	731	1,600	1,142	646,372
Wichita, Kans	525,768	982	2,000	1,300	735,400
Springfield, Mo	114,589	214	300	300	169,800
Region VIII: Salt Lake City, Utah	285,128	532	2,000	700	396,200
Region IX:					
Tucson, Ariz	814,416	1,522	4,500	3,000	1,698,000
Glendale, Calif	71,155	133	2,000	200	113,200
Region X:					
Spokane, Wash	318,724	595	3,404	600	339,600
Tacoma, Wash	641,021	1,198	2,500	2,000	1,132,000
50 largest total	138,151,082	258,202	1,268,972	458,463	259,490,058
Balance of cities	241,848,918	450,998	1,909,593	689,384	390,191,344
Total	380,000,000	709,200	3,178,565	1,147,847	649,681,402

SUMMER YOUTH EMPLOYMENT PROGRAM

Region I: Boston	$2,480,867	4,637	18,000	18,000	$10,188,000
Region II:					
Buffalo	1,275,620	2,384	40,000	10,000	5,660,000
Newark	3,442,799	6,435	25,900	11,000	6,226,000
New York	24,473,511	45,744	426,000	80,000	45,280,000
Rochester	637,558	1,191	6,000	2,000	1,132,000
Region III:					
Baltimore	4,183,526	7,819	17,600	12,000	6,792,900
Norfolk	1,535,979	2,870	11,680	3,500	1,981,000
Philadelphia	4,315,810	8,066	52,792	22,000	12,452,000
Pittsburgh	2,568,647	4,801	7,000	7,000	3,962,000
Washington, D.C	6,563,092	12,267	25,000	18,000	10,188,000
Region IV:					
Atlanta	$1,489,979	2,785	10,000	5,388	$3,049,608
Birmingham	1,123,440	2,099	7,700	2,774	1,570,084
Jacksonville	844,711	1,578	20,000	2,500	1,415,000
Louisville	1,210,223	2,262	15,000	4,000	2,264,000
Memphis	1,445,064	2,701	12,250	2,716	1,537,256
Miami	2,354,311	4,400	6,500	4,400	2,490,400
Nashville	738,378	1,380	4,000	2,500	1,415,000
Tampa	1,192,915	2,229	7,000	6,515	3,687,490
Region V:					
Chicago	19,209,563	35,905	85,000	50,000	28,300,000
Cincinnati	1,533,527	2,866	40,000	5,000	2,830,000

SUMMER YOUTH EMPLOYMENT PROGRAM—Continued

City	1974 Actual		1975		
	Funding[1]	Slots[2]	Number eligible	Effectively employ	Funding need[3]
Region V—Continued					
Cleveland	$4,919,923	9,196	24,200	18,000	$10,188,000
Columbus	899,175	1,680	2,500	2,500	1,415,000
Detroit	5,095,798	9,524	40,000	23,000	13,018,000
Indianapolis	1,056,816	1,975	12,000	4,500	2,547,000
Milwaukee	1,319,978	2,467	6,000	3,713	2,101,558
Minneapolis	1,104,440	2,064	6,000	3,500	1,981,000
St. Paul	431,679	806	3,200	3,200	1,811,200
Toledo	673,997	1,259	2,000	1,400	792,400
Region VI:					
Dallas	1,071,619	1,902	45,000	4,000	2,264,000
El Paso	546,547	1,021	6,000	4,672	2,644,352
Fort Worth	459,190	858	2,500	1,600	905,600
Houston	2,126,840	3,975	12,000	4,000	2,264,000
New Orleans	1,607,513	3,004	10,000	10,000	5,660,000
Oklahoma City	557,096	1,041	3,000	2,400	1,358,400
San Antonio	2,856,730	5,339	10,000	5,500	3,113,000
Tulsa	553,663	1,034	2,000	1,300	735,800
Region VII:					
Kansas City, Mo	$1,835,348	3,430	13,000	5,000	$2,830,000
Omaha	1,069,481	1,999	2,500	2,000	1,132,000
St. Louis	2,810,441	5,253	9,500	7,500	4,245,000
Region VIII: Denver	1,578,466	2,950	9,250	4,000	2,264,000
Region IX:					
Honolulu	966,788	1,807	3,000	2,500	1,415,000
Long Beach	764,769	1,429	7,500	2,500	1,415,000
Los Angeles	6,902,818	12,902	75,000	30,000	16,980,000
Oakland	1,705,211	3,187	10,000	5,850	3,311,100
Phoenix	2,146,338	4,011	60,000	9,000	5,094,000
San Diego	2,017,157	3,770	25,000	6,000	3,396,000
San Francisco	2,167,803	4,051	8,000	8,000	4,528,000
San Jose	1,178,891	2,203	4,000	3,535	2,000,810
Region X:					
Portland	1,024,404	1,914	5,000	5,000	2,830,000
Seattle	4,136,643	7,732	13,000	5,000	2,830,000

[1] Department of Labor figures.

[2] Figures based on consortia (where applicable) dollar allocations averaging $535 per slot.

[3] Figures based on a cost of $566 per slot; 26 hr per week at $2.10 per hour for 8 weeks.

FEBRUARY 25, 1975.

Senator JACOB JAVITS,
326 Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: We are pleased to respond to your request for information regarding dollar needs for operation of the 1975 summer Recreation Support Program (RSP), authorized by the "Headstart, Economic Opportunity and Community Partnership Act of 1974." The National Recreation and Park Association has surveyed the Comprehensive Employment and Training Act "Prime Sponsors," designated in the program's authorization as RSP sponsoring agencies. We specifically requested data on the amount of money needed to run the summer recreation program in the summer of 1975.

The Prime Sponsors were asked to provide NRPA with the dollar figure they would like to receive and could effectively spend in 1975, given staffing, facility and planning limitations. NRPA also asked how much money recipient communities received in 1973 and 1974. This information is basic to ascertaining 1975 funding levels, since the program's authorization contains a hold-harmless clause which insures that no community will receive fewer RSP funds in 1975 than received in the summers of 1973 or 1974.

Though the complete survey results are not yet in, we project the communities will express a need in the range of $30–$40 million. However, given the past levels of funding and the present directives for fiscal conservatism, we feel that a $26 million appropriation level will fund a meaningful Recreation Support Program in 1975.

Sincerely,

DWIGHT F. RETTIE,
Executive Director.

PRESIDENT SEEKS $2-BILLION MORE FOR PUBLIC JOBS

(By John Herbers)

WASHINGTON, March 5.—President Ford, taking another step to alleviate high unemployment, called today for the expenditure of more than $2-billion above his budget for public service jobs.

A statement issued by the White House press office said that Mr. Ford had decided to seek supplemental funding of $412-million for 760,000 additional summer jobs for youths and $1.625-billion for extending some 310,000 public service jobs for six months.

The President's action, however, fell short of the demands many members of Congress have been making for emergency employment and is not considered likely to have a major impact on high unemployment.

EARLIER STEPS TAKEN

Earlier, President Ford recommended a $16-billion income tax rebate to individuals and corporations and announced he would release up to $2-billion in highway construction funds to spur the economy. He is expected to take additional steps if unemployment is at an unusually high level in the months ahead.

Meanwhile, bowing to Republican pressure, the House Democratic leadership scheduled action next Tuesday on the vote to override President Ford's veto of the curb on oil import fees, after initially saying the vote would be postponed for 60 days. (Page 26.)

The President made his decision after a meeting yesterday with his economic advisers and after House Democrats announced they would seek an additional $5.9-billion for more public service jobs and public works projects.

In addition to the statement about the added job funds, the White House also announced that President Ford will hold a news conference, which will be nationally televised, at 7:30 P.M. tomorrow.

Mr. Ford's recommendation for $1.625-billion would not add new public service jobs. But it would keep some 310,000 persons, who are employed under legislation now in effect, on the payroll for six months past the cutoff date of next Jan. 1. Ron Nessen, the White House press secretary, and Paul O'Neill, deputy director of the Office of Management and Budget, said that if the additional funds were not provided, the states, cities and other agencies that administer the program would have to start phasing out their employment projects next July 1.

The $1.625-billion thus would supplement the $2.5-billion that is in the President's budget for public service jobs and manpower programs.

SUMMER YOUTH JOBS

The summer youth employment would come under separate legislation, the Comprehensive Employment and Training Act, enacted in December, 1973, as an additional hedge against unemployment.

The White House statement said the state and local governments, which administer the funds for several purposes, would not provide as much money this year as they did last year for summer youth work, apparently because of the high number of adults who need jobs. Mr. O'Neill said that although exact figures were not available it appeared that the $380-million spent for youth jobs last summer would be cut in half this year.

"Therefore, the President has decided to seek supplemental funding for specific summer youth programs this year in the amount of $412-million," the White House statement said. "This will insure an additional 76,000 summer youth job opportunities on top of the allocations made by state and local sponsors from [Federal] funds already provided."

On Feb. 28, Senator Jacob K. Javits, Republican of New York, and 19 other Senators of both parties wrote President Ford urging him to request $680-million in new funds to provide 1.1 million summer youth jobs.

SENATORS' VIEW EXPRESSED

"While the nation as a whole continues in a severe recession with employment at 8.2 per cent in January and 7.5 million unemployed, and with the Administration's projections that unemployment will average 8.1 per cent throughout this calendar year," the Senators wrote, "poor youth, which have unemployment levels of 30 to 40 per cent even in better times, are expected to suffer rates of 50 per cent and more this summer. The National League of Cities, which has projected such a rate, indicates that it expects more than 3.1 million poor youth to be looking for jobs this summer."

Senator Javits, advised of President Ford's actions, said that it was a "real victory for human relations" but still fell short of the need.

He said he would continue to work for the full amount "and I am encouraged by the President's action today that additional funding can be obtained for this badly needed program."

President Ford was also reported in the statement to be concerned about the possibility that unemployed workers would exhaust their unemployment compensation benefits and asked that a staff study of the problem be made for his prompt review.

There was no indication as to how the President would come to terms with the move by House Democrats to appropriate $5.9-billion over the executive budget for public service jobs, public works projects and other programs that would increase employment. The idea behind the move sponsored by Speaker Carl Albert and other leaders is to provide 900,000 additional jobs.

TESTIMONY OF SENATOR JAVITS BEFORE THE SUBCOMMITTEE ON LABOR-HEW APPROPRIATIONS

Mr. Chairman, I appreciate this opportunity to appear before you today in connection with the second supplemental appropriations bill, which will soon be coming to the Senate from the House.

I am here to urge that you include in that bill increased funding for programs under the Comprehensive Employment and Training Act of 1973 (as amended by the Emergency Jobs and Unemployment Assistance Act of 1974) and the Economic Opportunity Act of 1964—the key legislative authorities for programs to assist the poor, the unemployed and the underemployed—those that are particularly in the grip of the present high rate of unemployment, as well as a high rate of inflation.

The national rate of 8.2 percent unemployment with 7.5 million unemployed in January is bad enough, but in the depressed city and rural poverty pockets, rates of 50 percent and more are not uncommon among minority group youth.

In terms of inflation, as President Ford stated in his economic address to the Congress on October 8, 1974:

. . . "low-income and middle-income Americans have been hardest hit by inflation. Their budgets are most vulnerable because a larger part of their income goes for the highly inflated costs of food, fuel, and medical care."

This very dismal situation was brought home to me again just yesterday at hearings of the Committee on Labor and Public Welfare in New York City, chaired by Senator Williams, Chairman of the Committee, concerning unemployment and a number of measures we have proposed to deal with it.

The unemployment rate in New York City for January was a shocking 10.6 percent (compared with 8.5 percent in December), with the entire State of New York at a rate of 9.3 percent (compared with 7.6 percent in December). In Buffalo, the rate was 13.4 percent (compared with 10.3 percent in December).

We heard from a number of public officials, labor unions, and the community groups, as well as unemployed persons themselves, and I can tell you that the situation is absolutely catastrophic.

Clearly, we are no longer only in a "war against poverty"—we are in a "war against depression".

To deal with this situation, I urge the following actions by the Appropriations Committee.

JOBS AND RELATED PROGRAMS

First, joined by 19 Senators—who wrote the President and the Committee on February 28—an aggregate of $680,211,844 to meet the urgent needs for 1,147,847 summer youth jobs and related transportation and recreational activities for this summer. Last summer, an aggregate of $397.0 million was made available for these purposes which included approximately 709,200 nine-week jobs. There is no specific budget request for these items.

Co-signatories of the letter to the President include Senators Beall, Brooke, Case, Cranston, Hart, Hathaway, Humphrey, Jackson, Kennedy, McGovern, Mondale, Muskie, Nelson, Pell, Randolph, Ribicoff, Stafford, Tunney, and Williams.

This request consists of the following elements:

An aggregate of $639,681,402 for the provision of 1,147,847 summer jobs for economically disadvantaged youth 14 to 21 years of age as authorized under section 304(a)(3) of the Comprehensive Employment and Training Act of 1973. Each job would provide a nine-week opportunity of 26 hours a week at the minimum wage of $2.10 an hour. The 1,147,847 jobs consist of 458,463 jobs in the Nation's 50 largest cities, and 689,384 jobs in smaller cities and other areas—which the cities indicate they can use effectively. Last summer, $380.0 million under this heading was made available for approximately 709,200 nine-week jobs.

These needs—which can still meet only one-third of the total target group of 3.1 million youth—are documented on a city-by-city basis in a letter dated January 29, 1975, from Alan E. Pritchard, Executive Vice President of the National League of Cities, in response to a request I made.

$1,530,442 under section 304(a)(3) of the Comprehensive Employment and Training Act of 1973 to provide transportation to youth to enable them to participate in the summer youth job program. Last summer, approximately $1.7 million was made available.

This request is set forth in a letter dated February 6, from Mr. Pritchard.

$26,000,000 to provide recreational opportunities to poor youth, six to 13 years of age, under the Summer Youth Recreation program authorized by section 222(a)(13) of the Economic Opportunity Act of 1964, as amended by P.L. 93-644, the Headstart, Economic Opportunity and Community Partnership Act of 1974, which became law on January 4. $15.3 million was provided last summer.

This request is set forth in a letter dated February 25, from Dwight F. Rettie, Executive Director of the National Recreation and Park Association.

I ask that these documenting letters be made a part of the hearing record, along with copies of our letters to the President and to this Committee.

We note that summer youth job programs are among the eligible activities for which state and local government prime sponsors may use funds allocated to them under title I of CETA, "Comprehensive Manpower Services".

However, because of the very substantial needs for comprehensive programs for adults and others under title I—stemming from the crisis unemployment situation—it is clear that title I cannot be regarded as an adequate source to meet to any significant extent the aggregate needs for summer youth jobs and transportation that have been documented. Already, preliminary estimates from the Department of Labor suggest that only a small number of prime sponsors have been able to plan for a summer youth job program at last year's level—which will clearly be inadequate.

The Department of Labor is currently canvassing prime sponsors to obtain an estimate of what has actually been committed and I shall work with the Committee to provide that information.

Second, I am pleased to join with Senators Kennedy and Cranston, who appeared before this Subcommittee on Thursday, February 27, in their request for an additional $1.6 billion for title VI of the Comprehensive Employment and Training Act, as added by title I of the Emergency Jobs and Unemployment Assistance Act of 1974. $2.5 billion was authorized for fiscal year 1975 for that title; of that amount, $875.0 million has been appropriated.

It is true that not all of the $875.0 million already appropriated has been utilized at this moment by State and local governmental prime sponsors under the Act, but our indications are that they are well underway and will be in a position to utilize these additional funds we request. By providing the appropriations now, the Department will be able to plan for appropriate allocations in the coming months.

Under the Act, funds appropriated this fiscal year can be obligated until December 31, 1975, and projects can continue twelve months from their commencement, so that the funds need not be made available prematurely.

The sponsors of this request estimate that the additional $1.6 billion would provide approximately 216,000 jobs at an approximate rate of $7,500 per job per year.

This is a very important requirement to deal with the situation in the coming months. Over the longer term, Senator Williams and I, joined by 14 of our colleagues, have introduced S. 609, the "Emergency Public Service Employment Extension Act of 1975", a bill to extend for one year the authorization for the emergency job programs under title VI of CETA, with the objective of an aggregate of 1 million public service jobs if needed.

ANTIPOVERTY PROGRAMS

I appear before you in support of funds for the programs conducted under the Economic Opportunity Act of 1964 as amended by the Headstart Economic Opportunity and Community Partnership Act of 1974, basically at the levels recommended by the Committee on Labor and Public Welfare in reporting the bill.

These levels aggregate $1,520,000,000 or $563,700,000 above the Administration's request for fiscal year 1975, which is $993,800,000.

I ask unanimous consent that a chart detailing these elements be included in the hearing record.

Two of these elements I believe deserve special emphasis:

First, I wish to advise the Committee of an overall need of $141.6 million in actual and projected applications before the Community Services Administration for the Emergency Energy Conservation Services program under section 222(a)(12) of the Economic Opportunity Act, which I authored. There is no budget request for this authority.

In this request—which actually will be less than this total amount as I shall explain—I am joined by 18 Senators, who joined with me in a letter on this matter to the President on February 20, and a letter to the Committee on February 28. Joining with me were Senators Brooke, Case, Cranston, Hathaway, Humphrey, Jackson, Kennedy, McGovern, Mathias, Mondale, Muskie, Nelson, Pell, Randolph, Ribicoff, Schweiker, Stafford, and Williams.

Section 222(a)(12), which was added to law this January 4, is designed to reduce the impact of high energy costs on low-income individuals and families, including the elderly and the near poor. It authorizes the Director of the Community Services Administration, the successor to the Office of Economic Opportunity, to establish winterization programs and provide other supportive assistance, such as emergency loans and grants, special fuel voucher or stamp programs, as well as transportation, nutrition and health services in emergency cases.

The Administration has proposed some steps to meet these problems through its inclusion of a winterization assistance program in title XI of its proposed "Energy Independence Act of 1975", for which title the Administration has requested $9 million in fiscal year 1975, to be utilized by the Federal Energy Administration through grants to the states.

However, to meet the problem effectively in this fiscal year will require, immediate utilization of the existing authority, section 222(a)(12) at a level of funding substantially above what the Administration has proposed.

Already, the Community Services Administration and its agencies are currently expending approximately $25 million on energy related programs from local-initiative and other general appropriations, following the pattern of "Project Fuel" in the State of Maine, which was commenced by the Office of Economic Opportunity.

It seems clearly advisable to expand those efforts under section 222(a)(12)—which represent an approach closer to the poor—rather than to await new and duplicative authority.

The $141.6 million is based upon a letter dated February 12, from the Director of the Community Services Administration, Bert A. Gallegos, in response to a request I made, which advises that there are now pending unsolicited and unmet applications for programs under section 222(a)(12) totalling $88.1 million and that an additional $53.3 million in new proposals are being developed, for an aggregate of $141.6 million.

It is my understanding that Mr. Gallegos will appear here today and perhaps he will now have information to provide the Committee on the amount that can be effectively used.

At the very least, the Committee might consider making available in this appropriation the "undisputed" amount as between the Administration and ourselves which—putting aside minor time factors—would be $64.0 million.

That is derived by taking the Administration's requests for this fiscal year of $9.0 million and adding thereto its request for fiscal year 1976 of $55.0 million on the basis that it may be in the best interest of planning to make the total available now and let it go to work so that the poor will not be caught in the squeeze again next winter. Then the matter could be reviewed again in connection with the regular fiscal year 1976 appropriations.

Second, as a part of my overall requests under the Economic Opportunity Act of 1964, I request $85.0 million for Community Economic Development under title VII of the Act. This is $47.0 million above the budget request of $38.0 million.

This program utilizes a very gifted concept of community economic development corporations in a multi-faceted attack on poverty, based upon a "special impact" program which was started by the late Senator Robert Kennedy and I in Bedford-Stuyvesant, New York. Currently, there are approximately 36 CDC's.

Action for Community Economic Development and independent organization advises on the basis of a survey I have requested that an aggregate of $85 million is necessary for this fiscal year.

I ask unanimous consent that a letter documenting these needs in terms of the eight urban and thirteen rural projects that are under consideration for refunding during this fiscal year, as well as supportive activities, be printed in the Record.

Mr. Chairman, I am grateful for this opportunity and will appreciate any consideration that you can give these requests.

STATEMENT BY THE WHITE HOUSE PRESS SECRETARY

The President met yesterday with his senior Economic and Energy advisers. They reviewed with the President general economic subjects and discussed programs proposed and in place to deal with our current economic conditions.

At the conclusion of that meeting, the President made the following observations and decisions. First he noted that the Budget he transmitted to the Congress last month included $32 billion for aid to the unemployed during FY-75 and FY-76. The President noted that $5 billion of that aid depended on congressional action and he asked the staff to work with the appropriate committees of Congress to see that the money needed is available in time to meet benefit payments as they come due.

The President also observed that his budget recommendations provided funding for 310,000 Public Service Jobs through this calendar year. He has decided now that it would be appropriate and desirable to provide the funds necessary to continue these jobs another six months through July first of 1976. Therefore, he has decided to recommend to Congress that they provide supplemental funding totaling $1.625 billion to carry out that purpoes in addiiton to the $2.5 billion already contained in the Budget for public service jobs and other manpower programs.

Under the provisions of the Comprehensive Employment and Training Act (CETA) enacted in December, 1973, the state and local governments make decisions as to the allocation of manpower funds between institutional, on-the-job training, summer youth employment and other purposes. The President was advised that preliminary plans indicate that state and local governments are not allocating sufficient funds to meet this summer's needs for job opportunities for youth. Therefore, the President has decided to seek supplemental funding for specific summer youth programs this year in the amount of $412 million. This will insure an additional 760,000 summer youth job opportunities on top of the allocations made by State and local sponsors from CETA funds already provided.

Finally, the President indicated a concern about the possibility of unemployed workers exhausting their unemployment compensation benefits. The President asked that a study of this problem be completed promptly for his review.

NATIONAL ENERGY POLICY

Mr. TOWER. Mr. President, there are many factors which must be considered carefully when formulating national energy policy. Each decision made by the Congress today in the energy field will have substantial impact on the economic development of the Nation today and well into the future. It is axiomatic that valid conclusions can only be made upon the basis of reliable information. Unfortunately, misconceptions and misunderstandings about the oil and gas industry have led many to reach unsupported conclusions about energy policy and the proper role of private industry in meeting the Nation's energy needs.

Among the many unfounded conceptions about the oil industry, is the impression that the industry enjoys unconscionable rates of return on investment. This simply is not a true picture of this industry which takes the inordinately high business risks of oil and gas exploration necessary to find and develop new energy supplies.

In the period between 1954 and 1973 U.S. oil companies earned an average 10 percent return on investment. In the same 20-year period all manufacturing companies in the United States earned an average 11 percent on investment. These figures, which are supplied by the Independent Petroleum Association of America as part of its effort to present the facts on the oil industry, clearly indicate that oil companies do not enjoy unreasonable rates of return in comparison with industry in general.

With the exception of Royal Dutch/Shell and British Petroleum, which are expected to report earnings later this month, 19 major integrated oil companies recently reported 1974 earnings which once again are in line with returns earned by other industries. It is the opinion of Morgan Stanley & Co. that 1974 may remain the high watermark of oil industry earnings for some years to come. As Morgan Stanley notes:

> The fourth quarter of 1974 gave evidence that earnings are in the process of decline.

Mr. President, I ask unanimous consent that aggregate financial information on 19 major integrated companies, as reported by Morgan Stanley & Co., Inc., in its February 24, 1975, energy notes, be printed in the Record, so that the facts on integrated oil company rates of return may be available to Congress and to the Public.

There being no objection, the material was ordered to be printed in the Record, as follows:

ENERGY NOTES: 1974, THE YEAR OF "OBSCENITY"

SUMMARY

With the exception of Royal Dutch/Shell and British Petroleum, both of which are expected to report on March 13, all of the major integrated oil companies have issued preliminary 1974 earnings statements. Aggregate results for nineteen of the twenty-one companies we normally monitor were:

[Dollars in millions]

	Full year			Fourth quarter		
	1973	1974	Percent change	1973	1974	Percent change
Gross revenues	$106,404	$181,653	70.7	$31,552	$49,354	56.4
Net income	8,058	12,273	52.3	2,848	2,480	(12.9)

The year will pass into the record books as one of "obscene" profits. But as the fourth quarter gave evidence, earnings are in the process of declining. With worldwide surpluses exerting tremendous pressure on downstream realizations, the likely elimination of an equity position in many of the oil-producing countries, and probable congressional legislation aimed at eliminating percentage depletion and taxing "windfall" producing profits, 1974 is likely to remain a high watermark for earnings for some years to come.

Individual profits of some of the majors for both the year and the fourth quarter are discussed briefly and shown in the following tables.

INTERNATIONALS

Exxon

Exxon evidently did not have to compare its fourth-quarter 1974 results against levels which were inflated by inventory gains as for other companies at the end of 1973. Additionally, unusual year-end adjustments resulted in a net gain of $0.32 per share. Earnings in the first and second quarters of 1974 were $0.36 and $0.31 per share higher, respectively, than would have been achieved without inventory profits. First-half 1974 earnings were also increased $0.05 per share by changes in currency exchange rates.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$830	$3.70	33.9	$1,027	$4.59	32.7	24.1	$224	$1.00	28.5	$246	$1.10	28.6	10.0
Other Western Hemisphere	482	2.15	19.7	435	1.94	13.8	(9.8)	159	.71	20.2	141	.63	16.4	(11.3)
Eastern Hemisphere	988	4.41	40.5	1,178	5.26	37.6	19.3	342	1.53	43.6	317	1.42	37.0	(5.9)
Chemical:														
United States	66	.29	2.7	146	.65	4.6	124.1	23	.10	2.8	34	.15	3.9	50.0
Foreign	136	.61	5.6	314	1.40	10.0	129.5	50	.22	6.3	75	.33	8.6	50.0
Other	(59)	(.26)	(2.4)	40	.18	1.3		(11)	(.05)	(1.4)	47	.21	5.5	
Total	2,443	10.90	100.0	3,140	14.03	100.0	28.7	787	3.51	100.0	860	3.84	100.0	9.4

Gulf Oil

Bob R. Dorsey, Gulf's Chairman, stated: "It is safe to say that we have crossed the profit peak and will be living with lower earnings, perhaps substantially lower earnings, for the next few years." Gulf estimated the Federal crude allocation program cost it $110-million ($0.56 per share), while repeal of percentage depletion could cost it $125-million ($0.64 per share) in 1975.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$364	$1.85	45.6	$420	$2.16	39.4	16.7	$29	$0.15	12.7	$92	$0.47	50.0	213.3
Foreign	560	2.84	70.0	594	3.05	55.7	7.4	267	1.36	115.3	84	.42	44.6	(69.1)
Chemical:														
United States	10	.05	1.2	96	.49	9.0	880.0	6	.03	2.5	31	16	17.0	433.3
Foreign	17	.08	2.0	80	.41	7.5	412.5	3	.02	1.7	9	.05	5.3	150.0
Nuclear	(133)	(.68)	(16.6)	(97)	(.50)	(9.1)	(26.5)	(55)	(.28)	(23.7)	(5)	(.03)	(3.2)	(89.3)
Minerals	(8)	(.04)	(1.0)	(22)	(.11)	(2.0)	175.0	(8)	(.04)	(3.4)	(18)	(.09)	(9.5)	125.0
Other	(10)	(.05)	(1.2)	(6)	(.04)	(.5)	(40.0)	(12)	(.06)	(5.1)	(7)	(.04)	(4.2)	(33.3)
Total	800	4.06	100.0	1,065	5.47	100.0	34.7	230	1.18	100.0	185	.94	100.0	20.3

Mobil

Mobil's fourth-quarter earnings were reduced $58-million ($0.57 per share) by dollar conversions and $23-million ($0.23 per share) by the cancellation of the Paulsboro refinery expansion. Foreign inventory profits added $325-million ($3.19 per share) to full-year earnings. The negative effect of dollar conversions is estimated at $80-million ($0.79 per share). Translation of the dollar had the effect of increasing 1973 earnings by $150-million, or $1.47 per share. Netting out the extraordinary gains and losses in 1974 would have produced earnings of $8.04 per share.

[Dollars in millions except EPS

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$258	$2.54	30.5	$287	$2.82	27.6	11.0	$71	$0.70	25.6	$57	$0.57	42.5	(18.6)
Foreign	558	5.48	65.7	654	6.42	62.9	17.2	189	1.86	68.2	40	.39	29.1	(79.0)
Chemical	36	.35	4.2	111	1.09	10.7	211.4	14	.14	5.1	138	.37	27.6	164.2
Other	(3)	(.03)	(.4)	(12)	(.12)	(1.2)	(300.0)	4	.03	1.1	1	.01	.8	
Total	849	8.34	100.0	1,040	10.21	100.0	22.4	278	2.73	100.0	136	1.34	100.0	(50.9)

Texas

The company estimated its foreign inventory profit at $259-million ($0.95 per share). On the other hand, operating earnings decreased $29-million ($0.11 per share) because of losses in foreign currencies. Earnings in the fourth quarter and the year were also charged with a reserve of $28.2-million ($0.10 per share) relating to possible nationalization by Libya and nonrecovery of a currently nonprofitable investment in Colombia. Earnings would have been $5.10 per share in the absence of these items.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$426.9	$1.61	33.9	$390.2	$1.44	24.7	(10.6)	$86.8	$0.32	19.3	$86.5	$0.32	27.2	
Foreign	832.0	3.06	64.4	1,090.8	4.01	68.7	31.0	359.9	1.32	79.5	216.2	.80	57.8	(39.4)
Chemical:														
United States	17.0	.06	1.3	63.2	.23	3.9	283.3	5.3	.02	1.2	14.3	.05	4.2	150.0
Foreign	6.5	.02	.4	42.2	.16	2.7	300.0	1.5			2.7	.01	.8	
Total	1,292.4	4.75	100.0	1,586.4	5.84	100.0	22.9	453.5	1.66	100.0	319.7	1.18	100.0	(28.9)

Texaco adopted LIFO accounting for its U.S. inventories in 1974. This had the effect of reducing per share earnings previously reported approximately as follows:

	Reported	Restated
1st quarter	$2.17	$1.92
2d quarter	1.69	1.35
3d quarter	1.40	1.39
4th quarter	1.18	1.18

It is interesting to note currently indicated dividend payouts for these four companies against their U.S. oil, gas, and chemical earnings:

Company	Indicated dividend	U.S. earnings [1]	Percent payout
Exxon	$5.30	$5.24	101.1
Gulf	1.70	2.65	64.2
Mobil	3.40	3.91	87.0
Texaco	2.10	1.69	124.3

[1] Gulf excludes nuclear, mineral, and other losses; Mobil includes foreign chemical profits

Furthermore, U.S. oil and gas earnings dropped from 35% of total profits of the four in 1973 to only 31% in 1974 and accounted for a mere 17% of the gain in net income. By contrast, chemicals accounted for 39% of the increment, rising from 5.3% to 12.5% of aggregate income. Foreign oil and gas profits dropped somewhat from 63% of the total to 58%, but contributed 37% of the gain.

DOMESTICS

Atlantic Richfield

Fourth-quarter net income was affected by $21.7-million ($0.38 per share) resulting from the company's write-off of its withdrawal from the tar sands venture. Because of the manner in which Arco reports its divisional earnings, the figures should be regarded as approximations.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$360.8	$6.36	74.2	$477.4	$8.41	65.4	32.2	$124.6	$2.18	77.8	$138.7	$2.44	91.7	11.9
Foreign	82.6	1.46	17.0	129.1	2.27	17.7	56.3	25.9	.45	16.1	(17.9)	(.31)	(11.6)	
Chemical	27.7	.49	5.7	123.0	2.17	25.9	344.0	9.6	.17	6.1	30.4	.53	19.9	216.7
Corporate	15.2	.26	3.1	NA										
Subtotal	486.3	8.57	100.0	729.5	12.85	100.0	50.0	160.1	2.80	100.0	151.2	2.66	100.0	(6.2)
Expense items	216.1	3.81		254.9	4.49		18.0	68.4	1.19		54.3	.95		(20.6)
Total	270.2	4.76		474.6	8.36		75.6	91.7	1.61		96.9	1.71		6.2

Continental Oil

Earnings for the year were reduced by $71-million, or $1.40 per share to reflect adoption of LIFO. Net income for 1973, which reflected FIFO accounting, was approximately $50-million, or $0.99 per share, higher than if LIFO had been in effect. Of this, $40-million, or $0.79 per share, was in the fourth quarter of 1973. Consolidation Coal's earnings were impaired by $15-million, or $0.30 per share, as a result of the miners' strike. Based on fourth-quarter production of 9-million tons, earnings per ton were $2.13 before corporate overhead compared with $0.93 per ton for the full year. Results for the quarter also included a $7.4-million gain ($0.15 per share) from the sale of property compared with a write-off of $6.7-million ($0.13 per share) in 1973.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$131.7	$2.61	54.2	$220.8	$4.36	67.4	67.0	$31.3	$0.62	35.0	$54.0	$1.07	87.7	72.6
Canada	20.0	.40	8.3	30.3	.60	9.3	50.0	6.1	.12	6.8	6.8	.13	10.7	8.3
Other	(2.0)	(.04)	(.8)	(3.8)	(.07)	(1.1)		(1.0)	(.02)	(1.1)	(2.4)	(.05)	(4.1)	
Total Western Hemisphere	149.7	2.97	61.7	247.3	4.89	75.6	64.6	36.4	.72	40.7	58.4	1.15	94.3	59.7
Eastern Hemisphere	139.0	2.75	57.2	22.0	.43	6.6	(84.4)	74.1	1.47	83.0	(7.1)	(.14)	(11.5)	
Total oil and gas	288.7	5.72	118.9	269.3	5.32	82.2	(7.0)	110.5	2.19	123.7	51.3	1.01	82.8	(3.9)
Consolidation coal	(12.8)	(.25)	(5.2)	43.8	.87	13.4		(12.2)	(.24)	(13.6)	19.2	.38	31.1	
Conoco chemicals	20.9	.41	8.5	67.7	1.33	20.6	224.4	5.4	.11	6.2	14.2	.28	23.0	154.5
Minerals	(6.1)	(.12)	(2.5)	(9.0)	(.18)	(2.8)		(1.9)	(.04)	(2.2)	(4.4)	(.09)	(7.4)	
Corporate	(48.0)	(.95)	(19.7)	(44.2)	(.87)	(13.4)		(12.5)	(.25)	(14.1)	(18.5)	(.36)	(29.5)	
Total	242.7	4.81	100.0	327.6	6.47	100.0	34.5	**89.3**	1.77	100.0	**61.8**	1.22	**100.0**	(31.1)

Getty Oil

Getty reported consolidated net income for 1974 of $281-million, or $15.00 per share, compared with $135-million (before an extraordinary gain of $7.2-million), or $7.15 per share in 1973. Net income was reduced $67.2-million ($3.61 per share) by cost accruals against the company's foreign operations and amounts in dispute with Phillips over prices paid for uncontrolled oil. A charge of $24.2-million ($1.30 per share) was made to net to reflect the company's equity share of losses by its 48.7%-owned affiliate, Mitsubishi Oil. The total of these charges in the fourth quarter, when the company reported earnings of $3.13 per share versus $2.78, was approximately $20.4-million, or $1.10 per share. Gettys' remaining net equity interest in Mitsubishi was $6-million at December 31. As we understand it, this would be the current limit to Getty's direct exposure to further losses at Mitsubishi. The oil-spill damage resulting from the rupture of a storage tank at the company's Migushima refinery is estimated at in excess of $30-million, and in all likelihood Getty's equity investment will be reduced to zero in the first quarter. It may be noted that Getty's cash flow in 1974 was $468-million, or $30.47 per share.

Standard Oil of Indiana

The figures below indicate a loss of $9.5-million in Canada in the fourth quarter. In point of fact, quarterly earnings will be restated to take account of Canadian tax adjustments, and the correct figure attributable to Canadian operations in the fourth quarter is approximately a deficit of $2.3-million. It is also noted that 1973 Canadian earnings were restated to reflect a capital employed adjustment. The major surprise in the fourth quarter, however, was the sharp contraction in chemical profits. It is indicated that this occurred largely as a result of a sudden drop in demand for terephthalic acid and DMT around mid-November. The end uses for these products are in the home furnishings, apparel, and automobile industries. Since the company's chemical earnings had been averaging over $10-million per month, we surmise that December operations were substantially in the red. Gauging the end of the inventory adjustment for these products is extremely difficult, but hopefully it will occur by midyear. It may also be recalled that Indiana's first-half overseas petroleum operations were $58-million more (about $0.40 per share) than would have been reported under LIFO accounting.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Oil and gas:														
United States	$387.8	$2.69	76.0	$638.1	$4.36	65.8	62.1	$102.3	$0.71	84.5	$154.3	$1.04	88.1	46.5
Canada	35.1	.24	6.8	34.2	.23	3.5	(4.2)	3.9	.03	3.6	(9.5)	(.06)	(5.0)	
Overseas	43.5	.30	8.5	209.1	1.43	21.6	376.7	9.9	.07	8.3	34.1	.23	19.5	228.6
Chemical	48.3	.33	9.3	98.8	.68	10.2	106.1	6.3	.04	4.8	1.5	.01	.8	
Other	(3.5)	(.02)	(.6)	(10.0)	(.07)	(1.9)	(25.0)	(1.0)	(.01)	(1.2)	(5.7)	(.04)	(3.4)	
Total	511.2	3.54	100.0	970.2	6.63	100.0	87.3	121.5	.84	100.0	174.8	1.18	100.0	40.5

Standard Oil of Ohio

Sohio provides a breakdown of its earnings before interest expense and income taxes on percentage terms. The following figures attempt to reconcile this breakdown with the earnings statement and must accordingly be regarded as providing only a rough approximation of the divisional breakdown.

The improvement in Sohio's domestic petroleum operations that was noted in the third quarter gave way to an imputed loss in these operations in the fourth quarter. This was largely occasioned by loss of production and maintenance at the company's Marcus Hook refinery and other requirements in the Ohio refineries. Expenses attributed to this program increased $12-million over 1973 and crude runs were reduced 56,000 b/d. On the other hand, the fourth quarter was notably aided by a royalty payment of $18.2-million versus only $1.5-million in the similar 1973 period.

[Dollars in millions except EPS]

	Full-year earnings							4th-quarter earnings						
	1973			1974				1973			1974			
	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change	Net income	EPS	Percent of total	Net income	EPS	Percent of total	Percent change
Domestic petroleum	$45.6	$1.24	37.9	$34.7	$0.95	18.1	(23.4)	$1.6	$0.04	9.8	($4.9)	($0.13)	(9.2)	
Foreign petroleum	14.4	.39	11.9	38.6	1.05	20.0	169.2	3.9	.11	26.8	18.8	.51	36.2	363.6
Coal	12.0	.33	10.0	30.9	.84	15.9	154.5	3.6	.09	22.0	8.3	.23	16.3	155.6
Chemicals and plastics	22.8	.62	19.0	48.3	1.32	25.0	112.9	3.9	.11	26.8	12.9	.35	24.8	218.2
Royalties	25.2	.69	21.2	40.5	1.11	21.0	60.9	1.5	.06	14.6	18.2	.[illegible]0	35.5	733.3
Other											(1.7)	(.0[illegible])	(3.6)	
Earnings before interest, etc.	120.0	3.27	100.0	193.0	5.27	100.0	61.2	15.1	.41	100.0	51.6	1.41	100.0	243.9
Net interest expense	11.8	.32		7.0	.19		(40.6)	2.5	.07		2.5	.07		
Income taxes	34.0	.93		60.0	1.64		76.3	1.0	.03		20.5	.56		167.7
Total	74.2	2.02		126.0	3.44		70.3	11.6	.31		28.6	.78		151.6

1975 EARNINGS ESTIMATES

The assumptions underlying our 1975 earnings estimates were detailed in the *Energy Outlook* dated December 27, 1974. Slippage in chemical income noted during the fourth quarter, however, has caused us to revise several earnings estimates downward. The exact form of oil tax legislation in the United States remains an unknown. Our initial assumption was that the final 1975 bill would closely approximate the one that cleared the House Ways & Means Committee late in 1974. We note that the windfall profit tax proposed by the Administration would have an almost identical effect as the Ways and Means bill. In both cases, the industry would be burdened with around $3-billion of additional U.S. taxes which would amount to a cut in the producing profit of roughly $1.00 per barrel. Our revised 1975 estimates appear below:

1974 EARNINGS AND 1974 ESTIMATES

	1974A	1975E	Percent change
Ashland	$3.83	$4.50	17.5
Atlantic Richfield	8.36	6.50	(22.2)
British Petroleum	3.60E	1.50	(58.3)
Cities Service	7.58	7.00	(7.7)
Continental	6.47	6.50	
Exxon	14.03	10.00	(28.7)
Getty	15.00	12.00	(20.0)
Gulf	5.47	4.40	(23.2)
Derr-McGee	4.64	4.90	5.6
Louisiana Land	2.98	2.30	(22.8)
Marathon	5.70	4.30	(24.6)
Mobil	10.21	7.75	(24.1)
Phillips	5.66	4.90	(13.4)
Royal Dutch	11.00E	6.35	(42.3)
Shell	9.21	8.30	(9.9)
Standard Oil (California)	5.71	5.25	(8.1)
Standard Oil (Indiana)	6.63	5.00	(24.6)
Standard Oil (Ohio)	3.44	3.60	4.5
Sun	8.31	7.40	(11.0)
Texaco	5.84	4.75	(18.7)
Union	7.03	6.25	(11.1)

CAPITAL EXPENDITURES

A number of companies have announced their planned capital and exploratory expenditures for 1975. Among these are:

	1974A	1975E
Exxon	$3,610	$4,000
Gulf	1,700	1,800
Texaco	2,000	1,800
Arco	1,800	2,000
Conoco	759	935
Getty	450	687
Marathon	175	300
Phillips	637	1,200
Shell	929	1,000+
Standard Oil (Indiana)	1,800	2,060
Union	685	750

A recent survey by the Oil & Gas Journal indicated the industry had budgeted $26.2-billion for capital spending in the U.S. alone during 1975, an increase of 24.1% over 1974. The Journal's breakout of spending by area is of interest:

INDUSTRY CAPITAL EXPENDITURES

[Dollar amounts in millions]

	Actual, 1973	Estimated, 1974	Budgeted, 1975	Percent change 1975–74
Exploration and production:				
Drilling exploration	$6,660.8	$7,657.0	$8,034.0	4.9
Production	1,734.8	2,005.9	2,104.0	4.9
OCS lease bonus	3,082.0	5,024.0	5,000.0	.5
Total	11,477.6	14,686.5	15,138.1	3.1
Others:				
Refining	1,103.8	1,974.7	3,127.8	58.4
Petrochemicals	269.1	816.3	1,643.1	101.3
Marketing	914.5	780.7	1,106.0	41.7
Natural gas pipelines	600.0	541.0	988.0	82.6
Crude product pipelines	150.0	1,096.0	2,318.0	111.5
Other transportation	152.9	178.7	240.4	34.5
Miscellaneous	646.9	1,073.3	1,684.0	56.9
Grand total	15,314.8	21,147.2	26,245.4	24.1

In the exploration/production category planned expenditures for lease bonuses appear very much on the high side in view of apparent environmentalists' opposition to lease sales anywhere except on the Gulf Coast. Aside from questionable geologic prospects, the fact that the February 4 lease sale off Texas drew only $300-million in high bids, compared with more than $1-billion at individual 1972–1974 sales, may hopefully indicate a more realistic view on the part of industry toward costly front-end load bonuses. It may be noted that these bonuses alone accounted for 43% and 49% of capitalized expenditures for exploration/production in 1972 and 1973, respectively. It would also appear that the amount allocated for refining/marketing is on the high side and that reduced consumption could bring about significant cancellations or deferrals in this category. Finally, the planned doubling in petrochemical expenditures would undoubtedly be reduced if a reversal in recent demand trends is not foreseen. In short, we regard these as "soft" budgets in most areas except for transportation (the Trans-Alaska Pipeline) and exploration/production. A number of companies have already warned that enactment of punitive tax legislation would result in a reconsideration of investment plans, and Texaco has in fact already reduced its originally contemplated $2.1-billion 1975 budget by $300-million. While more announcements of this nature may be forthcoming, we believe they will be related more to ventures whose needs are more questionable than exploration/production and, hence, will not have a negative impact on the business prospects for the petroleum service industry.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The **PRESIDING OFFICER**. The Chair now lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows:

S. Res. 4 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The Senate resumed the consideration of the resolution.

ORDER FOR AMENDMENTS TO S. RES. 4 TO BE CONSIDERED AS HAVING MET THE REQUIREMENTS OF RULE XXII

Mr. ROBERT C. BYRD. Mr. President, I would like to ask the distinguished Senator from Alabama, without losing my right to the floor, whether or not he would object to a unanimous-consent request that all amendments at the desk at the time the vote is taken on cloture tomorrow be considered as having met the reading requirements under the rule.

Mr. ALLEN. I appreciate the Senator making that inquiry. If the Senator will recall, last evening the Senator from Alabama requested that that request be made, and he is delighted that the Senator from West Virginia now wishes to make the request. Certainly I hope that he will make the request.

Mr. ROBERT C. BYRD. I make that unanimous-consent request.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER RECOGNIZING SENATOR ROBERT C. BYRD NOT LATER THAN 7 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished Senator from Alabama if he would object to a request that I be recognized not later than 7 p.m. today.

Mr. ALLEN. I have no objection to the Senator being recognized right now.

Mr. ROBERT C. BYRD. That is not my question, may I say most respectfully.

Would the Senator object to my request that I be recognized not later than 7 p.m. today?

Mr. ALLEN. Certainly I have no objection to that.

Mr. ROBERT C. BYRD. Mr President, I ask unanimous consent that I be recognized——

Mr ALLEN. At any time of the Senator's choosing; is that his request?

Mr. ROBERT C. BYRD. Not later than 7 p.m. today.

Mr. ALLEN. I have no objection.

Mr. ROBERT C. BYRD. Very well. I thank the Senator.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, a little later on the Senator from Alabama is going to offer an amendment. At the present time he believes, if he is not mistaken, that the pending business is Senate Resolution 4, as amended by the Byrd substitute, with leave to amend the Byrd substitute as if it were the original text.

The Senator from Alabama has had unfortunate experiences in the Senate in offering motions and amendments, and then not being allowed to discuss his own submission; others would be recognized to make tabling motions to prevent the Senator from Alabama from even discussing the contents of his amendments or motions.

But, at the present time, the Senator will not offer his amendment and will confine his discussion for the time being to the pending business, which is the so-called Byrd substitute to Senate Resolution 4.

Senate Resolution 4 is before the Senate. A cloture motion has been filed that will be voted on tomorrow 1 hour and 15 minutes after the Senate comes in. The Senator, of course, does not know when we will come in, probably somewhat earlier than usual.

The amendment the Senator from Alabama is going to offer has to do with the bona fides of the proponents of the rules change in allowing by unanimous consent on yesterday a vote on the point of order that had died the preceding day. So their agreement to have a vote impressed the Senator from Alabama as being somewhat cynical because there was no life in the point of order. It had died when the distinguished Senator from West Virginia adjourned the Senate on March 3. Had that point of order been allowed to have been acted on on March 3, there might have been some little point in the claim that the Senate had reversed the precedent that had been set.

Of course, Mr. President, that cynical placing of the point of order before the Senate when there was nothing to which it was directed was a complete nullity, and those Senators who have been deluded, shall I say, into accepting the so-called compromise on the assurance that that precedent of the Vice President would be reversed, should reassess their position, because nothing has been reversed. Besides, if it had been reversed, when another one of the steamroller tactics is used 2 years from now, there would be nothing to prevent the Vice President from saying piously:

> I'm going to submit this to the Senate on the basis of a motion to table a point of order.

So no matter what reversals have taken place they have not reversed the Vice President. He sees an opportunity here to reestablish his ultraliberal credentials and, obviously, he is going to do everything he can to ram this rule change and subsequent modification through the U.S. Senate.

So that was certainly a hypocritical, cynical effort that was made on yesterday when they voted on the point of order that was not even before the Senate, and the issue to which it had been directed was already dead. But some Senators went off on that tangent.

Mr. President, the reason the Senator from Alabama would not accept this so-called compromise was that the effort to change the rule was based on the theory that might makes right; that the rules could be flouted, and with the ruling of a cooperative Vice President they could make their actions stick.

And then when they showed how the Vice President was determined to ram this thing through, and the tactics that were used became so odoriferous, they backed off, saying in effect, "We have proved we can get anything we want with a determined majority and a cooperative Vice President, therefore, better accept our terms and we will go through the sham of having a cloture vote, but better vote cloture because if not, we will come right back with our majority cloture."

So the Senator from Alabama does not respond to those sort of tactics.

It is interesting to note, Mr. President, that after this mini revolt that took place here in the Senate protesting the Vice President's tactics and the gag rule Senators' tactics, that the original sponsors of this gag rule effort silently stole away, or slunk away, and nothing further was heard from them from that time down to the present time.

Whereas the Senator from Alabama, prior to that time, had been offering motions and amendments from time to time and these sponsors of the gag rule would jump up and get recognized to move to table his efforts to shut off debate, we did not hear from them anymore; they turned it over to the leadership to use their prestige to ram this thing through.

I have likened this effort and this withdrawal from sponsorship of this effort to a situation involving a small restaurant or filling station that one might see on the side of the road as one drives along.

I might digress a moment to say that for a couple of days an effort was made to wash their hands of Senate Resolution 4. They tried to get up Resolution 93, to file cloture on it, that so-called compromise.

I never saw a group of sponors of legislation so anxious to drop it, as if it were a hot potato. They tried to push Senate Resolution 93 out in front, but they never were able to get a cloture motion filed on it, so they gritted their teeth and went ahead with Senate Resolution 4.

But as I say, the abandonment of the sponsorship of Senate Resolution 4 by its original sponsors and their turning it over to the leadership was as it is when one drives down the highway and sees a filling station, or a cafe, or a restaurant, off on the side of the road, and it has in hand-printed letters there in front of the store, or on the wall, "Under new management."

One is immediately put on the defensive. We know there was something wrong with the old management, the old policies of the management, the way they operated things, what went on in that establishment, and the new management is trying to wash its hands of the owner of the old management, but it makes one a little suspicious of the actions of the new management, as well.

But here we have a similiar situation. The sponsors of Senate Resolution 4 slink away and are not heard from any more, and they push the leadership out in front and put a tag on Senate Resolution 4 and say, "This resolution is now under new management."

Well, it has not had the effect of sanitizing Senate Resolution 4 and the tactics that were used in trying to ram it through the Senate.

But the compromise has now been added to Senate Resolution 4; that is, the resolution, with leave to amend.

What change has been wrought?

Well, the original gag rule resolution provided that three-fifths of the Senators could cut off debate.

The Senator from Alabama says this whole cloture vote on yesterday, the whole use of the cloture procedure, was a mockery because they knew if cloture were not adopted they would come forward with the steamroller majority vote cloture.

The Senator from Alabama tried to close some of the doors there and asked the Presiding Officer right before the cloture vote how many votes it would take to carry the question that was going to be put in just a few minutes.

Well, he said:

> If they are under rule XXII, it would take two-thirds.

I said:

> Well, I am not asking whether they are under rule XXII or not. I am asking as to the question that is going to be put to the Senate within the next 15 minutes, how many votes will it take to carry that question?

There did not seem to be too much way to debate that question. So he said:

> Well, it takes two-thirds.

That still left the gag rule Senators with the opportunity, if the Vice President persisted in that requirement of two-thirds, provided there had been fewer than two-thirds—of course there are many more than two-thirds—if there had been fewer than two-thirds and he had persisted in his ruling, there was nothing to prevent the gag rule Senators from appealing that ruling, or just falling back on their majority vote steamroller, which they had used so successfully in the past.

The cloture vote passed, I believe 73 to 21. That leads one to wonder why they would fear a two-thirds requirement if they can get such a massive majority.

On the trade bill, which passed in December, they had 71 to 19 without the matter ever having been subjected to debate.

So any time the Senate wants to move they can do so under the two-thirds requirement.

When the Vice President was presented with the motion to proceed to Senate Resolution 4 on February 20, and then the debate choke-off motion of the Senator from Minnesota (Mr. MONDALE), which said there would be no debate, no intervening motions and no amendments—and then a point of order was made against it and a motion to table was made to that—the Vice President said, in effect, "If you table this point of order, I am going to rule that, by this tabling motion, you have decided that everything in that motion that has been presented, the debate on the choke-off motion, I am going to implement."

That is the first time I ever heard a Presiding Officer say he was going to implement a motion, that he is going to be governed by the provisions of a motion, before it is ever adopted.

That is exactly what the Vice President ruled. Even though the motion had not been acted on, there had been no vote on it, the Vice President said:

> It says in this motion that there can be no debate on it, and it says in the motion there can be no amendments. It says in the motion there can be no intervening motions. Just because it says that I am going to put it into effect.

"Why?"

> Because you laid on the table this point of order, therefore, everything this motion says, whether it has been voted on or not, I am going to apply.

Whoever heard of a ruling like that except from someone determined to ram this motion and this resolution through?

I was somewhat amused, Mr. President, also on February 20, when the distinguished Senator from New York (Mr. JAVITS) got up and asked a series of five parliamentary questions—and the Senator from Alabama could not put in one later on—and the Vice President responded with parliamentary responses.

The whole thing was given away though, Mr. President, when the Vice President, in answering the fifth question, let his tongue slip and he said, "Five" then went ahead and gave his answer, indicating he was answering from a prepared set of answers to a prearranged set of questions.

That leads one to wonder what sort of treatment the minority has had in this matter when they map out a scenario—and that seems to be a famous word in high office of politics—of five prearranged questions and five prearranged answers.

If that is not correct, I stand to be corrected. I challenge it to be called to question.

So he charted the course whereby he was going to put into effect the provisions of a motion that had never been adopted by the Senate.

I wish the people of this country could have this issue presented squarely to them, what has happened, what has gone on here in the Senate to stifle free speech in the Senate.

It is a shame and a disgrace, that which has taken place here in the Senate on this matter.

Mr. President, I have a series of amendments. The Senator from Alabama understands that to be eligible to be voted on tomorrow they must be read before the cloture vote. They can be read by the Senator proposing to offer them. I am not going to offer them yet, but I am going to read these amendments that I shall offer. Out of an abundance of caution when I hand them in I am going to ask that they be stated again and to lie on the table and be printed for the use of Senators tomorrow.

As the Senator from Alabama understands, blanket permission has been given to introduce amendments, and all amendments that are introduced prior to the cloture vote will be considered as having been read. But for the information of the Senators, I do wish to comment on some of the amendments that I have prepared. When I conclude my remarks, I am going to offer an amendment not to lie on the table, but to be called up at this time.

The first amendment that I have that I am going to read as a matter of information, and to comment on briefly—but I will not send it up until I have read all of them—amends Senate Resolution 4, as amended by the Byrd substitute, in the following manner:

> Add at the end the following new section:
> Section ——. Not more than a total of three cloture motions can be filed with respect to any Senate bill or its companion House Bill in any one Congress.

Mr. President, we have seen cloture motions filed here from time to time. We never know whether we are going to face 1 cloture vote or 25 cloture votes before the issue is decided.

I was told, when I came to the Senate, that three times was the maximum number of times that a cloture vote was had with respect to any pending legislation. I noted that on at least one occasion, it went the fourth time. So I am going to offer an amendment—and I have read the amendment—putting a limit of three times on filing a cloture motion with respect to any measure as to which cloture is filed.

The second amendment:

> Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:
> "At the end add the following new section:
> "Section —. Not more than a total of three cloture motions can be filed with respect to any Senate bill or its companion House bill."

In other words, the two taken together could not have more than three cloture motions filed with respect to the matter. Otherwise, if a total of three were not stated, they could have three on the Senate bill and then three more on the House bill.

Mr. President, we seldom have an opportunity to amend the Senate rules, but I believe this section of the rule needs some amendment, and now is a good opportunity to work on it a little.

I also have here a motion. I do not know whether I will be allowed to make this motion later, with respect to this matter, without filing a written motion. Out of an abundance of caution, I do plan to offer and call up the motion at the proper time:

> I move the resolution be laid on the table.

Another motion:

> I move the resolution be postponed to the next legislative day.

Next, a motion:

> I move the resolution be committed to the Rules Committee.

By the way, this resolution never visited the Rules Committee. The Rules Committee was bypassed. The resolution was just introduced and went straight to the calendar and has never been considered by the Rules Committee.

Next, a motion:

I move the resolution be indefinitely postponed.

Here is an amendment that I think has a great deal of merit, and I hope the Members of the Senate will agree. Much has been said about the right of Senators to amend the rules and cut off debate as to the proposed amendment of the rules by a majority vote at the beginning of a session. We have never been able to establish what the beginning of a session is, so one of my amendments reads:

Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:

"At the end add the following new section:

"Section 5. This resolution shall become effective at the end of the beginning of the 95th Congress."

So whenever the beginning of the 95th Congress has come to an end, under this amendment the change in the rules would become effective. If we are not able to establish when the beginning of the next Congress is, we might approach it the other way around, and my next amendments reads:

Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:

"Add at the end the following new section:

"Section 5. This resolution shall become effective at the beginning of the end of the 95th Congress."

So if we are not able to establish when the beginning has ended, possibly we will be able to establish when the beginning of the end has taken place. That would be when the resolution would go into effect.

The next amendment:

Amend S. Res. 4, as amended by the Byrd substitute in the following manner:

"On page 4, strike line 9 and substitute the following:

"by two-thirds of the Senators chosen and sworn then"

That goes to the constitutional two-thirds on a rules change.

Another amendment:

Amend S. Res. 4, as amended by the Byrd substitute in the following manner:

"On page 3, strike all of line 1 and substitute the following:

"by two-thirds of the Senators chosen and sworn then"

That is incomplete because it just rewrites the line. That would go back to the two-thirds rule on cloture.

Here is a really constructive amendment, in all seriousness. The cloture provision is that on the second calendar day after the cloture motion has been filed, 1 hour after the Senate meets that day, they establish a quorum and have the vote. But they leave up in the air the matter of what takes place in that 1 hour. It has been the custom to divide that 1 hour equally between the proponents and the opponents of the pending measure as to which cloture has been filed. But on yesterday, that agreement was not made. We did not know where we stood on it, whether we were going to go to morning business or not, and we did not know whether there would be any opportunity to discuss the issue. It was not until after we had gone into the period that the leadership did request a division of the time. This amendment merely says:

Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:

At the end of page 4, add the following:

"The 1-hour period prior to the establishment of a quorum prior to the cloture vote shall be equally divided between the proponents and opponents of the cloture petition for the purpose of debate on the cloture issue."

Mr President, at this point I am reminded that yesterday I asked the Vice President how many votes it would take to carry the question on cloture, and on my second inquiry he responded that it would take two-thirds. Possibly right before the cloture vote on Firday, it might be well to ask him whether it will take-thirds, as provided by the present rules; whether it will take three-fifths of those chosen and sworn, as provided by the Byrd substitute; whether it will take three-fifths of those present and voting, as provided by the Mondale approach, or whether it will merely take the majority vote, also provided by the original Mondale approach—the steamroller, gag-rule motion.

So that there are four possible rulings he might make there. It might be well to make inquiry of him as to that point.

The next amendment I plan to offer, and which I am now reading in order to comply with the rule, is this:

Amend S. Res. 4, as amended by Byrd substitute, in the following manner:

At the end, add the following new section:

"The Rules of the Senate may be amended only by a two-thirds vote of Senators present and voting."

Here is another amendment that recent proceedings in the Senate cry out for:

Amend S. Res. 4, as amended by Byrd substitute, in the following manner:

On line 17, page 2, strike the word "calendar" and substitute the word "legislative"

That sounds pretty simple and innocuous. What happened, and what called it to the attention of the Senator from Alabama, is the procedure that the leadership adopted in running a legislative day here for some 10 days, to keep other matters from coming in and leaving the opponents of this gag-rule procedure in the position of being right under the gun each time we come back into session. The cloture vote comes up, under the present rules, on the second calendar day, whether there has been an adjournment in the Senate or not. So the purpose of this change that the Senator from Alabama is going to propose is to make the cloture vote come on the second legislative day so that we would have to adjourn the Senate on two occasions in order to get to the cloture vote. Otherwise, the opponents of a steamroller effort will be at a serious disadvantage. So I am proposing changing that from "calendar day" to "legislative day."

Another item that occurred to the Senator from Alabama, referring to the Parliamentarian on the—not the Parliamentarian's endorsing or proposing it; I do not mean that. The Senator from Alabama raised with him that I think it should have some consideration. It has nothing to do with this issue. Rule XXII says that when a question is pending, no motion shall be received but to adjourn; to adjourn to a day certain, or that when the Senate adjourn, it shall be to a day certain; to take a recess; to proceed to the consideration of executive business; to lay on the table; to postpone indefinitely; to postpone to a day certain; to commit; and to amend. It leaves out an item that is frequently used and there is no justification—there might be in another place in the rules, but in this particular rule, there is no procedure or provision to proceed to the consideration of any other bill, resolution, or other measure on the calendar.

The Senator from Alabama is merely trying to reform, I might say, rule XXII. We have heard of the gag rule Senators as being reform Senators. The Senator from Alabama is offering a number of reforms here to rule XXII. I wonder if the media is going to call the Senator from Alabama a reformer, or if he will continue to be referred to as antireform. The Senator from Alabama is trying to reform rule XXII here, and he wonders if he is going to be so referred to by the media. I am making a greater effort to reform rule XXII than are the gag rule Senators, who are referred to as reform supporters.

Another provision of the Senator from Alabama, in his reform efforts, I might say, Mr. President, on rule XXII would amend S. Res. 4 as amended by various substitutes in the following manner:

On page 4, lines 11 through 14, strike the words "except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close unless the same has been presented and read prior to that time.

That should be taken out. Sometimes people who have valid amendments to matters subjected to cloture are not able to offer their amendments because they have not had them read to death here, prior to the cloture vote. So this would eliminate that requirement and would be in line with the reform efforts of the Senator from Alabama.

I imagine that the antireform group in the Senate will oppose this reform effort that the Senator from Alabama is seeking to make. I may have already read this. This is about the dividing of the hour prior to cloture.

In another reform effort of the Senator from Alabama, S. Res. 4 is amended by various substitutes in the following manner:

On page 4, line 1, between the words "thereafter" and "no," substitute the words "unless time is yielded to him by another Senator."

That is a reform effort by the Senator from Alabama to allow Senators to yield all the portions of their time to another Senator after cloture has been invoked.

Now, Mr. President, we come to a series of three amendments that the Senator from Alabama is offering in his reform efforts. I shall end up on one I plan to introduce.

Mr. President, I think we have an opportunity here to test the bona fides of the proponents of the gag rule who, the Senator from Alabama feels, merely cynically and routinely permitted this vote to take place on the second Mansfield point of order, when there was nothing pending as to which it could be directed and which was certainly nothing more than an exercise in futility. As the Senator from Alabama said, the sponsors of the gag-rule resolution have not been heard from on the floor of the Senate since they abandoned sponsorship of this measure and turned it over to new management. The feeling among many Senators, and certainly of the distinguished Senator from Nebraska (Mr. CURTIS), was that something was being accomplished by having this little exercise on the Mansfield point of order, having that voted on by the Senate. If I am not mistaken, the Senator from Minnesota (Mr. MONDALE) was not impressed with it and, of course, voted no, reserving his options, of course. But if the gag-rule Senators feel that that exercise amounted to anything, I feel they would not object to any one of these last three amendments that I plan to present, one of which I am going to call up a little later on.

One amendment would be—and here again, Mr. President, I do not claim this is going to accomplish a whole lot if it is agreed to, and I do not imagine the gag-rule Senators would agree to this reform effort. I feel like the reformers are going to get knocked down again here in this effort to clarify and reform Senate rules, but here we have this amendment:

> Amend S. Res. 4, as amended, by the Byrd substitute, in the following manner:
>
> At the end add the following new section:
>
> "Sec. —. Other than by unanimous consent, the method of limiting debate provided for herein shall be the exclusive method of limiting debate on a measure, bill, resolution, or motion, and this rule shall apply whether the measure, bill, resolution or motion concern an amendment of the rules and whether it is offered during the beginning of a Congress or at any other time."

Now, the Senator from Alabama, as an interested observer but not a participant in the negotiations resulting in the so-called compromise, as he understood the agreement that those Senators reached, it was that this precedent was going to be overturned.

Well, can it be overturned? How are we going to overturn a Vice President who is determined to ram such a measure through? How can we overturn him? We cannot. How can we overturn the action of the Senate on February 20, and how can we overturn the conclusions that the Vice President drew at that time from the action of the Senate in tabling the first Mansfield point of order? It is going to be difficult to overturn those things.

But this amendment would at least serve as some little moral suasion to the gag rule Senators, in hindering them or causing some little feeling of caution or circumspection to address itself to their minds, when they start, 2 years from now, to move further in the direction of majority cloture, if we pass an amendment spelling out the fact that any effort to amend the rules by any bill, motion, resolution, or other measure, at the start of a Congress or at any other time—that efforts to limit debate directed against that motion shall be governed by rule XXII. Of course, that is already the rule, under the provisions of rule XXII, but heedless of that fact, the gag rule Senators went ahead with the majority steamroller.

Following that steamroller action, if the Senate would say by its resolution that any measure, bill, resolution, or motion concerning an amendment of the rules shall be limited as provided in rule XXII, and that shall be the exclusive method of limiting debate on such a measure, no matter when it may be offered in a Congress—if the Senate would pass that, after its action on the second Mansfield point of order, which it sustained, there would be some little wrap on these Senators, some little pressure, some little burden, some little moral standard against which they might not move.

I say that any of these Senators who went off after this compromise—and I am not critical of them; I know they acted in what they thought were the best interests of their States and of the Nation. I just happen to disagree with them.

But any of those Senators who were given the pledge that this precedent would be overturned in return for their agreement to vote for cloture yesterday and tomorrow, I just wish they would analyze the position that they are now in. Nothing has been reversed; not a thing. If that commitment was made, they are not bound to vote for cloture tomorrow; and I will say this to Members of the Senate: If the gag rule Senators are unwilling to put themselves under this little moral notice and this tiny bit of restraint, they can rest assured that the bona fides of their offer, their compromise, and their commitments under it is in serious question. That is one statement of the issue.

The next amendment would say the same thing in different words:

> Amend S. Res. 4, as amended by the Byrd substitute, in the following manner:
>
> At the end, add the following new section:
>
> "Sec. —. Debate on motions, resolutions, bills, or other measures having any reference to an amendment to the Senate rules shall be governed by and limited only by the Senate rules, whether such bill, resolution, motion, or other measure is offered at the beginning of a Congress or at any other time."

Is that not what they agreed to, that they are going to reverse this precedent? This would be a mild restraint on their living up to what seems to be hovering over the Senate—some sort of vapor-like commitment that they are not going to do this again. "We have done it once, we admit it was not right, but we have done it, and we are not going to do it again." That seems to be the spirit in which this compromise was agreed to.

It sort of reminds me of Hitler, when he was in the process of taking over the Sudetenland, when he made the statement, "Let me have this, and I will have no further territorial demands to make."

That is just about what the gag rule Senators are doing. They say, "Let us have this; let us have this constitutional three-fifths, and that is all the demands we are going to make. Don't worry, fellows, everything is all right; just agree to this."

Mr. President, I do not want to see this become another Munich here in the U.S. Senate, and that is what looks suspiciously like to the Senator from Alabama.

Mr. President, what is going to be the situation, after cloture is invoked tomorrow, as I feel confident that it will be, unless the Senators who were opposed to the original vote will reassess their positions and see the thin ice that they are standing on? What is going to be our position?

Well, the gag rule Senators have accomplished half of what they started out to accomplish, half and more. They wanted three-fifths of the Senators present to cut off debate. They got three-fifths of the entire Senate to cut off debate as a compromise, but they got a favorable ruling from the Vice President which, in effect, puts the rule of might rather than right here in the U.S. Senate. That is some precedent. That is, if you have got 51 votes, you can do anything you want to here in the Senate. That is the effect of the Vice President's ruling, and that is the demand, Mr. President, of the gag rule Senators.

The Vice President is not solely to blame in this matter. He had to have something to lay before it, and that came from the gag rule Senators.

What position do we find ourselves in? Well, the gag rule Senators say:

> Fellows, we have got you. Vice President Rockefeller's ruling was that he has cut off debate, he has cut off amendments, he has cut off motions, even before the motion providing for those provisions was acted on by the Senate. He has implemented the resolution, implemented all of its terms before the Senate ever votes on it. So we have got you. We have got you, fellows.

That is the message that the minority here in the Senate received, and it came through loud and clear.

So what did they say? They said:

> Well, if you will meet us halfway, in effect, and agree to this three-fifths constitutional requirement, we will not ram through majority control. We have already rammed it through, but we will forget about that, and we will reverse that, fellows. We will take that back. We will take that precedent back by a strong vote here in the Senate on something that was not even before the Senate. We will take that back, and we will not count that. We will just forget about that.

Of course, they are in the right for all time.

I am reminded of this passage from the Rubaiyat as to this effort to pass on this point of order after it has gone out of the possession of the Senate, after it has ceased to exist, after there is nothing there as to which the point can be raised:

> The Moving Finger writes; and having
>   writ,
> Moves on: nor all your Piety nor Wit
> Shall lure it back to cancel half a Line,
> Nor all your Tears wash out a Word of
>   it.

That is the position we find ourselves in, Members of the Senate. We cannot wipe out the record, we cannot wipe out the steamroller tactics. We must not succumb to the siren song of the gag-rule Senators, "Everything is all right. We are not going to go any farther than this, and we are going to reverse what we did."

Well, that is pretty cynical, a pretty cynical attitude, and I hate to see Senators fall for it.

As I read again these lines from the Rubaiyat, it says in different words just the same lesson, the same message, of the nursery rhyme Humpty Dumpty:

> The Moving Finger writes; and, having
> writ,
> Moves on: nor all your Piety nor Wit
> Shall lure it back to cancel half a Line—

The Senator from Minnesota (Mr. MONDALE) knows you cannot cancel half a line. Some of the other Senators might not realize that. He does. That is the reason for this cynical attitude about the ineffectual acting on the Mansfield point of order when there is nothing there to act on.

> Nor all your Tears wash out a Word of it.

As I recall from my childhood:

> Humpty Dumpty sat on a wall: Humpty Dumpty had a great fall; and all the King's horses and all the King's men can't put Humpty Dumpty together again.

So that is the same thing as Omar Khayyam was writing. This has happened. It is a fait accompli. It has been done. It cannot be erased, and we are deluding ourselves to think that it can be.

The gag rule Senators know that it cannot be erased. They are privy to the facts and to the conclusion, for their attitude is this:

"We have accepted half a victory because we want a full victory. We could have dictated any terms we wanted to, but our actions got so odoriferous, there was such a bad smell arising from Senate Resolution 4, that we thought we had better get you fellows to give this action on our part a little stamp of legitimacy by agreeing with us on a half-way position."

As I pointed out, the original sponsors dropped Senate Resolution 4 like a hot potato and turned it over to the leadership to try to let some of the odor of their actions and strong-arm tactics wear off. They turned it over to new management, and tried as best they could to bring up the compromise plan and wipe Senate Resolution 4 off.

Their position is:

"We were generous victors. We ran over you. We amended the rules by a method not provided in the rules. We got the Vice President to reestablish his ultraliberal credentials by helping to ram this through. We got him to respond to five prearranged parliamentary inquiries by the distinguished Senator from New York (Mr. JAVITS) and to make five prearranged answer.

"He is in with us, he has cast his lot with us, what chance does anyone else have?"

It sounded pretty threatening. The Senator from Alabama was not willing to buy it.

I would rather they would ram through their original proposal and then to have been stuck with it, by their majority vote steamroller, than to go through this sham of a cloture vote, all the while holding a club over our heads and saying that if we do not vote cloture they will either have the Vice President rule that cloture has been invoked or go back to the majority steamroller. What chance has anyone got?

We saw what happened. The vote was 73 to 21, whereas at the outset of this effort the gag rule Senators knew they had no chance of getting cloture and went to the majority steamroller approach instead.

So, what is the future of the 60-Senator rule?

Well, if cloture is invoked every time a cloture motion is filed from now on, it will have a long life. The constitutional three-fifths will live on and on, as long as cloture is invoked, 60 votes obtained on each and every cloture motion that is filed.

Let the first cloture motion get 59 votes and we will hear a howl. We will hear these gag-rule Senators say, "Well, look, important legislation is being held up, we did not get but 59 votes on that last cloture motion; we cannot travel that way. This is holding up important legislation. We have got to amend these rules. We have got to get it down to 51, or maybe a simple majority." Which could in some cases be less than 51 if all the Senators were not there.

Let it start pinching, let any inconsequential bill as to which cloture has been filed fail to get 60 votes for cloture the first time cloture is tried, and we are going to see a demand that the rules be changed.

"Oh, we have got a right, what happened back there in the 94th Congress?"

That has not got anything to do with it.

"We have got a right at the start of a session, at the beginning of a session, to write our rules and to have this same battle to go over again."

The Senator from Michigan (Mr. GRIFFIN) and the Senator from Nebraska (Mr. CURTIS), who went off after the compromise, say, "Well, look, we reversed that back then in the 94th Congress. That cannot be done."

We know what they would say. Watch and see, and that old steamroller majority vote, it would be in here the very first day of the Congress.

Mr. President, I am not trying to prolong this discussion. I know we are going to adjourn here possibly by 6 or 7 o'clock, maybe before that, and most of the discussion probably will come tomorrow after cloture has been invoked.

But what do they say to the free debate Senators, the free speech Senators? What do the gag-rule Senators say?

They say, "Well, fellows, as long as everyone is a good boy, we are not going to change this rule again, everyone just behave himself now, do not get obstreperous, let us 60 Senators run things here. Let this monolithic 60 Senators just face this mass of Senators, 60 of them. Just let us run things as we want to and we will not bother anyone. Everyone has been good and let us have this 60-vote cloture. Why should we interfere as long as everyone is a good boy?

"Go ahead, look after little local projects. No need trying to have any input here in the Senate. We will tend to the Senate. Everyone just go home. Make Fourth of July speeches. Make Lincoln Day speeches, Jackson Day speeches. Mail out your franked envelopes. Do not bother to come over here on the Senate floor, though, because we do not care about your input. We 60 Senators are running things here.

"Send out those baby books to your mothers. Greet the high school classes, the Girl Scouts, Boy Scouts. Have your pictures made on the Capitol steps. Do not bother to come by the Senate Chamber through, because if one has anything to say over there on the floor that means anything, we will invoke cloture."

So, as long as we are good boys, do not discuss a measure long enough to give any trouble, better not call for yea and nay votes on these billion dollar appropriations, though, if we do, they might get mad. If one asked for a rollcall, we like a little anonymity on some of these bills, do not do anything to interfere with our control of the Senate. By all means never deny us our 60 votes on a cloture application. One has got to amend the rules if we do.

As long as we are good boys, everything is going to be all right, the rule is going to live on and on. But do not be naughty, boys, because one will have to get a spanking and we are prepared to administer that spanking because we have got a favorable ruling from the Vice President, he is ready, willing, and anxious to further underscore his liberal credentials, he is ready to ram through whatever we want, so mind one's step.

Well, life in the Senate is not worth anything under circumstances like that if we are living under the gun all the time. If we are going to get in step every time they crack the whip, sure enough we might as well not be in the Senate.

So a compromise was worked out, not with the Senator from Alabama—and I will always be proud that I did not fall for this compromise—that assured enough votes to get cloture, on the assurance they were going to reverse this precedent, something that they knew could not be done, and cynically offered to do.

Mr. President, I believe the assistant majority leader got a unanimous-consent request agreement that amendments might be filed at the desk any time prior to the cloture vote. So instead of handing them up and thereby possibly losing the floor before putting in my amendment, I will merely hand them up at the desk. If I get the opportunity to ask that they be read, I will do so. If not, it is a matter of small moment because they will be printed.

I am going to ask at the time I hand them up that they be printed and that they lie on the table until called up.

At this time I am going to discuss—briefly, I might say—this amendment that is to be offered. It is made necessary, Mr. President, by the fact that the gag rule Senators have been claiming that the Senate rules, which make no distinction as to a particular measure, the nature of it or the time of its filing—the Senate rules as to cutting off debate and requiring two-thirds to do that—do not apply, so they contend, to efforts to change the Senate rules at the beginning of a session.

I have put in an amendment to make this resolution, in whatever shape it is finally agreed to, effective at the end of the beginning of the 95th Congress, and another amendment to make it effective, in case that does not pass, at the beginning of the end of the 95th Congress. We have not been able to establish just when that beginning that the gag rule Senators talk about actually comes to an end. One would think by now it probably had come to an end, but they apparently do not think so.

At any rate, the Senate rules make no distinction as to when an amendment to the rules is filed. The Senate rules make no distinction as to how one measure, bill, resolution, or motion will be handled differently from any other measure, bill, resolution, or motion.

This amendment would state specifically as follows:

> Motions, resolutions, bills or other measures having any reference to an amendment of the Senate rules, offered or presented at the beginning of a Congress, or at any other time, shall be governed by the debate limitations provided for in this resolution in like manner as any other bill, resolution, motion or measure, and the method of limiting debate provided in this resolution shall be the exclusive method, other than by unanimous consent, of limiting debate on any such motion, resolution, bill or other measure having any reference to an amendment of the Senate rules, irrespective of when offered.

Mr. President, I do not contend that these gag rule Senators could not come in at the start of the next Congress and say:

"Look, we are not satisfied with this cloture provision that we agreed to as a compromise. It is holding up our legislation. This bill that we had, having to do with making appropriations for a study of the mating habits of the tsetse fly, was killed by filibuster. There were 41 votes against cutting off debate, leaving us only 59. We cannot stand to have important legislation like that bottled up here in the Senate."

I am contending they could not put in a rules change, a resolution providing for majority cloture, followed up with their usual motion cutting off debate, preventing amendments, preventing motions, arrange to have the majority leader make a point of order, quickly get recognition—nobody gets recognition in this chain reaction, you know, except the gag rule proponents—and then have the Vice President say, "No matter whether the gag rule motion has been acted on or not, I am going to put its provisions into effect because you tabled a point of order" which happened here. I am not saying they could not ram that through again.

I believe they can, and I believe they would not be above doing it. What is the difference between the next time and this last time?

The Senator from Minnesota (Mr. Mondale), when he was discussing this issue prior to this little minirevolution in the Senate—he has not discussed it since then, as the Senator from Alabama recalls—used to say, "How can those fellows in the Senate back in 1959, when they had this compromise in 1959, bind us? They cannot bind us by putting in a rule like that."

That was his argument in time.

In the 95th Congress, will his argument be, "They cannot bind us, those fellows in the 94th Congress. This is the 95th Congress. We are not bound by what those fellows in the 94th Congress did. Yes; they said they were not going to try it again. Yes; those fellows did. They can't bind the 95th."

So they go forward with their steamroller again, if the remaining 40 Members of the Senate offer to give them any trouble, or maybe it is the remaining 30 or the remaining 20 or the remaining 10—whatever number it is. But 60 Senators can become a monolithic mass running the Senate. That is what they are aiming for. It is to crush dissent in the Senate. Let 60 Senators call all the shots, bring up all the bills, consider all the bills, consider who is going to talk and for how long. And if Senators are willing to accept that standard and accept that type of treatment, they will get along fine in the Senate.

Mr. Sam Rayburn used to say, "If you want to get along, go along." So I fear that a number of these 73 Senators—I do not question their sincerity of purpose—I do not doubt that some of them are adopting that principle, that to get along, they must go along.

I am not all that interested in getting along. I am here to represent the people of the State of Alabama; and so long as I feel that I am acting in the interests of the people of Alabama and the Nation, I am going to continue to carry on, on the course I have charted for myself.

This morning, I received a lengthy resolution passed by the legislature of my home State. It is so effusively favorable that I am not going to offer to put it in the Record, but I can certainly say that they are giving me 100-percent support in my efforts in this matter. So it is not necessary to get along in the Senate in order to represent properly the people that one has the honor to represent in the Senate.

Mr. President, I do not buy this backdoor approach. We are still on the backdoor approach. It is a sham to say that we have gone through cloture.

The distinguished Senator from Montana (Mr. Mansfield) made a most eloquent speech on the floor of the Senate—I do not believe the word "denounce" would be too strong—in which he was highly critical of the efforts to bring about a rules change by methods not countenanced by the rules. He made some high-principle observations in his talk, one of which was that he could not accept the proposition that a desirable end justified unworthy means. He could not buy that, and neither can the Senator from Alabama.

Mr. President, we have not had a true cloture on this issue, and I submit that to the Members of the Senate. Why do I say that? Because we are still operating under the majority vote steamroller. We are still operating with a gun at our heads. That gun is accompanied by the threat: "Adopt cloture or we'll return to ramming majority vote cloture through the Senate." That is what we are faced with. That is why it was not a true cloture. It was not a true cloture.

Even though the cloture vote was a sham, I had difficulty pinning down the distinguished President of the Senate on the proposition that it would take a two-thirds vote, on yesterday, to invoke cloture. I had to phrase the question a second time in order to get a responsive answer, and he finally said that it takes two-thirds.

They were afraid that they would not get the two-thirds and that the Vice President might have to rule as Senator Humphrey—then Vice President Humphrey—ruled in 1969, that a majority, but less than a two-thirds majority, could invoke cloture. The Vice President wanted to remain in that position. But after the Senator from Alabama got a question answered, in which the Vice President said it would take two-thirds, I doubt that he would have ruled otherwise.

What would happen then? The gag rule Senators would have said, "Look, you fellows promised to deliver this thing to us. You promised to hand this thing to us on a silver platter. You haven't done it." This is what I envisioned would have happened. "You haven't delivered this successful cloture vote to us. OK. Let's try one more time. If you don't get it this time, we're going back to the steamroller."

So we have not had a true cloture vote. It has been cloture under the gun, with a "deliver or else." That is what has been hovering over the Senate.

Yes, might makes right, they say. And they have proved it, so far as the Senate is concerned. Might has given them what they wanted, what they think they can operate with, and it was delivered to them at the point of the implied or actual threat to accomplish the same end with the steamroller, majority vote, debate chokeoff motion.

They can try it any time. They can try it any time they want to, as long as it is on the calendar. They can put it in one day, file a motion, make a motion to proceed the next. It might have to lie over 1 day. They can make a motion to proceed, or even file a cloture against it and file the majority vote debate chokeoff and have it right up again. Cloture was delivered to them on a silver platter by Senators who feared that they would get worse if they did not cave in. I submit, Mr. President, that the Senate would be a lot better off if we had not caved in. It would be a lot better off with three-fifths of Senators voting, where the blood for this atrocity in the Senate would have been on their hands, rather than for legitimacy to be given to this illegal move by compromising with those who flout the Senate rules.

How can one compromise with somebody who is operating outside of the rules while one is operating within the rules? There is no way we can get together.

Mr. President, if we want to keep this 60-vote cloture for any length of time, we have to do the bidding of the gag rule Senators. They will call the tune; we will march to it if we have no more backbone than that. Public opinion, in my judgment—and that is one of the great values of extended debate; it allows public opinion to form; it subjects our actions here to public scrutiny. Public opinion would not have supported this effort to steamroller this change in the Senate rules through the Senate, totally disregarding the rules and operating on the principle that might makes right.

Why else did the sponsors of Senate Resolution 4 abandon it, turn it over to the leadership? They knew public opinion would not support this improper action. Naturally, they were glad to compromise with Senators who were so inclined, and naturally, they were willing to go through the sham or charade of a cloture vote, where they had everything to win and nothing to lose. If cloture is adopted, fine. If cloture is not adopted, overrule the Vice President or start over.

What chance did free-debate Senators have? They did not have a bit—not a bit. Heads they win, tails we lose. That was the fallacy in falling for the compromise. We have nothing; we have it only as long as they are willing for us to have this 60-vote system. It can be changed in a matter of days 2 years from now. It can be changed 2 days from now by the steamroller-gag rule route.

Here we are, operating merely at the sufferance of gag rule Senators, as long as we do not step on their toes, as long as we do not fail to deliver 60 votes for cloture, everything is fine. Once cloture fails, we are going to find a strong effort underway to amend the rules again.

Do we think Vice President ROCKEFELLER is going to do other than he did this time, say that our vote on one thing puts into effect something else? That is what he ruled. Do we think he would change position? Why, of course not.

Do we think gag rule Senators are going to change their position? Why, of course not. So what good did the compromise do? It would have been far better to let them go to the extreme that they intended to go to and have public opinion form against it. But if we legitimize their action by agreeing with them and go through the sham of an almost staged cloture vote, what standing do we have? We just have life in the Senate at their sufferance, that is all. That is a pretty sad prospect, to be at the mercy of a group that would ram through a measure of this sort without following the rules in doing so.

Mr. President, I have said all this to point out that I do not say that this wording that I am asking the Senate to adopt will stop a ruthless majority from continuing to be a ruthless majority. This little scrap of paper is not going to reform these Senators, speaking of reform. But this is a reform measure. As I pointed out earlier, I have about 20 amendments here to rule XXII seeking to reform it.

But I daresay the media, both newspaper and electronic, will not refer to the Senator from Alabama as making a reform effort. These gag rule Senators are the reformers, to hear them tell it. Yet the Senator from Alabama has 20 reforms here that he is seeking to make, but he is antireform, to hear the media comment on it.

Now, this proposal would add another section that merely, as the Senator from Alabama understands it, would put in writing the agreement, or the nature of the agreement, the thrust or gist of the agreement, that he understands was made or was implied, or that some Senators understood; let us put it that way: Amend Senate Resolution 4, as amended by the Byrd substitute—which is the so-called compromise—in the following manner:

> At the end, add the following new section:
>
> "SEC. —. Motions, resolutions, bills, or any other measures having any reference to an amendment of the Senate rules offered or presented at the beginning of a Congress or at any other time shall be governed by the debate limitations provided for in this resolution, in like manner as any other bill, resolution, motion, or other measure; and the method of limiting debate provided in this resolution shall be the exclusive method, other than by unanimous consent, of limiting debate on any such motions, resolutions, bills, or other measures having any reference to an amendment of the Senate rules, irrespective of when offered."

In other words, Mr. President, many Senators who voted for cloture, whose inclination was not to vote for cloture but who did so under the implied threat of further steamroller tactics, had the impression and have the impression that a part of that agreement was that the precedent established by the Vice President in submitting this question to the Senate, by means of using their vote on the tabling motion on a point of order as implementing the provisions of a debate chokeoff motion, felt that that was to be reversed as a part of this so-called compromise agreement.

Well, that understanding has not been delivered on, Mr. President, by the gag rule Senators. They have made no delivery. There has been a failure of consideration. There has been no quid pro quo.

If free debate Senators who were lulled to sleep by these promises or these implied agreements will only reconsider their position, they will see that there has been no reversal of this precedent; that they are at liberty to proceed at any time they want to to further amend the rules; and we have the assurance that they will so proceed if the upcoming new rule should pinch them in any way.

So, Mr. President, the purpose of this amendment is not to feel that it is going to stop the gag rule Senators from proceeding outside the rules. The Senator from Alabama cannot do that. That would be like trying to defend against a tank with a broomstick. But surely, if the Senate should enact this amendment saying that debate on any type of motion, resolution, bill, or other measure having to do with a change in the Senate rules, whether offered at the beginning of a Congress or at any time, shall be limited only by the Senate rules as contained in this resolution, surely if the Senate adopts this amendment, it would have some little moral persuasive effect on the gag rule Senators. Surely it would be just some little damper or depressant on their determination to ram a measure through the Senate contrary to the express provisions of the Senate rules.

On an amendment that is adopted after this steamroller tactic by the gag rule Senators and the Vice President, surely a majority of the Senate, after the Senate might adopt this resolution, putting all rule change measures expressly and directly under the cloture rule insofar as debate limitation is concerned, would not go along with the leaders who would seek to lead or drive a majority to go counter to a measure enacted by the Senate acting in the light of all the present circumstances. It would be some little barrier, some little hill, some little resistance, some little ethical standard beyond which the gag rule Senators would not go. That is the hope of the amendment, especially since there has been no delivery on the commitment made to those Senators who went for the compromise to reverse the precedent set by the Vice President.

I urge those Senators who did go off after this spurious so-called compromise to reassess their position, and support this amendment and, failing in seeing it adopted, feel free that on tomorrow they will be completely justified in voting against cloture inasmuch as the gag-rule Senators have not delivered on their promise to reverse the precedents set by the Vice President.

I say again, Mr. President, and I emphasize this, that I do not contend that this language in this amendment would prevent ruthless Senators, determined gag-rule Senators, from following exactly the same procedure they followed here on February 20 when they rammed through a measure, after throwing the rule book out of the window, and after having received the full, active, and dedicated support of the Vice President in operating outside of the Senate rules.

Mr. President, if this amendment is defeated—and I might say I do not have any hope that the amendment will be adopted or that, with gag-rule Senators in the saddle, they see this might put some little restraint on them and they might have some little pangs of conscience 2 years from now when they start amending the Senate rules again—it might cause them to give just a little bit of thought, to hesitate just a moment, get out the rule book and check this rule and see what was agreed to, and they might be willing to follow the rules for a change. It might have some inhibiting effect upon them.

The rules say expressly that any measure, bill, resolution seeking to amend the Senate rules shall be governed as to debate limitation as provided in the resolution irrespective of when the resolution, bill, motion or other proceeding was filed, whether at the start of the Congress or in the middle of the Congress or at any other time.

I might point out also, Mr. President, this is not asking a great deal because, in all likelihood, it is not like calling for any major change in the existing rules, because the existing rules make no distinction between any measure having to do with the change of the rules or any other bill or resolution insofar as debate limitation is concerned.

This merely restates in a little bit more definite language what the rules already provide, and they were willing to go against the rules before, and if they are arrogant enough to flout the rules again, so be it. They have got the power. I do not contend they do not have. They have shown that. They have shown that they can make might, if not into right, certainly into license because they have been given the license to proceed.

But still, Mr. President, it might have just some little restraint if it is spelled out that the rules of the Senate shall apply to measures seeking to amend the Senate rules.

What is so bad about that? The rules of the Senate apply. Is that so terrible to have such a requirement if we are going to follow the Senate rules? Apparently it is.

We have not discussed this here for quite some time, and I am satisfied that within a few minutes after the Senator from Alabama sits down there will be a motion to table the amendment. But I am hopeful we will have a vote up and down on the amendment.

But something is needed, Mr. President, other than what we have now because there has been no reversal of the precedent. This little cynical exercise that we had yesterday, supposedly acting on the point of order made by Mr. MANSFIELD, the second point of order, was not addressed to anything. There was nothing before the Senate. The measure to which it was addressed was already dead. If they had really intended to go through the motions of reversing the Vice President's action, this matter, this point of order, should have been allowed to come to a vote prior to the Senate's adjournment on March 3 when the distinguished assistant majority leader adjourned the Senate for 5 minutes, the effect being to kill the motion to which the point of order was made, leaving no motion to which the point of order was directed. So, obviously, when they let them go through the motions of acting on that point of order, it was not directed against anything.

What good is a point of order if it does not point something out? A point of order points in the direction of something, but there was not anything there to point out. So it was a pretty callous proceeding when gag-rule Senators said, "Yes, let us vote on it." But there was not anything to vote on.

But this amendment would not accomplish what was sought to be accomplished there because you cannot do that, as I pointed out. The moving finger writes; and, having writ, moves on. That is what happened on that. It could not be revived. It could not pass on something that was not even there to consider.

So, Mr. President, if the amendment does serve the purpose of just putting up some little moral caution, some little barrier, some little ethical standard, some little word to gag rule Senators saying, "Gentlemen, if you do not follow these rules you will not quite be playing cricket. It is just not done here in the Senate to have a rule expressly made to cover this situation and then violate it."

So, Mr. President, this amendment, along with others that the Senator from Alabama has, would completely reform Senate Resolution 4, and it would completely reform Senate rule XXII.

Well, he has asked the question before this afternoon, will these 20 efforts to reform rule XXII qualify him as a reformer? Some 20 substantive reforms. Or will the name reformer continue to be applied to gag rule Senators who reform the rules by throwing them out the window?

That is what they do and they earn the title "reformers."

The Senator from Alabama has 20 reform amendments and he is referred to as an antireformer. Well, that is passing strange to the Senator from Alabama. He is referred to as antireform and we read about these reform forces gathering, the gag rule Senators gather and they make compromises and they plan strategy, and the antireform people are asking that the rules be followed. That is pretty bad. That is a pretty bad requirement and it is enough to cause them, I assume, to be referred to as antireformers.

But if one moves outside the rules, if one tries to come in the back door in amending the rules, if one throws the rule book out the window, if the Vice President throws the rule book out the window, if the Vice President shows partiality in his rulings and in his tactics, well, they are all reformers.

It seems strange to the Senator from Alabama.

I think it is pretty difficult to get our case across to the public, so the media has to support reform efforts.

Well, every change is not a reform. The only reform, I believe, if I am not mistaken, in what the original resolution did in seeking to amend rule XXII, it changed one fraction from two-thirds to three-fifths.

It changed one fraction, I believe that is all. That is a great reform effort. One fraction appearing in the rule.

Well, the Senator from Alabama has some substantive reform amendments to add to rule XXII.

Is reform where one pays no attention to the rules? That is what these reformers did, these gag rule Senators. They threw the rule book out the window.

I do not know whether the Vice President ever had one or not, but if he did, he did not follow it.

Mr. President, the point the Senator from Alabama is trying to make is that the cloture vote that we had on yesterday was merely a sham, that the vote was taken and resulted in the result that was had by reason of the fact that hovering over the Senate Chamber was the implied threat that if cloture was not adopted we would go back to something even worse. If cloture was not delivered to the gag rule Senators on a silver platter, they were going back to majority-vote cloture, not just 60 percent.

So, obediently, a number of Senators who opposed cloture voted for cloture, responding to this threat.

Now, Mr. President, we are going to have a vote tomorrow on cloture. The Senator from Alabama is not unrealistic enough to feel that cloture will not prevail because that same implied threat hovers over this Chamber this afternoon and it will hover over the Chamber tomorrow: Comply with our bidding or it will get worse. That is the message coming in loud and clear from gag-rule Senators.

Well, the Senator from Alabama is willing to call—I started to say, call a bluff. I know it is no bluff. I know if they do not deliver cloture tomorrow on the compromise plan, we go back to the butchery of the Senate rules with the old steamroller at work, a combination of a ruthless majority and a complacent—a complaisant Presiding Officer.

If it had been left up to the Senator from Alabama, he would have said that they are not going to get cloture, do whatever they want to, and to them we will attach the blame for it.

So the Senator from Alabama is not going to give the stamp of respectability to what has been done here in the Senate because it does not deserve that stamp.

Senators have noted, I am sure, that the Senators who were pushing this gag-rule effort by majority vote, as soon as they saw that it was not selling, the public opinion was not supporting this effort, they backed off from it and turned it over to the leadership of both parties, and I do not blame them. I do not blame them. They tried to get another vehicle to operate on. This Byrd substitute that has been adopted to Senate Resolution 4 with leave to amend as though it were the original text was originally offered as a separate resolution, I believe Senate Resolution 93, if I am not mistaken.

They tried unsuccesfully to get that up long enough to file a cloture motion. The Senator from Alabama asked the Senator from West Virginia (Mr. ROBERT C. BYRD) if it was the plan to offer this new resolution, Senate Resolution 93, in lieu of Senate Resolution 4. He said yes, that was the intention.

They got the thing snarled up and they finally decided they had to proceed with Senate Resolution 4. That must have been a bad state of affairs, having to continue on with Senate Resolution 4 because of the bad odor attached to it. It had such a bad odor that they were trying to get out from under it and have an original start on Senate Resolution 93. But they did not get to do that and they are stuck with the bad odor of Senate Resolution 4, the bad odor of the tactics employed by the majority, and the tactics employed by the Vice President. But they feel that adding the Senate Resolution 93 as a substitute for Senate Resolution 4 might eliminate some of the odor. I do not believe it has. The odor is still there and it will linger on, as will the memory of the strong-arm tactics of the majority in this Senate.

The Senator from Alabama does not promise to be a good boy in the future with respect to rule XXII. He makes no pledge to that effect, knowing full well that if he is not a good boy, does not go along with the majority and gives any trouble, and causes any discussion as to which cloture is not immediately invoked, there will be a hue and cry to go back to the old steamroller and rush through some more majority vote clotures.

If that be the case, let it be. The Senator from Alabama is not going to change his course because of these implied threats that hover over the Senate Chamber. I know that we are expected to be good boys, not to participate in proceedings here, let the majority have its say, let us be ceremonial Senators riding in parades and attending patriotic celebrations, American Legion conventions, VFW conventions, Boy Scouts, the League of Cities, county commissioners. Let us go through all of the trappings of office, or have all the trappings of office, but do not upset the apple cart here in the Senate.

"Please do not do that or we will have to change things again. We want to be nice about it, but do not bother us. Do not bother us with trying to have some input into legislation here, putting some little barrier in the way of a steamroller every now and then. You must not do that. If you do, we are going to change the rules on you again."

That is the implied threat that hovers over this Chamber, and the Senator from Alabama does not like it.

AMENDMENT NO. 53

Mr. President, I send to the desk my amendment and ask that it be stated. I call for the yeas and nays.

Mr. MONDALE. Mr. President?

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

Amend S. Res. 4 as amended by Byrd Substitute in the following manner:

At the end add the following new Section:

"Section —. Motions, Resolutions, Bills or other measures having any reference to an amendment of the Senate Rules offered or presented at the beginning of a Congress or at any other time shall be governed by the debate limitations provided for in this Resolution in like manner as any other bill, resolution, motion or other measure, and the method of limiting debate provided in this resolution shall be the exclusive method, other than by unanimous consent, of limiting debate on any such motions, resolutions, bills or other measures having any reference to an amendment of the Senate rules irrespective of when offered."

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MONDALE. Mr. President——

The PRESIDING OFICER. The Senator from Minnesota.

Mr. ALLEN. I suggest the absence——

Mr. ROBERT C. BYRD. The Senator from Minnesota has been recognized.

Mr. ALLEN. Who has the floor?

The PRESIDING OFFICER. There was not a sufficient second. The Senator from Minnesota requested the floor and has the floor.

Mr. MONDALE. Mr. President, I think it would be appropriate to discuss the context in which we find ourselves with the pending proposal to amend rule XXII. For nearly 8 weeks the Senate sought to make Senate Resolution 4 the pending business.

On January 14, Senate Resolution 4 was introduced to amend rule XXII to provide that cloture could be invoked by three-fifths of those Senators present and voting.

We attempted, for several weeks, to make that resolution the pending business so that it could be debated, amended, and fully considered. We wanted the Senate to be able to decide whether it wished to change the rule that, except for two modifications, has governed the Senate since 1917.

Later, not at the suggestion of this Senator or the Senator from Kansas (Mr. Pearson), the Senator from Louisiana (Mr. Long) and others suggested that the resolution should be modified to provide that three-fifths of the constitutional membership of the Senate be required to invoke cloture.

That suggestion, which is now embodied in Senate Resolution 4, is the pending question before the Senate. It was introduced as an amendment to Senate Resolution 4 by the joint leadership—Senator Robert C. Byrd, and Senator Griffin.

Yesterday the Senate invoked cloture on the question of whether this resolution should be brought before the Senate as the pending business.

The vote on cloture was 73 to 21. In the original rollcall, it was 75 to 21, before live pairs were granted.

Following the invocation of cloture, the original Senate Resolution 4 became the pending question. Then, it was modified in accordance with the joint leadership's proposal to require three-fifths of the constitutional membership as a condition to the invocation of cloture.

This revision represents a modest, but significant reform.

In this morning's New York Times, Mr. David Rosenbaum, in writing about Senate Resolution 4, points out that only once in history—let me repeat that—only once in history, on a consumer protection measure last year, have 60 or more Senators voted for cloture, only to have cloture on the bill fail on that and succeeding votes.

So, when we hear arguments that those of us who wanted the original Senate Resolution 4 had things totally our way, I think the record stands for a different proposition.

The modified proposal is an effort to change the rules in a way which assures that the Senate recognizes and respects minority points of view, regional points of view, and the right of each of us representing our constituents and performing our obligations of office. It insures the full, responsible right to debate, to ventilate, and even to delay a measure as a part of our efforts to represent a point of view in which we believe.

The only way in which a debate can be stopped under this revised resolution, on which cloture will be voted tomorrow, is if 60 Senators approve. If one looks at cloture votes in the past, it becomes quickly apparent what a modest, but significant, step that is.

It is one that is fully consistent with the right to debate and with the rights of minorities. It is one that is, in my opinion, a substantial, but significant, compromise from that initially proposed by the sponsors of Senate Resolution 4.

This compromise was not suggested by those who originally submitted Senate Resolution 4. It was a compromise suggested by the distinguished Senator from Louisiana (Mr. Long) and the distinguished majority leader (Mr. Mansfield). The record will show that this concession was made by the original sponsors of Senate Resolution 4 in order to create a consensus which would permit a long-overdue modification of the rules in a way consistent with the traditions of debate, which I think are essential to this institution, but which also will prevent a few Senators from paralyzing progress in the Senate, no matter what the overwhelming majority of the Senate and the overwhelming majority of the American people wanted or needed.

Tomorrow the Senate will have an opportunity to vote on cloture, on the question of voting on the merits of the revised resolution. It should be recognized by all that, under the rules, once cloture is invoked, if it is, every Senator still has remaining rights to have pending amendments considered under the rules, and the opportunity to argue his point of view.

I understand that the Senator from Alabama already has thought of 20 changes that he thinks would strengthen rule XXII. As a matter of fact, the Senator from Alabama has been so creative, his mind so fertile, his stamina so unremitting, that the Legislature of Alabama, we are told, passed a resolution so glowing in praise that the modesty of the Senator from Alabama prevented him from requesting that the resolution be printed in the Record. I hope that when these proceedings are over, the Senator from Alabama will permit me to introduce that resolution, so that our colleagues will know what the Legislature of Alabama thinks of him and the high regard they have for him.

I also hope that the International Parliamentary Union might review this Record and, perhaps, shape a new medal, a new award of some kind, which would confer upon him some international award for the fertility of his mind, which I think is without any effective comparison in this body or in any other parliamentary body in the world.

Mr. ALLEN. I do not make those junkets, so I do not guess I would be eligible for the medal.

[Laughter.]

Mr. MONDALE. Like Alexander Solzhenitzyn, the Senator from Alabama would be unable to accept his award personally, but I think we would all share in the pride of that moment. Surely no one deserves it more than the Senator from Alabama.

I doubt that any other member of any parliamentary body in the world today is creative enough to move that their journals recite, verbatim, the prayer of St. Francis of Assisi or the Lord's Prayer. I think the Senator from Alabama——

Mr. ALLEN. Why did the Senator vote against them?

Mr. MONDALE. I think that he deserves great praise. Coming from the family of a minister, where one of the first things we learned to do was recite those prayers, I was moved by the leadership of the Senator from Alabama. However, I was somewhat hurt that the 23d Psalm, which certainly deserves great recognition, was not included in his amendments. But, I am sure that was an oversight and that, if the occasion arises, the Senator from Alabama will strengthen his position by adding the 23d Psalm, perhaps to rule XXII, as a reform measure.

Mr. President, I think the parliamentary situation is obvious to all. The Senate has decided that it wants to dispose of this matter. I think most of my colleagues believe that 2 months of debate should be enough time to understand the merits of this proposal, particularly in the light of the fact that it has been before us Congress after Congress.

I have listened carefully to the Senator from Alabama. I have been impressed by his erudition. But I have listened carefully to see if there is any way that we could shape a strategy to reform the rules that he would find acceptable. I have not heard one yet. Some of us pursued the strategy that, under the Constitution of the United States, we had the right to change the rules, and the Senator objected. He said, "Oh, if you would only use the rules of the Senate, rule XXII, that would be a different thing." Now the Senate is using rule XXII, and he says, "No, that will not work, either; that is a sham. That is not the way to proceed."

One wonders what other avenue the Senate would have available to it, if the Constitution of the United States and the rules of the Senate are not available to it, in order to change the rules. We have had a lengthy debate, one of the longest in the history of the Senate, on this resolution. We have had more votes on this matter than on any matter that I can recall since I came to the Senate, over 10 years ago. And I have been assured by the Senator from Alabama that there will be many more before we are done. If he says that is the case, I have no doubt that will be true.

This matter has been, in my opinion, considered in the finest traditions of the Senate, in a way that is consistent with the rights of the minority; in a way that is consistent with our belief in debate; in a way that is consistent with the rules. We have reached a compromise which, I think, history will show to be a very modest, but important one, one which assures that the Senate will continue to be the great deliberative body in the world.

The Senator from Alabama placed in the RECORD, with approval, a New York Times editorial that criticized some of us for accepting this compromise. It is nice to see the Senator from Alabama and the New York Times together in condemnation of the "craven" compromise that some of us approve in support of the leadership on both sides of the aisle. I think that the compromise is a good one. It is a compromise from that which some of us wanted, but it is a significant improvement.

I hope that, tomorrow, we can invoke cloture on the resolution; that we can consider the many amendments that are before us, including the 20 or so offered by the Senator from Alabama, and the other amendments which, I assume, are pending on this measure, and, consistent with the rights of all following the invocation of cloture, that the Senate will proceed to work its will.

Mr. ALLEN. Will the Senator yield for a question?

Mr. MONDALE. I cannot yield right now, because I want to be sure I have a chance fully to develop my thoughts.

Mr. ALLEN. I just wish to ask a question.

Mr. MONDALE. I shall be glad to yield at an appropriate time, but the Senator's argument was so stunning, I was so overwhelmed by it, that I need a little time to discuss and persuade myself again that I am right, lest I end up by inadvertently yielding to his eloquence.

Mr. ALLEN. I assure him I do not want the floor back and I am glad to see that the Senator is filibustering for me. I appreciate that.

Mr. MONDALE. Any way that I can help the Senator from Alabama, I am pleased to do so.

Mr. ALLEN. I am sure of that.

Mr. MONDALE. There are some other matters that, I think, need to be discussed here. Senate Resolution 4, clearly assures that the Senate will continue guaranteed lengthy, respectful debate and deliberation on all matters coming before it. If one looks at the roster of the Senate on practically any issue, and asks what is required to achieve cloture, it is clear that one would be required to have broad agreement and consensus before cloture can be invoked.

Unlike the present rule where, if there are absentees on the negative side of a cloture motion, those absentees reduce the burden of the proponents of cloture, 60 would be required. We would need 60 on the side of the proponents to close off debate. It is a very high, but fair, hill to climb. The burden would be on the proponents of cloture.

In order to get 60 votes, the proponents would have to have the support of a broad cross-section of geographic and political points of view. It is a proposal which strongly protects those who want debate and restraint, and it would continue to assure that the Senate is a fair body, a body which represents all points of view, and one which can move in the face of strong opposition only when a respectable, decent consensus has been reached with 60 Senators.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I am glad to yield to the Senator from Vermont, with the understanding, and asking unanimous consent, that I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Senator.

Mr. President, I apologize for having to take the time of the distinguished Senator to ask this question. As the Senator from Minnesota knows, this is my first term in the Senate, and I consider that I am still in the learning process. We have certainly had an extensive schooling in rule XXII. So, in laying the predicate for my question, I might want to review some of the things that have gone on, as I see them.

As I understand it, there have been occasions in the past when the same question before the Senate has been called up, when rule XXII has been under consideration by the Senate in past years, and each time the change has not gone through. In this instance, as I understand it, the original resolution called for changing rule XXII from a two-thirds majority to a three-fifths majority of those present and voting, but a change has since been suggested by the proponents of the reform of this rule. One of the changes suggested is to change it to a vote of a constitutional three-fifths majority, or 60 Members of the U.S. Senate.

A great deal of press coverage has been given to this issue. The New York Times published an article, for example, just this morning, which mentioned that the distinguished senior Senator from Minnesota and his supporters—and I read now from the New York Times:

> Originally wanted to permit three-fifths of the Senators present and voting to invoke closure, a much easier total to get than a flat 60 Senators, since there are generally absentees for closure votes.

Then, according to that article:

> The reformers also obtained a ruling from Vice President Rockefeller, acting as Presiding Officer, that a majority of the Senate could change its rules at the beginning of the new Congress.

Also, according to that article:

> The Senate, moreover, voted to accept that theory. making it a precedent in a body that operates on precedence.

Also, according to the article:

> As part of the compromise, the Senate voted today (yesterday, 53 to 43, to reverse that precedent.

And the article stated that, moreover, the distinguished Senator from Alabama (Mr. ALLEN) successfully made the point that if there are not enough votes to obtain cloture that one Senator who knows the rules can prevent the Senate from acting.

Incidentally, the New York Times for some reason keeps referring to it as "closure," but I presume they mean cloture; they sometimes have some difficulty with typesetting on that distinguished newspaper.

And the article went on further to say, in between typographical errors, that the reformers prevailed because they were able to swing to their side more than a two-thirds majority—10 votes more, as it turned out.

Now, the distinguished New York newspaper, the New York Times, goes on to say:

> The effect of the new rule cannot be accurately assessed.
>
> There is no doubt that it votes than 67 to end a filibuster.

That created some question in my mind, because the distinguished newspaper had left out half a sentence. As I indicated in the predicate to my question, and being new in the Senate I am still trying to learn proper parliamentary procedure, I had some difficulty in following the history of the cloture rule because of the typographical errors in the distinguished newspaper, a newspaper that we in Vermont refer to affectionately as "one of those Southern newspapers."

I continue to read from the article:

> Only once in history—on a consumer protection measure last year—have 60 or more Senators voted for closure, only to have closure on the bill fail on that and succeeding votes.

Still referring to it as "closure."

Mr. MONDALE. Mr. President, will the Senator permit me to comment at this point?

Mr. LEAHY. Certainly, I am glad to yield.

Mr. MONDALE. If the Senator will look at the votes, he will find—we will start in 1967, with the fair housing bill. I happened to be the chief sponsor of that measure, so I remember that very well.

Mr. LEAHY. I recall that distinguished piece of legislation.

Mr. MONDALE. Yes. Now, in the first cloture vote, on January 24, 1967, we had a vote of 53 to 46 for cloture.

On February 20, 1968, we got 55 votes for cloture, 37 against. Cloture failed. On February 26, we had 56 votes for cloture, 36 against. Cloture failed again.

On March 1, we had 59 votes for cloture, 35 against. Cloture again failing. And, on March 4, we had 65 votes for cloture, 32 against, barely getting the number we needed under the current rule. We got cloture after a debate that went from February 20 to March 4; and I remember that because I went through it as the chief sponsor of that measure.

We did not amend the proposal itself; it was the same proposal that we introduced. If we had had the proposed rules change then, based upon the 1967 record vote, the result would have been just the same. So, on that particular issue, this rules change would have made no difference.

We also considered the Fortas nomination. Cloture was unsuccessfully attempted there on October 1, 1968, 45 to 43. So this resolution, if it had been in effect, would not have changed the outcome of the Fortas nomination.

Then there was an attempt to amend rule XXII in 1969; two cloture votes taken, one on January 16, 1969, 51 to 47; the second on January 28, 50 to 42, both unsuccessful. If we had the proposed resolution, a different result would not have occurred.

Then we had two votes on cloture to vote upon the electoral college reforms, one on September 17, 1970, 54 to 36, the next on September 29, 53 to 34, neither attempt succeeding. Neither would have succeeded had the resolution now before us been in effect at the time.

Then there was the supersonic transport. Cloture was attempted on December 19, 43 votes to 48; a second cloture attempt on December 22, 42 to 44. Cloture obviously failed, and it would have failed if the resolution had been in effect.

Then, in 1971, we had four cloture votes on a change in rule XXII. The first vote was on February 18, and was 48 to 37; the second on February 23, 50 to 36; the third on March 2, 48 to 36; and the fourth on March 9, 55 to 39. Once again four cloture votes, none of them successful, and none would have been successful under the proposed change.

So we have now looked at several cloture votes, and not a single one would have had a different outcome had Senate Resolution 4, as modified been in effect.

Then on June 23, we had a cloture vote on the military draft in which 65 votes were cast for cloture, achieved. Under the present rule, 62 were all that were needed on that vote.

On the Lockheed loan, we had three votes, 42 to 47, 59 to 39, 53 to 37; three votes from July 26 to July 30, none successful, and none would have been successful even if the rule were changed.

Finally, on the military draft issue on September 21 cloture was invoked 61 to 30, and it would have been invoked under the reformed rule.

The Rehnquist nomination was 52 to 42, and would have failed under the pending resolution, even if it had been in effect.

Equal job opportunity, 48 cloture votes on the first cloture vote, 53 on the second. The same thing is true.

The point I am making is that history clearly establishes that this is a modest although significant, change. It clearly protects the right to debate. So, I think the point the Senator is making is well-taken and, certainly, the article by one of our most respected reporters, was very accurate.

Mr. LEAHY. Mr. President, will the Senator yield for a continuation of my question?

Mr. MONDALE. Yes, I yield, with the unanimous agreement that I not lose my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, will the Senator get unanimous consent for me? I have a statement.

Mr. MONDALE. Yes. I ask unanimous consent that I be able to yield to the Senator from New York for a question without losing my right to the floor.

Mr. JAVITS. I would like to make a statement without the Senator losing his right to the floor.

Mr. MONDALE. I do not know whether I want to broaden my request for reasons which I will explain.

Mr. JAVITS. Go ahead.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. The Senator from Minnesota has given me a more than complete understanding of the recent history of cloture efforts. The article in the New York Times helped considerably also. As the Senator knows, I come from a small State but one which has a great deal of interest in what happens down in Washington. I am going back to that State tomorrow, the Senator from Alabama and the airlines willing, and I have a feeling that I may be called upon to explain to my constituents why, when there were so many problems facing the Nation, and when there is obviously such a heavy majority of the Senate who want to change this rule, we are still here debating it.

I know that the Senator from Minnesota has been doing his utmost to expedite this matter, and I applaud his heroic efforts.

Mr. MONDALE. Mr. President, will the Senator pause there?

Mr. LEAHY. Yes.

Mr. MONDALE. I think this underscores why we must change the rule. We have been on this proposed rule change—it has been before the Senate—since January 14. We have just made it the pending business.

We made a study in the last Congress. I think that in 9 of 11 months there was a filibuster pending. If this rules change can expedite the work of the Senate, we are actually saving time by pursuing it.

Fair housing, for example, took from February 20 to March 4. If one reviews the record, one can see that days upon days, weeks upon weeks, are often consumed on a single measure.

In no sense do I want to be understood as suggesting that prompt action should be taken on everything. I think debate is very important. But let us look at some of the figures.

The record on filibusters shows that the campaign financing bill took 5 weeks of intermittent filibuster time in 1967. Open housing took a full month in 1968. The Fortas nomination took virtually a week; 14 days were spent, in 1969, on the question of amending rule XXII. A full week was spent on the Haynesworth nomination.

In 1971 they spent 6 weeks on the question of amending rule XXII. That works out to about 5 days for each word in the rule. I think we are capable of understanding the issue a little more promptly than that.

We spent 2 weeks on the military draft extension. We spent a month on voter registration.

That was interesting. That was the proposal to permit people to register by postcard. The theory was that, since the Internal Revenue Service can find you whether you wanted to be found or not, since the draft board knew how to find you whether you sent in a card or not, and since the local police and the FBI can find you if you are violating laws, it ought to be possible for an American citizen to find the Government with a postcard so that he can vote.

A very profound issue, it took 1 month of the Senate's time to consider it, as I recall. But it was clear the issue there was not understanding the issue or having a chance to be heard and let the public understand so that they could be heard, it was people that wanted to make it difficult for Americans to vote that stalled that measure for a full month, 30 days.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I am glad to yield provided I do not lose my right to the floor.

Mr. ROBERT C. BYRD. Will the Senator yield for a question?

Mr. MONDALE. Yes, for a question only.

Mr. ROBERT C. BYRD. Now, Mr. President, may I ask the Senator how much longer he intends to speak?

Mr. MONDALE. Well, I believe we have pretty well discussed the central points of this debate and I will be guided by the wishes of the leadership.

Mr. ROBERT C. BYRD. I would like to speak very briefly myself.

Mr. MONDALE. Well, when the leader is ready, I will be glad to yield the floor.

Mr. ROBERT C. BYRD. I am ready.

Mr. MONDALE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, the Senate will meet at 8:30 tomorrow morning.

I ask unanimous consent that I may propound a unanimous-consent request without losing my right to the floor, and the unanimous-consent request will be to the effect that the 1 hour under the cloture rule on tomorrow be divided equally and controlled by Mr. ALLEN and myself.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, what time did the distinguished Senator say we were coming in tomorrow?

Mr. ROBERT C. BYRD. 8:30 a.m.

Mr. ALLEN. Well, the Senator now in charge of this bill and the division of time—is it under new management now, the bill, rather than the distinguished Senator from Minnesota? Is that what the Senator is saying?

Mr. ROBERT C. BYRD. Mr. President, I will leave that to the Senator from Alabama to——

Mr. ALLEN. Well, now, the Senator from Alabama hopes that the distinguished assistant majority leader will let us have a vote on this amendment, the filibuster carried on against the amendment that is pending, that we will have a vote on that.

Mr. ROBERT C. BYRD. Mr. President, the Senator can be assured he will have a vote on that tomorrow.

Mr. ALLEN. No, sir; a vote now, the filibuster today.

Mr. ROBERT C. BYRD. Well, I must say it is my understanding that there are several Senators who would want to speak on this amendment if there were to be a vote on it today.

Mr. ALLEN. Yes, sir; but I believe the Senator understands that turning down of the amendment might possibly lose some cloture votes. For that reason we would like to have a vote tonight. I would hate to be denied that. I would hate a filibuster conducted against the Senator from Alabama, he is trying to bring this matter to a conclusion.

Mr. ROBERT C. BYRD. Mr. President, I have assured the Senator that we will certainly have a vote tomorrow on his amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT FOR DIVISION OF TIME TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour under the cloture rule tomorrow be equally divided between Mr. ALLEN and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the record, I would like to ask a question of the Senator from Minnesota without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Will the Senator from Minnesota assure other Senators that if cloture is invoked on tomorrow, he and those Senators supporting the compromise will support that compromise and not attempt to amend it?

Mr. MONDALE. I am glad the Senator from West Virginia asked that.

I indicated earlier in my remarks that the leadership's modification of Senate Resolution 4 represents a substantial change from what the original sponsors of Senate Resolution 4 proposed. But speaking for myself, I support it. I do not think it needs amendments. I will oppose amendments. Those who vote for cloture can be assured, at least insofar as this Senator is concerned, that Senate Resolution 4 will be adopted as is, without any substantive changes.

Now, of course, I cannot speak for others who supported the original Senate Resolution 4. But, I have talked to a great number of those Senators, including my joint chief cosponsor the Senator from Kansas (Mr. PEARSON). To my knowledge every one of them agrees with my position.

I make this statement with the recognition that Senators who vote for cloture have a right to know what they are limiting debate on. I would consider it a breach of promise of the gravest sort if I were to change my position after having made the statement that I did. I know of no Member, at least the ones I have talked to, who would plan to change that resolution.

Now, insofar as the original proponents of Senate Resolution 4 are concerned——

Mr. ALLEN. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield for a question.

Mr. ALLEN. Yes. That being the case, since the Senator from Minnesota said he is going to be against all amendments, that would seem to doom in advance the amendment offered by the Senator from Alabama that he wants to get voted on tonight, which would put, as far as the English language can do it, the proceedings at the beginning of a session of Congress seeking to amend Senate rules, put debate limitations under rule XXII.

The Senator from Minnesota signed a death warrant for that amendment and by doing so says that he is not going to be willing to put those efforts at the beginning of a Congress under Senate rule XXII and I understood that was part of this alleged compromise.

Would the Senator know the facts on this?

Mr. ROBERT C. BYRD. I do not.

Mr. ALLEN. Well, does he agree that would doom this amendment?

Mr. ROBERT C. BYRD. I did not understand the Senator from Minnesota to so answer.

But what I want to know from the Senator from Minnesota is—and I ask that I may propound this question again without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I want the Senator from Minnesota's assurance. I know that he cannot assure me that no Senator, that no Senator in this body and no Senator among those on this side of the aisle, will attempt to amend this compromise, but what I seek assurance about is that he and the Senator from California (Mr. CRANSTON) and those other Senators who have supported him from the beginning in this effort—for the chances of which I would not have given 10 cents 6 weeks ago, 5 weeks ago, or 3 weeks ago—will not offer any amendments to this compromise and that they will stand behind their commitment to support the compromise?

Mr. MONDALE. Yes, I fully support the pledge described by the Senator from West Virginia, and, to the best of my knowledge, there are none of the original supporters of Senate Resolution 4 I have talked to who have a different point of view.

Basically, what the leadership has proposed and, I think, what the Senate had in mind yesterday when Senate Resolution 4 was made the pending business, was that hereafter cloture can only be invoked by 60 percent of the constitutional membership of the Senate voting except in the case of rules changes where two-thirds of those present and voting would be required under the language of rule XXII.

Mr. ROBERT C. BYRD. What the Senator is saying, as I understand it, Mr. President—and if I am incorrect I wish he would correct me—is that he and those who have supported him in this effort are committed to support the compromise the leadership has advocated, and that once cloture is invoked tomorrow, if cloture is invoked, that commitment will stand. That is the way I interpret it. I interpret it as a good faith promise, and that it will stand. That, insofar as I am concerned, is satisfactory.

Mr. ALLEN. Will the Senator yield for a question?

Mr. ROBERT C. BYRD. Yes; I yield for a question.

Mr. ALLEN. It seems, then, since the Senator from Minnesota has this, we ought to stay in session tonight and vote on this amendment. If the Senator wants a vote on the amendment, the Senator from Alabama could not prevent it. Would not the Senator be willing to keep the Senate in session long enough to give us ample opportunity to have a vote on this amendment, or else show the Senator from Minnesota in his true colors as being opposed to this amendment, which, in effect, would put into being the supposed agreement that was had with respect to the compromise? Why does he fear this amendment since it just puts into effect the understanding of the compromise?

Mr. ROBERT C. BYRD. Mr. President, I do not interpret the response of the Senator from Minnesota as being a commitment to vote against the amendment that——

Mr. ALLEN. It would be a vote against the amendment.

Mr. ROBERT C. BYRD. I do not interpret the response of the Senator from Minnesota as saying that he has made up his mind on the amendment that has been presented by the distinguished Senator from Alabama, and which has been read. As far as I know, the Senator from Minnesota may vote for that amendment. He may vote against it. I may vote for it. I may vote against it. I simply ask the Senator from Minnesota if he and those who are supporting him in this effort will stand with the leadership against any amendments to this proposal that would weaken it. We are committed to a three-fifths constitutional majority, in the future in invoking cloture on any matter other than on proposed rules changes. In that instance, the number necessary will be two-thirds of those Senators present and voting. How the Senator from Minnesota wishes to vote on the amendment by the distinguished Senator from Alabama, or how I will vote on it, I do not think we need be called upon at this time to say.

There will be a vote on that amendment, if cloture is invoked tomorrow. I am sure the distinguished Senator from Alabama realizes this.

Mr. ALLEN. Will the Senator yield for a further question?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Does not the Senator miss the point in saying that there will be a vote on it? The point is the timing of the vote. If the vote is had before the cloture vote and the amendment is killed, it would show that the agreement about putting the rules changes under the rules is not being carried out. Obviously, if the vote comes after cloture, that would be like trying to close the barn door after the horse has gotten out. He misses the point in assuring the Senator from Alabama he will have a vote. Of course, he knows he will have a vote after the cloture has been invoked.

Mr. ROBERT C. BYRD. No, the Senator from West Virginia did not miss that point at all. But there are so few Senators in the Chamber at this time to listen to this debate that has gone on this afternoon that I think, before Senators vote on an amendment of this importance, they ought to have an opportunity overnight and in the morning to read the record of the debate. I have listened with more interest, I think, to the debate today than I have experienced in a long time in this body. I have been persuaded both ways on this amendment. I find it very difficult for me at this time to make up my own mind as to which way I want to go on this amendment—which indicates that I have an open mind. First, when I listened to the Senator from Alabama I was inclined to think I would go his way. Then when I listened to the response by the distinguished Senator from Minnesota (Mr. Mondale), whose attention I should have at this moment——

Mr. ALLEN. The Senators might resolve the dilemma by voting present.

Mr. ROBERT C. BYRD. Mr. President, I do not yield.

I found myself not knowing just which way to go.

I think it would be highly beneficial for all Senators if they had the opportunity overnight to read the Record. I hope it will be printed by 8:30 in the morning. I hope they will have the opportunity to read the Record and be able to make up their minds in the morning on this very important amendment.

There is no commitment either way, as far as I am concerned, on the amendment of the Senator from Alabama.

Mr. President, I would ask unanimous consent that I may be permitted to proceed for not to exceed 3 minutes without losing my right to the floor, although I will present two very routine unanimous-consent requests in the meantime.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXTENSION OF TIME FOR FILING COMMITTEE REPORT ON S. 66

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until midnight tonight to file a report on S. 66, the Nurses Training Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator suspend for just a moment for a statement from the Chair?

Mr. ROBERT C. BYRD. Yes.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of title 20, United States Code, sections 42 and 43, appoints the Senator from Utah (Mr. Moss) as a member of the Board of Regents of the Smithsonian Institution, in lieu of the Senator from Arkansas, Mr. Fulbright, resigned.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ROBERT C. BYRD. Mr. President, the Senate rules are so structured as to protect a minority. That is as it should be. They are also so structured as to allow a majority, after a sufficient length of time under the cloture rule, to work its will. But the majority, of late, has found it difficult to work its will.

The Senate, in the last 2 weeks, in my judgment, has hurt itself. Perhaps I should not say it that way. The Senate has been hurt in the eyes of the American people within the last few days.

The leadership has presented the compromise in the effort to bring this debilitating exercise to an early end.

I respect the views of every Senator in this body, and I do not question the sincerity of the viewpoints that are held or the conscientiousness of purpose on the part of Senators who are wishing to change the rules and, by the same token, I respect those who are resisting a change. As I have said more than once, I would not have given 10 cents for the prospect of any change in rule XXII as recently as 2 weeks ago.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. ROBERT C. BYRD. I yield, for a question only.

Mr. MANSFIELD. The Senator agrees with me that we are both opposed to majority cloture.

Mr. ROBERT C. BYRD. Absolutely.

Mr. MANSFIELD. And that is the significant factor; because if we keep on going as we have been, the chances are that we will bear more and more in that direction, and that, would the Senator not agree, would be a disaster for the Senate?

Mr. ROBERT C. BYRD. I do agree. I think it would be a disaster for the Senate; and, as the distinguished majority leader has said time and time again, it would destroy this institution as a unique institution in our system of checks and balances, which is also unique.

As I have said more than once, at any time a majority of Senators in this body are determined to invoke cloture, if they have the support of the leadership—certainly, if they have the support of the joint leadership—and if they have a friendly Presiding Officer in the Chair, they can do it. Using the example I cited yesterday in debate, going back to 1969, when a Presiding Officer ruled that at the beginning of a new Congress, a majority of Senators, voting to invoke cloture, could invoke cloture, I wish to say again that in such a situation in the future, if 51 Senators were to vote to uphold the ruling of the Chair, we would have majority cloture.

On that occasion in 1969, fortunately, the Presiding Officer did not apply that provision of rule XXII that says that appeals are not debatable once cloture is invoked. But another Presiding Officer, at another time, in taking the view that a majority can invoke cloture, might invoke the rule in its entirety and not allow an appeal to be debatable, in which case an appeal could be made by any Senator against the ruling of the Chair, a motion to table could immediately be made, and 51 Senators could reject the appeal and thus sustain the ruling of the Chair, and we would have majority cloture, which would be a much easier method than the way in which the distinguished Senator from Minnesota and other Senators went about approaching this matter at the beginning of this session.

What I am saying, Mr. President, is that the Senate is getting awfully close to majority cloture. I have seen the mood of the Senate change in recent days, and I have seen the Senate harden in its determination both to avoid majority cloture and to avoid a repetition of this debilitating exercise at the beginning of the next Congress, if it can be avoided.

So, the leadership, working with other Senators similarly inclined, has decided to press for this equitable and fair compromise, which would be reached under the procedures allowed by the present rules. That is the argument I have been making all along—that if we are going to change the rules, it should be done in accordance with the provisions in the present rules.

I have never thought too much of the fiction that a continuing body does not have continuing rules. But there are many fictions—many fictions that are recognized in law—and so I think it would be good insurance for the Senate to adopt this compromise, so that we can get on with other important matters that are troubling the people of this country. We have problems dealing with the economy, with recession, with inflation, with unemployment, with energy, and a good many measures will be coming to the floor in the near future which will need to be acted upon.

I do not think that the American people want to see the Senate continue in this fight over a very modest rules change that would be fair to the minority but which, in the final analysis, would allow a majority, after a while, to work its will; nor do I believe that the people will want to see the Senate engage longer in trying to get itself out of this parliamentary briar patch once these important measures come to the floor. The people are going to expect the Senate to act expeditiously on measures that deal with the difficult problems confronting the country.

One way to get us out of the parliamentary morass that we are in, will be for the Senate to invoke cloture on tomorrow, after which Senators may call up their amendments that are qualified and get votes on those amendments.

I want to express my respect to the distinguished Senator from Alabama for the dedication he has demonstrated to his viewpoint as he has expressed it.

I do not question for a moment his conscientious purpose in opposing a change in the rules. There was a time when I, too, opposed a change. When I first came to the Senate, I was opposed to any change in the rule which at that time required a constitutional two-thirds to invoke cloture. I was here during the great debates in which former Senator Paul Douglas participated, and in which the late Senator Richard B. Russell, who, in my judgment, was the greatest Senator insofar as knowing the rules and precedents are concerned—I think he was the best expert on the rules—certainly, in the 17 years that I have been here. I sat through those debates and they were conducted on a very high plane. Nobody felt any disrespect for Senator Russell or those Senators who worked with him in their effort to oppose a change in rule XXII. But we changed the rule and, if my recollection is not incorrect, I voted for the rules change that brought about the present rule XXII.

But I am constrained, in view of the experience that we have gone through in the past few weeks, to believe that the time has come when, in the good interest of the Senate as an institution and in the good interest of the Nation, there should be a modest further change in rule XXII, such as is incorporated in the substitute that has been offered.

Mr. FONG. Mr. President, today I stand in opposition to the proposed revisions of rule XXII of the Standing Rules of the Senate which would permit either three-fifths of the Senators present and voting or the amendment permitting 60 Senators to cut off debate instead of the present two-thirds requirement.

I did not come to this decision easily, so I should like to share with my colleagues my reasons for a 180-degree shift on my part on this subject.

When I first came to the Senate in 1959 when Hawaii became a State, I, too, was anxious to get things done. We had just finished a long period of strife to be accepted as a State. I was all for immediate action on a variety of fronts. I had no doubts—the majority should be able to act and act promptly.

In the 87th Congress, on January 3, 1961, I cosponsored Senate Resolution 5 to permit a majority vote to cut off debate. I did not even want to require a three-fifth vote as proposed in Senate Resolution 4. Throughout the 87th Congress, I voted to support the right of three-fifths to curtail debate, which was the measure under consideration.

In the 88th Congress, on January 15, 1963, I cosponsored Senate Resolution 9 to amend the cloture rule to require a three-fifths vote of the Senate.

In the 89th Congress, I still felt a majority vote was all that was needed. In 1963, I cosponsored Senate Resolution 8, which required only a majority vote of the Senate to cut off debate. I was fighting the battle for civil rights. I was a man fighting the battle of the moment.

By the 90th Congress, while I still favored a majority vote to cut off debate, I was becoming more tolerant of the need to listen to my colleagues' arguments pro and con on a subject. In January of 1967, I cosponsored Senate Resolution 7, permitting 16 Senators to file a cloture motion after a proposal had been debated for 20 days.

In the 91st and 92d Congresses and as late as January of 1971, I continued to cosponsor resolutions to cut off debate on a vote of three-fifths of those present and voting. In fact, on March 9, 1971, Senator PEARSON and I moved to close debate on such resolution. We were defeated by a vote of 55 to 37.

It was at this late date that I began to reconsider the wisdom of those Senators who had opposed my eagerness to be able to enact what I felt, in my wisdom, would benefit the people of this country.

I am a Senator representing a small State—Hawaii in the 1970 census showed a population of 769,913; it is 47th in size and 40th in population of the 50 States.

As the years went by, as I have shown, this finally gave me pause.

Our Founding Fathers, and especially the representatives of the smaller States, feared a tyranny of the majority. To accommodate the small States and at the same time give the large States with a majority of the population what they felt was their proper voice in the legislature being organized at the Constitutional Convention in 1787, a compromise was struck.

Majority rule based on population was made the basis of representation of the States in the House of Representatives. Protection of the minority was afforded the small States by giving each State, regardless of size, equal representation in the Senate.

This check-and-balance compromise of a bicameral legislature has worked for two centuries.

Our Founding Fathers provided for a two-thirds vote in only five instances.

First. Under article I, section 7, to override a presidential veto.

Second. Under article II, section 2, for the Senate to approve treaties.

Third. Under article V, to propose a constitutional amendment to the States for ratification by their three-fourths vote.

Fourth. Under article I, section 5, to expel a member.

Fifth. Under article I, section 3, to convict a President in an impeachment proceeding before the Senate.

Unlimited debate in the Senate was the right of every Senator. Free discussion is the cornerstone on which our democracy is based. Unlimited debate was the rule until 1917 when the two-third concept of rule XXII was agreed to. It was then two-thirds of the total number of Senators.

It was the great liberal, Senator Robert La Follette, Sr. of Wisconsin, who most forcefully fought for free and unlimited debate in the Senate. He lost. The vote to limit debate was 76 to 3, with only Senators Gronna, La Follette, and Sherman dissenting.

Rule XXII was amended in 1949 and 1959.

In 1959, before I came to the Senate, the present version of rule XXII was enacted cutting the requirement for curtailing debate to two-thirds of the Senators present and voting.

In my mind, this is not a fight between so-called "liberals" and "conservatives." This is a fight for the right of minorities.

As a member of the Senate from a

small State, it is my duty to protect the rights of all minorities.

The great juggernaut of the majority is not always right. Even the highest minded idealists are not always right.

In 1919, the United States, for the highest motives, added the 18th amendment to our Constitution. Yet, two-thirds of the Members of the Congress and three-fourths of the State legislatures clearly were not right, for, in 1933, we had to redo the process to enact the 21st amendment to "repeal the 18th article of amendment" to the Constitution.

In May of 1968, I was one of four Senators who voted against the Omnibus Crime Control and Safe Streets Act of 1968 because of its wiretap provisions. Now the popular trend is to limit wiretapping. The great majority was not right in 1968 in encouraging such practice. Perhaps we could have been spared the turmoil on our national scene in recent years without such wiretap legislation on the statute books.

Unfortunately, the majority is not always infallible. To protect the minority—and we are all at times part of some minority, to insure deliberation and make it impossible for hasty action by the majority to ride rough-shod over the minority, our Founding Fathers in their foresight created this Senate and exercised the right of unlimited debate in it.

Since then, time and again, lonely, brave dissenters have used the Senate rules to educate their colleagues and the people to their point of view. Accommodation between the demands of the majority and the reservations the minority felt were needed for their protection has, in most instances, been the ultimate result. This has been most beneficial to our country.

As I indicated, in 1917 we extended the two-third veto concept to our rules. Upon the motion of 16 Senators, two-thirds of the Senators present and voting can today cut off debate. And, we have availed ourselves of this procedure whenever we, in the Senate, have been able to convince two-thirds of our colleagues that action was now in order on a proposal.

If we in the Senate have so little confidence in a measure that we cannot get a two-third vote to cut off debate, I suggest to you it is the wiser part of discretion to continue the discussion, to restudy the proposed legislation—perhaps, to modify it, or to alter its concept, or even to drop it altogether.

If, for the purposes of expediency, we now let 60 percent of the Senators or even 60 Senators cut off debate, we are bowing to the exigency of the moment. We, as Senators, are losing our perspective. If all we want is expeditious action, let us abolish the Senate. Nay, let us abolish the legislature. Surely, a sole executive can act faster. Yet, no one in this Senate, no one in these United States would seriously advocate an absolute executive.

No, we are tinkering with a good system for the purposes of accomplishing what we want in the immediate future—we are starting on a path that will undermine the very foundations of our Government.

Let us not go down this primrose path because we agree with the type of legislation it will enable us to expedite today.

Let us show some of the foresight of the Founding Fathers and look to the future. Someday, the shoe may be on the other foot and the proponents of liberal legislation may be in the minority. What then? How will that minority be able to educate their colleagues and the public to the need to protect the rights of that minority?

Yes, the 16 years I have spent in the Senate have taught me much. In fact, I seem to fit into the old story of the young man who, when he graduated from high school, had no doubt his father knew nothing, and the conflict at home was vocal and vociferous. This young man went off to college. Four years later, he had learned a great deal about a great number of subjects. There was now at least two sides to every argument. There were alternatives. In commenting about his father, he told his friend, "You know, it is surprising how much my father learned in these 4 years."

It is surprising how much, in my opinion, our Founding Fathers learned in my 16 years in the Senate.

I urge my colleagues to take what may be the more difficult step and not vote for any measure to further limit the right of Senators.

Let us keep rule XXII as is. Let us not start on the road of 60 Senators to curtail debate today; three-fifths of the Senators present and voting tomorrow; 50 Senators the day after and a simple majority of those present and voting a short way down the road, or we will have given up the one source of protection we in the Senate were meant to afford the small States and minority population.

Let us keep the spirit of the Senate as envisioned by our Founding Fathers alive and not make it easier for a majority to easily silence a brave minority fighting to have their voices heard.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I offer a cloture motion at this time.

The PRESIDING OFFICER. The cloture motion having been filed, the Chair, without objection, directs the clerk to state it.

The legislative clerk read as follows:

CLOTURE

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon S. Res. 4, as amended, amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Robert C. Byrd, Charles McC. Mathias, Jr., Wendell H. Ford, William D. Hathaway, John O. Pastore, Ted Stevens, Dick Clark, Frank E. Moss, James Abourezk, Gale W. McGee, Robert P. Griffin, Mike Mansfield, Alan Cranston, John C. Culver, Patrick J. Leahy, Walter F. Mondale.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ROBERT C. BYRD. Mr. President—

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may ask for the yeas and nays on the amendment that has been offered by the distinguished Senator from Alabama, on which he sought the yeas and nays earlier, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, are we going to have a vote on it tonight?

Mr. ROBERT C. BYRD. Tomorrow.

Mr. ALLEN. I do not require them.

Mr. ROBERT C. BYRD. The Senator does not want the yeas and nays?

Mr. ALLEN. Not at this time if the Senator does not want the vote until tomorrow.

The Senator from Alabama is encouraged by the filing of this second cloture motion. Is there any feeling that the cloture motion will not carry tomorrow?

Mr. ROBERT C. BYRD. I have no doubt that every effort will be made to get Senators here early so that they may cast their votes in accordance with their consciences. Just as a bit of insurance, I always like to have another cloture motion in my pocket. As a matter of fact, I have two or three more lying around my desk.

Mr. ALLEN. I thank the Senator. I wondered if there was any doubt. The Senator from Alabama did not think there was, but he is encouraged somewhat by the filing of the cloture motion.

Mr. ROBERT C. BYRD. I am glad the Senator from Alabama is encouraged.

ADJOURNMENT TO 8:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I move now that the Senate stand in adjournment until the hour of 8:30 a.m. tomorrow.

The motion was agreed to and at 6:14 p.m., the Senate adjourned until tomorrow, Friday, March 7, 1975, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1975:

DEPARTMENT OF STATE

Donald B. Easum, of Virginia, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

CANAL ZONE GOVERNMENT

Maj. Gen. Harold R. Parfitt, [redacted], U.S. Army, to be Governor of the Canal Zone for a term of 4 years, vice Maj. Gen. David S. Parker.

ENERGY RESEARCH AND DEVELOPMENT

Robert W. Fri, of Maryland, to be Deputy Administrator of Energy Research and Development (new position).

James L. Liverman, of Maryland, to be Assistant Administrator of Energy Research and Development (new position).

John M. Teem, of Connecticut, to be Assistant Administrator of Energy Research and Development (new position).

NATIONAL SCIENCE FOUNDATION

Richard C. Atkinson, of California, to be Deputy Director of the National Science Foundation, vice Raymond L. Bisplinghoff, resigned.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Walter James Woolwine, [redacted], Army of the United States (major general, U.S. Army).

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

John R. De Barr
Herbert J. Blaha
Philip D. Shutler
Richard E. Carey
George W. Smith
John H. Miller
Harold A. Hatch
Edward J. Bronars
Warren R. Johnson
Paul X. Kelley

The following-named officer of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Hugh W. Hardy

CONFIRMATION

Executive nomination confirmed by the Senate March 6, 1975:

DEPARTMENT OF LABOR

John T. Dunlop, of Massachusetts, to be Secretary of Labor.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Thursday, March 6, 1975*

The House met at 12 o'clock noon.

Dr. Joseph I. Chapman, executive minister of the Ohio Baptist Convention, Granville, Ohio, offered the following prayer:

Our gracious, loving Heavenly Father, we pray Thy special blessing upon this body as they endeavor to fulfill the responsibilities of their high office.

May their understanding and perception of the complex issues of our Nation be guided by Thy Holy Spirit.

May the decisions they reach, the actions they take, the work they do, be pleasing in Thy sight.

Even as man cannot live by bread alone, neither can we reach our highest potential in leadership and decisionmaking except as we receive guidance from Thee. May each and every Member of this august body so live this day that they may fulfill their responsibilities acceptably and be at peace with themselves and with Thee.

This is our prayer in the Saviour's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 219. Joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes.

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 219) entitled "joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. MAGNUSON, Mr. MCGEE, Mr. PROXMIRE, Mr. MONTOYA, Mr. CHILES, Mr. JOHNSTON, Mr. YOUNG, Mr. BROOKE, Mr. HATFIELD, Mr. STEVENS, and Mr. MATHIAS to be the conferees on the part of the Senate.

The message also announced that, pursuant to Public Law 93-443, the majority leader, Mr. MANSFIELD, recommends the name of Thomas E. Harris for confirmation to be a member of the Federal Election Commission; and the minority leader, Mr. SCOTT of Pennsylvania, recommends the name of Joan D. Aikens for confirmation to be a member of the same Commission.

And that the Vice President, pursuant to Public Law 85-474, appointed Mr. WILLIAMS, Mr. MCINTYRE, Mr. BAYH, and Mr. STAFFORD to attend, on the part of the Senate, the Interparliamentary Union Meeting to be held in Sri Lanka, March 31 to April 5, 1975.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE A REPORT ON H.R. 25

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until midnight tonight to file its report on H.R. 25.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPACE SHUTTLE WILL IMPROVE QUALITY OF LIFE ON EARTH

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, I must comment today on the grossly inaccurate statement which has been released by the distinguished senior Senator from Wisconsin. The gentleman's statement continues to describe the Space Shuttle as a program which is destined to be overrun in cost and fall short in its operational goal based on a General Accounting Office report just released. This appears to be an annual event.

As a member of the Committee on Science and Technology and a member of the Subcommittee on Space Science and Applications, it has been my privilege to participate in intensive and detailed hearings in Washington, at the key NASA space centers and key industrial contractors, performing the research and development work on the Space Shuttle over the years. Let me state unequivocally the Space Shuttle is on schedule and within the cost commitments made by NASA.

The Space Shuttle is a new low-cost space transportation system. It is difficult for me to understand why the gentleman from Wisconsin is opposed to providing a low-cost space vehicle which will enlarge our already great use of space for the benefit of this country and the world. The Space Shuttle like any research and development program encounters and conquers day-to-day problems as the work progresses. The Space Shuttle is no exception. The management of the Space Shuttle in both Government and industry have faced these normal development problems with enthusiasm and skill. They have surmounted these problems to this point just as I am confident they will surmount them in the future. Notwithstanding the gentleman's comments on the General Accounting Office report, no amount of back-of-the-envelope calculations of potential cost increases which do not materialize can change the success of the Space Shuttle program to date.

Dr. James C. Fletcher, Administrator of NASA, sums it up well in his letter in reply to the General Accounting Office report cited by Senator PROXMIRE. Dr. Fletcher says and I quote:

> I have no reason to anticipate cost overruns above the $5.2 billion commitment, 1971 dollars.

Space Shuttle will make space a place of commerce for our Nation just as our original satellite developments made space a place of communications for our Nation and the world. In my opinion it will improve the quality of life on Earth more in its first 20 years of operation than any other scientific advancement to date.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 7, 1975, TO FILE PRIVILEGED REPORT ON A BILL MAKING EMERGENCY EMPLOYMENT APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Friday, March 7, to file a privileged report on a bill making emergency employment appropriations for the fiscal year 1975, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, why do we have to have a unanimous-consent request? Why can we not just go through the normal procedure?

Mr. MAHON. If the gentleman will yield, this is the regular procedure. The House will not be in session tomorrow.

Mr. ROUSSELOT. I appreciate that. I will be happy to yield.

Mr. MAHON. We have full committee on this bill tomorrow, but the House will not be in session, so I am asking unanimous consent that we be able to file this report on emergency employment appropriations.

Mr. ROUSSELOT. Further reserving the right to object, if reports were not filed tomorrow, what would be the problem?

Mr. MAHON. It would have to be filed next week, and that would slow down consideration of the jobs bill and would not allow the Senate adequate time before the Easter recess to act on the bill. As the gentleman knows, the Committee on Appropriations is expected to report out the jobs bill tomorrow. The President yesterday announced his intention to send to the Congress a supplemental request for additional appropriations for jobs, as the gentleman knows.

Mr. ROUSSELOT. Further reserving the right to object, is this the bill that is going to add a cost of $6 billion to the overall budget?

Mr. MAHON. $5 billion-plus, yes.

Mr. ROUSSELOT. $5 billion-plus, and we are in a hurry to add that to the deficit; is that it?

Mr. MAHON. We are not in a hurry to do that. There is a feeling of emergency in the Congress and throughout the country due to the fact that unemployment is soaring in some areas and that something must be done to meet the unemployment problem.

Mr. ROUSSELOT. Further reserving the right to object, I appreciate the gentleman's explanation. Are there any points of order that are going to be waived?

Mr. MAHON. No, no points of order will be waived. The House can work its will.

Mr. ROUSSELOT. There will be no attempt to waive points of order?

Mr. MAHON. There will be no attempt to prevent amendments to increase the bill or decrease the bill. That will be a matter for the House to work its will on.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. I thank the gentleman for yielding.

I intend, as soon as the gentleman finishes, to reserve all points of order.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MICHEL reserved all points of order.

REQUEST FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, MARCH 7, TO FILE PRIVILEGED REPORTS ON CERTAIN HOUSE RESOLUTIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, March 7, to file a privileged report on House Resolutions 241, 242, 243, 244, 245, and 246, disapproving the deferral of certain budget authorities relating to the Corps of Engineers and the Bureau of Reclamation proposed in the President's message of October 31, 1974, made pursuant to section 1013 of the act of 1974.

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object. Could the gentleman describe to the Members what House Resolutions 241 through 246 are?

Mr. MAHON. I would say to my friend that these resolutions would disapprove the deferral proposals submitted by the President last year relating to certain funds which have been provided by the Congress. The President proposed that under the Corps of Engineers and the Bureau of Reclamation certain deferrals take place in order to reduce spending. In the jobs bill which will be considered by the full Appropriation Committee tomorrow, we propose to go forward with some of these public works projects, and it would make no sense to do this unless we disapprove the deferral of funds under these proposals which were made last year in a different atmosphere and at a time when there was not such an awareness of the acute unemployment situation.

Mr. ROUSSELOT. Further reserving the right to object, were these deferrals taken up by the full committee yet?

Mr. MAHON. They will be taken up by the full committee tomorrow.

Mr. ROUSSELOT. They have not been taken up by the full committee?

Mr. MAHON. No.

Mr. ROUSSELOT. So why the rush on this action? I thought we were trying to cooperate with the President in his efforts to pare down the deficit. Is that not the purpose of the deferrals?

Mr. MAHON. We are certainly trying to cooperate with the President. But the President, as the gentleman knows, has changed course. Last year he was talking about a balanced budget in fiscal year 1976. We were all hoping that this could be accomplished, but now in view of the worsening economic situation he is talking about pumping more money into the economy and giving more people jobs. The House will have ample opportunity to work its will on these deferrals next week.

Mr. ROUSSELOT. Further reserving the right to object, suppose this unanimous-consent request were not agreed to, what would happen? Why cannot the deferrals first go to the full committee?

Mr. MAHON. They will go to the full committee first. But if we cannot file the report tomorrow night, it would just delay action in the House next week.

Mr. ROUSSELOT. How long?

Mr. MAHON. Until next week. We could not file the reports until next week.

Mr. ROUSSELOT. Is that a great crisis, to delay until next week? The President is trying to make an effort to cut down unwieldly spending. Is it a bad thing to delay this and wait a few extra days? Why should we take action before the full committee has had a chance to meet on this?

Mr. MAHON. The purpose of these disapproval resolutions is to create more jobs, not just leaf-raking jobs, but productive jobs that will add to our national assets, so I think this is not something which the gentleman would really oppose.

Mr. ROUSSELOT. In view of the fact that the full Appropriations Committee has not had a chance to consider these recisions Mr. Speaker, I am inclined to object.

Mr. MAHON. If the gentleman will please yield further, I think the gentleman is unaware of the situation.

Mr. ROUSSELOT. I think I am aware of the situation.

Mr. Speaker, I am willing to yield and I am willing to engage in further discussion. Further reserving the right to object Mr. Speaker, I yield to my colleague, the gentleman from Texas.

Mr. MAHON. Mr. Speaker, the Public Works Appropriations Subcommittee which has the responsibility for programs of the Bureau of Reclamation and the Army Corps of Engineers has taken action and approved their reports, but the full committee has not because we cannot meet until tomorrow. The full committee will take action tomorrow, on Friday, and we will also take action on the emergency employment bill, so they ought to go forward in tandem. That is the point which I think the gentleman is unaware. That is the point I was making.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, I understand the gentleman's concern about the public works section. These are rescissions as well as deferrals?

Mr. MAHON. No, they are disapprovals of proposed deferrals. They are not rescissions.

Mr. ROUSSELOT. Deferrals?

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Will deferrals be taken up tomorrow?

Mr. MAHON. Yes. They were marked up last week and copies of the reports were distributed to all members of the committee on Tuesday morning. The gentleman from Michigan and the gentleman from Texas were invited to be parties to the markup by the Public Works Subcommittee. This is a matter on which the Committee and the House can work its will.

Mr. ROUSSELOT. Mr. Speaker, on the basis of the conversations I have had here and with great due respect to my good colleague from Texas, with whom usually I find myself in agreement, I find no other choice but to object.

The SPEAKER. Objection is heard.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 219, FURTHER CONTINUING APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 219) making further continuing appropriations for the fiscal year ending June 30, 1975, and for other purposes, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Mahon, Whitten, Sikes, Passman, Evins of Tennessee, Natcher, Flood, Cederberg, Michel, and Shriver.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 219

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a conference report on House Joint Resolution 219, making further continuing appropriations for fiscal year 1975, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Conference Report (H. Rept. No. 94-44)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 219) making further continuing appropriations for the fiscal year 1975, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows: and that clause (d) of section 101 of said joint resolution is amended by striking out "titles VI and IX" and inserting "title IX"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: ": *Provided however*, That, notwithstanding any other provision of this joint resolution or any other Act, the appropriations and funds made available and authority granted pursuant to the fourth unnumbered clause of section 101(b) and sections 112 and 114 of such joint resolution as amended relating to foreign assistance and related programs appropriations shall remain available until March 25, 1975."

And the Senate agree to the same.

George Mahon,
Jamie L. Whitten,
Robert L. F. Sikes,
Otto E. Passman,
Joe L. Evins,
William H. Natcher,
Daniel J. Flood,
E. A. Cederberg,
R. H. Michel (except for amendment No. 1),
Garner E. Shriver,
Managers on the Part of the House.

Daniel K. Inouye,
Warren G. Magnuson,
Gale W. McGee,
William Proxmire,
Joseph M. Montoya,
Lawton Chiles,
J. Bennett Johnston,
Milton R. Young,
Edward W. Brooke,
Mark O. Hatfield,
Ted Stevens,
Charles McC. Mathias, Jr.,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 219) making further continuing appropriations for the fiscal year 1975, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: Provides for the continued funding of activities under Title IX of the Public Health Service Act until June 30, 1975, instead of the extension of titles VI and IX as proposed by the Senate and the termination of such titles as proposed by the House. The conferees have included reference to Title IX of the Public Health Service Act in order to assure that the Regional Medical Program will be continued until the proper level of appropriations for fiscal year 1975 can be addressed in a supplemental appropriation bill. It is not expected that the full amount of $75,000,000 authorized by the continuing resolution for 1975 will be obligated.

Amendment No. 2: Restores the House language amended to allow the extension of the continuing authority for the foreign assistance programs until March 25, 1975.

George Mahon,
Jamie L. Whitten,
Robert L. F. Sikes,
Otto E. Passman,
Joe L. Evins,
William H. Natcher,
Daniel J. Flood,
E. A. Cederberg,
R. H. Michel (except for amendment No. 1),
Garner E. Shriver,
Managers on the Part of the House.

Daniel K. Inouye,
Warren G. Magnuson,
Gale W. McGee,
William Proxmire,
Joseph M. Montoya,
Lawton Chiles,
J. Bennett Johnston,
Milton R. Young,
Edward W. Brooke,
Mark O. Hatfield,
Ted Stevens,
Charles McC. Mathias, Jr.,
Managers on the Part of the Senate.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 219, FURTHER CONTINUING APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order in the House on Monday next or any day thereafter to consider a conference report on House Joint Resolution 219, making further continuing appropriations for fiscal year 1975, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RE-REFERRAL OF HOUSE RESOLUTION 229, FUNDS FOR FEDERAL AID HIGHWAYS, TO COMMITTEE ON PUBLIC WORKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of House Resolution 229, disapproving proposed deferral of budget authority numbered D75-17, relating to funds for Federal-aid highways, as transmitted to the Congress in the President's message of September 20, 1974, and that the resolution be re-referred to the Committee on Public Works.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRINTING AS A HOUSE DOCUMENT THE PROCEEDINGS INCIDENT TO THE PRESENTATION OF A PORTRAIT OF THE HONORABLE CHARLES C. DIGGS, JR.

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I send to the desk a privileged report (Rept. No. 94-37) on the resolution (H. Res. 77) authorizing the printing as a House document of the proceedings incident to the presentation of a portrait of the Honorable Charles C. Diggs, Jr., for printing under the rule and ask unanimous consent for its immediate consideration.

The SPEAKER. The resolution is referred to the House Calendar and ordered printed.

Is there objection to the request of the gentleman from Indiana?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Indiana if in each of these cases he will give us a description of the number of copies and the costs involved?

Mr. BRADEMAS. If the gentleman would put a question to me, I would be pleased to do so.

Mr. BAUMAN. Mr. Speaker, I will put that question now for the Record, if the gentleman would be good enough to answer that.

Mr. BRADEMAS. Yes, there are the usual number of 1,500 copies, with an estimated cost of $1,381.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the resolution as follows:

H. Res. 77

Resolved, That the transcript of the proceedings in the Committee on the District of Columbia of January 30, 1974, incident to the presentation of a portrait of the Honorable Charles C. Diggs, Junior, to the Committee on the District of Columbia be printed as a House document with an illustration and suitable binding.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL COPIES OF "COMPILATION OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I send to the desk a privileged report (Rept. No. 94–38) on the concurrent resolution (H. Con. Res. 27) to provide for the printing of additional copies of "Compilation of the Housing and Community Development Act of 1974," for printing under the rule, and ask unanimous consent for its immediate consideration.

The SPEAKER. The concurrent resolution is referred to the House Calendar and ordered printed.

Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 27

Resolved by the House of Representatives (the Senate concurring), That there shall be reprinted for the use of the Committee on Banking and Currency two thousand copies of committee print entitled "Compilation of the Housing and Community Development Act of 1974".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF REVISED EDITION OF "OUR AMERICAN GOVERNMENT. WHAT IS IT? HOW DOES IT FUNCTION?"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I send to the desk a privileged report (Rept. No. 94–39) on the concurrent resolution (H. Con. Res. 44) to provide for the printing as a House document of a revised edition of "Our American Government. What is it? How does it function?" for printing under the rule, and ask unanimous consent for its immediate consideration.

The SPEAKER. The concurrent resolution is referred to the House Calendar and ordered printed.

Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 44

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, as a House document, a revised edition of the House document "Our American Goverment. What Is It? How Does It Function?"; and that five hundred and sixty-five thousand additional copies be printed, of which four hundred and forty-two thousand shall be for the use of the House of Representatives and one hundred and three thousand shall be for the use of the Senate, and twenty thousand shall be for the use of the Joint Committee on Printing.

With the following committee amendments:

Page 1, line 9, immediately after "Senate," insert "and one thousand shall be for the use of the House Committee on Rules."

Page 1, line 5, delete "five hundred and sixty-five" and insert in lieu thereof "five-hundred and sixty-six."

The committee amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING HEARINGS AND PANELS ON COMMITTEE ORGANIZATION IN THE HOUSE HELD BY SELECT COMMITTEE ON COMMITTEES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I send to the desk a privileged report (Rept. No. 94–40) on the concurrent resolution (H. Con. Res. 117) to provide for the printing as a House document of the hearings and panels of the Select Committee on Committees for printing under the rule, and ask unanimous consent for its immediate consideration.

The SPEAKER. The concurrent resolution is referred to the House Calendar and ordered printed.

Is there objection to the request of the gentleman from Indiana

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 117

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document the three volumes of hearings and panels on the subject of committee organization in the House which were held by the Select Committee on Committees under the authority of H. Res. 132, Ninety-third Congress, together with an index thereto and with such corrections as may be necessary; and that fifteen hundred copies be printed for use of the Commtitee on Rules.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF "A COMPILATION OF FEDERAL EDUCATION LAWS"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I send to the desk a privileged report (Rept. No. 94–41) on the concurrent resolution (H. Con. Res. 145) to provide for the printing of additional copies of the joint committee print of the Committee on Education and Labor and the Committee on Labor and Public Welfare entitled "A Compilation of Federal Education Laws" for printing under the rule, and ask unanimous consent for its immediate consideration.

The SPEAKER. The concurrent resolution is referred to the House Calendar and ordered printed.

Is there objection to the request of the gentleman from Indiana?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana why we need $18,000 worth of copies in the amount of 7,500?

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield, it is because there is a substantial number of requests. As a member of the Committee on Education and Labor, I know that the demand for this document, a compilation of Federal education laws, from Members of the House and the Senate has been very great. There is also a substantial number of requests from educators at every level of education, including elementary, secondary, community college, and higher education, for the perusal and use of the laws of the country which pertain to education. This document is a truly invaluable compilation of education laws.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, as I understand it, the normal number to be published is 1,500, is it not?

Mr. BRADEMAS. The gentleman is correct.

Mr. ROUSSELOT. We now need 7,500. Are we going to mail these around the country?

Mr. BRADEMAS. No, they are distributed by the Committee on Education and Labor in the House and the Committee on Labor and Public Welfare in the Senate on the basis of requests for the document which come from Members of the House and Senate who have to deal with these matters, as well as from educators.

Mr. ROUSSELOT. Is there some reason why we have to provide for this extra supply and not allow them to buy them from the Superintendent of Documents?

Mr. BRADEMAS. The request, I may say to the gentleman, comes from the chairman of the Committee on Education and Labor, who makes the point that this resolution is necessary to meet the needs of the Members of the House and the Senate and of their constituents. He also points out that by moving ahead now on this resolution for the amount of copies requested, Congress would be able to save—and I here quote from Chairman PERKINS' letter—"a substantial back-to-press cost for reprinting in the near future."

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, is it not true that the Superintendent of Documents would have a supply?

I am not quite clear why we need these extra 7,500 copies.

Mr. BRADEMAS. Mr. Speaker, I would not really be able to add further to what I have already told the gentleman. This is not an unusual request, as the gentleman knows. Very often we have compilations of laws or other documents that are for the information and assistance of one group of citizens or another in our society. The documents are thought to be very important or very useful, and for that reason there are requests to print enough copies of them to make them available to those who have a special need for them.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, I regret the chairman of the committee is not here to explain the unusual number.

Mr. BRADEMAS. If I may point out to the gentleman, it is really not a very unusual number for a volume of this nature.

Mr. ROUSSELOT. Mr. Speaker, in view of the cost, it might be unusual. I realize just $18,000 does not sound like very much sometimes to the gentleman's side of the aisle.

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield further, I may say to the gentleman that it is a substantial volume. The volume, before revision, is 748 pages. It was last issued in October 1971. We propose to print only an up-to-date, revised edition.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, I really do not understand why we just do not use the Superintendent of Documents and let him provide the copies as we do in any other situation. But this committee really has some very unusual information and it has to be supplied. We do not really know to whom.

Mr. Speaker, I withdraw my reservation of objection.

Mr. BRADEMAS. I appreciate the gentleman's observation

Mr. MICHEL. Mr. Speaker, further reserving the right to object, might I propound a question to the gentleman? I understand we are out of volume 1 of the hearings on the education bill that we passed last year. Are there any funds in this resolution that would go to printing additional copies of that volume which is out of print?

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Yes.

Mr. BRADEMAS. No. This resolution runs solely to the compilation of Federal education laws. If the gentleman wishes to introduce a resolution with respect to some other document for which he understands there is a need for additional copies the Subcommittee on Printing would certainly consider the resolution.

Mr. MICHEL. I am simply inquiring whether there are any additional volumes of at least that one volume that is apparently unavailable, volume 1.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Yes, I yield to the gentleman.

Mr. BRADEMAS. The subcommittee customarily considers resolutions that are introduced. No such resolution on the matter to which the gentleman refers has been introduced; but if such a resolution is introduced, we shall, of course, consider it.

Mr. MICHEL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 145

Resolved by the House of Representatives (the Senate concurring), That there is authorized to be printed seven thousand five hundred additional copies of a joint committee print of the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate entitled "A Compilation of Federal Education Laws", of which five thousand copies shall be for the use of the Committee on Education and Labor and two thousand five hundred such copies shall be for the use of the Committee on Labor and Public Welfare of the Senate.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO AUTHORIZE PRINTING OF REVISED EDITION OF BOOKLET "THE HISTORY AND OPERATION OF THE HOUSE MAJORITY WHIP ORGANIZATION (94TH CONGRESS)"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I send to the desk a privileged report (Rept. No. 94-42) on the concurrent resolution (H. Con. Res. 146) providing for the printing of the booklet entitled "The History and Operation of the House Majority Whip Organization (94th Congress)," for printing under the rule, and ask unanimous consent for its immediate consideration.

The SPEAKER. The concurrent resolution is referred to the House Calendar and ordered to be printed.

H. CON. RES. 146

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document with photographs a revised edition of the booklet entitled "The History and Operation of the House Majority Whip Organization (94th Congress)"; and that ten thousand additional copies shall be printed for the use of the House majority whip.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would like to propound a parliamentary inquiry to the Chair.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BAUMAN. If objection is lodged, this could be called up in the regular order if it lays over for 3 days; is that correct?

The SPEAKER. That is correct.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman from Indiana what the haste is in this particular instance. I know there are some compelling reasons for the other documents that were presented this morning.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I certainly will yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, addressing myself to two points, if the gentleman will allow me to do so, in the initial instance, when, by direction of the Committee on House Administration, I sent to the desk the privileged report on the resolution, I did ask unanimous consent for its immediate consideration. Then subsequently I made the same request with respect to each of the other resolutions that I was offering.

Therefore, Mr. Speaker, I think I have already received unanimous consent for the consideration of this final concurrent resolution.

Furthermore, I will say——

Mr. BAUMAN. Mr. Speaker, I do not yield further at this point.

If that is the gentleman's understanding, it is not the understanding of the gentleman from Maryland, because, in each instance, the gentleman from Indiana made the same request, and each request was considered separately.

The SPEAKER. The gentleman from Indiana had to file the resolution as privileged and it may then be considered in due process of time, under the 3-day rule or before that by unanimous consent.

Mr. BAUMAN. So, Mr. Speaker, the gentleman has not obtained such permission?

The SPEAKER. The gentleman has the right to file and has filed. He can ask to call up the concurrent resolution by unanimous consent at this time.

Mr. BAUMAN. But he has not done so.

The SPEAKER. The gentleman from Indiana has made such a request.

Mr. BAUMAN. And now I am reserving the right to object, Mr. Speaker. I believe the gentleman's position has been clarified, and——

Mr. BRADEMAS. Mr. Speaker, I think it is not, but I will accede to the gentleman. If he wants to have it brought up after 3 days, I have no objection.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, the reason I would like to have 3 days is that I have not had the privilege of viewing this document, which I am sure will eventually be lodged in the Rare Books Division of the Library of Congress.

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield, I will be glad to dispatch one to him right now.

Mr. BAUMAN. Mr. Speaker, this document is of such scope and importance that I think I should really inspect it at great length, because I can tell it is rather important, from the number of copies and the fact that the printing cost will be $2,615.90, which is about half the salary of the average wage earner in my district in 1 year. So perhaps all of us should have a chance to look it over and see if it falls in the scope of deferrals, rescissions, or something we might want to act on much later.

Mr. Speaker, if the gentleman would like to withdraw that request, it might ease the situation.

Mr. BRADEMAS. Mr. Speaker, if the gentleman insists on objecting, I have no alternative but to withdraw the unanimous-consent request.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman.

Mr. BRADEMAS. Mr. Speaker, I withdraw my unanimous-consent request.

Mr. Speaker, I have filed the report on House Concurrent Resolution 146.

The SPEAKER. The gentleman is correct, the report has been filed.

RECOMMENDATIONS AS MEMBERS OF THE FEDERAL ELECTION COMMISSION — COMMUNICATION FROM THE SENATE OF THE UNITED STATES

The SPEAKER laid before the House the following communication from the Senate of the United States, which was referred to the Committee on House Administration:

FEBRUARY 20, 1975.

Pursuant to Public Law 93-443, the majority leader, Mr. MANSFIELD, recommends the name of Thomas E. Harris for confirmation to be a member of the Federal Election Commission; and the minority leader, Mr. SCOTT of Pennsylvania, recommends the name of

Joan D. Aikens for confirmation to be a member of the same commission.

Francis R. Valeo,
Secretary.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORTS ON HOUSE RESOLUTIONS 241, 242, 243, 244, 245, and 246 UNTIL MIDNIGHT, FRIDAY, MARCH 7, 1975

Mr. MAHON. Mr. Speaker, I wish to make a unanimous-consent request. This request was made earlier, and there was some misunderstanding as to the unanimous-consent request. I believe there is now an understanding concerning it, and, therefore, I propose to renew my request, Mr. Speaker.

Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday, March 7, to file privileged reports on House Resolutions 241, 242, 243, 244, 245, and 246 disapproving the deferral of certain budget authority relating to the Corps of Engineers and the Bureau of Reclamation proposed in the President's message of October 31, 1974, and transmitted pursuant to section 1013 of the Impoundment Control Act of 1974.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF MARCH 10, 1975

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time in order to inquire of the acting majority leader if there is any change in the program for the balance of this week and to inquire what the program is for the following week.

Mr. McFALL. Mr. Speaker, if the distinguished minority whip will yield, I will be happy to respond to his inquiry.

There is no further legislative business for today. Upon the announcement of the program for next week, I will ask unanimous consent to go over until Monday.

The program for the House of Representatives for next week is as follows:

Monday is District day, with no District bills scheduled.

We will take up H.R. 4075, third budget rescission bill for fiscal year 1975.

On Tuesday, we will take up H.R. 1767, prohibiting imposition of tariffs, fees, and quotas on oil imports (consideration of veto measure). Following that, we will consider House Resolution 129, inquiry of Southeast Asia military activities, and House Resolution 72, inquiry of CIA activities.

Both of these resolutions have been adversely reported by the Committee on Armed Services, and a motion to table will be made.

Then we will take up House Concurrent Resolution 114, United States-Israel Agreement for Research in Atomic Energy for Peaceful Purposes.

On Wednesday, we will consider the appropriation bill for emergency employment appropriations for which there is no number yet assigned.

On Thursday, we will consider H.R. 25, Surface Mining Act (subject to a rule being granted).

On Friday, we will consider the foreign assistance appropriations bill for fiscal year 1975, for which no number has yet been assigned.

Conference reports may be brought up at any time, and any further program will be announced later.

ADJOURNMENT TO MONDAY, MARCH 10, 1975

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REREFERRAL OF H.R. 3337 AND H.R. 3561 TO COMMITTEE ON ARMED SERVICES

Mr. PRICE. Mr. Speaker, with the concurrence of the chairman of the Committee on Veterans' Affairs, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from the further consideration of H.R. 3337 and H.R. 3561, and that they be rereferred to the Committee on Armed Services.

The SPEAKER pro tempore (Mr. McFall). Is there objection to the request of the gentleman from Illinois?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, may we have the request of the gentleman from Illinois repeated?

The SPEAKER pro tempore. Will the gentleman from Illinois restate his request in the microphone?

Mr. PRICE. Mr. Speaker, this is a request that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 3337 and H.R. 3561, and that they be rereferred to the Committee on Armed Services.

One of the bills is a matter regarding computation, which is strictly within the Committee on Armed Services, and the other bill is to restore without remuneration the wartime recognition of Filipino veterans of World War II who fought as members of the Commonwealth Army, but whose names were stricken from official U.S. Army records.

Mr. ROUSSELOT. These are proposed to be rereferred to the Committee on Armed Services?

Mr. PRICE. That is right. The gentleman from Texas (Mr. Roberts) recognized this as soon as he saw the bills.

Mr. ROUSSELOT. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. Murtha). Is there objection to the request of the gentleman from Illinois?

There was no objection.

NATIONAL SCIENCE POLICY AND ORGANIZATION ACT OF 1975

(Mr. TEAGUE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material).

Mr. TEAGUE. Mr. Speaker, I am introducing today, with the cosponsorship of the ranking minority member of the Committee on Science and Technology, Mr. Mosher, a bill entitled "The National Science Policy and Organization Act of 1975."

This is the first piece of legislation dealing with fundamental science policy matters to result from the work of our committee. It comes after 5 years of comprehensive investigation and study which began with 8 months of subcommittee effort in 1970 and includes two series of full committee hearings in 1973 and 1974. It draws from two prior committee reports: "Toward a Science Policy for the United States" issued by the Science, Research and Development Subcommittee in October 1970 and "Federal Policy, Plans and Organization for Science and Technology" issued by the full Committee in July 1974.

In summary, the bill seeks to accomplish four things.

First, it endeavors to enunciate a well-rounded national science policy. I am not aware of any prior statutory effort of this specific character. Second, it would establish a Council of Advisers on Science and Technology in the Executive Office of the President—but with specially built-in discretionary powers as to use and organization vested in the President. Third, it would provide administrative unity and coordination of the essentially R. & D. agencies of Government, as well as Government-wide oversight and budget review of R. & D. activities, through the innovation of a staff-function, Cabinet-level Secretary of Research and Technology Operations. Fourth, it would undertake to consolidate and make compatible the operations of the various Federal science information agencies by merging them into a single Government corporation with special ties to the private sector.

Mr. Speaker, I do not believe it is an exaggeration to describe this legislation as a product of the most thorough congressional scrutiny yet accorded to the focused issue of policy and planning by the Federal Government as to its own role in handling science and technology.

Nonetheless, it is emphasized that the bill is by no means cast in concrete. It does not represent a fixed position on the part of its sponsors. It is not necessarily a reflection of the views of the Committee on Science and Technology or any of its members.

But the bill is, in all respects, founded on discussion, hearings, reports and recommendations which the committee has had placed before it by a wide variety of external parties, public and private. It seeks to present all the major, positive and reasonable suggestions dealing with the issue.

It is on this basis that the bill is offered for discussion and critique. It is our hope and expectation to undertake an additional phase of full committee hearings on this and possibly similar bills during the current session.

Mr. Speaker, having mentioned the "what" and "how" of the proposed legislation, let me turn briefly to the "why" of it.

There are many reasons which form the backdrop of this bill. They can be found at frequent intervals throughout the three volumes of committee hearings and the two committee reports which comprise some 2,500 pages of testimony, data, findings, and recommendations.

The following reasons, however, would seem to be cardinal to the issues of the day:

First. We recognize the prominent role which applied science has played in producing the great problems of modern civilization—the crowding and congestion, the excessive gobbling of natural resources, the dangerously shifting foundations undergirding the economy, the disruptive social and moral influences abroad in the land, and so on. Indeed, such recognition was directly responsible, and in large measure, for the concept of technology assessment and the formation of the legislative Office which now bears that name. We know the need to undrestand as best we can all the probable impacts of technologies as they develop—good and bad.

Second. We are further aware, particularly as we look about and see the critical problems facing us with regard to food, energy, national security, economic strength, and the like, that the solutions to our problems depend in some way upon the judicious use of better technology. Former Presidential science adviser, Dr. Edward E. David, has put it succinctly:

> Can we be sure that science and technology will find the answers? Can we be sure that solutions to our problems exist? No, but we can be sure that nothing but science and technology can find them if they do exist.
>
> To put it as bluntly as possible: science and technology must answer our problems. If they don't, nothing else will.

This may be overstated, but its germaneness to the needs of our era has been recognized, openly or tacitly, by every administration of the past 45 years.

Third. We have, finally, arrived at the solid conclusion that a statutory base of some kind is essential to bring order and stability to the Government's use of science and technology. For science and technology are an element of our contemporary culture as pervasive and important as economics or education or labor or environment. Like them, science and technology are interwoven into all the major missions with which Government is involved. Like them, science and technology should be fabricated concretely and statutorily into the managerial and policy structure of our National Government.

We have no desire to force a science advisory mechanism on the Executive Office which the President may find distasteful or foreign to his mode of operation. That is wheel-spinning. But we are inclined to believe—having watched the handling of science and technology on an ad hoc basis by a long succession of administrations—that a firm science and technology policy is needed; a dependable though flexible science advisory system is needed; and a high-level, influential base for the definition and coordination of such governmental activities as are inherently devoted to or dominated by science and technology is also needed.

Our evidence strongly suggests that these are all integral parts of a single theme and should be treated together.

Mr. Speaker, a general discussion and description of the proposed legislation follows:

BACKGROUND OF THE BILL

The purpose of this bill is to define the national goals to be served by a national science policy, to prescribe the policy, to identify the principles and procedures to implement the policy, and to assure the maximum benefits which science and technology have to offer.

At the heart of the bill is recognition that the many scientific and technological factors shaping our Nation's progress at home and abroad should systematically be taken into account in the national decision process.

It has been said that statements of goals in a national science policy cannot be fashioned because there is no consensus on them; they are too complicated and change too fast. The bill rejects this view. It proceeds on the assumption that there is more general agreement on national policy goals and principles, scientific or otherwise, than critics suggest. While the goals for science and technology which are suggested may not reflect a precise consensus, the bill is a starting point.

When the Constitution was written, one of its proposals was to "promote the progress of science and the useful arts." What is proposed here is to take into account nearly two centuries of development of science and technology, the great expansion in the role of science and technology, and the need to achieve a coherent structure to direct the future uses of science and technology for public purposes. In addition, the need to maintain a healthy scientific and technological structure in order to serve public purposes is also recognized.

There are two reasons why it is important to set goals and plan ahead in this area.

First, experience tells us that great achievements are possible through the orderly employment of science and technology for public purposes. But we also know that we can't do everything. We must have priorities. We must learn how to set first things first. It is impossible to do this unless we know what the goals are. So we must set goals and then build priorities around them.

Second, the greatest wastes of public funds usually stem from: First, programs which conflict with each other or cancel each other out; second, programs which are terminated before they produce useful results; and third, programs which have turned out to be unproductive and which should be terminated. A system of planning toward priority goals can help eliminate such wastes.

It is possible to view this bill in several ways.

It can be a source of pride in that it attempts to define goals and procedures of our national effort in science and technology, and because the end product could be an important contribution to the Nation's strength, health, and well-being.

It can be regarded with humility in that we still have far to go, and also because the product in its present form is the result of the combined efforts of hundreds of scientists, technologists, and concerned members of the public, extending back for more than a decade.

It can be viewed with respect not only because of the intellectual challenge it poses and its importance for our national well-being, but also because it is an obligation of the Congress to accept the challenge. The Constitution gives us this responsibility, and it is time we met it.

The bill has had a much longer evolution than has been recited thus far. For example:

In 1963, a first overview hearing on government and science—yielding six major reports—was begun by the Committee on Science and Astronautics, now the Committee on Science and Technology.

In 1965, the committee commissioned a study of basic research and national goals from the National Academy of Sciences.

In 1966 the Academy was asked to undertake a second report, on applied research and technological progress.

In 1967 and 1968 the committee inaugurated four major studies and conducted the first of four extensive sets of hearings on technology assessment and technology policymaking. During this period an extensive examination of program management by the National Science Foundation was also completed. The first of these two investigations led to the creation of the Office of Technology Assessment; the second led to a revision and streamlining of the NSF charter.

In 1969, a study of centralization of Federal science activities was undertaken and a comprehensive report issued.

In 1970–74, in addition to the committee's own activities involving science policy as described earlier, we requested and received three special study reports on different phases of the problem from the American Association for the Advancement of Science, the Industrial Research Institute, and the Science Policy Research Division of the Congressional Research Service.

EXPLANATION OF THE BILL

The bill has five titles; four are substantive and one is technical. Title I is a statement of national science policy.

Nothing has been invented by the committee for this title. It represents a culling of the testimony of witnesses, a survey of the best literature available, and the judgment of professional people throughout the scientific and technological community. Perhaps the main issue regarding this title is not its substance but whether or not the Congress should attempt to formulate and promulgate a national policy for science and technology. There are arguments both ways.

The bill asserts an obligation of Congress to set the policy of the Federal Government which the President will execute. Title I puts into explicit language a set of science and technology policies for congressional and public consideration. What is offered is a first try at a very large, difficult, and perhaps controversial task—a specific delineation of national goals in science and technology plus policies and procedures for achieving them.

The bill proposes to relate these goals to the still broader goals of our society. For if we do not insure that science and technology serve our goals as a nation, we are ignoring the lessons of history. The principle proposed here is that the expenditure of public funds must be for definable and accepted public purposes, understood and agreed.

Title II of the bill would make available to the President a new instrument for translating into action the policies enunciated. This is a Council of Advisers on Science and Technology. The intention is to design a body whose collective wisdom will focus on ways to use the resources of science and technology to advance the programs of the President, to create a central point for policy within the Executive Office, to provide a scientific input for the deliberations of other councils within that office, to advise the President and the Congress of current progress and long-range plans and opportunities for the social uses of science and technology, and to evaluate the effectiveness of all Federal research and development programs.

The rationale here is not to insist upon a particular style of scientific support for the President, but to suggest a method of mobilizing expertise which will be clearly advantageous and will commend itself to the Executive Office.

A major factor, of course, is to build a coordinate relationship in science between the executive branch and the Congress. Committees of Congress with scientific and technological concerns need the advice and planning suggestions that the proposed council should be able to deliver. Congress would also be in a better position to meet the scientific and technological program needs of the Executive.

Under this bill, the President could use the Chairman of the Council as a personal science adviser if he so desired. In any case, the Chairman would speak for the best public use of science and not as an advocate for science.

Most important, this title carries a limited reorganization authority so that the President—or his successors—may revise the advisory mechanism, unless Congress dissents, to suit his particular needs and methods.

Title III of the proposed statute is a new variation of a concept first suggested about a century ago and periodically revived in one form or another ever since. It is the creation of a Department of Research and Technology Operations.

Unlike previous proposals for such a Department, the present scheme does not call for the transfer to it of most scientific and technological functions which support the missions of existing departments. While the new Department would stand ready to assist other departments in the conduct of their scientific activities on request, and to review the total allocation of Government funds to research and development activities, it would in no way usurp the scientific decisionmaking and operational functions of other departments.

In the case of particular agencies whose fundamental purposes are scientific or technological, a consolidation in the new Department is proposed.

The rationale is that the need for new and often massive scientific and technological programs has been repeatedly demonstrated over the past three-quarters of a century. We have seen various new agencies created to manage such programs, sometimes loosely attached to an existing department, and in recent years more often made a separate agency.

In the first category are the National Bureau of Standards, the Weather Bureau, and then the National Oceanic and Atmospheric Administration. In the second category are the Atomic Energy Commission, the National Science Foundation, the National Aeronautics and Space Administration, and most recently the Energy Research and Development Administration.

As time goes on, it is likely that more and more new technological enterprises will need to be added to this roster for the encouragement of technologies only dimly perceived today. The burden of the President is heavy enough without the creation of additional new agencies reporting separately to the White House. At the same time, management of large scientific enterprises within the administrative structure of existing departments can be difficult when their relationships are not obviously and closely functional. Gathering these two classes of research organizations within a single department should result in improved administration. It should also assure informed, qualified, and uniform supervision of the proliferating R. & D. enterprises within the executive branch—as well as provide a place in the executive branch for further additions of function without creating new independent agencies unless and until the need for such has been clearly established.

The agencies comprising the department would retain their administrative structure; their missions would be unchanged; they would control their operations as they now do—subject to the "general supervision and direction" of the Secretary. The functions of the latter far transcend this activity, particularly in having annual review and oversight responsibilities for all Federal R. & D. statutes, administrative regulations and budgets—plus general technology assessment responsibilities within the executive branch.

Finally, it is here, at Cabinet level, that the role of advocacy for science and technology settles in—where the voice for the scientific mission can be heard with consistency, clarity, relevancy, and influence. That voice does not exist today.

Admittedly, the concept of the department is not traditional. It is more of a staff than a line operation. It has not been tried before. However, we believe it is workable and is worthy of careful consideration.

Title IV of the proposed bill would establish one other institution to be added to the agencies gathered by Title III into the new Department. This is an institution to provide a service which has been repeatedly sought by Congress since at least 1950.

It is a plan for a Government corporation to insure the fullest possible use of the scientific and technological information generated at public expense.

The rationale of title IV is that this information should not gather dust in files, but should be put to use as promptly and as efficiently as possible.

Moreover, the nature of the information process is such that it requires close cooperation between government and private entities. Thus the corporation is directed to establish close liaison with all pertinent elements of the private sector.

Abundant evidence has shown that information management today is resulting in wasteful neglect of available knowledge and the funding of needless research to repeat findings already in the literature. This waste is no longer tolerable.

Some students of the future predict that national strength in the next century will be determined by the skill with which the nations of the world manage their information resources. This is not hard to believe. We were fortunate, for example, in World War II that scientific information was so badly neglected in Germany that its considerable advantage in early atomic science never won credence in the upper reaches of the Nazi government. The biggest development in the glass industry in the past 50 years—the float glass process—was based on an American patent, but it was developed in England. The patent was ignored in this country for more than half a century. The Kroll process for producing titanium was similarly neglected for nearly 40 years.

Sometimes we in Congress, in our efforts to promote efficiency and economy, have tended to constrain the dissemination of scientific and technological information by government agencies. But this is a clear example of penny wise, pound foolish. When we pay millions for a piece of research, we should be willing to pay a sufficient fraction of that amount to insure that the fruits of the investment are fully utilized.

The rationale of title IV is that scientific information management is recognized by the Congress as a vital part of the whole scientific and technological process. It must be efficiently carried out. We are abundantly supplied with many technologies for managing, sorting, retrieving, and transmitting information. But we need a channel through which to combine the best of these technologies with the human skills of judgment, discrimination, information-structuring, and updating. History shows that leadership in any science is quickly lost unless it is strongly supported and pursued.

In summary: The proposed bill is intended to provide a focus for mature discussion of a national need. It has been framed with care. Advice on its content has been drawn from many well-informed sources. Nevertheless, it is not to be considered a finished product, but rather a stepping stone toward the implementation of a genuine science policy.

Four important innovations are being offered in this legislation: a comprehensive statement of national policy for science and technology; a Council of Advisers for Science and Technology to help crystallize and effect policy at the highest levels of Government; a Department of Research and Technology Operations to bring together certain related activities through a unified and efficient governmental structure; and a Science and Technology Information and Utilization Corporation to promote full, broad, and efficient access by the public to the benefits of research and development.

In inviting comment and suggestions, it is hoped that the observations offered will aim to better the product, not weaken it. We have come a long way in our understanding of the problem of the public use of science and technology. We must improve our abilities to put that knowledge to work.

Mr. MOSHER. Mr. Speaker, I am happy to associate myself with the remarks of my distinguished chairman, Mr. TEAGUE, and to commend the Science Committee for the constant, intense attention we give to problems of science policy, planning and organization, under his leadership.

It has been my privilege to have been associated with all of the hearings, studies, reports, seminars, panel meetings, and contractual efforts actually over a period of several years, which have led to the legislation which Chairman TEAGUE and I are cosponsoring today.

Mr. Speaker, I heartily endorse this bill for the purpose for which it has been drawn. That is to stimulate thinking on the part of the Congress, the Executive, and the entire science and technology community—and to serve as a vehicle for subsequent committee hearings.

We do not, as the Chairman has said, think of this bill as a final or perfected piece of legislation. But we are very serious about it and expect that, following discussions with representatives of the President and Vice President, and other appropriate advisers, our committee definitely will recommend to the full House a refined version later in this session.

ARAB ASSASSINS AGAIN STRIKE IN MIDDLE EAST

(Mr. SOLARZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLARZ. Mr. Speaker, I rise to condemn the brutal and wanton murders of a yet-to-be-determined number of innocent civilians at the Savoy Hotel in Tel Aviv by members of Yasir Arafat's band of thugs. Men of good will throughout the world—regardless of their race or religion—cannot condone such despicable and illegal acts of violence. Terrorism has no place in the maintenance of meaningful relations among nations or in attempts to achieve the settlement of long-standing and complicated disputes.

It is particularly important to note, Mr. Speaker, that such terrorist attacks as the PLO's El Fatah raid on the Savoy Hotel are not limited to just the Middle East. Consider the politically inspired slayings which have been perpetrated by urban guerrillas in Argentina, the various bombings committed by the IRA in England, and the kidnaping by anarchists in West Germany. While the names of Maalot, Kiryat Shmona, Munich, Lod Airport, and other scenes of Arab terrorist murders against Israel will forever live in the minds of decent people, we must realize that international terrorism is something which affects all nations. Clearly affirmative steps must be taken to bring a halt to these unconscionable activities at once. Thus, I intend to draft legislation which will immediately end all U.S. military and economic assistance to any nation which harbors, assists, encourages, or fails to take effective action against terrorist organizations located within its borders. I must say that it would also be helpful if the United Nations, instead of inviting the representatives of terrorist groups to participate in its deliberations, also initiated meaningful collective action to eliminate the scourge of terrorism from the face of the Earth.

I think it should also be said, Mr. Speaker, that the vile murders at the Savoy Hotel, for which the PLO proudly takes the credit, belies the claim of Arab apologists—including those in the Congress—that Mr. Arafat is a "moderate." Some have declared that Arafat has moved the PLO "to the point where it is willing to negotiate with Israel." If Mr. Arafat expects to negotiate with Israel through the use of guns and grenades, I do not believe we can reasonably expect Israel to negotiate with him.

NEED FOR A 200-MILE LIMIT FOR FISHERIES JURISDICTION

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, permit me to take this opportunity to express my full support of legislation to extend U.S. fisheries jurisdiction to a total of 200 miles from our coastline. As a cosponsor of this legislation, I want to commend my esteemed colleague, Congressman DOWNING, for his tireless leadership in attempting to obtain speedy enactment of this vitally important measure. The 200-mile limit now has support from a large number of Members of Congress, representing all sections of the country and both political parties. Consequently, I am hopeful that the Congress will approve the 200-mile limit in the near future.

I believe that quick action is necessary in order to prevent the decimation of our coastal fish at the hands of foreign fleets. If we do not extend our fisheries jurisdiction very soon, we face the prospect of having no fish left to protect, and the United States will lose both a valuable industry and a very rich source of marine protein for present and future generations.

Literally tens of thousands of people in the world are starving today. Famine is a daily fact of life in the Sahel Region of Africa and Biafra, as well as elsewhere. Increasing numbers of scientists are predicting that the world food crisis will become even more severe. The fish off our coast, and off the coasts of other nations, are an important source of food, and are especially important to the world supply of protein.

Yet, if foreign fishing fleets are allowed to continue their current practices, we could soon lose this essential source of food for future generations. The foreign fishing vessels do not observe even the most rudimentary conservation practices. The Russian fleet in particular engages in pulse fishing, which involves the use of every possible means to destroy a particular species of fish. When the pulse-fishing fleet has decimated one species of fish, it changes the focus of its attack to another species. The net effect of this coordinated effort is extremely destructive of the total biomass of fish off our shores, and it is clearly inconsistent with good conservation practices.

In addition to the destruction of vital food resources for the hungry of today's and tomorrow's world populations, foreign fleets also pose a serious threat to the continued survival of our domestic fishing industry. Our privately owned commercial fishing fleets and boats are in direct competition with the much larger, government-subsidized foreign fishing fleets. The Russians and other Soviet-bloc countries have moved massive, sophisticated fishing fleets into the Atlantic, frequently operating within sight of our coastline from Maine to Florida. The Cubans are building a large, modern fishing fleet which will soon move into the Gulf of Mexico, and the Mexican Government is now debating extending its jurisdiction over fishing out to 200 miles off both its Pacific and gulf coasts.

Let me emphasize that the legislation which has been proposed is an interim measure which would be superseded by an agreement reached by the 150 nations participating in the Law of the Sea Conference. In my judgment, this demonstrates that the supporters of this bill in Congress are not asking that the United States act in a narrow and selfish manner. We are merely recognizing the fact that a new treaty on fishing jurisdiction is not likely to be agreed on and implemented for another 5 to 10 years. Our current problems are so severe that we cannot afford to wait that long for effective remedial action to be taken.

An international agreement may well offer the best long-term solution. But the rapidly improving fishing technology threatens free ocean fishing at this very moment. Larger and faster boats, more sophisticated fishing gear and techniques, high seas processing, and an increasing number of fishing nations have all combined to bring about a growing number of overfished stocks. While fishing technology moves forward at an incredible pace, and the Russians and others make use of it to further deplete stocks of fish, a workable international agreement on any important matter still takes a very long time to accomplish. Thus the United States must take unilateral action now in order to forestall the adverse effects of the overfishing which is so prevalent off our coasts today.

THE MONETARY POLICIES MUST BE REEVALUATED, RESTUDIED, AND GREATLY IMPROVED TO PROTECT THE PEOPLE AND OUR GREAT COUNTRY

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the February 1975 issue of the American Federationist carries a very important article on the Federal Reserve System by Markley Roberts, an economist in the AFL–CIO Research Department. I call the attention of the Members to this article because it discusses the mysterious ways in which monetary policy works and explains how the Fed got us into the current economic mess and how it could, if properly directed, get us out again.

As the Congress has recently learned, much of our problem with the Fed stems from its so-called independence and its too close alliance with the banking community. Mr. Roberts discusses these issues and makes recommendations for changes in the system which will make it more responsive to the needs of the economy and more responsible in carrying out its duties. The current state of the economy makes it imperative that Congress assume a more active role in carrying out its own constitutional responsibilities to coin money and regulate its value. The way to do this is to conscientiously and carefully examine the agency to whom we have delegated our powers and to direct its policies so that we can discharge our constitutional responsibilities in this important area.

Mr. Speaker, the text of Markley Roberts' article follows:

MONETARY POLICY—THE FED'S GRIP

(By Markley Roberts)

The economic problems now facing the United States can be traced in no small measure to the tight-money, high-interest, slow-growth policies of the Federal Reserve—policies planned and put into effect by the nation's central bank.

The extraordinary power of the Federal Reserve System comes from the power of the "Fed" to control the nation's supply of money and credit and its power to control interest rates. Jobs of American workers are directly affected by the Fed's money policy.

The U.S. Constitution gives Congress the right to "coin money and regulate the value thereof." This power has been delegated to the Federal Reserve as an agent of Congress. But the Fed's monetary policy decisions are not subject to change or ratification or veto by Congress or by the President. Senate and House Banking Committees and the Joint Economic Committee may hold public hearings on decisions and actions of the Fed, but congressional hearings don't stop the Fed from doing whatever it wants to do. The makers of the Fed's policies are not subject to any penalties for their decisions and their actions.

The Credit Control Act of 1969 gives the President and the Fed broad powers to "regulate and control any or all extensions of credit" so Congress could direct the Fed immediately to use its powers to channel available bank credit, at reasonable interest rates, to high-priority housing, community facilities, energy-utility construction and other socially desirable investments.

Other serious issues require long-run solutions to bring the central bank within the overall governmental structure and destroy the myths that protect the Fed from needed reforms.

One key myth is that the Fed's "independence" demands protection against "outside" interference. Unfortunately, in his October 1974 WIN speech, President Ford contributed to the myth of independence when he told Congress, "I have personally been assured by the chairman of the independent Federal Reserve Board that the supply of money and credit will expand sufficiently to meet the needs of our economy and that in no event will a credit crunch occur."

But the Fed is not independent. It is a creature of Congress and Congress can make changes and reforms in the Fed if it chooses to do so.

In 1913 Congress passed the Federal Reserve Act and President Woodrow Wilson signed it. The Federal Reserve System—a central bank system—was set up to be a "shock-absorber" as a result of a wave of bank failures in the panic of 1907. Fearing the power of a strong central bank, Congress made a deliberate effort to spread and decentralize the Fed's power. In the past 60 years, however, the Fed's power has flowed back to Washington—a "recentralization" resulting from deliberate, conscious central control over money supply, credit availability and interest rates throughout the U.S. economy. From its original role as "shock-absorber," the Fed has developed an additional role as the nation's "money policy manager."

Twelve Federal Reserve District Banks were set up in Boston, New York City, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas and San Francisco. In each district, the private commercial banks that are members of the Federal Reserve System become owners of that District Bank by paying in capital to the Reserve Bank in proportion to their assets.

So private banks actually own the Reserve Bank that is supposed to supervise and regulate them. And private banks elect six of the nine Reserve Bank directors. The other three directors are appointed by the Fed in Washington. The nine directors choose the president of their District Bank—the District Bank's most important and powerful official—but the District Bank president must be approved by the Federal Reserves Board in Washington. Of course, this veto power over the most powerful official in each District Bank gives added power to the central bank's Board of Governors.

The seven-member Board of Governors of the Federal Reserve System is appointed by the President with the advice and consent of the Senate. Board members get $40,000 a year. A 1970 British committee report on the Fed points out that "The power of appointment cannot be regarded in any sense as a sanction over the Board." To restrict presidential control, each Board member's term runs for 14 years and the terms are staggered so only one vacancy comes every two years. A two-term President would probably be able to appoint no more than four members of the Board. The chairman of the board, with a $42,500-a-year salary, is chosen by the President from among the seven members, but the Chairman's four-year term is not concurrent with the President's term.

So no President is likely to name a majority of the Federal Reserve Board and it's possible the Board will take economic policy positions that are different from—and sometimes contrary to—the policies and programs proposed by a President or endorsed by Congress.

This "independence" is strengthened by the Fed's self-financing. The Fed does not depend on Congress for appropriations. The Fed makes about $5 billion a year in "profits." Its costs run to only $500 million a year. The balance is turned over to the Treasury.

The major tools of Fed money management are open market operations, changes in the discount rate at which the Fed lends money to the private banks, and changes in bank reserve requirements.

The United States has 14,000 private, commercial banks, with about 3,000 banks affiliated with bankholding companies. The 10 biggest banks hold about 25 percent of all commercial bank assets and the 100 biggest hold more than 50 percent of all assets. A 1968 staff report by the House Banking Committee revealed that the 49 biggest banks held 5 percent leverage-control in more than 5,000 major corporations and held 8,000 interlocking directorships in more than 6,500 major business corporations. These banks also control billions and billions of trust fund dollars, including pension funds.

About 5,700 of the 14,000 U.S. banks are members of the Federal Reserve System. These 5,700 member banks hold 80 percent of all bank assets. But the 10 biggest bank trust departments held one-third of the 1971 total bank trust assets of $343 billion. And the 100 biggest held about 80 percent of total bank trust assets.

With the great concentration of economic wealth and power in a relatively few big banks, it is not surprising that the nation's central bank, the Fed, is big-bank oriented and dominated by a banker outlook on economic affairs.

And it is not surprising that banks—especially the big money center banks like Chase Manhattan and First National City Bank of New York, Continental Illinois of Chicago and Bank of America in California—are very profitable. "The plain, hard fact is that banking is an earnings machine," says Harry V. Keefe, president of a New York securities firm specializing in bank stocks.

The Fed's member banks are required to hold cash reserves at their Federal Reserve District Bank. These reserves can range from 7 to 22 percent for demand deposits (checking accounts) and from 3 to 10 percent for time deposits such as savings accounts and certificates of deposit. The average reserve required for demand deposits is about 15 cents on the dollar.

The rest of the private bank assets, apart from the reserves, can be loaned out to earn money for the bank. These loans create "new money" in the economy as borrowers build up their checking accounts and spend this "money" from their checking accounts (or demand deposits).

If the Fed raises reserve requirements on demand deposits, say from 15 percent to 20 percent, this means private banks will have to put more cash into the District Banks—and keep more in their vaults. Generally the private banks must cut back on their lending to make sure they have the cash to meet the higher reserve requirement. So higher reserve requirements mean less available credit and consequently higher interest rates.

To ease credit availability, to encourage banks to lend to borrowers, the Fed can lower reserve requirements. This means banks will have more money to lend out and thus earn more income. With more loan money available, interest rates go down. In November 1974 the Fed briefly lowered reserve requirements but quickly raised them after discovering that it had "significantly underestimated" the loan-expanding, money-expanding effect of lowered reserve requirements. This experience reinforced the Fed's reliance on open market operations for "fine-tuning" money, credit and interest rates.

There's no simple, exact, predictable cause-and-effect when the Fed manipulates reserve requirements. Some banks keep "excess reserves" so they won't get caught by changes in reserve requirements. And some banks just drop out of the Federal Reserve System if they find the Fed's reserve requirements too burdensome.

All national banks—about 4,500—must be members of the system. These are banks chartered by the federal government. But state-chartered banks are free to stay outside the Federal Reserve System, and 8,000 of the nation's 9,500 state banks do stay outside because state regulation is more lax and state reserve requirements are lower. The Fed wants to make all non-member banks subject to reserve requirements to strengthen its control of the money supply.

The second major tool in money management are discount rates—the interest rates charged by Reserve Banks on short-term loans to member banks, which also help the Fed control interest rates and control the money supply. Banks make their profits on the spread between what they pay for money and what they charge for money. The "discount rate" charged by the Fed's Reserve Banks is always lower than the "prime rate" charged by the big banks to their big business customers, and the bigger the spread between them, the bigger the bank's profit.

Banks sometimes need extra cash to meet emergencies or to meet reserve requirements. When they borrow from a Federal Reserve District Bank they pay the discount rate—because the private banks used to give discounted promissory notes or other commercial paper to the Reserve for the money they need. Now the private banks simply give their own promissory notes (secured by government securities) to get the loan.

By raising the discount rate, the Fed makes bank borrowing to build up cash reserves more costly. This discourages bank lending to private borrowers. It also pushes up interest rates, because the banks are selling securities at lower prices, which means higher interest rates, to get cash to build up their reserves. And the result is a cutback in the supply of money—tight money.

To encourage bank lending, the Fed can lower the discount rate and make it profitable for the private banks to borrow from the Reserve Bank, build up cash reserves, and then lend money at lower interest rates to private business borrowers. But the basic purpose of the Fed's "discount window" is to help banks meet short-term cash reserve needs.

Emergency credit at the "discount window" is the Fed's "ace in the hole" to prevent financial collapse when banks are squeezed for money by such events as the 1970 Penn Central bankruptcy and the Franklin National Bank failure in 1974.

At such times, many lenders fear they will lose money and they try to switch from holding securities to holding money. This "crisis of confidence" puts a severe strain on the money supply. Cash-short banks turn to the Fed's "discount window" to get quick cash to meet abnormal, emergency demands for money.

As lender of last resort, the Fed has a "shock-absorber" responsibility to prevent financial panics in time of emergency. But the Fed does not automatically lend money to would-be borrowing banks. It will look at the purpose of the bank applying for the loan. With this discretionary power at the "discount window," the Fed has a great deal of influence on the quantity and quality of member bank lending, on the availability of credit, and on the level of interest rates, particularly the prime rate which banks charge their biggest and most credit-worthy business borrowers.

Other borrowers must pay higher rates. Non-bank lending by such financial institutions as insurance companies, through direct investment in market securities, makes it more difficult for the Fed to influence credit availability and interest rates.

Checking accounts in commercial banks are called demand deposits because they are payable on demand. The cash in circulation, about $65 billion, plus demand deposits, about $215 billion, left the U.S. money supply in late 1974 at about $280 billion. Money supply defined this way is generally called M–1, or "high-powered money".

Time deposits and savings deposits in commercial banks, about $325 billion, provide another definition of money supply, M–2, and bring the overall total to about $605 billion. Adding some $325 billion in savings and loan associations and at savings banks gives still another definition of money supply, M–3, with a total of about $940 billion.

But the simplest definition of the money supply is M–1, the $280 billion in cash and demand deposits in commercial banks. It is obvious that about 75 percent of this narrowly defined money supply is demand deposits, the deposits for which the banks must keep a certain percentage, about 15 percent, in cash reserves. This "high-powered money" is the money supply the Federal Reserve System tries to manipulate to achieve its money policy goals.

The third and most important of the Fed's tools is the Federal Open Market Committee (FOMC). Open market operations—the Fed's buying and selling of federal government securities in the open money market—are the most powerful and important tools of money policy.

The Fed itself says "Open market operations are the principal instrument used by the Federal Reserve to implement national monetary policy." The first specific official Fed recommendation that money policy should be defined in terms of money supply growth targets came in a January 1970 FOMC directive to the Open Market Committee account manager in New York.

The FOMC consists of the seven members of the Federal Reserve Board plus five of the District Bank presidents. Four of the five seats rotate among 11 of the District Bank presidents. The president of the New York District Bank ($90,000-a-year salary) is always a member of the FOMC because the New York money market is the place where the Fed's open market operations take place. The District Bank presidents are not appointed by the President or confirmed by the Senate. They hold their jobs because they are acceptable to the Fed's Board of Governors.

The Open Market Committee meets every three or four weeks in Washington. All the District Bank presidents attend and express their views, even though only five of them vote. FOMC decisions and votes are kept secret for 90 days, supposedly to avoid upsetting the money markets. In fact, "Fed watchers" can make fairly accurate guesses about FOMC policy decisions by looking at the New York District Bank's open market selling and buying. Even when FOMC minutes are made public, however, few people can understand them.

By law the FOMC is supposed to deal only with open market buying and selling of government bonds and other federal securities. In practice, however, bank reserve requirements and Fed "discount" interest rate policies are also thoroughly discussed in the FOMC and coordinated with open market operations before the Fed takes action.

The Fed holds about $75 billion in federal government bonds, notes and bills. When the Fed goes into the open money market for federal securities and buys government bonds, notes or bills from private banks, the banks get cash added to their reserves, and they can increase their lending by 85 percent of the newly acquired cash, since they are only required to keep 15 percent cash reserves. This increased lending adds "new money" to the money supply by building up borrowers' checking accounts.

When the Fed sells government securities, the banks gain securities, but they lose cash, and therefore they have less money to lend. A drop in lending—resulting from a drop in banks' cash reserves—takes money out of the economy as borrowers pay off loans and don't get new loans.

Buying and selling of government securities is going on constantly in the New York money market, so it's easy for the Fed to step into this "open market"—sometimes with big steps to change the direction of the market, sometimes with little steps just to maintain an orderly market. The Fed is not out to make a profit. Its aim is to carry out the money policy goals determined by the Fed's Open Market Committee.

So the Fed will always offer a high enough price for government bonds to make sure it finds sellers among the private banks. And the Fed will always sell its government bonds at a low enough price to make sure it finds buyers.

The Fed's buying and selling of government bonds in the open market changes the level of bank reserves. These reserves determine how much bank lending there will be. And the volume of bank lending is a major factor in determining the level of business activity—and the availability of jobs—although there has been an increase in lending by households and non-bank financial institutions through direct investment in market securities.

The three major tools of Fed money policy—open market operations, discount rates, and reserve requirements—all operate to influence reserve requirements and, by influencing bank reserves, determine the money supply. The Fed uses changes in the money supply to influence interest rates and the availability of bank credit.

There are many complications and often unforeseen influences on the cause-and-effect process. But, in general, an increase in bank reserves results in lower interest rates, more bank lending, more business spending—and more jobs.

On the other hand, if the Fed holds back the growth of the money supply and raises interest rates, the result is less borrowing by business, less housing construction, less state and local government borrowing for public works, less job-creating spending by consumers and business—and fewer jobs.

Once banks lend out to business and consumers up to 85 percent of their assets, some of this borrowed money ends up deposited in banks again—raising the banks' assets and cash reserves.

With these extra bank deposits, extra cash reserves, the banks can do still more lending—using up to 85 percent of their newly acquired assets. And the process continues with borrowing and spending and a multiple expansion of demand deposits and cash reserves. As a result of this cycle of borrowing, spending and depositing, and so on, $1 billion of new cash reserves produces $4 to $6 billion in total new bank deposit money. This takes time, of course, and it may take a year or two for the full effect to take place.

Of course, this works the other way too. If the Fed cuts back bank reserves, say by selling $1 million in government bonds, the money supply goes down by $2 to $4 billion, again with time lags.

This "multiplier effect" in the banking system as a whole gives tremendous power to the Fed's money policy tools aimed at influencing money supply, credit availability, and interest rates. The Fed's creation of money—or "destruction" of money—by manipulating bank reserves and bank deposit money—has a big influence on the question of whether American workers find new job opportunities or lose jobs.

The U.S. economy depends on a proper growth in the money supply. If the money supply simply fails to grow in line with the nation's productive capacity, there will be a slowdown in consumer and business buying, a slowdown in sales and production and rising unemployment.

Unfortunately, the Fed's tremendous power has been used far too often to choke off essential growth in the money supply through a tight general money policy, giving us credit shortages and raising interest rates to the highest levels in more than 100 years—helping to produce the recessions of 1969–70 and 1974–75.

The results are inflation of costs and prices throughout the economy, erosion of consumer buying power, crisis in the housing industry, slowdown and stagnation in state and local public works construction, bankruptcy for many small businesses, sharp declines in investment in public utility energy-generating facilities and loss of jobs for millions of workers.

Fast-rising bank profits and regressive, wrong-way distribution of wealth and income are some other results of the Fed's tight-money policies. In general, tight-money and high interest rates benefit banks and rich people with high savings and money to lend and injure workers and consumers who must borrow to buy a home or an auto or big-ticket household appliances and furnishings.

The Fed's recent policies have permitted the flow of credit to speculative, high rate-of-return investments in gambling casinos, land speculation, hoarding, foreign loans and overseas investment by American multinational corporations. As a result, the banking system is overextended and under pressure to get back to support for productive, job-creating investment.

The Fed's passion for secrecy and "independence" reflect the big-bank orientation and the banker mentality that dominate the Fed. A British report of 1970 notes that the Board of Governors of the Federal Reserve meets often with the American Banking Association and with other banking associations. And senior Fed officials lunch "frequently" with Wall Street bankers to discuss money conditions and money policy, the report says.

Banker-oriented Fed officials don't lunch—or even consult—with consumer or worker representatives. Thus the Fed's passion for secrecy and "independence," its failure to consult important non-banker groups in American society and the implicit assumption that money policy is too complicated for ordinary people to understand all indicate a distrust of the democratic process.

Serious, high unemployment is clear evidence of failure in economic policy—and specifically money policy as well as fiscal policy. Public service jobs can be a partial solution to the unemployment problem if the jobs program is big enough. Federal taxing and spending policies can help. Tax reforms supported by the AFL–CIO could raise an additional $25 to $30 billion in federal revenues. And accelerated federally aided public works in high unemployment areas can open up job opportunities.

But money policy must be in tune with other job-creating, inflation-fighting programs. Money policy must be geared to encourage economic expansion and job-creation. Formal systems for coordinating money policies with other economic policies are needed to achieve full employment.

It is intolerable in a democracy that a major agency of public policy like the Federal Reserve System should be "owned" privately by the member banks. And the banker-oriented "independence" of the Fed is intolerable in a democracy. The nation's management of its money policies is much too important to be left in the hands of people who are insulated from the major currents of American life by the so-called "independence" of the Federal Reserve.

The AFL–CIO has long advocated a series of reforms in the Fed to bring about appropriate accountability, based on the belief that representative government does not mean runaway inflation with some "independent" superboard needed to guide public affairs.

As chairman of the House Banking Committee, Rep. Wright Patman (D-Texas) proposed a regular audit of Fed finances, management and policies by the General Accounting Office, which is responsible to Congress. GAO audits would increase the Fed's accountability and reduce the Fed's carefully cultivated secrecy. Fed Chairman Arthur F. Burns fought hard against the audit, suggesting that it would make the Fed subject to political pressures in pursuing its money policies. The AFL–CIO supported the audit proposal, but Congress failed to complete action on the Patman audit bill in 1974.

To make the Fed more responsive to elected officials, the terms of office of the Fed Chairman should be no longer than the term of the President who appoints him and the Chairman should serve at the will of the President. The terms of the members of the Board of Governors of the Federal Reserve should be cut from the present 14 years, with overlapping and reduced terms of office, one seven-year term should expire each year. The composition of the Federal Reserve System should give due regard to membership on the Board of Governors of competent people from various economic groups in American society, including the trade union movement and consumers. Similar changes should be made in the composition of the 12 District Reserve Banks. Similarly, the Federal Advisory Council—now made up of one banker from each Reserve District and meeting four times a year with the Board of Governors—should become more representative of all segments of the American economy.

Decision-making power over open market policies, discount rates, and reserve requirements should be held by officials who are subject to the political process of nomination by the President and confirmation by the Senate. Therefore, the Federal Open Market Committee should be abolished. The current functions of the FOMC should be transferred to the Board of Governors of the Federal Reserve.

Until and unless such changes are adopted, the Fed will be subject to the charge that it is dominated by the thinking and experience of bankers, big business, and money specialists. If necessary reforms in the structure and composition and status of the Federal Reserve System are put into effect, the nation will be in a better position to make faster progress toward healthy economic growth and full employment.

INTRODUCTION OF A BILL TO REQUIRE THE COMMANDANT OF COAST GUARD TO SELECT LIQUEFIED NATURAL GAS SITES ADJACENT TO THE NAVIGABLE WATERS OF THE UNITED STATES

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference, legislation to require the Commandant of the Coast Guard to select sites for appropriate shore facilities in the United States which are suitable and safe for the construction and utilization of liquefied natural gas storage terminals.

I point out to members that as the former chairman of the Coast Guard Subcommittee of the House Merchant Marine and Fisheries Committee, and presently ranking majority member of that Subcommittee, I held extensive hearings on the dangers of importing and depositing LNG at locations along the northeast coast of the United States. The legislation I introduce today is an outgrowth of those hearings.

Under my legislation, the Commandant of the Coast Guard is charged with undertaking an ongoing review of all appropriate areas adjacent to the navigable waters of the United States for the purpose of selecting sites which are or could be used for the location of LNG shore terminals.

He is directed under this legislation to consider a variety of factors, the sum of which will mean safer location of terminals for Americans living in densely populated areas.

The legislation directs the Commandant of the Coast Guard to take into account the following factors in selecting appropriate LNG terminal sites:

The density of population and existing land uses surrounding the site;

The availability and capability of fire and emergency services which serve the site;

Navigational hazards which exist, or may develop, along the routes which vessels must us in order to reach the site;

Vessel traffic characteristics along such routes;

Environmental factors; and

Such other factors relating to the safety of the construction and operation of any LNG shore terminal at the site which the Commandant deems appropriate.

Mr. Speaker, I was asked by the chairmen of several House committees considering legislation concerning site location of all types of energy facilities to withhold my bill pending legislation that would be more inclusive in this area. It is now almost 2 months and such legislation has not been forthcoming. The Congress is moving at a snail's pace and I feel this is not acceptable in terms of the risk involved in the transportation and storing of liquefied natural gas. Therefore, I decided to introduce my LNG site selection bill and ask for immediate hearings on it.

I feel this is a logical extension of the existing authority of the Coast Guard relative to the importation into the United States of this highly dangerous chemical. It is hoped that the Coast Guard will use the knowledge gained from its experiences with the transportation of this material to select sites on an intelligent basis and prevent the kinds of mistakes that were made in the selection of the distrigas storage tanks in Staten Island, N.Y.

Mr. Speaker, I include the text of my bill at this point in the Record:

H.R. 4440

A bill to require the Secretary of the department in which the Coast Guard is operating to certify sites adjacent to the navigable waters of the United States which are suitable for the location of liquified natural gas shortage terminals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Port and Waterways Safety Act of 1972 (33 U.S.C. 1221–1227) is amended by adding at the end thereof the following new section:

"Sec. 108. (a) For purposes of this section, the term 'LNG shore terminal' means any facility the purpose of which is the storage of liquified natural gas after the direct unloading of such gas into such facility from any vessel in the navigable waters of the United States.

(b) The Secretary of the department in which the Coast Guard is operating shall review all proposals for the construction of a LNG shore terminal and shall determine if the site is suitable from a safety and environmental standpoint. In making a determination the Secretary shall take into account, in addition to those factors required by section 101 (e) of this Act the following:

1. the density of population and existing land uses surrounding the site;

2. the availability and capability of fire and emergency services which serve the site;

3. Any other factors relating to the safety of the construction and operation of any LNG shore terminal at the site which the Secretary deems appropriate.

(c) Before designating a site as suitable for the location of an LNG shore terminal, the Secretary shall, if requested, hold public hearings in the area where the proposed site is located.

(d) The Federal Power Commission shall not issue any certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act of 1938 to any applicant therefor who proposes to build and operate a LNG shore terminal unless the site has been certified in accordance with sub-section (b) of this section.

(e) Nothing in this section shall be interpreted as affecting in any manner the force and effect of any State or local law which may apply with respect to the location of any LNG shore terminal.

FEDERAL RETIREMENT BENEFITS AND ANNUITIES

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, I am introducing a bill today to insure that monthly Federal retirement benefits and annuities will not be included as income when determining eligibility for a veteran's or widow's pension.

These people who served in the military unselfishly, many of them now elderly and in need, are caught in a catch-22 proposition.

Federal retirement benefits are raised to give people a better chance of keeping up with inflation. But the positive effect of the raise in retirement benefits all too often is offset by matching VA benefits cuts. The result is to leave many people in the position of trying to live in today's economy on yesterday's income.

I do not believe Congress meant for this situation to develop, but it did, and I feel it is time to change it.

A similar unfortunate procedure often follows raises in social security payments, as I am sure every Member of the House is aware from reading the flood of mail on this issue. Bills to correct this situation have already been introduced this session.

With so many people already living close to the poverty level and with an uncertain economy, we must make changes to enable these elderly people to live the decent life they have every right to expect in return for the contributions they made to this country.

I hope Congress will turn its attention this session to the situation confronting those who receive VA pension benefits.

These people need more than our sympathy; they need our help to end the financial insecurity in which they are living.

DROP IN VALUE OF U.S. DOLLAR

The SPEAKER pro tempore (Mr. Mikva). Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, I desire to invite the attention of the Members of the House to an article that appeared in this morning's Washington Post, under the heading of "Burns Said To Fear More Inflation if Dollar's Value Continues To Drop." There were two columns appearing under that heading.

I desire to invite the attention of my colleagues in the House to the fact that too much is being said about what should be done to assist the largest corporations and big banks, too little is said about helping the millions of people in poverty as well as small businesses. There is nothing proposed for them, except a suggestion from Mr. Burns that we should consider reestablishing something on the order of the Reconstruction Finance Corporation.

The whole pitch in Dr. Burns' statement was that we must do more to help the other countries of the world by keeping our interest rates high; that if we keep our interest rates high that will help other countries, and there will be no attacks on our dollar, resulting in a further weakening of the dollar.

I doubt that that is the price that we can afford to pay. It is going too far. Too much has been done by the Federal Reserve to cause trouble in this country. I do not see any evidence of suggestions being made as to what should be done to correct the errors that have already been made by the Federal Reserve.

Mr. Speaker, I include the Washington Post article on Chairman Burns at this point in the Record:

[From the Washington Post, Mar. 6, 1975]

Burns Said To Fear More Inflation if Dollar's Value Continues to Drop

(By Hobart Rowen)

The steady drop in the value of the U.S. dollar in foreign exchange markets is causing concern at the Federal Reserve Board.

Fed chairman Arthur F. Burns is known to feel that the slide in the dollar rate—it has dropped nearly 7 per cent since last September—will cause new inflationary pressure if it goes much further.

As the rate of the dollar drops compared with European and other currencies, American exports become cheaper and foreign goods become more expensive. In the past, both of these developments have worsened inflation.

Moreover, according to those who know Burns' views, he fears that a declining dollar rate is a serious blow to American prestige. An added danger he sees is that the Organization of Petroleum Exporting Countries will push for even higher oil prices if the dollars they are normally paid erode in real value.

In related areas, Burns' private assessment of current economic problems is said to include the following:

There is no precise way of forecasting when an economic turn-around may take place, but he has become a shade more optimistic in the past few weeks because of healthier financial markets and the rise in the stock market. But he admits the signs are inconclusive, and that unemployment could well hit 10 per cent.

Contingency plans for Fed aid to nonmember banks, to savings and thrift institutions, and to industrial corporations—which could include direct loans by the Fed—are being perfected in case they should be needed.

He hopes that the nation can get by the current recession without resort to a new Reconstruction Finance Corp. to bail out weakened corporations, because taxpayers would be stuck with dubious loans that have been made by banks in the past. But it is possible that such a rescue operation may be needed.

In contrast to President Ford's estimate of a $52 billion deficit for fiscal 1976, Burns thinks the red ink is likely to be in the neighborhood of $100 billion.

The basic reason for the decline in the dollar, according to most experts, is that interest rates have fallen more sharply in this country than in the rest of the industrialized world.

However, in testimony yesterday before the Joint Economic Committee, Brookings Institution economist C. Fred Bergsten suggested that the recent weakening of the dollar could be traced primarily to the huge dollar "overhang"—dollars amounting from $100 to $200 billion held outside of the U.S.

Because of the increase in oil prices, Bergsten said, the overhang is shifting from the industrial countries to the oil exporting world, which is increasingly reluctant to hold them.

Bergsten agrees that the interest rate differential also plays a role. The slide in interest rates here has been generated by economic recession. The efforts by the Fed to drive the price of money down also have played a role.

When interest rates are lower here—meaning that the return on investments has declined compared to what is available elsewhere—there is a reduced demand for dollars in the exchange markets, and their value tends to fall.

The problem thus posed is not merely the dollar rate, but the conflict with the basic strategy of trying to combat recession. Lower interest rates are desirable to stimulate domestic economic recovery, Burns concedes, but if interest rates go too low, the position of the dollar could weaken further.

In this dilemma, the Federal Reserve has consciously tempered the decline of interest rates. Burns has expressed the view publicly and privately that to allow interest rates to fall more sharply—a pattern he has been urged to promote by AFL-CIO President George Meany and many members of Congress—would be a dangerous course.

However, other steps have been taken to try to ease the burden on the dollar in foreign exchange markets. The Fed has been a modest buyer of dollars in foreign exchange markets. This "intervention," is it is called, is a frank effort to prop up the price.

Between August 1974 and January 1975, the Fed spent $742 million to buy dollars with other currencies. Another way to prop up the dollar is to try to get agreements with other nations that prevent too much of a difference here and abroad.

Most of the latter negotiations are thought to be formal ones between Burns and heads of other central banks.

The Fed chairman, who has been resisting efforts by Congress to take a more direct role in managing monetary policy, has indicated to associates that he can "live with" a new House resolution urging the Fed to let the supply of money grow, thus promoting lower long-term interest rates in the hope of restoring prosperity.

But he doesn't like it, and is known to feel that the resolution will accomplish very little, although he endorses the aspirations embodied in the resolution.

I think many people are increasingly disappointed every day by the Federal Reserve Board actions. We must do something, or we are going to have a serious depression. The truth is I have never seen a statement from the Federal Reserve Board or Chairman Burns that implied, let alone admitted, that we are in a depression. They always minimize the problem by labeling it a recession and it does not amount to much.

But for several years housing and other industries in our country have been in a bad depression, just as bad as in the early thirties, the worst depression of this century.

Dr. Burns says we must have high interest to get along with other countries in order to keep the dollar from weakening. When Mr. Nixon was sworn into public office on January 20, 1969, the interest rates commenced to jump up. We know who caused it; the Federal Reserve caused it. Every month for 5 months interest rates jumped up, and on June 9, 1969, the interest rates went to the highest point that we had ever had in the history of the U.S. Government. They went to 8½ percent. That was a very high rate at that time. But they did not stop; they just kept on going—up to 12 percent and more—and every time interest rates went up, prices went up. The prices of everything offered for sale, even the goods on the shelf, were increased in value.

Every day that the housewife would go down to the store, she would pay more for the basket of groceries.

As money rates increased prices went up everywhere on anything that was offered for sale. That got kind of bad. That caused inflation, high prices, and high prices caused more inflation.

So Dr. Burns' remedy for that was to go back and increase interest rates again; that would stop inflation. But, of course, it was not a very wise remedy to suggest. The suggestion that we should increase prices to stop inflation is no more sensible or wise than to say if one's house is burning, if one wants to put out the fire, use gasoline on that fire to put it out; do not use water. It would be just about the same thing. We cannot stop inflation by raising interest rates. We will cause more inflation. We will never stop it.

For 6 long years under Dr. Burns and the Federal Reserve Board we have had galloping inflation and we will continue to have it as long as we are trying to stop inflation by increasing interest rates. It just will not work.

We must change the policies of the Federal Reserve. Six long years is long enough for us to have policies in effect which are creating more poverty all the time. Millions more people fall into poverty every year. That is very bad. We do not need that policy to continue. It will ruin the country. We have had enough of that. Any administration that has policies like that which are so ruinous to the people for 6 years, should change policymakers.

We should do something about correcting the evils that are existing now, that are causing such burdens and hardships on the plain people of this country. I never say "common people" because I do not think we have any common people in this country, but we have a great many people who have sacrificed and worked hard to build this country in time of peace and we have those who went to war to save our country. They are the plain people of our country and we must do something for them.

We should do something to correct those hardships. But I do not see any indication of anything being contemplated that would restore us to the equality of opportunity we used to have before all this trouble overtook us.

So we should get rid of these high interest rates policies because we know what will happen. We know we cannot build a country with high interest rates. Suppose our country was starting out here now, just a new pioneering country, and we had high interest rates like most countries did have. Under circumstances like that we could not succeed in establishing a good country with high interest rates.

If we had to have either high interest rates or low interest rates in a country such as our own, I think 99 percent of the people, and the good economists of this country would tell us that low interest rates are best for everybody, for the rich and the poor, for the big corporations and the little corporations, for big business and for little business, for all segments of the economy because low interest rates will help more people and help the country.

When I was chairman of the Banking Committee I tried to get a team of Harvard professors to undertake a study of the question of whether high interest rates or low interest rates would be best for the country. I attempted to have two teams of outstanding professors address this question. The first team decided they did not have the time to do it and the next team finally decided they did not have the time to do it, so we never could get the question studied. No economist is going to put his name to any argument or reason that what the country needs is high interest rates at all times. They just will not do it. It would not be true. And of course they just decided they would not undertake that. I am not blaming them for that. It is up to them. But they were offered a very favorable contract and of course they decided not to undertake that.

I have before me an editorial which I will put into the CONGRESSIONAL RECORD about whether another RFC is needed.

It was authored by Barnes Broiles, editor of the Jacksonville, Tex., Daily Progress in my district. He has often proved himself ahead of national publications on many public interest issues. The matter of establishing an RFC or similar institutions is another case in point.

The editorial follows:

ANOTHER RFC NEEDED

Put people on welfare, unemployment compensation or pension, and the flow of income tax as well as social security funds stops. Put them on wage paying jobs and they start the flow of withholding dollars and social security funds to the treasury.

If the U.S. government would start something like the old Reconstruction Finance Corporation, lending money to job-making industries at a rate of 5 or 6 per cent interest, and the treasury would recover far more than the loss in interest. People would be paying taxes instead of receiving tax rebates.

The RFC was one of the most successful agencies in the depression days, for it started industrial growth, had people in the employment gate instead of the unemployment window. If the government had to borrow even at a rate higher than granted, it more than made it up in taxes paid by the people who went to work.

After all, the bulk of the nation's income is from wage earning people, via the withholding tax. The giants learn how to evade taxes, but not the wage earners.

This country will return to prosperity when there is full employment, not before. It makes slight difference what rate the treasury pays if the money goes to put people to work.

Money put into projects which employ people at income tax paying wages means a return to the treasury, often more than that put out. When wage earners get their pay checks they spend the money, and it turns and turns with profit all along the way, and taxes on payrolls of the businesses benefitted.

During the depression a service club wanted to demonstrate the power of turnover. A huge bank check was made out for $1. It changed hands 136 times in 24 hours, each presumably making a normal profit. And when there is profit there is tax money. The U.S. treasury must have gotten quite a bit from that check's 24 hour activity—far more than the dollar.

A modern RFC, plus a bit of cooperation from the Federal Reserve System could restore prosperity to the nation—without a dole, increase in welfare, tax rebates or any other temporary measure.

It is time for the congress and the administration to awaken to the facts of life.

Mr. Speaker, it should be a matter of great interest to all who are concerned with national economic recovery that the

Chairman of the Federal Reserve Board, Dr. Arthur Burns, has indicated he is considering the idea of proposing the reestablishment of the Reconstruction Finance Corporation or something very much like it.

Reports being carried in a number of national newspaper state that Chairman Burns would support reestablishment of an RFC-like agency if major rescue plans seemed necessary to save large, failing corporations.

At the same time, these news stories point out that Burns and administration leaders fear that if an RFC is set up now, large commercial banks which have huge loans out to big, troubled corporations would seek to dump these loans into the RFC.

Mr. Speaker, I think that both credit and criticism are due Chairman Burns on this matter. On the one hand, it is encouraging to find that Dr. Burns thinks that under certain circumstances an RFC could prove to be very useful. However, it is discouraging to see that Burns is apparently confining his interest in an RFC to providing financial assistance to large failing corporations which are in need of being bailed out.

NATIONAL DEVELOPMENT BANK NEEDED

It is a matter of record that I have long advocated establishment of a national development bank patterned after the RFC which played such an instrumental part in helping the Nation recover from the depression of the early thirties and to marshal the monumental financial resources that were needed for the Nation's World War II effort. The benefits provided by the RFC had great impact on every level of the economy. But its most important achievement was the provision of credit to loan starved priority areas of the economy—small business, State and local governments, and housing. Its loans put men back to work and gave the people hope and confidence.

There should be no question in anyone's mind that the Nation is in great need of a national development bank to pump adequate credit at reasonable cost into those areas of the Nation's economy that have virtually come to a standstill because of high interest rates and tight money conditions. Conditions which the Federal Reserve Board's misguided monetary policies have played a major role in creating.

NATIONAL DEVELOPMENT BANK WAS INTRODUCED IN JANUARY

A National Development Bank, such as the one I proposed when I introduced H.R. 1955, on January 23, 1975, should be established but in no way should it be used as a mechanism to bail out large financially ailing corporations or the large commercial banks which have made bad loans to these business giants.

A National Development Bank should be a people's bank. It should provide adequate credit, at relatively low cost, for low- and moderate-income housing, for small business and industry to create job training and employment opportunities, and to State and local governments for urgently needed public works and facilities.

It should also be used to finance technological innovation to develop improved methods for the utilization and conservation of energy and other vital national resources. This aspect of the National Development Bank's function is particularly vital since the area of technological innovation is one which is chronically starved for credit whether the economy is stable and prosperous or bordering, as it is now, on depression. This is true because many large corporations, which could afford the investments needed for technological innovation, have little incentive to do so because they occupy such dominant positions in their markets.

Mr. Speaker, the Domestic Monetary Policy Subcommittee of the Banking, Currency and Housing Committee several days ago favorably reported H.R. 3161 to the full committee. That bill would have required the President to allocate credit to priority areas of the economy through commercial bank loans. It authorized the President to utilize the Federal Reserve System as one method of carrying out the purpose of the measure. I hope that the full committee does not hesitate further to consider this measure which was originally introduced by Chairman REUSS.

Chairman Burns opposed the bill. It would appear he does not want to allow the President to tell commercial banks how to allocate credit to priority areas, but that he does, at least tentatively, favor the establishment of an RFC to bail out large commercial banks after they themselves have unwisely allocated credit to big corporate borrowers.

I hope that Chairman Burns will get himself together soon on this issue.

In the meantime, I intend to continue pursuing the matter of allocating credit to priority areas through a National Development Bank or some other suitable vehicle. Congressional action on this subject is desperately needed and it is my hope that legislation to achieve this purpose will be enacted soon.

I remember in the depths of the depression just when it was starting off at the worst, we were meeting here one Saturday afternoon. Farms were being sold under the hammer. Businesses were going bankrupt. All kinds of businesses were going bankrupt and without any of us knowing it, I guess 150 or 200 Members were staying around here, because we were all concerned and worried. We were troubled.

The country was in bad shape; so Fiorello La Guardia came through the doors of the House Chamber. He had a paper in his hand.

He said, "Mr. Speaker,"—he came down that aisle there—he said, "Mr. Speaker, I have a mimeographed copy of this RFC proposal Mr. Hoover just sent up here and wants you to consider that in the Committee of the Whole. I want to say it just helps out the banks, the railroads and insurance companies. It does not help out the people and I am against it."

Well, Mr. La Guardia was a very able and fine man and after we got to studying it, we all decided it was a good thing to do, because if you want to keep a bank liquid and in a condition to make loans, and none of them could make loans then, they had just been closed and there was no credit available at the highest interest rates. Ordinarily, you can get money at some rate of interest, but you could not then; so we took that bill up and we passed it pretty soon and we made available $500 million from the Treasury as capital with the power to increase the money and credit by a ratio of $17.50 to $1.

Well, that was fairly reasonable, because the banks were creating money and manufacturing money at rates of expansion comparable to that. Today money is manufactured by banks. It is created in the public interest. I am not saying they are not. They are intending to do it in the public interest, as high as 33⅓ to 1 on deposits. With the money they have, they can increase it 33⅓ to 1 on loans and then if they merge the fractional reserve system of demand deposits, which is usually 8 or 9 or 10 to 1 with the time deposits, they can issue loans of 22 to 1.

So they are not faring badly using the Government's money under very fine and favorable conditions.

So I feel that we should take care of the people too, along with that and not let them suffer and not let them be handicapped.

So I want to ask that we consider this. We should have another RFC type. We will call it the National Development Bank.

But I want warn that the first thing the Federal Reserve would want the RFC to do is guarantee big bank loans and then if they are not paid, the Government will make it good. That way the Government would be taking all the risk and not getting a penny of interest for the use of the money.

Time is valuable and I ask the Members to consider this question. We cannot afford to let people be placed in poverty because of a lack of credit at reasonable rates.

Today, people buying $25,000 homes, with the rates that they have to pay and the charges they have to pay to get the $25,000, they have to contract that they will pay within 30 years $25,000 for the homes. On the principal, they will probably not pay 1 penny for several years, but the interest will be paid first. Then, they will begin to pay some of the principal. The net result will be that they will have to pay $75,000 for a $25,000 home, because the house will cost $25,000 and the interest will cost $50,000.

That is happening right here now in broad daylight, here in our great country, one of the greatest that has ever been in the world. It is happening right here. People are being imposed upon. They do not have decent shelter; they do not have decent homes or sanitary homes or safe homes for their children to be reared and educated.

Yet, we talk about environmental quality. We all believe in environmental quality, but that is going in the opposite direction to environmental quality. We should take another course and see if we cannot correct these situations.

So, I ask the Members sincerely to

study this question, because it is going to be before us before very long. In fact, I have proposed a bill to audit the Federal Reserve System.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman for yielding to me. I certainly wish to commend the distinguished gentleman from Texas, the dean of the House, for the exposition he has given us today, a dissertation based upon his tremendous learning, on the evils of excessively high interest rates.

Of course, interest and the cost of money is a part of the cost of everything else, so to make money more expensive in the name of fighting inflation has always struck me as being absurd on its face. Yet, some of the great pundits that seem to hang out over on the other end of Pennsylvania Avenue espouse it as though it were a perfectly obvious proposition.

I would like to ask the gentleman one thing. Always, when we talk to Mr. Burns, he will say, "Well, we do not live in a vacuum, and if we are going to compete with other countries of the world to attract capital and prevent our capital from going to other places, we have to have interest rates that are somewhat comparable, at least to the extent that we do have a more advantageous investment picture here."

But, as I understand it, the Federal Reserve Board went way beyond the raising of interest rates simply to make us competitive with other possible investments in other countries of the world, and raised them in the name of fighting inflation beyond what was necessary to make us competitive. Is that the gist of the gentleman's complaint about the Federal Reserve policy?

Mr. PATMAN. Yes, it is. May I say and suggest to the gentleman, in furtherance of what the gentleman has said, that his remarks are very good. If we can correct the problems described in his remarks, we can make a long, giant stride in the right direction to get some problems solved.

ENDORSING THE $5.9 BILLION EMERGENCY APPROPRIATION ACT OF 1975

The SPEAKER pro tempore (Mr. Murtha). Under a previous order of the House, the gentleman from New York (Mr. Nowak) is recognized for 30 minutes.

Mr. NOWAK. Mr. Speaker, as I prepared my remarks for this address today, I felt a special appreciation for the phrase "mixed emotions." A new member, as my colleagues can attest, experiences a unique feeling—a blend of pride, pleasure and awe—in delivering his or her first speech in this historic Chamber of the House of Representatives. My feelings, however, as the new representative from New York's 37th Congressional District, also are tinged with sadness and concern.

The reason is that my congressional district, which includes the city of Buffalo, part of the city of Lackawanna, and a portion of the town of Cheektowaga, is bearing an onerous share of the burden of the Nation's current economic distress. The most recent unemployment statistics chart the dimensions of that suffering. Figures released last Friday by the New York State Labor Department show that the Buffalo area had an unemployment rate in January of 13.4 percent, up 3.1 percent from the 10.3 percentage rate recorded in December.

The latest statistics translate into 73,100 persons who are willing to work but cannot find a job. According to the office of the mayor of Buffalo, the city alone has an ever higher rate—16 percent, giving it the dubious distinction of having the highest unemployment of any major industrial area in our State.

These figures dwarf the national unemployment rate which most recently stood at 8.2 percent.

Unfortunately, the pain, misery, and frustration so intensely felt by my constituents is echoed in too many other communities in this Nation. My intention here today, therefore, is not to dwell on the gloom of this situation but to support some positive steps to brighten the economic outlook.

We are all poignantly aware of the severity of this crisis. The need is for the Congress and the administration to develop a consensus to attack these problems both on a short-term and long-range basis.

The ideal formula would be a blend of programs and policies that short-term attack unemployment and long-term provide the basis for restoring business confidence and economic growth. I think we have already made some strong strides in that direction. The spirit of compromise and cooperation, for example, exhibited in recent weeks by the congressional leadership and the White House in seeking common ground on energy and tax relief measures should help buttress public confidence that the Government is committed to a forceful resolution of our economic problems.

The tax reduction bill passed by the House last week, for example, is a fair compromise that will provide a rapid short-term infusion of spending power into the economic mainstream by giving relief to the low- and middle-income persons who can truly appreciate and use a $100 or $200 boost to their pocketbooks. Regardless of what action the Senate may take, long-range the repeal in the House of the oil depletion allowance signals the underlying sentiment in the 94th Congress that tax reform must become a reality and not just an annual slogan. Meaningful tax reform, including lightening the burden of middle income taxpayers through a more equitable system of taxation, is a key ingredient in returning the economy to sound footing.

Short range, the Congress has barred the administration from imposing an ill-advised higher food stamp charge on the poor. By delaying that proposal until December 31, we have also provided the long-range opportunity to review this program and devise ways to streamline it and make it an even better investment of the taxpayer's dollar.

Obviously, there is no quick cure for the unique economic trauma we are undergoing. The important thing is that we are moving, constantly seeking to attack and counterattack. The situation is serious but we are not standing idly by, wringing our hands and wailing.

The legislative agenda in the weeks ahead will be crucial. I am convinced that Congress in the coming weeks will consider legislation to extend the emergency unemployment benefits beyond the current 52-week eligibility period. In New York State alone, it is estimated that 80,000 persons will exhaust their full year of unemployment insurance benefits by the end of next month. A minimum additional 13-week extension is needed if we are to prevent a massive expansion of the welfare rolls.

Since there will be a time lag before the impact of these tax and energy proposals is felt, there remains a desperate need for stop-gap measures to alleviate immediate pressing needs. Therefore, today, I am endorsing the thrust of $5.9 billion Emergency Employment Appropriation Act of 1975 prepared by the House Appropriations Committee under Chairman George Mahon. That proposal includes a $1.63 billion injection for additional public service jobs and $421.7 million for a summer jobs program for young people. It would also provide $385 million for the loan programs of the Small Business Administration.

I have been encouraged by the administration's recent release of previously impounded funds for highway construction and Environmental Protection Agency water treatment construction grant programs. To insure that these funds more quickly enter the economic pipeline, I have cosponsored legislation with a bipartisan group of colleagues on the House Public Works Committee to accelerate the clearance of these construction grant applications. Basically, the legislation would direct Federal agency and department heads to use their discretion to expedite these projects—by shortcutting the paperwork or accelerating hearing schedules, for example.

The general prognosis is that we must expect a lengthy recuperative period before the economy regains its strength after its double bout with inflation and recession.

The city of Buffalo, for instance, has at least a half dozen relative to inflation and recession. Therefore, we must initiate a broad-based, labor-intensive program of public works construction and community improvement to help tide us over this period. A natural vehicle for administering such a program would be the Commerce Department's Economic Administration, which has been weakened by administration attempts in recent years to phase it out.

The EDA authorities include public facility grants and loans, business loans and guarantees and technical assistance and planning grants to assist the economies of urban and rural areas of high unemployment.

Urging a substantial increase in EDA funding, a Senate Public Works Committee report in 1974 stated:

> It is the belief of this Committee that existing economic development programs do in fact stimulate economic growth in the

> areas served and that this kind of federal spending is not inflationary, but actually counter-inflationary. EDA makes investments in parts of the economy that are underutilized. These programs increase real output of goods and services by putting the unemployed to work, and utilizing idle capacity such as a vacant factory for production. Much of the investment under this Act also directly affects the construction industry, currently realizing high unemployment.

In addition to staff cutbacks and a phaseout threat, EDA has been inadequately funded in recent years. The money spent on its programs has averaged less than 40 percent of the congressionally authorized spending ceiling. As the Senate report explained:

> The Administration has in the past criticized the program for its minimal over-all national impact, yet has refused to request meaningful funding levels.

What is adequate funding for EDA?

For the upcoming fiscal year, the administration is requesting approximately $314 million for EDA programs and administration. This includes projects which provide immediate jobs and long-term community improvements.

Preliminary conservative estimates from the Labor Department indicate that in the current and ensuing fiscal years the Government will be spending $13.5 billion and $20.1 billion for unemployment benefits.

There is no question that unemployment benefits are needed. However, reducing the size of our investment in these benefits will require a larger investment—such as the $5.9 billion proposal before the Appropriations Committee—in EDA-type programs. In addition, Congress should extend the agency's life for a 5-year period when its present authorization expires June 30, 1976. EDA needs that type of long-term guarantee not only to aid its planning processes but to build confidence in its ability to help meaningfully.

It is my understanding that EDA has a backlog of quick start projects, exceeding $1 billion, that it could support if more funds were available. What are we waiting for today? Must the President declare a depression with unemployment reaching 15 to 20 percent nationwide before we move to the scale of public works and private development activity needed to cope with the problem?

The city of Buffalo, for instance, has at least a half dozen relatively small proposals, including neighborhood beautification and rehabilitation projects, which could be undertaken almost immediately and completed within a year if EDA funding were increased.

We are not talking about projects that will take months to get off the drawing boards. Nor are these leaf-raking projects. We are talking about putting people to work meaningfully, quickly on projects of permanent value.

We are not talking about creating a new Federal agency that would take months to crank up its administrative machinery. We are talking about beefing up an existing agency which already has a backlog of worthwhile applicants.

EDA also administers a program of business loans and loan guarantees. Expanding this funding could prove to be a valuable encouragement to the private sector to complement publicly supported construction. In a related matter, I have introduced a bill aimed at fostering private investment. It would provide a bonus credit, in addition to the existing Federal investment tax credit, for businesses which invest in equipment, machinery, or new plant construction in areas designated as economically needy by agencies like EDA and the Appalachian Regional Commission.

Besides the immediate jobs and physical evidence of worthwhile investment, there is a series of indirect, domino-like effects of such public and private development activity. There is the demand for products from area manufacturing industries. There is the infusion of new money into the local economy. There is also an important psychological uplift—the feeling that a community is no longer stagnating but is on the move again. The importance of that feeling to a community's well-being cannot be overestimated.

TO REDUCE DEFAULT RATE ON STUDENT LOANS

The SPEAKER pro tempore (Mr. MURTHA). Under a previous order of the House, the gentleman from Pennsylvania (Mr. ESHLEMAN) is recognized for 10 minutes.

Mr. ESHLEMAN. Mr. Speaker, over the last several months there has been increasing public attention to the alarming increase in defaults under the guaranteed student loan, GSL, program. Several newspapers have carried lengthy feature articels on problems with the GSL program, not the least of which involves the increasing default rate under the federally insured student loan program.

As you are aware, Mr. Speaker, the FISL program accounts for approximately half of the student loan volume. Under that program, the Federal Government provides a direct guarantee of 100 percent of any loss incurred by a lender making student loans. Upon default of such loans, the Federal Government has full responsibility for collections.

The remaining portion of the GSL program is the State or private, nonprofit guarantee agency operation which is based on an 80 percent Federal reinsurance of losses, with the individual agency responsible for the remainder. With the information currently available to us, it appears that it is under the FISL portion that the major default problem occurs.

Late last year, Commissioner of Education, Terrel H. Bell, estimated the FISL default rate to be 18.5 percent of all loans made. The General Acounting Office projects that the default rate could eventually reach 24 percent of total outstanding loans.

The President's fiscal year 1975 budget request asked for $115 million to defray costs of loan defaults. The default problem, however, has grown at an even greater rate than anticipated, causing the President to request an additional $82.6 million for defaults in the third supplemental appropriations request, for a total cost to the Federal Government of nearly $200 million for defaults during fiscal year 1975.

Mr. Speaker, the Office of Education has been attempting to slow this increasing default rate by instituting new management techniques, and by increasing the amount of staff and other resources assigned to the program. In addition, new regulations have recently been issued outlining new procedures for the Office of Education to limit, suspend and terminate lenders and schools under the program because of lending practices which have resulted in students defaulting on their loans. But the Office of Education needs additional authorities to solve the problem, authorities that only the Congress can provide through appropriate legislative action amending the existing statute.

I am therefore today introducing a bill which provides many of the authorities needed for the Office of Education to reduce the default rate. The bill is the result of several recommendations by the Office of Education with respect to the program. My colleagues who have joined me in cosponsoring the bill and I have reservations about some of the provisions and fully expect to see the bill amended to reflect the best thinking of the Education and Labor Committee. The most important factor is that the bill is a major step in the direction of bringing the default problem under control.

The bill I am introducing today would in brief do the following:

Section 2 of the bill amends section 427(b) of the Higher Education Act of 1965 by adding a new subsection providing that the defense of infancy would not be available with respect to federally insured student loans.

Section 3 provides that in both the State and Federal student loan insurance programs, the students may waive the minimum 5-year repayment period by requesting that the note provide for repayment over a shorter period. At any time before total repayment, the borrower would be able to have the shortened period of repayment extended to a total of 5 years.

Section 4 provides that in the case of a husband and wife, both of whom have student loans outstanding, the combined minimum annual payment on those loans would be the same as for a single person—$360 per year, rather than $720 per year. This provision would apply to both the State and Federal student loan insurance programs.

Section 5 authorizes certain lenders to receive interest subsidy payments on the entire amount of a loan to a student for a given academic year, even though the lender disburses such loan in installments over the course of that year. By providing the interest subsidy on the entire loan, lenders would be encouraged to make multiple disbursements. In the event that the student left school before the end of the academic year and before all of the loan had been disbursed, the amount of any potential default would thereby be reduced. Any lender desiring to receive such interest payments on the basis of multiple disbursements would be required to be approved by the Commissioner.

Section 6 requires each eligible institution to establish policies and procedures to provide the latest known address and enrollment status of a student borrower to the Commissioner, a State or nonprofit private institution or organization which has insured his loan, or the lender.

Section 7 provides that any student who defaults on a guaranteed student loan would thereafter be ineligible to receive a basic grant or another guaranteed student loan unless he subsequently repaid the loan in full or made satisfactory arrangements for repayment.

Section 8 of the bill modifies the definition of "eligible lender" to exclude proprietary institutions from that term. However, such institutions could continue to be lenders until June 30, 1978, with respect to those students to whom they have already made loans and who need additional loans to continue or complete their educational program.

Section 9 of the bill amends section 17 of the Bankruptcy Act to provide that educational debts would be exempt from discharge in bankruptcy during the in-school period and the first 5 years of repayment.

Mr. Speaker, it is my understanding that the Office of Education would hope to testify on this urgent proposal as soon as hearings can be scheduled in order to present specific examples of the types of abuses this bill proposes to correct. I urge my colleague, the chairman of the Subcommittee on Postsecondary Education, to schedule such hearings as soon as possible.

ENERGY AND GOVERNMENT ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BAUMAN) is recognized for 30 minutes.

Mr. BAUMAN. Mr. Speaker, the energy problem facing this Nation calls for, in my view, some fresh thinking. I know many of us have been disappointed in the energy proposals of both the administration and the majority party in Congress.

At the same time, there has been a great deal of pressure from the news media and many citizens for Congress to enact "some program, any program" as an alternative to the administration proposals.

Unthinking pressure for "some program," may have the not-so-subtle effect of promoting ever-increasing Government control over the energy industry. Admittedly, it is as natural as breathing for Washington bureaucrats to call for increased Federal Government control over whatever area of endeavor is under discussion at the moment. There can be little doubt that in the short run, the kind of "decisive action" which usually looks best in the newspapers involves strong Government action, partly due to our recent political history, and partly due to a strong desire on the part of many for easy answers when there are none.

Thus we now have before Congress legislative proposals to create a Federal corportation which its advocates would have compete with private business in the production of gas and oil, all at the expense of the taxpayers. How a Federal Government which cannot run the Post Office System is qualified to get into the oil business I fail to understand.

Similarly, the administration's $3 tariff per barrel on imported oil has a strong appeal for some. It is simple, easy to understand, and holds out the promise of instant results; and instant problems, as I see it.

I voted with the majority of the House to rescind the President's authority to impose these tariffs for a 90-day period and I am pleased the President has partially endorsed my position by backing away from his original proposal, at least for the time being. For that I commend him.

In my rural and suburban district, and in many parts of the country, people simply must drive long distances to work and to obtain the necessities of life. Public transportation or mass transit are simply not realistic alternatives because they do not exist. An added $3 per barrel tax would impose an immediate and drastic hardship on workers, Farmers, senior citizens, without an adequate guarantee that the results in conservation would be worth the cost.

THE PRESIDENT'S LEADERSHIP

I must also compliment the President for his original foresight and determination which has made the energy problem a national issue. The President's predecessors either did not recognize, or ignored the true dimensions of the energy problem and consequently avoided the hard decisions that had to be made. The same has been true of the Congress until now. President Ford rightfully has forced us to see the full implications of our growing dependence on foreign energy sources and, even more important, has forced us to act. I suspect that future generations of Americans will look back with gratitude to him for his leadership on this issue.

Hopefully, in the next 60 days, with a new spirit of compromise at both ends of Pennsylvania Avenue, we can enact an energy program which will solve our problems. But in so doing, we should not ignore the lessons of the past.

GOVERNMENT AS A PROBLEM CREATOR

It has taken us years to work ourselves into an energy crisis. Much of the problem results from past Government action. A realistic program to work our way out of our problems will take years to put into effect.

We Americans have lived in an energy dream world. We have indulged ourselves in ever-greater consumption of energy resources: oil, natural gas, and coal. During the next 7 days, the average American will consume as much energy as the average individual elsewhere in the world will consume in the next year. While we have only 6 percent of the world's population, we consume one-third of the world's energy output.

In 1900, the average American consumed the energy equivalent of 17 barrels of oil a year. Today, he or she consumes an average of 57 barrels a year, and by 1985, we will consume an average of 88 barrels of oil a year, per capita. That is, we will consume that much in 1985 if we can get it. And it is becoming increasingly apparent that the energy may simply not be there for us to consume if things do not change soon.

In truth, it appears to me that the energy crisis is not just a domestic shortage problem, but a matter of a foreign policy and America's position in the world as well. The Secretary of State is an eminent practitioner of the balance-of-power theory of global politics. I share his and the President's concern that the United States not become dependent on foreign sources for a major part of our energy supplies, lest we fall prey to foreign influence on our policies and disruption of our internal welfare. But at the same time we must have some care that we do not sacrifice our citizens to an abrupt energy policy change which further dislocates our economy at an already troubled time of recession.

Many of our energy problems have actually been caused by Government controls. The obvious remedy is to eliminate those controls and allow the marketplace—which is simply another way of saying the people—to make the adjustments which are necessary to bring supply and demand into some kind of realistic balance.

With a few welcome exceptions, both the administration's and the so-called Democratic energy programs now before the Congress take too little account of the damaging impact on our energy supplies caused by past Government action.

It is widely understood, for example, that past Federal regulation of the price of natural gas has contributed to current natural gas shortages.

Many consumers felt that the Government was doing us a favor by holding the price of natural gas at an artificially low level. But these artificially lower prices have discouraged new gas exploration, creating shortages. Had the prices not been regulated, they would have gone up gradually, allowing us to make periodic adjustments in our budgets, consumption habits, and expectations. Now if natural gas is deregulated, the price increase could be sudden and drastic, creating an immediate budget pinch for all consumers—thanks to the previous benign "protection" of the Federal Government.

Natural gas is vital to the agricultural community in my district and all across America. Without fertilizers, food and fiber cannot be produced, and without these products Americans will face serious shortages of essential foodstuffs. Natural gas is also essential to the important petrochemical industry, from which we draw so many varied products from plastics to life-saving medicines.

Other Federal regulations have caused other problems. Our bout with wage and price controls, combined with ill-advised tax breaks for foreign investments, caused many oil companies to expand their drilling overseas rather than lose money or take unnecessary risks on domestic operations. This was the direct result of Government policy, and now we wonder why it is proving so difficult to achieve energy independence.

ENVIRONMENT VERSUS ECONOMICS

Environmental regulations enacted with the best of intentions have also made their contribution to the energy crisis. Some authorities have estimated that automobile pollution controls have increased gasoline consumption by 5 billion gallons a year. I certainly endorse the administration's proposal to relax these air quality standards, at least temporarily, to help us solve our energy problems. This is particularly appropriate in view of the recent conclusion by the Environmental Protection Agency that such controls cause more problems than they solve.

Other environmental regulations, devised to protect air quality, have forced most electric utility plants to change from coal, our most abundant energy resource, to oil and natural gas. This diverts oil and gas from other possible uses and makes the price of electricity much higher. In view of the popular revolt over the high price of electricity, it is time we relaxed these restrictions so as to allow more extensive use of coal for producing electricity.

REVIEW REGULATIONS

Government regulatory agencies have adopted policies which mandate the wasting of literally billions of gallons of fuel every year. The Interstate Commerce Commission, for example, regulates trucking in such a way that in many cases it is illegal to drive a truck by the most direct route between two cities. Other regulations require thousands of "dead miles," when a truck is not carrying a load, and would be subject to a fine if it did so. A conservative estimate of the amount of fuel wasted annually by these practices is over 1½ billion gallons a year—and it is probably even more.

Government regulations and environmental roadblocks delayed production from the trans-Alaska pipeline by at least 3 years. Had it not been for these delays, we might be using oil from Alaska today. But we are not, and the potential threat of another Arab embargo is more serious because of this delay.

The Civil Aeronautics Board has placed airlines in a straitjacket of rules which force them to fly many unprofitable routes, or to have more flights than are needed over some profitable routes. The result is hundreds of half-empty planes flying every day, with very little flexibility in adapting schedules to be responsive to new demands and changing conditions—and millions of gallons of wasted fuel every year.

It is not at all difficult to compile a list such as this, and it would be possible to expand it with numerous other examples of how Government policies have either forced us to waste fuel or deterred the production of additional energy supplies. Thus my obvious preference for programs which do not require additional Government controls, and which, whenever possible, reduce, relax, or eliminate Government interference.

OIL DEPLETION REPEAL

Mr. Speaker, there is a temptation in considering the energy problem to indulge in what can only be called demagoguery. Because the energy problem touches the lives of all our constituents in many ways, some may be led to unwarranted attacks on private enterprise when instead we should be seeking ways to encourage business to expand our energy supplies. I voted against the repeal of the oil depletion allowance which I believe was unwisely attached as a rider to the tax cut bill.

The critics of the oil depletion allowance talk only of "super-rich oil barons" and "windfall profits." Certainly my sympathy does not lie with such straw men, or real men if such exist. Out of concern for the people of my district, I fail to see how we can help produce more energy by removing this tax exemption for oil companies. Eighty percent of exploratory oil drilling in this country is done by some 10,000 speculative independents. It costs about $125,000 to drill a single potential well. Only about 1 out of 10 wells produce any oil. And in recent years many of these oil pioneers have decided to call it quits because of the financial risk. Our repeal of the oil depletion allowance will discourage needed exploration and production and the increased taxes required by the repeal will be added to the price of oil and gas for all Americans. While the repeal may make dogmatic liberals salivate with the joy, it is going to make the hard-pressed consumer suffer even more.

FREE MARKET SOLUTIONS

Keeping this in mind, I would like to discuss some alternatives to the energy proposals which have been presented thus far. Some aspects of a free market approach to the energy crisis might include the following:

First. Deregulate natural gas. We could begin with "new" natural gas prices, so that we may adjust to realistic prices in an incremental manner. Without deregulation, some believe incredibly that the most viable alternative is to subsidize American oil companies to develop gas fields in the Soviet Union, thus giving Russia our technology and creating a new and dangerous dependence on a foreign power. That hardly sounds like a blueprint for Project Independence.

Second. Remove or phase out price ceilings on domestic crude oil. If this is done gradually, the higher prices will encourage both conservation and production. The present "two price" system is ridiculous.

Third. Rebate any windfall profits taxes when oil companies invest such profits in domestic exploration and production. It seems almost certain that Congress will enact some form of so-called windfall profits taxes on oil companies. Such a tax would neither produce more oil nor lower prices, but we may have it nonetheless. If we must impose such a tax, it could serve a useful public purpose if the tax were rebated on a dollar-for-dollar basis to companies which invest such profits in new domestic exploration and drilling.

Fourth. Relax air quality standards to allow utility companies to burn coal instead of petroleum and gas products. This would also have the eventual effect of reducing upward price pressures on electric rates, which is a matter of immediate concern in Maryland and around the country.

Fifth. Relax auto emission standards, or avoid imposing scheduled more stringent standards, while pressing for improved mileage in new model cars. On this point I am pleased to see at least partial agreement expressed by EPA Director Russell Train. We might even consider tax breaks for the purchase of smaller compact vehicles. Similarly the President has properly suggested tax deductions for home insulation costs.

Sixth. Review the practices and policies of all Government regulatory agencies which regulate transportation and energy production, to determine how much fuel wastage and production cutbacks have been caused by Government policies. This should be a thoroughgoing and critical review, and we should not hesitate to abolish agencies or take appropriate reform measures when reliable evidence indicates that such agencies are contributing to waste, deterring production, have too cozy a relationship with the industries regulated, or have outlived their usefulness.

Seventh. At the same time we should act to encourage domestic production of nuclear energy and coal supplies. As a member of the House Interior Committee I have supported measures designed to accomplish increased use of coal and nuclear energy and will continue to do so. In addition, I have joined with my colleagues in supporting authorizations and appropriations for increased research in solar energy, geothermal energy, shale oil production, as well as the creation of the Energy Research and Development Agency—ERDA.

Eighth. Congress should seriously consider freezing petroleum imports at their present levels. As future domestic production increases, imported petroleum products would then comprise a progressively smaller percentage of our supply. This would reverse the trend that has given rise to the problem we now face. We might even consider, if it proved desirable, a mandated reduction of imports, but only as a part of the total program which would also encourage domestic production. What we certainly do not need are gasoline taxes such as have been suggested by majority members of the Ways and Means Committee. It is hard for me to understand why any rational energy plan would include taxes of 40 to 50 cents a gallon. This could only work tremendous hardship on almost all Americans.

CAN GOVERNMENT ACT?

The energy crisis will provide a real test of whether our political system can achieve long-range solutions rather than merely seeking short-term political gain. Our ability to discern the real causes of our problems and deal with them realistically is being tested. We must make the right decisions even though some proposals may be unpopular with various special interest groups and well-organized sections of our constituencies. We will learn whether we are able to look beyond the next election, beyond sectional loyalties and jealousies, toward policies which offer some real hope of bringing us abundant energy which is not dependent on the whims and blackmail of foreign rulers.

Mr. Speaker, in all of this we must avoid the temptation to make the taxpayers pay heavily for the past mistakes of Government. But we must be honest with the American people, neither concealing the difficult truths, or avoiding the hard decisions.

I. SAN ANTONIO—A CITY REDEEMED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, today the city of San Antonio is in the grips of crisis—the political leadership at the municipal level is shattered; the economy is shaken, not only by the effects of general national recession, but also the uncertainties of the city's energy problems; and it faces the necessity of solving those problems. My purpose in the coming days will be to outline what I see as possible solutions, whereby the city can redeem itself. My proposals will, I hope, be the practical basis from which serious-minded citizens can work toward the positive actions that are necessary to bring the city out of its present distress and chaos.

Great cities do not die. They may suffer from the wounds of unwise and greedy politicians; they may suffer the pangs of economic distress; they may wax and wane, but they do not die, as long as people are there to inhabit them, and as long as those people have the will and determination to survive as a community. People still live in San Antonio, and they are not about to leave. They have the determination to remain a community, and they will redeem the city. All that is needed is a general recognition of the problems, and a determination to resolve those problems. I have thus far described some of the ways that San Antonio fell into its crisis, and today I would like to outline what the situation is right now, before stating what I believe to be some practical ways out.

San Antonio has the same kinds of problems as every other city; it has people who are poor, people who are employed at substandard wages, or not employed at all; it has people who are ill, people who are ill-housed, people who are desperate. The same is true of every other city. Our citizens may suffer from one or another of these maladies to a greater or lesser degree than citizens elsewhere, depending on the time and place. But those problems we confront are not ours alone.

San Antonio has streets that are good, streets that are bad, and streets that are mediocre—like every other city. It has districts that are safe, and it has districts that are ridden by crime—the same as every other city. San Antonio has excellent programs to deal with its problems; it has terrible programs; and it has programs that are so-so—the same as any other city. San Antonio has good politicians and bad ones; wise men and fools; greedy and generous; rich and poor—the same as every other city. And so, while the characteristics of the city may be better or worse, in one way or another, at one time or another, than other places, the city is neither uniquely blessed with grandeur, nor cursed by wickedness. If there is any city that can cope with its problems, it is my city.

After all, San Antonio has survived through many years; it is older than almost any other city. It has known virtually every hardship, from war—revolutionary, civil, frontier, and worldwide—to depression. It has known good times, too, far more than bad times. A city this old, more than 250 years old, has seen crises before, and has had its character tempered in forges hot and cold, so that it is as tough as it is flexible.

Today, as I have said, San Antonio's political leadership, at the municipal level, is shattered. There is no focus for decision or action. The city management structure is weakened by uncertainty and by the vagaries of the outgoing city council. Many community leaders have simply withdrawn, waiting for the storm to calm, before trying to deal with the situation again. The city council is weak, divided and almost certain to be almost completely replaced, within a month's time. The old council failed to exercise regulatory powers it clearly had; it failed to lead in a time of crisis; and it succeeded in taking a bad situation and making it worse—not only in energy, but in virtually every other city problem that arose.

The city public service board, responsible for the energy crisis and its management, has received little help or guidance. It has been without a focus of leadership. Accustomed to working privately, like a corporate body, and accustomed to no questions or criticism, the board has been unable to cope with the publicity and general outrage that inevitably followed the energy crisis. The board is only beginning to realize that a utility has the greatest lack of support during crisis; it has encountered its first great crisis and does not know how to react, because it does not know how to win public trust, and some of its leadership resigned in disgust, thinking that there was no need to deal with the public, and that it was wrong of the public to ask all those questions and voice harsh criticisms. But after all, this is a utility that the people own, theoretically, and they have a right to expect the board to respect that ownership.

Faced with this confusion, within and without, the city public service board has been able to do very little toward effectively resolving its problems. Not much progress has been made in assuring a long-range energy supply, despite the fact that the present gas contract runs out in 1982, and decisions on electric generating plants must be made long before that date.

Not much progress has been made in resolving disputes over rates, and other matters that are beyond the board's control, simply because the city council has been without leadership, focus, and any real sense of courage and duty—save one or two members, who enjoy public support and esteem despite the general disgust that people have for the incumbent council. For the people recognize and remember those who have made an honest effort, and respect those who show a sympathetic understanding of their problems, and those who are willing to make the hard decisions honestly.

Therein lies the basis of San Antonio's redemption. There is a residue, a core of honest and knowledgeable leadership, ready and willing to work. Provided enough such leadership emerges, the city will soon begin to work in a forward-looking and responsible way toward ending its crisis. This is a time for serious thinking and serious work. The citizens of San Antonio expect no miracles; they expect only a city government that tries to respond soberly, sensibly, honestly, to the problems that the city faces today. Those in the city council who have offered a serious and honest kind of leadership have the respect and support of the people. Those who have not, do not have that respect and support. These latter people, like Charles Becker, are embittered and frustrated, but have no one to blame but themselves. The point is that the people do know what is going on; they do care; and they will have their way. Therein lies the path to redemption.

I believe that San Antonio is ready to put the past where it belongs, and that is behind them. The city is ready to resolve today's problems, and prepare for a better tomorrow. I want to do my part. Others do, too. The city betrayed is not destroyed.

FOR CONGRESSIONAL REVIEW OF OUR FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

Mr. BINGHAM. Mr. Speaker, there has been a diminution in the role of the Congress in the making of significant foreign policy commitments for the United States as a consequence of the ever-increasing use by the executive branch of executive agreements in place of treaties for concluding national commitments. This practice is disturbing because it distorts the intent of the Constitution that the power to make lasting and far-reaching commitments be shared by the executive and legislature and because it can potentially damage the conduct of American foreign policy. Today I am cosponsoring legislation which will put a stop to the practice of making national commitments without the consent of the Congress by making executive agreements subject to congressional review.

This legislation is necessary. The number of executive agreements concluded has grown exponentially—from a mere 11 in 1930 to 229 in 1974—while the number of treaties concluded each year has remained at or under 25. Since 1946 the

United States has concluded between 139 and 319 executive agreements annually, but no more than 22 treaties in any one year. By way of contrast, in the 15 preceding years, the United States concluded between 11 and 74 executive agreements each year and twice concluded 25 treaties.

On the surface, it might appear that the exponential increase in executive agreements relative to treaties is explainable by the wider and deeper immersion of the United States in world affairs and the corresponding requirement for a greater number of executive agreements to implement treaty obligations or legislation. But, an examination of the substance of executive agreements and a comparison of executive agreement and treaty subject matter indicates that such an assumption is highly questionable. Commitments to the security of Spain and Portugal have been concluded through executive agreements concerning basing rights.

More recently in 1974, the executive branch promised, in an executive agreement, to provide Egypt with a nuclear reactor. This could have added a new dimension of instability to the Middle East. At the same time treaties which traditionally deal with the gravest matters have ranged in importance from the NATO treaty to an agreement whose effect would be to authorize U.S. membership in an international Office of Epizootics for the study and control of animal diseases. The inescapable conclusion is that the executive branch has often chosen consciously to use executive agreements, rather than treaties, as instruments for concluding major commitments.

The unavoidable consequence, I am afraid, is that international agreements which establish new directions in American relations with other nations, which may affect delicate regional military balances, or which affect U.S. military presence abroad are often concluded by executive agreement, without the assent of the representatives of the American people which I believe the Constitution intended they have.

The legislation I am cosponsoring would correct this distortion by extending congressional responsibility to executive agreements. It would require the Secretary of State to transmit all executive agreements which establish, renew, continue, or revise a national commitment to a foreign country to the Congress, or to the House Foreign Affairs or Senate Foreign Relations Committees if their disclosure would be prejudicial to U.S. security. The Congress could disapprove any proposed executive agreement by concurrent resolution within 60 days. For the purposes of this legislation, executive agreements which establish national commitments are defined as those related to U.S. overseas military bases, U.S. troops abroad, and the actual or potential provisions of military, security, economic resource or financial assistance to foreign nations.

Included under this definition would be any executive agreements which result from current executive branch negotiations for landing rights in Oman, for expanded base rights in Diego Garcia, and for revision in the terms of earlier agreements with Spain for base rights and with Bahrein for naval facilities. I think we all can agree that these are decisions in which the Congress should participate.

This legislation is a refinement of legislation introduced by Senator Ervin in the 92d and 93d Congresses and by me in the 93d Congress. Those earlier proposals would have required all executive agreements to be submitted to the Congress for tacit approval or specific disapproval, whether they established major commitments or simply implemented authority granted in treaties or specific legislation. The present bill is directed solely at those agreements which would establish national commitments.

The bill, in my opinion, would make an important contribution to defining the proper limits of and balance between congressional and executive responsibility for executive agreements. It is a logical follow-on to the Case Act of the 92d Congress which requires that the Congress be informed of all executive agreements with foreign nations. Furthermore, the procedure it would establish for review of executive agreements, which limits the time in which the Congress may act on an executive agreement, would not cause a long delay in implementing executive agreements, nor require the Congress to overburden itself with close examination of every executive agreement.

I would remind my fellow Congressmen that congressional review of executive agreements and the general procedure for review embodied in this bill already exist in one area of foreign policy. The 93d Congress passed substantially similar legislation concerning executive branch commitments to foreign nations in the field of nuclear technology. In my opinion, it would be logical to extend the principle and the procedure to all executive agreements which establish national commitments.

I would also underscore the importance of this bill to our foreign policy interests. It is a truism of international affairs that, if a nation wishes to maintain or enhance its foreign policy interests, it must enjoy a high degree of confidence in its willingness and ability to live up to commitments. In a democracy such as ours, this requires that those commitments be supported by both the Executive and Legislature.

To attain this support does not require that the Legislature be involved in the actual negotiation of the commitment, but it does suggest that there needs to be close consultation between the Executive and the appropriate congressional committees during the negotiations, and that some procedure must be established whereby the Legislature can give at least tacit approval to the final agreement. While this bill does not mandate consultation, hopefully it will encourage it. Consultation would assure legislative support for the terms negotiated and thereby would prevent the potential embarrassment to the Executive that could result from congressional repudiation of an agreement.

In any event, the procedure mandated by the bill for congressional review of negotiated agreements will strengthen foreign confidence in those agreements by removing any element of uncertainty foreign nations may entertain about the willingness or ability of the President to live up to his commitments. I might note that in light of recent congressional resistance to unilateral executive branch commitments to certain nations, I would expect that this element of uncertainty may be present in the minds of at least some of our friends and allies. I know we in the Congress, and I hope our executive branch partners sincerely wish to avoid the dire consequences that could result from a lack of faith in the United States which uncertainty could engender.

In closing, I would urge officials in the executive branch to examine this bill closely, before they take a position on it. I think that if they do they will discover that this bill ultimately will strengthen their hand in promoting the U.S. interests overseas and therefore is deserving of their full support.

BOYCOTT OF ISRAEL: AN INTERNATIONAL OUTRAGE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Brodhead) is recognized for 5 minutes.

Mr. **BRODHEAD**. Mr. Speaker, I request permission to enter excerpts from an article by Philip Slomovitz that appeared in the February 28 edition of the Jewish News, of Southfield, Mich. I found Mr. Slomovitz's column thoughtful and informative. I would like to share it with my colleagues.

Purely Commentary—The Boycott of Israel: An International Outrage

(By Philip Slomovitz)

The Arab Boycott of Business Firms and Banks with Jewish Affiliates is Equated with Anti-Semitism . . . Aim to Invade and Control the Media with Oiled Billions Exposed by Newsmen.

At last a responsible newspaper has exposed the Arab boycott of firms dealing with Israel and has shed light on the outrage of its sponsorship. The Wall Street Journal . . . has not hesitated to apply to the acts of the Arab Semites the opprobrium of anti-Semitism.

Leading European firms have already yielded to the Arabs and have virtually joined the boycott. For example: Britain's "Leyland Motors, which has long been on the (Arab) blacklist, recently decided to stop assembling truck chassis in Israel so that it can re-enter the Arab Market."—Newsweek, Feb. 24.

The number of American firms that are giving comfort to the Arab boycott is not known, and the urgency of being on guard to prevent its spread is an urgency pointedly indicated in the Wall Street Journal.

Instead of assuring cooperation between all elements in mankind, the Arabs are adding to the suspicions that had arisen when their representatives began to seek control of banks in this country. While boycotting Jewish financiers in Europe, under the leadership of the oil-rich state of Kuwait, the emissaries from the sheikdoms undertook to secure a foothold into American banking. That's when the concern was expressed that if they can get control of banks why not also the media—radio, television and the newspapers. Now comes confirmation of this warning. Editor and Publisher (Feb. 15) published this revelation:

A Middle Eastern businessman and publisher is actively pursuing the acquisition of U.S. newspaper properties, "Editor & Publisher" learned.

The businessman, Bassam Freiha, is reportedly a member of the family which published the Al Anwar, a daily serving Beirut, Lebanon. Information about the proposed acquisitions came through a series of letters given to E&P.

The first inkling that foreign money barons were actively pursuing such purchases was revealed in a letter from a Beirut publishing house to an American newspaper broker.

The letter, dated January 14, was sent by Wajib Abdallah, personal assistant to the president and managing director of Dar Assayad, S.A.I. The company publishes seven newspapers or magazines.

Addressed to George J. Cooper Associates of Rockville Centre, N.Y., Abdallah wrote:

"My purpose in writing to you is to seek your cooperation in an effort to acquire, through a complete take-over or major interest acquisition, of a daily in your area. . . ."

He continued, "The daily we are interested in would be a medium-sized newspaper, with a circulation ranging between 30,000 and 50,000. It would be serving an upper middle class community and preferably with an appeal to the business community.

"If such an opportunity exists, I shall be grateful to receive a full detailed rundown on the proposed daily with your indication regarding price and formalities. As soon as I have the requested information, I shall study it with Mr. Freiha with a view to enter serious negotiations."

Rumors circulating about the publishing firm have indicated that the Arabic Language publications have leaned heavily toward policies which come out of Cairo, capital of the Arab Republic. It is also rumored that the newspaper which circulates only partially in Lebanon (the rest in other Arab nations) is subsidized by the Arab governments.

Replying to Abdallah's letter Cooper wrote on February 4: "I have your letter of January 14 regarding the desire of your people to acquire a daily newspaper in the United States. There are not too many present possibilities of the size that you might be interested in, and on the other hand, we have many long-time clients in this country to whom we are under obligation, and they, of course, come first with respect to any availability.

"Secondly," Cooper wrote, "I doubt very much if there are any publishers in this country who would be interested in selling out to other than others in the United States. . . ."

Speculation over Arab interest in U.S. properties has run high in the business community since the nation suffered the first pangs of the energy crisis. This report, however, is believed to be the first of Middle Eastern interest in the U.S. publishing industry.

It is not the first report of foreign interest in U.S. newspapers, though (E&P, November 16, 1975). Recently, Speidel Newspapers, Inc., a group based in Reno, Nev., took steps to stop Thomson Newspapers Ltd. of Toronto, Canada, from taking over the group. Thomson acquired 6.7% of Speidel stock.

The question of foreign newspaper ownership also became a point of controversy in Canada last month. At a seminar on Canadian nationalism, Alan Heisey, general manager of the Toronto Daily Commercial News, spoke in favor of an open industry which would allow "any and all foreign newspaper publishers who might choose to publish here. . ."

Presently, he said, all Canadian newspapers were 100 percent owned and controlled by all-Canadian investors. Heisey also criticized legislation which has blocked foreign ownership because leaders fear " . . . we might be seduced by foreign views if we permitted them to publish here." He expressed similar views concerning the country's banking institutions.

Replying to the condemnation, Walter Gordon, former federal finance minister, said he had brought in restrictive legislation on newspaper ownership in the 1960's because of fears that Montreal's LaPresse and the Toronto Globe and Mail would be sold to foreign interests.

Loeb, Gordon added, was noted for his conservative views—views which the minister said is "very different from the views of most Canadians."

Meanwhile, Arab governments, especially oil-rich Kuwait, have been pursuing bank financing agreements with several European institutions. However, based on what is described as "purely political reasons," the Arab nations have blacklisted doing business with any bank or group which trades with Israel, has Jewish roots or employs people of Jewish background.

Is the danger spreading? Added to threats of an oil embargo, is this country also to face a replica of medievalism and submission to boycotts on a par with panicked European banking and industrial communities?

Once again the warning to concerned Americans: BEWARE!

SPECIAL PAY FOR THE JUDGE ADVOCATES AND LAW SPECIALISTS OF OUR MILITARY SERVICES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from South Carolina (Mr. DAVIS) is recognized for 20 minutes.

Mr. DAVIS. Mr. Speaker, today I have introduced a bill to authorize special pay for the judge advocates and law specialists of our military services. Under the provisions of this bill our military lawyers on active duty would be paid an additional $100 per month in grades O–1 through O–3, $200 per month in grades O–4 and O–5, and $250 per month in grades above O–5. Additionally, this bill would provide for the payment of an incentive bonus to judge advocate personnel to remain in the service beyond the initial period of obligated service. This incentive payment would amount to 2 months of basic pay for each year of service beyond the attorney's completion of his initial active duty service obligation, up to a maximum of 6 years.

Enactment of this legislation is essential to bring to a halt the alarming exodus of experienced lawyers from our Armed Forces and to increase the retention of career military lawyers. The retention of military lawyers beyond their period of obligated active service has been a chronic and serious concern of the services. The typical pattern sees the new young lawyer enter the service from the ROTC or similar program and serve 3 to 4 years of obligated service and acquire valuable and costly experience in trial work and other legal skills.

However, many separate when they complete their obligated service to pursue a considerably more remunerative position in private practice, industry, or indeed even in the civilian agencies of Federal and local government. This persistent drain of experienced military lawyers has resulted in a substantial deficit of experience in the field grade ranks and necessarily impacts adversely on the many military commanders who require seasoned and experienced legal talent on a variety of fronts.

The extent of the problem can be quite easily seen in the consideration of just a few brief facts. Recent statistics from 1974 show that the Army is short 46 percent of its required field grade officers, the Air Force is 44 percent short, the Navy is 21 percent short, and the Marine Corps is 26 percent short. The following chart shows the actual numbers involved.

	Number of field grade officers required	Number of field grade officers assigned	Shortage field grade officers	
			Number	Percent
Army[1]	649	348	301	46
Air Force[2]	732	408	324	44
Navy[2]	361	284	77	21
Marine Corps[1]	132	98	34	25

[1] As of Dec 31, 1974

[2] As of June 30, 1974

The experience of the Air Force provides a dramatic indication of the alarming growth in the field grade deficit. In 1963 they had a shortage of only 14 field grade officers, but that shortage has grown to 324 as of June 30, 1974.

The gravity of this experience deficit in the military services can hardly be understated in an age when military leaders find themselves facing a plethora of increasingly complex statutes, regulations, and situations requiring seasoned and experienced legal counsel. Long since gone are the days when the average military commander needed only periodic assistance in basic military justice, claims, and administrative law matters. In the Army and Air Force today, many military lawyers are deeply involved in the highly specialized multibillion dollar military procurement program. Commanders charged with such awesome responsibilities in procurement and contracting can ill afford to be deprived of the expertise of seasoned, experienced lawyers. Today's military leaders are also confronted with increasingly sensitive and complex international law problems including the law of war and the Geneva Conventions. The Freedom of Information Act and other developments in the area of privacy, which are becoming increasingly complex because of legislation passed in the 93d Congress, have increased the commander's reliance on sound legal advice as has the development of the environmental law field which has profound implications in the development and management of military installations. The modern military commander's expanding responsibilities involve him in the labor law and civil rights fields, as well as the more traditional areas of military justice, claims and administrative law.

The military commander is not unlike his civilian counterpart in industry and elsewhere in Government who manages sizeable personnel and physical resources and who is daily confronted with myriad situations involving statutes, regulations and case law which require immediate and constant use of experienced legal resources. It goes without saying that a military commander will be seriously handicapped if he is deprived of experienced legal expertise. No civilian corporation would rely on inexperienced counsel in making its decisions regarding contracts, labor relations, environmental and other matters vitally affecting its interests. Neither should the military.

Another important need for experienced legal counsel is representation—defense and prosecution—in military court martials. Military personnel should have the right to experienced counsel, particularly in serious offenses which may bring long imprisonment.

A career-incentive program for judge advocates and law specialists would be a worthwhile investment to safeguard the rights of our service personnel as well as its value to the commander in carrying out their military operations.

Numerous studies, surveys and indepth interviews have established beyond question that the single greatest factor in the failure to retain experienced lawyers is the absence of professional pay. Simply stated, the armed services are unable to compete in the lawyer job market. While the initial military pay of the new lawyer compares favorably with his peers in the private sector, his pay falls off sharply at the point where he has completed his 3 or 4 years of obligated service and must decide to make a career as a military lawyer or leave the service. The Congress has previously passed legislation to provide special pay for flying personnel, submarines, physicians, dentists and other health professionals and the Congress must now come to grips with the increasing need for incentive pay for the services' law professionals. We do a disservice to the armed forces and the public interest if we stand idly by and observe the military law departments become staffed with predominantly very junior and inexperienced lawyers. We must act.

Similar legislation has been passed by the House in the 91st and 92d Congresses. That legislation has never been reported out from the Senate Armed Services Committee despite the fact that hearings in both the House and Senate have fully documented the need for this legislation.

The estimated cost of this bill of well under $10 million per year is a small price to pay to retain experienced lawyers to handle the increasingly costly and important responsibilities of today's military commanders, as well as providing experienced legal counsel for our military personnel. Increased monetary compensation is essential if we are to solve the experience deficit problem. Unless we solve this significant problem, we will be doing an injustice to all the military and will thereby fail our constituents—the American taxpayers—who are entitled to the best possible management of military resources.

FORD OF MICHIGAN INTRODUCES LEGISLATION TO AMEND FEDERAL MEAT INSPECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Ford) is recognized for 5 minutes.

Mr. FORD of Michigan. Mr. Speaker, today I am joined by the entire Michigan delegation in reintroducing legislation which will permit States to enforce more stringent meat standards than the minimum Federal standards.

Ever since 1952, when the Michigan State Legislature enacted into law the Comminuted Meat Act, the consumers of Michigan have enjoyed some of the highest meat standards in the Nation. That Act applies specifically to hot dogs, lunch meats, and sausages, as well as various other meats.

However, due to the ambiguity in the language of the Federal Meat Inspection Act of 1967 and to ensuing court suits, Michigan's high meat standards have recently been rendered inoperative by the courts.

The demise of Michigan's meat standards began in 1971 when three large out-of-State meat packing firms brought suit against the State of Michigan Agriculture Department because they felt the State law was unconstitutional.

This resulted in litigation until 1973 when the U.S. Supreme Court refused to review a circuit court decision striking down the provisions of Michigan's Comminuted Meat Act.

Thus, out-of-State packers are now permitted to sell in Michigan hot dogs, bologna, lunch meats, and sausages containing such waste matter as udders, spleens, salivary glands, snouts, and various other offal which previously were not permitted in meats sold in Michigan. In fact, it appears to me that under Federal regulations meat packers can put almost everything but the pig's squeal into hot dogs.

When I introduced this bill in the last session of Congress it was advocated by the Michigan Department of Agriculture, by civic groups throughout the State, and by local, State and national consumer groups. Further, it received the support of several meat packers, it was advocated by major television stations in the Detroit area and called for in Fortune magazine.

Finally the Michigan State Legislature has strongly urged this approach in a concurrent resolution adopted by the State senate on February 8, 1973 and by the house on April 12, 1973.

Mr. Speaker, on behalf of the Michigan consumer and the members of the Michigan delegation who cosponsored this bill, I would like to close by saying that four bites of a hot dog for two bites of meat is not good enough for us—and I strongly urge the adoption of this legislation which will permit us to continue enforcing our own meat standards.

CLEAN AIR ACT AMENDMENTS OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Brown) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, I rise today to introduce, along with my colleague from New York, Mr. Ottinger, H.R. 4369, a set of amendments to the Clean Air Act. H.R. 4369, the Clean Air Act Amendments of 1975, is quite different in both thrust and specifics from the administration's proposed Clean Air Act amendments. These amendments are being introduced at this time because hearings on the administration's package will begin next week in the Committee on Interstate and Foreign Commerce. It is our hope that the members of that committee will consider the strengthening amendments we introduce today, and not restrict themselves to the weakening amendments that the administration is pushing.

Our action today follows by nearly 5 years a similar legislative effort in 1970. At that time Congressman Ottinger and myself, along with many other Members, introduced the legislation that became the Clean Air Act Amendments of 1970. Our efforts in 1970 were not inconsequential. The 1970 amendments were perhaps the least ambiguous piece of legislation that this body has ever enacted. The only reason the Clean Air Act is being attacked today is because it is working to effect the changes necessary to clean up the air. The administration prefers to have "flexibility". One need only examine what has happened with each suspension provision of the existing law to see what this call for flexibility means. In each and every case, the Environmental Protection Agency has, in the end, granted all time delays that affected parties sought, to the limit allowed by the law.

The bill we introduce today seeks to add some omitted sections to the Clean Air Act, and clarify others. Specifically, it would take the increased awareness of energy into account by adding to State implementation plans the requirement to utilize energy conservation controls, as well as other controls such as emissions controls, land use and transportation controls.

Our bill will give the Administrator of EPA some flexibility in meeting the 1977 deadline for achieving ambient air quality standards by allowing a 2-year delay, providing all other controls have been implemented to the fullest degree possible. An additional delay for another 2 years, or a final 1981 deadline for final achievement of the standards would be allowed under the same requirement for good faith efforts at utilizing all feasible control programs, technological and nontechnological. This maximum 4-year extension compares with a proposal by the administration to delay for 10 years final attainment of the standards. We believe our compromise proposal gives more than enough time to State and local governments, without letting up on the steady achievement of air pollution control implementation plans.

A key provision of the bill adds to existing law measures needed to protect workers from dislocations that might occur from environmental blackmail by noncomplying industries, or employees who might be genuinely dislocated through the need to enforce pollution control laws. Our bill seeks to establish procedures and benefits to protect workers if such undesirable results occur.

Mr. Speaker, there are several other important provisions to this bill, all of which deserve serious consideration. In the interest of time, I will dispense of elaborating further, except to say that, in the wake of yesterday's decision by the EPA to suspend auto standards for another year, and recommend further legislative delays, I believe the current hearings on the Clean Air Act are both necessary, and timely. I know that many of my colleagues have specific amendments that they have introduced to amend one part or another of the Clean Air Act, and interest is high throughout the country on this legislation. All of this interest is good, if the product of the Congress represents the needs of the people, both near-term and long-term.

I hope that my colleagues consider the interrelationships of the issues before they insist upon their own particular amendments. This is what I, at least, have attempted to do. The proposed Clean Air Act Amendments of 1975 introduced today are made in this spirit.

ADJUSTING ALLOWANCES FOR MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 15 minutes.

Mr. THOMPSON. Mr. Speaker, House Resolution 457, 92d Congress, provided the Committee on House Administration with the authority to fix and adjust from time to time the various allowances of Members of the House of Representatives. Pursuant to this authority the committee has issued order No. 16, effective this date.

Order No. 16 increases from 16 to 18, the number of clerks who may be employed by a Member, the Resident Commissioner from Puerto Rico and the Delegate from the District of Columbia, and increases from 10 to 11 the number of clerks who may be employed by the Delegates from Guam and the Virgin Islands under the annual clerk hire allowance, without any increase in total amount of the annual clerk hire allowance. This will enable each Member, Resident Commissioner and Delegate to respond more effectively to the expanding volume of communications occasioned by the increasing numbers and needs of constituents. In addition, it will provide for greater flexibility, and the more efficient and economic utilization of staff persons.

The order follows:

COMMITTEE ORDER NO. 16

Resolved, That effective this date, until otherwise provided by order of the Committee on House Administration, each Member, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia to the House of Representatives shall be entitled to an annual clerk hire allowance for the employment of not to exceed 18 clerks, and the Delegates from Guam and the Virgin Islands to the House of Representatives shall be entitled to an annual clerk hire allowance for the employment of not to exceed 11 clerks.

DEVELOPING THE RURAL AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, on January 22, 1975, I was privileged to address the Women's Task Force luncheon at the 33d annual meeting of the National Rural Electric Cooperatives Association in New Orleans. The monthly publication of NRECA, Rural Electrification, published excerpts from my remarks in its March edition. I would like to share with my colleagues those remarks:

DEVELOPING THE RURAL AREAS

(Excerpts from an address by Congressman BILL V. ALEXANDER)

The time is here for seeing the interests of countryside communities as they are. Agriculture is important to us, and always will be. But countryside life is composed of many things other than bushels and bales. More and more of our efforts must be focused on such subjects as:

Improving educational opportunities, including those for vocational and technical education;

Creating more and better job opportunities in nonfarm businesses and industry;

Increasing the number of health care professionals working in countryside areas and upgrading the health care facilities;

Improving transportation facilities for moving people and products within the countryside and into and out of the countryside.

Your work toward bringing registration and Social Security laws has been a good beginning toward widening the horizons of citizens of the countryside.

We must change the Social Security laws to allow persons benefiting from these income programs to earn more money without being penalized. I have introduced legislation to bring this about. This is particularly important to citizens of the countryside as we have more older persons living in these regions than any other place in the nation.

During these years I have been working to help small towns and countryside communities, I have been frustrated repeatedly because there is no grassroots organization that can and will work together with members of Congress to ensure that when Federal legislation is passed it treats our people in the countryside areas fairly.

We are willing to work for what we get.

We are not asking for more than our rightful share of Federal tax dollars and resources.

But we must demand equity for the citizens who choose to live in the countryside. Equitable treatment is our right.

Your organization is an ideal one to help form the nucleus for a national coalition for interests of the countryside. You have members in virtually every state. They are interested in the quality of life their families and friends enjoy. You have the energy, interest and voting power to make your views count.

And, there is an organization of members of the House of Representatives called the Congressional Rural Caucus that is willing to work with you.

I hope today that some of the things I say will encourage you to press onward to expand your horizon of interest in government even further.

Because our concerns in countryside development are broad, I will touch on a number of subjects today.

HEALTH

Last October, as chairman of the Subcommittee on Rural Development, I chaired hearings on the health care needs and problems in the countryside. We found that Federal programs which are intended to increase the numbers of health care personnel in the countryside are not working. We found that the number and quality of health care facilities in small towns and communities are far below what is needed. We must have better planning. We must have more money for resource development.

You can help with these problems in two ways. You can work to get the managers of existing health programs and the authors and managers of new programs which might be passed to thinking about and doing more about countryside needs. You can work to ensure that the National Health Policy, Planning and Resource Development Act passed by Congress last month is implemented in a fashion that is fair to countryside areas.

I worked to include in this law provisions to help protect countryside interests. Now we must have assistance from persons like you to be sure that the intent of Congress is carried out. Without the vigilance of both the people and their elected representatives rural areas will get short-changed under this program as they have too often before under other programs.

TRANSPORTATION

When we were holding our hearings on health policies some of our witnesses pointed out that transportation problems too often prevented countryside residents from making use of the facilities that are available to them.

Their testimony further supported arguments I have been making for improved transportation in rural areas. Without adequate transportation systems neither the people nor the products they grow or manufacture can be moved to the rest of the nation or to the world as they must be.

Transportation shortages have already forced up prices of food and other items. They threaten the future of community development in rural areas. They reduce our nation's ability to supply the food and manufactured products our people need. These shortages hamper our efforts to expand foreign trade. Expansion of our foreign sales for cash is essential to overcoming our national economic problems.

In December the Congress approved the Federal Highway Aid Act of 1974. Early last year I had chaired hearings into countryside transportation problems and needs. And I introduced legislation to provide more funds for rural highways and for local roads. This new law contains provisions similar to those I proposed. It adds $100-million to the funds already authorized for primary highways and $50-million for secondary highways in countryside areas. It also creates a new aid program for local roads which were not eligible for Federal funds and authorizes $200-million for that program.

The Congres has authorized spending the money. The next steps are to get that money appropriated by Congress and spent by the President. I hope that you will work with your members of Congress in bringing this about.

We also need your interest in the operation of the Rural Public Transportation Demonstration program. This program is underfunded. It is meant as a demonstration program to show that public transportation systems for people moving—such as dial-a-bus systems—can operate to help increase the mobility of all persons in the countryside, especially the elderly and the poor.

BUSINESS AND INDUSTRIAL DEVELOPMENT

One of the most important developments of the 93rd Congress was the successful effort to get the President and the Department of Agriculture to implement the business and industrial development programs authorized by the Rural Development Act. While the programs are not fully operational because of the Administration's foot-dragging attitude, enough public interest has been shown to demonstrate the importance of these programs to the development of new jobs.

One of our nation's greatest needs today is stronger business and industrial development in small communities.

COMMUNITY FACILITIES

When potential new residents make a decision on moving to a particular community they want to know what its facilities are like. They frequently check on the quality of such things as fire and police protection, whether there is a community center, what recreation facilities are available. They want to know what kind of water and waste disposal systems the community has. The Rural Development Act authorizes funds to be used for projects to improve community facilities.

And, when the Congress passed the Emergency Jobs and Unemployment Assistance Act late last year, I got approval of an amendment which will allow small communities to use some of their public service employment funds to help build better water and waste disposal systems.

My objectives were multiple. I believe that communities ought to have flexibility in using the dollars they have for community development. I believe they are better judges of how to get the biggest bang for their bucks than most Federal bureaucrats. I believe that rather than creating straight public service jobs which too often amount to something no more lasting than leaf-raking, we ought to be creating programs for permanent public improvements that provide people with meaningful jobs from their beginning.

Water and waste disposal systems are a subject that has been of concern to me for some time. As you know, the countryside, or rural, water and waste disposal program is operated by the Farmers Home Administration. The quality of the projects which have been installed under FmHA's supervision is disappointing. The FmHA has not been allowed by the Department of Agriculture to equip itself with sufficient personnel trained in the technicalities of water and waste disposal system design, construction and administration.

There is an administration within USDA which has proven itself in the field of utility design, construction and operation. Its grassroots organizations are similar to those needed for water and waste disposal associations. It has expertise in planning, financing, engineering and other skills required for such a program.

The water and waste disposal programs for countryside areas must be improved. The time has come for decisive action. I recommend here today that serious consideration be given to transferring the water and waste disposal utility program to the Rural Electrification Administration.

My motives for this suggestion have been questioned by shortsighted USDA officials in the past. So, I'll be frank about them with you. I believe that the taxpayers who finance these projects ought to get the best and most effective use of their money. I think, now, that objective might be achieved through REA.

We must demand of ourselves and of our government a brighter future for small towns, countryside communities and rural areas. To achieve that goal we must find innovative solutions to the needs we have for new jobs, better education, improved health care, adequate transportation systems and a whole list of other things.

I ask you to lend me and other members of Congress your energy, imagination, ideas and ideals to help us get on with the job.

SPEAKER ALBERT'S RESPONSE TO PRESIDENT'S STATEMENT ON FUNDING OF PUBLIC SERVICE AND SUMMER YOUTH JOBS

Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the Record the text of the response of the distinguished Speaker of the House, the Honorable Carl Albert, to President Ford's statement on the funding of public service and summer youth jobs.

The Speaker's response follows:

> I was pleased to learn yesterday of the President's intention to agree with some of the actions already initiated by Congress to provide additional funding for public service jobs and summer youth jobs, an action now well along in the House Appropriations Committee. The President's request for $2 billion for these programs indicates his growing awareness of the severity of unemployment in our Nation.
>
> We hope that the President will also follow Congress lead by agreeing to spend the additional $4 billion which the Appropriations Committee is requesting for other job creating programs, for local works, for quick repair of veterans' hospitals, purchase of vehicles by the Federal Government, college work-study programs, and so forth.
>
> While I can only applaud the President's decision to go along with Congress in spending additional money on public service jobs. I would like to point out one real problem with what the President intends to do: that is, that he would put off spending this emergency jobs money until the first half of 1976. We Democrats in Congress believe that the unemployment situation is certainly now so critical as to justify spending this money right now, and I am sure that the Appropriations Committees of the Congress will see to it that the $2 billion for public service and summer youth jobs is made available immediately, to counter this steadily deepening recession, and not in 1976. I hope the President will agree that we cannot put off aiding America's jobless until 1976.

STATEMENT OF CONGRESSMAN JOHN BRADEMAS IN SUPPORT OF H.R. 2051, RAILROAD REORGANIZATION ACT

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record.)

Mr. BRADEMAS. Mr. Speaker, on February 19, 1975, on the vote on H.R. 2051, a bill to amend the Regional Railroad Organization Act of 1973 to authorize additional financial assistance in the form of operating grants and federally guaranteed loans to financially ailing railroads in the Northeast and Midwest, I was, together with a number of other colleagues in the House of Representatives and Senate, absent because of our participation in meetings with the Nation's governors in Washington, D.C., for the annual National Governors' Conference.

The bill was passed by a vote of 270 to 137.

Had I been present, I would have voted in favor of the bill.

EXECUTIVE AGREEMENT REVIEW ACT OF 1975

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, I am pleased to join with the distinguished chairman of the House Foreign Affairs Committee, Mr. Morgan, in introducing the Executive Agreements Review Act of 1975. His interest and leadership in this legislation are to be commended.

Like Chairman Morgan, I am interested in strengthening the constitutional processes as they involve congressional consideration of and action on international agreements. As a matter of fact, I introduced related legislation in the 93d Congress providing that agreements on strategic arms limitations be submitted to both Houses of Congress. This new bill is a refined improvement of my earlier measure.

Much in the spirit of the War Powers Act, the enactment of this bill would allow Congress to reassert its constitutionally mandated powers by requiring the executive branch to submit to Congress for review each executive agreement concerning a national commitment. Thus, the measure is a natural extension of Public Law 92–403, the so-called Case-Zablocki Act, which simply requires the submission of executive agreements to Congress.

In a very real sense the Executive Agreements Review Act of 1975 is in genuine response to Secretary Kissinger's Los Angeles speech of January 24, 1975, in which he called for a "new national partnership—with Congress—in the conduct of our foreign policy." In that same sense, the bill also complements President Ford's pledge in his first address to Congress to the principle of communication, conciliation, compromise, and cooperation.

Given this invitation to be a coequal partner with the administration—not only in approval of foreign policy, but also in the development of it—the Executive Agreements Review Act of 1975 is a fitting and appropriate response.

As chairman of the House Foreign Affairs Subcommittee on International Security and Scientific Affairs, it is my intent to hold hearings on this measure soon. By doing so, the subcommittee will attempt to open the continuing dialog on this issue which Chairman Morgan has assured our colleagues.

Mr. MORGAN. Mr. Speaker, I am introducing today a bill which is intended to open the next stage of a continuing dialog concerned with the strengthening of our constitutional processes regarding international agreements. The bill would allow congressional review of certain so-called executive agreements, with provision for congressional disapproval of any such agreement entered into by the executive branch within 60 days of its submission to Congress if the Congress so decides. Otherwise the agreement would take effect.

The measure is limited to those agreements which involve significant national commitments abroad such as military base agreements, and military or economic assistance. Otherwise, it is an extension of Public Law 92–403, the so-called Case-Zablocki Act, which simply requires the transmission to the Congress of all executive agreements.

Widespread congressional concern that Congress has been too often bypassed in the making of significant international agreements other than treaties which have resulted in new U.S. commitments abroad has led to the introduction of this bill. I sincerely hope that this measure and the discussion which attends it will improve cooperation and mutual understanding between the executive branch and the Congress in regard to the making of international agreements resulting in important U.S. commitments abroad.

Following is the text of the bill being introduced by myself and Mr. ZABLOCKI, Mr. BIESTER, Mr. BINGHAM, Mr. BURKE of Florida, Mr. BONKER, Mrs. COLLINS of Illinois, Mr. DIGGS, Mr. DU PONT, Mr. FASCELL, Mr. FINDLEY, Mr. FOUNTAIN, Mr. FRASER, Mr. HAMILTON, Mr. HARRINGTON, Mr. HAYS of Ohio, Ms. MEYNER, Mr. NIX, Mr. RIEGLE, Mr. ROSENTHAL, Mr. RYAN, Mr. SOLAREZ, Mr. TAYLOR of North Carolina, Mr. WHALEN, Mr. WILSON of Texas, Mr. WOLFF, and Mr. YATRON.

H.R. 4438

A bill to provide for congressional review of international executive agreements which create a national commitment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Executive Agreements Review Act of 1975".

SEC. 2. The Congress finds that its foreign affairs power to share in the making of important international agreements, as provided by the Constitution, has been abridged through the Executive Branch practice of using, in place of treaties or other Congressionally approved agreements, so-called executive agreements which are not submitted to Congress for approval. It is the purpose of this Act to reassert this foreign affairs power of the Congress by requiring the Executive Branch to submit each executive agreement concerning the establishment, renewal, continuance or revision of a national commitment, as hereinafter defined, to the Congress for review.

SEC. 3. (a) Each executive agreement entered into after the date of enactment of this Act, concerning the establishment, renewal, continuance or revision of a national commitment shall be transmitted by the President to the Congress. However, any such agreement, the immediate disclosure of which would, in the opinion of the President, be prejudicial to the security of the United States, shall instead be transmitted to the Committee on Foreign Relations of the of the House of Representatives under an Senate and the Committee on Foreign Affairs appropriate written injunction of secrecy to be removed only upon prior notice to either such Committee from the President. Each such Committee shall personally notify all the Members of its House that the President has transmitted such an agreement with an injunction of secrecy, and such agreement shall thereafter be available for inspection only by such Members. Any concurrent resolution relating to such an agreement under such appropriate written injunction of secrecy shall be considered in the appropriate committees of the Congress, in the House and in the Senate, in a manner which will not prejudice national security.

(b) Except as otherwise provided by this Act, any executive agreement concerning the establishment, renewal, continuance or revision of a national commitment shall come into force with respect to the United States at the end of the first period of sixty calendar days of continuous session of Congress after the date on which such agreement is transmitted, in accordance with the provisions of Section 3(a), to Congress or such committees, unless, between the date of transmittal and the end of such sixty day period, both Houses agree to a concurrent resolution stating in substance that both Houses do not approve such agreement.

(c) For the purpose of subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

(d) Under provisions contained in such agreement, the agreement may come into force at a time later than the date on which the agreement comes into force under subsections (b) and (c) of this section.

SEC. 4. In emergency situations involving the national security of the United States where the President considers it necessary to enter into an executive agreement concerning the establishment, renewal, continuance, or revision of a national commitment on an immediate basis, and so certifies to the Congress, the President shall immediately transmit such an executive agreement to the Congress in accordance with the provisions of section 3(a) and the provisions of section 3(b) shall not apply: *Provided however,* in such cases that the Congress may suspend the operation of such executive agreement by the passage within 10 days from the date of its submission to the Congress of a concurrent resolution by both Houses disapproving the said agreement.

SEC. 5. None of the provisions of this Act, nor any executive agreement entered into force in accordance with section 3 or any other provision of this Act shall be construed as permitting noncompliance by the Executive with any of the provisions and requirements of Public Law 93–148, the War Powers Resolution or any other provision of law.

SEC. 6. For the purposes of this Act:

(a) the term "national commitment" means any agreement or promise

(1) regarding the introduction, basing or deployment of the Armed Forces of the United States on foreign territory; or

(2) regarding the provision to a foreign country, government or people any military training or equipment including component parts and technology, any nuclear technology, or any financial or material resources.

(b) The term "executive agreement" means any bilateral or multilateral international agreement or commitment, regardless of its designation, other than a treaty, and including an agency to agency agreement, which is made by the President or any officer, employee, or representative of the executive branch of the United States Government.

GEN. DANIEL JAMES SPEAKS ON PATRIOTISM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Lt. Gen. Daniel James of the U.S. Air Force is a Pensacolian, a Floridian, a U.S. citizen, and the highest ranking black man in the U.S. military today. I am proud to say that Chappie James is my constituent. I know his family well, and I have long been privileged to enjoy their friendship. General James is widely known for his speeches on Americanism and patriotism. Recently he made a speech in Pensacola to Escambia High School. It is unfortunate, but Escambia High School has had racial problems. Some had surfaced just prior to his visit. It was a time when some speakers might have preferred not to fill an engagement there, but General James does not react to responsibility in a negative way. He filled his engagement and he talked frankly to his audience and gave them the message that they needed. Fortunately, the Pensacola Journal gave full recognition to his speech and to his effort to reach both sides of the controversy. I congratulate General James for delivering such a clear and challenging message and I congratulate the Pensacola Journal for telling it like it is.

I include his speech at this point in the RECORD:

[From the Pensacola Journal, Feb. 15, 1975]

BLACK HISTORY WEEK: TWO MEN, ONE CAUSE—JAMES: GIVEN TIME WE'LL GET IT TOGETHER

Pensacola's own Lt. Gen. Daniel (Chappie) James, who ended Escambia High School's Black History Week with an address to the student body Friday, is the highest ranking black man in the U.S. military.

Now vice commander of the Military Airlift Command, he's widely known for his speeches on Americanism and patriotism. Born in Pensacola, the 17th of 17 children, James attended Washington High School and Tuskegee Institute.

Since he entered the Army Air Corps Aviation Cadet program, James moved up through ranks of the Air Force until he reached the Pentagon where he eventually served as deputy assistant secretary of defense.

His military decorations include the Distinguished Service Medal, Legion of Merit with one oak leaf cluster, Distinguished Flying Cross with two oak leaves, Air Medal with 13 oak leaf clusters.

The following is the text of his address to Washington High students Friday:

Thank you very much. It's always a pleasure to come home; especially to come home to that kind of reception from my fellow Pensacolians.

It is fitting that I should return here a year later after having spoken to the other half of Escambia High School. It is remarkable that knowing that I'm a Washington High alumnus that you'd ask me back here because I understand that when you folks meet on the basketball court it's quite a scrimmage out there, but then, we always beat everybody in town anyway so nothing's changed. I had to slide that in.

But I come to you at a time when we are commemorating a gain. A week where we stop to take stock of a certain segment of history.

A young lady who sat here changed it, took a paragraph out of my speech and she hadn't even seen my speech. But it is exactly what I was going to express—that these things that are colored different shades of black or white or red or grey will pass with time and understanding of the various races of this great melting pot that is the United States of America.

As people reach out to one another and I, like she, I look forward to that great day when Black History Week will just become a part of American History Week. And that will be its name, American History Week, where we take special time to look at the whole of what we are and where we came from.

Now we have various things, various songs, various poems, various art, figments of art, other parts of our culture that will be preserved as coming from the days when things were not really quite all right, but they will be used for just what they were intended, to mark those times.

And so we can assess the progress that we've made from back there to right here. The songs that we sang many times when I was in school here had a central chorus that really remarked on history and it said it was known as the Negro national hymn.

And it said "stony the road we trod, bitter the chastening rod felt in the days when hope unborn had died yet with the steady beat had not our weary feet come to the place for which our fathers cried. We have come over a way that with tears have been bordered, indeed we have come trailing a path through the blood of the slaughtered out of the gloomy past to now where we stand at last in the bright gleam where our bright star is cast."

Now that song was written over a hundred years ago, and even at that time black people in this country were assessing the progress that they had made since the days of bondage and slavery and they said "we have come to the place where the bright gleam of our white star is cast" and they were not indeed anywhere near where they are today and where they can go tomorrow, if we proceed to that place together, all of us, not looking for black achievement or white achievement or red achievement but American progress, the kind that has a chance only in our country and countries like ours but in our country to the greatest degree of all.

To get there, though, we've got to cast out some old hangups. We've got to be big enough no matter what our color to take the lead in making sure that that progress doesn't get staggered or slowed by retreats back to that path in the blood of the slaughtered.

We have marched enough, we have said enough, we have set out, we have walked out, we have copped out, we've sat in, the tune is go get it together.

You kids used to sing a song that I thought was very hopeful. It said, "It's going to take a little more time to get it together." There's been a whole lot of people been working to get it together, like you and me, we're determined that every man and woman is going to be free but it's just going to take a little more time to get it together.

And that's what we should be about, getting it together. Do not fall into the tracks of our elders who still practice their biases. You indeed will inherit this earth. The meek will not inherit this earth, unfortunately or fortunately, because this earth is governed by the strong, not only the strong physically, but the strong morally and mentally who are willing to put down that liberty, bias of hatred based on race, creed, religion, social arts and the what-else-have-you.

Stop finding so many ways to hate each other because of race, creed, religion, social structure, section of the block, political party, falling on somebody else's scandal and picking at the bones of the fallen.

Get it together. That's the only way to move mountains. You, the young people of Pensacola, will inherit this land and the positions of leadership in it.

There are possibilities now for young black people to go that were never possible during my time except for the few of us who had the courage and the preparation and the guidance that I fortunately was given by my mother, who told me some of the things that I'm telling you today, who in spite of the serious biases that existed in that day fought our way to the top by building what she called the greatest weapon on earth and the greatest power on earth.

She said, "My son, don't you dare sacrifice your ability on the dubious altar of despair. You take advantage of every opportunity that's offered you right here in this town, in Pensacola, Florida, in the deep south, where the benches were labeled colored and white in the parks at that time and the latrine doors colored and white and the buses 'white, colored to the rear.'

All of those signs that gave a built-in inferiority complex to young black lads growing up.

She said, "Don't pay any attention to that now. Because those will be later removed as a by-product of what you achieve and don't you make a profession of being black. You take advantage of every opportunity that's offered to you and build for yourself the greatest power on earth.

"The power is called the power of excellence, and that's the only power worth investing in, the power of your own individual excellence, and you develop it. And you display it, and you use it to vault yourself to the top of your chosen field whatever it is, because you'll find that the power of excellence is a staple that doesn't decrease in value and it's in demand throughout the world and nobody questions its color."

And she was right. Nobody does question it's color. And I entered the Air Force feeling that I was going to shoot for the top and I was going to try to be the greatest in my field, to vault with my power of excellence to the top of my chosen field because she said when you get up there with authority, you can do more to solve the ills that beset your people.

And you can't under the bottom with a brick or a torch or a harsh sign led on by some idiot who wants to make a profession of racism.

She was right—and I listened to her and I'm at the top of my field.

When I came into the Air Force I was determined to be a general officer and a leader of men, all men, not just black men, Americans, and I've got news for you—I am.

It is possible only here that these barriers have fallen as fast as they have. You can't stand there banging on that door of opportunity yelling, "Let me in! Let me in! Let me in!"

And all of a sudden, somebody opens that door and you say, "Wait a minute, I've got to go get my bags." You stand there armed with your bags of knowledge and your bags of intelligence and your bags of tolerance and your bags of understanding and your bags of Americanism and when they crack that door you walk in and take charge and that's possible for anybody in this room at the sound of my voice here.

Don't trip on the stumbling blocks of reverse racism. I say to my young black friends, "reach out your hands." There are a lot of hands out there reaching out to you in friendship and in help and many of these hands are white, but they find it pretty hard to grasp ahold if your hand is balled tightly into a fist of hate.

Togetherness, pride, yes. Hatred, separatism, never.

Bigotry is ugly no matter what its color; no matter from which direction it's beamed. The human dignity of a person must be respected and we must always remember that our race ends where another man or woman's begins. And we must practice that.

And I say to my young black friends all over the world to reach out because the opportunity is more equal now and it's going to be even more equal as we go along that those hands will be stretched out there and that that hand of friendship might be any color.

And I tell the white majority in the same voice, don't you make me a liar. Make sure your hand is stretched out there, because that's the only way we can go about it: with the strength that would make it possible for us to study war no more. Because if we have that internal strength that is born of togetherness, nobody will dare attack our nation.

Our internal strength is a bargaining chip that we must have in the international family of nations. So I ask you today to reach out to each other, not just during Black History Week, now just on "I Am an American Day" but everyday. Get it together.

Make sure that you invest in the biggest weapon we have ever had in our arsenal.

Now this isn't a physical weapon, mind you, it's a psychological one. It's a weapon called unity. Unity in the principles of democracy of the law and the letter of the Constitution of the United States of America.

That is the greatest piece of paper in the world and the words are great. You just have to make sure they work. It's up to you. You are the back that must provide the up-to-date modification of that weapon called unity.

We've come a long way in Pensacola. Assess that progress that black kids don't have to walk two-and-a-half miles all the way across town to an all-black school anymore in this town.

There are no segregated public schools in this city. I'm proud to see. And we have solved most of the problems: those benches in the park are now painted green like the grass. And all of the citizens of my town sit on them and discuss other ways to improve it, I hope. We don't bother to get hung up, I hope, on little arguments that recall the evils of the past. When we get down to the point that all we've got to worry about is the flag and the song, then I think we've got it mostly whipped.

There was a lot more wrong with it when I was here. Long time ago. Let's not go back there. Over something as stupid and minor as a song, or a flag.

I want to tell you something that's ironic. When I was in the Philippines I went to the first all-white squadron that I was ever in because that's when we integrated the Air Force. And I made light of this and all of the rest of the members of my flight were white and the former flight leader was from Texas. And the symbol of our flight was the Rebel flag. And we sang "Dixie" in the club every Friday night. And when I took over the flight they said "Well, Chappie, I guess you want to change that symbol. We'll get our razor blades out and scrape it off ourselves."

For what? I am from Dixie and I sang Dixie just as loud as anybody else and we defused the whole thing because the connotation of what some people were putting on "Dixie" ceased to be the connotation. It did not represent racial hatred, it represented our rallying cry, of what we were all about and we were indeed Americans, no matter what our color.

Now I will admit to you of all colors and races in here, that there are some people who cannot stand progress and truths and a call for unity, but I ask you to assume the kind of dignity and the kind of attitude that you will be brave enough to not only make constructive change but to be a part of it and when the hangup gets to be something nonremarkable that you will resist that by being an American first and everything else secondary.

And so I ask you to by the way you live your daily lives build for yourselves your link in that chain that is the unity that has always preceded the States of America, the United States of America, and make her strong and show that unity to the world and they won't stand against us and maybe they will listen to us when we say we don't want to study war no more.

And maybe they'll stand with us as we try to reach out to each other and get it altogether and then, and only then, standing together as Americans all, we'll be all truly overcome.

Thank you very much.

VIETNAM: THE MAP TURNS RED

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Maj. Gen. John E. Murray, USA, retired, tells the hard, cold truth about what is happening in South Vietnam. He was U.S. Defense Attaché to South Vietnam and he knows about the disastrous effects of cease-fire violations by the North Vietnamese coupled with cuts in U.S. military assistance. The result is that Saigon is forced to give up more and more territory to the enemy. Their country has almost been cut in two. Despite a valiant defense by the South Vietnamese, a situation as serious as that in Cambodia may be in prospect unless the Congress relents in its attitude toward living-up to U.S. commitments for military supplies for South Vietnam. His article appeared in the February issue of Air Force magazine. I submit it for reprinting in the Record.

Vietnam: The Map Turns Red

(By Maj. Gen. John E. Murray, USA (retired)

It's like the Mona Lisa with acne. That's South Vietnam. Blemished beauty.

And the red blotches are spreading.

Solemnly signed agreements are scraps of paper for the North Vietnamese. Their actions prove that Stalin's cynicism still prevails: "A promise is like a pie crust—made to be broken."

South Vietnam's President Thieu, in accordance with the cease-fire agreement, dutifully established his air and sea ports of entry. He set up a system for the one-for-one replacement of equipment, subject to scrupulous audit, also in strict accord with the agreement. And, above all, he returned 28,000 North Vietnamese prisoners of war.

And the North Vietnamese? They refuse to expose their supply system to surveillance by the International Control body. Refuse to designate ports of entry. Refuse to return a single South Vietnamese POW.

In shocking violation of the agreement, they poured into South Vietnam hundreds more tanks, field pieces, and sophisticated weaponry. They massively stockpiled munitions. Enormously strengthened their logistic networks. And built a formidable air defense.

In addition to a SAM regiment and more than a half dozen different antiaircraft weapons, with some of the 57-mm and all of the 85-mm and 100-mm guns radar-controlled, they also have the hand-held SA-7 Strela. As a result, more and more airspace is being conceded to them.

After 400 days of siege, Tom Le Chan, the football-field size South Vietnamese Army (ARVN) Ranger camp in the Saigon River corridor, was evacuated. Air landing was impossible, and the SA-7 prevented airdrop from lower than 10,000 feet. In the bloody division-size battles at Thyong Duc, southwest of Danang, the radar-controlled AA more than doubled this altitude.

Restricting the South Vietnamese Air Force (VNAF) with anticraft weapons is bad enough. But restricting the ARVN, which the VNAF supports, is worse. For the ARVN has virtually no reserves. While its strategic air mobility is intact so far, its tactical aerial mobility is suffering. Against the enemy antiaircraft weaponry, the ability to shift ARVN striking power with choppers under an umbrella of VNAF fighters is weakening.

Because of U.S. Budget cuts, not one of the 250 or so aircraft lost since the so-called cease-fire has been replaced. About half were helicopters.

Since the U.S. has turned the supply spigot to an agonizing trickle, saving gun platforms whether winged, wheeled, or tracked—as well as their costly ordnance, is the harsh order of the day. Thus, other outposts encircled with ack-ack thickets, or threatened with them, have succumbed or been conceded to the enemy.

The record poignantly shows that this kind of economy costs lives. As ammunition usage goes down, casualties go up. But the South Vietnamese have no recourse. They must live—or, rather die—with their impoverished supply system. And it is impoverished, contrary to the myth. That myth was born of the frantic precease-fire infusion of materiel in late 1972 and early 1973. The fact is, at the cease-fire which set their inventory in concrete, they were short of ammunition, spare parts, tools, and the things that let an army move and communicate, as well as shoot. Consumables are the oxygen of an army.

Inflation has made it all that much worse. Take, for instance, batteries. Forty-five thousand basic field radios use 100,000 batteries a month, at a price soaring toward ten dollars each.

THE CHANGING PATTERN OF WARFARE

The pattern of warfare immediately after the cease-fire was largely one of small unit probing by the NVA. Rather cautious probing to test the U.S. temper. Our spokesmen warned them against crossing an uncertain "threshold of aggression." What was that threshold? Apparently strong US interest in Vietnam dwindled when the U.S. prisoners left Hanoi. It declined further with impeachment preoccupations, the Arab-Israeli war, inflation, and pontifications by pundits on the limit of our wisdom and power in foreign affairs.

It was not the use of power, but the hobbling of power—the withholding of force rather than the use of it—that cost so many U.S. and allied lives and left South Vietnam with wretched economic troubles and in a declining military state.

Now, two years after the so-called cease-fire, the NVA, with its vastly expanded logistic base, has escalated to division-size attacks, centered recently against the two largest cities in the South—Danang and Saigon.

And what of the level of aggression that we would not tolerate? Our threshold of tolerance has proved about as formidable a weapon as a frisbee in a windstorm. Despite outrageous provocations by the North, we draw down our forces in Thailand, reduce the B-52 force on Guam, cut back in the fleet, and go to the conference tables in Paris and Saigon with few cards except the discards of emetic rhetoric. No chief executive, in our land or in South Vietnam, could escape ridicule, castigation, and blame for an avalanche of events that has thundered down from the heights of past folly, perfidy, and accident.

But Thieu is not the Draconian dictator that the prophets of his downfall (who curse the delay in it) would have us believe. The street mobs that deplore his leadership are proof of the democratic aspects of his government. With a million-man military force, he could easily halt the protests and even more easily stop the typewriters of the reporters who dramatize it.

The root cause of safety-value disturbances in the streets of Saigon is not Thieu. It is the war. The killings, the privation, and the seeming on-and-on endlessness of both. And we aren't helping.

South Vietnam will prevail only if we supply the logistics. Their tactics, leadership, gallantry, and fervor have proven out. But we're compromising the cause by cutting our military assistance to them.

MONEY VS. LIVES

How are the armed forces of South Vietnam managing to survive?

By cannibalizing equipment. Consuming inventories. Deferring maintenance. Denying themselves the spoiling attacks they should make on enemy concentrations. Trading blood to conserve ammunition. And still proudly and sadly, in the American image, duping themselves with semantics, referring staunchly to a perilous shrinking of their military strength as "streamlining."

Inflation, budget cuts, the SA-7, and the rest of a growing family of enemy AA weapons are reducing the VNAF. Few outsiders realize what an air force costs. Excluding ammunition, and the VNAF has been costing more to operate than the rest of the Vietnamese armed forces—Army, Navy, and Marine Corps—combined.

Since the cost of the Navy and Marines is relatively negligible, the choice of what to do with less money narrows. Budget cuts must come from the ARVN or the VNAF. Given the enemy's buildup of sophisticated antiaircraft weaponry, reducing the VNAF by administrative decision may be preferable to reducing it by combat attrition. Theoretically, it costs less that way.

So the money will be saved. But lives won't. The ARVN GI will pay a bloody price for the loss in VNAF close support, softening of forward strong points, protection of logistic pipelines and storage bastions, and the battlefield mobility it furnishes the Army. Money shortages will perhaps be the proximate cause of more ARVN casualties than will the NVA.

Among the tripe that belongs on the scrapheap of provable nonsense, along with the "uncompromising" label attached to Thieu, is the alleged inability of the South Vietnamese to technically support its Air Force.

The South Vietnamese are resilient. Despite the loss of considerable middle and top management support, and technical assistance from the US Defense Attaché and defense contractors, they have braced themselves and faced up to budget scourgings just as well as they've faced the enemy.

To counter the growing MiG threat, they have improved their ground-based air defense and their interceptor capability. While flying hours were down more than 100,000 hours in the first nine months of 1974, the accident rate was down, too. This key indicator of professionalism in war dropped from 9.9 accidents per 100,000 flying hours to 6.8.

The VNAF is compensating for fewer tactical sorties with larger bomb loads and the kind of blood-tingling valor that cheers the ground troops and frazzles the enemy.

The basic technique of logistics in supporting the virtual museum of old aircraft we left them—supply management, warehouse location accuracy, and refusal rates—all are improving. They now overhaul both jet and reciprocal engines. They have mastered computers, and control a 300,000-line inventory.

The air-ground team in South Vietnam is a valiant, proficient, achievement-proud force.

One satisfying thing—if no more—can be said about us Americans in Vietnam. The South Vietnamese were ready when we withdrew our forces. But we are cutting back our bets on a food-rich and promisingly oil-rich land. That's where we should be putting our money.

That leads to another thing that can be said about Americans. We're fateful gamblers. There are more Americans obsessed with the dice that are cast on the crap tables of Las Vegas than with the dominoes tipping in the rice paddies of Southeast Asia.

Gambling is in our blood. And in the long run, that may cause more of it to flow.

U.S. MILITARY ASSISTANCE TO SOUTH VIETNAM

[In millions of dollars]

	Fiscal year—		
	1973	1974	1975
Requested by DOD	2,924	1,185	1,450
Appropriated by Congress	2,562	907	700
Amount cut by Congress	362	278	750

RHODESIAN TURNING POINT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Washington Star of March 4th contained an editorial entitled "Rhodesian Turning Point." It is a realistic assessment of the changing picture in Rhodesia and the poor judgment which would be evidenced by another effort to stop the purchase of Rhodesian chrome by the United States. I am pleased to submit it for reprinting in the Record:

Rhodesian Turning Point

Negotiations on the future of Rhodesia are at a sensitive stage. A constitutional conference is planned to bring together representatives of the country's black nationalist movements and white establishment, but the site and other conditions of the meeting are still to be settled.

Both sides are under considerable outside pressure, especially from the unlikely collaboration of white-supremacist South Africa and black-led Zambia, to bring about a Rhodesian political settlement. South African Prime Minister John Vorster, in need of detente with black Africa with the fading out of the Portuguese colonial buffer, has been guiding the Rhodesian regime of Prime Minister Ian Smith to accept the inevitability of black-majority rule. Rhodesia's black leaders have been influenced by their more responsible sponsors, particularly President Kenneth Kaunda of Zambia, to form a tenuous unity in the African National Council and to forswear violence. A cease-fire in the guerrilla war is taking hold.

There are those among both the blacks and the whites who would rather fight than talk. Black extremists would hope thereby to gain a quicker, more vengeful victory for their side, perhaps advancing the cause of their particular faction among competing black interests. White extremists would make a last-ditch stand rather than agree to any compromise leading to rapid recognition of majority rights for the black population.

What is needed, obviously, is the prevalence of moderate opinion making possible an orderly transition toward black rule in Rhodesia, with protection for the rights of the 270,000 whites. The change should be carried out with reasonable speed, but it cannot be done overnight without tearing the country apart and badly damaging its prospects.

In these circumstances, it could be less than helpful to revive discussion on Capitol Hill about the total economic ostracism of Rhodesia because of its racist policies and its status as a breakaway British colony. But that is happening, with new House hearings on repeal of the Byrd amendment (named for the Virginia senator), which permits American purchases of Rhodesian chrome in the face of United Nations sanctions.

The economic effects of such repeal would be more significant for the United States, increasingly dependent on Soviet chrome at a time of strained trade relations with the Russians, than for Rhodesia, which could find other buyers. But the symbolism of the act could work mischief in the Rhodesian negotiations. Some black extremists might be encouraged to hold out for the surrender of the Smith regime. And white extremists, their fortress mentality reinforced, might dig in against early concessions to black aspirations. It is a poor time for an intrusion of American rhetoric.

RETURN VETERANS DAY TO NOVEMBER 11

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, when American Legion National Commander James Wagonseller recently presented the Legion's legislative recommendations to the House Veterans' Affairs Committee, one of the proposals was the return of Veterans Day to its proper observance on November 11.

I agree completely with my good friend, Commander Wagonseller, that this action must be taken in this session of the 94th Congress. When the bill to switch to the so-called Monday holidays came before the House in 1968, I was one of only 83 Members who opposed it. In fact, 40 States have enacted their own legislation restoring November 11 as Veterans Day. Several states never accepted the change initially.

It is time that the Congress followed the lead of the States and remedied a switch that never should have been made in the first place. I introduced legislation in the 93d Congress that would have restored the observance to November 11. Similar legislation has been introduced in this Congress. I strongly support this bill and urge my House colleagues to act quickly to ensure its passage.

BUREAUCRACY HURTS RURAL HOSPITALS

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, one of the hazards of continually creating more bureaucratic redtape and regulations here in Washington is the unforeseen harm that may be imposed on certain areas of our country. A prime example of this is the hardship created for rural hospitals by the medicare-medicaid review procedures promulgated by HEW. A recent article by James Kilpatrick points out the scope of these difficulties. For the benefit of my colleagues, I wish to insert it in the Record at this point:

Rural Hospital Woes

The story comes to me from a group of country doctors out in northwest Oklahoma, on beyond Enid, but it could come from anywhere. The story provides one more example of bureaucracy gone berserk. The doctors fear their small rural hospitals are doomed.

To understand their apprehension, you have to know something of how medicine is practiced in the boondocks. In a typical community, the people at heavy sacrifice build their own small hospital. The existence of the hospital permits them to attract a handful of doctors who love country practice and accept the rural way of life. The facilities are something less than you'd find at Walter Reed, but they suffice.

These are small institutions. In northwest Oklahoma, they range from 20 beds at Waynoka to 68 at Woodward. To speak of their "staff" is to put a large image to a small use: The 34-bed hospital at Laverne has one doctor; Cherokee, Buffalo and Mooreland have two.

New regulations imposed by the Department of Health, Education and Welfare, having to do with Medicare and Medicaid patients, have made a bad situation worse. These regulations, demanding that every hospital adopt a Utilization Review Plan, became effective Feb. 1. Dr. B. D. Dotter, at Okeene, says flatly that it is "impossible" for small rural hospitals to comply.

In fairness to the people at HEW and Social Security, it should be said that they did not set out to harass or to destroy the rural institutions. Their dual purpose was to improve the quality of hospital care and to deter abuses of the system. In recent years some doctors and some hospitals have been ripping off the taxpayers by padding their bills or needlessly prolonging the hospitalization of Medicare-Medicaid patients. The formidable new regulations were thus well-intended, and they may work in institutions of 500 beds with a staff of 100. For a hospital in Watonga, Fairview or Alva, they are woefully unrealistic.

Under the new rules, the admission of a Medicare patient sets off a bureaucratic convulsion. Within two working days, the admission must be reviewed and justified by "a staff committee of the hospital composed of two or more physicians." The committee must be "broadly representative of the medical staff." No doctor may serve on a review committee if he has a financial interest in any hospital, or if he has been "professionally involved in the care of the patient whose case is being reviewed."

Out in Okeene, Okla., this is fantasy stuff. In the small hospitals of rural America, almost every staff doctor has a financial "interest" in his local hospital. Typically, in a three-doctor institution, one doctor operates, a second doctor assists, the third handles anesthesia. They are all "professionally involved" with the patients, checking at right or on weekends, giving advice, sharing the load.

In such small hospitals, staff members are thus disqualified from review. No other physicians are available. The government says flatly that it will not pay the hospital bills of Medicare-Medicaid patients whose admissions are not reviewed. And the government demands elaborate records.

At the Okeene hospital, compliance will require additional clerical help costing $1,500 a month.

What is the country doctor to do? Payments under Medicare and Medicaid have become almost indispensable to a hospital's survival. The busy doctor cannot cope with the paperwork without neglecting his patients; he cannot ignore the paperwork without losing the payments. This is bureaucracy at the bedside; and out in the boondocks, nobody gains.

AMERICAN LEGION NATIONAL COMMANDER ADDRESSES VETERANS' AFFAIRS COMMITTEE

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, I recently had the privilege of introducing American Legion National Commander James Wagonseller to the Veterans' Affairs Committee when the commander presented the Legion's legislative recommendations to the committee. For the benefit of my colleagues, I would like to insert the remarks of my very good friend, Commander Wagonseller, in the RECORD at this point:

STATEMENT OF JAMES M. WAGONSELLER

Mr. Chairman and Members of the Committee: It is an honor and a great pleasure for me to have the opportunity to appear today, before this distinguished Committee of the Congress, on behalf of the 2,700,000 members of The American Legion. The American Legion is the largest of the veterans organizations. It is organized in more than 16,000 posts throughout the United States, and it represents, as much as any organization can, the broad cross section of America's war veterans. Through the 56 years of its history, The American Legion has been primarily concerned with the problems and the needs of the nation's war veterans—those millions of men and women—and their dependents and survivors, who answered their country's call to serve in its armed forces—who, without questioning the judgment and the motives of the nation's leaders, followed the flag wherever it took them, and who performed their duty honestly and faithfully, to the best of their ability. To these men and women, the nation owes its highest obligation—a debt of honor that will not be completely and finally fulfilled until the last war veteran has passed from the scene.

Throughout the long history of the nation, its war veterans, in seeking answers to their problems, have looked to the Congress of the United States—the single legislative body that most nearly represents all of the American people. And it is with pride and gratitude that I am able to say today that the Congress has, in every generation, been responsive to the nation's veterans. There is no question that but for the responsiveness of the Congress there would not be today the broad and comprehensive program of benefits that veterans have available to them.

It is especially appropriate for me, before I address myself to the current needs and concerns of veterans, to first express the sincere gratitude of The American Legion, and indeed of all veterans, for the positive action taken by the last Congress, on behalf of veterans programs. The 93rd Congress distinguished itself in the realm of veterans affairs, by the legislation that it adopted to help war veterans, and by the special attention it gave to the readjustment problems of the returning Vietnam Era veterans, to the service-disabled and their survivors and to the equally urgent problems confronting older veterans.

And, of course, we of The American Legion are very much aware that the leadership in providing these needed improvements in veterans programs came from this Committee on Veterans Affairs. We are grateful to the Committee and its Members for their consistent and constructive attention to the problems of the nation's veterans.

With the Committee's permission, I shall now address my remarks to certain areas of interest that are of principal concern to The American Legion in this 1st session of the 94th Congress.

NATIONAL HEALTH INSURANCE

The first subject that I would like to discuss with the Committee is one over which the Committee, as such, does not have jurisdiction, but one nevertheless, that will rank high on the priority list for consideration by each Member of Congress. I refer to National Health Insurance. Because it is so important a matter, I beg leave to mention it here today.

The American Legion is very much concerned about National Health Insurance. Our direct concern relates to its inevitable effect on the medical care program for veterans that is presently administered by the Veterans Administration. The VA medical care program is the largest, and we believe the finest health care delivery system in the country today. It is essential to the welfare of veterans that it continue to be maintained in its present state of excellence, always subject to improvement, and as a program exclusively for the nation's veterans. It was designed for that purpose, and we believe the American people want it to be so continued.

In support of this goal, The American Legion will make specific recommendations to the appropriate Committees of Congress, for necessary safeguards that we shall ask to be included in National Health Insurance legislation. I would like to tell you what they are, and to express our hope that you will support these recommendations when this legislation is presented to you for consideration.

The American Legion will recommend that National Health Insurance legislation include a provision, recognizing the VA Department of Medicine and Surgery as a Federal provider of health care services to be maintained exclusively for the nation's veterans. We shall further recommend that a law guaranteeing complete health care services to all Americans should, at the same time absolve veterans from the requirement of signing a statement of inability to pay, to gain admission to a VA hospital, or to receive ambulatory care for treatment of non-service-connected conditions. This provision will maintain for veterans the option of utilizing the VA medical care program should they choose to do so. With a veterans population in excess of 29 million, it is our expectation that the full resourcec of the VA system will be needed for the foreseeable future to carry out the mission for which it was intended when it was created.

If the provisions that I have suggested here are included in National Health Insurance legislation, then The American Legion will pose no objection if the law also provides for reimbursement to the VA, from other government sources, for the cost of treatment of non-service-connected conditions.

The complexities of the subject of National Health Insurance, and its ramifications are so numerous that it is not possible for me to discuss them here. I wish to assure the Members of the Committee, however, that The American Legion, through the work of committees specially appointed for that purpose, has studied this matter very closely. We are prepared to support our recommendations in detail, in testimony that we hope to have the opportunity to present to other Committees of Congress.

We are satisfied that our concern about the possible effect of National Health Insurance on the VA medical care program is justified. Evidence to that effect is apparent in material that has come to our attention in the form of a letter, addressed by an officer of the Department of Health, Education and Welfare to the Office of Management and Budget. This letter with associated material, envisages the ultimate merging of the VA program with other Federal health care services. In our opinion this idea is not going to die, and I must say that it is an idea that is totally unacceptable to veterans.

DEATH AND DISABILITY PENSION

The American Legion is grateful for the enactment and approval of the Veterans and Survivors Pension Adjustment Act of 1974. While Public Law 93–527 has brought some measure of relief to many thousands of veterans or to their surviving widows and children and to dependent parents of those who died of service-connected conditions, we continue to receive letters protesting rather substantial reductions in monthly pension payments. While the increased monthly rates in combination with social security or other income gave these beneficiaries a greater combined income, their VA pension payments were not fully responsive to the cost-of-living increase since the rates were last adjusted.

The American Legion has studied this matter. It is our belief that there is a better solution to the long-range problems of these beneficiaries. Briefly, it is our recommendation that instead of fixed rates of pension, it would be more effective for Congress to establish realistic income floors that will insure a minimum annual income to those eligible. Pension payable would be the difference between the beneficiaries' annual income available for personal use and the income floor, prorated on a monthly basis. Additionally, if the maintenance of these floors can respond to variations in the Consumer Price Index, as determined by the Secretary of HEW for social security benefit purposes, the revised plan will avoid the situation referred to earlier, of substantial reductions in monthly VA payments of death and disability pension or dependency and indemnity compensation to parents.

Under our plan, the beneficiary would receive an aggregate of payments from the VA and social security and other income, if any, of not less than the established income floor.

We shall soon prepare a draft bill to effect this new concept, for introduction by an interested sponsor. We know that it will receive your serious consideration.

VETERANS ADMINISTRATION FISCAL YEAR 1976 BUDGET

Veterans Administration appropriation requirements for Fiscal Year 1976 total $16.4 billion—the highest in the history of the Agency. Notwithstanding this fact, we are concerned with two items in the proposed 1976 budget.

The first is the General Operating Expense Appropriation/Fund Account. Primarily, this appropriation provides for the administration of nonmedical veterans benefits through the Department of Veterans Benefits. This Department, through its regional offices, determines eligibility and adjudicates all claims for compensation, pension, educational assistance, housing loan assistance, and insurance awards.

As proposed, the Department of Veterans Benefits average employment will be reduced as follows: 238 in Veterans Services; 130 in Compensation, Pension and Education; 68 in Loan Guaranty; 15 in Insurance; and, 144 in other services.

Information we are receiving indicates that the increased unemployment rate and the expanded educational assistance program is resulting in increased claims for benefits and services. We are concerned that a total reduction of 595 full-time employees in the Department of Veterans Benefits will result in impaired quality and quantity of services to veterans.

The American Legion will present its views before the Subcommittee that handles VA appropriations. We hope that you will support our views.

The other item of concern to The American Legion is the proposed legislation to reduce readjustment benefits appropriations by reducing the delimiting period for utilization of educational assistance entitlement from 10 years to 8 years.

As this Committee knows, Public Law 93-337, approved July 10, 1974, extended the 8-year delimiting date for veterans, wives and widows to complete their program of education to 10 years.

The American Legion is opposed to this reduction. We believe that you share our views in this regard.

COST-OF-LIVING ADJUSTMENTS IN DISABILITY COMPENSATION RATES

Monthly rates of disability compensation payable to veterans with service-connected disability were last increased by Public Law 93-295, effective May 1, 1974. According to Bureau of Labor statistics, dated January 21, 1975, the Consumer Price Index rose 12.2 percent for calendar year 1974. Projections for 1975 range between 11 and 12 percent.

The American Legion believes that these rates should automatically respond to increases in cost-of-living. For that reason, we recommend enactment of legislation providing that the Administrator of Veterans Affairs shall increase the monthly rates payable by such percentage as the Secretary of Health, Education, and Welfare shall certify in the Federal Register for social security recipients as a cost-of-living increase under the Social Security Act, effective the same date as such later increase.

OFFICIAL TERMINATION OF THE VIETNAM WAR

At its 1974 National Convention in Miami Beach, The American Legion took a position on the official termination of the state of hostilities that has existed since American combat units were committed to action in Southeast Asia. The Vietnam War has been effectively brought to an end, and it is our belief that action should be taken, by Presidental Proclamation, or by concurrent Resolution of the Congress, recognizing that fact, and establishing a delimiting date for wartime benefits accruing to those who served honestly and faithfully during the period of the late conflict. The American Legion has always adhered to the proposition that war veterans are entitled to an additional measure of attention from the Government, beyond what is provided for those who serve in the peacetime Establishment. The Vietnam War, as in the case of all of America's wars, was in the main fought by citizen soldiers. The citizen soldier, and his unfaltering response when called to service, has throughout our history been the pride and glory of American arms. Through his service he is a special person, and has always been so recognized. The benefits programs established for wartime veterans are a proper cost of war. Different considerations prevail with reference to those who serve in the peacetime military Establishment.

FURTHER IMPROVEMENTS IN THE VIETNAM ERA EDUCATIONAL ASSISTANCE PROGRAM

As remarked earlier in this statement, The American Legion is appreciative of the enactment by Congress of the Vietnam Era Veterans Readjustment Assistance Act of 1974. Although Public Law 93-508 provided many constructive and beneficial changes in the educational assistance program for Vietnam Era veterans, we continue to believe that the direct tuition grant of up to $1,000 per school year is justified.

According to several authoritative news articles, college costs will rise more sharply than ever this fall, with most colleges reporting tuition increases of more than 10 percent, the highest single-year increase so far. State colleges and universities that have announced increases appear to be concentrating on raising tuition for graduate and out-of-state students, and ancillary fees for books or student activities.

Veterans Administration information, and other studies indicate that those states with the most highly developed, low-cost public educational systems have the greatest degree of veteran participation. A strong relationship exists between state per capita expenditures on higher education and veteran participation rates. Veterans living in states that do not provide low-cost, easily accessible opportunities for higher education, benefit less from the educational assistance program because they cannot meet the cost of education in their own states, or the nonresident costs in out-of-state public institutions of higher learning.

To restore equity among veterans residing in different states with differing systems of public education, some form of variable payment—the tuition grant—is needed to diminish the difference in state college or university costs.

I have one other comment with reference to Public Law 93-508. In extending maximum entitlement for educational assistance, the new law imposed, in our judgment, an unnecessary and inequitable restriction on utilization of the additional nine months. As amended by this Act, Chapter 34 of title 38, United States Code, now provides a basic maximum of 36 months entitlement, plus an additional number of months, not exceeding nine, which may be utilized in pursuit of a program of education leading to a standard undergraduate college degree. Although the premise for the enlarged entitlement was that many veterans were unable to complete undergraduate requirements for a degree in 36 months, the restriction imposes a hardship and inequity on the brighter and more highly motivated veteran students. We urge repeal of this restriction on use of entitlement beyond 36 months, so that it can be used for graduate studies.

VETERANS EMPLOYMENT

The entire nation, at this time, is greatly concerned with the continuous rise in unemployment. The national unemployment rate for January of 1975, was 8.2 percent, the highest point recorded over the entire post-World War II period. This is an alarming situation, but we have found that many veterans are suffering an even greater rate of unemployment. The unemployment rate among the young Vietnam Era veterans has always been higher than that for nonveterans. At the end of 1974 the unemployment rate for veterans in the 20-to-24 age group was 15.6 percent, compared to 10.4 percent for nonveterans in that same age group. However, that figure soared to 19.7 percent for January, versus 11.6 percent for nonveterans aged 20-to-24. We do not know the reason for this widening gulf; perhaps a disproportionate number are from minority groups, unskilled, or otherwise handicapped in job hunting. To The American Legion all veterans, regardless of age, race, sex, education, or other conditions, deserve special consideration in seeking employment.

The American Legion appreciate the special recognition Congress has given to war veterans through legislation to assist veterans to find job training or employment, notably in the Vietnam Era Veterans Readjustment Acts of 1972 and 1974, PL 92-540 and PL 93-508 respectively.

The 1974 Act, PL 93-508, provided, among other things, that the Secretary of Labor shall establish "definitive performance standards" to determine if the provisions of these laws to assist veterans are being met. If the Department of Labor establishes appropriate standards and enforces them fairly and strictly, there should be a decisive improvement in the employment services to veterans. It is an unfortunate fact that this improvement has not manifested itself up to this time.

The American Legion believes that there should be an Assistant Secretary of Labor for Veterans Employment, who will have authority and the access to the Secretary of Labor that is essential to provide veterans with the employment opportunities to which they are entitled. We urge Congressional support of measures to achieve this goal.

The American Legion in urging special consideration in providing employment opportunities for veterans, has supported such efforts for veterans with honorable discharges. Under the President's amnesty program, returning military deserters are entitled to preferential employment referral in any state employment office. We cannot agree with any effort to justify this equalization of consideration for deserters with those who honorably served.

RESTORATION OF VETERANS DAY TO NOVEMBER 11

Before I complete my remarks, I wish to digress from the discussion of specific legislation having to do with veterans benefits, to thank the Members of this Committee who have supported The American Legion's effort to persuade Congress to restore the observance of Veterans Day to November 11, where it belongs. Without reciting again all of the arguments supporting our desire to have this done, may I point out that as of this moment, 44 of the fifty states have returned the observance of Veterans Day within their jurisdiction to November 11, reflecting the overwhelming wish of the veterans residing in those states. Certainly, the observance of this holiday, which means so much to the nation's veterans, on a day that is meaningful to them, should be the overriding consideration of Congress.

November 11 is the day that marks the end of the first of the four wars in which our nation has engaged during the Twentieth Century. Its memory is sacred to all those who have borne arms, representing as it does, the tremendous sacrifice of the veterans of 1917 to 1918. The number of surviving veterans of the first World War continues to diminish. Many of them feel that their contribution to the nation is forgotten in the turmoil of events that have occurred since November 11, 1918. The continued consecration of that great day means much to them, and to the generations of veterans who have followed them. I know that the bill to restore Veterans Day to November 11, will be considered by another Committee. But I wish to say to the Members here today, that your continued support of our effort to have this bill enacted into law is very much appreciated.

Mr. Chairman, I have used the opportunity given us today, to appear before the Committee to speak to those matters that are of major concern to The American Legion this year. I request permission to submit, as a part of this presentation, a list of all the resolutions pertaining to our Veterans Affairs and Rehabilitation legislative program, to be made a part of the record of this hearing.

In closing, may I again express appreciation to the Congress, and particularly to this Committee, for your efforts on behalf of our nation's veterans. The American Legion is ever mindful of veterans' rights and benefits. We shall continue to look to Congress for help for all those of our less fortunate comrades, and of their families, who must have recourse to their Government to meet their needs.

A final word, if I may, to each of you to renew the invitation extended formally to all Members of Congress, to join the members of The American Legion now visiting the Capital City, at our Annual Dinner honoring the Congress, tomorrow evening at the Sheraton-Park Hotel. This is one small way we have of saying thank you, and of showing our appreciation and respect.

Thank you, Mr. Chairman.

NATIONAL CAPITAL SERVICE AREA ADEQUATE FOR DISTRICT OF COLUMBIA

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the District of Columbia Self-Government and Governmental Reorganization Act established the National Capital Service Area, NCSA, and provided for a full-time National Capital Service Director.

The purposes supposedly served by NCSA are in my judgment being adequately met by the District of Columbia without having an additional layer of bureaucracy created. This is especially important when consideration is given to the fact that the budgets of the District and Federal Governments are already faced with continually escalating demands. The establishment of a special Federal monitoring function is unnecessary. And in these times, we do not want Government spending money on unnecessary functions.

In addition, the fact that establishment of NCSA has potential for creating unnecessary problems of management jurisdictional disputes as well as possible conflicts between Federal and District officials as to who is in charge of what lends added support to the proposition that NCSA should be eliminated. It is essential that harmony exist between the Executive, Congress, and the District of Columbia government during the latter's stages of development. The factors outlined above can only hamper, if not become permanent obstacles to, development of that harmony.

Apparently, the District government is now providing adequate police and fire protection, and maintaining streets and sanitation service in NCSA under existing arrangements with the Federal Government. I am confident that the District government has the ability and the desire to continue to provide these necessary services in NCSA. Therefore, today I am introducing legislation repealing the National Capital Service Area section of the D.C. Home Rule Act. The text of my legislation follows:

H.R. 4394

A bill to amend the act entitled "To organize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes"

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That Public Law 93–198, approved December 24, 1973, is amended (a) by striking out section 739 (a), (b), (c), (d), (e), (f), (g) (1) (2), and (j); (b) by relettering section 739(g) (3) (4) (5) (6) (7) (8) (9) as section 739(a) (1) (2) (3) (4) (5) (6) (7); and (c) by relettering section 739 (h) and (i) as section 739 (b) and (c).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 60 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. Nowak, for 30 minutes, today, and to include extraneous matter.

(The following Members (at the request of Mr. Beard of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. Eshleman, for 10 minutes, today.

Mr. Bauman, for 30 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Mikva) to revise and extend their remarks and include extraneous material:)

Mr. Murphy of New York, for 10 minutes, today.

Ms. Abzug, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Bingham, for 10 minutes, today.

Mr. McKay, for 5 minutes, today.

Mr. Brodhead, for 5 minutes, today.

Mr. Davis, for 20 minutes, today.

Ms. Holtzman, for 10 minutes, today.

Mr. Ford of Michigan, for 5 minutes, today.

Mr. Brown of California, for 5 minutes, today.

Mr. Thompson, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Corman, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the Record, and is estimated by the Public Printer to cost $1,737.50.

(The following Members (at the request of Mr. Beard of Tennessee) and to include extraneous matter:)

Mr. Bell.

Mrs. Fenwick in five instances.

Mr. Whalen in two instances.

Mr. Horton in two instances.

Mr. Anderson of Illinois.

Mr. Shriver.

Mr. Hinshaw.

Mrs. Holt.

Mr. Kasten in two instances.

Mr. Erlenborn.

Mr. Gilman.

Mr. Hagedorn.

Mr. Bob Wilson.

Mr. Hammerschmidt.

Mr. Collins of Texas.

Mr. Hutchinson.

(The following Members (at the request of Mr. Mikva), and to include extraneous matter:)

Mr. Gonzalez in three instances.

Mr. Anderson of California in three instances.

Mr. Hamilton in four instances.

Mr. Nolan in two instances.

Mr. Evins of Tennessee.

Mr. Blouin.

Mr. Dent in two instances.

Mr. Corman.

Mr. Levitas.

Mr. Hefner.

Mr. Blanchard.

Mr. Fraser in 10 instances.

Mr. Stuckey.

Mr. Brodhead.

Mr. Drinan.

Mr. Charles Wilson of Texas.

Mr. Montgomery.

Mr. Burke of Massachusetts in two instances.

Mr. Fisher.

Mrs. Schroeder.

Mr. Moffett.

Mr. Bingham in 10 instances.

Mr. Dellums in 10 instances.

Mr. Litton.

Mr. Brooks.

Mrs. Sullivan.

Mr. Stokes in two instances.

Mr. Brown of California.

Mr. Diggs.

(The following Members (at the request of Mr. Nowak) and to include extraneous matter:)

Ms. Abzug in five instances.

Mr. Ginn.

Mr. Jones of Tennessee.

ADJOURNMENT

Mr. NOWAK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes p.m.) under its previous order, the House adjourned until Monday, March 10, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

502. A letter from the President of the United States, transmitting a proposed supplemental appropriation for fiscal year 1975 and a budget amendment for fiscal year 1976 for the Department of Labor (H. Doc. No. 94–71); to the Committee on Appropriations and ordered to be printed.

503. A letter from the Secretary of Health,

Education, and Welfare, transmitting a draft of proposed legislation to repeal certain acts making permanent appropriations and authorizing annual appropriations for the support of colleges of agriculture and mechanic arts; to the Committee on Agriculture.

504. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the program of financial assistance for local educational agencies in areas affected by Federal activity, and for other purposes; to the Committee on Education and Labor.

505. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of a proposed allocation formula and proposed program guidelines for the postsecondary education comprehensive planning grants program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

506. A letter from the Executive Secretary of the Department of Health, Education, and Welfare, transmitting notice of proposed allocation and application procedures for the State student incentive grant program for fiscal year 1975, pursuant to section 431 (d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

507. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed regulations and guidelines governing bilingual education programs, pursuant to section 431 (d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

508. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed rules for title IV of the Elementary and Secondary Education Act (Libraries, Learning Resources, Educational Innovation, and Support), as amended, pursuant to section 431 (d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

509. A letter from the Secretary of the Treasury and the Director, Office of Management and Budget, Executive Office of the President, transmitting the first annual report on their plans for addressing the needs of the committees and Members of Congress for fiscal, budgetary, and program-related information, pursuant to section 202(f) of the Legislative Reorganization Act of 1970, as amended (88 Stat. 328); to the Committee on Government Operations.

510. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the activities of the Department of State under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

511. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the activities of the Department of Health, Education, and Welfare under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

512. A letter from the Director, Central Intelligence Agency transmitting a report on the Agency's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

513. A letter from the General Counsel, Federal Communications Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

514. A letter from the Administrator, National Credit Union Administration, transmitting a report on the Administration's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

515. A letter from the President, Panama Canal Company, transmitting a report on the Company's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

516. A letter from the Assistant Secretary of the Interior, transmitting a report covering fiscal year 1974 on the disposal of foreign excess property by the Department of the Interior, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 514(d)]; to the Committee on Government Operations.

517. A letter from the Secretary of the Interior, transmitting supplements and amendments to the plan for the assumption of the assets of Menominee Enterprises, Inc., previously submitted pursuant to section 6 of Public Law 93–197; to the Committee on Interior and Insular Affairs.

518. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the management, protection, and development of the national resource lands, and for other purposes; to the Committee on Interior and Insular Affairs.

519. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report on the proposed Nueces River project, Texas, pursuant to section 9(a) of the Reclamation Project Act of 1939 [43 U.S.C. 485h (a)]; to the Committee on Interior and Insular Affairs.

520. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to increase benefits provided to American civilian interness in Southeast Asia; to the Committee on Interstate and Foreign Commerce.

521. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on student enumeration, requested in H. Rept. No. 92–1605, the conference report on the Social Security Amendments of 1972; to the Committee on Ways and Means.

Received from the Comptroller General

522. A letter from the Comptroller General of the United States, transmitting a report that the withholding of Federal Highway Administration appropriations for "Railroad-Highway Crossings Demonstration Project" and "Trust fund share of other Highway Program", pending the preparation of messages from the President proposing their rescission, constitutes a reservation of budget authority which has not been reported to the Congress by the President, pursuant to section 1015(a) of Public Law 93–344 (H. Doc. No. 94–72); to the Committee on Appropriations and ordered to be printed.

523. A letter from the Comptroller General of the United States, transmitting notice of his intention to bring civil action to require the release of certain budget authority which was proposed to be rescinded, on which Congress did not complete action during the statutory 45 days of continuous session which expired March 1, 1975, and which the President has not released, pursuant to section 1016 of Public Law 93–344 (H. Doc. No. 94–73); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADEMAS: Committee on House Administration. House resolution 77. Resolution authorizing the printing as a House document of the proceedings incident to the presentation of a portrait of the Hon. Charles C. Diggs, Jr. (Rept. No. 94–37). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 27. Concurrent resolution to provide additional copies of housing compilation (Rept. No. 94–38). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 44. Concurrent resolution providing for the printing of a revised edition of the House document, "Our American Government. What Is It? How Does It Function?"; with amendment (Rept. No 94–39). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 117. Concurrent resolution providing for the printing as a House document of the hearings and panels of the Select Committee on amendment (Rept. No. 94–39). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration, House Concurrent Resolution 145. Concurrent resolution authorizing the printing of additional copies of the joint committee print of the Committee on Education and Labor and the Committee on Labor and Public Welfare entitled "A Compilation of Federal Education Laws" (Rept. No. 94–41). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 146. Concurrent resolution authorizing the printing of a revised edition of the booklet entitled "The History and Operation of the House Majority Whip Organization (94th Congress)" (Rept. No. 94–42). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. House Resolution 275. Resolution providing funds for the expenses of the Committee on Ways and Means (Rept. No. 94–43). Referred to the House Calendar.

Mr. MAHON: Committee of Conference. Conference report on H.J. Res. 219 (Rept. No. 94–44). Ordered to be printed.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 25. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes; with amendment (Rept. No. 94–45). Referred the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 4346. A bill to establish a committee to be known as the International Women's Year American Women's Conference Planning Committee; to the Committee on Government Operations.

By Ms. ABZUG (for herself, Mrs. Boggs, Mrs. Burke of California, Mrs. Heckler of Massachusetts, Ms. Holtzman, Ms. Schroeder, and Mrs. Spellman):

H.R. 4347. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

By Ms. ABZUG (for herself, Mrs. Burke of California, Mr. Carr, Mr. Conyers, Mr. Edwards of California, Mr.

Fraser, Mr. Harrington, Ms. Holtzman, Mr. Mitchell of Maryland, Mr. Rosenthal, Mr. Scheuer, Ms. Schroeder, Mr. Solarz, Mrs. Spellman, Mr. Stark, Mr. Waxman, and Mr. Charles H. Wilson of California):

H.R. 4348. A bill to amend title 10 of the United States Code to provide that family planning services, supplies, and counseling be provided in facilities of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Ms. ABZUG (for herself, Ms. Boggs, Mrs. Burke of California, Mr. Carr, Mr. Conyers, Mr. de Lugo, Mr. Drinan, Mr. Edgar, Mr. Edwards of California, Mr. Ford of Tennessee, Mr. Gibbons, Mr. Hannaford, Mr. Harrington, Mr. Hawkins, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Rosenthal, Mr. Scheuer, Ms. Schroeder, Mr. Solarz, Ms. Spellman, Mr. Vander Veen, Mr. Charles H. Wilson of California, and Mr. Wolff):

H.R. 4349. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Ms. ABZUG (for herself, Mrs. Boggs, Mrs. Burke of California, Ms. Holtzman, Ms. Schroeder, and Mrs. Spellman):

H.R. 4350. A bill to provide equality of treatment for married women employees of the Federal Government under the Foreign Service Act of 1946; to the Committee on Foreign Affairs.

By Ms. ABZUG (for herself, Mr. Carr, Mr. Conyers, Mr. Drinan, Mr. Edwards of California, Mr. Harrington, Ms. Holtzman, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Rosenthal, Mr. Scheuer, Ms. Schroeder, Mr. Traxler, Mr. Vander Veen, and Mr. Charles H. Wilson of California):

H.R. 4351. A bill to prohibit any instrumentality of the United States from using as a prefix to the name of any person any title which indicates marital status, and for other purposes; to the Committee on Government Operations.

By Ms. ABZUG (for herself, Ms. Boggs, Mr. Brown of California, Mrs. Burke of California, Mr. Carr, Mr. Conyers, Mr. de Lugo, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Fraser, Mr. Gibbons, Mr. Harrington, Mr. Hawkins, Ms. Holtzman, Mr. Jeffords, Mr. Metcalfe, Ms. Meyner, Mr. Mitchell of Maryland, Mr. Rees, Mr. Roncalio, Mr. Rosenthal, Mr. Scheuer, and Ms. Schroeder):

H.R. 4352. A bill to grant child care centers status as educational institutions, and to assist such centers in raising capital by permitting donation of surplus Federal property for their use; to the Committee on Government Operations.

By Ms. ABZUG (for herself, Mr. Solarz, Mrs. Spellman, Mr. Symington, Mr. Tsongas, Mr. Vander Veen, Mr. Waxman, Mr. Charles H. Wilson of California, Mr. Charles Wilson of Texas):

H.R. 4353. A bill to grant child care centers status as educational institutions, and to assist such centers in raising capital status as educational institutions, and to assist such centers in raising capital by permitting donation of surplus Federal property for their use; to the Committee on Government Operations.

By Ms. ABZUG (for herself, Mrs. Boggs, Mrs. Burke of California, Mrs. Meyner, Ms. Schroeder, and Mrs. Spellman):

H.R. 4354. A bill to provide a remedy for sex and marital status discrimination by the insurance business with respect to the availability and scope of insurance coverage for women; to the Committee on Interstate and Foreign Commerce.

By Ms. ABZUG (for herself, Ms. Boggs, Mr. Brown of California, Mrs. Burke of California, Mr. Carr, Mr. Conyers, Mr. de Lugo, Mr. Drinan, Mr. Edgar, Mr. Edwards of California, Mr. Ford of Tennessee, Mr. Fraser, Mr. Gibbons, Mr. Harrington, Mr. Hawkins, Mr. Jeffords, Mr. Long of Maryland, Mr. Metcalfe, Mr. Miller of California, Mr. Mitchell of Maryland, Mr. Patten, Mr. Rees, Mr. Roncalio, Mr. Rosenthal, Mr. Scheuer):

H.R. 4355. A bill to amend the Crime Control Act of 1973 to establish a National Center for the Prevention and Control of Rape, and for other purposes; to the Committee on the Judiciary.

By Ms. ABZUG (for herself, Ms. Schroeder, Mr. Solarz, Mrs. Spellman, Mr. Symington, Mr. Traxler, Mr. Tsongas, Mr. Waxman, Mr. Charles H. Wilson of California, Mr. Charles Wilson of Texas, and Mr. Wolff):

H.R. 4356. A bill to amend the Crime Control Act of 1973 to establish a National Center for the Prevention and Control of Rape, and for other purposes; to the Committee on the Judiciary.

By Ms. ABZUG (for herself, Mrs. Boggs, Mrs. Burke of California, Ms. Holtzman, Mrs. Meyner, Ms. Schroeder, and Mrs. Spellman):

H.R. 4357. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to eliminate the special dependency requirement for entitlement to husband's or widower's benefits, to provide for the payment of benefits to widowed fathers with minor children, and to make the retirement test inapplicable to individuals with minor children who are entitled to mother's or father's benefits; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Ms. Boggs, Mrs. Burke of California, Mr. Carr, Mr. Conyers, Mr. de Lugo, Mr. Drinan, Mr. Edwards of California, Mr. Fraser, Mr. Harrington, Mr. Mitchell of Maryland, Mr. Rees, Mr. Roncalio, Mr. Rosenthal, Mr. Scheuer, Ms. Schroeder, Mr. Solarz, Mrs. Spellman, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Yates):

H.R. 4358. A bill to amend the Internal Revenue Code of 1954 in relation to deduction for business expenses for care of certain dependents; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mr. Brown of California, Mrs. Burke of California, Mr. Carr, Mr. Conyers, Mr. de Lugo, Mr. Drinan, Mr. Edwards of California, Mr. Fraser, Mr. Gibbons, Mr. Harrington, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Peyser, Mr. Rosenthal, Mr. Scheuer, Ms. Schroeder, Mr. Solarz, Mrs. Spellman, Mr. Vander Veen, Mr. Waxman, Mr. Charles H. Wilson of California, Mr. Charles Wilson of Texas, and Mr. Yates):

H.R. 4359. A bill to amend title II of the Social Security Act to reduce from 20 to 5 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.R. 4360. A bill to amend section 403(b) of the Federal Aviation Act of 1958 to require reduced-rate transportation for certain disabled veterans of the Armed Forces of the United States; to the Committee on Public Works and Transportation.

By Mr. ANDERSON of California:

H.R. 4361. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 4362. A bill to prohibit the importation into the United States of commercially produced domestic dog and cat animal products; and to prohibit dog and cat animal products moving in interstate commerce; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ASHLEY:

H.R. 4363. A bill to regulate commerce and conserve gasoline by improving motor vehicle fuel economy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4364. A bill to amend the Clean Air Act to postpone for a certain period the application of automobile emission standards and to provide that no new automobile safety standards shall be imposed for a period of 3 years, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN:

H.R. 4365. A bill to designate a national network of essential rail lines; to create a nonprofit Corporation to acquire and maintain rail lines; to require minimum standards of maintenance for rail lines; to provide financial assistance to such Corporation and to the State for rehabilitation of rail lines; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4366. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on the transportation of property by rail, motor vehicle, or water; to the Committee on Ways and Means.

By Mr. BADILLO:

H.R. 4367. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BOWEN (for himself, Mr. Beard of Tennessee, Mr. Carter, Mr. Dan Daniel, Mr. Derwinski, Mr. Duncan of Tennessee, Mr. Fithian, Mr. Gilman, Mr. Hanley, Mr. Hightower, Mr. Jones of North Carolina, Mr. Ketchum, Mr. Lott, Mr. Melcher, Mr. Mitchell of New York, Mr. Myers of Indiana, Mr. Perkins, Mr. Pressler, Mr. Preyer, Mr. Riegle, Mr. Spence, Mr. Steiger of Wisconsin, Mr. Stratton, and Mr. Yatron):

H.R. 4368. A bill to amend the Internal Revenue Code to encourage the continuation of family farms, and for other purposes; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 4369. A bill to amend the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CEDERBERG (for himself, Mr. Esch, Mr. Hutchinson, Mr. Ruppe, and Mr. Vander Jagt):

H.R. 4370. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Anderson of California, Mr. Bergland, Mr. Brademas, Mrs. Burke of California, Mr. Carney, Mr. Eckhardt, Mr. Howard, Mr. Koch, Mr. Maguire, Mr. Nedzi, Mr. Ryan, Mr.

Seiberling, Mrs. Spellman, Mr. Stokes, and Mr. Won Pat):

H.R. 4371. A bill to broaden the income tax base, provide equity among taxpayers, and to otherwise reform the income, estate, and gift tax provisions; to the Committee on Ways and Means.

By Mr. DAVIS:

H.R. 4372. A bill to amend title 37 of the United States Code in order to provide incentives for lawyers to enter and remain in the Armed Forces; to the Committee on Armed Services.

By Mr. DERWINSKI:

H.R. 4373. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EILBERG:

H.R. 4374. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such States, and for other purposes; jointly to the Committees on the Judiciary, Interior and Insular Affairs, and Foreign Affairs.

By Mr. ERLENBORN (for himself and Mr. Anderson of Illinois):

H.R. 4375. A bill to amend the Emergency Jobs and Unemployment Assistance Act of 1974 to provide that individuals performing instructional, research, or administrative services for educational institutions will not be eligible for unemployment compensation under such act for periods between academic years or terms; to the Committee on Education and Labor.

By Mr. ESHLEMAN (for himself, Mr. Erlenborn, and Mr. Quie):

H.R. 4376 A bill to amend the Higher Education Act of 1965 to decrease the amount of defaults under the guaranteed student loan program, to amend the Bankruptcy Act to limit the dischargeability in bankruptcy of educational debts, and for other purposes; to the Committee on Education and Labor.

By Mr. FINDLEY (for himself and Mr. Pressler):

H.R. 4377. A bill to amend the Agriculture and Consumer Protection Act of 1973, as amended, for the purpose of terminating the requirement for the prior approval of the export sales of agricultural commodities; to the Committee on Agriculture.

By Mr. FORD of Michigan (for himself, Mr. Blanchard, Mr. Brodhead, Mr. Broomfield, Mr. Brown of Michigan, Mr. Carr, Mr. Cederberg, Mr. Conyers, Mr. Diggs, Mr. Dingell, Mr. Esch, Mr. Hutchinson, Mr. Nedzi, Mr. O'Hara, Mr. Riegle, Mr. Ruppe, Mr. Traxler, Mr. Vander Jagt, and Mr. Vander Veen):

H.R. 4378. A bill to amend the Federal Meat Inspection Act in order to provide that States may not have less strict standards with respect to marketing, labeling, packaging, and ingredient requirements than those made under the Federal Meat Inspection Act; to the Committee on Agriculture.

By Mr. FRASER (for himself, Mr. Biester, Mr. Buchanan, Mr. Diggs, and Mr. Lloyd of California):

H.R. 4379 A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Bingham, Mr. Udall, Mr. Bedell, Mr. AuCoin, Mr. Badillo, Mr. Baucus, Mr. Bergland, Mr. Brodhead, Mr. Brown of California, Mrs. Collins of Illinois, Mr. Conyers, Mr. Cornell, Mr. Cotter, Mr. Dominick V. Daniels, Mr. Downey, Mr. Drinan, Mr. Edwards of California, Mr. Evans of Colorado, Mr. Florio, Mr. Gibbons, Mr. Harris, Mr. Hawkins, Mr. Hechler of West Virginia, and Mr. Helstoski):

H.R. 4380. A bill to provide that all petroleum imported into the United States after September 1, 1975, shall not be available for purchase other than by the Government of the United States; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. FRASER (for himself, Mr. Bingham, Mr. Udall, Mr. Bedell, Ms. Holtzman, Mr. Koch, Mr. Krebs, Mr. Leggett, Mr. Maguire, Mr. Meeds, Mr. Ottinger, Mr. Rosenthal, Mr. Solarz, Mrs. Spellman, Mr. Stokes, Mr. Studds, Mr. Tsongas, Mr. Vander Veen, Mr. Waxman, Mr. Weaver, Mr. Charles Wilson of Texas, Mr. Yates, Mr. Harkin, Mr. Bell, and Mr. Mineta):

H.R. 4381. A bill to provide that all petroleum imported into the United States after September 1, 1975, shall not be available for purchase other than by the Government of the United States; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. Buchanan, Mrs. Heckler of Massachusetts, Mr. Mottl, and Mr. Symington):

H.R. 4382. A bill to amend title 38, of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. FULTON:

H.R. 4383. A bill to amend the Internal Revenue Code of 1954 to provide that the privilege of filing joint returns shall be available only in the case of marriage partners having equal ownership, management, and control of the income, assets, and liabilities of the marriage partnership; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 4384. A bill to amend the Fair Packaging and Labeling Act to require certain labeling to assist the consumer in purchases of packaged perishable or semiperishable foods; to the Committee on Interstate and Foreign Commerce.

H.R. 4385. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4386. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on certain package goods to contain the name and place of business of the manufacturer, packer, and distributor; to the Committee on Interstate and Foreign Commerce.

H.R. 4387. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4388. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients and to disclose changes in such ingredients; to the Committee on Interstate and Foreign Commerce.

H.R. 4389. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4390. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 4391. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Interstate and Foreign Commerce.

By Mr. GINN:

H.R. 4392. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 4393. A bill to amend title 38 of the United States Code in order to require that all Federal retirement or annuity payments be disregarded in determining annual income under the veterans' pension laws; to the Committee on Veterans' Affairs.

By Mr. GUDE:

H.R. 4394. A bill to amend the act entitled "To reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

By Mr. HAMMERSCHMIDT:

H.R. 4395. A bill to amend the Food Stamp Act of 1964 to prohibit any individual from receiving food stamps who receives at least one-half of his income from any other individual who is a member of another household which is ineligible for food stamps; to the Committee on Agriculture.

H.R. 4396. A bill to amend the Emergency Livestock Credit Act of 1974 to provide additional temporary financial assistance to owners of livestock for the purpose of maintaining small farmers and ranchers and thereby preserving a competitive livestock production system; to the Committee on Agriculture.

H.R. 4397. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

H.R. 4398. A bill to permit the States to prepare environmental impact statements on Federal aid highway projects proposed by the State; to the Committee on Public Works and Transportation.

H.R. 4399. A bill to extend from 1 year to 2 years, the maximum period which may elapse between the sale of a residence and the purchase of another in order that gain from such sale will not be recognized for Federal income tax purposes; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 4400. A bill to require the President to include in the budget transmitted to Congress additional information showing the regional impact of the budget proposals by State and congressional districts, and for other purposes; to the Committee on Government Operations.

H.R. 4401. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to discolse the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods; to the Committee on Interstate and Foreign Commerce.

H.R. 4402. A bill to provide for the public design and construction of a minimum of seven full-scale facilities for the refining of petroleum products; to the Committee on Interstate and Foreign Commerce.

H.R. 4403. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4404. A bill to amend the Federal Power Act to prohibit public utilities from increasing any rate or charge for electric energy, by means of any fuel adjustment clause in a wholesale rate schedule, in order to reflect more than 50 percent of any increased fuel cost; to the Committee on Interstate and Foreign Commerce.

H.R. 4405. A bill to require the labeling of energy-intensive consumer goods with respect to the annual energy costs of operating these goods for an average owner; to the Committee on Interstate and Foreign Commerce.

H.R. 4406. A bill to amend section 8 of the Clayton Act to prohibit certain corporate management interlocking relationships, and for other purposes; to the Committee on the Judiciary.

H.R. 4407. A bill to prohibit the control of alternative energy sources by integrated oil companies; to the Committee on the Judiciary.

By Mr. SISK (for himself, Mr. Johnson of California, Mr. Krebs, Mr. McFall, Mr. Rees, and Mr. Ryan):

H.R. 4408. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees; to the Committee on Education and Labor.

By Mr. HARRINGTON:

H.R. 4409. A bill to amend the Internal Revenue Code of 1954 to allow individuals an additional income tax exemption for each dependent under the age of 19 who is disabled; to the Committee on Ways and Means.

H.R. 4410. A bill to impose certain taxes on energy industries and create certain incentives for energy investment and for other purposes; to the Committee on Ways and Means.

H.R. 4411. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

H.R. 4412. A bill to establish a National Resource Information System, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, and Interior and Insular Affairs.

H.R. 4413. A bill to amend the Coastal Zone Management Act of 1972 to broaden the planning and operating capabilities of the various States receiving grants under that act so that they might better manage the development of energy-related activities in their coastal zones; jointly to the Committees on Merchant Marine and Fisheries and the Judiciary.

By Mr HEFNER:

H.R. 4414. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

By Mr. HENDERSON (for himself and Mr. Derwinski) (by request):

H.R. 4415. A bill to amend the Intergovernmental Personnel Act of 1970 to provide more effective means to improve personnel administration in State and local governments; to correct certain inequities in the law; and to extend coverage under the law to the Trust Territory of the Pacific Islands; to the Committee on Post Office and Civil Service.

By Mr. HINSHAW:

H.R. 4416. A bill to amend title 38 of the United States Code to make more equitable the procedures for determining eligibility for benefits under the laws administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4417. A bill to provide for determination through judicial proceedings of claims for compensation on account of disability or death resulting from disease or injury incurred or aggravated in line of duty while serving in the active military or naval service, including those who served during peacetime, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HORTON:

H.R. 4418. A bill to amend title 35 of the United States Code to provide for public examination and review of claims relating to applications for patients; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 4419. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 4420. A bill to amend title II of the Social Security Act to provide that increases in monthly insurance benefits thereunder (whether occurring by reason of increases in the cost of living or enacted by law) shall not be considered as annual income for purposes of certain other benefit programs; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 4421. A bill to provide for the appointment of additional district judges, and for other purposes; to the Committee on the Judiciary.

H.R. 4422. A bill to authorize additional judgeships for the U.S. courts of appeals; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. Bedell, Mr. Blanchard, Mr. Coughlin, Mr. Ford of Tennessee, Mr. Hicks, Mr. Maguire, Mr. Ryan, Mr. Seiberling, and Mr. Solarz):

H.R. 4423. A bill to prohibit the introduction into interstate commerce of nonreturnable beverage containers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Oklahoma:

H.R. 4424. A bill to establish a National Commission on Regulatory Reform; to the Committee on Interstate and Foreign Commerce.

By Ms. JORDAN (for herself and Mr. Charles Wilson of Texas):

H.R. 4425. A bill to amend the Voting Rights Act of 1965 to extend its coverage; to the Committee on the Judiciary.

By Mr. KARTH (for himself, Mrs. Burke of California, Mr. Drinan, and Mr. Wolff):

H.R. 4426. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Public Works and Transportation.

By Mr. LENT:

H.R. 4427. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

H.R. 4428. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LITTON (for himself, Mr. Moorhead of California, Mr. Martin, Mr. AuCoin, Mr. Hyde, and Mr. McKinney):

H.R. 4429. A bill to amend the Food Stamp Act of 1964 to prohibit any individual from receiving food stamps who receives at least one-half of his income from any individual who is a member of another household which is ineligible for food stamps; to the Committee on Agriculture.

By Mr. LITTON (for himself, Mr. Downey, Mr. Harrington, Mr. Coughlin, and Mr. Ryan):

H.R. 4430. A bill to amend the Higher Education Act of 1965 to provide that institutions of higher education and vocational schools shall not be eligible for purposes of federally assisted student loans unless they carry out a policy of tuition refunds for students who withdraw from courses of study at such institutions or schools, and for other purposes; to the Committee on Education and Labor.

By Mr. LITTON (for himself, Mr. AuCoin, Mr. Treen, Mr. Santini, Ms. Burke of California, Mr. Pattison of New York, Mr. Lent, Mr. Hannaford, Mr. Evans of Indiana, and Mr. Harrington):

H.R. 4431. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the Administrator of the Small Business Administration may render onsite consultation and advice to certain small business employers to assist such employers in providing safe and healthful working conditions for their employees; to the Committee on Education and Labor.

By Mr. LITTON (for himself and Mr. Santini):

H.R. 4432. A bill to provide an excise tax on every new automobile in an amount relating to the portion of such automobile's fuel consumption rate which falls below certain standards, to provide an Energy Research and Development Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. Pressler, Mr. Duncan of Tennessee, Mr. Long of Maryland, Mrs. Keys, Mr. Downey, Mr. Anderson of Illinois, Mr. Drinan, Mr. Brodhead, and Mr. Helstoski):

H.R. 4433. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mr. Teague, Mr. Udall and Mr. Bergland):

H.R. 4434. A bill to establish a National Energy and Conservation Corporation (AMPOWER), and for other purposes; jointly to the Committees on Interior and Insular Affairs, and Science and Technology.

By Mr. MOLLOHAN (for himself, Mr. Alexander, Mr. Burke of Massachusetts, Mr. Carter, Mr. Davis, Mr. Edwards of California, Mr. Guyer, Mr. Harrington, Mr. Lloyd of California, Mr. Mitchell of New York, Mr. Ottinger, Mr. Roe, Mr. Treen, Mr. Waggonner, and Mr. Charles H. Wilson of California):

H.R. 4435. A bill to amend the Comprehensive Employment and Training Act of 1973 to provide that a unit of general local government having a population of 50,000 or more shall be eligible to be a prime sponsor; to the Committee on Education and Labor.

By Mr. MOLLOHAN (for himself, Mr. Bauman, Mr. Carter, Mr. Eilberg, Mr. English, Mr. Fish, Mr. Gaydos, Mr. Goodling, Mr. Green, Mr. Harsha, Mr. Hinshaw, Mr. Howe, Mr. Ichord, Mrs. Lloyd of Tennessee, Mr. McCollister, Mr. Morgan, Mr. Murtha, Mr. Nix, Mr. Preyer, Mr. Roybal, Mr. Satterfield, Mrs. Schroeder, Mr. Sebelius, Mr. Simon, and Mr. Vander Veen):

H.R. 4436. A bill to repeal sections 102 and 202 of the Flood Disaster Protection Act of 1973 which make flood insurance coverage and community participation in the national flood insurance program prerequisites for approval of any financial assistance in a flood hazard area, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. MOLLOHAN (for himself, Mr. Breaux, Mr. Coughlin, Mr. Hastings, Mr. Ketchum, Mr. Montgomery, Mr. Ryan, Mr. Scheuer, Mr. Thornton, Mr. Vigorito, and Mr. Wiggins):

H.R. 4437. A bill to repeal sections 102 and 202 of the Flood Disaster Protection Act of 1973 which make flood insurance coverage and community participation in the national flood insurance program prerequisites for approval of any financial assistance in a flood hazard area, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. MORGAN (for himself, Mr. Zablocki, Mr. Biester, Mr. Bingham, Mr. Burke of Florida, Mr. Bonker, Ms. Collins of Illinois, Mr. Diggs, Mr. du Pont, Mr. Fascell, Mr. Findley, Mr. Fountain, Mr. Fraser, Mr. Hamilton, Mr. Harrington, Mr. Hays of Ohio, Ms. Meyner, Mr. Nix, Mr. Riegle, Mr. Rosenthal, Mr. Ryan, Mr. Solarz, Mr. Taylor of North Carolina, and Mr. Whalen):

H.R. 4438. A bill to provide for congressional review of international executive agreements which create a national commitment; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. Charles Wilson of Texas, Mr. Wolff, and Mr. Yatron):

H.R. 4439. A bill to provide for congressional review of international executive agreements which create a national commitment; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York:

H.R. 4440. A bill to require the Secretary of the Department in which the Coast Guard is operating to certify sites adjacent to the navigable waters of the United States which are suitable for the location of liquefied natural gas storage terminals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEYSER:

H.R. 4441. A bill to prevent the estate tax law from operating to encourage or to require the destruction of open lands and historic places, by amending the Internal Revenue Code of 1954 to provide that real property which is farmland, woodland, or open land and forms part of an estate may be valued, for estate tax purposes, at its value as farmland, woodland, or open land (rather than at its fair market value), and to provide that real property which is listed on the National Register of Historic Places may be valued, for estate tax purposes, at its value for its existing use, and to provide for the revocation of such lower evaluation and recapture of unpaid taxes with interest in appropriate circumstances; to the Committee on Ways and Means.

By Mr. PICKLE (for himself, Mrs. Boggs, Mr. Anderson of California, Mr. Waggonner, Mr. Treen, Mr. Wright. Mr. Long of Louisiana, Mr. Van Deerlin, Mr. Waxman, and Mr. Krueger):

H.R. 4442. A bill to amend the Emergency Petroleum Allocation Act of 1973 (Public Law 93–159) to exempt the first sale of the share of a State or local government or a subdivision thereof in crude oil produced in the United States from the mineral or leasehold estate of any State or local government or subdivision owned lands, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL:

H.R. 4443. A bill to establish treatment and rehabilitation programs for drug dependent members of the Armed Forces; to the Committee on Armed Services.

H.R. 4444. A bill to extend authorizations for appropriations for the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking, Currency and Housing.

H.R. 4445. A bill to prevent the exportation of certain substances and herbicides from the United States; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Ms. Abzug, Mr. Anderson of California, Mr. AuCoin, Mr. Baldus, Mr. Blanchard, Mrs. Burke of California, Mr. Carr, Mr. D'Amours, Mr. Danielson, Mr. Dingell, Mr. Downey, Mr. Edgar, Mr. Florio, Mr. Ford of Michigan, Mr. Ford of Tennessee, Mr. Helstoski, Mr. Hicks, Ms. Holtzman, Mr. Hughes, Mr. LaFalce, Mrs. Lloyd of Tennessee, Mr. Meeds, Mr. Mitchell of Maryland, and Mr. Mosher);

H.R. 4446. A bill to amend the Employment Act of 1946 with respect to stability of the general price level; to the Committee on Government Operations.

By Mr. RIEGLE (for himself, Mr. Rangel, Mr. Rosenthal, Ms. Spellman, Ms. Schroeder, Mr. Thompson, Mr. Vigorito, Mr. Charles Wilson, of Texas, Mr. Pattison of New York, and Mr. Wirth):

H.R. 4447. A bill to amend the Employment Act of 1946 with respect to stability of the general price level; to the Committee on Government Operations.

By Mr. RIEGLE (for himself, Mr. Brodhead, Mrs. Burke of California, Mrs. Collins of Illinois, Mr. Conyers, Mr. Downey, Mr. Ford of Michigan, Mr. Ford of Tennessee, Mr. Gilman, Mr. Hechler of West Virginia, Mr. Mitchell of Maryland, Mr. Nix, Mr. Ottinger, Mr. Pattison of New York, Mr. Rangel, Mr. Richmond, Mr. Roybal, Mr. St Germain, Mr. Solarz, Mrs. Spellman, and Mr. Waxman):

H.R. 4448. A bill to amend the Social Security Act to establish a program of food allowance for older Americans; jointly to the Committees on Agriculture, and Ways and Means.

By Mr. ROONEY (for himself, Mr. Skubitz, Mr. Hungate, and Mr. Santini):

H.R. 4449. A bill to authorize appropriations to the Secretary of Commerce for the promotion of tourist travel; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 4450. A bill to provide compensation for beef, swine, poultry, and egg producers and farmers, dairy farmers, and manufacturers of dairy products; to the Committee on Agriculture.

H.R. 4451. A bill to amend section 103(c)(4) of the Internal Revenue Code of 1954 to permit industrial development bonds to be issued to finance recycling facilities; to the Committee on Ways and Mans.

By Mr. SEIBERLING:

H.R. 4452. A bill to amend the Internal Revenue Code of 1954 to repeal the manufacturers excise tax on tires, inner tubes, and tread rubber; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 4453. A bill to provide compensation for the injury, illness, disability, or death of employees in agriculture, and for other purposes; to the Committee on Education and Labor.

H.R. 4454. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on olives; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 4455. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. STEIGER of Arizona:

H.R. 4456. A bill to amend the Internal Revenue Code of 1954 to provide that a cooperative housing corporation, condominium management association, or residential real estate management association, shall not be taxed on the assessments, fees, charges, etc., paid to it by its members; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 4457. A bill to amend the Securities Exchange Act of 1934; to the Committee on Interstate and Foreign Commerce.

By Mrs. SULLIVAN:

H.R. 4458. A bill to amend the Fishermen's Protective Act of 1967 to repeal the provision which grants the President authority, on the basis of U.S. national interests, to disapprove the transfer of foreign assistance funds from the intended recipient country because of an unsatisfied claim under this act against such country; to the Committee on Merchant Marine and Fisheries.

By Mr. TALCOTT:

H.R. 4459. A bill to extend the boundaries of the Los Padres National Forest in California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4460. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. TEAGUE (for himself and Mr. Mosher):

H.R. 4461. A bill to establish a science and technology policy for the United States, to provide for scientific and technological advice and assistance to the President, to provide adequate administrative organization to assure effective Federal support and utilization of research and development to amend the National Aeronautics and Space Act of 1958, to amend the National Science Foundation Act of 1950, and for other purposes; jointly to the Committees on Science and Technology and Government Operations.

By VANDER VEEN (for himself, Ms. Abzug, Mr. AuCoin, Mr. Blanchard, Mr. Blouin, Mr. Brodhead, Mr. Brown of California, Mr. Carney, Mr. Carr, Mr. Conyers, Mr. Dingell, Mr. Eilberg, Mr. Fascell, Mr. Ford of Michigan, Mr. Hawkins, Mr. Hechler of West Virginia, Ms. Holtzman, Mr. Mazzoli, Mr. O'Hara, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Russo, Mr. Ryan, and Mr. Solarz):

H.R. 4462. A bill to amend the Emergency Jobs and Unemployment Assistance Act of 1974 so as to increase from 26 to 39 the maximum number of weeks for which an individual may receive unemployment assistance under the special unemployment assistance program established by title II of such act; to the Committee on Education and Labor.

By Mr. VANDER VEEN (for himself, Mrs. Spellman, Mr. Stark, Mr. St Germain, and Mr. Waxman):

H.R. 4463. A bill to amend the Emergency Jobs and Unemployment Assistance Act of 1974 so as to increase from 26 to 39 the maximum number of weeks for which an individual may receive unemployment assistance under the special unemployment assistance program established by title II of such act; to the Committee on Education and Labor.

By Mr. VANDER VEEN (for himself, Ms. Abzug, Mr. AuCoin, Mr. Blanchard, Mr. Blouin, Mr. Brodhead, Mr. Brown of California, Mr. Carney, Mr. Carr, Mr. Conyers, Mr. D'Amours, Mr. Dingell, Mr. Eilberg, Mr. Fascell, Mr. Ford of Michigan, Mr. Hawkins, Mr. Hechler of West Virginia, Ms. Holtzman, Mr. Mazzoli, Mr. O'Hara, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Russo, and Mr. Ryan):

H.R. 4464. A bill to amend the Emergency Unemployment Compensation Act of 1974 so as to increase from 13 to 26 the maximum number of weeks for which an individual may receive emergency compensation thereunder; to the Committee on Ways and Means.

By Mr. VANDER VEEN (for himself, Mr. Solarz, Mrs. Spellman, Mr. Stark, Mr. St Germain, Mr. Tsongas, and Mr. Waxman):

H.R. 4465. A bill to amend the Emergency Unemployment Compensation Act of 1974 so as to increase from 13 to 26 the maximum number of weeks for which an individual may receive emergency compensation thereunder; to the Committee on Ways and Means.

By Mr. WALSH:

H.R. 4466. A bill to amend the Internal Revenue Code of 1954 to allow individuals who have attained age 65 a deduction for volunteer services performed for certain charitable organizations; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself, Mr. Downey, Mr. Helstoski, Mr. McKinney, Mr. Morgan, Mr. Murphy of Illinois, and Mr. Ryan):

H.R. 4467. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in petstores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. WHITEHURST (for himself and Mr. Sarasin):

H.R. 4468. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in petstores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. WHITEHURST (for himself, Mr. D'Amours, Mr. Hinshaw, Mr. Lloyd of California, Mr. Moorhead of California, and Mrs. Spellman):

H.R. 4469. A bill to direct the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense; to the Committee on Armed Services.

By Mr. WHITEHURST (for himself, Mr. Gilman, Mr. Hicks, Mr. Mazzoli, and Mr. Yates):

H.R. 4470. A bill to amend the Federal law relating to the protection, management, and control of wild free-roaming horses and burros on public lands in order to provide the authority needed to properly manage wild horses and burros in harmony with wildlife and other uses of the national resource land; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST (for himself, Mrs. Heckler of Massachusetts, Mr. Pattison of New York, Mr. Charles Wilson of Texas, and Mr. Winn):

H.R. 4471. A bill to amend title 38, United States Code, to provide that remarriage of the widow of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. WHITEHURST (for himself and Mr. Young of Florida):

H.R. 4472. A bill to amend title 38, United States Code, to provide that remarriage of the widow of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. CHARLES WILSON of Texas (for himself, Mr. Brooks, Mr. Casey, Mr. Eckhardt, Mr. Gonzalez, Mr. Hightower, Ms. Jordan, Mr. Mahon, Mr. Patman, Mr. Pickle, Mr. Poage, Mr. White, Mr. Wright, and Mr. Steelman):

H.R. 4473. A bill to designate a unit of the Big Thicket National Preserve as the "Ralph Yarborough Unit"; to the Committee on Interior and Insular Affairs.

By Mr. WINN (for himself, Mr. Mann, Mr. Hammerschmidt, Mr. Wolff, Mr. Hannaford, Mr. Henderson, and Mr. Conte):

H.R. 4474. A bill to amend the Internal Revenue Code of 1954 to treat the amounts paid for custodial care by institutions of certain dependents as amounts paid for medical care; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 4475. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. YOUNG of Florida:

H.R. 4476. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Ms. ABZUG (for herself, Ms. Boggs, Mr. Brown of California, Mrs. Burke of California, Mr. Carr, Mr. Conyers, Mr. de Lugo, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Gibbons, Mr. Harrington, Ms. Holtzman, Mr. Metcalfe, Mrs. Meyner, Mr. Mitchell of Maryland, Mr. Patten, Mr. Rosenthal, Mr. Scheuer, Mrs. Schroeder, Mr. Solarz, Mrs. Spellman, Mr. Stark, and Mr. Tsongas):

H.R. 4477. A bill to prohibit discrimination on the basis of sex and marital status, and for other purposes; to the Committee on the Judiciary.

By Mrs. ABZUG (for herself, Mr. Brown of California, Mrs. Burke of California, Mr. Carr, Mr. Conyers, Mr. de Lugo, Mr. Edwards of California, Mr. Eilberg, Mrs. Fenwick, Mr. Ford of Tennessee, Mr. Fraser, Mr. Harrington, Mr. Hawkins, Ms. Holtzman, Mr. Long of Maryland, Mr. Metcalfe, Mr. Miller of California, Mr. Mitchell of Maryland, Mr. Rosenthal, Mr. Scheuer, Ms. Schroeder, Mr. Solarz, Mr. Stark, Mr. Symington, and Mr. Traxler):

H.J. Res. 286. Joint resolution designating August 26 of each year as Women's Equality Day: to the Committee on Post Office and Civil Service.

By Ms. ABZUG (for herself, Mr. Waxman, Mr. Charles H. Wilson of California, Mr. Charles Wilson of Texas, and Mr. Wolff):

H.J. Res. 287. Joint resolution designating August 26 of each year as Women's Equality Day; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD:

H.J. Res. 288. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. GINN:

H.J. Res. 289. Joint resolution to authorize the Secretary of the Interior to designate the site of the Battle of Savannah of 1779 as the Savannah Battlefield National Memorial; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER of Massachusetts:

H.J. Res. 290. Joint resolution granting a Letter of Marque; to the Committee on Foreign Affairs.

By Mr. LEVITAS:

H.J. Res. 291. Joint resolution to establish a National Commission on Social Security; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.J. Res. 292. Joint resolution providing for the designation of the first week in May of each year as Be Kind to Animals Week; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD:

H. Con. Res. 164. Concurrent resolution designating June 6 of each year as "Liberation Day"; to the Committee on Post Office and Civil Service.

By Mr. DERWINSKI (for himself, Mr. Annunzio, Mr. Bafalis, Mr. Broomfield, Mr. Burke of Massachusetts, Mr. Crane, Mr. Dingell, Mr. Fraser, Mr. Gude, Mr. Horton, Mr. Kelly, Mr. Koch, Mr. McClory, Mr. O'Brien, Mr. Rousselot, Mr. Sarasin, Mr. Stratton, and Mr. Yatron):

H. Con. Res. 165. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. HANNAFORD (for himself, Mr. Badillo, Mr. Breckinridge, Mr. D'Amours, Mr. Edwards of California, Mr. Ford of Tennessee, Mr. Krueger, Mrs. Lloyd of Tennessee, Mr. Mitchell of Maryland, Mr. Mitchell of New York, Mr. St Germain, Mrs. Spellman, Mr. Spence, Mr. Yatron, Mr. Won Pat, and Mr. Young of Alaska):

H. Con. Res. 166. Concurrent resolution expressing the opposition of the Congress to any change in the present method of providing financial support for military commissaries through appropriations to meet their payroll costs; to the Committee on Armed Services.

By Mr. LONG of Maryland (for himself, Mr. Roe, Mr. Sarbanes, Mr. Roybal, Mr. Ottinger, Mr. Ryan, Mr. Hicks, Mr. Frey, Mr. Lehman, Mr. Stark, Mr. Solarz, Mr. Flood, Ms. Schroeder, Mr. Mazzoli, Mr. Brodhead, Mr. Harrington, Mr. Tsongas, Mr. Maguire, Mr. Karth, Mr. Badillo, and Ms. Holtzman):

H. Con. Res. 167. Concurrent resolution urging the telephone and hearing aid industries to provide full access to telephone communications for hearing aid users; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN:

H. Con. Res. 168. Concurrent resolution authorizing a bust or statue of Martin Luther King, Jr., to be placed in the Capitol; to the Committee on House Administration.

By Ms. ABZUG (for herself, Mrs. Boggs, Mrs. Burke of California, Mrs. Heckler of Massachusetts, Ms. Holtzman, Ms. Schroeder, and Mrs. Spellman):

H. Res. 276. Resolution providing for investigations and studies by standing committees of the House of Representatives to ascertain and identify those areas in which differences in treatment or application, on the basis of sex, exist in connection with the administration and operation of those provisions of law under their respective jurisdictions, and for other purposes; to the Committee on Rules.

By Mr. HARRINGTON:

H. Res. 277. Resolution creating a Select Committee on Children to conduct an investigation and study of social conditions adversely affecting the development of children; to the Committee on Rules.

By Mr. MORGAN (for himself, Mr. Broyhill, Ms. Collins of Illinois, Mr. Hammerschmidt, Mr. Hannaford, Mr. Hays of Ohio, Mr. Hayes of Indiana, Mr. McEwen, Mr. Mann, Mr. Oberstar, Mr. Sarasin, and Mr. Sisk):

H. Res. 278. Resolution expressing the sense of the House of Representatives with respect to the missing in action in Southeast Asia and the Paris Agreement; to the Committee on Foreign Affairs.

By Mr. RANGEL:

H. Res. 279. Resolution creating a select committee to conduct an investigation of the nationalization of the oil industry; to the Committee on Rules.

By Mr. RUPPE:

H. Res. 280. Resolution to authorize the Committee on the Judiciary to conduct an investigation and study of the decision of the Supreme Court of the United States relating to the practice of abortion; to the Committee on Rules.

By Mr. ST GERMAIN:

H. Res. 281. Resolution disapproving the deferral of budget authority relating to comprehensive planning grants (deferral No. D 75–107) which is proposed by the President in his special message of November 26, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

By Mr. STAGGERS:

H. Res. 282. Resolution to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EARLY:

H.R. 4478. A bill for the relief of Jorge Claudio Raholin, Angelica Celina (Otamendi) Raholin, Gerardo Gabriel Raholin, and Vilma Myriam Raholin; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 4479. A bill to amend the act entitled "An Act to incorporate the American University", approved February 24, 1893; to the Committee on the District of Columbia.

By Mr. REUSS:

H.R. 4480. A bill for the relief of Gary Daves and Marc Cayer; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

FELIX R. McKNIGHT ON DEFICIT FINANCING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. COLLINS of Texas. Mr. Speaker, inflation remains the No. 1 concern of the American people. Inflation is caused by our congressional overspending. Some optimists predict $52 billion, but a fair outlook would be $85 billion from a peacetime budget.

Congress is spending this country into escalating inflation. A concise editorial on this deficit financing was written on February 26, by Felix R. McKnight of the Dallas Times Herald. Here are the highlights of the McKnight comments.

DEFICIT FINANCING

Since the depression days of Franklin Delano Roosevelt there have been "emergency" federal deficits that have been rationalized in the same tireless rhetoric.

If we all hang in there with the good old American genius we will contain and counterbalance the rush to bankruptcy with boundless growth of the Gross National Product—the dollar measurement in goods and services the national economy produces each year.

So say the soothing rationalizers, the latest of which is outgoing Budget Director Roy L. Ash. In reassuringly holding our hands to allay fears about what The Daily Oklahoman aptly terms "the creeping debacle," Mr. Ash reasons:

"The upcoming $35 billion deficit for the fiscal year ending next June 30 will equal only about 2.4 percent of the $1.43 trillion estimated GNP for 1975. And the $50 billion deficit in prospect for the ensuing fiscal year will amount only to about 3.2 of the estimated $1.6 trillion GNP of 1976."

But, in Mr. Ash's shell game, he does not reveal that under that first shell at the right, is a massive spending program by federal, state and local governments that represents precisely one-third of the total Gross National Product.

Further, President Ford, in recent brooding over the growing enormity of federal assistance programs that are part of the GNP, observed:

"Were the growth of domestic assistance programs to continue for the next two decades at the same rate as in the past 20 years, total government spending would grow to more than half our national output. We cannot permit this to occur."

But, it keeps occurring and when we get to a national health program, expanding Social Security and a few other items being held in the wings, the courtship with bankruptcy nears the ring-giving stage.

Today, with the deficit at near $500 billion, and likely to pass $600 billion by mid-1976, the "temporary" emergencies still exist and we rocket on to fiscal ruin.

No economist, to be certain, but as a concerned citizen who thumbed back into history's New Deal, Fair Deal, New Frontier and Great Society programs designed to solve the myriad of social, business and individual problems through federal financing, one gets a bit gunshy.

It all leads to deficit financing and, as a San Diego colleague reminds, deficit seems to have only two consequences. One drains capital away from the private sector of the economy which creates productive jobs with its capital investments.

The other is a thoughtless expansion of the money supply which will subject the healthy part of our economy to further inroads of inflation, the most serious threat it faces.

It took 60 years, from 1789 to 1848, for the U.S. government to spend one billion dollars.

Next year, under projections of the Ford Administration, it will take barely a day for the government to spend one billion dollars.

And away we go on another "emergency" that could cost a trillion in three years of the Ford Administration. Indeed, the flirtation with national bankruptcy is real. And Washington will be the scene of the wedding.

PRAYER IN RURAL AMERICA

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. NOLAN. Mr. Speaker, Pastor Richard Peterson is serving the people of rural America by bringing together men, women, and children of every faith with the power of prayer.

With your permission, Mr. Speaker, I will append a brief statement describing Pastor Pete's work in rural America so that all Americans can be made aware of the ministry of prayer.

The statement follows:

Prayer Power, Inc. is a truly Rural American venture. It is the only directed prayer ministry in the United States with headquarters in Rural America, that ministers exclusively to Rural America.

Its goals are to help save rural America, build better business and strengthen the church. This will be done through united, directed Christian Prayer. Three prayer times have been set aside daily to correspond with Biblical times of prayer—9:00 A.M., 12:00 noon and 9:45 P.M.—Ps 55:11, Daniel 6:10, Acts 10.

This is part of God's prophetic ministry in keeping with the Bible, the foundation of the great freedom documents of our nation. This prophecy was given to Pastor Pete, "The one chance to save Rural America is through united Christian Prayer," thus saith the Lord. (see II Chronicles 7:14 for parallel)

From its beginning on one station, KMHL, Marshall, Mn., with a forty mile radius, June 6, 1971—this ministry is now covering eight states and parts of Canada with sixteen one half hour broadcasts each week. Its projection is a daily prayer call program, "Prayerways to Peace" three times daily to call Christians in Rural American states to prayer. This is ready for launching in the spring of 1975. Daily prayers are prayed seven days a week and on all broadcasts for our President and all in positions of leadership in our nation.

No nation in world history has remained strong two generations beyond the time it lost its strong Rural population. Rural America is the Nation's Heartland with the lines of food, fibre and young men and women transfusing our nation. Prayer Power, Inc. is geared to keep Rural America strong and make it stronger through daily, united directed prayer. Anyone needing prayer can call anytime night or day for prayer.

This organization is not tied to any organized body but is native American. America was built by "Uncommon, common men" and we believe it will be rebuilt the same way—Prayer Power is people oriented—Prayer Power is people. Praying people united in daily prayer. Our priority in this ministry is people and no one is turned away regardless of circumstances—People have priority in Prayer Power, Inc.

If other parts of the nation would like to begin a similar movement we would be only too happy to assist them in any way.

As the Pilgrim Fathers covenanted in the Mayflower compact, "To The Glory of God," this is our aim to glorify the God who has given us this great land.

EVERETT E. SCHELL

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. BELL. Mr. Speaker, on Saturday, March 22, 1975, at the Century Plaza Hotel in Century City, Calif., Mr. Everett E. Schell will be honored at a testimonial dinner hosted by the City of Hope Medical Center.

A native of the Midwest, Everett Schell has been making influential contributions to labor relations for over three decades. He was elected in 1946 and served as executive secretary of the Metal Trades Council of Southern California. He has served as business manager of the Southern California Trades Council No. 16 since 1952, and as vice president of the California State Building Trades Council since 1966.

He has served as delegate to 18 California State Building Trades Conventions and 25 State AFL–CIO Conventions. He has been a member of the Pacific Coast Metal Trades Negotiating Committee for 5 years, the Los Angeles Building Trades Minority Plan, and advisory member of the Piping Industry and Education Fund of Southern California since 1959.

He has served on the Los Angeles County District Attorney Advisory Committee since 1964 and the California Attorney General's Advisory Committee since 1970.

On January 1 of last year, Everett Schell became vice president of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

On Saturday evening, the Spirit of Life Award will be presented to Everett Schell for his outstanding contributions to his fellow men as an exemplary labor leader and humanitarian, and a research fellowship will be established in his name at the City of Hope.

Everett Schell richly deserves this tribute. He has contributed so much to industry, the cause of better labor relations, and to the community. His humanitarian ideals and aspirations closely parallel the great principles of the beneficiary of this Testimonial—the City of Hope and its pioneering programs of research and healing.

For these reasons, Mr. Speaker, it is with special pleasure that I call attention to the honor which is being paid to Mr. Schell on March 22. It is a tribute which reflects the regard and respect of all who are privileged to know him.

DO WE NEED SHERLOCK HOLMES TO SOLVE THE INFLATION MYSTERY?

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Ms. ABZUG. Mr. Speaker, I would like to share with my colleagues the witty insights and wise remedies for the current inflation-recession which appeared in a guest editorial in the Riverdale Press in its January 30 issue:

PRESIDENT FORD, SHERLOCK HOLMES AND THE MYSTERY OF THE GREAT INFLATION

(By Jay I. Olnek)

SCENE: The Oval Room in the White House, Washington, D.C.

President FORD: "Do come in, Mr. Holmes. I am so happy you accepted my invitation."

SHERLOCK HOLMES: "It is indeed an honor to be invited, Mr. President. May I know the purpose of this meeting?"

President FORD: "I am sure you are well aware of the problem besetting the dollar. Every year, its value becomes less and less. Ordinarily, this would be a problem to be handled by my economists. However, every time I meet with them, I get a headache. One economist very learnedly presents one recommendation. Another economists uses equally learned language to recommend the exact opposite. After every meeting, I must rush out and take two aspirins.

"Betty has become concerned about my health. As a last resort, I am seeking your help."

SHERLOCK HOLMES: "This is a little out of my field. But let us examine the evidence. Perhaps it can show us a way . . ."

THE TWELVE CLUES

Clue No. 1: The escalation of the interest rate proved ineffective.

Inflation ordinarily is caused by excessive demand for a limited supply of goods. Following basic economic doctrine, the Government attempted to limit demand by increasing the interest rate to an astronomical figure. The inflation continued apace, although demand was reduced. In fact, demand for goods within the country was reduced to such an extent that we went into a recession, and the Government is now following a reverse course with respect to the interest rate.

Is it possible that the excessive demand for American goods comes from outside the country rather than within the country?

Clue No. 2: Reduced Government spending proved ineffective.

Both President Nixon and the present Administration failed to spend the full monies appropriated by the Congress in an attempt to limit inflation. With less money going into circulation within the country, there was less purchasing by Americans. Again, this seemed to make no difference to the rapid advance of inflation.

Is it foreign rather than American purchasing power, that is causing this inflation?

Clue No. 3: Inflation is world-wide.

In the past, we have seen inflation beset one particular country or another because of economic conditions within the country involved. Now the entire world (except for the communist countries) is going beserk. What makes inflation spread from one country to another?

Countries relate to each other economically through international trade.

Clue No. 4: Devaluation of the Dollar.

President Nixon wanted to obtain a more favorable balance of our international trade so he, on two occasions, reduced the value of the dollar. This made American goods much more attractive, price-wise to foreign countries. The demand for American goods was increased—and our rate of inflation was also increased from approximately 6% to the double-digit figures now besetting us.

With the devaluation of the dollar, foreign currencies were worth more dollars, all at once. Was devaluation of the dollar something akin to printing billions of dollar bills, putting them into airplanes, flying all over the world and dropping these billions of dollars of printed bills on foreign countries?

Clue No. 5: Free trade.

For th first two centuries of capitalism, industries within each country were protected from foreign competition by tariffs. This produced a degree of stability.

Since World War II, the world has embarked on a free trade adventure. The Government attempts to increase trade by reducing tariff barriers in our country and other countries. Free trade has become an end in itself.

Does this double-digit inflation bear any relationship to this great new adventure, this voyage on uncharted waters?

Clue No. 6: The European Common Market.

There is "free trade" among the members of the European Common Market, and a high rate of inflation (except for Germany).

Clue No. 7: The German Mark.

Germany has a relatively low rate of inflation—about 6%. The German Mark is a strong currency. When foreigners attempt to purchase goods from Germany, it therefore costs them more. In fact, the German Mark is a form of trade barrier, reducing foreign demand for German goods.

Clue No. 8. The oil field equipment shortage.

Oil has been, or is being discovered all over the world We ourselves produce two-thirds of our oil needs from Texas, Louisiana, Florida and California. Alaska will be producing oil. There is oil in the Middle East, Saudi Arabia, Kuwait and Iran. Nigeria in Africa is another source. Oil has been discovered off Scotland, off Norway, off Finland. China and Russia have great quantities of oil. Oil has been discovered in Brazil and Mexico. Libya, Venezuela and Algeria are great sources of oil, and plans are being made to develop Egyptian oil.

It appears that this entire earth may lie upon a bed or ocean of oil. However, oil under the ground or under the ocean is not of much value until it is brought to the surface. To bring oil above the ground, you need drilling equipment and you need pipes.

The greatest oil equipment producer in the world is the United States. It is U.S. companies who are playing the leading role in developing oil resources throughout the world.

The problem arises however, that as soon as oil is discovered in a foreign country, that country wants to get the maximum price for its oil. Therefore, it joins the oil cartel countries or follows their prices.

We must accordingly produce more oil within our own country. However, there is a small problem with respect to producing more oil in this country. We do not have sufficient equipment here to meet the needs of our independent oil producers, since we are exporting so much oil field equipment overseas.

Major oil companies are investing millions of dollars of American equipment—in oil cartel countries. These international oil companies have bought up all the oil drilling equipment that our factories can produce for the next two years.

A Texas oilman, in the New York Times of December 16, 1974: "If we could get the pipe and the rigs and other equipment, I honestly believe that we could find enough fuel oil and gas in the next two or three years to make up for the imports. Make that four years, just to be safe."

Is the oil shortage in the United States actually an oil field equipment shortage?

Clue No. 9: Zeroing in. (Concentrated Buying.)

Foreign governments may be short of a particular product. Suddenly, they arrive on the United States scene and buy up a huge quantity of this vital item, all at once; for example, wheat or building materials. A shortage is created and prices rise.

Clue No. 10: Automobiles

16% of cars presently being sold in the United States are of foreign origin. American auto plants have shut down. American automobile workers are jobless. With money from the sale of autos in the U.S., foreign countries can buy products in the United States, of which they are short—in concentrated quantities.

Clue No. 11: Foreign Credits.

The United States gave the Soviet Union $500,000,000 of purchasing power. This was exercised in the big wheat deal, when all at once this money was spent on one product. The cost of bread has been going up ever since.

Clue No. 12: The I.L.G.W.U.—The Voice in the Wilderness.

The International Ladies Garment Workers Union has continually appealed, in its radio and newspaper advertising, for Americans to buy American-made clothing. Nevertheless, the textile industry has been hard hit by foreign imports made with cheap labor. Businesses have gone under. Textile workers have been laid off, and the number of workers has steadily decreased.

SOLUTIONS

Trade among nations is vital. Our own manufacturing community needs many raw materials. To obtain the funds to purchase those raw materials, we must sell abroad.

However, free trade means excessive international trade. We buy products we do not need, like automobiles or textiles. We export products we do need, like oil drilling equipment.

Free trade has become an end in itself. The important thing is to buy, buy, buy and to sell, sell, sell. But free trade opens up a nation to the potential demand and purchasing power of the other three billion or so people on this earth.

Can our nation—or any other nation—adjust to the magnitude and vagaries of so much purchasing power?

To eliminate inflation:

1. Revalue the dollar upward.
2. Embargo exports of oil field equipment until the needs of our independent oil producers have been satisfied.
3. Reduce the outflow of dollars.
4. Protect American industry and jobs from foreign competition.
5. Place high tariffs on importation of automobiles, textiles and other manufactured goods that we produce here.
6. Limit foreign credits and spread the use of such credits over a period of time.
7. Give foreign aid in goods rather than dollars.
8. Control foreign government purchases within the United States and spread such purchases over a period of time.
9. Form a business-labor coalition to defend their mutual interests.

SHERLOCK HOLMES WITH DR. WATSON

Watson: "Holmes, it was uncanny how you were able to solve the economic inflation for President Ford. What led you to the discovery of the Twelve Clues?"

Holmes: "It was elementary, Watson. When a government follows a certain economic policy which produces undesired results, how would you get favorable results?"

Watson: "By changing the policy?"

Holmes: "By *reversing* the policy, Watson."

Watson: "Bless my soul! Why didn't I see that before!"

Holmes: "Because it was too obvious, my dear Watson."

GHANA'S 18TH ANNIVERSARY OF INDEPENDENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. RANGEL. Mr. Speaker, today, marks the 18th anniversary of the independence of the Republic of Ghana. Originally known as the Gold Coast, Ghana declared her independence from Great Britain on March 6, 1957. Since that date, she has successfully achieved a high degree of self-sufficiency while raising the standard of living of her people. I take this occasion to submit to my colleagues the following paper, prepared by the Embassy of Ghana, commemorating this Nation's extraordinary record of achievement.

On this anniversary I join my colleagues in the Congressional Black Caucus and throughout the Congress in saluting the achievement of Ghana and its industrious people and the able efforts of the distinguished Ambassador of Ghana to the United States, His Excellency Samuel E. Quarm. We look forward to a strengthening of the already close ties of friendship between our nations.

The paper follows:

GHANA CELEBRATES 18TH ANNIVERSARY OF INDEPENDENCE

Ghana today is celebrating the eighteenth anniversay of her Independence, at a time when the whole world is beset by inflation coupled with sharp increases in the prices of petroleum products. Nonetheless, Ghana is forging ahead with determination in her development programme aimed at raising the standard of living of her people.

Three years ago the Government of Ghana addressed herself to the major task of making the country self-reliant to the highest possible degree within her resources. The Government therefore placed emphasis on agricultural development as the general strategy to spearhead the country's economic development. The adoption of this policy was dictated by the actual conditions of the economy at that time, and Ghanians were called upon to muster all available resources to produce the food needed by the nation. The programme known as "Operation Feed Yourself" was regarded as an emergency operation aimed at reducing the country's crippling dependence on food imports. The years 1972–74 were therefore declared to be "Agricultural War Years", devoted to the increased production of selected crops and livestock.

The basic policy under the programme is the rapid and orderly development of agriculture towards self-sufficiency in food and raw materials and the diversification of agricultural exports.

Production targets have been exceeded, and Ghana has become self-sufficient in maize—the staple food of the majority—which used to be imported in large quantities. Rice production has reached 70 per cent of the national need and Ghana hopes to become self-sufficient in rice this year.

The success story of the economic recovery during the past three years will for long be remembered. The strict discipline injected into the economy by the Government since coming into office has paid off so well that the country has been able to record a balance of trade surplus for the first time in the past two successive years.

To improve the quality of life of the people, the Government has introduced schemes for accelerated improvement in housing, health and education. A crash programme on low-cost houses for the low-income group is being pursued vigorously and work is in progress to complete, this year alone, some five thousand houses started under the scheme.

A new "Health-on-Wheels" scheme, aimed at providing more adequate medical services for the rural areas through mobile clinics, has also been instituted.

The Government has recently launched a five-year development plan aimed at effecting a structural transformation of the country's economy and promoting full and efficient use of all of the nation's resources.

The Government of Ghana has always encouraged foreign participation in our economy, and during the past year many foreign companies, including United States businesses, took advantage of a wide range of fiscal and tax incentives and good infrastructure to invest in Ghana. The country continued to maintain very fruitful partnerships with United States companies, such as Kaiser Aluminum, Firestone Tire and Rubber Company, Union Carbide, and Star-Kist.

To give practical expression to our relations with our neighbours, Ghana is exporting electrical power to Togo and Dahomey and continues to pursue a policy of friendship and co-operation with all countries.

We are determined to succeed, and with hard work and the sympathetic co-operation of our friends, we are sure we will.

MRS. MABEL ROBINSON

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mrs. FENWICK. Mr. Speaker, last Friday evening, the Neighborhood Youth Corps and the Morris County Economic Opportunity Council honored Mrs. Mabel Robinson at a testimonial dinner. Because I was out of the country I was unable to join those community leaders in my district in paying a well-deserved tribute to a most outstanding citizen and a very old and valued friend in the Fifth Congressional District of New Jersey. We have worked together in many good causes and I have always counted on her friendship and advice.

Mrs. Robinson's many achievements during a long and distinguished career of public service are well known in the community and I would like to share some of them with my colleagues.

Starting in 1923, when she joined the New Jersey Federation of Colored Women's Clubs, Mrs. Robinson has contributed her time and talents to a host of worthwhile organizations. A partial list includes the Madison Parent-Teachers

Association, the Morris County World Citizenship program, the National Council of Negro Women, the Delta Chapter of Lambda Kappa Mu Sorority, the Morris County Chapter of the National Association of Colored People, the Morris County Urban League, the Madison-Florham Park Human Relations Committee, the New Jersey State Centennial Committee and the Morris County Tercentenary Committee.

Mrs. Robinson was cited in 1965 as New Jersey's Mother of the Year.

From 1967 until last September, she served as director as the Neighborhood Youth Corps, a project of the Morris County Economic Opportunity Council.

Mrs. Mabel Robinson throughout her lifetime has personified the ideal of good citizenship. The grateful community she has served so well for so many years is in her debt.

EIGHTEENTH ANNIVERSARY OF THE INDEPENDENCE OF GHANA

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. WHALEN. Mr. Speaker, today marks the 18th anniversary of Ghana. I call this celebration to the attention of my colleagues because often in debates on issues related to developing nations, great emphasis is put on the need for those countries to assert a more intense effort to resolve their own probelms. Ghana, in my opinion, is an example of a developing country that is doing just that.

This western African nation is determined to raise the standard of living of her people through her own development program. To achieve that goal, the government 3 years ago initiated a plan to make the nation as self-reliant as possible within her resources. The emphasis of the program was "Operation Feed Yourself." Its purpose was to reduce dependence on food imports by increasing production of certain crops and livestock. Between 1972 and 1974, the production targets of the program were exceeded enabling Ghana to become self-sufficient in maize, the staple food of the majority of her people. Self-sufficiency in rice production we almost attained.

As efforts continue in the agriculture field, the Government of Ghana now has introduced programs designed to improve health, housing, and education conditions. As a result, it is anticipated that 5,000 homes for low-income individuals will be started this year. In addition, mobile health clinics will be sent into the rural areas.

Most recently Ghana has begun a 5-year development program to restructure the nation's economy and to insure that her resources will be used efficiently.

I commend the people of Ghana and her governmental officials for their determined efforts, and I congratulate them as they celebrate this anniversary of their independence.

AID TO THE UNEMPLOYED IN INDIANA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention an updated report on aid to the unemployed in Indiana. This reflects information I have received on unemployment compensation since my first report appeared in the RECORD on February 25.

AID TO UNEMPLOYED IN INDIANA

COMMUNITY ACTION PROGRAMS

These are the only agencies that act as clearing houses for social services information. Their Outreach program functions to find out what is needed, refer clients to the proper agencies and then follow up to ensure proper services are provided. They also act as advocates, interceding on behalf of the poor in disputes with government agencies.

Eligibility

Their mandate is to help those below the poverty line, but they will assist anyone in economic trouble. No stringent guidelines are followed.

Availability of services

All 9th District counties except Fayette, Franklin and Decatur are served by C.A.P.s.

Locations

L.O.W. Economic Development Corporation (Washington County), P.O. Box 205, Mitchell, Phone 849-4457.

Lincoln Hills Development Corporation (Harrison County), P.O. Box 113, Troy, Phone 547-8621.

BBJ Community Action Agency (Human Services, Inc.) (Bartholomew, Brown, Jackson), Box 588, Columbus, Phone 372-8047.

Floyd County Economic Opportunity Corporation (Floyd), Room 122 City-County Bldg., New Albany, Phone 945-2349.

Clark County Community Action Agency (Clark), 201 National Avenue, Jeffersonville, Phone 282-0456.

Southeastern Indiana Economic Opportunity Corporation (Switzerland, Dearborn, Ohio, Ripley), 237 Main Street, Aurora, Phone 926-1585.

Ohio Valley Opportunities, Inc. (Jefferson, Jennings, Scott), First and Broadway, Madison, Phone 265-5858.

Monroe County Community Action Program (Monroe), 101 S. College Avenue, Bloomington, Phone 339-3447.

UNEMPLOYMENT COMPENSATION

Regular State program

Benefits

Payment of $60 to $100 a week, determined by number of dependents and historical earnings. Maximum payments for the first 26 weeks are:

4 dependents, $100 a week.
3 dependents, $90 a week.
2 dependents, $80 a week.
1 dependent, $70 a week.
No dependents, $60 a week.

Requirements for Eligibility

Must have made $500 during the base period, the first four of the last five quarters before a claim is filed.

Must have worked the last six months of the base period.

Must have worked in a field covered by the program. Usually farm and domestic work are not covered.

Must register for work and be willing to accept work in field of experience.

Extension of Benefits

Outstanding claims may be extended by up to 50 per cent, i.e. a 26 week entitlement could be increased to 39 weeks. Claims already expired may not be reopened for extension. Payments are reduced by 50 per cent, after the initial 26 week period.

Federal Supplemental Benefits

This is a temporary program for high unemployment areas. Indiana residents are eligible. Benefits are extended 13 weeks beyond the normal 39 week maximum. Requirements and payments are the same as for the first 13 week extension. No claim may be filed after December 31, 1975.

Special unemployment assistance

This is a Federally funded program administered by the state. Its purpose is to extend unemployment compensation to persons not normally covered by existing programs and to aid high-employment areas. Benefits are the same as for the regular state program, but may not be extended beyond 26 weeks.

Requirements

Must have earned $500 within a year of the day claim is filed. Not necessary to have worked during the last six months of the base period as in the regular plan.

Eligibility requirements are more flexible. Occupations not covered by the regular program may meet its requirements.

Applicants should file claims at nearest Employment Security Division office. A Social Security card and a list of all employers for whom applicant worked during the last 52 weeks are required. Applicants must agree to register for work and to accept employment in their field of experience.

This is a temporary program authorized only until March 31, 1976. No claim may be filed after December 31, 1975 unless the Congress extends the program.

FOOD STAMPS

Benefits

Free or discounted food. Stamps are bought at a state Food Stamp office and used like money at the grocery store.

Eligibility

In general, the eligibility requirements are the same as for welfare or Township Trustee poor relief. Households not on assistance may still be eligible if income does not exceed specified limits in relation to their size:

Family size:	*Income dollars*
1	194
2	230
3	406
4	513
5	606
6	700
7	793
8	886
9	959
10	1,032

For families over 10, add $73 for each additional member.

A family's resources, including cash on hand, stocks and bonds, savings and checking accounts, property, automobiles and other personal property are considered in deciding eligibility. Except for deductible items, total family resources may not exceed $1500 except when a member is over 60; then, the limit is $3000. Generally, one car, a house and lot, household goods, life insurance policies, pension funds and personal effects are deductible.

Benefits

Each family is allowed to buy a maximum number of stamps every month, according to its size. Stamp prices vary with ability to pay as measured by net income and family size. Net income is calculated by subtracting the following deductibles from gross income:

Ten per cent of earned income, but not more than $30 a month.

Federal, state and local income tax, FICA tax, retirement payments, union dues and some types of garnishments.

Medical costs of more than $10 a month except for special diets.

Child or invalid care costs when necessary to enable member to work or take part in job training.

Tuition and required fees for education, but not books, supplies, school meals or transportation.

Unusual expenses such as fire, flood or theft loss or funeral costs.

Court-ordered support or alimony payments.

Shelter costs if more than 30 per cent of household income as calculated after all other deductions. Includes rent, mortgage payments, utilities, real estate taxes, basic fee for one telephone, special local assessments. (Only for place of residence.)

The following table indicates food stamp costs to families of varying sizes and incomes. Note that a family of 4 with a net income of $452 would pay $130 for food stamps worth $154. The same family with a net income of $31 would pay $19 for $154 worth of stamps and would be ineligible for the program if its income were to rise to $540.

FOOD STAMP ALLOTMENTS AND PURCHASE REQUIREMENTS (EFFECTIVE JAN. 1)

48 States and District of Columbia	Number of persons in household 1	2	3	4	5	6	7	8
Monthly coupon allotment	$46	$84	$122	$154	$182	$210	$238	$266
Monthly net income and monthly purchase requirement:								
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	36	44	46	47	48	49	50	51
$190 to $209.99	36	50	52	53	54	55	56	57
$210 to $229.99		56	58	59	60	61	62	63
$230 to $249.99		62	64	65	66	67	68	69
$250 to $269.99		64	70	71	72	73	74	75
$270 to $289.99		$64	$76	$77	$78	$79	$80	$81
$290 to $309.99			82	83	84	85	86	87
$310 to $329.99			88	89	90	91	92	93
$330 to $359.99			94	95	96	97	98	99
$360 to $389.99			100	104	105	106	107	108
$3 0 to $419.99			104	113	114	115	116	117
$420 to $449.99				122	123	124	125	126
$450 to $479.99				130	132	133	134	135
$480 to $509.99				130	141	142	143	144
$510 to $539.99				130	150	151	152	153
$540 to $569.99					154	160	161	162
$570 to $599.99					154	169	170	171
$600 to $629.99					154	178	179	180
$630 to $659.99						178	188	189
$660 to $689.99						178	197	198
$690 to $719.99						178	202	207
$720 to $749.99							202	216
$750 to $779.99							202	225
$780 to $809.99							202	226
$810 to $839.99								226
$840 to $869.99								226
$870 to $899.99								226

Because of administrative delays, food stamp recipients usually must wait more than six weeks before receipt of the first stamps. No interim relief is available except possibly from the Township Trustees or private agencies.

TOWNSHIP TRUSTEES

Township trustees are budgeted a small amount of money for "poor relief." They do not operate continuing relief programs, but could assist those who are experiencing delay in getting food stamp approval.

Township relief budgets are so small that some run out of money before year's end and can do nothing until the next appropriation. Also, since the trustees' offices are often open only a few hours a day, it may be difficult to track one down.

Some trustees hire no employees, do no investigation and rely on person-to-person interviews to determine eligibility. They have sole discreton in deciding who gets money and how much.

SUPPLEMENTAL SECURITY INCOME

This is a nationwide program designed to aid the aged, blind and disabled. State programs for these groups have been ended.

Definitions

Aged: over 65

Blind: vision no better than 20-200 with correction or tunnel vision (limited visual field of 20 degrees or less).

Disabled: physical or mental impairment which prevents a person from doing any substantial work and is expected to last at least a year or to result in death.

The SSA is *strict* in determining disability. A person may be unable to do *any* work that is available near his place of residence or even in his state, may be unable to do any *full-time* work at all and still be considered employable by SSA. A single doctor's statement that a person is disabled is not sufficient proof; SSA reviews medical records and examination results and makes its own decision in each case.

Requirements

Income must be below $438 a quarter for an individual or $657 a quarter for a couple except $60 a quarter of retirement income and $195 plus half of remainder of earned income may be deducted.

Resources (bank accounts, cash on hand, stocks, etc.) must be less than $1500 for an individual or $2250 for a couple. Homes, cars, personal effects and household goods of "reasonable value" are not counted so long as they are essential to self-support.

Benefits

A person living alone receives $146 a month while a couple receives $219 a month. Under certain conditions the amount is reduced, usually because the recipient receives extra income from some other source or is hospitalized for an entire month.

Disability claims should be filed at the nearest Social Security Office.

SOCIAL SECURITY DISABILITY

This program is an extension of Social Security. It differs from SSI because it is open only to those who have earned Social Security credits. Criteria for determining disability are essentially identical, but benefits *can* be much higher than under SSI, depending on yearly average income under Social Security.

Eligibility

Work Credits

Length of work needed depends on age at time of disablement:

Under 24—One and a half years in the three-year period ending when the disability begins.

24 through 30—Half the time between age 21 and the time of disablement.

31 and older—Five years of work out of the last ten years before disablement.

Years need not be continuous or in units of full years.

The Blind

Some special provisions are made for the blind. Most important is a relaxed definition of "disabled" for blind between 55 and 65.

Persons Eligible

Disabled workers under 65 and their families.

Persons disabled before age 22.

Disabled widows, disabled dependent widowers, disabled divorced wives (under some conditions).

Medicare

Available to anyone who has been entitled to disability checks for two or more consecutive years.

Benefits

Calculation of benefits is complex. The table below is only a guide:

Maximum family payments:	*Average yearly earnings after 1950*
$141	$923
297	3,000
489	5,000
549	6,000
598	7,000
651	8,000
689	9,000
722	10,000

In general, the disabled person will not be paid at all for the period between the time he applies and five full months later. If the disability began at least six months before he made application, some back payment can be made, but the waiting period of five months will still be in force.

A person already recovered from a disability that lasted a year or more may receive back payment if he files within 14 months of his recovery.

MEDICAID

Those who qualify for Medicaid receive free medical and dental care. Hospital and physician charges, dental work, eyeglasses and prescribed medicine are covered as are certain necessary appliances such as crutches and wheelchairs.

Some limitations are placed on the kind and amount of dental work and on such things as the frequency of eyeglass replacement. Unusual equipment needs (wheelchairs, hearing aids, etc.) must be approved by the State Welfare Department.

Eligibility

AFDC—all eligible AFDC recipients are covered.

Aged, blind and disabled—coverage for this group is the same as for dependent children. Eligibility requirements are roughly parallel to the SSI guidelines.

AID FOR DEPENDENT CHILDREN

This is the core program for Indiana welfare assistance. Payments are made to the parent who cares for a dependent child.

Eligibility

Any dependent child under 18 who has been deprived of the support of one or both parents and whose remaining parent or guardian is unable to adequately support him/her is eligible. One parent must be dead, incapacitated or absent if the child is to be eligible. Indiana, unlike some other states, makes no provision for the father who is unemployed but lives at home.

Benefits

Maximum benefit is $150 for a parent and one child plus $50 for each additional child. The benefit amount is determined on a case-by-case basis, taking into account any outside income. Food stamps are not counted as outside income.

Any child eligible for AFDC is also eligible for Medicaid as is the parent who cares for him/her.

VETERANS ADMINISTRATION

While the Veterans Administration offers no social services programs, certain of its benefits could be of use to the veteran with economic difficulties, especially hospitalization and vocational training. In addition, those with service-connected disabilities can receive pensions, vocational rehabilitation services, etc.

Free hospitalization

Any veteran—but not his family—can receive free in-patient care at veterans hospitals, even for non-service-connected injuries or diseases. Limited out-patient care is available to those patients who would require hospitalization without it. Two veterans hospitals are located near the 9th District: Indianapolis and Louisville.

Educational benefits

The VA will provide payments for vocational training for any veteran within 10 years of his discharge date. Some limitations are imposed, but most training is acceptable so long as it is part of a program toward an identifiable vocation. A few areas (such as bartending) are prohibited. Programs are:

1. On-the-job training. The veteran works for an employer at a journeyman's wage while the VA pays the employer part of the salary.

2. College level training. The veteran receives monthly checks while he attends a college or university. Payment is calculated according to the number of dependents and number of credit hours enrolled. Full-time (12 or more credit hours) monthly benefits range from $270 for a single veteran to $366 for one with two dependents. In addition, $22 a month is provided for each dependent over two.

3. Correspondence courses. VA pays 95 per cent of cost.

YOUNG BLACK COUPLE'S POETRY SALUTES BLACK HISTORY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. STOKES. Mr. Speaker, I want to bring to the attention of my colleagues the inspirational story of a young black couple whose shared interest in the black experience has produced beautiful poetry. Corrie and Roberta Haines are able to combine their prodigious talents to collaborate in writing poetic tributes to the heroes and heroines of Afro-American history. They are a young married couple, residing in the Washington area, who find time for their creative efforts while both pursuing graduate studies. Corrie Roberts, a native Clevelander, is 25 years old and a student of Afro-American studies at Howard University. His 24-year-old wife Roberta is a student of library science at Catholic University. The two young scholars have already successfully pooled their considerable abilities to produce a volume of published poetry entitled "As I See It," which appeared in June of 1974. That same summer Corrie and Roberta journeyed to Ghana at the invitation of the African Council of Arts and the Afro-American Studies Department of Howard University, in order to study the way of life of the Asanti people. During their visit they were able to tape the oral history of the Asantis as told by the elders of the tribe. Currently they are transcribing the tapes, working in collaboration with famed historian John Hope Franklin. The Haines plan to return to Ghana this summer to do more research in hopes of publishing a book on the history of the Asantis. I was so impressed with the story of these remarkable young people that I felt compelled to share the experience with my colleagues. To further acquaint my colleagues with this talented young couple I submit this example of their joint efforts:

CRISPUS ATTUCKS

(By Corrie and Roberta)

Slaveholder William Browne of Framingham,
a town in Massachusetts,
October second, seventeen-fifty,
ran an add in the Boston Gazette:
. . . . ten pounds reward for return of
my chattel . . . . Crispus Attucks I own
as I do my cattle . . . .
But Crispus, as though by fate directed,
eluded his captors; not one collected
the ten pounds reward placed on his head.
Crispus Attucks successfully fled
to Boston, then to open sea;
slave to sailor to liberty.
Armed with fortitude for survival
transmitted through his seeds,
he transvalued Christian ethics
and Democratic creeds.
At twenty-seven years of age, six foot
two and stout,
curly haired Crispus learned what
freedom was about.
For twenty years they sailed together
as captain and first mate,
'til March the fifth of seventy
which proved to be their date
with Captain Preston and his Redcoats
of the 29th Regiment
who occupied the colony without
citizenry consent.
That Monday, soldiers enraged the town
by their maltreatment of a boy;
the citizens began searching for
a leader to employ.
From Jackson's Corner Crispus came
without a weapon in his hands,
to Custom's House on King Street,
shouting, "Drive tyranny from our land!"
Just seeing Crispus unafraid, the people
became inspired; by his
words he moved a country,
even as the British fired.
Two balls struck Crispus; he fell
lifeless on the spot.
Weeping Freedom embraced the soul
of its American patriot.

BLEAK FORECASTS BELIE U.S. STRENGTH

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. BROOKS. Mr. Speaker, Jack Anderson and Les Whitten have combined efforts to write what I believe is a pretty good article on the current state of affairs in our country. Instead of a column, it is more like a good editorial.

It is a concise yet indepth report which brings into perspective the problems of unemployment, high prices, high taxes and the basic economic dilemma we are in today.

It is an optimistic editorial when compared with the situation which existed during the Great Depression, but it brings more into focus the strength of the United States and what we stand to lose unless this administration and the Congress take careful steps to:

> . . . strike a bold but delicate balance between short-term action to halt the slide and long-term austerity to choke off permanent inflation.

The text of the article from The Washington Post, Thursday, March 6, 1975, follows:

[From the Washington Post, March 6, 1975]

BLEAK FORECASTS BELIE U.S. STRENGTH

(By Jack Anderson and Les Whitten)

Most Americans have never known a time when economic expectations weren't bright. For two-thirds of the population, there has been a steady rise in living standards.

But now, the outlook has suddenly turned bleak. No longer can Americans count on a better life for less effort.

Will the response be panic, a demand by each distressed group that it be subsidized? Or will there be a recognition that belts must be tightened, overdue accounts reconciled, dreams deferred, individual productivity increased and the price paid for the costly development of new sources of energy?

So far, the emphasis has been on special pleading and hot air.

At their recent Washington conclave, big city mayors invoked the specter of mass rioting and mob violence unless they get $15 billion in immediate federal aid.

Leaders of four national unions threaten to march on Washington by hundreds of thousands of unemployed workers. Penn Central regularly issues doomsday announcements, warning of a total shutdown, unless it gets more money from the Treasury.

A leading businessman, Eli Black of United Brands, has revived the 1929 syndrome by jumping to his death from the 44th floor of the Pan Am building in New York. Marxist economists have come out of the closet and on to the lecture circuit.

Capsule news bulletins keep dinning each month that the number of unemployed is the highest since the Great Depression. And nightly television interviews at unemployment lines keep turning up angry men who say they'll commit crime before they'll go without.

Well, we don't think this theater of the hysterical reflects either the condition of the country or the temper of most Americans. Our system is stronger and our people more resilient, we believe, than they are portrayed.

Let's begin by putting a few facts in perspective:

Six million unemployed out of 80 million workers is bad news. But during the Depression, we had 12 million jobless out of 35 million.

The prices of most goods have skyrocketed. Yet before we decide that our productive mechanism is slipped over a precipice, consider that a major appliance can be purchased today from the wages of only half the hours required 10 years ago.

Taxes are distressingly high. Still, the percentage of our income going for taxes of all kinds is under 30 per cent, the second lowest among the 13 top industrial nations.

Sixty per cent of American families own their own homes. Social Security and Medicare payments provide protection not available during the Depression. Federal insurance assures that bank failures will be isolated and no depositor will be victimized. Unemployment compensation, food stamps, federalized welfare and other programs provide a floor above Dickensian destitution.

But the most reassuring facet of all, in our view, is the quality of the American people. In the past few months, we have received 750,000 letters in response to an invitation to readers to tell us how they felt about the country and to suggest a slogan for next years bicentennial celebration.

From these letters we have gained a picture of a people in times of turmoil and disappointment. What shows through is a love of country undampened by the betrayals of unworthy leaders, an idealism undiminished by the sight of so much high chicanery, a willingness to sacrifice for the common good.

Dozens of organizations also responded. We were contacted by Edward J. Piszek, president of the Copernicus Society of America, who wanted to participate. The society is now putting up a $5,000 first prize for the best slogan and 13 runner-up prizes ranging from $500 to $1,000.

American Motors offered a station wagon to the winner, and Holiday Inns will put up the winning family at its motels anywhere in America for 30 days.

The International Association of Fairs and Expositions will make the bicentennial slogan search part of 2,800 fairs around the country. The American Song Festival will invite aspiring composers to set the winning slogans to music.

The Jaycees, American Legion, Urban League, Boy Scouts, Girl Scouts, General Federation of Women's Clubs and the National Education Association are involved. Even Baseball Commissioner Bowie Kuhn wants to promote the slogan search at baseball games.

Slogans should be addressed to Slogans, USA, Box 1976, Washington, D.C.

The temper of the times, then, is not for mass marches on the Capitol to bullrag Congress for benefits, or for billion-dollar grabs by ailing power blocs.

It is a temper which recognizes that in the months ahead the President and Congress must calmly deliberate and strike a bold but delicate balance between short-term action to halt the slide and long-term austerity to choke off permanent inflation.

PRESIDENT FORD'S ENERGY PROGRAM

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. FISHER. Mr. Speaker, numerous analyses of President Ford's energy program have been prepared during recent weeks. Prof. S. Fred Singer of the Department of Environmental Sciences, University of Virginia, has published an excellent article on the President's proposals. I am happy to insert Professor Singer's remarks into the RECORD for the benefit of my colleagues:

ANALYSIS OF PRESIDENT FORD'S ENERGY PROGRAM

WHAT MR. FORD'S ENERGY PROPOSALS MEAN

Full credit should be given to President Ford for at least "biting the bullet" and coming up with a comprehensive set of energy proposals. The kindest thing one can say about them, however, is that they are not all bad. They do stay clear of mandatory controls, of federally fouled-up fuel allocations, and of bureaucratically-organized rationing. They do place major reliance on market forces. Their overwhelming aim seems to be to cut oil imports by one million barrels per day (which is about 15% of all oil imports, only 6% of current oil consumption, and less than 3% of current U.S. energy consumption). An artificial increase in price is supposed to discourage oil consumption, but in the process we may be buying a lot of tough problems which none of us—certainly not Mr. Ford—has bargained for.

VOLUNTARY CONSERVATION FIGHTS INFLATION AND RECESSION

It is a real pity that voluntary conservation of energy—at the individual and at the community level—has not been given a meaningful chance. There has never been imaginative leadership to mount a real grassroots effort against waste. We know for example, that 28% of all petroleum is used by private cars, and that the savings Mr. Ford wants can be made if the millions of people who drive to work and school were to share more rides and generally eliminate nonessential driving to the tune of about 20%. Nor has there been a concerted effort to teach people how to save energy in their homes. Such simple economies, as keeping the temperature a few degrees lower than usual, plugging any leaks which waste heat, and using more insulation, could cut home consumption of energy—and fuel bills—by as much as 50%. I suppose if Mr. Ford would wear a heavy sweater to work and everyone were to follow suit, then the excess heat in office buildings would soon get turned down too.

Cutting wasteful uses of petroleum by only 6% should present no real problem—except that the consumer does not yet realize that energy conservation is good for him. How? First of all, it saves him money; and secondly, it is the only sure way of bringing down energy prices in the long run. What housewives have discovered from their boycott of meat, they need to rediscover for gasoline and fuel oil. But most important, it would avoid some of the drastic measures which Mr. Ford is now recommending, and the even less attractive alternatives which are being talked about in Congress.

Unlike mandatory measures which have the potential of causing serious economic dislocations, voluntary conservation is determined by the individual judgements of millions of users who will reduce consumption as long as it benefits them. The money saved is generally spent on other goods. In this way, energy conservation can fight inflation and recession at the same time. I believe that most Americans would be more than willing to follow a leadership that makes these facts clear to them. The real action, however, is at the local government level. A properly organized community effort can plug heat leaks and teach people how to save energy in the home—permanently. And higher parking charges and gasoline excise taxes, coupled with better public transit service and convenient car pooling arrangements, can cut down on wasteful driving. After all, it is the community that bears the unpaid costs which come from the use of the automobile: noise, pollution, accidents, road maintenance, and traffic snarls which increase all cost from the delivery of goods to garbage collection. Yet the motorist does not pay his fair share.

OIL PROPOSALS

With respect to oil, Mr. Ford was persuaded to use a price mechanism rather than mandatory allocations. But raising the price artificially by imposing large tariffs on imports and taxes on domestic oil is a drastic measure. We have already seen the effects of the artificial price increase imposed by the oil producer cartel. Mr. Ford's proposals have the potential of causing further inflation and of really hurting many segments of the economy. There are other dangers in an arbitrary price rise, not the least of which is that OPEC, the Organization of Petroleum-Exporting Countries, may decide to raise the price on their own to make up for reduced sales. Such a price rise would of course further increase world problems, particularly in countries that are being bankrupted by the existing high price of oil.

Even though the aim of the oil tariff and tax is to cut down the use of gasoline, it works out that the percentage increase is greatest for fuel oil and least for gasoline. This means that all heating costs will go up, as well as the cost of electricity, fertilizer, food, and all manufactured goods. It would also make U.S. exports more expensive and certainly hurt our trade balance. It remains to be seen whether OPEC will use such price rises as an excuse for further raising their price of oil. One can only hope that the tariff and tax combination will be temporary and soon forgotten. But perhaps, before it fades away, it will have produced some more imaginative proposals for cutting energy use without using a sledge hammer.

One good thing about the President's proposal is that it abolishes the existing two-tier price system for oil, under which "old" oil (from wells existing before 1973) sells for a strictly controlled price of $5.25 a barrel and uncontrolled new oil for around $11. The whole purpose of this distortion was to avoid "windfall" profits to the oil industry—but the cure may be worse than the disease. Congress has already set up a "price equalization" program which is designed to overcome this price difference to refiners; and there are various kinds of other distortions produced by the artificial two-tier system—all of them decreasing the efficiency of oil recovery, at the ultimate expense of the consumer. Simply abolishing the two-tier price system might be enough to give Mr. Ford the cut in imports that he wants—partly from a resulting higher average price which reduces demand, and partly from a greater supply as producers pump harder in existing fields to recover more "old" oil.

The main reason for reducing imports would seem to be national security, yet that part of the President's program has not been particularly well handled. There should be no objection to imports as such, provided that they are not excessively priced and provided that there is an adequate supply of oil so that a cut-off cannot produce any important economic disruptions. In fact, the very existence of a stockpile would discourage anyone from even applying an embargo. Furthermore, a stockpile protects also against accidental cut-offs, as well as against sabotage by third parties.

The Ford proposal apparently envisages an eventual billion-barrel Government-run stockpile somewhere in the Gulf of Mexico region. A more desirable proposal would make the oil industry expand existing stockpiles without delay by insisting that each importer maintain X number of days of oil stockpiled in the United States. This is the system used by European countries, and it works very well. The oil companies would then devise the most efficient stockpiling system; even though the cost would have to be passed along to the consumer, it would be kept down by competition. The increased cost, essentially an insurance premium, would further dampen down the consumption of oil—without the use of artificial taxes.

As far as the source of the oil stockpile is concerned, the White House has tried to reassure us that it would come from domestic sources and not increase imports. This, of course, is nonsense! If, in fact, domestic oil is used, say oil from the Naval Petroleum Reserve at Elk Hills, California, this simply means that more oil would have to be imported to make up for this deficit. In my opinion, the oil companies should be able to buy the oil wherever they can do so at the lowest price. They may well be able to make a special deal with an oil-producing country which would like to sell a larger amount, particularly right now while prices are still high. There are obvious possibilities here of breaking down the oil cartel, provided the stockpiling is handled properly.

GAS, COAL AND NUCLEAR ENERGY

While oil occupies the main portion of the President's energy message—as it should—every other energy source is of importance also. With respect to natural gas, we should have learned by now that the shortages are real and not contrived, and will get worse every year. There is little question anymore that price regulation is the cause of this shortage. Mr. Ford has proposed deregulation of the price of "new" gas. A better alternative may be a step-wise decontrol of the price over a number of years. There will be additional cost to the consumer, but at least he will be able to get natural gas—still the greatest energy bargain in the United States. Mr. Ford has also proposed an excise tax. This will cut consumption somewhat, but it will do nothing to encourage more supplies. I would favor a much larger excise tax to bring the price of gas closer to that of oil, and definitely above that of coal, so as to encourage a switchover to coal by industry. This tax could be relaxed in future years if higher-priced "new" gas enters the pipelines.

One of the bright spots of the breakdown of the Russian trade agreement is the fact that it will probably also eliminate the import of liquefied natural gas from Siberia, one of the greatest all-time rip-offs of the U.S. consumer, perhaps matched only by the famous grain deal of 1972. Under this LNG proposal at least ten billion dollars, and probably much more, would have been invested in facilities in the Soviet Union by U.S. firms with government subsidies. This would have tied us firmly to high-cost gas of dubious security, which would have to be shipped to the United States in special tankers. We will have to see now whether the Soviets are able to get the required capital from other sources; possibly they can persuade the Arab sheiks that developing natural gas in Siberia for sale to the United States is a good investment. It makes more sense though for the Russians to sell gas, as well as oil, by direct pipeline shipments to Europe. Between the USSR and the North Sea, we may well see Europe independent of Middle East oil by the end of this decade. And if recent reports about China are correct, then Japan will be getting much of its oil from nearby sources. All in all, the prospects are good for a larger production surplus of oil by the end of this decade, something which will stimulate price cutting and lead to a weakening of the oil cartel.

The President is certainly on the right track with respect to coal and nuclear energy. These are the most abundant and immediately available energy sources in the United States. I am convinced that the environmental and safety aspects of electric power production from both coal and uranium can be handled without endangering the health of the American public; but a detailed discussion would lead us too far afield here.

THE ENVIRONMENT AND OTHER PROBLEMS

The environmental proposal that deserves greatest support is Mr. Ford's request to freeze automobile emission standards for five years at the present level. There is overwhelming evidence now that the much stricter standards originally envisioned in the 1970 Clean Air Act would have resulted in a waste of resources to the tune of some 10 billion dollars a year. We don't need this, since we can achieve nearly all of the benefits for just a fraction of this cost. Mr. Ford's proposal would give us enough time to carry out a less costly approach, and one which would save a good deal of energy as well.

A major underlying problem not mentioned by Mr. Ford is the confidence gap which exists between the energy companies, especially the oil companies, on the one hand, and the general public and the Congress on the other hand. The sticking point seems to be high profits, so-called "windfall" because the inventories of oil in the ground are now worth more. But companies cannot consume these profits or use them up like people do. Dividends paid out of profits already carry a heavy tax; the profits kept by the companies must be used for investing in much costlier future energy resources. Personally, I favor letting the companies put their profits into the Treasury by buying federal oil leases. Eventually this cost will be passed around to the consumer—it is essentially a tax which the companies would now prepay.

We will have to learn that if we want energy we must let the energy companies do their job. Whatever the tax laws are, the industry will live with them. However, there should be a deadline on Congressional debate and decision, so that the companies can make their plans soon and with some assurance of stability. There is no best solution overall—there are a number of good solutions. Let's settle on one. By now it should be clear that a solution with a minimum of regulations and maximum reliance on market forces and competition is to be preferred.

Another disturbing development is the recent growth of regionalism, which is divisive and tends to hold back the balanced energy program the country so badly needs. The United States would be in desperate shape if the southeastern states were to hold back "their" gas and oil, the western states their coal and uranium, and the eastern states the development of oil off their shores. We would all go under together! The President has not yet asked for our support, but he will need it.

ISRAEL'S UGLY LITTLE WAR

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. MOFFETT. Mr. Speaker, I have always been the first to condemn violence and terrorism in the Middle East and wherever else it may occur. I think the following article, which appeared in the March 17, 1975, issue of the New Times is important reading for my colleagues:

ISRAEL'S UGLY LITTLE WAR

(By Judith Coburn)

THE ARQOUB, SOUTHERN LEBANON.—Rashaya Fuqhar, once a prosperous little village of 2,000 Christian Arabs, is now a near ghost town. Known for its simple but striking brown and tan pottery, its kilns are now cold. In the past year, five villagers have been killed and over 30 wounded by Israel air and artillery bombardment. The pottery factory has been smashed by bombs. Scores of others have been damaged by shelling. Hundreds of the village's residents are now refugees, having fled to the slums of Sidon and Beirut to the north. Only 100 residents remain. A few of the villagers still farm, but most of them are afraid to because the fields are strafed.

We visit St. George's, the Greek Orthodox Church, now the center of life in the village. The dim interior is grimy but charming with its crowded display of 19 chandeliers donated by benefactors. After five straight days of bombing in May 1974, the residents who couldn't afford to flee left their houses and moved into the church. "We know it isn't really safe," admits the village mukhtar (mayor), "but people feel safer in one place. It is faith and some superstition that we won't be killed in God's place." But already cracks have appeared in the walls and roof from the impact of nearby shells. And in October, the roof caught on fire from an incendiary shell. In one end of the room, people have made beds of coffins.

A tour of the village shows the crumbling houses, abandoned possessions, a cemetery with shattered crosses and memorial wreaths blackened by air strikes. An old woman holds up an intact American-made shell, which seems to be a casing for dropping propaganda leaflets. She squints into the sun for the photographer beside her smashed house. Up the road, a threshing field is now marked by a burned-out tractor and a large blackened smear. Mrs. Fehda Gebran tells us how her husband, Elias, was killed August 7 in a bombing raid. She, her 15-year-old son and six others were wounded in the attack. Her hand and breast are still bandaged. She still weeps, two months later, describing the day. Her husband was the only wage earner in the family of nine; they now receive a little money from a newly formed charity group, the Council of the Whole South. We return to the village in silence.

There are scores of villages like Rashaya Fuqhar in southern Lebanon. Beginning in 1968, and almost daily in recent months, the Israelis have subjected villages like Rashaya Fuqhar and a handful of Palestinian refugee camps in southern Lebanon to attacks by airplane, artillery, tanks and gunboats. Israeli commandos invade Lebanese villages and Palestinian refugee camps, forceably checking identifications, blowing up houses, killing villagers and taking prisoners.

The Israelis call the area "Fatahland"—it is "the Arqoub" to the Lebanese—and it is from this wild terrain, leading to the approaches of Mount Hermon, the Israelis say, that Palestinian commandoes run their operations against Israeli border settlements and bases. The Israelis say that the purpose of their campaign against the South is to stop commando operations by killing all the commandos in the area or by pressuring the villagers to expel the guerrrillas from their midst. The Israeli military command insists it is attacking only military targets—"bases" or "concentrations" of guerrillas—and kidnapping only members of terrorist groups and those Lebanese who work directly with them.

But, as Americans discovered in Vietnam, it is never quite that simple. Bombing is not a selective weapon. Intelligence about enemy presence in villages, especially when gathered by photo reconnaissance or foreign agents, is often faulty. A six-week investigation in Lebanon indicates that, as in Vietnam, large numbers of civilians are being caught in a net cast for guerrillas. We visited scores of Lebanese villages and five Palestinian refugee camps where hundreds of civilians—including women and children—had been wounded or killed. The Israelis are using the full range of sophisticated savagery known to our own military in Indochina: shells, bombs, phosphorous, incendiary bombs, CBUs and napalm. Much of it is supplied to the Israelis by the American aid program. Statistics are difficult to find and often inexact, but well-informed diplomats in Beirut and United Nations officials have compiled a surprising set of reliable numbers. They note the Israeli government reports about 800 Israelis have been killed in recent years in terrorist attacks, but they estimate that the Israelis have killed about 3,500 people in their raids on villages and refugee camps in Lebanon, Syria and Jordan. The Lebanese government says 301 Lebanese civilians were killed and 682 Lebanese wounded in Israeli attacks between January 1968 and August 1974, most of them in the last year. Figures for Palestinian civilians killed are not available, but observers estimate they must be at least twice as high as for the Lebanese.

Our travels in the area also suggest that the Israeli campaign has not been successful in isolating the guerrillas. Indeed, as in Vietnam, it appears to have enhanced their credibility. Only a few Lebanese we spoke with blamed the Palestinians for the bombing. A comment by one man from Rashaya Fuqhar is typical, "Now that the Israelis are bombing our village, too, we see what the Palestinians have suffered all these years." As for the Palestinians, the bombing seems to have increased their bitterness and strengthened the hand of the political groups who favor bloodshed over compromise.

In light of the failure of the Israeli policy to achieve its announced goals, there is considerable speculation that the bombing might have another purpose. Most Lebanese and some diplomats in Beirut believe that the Israelis are pursuing a "scorched earth" policy in southern Lebanon designed to drive all population from the area and establish a DMZ. "Why burn crops, unless that's the purpose?" asks one high official of the Lebanese Foreign Ministry. "The commandos buy *their* supplies in Beirut anyway." Statements by Israeli officials do little to quiet these fears; last April, when he was still defense minister, Moshe Dayan told newspaper reporters that unless the Lebanese stopped the Palestinian raids, "We will step up the raids until the people find it impossible to live there. Their homes will be destroyed and the whole area will be deserted." And in a chilling echo of "Pentagonese," the Rabin government told Israelis last June that it was abandoning its previous policy of "retaliation" in southern Lebanon for a policy of "preemptive strikes."

The human suffering behind the antiseptic words is, as always, chilling:

Ein el-Hilweh, a Palestinian refugee camp near Sidon, has been bombed countless times. Last June, a poor neighborhood of Lebanese and Palestinians, including a school, was leveled. Hundreds of refugees have moved into another school. "What will we do when classes begin?" wails a teacher. An old man pokes through the rubble of his house. Although the man is Lebanese, on the one wall that still stands hangs a cheap tinted portrait of Yasir Arafat.

A young boy from near Rashaya Fuqhar says that last winter he and his friends found an intact shell, like the ones they collected and sold for lamps. But when he picked this one up, "a jelly ran out." He was badly burned on his leg, arm and hand.

The road to Rashaya Fuqhar runs by a sparkling brook, and a cafe has been built over the water. But it has been smashed repeatedly by bombs. The last time, a bridal reception was taking place and the bride was killed.

Along the same road, we pass damage from a raid that morning. A school has been hit. In the field across the way, an old Lebanese farmer tramps sadly through his olive grove. Some of the trees are ancient with huge girths. Many are shattered from bombs, others burned by phosphorous. "Every week I see more," says the old man of his trees, "sleeping like women on their sides."

Near Sidon we stop at a lemon grove, now home for three branches of an extended family of 43 Palestinian refugees. Their homes were destroyed in a raid June 20 on Ein el-Hilweh Camp. Six of the family—four children and two women—were killed. Now they are sleeping outside. Winter is coming and they are worried. The owner of the grove wants them to leave. They are his laborers, but he thought they would stay only until their homes were rebuilt. But the United Nations says there is no money for rebuilding.

Nabatieh Refugee Camp, the closest camp to the border. Here, as in other refugee camps we visit, the PLO makes no effort to hide evidence of armed soldiers in the camps. But at Nabatieh, as in the other camps, it is homes, clinics, and schools that have been hit. Nabatieh was nearly leveled in an attack last May 16. A United Nations report says of the camp, "60 percent destroyed, 20 percent severely damaged and 20 percent partially destroyed." We see no houses with roofs, few with four walls.

Eighteen Palestinian refugees were killed that day and 91 were wounded. No one knows how many were civilians and how many were commandos. But officials from the United Nations Relief Works Agency (UNRWA), which manages the camps, doubt that many guerrillas were hurt because the PLO had tried to evacuate the camps the day before. "The people who were hurt were those who wouldn't leave their belongings. Thank God most did. It could have been a lot worse," says one UNRWA official. UNRWA estimates the rebuilding of Nabatieh will cost $1 million. "Just so they can bomb it again," sighs one official. But UNRWA itself has a $39 million deficit of its own just for operating expenses this year. So the fate of Nabatieh Refugee Camp is uncertain.

Near Merj'Uyun, capital of the Arqoub, the depressing tour continues. We visit Ismail, a young goat herder shot the day before by an Israeli patrol, in the area's one hospital. He lies stiffly in sheets soaked with his own blood, seemingly still shattered by his misfortune. The nurse translates into French. He was tending his goats, saw the soldiers coming in a jeep. "I was frightened—they take people—I ran—they shot." That is all. He doesn't know why the soldiers fired, why they came. He doesn't know any Palestinians, except "they are Arabs." The room is a crush of onlookers, gawking at the Americans. "Why American planes to the Israelis?" drones a young hospital attendant in my ear. We leave the room. The nurse reports the hospital sees several hundred casualties from the Israeli attacks every year, more recently. "In May and June (during the heaviest raids) we had people in the halls, even on the steps. We had to send the sick people home and the worst cases to Sidon and Beirut." She hesitates. "That young man will die. Half his back is gone."

Tel Aviv—In Israel the bombing and other operations in Lebanon are not an issue. The newspapers print one-paragraph items about the bombing of "guerrilla concentrations" in Lebanon. Raids are talked about as "retaliatory." Reporters with questions about the raids are treated wtih hostility. After weeks of insistence, I finally received an interview with an Israeli general who is the top briefer for the DF, the Israeli Defense Forces. After putting the interview off-the-record, he answered my first question sarcastically. "What bombing?" Pressed further, he elaborated, "We have no security problem in the North." (Pause) "And besides there haven't been any in months." Told I had visited the south of Lebanon in the last month, he finally said, "We feel Lebanon is not exercising its duties as a sovereign state to control the Palestinian enclave in 'Fatahland.' If Lebanon has internal problems like this, she will have to bear the consequences." He insisted, as do all Israeli officials, that attacks are only on military targets and that the targets are "carefully pinpointed." Security prevented further discussion.

There is little dissent about the bombing in Israel. Most leftist critics of the government seem puzzled by questions about the bombing. "Unfortunate but necessary," is the standard line. Few people are aware, or believe, that civilians are being hurt. Only groups like the far-left Matzpen liken the bombing to U.S. policy in Indochna and argue that the end does not justify the means. However, in the wake of the recent rash of guerrilla operations, a few Israeli columnists have begun to point out the ineffectiveness of the operations against Lebanon, and suggest that the raids continue at least partly for domestic consumption. It is apparently difficult for the Israelis to believe, as it was for the Americans in Vietnam, that the strategic results of their firepower are negligible.

Beirut—The Israelis insist that Lebanon must bear the consequences for allowing the PLO to operate on her soil. But the fact is, the Lebanese are in trouble no matter what they do. Lebanon's tiny 12,000-man army and one-squadron air force are no match for the Israelis. Nor does she relish the prospect of an all-out confrontation with the Palestinians, after such a push in 1973 nearly caused a civil war in the country. The 1973 clash and an earlier one in 1969 left hundreds of casualties, civilian as well as military. In 1973 Lebanese leftists joined the Palestinians, and several of Lebanon's private armies used the occasion to settle scores. A shaky truce was negotiated only after the Lebanese Air Force had bombed five Palestinian refugee camps near Beirut, wounding hundreds. Since then, the Lebanese have stepped up security, driving guerrilla military operations underground, while political and social welfare arms of the PLO continue to operate openly. It is the fervent but not naive hope of most Lebanese that the Palestinians will stop their raids in Israel. But until then, there is not much they can do. "If the huge Israeli forces can't stop the Fedayeen from coming in, how do they expect us to keep them from going out?" a young Lebanese captain asked plaintively. Individual incidents still occur between Lebanese security forces and the Palestinians, often precipitated by guerrillas refusing to show papers or trying to run the roadblocks in the South. Recently, newspapers were full of reports of a shoot out between Lebanese military police and a party of Palestinians on a deserted road.

On the international level as well, Lebanon must steer a straight course between the Scylla and Charybdis of her Arab neighbors and Israel. Each new round of attacks by Israel is followed by offers of arms, men and missiles from Egypt, Libya, Saudi Arabia and especially Syria. In recent months, Egyptian President Anwar Sadat has offered to station five squadrons of MIG–21 interceptors in Lebanon. Syria has offered soldiers and SA–6 antiaircraft missiles. (The PLO says the Syrians are already equipping the Palestinians with the shoulder-fired "Strella" missiles the U.S. found were so lethal to helicopters in Vietnam.) But the Lebanese have refused men and planes so far, fearing they would draw them further into the Mideast conflict. They fear Syrian troops for other reasons, too; there is a long history of Syrian interest in Lebanese territory. When the Lebanese bombed the camps in 1973, the Syrians sent large numbers of troops into Lebanon and cut off trade. A recurrent Lebanese nightmare has the Syrians and the Israelis dividing the tiny country.

Lebanon's inability to control the Palestinians or to protect her people from the Israelis has also had a political toll inside the country. Security problems were one of the factors in the fall of the most recent government last September. The crisis has brought demands from the right to expel the Palestinians and from the left to take up Syrian and Russian offers to construct a missile defense system for the country. The Beirut newspapers are regularly studded with reports of, on the one hand, agreement between the government and the PLO to curtail armed activities in the South and, on the other, meetings between PLO, Syrian and Lebanese officials about defense of the country. It is government by balancing act. In July the Lebanese got a ten-year, $1 billion commitment from Arab defense ministers to build up the Lebanese Army. The government successfully headed off a PLO demand that the money be channeled through the guerrilla organization. The government's failure to provide adequate security in the South has also added fuel to a quasi-separatist movement of the area's Shiite Muslims, who charge that they and the underdeveloped South are neglected by the government, which is dominated by Christians and Sunni Muslims.

On trips south, we see the ambiguity of relations between the Palestinians and the Lebanese. Almost no one in Lebanon believes that the PLO regularly uses Lebanese villages as staging areas for military operations. Villagers in the area, although they do not deny they have occasional contact with Palestinians, insist they give them no aid or quarter in their villages. The tensions that have been created by the bombing, in addition to competition that has grown up between the refugees and poor Lebanese for jobs, lead most observers to doubt guerrillas would adopt a Lebanese village as a permanent base. "Most Lebanese sympathize with the Palestinians," a local Lebanese official says, "but all they would need is one person who didn't to compromise their security." Lebanese intelligence is also said to have its own strong roots in many villages in the area.

A stronger case can be made that the guerrilla raids against Israel are run from the Palestinian refugee camps. Guerrillas certainly live in the camps. Planning sessions may be held in camps and arms may be stockpiled there. All visits are conducted by PLO guides, and most questions on military matters are turned aside for security reasons. But the camps, with their crowded quarters and well-developed grapevines, seem ill-suited for the launching of secret raids, even in spite of what seems to be near universal support for them in the camps. Most of the camps are relatively far from the border, near major Lebanese towns, and are closely watched from outside by Lebanese police. The one "operations" base we visited briefly was an abandoned house close to the border and nearly hidden in a grove of trees. Well-informed diplomats in Beirut believe that some of the Palestinian raids may be run from Syria, and a few from inside Israeli itself by Palestinians still living there. Such reports, even if true, would not be acknowledged by the Israelis. They cannot pound Syria as they do Lebanon without risking a fifth Mideast war, and to admit raids are conducted by their own Arabs would be to concede that the Palestinians inside Israel are not as happy as the government insists they are.

American officials in Beirut agree the raids on Lebanon are largely ineffective. "We discovered in Indochina that bombing couldn't even stop large movements of men and supplies," says one official. "It certainly can't stop three-man raiding teams." But the bombings have become so routine that virtually no one—and certainly not the Americans—wastes much time protesting them. "Frankly, I don't think it's much of an issue," says one embassy official in Beirut. "The Israelis make it clear they will continue the attacks, and continue them whether or not there are fewer cross-border raids." (In recent months, as the PLO has reached for respectability, there have, in fact, been fewer Palestinian raids—about one a month—while Israeli attacks have been almost daily.) Another U.S. official told me "Golda Meir first said there were no Palestinians. Now the Israelis admit there are Palestinians, but no Palestinian civilians."

But the balance of terror in Lebanon may not be so stable in the future. It is a real possibility that the situation there could trigger the new Mideast war that so many Israelis and Arabs expect. In recent weeks, the heaviest ground fighting yet between Israeli commandos, Palestinian guerrillas and Lebanese soldiers has broken out. The Lebanese Army is now getting more advanced anti-tank weapons from the American government, presumably to defend itself against the tanks we send the Israelis. The Palestinians are now stockpiling "Strella" missiles, increasing the likelihood that the Israelis will begin to lose planes over Lebanon. And with chances of a permanent Mideast agreement receding, there is a good chance that the Palestinians will step up raids into Israel. If that happens, few doubt that the Israelis would at least consider an invasion of Lebanon, a move that would surely prompt Syrian intervention on a massive scale. It is a scenario that is only too plausible.

In the meantime, the toll of civilian casualties builds slowly, inexorably. The bombing has become so routine that it goes largely unreported in the American press, a fact that amazes European reporters on the scene, who devote equal space to Arab and Israeli suffering. But the truth is, American editors like their violence spectacular, and after years of reporting the news from Indochina, Americans don't get terribly excited about air strikes anymore. Which is why very few Americans know or care that last year, in southern Lebanon, there were civilian casualties equal to Maalot every month.

TAX PROTEST

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. NOLAN. Mr. Speaker, Mrs. O. C. Kuhl of Wilmont, Minn., opposes abortion and the use of Government money to finance it, and wishes this, her protest, to be part of the CONGRESSIONAL RECORD:

I feel that the January 22, 1973, Supreme Court ruling legalizing abortion on demand was only one step in the growing unconcern for the right to life of the unborn and for all human life; therefore: I protest the use of my tax money in government funded projects that show a complete lack of concern for the sanctity of human life and a disregard for the rights of the unborn including:

(1) Federal, state, or local funding of research into medication to produce "spontaneous abortion" regardless of the state of pregnancy,

(2) Public funding of community projects that promote and encourage abortion among the poor, and

(3) Federal matching of funds to such community projects.

AID WAS PROMISED: U.S. CREDIBILITY ON TRIAL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. BOB WILSON. Mr. Speaker, I insert the following editorial from the San Diego Union in the appendix of the RECORD:

AID WAS PROMISED: U.S. CREDIBILITY ON TRIAL

There are really two issues in the debate between the Administration and Congress over sending additional military and economic aid to Cambodia and South Vietnam.

One is quite obvious—whether it is worth another $522 million in U.S. aid to keep those two countries from falling to the Communists. President Ford and Secretary of State Henry Kissinger believe Cambodia may collapse within a month without a continued supply of weapons and ammunition from the United States of America. South Vietnam's prospects for survival without additional U.S. aid are reckoned in terms of a few months, but the fall of Cambodia would open the way for Communist forces to step up their pressure on Saigon and that timetable might not hold.

The other issue is of much greater consequence to the United States than the fate of two countries in Southeast Asia, as portentous as their fall would be in terms of the future of that part of the world. What is at stake is the credibility of commitments which the United States has made to scores of allies in the last quarter-century.

Congressional leaders are not impressed by the fact that a cut-off of U.S. aid at this time would be disastrous for the Cambodians and South Vietnamese. They say enough is enough. However, they fail to look beyond this narrow issue to the impact of such a decision in other parts of the world.

Some of the same members of Congress who would have us turn our backs on a commitment to Southeast Asians would be aghast at the suggestion we reconsider our commitment to the survival of Israel. That would be an invitation to another war in the Middle East. The hope for a negotiated settlement there is based on a balance of power which the United States has committed itself to help maintain.

If such commitments become questionable, what becomes of the 20-year standoff between North and South Korea? Why should the Soviet Union be impressed by the North Atlantic Treaty Organization, whose defense of Western Europe is based on a U.S. commitment?

Another appropriation of aid for Cambodia and South Vietnam does not mean that either of those countries is going to "win" the long war that each has been fighting against Communist aggressors. However, it will signal to the Communists that they are not going to win, either, and it is that principle which must prevail if there is to be any hope for a negotiated peace in Southeast Asia.

South Vietnam and Cambodia pinned their futures on the word of the United States when the Paris agreements were signed in 1973. We cannot go back on our word to them without causing both our friends and potential enemies to question the defense commitments of the United States which are now the cornerstone of world peace.

ECUADORIAN SEIZURE OF AMERICAN FISHING VESSELS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mrs. SULLIVAN. Mr. Speaker, as I am sure the Members are aware, the United States recognizes only a 3-mile territorial sea and a 12-mile exclusive fisheries zone off the shores of any nation. The country of Ecuador and a number of other Latin American nations claim a 200-mile fisheries zone and territorial sea. As a result of this conflict, between January 25, and February 1, 1975, the Ecuadorian authorities seized seven United States tuna vessels while fishing between 75 and 150 miles off the coast of Ecuador.

Mr. Speaker, whenever American fishing vessels are seized for fishing beyond 12 miles from foreign shores, section 3 of the Fishermen's Protective Act requires the Secretary of the Treasury to reimburse the owners of such vessels for amounts certified by the Secretary of State as being the actual amount paid by such vessel owners for fines, license fees, registration fees, and other direct charges in order to obtain release of their vessels and crews.

In the case of the seven tuna vessels, it is my understanding that the owners of those vessels have paid to the country of Ecuador a total of $1,696,267.

Also, Mr. Speaker, section 7 of the Fishermen's Protective Act requires the Secretary of Commerce to enter into agreements with vessel owners desiring to participate in a cooperative insurance program that will guarantee reimbursement to participating vessel owners for actual costs incurred, including the cost of confiscated or spoiled fish, and for 50 percent of the loss of gross income resulting from any illegal seizure and detention of such vessels by a foreign country.

Mr. Speaker, the Ecuadorian authorities held these vessels in hostage for more than a month and it is my understanding that claims to be presented under section 7 of the act—representing actual losses while the vessels were detained—will total between $3 and $4 million and this will be in addition to the fines and fees paid totaling $1,696,267.

Mr. Speaker, something must be done now to discourage these acts of piracy and to cease rewarding the guilty countries at the expense of the American taxpayer. We cannot expect our fishermen to bear these exhorbitant costs when they are operating legally under United States and international law. At the same time, the American public should not be asked to subsidize this blackmail when current law provides a reasonable method of recovering the moneys paid out.

The Fishermen's Protective Act as currently constituted directs that the entire amount paid out for fines, fees, and other costs of these seizures be deducted from any funds programed for assistance to the offending country—in this case, Ecuador—under the Foreign Assistance Act of 1961, unless the President certifies that such deduction would not be in the national interest.

Unfortunately, despite my best efforts to obtain State Department assistance to assure that these costs are deducted, in every single case since enactment of this provision of the law, the Presidential "national interest" certification has been made. Therefore, the intent of the act and the intent of Congress to put an end to these unlawful seizures has been circumvented.

Today, I am introducing legislation which I hope will be the solution to this problem. My bill will repeal the provision which grants the President the authority to disapprove, in his discretion, the transfer of foreign assistance funds from the funds programed to an offending country under the Foreign Assistance Act. This will have the effect of making the offending country pay its own fines and hopefully this will be the vehicle to make these countries realize that it is not in their interest to seize these vessels.

Also, Mr. Speaker, whenever the foreign aid appropriations bill for fiscal year 1975 comes to the floor of the House for a vote, I would like to alert the Members at this time that I intend to offer an amendment to that bill which will prohibit the President from obligating or expending any funds appropriated under that act for any foreign country which, during fiscal year 1975, seized or seizes any U.S. fishing vessel on account of its fishing activities beyond 12 miles from the shores of any foreign country.

I hope my colleagues will support me in my efforts to put pressure on the Department of State and the President to seek solutions that will prevent these acts of piracy from occurring in the future and put an end to this wasteful expenditure of our taxpayers' money.

Mr. Speaker, following is a copy of the bill I am introducing today, and a copy of the amendment I intend to offer to the foreign aid appropriations bill for fiscal year 1975:

H.R. 4458

A bill to amend the Fishermen's Protective Act of 1967 to repeal the provision which grants the President authority, on the basis of United States national interests, to disapprove the transfer of foreign assistance funds from the intended recipient country because of an unsatisfied claim under this Act against such country

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975(b)) is amended by striking out "unless the President certifies to the Congress that it is in the national interest not to do so in the particular instance".

SEC. 2. The amendment made by the first section of this Act shall only apply with respect to any claim made under section 3(a)(2) of the Fishermen's Protective Act of 1967 on or after the date of enactment of this Act.

AMENDMENT TO H.R. — OFFERED BY MRS. SULLIVAN

Page —, after line —, insert the following:

Sec. —. Of the funds appropriated under this Act, the President shall not obligate or expend funds for any foreign country which, during fiscal year 1975, seizes any United States fishing vessel on account of its fishing activities more than 12 miles from the shore of any foreign country.

A TRIBUTE TO WHEELING—A WINNING ATTITUDE

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. LITTON. Mr. Speaker, nestled in the countryside of the Sixth District of Missouri is a small, inconspicuous appearing, rural town that has experienced a phenomenon that is typically American—something called a winning attitude. The town of which I speak is listed as Wheeling on Missouri maps and is called home by 268 of the proudest people in Missouri. Having experienced more than its share of the many problems that face all of our rural communities, Wheeling has been strongly determined to retain its high school system.

Much of the credit for the unusually strong school system should go to the school board, faculty and, of course, the parents. However, Mr. Speaker, the one ingredient that money can not buy is also responsible for a part of the success of Wheeling R-IV High School. That ingredient is called pride. The author, Wordsworth, once called pride, "a whizzing rocket that would emulate a star."

Speaking of stars, a girls basketball team at Wheeling R-IV has had more than its share of stars this past year. In fact, Mr. Speaker, this team has achieved its ultimate goal—being State champions of the 1-A division. The story of this success does not end here.

For 3 years the Wheeling girls basketball team has worked its way to the State playoffs, winning third place in 1973, winning second place in 1974 and finally winning the elusive title this year. Over the past 4 years, this group of dedicated, self-sacrificing young ladies have amassed an overwhelming record of 113 wins and only 7 losses. Three girls of this elite group have had the distinction of being a part of the starting lineup for 4 years. Their record speaks for itself: Julie Waite, 1,352 points; Mary Timmons, 2,157 points; Paula Littrell, 1,392 points.

Mr. Speaker, to witness this kind of phenomenon where it is obvious that a determination to adhere to the principles of hard work and self-sacrifice has resulted in success, I cannot help but believe that this same kind of determination on the part of all Americans will achieve a victory over the many problems facing us today. In a time when all we read and hear is cloaked with an air of defeatism, I am most happy and grateful to have the opportunity to associate myself with a group of young people and a community that is indeed a symbol of a positive attitude and a desire to win.

This is the kind of pride, determination and the will to win that has brought our great Nation to its present position of world leadership that we are honoring at Bicentennial celebrations this year and the next throughout this land of ours.

UNEMPLOYMENT—CONGRESS MUST ACT NOW

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. BLANCHARD. Mr. Speaker, in spite of the fact that this Nation is in its worst economic crisis since the Great Depression, there are still many in Washington who do not comprehend the dimensions of high unemployment and the resulting effect on taxes and State and Federal programs. As most of you know, Michigan is particularly hard hit by the current recession. Especially hard hit are the families of the 18th Congressional District, the people I am privileged to represent. A most influential local newspaper, the Daily Tribune, published in Royal Oak, Mich., recently editorialized on the subject of unemployment. The Tribune editorial summarizes some of the major problems Congress must tackle before it is too late for many families and taxpayers.

The February 20, 1975, Daily Tribune states:

> PAYING FOR JOBLESSNESS
>
> Unemployment is a hardship not only for the 7.5 million persons out of work but also for the private and government-supported funds that provide jobless benefits. As the recession deepens these funds are running dangerously low. And beefing them up by raising the wage tax on employers might well lead to further layoffs.
>
> Unemployed auto workers have been told to prepare for termination of the industry's generous supplemental unemployment benefits (SUB). Under United Auto Workers contracts, the combination of SUB payments and state unemployment benefits is designed to pay laid-off workers 95 per cent of their regular take-home wage, less $7.50 a week—the estimated cost of lunches and transportation to and from jobs.
>
> SUB never was envisioned as an open-ended program, however. Its purpose was to protect workers' earnings during periodic layoffs, such as those which occur during model changeovers. "If layoffs continue," UAW Vice President Irving Bluestone told Business Week, "become even more intense and of longer duration, there is no question that there will be insufficient funds to continue paying benefits."
>
> Several states have had to borrow from the Federal Government to keep their unemployment benefit programs going. If they do not start repaying loans after two years, Federal law requires that they impose a penalty tax on employers to meet the Federal payments. It is estimated that as many as 15 states may exhaust their unemployment funds this year.
>
> Unemployment compensation was one of the several programs authorized by the Social Security Act of 1935. The retirement benefit plan was established as a national system operated by the Federal Government, with a single pool of funds for all covered workers, whereas the jobless benefit plan was instituted as a composite of separate state programs with the Federal Government serving as banker and general overseer. Unemployment compensation is funded through Federal and state wage taxes on employers, and benefits tend to vary widely from one state to another.
>
> In most states, recipients of jobless benefits get approximately one-half of their weekly wage, up to a stipulated maximum. The average weekly payment is about $65 (tax-free) and the standard eligibility period is 39 weeks. Late last year, Congress approved nearly $3 billion in emergency benefits to provide 13 additional weeks of eligibility. The legislation also extended unemployment insurance to 12 million farmers, domestics and state and local employes who had not previously been covered.
>
> These emergency benefits, however, will expire at the end of 1975 unless Congress decides to extend the program. Some members think more drastic action is in order. Rep. Charles A. Vanik (D-Ohio), a member of the House Ways and Means Committee, which oversees unemployment insurance, said: "It is past time that the entire system was thoroughly reviewed and overhauled."
>
> The House Democratic Leadership, on the other hand, has asserted that the best way to cope with unemployment is to provide additional public service jobs. Regardless of which approach is taken, assistance to the jobless is one of the most pressing legislative issues of 1975 and most of us would agree that it is better to pay people for working than not working.

THE HONORABLE JOSEPH PATRICK O'HARA

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. HAGEDORN. Mr. Speaker, the sudden death this week of our former colleague, the Hon. Joseph P. O'Hara from Minnesota, came as a great shock to those who knew and worked with him during the years he served in Congress. Congressman O'Hara represented the Second Congressional District of Minnesota, the district I now have the honor to represent in the House of Representatives.

While serving in Congress, Representative O'Hara was a ranking member of the House Interstate and Foreign Commerce Committee. He also served as a member of the District of Columbia Committee for 14 years. While serving on this committee, he worked hard for a well-coordinated public works program for the city and for larger Federal payments to help meet the city's needs. He actively supported the move to gain representation in Congress for the District of Columbia. Congressman O'Hara fought hard for fair trade law proposals. He introduced legislation that would strengthen condemnation of housing where landlords failed to make necessary repairs and played a key role in efforts to expand the city's court system.

Prior to his election to Congress in 1940, Representative O'Hara established his own law practice in Glencoe, Minn. He was the McLeod County attorney from 1934 to 1938. He served as vice president of the Minnesota State Bar Association and as a member of the House of Delegates of the American Bar Association.

Born in Tipton, Iowa, Representative O'Hara attended the University of Notre Dame. He served overseas as an officer in the U.S. Army during World War I. After the war he returned to Notre Dame where he graduated in 1920. He was an active member of the Army Reserve and served as commander of the American Legion Department in Minnesota from 1925 to 1926.

Mr. O'Hara served our Nation with distinction. He was a man of high principles and high qualities. I wish to join my colleagues in both the House and Senate in extending my heartfelt sympathy to Mrs. O'Hara, his three sons, and all the members of his family.

STATEMENT ON RESOLUTION TO ESTABLISH THE NATIONAL COMMISSION ON SOCIAL SECURITY

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. LEVITAS. Mr. Speaker, today I am introducing a joint resolution to create the National Commission on Social Security. Like many of my colleagues, I have come to the firm conclusion that our approach to the social security system must be thoroughly overhauled. There are too many warning signals that we can no longer afford to ignore.

Certainly, my heavy mail from the Fourth District of Georgia reflects the current social security malaise. People under 40 are complaining about being forced to contribute to an actuarially unsound system from which they never expect to receive full benefit.

Those people already receiving social security benefits are concerned, not only about the way the program is being administered in many instances, but also about the inadequacy of these benefits to maintain a decent standard of living.

The real basic problem is that social security was never designed to be a comprehensive retirement system. Introduced in the early days of the Roosevelt administration, it was designed as an insurance program with mandatory premiums which would maintain actuarial integrity and would provide minimum subsistence. The system was really designed to help rural migrants to urban areas who had no means of providing for their own retirement and who constituted a potential heavy burden on society.

Over the years we have allowed, at least in our own thinking, the social security system to become a comprehensive retirement program.

The outlook for the social security system has darkened drastically in the past few months as the economy has floundered. Unemployment erodes payroll tax revenues and speeds the drain on the funds as more workers seek retirement or disability payments. At the same time, inflation increases social security outlays. Because benefits are tied to living costs, there will be an automatic increase of more than 8 percent next July; last year this boost was projected at 4.4 percent. The 1974 Trustees Report, issued last June, predicted that the retirement and disability funds would continue to increase to the year 1980 and it foresaw no need for a payroll tax increase for 5 to 10 years to come. But the latest forecasts project an immediate decrease in the trust funds leading to their exhaustion by the end of 1980.

Here are those contrasting projections:

THE 1974 PROJECTION AND 1975 PROJECTION

1975—up $210,000,000, down $2,500,000,000.
1976—up $339,000,000 down $6,100,000,000.
1977—up $797,000,000, down $8,300,000,000.
1978—up $154,000,000, down $9,500,000,000.

I would like to point to a recent syndicated survey which recently appeared in the Atlanta Journal by Dr. Robert Myers, the former chief actuary of the Social Security Administration.

Dr. Myers points to two separate but closely related problems which present major threats to the future of the social security system. The first problem stems from possible zero population growth and the second from what he considers to be an unrealistically low estimate of the system's operational cost.

What the new demographic pattern wrought by zero population growth means in simple terms is bigger bills and fewer people to pay them.

In the matter of operational costs, current social security financing is based on the unrealistic assumption, according to Dr. Myers, that there will be a 5-percent annual increase in taxable wages and price increases of no more than 3 percent each year into the indefinite future.

Although the components of Dr. Myers' rejection of these rosy assumptions are debatable and, in some cases, extremely controversial, there seems little doubt about the ultimate conclusion which he reaches:

> Our current program is running up staggering bills which somebody is going to have to pay sooner or later, if the Social Security program is to be maintained.

The question is, says Dr. Myers, how will they be paid and by whom?

Mr. Speaker, these are questions whose time has come. My bill is an attempt to examine thoroughly our present social security program in all of its aspects and to examine viable alternatives to a system which many experts—not to say the vast bulk of a concerned public—believe is no longer tolerable.

The bill will abolish the present Advisory Council on Social Security and instead calls for a national commission of nine citizens to make a careful and intensive study of the entire subject area not to be confined to the four corners of our present program. At the end of 4 years the commission is to recommend specific proposals for the type of program or programs which will best suit the needs of America for the rest of this century and into the next.

This commission will travel to all parts of the Nation and hear from businessmen, retired persons, professionals, widows, working people, single career persons, from every element of our society in addition to the experts and economists. Then, in a series of annual reports and a final comprehensive report, the commission will formulate findings and recommendations in the following areas:

First, the adequacy of the fiscal condition of the present social security programs;

Second, any inequities in these programs based upon marital status, sex, or similar classifications or categories; and

Third, possible alternatives to the current programs including a substitution of the payroll tax by general revenues, establishment of a system providing for mandatory participation in a private insurance program or an alternative to participation in Federal programs, and establishment of a system permitting individuals a choice of public or private programs or both.

We must assure those people now receiving benefits under social security that they will be fully secure and provided for. Further, we must assure those people looking to the future that the system to be devised will be at least as good and, necessarily, more efficient more productive, and less costly than what we now have.

We have a national commitment to a retirement, disability, and survivor benefit program. We cannot allow that commitment to flounder, because the existing delivery system has become unsuited to our current and future needs. Our mission is not to destroy but to create; not to provide expensive cosmetic treatments to the patient, but rather to find a cure that will provide true security for all citizens in need of an affordable and realistic program for retired citizens and for the families in which the wage earner has died or has become disabled.

The bill I introduce today has that purpose, and no domestic human and social need can have any more long-term priority than solving this problem.

RALPH YARBOROUGH UNIT

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. CHARLES WILSON of Texas. Mr. Speaker, I have introduced a bill to designate a unit of the Big Thicket National Preserve as the "Ralph Yarborough Unit" in honor of former Senator Yarborough, whose name is well known to everyone familiar with the history of the Big Thicket legislation.

For the benefit of those who do not know what the Big Thicket is or where it is located, it is in east Texas and is called the biological crossroads of North America. There the temperate, subtropical, prairie, and woodland flora and fauna of the North, South, East, and West meet. The 84,550-acre preserve includes elm, birch, sugar maple and flower dogwood of the northern, temperate climates; southern cypress, magnolia and various subtropical trees; western tumbleweed and several varieties of cactus; as well as 40 species of orchids and 26 known species of fern. In summary, the Big Thicket is an unusual and interesting mixture of nature worthy of national recognition and preservation.

Legislation to establish the Big Thicket National Preserve was passed in the 93d Congress and enacted on October 11, 1974, completing efforts which date back to 1927. In that year, a considerable effort was mounted by citizens interested in preserving the unique features of the Big Thicket, but not until 1938 was a study made by the National Park Service. Although that survey recommended establishment of a large park, the war years intervened and the recommendation was never implemented.

In my view, Senator Yarborough's untiring efforts to save the Big Thicket while in the Senate and the continuation of those efforts after leaving the Senate were essential in building the necessary public support for its success.

Several of my Texas colleagues have joined me in presenting this bill to the House, and we anticipate its speedy passage. The Yarborough Unit—14,300 acres of Polk County, Tex., will be a lasting tribute to one of the pioneers in the struggle to preserve the Big Thicket.

GHANA INDEPENDENCE DAY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. DIGGS. Mr. Speaker, it is with great pleasure that I rise to salute the nation of Ghana, which today celebrates the 18th anniversary of her independence as a sovereign state in the world community. I have always had a particularly warm affection for Ghana as a residual from my attendance at its independence in 1957 as part of the U.S. delegation, my first trip to mother Africa.

The United States, which is approaching its own 200th anniversary, is looked at by some parts of the world as one of the youngest nations. I hope that our own experiences during our first 200 years, and our relative youth as a nation-state, will encourage our understanding and support for the overwhelming difficulties that face a new nation.

I believe that Ghana, despite the enormous problems of economic and resource dislocation throughout the world, has made great strides in coping with the needs of her people.

Three years ago the Government of Ghana addressed herself to the major task of making the country self-reliant to the highest possible degree within her resources. The government, therefore, placed emphasis on agricultural development as the general strategy to spearhead the country's economic development. The adoption of this policy was dictated by the actual conditions of the economy at that time, and Ghanaians were called upon to muster all available resources to produce the food needed by the nation. The program known as "Operation Feed Yourself" was regarded as an emergency operation aimed at reducing the country's crippling dependence on food imports. The years 1972-74 were, therefore, declared to be "Agricultural War Years", devoted to the increased production of selected crops and livestock. The basic policy under the program is the rapid and orderly development of agriculture toward self-sufficiency in food and raw materials and the diversification of agricultural exports.

Production targets have been exceeded, and Ghana has become self-sufficient in maize—the staple food of the majority—which used to be imported in large quantities. Rice production has reached 70 percent of the national need and Ghana hopes to become self-sufficient in rice this year.

The success story of the economic recovery during the past 3 years will for long be remembered. The strict discipline injected into the economy by the government since coming into office has paid off so well that the country has been able to record a balance-of-trade surplus for the first time in the past 2 successive years.

To improve the quality of life of the people, the government has introduced schemes for accelerated improvement in housing, health, and education. A crash program on low-cost houses for the low-income group is being pursued vigorously and work is in progress to complete, this year alone, some 5,000 houses started under the scheme.

A new "Health-on-Wheels" scheme, aimed at providing more adequate medical services for the rural areas through mobile clinics, has also been instituted.

The government has recently launched a 5-year development plan aimed at effecting a structural transformation of the country's economy and promoting full and efficient use of all of the nation's resources.

The Government of Ghana has always encouraged foreign participation in our economy, and during the past year many foreign companies, including U.S. businesses, took advantage of a wide range of fiscal and tax incentives and good infrastructure to invest in Ghana. The country continued to maintain very fruitful partnerships with U.S. companies, such as Kaiser Aluminium, Firestone Tire and Rubber Co., Union Carbide, and Star-Kist.

To give practical expression to our relations with our neighbours, Ghana is exporting electrical power to Togo and Dahomey and continues to pursue a policy of friendship and cooperation with all countries.

We are determined to succeed, and with hard work and the sympathetic cooperation of our friends, we are sure we will.

ADDITIONAL JUDGESHIPS

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. HUTCHINSON. Mr. Speaker, today I am introducing two bills. The first bill would create 52 additional judgeships for the U.S. district courts. The second bill would create 13 additional circuit judgeships for the U.S. courts of appeals. These two bills have been recommended to the Congress by the Judicial Conference. On January 15, 1975, the Administrative Office of the U.S. Courts communicated the recommendation of the Judicial Conference to both the House and the Senate. On February 23, 1975, the Chief Justice addressed the American Bar Association, in what is commonly called the annual report on the state of the judiciary. In that report, the Chief Justice reiterated the urgent need for additional Federal judgeships.

I agree. In recent years both the number of cases has increased and the time that it takes to consider each case has increased. For as we perfect the administration of justice, it inevitably requires additional time and resources. Last year the Congress enacted the Speedy Trial Act to guarantee defendants their constitutional right to a speedy trial. But declaring that right and making it possible are two different things. If Congress does not act swiftly to create additional judgeships, the goal in the Speedy Trial Act and the goals in a host of other congressional enactments will never be realized.

Although I agree with the general need for additional Federal judgeships, I have not at this time—before I have examined all of the evidence concerning each particular district and circuit—firmly resolved that I agree with the recommendation of the Judicial Conference in every particular. But I do believe that the matter is most urgent and one which the Committee on the Judiciary should address at the earliest practicable time.

HAYS IN HOUSE DAD AT HOME

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. DENT. Mr. Speaker, after certain actions taken and words spoken during the organizational period of the 94th Congress, I think my colleagues might appreciate reading a story written by Glen Duffy which appeared in the Ohio State Lantern on February 19, 1975. It is an interview of Martha Hays Steiner, the daughter of Congressman WAYNE HAYS.

It might tell the story of WAYNE HAYS better than any of us might who have known him for years. It may explain some of the characteristics that have made him unpopular in some quarters but staunchly supported in others.

I have often said that there are many sides to all of us, but that the most important side is that of the family. Perhaps we could all learn a little more about the colleagues we serve with if we were more aware of their family sides.

The article follows:

HAYS IN HOUSE, DAD AT HOME

(By Glen Duffy)

What is a powerful member of the House like when he makes the transition to a member of his household?

If anyone should know, it's Martha Hays Steiner, a senior from Flushing and daughter of U.S. Rep. Wayne Hays (D.-Ohio), chairman of the House Administration Committee.

Hays has been described as "abrasive," "bitter-tongued," and "the meanest man in Congress." The House Steering and Policy Committee several weeks ago made an unsuccessful bid to unseat Hays from his committee's leadership as part of a general attack upon the seniority system.

Steiner said, "I know a lot of people don't like my father simply because he doesn't usually worry about whether he makes somebody mad or not."

Of her father's much publicized temper, Steiner said, "He displayed it somewhat at home too. He has to work at his job more than eight hours a day, he has to work it almost constantly. It kind of carriers over to his other (home) life I guess. He's just the type of person who's learned that to get things done, you've got to be a demanding person."

Steiner said Hays was "confident" about retaining his chairmanship when he was challenged.

"We talked to him right after we heard about it on the news," she said. "We were pretty surprised, but he didn't seem too worried. I guess he got some Congressmen to vote for him."

Steiner said she doesn't consider herself politically inclined.

"You would think I would be more political considering who my father is," she said. "I don't tend to take a stand on any particular issue. I'm not involved in any groups. I just kind of stayed out of things. He (Hays) never pushed me into anything."

"He never talked about his work much at home," Steiner said. "My mother and I would have campaigned for him if he had asked us, but he never did. About the only time he said anything about what his day was like, was when he had a conflict with somebody and got in the last word. He really seemed pleased with that."

Steiner said that while she was growing up in Flushing, "People kind of looked up to us (the family). I didn't like to feel any different, though, and I don't think I got any special treatment. I had to be careful about what I said, but I guess it's that way in any small town."

Steiner said some of the criticism of her father bothers her.

"It kind of angers me if I think it's unwarranted," she said. "I think they (the media) are saying things kind of harshly sometimes. He may spout off and say what he thinks, and it may not be that tactful or nice, and it may not be the right thing to do, but I'm not sure it warrants that kind of a writeup."

"I might be kind of biased, though, because I don't see him in the House, I just see him at home. People might have some legitimate gripes, but it's kind of hard to tell," she said.

Steiner said her father takes most criticism "in stride," but occasionally it does affect him.

"I think those papers that gave him those writeups and said what a mean person he was, he did kind of take to heart more than almost anything I've ever seen. It surprised me because I thought he wasn't that worried about it. I think he wants people to think he's efficient, but when they put it that way, I think it's starting to get to him," she said.

Steiner said that during her childhood, her father never talked much about his ambitions in politics but, "He used to tease me about his becoming President because he knew I didn't want him to."

"I just wouldn't appreciate the lack of privacy.

Steiner doesn't think her father will ever run for President, but she said, "I think he would like to be Speaker of the House."

INTERNATIONAL WOMEN'S YEAR

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Ms. ABZUG. Mr. Speaker, in honor of International Women's Year, I am introducing a bill to establish a committee to plan and convene an American Women's Conference not later than December 31, 1976. The conference will have a mandate to assess the progress that has been made in the United States toward achieving the three goals of International Women's Year—equality between men and women, integration of women in the total development effort, and recognition of women's contribution to world peace. Additionally, the conference will develop specific recommendations for the elimination of all barriers to full and equal participation of women in all aspects of national life, and will establish a timetable for the implementation of these recommendations.

I believe that a national conference of American women is an appropriate vehicle by which the United States can recognize and act on the goals of International Women's Year. A national conference could serve to focus attention on the issue of women's rights and equality, and could develop specific recommendations to achieve the goal of full integration of women in all aspects of national life. The conference could bring together representatives of women's organizations, policymakers and decisionmakers from the private and public sectors, and members of the public at large for a fruitful discussion of issues of interest to women. The recommendations developed by such a conference could serve as a blueprint for action by the Government and the private sector in the area of women's rights.

This is a particularly fitting time for American women to meet and consider the actions which must be taken to insure them full equality in all aspects of society. It was nearly 200 years ago that American men met to plan a revolution. Today, American women must meet to make sure that the fruits of that revolution are no longer denied to them.

Although I applaud the President's action in establishing a National Commission on the Observance of International Women's Year, this Commission has only a tiny budget and a somewhat limited mandate. Its responsibility is to promote the observance of International Women's Year in the United States by focusing attention on the need to encourage appropriate and relevant cooperative activity in the field of women's rights and responsibilities. I think it is incumbent upon the Congress to provide for such "appropriate and relevant cooperative activity" by enacting legislation designed to foster specific programs on the observance of IWY, and by appropriating a reasonable sum of money to carry out such programs. Canada and Australia have both appropriated $2 million for programs designed to celebrate IWY. Certainly the United States can afford to assign this important year an equally high priority.

Many other nations are planning to convene national conferences on the status of women during IWY, including Switzerland, Iran, New Zealand, Canada, Belgium, and Australia. I think such efforts are fitting tributes to the importance of this year, and I urge the Congress to act promptly to insure that the United States observe IWY in an equally appropriate manner.

THE PRESIDENT'S BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my February 12 Washington Report entitled "The President's Budget":

THE PRESIDENT'S BUDGET

The highlights of President Ford's budget for fiscal year 1976 include government spending of $349.4 billion, receipts totaling $298 billion and a federal deficit of $52 billion, the highest ever in peacetime.

It is a breathtaking document. In a strikingly candid manner, the President presents an exceedingly grim fiscal picture. With none of the evasions or false optimism of many previous federal budgets, he projects back-to-back deficits totaling $87 billion, a drop in total production of 3.3% in 1975 with only a moderate rise in 1976, prices rising by 11.3% and unemployment averaging 8.1% this year, 7.9% next year and 7.5% in 1977. The President believes the economy will stop deteriorating this summer or fall, and then recover slowly. In his view, the current recession will be almost twice as deep as any in the postwar period, and the anemic recovery will assure stagnation and high unemployment for years.

The President's budget will anger, perhaps even frighten, Americans, arouse grave concern among our friends abroad, and hopefully cause everyone to reflect upon the precarious finances of the nation and what should be done to improve them. The President, who has been warning that the nation must make sacrifices, has concluded that in order to end the recession without re-igniting inflation, the nation must tolerate three years of the highest unemployment the nation has had in the postwar period.

A few general observations may help put this extraordinary document in perspective. While the federal budget has risen rapidly in dollar terms in recent years, it has not grown appreciably as a percentage of the total economy. Likewise, the projected deficit is not as large as several of its peacetime predecessors when placed alongside the size of the economy.

The increased spending in the budget (11% over this year) is for the expansion of present programs or to keep up with inflation, not for new programs. One striking feature of the budget is that transfer payments (that is, payments the government transfers each year from one set of citizens to another, like social security and veterans benefits) account for 40% of the budget. Defense accounts for 25%, interest on the federal debt, 10%, and grants to state and local governments, another 10%. On the revenue side, the social security tax will produce about 30% of the projected revenue, the income tax 35% and the corporate tax 15%.

The President, who has bet his political future on his budget, confronts the toughest economic problems that any President has faced at least since the Depression. The President wants to share responsibility with the Democratic Congress for the nation's economic troubles, and to blame the Congress for any increase in spending. He will have to contend with restive Republicans, who will view him as soft on spending, and with restless Democrats, who will accuse him of increasing spending for the military and foreign aid, but cutting domestic programs aimed at helping low and middle income people.

The proposed $92.8 billion defense budget reverses the eroding effects of inflation on the defense program, and sets the stage for a steady upturn in military spending, which is expected to reach $140 billion by the end of this decade. The nation's demand for energy accounts for a sharp increase in civilian research and development, which is up 12% over last year to $7.4 billion. Nuclear energy would get the lion's share of the energy research funds, but fossil fuel research would also be accelerated. Health research would face a lean year. Federal aid to state and local government would increase modestly, largely to offset increased energy costs. Federal programs for the poor and the elderly (community and mental health, medicaid, food stamps, welfare) are the objects of sharp cuts. The President's request for funds to fight crime represents a decline, if inflation is considered, even though the latest FBI statistics show reported crime up 16%. In transportation, the President proposes using tax revenues now marked only for highway construction to be spent for other purposes. Fewer dollars will be budgeted for farm price supports. But more will go to education, manpower training and foreign aid.

A unique feature of this year's federal budget is a listing of $90 billion in tax expenditures, that is, taxes the government does not collect because of special tax provisions, like personal deductions for mortgage interest and the non-taxation of social security benefits. Another new feature of the budget is that future fiscal years will begin in October rather than July, and the budget includes a transition budget for July through September next year.

In the days ahead the Congress will begin the arduous task of examining the President's budget, line by line. It will ask a number of questions: Will the budget stimulate the economy sufficiently? Will it increase inflation? Should its priorities be re-arranged? Will the deficit crush the economy? The President has recommended a budget he thinks is right for the nation. The Congress must now exercise its collective judgment on the nation's bicentennial budget.

BAN THE HANDGUN—NO. 3

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. BINGHAM. Mr. Speaker, the editorial below makes a point which ought to be emphasized more strongly in the debate over gun control. That is that even the strongest gun control will not end gun crime or gun death. I am not naive enough to think that there are any simple answers to these problems, nor are my colleagues who also support gun control. But we can be sure, as the editors of the New York Post also point out, that a ban on the private possession of handguns will reduce drastically the appalling number of handgun deaths which occur in this country. Surely this is a step worthy of broad support, and indeed, the Post editorial is an example of the increasing support which a ban on handguns is receiving.

The editorial appeared in the New York Post of February 21, 1975.

Curbing Handgun Slaughter

Congress will be besieged as usual this session with appeals from the Department of Defense for new hardware, justified, as always, as essential to national security. There will also be another request: many members will be asking that a certain domestic weapons system be dismantled, on the grounds that it does not protect but endangers.

The point is being made by Rep. Bingham (D-N.Y.) and Sen. Hart (D-Mich.), chief House and Senate sponsors of legislation which would forbid ownership of handguns by the general public in the U.S.

The legislation is not new. Since it was introduced several sessions ago, Sen. Hart estimates, some 30,000 persons have been killed with handguns. They were not, as a rule, muggers, rapists or burglars, but members of the family of the gun owner, or relatives, or neighbors. According to Hart, it is a rarity to find a real "self-defense killing," involving an armed citizen against a criminal attacker.

The Bingham-Hart bill would not eliminate all handgun deaths. It would not totally prevent smuggling of handguns. It would not eliminate the use of other weapons in homicides.

But it would clearly reduce the number of gun deaths in the U.S., which occur, on the average, every 20 minutes. That is why prominent urban and police officials, including Mayor Beame, former Police Commissioner Murphy and others, are supporting the legislation. The public should be heard from no less clearly.

HUMAN RIGHTS IN LATIN AMERICA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. FRASER. Mr. Speaker, I would like to insert in the Record an excellent article by Mrs. Rita E. Hauser. She urges the Department of State to give greater priority to human rights in our relations with Latin America.

Mrs. Hauser suggests that the United States encourage the strengthening of the Organization of American States system for protecting human rights. The reports of the OAS Inter-American Commission on Human Rights receive scant attention by the General Assembly. Consequently, governments accused of committing serious violations of human rights by the Commission may blithely ignore its findings.

At its spring session the OAS General Assembly will consider the Commission's report on Chile. The Commission has issued a thoroughly documented report based on a field mission. The report contains a comprehensive set of recommendations. The Government of Chile has denied many of the Commission's findings.

The U.S. Government should urge the Assembly to fully discuss the report and adopt a resolution endorsing the Commission's recommendations. The United States should also urge the Government of Chile to invite the Commission to make a second investigation.

The article follows:

[From the Washington Post, March 5, 1975]

Human Rights in Latin America

(By Rita E. Hauser)

Any attempt to revise our policy toward Latin America which fails to deal with suppression of basic human rights by governments of both the left and right will simply not be credible to serious people anywhere in the hemisphere. If we are to influence Latin America in the years ahead, it must be on the basis of shared human values which underpin our common heritage of freedom from foreign tyranny. Those values were colectively stated at the Bogota Conference of 1948, when the American Declaration of the Rights and Duties of Man was adopted as the "principal guide of an evolving American law." Included are the right to life, liberty and personal security, equality before the law, fair trial, freedom from arbitrary arrest, freedom of speech and religion. The Inter-American Commission on Human Rights was established in 1960 by the OAS as an advisory group and 10 years later made an official body of that organization, empowered to "keep vigilance over the observance of human rights." The United States supported all these actions—but little else since—and has not made use of the commission on the very occasions when it might have given its best service.

Most observers would agree that an enlightened United States policy toward Latin America in the 1970s must be predicated on nonintervention in the affairs of the other American nations, with due respect for the diversity of their political and economic systems. But this is not a license for us to ignore both the legal and moral obligations we have to seek compliance by all OAS members with the norms of the Bogota Declaration, and to work affirmatively toward enforcement of those rights as against any member state flagrantly in violation of them. Indeed, for the United States to take action which could reasonably be interpreted as supportive of these violations, e.g., sending arms or aid to a government using our materiel for a systematic abuse of the rights of its nationals, is probably a breach of international law under the "aiding and abetting" concept.

What can we do in cases of gross violations of rights of nationals by a Latin state? It is not in our interest, nor is it fruitful, to take unilateral action, whether by economic, diplomatic or military steps, against an egregious violator of human rights in the Americas to compel a change in policy. The OAS Charter probably requires collective action, for only in this manner can the principle of nonintervention in the affairs of another state be legally circumscribed. The perfect vehicle for the United States to support is the Inter-American Commission on Human Rights. Its members are usually distinguished jurists of independent stature; its investigations in the 1960s as to the Dominican Republic, Honduras, El Salvador and Haiti, among others, were well received and no serious effort has been made to refute its factual findings. And it must be stressed that objective fact-finding is often the most difficult task in human rights disputes. Yet, in the past few years, we have done little to support its work.

The commission made a 4-year investigation of the government of Brazil, and condemned it for acts of killing and torture of political prisoners. Brazil rejected these findings and refused to comply with the commission's request that it investigate the charges and punish those guilty. The commission's report was presented to the 1974 Atlanta session of the OAS General Assembly, which merely thanked it for its work. No public discussion on the report took place, due, it is safe to say, to Brazilian lobbying. The United States was silent.

The commission has just completed a lengthy investigation of violations of human rights by the military government of Chile, finding serious failures on a massive scale by that government. It remains to be seen whether this report will have the same fate as the Brazilian study when it reaches the OAS General Assembly this spring—and what role the United States will take in getting it aired. If the report is debated at the Assembly, most experts believe that virtually all OAS members will feel obliged to support a resolution calling on Chile to change its practices.

In dealing with a possible change of policy toward Cuba by the United States and the OAS, we should call for a commission investigation of Cuba's violations of human rights as concerns their large numbers of political prisoners. If Cuba refuses to permit a commission study, I, for one, would have little hesitation in continuing a policy of quasi-exclusion of Cuba from the OAS.

It would be idealistic in the extreme to expect equal respect for basic rights as among the varied nations of the hemisphere. But it is likewise cynical in the extreme to ignore governmental conduct which is violative of the basic concepts that unite the people of the Americas. Not only is that course of action morally and legally indefensible, but in the long, if not the short run, it promotes instability, often violent revolution, within the countries involved and thus discontinuity in our own relations with those countries. It is in our mutual interest to work diligently for respect of basic human rights by all the governments of the Americas. A policy in support of freedom is the best policy, and the safest, this nation can pursue.

EOLINE CULL

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. BLOUIN. Mr. Speaker, with your permission, I wish to enter into the Record today an article from the February 6, 1975, issue of the Maquoketa, Iowa, Jackson Sentinel. The article is about Miss Eoline Cull, the Jackson County psychologist who will retire this summer.

I offer this article for the review of my colleagues today because I believe Miss Cull is yet another example of the thousands of local government employees who serve the people of this Nation faithfully and responsibly.

The article follows:

County Psychologist Will Retire in June

(By Joean McGee)

When Jackson County loses its Board of Education in June, there will also be another loss—the spirited, 75-year-old county psychologist Eoline Cull will retire.

County boards of education are currently being replaced by Area Education Agencies.

A recipient of four college degrees who has lived and worked all over the world, Dr. Cull said, "I've enjoyed every minute of my stay in Maquoketa."

In her nearly 11 years in Jackson County, the most important change she has noted in her counseling is that cooperation among the schools, parents, physicians and state agencies has developed.

Most of her clients are children from the county's school systems who have been referred, usually with some type of learning disability. Many of these are students in the lower elementary levels, although she also works with students in the high schools and with those of pre-school age.

Students she has been working with are those who in some cases, have visual, auditory or coordination handicaps which hinder ability to effectively learn in the classroom.

Speaking on education in general she commented, "I feel that it has been too lax on demands on the part of the older and the very bright students. Individualization of education is the answer."

But she added that in the larger classrooms this is often an impossibility.

"Courses are set at a level for the average student and the brighter students are not challenged. It is detrimental when they develop attitudes that they can 'just get by'," she added.

During her years in Maquoketa, Dr. Cull made local history in being the first woman with a seat on the city council.

Prior to coming to Maquoketa, she received a Ph.D. degree in educational psychology from the University of South California, 40 years after receiving her first bachelor's degree. She was 63 at the time and the oldest member of her graduating class.

It was only after receiving her Ph.D. that she encountered sex discrimination. "Some (employers) didn't want an older woman who had a higher degree than some of the men," she explained.

Being an older student was not always easy. "Before getting through, I was ready to throw in the sponge several times. But still it would have been hard to quit after having begun the program," Dr. Cull said.

Her own visual problems caused her to write a dissertation involving an intelligence test for blind persons. During retirement she plans to work on refining that test.

Her first degree, a B.S. in math education, she received from the University of Nebraska, her home state. But after finishing high school, she vowed that she would never teach.

"But what was a woman to do with a degree in math in those days but teach," she asked. She taught in school systems in Nebraska and Washington states for 11 and one-half years and after she began teaching she realized how much she enjoyed it.

In Broken Bow, Nebr., one night while she was still a teacher, the beginnings of a new and different career started during a woman's club meeting.

"A group of women were talking one night. One of the women was a part owner of a funeral home. Others in the group expressed opinions that they would not like to do embalming.

"Without thinking I said, 'Oh, I would'," Dr. Cull recalled.

At one time Dr. Cull had wanted to be a nurse but discarded that idea. "In those days with all of the lifting, it was too hard work for a woman," she said.

But Dr. Cull could see a similarity between the two occupations. She later enrolled in the Cincinnati College of Embalming. Upon completion of the 12-month course, she began instructing other students in the course, a career which lasted for one and one-half years.

While in Cincinnati she developed an interest in the Woman's Army Corps (WAC). Her enlistment and subsequent training brought on several more skills and occupations and new places to call home.

In Japan she worked as a graves' registration officer. Other titles she earned in the WAC were billeting officer, mess officer and radio mechanic (a skill which she said she hasn't used since her Army days). In the Army she was also a counseling officer, a career in which she decided she wanted more training to qualify for work in that field.

Cataract surgery ended her Army days and began a two-year recovery period. During that period she became more determined to go back to school in educational psychology.

From the University of Arizona she received a B.A. and an M.A. in psychology. After those degrees she enrolled at the University of Southern California to begin work on her Ph.D.

Plans of where to live in retirement are uncertain. Arizona comes to Dr. Cull's mind as a good place to live. But her brothers object because, "It is too far from home." She added that she does feel at home in Maquoketa and in Jackson County.

When questioned about what her plans would be if she were given the opportunity to do it all over again, Dr. Cull responded, "I'd try to be a surgeon. I enjoy people, both as persons who can think and as persons who have bodies that can function well or not function well."

Regarding marriage Dr. Cull said, "I think it is a wonderful institution for two people to plan their lives together. It just didn't work out for me—I've been too busy."

A NEW CAREER FOR 87-YEAR-OLD GRANDMOTHER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. JONES of Tennessee. Mr. Speaker, our Nation's senior citizens have almost become a forgotten part of our society. Until only a few years ago, those over 60 years of age were considered by many Americans a virtual burden on society.

Then, a national effort spearheaded by this distinguished body and our colleagues in the Senate began to improve the way of life for our elderly citizens. Medicare, senior citizens' nutrition programs, and programs designed to aid groups of senior citizens in founding and maintaining organizations for themselves were the result of those efforts.

All of this is promulgation of the fact that while many of our citizens may be categorized as "retirees," they continue to provide a contribution to our society with their wisdom achieved through experience and their knowledge gained in many years of living a full and rich life in an era of great achievements in technological advances, the Great Depression, and two world wars.

I have with me today a copy of a newspaper article that appeared back home featuring one of my constituents. The story focuses on the upcoming graduation of a high school class. That is not unusual. But, more specifically, the article points to one of those graduates, Mrs. Verba Paschall, who is 87 years old—not what one might refer to as a new high school graduate about to embark on a career.

Mrs. Paschall's desire to gain the academic distinction of a high school graduate through years of life and hours of study is a prime example of the continuing contribution being made by our senior citizens. The Congress has acted on programs designed to get senior citizens back into the mainstream of our society. Mrs. Paschall's achievement is an example of our older Americans' answer to those programs. An answer that says, "Yes, we are glad to be a part of American society and are happy to make the contributions that we can as a result of our experience and knowledge."

Therefore, I would insert the following newspaper story, having appeared in The Fulton Daily Leader, into the RECORD in recognition of the achievements of many of our senior citizens.

87-YEAR-OLD MOTHER OF NINE COLLEGE GRADUATES RECEIVES GED CERTIFICATE

MURRAY, KY.—She twits herself about "taking so long to do it." But Mrs. Verba Paschall's face cannot hide the pride she feels in her record-setting learning accomplishments.

Soon she will receive a high school equivalency certificate that will make her, at age 87, the oldest person in Kentucky history to have reached that standard through the state's General Educational Development (GED) program.

Using a magnifying glass part of the time as a reading aid because "my eyesight is not as good some days as it is others," she spent three months studying before she completed the five sections of the examination at Murray State University.

Mrs. June Cunningham, a homebound teacher in the adult basic education program who works out of the Learning Center on the campus, visited weekly in the Paschall home on Puryear, Tenn., Route 2—just south of the Kentucky-Tennessee state line—to assist Mrs. Paschall with her preparation.

Their work, usually in sessions of two to three hours, paid rich dividends. Her composite score of 55 for the five sections—mathematics, literature, English, social studies, and natural science—was described by Chuck Guthrie, director of the Adult Learning Center, as "exceptionally good." He said it would probably compare to that score made by the average college sophomore.

Nobody who knows Mrs. Paschall seems surprised at her success. One granddaughter, Mrs. Mary Lawson, who is a member of the faculty in the Department of Home Economics at Murray State, told why:

"She has always placed a high value on learning. Even as a child I noticed that there were always good books in the house and that grandmother read enough that she could talk about most anything."

Eighty-eight year old Hafford Paschall, Sr., a lifetime farmer who still goes fox hunting twice a week when he can get somebody to go with him, concurs in that assessment of his wife's appetite for knowledge.

"She's always loved a good book." Then he flashed a sample of the sense of humor he shares with his wife of 65 years. "But I've kept her busy most of her life rocking babies."

Mrs. Paschall, a Henry County, Tenn., native who completed the 10th grade and once taught with an emergency certificate in her home county, delights in the family of 12 children they have raised.

"Having a large family has always meant a lot to me," she said from her rocking chair. "But it does take a great deal of time and limits some of the things a person might otherwise do."

The record established by their children—nine out of 12 are college graduates—is undeniable indication that education has always been considered a premium commodity in the Paschall household. Three graduated from Murray State, three from the University of Tennessee at Martin, two from the University of Tennessee and one from a Baptist college in Fort Worth, Texas.

Throughout the busy schedule of her married life Mrs. Paschall has continued to enjoy every opportunity to learn. She still reads the weekly print edition of the New York Times.

So when one of her daughters, Mrs. Viva Ellis of Murray, told her about the adult basic education program at Murray State and the high school equivalency available through the GED program, she was immediately interested.

"I've enjoyed every minute of it," she said. "I can't see well enough to cook and keep house anymore—but I strain my eyes to read."

Asked whether her high school equivalency status is a matter merely of self-satisfaction or whether she might use it in some other way, she made this observation with a wry grin:

"Well, I would think about going to college but I probably couldn't decide whether to try out for the basketball team or the cheerleading squad."

ACTION, AN AMERICAN CITIZEN'S RESPONSIBILITY

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. KASTEN. Mr. Speaker, America—in the midst of shortages, recession, inflation, energy crises, and the like—is making plans to celebrate her 200th birthday. We do so with a tremendous sense of history, accomplishment, and hope for the future.

Jennifer Brodel, winner of the Wisconsin VFW Voice of Democracy essay contest, speaks of America's first 200 years. In her speech, Jennifer quite appropriately states that America will only yield as much as we are willing to put into it.

Her speech should be an inspiration to all:

ACTION, AN AMERICAN CITIZEN'S RESPONSIBILITY

"The greatest thing in this world is not so much where we stand as in what direction we are going."

In this statement Justice Oliver Wendell Holmes reflects a true "patriotism" and outlines a basic responsibility of every U.S. citizen, the responsibility to look, really look, at America, realize how far we have progressed in the short time since our birth, and yet also realize the steps that must be taken to preserve and further our democratic heritage.

Our country will soon be celebrating its bicentennial with the traditional fireworks, parades, and picnics. Benjamin Franklins, Betsy Rosses and Paul Reveres will fill the countryside, flags will be raised, and drums beaten, all paying tribute to the founding fathers of our nation. In my estimation the greatest birthday presents the public can bestow upon America are the gifts of, confidence and courage. Confidence, when noting all the trials America has weathered, and the court to continue trying for at least another two centuries. America faces crises today just as she did twenty, 120, and 200 years ago. The founding fathers chose to meet their crisis head on in the hopes that their successors would cherish and improve upon their gift and meet the crises they encountered with the same determination.

Are we as Americans today guilty of violating this "unwritten" promise? There is a disease that looms large and menacingly in our land today. the deadly plague of, apathy. Americans often feel bogged down by red tape, unfair practices, and devious tactics. Many feel that election day is merely a time to step behind the curtain and employ the "eenie meenie minie moe philosophy." What is more appalling is that even more citizens are too indifferent to bother voting at all. Governmental changes never have been, or never will be, immediate, but without public concern there will be none at all. Remember, the influential majorities were once insignificant minorities who perservered and put their faith in their actions.

It is often said that a country based upon democracy is only as strong as the people behind it. The people behind America must learn that America will only yield as much as we are willing to put into it.

My responsibility as a citizen ultimately reflects an American's responsibility as a citizen, action. It is not my place to lament over America's shortcomings and curse her weaknesses, but to employ my efforts to include myself and others in working toward lasting, beneficial, accomplishments in local, state and even federal government. Accomplishments that say cooperation, concern, and courage still yields success today just as they did almost two hundred years ago. Many scoff at the idealists who believe that unity of action can save America, but I believe that my responsibility, your responsibility, the responsibility of the citizens of the U.S. demands that we try.

I whole heartedly agree with and sincerely believe the sentiment expressed by former President Dwight D. Eisenhower when he said, "There is nothing wrong with America that the faith, love of freedom, intelligence, and energy of her citizens cannot cure."

SEVAREID SAYS WATERGATE WRECKAGE LAYS FOUNDATION FOR STRONGER GOVERNMENT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. EVINS of Tennessee. Mr. Speaker, Commenator Eric Sevareid on a recent Walter Cronkite newscast on Columbia Broadcasting System analyzed the meaning of the recent conviction of the men closest to former President Nixon.

He concludes that the grab for power by this White House clique ultimately contributed to a stronger Federal Government by providing the opportunity for both the Congress and the Supreme Court to reassert their respective powers.

Because of the interest of my colleagues and the American people in this most important matter, I place the Sevareid commentary in the RECORD herewith.

The commentary follows:

COMMENTARY BY ERIC SEVAREID

ERIC SEVAREID. The sentences imposed today on Mitchell, Haldeman, Ehrlichman, Mardian, are about as expected. These projected prison terms are merely the extra strands in the wide web of their punishment—disgrace, ruined careers, sorrowing families, mountains of financial debt.

But, said Haldeman's lawyer, what they did Richard Nixon also did, and he has received no judicial punishment—implying that therefore these men, too, should not be sentenced to jail. The more implacable opponents of the whole White House apparatus would turn it around and say that since these men and others received jail sentences, Nixon should have, too. The argument is moot in any practical sense, since Nixon has been pardoned.

In a bigger sense, it was moot from the beginning. A Nixon pardon after an indictment or some more formal finding by the House of Representatives would have been better, but there are situations in which the public interest is best served by not following the letter of the law. This government is still semi-paralyzed in the face of serious domestic crisis. A Nixon trial on top of all this would have been too much. Presidents possess their special powers for just such decisions.

There is no such thing as equal justice, there never has been and ought not be. Every case, every defendant, weak or powerful, rich or poor, has its own special characteristics. Some require a special mercy, some a special severity. Otherwise, we wouldn't need judges; clerks with a rulebook could do the deciding.

The Watergate morality tale is about ended. One moral is that in the American system, extremists tend to bring about the very opposite of the results they intend.

The late Senator Joseph McCarthy intended to prove there were Communists under every bed and ended up by persuading millions there were no Communists under any bed—an equally false proposition.

Throughout Watergate, Nixon and his associates claimed two overarching aims: protection of the powers of the President himself, as against Congress and the courts; and protection of the national security. Instead, both courts and Congress have firmly established for themselves powers that were in some doubt—the courts' power to subpoena a President, for one thing; the power of the Congress to prevent Presidential impoundment of legislated funds, for another. And instead, national security, at least in its definition as official secrecy, has been opened up for inspection by Congress, press, and public, by the irresponsible as well as the responsible, with the current probes into FBI and CIA.

The wreckage left by Nixon and his men is the wreckage of what they profess to believe in most. But a special advantage of this country is that it is strong enough and secure enough to pick up the wreckage and from it build a better structure.

AREAS OF LEGISLATION PURSUED BY CONGRESSIONAL BLACK CAUCUS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. RANGEL. Mr. Speaker, pursuant to yesterday's insert of the legislative agenda of the Congressional Black Caucus, I submit today the major areas of legislation the caucus will pursue in the upcoming session:

AREAS OF LEGISLATION PURSUED BY CONGRESSIONAL BLACK CAUCUS

FULL EMPLOYMENT

The Congressional Black Caucus sees as one of its highest priorities, the passage of comprehensive legislation which establishes both the policy and the mechanism for guaranteeing the right to useful and meaningful employment for all adult Americans able and willing to work. It is most important that the full employment concept be understood as reaching far beyond the public service jobs program to create both the right and the opportunity to meaningful jobs.

As unemployment skyrockets, with some predicting that January's 8.2 percent national unemployment rate will pass 10 percent this year, the need for relief is unquestioned. Black unemployment in January was over 13 percent and black teenage unemployment in the same month was at 41 percent. However, even many of those who recognize the need do not fully understand that Bureau of Labor Statistics figures show that the real national unemployment rate—which included the underemployed, those employed part-time who seek full-time work, and those who need work but are discouraged from looking—is over 15 percent. For blacks, that means a real unemployment rate in the neighborhood of 30 percent nationally, and even higher in depressed areas.

The major thrust of the effort to attain full employment legislation centers around a bill introduced by Caucus member Augustus Hawkins. That measure would create a Job Guarantee Office and a Standby Job Corps, as well as requiring the President to develop a national full employment and production program. Full employment would be achieved through both private and public employers. Central to the proposal is the concept that there is no tolerable level of official unemployment for a narrowly-defined labor force in contrast to present practice.

As the legislative process proceeds, the specifics of a full employment program will, of course, be refined and sharpened. Complementary proposals, such as that of Congressman John Conyers to require the federal government to become the employer of last resort, will also help shape the final legislation. There should also be legislation passed providing for flexible working hours, as in Congresswoman Burke's Career Opportunity Act. Any legislation supported by the Caucus must have an adequate mechanism at the local level for ensuring jobs and eliminating red tape.

Passage of a full employment act as soon as possible is vital. Yet even as that measure is discussed the unemployment situation demands an immediate expansion of both public service jobs programs, particularly aimed at low and unskilled workers and expansion and extension of unemployment benefits. Congressman Hawkins has also introduced a bill providing for an additional one million public service jobs, which the Caucus supports. Further, a youth unemployment program aimed at getting young people from school into the labor force, including provisions for summer jobs must be established immediately.

TAX REFORM

If we are to solve our nation's basic problems of unemployment, inadequate housing, health care, public education and other social ills, it will take lots of money. When the question is asked "how shall we fund these programs," the inevitable answer given is that the average American taxpayer is already overburdened with the cost of government and simply is not willing to have taxes raised to fund desperately needed human needs programs.

The Congressional Black Caucus agrees with that assessment. We also agree that if the money to attack these basic domestic problems—which just happen to be reflected most acutely in the black experience—is ever to be raised, it must come through extensive tax reform that will close up gaping loopholes in the tax law by which rich individuals and multi-national corporations get away with over $50 billion a year in revenues which would come to the federal Treasury were they taxed the way the average American is taxed today. That amounts to an enormous "welfare payment", "a free ride" for the rich in our nation today.

The noted Brookings Institution economist and now Director of the Congressional Budget Office, Alice Rivlin, believes that with the annual yield from tax reform applied to our national budget we could house all of our low and moderate income families, and fund health manpower, health research and a health care system that would meet the needs of all our citizens. Over several years, we could also create jobs for all our unemployed and train less-skilled people to fill socially useful jobs on a permanent basis and substantially increase our spending on public education at every level from preschool through college. The Congressional Black Caucus agrees.

The Congressional Black Caucus will be pressing in the 94th Congress, therefore, to effect such reforms of the tax law as:

Repeal of the oil depletion allowance.

Enactment of a minimum tax to ensure that those who earn incomes are taxed on it.

Restructuring of capital gains provisions to fully tax income from whatever source.

Elimination of hobby-farm tax deductions.

Repeal of tax credit provisions which enable multinational corporations to fully deduct foreign taxes from their U.S. tax obligations and thereby avoid U.S. taxes.

Elimination of tax incentives for foreign investments that move industry and jobs from the U.S., thereby eroding the domestic tax base.

Tightening of provisions for business activity to prevent taxpayer subsidies of a high standard of living not legitimately related to business activity.

THE BUDGET AND APPROPRIATIONS PROCESS

Despite its importance, the congressional budget and appropriations process is frequently overlooked by groups outside Congress, and not fully dealt with on the inside. Programs which are not adequately funded cannot operate effectively. Programs which are overfunded and exist and grow on the basis of unexamined premises and traditions take money from more pressing and current needs.

The Congressional Black Caucus will make a major effort this year to have federal appropriations more nearly reflect real national priorities. We are especially concerned over plans for fiscal restraints coming at a time that the Administration budget calls for defense budget authority of over $100 billion. Defense outlays rose from $85.3 billion in fiscal year '75 to $94.0 billion FY '76. We are neither anti-military, nor do we advocate a weak defense posture. But we cannot see any valid relationship between the absolute size of the military budget and the quality of America's defense.

Therefore, while we can agree that there must be limits on federal spending, for us the key issue is where cuts and limits should be made. We have already worked to defeat the Administration's proposed cuts in the Food Stamp program and we will continue to work to keep the burden of anti-recessionary measures from the backs of the poor.

The time is ripe for a more realistic view of the military and foreign aid budgets and a hard questioning of the premises on which they are built.

There are numerous budget areas which deserve paring. These include:

The B-1 Bomber.

The Trident Submarine.

Overseas troop level, by 100,000 troops.

AWACS Air Warning System.

MARV Counterforce.

Additional military aid to Southeast Asia.

$2.3 billion for inflationary costs for shipbuilding.

$1.6 billion for 20 percent increase in research and development.

VOTING RIGHTS ACT OF 1965

Key to the maintenance of a free and open democratic society are the rights of individuals to exercise their franchise to vote. The Voting Rights Act of 1965 has been perhaps the most effective piece of civil rights legislation ever passed. Focusing on areas where the exclusion of black voters was greatest, largely in the South, the Voting Rights Act has resulted in the registration of over 1 million persons since 1965. Black registration rates in covered areas in the South have risen from about 30 percent of those of voting age in 1965 to 57 percent of those eligible in those same areas in 1972. Black elected officials have increased from fewer than 100 in these same areas in 1965 to nearly 1,000 to date. Yet there is considerable evidence such as in the recent U.S. Civil Rights Commission Study, that the problems persist, and that without the Act, there would be serious regression in black voting rights.

The Congressional Black Caucus strongly supports extension of the Voting Rights Act for an additional 10 years. We feel that it is particularly crucial that the extension be for 10 years so as to cover reapportionment which will follow the 1980 census. Experience under the Act has shown it to be especially effective in overcoming racial gerrymandering. The Caucus also supports a permanent ban on literacy tests. Section 5 of the Act, which requires submission of any "change with respect to voting" in covered areas to the Justice Department or D.C. Federal District Court, has proved to be the heart of the legislation. It must be retained in the extension. Congresswoman Barbara Jordan has introduced a bill to extend the protections of the Act.

Further, the Caucus supports efforts to extend the Act's coverage to Spanish-speaking and other minorities who face severe problems of disenfranchisement.

UNIVERSAL VOTER REGISTRATION

The continuing decline in voter participation since 1960 challenges the nation's democratic principles. While voter registration and participation among blacks has increased greatly since the Voting Rights Act of 1965, it still lags significantly behind that for whites. The nationwide voter participation rate has declined from 64% of those eligible in 1960 to 55% of those eligible in 1975. In 1974 only 39% of those eligible voted in the congressional elections. Black voter participation in 1974 is estimated at under 30% of those eligible.

Over the past several years, proposals have been made to institute a system of universal voter registration. Largely, they have been bills which would simplify registration through the use of postcards for registering for federal elections. Provisions to protect against fraud and to give financial incentives for states and localities to utilize the federal postcard registrations have been included in the major bills.

Last year, H.R. 8053, the Voter Registration Act, failed to gain a rule in the House by a vote of 197 to 204. The members of the Congressional Black Caucus supported that bill, and continue to strongly support similar legislation this year.

The states of Maryland, Minnesota, Texas and New Jersey have systems of registration by mail and have found them to be tremendously successful.

The passage of a universal voter registration act is among the highest priorities on our agenda.

GENERAL REVENUE SHARING

Revenue sharing was initially proposed during the mid-1960's as a means of distributing a budget surplus to states and localities as a flexible additional sum of money to supplement categorical programs.

Under the Nixon Administration, general revenue sharing became a political weapon to shift the locus of decision-making to units of government less responsive to social needs of poor and minorities. Categorical program cutbacks, despite promises to the contrary, heightened the withdrawal from commitments to national priorities supported by the Congressional Black Caucus and its constituents. Reports and studies which have appeared to date, such as those by the National Clearinghouse on Revenue Sharing, civil rights organizations, the General Accounting Office, and the Brookings Institution, generally indicate that general revenue sharing funds have gone to purposes other than to meet most basic social needs. Few benefits of revenue sharing expenditures have reached blacks and the poor.

The Congressional Black Caucus will make a searching reexamination of the general revenue sharing program prior to endorsing its continuation. We understand the need for continuing funds for general city services at a time of financial crisis. Yet we see the review and debate concerning general revenue sharing as a focal point for discussion of our national priorities.

In that context, we will be looking closely at how responsive the program has been to the fundamental needs we perceive. We will be looking to see whether additional legislative provisions, including formula changes, might help to further that responsiveness, or whether alternative and complementary programs might better reach that end.

Even more specifically, any extension of the general revenue sharing program should contain the following key provisions:

Stronger civil rights provisions which put a greater responsibility for effective enforcement on the federal government. We do not believe that states and localities which have not demonstrated that they have the capacity, the machinery and the will to enforce the civil rights laws should be given great leeway and authority in the enforcement process.

We oppose any attempts to limit the deferral of funds power to narrow functional areas to which funds may go.

There must be a specific requirement for citizen participation in the decision-making process for fund use prior to notification to the Treasury Department of planned uses of the funds. Citizen participation should include at least public hearings, better notification of minority groups, and public reports on planned and actual uses which indicate the nature and type of projects as well as the real impact in terms of a locality's overall budget.

The formula and permissible use categories must result in greater benefits to lower-income communities and individuals.

There should be a specific requirement that the data used in the formula be responsive to the known census undercount.

SAVES FUEL BY USING RIVER

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. GINN. Mr. Speaker, in this day of increasing costs for fuel and the transportation of industrial necessities, it is heartening to note an innovative project that the Swann Oil Co. has undertaken on the Savannah River between Savannah and Augusta, Ga.

In an effort to transport large quantities of industrial fuel at the lowest possible cost, the officials and engineers of Swann turned to the river and, after working on new ideas, constructed a barge that could meet the demands of the Savannah River.

According to a spokesman for the oil company, there are 173 industries employing 43,000 individuals who depend on the timely delivery of this product. The barge trips have increased tonnage on the river by 50 percent with this one operation. It is estimated that 235 man-hours and over 1,250 gallons of fuel are saved on every trip by using the river rather than conventional methods of transportation. This is an annual savings of well over 21,000 man-hours and 114,000 gallons of fuel. I commend these dedicated individuals on their progressive work.

I wish to share with my colleagues an article that appeared in the January 4, 1975, Waterways Journal about this project. I hope that other companies will be inspired by the zeal of the Swann Oil Co. and will conduct their own engineering surveys of how to make better use of natural means of transportation to save manpower and fuel—both of which are becoming more valuable daily.

The article follows:

OIL MOVEMENT MAKES HISTORY ON SAVANNAH

The death of commercial shipping on the Savannah River was inevitable. Freight tonnage had dropped to an all-time low and experts declared the stream unnavigable for all but small pleasure craft and weekend fishermen. But a creative team of engineers from the Swann Oil Company and The Waterways Company, refusing to accept the obvious, designed and built the largest vessel in the river's history and reopened the Savannah River to commerce.

Swann Oil, a leading independent oil company with headquarters in Philadelphia, wanted to barge large quantities of industrial fuel oil from a new terminal in Savannah to Augusta, Ga., The company was advised to abandon the project. Others had tried and failed. Five basic problems blocked success on the Savannah.

1. The river was said to be too shallow. Only 7½ feet deep in ideal conditions, the channel is only 6–7 feet deep in some areas.

2. The variable current fights conventional freight vessels to a standstill. Running 4–6 knots in the natural channel, narrow manmade cuts funnel the stream to even higher speeds in several places.

3. Underwater obstructions often block clear travel on the river. Sudden shoaling, hidden snags and rock outcroppings tear hulls apart and destroy cargo. Such an occurrence involving an oil barge could only result in an environmental disaster.

4. The Savannah River meanders through nearly 200 miles of switchbacks, and right angle and circular turns.

5. In some areas, the narrow, twisting Savannah courses through a streambed only 90 feet wide.

Dr. Leonard A. Swann, Jr., company president, and John J. Tyrrell, his chief engineer, were committed to transporting as much residual fuel oil as possible to Augusta as economically as possible. They were convinced river transportation was the answer and that the Savannah could, and should be used for commerce.

They also knew that bold new ideas were required to bring success where others had failed. Abandoning long accepted design practices. Swann began planning a unique new vessel to meet the Savannah on its own terms.

To transport the largest amount of fuel oil possible, Swann engineers designed the largest barge possible. The maximum size of the barge, Swann 18, was determined by the Savannah Bluff Lock just south of Augusta. The 296 by 54-foot barge, largest in the river's history, and its 63-foot long towboat Lottie Swann, fit snugly into the lock with less than a foot to spare on each side, bow and stern.

This barge can carry more than 750,000 gallons of industrial fuel oil between Savannah and Augusta each trip. To equal the barge's delivery capacity, a fleet of 125 highway tank trucks would have to run between the two cities every four days.

The barge's dimensions, as many other of the vessel's features, serve multiple purposes. The size permits maximum cargo capacity and limits draft. Full load working draft, normally only six feet, is also aided by buoyancy provided by air space between double hulls.

Swann 18 was designed with double hulls for buoyancy and environmental protection from underwater obstructions. For maximum protection, oil is transported in independent compartments within the second hull. Even if the outer hull were punctured, leaks would be prevented by the inner walls.

To work against the Savannah's unusually strong current, Swann engineers designed their innovative barge with a 50-foot rake, never before seen on the river. The long tapered bow, coupled with the vessel's shallow draft, offsets current action and allows maximum performance.

The Marie Swann, currently under construction at the Insley yard at Crisfield, Md., was designed to work with Swann 18. A shallow draft towboat, the Marie Swann features special devices to protect her rudders and propellers from underwater damage, and Kort nozzles which increase engine power by 25 per cent.

On the drawing board, Swann designed its vessel to fight the river as little as possible while fulfilling the prime requisite of maximum cargo delivery. One problem, however, remained unsolved: that of navigating the inland giant through the Savannah's corkscrew turns.

Barge Swann 18 is only four feet short of a football field in length and too large for conventional steering. A boat alone could not maneuver the barge's length, weight and mass through the Savannah's characteristic turns.

The Waterways Company, Pass Christian, Miss., provided the solution by suggesting the installation of a Steermaster unit in the bow of the barge.

Waterways also developed special electronic control systems for Swann's Steermaster. The control panel was installed in the pilothouse within easy reach of the captain. One man, therefore, literally has fingertip steering control.

Coordinating the Steermaster and the boat's propellers, the captain can actually turn the giant barge on its axis like a giant pinwheel. That capability is turning several river landings into minor tourist areas. Area residents often gather to watch the barge sweep gracefully through a tight right angle or switchback turn.

As if helping steer the largest vessel in Savannah River history weren't enough, The Waterways Company designed another chore for the Steermaster system. At dockside, the Steermaster power plant operates a special pump which strips and cleans Swann 18's oil compartments at more than 1,000 gallons a minute. The tanks are cleaned so thoroughly that another oil grade can be backhauled to Savannah without fear of contamination.

Where river cargo traffic dropped to an all-time low of only 46,000 tons last year, Swann 18 alone is scheduled to carry many times that volume in the coming year.

SPONSORS BILLS TO SPUR CAR SALES AND AUTOMOBILE FUEL ECONOMY

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. ASHLEY. Mr. Speaker, I am today introducing two bills relating to the automobile industry, the Motor Vehicle Fuel Economy Act and legislation to provide a 3-year moratorium on further safety or emission control standards for new cars.

The Motor Vehicle Fuel Economy Act is an updated version of legislation which I introduced as H.R. 10035 in 1973. Since there is now widespread agreement that fuel consumption by automobiles must be reduced, and since the House-Senate task force on energy included this proposal in their recent recommendations, I offer the measure for early consideration as part of the comprehensive energy program.

The legislation would require car manufacturers to achieve a 10-percent gain in the fuel economy of their aggregate production by September 1, 1976, a 20-percent saving by September 1, 1978; and 30-percent improvement by September 1, 1980. It stipulates that no model of car sold after September 1, 1976, get fewer miles per gallon than current models of the vehicle, but offers a complete exemption from these standards for any model of car already achieving 20 or more miles per gallon.

As long as we depend on imports for more than one-third of all the oil consumed in this country, we cannot ignore the fact that the automobile—which accounts for about 40 percent of our oil usage—is the most wasteful and inefficient of our energy absorbers. The average U.S. car gets only 13.1 miles per gallon, a level we cannot tolerate when the technology for increasing that mileage is readily available and already employed in thousands of vehicles on our roads. By raising the average to 17 miles per gallon by 1980—a goal which the standards in this bill are designed to achieve—we can cut our oil consumption by approximately 2 million barrels a day, a significant dent in the more than 6 million barrels of imported oil we are using daily.

Mr. Speaker, I believe that the Motor Vehicle Fuel Economy Act provides a practical and realistic way to cut gasoline consumption on the highways of America. By merging this program with the other energy proposals we are going to legislate, we can take an important step in the direction of eventual energy self-sufficiency that is so crucial to our security against unilateral OPEC oil price increases or export embargoes.

The second bill I am introducing offers automobile manufacturers relief from meeting any additional standards in safety or pollution control equipment for 3 years. I want to make it clear that this is not an attempt to nullify the Clean Air Act or increase the hazards of driving on our highways. I am convinced that we have made important advances in these areas and I am not by any means recommending abandonment of present standards.

What motivates me to introduce this legislation is the stunning January report that unemployment in the automotive industry has reached a level of 24 percent, three times the national average. More recent unofficial reports peg idleness of automobile workers through layoffs or reduced working hours at a horrendous 31 percent. That decline, from an already high 9.2-percent unemployment in the industry a year ago, bespeaks untold hardship for hundreds of thousands of auto workers and their families, as well as an incalculable number of Americans in industries dependent on car production for their economic survival.

The meteoric decline in new car sales that has brought the industry to this state is partly the result of rising prices and partly because of consumer reluctance to make major purchases at a time of nationwide economic decline. Hopefully the tax reductions and other economic measures the Congress will deliberate will lead to rising activity in the marketplace. At the same time I feel that we must avoid further Government restrictions that will raise car sticker prices even higher. Federal safety and emission requirements have added about $320 to the cost of 1974 cars. One major automobile company executive has estimated that meeting 1977 emissions standards already in the law will cost consumers as much as $2 billion a year, an inflationary development that will further dampen sales and keep unemployment levels unacceptably high.

I am pleased that the jobs program announced by the House Democratic leadership includes a major stimulus to increase automobile production. The bill I am introducing today could be a useful component in congressional initiatives to get unemployed Americans back on payrolls, and I urge its early consideration as part of our program to get the country on the road to economic recovery.

ARMENIAN HISTORY AND CULTURE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. DRINAN. Mr. Speaker, I call to the attention of my colleagues three extraordinarily fine articles on Armenian history and culture. These three articles together are nearly of book length and are contained in the February 3, February 10 and February 17, 1975 issues of the New Yorker magazine.

The author, Michael J. Arlen, describes his Armenian heritage and relates in a most fascinating and moving way his trip to modern Armenia and what his Armenian heritage means to him.

Mr. Arlen concludes his three excellent articles by writing "I often wonder what it really is to be Armenian in our world—what message it is that we Armenians carry down from our own journey through the centuries."

Mr. Arlen continues with these moving words:

> But perhaps in the end the message of the Armenians is more particular than mere persistence. Perhaps, if there exists a deeper possibility in the psyche of this ancient, sturdy, and minor race, it is this: the capacity of a people for proceeding beyond nationhood. For to be a nation—a member of a modern nation—is to inherit territory, and pride in property and to be connected to collective dreams of quite impossible grandeur and savagery, fertility and hatred. To be an Armenian has meant that one has been compelled by circumstance to rise above or fall below—or, anyway, to skirt—these so-called imperatives of nationhood and property, and thus has been free to attempt the struggle of an ordinary life, and to dream more modest dreams, and to try to deal with one's dreams as best one could.

As I read the truly beautiful articles of Mr. Arlen over the past 3 weeks, I came to know much more fully the meaning of House Joint Resolution 148, of which I am a cosponsor; this resolution designates April 24, 1975 as "National Day of Remembrance of Man's Inhumanity to Man." This day of remembrance is to commemorate the first genocide of the 20th century which began on the evening of April 24, 1915 when scores of Armenian writers, intellectuals and officials were arrested in Constantinople and murdered. Three years later, in 1918, up to 2 million Armenian men, women and children had been annihilated by the Turks.

In 1975, House Joint Resolution 148 is particularly important in view of what transpired at the meeting of the United Nations Human Rights Commission on March 6, 1974. During the consideration of a report on genocide being prepared by a subcommission of the U.N., the U.N. Human Rights Commission acquiesced in a request by the Turkish Representative to delete from the study a reference to the Armenian genocide in 1915.

The extraordinary articles by Michael Arlen in three issues of the New Yorker Magazine vividly portray the historical background of the deliberate attempt to exterminate the Armenian people.

Mr. Speaker, the atrocities in 1915 against the Armenian people must not be allowed to slip into oblivion because there is no Armenia in the United Nations today to represent the voice and proud tradition of the Armenian people.

The full text of House Joint Resolution 148 follows:

H.J. Res. 148

To designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man"

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

That April 24, 1975, is hereby designated as "National Day of Remembrance of Man's Inhumanity to Man," and the President of the United States is authorized and requested to issue a proclamation calling on the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry who succumbed to the genocide perpetrated in Turkey in 1915, and in whose memory this date is commemorated by all Armenians and their friends throughout the world.

THE HIGH COST OF A SECOND INCOME

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Ms. ABZUG. Mr. Speaker, a bill that I am today introducing with 20 cosponsors would amend the Internal Revenue Code to permit deductions of the costs of child care as a business expense rather than as an itemized deduction. The rationale for making this change was outlined in a recent article in the Washington Post. For the information of my colleagues, I insert this article in the RECORD:

[From the Washington Post, March 3, 1975]

THE HIGH COST OF A SECOND INCOME

(By Richard M. Cohen)

A few years ago, a young advertising executive marked the birth of his first child with the announcement that he would no longer permit his wife to work. Nobody called him a male chauvinist pig—and it wasn't only because the term was not yet in vogue. Instead, he received a sympathetic ear when he explained that he could not longer afford a second income.

As the working husband of a working wife and parent of a non-working 3-year-old, I now understand what he meant. Much has changed since then—but not the tax laws which convinced the executive that a second income would be a losing proposition. The fact remains that Congress, for all its hosannas to Women's Lib, has refused to accept the principle that the cost of child care is a legitimate and ordinary business expense. As a result, many married couples must sooner or later face a domestic version of Hobson's choice—motherhood or a career, but not both.

The reasons for this congressional stance are not hard to deduce: some congressmen quite correctly worry about creating yet another tax loophole, while others, quite incorrectly, rail against an idea they think might encourage mothers to desert their children for the opiate of careers.

Nevertheless, the supporting doctrine of American tax law has been that the costs of producing income are deductible—a salesman deducts his car, a painter his brushes, an employer his employee. The same principle should apply to the income of all working mothers. But a mother cannot deduct her child care.

To its credit, Congress has not been blind to the dilemma and over the years it has evolved a solution of sorts. It has permitted a child-care deduction based on the size of family income, a limitation Congress has not seen fit to apply elsewhere. Surely, no salesman loses his car deduction when his income goes over a certain level.

The Revenue Act of 1971 permits an itemized deduction of up to $400 a month for working parents with an adjusted gross income of not more than $18,000. For families with incomes in excess of that, the deduction decreases on a sliding scale (50 cents to the dollar) until it vanishes entirely at $27,600.

Fair enough—at first blush. But notice that Congress has specified an itemized deduction. Goodbye short form, hello long form and H & R Block. The long form, as tax men know, is the tool of the homeowner who deducts mortgage interest and property taxes. It is not used by low income persons, most of whom do not own their own homes.

Instead of itemizing, they use a short form and take standard deductions. The modest amount of child-care expenses low-income families can afford often does not get them above the standard deductions. Thus they get no credit for child-care expenses. Child-care deductions also are denied to mothers who work only part-time. For these and other reasons, in 1972 only 1.2 million of the 10 million families with working parents took the children deductions.

At the other extreme, consider the couple earning $30,000-a-year. It looks like a nice, healthy sum, but child-care expenses can reduce a family's income substantially. If we assume that the husband earns $20,000 and the wife $10,000 (a higher than average figure for women in the work force), her income erodes like this:

State, local and federal taxes and Social Security will take at least 20 percent of her pay. That's about $38 out of her $193 a week salary, bringing her take-home income down to $155. If she's automatically enrolled in employee insurance plans, or is required to pay union dues, she'll lose about $5 more—$150.

If she obeys the law and pays her sitter the minimum wage for a 40-hour week, child care will cost about $84. Now she's down to $66 for the week. And if she obeys one law, why not another?—the Social Security Act. Her employer contribution would be $4.91 a week. If she also pays the employee's share—a common practice in the Washington area where sitters strike some hard bargains—the above figure should be doubled to $9.82. That reduces her "profit" to $56.18 a week.

That should be the end of the slide—but it isn't. For household workers, like others, are entitled to paid vacations, sick leave and paid holidays. That can sometimes mean temporary help, overtime, or a day at home with the child, any one of which can mean a loss of income or an added expense. Moreover, there are other costs associated with work—a larger wardrobe, commuting, lunches and possibly a second car. Taking all this into account, the woman's weekly "profit" will be reduced by another $10—or more.

She would now clear about $46.18 a week, or about $1.15 an hour.

For the woman who cherishes a career, what's left at the end of the week may still be worth the trouble. But for the woman who is working strictly for the money, and who may harbor some guilt about leaving her children in the care of others, what's left is hardly worth the heartache.

Which is the point the advertising executive was making—and possibly overstating. The remedy, in this case, is to remove the income ceiling all together. At all income levels, child care should be considered a necessary and normal business expense. Because it is.

ARAB INFLUENCE ON AMERICAN GOVERNMENT POLICY

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. KASTEN. Mr. Speaker, last week we learned of the existence of an Arab boycott office and alleged Arab influence on American Government policy with respect to personnel sent to those nations. Many American citizens including myself were quite concerned that this potentially dangerous situation could disrupt Government activities and affect national security in the long run.

Subsequently, I wrote Chairman BROOKS of the Government Operations Committee, requesting an investigation into alleged Arab influence within our agencies. I include this letter to be inserted in the RECORD.

In addition, I wrote the head of all departments and agencies having an international scope requesting their cooperation in determining the extent of Arab influence. Since then, 31 of my colleagues, both Democratic and Republican, have joined me in cosigning this letter. Mr. Speaker, I include this joint letter, list of departments and agencies, and the list of cosigners to be inserted in the RECORD for the benefit of my colleagues who are as concerned as I. If any more of my colleagues wish to have their names on a followup cosigner list, they may contact my office.

The articles follow:

[LETTER TO CHAIRMAN BROOKS]

HOUSE OF REPRESENTATIVES,
Washington, D.C.

Hon. JACK BROOKS,
Chairman, House Committee on Government Operations, Rayburn Building.

DEAR MR. CHAIRMAN: I am particularly disturbed by the Army Corps of Engineers' confirmation of (1) the Saudi Arabian demand that the Corps not assign any Jewish officers to projects undertaken in that country and (2) the Corps acquiescence to the demand. Unfortunately, because of the wide scope of international dealings of our Federal government, I fear that this might not be an isolated incident.

Aside from the obvious concern about Federal departments and agencies being coerced to discriminate against U.S. citizens and companies by foreign nations, I believe that issues of government efficiency and national security are involved. For these reasons, an oversight investigation by the House Committee on Government Operations would be most appropriate.

The Government Operations Committee is the only committee which has jurisdiction over all Executive departments and agencies. Furthermore, it is within the jurisdiction of the Committee to investigate any policy or action, such as restrictions on the assignment of personnel, which surely affects the efficiency of government operations. Other government activities of concern include the letting of contracts, participation in government loan programs and participation in international lending programs. Finally, I view Arab "blackmailing" as a potentially dangerous situation—one in which we could easily find ourselves unwittingly bending to Arab wishes on matters of national security and international diplomacy.

I urge you to consider calling oversight hearings on this subject as soon as possible. I would be most happy to assist you in the preparation of these hearings in any manner you deem appropriate.

I have taken the liberty of forwarding a copy of this request to the other Members of the Committee.

I urge you to give this vital matter your immediate consideration.

Best regards,

ROBERT W. KASTEN, Jr.,
Member of Congress.

[LETTER TO DEPARTMENTS AND AGENCIES]

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 27, 1975.

The Honorable ———,

DEAR MR. SECRETARY: We were particularly disturbed by the Army Corps of Engineers' confirmation of (1) the Saudi Arabian demand that the Corps not assign any Jewish officers to projects undertaken in that country and (2) the Corps' acquiescence to the demand. In view of newspaper reports of similar pressures being brought to bear on other government agencies, we fear that this is not an isolated incident.

Therefore, we would greatly appreciate your assistance in gathering all of the relevant information on this issue. Specifically, we are requesting the following:

(1) Any dealings, direct or indirect, your department or agency has with any Arab nation? The nature of such dealings? The extent of such dealings?

(2) Whether any Arab nation, officially or unofficially, has requested your department or agency to restrict or curtail any activities involving Jewish personnel, companies, lending institutions, etc. or the State of Israel? What was the nature of the request? When was the request made?

(3) What was the response of your department or agency? Have you taken any action to comply, or which might be construed as compliance, to the Arab request?

Complete and detailed answers to each of these inquiries is requested as soon as possible. If you should have any questions, please feel free to contact Representative Robert Kasten.

Thank you for your cooperation in this endeavor. We believe a complete record for the American public is essential if we are to formulate policies to protect the interests of the United States and her citizens.

Best regards,

ROBERT W. KASTEN, Jr.

LIST OF DEPARTMENTS AND AGENCIES

DEPARTMENTS

Agriculture, Commerce, Defense, Air Force, Army, Navy, Health, Education and Welfare, Justice, Labor, State, Transportation, Treasury.

AGENCIES

ACTION, Energy Research & Development Administration, Civil Aeronautics Board, Export-Import Bank of the United States, Federal Maritime Commission, Federal Reserve System, National Aeronautics and Space Administration, National Science Foundation, Advisory Commission on Intergovernmental Relations, Board of Foreign Scholarships,

Export Administration Review Board, Foreign-Trade Zones Board, National Advisory Council on International Monetary and Financial Policies, President's Foreign Intelligence Advisory Board, Trade Expansion Act Advisory Committee, United States Advisory Commission on Information, United States Advisory Commission on International Educational and Cultural Affairs, United States Information Agency, Federal Aviation Administration.

LIST OF COSIGNERS

Abzug, Bella—N.Y.
Addabbo, Joseph—N.Y.
Brodhead, William—Mich.
Brown, George—Calif.
Daniel, Dan—Va.
Downey, Thomas—Calif.
Edgar, Robert—Pa.
Eilberg, Joshua—Pa.
Fish, Hamilton, Jr.—N.Y.
Fraser, Donald—Minn.
Hanley, James—N.Y.
Hannaford, Mark—Calif.
Harrington, Michael—Mass.
Holtzman, Elizabeth—N.Y.
Koch, Edward—N.Y.
Krebs, John—Calif.
Lafalce, John—N.Y.
Lent, Norman—N.Y.
Long, Clarence—Md.
McHugh, Matthew—N.Y.
Maguire, Andrew—N.J.
Ottinger, Richard—N.Y.
Rees, Thomas—Calif.
Roe, Robert—N.J.
Sharp, Philip—Ind.
Simon, Paul—Ill.
Steiger, William—Wis.
Van Deerlin, Lionel—Calif.
Wilson, Charles—Tex.
Wirth, Timothy—Colo.
Yates, Sidney—Ill.

REVENUE-SHARING INCREASE TO AID STATE AND LOCAL GOVERNMENT

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. FULTON. Mr. Speaker, the fiscal plight of State and local governments today is a problem demanding immediate attention and remedy. In State capitol after State capitol and courthouse after courthouse, public officials are faced with due bills which cannot be paid and needed services which are becoming more and more difficult if not impossible to render.

Meeting here in Washington recently the Nation's Governors, one by one, told of suffering under the impact of inflation and recession which has shrunk expected budget surpluses until many are now faced with unexpected and unprepared for deficits.

Many of these units of government, particularly the States, are being forced to consider increased taxes because when their money runs out, their constitutional ability to spend ceases; they have no authority to pay through deficit financing. An uncertain bond market and a cutback in Federal grant-in-aid support leave State and local governments with only one source of support for additional revenues: Increased taxation. In nearby Fairfax County, Va., I read that local property taxes are being increased up to 50 percent in an effort to offset this revenue decline/cost inflation problem.

Recently the National Governors' Conference provided me with a short but very succinct memo on the plight of State and local government and I include it in the RECORD at this point:

DECLINING STATE REVENUES

The States have, over the past several months, been experiencing a deteriorating fiscal condition largely resulting from the twin forces of inflation and recession.

Many States are confronted with budget problems characterized by falling revenues, real and anticipated cut backs in federal grant-in-aid support, and demands by local governmental units for increased state aid.

For the first time in decades, state highway, gas and motor vehicle taxes dedicated to the support of highway construction programs, is declining often to the point that state matching for federal highway trust funds is jeopardized. Also, a majority of the States are simultaneously facing short falls in general revenues.

In addition, a significant number of States are proposing increased tax action to maintain programs at a stable operational level. Paradoxically, many of the state and local tax increases will serve as a counter balance to federal tax relief activated as an anti-recessionary tool.

The problems are further compounded by state constitutional restrictions on deficit spending, as well as a sluggish bond market, the only remaining major sources of state financing.

Simply put, revenue sharing becomes an excellent vehicle by which assistance can be granted to the States in a manner which will minimize recessionary forces.

Mr. Speaker, the revenue sharing program definitely is an excellent vehicle. It can alleviate these problems. I think it worth noting and stressing the statement in the aforementioned memo asserting:

"Paradoxically, many of the State and local tax increases will serve as a counter-balance to Federal tax relief as activated as an anti-recessionary tool."

We cannot, must not, and need not permit this to take place.

Therefore, today I am introducing legislation to extend and double the Federal revenue sharing program for the next 5 years.

Under my bill the annual Federal revenue sharing contribution would be increased from $6 billion to $12 billion beginning fiscal '76 on July 1 of this year. Each year thereafter for 4 years, the $12 billion Federal contribution would be increased by $500 million as an anticipated inflation factor.

At least partial funding for the increased revenue sharing monies might come from sources which are today being considered for the Energy Trust Fund. It is apparent that for at least 2 to 4 years there may be considerably more money available for the Trust than the energy program can effectively utilize. My own Trust Fund Task Force of the Ways and Means Committee estimated there are potentially $10 to $12 billion available for first-year funding of the Trust. This is about $5 to $7 billion more than it is believed we could efficiently put into the energy program. There is every good reason why this money should go back home through revenue sharing.

LEGISLATION TO PROVIDE TAX EXEMPTION FOR A MENTALLY RETARDED DEPENDENT

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. HEFNER. Mr. Speaker, few of us here in Congress can realize the heartbreak that comes with having a mentally retarded child, or the hardships that are endured in trying to raise such a child.

I am introducing today a bill that would provide an additional tax exemption for a taxpayer supporting a dependent who is mentally retarded, a bill that I hope would ease some of the burden that these people have to bear. I think it is appropriate while we are discussing tax cuts and deductions and rebates to consider this exemption seriously.

I would like to enter into the RECORD a letter which I recently received from the parents of a mentally retarded child who resides in my district. This letter presents a point of view that I am sure few of us have ever considered and it illustrates well some of the problems faced by the parents of a mentally retarded child.

The letter follows:

DEAR SIR: I am writing this letter in hopes that I may express to you the great and urgent needs of retarded children and their families. The discrimination, prejudice, and injustice that these people have to endure is a national disgrace.

We have a fifteen year old daughter, who has been 100% retarded since birth. She is not toilet trained, cannot feed herself, and does not realize danger so that one of us has to be with her at all times.

We, along with other parents of retarded children, have been trying for years to get a day care center for retarded persons here in our city. This would give the mothers of retarded children a chance to work or just get away from it all for a few minutes each day, as well as provide badly needed dental and medical care.

Please forgive me for being so crude and sounding so bitter, but after fifteen years of trying to raise our daughter in this society it seems as though all hope is lost for us as well as all other parents of retarded children. We love our child too much to put her in a state institution where she would live without the love of a family for the rest of her life. We were very young when our retarded daughter came along and it scared us to death. When the doctor told us that our daughter was mentally retarded we thought we had endured the worst thing that a young family could possibly endure. But I tell you, Sir, that was nothing compared to all of the injustice and discrimination that we have had to face ever since then just because we loved our daughter enough to keep and raise her.

Our son plays in his school band and will be participating in a concert in the park in a few weeks. All the parents will be there, that is all the parents that do not have another child at home who is retarded. Our son also plays all sports, but the only way we can get to see him play baseball and football is to park outside and look through the fence and hedges. Sir, could you imagine how it is for a mother and dad to have to park outside a ball park with a fifteen year old daughter just to get a glimpse of their son play a ballgame? That is the only way my wife and I can go together.

We also have a younger daughter who is eight years old and very normal. Last week she brought a paper home wanting parents to come to a very special P.T.A. meeting. All the parents will be there, except parents such as ourselves. How do you make an eight year old understand that the society she lives in would hinder her parents from participating in activities with their normal children simply because this prejudiced society will not recognize little retarded children as being human? Our society seems to care about all people except retarded and handicapped persons. This might sound corny to you, but it would be so very nice just to be able to leave our retarded daughter long enough for my wife, my two normal children, and myself to be able to go sit down in a cafe and eat a hamburger together, or maybe make a movie together, and it really would be wonderful to attend church together.

As you read these lines, please ask yourself the question we always seem to ponder: Will there ever be an opportunity for us to do things as a family together, or will we always have to take turns doing normal things with our normal children? Just think what it does to parents, not to mention the normal children, who have to live this way. What is so depressing is that it does not have to be this way. A day care center would provide the needs of retarded children, give their families a chance to live normal lives, and encourage other parents of retarded children to keep these children thus eliminating the need for many of those institutions to which they are sent. I believe that if these parents had an opportunity to keep these children and still be able to live a normal life, they would.

There is something else that I find very hard to understand. This family that I work with agreed to take a handicapped child to care for and give the love of a family and family life. By agreeing to take her, they are awarded a check once a month to cover her expenses, plus all of her medical and dental needs are guaranteed to be taken care of. The thing that is so hard to understand is that a couple has to give up their child to a perfect stranger in order to have her need taken care of. If the original parents had been as graciously treated as this other couple, don't you think that they probably would have kept her?

There are thousands of retarded children put into institutions for just the same reason—their parents cannot afford to take care of their needs. A retarded child usually costs five times as much as a normal child, and our government does not even care enough to give a tax exemption for them as they do for a blind spouse. Even though our retarded daughter costs so much more to raise than a normal child, the real burden was that it cut our income in half because my wife had to quit work. At a time when we actually needed a pay increase our pay was cut in half. I ask you sir, should there be any question as to why institutions all across the country are overcrowded? Does our society or has it ever done anything to encourage families to keep these children and give them the love and protection they need and deserve?

Using tax dollars, of which parents of retarded children have to pay their fair share, the needs of normal children are fought over and cared for. They are awarded new schools, buses, parks, recreation centers, playgrounds, public swimming pools, and thousands of other programs which not only take care of their needs, but most of their whims. Children such as my daughter have no school or bus, no parks or playgrounds, and the recreation centers offer them nothing. The fact is very plain, we are forced to pay taxes so normal children and their families will be guaranteed the good life. If this is not injustice, prejudice and discrimination in the purest form, we will never see a better example. Do you think this will ever be a country of liberty and justice for all?

Please forgive me if I have written anything to degrade anyone for this was not my intention. The only reason I wrote this letter was to bring light to just a portion of the hardships that are being put on many American parents just because their child was born retarded.

Please forgive the wrinkled page but it is so hard to keep my daughter away while I am trying to write.

Sincerely yours,

——— ———.

Mr. Speaker, I know that this bill cannot end the discrimination parents like these feel but it is an effort to reduce some of the burden that the parents of mentally retarded children must bear.

SEEKING AN ANSWER TO PATENT REFORM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. HORTON. Mr. Speaker, throughout our nearly 200-year history, Americans have been respected for their inventiveness and their industriousness. We have been inventive in our efforts to discover practical solutions to technical problems, and we have been industrious in our ability to apply those solutions in ways which advance our technical knowhow as a Nation and improve our economic and social well-being as a people. As a result, we have developed into a strong and generous Nation and we call this growth "progress." "Progress" is a good word for characterizing the development of our Nation because it represents our willingness to take what is good from our past and build upon it to produce something better for the future.

I believe very strongly that one of the major motivating factors behind our progress is the patent system—the system we have for encouraging and rewarding intellectual contribution. Our Founding Fathers recognized the importance of insuring the participation of individuals in seeking solutions to the many problems that face a Nation. The framers of the Constitution provided a patent clause in Article I, section 8 which states that Congress shall have the power "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." The constitutional mandate has been followed throughout our history and the title 35 law, under which we have worked for more than 20 years, has guided our country through its most rapid period of growth and development.

Mr. Speaker, our patent laws have worked well for the collective good of our citizens. But experts both within and without Congress are in general agreement that reform of our patent system is not only needed but long overdue. Since 1967 numerous bills have been introduced to bring about major changes in the way in which patent applications are reviewed and processed by the U.S. Patent Office. These changes were offered as a sincere effort to make our patent system more perfect—to guarantee, if you will, that only the most thoroughly investigated ideas and inventions would pass the test of patentability and thereby protect the public from patents on inventions which, in reality, should not have been patented.

In my view, however, past proposals to completely rewrite our patent laws offered cures that were worse than the ills of our patent system. I believe this is why, after 8 years and volumes of House and Senate hearings, a patent reform bill has yet to emerge from the Congress.

I suggest that the answer to patent reform lies in improving title 35 rather than discarding that statute and the substantial body of case law which has been interpreting it for the past 20 years. Legislation I will introduce today proposes amendments to title 35 which will improve our patent procedures while preserving the basic strengths of that law.

The primary criticism of the present law centers on the procedure by which a patent application is examined and approved by the Patent Office without any opportunity for interested third parties—the public—to point out prior art or other information which is known to them, but which was not discovered by the Patent Office. Under our present procedure, it is possible for patents to issue which have an appearance of being more significant than they really are. This places a burden on the public to sort out the good from the bad, and prolonged litigation and great expense can fall on both the patent owner and a challenging party when they attempt to determine the true scope of an invention claimed in a given patent.

The cures which have been offered were overwhelming in their efforts to achieve perfection prior to final issuance of a patent. For example, under some patent reform proposals before the last Congress, the public at large would have been allowed to oppose issuance of patents in a manner which contemplated extensive discovery and hearing procedures. Costs would have mounted for patent owners and the Patent Office. There would have been long delays in the final issuance of patents. And defective patents would still have been issued if the opposition procedure were not used by parties holding back relevant information from the Patent Office.

The overall impact of such proposals would have been to so increase the costs of obtaining patent protection that individual inventors would be discouraged from using the patent system at all and corporate research departments might well choose to keep their research efforts secret. We would lose one of the primary benefits of our patent system; namely, the early disclosure of new ideas.

By comparison, under present law the incentive of a patent grant exists largely because a patent can be obtained at a reasonable cost. If patents become too expensive to obtain, the mandate of our constitution would not be met and we would retreat from the type of progress that has marked our Nation's history. We risk becoming less enterprising as a people and we might find ourselves waiting for other nations to supply needed technology and solutions.

Mr. Speaker, my bill suggests that we build upon our present law to provide for public participation in the patenting process in a way that will be reasonable in terms of cost and still encourage the participation by those who are in a position to be of real help toward our objective of issuing only valid patents. My proposed amendments to title 35 would establish a new procedure having the following characteristics:

First. Each patent application will be fully examined by the U.S. Patent Office, as it is now, to determine patentability of whatever invention is described in the application.

Second. After patentability has been approved, pertinent information from the patent application will be published for a period of time, and the record of the patent application will be laid open for public inspection.

Third. During the period of time the application is open for public inspection, any person or party can notify the Patent Office of any new information which is known to them relevant to the patentability of the invention. This information becomes a permanent part of the record of the patent application, and the public and the patent owner can see and evaluate the importance of any such information submitted.

Fourth. At the end of the public inspection period, the patent applicant will have a right to cancel claims or amend claims in a way which will narrow their definitions, but there will be no necessary reopening of examination of the patent application. The Commissioner of Patents will have the discretionary right to reexamine applications in situations which he may choose to define in Patent Office regulations, but the intended procedure will be one which does not unreasonably delay the ultimate issuance of the patent and which does not place a heavy cost burden on the applicant, on the Patent Office, or on the general public.

Fifth. Then, the patent will issue. Just as under title 35, the issued patent will carry a strong presumption of validity as to all matters considered and reviewed by the Patent Office during the formal examination of the application. But it will carry no presumption of validity as to the information submitted during the public inspection period which is not considered or reviewed by the Patent Office in a formal reexamination. Thus, patents will be issued with any potential weaknesses fully exposed for everyone to see and to evaluate.

The Patent Office will not attempt to resolve all of these weaknesses because they do not have the staff capability that would be required to essentially litigate every patent application in the Patent Office prior to issuance; and it would be futile to try. The most prolonged and costly review of each patent application could not hope to guarantee its validity. But we can expose as much as can be found by the public and by the Patent Office so that the final document can be more realistically evaluated without resorting to costly litigation in every case.

Sixth. It is important that we somehow encourage public participation in the patenting process so that relevant information will not be intentionally withheld for perhaps a better time and a different forum. The amendments I am introducing today face up to this potential problem by giving courts the discretionary right to assess part or all of the costs and attorneys fees of a later challenge of validity based upon information which was intentionally withheld from the Patent Office during the public inspection period. Those parties who deliberately choose not to participate in the interparties phase of my proposed procedure, and thereby may affect the issuance of a patent of questionable validity, do so at the risk of substantially higher litigation costs should those parties ever be involved in litigating that patent. In this fashion, we protect the patent owner from the heavy cost burden of learning about relevant prior art for the first time during a trial of his rights, when the same information should have been submitted to the Patent Office during the public participation period.

Seventh. A final characteristic of this procedure is its flexibility. If it is deemed desirable that the reexamination procedure be "post issuance" rather than "post allowance" as presently proposed, it can readily be modified into a "post issuance" procedure without losing any of the important benefits I have described.

Mr. Speaker, the challenges confronting our Nation cannot be overcome unless we encourage and motivate creative minds to come forward with practical solutions. We can do this in part by preserving what is good in our patent system and by avoiding overkill reactions to its weaknesses. I offer my bill in hopes that it will contribute to the successful resolution of the patent reform issue.

V.F.W. CONTRIBUTES TO YOUTH APPRECIATION OF U.S. SYSTEM

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. HAMMERSCHMIDT. Mr. Speaker, at no time in history has it been more important that young Americans be encouraged to understand and appreciate the privilege and responsibility of citizenship in this unique Republic. It is upon their shoulders that the burden of national decision and leadership must soon fall.

Few programs contribute more richly to this objective than the Voice of Democracy Scholarship Program, sponsored by the Veterans of Foreign Wars and its Ladies Auxiliary. This program was originated 28 years ago by the broadcasting industry and by the U.S. Office of Education. It has enjoyed the continuing support of the National and State Associations of Broadcasters and of Secondary School Principals.

To all of the individuals involved in all of these organizations, as well as to participating students and their parents, I offer appreciation and commendation. The program's vehicle is an annual national radio script writing contest. This contest provides an opportunity for 10th, 11th, and 12th grade students in our public, private, and parochial schools to think, write, and speak out for the principles of freedom and opportunity upon which our Nation was constituted.

This year's theme, "My Responsibility as a Citizen," was particularly appropriate. It inspired the entry of nearly a half million students in the competition.

In this competition, in which winners move from high school to State to national levels, each State winner receives an all-expense trip to Washington where, between March 7 and 12, he competes for one of five national scholarships, the optimum of which is worth $10,000.

These visits also afford opportunities for the competitors to meet their Senators and Representatives in the Congress; to observe personally the workings of their Federal Government, and to visit the shrines and monuments to our American heritage.

I am pleased, particularly, that the State winner from Arkansas, Rex Alan Rains, son of a retired U.S military man, resides in the Third Congressional District which I am privileged to represent in this body.

I congratulate him, and I congratulate his parents, Mr. and Mrs. Mitchell A. Rains, of Harrison, Ark. I am looking forward to meeting with Rex during his visit here and, quite obviously, I wish him success in his quest for national victory.

Meanwhile, I submit his State prize-winning script for the consideration of my colleagues:

MY RESPONSIBILITY AS A CITIZEN

"If a nation expects to be ignorant and free in a state of a civilization, it expects what never was and what never will be."

These are the words of Thomas Jefferson, and on how he speaks of our country today. Today we stand in one of our most apathetic ages in political history.

To stop apathy, I think that as a citizen I should try to get involved within myself, in my community, and finally in my country.

To begin with myself I should strive for involvement and should want Americanism. In American heritage—Louis Adamic states that "At its best Americanism is nobody's monopoly, but a happy concentrate of some of the highest aspirations and tendencies of humanity at its best nearly everywhere at one time or another. As it seems to me, it is the highest body of idealism in the world today. It is, among other things, a movement away from primitive racism, fear and nationalism, and herd instincts and mentality, a movement toward freedom, creativeness, and a universal or pan-human culture. In helping ourselves and in striving for Americanism, we should worship the God of our choice. For a diplomat from a neighboring country once said, "You take the Goodness out of America—and America will no longer be a great country."

Secondly in my community, I should be very active, for the community is the backbone of our great democratic society. Last year I worked for Muscular Dystrophy, and raised money for needy families, for I think that kindness is one of our great responsibilities in our community. Working for a candidate is also a way of involvement. A few years ago I worked for a Congressman in my precinct. This next election I will vote for the candidate of my choice, for I believe that voting is the greatest responsibility that I have. But the most important responsibility in our community is harmony, for without harmony there cannot be unity—without unity there is no involvement.

Finally, in our country we should be involved with the matters of the day—even in the times of Watergate and Depression we should be involved.

I once heard a story about an owner of a football team who wanted to see what made an athlete great. So he hired a renowned psychiatrist to do a prolonged study on his athletes to find the answer. After months of tests, questions and trials, the doctor found this answer—A great athlete is one who plays when he's hurt.

I believe that we can relate this story to us as Americans. In our troubles and problems we should work and strive for involvement and betterment for our nation. And in doing all these things we may finally be able to say again that our country is one nation under God, indivisible, with liberty and justice for all.

NO AGREEMENT MIGHT BE BETTER

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mrs. HOLT. Mr. Speaker, the recent arms control agreement entered into between the United States and the Soviet Union at Vladivostok is of vital concern to us all. Both Secretary of State Kissinger and Secretary of Defense Schlesinger have assured the Congress that this agreement will greatly add to "the momentum of détente" without endangering the defense of the United States.

There are some of us, Mr. Speaker, who are not yet entirely convinced that the present policies which are called "détente" are all in the best interests of this country.

I would urge all of our colleagues seeking more information on this complex problem to study a thoughtful article recently published in the Armed Forces Journal International, January 1975. The author is Dr. James Dornan, chairman of the Politics Department in the Catholic University of America who has recently returned from a year in Europe as a NATO fellow.

Dr. Dornan points out that—

> The arguments that the Vladivostok agreement rectified the strategic imbalances permitted by SALT I and also put a cap on the strategic arms race are inaccurate and misleading. The accord merely accelerates a shift toward qualitative improvements in weapons systems and away from increments in the size of strategic forces. Depending upon the mood of Congress and the American public, the United States will either fall short of the permitted equality in numbers of delivery vehicles, MIRVs, and throw-weight, or be forced to match existing and future Soviet achievements in these areas, at enormous cost.

I am inclined to see merit in the author's conclusion that too many of our policymakers are overeager for agreements with the Soviet Union and thus do not secure agreements in the interests of both countries which will thereby last. There may well be, as this author suggests, several good reasons for arguing that no agreement at this time would be better than the one we have.

In any event, Mr. Speaker, I hope our colleagues will take the time to read this important article and make up their own minds:

VLADIVOSTOK ACCORD MAY MAKE SOVIETS STRONGER AT U.S. EXPENSE—MAYBE NO AGREEMENT WOULD BE BETTER

(By James E. Dorman, Jr.)

From the point of view of arms control, the recent Vladivostok agreement was largely a bit of sleight of hand. It neither puts a cap on the arms race, nor solves the most important strategic problem facing the U.S.

It could mean that the Soviet Union will soon possess a large counterforce—capable striking force able to threaten American land-based missiles—while the U.S. will have no comparable capability.

At the same time, it creates the appearance of progress while ignoring or deferring real problems. It thus may further contribute to the growing euphoria about Soviet-American relations which is undermining support within Congress and among the public for defense programs adequate to protect the vital interests of the United States.

The agreement is intended to supplement, extend, and in some key particulars supplant the Interim Agreement on Offensive Weapons signed in Moscow in 1972. The latter will be operative until October of 1977; at that point the new agreement will come into effect and govern the military balance between the two superpowers until December 31, 1985.

The SALT II accord, as it is already being called, establishes a ceiling of 2400 on the total number of strategic delivery vehicles permitted each power. For purposes of this agreement strategic bombers are to be included within that total. As part of that overall ceiling, each side is permitted to deploy an aggregate number of 1320 missiles with Multiple Independently-Targeted Reentry Vehicles. Each side can determine for itself how many of these MIRVed missiles are to be of the land-based and how many of the sea-based variety. Neither side shall construct additional silos beyond the levels permitted by SALT I, and the limits on the number of silos designed for heavy land-based missiles contained in SALT I are also retained. Aside from these restrictions, each side is permitted "freedom to mix," that is, each side can determine its own force requirements for numbers of bombers, land-based missiles, and sea-launched missiles. The numerical limits on SLBMs imposed by SALT I are thus abandoned, subject only to the 2400 ceiling.

There have been some reports that the agreement bans air-mobile ICBMs; other accounts assert only that should either side deploy land-mobile missiles or air-mobile missiles with a range of more than 360 miles, such missiles will be counted against the permitted total of 2400 delivery vehicles. If the latter interpretation is correct, there are no limits on U.S. SRAM deployments.

The Vladivostok agreement places no limits on U.S. acquisition of smaller bombers such as the FB–111 nor does it restrict our development of new cruise missiles for deployment of U.S. surface ships. Forward-based aircraft in Europe are not counted under U.S. totals, and similar Soviet systems are not counted.

Finally it has been reported that the provision of SALT I which limits increases in missile silo size to 15% is retained in the Vladivostok agreement. The Soviets have interpreted the SALT I clause as allowing increases of 15% in both the diameter and the depth of missile silos and it does not appear that this ambiguity was resolved at Vladivostok. The measures necessary to verify compliance with all of the provisions of the accord have not yet been settled and are to be negotiated in coming months.

Administration spokesmen have praised the agreement because it is based on the principle that each side has a right to an equal number of strategic delivery vehicles. This, it is said, is a substantial improvement over certain features of SALT I, which froze us in a position of inferiority to the U.S.S.R. in numbers of both ICBM and SLBM launchers.

It is noteworthy first of all that the language of the Vladivostok Accord which limits the weapons permitted each side is different from the comparable terminology in the SALT I agreement. SALT I, contrary to popular misconception, regulates only numbers of launchers (silos and submarine tubes), not numbers of missile or delivery vehicles. The underlying assumption of SALT I seemed to be that missile numbers could be controlled by limiting numbers of silos, since a silo could for all practical purposes be used only once. This will not be the case, however, once the Soviets have perfected their cold-launch technique and have developed a rapid reload, rapid re-fire capability, allowing them to quickly reuse the silo by inserting extra missiles stored nearby.

It is not yet clear whether SALT II is intended to deprive the Soviet Union of that option, or whether the new language limiting delivery vehicles rather than launchers simply reflects the fact that bombers are now to be included within the aggregate force levels: it would have been awkward—and somewhat inaccurate—to refer to a bomber as a launcher. If the new agreement does prevent the Soviets from deploying more than one missile per silo, it represents a major step forward, although it remains to be seen how such a restriction could be enforced.

Under SALT I, the Soviets were permitted to deploy a maximum of 1618 ICBM's to 1054 for the United States. Similarly, the Soviets were allowed 740 SLBM launchers to 656 for the U.S. Old ICBMs (and, in the case of the U.S.S.R., certain old SLBMs as well) could be cashed in and exchanged for new SLBM launchers. Were the latter option fully exercised, the United States could reach an overall total of 1000 ICBMs and 710 SLBMs, while the Soviet Union would be allowed 1408 ICBMs and 950 SLBMs on modern nuclear submarines. Available evidence indicates that the U.S.S.R. is in the process of exercising the conversion options permitted by SALT I.

The Soviet Union also possesses 140 bombers to be counted as strategic vehicles under the Vladivostok terms. If their number is added to that of the ICBMs and SLBMs permitted the Soviet Union by SALT I, the total Soviet force would reach 2,498, 98 above the level agreed to at SALT II. At some point, therefore, the Soviets will have to decide how to bring their force levels within the 2400 limit. Several options are available. They could simply fail to acquire all of the new SLBMs permitted by SALT I. The impact of this move could be softened if the older H-class submarines with their 30 SLBM tubes were replaced with modern boats and SLBMs. Alternatively, they might phase out some of their early-model SS–11 ICBMs. Or they could scrap up to 98 of their existing bombers, which are obsolete and not considered to be effective weapons systems in any case. The latter option is most likely. Reports indicate that the new swing-wing Backfire bomber, now coming into service, is not to be counted as a strategic delivery vehicle for purposes of SALT II. Newer versions of the Backfire apparently have intercontinental range, and the Soviets doubtless plan to make it the mainstay of their air-striking force in the future.

Even more detailed computations are necessary in order to determine the effects of the Vladivostok agreement upon U.S. force levels. A key facet of the agreement is its provision that U.S. heavy bombers are to be included within the overall strategic delivery vehicle limit. The effects of this provision are obscured by the widespread disagreement published reports concerning precisely which American bombers are to be counted within the Vladivostok force limits.

In any case, there are serious objections to counting a bomber as the equivalent of a missile in calculations of strategic strength. If used in a nuclear assault against the U.S.S.R., the U.S. bomber force would be required to penetrate the Soviets' highly efficient air defense systems, and would certainly incur heavy losses. Assertions that a U.S. strategic force 25% of which consists of bombers is the equivalent of a Soviet force which may consist totally of missiles are therefore extremely disingenuous.

If all of the B–52s, including those used strictly for training purposes and those in mothballs, are counted and added to the total number of ballistic missile launchers in the American arsenal, the United States presently possesses approximately 2,260 strategic delivery vehicles of all types. Thus, the principal short-term effect of the Vladivostok accord is to give us the privilege of counting our long-range bombers in calculating the strategic balance. We are also permitted to add up to 140 additional delivery vehicles to our present force. Since SALT II bans the construction of new land-based silos, such additions will doubtless be either new bombers, presumably of the B–1 variety, or submarine-launched ballistic missiles of the Trident type.

Because the agreement allows freedom to mix within the 2400 delivery vehicle limit (subject only to the MIRV sublimit), the United States is also permitted to replace some—or all, if it chooses—of its old bombers with sea-launched ballistic missiles. Since the MIRV sublimit restricts the numbers of Tridents which can be deployed, some or all of the Polaris missile submarines will almost certainly be retained in service longer than planned. Additional B–1s beyond the planned purchase of 244 might also be added to the U.S. Force.

Both the B–1 and the Trident systems, however, are proving to be enormously expensive, and Congressional support for both programs may be waning. Moreover, neither Mr. Ford nor Mr. Kissinger have indicated any intention of recommending to the Congress substantial additions to the present U.S. strategic forces. The delivery vehicle equality guaranteed the U.S. by SALT II may for this reason alone prove illusory.

Thus, the Vladivostok agreement does modify some of the more objectionable provisions of SALT I. In particular, the U.S. can now acquire more SLBMs, while the Soviets are frozen at approximately their present missile launcher levels until 1985. But there is little likelihood that real equality in strategic force levels will be achieved, given political realities in the United States; this is particularly true if allowances are made for the fact that a significant proportion of the American force will for years to come consist of aging bombers of decreasing strategic value.

In defending the Vladivostok agreement, Administration spokesmen have emphasized that it provides for equality in numbers of MIRVed missiles, at a level of 1320 for each side. The United States had planned to deploy 496 Poseidon and 550 Minuteman III missiles by 1977; to that total we may now add, during the lifetime of SALT II, up to 224 Trident missiles (originally intended to be deployed or replacements for non-MIRVed Polaris missiles, under the terms of SALT I). It is thus argued that in this key index of military power, there is no longer a danger that the Soviets can surpass American totals, creating in the process either a real military danger for the United States or an appearance of superiority for the U.S.S.R. which the Soviets might exploit in crisis situations.

This argument, too, deserves the most careful examination. As noted earlier, if the Soviets build up to the maximum number of launchers permitted by SALT I and exercise all the conversion options permitted by that agreement, they would have available 1408 ICBM launchers by 1977. Of these, the Defense Department has estimated that approximately 1318 would be launchers for SS–9 and SS–11 missiles, the types soon to be replaced by the larger MIRVed missiles now being tested. It thus seems clear how the number 1320 was settled upon at Vladivostok: once again, as in SALT I, planned Soviet deployment levels became the "limits" each side was allowed to reach. Under the agreement, the Soviets are free to MIRV all ICBMs placed in the new launchers. It is likely that they will do so, despite the hope of Secretary Schlesinger that they will "send some of their MIRVs to sea." Soviet strategic doctrine during the last decade has emphasized the need for both counterforce and countervalue options; and the Vladivostok accord, when combined with the relevant SALT I provisions, affords them the opportunity for a large countervalue force based on 950 SLBMs, plus a significant counterforce capability based on 1320 MIRVed ICBMs.

This latter point is crucial to any evaluation of the claim that the Vladivostok Agreement guarantees the United States equally in numbers of MIRVed missiles. That claim is true as far as it goes, but it ignores the most significant feature of the agreement: it permits—in fact, virtually guarantees—Soviet superiority in numbers of MIRVed warheads on land-based missiles. Moreover, these warheads will be larger than their U.S. counterparts, and thus more counterforce-effective. The reason has to do with the greater throw-weight of Russian missiles. As has often been pointed out, existing Russian ICBMs have a substantially greater throw-weight than American models; the Soviet advantage will be even greater when the replacement missiles now being tested are deployed. The SS–9 is to be replaced by the SS–18, with a throw-weight half again as large; the SS–19 has a throw-weight six times that of the SS–11.

If the U.S.S.R. chooses to miniaturize its warheads in the American manner, it will be able to deploy during the lifetime of the Vladivostok agreements over 27,000 warheads, a substantially larger number of warheads than the United States. Given their interest in the development of a counterforce capability, it is more likely that the Soviet will choose to deploy a smaller number of higher yield weapons. The U.S. may therefore retain an advantage in total numbers of warheads deployed on all delivery vehicles—particularly if one includes in the American total the SRAM warheads to be deployed on our strategic bomber force.

But even if this proves to be the case, the Soviets will possess a substantial and highly visible counterforce-capable striking force able to threaten U.S. land-based missiles, and the United States will not possess a similar capability. Thus in this key area of military strength, the Soviets will have achieved superiority, for possible use in intimidating the United States or its allies during international crises and for intrawar deterrence in the event of conflict between the superpowers. Serious questions must therefore be raised concerning Secretary Schlesinger's assertion that the throw-weight issue "deals with the issue of arms stability rather than the issue of equality or arms balance." Clearly it deals with both. Neither is the throw-weight issue "something of a phoney," as Secretary Kissinger has claimed. On the contrary, it is the most important of the several strategic problems facing the United States in the post-SALT period, and that problem was not addressed by the Vladivostok accord.

In responding to such criticisms, Administration spokesmen have argued that the agreement does not prevent the United States from deploying larger missiles in its own silos, or otherwise increasing the size and overall effectiveness of re-entry vehicles used with existing missiles. Indeed. research and development on a new missile and on more powerful and more accurate warheads is already underway. It remains uncertain in the extreme, however, whether the United States will ever come close to matching the Soviets in these areas. Congress has long been skeptical about the desirability of programs to improve the counterforce-effectiveness of the U.S. land-based missile force; the new Congress is likely to be even more so. In fact, the Ford Administration itself appears far from committed to such programs. Even Secretary Schlesinger, in his December 6th press conference in which he defended the Vladivostok accord, did not commit himself to achieving equality with the Soviets in missile throw-weight, and Mr. Kissinger is known to harbor doubts about the desirability of counterforce strategies and targeting doctrines.

In dealing with the throw-weight issue at his recent press conference, the Secretary of Defense observed that should the Soviets proceed to MIRV 1320 of their land-based missiles, the United States might respond by reducing our Minuteman force, and adding more SLBMs or bombers. This would diminish the overall vulnerability of the American second-strike force, while increasing the vulnerability of those land-based missiles which we retained. Under such circumstances, the strategic flexibility afforded the U.S. by the existing mix of delivery systems would be reduced. Our ability to acquire a more effective counterforce capability would also be complicated, since it is more difficult to develop the requisite accuracy on sea-based missiles. Finally, should the United States base more of its deterrent force at sea or rely to a greater extent on manned bombers, we would be inviting the Soviet Union to invest more resources in ASW forces and in air defense, thus in the long run rendering the sea and air portions of the triad more vulnerable as well.

Thus the arguments that the Vladivostok agreement rectified the strategic imbalances permitted by SALT I and also put a cap on the strategic arms race are inaccurate and misleading. The accord merely accelerates a shift toward qualitative improvements in weapons systems and away from increments in the size of strategic forces. Depending on the mood of Congress and the American public, the United States will either fall short of the permitted equality in numbers of delivery vehicles, MIRVs, and throw-weight, or be forced to match existing and future Soviet achievements in these areas at enormous cost.

The Vladivostok accord thus appears to be another manifestation of Mr. Kissinger's belief that any agreement with the Soviets is better than none, because agreements contribute something called the "momentum of detente." It may be time to reevaluate this contention; indeed, there are several good reasons for arguing that no agreement would be better than this one. At the very least, there are good reasons to urge that the American negotiators be sent back to the table to gain Soviet acceptance of an arms control treaty which truly enhances the strategic security of both powers.

AN APPEAL FOR PEACE IN VIETNAM

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mrs. FENWICK. Mr. Speaker, a week ago today I was in South Vietnam and Cambodia with the congressional delegation. Our mission, which was endorsed by the President and the Speaker of the House, was to make an estimate of the need and effectiveness of further American assistance. While I was in South Vietnam, I was given a resolution by members of various private voluntary agencies and I feel an obligation to do as they asked—to communicate to the Members of the House their views concerning the situation in South Vietnam. These are their views, not mine, but the issue of aid to South Vietnam is so important that all views should be heard.

The material follows:

AN APPEAL FOR PEACE—TO THE CONGRESS OF THE UNITED STATES

We, the undersigned individuals, are members of private voluntary agencies who are presently engaged in social welfare service in South Viet Nam. Some of us have been in this country only a short time; some of us for over a decade. We are therapists, nurses, doctors, administrators, missionaries, educators, relief workers, agriculturalists, and technicians. What we share is the desire to see peace return to this troubled land of Viet Nam.

We were much encouraged with the signing of the Agreement on Ending the War and Restoring Peace in Viet Nam two years ago. We hoped against hope this Agreement would mark a new day of peace for Viet Nam. Unfortunately, while we have seen all the parties to the Agreement implement those provisions perceived to be in their interest, we have at the same time witnessed all sides violate other provisions perceived not to be in their interest. The result of these violations in each case is that the common folk, the people we have come to serve, have been hurt.

In the two years since the Paris Agreement was signed, over a million persons have been made homeless. Over 150,000 persons have lost their lives. This two-year death toll is three times the number of Americans killed in the ten years of U.S. military involvement here.

In the face of this high level of warfare, we learn that the Administration in Washington has requested Congress to approve additional military aid for Viet Nam. We want to register our concern that introducing increased military supplies into Indochina will not bring closer the day of peace for this country. A new round of military escalation will only increase the suffering of the Vietnamese people and preclude any chances for a negotiated political settlement.

Rather than approving more military material, we encourage you as a member of Congress to pursue more positive and constructive alternatives:

Call for a reconvening of the 12-party International Conference established to guarantee the Paris Agreement in an attempt to persuade all supplying parties to reduce, rather than increase, the level of military aid to the warring parties in Viet Nam.

Examine what influence the United States may be able to bring to bear on establishing the National Council of National Reconciliation and Concord which would enjoin the Republic of Viet Nam, the Provisional Revolutionary Government, and a third political segment to settle their differences politically.

Take new positive steps by which the United States will attempt to bind the wounds of war in all zones of Viet Nam, Laos and Cambodia.

In the name of humanity, and for the sake of the people of Indochina, we appeal to you to "seek what makes for peace."

Signees of "An Appeal For Peace" from private, voluntary agency personnel to the Congress of the United States:

Ann Ewert, Nurse, John Willms, Medical Doctor, Frances Willms, Nurse, Tom Hoskins, Medical Doctor, Julie Forsythe, Hospital Coordinator, Hiro Ichikawa, Community Development Worker, Paul Quinn-Judge, Program Assistant, Sophie Quinn-Judge, Program Assistant, Jim Klassen, Administrative Assistant, Keith Brinton, Program Director, Claudis Krich, Program Director, Arlene Stauffer, Missionary, James K. Stauffer, Missionary, William Herod, Missionary, Margaret Herod, Missionary, Earl Martin, Community Development, Patricia H. Martin, Community Development, Walace Ewert, Agriculturist, Claire Ewert, Community Development, Mike Devadoss, Laboratory Technician, Doris Devadoss, Secretary, Max Ediger, Social Worker, Jean Hershey, Nurse, Murray Hiebert, Social Worker, Linda Hiebert, Nurse, Luke Martin, Program Director.

SECURITIES REFORM ACT OF 1975

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. STUCKEY. Mr. Speaker, the securities industry in this country is in the midst of change. Some of these changes will take the form of refining certain "housekeeping" procedures. Most of these are spelled out in H.R. 10, the recently introduced Securities Reform Act of 1975, which is identical to the omnibus securities bill reported almost unanimously by the Interstate and Foreign Commerce Committee late in the 93d Congress.

Other changes which the securities industry and markets will be experiencing in the very near future will result in significant structural changes. Some of these will be brought about by the unfixing of Commission rates, by virtue of the Securities and Exchange Commission's adoption of rule 19b–3 last week, and by the establishment of a national securities market system for securities trading as provided for in title VI of H.R. 10. The bill directs the SEC to establish such a system which is to include, as a minimum, a transactional reporting system, a composite quotation system, and a scheme of regulation to provide for fair competition between competitors in the system.

The development and implementation of these three aspects of the national securities market system is no easy undertaking. How this is accomplished will impact directly on the viability of the securities industry, the corporations raising capital through the equities markets, and the public investors who directly or indirectly commit their funds to the growth of America's publicly owned companies. Given the nature of this undertaking, whose outcome is uncertain from the outset, and given the tremendous impact which the national securities market system will have on the markets, the securities industry, and public investors, an impact those of us who are committed to this undertaking wish to be favorable, I have introduced today a bill which would create the National Market Board. The board would contribute to the development of the national securities market system, and it would be responsible for the system's operation and regulation.

The board would serve these purposes by performing three functions. Upon appointment of the initial 15 members, the board would become the advisory body to the Commission on the development of the national securities market system. At the same time the board would transmit to the Commission its views on significant regulatory proposals of the Commission or any self-regulatory organization relating to the fairness, honesty, and efficiency of the markets for trading in securities.

The third function of the board—governing the national securities market system—would be acquired after the board or the Commission made a finding that it is in the public interest to centralize the governance of the system in a national self-regulatory body. Upon such a finding, which could be made at any time, the board would promptly file with the Commission a proposed constitution and proposed rules.

The Commission would then have 120 days to allow interested parties to make oral and written submissions on the proposed constitution and rules and to approve or require modifications. Upon approval, the board would then have the authority to regulate and govern the system, subject to Commission oversight. Existing self-regulatory bodies would continue to perform those regulatory functions not assumed by the board.

The board would have the authority to assess members, participants in, and users of the system reasonable fees to finance the cost of the board's operations. Until the board becomes the self-regulator for the national securities market system and self-financing, the bill provides for a modest sum to be added to the Commission's authorization in order to provide for staffing any office space.

One of the major advantages of the Board is that it would introduce a greater degree of flexibility into the system's operational and regulatory framework. Subject to SEC and congressional oversight, the Board would be in a position to react quickly and in the public interest to day-to-day management and regulatory problems while also being in a position to evaluate the system and anticipate problems without waiting on Congress for enabling legislation.

The second major advantage of such a board is its advisory function to the commission on the development of a national securities market system. There is much talk about the evolution of a "system," but no one really knows what that evolution will entail. As a statutorily recognized advisory body to the Commission on both the development of the system and proposed Commission regulations affecting the trading of securities in the Nation's capital markets, the securities industry, and the public would be assured of maximum involvement in guiding the system's evolution.

A third advantage is the clear delineation of regulatory responsibility for the national securities market system. The board would not add another regulatory layer; rather it would prevent the occurrence of either overlapping regulatory responsibilites or a void of self-regulatory authority. My bill would accomplish this by providing that the national securities exchanges and the National Association of Securities Dealers would continue to perform those self-regulatory functions not performed by the Board. The Board's authority would be limited to the national securities market system.

Before inserting the text of the bill, it should be pointed out that I have introduced the proposal in bill form in order to facilitate the solicitation of comment and review. I plan to offer this bill as a substitute for section 601(e) of title VI of H.R. 4111 when it comes before the full Interstate and Foreign Commerce Committee.

In reviewing and commenting on this proposal, I would encourage interested parties to focus on: First, the need for a self-regulatory body for the national securities market system—an industry board with public representation—and second, the areas of the system over which the self-regulatory body should be granted jurisdiction in order to insure that the system operates smoothly, in the public interest, and with an eye toward future needs. After these major substantive points are addressed, then I think it would be helpful to comment on other provisions such as how many board members there should be, how they should be elected, who they should represent, and so forth.

We are fast approaching the implementation of key elements of the national securities market system. I would hope that if there is no consensus over other matters, there would at least be consensus on the need to stop haggling over who would have veto power and who should receive special privileges in the system.

I would also hope that this proposal coupled with agreements hammered out last Congress on provisions of H.R. 4111 would be recognized as positive steps in the direction of designing the new system before it designs itself in a fashion which may be detrimental to the securities industry, listed corporations, public investors, and the Nation's capital markets.

Text of bill follows:

H.R. 4457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Securities Exchange Act of 1934 is amended by inserting after section 15A (15 U.S.C. 78o-3) the following new section:

"NATIONAL MARKET BOARD

"SEC. 15B. (a) The Congress finds and recognizes—

"(1) that our country's capital markets are an important national asset;

"(2) that changing conditions and trading patterns have placed considerable strain on existing market mechanisms;

"(3) that in order to preserve and strengthen our capital markets, a national system (the 'System') for the trading of securities should be established;

"(4) that it is in the national interest to assure the vitality and strength of the nation's securities markets and to take all practicable steps to encourage a free and adequate flow of capital to the economy of the United States;

"(5) that a national system for the clearance and settlement of securities, wherever traded, should be established as part of the System; and

"(6) that a single national self-regulatory body may be appropriate to govern and operate the System, subject to oversight and regulation by the Securities and Exchange Commission.

"(b) The Commission is authorized, therefore, having due regard for the public interest, the protection of investors, the need to assure fair dealing in securities, the maintenance of fair, honest, and orderly markets, and the need to provide and foster competition in our capital markets, to facilitate the establishment of the System.

"(c) To facilitate the establishment and governance of a national market system, in accordance with this section, within 180 days after the effective date of the Securities Reform Act of 1975, or at such earlier date as the Commission may determine to be appropriate for the purposes of this title, the Commission shall appoint a National Market Board ('Board').

"(d)(1) In carrying out its responsibilities under subsection (c), the Commission shall appoint a Board of fifteen members, a majority of whom may, in the Commission's discretion, be persons active in the securities industry as brokers and dealers, market makers, and specialists, and the remainder of whom shall be representative of the public who, to the extent feasible, shall have knowledge of the nation's capital markets.

"(2) Nothing in this subsection or otherwise shall be construed to vest in any person any right to seek judicial review of the Commission's exercise of discretion in selecting the members of the Board.

"(3) The Commission shall appoint the members of the Board for a term not to exceed two years, after which time the members of the Board shall be appointed pursuant to subsection (f) of this section, or as otherwise provided in rules adopted by the Commission pursuant to this subsection.

"(e)(1) The Board is authorized and directed to study and advise the Commission of the steps it finds appropriately should be taken, by the Commission, the securities industry, the Congress or otherwise, to facilitate the development of the System. For this purpose, the Board shall be given access by the Commission to any documents in the possession of the Commission, or obtainable by the Commission, if the disclosure of such document is deemed by the Commission (i) to be relevant to the functions of the Board and (ii) not inconsistent with the public interest. For the purposes of performing the functions set forth in this paragraph, the Board shall assume the responsibilities of, and the documents prepared for or by, any advisory committee, in existence at the time of the establishment of the Board, appointed to advise the Commission on the implementation of the System.

"(2) The Board shall have, as a continuing responsibility, the obligation to furnish the Commission with its view on significant regulatory proposals of the Commission or any self-regulatory organization relating to the fairness, honesty and efficiency of the markets for the trading in securities.

"(f)(1) If the Board or the Commission determines that it is necessary or appropriate in the public interest to centralize the governance of any System, implemented pursuant to this section in the Board as a self-regulatory body, the Board shall promptly file with the Commission a proposed constitution and proposed rules which provide, among other things, for fair and equitable procedures for the Board to accomplish the foregoing.

"(2) The proposed constitution and rules shall be published for comment by the Commission in the manner provided by section 553, of title 5, United States Code, for rulemaking not on the record, except that the Commission shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions. Such expression of views shall be requested not only with respect to the proposed constitution and rules of the Board, but also with respect to the determination that it is either necessary or appropriate in the public interest to centralize the governance of the System in a self-regulatory body created for that purpose.

"(3) No later than one hundred and twenty days after the filing of the proposed constitution and rules with the Commission, or within such longer period of time as the Commission determines to be appropriate, the Commission shall adopt a rule either approving the proposed constitution and rules or requiring specific additions, modifications of, or amendments to, such constitution and rules, or the Commission shall issue a finding that it is not appropriate or necessary to authorize the Board to assume part or all of the responsibility of governing the System at that time.

"(4) If the Commission shall approve or modify the proposed constitution and rules of the Board pursuant to this subsection—

"(A) the Board shall have the authority to regulate and govern the system, subject to Commission oversight;

"(B) the Board shall assume those powers, privileges, rights, and obligations granted to, or imposed upon, national securities exchanges and national securities associations registered with the Commission, pursuant to the provisions of this title in effect on the day after the enactment of the Securities

Reform Act of 1975, which the rules of the Board provide shall be assumed by it;

"(C) all self-regulatory functions performed by the national securities exchanges and national securities associations which are not, pursuant to the rules of the Board, assumed by the Board shall continue to be performed by the national securities exchanges and national securities associations subject to Commission oversight; and

"(D) the Commission shall have the same authority over the Board as it has over the national securities exchanges and national securities associations registered with it, pursuant to the provisions of this title in effect on the day after the enactment of the Securities Reform Act of 1975.

"(g) In addition to the authority assumed by the Board pursuant to subsection (f), the Board shall have the authority to assess members and participants in, as well as users of the System, reasonable fees to finance the costs of the Board's operations.

"(h) Commencing with its creation within six months from the date of the enactment of the Securities Reform Act of 1975, the Commission is authorized to allocate to the Board from the Commission's budget the sum of $300,000 to hire staff, rent office space and generally organize to carry out the functions set forth in this section.

"(i) There is authorized to be appropriated the sum of $300,000 to carry out the functions of this section."

QUINCY, MASS., HERITAGE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. BURKE of Massachusetts. Mr. Speaker, the following is the final instalment of a series of articles on Quincy, Mass. During the past several days I have been pleased to bring the Bicentennial activities in Quincy to the attention of my distinguished colleagues. Hopefully the dedication and enthusiasm of my constituents in Quincy will provide inspiration to others throughout the country as we approach the Bicentennial.

The articles follow:

[From the Quincy (Mass.) Sun, Jan. 16, 1975]

Historical Society Collections Soon To Go on Exhibit

(By Paul Harold)

As the city prepares to celebrate its 350th anniversary, the Quincy Historical Society is entering upon a new era with the completion of the Adams Academy project.

The society will now have a permanent home to operate from and expand its activities. The society's extensive collection will be put on display for the first time and its library and reference materials will be available for research.

Work with the schools, long an important part of the society's program, will be expanded with the facilities available in the library-museum. The renovation and restoration of the old school house (1872) will allow for the old building to serve a new use while preserving an important Quincy landmark.

And while moving-day is still a few months off, work has already been done to make sure items in the collection are properly catalogued and stored.

Under the direction of Doris Oberg, the library committee has been working literally for years in anticipation of the opening. Besides organizing current materials, the committee has been setting up resources necessary to handle new acquisitions, of almost any type. And with the assistance of a professional preservationist, members have been trained to care for the most delicate items.

A grant from the Massachusetts Arts and Humanities Foundation, Inc. provided for the services of Paul Molitor, the society's library-museum consultant.

Recently, the Board of Curators named Lawrence Yerdon, a teacher at the Woodward School, as director of the library-museum.

The membership of the society has kept pace with its expanding role, and under the leadership of membership chairman William O'Connell, the membership has passed the 1,000 mark. This is the largest membership in the 82 years of the society and is believed to be one of the largest in New England. Recently, new categories of membership for individuals and businesses were established so contributions could be made toward operating expenses, above the basic dues.

And to meet its changing role, a new Executive Committee was established to provide for more effective administration. The Executive Committee will handle day-to-day administration, while the Board of Curators will continue to set long range policy.

A fund drive is being conducted by the society to pay for the Adams Academy work. Businesses and individuals are being contacted by society members under the direction of a professional fund-raising consultant. Charles Francis Adams serves as honorary chairman for the drive.

In addition to the library-museum, the society operates the John and John Quincy Adams Birthplaces. Co-chairmen of the House Committee, Mrs. Alfred Knapton and Mrs. Hobart Holly, reported 7,074 visitors this past season. In anticipation of increased visitors next season, the birthplaces will be open seven days a week from 9 to 5.

The society has a number of on-going research projects, which are an important activity of any real historical society. The results constitute an important contribution to our historical records. Projects include: General Palmer and Germantown, by Dr. James Cameron; Mount Wollaston sites, by Dr. George Horner and yacht and small boat building in Quincy by Mr. Holly.

Appropriately, Captain Wollaston and his expedition of 1625, the 350th anniversary of which we celebrate this year, is the project being worked on by Dr. Cameron and Mr. Holly. In addition to the work being done in this country, Wollaston's expedition is being researched by professionals in England as well.

Hobart Holly, president of the Quincy Historical Society, sees the new library-museum as a real asset in being able to offer opportunities for greater involvement in local history.

"When we are in operation we plan to have as professional a staff as required and as our means will permit," said Holly. "But like all institutions of our type, even the largest, we will always depend heavily on volunteers."

Officers for the 1974–75 term in addition to Holly include: William O'Connell, first vice president; Gordon Nelson, second vice president; Mrs. Hall Carpenter, recording secretary; Mrs. Robert Justis, corresponding secretary; William Farrar, treasurer; Mrs. Rudolf Oberg, librarian; Dr. James Cameron, historian, and George Horner, archeologist.

The society's Board of Curators includes: Harold Davis, Mrs. Alfred Knapton, William Flavin, Frank Holzer, Mrs. Eleanor Brown, Gordon Carr, Mrs. Robert Kilbourn, Paul Harold, Anthony Losordo, Mrs. Louise Meredith, Fred Bergfors, Jr., James Asher, Jr., Henry Bosworth, Jr., Robert Gardiner and Carl Deyeso.

[From the Quincy (Mass.) Sun, Jan. 16, 1975]

"Quincy: 350 Years" Traces City's Rich History

"Quincy 350 Years", a soft-cover and hard-cover book published by Quincy Heritage, Inc., is now available.

The book tells the story of Quincy in 13 chapters, each symbolizing one of the 13 original colonies.

The book, edited by Quincy Historical Society President H. Hobart Holly, is on sale at the Quincy Heritage office located in the Quincy Center MBTA station.

A total of 4,500 soft-cover copies of the book have been printed and 500 hard-cover copies are coming off the press.

Beginning with an introductory letter from Mayor Walter J. Hannon, "Quincy 350 Years" traces Quincy's history from its early days to the present and also peeks into the city's next 350 years of growth and change.

Individual chapters deal with Quincy's government, past and present, geology and geography, religion and ethnology, education, economic life and Quincy's 27 miles of shoreline. One chapter, "Distinctively Quincy", noted the city's features and landmarks which make Quincy, Quincy.

Two separate chapters are devoted to "The Adams Family and Quincy" and "Quincy's Sons and Daughters".

The next-to-last chapter maps out Quincy's Historic Trail, "not a road by which one follows history; but rather a way by which one may experience contact wtih a rich and varied history."

With 350 years past, the city of Quincy and its citizens look ahead to the next 350 years in the final chapter of this saga of Quincy.

Each of the 13 chapters was written by local authors. Those contributing articles to the book were Holly, George Wilson, Rev. John J. McMahon, Dr. James R. Cameron, Thomas S. Burgin, Richard K. Chrystal, Richard W. Carlisle, Dorothy E. Newton, Thomas B. Adams and Geoffrey A. Davidson.

The many pictures dispersed throughout the pages were donated by Doris S. Oberg, Teresa Carsten, W. F. Bowman, Peabody Museum of Salem, Dorothy Cavanagh, Rosenfeld, W. C. Edwards History of Quincy, Bostonian Society, Edmund Quincy and the Museum of Fine Arts, the Thomas Crane Public Library and the Quincy Historical Society.

William Dahlgren, a post graduate student at Quincy Vocational Technical School, designed the book's red, white and blue cover combining the British and American flags.

S. Gunnar Myrbeck & Co., Inc. created the overall book design and produced the books for Quincy Heritage, Inc.

Lawrence P. Creedon is general chairman of Quincy Heritage and John R. Graham is executive director.

Co-chairing the publication committee of Quincy Heritage are Henry W. Bosworth Jr., Richard W. Carlisle and Herb Fontaine. Other members of the publication committee are Teresa Carsten, Richard Chrystal, Carl Deyeso, John Golden Jr., Carol Lee Griffin, Mildred Harrison, Sol Levenson and Robert Waywood.

[From the Quincy (Mass.) Sun, Jan. 16, 1975]

Quality Commemorative Items Available for Purchase

Quincy Heritage has developed and marketed a host of quality commemorative items to serve as lasting reminders of the city's 350th anniversary and the American Revolution Bicentennial.

Maureen O'Brien, social-health co-ordinator for Quincy Public Schools, is the chairman of the Memorabilia Committee of Quincy Heritage. She was a member of the original 350th Anniversary Committee established three years ago under then-mayor

James McIntyre. Through the work and efforts of the Memorabilia Committee, Quincy Heritage is offering these commemorative items.

Wedgewood artist Alan Pine has designed two plates capturing the history and pride of Quincy. Both will be issued in limited editions.

One plate, "Quincy, City of Presidents", will be appropriately released on Oct. 30, 1975, the birthday of John Adams. The edge of the blue plate—trimmed with a delicate etching of branches of flowers and leaves—depicts both John Adams and John Quincy Adams, Quincy-born presidents of the United States.

The face of the plate pictures the birthplace of both presidents as well as the Adams National Historic Site and the Josiah Quincy House. The back of the plate carries the Quincy Heritage Logo.

The second plate, the Bicentennial plate, to be issued in the fall of 1976, is a crimson and white pattern carrying out the theme, "Quincy, City of Patriots". Again, the plate is edged with floral, leafy branches but the patriots pictured are John Hancock and Dorothy Quincy.

The front of the plate depicts the Dorothy Quincy House, Adams Academy, Quincy City Hall and the Thomas Crane Public Library. The back of the plate again carries the Quincy Heritage logo.

Two commemorative medals—both in sterling silver and in bronze—will be available in limited editions. The 1⅝ inch medals can be attached to chains or used as decorative displays. The first medal, to be issued in April 1975, pictures the Merrymount Maypole Dance on the front and the first commercial railway on the back.

The second medal, to be issued a year later, carries the slogan "Patriots, Presidents and Possibilities" and pictures John Adams and John Quincy Adams on the front face. Pictured on the reverse side is United First Parish Church, the Church of Presidents.

Both medals will be distributed nationally.

Frank Leporini, a research assistant at North Quincy High School, has designed bookends, cast in bronze, they will be cast at Quincy Vocational Technical School, of the Adams' Birthplaces.

Also involved in creating commemorative items is Quincy's Paul Whalen, head of Artistic Carvings in Boston. Whalen had hand-carved and hand-painted reproductions of the John Quincy Eagle designed by his company. The eagle is available in both gold-leaf and gold-paint.

Richard Porteous, art specialist in the Quincy School System, has designed a 1776 pin fashioned with nails which are replicas of those hand-forged in America during the late 1700's. Other quality sterling silver jewelry items—such as charms and tie tacs—will also be available.

Quincy Heritage is also marketing ceramic items, such as mugs and ashtrays, as well as tiles which can be put to practical use or used as decoration.

The six-inch square tiles will depict Quincy "firsts": the first ironworks, the first commercial railway, the construction of the first nuclear surface ship at Fore River Shipyard, the first air trials at Squantum Air Base.

Commemorative glass sets and bottles will also be made. Clevenger Brothers Glass Works has designed bottles in eight shapes and sizes and in four colors. The bottles will picture famed Quincy citizens such as John Adams, John Quincy Adams, John Hancock, Josiah Quincy and Col. Francis Parker. The bottles, to be distributed through many local merchants, will carry the Quincy Heritage logo on the back.

THE MIDDLE EAST CRISIS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. SOLARZ. Mr. Speaker, I recently reported to the Members of the House about my mission to the Middle East and the prospects for peace in that troubled area of the world.

I would like to take the opportunity now to call to the attention of our colleagues an editorial on the subject which recently appeared in the New Republic magazine. It is, I think, one of the most thoughtful and thought-provoking essays on the Middle East which has recently come out and I believe it illuminates, with insight and intelligence, the issues which currently confront the countries of the region.

For anyone who seeks to truly understand the situation in the Middle East, this article is a must, and I only hope that it will be given the attention which it deserves:

MIDEAST PEACE?

Israel has become in world affairs a pariah nation. Why this is so is both complicated and simple: Israel is, after all, the political expression of a historically oppressed people, and the power of Arab oil is just now great enough to sway both the weak and the mighty to join the anti-Israel chorus. Surely, as two prominent French leftist intellectuals wrote recently in *Le Monde*, it is not that Israel can be seen on *any* comparative scale—whether measured against Communist, Western, Arab, or Third World countries—as a monster state. Whatever the reasons for the lopsided anti-Israel majorities in various UN agencies or behind the hostile rhetoric of intrinsically indifferent political figures from distant and otherwise preoccupied countries, the implications of the new mood are clear—and they constitute a peril to the security of Israel.

The persuasive capacity of insincere analysis seems to be without match, and there is a particular virulence to the contagion of insincere phrases. With reference to the Middle East, these are now the stuff of orthodoxy. James Reston, in a column for some of whose factual and intellectual gaucheries he has already apologized, sees an obstacle to peace not so much in the reluctance of Israel itself to make concessions, as in the anxieties of Israel's friends in America that territorial concessions made to the Arabs will be the military advantage from which a future war begins. Tom Wicker fears Israeli defiance of an "acceptable" settlement—and fears also American (for which read Jewish) support of that defiance. Evans and Novak, Carl Rowan, Nicholas Von Hoffman, others, the same and more. "Columnists are like blackbirds on electric wires," Eugene McCarthy used to say. "They move in groups." Everywhere, it seems, it is assumed, "if only Israel were not so intransigent . . . if only Israel would return to the borders of June 4, 1967. . . ."

History and logic alike should confound the easy confidence with which such impatient sentiments are uttered. The frontiers existing at the outset of the six-day war separated Israel and her Arab neighbors for 19 years, and they were not frontiers of peace or even of real truce—but frontiers from which wars were waged and threatened. Indeed, much of the territory in the Sinai that Israel is now urged to restore to Arab sovereignty had already been restored twice in exchange for guarantees that proved to be of no value whatever. And if this was the case when the Arab governments were weak and divided, when there was virtually no Russian presence capable of great mischief in the area, why will the territorial *status quo ante* bring peace now that the Arabs are strong and relatively united, and now that the Russians are positioned to disrupt any situation not in accord with their own—and shifting—political ends? This isn't a rhetorical question intended to bolster an Israeli minority which opposes relinquishing Arab lands. In the first disengagement on Suez after the Yom Kippur war, more reluctantly to be sure on the Golan, Israel amply demonstrated that it would make territorial concessions to build momentum toward an agreement with the Arabs. Even those who fault what they call "Israeli truculence" know that in the next round of negotiations the Jerusalem government is willing to take considerable risks to keep alive the process so painstakingly nurtured by Secretary Kissinger.

The question in the next days, however, is not what Israel will give up; it is rather what Egypt will give in return. It is sheer sloganeering to say, as some rather casually have, that since it's Egypt's land that is at issue, that country is obliged to give little or nothing to reclaim it. For what is expected of Israel is no small gesture toward Cairo. In the present environment, no one can underestimate the importance of fuel-poor Israel's withdrawing from the Abu Rhodeis oil fields at the tip of the Gulf of Suez, which have met half of Israel's petroleum needs during the last seven years. Nor, in an unstable sitation, will the Shah's pledge to Kissinger to supply Israel's oil needs be fully reassuring. But the Mitla and Gidi passes, which are part of the anticipated bounty of negotiations, constitute an even more vexing problem for the Israelis. These mountain passes control the rest of the Sinai peninsula and an Israeli withdrawal would be a surrender of significant strategic advantage.

To the extent that risk is assumed, Israel is entitled to reciprocal—if necessarily asymmetrical—political concessions from Egypt. While the signals from Cairo have been confusing, perhaps deliberately so, the Egyptians do not yet seem to be particularly conciliatory. No doubt agreement to the demilitarization of the relinquished territories is a prerequisite of any Israeli withdrawal. But as with a decision to allow Israeli cargoes through the canal, this is an easily revokable concession. Installing tanks or missiles where it has been agreed they are not to be might be a *casus belli*, but that's sparse consolation. What is required from Egypt are moves, now, that would make it more difficult and costly for Egypt to wage war later—as the contemplated Israeli withdrawals would make a renewed war much more difficult and costly for Israel.

What is especially striking, and should make people suspicious, is Sadat's reluctance, in exchange for Israeli withdrawals, to commit his country to the politics of non-belligerence, to tell his countrymen that the journey of conciliation with Israel has at long last begun. A leader who fears doing that might not be able to lead his country to peace; perhaps he does not want to. If he wants to but won't say so, he limits his flexibility and circumscribes the strategy of negotiations by bellicose talk. By continually saying, as he did again last week, that this next stage entails no political commitments on Egypt's part, Sadat bolsters those who want to make no political commitments to Israel of any sort. If "the hero of the crossing" cannot tell his own people what he is so eager to confide to American journalists, what Arab politician can? And if none can, how can anyone be so sure that the problem between Israel and the Arabs is simply a matter of territorial adjustments, a Mideast version of the Alsace-Lorraine question?

In addition, then, to earnests that draw the Egyptian people into the reality of negotiations, Israel is justified in wanting to know that the infinitely more complicated problems with Syria or regarding the West Bank will not be used sometime hence as an occasion for Egypt to abrogate the concessions it makes as part of an agreement on Israeli withdrawals. The most tangible measures insulating a rapprochement between Israel and Egypt from extraneous pressures would be an indefinite or, at minimum, a long-term extension of the UN peacekeeping forces in the vacated territories, revokable only by the Security Council. The present mandate, renewable every six months, institutionalizes periodic instability, and is an open invitation to interference from outside. To argue for less is to argue for making the resumption of war easy.

Given the depth of the conflict between the Arabs and the Israelis, it would be endangering the entire process of negotiations, in fact, if one side were to get concessions on the cheap. It would establish a pattern of unrealistic expectations without creating relationships between old foes on which a peaceful future for the region depends.

What with the difficulties encountered so far in eliciting significant concessions from Egypt—not, it should be noted, in eliciting such from Israel—an assortment of journalists and politicians have fixed on the notion of American guarantees to Israel as a substitute for an accord between the two contending parties. In a discussion with *New Republic* editors last week, Kissinger said that an American guarantee by treaty or otherwise would be only "icing on the cake," that such guarantees would make sense only once there were actual agreements on and concrete movement toward final settlement by the two countries.

Kissinger had been drawn into the discussion of guarantees by the persistent Russian offer to "guarantee" Israel's 1967 borders. The Soviets, of course, are wholly without *bona fides* on this matter, and Kissinger is in any case suspicious of their intentions. There is no justification, though, he reasoned correctly, for abjuring an American guarantee at some unspecified point in the future. But he knows, as surely the Israelis and Arabs know too, what is wrong with a guarantee now.

In the absence of tangible Arab, or in this instance, Egyptian, steps toward peace, an American guarantee to Israel upon its withdrawal from militarily significant positions increases the likelihood of circumstances that may require American intervention on behalf of Israel. Now Israel has never wanted, does not now want, such an intervention. Moreover, a firm guarantee is a politically dubious proposition in the US. The Arabs may well reason that the Americans might renege on such a guarantee in an extremity; but Israel also is aware of that possibility, and thus what is being talked about should seem to Israel hardly a guarantee at all.

The idea of an American guarantee to Israel emerged under curious auspices. Many of its enthusiasts have on the record no demonstrable concern for Israel's security, a fact that raises serious and unavoidable questions about motives. Many others who find an American guarantee an attractive alternative to measurable moves by Egypt adhere to a politics that would make the guarantee simply not credible. For a real guarantee to Israel might require a declared American interest and greater presence than the US now maintains in the Indian Ocean, the Mediterranean, and the Persian Gulf. Moreover, it implies a commitment to produce certain weapons and aircraft like the big transport planes and more advanced fighter planes which may face the ax in congressional budget-making. One cannot all at once credibly support an American guarantee in a very unsettled area while pushing for a general retrenchment of our foreign involvements everywhere else. Nor should it be imagined that the very idea of an American guarantee or protective arrangement with any country would appear at this moment in history as anything more than a bedraggled remnant of the past. There are many to blame for this, not the least the perpetrators of the Vietnam war. But congressional critics of American foreign policy, having belatedly and not very discriminately asserted legislative prerogatives against the executive, share responsibility for having rendered the US incapable of acting decisively for its own interests and those of its allies.

While there are, then, many objections to the U.S. as guarantor of agreements, there is everything to be said for the U.S. continuing its role as broker between the adversaries. Indeed, no power other than America, and perhaps no man other than Secretary Kissinger, could aspire to these historic burdens. Such achievements as there have been in the Middle East are directly attributable to him and to his persuasive powers. But the obligations that Israel and Egypt now assume in negotiations should be to each other, and not to Kissinger—if only to preserve his ability to function as broker in future talks. Otherwise any violation committed by one side may injure his credibility with the other. In an interview with Philip Geyelin of *The Washington Post,* Sadat carried the concept of pledges to Kissinger one step further by suggesting that the secretary personally be the guarantor of commitments reached through him. Mr. Geyelin thought this to reflect "new flexibility" on Sadat's part.

If Israel is gradually to withdraw from the largest portions of the occupied territories, then its enemies will have to persuade Jerusalem that these are not likely to be scenes of new battles against Israel's survival. It is fashionable to say—the power of cliches again!—that, with modern weapons, territory is no guarantee of security. But to think that is to have failed to learn one of the primary lessons of Indochina. With modern weapons, one should understand from the American air war against North Vietnam, you can heap excruciating torments on a country from afar; but unless you can get into its territory with conventional weapons and troops you cannot capture it or bring it to its knees. That is why a small country like Israel, with hostile borders straddling in places only a few kilometers of its pre-1967 territories, is justifiably anxious about exactly where her frontiers will be and what armies and hardware are to be allowed beyond them. Worrying about particular hills and valleys is no trifle for the Israelis: It is a bare hour's march from the Jordan River to Jerusalem; geography itself seems almost to threaten both the agricultural settlements in the north and population centers on the coast. The cliche about the insignificance of territory—a distinctively American perception, one thinks—ordinarily goes on to assert that the only real guarantee of security is genuine trust between neighbors. This no doubt is true, but that trust can be built best—if there is reason to trust at all—when neighbors obligate themselves to each other.

This is precisely the kind of trust that the Secretary of State has been trying to foster. It has not been easy in the past, and it will not be easier in the immediate future. What is likely to develop as Kissinger shuttles back and forth between Cairo and Jerusalem is something less than optimal movement toward peace. This realistic expectation has provoked in many quarters, and for diverse reasons, a backlash against the step-by-step, country-by-country structure of Kissinger's mediation. But much of the pressure to dispense with these particular negotiations and revert to the Geneva conference derives also from the fact that it is now open season on Dr. Kissinger. This has much less to do with his actual performance than with the general demoralization of American politics and an embarrassed overreaction to an embarrassing exaltation of Kissinger's talents in the past. Sen. Stevenson's attack on the secretary's attachment to "the myth of his own personality and indispensability" is understandable as early campaign rhetoric. But the senator's corollary proposal to reconvene Geneva is not sensible.

For the strategy of peace requires first the maximization of those interests of Egypt that will keep it out of any future fighting in the Middle East. How much more difficult it would be to fix on the common concerns of Israel and Egypt in a conference attended by the other Arab states and with the redoubtable Gromyko in the chair. Sadat, in fact, does need peace. In a recent series of especially informative articles in the British *Guardian,* David Hirst found Egypt menaced by "serious internal instability . . . a growth of violence that is untypical of Egyptian society . . . deep social and economic frustrations, a sharpening of class antagonisms in a country where, some people now say, contrasts between rich and poor are quite as shocking, if different in nature, as they were in the day of King Farouk." This situation might incline Sadat to a diversionary adventure; but for the moment he has risked the enmity of fellow Arabs and alienated his on-again-off-again Russian benefactors to pursue Kissinger's byways. Consideration for Sadat's difficulties should not oblige the Israelis to overlook their own strategic concerns; but his problems do suggest that the coming talks may begin to unlock the generation-long political stalemate that has cost so many lives.

The reconvening of Geneva if these talks were to fail would be a perfect setting for the parties to play to the balconies, with full peace plans that don't give anything. The good offices of the United States—stigmatized by failure—would be broken. The initiative then would shift to the Soviet Union which, with the backing of the Europeans and Japan, terrorized by the specter of another oil embargo, would seek to force upon Israel a *dictat* devoid of the preconditions or components of genuine peace. Sadat might also not be in attendance, pushed by failure off history's stage; or he might be there only because the Soviets allow him once again to be their client. Every disruptive influence, including especially the PLO, which already shows signs of decline despite its successes on Manhattan's East River, will come to the fore; and the king of Saudi Arabia will frantically be trundling his billions behind those aiming in the end to undo him as eagerly as they would undo Israel. Paradoxically the king would also then be doing service for the Russians who need the format of Geneva and the vehicle of the PLO to install themselves on Israel's eastern borders, a standing irritant playing for stakes incompatible with a decent settlement.

It will probably not be possible to avoid Geneva in the long run. But what ultimately happens there will be much less inconsistent with a peaceful resolution of the conflict if Sadat's heretical tactics have paid off for him and if Israel's territorial concessions win some significant political responses from Egypt.

For this would mean that US diplomacy remains the key to an agreement between Israel and its neighbors, rather than another battered piece of evidence of how intractable their problems are. The awful prospect of Geneva without successful negotiations in the next stage on the Sinai should not induce a desperate Panglossian optimism about these present talks. But it is precisely the prospect of a witches' sabbath in Geneva that makes the success of Secretary Kissinger's current efforts so vital to those who live and otherwise might die in the Middle East.

PRESIDENT E. BOYD GARRETT OF NATIONAL RETAIL DRUGGISTS ASSOCIATION CALLS FOR ACTION TO AID SMALL BUSINESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. EVINS of Tennessee. Mr. Speaker, Mr. E. Boyd Garrett of Nashville, Tenn., the distinguished president of the National Retail Druggists Association, delivered a challenging address to the national association gathered today in convention in Washington.

President Garrett cited the numerous problems which small business druggists face in competition with big chain and discount drug firms and from Government rules and regulations.

Because of the interest of my colleagues and the American people in this most important matter, I place the address by Mr. Garrett in the RECORD herewith.

The address follows:

OPENING REMARKS, 7TH ANNUAL CONFERENCE, NATIONAL LEGISLATION AND PUBLIC AFFAIRS, BY E. BOYD GARRETT

As President of the National Association of Retail Druggists, it is my privilege and personal honor to officially greet you on behalf of the Officers, members of the Executive Committee and staff of NARD, and to warmly welcome you to this Seventh Annual Conference on National Legislation and Public Affairs. Your presence at this conference here in Washington, D.C., right in the "eye of the storm", proves the value and success of this continuing program.

It should be particularly helpful for us to gather here in this year and at this time. We have a new President and Vice President since we met here last year and we have a new Congress just beginning its work. We have the twin issues of inflation and recession coupled with high unemployment and we face increased costs for more government regulation and compliance. If you are confused, disillusioned, frustrated, unable to reconcile what government says with what government does, and unable to correlate what our society proclaims as its basic principles with what is happening, then you are in the right place and in the right group. Let me assure you that you are not alone.

The Administration, the Congress and the regulatory agencies apparently aren't getting the message from small business, particularly independent pharmacy. It is difficult to understand whether those who govern and regulate us aren't listening or haven't heard the responses they want and expect. In any event, the same questions and issues seem to arise time and again, only to be asked again and answered again, with little or no progress being made.

And these are our friends. Imagine the state of affairs if we were adversaries. President Ford has certainly been a friend of free enterprise, individual initiative and small business through the years. He has been cordial, helpful and available to NARD in the past. And there isn't a Congressman or Senator in office now or in the past who hasn't proclaimed himself a champion of small business, free enterprise and individual initiative. Maybe this year, with our new Administration and Congress, things will be different, but we are not off to a very good start.

Already the Senate appears ready and anxious to shunt the fair trade enabling legislation into the archives along with prohibition. I would not pretend that fair trade is much of an issue with independent pharmacists today because it has suffered from neglect and only token observance and enforcement in pharmacy, with a few loyal exceptions, for many a year. We as independent pharmacists cannot enforce fair trade minimums; it is the manufacturer that has the choice of whether to utilize and maintain fair trade minimums in the first instance.

Given these facts, one would suppose that a government and Congress dedicated to free enterprise and the preservation of small business would look at why or how some few giants can sell so cheaply, to determine whether there are predatory motives, discriminatory discounts and the like, all of which are already prohibited by law. But that is not the response of either. The Federal Trade Commission takes no action and the Senate proposed to repeal the fair trade enabling legislation so that the chains and discounters will be able to drive independent pharmacies out of business all over the country as they have here in the Nation's Capital.

The Federal Trade Commission, probably known to most pharmacists for its relaxed non-enforcement of the discriminatory pricing provisions of the Robinson-Patman Act, is another good example. Instead of looking into economic concentration in pharmacy, increasingly being dominated by chains and discounters, suspected predatory pricing practices and discriminatory pricing that have been laid bare with facts and examples in Congressional testimony for a decade or more, FTC embarks on a probe of prescription price advertising. And this is a good example of an agency asking a question, getting our answer, and either not listening to or not understanding the answer. FTC and the Department of Justice have, from time to time in the past, wondered why independent pharmacies do not advertise prescription charges in the newspapers and other public media. We all know the answer: it costs too much, it is not productive and in most communities, it is wholly unnecessary. FTC just plainly does not believe this economic fact of life, so it has committed its resources and personnel to proving there is some other reason. We understand that shortly we will have some edict on prescription price advertising from the FTC, developed over the past year or more, the result and utility of which will be dubious at best.

Ironically, if the FTC prescription advertising proposal has any effect at all, it will be simply to permit the giant economic chain and discount enterprises which have invaded pharmacy to more effectively eliminate independent pharmacies, and to do it faster. The chains will be the only ones which will be able to afford and benefit from public media advertising and they may do so with "come-ons" and loss-leaders" until they have eliminated all significant independent competition and have the market all to themselves.

Where does the Federal government help us? Right where we least suspected we needed help. Generally, their help increases our costs and paperwork and decreases our ability to remain competitive and to serve the public. And I am sure that our problem is not unique. It is no doubt shared by all small businessmen. However, I doubt that any small businessman is more over-regulated by local, state and federal government than the independent retail pharmacist.

Some government bureaucrats perceive a social or economic ill and either have the authority, or convince Congress that they ought to have the authority, to deal with the issue. If the initial regulatory control does not solve the "problem" but makes it worse, then the official comes up with a more complex and exacting regulation which is thought to be the answer along with some peripheral authority to deal with collateral issues that may have surfaced in the meantime. Unfortunately, the government and Congress are not subjected to "peer review" as are health care practitioners. No civil servant is going to suggest that a regulation was unnecesary in the first instance and thereby voluntarily declare himself and his staff "surplus".

But this a job that has to be done. NARD has suggested that Congress and the Administration both demand an "economic impact" statement on all proposed new programs and regulations, with particular focus on the anticipated effect on small business. This would be an important first step. We can enact safety laws, like OSHA, only to find after the fact that application of some provisions to small businesses are wholly impractical, unnecessary and unjustified. We suspect that government has imposed many requirements which under impartial examination cannot be justified, as applied to small business. Are all the reports that we must file ever read, and if read, ever used for any constructive purpose?

NARD has endorsed President Ford's National Commission on Regulatory Reform to conduct a thorough examination of the regulatory processes and priorities of the Federal independent regulatory agencies and has requested that the scope of the review be extended to all regulatory bureaus and programs in government. The Federal regulatory impact is presently so pervasive and complex that it is costly for the government, costly for the small businessman and costly to citizen-consumers who ultimately bear the costs in prices for the goods and services they need and the taxes government imposes. It is certainly appropriate that we assure ourselves that every dollar spent on government regulation is spent effectively and purposefully, and that the social benefits or assurances obtained justify the effort and expense.

We are indeed indebted to the Small Business Committees of the House of Representatives and the Senate. These Select Committees function principally by focusing the attention of Congress and the public upon problems and issues affecting small business, developing information as a predicate to drafting legislation, and providing a forum and sentry on Capitol Hill for small businessmen. I am especially proud and grateful for the continued help, cooperation and concern of Congressman Joe L. Evins of Tennessee, Chairman of the House Committee on Small Business, with the problems in independent pharmacy and the small business community. Congressman Evins and a number of members of his committee have been patient and understanding in listening to the pleas of small business about their problems and needs and have been responsive in seeking to help us.

In your contacts with the members of Congress while you are in Washington attending this important conference, I would urge you to tell them that we need to be something besides the "backbone of the nation". The small businessman needs a new role. We want to be a dynamic part of this country. If we are going to remain the backbone then we want to be a working, vital, successful backbone with an equal opportunity.

On behalf of NARD, I welcome you to our

conference. I hope that this concentrated program, where we must cover a lot of ground quickly, will provide some insight on what we can and should do to strengthen and improve the independent practice of pharmacy and the services we provide to our patrons. We welcome your comments and suggestions, and encourage you to participate fully in the ample question and answer sessions provided.

A PRACTICAL APPROACH TO ENERGY CONSERVATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. BROWN of California. Mr. Speaker, early last month I was honored to be a dinner speaker at a conference on energy conservation that I hope is a prototype for future meetings. The conference was sponsored by four southern California chapters of the American Institute of Architects and held in San Diego on February 6 and 7.

The keynote address of the conference, while containing many remarks that relate especially to southern California, did direct itself to many of the key issues now before the Congress. The keynote speaker was Dr. Robert F. Rooney, who has acquired some expertise in the field of energy conservation. He is also an economics professor at the California State University at Long Beach and he serves as a commissioner on the innovative California Coastal Zone Conservation Commission.

I recommend this paper to my colleagues, and wish to especially draw your attention to its positive suggestions on energy conservation.

The paper follows:

ENERGY CONSERVATION AND THE ARCHITECT, THE CHALLENGE OF THE NEXT 25 YEARS

(By Robert F. Rooney, Ph. D.)

There is little doubt that at the present time, the quantity of such nonrenewable energy resources as oil, natural gas and uranium available to the U.S. economy cannot readily be expanded within a short period of time without undesirable economic or environmental consequences. The sharp increases in energy prices over the past two or three years reflect the inability of the American economy to expand the domestic production of energy without substantial increases in costs and/or environmental pollution. Increases in our energy supplies for the next few years will primarily have to come from overseas sources of petroleum at prices more than three times those generally prevailing in 1970. Moreover, it will be five to ten years before domestic energy supplies can be increased significantly, and then only at the cost of greater environmental degradation and the diversion of a vast amount of scarce capital into nuclear power plants and other energy production and transportation facilities.

How we got into what some people call the "energy crisis," but which I call our "energy conservation opportunity," would take hours to discuss fully. Basically though, our energy situation, in my opinion, is the result of a long series of incredible governmental policy blunders dating back to at least 1954. The "soaring-sixties" were the result of our nation's squandering the industrial capital which had been built up over many years through the efforts of countless Americans, as is evidenced by the shortages and sharply rising prices of energy and other key industrial commodities over the past couple of years. This capital was largely squandered through government policies based on the premise that a nation can "consume itself to great wealth and prosperity," which only works for relatively short periods of time and if excess productive capacity has been built up through past investments.

Our production capabilities had become so great by the end of the 1950s, that most Americans—politicians, businessmen, labor unionists, and sadly, economists—believed that America could produce enough of anything to accomplish any objective, no matter how obscene. And Presidents Kennedy and Johnson proceeded to do their best to prove the point by adopting a wide range of policies favoring consumption by the private sector and the military over investment in American industry. By 1970, America's consumption of energy had risen to the point that our oil and natural gas industries and electric utilities had virtually no excess capacity, primarily because our economic, energy, and environmental policies of the 1960s did not provide the necessary economic incentives to expand sufficiently rapidly the domestic energy industries. With energy demand continuing to rise rapidly, primarily because of government policies holding energy prices at unrealistically low levels, we became increasingly dependent on the oil resources of the OPEC nations.

Today, America is suffering from severe inflation and economic recession at the same time. Our governmental leaders—Republicans and Democrats alike—are trying to solve the problem of recession with the traditional remedies of deficit spending, tax cuts, and a host of similar policies designed to stimulate the auto and related energy and materials intensive industries, in spite of their impacts on the natural environment. Although we do need the employment, I doubt that American consumers are really suffering from a lack of autos, electrical appliances, etc. The situation with respect to decent housing is, in my opinion, another matter. We really need to improve our housing stock.

The politicians in Washington are trying to solve our energy supply problems by increasing the domestic production of energy from offshore oil resources, coal, nuclear power, geothermal resources, and oil shale, again with little concern for protecting the natural environment. Reasonable projections of energy demand and supply for the West Coast, by the way, indicate that there is no need for leasing the California offshore area prior to 1983 unless the oil is to be shipped to the states east of the Rocky Mountains.

Moreover, the energy policies of Project Independence insure that we will have energy shortages well into the 1980s and will likely reduce the amount of investment capital available for the housing industry. Agricultural policy continues to support large-scale, energy-intensive, chemicalized farming to provide food for Americans and for export. Wage and price controls and rationing are seriously discussed by influential Senators and Congressmen in spite of the repeated failure of these policies to do more than provide limited short-term relief of the symptoms of inflation and energy shortages. In short, these policies all are based on the assumption that structural changes in our economy are not required.

Some of these policies would make sense if, and it is a big "if", our present problems were the result of mismanagement of private and public economic affairs. To a considerable extent, the recent inflation results from overexpansion of the money supply which has monitized the succession of federal deficits due to the Viet Nam war and the "Great Society" social welfare programs. But most of our current economic problems are not due to mismanagement of the economy, Watergate, OPEC, greedy capitalists or labor unionists, or the environmentalists. In my opinion, our present inflation and recession reflect a need to adapt our economy, and personal lifestyles, to fundamental changes in the costs of obtaining several key natural resources (especially energy) and of producing food. The days of obtaining substantial increases in domestic natural resource or food production at only a small increase in real (capital and labor) costs are long gone, probably never to return. We cannot continue to import increasingly larger volumes of oil and other mineral resources, especially if their prices continue to rise, without greatly increasing last year's record balance of payments deficit, thus forcing further devaluations of the dollar. And we can hardly afford for our polluted natural environment to get any worse.

We must adopt policies which lead to basic structural changes in our economy—including, most significantly, major changes over the next twenty-five years in the location and composition of our housing stock and many other types of buildings. These structural changes in the economy primarily involve the development of new industries producing goods and services which use relatively less energy and other scarce natural resources in their production and consumption. The American lifestyle needs to become more time-intensive, rather than goods-intensive. I don't have any concrete suggestions for government policy changes which would likely hasten these structural adjustments on a broad front throughout our economy. However, I feel confident that Americans have both the technological and, probably most importantly, marketing know-how to effect the necessary economic adjustments if government would only provide the necessary leadership to get the process started. Moreover, the new investment that would be induced by a shift to a less energy and materials intensive economy would soon take care of our present severe unemployment problems.

The traditional economic policies being pursued today by all levels of government are, at best, poorly suited to promoting adapting our economy and personal lifestyles to a world of relatively costly food, energy and other natural resources. At their worst, the policies being debated today will only delay these badly needed structural adjustments until one or more parts of our highly specialized and interconnected economy break down under the stress of rising natural resource scarcity, leading to the familiar collapse-mode graphs of the *Limits to Growth*. Americans deserve more from their elected and appointed officials, but the necessary governmental leadership does not appear to be forthcoming in this time of impending crisis.

I am convinced that we cannot rely on government to solve our present energy, economic, and environmental problems. At the national level, John Sawhill was fired as head of the Federal Energy Administration by President Ford because Dr. Sawhill strongly favored energy conservation policies over the "drain America first" policies favored by the Nixon/Ford Administration and American industrial and trade union interests. At the state level, the South Coast Regional Commission adopted strong policies requiring energy conservation, particularly with respect to new buildings. The State Coastal Commission, responding to the leadership of its consensus planners, first weakened the regional commission's policies and then knuckled-under to the pressure of Assemblyman Warren and the power companies by deferring to the newly formed California Energy Resources Conservation and Development Commission, which likely will not be adopting energy conservation policies for more than eighteen months. And there is no guarantee that the Energy Commission will adopt policies as stringent as those of the coastal commissions. We need tough energy conservation policies, especially a strong energy budget code, endorsed by the AIA, now—not in eighteen or more months.

With government unlikely to provide the kind of immediate leadership needed to promote effective energy conservation, much of the burden of leadership must fall upon the design professionals—the architect and industrial engineer—acting in the long-term economic interests of their clients. Even if we do manage to produce the rising amounts of energy envisioned by the Project Independence planners, energy prices are going to continue to remain high, and to rise sharply in the case of natural gas. I doubt that the OPEC countries will significantly reduce their oil prices, rather than reduce their production, in the event that large oil surpluses emerge in the next few years. The major Arab producers have few resources other than oil, and they fully recognize the need to conserve their oil for future generations. Moreover, they can now meet a substantial amount of their foreign exchange requirements from the earnings of their growing petrodollar investments.

The built environment probably directly accounts for about one-third of U.S. energy consumption. Substantial additional amounts of energy are also used to produce and transport building materials and to grow, process and transport food which could be grown and stored at home if the proper facilities were built into the single or multifamily project. In California, substantial amounts of energy are also used to transport water to residential and commercial structures and to pump, process and ultimately dump sewage into our coastal waters. Substantial savings of nonrenewable energy resources in these sectors of the economy likely can be obtained over the next twenty-five years.

These uses of energy can be directly and profoundly influenced by the decisions of architects and their land developer clients. You are in a better position than any government official to conserve the significant amounts of energy which we must conserve if we are to protect and enhance our precious natural environment; maintain a dynamic, progressive economy; and attain national independence from foreign energy resources. Architects and other design professionals will need to provide the leadership necessary to get government to adopt meaningful energy conservation policies with respect to modernizing building codes and adopting energy budget codes, providing sun rights protection for solar heated structures, modifying zoning codes to permit efficient housing unit configurations, permitting the use of clivus-type waste disposal systems, and a host of other innovations. I doubt that government will significantly change its policies regulating the design of buildings to promote energy conservation unless you—the design professionals—demand it. The work of the AIA in this regard is crucial. In my opinion, only the AIA has the intellectual resources and political expertise to get the job done.

As you will learn at this conference, significant conservation of energy from nonrenewable resources is not a theoretical possibility requiring the expenditure of millions, or even billions, of dollars on research and development before it will be economic. Considerable development work, of course, still needs to be done to obtain a sufficiently wide range of observations to permit optimization of the various alternative solar and other energy conserving technologies. In my opinion, the billions in Federal dollars now being spent on developing breeder reactors and other nuclear technologies are a great waste of the taxpayers' money.

For example, if $3 billion per year were to be diverted from research into nuclear and other environmentally destructive energy technologies into a subsidy averaging $2,000 per dwelling unit for the first-cost of a solar heating and cooling system, 1.5 million dwelling units per year could be built with sophisticated solar energy systems. Installing solar systems in this many dwelling units over a ten year period would free substantial amounts of conventional energy resources (especially oil and natural gas) for use in the industrial and transportation sectors, where their use is most critical to the health of our economy.

Economically attractive hardware and design concepts capable of conserving substantial amounts of energy are available today. The building of well insulated, properly designed structures using solar energy for water heating and for 50 to 80 percent of their space heating and cooling requirements is practical today. The economics of retrofitting existing buildings with solar heating or cooling systems, unfortunately, generally are not attractive unless the building is to be extensively remodeled. Solar systems are practical today for heating both new and existing swimming pools. Recent developments with respect to passive solar heating and cooling systems appear to provide significant cost savings over active systems. Buildings using these energy conserving systems can be very attractive and fully adaptable to the typical American family's lifestyle. The first cost of the solar system and of the additional insulation is higher than that of conventional systems, but their life-cycle costs probably are less than those of conventional systems. In my opinion, you would be well advised to investigate solar heating and cooling systems and discuss them with your client early in any project's design phase.

Significant energy savings can also be obtained from carefully designing the lighting and air conditioning systems of all buildings, but most importantly those of commercial buildings such as retail shops and offices. Present lighting levels in many areas of these buildings are often far in excess of what is required for the tasks to be performed. During last year's energy crisis, some commercial buildings were able to reduce their electrical demand for lighting and air conditioning by as much as twenty percent without any significant structural changes. Much more energy could be saved in new buildings if the architect designs the lighting and air conditioning systems to optimize the use of energy, and the cost savings to the client could be substantial. The wise use of decorative and security and lighted identification signs could further reduce electrical energy consumption. Similarly, the expanded use of fluorescent lighting in residential units could reduce their use of electricity.

There also are opportunities for large energy savings in the industrial and transportation sectors; however, architects play a relatively smaller role in these sectors than in the residential and commercial sectors. By working closely with engineers, architects can none-the-less make significant contributions to energy savings in industrial and transportation structures.

There are, of course, many opportunities for architects to use their professional knowledge and artistic talents to design buildings which optimize on energy consumption within life-cycle cost constraints that are competitive with conventional energy systems. Because of the infinite variety of combinations of factors which enter into designing energy conserving buildings, the AIA has—rightly in my opinion—opposed specific standards limiting the design and technological choices available to architects. The alternative—the energy budget code—sets performance objectives for a wide range of built spaces. It is then up to the architect to develop a structure which meets the objectives specified in the code and the requirements of the client. The State of Ohio has already adopted an energy budget code. I hope that the AIA will soon make its recommendations for a strong energy budget code to be adopted by the California Energy Commission and the coastal commissions.

I would like now to discuss briefly my views on what the rising costs of food and fuels imply for the future of the American city and American residential architecture. I think that the city as we know it today is an anachronism which will gradually suffer the fate of the dinosaur. The economies of scale in many production technologies that made large cities economic are unlikely to prevail if energy, and capital, costs continue to rise relative to the cost of labor. That is, it will become increasingly more economic to build smaller production facilities for many goods in smaller cities and towns to serve the local market, thus economizing on transportation costs for goods and workers. This is especially likely to be the case for those goods which can best use local natural resources.

With food increasingly expensive to grow using present energy and petrochemical intensive technologies and to transport to urban areas, people will have increasingly greater incentives to live where it is practical to grow at least a portion of the family's food. Growing food at home is generally more practical in smaller cities and towns where land is not very expensive, although a sensitive architect can design food producing facilities into many types of urban area structures and residential projects. The lower cost of food, and many forms of relatively time-intensive recreation, outside of the relatively densely populated urban areas, will reduce the real costs of obtaining labor in these areas, further promoting the shift of industry away from the large cities. Add escaping the crime, pollution, and high taxes of most urban areas, and you have strong economic incentives for the shift in population away from urban areas which the Census Bureau has recently detected.

By carefully situating the home or multifamily building on the lot to take advantage of its solar energy and gardening possibilities, and adopting the clivus toilet system which converts kitchen garbage and human waste into fertilizer without using water (thus saving water which can be used to irrigate the garden), the architect can significantly reduce the net cost of the structure to the family occupying it. Designers of multifamily projects would be well advised to provide an appropriately sized area for a community garden for the tenants and to recommend that the manager be trained in growing foods using "organic" methods. Carefully located decorative planters for vegetables—such as tomatoes, peas, beans, and several squashes—and small greenhouse areas can also facilitate growing more food at home. As a society, we will have to prohibit building on lands suitable for commercial agriculture and develop lower cost, environmentally sounder techniques for building residential structures in hillside areas.

This view of the fate of the city is in sharp disagreement with the views of most politicians and "experts" in the urban studies field. Certainly, the growth of urban areas in the United States and elsewhere in the world has been dramatic over the past one or two centuries. However, I believe that the fundamental economic conditions which made large cities practical solutions to our population growth problems were (1) the general availability of substantial additional supplies of energy and other natural resources at costs only slightly above the then prevailing levels; (2) the development of many new transportation, industrial and agricultural technologies based on these resources and the rapid advances in basic scientific knowledge in, roughly, the 1870 through 1920 period; and (3) the capability of American agriculture and extractive industries to produce steadily increasing amounts of food, fuel, and minerals at approximately constant real costs. Since these factors favorable to urbanization are unlikely to prevail in the future, I feel that energy and natural resource conservation must be diligently pursued in the United States until our economy and society can make the necessary adjustments in the spatial distribution of our industry and population so that we can again "live within our means."

Finally, myself—as a coastal commissioner—and all other government policymakers need to know just how much energy can be conserved economically and practically. Our nation cannot afford to waste its scarce capital and labor on energy conservation policies that are too costly any more than it can afford to continue research and development into the insane nuclear technologies that are in vogue today. We must rely on you, the design professionals, to tell us whether the objectives in an energy budget code are reasonable, or whether they are hopelessly uneconomic. You must lead local and state government into new policies which will encourage and facilitate the kinds of design innovations that will conserve both our nonrenewable energy resources and our scarce capital and labor. The job may seem something like those projects that took the World War II Sea Bees "a little longer," and the professional responsibilities may seem burdensome. But, those of us in government, as well as the public, are confident that you can meet, and beat, the challenge of the next twenty-five years by developing beautiful, functional, and economic buildings conserving increasingly larger amounts of our scarce energy resources.

I am looking forward to the AIA's next presentation on energy conservation to the South Coast Regional Commission. And, I hope that those of you designing projects to be brought before the commission will carefully consider the energy conservation possibilities in your designs (as well as the objectives of Proposition 20)—I really don't like voting "no" on so many permit applications.

IN TRIBUTE TO THE HONORABLE ELIJAH MUHAMMAD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. RANGEL. Mr. Speaker, the death of the Honorable Elijah Muhammad is cause for great sadness in the black community. The Honorable Elijah Muhammad typified for us the essence of black pride and self-reliance. He taught us a commitment to ourselves and the courage to cast loose from the moorings of dependence upon white society. His life was an inspiration to all of us and we are all diminished by his death. The Honorable Elijah Muhammad will live forever as the personification of black pride and self-esteem.

I place in the CONGRESSIONAL RECORD, for the benefit of my colleagues, an article by columnist William Raspberry appearing in the Washington Post on February 28, in which Raspberry comments on the life and work of the Honorable Elijah Muhammad.

THE MIRACLE OF ELIJAH MUHAMMAD

(By William Raspberry)

It was always easy, for those who were so inclined, to ridicule Elijah Muhammad. He was, after all, largely unschooled, not especially "charismatic," interested (it was said) in his own personal wealth, and given to grandiose schemes.

But it strikes me as more appropriate to look at Mr. Muhammad, who died in Chicago this week, not with ridicule but with amazement.

Without getting into guessing games about numbers and politics, it is plain that this one-time farm laborer, son of former slaves, had a profound effect on this country, and on black people in particular.

The respect for the Lost-Found Nation of Islam (Black Muslims), for whose growth and development Mr. Muhammad was almost singlehandedly responsible, is so widespread among black Americans that many hardly remember a time when the respect wasn't there.

There was a period, however, when black people either ridiculed, feared or (reacting to news media descriptions of the sect as a "hate" group) apologized for the Black Muslims.

Truth to tell, some Muslims did preach hatred of whites; nearly all of them spoke of whites as the devil, for instance. But it took a long time and a lot of preaching and a lot of listening, much of it by Malcolm X—whose death preceded Mr. Muhammad's by 10 years and three days—before a different sort of understanding started to seep through: the understanding that loving black people is not the same as hating white people.

In recent years, large numbers of black Americans have come to sympathize—emotionally, if not practically—with the Muslims' call for black people to come together with themselves and to have as little as possible to do with white folks.

There has been wide admiration (though very little knowledge) of the Muslim's schools, shops and manufacturing set-ups, some of them apparently quite successful.

And there has been outright astonishment over how successful the movement has been at reclaiming young black derelicts and outlaws and giving them so obvious a sense of self respect.

As George Schyler of the black Pittsburgh Courier said as long ago as 1959: "When anybody can get tens of thousands of Negroes to practice economic solidarity, respect their women, alter their atrocious diet, give up liquor, stop crime, juvenile delinquency, and adultery, he is doing more for Negroes' welfare than any current Negro leader I know."

Which is not to say that the movement attracted *only* criminals and reprobates. While some of the more widely publicized recruitment took place in the nation's prisons, a good deal of it took place among well-educated, law-abiding and outwardly successful blacks whose bitterness with the white-dominated system finally became too much.

What Mr. Muhammad apparently managed to do was to drive home to his adherents not so much that they should hate white people but that they should distrust them and seek to the extent possible to be independent of them—in their personal lives, in their business dealings, in their life goals and in their self-assessment.

(All of this becomes separatism only for those who insist on defining everything in terms of white people.)

That aspect of the Muslim philosophy might have garnered a lot more recruits if it hadn't been necessary to buy as well the religious and dietary restrictions of the group, and its submission to religious authority.

Muslims say, of course, that the self-respect, solidarity and business success became possible only through devotion to the religious principles.

Maybe they are right. But it would have
lished as a primarily secular group.
been interesting to see what might have
happened if the Muslims had been estab-

It will also be interesting to see what happens to the organization now that Mr. Muhammad is dead. There have long been rumblings that succession could create some potentially disastrous problems for the Muslims.

There has also been the fear that, in too many cases, the miraculous transformation of thugs into white-shirted, bow-tied gentlemen has been less than complete.

Reports that Black Muslims have been involved in criminal activities designed to raise money for the sect's business operations, in retaliatory assaults or threats of assaults on those with whom they disagreed, and most notably in the Hanafi murders here have been sources of major disappointment to Muslim supporters, sympathizers and admirers.

There is serious question— at least among non-Muslims—as to whether this trend will continue and subvert the movement now that Mr. Muhammad is dead.

But there is no question whatever that while he lived, Elijah Muhammad managed to instill solid pride in thousands of black derelicts, bums and drug addicts, turning outlaws into useful, productive men and women.

That is miracle enough.

PETER A. DREHER, OHIO VOICE OF DEMOCRACY CONTEST WINNER

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. WHALEN. Mr. Speaker, this year the Ohio winner of the Voice of Democracy contest sponsored by the Veterans of Foreign Wars of the United States and its auxiliary is a resident of my district. He is 18-year-old Peter A. Dreher, a senior at Oakwood High School.

Almost 500,000 high school students participate each year in this contest, the final prizes of which consist of 5 scholarships totaling $22,500. Next week Peter will join the other State winners here in Washington for the final judging in the competition for those awards.

The speeches for this 1974–75 contest are based on the theme "My Responsibility as a Citizen." In inserting Peter's winning statement here in the RECORD, I take this opportunity to congratulate him on his achievement and to extend best wishes for success in next week's final competition:

MY RESPONSIBILITY AS A CITIZEN

(By Peter A. Dreher)

Here it is! The decade of the 70's—the decade of the Mudslingers. I didn't choose that word—mudslingers. I heard it on television. General Alexander Haig, former White House chief-of-staff, characterized our period as the time of the mudslingers.

The 60's were bad enough—race riots, skyrocketing crime, draft dodgers, political turmoil. It seemed as if the bulging population of young people were saying, "We can't make it in the system, so tear down the system."

And that philosophy is rampant today though the violence has abated. Upstarts still seek to achieve by the tempting shortcuts of name-calling, innuendo, and disregard for the civil rights of those who disagree.

But the 70's are also a time of reminiscence and rebirth. In 1976, we celebrate 200 years of freedom—200 years of democracy. What better gift can we give than constructive citizenship. Our country needs positive thinkers, not mudslingers.

Good intentions are not enough, though.

We all want to build a better America. The question is "How?"

For myself, I've answered that question. I'm going to live up to my duties as a citizen—the political, social, and spiritual duties.

Voting will be my first constructive act. Voting is the single most powerful tool of democracy. Even more powerful now, since district reapportioning guarantees every person an equal voice. New laws limiting campaign contributions make my input, even if small—important. Now I can use my education to help solve social problems by working for candidates and political parties. After election day, I can show my interest by writing to my representatives. I asked my congressman how he handles his mail. He explained that while his secretary tallies form letters and telegrams, he reads any unusual letters. Often he finds valuable solutions he can incorporate into legislation.

In addition to political responsibilities, I have social ones. They include not only obeying the laws and paying taxes, but also serving in the military when I am called, conserving our natural resources, and promoting understanding among my neighbors. We all appreciate a clean, friendly community, and we can achieve it if we join in worthwhile projects. For instance, I like to work at the Recycling Center because I enjoy the company and I know that salvaging can prevent scarcities. Car pools not only reduce pollution, and save energy, they give neighbors and co-workers a chance to get better acquainted.

My final responsibility is spiritual. To fulfill it, I must cultivate a deep-rooted feeling of respect for everyone. Not just those around me, but those who have gone before. I must honor the founding fathers. They taught us how to endure hardships without complaining, to face problems courageously, to seek constructive solutions, and to treat opposing opinions with respect. Essentially, by spiritual duty is to promote the well-being of all. For as John Donne so aptly stated, "No man is an island, entire of itself. Every man is a piece of the continent, a part of the main."

I'm not going to waste the 70's in mudsling. I'm going to think positively and act constructively. The bicentennial period is the time for all of us to renew our pledges of allegiance.

Allegiance to democracy, the noble experiment.

Allegiance to our country—whose piney woods and purple mountain majesties are so loved by us all.

And allegiance to the spirit of the founding fathers, a spirit which is positive, constructive, therefore American.

EMIGRATION OF SOVIET JEWS TO THE UNITED STATES

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Ms. ABZUG. Mr. Speaker, an increasing number of Soviet Jews have been emigrating to the United States and the agency that has made the transition to a new life possible is United HIAS Service.

This remarkable worldwide immigration service has done an outstanding job through the years in assisting immigrants and has responded in its tradition of compassion and efficiency to the needs of the migrating Soviet Jews.

At this point, I would like to insert into the RECORD a summary of the activities of HIAS during the past year:

HIAS NEWS RELEASE

Increased emigration of Soviet Jews to the United States and Canada was the major concern of United HIAS Service in 1974, reported Gaynor I. Jacobson, executive vice president of the worldwide migration agency, in his annual year-end report.

During 1974, 20,634 Jews left the Soviet Union. Of these, 3,490 requested and received HIAS assistance to come to the United States, an increase of more than 2,000 over 1973.

An additional five hundred HIAS-assisted Soviet migrants emigrated to countries other than the United States, including Canada and Australia, New Zealand, Latin America, Western Europe, pushing the total of HIAS-assisted Soviet migrants in 1974 above 4,000.

While the total number of Jews allowed to leave the Soviet Union dropped by 40 per cent in 1974, a greater proportion of those leaving were referred to HIAS in Vienna by the Jewish Agency, primarily for family reunion in countries other than Israel. The Jewish Agency referral rate to HIAS climbed from 3 per cent in the early months of 1973, to over 30 per cent in the last months of 1974.

"It's important to keep immigration trends in perspective," Mr. Jacobson emphasized. "Israel's record of absorption is unequaled in modern history. Since 1971, of the nearly 100,000 Jews leaving the Soviet Union, 95,000 have successfully resettled in Israel.

"We anticipate that Soviet Jews will again make up the largest single group of HIAS-assisted migrants in 1975," continued Jacobson, "though it is difficult to predict the precise number. That will depend in part whether the Soviet Union permits emigration. For the moment we are projecting that HIAS will resettle at least 5,000 Russian Jews, in the coming year, 4,000 of them in the U.S. This is based on a HIAS caseload in Rome of almost 2,000 Russian Jews and the increased Soviet Jewish caseloads of non-Jewish migration agencies in Western Europe."

NON-RUSSIANS HELPED TOO

Not all migrants who received HIAS' help in finding countries of resettlement came from the U.S.S.R. United HIAS Service was active in Asia, Africa and Eastern Europe resettling close to 2,500 refugees from countries including Morocco, Tunisia and Rumania. By the end of 1974 HIAS had moved more than 6,500 from all corners of the globe, an increase of 66% over last year's figure of 3,900.

Forty-eight thousand others received preliminary processing and counseling. HIAS was also successful in helping Jews from 40 countries locate 2,250 relatives and friends from whom they had been separated for many years.

UNITED STATES, THE DESTINATION CHOICE OF 61 PERCENT OF HIAS CASELOAD

The U.S.S.R. ranked as the number one area of emigration for the second consecutive year, contributing 64 per cent of HIAS-assisted migrants for 1974. The second largest group of HIAS-assisted migrants, 23 per cent, came from Asia and North Africa. Eastern European countries (outside of the U.S.S.R.) ranked third in emigration of HIAS-assisted cases, at 8 per cent, down approximately 10 per cent from 1973.

The United States retained first place as the destination of choice for 61 per cent of HIAS immigrants, up 10 per cent from last year; Canada supplanted Western Europe as the second ranking resettlement country, receiving 19 per cent. Western Europe, mainly France, welcomed 12 per cent of HIAS-assisted migrants in 1974.

EIGHTY-EIGHT U.S. COMMUNITIES RESETTLING RUSSIANS

Soviet Jews arriving in the U.S. are now being resettled in 88 communities by Jewish family services and other local agencies. In New York where 50 percent of the caseload settles, NYANA, (the New York Association for New Americans) is the resettlement agency.

"We are particularly pleased that every community contacted has agreed to participate in the program," said Carl Glick, president of HIAS. "During 1974, 23 new communities joined the HIAS absorption program, and others are slated to begin accepting immigrants shortly."

In addition to providing for such basic needs as housing, vocational counseling, job placement, health care, English instruction, day care and education, agency professionals and volunteers are very much concerned with total social and religious adjustment.

Starting life anew in an open society with a free-market economy presents many new concepts for the average Russian family. Suddenly there is freedom of choice about where to live, what schools to send the children to, what to read, where to open a bank account. The abundance of consumer goods, particularly food and cars, is overwhelming.

OFFERS OF HELP

"Services offered by family agencies are being augmented with many 'extras' that make the newcomers feel a part of American life. English 'ulpans,' home hospitality, synagogue membership, free nursery school day care, shopping excursions, and cultural events are just part of the local volunteer effort," said Ann Rabinowitz, Director of U.S. Migration Services for HIAS. "Several national organizations including the National Council of Jewish Women, The Synagogue Council, the Jewish Welfare Board and B'nai B'rith have approached HIAS with offers of help. We are encouraging coordination of volunteer efforts under the umbrella of local Jewish familiy service agencies."

An unusually large number of Soviet immigrants—estimates run as high as 60 per cent—are classified professionals and academics. Highly trained and motivated, the migrants are anxious to make an immediate transition to the job level held in the USSR. Unfamiliar with the concept of "upward mobility" they are often reluctant to accept lower job status—sometimes the only employment immediately available—fearing they will be stuck there forever. Physicians face difficult accreditation exams which require a good command of the English language and strenuous "refresher" courses.

Despite the unique adjustment problems the Russian movement has brought, a report of the Council of Jewish Federation and Welfare indicates that a majority of Soviet Jewish immigrants studied required the same amount of time to become self-supporting as other recent immigrant groups. NYANA (the New York Association for New Americans) reports that within one or two months of arrival, 80–85 per cent of all the newcomers are in their own apartments. Within three to six months, assuming no special problems, the average Soviet family is fully self-supporting.

"The American Jewish community is demonstrating that our responsibility for the Jews of the Soviet Union does not end when the exit permit is granted," said Gaynor I. Jacobson. "The quality of life in the free world will ultimately determine the success of this historic movement."

HIAS is a beneficiary of the United Jewish Appeal and of Jewish Federations and Welfare Funds throughout the United States.

MS. EDELIN SPEAKS OUT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. STOKES. Mr. Speaker, the abortion-related manslaughter conviction of

Dr. Kenneth C. Edelin, the first American black chief resident in obstetrics and gynecology at Boston City Hospital, may have far-reaching consequences not only for poor, black women, but also for the black medical fraternity. Dr. Edelin has already returned to his work at the hospital, but the shock waves from his appealed conviction have not yet subsided.

Although separated from Dr. Edelin since 1973, his wife, Prof. Ramona Hoage Edelin, recently spoke to reporters about her husband's case. Professor Edelin, a noted scholar in African-American studies, spoke eloquently in Dr. Edelin's behalf, noting the racial issue which effected this case. She is quoted in the following article from the Boston Evening Globe, February 19, 1975, edition, which I submit for the interest of my colleagues:

EDELIN'S WIFE SAYS ISSUE IS RACISM AND RELIGION

(By Carmen Fields)

"The only fair trial would have been no trial," said Prof. Ramona Hoage Edelin, wife of Dr. Kenneth Edelin, from whom she has been separated since 1973.

She was quoting Angela Davis, but speaking of the trial in which Dr. Edelin was found guilty of manslaughter in the death of an aborted fetus.

In granting her first interview since the investigation and subsequent indictment of her husband the 29-year-old head of the African-American Studies department at Northeastern University said she was "over the shock of the verdict," and all that is left now "is the anger."

"It is time we got off the fictional level, and deal with the realities of this case," she said as she sat at a large conference table in her office at Northeastern, an office filled with pictures of black students and black political leaders.

For her, the reality is not a case of abortion or manslaughter, but a case whose major issue was racism and a judgment from the perspective of the Catholic Church.

"It is ironic that the man chosen to bear the burden of trial was one who is not making money hand over fist on abortions, as some are; one who was the first American black chief resident in obstetrics and gynecology at Boston City Hospital; one who was primarily in service to the poor," she said in a soft but staccato voice that has traces of a Southern accent.

"I cannot accept the Catholic Church or the "right to life" mentality as a regulating body. Their morality is not necessarily law nor should judgments be made as if it were," she said, pointing to the fact that the majority of jury members were Catholic and to the Catholic Church's anti-abortion stand.

"What realistically do they care about a black fetus?" she asked very calmly (but bitterly). "Yes, everyone has a right to life, but we (blacks) have a right to starve and the right to be spit upon, all in the name of an insane morality."

"These same people," she said, "are spitting and throwing rocks at black children going to school on a bus. What they perceive now as a right to life would in six years be a right to be called names."

Ms. Edelin has tried to shelter her two children, Kenneth Jr., 7, and Kimberly, 4, from the ordeal of their father's trial—a difficult task, she admitted.

Her son devours the newspapers, and anxiously watches the news on television. At school he has contended with what his mother called "some insensitivity on the part of a few people," but she feels on the whole he has been spared cruel torment.

A spirit of lawlessness that began with the Nixon Administration was carried over to the jury deliberations, said Ms. Edelin, who is a PhD candidate at Boston University.

"Because lawlessness was so rampant among people in public office, you find more people now not ashamed or afraid to be bigoted. A segment of society has been shown that it does not have to obey the law."

She said the jury completely disregarded the charge given it by Suffolk Superior Court Judge James P. McGuire, a charge she described as "the clearest and fairest charge anyone could hope for . . . ."

Ms. Edelin expressed annoyance with the composition of the jury, not only because the selection process discriminates against women, she said, but because blacks were excluded.

"It was obviously not a jury of his peers, or one that could be expected to be impartial."

On learning of the minimal sentence that Judge McGuire imposed yesterday, she observed that the judge "obviously supports my opinion that he was disappointed in the decision by the jury."

The expression on Judge McGuire's face when the verdict was issued stands out in Ms. Edelin's mind. "I saw him when the verdict was given and I would interpret what I saw as utter shock and dismay."

After the verdict, Ms. Edelin rushed home to tell her son, hoping to do so before the news reached the airways.

"When I got there Kenny was still taking his nap," she said. "I woke him and told him that this jury had said his daddy was guilty. His only question was, 'Are we going to take it on up?' (to a higher court). I said, 'Yes,' he laid his head down and sobbed briefly."

A native of Atlanta, Ms. Edelin was courted by Kenneth Edelin while she was a student at predominantly black Fisk University in Nashville, and he was studying at nearby Meharry Medical College.

Married in 1967, the Phi Beta Kappa graduate earned her MA degree in philosophy at the University of East Anglia, at Norwich, England, while Dr. Edelin was stationed there on a tour of duty in the Air Force.

"He chose Boston City Hospital—he could have gone anywhere in the country," she said, noting that Dr. Edelin had been president of his class at Meharry all four years.

"He made waves," she said characterizing his work at BCH. "For black women, poor, Third World women. Even before he was chief resident, he was critical of hospital policy and attitudes of some of the people that worked on the wards. He let it be known that he was not satisfied with the care of his patients."

"There is no question that he was resented by some people for making waves," she said.

Obviously still fiercely loyal to her husband, Ms. Edelin declined to discuss the separation. "There were personal problems," she said, "problems not at all involved in this clearly unjust issue."

Ms. Edelin caustically assessed the support her husband has received. Dr. Edelin, she says, is "overly generous to the physicians in this town."

He has received support from a few. "Those who have come forth are appreciated, but for every one of them, there are 10 more who have done nothing, many of whom are most affected professionally by what is decided."

"Fifty thousand dollars isn't anything to come from that community," she said, speaking of the fees already incurred in the court battle. "That is a lot of money, however, for black people to nickle and dime up."

"Black people, intellectuals, women and liberals have all been victimized in this case. What has happened affects all these groups directly. I hope this country is not returning to the era where any time a white man says a black is guilty, he is, no matter how outrageous the charge may be."

"Who can be free if you can be tried and convicted of something that is not a crime?" she asked in a soft but vehement voice. "Legally anyone can find themselves a convicted felon at the whim of any one group."

TEACHERS AND UNEMPLOYMENT COMPENSATION

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. ERLENBORN. Mr. Speaker, my colleague from Illinois (Mr. ANDERSON) and I are today introducing a bill to save tax money by preventing the possible misinterpretation of well-intentioned legislation enacted in late December. At that time, recognizing the economic emergency and realizing that people in public, as well as private jobs were joining the ranks of the unemployed, Congress told the States they may include public employees in their unemployment compensation package and the Federal Government would pay the cost for 26 weeks.

Now we have reports that a few States have interpreted that law—Public Law 93–567—to mean that these funds should be available to teachers during their summer vacations. They note that the Federal law is silent on this question, and indeed Public Law 93–567 is. This being so, the decision on whether to use Federal funds for this purpose is apparently subject to State interpretation.

Most States, I expect, will take cognizance of the times and of another law, Public Law 91–373. It required the States to include higher education personnel in their unemployment compensation program, but it specifically denies benefits to any public employees in that arena who have contracts for the ensuing term.

I do not believe, however, that we can afford to leave this decision to State-by-State interpretation. American taxpayers must not be burdened with paying extra vacation money for our 2 million teachers. That would be wrong even if the Federal budget were in balance. It is doubly so in this precarious year when our deficit will run between $50 and $70 billion.

The bill Mr. ANDERSON of Illinois and I are introducing today, therefore, would extend to our public elementary and high school teachers the same ban on unemployment benefits that now applies to professional personnel in our public colleges. We, of course, seek early committee action and congressional approval of this measure.

NO WINDFALL FOR TEACHERS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1975

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to join today with my colleague from Illinois (Mr. ERLENBORN) in introducing legislation to close a loophole that would allow teachers to draw unemployment compensation during summer vacation.

The loophole was created last December when Congress passed the Emergency Jobs and Unemployment Assistance Act of 1974. This legislation provides special unemployment assistance to two basic groups: Those who have exhausted their regular, additional and extended compensation; and those in a line of work which is not covered under existing State plans. The bill extends coverage to persons otherwise ineligible for regular compensation, provided they meet the State's regular wage and employment standards for compensation on the basis of total employment during the year preceding the claim. By failing to specifically exclude teachers who are not actually working at jobs during the summer, the law permits the States to extend jobless benefits to them, and Illinois has decided to do this.

The legislation being introduced today by Mr. ERLENBORN and myself would deny summer unemployment benefits to any elementary or secondary school teacher who has a contract for the coming school year. The Congress did not intend to create a windfall profit for teachers at the expense of the taxpayer. Just as I am in favor of taxing windfall profits which accrue to big oil companies at the expense of the American consumer, so too am I against such profits evolving from Government programs. I urge its speedy enactment.

SENATE—*Friday, March 7, 1975*

The Senate met at 8:30 a.m. and was called to order by Hon. RICHARD STONE, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

In the morning and the evening and at noonday we offer our thanks to Thee, O Lord, for Thy goodness and mercy. Open our lives to Thy light and Thy truth that we may serve Thee with our whole mind and soul and strength. May the words of our mouths, and the meditations of our hearts be acceptable in Thy sight, O Lord our Strength and our Redeemer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 7, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. RICHARD STONE, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. STONE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday be considered as read and approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nominations of Victor V. Veysey of California to be an Assistant Secretary of the Army; and Donald G. Brotzman of Colorado to be an Assistant Secretary of the Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that they be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, Army, Navy, and Marine Corps placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate resumed the consideration of the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The ACTING PRESIDENT pro tempore. The 1 hour for debate on the cloture motion on Senate Resolution 4, as amended, shall be equally divided and controlled by the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Alabama (Mr. ALLEN).

Who yields time?

The Senator from Alabama.

Mr. ALLEN. I thank the Chair.

Mr. President, I yield myself such time as I may require.

Mr. President, we are faced in a short time with a vote on a cloture motion to bring debate on Senate Resolution 4, as amended by the Byrd substitute, to an end.

No one doubts the outcome of that vote. Why then prolong the consideration of this resolution? In the first place, Mr. President, there are numerous areas involving rule XXII that require or need revision or reform. The Senator from Alabama has 35 meritorious amendments, some of which he believes would be accepted—relatively few; or possibly just to show the great strength and unanimity of the overwhelming majority they will be rejected.

The distinguished Senator from Maine (Mr. HATHAWAY) has an excellent amendment that I hope will be given serious consideration. So this cloture procedure needs revision in areas other than the fraction of the numbers of Senators required to cut off debate. It needs no revision at that point, in the view of the Senator from Alabama.

The gag rule Senators have made one little change in the amendment, changing the fraction two-thirds to three-fifths. That one fraction I believe is the only change they made in their original proposal they rammed through the Senate up to the point of actual vote. That earned them the title of reform Senators, whereas other Senators have meritorious amendments seeking to reform this cloture process and they are referred to as antireform Senators. The Senator from Alabama believes those terms ought to be reversed.

But, whether or no, the amendment or the rule, rule XXII, being before the Senate now for consideration not just on this one issue but for consideration because every single word of rule XXII is carried over into the Byrd substitute, plus additional matters making a different rule for the rules change, all of which are just excess verbiage because the gag rule Senators will not follow that procedure when they get ready to amend the Senate rules again; they will go the steamroller route of ramming the change through by a majority vote. So we have got majority cloture; that is what we have.

They talk piously about having the rules changes which would require two-thirds vote all the time, knowing when the time comes they will just move the steamroller out and go the constitutional route—this alleged constitutional route, I might say.

So, Mr. President, we need deliberate consideration of the amendments that the Senator from Alabama has, the Senator from North Carolina has, the Senator from Maine has.

Mr. President, there are two main reasons, other than the substantive reason, why amendments are in order and amendments should be made. One is, one reason we should consider this issue at length, and I guess this is the main reason, there should be no appeasement of this type of effort—there should be no appeasement of this effort, and I have likened this situation to what took place at Munich where the demands of Hitler were met with appeasement, and Hitler piously said:

> Give me this Sudetenland and I will never make any more territorial demands.

Well, the gag-rule Senators say, "Give us this little change and we will never seek again to amend the rule except under the rules."

Yet, Mr. President, the Senator from Alabama offered an amendment yesterday that sought by words—and it is a pending amendment—to hold them to that type of commitment.

A strange thing took place in the Senate on yesterday when the Senator from Alabama got through talking on his amendment, expecting a vote thereon. Why, what happened? Why the distinguished Senator from Minnesota (Mr. MONDALE) and the distinguished Senator from Vermont (Mr. LEAHY) got up and conducted what had to be called a filibuster. The entire filibuster was carrying a filibuster to prevent the amendment of the Senator from Alabama from being considered yesterday.

It was stated in the Chamber yesterday, "Well, do not worry, we will give you a vote on tomorrow"—that is today.

That is not the point, Mr. President. They well knew that if this amendment were rejected by the gag-rule Senators on yesterday, they were going to lose two or three cloture votes.

Let us see what it says.

At the end of the resolution, add the following new section:

> Section —. Motions, Resolutions, Bills or other measures having any reference to an amendment of the Senate Rules offered or presented at the beginning of a Congress or at any other time shall be governed by the debate limitations provided for in this Resolution in like manner as any other bill, resolution, motion or other measure, and the method of limiting debate provided in this resolution shall be the exclusive method, other than by unanimous consent, of limiting debate on any such motions, resolutions, bills or other measures having any reference to an amendment of the Senate rules irrespective of when offered.

So the gag-rule Senators filibustered that amendment to the point that it could not be acted on yesterday.

Well, we say, "What is wrong with that? Get a vote on it today."

Yes, but the vote will not come until after cloture has been invoked.

Many Senators making a good-faith effort to compromise this issue with the gag-rule Senators exacted a commitment, as the Senator from Alabama understands it though he was not a part of the negotiations, that this precedent of majority debate cutoff established by the Vice President on February 20 would be reversed.

Well, it has not been reversed.

But this amendment, while it could not bind gag-rule Senators, keep them from coming in 2 years from now and ramming through another change by a majority vote, would constitute some little restraint, some little standard of ethical conduct. It might possibly have some little bit of restraint on the gag-rule Senators to have staring them in the face a resolution saying that efforts to amend the rules are going to be governed no matter when they are made, whether at the beginning of a session or otherwise, they are going to be governed by the same debate limitations as any other bills, resolutions, motions, or measures.

That is presently the rule, but it has not been spelled out with such clarity as this.

So, the gag-rule Senators prevented this amendment from coming up on yesterday. It will come up, it will be voted down after cloture has been invoked, but they did not want to run the risk of offending the free debate Senators who agreed with them on the compromise.

So the compromise is no good. It is just an appeasement a la Munich.

I thought of another parallel—when I use this parallel I mean no disparagement of the gag-rule Senators and am not likening them to this incident except that what has happened here reminds me of a situation that might take place in this fashion.

This compromise of this principle, that we have got to follow the rules when we amend the rules, we have got to follow the rules when we act here in the Senate, and the disregard of that principle by the gag-rule Senators and then the compromise by free-debate Senators with that unauthorized process, puts me in mind of—and I say I do not make any disparagement of the gag-rule Senators in drawing this parallel, just stating that I am reminded of this situation—is not too unlike a burglar who goes in the back door, shall I say—and this is a back-door approach that has been used by the gag-rule Senators—a burglar who goes in to relieve the occupant of the house of, shall we say, his wife's jewelry and the burglar is caught in the act—and these gag-rule Senators were caught in the act at the time.

There was a minirevolt here in the Senate, and the strong-arm tactics of the Vice President, and the gag-rule Senators then abandoned the management of that resolution and turned it over to the leadership, but they were caught in the act. It was getting a little too odoriferous, even for them, to proceed.

So a compromise was reached, just like a compromise might be reached with the burglar by the householder, and the agreement reached between the householder and the burglar, "Well, I am not going to give you all of the jewelry, but I will give you half of it provided you promise not to come back and get more later." The burglar says, "Oh, that is fine, I will not come back, just let me have half of what I was asking for."

That is what has happened here, Mr.

President. An effort made to proceed outside the rules. An effort to snatch up a rules change to provide for further steamroller tactics here in the Senate, caught in the act of proceeding outside the rules.

How can you compromise with any such effort as that? I say there cannot be any compromise where you retreat from a principle. That is the reason the Senator from Alabama did not go along with the compromise. It would have been surrendering a principle. It would have been putting the stamp of legitimacy on these efforts outside of the rules.

So that is the second reason why this debate, this discussion, must continue to the very last. The very last may come today; I do not know. We came in at 8:30, I assume in an effort to close out today. I suggested the other day that we might have a Saturday vote on this. It was suggested by a Member of the leadership that we would not have any Saturday vote. I do not know what to expect. All I know is that this assault on the rules must be fought to the limit.

Thus, we have the need for reform of rule XXII in areas other than those suggested by the Byrd amendment; we have the principle that we cannot compromise on any compromise that requires the surrender of principle; and, third, Mr. President, we have to serve notice on gag-rule Senators that any effort to make a further assault on the rules is going to be resisted right down the line. We are not going to roll over and play dead; we are not going to allow them to come in here one day, as they tried to on February 20, and ram through a rules change by majority vote, without debate, without amendment, without intervening motions. We have to serve notice that is not going to be allowed.

That is the reason the Senator from Alabama is fighting this issue.

I do not know what time the gavel will pound and the Senator from Alabama will be told that he cannot offer any more amendments, that he cannot be recognized any more. We are going to see. That effort will be made to force it over, I am sure.

I was somewhat amused the other day. We have had Senators presiding over the Senate who would not recognize the Senator from Alabama when he wanted to offer a motion and wanted to speak on his own motion. They would look right past him and recognize somebody else to table.

The other day another Senator was in the Chair. I expected pretty much the same type of treatment and was a little bit testy with him. After he had given another Senator, not the Senator from Alabama, an opportunity to be recognized, I told him I apologized for my doubt of him. I just supposed that he had been named for the day to carry on a similar policy to the policy which had been carried on.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. May I assure the Senator that, so far as I know, no Senator has been put in that Chair by the leadership to carry on the policy of the leadership.

Mr. ALLEN. I did not refer to the leadership, the Senator will recall.

Mr. President, notice has to be served that we are not going to permit an assault on the Senate rules without it being fought to the limit whenever an attempt of that sort is made.

There is another thing, Mr. President, on which I want to serve notice. I wish the distinguished Vice President were in the Chair. I have a parliamentary question to propound. I assume the present occupant of the Chair, after consulting with the Parliamentarian, could give the answer. I want to serve notice on the Chair and the Members of the Senate that we are going to use title I, section 5, of the Constitution today. It has been misused, misconstrued, misquoted, and misapplied here in the Chamber by gag-rule Senators. What it says is that a majority shall constitute a quorum for the transaction of business.

Mr. President, the Senator from Alabama is going to insist that we have this constitutional quorum here in the Senate at the time this matter comes up for debate under the cloture rule.

Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. ALLEN. Does the vote that will occur in the Senate within the next hour to cut off debate require a two-thirds vote in order to succeed?

The ACTING PRESIDENT pro tempore. Two-thirds of the Senators present and voting is required to invoke cloture.

Mr. ALLEN. The Senator from Alabama understands that. The question he asked was will the vote that will be put to the Senate—Is it the sense of the Senate that debate on the pending question shall end—that particular question, require a two-thirds vote of the Senators present and voting to carry?

The ACTING PRESIDENT pro tempore. That is the question stated in the cloture rule, and that does require two-thirds of the Senators present and voting.

Mr. ALLEN. Irrespective of whether we are operating under the cloture, I just asked the one question: Will the vote that is to be put to the Senate respecting limiting debate require a two-thirds vote of the Senators present and voting?

The ACTING PRESIDENT pro tempore. The Chair is advised that the Senate is operating under rule XXII and, therefore, the two-thirds requirements of the Senators present and voting is operative in this matter.

Mr. ALLEN. I thank the Chair. I will not comment on his statement that we are operating under rule XXII. I believe that is right. But this cloture vote that was held 2 days ago and this cloture vote to be held today are nothing more than shams or hollow shells because over this Chamber is the threat that if cloture is not delivered to the gag-rule Senators, we are going to go back to the majority cloture. That is the threat under which the Senate is operating. I, for one, do not like to operate under any such an implied threat.

Mr. President, I reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I suggest that absence of a quorum, the time to be taken out of my time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed and concluded, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 16 Leg.]

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Missouri (Mr. EAGLETON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

The PRESIDING OFFICER (Mr. BUMPERS). A quorum is present.

CLOTURE MOTION

The PRESIDING OFFICER. The Senate will come to order.

There being a quorum established, the

clerk will now state the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. Res. 4, as amended, amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate:

Robert C. Byrd, Mike Mansfield, Jennings Randolph, Warren G. Magnuson, John O. Pastore, Walter F. Mondale, Quentin N. Burdick, James Abourezk, Frank E. Moss, Vance Hartke, Lee Metcalf, Walter D. Huddleston, Wendell H. Ford, Dale Bumpers, Claiborne Pell, William D. Hathaway, Abraham Ribicoff, Mark O. Hatfield, Floyd K. Haskell, Charles H. Percy.

CALL OF THE ROLL

The **PRESIDING OFFICER.** Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 17 Leg.]

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

The **VICE PRESIDENT.** A quorum is present.

The question is——

Mr. **ALLEN.** May we have order, Mr. President?

The **VICE PRESIDENT.** Order in the Senate, please.

A quorum is present.

The question is, Is it the sense of the Senate that debate on Senate Resolution 4, as amended, amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate, shall be brought to a close?

The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **ROBERT C. BYRD.** I announce that the Senator from Arkansas (Mr. McCLELLAN), the Senator from Missouri (Mr. EAGLETON), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "yea."

Mr. **GRIFFIN.** I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The yeas and nays resulted—yeas 73, nays 21, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—73

Abourezk
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Tunney
Weicker
Williams
Young

NAYS—21

Allen
Baker
Bartlett
Bellmon
Brock
Buckley
Byrd,
  Harry F., Jr.
Eastland
Fannin
Fong
Hansen
Helms
Hollings
McClure
Morgan
Scott,
  William L.
Sparkman
Stennis
Talmadge
Thurmond
Tower

NOT VOTING—5

Eagleton
Goldwater
McClellan
Ribicoff
Taft

The **VICE PRESIDENT.** On this vote, the yeas are 73, the nays are 21. Two-thirds of the Senators present and voting having voted in the affirmative, the motion is agreed to.

The **VICE PRESIDENT.** The Senator from Montana.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent, if I am out of order, to proceed for not to exceed 5 minutes on my hour.

The **VICE PRESIDENT.** The Senator from Montana is recognized.

Mr. **MANSFIELD.** Mr. President, I wonder what the people of this Nation and what the students in our schools would think of the way the Senate of the United States has been conducting itself off and on for the past month and a half, and on for the past week or so. Here we have a group of grown men, mature men, our constituents think, and we have been acting like schoolchildren.

We have been accused of conducting a charade, and we have been. I think I can speak on this subject as one who has always been opposed to majority cloture, and always will be. But I do believe there comes a time when it becomes impossible for a Senator or a small group of Senators to hold up the legitimate business of the Senate. And may I say that I am glad that in such overwhelming numbers the Senate today, when it had a chance to face up to the situation in fact, agreed to invoke cloture. And the real total was not 73 to 21. If all Members had been present, it very likely would have been about 75 or 76 to 22 or 23. That is an awful lot of Senators, in this 100-man body.

But I would point out that the Senate has more important business to do than to be delayed day after day after day—and maybe we will be delayed still more for the next several days—than to engage in this charade. The Senate has made its wishes known, and three-quarters of the Senate is entitled to the consideration of the full Senate, including those who voted in the minority.

Speaking of the minority, I believe in the rights of the minority, and I believe the rights of the minority should be, must be, and will be protected. But I do not like to have the majority referred to as "the arrogant majority." I do not like to have aspersions cast on the Senate as a whole, and that is what that is, when we are referred to as "an arrogant majority" because there is disagreement among us.

It used to be that the filibuster was used for a specific purpose. Now it is used for any and all purposes. And I think that the way we have been conducting ourselves has denigrated that needed political weapon in this body.

I would hope that the Senate would act as a body of mature men representing separate States, recognizing that there are differences, that there are matters of principle, but that the Senate as an institution—an institution—must survive. We cannot allow a minority, a small group of Members, to grab the Senate by the throat and hold it there. It is about time, may I say to my colleagues in this body, that we recognize our responsibilities and live up to them, regardless of our particular feelings.

I hope that the civics lesson or lessons which this body has gone through over the past month-and-a-half will not be considered a model of this institution by the people of this Nation or by the children attending our schools. We have far more important things to do than to engage in charades, and when the Senate of the United States, by its expression this morning, has expressed itself, I would express the hope, in turn, that there would be nothing more in the way of dilatory or delaying tactics.

AMENDMENT NO. 53

The **VICE PRESIDENT.** The pending question is on agreeing to the amendment (No. 53) of the Senator from Alabama.

Mr. **STENNIS.** Mr. President, I seek recognition.

The **VICE PRESIDENT.** The Senator from Mississippi.

Mr. **STENNIS.** Mr. President, there is no one in the Senate who has done more than the Senator from Montana to uphold high standards for the Senate, not only in his representation as a Senator from Montana, but as our leader here;

and I think he is not only a leader for the majority as we use the term, but a very valuable leader to the entire Senate. I am not just trying to compliment him, but I think he has a splendid idea, too, of leadership in cooperation, when it is what he thinks is sound, with the executive branch of the Government, whether we have a President from one party or the other.

But when he touches on the idea of an individual Senator, in representing his own State or representing his own views of what he thinks is sound government, when he touches on that Senator refraining for any of the reasons given by the Senator from Montana, I would just have to, with deference and respect, disagree with his reasons and with his conclusions; and, as a humble Member of this body, I do not make any apologies, not any, to anyone, under my circumstances, for doing what little I can to keep the Senate a distinctive body.

Again the Senator from Montana has certainly played a great part in that field himself, not only in this vital effort, but over the years.

But coming back to the point that any Senator is compelled, on a matter as vital as the rules are, to stand up and be counted and speak out without any apology or explanation, and particularly, Mr. President, during a debate where the Presiding Officer of the Senate—and I do not attack his motives a bit, though I do attack his reasoning—particularly in debate where a Presiding Officer, just by one stroke of the pen—and he did not even have a pen; just by a few remarks in a ruling—struck down and totally destroyed a precedent of this body—of the Senate; and the Senate belongs to the people, not to us—struck down a well-established principle of this body that had been a prevailing, hard core of this institution for almost 200 years.

I have helped take the lead in everyone having his own views, in voting as he saw fit, on that ruling or any other ruling. I have no complaint. I have not even checked to see how anyone voted, except that I checked the absentees to see what chance there might be to pick up a vote or two.

I do not carry those things on my mind. But I do carry on my mind any kind of an insinuation that anyone who happens to delay the Senate beyond what some other Member may think is sound, of that Member of the Senate being chastised, restricted, or held up to the press or the people as being out of order or dilatory, or any other word that does not have a complimentary meaning.

I have on my mind—not just trying to take up time—what is happening here and what has happened already with reference to the change in the basic structure of this institution through the door having been opened—and I pray it will never be successfully used here, but having been opened—where a sitting Vice President, President pro tempore, the temporary occupant of the Chair, plus a bare majority of those present and voting that day, a majority of a quorum, can, in effect, hold that at the beginning of the session at least, as a constitutional matter, can change the rules contrary to the express letter and words of the Senate rules as they exist.

Now that, to me, is sacred ground that we are treading on; and to the Senator from Montana it is sacred ground, the idea of being dilatory here. He may think I am being dilatory, and that is sacred ground to him. But, to me, this institution is more than just a body of people.

There is nothing new now either, Mr. President, about some delay.

There has been a battle fought over these rules, and I remember distinctly three times where it was thought it was settled, and the rules were rewritten, and those of us who take the position in opposition to change of rule XXII did the conceding, and all wound up with handshakes and congratulations and warmth, and some kind of a feeling that fixed things for all time or for decades and decades ahead.

So this is not new. This ground has been plowed many times and, generally, before there has been agreement that both sides had gone far enough. But I see now due to this ruling to which I have already referred where it is an entirely new start, and I cannot forget that.

By the way—I do not want to compliment myself—but talking about wasting time, a young man here who works in the Capitol has just told me this morning that he enjoyed my speaking here the other day on this subject. He is not from the South, he is not a friend of mine. He says he had not been in the galleries for 4 years, but that something I said arrested his attention, and he said he had not thought about the thing that way before.

So, some of these seeds that are sown here in opposition may fall on stony ground, but some might fall where they can sprout and grow into ideas, as this gentleman related.

So. I do not know, but I think good comes from discussions anyway, and there has not been any overdebate on this matter so far. There has been some delay here on procedural matters.

Frankly, now, I do not know of any major legislation that relates to energy—there may be some bill that we are ready to take up—but I have learned a great deal here since we reconvened in January about this energy problem. I think we all have learned, and the people have learned and I think the thinking has shifted on the point that with respect to emergency action we must do something now immediately or everything is lost. Generally, it is conceded now that it is not so urgent.

The people outside, away from here, whom I have seen, who came in, many of them have told me that. Some are very strong for the President's plan. I just have an idea that the President—and he has not told me this—if he were reconsidering the matter now might recommend some different plan, a plan with some differences, at least, from his present plan. I believe that he, along with us, has more light on it.

I have never been prouder to be a Senator than I was at one of the caucuses we had here on this energy matter where the chairmen of the committees which had been working on these problems for years were there. This happened to be the majority caucus, but they were there with the fruits of the loom, and explained their facts and what they found, what their recommendations were that they had to make.

The same thing happened at a meeting of the chairmen sitting right here within reach of the Senator from West Virginia, and I had talked to him some, but we never had a chance to sit down and talk this thing over about energy—I am speaking about the Senator from West Virginia (Mr. RANDOLPH)—and his statement at that caucus was outstanding. It was very helpful to me.

The same thing is true about the Senator from Wisconsin (Mr. PROXMIRE). He and I are prone to disagree on many things, but he had an amazing analysis and statement at that caucus.

The Senator from Wisconsin (Mr. NELSON) is the same way. He is my authority on environmental matters and other matters, with his great information, and he, too, has been helpful.

This thing is fermenting. That is my point. I do not know of any of these bills that are ready to be taken up. I might have just slipped up on that, but I do not know of any of them.

There is a bill before the Finance Committee with reference to the rebating of taxes, and so forth. I understand that perhaps that is almost ready.

If there has been a veto message here with reference to the excise tax, if that has come in, it just shows how busy I have been this week maybe, but I have not heard about it.

Now, somebody is holding that up. Why can we not have that in a matter of a few minutes? The fellow who was talking to me about getting an education for his son talked as if he wanted it by 8 o'clock in the morning.

I am not calling for a veto message. Maybe it has not come in.

Mr. ROBERT C. BYRD. It is in the other body.

At this point Mr. BAKER assumed the chair.

Mr. STENNIS. It is pending in the House. Anyway it is not here. It has been delayed there, and that is a constitutional delay. The President had that constitutional time and perhaps it will come to us.

But I do not know, and that would be an urgent matter—I do not know of any other major legislation that is ready to be taken up here. Frankly, I am surprised—flattered, too—that so many here have waited for some reason—some might be waiting to hear what I was going to say. The other day I quoted Woodrow Wilson as having said when he prepared his message asking for a declaration of war with Germany in 1917—I do not know what others think about Woodrow Wilson, but he is my boyhood model of President of the United States—I notice that other Presidents have had his picture down in the Cabinet Room—but he said he wanted his friends and associates to know that even as he was asking for a declaration of war, he knew that our country would never be the same again and, of course, it has turned out that way, and I think the war had to be declared. That is not my point.

The point is that there was decisive depth.

Now, the Senate, unless this matter is stopped from proceeding in the way that our respected Vice President started it off the other day, is never going to be the same again.

Personnel can come and go, ideas and opinions and conclusions can vary, and will, but this body will never be the same parliamentary body again if this final step, this fateful step, is ever taken.

I do not know. We are blessed here with membership including former Members of the House of Representatives, former Governors of States, and others, most of whom have been performers, and successful performers to a degree, in other areas of Government.

There is a yearning and a distinctive feel about coming to the U.S. Senate and it has been true for many, many, many decades, and I hope it will be true for a thousand years.

But if we just make it a body now where the majority is going to control and can write the rules, or rewrite them, and majorities with all their virtues are impulsive at times, if we are going to make it into that kind of a body, we will take off something that has a great deal of attractiveness, a great many of the attractive features of being here.

I have a great respect for the House of Representatives and I am totally in accord with those special powers given them by the Constitution in the early days, and I think no man could have a greater honor than to serve with fidelity, and everything, in the House of Representatives. But at the same time, many men who have served there want to come on over here.

Why is that? I could not describe why, but I believe a part of it is that the membership in this body just cannot be pushed around, and that is what it amounts to, on subcommittees, on committees, here on the floor. They have that feature under this peculiar institution. I use that word "peculiar" deliberately, if someone wants to say we are peculiar, but under this distinctive feature, this is a body where men cannot be pushed around.

Perhaps those who have joined us lately have not yet had enough experience here to feel this quality that I am talking about, but wait until someone attempts to push them around, wait until they have experiences where they see, except for some protection here, rule XXII, they could have been pushed around and then they will get a better understanding of what I am trying to transmit to them, and in a very feeble way.

We call ourselves the deliberative body. That is a little more, I think a good deal more than a self-serving declaration, and that deliberative body, the fact that it is that kind of a body, has had tremendous influence in public affairs.

As a young lawyer, in the 1930's, I remember what has become known as the attempt to pack the Supreme Court and I remember my first impulse to the argument was so smooth and so plain and all, I said that maybe it is my duty to consider that further. Under the circumstances, it had some attraction to it, maybe.

But anyway, as I started reading and reading and looking and relooking and getting into the mores of our system, instantly it became clearer and clearer and clearer to me that that would be an awfully bad step, a nagging precedent, and a body blow that would, in effect, destroy that body, restrict and restrain it so.

I came here later and understood from men who were here—I could call names but I will not—but many of them said, and some of these were in favor of President Roosevelt's recommendation, that without a question, without a question, it was the influence of rule XXII looming as a possible roadblock that made it known one could not rush the plan through.

But it loomed larger and larger as an obstacle and gave time for discussion that was needed.

Finally, at the end, it never was voted on directly, as I recall, by either House, but there was a whale of a debate that went on all over this country. I know, because I was in my State and in contact with lawyers and groups, and everything, and that was true everywhere.

At the end, after many weeks of debate back and forth, the matter was settled without its ever even having come to a vote.

At that time, there was a large majority of the party of the late President Franklin Roosevelt in this body, to start with, that favored the plan.

So I have that as experience, more or less. I was not here, but I was aspiring to be here, maybe, and I got the feel of it, and I feel that I know the history there and what would have happened.

I do not think there are many who have been here long that could avoid saying, admitting and agreeing, that this was a downgrading of the Senate, to go to the rule of majority of those present and voting could change the rule and make it possible to cut off debate on a bare majority vote.

Now, back just one minute to the matter of filibustering and those charged with evil things just because they did filibuster.

I have been mixed up with them and associated with them when it was not just civil rights matters, and everything else, but it was filibuster carried on by some of the so-called liberals of that day and it was with the utmost satisfaction that they got some modifications.

I know, because I was with them on their stand. I agreed with them in that position, those modifications that they fought for and got.

I remember we had a long debate here with reference to the satellite bill, as it was known then, something far removed from the subject matter of many other filibusters about civil rights bills.

It is the nature of the thing that counts. It is the nature of the Senate, it is the prerogatives of Senators that is at stake.

I said the membership. Certainly, we could not mention the subject without mentioning also the States. The States still have some rights here.

We must not forget that there was a time when those who were writing the Constitution of the United States came to George Washington and said, in effect, that "It seems we have met obstacles that cannot be overcome." It was this very point about representation, whether by States or by the number of people. The proposal that was made to that matchless—and this is not just adulation; I have heard both sides of the argument about George Washington—was that "We get together on this vital matter. It is probable anyway that whatever we do here will not be accepted by the States. Therefore, we propose that we put something together—put something together—and adjourn and go home and submit that to the people."

There that man, that leader, this man without any formal education—virtually none at all—this man without any real military training until he went forth to battle with the British long before 1776, this man who has been called so many times the father of the country, told them at once, "No. No, we shall not do that." He said:

> I agree that it looks like now whatever we do here will be rejected by the people. But we cannot recommend to them something we cannot approve ourselves. How can we expect them to take it seriously? We will do the very best we can to submit a plan that we think is just—

and I have forgotten the other word he used—

> and then the event will be in the hands of God.

He sent them back to the drawing board, so to speak.

This is the vital part that rule XXII protects.

Within 10 days or 2 weeks later this same group of men came forth with this plan that, with only slight modification, was adopted.

That was the roadblock; that was the logjam. They adopted the plan, of course, with representation in the House by population and representation in the Senate by States. They moved on then to that eventful day when they concluded, by far from unanimous, with some of the greatest debates. The most momentous parts of our history were the debates that were at the State level as to whether or not the Constitution would be approved.

In the State of Virginia, and I have special reasons for loving the State of Virginia, the motion to approve the Constitution carried by the slim margin of only 10 votes.

There were something like 300 delegates, or close to that figure, but it carried by only 10 votes.

I am not trying to teach history, but I think these things have a meaning.

Men like Patrick Henry opposed it. You will remember he said it was a league with hell and a covenant with death.

I am talking about the Constitution of the United States.

George Mason, the man who wrote the first real Bill of Rights this Nation ever composed, a next door neighbor, so to speak, of George Washington, opposed it. He would not sign the Constitution. He came back home and actively opposed it with that great mind that he had. There were many others.

I say, it carried by a slender margin. Ten votes is my recollection, but it might have been 15 votes.

Now it is almost 200 years later. As I say, with nothing but respect for the position of the occupant of the Chair, the Vice President has swept aside all of these precedents of this Senate. We find ourselves in this situation. Who would not squirm? Who would not exhaust himself? Who would not do everything he could to change that situation? Who would not do everything he could to make it hard that a thing like that would happen again?

Mr. President, it is said that even the worm will turn in self-defense.

I do not know what others may think, but I believe that those who try to rectify what I think was error, or make it more difficult that it might occur again, are rendering the Nation and this institution a service to try and preserve a large part of its lifeblood.

Mr. President, I must meet with the Rules Committee on a special mission of the Armed Services Committee. How much of my allotted time have I used, Mr. President?

The PRESIDING OFFICER. The Senator has used 36 minutes of his 60 minutes.

Mr. STENNIS. I thank the Chair very much.

Mr. President, I am ready to yield the floor.

Mr. ROBERT C. BYRD. Mr. President, some question was raised a little earlier by my distinguished friend from Mississippi (Mr. Stennis), about measures that may or may not be awaiting action by the Senate. I call to the attention of all Senators the following measures on the Senate Calendar now awaiting Senate action: S. 326, Calendar Order No. 22, reported on February 24, 1975——

Mr. STENNIS. Will the Senator yield for a moment? I will not take 15 seconds.

Mr. ROBERT C. BYRD. I ask unanimous consent that I may yield for other than a question.

The PRESIDING OFFICER (Mr. Gary W. Hart). Without objection it is so ordered.

Mr. STENNIS. Will the Senator excuse me from the Chamber under the circumstances that I must go to the Rules Committee to present the so-called money resolution. I am right on the spot about it for 11 o'clock. I will come back.

Mr. ROBERT C. BYRD. I may say to the distinguished Senator that there will be a motion to table within 5 minutes.

Mr. STENNIS. I will go to my other post of duty anyway.

Mr. ROBERT C. BYRD. Mr. President, continuing: Other measures on the calendar awaiting action are Calendar Order No. 25, Senate Resolution 23, a resolution disapproving the proposed deferral of budget authority to carry out the comprehensive planning grants program under section 701 of the Housing Act of 1954;

Calendar Order No. 26, H.R. 3260, an act to rescind certain budget authority recommended in the message of the President of November 26, 1974;

Calendar Order No. 27, S. 622, a bill to provide standby authority to assure that the essential energy needs of the United States are met;

Calendar Order No. 28, S. 7, a bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations;

Calendar Order No. 29, S. 66, a bill to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training;

Calendar Order No. 30, S. Res. 61, a resolution disapproving the proposed deferral of budget authority to carry out the home ownership assistance program under section 235 of the National Housing Act.

So, Mr. President, there are several measures on the Senate Calendar awaiting action by the Senate. I would hope that the Senate would proceed without undue delay to dispose of the measure now before the Senate, so that the Senate can then turn its attention to those measures on the Calendar that are so needed to deal with the serious problems that confront this country.

Mr. President, I am going to move to table the pending amendment shortly. Debate was had on this amendment all day yesterday, following the special orders and routine morning business. As a matter of fact, this amendment really adds nothing to the present rule. The present rule was written by the greatest Senate Parliamentarian of my 17 years in the Senate, a man who knew more about the rules and the prcedents of this body than any man I have had the honor of serving with, the late Senator Richard B. Russell. He was the author of paragraph 2 of rule XXXII of the Standing Rules of the Senate.

Paragraph 2 reads:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

Mr. President, there is a great deal to be said for clarity and brevity. I do not see how paragraph 2 of rule XXXII could possibly be written with greater clarity or brevity. The amendment that is now pending before the Senate, offered by my distinguished and able friend, the Senator from Alabama (Mr. Allen), would add nothing to that rule. I move to table Mr. Allen's amendment.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The motion is not debatable.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. ROBERT C. BYRD. Mr. President, I understand that the Senator from Maine has an amendment he wishes to offer.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

AMENDMENT NO. 32

Mr. HATHAWAY. Mr. President, I call up my printed amendment, which is at the desk. It is amendment No. 32.

The PRESIDING OFFICER (Mr. Leahy). The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Maine (Mr. Hathaway) proposes an amendment numbered 32.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 2, line 16, beginning with "shall", strike out all through line 22, and insert the following: ", upon the ascertainment that a quorum is present, shall at once state the motion to the Senate.
>
> "Thereafter, the motion to close debate shall be the unfinished business to the exclusion of all other business until disposed of. Every Senator shall be entitled to speak a maximum of thirty minutes upon the motion, except that a Senator may relinquish all or part of his time, or may yield all or part of his time to another Senator. It shall be the duty of the Presiding Officer to keep the time.
>
> "When all time has been used or relinquished, the Presiding Officer shall lay the cloture motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:".
>
> On page 3, line 7, strike out "one hour" and substitute "thirty minutes".
>
> On page 3, line 24, beginning with "shall" strike out all through line 5 on page 4, and insert the following: ", upon the ascertainment that a quorum is present, shall at once state the motion to the Senate.
>
> "Thereafter, the motion to close debate shall be the unfinished business to the exclusion of all other business until disposed of. Every Senator shall be entitled to speak a maximum of thirty minutes upon the motion, except that a Senator may relinquish all or part of his time, or may yield all or part of his time to another Senator. It shall be the duty of the Presiding Officer to keep the time.
>
> "When all time has been used or relinquished, the Presiding Officer shall lay the cloture motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:".
>
> On page 4, line 14, strike out "one hour" and substitute "thirty minutes".

Mr. HATHAWAY. Mr. President, I have some misgivings about altering the cloture rule from two-thirds to three-fifths. Although I would have been willing to go along without offering any amendment if the proposed three-fifths rule were going to be in effect for only a 2-year period on an experimental basis, in view of the fact that the matter before us now is going to be in the rules permanently, unless changed at a subsequent date, I feel obligated to offer my amendment.

Although I agree with the proponents of the change that the two-thirds rule is a burdensome rule that has led to a lot of delays in considering important legislation—indeed it has led to the demise of some very important legislation before the Senate has had an opportunity to vote on it—I am afraid that if we reduce the two-thirds to three-fifths, even though it is a constitutional three-fifths, we are approaching closer to a majority cloture, against which I am firmly opposed. And even with the constitutional three-fifths, the propensity to offer cloture motions at a very early stage of debate is going to be much greater than that propensity or inclination has been under the two-thirds vote.

I do not want to see a situation in which a bill is brought up on 1 day and cloture motion is filed on the same day, and 2 days later we are voting to close off debate, without giving the Members of this body an adequate opportunity to debate. For that reason, I have offered my amendment to guarante, prior to the time that cloture is being voted upon, that every Member would have one-half hour of debate, and that that Member could yield that time or any portion of that time to any other Member. This would guarantee a maximum of 50 hours of debate prior to the time cloture is voted upon. If cloture is invoked, then an additional 50 hours would be granted thereafter.

This would mean that the rule, as it is now proposed, would not be altered substantially, because under the present rule there is a provision for every Member to have 1 hour of debate after cloture is invoked, and the total time under my amendment amounts to the same 100 hours.

This amendment, as I have mentioned, guarantees that there is going to be precloture debate and that it will be distributed among all the Members who wish to take advantage of it.

I suppose some can argue that under the present system, in view of the fact that the cloture motion is filed while the matter in question is the pending business and that the cloture motion cannot be voted on until 2 days later, this also guarantees a certain number of hours of debate. Unfortunately, all that time could be occupied by one Senator or possibly two Senators. But certainly it is no guarantee to every Member of this body that he or she is going to have his or her say prior to the time that the cloture motion is voted upon.

Some may say, "What difference does it make whether we have 50 hours before and 50 hours after, so long as you are guaranteed that you have 1 hour of debate after cloture is invoked and the total amount of time is 100 hours?"

Mr. President, I think it is crucial that we allot the 50 hours prior to the time the cloture motion is voted upon, so that the minority can have a chance to persuade the Members not to vote for cloture. No Members can be persuaded after cloture is invoked, during the 100-hour period. If there is no opportunity prior to that time, one is precluded from making that argument.

Of course, there is this very practical argument: We know that in the past, after cloture has been invoked, Members have felt that that was the end of the ball game, and not many Senators were on the floor to listen to the debate. Members feel that the matter will be coming up for final passage in a relatively short period of time. So that actually the 100-hour provision does not guarantee to the Members any real opportunity to persuade other Members on the merits of the legislation.

Without further ado, Mr. President, for the reasons that I have outlined in my remarks, I hope that the Senate will go along with this amendment. It is a minimal guarantee. It guarantees only one-half hour. I should have liked to make it longer, but I do not think, as a practical matter, that I would have much of a chance of getting such an amendment through if I did make it longer. There may be Members who have legitimate amendments to a bill that they want to get in prior to any cloture vote, and if a Member had three or four amendments, a half hour would be grossly insufficient time to press for those amendments. Nevertheless, I am willing to give up that opportunity. Hopefully, where a Member could relinquish or yield his time, he could get together with others who are in support of his amendments and collectively, they would probably have enough time to talk on a reasonable number of alterations that they might like to make to the pending legislation.

Mr. President, I reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President——

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, the purpose of the cloture rule is to bring an early close to the debate on a given matter or measure pending before the Senate. With all proper respect, and I have the highest respect for my very able friend from Maine, his amendment would go exactly counter to the purpose of the cloture rule and, instead of expediting the debate on any matter before the Senate, as a result of his amendment, if it were to be adopted, the debate would be prolonged.

Mr. President, I move to table the amendment.

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absentees.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 18 Leg.]

Allen
Baker
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Clark
Ford
Garn
Glenn
Hart, Gary W.
Haskell
Hathaway
Kennedy
Leahy
Magnuson
Mansfield
McClure
Mondale
Morgan
Moss
Pastore
Proxmire
Scott, William L.
Stone
Talmadge

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Abourezk
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Cannon
Case
Chiles
Church
Cranston
Culver
Curtis
Domenici
Eastland
Fannin
Fong
Gravel
Griffin
Hansen
Hart, Philip A.
Hartke
Hatfield
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Javits
Johnston
Laxalt
Long
Mathias
McGee
McGovern
McIntyre
Metcalf
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Randolph
Roth
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Symington
Thurmond
Tower
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER. A quorum is present.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT), is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT), would vote "nay."

The result was announced—yeas 57, nays 33, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—57

Abourezk
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Culver
Curtis
Fong
Ford
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Pastore
Pearson
Percy
Randolph
Roth
Scott, Hugh
Stafford
Stevens
Symington
Talmadge
Williams
Young

NAYS—33

Allen
Baker
Bartlett
Bellmon
Brock
Buckley
Byrd,
  Harry F., Jr.
Chiles
Domenici
Eastland
Fannin
Garn
Gravel
Hansen
Hathaway
Hruska
Laxalt
McClure
Morgan
Muskie
Nunn
Packwood
Pell
Proxmire
Scott,
  William L.
Sparkman
Stennis
Stevenson
Stone
Thurmond
Tower
Tunney
Weicker

NOT VOTING—9

Dole
Eagleton
Goldwater
Kennedy
McClellan
Montoya
Ribicoff
Schweiker
Taft

So the motion to lay Mr. HATHAWAY'S amendment on the table was agreed to.

Mr. HELMS. Mr. President, I move to reconsider.

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Pennsylvania (Mr. HUGH SCOTT) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

On this vote, the Senator from Pennsylvania (Mr. HUGH SCOTT) is paired with the Senator from Ohio (Mr. TAFT).

If present and voting, the Senator from Ohio would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 30, nays 58, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—30

Allen
Baker
Bartlett
Bellmon
Biden
Brock
Byrd,
  Harry F., Jr.
Dole
Eastland
Fannin
Garn
Hansen
Hathaway
Helms
Hruska
Laxalt
McClure
Muskie
Nunn
Packwood
Pell
Proxmire
Roth
Scott,
  William L.
Stone
Talmadge
Thurmond
Tower
Tunney
Weicker

NAYS—58

Abourezk
Bayh
Beall
Bentsen
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Domenici
Fong
Ford
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Haskell
Hatfield
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Morgan
Moss
Nelson
Pastore
Pearson
Percy
Randolph
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Williams
Young

NOT VOTING—11

Brooke
Eagleton
Goldwater
Hartke
Kennedy
McClellan
Montoya
Ribicoff
Schweiker
Scott, Hugh
Taft

So the motion to reconsider was rejected.

Mr. HARRY F. BYRD, JR. Mr. President, I—may we have order, Mr. President?

The PRESIDING OFFICER (Mr. INOUYE). The Senate will be in order. The Senator from Virginia may proceed.

Mr. HARRY F. BYRD, JR. Mr. President, I rise to support the position enunciated just a short time ago by the able Senator from Mississippi (Mr. STENNIS). He put in perspective the dilemma and the problem facing the Senate of the United States in regard to the proposed change in the rules. I cannot speak with the eloquence of the distinguished Senator from Mississippi, but I do support his arguments and associate myself with the splendid remarks which he made earlier.

Mr. President, rule XXII came into being in March of 1917. Up to that time there was no way that debate in the Senate could be shut off.

But just prior to World War I, the then majority leader of the Senate of the United States, one who then occupied the office now held by the Senator from Virginia, the late Thomas S. Martin of Charlottesville, Va., presented to the Senate what in essence is now rule XXII.

Senator Martin's proposal has stood the test of time.

It has served the Senate well. It has served well the people of these United States.

Whenever 16 Senators file a cloture motion, that motion shall be voted on the next calendar day save one, and if two-thirds of the Senators so decide, debate shall be brought to a close.

It seems to me that is a fair proposition, that gives reasonable protection to the rights of a minority, and yet it permits the Senate, when it wishes to do so, to shut off debate and bring the issue to a close.

To indicate that it does not present great difficulty in achieving cloture under the existing rules, I cite the fact that this past December, on three separate occasions, the Senate voted cloture. I also cite the fact that three times within the past 10 days the Senate has voted cloture.

The Senate is now operating under the cloture provisions of the rule. I support that rule.

While I voted against cloture earlier today, I recognize that cloture was brought about under the rules of the Senate, in a proper way.

So I support that rule, and we are operating under it now. I am allowed, under the rules of the Senate, after cloture has been invoked, 1 hour to state my position on the pending legislation, just as is every other Member of the Senate.

Besides opposing the change in the rule which permits debate be brought to a close by a two-thirds vote of the Members of the Senate present and voting—while I oppose that change because I think that rule has served us well, I have an additional concern. I refer to a ruling from the Chair that would permit cloture to be sustained by a majority vote.

The able Senator from Mississippi, in his remarks, said that the Vice President, when he so ruled, cast aside nearly 200 years of precedent.

What has happened during this debate, which has been going on for quite a while now, and I think properly so, is that the Senate went far beyond what I believe even a majority of the Senators intended. As indicative of the accuracy of that statement, I point to the fact that earlier this week the Senate took the unusual procedure—and I believe under a unanimous-consent agreement—of reconsidering action which it had taken the previous week. The purpose of that was to try to ease what apparently is considered by even a majority of the Senate to be a very bad ruling by the Vice President. Such a ruling could lead to cloture by a simple majority of the Senate, if that majority has a favorable Vice President in the Presiding Officer's chair.

If the Senate should ever go to majority cloture—and we are heading in that direction, Mr. President, and that is why I am forced to oppose the so-called compromise—I submit the Senate as we have known it will no longer exist. So, as I judge this situation, the issue is far broader and far more important than whether the rules be changed to provide for a two-thirds vote to shut off debate or a three-fifths vote to shut off debate.

I think, although the able Senator from Alabama does not fully agree with me, that the Senate has gone a long way to erase the ruling made by the Vice President a week or so ago under which cloture could be invoked by majority cloture.

When we talk about majority cloture, we are talking about a simple majority plus a sympathetic Presiding Officer. When we permit a simple majority, plus a sympathetic Presiding Officer, to shut off debate and silence everyone else, I submit we are getting into very dangerous ground; we are changing radically the purpose of the U.S. Senate as envisioned by the Constitution.

The majority is not always right, not by any means. All history tells us that, and that is why I would hope that an amendment could be added to the pending legislation to make clear that at no future time shall debate be shut off by a majority of the Senators present and voting.

I have no quarrel with how anyone votes on these issues, of course. I do think it important for the RECORD to show, however, that the present rule XXII has served the Senate well, and that under that rule cloture has been invoked many, many times; three times within the last 10 days, and three times this past December, just to use the most recent history.

At this point, Mr. HATHAWAY assumed the chair.

Mr. HARRY F. BYRD, JR. It may be, Mr. President, that the long struggle over what to do about the Senate rules will serve a useful purpose. It will if it brings about a realization on the part of many of us in the Senate as to just how dangerous it would be to the rights of all if majority cloture, the shuting off of debate by a single vote majority, is ever to prevail in the future.

Mr. President, may I ask how much time I have used?

The PRESIDING OFFICER. The Senator has used 16 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I reserve the remainder of my time.

Mr. WILLIAM L. SCOTT. Mr. President, I listened to the majority leader with great care an hour or so ago, and felt he was very persuasive. I believe his arguments were quite logical and would agree that he certainly attempts to protect the rights of the minority. Frequently he also attempts to protect the rights of the individual Senators. Of course, he attempts to do this consistent with his responsibility as majority leader, and I have considerable respect for the majority leader of the Senate. In my opinion he discussed the concerns of the day, the delay in considering what he believes to be important legislation. I do not quarrel with his conclusions in this respect.

Yet there are some important and lasting principles that are involved in the proposal to change rule XXII. I believe the debate has been an enlightening matter and indicates principles are involved that go beyond the importance of the issues of the day.

There may be other majority leaders in the future who may not be as sympathetic to the rights of the minority as the present leader is. The majority leader of the future may be of either of our major political parties and we need to look beyond the present leadership.

I believe that we are considering a change in the permanent rules of the Senate. A change in rule XXII, which now permits 16 Senators to file a motion to invoke cloture where cloture was not permitted to be imposed prior to the adoption of rule XXII. The present rule states, in part:

> Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Office shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:
>
> "Is it the sense of the Senate that the debate shall be brought to a close?"

Now, present rule XXII requires an affirmative vote by two-thirds of the Senators present and voting.

As I understand it, Mr. President, Senate Resolution 4, the proposal that is before us, would permit the termination of debate, cloture by three-fifths of the Senate present and voting, or 60 percent rather than 66⅔ percent.

A number of amendments to that proposal have been offered. I favored the amendment offered by the distinguished Senator from Maine (Mr. HATHAWAY), who is now occupying the Chair. It was a more reasonable amendment, because it indicated that each Senator could speak for 30 minutes after the cloture motion was filed, but before a vote on whether to impose cloture.

There is doubt as to the effectiveness of debate under the 1-hour rule after cloture has been imposed and I believe that the Senator from Maine was getting at that in permitting half of the time to be utilized before the vote on cloture.

It appeared to be a good amendment. Unfortunately, it was tabled.

The proposal offered by the distinguished majority whip (Mr. ROBERT C. BYRD) is in the nature of a substitute. His suggestion is that we have 60 percent of the membership of the Senate, not those present and voting. There actually would have to be 60 Senators on the floor and voting to impose cloture.

But, Mr. President, I am concerned that this may be an erosion of the rights of the minority. I am fearful that, when we reduce the two-thirds vote by any extent, it may be setting a precedent for a further reduction. It could lead to cutting off debate by a simple majority.

In fact, it could lead to a further amendment that would cut off debate if 40 percent of the Senators wanted to immediately vote, or any lesser percentage that a majority might agree to. From a more practical point of view, it could lead to cutting off debate by a simple majority.

We have before us, Mr. President, a report by the Committee on Rules and Administration entitled "Limitation of Debate in the Congress of the United States." It relates to the Senate's cloture rule and was prepared by the Congressional Research Service of the Library of Congress. On page 55 there are a number of arguments for a filibuster.

Now, that is the common word used when we speak of the right of unlimited debate unless cloture is imposed under rule XXII of the Senate rules.

These arguments say that—

> Minorities have rights which no majority should override. Government is constituted to protect minorities against majorities. Obstruction is justifiable as a means of preventing a majority from trampling upon minority rights until a broad political consensus has developed.

Now, Mr. President, I am a member of the Republican Party. That is a minority in the Senate of the United States. My philosophy is generally conservative. That is a majority, I believe at this time, in the Senate of the United States.

We could be talking about minorities within the political party or minorities as to philosophy. Perhaps issues will arise that need thorough review on various matters and any Member of this body could find himself in a minority in a given situation.

There may be times when any one of us would want a thorough discussion. I would hope that the present proposal will not eliminate the right, the opportunity of Members of the Senate to thoroughly discuss any proposal that comes before the Senate:

> A Senate majority does not necessarily represent a consensus of the people or even of the states. Frequently popular opinion upon a question has not been formulated or, if it has been, it is often not effectively expressed. Prolonged debate may prevent hasty majority action which would be out of harmony with genuine popular consensus.

Another argument that is made in the committee report:

> It is the special duty of the Senate, sitting in an appellate capacity, carefully to inspect proposed legislation, a duty not readily performed without freedom of debate. In our system of government, where legislation can be gaveled through the House of Representatives at breakneck speed with only scanty debate under special rules framed by a partisan committee, it is essential that one place be left for thorough-going debate.

Now, we know, Mr. President, in the House of Representatives sometimes amendments are offered and under the rules of the House the proponent of an amendment may only have 5 minutes to discuss his amendment, and sometimes that is not time enough.

I feel that this body offers the opportunity as suggested in the report of the Committee on Rules and Administration of a more thorough review of proposals than that extended in the House of Representatives.

The committee report reads further:

> Filibusters really do not prevent needed legislation, because nearly every important measure defeated by filibuster has been enacted later. With rare exception no really meritorious measure has been permanently defeated and some vicious proposals have been killed. The filibuster has killed more bad bills than good ones.
>
> It is the unique function of the Senate to act as a check upon the Executive, a responsibility it could not perform without full freedom of debate. Unrestricted debate in the Senate is the only check upon presidential and party autocracy. It is justified by the nature of our government system of separated powers.
>
> The constitutional requirement for recording the yeas and nays is a protection of dilatory tactics. The provision of the Constitution which requires the yeas and nays to be recorded in the Journal at the desire of one-fifth of the Members present is an intentional safeguard allowing the minority to delay proceedings.
>
> Majority cloture in the Senate would destroy its deliberate function and make it a mere annex of the House of Representatives.
>
> Simple majority cloture would have brought many a decision which would have accorded ill with the sober second thought of the American people.
>
> The Senate, without majority cloture, actually passes a larger percentage of bills introduced in that body than does the House of Representatives, with cloture.

To enforce cloture by vote of a chance majority in the Senate might bring greater loss than gain.

Filibusters are justifiable whenever a great, vital, fundamental, constitutional question is presented and a majority is trying to override the organic law of the United States. Under such circumstances, Senators "as ambassadors of the states" in Congress have a duty to protect the rights of the states.

Mr. President, a few minutes ago I indicated a feeling that our distinguished majority leader had been very persuasive, had been very logical, in the remarks that he made to this body. I was almost persuaded. Then we had the distinguished Senator from Mississippi (Mr. STENNIS) take the floor and rebut, at least to an extent, the statement that was made by the Senator from Montana.

I felt that Senator STENNIS also made a very logical and a very reasonable statement with regard to the cloture rules. Reasonable people can disagree on a given issue and this underscores the need for a thorough discussion.

Mr. President, we have a book on Senate procedure that was prepared last year by the then Parliamentarian, Dr. Floyd M. Riddick. Dr. Riddick, a longtime Parliamentarian of the Senate, and a well-recognized authority on the subject, discusses cloture procedure on page 207.

I believe this whole section with regard to cloture is worthy of consideration by the membership of the Senate. I feel that cloture is something that does perhaps give us time to think a bit before it is imposed. Rule XXII has to do with the method by which we can impose cloture. Sometimes a thoughtful discussion can result in a more reasonable or better decision, in better laws than if a vote were taken without a thorough discussion:

The Cloture Rule is designed to bring debate on a pending proposal to a close. It provides that sixteen Senators may at any time sign a motion "to close the debate" and present it to the Presiding Officer, who is required to state the motion to the Senate immediately. The motion may be presented to the Senate over the objection of any Senator who has the floor. This does not take that Senator's right to the floor away from him, but merely suspends it during the time necessary for calling the membership's attention to the motion. Following such notification to the Senate, debate can be continued just as if nothing had happened until 1 hour after the Senate convenes on the following calendar day "but one" (2 days later) that it is in session. At that time the Presiding Officer "shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present" he shall "without debate, submit to the Senate by a yea-and-nay vote" the question: "Is it the sense of the Senate that the debate shall be brought to a close?"

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAM L. SCOTT. Continuing:

The vote on the motion, according to a decision on July 29, 1946, will be had at the hour required by the rule, even though the bill may have been displaced in the meantime, unless the rule is suspended by a two-thirds vote or unless by unanimous consent the Senate determines otherwise.

A two-thirds affirmative vote, a quorum being present, is required to invoke cloture, which makes the pending question "the unfinished business to the exclusion of all other business until disposed of." If a two-thirds vote is not forthcoming, the attempt fails and the debate remains unrestrained.

When cloture is invoked, no Senator may speak more than one hour "on the pending measure, the amendments thereto, and motions affecting the same." The Presiding Officer, or someone designated by him with the consent of the Senate, keeps the time of each Senator who speaks. The rule and decisions of the Chair in pursuance thereof prohibit the offering of any amendment after the vote "unless the same has been presented and read prior to that time," except by unanimous consent. "No dilatory motion, or dilatory amendment, or amendment not germane shall be in order." Hence, any amendment offered to a bill on which cloture has been invoked must meet the acid test of being germane, and if it is not, a point of order, if sustained, prohibits its consideration. All questions of procedure—"points of order, including questions of relevancy, and appeals from the decisions of the Presiding Officer"—shall be decided without debate.

The application of the rule extends to any measure, motion, or other matter pending before the Senate.

Mr. President, I note that our distinguished majority leader is now in the Chamber, and I again commend him for the splendid statement he made right after the vote on cloture earlier today.

It was a very persuasive, a very logical statement that the majority leader made, if it was only addressed to the issues of the day, and did not relate to procedure to be followed in future years.

We have the permanent rules of the Senate, however, that we are now considering. I do not feel that it is in the interest of the minority party, I do not feel that it is in the interest of those with a minority philosophical view, I do not feel that it is in the interest of an individual Senator, any Members of the Senate, or in the interest of the country, to change the rules of the Senate which now require a two-thirds vote to cut off debate and provide that it can be done by a three-fifths vote, as suggested by the Senator from Kansas, who is in the Chamber at this time, and by the Senator from Minnesota, who has cosponsored this proposal with him.

I hope we will not vote to change the present rule in any way. I feel that cloture can be imposed under our present rules. Debate can be cut off. It has been done on various occasions during my short tenure in the Senate. I feel that it should be retained exactly as it is. It is a compromise now between the unlimited right of debate that existed in the Senate prior to the adoption of rule XXII. But if we are going to have any change, I would hope that we would adopt the amendment by the Senator from West Virginia (Mr. ROBERT C. BYRD), which would preserve the two-thirds requirement for the changing of the rules of the Senate and would provide that 60 Senators would actually have to be on the floor of the Senate and vote to impose cloture.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 27 minutes.

Mr. WILLIAM L. SCOTT. Mr. President, I reserve the remainder of my time.

AMENDMENT NO. 66

Mr. ALLEN. Mr. President, I call up amendment No. 66 and call for a division of the question.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes amendment numbered 66.

Mr. ROBERT C. BYRD. Mr. President——

Mr. ALLEN. The amendment has not been stated.

The PRESIDING OFFICER. The amendment is to strike out and insert. It is not subject to division.

The clerk will continue to state the amendment.

The assistant legislative clerk read as follows:

On page 2, line 16, beginning with "shall", strike out all through line 22, and insert the following:

", upon the ascertainment that a quorum is present, shall at once state the motion to the Senate.

"Thereafter, the motion to close debate shall be the unfinished business to the exclusion of all other business until disposed of. Every Senator shall be entitled to speak a maximum of one hour upon the motion, except that a Senator may relinquish all or part of his time, or may yield all or part of his time to another Senator. It shall be the duty of the Presiding Officer to keep the time.

"When all time has been used or relinquished, the Presiding Officer shall lay the cloture motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

On page 3, line 7, strike out "one hour" and substitute "two hours.".

On page 3, line 24, beginning with "shall", strike out all through line 5 on page 4, and insert the following:

", upon the ascertainment that a quorum is present, shall at once state the motion to the Senate.

"Thereafter, the motion to close debate shall be the unfinished business to the exclusion of all other business until disposed of. Every Senator shall be entitled to speak a maximum of one hour upon the motion, except that a Senator may relinquish all or part of his time, or may yield all or part of his time to another Senator. It shall be the duty of the Presiding Officer to keep the time.

"When all time has been used or relinquished, the Presiding Officer shall lay the cloture motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

On page 4, line 14, strike out "one hour" and substitute "two hours".

Mr. ROBERT C. BYRD. Mr. President, this is a modified version of the amendment that was previously offered by Mr. HATHAWAY and tabled. I move to table—Mr. President, I withhold the motion just a moment. Let the clock run on my time.

Mr. President, while I am waiting, I understand that the word has gone out that this matter should be put over to Monday. There is no question in my mind that one Senator, using the rules, can delay this, possibly until Monday or later. But there comes a time with respect to those who play hard ball—and who have been playing hard ball—when the responsibility is on the leadership also to play hard ball.

So I just want Senators to know that that is the game plan of the opposition now—to lay this matter over until Monday. Of course, when Monday comes, I suppose the game plan will be to put it over to Tuesday and as long thereafter as the rules can be utilized to the advantage of a Senator who may wish to delay the Senate from working its will.

As I indicated yesterday, the rules are structured to protect the minority. The rules are also so structured that any one Senator, by using dilatory motions, dilatory amendments, dilatory points of order, dilatory appeals, and by putting in dilatory quorums, can delay and delay and delay.

It is much easier, under the Senate rules, to obstruct action than it is to force action. Of course, under rule XXII, dilatory amendments and dilatory motions are not in order, and appeals are not debatable. But delaying tactics are still possible.

We have witnessed over the past 2 weeks, actions taken under the rules—certainly within the rights of any Senator—which have unduly delayed the Senate. I would hope that Senators who are backing the substitute would be prepared to stay on the floor of the Senate throughout the day so that action can be expedited as fast as it can be expedited, which at best is going to be very slow, at the rate we are moving. Advantage is taken of the fact that not enough Senators are on the floor to support the demands for the yeas and nays, and that opens the way for quorum calls. Senators are in committee meetings and in their offices transacting business, all of which lengthens the quorum calls that are then made and not allowed to be called off. I just want Senators to be on notice that the game plan of the opposition is not to complete the action on this measure this weekend, even though cloture has now been invoked on it. I hope that Senators who support the compromise will stay as closely to the floor as possible. This would help to bring matters to an earlier conclusion.

Mr. President, I ask for the yeas and nays on my motion to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ALLEN. A point of order, Mr. President.

The Senator from Alabama, in submitting his amendment, requested a division of the question, and the motion to table will have to be confined to the first part of the question.

The PRESIDING OFFICER. The Chair has already ruled that the amendment is not divisible. Under rule XVIII, if the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.

The Senator's amendment is not divisible.

Mr. ALLEN. I appeal from the ruling of the Chair and ask for the yeas and nays.

Mr. ROBERT C. BYRD. I move to table the appeal and I call for the yeas and nays on the motion to table the appeal.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from North Carolina (Mr. MORGAN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 73, nays 14, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—73

Abourezk
Bartlett
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—14

Allen
Baker
Curtis
Eastland
Fannin
Fong
Hansen
Helms
Hollings
McClure
Scott,
  William L.
Sparkman
Stennis
Thurmond

NOT VOTING—12

Bellmon
Eagleton
Goldwater
Humphrey
Kennedy
McClellan
Montoya
Morgan
Pastore
Ribicoff
Schweiker
Taft

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. STAFFORD). The question now recurs on agreeing to the motion of the Senator from West Virginia (Mr. ROBERT C. BYRD) to lay on the table the amendment (No. 66) of the Senator from Alabama (Mr. ALLEN).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from North Carolina (Mr. MORGAN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. STENNIS), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Illinois (Mr. STEVENSON), and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 66, nays 18, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—66

Abourezk
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Culver
Dole
Domenici
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Helms
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Scott, Hugh
Stafford
Stevens
Stone
Symington
Tunney
Weicker
Williams
Young

NAYS—18

Allen
Baker
Bartlett
Byrd,
  Harry F., Jr.
Chiles
Curtis
Eastland
Fannin

Hansen
Hathaway
Hollings
McClure
Nunn
Scott,
William L.
Sparkman
Talmadge
Thurmond
Tower

NOT VOTING—15

Bellmon
Eagleton
Goldwater
Humphrey
Kennedy
McClellan
Montoya
Morgan
Packwood
Pastore
Ribicoff
Schweiker
Stennis
Stevenson
Taft

So the motion to lay Mr. ALLEN's amendment on the table was agreed to.

Mr. HELMS. Mr. President, I move to reconsider.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from North Carolina (Mr. MORGAN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The vote was announced—yeas 71, nays 16, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—71

Abourezk
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hruska
Huddleston
Inouye
Jackson
Javits
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Scott, Hugh
Stafford
Stevens
Stone
Symington
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—16

Allen
Baker
Byrd,
Harry F., Jr.
Eastland
Fannin
Hansen
Hathaway
Helms
Hollings
Johnston
McClure
Nunn
Scott,
William L.
Sparkman
Stennis
Thurmond

NOT VOTING—12

Eagleton
Goldwater
Humphrey
Kennedy
McClellan
Montoya
Morgan
Pastore
Ribicoff
Schweiker
Stevenson
Taft

So the motion to lay on the table Mr. HELMS' motion to reconsider was agreed to.

AMENDMENT NO. 51

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER (Mr. LAXALT). The Senator from Alabama.

Mr. ALLEN. I yield myself 5 seconds to call up amendment No. 51.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes amendment numbered 51.

The amendment is as follows:

Amend S. Res. 4 as amended by Byrd substitute in following manner: At the end add the following new section:

"SEC. —. Not more than a total of three cloture motions can be filed with respect to any Senate bill or its companion House bill in any one Congress.".

Mr. ROBERT C. BYRD. Mr. President, I move to lay that amendment on the table.

Mr. ALLEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient number? There is a sufficient number.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Mew Mexico (Mr. MONTOYA), the Senator from North Carolina (Mr. MORGAN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLPWATER), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 67, nays 21, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—67

Abourezk
Bayh
Beall
Bellmon
Bentsen
Biden
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Domenici
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Huddleston
Inouye
Jackson
Javits
Johnston
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Randolph
Roth
Scott, Hugh
Stafford
Stevens
Stevenson
Symington
Tower
Tunney
Weicker
Williams
Young

NAYS—21

Allen
Baker
Bartlett
Brock
Byrd,
Harry F., Jr.
Curtis
Dole
Eastland
Fannin
Hansen
Hollings
Hruska
McClure
Nunn
Proxmire
Scott,
William L.
Sparkman
Stennis
Stone
Talmadge
Thurmond

NOT VOTING—11

Eagleton
Goldwater
Humphrey
Kennedy
McClellan
Montoya
Morgan
Pastore
Ribicoff
Schweiker
Taft

So the motion to table was agreed to.

Mr. HELMS. Mr. President, I move to reconsider.

Mr. ROBERT C. BYRD. Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, it is obvious that this exercise in futility is getting nowhere fast. The die is cast. The Senate has made up its mind and, repeatedly, it has shown where it stands and where it will stand, I think, when this battle is over. The leadership wishes to alert Senators that the Senate will be in not only through the evening, but throughout the night, if necessary, to bring this matter to a close this weekend.

I move to lay the motion to reconsider on the table.

Mr. HELMS. I ask for yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from North Carolina (Mr. MORGAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. Taft) would vote "nay."

The result was announced—yeas 72, nays 16, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—72

Abourezk
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Roth
Scott, Hugh
Stafford
Stevens
Symington
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—16

Allen
Baker
Bartlett
Byrd, Harry F., Jr.
Curtis
Eastland
Fannin
Hansen
Helms
McClure
Proxmire
Scott, William L.
Sparkman
Stennis
Stone
Thurmond

NOT VOTING—11

Eagleton
Goldwater
Humphrey
Kennedy
McClellan
Montoya
Morgan
Ribicoff
Schweiker
Stevenson
Taft

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. THURMOND). The question is on the resolution.

Mr. ALLEN. Mr. President, I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, these are disturbing times for many Americans. They have worries—and with cause—about the Nation's economy, the Nation's energy supply, the world balance of power and the prospect of the United States becoming a No. 2 nation. They know that a No. 2 nation militarily is no better off than a No. 3 nation, or perhaps even a No. 10 nation.

Those are some of the bigger worries of many Americans. But they have other concerns, and many of them. One is what they see as the steady erosion of their traditional values.

One of the most prized of America's traditional values is the right of a minority in this country to be heard—to be heard and to have their views considered.

Yet we see in this body, which has earned the reputation as the world's greatest deliberative body, those who profess to be concerned about minority rights stand and vote to shut off the minority—to muzzle any opposition that a minority might seek to present for their consideration.

Rule XXII is the authority for minority's right to be heard in the Senate of the United States. To amend it—to tear away its requirement that a two-thirds vote be required to end a minority's right to present its views—is to restrict the opportunity to hear the views that reflect the thinking of millions of Americans, or that given time and forum even could become the views of 200 million Americans, and perhaps even a majority of the Senate of the United States.

We teach our young in America to be ever openminded and to take every opportunity to acquire new knowledge and information. Yet by amending rule XXII, we do the very opposite by enhancing the opportunity for an impassioned majority to ride roughshod over the minority without even bothering to hear and consider their views.

In his February 17, 1971, column in the Washington Post, Nicholas von Hoffman observed that with the support of then President Nixon "Senate liberals will have another go at making it easier to kill off a filibuster." Mr. von Hoffman opined that President Nixon favored weakening the filibuster because he was concerned with getting passed by the Senate such legislation as the antiballistic missile, the draft, and the supersonic transport.

A key point by Mr. von Hoffman was that in regard to the filibuster.

> A Northern liberal can use the device as well as a Southern reactionary, and in the next couple of years the Northerners are going to need it more than the Southerners.

Presumably he had the busing issue in mind when he made that observation. I would like to read Mr. von Hoffman's entire column, as many here today may have forgotten his commentary, and some now in the Senate may have lived in areas where newspapers do not subscribe to Mr. von Hoffman's column.

Mr. ALLEN. Mr. President, will the Senator yield while the Senator from Alabama suggests the absence of a quorum? There is no quorum here, and I know the Senator would like to have a quorum of the Senators here to listen to his statements.

Mr. HANSEN. I yield for that purpose.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The PRESIDING OFFICER (Mr. THURMOND). Objection is heard.

Mr. FORD. Point of information, Mr. President.

The PRESIDING OFFICER. There is no debate in order.

The legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 19 Leg.]

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stone
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER. A quorum is present.

Mr. HANSEN. Mr. President——

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. HANSEN. Am I recognized?

The PRESIDING OFFICER. I recognized the Senator from Wyoming.

Mr. HANSEN. Mr. President, I would be happy to yield, without losing my right to the floor, to the distinguished Senator who seeks recognition.

Mr. ROBERT C. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HANSEN. Mr. President, I ask unanimous consent that, Mr. Sam Marler, a member of my staff, be allowed the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, to continue the article by Nicholas von Hoffman written February 17, 1971:

> Tomorrow the Senate liberals will have another go at making it easier to kill off a filibuster. They've been trying for 20 years, but they may get it this time because the President is on their side, and that ought to make them wonder how good an idea knocking out the old filibuster is.
>
> The White House contends that without the filibuster the Senate can do its work "more promptly and expeditiously." Congress, and especially the Senate has of late been much taxed with being inefficient and old-fashioned, a thick-sapped institution in an age of speed and transistorized judgments.
>
> The Senate's job isn't speed or neat dispatch, but wisdom, and these elements don't always go together. In legislation part of wisdom is delay and procrastination, knowing how not to get swept off your feet, how to temporize because it's better to be late than sorry.
>
> Stalling around and pulling on its beard and not being hasty is an aspect of the Senate that pre-dates its coming into existence. During the Constitutional Convention of 1787, James Madison argued on the floor that the first purpose of the Senate was "to protect the people against their rulers; secondly to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous counsels . . . How is the danger in all cases of interested coalitions to oppress the minority to be guarded against? Among other means by the establishment of a body in the government sufficiently respectable for its wisdom and virtue, to aid on such emergencies, the preponderance of justice by throwing its weight into that scale."
>
> The Senate hasn't often lived up to Madison's hopes for it, but it has sometimes, and one of the ways it does is through the filibuster. A lone, filibustering senator, if he's

> got the guts, may be able to make the whole country think twice before it's carried off by enthusiasm or hysteria.
>
> Because of the South's use of the device to fight down civil rights legislation the filibuster may now have too bad a name to save it. People forget that the filibuster didn't prevent the passage of the great civil rights acts legislation of the '60s. It delayed them. In this way it acted like the temporary veto in the English House of Lords; in effect the filibuster asked the country, "Hey, did you really mean it with this civil rights legislation?"
>
> That angered a lot of people who wanted the civil rights laws on the books immediately, people who had no patience with the Southern contention that much of this legislation was unconstitutional. Since then the courts have said they are constitutional, but even so they were a sharp departure from past practice . . . such things as taking away the freedom to refuse to rent, sell or service people because of their race or religion.
>
> These aren't the kind of laws that should be passed with a 51 per cent majority. They are too important to slip into passage by seven or eight votes. The Senate's famous rule XXII requires a two-thirds vote to break a filibuster, and that's the kind of numbers needed to ensure such important laws have a chance of being enforced. The Reconstruction Congress passed all kinds of civil rights legislation that was not only ignored but literally forgotten. There just wasn't enough steam behind them to do more than pass them so that they became a kind of legislative tokenism.
>
> But the filibuster and civil rights is history. Nixon certainly doesn't want to weaken the filibuster in order to pass a new civil rights act. He's concerned about such matters as the anti-ballistic missile, the draft and the SST. A Northern liberal can use the device as well as a Southern reactionary, and in the next couple of years the Northerners are going to need it more than the Southerners.
>
> The big winner in the cutting down of the filibuster will be the White House, which will need to twist fewer senatorial arms to get what it wants passed. That's why Nixon's for it, and it's why everyone who wants to see congressional power diminished should be for it.
>
> Killing the filibuster is presented as a reform measure. Words like modernize and expedite are used when talking about it. As if the Senate is old-fashioned because the senators talk too much. The problem is that half the time the senators don't know what they're talking about, and eliminating the filibuster isn't going to cure that. What might help, what might be a true modernization would be if the congressional research and information gathering facilities were significantly enlarged. The legislative branch is dangerously dependent on the executive for too much of what it knows.
>
> Minor mechanical adjustment in the rules isn't going to make a better Congress. This is so of the filibuster, and of the furor over the seniority system. Those old coots run things, not because of the rules, but because the good guys don't have enough votes. When they do have the votes seniority doesn't matter.
>
> You can see that in the case of Congressman John L. McMillan, the superannuatedly impossible gent from South Carolina who chairs the House District of Columbia Committee. The liberals had a chance to vote him out but they didn't have the numbers; then later, they were able to clip his power in the committee because they constitute a majority.
>
> The last 50 years ought to have schooled us to watch out for reforms that promise us business-like procedures by strengthening centralized power. The problem isn't to get Congress to shut up but to get them to shout back.

I think Mr. von Hoffman's column is very interesting because he is not known as the most conservative of the writers, and I oftentimes do not agree with him. But I must say in this instance it seems to me that he perceived very clearly what may yet come into the awareness of some Members of this body.

Mr. President, in that year about which Mr. von Hoffman wrote, the Senate defeated the repeated attempts at modification of the filibuster rule.

Congressional Quarterly on March 5, 1971, described the Senate's defeat of the third attempt to modify the filibuster rule. The publication noted that the former chairman of the Committee on Foreign Relations, Senator Fulbright, during the debate on the matter pointed out that the Gulf of Tonkin resolution might not have been adopted if it had been thoroughly debated under the authority granted by the filibuster rule. I was not in the Senate when the Gulf of Tonkin resolution was adopted, but I believe that observation by Senator Fulbright is worthy of our consideration today when we consider the American lives lost in Southeast Asia, the maimed from that war, and the loss of national treasure—not to mention the trouble in the streets and the bitter memories from the sixties that many Americans have.

Mr. Fulbright stated in 1971 that had the issue been debated under the filibuster rule—in his words:

> I could have delayed that vote. The vehicle was there, the power was there. I failed to have the wisdom to use it, as did every other Member of this body.

I believe in those words, Mr. Fulbright reflected his personal agony over a mistake that many in America shared in—and many share his mental anguish over that war and whatever role they may have had in it or failed to have in it.

The Congressional Quarterly described the filibuster rule modification failure that year, this way:

> Opponents of a modification of the existing Senate filibuster rule March 2 defeated a third attempt in as many weeks to limit debate on a motion to consider an amendment (S Res 9) to Rule 22.
>
> The vote was 48–36—eight votes short of the two-thirds majority required to end a filibuster (invoke cloture). With 84 Senators voting, 56 votes would have been needed by proponents of a rules change.
>
> No Senator changed his position on the third vote. On the three cloture votes (Feb. 18, Feb. 23 and March 2) already taken this session, the position of all 100 Senators has been recorded. By including those Senators paired for and against cloture as well as those present and voting, the results of all three votes would be the same: 58–42 for ending the filibuster—nine votes short of the two-thirds majority. Thus Senate reformers have failed to pick up a single vote since the first cloture attempt.
>
> S Res 9, cosponsored by Senators James B. Pearson (R Kan.) and Frank Church (D Idaho), would allow a three-fifths vote rather than a two-thirds vote of Senators present and voting to limit debate.
>
> Senate reformers had predicted that they would add significant strength to their effort on the third vote, but the result indicated that proponents of a change in the filibuster rule had not been successful in moving toward the necessary two-thirds majority.
>
> After the vote, Church requested that Majority Leader Mike Mansfield (D Mont.) allow a fourth vote. "I confess there is not much life left in this proposition, but there is some. Give us another week."
>
> Mansfield scheduled another vote for March 9, but emphasized that it would be the final test on the matter.
>
> Sen. John O. Pastore (D R.I.) questioned the need for another vote, saying it was highly unlikely that the necessary support could be obtained. "We find ourselves in the very difficult position that we need a two-thirds vote in order to create a three-fifths shutoff. I do not think that is ever going to happen."
>
> In another development, Sen. Jacob K. Javits (R. N.Y.) said if the fourth vote was unsuccessful, he would raise the constitutional argument that the Senate, at the beginning of a new Congress, could break off a filibuster and adopt new rules by a simple majority. Both Mansfield and Church said they would oppose such a contention.
>
> ### ALTERNATIVE CLOTURE PROPOSALS
>
> Various alternatives have been suggested to the three-fifths proposal for modifying Rule 22. All alternative plans previously had been rejected by Church and Pearson.
>
> Some alternative proposals that may be considered if a compromise is initiated include:
>
> A resolution (S Res 14) introduced by Jack Miller (R Iowa) to assure bipartisanship in debate cutoff. It would reduce the cloture requirement to three-fifths but make the three-fifths include a majority of each party. In the eight successful attempts to limit debate since Rule 22 was adopted in 1917, a majority of Senators from both major parties voted for cloture.
>
> A resolution (S Res 50) introduced by Robert Dole (R Kan.) providing that the first cloture vote on a motion start with a two-thirds requirement, and that the requirement be reduced by one vote on each successive vote until, after eight attempts, it dropped to a three-fifths requirement.
>
> A proposal first made in previous years that would leave the debate cutoff figure at two-thirds for the first three weeks of debate on any issue, then reduce it to three-fifths.
>
> A proposal that would install the three-fifths cutoff for filibusters against everything but further rules changes, for which the two-thirds requirement would be retained.
>
> Since S Res 9 was introduced Jan. 25 with 51 Senators as cosponsors, a filibuster conducted primarily by southern Senators has been waged against bringing the resolution to a vote.
>
> Tactics used in 1971 by the Senators opposed to a change in Rule 22 have varied somewhat from those used in previous debates on attempts to modify the two-thirds requirement. The new arguments have as their basis the following points:
>
> During the 1960s, the filibuster was used primarily against civil rights legislation. Virtually all of the major civil rights bills eventually passed, although they were substantially improved because of the delay provided by extended debate. Thus, the pressure for altering Rule 22 has abated greatly.
>
> Possible conservative trends in political philosophy could make the filibuster a necessary tool of liberal Senators in working against "repressive" or "reactionary" legislation.
>
> The power of the Executive Branch has outgrown that of the Legislative Branch, particularly regarding war-making and foreign policy decisions. Congressional power will be diminished if the influence of the filibuster is weakened.
>
> A key Senator among those favoring retention of the two-thirds requirement was John

Sherman Cooper (R Ky.), who in past years had supported an easing of the anti-filibuster requirement. In a floor speech Feb. 18, Cooper said he had introduced legislation in 1957 and 1959 to reduce the number of Senators required to secure cloture from two-thirds to three-fifths of those present and voting. "I do not hold that position now," he said.

Cooper said he supported a rules change in previous years because he felt the two-thirds rule was hindering enactment of civil rights legislation. He changed his position, he said, after it became clear that such legislation would be cleared by Congress despite the present cloture requirement.

"These last 20 years have shown that if there is an issue before this body, one which has been reasoned out and is believed in this body and in the country, it will prevail, and that to me is much better than the idea that . . . speed is needed. . . ."

In a colloquy Feb. 24 between John Sparkman (D Ala.) and John Stennis (D Miss.), Sparkman referred to an article in the Feb. 20, 1971, issue of the *New Republic* magazine which opposed a change in Rule 22, Sparkman asked if the article "made a pretty good warning to the so-called liberals as to the disaster they might be courting by trying to cut down the requirements of Rule 22."

Stennis agreed, saying, "Many people are having second thoughts. I have noticed the proponents in this struggle that we are having are not as vociferous, not as vigorous as in years heretofore. I think some of the wind has been taken out of their sails. . . ."

Stennis warned of "increased executive pressure, increased executive dominance" over Congress. "There must be some kind of safeguard or slowdown in these legislative processes that will not permit just a bare minority to run over and prevail here. There must be a checkrein," he said. "The easier it becomes to close off debate by cloture, the harder it is to perform one of our prime missions—the protection of the rights of the states."

J. W. Fulbright (D Ark.), a leading critic of the war in Indochina and an opponent of any change in Rule 22, suggested Feb. 25 that the Gulf of Tonkin resolution might not have been adopted if it had been thoroughly debated under the authority granted by the rule.

"I could have delayed that vote. The vehicle was there, the power was there. I failed to have the wisdom to use it, as did every other member of this body," Fulbright said.

Fulbright said the United States has been ". . . in a state of war or a near state of war since World War II, some 25 years" and that the power of the Presidency "inevitably" grows as a result of wartime conditions.

"We have to be extremely careful not to give up what few powers the legislative branch has, and to resist this enormous increase in the power of the executive, and to keep balance within our constitutional system. To that end I think Rule 22 is an extremely important element."

Mr. President, the distinguished minority leader, who was the leader in 1971 also, of course, received a March 2 letter from President Nixon relating to the filibuster modification debate. Congressional Quarterly reported that also, as follows:

NIXON ON FILIBUSTER

In a March 2 letter to Senate Minority Leader Hugh Scott (R Pa.), President Nixon reaffirmed his position favoring an easing of Rule 22. Text of the letter follows:

"Dear Hugh: Thank you for your recent letter and enclosures regarding the Senate debate on Rule 22 and requesting my assistance in efforts to change the cloture rule.

"My record as Vice President in support of the Senate changing its rules by majority vote, and my current views recently expressed by my press secretary are well known.

"Nevertheless, I feel that specific changes in congressional rules are matters properly to be determined by the Senate and House of Representatives, and it would be inappropriate for the President to suggest how the Senate should proceed in considering its rules or to attempt to influence individuals. I trust you will agree with the wisdom in this approach.

"With cordial regards, sincerely,

RICHARD NIXON."

Mr. FORD. Mr. President, I ask unanimous consent that the time for the quorum call be taken from the Senator's speaking time.

Mr. ALLEN. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HANSEN. Mr. President:

Mr. Nixon said Feb. 12 through Press Secretary Ronald Ziegler that he endorsed any move by the Senate "to reform or to adjust its work procedures and schedules in a way that allow them to deal with business more promptly and expeditiously." (*Weekly Report p. 416*)

As Vice President, Mr. Nixon Jan. 4, 1957, rendered an advisory opinion which stated in part:

"It is the opinion of the chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress." (*Congress and the Nation Vol. I, p. 1427*)

Vice President Agnew has refused to make a similar ruling in the current debate on Rule 22. (*Weekly Report p. 450*)

Mr. President, I would like to believe that the Senate of the United States has benefited from the wisdom of some of the great men who have served in this body.

Former Senator Sam Ervin is such a man, and I would remind my colleagues of his solid position against the proposals to weaken rule 22. Senator Ervin—or good old "Uncle Sam" as his millions of admirers throughout the Nation liked to call him at a time when they were acutely aware that America's traditional values needed protection and viewed him as their protector—gave me in 1971, some quotations that he believed helped bring a degree of intelligence into any consideration of rule 22. These are the quotations my friend, Sam Ervin, gave me, and I want again to share them with my colleagues, and bring them to the attention of new Senators, who were so unfortunate as to not have the opportunity to serve with Sam Ervin:

These are Sam Ervin's observations:

The filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and it is one of the very strongest practical guarantees we have for preserving the rights which are in the Constitution. (Walter Lippmann "The Essential Lippmann.")

Of those who clamor against the Senate, and its methods of procedure, it may truly be said: "They know not what they do." In this chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words. (Adlai E. Stevenson, Vice President of the United States, speech upon leaving office).

Unlimited debate is a rarity among national legislatures, and the glory of the United States Senate. (Prof. Raymond Wolfinger, "Readings on Congress").

As the much vaunted separation of powers now exists, unrestricted debate in the Senate is the only check upon presidential and party autocracy. The devices that the framers of the Constitution so meticulously set up would be ineffective without the safeguard of senatorial minority action . . . Abolish cloture and the Senate will gradually sink to the level of the House of Representatives where there is less deliberation and debate than in any other legislative assembly. (Prof. Lindsay Rodgers, "The American Senate".)

Obviously, the Senators, who are 100 well-educated, well-informed, and rather "liberal" men . . . see something exceedingly valuable to their corporate and individual status in the privilege of unrestrained debate. That value is the right to resist in a most public manner policies that a President desires. . . . (In the Senate) the notorious filibuster stands as an insufferable bar to presidential ambitions. (Prof. Alfred de Grazia, "Republic in Crisis.")

The Senate's opportunity for open and unrestricted discussion and its simple comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision. (Woodrow Wilson, in his doctoral thesis "Congressional Government," written impartially before he was stricken by "presidential ambitions").

And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. (William S. White, "Citadel").

If I were to teach again a course in government, I would say if you really want to know the kind of manners and rules of conduct that you ought to have to assure the meaning of the First Amendment, particularly, as it comes to free speech, and the rights to redress for your grievances, the freedom of the press, the freedom to assemble . . . the Senate of the United States represents that in its fullest measure. And in that alone, it's worthwhile. If nothing else, that would make it a very worthwhile American institution. (Hubert Humphrey, U.S. Senator and Former Vice President NBC–TV Interview, January, 1971).

Many of the wise men who have served in the Senate have come to believe that it is important that there should be one place in the legislative journey where the opportunity for discussion is unfettered. They have found that this has not in the end prevented any decisions persistently wanted by the people, but on the other hand stood in the way of much action that the country has come to conclude would have been unwise. (Hon. Robert Luce, "Congress: An Explanation").

The ability of any Senator to speak for as long as he chooses is one of the most sacred of the institutions of the Senate and distinguishes it quite sharply from the House of Representatives, or, indeed, any other legis-

> lative body in the world. (Prof. Lewis Froman, Jr., "The Congressional Process").
>
> If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority. . . . Of all the political institutions, the legislature is the one that is most easily swayed by the will of the majority. . . . I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny. (Alexis De Tocqueville, "Democracy in America").

His book was written more than 100 years ago.

Mr. President, I have one additional quotation:

> The most significant difference . . . between the House of Representatives and the Senate is to be found in the provisions of limited debate in the House and unlimited debate in the Senate. (Prof. Ernst Fraenkel, Free University of Berlin "American System of Government.")

Mr. President, like many Senators who do not enjoy the privilege of maintaining large office staffs, I have found is necessary from time to time to call upon the Library of Congress to do some of my research, and to provide the facts on some subjects. The staff of the Library of Congress does a magnificent job. The Library of Congress staff has done a lot to help give many Senators the reputation for being knowledgeable in many fields.

One area that the Library has researched at length and in depth for many Senators is the area of Senate rules, and the Library of Congress has not ignored rule XXII in this respect. The Library of Congress has provided powerful and persuasive arguments against any weakening of rule XXII. But I do not intend today to advise my colleagues of all the arguments that the Library of Congress has provided against tampering with this long-time tradition of the Senate of the United States. The Library boiled down many of the arguments against modification of the rule into 11 points, which I gladly pass on to my distinguished colleagues:

> ARGUMENTS FOR FILIBUSTERING
>
> 1. Minorities have rights which no majority should override. Government is constituted to protect minorities against majorities. Obstruction is justifiable as a means of preventing a majority from trampling upon minority rights until a broad political consensus has developed.
>
> 2. A Senate majority does not necessarily represent a consensus of the people or even of the states. Frequently popular opinion upon a question has not been formulated or, if it has been, it is often not effectively expressed. Prolonged debate may prevent hasty majority action which would be out of harmony with genuine popular consensus.
>
> 3. It is the special duty of the Senate, sitting in an appellate capacity carefully to inspect proposed legislation, a duty not readily performed without freedom of debate. In our system of government, where legislation can be gaveled through the House of Representatives at breakneck speed with only scanty debate under special rules framed by a partisan committee, it is essential that one place be left for thorough-going debate.
>
> 4. Filibusters really do not prevent needed legislation, because nearly every important measure defeated by filibuster has been enacted later. With rare exception no really meritorious measure has been permanently defeated and some vicious proposals have been killed. The filibuster has killed more bad bills than good ones.
>
> 5. It is the unique function of the Senate to act as a check upon the Executive, a responsibility it could not perform without full freedom of debate. Unrestricted debate in the Senate is the only check upon presidential and party autocracy. It is justified by the nature of our governmental system of separated powers.
>
> 6. The constitutional requirement for recording the yeas and nays is a protection of dilatory tactics. The provision of the Constitution which requires the yeas and nays to be recorded in the Journal at the desire of one-fifth of the Members present is an intentional safeguard allowing the minority to delay proceedings.
>
> 7. Majority cloture in the Senate would destroy its deliberative function and make it a mere annex of the House of Representatives.
>
> 8. Simple majority cloture would have brought many a decision which would have accorded ill with the sober second thought of the American people.
>
> 9. The Senate, without majority cloture, actually passes a larger percentage of bills introduced in that body than does the House of Representatives, with cloture.
>
> 10. To enforce cloture by vote of a chance majority in the Senate might bring greater loss than gain.
>
> 11. Filibusters are justifiable whenever a great, vital, fundamental, constitutional question is presented and a majority is trying to override the organic law of the United States. Under such circumstances, Senators as ambassadors of the states in Congress, have a duty to protect the rights of the states.

Under such circumstances Senators as ambassadors of the States in Congress have a duty to protect the rights of States.

Mr. President, the office buildings of U.S. Senators are named after two great Americans, now deceased. I refer, of course to Senator Richard Russell, a distinguished Democrat from the State of Georgia, for whom the Russell Building is named; and to Senator Everett Dirksen, a distinguished Republican from the State of Illinois, for whom the Dirksen Building is named. These are two famous names that surely come to mind whenever an American thinks proudly of men who have served this country.

Senators Russell and Dirksen both observed—keeping in mind their long years of experience in the Congress—that they knew of no instance in the history of the United States that rule XXII had prevented passage of a piece of legislation when the time had come in our history for passage of that legislation. Their meaning was clear. When the people want a law—an important law—it will not be blocked by rule XXII—it will have overwhelming support of the Senate, not just bare majority support.

These two distinguished Senators noted that they could cite many examples of instances in which a law that was proposed received careful study and was the subject of great deliberation, and benefited—from foot dragging, if you will—and was amended, thereby becoming a far better piece of legislation than its original form.

And Senators Russell and Dirksen attributed much of improvement in these amended proposals to the existence of rule 22, our valuable rule that provides there shall be unlimited debate until at least two-thirds of the Members of the Senate decide to end that debate.

Mr. President, one-third of the membership of the Senate is elected every 2 years. The Senate is therefore considered to be a continuing body of Government with two-thirds of the Members assured, God willing, of continuing in office—unless recalled—during any given election.

The Senate has continued to operate as a continuing body on the principle that a two-thirds vote is required to invoke cloture should there be a debate over a proposed rule change.

The cloture provision of rule 22, it is my understanding, was adopted in 1917. The rollcall vote resulting in adoption of that provision was 76 to 3. It is my understanding adoption of the provision came on the heels of great agitation in the Senate over the failure of the Senate before U.S. entry into World War I to arm American merchant ships. Prior to that time, there was no precedent for shutting off debate, for muzzling the views of a colleague, of a State, or of an entire region of the United States.

The right to extended debate, according to an article in the Congressional Quarterly in 1971, was established in the 18th and 19th centuries. According to the publication, the purpose of extended debate—a cherished tradition of the American people, and considered a fundamental right in most parts of this great country—is "to afford full and fair hearings on public issues from all geographical and political viewpoints."

Mr. President, the distinguished senior Senator from Wyoming (Mr. McGEE) and I represent to the best of our ability the geographical and political viewpoints of the State of Wyoming—the people of Wyoming.

Those of us from Wyoming are not only a minority in number, and there are less than 350,000 Wyomingites; but we are part of a minority of States in this country that because of God's blessing on the lands within our borders are at the center of the solution to one of the biggest problems of the entire Nation in this century. I refer to the energy shortage. Wyoming is one of the so-labeled energy-producing States. The State has vast treasures of oil and gas, coal, uranium, and oil shale. Wyoming has other mineral wealth as well, but these are the main ones pertinent to the energy crisis. Some Wyoming people call this mineral wealth a blessing. Others call it a curse.

Wyoming, and a few other energy-producing States, have the resources to meet this Nation's energy requirements. The vast majority of Americans live in what are called the energy-consuming States—those States that have to import energy—from the Middle East, from Canada, from Wyoming, Louisiana, or Texas, or wherever.

Mr. President, many people in Wyoming—I among them—do not want to see the scenic beauty of our State ripped away to get at the fossil fuels needed by an energy-starved majority in the consuming States. We believe that we have some minority rights. We believe that we have a right to be heard on this issue and other issues.

In the Senate Interior Committee, I

was the only Member during markup of the surface mining bill to support my amendment to give the surface owner of Wyoming lands over federally owned coal the unrestricted right to surface-owner consent as to whether an energy company could mine his land. I believe the vote against my proposal was nine-to-one—and it could have been even more had all the proxies been exercised. Obviously, my view—a Wyoming view—was a minority view insofar as the Interior Committee was concerned.

But Mr. President, I was not denied the right to fully express my view on this issue so vital in my State. In fact, before the vote was taken, and even though the outcome was a foregone conclusion, the distinguished Senator from Montana (Mr. METCALF) who was chairing the proceedings, was careful to protect what he considered my minority right to be heard, and asked repeatedly if I desired to make further presentation of Wyoming's position on the matter. Mr. President, the people of Wyoming are grateful to the Senator from Montana for this consideration. His actions reflect belief in a principle that is dear to the hearts of all Americans.

Mr. President, Congressional Quarterly in 1967, 1969, and 1971, reported the Senate controversy over rule 22. These articles are worthy of our review:

Both House and Senate Face Rules Controversies

> When the 90th Congress convenes Jan. 10, one of its first tasks will be to adopt the rules and procedures that will govern the House and the Senate during the next two years.
>
> The biennial controversy over Rule 22, the cloture procedure for ending filibusters, will be repeated in the Senate. In the House, the power of the Rules Committee will again be in question. Some action appears certain on the recommendations of the Joint Committee on the Organization of the Congress, which was established in 1965 to develop the first major overhaul of Congress since 1946. Also in the House, the Select Committee on Standards and Conduct, established Oct 19, 1966, and authorized to serve until the 90th Congress convened, has asked the House to continue it through the 90th Congress and to grant it additional powers.

CLOTURE RULE

> Senate Rule 22, at last amended in 1959, provided for ending debate (filibuster) by a two-thirds vote of the Senators present and voting, two days after a cloture motion had been filed by 16 Senators. Thereafter, debate was limited to one hour for each Senator on the bill itself and on all motions and amendments affecting it. No new amendments could be offered except by unanimous consent. Amendments that were not germane to the pending business and amendments and motions clearly designed to delay action were out of order. The rule applied both to ordinary business and to motions to change the Senate rules. (*1965 Almanac p. 590*).
>
> Since 1917, when the cloture procedure was first adopted, there were 37 cloture votes, of which only seven were successful. In recent years, a number of filibusters occurred over civil rights legislation. Cloture votes were unsuccessful until the 1964 Civil Rights Act and the 1965 Voting Rights Act.
>
> In 1966, the Senate failed in its attempt to invoke cloture on an Administration civil rights bill, the main reason Sen. Philip A. Hart (D Mich.), one of the liberals seeking modification of the rule, gave for the need to revise the rule in 1967. In all, there were seven cloture votes during the 89th Congress. On only one, the Voting Rights bill, was it successful. Failures were recorded on three votes on repeal of Section 14(b) of the Taft-Hartley Act, two on civil rights issues and one on home rule for the District of Columbia. (*1966 Weekly Report p. 381, 2193, 2259, 2466*)
>
> In its 1917 form, Rule 22 required two-thirds of the Senate present and voting to invoke cloture. Over the years, however, a series of rulings and precedents made Rule 22 virtually inoperative by holding that it could not be applied to debate on procedural questions, although it could be used on attempts to change Senate rules. In 1949, when the Truman Administration was seeking enactment of a civil rights measure, the Rule was changed to require two-thirds of the entire Senate to support cloture votes, but it allowed cloture to operate on any pending business or motions with the exception of debate on motions to change the Senate rules themselves. In 1959, the cloture rule was again revised to apply to debate on motions to change the Senate rules and once again cloture could be imposed by two-thirds of those present and voting. At the same time, language was added to Senate Rule 32 stating that: "The rules of the Senate shall continue from one Congress to the next unless they are changed as provided in these rules." (*1965 Almanac p. 591*)
>
> The language added to Rule 32 was directed at a key question with which the Senate had wrestled for years: Was the Senate, since one-third of its membership was elected every two years, a continous body which should operate under rules carried over from Congress to Congress or should it adopt new rules by general parliamentary procedure—majority vote—at the beginning of each Congress? (The House, all of whose Members are elected every two years, adopts its rules at the beginning of each Congress.) If the Senate was a continuous body, rules changes could be talked to death unless two-thirds of the membership supported them. If not, a filibuster could be stopped by majority vote at the beginning of the new Congress and the substantive proposals for changes in the rules could be voted on.

Mr. WILLIAM L. SCOTT. Mr. President, if the Senator has completed his remarks, I ask to be recognized.

Mr. HANSEN. I am happy to yield to the Senator from Virginia.

The PRESIDING OFFICER. Has the Senator from Wyoming yielded the floor?

Mr. HANSEN. Yes, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WILLIAM L. SCOTT. Mr. President, we had some discussion a few minutes ago about procedure after cloture is adopted. I have looked at page 213 of the Senate Procedure, the book prepared by Dr. Riddick last year, and would like to share with the membership of the Senate the portion entitled "Cloture Procedure" and the subtitle of "Debate," and it reads in this manner:

> After the adoption of a cloture motion, "no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate"—

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. WILLIAM L. SCOTT. Very briefly, I will be happy to yield.

Mr. FORD. On the Senator's hour?

Mr. WILLIAM L. SCOTT. It is on my hour, if the Senator just wants to ask a brief question.

Mr. FORD. That is all I wanted.

Mr. WILLIAM L. SCOTT. Was the Senator's inquiry whether this is on my time?

Mr. FORD. Yes.

Mr. WILLIAM L. SCOTT. Of course, that is up to the Chair, but yes, it is on my time.

Mr. FORD. I only wanted to know.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WILLIAM L. SCOTT. Now, Mr. President, I will go back and start all over again and if I am not interrupted I will finish reading the portion that relates to debate:

> After the adoption of a cloture motion, "no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same * * *," but no Senator is restricted to one speech; he may divide his time as he sees fit or proper, but all time is charged to the Senator having the floor, even if he yields for an interruption.
>
> If cloture is adopted on a proposition, each Senator is entitled to 1 hour of debate on all issues to which the cloture is directed, and he may not yield it to another Senator on objection.
>
> The time taken for parliamentary inquiries is charged to the Senators making such inquiries.
>
> The time consumed in reading an amendment or for calling a quorum is not taken out of a Senator's time allowed under the cloture rule.
>
> The Chair does have authority to declare quorum calls dilatory, but Rule XXII says nothing about quorum calls, reading of amendments in the limitation of debate; it says that each Senator under the rule once cloture is invoked may speak in all not more than 1 hour and under the practices of the Senate, a quorum call has never been charged to any Senator.
>
> A Senator may use his hour at any point in the consideration of the issue to which cloture has been invoked.
>
> It is not in order, during cloture proceedings, for a Senator having the floor to reply to a question asked him by a Senator on the latter's time.
>
> A unanimous consent agreement limiting debate on a bill will not be affected by the rejection of a cloture motion, subsequently offered.

Then it has the paragraph headed Debate and Yielding:

> It is not in order, however, for one Senator to yield his time to another without losing his right to the floor. He can yield on his own time for a question, but not for a statement.
>
> The Senator who has been recognized can yield only for a question when the regular order is called for, and he may not yield to another Senator.
>
> A Senator who has the floor may yield on his time for a question, but he cannot interrogate another Senator.
>
> A Senator who has the floor, during proceedings under cloture, may yield for a question, but he may not ask another Senator a question.
>
> A Senator having time available may not ask a question of another Senator and yield his own time for the answer to that question.
>
> A Senator who yields for a question will have time charged to himself, and he cannot yield time to another Senator.
>
> The Chair in 1971 advised the Senate that a Senator had a right to assert that he yielded back his allotted time if he so desired.

The next paragraph, Mr. President, reads—and this is Debate—Time Kept by:

> It is the duty of the Presiding Officer to keep the time of every Senator who speaks, but by unanimous consent, a Clerk may be directed to perform that duty.

Now, Mr. President, I merely wanted to read this to refresh the recollection of the various Senators as to the procedure after cloture is invoked because we have not spoken at great length recently after the imposition of cloture and sometime it might be easy for us to confuse debate before the adoption of cloture with debate after the adoption of cloture.

Mr. President, how much time have I consumed in total?

The **PRESIDING OFFICER**. The Senator has consumed 33 minutes.

Mr. **WILLIAM L. SCOTT**. Mr. President, I reserve the remainder of my time.

Mr. **THURMOND**. Mr. President——

The **PRESIDING OFFICER**. The Senator from South Carolina.

Mr. **THURMOND**. Mr. President, I rise in opposition to the resolution of the Senator from Minnesota (Mr. MONDALE). If this motion is passed Senate rule XXII will be amended so as to allow three-fifths of the Senators duly chosen and sworn to shut off debate. This would effectively give absolute rule to little more than a mere majority of Senators. A Senate majority does not necessarily represent a consensus of the people or of the States. Many times popular opinion on an issue does not develop until after prolonged discussion of the matter in the Senate has served to publicize the issue. In this sense, prolonged debate may prevent hasty majority action which would be out of harmony with genuine popular consensus; whereas simple majority cloture will not allow for a sober second thought of the American people.

Mr. President, it is the unique function of the Senate to act as a check upon the executive, a responsibility it could not perform without full freedom of debate. Majority cloture in the Senate would destroy its deliberative function and make it a mere annex of the House of Representatives.

Mr. President, prolonged debate is not resorted to lightly or at the whim of a few Senators. To do so would destroy its effectiveness. It is only when an issue of vital importance is presented, that a minority of Senators, concerned with their roles as "ambassadors of the States," engage in extended debate in order that all viewpoints may be presented and all options considered.

Mr. President, I wish to remind my colleagues that there are presently 61 Democrats in the Senate. If this resolution passes, it is then theoretically possible for the members of the majority party to close off debate on a highly partisan issue, thus effectively negating the rights of the minority. I wish to remind Members of the Senate that today's majority may be tomorrow's minority.

Mr. President, when this issue was last debated in 1969, I, along with many others, delivered remarks on the Senate floor. I feel that these remarks are as pertinent and purposeful now as they were then, and I wish to quote from them at length:

> The Senate is now in the midst of a discussion about the rules of debate. At first glance, such a procedure might seem trivial and a waste of time. However, the members of the Senate know that the stakes in this issue are high, and that the very survival of free government is threatened if the Senate rules for debate are substantially changed.
>
> The Senate is the last forum that allows unlimited debate in our process of government. The House of Representatives, because of the great number of its Members, cannot allow everyone to express their views at length. Most legislation moves through the House under tight restrictions on debate.
>
> I see no reason why Senate procedures should become a carbon copy of the House. The practice of unlimited debate allows a thorough discussion of the issues, even to an unpopular minority. Both liberals and conservatives have made use of this privilege. When extended debate develops, the national attention is focused upon the issue at hand. Thousands of people become aware of the arguments, and frequently write to their Senators expressing their views. Thus on crucial issues, a Senator is able to consult his constituency during the course of debate, a privilege which is denied to him when legislation is rushed through.
>
> The fact is that, if the Senate really wishes to end debate, it can do so with a two-thirds vote. The Senate has actually done so on a number of occasions. Yet, it does not happen very often, indicating that most Senators maintain an open mind about the need for debate. The present debate rules, particularly rule XXII requiring a two-thirds majority for ending debate, have played a long and honorable history in drawing the Senate's attention to unwise and hasty legislation, when fundamental constitutional questions may be at stake. The framers of our Constitution consistently required a two-thirds majority for fundamental issues.
>
> A two-thirds vote of the Senate to ratify a treaty, a two-thirds vote of both Houses to override a veto, a two-thirds vote of both Houses to pass constitutional amendments, a two-thirds vote of the Senate to convict on impeachment, and a two-thirds majority vote of either House to expel its own Member. The concept of a two-thirds majority is embedded in the heart of our constitutional thinking.
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> Our governmental system has developed a complex system of checks and balances, some of them written into the Constitution, and others adopted through precedent, practice, and legislative decision. The U.S. Senate's practice of unlimited debate is an important part of that system and must be retained.
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> Mr. President, such words as "democracy" and "liberty" are used often in discourses concerning American government. They are too often used interchangeably, and taken to mean the same thing. It is necessary, however, that we ponder for a moment just what these words mean, and the difference between them. It is true that these two words refer to similar characteristics of the Government of the United States: Democracy, simply put, being rule by the majority, and liberty being the rights of the individual. Both concepts are important to all Americans. Take away either, and the other would probably no longer aptly describe our system of government.
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> While both democracy and liberty are essential to our form of government, there is a point at which these two ideals conflict, and the fight to preserve both democracy and liberty is often a fight to keep the two in proper balance with one another. If the principle of majority rule is expanded without limitation, the consequences would be severe: should 50 percent plus one of the electorate decide to ignore the rights of the minority, the justice of the minority cause would become irrelevant. Majority rule would prevail. Liberty, or the rights of the individual would be abolished.
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> Democracy would, in fact, become mobocracy or tyranny. Similarly, if liberty is allowed to permanently thwart the will of the majority, we would not have liberty, but oligarchy and thus tyranny.
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> Mr. President, we in the Senate have an awesome responsibility. As the world's greatest deliberative body, it is appropriate for us to consider and to ponder the philosophical foundations of our Government. The immediate interest of those favoring particular legislation must not be allowed to further erode the institutions which buttress our Republic. If the desire of a temporary majority conflicts with a principle important to the maintenance of democracy and liberty, then, in my judgment, the duty of the Senate is to side with the long-range good of the Nation. Mere temporary majority support for legislation is hardly the sole criterion for passage of legislation.
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> Mr. President, this concern for our Republic, and the institutions which keep it free, is the principal motivation for those of us who favor retention of the rule XXII in its present form. This rule is one of a number of important rules and procedures which serve to protect our Republic and its free institutions. By allowing extensive debate of legislative proposals, and by allowing an exceptionally determined minority of 34 Senators to speak indefinitely, the Senate prevents passage of unduly harsh or punitive legislation, even though a majority may favor it. In my judgment, this is the strength of the Senate: our goal is not to contrive legislation which pleases a mere majority; rather, it is to attempt to fashion proposals which will consider the desires of the many geographical, ideological, economic, and other interests of this vast country.
>
> Mr. President, rule XXII in its present form encourages this great body to consider the entire Nation when conducting our business. To weaken the rule by allowing three-fifths of the Senators to cut off debate is to discourage this broad approach which is essential to the unity of our Nation. The most able American and South Carolinian John C. Calhoun, who served with great distinction in this body, is known for expounding the theory of the concurrent majority. Calhoun was a brilliant political scientist, and his analysis of the United States as a pluralistic society was not only original for its day, it has also stood the test of time. This great Senator correctly perceived that our Nation consisted of numerous competing groups—business, agricultural, sectional, religious, and so forth. He contended that none of these groups alone could determine the course of government, but that the interests would combine—giving and taking with each other—until a given policy was sufficiently broad to receive the support of a majority of the interests in the Nation. The coalition was hardly permanent, but another would be formed on behalf of another policy.
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> Mr. President, John C. Calhoun, in propounding the theory of the concurrent majority, was presenting an analysis of our body politic, and how it worked. He was not advocating, but observing. However, Calhoun did foresee a danger that the system could break down if safeguards were not provided to insure that major interests, representing a substantial segment of the population, were given a voice on matters vitally affecting them. Indeed, Calhoun at one time advocated several executives—with veto powers—rather than one President, so concerned was he that our system could not sustain the complete alienation of a major part of our Nation. Perhaps Calhoun was prophetic—for indeed the War Between the States was in part the result of the inability of our government to reconcile opposing points of view within the system.
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> Rule XXII, as presently written, has been criticized by its critics not merely because

its use has prevented passage of certain legislation but because the threat of extended debate under the rule works an influence on legislation that is passed. It has been said that the threat of extended debate by small groups of Senators has diluted otherwise good legislation. In my judgment, this is not an argument for weakening rule XXII, but a most persuasive one for retaining the present rule. While critics use the term "dilute," in reality they are referring to changes in proposed legislation which accommodate the bill to the numerous points of view represented in this body. This process, far from being harmful, actually helps fashion legislation more acceptable to the entire Nation. The result is not diluted legislation but legislation that is designed to do more than satisfy a temporary majority—that is, designed to meet the requirements of as large a proportion of the American people as is possible. In a time of increasing bitterness and frustration among the American people, it would appear to be ill-advised to weaken a device which allows a substantial minority to make its views felt on legislation. Let us all remember, particularly those who wish to weaken rule XXII, that today's majority can easily become tomorrow's minority.

Mr. President, some would give the impression that a small and willful minority now have a virtual veto over all legislation because of rule XXII. I think we are all aware that this is not the case. First of all, 34 Senators are required to prevent cloture, if all are present to vote.

I should like to remind my colleagues that there are only 22 Senators from the States of the old Confederacy, and that all 22 seldom vote as a unit. Second, the success of extended debate depends in some measure on the infrequency of its use. It is a technique that would rapidly become ineffective if used often. A substantial minority of Senators will exercise their rights under rule XXII only if they feel very strongly about an issue. When this occurs, there can be no doubt that the issue is important. It is probable that the additional attention focused on the issue as a result of extended debate—both here in the Senate and in the news media—is justified, and might well prevent hasty action that, while acceptable to a majority, would be strongly opposed by a minority.

Mr. President, in my judgment, rule XXII in its present form is an important preservative of the rights of the minority point of view. It helps preserve that balance between democracy and liberty essential to the well-being of our Republic. It encourages legislation more acceptable to the entire Nation—and thus provides consideration of all major interests by the concurrent majority of which Calhoun wrote. The Senate—as the world's greatest deliberative body—would be wise to resist those who would weaken its effect.

Why do we have debate in the Senate at all? We have debate because people have different views, and some have formed opinions, perhaps, on a subject, before they come to the Senate, or before they have had the opportunity to consider the matter; but upon the stimulation of thought, with new ideas being injected into debate, and upon reflection, and upon reading and hearing discussions, it is very helpful to Senators to get new ideas and new thoughts. If a Senator is openminded—and I would attribute to my colleagues in this body that they are openminded—then debate is helpful. And if debate is helpful at all, why is not extended debate helpful, where the subject involved is so extremely important and vital to the whole Nation, or any one section of the Nation?

Not only does rule XXII provide the minority with an opportunity to present its views, but it also provides a forum for the majority, speaking here in this body, to expose their opinions to the Nation, and to meet the approval or disapproval by public opinion of what is being advocated; and if the Nation approves of what the majority is doing, then that opinion will become stronger and stronger, and put the majority in a very fortified position, in which they might not otherwise have been.

Mr. President, on an occasion when a substantial minority of Senators realizes that it has a chance of preventing action on an extremely controversial matter, this chance, provided by rule XXII, encourages both sides to look long and hard at a proposal and give more careful consideration to the issue than would have been given had the rule not existed.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. THURMOND. Mr. President, I ask unanimous consent to yield to the distinguished Senator from Virginia, with the understanding that I shall not lose my right to the floor.

Mr. CRANSTON. I object.

Mr. FORD. Object.

The PRESIDING OFFICER. The objection is heard.

Mr. WILLIAM L. SCOTT. Mr. President, if the Senator will permit me to make a parliamentary inquiry, it is my understanding that a Senator may yield any time he wants to for a question without losing his right to the floor. Under the act of cloture that has been imposed, he has 1 hour, and he may use this. I suggest that the Parliamentarian——

Mr. ROBERT C. BYRD. Mr. President, I ask regular order.

The PRESIDING OFFICER (Mr. BUCKLEY). The Senator is not correct. Under the rules, during 1 hour debate, now under cloture, one Senator may not yield for a question on another Senator's time. He may yield on his own time.

Mr. WILLIAM L. SCOTT. Mr. President, may I ask that the Parliamentarian look at page 214 of Procedures?

Mr. ROBERT C. BYRD. Mr. President, I ask for regular order.

Mr. THURMOND. Mr. President, if a point of order has been raised by the rule, I have no objection, although I am willing to continue. I am wondering if there is any objection on the part of the acting majority leader for the Parliamentarian to rule on the matter? If so, I will continue. If there is no objection, it might be well for him to rule.

Mr. ROBERT C. BYRD. Mr. President, the Senator from South Carolina has the right to yield for a question only.

Mr. THURMOND. That is all I was going to yield for, a question. I was merely asking unanimous consent to yield for a question, with the understanding that I not lose my rights to the floor.

Mr. ROBERT C. BYRD. That is all right.

Mr. THURMOND. I will be pleased to yield to the able and distinguished Senator from Virginia for a question.

Mr. WILLIAM L. SCOTT. Mr. President, I thank the distinguished Senator from South Carolina for yielding. I had just read the rules and was familiar with what I was talking about.

Mr. President, I listened to the Senator's remarks a few minutes ago and I wonder if he was not trying to say that none of us should have our minds in concrete, or minds made up, on a given issue so that he would not be willing to listen to some other person's point of view, that we might be persuaded to a different point of view if we would listen to the other man's opinion on a given issue that might be before the Senate? Was that, in essence, the thought that the Senator was sharing with us at the time that I requested that he yield briefly for a question?

Mr. THURMOND. Mr. President, in response to the distinguished Senator from Virginia, the Senator from South Carolina will say that he was trying to bring out the point that my colleagues do have open minds and, because they do, then something somebody says in debate may have some influence on their thinking. New ideas are injected, new thoughts are injected in debate. Because of that, frequently, Senators change their minds.

I am reminded very much of the story of the fellow who was on a jury one time and when he heard the State's case against the defendant he was ready to vote right then and there, without hearing the defendant's side, that the defendant was guilty. But then, after he heard the defendant testify and heard his witnesses, he was ready to vote immediately that the defendant should be acquitted.

So decisions sometime depend on which side one hears and sometime depend on the points that are brought out. If debate is worth anything—and I think it is; otherwise, for almost 200 years, this Senate would not have been maintained as a deliberative body—then it certainly is worth hearing what Senators have to say and to get their views and to benefit from the views of other people.

Mr. WILLIAM L. SCOTT. I appreciate the comments of the Senator. I was just noticing in the Book on Procedures on page 214 that it indicates that a Senator who has been recognized can yield only for a question when the regular order is called for, and he may not yield time to another Senator. A Senator who has the floor may yield on his time for a question, but he cannot interrogate another Senator.

Would the Senator construe that to mean that he may yield on his own time for a question?

Mr. THURMOND. I would construe that I can yield on my own time for a question.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's response.

Mr. THURMOND. I wish to thank the Senator from Virginia. I continue:

Mr. President, rule XXII demands of the Senate that legislation be carefully drawn. It demands that the views of Senators—and also of part of the American public—which may be in an unpopular minority be given both a fair hearing and a due consideration in the provisions of the legislation. Rule XXII stands as a barrier to whim, to radical change which, though temporarily popular, could do harm not contemplated by the proponents of the change.

Mr. President, our Republic has survived and prospered because we have attempted to preserve a balance between democracy and liberty, because our forefathers contemplated the democratic process not as an end in itself, but as a means to an end. The rights of man are held to exist independently of the willingness of a majority to tolerate those rights. For this reason, we have not had government by Gallup, in which the will of the majority at a given time is the sole test of the merit of a given proposal.

This is not to say that there is something wrong with the majority opinion prevailing. Our system of government, while replete with safeguards against majority excesses, is essentially a system whereby majority opinion is translated into government action. The use of extended debate under rule XXII allows a minority of Senators—who might actually represent a majority of the people—to stand up and yell "Wait a minute." If a sufficient minority of Senators is willing to take such a stand, then there is certainly a serious doubt as to the advisability of the proposal.

Mr. President, it has been said that extended debate delays the Senate in its work. I submit that this is a deliberative body—not a traffic court anxious to clear the docket. Speed may be a virtue in other branches or agencies of government, but not necessarily in the Senate. Deliberation by its very nature takes time. It is important for the Senate that we consider many aspects of legislative proposals and other matters. Is the bill constitutional? This must be considered by the Senate—not left to the Supreme Court. The Senate, being a reflective body, is well suited to preventing passage of legislation which violates the Constitution—even though the proposal might be otherwise popular.

In addition, the Senate must consider the wisdom of legislation. It is entirely conceivable that a bill acceptable to a majority of Senators—and a majority of the Nation—could work an extreme hardship on a minority. A Senate operating under rule XXII is peculiarly sensitive to such matters—a bill injurious to the interests of a substantial minority naturally runs the risk of extended debate. A Senate with a weakened rule XXII would, in my judgment, be much less inclined to consider a bill from the standpoint of its effect on all Americans—not just a majority.

Mr. President, the proposal to alter rule XXII changes the percentage of Senators required to invoke cloture from 66⅔ to 60 percent of those duly elected and sworn. Some of the proponents of this change appear to recognize the advisability of a rule which prevents a cutoff in debate by a mere majority. They apparently believe, however, that 60 percent represents a sufficient safeguard. I should like to remind my colleagues that the 90th Congress began with a Senate composed of 64 Democrats and 36 Republicans. Had a proposal been before the Senate of a highly partisan nature which seriously endangered the minority party, the 36 Republicans could have debated the measure extensively and probably guaranteed its alteration or withdrawal, because of the requirements of rule XXII. However, had the proposed change in rule XXII been in effect, with only 60 Senators required to invoke cloture, the minority party would have been powerless to prevent passage of such a measure.

I make no prediction, but those of the majority must certainly consider the possibility that the next Congress will find them looking at the rules from the point of view of the minority—whether it be a partisan minority, a philosophical minority, a sectional minority, or some other minority. All of us find ourselves espousing a minority point of view at one time or another. There are times when a minority viewpoint needs the protection which 34 Senators can now provide. As I have said, extended debate is not used capriciously in the Senate. Senators on the losing side of an issue often feel strongly about the matter, yet extended debate is resorted to sparingly. The rigors involved in extended debate are indeed safeguards against its overuse in the Senate.

Mr. President, in attempting to devise a specific number or fraction of Senators necessary to close debate, it is to some extent neecessary that the specific figure appear arbitrary. There is nothing magic about the fraction two-thirds or the fractions three-fifths, but, in my judgment, it is clear that a change to the three-fifths rule would weaken the protection offered to the minority under rule XXII. Simply put, it means that where 34 Senators can now prevent passage of extremely harsh legislation, it would take 41 under the proposed change. I believe rule XXII has worked well and that it effectively provides a degree of protection for the minority point of view.

Mr. President, the issue at stake in this debate is one of great importance to all people of this country and should be of the greatest importance to the minority groups of this country. It is most unusual that the Members of the Senate who are proposing restrictions upon freedom of debate in the Senate and, thereby, curtailment of the right of minorities, are the very ones who are the most eloquent in their defense of minority rights in other areas. It is also an anomalous situation in that a number of the proponents of the proposals for greater restrictions upon debate are noted for their loquaciousness on other issues when they feel strongly either for or against them.

While proponents of this change often talk about the rights of the minorities, they are seeking to deny a long-standing right of the Members of the Senate, who happen to be in the minority on a certain issue, to fully debate the issue while representing their constituents in a manner which is consistent with each Senator's pledge to represent the people of their State and to uphold the Constitution. Our Government was not founded on the principle of absolute rule by the majority; there are a number of provisions in our Constitution which refuse the idea of absolute majority rule.

Mr. President, while our Founding Fathers, in setting up our Federal Republic, provided for a very substantial increase of political power in the Central Government, they did not abolish the sovereign States and they distributed the newly created powers in a manner which would practically eliminate the possibility of absolute rule by the majority. One of the primary considerations of our Founding Fathers in providing a wide distribution of power was the desire to prevent radical action by a popular majority. The principle of checks and balances which is preserved in our Constitution by the creation of three co-equal branches of government fully expresses the spirit of our form of government as being opposed to the rule by an absolute majority. The Senate and the manner in which it came into being are proof of the fact that our Founding Fathers were opposed to a form of government which would allow a popular majority to work its will on a powerless minority. The compromise between the large and small States at the Philadelphia Convention to give equal representation to all States in the upper House of the Congress of the United States insured that the large States would not be able to completely dominate our new National Government. This illustrious body stands as a barrier to the demise of the type of government which has made our Nation great; equal representation for every State in the Senate assures that the people of the smallest State will have an equal chance to have their views expressed on any and every issue which is presented to the Congress. The Senate was envisioned by the Founding Fathers as a body where the rights of States and the views of minorities would be given extraordinary consideration.

During the course of the debates of the Philadelphia Constitutional Convention of 1787, the delegates reached agreement upon a House of Representatives to be elected by the people every 2 years and based upon a population ratio divided into congressional districts. After this action was taken, the smaller of the participating 13 States wondered how their minorities could be adequately protected from the capricious whims of a majority in the House.

After long debate, which was at times most acrimonious, and which actually threatened to break up the Convention, the solution was offered by the wise and venerable Benjamin Franklin; namely, equal representation in the Senate for every State. And, to make sure that that representation would be of a character that would calmly consider and patriotically and unselfishly act on laws under which all the people would have to live, it was provided in the original instrument that Members of the Senate should be elected by State legislators and not by popular vote and given a term of 6 years. The Senate was never intended to be a vehicle to be used by a majority of the large States or by any simple majority as a means of imposing their will on a minority of the States; but it was designed to be a long-term protector of the freedoms which our Founding Fathers fought and died for and sought to preserve in the new Constitution.

Mr. President, the Senators who are making this attempt to change rule XXII are attempting to deny the protection that was given to the small States by our Founding Fathers against domination of the U.S. Senate, the Congress and our Government by the large States. There is more at stake in this debate than the simple wording of rule XXII. A change in rule XXII could be the first step in a series of maneuvers by a radical popular majority which could result in the loss of many of the freedoms which we have enjoyed for nearly 200 years in this great Nation.

Mr. President, many of the citizens of the original 13 States were concerned about the extent to which they were submitting themselves to the new Federal law. They had recently freed themselves from tyranny and secured for themselves individual liberty in a great fight for independence. Consequently, numerous safeguards to protect the rights of the States were built into the Constitution. Before they would assent to the ratification of this supreme law, however, they won assurance of early approval of the first 10 amendments to the Constitution. These amendments, commonly referred to as the "Bill of Rights," constitute the greatest set of civil and individual rights to be found anywhere.

Probably the most important of these 10 amendments to the present discussion is the first. It reads as follows:

ARTICLE I

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

This amendment contains one of the most important restrictions placed upon Congress, in that Congress is prohibited from enacting any law which abridges the freedom of speech. The importance of free and open debate was foremost in the minds of the authors of this amendment.

The Founding Fathers also wrote into the original Constitution other safeguards against what the advocates of a rules change term "majority rule." They provided in certain instances for votes requiring a majority of two-thirds. Here are some of these provisions as found in the Constitution.

No person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present (art. I, sec. 8).

Each House, with the concurrence of two-thirds, may expel a Member (art. I, sec. 5).

A bill returned by the President with his objections may be repassed by each House by a vote of two-thirds (art. I, sec. 7).

The President shall have power, by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur (art. II, sec. 2).

When the choice of a President shall devolve upon the House of Representatives, a quorum shall consist of a Member or Members from two-thirds of the various States of the Union (amendment 12).

A quorum of the Senate when choosing a Vice President shall consist of two-thirds of the whole number of Senators (amendment 18).

The Constitution, therefore, does not give recognition, in all cases, to the rights of the majority to control, and our Founding Fathers envisioned the Senate as a very real barrier to absolute rule by the majority and as a citadel to protect the numerated rights of the citizens of the new Republic, * * *.

Mr. President, one of the most important safeguards of our freedoms established and preserved by the U.S. Constitution is article V which requires that two-thirds of both Houses must concur on any amendment to the Constitution. Article V reads as follows:

"ARTICLE V

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

Not only does an amendment to the Constitution require the concurrence of two-thirds of both Houses or the concurrence of conventions called by two-thirds of the States but the Constitution provides that any amendments approved must be ratified "by the legislature of three-fourths of the several States, or by conventions in three-fourths thereof."

Extended debate, or if you prefer, filibuster, is a weapon as old as parliamentary procedure and is justified as man's last defense against what Aristotle first recognized as the "Tyranny of the majority." It is impossible to determine when its use first began, when the first "leather lunged, iron legged" men began to stand up in forums and literally talk to death public measures they deemed obnoxious.

When Julius Caesar was Praetor—according to Seutonius—he staged one of the first recorded filibusters. Alone of the Roman Senators, he was bitterly opposed to a measure to condemn and execute the Catiline conspirators. Caesar began what started out as an argument against conviction, and quickly developed into a full-fledged filibuster against the measure. After some time, the Roman guard entered the chamber with loud threats against Caesar's life, began thrusting at him, with their swords, until his friends, fearing for his life, covered him with their togas and ushered him from the Senate.

As consul, Caesar himself was victimized by this same stratagem practiced by Cato. The younger Caesar was anxious to pass a farm bill, and Cato the younger started to filibuster against it. Outraged by the same practice he had indulged, Caesar ordered the sergeant-at-arms to eject Cato from the chamber. When this officer performed his duty the entire Senate left the chamber with Cato as a demonstration of their disapproval of this arbitrary conduct. Thereafter, to the end of the Roman Republic, there was no attempt to limit debate in the Senate, and filibusters flourished on many occasions.

The Romans undoubtedly carried the art and practice with them through Western Europe and into England, where we next find filibusters used defensively against tyranny of a majority in forums. In 1604, the British Commons sought to curb filibusters by providing for "submission of the previous question," and while this had the result of terminating debate and bringing the issues to a conclusion, ways were still found to debate and delay extreme proposals for legislative enactment.

Edmund Burke, Parnell, and other Members of the Commons were adept at finding parliamentary means of opposition. They used mostly the ruse of forcing rollcalls or divisions. Parnell, a great and fearless Irishman, led the famous battle of 1881 to obstruct all business of Commons and compel public attention to the Irish home rule bill. With a little group of 24, Parnell dominated the House, forced endless rollcalls, raised nearly 2,000 points of order, and made over 6,000 speeches.

It was on this occasion that Speaker Brand declared:

"Under the operation of the accustomed rules and methods of procedure, the legislative powers of the House are paralyzed. A new and exceptional course is imperatively demanded."

Then the House adopted the rule of "urgency" under which the Speaker might put the main question, in itself a form of cloture against which the opposition fought, without success, tooth and nail.

France, too, had her troubles. In fact, "cloture"—as opposed to English cloture—is a French word. It was introduced in the French parliamentary procedure in 1814.

The United States borrowed "filibuster" from the English, and gave it its name. The word itself is derived from "filibusteros," West Indian pirates who sailed in small vessels called filibotes or fly boats.

Our Government owes much of its success to the fact that the exercise of sovereignty by the people is facilitated by the Senate's full and free debate on public issues. To further curtail this basic function of the Senate would be to weaken further the entire political system on which our Nation has based its hope for freedom and prosperity. I urge the Senate to reject the pending proposal to amend rule XXII, lest our country fall victim to that historical nemesis of freedom, self-government and statehood—the "tyranny of the majority."

The Senate, in its wisdom, has recognized the importance of preventing absolute majority rule. The Senate has recognized that the wishes of a temporary majority may conflict with the rights of a minority, rights which should be preserved. The Senate has recognized its role as a body peculiarly well suited to giving due consideration to a point of view that may not be popular, but may possess great merit Let us continue to exercise this wisdom by rejecting once again the proposal now before us.

This attack upon the Rules of the United States Senate should be viewed as what it actually is—a frontal assault upon tradition and orderly procedure and a real and present danger to the Senate of the United States. This fact is largely forgotten or intentionally overlooked due to the propaganda barrage leveled against the present rule XXII by the liberal press as merely a device for defeating civil rights legislation. Nothing could be further from the truth.

Tradition, in and of itself, is not accurate and cannot provide the complete answer to every problem. Nevertheless, longstanding traditions are seldom maintained without sufficient reason. Almost invariably, traditions serve as a warning beacon of oft-forgotten and sometimes obscure, but always sound and logical purposes.

A beacon of more than 178 years unbroken tradition stands as a warning of the seriousness of the proposal before this body. Should the motion to proceed to a consideration of the rules be favorably considered by this body, this 170-odd year tradition will be destroyed, and regardless of a subsequent return to the same method of procedure by this body after sober reflection, the tradition will be broken, and the beacon extinguished forever.

Even more vital, however, are the logical purposes which prompted the unshattered existence of this tradition. Foremost among these purposes is that of insuring an orderly procedure, so vital in such an authoritative body.

Complaints have been made that this body is not only deliberative but, on occasions, dilatory when operating under its present rules. Yet some of those who voice these complaints would have this body declare itself, by an affirmative vote to proceed to the adoption of rules, to be a noncontinuing body and, therefore, without any rules whatsoever.

The Senate is not an ordinary parliamentary body. Analogies to the procedure of other parliamentary bodies have little, if any, relevancy to the question before us. For instance, the House of Representatives is exclusively a legislative body. The Senate is far more. In addition to being a legislative body, it performs, by constitutional mandate, both executive and judicial functions. Article II, section 2, of the Constitution provides that the President shall share with the Senate his executive treatymaking power and his power of appointment of the officers of the United States. Article I, section 3, of the Constitution requires of the Senate a judicial function by reposing in the Senate the sole power to try all impeachments.

"The uniqueness of the Senate is not confined, by any means, to its variety of functions. There are innumerable other aspects about this body which prevent its orderly operation at any time under parliamentary law other than its own rules, adopted in accordance with the provisions of these rules. For example, almost all parliamentary procedures presuppose that any main question, after due notice, can be decided by at least a majority of the Members of the particular body using the parliamentary procedure. Any Senate rules which presupposed such a conclusion would be inoperable, for the Constitution itself specifies the necessity for two-thirds majority for action on many matters. Among these issues requiring a two-thirds majority by constitutional mandate are for conviction on impeachment; to expel a Member; to override a Presidential veto; to concur in a treaty; to call a constitutional convention; to propose a constitutional amendment to the States and to constitute a quorum when the Senate is choosing a Vice President. The very fact that each State, regardless of its population, has equal representation in this body belies the thought of simple majority rule in its deliberation.

"It is this very uniqueness which has compelled so many to conclude that the Senate had a degree of continuity unknown to other parliamentary bodies.

"The Founding Fathers themselves, in drafting the Constitution, provided for this continuity by establishing a 6-year term of office for each Senator, so that a minimum of two-thirds of the entire body would continue from one session to the next. Had the Founding Fathers desired continuity only, but less than a continuing body, they could have provided for a staggered term of 4 years for a Senator with one-half of the Senate returning from one session to the next. This would not have provided the necessary quorums to do business at all times, and the Senate would not have been a continuing body.

"The Senate itself has reinforced the premise that it is a continuing body by the unbroken precedent of continuing its rules from one session to the next. In recent years there are two clearcut precedents upholding the Senate's status as a continuing body, and even more specifically, that its rules continue from one session to the next. In 1953 and again in 1957, this body tabled a motion that it proceed to take up the adoption of rules for the Senate.

"In 1954, the Senate voted to condemn the late Senator McCarthy for his conduct in a previous session. The committee report accompanying the resolution stated: 'The fact that the Senate is a continuing body should require little discussion. This has been uniformly recognized by history, precedent, and authority.'

"In addition, the Senate has jealously maintained its authority to continue its committees in their operations beween adjournment and the commencement of the next ensuing session. The Supreme Court in the 1920 case of McGrath against Daugherty specifically ruled that the Senate was a continuing body and that, therefore, its committees were authorized to act during the recess after the expiration of a Congress.

"Is the purpose sought to be accomplished by the drastic action proposed so worthy as to justify the risk of stripping the Senate's committees of their authority to function after the date of adjournment? Is it so imperative that it justifies the abandonment of orderly procedure for the jungle of 'general parliamentary law'? The Senate has again this year answered this question in the negative. The Senate is a continuing body.

"The proponents of the pending motion aver that the real target for this all-out effort is one Senate rule, and only one—the one which primarily governs the limitation of debate. This much maligned rule has been made the scapegoat by many groups. Its greatest distinction, however, appears to be its seclusion from objective consideration."

In discussing the history of limitation of debate in the U.S. Senate, many newspaper columnists appear to be under the impression that a limitation of debate existed in the United States in the period between 1789 and 1806. Their assumption is based on the fact that, during that period, the Senate rules allowed the use of a motion called the previous question. During the debate on this subject in previous years, the point was discussed, and it appears that the debate would have established in the mind of a reasonable person that there was no limitation on debate in the Senate during this period. Nevertheless, some newspaper editorials and columnists apparently still labor under the misapprehension that "the previous question," which existed in the Senate between 1789 and 1886 was a motion to end debate. For this reason, I believe it would be well to review this matter to some extent so that any lingering doubts that there was a limitation of debate in the Senate between the years 1789 and 1917 will be dispelled.

In discussing the "previous question" which existed in both the Senate and the House until 1803, Dr. Joseph Cooper stated:

"There is very little evidence to support the contention that in the period 1789–1806 the previous question was seen as a mechanism for cloture, as a mechanism for bringing a matter to a vote despite the desire of some members to continue taking or to obstruct decision. This is true for the House as well as for the Senate. On the other hand, convincing evidence exists to support the contention that the previous question was understood as a mechanism for avoiding either undersired discussions or undesired decisions, or both.

"The leading advocate of the view that the proper function of the previous question related to the suppression of undesired discussions was Thomas Jefferson. In his famous manual, written near the end of his term as Vice President for the future guidance of the Senate, he defined the proper usage of the previous question as follows:

"The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, etc., or the discussion of which may call forth observations, which might be of injurious consequences. Then the previous question is proposed: and, in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question."

"In terms of his approach, then, Jefferson regarded as an abuse any use of the previous question simply for the purpose of suppressing a subject which was undesired but not delicate, and he advised that the procedure be "restricted within as narrow limits as possible."

"Despite Jefferson's prestige as an interpreter of parliamentary law for the period with which we are concerned, his view of the proper usage of the previous question cannot be said to have been the sole or even the dominant one then in existence. A second strongly supported conception understood the purpose of the previous question in a manner that conflicted with Jefferson's view; that is, as a device for avoiding or suppressing undesired decisions.

"The classic statement of this view was made in a lengthy and scholarly speech delivered on the floor of the House of Representatives on January 19, 1816, by William Gaston. In this speech Gaston, a Federalist member from North Carolina, argued that on the basis of precedents established both in England and America the function of the previous question was to provide a mechanism for allowing a parliamentary body to decide whether it wanted to face a particular decision. In the course of his speech he took special pains to emphasize his differences with Jefferson:

" 'I believe, sir, that some confusion has been thrown on the subject of the previous question (a confusion, from which even the luminous mind of the compiler of our Manual, Mr. Jefferson, was not thoroughly free) by supposing it designed to suppress unpleasant discussions, instead of unpleasant decisions * * *'

"Gaston's speech, to be sure, was made 5 years after the previous question had been turned into a cloture mechanism in the House and it was made as a protest against this development. It is valuable, nonetheless, as an indication of the state of parliamentary theory in the years from 1789 to 1806 and its standing as evidence of this nature is supported both by the arguments made in the speech itself and by less elaborate statements made on the floor of the House in the years before 1806.

"That the previous question was understood as a mechanism for avoiding undesired decisions in the early Senate as well as the early House is indicated by an excerpt from the diary of John Quincy Adams. The excerpt comes from the period in which Adams served in the Senate and it contains his account of Vice President Burr's farewell speech to the Senate. In this speech, delivered on March 2, 1805, Burr by implication seems to understand the function of the previous question as relating primarily to the suppression of undesired decisions.

"He (Burr) mentioned one or two of the rules which appeared to him to need a revisal, and recommended the abolition of that respecting the previous question, which he said had in the four years been only once taken, and that upon an amendment. This was proof that it could not be necessary, and all its purposes were certainly much better answered by the question of indefinite postponement. * * *

"We should note in closing our discussion of proper usage that in Burr's case, as in a number of others, his words do not rule out the possibility that he understood the previous question as a mechanism for avoiding undesired discussions as well as undesired decisions. Indeed, despite the exclusive character of the positions maintained by Jefferson and Gaston their basic views could be held concurrently and in the years immediately preceding 1789 they were, as a matter of general agreement, so held in the Continental Congress. The previous question rule adopted by that body in 1784 read as follows:

" 'The previous question (which is always to be understood in this sense, that the main question be not now put) shall only be admitted when in the judgment of two Members, at least, the subject moved is in its nature, or from the circumstances of time and place, improper to be debated or decided, and shall therefore preclude all amendments and further debates on the subject until it is decided.'

"Thus, a third alternative existed in parliamentary theory in the early decades of government under the Constitution with reference to the previous question—that of seeing it as a mechanism for avoiding both undesired discussions and undesired decisions. The extent to which Jefferson's, Gaston's, or a combination of their positions dominated congressional conceptions of the proper function of the previous question is not clear. The lack of rigidity in parliamentary theory was an advantage rather than a disadvantage and the average member, in the years before 1808 as now, was not apt to be overly concerned with the state of theory or its conflicts unless some crucial practical issue was also involved. However, practice in these years reveals that in both the House and the Senate the previous question was used mainly for the purpose of avoiding or suppressing undesired decisions, rather than undesired discussions. Still, practice also reveals that the degree to which these purposes can be distinguished varies widely from instance to instance and that often any distinction between them must be a matter of degree and emphasis, rather than a matter of precise differentiation.

"The previous question of these early congressional days was a mechanism for avoiding undesired discussions or decisions rather than to achieve cloture. Three key factors in the rule's operation from the standpoint of parliamentary theory illustrate this: The motion of previous question was debatable, the procedure followed after the motion was determined and the limitations on the use of the motion.

"When the previous question was properly moved by the required number of Members, it was debatable. The debate could be extensive, for the only real limitation in the Senate was the provision that no Senator should speak more than once on the same issue on the same day without permission of the Senate.

"The procedure following a determination on the previous question motion is described by Dr. Cooper as follows:

"Equally, if not more important, as an indication of the purposes for which the previous question was designed is the manner in which the House and Senate understood the motion to operate after a decision had been rendered on it. With regard to negative determinations of the previous question, the view that appears to have been dominant in the period from 1789 to 1806 was that a negative decision postponed at least for a day, but did not permanently suppress, the proposition on which the previous question had been moved. In the House this view seems to have prevailed during the whole period from 1789 to 1806, though it is possible to place a contrary interpretation on the evidence, which exists for the first few years of the House's existence. As for the Senate, less evidence is available, but it is probable that its view was similar to that of the House. This conclusion can be based on Jefferson's statement that temporary rather than permanent suppression was the consequence of a negative result and the fact that on one occasion the Senate seems to have acted in accord with the temporary suspension view. However, it should also be noted that in a number of instances in which the previous question was used in both the House and Senate, the circumstances were such that permanent suppression was or would have been the unavoidable consequence of a negative result.

"The fact that a negative determination of the previous question suppressed the main question supports our contention that the previous question was originally designed for avoiding undesired discussions and/or decisions, rather than as an instrument for cloture. That the previous question could not be employed without risking at least the temporary loss of the main question * * * adapted it for use as a cloture mechanism. It is not surprising that one of the long run consequences of the House's post-1806 decision to use the previous question for cloture was the elimination of this feature. On the other hand, suppression was a key and quite functional feature of the previous question, viewed as a mechanism for avoiding undesired discussions and/or decisions. Indeed, in the period from 1789 to 1806 suppression served as a defining feature of the mechanism. Men who intended to vote against the motion would remark that they supported the previous question and on one occasion the motion was recorded as carried when a majority of nays prevailed.

"With regard to affirmative determinations of the previous question, the evidence which exists again does not lend itself to simple, sweeping judgments of the state of parliamentary theory in either the House or the Senate. The House in the years from 1789 to 1806 on a number of occasions allowed proceedings on the main question to continue after an affirmative decision of the previous question. Finally, in 1807 a dispute arose over whether such proceedings could legitimately be continued. The Speaker ruled that they could not, that approval of the motion for the previous question resulted in an end to debate and an immediate vote. This was Jefferson's opinion as well. But despite the fact that Jefferson's pronouncements on general parliamentary procedure were as valid for the House as for the Senate, the House procedure were as valid for the House as for the Senate, the House overruled the Speaker and voted instead to sustain the legitimacy of continuing proceedings after an affirmative decision of the previous question. It is not clear whether this decision should be explained by assuming that it reflected the House's long-term understanding of proper procedure or by assuming that it merely reflected the House's pragmatic desire to escape the consequences of the 1805 rules change which abolished debate on the motion for the previous question.

"As for the Senate, again less evidence is available, but the Senate appears to have accepted the view that the proper result of an affirmative decision was an end to debate and an immediate vote on the main question. This is what seems to have occurred in the three instances in which the previous question was determined affirmatively in the Senate. Nonetheless, it should be noted that the issue never came to a test in the Senate and we cannot be certain what the result would have been if it had.

"Yet, even if we concede that the Senate understood the result of an affirmative decision as Jefferson did, what must be emphasized once more is that this facet of the rule's operation does not mean that the previous question was designed as a cloture mechanism. Jefferson did not regard it as such, but rather saw an immediate vote upon an affirmative decision as an integral part of a mechanism designed to suppress delicate questions. To be sure, it was this facet of the rule's operation, combined with the abolition of debate on the motion for the previous question, which helped make it possible for the House to turn the rule into a cloture mechanism. This occurred in 1811 when the House, fearful that filibustering tactics were going to result in the loss of a crucial bill, reversed its previous precedents and decided that henceforth an affirmative decision would close all debate on the main question, finally and completely. Nonetheless, despite the fact that the previous question was available for use as a cloture mechanism from 1811 on, the the House did not make frequent use of it for several decades. One of the reasons for this was that the rule, not having been designed as a cloture rule, continued to retain or was interpreted to have features which made it both ineffective and unwieldly when used for the purpose of cloture. Indeed, it took the House another 50 years of intermittent tinkering to eliminate most of these debilitating features."

Mr. President, Dr. Cooper also described how the limitations on the scope of the motion "previous question" handicapped the possibility of its use as a cloture device. He stated:

"For one thing, the previous question could not be moved in committee of the whole, a form of proceeding which both the early House and early Senate valued highly as a locus for completely free debate. Thus, when the House beginning in 1841 finally decided to limit debate in committee of the whole, it was forced to develop methods other than the previous question or accomplishing this result. However, the early Senate relied to a large extent, not on the regular committee of the whole, but on a special form of it called quasi-committee of the whole, i.e., the Senate as if in committee of the whole; and apparently it was possible to move the previous question when the Senate operated under this form of proceeding.

"More important as a limitation on the scope of the previous question was its relation to secondary or subsidiary questions. At first, at least in the House, the previous question was treated as a mechanism that could be moved on subsidiary or secondary questions, e.g., motions to amend, motions to postpone, etc., as well as a mechanism that could be moved on original or principal questions, e.g., that the bill be engrossed and read a third time, that the bill or resolution pass, etc. Thus, though this fact is often misunderstood, in the early House the main question contemplated by the motion for the previous question was sometimes a subsidiary question rather than the principal or original question. Whether the Senate permitted the previous question to be applied to secondary or subsidiary questions before 1800 is not clear. However, in that year Thomas Jefferson, as presiding officer of the Senate, ruled that the previous question could not be moved on a subsidiary question and his manual when it appeared reaffirmed this position. The House followed suit in 1807, though as late as 1802 a ruling of the Speaker, concerned with the effect of a negative determination of the previous question, took cognizance of the fact that the previous question had been moved on a subsidiary question and allowed such usage to go by unchallenged."

The decision of the House to confine the previous question to principal questions created great difficulties once it began to use the device as a cloture mechanism. Neither the rules of the House or the Senate clearly gave the previous questions procedure over other subsidiary questions, such as the motions to postpone, commit, or amend. Thomas Jefferson's opinion was that subsidiary questions moved before the previous question should be decided prior to a vote on the previous question. However, such an approach became entirely unacceptable once it was desired to employ the previous question as a cloture mechanism. If subsidiary questions moved before the previous question took precedence over it and if the previous question could only be applied to the original or principal question, then obstructionists could move subsidiary questions before the previous question and prolong the discussion of these questions for great lengths of time. It was probably no accident that the House amended its rules to give the previous question precedence and used the previous question for cloture.

Nonetheless, this change did not transform the previous question into an efficient cloture mechanism. Beginning with the 12th Congress—1811–13—rulings of the Speakers strictly enforced and further developed the doctrine that the previous question applied only to the original or principal question. This caused the House great inconvenience. It meant that if the previous question was approved, it cut off all pending subsidiary questions and brought the House directly to a vote on the original or principal question. Thus, a vote might have to be taken on a form of the question undesired by the majority; for example, that the bill without the amendments reported pass to a third reading instead of that the bill with the amendments reported be recommitted with instructions. Thus also, when a subsidiary question was moved early in debate the House might either have to endure a lengthy discussion on the motion or employ the previous question, which would force a vote on the principal question before it had been adequately considered. Ultimately, of course, the House did reshape the previous question mechanism so that it could efficiently be applied to the subsidiary questions involved in an issue. However, this reshaping occurred piecemeal over a number of years in response to the difficulties we have described and it was in a sense dependent on them.

We may conclude, then, that in the period from 1789 to 1806 the previous question mechanism was designed to operate in a manner that was stated only to its utilization as an instrument for avoiding undesired discussions and/or decisions. In the Senate and in the House until December of 1805 debate on the motion was permitted. In both bodies a negative determination of the previous question postponed or permanently suppressed the main question and in the House, at least, debate and amendment were permitted after an affirmative decision. In the eyes of those who saw the previous question as a means of avoiding undesired decisions this could easily be justified by assuming that the vote on the previous question only determined whether the body wanted to face the issue. Finally, the nature of the limits on the scope of the motion greatly handicapped its efficacy as a cloture mechanism. It is true that in the beginning the House and possibly the Senate allowed the previous question to be applied to subsidiary questions. It is also true that, once both bodies accepted the proposition that the device could not be so applied, this restriction could and in the Senate actually did handicap those who wanted to use the previous question as a mechanism for avoiding certain decisions. Still, as the experience of the House after 1811 demonstrates, the nature of the handicap was one that was much less a limit on the negative objective of suppressing a whole question than on the positive objective of forcing a whole question to a vote. In short, we may conclude that in both the early House and early Senate not only was the purpose of the previous question conceived of as relating to the prevention of undesired discussions and/or decisions; in addition, the device itself was clearly designed operationally to serve such ends rather than the ends of cloture. In later years the previous question was turned into an efficient cloture mechanism in the House. But this required considerable tinkering, and what is more, tinkering that resulted ultimately in a basic transformation of the operational nature of the mechanism.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Chair for recognizing me. I was called to another matter before the Rules Committee at 11 o'clock and did not get to finish my remarks. As I recall, there was something like 40 minutes that I had used at that time.

The PRESIDING OFFICER. The Senator has used 36 minutes.

Mr. STENNIS. I thank the Chair.

Mr. President, as I pointed out this morning, this matter is not just a question of a time to vote or a time to change a program for a day, or for any day. There is a great principle involved here. Also there has been an overturning, to a degree, of our Senate rules and procedures that have served so long.

I do not think there is any doubt that the people at large, even the ordinarily well-informed people, have not realized the implications of what I call, with proper respect to the office, the Rockefeller ruling.

I say that because this week I have been in touch with very well-informed and intelligent people on other matters. They have not realized what has happened here. They have been assuming that beyond all doubt the Senate is largely the same institution that it was. The rules may be changed slightly, but they do not realize any other implication of what might be the effect of the developments so far.

I feel that there would be a tremendous interest, a very broad and in-depth interest among highly responsible people, if it was realized throughout the country, throughout the country as a whole, just what had happened. That would be particularly true, I think, in the so-called smaller States, or the States with less economic advantages, less population, or any other factor that makes them not major parts of our great Nation as are some of the areas or some of the other States.

I would hope, too, that we would look beyond just the matter of what the rights are of this body to change its rules; that we would look to the nature of the institution, itself.

As I was saying this morning when I had to leave on another official matter, the very nature of the Senate is unique, and its membership has attracted, I think, a very fine quality of men, by and large, throughout the Nation for decade after decade.

One of the attractions is the 6-year term. That carries a great deal of meaning.

Another one is—and this is partly repetition but it is part of the necessity of getting my thoughts back into focus—that it is the place where a man just cannot be readily pushed around. He cannot be cut off, at least until he has had some chance to explain his views and, furthermore, a chance for the people to be informed and to get the reaction.

During this debate, and this is just one of many on the subject, I do not know of any other major parliamentary body where one member—and I am just the one member—can stand up and continue to stand up and just tell the Presiding Officer the merits of his ruling or the demerits, or could continue to carry on, without any feeling of being hindered or hampered in any way.

It might be contrary to the leadership of his own side of the aisle. This resolution is offered by one of our leaders, but I do not feel the slighest hesitancy in opposing it to the limit, or as much as my judgment might lead me to oppose.

Even though the present position now is supported by our majority leader, a man of unusual stature, capacity, fairness and value to this body and the Senate, I do not feel any restraint, and I do not think he personally wants me to. I do not feel any restraint and the average Member would not. This means something, I think, to the body, to the institution, to the soundness of the legislation that finally emerges.

I have a very fine personal feeling as to my friends. It is seldom I make reference to one side of the aisle or the other.

Our friends in the so-called minority well know that this is the day when the caucus is becoming more prominent in the affairs of government and in the making of laws. The caucus has been asserted more in both the House of Representatives and the Senate, to a degree—a much lesser degree—since I have been here. It would seem to me, and I would submit to them, that the group in the minority could well consider again whether they would vote to cut off a rule that can be used and is often used by a minority of some kind—maybe not a political minority but a philosophical group in the minority.

As I see things, I do not want the caucus to go where it would try to dictate how a member of the party would or should vote, or would have to vote. I know neither of our present leaders favor that. My point is that this is a time when the caucus appears to be more active, more influential and more effective than heretofore in the conduct of the affairs of the Congress, not just on the procedural matters but on the merits. If that is true, it certainly is a time when the minority party should very carefully consider its position and not contribute here to a change in the rules that would lessen the reasonable prerogatives that a Member or a few Members or a group of Members of this body now have.

I do not like to use the term "downgrading"—that is not the thought I want to bring—but you lessen the importance of a seat in the Senate when you take powers and prerogatives away from the occupant of that seat. That cannot be avoided.

I recall the late Senator Kerr of Oklahoma, who was one of our valued and most effective Members for a long time. He never gave but one explanation for his stand with reference to cloture or the change of rule XXII, and that was that the people of Oklahoma did not send him here to lessen or diminish in any way the powers and the responsibilities of the seat that he was honored to occupy.

I think that is another reason that adds to the stature and the attractiveness and the power—political power, I mean—that goes with membership in this body. It makes the entire body distinctive and different, and at the same time has left it capable of taking care of the serious affairs of our Government.

I think that now, with our tremendous population extending over this vast area and the problems of economics and social problems becoming more pronounced, it is as important as ever—if not more important than ever—that we not try to bring everything into a small field of operations and legislate here under majority rule methods for well over 200 million people, with the decades to come being certain to produce even more and more people with a more and more complicated economic system and society, with many, many more social problems, even though we make some headway in solving some of those problems.

So, instead of the change of times pointing in the direction of trying to bring everything into one focus and one pattern and limiting it where a lesser majority—Mr. President, I will yield half of my time to anyone who wants to speak——

Mr. MONDALE. I object.

Mr. STENNIS. The Senator will not object to what I am saying.

I will yield to anybody half the time I have remaining if they will just let me use the other half in reasonable quiet.

The PRESIDING OFFICER (Mr. FORD). Is there objection?

Mr. ALLEN. What is the Senator's request?

Mr. STENNIS. I just ask that we have quiet in the Senate, and some Senator misunderstood me and objected, and I am sure that he did not mean to object.

Mr. President, returning to the subject matter, I want to review what I think was the bedrock question that the constitutional convention met, staring them in the face, when a majority of them really were ready to give up for the time being and submit a documnet that was less than what they felt was needed and was less than what a majority of them wanted; but they could not work out a proposition of how the representation was going to be chosen and what voting rights they would have in the two bodies. That was when they submitted the question to George Washington, as the acknowledged most influential Member of that great body.

The proposal was that they could not proceed further, that they would put together something that would serve some kind of purpose, even though it was not in the final form they wanted. They told him that it was most likely that whatever they did would not be suitable, that the people would not approve, and that they submit it to him, though, and go home. That matchless man, in his splendid leadership, which he had exhibited so many times, very promptly and with some impatience—as I have found in the record—turned down their proposition flatly and said,

> If we submit to the people that which we do not approve ourselves, it will certainly be rejected, and we will labor on here and find a way that is just and fair and submit that to the people, and then the matter will be in the hands of God and the people.

Some 10 days later, after another tremendous effort, they came in with the proposal that the House of Representatives would be chosen on the basis of population, and it has worked until this day; but the Senate would be composed of each State having equal representation. That was such a far-reaching decision and point at issue that they not only provided this provision in ordinary words but also wrote into the Constitution that each State would always have two Senators. They did not stop there, because there was a possibility that someone could have proposed that Senators from a State with such and such a population or less would have less than a full vote. That was their reasoning, and they wrote into the Constitution itself that each Senator would have one vote.

Then they put a veto on any change in that, in this way: They provided that that arrangement should not be disturbed without the consent of that particular State, which in effect gave a veto power to just one State over anything in that field that the rest of them might unanimously agree on.

That is the constitutional background—in minute particular, we might say—that certainly sets this body aside as being different from the rest, and something very special as a parliamentary body.

It is a striking thing, too, that now we have come all the way down the decades of history. Even though many have disagreed on many points and disagreed as to conclusions about this rule which has now become rule XXII—before it had that number, there was just an absolute rule with no way to cut off debate—it has come thundering on down through the decades, that this distinctive body in parliamentary government, in free countries, the U.S. Senate, would have a rule that did protect minorities and that matters could not be passed over their protest until they had gone through a process of refining and adjustment and amendment and discussion, to the extent that there would have to be considerably more than a majority who favored the passing of whatever form the proposal, bill, resolution, or whatever it was, had taken in that process of refinement and amendment.

So I have very strong feelings about this matter; and I appeal to the membership, those who have reservations left as to how they should vote, that we should not change that rule now. I do not know what may be coming. I do feel that I know, with virtually everyone else, that we are facing very, very serious problems.

I think that there are extreme measures proposed. I do not expect any quick remedy here. We may have to go through a refining process beyond the imagination of any of us up to now. I do know that the American dollar—and I mention this not to depreciate it one bit, but I am concerned, even though it is a field that I do not understand, that we have devaluated the American dollar twice in the last few years, in 1971 and 1973, and it did not seem to bring about a result.

Mr. President, may I make a parliamentary inquiry as to how much time I have left?

The PRESIDING OFFICER (Mr. LEAHY). The Senator has 4 minutes remaining.

Mr. STENNIS. I thank the Chair.

The devaluation was official that I mentioned, but the devaluation goes on. According to a statement by Mr. Burns of the Federal Reserve Board, it has lost 7 percent of its value since last September. The OPEC countries, those of them that did have a recent assemblage, observed, or some of them did, that they would further delay their actions and see if there was further evidence as to what the fate was going to be of the American dollar.

With those conditions, it seems to me, in the uncertainty of what we may face, that we would be justified in laying aside this entire question of changing the rules of the Senate until a day when other matters are less cloudy and less serious and get somewhere in the direction, anyway, of a start on solving these great problems that I have mentioned.

Mr. President, I reserve the remainder of my time. I yield the floor.

Mr. ROBERT C. BYRD. Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I ask unanimous consent that time on any rollcall throughout the remainder of today and this evening and tonight and tomorrow, if necessary, be limited to 10 minutes rather than 15 minutes.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLEN. Mr. President, I call up——

Mr. FORD. Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I ask unanimous consent that John Barry, assistant to the Senator from Vermont (Mr. LEAHY), be allowed the privilege of the floor for the balance of the session today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 45

Mr. ALLEN. Mr. President. I call up amendment 45 and call for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> Amend S. Res. 4 as amended by BYRD substitute in following manner: At the end add the following new section:
>
> "SEC. —. Not more than a total of three cloture motions can be filed with respect to any Senate bill or its companion House bill in any one session of a Congress.".

Mr. MONDALE. Mr. President.

Mr. ALLEN. I call for the yeas and nays.

Mr. MONDALE. Mr. President, I yield myself——

The PRESIDING OFFICER. Is there a sufficient second?

Mr. ALLEN. I called for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. ALLEN. I suggest the absence of a quorum.

Mr. MONDALE. Mr. President.

The PRESIDING OFFICER. The Senator has suggested the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

Mr. ROBERT C. BYRD. Mr. President, the Senator has to stand when addressing the Chair.

Mr. ALLEN. I am not familiar with that rule, but I will do it.

Mr. ROBERT C. BYRD. The rule is there.

Mr. ALLEN. I object.

The PRESIDING OFFICER (Mr. LEAHY). Objection is heard. The clerk will proceed.

The rollcall was continued and concluded, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 20 Leg.]

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eastland
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER (Mr. LEAHY). A quorum is present.

Mr. ROBERT C. BYRD. Mr. President, I move to lay on the table the amendment of the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk

will call the roll. The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from Arkansas (Mr. McClellan), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from North Carolina (Mr. Morgan), and the Senator from Rhode Island (Mr. Pastore) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from Rhode Island (Mr. Pastore) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Fannin), the Senator from Arizona (Mr. Goldwater), and the Senator from Pennsylvania (Mr. Schweiker) are necessarily absent.

I further announce that the Senator from Ohio (Mr. Taft) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. Taft) would vote "nay."

The result was announced—yeas 73, nays 12, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—73

Abourezk
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Tower
Tunney
Weicker
Williams
Young

NAYS—12

Allen
Baker
Buckley
Byrd, Harry F., Jr.
Hansen
Helms
Nunn
Scott, William L.
Sparkman
Stennis
Talmadge
Thurmond

NOT VOTING—14

Curtis
Eagleton
Eastland
Fannin
Goldwater
Humphrey
Kennedy
McClellan
Metcalf
Montoya
Morgan
Pastore
Schweiker
Taft

So the motion to lay on the table Mr. Allen's amendment was agreed to.

Mr. McCLURE. Mr. President?

Mr. ALLEN. Mr. President?

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. McCLURE. Mr. President, I have not spoken with regard to the cloture matter. It has not been my custom to speak on matters under the subject of debate under cloture.

I expect that a good many Senators may wonder whether they have time to get something to eat. I suspect they have. I do not say that with any desire at all to delay consideration, but I do it in fairness to my colleagues who may wonder what the schedule is. I do not know what the schedule is beyond the period of time which I control. But having been recognized, it is my intention to use at least a half of the hour which is allotted to me.

There are some who think that the debate on cloture is a futile thing, and I suspect that may be true. I have been involved in the legislative process for some time——

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCLURE. I have been involved in the legislative process—

Mr. MANSFIELD. Mr. President, may we have order? The Senator is entitled to be heard.

The PRESIDING OFFICER. There will be order in the Senate.

Mr. McCLURE. I thank the Senator from Montana.

I have been involved in the legislative process long enough to count votes, and I think to make some estimate whether or not a particular parliamentary procedure is going to be successful. I do not think there is anyone who really cherishes any illusions any longer that the proponents of the rule change will not be ultimately successful in working their will in the Senate of the United States. The votes on procedural motions have indicated the spread between the proponents and opponents of the measure at least in sufficient measure to indicate that it is unlikely that a shift will occur which would change the final result.

My reason for taking some time now is not to delay that ultimate action, because I am not certain that delay has any fruitful purpose. I think perhaps the delay, itself, is as pointless as the demand that we come to a vote on it yet today. I think whether the vote occurs on Friday night or Saturday morning, or Monday or Tuesday, the outcome will be approximately the same. I think all of us know that.

So it seems to me we are engaged in somewhat of an exercise in futility as one side seeks to delay and the other side seeks to force us to a vote at this time. I think both points are equally pointless.

I am sorry that we have gotten ourselves locked in this kind of mortal combat where it seems impossible to reach any kind of compromise agreement that would effectuate the same end results with probably the same vote and still accommodate the majority of the Members of the Senate.

One of the principles that we are discussing in this entire debate has been the rights of a minority—yes, even a minority of one Member. So long as there is one Member who seeks to exercise his rights under the rules, I certainly will applaud and support him, and will seek to support the Senator from Alabama as he is pursuing what has become a more lonely road hour by hour. I believe he is entitled to that kind of support because of the courage and gallantry with which he has conducted the battle.

My comments are really intended as a tribute to the Senator from Alabama for his tenacity, his courage and his determination. I believe he, like myself, probably knows that the results will not be altered, that whatever chance there was to persuade, to change or to compromise the issue has already been spent in the compromise that has been forged.

I would like to address myself for a moment to the merits of the actions that are being taken in regard to filibuster.

Mr. President, for the greater part of our history, the right of full and free debate in the U.S. Senate has stood as a vital safeguard over the right of the minority to protest against legislation it believes to be injurious or oppressive.

Over the years there have been many eloquent attacks and rebuttals on the question of limitation of debate in the U.S. Senate. Those of us who come upon such well plowed ground cannot hope to shed much in the way of original thought upon this subject; yet I am sure there are good reasons and essential arguments that must be covered at the start of the 94th Congress as we once again consider this vital question.

We must underscore the principle of full and free debate which is an underlying foundation of the U.S. Senate, along with the basic principle that each State be represented equally no matter what its land area or population count.

Historically speaking, the filibuster has been at the forefront in support of these principles.

One of the first important filibusters about which much is known occurred in 1841 in opposition to a bill to remove the Senate printers. Of course, most subsequent filibusters have involved more substantial questions. In 1863, an unsuccessful filibuster was conducted against a bill involving President Lincoln's wartime suspension of the writ of habeas corpus. More successful was the prolonged debate in 1890 that resulted in the defeat of the "Force Bill" which would have provided Federal supervision of elections.

In more recent years, Senate liberals resorted to the filibuster in their opposition, in 1953, to the so-called tidelands oil bill of the Eisenhower administration and to the communications-satellite bill sponsored by President Kennedy in 1962.

If we were to examine the various issues that have created prolonged debates or filibuster, we would quickly realize that they cover a vast range of political, economic, and constitutional conflicts. The filibuster is not the exclusive weapon of any philosophy, party, or section of the country. On this historical floor, distinguished Senators of both parties representing every shade of political thought and every area of our great Nation have taken part on occasion in extended debate or filibuster in support of a minority position.

Also from a historical perspective, some of the greatest Members of this distinguished body have been the most eloquent champions of the right of full and free debate. These men, and they include many of the greatest liberals as well as conservatives of this century, believed that limitation of free speech in the Senate—gag rule—would undermine the rights and liberties of all Americans.

Clearly, this is not a partisan matter. This is a matter that goes to the heart of our system. The Senate of the United States is a unique body. It has been one of the most useful instruments of government down through the years. It has served this Nation well as a continuing body, with two-thirds of its Members going over from election to election as the Founding Fathers provided, to carry with them experience and an understanding of the operations of the other branches of the Government, so that they might help to protect the people of tibs country from the excesses of the executive branch of the Government; or to undo some excess or wrong that was worked by the decisions of the judicial branch of the Government.

Mr. President, I would further state that "the majority of any party in power would find the suppression of free speech a convenient method of expediting what is considered useful and urgent legislation. It is always annoying to have errors exposed and it would not be long before a majority of one decided that for political purposes it should retain the illusion of infallibility by preventing exposure—here of its errors. And then it would not be long until corrupt and even ominous legislation might be shepherded through this great and illustrious Chamber in enforced silence."

Of course, there have always been great Senators representing both liberal and conservative factions that were more than outspoken in support of the filibuster as a perfectly valid parliamentary device for the protection of the just rights of the minority viewpoint.

Men like Robert LaFollette, in particular, was a strong advocate of open debate in the Senate. This great Senator once stood here and in a ringing statement said:

> Believing that I stand for democracy for liberties of the people of this country and for the perpetuation of our free institutions, I shall stand while I am a member of this body against any closure that denies free and unlimited debate. Sir, the moment that the majority imposes the restrictions contained in the pending rule, that moment will have broken down one of the greatest weapons against wrong and oppression that the members of this body possess.

The Senate has had a proud history that has evolved from the right of the representatives of the States of this Union to stand up and speak their pieces. This is the place where that can be done.

The right of free speech in the Senate is particularly important because the Senate is the only institution of the Federal system in which the smaller States exercise an equal influence over the conduct of the affairs of the Nation. In the general scheme of things, the smaller States are always disadvantaged and handicapped. Until recent years, very few men from very small States were even appointed to the President's cabinet. The one place where the small States have had a right to be heard, where they could defend the interests of their people, was the Senate of the United States.

Accordingly, ours is a country of diverse interests as among the several States and the various sections. What may be good for the people of New Hampshire may not be good for the people of Texas and what may be right for the people of Pennsylvania may not be right for the people of Alaska. The Senate of the United States has become a stronghold within our Federal system wherein the right of the States and the rights of the minorities are protected. Without freedom of debate in the Senate, the United States could go the way of unlimited democracies; we could reach the stage where a misguided majority can destroy the liberties and right of individual citizens in the name of some currently popular cause.

Those who would suppress and gag freedom of debate should not forget that popular opinion can be a wary instrument. Causes that are popular today may very quickly sink into a sea of unpopularity. Those who find themselves on the majority side of an issue today may find themselves cast in the minority position tomorrow.

Therefore, it is easy to see that a major issue at stake in this debate is one of great importance to all people of this country and should be of the greatest importance to the minority groups of this country. By the same token, it is most unusual that the Members of the Senate who are proposing restrictions upon freedom of debate in the Senate and, thereby, curtailment of the rights of minorities are the very ones who are the most eloquent and loquacious in their defense of minority rights in other areas.

Because of numerous reasons like these, I cannot escape the conclusion that those who advocate restricting the rights of the minority by curtailing freedom of speech in the Senate may be sowing the seeds of their own downfall on some future questions of burning national interest.

Mr. President, from the standpoint of the Senate itself as a body—and I have great respect for the Senate of the United States as an institution—I think the right of free speech in this body has been one of the factors that has made this Government, this system of ours, the oldest operating system of government on Earth today. Mr. President, the only way the rights of Senators—the rights I have discussed today—can be protected in representing the States that sent them to the Senate is to preserve the right of free speech in the Senate. When that right is limited, the power of every Senator is limited and the rights of the State that sent here are neglected.

In concluding, Mr. President, few fair minded persons would deny that there have been abuses in the constitutional freedoms enjoyed by all Americans, none would advocate striking there basic guarantees from the Constitution. Freedom of debate in the Senate should not be destroyed on the pretext that it is sometimes abused.

I think we should realize that the present rules of the Senate are wholly adequate to prevent unjustified obstruction of the work of the Senate and the passage of vital legislation.

Indeed, the present rules have enabled the Senate to function as a legislative body without serious detriment to the welfare of the United States throughout our history. They have enabled the Senate to discourage and prevent excesses by the temporary majority of the moment that may seek drastic change for selfish or partisan gain.

Over the years when you balance it up, the right of free speech in this body has been vastly more beneficial—in the preservation of our system of government, maintaining our system of checks and balances, in trying to maintain the division of powers between the three separate branches of the Government—than the action of any army. The Senate is the last bulwark of the minority in this land.

Freedom of debate in the Senate, so long as it is preserved, serves as a protection of the fundamental rights and liberties for which men, for thousands of years, have fought and died.

I made an analysis, Mr. President, of the cloture motions that have been filed and cloture votes conducted in the last 2 years in this body, and I think it is interesting. It is interesting because people who propose this rule change, even the compromise which has been suggested, have somehow been operating either under the illusion or the misapprehension that a rule change is necessary to invoke cloture.

In the last 2 years, we have had, in the Senate of the United States, 13 different issues subjected to the cloture petition to limit debate. In those 13 issues, cloture has been invoked on 9. On the four in which cloture was denied, compromises were effected on two.

I parenthetically note that on those two, cloture was denied primarily because liberals in the Senate did not want cloture invoked. They joined in defeating the cloture motions. In only two instances in the last 2 years has a minority been successful in blocking legislation in which the liberals were not directly involved—2 years, two times.

Is that the kind of evidence of need for rule change that has been so urgently requested by the proponents of this measure?

I note that the reduction from 67 to 60, or from a two-thirds of those present and voting in the current rule to a 60-vote to invoke cloture, would not have changed the results on any of those votes save one—with one exception; when cloture that was voted would have been denied because there were fewer than 60 who voted in favor, but two-thirds of those present and voting.

I might just go through the list, because I think it is important to note. Voter registration was the first of these. It took three different cloture motions before cloture was invoked on May 9, 1973. How much time did it take to get to that point? The first cloture vote occurred on April 30, the second on May 3, and the final one on May 9. If there had been a 60 vote instead of a

67 vote, that cloture would have been invoked on May 3 instead of May 9. The Senate would have moved to final consideration of that bill 6 days earlier than it did. And of course, as everyone knows, that 6 days was not lost to other activities in the interim. Under the able leadership of the Senator from West Virginia, the filibuster has lost much of its meaning because the Senate does not stop action while cloture is being considered and in the interim between cloture petitions and votes.

The second of those 13 issues was campaign financing, on which cloture was first voted on December 2, 1973, and cloture was denied.

On December 3, a second cloture vote was held and again, the cloture was denied. But in April of 1974, cloture was voted first on April 4 and again denied; but on April 9, it was carried and the issue was joined on the issues of campaign financing.

Again, if the margin required were reduced to 60, as is now suggested, the April 4 motion would have carried and the Senate would have moved forward to consideration on that issue 5 days earlier than it did otherwise. Again, however, other business was conducted in those 5 days.

The third of the issues that were subjected to cloture in the last 2 years was the issue of Rhodesian chrome. That was subjected to three cloture votes before the proponents of the change were able to invoke cloture, the first of those votes occurring on December 11, 1973, the second on December 13, 1973 and the third on December 18, 1973, when cloture was invoked. Again, as in the other instances, had the rule then read 60 votes rather than two-thirds, cloture would have been invoked on December 13 instead of December 18 and again, the Senate would have gotten to the issue 5 days earlier than they otherwise did.

Is that an earth-shaking change? Does that illustrate the necessity for the rule change where the Senate does wish to work its will?

The fourth such issue was legal services. The first cloture petition was filed on December 13, 1973, and failed, although with a 60-vote margin it would have succeeded on December 13.

Another cloture petition was filed on December 14 and it failed. But on January 30, 1974, a similar motion was presented and it passed, and legal services were then passed by this body.

The fifth such issue was one in which the proponents of cloture failed, one of the two victories of the opponents in the last 2 years and that was on the Genocide treaty. On February 5, 1974, it failed by a vote of 55 to 36 and on the following day, it failed by a vote of 55 to 38—one of the two times that cloture has been refused by this body in the last 2 years.

The sixth such issue was the Government pay raise, on which a cloture petition was filed and voted on on March 6, 1974, and cloture was voted on the first attempt.

The seventh such issue was the public debt ceiling, which the Senator from Massachusetts may remember well, having been the vehicle for some tax reform proposals. On that particular one, because of the nature of the issue, the issue had a different outcome, with three different cloture votes on June 19 and June 26 of 1974, the final vote being 48 in favor of cloture, 50 opposed to it, and the issue lost. But, again, it was not because of any conservative opposition in that instance.

On the eighth issue, the Consumer Protection Act, or the Agency for Consumer Advocacy as it is now known, there were four cloture petitions, the first of which was on July 30, the second on August 1, the third on August 20, the fourth on September 19. In that particular instance, the opponents of the legislation were able to win. That was one of the two instances in the last 2 years in which there was not a compromise that affected the change other than simply failing to invoke cloture.

The ninth such issue was the Export-Import Bank. The Senator from Oregon (Mr. PACKWOOD) was very much involved in that, as the Senate had voted some limitations and the House did not want to go along with those limitations imposed by the Senate. So there was a confrontation not between forces within the Senate, but between the Senate and the other body. In that instance, after four cloture votes, all of which occurred between the 3d of December and the 16th of December, the cloture opponents were successful. The House receded from their disagreement and the Senate had won its day. Cloture became a means by which the Senate majority worked its will and the other body therefore agreed to the Senate position.

Trade reform was the 10th such issue in the last 2 years and again, cloture was invoked on the first effort. I might note on the Eximbank, the reduction from a two-thirds majority to a simple, straight 60-vote margin would have made no difference. The result would have been the same.

The eleventh of those issues was the school desegregation amendment and again, on one vote, on the first vote, cloture was invoked. This is the one time where cloture would not have been invoked under the 60-vote rule, because two-thirds of those present and voting turned out to be 56 and cloture was invoked with a vote of 56.

The twelfth such issue was the social services, and again, cloture was invoked on the first attempt. The thirteenth was on the taxes and tariff measures on which, again, on the same date, December 17, 1974, cloture was invoked on the first attempt by a vote of 67 to 25.

Is this the record of an urgent need to revise the rules in a way which will limit the rights of the minority to protect themselves? Is there in this record over the last 2 years the clear call for a change of rules that threaten the rights of minorities? Or is it a record which indicates that the majority, when there is a clear and compelling need, has been able to work its will over the opposition of a minority, even though a determined minority? They have been able to work their will where there was substantial opposition, but they still were able to invoke cloture on all but 2 of the 11 issues that were thus involved without compromise.

I think the nature of the debate, perhaps, is better defined in two editorials which I am sure most Senators have read, but in consideration of the possibility that there are those who have not, I would like to repeat those editorials. One is an editorial from the New York Times entitled "Hollow Victory." I quote from that editorial:

> The Senate liberals have marched up the hill and down the hill and arrived, if not exactly where they started, not very far away. The vote to impose closure on the long filibuster conducted by Senator James Allen, Alabama Democrat, and his allies clears the way for a final vote on the so-called compromise proposal to reform the Senate's rules.
>
> The liberals started out wanting to relax Rule 22 sufficiently to enable three-fifths, instead of two-thirds, of those members present and voting to shut off debate. After two months of time-wasting discussion, Senator Allen and the dwindling conservative minority for which he speaks were able to beat down the liberal majority, forcing it to settle for a toothless compromise offered by Senator Russell Long, Louisiana Democrat. The minority prevailed even though Vice President Rockefeller ruled repeatedly in favor of the majority position.
>
> The compromise requires a constitutional three-fifths of the members—that is, no less than sixty votes—to impose closure. If all 100 members are present, the existing two-thirds rule requires 67 votes. In theory, this is a slight gain for the liberals.
>
> In reality, it amounts to virtually no change because the entire 100 members are rarely present for any vote, no matter how important. Only once in history have sixty or more Senators voted for cloture and failed to obtain it. In short, a minority's power to block legislative action has been reduced only marginally, if at all.
>
> Senator Allen and his allies have held out against even this trivial change, refusing to yield anything to the other side. But there is no doubt as to who the winners are. If the Senate liberals possessed Senator Allen's mastery of parliamentary procedure and his relentless tenacity in seeking and holding the floor, they would not now be trying shamefully to pass off this pathetic compromise as a substantial victory.

That is the end of the editorial from the New York Times. The second is an essay by William Safire, entitled "Crushing Dissent in the Senate," and reads as follows:

> WASHINGTON.—Good men, nobly motivated by the spirit of reform, can do more harm to our political system than the worst villains lusting after power.
>
> A serious attempt is being made in the Senate this week to alter the compromise made at the Constitutional Convention of 1787. At that time, representatives of the smaller states were fearful of a "tyranny of the majority" in a legislature reflecting the population as a whole. Contrariwise, the states with large populations were not about to give in to demands that all states have equal votes.
>
> So the checks-and-balances compromise of a bicameral, or two-house, legislature was struck: "Majority rule," based on population, would be the character of the House of Representatives; and "deliberation" or minority protection based on the same number of Senators from each state, chosen by state legislatures, would be the character of the Senate.
>
> For two centuries, the Senate has helped make the Democratic experiment work by

preventing the excesses of democracy. Time after time, lonely dissenters—right and wrong—have used the Senate's rules to delay, to restrain, to force some adjustment to minority demands. Ultimately, the theory went, the majority would rule, but not until the passions of the moment—or of the year—had passed.

In the course of time, the Senate agreed to attune itself more closely to the popular will by permitting direct election of Senators by the people, and they agreed to limit debate by a two-thirds vote, treating the veto of a minority the same as a veto by the President.

All along, however, Senators remembered what a senate was for, why it had been created in the first place to protect the minority, to ensure deliberation, to make it impossible to crush dissent under the steamroller of democratic majority rule.

Now there is a move to make the Senate into a kind of slower House of Representatives. The Senators who want to change the rules to make it possible to cut off debate with only a three-fifths vote say this will make it harder for a minority to obstruct progressive legislation. And so it will.

The majoritarians say the filibuster is antidemocratic. They are absolutely right, if a democracy is the absolute rule of the majority. And the majoritarians say they will let the majority talk for weeks under the new rules, on the majority's kind of sufferance, as if talking—and not checking majority power—were the central issue.

Helping to crash through the resistance to this radical change in character of the Senate is its new presiding officer, Vice President Rockefeller. He ruled in favor of the anti-dissenters at the start, which was not unprecedented; but then he went on to refuse to recognize Senators who wanted to oppose the motion.

When Senator James Allen rose with a parliamentary inquiry, Mr. Rockefeller pretended not to hear or to see, and instead went to a vote the majority wanted. Once again, Mr. Rockefeller sees enormous mischief in delay.

With the majority steamroller piloted by Mr. Rockefeller, a member of the minority—Senator Long—senses defeat and is suggesting a milder formula for stopping dissent. He is wrong; once the gates are lowered, nothing he writes into his resolution is going to keep succeeding majorities from making it possible for a simple majority to cut off debate. And then you might as well not have a Senate at all.

Senators Mondale and Pearson, who designed this steamroller, are men with the best of intentions who want only to turn the Senate into a more active body, more capable of defying a President, more able to exert leadership. With much logic, they can point out how a minority in the Senate was able to obstruct the rights of a black minority for generations.

But they are fiddling with the foundations of a good system in order to improve the chances for this year's legislation. The automatic supporters of good-guy reformers might want to consider the day when the other side is in the saddle.

Might it not be possible, only a decade or so hence, for the political picture to change so that a revived "silent majority" is reflected by a conservative Senate and House, a conservative President, and a conservative Supreme Court?

It could happen here. And then some little group of willful men, or some willful group of little men, or some fighting band of big men, will arise in the Senate to dissent from the popular tide. Brave liberals all, they will fling their voices and their votes in the way of right-wing retrogression, perhaps led by a white-haired Fritz Mondale battling to save the victories of the seventies.

And their dissent will be choked off by a simple majority closure, their resistance flattened by the monstrous steamroller of their own invention. Poetic injustice will triumph, the temporary majority will rule, and the spirit of the United States Senate will be dead.

Mr. President, I think that the two editorials, focusing as they do on two viewpoints, pretty aptly characterize the state to which we have come at this hour, and again I would say, as I said at the beginning of my remarks, I have no illusions that the issue is in doubt. I have no doubt that the rollcall by which this issue will be finally decided can be written now by any number of observers, and they would not be off by more than one or two votes. I suspect we can take a tally sheet and check it over pretty well now.

Again I say it is too bad we come to the point where both delay for the sake of delay becomes important, and vote for the sake of vote today becomes important, because whether the vote is tonight or early after midnight or some time tomorrow or on Monday or on Tuesday, the result is not in doubt, and I think everyone who has followed this debate recognizes the truth of those words.

I think it has been a stirring debate. I think it has been a fruitful fight. I hope there has been better understanding of the issues that are involved, and I would hope that, growing out of the victory of the majority, there will come a tolerance for the minority; that in their eagerness for victory, they will not attempt to use the powers gained in this historic debate—not the compromise but the precedents that have been set—to crush a minority simply because they have the votes to do it.

I think the compromise may be heralded as an attempt to signal the desire on the part of people of good will to continue to allow the minority its voice. But something within me rebels at the idea that the minority must have its rights recognized only as a matter of sufferance and not as a matter of right within this great body.

The history of the foundation of this Republic very clearly indicates to anyone who will read it that the Founding Fathers had a very clear perception of the tyranny of history, that tyrants always seize power and destroy the freedoms of individuals. So they constructed a government that was not intended to be a model of efficiency in its operations, but to be a model only in terms of protecting the freedom of the individual citizen.

We have so concentrated in recent years on the checks and balances, as though the only checks and balances in the system were those that were built between the executive, the legislative, and the judicial branches, that we have forgotten that there were other essential checks against the abuse of authority and power in Government.

One of those checks that has been ignored to our detriment in recent years has been the growing tendency on the part of the legislative branch and the judiciary to ignore the fact that the central government, the Federal Government, exercises only those powers delegated to it, and that all other rights and powers are reserved to the States and to the people. That was deliberately written into the Constitution as a protection against the abuse of authority that characterized every government they had studied in the history of mankind up to the formation of this one.

Another one of those protections that we give a great deal of lip service to is the protection of the rights of the minorities guaranteed by the first 10 amendments, the so-called Bill of Rights to the Constitution.

We are inclined to look at that today with selective acuity. We see some of those rights very clearly, and the press is very jealous of first amendment rights, but somehow the second amendment with the right to keep and bear arms is a less sacred right, a less important guarantee of the rights of individuals under the Constitution.

But another one of those guarantees against the abuse of power in an all-powerful central government was the compromise which guaranteed to the small States an equal representation in this body and, as was pointed out by Mr. Safire in his essay, when the concession was made it changed the character of the election to the Senate of the United States by a direct popular election within the States, and that was somewhat balanced by a two-thirds cloture majority to permit a veto by the minority upon the same terms and the same conditions as a veto by the President of the United States.

I would guess that many of those who would like to change the rules here to allow a three-fifths vote to invoke cloture would also like to see a three-fifths vote imposed upon the overriding the President's veto because what they are really saying is they do not like to see the minorities exercise their rights unless they are minorities which they favor, and then by sufferance they will protect those rights.

So, Mr. President, without any illusions that I have said will change the outcome of the vote, and without any illusions as to what that outcome will be, I wish to rise in strong dissent to the course that has been charted for us on this measure, a measure which I believe diminishes the stature of this body, a measure, which in the words of the distinguished majority whip, the Senator from West Virginia, when we were talking about the course of action that will be taken that would impose a majority cloture, would destroy the unique character of this body.

There are those who have remarked that if the German Parliament had had a Senate, with its rules, in the late 1920's and the early 1930's, Hitler would never have gotten the power which he was able to get through the parliamentary procedures of that body.

I do not charge any Member of this body sitting here today, voting upon these matters, with desiring that a dictatorship emerge in this country. But they are setting the conditions under which it is easier for that kind of a popular figure to emerge in this land. The conditions in this country are ripe for the emergence of a demagog, a demagog to lead the people out of their frustrations and out of their anxieties, and the direction that we are taking on this reduces the opportunity for this body to stand as a stalwart blockade to the attempt for any acquisition of power no matter how popular it might seem at the moment.

The rights and freedoms of the people of this country are threatened to some degree by the action which we are taking.

Mr. President, I reserve the remainder of my time.

AMENDMENT NO. 42

Mr. ALLEN. Mr. President, although it is obvious a quorum is not here, I shall not put in a quorum call, but I call up amendment No. 42.

The PRESIDING OFFICER (Mr. Burdick). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama proposes amendment No. 42.

The amendment is as follows:

Proposed to be offered by Mr. Allen to S. Res. 4 as amended by Robert C. Byrd substitute.

Amend S. Res. 4 as amended by Byrd substitute in following manner: On page 2 between lines 4 and 5 add the following: "To proceed to the consideration of any other bill, resolution, or other measure on the calendar.'."

Mr. ROBERT C. BYRD. Mr. President, I move to lay the amendment on the table.

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLEN. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The PRESIDING OFFICER (Mr. Burdick). Objection is heard.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

The call will continue.

The second assistant legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 21 Leg.]

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Fong
Ford
Garn
Glenn
Gravel
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stevens
Stevenson
Stone
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER. A quorum is present. The question is on the motion to table. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Bumpers), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Minnesota (Mr. Humphrey), the Senator from Arkansas (Mr. McClellan), the Senator from New Mexico (Mr. Montoya), the Senator from North Carolina (Mr. Morgan), the Senator from Rhode Island (Mr. Pastore), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey), and the Senator from Rhode Island (Mr. Pastore), would each vote "yea."

Mr. HUGH SCOTT. I announce that the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Fannin), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), and the Senator from Pennsylvania (Mr. Schweiker), are necessarily absent.

I further announce that the Senator from Ohio (Mr. Taft), is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. Taft), would vote "nay."

The result was announced—yeas 75, nays 9, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—75

Abourezk
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Fong
Ford
Garn
Glenn
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Tower
Tunney
Weicker
Williams
Young

NAYS—9

Allen
Baker
Byrd, Harry F., Jr.
Hansen
Helms
Scott, William L.
Sparkman
Talmadge
Thurmond

NOT VOTING—15

Bumpers
Curtis
Eagleton
Eastland
Fannin
Goldwater
Griffin
Humphrey
McClellan
Montoya
Morgan
Pastore
Schweiker
Stennis
Taft

So the motion to lay on the table Mr. Allen's amendment was agreed to.

The PRESIDING OFFICER (Mr. Haskell). The question is on agreeing to Senate Resolution 4, as amended.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, momentarily, I shall call up—but I do not do so now—my amendment No. 29, and thereafter my amendments No. 27, 28, and 30.

Preliminary to that, the amendments that I am offering would amend those portions of the pending resolution——

Mr. ALLEN. Let us have order in the Senate, please, Mr. President. Will Senators please take their seats?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

The Senator may proceed.

Mr. HELMS. I thank the Chair.

As I was saying, Mr. President, the amendments I am offering would amend those portions of the pending resolution pertaining to the use of allowable time for debate following the invocation of cloture.

As the resolution reads at present, after cloture is invoked, each Senator may speak 1 hour. This amendment would simply allow Senators to donate or give their 1 hour or any part of it to another Senator. The total allowable time for debate would not be increased. It would still be 100 hours at a maximum. Therefore, if a Senator wished to speak for 2 or more hours, he would need 2 or more Senators each to give him a part of or all of their hours, as the case may require.

Of course, once a Senator had given away his hour, he would not be permitted to speak on the matter subject to cloture. However, since the provision in question refers to a Senator's "time or part thereof," it is obviously intended that a Senator may give away any portion of his 1 hour to one of his colleagues, and retain the balance for himself. Or, if he chooses, a Senator may give various portions of his time to several different colleagues, provided the total time so given does not exceed 1 hour.

In this connection, it is important to note that the amendments provide that a Senator may "grant, or yield," his time to his colleagues. Normally, of course, we think of Senators "yielding" time. However, I added the word "grant," because it is the express intention that this language be so construed that at any time following the invocation of cloture, any number of Senators may simply state for the record that they are "granting," or that they are "yielding for the balance of the period that cloture is invoked" under that particular cloture petition, their time, or any part of it, to a specified Senator or specified Senators. The intention is that, then, whenever the Senator who received the "grant" of time wishes to use it—consistent with other provisions of the rules, of course—he may do so without the necessity of the donor Senator being physically present on the Senate floor to formally "yield time" in the traditional, customary manner.

Mr. President, I ask that the Senate be in order.

The **PRESIDING OFFICER**. The Senate will be in order.

Mr. **HELMS**. I thank the Chair.

Of course, the purpose of this "grant of time" as opposed to the customary "yielding of time" is obvious. It is to provide the most efficient and expeditious method for the conveyance of speaking time on the Senate floor under this particular provision. Construing the word "grant" in this manner will render it unnecessary for Senators to be on the Senate floor or to run down to the Senate floor simply for the purpose of "yielding." They may "grant" their time whenever they choose by stating for the record that they are so doing, and the clerk shall then credit the donee Senator with the amount of additional time so "granted."

Additionally, in the application of the provision contained in the pending amendments, it is the intention that a Senator receiving a "grant of time" as aforementioned may reconvey the time so granted to any of his colleagues, including the original donor. That is to say, a Senator may "grant" time to another Senator, and the second Senator, if he chooses, may "grant" the time that he received from the first Senator to a third Senator, and so on. If the second Senator chooses, he may "grant" the time back to the Senator who "granted" it to him. It is the intention that such a subsequent conveyance of time may be accomplished in the manner aforementioned for an original "grant of time."

Mr. **CHILES**. Will the Senator yield?

Mr. **HELMS**. I am glad to yield.

Mr. **CHILES**. I lost him between the second grant of time and the third grant of time.

Mr. **HELMS**. I am simply saying that each Senator will have an hour, as he does now, and that he may yield or grant that time to another Senator or Senators, and that they, in turn, may grant or yield it, even back to him, if the situation should so develop.

Mr. **CHILES**. Either the grantor or the grantee could yield the time back?

Mr. **HELMS**. Yes. I say to the Senator that there would be no increase in time of the total of 100 hours. There would simply be more expeditious use. I feel that under the circumstances, since we obviously are going to the three-fifths, so obviously, there should be a more expeditious use of the time so as to ameliorate, to some small extent, this gag rule that is in the offing. That is the purpose of the four amendments which I propose.

I thank the Senator for his question.

Of course, this construction of the word "grant" is intended to be applied in the application of the particular provision contained in the pending amendments. In the construction of other provisions of rule XXII, or any other rule, it is expected that the traditional, customary meaning will be attached to the word "yield."

Finally, under the pending provision, it is intended that if a Senator wishing to donate time to a colleague prefers not to "grant" his time as aforementioned, but wishes to "yield" in the traditional, customary manner while physically present on the Senate floor, he has the option of doing so.

I think, Mr. President, that this is a useful and reasonable method to ease somewhat the impact of this gag rule that is now being rammed through the Senate. Of course, after I have called up the first of my four amendments, I shall urge its adoption, and in due course, the other three as well.

The distinguished assistant majority leader, my friend from West Virginia (Mr. ROBERT C. BYRD), and I discussed this and looked at the rule book earlier this afternoon. It may be implicit in the rules that a Senator cannot yield to another Senator on the second Senator's time, but I am not certain that I read the clear inference that apparently some of the precedents have in prior years indicated. In any case, my amendments would clear up that question.

Mr. President, while I am on my feet, I wish to speak most respectfully of the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) and his remarks to the Senate earlier today. he said, if I recall his words correctly, that this debate has been a civic lesson for the people of America; that he was not at all happy with that lesson. The good Senator spoke rather disparagingly of those who have done the best we could to resist this gag rule.

There is indeed a civic lesson involved in this, and I do wish that the American people understood the implications of what this Senate is doing, because it is not, Mr. President, a waste of time. It is not an exercise in futility or an exercise of frivolity, in the judgment of the Senator from North Carolina. The traditions and the precedents and the intent of the U.S. Senate are, to me, very dear, because the Founding Fathers intended this body to be perhaps the last forum on Earth where free men could have their say and where the rights of the minority would be protected against an emotional majority or even a tyrannical majority.

What has transpired on this floor really is not frivolous, in the judgment of the Senator from North Carolina, nor should it be condemned by anyone. There are those of us who feel very strongly and very sincerely that a vital principle is at stake, a principle that should not be surrendered or discarded. Principles are discarded, Mr. President, principles are abandoned, Mr. President, so easily these days and, in the judgment of the Senator from North Carolina, that is one of the causes of the travail of our country in our time.

It used to be, Mr. President, that personal responsibility in America was a requirement for a man's honor. I think we have developed poor attitudes, encouraged by legislation that has flowed through the Senate—even with the two-thirds rule in effect—without, in my judgment, enough consideration. As a result too many Americans are not really concerned about their own personal responsibilities.

Be that as it may, Mr. President, the fight that has been waged in this matter has not been a frivolous one.

There is indeed, as the distinguished Senator from Montana said earlier today, a civics lesson of which the American people ought to be aware, but it is not quite the kind of civics lesson that he had in mind. It is not a civics lesson. I would say to my dear friend, that the minority in this case has been irresponsible. Rather it is an instance in which the Senator from Alabama (Mr. ALLEN) has stood steadfast on principle, against insurmountable odds and in the face of certain defeat. I have been proud to stand with him.

I have no criticism of the leadership on either side, but it is a fact that the leadership on both sides of the aisle has been active in support of this gag rule. That, plus the rulings of the Vice President, including his refusal to recognize Senators seeking recognition, deprived the minority of any real hope of exercising the rights of the minority.

So, I do agree that there is a vital civics lesson for the people of America in this matter, and I do wish that the news media of this country could convey the importance of what is happening here. But I suppose that is too much to ask.

AMENDMENT NO. 29

In any case, Mr. President, I now call up my amendment No. 29, I move its approval, and I ask for the yeas and nays.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 29.

Mr. HELMS' amendment (No. 29) is as follows:

On page 3, line 6, in paragraph 2 following the phrase "Thereafter no Senator shall be entitled to speak in all more than one hour on a measure, motion, or matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same," and before the word "and", insert the following: "unless another Senator shall have granted, or yielded, his time or part thereof to such Senator,".

In paragraph 3 following the phrase "Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same," and before the word "and" insert the following: "unless another Senator shall have granted, or yielded, his time or part thereof to such Senator,".

Mr. ROBERT C. BYRD. Mr. President, I make a point of order against the amendment. An amendment consisting of two provisions amending a bill or resolution at different points is in fact two amendments, and cannot be offered together if a question is raised, except by unanimous consent. I make the point of order that the amendment is not in order.

The PRESIDING OFFICER (Mr. Haskell). The point of order is well taken.

Mr. HELMS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. In the light of the Chair's ruling, can the amendment be divided?

Mr. ROBERT C. BYRD. Mr. President, the amendment cannot be modified because the Senator can only call up those amendments that were presented and read prior to the cloture vote. Modification now would require unanimous consent. The amendment must be before the Senate before a division could possibly be made.

Mr. HELMS. The Senator from North Carolina understands that, and accepts the Chair's ruling.

AMENDMENT NO. 27

I call up amendment No. 27.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. Helms) proposes an amendment numbered **27.**

Mr. Helms' amendment (No. 27) is as follows:

On page 2, line 10 in paragraph 2, following the phrase "Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by" and before the word "Senators" strike out the word "sixteen" and insert in lieu thereof the word "twenty-five".

On page 3, line 19, in paragraph 3, following the phrase "Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by" and before the word "Senators" strike out the word "sixteen" and insert in lieu thereof the word "twenty-five".

Mr. ROBERT C. BYRD. Mr. President, I make the same point of order. The amendment is directed at two different portions of the resolution.

The PRESIDING OFFICER. The point of order is sustained.

Mr. HELMS. Mr. President, I appeal the Chair's ruling.

Mr. ROBERT C. BYRD. Does the Senator appeal?

Mr. HELMS. Yes.

Mr. ROBERT C. BYRD. Mr. President, I move that the appeal be laid on the table.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 22 Leg.]

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott, Hugh
Scott,
  William L.
Sparkman
Stafford
Stevens
Stevenson
Stone
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER (Mr. Inouye). A quorum is present.

Mr. HELMS. Mr. President, I ask unanimous consent that I be permitted to withdraw the request for the yeas and nays.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. The Chair will put the question.

The PRESIDING OFFICER. The question is on the amendment.

Mr. ROBERT C. BYRD. No, the question is on the motion to table the appeal.

The PRESIDING OFFICER. The question is on the motion to table the appeal of Mr. Helms. [Putting the question.]

The motion was agreed to.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I was not seeking recognition.

Mr. ALLEN. It is interesting that the Senator is recognized while not seeking recognition.

Mr. ROBERT C. BYRD. I was standing, and that is why the Chair thought I was seeking recognition. I do not happen to be one of those Senators who addresses the Chair while sitting.

AMENDMENT NO. 33

Mr. ALLEN. I call up amendment No. 33.

The assistant legislative clerk read as follows:

The Senator from Alabama proposes Amendment No. 33.

Mr. ROBERT C. BYRD. Mr. President, I move to table the amendment.

Mr. ALLEN. **Let the amendment be stated. Is that not customary that an amendment must be stated?**

Mr. ROBERT C. BYRD. I thought the clerk had stated it.

Mr. ALLEN. The clerk had not stated the amendment.

Mr. ROBERT C. BYRD. I beg the Senator's pardon.

The assistant legislative clerk read as follows:

At the end add the following new section:

"Sec. 5. This resolution shall become effective at the end of the beginning of the Ninety-fifth Congress.".

Mr. ROBERT C. BYRD. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. [Putting the question].

Mr. ALLEN. I call for a division.

The PRESIDING OFFICER. A division is requested. Senators in favor of the motion to lay on the table will rise and stand until counted. [After a pause.] Those opposed will rise and stand until counted.

On a division the motion to lay on the table was agreed to.

AMENDMENT NO. 34

Mr. ALLEN. I call up amendment No. 34.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the end add the following new section:

"Sec. 5. This resolution shall become effective at the beginning of the end of the Ninety-fifth Congress.".

Mr. ROBERT C. BYRD. Mr. President. I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. [Putting the question.]

The motion was agreed to.

AMENDMENT NO. 49

Mr. ALLEN. I call up amendment No. 49.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 3, line 6, between the words "thereafter" and "no" substitute the words "unless time is yielded to him by another Senator".

Mr. ROBERT C. BYRD. Mr. President, this amendment allows time to be yielded by one Senator to another Senator without unanimous consent on a measure after cloture has been invoked. I move to table the amendment.

The PRESIDING OFFICER. The question in on agreeing to the motion to table. [Putting the question.]

The motion to lay on the table was agreed to.

AMENDMENT NO. 35

Mr. ALLEN. I call up amendment—was that or 49 or 35, which one was tabled?

Mr. ROBERT C. BYRD. Forty-nine.

Mr. ALLEN. I call up amendment No. 35.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 4 strike line 9 and substitute the following: "by two-thirds of the Senators duly chosen and sworn, then said".

Mr. ROBERT C. BYRD. Mr. President, this amendment would require a constitutional two-thirds to invoke cloture, which would mean that we would go back to the cloture rule of 1959 and prior thereto. I move that the amendment be tabled.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. [Putting the question.]

The motion was agreed to.

AMENDMENT NO. 37

Mr. ALLEN. I call up Amendment No. 37.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the end of page 4 add the following: "The one hour period prior to the establishment of a quorum prior to the cloture vote shall be equally divided between the proponents and opponents of the cloture petition for the purpose of debate on the cloture issue.".

Mr. ROBERT C. BYRD. Mr. President, as a general rule, this is done by unanimous consent. If it were not done morning business normally would occur under rule VII, and the amendment, if adopted, would have the effect of precluding routine morning business, during the hour before the cloture vote. I, therefore, move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. (Putting the question.)

The motion was agreed to.

AMENDMENT NO. 38

Mr. ALLEN. Call up amendment No. 38.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the end add the following new section: "SEC. 5. The rules of the Senate may be amended only by a two-thirds vote of Senators present and voting.".

Mr. ROBERT C. BYRD. Mr. President, this amendment has nothing to do with the closing of debate. It increases the number required to change the rules. The rules can now be amended by a majority of Senators present and voting, and this amendment would require two-thirds of those Senators present and voting to amend the rules.

I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. [Putting the question.]

The motion was agreed to.

AMENDMENT NO. 39

Mr. ALLEN. Call up amendment No. 39.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On line 17 page 2 strike word "calendar" and substitute word "legislative".

Mr. ROBERT C. BYRD. Mr. President, the effect of this amendment, if it were to be adopted, would be to force adjournment before a vote on cloture. I think that the leadership might from time to time feel it necessary to recess the Senate rather than to adjourn before the vote on cloture, and if this amendment were to be adopted, of course, it would take that choice away from the leadership. I, therefore, move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. [Putting the question.]

The motion was agreed to.

AMENDMENT NO. 36

Mr. ALLEN. Call up amendment No. 36.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 3 strike all of line 1 and substitute the following: "by two-thirds of the Senators present and voting, then".

Mr. ROBERT C. BYRD. Mr. President, the effect of this amendment, if it were to be adopted, would be to keep the present requirement of two-thirds present and voting to invoke cloture. I, therefore, move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. [Putting the question.]

The motion was agreed to.

AMENDMENT NO. 44

Mr. ALLEN. Call up amendment No. 44.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the end add the following new section: "SEC. . Debate on motions, resolutions, bills, or other measures having any reference to an amendment of the Senate rules shall be governed by and limited only by the Senate rules whether such bill, resolution, motion, or other measure is offered at the beginning of a Congress or at any other time.".

Mr. ROBERT C. BYRD. Mr. President, this amendment would simply be excess verbiage because it adds nothing to the present rules. I call attention to paragraph 2 of rule XXXII of the present rules:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. (Putting the question.)

The motion was agreed to.

AMENDMENT NO. 40

Mr. ALLEN called up amendment No. 40.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 3 strike all of line 1 and substitute the following: "by two-thirds of the Senators duly chosen and sworn, then".

Mr. ROBERT C. BYRD. Mr. President—

Mr. ALLEN. Mr. President, I move that the amendment be laid on the table to save the time.

Mr. ROBERT C. BYRD. Mr. President, I have the floor. I may not wish to table the amendment.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. ALLEN. I withdraw the amendment.

AMENDMENT NO. 36

Mr. ALLEN. I call up amendment No. 36.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama proposes—

The PRESIDING OFFICER. Amendment No. 36 has been tabled.

AMENDMENT NO. 37

Mr. ALLEN. Well, amendment No. 37 then, I got that in the wrong stack, apparently.

The PRESIDING OFFICER. The amendment will be stated.

That has been tabled also.

Mr. ALLEN. What did the Chair say?

The PRESIDING OFFICER. We have a whole pile of amendments that have been tabled and amendment No. 37 is in the pile of amendments.

AMENDMENT NO. 41

Mr. ALLEN. Well, I ask the clerk to call up the next amendment in number of the Senator from Alabama.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama proposes amendment No. 41.

The amendment is as follows:

Proposed to be offered by Mr. ALLEN to S. Res. 4 as amended by ROBERT C. BYRD substitute.

Amend S. Res. 4 as amended by BYRD substitute in following manner:

On page 2, line 7, strike all after semicolon following word "arranged" and strike all of lines 7 and 8.

Strike semicolon following word "arranged" and substitute therefor a period.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

AMENDMENT NO. 43

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. I ask the next amendment be called up.

The PRESIDING OFFICER. Amendment No. 43.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama proposes amendment No. 43.

The amendment is as follows:

Proposed to be offered by Mr. ALLEN to S. Res. 4 as amended by ROBERT C. BYRD substitute.

Amend S. Res. 4 as amended by BYRD substitute in following manner: At the end add the following new section:

"Sec. . Motions, resolutions, bills, or other measures having any reference to an amendment of the Senate rules offered or presented at the beginning of a Congress or at any other time shall be governed by the debate limitations provided for in this resolution in like manner as any other bill, resolution, motion, or other measure.".

Mr. ROBERT C. BYRD. Mr. President, I move the amendment be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 46

Mr. ALLEN. I call up the next numbered amendment.

Mr. ROBERT C. BYRD. Mr. President, I wish the Senator would call the number of his amendment. It would assist other Senators in locating the amendment.

The PRESIDING OFFICER. The amendment number 46.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama proposes amendment No. 46.

The amendment is as follows:

Proposed to be offered by Mr. Allen to S. Res. 4 as amended by Robert C. Byrd substitute.

Amend S. Res. 4 as amended by Byrd substitute in following manner: On page 3 lines 11 through 14 strike the words "Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.".

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, this amendment would allow any amendment to be presented after cloture had been invoked—even though such amendment had not been presented and read prior to the vote on cloture.

I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 47

Mr. ALLEN. I call up the next numbered amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama proposes amendment No. 47.

The amendment is as follows:

Proposed to be offered by Mr. Allen to S. Res. 4 as amended by Robert C. Byrd substitute.

Amend S. Res. 4 as amended by Byrd substitute in following manner: On page 3 between lines 18 and 19 add the following: "The one hour period prior to the establishment of a quorum prior to the cloture vote shall be equally divided between the proponents and opponents of the cloture petition for the purpose of debate on the cloture issue.".

Mr. ROBERT C. BYRD. Mr. President, I thought we had already acted on this amendment.

Mr. ALLEN. It is probably the same proposition, stated in different words.

Mr. ROBERT C. BYRD. Then I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 48

Mr. ALLEN. I call up amendment No. 48.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama proposes amendment No. 48.

The amendment is as follows:

Proposed to be offered by Mr. Allen to S. Res. 4 as amended by Robert C. Byrd substitute.

Amend S. Res. 4 as amended by Byrd substitute in following manner: On page 4, line 13, between the words "thereafter" and "no" substitute the words "unless time is yielded to him by another Senator".

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, this would have the effect of allowing a Senator to yield time to another Senator after cloture has been invoked without getting unanimous consent to do so.

I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

AMENDMENT NO. 50

Mr. ALLEN. I call up amendment No. 50.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama proposes amendment No. 50.

The amendment is as follows:

Proposed to be offered by Mr. Allen to S. Res. 4 as amended by Robert C. Byrd substitute.

Amend S. Res. 4 as amended by Byrd substitute in following manner: At the end add the following new section:

"Sec. . Other than by unanimous consent the method of limiting debate provided for herein shall be the exclusive method of limiting debate on a measure, bill, resolution, or motion, and this rule shall apply whether the measure, bill, resolution, or motion concern an amendment of the rules and whether it is offered during the beginning of a Congress or at any other time.".

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, this is another of those amendments which would be just excess baggage in view of the fact that paragraph 2 of rule XXXII of the Standing Rules of the Senate accomplishes the same objective insofar as it can be accomplished.

I move that the amendment be tabled.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 51

Mr. ALLEN. I call up amendment No. 51.

The PRESIDING OFFICER. The amendment will be stated. Amendment No. 51 has been tabled. Amendment No. 54 is the next.

Mr. ALLEN. Has No. 52 been acted upon in a deliberative fashion?

The PRESIDING OFFICER. Amendment No. 52 is the amendment submitted by Senator Robert C. Byrd.

Mr. ROBERT C. BYRD. That is my amendment.

Mr. ALLEN. Very well.

AMENDMENT NO. 53

Has No. 53 been acted upon?

The PRESIDING OFFICER. Yes; No. 53 has been withdrawn.

Mr. ALLEN. Well, I ask it be called up again.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama proposes amendment No. 53.

The amendment is as follows:

Proposed by Mr. Allen to S. Res. 4 (as amended), a resolution amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate, viz: At the end add the following new section:

Sec. . Motions, resolutions, bills, or other measures having any reference to an amendment of the Senate rules offered or presented at the beginning of a Congress or at any other time shall be governed by the debate limitations provided for in this resolution in like manner as any other bill, resolution, motion, or other measure, and the method of limiting debate provided in this resolution shall be the exclusive method, other than by unanimous consent, of limiting debate on any such motions, resolutions, bills, or other measures having any reference to an amendment of the Senate rules irrespective of when offered.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President this is the same amendment, but in a different form, to which I have previously alluded as being excess baggage and one which is better taken care of by paragraph 2 of rule XXXII of the Standing Rules of the Senate.

I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

AMENDMENT NO. 54

Mr. ALLEN. Does the Senator from Alabama have other amendments at the desk?

The PRESIDING OFFICER. Amendment No. 54.

Mr. ALLEN. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Alabama proposes amendment No. 54.

The amendment is as follows:

> Proposed to be offered by Mr. ALLEN to S. Res. 4 as amended by ROBERT C. BYRD substitute.
>
> Amend S. Res. 4 as amended by BYRD substitute in following manner:
>
> On page 3, line 7, strike the words "one hour" and substitute the words "two hours."

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, this would have the effect of allowing 200 hours for debate, rather than a maximum of 100 hours for debate, on any measure after cloture has been invoked.

I, therefore, move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, how much time remains to the Senator from Alabama?

The PRESIDING OFFICER. The Senator from Alabama has 53 minutes remaining.

Mr. ALLEN. I thank the Chair.

I yield myself such time as I may use.

Mr. President, there are three reasons why it was necessary to continue the discussion on this issue after the Senate voted overwhelmingly to invoke cloture.

The first is that there were a number of basic changes proposed in the amendments that have been given deliberative consideration here in the Senate in the last few minutes.

The Senator from Alabama and the other Senators wanted to have some opportunity to discuss the amendments and to have them acted upon on their merits. But on yesterday a promise was exacted between some of the Senators on the side of the gag rule that there would be no amendments agreed to with respect to Senate Resolution 4, as amended by the Byrd substitute. So there was little opportunity to have serious, careful, and deliberate consideration given to any amendments. But the case had to be made for the substantive amendments that were represented in the group that have now been turned down by the Senate. So this consideration should have been given to this amendments.

The second reason that the debate had to continue was that in the judgment of the Senator from Alabama, and a number of other Senators, there could have been no compromise with those who flouted the Senate rules, who came into the Senate with a method providing for a majority cloture on the issue of changing the Senate rules.

Since that procedure was outside the Senate rules, it did not seem appropriate to the Senator from Alabama to enter into any compromise with Senators proceeding outside of the rules. To do so would have given the stamp of approval or the stamp of legitimacy to their actions in proceeding through a backdoor approach to the rules and not through the Senate rules themselves.

Of course, the cloture proceedings, both on the motion to proceed to the consideration of Senate Resolution 4 and the cloture proceeding with respect to the resolution, itself, was nothing more than a sham to deliver up to the gag rule Senators a cloture as a fait accompli. Cloture had to be presented on a silver platter or else the implied threat was that we would go back to a majority cloture which had been established here in the Senate through the Vice President's ruling. There could have been no compromise on this principle, the principle of requiring that the Senate rules be followed. The discussion had to continue until such time as all further recourse available to free debate Senators had been exhausted. That is the position we have come to at this time.

Then, too, Mr. President. I feel that it was necessary that the debate be continued after the invocation of cloture because it was necessary for us to serve notice on the gag rule Senators who might, 2 years from now, see how easy it was to ram a change in the Senate rules through the Senate and they might come back in an effort to amend the rules again.

So, Mr. President, the towel had been thrown in immediately after cloture has been invoked. At the time the distinguished majority leader (Mr. MANSFIELD) took the floor and pointed out the top-heavy vote in favor of cloture and cautioned Members of the Senate to proceed with dispatch in disposing of this matter.

Mr. President, if the idea is prevalent that Members of the Senate will lie down, roll over and play dead to this type of action—unauthorized and not countenanced by the rules—then you can certainly look for that effort to be made.

The distinguished majority leader, whom I admire very much, a man of great character, dedication, and sincerity, spoke of Senators who had referred to the actions here in the Senate as being the actions of an arrogant majority, knew that the Senator from Alabama has used that very same phrase with respect to those who would move outside of the Senate rules and ram through this Senate something that is not authorized by the rules.

The Senator from Alabama saved a copy of the speech of the distinguished majority leader made on February 20 when he was speaking of the action of the Senators who were seeking to ram through majority cloture.

I concede, of course, that, for the time being, this is a constitutional three-fifths requirement on invoking cloture. But it does not obscure the fact that any time they want to come in and seek to change the rules they can do so by offering a resolution, a motion to proceed, a further motion to cut off debate, to cut off amendments, to cut off motions, to have a convenient point of order made, table that point of order, have the Vice President say that that tabling put into effect the very provisions of the majority cloture motion without the motion ever being acted upon.

So any rights that the philosophical minority here in the Senate has it has at the sufferance of the gag rule Senators.

Mr. President, let us see if the opinion of the Senator from Alabama in referring to this action of those who put into effect majority cloture here in the Senate is too different from the opinion of the distinguished majority leader.

This is what he said about this effort to ram through majority cloture. Let us see if he thought they were being arrogant.

> But the fact that I can and do support the content of Senate Resolution 4 does not mean that I condone or support the route taken or the methods being used to reach the objective of changing Senate rule XXII.

Mr. MANSFIELD continues:

> The present motion to invoke cloture by a simple majority vote, if it succeeds, would alter the concept of the Senate so drastically that I cannot find any justification for it.

Continuing, he says:

> The proponents of this motion would disregard the rules which have governed the Senate over the years simply by stating that the rules do not exist.

That sounds like arrogance to me.

This is Senator MANSFIELD talking:

> The proponents of this motion would disregard the rules which have governed the Senate over the years simply by stating that the rules do not exist.

How arrogant can you get?

> They insist that their position is right and any means used are therefore proper.

How arrogant can you get?

Mr. MANSFIELD says:

> I cannot agree.

So the Senator from Alabama does not believe in being taken to task for referring to this action as the action of an arrogant majority, when he went even so far as the majority leader did in categorizing the action of this willful group.

Mr. President, I rather like this procedure here, following cloture. It gives a Senator an opportunity to be recognized. He has an hour's time staked out, and he can get up and ask to be recognized, with some hope of being recognized. Of course, a moment ago, the same old story occurred, however. But that was an oversight, I am sure. But the ability to get up and be recognized and have some little say about the issue involved is a rather comforting feeling.

Of course, you do not get to discuss your amendments, because they recognize somebody to table them before you have an opportunity to do that.

Another thing that the distinguished majority leader had to say about the rule of the filibuster: He said that back in the old days, it was used for one specific purpose, and I understood that to mean a filibuster against a civil rights measure. But now he says it is used for a wide range of things. Well, thank goodness it is. I hope that it is never again tarred with the image of being a device used to defeat civil rights legislation, because it is far more than that and far deeper than that, in seeking to protect a minority viewpoint in the Senate and throughout the country. So more power to extended debate, if it opens up other fields wherein caution can be advised by Senators who can and will and do discuss issues pending before the Senate.

So, yes, it is more than that. It is more than a device to stop civil rights legislation. It is not that anymore. A wide range of usefulness is open to the right of extended debate in the U.S. Senate.

Mr. President, it seems that in a short time, this new rule will come into effect in the Senate, and I am hopeful that it will not be used to stifle free debate in the Senate. I am hopeful that it will be a useful check on excess discussion. But the two-thirds rule has not hindered legislation in recent years, with one or two possible exceptions; because in December, in a matter of 10 days' time, we invoked cloture in the Senate on a measure that had never been discussed in the Senate—the first time—and the trade bill was one of them, by a vote of 71 to 19. So the Senate can move anytime it so desires.

Mr. President, I was disappointed that my amendment No. 53 was not considered in the Senate but was tabled immediately. It has this to say:

> Motions, resolutions, bills, or other measures having any reference to an amendment of the Senate rules offered or presented at the begining of a Congress or at any other time shall be governed by the debate limitations provided for in this resolution in like manner as any other bill, resolution, motion, or other measure, and the method of limiting debate provided in this resolution shall be the exclusive method, other than by unanimous consent, of limiting debate on any such motions, resolutions, bills, or other measures having any reference to an amendment of the Senate rules irrespective of when offered.

Mr. President, we have heard a great deal about a compromise in the Senate. The Senator from Alabama did not participate in any conferences looking to a compromise, because you cannot compromise on principle, as I have pointed out. This so-called compromise carried with it the idea the precedent set by the Vice President, that you could have majority cloture at the beginning of a Congress with respect to amendment of the rules. The agreement was—as was echoed throughout the Chamber and throughout the cloakrooms—that this precedent would be reversed and that future rules changes would be governed by the rules; and they cynically put in there that two-thirds would still be the requirement for cutting off debate on a rules change, knowing full well that they would go the majority vote route by just putting in a debate-chokeoff motion, getting a point of order made to it, tabling it, and then you would have a nondebatable, nonamendable, nonreferrable measure before the Senate.

An effort was made to reconsider votes on a point of order; and when they finally got around to acting on it, it was the day after the point of order had died, so there was nothing to which to direct it.

So the precedent had not been reversed, and these Senators knew it. They knew it had not been reversed. If it had been reversed, there would not have been anything to keep them from coming in with a nondebatable motion again.

So the purpose of this amendment was merely to say that future efforts to amend the rules would be governed, insofar as debate limitations are concerned, by the Senate rules themselves. The Senate rules say that; but despite that, they moved forward with a debate limitation by majority vote, on February 20.

So the Senator from Alabama was not unrealistic enough to feel that this little amendment would prevent gag rule Senators from applying the gag rule again. But he thought it might provide just some little check, just some little ethical requirement, just some restraint on their action. When they got ready to file one of these majority vote debate choke-off motions, they would look at this part of Senate Resolution 4 or rule XXII and say, "Maybe we better not do this. Maybe this kind of binds us a little bit. The Senate voted it; maybe we ought to be governed by it."

No, they did not even want that amount of restraint. They voted it down without really knowing its provision. That is what we are faced with, Mr. President.

What I do not like is the idea that hanging over this Chamber from now on will be the sword of Damocles that might fall at any time. Any time the gag rule Senators are not satisfied with the 60-vote cloture, they can come in with their majority cloture route, as they started before. As long as the other 40 or 41, as the case might be, as long as the philosophical minority in the Senate behave themselves, as long as they do not have any input in the Senate, as long as they do not speak on measures before the Senate, as long as they do not bother to come by the Senate Chamber, as long as they confine themselves to Fourth of July speeches, and Veterans Day, to Rotary Clubs, Farm Bureau, posing on the Capitol steps, sending out seed to Minnesota—as long as they confine themselves to those activities, everything will be fine. This new rule is going to just live on and on and on.

But I tell you, the first time that they are required to seek to invoke cloture and they do not get 60 votes, we are going to see an effort to change the rules again. As long as we are good boys and do not interfere with them, as long as we let this monolithic 60 Senators run things here, in the Senate, decide what measures we are going to have, who is going to talk on them, how long he is going to talk, how many billions he is going to spend, and the others do not interfere with him, we will get along fine with the new rule XXII. But if one of those who is not one of the 60 comes in and asks to speak, why, he will get treatment about like Oliver Twist in asking for second helpings. He would not last very long here, in the Senate. But as long as we are good boys, everything will be fine. They will not make any effort to change the rules. Why should they? Everything will be going their way.

But if we are naughty boys, if we do not play their game, we can rest assured that there are going to be more changes in the Senate rules.

"Oh," they will say, "do you not remember, you agreed to reverse that decision of the Vice President?"

Well, the answer will be, "Well, let us see what the Vice President thinks about it today." And we know what he thinks about it. And we know what the gag-rule Senators will think about it, that if it is necessary to do it, they are going to do it.

That is the reason I have been against this modification of the rules, the reason I have opposed it and spoken against it at every opportunity, though not too frequently, that I was given to speak on the issues.

Mr. President, I was also interested in the fact that this measure had the approval of the Vice President and his active cooperation in ramming it through the Senate. It had the approval of an arrogant majority in the Senate. It had the approval of both minority leaders and both majority leaders. And then, finally, it had the approval of free debate Senators who felt that this was the proper course to follow, who felt, with a pistol at their head, that they had better agree to what the gag-rule Senators were offering or they might end up with less.

I find no fault with them for going off after that line of settlement. But it will not last. We would have been much better off allowing them to ram through what they intended to ram through to start with an be stuck with the sorry mess that they had made.

I appreciated the remarks of the distinguished Senator from Mississippi in answering, in graciously answering, the majority leader when the majority leader suggested that 21 Senators who voted against cloture, in effect, ought to fold their tents and get right on this issue. The distinguished Senator from Mississippi (Mr. STENNIS), who, I say, without any doubt, is the finest and greatest Member of the U.S. Senate, chided the majority leader for any such suggestion. If 21 Senators, or 1 Senator, do not have the right to express their feelings here, on the floor of the U.S. Senate, we have come to a mighty sorry pass.

Mr. President, this battle is going to be history, probably, in a matter of not too many minutes. But it is going to live on. It would not be proper for me to say that it is going to live on in infamy, as Franklin Roosevelt once said about a foreign nation's actions. But I do not believe it is going to be our proudest day.

This is the direct result not of the cloture vote—that has nothing to do with this whole issue. The cloture vote was—I would not want to use the word. It would be improper here, on the floor of the Senate, for me to say that.

But the cloture vote had to have a predetermined outcome, or things would have broken wide open here in the Senate. This is not going to be the proudest day for the gag-rule Senators, starting off as they did operating outside the rules, knowing full well that they were getting the cooperation of the Vice President, cutting off debate in advance, having the Vice President activate a motion that had not even been passed by the Senate. Then that led to the plan to run it the cloture route, inasmuch as the original effort acquired such a terrible smell that they had to turn the management of the bill over to the leadership to handle from there on out.

And they did a good job of it. The distinguished assistant majority leader, with his great ability and expertise, has rammed the bill on through. But, Mr. President, I cannot close without commenting on the fact that when we first got started here, the leadership was against this majority cloture effort, and then when the compromise was made, they started leading the parade. And the poor Senator from Minnesota (Mr. MONDALE) and the Senator from Kansas (Mr. PEARSON) had to sink into the shadows when the leadership took the measure over to ram it through.

And it has been rammed through. Not a single amendment was considered on its merits. Not one. Not one single amendment considered on its merits. The Senator from Alabama had some 35 amendments, many of them substantive amendments. He was trying to reform rule XXII, though he was referred to in the media as an antireformist, and those who stopped the consideration of amendments, they are the reformers. That is passing strange to the Senator from Alabama.

Mr. President, how much time remains to the Senator from Alabama?

The **PRESIDING OFFICER**. The Senator has until 8:43 p.m.

Mr. **ALLEN**. I thank the Chair. I reserve the remainder of my time.

The **PRESIDING OFFICER**. The question is on agreeing to the resolution.

Mr. **JAVITS**. Mr. President, I yield myself 5 minutes.

Two votes which have occurred this week are of significance, not simply in the history of this measure, but as a guide for the future. I believe it is important, therefore, to make a clear record of what we have done, and what we have not done.

To recapitulate:

On February 20, Senator PEARSON moved that we proceed to the consideration of Senate Resolution 4 and that a vote be taken immediately, and without further debate, on the motion to take up.

Senator MANSFIELD then raised a point of order that the Pearson motion was out of order and Senator MONDALE moved to table the point of order.

The Vice President announced that a vote by the Senate to table the point of order would be interpreted by him as an expression of the will of the Senate that Senator PEARSON's motion be adopted. The point of order was then tabled 51 to 42.

On February 26, after a series of intervening dilatory motions had been tabled, our earlier action was clarified in a series of motions wherein Senator MONDALE moved that in accordance with the precedent of February 20, we proceed to vote on the motion to take up Senate Resolution 4. Senator MANSFIELD raised a point of order to the effect that the Mondale motion was out of order in that it would preclude intervening motions. In tabling that point of order by a vote of 46 to 43, the Senate affirmed its earlier intention to preclude such motions as well as further debate on the Mondale-Pearson motion.

On March 3 and March 5, in preparation for adopting a compromise rule XXII, the Senate voted, respectively, to reconsider the tabling motion of February 26 and to affirm the point of order raised that day by Senator MANSFIELD.

The point which I believe is important for us to emphasize is that while the Senate did reconsider its earlier votes—and in so doing, gave up valuable precedents which could have been used in future efforts to amend rule XXII—we in no way diminished our rights under the Constitution. The same can be said of our adoption of a new rule XXII which provides, in part, that all future rules changes be accomplished by a two-thirds vote. Even though we now adopt this rule, we are in no way precluded, in future Congresses, from arguing that the Constitution itself precludes such a restriction. As the distinguished senior Senator from California (Mr. CRANSTON) said immediately following the vote on March 5:

> Upholding the Mansfield point of order only adds one tree to the jungle of precedents we reside in. But above and beyond that jungle stands the Constitution. And no precedent can reverse the fact that the Constitution supercedes the rules of the Senate—and that the constitutional right to make its rules cannot be challenged.

If there remains any doubt as to our right to raise the constitutional issue even though the new rule is specific on the point we can look to the history of the operation of rule XXII as amended in 1959. At that time, the Senate changed the rule so as to require a two-thirds vote of those present and voting to cut off debate—rather than a constitutional two-thirds—and we also added a new section to rule XXII, providing that "the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules." Although I opposed the latter provision, and indeed sought to amend it I never believed even at that time that it would have any practical effect on our right to raise the constitutional argument in future Congresses. The history of our continuing efforts to change rule XXII proves that that interpretation was correct. To quote from the 1959 debate on this point:

> Mr. JAVITS. I also believe that, in all fairness, a new Congress could raise the question (of amending the rules by majority vote) anew, and seek to decide it anew, and no one could stop it. We cannot amend the Constitution. No one knows that better than we. I think this is a constitutional question.
>
> Mr. LAUSCHE. As I understand, the Senator takes the position that the language of the Constitution conferring power upon the Senate to impose restrictions upon future Senates in the establishment of its rules of proceedings is violative of the Constitution insofar as it tries to restrict future Senates in the adoption of rules.
>
> Mr. JAVITS. That is exactly my argument.
>
> Mr. LAUSCHE. Therefore, it is the opinion of the Senator from New York that to comply with that constitutional provision, all Senates in the future should be left unshackled in their power to adopt rules of procedures?
>
> Mr. JAVITS. Exactly.
>
> Mr. LAUSCHE. Because the moment this Senate attempts to impose restrictions upon future Senates, to that extent this Senate is usurping a power which resides only in the people of the United States, not in the Senators of the United States. Is that correct?
>
> Mr. JAVITS. I thoroughly agree with my colleague, except that I point out that the words should be "threatening to usurp" because under the Constitution of the United States I do not believe we can bind any future Senate.

The foregoing debate, quoted from the RECORD of January 12, 1959, clarifies our intent, confirmed by 16 years of Senate action on this matter, as to the effect of rules purporting to bind future Congresses on the right of Members to raise constitutional arguments against such restrictions. In adopting a new rule XXII today—a rule which, as I said in 1959, "threatens to usurp" the rights of future Congresses—I want to make it clear that I have the right, as I did in 1959, to argue this question on constitutional grounds in the 95th Congress.

Finally, Mr. President, I do not think we could really end this debate without a tribute to the Vice President. He is a colleague of mine from New York, a man of an enormous reputation and an enormous record, who came absolutely new to presiding over what has probably been one of the most difficult debates for the Presiding Officer that has ever taken place in this Chamber. I think his marks, though not necessarily perfect, were very high. He showed gallantry, courage, and a great conscience, and the willingness to stick his neck out, to use a common phrase, in order to serve what he considered to be the dictates of his conscience as they applied to the law and the Constitution.

Mr. President, he was, in every sense of the word——

The **PRESIDING OFFICER**. The Senator's 5 minutes have expired.

Mr. **JAVITS**. I yield myself 2 more minutes.

He was, in every sense of the word, a real Presiding Officer of the Senate, staking his own reputation upon the decisions which he felt in good conscience, after very profound study, he had to make.

I honor him for it, and I am very pleased and I feel very honored that he is a colleague of mine, has been for many, many years. And that he has had the rare privilege, vouchsafed a few officers who have presided over the Senate, to have exercised his prerogatives in a way in which he did.

Mr. President, I yield the floor.

AMENDMENT NO. 52

Mr. **ROBERT C. BYRD**. Mr. President, I call up Amendment No. 52.

The **PRESIDING OFFICER**. The clerk will report.

The legislative clerk read as follows:

> On page 2, beginning on line 14, strike "except one to amend the Senate rules, it" and insert in lieu thereof "is".
>
> On page 3, line 1, after the comma, insert the following "—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—".
>
> Beginning on page 3, line 19, strike section 3.

Renumber section 4 as section 3.

Mr. ROBERT C. BYRD. Mr. President, this is a technical amendment. It corrects a typographical error, and it also shortens and makes more concise the language of the rule. It makes no substantive change whatsoever in the substitute, and I urge its adoption.

Mr. ALLEN. Mr. President, will the Senator yield? I did not quite understand what he said. It makes no change in the Byrd substitute?

Mr. ROBERT C. BYRD. It makes no substantive change. It is a technical amendment. It shortens and makes more concise the language, and it corrects a typographical error.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.]

The amendment was agreed to.

TRIBUTE TO SENATOR JAMES B. ALLEN OF ALABAMA

Mr. HARRY F. BYRD, JR. Mr. President, the long and difficult fight as to whether the rules of the Senate shall be changed will come to an end in a few moments. The outcome is clear. But I do wish to say a few words about a courageous Senator.

The Senator from Alabama (Mr. ALLEN) has proved himself not only a master of parliamentary procedure and tactics, but he has proved himself a dedicated, tenacious and resolute legislator.

It is never pleasant to go down in defeat.

But Senator JAMES B. ALLEN of Alabama will stand as tall in defeat as ever he could have stood in victory.

In this political era, where political leaders, including two Presidents, have boasted that in politics the name of the game is to win, the Senator from Virginia is willing to assert for the record somewhat different view.

I realize what I shall say is considered outdated, but I still believe what I was taught many years ago: that whether it be baseball or politics, the important element is not whether one wins or loses, but how one plays the game.

The Senator from Alabama has played the game fairly, forthrightly, and brilliantly. If his rights have not always been recognized, it has been through no negligence on his part. If he has been beaten down by the theory that might makes right, he can take some consolation, for that theory prevails in most parts of the world and in most lines of endeavor.

As to whether history will record that the position taken by the Senator from Alabama, and under his leadership by the Senator from Virginia, would be in the best interest of our Nation and the Senate, none can say with certainty. So I see no point in attempting to predict.

But I do want to say to a gallant leader, I have been pleased to serve under your leadership in this long and difficult fight.

I salute Senator JAMES B. ALLEN of Alabama and express the conviction that the people of his State are as proud of him in defeat as they would have been had he achieved victory.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator from Alabama.

Mr. ALLEN. I would like to express my sincere appreciation for his overgenerous praise. I will never forget it.

Mr. HANSEN. Mr. President, will the Senator yield? I would like to say very briefly that I think what has been said by the distinguished senior Senator from Virginia voices the thoughts and, indeed, the respect, admiration, and appreciation that all of us here, no matter which side we may be on, feel toward the Senator from Alabama which, I suspect, in the coming years, will be appreciated more and more by all Americans everywhere.

Mr. ROBERT C. BYRD. Mr. President, I rise to inquire as to whether or not any Senator intends to offer any further amendments or motions. Apparently not.

Mr. President, I ask for the yeas and nays on final passage of Senate Resolution 4, as amended.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I want to take just a moment to express my appreciation to all Senators for their understanding and the patience they have demonstrated in this effort.

I want to thank those Senators on both sides of the aisle who have canceled engagements for this evening, for this afternoon, and even for today in order that they might be present and in order that the Senate might work its will on this important change in the rules. They have demonstrated their intention to stay on the floor throughout tonight and tomorrow, if necessary, to bring this matter to a final vote this weekend.

I especially want to express my commendations to Senator MONDALE, Senator CRANSTON, Senator LONG, Senator PEARSON, the majority leader, Mr. MANSFIELD, the minority leader, Mr. SCOTT, Mr. GRIFFIN, and all Senators who have worked so diligently and in such a dedicated way to support the substitute which, as has been stated repeatedly, is a fair and equitable and well-balanced solution to the question that has been before the Senate now far too long.

As always, I think the Senate has demonstrated that, while it will often debate and debate at length, in the final analysis, it will render a judgment, and in almost all cases in my 17 years here, I have believed that the final judgment of the Senate has been the right judgment, as will also prove to be the case in the decision shortly to be rendered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield the floor.

Mr. MANSFIELD. Mr. President, the distinguished assistant majority leader has mentioned everyone but himself, and I want to take this occasion to go on record in extending my thanks to the distinguished Senator from West Virginia for the way he has conducted himself during the entire course of events leading up to what I hope will be an ultimate conclusion soon.

He, like the Senator from Alabama, is a master of the rules, and he, like the Senator from Alabama, has done his homework.

I think that we are extremely fortunate to have a man of the integrity, the ability, the dignity and the character of ROBERT BYRD of West Virginia taking the lead in this particular difficult situation, and acquitting himself with honor and intelligence all the way through.

I wish to extend to him my deep personal thanks for what he has been able to do and to accomplish in this most difficult hour.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. SYMINGTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SYMINGTON. Mr. President, I would like to associate myself with the remarks of the majority leader with respect to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Missouri.

The PRESIDING OFFICER. The question is on agreeing to Senate Resolution 4, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

REFORM OF SENATE RULE XXII

Mr. MONDALE. Mr. President, today is an historic day in the U.S. Senate. Passage of Senate Resolution 4 represents a significant victory for those who have fought to reform the procedures of this body. Reform of Rule XXII will make the Senate more efficient, more democratic, and more effectual.

Senate Resolution 4 is the first reform in 16 years—and I believe, the most important reform in 186 years—of a rule which has frequently paralyzed this body and diminished its credibility with the citizens of America.

But te real importance of today's action goes beyond procedural reform and beyond the confines of the U.S. Senate. In a very real sense, today's action is a victory for all America.

With a reformed rule XXII, the Senate will be able to deal with the pressing problems of America of 1975. With a reformed rule XXII, the Senate will be able to legislate in the fields of tax reform, energy policy, economics, campaign procedures, consumer needs, and other critical matters.

With a reformed rule XXII, the Senate will be able to act, even when a small, intransigent minority seeks to frustrate action. With a reformed rule XXII, the will of this body and the will of the American people will be translated into legislative action.

Instead of the "filibuster Congress," the 94th Congress will be known as the "action Congress."

Mr. President, I want to congratulate all of the Senators who have worked so hard to achieve the passage of Senate Resolution 4.

It has been a particular honor for me, as chief sponsor of Senate Resolution 4, to serve with the other chief sponsor, the distinguished Senator from Kansas (Mr.

Pearson). I congratulate the distinguished Senator on his outstanding accomplishment. His intelligence, his thoughtfulness, his understanding, and his hard work have been invaluable to the success of this effort.

Much credit and much thanks must also go to the distinguished Senator from Iowa (Mr. Clark), the distinguished Senator from California (Mr. Cranston), the distinguished Senator from Maryland (Mr. Mathias), and the distinguished Senator from Vermont (Mr. Stafford). These Senators have served as coleaders of this effort. Their time, their ideas, and their energy have made today's victory possible.

I thank too all of the other cosponsors and supporters of Senate Resolution 4, many of whom have spent hour after hour on the floor of the Senate in a dedicated effort to achieve passage of Senate Resolution 4. Particular credit in this regard, and the sincere thanks of many, must go to the distinguished Senator from Vermont (Mr. Leahy) and the distinguished Senator from Colorado (Mr. Hart).

We all, of course, owe a deep debt of gratitude to those Senators who have worked for many, many years to see rule XXII reformed. I think particularly of the distinguished Senator from Michigan (Mr. Hart), the distinguished Senator from New York (Mr. Javits), and the distinguished Senator from South Dakota (Mr. McGovern), who have been fighting this battle for many years. Their commitment and resilience is admired and appreciated.

On behalf of all of the cosponsors and supporters of Senate Resolution 4, I wish to thank the joint leadership for their work on behalf of compromise and conciliation. Because of the effort of the joint leadership, we have reached a concensus on the reform of rule XXII and we have made the Senate a more viable institution as a result.

The distinguished majority leader (Mr. Mansfield) has once again shown himself to be an exceptional leader. He has been fair to all; he has worked toward compromise; he has held the best interest of the Senate above all else. I am proud he is my leader.

Particular thanks and a special salute must go to the distinguished assistant majority leader (Mr. Byrd). The distinguished Senator has managed the amended Senate Resolution 4 with adeptness, fairness, and distinction. His efforts on behalf of this reform, on behalf of the joint leadership, and on behalf of the entire Senate are to be admired.

Finally, the thanks and recognition of the supporters and cosponsors of Senate Resolution 4 go to the distinguished Senator from Louisiana (Mr. Long) who played a critical role in the formulation of a concensus plan for the reform of rule XXII. Once again, the distinguished Senator has proven himself an able negotiator, an understanding craftsman, and an invaluable Member of this body.

Mr. President, someone who is not a member of this body must also be congratulated on his work during the Senate consideration of Senate Resolution 4. I speak of our distinguished Presiding Officer, the Vice President of the United States, Nelson Rockefeller. Although new to the presiding function and relatively unfamiliar with Senate procedure, the distinguished Vice President performed admirably. He showed a command of Senate practice, precedent, and procedure. He showed us all his commendable ability to perform skillfully under the most difficult of circumstances. He showed unimpeachable fairness to both the proponents and opponents of Senate Resolution 4. And, above all, he showed a deep and determined respect for the U.S. Senate as an institution of our system of government.

SIGNIFICANCE OF THE REFORM OF RULE XXII

Mr. President, I am unhesitating in calling the Senate passage of Senate Resolution 4 a significant victory. It is a victory for all of us who want this body to be productive, to be responsive, and to be able to deal with the problems of America.

There has been some criticism of the form in which Senate Resolution 4 passed today. I want to take this opportunity to respond to that criticism and to prove why the Senate's action today represents a true step forward for those who have sought meaningful reform in this body.

Rule XXII now provides that debate may be limited on a pending matter by the vote of three-fifths of the constitutional membership of the Senate—60 Senators. Under the old rule XXII, it took two-thirds of those present and voting.

In the past 8 years, there has been only one successful cloture vote on which less than 60 votes was required to invoke cloture under the old rule. Removing that single exception, the average number of votes needed on successful cloture votes was 63.

In other words, the Senate has significantly reduced the burden on those seeking to invoke cloture and facilitate Senate action.

Looking at the other side of the picture, during the same period there were five unsuccessful cloture votes on which more than 60 Senators voted to invoke cloture. In one case, 66 Senators voted to invoke cloture, but cloture was not invoked under the old rule.

In each of these instances, cloture would have been invoked under the reformed rule XXII.

I ask unanimous consent that a list of these votes be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

	Votes cast	Votes needed
Successful cloture votes since 1968: [1]		
Open housing, Mar. 4, 1968	65-32	65
Military draft, June 23, 1971	65-27	62
Military draft, Sept. 21, 1971	61-30	61
U.S.-Sovt. arms, Sept. 14, 1972	76-15	61
Eq. job. opp., Feb. 22, 1972	71-23	63
Voter regis., May 9, 1973	67-32	66
Rhod. chrome, Dec. 18, 1973	68-26	60
Leg. serv., Jan 30, 1974	68-29	65
Govt. pay, Mar. 6, 1974	67-31	66
Pub. fin., Apr. 9, 1974	64-30	63
Trade bill, Dec 13, 1974	71-19	60
School busing, Dec. 14, 1974	56-27	56
Tax reform, Dec 17, 1974	67-25	62
Social serv., Dec. 17, 1974	70-23	62
Unsuccessful cloture votes since 1968 with more than 60 votes needed:		
Voter regis., May 3, 1973	60-34	63
Rhod. chrome, Dec 13, 1973	62-33	64
Leg. serv., Dec. 13, 1973	60-36	64
Cam. fin., Apr. 4, 1974	60-36	64
CPA, Sept. 19, 1974	64-34	66

[1] Average: 63 (without Dec. 14, 1974).

Mr. MONDALE. There are, of course, many examples in recent years of cloture votes on which less than 60 votes were required to invoke cloture. But, the record will show that, on the most significant issues, more than 60 was required. Also, the absentees—and, consequently, the lowering of the cloture burden under the old rule—was often caused by the tacit acceptance of the impossibility of invoking cloture under the old rule.

The burden is lower, and the burden is different too. Instead of having to attempt to persuade a colleague to vote for cloture without knowing whether his vote will be the 60th vote, with anywhere from 55 to 67 votes needed, a proponent of cloture will be able to insure a colleague that his vote will satisfy a concrete—60 vote—burden. Absenteeism will be discouraged and positions more clearly delineated.

What will this new burden mean for the current Congress? Of course, I am forced to guess. But, Mr. President, I am confident that—with the reformed rule XXII—this Congress will be able to pass important legislation in the fields of economics, tax reform, energy policy, consumer needs, and many others of vital concern to the American people.

We will be more effective. We will be more responsive. We will be more efficient. We will be able to act.

All this will, in my opinion, be accomplished without harm to the essential nature of this body. Debate and thoughtful consideration are protected and insured. The rights of minority points of view safeguarded. And, the Senate will remain the world's greatest deliberative body.

Legislation alone will not tell the whole story of the significantce of this reform, Mr. President. The Senate will save hours and hours of precious time. And, the people of this Nation will have an increased respect for the Senate and its performance.

Mr. President, we cannot know what the future will hold. Time and experience may prove this reform insufficient. We may find that we want a formula other than that we have established today. However, Mr. President, if the past record is any indication, the step which the Senate has taken today should be a significant step forward.

THE CONSTITUTIONAL QUESTION

Mr. President, I would be remiss—as chief sponsor of Senate Resolution 4 in the 94th Congress—if I did not take a few moments today to comment on the procedural path which we have just crossed.

Many words have been spoken and many assertions have been made about the significance and precedential value of certain actions which the Senate has taken over the past several weeks. I hope to set the record straight, before we leave this matter for the 94th Congress.

Let no one misunderstand. For the first time in American history, the President of the Senate of the 94th Congress and the membership of the Senate of the 94th Congress have both clearly, unequivocally, and unmistakenly accepted and upheld the proposition that the U.S. Senate may, at the beginning of a new Congress, establish its rules by majority vote, uninhibited by rules adopted by previous Congresses.

On Thursday, February 20, 1975, the distinguished Senator from Kansas (Mr. PEARSON), in an effort to amend old rule XXII, moved to close debate on the pending motion to consider Senate Resolution 4. That motion asserted the right of the Senate, under article I, section 5 of the Constitution, to establish its rules by majority vote.

The distinguished majority leader (Mr. MANSFIELD) raised a point of order against the motion, questioning its propriety.

The distinguished Vice President ruled—as had Vice President Nixon and Vice President HUMPHREY before him—that the Senate, if it chose to table the point of order, would have validated the Pearson motion and asserted its constitutional right to change the rules by majority vote.

The Senate, by a vote of 51 to 42, tabled the Mansfield point of order. The Senate thereby affirmed its article I, section 5 right.

After various procedural occurrences, the Senator from Minnesota (Mr. MONDALE), on Monday, February 24, 1975, again moved to close debate on the pending motion to proceed to the consideration of Senate Resolution 4. That motion, asserted the right of the majority to establish its rules at the beginning of a new Congress, uninhibited by rules adopted by previous Congresses.

Again, the distinguished majority leader (Mr. MANSFIELD) raised a point of order against the Mondale motion. Again, the Vice President confirmed the right of the Senate to table the point of order and assert its article I, section 5 right. Again, the Senate—by a vote of 48 to 40—tabled the point of order and confirmed its constitutional right. By an identical vote, it also refused to reconsider the tabling. And, by an identical vote, it sustained the ruling of the distinguished Vice President on appeal.

On yet a third occasion, on Wednesday, February 26, 1975, the Senate tabled a point of order raised by the distinguished majority leader (Mr. MANSFIELD) against the Mondale motion. For a third time, the Senate asserted its constitutional right. For a third time, the Vice President reasserted his ruling.

The record could not be clearer. The right is in the Constitution. The distinguished Vice President has acknowledged the right. The Senate has asserted the right.

Now, Mr. President, some will point to the fact that the Senate, on Monday, March 3, 1975, voted to reconsider the February 26 tabling of the third Mansfield point of order and rejected the motion to table the third Mansfield point of order and that, on Wednesday, March 5, 1975, the Senate voted to sustain the third Mansfield point of order.

I caution against giving those actions too much significance. Those actions cannot erase the two other affirmative votes on tabling during the 94th Congress. Those actions cannot erase the clear rulings of the Vice President. Those actions cannot waive, alter, or undercut the constitutional right which the majority of the Members of the Senate possess.

Moreover, Mr. President, I believe those actions must be placed in context. It must be remembered that, when the Senate voted to reconsider the tabling of the third Mansfield point of order, rejected the tabling of the third Mansfield point of order, and voted to sustain the third Mansfield point of order, the Senate of the 94th Congress was in the process of seeking compromise and achieving consensus.

Some Senators felt that these actions by the Senate were necessary in order to pass Senate Resolution 4, as modified by the point leadership's proposal. These Senators voted accordingly. The Senator from Minnesota (Mr. MONDALE) voted against these actions, while recognizing the right of any Senator to support them in the interest of compromise.

I must say, Mr. President, that I know of no Senator who had previously supported the article I, section 5 right who, by supporting the March 3 and March 5 actions, abandoned the present and future reliance upon or assertion of that right.

Many Senators acted in the interest of compromise and consensus. No Senator, to my knowledge, abandoned any right.

The distinguished Vice President is on record. The Senate of the 94th Congress is on record. The constitutional right is alive and well. And, Mr. President, the chief opponent of Senate Resolution 4, the distinguished Senator from Alabama (Mr. ALLEN) has confirmed this fact over and over again in his comments on the Senate floor over the past several days.

In this context, a word must be said about one part of Senate Resolution 4 as it passed the Senate today. As you know, Mr. President, the Senate of the 94th Congress agreed to limit debate on proposals to change the Senate rules only by the vote of two-thirds of those Senators present and voting.

That portion of the modified Senate Resolution 4 means no more than what it says. This Congress—the 94th Congress—will only invoke cloture on a rules change by the vote of two-thirds of those Senators present and voting.

The Senator from Minnesota (Mr. MONDALE)—and no other Senator I know of who has asserted the article I, section 5 right during this debate—does not, by the adoption of this rule of the 94th Congress, seek to bind the Members of future Congresses. Nor do we waive our constitutional right in future Congresses. Nor do we waive the right of Members of future Congresses. Even if we wanted to, we could not, under the U.S. Constitution, bind a future Congress or waive the right of a future majority.

The article I, section 5 right remains inviolate. No rule of the 94th Congress can limit it in future Congresses. And no private or public understanding limits Members of the 94th Congress from its use in future Congresses. All rights are reserved; all rights are preserved—as they must be under the Constitution of the United States.

Mr. President, I close with but one wish. It is my sincere and optimistic hope that the Senate's historic action today will make this body better able to serve the people of this great Nation, now and in the future.

Mr. BAYH. Mr. President, I join today with my colleagues who are voting to support the compromise agreement amending rule XXII. This compromise calls for a constitutional three-fifths of those Senators represented in this body to cut off debate on any measure pending before the Senate, and requires, in order to further change the Rules of the Senate, a two-thirds vote.

This compromise has received criticism from both ends of the spectrum. Those who oppose any and all changes of the filibuster rule argue that by agreeing to an absolute 60 to invoke cloture, we are starting down an irreversible path leading inevitably to majority cloture.

Those who represent the other extreme castigate the compromise because they see it as accommodating those who oppose reform when no accommodation was necessary. According to the New York Times, those who support the compromise "will be surrendering to the obfuscating and intimidating tactics of one man and a diehard minority."

In my opinion, Mr. President, both of these extremes represent an ignorance of basic traditions of the Senate. Many who oppose the compromise attempt to cast it as the bullet which will surely kill minority rights. I would like to point out that the distinguished Senator from Alabama has been able to occupy the floor for a majority of the time that this Senate has spent considering changes in rule XXII. He has done so without relying on the tactic of the filibuster, but by a keen and precise knowledge of the Senate rules.

Those who support the compromise do not want to see minority rights abrogated. Personally, I do not believe those rights will be diminished by its acceptance. Neither do I believe that those of us who have supported either the constitutional three-fifths or three-fifths of those present and voting would ever support a further move to majority cloture. We are not dealing with simple arithmetical reductions here, but rather with a commitment to the principle of an effective legislative body—this principle has been and will always be tempered by devotion to full and adequate debate on all sides of any issue. I do not believe that future Senates will be any less dedicated to this principle.

To those who oppose this compromise on the grounds that it is not the proposal originally sought by those of us who supported Senate Resolution 4, I would just like to point out that the Senate has been wrangling over this issue for more than 2 months now. Rather than continue to block this Congress from at least being able to debate such vital measures as tax reform, aid to Cambodia, or the energy question, I think we have a responsibility to the American people to move forward.

Indeed, Mr. President, the time has come to bring this debate to a close. I hope that all Members of the Senate can join us in supporting the proposed compromise which will end this increasingly disruptive fight and will allow the Senate to enhance its ability to deal effectively with the pressing issues in the days ahead.

Mr. CLARK. Mr. President, this reform of the rules of the Senate has been a long time coming, and the length of that effort and the determination with which it has been made reflect its importance. In passing this compromise version of Senate Resolution 4, a better balance will be struck between Senators' right to debate and the Senate's responsibility to decide. The Senate now can take up the critical issues of economic well-being and social justice before the country with more freedom from the threat of crippling filibusters.

At this point, it is essential to review the terms of this compromise, how it came to pass, and what its implications are for this Congress and future Congresses.

The sponsors of Senate Resolution 4 attempted to amend rule XXII so that three-fifths—rather than two-thirds—of those Senators present and voting could limit debate on a question before the Senate. Since its inception in 1917, the present cloture requirement has often frustrated and befuddled the Senate and, in turn, the Nation. Legislation that had the support of a substantial majority of the Senate was delayed or destroyed. In addition, the mere threat of a filibuster often affected the Senate's schedule, especially near the session's end. In all too many instances over the years, a small number of Senators has been able to decide that the Senate will not decide important questions before it.

Ably led by the distinguished Senator from Alabama (Mr. Allen), the opponents of this resolution have sought for the last 6 weeks to prevent the Senate from changing the rule. But in the process, they have demonstrated vividly the very dangers of delay and obstruction which this resolution was designed to curtail.

Despite those tactics, the Senate was able to reach an initial vote on February 20 when a majority of the Senate, for the first time, asserted its right under article I, section 5, of the Constitution to establish the Senate's rules at the beginning of each Congress. But even after that dramatic expression of the Senate's will, which cleared the way for a vote on rule XXII, the Senate was frustrated. With skillful parliamentary maneuvers, privileged motions, and quorum calls, Senator Allen and his allies were able to prevent Senate consideration of the proposed rule change. So again, on February 24 and February 26, the Senate voted to prevent further interference with its constitutional responsibilities.

Just prior to that last vote, Senator Allen sought recognition from the Presiding Officer, Vice President Rockefeller, for a parliamentary inquiry. Having presided over Senator Allen's repeated efforts at delay in preceding days, Vice President Rockefeller refused recognition—a decision clearly within his prerogatives under the precedents of this Senate.

That decision generated a storm of protest. Some Senators were distressed that anyone should be denied the opportunity to address the Chair—whatever the precedents. Others, however, seemed more intent on using the occasion to make purely political attacks on the Vice President.

The Vice President's action was called "one of the most improper decisions made by the Chair" in the last 25 years. Well, Mr. President, I have served in the Senate but 2 years, and I have seen some very improper goings on here. At the height of the Watergate scandal, an obstructionist minority prevented the Senate from acting on campaign reform legislation. In the face of a grossly unfair tax system, an obstructionist minority blocked meaningful tax reforms. A small, determined group of men prevented a Senate vote on the Consumer Protection Agency bill that had been before the Congress for a decade, and on the Genocide Convention that was first submitted to the Senate in 1949.

Such actions may have been technically proper under a Senate rule adopted in 1917, but they are an affront to this country's democratic principles. These determined minorities were not trying to "permit further debate"—their views had been fully and fairly presented, not just once but many times. Their goal has and shall continue to be obstruction, plain and simple—to prevent a substantial majority of the Senate from reaching a decision when their own views could not prevail.

In the 58 years that the current rule XXII has been in effect, there have been 103 attempts to limit debate and come to a vote. Only 23 of them have been successful. No party or political philosophy has had a corner on the filibuster. It has been used by Senators from large States and small. But whether the issue has been civil rights legislation, the supersonic transport or the consumer protection bill, the filibuster has tied up the work of the Senate. At times, it has become much more than an expression of the rights of the minority to be heard—it has become an obstacle to effective government, creating a tyranny of the minority that is no better than the tyranny of the majority that rule XXII attempts to prevent.

That is why I so fervently believe that rule XXII must be changed, and why I reluctantly agreed to the joint leadership's request for a compromise. It was not necessary to compromise. The crucial votes to end debate had been won, and it was possible to move ahead to pass Senate Resolution 4 as originally introduced. But the leadership felt that an explosive situation existed in the Senate, so the proponents of a change in rule XXII have cooperated in their efforts to resolve this dispute, which reached its 50th day today.

The terms of the compromise, while they seemed to have changed periodically over the last several days, have come down to this:

That a three-fifths vote of the Senate's constitutional membership shall be required to invoke cloture on all matters other than changes in the Senate rules;

That a two-thirds vote of those present and voting shall be required to invoke cloture on rule changes; and

That the Senate reverse the precedent established last month to allow a majority to change the rules at the beginning of each Congress.

Now, this compromise has been executed, and I am confident that it will succeed when it finally is put to a vote tonight. In my judgment, the rule requiring a vote of three-fifths of the constitutional membership to end debate represents a significant improvement. It will make cloture easier to achieve—especially on the major issues before the 94th Congress.

However, the other two elements of the compromise have little meaning insofar as they attempt to restrict future efforts to amend rule XXII. No matter what rule XXII says about the cloture requirement for changing the rules—be it three-fifths or two-thirds or nine-tenths—if this struggle has demonstrated anything, it is that a majority clearly has a constitutional right to change the Senate's rules at the beginning of each Congress. And the Senate has voted to uphold that right, not once, but twice in the past several days.

It is true that the Senate reconsidered and reversed this precedent last Wednesday to comply with the terms of the leadership's compromise. But no less an authority on the rules and procedures of this Senate than the very learned Senator from Alabama (Mr. Allen) stated earlier this evening that we do not need precedents. As he said in debate last Wednesday—

> If they are looking for a precedent—I do not think they need it, Mr. President; it has been demonstrated—

The Senator is quite correct, Mr. President, it has been demonstrated. The authority rests with the Constitution of the United States, article I, section V, and neither rule XXII nor rule XXXII nor any other Senate rule or precedent can deny that authority.

I hope that this compromise works, Mr. President. I hope that we do not have to go through this kind of bitter, wasteful fight over the rules again. I hope that the constitutional three-fifths cloture rule established today will provide the kind of balance that is needed between debate and decision.

In the months ahead the Congress will be faced with the need to make crucial decisions on economic recovery, on tax reform, on health care, on this country's changing role in world affairs.

Almost certainly there will be determined efforts to prevent any action on these vital questions. I hope these efforts fail, Mr. President, that this rule change will allow the Senate to legislate as well as it debates.

If the new rule does fail—if we go through the next 2 years with filibuster after filibuster, with delay and obstruction and interminable debate—then, Mr. President, when the 95th Congress convenes, we will be back to change rule XXII so that it will permit the Senate to act—with the same rights under the Constitution asserted so forcefully in past weeks. We will be back, Mr. President, because nothing should stand in the way of the people's right to a Congress that will fully consider the merits of every question and then act for them, instead of just talk at them.

Mr. President, this has been a long and divisive struggle, but a struggle characterized by able and determined leadership on both sides. Senator MONDALE and Senator PEARSON, the original sponsors of Senate Resolution 4 and the leaders of this effort over the past weeks, deserve the highest praise. They knew from the beginning that it would be a difficult effort, but one that had to be made, and they both have demonstrated considerable skill and courage throughout.

Recognition also must go to Senators CRANSTON, JAVITS, MATHIAS, and STAFFORD for the many hours of hard work in support of this effort—and of course, to the leadership for its cooperation and patience.

And no one should overlook the significant contributions made by the various staff members who have toiled behind the scenes. Senator MONDALE's legislative assistant, Robert Barnett, consistently demonstrated how valuable good staff work can be. Arthur Hill with Senator PEARSON, Roy Greenaway and Jan Mueller with Senator CRANSTON, Chuck Warren and Pat Shakow with Senator JAVITS, Terry Barnett with Senator MATHIAS, and Victor Maerki with Senator STAFFORD all were of great help.

Finally, I would be remiss if I failed to mention the Senator from Alabama, who has proven once again how worthy an opponent can be. His knowledge of the rules of the Senate is clearly unsurpassed, and while I might wish that he would put that knowledge to better use on occasion, I cannot help but admire his skill and perseverance—not to mention his endurance.

Mr. President, I yield the floor.

Mr. BENTSEN. Mr. President, the Senate today has culminated its long effort to amend rule XXII. As a result of our action, cloture will be more easily invoked. The Senate will more easily have the opportunity to decide upon the merits of the truly difficult issues that come before it. But I am convinced that this welcomed change will not jeopardize the rights of a minority among us. Ample safeguards remain so that a sizable minority, however constituted, will be able to present its case fully and to express its concerns adequately.

I have supported the effort to amend rule XXII to permit cloture by three-fifths vote, as I did in 1971 during my first months in the Senate. We simply must be able to decide upon the crucial issues that face this Nation.

I want to commend the distinguished Members who throughout these long weeks have led to this effort, Senators MONDALE, PEARSON, CLARK, MATHIAS, JAVITS, and CRANSTON. Their determination, diligence, and stamina have insured that this rules change has been effectively and forcefully pressed, and I believe this body owes them its gratitude.

I am aware, however, of the intensity of the feeling on both sides of the issue. I recall, in particular, the strained atmosphere following the narrow 46 to 43 vote tabling a point of order and a decision by the Chair that the vote could also be regarded as our wish to limit debate on the motion before us.

Wrongly or not, many Senators felt that a controversial rules change was about to be forced upon them with little regard for the protections assured by common civility, tradition, and the rules of the last Senate. The intensity of that feeling assured that if a rules change were to be pursued, decorum might repeatedly have been violated, the calendar been indefinitely bogged down, and acrimonious divisions among individual Members become far too deep.

At that point, a proposal was offered that truly was in the best traditions of this body. The distinguished Senator from Louisiana (Mr. LONG), after stating his concern over the procedures being followed, proposed that a compromise might be found that would be acceptable to both factions and would facilitate a resolution of the prolonged debate.

Senator LONG suggested that the Senate consider amending rule XXII to permit a so-called constitutional two-thirds, or 60 Members, to invoke cloture, no matter how many Members were actually present and voting.

Senator MANSFIELD quickly indicated his interest and support for the proposal, and the basis for the compromise which permits today's conclusive action was established.

Senator BYRD, our distinguished majority whip, also quickly gave his support to the proposal. Since that hour, he has vigilantly manned the floor, carefully guiding us past one parliamentary obstacle after another so that progress to our final goal was never interrupted. He has once again vindicated our deep respect and admiration for him.

The proposal constituted a compromise in the finest sense of that word. Senators LONG and MANSFIELD had certainly approached this rules change from different perspectives, and each was thus offering to concede a portion of his position to facilitate a resolution of this matter.

Senator MANSFIELD has supported the initiative to change rule XXII to permit cloture by three-fifths vote. He has objected, however, to limiting debate and amending the Senate's rules by less than two-third's vote, even at the beginning of a new Congress. Nevertheless, the majority leader has been willing to permit the Senate as a body to decide those two crucial procedural questions, and he has provided the strong leadership needed to bring those issues to a vote. That willingness to trust in the Senate's decision expresses, I believe, a profound respect for the Members of this body, a respect that is deeply appreciated and reciprocated a hundredfold for our majority leader.

Senator LONG, on the other hand, has frequently and most eloquently expressed his support for preserving the right of a minority within this body to extended debate. Senator LONG comes from a region that has long highly valued the filibuster as a means of protecting its interests, and I know that feeling in its behalf remains strong there today.

But Senators LONG, MANSFIELD, and BYRD sensed that the proponents and opponents of change were of equal resolve in defending their positions, that acrimonious division among Members threatened to long pollute the atmosphere of this body, and that continued prolonged consideration of the matter would only hamstring this institution at a time when the American people were looking to the Congress for effective and expeditious action on the many important economic, tax, energy, and health proposals before it.

I applaud these three great leaders. I would like to acknowledge my colleague's gratitude and my own deep appreciation for their efforts. The compromise is a major step forward. It will permit this body to move more easily to deciding an issue on the basis of its merits. And it will allow us at last to get on with the crucial matters before this Congress.

I am convinced that as a result of their efforts, this body will be a better institution, and the American people will be the real beneficiaries.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from North Carolina (Mr. MORGAN), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Wisconsin (Mr. NELSON), the Senator from Mississippi (Mr. STENNIS), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Ohio (Mr. TAFT).

If present and voting, the Senator from Ohio would vote "yea" and the Senator from Nebraska would vote "nay."

The result was announced—yeas 56, nays 27, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—56

Bayh
Beall
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Clark
Cranston
Culver
Dole
Ford
Garn
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Huddleston
Inouye
Jackson
Javits
Johnston

Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Tunney
Williams
Young

NAYS—27

Allen
Baker
Bartlett
Bellmon
Brock
Buckley
Byrd, Harry F., Jr.
Chiles
Church
Domenici
Fong
Gravel
Hansen
Hathaway
Helms
Hollings
Hruska
Laxalt
McClure
McGee
Nunn
Roth
Scott, William L.
Sparkman
Thurmond
Tower
Weicker

NOT VOTING—16

Abourezk
Bumpers
Curtis
Eagleton
Eastland
Fannin
Goldwater
Humphrey
McClellan
Montoya
Morgan
Nelson
Schweiker
Stennis
Taft
Talmadge

So the resolution (S. Res. 4), as amended, was agreed to, as follows:

S. Res. 4

Resolved, That rule XXII of the Standing Rules of the Senate is amended to read as follows:

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"3. The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate.".

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the resolution, as amended, was agreed to.

Mr. MONDALE. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on the motion to lay on the table.

The motion to lay on the table was agreed to.

ORDER TO POSTPONE INDEFINITELY S. RES. 93

Mr. FORD. Mr. President, I move that Senate Resolution 93 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO VACATE CLOTURE MOTION

Mr. STONE. Mr. President, I ask unanimous consent that the cloture motion which was offered yesterday be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there morning business?

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 7, Calendar No. 28.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition of abandoned mines, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 3, in the last line under title V of the contents, strike out the words "Sec. 529. Anthracite coal mines."

On page 6, beginning in line 3, strike out the words "prevent the adverse effects to society and the environment resulting from" and insert in lieu thereof "protect society and the environment from the adverse effects of".

On page 26, beginning in line 2, strike out the following language:

At the end of each three-year period following the date of enactment of this Act, the Secretary shall adjust the fee to reflect any change in the cost of living index since the beginning of such three-year period.

On page 30, in line 1, strike out the word "thirty" and insert in lieu thereof the words "one hundred".

On page 30, in line 3, strike out the word "thirty" and insert in lieu thereof the words "one hundred".

On page 30, in line 9, after the word "agreement;" insert the following new language:

except the Secretary may reduce the matching cost share where he determines that (1) the main benefits to be derived from the project are related to improving off-site water quality, off-site esthetics values, or other off-site benefits, and (2) the matching share requirement would place a burden on the landowner which would probably prevent him from participating in the program.

On page 48, in line 11, after the word "State" insert the words "no later than thirty months after the date of enactment of this Act".

On page 49, beginning in line 8, after the word "authority" insert the following new language:

if a Federal program is implemented for a State, subsections 552 (a), (c), and (d) shall not apply for a period of one year following the date of such implementation.

On page 52, in line 23, strike out the words "the expiration of the thirty-month period following the date of enactment of this Act," and insert in lieu thereof the words "six months from the date of approval of the State program or the implementation of the Federal program,".

On page 53, at the beginning of line 6, strike out the words "existing at the date of enactment of this Act".

On page 53, in line 22, strike out the article "A" and insert in lieu therof "Unless otherwise provided in the permit, a".

On page 55, in line 22, after the word "program." insert the following new language:

The regulatory authority may develop procedures so as to enable the cost of the fee to be paid over the term of the permit.

On page 69, in line 5, after the word "prevent" insert the words "to the maximum extent possible, using the best available technology ".

On page 69, beginning at line 22, strike out the following language:

on valley floors underlain by unconsolidated stream laid deposits where farming can be practiced in the form of flood irrigated or naturally subirrigated hay meadows or other crop lands (excluding undeveloped range lands), where such valley floors are significant to present or potential farming or ranching operations

and insert in lieu thereof:

on farming or ranching operations being conducted on aluvial valley floors where such valley floors are significant to such operations

On page 73, in line 13, after "(8)" strike out the following language:

the written permission of all surface landowners of any exploration activities, except where the applicant owns such exploration rights;

and insert in lieu thereof:

a statement describing the right by which the applicant intends to pursue his exploration activities and a certification that notice of intention to pursue such activities has been given to the surface owner;

On page 80, in line 18, strike out the word "or" and insert in lieu thereof the word "of".

On page 84, in line 13, after the word "prevent" insert the words "to the maximum extent possible, using the best available technology,".

On page 84, in line 24, strike out the words "aquifer at the mine site" and insert in lieu thereof "mined area".

On page 85, beginning at line 1, insert the following new language:

(E) replacing the water supply of an owner of any interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground source other than a subterranean stream channel where such supply has been affected by contamination, diminution, or interruption proximately resulting from mining;

On page 85, in line 9, after the word "preserving" insert the words "to the maximum extent possible, using the best available technology,".

On page 99, in line 4, after the word "prevent" insert the words "to the maximum extent possible, using the best available technology,".

On page 105, at the beginning of line 9, insert the words "or at the prevailing Department of the Treasury borrowing rate, whichever is greater,".

On page 109, in line 10, after the word "revegetation." insert the following new language:

No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area above natural levels and seasonal flow conditions as set forth in the permit.

On page 122, beginning at line 10, insert the following new language:

(7) The regulatory authority shall render a decision upon a petition within one year from the date of submittal pursuant to this section. Failure of the regulatory authority to render a decision, however, shall not prevent the issuance of a permit.

On page 122, in line 20, after the words "Provided, however," insert the words "That the Secretary may permit surface coal mining on Federal lands prior to the completion of this review."

On page 125, in line 1, after the word "road," insert the words "except where mine access roads or haulage roads join such right-of-way line and".

On page 134, beginning at line 3, insert the following new language:

(g) the coal being mined has been owned or controlled by the operator of the mine since February 27, 1975; and

On page 134, at the beginning of line 6, strike out "(g)" and insert in lieu thereof "(h)".

On page 135, beginning at line 3, strike out the following language:

ANTHRACITE COAL MINES

SEC. 529. (a) The Secretary is hereby authorized to and shall issue separate regulations according to time schedules established in the Act for anthracite coal surface mines, if such mines are regulated by environmental protection standards of the State in which they are located. Such alternative regulations shall adopt, in each instance, the environmental protection provisions of the State regulatory program in existence at the date of enactment of this Act in lieu of sections 515 and 516. Provisions of sections 509 and 519 applicable except for specified bond limits and period of revegetation responsibility. All other provisions of this Act apply and the regulation issued by the Secretary of Interior for each State anthracite regulatory program shall so reflect: *Provided, however*, That upon amendment of a State's regulatory program for anthracite mining or regulations thereunder in force in lieu of the above cited sections of this Act, the Secretary shall issue such additional regulations as necessary to meet the purposes of this Act.

(b) The Secretary of Interior shall report to Congress biennially, commencing on December 31, 1975, as to the effectiveness of such State anthracite regulatory programs operating in conjunction with this Act with respect to protecting the environment and such reports shall include those recommendations the Secretary deems necessary for program changes in order to better meet the environmental protection objectives of this Act.

On page 146, beginning at line 23, insert the following new language:

(d) Approval of the State programs, pursuant to section 503(b), promulgation of Federal programs, pursuant to section 504, and implementation of the Federal lands programs, pursuant to section 523 of this Act, shall constitute a major action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

On page 151, in line 21, strike out the number "716" and insert in lieu thereof "715".

On page 169, in line 13, strike out the words "December 3, 1974," and insert in lieu thereof the words "February 27, 1975,".

so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Mining Control and Reclamation Act of 1975."

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TITLE I—STATEMENT OF FINDINGS AND POLICY

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) extraction of coal and other minerals from the earth can be accomplished by various methods of mining, including surface mining;

(b) coal mining operations presently contribute significantly to the Nation's energy requirements; surface coal mining constitutes one method of extraction of the resource; the overwhelming percentage of the Nation's coal reserves can only be extracted by underground mining methods, and it is, therefore, essential to the national interest to insure the existence of an expanding and economically healthy underground coal mining industry;

(c) many surface mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitats, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property, by degrading the quality of life in local communities, and by counteracting governmental programs and efforts to conserve soil, water, and other natural resources;

(d) surface mining and reclamation technology are now developed so that effective and reasonable regulation of surface coal mining operations by the States and by the Federal Government in accordance with the requirements of this Act is an appropriate and necessary means to minimize so far as practicable the adverse social, economic, and environmental effects of such mining operations;

(e) because of the diversity in terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States;

(f) while there is a need to regulate surface mining operation for minerals other than coal, more data and analyses are needed to serve as a basis for effective and reasonable regulation of such operations;

(g) surface and underground coal mining operations affect interstate commerce, contribute to the economic well-being, security, and general welfare of the Nation and should be conducted in an environmentally sound manner; and

(h) the cooperative effort established by this Act is necessary to prevent or mitigate adverse environmental effects of present and future surface coal mining operations.

PURPOSES

SEC. 102. It is the purpose of this Act to—

(a) establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations and surface impacts of underground coal mining operations;

(b) assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are fully protected from such operations;

(c) assure that surface mining operations are not conducted where reclamation as required by this Act is not feasible;

(d) assure that surface coal mining operations are so conducted as to protect the environment;

(e) assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations;

(f) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided and strike a balance between protection of the environment and the Nation's need for coal as an essential source of energy.

(g) assist the States in developing and implementing a program to achieve the purposes of this Act;

(h) promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this Act and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public;

(i) assure that appropriate procedures are provided for the public participation in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by the Secretary or any State under this Act;

(j) encourage the full utilization of coal resources through the development and application of underground extraction technologies;

(k) provide a means for development of the data and analyses necessary to establish effective and reasonable regulation of surface mining operations for other minerals;

(l) stimulate, sponsor, provide for and/or supplement present programs for the conduct of research investigations, experiments, and demonstrations, in the exploration, extraction, processing, development, and production of minerals and the training of mineral engineers and scientists in the fields of mining, minerals resources, and technology, and the establishment of an appropriate research and training center in various States; and

(m) wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations.

TITLE II—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

CREATION OF THE OFFICE

SEC. 201. (a) There is established in the Department of the Interior, the Office of Surface Mining Reclamation and Enforcement (hereinafter referred to as the "Office").

(b) The Office shall have a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule under section 5315 of title 5 of the United States Code, and such other employees as may be required. The Director shall have the repsonsibilities provided under subsection (c) of this section and those duties and responsibilities relating to the functions of the office which the Secretary may assign, consistent with this Act. Employees of the Office shall be recruited on the basis of their professional competence and capacity to administer the provisions of this Act. No legal authority, program, or function in any Federal agency which has as its purpose promoting the development or use of coal or other mineral resources, shall be transferred to the Office.

(c) The Secretary, acting through the Office, shall—

(1) administer the programs for controlling surface coal mining operations which are required by this Act; review and approve or disapprove State programs for controlling surface coal mining operations; make those investigations and inspections necessary to insure compliance with this Act; comduct hearings, administer oaths, issue subpenas, and compel the attendance of witnesses and production of written or printed material as provided for in this Act; issue cease-and-desist orders; review and vacate or modify or approve orders and decisions; and order the suspension, revocation, or withholding of any permit for failure to comply with any of the provisions of this Act or any rules and regulations adopted pursuant thereto;

(2) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act;

(3) administer the State grant-in-aid program for the development of State programs for surface coal mining and reclamation operations provided for in title V of this Act;

(4) administer the program for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to title IV of this Act;

(5) administer the surface mining and reclamation research and demonstration project authority provided for in this Act;

(6) consult with other agencies of the Federal Government having expertise in the control and reclamation of surface mining operations and assist States, local governments, and other eligible agencies in the coordination of such programs;

(7) maintain a continuing study of surface mining and reclamation operations in the United States;

(8) develop and maintain an Information and Data Center on Surface Coal Mining, Reclamation, and Surface Impacts of Underground Mining, which will make such data available to the public and to Federal, regional, State, and local agencies conducting or concerned with land use planning and agencies concerned with surface and underground mining and reclamation operations;

(9) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of this Act and, at the same time, reflect local requirements and local environmental conditions;

(10) assist the States in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State to be designated unsuitable for all or certain types of surface coal mining pursuant to section 522;

(11) monitor all Federal and State research programs dealing with local extraction and use and recommend to Congress the research and demonstration projects and necessary changes in public policy which are designated to (A) improve feasibility of underground coal mining, and (B) improve surface mining and reclamation techniques directed at eliminating adverse environmental and social impacts; and

(12) perform such other duties as may be provided by law and relate to the purposes of this Act.

TITLE III—STATE MINING AND MINERAL RESOURCES AND RESEARCH INSTITUTES

AUTHORIZATION OF STATE ALLOTMENTS TO INSTITUTES

SEC. 301. (a) There are authorized to be appropriated to the Secretary of the Interior sums adequate to provide for each participating State $200,000 for fiscal year 1975, $300,000 for fiscal year 1976, and $400,000 for each fiscal year thereafter for five years, to assist the States in carrying on the work of a competent and qualified mining and mineral resources research institute, or center (hereinafter referred to as "institute") at one public college or university in the State, which has in existence at the time of enactment of this title a school of mines, or division, or department conducting a program of substantial instruction and research in mining or minerals extraction or which establishes such a school of mines, or division, or department subsequent to the enactment of this title and which school of mines, or division, or department shall have been in existence of at least two years. The Advisory Committee on Mining and Minerals Resources Research as created by this title shall determine a college or university to have an eligible school of mines, or division, or department conducting a program of substantial instruction and research in mining or minerals extraction wherein education and research in the minerals engineering fields are being carried out and wherein at least five fulltime permanent faculty members are employed: *Provided*, That—

(1) such moneys when appropriated shall be made available to match, on a dollar-for-dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute;

(2) if there is more than one such eligible college or university in a State, funds under this title shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to one such college or university designated by the Governor of the State; and

(3) where a State does not have a public college or university with an eligible school of mines, or division, or department conducting a program of substantial instruction and research in mining or minerals extraction, said advisory committees may allocate the State's allotment to one private college or university which it determines to have an eligible school of mines, or division, or department as provided herein.

(b) It shall be the duty of each such institute to plan or conduct and/or arrange for a component or components of the college university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to exploration; extraction; processing; development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to mining and mineral resources research projects being conducted by agencies of the Federal and State governments, and other, and to avoid any undue displacement of mineral engineers and scientists elsewhere engaged in mining and mineral resources research.

RESEARCH FUNDS TO INSTITUTES

Sec. 302. (a) There is authorized to be appropriated annually for seven years to the Secretary of the Interior the sum of $15,000,000 in fiscal year 1975, said sum increased by $2,000,000 each fiscal year thereafter for six year, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses for purposes of:

(1) specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes, and

(2) research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated costs, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by nongovernmental sources in the project.

(c) The Secretary shall insofar as it is practicable, utilize the facilities of institutes designated in section 301 of this title to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications without regard to race or sex of the personnel who will conduct and direct it, and on the basis of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists. The Secretary may designate and utilize such portions of the funds authorized to be appropriated by this section as he deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

(d) No grant shall be made under subsection (a) of this section except for a project approved by the Secretary of the Interior and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

(e) No portion of any grant under this section shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building.

FUNDING CRITERIA

Sec. 303. (a) Sums available to institutes under the terms of sections 301 and 302 of this title shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this title and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this title during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this title shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be alloted or paid to any institute of such State.

(b) Moneys appropriated pursuant to this title shall be available for expenses for research, investigations, experiments, and training conducted under authority of this title. The institutes are hereby authorized and encouraged to plan and conduct programs under this title in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved, and moneys appropriated pursuant to this title shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

DUTIES OF THE SECRETARY

Sec. 304. (a) The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this title and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this title, participate in coordinating research initiated under this title by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

(b) On or before the 1st day of July in each year after the passage of this title, the Secretary shall ascertain whether the requirements of section 303(a) have been met as to each institute and State.

(c) The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this title. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

AUTONOMY

Sec. 305. Nothing in this title shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this title shall in any way be construed to authorize Federal control or direction of education at any college or university.

MISCELLANEOUS PROVISIONS

Sec. 306. (a) The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources of State and local governments, and of private institutions and individuals to assure that the programs authorized in this title will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of mining and minerals research, having due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this title, in addition to any direct publication of information by the institutes themselves.

(b) Nothing in this title is intended to give or shall be construed as giving the Secretary of the Interior any authority over mining and mineral resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

(c) Contracts or other arrangements for mining and mineral resources research work authorized under this title with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work.

(d) No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act unless all uses, products, processes, patents, and other developments resulting therefrom with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any fiscal year.

CENTER FOR CATALOGING

Sec. 307. The Secretary shall establish a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for public use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of Government, colleges, universities, private institutions, firms and individuals as may make such information available.

INTERAGENCY COOPERATION

Sec. 308. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for interagency coordination of such research, including the research authorized by this title. Such coordination shall include—

(a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research;

(b) identification and elimination of duplication and overlap between two or more agency programs;

(c) identification of technical needs in various mining and mineral resources research categories;

(d) recommendations with respect to allocation of technical effort among the Federal agencies;

(e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort; and

(f) actions to facilitate interagency communication at management levels.

ADVISORY COMMITTEE

Sec. 309. (a) The Secretary of the Interior shall appoint an Advisory Committee on Mining and Mineral Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Director of the National Science Foundation, or his delegate, with his consent;

(3) the President, National Academy of Sciences, or his delegate, with his consent;

(4) the President, National Academy of Engineering, or his delegate, with his consent;

(5) the Director, United States Geological Survey, or his delegate, with his consent; and

(6) not more than four other persons who are knowledgeable in the fields of mining and mineral resources research, at least one of whom shall be representative of working coal miners.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research and such determinations as provided in this title. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee on the conduct of mining and mineral resources research and the making of any grant under this title.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the Secretary, but not in excess of the maximum rate of pay for grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

TITLE IV—ABANDONED MINE RECLAMATION

ABANDONED COAL MINE RECLAMATION FUND

Sec. 401. (a) There is created on the books of the Treasury of the United States a trust fund to be known as the Abandoned Mine Reclamation Fund (hereinafter referred to as the "fund") which shall be administered by the Secretary of the Interior.

(b) The fund shall consist of amounts deposited in the fund, from time to tme, derived from—

(1) the sale, lease, or rental of land reclaimed pursuant to this title;

(2) any user charge imposed on or for land reclaimed pursuant to this title, after expenditures for maintenance have been deducted; and

(3) the reclamation fees levied under subsection (d) of this section.

(c) Amounts covered into the fund shall be available for the acquisition and reclamation of land under section 405, administration of the fund and enforcement and collection of the fee as specified in subsection (d), acquisition and filling of voids and sealing of tunnels, shafts, and entryways under section 406, and for use under section 404, by the Secretary of Agriculture, of up to one-fifth of the money deposited in the fund annually and transferred by the Secretary of the Interior to the Secretary of Agriculture for such purposes. Such amounts shall be available for such purposes only when appropriated therefor; and such appropriations may be made without fiscal year limitation.

(d) All operators of coal mining operations subject to the provisions of this Act shall pay to the Secretary of the Interior, for deposit in the fund, a reclamation fee of thirty-five cents per ton of coal produced by surface coal mining and twenty-five cents per ton of coal produced by underground mining, or 10 per centum of the value of the coal at the mine, as determined by the Secretary, whichever is less. Such fee shall be paid each calendar quarter occurring after the date of enactment of this Act, beginning with the first calendar quarter (or part thereof) occurring after such date of enactment and ending ten years after the date of enactment of this Act unless extended by an Act of Congress.

(e) The geographic allocation of expenditures from the fund shall reflect both the area from which the revenue was derived as well as the program needs for the funds. Fifty per centum of the funds collected annually in any State or Indian reservation shall be expended in that State or Indian reservation by the Secretary to accomplish the purposes of this title: *Provided, however,* That if such funds have not been expended within three years after being paid into the fund, they shall be available for expenditure in any area. The balance of funds collected on an annual basis may be expended in any area at the discretion of the Secretary in order to meet the purposes of this title.

OBJECTIVES OF FUND

Sec. 402. Objectives for the obligation of funds for the reclamation of previously mined areas shall reflect the following priorities in the order stated:

(a) the protection of health or safety of the public;

(b) protection of the environment from continued degradation and the conservation of land and water resources;

(c) the protection, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities and their use;

(d) the improvement of lands and water to a suitable condition useful in the economic and social development of the area affected; and

(e) research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques in all areas of the United States.

ELIGIBLE LANDS

Sec. 403. The only lands eligible for reclamation expenditures under this title are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, and abandoning or left in an inadequate reclamation status prior to the date of enactment of this Act, and for which there is no continuing reclamation responsibility under State or other Federal laws.

RECLAMATION OF RURAL LANDS

Sec. 404. (a) In order to provide for the control and prevention of erosion and sediment damages from unreclaimed mined lands, and to promote the conservation and development of soil and water resources of unreclaimed mined lands and lands affected by mining, the Secretary of Agriculture is authorized to enter into agreements, of not more than ten years with landowners (including owners of water rights) residents and tenants, and individually or collectively, determined by him to have control for the period of the agreement of lands in question therein, providing for land stabilization, erosion, and sediment control, and reclamation through conservation treatment, including measures for the conservation and development of soil, water (excluding stream channelization), woodland, wildlife, and recreation resources, of such lands. Such agreements shall be made by the Secretary with the owners, including owners of water rights, residents, or tenants (collectively or individually) of the lands in question.

(b) The landowner, including the owner of water rights, resident, or tenant shall furnish to the Secretary of Agriculture a conservation and development plan setting forth the proposed land uses and conservation treatment which shall be mutually agreed by the Secretary of Agriculture and the landowner, including owner of water rights, resident, or tenant to be needed on the lands for which the plan was prepared. In those instances where it is determined that the water rights or water supply of a tenant, landowner, including owner of water rights, residents, or tenant have been adversely affected by a surface or underground coal mine operation which has removed or disturbed a stratum so as to significantly affect the hydrologic balance, such plan may include proposed measures to enhance water quality or quantity by means of joint action with other affected landowners, including owner of water rights, residents, or tenants in consultation with appropriate State and Federal agencies.

(c) Such plan shall be incorporated in an agreement under which the landowner, including owner of water rights, resident, or tenant shall agree with the Secretary of Agriculture to effect the land uses and conservation treatment provided for in such plan on the lands described in the agreement in accordance with the terms and conditions thereof.

(d) In return for such agreement by the landowner, including owner of water rights, resident, or tenant the Secretaray of Agriculture is authorized to furnish financial and other assistance to such landowner, including owner of water rights, resident, or tenant in such amounts and subject to such conditions as the Secretary of Agriculture determines are appropriate and in the public interest for carryiing out the land use and conservation treatment set forth in the agreement. Grants made under this section shall not exceed 80 per centum of the cost of carrying out such land uses and conservation treatment on not more than one hundred acres of land occupied by such owner including water rights owners, resident or tenant, or on not more than one hundred acres of land which has been purchased jointly by such landowners including water rights owners, residents, or tenants under an agreement for the enhancement of water quality or quantity or on land which has been acquired by an appropriate State or local agency for the purpose of implementing such agreement; except the Secretary may reduce the matching cost share where he determines that (1) the main benefits to be derived from the project are related to improving off-site water quality, off-site esthetics values, or other off-site benefits, and (2) the matching share requirement would place a burden on the landowner which would probably prevent him from participating in the program.

(e) The Secretary of Agriculture may terminate any agreement with a landowner including water rights owners, operator, or occupier by mutual agreement if the Secretary of Agriculture determines that such termination would be in the public interest, and may agree to such modification of agreements previously entered into hereunder as he deems desirable to carry out the purposes of this section or to facilitate the practical administration of the program authorized herein.

(f) Notwithstanding any other provision of law, the Secretary of Agriculture, to the extent he deems it desirable to carry out the purposes of this section, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

(g) The Secretary of Agriculture shall be authorized to issue such rules and regulations as he determines are necessary to carry out the provisions of this section.

(h) In carrying out the provisions of this section, the Secretary of Agriculture shall utilize the services of the Soil Conservation Service.

(i) Funds shall be made available to the Secretary of Agriculture for the purposes of this section, as provided in section 401(c).

ACQUISITION AND RECLAMATION OF ABANDONED AND UNRECLAIMED MINED LANDS

SEC. 405. (a) (1) The Congress hereby declares that the acquisition of any interest in land or mineral rights in order to eliminate hazards to the environment or to the health or safety of the public from mined lands, or to construct, operate, or manage reclamation facilities and projects constitutes acquisition for a public use or purpose, notwithstanding that the Secretary plans to hold the interest in land or mineral rights so acquired as an open space or for recreation, or to resell the land following completion of the reclamation facility or project.

(2) The Secretary may acquire by purchase, donation, or otherwise, land or any interest therein which has been affected by surface mining and has not been reclaimed to its approximate original condition. Prior to making any acquisition of land under this section, the Secretary shall make a thorough study with respect to those tracts of land which are available for acquisition under this section and based upon those findings he shall select lands for purchase according to the priorities established in section 402. Title to all lands or interests therein acquired shall be taken in the name of the United States. The price paid for land under this section shall take into account the unrestored condition of the land. Prior to any individual acquisition under this section, the Secretary shall specifically determine the cost of such acquisition and reclamation and the benefits to the public to be gained therefrom.

(3) For the purposes of this section, when the Secretary seeks to acquire an interest in land or mineral rights, and cannot negotiate an agreement with the owner of such interest or right he shall request the Attorney General to file a condemnation suit and take interest or right, following a tender of just compensation awarded by a jury to such person. When the Secretary determines that time is of the essence because of the likelihood of continuing or increasingly harmful effects upon the environment which would substantially increase the cost or magnitude of reclamation or of continuing or increasingly serious threats to life, safety, or health, or to property, the Secretary may take such interest or rights immediately upon payment by the United States either to such person or into a court of competent jurisdiction of such amount as the Secretary shall estimate to be the fair market value of such interest or rights; except that the Secretary shall also pay to such person any further amount that may be subsequently awarded by a jury, with interest from the date of the taking.

(4) For the purposes of this section, when the Secretary takes action to acquire an interest in land and cannot determine which person or persons hold title to such interest or rights, the Secretary shall request the Attorney General to file a condemnation suit, and give notice, and may take such interest or rights immediately upon payment into court of such amount as the Secretary shall estimate to be the fair market value of such interest or rights. If a person or persons establishes title to such interest or rights within six years from the time of their taking, the court shall transfer the payment to such person or persons and the Secretary shall pay any further amount that may be agreed to pursuant to negotiations or awarded by a jury subsequent to the time of taking. If no person or persons establish title to the interest or rights within six years from the time of such taking, the payment shall revert to the Secretary and be deposited in the fund.

(5) States are encouraged to acquire abandoned and unreclaimed mined lands within their boundaries and to transfer such lands to the Secretary to be reclaimed under appropriate Federal regulations. The Secretary is authorized to make grants on a matching basis to States in such amounts as he deems appropriate for the purpose of carrying out the provisions of this title but in no event shall any grant exceed 90 per centum of the cost of acquisition of the lands for which the grant is made. When a State has made any such land available to the Federal Government under this title, such State shall have a preference right to purchase such lands after reclamation at fair market value less the State portion of the original acquisition price. Notwithstanding the provisions of paragraph (1) of this subsection, reclaimed land may be sold to the State or local government in which it is located at a price less than fair market value, which in no case shall be less than the cost to the United States of the purchase and reclamation of the land, as negotiated by the Secretary, to be used for a valid public purpose. If any land sold to a State or local government under this paragraph is not used for a valid public purpose as specified by the Secretary in the terms of the sales agreement then all right, title, and interest in such land shall revert to the United States. Money received from such sale shall be deposited in the fund.

(6) The Secretary shall prepare specifications for the reclamation of lands acquired under this section. In preparing these specifications, the Secretary shall utilize the specialized knowledge or experience of any Federal department or agency which can assist him in the development or implementation of the reclamation program required under this title.

(7) In selecting lands to be acquired pursuant to this section and in formulating regulations for the making of grants to the States to acquire lands pursuant to this title, the Secretary shall give priority to lands in their unreclaimed state which will meet the objectives as stated in section 402 above when reclaimed. For those lands which are reclaimed for public recreational use, the revenue derived from such lands shall be used first to assure proper maintenance of such funds and facilities thereon and any remaining moneys shall be deposited in the funds.

(8) Where land reclaimed pursuant to this section is deemed to be suitable for industrial, commercial, residential, or private recreational development, the Secretary may sell such land by public sale under a system of competitive bidding, at not less than fair market value and under such other regulations as he may promulgate to insure that such lands are put to proper use, as determined by the Secretary. If any such land sold is not put to the use specified by the Secretary in the terms of the sales agreement, then all right, title, and interest in such land shall revert to the United States. Money received from such sale shall be deposited in the fund.

(9) The Secretary shall hold a public hearing, with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired to be reclaimed pursuant to this title are located. The hearings shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use of the lands once reclaimed.

(b) (1) The Secretary is authorized to use money in the fund to acquire, reclaim, develop, and transfer land to any State, or any department, agency, or instrumentality of a State or of a political subdivision thereof, or to any person, firm, association, or corporation if he determines that such is an integral and necessary element of an economically feasible plan for a project to construct or rehabilitate housing for persons employed in mines or work incidental thereto, persons disabled as the result of such employment, persons displaced by governmental action, or persons dislocated as the result of natural disasters or catastrophic failure from any cause. Such activities shall be accomplished under such terms and conditions as the Secretary shall require, which may include transfers of land with or without monetary consideration: *Provided,* That, to the extent that the consideration is below the fair market value of the land transferred, no portion of the difference between the fair market value and the consideration shall accrue as a profit to such person, firm, association, or corporation. Land development may include the construction of public facilities or other improvements including reasonable site work and offsite improvements such as sewer and water extensions which the Secretary determines necessary or appropriate to the economic feasibility of a project. No part of the funds provided under this title may be used to pay the actual construction costs of housing.

(2) The Secretary may carry out the purposes of this subsection directly or he may make grants and commitments for grants, and may advance money under such terms and conditions as he may require to any State, or any department, agency, or instrumentality of a State, or any public body or nonprofit organization designated by a State.

(3) The Secretary may provide, or contract with public and private organizations to provide information, advice, and technical assistance, including demonstrations, in furtherance of this subsection.

(4) The Secretary may make expenditures to carry out the purposes of this subsection, without regard to the provisions of section 403, in any area experiencing a rapid development of its coal resources which the Secretary has determined does not have adequate housing facilities.

FILLING VOIDS AND SEALING TUNNELS

SEC. 406. (a) The Congress declares that voids and open and abandoned tunnels, shafts, and entryways resulting from mining constitute a hazard to the public health or safety. The Secretary, at the request of the Governor of any State, is authorized to fill such voids and seal such abandoned tunnels, shafts, and entryways which the Secretary determines could endanger life and property or constitute a hazard to the public health or safety.

(b) In those instances where mine waste piles are being reworked for coal conservation purposes, the incremental costs of disposing of the wastes from such operations by filling voids and sealing tunnels may be eligible for funding providing that the disposal of these wastes meet the purposes of this section.

(c) The Secretary may acquire by purchase, donation, or otherwise such interest in land as he determines necessary to carry out the provisions of this section.

FUND REPORT

SEC. 407. Not later than January 1, 1976, and annually thereafter, the Secretary shall report to the Congress on operations under the fund together with his recommendations as to future uses of the fund.

TRANSFER OF FUNDS

SEC. 408. The Secretary of the Interior may transfer funds to other appropriate Federal agencies, in order to carry out the reclamation activities authorized by this title.

TITLE V—CONTROL OF THE ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING

ENVIRONMENTAL PROTECTION STANDARDS

SEC. 501. Not later than the end of the one-hundred-and-eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations setting mining and reclamation performance standards based on and incorporating the provisions of title V and establishing procedures and requirements for preparation, submission, and approval of State programs and development and implementation of Federal programs under this title. Such regulations shall not be promulgated and published by the Secretary until he has—

(A) published proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than forty-five days after such publication to submit written comments thereon;

(B) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those regulations promulgated under this section which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857); and

(C) held at least one public hearing on the proposed regulations.

The date, time, and place of any hearing held on the proposed regulations shall be set out in the publication of the proposed regulations. The Secretary shall consider all comments and relevant data presented at such hearing before final promulgation and publication of the regulations.

INITIAL REGULATORY PROCEDURES

SEC. 502. (a) No person shall open or develop any new or previously mined or abandoned site for surface coal mining operations on lands on which such operations are regulated by a State unless such person has obtained a permit from the State regulatory authority.

(b) All surface coal mining operations on lands on which such operations are regulated by a State which commence operations pursuant to a permit issued on or after the date of enactment of this Act shall comply, and such permits shall contain terms requiring compliance with the provisions of subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act.

(c) On and after one hundred and thirty-five days from the date of enactment of this Act, all surface coal mining operations on lands on which such operations are regulated by a State which are in operation pursuant to a permit issued before the date of enactment of this Act shall comply with the provisions of subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act, with respect to lands from which overburden and the coal seam being mined have not been removed.

(d) Upon the request of the permit application or permittee subsequent to a written finding by the regulatory authority and under the conditions and procedures set forth in subsection 515(c), the regulatory authority may grant variances from the requirement to restore to approximate original contour set forth in subsections 515(b)(3) and 515(d).

(e) Not later than twenty months from the date of enactment of this Act, all operators of surface coal mines in expectation of operating such mines after the date of approval of a State program, or the implementation of a Federal program, shall file an application for a permit with the regulatory authority, such application to cover those lands to be mined after the date of approval of the State program. The regulatory authority shall process such applications and grant or deny a permit within six months after the date of approval of the State program, but in no case later than thirty months from the date of enactment of this Act.

(f) No later than one hundred and thirty-five days from the date of enactment of this Act, the Secretary shall implement a Federal enforcement program which shall remain in effect in each State in which there is surface coal mining until the State program has been approved pursuant to this Act or until a Federal program has been implemented pursuant to this Act. The enforcement program shall—

(1) include inspections of surface coal mine sites which shall be made on a random basis (but at least one inspection for every site every three months), without advance notice to the mine operator and for the purpose of ascertaining compliance with the standards of subsection (b) above. The Secretary shall order any necessary enforcement action to be implemented pursuant to the Federal enforcement provision of this title to correct violations identified at the inspections;

(2) provide that upon receipt of inspection reports indicating that any surface coal mining operation has been found in violation of section (b) above, during not less than two consecutive State inspections or upon receipt by the Secretary of information which would give rise to reasonable belief that such standards are being violated by any surface coal mining operation, the Secretary shall order the immediate inspection of such operation by Federal inspectors and the necessary enforcement actions, if any, to be implemented pursuant to the Federal enforcement provisions of this title. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such persons when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection;

(3) for purposes of this section, the term "Federal inspector" means personnel of the Office of Surface Mining Reclamation and Enforcement and such additional personal of the United States Geological Survey, Bureau of Land Management, or of the Mining Enforcement and Safety Administration so designated by the Secretary, or such other personnel of the Forest Service, Soil Conservation Service, or the Agricultural Stabilization and Conservation Service, or the Agricultural Stabilization and Conservation Service as arranged by appropriate agreement with the Secretary on a reimbursable or other basis;

(4) provide that the State regulatory agency file with the Secretary and with a designated Federal office centrally located in the county or area in which the inspected surface coal mine is located copies of inspection reports made;

(5) provide that moneys authorized by section 714 shall be available to the Secretary prior to the approval of a State program pursuant to this Act to reimburse the States for conducting those inspections in which the standards of this Act are enforced and for the administration of this section.

(g) Following the final disapproval of a State program, and prior to promulgation of a Federal program or a Federal lands program pursuant to this Act, including judicial review of such a program, existing surface coal mining operations may continue surface mining operations pursuant to the provisions of section 502 of this Act.

STATE PROGRAMS

SEC. 503. (a) Each State in which there is or may be conducted surface coal mining operations, and which wishes to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations, except as provided in section 521 and title IV of this Act shall submit to the Secretary, by the end of the eighteen-month period beginning on the date of enactment of this Act, a State program which demonstrates that such Act has the capability of carrying out the provisions of this Act and meeting its purposes through—

(1) a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act and the regulations issued by the Secretary pursuant to this Act;

(2) a State law which provides sanctions for violations of State laws, regulations, or conditions of permits concerning surface coal mining and reclamation operations, which sanctions shall meet the minimum requirements of this Act, including civil and criminal actions, forfeiture of bonds, suspension, revocation, and withholding of permits, and the issuance of cease-and-desist orders by the State regulatory authority or its inspectors;

(3) a State regulatory authority with sufficient administrative and technical personnel, and sufficient funding to enable the State to regulate surface coal mining and reclamation operations in accordance with the requirements of this Act;

(4) a State law which provides for the effective implementation, maintenance, and enforcement of a permit system, meeting the requirements of this title for the regulation of surface coal mining and reclamation operations for coal on lands within the State;

(5) establishment of a process for the designation of areas as unsuitable for surface coal mining in accordance with section 522;

(6) establishment, for the purposes of avoiding duplication, of a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other Federal or State permit process applicable to the proposed operations.

(b) The Secretary shall not approve any State program submitted under this section until he has—

(1) solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State program;

(2) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of a State program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857);

(3) held at least one public hearing on the State program within the State; and

(4) found that the State has the legal authority and qualified personnel necessary for the enforcement of the environmental protection standards.

The Secretary shall approve or disapprove a State program, in whole or in part, within six full calendar months after the date such State program was submitted to him.

(c) If the Secretary disapproves any proposed State program in whole or in part, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State program, or portion thereof. The Secretary shall approve or disapprove the resubmitted State program or portion thereof within sixty days from the date of resubmission.

(d) For the purposes of this section and section 504, the inability of a State to take any action the purpose of which is to prepare, submit, or enforce a State program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under titles IV and VII of this Act or in the imposition of a Federal program. Regulation of the surface coal mining and reclamation operations covered or to be covered by the State program subject to the injunction shall be conducted by the State pursuant to section 502 of this Act, until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of sections 503 and 504 shall again be fully applicable.

FEDERAL PROGRAMS

SEC. 504. (a) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement a Federal program for a State no later than thirty months after the date of enactment of this Act if such State—

(1) fails to submit a State program covering surface coal mining and reclamation operations by the end of the eighteen-month period beginning on the date of enactment of this Act;

(2) fails to resubmit an acceptable State program within sixty days of disapproval of a proposed State program: *Provided,* That the Secretary shall not implement a Federal program prior to the expiration of the initial period allowed for submission of a State program as provided for in clause (1) of this subsection; or

(3) fails to implement, enforce, or maintain its approved State program as provided for in this Act.

If State compliance with clause (1) of this subsection requires an act of the State legislature the Secretary may extend the period for submission of a State program up to an additional six months. Promulgation and implementation of a Federal program vests the Secretary with exclusive jurisdiction for the regulation and control of surface coal mining and reclamation operations taking place on lands within any State not in compliance with this Act. After promulgation and implementation of a Federal program the Secretary shall be the regulatory authority if a Federal program is implemented for a State, subsections 552(a)(c), and (d) shall not apply for a period of one year following the date of such implementation. In promulgating and implementing a Federal program for a particular State the Secretary shall take into consideration the nature of that State's terrain, climate, biological, chemical, and other relevant physical conditions.

(b) In the even that a State has a State program for surface coal mining, and is not enforcing any part of such program, the Secretary may provide for the Federal enforcement, under the provisions of section 521, of that part of the State program not being enforced by such State.

(c) Prior to promulgation and implementation of any proposed Federal program, the Secretary shall give adequate public notice and hold a public hearing in the affected State.

(d) Permits issued pursuant to an approved State program shall be valid but reviewable under a Federal program. Immediately following promulgation of a Federal program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not violated. If the Secretary determines any permit to have been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform on-going surface mining and reclamation operations to the requirements of the Federal program.

(e) A State which has failed to obtain the approval of a State program prior to implementation of a Federal program may submit a State program at any time after such implementation. Upon the submission of such a program, the Secretary shall follow the procedures set forth in section 503(b) and shall approve or disapprove the State program within six months after its submittal. Approval of a State program shall be based on the determination that the State has the capability of carrying out the provisions of this Act and meeting its purposes through the criteria set forth in section 503 (a) (1) through (6). Until a State program is approved as provided under this section, the Federal program shall remain in effect and all actions taken by the Secretary pursuant to such Federal program, including the terms and conditions of any permit issued thereunder, shall remain in effect.

(f) Permits issued pursuant to the Federal program shall be valid but reviewable under the approved State program. The State regulatory authority may review such permits to determine that the requirements of this Act and the approved State program are not violated. If the State regulatory authority determines any permit to have been granted contrary to the requirements of this Act or the approved State program, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of this Act or approved State program.

(g) Whenever a Federal program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface mining and reclamation operations subject to this Act shall, insofar as they interfere with the achievement of the purposes and the requirements of this Act and the Federal program, be preempted and superseded by the Federal program.

(h) Any Federal program shall include a process for coordinating the review and issuance of permits for surface mining and reclamation operations with any other Federal or State permit process applicable to the proposed operation.

STATE LAWS

SEC. 505. (a) No State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation issued pursuant thereto, except insofar as such State law or regulation is inconsistent with the provisions of this Act.

(b) Any provision of any State law or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent land use and environmental controls and regulations of surface coal mining and reclamation operations than do the provisions of this Act or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act. Any provision of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the control and regulation of surface mining and reclamation operations for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

(c) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable State law, his interest in water resources affected by a surface coal mining operation.

PERMITS

SEC. 506. (a) After six months from the date of approval of the State program or the implementation of the Federal program, no person shall engage in or carry out on lands within a State any surface coal mining operations unless such person has first obtained a permit issued by such State pursuant to an approved State program or by the Secretary pursuant to a Federal program; except a person conducting surface coal mining operations under a valid permit from the State regulatory atuhority may conduct such operations beyond such period if an application for a permit has been filed in accordance with the provisions of this Act, but the initial administrative decision has been rendered.

(b) All permits issued pursuant to the requirements of this Act shall be issued for a term not to exceed five years and shall be nontransferable: Provided, That a successor in interest to a permittee who applies for a new permit within thirty days of succeeding to such interest and who is able to obtain the bond coverage of the original permittee may continue surface coal mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until such successor's application is granted or denied.

(c) Unless otherwise provided in the

permit, a permit shall terminate if the permittee has not commenced the surface coal mining and reclamation operations covered by such permit within three years of the issuance of the permit.

(d)(1) Any valid permit issued pursuant to this Act shall carry with it the right of successive renewal upon expiration with respect to areas within the boundaries of the existing permit. The holder of the permit may apply for renewal and such renewal shall be issued, subsequent to public hearing upon the following requirements and written finding by the regulatory authority that—

(A) the terms and conditions of the existing permit are being satisfactorily met;

(B) the present surface coal mining and reclamation operation is in full compliance with the environmental protection standards of this Act and the approved State plan pursuant to this Act;

(C) the renewal requested does not jeopardize the operator's continuing responsibility on existing permit areas;

(D) the operator has provided evidence that the performance bond in effect for said operation will continue in full force and effect for any renewal requested in such application as well as any additional bond the regulatory authority might require pursuant to section 509; and

(E) any additional revised or updated information required by the regulatory authority has been provided. Prior to the approval of any extension of permit the regulatory authority shall provide notice to the appropriate public authorities.

(2) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for revision of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new applications under this Act.

(3) Any permit renewal shall be for a term not to exceed the period of the original permit established by this Act. Application for permit renewal shall be made at least one hundred and twenty days prior to the expiration of the valid permit.

APPLICATION REQUIREMENTS

SEC. 507. (a) Each application for a surface coal mining and reclamation permit pursuant to an approved State program or a Federal program under the provisions of this Act shall be accompanied by a fee as determined by the regulatory authority. Such fee shall be based as nearly as possible upon the actual or anticipated cost of reviewing, administering, and enforcing such permit issued pursuant to a State or Federal program. The regulatory authority may develop procedures so as to enable the cost of the fee to be paid over the term of the permit.

(b) The permit application shall be submitted in a manner satisfactory to the regulatory authority and shall contain, among other things—

(1) the names and addresses of (A) the permit applicant; (B) every legal owner of record of the property (surface and mineral) to be mined; (C) the holders of record of any leasehold interest in the property; (D) any purchaser of record of the property under a real estate contract; (E) the operator if he is a person different from the applicant; and (F) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers and resident agent;

(2) the names and addresses of the owners of record of all surface and subsurface areas within five hundred feet of any part of the permit areas;

(3) a statement of any current or previous surface coal mining permits in the United States held by the applicant and the permit identification;

(4) if the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person owning, of record or beneficially either alone or with associates, 10 per centum or more of any class of stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface mining operation within the United States;

(5) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held a Federal or State mining permit which subsequent to 1960 has been suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved;

(6) a copy of the applicant's advertisement to be published in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks, and which includes the ownership, a description of the exact location and boundaries of the proposed site sufficient so that the proposed operation is readily locatable by local residents, and the location of where the application is available for public inspection;

(7) a description of the type and method of coal mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used;

(8) the anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected;

(9) evidence of the applicant's legal right to enter and commence surface mining operations on the area affected;

(10) the name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged;

(11) a determination of the hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding area so that an assessment can be made of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability;

(12) when requested by the regulatory authority, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges;

(13) an accurate map or plan to an appropriate scale clearly showing (A) the land to be affected as of the date of application and (B) all types of information set forth on topographical maps of the United States Geological Survey of a scale of 1:24,000 or larger, including all manmade features and significant known archeological sites existing of the date of application. Such a map or plan shall among other things specified by the regulatory authority show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all surface areas abutting the permit area, and the location of all buildings within one thousand feet of the permit area;

(14) cross-section maps or plans of the land to be affected including the actual area to be mined, prepared by or under the direction of and certified by a registered professional engineer, or registered land surveyor and a professional geologist (when specific subsurface information is deemed essential and requested by the regulatory authority), showing pertinent elevation and location of test borings or core samplings and depicting the following information: the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined within the area of land to be affected; existing or previous surface mining limits; the location and extent of known workings or any underground mines, including mine openings to the surface; the location of aquifers; the estimated elevation of the water table; the location of spoil, waste, or refuse areas and topsoil preservation areas; the location of all impoundments for waste or erosion control; any settling or water treatment facilities; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan;

(15) a statement of the results of test borings or core samplings from the permit area, including logs of the drill holes; the thickness of the coal seam found, an analysis of the chemical properties of such coal; the sulfur content of any coal seam; chemical analysis of potentially acid or toxic forming sections of the overburden; and chemical analysis of the stratum lying immediately underneath the coal to be mined; and

(16) information pertaining to coal seams, test borings, or core samplings as required by this section shall be made available to any person with an interest which is or may be adversely affected: *Provided*, That information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding such mineral or elemental content which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

(c) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought, or evidence that the applicant has satisfied other State or Federal self-insurance requirements. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface coal mining and reclamation operations and entitled to compensation under the applicable provisions of State law. Such policy shall be maintained in full force and effect during the term of the permit or any renewal, including the length of all reclamation operations.

(d) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a reclamation plan which shall meet the requirements of this Act.

(e) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with the recorder at the courthouse of the county or an appropriate official approved by the regulatory authority where the mining is proposed to occur, except for that information pertaining to the coal seam itself.

RECLAMATION PLAN REQUIREMENTS

SEC. 508. (a) Each reclamation plan submitted as part of a permit applicant pursuant to any approved State program or a Federal program under the provisions of this

Act shall include, in the degree of detail necessary to demonstrate that reclamation required by the State or Federal program can be accomplished, a statement of:

(1) the identification of the entire area to be mined and affected over the estimated life of the mining operation and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought;

(2) the condition of the land to be covered by the permit prior to any mining including:

(A) the uses existing at the time of the application, and if the land has a history of previous mining, the uses which preceded any mining; and

(B) the capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover;

(3) the use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of any State and local governments or agencies thereof which would have to approve or authorize the proposed use of the land following reclamation;

(4) a detailed description of how the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use;

(5) the engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation (where vegetation existed immediately prior to mining); an estimate of the cost per acre of the reclamation, including a statement as to how the permittee plans to comply with each of the requirements set out in section 515;

(6) the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards;

(7) the consideration which has been given to developing the reclamation plan in a manner consistent with local, physical environmental, and climatological conditions and current mining and reclamation technologies;

(8) the consideration which has been given to insuring the maximum practicable recovery of the mineral resource;

(9) a detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

(10) the consideration which has been given to making the surface mining and reclamation operations consistent with applicable State and local land use plans and programs;

(11) all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;

(12) the results of test borings which the applicant has made at the area to be covered by the permit, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the mineral and overburden: *Provided*, That information about the mineral shall be withheld by the regulatory authority if the applicant so requests;

(13) a detailed description of the measures to be taken during the mining and reclamation process to assure the protection of (A) the quantity and quality of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process, and (B) the rights of present users to such water; and

(14) such other requirements as the regulatory authority shall prescribe by regulation.

(b) Any information required by this section which is not on public file pursuant to State law shall be held in confidence by the regulatory authority.

PERFORMANCE BONDS

"SEC. 509. (a) After a surface coal mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond for performance payable, as appropriate, to the United States or to the State, and conditional upon faithful performance of all the requirements of this Act and the permit. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the regulatory authority an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit and shall be determined by the regulatory authority on the basis of at least two independent estimates. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by a third party in the event of forfeiture and in no case shall the bond be less than $10,000.

(b) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for a period coincident with operator's responsibility for vegetation requirements in section 515.

The bond shall be executed by the operator and a corporate surety licensed to do business in the State where such operation is located, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or such State, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(c) The regulatory authority may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the regulatory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount.

(d) Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit.

(e) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the regulatory authority from time to time as affected land acreages are increased or decreased or where the cost of future reclamation obviously changes.

PERMIT APPROVAL OR DENIAL

SEC. 510. (a) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this Act and pursuant to an approved State program or Federal program under the provisions of this Act, including public notification and an opportunity for a public hearing as required by section 513, the regulatory authority shall grant or deny the application for a permit and notify the applicant in writing. Within ten days after the granting of a permit, the regulatory authority shall notify the State and the local official who has the duty of collecting real estate taxes in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(b) No permit, revision, or renewal application shall be approved unless the application affirmatively demonstrates and the regulatory authority finds in writing on the basis of the information set forth in the application or from information otherwise available which will be documented in the approval, and made available to the applicant, that—

(1) all the requirements of this Act and the State or Federal program have been complied with;

(2) the applicant has demonstrated that reclamation as required by this Act and the State or Federal program can be accomplished under the reclamation plan contained in the permit application;

(3) the assessment of the probable cumulative impact of all anticipated mining in the area on the hydrologic balance specified in section 507(b) has been made and the proposed operation thereof has been designed to prevent to the maximum extent possible, using the best available technology, irreparable offsite impacts to hydrologic balance;

(4) the area proposed to be mined is not included within an area designated unsuitable for surface coal mining pursuant to section 522 of this Act or is not within an area being considered for such designation (unless in such area as to which an administrative proceeding has commenced pursuant to section 522(a)(4)(D) of this Act, the operator making the permit application demonstrates that, prior to September 1, 1974, he made substantial legal and financial commitments in relation to the operation for which he is applying for a permit); and

(5) the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would not have a substantial adverse effect on farming or ranching operations being conducted on alluvial valley floors where such valley floors are significant to such operations.

(c) The applicant shall file with his permit application a schedule listing any and all notices of violations of this Act and any law, rule, or regulation of the United States or of any department or agency in the United States pertaining to air or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the one-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation. Where the schedule or other information available to the regulatory authority indicates that any surface coal mining operation owned or controlled by the applicant is currently in violation of this Act or such other laws referred to in this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority, department, or agency which has jurisdiction over such violation.

REVISION OF PERMITS

SEC. 511. (a)(1) During the term of the permit the permittee may submit an application, together with a revised reclamation plan, to the regulatory authority for a revision of the permit.

(2) An application for a revision of a permit shall not be approved unless the regulatory authority finds that reclamation as required by this Act and the State or Federal program can be accomplished under the revised Reclamation Plan. The revision shall be approved or disapproved within a period

of time established by the State or Federal program. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided,* That any revisions which propose a substantial change in the intended future use of the land or significant alterations in the Reclamation Plan shall, at a minimum be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this Act shall be made without the written approval of the regulatory authority.

(c) The regulatory authority may require reasonable revision or modification of the permit provisions during the term of such permit: *Provided,* That such revision or modification shall be subject to notice and hearing requirements established by the State or Federal program.

COAL EXPLORATION PERMITS

SEC. 512. (a) Each State program or Federal program shall include a requirement that coal exploration operations which substantially disturb the natural land surface be conducted under a permit issued by the regulatory authority.

(b) Each application for a coal exploration permit pursuant to an approved State or Federal program under the provisions of this Act shall be accompanied by a fee established by the regulatory authority. Such fee shall be based, as nearly as possible, upon the actual or anticipated cost of reviewing, administering, and enforcing such permit issued pursuant to a State or Federal program. The application and supporting technical data shall be submitted in a manner satisfactory to the regulatory authority and shall include a description of the purpose of the proposed exploration project. The supporting technical data shall include, among other things:

(1) a general description of the existing environment;

(2) the location of the area of exploration by either metes or bounds, lot, tract, range, or section, whichever is most applicable, including a copy of the pertinent United States Geological Survey topographical map or maps with the area to be explored delineated thereon;

(3) a description of existing roads, railroads, utilities, and rights-of-way, if not shown on the topographical map;

(4) the location of all surface bodies of water, if not shown on the topographical map;

(5) the planned approximate location of any access roads, cuts, drill holes, and necessary facilities that may be constructed in the course of exploration, all of which shall be plotted on the topographical map;

(6) the estimated time of exploration;

(7) the ownership of the surface land to be explored;

(8) a statement describing the right by which the applicant intends to pursue his exploration activities and a certification that notice of intention to pursue such activities has been given to the surface owner;

(9) provisions for reclamation of all land disturbed in exploration, including excavations, roads, drill holes, and the removal of necessary facilities and equipment; and

(10) such other information as the regulatory authority may require.

(c) Specifically identified information submitted by the applicant in the application and supporting technical data as confidential concerning trade secrets or privileged commercial or financial information which relates to the competitive rights of the applicant shall not be available for public examination.

(d) If an applicant is denied a coal exploration permit under this Act, or if the regulatory authority fails to act within a reasonable time, then the applicant may seek relief under the appropriate administrative procedures.

(e) Any person who conducts any coal exploration activities in connection with surface coal mining operations under this Act without first having obtained a permit to explore from the appropriate regulatory authority or shall fail to conduct such exploration activities in a manner consistent with his approved coal exploration permit, shall be subject to the provisions of section 518.

PUBLIC NOTICE AND PUBLIC HEARINGS

SEC. 513. (a) At the time of submission of an application for a surface coal mining and reclamation permit, or revision of an existing permit, pursuant to the provisions of this Act or an approved State program, the applicant shall submit to the regulatory authority a copy of his advertisement of the ownership, precise location, and boundaries of the land to be affected. At the time of submission such advertisement shall be placed in a local newspaper of general circulation in the locality of the proposed surface mine at least once a week for four consecutive weeks. The regulatory authority shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit number and where a copy of the proposed mining and reclamation plan may be inspected. These local bodies, agencies, authorities, or companies have obligation to submit written comments within thirty days on the mining applications with respect to the effect of the proposed operation on the environment which are within their area of responsibility. Such comments shall be made available to the public at the same locations as are the mining applications.

(b) Any person with a valid legal interest or the officer or head of any Federal, State, or local governmental agency or authority shall have the right to file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operation with the regulatory authority within thirty days after the last publication of the above notice. If written objections are filed and a hearing requested, the regulatory authority shall then hold a public hearing in the locality of the proposed mining within a reasonable time of the receipt of such objections. The date, time, and location of such public hearing shall be advertised by the regulatory authority in a newspaper of general circulation in the locality at least once a week for three consecutive weeks prior to the scheduled hearing date. The regulatory authority may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed mining area for the purpose of gathering information relevant to the proceeding. At this public hearing, the applicant for a permit shall have the burden of establishing that his application is in compliance with the applicable State and Federal laws. Not less than ten days prior to any proposed hearing, the regulatory authority shall respond to the written objections in writing. Such response shall include the regulatory authority's preliminary proposals as to the terms and conditions, and amount of bond of a possible permit for the area in question and answers to material factual questions presented in the written objections. The regulatory authority's responsibility under this subsection shall in any event be to make publicly available its estimate as to any other conditions of mining or reclamation which may be required or contained in the preliminary proposal. In the event all parties requesting the hearing stipulate agreement prior to the requested hearings, and withdraw their request, such hearings need not be held.

(c) For the purpose of such hearing, the regulatory authority may administer oaths, subpena witnesses, or written or printed materials, compel attendance of the witnesses, or production of the materials, and take evidence including but not limited to site inspections of the land to be affected and other surface coal mining operations carried on by the applicant in the general vicinity of the proposed operation. A verbatim transcript and complete record of each public hearing shall be ordered by the regulatory authority.

DECISIONS OF REGULATORY AUTHORITY AND APPEALS

SEC. 514. (a) If a public hearing has been held pursuant to section 513(b), the regulatory authority shall issue and furnish the applicant for a permit and persons who are parties to the administrative proceedings with the written finding of the regulatory authority, granting or denying the permit in whole or in part and stating the reasons therefor, within thirty days of said hearings.

(b) If there has been no public hearing held pursuant to section 513(b), the regulatory authority shall notify the applicant for a permit within a reasonable time, taking into account the time needed for proper investigation of the site, the complexity of the permit application and whether or not written objection to the application has been filed, whether the application has been approved or disapproved. If the application is approved, the permit shall be issued. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for the said disapproval. The regulatory authority shall hold a hearing within thirty days of such request and provide notification to all interested parties at the time that the applicant is so notified. Within thirty days after the hearing the regulatory authority shall issue and furnish the applicant, and all persons who participated in the hearing, with the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

(c) Any applicant or any person who has participated in the administrative proceedings as an objector, and who is aggrieved by the decision of the regulatory authority, or if the regulatory authority fails to act within a reasonable period of time, shall have the right of appeal for review by a court of competent jurisdiction in accordance with State or Federal law.

ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

SEC. 515. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable performance standards of this Act, and such other requirements as the regulatory authority shall promulgate.

(b) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operation as a minimum to—

(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that reaffecting the land in the future through surface coal mining can be minimized;

(2) restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is a reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable

threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of Federal, State, or local law;

(3) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this Act): *Provided, however,* That in surface coal mining which is carried out at the same location over a substantial period of time where the operation transects the coal deposit, and the thickness of the coal deposits relative to the volume of the overburden is large and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region: *And provided further,* That in surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this Act;

(4) stabilize and protect all surface areas including spoil piles affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution;

(5) remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation;

(6) restore the topsoil or the best available subsoil which has been segregated and preserved;

(7) protect offsite areas from slides or damage occurring during the surface coal mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(8) create, if authorized in the approved mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that—

(A) the size of the impoundment is adequate for its intended purposes;

(B) the impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Public Law 83–566 (16 U.S.C. 1006);

(C) the quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality in the receiving stream;

(D) the level of water will be reasonably stable;

(E) final grading will provide adequate safety and access for proposed water users; and

(F) such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;

(9) fill all auger holes with an impervious and noncombustible material in order to prevent drainage;

(10) minimize the disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters;

(B) conducting surface coal mining operations so as to prevent to the maximum extent possible, using the best available technology, additional contributions of suspended solids to streamflow or runoff outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(C) removing temporary or large siltation structures from drainways after disturbed areas are revegetated and stabilized.

(D) restoring recharge capacity of the mined area to approximate premining conditions;

(E) replacing the water supply of an owner of any interest in real property whc obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground source other than a subterranean stream channel where such supply has been affected by contamination, diminution, or interruption proximately resulting from mining;

(F) preserving to the maximum extent possible, using the best available technology, throughout the mining and reclamation process the hydrologic integrity of alluvial valley floors in the arid and semi-arid areas of the country; and

(G) such other actions as the regulatory authority may prescribe;

(11) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this Act;

(12) Refrain from surface coal mining within five hundred feet from active and abandoned underground mines in order to prevent break-throughs and to protect health or safety of miners: *Provided,* That the regulatory authority shall permit an operator to mine closer to an abandoned underground mine: *Provided,* That this does not create hazards to the health and safety of miners; or shall permit an operator to mine near, through or partially through an abandoned underground mine working where such mining through will achieve improved resource recovery, abatement of water pollution or elimination of public hazards and such mining shall be consistent with the provisions of this Act;

(13) with respect to the use of existing or new impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes, incorporate the best engineering practices for the design and construction of water retention facilities and construct or reconstruct such facilities to insure that the construction will be so designed to achieve necessary stability with an adequate margin of safety to protect the health and safety of the public and which at a minimum, is compatible with that of structures constructed under Public Law 83–566 (16 U.S.C. 1006); that leachate will not pollute surface or ground water, and that no mine waste such as coal fines and slimes determined as unsuitable for construction constituents by sound engineering methods and design practices are used in the construction of water impoundments, water retention facilities, dams, or settling ponds; and that the location will not endanger public health and safety should failure occur;

(14) insure that all debris, acid forming materials, toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters or sustained combustion;

(15) insure that explosives are used only in accordance wth existing State and Federal law and the regulations promulgated by the regulatory authority, which shall include provisions to—

(A) provide adequate advance written notice by publication and/or posting of the planned blasting schedule to local governments and to residents who might be affected by the use of such explosives and maintain for a period of at least two years a log of the magnitudes and times of blasts; and

(B) limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent (i) injury to persons, (ii) damage to public and private property outside the permit area, (iii) adverse impacts on any underground mine, and (iv) change in the course, channel, or availability of ground or surface water outside the permit area;

(16) insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface coal mining operations;

(17) insure that the construction, maintenance, and postmining conditions of access road into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property: *Provided,* That the regulatory authority may permit the retention after mining

of certain access roads where consistent with State and local land use plans and programs and where necessary may permit a limited exception to the restoration of approximate original contour for that purpose;

(18) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;

(19) establish on the regraded areas, and all other lands affected, a diverse, effective and permanent vegetative cover native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except, that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan;

(20) assume the responsibility for successful revegetation, as required by paragraph (19) above, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with paragraph (19) above, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operator's assumption of responsibility and liability will extend for a period of ten full years after the last year of augmented seeding, fertilizing, irrigation, or other work: *Provided*, That when the regulatory authority approves a long-term intensive agricultural postmining land use, the applicable five- or ten-year period of responsibility for revegetation shall commence at the date of initial planting for such long-term intensive agricultural postmining land use: *Provided further*, That when the regulatory authority issues a written finding approving a long-term, intensive, agricultural postmining land use as part of the mining and reclamation plan, the authority may grant exception to the provisions of paragraph (19) above; and

(21) meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this Act, taking into consideration the physical, climatological, and other characteristics of the site, and to insure the maximum practicable recovery of the mineral resources.

(c)(1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in paragraph (3) of this subsection.

(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a variance from the requirement to restore to approximate original contour set forth in subsection 515(b)(3) or 515(d) of this section may be granted for the surface mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill (except as provided in subsection (c)(4)(A) hereof) by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accord with the requirements of this subsection.

(3) In cases where an industrial, commercial (including commercial agricultural), residential or public facility (including recreational facilities) development is proposed for the postmining use of the affected land, the regulatory authority may grant a variance for a surface mining operation of the nature described in subsection (c)(2) where—

(A) after consultation with the appropriate land use planning agencies, if any, the proposed development is deemed to constitute an equal or better economic or public use of the affected land, as compared with the premining use;

(B) the equal or better economic or public use can be obtained only if one or more exceptions to the requirements of section 515(b)(3) are granted;

(C) the applicant presents specific plans for the proposed postmining land use and appropriate assurances that such use will be—

(i) compatible with adjacent land uses;

(ii) obtainable according to data regarding expected need and market;

(iii) assured of investment in necessary public facilities;

(iv) supported by commitments from public agencies where appropriate;

(v) practicable with respect to private financing capability for completion of the proposed development;

(vi) planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use; and

(vii) designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

(D) the proposed use would be consistent with adjacent land uses, and existing State and local land use plans and programs;

(E) the regulatory authority provides the governing body of the unit of general-purpose government in which the land is located and any State or Federal agency which the regulatory agency, in its discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use;

(F) a public hearing is held in the locality of the proposed surface coal mining operation prior to the grant of any permit including a variance; and

(G) all other requirements of this Act will be met.

(4) In granting any variance pursuant to this subsection the regulatory authority shall require that—

(A) the top of the lowest coal seam mined and the overburden associated with it are retained in place as a barrier to slides and erosion;

(B) the reclaimed area is stable;

(C) the resulting plateau or rolling contour drains inward from the outslopes except at specified points;

(D) no damage will be done to natural watercourses;

(E) all other requirements of this Act will be met.

(5) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

(6) All exceptions granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(d) The following performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this section: *Provided, however*, That the provisions of this subsection (d) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area:

(1) Insure that when performing surface coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the downslope below the bench or mining cut, except that where necessary soil or spoil material from the initial block or short linear cut of earth necessary to obtain initial access to the coal seam in a new surface coal mining operation can be placed on a limited and specified area of the downslope below the initial cut if the permittee demonstrates that such soil or spoil material will not slide and that the other requirements of this subsection can still be met: *Provided*, That spoil material in excess of that required for the reconstruction of the approximate original contour under the provisions of paragraphs 515(b)(3) or 515(d)(2) or excess spoil from a surface coal mining operation granted a variance under subsection 515(c) may be permanently stored at such offsite spoil storage areas as the regulatory authority shall designate and for the purpose of this Act such areas shall be deemed in all respects to be part of the lands affected by surface coal mining operations. Such offsite spoil storage areas shall be designed by a registered engineer in conformance with professional standards established to assure the stability drainage, and configuration necessary for the intended use of the site.

(2) Complete backfilling with spoil material shall be required to cover completely the highwall and return to the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator may not disturb land above the top of the highwall unless the regulatory authority finds that such disturbance will facilitate compliance with the environmental protection standards of this section: *Provided, however*, That the land disturbed above the highway shall be limited to that amount necessary to facilitate said compliance.

(4) For the purposes of this section, the term "steep-slope" is any slope above twenty degrees or such lesser slope as may be defined by the regulatory authority after consideration of soil, climate, and other characteristics of a region or State.

SURFACE EFFECTS OF UNDERGROUND COAL MINING OPERATIONS

SEC. 516. (a) The Secretary shall promulgate rules and regulations directed toward the surface effects of underground coal mining operations, embodying the following requirements and in accordance with the procedures established under section 501 of this Act.

(b) Each permit issued under any approved State or Federal program pursuant to this Act and relating to underground coal mining shall require the operator to—

(1) adopt measures consistent with known technology in order to prevent subsidence to the extent technologically and economically feasible, maximize mine stability, and maintain the value and use of such surface lands, except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner: *Provided*, That nothing in this subsection shall be construed to prohibit the standard method of room and pillar continuous mining;

(2) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine workings when no longer needed for the conduct of the mining operations;

(3) fill or seal exploratory holes no longer necessary for mining, maximizing to the extent practicable return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations;

(4) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the permittee from current operations through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure that the leachate will not

pollute surface or ground waters and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(5) with respect to the use of existing or new impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes, incorporate the best engineering practices for the design and construction of water retention facilities and construct or reconstruct such facilities to insure that the construction will be so designed to achieve necessary stability with an adequate margin of safety to protect the health and safety of the public and which, at a minimum, is compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006); that leachate will not pollute surface or ground water, and that no mine waste such as coal fines and slimes determined as unsuitable for construction constituents by sound engineering methods and design practices are used in the construction of water impoundments, water retention facilities, dams, or settling ponds and that the location will not endanger public health and safety should failure occur:

(6) establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area;

(7) protect offsite areas from damages which may result from such mining operations;

(8) eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public;

(9) minimize the disturbance to the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quality and quantity of water in surface ground water systems both during and after coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and

(B) conducting surface coal mining operations so as to prevent the maximum extent possible, using the best available technology, additional contributions of suspended solids to streamflow or runoff outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines.

(c) In order to protect the stability of the land, the regulatory authority shall suspend underground coal mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if he finds imminent danger to inhabitants of the urbanized areas, cities, towns, and communities.

(d) The provisions of title V of this Act relating to State and Federal programs, permits, bonds, inspections and enforcement, public review, and administrative and judicial review shall be applicable to surface coal mining and reclamation operations incident to underground coal mining with such modifications to the permits application requirements, permit approval or denial procedures, and bond requirements, as are deemed necessary by the Secretary due to the differences between surface and underground coal mining. The Secretary shall promulgate such modifications in accordance with the rulemaking procedure established in section 501 of this Act.

INSPECTIONS AND MONITORING

SEC. 517. (a) The Secretary shall cause to be made such inspections of any surface coal mining and reclamation operations as are necessary to evaluate the administration of approved State programs, or to develop or enforce any Federal program, and for such purposes authorized representatives of the Secretary shall have a right of entry to, upon, or through any surface coal mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any approved State or Federal program under this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of any such State or Federal program or any other requirement of this Act—

(1) the regulatory authority shall require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the regulatory authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as a regulatory authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the regulatory authority deems reasonable and necessary;

(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance of water use either on or off the mining site, the regulatory authority shall specify those—

(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water and aquifers potentially affected by the mining and also directly below the lower most (deepest) coal seam to be mined;

(C) records of well logs and borehole data to be maintained; and

(D) monitoring sites to record precipitation.

The monitoring, data collection, and analysis required by this section shall be conducted according to standards and procedures set forth by the regulatory authority in order to assure their reliability and validity; and

(3) the authorized representatives of the regulatory authority, without advance notice and upon presentation of appropriate credentials (A) shall have the right of entry to, upon, or through any surface coal mining and relcamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act

(c) The inspections by the regulatory authority shall (1) occur on an irregular basis averaging not less than one inspection per month for the surface coal mining and reclamation operations for coal covered by each permit; (2) occur without prior notice to the permittee or his agents or employees; and (3) include the filing of inspection reports adequate to enforce the requirements of any to carry out the terms and purposes of this Act and the regulatory authority shall make copies of such inspection reports immediately and freely available to the public at a central location in the pertinent geographic area of mining. The Secretary or regulatory authority shall establish a system of continual rotation of inspectors so that the same inspector does not consistently visit the same operations.

(d) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operations.

(e) Each inspector, upon detection of each violation of any requirement of any State or Federal program or of this Act, shall forthwith inform the operator in writing, and shall report in writing any such violation to the regulatory authority.

(f) Copies of any records, reports, inspection materials, or information obtained under this title by the regulatory authority shall be made immediately available to the public at central and sufficient locations in the county, multicounty, and State area of mining so that they are conveniently available to residents in the areas of mining.

PENALTIES

SEC. 518. (a) In the enforcement of a Federal program or Federal lands program, or during Federal enforcement pursuant to section 502 or during Federal enforcement of a State program pursuant to section 521 of this Act, any permittee who violates any permit condition or who violates any other provision of this title, may be assessed a civil penalty by the Secretary, except that if such violation leads to the issuance of a cessation order under section 521, the civil penalty shall be assessed. Such penalty shall not exceed $5,000 for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations at the particular surface coal mining operation; the appropriateness of such penalty to the size of the business of the permittee charged; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

(b) A civil penalty shall be assessed by the Secretary only after the person charged with a violation described under subsection (a) of this section has been given an opportunity for a public hearing. Where such a public hearing has been held, the Secretary shall make findings of fact and he shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. When appropriate, the Secretary shall consolidate such hearings with other proceedings under section 521 of this Act. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code. Where the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Secretary after the Secretary has determined that a violation did occur, and the amount of the penalty which is warranted, and has issued an order requiring that the penalty be paid.

(c) If no complaint, as provided in this section, is filed within thirty days from the date of the final order or decision issued by the Secretary under subsection (b) of this section, such order and decision shall be conclusive.

(d) Interest at the rate of 6 per centum per annum *or at the prevailing Department of the Treasury borrowing rate, whichever is greater*, shall be charged against a person on any unpaid civil penalty assessed against him pursuant to the final order of the Secretary, said interest to be computed from the thirty-first day after issuance of such final assessment order.

(e) Civil penalties owed under this Act, either pursuant to subsection (c) of this section or pursuant to an enforcement order entered under section 526 of this Act, may be recovered in a civil action brought by the Attorney General at the request of the Secretary in any appropriate district court of the United States.

(f) Any person who willfully and knowingly violates a condition of a permit issued pursuant to a Federal program, a Federal lands program or Federal enforcement pursuant to section 502 or during Federal enforcement of a State program pursuant to section 525 of this Act or fails or refuses to comply with any order issued under section 525 or section 526 of this Act, or any order incorporated in a final decision issued by the Secretary under this Act, except an order incorporated in a decision issued under subsection (b) of this section or section 703 of this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year or both.

(g) Whenever a corporate permittee violates a condition of a permit issued pursuant to a Federal program, a Federal lands program or Federal enforcement pursuant to section 502 or Federal enforcement of a State program pursuant to section 521 of this Act or fails or refuses to comply with any order issued under section 521 of this Act, or any order incorporated in a final decision issued by the Secretary under this Act except an order incorporated in a decision issued under subsection (b) of this section or section 703 of this Act, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (f) of this section.

(h) Whoever knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to a Federal program or a Federal lands programs or any order or decision issued by the Secretary under this Act, shall, upon conviction be punished by a fine of not more than $10,000, or by imprisonment for not more than one year or both.

(i) As a condition of approval of any State program submitted pursuant to section 503 of this Act, the civil and criminal penalty provisions thereof shall, at a minimum, incorporate penalties no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto.

RELEASE OF PERFORMANCE BONDS OR DEPOSITS

SEC. 519. (a) The permittee may file a request with the regulatory authority for the release of all or part of a performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the operator shall submit a copy of an advertisement placed on five successive days in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the location of the land affected, the number of acres, the permit number and the date approved, the amount of the bond filed and the portion sought to be released, and the type and the approximate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface coal mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(b) Upon receipt of the notification and request, the regulatory authority shall within a reasonable time conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution.

(c) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied that reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act according to the following schedule:

(1) When the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, the release of 60 per centum of the bond or collateral for the applicable permit area;

(2) After revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan. When determining the amount of bond to be released after successful revegetation has been established, the regulatory authority shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing vegetation and for the period specified for operator responsibility in section 515 of reestablishing revegetation. No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area above natural levels and seasonal flow conditions as set forth in the permit.

(3) When the operator has completed successfully all surface coal mining and reclamation activities, but not before the expiration of the period specified for operator responsibility in section 515:

Provided, however, That no bond shall be fully released until all reclamation requirements of this Act are fully met.

(d) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release.

(e) With any application for total or partial bond release filed with the regulatory authority, the regulatory authority shall notify the municipality in which a surface coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the bond.

(f) Any person with a valid legal interest or the officer or head of any Federal, State, or local governmental agency shall have the right to file written objections to the proposed release from bond to the regulatory authority within thirty days after the last publication of the above notice. If written objections are filed, and a hearing requested, the regulatory authority shall inform all the interested parties, of the time and place of the hearing, and hold a public hearing in the locality of the surface coal mining operation proposed for bond release within thirty days of the request for such hearing. The date, time, and location of such public hearings shall be advertised by the regulatory authority in a newspaper of general circulation in the locality twice a week for two consecutive weeks.

(g) For the purpose of such hearing the regulatory authority shall have the authority and is hereby empowered to administer oaths, subpena witnesses, or written or printed materials, compel the attendance of witnesses, or production of the materials, and take evidence including but not limited to inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. A verbatim transcript and a complete record of each public hearing shall be ordered by the regulatory authority.

CITIZEN SUITS

SEC. 520. (a) Except as provided in subsection (b) of this section, any person having an interest which is or may be adversely affected may commence a civil action on his own behalf—

(1) against any person including—

(A) the United States, and

(B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution who is alleged to be in violation of the provisions of this Act or the regulation promulgated thereunder, or order issued by the regulatory authority; or

(2) against the Secretary or the appropriate State regulatory authority to the extent permitted by the eleventh amendment to the Constitution where there is alleged a failure of the Secretary or the appropriate State regulatory authority to perform any act or duty under this Act which is not discretionary with the Secretary or with the appropriate State regulatory authority.

(b) No action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing under oath of the violation (i) to the Secretary, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the provisions, regulations, or order; or

(B) if the Secretary or the State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the provisions of this Act or the regulations thereunder, or the order, but in any such action in a court of the United States any person may intervene as a matter of right; or

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice in writing under oath of such action to the Secretary, in such manner as the Secretary shall by regulation prescribe, or to the appropriate State regulatory authority, except that such action may be brought immediately after such notification in the case where the violation or order or lack of order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(c)(1) Any action respecting a violation of this Act or the regulations thereunder may be brought only in the judicial district in which the surface coal mining operation complained of is located.

(2) In such action under this section, the Secretary, or the State regulatory authority, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under this or any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief (including relief against the Secretary or the appropriate State regulatory authority).

(f) Any resident of the United States who is injured in any manner through the failure of any operator to comply with the provisions of this Act, or of any regulation, order, permit, or plan of reclamation issued by the Secretary, may bring an action for damage (including attorney fees) in an appropriate United States district court.

ENFORCEMENT

SEC. 521. (a)(1) Whenever, on the basis of any information available to him, including receipt of information from any person, the Secretary has reason to believe that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority, if one exists, in the State in which such violation exists. If no such State authority exists or the State regulatory authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure and transmit notification of its action to the Secretary, the Secretary shall immediately order Federal inspection of the surface coal mining operation at which the alleged violation is occurring unless the information available to the Secretary is a result of a previous Federal inspection of such surface coal mining operation. When the Federal inspection results from information provided to the Secretary shall notify such person when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

(2) When, on the basis of any Federal inspection, the Secretary or his authorized representative determines that any condition or practices exist, or that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, which condition, practice, or violation also creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the Secretary or his authorized representative shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the condition, practice, or violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the condition, practice, or violation has been abated, or until modified, vacated, or terminated by the Secretary or his authorized representative pursuant to subparagraph (a)(5) of this section.

(3) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, Federal inspection pursuant to section 502, or section 504(b) or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, but such violation does not create an imminent danger to the health or safety of the public, or cause or can be reasonably expected to cause significant, imminent environmental harm to land, air, or water resources, the Secretary or authorized representative shall issue a notice to the permittee or his agent fixing a reasonable time but not more than ninety days for the abatement of the violation.

If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written finding of the Secretary or his authorized representative, the Secretary or his authorized representative finds that the violation has not been abated, he shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated, or until modified, vacated, or terminated by the Secretary or his authorized representative pursuant to subparagraph (a)(5) of this section.

(4) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, Federal inspection pursuant to section 502 or section 504(b) or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that a pattern of violations of any requirements of this Act or any permit conditions required by this Act exists or has existed, and if the Secretary or his authorized representative also find that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Act or any permit conditions, or that such violations are willfully caused by the permittee, the Secretary or his authorized representative shall forthwith issue an order to the permittee to show cause as to why the permit should not be suspended or revoked. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the Secretary or his authorized representative shall forthwith suspend or revoke the permit.

(5) Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the surface coal mining and reclamation operation to which the notice or order applies. Each notice or order issued under this section shall be given promptly to the permittee or his agent by the Secretary or his authorized representative who issues such notice or order, and all such notices and orders shall be in writing and shall be signed by such authorized representatives. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the Secretary or his authorized representative. A copy of any such order or notice shall be sent to the State regulatory authority in the State in which the violation occurs.

(b) Whenever the Secretary finds that violations of an approved State program appear to result from a failure of the State to enforce such State program effectively, he shall so notify the State. If the Secretary finds that such failure extends beyond thirty days after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce this Act, the Secretary shall enforce any permit condition required under this Act, shall issue new or revised permits in accordance with requirements of this Act, and may issue such notices and orders as are necessary for compliance therewith.

(c) The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Secretary under this Act, or (B) interferes with, hinders, or delays the Secretary or his authorized representatives in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Secretary in furtherance of the provisions of this Act, or (F) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this Act. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure, as amended. Any relief granted by the court to enforce an order under clause (A) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it.

(d) As a condition of approval of any State program submitted pursuant to section 503 of this Act, the enforcement provisions thereof shall, at a minimum, incorporate sanctions no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto.

DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING

SEC. 522. (a)(1) To be eligible to assume primary regulatory authority pursuant to section 503, each State shall establish a planning process enabling objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of a State are unsuitable for all or certain types of surface coal mining operations pursuant to the standards set forth in paragraphs (2) and (3) of this subsection but such designation shall not prevent the mineral exploration pursuant to the Act of any area so designated.

(2) Upon petition pursuant to subsection (c) of this section, the State regulatory authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if the State regulatory authority determines that reclamation pursuant to the requirements of this Act is not feasible.

(3) Upon petition pursuant to subsection (c) of this section, a surface area may be designated unsuitable for certain types of surface coal mining operations if such operations will—

(A) be incompatible with existing land use plans or programs; or

(B) affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or

(C) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, and such lands to include aquifiers and aquifier recharge areas; or

(D) affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

(4) To comply with this section, a State must demonstrate it has developed or is developing a process which includes—

(A) a State agency responsible for surface coal mining lands review;

(B) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface coal mining operations;

(C) a method or methods for implementing land use planning decisions concerning surface coal mining operations; and

(D) proper notice, opportunities for public participation, including a public hearing prior to making any designation or redesignation, pursuant to this section, and measures to protect the legal interests of affected individuals in all aspects of the State planning process.

(5) Determinations of the unsuitability of land for surface coal mining, as provided for in this section, shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels.

(6) The requirements of this section shall not apply to lands on which surface coal mining operations are being conducted on the date of enactment of this Act or under a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operations are in existence prior to September 1, 1974.

(7) The regulatory authority shall render a decision upon a petition within one year from the date of submittal pursuant to this section. Failure of the regulatory authority to render a decision, however, shall not prevent the issuance of a permit.

(b) The Secretary shall conduct a review of the Federal lands to determine, pursuant to the standards set forth in paragraphs (2) and (3) of subsection (a) of this section, whether there are areas on Federal lands which are unsuitable for all or certain types of surface coal mining operations: *Provided, however*, That the Secretary may permit surface coal mining on Federal lands prior to the completion of this review. When the Secretary determines an area on Federal lands to be unsuitable for all or certain types of surface coal mining operations, he shall withdraw such area or condition any mineral leasing or mineral entries in a manner so as to limit surface coal mining operations on such area. Where a Federal program has been implemented in a State pursuant to section 504, the Secretary shall implement a process for designation of areas unsuitable for surface coal mining for non-Federal lands within such State and such process shall incorporate the standards and procedures of this section.

(c) Any person having an interest which is or may be adversely affected shall have the right to petition the regulatory authority to have an area designated as unsuitable for surface coal mining operations, or to have such a designation terminated. Such a petition shall contain allegations of facts with supporting evidence which would tend to establish the allegations. As soon as practicable after receipt of the petition the regulatory authority shall hold a public hearing in the locality of the affected area, after appropriate notice and publication of the date, time, and location of such hearing. After a person having an interest which is or may be adversely affected has filed a petition and before the hearing, as required by this subsection, any person may intervene by filing allegations of facts with supporting evidence which would tend to establish the allegations. Within sixty days after such hearing, the regulatory authority shall issue and furnish to the petitioner and any other party to the hearing, a written decision regarding the petition, and the reasons therefor. In the event that all the petitioners stipulate agreement prior to the requested hearing, and withdraw their request such hearing need not be held.

(d) Prior to designating any land areas as unsuitable for surface coal mining operations, the regulatory authority shall prepare a detailed statement on (i) the potential coal resource of the area, (ii) the demand for coal resources, and (iii) the impact of such designation on the environment, the economy, and the supply of coal.

(e) Subject to valid existing rights no surface coal mining operations except those which exist on the date of enactment of this Act shall be permitted—

(1) on any lands within the boundaries of units of the National Park System, the National Wildlife Refuge Systems, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act and National Recreation Areas designated by Act of Congress;

(2) on any Federal lands within the boundaries of any national forest except surface operations and impacts incident to an underground coal mine;

(3) which will adversely affect any publicly owned park or places included in the National Register of Historic Sites unless approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park or the historic site;

(4) within one hundred feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join such right-of-way line and except that the regulatory authority may permit such roads to be relocated or the area affected to lie within one hundred feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interests of the public and the landowners affected thereby will be protected; or

(5) within three hundred feet from any occupied dwellings, unless waived by the owner thereof, nor within three hundred feet of any public building, school, church, community, or institutional building, public park, or within one hundred feet of a cemetery.

FEDERAL LANDS

SEC. 523. (a) No later than six months after the date of enactment of this Act, the Secretary shall promulgate and implement a Federal lands program which shall be applicable to all surface coal mining and reclamation operations taking place pursuant to any Federal law on any Federal lands: *Provided*, That except as provided in section 712 the provisions of this Act shall not be applicable to Indian lands. The Federal lands program shall, at a minimum, incorporate all of the requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal lands in question. Where Federal lands in a State with an approved State program are involved, the Federal lands program shall, at a minimum, include the requirements of the approved State program.

(b) The requirements of this Act and the Federal lands program shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface coal mining and reclamation operations. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal lands program to deal with changing conditions or changed technology, and to require any surface mining and reclamation operations to conform with the requirements of this Act and the regulations issued pursuant to this Act.

(c) The Secretary may enter into agreements with a State or with a number of States to provide for a joint Federal-State program covering a permit or permits for surface coal mining and reclamation operations on land areas which contain lands within any State and Federal lands which are interspersed or checkerboarded and which should, for conservation and administrative purposes, be regulated as a single management unit. To implement a joint Federal-State program the Secretary may enter into agreements with the States, may delegate authority to the States, or may accept a delegation of authority from the States for the purpose of avoiding quality of administration of a single permit for surface coal mining and reclamation operations.

(d) Except as specifically provided in subsection (c) this section shall not be construed as authorizing the Secretary to delegate to the States any authority or jurisdiction to regulate or administer surface coal mining and reclamation operations or other activities taking place on the Federal lands.

(e) The Secretary shall require as one of the terms and conditions of any permit, lease, or contract to surface mine coal owned by the United States, that the lessee, permittee, or contractor give satisfactory assurances that no class of purchasers of the mined coal shall be unreasonably denied purchase thereof.

PUBLIC AGENCIES, PUBLIC UTILITIES, AND PUBLIC CORPORATIONS

SEC. 524. Any agency, unit, or instrumentality of Federal, State, or local government, including any publicly owned utility or publicly owned corporation of Federal, State, or local government, which proposes to engage in surface coal mining operations which are subject to the requirements of this Act shall comply with the provisions of title V.

REVIEW BY SECRETARY

SEC. 525. (a) (1) A permittee issued a notice or order by the Secretary pursuant to the provisions of subparagraphs (a) (2) and (3) of section 521 of this title, or pursuant to a Federal program or the Federal lands program or any person having an interest which is or may be adversely affected by such notice or order or by any modification, vacation, or termination of such notice or order, may apply to the Secretary for review of the notice or order within thirty days of receipt thereof or within thirty days of its modification, vacation, or termination. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the applicant or the person having an interest which is or may be adversely affected, to enable the applicant or such person to present information relating to the issuance and continuance of such notice or order or the modification, vacation, or termination thereof. The filing of an application for review under this subsection shall not operate as a stay or any order or notice.

(2) The permittee and other interested persons shall be given written notice of the time and place of the hearing at least five days prior thereto. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the notice or order, or the modification, vacation, or termination of such notice or order complained of and incorporate his findings therein.

(c) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any notice or order issued under section 521 of this title, a Federal program or the Federal lands program together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, under such conditions as he may prescribe, if—

(1) a hearing has been held in the locality of the permit area on the request for tem-

porary relief in which all parties were given an opportunity to be heard;

(2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to him; and

(3) such relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air, or water resources.

(d) Following the issuance of an order to show cause as to why a permit should not be suspended or revoked pursuant to section 521, the Secretary shall hold a public hearing after giving written notice of the time, place, and date thereof. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Within sixty days following the public hearing, the Secretary shall issue and furnish to the permittee and all other parties to the hearing a written decision, and the reasons therefor, concerning suspension or revocation of the permit. If the Secretary revokes the permit, the permittee shall immediately cease surface coal mining operations on the permit area and shall complete reclamation within a period specified by the Secretary, or the Secretary shall declare as forfeited the performance bonds for the operation.

JUDICIAL REVIEW

SEC. 526. (a)(1) Any action of the Secretary to approve or disapprove a State program or to prepare and promulgate a Federal program pursuant to this Act shall be subject to judicial review only by the appropriate United States Court of Appeals upon the filing in such court within sixty days from the date of such action of a petition by any person who participated in the administrative proceedings related thereto and who is aggrieved by the action praying that the action be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and the Attorney General and thereupon the Secretary shall certify, and the Attorney General shall file in such court the record upon which the action complained of was issued, as provided in section 2112 of title 28, United States Code.

(2) All other orders or decisions issued by the Secretary pursuant to this Act shall be subject to judicial review only in the United States district court for the locality in which the surface coal mining operation is located. Such review shall be in accordance with the Federal Rules of Civil Procedure. In the case of a proceeding to review an order or decision issued by the Secretary under the penalty section of this Act, the court shall have jurisdiction to enter an order requiring payment or any civil penalty assessment enforced by its judgment. The availability of review established in this subsection shall not be construed to limit the operation of the rights established in section 520.

(b) The court shall hear such petition or complaint solely on the record made before the Secretary. The findings of the Secretary if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.

(c) In the case of a proceeding to review any order or decision issued by the Secretary under this Act, except an order or decision pertaining to any order issued under section 521 of this title, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if—

(1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not adversely affect the public health or safety or cause significant imminent environment harm to land, air, or water resources.

(d) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order or decision of the Secretary.

(e) Action of the State regulatory authority pursuant to an approved State program shall be subject to judicial review by the court of competent jurisdiction in accordance with State law, but the availability of such review shall not be construed to limit the operation of the rights established in section 520.

SPECIAL BITUMINOUS COAL MINES

SEC. 527. The regulatory authority is authorized to and shall issue separate regulations for those special bituminous coal surface mines located west of the one hundredth meridian west longitude which meet the following criteria:

(a) the excavation of the specific mine pit takes place on the same relatively limited site for an extended period of time;

(b) the excavation of the specific mine pit follows a coal seam having an inclination of fifteen degrees or more from the horizontal, and continues in the same area proceeding downward with lateral expansion of the pit necessary to maintain stability or as necessary to accommodate the orderly expansion of the total mining operation;

(c) the excavation of the specific mine pit involves the mining of more than one coal seam and mining has been initiated on the deepest coal seam contemplated to be mined in the current operation;

(d) the amount of material removed is large in proportion to the surface area disturbed;

(e) there is no practicable alternative method of mining the coal involved;

(f) there is no practicable method to reclaim the land in the manner required by this Act; and

(g) the coal being mined has been owned or controlled by the operator of the mine since February 27, 1975; and

(h) the specific mine pit has been actually producing coal since January 1, 1972, in such manner as to meet the criteria set forth in this section, and, because of past duration of mining, is substantially committed to a mode of operation which warrants exceptions to some provisions of this title.

Such alternative regulations shall pertain only to the standards governing onsite handling of spoils, elimination of depressions capable of collecting water, creation of impoundments, and regrading to the approximate original contour and shall specify that remaining highwalls are stable. All other performance standards in this title shall apply to such mines.

SURFACE MINING OPERATIONS NOT SUBJECT TO THIS ACT

SEC. 528. The provisions of this Act shall not apply to any of the following activities:

(1) the extraction of coal by a landowner for his own noncommercial use from land owned or leased by him; and

(2) the extraction of coal for commercial purposes where the surface mining operation affects two acres or less.

TITLE VI—DESIGNATION OF LANDS UNSUITABLE FOR NONCOAL MINING

DESIGNATION PROCEDURES

SEC. 601. (a) With respect to Federal lands within any State, the Secretary of Interior may, and if so requested by the Governor of such State, shall review any area within such lands to assess whether it may be unsuitable for mining operations for minerals or materials other than coal, pursuant to the criteria and procedures of this section.

(b) An area of Federal lands may be designated under this section as unsuitable for mining operations if (1) such area consists of Federal land of a predominantly urban or suburban character, used primarily for residential or related purposes, the mineral estate of which remains in the public domain, or (2) such area consists of Federal land where mining operations would have an adverse impact on lands used primarily for residential or related purposes.

(c) Any person having an interest which is or may be adversely affected shall have the right to petition the Secretary to seek exclusion of an area from mining operations pursuant to this section or the redesignation of an area or part thereof as suitable for such operations. Such petition shall contain allegations of fact with supporting evidence which would tend to substantiate the allegations. The petitioner shall be granted a hearing within a reasonable time and finding with reasons therefor upon the matter of their petition. In any instance where a Governor requests the Secretary to review an area, or where the Secretary finds the national interest so requires, the Secretary may temporarily withdraw the area to be reviewed from mineral entry or leasing pending such review: *Provided, however,* That such temporary withdrawal be ended as promptly as practicable and in no event shall exceed two years.

(d) In no event is a land area to be designated unsuitable for mining operations under this section on which mining operations are being conducted prior to the holding of a hearing on such petition in accordance with subsection (c) hereof. Valid existing rights shall be preserved and not affected by such designation. Designation of an area as unsuitable for mining operations under this section shall not prevent subsequent mineral exploration of such area, except that such exploration shall require the prior written consent of the holder of the surface estate, which consent shall be filed with the Secretary. The Secretary may promulgate, with respect to any designated area, regulations to minimize any adverse effects of such exploration.

(e) Prior to any designation pursuant to this section, the Secretary shall prepare a detailed statement on (i) the potential mineral resources of the area, (ii) the demand for such mineral resources, and (iii) the impact of such designation or the absence of such designation on the environment, economy, and the supply of such mineral resources.

(f) When the Secretary designates an area of Federal lands as unsuitable for all or certain types of mining operations for minerals and materials other than coal pursuant to this section he may withdraw such area from mineral entry or leasing, or condition such entry or leasing so as to limit such mining operations in accordance with his determination, if the Secretary also determines, based on his analysis pursuant to subsection 601(e), that the benefits resulting from such designation, would be greater than the benefits to the regional or national economy which could result from mineral development of such area.

(g) Any party with a valid legal interest who has appeared in the proceedings in connection with the Secretary's determination pursuant to this section and who is aggrieved by the Secretary's decision (or by his failure to act within a reasonable time) shall have the right of appeal for review by the United States district court for the district in which the pertinent area is located.

TITLE VII—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 701. For the purposes of this Act—

(1) "Secretary" means the Secretary of the Interior, except where otherwise described;

(2) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(3) "Office" means the Office of Surface Mining, Reclamation, and Enforcement established pursuant to title II;

(4) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce;

(5) "surface coal mining operations" means—

(A) activities conducted on the surface of lands in connection with a surface coal mine or surface operations and impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine site: *Provided, however*, That such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ percentum of the tonnage of minerals removed for purposes of commercial use or sale or coal explorations subject to section 512 of this Act; and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities;

(6) "surface coal mining and reclamation operations" means surface mining operations and all activities necessary and incident to the reclamation of such operations after the date of enactment of this Act;

(7) "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands;

(8) "Federal lands" means any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands;

(9) "Indian lands" means all lands, including mineral interests, within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands including mineral interests held in trust for or supervised by any Indian tribe;

(10) "Indian tribe" means any Indian tribe, band, group, or community having a governing body recognized by the Secretary;

(11) "State program" means a program established by a State pursuant to section 503 to regulate surface coal mining and reclamation operations, on lands within such State in accordance with the requirement of this Act and regulations issued by the Secretary pursuant to this Act;

(12) "Federal program" means a program established by the Secretary pursuant to section 504 to regulate surface coal mining and reclamation operations on lands within a State in accordance with the requirements of this Act;

(13) "Federal lands program" means a program established by the Secretary pursuant to section 523 to regulate surface coal mining and reclamation operations on Federal lands;

(14) "reclamation plan" means a plan submitted by an applicant for a permit under a State program or Federal program which sets forth a plan for reclamation of the proposed surface coal mining operations pursuant to section 508;

(15) "State regulatory authority" means the department or agency in each State which has primary responsibility at the State level for administering this Act;

(16) "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State program or the Secretary where the Secretary is administering this Act under a Federal program;

(17) "person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

(18) "permit" means a permit to conduct surface coal mining and reclamation operations issued by the State regulatory authority pursuant to a State program or by the Secretary pursuant to a Federal program;

(19) "permit applicant" or "applicant" means a person applying for a permit;

(20) "permittee" means a person holding a permit;

(21) "fund" means the Abandoned Mine Reclamation Fund established pursuant to section 401;

(22) "other minerals" means clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substances of commercial value excavated in solid form from natural deposits on or in the Earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form;

(23) "approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the regulatory authority determines that they are in compliance with section 515(b)(21) of this Act;

(24) "operator" means any person, partnership, or corporation engaged in coal mining who removes or intends to remove more than two hundred and fifty tons of coal from the Earth by coal mining within twelve consecutive calendar months in any one location;

(25) "permit area" means the area of land indicated on the approved map submitted by the operator with his application, which area of land shall be covered by the operator's bond as required by section 509 of this Act and shall be readily identifiable by appropriate markers on the site;

(26) "unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

(27) "alluvial valley floors" means the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities;

(28) "imminent danger to the health or safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice, or violation can be abated.

OTHER FEDERAL LAWS

Sec. 702. (a) Nothing in this Act shall be construed as superseding, amending, modifying, or repealing the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–47), or any of the following Acts or with any rule or regulation promulgated thereunder, including, but not limited to—

(1) The Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

(2) The Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

(3) The Federal Water Pollution Control Act (79 Stat. 903), as amended, the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality.

(4) The Clean Air Act, as amended (42 U.S.C. 1857).

(5) The Solid Waste Disposal Act (42 U.S.C. 3251).

(6) The Refuse Act of 1899 (33 U.S.C. 407).

(7) The Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661–666c).

(b) Nothing in this Act shall affect in any way the authority of the Secretary or the heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface coal mining and reclamation operations on lands under their jurisdiction.

(c) To the greatest extent practicable each Federal agency shall cooperate with the Secretary and the States in carrying out the provisions of this Act.

(d) Approval of the State programs, pursuant to section 503(b), promulgation of Federal programs, pursuant to section 504, and implementation of the Federal lands programs, pursuant to section 523 of this Act, shall constitute a major action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

EMPLOYEE PROTECTION

Sec. 703. (a) No person shall discharge, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary for a review of such firing or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation the Secretary shall make findings of fact. If he finds that a violation did occur, he shall issue a decision incorporating therein and his findings in an order requiring the party committing the violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no violation, he shall issue a finding. Orders issued by the Secretary under this subsection shall be subject to judicial review in the same manner as orders and decisions of the Secretary are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate any violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees) to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

(d) The Secretary shall conduct continuing evaluations of potential losses or shifts of employment which may result from the enforcement of this Act or any requirement of this Act including, where appropriate, investigating threatened mine closures or reductions in employment allegedly resulting from such enforcement or requirement. Any employee who is discharged or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of the enforcement or requirement of this Act, or any representative of such employee, may request the Secretary to conduct a full investigation of the matter. The Secretary shall thereupon investigate the matter, and, at the request of any interested party, shall hold public hearings on not less than five days' notice, and shall at such hearings require the parties, including the employer involved, to present information relating to the actual or potential effect of such limitation or order on employment and on any alleged discharge, layoff, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall promptly make findings of fact as to the effect of such enforcement or requirement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the Secretary or a State to modify or withdraw any enforcement action or requirement.

PROTECTION OF GOVERNMENT EMPLOYEES

SEC. 704. Section 1114, title 18, United States Code, is hereby amended by adding the words "or of the Department of the Interior" after the words "Department of Labor" contained in that section.

GRANTS TO THE STATES

SEC. 705. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act. Such grants shall not exceed 80 per centum of the total costs incurred during the first year, 60 per centum of total costs incurred during the second year, and 40 per centum of the total costs incurred during the third and fourth years.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface coal mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

ANNUAL REPORT

SEC. 706. The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this Act.

PREFERENCE FOR PERSONS ADVERSELY AFFECTED BY THE ACT

SEC. 707. (a) In the award of contracts for the reclamation of abandoned and unreclaimed mined areas pursuant to title IV and for research and demonstration projects pursuant to section 715 of this Act the Secretary shall develop regulations which will accord a preference to surface coal mining operators who can demonstrate that their surface coal mining operations, despite good-faith efforts to comply with the requirements of this Act, have been adversely affected by the regulation of surface coal mining and reclamation operations pursuant to this Act.

(b) Contracts awarded pursuant to this section shall require the contractor to afford an employment preference to individuals whose employment has been adversely affected by this Act.

EMPLOYMENT IMPACT AND UNEMPLOYMENT ASSISTANCE

SEC. 708. (a) The President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of Government shall cooperate fully under this existing statutory authority to minimize any such adverse impact

(b) (1) The Secretary of Labor shall make grants, in accordance with regulations prescribed by him, to States to provide cash benefits to any individual who loses his job in the coal mining industry as a direct result of the closure of a mine which closed as a direct result of the administration and enforcement of this Act, and who is not eligible for unemployment assistance or who has exhausted his rights to such assistance (within the meaning of paragraph (4)(B)).

(2) Regulations of the Secretary of Labor under paragraph (1) may require that States enter into agreements as such regulations—

(A) shall provide that—

(i) a benefit under this subsection shall be available to any individual who is unemployed as a result of the administration and enforcement of this Act as defined in subsection (b)(1) of this section, and who is not eligible for unemployment assistance;

(ii) a benefit provided to such an individual shall be available to such individual for any week of unemployment which begins after the date on which this Act is enacted;

(iii) the amount of a benefit with respect to a week of unemployment shall be equal to—

(I) in the case of an individual who has exhausted his eligibility for unemployment compensation payment for which he was most eligible; or

(II) in the case of any other individual, an amount which shall be set by the State in which the individual was last employed at a level which shall take into account the benefit levels provided by State law for persons covered by the State's unemployment compensation program, but which shall not be less than the minimum weekly amount, nor more than the maximum weekly amount, under the unemployment compensation law of the State; and

(B) may provide that individuals eligible for a benefit under this subsection have been employed for up to one month in the fifty-two-week period preceding the filing of a claim for benefits under this subsection.

(3) Unemployment resulting from the administration and enforcement of this Act shall be defined in regulations of the Secretary of Labor, consistent with the provisions of subsection (b)(1) of this section. Such regulations shall provide that such unemployment includes unemployment clearly attributable to such administration and enforcement. The determination as to whether an individual is unemployed as a result of such administration and enforcement (within the meaning of such regulations) shall be made by the State in which the individual was last employed in accordance with such industry, business, or employer certification process or such other determination procedure (or combination thereof) as the Secretary of Labor shall, consistent with the purposes of paragraph (1) of this subsection, determine as most appropriate to minimize administrative costs, appeals, or other delay, in paying to individuals the cash allowances provided under this section.

(4) For purposes of this subsection—

(A) an individual shall be considered unemployed in any week if he is—

(i) not working

(ii) able to work, and

(iii) available for work,

within the meaning of the State unemployment compensation law in effect in the State in which such individual was last employed, and provided that he would not be subject to disqualification under that law for such week, if he were eligible for benefits under such law;

(B)(i) the phrase "not eligible" for unemployment assistance means not eligible for compensation under any State or Federal unemployment compensation law (including the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.)) with respect to such week of unemployment, and is not receiving compensation with respect to such week of unemployment under the unemployment compensation law of Canada; and

(ii) the phrase "exhausted his rights to such assistance" means exhausted all rights to regular, additional, and extended compensation under all State unemployment compensation laws and chapter 85 of title 5, United States Code, and has no further rights to regular, additional, or extended compensation under any State or Federal unemployment compensation law (including the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.)) with respect to such week of unemployment, and is not receiving compensation with respect to such week of unemployment under the unemployment compensation law of Canada.

SEVERABILITY

SEC. 709. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

ALASKAN SURFACE COAL MINE STUDY

SEC. 710. (a) The Secretary is directed to contract with the National Academy of Sciences-National Academy of Engineering for an in-depth study of surface coal mining conditions in the State of Alaska in order to determine which, if any, of the provisions of this Act should be modified with respect to surface coal mining operations in Alaska.

(b) The Secretary shall report on the findings of the study to the President and Congress no later than two years after the date of enactment of this Act.

(c) The Secretary shall include in his report a draft of legislation to implement any changes recommended to this Act.

(d) Until one year after the Secretary has made this report to the President and Congress, or three years after the date of enactment of this Act, whichever comes first, the Secretary is authorized to suspend the applicability of any provision of this Act, or any regulation issued pursuant thereto, to any surface coal mining operation in Alaska in existence on the date of the enactment of this Act if he determines that it is necessary to insure the continued operation of such surface coal mining operation. The Secretary may exercise his suspension authority only after he has (1) published a notice of proposed suspension in the Federal Register and in a newspaper of general circulation in the area of Alaska in which the affected surface coal mining operation is located, and (2) held a public hearing on the proposed suspension in Alaska.

(e) There is hereby authorized to be appropriated for the purpose of this section $250,000.

STUDY OF RECLAMATION STANDARDS FOR SURFACE MINING OF OTHER MINERALS

SEC. 711. (a) The Chairman of the Council on Environmental Quality is directed to contract with the National Academy of Sciences-National Academy of Engineering, other Government agencies or private groups as appropriate, for an in-depth study of current and developing technology for surface and open pit mining and reclamation for minerals other than coal designed to assist in the establishment of effective and reasonable regulation of surface and open pit mining and reclamation for minerals other than coal. The study shall—

(1) assess the degree to which the requirements of this Act can be met by such technology and the costs involved;

(2) identify areas where the requirements of this Act cannot be met by current and developing technology;

(3) in those instances describe requirements most comparable to those of this Act which could be met, the costs involved, and the differences in reclamation results between these requirements and those of this Act; and

(4) discuss alternative regulatory mechanisms designed to insure the achievement of the most beneficial post-mining land use for areas affected by surface and open-pit mining.

(b) The study together with specific legislative recommendations shall be submitted to the Prsident and the Congress no later than eighteen months after the date of enactment of this Act: *Provided*, That, with respect to surface or open pit mining for sand and gravel the study shall be submitted no later than twelve months after the date of enactment of this Act.

(c) There are hereby authorized to be appropriated for the purpose of this section $500,000.

INDIAN LANDS

SEC. 712. (a) The Secretary is directed to study the question of the regulation of surface mining on Indian lands which will achieve the purpose of this Act and recognize the special jurisdictional status of these lands. In carrying out this study the Secretary shall consult with Indian tribes. The study report shall include proposed legislation designed to allow Indian tribes to elect to assume full regulatory authority over the administration and enforcement of regulation of surface mining of coal on Indian lands.

(b) The study report required by subsection (a) together with drafts of proposed legislation and the view of each Indian tribe which would be affected shall be submitted to the Congress as soon as possible but not later than January 1, 1976.

(c) On and after one hundred and thirty-five days from the enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

(d) On and after thirty months from the enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by sections 507, 508, 509, 510, 515, 516, 517, and 519 of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

(e) With respect to leases issued after the date of enactment of this Act, the Secretary shall include and enforce terms and conditions in addition to those required by subsections (c) and (d) as may be requested by the Indian tribe in such leases.

(f) Any change required by subsection (c) or (d) of this section in the terms and conditions of any coal lease on Indian lands existing on the date of enactment of this Act, shall require the approval of the Secretary.

(g) The Secretary shall provide for adequate participation by the various Indian tribes affected in the study authorized in this section and not more than $700,000 of the funds authorized in section 714(a) shall be reserved for this purpose.

EXPERIMENTAL PRACTICES

SEC. 713. In order to encourage advances in mining and reclamation practices, the regulatory authority may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under sections 515 and 516 of this Act. Such departures may be authorized if (i) the experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operation is no larger than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

AUTHORIZATION OF APPROPRIATIONS

SEC. 714. There is authorized to be appropriated to the Secretary for the purposes of this Act the following sums, and all such funds appropriated shall remain available until expended:

(a) For the implementation and funding of sections 502, 552, 405(b)(3), and 712, contract authority is granted to the Secretary of the Interior for the sum of $10,000,000 to become available immediately upon enactment of this Act and $10,000,000 for each of the two succeeding fiscal years.

(b) For administrative and other purposes of this Act, except as otherwise provided for in this Act, authorization is provided for the sum of $10,000,000 for the fiscal year ending June 30, 1975, for each of the two succeeding fiscal years the sum of $20,000,000 and $30,000,000 for each fiscal year thereafter.

RESEARCH AND DEMONSTRATION PROJECTS ON ALTERNATIVE COAL MINING TECHNOLOGIES

SEC. 715. (a) The Secretary is authorized to conduct and promote the coordination and acceleration of, research, studies, surveys, experiments, demonstration projects, and training relative to—

(1) the development and application of coal mining technologies which provide alternatives to surface disturbance and which maximizes the recovery of available coal resources, including the improvement of present underground mining methods, methods for the return of underground mining wastes to the mine void, methods for the underground mining of thick coal seams and very deep seams; and

(2) safety and health in the application of such technologies methods and means.

(b) In conducting the activities authorized by this section, the Secretary may enter into contracts with and make grants to qualified institutions, agencies, organizations, and persons.

(c) There are authorized to be appropriated to the Secretary, to carry out the purposes of this section, $35,000,000 for each fiscal year beginning with the fiscal year 1976, and for each year thereafter for the next four years.

SURFACE OWNER PROTECTION

SEC. 716. (a) The provisions and procedures specified in this section shall apply where coal owned by the United States under land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques. In order to minimize disturbance to surface owners from surface coal mining of Federal coal deposits, the Secretary shall, in his discretion but, to the maximum extent practicable, refrain from leasing such coal deposits for development by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 201a), except that no award shall be made by any method other than competitive bidding.

(c) Prior to placing any deposit subject to this section in a leasing tract, the Secretary shall give o any surface owner whose land is to be included in the proposed leasing tract actual written notice of his intention to place such deposits under such land in a leasing tract.

(d) The Secretary shall not enter into any lease of such coal deposits until the surface owner has given written consent and the Secretary has obtained such consent, to enter and commence surface mining operations, and the applicant has agreed to pay in addition to the rental and royalty and other obligations due the United States the money value of the surface owner's interest as determined according to the provisions of subsection (e).

(e) The value of the surface owner's interest shall be fixed by the Secretary based on appraisals made by three appraisers. One such appraiser shall be appointed by the Secretary, one appointed by the surface owner concerned, and one appointed jointly by the appraisers named by the Secretary and such surface owner. In computing the value of the surface owner's interest, the appraisers shall first fix and determine the fair market value of the surface estate and they shall then determine and add the value of such of the following losses and costs to the extent that such losses and costs arise from the surface coal mining operations:

(1) loss of income to the surface owner during the mining and reclamation process;

(2) cost to the surface owner for relocation or dislocation during the mining and reclamation process;

(3) cost to the surface owner for the loss of livestock, crops, water or other improvements;

(4) any other damage to the surface reasonably anticipated to be caused by the surface mining and reclamation operations; and

(5) such additional reasonable amount of compensation as the Secretary may determine is equitable in light of the length of the tenure of the ownership: *Provided*, That such additional reasonable amount of compensation may not exceed the value of the losses and costs as established pursuant to this subsection and in paragraphs (1) through (4) above, or one hundred dollars ($100.00) per acre, whichever is less.

(f) All bids submitted to the Secretary for any such lease shall, in addition to any rental or royalty and other obligations, be accompanied by the deposit of an amount equal to the value of the surface owner's interest computed under subsection (e). The Secretary shall pay such amount to the surface owner either upon the execution of such lease or upon the commencement of mining, or shall require posting of bond to assure installment payments over a period of years acceptable to the surface owner, at the option of the surface owner. At the time of initial payment, the surface owner may request a review of the initial determination of the amount of the surface owner's interest for the purpose of adjusting such amount to reflect any increase in the Consumer Price Index since the initial determination. The lessee shall pay such increased amount to the Secretary to be paid over to the surface owner. Upon the release of the performance bonds or deposits under section 519, or at an earlier time as may be determined by the Secretary, all rights to enter into and use the surface of the land subject to such lease shall revert to the surface owner.

(g) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

(1) hold legal or equitable title to the land surface;

(2) have their principal place of residence on the land or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations; and

(3) have met the conditions of paragraphs (1) and (2) for a period of at least three years prior to the granting of the consent.

In computing the three-year period the Secretary may include periods during which title was owned by a relative of such person by blood or marriage during which period such relative would have met the requirements of this subsection.

(h) Where surface lands over coal subject to this section are owned by any person who meets the requirements of paragraphs (1) and (2) of subsection (g) but who does not meet the requirements of paragraph (3) of subsection (g), the Secretary shall not place such coal deposit in a leasing tract unless such person has owned such surface lands for a period of three years. After the expiration of such three-year period such coal deposit may be leased by the Secretary, provided that if such person qualifies as a surface owner as defined by subsection (g) his consent has been obtained pursuant to the procedures set forth in this section.

(i) Nothing in this section shall be construed as increasing or diminishing any property rights held by the United States or by any other landowner.

(j) The determination of the value of the surface owner's interest fixed pursuant to subsection (e) or any adjustment to that determination made pursuant to subsection (f) shall be subject to judicial review only in the United States district court for the locality in which the leasing tract is located.

(k) At the end of each two-year period after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the implementation of the Federal coal leasing policy established by this section. The report shall include a list of the surface owners who have (1) given their consent, (2) received payments pursuant to this section, (3) refused to give consent, and (4) the acreage of land involved in each category. The report shall also indicate the Secretary's views on the impact of the leasing policy on the availability of Federal coal to meet national energy needs and on receipt of fair market value for Federal coal.

(l) This section shall not apply to Indian lands.

(m) Any person who gives, offers or promises anything of value to any surface owner or offers or promises any surface owner to give anything of value to any other person or entity in order to induce such surface owner to give the Secretary his written consent pursuant to this section, and any surface owner who accepts, receives, or offers or agrees to receive anything of value for himself or any other person or entity, in return for giving his written consent pursuant to this section shall be subject to a civil penalty of one and a half times the monetary equivalent of the thing of value. Such penalty shall be assessed by the Secretary and collected in accordance with the procedures set out in subsections 518(b), 518(c), 518(d), and 518(e) of this Act.

(n) Any Federal coal lease issued subject to the provisions of this section shall be automatically terminated if the lessee, before or after issuance of the lease, gives, offers or promises anything of value to the surface owner or offers or promises any surface owner to give anything of value to any other person or entity in order to (1) induce such surface owner to give the Secretary his written consent pursuant to this section, or (2) compensate such surface owner for giving such consent. All bonuses, royalties, rents and other payments made by the lessee shall be retained by the United States.

(o) The provisions of this section shall become effective on February 1, 1976. Until February 1, 1976, the Secretary shall not lease any coal deposits owned by the United States under land the surface rights to which are not owned by the United States, unless the Secretary has in his possession a document which demonstrates the acquiescence prior to February 27, 1975, of the owner of the surface rights to the extraction of minerals within the boundaries of his property by current surface coal mining methods.

FEDERAL LESSEE PROTECTION

SEC. 717. In those instances where the coal proposed to be mined by surface coal mining operations is owned by the Federal Government and the surface is subject to a lease or a permit issued by the Federal Government, the application for a permit shall include either:

(1) the written consent of the permittee or lessee of the surface lands involved to enter and commence surface coal mining operations on such land, or in lieu thereof;

(2) evidence of the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the permittee or lessee of the surface lands involved to secure payment of any damages to the surface estate which the operations will cause to the crops, or to the tangible improvements of the permittee or lessee of the surface lands as may be determined by the parties involved, or as determined and fixed in an action brought against the operator or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation under this Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no rollcall votes occur on Monday next prior to the hour of 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 621. A bill to prohibit for a period of 90 days the lifting of all price controls on domestic oil, and to thereafter require the submission to, and the right of review and disapproval of the Congress of such action within 30 days (minority views filed) (Rept. No. 94–32).

By Mr. CANNON, from the Committee on Rules and Administration:

S. Res. 103. A resolution relating to members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library. Placed on the Calendar.

REPORT ENTITLED "PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES"—REPORT OF THE SPECIAL COMMITTEE ON AGING (S. REPORT NO. 94–31)

Mr. CHURCH. Mr. President, the Special Committee on Aging has recently issued a "Checklist of Itemized Deductions" for older persons. This checklist, "Protecting Older Americans Against Overpayment of Income Taxes," has attracted considerable interest throughout the country. The demand for this publication has been overwhelming: consequently; the supply is exhausted. In order to make this valuable report more widely available and distributed to libraries, I ask unanimous consent that it be published as a Senate Report.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS (for himself, Mr. Magnuson, Mr. Abourezk, Mr. Church, Mr. Gravel, Mr. McGee, Mr. McGovern, Mr. Humphrey, Mr. Case, Mr. Tunney, Mr. McIntyre, and Mr. Nelson):

S. 997. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 998. A bill to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services and National Archives and Records Service with respect to records management by Federal agencies, and for other purposes. Referred to the Committee on Government Operations.

By Mr. ROTH (for himself and Mr. Biden):

S. 999. A bill to designate the Federal office building located in Dover, Del., as the "J. Allen Frear Building". Referred to the Committee on Public Works.

By Mr. MOSS (by request):

S. 1000. A bill to amend the Consumer Product Safety Act to improve the Consumer Product Safety Commission, to authorize new appropriations, and for other purposes. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 1001. A bill to authorize Federal agencies administering lands and waters for recreational and other public purposes to acquire rights-of-way essential to the enjoyment and utilization of such lands and waters. Referred to the Committee on Interior and Insular Affairs.

By Mr. ABOUREZK:

S. 1002. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PERCY (for himself, Mr. Goldwater, Mr. Curtis, Mr. McGovern, Mr. Young, and Mr. Hruska):

S. 1003. A bill to name the synthetic gas pilot plant located in Rapid City, S. Dak., the "Karl E. Mundt Gasification Pilot Plant". Referred to the Committee on Interior and Insular Affairs.

By Mr. HUGH SCOTT:

S. 1004. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the Allegheny River, Pennsylvania, for potential addition to the National Wild and Scenic Rivers System. Referred to the Committee on Interior and Insular Affairs.

S. 1005. A bill to extend the volunteer fire companies and volunteer ambulance and rescue companies the rates of postage on second-class and third-class bulk mailings applicable to certain nonprofit organizations. Referred to the Committee on Post Office and Civil Service.

By Mr. MATHIAS:

S. 1006. A bill to extend the authorization for the American Revolution Bicentennial Administration. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S. 1007. A bill to prohibit the Consumer Product Safety Commission from restricting the sale or manufacture of firearms or ammunition. Referred to the Committee on Commerce.

By Mr. PACKWOOD:

S. 1008. A bill for the relief of Robert H. Schmidt. Referred to the Committee on the Judiciary.

Mr. STONE (for himself, Mr. McGee, Mr. Cannon, Mr. Chiles, Mr. Cranston, Mr. Domenici, Mr. Hansen, Mr. Haskell, Mr. Montoya, and Mr. Stevens):

S. 1009. A bill to amend title 13 of the United States Code to require the compilation of current data on total population between censuses and to require the use of such current data in the administration of Federal laws in which population is a factor. Referred to the Committee on Post Office and Civil Service.

By Mr. HASKELL:

S. 1010. A bill to clarify authorization for the approval by the Administrator of the Federal Aviation Agency of the exchange of a portion of real property conveyed to the city of Grand Junction, Colo., for airport purposes. Referred to the Committee on Commerce.

By Mr. Haskell (for Mr. Jackson and Mr. Fannin) (by request):

S. 1011. A bill to designate the Aldo Leopold Wilderness, Gila National Forest, N. Mex.

S. 1012. A bill to designate the Blue Range Wilderness, Apache National Forest, in the States of Arizona and New Mexico;

S. 1013. A bill to designate the Eagles Nest Wilderness, Arapaho and White River National Forest, in the State of Colorado;

S. 1014. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado;

S. 1015. A bill to designate the Glacier Wilderness, Shoshone National Forest, in the State of Wyoming;

S. 1016. A bill to designate the High Uintas Wilderness, Ashley and Wasatch National Forests, in the State of Utah;

S. 1017. A bill to designate the Spanish Peaks Wilderness, Gallatin National Forest, in the State of Montana;

S. 1018. A bill to designate the Beartooth Wilderness, Custer and Gallatin National Forests in the State of Montana;

S. 1019. A bill to designate the Big Blue Wilderness, Courthouse Mountain Wilderness, Dolores Park Wilderness, Mount Sneffels Wilderness, and Mount Wilson Wilderness, San Juan and Uncompahgre National Forests in the State of Colorado;

S. 1020. A bill to designate the Cloud Peak Wilderness, Big Horn National Forest, in the State of Wyoming;

S. 1021. A bill to designate the Gila Primitive Area as a part of the Gila Wilderness, Gila National Forest, N. Mex., and for other purposes;

S. 1022. A bill to designate the Monarch Wilderness Sequoia, and Sierra National Forest in the State of California;

S. 1023. A bill to designate the Popo Agie Wilderness, Shoshone National Forest, in the State of Wyoming;

S. 1024. A bill to designate the Idaho Wilderness, Boise, Challis, Payette, and Salmon National Forests, Idaho and the Salmon River Wilderness, Bitterroot, Nezperce, and Salmon National Forests, Idaho;

S. 1025. A bill to designate the Trinity Alps Wilderness, Klamath, Shasta-Trinity, and Six Rivers National Forests in the State of California;

S. 1026. A bill to designate certain lands in the Chassahowitzka National Wildlife Refuge, Citrus County, Fla., as wilderness;

S. 1027. A bill to designate certain lands in the Crab Orchard National Wildlife Refuge, Jackson, Union and Williamson Counties, Ill., as wilderness;

S. 1028. A bill to designate certain lands in the Crescent Lake National Wildlife Refuge, Garden County, Nebr., as wilderness;

S. 1029. A bill to designate certain lands in the Hart Mountain National Antelope Refuge, Lake County, Oreg., as wilderness;

S. 1030. A bill to designate certain lands in the Havasu National Wildlife Refuge, San Bernardino County, Calif., as wilderness;

S. 1031. A bill to designate certain lands in the Hawaiian Islands National Wildlife Refuge, city and county of Honolulu, Hawaii, as wilderness;

S. 1032. A bill to designate certain lands in the Imperial National Wildlife Refuge, Yuma County, Ariz., and Imperial County, Calif., as wilderness;

S. 1033. A bill to designate certain lands in the Malheur National Wildlife Refuge, Harney County, Oreg., as wilderness;

S. 1034. A bill to designate certain lands in the Rice Lake National Wildlife Refuge, Minn., and the entire Mille Lacs National Wildlife Refuge, Minn., as wilderness;

S. 1035. A bill to designate certain lands in the Mingo National Wildlife Refuge, Wayne and Stoddard Counties, Mo., as wilderness;

S. 1036. A bill to designate certain lands in the Missisquoi National Wildlife Refuge, Franklin County, Vt., as wilderness;

S. 1037. A bill to designate certain islands of the Oregon Islands National Wildlife Refuge, Clatsop, Tillamook, Lincoln Lane, Coos and Curry Counties, Oreg., as wilderness;

S. 1038. A bill to designate certain lands in the Red Rock Lakes National Wildlife Refuge, Beaverhead County, Mont., as wilderness;

S. 1039. A bill to designate certain lands in the Matia Island and San Juan National Wildlife Refuges, San Juan and Skagit Counties, Wash., as wilderness;

S. 1040. A bill to designate all of the Semidi National Wildlife Refuge, 3rd Judicial Division, Alaska, as wilderness.

S. 1041. A bill to designate certain lands in the Simeonof National Wildlife Refuge, Third Judicial District, Alaska, as wilderness;

S. 1042. A bill to designate certain lands in the Tamarac National Wildlife Refuge, Becker County, Minn., as wilderness;

S. 1043. A bill to designate certain lands in the Aleutian Islands National Wildlife Refuge, Third Judicial Division, Alaska, as wilderness;

S. 1044. A bill to designate certain lands in the Valentine National Wildlife Refuge, Cherry County, Nebr., as wilderness;

S. 1045. A bill to designate certain lands in the White River National Wildlife Refuge, Desha County, Ark., as wilderness;

S. 1046. A bill to designate certain lands within the Agassiz National Wildlife Refuge in Marshall County, Minn., as wilderness;

S. 1047. A bill to designate certain lands in the Aleutian Islands National Wildlife Refuge, Third Judicial Division, Alaska, as wilderness;

S. 1048. A bill to designate all of the Anaho Island National Wildlife Refuge, Washoe County, Nev., as wilderness;

S. 1049. A bill to designate certain lands in the Chincoteague National Wildlife Refuge, and Assateague Island National Seashore, Accomack County, Va., and Worcester County, Md., as wilderness;

S. 1050. A bill to designate certain lands in the Back Bay National Wildlife Refuge, Princess Anne County, Va., as wilderness;

S. 1051. A bill to designate certain lands in the Big Lake National Wildlife Refuge, Mississippi County, Ark., as wilderness;

S. 1052. A bill to designate certain lands in the Bombay Hook National Wildlife Refuge, Kent County, Del., as wilderness;

S. 1053. A bill to designate certain lands in the Cedar Island National Wildlife Refuge, Carteret County, N.C., as wilderness;

S. 1054. A bill to designate certain lands in the J. N. "Ding" Darling National Wildlife Refuge, Lee County, Fla., as wilderness;

S. 1055. A bill to designate certain lands in the Fort Niobrara National Wildlife Refuge, Cherry County, Nebr., as wilderness;

S. 1056. A bill to designate certain lands in the Kenai National Moose Range, Kenai Peninsula Borough, Alaska, as wilderness;

S. 1057. A bill to designate certain lands in the Lacassine National Wildlife Refuge, Cameron Parish, La., as wilderness;

S. 1058. A bill to designate certain lands in the Lake Woodruff National Wildlife Refuge, Lake and Volusia Counties, Fla., as wilderness;

S. 1059. A bill to designate certain lands in the Mattamuskeet National Wildlife Refuge, Hyde County, N.C., as wilderness;

S. 1060. A bill to designate certain lands in the Medicine Lake National Wildlife Refuge, Sheridan and Roosevelt Counties, Mont., as wilderness;

S. 1061. A bill to designate certain lands in the Noxubee National Wildlife Refuge, Oktibbeha County, Miss., as wilderness;

S. 1062. A bill to designate certain lands in the Parker River National Wildlife Refuge, Essex County, Mass., as wilderness;

S. 1063. A bill to designate certain lands within the Pea Island National Wildlife Refuge, Dare County, N.C., as wilderness;

S. 1064. A bill to designate certain lands in the Santee National Wildlife Refuge, Clarendon County, S.C., as wilderness;

S. 1065. A bill to designate certain lands in the Sheldon National Antelope Refuge, Washoe County, Nev., as wilderness;

S. 1066. A bill to designate certain lands in the Swanquarter National Wildlife Refuge, Hyde County, N.C., as wilderness;

S. 1067. A bill to designate certain lands in the UL Bend National Wildlife Refuge, Phillips County, Mont., as wilderness;

S. 1068. A bill to designate certain lands in the Badlands National Monument, S. Dak., as wilderness;

S. 1069. A bill to designate certain lands in the Bandelier National Monument, N. Mex., as wilderness;

S. 1070. A bill to designate certain lands in the Big Bend National Park, Texas, as wilderness;

S. 1071. A bill to designate certain lands in the Black Canyon of the Gunnison National Monument, Colo., as wilderness;

S. 1072. A bill to designate certain lands in the Bryce Canyon National Park, Utah, as wilderness;

S. 1073. A bill to designate certain lands in the Carlsbad Caverns National Park, N. Mex., as wilderness;

S. 1074. A bill to designate as wilderness certain lands within Cedar Breaks National Monument in the State of Utah;

S. 1075. A bill to designate certain lands in the Chiricahua National Monument, Ariz., as wilderness;

S. 1076. A bill to designate certain lands in the Colorado National Monument, Colo., as wilderness;

S. 1077. A bill to designate certain lands in the Crater Lake National Park, Oreg., as wilderness;

S. 1078. A bill to designate certain lands in the Cumberland Gap National Historical Park, Tennessee, Virginia, and Kentucky, as wilderness;

S. 1079. A bill to designate certain lands in the Glacier National Park, Mont., as wilderness;

S. 1080. A bill to designate certain lands in the Grand Canyon National Park and in the Grand Canyon and Marble Canyon National Monuments, Ariz., as wilderness;

S. 1081. A bill to designate certain lands in the Grand Teton National Park, Wyo., as wilderness;

S. 1082. A bill to designate certain lands in the Great Sand Dunes National Monument, Colo., as wilderness;

S. 1083. A bill to designate certain lands in the Guadalupe Mountains National Park, Tex., as wilderness;

S. 1084. A bill to designate certain lands in the Haleakala National Park, Hawaii, as wilderness;

S. 1085. A bill to designate as wilderness certain lands within Isle Royale National Park, in the State of Michigan;

S. 1086. A bill to designate certain lands in the Joshua Tree National Monument, Calif., as wilderness;

S. 1087. A bill to designate certain lands in the Katmai National Monument, Alaska, as wilderness;

S. 1088. A bill to designate as wilderness certain lands within Sequoia and Kings Canyon National Parks, in the State of California;

S. 1089. A bill to designate certain lands in the Mesa Verde National Park, Colo., as wilderness;

S. 1090. A bill to designate certain lands in the North Cascades National Park and in the Ross Lake and Lake Chelan National Recreation Areas, Wash., as wilderness;

S. 1091. A bill to designate certain lands in the Olympic National Park, Wash., as wilderness;

S. 1092. A bill to designate certain lands in the Pinacles National Monument in California as wilderness;

S. 1093. A bill to designate certain lands in the Point Reyes National Seashore, Calif., as wilderness;

S. 1094. A bill to designate certain lands in the Rocky Mountain National Park, Colo., as wilderness;

S. 1095. A bill to designate certain lands in the Saguaro National Monument, Ariz., as wilderness;

S. 1096. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness;

S. 1097. A bill to designate certain lands in the Theodore Roosevelt National Memorial Park, N. Dak., as wilderness;

S. 1098. A bill to designate certain lands in the Yellowstone National Park, Idaho-Wyoming-Montana, as wilderness;

S. 1099. A bill to designate certain lands in the Yosemite National Park, Calif., as wilderness;

S. 1100. A bill to designate certain lands in the Zion National Park as wilderness;

S. 1101. A bill to designate certain lands in the Death Valley Monument, California and Nevada, as wilderness;

S. 1102. A bill to designate certain lands in the Dinosaur National Monument, Utah and Colorado, as wilderness;

S. 1103. A bill to designate certain lands in the Everglades National Park, Fla., as wilderness;

S. 1104. A bill to designate certain lands in the Great Smoky Mountains National Park, Tennessee and North Carolina, as wilderness.

S. 1105. A bill to designate certain lands in the Hawaii Volcanoes National Park, Hawaii, as wilderness;

S. 1106. A bill to designate certain lands in the Mount Ranier National Park, Wash., as wilderness; and

S. 1107. A bill to designate certain lands in the Organ Pipe National Monument, Ariz., as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. PROXMIRE (for himself, Mr. Randolph, Mr. Biden, Mr. Magnuson, Mr. Mondale, Mr. Humphrey, Mr. McGovern, Mr. Abourezk, Mr. Tunney, Mr. Hathaway, Mr. Hollings, Mr. Montoya, and Mr. Hartke):

S. 1108. A bill to establish an emergency mortgage credit program to reduce unemployment and aid middle-income home buyers. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BURDICK (for himself, Mr. Philip A. Hart, Mr. Hollings, Mr. Hruska, Mr. Kennedy, Mr. Percy, Mr. Randolph, and Mr. Muskie):

S. 1109. A bill to amend title 18, United States Code, relating to parole, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. NUNN (for himself, Mr. Allen, and Mr. Garn):

S. 1110. A bill to establish a Council on Judicial Tenure in the judicial branch of the Government, to establish a procedure in addition to impeachment for the retirement of disabled Justices and judges of the United States, and the removal of Justices and judges whose conduct is or has been inconsistent with the good behavior required by article III, section 1 of the Constitution, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HUGH SCOTT (for himself, Mr. Baker, Mr. Cranston, Mr. Hartke, Mr. Tunney, Mr. Williams, and Mr. Bayh):

S. 1111. A bill to amend the Copyright Act of 1909, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 1112. A bill to establish an Energy Trust Fund funded by a tax on energy sources, to provide for the development of domestic sources of energy and for the more efficient utilization of energy, and for other purposes. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 1113. A bill to authorize the Secretary of the Interior to establish, on certain public lands of the United States, national petroleum reserves, the development of which needs to be regulated in a manner consistent with the total energy needs of the Nation, and for other purposes. Referred to the Committee on Armed Services, the Committee on Interior and Insular Affairs, and the Committee on Banking, Housing and Urban Affairs, jointly, by unanimous consent.

By Mr. CHURCH:

S. 1114. A bill to provide that time spent by American civilians in enemy prisoner-of-war camps and similar places shall be creditable (as though it were military service) toward pensions, annuities, or similar benefits under various Federal retirement programs. Referred to the Committee on Finance, the Committee on Labor and Public Welfare, the Committee on Post Office and Civil Service, and the Committee on Armed Services, jointly, by unanimous consent.

By Mr. DOMENICI (for himself, Mr. Baker, Mr. Randolph, Mr. Bellmon, Mr. Humphrey, and Mr. Taft):

S. 1115. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974, so as to authorize research, development, and demonstration in the field of ground propulsion systems. Referred to the Committee on Commerce and the Committee on Interior and Insular Affairs, by unanimous consent.

By Mr. STEVENSON (for himself and Mr. Cranston):

S.J. Res. 51. A joint resolution to disapprove Export-Import Bank Financing of a nuclear reactor sale to South Korea. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS (for himself, Mr. Magnuson, Mr. Abourezk, Mr. Church, Mr. Gravel, Mr. McGee, Mr. McGovern, Mr. Humphrey, Mr. Case, Mr. Tunney, Mr. McIntyre, and Mr. Nelson):

S. 997. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes. Referred to the Committee on Commerce.

PRICE DISCLOSURE ACT

Mr. MOSS. Mr. President, for myself, Mr. Magnuson, Mr. Abourezk, Mr. Church, Mr. Gravel, Mr. McGee, Mr. McGovern, Mr. McIntyre, and Mr. Nelson, I introduce for appropriate reference a bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes.

Mr. President, the purpose of the legislation which I introduce today and which will be introduced on Monday by Congressman Rosenthal and some 35 additional Members of the House, is to insure that, first, prices be marked on consumer commodities, second, unit pricing information be available to consumers, and third, the Federal Trade Commission effectively enforces the Fair Packaging and Labeling Act as amended by this measure.

On a number of occasions since the original Fair Packaging and Labeling Act was passed, Members of the Congress have introduced legislation to require unit pricing. Now, however, a thorough need for providing comprehensive pricing information has been amply demonstrated.

The General Accounting Office filed with the Congress on January 29, a report which clearly demonstrated that the costs of instituting unit pricing are more than offset by the consumer savings attributable to using unit pricing. Needless to say, this information is a major contribution to our understanding of the need for unit pricing and the economic viability of such a system.

Additionally, with the advent of the Universal Product Coding system—UPC—it has become evident that additional savings will be forthcoming to retailers who make use of this computer assisted automated check-out procedure. But such savings, cannot take place at the expense of the consumer. A number of retailers have indicated that they will not place price information on the product which the consumer buys. How will the consumer be able to compare prices within a store from aisle to aisle? The suggestion has been made that consumers should be given a grease pencil with which to mark prices on individual items. Enough said about unworkable suggestions. Clearly the retailer making use of UPC will still save money if there is price marking on each individual item. Just as important, however, is the out-of-store price comparison. How can the consumer compare prices once he takes his products home? Today, he can look at the items next to each other on the shelf at home and clearly see cost comparisons. Under UPC, without price marking, the consumer would have to be bookkeeper and filing clerk, collecting the various cash register tapes, remembering which products were purchased at which stores, and then having to decipher the identification of the item from the register tape.

Lastly, Mr. President, the Fair Packaging and Labeling Act has not been a great success. Diverse and conflicting jurisdictional guidance, halfhearted effort, and a singular lack of enthusiasm about this legislation has resulted in its being a less than effective measure. Therefore, we propose that all jurisdiction for regulating under the Fair Packaging and Labeling Act be transferred to the Federal Trade Commission and appropriate language is included in the legislation to accomplish this objective.

Mr. President, much thought has gone into the development of this bill. The Committee on Commerce held a symposium in December on the Universal Product Code. The General Accounting Office has done a report on Unit Pricing. And the Consumer Federation has prepared an excellent question and answer analysis of UPC.

Mr. President, I ask unanimous consent that there be printed in the RECORD the section of the GAO report concerning unit pricing, the CFA publication on Universal Product Code, and the text of the bill which we are introducing today.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Price Disclosure Act".

PRICE MARKING REQUIREMENTS

SEC. 2. Section 4 of the Fair Packaging and Labeling Act (15 U.S.C. 1453) is amended by adding at the end thereof the following new subsection:

"(c) No person engaged in business in the sale at retail of any packaged consumer commodity which has been distributed in commerce, or the distribution of which affects commerce, shall sell, offer for sale, or display for sale any such commodity unless—

"(1) the total selling price of such commodity is plainly marked by a stamp, tag, or label affixed to a panel of the package; and

"(2) the retail unit price of such commodity is plainly marked by—

"(A) a stamp, tag, or label affixed to principal display panel of the package, or

"(B) a label or sign in close proximity to the point of display of such package, which label or sign shall also contain the name and quantity of contents of such commodity."

EXEMPTIONS

SEC. 3. Section 5(b) of such Act (15 U.S.C. 1454(b)) is amended by inserting "(1)" after "(b)", and by adding at the end thereof the following new paragraph:

"(2) The following entities shall be exempt from the operation of section 4(c) of this Act:

"(A) Any individual retail outlet which sells or offers for sale packaged consumer commodities and whose total gross sales do not exceed $250,000 per annum, unless such an outlet is one of a number of outlets owned substantially or whose inventory is supplied substantially, by a single person, partnership, or corporation whose total gross sales exceed $500,000 per annum.

"(B) Any retail outlet in any State which has enacted a mandatory unit pricing law and such law is determined by the Commission to be in full force and effect and comparable in scope and comprehensiveness to the requirements of this section; except that retailers (including chainstores and affiliated stores) who operate outlets in any such State shall be subject to the provisions of section 4(c)(2) of this Act if they also operate outlets in any other State. The Commission shall, upon application by an appropriate and adequately-staffed State agency, or agencies, certify a plan if the requirements of such plan (1) do not unduly burden interstate commerce; (2) afford equivalent or greater price disclosure to an equivalent or greater number of consumers in such State than is afforded by the provisions of this Act; (3) include adequate provision for enforcement; and (4) provide for periodic evaluation of the effectiveness of such price disclosure requirements, in cooperation with the Commission. Such certification shall be reviewed periodically, but not less than once every three years, by the Commission, and shall be renewed if such plan (A) continues to meet or exceed the provisions of this Act; and (B) is administered and enforced effectively by the State involved.".

DEFINITIONS

SEC. 4. (a) The first sentence of section 10(a) of the Fair Packaging and Labeling Act (15 U.S.C. 1459(a)) is amended by—

(1) striking out the word "consumption" the first time it appears in such sentence and inserting in lieu thereof the word "use"; and

(2) striking ", or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use", and inserting in lieu thereof the following: "in or around the household, but shall not include durable goods which are customarily not expended or consumed during the first year of use".

(b) Section 10 of such Act (15 U.S.C. 1459) is amended by adding at the end thereof the following new subsection:

"(g) The term 'retail unit price', when used in relation to the contents of a package of any consumer commodity, means the retail prices of the contents of that package expressed in terms of the retail price of such contents per single whole unit of weight, volume, or measure.".

ENFORCEMENT AUTHORITY

SEC. 5. (a) Section 5(a) of the Fair Packaging and Labeling Act (15 U.S.C. 1454(a)) is amended by (1) striking out the words "(A) the Secretary of Health, Education, and Welfare (referred to hereinafter as the 'Secretary') with respect to any consumer commodity which is a food, drug, device, or cosmetic, as each such term is defined by section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); and (B)", and striking out the words "with respect to any other consumer commodity".

(b) Section 5(b) of such Act (15 U.S.C. 1454(b)) is amended by striking out the words "the Secretary or".

(c) Section 5(d) of such Act (15 U.S.C. 1454(d)) is amended to read as follows: "Whenever the Commission determines that there is undue proliferation of the weights, measures, or quantities in which any consumer commodity or reasonably comparable consumer commodities are being distributed in packages for sale at retail and such undue proliferation impairs the reasonable ability of consumers to make value comparisons with respect to such consumer commodity or commodities, the Commission shall request and the Secretary of Commerce shall initiate a voluntary product standard for such commodity or commodities under the procedures for the development of voluntary products standards established by the Secretary of Commerce pursuant to section 2 of the Act of March 3, 1901 (31 Stat. 1449, as amended; 15 U.S.C. 272). Such procedures shall provide adequate manufacturer, packer, distributor, and consumer representation.".

(d) Section 5(e) of such Act (15 U.S.C. 1454(e)) is amended by striking out the word "the" after "(2)" and all that follows before the end of the sentence, and inserting in lieu thereof "the Commission determines that it has not been observed, the Commission shall prescribe such rules as may be necessary to eliminate such undue proliferation of weights, measures, or quantities in which any consumer commodity or reasonably comparable consumer commodities are being distributed in packages for sale at retail.".

(e) Section 6 of such Act (15 U.S.C. 1455) is amended by—

(1) Striking out subsections "(a)" and "(b)", redesignating subsections "(c)" and "(d)" as subsections "(b)" and "(c)", respectively, and inserting the following new subsection:

"(a) Regulations promulgated by the Commission under section 4 or section 5 of this Act shall be prescribed in accordance with section 553 of title 5, United States Code; except that the Commission shall give interested persons an opportunity for oral presentations of data, views, and arguments, in addition to written submissions. A transcript shall be kept of any oral presentation. Any such rule shall be subject to judicial review under section 18(e) of the Federal Trade Commission Act (as amended by the Magnuson-Moss Act, Public Law 93-637) in the same manner as rules prescribed under section 18(a) (1) (B) of such Act, except that section 18(e) (3) (B) of such Act shall not apply.", and

(2) Inserting at the end of subsection (b) as redesignated by paragraph (1) of this subsection the following new sentence: "In connection with the training by the Commission of any individual who is an officer or employee of any State or any political subdivision of a State, duly commissioned by the Commission as an officer of the Commission to conduct examinations, investigations, or perform other functions, for the purposes of carrying out this Act, the Commission may allow such individual travel expenses to and from the place of such training, including per diem in lieu of subsistence while in travel status and during such training, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently: *Provided*, That the individual's training is conducted under an agreement between the Commission and a State, or a political subdivision of a State, pursuant to which such individual, upon completion of the training, will be employed by such State, or political subdivision to conduct examinations or investigations to carry out the purposes of this Act.".

(f) Section 7 of such Act (15 U.S.C. 1456) is amended by (1) striking out subsections "(a)" and "(b)", (2) redesignating subsection "(c)" as subsection "(b)", and (3) inserting the following new subsection:

"(a) Any violation of any of the provisions of this Act or the regulations issued pursuant to the Act, with respect to any consumer commodity delivered for introduction in commerce, or sold at retail, offered for sale at retail, or displayed for sale at retail, shall constitute an unfair or deceptive act or practice affecting commerce in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) and shall be subject to enforcement under section 5(b) and penalties under section 5(l) and section 5(m) of such Act, as amended.".

(g) Section 8 of such Act (15 U.S.C. 1457) is amended by (1) striking the beginning of the sentence beginning with the word "Each" up to and through the word "Act,", and by inserting in lieu thereof "The Commission", and (2) striking the words "that officer or agency for" and by inserting in lieu thereof "the Commission in".

(h) Section 9(a) of such Act (15 U.S.C. 1458(a)) is amended by—

(1) striking the words "to the Secretary of Commerce, who shall (1) transmit copies thereof" and inserting in lieu thereof "by the Commission", and

(2) striking the words "agencies, and (2) furnish to such State officers and agencies" and inserting in lieu thereof "which shall also be furnished with".

EFFECTIVE DATE

SEC. 6. The amendments made by this Act shall take effect on the first day of the seventh month after its date of enactment, except that the requirements of section 4(c) (1) of the Fair Packaging and Labeling Act, as amended by section 2 of this Act, shall take effect on the first day of the first month after the date of enactment of this Act. The amendments made by sections 5(e) and 5(f) of this Act shall take effect, with regard to the promulgation of regulations and the enforcement of section 4(c)(1) of the Fair Packaging and Labeling Act, on the first day of the first month after the date of enactment of this Act.

[REPORT TO THE CONGRESS]

FOOD LABELING: GOALS, SHORTCOMINGS, AND PROPOSED CHANGES

(By the Comptroller General of the United States)

COMPTROLLER GENERAL
OF THE UNITED STATES,
JANUARY 29, 1975.

To the President of the Senate and the Speaker of the House of Representatives:

This is our report on the implementation of the Fair Packaging and Labeling Act and related food labeling laws and the improvements needed by the Food and Drug Administration, Department of Health, Education, and Welfare; the National Bureau of Standards, Department of Commerce; and the Agricultural Marketing Service, the Animal and Plant Health Inspection Service, and the Economic Research Service, Department of Agriculture, to provide the consumer with more usable information for making the value comparisons contemplated by the Congress and for determining which brands are best suited to their specific needs or preferences.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; the Secretary of Health, Education, and Welfare; the Secretary of Agriculture; and the Secretary of Commerce.

ELMER B. STAATS,
Comptroller General of the United States.

CHAPTER 7.—UNIT PRICING—OLD IDEA, NEW APPLICATION

To compare the value of competing commodities, consumers must be able to readily compare the prices. However, studies of consumer abilities to compare prices showed that—despite FPLA—consumers make inaccurate price comparisons 40 percent or more of the time. The presentation of unit prices—which has been done for years on fresh meats—could facilitate price comparisons of each brand and size of competing commodities. Studies have shown that unit prices can reduce price comparison errors. However, FPLA currently does not require retail grocery stores to provide unit pricing.

FPLA provisions fail to overcome obstacles in comparing prices

To facilitate consumer price comparisons FPLA provides that labels of all consumer commodities show net quantity of contents and a voluntary program be established to standardize and reduce the number of package sizes for consumer commodities.

The House of Representatives report on FPLA (H. Rept. 2076, 89th Cong., 2d sess.) stated that the purpose of the requirement for providing information on the net quantity of package contents was:

"* * * to provide a total ounce statement which will facilitate the computation of costs per ounce and thus aid the consumer in making value comparisons among comparable commodities."

The Senate version of the FPLA bill (S. 985, 89th Cong., 2d sess.) stated that, before using the voluntary program to standardize and reduce the number of package sizes for a product, it should be determined that the weights or quantities in which the commodity is being sold are likely to impair consumers' ability to compare prices per unit. Although the final version of FPLA substituted "value" for "price" throughout, the Conference Report of the House and Senate (H. Rept. 2286, 89th Cong., 2d sess.) explained this change by stating that price comparison is " * * * a very important factor in making a value comparison."

Surveys of consumer abilities to compare prices showed consumers often could not compare prices correctly. In October 1968,[1] five college-educated housewives were asked to buy from a Sacramento supermarket[2] the package for each of 14 grocery products that, in their judgment, offered the best unit price. Thirty-eight or 54 percent, of the 70 choices were incorrect.

In May 1969, a similar survey[3] required two groups of shoppers to select the lowest unit-priced item for several grocery products in New York City. A group of 16 shoppers made a total of 196 choices from the list of products and were incorrect on 85, or 43 percent. A group of 10 shoppers made a total of 111 choices and were incorrect on 50, or 45 percent.

In addition, Department of Commerce officials testified on March 23, 1970, in the Consumer Subcommittee, Senate Committee on Commerce, hearing on FPLA, that the package size standardization program was not removing all major obstacles to value comparisons as was hoped. They stated it was not practical to reduce the number of package sizes and have a mathematically desirable relationship which would facilitate price comparisons.

The package sizes for heavy duty, normal density, dry detergents, for example, had been reduced from 22 sizes to 6; however, because of packingcase requirements the sizes were not evenly divisible. For example, the three most popular sizes are 20, 49, and 84 ounces. Although the reduction in package sizes made cross brand price comparisons for each size easier, the comparison, for example, of the prices for 20-ounce and 84-ounce boxes of detergent still required a complicated calculation.

A more detailed study[4] also found that the efforts to standardize package sizes offered little assistance to shoppers who attempt to compare prices. The study tested how effectively price comparison problems could be solved by selected shoppers of an inner-city supermarket and a suburban supermarket in the Washington, D.C., area.

Each responding shopper was asked which of two differing package sizes for each of five products cost less per measure, and how much less. Two groups of shoppers were tested on evenly divisible package sizes (e.g., each package size being a whole multiple of the smallest package size). One group was tested with singly priced items (e.g. 24 cents each) and the other with multiple priced items (e.g. 2 for 49 cents). Another two groups of shoppers were tested on unevenly divisible package sizes—one with singly priced items and the other with multiple priced items. The following table shows the number of responding shoppers in each group and the average percentage of correct answers.

	Inner city		Suburban	
	Number of respondents	Percent of correct answers	Number of respondents	Percent of correct answers
Evenly divisible package sizes:				
Single priced	84	16	89	38
Multiple priced	80	14	90	32
Unevenly divisible package sizes:				
Singly priced	82	10	80	14
Multiple priced	85	16	86	12

The preceding study only required shoppers to compare prices between two package sizes. In a typical supermarket, shoppers would have to consider two or more package sizes among several competing brands. For example, our survey of heavy duty, normal density, dry detergents available in 6 Detroit area supermarkets showed shoppers would

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Footnotes at end of article.

have as many as 4 unevenly divisible package sizes (20, 49, 84, and 171 ounce) and from 9 to 13 brands to choose from. The stores we surveyed averaged 22 selections of detergent.

Unit pricing reduces price comparison errors

A method for facilitating consumers' price comparisons would be to present unit prices for each brand and size of competing products. Unit pricing eliminates complicated mathematical computations. Studies have shown that unit price information significantly reduces consumers' price comparison errors.

Unit pricing provides a common denominator—such as price per ounce, pound, pint, etc.—for comparing prices of products which come in various package sizes, have several competing brands, and are subject to multiple-item pricing. It has been used for many years to facilitate price comparisons of store-packaged meat, poultry, and fish because of the randomness of the package weights. For example, packages of ground beef show the price per pound as well as the total price.

The study which tested shoppers' price comparison ability in an inner-city and a suburban supermarket in the Washington, D.C., area also found that unit pricing would have significantly improved the percentage of correct answers for the products in evenly and unevenly divisible package sizes.

In the study a group of selected shoppers in each store was asked to compare the prices of two selections for each of five products in a simulated unit pricing situation (simply comparing the package prices for two selections of the same size packages). Eighty-five inner-city shoppers answered correctly 56 percent of the time and 91 suburban shoppers answered correctly 86 percent of the time. The director of the study believed that the other groups of shoppers mentioned earlier could have done as well if unit prices had been available for the evenly and unevenly divisible package sizes.

In a 1970 study[5] a sample of 53 housewives was randomly divided among 3 different supermarkets with instructions to buy the most economical brand and size in each of 13 products. One store provided unit pricing while the others emphasized either singly priced items or multiple priced items. The shoppers with unit pricing bought the minimum unit price item on an average of 64 percent of their choices. The other shoppers were successful on an average of only about 50 percent of their choices. Also, there was a greater difference in cost between the item purchased and the minimum unit price item in the stores without unit pricing, especially those emphasizing multiple pricing.

A study[6] of consumer behavior in a simulated supermarket shopping situation showed that the average percentage of correct choices was not only higher when unit pricing was provided, but the average shopping time was significantly less. Seventy-five volunteers—64 of whom were women—were assigned randomly to 3 groups of 25 each. Each volunteer was told "to choose that package which gave the most quantity for the money" from each of nine product groups. One group of volunteers was given unit prices, one group used a computational device[7] to determine unit prices, and one group had only the net weight and/or servings and the total price on each package. The following table shows the average results for volunteers in each group.

Information used	Average percent of correct choices	Average shopping time (minutes)
Unit prices	89	4
Package prices	64	24
Computational device	66	32

Footnotes at end of article.

In another experiment,[8] 200 randomly selected housewives were asked to choose among different sizes of their regular brands of detergents and soft drinks, first when only package price was given and then when unit price was added. The study concluded that prices were of clear importance in the selection of package size, but many housewives did not have a clear idea of the relative prices of different sizes, measured in terms of cents per pound or the like. When unit pricing was provided many housewives switched to sizes which had lower unit prices.

Availability of unit pricing

Since June 1970, many grocery stores have voluntarily instituted unit pricing in response to the consumer movement or because of State or local laws. Our survey as well as other surveys indicate that unit pricing is being instituted primarily by supermarket chains (firms with 11 or more stores). About half of the chain supermarkets have unit pricing.

The "Progressive Grocer," a trade magazine, surveyed the availability of unit pricing among chains for 1971 and 1972 as well as independent retail stores and wholesalers for 1971 through 1973. The following table shows the percent of respondents in each category that had unit pricing.

Category	Number responding	Percent with unit pricing
1971:		
Chains	126	45
Independent stores	1,578	34
Wholesalers	269	20
1972:		
Chains	120	48
Independent stores	1,315	36
Wholesalers	203	23
1973:		
Chains	(1)	
Independent stores	1,410	39
Wholesalers	196	26

[1] No survey.

In 1971, the Super Market Institute, Inc., a research and education institute of the grocery industry, surveyed the availability of unit pricing among supermarkets with annual sales of $1 million or more. Most of these supermarkets were operated by chains. The survey showed that 37 percent of the 7,093 responding stores had unit pricing.

The availability of unit pricing in grocery stores has been due to some extent to laws requiring unit pricing. As of September 1973, five States and at least three cities required unit pricing in some of their stores.

State and local unit pricing laws are generally directed at grocery stores but certain types or sizes are excluded. The most frequent exemptions pertain to owner-operated single stores and stores with limited sales volumes. In this last category, the New York City law exempts any retail entity (one or more stores) with annual sales of less than $2 million. Seattle and Maryland exempt stores with annual sales of less than $750,000, and Vermont exempts stores with annual sales of less than $500,000.

The following table shows the States or cities, the effective dates of the laws, and the estimated number of stores covered by each law.

State or city	Effective date	Number of stores
Massachusetts	Jan. 1, 1971	2,000
Connecticut	Oct. 1, 1971	4,500
Maryland	Jan. 1, 1972	100
Vermont	July 1, 1972	75
Rhode Island	Oct. 1, 1972	(1)
New York City	Mar. 31, 1971	1,200
Seattle	Aug 1, 1972	91
Ann Arbor	June 12, 1973	35
Total		8,001

[1] No estimate furnished.

To obtain information on the availability of unit pricing in areas where it is not required by law, we surveyed supermarket chains in 10 metropolitan areas during July and August 1973. The 10 "standard metropolitan statistical areas" had a combined population of 34.5 million in the 1970 census. We identified the supermarket chains from a 1972 directory, "Supermarket Grocery and Convenience Store Chains," published by Business Guides, Inc., an affiliate of Chain Store Age. Only about a third of these chains provided unit pricing to their shoppers. The survey results follow.

Metropolitan area	Number of supermarket chains contacted	Number of supermarket chains with unit pricing
Atlanta, Ga	5	1
Chicago, Ill	9	3
Dallas, Tex	9	2
Denver, Colo	5	3
Detroit, Mich	6	3
Los Angeles-Long Beach, Calif	23	5
Newark, N.J	11	4
Philadelphia, Pa.-N.J	6	3
San Francisco-Oakland, Calif	12	3
St. Louis, Mo.-Ill	6	1
Total	92	28

During March through July 1973, we surveyed members of the National Association of Food Chains (NAFC) and the National Association of Retail Grocers of the U.S., Inc. (NARGUS), to determine the number of stores providing unit pricing or planning to provide it within 18 months. We received responses from 110 chains and 303 independents. Sixty percent of the chains and 17 percent of the independents had unit pricing in some or all of their stores. The following table recaps the responses. An estimated 95 percent of these stores are supermarkets.

	Total stores	Stores with unit pricing	Percent of total
Chains	16,553	7,904	48
Independents	706	142	20

Each respondent was also asked its plans through 1974 for beginning unit pricing or expanding it to more stores. Nineteen chains and 18 independents plan to have unit pricing in a total of 1,153 and 34 more stores, respectively. This would increase the percentage of stores providing unit pricing from 48 to 55 percent for chainstores and from 20 to 25 for independent stores.

Need to improve presentation of unit pricing

Many supermarkets have installed unit pricing programs to provide consumers additional information to facilitate consumer value comparisons. Improvements are needed, however, to insure that unit pricing information is more effectively presented. Success of these programs depends on the extent of unit pricing coverage, the design of the shelf label, the maintenance of shelf labels, the unit of measure used, and the promotion and explanatory material provided consumers.

Extent of unit pricing coverage

Although unit pricing has been used for many years on random weight products sold in the meat and produce department of a supermarket, the major categories[9] of products suitable for the new application of unit pricing are generally found in the dry grocery and frozen food departments. Dry groceries average about 41 percent and frozen foods about 3 percent of supermarket sales.[10] Dry groceries include packaged, canned, and bottled food products for people and pets; alcoholic and nonalcoholic beverages, tobacco products; household cleaning compounds and supplies; laundry supplies; soap and detergent products; and paper products.

The size of each of these departments varies among supermarkets. For example, NAFC and NARGUS members' responses to our survey showed the number of items (different brands and/or sizes of products) ranged from 2,600 to 10,800 for dry groceries and from 200 to 2,600 for frozen foods. However, the extent of unit pricing in the dry grocery and frozen food departments and in many of the product categories which comprise these departments varied considerably.

Based on the questionnaires received from NAFC and NARGUS members who provide unit pricing, the percentage of items in the dry grocery and frozen food departments which were unit priced ranged from 10 to 100 percent with a median of 82 percent for dry groceries. About 40 percent of the respondents stated that no frozen food products were being unit priced.

We also visited 100 supermarkets throughout the 10 major metropolitan areas that were providing unit pricing on a voluntary basis. We observed the extent of unit pricing in each of 36 dry grocery product categories and each of 7 frozen food product categories. (See app. IV for list of categories.)

For the most part, industry practices were consistent in the product categories for which unit pricing was provided. Most of the stores were providing unit pricing for 26 dry grocery product categories. In two other product categories—alcoholic beverages and tobacco products—unit pricing was not provided by most of the stores surveyed. However, in the eight remaining categories—candy and chewing gum, cookies, crackers and toasted products, dried fruit, household supplies, snacks, soft drinks, and dry vegetables—unit pricing coverage varied considerably.

We estimate that at least 58 supermarkets were either not applying unit pricing to any of the 7 product categories in the frozen food department or had applied it to only a few items in each category. The seven categories were baked goods, fish products, fruits, fruit juices, prepared foods, potatoes, and other vegetables. An industry spokesman said one of the reasons for not unit pricing frozen foods was the many problems with mounting shelf labels on the supermarket frozen food displays. He stated that there is a big technical problem caused by the cold humid air; ink runs, labels frost over, labels fall off, etc.

In 1971 the National Conference on Weights and Measures sponsored by the Department of Commerce, National Bureau of Standards, adopted the Model State Unit Pricing Regulation. This model was to provide a uniform approach to unit pricing for those jurisdictions choosing to require unit pricing.

Our comparison of State and local laws and the Model State Unit Pricing Regulation as to which product categories should be covered by unit pricing programs showed several differences among the laws and the model regulation for the 36 dry grocery categories and the 7 frozen food categories. There was:

Complete agreement on 17 dry grocery categories; 14 categories should be covered; 3 should not.

General agreement (less than 3 laws in conflict) on 12 dry grocery categories; 9 categories should be covered; 3 should not.

Inconsistency between model regulation and laws on 4 dry grocery categories.

General disagreement on 3 dry grocery categories.

As for frozen foods, six laws and the model regulation required unit pricing of fruits and vegetables, and juices and drinks; but generally did not require it for baked goods; fish, meat, and poultry products; and prepared foods. The New York City unit-pricing law excludes frozen foods from unit pricing. (See app. IV for the detailed results of our comparison of laws governing frozen food and dry grocery categories.)

Display of and readability of unit price data

The shelf tag or label affixed to the edges of display shelves has been the most popular method of displaying unit price. The label also contains other data, such as the unit of measure, product description and weight, and the retail price, which is essential to the consumer's use. However, in the 100 supermarkets we visited, the data on the labels was often poorly displayed and/or hard to read. This could make the labels difficult for consumers to understand and use.

Because of the thin shelf edge, the label has limited space for data which is essential to the consumer. The space problem was further complicated on some labels by including store names or slogans or by accentuating stock data which is of interest only to store personnel. See examples A and B on page 64.

Retail and unit prices appearing on labels are sometimes left unexplained and some labels use obscure abbreviations to describe the product. See examples C and D on page 64.

The legibility of the essential data is poor on some labels because the printing is small or numbers are made up of dots or dashes. In addition, the visibility of the unit price is sometimes considerably less than that of the retail price due to the difference in the size of print. See examples E and F on page 64.

Two studies of consumers' use of unit pricing have also touched on the problems consumers face in trying to read some shelf labels. During a study[11] in Toledo, Ohio, some shoppers complained they could not read the label because the print was too small.

During another study[12] in Arlington, Virginia, the difficulty shoppers have in reading labels aided observers in determining which shoppers actually use unit pricing. The study report stated that use of unit pricing was:

> "* * * readily detectable because of the small, computer print size displaying the unit-price information on the labels. Since the labels were located on the shelf moldings below the appropriate product, shoppers often had to bend down (to the point of hands and knees for products on the bottom shelf), to go up on their toes, step closer to the molding, use their fingers to aid in reading the labels * * *."

The model regulation contains no requirements on the layout and legibility of the shelf label. Five State and three local laws contain some requirements on these matters. The most frequent requirements included

Color of labels (six laws),

Location of unit price on labels (four laws),

Specific identification of unit pricing (seven laws), and

Minimum size of print for the unit price (seven laws).

If unit pricing is to be understood and used by consumers, we believe that improvements must be made in the shelf label's display of essential data and its legibility. "Money"[13] magazine proposed a model label which we believe does a good job of accomplishing this. See example G on page 64.

Maintenance of shelf labels

The maintenance of shelf labels is also important in the success of the unit pricing program. Our survey of 12 products in 100 stores showed missing labels for some brands and sizes of products was the most prominent maintenance problem. The total number of missing labels for all 100 stores ranged from 10 to 20 percent among the 12 products reviewed.

Other problems with maintaining some labels included:

Labels obscured from consumer view by overhanging shelves or merchandise.

Labels in poor physical condition.

Labels not adjacent to the product.

Discrepancies between retail prices or net weights shown on the labels and those on the product.

Substitutions for out-of-stock brands without changing the labels.

The total number of labels with these problems for all 100 stores ranged from 7 to 30 percent among the 12 products reviewed.

Other surveys have found similar problems. In September and October 1971, a study[14] on maintaining shelf labels was completed in New York City. Again the problems of adjacency, discrepancies in net weight, and discrepancies in prices were found.

In February 1972, the President's Office of Consumer Affairs surveyed 12 supermarkets with unit pricing in the Washington, D.C., metropolitan area. Its findings also included:

Missing labels,

Labels not adjacent to products, and

Dirty and "dog-eared" labels.

This survey also found that problems of cleanliness and maintenance of unit pricing labels were more pronounced in older stores.

Supermarket management personnel indicate that some of the causes for the maintenance problems are:

Shoppers (especially children) removing labels from the shelf.

Shoppers (especially children) moving labels so that labels are no longer adjacent to the products.

Stores personnel making mistakes in matching the labels with the products.

Shoppers (especially children) defacing the labels.

Labels not provided for products delivered to the stores from manufacturers rather than from the retailer's central warehouse.

The store's policy to replace all labels periodically (e.g. every six months) despite the frequency of marred or lost shelf labels.

Some of these problems are inherent in the shelf label method, and regulation of unit pricing will not, by itself, solve them. Store management must require an active maintenance program by its employees to insure proper presentation of unit pricing information.

Unit of measure affects unit pricing

The unit of measure used to show the unit price should enable shoppers to properly determine price differences between brands or sizes. The model regulation and the State and local laws have generally established units of measure which should assist the shopper.

In the study of unit pricing performed in Toledo, the following rationale was used to determine the applicability of units of measure:

The unit must be the one commonly used to measure the product.

It should most accurately reflect price differences in the usual sizes purchased.

The study suggests, for example, that unit prices for dry or liquid products be quoted on a per-ounce basis only if all sizes of the product are less than a pound or pint, respectively.

However, our analysis of 10 products in the 100 supermarkets throughout the country voluntarily providing unit pricing showed that, although the products were packaged in some sizes which exceeded a pound or a pint, these products were not always unit priced by pound or by pint. The following table shows the percentage of selecber of missing labels for all 100 stores ranged from 10 to 20 percent among the 12 products reviewed.

Footnotes at end of article.

tions from all stores that used inappropriate units of measure.

Percent of selections with inappropriate measures

Product:	
Ketchup	51
Peanut butter	37
Pork and beans	34
Pancake syrup	27
Canned corn	25
Applesauce	21
Elbow macaroni	20
Coffee	20
Tomato juice	16
Laundry detergent	13

When selections of a product exceed a pound or a pint but show their unit prices on a per ounce basis, the price differences between brands and/or sizes is deemphasized. It also requires consumers to comprehend fractional cents or three place decimals when reading price per ounce. For example, in one store, the prices per ounce for 49- and 84-ounce sizes of a brand of laundry detergent were $0.018 and $0.014, respectively, or a difference of $0.004. If the unit price for each size had been by pound, the unit prices would have been 29 cents and 22 cents, respectively. The difference of 7 cents per pound would appear to be more easily understandable by most consumers.

Promotion and explanatory material

In-store promotion and explanatory material was not present on a continuing basis in many stores which had unit pricing. Only 26 of the 100 supermarkets had some form of explanatory or promotional material available to consumers on the day of our visit to each store. Some store personnel told us such materials were provided when unit pricing was introduced in their stores, but none was provided on a continuing basis.

In addition, the President's Office of Consumer Affairs' survey of unit pricing stores noted a total lack of promotional or explanatory materials in 10 of the 12 stores it surveyed.

While the model regulation and six of the State and local unit pricing laws do not require promotional or explanatory materials, New York City and Seattle do. In New York, stores are required to post explanatory signs for every 2,000 square feet of sales area with no less than two and no more than five signs in each store. In Seattle, stores are required to provide conspicuous explanation of the use of unit pricing in each grocery store or department.

Conclusions

Facilitating the consumer's ability to compare the price of competing products is an important step in achieving the objective of FPLA—facilitating consumer value comparisons. Despite the provisions of FPLA and Commerce's efforts in reducing the proliferation of package sizes, consumers still find it difficult to accurately compare prices. Studies show that consumers, when trying to select the lowest priced product, make inaccurate selections at least 40 percent of the time.

Although unit pricing does not take into account differences in the quality of competing products, studies have shown it can significantly reduce consumer price comparison errors if effectively presented.

Our analysis showed about 50 percent of the chain supermarkets and 25 percent of the independent supermarkets were providing unit pricing information. Although unit pricing data is available in many stores it has not been as successful as it could or should be because of the problems of presenting and explaining the data. Problems and variations in the extent of coverage, the design of shelf labels, the maintenance of shelf labels, the unit of measure, and the lack of promotion and explanatory materials have all contributed to the problems consumers have in trying to understand and use unit pricing.

CHAPTER 8.—UNIT PRICING—IMPACT ON CONSUMER AND RETAILER

The impact of present-day unit-pricing programs on the consumer and retail grocer has been studied in terms of their benefits in facilitating consumer price comparisons and their costs (passed on by retailers to consumers in higher food prices). Our analysis of the results of these studies and our comments on other factors related to the effectiveness of current unit pricing programs are discussed in this chapter.

Benefits of unit pricing

For consumers to use unit pricing they first must be aware of and understand the unit pricing labels, and to benefit they must apply it in making their buying decisions. Several surveys of consumers where unit pricing was available have shown, however, that consumers lack an awareness and understanding of unit pricing. The following table shows the results of these studies.

		Percentage of samples		
Investigator or sponsor[1]	Sample size	Not aware	Aware but not understanding	Not aware or not understanding
In-store survey:				
Jewel Food Stores:				
Test I	517	53	(2)	
Test II	429	37	(2)	
Monroe Peter Friedman:				
Inner city	798	48	21	69
Suburban	878	40	12	52
T. David McCullough and Daniel I. Padberg	1,584	34	17	51
McCann-Erickson Advertising Ltd., and Elliott Research Corp	200	(2)	(2)	58
Robert Aitchison:				
New York City	350	(2)	(2)	79
Upstate New York	530	(2)	(2)	80
Telephone surveys[3]:				
Lawrence M. Lamont, James T. Rothe and Charles C. Slater	816	18	(2)	
Consumer Research Institute, Inc	338	35	(2)	
Mail survey[4]: Supermarket News	8,923	12	(2)	

[1] See app. III for specific study acknowledgements.
[2] Not surveyed or not separately determined.
[3] Represents that part of the total sample who shopped in stores offering unit pricing.
[4] The mail survey did not determine if consumers questioned patronized stores offering unit pricing.

Although none of the studies attempted to determine the causes for the lack of awareness or understanding, several studies concluded there was a strong association between the consumers' education, income, and age levels and their awareness and understanding of unit pricing. For example, the survey by T. David McCullough and Daniel I. Padberg[16] showed the percentage of those surveyed with a grade school education that were aware of unit pricing but did not understand it was more than three times greater than the percentage of college graduates. In the case of income, the percentage of respondents with low incomes (less than $4,000) who did not understand unit pricing almost doubled the percentage of respondents with incomes over $16,000 that did not understand unit pricing. Over 50 percent of the respondents 60 years or older were not aware of unit pricing, while only 29 percent 39 years or younger were not aware of it. The following table shows the results of their analysis.

Footnotes at end of article.

[In percent]

	Percent unaware of labels[1]	Percent not understanding labels[2]
Education of respondent:		
Grade school	50	52
Some high school	39	29
High school graduate	31	25
Some college	32	19
College graduate	28	17
Annual family income:		
Less than $4,000	54	37
$4,000 to $7,999	39	24
$8,000 to $16,000	27	24
Over $16,000	28	19
Age:		
18 to 29	29	24
30 to 39	29	24
40 to 59	34	28
60 and over	52	31

[1] Based on all respondents.
[2] Based only on respondents who were aware of labels.

The Jewel Food Store Test II[17] also showed that, generally, lack of awareness increased with less education, diminishing income, or age. The survey was conducted in three stores—each in a different neighborhood. The following table shows the respondents' average demographic characteristics by store and the percent of respondents in each store who were unaware of the unit-pricing program.

Store No. and education	Income	Age	Percent unaware
1. 2.1 yr of college	$15,090	36.0	0.8
2. 1.1 yr of college	9,057	34.5	32.2
3. 3.1 yr of high school	6,735	45.5	71.4

One of the telephone surveys[18] also found indications that consumer awareness of unit pricing was significantly related to income. The most knowledgeable consumers had a family head, who was a white collar professional or manager, with an annual income of $10,000 or more.

Consumers use

Researchers have used a variety of methods to determine the extent of consumer usage of unit pricing. Some researchers interviewed consumers in stores; others used telephone or mail surveys; and one researcher even disguised his interviewers as shoppers so the consumers being interviewed were not aware they were participating in a survey.

Our analysis of surveys of consumer usage of unit pricing showed a considerable range (9 to 68) in the percentage of shoppers claiming any use of unit pricing, with the average percentage only 34.4 percent.

One of the main reasons for this limited use has been the lack of awareness and understanding of unit pricing as discussed above. For example, one study[19] showed of those that reported not using unit pricing, 28 percent said they were not aware of the system.

The study also showed that for many products, consumers decide what to buy before they go shopping, on the basis of personal preference, family preference, and inability to store larger sizes. Of the 48 respondents who used unit pricing, 42 did not use it on all products. The most frequently cited reasons were previous purchase experiences and preconceived buying decisions. Twenty-two of the respondents stated they did not use unit pricing on certain items because they already knew the best or most economical buy on the brand they preferred. The study concluded that consumers do not make brand or size decisions each time they purchase a product, but rely on their initial decision most of the time.

Further evidence of this conclusion was found in the Monroe Peter Friedman study. Of the shoppers who had noticed labels but had declined to use them, 23 percent in the inner-city store and 36.5 percent in the suburban store stated they knew what brands and sizes they wanted and had no need for unit pricing labels.

One problem with the preceding surveys of consumer usage, however, is that they are based on consumer claims of usage which may be exaggerated. For example, the John Paul Rowe survey[20] compared usage claimed by a sample of consumers with the actual usage reported by trained observers who watched as consumers selected products from the shelves. Of the sample of 100 shoppers, 43 claimed to have used unit pricing in their selections. However, the trained observers found only 11 of the 43 shoppers had actually used it.

Also, the Monroe Peter Friedman survey found that claims of use of unit pricing to compare prices for different package sizes of two products for which there were no shelf labels were made by 5.6 and 6.8 percent of the shoppers in the suburban sample.

Consumer claims of benefits

Consumers who claim to use unit pricing have been asked whether it changed their buying decisions. They gave various answers. In one telephone survey,[21] 72 percent of the unit pricing users claimed they had purchased a different size of the same product, and 52 percent claimed to have switched brands because of unit pricing.

The T. David McCullough and Daniel I. Padberg in-store survey found that 28 percent of the unit pricing users in their survey could name the product on which they had switched from their usual brand or size as a result of unit pricing. Another 22 percent thought they had switched products because of unit pricing but could not remember which product.

In this same survey unit pricing users were also asked the ways the labels had benefited them. About 78 percent believed it made price comparisons easier, 24 percent thought it saved shopping time in the store, and 22 percent said it had helped them save money.

Studies of consumer savings

In addition to determining awareness, understanding, and usage, studies have also attempted to determine whether unit pricing information resulted in savings for consumers. The McCullough and Padberg study[22] and the Isakson and Maurizi study[23] are, in our opinion, of sufficient scope and depth to be worth noting. The results of these two studies, however, are contradictory and, therefore, the picture concerning consumer savings remains clouded.

Each of the two studies generally used the same technique and based their analysis on the same assumption—shifts in purchases to lower unit priced brands and/or sizes of products result in consumer savings. The studies compared selected sales data for unit pricing and non-unit pricing stores.

The McCullough and Padberg study compared unit and non-unit pricing stores in both high and low income neighborhoods. The study showed that product movement in unit and non-unit pricing stores was very similar. It concluded that the availability of unit pricing information did not cause consumers to shift to unit pricing selections in either the high or low income neighborhoods and therefore would not result in any consumer savings.

The Isakson and Maurizi study included unit and non-unit pricing stores in low, middle, and high income areas. The comparison of sales movement data between unit and non-unit pricing stores led to the following results:

Middle and high income shoppers were taking advantage of the unit price information to pay lower unit prices (regardless of brand) than their counterparts in the non-unit-pricing stores.

Middle income shoppers also tended to purchase lower unit priced sizes within specific brands.

Low income shoppers generally were not paying lower unit prices than their counterparts in the non-unit pricing stores.

Industry benefits from unit pricing

Unit pricing programs can improve a store's operating efficiencies and public image even though the extent of consumer usage may be small. Although unit pricing has been intended to benefit the consumer, many grocery retailers have noted benefits to their operations.

A representative of one of the largest grocery chains, commenting on its unit pricing program stated: [24]

"Our internal studies showed (that) while there were definite additional costs in going into dual pricing [unit pricing], there were some compensatory savings in the program, too. It has been estimated that by having the product code numbers on the shelf, some labor savings in stocking would result. Also, these code numbers would be helpful in inventory control, re-ordering, and in training new employees."

An official of a local grocery chain in Iowa, which was one of the first grocery retailers to adopt unit pricing on a chain-wide basis, also commented on how unit pricing helped them get a firm grip on the prices of products delivered directly to their stores and where pricing was the responsibility of store managers.[25] He stated:

"I used to think we had good control in this area, but when we started centralized pricing of store deliveries to accommodate * * * [unit pricing] we found out how chaotic it was. Retail prices were very irregular, and we even found we were selling some items below cost. Now, with direct delivery cost and retail price centrally recorded on computer, we have real control in this area for the first time. In a sense, this one side-benefit may be better for us than * * * [unit pricing] itself."

Many of the grocery retailers who responded to our questionnaire on unit pricing gave reasons for operational benefits similar to those stated above. The primary reasons were improved pricing accuracy and improved shelf space allocation.

In its press release on the results of its consumer reaction surveys, Jewel Food Stores commented that their unit pricing program had been most successful in terms of customer response and interest. It, therefore, had been a good marketing tool, creating customer satisfaction and assuring customers of Jewel's interest in providing them with helpful information.

Some grocery retailers responding to our questionnaire had similar views on unit pricing's effect on a store's public image.

Cost of unit pricing

Studies concerning the costs of current pricing programs have estimated the annual cost of providing unit pricing to be as much as 0.17 percent of grocery sales for an average supermarket. Most State and local governments which have unit pricing laws have reportedly been able to implement enforcement programs generally without a major increase in cost and staff.

Cost to the grocery store

Two studies which estimated the nationwide costs of unit pricing in grocery stores based their estimates on the shelf label method of unit pricing. Each estimated the one-time-only cost to install and the annual cost to maintain unit pricing. The McCullough and Padberg study based its estimates on a test of unit pricing in six chain company supermarkets in Toledo, during a 16-week period—February 21 through June 13, 1970.

The second study by A. T. Kearney and Company, Inc., dated July 1971, covered both major chains and independent stores. Its estimated cost of unit pricing in food chains was based on the actual experience of seven major chains. The costs of unit pricing for independent stores were obtained by an industrial-engineering-type approach in 21 stores, which is discussed on page 79.

McCullough/Padberg study

In this study, computer-printed shelf labels were installed and maintained on about 5,000 items in each store. The sales for each store exceeded $1 million a year. The following table shows the direct costs for unit pricing, including division level as well as store level costs, determined during the study. Salaries of management officials were not considered in the direct cost of the chain's unit pricing operation.

One-time installation:	
Division (allocated to stores)	$8, 885. 64
Store	449. 15
Annual maintenance:	
Division (allocated to stores)	11, 873. 26
Store	2, 073. 24

The estimated cost of unit pricing for all U.S. grocery stores was developed from these costs on the basis that most grocery sales occur through stores whose operations benefit from a fairly close cooperation with a distribution center, such as chain companies and independents which are affiliated with wholesalers.

On the basis of 60 stores per distribution center, the computed annual weighted average cost of unit pricing across the entire retail grocery industry was 0.59 percent of sales. However, supermarkets, which account for about three-fourths of grocery sales for the Nation, had a weighted average cost of 0.17 percent of sales.

The study concluded that the cost of unit pricing for small stores (sales less than $150,000 a year) would be very discriminatory because there would be a significant cost to sales disadvantage. However, these stores have only about 12 percent of nationwide

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Footnotes at end of article.

grocery sales. The study also concluded that cost levels for unit pricing were apparently lower than industry expectations, but large in relation to the very narrow margins typical for food distributors. It also stated that the burden of keeping unit price labels readable, accurate, and in proper location is not trivial and that regulatory enforcement would have to recognize reasonable tolerances.

Kearney study

The objectives of this study were to conduct a thorough study of the impact of unit pricing on all types of retail grocery stores and to estimate the costs to the various types, ranging from large chain operations to small, unaffiliated independent stores.

In developing its cost estimates the study applied the following assumptions:

The shelf tag or label method would be used to display unit prices.

All U.S. stores would unit price 80 percent of grocery and frozen food items but would not unit price any meat, produce, dairy, bakery, or nonfood items beyond those already unit priced.

The costs of maintaining a unit pricing system depend, in part, on the number of labels subject to change each week.

If unit pricing became subject to regulation, it would—

Permit labels or tags to be printed on a press, computer-printed, or typed;

Not require stores to advertise or conduct educational programs; and

Give stores a reasonable time to comply so as to avoid higher costs of a crash program.

The following table shows the range of costs and the median cost—estimated by seven major supermarket chain companies which had unit pricing—for system installation and annual system maintenance per store. Each store was unit pricing 5,000 items except for 1 chain where 4,000 items were unit priced in each store.

	System installation	System maintenance
Range	$283-$667	$260-$3,474
Median	521	1,476

The wide range of installation costs between chains was attributed to differences in (1) the number of stores in the chain, (2) management time and expense, (3) computer programs, (4) computer time and cost, and (5) mix of labor and labor rates. The wide range of maintenance costs was caused by the degree to which unit pricing procedures could be substituted for, or incorporated in, other procedures by each chain.

On the basis of this data, it was estimated that if all U.S. chains established unit pricing, the average cost per store would range from $400 to $550 for installation and from $1,000 to $1,600 for maintenance. The study also estimated that average annual maintenance costs for all chains would likely be substantially under 0.10 percent of average sales.

At the time of the Kearney study no independent stores were known to have unit pricing, therefore, an industrial-engineering-type approach was used to develop cost data. Under this approach, cost estimates were developed by analyzing the numerous detailed tasks involved in installing and maintaining unit pricing in various types and sizes of stores, which were affiliated and unaffiliated with wholesalers. The following table shows the average cost per store and the percent of cost to annual sales.

	System installation		System maintenance	
	Cost	Percent of sales	Cost	Percent of sales
Affiliated:				
Supermarket	$620	0.0411	$1,378	0.0913
Superette[1]	300	.0901	881	.2646
Small store				
Unaffiliated:				
Supermarket	1,302	.0863	1,919	.1272
Superette	598	.1526	1,058	.2698
Small store	153	.2512	213	.3495

[1] Retail grocery stores with annual sales from $150,000 to $500,000.

Because of wholesalers' unit pricing assistance (e.g., data gathering, calculations, and computer-printed labels) the cost as a percent of sales was substantially lower for affiliated stores than for unaffiliated stores of the same size. All small stores were considered to be unaffiliated.

As did the McCullough/Padberg study, the Kearney study concluded that small stores would be at a significant cost to sales disadvantage in maintaining unit pricing systems. It demonstrated that the supermarket would be in a favorable position to institute unit pricing because about 93 percent are owned by major chain companies or affiliated with wholesalers which provide many services to the stores, including product pricing, shelf label preparation, and planning of new systems and programs. The study shows that annual maintenance costs for these supermarkets would probably not exceed 0.10 percent of sales.

The study also stated that most unit pricing costs would be passed on to consumers in price increases. It suggested that regulation of unit pricing should be reasonable as to the number of items included and possibly even exclude items on short-term sales and promotions in order to minimize costs. It said consideration should be given to excluding small stores from regulation because their sales are only a minor portion of groceries sold in the United States (10.8 percent in 1972) and regulation would add significantly to their burden in terms of competition. The study also suggested superettes be excluded, but to a lesser extent because they have been more profitable than small stores in recent years.

Cost of enforcement

The experience of the few State and local governments which are enforcing unit pricing regulations indicates that unit pricing adds little to the tax payer's burden. The primary reason for this was best stated by Commerce officials when commenting on the Kearney study suggestion that total costs of unit pricing could be substantially higher if unit pricing was regulated. These officials observed that many items now sold in food stores are covered by State and local weights and measures laws so that the cost of enforcing unit-pricing regulations could be absorbed by using the existing inspection force.

Officials of 6 of the 8 State and local governments regulating unit pricing stated that active enforcement programs are being carried out with existing personnel. However, one jurisdiction complained about an inadequate inspection force; this was apparently due to a lack of cooperation by store owners and management since about 35 percent of the stores showed a fairly high degree of noncompliance, which required follow-up inspections. The remaining respondents indicated that cooperation by retail stores was generally satisfactory.

Each of the eight laws excludes certain types or sizes of stores from regulation. Five of the laws contain more than one exemption. As discussed in chapter 7, the most frequent exemptions relate to single owner-operated stores and volume of sales. In this last category one law exempts any retail entity (one or more stores) with annual sales of less than $2 million, two laws exempt stores with annual sales of less than $750,000 and one law exempts stores with annual sales of less than $500,000. In our opinion, these exemptions would tend to keep down the cost of enforcing unit pricing regulations in these jurisdictions as well as avoid the competitive disadvantage for smaller stores due to their heavier cost-to-sales burden for unit pricing.

Nationwide impact of cost on the grocer and consumer

We believe, on the basis of recent studies, supermarkets would be in the best position to offer unit pricing at the least cost. Regulating unit pricing in supermarkets would involve only one in five grocery stores in the United States but it would have the greatest impact in terms of availability of unit pricing to the consumer. According to 1972 statistics, 77.4 percent of nationwide grocery sales occurred in supermarkets.

On the basis of the McCullough/Padberg and Kearney studies, the annual cost of installing and maintaining unit pricing systems in all supermarkets could be as high as 0.17 percent of total sales. If this percentage is applied to estimated nationwide supermarket sales of $78.7 billion for 1972, the total costs for unit pricing would be about $133.8 million.

Supermarkets cannot be expected to absorb these costs since their average operating profit margin before taxes are low. For example, food chain profits before taxes were .94 percent of sales in fiscal year 1972–73. If the cost were passed on to consumers, the estimated cost of unit pricing for a family of four, assuming they purchased their food in 1973 in a unit pricing supermarket, would have been about $5.71 a year, or 11 cents a week.[26]

Using unit pricing to select lower unit cost products, however, enables consumers to offset these costs. Although few studies of overall consumer use of unit pricing have been made, the John Paul Rowe survey of shoppers in suburban Washington, D.C., showed that 11 percent of the consumers actually used unit pricing and that about 8.8 percent of the purchases observed probably involved the use of unit pricing. Michael J. Houston's study concluded that participants had actually saved money by using unit pricing. It showed that the use of unit pricing significantly reduced the error rate when participants tried to choose the most economical selection. This reduced error rate was also measured in terms of the dollar difference between the minimum price for the most economical purchases and the actual price paid by the participants. Analysis of these dollar differences showed about a 3-percent savings for the shoppers in unit-pricing stores. This 3-percent savings was attributed to the use of unit pricing.

By combining the estimated usage rate (8.8 percent) with the estimated savings (3 percent), an estimated savings of 0.264 percent on total purchases is derived. This exceeds the estimated cost of providing unit pricing (0.17 percent of sales) and indicates that consumers, by using pricing, can offset the cost of providing it.

Other labeling factors' impact on effectiveness of unit pricing

Unit pricing, as generally used today is based on the net weight of the content in the can or package. However, for some products net weight may not be the measure of quantity that is needed for consumers to readily compare prices between competing products. These products include those which—

Are in a packaging liquid (e.g. canned fruits and vegetables),

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Footnotes at end of article.

Must be reconstituted before use (e.g. dry and condensed soups), and

Contain differing percentages of active ingredients and where use is based on volume (e.g. detergents).

To avoid inaccurate price comparisons among competing brands of such products, unit pricing should be based on some other measure—drained weight, yield, volume, etc.—which would enable consumers to more accurately compare prices.

As discussed in chapter 4, food products which are packed in liquid can have significant differences between drained weight and net weight. The "Consumer Reports" analysis found that food processors disclosures of drained weight for such products—especially canned fruits and vegetables—is needed so that retail stores can realistically calculate unit prices for shoppers.

The following table shows comparative information on a can of vacuum packed corn and a can of corn packed in liquid in which the number of kernels was virtually identical. This table comes from an industry sponsored study conducted by Consumer Research Institute, Inc.[27]

	Brand A (less moisture)	Brand B (more moisture)
Net weight of contents (ounces)	12	17
Price per can (cents)	25	25
Normal unit price per ounce (cents)	2.08	1.47
Price per serving (usage unit) (cents)	6.25	6.25

The usage unit selected for the study was a 3 ounce drained weight serving. Although arbitrary, the unit selected makes little difference if it is consistent across brands. If drained weight rather than net weight had been disclosed on the brands' labels in ounces, the usage unit could have been the ounce or pound.

As can be seen from the preceding table, shoppers could believe they were getting a better choice with brand B. However, if unit price was based on drained weight, shoppers could tell there was no price difference.

Yield information is particularly suitable for prepared mixes and products that must be reconstituted before use. Commerce recognized this in its attempt to simplify package quantity patterns when the package standard for dry milk was based on the number of quarts of milk resulting from reconstitution rather than attempting to establish a weight standard for the powdered product.

The following table from the Consumer Research Institute, Inc., study shows the problem which occurs when net weight of contents rather than yield is used to calculate unit prices for reconstituted products. The table presents comparative information on four brands of vegetable beef soup with brands A and B requiring reconstitution before use.

Footnotes at end of article.

	Brand A (dehydrated)	Brand B (condensed)	Brand C (ready to serve)	Brand D (ready to serve)
Net weight of contents (ounces)	3½	10¾	14¾	19
Price per can or package (cents)	[1] 40	[2] 23	[2] 25	[2] 57
Normal unit price per ounce (cents)	11.43	2.14	1.68	3
Price per serving (usage unit) (cents)	7	9	14	28

[1] Package.

[2] Can.

The usage unit selected for the study was one cup. However, if yield information had been disclosed on brand A and B labels in ounces, the usage unit could have been the ounce or quart.

The application of yield information in computing unit price shows that the dehydrated soup is the cheapest rather than the most expensive as indicated by the normal unit price based on net weight of contents.

Detergents and other such products with active ingredients are sold by weight but are used by volume. However, the amount used each time depends on the package directions for each brand. For example, directions for laundry detergents specify different amounts depending on the type of washer, the hardness of water, and the condition of the fabrics to be washed. These directions may also state that the final amounts used are subject to the consumer's judgment. The Consumer Research Institute, Inc., computed the price per washload for three brands of detergents on the basis of usage data obtained from package directions. The results are shown below.

	Brand A (tablet)	Brand B (concentrated)	Brand C (regular)
Net weight of contents (ounces)	46	49	20
Price per package (cents)	79	79	38
Normal unit price per ounce (cents)	1.7	1.6	1.9
Price per washload (cents)	6.00	6.00	6.78

On the basis of these examples, we believe price comparisons of competing brands for some products should be based on usage or drained weight rather than the net weight. If manufacturers of such products included usage or drained weight information on their product labels, it would be feasible for retailers to base unit prices on more meaningful measures of quantity and would make unit pricing even more effective in facilitating consumer price comparisons.

Universal product code

Plans are well underway within the grocery industry to make possible the automation of the supermarket checkout process. Under this system each product will have a distinct code on the label. When the coded items are passed across a scanner at the cash register, they will automatically be rung up and the customer will receive a receipt describing the product and its price. The system for assigning a distinct code to each product has been designated the Universal Product Code. Once operational, the system should save time, reduce labor costs, eliminate errors, and reduce operating costs which may be passed on to the consumer in lower food prices.

Because this system will not require the marking of prices on individual packages, individual retailers may decide to eliminate this cost and use shelf labels to provide the pricing information consumers need. Although such a practice could encourage the availability and use of unit pricing, it could also create problems for consumers. Because of the problems of design and maintenance of shelf labels for unit pricing, as discussed in chapter 7, we believe that, before such a system is implemented, the design and maintenance of shelf labels should be improved. The savings offered by the system may provide an incentive to the retailer to do this.

Consumer and industry comments

The officials from 3 trade associations and 5 consumer groups we interviewed concerning unit pricing stated that consumers experience difficulties in comparing the prices of competing products. They also generally agreed that unit pricing was a possible answer to the problem. They disagreed, however, as to whether unit pricing should be mandatory for supermarket-size (over $500,000 in annual sales) stores.

Consumer groups

Officials from all five consumer groups stated that unit pricing should be mandatory. One official stated that all of the qualitative labeling information would be meaningless without unit pricing to help consumers make the final economic comparison. Another official stated that without unit pricing consumers will not be able to compare the value of competing products; and, still another official stated that unit pricing should be legible and easy for consumers to understand and use.

Food industry

Officials from the trade associations stated that mandatory unit pricing was not needed and could put some small retail food stores out of business. They said that unit pricing is available in most metropolitan areas under voluntary programs. Making unit pricing mandatory would add to food prices and require Federal Government monitoring which would be costly to taxpayers.

While industry officials agreed that the design and implementation of some unit-pricing systems needed improvement, they believe the programs are evolving and new and improved systems are being instituted. They are concerned, however, about the cost of improved systems when there is no assurance that consumers will use the unit pricing information.

Industry officials also expressed concern about passing the costs of unit pricing on to the consumers. They stated the profit margin for most retailers was so small that most firms could not absorb the cost of the program but would have to pass it on to consumers in the form of higher food prices.

One optimistic viewpoint taken by industry is that with the increased use of the Universal Product Code, the cost of providing unit pricing information will be minimal. In addition, because the shelf labels will have the only price information, they will take on added significance and retailers will have to improve their design and maintenance.

Conclusions

Despite the potential benefits of unit pricing, its actual impact on consumers has been limited. Because of either a lack of awareness or a lack of understanding, a relatively small percentage of consumers have actually used unit pricing and they generally have used it on only selected purchases.

While there has been no study of the reasons for a lack of understanding or awareness and, therefore, limited use of unit pricing, several studies showed a strong association between consumer education, income, and age levels and the awareness and understanding of unit pricing. In our opinion, this association is caused, at least in part, by the lack of consumer education on the meaning and benefit of unit pricing and by the problems of design and maintenance of unit pricing an shelf labels. While voluntary programs have been beneficial, food retailers should be given specific criteria for presenting unit pricing and educating consumers on its use.

To insure that unit pricing information is presented to consumers in a meaningful way and that they can understand and use it in making value comparisons, national standards should be established for designing and maintaining such programs. These standards should also prescribe the basis for computing unit price (net weight, drained weight, usage) and for selecting the unit of measure (per pound or per ounce) to be used. In addition, a consumer education program should be established to acquaint consumers with the prescribed format and the benefits of using unit pricing.

The need for national standards and consumer education will also increase with the use of the Universal Product Code and the planned automation of the supermarket checkout process. As now planned, the shelf label would be the sole source of information for consumers for the package price as well as the unit price. When such plans are put into operation consumer understanding and the design and maintenance of shelf labels will take on added importance.

Estimates show the annual costs of unit pricing could be as much as $133.8 million. The costs would have to be passed on to consumers in the form of higher grocery prices. However, consumers could offset these costs by using unit pricing to select lower unit cost products.

Agency comments

HEW, commenting on our recommendation to the Congress to consider establishing a unit pricing program, advised us that its Office of Consumer Affairs endorses the concept of uniformity of unit pricing as well as education of consumers as to its uses and benefits. USDA did not comment on our recommendation, but did note that with unit pricing information consumers could more readily make both price-quantity and price-quality judgments. USDA also noted that price comparison is not the only basis for consumer buying decisions. Quality, convenience, personal tastes and preferences, and utility of a particular size are other key factors that are not reflected in unit pricing.

Commerce questioned whether a mandatory unit pricing program would be sufficiently used by consumers to justify the higher food prices they would be asked to pay. Commerce believes that various surveys cited in our report indicate that consumers would not offset these higher costs by using unit pricing to select lower unit cost products. Also Commerce stated that mandatory unit pricing would require Government monitoring and in this period of rapid inflation it seemed inadvisable to endorse any program that would unnecessarily add to the cost of food and/or increase the cost of government when the benefits in so doing are doubtful.

Although Commerce recognizes that not all chains in metropolitan areas under voluntary programs have unit pricing, it believes the existence of at least one such chain in any area provides the consumer with the option of using it. Commerce believes also that free market pressure should be sufficient to persuade other chains to adopt unit pricing so as to remain competitive and, therefore, there is no need for government to intervene where the market operates efficiently.

Moreover, Commerce believes more attention should be devoted to studying the impact of mandatory unit pricing rules on small retailers, which, as pointed out in our report, could force some of them out of business. Commerce indicated that the Federal Trade Commission is studying concentration in the retail food industry and stated that it would be inadvisable to take steps that could result in fewer firms in the industry and, therefore, nothing should be done to reduce the diversity of the industry while the matter is under study.

Concerning whether consumers would use unit pricing provided under a mandatory program, one of the main reasons for the limited use of unit pricing has been the lack of awareness and understanding. Problems and variations in the extent of coverage, the design and maintenance of shelf labels, the unit of measure, and the lack of promotion and explanatory materials have all contributed to the problems consumers have in trying to understand and use unit pricing. A mandatory uniform program should reduce the obstacles limiting consumer awareness and understanding of unit pricing.

Also studies cited in this report indicate that, when consumers use unit pricing, they use it on about 8.8 percent of their purchases and achieve savings of about 3 percent, which results in an estimated savings of 0.264 percent on total purchases. This exceeds the estimated cost of providing unit pricing (0.17 percent of sales) and indicates that consumers, by using unit pricing, can offset the cost of providing it.

We believe it becomes even more important to consumers during a period of rapid inflation to have unit pricing to help consumers compare the cost of competing food products.

With regard to the cost of monitoring unit pricing requirements, the experience of the few State and local governments which are enforcing unit pricing regulations indicates that unit pricing adds little to the taxpayers' burden. Officials of six of the eight State and local governments regulating unit pricing stated that active enforcement programs are being carried out with existing personnel.

Unit pricing is available in about 50 percent of the chain-operated supermarkets and in 25 percent of the independent supermarkets. But variations in the number of products covered by individual stores or chains, problems in the design and maintenance of shelf labels. inappropriate units of measure, and lack of promotion and explanatory materials have all contributed to problems consumers have in understanding and using unit pricing. Unit pricing programs with such problems should not be expected to develop sufficient market pressure to persuade other chains to adopt unit pricing to remain competitive. Further, in an area where no retailer is providing unit pricing, there is no such market pressure for a retailer to adopt unit pricing.

This report cites the concern of industry officials that mandatory unit pricing could put small retailers out of business. However, the legislative proposals under consideration by the Congress exclude any retail outlet with gross annual sales of less than $250,000 or a firm with several outlets with total annual sales of less than $500,000 from the requirement to provide unit pricing.

Additional comments of the Department of Commerce

Commerce made the following general comments on our report, in addition to its comments on specific matters (open dating and unit pricing).

"The basic premise underlying the report is that informed consumers are essential to the fair and efficient functioning of a free market economy. An important consideration in attaining this goal is the extent to which consumers would utilize the information that would be available if the proposals in the six basic areas (full disclosure of ingredients, nutritional labeling, percentage of characterizing ingredients, grading, open dating and unit pricing) were enacted. The studies quoted in the report indicate that the consumer is not utilizing the information he or she now has available.

"With approximately 8,000 items available in the average supermarket and as many as 230 assortments of one food category (cheese), the consumer theoretically could have 48,000 pieces of information to weigh in selecting 'best' buys if information in all six areas of the report became mandatory. If the average housewife were to buy only 20 different products she would have 120 pieces of information to evaluate. Given changing prices, sales, and differences in prices between stores, a consumer would be hard pressed to make efficient use of the information the report proposes providing and for which he or she would have to pay in the form of higher food prices."

Our report demonstrates that incomplete information, the confusing presentation of and/or the lack of explanatory material provided by the food industry or the retailers have contributed to the limited use of the information by consumers. In fact, several studies cited in this report indicate the consumers' desire for easy-to-use information.

Many of our recommendations are directed toward providing information in a more useful form or making it more uniformly available, rather than toward providing new types of information. For example, where ingredients are now only listed in order of predominance, the precentage of the main characterizing ingredients would be shown and, where now only non-standardized foods have to have their ingredients listed, "standardized" foods would also have their ingredients listed.

The recommendations in this report are directed toward providing the consumer more usable information for making the comparisons contemplated by the Congress and for determining which brands are best suited to their specific needs or preferences.

Recommendation to the Congress

To insure the most effective presentation of unit pricing information and to insure consumer awareness and understanding of unit pricing, we recommend the Congress consider amending FPLA to establish a unit pricing program, including guidelines for the design and maintenance of unit pricing information and education of consumers about its use and benefits. H.R. 3708 was introduced in the 93d Congress to amend FPLA to require a disclosure of retial unit prices of packaged consumer commodities. If enacted, this proposal would require any retail outlet, which has gross sales of $250,000 or more annually, or any firm with a number of outlets whose total sales exceed $500,000 annually, to display the total selling price and the retail unit price either on the package or in close proximity to the point of display. This legislation would not, however, establish standards for the designing and maintaining of such systems, nor would it provide for consumer education—two essential factors in the success of the unit pricing program.

FOOTNOTES

[1] "What's Happened to Truth-in-Packaging?" *Consumer Reports* (Jan. 1969), p. 41. Study commissioned by Consumers Union and directed by the Consumer Research Foundation.

[2] For the purposes of this report, "supermarkets" are defined as retail grocery stores with annual sales of $500,000 or more.

[3] Jack D. Richardson, "The Question of Unit-Pricing," Testimony in Public Hearings, New York City Department of Consumer Affairs (May 26, 1969), pp. 4–6. Study conducted by New York City Department of Consumer Affairs.

[4] Monroe P. Friedman, "Dual-Price Labels: Usage Patterns and Potential Benefits for Shoppers in Inner-City and Suburban Supermarkets," Center for the Study of Contemporary Issues, Eastern Michigan University, Ypsilanti, Michigan, no publishing date, pp. 62–85. Study funded by Safeway Stores, Inc., and the National Association of Food Chains and directed by Monroe P. Friedman.

[5] Michael J. Houston, "The Effect of Unit-pricing on Choices of Brand and Size in Economic Shopping," *Journal of Marketing*, vol. 36 (July 1972), pp. 51–54. Experiment conducted in a midwestern town of 15,000–20,000 people using outlets of three major supermarket chains.

[6] Robert D. Gatewood and Robert Perloff, "An Experimental Investigation of Three Methods of Providing Weight and Price Information to Consumers," *Journal of Applied*

Psychology, vol. 57, no. 11 (1973), pp. 81–85. Study was based on a doctoral dissertation submitted to Purdue University.

[7] Required the volunteer to match the total price of the package with its net weight so that the cost per ounce would show in a box in the center of the device. All volunteers using the device were trained to a criterion of three successful computations before the study began. A device similar to that used in the study as pictured on page 56.

[8] C.W.J. Granger and A. Billson, "Consumers' Attitudes Toward Package Size and Price," *Journal of Marketing Research*, vol. 9 (Aug. 1972), pp. 239–248. Study funded by the Consumer Research Institute, Inc., Washington, D.C.

[9] A group of products similar in nature and/or use; for example canned fish includes tuna, salmon, sardines, etc.; and household cleaning compounds include all-purpose cleaners, scouring cleansers or pads, bowl cleaners, drain cleaners, etc.

[10] Percentages and description of dry groceries based on a study by "Progressive Grocer" magazine in cooperation with The Great Atlantic & Pacific Tea Co., Inc. See "Progressive Grocer," Apr. 1973, p. 208.

[11] T. David McCullough and Daniel I. Padberg, "Unit Pricing in Supermarkets: Alternatives, Costs, and Consumer Reaction," *Search Agriculture*, Cornell University, Ithaca, New York, vol. 1 no. 6 (Jan. 1971), pp. 2 and 10. Study financed by Consumer Research Institute, Inc.

[12] John Paul Rowe, "An Inquiry Into a Consumer Information Issue: Unit Pricing," Thesis, School of Government and Business Administration of the George Washington University, Washington, D.C. (May 1973), p. 18. Reported and observed usage were compared in this study.

[13] Ed Henry, "Shopping by the Numbers," *Money* (May 1973), pp. 63 and 64.

[14] Robert Aitchison, "Some Facts on Unit Pricing in New York City and Upstate New York Supermarkets," *Cornell Agricultural Economics Staff Paper*, no. 72–1, Cornell University, Ithaca, New York (Jan. 1972), pp. 8 and 9.

[15] Omitted.

[16] See footnote 1 on p. 62, McCullough and Padberg, pp. 16–20. Interviews were conducted in six Toledo area stores about 4 months after unit pricing was introduced.

[17] "Background Information of Jewel Compar-A-Buy Pricing Study," supplement to news release, Jewel Food Stores, Nubrose Park, Illinois, for release Oct. 11, 1970, pp. 4–8. Interviews conducted at three Chicago area stores about 1 (test I) and 3 (test II) months after introduction of unit pricing.

[18] Lawrence M. Lamont, James T. Rothe, and Charles C. Slater, "Unit Pricing: A Positive Response to Consumerism," The University of Colorado, Boulder, Colorado (no publish date), pp. 5 and 7. Telephone interviews conducted during second month after introduction of unit pricing in a Denver area supermarket chain.

[19] "Unit Pricing and the Consumer—Does she understand it?—Does she like it?—Does she use it?" McCann-Erickson Research Services (July 1971) pp. 1–9 and section on method, no page number. Interviews conducted in five Toronto area stores about 2 months after introduction of unit pricing.

[20] See footnote 1 on p. 63, Rowe pp. 29, 43, 44, and 65.

[21] See footnote 2 on p. 72.

[22] See footnote 1 on p. 62, McCullough and Padberg, pp. 11–16.

[23] Hans R. Isakson and Alex R. Maurizi, "The Consumer Economics of Unit Pricing," *Journal of Marketing Research*, vol. 10, (Aug. 1973), pp. 277–285.

[24] Joseph S. Coyle, "Dual Pricing," *Progressive Grocer*, (Feb. 1971), p. 50.

[25] Joseph S. Coyle, "What Cost Dual Pricing?" *Progressive Grocer*, (Nov. 1970), p. 81.

[26] Based on the average cost of food for a family of four ($3,359 a year or $64.60 a week per USDA statistics) multiplied by the estimated annual cost of unit pricing (0.17 percent of sales).

[27] Raymond C. Stokes, "Unite Pricing, Differential Brand Density and Consumer Deception," Consumer Research Institute, Inc., Washington, D.C., (June 1973), pp. 1–18.

A New Supermarket Ripoff: Packages Without Prices

(By Consumer Federation of America)

The supermarket industry takes the attitude that if the consumers want prices on merchandise it will give them grease pencils so they can mark the prices for their own information. This is typical of the "public-be-damned" attitude the industry takes. It equates on the PR equivalency scale with "let 'em eat cake."—Carol Tucker Foreman, Executive Director, Consumer Federation of America.

American supermarkets are trying to sell consumers something new: Packages without prices.

There is a major change taking place in food retailing. Grocery stores are beginning to us a computerized checkout system. This system makes it unnecessary for the supermarket to put prices on the items they sell, and if present plans are carried out, prices will no longer appear on items in your supermarket. They will only be on the shelves.

The supermarket industry plans to take prices off merchandise despite the fact that there is great consumer opposition to such action. For example, in a study last year of the 37 most important characteristics of a store, shoppers ranked "all prices clearly labeled" second only to "cleanliness."

Two developments in the industry have made dramatic change possible:

One: Industry-wide adoption of the Universal Product Code (UPC).

Two: Installation of the computerized checkout system in the stores.

What follows is a technical and economic discussion of the change and an outline of an action program to meet the challenge.

Question. What is the Universal Product Code (UPC)?

Answer. The symbol can be smaller than 1.5 square inches. In this tiny space, the lines on the symbol will be able to generate one TRILLION individual, distinct, machine-readable numbers.

The UPC can be affixed to almost any kind of merchandise and still be completely readable, whether the item comes in a bag, bottle, box, can, jar, sack, tube, cellophance/pliofilm wrapper or aluminum dish.

Question. What happens at the computerized checkout stand?

Answer. Each checkout stand will be equipped with an electronic scanner. The checker will simply pull a UPC-marked products across the scanner. In a milli-second, the scanner will translate the UPC bar symbol to the UPC code number, transmit that information to the store's mini-computer file and the products price will then be "looked up" and flashed back to the register. The price will then be visually displayed to both the consumer and the checker. At the very same time, a description of the product and its price will be printed on the customer's cash register tape, and that information is also stored for computing the total bill.

Question. What about "two-fors" and "three-fors?" Will merchandise still have to be separated into groups, according to the number purchased at a given price?

Answer. "Two-fors" and "three-fors" will not have to be grouped together. The computer will do this electronically and automatically.

Take a "three-for" as an example. Say you buy candy bars priced at three for 29 cents. You do not have to group them together on the conveyor.

When the first candy bar shows up and the laser beam informs the computer of the number, the computer will charge 10 cents for the bar. When the second shows up, the price will still be 10 cents. But when the third shows up, the computer will have stored in its memory the fact that two bars have already been charged within that particular order and it will flash "9c" on the electronic sign above the checkout counter. Let's say you had nine different combinations of items within your order. There would be no necessity to group any of them. The sorting and correct pricing would all be done by the computer.

Question. Have consumer groups or labor unions been periodically consulted about the revolutionary UPC and the automated check-out stand?

Answer. Not at all. Although research and development on this project has been going on for more than ten years, CFA doesn't know of any consumer group that has been asked for its advice at any time, anywhere in the entire nation.

Now, research and development of the computerized checkout stand is an accomplished fact, so chains which plan to install them are busily setting up "consumer committees" and "consumer advisor groups." But there is no instance in the country where management has agreed to take consumer advice to keep prices on the merchandise.

In addition, with thousands of jobs at stake, management has carefully avoided consulting with the affected trade unions, the Retail Clerks, Meat Cutters and Teamsters.

Question. What is the attitude of the grocery industry toward consumers?

Answer. Patronizing, condescending. But let their words speak for them:

A prominent Chicago retail food executive: "Generally, people do not know what they want . . . We must be ahead of our customers, be anticipating and doing the things we know they need, even though they themselves do not know what they want."

Edgar B. Walzer, editor-in-chief Progressive Grocer: "Consumer protectionists have became aware of the Automated Front End and—as if by reflex—have started reaching for the monkey wrench. Specifically, they oppose the removal of prices from individual packages because shoppers would thereby be deprived of necessary information . . . It's not enough to say—again—that the protectionists don't know what they're doing . . . When it comes to retail food prices, it might be said that consumers are discussing them more and comprehending them less."

Alan Haberman, president of First National Stores, suggested that if consumers were really interested in having prices on merchandise, the supermakets would be glad to supply grease pencils so the consumers could do the marking themselves.

Question. What are the advantages and disadvantages of the computerized checkout stand as far as the consumer is concerned?

Answer. An excellent summary appeared so comprehensive, you will find a complete recently in Media & Consumer. Because it is reprint on the last two pages.

CFA would like to make one minor addition to the M&C compilation: Recently, supermarkets have been pledging they will stop their policy of raising the price of merchandise already on the shelves. There has been a very loud public clamor by some supermarkets on this score, and they have spent a lot of money advertising this new policy. Yet, when the computer checkout stand goes into effect, re-pricing will be accomplished by a simple change at the computer, and the price of the item will be changed wherever it is located: On the shelf, in the storeroom or in the warehouse—until the next change. Presumably, the price indicated on the shelf will always be the same as that in the computer.

Question. Is it profitable for a supermarket to install automated checkout stands?

Answer. Probably.

The Distribution Number Bank, Inc., which is a creature of the grocery industry, has made an analysis of the profit picture. It breaks profits into two segments: Hard and soft savings. Here is a direct quote from DNB:

"Hard Savings: Studies done for the Ad Hoc Grocery Committee by McKinsey and Co. (management consultants) with the help of many leading chains and equipment companies indicate that such automation should lead to net savings before tax for retailers equal to 1.0 to 1.5 percent of sales essentially due to quantifiable productivity savings.

"For example, a $10,000 per week retail store should expect to save $27,000 before tax by 1975(after subtracting depreciation, cost of capital (on a $120,000 investment), and other costs. *Average return after tax on average investment over 10 years appears to be over 30 percent.*" (Italics ours.)

"Soft Savings: . . . accurate information on what was sold will be available since every item is uniquely coded and is identified in the automated checkout process. Savings from use of those data have been classified as 'soft' due to the difficulty of predicting them. Some obvious savings in this category are shrink identification by item (and presumably reduction), direct store inventory control, and a vast range of changes such as shelf allocation, instant price changes, and other merchandising changes. *Some people, including the McKinsey team, believe those soft savings may eventually be more significant than the hard or productivity savings identified to date.*" (Italics ours.)

In other words, the industry is saying that when it moves ahead with installation of the automated checkout, it figures to make a return of 60 percent or more on its investment.

Question. Isn't this machinery expensive to install?

Answer. You bet it is.

Estimates of the cost of installation run about $100,000 per store.

Question. Who is going to pay for the installation?

Answer. We suspect the initial cost is likely to be passed on to you, the shopper, in the form of higher prices. Supermarkets tell us they don't make much of a profit now so it can be assumed that we will have to help them pay for their equipment by paying higher prices.

Question. In view of the savings possible, has the industry ever talked about reducing prices?

Answer. Not that you could notice.

In fact, in all of the vast amount of literature on the subject, there is never any mention by any industry figure of a possible reduction in prices.

Question. Can't prices be left on the merchandise?

Answer. They could be and some supermarket people think they should be.

Larry Russell, a management consultant to the food industry: ". . . consumers want prices on the packages. And if they want that, they will get it, but the cost advantage to the consumer will be reduced."

Paul Korody, consumer affairs director of the National Association of Food Chains: "It's a non-issue. The removal of prices from goods is not necessary to install the system . . . by insisting that the prices remain on the can, you just lose the benefits. The price will be useful to the consumer only and has no bearing on how the system runs."

What is the dollars and cents cost of keeping the price on? The industry says that a store with $3 million annual sales and with no prices on the packages would show a net savings from an automated checkstand of $34,700 a year.

If the store left the prices on the can, the savings would be $23,000 per year. For about $225 per week, the store could satisfy its consumers' demand for price marking.

Question. If the cost of price marking is so minor, then why is the industry taking away something the consumer wants?

Answer. Probably because it figures it can get away with it.

We think they should be stopped.

The Consumer Federation of America has a program, and here it is:

PROGRAMS TO MAINTAIN PRICE MARKING ON CONSUMER PRODUCTS

We propose both legislative and action programs:

Legislative Program: Draft and present to Federal, state, county and municipal governments legislation to require that every consumer product have the price plainly marked on it.

Action Program: Whenever and wherever a store opens with computerized checkout stands, let store management and the general public know that consumers object to the elimination of price marking.

Following are some of the things that should be included in your program:

1. Propose and support legislation to require that any packaged item sold at retail have a price marked clearly on it.

2. Press for immediate action at all governmental levels: Federal, state, county and municipal.

3. CFA proposes this language: "The package of every consumer commodity offered for retail sale shall bear the price of such commodity in arabic numbers. The price shall be large enough to be readable and shall not be in code." An appropriate penalty should be included.

1. At every location where computerized checkstands are introduced, leaflet the general public so they will be aware of the consequences.

2. Use the media to spread the message:

a. Radio and television talk shows.

b. Newspaper, radio and television news departments.

c. Letters to the editor.

d. Every other available resource, including purchase of time or space if that is deemed necessary.

3. Let legislators know how we feel, and when a crucial vote is at hand, mobilize the consumer movement and all our friends—especially the labor unions which have a particular concern—to let representatives know how deeply we feel on this subject.

4. CFA will provide camera-ready copy that will lend itself for easy adaptation to local leaflets and signs.

THE PROS AND CONS OF THE AUTOMATED CHECKOUT

Proclaimed benefits to the consumer

1. Less waiting time. Because of the speed of the automated checkout's scanner and computer, the consumer will virtually streak through the checkout lanes.

2. Fewer errors in price ring-ups. Because the price codes on most products will be optically scanned and recorded, there's less room for error on the part of the clerk.

3. Detailed sales receipt. A few of the systems offer a sales receipt that includes both the price and name of each item you bought.

4. Elimination of item-pricing. Since there'll now be on each item a price code that can be read by the optical scanner there's no need to go through the process of stamping a price on each item. By just putting one price on prominent display near the item, there will supposedly be significant labor savings that can be passed along to the consumer.

5. Ease in check cashing. The computer can store the records of more than 20,000 customers and okay in a flash the shopper's check.

M & C Comment

1. Less time at the checkout counter is indeed possible, and is one of the prime advantages to consumers.

2. The system will produce fewer errors, unless the wrong information is fed to the computer or the computer goes haywire. Then, watch out!

3. Where available, and it won't be available with all the systems, this may help the consumer in his or her budgeting.

4. While it's true some labor savings *could* be passed on by the elimination of price-marking on each item, consumerists are almost universally opposed to such a move. The supermarket industry's own tests generally show a distinct coolness on the part of consumers to removing prices from items.

5. Certainly an advantage and one that will save considerable time.

CONSUMER BEWARE

There's no guarantee that some supermarkets won't substantially reduce the number of checkout lanes when switching to the new system, thus forcing the food shopper to wait just as long as before.

Since the computerized system delivers the capability for instantaneous price changes, you may wind up paying 51 cents for that can of beans whose price was shelf-listed as 43 cents. Why? Because someone at chain headquarters or in the store raised the price between the time you took the item from the shelf and got to the checkout counter. There's no guarantee this won't happen.

If the brand name and the size or quantity of the product are not included, the receipt offers scant information that will be useful in budgeting or comparison shopping.

This is potentially the most harmful element of the new checkout system, for a number of reasons:

The supermarkets are offering no guarantee that they'll share this savings with the consumer. In fact, supermarkets might merely gobble it up for themselves for increased profits.

There's also no guarantee that the supermarkets can faithfully see to it that the price tag is accurate. In fact, the industry as a whole has a notoriously bad reputation for its ability to maintain shelf prices properly.

If the prices do not appear on the items, the consumer has little defense—unless he or she is endowed with a superb memory—against the instantaneous price changes mentioned earlier.

Having the price on the item at the time it's used (in the kitchen) can reinforce the consciousness of price at the time foods are prepared.

Comparison shopping will become quite complicated. Checking the price of corn—fresh, frozen or canned—will require either a superb memory or trips from aisle to aisle to compare prices, since none will be on items in the cart.

A visual terminal that will flash the price and product name as the UPC is scanned is cited as another assurance to the consumer that the correct price is being charged. Yet the increased speed of the system is based on a checker using a rapid two-handed motion to slide the groceries across the scanner and bag them almost simultaneously. That hardly allows the shopper enough time to match the product with the price flashed on the visual terminal.

The question is how this information will be used. While the stores probably won't have much more information on a customer's employment and financial situation than they do now, the information will be readily available. Perhaps even for sale to credit bureaus or direct mail houses.

By Mr. MOSS:

S. 998. A bill to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services and National Archives and Records Service with respect to records management by Federal agencies, and for other purposes. Referred to the Committee on Government Operations.

RECORDS MANAGEMENT ACT OF 1973

Mr. MOSS. Mr. President, today I am introducing a bill to require more effective control of the creation, use, and disposition of records by Federal Government agencies. Similar bills have been introduced in the House of Representatives by Congressmen RICHARD C. WHITE, FRANK HORTON, and GUNN MCKAY, by Congressman BILL ARCHER, and by Congressman JOHN M. MURPHY. I appreciate the interest of these distinguished Members in legislation to reduce waste and inefficiency in Government paperwork.

The American people have vital interests in the management of public records. The policies and transactions of the Federal Government must be accurately and completely documented. Records of historical value must be preserved. The public must have ready access to documents covered by the Freedom of Information Act. The taxpayers also expect, however, that paperwork be minimized, that records be maintained and used efficiently, and that records no longer of value be destroyed rather than stored indefinitely at great expense.

The cost of producing, handling, and storing correspondence, reports, directives, forms, and other material is enormous. It has quadrupled in the last two decades. In 1955 a Hoover Commission task force reported that Federal agencies were spending approximately $4 billion annually on paperwork. In 1973 the General Accounting Office gave a conservative estimate of $15 billion a year. Seven million cubic feet of records were produced in 1972 alone. The expense is not limited to paperwork, however, but arises also from the use of automated information systems and microreproduction methods.

The Federal Records Act of 1950 places primary responsibility for efficient management of Government records with agencies and departments but gives the General Services Administration and National Archives and Records Service oversight authority. Since 1964 officials of the NARS have inspected and evaluated nearly every major agency and department and found that remarkably few do even a tolerable job of controlling paperwork. Of 33 agencies examined prior to 1971, an average of 27 failed to meet NARS standards in each of 21 categories from filing systems to office copying to records disposal. Thirty agencies had neglected to assign specific responsibility for records management activities to any personnel; only one was judged to have adequate staff. Of 12 agencies and departments investigated since 1971, 3 have designated records management officers but no better programs or qualified staff than the previous group.

Far from improving their records management activities in recent years, some agencies have cut funds and eliminated personnel—a flagrant case of false economy. When NARS employees inspected the Department of the Navy in 1968, they found that 38 well-qualified people in the Office of the Secretary were assigned to records management. A followup investigation in 1970 disclosed that the function had been removed from the secretarial level and the staff reduced to 20. By attrition, the number of employees subsequently dropped to 16. These steps were taken despite a NARS report, in 1968, that the Navy could save $10 million of its $100 million annual expenditure on paperwork.

Such conditions should not be interpreted as a failure of the GSA or the National Archives and Records Service. The NARS has developed guidelines and standards for handling all types of documents and using a variety of equipment. Through studies, workshops, manuals, and consulting services, the relatively small staff of experts have managed to persuade many agencies to adopt some improvements. However, their efforts are handicapped by inadequate authority to accomplish significant savings and much greater efficiency.

Mr. President, present legislation has three major weaknesses which the Records Management Act is intended to correct. First, the Federal Records Act of 1950 lacks, while my bill contains, a practical and comprehensive definition of records management functions. Essential to cost savings, for example, are controls over the proliferation of records; but many agencies have been reluctant to accept this notion because it is nowhere specified in law. My bill refers repeatedly to records creation as well as to their maintenance, use, and disposition.

Second, NARS must presently rely on persuasion to implement better procedures and techniques. Under the Records Management Act, where voluntary compliance is not forthcoming, the Administrator of the General Services Administration will have authority to compel agency chiefs—subject to appeal to a new Records Review Board—to follow measures that will improve records management.

Third, the results of NARS inspections and studies now rarely come to public and congressional attention. The Records Management Act requires that the Administrator of GSA report the findings of each agency study, the nature of each order and recommendation issued by the Administrator, and the adequacy of agency staffing to the Congress, the Office of Management and Budget, and the General Accounting Office.

Mr. President, no one knows the potential savings of effective records management. The experience of NARS, however, is that most agencies can reduce their paperwork costs by 10 percent and achieve $10 savings for every $1 spent on management personnel salaries. In August 1970, the President ordered OMB and the GSA to spearhead a reduction of $200 million in the $1.4 billion spent for internal and interagency reporting, 1 of 10 elements of record management. In slightly more than a year, agencies reported savings of $270 million. This project clearly demonstrates what can be accomplished by agencies with sufficient clout.

Mr. President, I believe that the Records Management Act is necessary and important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Records Management Act".

AMENDMENT OF TITLE 44, UNITED STATES CODE

SEC. 2. (a) Title 44, United Staates Code, is amended by striking out chapter 27 through chapter 31 and inserting in lieu thereof the following new chapter:

"Chapter 27.—RECORDS MANAGEMENT

"Sec.
"2701. Definitions.
"2702. Objectives of records management.
"2703. General responsibilities of Administrator.
"2704. Records management authority of Administrator.
"2705. Records Review Board.
"2706. Records management by Federal agencies.
"2707. Custody and control of property.
"2708. Establishment of standards for selective retention of records; security measures.
"2709. Records center; storage, processing, and serving of records.
"2710. Interagency records transfers.
"2711. Retention of records.
"2712. Certifications and determinations on transferred records.
"2713. Safeguards.
"2714. Unlawful removal, destruction of records.
"2715. Records management personnel.
"2716. Authority of Comptroller General.
"2717. Rules.

"§ 2701. Definitions

"For purposes of this chapter, chapter 21, and chapter 25 of this title—

"(1) the term 'records' has the meaning given it by section 3301;

"(2) the term 'records management' means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition, including the management of correspondence, forms, directives, reports, machine readable records, microforms, information retrieval, files, mail, vital records, records equipment and supplies, office copiers, word processing and source data automation techniques, records preservation, records disposal, and records centers or other storage facilities;

"(3) the term 'paperwork management' is considered to be a synonym for the term 'records management,' as defined above;

"(4) the term 'records practices' means any system, procedure, or technique followed with respect to effective records creation, records maintenance and use, and records disposition;

"(5) the term 'records creation' means any process involved with respect to producing any recorded information necessary to conduct the business of a Federal agency;

"(6) the term 'records maintenance and use' means any activity involved with respect to—

"(A) the planning and establishment of controls and procedures governing the location of records of a Federal agency;

"(B) the development and implementation of systems and procedures to facilitate the safeguarding, retrieval, and use of recorded information kept at file locations;

"(C) the development and implementation of systems for the economical and efficient processing of mail of a Federal agency;

"(D) the control of selection and use of equipment and supplies associated with records;

"(7) the term 'records disposition' means—

"(A) the removal of records by a Federal agency through such methods as—

"(i) the disposal of temporary records no longer necessary for the conduct of business by destruction or donation;

"(ii) the transfer of records to Federal agency storage facilities or records centers; and

"(iii) the transfer to the National Archives of the United States of records determined to have historical or other sufficient value to warrant continued preservation;

"(B) the transfer of records from one Federal agency to any other Federal agency;

"(8) the term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space;

"(9) the term 'inspection' means the review of Federal agency records, records practices, and records management programs for the purpose of evaluating records management effectiveness and recommending means for the improvement of records management;

"(10) the term 'paperwork study' means the carrying out of an investigation and analysis of any agency records, records practices, or paperwork processes (whether manual or automated), with a view toward rendering findings and recommendations with respect thereto;

"(11) the term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(A) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to any Federal agency for official use, or to the public;

"(B) by making and furnishing authenticated or unauthenticated copies or reproductions of the records or other materials;

"(12) the term 'unauthenticated copies' means exact copies or reproductions of records of other materials which are not certified as such under seal and which need not be legally accepted as evidence;

"(13) the term 'National Archives of the United States' means those official records which have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the Federal Government, and which have been accepted by the Administrator for deposit in his custody;

"(14) the term 'Administrator' means the Administrator of General Services; and

"(15) the term 'Board' means the Records Review Board established by section 2705 (a);

"16) the term 'Federal agency' shall have the meaning defined in title 40, United States Code, section 472(b); and

"(17) the term 'executive agency' shall have the meaning defined in title 40, United States Code, section 472(a).

"§ 2702. Objectives of records management

"It is the purpose of this chapter, chapter 21, and chapter 33 of this title to require the establishment of standards and procedures to assure efficient and effective records management. Such standards and procedures shall seek to effectuate the following goals:

"(1) accurate and complete documentation of the policies and transactions of the Federal Government;

"(2) control of the quantity and quality of records produced by the Federal Government;

"(3) simplification of the processes through which records are created, stored, retrieved, and used;

"(4) the judicious preservation and disposal of records;

"(5) the establishment and maintenance of a system which focuses continuous attention upon records from their initial creation to their final disposition;

"(6) the establishment and maintenance of mechanisms of control with respect to records creation, in order to assure the prevention of unnecessary records, and the effective and economic operations of an agency;

"(7) the establishment and maintenance of such other systems or techniques as the Administrator considers necessary to carry out the purposes of this chapter, chapter 21, and chapter 33 of this title.

"§ 2703. General responsibilities of Administrator

"The Administrator shall provide guidance and assistance to Federal agencies with respect to records creation, records maintenance and use, and records disposition. In providing such guidance and assistance, the Administrator shall—

"(1) develop and promulgate records management standards, guidelines, procedures, and techniques, including guidance with respect to staffing and selection and effective use of equipment and supplies;

"(2) conduct research with respect to the improvement of records practices;

"(3) serve as a clearinghouse for information with respect to records management and as a central source for reference and training materials with respect to records management;

"(4) establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies;

"(5) disseminate information with respect to technological development in microfilm, office copying, automated data processing, and other electronic and mechanized equipment useful in the processing of recorded information;

"(6) promote the economical and efficient utilization of space, equipment, and supplies necessary for records creation, records maintenance and use, and records disposition; and

"(7) conduct paperwork studies and require the heads of executive agencies to conduct paperwork studies with respect to establishing procedures designed to save time and effort in records management, with particular attention given to standards and procedures governing the creation of records.

"§ 2704. Records management

"(a) The Administrator shall—

"(1) conduct inspections or paperwork studies, at regular intervals as determined to be necessary by the Administrator, of the records practices, and records management programs of every Federal agency;

"(2) require the head of every Federal agency at regular intervals as determined to be necessary by the Administrator to transmit a report to the Administrator with respect to the records, records practices, and records management programs of each such Federal agency;

"(3) prescribe rules with respect to records management; and

"(4) order, to the extent he considers necessary, the head of any executive agency to take specific action with respect to the records, records practices, and records management program of his agency.

"(b)(1) The Administrator may conduct paperwork studies at the request of the head of any Federal agency. Any such study shall not be in lieu of any inspection or paperwork study conducted by the Administrator under subsection (a)(1).

"(2) The Administrator is authorized and directed to charge any Federal agency for the cost of any study conducted by the Administrator pursuant to paragraph (1) at rates to be determined by the Administrator as provided in regulations issued by him. The Administrator may exempt anyone from the charges required by this paragraph if he determines that such charges would be impracticable. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund established pursuant to paragraph 3(A) for any loss of revenue.

"(3)(A) There is hereby established in the Treasury of the United States, on such a date as may be determined by the Administrator, a fund into which there shall be deposited the revenues collected by the Administrator pursuant to the provisions of paragraph (2).

"(B) Moneys deposited into the fund shall be available for paperwork studies and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

"(4) For purposes of this subsection (b), the term 'Federal agency' includes the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

"(c) The Administrator may conduct inspections or paperwork studies which involve a review of the policies and practices of more than one Federal agency and which examine interaction and relationships among Federal agencies with respect to records and records management.

"(d)(1) The officers and employees of each Federal agency shall cooperate fully with the Administrator with respect to any inspection or paperwork study of any such agency conducted by the Administrator under subsection (a)(1), (b)(1), or (c).

"(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with rules prescribed by the Administrator, subject to the approval of the Executive Office of the President.

"(e)(1) The Administrator shall transmit reports to each House of the Congress no later than the close of business March 31 of each year. Each such report shall contain—

"(A) a detailed statement with respect to each inspection or paperwork study conducted by the Administrator under subsection (a)(1) or subsection (c);

"(B) a compilation of reports transmitted to the Administrator under subsection (a) (2) during the most recent calendar year;

"(C) a description and explanation of any rule prescribed by the Administrator under subsection (a)(3), or of any order issued by the Administrator under subsection (a) (4) during the most recent calendar year; and

"(D) an evaluation of the adequacy of personnel staffing support for the records management function within each Federal agency;

"(2) Each report transmitted by the Administrator to each House of the Congress under paragraph (1) shall at the same time be transmitted to the Director of the Office of Management and Budget and to the Comptroller General. The Director and the Comptroller General shall review each such report and transmit their comments and recommendations with respect to each such report to each House of the Congress no longer than sixty days after receiving each such report.

"(f) Except as provided by section 2705, every executive agency shall comply with any order issued by the Administrator under subsection (a)(4) which applies to such agency, no later than one year after the date upon which such order is issued.

"§ 2705. Records Review Board

"(a) There is established as an independent organization in the executive branch of the Federal Government a board to be known as the Records Review Board.

"(b)(1) The Board shall be composed of five members as follows:

"(A) three appointed by the President by and with the advice and consent of the Senate;

"(B) one appointed by the Administrator; and

"(C) one appointed by the Director of the Office of Management and Budget.

A vacancy in the Board shall be filled in the manner in which the original appointment was made.

"(2)(A) Except as provided by subparagraphs (B) and (C), members of the Board shall be appointed for terms of five years.

"(B) Of the members first appointed—

"(i) two shall be appointed for terms of five years,

"(ii) two shall be appointed for terms of three years, and

"(iii) one shall be appointed for a term of one year, as designated by the President at the time of appointment.

"(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

"(c)(1) Except as provided by paragraph (2), members of the Board shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-16 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Board.

"(2) Members of the Board who are full-time officers or employees of the Federal Government shall receive no additional pay on account of their service on the Board.

"(3) While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Federal Government service are allowed expenses under section 5703(b) of title 5, United States Code.

"(d) The Board may appoint and fix the pay of such personnel as it deems necessary to assist it in carrying out its functions under this section.

"(e)(1) Any executive agency may appeal to the Board any order issued by the Administrator under section 2704(a)(4).

"(2) Any such appeal shall be filed no later than three months after the date upon which such order is issued. Such appeal shall be in writing and shall contain a detailed statement of the reasons of such agency for objecting to such order.

"(3) The Administrator shall, no later than one month after the filing of an appeal under paragraph (1), transmit a written reply to such appeal to the Board. Such reply shall include the reason of the Administrator for issuing such order.

"(4) The Board shall render a ruling with respect to any appeal filed under paragraph (1) no later than three months after the date of such filing. If such ruling requires compliance with the order issued by the Administrator, the executive agency involved shall comply with such order no later than six months after the date upon which such ruling is rendered.

"§ 2706. Records management by Federal agencies

"(a)(1) The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Federal agency. Such records shall furnish the information necessary to protect the legal and financial rights of the Federal Government and of persons directly affected by the activities of the Federal agency.

"(2) The head of each Federal agency shall establish and maintain an efficient and continuing records management program which shall focus upon the complete cycle of records creation, records maintenance and use, and records disposition, the establishment of necessary or appropriate controls, and achievement of the goals described in section 2702.

"(b) The records management program established by the head of each Federal agency under subsection (a)(2) shall include provision for—

"(1) effective controls over records creation, records maintenance and use, and records disposition, to insure efficient and economical agency operations;

"(2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve records management, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

"(3) compliance with the provisions of this chapter and of section 2101 through section 2113, section 2501 through section 2507, and section 3301 through 3314, and any rule prescribed under such provisions.

"§ 2707. Custody and control of property

"The Administrator shall have immediate custody and control of the National Archives Building and its contents, and may design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere. For purposes of this section 2707, the term 'Federal agency' includes the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

"§ 2708. Establishment of standards for selective retention of records; security measures

"The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying the standards to records in their custody. He shall notify the head of a Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of records unlawfully removed and for other redress provided by law.

"§ 2709. Record centers; storage, processing, and servicing of records

"(2) The Administrator may establish, maintain, and operate—

"(1) records centers for storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and

"(2) centralized microfilming services for Federal agencies.

"(b) When the head of a Federal agency determines that it may effect substantial economies or increased operating efficiency, he shall provide for appropriate storage, processing, and servicing of records in a records center maintained and operated by the Administrator or, when approved by him, in a center maintained and operated by the head of the Federal agency.

"(c) For purposes of this section 2709, the term 'Federal agency' includes the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

"§ 2710. Interagency records transfers

"Subject to applicable law, the Administrator shall prescribe rules governing the transfer of records from the custody of one Federal agency to that of any other Federal agency.

"§ 2711. Retention of records

"The Administrator may empower a Federal agency, upon the submission of evidence of need, to retain records for a longer period than that specified in disposal schedules. The Administrator may withdraw, in accordance with rules prescribed by him, disposal authorizations covering records listed in disposal schedules.

"§2712. Certification and determinations on transferred records

"An official of the Federal Government who is authorized to certify to the facts on the basis of records in his custody may certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator, and may authorize the Administrator to certify to facts and to make administrative determinations on the basis of records transferred to the Administrator, notwithstanding any other law.

"§2713. Safeguards

"The head of each Federal agency shall establish safeguards against the removal or loss of records he determines to be necessary and required by rules of the Administrator. Safeguards shall include making it known to officials and employees of the Federal agency—

"(1) that records in the custody of such agency are not to be alienated or destroyed except in accordance with section 3301 through 3314 of this title; and

"(2) the penalties provided by law for the unlawful removal or destruction of records.

"§2714. Unlawful removal, destruction of records

"The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from another Federal agency whose records have been transferred to his legal custody.

"§2715. Records management personnel

"The head of each Federal agency shall assign responsibility for developing, coordinating, and implementing his agency's records management program to a central identifiable control point within his agency, and shall assign to it personnel with specialized knowledge in the various functions comprising records management, and in such numbers as required to accomplish the objectives stated in section 2702.

"§2716. Authority of Comptroller General

"The provisions of this chapter and of section 2101 through section 2113, and section 2501 through section 2507, do not limit the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessen the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

"§2717. Rules

"The Administrator may prescribe such rules as he considers necessary to carry out the provisions of this chapter."

(b) The table of chapters for title 44, United States Code, is amended by striking out the items relating to chapter 27, through chapter 31, and inserting in lieu thereof the following new item:

"27. Records management............ 2701".

DEFINITION OF RECORDS

SEC. 3. Section 3301 of title 44, United States Code, is amended by inserting "machine readable materials," immediately after "photographs,".

EFFECTIVE DATE

SEC. 4. The foregoing provisions of this Act shall take effect on the date of the enactment of this Act, except that any requirement for the transmission of reports to the Administrator by the heads of Federal agencies or for the transmission of reports to the Congress by the Administrator, shall apply with respect to calendar years beginning after the close of December 31, 1975.

By Mr. ROTH (for himself and Mr. Biden):

S. 999. A bill to designate the Federal office building located in Dover, Del., as the "J. Allen Frear Building". Referred to the Committee on Public Works.

J. ALLEN FREAR BUILDING

Mr. ROTH. Mr. President, today I am introducing for myself and Senator Biden, a bill that the Senate saw fit to pass in the last session of Congress, but which was not acted upon by the House of Representatives. The bill would designate the new Federal office building in Dover, Del., the J. Allen Frear Building, in honor of former Senator Frear of Delaware.

Mr. President, on two occasions in the last session, I had the opportunity to comment upon the virtue of this bill. I ask unanimous consent that the previous remarks of my cosponsor and I be inserted in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

July 25, 1974

Mr. Roth. Mr. President, today I am introducing, for myself and Senator Biden, a bill to honor former Senator J. Allen Frear of Delaware by designating the new Federal building in Dover by his name.

It is important, I believe, that this building be named after such a distinguished son of Delaware as Allen Frear. For a Federal building should be more than just a building of bricks and mortar. It should be a building of spirit and tradition, tied to the virtues exhibited by our own parties of revolutionary days: love of country, dedication to freedom, devotion to duty, faith in God, and allegiance to principle, ethics and morality. Allen Frear exhibited all those qualities—and more—throughout his life and as a distinguished Member of the U.S. Senate. Members of the Senate who served with him during the years 1949 to 1961 will recall his depth of perception, his good sense, his humaneness and his deep interest and concern for his fellow man.

J. Allen Frear was born on a farm near Rising Sun, Del., on March 7, 1903. He graduated from the University of Delaware in 1924. He became president and owner of a retail business in Dover, a commissioner of Delaware State College as well as of the Delaware Old-Age Welfare Commission, president of Kent General Hospital, a major in the U.S. Army, with overseas service in the European Theater of Operations and with the Military Government at the close of the Second World War, after serving two terms in the U.S. Senate, a Commissioner of the Securities and Exchange Commission. His life is one in which all of us from Delaware can be justly proud. By his example he has set a high standard for us all.

Mr. President, great men and great events are associated with the site of the new Federal building. It is fitting and proper that the Federal building be located near such historical places. And it is fitting and proper that it should bear as its name the name of one among us—from our own time—who did so much to carry on the great traditions of honors the spot.

I hope my colleagues in the Senate will join with me in supporting this bill to honor a former member of the Senate.

Mr. President, on July 2 I delivered an address in Dover at the dedication of the new Federal building which describes my views more fully. I ask unanimous consent that it be inserted in the Record at this time.

There being no objection, the address was ordered to be printed in the Record, as follows:

Statement of William V. Roth, Jr.

Mr. Ink, distinguished guests.

As we stand here today facing the old historic Meeting House Square, one cannot help but pause and think of the great men and events associated with this locale. It was here, for instance, that John Dickinson, the penman of the revolution, is supposed to have drafted the Delaware Constitution in 1792. It is also said that this square was the site for the reading of the Declaration of Independence in 1776.

The cemetery adjacent to the Delaware State Museum is the resting place for such historic figures as Colonel John Haslet, the Commander of Delaware's first militia regiment, and of Senator John Clayton, jurist and Secretary of State under President Zachary Taylor. It is fitting and proper then that the new Federal Building be located so near such hallowed ground.

The proud traditions of Delaware upheld in the past by such men as those I have mentioned are still being upheld by fine and good men. Historians will long remember the contributions of John Williams of Sussex County whose quiet and methodical investigations of wrongdoing gained the attention, and respect of the entire nation. Cale Boggs whose early roots were in Kent County now represents the finest in New Castle County. His has been a lifetime truly marked by outstanding dedicated public service. In fact, because of my high regard for the service rendered our State by Cale I have urged that the new Federal Building in Wilmington be named after him.

Here in Kent County we have former Senator Allen Frear, one of the finest public servants Kent County has ever provided to this Nation.

Allen Frear has always been perceptive, full of good sense, and warmly human. These fine qualities plus his deep interest and concern for his fellow man are what helped to make him such an excellent United States Senator.

In these three men one can find many characteristics of the patriots of revolutionary days. Senators Frear, Williams, and Boggs represent all of the old fashioned virtues that made this country great—the same characteristics of the patriots of revolution—love of country—dedication to freedom—devotion to duty—faith in God—strong family ties—and an allegiance to principle, ethics and morality. All are men of unimpeachable integrity and morality, and each section of our State can be proud that it has provided such men to us and that men of this calibre would dedicate their lives to public service and show so much true concern for the citizens of this State.

Mr. Ink and distinguished guests, it gives me great pleasure to participate in this dedication. Moreover, it gives me double pleasure to propose to you today that this building be named after Dover's distinguished friend and neighbor, Former U.S. Senator Frear. I am making such a request of the Senate Public Works Committee and hope that my colleagues on this committe will go along with my proposal.

In the case of Senator Boggs, I was stymied by an unofficial rule that Federal buildings cannot be named after a living American unless he has reached the age of 70. Without revealing Allen Frear's age, I can say that in his case we are faced with no such impediment. I realize, however, that there are still some reservations about naming a public building after a living man. Whether or not this can be accomplished, I would hope the media and the people of Delaware would begin calling these two buildings by the names of these outstanding men.

It is important, I believe, that this building be named after such a distinguished son of Dover as Allen Frear. For a Federal building should be more than just a building of blocks and mortar. It should be a building of spirit and tradition, as well as a building tied to the virtues represented by Senator Frear and his distinguished colleagues I have mentioned. I want this building to be part of the fine traditions of this State and by being named after Allen Frear it will be.

Allen Frear served in the Senate from 1949 to 1961 and as his many friends in this State know so well he and his lovely wife Esther have participated in a lengthy array of civic and public causes. Their lives represent the finest in America and as we dedicate this building which I will hereafter call the Frear Building, I would urge that we dedicate it to the old fashioned virtues which made this country great—virtues which characterize the lives of Allen and Esther Frear. These are the virtues which have sustained this nation throughout its history and with the help of God they will continue to sustain us in the future.

August 21, 1974

Mr. Roth. Mr. President, I thank my colleague from Delaware for his support of this bill to name the new Federal office building in Dover, Del., the J. Allan Frear Building. I have spoken on this matter on two previous occasions, so my remarks shall be brief.

Mr. Chairman, I believe that Federal buildings should be more than concrete and steel—they should embody and complement the community in which they stand. Federal buildings can do this by bearing as their name the name of a distinguished member of the local community. In Dover, Del., such a man is former U.S. Senator J. Allen Frear.

J. Allen Frear's entry in the Biographical Directory of the American Congress reads as follows:

"Frear, Joseph Allen, Jr., a Senator from Delaware; born on a farm near Rising Sun, Kent County, Del., March 7, 1903; attended the Rising Sun rural school and Caesar Rodney High School; graduated from the University of Delaware in 1924; president and owner of a retail business in Dover, Del.; Commissioner of Delaware State College 1936–1941 and Delaware Old Age Welfare Commission 1938–1948; director, Federal Land Bank Board, Baltimore, Maryland 1938–1947, being chairman of the board the last two years; director of the Farmer's Bank of Dover and the Baltimore Trust Co., of Camden, Del.; president of Kent General Hospital, Dover, Del., 1947–1951; during World War II served in the United States Army as a major, with overseas service in the European Theater of Operations with the Military Government, 1944–1946; delegate to Democratic National Conventions in 1948, 1952, and 1956; elected as a Democrat to the United States Senate in 1948 for the term commencing January 3, 1949; reelected in 1954 for the term ending January 3, 1961; unsuccessful candidate for reelection in 1960; appointed to the Securities and Exchange Commission on March 15, 1961, resigned in October 1963; elected a vice president of the Wilmington Trust Co., in Delaware, 1963; is a resident of Dover, Delaware.

This entry is enough to tell us that former Senator Frear has led a worthwhile life of community service, that he has done much for the people of Delaware. But it does little to point out the essential humanity of this man—his perception, his warmth, and his good sense; the qualities that have earned him friendship as well as respect, and deserve note.

Mr. President, in a time when suspicion is widespread that many in public office are not worthy of trust, it is important that we honor those who have lived a public life that is worthy of trust. For that reason I sponsor and urge my colleagues to support S. 3185, to designate the Federal office building located in Dover, Del., as the J. Allen Frear Building.

Mr. President, shortly after I first suggested that the Federal office building in Dover be named for former Senator Frear, an article appeared in the Delaware State News supporting that idea. I ask unanimous consent that it be inserted in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Delaware State News, July 9, 1974]

Naming of Fed Building for Frear Is Good Idea

(By Harry C. McSherry)

A proposed action that was met with pleasure by all persons learning about it was the one to name the new Dover federal office building in honor of former U.S. Sen. Allen J. Frear of Dover.

The fact that the former Senator is a prominent Democrat apparently did not deter U.S. Sen. William V. Roth, a Republican, from suggesting it and, further, indicating he planned to confer with the proper Senate Committee concerning the matter.

As a supporter of civic matters, either in public, or privately, the former Senator has been acknowledged in the front ranks of affairs locally for a long term of years.

His pleasant manner has brought him an untold number of friends and has likewise aided his efforts in many activities.

It is needless to say the local public will be greatly pleasured should the proposal of Senator Roth be successful.

Mr. BIDEN. Mr. President, I have cosponsored S. 3815, a bill to designate the new Federal Office Building in Dover, Del., as the "J. Allen Frear Building."

At the request of Senator ROTH, I have had the bill reported out of the Public Works Committee of which I am a member. The Public Works Committee in its report stated that:

"The committee believes that it would be most appropriate to name the New Federal Office Building in Dover the 'J. Allen Frear Building'."

J. Allen Frear served as the U.S. Senator from Delaware for two terms from 1949 to 1961. Senator Frear has dedicated his entire life to public service. A person of the highest moral integrity, Senator Frear has conducted himself in both elected office and his many public service activities, in a fair, impartial, nonpartisan manner. He has always placed the interests of the Nation and the people of the State of Delaware before self or party.

The best indication of this is demonstrated by the fact that my Republican colleague from Delaware first came up with the idea to name this building after Senator Frear, a Democrat.

I, therefore, in recognition of his outstanding record of public service, urge your support of S. 3315 when it comes before the Senate for consideration.

Mr. BIDEN. Mr. President, I am pleased to cosponsor with my distinguished colleague from Delaware (Mr. ROTH) S. 999, a bill to designate the new Federal Office Building in Dover, Del., as the J. Allen Frear Building.

I have previously co-sponsored a similar bill introduced by Senator ROTH which was passed by the Senate on August 21, 1974, but failed to pass in the House of Representatives before the end of the 93d Congress. Last year, the Public Works Committee stated in its report that it would be most appropriate to name the building after Mr. Frear.

J. Allen Frear served as the U.S. Senator from Delaware for two terms from 1949 to 1961. A person of the highest moral integrity, Senator Frear has dedicated his entire life to public service. He has conducted himself in both elected office and his many public service activities in a fair, impartial, and nonpartisan manner. Throughout his years of public service, he has always placed the interests of the Nation and Delaware before himself or his party. The best testimony to this is demonstrated by the fact that my Republican colleague from Delaware initiated the action to name this building after Senator Frear, a Democrat.

It is my considered opinion that by the passage of this bill, the Senate would bestow a duly deserved honor on a great American and a great Delawarean.

By Mr. MOSS (by request):

S. 1000. A bill to amend the Consumer Product Safety Act to improve the Consumer Product Safety Commission, to authorize new appropriations, and for other purposes. Referred to the Committee on Commerce.

CONSUMER PRODUCT SAFETY COMMISSION IMPROVEMENTS ACT OF 1975

Mr. MOSS. Mr. President, I introduce, by request, a package of amendments to the Consumer Product Safety Act which has been submitted by the Consumer Product Safety Commission.

The Consumer Subcommittee has recently completed 4 days of comprehensive oversight hearings into the implementation of the act by the Commission. We considered also amendments which I proposed (S. 644) several weeks ago. At those hearings, the Commission discussed in detail the substance of the amendments which I introduce today by request.

In order to expedite consideration of these proposals, I plan to hold the record of our oversight hearings open until April 1 to allow interested persons to submit comments on the substance of these amendments and those contained in S. 644.

Mr. President, I ask unanimous consent that these proposed amendments and the Commission's section-by-section analysis be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Consumer Product Safety Commission Improvements Act of 1975".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)), is amended to read as follows:

"(a) There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this Act (other than the provisions of Section 27(h) which authorized the planning and construction of research, development, and testing facilities), and the functions, powers, and duties transferred to the Commission under Section 30, including hire of passenger motor vehicles; procurement of services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; rent in the District of Columbia or elsewhere; advance payments to offerors under Section 7(d)(2); official reception and representation expenses; services of expert witnesses at such rates as may be determined by the Chairman; expenses for conducting safety education seminars notwithstanding 31 U.S.C. 551; and miscellaneous and emergency expenses of enforcement activities authorized or approved by the Chairman and to be accounted for solely on his certificate; not to exceed—

"(1) $51,000,000 for the fiscal year ending June 30, 1976;

"(2) Such sums as may be necessary for the transition period from the fiscal year ending June 30, 1976, and the fiscal year beginning October 1, 1976;

"(3) Such sums as may be necessary for the fiscal year ending September 30, 1977; and

"(4) Such sums as may be necessary for the fiscal year ending September 30, 1978."

In addition to such specific amounts as are authorized above, there are authorized to be appropriated for the Commission such additional or supplemental amounts as may be necessary for increases in salary, pay, or other employees benefits authorized by law, for other non-discretionary cost increases, and for expenses of programs or other activities which are mandated or authorized by law to the Commission subsequent to the date of enactment of this Act.

LIMITATIONS ON JURISDICTION

SEC. 3. (a) Section 2(2) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471(2)) is amended by deleting paragraph (B) in its entirety and by redesignating paragraphs "(C)" and "(D)" as "(B)" and "(C)" respectively.

(b) Section 3(a)(1)(D) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)(D)) is amended by deleting "economic poisons" and inserting "pesticides" in lieu thereof.

(c) Section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)) is amended by inserting "other" between "for" and "limitations" in the last sentence thereof and by inserting before such sentence the following: "Except for the regulation of fireworks devices and components thereof under the Federal Hazardous Substances Act, the Commission shall have no authority under the Acts and functions transferred pursuant to Section 30 of this Act, to regulate any product or article described in subparagraph (B) or (E) of this paragraph."

(d) The second sentence of section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)) is amended by (1) deleting "of the Administrator of the Environmental Protection Agency and"; and (2) deleting "Acts amended by subsections (b) through (f) of section 7 of the Poison Prevention Packaging Act of 1970" and inserting in lieu thereof "Federal Food, Drug, and Cosmetic Act (15 U.S.C. 301 et seq.)".

BUDGET AND EMPLOYEE PROVISIONS

SEC. 4. (a) Section 4(f) of the Consumer Product Safety Act (15 U.S.C. 2053(f)) is amended by adding at the end thereof the following new paragraph:

"(3) Requests or estimates for regular, supplemental, or deficiency appropriations for the Commission shall require the approval of the Commission prior to their submission pursuant to Section 27(k)(1)."

(b) Section 4(g) of such Act (15 U.S.C. 2053(g)) is amended (1) by striking out "full-time" in paragraph (2) and inserting "regular" in lieu thereof and (2) by adding the following new paragraphs at the end thereof:

"(3) The Chairman, subject to the approval of the Commission and the Civil Service Commission based upon the criteria hereinafter set forth, without regard to Chapter 51 of title 5, United States Code, may establish non-career executive assignment positions upon a determination that there is a need for filling such positions for persons who will:

(A) be deeply involved in the advocacy of Commission programs and support of their controversial aspects;

(B) participate significantly in the determination of major Commission policies; or

(C) serve principally as a personal assistant or advisor to the Chairman or other Commissioner.

"(4) Appointments to fill non-career executive assignment positions shall be made by the Chairman, subject to the approval of the Commission, except that selections to positions described in paragraph (3)(C) shall be made by the immediate Commissioner concerned and the appointment to such positions shall not be subject to the approval of the Chairman or the other Commissioners.

"(5) The Chairman, subject to the approval of the Commission, may abolish a non-career executive assignment position upon a determination that there is no longer a need for such a position.

"(6) The Chairman, subject to the approval of the Commission, without regard to Chapter 51 of title 5, United States Code (except section 5114), may place a total of twenty-five positions in GS–16, 17, and 18. Such positions shall be in addition to those authorized by section 5108(a) of title 5, United States Code.

"(7) No officer or agency of the United States, other than the Civil Service Commission for the purpose of evaluating professional qualification, shall have any authority to require the Chairman or the Commission to obtain approval for the appointment, employment, or promotion of any individual by the Commission."

(C) Section 5108(c) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(12) the Chairman of the Consumer Product Safety Commission, subject to the approval of that Commission, may place a total of twenty-five positions in GS–16, 17, and 18, without regard to this chapter (except section 5114)."

INFORMATION DISCLOSURE

SEC. 5. Section 6(b)(2) of the Consumer Products Safety Act (15 U.S.C. 2055(b)(2)) is amended by (1) deleting the word "or" preceding "(B)"; (2) deleting the period at the end of the paragraph and inserting "or," in lieu thereof; and (3) adding at the end thereof the following new subparagraph: "(C) information concerning formal or informal substantial product hazard proceedings under Section 15."

STANDARDS DEVELOPMENT

SEC. 6. (a) The last sentence of section 7(b) of the Consumer Product Safety Act (15 U.S.C. 2056(b)) is amended to read as follows:

"An invitation under paragraph (4)(B) shall specify a period of time, during which the standard is to be developed, which shall be a period ending 150 days after the acceptance of an offer, unless the Commission for good cause finds (and includes such finding in the notice) that a different period is appropriate.

(b) Section 7(e) of such Act (15 U.S.C. 2056(e) is amended by redesignating paragraph "(3)" as "(4)" and adding a new paragraph (3) as follows:

"(3) In any case in which a recommended proposed standard submitted by an offeror is not accepted, in whole or in part, the Commission may develop such standard or contract with third parties for such development."

(c) Section 7(f) of such Act (15 U.S.C. 2056(f)) is amended by changing to read the following:

"Not more than 60 days after receiving the proposed standard from the offeror pursuant to subsection (b) (which time may be extended by the Commission by a notice published in the Federal Register stating good cause therefor), the Commission shall publish in the Federal Register a notice withdrawing such notice of proceeding or publish a proposed rule which either proposes a product safety standard applicable to any consumer product subject to such notice, or proposes to declare any such subject product a banned hazardous consumer product."

PROHIBITED ACTS AND ENFORCEMENT

SEC. 7. (a) Section 19(a) of the Consumer Product Safety Act (15 U.S.C. 2068(a)) is amended as follows:

(1) Paragraphs "(3)", "(4)", "(5)", "(6)" and "(7)" are redesignated "(4)", "(5)", "(6)", "(7)", and "(8)" respectively;

(2) Newly designated paragraph (4) is amended by inserting "or fail to refuse to establish or maintain records," immediately after "copying of records,";

(3) A new paragraph (3) is added to read as follows:

"(3) manufacture for sale, offer for sale, distribute in commerce, or import into the United States any consumer product which has been determined by the Commission to present a substantial product hazard in an order issued pursuant to section 15;";

(4) Newly designated paragraph (7) is amended by deleting "or" at the end thereof;

(5) Newly designated paragraph (8) is amended by deleting the period and inserting a semicolon in lieu thereof; and

(6) The following new paragraphs are added after newly designated paragraph (8):

"(9) fail to comply with any rule under section 13 (relating to prior notice and description of new consumer products); or

"(10) fail to comply with any rule under section 27(e) (relating to provision of performance and technical data).".

(b) Section 20 of such Act (15 U.S.C. 2069) is amended by (1) deleting "section 19(a)(1), (2), (4), (5), (6), or (7)" in the second sentence of section 20(a)(1) and inserting in lieu thereof "section 19(a)(1), (2), (3), (5), (6), (7), (8), (9), or (10)"; and (2) deleting "or (2)" and inserting in lieu thereof", (2), or (3)" in section 20(a)(2).

(c) Section 22 of such Act (15 U.S.C. 2071) is amended by (1) deleting the first sentence of subsection (a) and inserting in lieu thereof the following:

"The United States district courts shall have the jurisdiction to restrain any violation or potential violation of section 19 or a rule or regulation issued under this Act, or both."; (2) deleting "(with the concurrence of the Attorney General)" and inserting "or potential violation" immediately after "violation" in the second sentence of subsection (a); and (3) inserting immediately after "consumer product safety rule" in the first sentence of subsection (b) the following:

"or which has been determined by the Commission to present a substantial product hazard in an order issued pursuant to section 15 of the Act, or which violates any rule or regulation issued under the Act,".

LITIGATION

SEC. 8. (a) Section 11(a) of the Consumer Product Safety Act (15 U.S.C. 2060(a)) is amended by (1) deleting "and to the Attorney General" in the second sentence thereof; and (2) deleting "transmit to the Attorney General, who shall file in the court," in the third sentence thereof and inserting in lieu thereof "file in the court".

(b) Section 24 of such Act (15 U.S.C. 2073) is amended by deleting ", to the Attorney General," in the second sentence thereof.

(c) Section 27(b)(7) of such Act (15 U.S.C. 2076(b)(7)) is amended by inserting "civil or criminal" between "enforcing the" and "laws" and by deleting "with the concurrence of the Attorney General."

(d) Section 27(c) of such Act (15 U.S.C. 2076(c)) is amended by deleting "with the concurrence of the Attorney General".

(e) Section 27 of such Act (15 U.S.C. 2076) is amended by adding at the end thereof the following new subsection:

"(l) The Commission may be represented by the Solicitor General in any proceeding before the Supreme Court of the United States, if the Commission so requests and if the Solicitor General consents."

GENERAL RULEMAKING AUTHORITY

SEC. 9. Section 27(b) of the Consumer Product Safety Act (15 U.S.C. 2076(b)) is amended by adding at the end thereof the following new paragraph: "(9) to promulgate such rules or regulations as may be appropriate for the effective administration and enforcement of this Act."

INFORMATION DISCLOSURE TO OTHER GOVERNMENTAL BODIES

SEC. 10. Section 29 of the Consumer Product Safety Act (15 U.S.C. 2078) is amended by adding at the end thereof the following new subsection:

"(e) The Commission may provide to another Federal agency or a State or local authority engaged in activities relating to health, safety, or consumer protection, copies of any accident or investigation report made under this Act by an officer, employee, or agent of the Commission, provided that the identity of any injured person or any person treating him shall not be made available to any member of the public without the consent of the person so identified, as prescribed by Section 25(c)."

JURISDICTION UNDER CONSUMER PRODUCT SAFETY ACT

SEC. 11. Section 30(d) of the Consumer Product Safety Act (15 U.S.C. 2079(d)) is amended to read as follows:

"(d) A risk of injury which is associated with consumer products and which may be regulated by the Commission under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act, or the Flammable Fabrics Act may instead be regulated under the provisions of this act upon a determination by the Commission that such action is in the public interest."

TITLE 18 PROTECTION

SEC. 12. Section 1114 of Title 18, United States Code, is amended by inserting ", the Consumer Product Safety Commission" immediately after "Department of Health, Education, and Welfare".

SECTION-BY-SECTION ANALYSIS OF PROPOSED AMENDMENTS OF THE CONSUMER PRODUCT SAFETY COMMISSION—CONSUMER PRODUCT SAFETY COMMISSION IMPROVEMENTS ACT OF 1975

Section 1 provides that the Act may be cited as the "Consumer Product Safety Commission Improvements Act of 1975."

AUTHORIZATION OF APPROPRIATIONS

Section 2 amends Section 32(a) of the Consumer Product Safety Act (CPSA) to authorize appropriations for fiscal years 1976, 1977, 1978 and the interim period between fiscal years 1976 and 1977. The section also includes specific language authorizing the expenditure of monies for various purposes consistent with the Commission's activities in carrying out its mandate. These include the authority to lease automobiles, to obtain expert and consultant services, to rent space in the District of Columbia and elsewhere, to make advance payments to offerors developing consumer safety standards, to incur official reception and representation expenses, to obtain the services of expert witnesses, to incure expenses for conducting safety education seminars, and to incur expenses for enforcement purposes. The section also provides for the authorization of such additional or supplemental amounts as may be necessary to meet increased salary, pay, retirement, or other employee benefits as may be authorized by law, to meet other nondiscretionary cost increases, and to provide for the funding of programs or activities which are imposed on the Commission subsequent to the date of the Act.

LIMITATIONS ON JURISDICTION

Section 3 would resolve certain jurisdictional questions. Subsections (a) and (d) would specifically eliminate pesticides from the Commission's jurisdiction under the Poison Prevention Packaging Act of 1970 (PPPA). Enactment of the Federal Environmental Pesticide Control Act of 1972 (P.L. 92–516), in effect, obstructs subsequently enacted Commission authority to enforce any special packaging standards for pesticides under the Poison Prevention Packaging Act, but does not affect the Commission's authority to promulgate such standards. The Environmental Protection Agency's authority under P.L. 92–516 enables that agency to adequately promulgate and enforce pesticide-related packaging standards for the purpose of child protection. Subsection (b) contains a technical amendment reflecting provisions of P.L. 93–516.

Section 3(c) would resolve the existing controversy over jurisdictional questions involving firearms, ammunition, and cigarettes. Specific exclusion of those products from the Commission's jurisdiction under the Federal Hazardous Substances Act (FHSA) would be consistent with their exclusion from authority under the CPSA. Provision is made, however, for retaining jurisdiction over fireworks devices under the FHSA.

BUDGET AND EMPLOYEE PROVISIONS

Section 4(a) amends section 4(f) of the CPSA to add a provision to require the Commission, in lieu of the Chairman exclusively, approval of budget requests or estimates submitted to OMB and the Congress.

Section 4(b)(1) amends section 4(g) of the CPSA to substitute the term "regular" for the term "full-time" to conform the term to the language of other conflict of interest statutes that distinguish regular employees from "special Government employees" (as defined in 18 U.S.C. 202.)

Section 4(b)(2) amends section 4(g) of the CPSA to add several paragraphs. Proposed 4(g)(3) enables the Chairman, subject to the approval of the Commission, to establish non-career executive assignment positions pursuant to criteria which is consistent with the role of an independent regulatory commission.

Proposed 4(g)(4) grants to the Chairman, with the approval of the Commission, the authority to fill non-career executive assignment positions. The provision provides that Commission personal assistant positions designated as non-career executive assignment positions may be filled by the individual Commissioner concerned without the approval of the other Commissioners.

Proposed 4(g)(5) provides that the abolition of an established non-career executive assignment position may be made by the Chairman with the approval of the Commission.

Proposed 4(g)(6) gives the Chairman, subject to the approval of the Commission, the authority to establish and fill twenty-five positions in GS–16, 17, and 18. These positions would be in addition to those authorized in 5 U.S.C. 5108(a).

Proposed 4(g)(7) provides that the appointment, employment, or promotion of any individual by the Commission shall not, except for the purpose of evaluating professional qualifications by the Civil Service Commission, be subject to the review of any other officer or agency of the Government.

Proposed 4(c) amends 5 U.S.C. 5108(c) to correspond with proposed 4(g)(6).

INFORMATION DISCLOSURE

Section 5 would specifically authorize the Commission to disclose information concerning substantial product hazard proceedings under section 15 of the CPSA, without regard to certain restrictions contained in section 6 (b)(1) of the CPSA. That section requires that prior to public disclosure of product-related information obtained under the CPSA, the Commission must allow any directly affected manufacturer or private labeler to submit comments with regard to such information. Disclosure of information relating to a suspected or verified substantial product hazard is considered to be in the public interest and timely accessibility to such information should not be impeded by the restrictions contained in section 6 (b)(1) of the CPSA.

STANDARDS DEVELOPMENT

Section 6 would provide the Commission more flexibility in the standards development process. Subsection (a) would allow the development period for a consumer product safety standard to end 150 days after the date of acceptance of an offer to develop such standard. At present, the 150-day period begins with the publication in the Federal Register of an invitation for offerors to develop a standard. The notice and selection process can consume a considerable portion of the 150 days, taking valuable time away from that actually allocated to development of a standard.

Subsection (b)(1) would specifically authorize the Commission to develop or contract for the development of a standard in cases where a proposed standard submitted by an offeror is, in whole or in part, unacceptable. This amendment is of a clarifying nature.

Subsection (c) contains amendments that are consistent with those contained in subsection (a).

PROHIBITED ACTS AND ENFORCEMENT

Section 7 would amend the CPSA to expand the Commission's enforcement authority.

Subsection (a) would amend the "Prohibited Acts" section of the CPSA to include: violation of Commission recordkeeping regulations (section 16(b)); manufacture or marketing of products which have been determined to present substantial product hazards under section 15; violation of any Commission rules under section 13 (relating to prior notice and description of new consumer products); and, failure to comply with any Commission rule under section 27(e) (relating to provision of performance and technical data).

Subsection (b) would provide civil penalties for violations of the proposed additions to the "Prohibited Acts" section.

Subsection (c) (1) and (2) would authorize the Commission to seek appropriate injunctive enforcement in cases involving violations or anticipated violations of the amended "Prohibited Acts" section or of any rules or regulations issued under the CPSA.

Subsection (c)(3) would authorize seizure proceedings against products distributed in commerce which have been determined to present a substantial product hazard under section 15 of the CPSA or which violate any rule or regulation issued under the CPSA. (The amendment contained in section 7(c)(2) is further explained in the summary of section 8 (Litigation). The amendments contained in this section are necessary to provide the Commission with a means of ensuring that various provisions of the Act are readily enforceable.

LITIGATION

Section 8 of the proposed bill would amend the CPSA to give the Commission flexibility in its litigation activities. The proposed amendments would not, however, preclude cooperation between the Commission and the Attorney General.

Subsection (a) would provide that copies of petitions for judicial review of consumer product safety rules would not have to be transmitted to the Attorney General and that the Commission, rather than the Attorney General, would be required to file in the court the record of the proceedings on which such rule was based.

Subsection (b) provides that persons seeking enforcement of consumer product safety rules or orders under section 15 of the CPSA would not be required to give notice to the Attorney General.

Subsection (c) would authorize the Commission to proceed, without the concurrence of the Attorney General, in initiating, prosecuting, defending, or appealing any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction.

Subsection (d) would authorize the Commission to bring court actions, without the concurrence of the Attorney General, to restrain violations of the CPSA's "Prohibited Acts" section.

Subsection (e) would allow the Commission to seek representation by the Solicitor General in any proceeding before the Supreme Court.

(The amendment contained in section 7 (c)(2) would authorize the Commission to seek injunctive enforcement without the concurrence of the Attorney General.)

It as become apparent to the Commission that the requirement to work through the Attorney General can be a cumbersome process which, in some situations, hampers the proper enforcement of the laws administered by the Commission. For example, the rapid response required in matters such as temporary restraining orders is severely hampered when a significant amount of time is needed to brief the Assistant U.S. Attorneys who have not been involved with Commission maters previously or, more specifically, with the matter at hand. Further, the Commission believes that it is inconsistent to charge an independent regulatory agency with enforcement of specific laws and then remove the final decision from that agency as to which cases are tried and upon what grounds to base the case strategy. Other agencies, such as the National Labor Relations Board, have functioned efficiently through their own attorneys without adversely affecting overall Federal litigation activities.

GENERAL RULEMAKING AUTHORITY

Section 9 would grant the Commission general rulemaking authority for the effective administration and enforcement of the CPSA. It is desirable to have general rulemaking authority to supplement the express authority contained in the CPSA for issuing rules and regulations (e.g., 13(a), 14(c), 17 (g), 26(c), and 27(e)). General rulemaking authority would give the Commission the flexibility to use its discretion to issue rules it believes are necessary to carry out the purposes of the CPSA in areas where Congress has not expressly provided for rulemaking. Further, the authority would obviate the need to seek individual amendments to the CPSA to authorize particular rulemaking. (Section 7 of these Amendments would provide injunctive authority against violation of such rules and regulations, by amending section 22(a) of the Act.)

It should be noted that other acts administered by the Commission contain general rulemaking authority (e.g., section 5(c) of the Flammable Fabrics Act (FFA) and section 10(a) of the FHSA).

INFORMATION DISCLOSURE TO OTHER GOVERNMENT BODIES

Section 10 would permit the Commission to disclose accident or investigation reports to other federal agencies and state and local bodies engaged in activities relating to health, safety, or consumer protection. Any subsequent disclosure to the public by such agency or body would be conditional on the consent requirements contained in section 25(c) of the CPSA. The Commission views the existing language as an unnecessary hindrance in establishing Federal-State cooperation as mandated by section 29 of the CPSA.

JURISDICTION UNDER CONSUMER PRODUCT SAFETY ACT

Section 11 would authorize the Commission to proceed under the broader and more viable provisions of the CPSA, when necessary and in the public interest, in dealing with product hazards that are or would be subject to regulation under the acts transferred under section 30 of the CPSA. Section 30(d) of the CPSA currently requires that a risk of injury which is associated with a product and which could be eliminated or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act, or the Flammable Fabrics Act may be regulated by the Commission only in accordance with the provisions of those acts.

TITLE 18 PROTECTION

Section 12 would provide penalties for any person who assaults, intimidates, or kills a Commission employee assigned to perform investigtiave, inspection, or law enforcement functions while engaged in the performance of his official duties.

By Mr. MOSS:

S. 1001. A bill to authorize Federal agencies administering lands and waters for recreational and other public purposes to acquire rights-of-ways essential to the enjoyment and utilization of such lands and waters. Referred to the Committee on Interior and Insular Affairs.

ACCESS TO PUBLIC LANDS

Mr. MOSS. Mr. President, I am introducing, for appropriate reference, a bill to authorize Federal agencies administering public lands to acquire rights-of-way to public lands access to which has been blocked by private landowners.

There is a recurring problem in the Western public lands States of hikers, picnickers, hunters, fisherman, and other folks being unable to enjoy certain tracts of public land which are surrounded by private landholdings across which there is no public access. In some cases such lands have been accessible to the public in the past because a friendly farmer or rancher has allowed the public to use a private road, but the access has been lost with a change of ownership. Such cases engender a lot of hard feelings and ill will and, I might add, a lot of illegal trespass and the danger of someone being shot by an irate landowner.

My bill would avoid these problems by providing a means for acquiring lawful access for the public. I urge my colleagues to favorably consider this bill, for it is clear that without access, the public lands are not public.

By Mr. ABOUREZK:

S. 1002. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

INDIAN TRUST COUNSEL AUTHORITY ACT

Mr. ABOUREZK. Mr. President, I am introducing for appropriate reference, legislation which addresses the critical need for improved governmental protection and preservation of the land and related natural resources of Indians and Indian tribes. Such protection is central to the unique trust relationship between the United States and Indian people. This unique relationship, unlike that enjoyed by any other group of citizens, is deeply rooted in the Constitution, treaties, statutes, Executive orders, and agreements.

By assuming a special responsibility in behalf of Indians and Indian tribes, the Federal Government serves as a fiduciary with respect to their land and natural resources. For example, reservation land is owned in fee simple by the United States in trust for the tribe or individual Indian who is the beneficial owner. And in exercising its role as trustee for Indian property, the United States is bound by duties analogous to that of a private fiduciary. Fundamental to these duties is a responsibility borne by the trustee for insuring that the assets are not irresponsibly alienated or compromised in favor of other interests. But placed in a context where the Federal Government is trustee for Indian property rights, this responsibility against alienation and compromise creates inevitable strains. Federal agencies, in the implementation of their public charges and policy, often formulate proposals which come into conflict with Indian claims to property. When such proposals are made, if Government is conceived to be a trustee for Indian property, a conflict of interest arises.

Nowhere is such conflict more acute than in the Department of the Interior, which has administrative responsibility for carrying out trust responsibilities to the Indians and for promoting the development of the Nation's public lands and natural resources. An Interior project, such as a new reclamation project, may affect the water, fishing or other rights of Indians. The Department must decide whether a project that it is sponsoring interferes with Indian interests. The dispute may be mediated by the Solicitor's office, which also functions as an attorney, both for Indian interests and for the Bureau which wants to build the project. If the departmental decision is adverse to the Indians, the Government is unlikely to seek judicial review on behalf of the Indians, though an independent advocate might well do so, since the legal questions are often far from clear in these cases. Furthermore, an independent advocate would have the leverage in agency negotiations that comes from ability ultimately to seek court relief.

There are difficulties, as well, in insuring adequate Goverment representation of Indian claims in disputes with State or private interests. The dispute may involve rights in water or other resources which will be affected by a planned Federal project. The Government may be interested in seeing these disputes settled quickly in order to speed development of the project, but this may conflict with the Indian interest in pursuing its claim.

In practice, conflicts between Indian interests and other Federal policies have not always been resolved against the Indians. Agency officials have tried to be conscientious, but they are being asked to carry out an awkward and inconsistent role. If nothing else, the situation creates an appearance of conflict that weakens the confidence of the Indian beneficiaries in the fairness of the system.

A basic responsibility of any trustee is to be loyal to his trust, to conserve trust property and to avoid self-dealing with trust assets. He must not appropriate trust property, nor manage it for his own benefit. The dual responsibility of Federal agencies to protect Indian interests and promote conflicting Government policies places stress upon these ordinary fiduciary obligations.

Similarly, under principles of good administrative procedure, an agency should not have an institutional responsibility for representing both sides in a dispute, particularly when it is also the decisionmaker. Nor should an advocate for a particular interest be expected to weigh competing interests in deciding whether to pursue its client's interests. The present arrangement is undesirable both in terms of concepts of administrative procedure and fiduciary responsibilities, and as a matter of fairness to the agency officials assigned inconsistent roles.

Mr. President, one of the most scholarly and concise papers ever written on this governmental anomaly was prepared several years ago by Reid P. Chambers, Esq., while serving as acting professor of law, University of California at Los Angeles. Mr. Chambers is currently the Associate Solicitor of Indian Affairs, Department of the Interior. Because of the informative nature of Mr. Chambers' paper—"Discharge of the Federal Trust Responsibility to Enforce Claims of Indian Tribes: Case Study of Bureaucratic Conflict of Interest"—I will ask that it be included in the RECORD at the conclusion of my remarks.

A serious conflict of interest clearly exists within the governmental institutions charged with the responsibility of exercising the trustee's role in behalf of Indians and Indian tribes. What is needed is an institutional rearrangement within the Federal structure to provide Indians with an independent effective voice to speak for their land and resource claims. This will insure a full presentation of Indian interests in agency and court proceedings and enable the agency to concentrate on the proper resolution of the dispute. The Indian Trust Counsel Authority legislation which I introduce today will serve as such a spokesman. But before commenting upon the general provisions of the proposed measure I want to briefly outline the legislative history of the trust counsel concept.

The inspiration for such legislation was embraced in the administration's message to Congress July 8, 1970, in which the President noted the inherent conflicts of interest on the part of the Federal Government present in legal confrontations concerning the natural resource rights of Indians. The Secretary of the Interior and the Attorney General must at the same time advance both the national interest in the use of land and water rights and the private interests of Indians in land which the Government holds as trustee. Bills to establish a mechanism to alleviate such conflicts in the legal representation of Indians were introduced in the 91st, 92d and 93d Congresses and extensive hearings were conducted. However, no further action was taken with respect to these measures and they died at the end of each of those Congresses.

My proposed measure builds on these previous proposals, and incorporates substantive revisions recommended by Indians and legal scholars over the past several years. Through such revisions, the Indian Trust Counsel Authority will be better prepared to assume a more forceful and effective legal advocate's role in behalf of the Indians' claim to land and related natural resource rights.

The Indian Trust Counsel Authority Act reaffirms the Federal commitment to fulfill the responsibilities and obligations of the United States to the American Indian people. The legislation recognizes that the safeguarding of the natural resource interests of Indians is a constitutionally derived element of the overall national interest in natural resource protection and development but that, institutionally, that element has not had a full and effective voice in the process of determining the national interest in particular instances when it comes into conflict with other constitutionally derived elements.

The legislation seeks to improve the decisionmaking process for determining the national interest while fulfilling the U.S. trustee responsibilities by creating an Indian Trust Counsel Authority as an independent agency capable of advocating and defending the trustee's obligations and the Indian interests whenever they come in conflict with other agencies pursuing their line missions.

The Authority, it must be emphasized, is to be the effective voice of the United States as trustee. The Authority therefore has full authority to investigate and prosecute any claim when it feels that the United States has not properly fulfilled its obligations as trustee. The authority may intervene as a matter of right in any action, and must be notified by any agency making any determination which may affect or impair the right or interest of the Indian people. The Authority is a part of the Federal Government and no other Federal agency is relieved of any of their responsibilities to the Indians.

Mr. President, the history of our Nation's relations with the Indian people is replete with sordid dealings which have had the effect of relieving the Indians of a substantial portion of their original natural resource base. A major share of our economy is derived from these former Indian lands and other natural resources. Unfortunately, through more subtle means employed today by the very Federal officials charged with the responsibility for protecting Indian rights, the remaining Indian natural resources are being eroded or compromised in favor of non-Indian interests. This situation can no longer be tolerated. It districts the Indian leadership from working on constructive social and economic development plans to make their reservations and communities better places to live. My proposed bill to authorize the establishment of an Indian Trust Counsel Authority will help to correct the major institutional shortcomings that I have identified in my statement. I urge this body's support for the proposed measure and welcome cosponsors from both sides of the aisle.

Mr. President, this concludes my formal remarks. I ask unanimous consent that the previous document referred to and the bill in its entirety be printed in the Record at this point.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Trust Counsel Authority Act".

Sec. 2. Article I, section 8, clause 3 and article II, clause 2 of the Constitution of the United States confer on Congress the powers of ratifying treaties and regulating commerce with the Indian tribes. These provisions have been consistently construed to give the Congress special authority to deal with Indians and Indian tribes. In recognition of this authority and the obligation it entails, the Congress finds and declares that—

(1) a unique relationship exists between the United States and the American Indian people which arises under the Constitution, treaties, statutes, and executive orders and agreements, and which creates a fiduciary responsibility on the part of the United States to act as trustee for the territorial integrity, the natural resources, and the right to self-government of the Indians;

(2) the United States has charged itself with the highest degree of loyalty, care, skill, and diligence in the exercise of this trust responsibility:

(3) the United States is likewise obliged to protect and advance the national interest in and to the use of land and water and other natural resources;

(4) to the extent that it must simultaneously advance the national interest in natural resources and fulfill its trust responsibility to protect the natural resource interests of Indians, the United States has often found itself in inherent conflicts of interest, frequently resulting in a failure to meet the trustee obligations; and

(5) there is a need to provide independent, high quality legal assistance to Indians unimpaired by conflicts, insulated from political pressure, and dedicated solely to the fulfillment of the trust responsibility of the United States to American Indian people.

Sec. 3. (a) In reaffirming the trust and treaty relationships between the United States of America and the American Indians, and between the United States and the Alaska Natives, which Indians and Natives are hereinafter referred to as "Indians", the purpose of this Act is to establish an Indian Trust Counsel Authority to provide independent legal counsel and representation for the preservation and protection of the natural resource rights of the Indians.

(b) For the purpose of this Act, "natural resource" shall mean lands or interests in lands, including, but not limited to, water rights, timber, minerals, and the right to hunt and fish or any right or interest, including intangible rights, attaching to or derived from such resources.

Sec. 4. The Indian Trust Counsel Authority (hereinafter referred to as the "Authority") is established as an independent agency in the executive branch and shall be free from control by any department, agency, or independent instrumentality of the executive branch of the United States.

Sec. 5. The Authority, upon the request of an aggrieved Indian, Indian tribe, band, or other identifiable group of Indians, acting either in the name of the United States, in the name of the Indian, tribe, band, or group, or in its own name, is authorized to render legal services necessary to preserve, protect, adjudicate, or administer rights or interests of the Indians to or in natural resources within the United States trust responsibility owing to the Indians. The legal services authorized to be performed pursuant to this section include, but shall not be limited to, all the following actions necessary for the protection, preservation, adjudication, or administration of the natural resources or interests therein held or claimed by the Indians within the United States trust responsibility owing to Indians; the investigation and inventorying of Indian land and water rights; the preparation, initiation, and prosecution or defense to final adjudication, including appeals, in all courts of the United States suits by or against the United States or its officers and employees, and, in all courts of the United States and of the States, suits against any of the States, their subdivisions, departments, or agencies, or against persons and corporations, public or private, except Indian tribes, all actions in law and equity; and the institution of and participation or intervention in actions in any Federal, State, or local administrative proceedings. The United States waives its sovereign immunity from suit in connection with litigation initiated by the Authority under this section. Any such suit against the United States, its officers and employees shall be tried to the court without a jury.

Sec. 6. (a) Except as hereinafter provided in this section, nothing in this Act shall be construed to relieve the Department of Justice and the Department of the Interior of any of their responsibilities to the Indians, including, but not limited to, those which derive from the trust relationship and any treaties between the United States and the Indians.

(b) Prior to the initiation of, intervention in, or entering of a defense in any case, except a case where the Authority is authorized to file suit against the United States or its officers and employees pursuant to section 5 of this Act, in which is involved the right or interest of Indians to or in natural resources, the Attorney General, or other officer of the Department of Justice charged with such responsibility, shall provide the Authority with timely notice thereof. The Authority shall, under rules and regulations that it shall promulgate, determine if such case involves a conflict of interest on the part of the United States. Upon the making of such affirmative determination, the Authority shall thereafter have sole authority to represent the United States as trustee for any such Indian right or interest.

(c) In any case where the Attorney General or other appropriate officer of the Department of Justice is representing the United States as trustee for any Indian right or interest to or in natural resources, the Authority may intervene, as a matter of right and acting in the name of the Indian, Indian tribe, band, or other identifiable group of Indians, under authority of section 5 of this Act. In the event of such intervention, the Authority thereafter shall exclusively represent the United States as the trustee in the litigation.

SEC. 7. (a) Any department, agency, or independent instrumentality of the executive branch of the United States, shall, with respect to any proposed action which may affect or impair the rights or interests of any Indian, Indian tribe, band, or other identifiable group of Indians, to or in natural resources within the United States responsibility owing to the Indians—

(1) give notice to the Authority and to any and all affected Indians, Indian tribes, bands, or other identifiable groups of Indians; and

(2) afford the Authority and all affected Indians, Indian tribes, bands, or other identifiable groups of Indians, a reasonable opportunity to submit comments on the proposed action and, where an oral hearing is required by law or where the department, agency, or independent instrumentality deems it appropriate to hold a hearing, an opportunity to participate therein.

(b) Upon taking final action with respect to such proposed action, the department, agency, or independent instrumentality of the United States involved shall give notice to the Authority and all affected Indians, Indian tribes, bands, or other identifiable groups of Indians, of the final action taken. The Authority, acting under the authority conferred in section 5 of this Act and pursuant to the jurisdiction otherwise granted by law to an adversely affected party, may appeal such final action to the United States District Court for the District of Columbia.

SEC. 8. (a) The powers of the Authority granted by this Act shall extend to sections 1346(a)(2), 1362, 1491, and 1505 of title 28, United States Code: *Provided,* That such powers shall not extend to the filing or prosecution of, or intervention in, any action, claim, or other proceeding against the United States relating to any matter as to which a claim has been filed or could have been filed under the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1049), as amended, or any other special statute authorizing a claims suit to be brought by Indians against the United States: *Provided, however,* That the Authority may assist any Indian tribe requesting such assistance in its claim pending before the Indian Claims Commission or successor forum.

(b) The Authority may not, under authority of section 5 of this Act, represent any Indian, Indian tribe, band, or other identifiable group of Indians in any action which would or could generate its own fee, unless such Indian, tribe, band, or group can prove to the satisfaction of the Authority that good faith efforts to obtain representation in such action by two or more private attorneys or firms had met with failure.

SEC. 9. The Authority is authorized to—

(1) make such rules and regulations as it deems necessary to carry out its functions;

(2) receive and use funds or services donated by any person, organization, or corporation, public or private, and such donation shall be deemed to be a charitable contribution within the terms of section 170(c)(1) of title 26, United States Code;

(3) make such expenditures or grants, either directly or by contract, as may be necessary to carry out its responsibilities under this Act; and

(4) request from any department, agency, or independent instrumentality of the United States any information, personnel, services, or materials it deems necessary to carry out its functions under this Act, and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Authority and to comply with any such requests to the extent permitted by law, on a reimbursable or nonreimbursable basis.

SEC. 10. (a) The Authority shall be governed by a Board of Directors (hereinafter referred to as the "Board") composed of seven Directors who shall be Indians, appointed by the President, with the advice and consent of the Senate.

(b) The term of Office of the Directors shall be four years, except that, of the first seven Directors appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term, two shall be appointed for a three-year term, and two shall be appointed for a four-year term. A Director appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed, pursuant to subsection (a) of this section, for the remainder of such term. Upon the expiration of his or her term of office, a Director shall serve until his or her successor has been appointed and qualified. A Director may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(c) The President shall designate one of the Directors to serve as Chairman at his pleasure.

(d) The Directors shall receive pay at the daily equivalent of the rate provided for grade GS–18 in section 5332 of title 5, United States Code, for each day they are engaged in the business of the Authority, and shall be allowed travel expenses, including a per diem allowance, as authorized by section 5703 of title 5, United States Code, in connection with their services for the Authority.

SEC. 11. The Board shall convene at the call of the Chairman, but must convene at least once each quarter, to set policy for the Authority and review its activities. The Board shall report to the President and the Congress annually on the activities of the Authority.

SEC. 12. (a) Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, the Board shall appoint and prescribe the duties of a chief legal officer for the Authority, who shall have the title of Indian Trust Counsel, and who shall be paid at a rate equal to that provided for in level IV of the Executive Schedule (5 U.S.C. 5315), and a Deputy Indian Trust Counsel, who shall be paid at a rate not in excess of that provided for grade GS–18 in section 5332 of title 5, United States Code.

(b) Section 5312 of title 5, United States Code, is amended by adding a new paragraph (98), as follows:

"(98) Indian Trust Counsel.".

(c) Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, the Board, after consultation with the Indian Trust Counsel, shall appoint, fix the pay of, and prescribe the duties of such other attorneys as it deems necessary.

(d) Subject to the provisions of title 5, United States Code, the Board shall provide for the employment of such other Authority staff as it deems necessary in exercising its power and duties.

(e) To carry out any of its functions or responsibilities under this Act, the Board is also authorized to employ or procure, through contract or otherwise, the temporary or intermittent services of special counsel, experts, consultants, or organizations and to fix the compensation for and prescribe the duties of such services.

SEC. 13. Attorneys and special counsel appointed under section 12 of this Act may, at the direction of the Authority, appear for or represent the Authority in any case in any court, before any commission, or in any administrative proceeding.

SEC. 14. There are authorized to be appropriated to the Authority such sums as are necessary to carry out the provisions of this Act.

DISCHARGE OF THE FEDERAL TRUST RESPONSIBILITY TO ENFORCE CLAIMS OF INDIAN TRIBES: CASE STUDIES OF BUREAUCRATIC CONFLICT OF INTEREST

(By Reid Peyton Chambers*)

No servant can serve two masters; for either he will hate the one and love the other; or else he will hold to the one, and despise the other.—Luke 16:13

The United States stands in a fiduciary relationship to Indians and Indian tribes. It has been held by the Supreme Court that "Indian tribes are the wards of the nation."[1] The duty is a "self-imposed' one which arises out of the Indian tribes' status as "dependent domestic nations" within the territory of the United States. The classic discussion of the Government's fiduciary duty to Indian tribes is found in Chief Justice Marshall's landmark decision of *Cherokee Nation* v. *Georgia,* 30 U.S. (5 Pet.) 1, 17 (1831). In holding that Indian tribes are not "foreign states" entitled to invoke the original jurisdiction of the Supreme Court, the Chief Justice stated that "the condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence."

Later Supreme Court decisions have reaffirmed the special guardianship of the Federal Government for Indians. In *United States* v. *Kagama,* 118 U.S. 375 (1836), the Court analyzed the fiduciary duty as growing out of an "exclusive sovereignty * * * which must exist in the National Government" and the fact that Indian tribes are "communities *dependent* on the United States." (Emphasis in original.) Accord: *United States* v. *Sandoval,* 231 U.S. 28, 45–46 (1913). Most recently, in *Seminole* v. *United States,* 316 U.S. 286, 296–97 (1942), the Supreme Court held that the United States "has charged itself with moral obligations of the highest responsibility and trust." This guardianship was referred to as in part "a humane and self-imposed policy."

The existence of this trust relationship was recently reaffirmed by President Nixon. In a message to Congress on July 8, 1970, he emphasized that:

"The United States Government acts as a legal trustee for the land and water rights of American Indians. These rights are often of critical economic importance to the Indian people; frequently they are also the subject of extensive legal dispute."

The President noted that many legal disputes concerning the extent of the Indians' land and water rights are between them and agencies of the federal government, their trustee. Such instances involve conflicts of interest, as it is impossible for the government vigorously to provide legal representation to the Indians and, at the same time, effectively pursue its own designs and policies with respect to land and water also claimed by the Indians.

In order to remove the conflict of interest, the President proposed creation of a new entity, independent of the executive branch, to provide legal representation to Indians. Legislation to establish this entity—the Indian Trust Counsel Authority—was sent to Congress on July 31, 1970. As proposed, the Trust Counsel Authority would be controlled by a three member Board of Directors, appointed by the President with the advice and consent of the Senate. The Board of Directors, in turn, would appoint the Indian Trust Counsel as the chief legal officer.

The purpose of this paper is to examine several situations where a conflict has arisen

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between Indian trust rights and conflicting federal claims. The situations described herein have all arisen within the past three years, although in some cases the conflict of interest has deeper historical antecedents. Since the trust responsibility to the Indians is primarily reposed in the Department of the Interior, the conflict of interest is most direct when the agency with an interest adverse to the Indians is a bureau located within the Interior Department. Therefore, conflicts between either the Bureau of Land Management or Bureau of Reclamation—both Interior agencies—and Indian rights have been selected for most of the cases analyzed.

In analyzing the conflict of interest between government agencies and the Indians, it is imperative to perceive that the federal government as trustee is charged with the protection of what are essentially *private property rights*. As trustee for private rights, the government does not act in its usual political capacity, but is charged with the same general obligations as are imposed on private trustees.[2]

Indeed, the Court of Claims recently held that the United States should be held to "the most exacting fiduciary standards" with respect to Indians, whatever its other goals and preferences.[3] The same principle was announced by the Supreme Court in *Seminole Nation* v. *United States*, 316 U.S. 286, 297 (1942). Just as a private trustee, the United States has a duty of undivided loyalty, which has been called the "most fundamental" duty owed to the beneficiary by his trustee or a ward by his guardian.[4] Another important duty is the obligation to preserve and protect the trust property, which includes taking all reasonable steps to enforce the beneficiary's legal claims relating to the property.[5] And just as a conflict between the private trustee's fiduciary duty of loyalty and his own personal interests would be intolerable if it interfered with performance of his trust responsibility, a conflict between the rights of Indian beneficiaries and the public purposes embodied in federal programs with adverse interests must not impede the effective discharge of the United States' fiduciary obligation to protect private Indian property rights.

This "conflict" then, is not only which properly can be resolved through the process of balancing conflicting interests. Such a balancing procedure within the executive department is desirable where competing *public* policies are being balanced; this, of course, is the method by which public policy is formulated. But private rights, which the United States is obligated as a fiduciary to defend, cannot be so balanced against conflicting public purposes. The government's relationship to the Indians is, in this respect, unique in character.

On the one extreme, the prohibition against the United States, as trustee, having an interest adverse to his beneficiary could conceivably be resolved by holding that wherever a public purpose conflicts with Indian trust rights, the latter shall always prevail. Such an absolute frustration of competing public policies would clearly be intolerable for several reasons. Most importantly, the formulation of public policy must retain more flexibility then would be permitted by such an iron-clad rule. As will be seen, Indian property rights are sometimes difficult to define and raise complex legal and factual questions. Moreover, a private trustee faced with a conflict between a fiduciary duty and a critical personal interest could resign, whereas the federal trust obligations cannot be ended without an Act of Congress. What can be demanded at a minimum is that Indians' claims be asserted by an advocate with undivided loyalty.

The opposite extreme would be a rule requiring the Indian interest to yield to conflicting public purposes. In the past this extreme—while by no means a fast rule of administrative practice—aptly describes the result of most, although not all,[6] cases where a conflict of interest has arisen in the discharge of the federal trust responsibility. In part, this consequence may derive from entrusting primary responsibility for administering the trust obligations to Indians to the Secretary of the Interior and, within the Interior Department, to the Bureau of Indian Affairs.[7] The Department of the Interior's major responsibility is the management and conservation of *public* property and resources; [8] its bias, therefore, would be against conflicting private property rights.

The Indian Trust Counsel proposal now pending before Congress represents a departure from either of these extremes. Without pledging that private Indian interests should prevail whenever they conflict with public purposes, the proposal represents an institutional rearrangement in which private rights can be advanced with undivided loyalty. Since the proposed bill waives the sovereign immunity of the United States in connection with actions commenced by the Trust Counsel, it favors resolution of conflict situations by the judicial branch rather than by executive fiat. As stated, this is the very least to which the Government's Indian wards are entitled—to have their cases advocated and adjudicated by officials and tribunals free of divided loyalties.

The Nature of Legal Conflicts of Interest

In legal representation, there are three basic conflict-of-interest situations. The first is where the attorney himself has a personal interest in property claimed by his client. It is obvious that an attorney will not zealously advocate his client's interests if he must sue himself, a corporation in which he has a substantial financial stake, or his employer. Such representation has repeatedly been declared to be unethical.[9]

Similarly, an attorney cannot effectively represent a client whose claimed rights conflict with those of another client.[10] An attorney "should resolve all doubts against the propriety of" representing multiple clients.[11] The multiple client problem, where a federal agency has a claim to property adverse to Indian claimants, is the most common conflict in federal representation of Indians.[12]

A third conflict of interest is that political influence may intercede between the lawyer and his clients. A conflict may thereby be created between the attorney's duty to his client and his dependence on third persons—here, chiefly higher officials in the Departments of Justice and Interior and members of Congress. Canon 35 of the American Bar Association, *Canons of Professional Ethics*, would seem to be violated by the present structure by which federal legal representation is provided to the Indians. It reads (in part):

> "The professional services of a lawyer should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and lawyer. A lawyer's responsibilities and qualifications are individual . . . . A lawyer's relation to his client should be personal, and the responsibility should be direct to the client."

The American Bar Association *Code of Professional Responsibility* similarly bars political influence exerted upon an attorney-client relationship.[13] Ethical Consideration 5-23 declares that:

> "Since a lawyer must always be free to exercise his professional judgment without regard to the interests or motives of a third person, the lawyer who is employed by one to represent another must constantly guard against erosion of his professional freedom."

While political influence may properly focus upon government attorneys who are charged with implementing public policies, it cannot be justified in the case of attorneys employed in the discharge of a federal trust responsibility to protect private rights.

The case studies which follow demonstrate that all of the three types of prohibited conflicts of interest exist in the federal representation of the Indians. Additionally, they indicate that—where a conflict of interest of the "multiple client" type exists, and a federal agency is claiming trust property in which the Indians claim an interest—no government attorney is at present charged with single-mindedly advancing the Indians' claim. The Solicitor's office, in evident violation of professional ethical standards, generally "represents" *both* the Indians and the agency involved. Moreover, the controversy is usually *resolved* in that office itself: the Solicitor issues an "opinion" which, far from resembling an opinion letter from a private attorney to his client, constitutes an adjudication of the dispute for all practical purposes. No government attorney will "appeal" the opinion to a court or higher administrative authority; it is accepted as a statement of the law.[14]

CASE STUDIES OF CONFLICTS OF INTEREST

A. The "multiple client" problem

1. Lease of Colorado Riverfront Property, Claimed by Quechan Tribe, by the Bureau of Land Management

The Bureau of Land Management (BLM) administers the public lands of the United States. Not infrequently the BLM sells or leases lands claimed by the Indians or Indian tribes.

The Colorado River serves as a boundary for a number of Indian reservations along its banks. Riverfront property in many areas is especially valuable for recreational purposes. In April 1967, Interior's Program Support Staff recommended that Secretary Udall approve a lease of lands to Yuma County for an airport and park facilities.[15] These lands, which border the Colorado River, were claimed by the Quechan Tribe to be part of their Fort Yuma Reservation.

The conflicting claims of the tribe and the BLM were presented to the Department of Interior's Solicitor for his "opinion." The Solicitor reasoned that the Quechans possess a beneficial interest only in the irrigable lands within the reservation, but that Indian title to nonirrigable reservation lands had been ceded by an agreement of December 3, 1893, ratified by an act of Congress in 1894.[16] The Solicitor then determined that the proposed lease was legally unobjectionable so long as one irrigable parcel of land was excluded from it.[17]

In rendering this "opinion," the Solicitor was in reality arbitrating a dispute among various of his "clients." The Indian tribe and the BIA, on the one hand, resisted the lease; other Bureaus within the Department supported it. Clearly, the Solicitor could not provide complete legal representation to the competing interests. Rather than acting as an advocate, he functioned as an umpire and fashioned a "compromise" solution. Moreover, the critical technical determination as to which lands were irrigable and which were nonirrigable was made by the Bureau of Reclamation, one of the Bureaus which *favored* the lease.[18]

In sustaining the legality of the lease, the Solicitor held the 1893 Agreement, on which the 1894 statute was based, to be valid. This determination rejects certain claims of the Quechan Indians that the Agreement was an utter nullity because it was obtained by fraud, duress, and even forgery—arguments the Indians could expect an uncompromised advocate to advance in a judicial or administrative proceeding.

In 1893 Congress granted a right-of-way to an irrigation company to construct a canal over lands on the Yuma Indian Reservation.[19] Three commissioners were appointed to negotiate with the Indians and obtain their consent to the right-of-way. The

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Footnotes at end of article.

tribal members could not read, write, or understand English, and an Indian interpreter who was not a member of the tribe was engaged by the commissioners. An "agreement" was concluded, by which the Quechans granted not only the canal right-of-way, but also forfeited *all* reservation lands in return for allotments once the canal was constructed. Evidence introduced before the Indian Claims Commission[20] indicates that the interpreter and commissioners forced some Indians to sign document, forged other signatures, and failed to explain that the agreement would have the effect of ceding the entirety of the reservation.[21] Moreover, eight tribal members opposed to the agreement were imprisoned in Los Angeles at the time it was signed; some of these dissidents were whipped and one died in prison.[22]

The agreement was ratified by an Act of Congress in 1894, but significant portions of the act were never carried out. The Act specifically provided that unless the company began construction of the canal "within three years from the date of the passage of this Act, . . . the rights granted by the Act aforesaid shall be forfeited."[23] The canal was not constructed within that time period. Instead, an irrigation project over reservation lands was finally constructed over a decade later pursuant to the Reclamation Act of 1902 then in effect and an appropriation bill enacted in 1904.[24] This legislation was far less advantageous to the Quechans than the 1893 agreement, for the entire cost of the irrigation project was to be borne by them, and the land was to be sold at its value prior to reclamation, rather than by auction at market value as provided in the 1894 act. Allotments were not made until 1912, nearly twenty years after the 1893 agreement.[25]

Clearly, an argument can be made—and would be advanced by an uncompromised advocate of the Quechans—that the 1893 agreement was void ab initio, and that even if the agreement were valid, the cession of Quechan lands contained in it and in the 1894 Act was revoked by the company's failure to commence construction of the canal within three years. The area continued to be administered as an Indian reservation after the 1894 Act,[26] and the 1904 Act recognized that the Indians maintained a beneficial interest in irrigable lands (the only lands the 1904 Act covered) not sold to settlers. If the 1893 Agreement and 1894 Act had really ceded all reservation land, no such beneficial interest could have continued. The issue, of course, is not whether these arguments would ultimately be sustained: the crucial point is that they were never articulated by the Solicitor.

2. The Use of Big Horn River Water by the Bureau of Reclamation

The Bureau of Reclamation is the other agency within the Interior Department which most often has claims which conflict with Indian trust property rights. The federal reclamation program, originally limited to the construction of irrigation works for both public and private users, has expanded over the past seventy years to provide water for power, municipal, commerical, and industrial users.[27] Reclamation projects may store and sell surplus waters, and may advance such objectives as navigation flood control.[28]

Frequently, these projects seek to use water to which Indians and Indian tribes have a claim under the "Winters Doctrine." First set forth in *Winters* v. *United States,* 207 U.S. 564 (1908), this doctrine is that when the Indians ceded lands to the federal government, they impliedly retained rights to sufficient water to serve the present and future needs,[29] of those lands which they retained.[30]

There are a number of unresolved general issues concerning *Winters* doctrine rights. While it seems that the Indians can use their water for any purpose for which their reservation was created,[31] it is not clear how far they may depart from the initial agricultural use served by irrigation.[32] Moreover, the measure of the *Winters* doctrine right may be exceedingly complex, involving a present estimate of future beneficial needs. It seems obvious that the Indians require an advocate who will press those claims to the fullest extent possible. In a number of instances, the Interior and Justice Departments have desisted from doing so, in large measure because of the conflicting policy of the Bureau of Reclamation to appropriate as much water as possible for the reclamation projects. Reclamation projects, in fact, cannot be authorized under present procedures unless found feasible from a financial standpoint. A finding of feasibility requires that the estimated cost of proposed construction which can properly be allocated to irrigation, power, municipal, and miscellaneous purposes be repaid to the United States from the sale of water and power to private users.[33]

Another point of contention between the reclamation projects and Indian *Winters* rights claims is that—while the *Winters* doctrine extends to water needed for present and *future* use, the Bureau of Reclamation seems to plan projects where water sufficient to sustain the project is not *currently* being appropriated, irrespective of whether an Indian claim of future beneficial need might be asserted. (This problem appears in the Rio Grande and Kennewick Dam case studies, *infra.*)

The Bureau of Reclamation constructed Yellowtail Dam on the Big Horn River in the late 1950's, on the Crow Indian Reservation in Montana. Lands belonging to the Crow Tribe and the right to use water owned by the tribe for power generation were condemned for this purpose.[34] Without legal opposition from within the government, the Bureau of Reclamation is currently selling waters from the Big Horn River to industrial users. These sales may be in violation of the tribe's *Winters* rights,[35] which have never been inventoried or established.

In November 1967, the Field Solicitor's Office in Billings, Montana, issued a memorandum sustaining the legality of the Reclamation diversions.[36] The Field Solicitor proposed a restrictive interpretation of the *Winters* case, which would limit the rights conferred by the doctrine to uses in agricultural production. Since the Crow Tribe is primarily desirous of developing coal deposits on the reservation—estimated at up to one billion tons—the Field Solicitor's opinion would deny them the right to use Big Horn water in preference to Reclamation for this purpose. The Field Solicitor adopted this position while admitting that "it has not been decided whether the use of Winter's [sic] Decree water may be changed from irrigation to industrial use."[37] Moreover, the Field Solicitor argued that since the Bureau had condemned the power site for Yellowtail Dam, it could urge that it had condemned the entire *Winters* doctrine rights of the tribe to the river, since the value of the power site would be diminished by tribal diversions. No opinion could be more damaging to the interests of the Solicitor's Indian clients. Surely any committed advocate would be expected to urge on their behalf that, since the condemnation case explicitly compensated the tribe for the use of water for power generation, all other water rights remained intact and the power site value was merely paid for the taking of land. In this instance, the Field Solicitor chose solely to serve one of his "clients," to the inevitable detriment of the interests of the Indians.

The problem is a continuing one. In January 1968, the Commissioners of the BIA and Bureau of Reclamation met, and it was agreed that the Crow Tribe would receive 110,000 acre feet annually of Big Horn water. This agreement was based on assurance contained in a study that this was all the water which could be made available to the Indians.[38] A year later, at the 1969 Reclamation Conference, the Commissioner of the Bureau of Reclamation and the Billings Regional Director reportedly indicated that about 750,000 acre feet of water would be available from Yellowtail Reservoir for industrial purposes—two-and-one-half times the amount projected in the study preceding the 1958 agreement. It was stated that much of this water had been contracted for and that the sale of industrial water alone would repay the cost of constructing Yellowtail Reservoir earlier than planned. A persuasive argument can be made that the tribe is entitled to sufficient water to meet all of its beneficial needs, including industrial uses, or that it is entitled to compensation for the loss of water rights not covered by the condemnation of the Yellowtail power site. But since this would obviously involve a payment by the government, this claim has not been pressed by the Indians' trustee.[39]

3. Pyramid Lake

Pyramid Lake has often been cited as the prime example of a long-continuing conflict-of-interest between an Indian tribe and the Bureau of Reclamation.[40] The Pyramid Lake Paiute reservation was established in 1859; it essentially forms a circle around the lake, which is the terminus of the Truckee River in Nevada. Historically, the Paiute tribe, for whom the reservation was established, had been a fishing people, and the lake's fishery was the chief source of sustenance for the reservation.[41]

Reclamation's incursions into the water used to supply the lake began shortly after the passage of the Reclamation Act of 1902. In 1906 the Newlands Irrigation Project was established on the nearby Carson River which constructed a dam and canal to divert water from the Truckee.[42] The canal steadily depleted the water supply of Pyramid Lake, reducing its level and ultimately destroying its natural fishery.

After the canal was constructed, the United States initiated quiet title actions to adjudicate the rights of water users along the Carson and Truckee Rivers. A temporary decree was entered in 1950 in *United States* v. *Alpine Land and Reservoir Co.*, Equity No. D–183 (D. Nev.), adjudicating the respective rights of the Newlands project and private users to Carson River water. A final decree along the Truckee, the *Orr Water Ditch* decree, was entered in 1944.[43] Although the *Winters* doctrine was established when these cases were brought, the Indians' federal fiduciary did not assert their *Winters* doctrine rights for water to stock Pyramid Lake and protect the dying fishery.[44] The United States did, however, assert and secure a water right for the Newlands project to divert Truckee water.[45] Between 1917 and 1967 the average annual diversion of Truckee River water for the Newlands project has been 250,000 acre feet—*half* the average annual flow of the Truckee River.

In recent years, the government has been derelict in representation of the Pyramid Lake Indians in the following respects:

(a) The *Orr Water Ditch* decree did rule that the Indians were entitled to 30,000 acre feet per annum for irrigation purposes. When the tribe sought instead to use this water to raise the lake's level, thereby improving the fishery resource, the Solicitor of the Interior Department in 1955 issued an opinion that this was unlawful[46]—hardly an act of zealous advocacy on behalf of the Indians. The tribe then sought to have the government modify the decree to permit such a use. In 1964 the Interior Department requested Justice to petition the court to amend the decree, but no action was ever taken.

(b) In 1957 Congress authorized construction of the Washoe Project by the Bureau of

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Footnotes at end of article.

Reclamation.[47] This project has two principal components: (1) Stampede Dam on the upper Truckee River, and (2) Watasheamu Dam and Reservoir on the Carson River, upstream from the canal and Newlands project. The major threat posed by this project to Pyramid Lake is the construction and authorization of Watasheamu Dam and Reservoir. If operated for the benefit of upstream Carson users, it would have the certain effect of depriving the downstream Newlands project of Carson River water and increasing its demand upon Truckee River water.

The possibility that Watasheamu Dam and Reservoir might be constructed impelled upstream Carson water users to press for a settlement in the *Alpine* case (Carson River) more favorable to them than the 1950 temporary decree. Their hope was, in part, that enough water could be reserved for upstream users to make the construction of Watasheamu Dam feasible. Negotiations by Justice Department attorneys looking toward a more lenient settlement than the temporary decree aroused suspicions by the Indians that the Bureau of Reclamation was influencing the Justice Department negotiations. In addition, enforcement of the temporary decree by a court-appointed water master has in many respects permitted use of water by private parties not sanctioned by the decree. The Indians, therefore, sought to intervene in the *Alpine* case to require strict enforcement of the decree and to participate in any settlement so as to protect their existing use of Truckee water, which could otherwise be diverted to serve the Newlands project if the project's rights to use of Carson water were curtailed. The tribe charged that the Department of Justice had not adequately represented their interests.[48] The motion to intervene was opposed by Justice and denied by the District Court and the Court of Appeals for the Ninth Circuit.[49]

(c) In April 1969, the Interior Department recommended that the Department of Justice institute a quiet title action on the Truckee River on behalf of the tribe, limited to waters not already adjudicated in the *Orr Water Ditch* case. No such action has been commenced since that request was made. Unable to receive a response from the government, the tribe finally filed suit in the Federal District Court for the District of Columbia against the Secretary of the Interior and Attorney General.[50] The relief sought includes an injunction compelling the Secretary to recognize the prior and paramount right of the tribe to Truckee River water to maintain the lake's fishery. The tribe also requested a court order that the defendants enforce both the *Orr Water Ditch* and *Alpine* decrees, and an order requiring the Attorney General to seek a judicial determination of the tribe's water rights.

4. Water Right Litigation Concerning Tributaries to the Rio Grande River

While the American Bar Association's Code of Professional Responsibility permits representation of potentially conflicting clients where litigation is not involved, it clearly enjoins an attorney from any representation of clients with differing interests in litigation.[51] The wisdom of this absolute prohibition is demonstrated by the difficulties in which the Department of Justice has become enmeshed while conducting water rights ligitation on behalf of Indian pueblos in New Mexico. In a real, albeit indirect, sense, the government may be said to be representing "both the plaintiff and defendants in an adversary action." [52]

The State of New Mexico has commenced five suits seeking to administer water to be diverted into the Rio Grande from the Colorado River system by the San Juan-Chama Reclamation Project.[53] The State Engineer of New Mexico is authorized to administer the Bureau of Reclamation's project in certain respects. Accordingly, the State Engineer has instituted these suits to determine all water rights to certain tributaries of the Rio Grande so as to aid in this administration.

One of the five pending cases [54] names as among the defendants four Indian pueblos—Nambe, Pojoaque, Tesuque, and San Ildefonso. This case seeks to adjudicate water rights to the Nambe and Pojoaque Creeks. San Ildefonso Pueblo and a number of other pueblos not named defendants, border on the Rio Grande and claim water in the Rio Grande by virtue of the *Winters* doctrine. Representatives of the Solicitor's Office in Albuquerque has even expressed the view that assertion of an Indians' full claim to Rio Grande water would exhaust the present flow.[55] Thus the federal attorney for the pueblos is aware of an Indian property claim which, if asserted, might destroy the feasibility of a reclamation project which seeks to supply principally municipal and industrial users in Albuquerque that already use some Rio Grande water.

The Department of Justice intervened to defend the litigation on behalf of the pueblos and filed a complaint claiming "quantities of water sufficient to satisfy the maximum needs and purposes of said Pubelos. . . ." [56] But, although one pueblo, San Ildefonso, has claims to water on the Rio Grande as well as Pojoaque Creek, the United States elected to accept the limitations on the case framed by the State and not to assert any claims to the Rio Grande itself. Consequently, San Ildefonso must "compete" with the three other pueblos for water in the Pojoaque and Nambe creeks which, in fact, are almost dry.[57] Some of the Indian pueblos are concerned that the government's decision to limit the water right adjudication to tributaries of the Rio Grande, and not to assert claims to the main river itself, is influenced by a desire not to delay the completion and operation of the federal San Juan Chama Reclamation Project.[58] The first clear conflict of interest in New Mexico then, is that the United States Department of Justice and the Solicitor's office of the Department of Interior (the regular attorneys for the Bureau of Reclamation) are representing Indian interests which may not be compatible with the multimillion-dollar project of another important government "client."

A second conflict of interest appears on the face of the pleadings. The same attorneys are representing interests of the Indians and the Santa Fe National Forest. Both the Indians and the National Forest must compete for the same limited supply of water.

These conflicts are not theoretical; they appear to have resulted in a serious failure to protect Indian rights. For example, the government has failed to contest a "settlement" arrived at between the State and non-Indian users following administrative procedures under New Mexico State law, notwithstanding the federal nature of Indian water rights.[59] When it filed its complaint, the State prepared an elaborate hydrolographic survey showing its determination of all lands which have been irrigated within the Nabe-Projoaque watershed. The State then made "offers of judgment" to the non-Indian defendants based on the survey. If accepted, these offers were signed as court orders. The federal attorneys in an instance of non-adversary representation of the Indians, failed to require any non-Indian landowner to prove the source and character of his title, or the measure of rights to the use of water, or history of water use.[60] Indeed, these non-Indian defendants are not even required by the United States to answer its complaint and to plead—let alone prove—title to their land or use of water.[61]

5. Private Trespass Over Tlingit and Haida Lands

The Pueblos' water rights claims to the Rio Grande (just as the Northern Paiutes' claims to water for Pyramid Lake) involve the prospect of adjudicating all, or a substantial number of, the claims to use of water in a huge river system. The government's handling of more limited types of litigation, however, appears no more effective when blemished by the occurrence of a conflict of interest. An example of this deficiency can be seen from an analysis of the trespass committed by a private road builder over Tlingit and Haida lands near the native village of Klukwan, Alaska.

The builder initially sought a permit to construct the road from Bureau of Land Management in Alaska. Since the road would pass over, and use timber situated on, land determined by the Court of Claims [62] to be held in aboriginal "Indian title" [63] by the Tlingit and Haida Indians, the BLM told the firm to secure the Indians' consent. The BLM specifically stated that "no cutting of right-of-way timber or road construction is to take place until the right-of-way and timber permits are issued." [64] Nonetheless, when consent was refused by the Tribal Council, the firm constructed the road without the permission of either the Indians or the BLM.[65]

In January 1969, the Tlingits and Haidas requested the Solicitor for the Interior Department to take action against the builder for its trespass.[66] In April 1969, a decision was reached to institute suit seeking money damages and injunctive relief. After suit was filed, the BLM was asked to "investigate" the facts of the situation. This investigation revealed that the road had indeed been constructed in August 1968 and a report described in some detail the factual results of the investigation.[67] No action was taken to prosecute the claim. In view of the Indians' Washington counsel this was because the theory of recovery was resisted by the Public Lands Division of the Solicitor's Office.[68] Ultimately, the action was dismissed by the United States.

The Solicitor's Office, evidently, did not wish to claim that aboriginal "Indian title" gives the Indians enforceable rights to the land—despite the fact that the Tlingit and Haidas' title had been recognized by the Court of Claims, and Indian title has been held by the Supreme Court to furnish a basis for the recovery of money damages.[69] This is not surprising in view of Interior's history of dealing with Indian title in Alaska. Between the time of Alaskan Statehood Act of 1958 and promulgation of the land freeze in January 1968,[70] the BLM patented six million acres in Alaska—mostly to the State. Half of this land was claimed by Alaskan native by virtue of aboriginal possession,[71] a claim ignored by the Bureau. To some degree, in addition, the Solictor's reluctance to assert the enforceability of Indian title as a property right may have been due to the fact that the Interior Department was, in the latter part of 1969, considering the issuance of right-of-way permits for construction of a trans-Alaskan pipeline, which would pass over lands claimed by Alaska natives by virtue of Indian title.[72]

B. Other conflicting responsibilities of the United States: Defense of Indian Claims Commission proceedings

The Department of Justice's statutory duty [73] to defend proceedings commenced by Indian tribes or bands in the Indian Claims Commission results in a conflict which has, on occasion, prevented it from fulfilling its trust responsibility to protect and conserve Indian property rights.

In October 1968, the Rincon and La Jolla Bands of Mission Indians requested the government to commence an action on their behalf against the Escondido Mutual Water Company for an injunction and damages for unlawful appropriation of San Luis Rey River water claimed by the Indians.[74] Despite repeated requests, and a growing urgency,

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as negotiations progressed concerning the terms under which the water company would sell its assets to the City of Escondido and liquidate, the government refused to make any decision.[75] Finally three days before the water company's shareholders were scheduled to meet to vote formally on the city's offer to purchase the company's assets and on the liquidation plan, the Rincon and La Jolla Bands filed suit, represented by private counsel, in the federal district court in San Diego against the Econdido Mutual Water Company, and the City of Escondido. The Secretary of the Interior and the Attorney General of the United States were named as defendants because of their failure to represent the Indians.[76]

The government's reluctance to commence litigation proceeded in part from a desire not to embark upon general riverwide water rights adjudications.[77] Another reason given by the Department of Justice for its failure to represent the Mission Indians was the fact that the Department was currently defending an Indian Claims Commission proceeding in which the Indian Bands claimed that the government had been derelict in its preservation of their water rights in the river.[78] This institutional conflict-of-interest is particularly troubling since, when the government filed its proposed findings of fact and brief in the San Luis Rey case before the Commission, it had urged that the Indians' best course was to seek redress from the water company rather than the government, and even that receiving damages from the government could preclude the Indians and the government from later asserting their water rights.[79] If such an adjudication is a desirable means to protect the trust property, the government as trustee should have brought it. Similarly, if the statutory requirement that the Department of Justice defend Indian Claims Commission actions makes that agency less vigorous in protecting Indian trust property, new institutional arrangements should be created to fulfill that vital function.

Indeed, the Department of Justice has acknowledged that the pendency of the claims proceeding and concern that the United States could be liable for its sanctioning of the water company's diversion (the Secretary of the Interior had entered into a 1914 contract with the water company without the Indians' consent, limiting their use of the river's water) influenced the Department's attitude toward representation of the Mission Indians. Assistant Attorney General Kashiwa, justifying the Justice Department's ten month delay in deciding whether to assist the Indians, stated that:

> "The La Jolla, Rincon, Pauma and Pala Bands of Mission Indians are not only wards of the United States but be considered as potential adversaries in litigation against the United States."[80]

The Department of Justice's defense of Indian Claims Commission cases on behalf of the government adversely affects its representation of Indians in those situations within the Interior Department where the Solicitor or another official "arbitrates" an Indian claim. For example, the Quechans also had a claim pending before the Indian Claims Commission at the time the Yuma County lease was signed.[81] The government's determination that the riverfront lands were nonirrigable may have been motivated by a desire to minimize their value before the Claims Commission.[82]

C. Conflict of interest between the attorney's duty to represent Indian trust property rights and political influences from the executive department

In addition to his representation of conflicting Interior Department bureaus, the Solicitor's zeal in representing Indian trust beneficiaries is further strained by his position as the legal advisor to the Secretary of the Interior. The Solicitor is thus clearly responsive to the Secretary's desires. There is evidence in the Quechan lease case that Secretary Udall was influenced to favor the lease by political pressures from his home state of Arizona. Prior to the Solicitor's opinion, a meeting was held in March, 1968, between the Yuma County River Parks Advisory Committee and representatives of the Solicitor and the Secretary. In a letter to "Dear Stu," the Chairman of this Yuma County Committee reported on this meeting and expressed disappointment with the sympathy shown by Deputy Solicitor Weinberg for the Indians' claims.[83] Secretary Udall responded to "Dear Roy" on March 22 and expressed the hope that the lawyers could promptly overcome the obstacles involved. The same day, the Secretary urged the Commissioner of the Bureau of Reclamation to make his determination as to the irrigability of the lands "as rapidly as possible," and indicated that "I consider this matter of great priority."[84]

D. Technical determinations by interior agencies with an interest adverse to the Indians: the Kennewick Dam extension

One problem illuminated in the Quechan lease case was the unquestioning reliance which Interior Department decision-makers placed upon the technical determinations made by the Bureau of Reclamation as to the irrigability of the land in controversy. Similarly, the Tlingit and Haidas were required to rely on an investigation of the trespass to their lands by The Bureau of Land Management.

A more extreme example of the Interior Department's undiscerning reliance upon the technical determinations of a Bureau with interests adverse to the Indians is the Department's continued support of the Kennewick Dam Extension to the Yakima Reclamation Project. Legislation authorizing the extension had passed the Senate and was nearing House passage when the Yakima Indian Tribe—which had not been notified of the pending legislation—urged that consideration of the bill be postponed as the extension would use waters to which the tribe was entitled. Specifically, the tribe was concerned that if the extension were constructed it would preclude the Yakimas' own plans, which were concrete in their formulation and had been submitted to Interior, to construct three irrigation projects.

On July 16, 1969, a meeting was convened by the Assistant Secretary for Public Land Management, attended by representatives from the tribe, the National Congress of American Indians, the Bureau of Reclamation, Interior's Legislative Counsel, and members of the Solicitor's Office representing *both* Indian Affairs and Reclamation. All present agreed that a 1945 court decree constituted a full and complete adjudication of water rights in the Yakima River above the contemplated project and of all waters in tributaries to the Yakima River flowing through the Yakimas' land—particularly Toppenish and Satus Creeks, where two Indian irrigation projects were planned by the tribe. At this meeting Reclamation officials stated that they would make no use of tributary water, and the Assistant Secretary accepted their technical determination that the hydrology of the river did not require their use of these waters.[85] This assurance however, was directly contradictory to a prior House Report, wherein Reclamation had stated that, in order to establish project feasibility, it did rely on the inflows from these tributaries during certain times of the year.[86]

The Bureau of Reclamation's July disclaimer[87] is also inconsistent with a memorandum less than one month earlier, which stated that the extension would utilize *only* "return flow from upstream irrigation and uncontrolled spills past the point of diversion."[88]

Despite these plain inconsistencies in Reclamation's reports, the Assistant Secretary stated that his study confirmed Reclamation's disclaimer,[89] and on August 12, Secretary Hickel reaffirmed his support for the Kennewick Dam Extension.[90]

E. Prior notification to Indian Tribes of projects which may affect their interests: the "return" of lands claimed by Fort Mohave Indians to the State of California

As is apparent from the discussion of Kennewick Dam Extension, affected Indians are sometimes not notified when a federal agency contemplates actions adverse to their trust property rights. Consequently, the Indians may be stripped of the land and other natural resources on which they rely for their livelihood and left with only a claim for money compensation.

On March 15, 1967, a BLM hearing examiner issued a proposed decision to award to the State of California a substantial portion of the lands claimed by the Mohave Indians to be included within their reservation. The basis for this decision was a determination that the land in question was public land on September 28, 1950, the date the Swamp and Overflow Land Act[91] was passed, and was hence "returnable" to the State by the United States. At no time did the Mohave Tribe have notice of the proceeding. By accident, in June 1967, the BIA learned of the decision. Shortly thereafter, both the BIA and the Mohave Tribal Council petitioned to intervene.[92] The grounds for the petitions were that the Indian Claims Commission had determined the lands in question to be held by the Mohaves by "Indian title" in 1850.[93]

These petitions were referred to the Office of the Solicitor—the Indians trust attorney. Earlier in 1967, the Solicitor had rejected the BIA's request to resurvey the Ft. Mohave reservation boundaries, and a member of the Solicitor's staff who had written that decision also participated in the decision concerning the petitions to intervene. At first the Solicitor denied the BIA's petition (on the ground that since a government attorney had participated in the hearing, the BIA had been adequately represented) and granted the Mohaves a limited right to intervene which was conditional upon the Solicitor and the Secretary making certain determinations. Then, in October 1969, the Solicitor broadened his decision and granted the tribe a *de novo* hearing, with the right to cross-examine witnesses who had testified earlier.[94] Although the tribe requested that a government attorney represent them in this costly proceeding, the Department of Justice refused to provide one and the Mohaves were ultimately required to secure private counsel.

F. Conflicting interests among Indian clients: intervention into Rio Grande litigation by Pueblos of Santo Domingo and San Felipe

As discussed earlier (Part IA(4)) certain Indian pueblos believed that their interests to water on the Rio Grande should be asserted in the New Mexico litigation which was limited by the state and the United States to tributaries of the river. On April 23, 1970, the pueblos of Santo Domingo and San Felipe moved to intervene in all five cases commenced by the state and to assert their claims to the Rio Grande. This motion was resisted by the Departments of Justice and Interior on the ground that the interests of the intervening pueblos were adequately represented by government counsel.

The Commissioner of the Bureau of Indian Affairs sought to assign a highly experienced water rights lawyer in the Bureau's employ, Mr. William H. Veeder, to represent these pueblos. The Justice Department resisted Mr. Veeder's being assigned as a co-counsel to them, so the Commissioner assigned him to the pueblos themselves,[95] and the pueblos

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directed that he appear in court. After Mr. Veeder had made one court appearance, a dispute arose as to whether Mr. Veeder's assignment was to act as counsel or as an expert witness. The Commissioner then took the position that Mr. Veeder was only to be an expert witness. Accordingly, Mr. Veeder's assignment was retracted on the grounds that government attorneys could not oppose other government attorneys and that the Department of Justice adequately represented the pueblos. Mr. Veeder was even threatened with prosecution for violating the federal conflict of interest laws [96] if he continued to represent the pueblos against the government.[97]

The New Mexico litigation, and the intervention by the pueblos, dramatize another problem: that Indian tribes or groups may have conflicting interests among themselves which require resolution. Either different Indians may have conflicting claims to particular property, as the four pueblo defendants obviously had competing claims to the waters in the Nambe-Pojoaque system; or they may differ on tactical questions, such as whether to assert their rights to the Rio Grande itself. Notably San Ildefonso, and the other pueblos with the RioGrande claims, did *not* join Santo Domingo and Dan Felipe in requesting that the litigation be broadened to include the Rio Grande.[98]

CONCLUSIONS

This paper has discussed at some length at least eight separate instances where a conflicting interest on the part of an Interior Department Bureau has obstructed legal enforcement of an Indian claim to land or natural resources. Each situation is current—arising in 1967 or later—and some are continuing controversies. The shortchanging of Indians by the white man—thought by some to be an historical phenomenon—is a present day occurrence, abetted by the Government itself.

The responsibilities of the Interior Department's Solicitor to other departmental bureaus, and the duties of the Attorney General to defend other agencies and Indian Claims Commission proceedings, in practice greatly diminish the zeal and effectiveness of these officials in providing legal representation to the Indians. The Solicitor is particularly compromised as an advocate for Indian rights by the fact that he must render opinions settling intradepartmental disputes, including such procedural matters as whether the Mohaves can intervene in a proceeding pending in the Bureau of Land Management.

The Solicitor is thus charged with serving both as lawyer and as judge. The Department of Justice seems sluggish in responding to Indian requests that litigation be brought; moreover, the defense of Indian Claims Commission proceedings forces upon that Department the role and also the mentality of being an adversary to many Indian claims to natural resurces. Similarly, the Interior Department's duty to conserve and protect public resources engenders a hostility on its part in some instances to claims by Indians of private property rights. Even the existence of a suspected conflict of interest—as in Justice's negotiations to settle the Carson River *Alpine* case, or its decision to confine the scope of New Mexico water rights litigation—raises just doubts in the minds of the Indian clients as to the fidelity of their attorneys.

The opinions of the Solicitor in the Interior Department are, moreover, frequently based upon investigations conducted by agencies with interests adverse to the Indians; for example, the hydrological studies by the Bureau of Reclamation concerning Kennewick Dam and land surveys conducted by the Bureau of Land Management (as in the *Tlingit* and *Haida* case). These facts are seldom subjected to scrutiny comparable to that of cross-examination by a zealous attorney or the critical evaluation of a hearing examiner, commissioner or, judge. The Indians generally have no comparable experts to which they can turn for technical expertise.

Finally, no systematic procedure exists for notifying Indian tribes or their protectors of actions which might infringe Indian trust interests. In the Kennewick Dam extension and the Mohave land transfer, the affected Indians learned only accidentally of the contemplated action, and with respect to the former, it was too late to muster effective opposition.

The Indians' fiduciary relationship with the Government is a unique protection for a minority group. The value of this relationship is, however, substantially eroded by conflicts of interest that compromise the Federal protection extended to the Indians. At the very least, the Federal trustee should disclose all possible conflicts to the Indians affected, and provide them with legal and technical representation unblemished by divided loyalties. By separate institutional devices, the Government has managed in the past to represent both sides in a controversy,[99] and there seems no reason why this cannot be done in the case of conflicts between Indians and other Federal departments. And even apart from the creation of new institutions, procedures should be established within the Interior Department to give notice to Indians of adverse claims against land and natural resources claimed by them, and to relieve the Solicitor of responsibility for representing both sides and serving as judge as well in contested matters.

FOOTNOTES

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[1] *United States v. Kagama,* 118 U.S. 381 (1886). In *Cherokee Nation* v. *Georgia,* 30 U.S. (5 Pet.) 1, 17 (1831), Chief Justice Marshall stated that the relationship between Indians and the United States "resembles that of a ward to his guardian." *United States v. Payne,* 264 U.S. 446, 448 (1924); *Choctaw Nation v. United States,* 119 U.S. 1, 27–28 (1886). See also *Creek Nation v. United States,* 295 U.S. 103, 109–10 (1935).

[2] In *Menominee Tribe of Indians v. United States,* 101 Ct. Cls 10, 18–19 (1944), it was held that a special jurisdictional act providing that "the court shall apply as respects the United States the same principles of law as would be applied to an ordinary fiduciary, add(s) little to the settled doctrine that the United States, as regards its dealings with the property of the Indians, is a trustee." In *Menominee Tribe,* the government was barred from borrowing funds from the Indians without paying a normal rate of interest, and from making expenditures with high-interest funds before exhausting low interest accounts. In *Sioux Tribe v. United States,* 105 Ct. Cls. 725 (1946), the court held that the government has a standard fiduciary duty to make a proper accounting to its beneficiary.

[3] *Navajo Tribe of Indians v. United States,* 364, F. 2d 320, 322 (Ct. Cls. 1966). Compare *Menominee Tribe of Indians v. United States,* 102 Ct. Cls. 555 (1945).

[4] Scott, *Trusts,* p. 1297 and § 170–17.

[5] *Id.,* §§ 176–177.

[6] While the case studies described below are ones where the Indian interests appear to have been compromised, this is, of course, not always the resolution when conflict arises. For example, in January 1969, the Solicitor determined that the south boundary of the Salt River Indian Reservation in Arizona had been erroneously determined by the Bureau of Land Management to be the north, rather than the south, channel of the Salt River. Memorandum, Solicitor Edward Weinberg to Secretary of the Interior, M-36770, January 17, 1969. Similarly, the Solicitor determined in 1966 that the boundaries of the Yakima Indian Reservation had been erroneously surveyed and portions of the land that should have been included in the reservation administered by the BLM, should be returned to the Tribe. Memorandum. Associate Solicitor for Indian Affairs to Assistant Secretary for Public Land Management, June 21, 1967, "Restoration to Yakima Tribe of Lands Omitted from Survey."

[7] 5 U.S.C. §§ 22, 481, 485' 25 U.S.C. §§ 1, 1A, 2.

[8] Its duties include administration of public lands, mines, territories and possessions, fish and wildlife, national parks, and petroleum conservation.

[9] *E.g.* American Bar Association, Committee on Ethics, Informal Opinion No. 967 (1966). In *United States v. Anonymous,* 215 F. Supp. 111, 113 (E.D. Tenn. 1963), the Court stated: "Attorneys must not allow their private interests to conflict with those of their clients . . . . They owe their entire devotion to the interests of their clients."

Disciplinary Rule 5–101. (American Bar Association) *Code of Professional Responsibility* provides "Except with the consent of his client after full disclosure, a lawyer shall not accept employment if the exercise of his professional judgment on behalf of his client will be or reasonably may be affected by his own financial, business, property, or personal interests."

[10] For example, an attorney for an insurance company was engaged in representing X, a motorist insured by the company, in a suit against Y following an automobile accident involving X and Y. In this litigation, the attorney was contending before the court that Y had been negligent and X had not been negligent. Due to the length of the court proceeding, and the size of his out-of-pocket expenses in connection with his injuries, X requested an arbitration proceeding under the terms of the policy where, if successful, X could require prepayment of certain benefits. To resist prepayment, the company must show that X was negligent in the accident. It was held that the same attorney could not represent both X in court, and his company in the arbitration proceeding, even if both X and the company consented. Informal Opinion No. 977 (1967).

[11] Ethical Consideration 5–15, American Bar Association, *Code of Professional Responsibility.*

[12] The federal conflict-of-interest laws protect the Government against any such conflicting interest held by its employees. These laws, butressed by criminal sanctions against violators, prohibit any federal employee from representing a private party before a court or agency in a matter where the United States has an interest. 18 U.S.C. §§ 203, 205. This prohibition survives for a period of time after a person leaves government employment with respect to matters in which he actively participated while with the government and matters under his official supervision. 18 U.S.C. § 207 (a), (b).

[13] Ethical Consideration 5–21 reads in part: "The obligation of a lawyer to exercise professional judgment solely on behalf of his client requires that he disregard the desires of others that might impair his free judgment. The desires of a third person will seldom adversely affect a lawyer unless that person is in a position to exert strong economic political or social pressures upon the lawyer."

[14] Mediation of disputed interests of two clients by an attorney is permissible only *if* (1) both clients affirmatively request it and

(2) the attorney desists from further representation of either client on the matter involved. American Bar Association, *Code of Professional Responsibility,* Ethical Consideration 5-20; H. Drinker, *Legal Ethics* 112.

[15] Memorandum, "Lease of Lands to Yuma County," Acting Director Program Support Staff to Secretary of the Interior, April 20, 1967.

[16] Act of August 15, 1894, 28 Stat. 332 (1894).

[17] Opinion of June 12, 1968, Status of Land in T. 16 S.R. 22 and 23 E., SBM Proposal for Lease to Yuma County, Arizona.

[18] *Id.* at p. 2.

[19] Act of February 15, 1893, 27 Stat. 456 (1893).

[20] Prior to the leasing dispute discussed above, the Quechans filed a claim against the United States asserting the liability of the government for the loss of use of a considerable amount of their land. *The Quechan Tribe of the St. Yuma Reservation* v. *United States,* Ind. Cl. Com. Docket No. 320.

[21] Indeed, the agreement and congressional enactment following it have never been interpreted as extinguishing the Quechan's beneficial interest in irrigable lands which have not been disposed of under the reclamation laws of the United States.

[22] Memorandum, William H. Veeder to W. Wade Head, Area Director, Phoenix, Arizona, April 15, 1970, "Title of the Quechan Tribe in the Yuma Indian Reservation."

[23] 28 Stat. 286, 336 *et seq.*

[24] 33 Stat. 189 at 224 (1904).

[25] Veeder memorandum, *supra,* note 23, at pp. 23-24.

[26] This was recognized in an earlier opinion by the Solicitor, January 8, 1936, M-28198, pp. 10-11.

[27] Irrigation is the paramount use for reclamation waters. 43 U.S.C. §§ 485h, 521-522. It was not until 1920 that Congress generally authorized the disposition of project water for uses other than irrigation. Act of February 25, 1920, ch. 86, 41 Stat. 451, 43 U.S.C. § 521. But as early as 1906 the Secretary was authorized to supply water and power to "towns or cities on or in the immediate vicinity of irrigation projects." Act of April 16, 1906, ch. 1631, 34 Stat. 116-17 43 U.S.C. §§ 522, 567.

[28] J. Sax, "Federal Reclamation Law," *Water and Water Rights,* p. 121.

[29] *United States* v. *Ahtanum Irrigation District,* 236 F. 2d 321, 326 (9th Cir. 1956); *Conrad Investment Company* v. *United States,* 161 Fed. 829 (9th Cir. 1908).

[30] See generally Veeder, *Winters Doctrine Rights; Keystone of National Programs for Western Land and Water Conservation and Utilization,* 26 Montana L. Rev. 149 (1965).

[31] "The Master ruled that the principle underlying the reservation of water rights for Indian Reservations was equally applicable to other federal establishments such as National Recreation Areas and National Forests. We agree with the conclusions of the Master that the United States intended to reserve water sufficient for the future requirements of the Lake Mead National Recreation Area, the Havasu Lake National Wildlife Refuge, the Imperial National Wildlife Refuge and the Gila National Forest." *Arizona* v. *California,* 373 U.S. 546, 601 (1963).

[32] In *United States* v. *Walker River Irrigation District,* 104 F. 2d 334, 340 (1939), the Court of Appeals for the Ninth Circuit held that a *Winters* doctrine right could be used for irrigation, power, and domestic and stock-watering purposes.

[33] Compare Act of August 4, 1939, ch. 418, § 9(a), 53 Stat. 1.93, 43 U.S.C. § 485h(a).

[34] *United States* v. *5677.94 Acres of Land,* 162 F. Supp. 108 (D. Mont. 1958).

[35] *United States* v. *Powers,* 93 F. 2d 783, 785 (9th Cir. 1930) *aff'd* 305 U.S. 527 (1939).

[36] Memorandum from Field Solicitor to Regional Director, Reclamation, "Division of water of Bighorn River under terms of Yellowstone River Compact," November 16, 1967.

[37] The Field Solicitor likewise took the position that Winters doctrine rights were nontransferable unless the Indian land were also sold, while admitting that this question has never been resolved by a court.

[38] Memorandum, March 22, 1968, Commissioners of Bureau of Reclamation and BIA to Assistant Secretaries Public Land Management and Water and Power Development, "Sale of M & I water from Yellowtail Unit, Missouri River Basin Project, Montana-Wyoming."

[39] Conflicts between the Bureau of Reclamation and Interior's Indian wards in the Missouri River Basin are by no means limited to the Big Horn River. In a memorandum of March 14, 1967, to the BIA's Aberdeen Area Director, the Director of the BIA's Missouri River Basin Investigation claimed that upstream developments of the Agnostura Rapid City and (projected) Belle Fourche projects by the Bureau of Reclamation had depleted the flow of the Cheyenne River, leaving a barren several thousand acres of potentially irrigable bottom land and higher benches on the Cheyenne Indian Reservation. The Director quoted the Bureau of Reclamation's own Cheyenne Diversion Report to substantiate his charge: "A reconnaissance-grade reappraisal of the Cheyenne Pumping Units was made in 1958, with the conclusion that further consideration was unwarranted mainly because of the doubtful water supply. . . . No appreciable further development of either land or water resources may be expected in the Cheyenne River Basin. Five Bureau of Reclamation reservoirs, taking advantage of all the more attractive sites; effectively control most of the runoff."

[40] The principal study of the federal conflict of interest, William H. Veeder "Federal Encroachment on Indian Water Rights and the Impairment of Reservation Development," in "Toward Economic Development for Native American Communities," Subcommittee on Economy in Government of the Joint Economic Committee, Congress, 91st Congress, 1st Sess. (Comm. Print 1969) (hereafter cited as "Veeder Committee Print") devotes major attention to Pyramid Lake.

[41] *United States v. Sturgeon,* 27 Fed. Cas. 1357 (No. 16, 413) (D. Nev. 1879), *aff'd,* 27 Fed. Cas. 1358; Veeder Committee Print, pp. 498-99.

[42] Veeder Committee Print, pp. 499-500. The Carson River runs south of, and generally parallel to, the Truckee.

[43] *United States v. Orr Water Ditch Co.,* Equity No. A-3 (D. Nev.).

[44] After the case was begun, but long before a final decree was entered in it, the Supreme Court conclusively established the right of an executive-order reservation to protect and conserve its fishing rights. *Alaska Pacific Fisheries* v. *United States,* 248 U.S. 78 (1918).

[45] A 1968 report by Clyde-Criddle-Woodward Inc. of Salt Lake City, "Report of Lower Truckee-Carson River Hydrology Studies" concludes that there is substantial waste in this water use and that only half the diverted amount is beneficially used by the project. Such waste is a violation of the reclamation laws which limit water to beneficial uses.

[46] Memorandum, Associate Solicitor, Indian Affairs to Commissioner of Indian Affairs, May 5, 1955, M36282.

[47] Act of August 1, 1957, ch. 809, § 2(a) 70 Stat. 775, 43 U.S.C. § 614a(a).

[48] Veeder Committee Print, pp. 507-508.

[49] *United States v. Alpine Land and Reservoir Co.,* No. 24, 156 (9th Cir. Aug. 24, 1970).

[50] *Pyramid Lake Paiute Tribe* v. *Hickel,* Civil No. 2506-70 (D. D.C. filed August 21, 1970).

[51] Ethical Consideration 5-15.

[52] *Jedwabny* v *Philadelphia Transportation Co.,* 390 Pa. 231, 235, 135 A. 2d 252, 254 (1957) *cert. denied,* 355 U.S. 966 (1958).

[53] The San Juan Chama Project was authorized in 1962, 76 Stat. 96.

[54] *New Mexico v. Aamodt,* No. 6639, U.S. District Court, D. New Mexico.

[55] Meeting, October 8, 1969, discussed in Daniel M. Rosenfelt, "Report on the Protection of Pueblo Indian Rights to the Use of Water in the Rio Grande Basin: A Discussion of Pending Litigation" (hereafter cited as "Rosenfelt Report") p. 2.

[56] Complaint, paragraph VI(a).

[57] Rosenfelt Report, p. 28.

[58] See also Memorandum, William H. Veeder to Commissioner of Indian Affairs, "Memorandum respecting rights to the use of water of the Pueblo Indians of New Mexico in the Rio Grande and its tributaries," October 31, 1969.

[59] Affidavit of Daniel M. Rosenfelt, April 23, 1970, Case #6639 District of New Mexico.

[60] Rosenfelt Report, p. 39.

[61] *Id.* at 43.

[62] *Tlingit and Haida Indian* v. *United States,* 147 Ct. Cl. 130 (1968).

[63] Indian title is a right to exclusive possession of land, based upon occupancy since "time immemorial." *Johnson* v. *McIntosh,* 21 U.S. (8 Wheat) 543 (1823); *Choteau* v. *Molony,* 57 U.S. (16 How.) 203 (1853); *Holden* v. *Joy,* 84 U.S. (17 Wall.) 211 (1872); *Butts* v. *Northern Pacific R.,* 119 U.S. 55 (1886); *Cramer* v. *United States,* 261 U.S. 219 (1923); *United States* v. *Shoshone Tribe,* 304 U.S. 111 (1938).

[64] Letter, James W. Scott, Manager, Anchorage District Office, BLM, to Moore & Poeser, Inc., May 21, 1968.

[65] Letter, I. S. Weissbrodt to Edward Weinberg, Solicitor, Department of the Interior.

[66] *Ibid.*

[67] Report from Natural Resources Specialist, Juneau, to District Manager, BLM, Anchorage, "Moore and Roeser, Inc., Timber and Road," May 19, 1969.

[68] Letter, I. S. Weissbrodt to Mitchell Melich, Solicitor, Department of the Interior, November 5, 1969.

[69] *United States* v. *Sante Fe Pacific R. Co.,* 314, U.S. 339 (1941).

[70] PLO 4582, 34 Fed. Reg. 1025 (1967).

[71] Federal Field Committee for Development Planning in Alaska, *Alaskan Natives and the Land* 453 (1968).

[72] In April 1970, a preliminary injunction was issued against the Secretary of the Interior barring issuance of right-of-way permits to traverse some lands claimed by Alaskan native villages. *Native Village of Allakaket* v. *Hickel,* Civil No. 706-70 (A.D.C. filed March 9, 1970).

[73] 25 U.S.C. § 70n.

[74] Letter, Robert S. Pelcyger, California Indian Legal Services, to Mr. William E. Finale, Bureau of Indian Affairs, October 31, 1968.

[75] During the course of discussions between the Indians, and their attorneys with California Indian Legal Services, on the one hand, and the Department of Justice and the Interior, on the other hand, a report together with recommendations was submitted to the Department of the Interior by the Sacramento Regional Solicitor's Office. Although the Indians' attorney requested an opportunity to review this report and discuss it with the individual preparing it, the Regional Solicitor's Office refused to make the report available. After its submission, it was classified as "confidential." The withholding of this report from the Indian wards seems in violation of the trustee's duty to disclose opinions of counsel dealing with his own management of the trust property. *Scott, Trusts* 1407. This disclosure must be made even if it reveals the trustee's own negligence. American Bar Association, Informal Opinion No. 1010. The government's defense of its action—that the document constituted an attorney's "work product"—constitutes an admission that the Departments of Justice and the Interior have interests adverse to those of their Indian beneficiaries.

[76] *Rincon Band of Mission Indians* v. *Escondido Mutual Water Co.,* No. 69-217-S (S.D. Cal., filed July 25, 1969).

[77] In a letter to Representative James B. Utt, August 15, 1969, Assistant Attorney General Kashiwa pointed out that such adjudications require several years and entail expense both for the United States and water users in the area. It is far from clear that a general stream adjudication would have been required in the San Luis Rey case, since only the water company's appropriation was complained of, not that of other water users.

[78] *Rincon Band of Mission Indians* v. *Escondido Mutual Water* Co., No. 69–217–S (S.D. Cal., filed July 25, 1969), Response of Attorney General and Secretary of the Interior to Court Order dated November 26, 1969.

[79] Memorandum, Robert S. Plecyger, to Thomas M. Susman, Staff, Subcommittee on Administrative Practice and Procedure, U.S. Senate, November 14, 1969, "San Luis Rey Water Case," p. 14.

[80] Letter to Representative James Utt, August 15, 1969, p. 4.

[81] *The Quechan Tribe of the Ft. Yuma Reservation, California* v. *United States,* Ind. Cl. Com. Docket No. 320.

[82] See Letter, Roy R. Young, to Honorable Stewart L. Udall, March 13, 1968.

[83] *Ibid.*

[84] Memorandum, Secretary of the Interior, to Commissioner, Bureau of Reclamation, March 22, 1968.

[85] Letter, Mr. Robert Jim, Chairman, Yakima Tribal Council, to Honorable Henry M. Jackson, July 22, 1969 (hereafter referred to as "Jim letter").

[86] H. Rept. No. 296, 88th Cong. 2d Sess., states in part:

Available water

"The flow of the Yakima River at Prosser Dam consists of spills over Sunnyside Dam, the next diversion above Prosser Dam, and inflow between Sunnyside and Prosser Dams is made up of tributary inflow and return flow from irrigated lands. The spills over Sunnyside Dam constitute the greatest volume of the total annual runoff, but are a fluctuating, unreliable irrigation supply. By comparison the return flows below Sunnyside Dam comprise a smaller portion of the total runoff, but because they are dependable flows, they provide a large portion of the irrigation supply for the Kennewick Division."

Inflow, Sunnyside to Prosser Dam

"The inflow to the Yakima River below Sunnyside Dam is made up of runoff from tributaries (Toppenish and Satus Creeks) and return flows from irrigated lands. Tributary runoff is of little importance in the months of July-October, when it amounts to about 2 percent of the total inflow. Return flows drain to the river from the Wapato project, south and west of the river, and from the Sunnyside and Roza divisions of the Yakima project on the north and east. A high total inflow is sustained during the irrigation season because the maximum tributary runoff and the maximum return flow occur at different times. *Tributary runoff reaches a maximum during the spring and early summer, when return flows are relatively small. After May or June tributary runoff decreases abruptly, and return flows increase sizably,* reaching a maximum during the late summer. In the fall and winter, inflow is small and does not increase appreciably until augmented by melting snow and spring rains." (Emphasis supplied.)

[87] Jim Letter, p. 3.

[88] Memorandum, Commissioner of Reclamation to Legislative Counsel, Office of the Under Secretary.

"Water Supply and Water Rights for the Kennewick Dam Extension, Washington," June 17, 1969, p. 5. The proposal to use uncontrolled spills is inconsistent with a portion of the 1945 decree, which allocated spills over Sunnyside Dam (the project directly upriver from the Kennewick Division), relied upon by Reclamation, to existing users (as of 1945) "in accordance with its practice prior to the entry of this judgment." William H. Veeder, Memorandum, "Yakima Indian Nation's Rights to the Use of Water Imperiled by Bills: To Provide for the Construction, Operation, and Maintenance of the Kennewick Division Extension, Yakima Project, Washington," July 7, 1969 p. 15.

[89] Jim Letter, p. 3.

[90] Letter to Senator Jackson, August 12, 1969.

[91] 43 U.S.C. § 981 et seq.

[92] Speech, Representative Pettis of California, December 4, 1969 (Congressional Record, vol. 115, pt. 27, p. 3624) (hereafter referred to as Pettis speech).

[93] 7 Ind. Cl. Com. 219. The Supreme Court has declared the Swamp and Overflow Land Act to be inapplicable to lands which the Indians held in 1850. *United States* v. *O'Donnell,* 303 U.S. 501, 509 (1937); *United States* v. *Minnesota,* 270 U.S. 181, 206 (1925). Also, the act applies only lands made unfit for cultivation, see *Keeran* v. *Allen,* 33 Cal. 542 (Cal. Sup. Ct.), and the Mohaves rely on the Colorado River to irrigate and fertilize their fields. 7 Ind. Cl. Com'n 219, 252 (App.).

[94] Pettis speech, *supra* note 92.

[95] The Commissioner relied on 25 U.S.C. § 48 which provides: "Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe."

[96] 18 U.S.C. § 201 *et seq.*

[97] *Washington Post,* August 22, 1970, pp. A1, A6.

[98] Even if San Ildefonso had asserted its rights solely to the Rio Grande, three pueblos would have been left to rely exclusively on the tributaries.

[99] E.g., *Secretary of Agriculture* v. *United States,* 350 U.S. 162 (1956); *United States* v. *ICC,* 337 U.S. 426 (1949).

By Mr. PERCY (for himself, Mr. GOLDWATER, Mr. CURTIS, Mr. MCGOVERN, Mr. YOUNG, and Mr. HRUSKA):

S. 1003. A bill to name the synthetic gas pilot plant located in Rapid City, S. Dak., the "Karl E. Mundt Gasification Pilot Plant." Referred to the Committee on Interior and Insular Affairs.

KARL E. MUNDT GASIFICATION PILOT PLANT

Mr. PERCY. Mr. President, last year former Senator Karl E. Mundt died after a long and distinguished career in the U.S. Congress. He began his congressional career in 1950 as a Member of the House of Representatives in the 76th Congress. After 4 terms in the House he was elected to the U.S. Senate where he served four consecutive terms—the 81st Congress through the 92d. The number of committees and subcommittees on which he served is great, and in every assignment his wisdom and counsel was exerted. His influence on constructive legislation and his contributions to his country were outstanding.

In the late 1960's Senator Mundt, serving as ranking Republican member of the Interior Appropriations Subcommittee, realized our Nation was headed for an energy crisis of enormous magnitude unless the Congress faced up to the problem and attempted to discover new sources of energy. This vital problem disturbed him. He was convinced that the millions of tons of lignite buried in the soil of the Dakotas, Montana, and Wyoming could, after extensive research, produce gas.

Convinced that the coal gasification process developed by the Consolidation Coal Co. was a significant technological advance in solids-to-gas conversion, Senator Mundt was successful in securing the necessary appropriation to construct the CO_2 acceptor pilot plant in Rapid City, S. Dak., at a construction cost of $9.3 million. The sponsor of the plant is the Department of the Interior, Office of Coal Research and the operating cosponsor is the American Gas Association which supplied one-third of the funds for construction.

The plant is located on a 10-acre site on South Dakota's highway 79, 2 miles south of Rapid City, S. Dak. The land was contributed by the Western South Dakota Development Corp.

Senator Mundt, with the assistance of the Department of the Interior and especially the Office of Coal Research, and the American Gas Association, made this pilot plant possible. I am today introducing, along with Senators GOLDWATER, CURTIS, MCGOVERN, YOUNG, and HRUSKA, a bill to acknowledge this splendid accomplishment, led by Senator Mundt, by having the OCR lignite gasification pilot plant in Rapid City, S. Dak., named and dedicated as the "Karl E. Mundt Gasification Pilot Plant."

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the synthetic gas pilot plant located in Rapid City, South Dakota, is designated the "Karl E. Mundt Gasification Pilot Plant".

SEC. 2. Any reference in any law, rule, document, map, or other record of the United States to such plant is deemed to be a reference to such plant by the name designated in the first section of this Act.

By Mr. MATHIAS:

S. 1006. A bill to extend the authorization for the American Revolution Bicentennial Administration. Referred to the Committee on the Judiciary.

BICENTENNIAL EXTENSION

Mr. MATHIAS. Mr. President, February 24 marked the official beginning of our Bicentennial celebration. Consequently, I am reintroducing today a modification of a bill which I introduced originally in the 93d Congress to extend the authorization for the American Revolution Bicentennial Administration. I am proposing that we extend this authorization from its present expiration date—December 31, 1976—to December 31, 1989. In so doing, I am confident that we shall commemorate this 200th anniversary of our Nation's birth in a manner which is timely and which will have marked significance for the future.

Our Nation today faces problems at least as great as those faced by our Founding Fathers. If we are to surmount these problems, we must possess a unity of purpose and courageness of action at least as great as that which they possessed. The occasion of our Bicentennial offers the opportunity for a renewal and rededication of this spirit which made our independence as a nation a reality. A 1-year extravaganza, however, does not afford sufficient time nor the sincerity of commitment necessary for taking the ideals and goals of our formative days and relating them to the lives we lead in contemporary America.

The grave problems which we face today have tended to produce a feeling of alienation and helplessness in our people. The Bicentennial offers an opportunity for a Nation of over 200 million people of all races, religious, ethnic backgrounds, all economic levels to see ourselves in relation to the role we must play in shaping the type of society we have today and the heritage we are to leave to the future. We enjoy a heritage both rich in principle and daring in design. If we hope to leave a nation worth inheriting, our sense of principle and courage must be reinspired.

In the original version of this bill which I introduced during the last session of Congress, I proposed extending the Bicentennial through 1983, to correspond with the 200th anniversary of the signing of the Treaty of Paris. The bill which I introduce today would extend the Bicentennial through 1989 to correspond with the 200th anniversary of the Constitution of the United States—a period of time endorsed by the National Committee for the Bicentennial Era.

By extending the years of the Bicentennial to correspond with the historical Revolutionary period—from the Declaration of Independence to the Constitution—we can recapture the ideals, the wisdom, the courage, and forthrightness of early days. I believe that the manner in which we celebrate our Bicentennial will say something about ourselves as a people. If we have the courage to make the commitment, we can say that the spirit of Revolution is still very much alive in the American people.

Mr. President, in the February 24 edition of the Washington Post, there appeared "A Bicentennial Declaration." This declaration has been endorsed by a number of prominent Americans who share with me the belief that an extended observance is necessary in order to have a meaningful 200th anniversary. I ask unanimous consent that this declaration and its signers along with the text of my bill be printed in the RECORD. I also ask unanimous consent to have printed in the RECORD an interview with John W. Warner, the head of the American Revolution Bicentennial Administration, on the occasion of the official beginning of the Bicentennial celebration which appeared in the February 24 edition of the Washington Star.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7(a)(2) of the Act entitled "An Act to establish the American Revolution Bicentennial Administration, and for other purposes", Public Law 93–179, approved December 11, 1973, is amended by striking out "1976" and inserting in lieu thereof "1989".

(b) Section 7(b) of such Act is amended to read as follows:

"(b) An annual report on the activities of the Administration, including an accounting of funds received and expended, shall be furnished by the Administrator to the Congress and a final report shall be made to the Congress not later than December 31, 1989. The Administration and the Board shall terminate on December 31, 1989, or on the date of the filing of the final report, whichever is sooner."

SEC. 2. Section 10(i) of such Act is amended by striking out "June 30, 1977" and inserting in lieu thereof "December 31, 1989".

SEC. 3. The second sentence of section 3 of the Act entitled "An Act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution", Public Law 92–228, approved February 15, 1972, is amended by striking out "June 30, 1977" and inserting in lieu thereof "December 31, 1989".

A BICENTENNIAL DECLARATION

This great country of ours stands at a crucial turning point in its history. We face new and serious problems and uncertainty as to the future.

Two hundred years ago, our founding fathers stood at a similar crossroads. Beset then by grave doubts, they ultimately resolved to stake everything on a handful of ideas and ideals.

They forged those ideas and ideals into founding principles and then fought to uphold them. The American Revolution brought forth a new system of government based on freedom, justice, and individual rights.

Today we are called upon to maintain and improve that system and to fulfill those principles in a world growing increasingly interdependent. We are called upon to resolve our problems in many areas such as the economy, education, the environment, equal opportunity, freedom of choice.

We, the undersigned, believe—and we feel confident we reflect the sense of the American people—that we have reached the point in our history when a *second* American Revolution is called for, a revolution not of violence, but of fulfillment, of fresh purposes, and of new directions.

We believe that the Bicentennial of our founding offers just such an opportunity. To realize this potential, we believe the Bicentennial must be based on four fundamentals.

Let us be inspired by our origins, and by the challenges we face.

If we are not today an inspired people, we need to be reminded that we once were, and must be again. There is high inspiration to be found in the great ideals that created our country. The phrases that have been worn smooth by use have fresh and urgent meaning for us today—"government by consent of the governed," "the blessings of liberty," "all men are created equal," "a nation of laws." The Bicentennial can and must become a time to celebrate those ideals, and to celebrate them in the profound sense of renewal and rededication.

Let us make the Bicentennial a great period of achievement, nationally and in every community.

What our forebears did 200 years ago had never been done before. What we must do today is equally unprecedented. At every level in our society, there is an urgent need for achievement—in education, housing, transportation, the arts, communications, new ways of solving social problems, new methods of setting goals for the future, increased citizen participation in government. We believe that dedicating the Bicentennial to achievement is the way to put the sense of alienation and powerlessness behind us, to become once again the masters of our own destiny.

Let us commit ourselves to a Bicentennial Era, to at least the same time span required for the founding of our nation.

The first American Revolution neither started nor ended on the Fourth of July, 1776. Thirteen difficult years elapsed between the signing of the Declaration of Independence and the creation of an enduring system of government based on the Constitution. Many of the problems of today are different from those of 200 years ago, but they are at least as grave. Therefore, the second American Revolution will require at least a comparable period of time to grow strong and firm roots. We endorse the concept of a Bicentennial Era from 1976 to 1989 as a realistic period for tough-minded planning and accomplishment.

Let us put our trust in individual initiative, in the participation of each individual citizen.

Our great experiment in democracy will surely erode unless the Bicentennial Era becomes a time when we once again assert the primacy of individual initiative in moving our country forward. Governmental units at all levels must play a vigorous part. But the primary responsibility lies with the people, not with government. Let each of us, acting alone and in groups, take our own initiatives. There is work for all—for each individual—in every part of the country, of every color, creed, age, and ethnic background. That work must begin now.

For our part, we, the undersigned, pledge ourselves to spread this message throughout the land, and to undertake our own individual initiatives. We earnestly invite our fellow citizens, all those who share our vision of what the Bicentennial Era can mean and accomplish, to lend their time, their energy, and their spirit to the work that lies ahead.

Charles F. Adams, Chairman, Raytheon Company, Lexington, Massachusetts.

Eddie Albert, Actor, Pacific Palisades, California.

Manuel Aragon, Deputy Mayor, City of Los Angeles, California.

Monsignor Geno Baroni, President, National Center for Urban Ethnic Affairs, Washington, D.C.

Benny Ray Bailey, Administrator, East Kentucky Health Services Center, Inc., Hindman, Kentucky.

Clifford M. Clarke, Executive Director, Bicentennial Council of the Thirteen Original States, Atlanta, Georgia.

A. W. Clausen, President, The Bank of America, San Francisco, California.

Joan Ganz Cooney, President, Children's Television Workshop, New York, New York.

Walter Cronkite, CBS News, New York, New York.

Vincent A. deForest, Chairman, Afro-American Bicentennial Corp., Washington, D.C.

William C. Friday, President, University of North Carolina, Chapel Hill, North Carolina.

John W. Gardner, Chairman, Common Cause, Washington, D.C.

Walter A. Haas, Jr., Chairman, Levi Strauss & Company, San Francisco, California.

Ladonna Harris, President, Americans for Indian Opportunity, Washington, D.C.

Reverend Theodore M. Hesburgh, President, Notre Dame University, South Bend, Indiana.

Lady Bird Johnson, Stonewall, Texas.

Erik Jonsson, Chairman, Texas Instruments, Dallas, Texas.

Vernon E. Jordan, Jr., Executive Director, National Urban League, Inc., New York, New York.

Billie Jean King, U.S. Open Tennis Champion, Los Angeles, California.

Robert S. McNamara, President, International Bank for Reconstruction and Development, Washington, D.C.

Dr. Margaret Mead, Anthropologist, American Museum of Natural History, New York, New York.

George Meany, President, AFL–CIO, Washington, D.C.

Ruben F. Mettler, President, TRW, Inc., Cleveland, Ohio.

Arjay Miller, Dean, Stanford Business School, Stanford, California.

Eleanor Holmes Norton, Chairman, Commission on Human Rights, New York, New York.

Joseph Papp, Producer, New York Shakespeare Festival, New York, New York.

Esther Peterson, Consumer Advisor, Giant Food, Inc., Washington, D.C.

Merrill D. Peterson, Professor of History, University of Virginia, Charlottesville, Virginia.

Elliott L. Richardson, former Attorney General of the U.S., McLean, Virginia.

John D. Rockefeller 3rd, New York, New York.

Dr. Jonas E. Salk, Director, The Salk Institute, La Jolla, California.

Frank Stanton, Chairman, The American National Red Cross, Washington, D.C.

Isaac Stern, Concert Violinist, New York, New York.

Cyrus Vance, President, Association of the Bar of the City of New York, New York, New York.

John Warner, Administrator, American Revolution Bicentennial Administration, Washington, D.C.

George H. Weyerhaeuser, President, Weyerhaeuser Company, Tacoma, Washington.

Dolores Wharton, Vice Chairperson, Michigan Bicentennial Commission, East Lansing, Michigan.

Roy Wilkens, Executive Director, National Association for the Advancement of Colored People, New York, New York.

Dr. Helen Wise, Chairperson, National Education Association Bicentennial Committee, Washington, D.C.

Leonard Woodcock, President, United Auto Workers, Detroit, Michigan.

Q. AND A.: JOHN WARNER LOOKS AT THE BICENTENNIAL

(The American bicentennial, 21 months of celebration, circumspection and controversy, officially gets underway today. John W. Warner, head of the American Revolution Bicentennial Administration, was interviewed by Washington Star Staff Writer Betty James.)

Question: Has the turmoil of the Vietnam era, the Watergate scandals and the economic crisis sapped any of the enthusiasm for the bicentennial?

Warner: I have found an enthusiasm for the bicentennial which has in large part, been motivated by the very things that you mention. For example, out of Watergate grew a motivation which resulted in more people going back on their own and reading the Declaration of Independence, the Constitution and the Bill of Rights than any other event in recent times. The economic situation is prompting people to come together, sort of work among themselves, and that is one of the mystiques of the Bicentennial. I can't give you the reason why but it does draw together in communities the diverse elements of that community.

Q: How successful have you been in stimulating business as contrasted with public dollars for the bicentennial?

A: The more important aspect is the contribution being made by the private sector. If it were possible to cost out the whole bicentennial, the largest segment of dollars is not coming from the federal government but from the private sector and from the individuals themselves. I've estimated that several hundred million dollars will be invested in the nation's bicentennial by major corporations, foundations and labor unions. Those companies are coming in and shouldering some of the financial responsibility, organizational responsibility and much of the implementation of the citizen program. In some instances, not all, the only recognition being that "this program has been made possible through a grant from the XYZ corporation."

Q: When you figure in what all the federal agencies have identified as bicentennial projects the federal expenditure is not that small, is it?

A: There are programs which have been submitted in connection with both the '75 and '76 budgets which add up to about $100 million each year. But the bicentennial label has been appended to many programs which would have gone on anyway. So I do hope to convey that Uncle Sam suddenly didn't begin to have enormous expenditures within the federal sector solely because of the bicentennial. But these programs adapt themselves to the bicentennial.

Q: Television shows inspired by the bicentennial have been appearing on prime time in recent months. According to national Nielsen ratings, the last of the CBS series on Benjamin Franklin finished 61st among 63 programs. What does this suggest to you?

A: Well, it's very difficult for me to try to superimpose my judgment on the professionals in this area but it's obvious that it did not receive the response that was hoped. I could only conjecture that perhaps much of the bicentennial media presentation—this one, for example—might have come too early for the people. I detect as I travel across the United States tremendous growing excitement and enthusiasm for the bicentennial. It's sort of coming on right now. And I suppose possibly that program was a little ahead of this enormous grassroots wave of enthusiasm and excitement across the country.

Q: Do you think that wave should have occurred a year ago?

A: No, in my judgment, as we watch certain events in the United States—be it the World Series, or a presidential election or any other national event—we see that people tend to begin to participate and get an interest and an identification with it on or about the eve of it. And we're on that eve right now. If you come back a year from now and show me that rating I'll be seriously troubled, but I'm not seriously troubled today.

Q: Can the issue of commercialization in the bicentennial, sometimes described as Buy-centennial, be resolved?

A: Now that will be an issue throughout the period. The word bicentennial is in the dictionary and anyone is free to use it in any manner he or she wishes. The Founding Fathers fought just as hard for the freedom of enterprise, economic freedom, as they did for freedom of speech. And therefore people should be able to use the word bicentennial as they see fit and manufacturers should try and meet the demands of the public. Traditionally in the United States we have always wanted to buy artifacts, memorabilia, souvenirs, connected with any major historical event or sports event such as the Olympics. But what appeals to one person may be distasteful to another. So we come right down to the Congress of the United States recognizing this dilemma. It directed me very clearly to "Provide for the preparation, distribution, dissemination, exhibition and sale of commemorative medals and other historical commemorative and informational materials and objects which will contribute to public information, awareness and interest in the bicentennial." We have a licensing program which will seek out certain manufacturers in the United States and offer them the opportunity to affix the official logo to an article. Before we do that we make some determination on the quality of that article, the workmanship, the price structure, so that in our judgment it's among the better class of items to be offered to the public. And also to see that it comports with the mandate of the Congress as relating to the bicentennial. As a consequence of letting the logo be used we are entitled to a small percentage of the proceeds of sale, which dollars come back to this administration and are used by us for purposes of funding national bicentennial programs. Now, a final point should also be made that the unwitting criticism tends to impute a lack of good judgment and common sense on the part of the average American citizen to determine for himself his likes and dislikes. While the free enterprise system does permit the manufacture and sale of a wide range in quality of items the common sense of the average citizen will in the end prevail so that the distasteful and discrediting items in all likelihood will be left on the vendors' shelves to gather dust.

Q: Why should we be spending the amounts of money that are being spent on the bicentennial at a time when there's so much need and so much unemployment?

A: The answer to that is that bicentennial dollars are going right back into the economy and they are creating jobs. What better example can I give you than that about a third of the bicentennial is devoted to some element of restoration of structures, and that's providing jobs for one of the hardest-hit industries, the electricians, the bricklayers, the carpenters, the laborers. Thousands upon thousands upon thousands are being employed on projects for restorations and new construction connected with the bicentennial.

Q: What plans have been made for the Fourth of July, 1976, here in Washington?

A: We're working on them now. I will recommend to the President the following: That the day will be subdivided into three basic segments. In the first segment, the early morning, the religious leaders—all denominations have consulted with me—are trying to organize, perhaps on a simultaneous basis, a national religious observance in thanksgiving. Now, the premise is that each individual go to his own place of worship and do it as he or she so desires, no organization other than perhaps the time. Then perhaps the center part of the day would be used for the leaders of our nation, for our President, our governors, the members of Congress, the mayors to lead the people in a reflection on the greatness of our past, the history, where we are today, and where we should be going in the future. That's a little rhetoric and a little speech-making but we should have it, hopefully out on the village greens, with the people having perhaps walked from their places of worship to a central location to listen to their chosen leaders discuss these subjects. Then I personally hope, as the twilight comes on across America, that we do engage in relaxation and some fun and frivolity which is traditional to this great time, with simultaneous fireworks across the nation.

Q: Where is your biggest difficulty as the administrator of ARBA?

A: There are going to be two questions which will remain unresolved to the end. First, the issue of commercialism—that will be debated throughout the bicentennial. The second is whether the United States government did enough or too much; whether it shouldn't have spent all that money and perhaps discouraged Americans elsewhere. I will remain for the next 18 months literally in the eye of the storm of controversy. But I volunteered and I'm happy to be here and I'll see it through.

Q: How do the native Americans, the Indians, view the bicentennial?

A: Well, with an understandable measure of skepticism. They have certainly, we recognize today in retrospect, legitimate basis for criticism of their treatment. And I have taken a personal interest in this. Recently I hosted the 15 Indian chiefs here in Washington and listened to their thoughts and then out of that meeting, surprisingly, grew an invitation to me personally to come out and visit with the chief of the Crow nation.

Q: What did he want from you?

A: He seemed to be very impressed with my thought that the Crow Indian tribe could play a unique role in the bicentennial and he's going to take it up at his tribal council meeting to become a bicentennial community—the tribe itself would become a bicentennial community and fly the bicentennial flag. We stressed, that is I stressed, that his program could be one of the culture and the heritage of the Plains Indians and since he's centrally located he has the possibility of having other tribes participate and that could be a very constructive program of the richness of their culture as opposed to the reenactment of the battles and violence and things of this nature.

Q: Are some of the Indian tribes thinking of actively boycotting the bicentennial?

A: There are any number of tribes and I have now appointed a full-time assistant to me whose sole responsibility is working with the native Americans. He's a blueblood Blackfoot.

Q: What would you like to see emerge from the bicentennial?

A: First, a restoration in the people of their faith in themselves to achieve things, in other words, the community doing something for the bicentennial rather than sitting back and letting the Federal government do it all. I find as I cross the country a great despair that the individual cannot influence his daily life or even the eventual state of his family and that's a discouraging thing. I believe the bicentennial gives him an opportunity to get in and participate, and do something and emerge saying to himself, "By golly, I count after all." The second, restore faith in the blueprint of our Nation—The Declaration of Independence, the Constitution, the Bill of Rights. I hope emerging from the bicentennial will be a unanimous conviction of all Americans that those three great documents, that blueprint was indeed laid down right and can carry us into the Third Century.

By Mr. DOLE:

S. 1007. A bill to prohibit the Consumer Product Safety Commission from restricting the sale or manufacture of firearms or ammunition. Referred to the Committee on Commerce.

Mr. DOLE. Mr. President, I am today introducing legislation to prohibit the Consumer Product Safety Commission from imposing any ruling or restriction which would classify ammunition for handguns as a "hazardous substance," and thereby restrict its sale. In my opinion, such a gesture would be clearly beyond the authority granted the Commission by Congress, and a gross distortion of the intent of the Hazardous Substances Act of 1960.

Legislation to accomplish the same objective is already pending in this Congress, and I intend to give it my full support. I have chosen to introduce this separate measure, however, to demonstrate my emphatic endorsement of the cause against the propriety of the action contemplated by the CPSC.

The events leading to the necessity for this bill began when the Committee for Handgun Control, Inc.—a Chicago-based gun control lobby—petitioned the CPSC for a ruling that firearms and firearm ammunition constitute "hazardous substances" under the aforementioned 1960 act. Significantly, such petition was denied by the Commission September 5, 1974, on the grounds that the requested ruling, if made, would go beyond the scope of the law.

The gun control lobby then appealed that decision to the District of Columbia Federal Court, which, on December 19, 1974, ordered the Commission to "commence consideration" of the Handgun Control Committee's proposal. That brings us to the present.

From my State of Kansas I have received literally hundreds of letters, telegrams, and phone calls from citizens who are distressed and concerned over this attempt by a few people to bend the meaning of a statute that has been on the books for nearly 15 years. They quite properly point out, I think, that this whole endeavor is nothing more than a "backdoor" approach to gun control—which is clearly the business of Congress, and not that of either the courts or the Consumer Product Safety Commission.

The responsibilities of commissions like these is to protect consumers from fraudulent claims of manufacturers, improper labeling, and hidden dangers in products. Although it is certainly true that firearms and ammunition can become dangerous through misuse, the restriction of their sale is not necessarily the answer—and in any event, is not within the bounds of existing legislation.

If that were the case, who knows where such a theory might lead us in the regulatory arena—perhaps to banning the purchase of gasoline, perhaps to letter-openers, or may even to baseball bats? The point is that we cannot sit by and allow bureaucratic paternalism to reach such ridiculous proportions that it infringes on the legitimate rights of the average, law-abiding citizen.

I am not suggesting that Congress itself should not address this issue, because it surely has a duty to examine the entire matter. But until that happens—and unless it results in some definitive controls—I firmly believe we need to forestall any abuse of power which cannot help but prompt our constituents to ask: "Who is really making the laws which govern our lives and protect our basic freedoms—and elected Representatives, or a panel of appointed officials?"

Mr. President, it is indeed unfortunate that we even find ourselves in the situation of having to pass a law to interpret a law. But since that is apparently the only course of action which will suffice in this instance, I urge all my colleagues to get behind this effort to promote expeditious resolution of the controversy.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, no other provision of law withstanding, the United States Consumer Product Safety Commission shall make no ruling or order that restricts the manufacture or sale of firearms, firearm ammunition, or components of firearm ammunition, including blackpowder and gunpowder.

By Mr. STONE (for himself, Mr. McGee, Mr. Cannon, Mr. Chiles, Mr. Cranston, Mr. Domenici, Mr. Hansen, Mr. Haskell, Mr. Montoya, and Mr. Stevens):

S. 1009. A bill to amend title 13 of the United States Code to require the compilation of current data on total population between censuses and to require the use of such current data in the administration of Federal laws in which population is a factor. Referred to the Committee on Post Office and Civil Service.

Mr. STONE. Mr. President, today I am introducing legislation that would update and standardize the data used in determining total population for the distribution of Federal funds.

Many recent laws, including general revenue sharing, use the current population updates published by the Bureau of the Census to determine total population. However, many older laws use the decennial census to determine total population.

This bill will provide the uniform determination of total population by requiring the Bureau of the Census to produce and publish annual population updates for States, counties, and local governments which have a population of 50,000 or more, and biennial population updates for local governments. It does not require a yearly census or even a mid-decade census; rather it codifies the Bureau of Census' existing practice of producing population updates.

Equitable distribution of Federal benefits requires that the most current means of distributing these benefits be used. Given the highly mobile nature of our country, the total population figures included in the 1970 decennial census no longer accurately represent the present population. During the last 4 years many States have greatly increased in population while others have either declined or remained stable. By relying upon outdated population figures to distribute Federal benefits, many States are being deprived of funds necessary to provide services for their expanded population. The purpose of using the most recent population data in funding formulas is to insure that the benefits are directed to the people where they actually are. Therefore, this bill provides that in the administration of any law where population is used to help determine the amount of benefits received by State and local governments, the most recent data published by the Bureau of Census shall be used.

I feel that this bill will insure both the uniform production of data on total population as well as the most current and equitable basis for determining the distribution of Federal funds.

Mr. President, I ask unanimous consent to have the bill printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter IV of chapter 5 of title 13, United States Code, is amended to read as follows:

"SUBCHAPTER IV—CURRENT INTERIM DATA"

"§ 181. Population

"During the intervals between decennial censuses of population under section 141, the Secretary shall annually produce and publish for each State, county, and local unit of general purpose government which has a population of 50,000 or more, current data on total population and shall biennially produce and publish for other local units of general purpose government current data on total population. Such data shall be produced and published for each State, county, and other local unit of general purpose government for which data is compiled in the most recent census of population taken under section 141. Such data may be produced by means of sampling or other methods which the Secretary determines will produce current, comprehensive, and reliable data.

"§ 182. Other current data

"The Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects (other than population) covered by the censuses provided for in this title.

"§ 183. Use of most recent population data

"In the administration of any law of the United States in which population is used to determine the amount of benefit received by State, county and local units of general purpose government, the data most recently produced and published pursuant to section 181 shall be used except with respect to any date or period of time for which the census of population taken under section 141 is the most recent data. The preceding sentence shall apply with respect to any such law whether or not such law makes reference to the census of population taken under section 141.

"§ 184. Definition

"For purposes of this subchapter, the term 'local unit of general purpose government' means the government of a county, municipality, township, or other unit of government below the State which is a unit of general government."

(b) The table of contents for chapter 5 of title 13, United States Code, is amended by striking out

"181. Surveys."

and inserting in lieu thereof

"181. Population.
"182. Other current data.
"183. Use of most recent population data.
"184. Definition."

SEC. 2. (a) The Secretary of Commerce and the Director of the Office of Management and Budget shall jointly initiate the development and establishment of uniform methods and procedures to be used by the Bureau of the Census and all other bureaus and components of the Executive branch in producing statistical information used in effecting the delivery of federal benefits to State and local governments.

(b) Not later than one year after the date of the enactment of this Act, the Secretary and the Director shall report to the Committees on Post Office and Civil Service of the Senate and House of Representatives with respect to progress made toward the development and establishment of the methods and procedures described in subsection (a).

(c) Nothing in subsection (a) or (b) shall be construed as to limit the present authority of the Office of Management and Budget to develop and promulgate statistical standards and authority under the Federal Accounting and Procedure Act of 1950.

Mr. MONTOYA. Mr. President, I am pleased to join Senator STONE today as cosponsor of a bill which would provide for the use of annual and biennial population data in all Federal funding formulas where census data is currently used.

This bill would require that annually updated census data be used for each State and county, in the administration of Federal laws in which population is a factor. Also data would be provided, on a biennial basis, for other units of local government. Finally the bill would require the Office of Management and Budget to prepare, jointly with the Commerce Department, proposals for uniform methods and procedures to be used by all components of the executive branch in producing statistical data effecting the delivery of Federal benefits to State and local governments.

This bill will rectify what has for many years been an unjust situation for those areas of the country such as New Mexico, who are experiencing rapid population growth. In rapid growth States reliance on decennial census data, means that the funding formula which is based on population, becomes more inequitable as the time between censuses increases. However, by using, as this bill does, data updated on a regular basis funding can be adjusted to account for fluctuations which occur in population.

Mr. President, I urge that all my colleagues will give this measure their careful and sympathetic consideration, so that action can be completed at an early date.

By Mr. HASKELL:

S. 1010. A bill to clarify authorization for the approval by the Administrator of the Federal Aviation Agency of the exchange of a portion of real property conveyed to the city of Grand Junction, Colo., for airport purposes. Referred to the Committee on Commerce.

Mr. HASKELL. Mr. President, the legislation I am introducing today provides authority for an exchange of lands to enable the Walker Field, Colo., Public Airport Authority to operate more efficiently.

The Federal Airport Act of 1946 enabled the United States to grant certain lands to the city of Grand Junction for use as an airport. A condition of the grant of those lands prohibits exchanging any of the acreage. The grant specifies that in the event the lands are not developed or cease to be used for airport purposes the property interest shall automatically revert to the United States.

The airport would like to trade 18.59 of the original 321.04 acres granted to it with a private party. The purpose of the trade is to straighten the airport's boundaries and to make them more functional. The land which would be received is more valuable than the land which would be conveyed so there is no question of giving away public lands in an unfair trade.

Similar legislation was introduced last year in both the Senate and the House of Representatives but did not receive any action. I am hopeful my colleagues on the Senate Committee on Commerce will see fit to act on this legislation during the 94th Congress. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 16 of the Federal Airport Act, the Administrator of the Federal Aviation Agency is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622C), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated September 14, 1951, under which the United States conveyed certain property to the city of Grand Junction, Colorado, for airport purposes.

By Mr. HASKELL (for Mr. JACKSON, for himself and Mr. FANNIN) (by request):

S. 1011. A bill to designate the Aldo Leopold Wilderness, Gila National Forest, N. Mex.;

S. 1012. A bill to designate the Blue Range Wilderness Apache National Forest, in the States of Arizona and New Mexico;

S. 1013. A bill to designate the Eagles Nest Wilderness, Arapaho and White River National Forest, in the State of Colorado;

S. 1014. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado;

S. 1015. A bill to designate the Glacier Wilderness, Soshone National Forest, in the State of Wyoming;

S. 1016. A bill to designate the High Uintas Wilderness, Ashley and Wasatch National Forests, in the State of Utah;

S. 1017. A bill to designate the Spanish Peaks Wilderness, Gallatin National Forest, in the State of Montana;

S. 1018. A bill to designate the Beartooth Wilderness, Custer and Gallatin National Forests in the State of Montana;

S. 1019. A bill to designate the Big Blue Wilderness, Courthouse Mountain Wilderness, Dolores Peak Wilderness, Mount Sneffels Wilderness, and Mount Wilson Wilderness, San Juan and Uncompahgre National Forests in the State of Colorado;

S. 1020. A bill to designate the Cloud Peak Wilderness, Bighorn National Forest, in the State of Wyoming;

S. 1021. A bill to designate the Gila Primitive Area as a part of the Gila Wilderness, Gila National Forest, N. Mex., and for other purposes;

S. 1022. A bill to designate the Monarch Wilderness, Sequoia, and Sierra National Forest in the State of California;

S. 1023. A bill to designate the Popo Agie Wilderness, Shoshone National Forest, in the State of Wyoming;

S. 1024. A bill to designate the Idaho Wilderness, Boise, Challis, Payette, and Salmon National Forests, Idaho and the Salmon River Wilderness, Bitterrootl, Nezperce, and Salmon National Forests, Idaho;

S. 1025. A bill to designate the Trinity Alps Wilderness, Klamath, Shasta-Trinity, and Six Rivers National Forests in the State of California;

S. 1026. A bill to designate certain lands in the Chassahowitzka National Wildlife Refuge, Citrus County, Fla., as wilderness;

S. 1027. A bill to designate certain lands in the Crab Orchard National Wildlife Refuge, Jackson, Union, and Williamson Counties, Ill., as wilderness;

S. 1028. A bill to designate certain lands in the Crescent Lake National Wildlife Refuge, Garden County, Nebr., as wilderness;

S. 1029. A bill to designate certain lands in the Hart Mountain National Antelope Refuge, Lake County, Oreg., as wilderness;

S. 1030. A bill to designate certain lands in the Havasu National Wildlife Refuge, San Bernardino County, Calif., as wilderness;

S. 1031. A bill to designate certain lands in the Hawaiian Islands National Wildlife Refuge, city and county of Honolulu, Hawaii, as wilderness;

S. 1032. A bill to designate certain lands in the Imperial National Wildlife Refuge, Yuma County, Ariz., and Imperial County, Calif., as wilderness;

S. 1033. A bill to designate certain lands in the Malheur National Wildlife Refuge, Harney County, Oreg., as wilderness;

S. 1034. A bill to designate certain lands in the Rice Lake National Wildlife Refuge, Minn., and the entire Mille Lacs National Wildlife Refuge, Minn., as wilderness;

S. 1035. A bill to designate certain lands in the Mingo National Wildlife Refuge, Wayne and Stoddard Counties, Mo., as wilderness;

S. 1036. A bill to designate certain lands in the Missisquoi National Wildlife Refuge, Franklin County, Vt., as wilderness;

S. 1037. A bill to designate certain islands of the Oregon Islands National Wildlife Refuge, Clatsop, Tillamook, Lincoln Lane, Coos and Curry Counties, Oreg., as wilderness;

S. 1038. A bill to designate certain lands in the Red Rock Lakes National Wildlife Refuge, Beaverhead County, Mont., as wilderness;

S. 1039. A bill to designate certain lands in the Matia Island and San Juan National Wildlife Refuges, San Juan and Skagit Counties, Wash., as wilderness;

S. 1040. A bill to designate all of the Semidi National Wildlife Refuge, 3d Judicial Division, Alaska, as wilderness.

S. 1041. A bill to designate certain lands in the Simeonof National Wildlife Refuge, Third Judicial District, Alaska, as wilderness;

S. 1042. A bill to designate certain lands in the Tamarac National Wildlife Refuge, Becker County, Minn., as wilderness;

S. 1043. A bill to designate certain lands in the Aleutian Islands National Wildlife Refuge, Third Judicial Division, Alaska, as wilderness;

S. 1044. A bill to designate certain lands in the Valentine National Wildlife Refuge, Cherry County, Nebr., as wilderness;

S. 1045. A bill to designate certain lands in the White River National Wildlife Refuge, Desha County, Ark., as wilderness;

S. 1046. A bill to designate certain lands within the Agassiz National Wildlife Refuge in Marshall County, Minn., as wilderness;

S. 1047. A bill to designate certain lands in the Aleutian Islands National Wildlife Refuge, Third Judicial Division, Alaska, as wilderness;

S. 1048. A bill to designate all of the Anaho Island National Wildlife Refuge, Washoe County, Nev., as wilderness;

S. 1049. A bill to designate certain lands in the Chincoteague National Wildlife Refuge, and Assateague Island National Seashore, Accomack County, Va., and Worcester County, Md., as wilderness;

S. 1050. A bill to designate certain lands in the Back Bay National Wildlife Refuge, Princess Anne County, Va., as wilderness;

S. 1051. A bill to designate certain lands in the Big Lake National Wildlife Refuge, Mississippi County, Ark., as wilderness;

S. 1052. A bill to designate certain lands in the Bombay Hook National Wildlife Refuge, Kent County, Del. as wilderness;

S. 1053. A bill to designate certain lands in the Cedar Island National Wildlife Refuge, Carteret County, N.C., as wilderness;

S. 1054. A bill to designate certain lands in the J. N. "Ding" Darling National Wildlife Refuge, Lee County, Fla., as wilderness;

S. 1055. A bill to designate certain lands in the Fort Niobrara National Wildlife Refuge, Cherry County, Nebr., as wilderness;

S. 1056. A bill to designate certain lands in the Kenai National Moose Range, Kenai Peninsula Borough, Alaska, as wilderness;

S. 1057. A bill to designate certain lands in the Lacassine National Wildlife Refuge, Cameron Parish, La., as wilderness;

S. 1058. A bill to designate certain lands in the Lake Woodruff National Wildlife Refuge, Lake and Volusia Counties, Fla., as wilderness;

S. 1059. A bill to designate certain lands in the Mattamuskeet National Wildlife Refuge, Hyde County, N.C., as wilderness;

S. 1060. A bill to designate certain lands in the Medicine Lake National Wildlife Refuge, Sheridan and Roosevelt Counties, Mont., as wilderness;

S. 1061. A bill to designate certain lands in the Noxubee National Wildlife Refuge, Oktibbeha County, Miss., as wilderness;

S. 1062. A bill to designate certain lands in the Parker River National Wildlife Refuge, Essex County, Mass., as wilderness;

S. 1063. A bill to designate certain lands within the Pea Island National Wildlife Refuge, Dare County, N.C., as wilderness;

S. 1064. A bill to designate certain lands in the Santee National Wildlife Refuge, Clarendon County, S.C., as wilderness;

S. 1065. A bill to designate certain lands in the Sheldon National Antelope Refuge, Washoe County, Nev., as wilderness;

S. 1066. A bill to designate certain lands in the Swanquarter National Wildlife Refuge, Hyde County, N.C., as wilderness;

S. 1067. A bill to designate certain lands in the UL Bend National Wildlife Refuge, Phillips County, Mont., as wilderness;

S. 1068. A bill to designate certain lands in the Badlands National Monument, S. Dak., as wilderness;

S. 1069. A bill to designate certain lands in the Bandolier National Monument, N. Mex., as wilderness;

S. 1070. A bill to designate certain lands in the Big Bend National Park, Tex., as wilderness;

S. 1071. A bill to designate certain lands in the Black Canyon of the Gunnison National Monument, Colo., as wilderness;

S. 1072. A bill to designate certain lands in the Bryce Canyon National Park, Utah, as wilderness;

S. 1073. A bill to designate certain lands in the Carlsbad Caverns National Park, N. Mex., as wilderness;

S. 1074. A bill to designate as wilderness certain lands within Cedar Breaks National Monument in the State of Utah;

S. 1075. A bill to designate certain lands in the Chiricahua National Monument, Ariz., as wilderness;

S. 1076. A bill to designate certain lands in the Colorado National Monument, Colo., as wilderness;

S. 1077. A bill to designate certain lands in the Crater Lake National Park, Oreg., as wilderness;

S. 1078. A bill to designate certain lands in the Cumberland Gap National Historical Park, Tenn., Va., and Ky., as wilderness;

S. 1079. A bill to designate certain lands in the Glacier National Park, Mont., as wilderness;

S. 1080. A bill to designate certain lands in the Grand Canyon National Park and in the Grand Canyon and Marble Canyon National Monuments, Ariz., as wilderness;

S. 1081. A bill to designate certain lands in the Grand Teton National Park, Wyo., as wilderness;

S. 1082. A bill to designate certain lands in the Great Sand Dunes National Monument, Colo., as wilderness;

S. 1083. A bill to designate certain lands in the Guadalupe Mountains National Park, Tex., as wilderness;

S. 1084. A bill to designate certain lands in the Haleakala National Park, Hawaii, as wilderness;

S. 1085. A bill to designate as wilderness certain lands within Isle Royale National Park, in the State of Michigan;

S. 1086. A bill to designate certain lands in the Joshua Tree National Monument, Calif., as wilderness;

S. 1087. A bill to designate certain lands in the Katmai National Monument, Alaska, as wilderness;

S. 1088. A bill to designate as wilderness certain lands within Sequoia and Kings Canyon National Parks, in the State of California;

S. 1089. A bill to designate certain lands in the Mesa Verde National Park, Colo., as wilderness;

S. 1090. A bill to designate certain lands in the North Cascades National Park and in the Ross Lake and Lake Chelan National Recreation Areas, Wash., as wilderness;

S. 1091. A bill to designate certain lands in the Olympic National Park, Wash., as wilderness;

S. 1092. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness;

S. 1093. A bill to designate certain lands in the Point Reyes National Seashore, Calif., as wilderness;

S. 1094. A bill to designate certain lands in the Rocky Mountain National Park, Colo., as wilderness;

S. 1095. A bill to designate certain lands in the Saguaro National Monument, Ariz., as wilderness;

S. 1096. A bill to designate certain lands in the Shenandoah National Park, Va., as wilderness;

S. 1097. A bill to designate certain lands in the Theodore Roosevelt National Memorial Park, N. Dak., as wilderness;

S. 1098. A bill to designate certain lands in the Yellowstone National Park, Idaho, Wyoming, and Montana, as wilderness;

S. 1099. A bill to designate certain lands in the Yosemite National Park, Calif., as wilderness;

S. 1100. A bill to designate certain lands in the Zion National Park as wilderness;

S. 1101. A bill to designate certain lands in the Death Valley National Monument, California and Nevada, as wilderness;

S. 1102. A bill to designate certain lands in the Dinosaur National Monument, Utah and Colorado, as wilderness;

S. 1103. A bill to designate certain lands in the Everglades National Park, Fla., as wilderness;

S. 1104. A bill to designate certain lands in the Great Smoky Mountains National Park, Tennessee and North Carolina, as wilderness.

S. 1105. A bill to designate certain lands in the Hawaii Volcanoes National Park, Hawaii, as wilderness;

S. 1106. A bill to designate certain lands in the Mount Ranier National Park, Wash., as wilderness; and

S. 1107. A bill to designate certain lands in the Organ Pipe National Monument, Ariz., as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. HASKELL. Mr. President, on December 4, 1974, as a fitting and statutorily mandated conclusion to the first decade of experience under the Wilderness Act of 1964, the President submitted to the Congress legislative proposals to designate 37 new additions to the National Wilderness Preservation System. With minor exceptions, this completes the Wilderness Act requirement that, within that decade, the Secretary of the Interior study all roadless areas in the national parks and wildlife refuges to determine their suitability for wilderness designation and the Secretary of Agriculture do the same for the primitive areas within the national forests. As a result of these studies, during this past decade, Congress has added 77 areas totaling some 3,329,086 acres to the 52-unit, 9.1-million-acre National Wilderness Preservation System established by the 1964 act. Last Congress alone, we enacted legislation which expanded the system by 35 units and 1,271,035 acres. The President's December proposals would add an additional 37 units and 9 million acres to the System.

I share the chairman's belief that we must make action on these December proposals a priority item of business for the Interior Committee. This priority is required not only because of the intrinsic importance of the subject matter but also because of the existing and prospective backlog of wilderness proposals pending before the committee. Over the next few years, we will begin to receive the President's proposals concerning the 274 national forest roadless areas, totaling 12.3 million acres, which the Secretary of Agriculture has chosen for wilderness study and various Senators' proposals on roadless areas which the Secretary rejected for study. Last year, Congress enacted the Eastern Wilderness Areas Act which calls for the study of 17 proposed national forest wilderness areas east of the 100th meridian. These areas have a total of approximately 125,000 acres. The Senate versions of that law, S. 316 and S. 3433 contained 23 more study areas totaling in addition approximately 248,000 acres.

On February 3, 1975, the chairman and I introduced S. 520 which calls for the study of those additional areas. Furthermore, should S. 507 the National Resource Lands Management Act, be enacted, we will eventually be addressing the question of wilderness on the public domain. Finally, the so-called (d)(2) lands legislation proposing to place some 80 million acres in Alaska in the national park, forest, and wildlife refuge systems will also provide us with numerous wilderness proposals and issues.

Mr. President, this is the prospective backlog. We are not, however, free of a present backlog of wilderness proposals. Of the 125 wilderness proposals submitted by the President prior to December—excluding the eastern wilderness proposals submitted after the Senate had initiated action on its own larger and more numerous proposals—the Congress has enacted 64, in most cases expanding the size of the areas in the process. Of the 22 pre-December national forest wilderness proposals, 7 remain to be acted upon; of the 65 pre-December national wildlife refuge wilderness proposals 20 remain to be acted upon; and of the 37 pre-December national park wilderness proposals, 33 remain to be acted upon.

Today, I am introducing, on behalf of the chairman (for himself and Senator FANNIN, by request), these 60 pre-December Presidential proposals upon which action has not been completed and the 37 December Presidential proposals. I ask unanimous consent that a short summary of each of these proposals be included in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

NATIONAL FOREST WILDERNESS

Pre-December proposals

1. S. 1011, Aldo Leopold Wilderness, approximately 151,024 acres, Gila National Forest, New Mexico;

2. S. 1012, Blue Range Wilderness, approximately 177,200 acres, Apache National Forest, Arizona and New Mexico;

3. S. 1013, Eagles Nest Wilderness, approximately 87,755 acres, Arapaho and White River National Forests, Colorado;

4. S. 1014, Flat Tops Wilderness, approximately 142,000 acres, Routt and White River National Forests, Colorado;

5. S. 1015, Glacier Wilderness, approximately 182,500 acres, Shoshone National Forest, Wyoming;

6. S. 1016, High Uintas Wilderness, approximately 323,000 acres, Ashley and Wasatch National Forest Utah; and

7. S. 1017, Spanish Peaks Wilderness, approximately 65,000 acres, Gallatin National Forest, Montana.

December proposals

8. S. 1018, Beartooth Wilderness, approximately 542,437 acres, Custer and Gallatin National Forests, Montana;

9. S. 1019, Big Blue, Courthouse Mountain, Dolores Peak, Mount Sneffels and Mount Wilson, approximately 80,130 acres, San Juan and Uncompaghre National Forests, Colorado;

10. S. 1020, Cloud Peak Wilderness, approximately 150,490 acres, Bighorn National Forest, Wyoming;

11. S. 1021, Addition to Gila Wilderness, approximately 115,648 acres, Gila National Forest, New Mexico;

12. S. 1022, Monarch Wilderness, approximately 30,689 acres, Sequoia and Sierra National Forests, California;

13. S. 1023, Popo Agie Wilderness, approximately 81,820 acres, Shoshone National Forest, Wyoming;

14. S. 1024, Salmon River and Idaho Wildernesses, approximately 1,143,487 acres, Boise, Challis, Payette, Salmon, Bitterroot, and Nez-perce National Forests, Idaho;

15. S. 1025, Trinity Alps Wilderness, approximately 267,561 acres, Klamath, Shasta-Trinity, and Six Rivers National Forests, California.

NATIONAL WILDLIFE REFUGE WILDERNESS

Pre-December proposals

1. S. 1026, Chassahowitzka Wilderness, approximately 16,900 acres, Chassahowitzka National Wildlife Refuge, Florida;

2. S. 1027, Crab Orchard, approximately 4,050 acres, Crab Orchard National Wildlife Refuge, Illinois;

3. S. 1028, Crescent Lake Wilderness, approximately 24,502 acres, Crescent Lake National Wildlife Refuge, Nebraska;

4. S. 1029, Hart Mountain Wilderness, approximately 16,500 acres, Hart Mountain National Wildlife Refuge, Oregon;

5. S. 1030, Havasu Wilderness, approximately 2,510 acres, Havasu National Wildlife Refuge, Arizona and California;

6. S. 1031, Hawaiian Islands Wilderness, approximately 1,742 acres, Hawaiian Islands National Wildlife Refuge, Hawaii;

7. S. 1032, Imperial Wilderness, approximately 12,010 acres, Imperial National Wildlife Refuge, Arizona and California;

8. S. 1033, Malheur Wilderness, approximately 30,000 acres, Malheur National Wildlife Refuge, Oregon;

9. S. 1034, Mille Lacs and Rice Lake Wilderness, approximately 0.6 acres in Mille Lacs National Wildlife Refuge and approximately 1,407 acres in the Rice Lake National Wildlife Refuge, Minnesota;

10. S. 1035, Mingo Wilderness, approximately 1,705 acres, Mingo National Wildlife Refuge, Missouri;

11. S. 1036, Missisquoi Wilderness, approximately 620 acres, Missisquoi National Wildlife Refuge, Vermont;

12. S. 1037, Oregon Islands Wilderness, approximately 346 acres (108 additional acres "potential" wilderness), Oregon Island National Wildlife Refuge, Oregon;

13. S. 1038, Red Rock Lakes Wilderness,

approximately 32,350 acres, Red Rock Lakes National Wildlife Refuge, Montana;

14. S. 1039, San Juan Islands Wilderness, approximately 168 acres, San Juan National Wildlife Refuge and Matia Island National Wildlife Refuge, Washington;

15. S. 1040, Semidi Wilderness, approximately 256,000 acres, Semidi National Wildlife Refuge, Alaska;

16. S. 1041, Simeonof Wilderness, approximately 25,140 acres, Simeonof National Wildlife Refuge, Alaska;

17. S. 1042, Tamarac Wilderness, approximately 2,138 acres, Tamarac National Wildlife Refuge, Minnesota;

18. S. 1043, Unimak Wilderness, approximately 973,000 acres, Unimak National Wildlife Refuge, Alaska;

19. S. 1044, Valentine Wilderness, approximately 16,317 acres, Valentine National Wildlife Refuge, Nebraska;

20. S. 1045, White River Wilderness, approximately 975 acres, White River National Wildlife Refuge, Arkansas.

December proposals

21. S. 1046, Agassiz Wilderness, approximately 4,000 acres, Agassiz National Wildlife Refuge, Minnesota;

22. S. 1047, Aleutian Islands Wilderness, approximately 1,395,357 acres, Aleutian Islands National Wildlife Refuge, Alaska;

23. S. 1048, Anaho Island Wilderness, approximately 747.73 acres, Anaho Island National Wildlife Refuge, Nevada;

24. S. 1049, Assateague Island Wilderness, approximately 1,300 acres, Chincoteague National Wildlife Refuge and Assateague Island National Seashore, 440 acres, Maryland and Virginia (4706 additional acres "potential" wilderness);

25. S. 1050, Back Bay Wilderness, approximately 2,165 acres, Back Bay National Wildlife Refuge, Virginia;

26. S. 1051, Big Lake Wilderness, approximately 1,818 acres, Bib Lake National Wildlife Refuge, Arkansas;

27. S. 1052 Bombay Hook Wilderness, approximately 2,000 acres, Bombay Hook National Wildlife Refuge, Delaware;

28. S. 1053, Cedar Island Wilderness, approximately 180 acres, Cedar Island National Wildlife Refuge, North Carolina;

29. S. 1054, J. N. "Ding" Darling Wilderness, approximately 2,735 acres, J. N. "Ding" Darling National Wildlife Refuge, Florida;

30. S. 1055, Fort Niobrara Wilderness, approximately 4,635 acres, Fort Niobrara National Wildlife Refuge, Nebraska;

31. S. 1056, Kenai Wilderness, approximately 829,000 acres, Kenai National Moose Range, Alaska;

32. S. 1057, Lacassine Wilderness, approximately 2,854 acres, Lacassine National Wildlife Refuge, Louisiana;

33. S. 1058, Lake Woodruff Wilderness, approximately 1,106 acres, Lake Woodruff National Wildlife Refuge, Florida;

34. S. 1059, Mattamuskeet Wilderness, approximately 590 acres, Mattamuskeet National Wildlife Refuge, North Carolina;

35. S. 1060, Medicine Lake Wilderness, approximately 11,366 acres, Medicine Lake National Wildlife Refuge, Montana;

36. S. 1061, Noxubee Wilderness, approximately 1,200 acres, Noxubee National Wildlife Refuge, Mississippi;

37. S. 1062, Parker River Wilderness, approximately 3,110 acres, Parker River National Wildlife Refuge, Massachusetts;

38. S. 1063, Pea Island Wilderness, approximately 180 acres, Pea Island National Wildlife Refuge, North Carolina;

39. S. 1064, Santee Wilderness, approximately 163 acres, Santee National Wildlife Refuge, South Carolina;

40. S. 1065, Sheldon Wilderness, approximately 20,100 acres, Sheldon National Antelope Refuge, Nevada;

41. S. 1066, Swanquarter Wilderness, approximately 9,000 acres, Swanquarter National Wildlife Refuge, North Carolina;

42. S. 1067, UL Bend Wilderness, approximately 19,693 acres, UL Bend National Wildlife Refuge, Montana;

NATIONAL PARK WILDERNESS SYSTEM

Pre-December proposals

1. S. 1068, Badlands Wilderness, approximately. 58,924 acres, Badlands National Monument, South Dakota;

2. S. 1069, Bandelier Wilderness, approximately 21,110 acres, Bandelier National Monument, New Mexico;

3. S. 1070, Big Bend Wilderness, approximately 533,900 acres, Big Bend National Park, Texas;

4. S. 1071, Black Canyon of the Gunnison Wilderness, approximately 8,780 acres, Black Canyon of the Gunnison National Monument, Colorado;

5. S. 1072, Bryce Canyon Wilderness, approximately 16,303 acres, Bryce Canyon National Park, Utah;

6. S. 1073, Carlsbad Caverns Wilderness, approximately 30,210 acres, Carlsbad Caverns National Park, New Mexico;

7. S. 1074, Cedar Breaks Wilderness, approximately 4,370 acres, Cedar Breaks National Monument, Utah;

8. S. 1075, Chiricahua Wilderness, approximately 6,925 acres, Chiricahua National Monument, Arizona;

9. S. 1076, Colorado Wilderness, approximately, 7,700 acres, Colorado National Monument, Colorado;

10. S. 1077, Crater Lake Wilderness, approximately 122,400 acres, Crater Lake National Park, Oregon;

11. S. 1078, Cumberland Gap Wilderness, approximately 6,375 acres Cumberland Gap National Historical Park, Tennessee, Virginia and Kentucky;

12. S. 1079, Glacier Wilderness, approximately 927,550 acres, Glacier National Park, Montana;

13. S. 1080, Grand Canyon Complex Wilderness, approximately 512,870 acres, Grand Canyon National Park, Arizona;

14. S. 1081, Grand Teton Wilderness, approximately 115,807 acres, Grand Teton National Park, Wyoming;

15. S. 1082, Great Sand Dunes Wilderness, approximately 32,930 Acres, Great Sand Dunes National Monument, Colorado;

16. S. 1083, Guadalupe Mountains Wilderness, approximately 46,850 acre, Guadalupe Mountains National Park, Texas;

17. S. 1084, Haleakala Wilderness, approximately 19,270 acres, Haleakala National Park. Hawaii;

18. S. 1085, Isle Royale Wilderness, approximately 120,588 acres, Isle Royale National Park, Michigan;

19. S. 1086, Joshua Tree Wilderness, approximately 372,700 acres, Joshua Tree National Monument, California;

20. S. 1087, Katmai Wilderness, approximately 2,603,547 acres, Katmai National Monument, Alaska;

21. S. 1088, Kings Canyon-Sequoia, approximately 750,690 acres, Kings Canyon Sequoia National Parks, California;

22. S. 1089, Mesa Verde Wilderness, approximately 8,100 acres, Mesa Verde National Park, Colorado;

23. S. 1090, North Cascades Complex Wilderness, approximately 515,880 acres, North Cascades National Park and Ross and Lake Chelan National Recreation Areas, Washington;

24. S. 1091, Olympic Wilderness, approximately 862,139 acres, Olympic National Park, Washington;

25. S. 1092, Pinnacles Wilderness, approximately 10,980 acres, Pinnacles National Monument, California;

26. S. 1093, Point Reyes Wilderness, approximately 10,600 acres, Point Reyes National Seashore, California;

27. S. 1094, Rocky Mountain Wilderness, approximately 239,835 acres (479 additional acres "potential" wilderness), Rocky Mountain National Park, Colorado;

28. S. 1095, Saguaro Wilderness, approximately 42,400 acres, Saguaro National Monument, Arizona;

29. S. 1096, Shenandoah Wilderness, approximately 79,699 acres (560 addition acres "potential" wilderness), Shenandoah National Park, Virginia;

30. S. 1097, Theodore Roosevelt Wilderness, approximately 28,335 acres, Theodore Roosevelt National Memorial Park, North Dakota;

31. S. 1098, Yellowstone Wilderness, approximately 2,016,181 acres (6,040 additional acres "potential" wilderness), Yellowstone National Park, Montana, Idaho and Wy.);

32. S. 1099, Yosemite Wilderness, approximately 646,700 acres, Yosemite National Park, California;

33. S. 1100, Zion Wilderness, approximately 120,620 acres (9,040 additional acres "potential" wilderness) Zion National Park, Utah:

December proposals

34. S. 1101, Death Valley Wilderness, approximately 1,908,000 acres, (6,900 additional acres "potential" wilderness) Death Valley National Monument, California and Nevada;

35. S. 1102, Dinosaur Wilderness, approximately 165,341 acres, (10,274 additional acres "potential" wilderness) Dinosaur National Monument, Utah and Colorado;

36. S. 1103, Everglades Wilderness, approximately 1,296,500 acres, (81,900 additional acres "potential" wilderness) Everglades National Park, Florida;

37. S. 1104, Great Smoky Mountains Wilderness, approximately 390,500 acres, (400 additional acres "potential" wilderness) Great Smoky Mountains National Park, North Carolina and Tennessee;

38. S. 1105, Hawaii Volcanoes Wilderness, approximately 123,100 acres, Hawaii Volcanoes National Park, Hawaii;

39. S. 1106, Mount Rainier Wilderness, approximately 210,700 acres, (165 additional acres "potential" wilderness) Mount Rainier National Park, Washington;

40. S. 1107, Organ Pipe Cactus Wilderness, approximately 299,600 acres, (10,100 additional acres "potential" wilderness), Organ Pipe Cactus National Monument, Arizona.

For various reasons, the Administration has asked for deferral of Congressional action on 16 proposed wilderness areas; 12 in the National Wildlife Refuge System (Arctic, Alaska; Cabeza Prieta, Arizona; Charles M. Russell, Montana; Charles Sheldon National Antelope Range, Nevada and Oregon; Clarence Rhode, Alaska; Desert, Nevada; Hazen Bay, Alaska; Izembek, Alaska; Kodiak, Alaska; Kofa, Arizona; Nunivak, Alaska; and Upper Mississippi, Iowa, Minnesota, Illinois, and Wisconsin) and 4 in the National Park System (Arches, Utah; Capitol Reef, Utah; Glacier Bay, Alaska; and Lake Mead, Nevada).

Mr. JACKSON. Mr. President, today, the senior Senator from Arizona and I are introducing, by request, a number of wilderness proposals submitted by the President prior to this year.

It is anticipated that over the next few years, we will begin to receive an increasingly heavy influx of wilderness proposals including recommendations on the 274 national forest roadless areas which the Secretary of Agriculture has chosen for wilderness study; additions to the Eastern Wilderness Areas Act; and the various wilderness proposals and issues that will undoubtedly arise in conjunction with the National Resource Lands Management Act and the so-called (d)(2) lands legislation in Alaska.

It is because of this prospective backlog, Mr. President, that I believe the Senate must move expeditiously to consider these 97 Presidential proposals which Senator FANNIN and myself are introducing today by request.

By Mr. PROXMIRE (for himself, Mr. RANDOLPH, Mr. BIDEN, Mr. MAGNUSON, Mr. MONDALE, Mr. HUMPHREY, Mr. McGOVERN, Mr. ABOUREZK, Mr. TUNNEY, Mr. HATHAWAY, Mr. HOLLINGS, Mr. MONTOYA, and Mr. HARTKE):

S. 1108. A bill to establish an emergency mortgage credit program to reduce unemployment and aid middle-income home buyers. Referred to the Committee on Banking, Housing and Urban Affairs.

EMERGENCY HOUSING AND ECONOMIC RECOVERY ACT OF 1975

Mr. PROXMIRE. Mr. President, today I am introducing the Emergency Housing and Economic Recovery Act, which is cosponsored by 12 of my colleagues. This bill should be a top priority for the Congress. It would promote economic recovery by putting about 2 million American workers back on the job building homes.

There is no more efficient way to spend Federal tax dollars to create jobs—and no more urgent job to be done. Housing starts are running below a million units a year—about one-third the goal specified in the 1968 Housing Act. Millions of American families want to buy homes, but cannot do so because of the high interest rates.

This legislation would provide up to a million mortgage loans a year at a subsidized rate of 6 percent. The subsidy would amount to only about $300 per home per year, but it would create about 2 million jobs. In other words, we would create jobs in the private sector at a Federal cost of only $150 per job, which is incomparably more efficient than spending $16,000 to create a job building a highway that we probably do not need, or even $8,000 or $9,000 to create a conventional public service job.

Under my bill, private lenders—banks or savings and loan associations—would make the 6-percent loan, which would then be purchased by HUD. A revolving loan fund would be created through Treasury borrowing to finance HUD's purchases. The bank would receive a fee for servicing the loan, and after 3 years the subsidy would be gradually phased out.

The other key provision of the bill is that it could forever end the boom-and-bust cycles in homebuilding as it contains an automatic trigger. Whenever tight money caused homebuilding to fall below 1.7 million units and unemployment rose above 6 percent, this program would be automatically activated to revive housing construction and save jobs.

Our committee will be holding hearings beginning March 17. I am pleased to note that the Housing Subcommittee of the House Banking Committee yesterday reported similar legislation. One essential difference is that our bill establishes a permanent standby program, which in my view is necessary to rescue homebuilding from the tyranny of interest rate fluctuations in years to come. Another difference is that our bill uses Treasury borrowing, rather than subsidizing the market rate; and as a result we get more mileage for fewer tax dollars.

But the proposals are similar in many respects, and I am confident that if we act expeditiously we can get an emergency housing and economic recovery program enacted this year.

By Mr. BURDICK (for himself, Mr. PHILIP A. HART, Mr. HOLLINGS, Mr. HRUSKA, Mr. KENNEDY, Mr. PERCY, Mr. RANDOLPH, and Mr. MUSKIE):

S. 1109. A bill to amend title 18, United States Code, relating to parole, and for other purposes. Referred to the Committee on the Judiciary.

PAROLE COMMISSION ACT

Mr. BURDICK. Mr. President, I rise to introduce legislation to reform the system of parole for Federal prisoners. This legislation would abolish the present U.S. Board of Parole, and establish in its place a Parole Commission. The amount of time the Subcommittee on National Penitentiaries has spent in processing this legislation reflects the complexity of the questions which are raised by parole, which is the decision to release or retain a prisoner in a penal institutions

Virtually all persons sent to prison are one day released, some by a discretionary process such as parole, others at the expiration of their sentence. It would be theoretically possible to reduce the risk of crime by preventing convicted offenders from returning to society. But such a policy would give rise to such questions as to what constitutes just punishment for offenses which do not threaten the physical safety of other persons, and even more urgent questions as to what such a system would cost in taxpayers' dollars. Even a modest increase in the average amount of time served in jail by every prisoner would add up to billions of dollars in costs by the end of this decade. These astronomical costs would strain our already strained Federal budget resources.

The decisionmaking process by which a society decides which offenders are to be released, and when they are to be released is, therefore, of great importance. It is so important that we must develop better ways of selecting those individuals who can safely be released to the community, and those who must continue to be detained.

I do not delude myself into believing that the legislation being introduced today represents a perfect solution. I can only say that we strive to improve the system with this legislation. I believe that this bill, which is the culmination of 3½ years of hearings, study, and research, represents a substantial improvement. It is as far as we can reasonably go today.

The parole legislation being proposed today is a balanced system which continues the range of sentencing alternatives which Congress has previously enacted.

It gives the paroling authority neither too little discretion, nor too much, because either extreme involves dangers to the orderly administration of justice.

Too much discretion enables a parole agency to grant an early release to a dangerous offender, or to arbitrarily hold an inmate who represents no risk to society far beyond the period of just punishment for the offense. Too little discretion fails to take into account aggravating or mitigating circumstances of an offense, as well as the personal and family considerations which are the strongest predictors of whether or not an individual will return to a life of crime, or will be able to live a law-abiding lifestyle following his release from incarceration.

The most crushing problem facing the U.S. Board of Parole today is the caseload of decisions which must be made.

There are more than 22,000 prisoners in our Federal penal institutions, as well as several thousand more who are held under contract in State, county, and municipal institutions. The majority of these prisoners today are eligible for release on parole, and the paroling agency is obligated to review from time to time whether or not the individual should be released, whether a decision should be deferred to a later date, or whether the individual should serve out the remainder of a sentence.

In addition, today, there are 14,000 individuals on the street who are under parole supervision, and the board must decide the conditions of their supervision which make partial deprivations of liberty, and they must decide which offenders are to be returned to prison for having violated either the law, or the conditions of their release.

The paroling authority is responsible for more than 26,000 decisions annually, each involving somewhat unique circumstances, and it is the quality of this decisionmaking upon which our safety, to a significant degree, rests.

The need for change in the paroling system, which is dictated by the volume of cases and their increasing complexity, is based upon the fact that the present eight Parole Board members cannot make all decisions by themselves. The legislation which I introduce today provides two specific steps to improve decisionmaking within existing criteria for parole.

First, the Nation would be divided into five regions for purposes of parole, so that each regional parole commissioner could become more familiar with a smaller number of individual cases, fewer prison institutions, and the resources for release in a smaller number of communities. These Presidential appointees would have new procedures to assist them in their decisionmaking. First, the statute would recognize the role of hearing examiners, who would hear prisoners and parolees as the major step in the factfinding process. Although most hearing examiners in other Federal agencies work individually, parole examiners would work in pairs. The findings which are made by the examiners, after considering each case, would be subject to review by the parole commission members. The first step of review is with the regional parole commissioner, and following that with a panel of three commissioners who constitute a National Appeals Board. In addition, the full commission of nine members, which meets periodically, would retain jurisdiction to reconsider and change any decision which has been made.

To meet this crushing caseload, it is also necessary to have one commissioner, who would be the chairman, free of most decisionmaking on individual cases, but with the necessary power to allocate resources so that the decisionmaking machinery keeps moving at a pace necessary to keep up with the workload.

As a means of improving parole decisionmaking, and of giving parole decisions a degree of consistency not heretofore reached, the legislation also recognizes a system that has been evolved by the parole board, with the cooperation of the Subcommittee on National Penitentiaries. This system for guidelines provides reasonable ranges of time in prison based upon the seriousness of the offense, the circumstances of the individual, and the probability of his becoming a recidivist, or repeat offender. These guidelines structure the use of discretion in a fashion that results in better decisions.

Those with an interest in parole are concerned both with substantive fairness, and also the appearance of fairness. We are concerned that the parole agency be as independent as necessary, and that the parole commissioners, whose appointments must be confirmed by the Senate, represent the public interest in their decisions. All of us are affected by parole decisions, and the appearance of fairness to all, both inside and outside the prison fence, fosters respect for our American Government.

The legislation which I introduce today makes no substantive changes in criteria for release on parole, or in other Federal sentencing statutes. A major change in the Federal sentencing procedures is now pending before the Judiciary Committee in the legislation to revise the entire Federal criminal code. In its procedural and administrative provisions, this legislation is in most ways identical to the code revision bill. It must, however, be considered separately, primarily because the effective date of any code revision legislation is some time in the future. The problems that face our present parole board, which are reflected in national concern about crime, are too immediate to leave to some date in the future.

In order to provide for prompt consideration of this legislation, I ask unanimous consent that the bill be printed at this point in the RECORD, together with the section-by-section analysis, a brief summary of the major provisions of the bill, and a comparison of this legislation with present law.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Parole Commission Act".

SEC. 2. Chapter 311 of title 18, United States Code, is amended to read as follows:

"Chapter 311—PAROLE

"Sec.
"4201. Definitions.
"4202. Parole Commission created.
"4203. Powers and duties of the Commission.
"4204. Powers and duties of the Chairman.
"4205. Persons eligible.
"4206. Release on parole.
"4207. Conditions of parole.
"4208. Parole interview procedures.
"4209. Aliens.
"4210. Retaking parole violator under warrant.
"4211. Officer executing warrant to retake parole violator.
"4212. Parole modification and revocation.
"4213. Reconsideration and appeal.
"4214. Original jurisdiction cases.
"4215. Applicability of Administrative Procedure Act.
"4216. Young adult offenders.
"4217. Warrants to retake Canal Zone parole violators.

"§ 4201. Definitions

"As used in this chapter—

"(1) 'Commission' means the United States Parole Commission;

"(2) 'Commissioner' means any member of the United States Parole Commission;

"(3) 'Director' means the Director of the Bureau of Prisons;

"(4) 'Eligible person' means any Federal prisoner who is eligible for parole pursuant to this title or any other law including any Federal prisoner whose parole has been revoked and who is not otherwise ineligible for parole;

"(5) 'Parolee' means any eligible person who has been released on parole or deemed as if released on parole under section 4164 or section 4205(d) of this title; and

"(6) 'Rules and regulations' means rules and regulations promulgated by the Commission pursuant to section 4203(b)(1) of this title and section 553 of title 5, United States Code."

"§ 4202. Parole Commission created

There is hereby established as an independent agency of the Department of Justice a United States Parole Commission which shall be comprised of nine members appointed by the President, by and with the advice and consent of the Senate. At no time shall more than six members be of the same political party. The Attorney General shall designate from among the commissioners one to serve as Chairman. The term of office of a commissioner shall be six years, except that the term of a person appointed as a commissioner to fill a vacancy shall expire years from the date upon which such person was appointed and qualified. Upon the expiration of a term of office of a commissioner, the commissioner shall continue to act until a successor has been appointed and qualified. Commissioners shall be compensated at the highest rate now or hereafter prescribed for grade 17 of the General Schedule pay rates (5 U.S.C. 5332).

"§ 4203. Powers and Duties of the Commission

"(a) The Commission, by majority vote, shall have the power to—

"(1) grant or deny any application or recommendation to parole any eligible person;

"(2) impose reasonable conditions on any order granting parole;

"(3) modify or revoke any order paroling any eligible person; and

"(4) establish the maximum length of time which any person whose parole has been revoked shall be required to serve, but in no case shall such time, together with such time as he previously served in connection with the offense for which he was paroled, be longer than the maximum term for which he was sentenced in connection with such offense; and where such revocation is based upon a subsequent conviction of the parolee of any Federal, State or local crime committed subsequent to his release on parole, determine whether all or any part of the unexpired term being served at time of such parole shall run concurrently or consecutively with the sentence imposed for such subsequent offense.

"(b) The Commission shall meet at least quarterly, and by majority vote shall—

"(1) promulgate rules and regulations establishing guidelines for the powers enumerated in subsection (a) of this section and such other rules and regulations as are necessary to carry out a national parole policy and the purposes of this chapter;

"(2) create such regions as are necessary to carry out the provisions of this chapter, but in no event less than five; and

"(3) ratify, revise, or deny any request for regular, supplemental, or deficiency appropriations, prior to the submission of the requests to the Office of Management and Budget by the Chairman, which requests shall be separate from those of any other agency of the Department of Justice.

"A record of the final vote of each commissioner on any action pursant to this subsection shall be maintained and made available for public inspection.

"(c) The Commission, by majority vote, and pursuant to rules and regulations—

"(1) may delegate to any commissioner or commissioners any powers enumerated in subsection (a) of this section;

"(2) may delegate to any panel of hearing examiners, any powers necessary to conduct hearings and interviews, take sworn testimony, obtain and make a record of pertinent information, make findings of probable cause, issue subpoenas for witnesses or evidence in parole revocation proceedings, and recommend disposition of any matters enumerated in subsection (a) of this section, except that any such findings or recommendations of any panel of hearing examiners shall be based upon the concurrence of not less than two members of such a panel; and

"(3) may review, or may delegate to the National Appeals Board the power to review, any decision made pursuant to subparagraph (1) of this subsection except that any such decision so reviewed must be reaffirmed, modified or reversed within thirty days of the date the decision is rendered, and, in case of such review, the individual to whom the decision applies shall be informed in writing of the Commission's actions with respect thereto and the reasons for such actions.

"(d) With respect to any decision made pursuant to the powers enumerated in subsection (a) of this section, the Commission upon request of the Attorney General filed not later than thirty days following any such decision, shall review such decision and shall by majority vote reaffirm, modify or reverse the decision within thirty days of the receipt of the Attorney General's request, and shall inform the Attorney General and the individual to whom the decision applies in writing of its decision and the reasons therefore.

"(e) Except to the extent otherwise herein provided, in every decision or action made by the Commission pursuant to the powers enumerated in this section, each commissioner shall have equal responsibility and authority, shall have full access to all information relating to the performance of such duties and responsibilities, and shall have one vote.

"§ 4204. Powers and duties of the Chairman

"(a) The Chairman shall—

"(1) convene and preside at meetings of the Commission pursuant to section 4203 of this title and such additional meetings of the Commission as the Chairman may call or as may be requested in writing by at least three commissioners;

"(2) appoint, fix the compensation of, assign, and supervise all personnel employed by the Commission except that:

"(A) the appointment of any hearing examiner shall be subject to approval of the Commission within the first year of such hearing examiner's employment; and

"(B) regional commissioners shall appoint and supervise such personnel employed regularly and full time in their respective regions as are compensated at a rate up to and including grade 9 of the General Schedule pay rates (5 U.S.C. 5332);

"(3) assign duties among officers and employees of the Commission, including commissioners, so as to balance the workload and provide for orderly administration;

"(4) designate three commissioners to serve on the National Appeals Board of whom one shall be so designated to serve as Vice Chairman, and designate, for each such region established pursuant to section 4203 (b)(2) of this title, one commissioner to serve as regional commissioner in each such region; except that in each such designation the Chairman shall consider years of service, preference and fitness, and no such designation shall take effect unless concurred in by the Attorney General;

"(5) direct the preparation of request for appropriations and the use and expenditure of funds;

"(6) make reports on the position and policies of the Commission to the Attorney General, the Administrative Office of the United States Courts, and the Congress;

"(7) provide for research and training, including, but not limited to—

"(A) collecting data obtained from studies, research, and the empirical experience of public and private agencies concerning the parole process and parolees:

"(B) disseminating pertinent data and studies, to individuals, agencies, and organizations concerned with the parole process and parolees;

"(C) publishing data concerning the parole process and parolees; and

"(D) conducting seminars, workshops, and training programs on methods of parole for parole personnel and other persons connected with the parole process;

"(8) accept voluntary and uncompensated services;

"(9) utilize, on a cost-reimbursable basis, the services of officers or employees of the executive or judicial branches of Federal or State government, for the purpose of carrying out the provisions of section 10 of this title; and

"(10) perform such administrative and other duties and responsibilities as may be necessary to carry out the provisions of this chapter.

"(b) In carrying out his functions under this section, the Chairman shall be governed by the national parole policies promulgated by the Commission.

"§ 4205. Persons eligible

"(a) An eligible person, other than a juvenile delinquent or committed youth offender, wherever confined and serving a definite term or terms of more than one year, may be released on parole after serving one-third of such term or terms or after serving fifteen years of a life sentence or of a sentence in excess of forty-five years, except to the extent otherwise provided by law.

"(b) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice and best interest of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may (1) designate in the sentence of imprisonment imposed a minimum term at the expiration of which the person shall become eligible for parole, which term may be less than but shall not be more than one-third of the maximum sentence imposed by the court, or (2) the court may fix the maximum sentence of imprisonment to be served in which event the court may specify that the person may be released on parole at such time as the Commission may determine.

"(c) If the court desires more detailed information as a basis for determining the sentence to be imposed, the court may, for purposes of study, commit the defendant to the custody of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law. The results of such study, together with any recommendations which the Director believes would be helpful in determining the disposition of the case, shall be furnished to the court within sixty days, or such additional period, but not to exceed sixty days, as the court may grant. After receiving such reports and recommendations, the court may in its discretion—

"(1) place the person on probation as authorized by section 3651 of this title; or

"(2) affirm the sentence of imprisonment originally imposed, or reduce the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from date of original commitment under this section.

"(d) Any person sentenced to imprisonment for a term or terms of one year or less, who after one hundred and eighty days has not served his term or terms less good time deductions, shall be released as if on parole, notwithstanding the provisions of section 4164 of this title, unless the court which imposed sentence, shall, at the time of sentencing, find that such release is not in accord with the ends of justice and the best interest of the public and sets another time for such release. This subsection shall not prevent delivery of any person released on parole to the authorities of any state otherwise entitled to his custody.

"(e) At any time upon motion of the Bureau of Prisons and upon notice to the attorney for the government, the court may reduce any minimum term to the time the defendant has served.

"(f) Except to the extent otherwise herein specifically provided, nothing in this section shall be construed to affect or otherwise alter, amend, modify, or repeal any provision of law relating to eligibility for release on parole, or any other provision of law which empowers the court to suspend the imposition or execution of any sentence, to place any person on probation, or to correct, reduce, or otherwise modify any sentence.

"§ 4206. Release on parole

"(a) If it appears from a report or recommendation by the proper institution officers or upon application by a person eligible for release on parole, that such person has substantially observed the rules of the institution to which he is confined, that there is a reasonable probability that such person will live and remain at liberty without violating the law, and if in the opinion of the Commission such release is not incompatible with the welfare of society, the Commission may authorize release of such person on parole.

"(b) Upon commitment of any person sentenced to imprisonment under any law for a definite term or terms of more than one year, the Director, under such regulations as the Attorney General may prescribe, shall cause a complete study to be made of the person and shall furnish to the Commission a summary report, together with any recommendations which in the Director's opinion would be helpful in determining the suitability of the prisoner for parole. Such report may include, but shall not be limited to, data regarding the eligible person's previous delinquency or criminal experience, pertinent circumstances of his social background, his capabilities, his mental and physical health, and such other factors as may be considered pertinent. The Commission may make such other investigation as it may deem necessary. Such report and recommendations shall be made not less than ninety days prior to the date upon which such person becomes eligible for parole, except where such person may become eligible for parole less than one hundred and twenty days following commitment the Director, in the absence of exceptional circumstances, shall have not less than thirty days, but not more than sixty days, to make such report and recommendations.

"(c) Upon request of the Commission, it shall be the duty of the various probation officers and government bureaus and agencies to furnish the Commission information available to such officer, bureau or agency, concerning any eligible person or parolee and whenever not incompatible with the public interest, their views and recommendation with respect to any matter within the jurisdiction of the Commission.

"§ 4207. Conditions of parole

"(a) A parolee shall remain in the legal custody and under the control of the Attorney General, until the expiration of the maximum term or terms for which such parolee was sentenced.

"(b) In every case, the Commission shall impose as a condition of parole that the parolee not commit another Federal, State or local crime during the term of his parole. In imposing any other condition or conditions of parole the Commission shall consider the following:

"(1) there should be a reasonable relationship between the conditions imposed and the person's conduct and present situation;

"(2) the conditions may provide for such deprivations of liberty as are reasonably necessary for the protection of the public welfare; and

"(3) the conditions should be sufficiently specific to serve as a guide to supervision and conduct.

"(c) An order of parole or release as if on parole may as a condition of such order require—

"(1) a parolee to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of such parole or release. A person residing in a community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate;

"(2) a parolee, who is an addict within the meaning of section 4251(a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), to participate in the community supervision programs authorized by section 4255 of this title for all or part of the period of parole.

"(d) The Commission may discharge any parolee from parole supervision or release him from one or more conditions of parole at any time after release on parole. In addition, the Commission shall—

"(1) review, at least annually, the status of any parolee who has had two years of continuous parole supervision, to determine the need for continued parole supervision; and

"(2) discharge from parole supervision any parolee who has had five years of continuous parole supervision unless it is determined, after a hearing, that he should not be so discharged because there is a likelihood that he will either engage in conduct violating any criminal law or would jeopardize the public welfare. In any case in which parole supervision is continued pursuant to this subparagraph, the parolee shall receive a hearing at least every two years for the purpose of determining need for further parole supervision. Any hearing held pursuant to this subparagraph shall be in accordance with the procedures set out in section 4210 (b)(2) of this title at a time and location determined by the Commission.

"§ 4208. Parole interview procedures

"(a) Any person eligible for parole shall promptly be given a parole interview and such additional parole interviews as the Commission deems necessary, but in no case shall there be less than one additional parole interview every two years, except that an eligible person may waive any interview.

"(b) Any interview of an eligible person by the Commission in connection with the consideration of a parole application or recommendation shall be conducted in accordance with the following procedure—

"(1) an eligible person shall be given written notice of the time, place, and purpose of such interview; and

"(2) an eligible person shall be allowed to select a representative to aid him in such interview. The representative may be any person who qualifies under rules and regulations promulgated by the Commission. Such rules shall not exclude attorneys as a class.

"(c) Following notification that a parole interview is pending, an eligible person shall have reasonable access to progress reports and such other materials as are prepared by or for the use of the Commission in making any determination, except that the following materials may be excluded from inspection—

"(1) diagnostic opinions which, if made known to the eligible person, would lead to a serious disruption of his institutional program of rehabilitation;

"(2) any document which contains information which was obtained on the basis of a pledge of confidentiality made by or in behalf of a public official in the performance of his official duties if such official has substantial reason to believe that such information would place any person in jeopardy of life or limb;

"(3) any other information that would place any person in jeopardy of life or limb, or if any document is deemed by either the Commission, the Bureau of Prisons, or any other agency to fall within the exclusionary provisions of subparagraphs 1, 2, or 3 of this subsection, then it shall become the duty of the Commission, the Buerau, or such other agency, as the case may be, to summarize the basic contents of the material withheld, bearing in mind the need for confidentiality or the impact on the inmate, or both, and furnish such summary to the inmate.

"(d) A full and complete record of every interview shall be retained by the Commission. For good cause shown, the Commission may make a transcript of such record available to any eligible person.

"(e) Not later than fifteen working days after the date of the interview, the Commission shall notify the eligible person in writing of its determination. In any case, in which parole release is denied or parole conditions are imposed other than those commonly imposed, the Commission shall include the reasons for such determination, and, if possible, a personal conference to explain such reasons shall be held between the eligible person and the Commissioners or examiners conducting the interview.

"§ 4209. Aliens

"When an alien prisoner subject to deportation becomes eligible for parole, the Commission may authorize the release of such person on condition that such person be deported and remain outside the United States.

"Such person, when his parole becomes effective, shall be delivered to the duly authorized immigration official for deportation.

"§ 4210. Retaking parole violator under warrant

"(a) A warrant for the taking of any person who is alleged to have violated his parole may be issued by the Commission within the maximum term or terms for which such person was sentenced.

"(b)(1) Except as provided in subsection (c), any alleged parole violator retaken upon a warrant under this section shall be accorded the opportunity to have—

"(A) a preliminary hearing at or reasonably near the place of the alleged parole violation or arrest, without unnecessary delay, to determine if there is probable cause to believe that he has violated a condition of his parole; and upon a finding of probable cause a digest shall be prepared by the Commission setting forth in writing the factors considered and the reasons for the decision, a copy of which shall be given to the parolee within a reasonable period of time;

"(B) upon a finding of probable cause under subparagraph (1)(A), a revocation hearing at or reasonably near the place of the alleged parole violation or arrest within sixty days of such determination of probable cause except that a revocation hearing may be held at the same time and place set for the preliminary hearing.

"(2) Hearings held pursuant to subparagraph (1) of this subsection shall be conducted by the Commission in accordance with the following procedures:

"(A) notice to the parolee of the conditions of parole alleged to have been violated, and the time, place, and purposes of the scheduled hearing;

"(B) opportunity for the parolee to appear and testify, and present witnesses and documentary evidence on his own behalf;

"(C) opportunity for the parolee to be represented by retained counsel, or if he is unable to retain counsel, counsel may be provided pursuant to section 3006A of this title, and

"(D) opportunity for the parolee to be apprised of the evidence against him, and, if he so requests, to confront and cross-examine adverse witnesses, unless the Commission specifically finds good cause for not allowing confrontation. The Commission may subpena witnesses and evidence, and pay witness fees as established for the courts of the United States. If a person refuses to obey such a subpena, the Commission may petition a court of the United States for the judicial district in which such parole proceeding is being conducted, or in which such person may be found, to request such person to attend, testify, and produce evidence. The court may issue an order requiring such person to appear before the Commission, when the court finds such information, thing, or testimony directly related to a matter with respect to which the Commission is empowered to make a determination under this section. Failure to obey such an order is punishable by such court as a contempt. All process in such a case may be served in the judicial district in which such a parole proceeding is being conducted, in which such person resides or carries on business, or in which such person may be found.

"(c)(1) Any parolee convicted of any Federal, State or local crime committed subsequent to his release on parole and sentenced for such crime to a term or terms of imprisonment who has a detainer for a warrant issued under this section placed against him shall receive an institutional revocation hearing within one hundred and eighty days of such placement, or promptly upon release from such commitment whichever comes first.

"(2) Any alleged parole violator, who waives his right to any hearing under subsection (b), shall receive an institutional revocation hearing within ninety days of the date of retaking.

"(3) Hearings held pursuant to subparagraphs (1) and (2) of this subsection shall be conducted by the Commission. The alleged parole violator shall have notice of such hearing, be allowed to appear and testify on his own behalf, and to select a representative, in accordance with the procedures of section 4208(b)(2) of this title, to aid him in such appearance.

"(d) Following any revocation hearing held pursuant to this section, the Commission may dismiss the warrant or take any action provided under section 4212 of this title: *Provided, however,* That in any case in which parole is modified or revoked, a digest shall be prepared by the Commission setting forth in writing the factors considered and the reasons for such action, a copy of which shall be given to the parolee.

"(e) The Commission, pursuant to rules and regulations, may delegate authority to conduct hearings held pursuant to this section to any officer or employee of the executive or judicial branches of Federal or State Government.

"§ 4211. Officer executing warrant to retake parole violator

"Any officer of any Federal penal or correctional institutions, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant for the retaking of a parole violator is delivered, shall execute such warrant by taking such parolee and returning him to the custody of the Attorney General.

"§ 4212. Parole modification and revocation

"When a warrant has been executed pursuant to section 4210 of this title, and such warrant is not dismissed, the decision of the Commission may include—

"(1) a reprimand;

"(2) an alteration of parole conditions;

"(3) referral to a residential community treatment center for all or part of the remainder of the original sentence;

"(4) formal revocation of parole or release as if on parole pursuant to this title; or

"(5) any other action deemed necessary for successful rehabilitation of the violator, or which promotes the ends of justice.

The Commission may take any action pursuant to this section it deems appropriate taking into consideration whether or not the parolee has been convicted of any Federal, State, or local crime subsequent to his release on parole or whether such action is warranted by the frequency or seriousness of the parolee's violation of any other condition or conditions of his parole.

"§ 4213. Reconsideration and appeal

"(a) Whenever parole release is denied under section 4206 of this title, parole conditions are imposed other than those commonly imposed under section 4207 of this title, parole discharge is denied under section 4207(d)(2) of this title, or parole is modified or revoked under section 4212 of this title, the individual to whom any such decision applies may have the decision reconsidered by submitting a written application to the regional commissioner not later than forty-five days following the date on which the decision is rendered. The regional commissioner, upon receipt of such application, must act pursuant to rules and regulations within sixty days to reaffirm, modify or reverse his original decision and shall inform the applicant in writing of the decision and the reasons therefore.

"(b) Any decision made pursuant to subsection (a) of this section which is adverse to the applicant for reconsideration may be appealed by such individual to the National Appeals Board by submitting a written notice of appeal not later than forty-five days following the date on which such decision is rendered. The National Appeals Board, upon receipt of the appellant's papers, must act pursuant to rules and regulations within sixty days to reaffirm, modify or reverse the decision and shall inform the appellant in writing of the decision and the reasons therefore.

"§ 4214. Original Jurisdiction Cases

"The regional commissioner, pursuant to rules and regulations, may designate certain cases as original jurisdiction cases, and shall forward any case so designated to the National Appeals Board with his vote and the reasons therefore. Decisions shall be based upon the concurrence of three votes with the appropriate regional director and the members of the National Appeals Board each having one vote. In case of a tie vote, and pursuant to rules and regulations, an additional vote shall be cast by one of the other regional commissioners. The individual to whom such decision applies, or any commissioner who voted in the decision, may appeal such decision directly to the Commission by submitting a written notice of appeal not later than 45 days following the date on which such decision is rendered. The Commission, by majority vote, shall decide the appeal at its next regularly scheduled meeting and shall inform the individual to which such decision applies of the decision and the reasons therefore.

"§ 4215. Applicability of the Administrative Procedure Act

"Except as otherwise provided in this chapter, the provisions of sections 551 through 559 and sections 701 through 706 of title 5, United States Code, shall not apply to the making of any determination, decision, or order made pursuant to this chapter or any other law."

Sec. 3. Sections 4209 and 4210 of title 18, United States Code, are renumbered to appear as sections 4216 and 4217 of such title.

Sec. 4. Section 5002 of title 18, United States Code, is repealed.

Sec. 5. Section 5005 of title 18, United States Code, is amended to read as follows:

"§ 5005. Youth correction decisions

"The Commission and, where appropriate, its authorized representative as provided in sections 4203(c) and 4210(e) of this title, may grant or deny any application or recommendation for conditional release, or modify or revoke any order of conditional release, of any person sentenced pursuant to this chapter, and perform such other duties and responsibilities as may be required by law. Except as otherwise provided, decisions of the Commission shall be made in accordance with the procedures set out in chapter 311 of this title."

Sec. 6. Section 5006 of title 18, United States Code, is amended to read as follows:

"§ 5006. Definitions

"As used in this chapter—

"(a) 'Commission' means the United States Parole Commission.

"(b) 'Bureau' means the Bureau of Prisons;

"(c) 'Director' means the Director of the Bureau of Prisons;

"(d) 'Youth offender' means a person under the age of twenty-two years at the time of conviction;

"(e) 'Committed youth offender' is one commited for treatment hereunder to the custody of the Attorney General pursuant to sections 5010(b) and 5010(c) of this chapter;

"(f) 'Treatment' means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youth offenders; and

"(g) 'Conviction' means the judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere."

Sec. 7. Sections 5007, 5008, and 5009 of title 18, United States Code, are repealed.

Sec. 8. Section 5014 of title 18, United States Code, is amended to read as follows:

"§ 5014. Classification studies and reports

"The Director shall provide classification centers and agencies. Every committed youth offender shall first be sent to a classification center or agency. The classification center or agency shall make a complete study of each committed youth offender, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his school, family life, any previous delinquency or criminal experience, and any mental or physical defect or other factor contributing to his delinquency. In the absence of exceptional circumstances, such study shall be completed within a period of thirty days. The agency shall promptly forward to the Director and to the Commission a report of its findings with respect to the youth offender and its recommendations as to his treatment. As soon as practicable after commitment, the youth offender shall receive a parole interview."

Sec. 9. Section 5017(a) of title 18, United States Code, is amended to read as follows:

"(a) The Commission may at any time after reasonable notice to the Director release conditionally under supervision a committed youth offender when it appears that such person has substantially observed the rules of the institution to which he is confined, that there is a reasonable probability that such person will live and remain at liberty without violating the law, and if in the opinion of the Commission such release is not incompatible with the welfare of society. When, in the judgment of the Director, a committed youth offender should be released conditionally under supervision he shall so report and recommend to the Commission."

Sec. 10. Section 5020 of title 18, United States Code, is amended to read as follows:

"§ 5020. Apprehension of released offenders

"If, at any time before the unconditional discharge of a committed youth offender, the Commission is of the opinion that such youth offender will be benefited by further treatment in an institution or other facility the Commission may direct his return to custody or if necessary may issue a warrant for the apprehension and return to custody of such youthful offender and cause such warrant to be executed by a United States probation officer, an appointed supervisory agent, a United States marshal, or any officer of a Federal penal or correctional institution. Upon return to custody, such youth offender shall be given a revocation hearing by the Commission."

Sec. 11. Chapter 402 of title 18, United States Code, is amended by deleting the term "division" whenever it appears therein and inserting in lieu thereof the word "Commission".

Sec. 12. The table of sections for chapter 402 of title 18, United States Code, is amended to read as follows:

"Sec.
"5005. Youth correction decisions.
"5006. Definitions.
"5010. Sentence.
"5011. Treatment.
"5012. Certificate as to availability of facilities.
"5013. Provision of facilities.
"5014. Classification studies and reports.
"5015. Powers of Director as to placement of youth offenders.
"5016. Reports concerning offenders.
"5017. Release of youth offenders.
"5018. Revocation of Commission orders.
"5019. Supervision of released youth offenders.
"5020. Apprehension for released offenders.
"5021. Certificate setting aside conviction.
"5022. Applicable date.
"5023. Relationship to Probation and Juvenile Delinquency Acts.
"5024. Where applicable.
"5025. Applicability to the District of Columbia.
"5026. Parole of other offenders not affected.".

Sec. 13. Section 5041 of title 18, United States Code, is amended to read as follows:

"§ 5041. Parole

"A juvenile delinquent who has been committed and who, by his conduct, has given sufficient evidence that he has reformed, may be released on parole at any time under such conditions and regulations as the United States Parole Commission deems proper if it shall appear to the satisfaction of such Commission that the juvenile has substantially observed the rules of the institution to which he is confined, that there is a reasonable probability that such person will live and remain at liberty without violating the law, and if in the opinion of the Commission such release is not incompatible with the welfare of society."

Sec. 14. Whenever in any of the laws of the United States or the District of Columbia the term "United States Parole Board", or any other term referring thereto, is used, such term or terms, on and after the expiration of the one-year period following the date of the enactment of this Act, shall be deemed to refer to the United States Parole Commission as established by the amendments made by this Act.

Sec. 15. The parole of any person sentenced before June 29, 1932, shall be for the remainder of the term or terms specified in his sentence, less good time allowances provided by law.

Sec. 16. Section 5108(c)(7) of title 5, United States Code, is amended to read as follows:

"(7) the Attorney General, without regard to any other provision of this section, may place a total of ten positions of warden in the Bureau of Prisons in GS-16".

Sec. 17. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of the amendments made by this Act.

Sec. 18. (a) The foregoing amendments made by this Act shall take effect upon the expiration of the thirty-day period following the date of the enactment of this Act.

(b) Upon the effective date of the amendments made by this Act, each person holding office as a member of the Board of Parole on the date immediately preceding such effective date shall be deemed to be a Commissioner and shall be entitled to serve as such for the remainder of the term for which such person was appointed as a member of such Board of Parole.

(c) All powers, duties, and functions of the aforementioned Board of Parole shall, on and after such effective date, be deemed to be vested in the Commission, and shall, on and after such date, be carried out by the Commission in accordance with the provisions of applicable law, except that the Commission may make such transitional rules as are necessary to be in effect for not to exceed one year following such effective date.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title, The Parole Commission Act.

Sec. 2. Chapter 311 of title 18, United State Code, is amended to read as follows:

§ 4201. Definitions:

As used in this chapter—

(1) 'Commission' means the U.S. Parole Commission created by this Act;

(2) 'Commissioner' is any one of the nine members of the U.S. Parole Commission;

(3) 'Director' means the Director of the U.S. Bureau of Prisons;

(4) 'Eligible person' means any Federal prisoner in the custody of the Attorney General who is by law eligible for parole, including any individual whose parole has been previously revoked;

(5) 'Parolee' means any eligible person who has been released on parole or deemed to have been released on parole under sections 4164 and 4204(d) of title 18, U.S. Code, which provide for release as if on parole; and

(6) 'Rules and regulations' means the rules and regulations made by the full Commission. The rulemaking procedures of § 553 of title 5, U.S. Code, apply; notice is required in the Federal Register, and interested parties shall have an opportunity to comment. Guidelines promulgated by the full Commission for parole decision-making are rules and regulations within the meaning of this definition. *Pickus et al v. U.S. Board of Parole*, 507 F2d 1107 (1974).

§ 4202. This section establishes a nine member U.S. Parole Commission as an independent agency of the Department of Justice. No more than six members of the Commission can be of the same political party. The Commission is attached to the Department for administrative reasons but its decision making machinery is independent so as to guard against influence in case decisions. Commissioners serve a term of six years under Presidential appointment by and with the advice and consent of the Senate; the Chairman is appointed by the Attorney General. The terms are staggered with the Commission members continuing to serve until their successors have been qualified. The rate of pay for a member of the Commission shall be the highest step of G.S. level 17.

§ 4203(a) The Commission, acting by majority vote, has authority to: (1) grant or deny parole to any Federal prisoner who is eligible for parole; (2) impose conditions under which any prisoner would be released on parole; (3) modify or revoke the parole of any individual who violated the conditions of his release; and (4) decide on the period of reimprisonment for any individual whose parole has been revoked, except that the length of such reimprisonment together with the time served for the offense before parole was granted cannot be longer than the maximum length of the sentence; where revocation is based on a conviction for a new crime the Commission may also determine whether all or any part of the unexpired term shall run concurrently or consecutively with the new sentence.

(b) The full Commission will meet periodically as a policy making group to: (1) establish procedural rules and guidelines for parole determinations so that the administration of parole throughout the Federal system will be uniform; (2) set boundaries for the nation's five parole regions; and (3) act upon budget recommendations, which will be separate from other agencies of the Department of Justice.

Records of the final vote of the commissioners on these policy making actions will be availabe for pubic inspection.

(c) The Commission, acting by majority vote and pursuant to rules and regulations, may (1) delegate any of its decision making authority set out in subsection (a) of this section to one or more commissioners, enabling the Commission to allocate its decision making workload to regional commissioners who are responsible for initial parole determinations and to the three commissioners on the National Appeals Board who review these decisions on appeal; (2) delegate to panels of hearing examiners certain Commission functions which are necessary to provide regional commissioners with recommendations and a hearing record on which to base their decisions, including conducting hearings and interviews, taking sworn testimony, making findings of probable cause and issuing subpoenas in parole revocation proceedings, and making a record of the pertinent evidence presented at any such hearing or interview; and (3) review any delegated decision, or delegate authority to the National Appeals Board to review decisions made by a regional commissioner or commissioners.

(d) The Attorney General has an unqualified right to have the Commission review any delegated decision or to reconsider any of its own decisions. The Commission must act promptly on any such request and must give a written copy of its decision to both the Attorney General and the individual whose case is involved.

(e) When the full Commission is required to make decisions under the powers and duties set out in this section, each member will have an equal voice in policy or decision determinations, be provided with all necessary information, and have one vote.

§ 4204. (a) The Chairman, who functions as the chief executive officer of the Commission, is authorized to: (1) preside at the regular meetings of the full Commission as well as special meetings that are called upon his own request or that of any three commissioners; (2) make all personnel decisions except that the full Commission must confirm the appointment of any hearing examiner before his probationary status as a first-year government employee terminates and each regional commissioner will be responsible for the appointment and supervision of certain clerical personnel employed in his region; (3) delegate work among the commissioners and the various units and employees of the Commission; (4) designate three commissioners to serve on a National Appellate Board, one of which will also serve as Vice Chairman, and designate one commissioner to serve in each of the parole regions as regional commissioner, except that in making any such delegation the Chairman must consider certain pertinent criteria and must obtain the concurrence of the Attorney General; (5) carry out fiscal responsibilities including preparation of appropriation requests and oversight of Commission expenditures; (6) serve as spokesman for the Commission and make reports to the Congress, the courts, and the Attorney General; (7) provide for a research and training component in the Commission which will provide studies and information concerning the parole process to public and private agencies; (8) accept voluntary and uncompensated services of volunteers who assist in the counseling and supervision of individuals who have been released on parole; (9) utilize, on a cost reimbursible basis, Federal or State officials for certain parole revocation proceedings; and (10) perform other necessary duties.

(b) The Chairman shall carry out his administrative duties and responsibilities in line with the national parole policies promulgated by the Commission.

§ 4205. (a) The statutory basis for eligibility for parole for Federal prisoners under regular adult and special sentencing procedures remains unchanged. A Federal prisoner is eligible for parole after serving one-third of his maximum term or after serving fifteen years and there is no change in this from present language of title 18.

(b) This subsection reenacts the existing provisions of law which enables the court to: (1) direct that the prisoner be eligible for parole at any time up to one-third of his maximum sentence, or (2) specify that the Commission shall decide when the prisoner shall be considered for parole.

(c) This subsection amends existing provisions of law which give the judge an opportunity to request that the Bureau of Prisons conduct a study of the individual by reducing the time period allowed for such study from 90 to 60 days, and preserves existing provisions of sentencing law.

(d) This subsection reenacts in part and amends in part the present law on eligibility for parole of offenders with maximum sentences of one year or less. For individuals whose maximum term or terms is six months or less, there is no change from present law, under which the sentencing judge may set any release date, including a split sentence under 18 U.S.C. 3651, of up to six months incarceration and five years probation. For individuals sentenced to a maximum term or terms of more than six months, but not more than one year, the sentencing judge sets the date for release of the offender as if on parole, except if the judge sets no release date, the individual would be released after having served six months. Present law concerning good time reductions and surrender of prisoners to other authorities is unchanged.

(e) This subsection provides a means by which the minimum term of any Federal prisoner may be reduced to make the individual eligible for parole consideration. The Bureau of Prisons would make a motion to the court which imposed sentence, and the appropriate U. S. Attorney would have an opportunity to oppose it.

(f) Present law and practice relating to existing powers of the sentencing court and certain special provisions relating to eligibility for parole are preserved.

§ 4206. (a) The present statutory criteria utilized by the Federal parole authorities in making their decision as to whether or not to grant parole are preserved. Before granting parole, the Commission must decide that an individual who is eligible for parole has substantially observed the rules of the institution in which he is confined, there is a reasonable probability that he will not violate the law on release, and his release is compatible with the general welfare of society.

(b) When an individual is about to become eligible for parole consideration the Bureau of Prisons prepares a progress report which includes a summary of his criminal and social background, his mental and physical health, his behavior in the institution and his participation in institution programs. The Commission is authorized to make such other investigations as it may deem appropriate.

(c) The Commission is authorized to seek information from other government agencies such as the U.S. Probation Service and the Federal Bureau of Investigation. Upon request, these agencies will furnish available information, and, where appropriate, their views and recommendations with respect to Commission matters.

§ 4207. (a) An individual released on parole remains in the legal custody of the Attorney General but time spent on parole is not automatically credited toward service of the maximum sentence.

(b) Every parolee shall have as a condition of parole that he cannot commit any criminal offense during his parole. In imposing any other condition or conditions of parole the Commission shall consider the following guidelines: (1) there should be a reasonable relationship between the standards of behavior required and the individual's circumstances; (2) deprivations of liberty which are necessary for the protection of the public welfare may be imposed; (3) the conditions must be specific and not vague so that they can serve as a guide to behavior. In addition, the parolee is given a written statement of his conditions.

(c) As provided under present law, the conditions of parole may require that an individual reside in or participate in the program of a community treatment center or an addict treatment program.

(d) An orderly procedure under which the Commission may suspend parole supervision of parolees who no longer need it is established. (1) Systematic evaluation for parole discharge begins after an individual has been under parole supervision for two years, but discharge remains entirely in the discretion of the Commission. (2) After five years an individual shall receive a hearing to decide whether or not such supervision shall be terminated. Similar consideration will be accorded at least every two years thereafter.

Parole discharge under this section is not the same as unconditional discharge provided for youth offenders under the Federal Youth Corrections Act, Chapter 402 of title 18, United States Code. The Youth Act provides a procedure for certain conditionally released youth offenders who achieve the status of unconditional discharge within a specific time period to earn a set aside of their conviction.

§ 4208. (a) Once an individual becomes eligible for parole he is entitled to a hearing and additional rehearings at least once every two years, but he may waive any hearing.

(b) When a commissioner or panel of hearing examiners conducts an interview of any individual who is eligible for parole, that individual will receive written notice of the time of the interview and will be allowed to select a representative to assist him both before and during the interview. The Commission is authorized to promulgate rules and regulations as to who a representative may be. Persons appropriate for such position include members of the immediate family, including common-law relations; other relatives; friends; ministers, or prospective employers. The phrase, "Such rules shall not exclude attorneys as a class", means that inmates may utilize retained counsel as representatives but that any other provision for legal assistance is within the discretion of the Commission.

(c) An eligible Federal prisoner shall have reasonable access to certain documents which are utilized by the Commission to determine parole eligibility. Three categories of documents, however, may be excluded: (1) diagnostic opinions such as psychological or psychiatric reports which if revealed to the individual might cause a serious disruption in his program of rehabilitation; (2) documents which contain information obtained on the basis of a pledge of confidentialty by, or on behalf of, any public official who has substantial reason to believe that revealing the information would jeopardize the life or limb of any person; or (3) any other information which if revealed would jeopardize the life or limb of any person. The Commission, the Bureau of Prisons, or any other agency which deems a document excludable under subparagraphs (1), (2) or (3) of this subsection shall be responsible for preparing a summary of such document. In recognition of administrative time constraints, agencies, other than the Commission or the Bureau of Prisons, submitting excludable documents shall enclose summarized versions which meet the requirements of this subsection. The Bureau of Prisons recently implemented a procedure for disclosing progress reports and, in some cases, psychiatric reports to Federal prisoners awaiting parole consideration. BOP Policy Statement, No. 7200.13, "Disclosure of Parole/Special Progress Reports", (1-28-74).

(d) The Commission is required to retain a record of all parole interviews. Where an individual is denied parole or granted parole under conditions other than those commonly imposed, he can obtain a copy of the transcript of the interview record if he can demonstrate to the satisfaction of the Commission that it is necessary for purposes of administrative appeal. In any case in which the Commission has transcribed the interview record for the purposes of any appellate determination, the inmate, if he so requests, should be provided with a copy of such transcript.

(e) The Commission has fifteen working days in which to notify the individual in writing of the initial parole decision. Individuals denied parole or granted parole under conditions other than those commonly imposed will receive a written statement which spells out clearly the reasons for this adverse action. The Committee does not wish to tie the hands of the Parole Commission by specifying a particular format for such statement of reasons. A formal judicial fact-finding is not required, but the inmate must receive an understandable explanation of his parole status. For example, under the published rules of the U.S. Board of Parole, 28 CFR 2.20 (1975 Vol. as amended), the Board utilizes a set of guidelines for parole release determinations. The guidelines take into consideration certain primary elements in the parole decision-making process and indicate, for any individual combination thereof, the general range of time to be served before release. This subsection would operate in the following manner in relation to the present guidelines system. If a prisoner who has not served the minimum period recommended by the guidelines is denied parole, he should receive a statement containing his severity of offense rating, the calculation of his salient factors score and an explanation of how such a determination utilizing the guidelines was reached. On the other hand, if a prisoner who has served the time required to be eligible for parole under the guidelines is denied parole and this denial results in delaying his release beyond the time period recommended by the guidelines, he should receive not only the above information but also a specific explanation of the factors which caused the Commission to reach a determination outside the guidelines. Parole Form R-2, Notice of Action Worksheet, (revised June 1974), which was implemented by the U.S. Parole Board in the northeast region on April 1, 1974, provides the necessary information. The Committee realizes that these guidelines and procedures may change and reserves the right of continuing oversight to ensure that individuals receiving adverse parole determinations are given an adequate explanation of the reasons for such action.

The phrase, "parole conditions other than those commonly imposed", refers to any condition imposed by the Commission on any order of parole release which the individual wishes to contest on the grounds that such a deprivation of liberty is unwarranted. Typically imposed proscriptions relating to violations of law, use of narcotics, excessive use of alcohol, etc., would not fit this category.

§ 4209. Existing law with respect to delivery of convicted aliens for deportation is recodified under a new section number.

§ 4210. This section, with certain modifications, codifies the recent Supreme Court decisions, *Morrissey v. Brewer*, 408 U.S. 471 (1972) and *Gagnon v. Scarpelli*, 411 U.S. 788 (1973), relating to the revocation of parole under circumstances in which there may be a need to ascertain facts concerning an alleged violation of the conditions of such release on parole.

(a) Provides for issuing a warrant for the arrest of a parolee alleged to have violated a condition of parole before the expiration of his maximum sentence.

(b)(1) This subsection provides revocation procedures for any alleged parole violator who wishes to contest the revocation and whose revocation is not based on a conviction for a new offense. (A) Such parolee is entitled to an immediate hearing, near where the violation is alleged to have occurred or where the parolee was arrested, to determine if there is probable cause to believe that he has violated his parole conditions. The timing of the preliminary hearing is particularly crucial; even if probable cause is not found, if a parolee is held in jail awaiting his hearing for more than one or two days, his job will probably be lost and his reintegration efforts badly disrupted. The Commission upon a finding of probable cause shall make a written summary of the hearing which states the reasons for the decision and the factors considered in the hearing. The parolee shall be given a copy of this written summary a reasonable period of time before his revocation hearing, unless the revocation hearing is held at the same time as the probable cause hearing in which case he will be given a document summarizing the joint proceedings within fifteen working days. (B) Upon a finding of probable cause under subparagraph (A) of this subsection, the alleged parole violator is entitled to a revocation hearing which also takes place reasonably near the place where the alleged violation occurred or where the parolee was arrested. In the words of Chief Justice Burger, "This hearing must be the basis for more than determining probable cause; it must lead to a final evaluation of any contested relevant facts and consideration of whether the facts as determined warrant revocation. The parolee must have an opportunity to be heard and to show, if he can, that he did not violate the conditions, or, if he did, that circumstances in mitigation suggest the violation does not warrant revocation." 471 U.S. 488 (1972). While the revocation hearing must be held within sixty days of the preliminary hearing held pursuant to subparagraph (A), it may be held at the same time.

(2) In any hearing held pursuant to subparagraph (1) (A) or (B) of this subsection, the alleged parole violator is entitled to the following procedures: (A) notice of the violations of parole and the time, place, and purposes of the scheduled hearings; (B) the right to appear and testify and to present witnesses and documentary evidence on his own behalf; (C) the right to be represented by retained counsel or if he is unable to retain counsel, counsel may be provided pursuant to the Criminal Justice Act (18 U.S.C. 3006A) and (D) the right to be apprised of evidence against him and the qualified right to confront and cross-examine adverse witnesses. This subparagraph would permit an inmate who so requests to confront and cross-examine adverse witnesses unless the hearing officer designated by the Commission makes a determination that there is good cause for not allowing confrontation. This determination requires the hearing officer to balance the parolee's need to confront his accusers in view of the particular facts and circumstances of his case against factors, which include but are not necessarily limited to, the probability and severity of either the risk of harm to the informant or the danger that the rights of someone in any pending criminal prosecution would be jeopardized. The Commission, where appropriate, may subpoena adverse witnesses but only for the purposes set out in this subparagraph.

(c)(1) Any parolee, who is convicted of a new offense and sentenced to imprisonment in any Federal, State or local correctional facility and who has a parole revocation detainer lodged against him at such institution, shall receive an institutional revocation hearing within one hundred and eighty days of the placement of such detainer, or upon his release, whichever comes first.

(2) Any alleged parole violator, who waives any of his hearing rights under subsection (b), shall receive an institutional revocation hearing within three months of recommitment.

(3) Hearings held under this subsection shall be conducted by the Commission. The alleged parole violator will have notice of the hearing and be allowed to appear and testify in his own behalf and to select a representative, as provided in § 4208(b)(2), to aid him in his appearance.

(d) The Commission, after any revocation hearing held under this section, may dismiss the warrant or take any other action which it deems appropriate in accordance with the provisions of § 4212 of this chapter.

In any case in which parole is modified or revoked pursuant to a hearing under this section, the Commission shall provide a written summary of the hearing which states the reasons for the adverse action and indicates the evidence considered and relied upon. It is important to remember that this is not a formal judicial determination. In *Morrisey* the Court observed, "no interest would be served by formalism in this process; informality will not lessen the utility of this inquiry in reducing the risk of error." 408 U.S.C. 487 (1972). The alleged violator shall receive a copy of this document.

(e) To facilitate speedy parole revocation determinations, the Commission may delegate authority to State or Federal officials to conduct hearings pursuant to this section. The Commission would promulgate regulations setting out appropriate categories of government officials to be used in this capacity such as U.S. magistrates, administrative law judges, and officials of State parole authorities, etc.

§ 4211. Existing law with respect to the enumeration of individuals entitled to serve parole revocation warrants is recodified under a new section number.

§ 4212. If the parole revocation warrant is not dismissed, the range of possible responses by the Commission to a parolee who has been found to have violated the conditions of his parole include: (1) a reprimand; (2) an alteration of parole conditions; (3) referral to a half-way house or other residential facility for all or part of the remainder of the original sentence; (4) formal revocation of parole or release as if on parole; or (5) any other action deemed necessary for the purposes of successful rehabilitation of the parole violator, or which promotes the ends of justice.

In taking any action under this section, the Commission shall take into consideration whether or not the parolee has been convicted of a new criminal offense or whether such action is warranted by either the frequency or seriousness of the parolee's violation of any other condition or conditions of his parole.

§ 4213(a) Initial decisions involving a grant or denial of parole, the imposition of unusual parole conditions, denial of parole discharge after five or more years of continuous parole supervision, or the modification or revocation of parole, are made by regional commissioners in accordance with rules and regulations promulgated by the full Commission. The eligible person or parolee adversely affected by any such decision is entitled, by filing a timely application, to have the regional commissioner reconsider the decision. The regional commissioner, in accordance with rules and regulations promulgated by the full Commission, must act on the application within sixty days and shall notify the applicant of the reconsidered decision and the reasons therefore.

(b) If the decision is affirmed by the regional commissioner or is in some way still adverse to the applicant, he may take his case to the three member National Appeals Board. In accordance with the same time and notice requirements as provided in subsection (b), this final administrative appeal will be decided by the majority vote of the three members.

§ 4214. This section sets out the review procedure for parole determinations in which original jurisdiction is retained by the Commission. The initial decision is made by the regional commissioner, the members of the National Appeals Board, and, in the event of a tie vote, an additional regional commissioner. The eligible person or parolee adversely affected by this decision, or any commissioner who took part in the decision, may appeal the decision within forty-five days to the full Commission which shall decide the case at its next quarterly meeting.

§ 4215. Except where this statute provides for the application of section 553 of title 5, U.S. Code, the provisions of the Administrative Procedure Act shall not apply to the making of any determination, decision, or order of the United States Parole Commission.

Sec. 3. Section 4209, relating to the application of the Federal Youth Corrections Act, and Section 4210, relating to Canal Zone warrants, are reenacted under new section numbers.

Sec. 4. Section 5002 of title 18, U.S. Code, is replaced.

Sec. 5. Section 5005 of title 18, U.S. Code, is amended to make procedures for consideration of individuals sentenced under the Youth Corrections Act an intrical part of the Commission's responsibilities. Decisions regarding parole of youthful offenders will be made in the manner prescribed for all other eligible offenders, with the exception of certain provisions relating to unconditional discharge of youth offenders.

Sec. 6. Section 5006 of title 18, U.S. Code, is amended to reflect the change in name from Youth Division to U.S. Parole Commission.

Sec. 7. Sections 5007, 5008, 5009 of title 18, U.S. Code, which conflict with the provisions of Chapter 311 of title 18, relating to the organization and operation of the U.S. Parole Commission, are repealed.

Sec. 8. Section 5014 of title 18, U.S. Code, is amended to provide that parole interviews for youth offenders are conducted in the same manner as prescribed for other eligible offenders.

Sec. 9. Section 5017(a) of title 18, U.S. Code, is amended to provide for parallel parole release criteria for all offenders.

Sec. 10. Section 5020 of title 18, U.S. Code, is amended to provide that parole revocations for youth offenders are conducted in the same manner as prescribed for other parolees.

Sec. 11. Chapter 402 of title 18, U.S. Code, is amended to reflect the change in name from Youth Division to U.S. Parole Commission.

Sec. 12. Amends the Table of Sections of Chapter 402 of title 18, U.S. Code.

Sec. 13. Section 5041 of title 18, U.S. Code, is amended to provide for parallel parole release criteria for all offenders.

Sec. 14. This section provides that wherever the term United States Parole Board is used in any law it shall be replaced with the term U.S. Parole Commission.

Sec. 15. Protects the eligibility of the one prisoner remaining in the Federal system who was sentenced prior to June 29, 1932, in order to preserve the possibility that he may be released under applicable provisions of law.

Sec. 16. Section 5108(c)(7) of title 5, U.S. Code, is amended to delete from the control of the Attorney General the salary of members of the U.S. Parole Commission which shall be set by the Congress under the provisions of Section 4202 of title 18, U.S. Code.

Sec. 17. Authorizes the appropriation of such sums as are necessary to carry out the purposes of this Act.

Sec. 18. (a) This legislation would take effect ninety days following enactment.

(b) All members of the Board of Parole on the effective date of this legislation would become commissioners, entitled to serve for the remainder of the terms for which they were appointed as members of the Board of Parole.

(c) All powers, duties and functions of the Board of Parole would be transferred to the U.S. Parole Commission on or after the effective date. The U.S. Parole Commission may make such transitional rules as are necessary for a period of one year following the effective date.

Major Changes in Present Law

A PAROLE COMMISSION

The bill replaces the present U.S. Board of Parole with a nine-membered Parole Commission, headed by a Chairman who serves as administrative head of the agency.

REGIONALIZATION

In order to make the present Federal parole workload more manageable, the nation is divided into five parole regions. Each region is headed by a member of the Commission serving as Regional Commissioner. Regional commissioners consider recommendations from two-man hearing examiner panels which are delegated fact-finding authority. In addition, three members of the Commission sitting as a National Appeals Board hear appeals from decisions of the Regional Commissioner.

NEW PROCEDURES FOR PAROLE RELEASE AND REVOCATION DETERMINATIONS

To insure fairness in parole release hearings, the bill provides the inmate with a parole advocate and allows both the inmate and his advocate access to the parole file. In addition, the Attorney General may require reconsideration of any parole decision.

In line with the recent Supreme Court decision, *Morrissey* v. *Brewer*, 408 U.S. 471 (1972), the bill provides the following due process procedures for parole revocation: the right to a preliminary hearing to determine probable cause, written notice of the claimed violations of parole, disclosure to the parolee of evidence against him, opportunity to be heard in person and to present witnesses and documentary evidence, the right to confront and cross-examine adverse witnesses, and written reasons for the decision.

MANDATORY PAROLE SUPERVISION FOR CERTAIN OFFENDERS

The bill provides for parole supervision of certain offenders who did not receive split sentences pursuant to 18 U.S.C. 3651 but were sentenced to imprisonment for a year or less and who had not been released after six months. Such persons would return to the community under parole supervision after one hundred and eighty days unless the government objects to his release and the Commission concurs in their reasoning.

Comparison

Present law and new legislation:

Parole board members, eight members, nine members, five in regional offices, three on a national appeals board, and one as chairman and administrative officer.

Parole interviews, no standards, interview procedures include notice, opportunity for inmate to prepare for interview, oral and written reasons for parole denial.

Parole examiners, examiners authorized to recommend approval or denial of parole, panels of parole examiners make provisional decisions, subject to approval or rejection by regional parole commissioners.

Criteria for parole release, inmate has obeyed rules of institution, reasonable probability inmate will not violate law, and if release is not incompatible with the welfare of society, release criteria not changed, except that the same criteria would be used for inmates under all three of the major sentencing alternatives.

Parole revocation, all revocations subject to procedural due process criteria in 1972 Supreme Court decision, same, except due process criteria eliminated where individual has been convicted of a new offense.

Judicial review, no standard, some district and circuit opinions favoring court review under certain circumstances, administrative Procedures Act exempted, administrative appeal process established.

Powers of chairman, no guidelines on administrative powers, chairman sits on all appeals, chairman given administrative powers, but isolated from appeals so as to prevent dominance of policy.

By Mr. NUNN (for himself, Mr. ALLEN, and Mr. GARN):

S. 1110. A bill to establish a Council on Judicial Tenure in the judicial branch of the Government, to establish a procedure in addition to impeachment for the retirement of disabled Justices and judges of the United States, and the removal of Justices and judges whose conduct is or has been inconsistent with the good behavior required by article III, section 1 of the Constitution, and for other purposes. Referred to the Committee on the Judiciary.

JUDICIAL TENURE ACT

Mr. NUNN. Mr. President, this bill is identical to S. 4153 which I introduced October 17, 1974. It will establish an effective alternative to impeachment for removing misbehaving or disabled Federal judges from office.

Recent experiences of the Watergate era have reminded us that power can be abused by public officials. Although Watergate taught us that our system of government works, we must be ever vigilant to improve that system in order to insure that it works better in the future.

Although the abuses of Watergate were centered in the executive branch of Government, we must remember that no branch of Government is immune to an abuse of power. The power of the Presidency and the Congress is subject to the control of the people through the periodic election process and by the checks and balances that exist between these two great institutions. Our appointed Federal judges, on the other hand, have a high degree of independence and are not accountable to the people through the periodic election process.

No man or group of men is perfect. Despite the overall high quality and integrity of our Federal Bench, which was graphically demonstrated during the numerous complex cases of the Watergate era, an occasional judge misbehaves or becomes physically or mentally disabled and continues on the Bench. One such judge can undermine the public trust in the efforts of 100 good judges.

Currently, impeachment is the only remedy available for removing a misbehaving or disabled judge from office. History demonstrates that impeachment is a complex, slow and cumbersome process, and is not a real deterrent to misconduct on the bench.

Impeachment also is disruptive to the legislative process of Congress. As the legislative load increases each year, the use of impeachment as a remedy is likely to decrease. In the Nation's history, only nine Federal judges have been impeached by the House, and only four have been convicted by the Senate. The last impeachment trial was in 1936, but I believe that few people would contend that all of our Federal judges since 1936 have maintained the constitutional criteria of "good behavior."

The House impeachment process has generally been lengthy, and Senate impeachment trials have continued for as long as 6 weeks. The average trial has lasted 16 days. As the House Judiciary Committee pointed out in 1940 when reporting a bill to establish an alternate removal procedure:

> It is a governmental absurdity that the cumbersome machinery of impeachment must be resorted to in order to procure the ouster of a district or circuit judge.
>
> There must be a logical relationship between the importance and power of the respondent and the taking up of the time of the whole Senate in order to try him. Stability is essential, but there is nothing more ridiculous than the picture of a whole Senate sitting for 10 days to determine whether or not a district judge ought to be removed.

Impeachment also fails to deal humanely with the problems presented in the case of a judge who is afflicted with permanent mental or physical disability. Such a judge must be replaced, but impeachment, with its accompanying humiliation and loss of benefits, is too harsh a remedy. In my estimation, we should be able to remove such disabled judges without inflicting additional suffering.

Mr. President, the national legislative process must not be unduly disrupted. In order to maintain the public's confidence in the integrity of the judicial branch, we must deal with judicial misbehavior or disability in a thorough, efficient and impartial manner.

My bill will provide an alternative removal procedure. This legislation is not intended in any way to displace the right of Congress to impeach judges under the Constitution. It is just another removal mechanism. This bill is based on the constitutional premise that the independent judicial branch, as the exclusive holder of Federal judicial power, has the inherent power to enforce the standard of conduct required of its members. It provides machinery to implement this power.

My bill would establish a Council on Judicial Tenure within the judicial branch. The Council would be composed of judges elected by their fellow judges from each circuit, the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court. A panel of the Council would receive and investigate any written claims of misconduct or disability of a judge, including a Supreme Court Justice. The panel could either dismiss the complaint or report it to the Judicial Conference of the United States along with its recommendations.

The Judicial Conference is already established pursuant to section 331 of title 28 of the United States Code. It consists of the Chief Justice of the United States and the Chief Judge of each Judicial Circuit, the Chief Judge of the Court of Claims, the Chief Judge of the Court of Customs and Patent Appeals, and a District Judge from each Judicial Circuit.

The Judicial Conference or one of its committees would then sit as a Federal court to decide the case. The Chief Justice would be precluded from taking part in the Conference's consideration of the case.

The Council would act as an advocate for its recommendations in the proceedings before the Judicial Conference. The Conference could dismiss the complaint, censure, or remove the judge from office for misbehavior. In addition, a judge could be involuntarily retired if a mental or physical disability was seriously interfering with the performance of one or more of the critical duties of his office.

Experience has also shown that some method is needed to suspend the judicial powers of a judge until the conclusion of an inquiry where there is a substantial question as to that judge's fitness for office. This is essential for keeping the public trust.

This bill would give the Judicial Conference of the United States the discretion to suspend temporarily the judicial powers of a judge after a recommendation is received from the Council of Judicial Tenure that he be censured, removed, or retired from office.

All rights of due process would be accorded the judge. He could appear before the Council and present a statement in his own behalf. At any hearing before the Judicial Conference the judge could be present, introduce evidence, be represented by counsel, and confront and cross-examine witnesses. If the Conference voted to remove the judge, he would have the right of appeal to the Supreme Court. Only after all these procedures are completed would the judge be removed from office and a successor appointed. It is important to note that a judge involuntarily retired under this bill would have an enforceable right to be assigned such work as he is willing and able to perform.

The idea for an alternative to impeachment has a long history. Professor Shartell stimulated much debate on the subject in the 1930's with his article on the supervision and removal of Federal judges. More recently, in the 1960's Joseph Borkin has documented many of the abuses of judicial power in his book entitled, "The Corrupt Judge." Donald Jackson's new book entitled, "Judges" also shows that problems exist within the judiciary. Numerous bills have been introduced to establish an alternative removal procedure. In 1940, the House passed such a bill introduced by Representative Hatton Summers, then chairman of the House Judiciary Committee. Over one-half of the States have established procedures within their respective governments for the removal of misbehaving or disabled State judges in addition to impeachment.

A great amount of credit is also due to former Senator Joseph Tydings who introduced legislation, modeled after California's procedure, to establish a commission with power to remove or retire Federal judges. Representative RODINO, chairman of the House Committee on the Judiciary, also actively supported the Tydings bill and introduced parallel legislation in the House.

Senator Tydings' bill received impressive support from such respected people as Chief Justice Burger, Justice Rehnquist, and numerous Federal judges. The American Bar Association strongly endorsed the Tydings bill.

Of course there has been criticism of the various proposals in this important area of judicial reform. I have tried to respond fairly to these criticisms, and I have taken into account the weaknesses of former bills. In effect, the bill I am introducing today is a refinement and modification of the Tydings concept.

Any bill of this type raises immediate constitutional questions. However, I have no doubt of its constitutionality. The Subcommittee on Improvements in Judicial Machinery has held extensive hearings concerning the constitutional questions of such a bill, and found strong support for its constitutionality from various sectors.

Chief Justice Burger, Justice Rehnquist, the American Bar Association, the National Association of Attorneys General, eminent impeachment expert Raol Berger, numerous Federal judges, and various law professors and law review articles have expressed the belief that such an approach is constitutional.

In conclusion, it is important to reemphasize that this bill would not encroach on the independence of the judiciary. Every procedure provided for in this bill would take place entirely within the judicial branch. The bill only provides enabling legislation which would assist the judiciary in exercising its inherent powers under the Constitution.

I believe that this new procedure would be effective for dealing with questions of judicial fitness. Members of the judiciary have a strong self-interest in insuring that the integrity of the courts is beyond question and that each judge is able to maintain his workload unimpaired by mental or physical disability.

I urge that this legislation be given careful consideration by my colleagues, and I am hopeful that after timely hearings this legislation will receive the approval of Congress.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Tenure Act".

PROCEDURES FOR REMOVAL AND INVOLUNTARY RETIREMENT

SEC. 2. (a) Chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 377. Council on Judicial Tenure; establishment

"(a) There is established in the judicial branch of Government a Council on Judicial Tenure to further the honest, impartial, and efficient administration of justice in the courts of the United States in accordance with the duties imposed upon it by law.

"(b) The Council shall be composed of one member from each circuit, one member from the Court of Claims, one member from the Court of Customs and Patent Appeals, and one member from the Customs Court. Each member shall be a judge who is in regular active service. The member from each circuit shall be elected by the circuit and district judges of each circuit at a judicial conference of each circuit held pursuant to section 333 of this title. The members from the Court of Claims, Court of Customs and Patent Appeals, and Customs Court shall be elected by the judges of their respective courts. A judge who is a member of the Judicial Conference of the United States may not serve simultaneously as a member of the Council on Judicial Tenure. The members of the Council shall elect one of the members as Chairman of the Council.

"(c)(1) The term of each member of the Council shall be three years except that a member elected to fill a vacancy shall serve for the remainder of the term for which his predecessor was elected. A judge may serve on the Council for not more than two full terms except that a judge who fills a term that has been vacated may be reelected to the Council for one full term only.

"(2) The term of a member of the Council shall become vacant automatically when such member (A) resigns, retires, or is permanently separated from regular active service as a judicial officer, (B) becomes a member of the Judicial Conference of the United States, or (C) becomes a Justice of the United States.

"(d) Performance of duties as a member of the Council shall constitute the transaction of official business within the meaning of section 456 of this title.

"§ 378. Council on Judicial Tenure; duties and powers

"(a) It shall be the duty of the Council to receive and investigate each written complaint by any person concerning a Justice or judge of the United States and to determine whether the grounds specified in section 372a of this title for removal of a Justice or judge from office or censure or, in section 372 of this title for involuntary retirement of a Justice or judge, exist. If, after a preliminary inquiry by the Chairman, any such complaint is found to be frivolous, unwarranted, or insufficient in law or fact, the Council may dismiss such complaint. If such complaint is not dismissed, a panel appointed under subsection (b) shall conduct a hearing with respect to the fitness of such Justice or judge.

"(b)(1) In carrying out its duties under this section the Chairman of the Council shall appoint such panels, consisting of five members of the Council, at least four of whom are representatives of the circuit or district courts, as may be necessary in order that each complaint not dismissed under subsection (a) may be considered by such a panel.

"(2) For the purpose of the transaction of any business a quorum of any panel appointed under pargraph (1) shall be three members. A panel shall act upon the concurrence of any three of its members, except that the concurrence of four members is required to effect a recommendation to the Judicial Conference of the United States that any of the grounds specified in section 372 or 372a of this title for the involuntary retirement, removal of a Justice or judge from office, or censure exist.

"(c) Whenever the Council orders an investigation or hearing with respect to the fitness of any Justice or judge to continue in office, it shall provide not less than thirty days' notice to such Justice or judge of the date on which any hearing is to be conducted. Any Justice or judge who is the subject of such an investigation has the right to appear at any such hearing, and make a statement in his own hehalf. The Council shall maintain a record of any such hearing.

"(d) The panel shall make findings of fact and a determination regarding the fitness of such Justice or judge not later than ninety days after the conclusion of any proceedings conducted pursuant to this section. Such findings and determination shall be entered on the record of such proceedings and shall be transmitted, together with any recommendation thereon, directly to the Judicial Conference of the United States, to the Justice or judge under inquiry, and the complainant.

"(e)(1) The Council, or any panel designated by it, in carrying out its duties under this section may sit and act at such times and places, hold such hearings, take such testimony, require by subpena the attendance of such witnesses and the production of such books, records, papers, accounts, and documents, administer such oaths and issue such other orders as may be necessary. Subpenas and other orders shall be issued under the signature of the Chairman or the member of a panel designated by the Chairman. Any member of the Council or panel may administer oaths or affirmations to witnesses.

"(2) No person except the Justice or judge who is the subject of an inquiry under this chapter shall be excused from attending and testifying or producing anything ordered to be produced by the Council or panel on the ground that the testimony or material required to be produced may tend to incriminate such person or subject such person to penalty or forfeiture. No such person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce, after having claimed his privilege against self-incrimination, except that such person shall not be exempt from prosecution and punishment for perjury committed while so testifying.

"(3) In case of disobeyance to a subpena or other order issued under paragraph (1) of this subsection, the Council or panel may invoke the aid of any district court of the United States in requiring compliance with such subpena or order. Any district court of the United States within the jurisdiction in which the person is found or transacts business may, in case of contumacy or refusal to obey a subpena or order issued by the Council or panel, issue an order to issue such person to appear and testify, to produce such books, records, papers, accounts, and documents, and any failure to obey the order of the court shall be punished by the court as contempt thereof.

"(f) The Council is authorized to appoint and fix the compensation of an executive director and a permanent staff of attorneys and such other personnel as may necessary to carry out its duties under this section.

"§ 379. Duties of the Judicial Conference relating to proceedings with respect to removal, censure, and involuntary retirement

"(a)(1) It shall be the duty of the Judicial Conference of the United States to elect, at its annual meeting, one member of the Conference to be the presiding officer on any matter concerning the removal, censure, or involuntary retirement of a Justice or judge of the United States. The Chief Justice shall not participate in any activity or action, including the election of a presiding officer, by the Conference concerning the removal, censure, or involuntary retirement of any Justice of the United States.

"(2) The Conference, or with the concurrence of a majority of its members, a committee of nine judges, appointed by the presiding officer elected under paragraph (1) (one of whom shall be the presiding officer elected under paragraph (1)), shall sit as a court to hear any cause relating to the removal, censure, or involuntary retirement of a Justice or judge of the United States, or any proceeding under section 380 of this title. When so sitting, the Conference or committee shall be a court of the United States within the meaning of section 451 of this title and may exercise all appropriate judicial powers. Upon receipt of a recommendation from the Council on Judicial Tenure that a Justice or judge be removed, censured, or involuntarily retired, the presiding officer shall convene the Conference or committee designated under this paragraph to hear and determine the recommendation of the Council.

"(b) A proceeding under this section shall be de novo, and shall be conducted on the record. The Council on Judicial Tenure, or representatives from the Council, shall appear and present materials and testimony in support of the recommendation of the Council. Any Justice or judge whose conduct is the subject of any such inquiry shall be given adequate notice of any hearing, shall be admitted to any such hearing, may be represented by counsel, offer evidence in his own behalf, and confront and cross-examine any witness against him.

"(c) During the pendency of any proceeding under this section the Conference or committee may order any judge of the United States who is the subject of such inquiry to cease the exercise of any judicial powers or prerogatives pending disposition of the inquiry. Such an order shall be issued over the signature of the presiding officer. Upon issuing such an order the Conference or committee shall, after consultation with that authority within the court of the judge affected by such order who is responsible for the assigning of business to judges, formulate such orders regarding the business pending before such judge as it may deem appropriate.

"(d) The Conference or committee shall have the power in all cases brought before it, by majority vote—

"(1) to order the censure of any Justice or judge whose conduct is found to be inconsistent with the good behavior required by the Constitution;

"(2) to order the removal of any such Justice or judge from office;

"(3) to order the involuntary retirement of any Justice or judge in accordance with section 372(b) of this title; and

"(4) to dismiss or remand (to the Council) any such case.

All orders of the Conference or committee shall be in writing and any Justice or judge affected by any such order shall be so notified in writing.

"(e) No person except the Justice or judge who is the subject of an inquiry under this chapter shall be excused from attending and testifying or producing anything ordered to be produced by the Conference or committee on the ground that the testimony or material required to be produced may tend to incriminate such person or subject such person to penalty or forfeiture. No such person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce, after having claimed his privilege against self-incrimination, except that such person shall not be exempt from prosecution and punishment for perjury committed while so testifying.

"(f) (1) The Conference or committee shall stay (A) any order of removal of a judge and (B) any order of removal, censure, or involuntary retirement of any Justice pending final disposition of the case by the Supreme Court. Any such stay shall expire on the day after the day on which the time for seeking review has passed without the filing of an appeal. Upon affirmance by the Supreme Court of the order of the Conference directing removal, censure, or involuntary retirement of a Justice or removal of a judge or upon the expiration of the time for seeking review of any such order without the filing of an appeal, the order of the Conference shall become final and the judge shall be removed from office or, in a case affecting a Justice, the Justice shall be censured, involuntarily retired, or removed from office according to the order of the Conference.

"(2) In any case in which a Justice or judge is removed or involuntarily retired under this chapter, the Conference shall certify, at the time its order becomes final, notice to the President that a vacancy exists in the office from which the Justice or judge has been removed or involuntarily retired. The President shall appoint, by and with the advice and consent of the Senate, a successor to fill any vacancy caused by the removal of a Justice or judge under this section.

"(g) The Conference or committee shall notify any Justice or judge of its determination that the conduct or fitness of such Justice or judge does not warrant removal, censure, or involuntary retirement. The Justice or judge shall be informed that, upon receipt of his written request, the Conference shall make information regarding the nature of its investigation, its hearings, findings, and such other matters regarding its proceedings in his case as are not confidential, privileged under law, or otherwise prejudicial to the rights of any individual available to the public. Upon receipt of such request the Conference shall make such information available to the public.

"(h) The Conference is authorized to employ such permanent staff assistance as may be necessary to carry out its duties under this chapter. The Conference may employ on a temporary basis such other personnel as may be necessary to carry out its duties under this chapter in any particular case. The Conference may arrange for and compensate medical and other experts and reporters, and arrange for the attendance of witnesses including witnesses not subject to subpena.

"§ 380. Failure to assign judicial duties

"(a) The Council on Judicial Tenure shall designate a panel from among its members to hear any claim by a judge involuntarily retired under section 372(b) of this title that he is not being assigned such judicial duties within his court as he is willing and able to undertake. Whenever any such claim is substantiated to the satisfaction of a majority of such panel, it shall promptly report its findings to the Judicial Conference of the United States, together with a recommendation that the Conference issue an order to the appropriate authority responsible for the assignment of judicial duties to such judge. Upon receipt of such recommendation the presiding officer of the Conference (elected under section 379(a)(1) of this title) shall refer the matter to the Conference, or the committee designated to hear such matters, and the Conference or committee shall, at the earliest reasonable opportunity, consider the recomendation and resolve the claim of the retired judge. Action on any such matter shall be by majority vote. Upon resolution of any such matter, the presiding officer of the Conference shall transmit an appropriate order to the authority responsible for the assignment of judicial duties to such judge.

"§ 381. Disqualification of judges

"(a) A judge who is a member of the Council on Judicial Tenure or the Judicial Conference of the United States shall not participate in any proceeding of either such body when it inquires into his own conduct, fitness, or claim. No judge of the same court or circuit as the judge whose conduct, fitness, or claim is the subject of any inquiry by the Council or the Conference shall participate in such inquiry or in the determination by such body thereof.

"§ 382. Confidentiality of proceedings

"Notwithstanding any other provision of law, all matters filed with and all testimony given before a panel of the Council on Judicial Tenure or the Judicial Conference of the United States or its committee in connection with the removal or censure of a Justice or judge under section 372a of this title or the involuntary retirement of a Justice or judge under section 372(b) of this title shall be confidential. Unless otherwise authorized by the Justice or judge whose conduct, fitness, or claim is the subject of such a proceeding under this chapter, or otherwise authorized by this section, all such matters shall remain confidential, except that the taking of an appeal to the Supreme Court, under section 1259 of this title, shall render public all such matters to the extent that they are required for the disposition of the claim and for the conduct of any subsequent proceedings.".

(b) The analysis of chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"377. Council on Judicial Tenure; establishment.
"378. Council on Judicial Tenure; duties and powers.
"379. Duties and powers of the Judicial Conference relating to proceedings with respect to removal, censure, and involuntary retirement.
"380. Failure to assign judicial duties.
"381. Disqualification of judges.
"382. Confidentiality of proceedings.".

GROUNDS FOR REMOVAL AND INVOLUNTARY RETIREMENT

SEC. 3. (a)(1) Chapter 17, of title 28, United States Code, is further amended by inserting after section 372 the following new section.

"§ 372a. Removal of judges

"A Justice or judge of the United States may be removed from office or censured in accordance with the procedures established under this chapter upon a finding by the Judicial Conference of the United States that the conduct of such Justice or judge is or has been inconsistent with the good behavior required by article III section 1 of the Constitution.".

(2) The analysis of such chapter is amended by inserting immediately below item 372 the following new item:

"372a. Removal of Justices and judges.".

(b) Section 372(b) of such title is amended to read as follows:

"(b) Whenever any Justice or judge of the United States appointed to hold office during good behavior who is eligible to retire under this section does not do so and a majority of the Judicial Conference of the United States finds, subject to the requirements of section 379 of this title, that such Justice or judge is unable to discharge efficiently one or more of the critical duties of his office by reason of a permanent mental or physical disability, the Conference shall certify the disability of such Justice or judge and issue an order removing such Justice or judge from active service. Habitual intemperance that seriously interferes with the performance of any one of the critical duties of a Justice or judge shall be deemed to be a permanent disability for the purposes of this subsection. Such Justice or judge shall then be involuntarily retired from regular active service and the Conference shall send notice of its action to the President.

"(c) The President shall, by and with the advice and consent of the Senate, appoint a successor to any Justice or judge retired involuntarily under the provisions of subsection (b) of this section. Whenever such successor shall have been appointed, the vacancy subsequently caused by the death or resignation of the Justice or judge involuntarily retired shall not be filled.".

SUPREME COURT REVIEW

SEC. 4. (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1259. Judicial Conference of the United States; appeal

"Upon the petition of the aggrieved Justice or judge the Supreme Court shall review the order of the Judicial Conference of the United States, pursuant to chapter 17 of this title, that such Justice be censured, involuntarily retired, or removed from office or that such judge be removed from office for conduct inconsistent with the good behavior required by article III of the Constitution. Review under this section shall not be had unless such petition is filed within ten days after written notice of the determination of the Conference is received by such Justice or judge.".

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"1259. Judicial Conference of the United States; appeal.".

DISABILITY RETIREMENT

SEC. 5. (a) Section 294(a) of title 28, United States Code, is amended by striking out "retired" and by inserting immediately after "Court" the following: "retired voluntarily or involuntarily".

(b) Section 294(b) of such title is amended by inserting immediately after "title" the following: ", or who has been involuntarily retired under section 372(b) of this title".

(c) Section 294(c) of title 28, United States Code, is amended—

(1) by striking out in the first sentence thereof "Any retired circuit or district judge may" and inserting in lieu thereof the following: "A circuit or district judge retired voluntarily under section 371(b) or 372(a) of this title or involuntarily under section 372(b) of this title may"; and

(2) by adding at the end thereof the following new sentence: "A judge of the United States retired involuntarily under section 372(b) of this title may be designated and assigned by the chief judge of his court to perform such judicial duties in such court as such judge is willing and able to undertake.".

FEES

SEC. 6. Section 604 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Director shall pay necessary expenses incurred by the Judicial Conference of the United States and the Council on Judicial Tenure under chapter 17 of this title including mileage allowance and witness fees at the same rate as provided in section 1821 of this title.".

ASSISTANCE OF UNITED STATES MARSHALS

SEC. 7. Section 569(b) of title 28, United States Code, is amended immediately after "Canal Zone" by inserting "and of the Judicial Conference of the United States and the Council on Judicial Tenure under chapter 17 of this title".

MISCELLANEOUS

SEC. 8. (a) Within one hundred and eighty days after the date of enactment of this Act, the judges of each circuit, the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court shall elect one member from each such circuit and such courts to serve on the Council on Judicial Tenure in accordance with section 377(b) of title 28, United States Code (as added by section 2(a) of this Act).

(b) Within one year after the date of enactment of this Act, the Council on Judicial Tenure shall promulgate rules for the conduct of its activities.

(c) Within one year after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate rules of evidence for use in proceedings required under chapter 17 of title 28, United States Code.

(d) All rules promulgated pursuant to subsections (b) and (c), and amendments thereto, shall be matters of public record, and shall be effective upon promulgation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. HUGH SCOTT (for himself, Mr. BAKER, Mr. CRANSTON, Mr. HARTKE, Mr. TUNNEY, Mr. WILLIAMS, and Mr. BAYH):

S. 1111. A bill to amend the Copyright Act of 1909, and for other purposes. Referred to the Committee on the Judiciary.

PERFORMANCE RIGHTS AMENDMENT OF 1975

Mr. HUGH SCOTT. Mr. President, today I am pleased to introduce legislation amending the 1909 Copyright Act to establish the concept of a performance royalty.

The performance royalty would recognize a copyright interest in sound recordings for those who perform the music. This has been a principle I have advocated for more than 30 years. Essentially, those who use sound recordings for profit would be required to pay a fee—a performance royalty—to those who make a creative contribution to the recorded music.

The amount of the royalty payment for those who use recorded music for profit would be small but it would provide a fund out of which these creative individuals—musicians, vocalists, narrators—could be compensated.

The real issue here is whether or not a person who uses his creative talents to produce music should be entitled to compensation from someone who takes the music and profits from it. Nearly 40 countries around the world have already endorsed this idea in one form or another. I cannot understand why the performers are currently denied this copyright protection while present copyright laws provide for royalty payments to the composers and publishers of the music.

I look forward to hearings which Senator MCCLELLAN has indicated the Subcommittee on Patents, Trademarks, and Copyrights will hold on this issue. I believe fair hearings will illustrate the equity embodied in a performance royalty concept.

I hope to gain the support of my colleagues in the Senate for this essential legislation.

By Mr. GRAVEL:

S. 1112. A bill to establish an Energy Trust Fund funded by a tax on energy sources, to provide for the development of domestic sources of energy and for the more efficient utilization of energy, and for other purposes. Referred to the Committee on Finance.

ENERGY REVENUE AND DEVELOPMENT ACT OF 1975

Mr. GRAVEL. Mr. President, I am today introducing legislation to initiate and finance a national energy program, the aim of which is to develop our massive indigenous fossil fuel resources and to assist the development of alternative sources of energy including coal gasification and liquefaction, solar, geothermal, nuclear, tidal, conversion of combustible waste materials, and other.

The United States is presently facing a severe crisis. This crisis is due to a rapidly declining economy and serious shortages in domestic energy supplies. The advent of this crisis was predictable and measures should have been taken long before this time to prevent it. Although Congress has passed a significant amount of legislation in the energy field over the past 2 years, Congress has failed to focus on the major immediate problem—underdevelopment of domestic energy resources. Recent energy legislation has not addressed the problem of increasing fossil fuel production which can rapidly meet our short run needs. The public has developed a misperception of the energy shortage thereby impairing its ability through the democratic process to pressure properly and productively the Congress to develop correct policies. Measures proposed for energy conservation will not solve the Nation's severe economic problems, either at the present time or during the next decade.

Clearly, we must increase our efforts to conserve energy. However, we must also realize that our supplies of domestic oil and gas must be increased, until viable alternative sources of energy are available. In order to return our Nation to a period of full employment, we must have an adequate supply of oil and gas. Energy shortages creates a spiraling downward trend by reducing production, which creates further unemployment, thereby reducing consumer spending and causing further reductions in industrial output. In order to reverse this spiraling effect, we must produce adequate supplies of oil and gas.

The present economic condition in the United States should convince us that we can no longer continue to thwart development of oil and gas production. We have learned a bitter lesson that the stringent regulation of oil and gas simply does not work. Better experience has taught us not to regulate food or health care services, so why should we regulate the oil and gas on which our Nation's economy so heavily depends?

The American people must be made aware that in this problem area we do not need more Government regulation, but less. We have not allowed our free market system to operate with respect to oil and gas and the results have been disastrous. People must become aware that if producers are able to sell their products at reasonable prices, they will invest more capital in new production. For those people who still believe our free market system is not sufficient to provide adequate checks and balances on producers in the energy area, the safeguard of an excessive profits tax can be established. This would be the only sector of our free enterprise system to have such a tax. It is necessary in order to correct the public misperception and reestablish the energy industry's credibility.

Congress can no longer continue its counterproductive proliferation of energy legislation.

Attempts to stimulate the economy by the imposition of tax rebates such as those presently being proposed are not sufficient alone to solve the Nation's present economic problems. We must begin to encourage the development of oil and gas, the most immediate and responsive sector of our energy spectrum, if we are to reduce unemployment and relieve our Nation from dependency on foreign oil sources.

The energy shortage is not a resource shortage, but a policy shortage. We must have a strong energy policy and we must have it now. I am, therefore, introducing a bill which directly addresses our Nation's energy problems. I hope my colleagues will give this bill their careful consideration.

Mr. President, I ask unanimous consent to have a summary of major provisions of the bill printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Major Provisions of Energy Revenue and Development Act of 1975

TITLE I—STATEMENT OF POLICY AND PURPOSES

This title sets forth the basic policy of the Act to provide a comprehensive national program to achieve energy independence by 1985.

TITLE II—ENERGY TRUST FUND

The bill establishes an Energy Trust Fund, administered by the Energy Research and Development Administration, to carry out a national energy program, including research and development of new and improved energy sources and production techniques, creation of a national energy reserve and the exploration of new oil and gas fields in remote areas of the United States. The Trust Fund will be partially financed by a BTU tax which will be levied equally on all forms of energy. No section of the country will be unduly burdened by the tax because it will be levied at the source of production or importation on all energy resources at the rate of 2¢ per million BTUs. The Trust Fund will also be financed by outer continental shelf revenues, a portion of which would be allocated to States adjacent to offshore drilling areas. Thus, government revenues from energy production will be used to promote further energy development.

TITLE III—COMMISSION ON ENERGY TECHNOLOGY ASSESSMENT

A panel of scientists, engineers, and economists will be created to establish standards and goals for energy research and development conducted under the Energy Research and Development Administration. All publicly financed research and development would be critically evaluated by CETA in order to prevent taxpayers' money from being wasted on ill-conceived projects. CETA would enter into contracts with private, non-profit educational or research institutions to perform adversary studies on publicly financed programs.

TITLE IV—RESIDENTIAL ENERGY CONSERVATION INCENTIVES

Tax credits and deductions are provided for the installation of storm windows, insulation, and other materials designed for residential energy conservation. A tax credit or deduction is also allowed for the installation of systems designed to utilize solar or other unconventional forms of energy to provide residential heating or cooling if such systems meet performance criteria established by the Energy Research and Development Administration.

TITLE V—DEREGULATION OF NATURAL GAS AND END OF PRICE CONTROLS

In order to encourage domestic energy production, price controls on petroleum, petroleum products, and natural gas at the wellhead, old and new, are to be deregulated.

TITLE VI—EXCESSIVE PROFITS TAX

The bill provides an 80% tax on all profits from oil and gas industry if such profits exceed a 15% return on net investment. In order to guarantee a plow back of excessive profits from deregulated oil and natural gas, the bill provides that excess profits which are reinvested in new energy production will be taxed pursuant to normal corporate tax regulations. The excessive profits tax and reinvestment provisions will expire at the end of five years.

TITLE VII—VARIABLE DEPLETION ALLOWANCE

The bill would repeal the *foreign* depletion allowance. The *domestic* depletion allowance is necessary to entice needed capital to the oil and gas industry. The independent sector of that industry accounts for 80% of the exploratory drilling in the United States. The bill establishes a variable domestic depletion allowance which allows producers a fraction of the percentage depletion allowance which would be proportional to the ratio of the producer's domestic energy expenditures to its total foreign and domestic energy expenditures. To illustrate:

New domestic depletion allowance = 22% x domestic energy expenditures (over) total foreign and domestic expenditures.

TITLE VIII—NATIONAL ENERGY RESERVE

In order to reduce the vulnerability of the United States to an embargo on imported energy supplies, the bill establishes a national energy reserve which would be capable of replacing energy imports for at least 120 days. The reserve would be administered by ERDA and funds to create it would be apportioned from the Energy Trust Fund.

TITLE IX—REMOTE OIL AND GAS DISCOVERY ACT

The United States has large unexplored oil and gas reserves in remote areas of the United States. In order to stimulate production in remote areas where transportation facilities do not exist, the bill provides that the United States guarantee the purchase in place, at current market prices, of 50% of the annual production capability of such wells. Once transportation facilities become available, the United States would have the option of keeping its oil or gas in the well as a reserve, or of selling the oil or gas at current market prices.

TITLE X—TRANSFER OF JURISDICTION OVER NAVAL PETROLEUM RESERVES TO SECRETARY OF INTERIOR

The bill transfers the management of all energy resources located in naval petroleum reserves to the Department of the Interior. Pursuant to existing provisions of the Mineral Leasing Act of 1920, a portion of the revenues from the petroleum reserves would inure to the States.

TITLE XI—CONSOLIDATION OF ERDA AND FEA

The bill provides for a consolidation of the Federal Energy Administration into the Energy Research and Development Administration in order to avoid overlapping and conflicting bureaucracies and to insure a unified national energy policy and effort.

By Mr. HATFIELD:

S. 1113. A bill to authorize the Secretary of the Interior to establish, on certain public lands of the United States, national petroleum reserves, the development of which needs to be regulated in a manner consistent with the total energy needs of the Nation, and for other purposes. Referred to the Committee on Armed Services, the Committee on Interior and Insular Affairs, and the Committee on Banking, Housing and Urban Affairs, jointly, by unanimous consent.

Mr. HARRY F. BYRD, JR. subsequently said: Mr. President, I ask unanimous consent that the bill introduced earlier by the Senator from Oregon (Mr. Hatfield) S. 1113, relative to the establishment of national petroleum reserves be jointly referred to the Committees on Interior and Insular Affairs, Armed Services, and Banking, Housing and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. CHURCH:

S. 1114. A bill to provide that time spent by American civilians in enemy prisoner-of-war camps and similar places shall be creditable—as though it were military service—toward pensions, annuities, or similar benefits under various Federal retirement programs. Referred to the Committee on Finance, the Committee on Labor and Public Welfare, the Committee on Post Office and Civil Service, and the Committee on Armed Services, jointly, by unanimous consent.

CIVILIAN POW RELIEF

Mr. CHURCH. Mr. President, today I introduce legislation whose purpose is to provide retirement credit for time spent as a prisoner-of-war subsequent to December 7, 1941. This bill is identical to H.R. 1716, which has been introduced in the House of Representatives by Congresswoman Patsy Mink. It would provide credit toward social security, railroad, civil service and military retirement, with a provision that such credit could not duplicate credit available without regard to this legislation.

Among those who would benefit are civilians who were employed by contractors at Pacific Naval Air Bases during World War Two. A number of these civilians were captured at the outset of World War Two, on Wake Island, Guam and Cavite, and interned by the Japanese.

They endured grievous suffering during their internment, and their remaining numbers and the numbers of their survivors are small. As Congresswoman Mink has cited, providing this credit would be consistent with the purposes of the section of Public Law 92-603, which extends social security wage credits for time spent in American detention camps by Japanese-Americans during the same period. Although some other Federal benefits are already available to this group, I feel that allowing retirement credit for the periods of their internment is an eminently fair measure. I urge that it be given every consideration by my distinguished colleagues in the Senate.

Mr. FORD subsequently said: Mr. President, I ask unanimous consent that a bill introduced earlier today by the Senator from Idaho (Mr. Church) relative to creditable service toward Federal pensions and annuities, et cetera, for time spent as prisoners of war by American civilians be jointly referred to the Committee on Finance, the Committee on Labor and Public Welfare, the Committee on Post Office and Civil Service, and the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. DOMENICI (for himself, Mr. Baker, Mr. Randolph, Mr. Bellmon, Mr. Humphrey, and Mr. Taft):

S. 1115. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974, so as to authorize research, development, and demonstration in the field of ground propulsion systems. Referred to the Committee on Commerce and the Committee on Interior and Insular Affairs, by unanimous consent.

Mr. DOMENICI. Mr. President, today I am introducing legislation in the form of a substitute bill for S. 783, which would authorize the creation of a division within ERDA to research and demonstrate improved or alternative ground propulsion systems. Special emphasis is to be placed on efficiency, performance, and usefulness.

The scope of my substitute bill is identical with that of S. 783 except for minor clarifications. In addition, it would amend the Nonnuclear Act of 1974 which presently defines the nonnuclear functions of ERDA.

It should be noted that ERDA has been most fortunate in inheriting an existing facility dealing in automobile propulsion and fuel economy. This laboratory is located in the Energy Research Center, formerly of the U.S. Bureau of Mines in Bartlesville, Okla.

Mr. President, this research center with its distinguished work in both oil and gas and more recently ground propulsion systems could logically play a key role in the research and development under this new division.

Mr. President, I will not present a lengthy explanation of the substitute bill because my remarks, given on February 20, page 3791 of the Congressional Record, were directed toward the same concept. I do, however, wish to remind my colleagues of some rather alarming facts. Today there are over 90 million automobiles in operation today which consume more than one-fifth of the U.S. energy consumption, or 4.7 million barrels of oil per day.

These figures alone vividly indicate the need for a comprehensive research and demonstration program to develop more efficient ground propulsion systems which are not so dependent on petroleum products.

Mr. President, I strongly urge my colleagues to join in support of this bill because, unless the priority given to this type of research is greatly increased, our Nation will be unable to meet its transportation needs of tomorrow.

Mr. President, I ask unanimous consent that the full text of the substitute bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(b) of the Federal Nonnuclear Energy Research and Development Act of 1974 is amended (1) by redesignating paragraphs (P) and (Q) thereof as paragraphs (Q) and (R), respectively, and (2) by inserting immediately after paragraph (O) the following new paragraph:

"(P)(1) to develop ground propulsion systems which are energy conserving, have clean emission characteristics, and are capable of being produced in large numbers at a reasonable mass production per unit costs, such systems to meet or better all air quality standards set by or under the Clean Air Act; and

"(2) to develop alternative energy sources for use in ground propulsion systems;".

Sec. 2. The Federal Nonnuclear Energy Research and Development Act of 1974 is amended by adding at the end thereof the following new section:

"Sec. 17. (a) For the purpose of section 6(a)(P) of this Act, there is established within the Energy Research and Development Administration a Division of Ground Propulsion Systems and the Administrator shall carry out all the research, development, and demonstration activities regarding ground propulsion systems, including alternative energy sources for use therein, through such Division.

"(b) Such research, development, and demonstration shall be conducted so as to contribute, among others, to the following objectives—

(1) the improvement of and verifying of ground propulsion systems with emphasis on efficiency, performance, and usefulness;

(2) the development of energy conserving ground propulsion systems;

(3) the development of ground propulsion systems with clean emission characteristics, economical per unit cost, and low per mile energy consumption;

(4) the most effective utilization of the scientific and engineering resources of the United States already in existence, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication and waste of effort, facilities, and equipment.

"(c) In carrying out his functions under section 6(b)(P) of this Act, the Administrator shall evaluate and make a continuing comparative assessment of all ground propulsion systems presently in use, or in a conceptual or development stage.

"(d) As used in section 6(b)(P) of this Act, 'ground propulsion systems' means the engine, transmission, or drive, and associated controls, necessary to power automobiles, trucks, trains, buses, and selected light marine vehicles.

"(e) The Administrator is authorized to enter into contracts and other agreements or arrangements, and to make such grants, as he may determine necessary and appropriate in carrying out his functions under this section. The Administrator shall, in carrying out such functions, utilize, to the maximum extent, the resources and cooperation of the private sector.

"(f) The Administrator, utilizing his authority under section 106(g) of the Energy Reorganization Act of 1974, shall establish an advisory board for the purposes, among others, of encouraging the private sector to participate in the research, development, and demonstration carried out pursuant to this section, and to advise with and make recommendations to the Administrator on legislation, policies, administration, research, and other matters affecting this section.

"(g) Notwithstanding any other provisions of this Act, for the purposes of carrying out the provisions of section 6(b)(P) and this section, there are authorized to be appropriated for the fiscal year ending June 30, 1976, the sum of $20,000,000; for the fiscal year ending September 30, 1977, the sum of $40,000,000; for the fiscal year ending September 30, 1978, the sum of $100,000,000; for the fiscal year ending September 30, 1979, the sum of $100,000,000; and for the fiscal year ending September 30, 1980, the sum of $100,000,000.".

Mr. DOMENICI. Mr. President, today I introduced a substitute to a former bill that I had introduced, Senate bill 783.

I have checked with both sides of the aisle. They are in accord.

I ask unanimous consent that the bill be referred jointly to the Committee on Interior and Insular Affairs and the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. STEVENSON (for himself and Mr. Cranston):

S.J. Res. 51. A joint resolution to disapprove Export-Import Bank Financing of a nuclear reactor sale to South Korea. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. STEVENSON. Mr. President, on February 25 the Export-Import Bank of the United States notified the Congress of its intent to assist the construction and initial operation of a 600-megawatt nuclear powerplant in the Republic of Korea. Under the proposal, the Export-Import Bank would extend a direct loan in the amount of $78,900,000 to the Korea Electric Co.—KECO—together with a guarantee of loans by private financial institutions to is required under section 2(b)(3) of the Export-Import Bank Act of 1945 as amended at least 25 days of continuous session of the Congress prior to the date of final approval.

I am today introducing a joint resolution to defer final aproval of the transaction pending receipt and review by the Congress next month of statutory required reports from the President on the adequacy of U.S. laws and regulations in preventing the proliferation of nuclear capability for nonpeaceful purposes; the adequacy of domestic and international safeguards in preventing the proliferation, diversion, or theft of nuclear materials; and the efforts by the United States and other countries to strengthen international nuclear safeguards in anticipation of the Nuclear Nonproliferation Treaty Review Conference to be held this year pursuant to the Treaty on the Nonproliferation of Nuclear Weapons. Such reports are required by section 14 of the Export Administration Amendments of 1974.

Deferral of final approval of this transaction until the executive branch and the Congress have had an opportunity to assess the adequacy of United States and international efforts in preventing unrestricted nuclear proliferation is essential. Unlawful diversion or theft of nuclear materials and technology and their potential use for nonpeaceful purposes presents one of the greatest threats to international peace and security. It is widely acknowledged that there are serious potential deficiencies in domestic and international nuclear safeguard and security systems. The Nonproliferation Treaty Review Conference will address these issues in the near future.

U.S. laws and regulations are now undergoing extensive scrutiny to determine their adequacy in preventing proliferation of nonpeaceful nuclear capability. The recently created Nuclear Regulatory Commission, which is intended to regulate the construction, operation, and use of nuclear reactors and materials, and the Energy Research and Development Authority, which is intended to play a role in U.S. assisted nuclear development, have yet to become fully organized and operational.

Under these circumstances, it would be folly for the United States to proceed at this point with subsidized assistance for the further development of nuclear capability in South Korea. That country is not a party to the Nuclear Nonproliferation Treaty. The cooperation agreement between the United States and South Korea is weak. It does not prohibit "peaceful" nuclear explosions, and South Korean intentions with respect to NPT ratification, the development of reprocessing facilities and nuclear explosives are not clearly understood.

Prudence dictates that we assure ourselves that safeguards are adequate and that the United States do nothing to undermine the Nuclear Non-Proliferation Treaty before going ahead. The Nuclear Non-Proliferation Review Conference takes place in May. The executive branch will soon complete its analysis of the adequacy of domestic and international nuclear safeguards. Congress will shortly have an opportunity to review the results. At that time we will be in a position to assess the wisdom of continued Export-Import Bank assistance for foreign nuclear development in South Korea and other nations, as well as the circumstances and conditions under which such assistance should be extended. It is for these reasons that I urge a temporary deferral—not a prohibition—of the proposed Export-Import Bank transaction.

Mr. President, I intend to hold hearings in the Subcommittee on International Finance on this resolution, Friday, March 14 at 10 a.m. Persons desiring further information should contact Stanley Marcuss, 224–2854.

Mr. President, I ask unanimous consent that the resolution be printed in the Record at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 51

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, the Export-Import Bank, pursuant to section 2(b)(3) of the Export Import Bank Act of 1945, as amended, has notified the Congress of its intent to extend a direct loan in the amount of $78,900,000 to Korea Electric Company (KECO) of the Republic of Korea together with a guarantee of loans by private financial institutions to KECO in the amount of $105,200,000 for the purpose of purchasing goods and services for the construction and initial operation of a 600 megawatt nuclear power plant;

Whereas, the Republic of Korea is not a party to the Nuclear Non-Proliferation Treaty;

Whereas, uncontrolled nuclear proliferation presents grave dangers to international peace and security;

Whereas, there is doubt about the adequacy of present international and bilateral arrangements for nuclear safety and security to prevent unlawful diversion, theft, or proliferation of nuclear materials and technology or their use for non-peaceful purposes;

Whereas, the President has been directed, pursuant to section 14 of the Export Administration Amendments of 1974, to review all U.S. laws and regulations governing the export and re-export of materials, supplies, articles, technical data or other information relating to the design, fabrication, development, supply, repair, or replacement of any nuclear facility and to report no later than the end of April, 1975, to the Congress on the adequacy of such laws and regulations in preventing the proliferation of nuclear capability for non-peaceful purposes; and

Whereas, the President has also been directed, pursuant to such statute, to review domestic and international safeguards and to report to the Congress no later than the end of April, 1975, on the adequacy of such safeguards in preventing the proliferation, diversion of theft of all such nuclear materials as well as on efforts by the United States and other countries to strengthen international nuclear safeguards in anticipation of the nuclear Non-Proliferation Treaty Review Conference to be held this year pursuant to section 3 of the Treaty on the Non-Proliferation of Nuclear Weapons;

Now, therefore, be it resolved, That the Board of Directors of the Export-Import Bank shall defer approval of such loan and guarantee of loans to KECO pending receipt and review by the Congress of the aforesaid reports.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 95

At the request of Mr. Mathias, the Senator from Connecticut (Mr. Weicker) and the Senator from California (Mr. Tunney) were added as cosponsors of S. 95, a bill to guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens outside the United States.

S. 149

At the request of Mr. Packwood, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of the bill (S. 149) to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

S. 306

At the request of Mr. Gravel, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of S. 306, a bill to terminate the mutual aid agreement.

S. 331

At the request of Mr. Hruska, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of the bill (S. 331) to return Veterans Day to its traditional date of celebration, November 11 of each year.

S. 389

At the request of Mr. Church, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 389, a bill to amend the Internal Revenue Code of 1954 to revise the retirement income credit and to increase the amount of such credit.

S. 474

At the request of Mr. Hollings, the Senator from New York (Mr. Buckley), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Nevada (Mr. Laxalt), and the Senator from New Mexico (Mr. Montoya) were added as cosponsors of S. 474, a bill relating to changes in status of members of the uniformed services who are missing in action as a result of their service in Indochina.

S. 497

At the request of Mr. Buckley, the Senator from Wyoming (Mr. Hansen) and the Senator from Tennessee (Mr. Brock) were added as cosponsors of S. 497, to establish a cost-of-living index for the elderly.

S. 546

At the request of Mr. Hathaway, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of the bill (S. 546) to amend the Social Security Act and the Internal Revenue Code of 1954.

S. 549

At the request of Mr. McGovern, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 549, the Food and Agriculture Act of 1975.

S. 609

At the request of Mr. Javits, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 609, the "Emergency Public Service Employment Extension Act of 1975."

S. 692

At the request of Mr. Hollings, the Senator from Indiana (Mr. Hartke) was added as a cosponsor of S. 692, a bill to regulate commerce to assure increased supplies of natural gas at reasonable prices for the consumer.

S. 772

At the request of Mr. Talmadge, the Senator from Utah (Mr. Moss), the Senator from Missouri (Mr. Eagleton), and the Senator from Arkansas (Mr. Bumpers) were added as cosponsors of S. 772, the Beef Research and Consumer Information Act.

S. 792

At the request of Mr. Tunney, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 792, the Part Time Career Opportunity Act.

S. 805

At the request of Mr. Domenici, the Senator from Utah (Mr. Garn) was added as a cosponsor of the bill (S. 805) to amend section 5(c) of the National Trails System Act.

S. 841

At the request of Mr. Nelson, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 841, a bill to protect individuals against conduct creating serious potential environmental health hazards.

S. 850

At the request of Mr. McGovern, the Senator from New Jersey (Mr. Case), the Senator from South Dakota (Mr. Abourezk), the Senator from Maine (Mr. Hathaway), the Senator from Connecticut (Mr. Ribicoff), the Senator from Pennsylvania (Mr. Hugh Scott), the Senator from Missouri (Mr. Eagleton), the Senator from Connecticut (Mr. Weicker), the Senator from West Virginia (Mr. Randolph), the Senator from Minnesota (Mr. Mondale), the Senator from Missouri (Mr. Symington), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 850, a bill to amend the National School Lunch and Child Nutrition Acts in order to extend and revise the special food service program for children, and for other purposes.

S. 862

At the request or Mr. Church, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 862, a bill to amend the Social Security Act to provide for the coverage of certain drugs under part A of the health insurance program established by title XVIII of such act.

S. 953

At the request of Mr. Stevenson, the Senator from Connecticut (Mr. Ribicoff) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 969

At the request of Mr. Hartke, the Senator from North Dakota (Mr. Burdick) was added as cosponsor of S. 969, a bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months.

S. 969

Mr. HARTKE. Mr. President, yesterday when I introduced the bill S. 969, to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months the distinguished senior Senator from Idaho (Mr. Church) was to have been listed as one of the original cosponsors.

I ask unanimous consent that Senator Church appear as one of the cosponsors of the bill, S. 969, as introduced yesterday, and that his name appear on the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 40

At the request of Mr. William L. Scott, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color.

SENATE RESOLUTION 48

At the request of Mr. Sparkman, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of Senate Resolution 48 urging continuing efforts in behalf of Americans missing in action in Southeast Asia.

SENATE RESOLUTION 94

At the request of Mr. Hatfield, the Senator from Washington (Mr. Magnuson) was added as a cosponsor of Senate Resolution 94, relating to shipments to Cambodia under Public Law 480.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. Hollings, the Senator from Colorado (Mr. Gary W. Hart) and the Senator from Wisconsin (Mr. Nelson) were added as cosponsors of Senate Concurrent Resolution 21, relating to the embargo against the shipment of arms to Pakistan and India.

SENATE RESOLUTION 101—SUBMISSION OF A RESOLUTION RELATING TO THE USE OF GOVERNMENT-OWNED PEANUTS

(Referred to the Committee on Agriculture and Forestry.)

Mr. TALMADGE submitted the following resolution:

S. Res. 101

Resolved, Whereas the United States is suffering from a severe economic recession, with a high rate of unemployment, and

Whereas the poor and the unemployed in the United States need substantial additional quantities of high quality protein, and

Whereas the recent World Food Conference estimated that almost a half a billion people suffer from malnutrition in the world today, and

Whereas a basic cause of malnutrition is protein deficiency, and

Whereas it is the commitment of the United States, as expressed in various statutes, including the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480), to share our agricultural abundance with needy persons domestically and in other parts of the world, and

Whereas the Department of Agriculture has accumulated almost 400,000 tons of peanuts through its price support program, and

Whereas American peanuts represent an important source of high quality protein, and

Whereas peanuts are a perishable commodity, and

Whereas this valuable source of protein will be lost through spoilage unless soon utilized: Now, therefore, be it

Resolved, that it is the sense of the Senate that the Secretary of Agriculture immediately take steps to distribute excess peanut stocks in useful edible forms to needy persons at home and abroad under the domestic food assistance programs and the P.L. 480 program.

SENATE RESOLUTION 102—SUBMISSION OF A RESOLUTION DISAPPROVING PROPOSED DEFERRAL OF BUDGET AUTHORITY OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FUNDS

(Referred to the Committee on Commerce.)

Mr. MUSKIE. Mr. President, my colleague (Senator Hathaway) and I are today submitting a resolution to disapprove the President's deferral of National Oceanic and Atmospheric Administration funds. This deferral message, containing several items, adversely affects State programs across the country which are involved in the conservation and management of our marine resources.

Several problems presently confront the U.S. fishing industry. Aside from the difficulties involved in our general economic situation, the U.S. fishing industry must compete with heavily subsidized foreign fleets, which fish near—or even within—the present 12-mile economic zones. Faced with this situation, our fleets have found themselves at a competitive disadvantage, and offshore U.S. fishing stocks have been severely depleted. Now is not the time to cut back on our fisheries management programs; world food shortages and depletion of our fish stocks compel a renewed commitment to these programs.

The fishing industry is, of course, of great importance in the economy of the State of Maine. Two of the program cuts which are of particular interest are the deferral of fisheries research and development funds and anadromous conservation funds and the deferral of the sea grant program funds.

The amount deferred in research and development and conservation is only $600,000. But coming halfway through the fiscal year, this deferral has the impact of a 20 percent reduction in funds for my home State of Maine and other beneficiaries of the program. In Maine this means the loss of two full-time position, 3 summer research positions, as well as reductions in travel, equipment and maintenance, and laboratory supply funds. So this apparently small reduction is deceptive; it will result in irreversible cutbacks in personnel and termination of ongoing research and development projects.

In addition to this, the administration would reduce the sea grant programs this year by more than a million dollars. In Maine these funds are primarily used to carry out aquaculture programs—programs of fish farming—innovations which show such promise of developing new regional industries and revitalizing various segments of our fisheries. At a time which the position of the U.S. fishing industry has remained stable or declines, while domestic consumption of fish has increased dramatically over the past several years, we should be increasing our support of such management and conservation programs. At a minimum we must require that they be funded at the levels approved by Congress.

Mr. HATHAWAY. Mr. President, I take the floor today to submit, along with the senior Senator from Maine (Mr. Muskie) a resolution to disapprove the President's deferral of National Oceanic and Atmospheric Administration funds. This action by the President would defer allocation of authorized and appropriated funds to the many States which have ongoing projects to assist the fisheries industries. Spending would be curtailed by $6.8 million under this original deferral message.

The President is right in his thinking that some funds already appropriated by Congress should be deferred until the state of the economy regains its healthy hue. But I submit that he is terribly wrong in his action against the expenditure of NOAA's moneys.

A short time ago, I chaired hearings in my State on the subject of the fisheries industry in an effort to assess what benefits were being accorded our fisheries industries as small businesses. During those hearings the common theme expressed by our citizens who earn their living from the water was the glaring lack of attention and concern by the Federal Government for them. There are agencies to deal with small businesses, and funds to assist many segments of our small business community. But there is very little in the way of Federal assistance that finds its way to our marine industries.

The funds the President would ask us to cut are minute when compared to the national budget. But despite their nominal size, those dollars advance and assist programs which are vital to our knowledge of the sea. Without the knowledge these programs can provide, we lose the ability to fully harvest our marine resources. In Maine, this cutback is less severe in terms of dollars than in other coastal States. That fact, however, does not mitigate the impact this will have on Maine fisheries.

NOAA has contributed much toward our ability to reap the benefits of the sea. We are now involved in our State with the Apollo-Soyuz test project, whereby Soviet and American astronauts and cosmonauts will extensively photograph our coast so that we may better understand the causes of the red tide. We already know all too well the terrible effects of this natural phenomenon. Cutting back funds for related ocean research, or any research which will better equip us to feed ourselves, does not make much sense to me.

I shall support the President in any effort to eradicate nonproductive spending of our tax dollars. But to curb spending in areas which affect our ability to produce or harvest food is simply not a very intelligent way to save money. I cannot support his proposal to defer these funds.

The resolution reads as follows:

S. Res. 102

Resolved, That the Senate disapproves the proposed deferral of budget authority (D75-94) for the Department of Commerce, an appropriation for operation, research and facilities for the National Oceanic and Atmospheric Administration, set forth in the special message transmitted by the President to Congress on November 26, 1974, under section 1013 of the Impoundment Control Act of 1974.

SENATE RESOLUTION 103—ORIGINAL RESOLUTION REPORTED RELATING TO MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

(Placed on the Calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. HATFIELD of Oregon vice Mr. HUGH SCOTT of Pennsylvania, resigned.

Joint Committee of Congress on the Library: Mr. HUGH SCOTT of Pennsylvania vice Mr. HATFIELD of Oregon, resigned.

AMENDMENTS SUBMITTED FOR PRINTING

AMENDMENT OF RULE XXII—SENATE RESOLUTION 4

AMENDMENTS NOS. 54 THROUGH 67

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted 13 amendments intended to be proposed by him to the resolution (S. Res. 4) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

AMENDMENT NO. 68

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to an Allen amendment, intended to be proposed by him, to the resolution (S. Res. 4), supra.

AMENDMENT NO. 69

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to a Hathaway amendment, intended to be proposed, to the resolution (S. Res. 4), supra.

AMENDMENT NO. 70

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to amendment No. 71, intended to be proposed by him, to the resolution (S. Res. 4), supra.

AMENDMENT NO. 71

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the resolution (S. Res. 4), supra.

TAX REDUCTION ACT OF 1975—H.R. 2166

AMENDMENT NO. 72

(Ordered to be printed and to lie on the table.)

AMENDMENT TO REPEAL THE PERCENTAGE DEPLETION ALLOWANCE FOR OIL OR GAS WELLS

Mr. HOLLINGS. Mr. President, on behalf of myself and Senators KENNEDY, MAGNUSON, ABOUREZK, BIDEN, BROOKE, CASE, CHILES, HARTKE, HATFIELD, HATHAWAY, MCGOVERN, MCINTYRE, MUSKIE, BAYH, PROXMIRE, SCHWEIKER, STEVENSON, STONE, TUNNEY, and WILLIAMS, I send to the desk an amendment to H.R. 2166, the tax reduction bill passed last week by the House of Representatives.

Mr. President, I ask unanimous consent that a brief fact sheet explaining the amendment, and the text of the amendment, may be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fact sheet

THE AMENDMENT

The Hollings-Kennedy-Magnuson Amendment to HR 2166, The Tax Reduction Act, will accomplish the following:

1. Repeal of the percentage depletion allowance effective January 1, 1975 for all major, integrated companies and for all royalty owners.

2. Phase out of the percentage depletion allowance for all independent, non-integrated companies which produce less than 3,000 barrels per day and which do not own or operate any retail outlets, the phase out to be accomplished is as follows:

[In percent]

1975 and 1976	15
1977 and 1978	8
1979 and thereafter	0

3. Regulated natural gas and natural gas sold under fixed contract prior to February 1, 1975 and not readjusted to reflect repeal of percentage depletion allowance would be exempted from the repeal.

WHAT IS PERCENTAGE DEPLETION?

Percentage depletion is not related to the cost of the property but is a percentage of gross income from the property. Originally at 27½%, the Revenue Act of 1969 set percentage depletion at a rate of 22% of the gross income from the property, which is based on the wellhead prices of oil and gas produced and sold during the year. The percentage depletion deduction may not exceed 50% of taxable income from the property computed before the allowance for depletion, that is, after all deductions other than depletion. For example, as the price of oil rises, gross income rises as well and hence the percentage deduction is more valuable.

Each taxpayer with a direct economic interest may take percentage depletion on his share of the gross income. The operator deducts royalty payments from the gross income of the property before he computes his depletion allowance and the royalty holder takes depletion on the share of the depletion represented by his royalty.

Percentage depletion usually results in a faster recovery than cost depletion does, and the cost may be recovered many times over since percentage depletion is not limited to original cost. A current estimate provided to the Ways and Means Committee in 1973 was that percentage depletion deductions are 16 times original cost.

WHY REPEAL PERCENTAGE DEPLETION NOW?

1. It has not been effective as an incentive for exploratory drilling. In 1969, for example, the revenue loss from this deduction was $1.4 billion while only $150 million worth of oil reserves were discovered. Further, since depletion only applies to successful, producing wells, there is greater incentive to drill multiple wells in known fields than it is to take the one in ten risk of exploratory well drilling. Additionally, the Treasury Department has estimated that 42% of the allowance goes to non-operating interests, such as royalty owners. Dry hole and intangible drilling cost expensing provide direct drilling incentive.

2. The recent and substantial increases in oil prices provide a generous return on investment for oil producers and more than offset any profit allegedly lost by depletion repeal. Industry profits have risen 52% over last year. In 1973, oil was selling at $3.50 per barrel and depletion was worth 77 cents per barrel. Since oil is now selling at an average of $7.50 per barrel, producers have increased their per barrel profits by five times that depletion factor.

3. Former energy chief Simon recognized the unimportance of depletion to drilling incentive when he stated in a letter to the Senate Interior Committee that: "in the short run, changes in percentage depletion should have little effect on the rate of expenditure of discovery efforts . . . in the long run, a change in depletion should have no effect, per se, on the rate of production."

4. Depletion allowance discourages production of cheaper, alternate energy sources. The tax benefits are based on the value of the minerals in the ground. Hence, a $7.00 barrel of crude oil gets the full benefit of the allowance, about $1.30, while a $7.50 barrel of oil made from coal only receives the benefit of the original coal cost, about 10 cents, and a BTU equivalent of energy

based on solar technology would receive no depletion benefit.

AMENDMENT No. 72

At the appropriate place in the Act, add or substitute the following section:

REPEAL OF PERCENTAGE DEPLETION FOR OIL OR GAS WELLS

SEC. . (a) Part 1 of subchapter I of chapter 1 (relating to deductions with respect to natural resources) is amended by adding at the end thereof the following new section:

"SEC. 613A. DENIAL OF PERCENTAGE DEPLETION IN CASE OF OIL OR GAS WELL.

"(a) GENERAL RULE.—Except as otherwise provided in this section, the allowance for depletion under section 611 with respect to any oil or gas well shall be computed without reference to section 613.

"(b) SPECIAL RULE FOR CERTAIN GAS WELLS.—

"(1) IN GENERAL.—In the case of an operating mineral interest as defined in section 614(d), the allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to—

"(A) wells producing regulated natural gas,

"(B) wells producing natural gas sold under a fixed contract, and

"(C) any geothermal deposit which is determined to be a gas well within the meaning of section 613(b)(1)(A).

"(2) DEFINITIONS.—For purposes of this section—

"(A) NATURAL GAS SOLD UNDER A FIXED CONTRACT.—The term 'natural gas sold under a fixed contract' means domestic natural gas sold by the producer under a contract, in effect on February 1, 1975, and all times thereafter before such sale, under which the price for such gas cannot be adjusted to reflect to any extent the increase in liabilities of the seller for tax under this chapter by reason of the repeal of percentage depletion. Price increases subsequent to February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates to the contrary by clear and convincing evidence.

"(B) REGULATED NATURAL GAS.—The term 'regulated natural gas' means domestic natural gas produced and sold by the producer, prior to July 1, 1976, subject to the jurisdiction of the Federal Power Commission, the price for which has not been adjusted to reflect to any extent the increase in liability of the seller for tax by reason of the repeal of percentage depletion. Price increases subsequent to February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates the contrary by clear and convincing evidence.

"(C) The term 'natural gas' means any product (other than crude oil) of an oil or gas well if a deduction for depletion is allowable under Section 611 with respect to such product.

"(D) The term 'domestic' refers to petroleum from an oil or gas well located in the United States or in a possession of the United States.

"(E) The term 'crude oil' includes a natural gas liquid recovered from a gas well in lease separators or field facilities.

"(c) 3,000 BARREL-A-DAY CRUDE OIL EXEMPTION FOR INDEPENDENT PRODUCERS.—

"(1) IN GENERAL.—Except as provided in subsection (d), the allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to so much of the taxpayer's average daily production of domestic crude oil as does not exceed 3,000 barrels, but the percentage referred to in section 613(a) shall be (in lieu of 22 percent) the percentage determined in accordance with the following table:

"In the case of gross income from the property for the following calendar years:	*The percentage shall be:*
1975 and 1976	15
1977 and 1978	8
1979 and thereafter	0.

"(2) AVERAGE DAILY PRODUCTION.—For purposes of paragraph (1), the taxpayer's average daily production of domestic crude oil shall be determined by dividing his aggregate production of domestic crude oil during the taxable year by the number of days in such taxable year.

"(3) BARRELS WITHIN EXEMPTION TO BE DETERMINED ON A PROPORTIONATE BASIS.—If the taxpayer's average daily production of domestic crude oil exceeds 3,000 barrels, the barrels to which paragraph (1) applies shall be determined by taking from the production of each property a number of barrels which bears the same proportion to the total production of the taxpayer for such year from such property as 3,000 barrels bears to the aggregate number of barrels representing the average daily production of domestic crude oil of the taxpayer for such year.

"(4) BARREL.—As used in this subsection, the term 'barrel' means 42 United States gallons.

"(5) BUSINESSES UNDER COMMON CONTROL; MEMBERS OF THE SAME FAMILY.—

"(A) COMPONENT MEMBERS OF CONTROLLED GROUP TREATED AS ONE TAXPAYER.—For purposes of this subsection, persons who are members of the same controlled group of corporations shall be treated as one taxpayer.

"(B) AGGREGATION OF BUSINESS ENTITIES UNDER COMMON CONTROL.—If 50 percent or more of the beneficial interest in two or more corporations, partnerships, trusts, estates, or other entities is owned by the same or related persons (taking into account only persons who own at least 5 percent of such beneficial interest), the 3,000 barrel per day exemption provided by this subsection shall be allocated among all such entities in proportion to the respective production of domestic crude oil during the period in question by such entities.

"(C) ALLOCATION AMONG MEMBERS OF THE SAME FAMILY.—In the case of individuals who are members of the same family, the 3,000-barrel-per-day exemption provided by this subsection shall be allocated among such individuals in proportion to the respective production of domestic crude oil during the period in question by such individuals.

"(D) DEFINITION AND SPECIAL RULES.—For purposes of this paragraph—

"(i) the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that section 1563(b)(2) shall not apply and except that 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a),

"(ii) a person is a related person to another person if such persons are members of the same controlled group of corporations or if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b), except that for this purpose the family of an individual includes only his spouse and minor children, and

"(iii) the family of an individual includes only his spouse and minor children.

"(d) NOA-Application of SUBSECTION (c) TO ROYALTY OWNER OR INTEGRATED PRODUCER.—

"(1) ROYALTY OWNER.—Subsection (c) shall not apply to income derived from a nonoperating mineral interest as defined in section 614.

"(2) RETAILERS EXCLUDED.—Subsection (c) shall not apply in the case of any taxpayer who directly, or through a related person, sells oil or natural gas, or any product derived from oil or natural gas—

"(A) through any retail outlet operated by the taxpayer or a related person, or

"(B) to any person—

"(i) obligated under an agreement or contract with the taxpayer or a related person to use a trademark, trade name, or service mark or name owned by such taxpayer or a related person, in marketing or distributing oil or natural gas or any product derived from oil or natural gas, or

"(ii) given authority, pursuant to an agreement or contract with the taxpayer or a related person, to occupy premises owned, leased, or in any way controlled by the taxpayer or a related person.

"(3) REFINERS EXCLUDED.—Subsection (c) shall not apply in the case of any taxpayer where such taxpayer or a related person engages in the refining of oil or natural gas.

"(4) RELATED PERSON.—For purposes of this subsection, a person is a related person with respect to the taxpayer if a significant ownership interest in either the taxpayer or such person is held by the other, or if a third person has a significant ownership interest in both the taxpayer and such person. For purposes of the preceding sentence, the term 'significant ownership interest' means—

"(A) with respect to any corporation, 5 percent or more in value of the outstanding stock of such corporation,

"(B) with respect to a partnership, 5 percent or more interest in the profits or capital of such partnership, and

"(C) with respect to an estate or trust, 5 percent or more of the beneficial interests in such estate or trust.".

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 613(b)(1) (relating to 22-percent depletion rate for certain minerals) is amended to read as follows:

"(A) oil and gas wells, to the extent allowable under section 613A;".

(2) The last sentence of paragraph (7) of section 613(b) (relating to 14-percent depletion rate for certain other minerals) is amended by striking out "or" at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or", and by adding at the end thereof the following new subparagraph:

"(C) oil or gas wells.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1975.

CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS—S. 326

AMENDMENT NO. 73

(Ordered to be printed and to lie on the table.)

Mr. GARY W. HART submitted an amendment intended to be proposed by him to the bill (S. 326) to amend section 2 of the act of June 30, 1954 (68 Stat. 330), as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 21

At the request of Mr. NELSON, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of amendment No. 21, intended to be proposed to S. 776, a bill to regulate commerce and to protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances, and for other purposes.

NOTICE OF HEARINGS ON DRUGS

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Senate Small Business Committee has scheduled hearings which will deal with Federal expenditures on pharmaceuticals on March 19, 20, and 21 starting each day at 10 a.m. On the 20th and 21st they will be held in room 1318, NSOB. The location for the hearing on the 19th will be announced at a later date.

NOTICE OF HEARING ON AMENDMENTS TO THE INTERGOVERNMENTAL PERSONNEL ACT OF 1970 (PUBLIC LAW 91–648)

Mr. MUSKIE. Mr. President, on March 14, the Subcommittee on Intergovernmental Relations, Committee on Government Operations, will hold a hearing on S. 957, a bill to amend the Intergovernmental Personnel Act of 1970.

The hearing will begin at 10 a.m. in room 3302 of the Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

FACT-FINDERS IN INDOCHINA

Mr. MORGAN. Mr. President, I continue to be concerned as I hear comments and statements from some of my distinguished colleagues, many of whom were in the Senate and voted for the Tonkin Gulf resolution, to the effect that we should now abandon our friends in South Vietnam and Cambodia even though more than 50,000 American lives were lost there in an effort to preserve for the people the right of self-determination.

I have felt for a long time that many of these opinions were based on false or incomplete information.

I am impressed by the fact that many of those who have taken the time to find some of the facts for themselves now support our President's plea for assistance. Some of those have been openly critical in the past but have had the courage to modify their opinions.

A number of editorials have recently commented on their trip. I think the Members of Congress would do well to consider the views of these writers. So that they may be available to the Members, Mr. President, I ask unanimous consent that the article that appeared in the Christian Science Monitor on March 5, 1975, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fact-Finders in Indo-China

It would be too much to expect that eight American lawmakers visiting Indo-China for a week could return with hard-and-fast political and military assessments that have eluded even the most knowledgeable experts. Their whirlwind visit was necessarily a superficial one. Yet the fact that even after such a short time on the scene some of them have altered their perceptions of the American commitment there is significant.

Clearly nothing is as simple as it seems from the isolated halls of Congress. It is one thing to be dogmatic in Washington. But we are struck by the undogmatic comments by more delegation members, comments that reflect the ambiguous situation in Indo-China. Perhaps now there will be a new appreciation of the difficult decisions that confront President Ford on this whole question.

This newspaper has consistently felt that the magnitude of American aid to Indo-China can be legitimately argued, and indeed should be. But we also believe that the United States, because of the very conditions which it helped create in Indo-China, now bears a responsibility there. It cannot abruptly abandon former allies who demonstrate a willingness to fight and to try to survive.

This view appears to have won some sympathy from the congressional fact-finders after such experiences as a visit with President Thieu, a meeting with political prisoners in Saigon, and a confrontation with North Vietnamese and Viet Cong representatives.

Congressman Paul McCloskey, a vigorous opponent of the wars in Cambodia and South Vietnam, said nonetheless he was not prepared to cut off food, medicine, or ammunition to the people of Phnom Penh in the present critical situation. "I think we owe them that much as a result of what we've done to them," he commented.

The formal recommendations of the delegation to the Congress and the President are still awaited. But it looks as if some compromise on aid for Cambodia at least will be reached.

Equally noteworthy is the view of some of the delegation members that there is a crucial need now for shaping a new foreign policy toward the region. It seems self-evident, in the case of Cambodia, that negotiations are not possible unless there is a military stalemate on the ground. The one hope now is that, with new infusions of American ammunition, the Cambodians will be able to hold out until the rainy season and that a subsequent military standoff will provide the opening for a new diplomatic initiative.

As Congress ponders the question of aid, it is hoped the White House is giving equal attention to a fresh diplomatic strategy.

THE FOOD AND AGRICULTURAL ACT OF 1975

Mr. MONTOYA. Mr. President, I am pleased to join with Senator McGovern as cosponsor of S. 549—The Food and Agriculture Act of 1975.

This bill covers many of the areas of special concern to New Mexico farmers and ranchers, which I addressed myself to during an appearance before the Senate Committee on Agriculture and Forestry on February 4, 1974. In addition the bill presents, for action by the Senate, a broad program which seeks to restore stability and production incentive to an industry which has not enjoyed these features for several years.

This bill advocates corrective action in four areas of our agriculture industry: First it sets new price support levels for wheat, feed grains, cotton and dairy products; second, the bill creates a food and fiber reserve, which would lend a measure of stability by balancing the effects of good and lean harvest years; third, and very significantly for New Mexico ranchers, the bill provides for Government purchase of livestock and meat products in the amount of $1 to $2 billion; fourth, the bill also suggests major improvements in the food stamp program.

Mr. President, in cosponsoring this measure I am, of course, lending my full support to each of its provisions. However, title II of the bill which provides for the purchase of animal and animal food products, is of very special importance to New Mexico livestock producers. Cattlemen in New Mexico, as in other parts of the country have been hard hit by the recent market fluctuation which has been caused by surplus production, and accelerating feed grain prices. This title will require that the Secretary of Agriculture purchase between $1 and $2 billion worth of live animals and animal products. Similar legislation is currently before the House of Representatives and I am hopeful that broad support will lead to early enactment.

Mr. President, our agriculture industry needs assistance at the earliest possible time, and I would urge that this measure be considered in a timely fashion.

IN MEMORY OF ANN SCOTT

Mr. MATHIAS. Mr. President, a vigorous, tough, and effective fighter for equal rights is lost to us. Ann Scott has died, a victim of cancer. She was a leader of the broad coalition which worked for passage of the equal rights amendment, here in the Congress, and which continues to press for adoption by the States. She was of great assistance in the work which lead to approval of the rape prevention and control amendment, passed last year.

These issues, and the entire field of women's rights, however, did not comprehend the range of her interests. The teacher, the poet, and the activist coexisted within her. I regret that I did not know her as a humanist to the same degree that I knew her as an activist. We are fortunate, however, to have her legacy; legislation for which she worked so hard; reforms of many kinds which may not have gotten their momentum without her efforts; and a book of her poetry to be published in the near future.

In addition, I recall a uniquely moving filmed interview with her, broadcast less than a month ago on a local television station. Her spirit came through the screen, despite the shocking inroads of cancer already apparent when the program was filmed over a month before. As all who knew her would expect, she faced her imminent death forthrightly, and attempted to sum up her thoughts and feelings in a poem which she read at the end of the interview.

Mr. President, I ask unanimous consent that this poem and the remarks made at the memorial service for Ann Scott be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Salvador Diaz Miron: Mistica

(Translated by Ann Scott)

If, in your garden, when I die,
when I die, a flower appears;
if in a cloud-rumpled sky you see a star,
you see a star no one has ever seen;
and a bird comes close and murmurs to you,
murmurs to you with a sweet sound,
opening his beak along your lips
saying the things I have said to you;
that broken sky, and that bird,
and that star, and that flower—
they will be my life: changed,
all changed, according to God's law,

They will be my substance under another
face—
wing and corolla, coal and mist;
they will be my thoughts transformed—
odor and air, song and sun.
I am a body—when will they bury me?
I am a traveler—when do I go?
I am a larva, transmuting itself—
when will God's law come to pass
and O my white girl I become
sky and bird, flower and star?

Ann is a sister I shall forever remember as will thousands of others. Ann demonstrated courage, commitment and creativity. May she know her life made a difference in establishing the basic rights of so many to be and to become. I am grieved by her death but celebrate her life. It had meaning for us all. Our love lives on.—Wilma Scott Heide, Chairone, NOW Advisory Board.

While I never had the privilege of knowing Ann well, I saw the fruits of her work everywhere. Ann Scott believed that every human being is created equal and has the right to realize her or his potential to the fullest. That is also the principle which should guide the trade union movement. On behalf of the United Mine Workers of America, I express condolences to her family and to her sisters and brothers in the National Organization for Women. She will be sorely missed.—Arnold Miller, President, United Mine Workers of America.

Those who complain that the Women's Movement is humorless obviously never knew Ann. All of us will miss her bright humor and her witty comments.—Mary Jean Tully, President, NOW LDEF.

We met, really, in the days of her dying, the long last year. While I knew her with the shadow of death hanging over her, I don't remember her that way. She gave short shrift to commiseration and sympathy. I remember her as someone caught up in this very large life, a remarkably courageous woman who wanted to change bad things, and who did. She asked few favors and granted many. She worked against the odds and usually won. She could accept loss but not defeat. At no time could she accept defeat. Not even in death.—Dr. Dyckman W. Vermilye, Executive Director, AAHE.

A valiant woman, a loving wife and mother, a founder of the ERA Ratification Council. In her brief life she displayed courage, integrity and wisdom that will serve as a beacon to this who love her.—Mary Condon Gereau, Chairone, ERARC.

She combined an unmatched sense of political strategy and vision for the movement with an extraordinary sensitivity and generosity of spirit. It was the essence of her feminism.—Lucy Komisar, Author.

Ann was a brave woman and courageous fighter for legislative reform. Her contributions to Ms. were warmly received by readers everywhere. She will be sadly missed.—Staff and Editors, Ms. Magazine.

Each of us is diminished in some way by Ann's death. What she left is her years of work on the ERA. American women for generations to come will have Ann Scott to thank for Constitutional equality.—Karen DeCrow, President, NOW.

Ann Scott was a courageous person who gave much of herself not only in the struggle for equal rights for women but for equal and human rights for all people.—Peter Brennan, Secretary of Labor.

Ann's dedication to the cause of women's rights was extraordinary. Her untimely death deprives us not only of the talents of a committed feminist, but those of a poet, writer and educator as well. She will be sorely missed by all of us who shared her concerns and knew her as a friend and colleague.—Bella S. Abzug, Member of Congress.

In any struggle for the equality of humanity, there stand those individuals whose lives are examples of total commitment to the cause. Ann was such a person, constantly on the front line of battle for the espousal of equalitarian principles. We all are richer because Ann Scott lived among us.—Shirley Chisholm, Member of Congress.

When the histories are written to tell about the women who were most important to the human rights struggle of the 1970's, they will count Ann among them. Her political strategy for feminism was founded on a profound faith in the power of women when they are organized and an abiding belief that the freedom of women is indivisible from economic and social freedom for all people.—Pat Schroeder, Member of Congress.

We will remember Ann. She was a woman of spirit, full of life and unafraid. She cared; she fought zestfully for the things she cared about. She lit up our lives, and we shall miss her.—John W. Gardner, Common Cause.

There are many ongoing memorials to Ann—ERA and the NOW Legislative Office will be remembered prominently. But the collective strength women have acquired working for these goals is also an enduring testimonial to her life, her work and her leadership in NOW. Those of us who worked with her and loved her will go onward stronger because she touched us.—Judith Lightfoot, Chairone, NOW Board.

Even when Ann knew she had no more choices to make about her own life, she used the last measure of her strength to work for women's right to choose and to control our own lives and bodies. All of us, especially those women whose lives might otherwise have been marked by despair, are grateful for her devotion.—Sarah Weddington, Member, Texas House of Representatives.

At a time when the defenders of human rights needed to work together, Ann was a welcome and valuable addition to the Leadership Conference. She served with skill and understanding. We could depend on her to complete the tasks that she agreed to perform. We shall miss her as a friend—her passing leaves a vacant place among those who act with high purpose and success.—Clarence Mitchell, Legislative Chairone, Leadership Conference on Civil Rights.

Ann's life is cause for celebration and her death is cause for renewed vigor and determination. For as we learned from her, we each became a little more like her. Ann showed us courage, imagination and tenacity in the struggle for women's rights.—Sissy Farenthold, Chairone, NWPC.

Ann was that beautiful militant soul who tempered irrepressible and unyielding devotion to the principle of human equality with graciousness and generosity. She saw so clearly that equality for all is a necessary predicate of equality for any, and she sacrificed her health to secure these rights. Her monument will not be in stone but in the hearts and minds of those she taught so much and, hopefully, one day soon in the ERA which Ann had so hoped to see the law of the land before she left us.—Joseph L. Rauh, Jr.

Those of us who worked with Ann in the Leadership Conference came to admire and respect her for her deep commitment, not to women's rights alone, but to the rights of all minorities. It is a tragic loss for all of us.—Marvin Caplan, Director, Leadership Conference on Civil Rights.

Ann was a scholar and an activist; poet and politician. Her concerns were the concerns of us all. She taught us and she prodded us. Whatever we may accomplish, part of it will belong to Ann.—Bill and Bobbie Greene Kilberg.

STAMPING OUT HUNGER

Mr. ABOUREZK. Mr. President, Mr. Richard J. Margolis has for many years devoted his reportorial and writing skills to problems of the poor and disenfranchised, especially on problems affecting the rural poor, their food, their housing, their health services, and transportation facilities. He has also spent a lot of time on the problems of Indians. In the March 3, 1975, issue on the New Leader, Mr. Margolis reviews the inadequacies of our present programs to feed the poor. I ask unanimous consent that his article "Stamping Out Hunger," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATES OF THE UNION—"STAMPING" OUT HUNGER

(By Richard J. Margolis)

THE SONG OF THE SHIRT

(By Thomas Hood)

O God! that bread should be so dear,
And flesh and blood so cheap.

The Ford Administration, all heart as usual, has been trying to render bread more dear by raising the price of food stamps, those precious coupons that each day, in millions of homes, fend off starvation. Under the present rules, a poor person can buy about $46 worth of food stamps for $33, though this varies with size of income and family: under Ford's plan, the price would have jumped to $45. Some bargain.

The government's logic is flawless, provided one overlooks such minor miseries as malnutrition and hunger: Federal expenditures on food stamps are inflationary; *ergo*, they should be curtailed. "If the price of food stamps rises," an Administration spokesman happily explained to members of the House Agriculture Committee last month, "people will drop out of the program and the government will save as much as $645 million." In other words, "Whip Inflation Now" (WIN) turns out to mean "Starve More Americans Cheerfully" (SMAC).

The congressmen on the committee were not impressed. By a vote of 32–2 they approved a bill designed to prevent Ford from inflating the price of food stamps; the full House supported the committee recommendation, 374–38, and the Senate went along by a margin of 76–8. Apparently there isn't much political capital to be gained from baiting the poor; they have grown too numerous. According to the U.S. Department of Agriculture, the agency that administers the program, 17 million Americans are now buying their groceries with stamps. Only six months ago the figure was 13.6 million—a dismal difference of 26 per cent.

Many out-of-work Americans, maybe for the first time in their lives, are facing the possibility of going without food. They haven't yet organized any hunger marches, as workers did during the Great Depression, but if unemployment persists, parades will surely follow. "An empty stomach," warned Albert Einstein in a speech on the rise of Fascism, "is not a good political adviser." And 17 million empty stomachs, all rumbling, can cause quite a ruckus.

Actually, that number is misleading; it is much too low. Many citizens who are eligible for food stamps never receive any. Some have no way of getting to where the stamps are; others would rather make do than go through the humiliation of handing "poverty stamps" to the local grocer; still others have not heard of a program that in many a miserly county is treated as a top-security secret. The upshot is that about 23 million eligible persons have been deprived of stamps and this in turn may mean that about one-sixth of the entire population goes to bed hungry each night and wakes up hungry each morning. Some country.

It is hard to believe that this anemic program, which the White House had hoped to bleed some more, represents the total national response to those electrifying anti-hungry crusades of the '60s. One recalls that there was a time when we believed nobody starved in America. Even Michael Harrington, who had to reinvent poverty to get us to see it, barely included hunger in his picture of *The Other America*. As recently as 1964, so shrewd and humane an economist as Herman P. Miller could write, "The term 'poverty' connotes hunger; but this is not what is meant in discussions about poverty in America."

In those days Galbraith and others were still prescribing soothing economic lenses; we spoke only of pockets of poverty in a sea of affluence. Then, in the spring of 1967, Senators Robert Kennedy (D.-N.Y.) and Joseph Clark (D.-Pa.) took their Subcommittee on Manpower, Employment and Poverty to Mississippi—and the myths collapsed. As Nick Kotz describes it in his excellent book, *Let Them Eat Promises*, the senators "discovered . . . raw hunger imbedded in the worst poverty the black South had known since the Depression. . . . Driving along muddy, forgotten roads, the two senators and their aides stopped at shack after shack to see with their own eyes hungry, diseased children; to hear with their own ears the poor describe their struggle for survival."

Partly because Robert Kennedy himself was news, hunger in America became newsworthy. CBS delivered a blockbuster documentary on the subject. Reporters, reformers, politicians, and new investigative committees roamed the ghettoes and the countryside, finding hunger and malnutrition wherever they looked. Suddenly it seemed that FDR's gloomy, 1937 vision of America—"I see one-third of a nation ill-housed, ill-clad, ill-nourished"—was still applicable. Little had changed in 30 years.

In 1968 a special citizens' Board of Inquiry, financed by foundations and made up mostly of physicians, issued a report that classified 256 U.S. counties as "hunger counties"—i.e. where the incidence of poverty and of infant mortality was unusually high, while the level of participation in government food programs was unusually low. The report recommended massive emergency aid.

Few reformers doubted that the government would act. After all, *children were starving*. As Senator McGovern (D.-S.D.) has written, "Somehow, we Americans are able to look past the slum housing, the polluted air and water, the bad schools, the excessive population growth, and the chronic unemployment of our poor. But the knowledge that human beings, especially little children, are suffering from hunger profoundly disturbs the American conscience."

As matters turned out, the American conscience had a short attention span. Congress did appropriate more money for food stamps and for other measures such as the Commodity Distribution program; and for a while more Americans in more counties ate better and more often. But after the fireworks died and the committees of inquiry went home, people forgot. Hunger began to resemble all those other problems McGovern had mentioned; it had become a taken-for-granted blemish on the U.S. landscape, something else we were "able to look past." It turned into a rhetorical device. "We will put an end to hunger in America for all time," intoned Richard Nixon in 1969, three years before he attempted to impound food stamp funds.

It is not that we are an especially cruel people, only a cruelly ingenuous one. We hire foxes to guard chickens. Since New Deal days the Department of Agriculture has been administering programs to feed the hungry, yet its prime constituency has not been the poor consumer but the comparatively rich producer. Thus, the entire system—the food stamps, the Commodity Distribution, Special Milk and School Lunch programs—has been geared to support farm prices, to dump surpluses, and to keep the market green for growers.

The poor have always been incidental. "We are most sympathetic to the plight of the needy persons," Agriculture Secretary Ezra Taft Benson assured congressmen in 1959. "We must, however, not lose sight of the fact that primary responsibility of the Department is to carry out the farm programs that benefit farmers."

The Food Stamp Act of 1964 opens with a list of purposes: First, "to strengthen the agricultural economy"; next, "to help achieve a fuller and more effective use of food abundances"; and finally, rather as an afterthought, "to provide for improved levels of nutrition among low-income households. . . ."

In the long run, as Jan Kernodle has noted in an eye-opening paper on Federal food plans, "efforts to protect the nutritional welfare of the poor have become a mere adjunct of agricultural price support mechanisms." That seems to have been a pattern of the '60s: In pleading the cause of the poor, liberals continually hitched their star programs to the wrong institutional wagons. How can the Department of Agriculture, with its traditional priorities of the marketplace, be expected to feed the poor?

On the other hand, how can any government agency—even one free of contradictions—be counted on to administer so many disparate and badly designed philanthropies? Oh what a tangled web Congress has woven! Besides the programs already mentioned, there are the Supplemental Feeding Program, the Summer Feeding Program, the Day Care Feeding Program, and the Women, Infants and Children (WIC) Feeding Program. Each of these features its own set of eligibility standards, its own rules of procedure and its own raison d'être. And each is so administered as to deprive many eligible persons of its benefit.

Now President Ford, in his latest budget message, says he wants to abolish these, and give funds instead to the states. But wouldn't it be simpler, and maybe even cheaper, to let the poor have that money, either through a generous reverse income tax or some other minimum-income plan? The White House ought to stop tinkering with nickel-and-dime food programs. Stamps and grants won't cure America of hunger; money will.

SUPPORT FOR S. 666—HIGHER EDUCATION LEGISLATION

Mr. DOMENICI. Mr. President, the 94th Congress will be giving serious consideration to higher education legislation. All of the major Office of Education programs authorized by the Higher Education Act and higher education programs of the 1972 Education Amendments will expire in this Congress. The student aid programs will be of particular interest because they have the greatest impact on access to postsecondary education and equality of opportunity.

I would like to bring to the attention of my colleagues a bill which I am pleased to cosponsor which could be an important supplement to other higher education legislation emerging from this Congress. S. 666 would allow an income tax credit for a portion of a taxpayer's savings for the payment of his own or his dependent's postsecondary educational expenses. I believe it would be particularly attractive to those millions of middle-income Americans who bear the brunt of the tax burden but who seem to receive so little of the services.

S. 666 would provide a modest reward to those families who have the "misfortune" to be of moderate incomes but who are willing to set aside from their own revenues savings toward the future education of their children. These are the people whose taxes really pay for the greatest portion of Federal expenditures but whose children are not needy enough to qualify for most Federal student aid programs. I believe that people in the middle-income range are caught in an inflationary vise of increasing costs and decreasing purchasing power. S. 666, by giving a small tax credit might create an incentive to save for postsecondary education.

Mr. President, I am sure that my colleagues are aware of the skyrocketing costs of postsecondary education. The National Center for Educational Statistics has estimated that annual tuition, room and board charges for public and private universities has nearly doubled over the past decade from $2,202 at a private university in 1964 to nearly $4,000 in 1974 and from $1,051 at a public university to close to $2,000 in 1974. The College Scholarship Service—CSS—looks at postsecondary expenses in perhaps more realistic terms including estimates for books, transportation, and personal expenses as well as tuition, room and board. Their figures from "Student Expenses at Postsecondary Institutions 1974–5" estimate the average expenditures for resident students at public 4-year institutions to be $2,400 a year; at 4-year private institutions, $3,039; at proprietary institutions, $3,817; at 2-year private schools, $3,617; and at 2-year public schools, $2,153.

The commuting student is not in a much better position either. There was a time when we thought that the student who lived at home and attended school nearby was actually saving his or her parents a considerable amount. College Scholarship Service—CSS—figures show that they do save some money, but on the average only about $400 per year. CSS reports that commuting students must also eat and today's rising food costs involve increased expenditures. Besides, the student must still get to school, whether by public transportation or private vehicle. That, too, costs more.

The Federal student aid programs under the Higher Education Act focus primarily on the needy student and that is probably as it should be. The major program available to middle income families is the guaranteed student loan program. This program has had its problems, not the least of which has been a tight money market. I believe that we should try to encourage those people who plan ahead—those who save for their own or their children's education. S. 666 would do so and at the same time help to provide a stable source of private funds for home mortgages and construction loans, another area hard hit by the present economic crisis. The savings plan on which a tax credit would be allowed in S. 666 would have to be at savings and loan associations, mutual savings banks, and other federally insured financial institutions which invest at least 50 percent of their assets in residential realty mortgages and residential construction loans.

As we examine the provisions of the Higher Education Act, especially those programs which are intended to increase access, I believe the need for S. 666 is clear. Escalating education costs have put postsecondary education and training beyond the reach of many low-income and lower middle-income families. Now middle-income families have been caught in the price squeeze. If our title IV student aid programs are to concentrate on students from low-income families, then a tax credit plan like S. 666 becomes all the more imperative. Students from middle-income families have become the new needy, and with the exception of student loans, there is little student aid available to them.

We must also look to the institutions of higher education. They have also been caught in the inflationary spiral and have had little choice but to pass many of their cost increases on to the students. When Congress enacted the Higher Education Act in 1965, the Federal commitment was to institutions as well as to students—to improve quality as well as opportunity. This past month I have had the opportunity to meet with representatives of the postsecondary educational community in New Mexico and have heard their concerns about their ability to maintain quality programs in their institutions. I have talked with financial aid officers, college presidents, deans, and others. I believe that we must look at title IV and the other titles of the Higher Education Act. I have some ideas, developed in part from my discussions with New Mexico educators, which I intend to incorporate in legislative proposals. Until I do so, I would like to recommend S. 666 to my colleagues for their serious consideration.

THOMAS G. MASARYK

Mr. PERCY. Mr. President, on the anniversary of the birth of Thomas G. Masaryk, we note this occasion with expressions of pride in the man who symbolized the unity of his people and their quest for freedom, democracy and peace.

In 1918, Masaryk was elected President-Liberator of Czechoslovakia and he established a strong democratic state. As a foe of social injustice and discrimination, often compared with Abraham Lincoln, he was a leader who embodied the qualities of both a statesman and philosopher. His memory is honored in Czechoslovakia and throughout the civilized world. In Illinois where he once taught at the University of Chicago, he is especially remembered.

SENATOR KENNEDY'S PROPOSED EIGHT-POINT ENERGY PROGRAM

Mr. CRANSTON. Mr. President, on January 31, our colleague, the distinguished Senator from Massachusetts, delivered a major address to the Commonwealth Club of California proposing a major eight-point energy program.

Emphasizing the need for a more gradual approach to our energy problem, Senator Kennedy criticized President Ford's proposed tariff program as threatening serious economic pressures on our already weakened economy.

Senator Kennedy's energy program, while I do not necessarily agree with all of its particulars, is right on target in its overall recommendation of a more gradual, long-term approach. In particular, he reminds us that we must keep our energy problems, as serious as they are, in their proper perspective:

> Energy is only one of the triple problems facing the American economy—and today it is least of the three. As serious as we must take our energy problems, we must not let them distract us from the broader and deeper problems of recession and inflation.

Mr. President, these are wise words to keep in mind as the Congress attempts to develop an energy program for the Nation that is consistent with our overall goal of swift economic recovery. I recommend his statement to my colleagues and I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Address by Senator Edward M. Kennedy

It is a great pleasure for me to meet with you here in San Francisco. For more than seven decades the Commonwealth Club of California has set a high standard for interest and concern about issues critical to our nation and the world. What you are doing here—through your meetings, your studies of major issues, and the efforts of your 14,000 members—inspires thoughtful people throughout the United States.

Today, your role in helping to map the foreign policy of the United States is more critical than ever. For it is now clear that the directions to be taken by our country in the outside world cannot be decided in Washington alone. Foreign policy is no longer dominated in the same way by issues of diplomacy, by levels of arms, or by the strategy of nuclear deterrence.

As each month passes, foreign policy is increasingly dominated by economic issues—by energy, trade, food, fertilizer, raw materials, the uses of the seas' resources. And in each of these areas, there is a direct and immediate impact on the lives of the American people. Here in California, as across the nation, the price of gasoline and food has gone up; jobs are affected by patterns of foreign trade; and above all else, worldwide recession and inflation are robbing you of your salaries, your savings, your jobs.

So what happens in the outside world does not just interest those of us who work in Washington. These events are no longer isolated from the cities and towns of America. The United States and our people are now firmly and finally involved in the outside world. And that means each individual American now has a great interest in U.S. foreign policy—going beyond issues of war and peace. And each of us has a direct responsibility for making U.S. foreign policy work.

Today, therefore, I urge you to renew your concern here at the Commonwealth Club to be involved, to bring your ideas to bear, to follow the standard you have so ably set for so many years.

What are the great economic challenges facing the United States in the outside world?

For the past year or so, the word "energy" has sprung to everyone's lips. Yet why is this so?

Throughout our growth and development as a nation, we were self-sufficient in the energy we used to fuel the astounding growth of our economy. It was cheap, it was plentiful, it was secure.

Only in the last few years, have we had to import major amounts of oil, as U.S. production peaked out. Then in late 1973, we found that foreign sources might not always be secure; and we saw the world price of oil suddenly go up by more than four times.

This has produced a worldwide crisis in energy, principally because the jump in oil prices intensified inflation and recession throughout the industrial world. And for countries in the fourth world, rising energy costs have been added to a long list of almost hopeless problems.

Clearly, the United States must act. Clearly, the United States must exercise real leadership among the consuming nations of the world. For several years, we hoped that rising prosperity in Europe and Japan would enable them to share with us a large measure of the burdens of leadership in the West. But with even more severe economic crises elsewhere, we have again been singled-out for thought and action. Again, we bear a special responsibility for responding to a fundamental threat to the very fabric of economic relations among the world's states and peoples.

But what should we do?

We must first recognize what is being done to relieve the worldwide energy crisis. It is not over. But as Winston Churchill said: this may not be the beginning of the end; but it is the end of the beginning. During the past year, the recycling of oil revenues began to take hold. The purchase of goods by oil states, use of the private banking and capital markets, and official recycling efforts—all these efforts did work better than almost anyone had hoped.

Despite these hopeful developments, we in the United States must continue to take the energy crisis seriously, both for ourselves and for our friends and Allies abroad—both rich and poor.

Yet at the same time, we must not panic. We must not take actions that will make it even harder to achieve our long-run objectives, and produce new problems in their wake.

I am particularly disturbed by reports that the United States might in some circumstances use force to secure oil supplies from the Middle East.

I am firmly opposed to any such action, and even to its active consideration.

The use of force in the Middle East to secure oil would be wrong. It would defy the lessons we learned over a tortured decade in Vietnam. It would destroy *detente* with the Russians.

It would damage our Alliance with Europe and Japan. And it would end our hopes to help resolve the Arab-Israeli conflict, and build constructive relations with any Arab state. I could not countenance sending American soldiers to the Middle East, to die for oil.

Even the implied threat of force works against our interests. In the next few years, there is no alternative to trying to work with the oil-producing states: to ensure stable sources of supply, and to increase incentives for oil production at reasonable prices. Threatening the use of force only undermines those constructive steps we should be taking;

We must help stimulate spending by the oil-producing states on goods and services to build their economies. And last year, they spent nearly $50 billion—half of their oil revenues—in this way. This was far more than anyone had predicted;

We must encourage the oil producers to make more of their petrodollars available to the poorest countries in the world. And last year, more than $9 billion was pledged for this purpose;

We must help provide investment opportunities abroad for oil-producing states. And last year, both liquid and long-term investments abroad by the oil-producers were nearly $50 billion—though most of these were short-term;

We must get on with the work of building new means to recycle petrodollars to those countries that most need them. If we can do that, and it is not a massive job, we can begin to make the energy crisis a relative short-term and manageable problem; and

Lastly, we must draw the oil-producing states more fully into the world economy, recognizing their new power and impressing upon them their new responsibilities to the world economy. This cooperation may produce results to our liking; and in the short-term, the economic facts of energy make confrontation an act of folly.

Yet the United States has been slow to act. We lost time and confused our friends abroad by acting as though we could talk down the world price of oil. We sought to put pressure on the oil producers by withholding our cooperation on recycling oil revenues. We thus greatly increased the risk of a breakdown in the international economic system—which could have produced incalculable economic and political harm to ourselves and others.

Now at long last, we have agreed to a means of recycling money through the IMF; and agreement has been reached on a $25 billion Solidarity Fund among the rich countries. There is also an agreement—so far untested—for some sharing of rich-country oil resources in the event of an embargo. And at long last we have acceded to proposals for a joint producer-consumer conference on energy that would face the realities of supply and demand in the world today: fourteen months after I first proposed such a conference.

At home, meanwhile, we must make a long-term and deliberate effort to reduce consumption, increase domestic production, and find alternative resources.

Two weeks ago, President Ford presented his own energy program, based on a different assumption: that drastic steps must be taken now. I welcome his leadership. We in the Congress are prepared—and even anxious—to work with him. But in so doing, we in Congress have our own responsibilities to the people of the United States. We are charged with using our best judgment to secure the interests of the nation.

I believe that President Ford's energy plan is seriously flawed. It seeks to cut energy consumption too fast, at the risk of excessive and immediate costs in unemployment and inflation. It does too little to move us toward a lower energy-consumption rate over the long-term. It sets a price floor on energy, which would rob the nation of flexibility and the consumer of his paycheck, if world prices do come down. It raises the price of all oil used in the United States, instead of focusing on the real culprit: our excessive use of gasoline for private cars. We should make greater use of the scalpel and less of the meat axe, in crafting a realistic energy program for the next decade.

The President's program will also fail to demonstrate U.S. commitment to cooperation with other consumer states, if at the same time it weakens the overall U.S. economy. No one abroad will thank us for reducing our energy imports, when the result is the export of more recession and more inflation.

Imposing a new and drastic tariff on U.S. oil imports is wrong. It over-states the importance of the short-term energy problem for the United States, and it threatens serious damage to the American economy. There is no sense in trying to fight inflation by raising prices; there is no sense in fighting recession by taking purchasing power away from the people, and by making it more difficult for industry to sell its products.

Tomorrow morning, the oil-tariff will begin sucking tens of billions of dollars out of the U.S. economy and out of the pockets of our people. Yet returning that money would at best be weeks away; and it can never make up for the added hardships that are now being artificially imposed.

What then should we do to meet our responsibilities in the field of energy—responsibilities to our people and to the world?

The basic principles are clear:

We must not take drastic steps that overstate the short-term problem, while causing severe dislocations, disarray, and injustice in other parts of our economy; and

Instead, we must adopt a series of firm measures that will take us to our goal in a reasonable period of time. We do not have to get there overnight, as the President has proposed.

To achieve these goals, I propose an energy program of eight steps:

One: we must begin now to build cars that will use less gasoline—through greater efficiency and smaller size. This is the single most important step we can take to reduce U.S. energy consumption during the next several years. Without it, artificial means to depress oil consumption will have little long-term benefit. With it, in the next few years, we can substantially reduce our consumption of oil. With a 20 mile-per-gallon average for cars we could ultimately cut consumption by two to four million barrels a day. I therefore propose mandatory fuel consumption standards for automobiles, plus progressively higher taxes on wasteful, gasguzzling automobiles that are built beginning in 1976; and I propose generous tax rebates to consumers who buy new, more efficient automobiles.

Two: we must begin providing positive incentives and legislative requirements for energy conservation in other areas; better home insulation; a major commitment to mass transit; higher standards for building and office construction; more efficient appliances; and more rational use of competing fuels by industry. These provisions were part of bills passed by Congress and vetoed by President Nixon. They would have a more sustainable, lasting and fair impact on energy consumption than artificial price rises or tariffs on imports, and they should be started now.

Three: I propose the introduction, on a gradual, deliberate basis, of a mandatory allocation program for gasoline, with paralled quotas on gasoline and crude imports. But this must not be a sudden and drastic program that will twist our economy out of shape, drive up the oil price, and bring back long lines at the gas station. A 2½ percent decrease in gasoline in each of the next four quarters will save us 670,000 barrels a day. And we shall review this modest allocation program every six months to see its effect on consumption and the overall economy. This program can begin to cut consumption, now, and give us a rational plan for the future.

Four: I propose the creation of a standby white-market rationing program, fairly-organized, that could be put into effect if a serious shortage should develop—for example, a further oil embargo.

A sensible energy program demands neither rationing nor drastically higher prices. What it does demand is a coherent plan to reach our goal that does not cripple the economy in the short-term or exacerbate our immediate problems of recession and inflation as a hedge against a new oil embargo.

Five: I propose that production of energy from known federal reserves—such as Elk Hills—be undertaken by a new non-profit federal entity, an Energy TVA, to be primarily directed into a national strategic reserve. This entity would also be responsible for exploring offshore reserves, putting information directly in the hands of the government and the people rather than relying on the private oil companies. Production from prime lots also would be directed into the strategic reserve.

Six: I propose a continuing, vigorous effort to find and produce more energy here in the United States: through an end to foreign tax credits for oil companies and divestment of competing energy resources; through more aggressive development of our coal resources; through a modest program of price increases—not total deregulation—for new production of natural gas committed to the interstate system; and through stepped-up efforts in coal gasification and liquifaction, solar energy, and fusion power.

Seven: I propose that the federal government take sole responsibility for bidding on oil imports from abroad. A unified, secret system of bidding on these imports would give us far more leverage in world markets than does today's buying by several private oil companies.

Eight: I propose that the United States finally abandon its efforts to confront the oil-producing states, but rather try to cooperate with them in ways I have already suggested.

Combined with further recycling efforts, this can help provide for a relatively-smooth financial transition to the future. Then, reduced consumption and expanding supplies will bring back greater free play and security to the energy markets of the world.

These eight steps I believe will meet the U.S. national interest in a strong but gradual program; a fair program; a credible program. It will build for the long-haul without panic and unnecessary hardship. It will permit our economy to adjust to higher energy prices without serious disruption and inequities. And it will permit us to meet our responsibilities to other consuming countries, and to the world economy as a whole.

Most important, we must bear in mind the following fact:

Energy is only one of the triple problems facing the American economy—and today, it is least of the three. As serious as we must take our energy problems, we must not let them distract us from the broader and deeper problems of recession and inflation. We must put our economic house in order: and in doing so, we must keep our priorities straight.

Two generations ago, measures we took to cope with our own Great Depression helped export that depression around the globe. This depression brought misery everywhere, leading to the Second World War. In the past few years, our inflation has been matched in country after country, as the international economy has followed-the-leader in rising prices. And now the American recession—the worst since the 1930s—is spreading around the globe.

When the cost of our goods goes up, it increases the inflationary pressures in all of our trading partners. When the vigor of the United States' economy goes down, it damages markets other countries must have to sustain their own economic growth. Round and round the cycle goes, contracting world trade, reducing production, and spreading greater uncertainty about the future of Western cooperation.

The most important thing we can do today for our friends and Allies abroad is to get a firm grip on our own economy, and take those decisive steps we need to get back on the road to a growing economy with stable prices.

Yet what we do within our own economy is still not enough. We have learned in the past several months that there are major, enduring problems with the system of international economic life, itself. Institutions set up twenty-five years ago are no longer able to cope with an economic world that is many times larger, contains many more countries, and is infinitely more interdependent and complex.

Yet this is no reason for despair. Quite the reverse. Today's economic crisis provides the incentive for a major restructuring of international economic relations. In this time of crisis creative energies can be liberated, and the minds of men and women more clearly focussed on the future.

During the late 1940s, in the turmoil following mankind's most destructive war, people on both sides of the Atlantic built new attitudes, institutions and patterns of economic relations. Until recently, these gave the world its most impressive and sustained period of prosperity in history.

Today can also be a time of opportunity in crisis—a New Age of Creativity. It can wrench people and governments free from old habits and attitudes in global economics. It can lead them to rebuild a world economic system that will work for us all, both today and tomorrow. As Thomas Jefferson said of constitutions, we now say of global economic arrangements: each generation should create its own, appropriate to its times. And like the U.S. Constitution, which has indeed evolved with each passing generation, there is no need to tear down the old economic structure. There is no need to replace it with one that is entirely new. But major changes must be made.

No nation is isolated; none can meet today's twin threats of inflation and recession on its own. It is only by recognizing that we are truly interdependent that we can begin to create the will and determination to build new attitudes of international life, and new economic institutions to serve us all.

We need a trading system that can ensure not only access to markets, but also access to food, fuel and raw materials;

We need a monetary system that can promote the growth of trade despite inflation and the shocks caused by massive flows of oil money from country to country;

We need a means of waging together the fight against inflation, that will reduce the likelihood that each nation will try to solve its problems at the expense of others;

And we need to broaden the basis of cooperation, even beyond the traditional grouping of Western industrial States. We must work with nations that have new-found wealth and power; aid those developing nations left out of the world's prosperity; and in time reach out towards nations of the Socialist world, as well.

The means of achieving these tasks are important; but even more so is the will to do so—and the knowledge that only a new burst of thought and action by us all will fulfill our duties to our people and to the future of the world.

Today I have sketched only a small part of the worldwide change in economic relations. Deep currents are flowing through the economies of the world, touching the lives of people everywhere, and spreading doubt and uncertainty in their wake. Not since the Great Depression have our assumptions about economic life been so fundamentally-tested.

As we search for a new course—as we analyze each new idea, and test the most likely theories—we must be aware of the historic proportions of our task. For what we do now—here in San Francisco, in Washington, in Massachusetts, and throughout our nation—will shape America's role in the outside world for years to come. It will lead us beyond the post-war era, with its legacy of unsettled issues, to a time as challenging to us as any our ancestors have known.

This is a time in which two broad oceans will no longer shelter us from the outside world;

A time in which the magnitude of our national might will be no substitute for its wise and judicious use;

A time in which democracy comes to foreign policy, as We the People are called upon together to shape our destiny in a changing world.

We can and must be equal to this task.

SAMIZDAT—A VOICE OF FREEDOM

Mr. BUCKLEY. Mr. President, during a recent visit to the Soviet Union, I had a chance to talk with many of the courageous and inspiring dissidents who are trying to bring freedom of information, thought, and religion to that country. John Lofton, nationally syndicated columnist, recently wrote of one of the most effective means these dissidents have to spread the truth—the "samizdat." This is a Russian word meaning, literally, "self-publishing," and, as Lofton points out,

> It is the only free press in the Soviet Union.

Uncensored material is circulated privately throughout the Soviet Union, usually in manuscript form, and in this way Soviet citizens learn facts about the outside world—and about their own nature—that Soviet rulers try to suppress.

In his piece about the "Samizdat Bulletin," published in our country on a nonprofit basis, Lofton tells of the difficulties faced by the husband and wife who have been making samizdat documents available to historians, journalists, and teachers in this country.

Mr. President, I ask unanimous consent that Mr. Lofton's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Voice of Freedom Needs Your Help

(By John D. Lofton, Jr.)

Washington.—Coincident with reports that the Soviet government appears to be lowering a new iron curtain—cutting off the overseas mail service of dissidents and stopping virtually all of their phone calls to the West—comes distressing news that one of this country's links to the Russian freedom fighters is in great financial difficulty.

In a letter, Olga Stacevich, editor of the Samizdat Bulletin, tells me she and her husband would appreciate it if I would tell my readers of their plight. She says she would be most grateful if I would help them make their publication better known.

Because I can think of no better use to which a newspaper column could be put, I am happy to do so.

The word "samizdat" means self-publishers, and it is the only truly free press in the Soviet Union. It is a term coined by post-Stalinist dissidents for the old Russian revolutionary practice, from the days of the Tzarist censorship, of circulating uncensored material privately, usually in manuscript form—nonconformist poetry and fiction, memoirs, historical documents, protest statements, trial records, and the like.

Samizdat is designed to circumvent the Soviet censorship system, which editor Martin Dewhirst tells us in his recent book, "The Soviet Censorship," is now "much more extensive, demanding, thorough and efficient than its predecessor in Tsarist Russia."

The importance of samizdat in the struggle for human rights in the U.S.S.R. is summarized by editor George Saunders in his new book, "Samizdat: The Voices of the Soviet Opposition":

"The struggle for socialist democracy in the Soviet Union in recent years has been centered around samizdat to a great extent. Most of the trials have been aimed at intimidating dissidents involved in producing or circulating uncensored literature. The most prominent figures among the oppositionists have relied on the samizdat network in their battle for free speech, freedom of the press, and basic democratic rights."

Since May of 1973, Olga Stacevich and her husband—on a nonprofit, completely volunteer basis—have published 21 bulletins featuring the voices of free thought in the Soviet Union. In recent months, their publication has carried such items as:

An open letter to Sen. Henry Jackson from well-known scientist V. P. Turchin, titled "The Soviet System is in Dire Need of Evolution." This letter praises Jackson's amendment to the trade bill as "a commendable example of beneficial and constructive pressure from without which tends to foster progressive evolution. . . ."

The conclusion of a diary of a month-long strike in the Perm Region concentration camp for political prisoners.

An appeal from Christian youth in Byelorussia detailing the repression of religion in that area, which has included the shooting of a 17-year-old by a captain in the Russian miliita.

A plea to the world from political prisoners about how, since 1972, they are being transported further and further north in the Soviet Union, to traditional Stalinist areas with a severe climate. This moving letter tells how prisoners are deprived of warm clothing, kept on meager rations, and—quite officially—denied vitamins.

Also, meetings with relatives are canceled, correspondence is forbidden and appeals to official government organs are strictly controlled and censured by the Soviet secret police, the KGB, and the camp administration.

"A totalitarian regime," the letter says, "is a misfortune of not just one country, but of all humanity. It depends upon us and you whether Stalinism with all its terror will be resurrected. Inactivity and nonchalance before an overhanging threat is a crime."

Indeed it is. And this is what the Samizdat Bulletin is all about. Like a microwave booster station which picks up a faint signal, amplifies it and broadcasts it to the next station, Olga Stacevich and her husband are but two of many megaphones in this country rebroadcasting the message of human freedom which comes from inside the Soviet Union. The voice of the Samizdat Bulletin must not be allowed to die.

If you would like to subscribe, or just send a contribution, you can do so by writing: Box 6128, San Mateo, Calif. 94403. You'll never give your money to a more worthy cause.

SENATOR ABOUREZK ON AID TO SOUTH VIETNAM

Mr. McGOVERN. Mr. President, there has already been a great deal of discussion on the issue of providing additional arms to Cambodia and South Vietnam through the President's supplemental request. A great deal has been said about the amount of aid requested and its impact on the present regimes in power, but we simply cannot underscore enough the necessity of keeping sight of the two most important elements of this issue—recognition of our own national interest and adherence to the Paris peace accords.

My colleague from South Dakota (Mr. ABOUREZK) has addressed these questions in an excellent article in the Washington Post. I would encourage each of my colleagues in the Senate to carefully consider the points raised by Senator ABOUREZK as we near a final decision on the supplemental request.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AID TO VIETNAM: PROLONGING OUR SHAME

(By James G. Abourezk)

Richard Nixon and Henry Kissinger agreed to the 1973 Vietnam peace accords for one basic reason—an overwhelming majority of people in the United States wanted out of the Vietnamese conflict, believing it was time for the Vietnamese to settle their own controversy. In recognition of the fact that conformity to the peace agreement means an end to his personal political power, President Thieu has acted to defy the agreement. He has done so by crushing democratic freedoms, by keeping political prisoners detained, and by preventing formation of the National Reconciliation Council. The combination of his political obstruction and military initiative has resulted in Provisional Revolutionary Government and North Vietnamese abandonment of their political strategy in favor of military counterforce. President Ford and his spokesmen are now, with great hypocrisy, denouncing the use of force by "the other side" in an effort to maintain Thieu in power.

Because the 1973 Paris accords were in the form of an executive agreement, rather than a treaty subject to ratification by the Senate, the administration can easily undo them. Instead of more money for armaments, the Congress can perform a far better function by adopting a resolution affirming its belief both in the letter and in the spirit of the peace agreements.

We are being asked again this time to vote more military aid to the Saigon government for a variety of reasons—to keep our word, to retain our ability to be a stabilizing influence in world affairs, to maintain the principle of Vietnamese self-determination, and finally, to prevent a blood bath of innocent people.

More military aid will accomplish none of these objectives. A return to the Paris agreements will accomplish all of them.

Another of the administration's stated reasons for intervention in Vietnam has been defined in terms of a vague national interest, without explanation of what that interest really is. It is useful to explore here what is not in our national interest.

It is against our national interest to continue to pour taxpayers' money into a bottomless pit.

It is against our national interest to deprive our suffering economy and our people of that badly needed money.

It is against our national interest to promise the public a nonexistent light at the end of the tunnel.

It is against our national interest to be identified as a world power consistently opposed to internal political changes in third-world countries.

It is against our national interest to fund a long-term blood bath under the pretense that we are preventing one.

If a decision on continued funding is too difficult in terms of "national interest," then we should consider our moral interests.

I have difficulty discussing American intervention in Vietnam without seeing in my mind the burning flesh of Vietnamese children. If napalm is an instrument of high level U.S. foreign policy, then the Vietnamese have become, to me, both its symbol and its object. The most persuasive argument in favor of further American intervention in Vietnam pales alongside the outrage perpetrated against the people of that country, both North and South. This cost in money terms can be measured with some degree of accuracy. But how do we compute the value of human bodies that have been maimed and destroyed to protect personal and bureaucratic investments both in Washington and Saigon?

Those who favor more aid to South Vietnam assign to our collective conscience what they say will be bloody results of our failure to provide that aid. Where is their conscience in respect to what our policy has done there? I can conceive of no future action that can cause me more shame than the slaughter and destruction for which we have been, and are still, responsible. Rarely has truth been an option to be considered by our Vietnam policymakers. I am now unable, on their word, to erase from my mind the images of Vietnamese peasants suffering and dying by our firepower and by our defoliating toxins.

And again, we are being asked to keep our word. To whom did we give our word? Who gave it, and on whose authority was it given? Our initial large scale entry into Vietnam was based on a mysterious attack in the Gulf of Tonkin, which either never occurred or, if it did, was provoked by our own forces. Whatever promises were made were grounded on the boldest lies ever told by any government.

Finally we are urged to continue the slaughter to save our credibility in a world built on alliances and their fulfillment. But what credibility attaches to the world's greatest power acting through a surrogate to systematically destroy a small nation only a fraction of our size? Once the French departed, our allies in Western Europe, including the French, refused to take part in what was clearly a civil war. Our adversaries have happily watched our economy and our social fabric disintegrate because of our intervention in Vietnam.

As our Vietnam policy has made us into the "bully of the world," our credibility in military, moral and economic terms has become more and more obscure. Our only chance to restore it is to admit officially our tragic error before it goes farther.

Clearly the American public long ago stopped buying the various justifications for prolonging Vietnam's agony. What counts now is whether or not the Congress can be sold once more on an unreal argument of national interest to continue military aid. I hope not.

THE HONORABLE STROM THURMOND, MOST DESERVING RECIPIENT OF THE AMERICAN LEGION DISTINGUISHED SERVICE AWARD

Mr. HANSEN. Mr. President, there is no higher tribute to a man's patriotism than to receive outstanding recognition from one of our Nation's organizations whose membership is composed solely of patriots, and whose cause is patriotism.

At the American Legion midwinter conference and banquet in this city Wednesday, the distinguished senior Senator from South Carolina (Mr. THURMOND) received the American Legion Distinguished Public Service Award.

Along with the Legion, it is most fitting that those of us in the Senate recognize the dedication of Senator THURMOND to our Nation—as a soldier and as an outstanding citizen. The Senator, in his acceptance of the award Wednesday outlined some of his philosophy of life, of government, and of national defense. In order that we may share his wisdom, I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR STROM THURMOND

National Commander Jim Wagonseller, National Adjutant Bill Hauck, National President of the Auxiliary Mrs. Maurice Kubby, my colleagues of the Congress, distinguished guests, and my fellow Legionnaires:

It is an honor, a privilege, and a pleasure to accept the Distinguished Public Service Award of The American Legion.

When I consider the eminence of past recipients—President Ford, Speaker John McCormick, Everett Dirksen, Carl Vinson, Les Arends, "Tiger" Teague, and George Mahon—I am keenly aware of the faith the Legion has shown in me by choosing me for the 1975 Award. I shall always strive to remain true to the trust you have reposed in me.

The first organization I joined after World War II was the American Legion, and my association with you has been a source of great satisfaction to me ever since. It has given me many friendships which I cherish. It has taught me lessons of citizenship which I value highly. It has shown me the example of Americanism which I strive to follow in both personal and public life.

My membership in The Legion has also been the source of great pride. Your principles are high, and you put them into action with worthwhile and productive programs in Americanism, Youth Activities and Veterans Affairs.

The Americanism program teaches all the basic tenets of citizenship—loyalty to our Nation, willingness to serve our country and to defend our flag, and respect for our constitution.

In your program for young people, you recognize that the youth of today are the leaders of tomorrow. Your youth activities have taught generations of young people the basic values of our Nation.

Finally, as a result of your strong leadership in Veterans Affairs, Congress has passed vital programs to assure veterans an easier transition from military service to civilian life.

It is the highest obligation of citizenship to defend the Republic in time of need, and this obligation creates an equal responsibility on the part of the Republic to care for the men who wore the uniform, their widows, and orphans.

Generally, veterans programs fared well in 1974. The Congress passed such important measures as a comprehensive education bill, compensation increases for the service-connected disabled, pension relief for the nonservice connected disabled, and a broad housing program.

In the coming year, however, there are three areas which the Legion should watch closely—VA medical care, unemployment, and the development of a National Cemetery policy for veterans. Briefly, I want to alert you to some of the problems which concern me in these three areas.

First, I fear that some of the plans for the so-called National Health Insurance may endanger the independence of the VA hospital system. I cannot and will not support any National Health Insurance program which subordinates the VA system to HEW. If National Health Insurance is enacted, safeguards to protect the integrity of VA hospitals should be written into the law. The VA hospital system should continue to provide health care services exclusively for veterans.

In this connection, I recognize that the VA hospital system has its problems. The Chase Report has documented them, and I pledge my best efforts to work for their alleviation.

A second problem area involves the tragic unemployment situation. I am appalled at the high rate of unemployment among young veterans, currently hovering at 20 percent for veterans between ages 20 and 24.

Part of the problem lies in ineffective implementation of the employment laws which have been designed to provide veterans with counseling and job preference.

In order to combat this problem more effectively, I have introduced a bill to upgrade the position of Director, Veterans Employment Service, to Assistant Secretary of Labor for Veterans Employment. The Director of Veterans Employment, the Manpower Administration, is located at such a low level in the organizational structure of the Department of Labor that it is presently impossible for him to carry out effectively the Congressional mandates for veterans employment.

The institutional rank of this position should be commensurate with the great responsibility with which the office is charged. I call on The Legion for active support of this measure.

Third, 1975 is the year to move legislation out of Committee to implement a National Cemetery policy for veterans.

One Regional Cemetery in each Federal Region is not sufficient. Rather, I believe every man who has served his Nation honorably should have the opportunity to be buried in a National Cemetery in his home state or other nearby location.

I am hopeful that the Senate can hold hearings by summer and can reach agreement on providing a cost-sharing arrangement for National Cemeteries in each State. The Congress will listen attentively to The Legion's recommendations on a National Cemetery policy.

I now turn to a subject in which I know you all have a great interest—national security. Over the years, the Legion has consistently advocated that our country maintain a defense posture second to none. This has been my position, too. I have always agreed with you that America is the leading force for peace and order in the world, and that any weakness on our part would only invite disaster for ourselves and other free nations.

Tragically, many Americans now feel either that we no longer need a strong defense or that we no longer can afford it. Many of our leaders feel similarly. These people have fallen prey to a host of misconceptions that have been circulating about our Nation's security. These misconceptions must be corrected immediately or they will have disastrous consequences. As Proverbs tells us, "Where there is no vision, the people perish."

First, some people are saying that with détente, we no longer need to build new weapons. This notion is completely impractical. Even if we could entirely eliminate nuclear weapons—and at present this objective is little more than a dream—we would still face the threat of conventional warfare. For years the Soviet Union has been expanding and modernizing every branch of its armed services. Their army is much larger than ours and equipped with every modern weapon. They have 69 more fighting ships in their navy. If we did not have our nuclear shield, these superb conventional forces would have all of Europe and Asia at their mercy. We must try to keep pace in armaments, or détente will not increase our security but destroy it.

For this same reason, people who speak of unilateral reduction in manpower are equally misguided. The Soviets are not reducing *their* manpower. Peace is not won by goodwill alone; we need manpower as well. As the Chairman of the Joint Chiefs, General Brown, recently reminded us, Pope Pius XII made a noble effort to control Stalin, but he was shrugged off with the question, "How many divisions does the Pope have?"

A third mistake that many people make is to call for America to withdraw from the rest of the world. Some commentators have named this attitude the New Isolationism. At this point in history, isolationism makes no sense at all. The world has changed completely since World War I. Bombers and missiles can circle the globe with lightning speed. No corner of the earth is invulnerable to attack. In addition, we have lost our former economic independence. We need the raw materials—particularly energy-making ones—of other countries, and we need commerce with other countries to give our manufacturers new markets. Accordingly, it is impossible for America to turn her back on the rest of the world. In our own economic and strategic interest, we must continue to exercise the same leadership in foreign affairs that we assumed at the end of the last war.

With regard to the New Isolationism, Secretary of Defense James R. Schlesinger recently said, "It is more prudent to shape the future by our own actions than to let others do it for us." It is also more honorable. For America suddenly to abandon her defense of the other free nations of the world would be little less than an act of stupidity. Succeeding generations would never forget. As George Kennan, diplomat and historian, points out, "History does not forgive us our national mistakes in terms of our domestic politics."

A final misconception I want to discuss is the idea that defense spending is bankrupting the country. In my opinion, the country is indeed near bankruptcy. However, the cause of this sad development is not defense spending but spending for purposes other than defense.

In 1968, 43 percent of the Federal Budget went for defense. The corresponding figure now is 26 percent. The percentage of GNP spent on defense has fallen during this period from nine percent to five percent. It is true, as some critics point out, that defense spending has increased by 68 percent in the last decade. However, inflation has accounted for almost all of the increase, and non-defense spending has risen an astounding 224 percent at the same time.

Here, in non-defense spending, is where major budget cuts are in order. When we pay for defense, we are paying for the preservation of our lives and our freedom. When we pay for other purposes, we are paying all too often for wasteful and inefficient social programs which, according to the Constitution, ought to be administered by the States anyway. Let the budget-cutters who want to dismantle our armed forces begin instead with the army of bureaucrats, now about three million strong and consuming $36 billion annually in salaries and wages alone.

Another consideration that those who oppose defense spending seem to forget is the relatively low cost of preparedness when compared to the cost of war. Seen in this perspective, defense is a bargain. It cost us 90 percent of our budget to fight World War II, 60 percent to fight the Korean War, and 42 percent to fight the War in Vietnam. We are now paying only 26 percent to avoid a new war, and that figure drops to 17 percent when we take into account all public spending.

I do not want to leave the impression that I oppose detente. With both the Soviet Union and ourselves possessing enough nuclear weapons to destroy mankind, a policy of negotiating our differences is both practical and humane. However, as President Ford has pointed out, "Strength makes detente attainable. Weakness invites war."

Furthermore, detent should be a two-way street. So far it is hard to see the benefits we have received in return for those we have given. At least 1,300 of our service-men are still missing in action in Southeast Asia. The Soviet Union has given us no assistance whatsoever in our efforts to account for them. Neither has the People's Republic of China. In addition, the Russians and Chinese are shipping tons of ammunition and supplies to the North Vietnamese invaders in South Vietnam.

Clearly we must have military might to back up our attempts at negotiation. It is the Soviets' belief that we do not have the *will* to defend our interests that makes them so uncooperative. Anyone who favors a real detente must also favor a strong defense. We should always remember the words of Winston Churchill, "No foreign policy can have validity if there is no adequate force behind it and no national readiness do make the necessary sacrifices to produce that fact."

For those who think there is no longer any need for sacrifices, the Secretary of Defense recently released some terrifying figures. The Soviet Union is now outspending us in almost every significant defense category—by 20 percent in Research and Development and General Purpose Forces, by 25 percent in Procurement, and by an almost unbelievable 60 percent in Strategic Nuclear Offensive Forces. The military threat from the Soviet Union is not only still alive, it is growing.

Over and above these general misconceptions, a new threat to our national security has developed since the opening of this Congress. This is the current attitude of hostility and scorn towards our foreign and domestic intelligence-gathering agencies, the CIA and the FBI. The President, the House, and the Senate have all launched investigations into alleged mistakes and shortcomings in the workings of these agencies. Whatever irregularities the investigations uncover should be promptly punished, and measures should be taken to see that they do not occur again. However, the CIA and FBI play a vital role in preserving the freedom and tranquility of this nation. In general, their work has been superb, and we must not let the present outcry against them lead us into undermining their ability to function. Whatever a few individuals have done, the work of these agencies deserves our support.

Still another threat comes from another direction. For more than ten years, the State Department has been trying to turn the Panama Canal back to the Republic of Panama. We bought and paid for this property and own it by perpetual treaty. It is ours. We now have an investment in it of over $6 billion, including security. Furthermore, the Panama Canal is vital to our national security.

It requires an act of Congress to give United States property away. If a shortcut is attempted by means of a treaty, the Senate should reject it. We must retain control of this strategic waterway.

I am obliged to say a few words about the disgraceful situation in Southeast Asia. I know that many good and thoughtful people are opposed to further aid to South Vietnam. However, the South Vietnamese are still our friends, and they are still the victims of naked aggression by foreign troops bent on conquest. I feel that we are bound by honor as well as our commitments to help them to help themselves remain free.

The South Vietnamese do not lack the will to fight, as some allege. All they lack is the arms. Sir Robert Thompson, a British military expert who advised President Nixon on

Vietnam, recently visited Vietnam and declared that the South Vietnamese troops, properly equipped, would be the equals of any in the world. I feel very strongly that we should do what we can to equip them. At the same time, we should let the Russians know in no uncertain terms that their continuing support of the aggressors in this conflict is completely inconsistent with improving Soviet-American relations.

The current tragedy in Vietnam could have been avoided. If we had acted boldly and decisively when we first became involved in the war, South Vietnam would be free and secure today. However, we cannot rewrite history. The best thing we can do now is to give the South Vietnamese the arms and ammunition they need to survive.

As for the future, South Vietnam should be a lasting lesson to us. Never again should we fight a war unless we are determined to win it. It is not fair to the people of this country, particularly our fighting men, to ask them to make sacrifices for nothing. It is equally unfair to our allies to walk out on them in the midst of their peril. If we will only take this lesson to heart, we can still salvage something of good from our bitter experience in Southeast Asia.

I want to leave you with one final thought. This year we begin the celebration of our 200th anniversary of the Declaration of Independence, the most precise definition of representative government and individual liberty ever drawn from the minds and hearts of men.

This document stated, "All men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness."

For these nearly 200 years in the life of America we have been the beneficiaries of these great words. However, our forefathers went on to declare, "We mutually pledge to each other our Lives, our Fortunes, and our sacred Honor."

The meaning of this pledge is fully understood by the members of the American Legion and their loved ones. Each of you realizes that with the rights and privileges of a free society come *responsibilities*.

The eternal vigilance represented in this pledge needs to be repeated today. This nation was born under a resolution which called for liberty or death. It will survive only under the resolution of a people willing to sacrifice everything necessary to preserve their freedom.

Because of the heroism personified by this organization, I am singularly honored to receive your Distinguished Service Award. I cannot thank you enough, but I want to thank you all I can. My heart overflows with gratitude, for to be honored by the heroes of America is the honor of all honors.

GEORGE MEANY AWARDED NATIONAL BROTHERHOOD CITATION

Mr. WILLIAMS. Mr. President, the working men and women of America were greatly honored last Tuesday night when one of their most distinguished leaders received a high tribute in the cause of human rights.

George Meany, president of the AFL–CIO, was awarded the National Brotherhood Citation of the National Conference of Christians and Jews. The award was presented by Vice President NELSON ROCKEFELLER at a dinner in Washington on the evening of March 4.

I want to join with Mr. Meany's many admirers to extend him congratulations on receiving the brotherhood citation. He accepted it not for himself, but for the organization he heads and for the entire American labor movement which has been in the forefront of this Nation's pursuit of civil rights and human dignity.

For a man who speaks out so forcefully and whose actions bear out his words, George Meany, ironically, is often misunderstood. His adversaries search for hidden meaning and ulterior motives in his words, never satisfied that what he has said is what he meant and what he meant to say.

Mr. President, I have rarely found it difficult to understand George Meany. To my ear, he speaks clearly and eloquently for his point of view, as he did once more in accepting the National Brotherhood Citation.

So that my colleagues may have the benefit of reading Mr. Meany's statement of appreciation for the award, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SPEECH BY AFL–CIO PRESIDENT GEORGE MEANY

I am delighted to be here and, of course, deeply honored to receive the annual Brotherhood Award of the National Conference of Christians and Jews.

I'm particularly honored to be introduced and presented here tonight by the Vice President of the United States, who I have known for many, many years. I have been reading about him lately. I see where he is trying to bring the United States Senate into the 20th Century. And I would say, if he was scarred a a little bit in the attempt, not to worry about it. They are very honorable scars.

I take this Award—not for myself—but in behalf of the organization I have the honor to head, the AFL–CIO—in behalf, really of the American labor movement which, I believe, perhaps immodestly, is the most effective human rights movement in this country.

You know—in the final analysis—human rights rest on human dignity—on a common recognition of the worth of the human personality.

If we lose that sense of self-worth—of dignity, we become careless of the rights of others and we fail to claim our own rights as well. Before we know it, we have passively acquiesced in our own enslavement.

It is not surprising, therefore, that totalitarian governments must rob their citizens of dignity.

The business of dictatorship is to dictate—to control all the way—including the thought processes of its victims. In carrying on its business, it destroys the dignity of all those under its control by telling them that they are not whole human beings in themselves—that they are fulfilled as persons only through service to the State—or only through subservience to an ideology or doctrine. Their own humanity is not sufficient—they need Big Brother—be he named Adolph, Josef or Leonid.

But dictatorship is not the only enemy of human dignity. Poverty, hunger, disease, unemployment—these are also things that demean the human personality. These are also the things that make people feel less than whole.

That is why a man who is out of work—a man who cannot properly feed or clothe or shelter his family does not feel like a whole man—and the same goes for women who bear like responsibilities.

And, I believe, the labor movement has done more than any other single force in American life to enhance the economic security of the great mass of America's working people. I also believe it has done more than any other segment of our society to build the broad base of dignity that supports the human rights we often take for granted.

In this sense, the labor movement is a human rights movement—no less than the National Conference of Christians and Jews or the NAACP.

And yet, much of what we do in the field of human rights does not carry a human rights label. It is a natural by-product of our day-to-day role in the world of work.

For example, we do not recruit to the ranks of organized labor on the basis of race, creed, sex or ethnic background. We do not have quotas in the labor movement.

We don't ask a man where he comes from or what his political views are before he joins a union. All we want to know is—does he work here and what kind of work does he do and—if he works for a living, we feel he belongs in the union.

And, despite all of the anti-union propaganda that has been beamed into the black community, the latest studies show that black workers are more prone to join a union than are white workers.

And, no wonder—the earnings of unionized black workers are, on the average, substantially higher than among their non-union counterparts.

I contend that when you substantially raise a man's earnings—especially if he is a poor man—you don't just put more meat on his table—you help him hold his head a little higher.

And that is what the labor movement is in the business of doing—helping people hold their heads a little higher. Helping people become more human in the highest sense—and therefore more conscious of their human rights.

But, these days—we must admit—our job is getting more difficult each day—and you all know the reason.

It is not because we have stopped trying. It is because the policies of the Administration that has been in power in Washington since January, 1969 have thrown this nation into an economic crisis worse than anything we have known since the Great Depression of the 1930s.

Unemployment is feeding on unemployment. 8.2 percent of our workforce is jobless—according to the official figures, which very much understate the problem.

But, while the official overall rate is 8.2 percent, it was 13.4 percent for blacks in mid-January. It was 14.3 for the unskilled and 13.1 for the semi-skilled. It was 20.8 for teenagers and 41.1 for black teenagers.

Now, I submit—contrary to what Arthur Burns may think—that these are not just statistics. This is a human tragedy. Millions of disadvantaged Americans who began to make real progress in the 1960s are now being thrust back to where they were ten or fifteen years ago.

I believe that we are sitting on social dynamite. As the recession deepens—and all signs point in that direction—racial and social tensions are bound to rise, posing a threat to the real accomplishments of organizations like the National Conference of Christians and Jews and so many others that have labored so hard to eradicate bigotry and prejudice from the land.

I did not come here to present the AFL–CIO's program to deal with the economic crisis—although I do want you to be aware that we have one. We think it is a better one than the President has offered—and, certainly, it is more comprehensive than what the Democrats have offered.

The point I want to make is that all of us who are deeply concerned about human rights and human relations must turn our attention to the economy—because if it continues to go downhill—it can become the breeding ground of ugly social impulses and emotions—among them the ancient curse of anti-Semitism.

I am not an alarmist but I do read history—and we know from history, that anti-Semitism seems to intensify in times of severe economic and social stress.

Today, we have an additional danger. Not only does our deteriorating domestic economy provide an all-too-rich soil for scapegoating and demagoguery but, we are faced—on the international scene—with powerful waves of anti-Semitism emanating from the Middle East.

And, make no mistake about it—the Arab fanatics are not just anti-Israel or anti-Zionist. They are anti-Jewish. They are plain, old-fashioned anti-Semites in the spirit of Adolph Hitler.

But, the most outrageous thing is that the venom with which they have poisoned their own societies they seek to inject into our society.

I think President Ford is to be commended for speaking out so clearly against the Arab blacklist. The idea that any foreign investors would discriminate against Americans who are Jewish or who do business with Israel is a monstrous abomination.

But, what is worse is the fact that there are American Governmental agencies that cooperate in this despicable practice.

Imagine! The Army Corps of Engineers admits that it goes along with the demands of the Arab States that no Jews be sent into their countries.

And, then we learn that our Department of Agriculture—you know Earl Butz' Department of Agriculture—you know Earl Butz—holds a 6.5 percent interest in the Intra Investment Company of Beirut, Lebanon—a company that boycotts banks that give economic assistance to the Israelis.

I think we have to go farther than the President's statement. I think we have to let the whole world know that in the United States of America, that in our country, human rights still take priority over the dollar.

I think we should tell the Arabs that any would-be investors from any country who subscribes to the blacklist are henceforth barred from doing business in the United States.

There is some business we don't need.

Throughout the world today there is great confusion about what the United States of America stands for—or whether we stand for anything at all.

In the American Congress, a very strange discussion is taking place. It has to do with whether we should give South Vietnam the remaining $300 million of the $1 billion originally authorized for military assistance. In other words, should we keep our commitment. According to many experts, the survival of the country may be at stake.

Many voices are raised against further aid. The Thieu regime is too repressive, they say. It is also too corrupt. It is intolerent of press criticism. It manhandles demonstrators. It even somettimes arrests union leaders and Buddhists. Its elections are not nearly as democratic as ours.

I can understand these criticisms—although I don't agree with the conclusions some people come to. But, what I can't understand is how the same people who want to cut off aid to South Vietnam because its government is too repressive—turn around and argue for 6 percent U.S. credits for the Soviet Union—where there are no demonstrations, no unions, no elections—and the most degrading form of corruption—the complete monopoly of all power—political, economic and military—by a single ruling clique over the lives of every single person within the Soviet Union.

Incidentally, on the issue of governmental corruption in high places, we here in the United States should guard against any feeling of excessive self-righteousness.

We should give some thought and contemplation to our own recent experience with corruption at the very highest level.

If the stupid Watergate break-in had not accidently come to light—how far would the Facist mentality that prevailed in the White House have carried us down the road to repression of individual human rights—to harassment and control of the press—to the manhandling of demonstrators and all the rest of those evils of dictatorial regimes which we so readily deplore?

How much of a step would it have been from the promulgation of an enemies list to the complete monopoly of power over the social, economic and political life of our nation?

The air has been filled with talk of detente. That's a lovely word. I couldn't find it in the American dictionary, but, it's in the French dictionary. Detente not only with the Soviet Union and China but with the East European puppet regimes. Trade with these countries from the United States is aid to them. Yet, which of these governments comes anywhere near being as democratic as South Vietnam?

So, as you look at our policies in Southeast Asia—where the first bitter fruits of a false detente can be tasted—and as you look at our policies toward the Soviet Union—where our guiding moral principle—and "moral" has to be in quotes—is "no interference in their internal affairs", not even in defense of human rights—and then as you look at our policies in the Middle East—where we are supplying various Arab governments with fancy aircraft, nuclear reactors—and God knows what else—what other goodies Henry hands out—at the same time those Governments remain pledged to destroy Israel, the only democratic state in the Middle East—as you look over all these policies, is it any wonder that nobody knows anymore what this country believes in—or what it stands for?

It used to be thought that we had a clear commitment—a vested interest—in the growth and expansion of democratic societies throughout the world. It used to be thought that this commitment was not just a matter of sentimental idealism but was based on a recognition that totalitarianism—whether of the left or the right—posed an ever-present threat to our own way of life.

One doesn't hear much of this kind of talk any more. It is buried under mountains of propaganda about detente and peaceful coexistence. And, in this climate, talk about democracy and human rights becomes an embarrassment. It makes people feel uncomfortable. It makes them feel awkward.

Frankly, I think that this is a terrible thing. We have come to a sorry pass in the history of this great experiment in democratic self-government whose 200th anniversary we shall soon celebrate.

There is no doubt in my mind but that this world-wide confusion about the credibility, the commitment and the cardinal purposes of the United States in world affairs today is a major factor contributing to the financial and political instability that has shaken so much of the Western world and threatens to alter the international balance of power with frightful consequences.

But, while the immediate future looks glum, in the long run, I am not a pessimist. Increasingly, thoughtful Americans are beginning to realize that the pendulum has swung too far in the direction of wistful delusion.

A new realism is bound to set in—and with it—a new set of policies. The greatest enemies of genuine detente will prove to be—not the so-called Cold Warriors like George Meany, but the inability of the Soviet Union—given the system by which it is governed—to renounce its fundamental ambitions and values.

Those ambitions and values may be temporarily accommodated by some of our businessmen who are at home wherever there is a buck to be made—whether in Texas or Siberia—but, we, in the labor movement, can not make that cozy accommodation.

We can not survive as a trade union movement except where there is democracy. Human rights are the very lifeblood of our movement.

Take away the freedom to speak, the freedom to associate, the freedom to assemble, the freedom to criticize the government, if you please, the freedom to strike—take these away and you can perhaps still run a corporation but you can't run an institution such as a trade union dedicated to the welfare of the ordinary citizen who works for wages—No Way! Come to think of it, when and where workers lose these freedoms, somehow all the other segments of society are likewise adversely affected.

This is why—no matter what Administration is in power, or who the Secretary of State may be—the Trade Union movement has—and must have—a continuing and consistent commitment to human rights and democratic values.

Ten years ago on the 7th of this month, an event took place in Selma, Alabama, which will not soon be forgotten.

On that "Bloody Sunday", hundreds of people who were peacefully demonstrating for voting rights were set upon by Alabama Highway patrolmen and brutally beaten.

That was a horrible day in our history. But, six months later—on August 6, 1965, President Lyndon Johnson signed the Voting Rights Act into law.

Many people sacrificed life, limb and security on behalf of the cause of civil rights in the 1960s. But the point is, their sacrifice was not in vain. They actually WON. And, because of their victory, Selma seems far off today—a long, long time away.

The American labor movement was part of that struggle—as you would expect. Not enough people know, however, that labor's influence on Capitol Hill was probably the most important single factor in winning the passage of that 1965 Voting Rights Act.

So, when you hear people talking about "powerful big labor"—yes, we have power—but we like to think that we use our "labor power" on behalf of human rights.

And, we say—Flat Out: What we want for ourselves as American workers, we want for all the people of this world—the entire human family.

All peoples—not just Americans—should have the rights that were won in Selma, Alabama—ten years ago—the rights we are still fighting to protect and expand.

All people should have these rights—and, if saying that is interfering in the internal affairs of other countries, then I would take my stand with Aleksandr Solzhenitsyn, who said:

". . . All Internal Affairs have ceased to exist on our crowded Earth! The salvation of mankind lies only in making everything the concern of all."

In this spirit of brotherhood, I thank you again for your annual award, which I am proud to accept on behalf of the AFL–CIO.

GROVER COBB

Mr. BAKER. Mr. President, I am grieved to learn of the untimely and sudden death this morning of Mr. Grover Cobb, the executive vice president of the National Association of Broadcasters.

Those of us who have worked in the

Senate on broadcast matters over the years, remember with affection this man who so ably represented his association before Congress. He at all times reflected the highest integrity, the fullest cooperation, and a warm sensitivity to the problems under discussion. The broadcast industry is more stable because of his work and the quality of the programing over the airways is much superior because of his efforts.

He was born in Arkansas but spent most of his life in Great Bend, Kans., where he was general manager of KVGB. He was one of the State's most outstanding citizens, winning many awards for his civic accomplishments, including the Most Outstanding Citizen Award in 1968.

In 1969, he joined the Gannet Corp. in Rochester, N.Y., as vice president of their broadcasting properties, including two television and six radio stations and their cable TV operations.

He came to Washington with the National Association of Broadcasters in 1971, where he became an energetic worker in developing a stronger relationship between the broadcasters and their representatives in Congress. These accomplishments of Grover Cobb will be remembered as a benchmark for his association, but the presence of the articulate and immensely kind spokesman for free broadcasting will be greatly missed.

"THE POOR: INFLATION IS INFLICTING SUFFERING AND SHAME"

Mr. McGOVERN. Mr. President, I just returned from Miami where, as chairman of the Senate Select Committee on Nutrition and Human Needs, I held hearings on the problems of the people participating in the food stamp program there. While I am not a stranger to the grim pictures painted at such hearings, I am nevertheless shocked and moved every time I hear the stories of suffering and sacrifice, humiliation and heartache that so many Americans must bear under the strains of poverty.

These stories are not pleasant to listen to, but frankly, Mr. President, we must listen to them because they will make us more aware of the dreadful situation, and perhaps shock us into doing something about it.

The worsening economic state of the Nation as a whole is clearly the major contributor to the lack of food on American tables. Inflation is a key factor in the situation—it is literally starving Americans.

The majority of the public may be worrying about the rising cost of food, but they do not have to worry about whether there will be any food at all for tonight's meal. But thousands of people do, and James Wooten, in an article which appeared in the February 16 issue of the Minneapolis Tribune, has written about some of these Americans who know hunger and poverty firsthand. It is a sensitive article about the frightening consequences of inflation. I ask unanimous consent that this article entitled "The Poor: Inflation Is Inflicting Suffering and Shame" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Minneapolis Tribune, Feb. 16, 1975]

The Poor: Inflation Is Inflicting Suffering, Shame

(By James T. Wooten)

St. Petersburg, Fla.—When Mrs. Elsie DeFratus could no longer afford the cost of living, she died.

She was nearly 80, and she had survived somehow for a long, long time on her meager widow's pension, frugally measuring it against the rising prices, scrimping and scraping and skipping meals, making do with less and less each day until finally, on a recent morning at an ancient hotel in St. Petersburg, she crumpled quietly to the floor of her dark and tiny apartment.

She weighed 76 pounds. An autopsy found no trace of food in her shrunken stomach. "Malnutrition," the coroner concluded.

"Surrender," sighed an elderly friend. "She just stopped believing tomorrow would be better."

Both may have been right, but in any case the small, emaciated woman had become the ultimate victim of inflation.

For millions of other Americans, inflation's effect has been not as extreme, but it is hurting deeply, nonetheless.

From one end of the country to the other, in rural hollows and small-town slums, in prairie reservations and mountain enclaves and city ghettos, it attacks the poor, the elderly, those on fixed incomes. Sometimes it leaves them, like Mrs. DeFratus, both hungry and hopeless.

President Ford, in his first few months in office, concentrated his economic policy on reducing inflation. And even though prices rose by 12.2 percent last year—the most in 28 years—some progress was being made.

Last month, however, Mr. Ford decided that the time had come to shift the power of government from primarily fighting inflation to fighting a deepening recession, which has pushed his jobless rolls to 8.2 percent of the work force.

For the unemployed, this shift in administration policy may mean more jobs, and hope. But for those hurt by inflation, it may mean the opposite. Many economists believe that some of the measures used to fight the recession may stem the decline in inflation, or even reverse it.

If that occurs, it seems certain to provide new dimensions to the nation's poverty problems. There are already some signs that economic difficulties are putting a fresh edge on traditional class, ethnic and racial antipathies.

At the airport in El Paso, Texas, a middle-aged aircraft executive who declines to give his name, tells a fellow traveler his views on the poor.

"They just suck at the Great American Teat," he says. "That is their sole function, to milk the country."

Robert Davis sat at his kitchen table in the tiny dinette of his housing-project apartment in Little Rock, Ark., recently, talking with his wife and some visitors about the way he believes other people see him.

"I don't think they think much of me," he said, staring at his mud-caked, high-top shoes. "I mean, they don't think I've amounted to much as a man. Used to be, I didn't much care what they thought, but nowadays—well, I don't know. Maybe they're right."

Davis is a 40-year-old black who works more than 40 hours almost every week on a construction crew and earns slightly more than $2 an hour. Occasionally he takes odd jobs on Saturdays to supplement his earnings.

"It wasn't hardly ever enough," he said. "Not with nine kids at home. But there was a time there not too far back when things were sort of looking up. Now, I don't see nothing but down."

As he talked, his wife, 38, quietly prepared dinner, a meal consisting of chicken soup and crackers, with milk for the younger children and coffee for the older ones.

She cannot remember a moment in all of her life, she said, when she was not lacking something she needed.

Her husband said: "I know people look at us and laugh and say how come we got so many kids, and I say it's because we always wanted a bunch of them and because I never did know we was going to be poor."

Davis went on: "I always thought that with the way I could work—I'm a right strong man—that we'd make it some way. Now, tell the truth, I don't think we can."

In the last few months, their utility bills have gone from $8 to $21 a month, the result of a rate increase by the local power company. The cost of their groceries has risen from about $60 a week to more than $100, even when Mrs. Davis buys less than she believes they need.

A few weeks ago, with several auto-loan installments overdue, they chose to pay for their food, water, lights and shelter, and the finance company repossessed their second-hand car.

They pay $33 each month for their cramped, dark quarters, and, they say, should Mrs. Davis take a job, the rent would increase proportionately and make the added income almost inconsequential.

High atop a new St. Petersburg hotel, only blocks from the one where Mrs. Defratus died, a bartender talks about the problems of poverty.

"There are no such things," he says. "There are only those who will not work, and I say to hell with them. I work hard. Everybody I know works hard. Why can't they work hard?"

In Seattle there is an old, beige, Victorian house at the corner of East Olive St. and 14th Av. where every Tuesday morning hundreds of men and women—young and old, black and white—form a long line that snakes down the block toward the towering space needle.

It is a "food bank," a pick-up point for absolutely free, no-strings-attached groceries distributed by Neighbors in Need, a non-profit group supported partly by the federal government and partly by public contributions.

It was formed after the layoffs by the Boeing Co. in 1971, when thousands of middle-class workers found themselves unemployed.

"We tried to fill that space between the government benefits and the needs of the people," said Milton Kemp, a 28-year-old employee of the group. "But we're not really doing it any more. Inflation is killing us. All we're doing is just throwing a few groceries into the gap."

The group's purchasing power in the last few months has dropped a point at which pork and beans was listed recently as a "meat" item. "And there wasn't any pork in those beans, either," Kemp said.

Each week, thousands of Seattle residents shuffle through one of the group's several "banks" and each week the number of its clients increases.

"People who were once using us as a supplement—our original function—are now solely dependent on us," Kemp said.

The people who pick up the food are a

varied collection. On one Tuesday morning not long ago, a young black man and a middle-aged white woman stood next to each other in the line. He was unemployed, and his wife's job brought the couple less than $100 each week. They have two children.

"Can't make it without these—these, well, these gifts," he said, slightly embarrassed.

"Why, if you weren't black your face would turn red," the matronly woman chided. "Shame on you. When you need help, you need help. When your babies need food, they need food, and there's nothing about that to be embarrassed about."

The young black man stared at the sidewalk. "Yes, ma'am," he said. "There is."

Reggie, a black Vietnam veteran in his late 20s, leans against the wall of an abandoned store-front in Columbus, Ohio, and offers his views on inflation.

"It means just one thing to me," he says. "America. The white middle class sort of rearranges its life style, you know, sort of moans a little about how much hamburger is costing these days, but the black people—you know, man, the poor people—they got no life styles to rearrange. They're just getting destroyed, you know. I mean, getting killed. And that's America to me. I never knew it to be any other way."

Mrs. Peggy Maze, director of Seattle's neighbors in need, was embarrassed, too. "Not for me," she said in her office at an old warehouse near the Puget Sound waterfront. "I'm embarrassed for Seattle."

In 1971, public donations topped $250,000. This year, there will be less than $100,000. The Office of Economic Opportunity gave the program $750,000 in 1972, $650,000 in 1973 and $500,000 this year.

"When we need more, we get less," Mrs. Maze said.

"You see the grand logic here. "As the number of poor increases because of inflation, the need for services such as our group's grows. Correspondingly, the interest and the funding of the public and the government decreases. It makes such great sense."

As the line lengthened throughout the morning at the food bank, the wind from Puget Sound increased sharply and several of the people pulled their old coats close around them. "A few months ago," Mrs. Maze said, "many of these people wouldn't have been here. They wouldn't even have thought of being here. Now, they come. They can't buy what they need any more, and they've got to eat somehow."

A young white man, a young black man, both Southern immigrants to Detroit, stand outside a food wagon at a small plant and talk about charity.

Not me, brother," the black man says. "No give-aways for me. I'd steal to feed my family before that, wouldn't you?"

The white man hesitates for a moment and then nods an affirmative response. "I know a lot of people who are going to steal before they'll stand in line for food,'" the black man says.

In New York, Detroit, Miami and Chicago, there have been arrests of elderly citizens—some of them extremely feeble—for stealing groceries.

"But Elsie never would have done that," said Steven Haddock, manager of the hotel where Mrs. DeFratus lived on the sunshine coast of Florida. "She just wouldn't have stolen anything."

Instead she chose to attempt to manage on her Social Security checks of less than $100 a month, and with the cost of her room, $15 a week and her transportation to and from the post office to pick up her check, her food allowance was down to less than 65 cents a day.

Frequently, when her funds were nearly depleted toward the end of the month, she would settle for a single ice cream cone each morning, and somehow it had always been enough.

But on Oct. 3, after carefully arranging her clothes on her bed, she collapsed and died. Her Social Security check arrived the same day.

HEW SHOULD END FISHING EXPEDITION

Mr. BEALL. Mr. President, during consideration of the supplemental appropriations bill last year, I called to the Senate's attention HEW's harrassment of Anne Arundel County, Md. This particular problem began when HEW in May of 1973 undertook an investigation of alleged discrimination of minority students in disciplinary action.

While I certainly believe that discipline should be handled in an objective, nondisciplinary manner, my examination of the complaints and of the information demanded by HEW and discussions with county officials convinced me that HEW was simply on a fishing expedition, which was diverting the school system's attention, without any real evidence of discrimination, from the business of educating the youth of the county. Anne Arundel County estimated that to comply with HEW's request, it would take six administrators working full-time for 6 months.

During the 1974 floor debate, I engaged in a colloquy with Senators JAVITS, BROOKE, and MAGNUSON and they concurred that it was not the intent of the Congress that HEW should harass local school districts.

Senator JAVITS and Senator MAGNUSON assured me that the Labor and Public Welfare Committee, or the Labor-HEW Subcommittee of the Appropriations Committee would hold hearings on the matter.

In November of last year Governor Mandel named a task force to investigate the dispute between HEW and Anne Arundel County. This task force has now completed its investigation and their unanimous verdict was that Anne Arundel County was not guilty of bias in their discipline policies or practices. With respect to the specific cases they investigated, they found no evidence of discrimination and although they found some statistical differences in the county's suspension policies, the task force concluded that:

> The data did not appear to warrant a more stringent investigation at this time.

Furthermore, as indicative of the weak case that HEW has, Federal District Judge Northrop in effect ordered HEW to settle out of court with the county. This suit was brought after the county had enough and simply refused to supply any additional information to HEW, feeling that they had provided them with sufficient information to render a decision.

In view of the State's findings, I say it is time that HEW end their 2-year investigation and to allow the county to turn its full attention to the education problems of Anne Arundel County.

Furthermore, I have today written to Senator PELL, the chairman of the Education Subcommittee, requesting that hearings be held so that Congress may examine this matter and hopefully prevent the delay and prolonged controversy which occurred in Anne Arundel County from being repeated elsewhere in the Nation.

I ask unanimous consent that the full text of the "Task Force Report of Charges of Discrimination in Student Disciplinary Practices in the Anne Arundel County School System" be printed in the RECORD, along with a Baltimore Sun article of March 1, 1975, by Mike Bowler on the task force report, and statements I made on the floor in connection with last year's supplemental appropriations bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Submitted to the state board of education, Feb. 28, 1975]

TASK FORCE REPORT OF CHARGES OF DISCRIMINATION IN STUDENT DISCIPLINARY PRACTICES IN THE ANNE ARUNDEL COUNTY SCHOOL SYSTEM

(Compiled by Task Force Members: Howard C. Alison, Chairman; Joseph H Morton, Vice-Chairman; and Frank DeCosta, Esquire.)

The Maryland State Board of Education, at its regularly scheduled meeting on November 27, 1974, appointed a task force to investigate charges that student discipline was being administered in a manner that discriminated against Black students in the public schools of Anne Arundel County. This action was taken after a careful review of the interaction between the Anne Arundel County School System and the U.S. Department of Health, Education, and Welfare, Office of Civil Rights, regarding the matter. It had become evident that those two agencies had come to impasse; therefore, the State Board of Education following consultation with the Governor initiated this investigation in an attempt to cause the issue to be resolved.

SCOPE OF THE INVESTIGATION

The Task Force members, after reviewing voluminous correspondence which had been exchanged between the Anne Arundel County School System and the Office of Civil Rights, and conferring with the Anne Arundel County Superintendent of Schools, determined that the scope of the investigation would be:

I. Exploration of the specific complaints of parents alleging discriminatory practices in student discipline in the Anne Arundel County School System;

II. Investigation of referral of students to the Anne Arundel Learning Center;

III. Examination of student withdrawals to determine if there is racial differentiation;

IV. Investigation of the broader topic of differential disciplinary practices between races in the Anne Arundel County School System (as might be related to institutional discrimination); and

V. Development of recommendations for human relations programming and/or educational programming to alleviate real or perceived problems.

In addition to establishing the scope of the investigation, the Task Force members established the following guidelines for the conduct of the investigation:

1. Individual pupil records would be examined by the two Task Force members who were staff members of the Maryland State Department of Education;

2. Parental consent would be obtained when individual pupil records were examined;

3. The Deputy Superintendent would be

requested to coordinate all contacts with the school personnel;

4. All persons interviewed would be advised that they may have present anyone they wished during the interview; and

5. Individuals interviewed would have an opportunity to review a copy of the notes taken during the interview so that it could be determined whether the statements contained therein were accurate.

I. SPECIFIC COMPLAINTS

Two specific complaints were filed by Black parents with the Philadelphia Regional Office of the U.S. Department of Health, Education, and Welfare during the spring and summer of 1974. In each case, the complainant alleged that a Black student had been unfairly disciplined because of his race.

Case 1. The first specific complaint was registered on May 1, 1974 by a mother in behalf of her son. The mother, in her letter of complaint alleged that her son had been discriminated against in being suspended from school on several occasions.

The complainant was interviewed by two Task Force members at her home with her mother and aunt present during the interview. During the interview, the complainant recounted her son's school experiences from elementary school to the present. She cited several incidents in which her son had gotten into trouble in school for fighting; however, she defended his actions by saying that he was retaliating against others who antagonized him by calling him dumb and retarded.

The complainant related that her son continued to be involved in fighting incidents in junior high school. She indicated that he had been transferred from one junior high school to another as a result of misconduct and that he had twice been entered in the Anne Arundel Learning Center as a result of being put out of the regular school as a serious behavior problem.

The complainant stated that the last time her son was suspended prior to entering the Learning Center he was charged with being involved in an incident in which several Black students attacked a white student. She said that none of the other students were suspended.

The complainant expressed negative feelings toward several administrators whom she felt had not been understanding of her son's problems, and who had treated him harshly. She was especially critical of the special assistant to the superintendent who investigated cases of serious overt behavior problems. In contrast to the negative feelings she expressed toward most administrators, the mother was quite supportive and complimentary in speaking of the principal of the Learning Center and the program conducted at the Learning Center.

The Task Force members examined the school records of the son and confirmed that the youngster had a long history of behavior problems dating back to the elementary school years. Many of the incidents involved rather violent behavior and fighting with other students, both Black and white. The documentation of the behavior exhibited in each instance appeared to provide very adequate justification for the disciplinary action taken.

The record makes it evident that the school system did indeed expend considerable effort in attempting to provide assistance to the student in overcoming his problems. It is impressive to note the extent to which psychiatric, psychological, and pupil personnel resources were provided to the student.

It was apparent that the complainant was unaware of the fact that other students involved in incidents with her son were disciplined when the facts justified such action. For example, although the complainant said that none of the other boys involved in the assault on a white student were suspended, the fact is that all but one student, who was determined not to be directly involved, were suspended. Also, the Task Force members discovered that at the time of the assault the son was under suspension and was thus illegally on school grounds.

Additional information was collected through interviewing staff members of Bates Junior High School, Annapolis Junior High School, and the Anne Arundel Learning Center. The data thus collected corroborated the written record.

The Task Force concludes that there is no evidence to support the claim of discriminatory treatment in this case.

Case 2. The second specific complaint was filed June 13, 1974 by a Black father in behalf of his son. The father first made his complaint during a telephone conversation with a staff member in the Philadelphia Regional Office of the U.S. Department of Health, Education, and Welfare. The complainant charged that his son was suspended from school for reasons that he considered to be trivial and that he felt that his son had been unjustly suspended because of his race.

The complainant was interviewed by two Task Force members on December 9, 1974 at the Annapolis Hilton Hotel. He stated that he felt that at least two of his son's teachers had discriminated against him resulting in his suspension for minor infractions. He said he had visited the school to visit his son's classes and that he felt that the two teachers did treat his son differently than they treated other students. He complained that his son was suspended without adequate warning and that the school had not informed the home that the child had been having behavior problems prior to the suspension. He expressed dissatisfaction with the conference which was conducted prior to his son's reinstatement to school and felt that some of the staff were possibly expressing racist attitudes toward him.

The complainant went on to describe a more recent incident in which his son was suspended for fighting with a white student. During the fight his son kicked the white student in the face; therefore, the case was referred to the special assistant to the superintendent for investigation. The complainant expressed dissatisfaction with the manner in which the school conducted the preliminary investigation of the incident. He alleged that only white students were interviewed and that statements were not taken from two Black students who were present because they would be unreliable. He stated further that he felt that the action of referring the matter to Juvenile Services was too drastic.

The complainant related that his son had been harassed by another student who was a friend of the white student involved in the incident described above and that his son had been reprimanded but the boy harrassing his son had not been reprimanded.

The Task Force members examined the records of the complainant's son and found that six letters indicating unacceptable behavior had been sent to the home prior to the student's first suspension. Interviews with staff revealed that the complainant's wife had admitted that she had received the warning letters but had not told her husband about them.

Examination of the report of the investigation related to the more recent suspension for alleged assault revealed that the special assistant to the superintendent interviewed six student witnesses, four Black and two white. This refutes the complainant's assertion that only white witnesses were interviewed. The statements taken from the six students clearly establish the fact that the complainant's son was the aggressor in the incident and that he did indeed kick the white student in the face.

The Task Force members reviewed the record of the white student identified by the complainant as having harassed his son. In the case of the specific incident described by the complainant it was found that both students received exactly the same treatment and that identical letters concerning the incident were sent to both sets of parents. In addition, the Task Force members discovered that the white student had been suspended following six letters to the home indicating unacceptable behavior, thus establishing a parallel with the action taken toward the complainant's son.

The Task Force concludes that there is no evidence to support the claim of discrimination in this case.

II. ANNE ARUNDEL LEARNING CENTER

The Task Force decided to examine the referral of students to the Learning Center as a result of concerns expressed during discussion with staff members of the Office of Civil Rights. The notion that referral to the Learning Center might be being used as a discriminatory measure to remove minority children from regular school programs seemed to be implicit in comments made during a meeting held in the Office of Civil Rights.

Two Task Force members visited the Learning Center to observe the program and discuss its objectives with the principal. The Learning Center program relies heavily on behavior modification to bring about change in students with the ultimate aim of making it possible for the student to adjust to a regular school setting. Available information, though not as precise as might be desirable, appears to indicate a success rate of about sixty percent in attaining this objective. This is a remarkable achievement when one considers that students are enrolled in the Learning Center only if they have manifested behavior so severe that they must be excluded from participation in a regular school program.

It is the opinion of the Task Force that the Learning Center and the conceptual framework on which it is based is certainly one of the most commendable programs being operated within the Anne Arundel County School System. The Task Force members are not aware of any program of this nature, designed to give a "second chance" to students with severe behavior problems, which enjoys such a high rate of success.

The fact that a higher proportion of Black than of white students as compared to total school system population, is referred to the Learning Center is not a matter of dispute. This cannot be viewed on its face as evidence of discrimination. To the contrary, it should be viewed as evidence of the school systems' desire to provide this important rehabilitative service to those students who exhibit serious behavior problems without regard to race.

The Task Force concludes that any implication that referral to the Learning Center is used in a discriminatory manner is without merit.

It should be noted that the student involved in Case 1 of the specific complaints was enrolled in the Learning Center. He has since been reinstated to a regular school program and is making satisfactory progress in terms of both his academic and behavioral adjustment.

III. PUSH OUT THEORY

Racial discrimination in withdrawals

It has been hypothesized in some quarters that Black students are being "pushed out" of school. That is, Black students are being suspended unfairly, and as a result are opting to withdraw from school, rather than continue to be enrolled in the public schools.

The Task Force examined data related to withdrawal of minority students who had experienced multiple suspensions in the Anne Arundel County School System. It was determined that within all multiple suspensions, 254 Black students were suspended two or more times for a total of 686 suspensions, and 407 white students were suspended two or more times for a total of 1,033 suspensions. A comparison was made of students who were suspended two or more times to every student who withdrew from Anne Arundel County School System during 1973–74. The results revealed that fifteen Black students who were suspended on two or more occasions withdrew, while 34 white students who were suspended on two or more occasions withdrew. On the basis of the Dallas Court Case and upon the advise of an independent statistical expert, a chi square test of independence as run. The results of the chi square thus obtained was 1.3657 and the critical value was 3.84; thus, the hypothesis that there was a statistically significant difference in the frequency of rates of withdrawal was rejected. Therefore, the Task Force concludes that the "push out" theory seems to be without basis in the data.

IV. INSTITUTIONAL DISCRIMINATION

A general complaint was lodged with the U.S. Department of Health, Education, and Welfare, Philadelphia Regional Office, which appeared to imply institutional discrimination directed toward minority students in the Anne Arundel County School System. The complaint was contained in an undated letter which was stamped received in the Philadelphia Office on May 21, 1973.

The Task Force examined the correspondence between the school system and the Philadelphia Regional Office and found that the general nature of the complaint had made it difficult to generate definitive responses since the complaint was lacking in specificity. Due to the fact that some nineteen months had elapsed since the initiation of the general complaint, the Task Force felt that attempting to seek specifics so far after the fact could only result in an exercise in futility. Therefore, the Task Force placed rather heavy reliance on secondary data sources.

This decision was based on the Task Force findings with regard to the specific complaints which had been investigated through examination of primary data sources and analysis of student suspension data.

Examination of the raw data on student suspensions for the school year 1973–74 in the Anne Arundel County School System revealed that there was a statistically significant higher frequency of Black students than white students suspended; however, it is well recognized that statistical significance of this nature does not in and of itself prove discrimination. The statistical analysis of the suspension data produced by the school system and reviewed and verified by an independent statistical expert may be interpreted as demonstrating only a weak trend in the data. The inferences drawn from such analysis are inconclusive.

The Task Force, while unable to offer firm conclusions with regard to the issue of institutional discrimination, does not feel that the expenditure of massive staff resources applied to any further investigation of primary data sources would prove to be much more productive or conclusive. Moreover, the data do not appear to warrant a more stringent investigation at this time.

It appears to the Task Force that regardless of the strength or weakness of the findings of any study of this matter, there would remain the perception on the part of many people in Anne Arundel County that discrimination did exist in various facets of the school system's operation. With regard to the specific issue of student discipline for example, the Task Force became aware of the fact that many white parents were of the opinion that Black students could "get away with" behavior for which white students would be severely disciplined, while many Black parents felt that Black students were always treated much more harshly than white students involved in similar incidents of misconduct.

It does appear that there is a general lack of trust between a significant number of Black parents and the school officials. A part of this arises from the fact that many Black parents simply are not aware of school policies. They tend to accept school actions, but do not understand them. School officials, for the most part, do not seem to be as aware of this problem as one might hope. It seems to the Task Force that school officials are too reliant on the fact that school policies are printed, thus it is felt that all parents know and understand them.

The Task Force learned that some Black parents are hesitant to visit the schools because they feel that school administrators have a tendency to talk down to them. It was reported that when Black parents do go to the school for a conference concerning their children they often feel overwhelmed because of their difficulty in communication and because they are frequently outnumbered by school staff in the conference.

The school system has encouraged the development of community participation in schools through the formation of community advisory committees. However, the feeling is expressed by school personnel and community members alike that the success of these committees varies widely from school to school, and is often quite limited. The same sort of perception is reported when the advisory body for ESA is discussed. In fact, some board members state in rather strong terms that the advisory group has been ineffective in bringing about change directly addressing the human relations concerns which should be a part of an ESA program.

In summary, the Task Force became keenly aware that many Black parents perceive the school system as being insensitive to their feelings and unaware of the needs of their children; moreover, the Task Force is of the opinion that school officials do not seem to be as aware of these perceptions as they should be.

V. OBSERVATIONS AND RECOMMENDATIONS

School based human relations program

The Anne Arundel County School System is making a serious effort to develop programs designed to provide improved educational opportunities to all students, and to bring about improved human relations in the schools. The Task Force reviewed evidence of human relations workshops which have been conducted for administrators and teachers. Additional workshops are being planned for the summer of 1975. Since each school has a human relations committee, it is recommended that each workshop give attention to developing a plan for ensuring that the workshop participants feed into their respective school's human relations committee the program ideas gained through participating in the workshop.

It is further recommended that an evaluative design be developed to enable the school system to determine the effectiveness of the programs which are conducted.

Community based human relations program

Some schools in the system have had outstanding success in developing strong community relations programs. Tyler Heights Elementary School provides one example of how an effective dialogue can be developed between the school and the community. Another model of an excellent community based program is to be found at Brooklyn Park Elementary School. While the effective programs differ somewhat in format, they do seem to possess one common element—a dedicated principal who believes in and respects people. It is recommended that each school principal be charged with the responsibility of developing and implementing plans for getting into the community to talk with parents and make them feel wanted. As one principal told the Task Force, "You have to make a person feel wanted and needed to get parent participation."

Also, it is recommended that the school system review the objectives of the several ESA projects being conducted within the system. It may be that the current projects tend to focus too specifically on academic objectives and not enough on human relations objectives.

Educational program activity

Some schools in the system have started to utilize behavior modification techniques in the instructional program. One result of this is the placing of greater emphasis on positive student behaviors. The schools, as part of the reward system associated with the technique, are increasing contacts with parents to tell them about their children's success. It is recommended that consideration be given to encouraging this practice as a means of developing more positive relationships with parents.

The school system is giving considerable attention to the development of alternative educational programs for students with behavior problems and unmet educational needs. The most outstanding example of such a program is the one conducted at the Learning Center; however, work is proceeding on additional programs to be conducted in the regular school setting. The Task Force encourages the continuation of these efforts.

Policy and Organizational Considerations

The school officials are studying the use made of suspensions with the intent of reducing suspensions. Since the purpose of a suspension is not punitive, but rather to change behavior, the school officials are attempting to find ways of ensuring that the parent and the student are aware of what behavior is desired. It is recommended that this study be continued and that suspensions for tardiness and truancy be eliminated since they would seem merely to reinforce undesired behavior.

The school system does have several very capable Black administrators. The Task Force recommends that the school system continue to recruit and promote Blacks for administrative positions. Also, it is recommended that the school system make more effective utilization of Black staff members in communicating with the Black community—this does *not* mean nor should it be interpreted to imply that only Blacks can talk to other Blacks.

Several administrators in the school system expressed the opinion that existing statute or bylaw prohibited a parent from being accompanied by anyone other than legal counsel when attending a disciplinary conference. At the same time, some parents reported that they were uncomfortable in participating in such conferences alone. The Task Force review of existing statute and bylaw did not uncover any basis for the prohibition which the school administrators felt existed; therefore, it is recommended that parents be made aware of the fact that they may bring with them to disciplinary conferences whomever they wish in order that they may be made to feel more comfortable in the situation.

The school system has had an office of community affairs for the past six years. The Task Force is of the opinion that the functions of this office may be defined too narrowly. It is recommended that the school system review the functions of the office of community affairs and give consideration to providing that it have a stronger role in the overall human relations effort of the school system.

In conclusion, the Task Force wishes to reiterate the view that the school system should place an increased emphasis on effective person-to-person contacts emanating from the school building level in an effort to alter imperfect perceptions held by parents regarding the schools. It is unlikely that parents can really be made aware of school policies and procedures, educational program objectives, and the school system's efforts to work positively on behavior problems unless school building personnel go directly into the communities being served to establish a continuing dialogue with the patrons of the school.

[From the Baltimore Sun, March 1, 1975]

State Finds No Arundel Suspension Bias

(By Mike Bowler)

A three-member task force of the state Board of Education yesterday gave the Anne Arundel school system a generally clean bill of health on charges that its school suspension policies are racially discriminatory.

Howard C. Allison, an assistant state superintendent who headed the three-month investigation, said the panel could find "no evidence" of discrimination in two specific cases it probed.

As for the county's overall suspension policies, Dr. Allison said, "There was only a weak trend in the data" showing proportionately more black students are suspended. "The data do not appear to warrant a more stringent investigation at this time," he said.

The task force was created last November after Governor Mandel, in late October, entered the 18-month-old dispute between the county system and the federal Department of Health, Education, and Welfare and ordered the state board to investigate.

In a 14-page report issued yesterday, the task force made several recommendations for improving human relations in the county schools. Generally, the panel complimented specific programs and urged their expansion.

For example, in urging community relations programs that reach beyond school walls, the task force praised the principals of two elementary schools, Brooklyn Park and Tyler Heights.

While the task force had found a weak case to support charges of discrimination, Dr. Allison said, "We are keenly aware of the fact that some members of the community perceive that discrimination did occur."

In fact, he said, the committee found that white parents believed black students were "treated with kid gloves" in suspension practices, while black parents believed favored treatment went to white students. About 13 per cent of the system's 78,000 pupils are black.

The task force was not directly related to the long standing feud between county school officials and HEW, which had taken the county to federal court after being denied access to student suspension records. "We did obtain written permission from parents before looking at individual records, and we will, of course, send copies of our report to OCR [HEW's Office of Civil Rights]," Dr. Allison said.

A week ago, Edward S. Northrop, chief judge of the federal court in Baltimore, virtually ordered HEW and the county to settle their differences out of court.

[From the Congressional Record, Dec. 14, 1974]

Mr. Beall. Mr. President, this debate presents many of us with a dilemma. On the one hand, it is agreed that the adoption of the Holt amendment would repeal the civil rights acts. The vast majority of our citizens support the civil rights acts and are proud of the progress that this Nation has made to remove discrimination from our society.

On the other hand, many of us believe, and the majority of our citizens oppose certain actions on the part of HEW—and the courts—such as forced busing, and the kind of abuse and harassment that Anne Arundel County has been subject to.

Now, this Congress, we are told, is on the brink of repealing the civil rights laws and obliterating a decade of progress in civil rights.

I believe the Holt amendment goes too far; but I also believe that HEW has been going too far.

If, as it is claimed that the Holt amendment would repeal the Civil Rights Act, it would indicate that one House has voted just that. This should be a warning to the proponents of civil rights that reason and reasonable approaches must be fashioned.

While some believe that the opposition to busing stems from racial prejudices, I do not accept that view.

While obviously some who oppose busing harbor racial prejudices, I believe this is not the case for the vast majority of our citizens.

To illustrate this point, it is my understanding that in Montgomery County, Md., public hearings were recently held regarding a proposal that would bus students from the upper part of the county to the lower county rather than construct new schools in the upper county. The testimony was overwhelmingly opposed to busing students to the lower county and for neighborhood schools near their community.

Mr. President, poll after poll has revealed strong public opposition to busing. This opposition to busing has remained in Gallup's words "surprisingly constant." The latest Gallup poll showed that 72 percent oppose busing to achieve racial integration and only 18 percent favoring such busing. Of course, other surveys show the public favors integration.

Similarly, a poll taken of the merit scholars, the Nation's outstanding high school students, indicated they share the adult community's opposition to busing. In response to the question: "Would you move into an integrated neighborhood?", 90 percent said "yes"; only 7 percent replied in the negative.

Then, in response to the question, "Do you favor busing of children to achieve integrated school system?", 68 percent said "no"; 26 percent replied in the affirmative.

Polls have also revealed that the black community is also very divided on this issue, although busing is narrowly favored in the black community.

It could be that the public, as is often the case, is ahead of the Congress on this issue. Yet, one can understand, the frustrations and feelings of the public on the busing issue.

Most oppose and yet they cannot get a reversal of busing decisions. Even the proponents of busing seem to recognize busing as not a very satisfactory solution, but believe there is no alternative.

One can also understand the feelings of minority citizens who naturally want the best possible education for their children and knowing that in many cases they are not receiving now.

Congress must do what to date has not been done; namely, find the alternative and alternatives which is sound educationally and which will be supported by the public.

On Monday the Education Subcommittee held hearing on a bill introduced by Senator Chiles, E. 503, Neighborhood School Act.

I commend Senator Chiles for his initiative and I am hopeful that the dialog begun will be a high priority matter in the next Congress. It is amazing to this Senator that on education bills and appropriation, funding our education programs we spend all the time debating busing issues.

I believe this issue has so inflamed and divided our country and diverted our attention from improving education that we should consider establishing a national commission to examine the busing issue and alternatives that might focus and unite our country in a concerted effort to remove educational deficiencies and improve education for all of our children.

[From the Congressional Record, Nov. 19, 1974]

Mr. Beall. Mr. President, while it is my expectation, I say to the Senator from Washington, that, we would not use the whole time allotted, at this time I would be hesitant to enter into a time agreement that would be less than already specified. I hope we can end this by 3:30.

Mr. President, I yield myself 10 minutes.

The amendment which was just read is very uncomplicated in that it says that none of the funds in this appropriation bill shall be used to require any school district, as a condition for receiving grants, as a condition for receiving grants or other benefits, to participate in a pilot investigation of the problems of discrimination in disciplinary action.

We have just completed debate on a very broad amendment. I think probably that amendment lost because of the fact the Senate felt that it was too broad in its application.

Mr. Stennis. Mr. President, may we have order in the Chamber?

The Presiding Officer. The Senator from Maryland is entitled to order in the Chamber.

Mr. Beall. The amendment that I have offered this afternoon narrows the issue to deal with a particular case that arose in a school district in the State of Maryland where I think the question was not at all a question of the integration of the school or the success that this county or our State has had in integrating the schools; it is a matter of continued harassment by officials of the Department of Health, Education, and Welfare, which places an undue and uncalled for burden upon the administrators of the school system.

In May of 1973 the Department of Health, Education, and Welfare commenced an investigation of alleged discriminatory treatment of minority students in disciplinary actions taken by the school system in Anne Arundel County, Md.

The amendment, then, deals with two difficult subjects: One is discrimination, and the other is discipline.

It is interesting to note, Mr. President, that the 6th annual Gallup poll on public attitudes toward public education indicated that our citizens regarded lack of discipline as the number one school problem. Indeed, school discipline has been rated the number one problem in 5 of the last 6 years.

It is interesting that in the Gallup special survey of high school juniors and seniors a higher percentage of students than the adults, named discipline as the leading problem facing local schools.

The second ranking problem, according to Gallup's citizens survey, was integration-segregation problems. So this is an extremely important issue before the Senate today.

I believe that this Nation cannot tolerate nor condone discriminatory treatment of students.

Disciplinary action should be applied in a fair and evenhanded manner.

However, I do not believe that a statistical difference alone indicates discrimination. In this case, HEW received general complaints—and I mean they were general—from a group of parents in May of 1973.

I ask unanimous consent that the complaint, and the school system's response, be printed in the Record following my remarks.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 1.)

Mr. Beall. Mr. President, I did not become deeply involved in this matter until February of 1974. At that time I wrote Secretary Weinberger strongly protesting the massive information demands of the HEW regional office in Philadelphia.

Specifically, HEW was now asking the Anne Arundel County school system, as a result of these very general complaints, for a record of the disciplinary action by race of their 25,000 students, a 13-year history of the coaches of the faculty in the total school system, and a listing of racially isolated classrooms, I ask unanimous consent that a copy of my letter to the Secretary, the Secretary's response thereto, and the county's response to the Secretary's letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BEALL. Mr. President, it should be pointed out that the county answered the questions raised regarding the coaches and racially isolated classrooms.

Since the Secretary in his response did not provide, as requested, copies of the complaints HEW had received, information on investigations undertaken and results thereof, I again wrote HEW asking for such information. I ask unanimous consent that this letter, and the Secretary's reply, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. BEALL. Mr. President, the Secretary took the position that HEW could not complete the investigation until they received additional information. The information sought resulted from information provided by the county which showed statistical differences in disciplinary action regarding minority students. A numerical difference, I repeat, is not equivalent to discrimination. HEW seems to equate the two, although they denied this. In any event, they seem to be saying that where a statistical difference exists, the burden of providing that discrimination does not exist, shifts to the county. Whether intended or not, it may be that the county, if they do not want to undergo the harassment and paperwork generated by HEW, will be forced to have a quota system for discipline. This certainly flies in the face of the serious discipline problems facing some of our schools and in the sentiments of the American citizens as indicated by the Gallup poll to which I earlier referred.

My suggestion to HEW was relatively simple—namely, investigate the validity of the individual complaints. If these complaints proved valid, then investigate the school involved. Then, if the individual and school complaints seemed valid, and there was statistical evidence suggesting possible discrimination county-wide, at this point it would seem reasonable to require a county to spend the inordinate amount of time and energies that Anne Arundel County has been required to devote as a result of HEW's actions.

I might say, parenthetically, that it was estimated at the time the information was requested by the superintendent of schools of Anne Arundel County that in order to fulfill the request from HEW, it would take six full-time administrators 6 months to provide the information requested.

It is interesting to note that the school from which the original complaints were received had a black principal. While it was possible that a black principal would discriminate or permit discrimination against minority children, commensense would argue against such discrimination and further supports the wisdom of a procedure I have suggested. However, commonsense has not been a characteristic that has been noted to abound at the Office of Civil Rights. In fact, some times it would appear they relish in the continuation of the conflict rather than its resolution.

The most recent twist in this case finds HEW now signaling out Anne Arundel County as the first pilot testing program for what HEW labels second generation discrimination, or discrimination in disciplinary action against minority students. The Senate should be aware that HEW has still not resolved its investigation filed in May of 1973 which prompted this controversy. Moreover, Senators should be alerted that while Anne Arundel County is the initial school system selected for this pilot testing program, HEW plans more of the same.

Mr. President, I do not pretend to know everything about this case; but based on my talks and communications with the county, I believe the county has attempted to cooperate. Voluminous information has been furnished to HEW, and endless meetings held and indeed at times it appeared that the matter was going to be resolved. But HEW keeps adding to their demands and continues its fishing. I say it is time for HEW to fish or cut bait.

The educational and disciplinary problems are too important in Anne Arundel County and elsewhere to allow the continued diversification of energies and resources to resolve complaints which should have been investigated and a determination of their validity made long ago.

Therefore, I urge the adoption of this amendment which will deal with what I feel is HEW abuse in Anne Arundel County, Md., and also will prevent similar pilot testing programs elsewhere. I urge the adoption of the amendment.

FINANCING THE DEATH OF 30,000 CAMBODIANS

Mr. CRANSTON. Mr. President, Congress may be condemning more than 30,000 Cambodians to death if it approves the $222 million in emergency military aid requested by President Ford.

That many will die on both sides, and another 90,000 will be wounded, if current casualty rates continue for the next 11 months.

President Ford said yesterday that he hopes the extra military supplies will enable the Lon Nol government to continue fighting until the end of the dry season at the end of June.

I will not join in financing a virtually certain bloodbath of 120,000 Cambodian casualties. The killing will not stop until the fighting stops. And the fighting will not stop until we stop financing it.

The "bloodbath" that some people fear after the fighting stops if the insurgents take over is only conjecture.

But if those fears are well founded, we should be using our airlift right now to fly people out of Phnom Penh instead of flying ammunition in.

EVEN THE FUTURE IS NOT WHAT IT USED TO BE

Mr. BARTLETT. Mr. President, knowing that all of my colleagues are interested in American freedoms, I believe my colleagues will find interesting a speech entitled "Even the Future Is Not What It Used To Be," by Walter B. Wriston, given before the Commercial Club of Boston, on November 12, 1974.

I ask unanimous consent to have the speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

EVEN THE FUTURE IS NOT WHAT IT USED TO BE

(Remarks by Walter B. Wriston, chairman, Citicorp)

Much has been written and said about the mood of our country today. We are told that the traditional American sense of optimism has been replaced by doubt and gloom and that our expectations are now best summed up by Paul Valery when he said: "Even the future is not what it used to be."

I am not suggesting that we do not have troubles. We do. But we have had troubles before without wallowing in cynicism and pessimism. Why is the future, in our eyes, not what it used to be?

One reason is the omnipresence of the media. Any dispassionate assessment would have to conclude that in many ways our journalists are better than they have ever been. Often they offer a better product than putable fact stares us in the face: the profession as a whole lacks a sense of history which is essential to balance, to perspective and to optimism. This perhaps is what Katherine Graham intended when she wrote recently about the press: "How we perform, how much wisdom and energy and professionalism we display, will have a bearing on the nation's capacity to cope with some very serious matters." Without that wisdom and professionalism, fundamentals are often overlooked.

The current inflation, for example, was not produced yesterday. It is the result of years of wrong monetary and fiscal policy. The causes reach back through the Johnson years. The bad effects are now exacerbated by extraordinary climactic disasters, and the development of an oil cartel for political rather than economic utility.

This lack of a sense of history reveals itself as one of the most fundamental causes of pessimism. It ought to be evident that a machine which has rusted over the years cannot be repaired overnight by some dramatic thing like wage, price and profit controls—the economic equivalent of tying down the safety valve. Because the curbing of money supply by the Federal Reserve Board is not dramatic and is done "in secret," it is not perceived as having any real effect. Again and again the media succumbs to the ancient philosophical absurdity: if you cannot kick it, it does not exist. That is why fiscal and monetary restraint is "nothing," while controls, which are "something," seem better than "nothing." They can see it happen; therefore, it is real. If Jack Anderson has not alerted us, nothing has happened. But the significant realities are still invisible: they are the distortions and long-range disasters that cannot be instantly observed—and so are neglected.

There is another consequence of a deficient sense of history. The media peer into the future insistently. The present is not exciting enough, so they must see around corners and tell us what comes next. Their poor record as prophets rests upon the simplest engineering experience—a short baseline is fatal to useful extrapolation.

Journalistic prophecies are by no means all political. Before the recent fight between Foreman and Ali, reams were written upon the assumption that Foreman would defeat Ali. He had youth, some advantage in weight, packed a heavy punch—and on and on. More was written in prophecy than about the action itself.

The same game is played by the media with a presidential press conference. Why is he holding it now—rather than last week or next? What topics will he discuss? Is it possible to have "made available" to The New York Times his briefing books? They printed a preliminary draft of a Kissinger speech to be made a few days later in Rome. How the public interest was served by printing something not yet said, and perhaps never to be uttered is incomprehensible. If they could find "available" the President's briefing books for his press conference, how wonderful that would be! When the press conference is complete, instant analysis pours out of the TV tube to tell us at great length that the conference produced no surprises. He said nothing new; no new bold plan of action emerged. Clearly the press conference was a failure. Where in this incident is the "wisdom" that Katherine Graham urges?

Prophecy is not sound journalism because by this process, everything can be made to seem a failure. If the President goes to Kansas City, for example, we are told he failed to draw as large a crowd as was hoped for. If Jim Plunkett completes seven out of eleven passes, we are told that his performance was a failure; his average should be nine out of eleven.

Make the list of illustrations as long as you like. The technique can be used to prove that we never succeed—that cynicism and pessimism are justified. The process is corrosive.

I do not want you to think the media are alone in their lack of historical perspective. It was neither the media nor academia that gave us, years ago, the National Recovery Act—the famous blue eagle, supported wholeheartedly by business. That sally into an adaptation of Mussolini's corporate state would have been utterly destructive to our free enterprise system. We were saved from ultimate disaster by those famous "nine old men" who used the chicken case to bring our economy back toward sanity.

In like manner, businessmen who should have known better, approved the experiment with wage and price controls during the Nixon Administration. In that instance they were joined by academia and the media in a return to thinking that reached its zenith in the Seventeenth Century under Colbert in France. The central government then decided everything—even the size of a handkerchief. Yet here we are living in the last quarter of the Twentieth Century, putting Seventeenth Century shackles on a system which has developed the highest standard of living in the world.

There are only a very small number of people who truly want our form of society to fail, and fewer still want the First Amendment altered. On the other hand, there are many articulate people who would unwittingly destroy our freedom by promoting the demise of a market economy. The attack on the market system which has provided more people with the highest standard of living in the history of the world is unrelenting. The cry is that the economy must be planned and directed minutely by Washington.

The continuous assertion that the free marketplace will fail to provide goods and services at a fair price is not applied to the intellectual arena. Here in Boston, a bastion of academic freedom, it is taken for granted that Oliver Wendell Holmes was wise when he asserted that "the best test of truth is the power of the thought to get itself accepted in the competition of the market." The people who clutch this truism to their bosoms, at the same time do not apply the same standard to the vendor of goods. Somehow they reason that ideas are not injurious to your health, since the man on the street is perfectly able to sort out the stupid from the brilliant concept. The same man, however, is totally unable to be left to decide whether or not to buckle his seat belt.

Freedom to innovate is as necessary for the doer as for the thinker. Those innovations all the way from the cotton gin to the computer and the millions of novel techniques in between have had, in many cases, more beneficial social consequences than any legislation passed by Congress and administrated by bureaucrats. It is an historical accident, but a happy one, that the Declaration of Independence and Adam Smith's Wealth of Nations were both published in 1776. Both were dedicated to the freedom of the individual to think his own thoughts, choose his own occupation and follow where thought led—to speech, to deed, to invention. Freedom is indivisible.

One of the reasons that intellectual freedom has survived all of these years is not only that it is an older concept than market freedom, but also because the faculties of thousands of colleges and universities are articulate defenders for their own cause. It is a popular cause, as well it should be. When it comes under attack, however, the intellectual community doesn't act much differently from any other sector of society. When the late Senator McCarthy was at the height of his vituperative powers and was seeing a communist on every campus, there were depressingly few academics like Nathan Pusey who stood up to do battle with him. In the end it was a tough lawyer from Boston who finally brought him down. The lawyer had the silent cheers, but not much articulate support from the academic community, many of whom feared retribution from McCarthy's acid tongue.

The businessman has had no such guild to defend his right to free speech and free enterprise. Unlike the intellectual community, the businessmen of the world perceive that they are always under the threat of retaliation. Whether rightly or wrongly, they believe that this retaliation would be aided and abetted by those who do not trust the free markets in goods, but only promote one in ideas. A railroad executive who publicly attacks the corrosive bureaucracy of the Interstate Commerce Commission, which has been so largely responsible in regulating our railroads into bankruptcy, fears that his next plea for a rate increase will be prejudged. A merchandiser who dares challenge some arbitrary rule, promulgated by the Federal Trade Commission, fears that bureaucracy will live to fight him another day. A banker who suggests that the current regulatory attitudes on interest rate ceilings are designed to rip off the consumer fears that retribution will be visited upon him by the regulators in Washington. Many ardent defenders of freedom of speech argue that advertising copy for products and services is a fit subject for government regulation, let the dumb citizen be bilked of his money by buying an inferior product. If inferior, doubtful or even false opinions and ideas are put between the covers of a book, published in the newspapers or flashed on television the citizen no longer needs the protection of government regulation. It is an interesting piece of intellectual hairsplitting based in part on our view of our own importance.

One thing that keeps us all going is that we view our own means of earning our daily bread as in some way making an important contribution to our world. Without bankers the economy would not function. Without bakers the world would starve. Without teachers there would be ignorance. Without politicians there would be anarchy. Make the list as long as you like and fill in the blanks with any known occupation. Raymond Aron put it this way: "A superficial explanation for their preference for free speech among intellectuals runs in terms of vertical interests . . . intellectuals are engaged in the pursuit of truth, while others are merely engaged in earning a livelihood. One follows a profession, usually a learned one, while the other follows a trade or a business." On the other side of the fence, some businessmen speak scornfully of intellectuals "who have never met a payroll."

The fact that I argue today for a free market in goods and services, and that such a market would benefit my company, does not make my argument unsound. Self-interest and public policy can and often do coincide. No one attacks a newsman demanding freedom of the press just because the pursuit of that objective is what puts money in his pocket and dinner on his table. No one attacks a professor arguing for academic freedom, although its absence might cause the scholar to lose his job.

It is anachronistic that many who champion everyone's right to dissent and to demonstrate without any government restraint whatsoever are often the most outspoken advocates of eliminating freedom in other markets.

Almost daily, The New York Times calls for economic controls over every sector of the society except itself. Its editors seem never to read the Amendments to the Constitution beyond the First. There is nothing in the record which would indicate that the business of publishing or of broadcasting for profit serves the public interest in any more honest or scrupulous a fashion than do other businesses. The reality is that any business of any kind which is not prudently managed or does not meet public demand will fail over time.

Those who would substitute the judgment of the bureaucrat for the judgment of the consumer inevitably forget that liberty is indivisible. The free market for goods and the free market for ideas stem from the same root—freedom. They are inseparable. It was no accident that intellectual freedom disappeared under the Nazis and did not reappear until the free market system was established in West Germany after the war. Russia and other communist countries that control their economies control their press and their professors. The road to serfdom is paved with demands for governments to take over more and more economic activity.

Why the attitude is so persistent that business should not share freedom is somewhat of a mystery. The late Chet Huntley, who was one of the most respected newscasters, wrote after his retirement: "One general characteristic of the American press which seems inexplicable is the basic antipathy toward business and industry which I believe exists in our journalism." Huntley suggested that a possible reason for this perceived antipathy is the assumption by the press that business is more concerned with making money than providing the people what they want. They forget that without money people cannot buy and if people do not buy, there is no business or products or jobs or tax revenues. The tendency to deplore profits stems from the medieval idea that all business is a zero sum game. That is, one person's profit is another person's loss. There is no question that there are shoddy practices in every profession and that our economy produces goods which are often vulgar or poorly made. The beauty of the system is that if the consumer doesn't want to buy them, the businesses that produce them will either shift to new products or they will fail.

The critics of the business and industrial community labor under the illusion that they can draft a law to protect every right, defend every privilege, and anticipate every threat. When regulation fails, as it inevitably does, they do not repeal the laws but amend them into infinite complexity until the purpose of the original law is lost. The use of the regulatory reflex merely feeds an insatiable appetite for power on the part of an expanding government bureaucracy. We have now reached the point where one-sixth of the American labor force works for the government, and government expenditures are approaching 40 percent of the gross national product. Even some of the regulators are denouncing other regulators as barriers to better productivity.

The hand of government touches every aspect of human productivity. It is not only wasteful, but serves to destroy incentive and to discourage ingenuity. The great Boston Justice of the Supreme Court, Louis Brandeis, wrote: "The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well-meaning but without understanding."

It is ironic that a society which looks to industry for the solution of many of its most pressing problems inhibits the ability of industry to respond. While present technology does not permit us to have surgically clean air and plentiful electricity at less cost at the same time, there is no reason to believe that future technology will not provide those benefits. The essential ingredient is freedom to act and an understanding that individual liberty is not only precious, but efficient.

The time has come for businessmen to do two things—restudy the philosophy of free enterprise and recognize that we have the same rights under the First Amendment as any other group in our society. The businessman, like the professor and commentator, has the right under the First Amendment to express his views to the public and to his elected representative. He is not a second-class citizen. Running a successful business enterprise calls for ethical men with the wisdom and patience to make prudent and responsible decisions in a highly competitive and fast changing market.

There are overwhelming reasons for kinship, instead of hostility, between the free market for intellectual life and the free market for economic life. There is an identity of interests, since both call for voluntary effort. Neither fraud nor coercion is within the ethics of the market system, since the competition of rivals provides alternatives to every buyer and seller. So, too, free thought in our society is preserved by open competition among scholars. Just as thought control is the great enemy of the freedom of inquiry in both the press and academia, economic controls are the great enemy of the entrepreneurial spirit.

Rediscovering the indivisibility of political and economic freedom will take time in a society which has become so accustomed to overreliance on government. The intellectual bias against the market is strongly entrenched, and there are some who always find a platform to continue to feed this bias out of hostility or a complete misunderstanding of the market function.

One cannot erode freedom in one sector of society without adversely affecting all others. All history argues that the media and academia have as great a stake in preserving a free market for goods and services as do businessmen in defending the free market for ideas. We need to have both or we may find ourselves with neither.

MASSIVE TAX CUTS?—A DISASTER

Mr. HATHAWAY. Mr. President, a number of times, both here on the Senate floor and elsewhere, I have made clear my misgivings about the soundness of the economic thinking underlying our present efforts for a massive tax cut. I now seem to have found at least one economist who shares my views. Prof. Geoffrey J. Lanning, of Wayne State University Law School, in his statement before the House Ways and Means Committee earlier this year, made the point that the long-term effects of any permanent cutback in our Federal income tax amounts to nothing more than one more blow to the nearest thing we have to an equitable revenue-raising system in this country. I share this view and feel that, while the Internal Revenue Code is far, far from perfect, it is a lot better than almost any other revenue-raising mechanism now extant. Therefore, I feel that what we need is not to cut that system back, but to reform that system to make it more equitable and more rational in its effect on our economy.

I ask unanimous consent to have Professor Lanning's statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TAXATION WITH REPRESENTATION,
A PUBLIC INTEREST TAX LOBBY,
Arlington, Va.

STATEMENT OF GEOFFREY J. LANNING

MASSIVE TAX CUTS?—A DISASTER

Summary of statement

The issue is not how much of a massive tax cut, favoring whom, we should have. Rather, is there any justification for any tax cut at all? Its practical effect will be a quick boost in inflation, recapturing much of the multi-billion dollar cash release, while permanently depriving the federal government of federal revenues urgently needed to deal with such major social ills as the decay of the cities, the problems of the poor and of education. None of these can feasibly be financed from federal funds, given the limitations and inequities of state and local financing. Even energy solutions require answers to the transportation and urban sprawl difficulties of the cities, and that too means federal funds.

It is easy to lower tax rates, but politically almost impossible to raise rates to recapture these public revenues. The tax reforms often offered to offset tax cuts have always proved illustory and regressive. To release the proposed $10 to $14 billions of revenues will force the cities and the poor, who are desperate for funds, to turn to such inadequate, inequitable and inefficient sources of funds as property taxes and other state and local revenues.

We have never had, but badly need, effective tax reform to maintain faith in our voluntary system and to reduce the growing American concentration of wealth, well illustrated by Watergate and by the growing gap between rich and poor that is always harmful to democracy. Unfortunately, there is no sign that we are about to get the kind of tax reform that not merely provides a few conspicuous substantive reforms, but reforms the tax decision process itself. Only that can protect reforms from being immediately eroded by special pressures on the legislature, misplaced sympathy for tax evaders in the courts, and the bureaucratic tendency of the Treasury and the IRS to favor the powerful while pressing the public and the little man.

In brief, do not cut taxes. Increase them via a thoughtful tax reform that will open up the tax decision process itself, while also tackling basic abuses. Apply the funds from such a reform to the difficult issues of poverty, the cities, education, and the environment.

If you had deliberately chosen to strike a blow at the poor and the disadvantaged, and at the fair solution of the nation's most critical ills, you could hardly pick a better route than to give up $10–$14 billion a year of federal tax revenues you will never recover.

MASSIVE TAX CUTS?—A DISASTER FOR THE CITIES, FOR THE POOR, FOR EDUCATION AND THE MORE DEMOCRATIC SOCIETY PROMISED BY THE NEW CONGRESS:

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: I wish to thank the Committee for this opportunity to present testimony regarding the proposed large scale tax cuts.

Introduction

The real issue is not how much of a gigantic tax cut, favoring whom, we should have, but rather is there any justification for any tax cut at all, given our current national problems?

The proposed multi-billion dollar tax cuts are billed as a reform designed to stimulate the economy and pull us out of the spreading depression. In fact, such an approach may mean the permanent, non-recoverable loss of the only equitable source of public funding. We shall lose forever federal tax sources that are critically needed to deal with the problems of the cities, the poor, education, mass transit and other social problems whose relief was promised by members of the new Congress during the recent election campaign.

This is not merely the choice of a quick shot in the arm to the economy, designed to relieve unemployment and its related ills, at the cost of some temporary increase in our galloping inflation. Instead, we are releasing billions of dollars in cash, much of which will never serve its proclaimed goal of stimulating the economy, but will merely stimulate the demand side of the inflation. More important still, it includes a permanent reduction in the ability of the federal government to assist with most of the social ills, many of which, including monopoly concentratons of economic power and the decay of the cities, are central to our present problems. For example, one of the approaches to our energy problems must include better solutions of the transportation and the urban sprawl problems that are one facet of the crisis of the cities—and a necessary major ingredient in their solution is federal funds.

Furthermore, much of the proposal will not only be inflationary, but will still further accentuate the inequitable distribution of income and wealth that is a significant factor in many of these national problems and contradicts the claims that our tax system is progressive. Even though the cuts in individual tax are so calculated as to go primarily to lower income groups, any such net effect will be more than offset by the increase in business subsidies through an increased investment credit and other provisions, ignoring the fact that much of the current inflation-depression has been produced by businesses who have provided their own investment cushion by raising prices to an intolerable windfall level.

It is unbelievable, even incredible, that a Congress, supposedly elected on a "reform" platform would so hurriedly jam through a program, many of whose most lasting effects will be to cripple the very social programs whose destruction was a major goal of the supposedly discredited Nixon administration.

Explanation

It is very easy to lower tax rates, but politically almost impossible to raise taxes and recapture public revenues once abandoned. The history of the federal income tax system reveals a steady lowering of rates, particularly those applicable at the top of the progressive scale. At the same time, it has usually been claimed that the increased inequity resulting from this regression in rates would be offset through tax reform and the closing of loopholes to regain the lost public revenues. But it has never worked out that way in fact. The promised tax reforms usually have turned out to be nominal of illusory, with an occasional headline-grabbing change such as the reforms re tax exempt organizations or the drop in percentage depletion, but rarely going to the heart of the fundamental abuses and loopholes in the system. Even the 1969 Revenue Act, the only effort ever made to include any significant elements of general tax reform, included such illusory reforms as the minimum tax, and in total effect was regressive, despite its bold claims.

The critical significance of this is that, for all its defects, the federal income tax system is the largest and most equitable source of the immense public funding needed to deal with such problems as the cities, mass transit, unemployment, education and other major social ills. The $10 to $14 billions of revenue now proposed to be yielded, in at least significant part to corporations and perhaps high income taxpayers, will never be recovered. Since the cities and the poor are desperate for the funds to solve their problems, they will have to turn to such clearly inadequate, inequitable and poorly administered sources of funds as property taxes and other state and local revenue measures. But we have almost reached the tolerable limits of these revenue sources, whose long range prospects are uncertain in any event in view of the increasing judicial recognition of their limitations.

Furthermore, even the few token dollars of tax refund given the less advantaged income groups will be quickly swallowed by the additional inflation spawned by such an approach. From an over-all viewpoint, they would have been far more likely to benefit by the reasoned diversion of these federal income tax revenues to dealing with these critical social problems, together with a real loophole closing program, one that would put some effective limits on inflation by significantly moving the effective rates of taxation towards the progressive rates that are the unenforced myth of our taxing system.

If you had deliberately chosen to strike a blow at the poor and the disadvantaged and at the fair solution of many of the Nation's most critical problems, you could hardly have picked a better route than to give up $10–$14 billion a year of federal tax revenues that you will never recover. The Ford administration, old time religion and all, clearly understands this. Why can not the Congress?

Can the proposed tax reforms justify this broad tax cut?

In theory, some of these objections to an across-the-board tax cut woud be met if an effective tax reform bill were ever passed. Unfortunately, history clearly documents the obstacles to the kind of tax reform we clearly need 1) to preserve trust in our voluntary assessment system, 2) to reverse the increasing concentration of wealth and economic power in this country, which is not only a major factor in our current crises, but offers the type of barrier to the maintenance of democracy well illustrated by the many world dictatorships spawned by the kind of intolerable gap between the rich and the poor that destroys the community consensus behind democracy.

Furthermore, even if this Congress should enact a few substantive tax reforms, there is no sign either that these will be as basic as is required—for example, the revamping of our largely ineffectual system of taxation of the transmission of wealth between generations (estate and gift taxation), or that they will even touch upon or consider the most fundamental source of tax abuse, and factor that has always eroded mere substantive tax reform. That factor, as I pointed out in testimony before this Committee in 1959, is the closed character of the tax decision making system—its ready accessiblity to representatives of powerful special interests and its indifference to representatives of broader public interests. This, of course, refers to all 3 tax arenas, 1) legislative, where the special lobbyist has special entree and dominance, 2) judicial, where most courts are sympathetic to the plight of the individual taxpayer and the "hardship" of his having to pay his full share of taxes, rather than considering the inequity to the public of erosion by judicial decisions, and 3) administrative, where the bureaucratic proclivity of the Treasury and the IRS to favor and make special exceptions of powerful special interests while coming down hard on the public and the little man can be documented *ad nauseam.*

No tax reform effort that does not pay serious attention to the openness of the tax decision process itself can ever be more than ephemeral, and there is little indication that current tax reform proposals are guided by that level of perception. In short, "tax reform" is hardly a justification for abandoning billions in revenues, that in practical political terms can never be recouped, for what avails substantive reform if the whole tax decision process continues to abet and accelerate the erosion of a taxing system that is progressive in myth, but not in reality?

Recommendation

Do not cut taxes. Increase them. But do so via a thoughtful tax reform bill that would open up the taxing process itself as well as reduce some of the more basic substantive abuses. 2) Instead of spreading a few dollars apiece among lower income groups, dollars that the increased inflation of such a technique will quickly swallow up, apply the funds from a meaningful tax reform to a sincere effort to assist the cities and to provide workable approaches to the complex problems of poverty, unemployment, education and the environment. The cities, the poor, the uneducated, the disadvantaged of every sort are literally shriveling for the lack of even a fraction of the public revenues you are preparing to ladle out in the face of more basic, and obvious, priorities.

Do not wonder why the citizenry have so little regard for the Congress when even its self-proclaimed reformers are meekly following the tax cut line of big business, the Chambers of Commerce and their Republican administration. Such few and shrinking dollars as the lowly of income will get from the proposed legislation, are as nothing to the public benefits which these funds could provide to shore up the cities, employment, the environment and education—the real priorities of our time.

READING PROBLEM AT COLLEGES—WRONG APPROACH

Mr. BEALL. Mr. President, I recently came across an article which appeared in the Wall Street Journal, by Mr. Vermont Royster.

As one of the authors of the national reading improvement program, which was enacted last year, I find most disturbing that book publishers have to reduce the reading levels of college textbooks because so many college students are having reading difficulties.

The national reading improvement program is designed to deal with the reading problems, which I have labeled the "Achilles' heel" of American education. It is framed to assure that something is being done to accelerate our efforts in the reading area. Mr. Royster's column underscores the need for Congress to fund this program, which is essentially preventive in nature, so that we will not have massive numbers of students who cannot read at the necessary levels.

Apparently, in Mr. Royster's words, book publishers are not optimistic with respect to a change in the reading performance of future freshmen. He writes as follows:

> And since the publishers see no hope the educational system is going to raise the young people's reading ability, the publishers are going to lower the level of what the students read. More, they're even simplifying the English in the guidebook on how to read textbooks. The previous editions of this guide, published by the Association of American Publishers, were written at the 12th grade reading level. Now it has been re-written to fit a ninth-grade reading level. And this for college freshmen.

Concluding his article, Mr. Royster states:

> The plain truth is that without language we can neither learn nor think. And those to whom written language is a mystery find, like some primitive people, that the world itself is a mystery. The garage mechanic who cannot read cannot understand the engine manual, any more than a legislator a tax bill—or a journalist that reports upon the energy crisis. That's what makes it all so discouraging. It's discouraging to see what we do to ourselves when we cheat our young of the tools of thought.

I ask unanimous consent that the entire text of this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Thinking Things Over—The Tools of Thought

(By Vermont Royster)

"Publishers, responding to a changing market in college texts, are increasingly resorting to simplified language in their books to adjust to a new element in higher education—the college student who cannot read at traditional college levels."

Thus a report in The New York Times. The article goes on to explain that word has filtered back to the text-book publishers from the nation's college campuses that large numbers of students simply cannot read the English language well enough to understand textbooks previously used and understood by generations of students.

And since the publishers see no hope the educational system is going to raise the young people's reading ability, the publishers are going to lower the level of what the students read.

More, they're even simplifying the English in the guidebook on how to read textbooks. The previous editions of this guide, published by the Association of American Publishers, were written at the 12th grade reading level. Now it has been rewritten to fit a ninth-grade reading level. And this for college freshmen.

This is, sad to say, only one bit of evidence of what has been happening to the teaching of that most fundamental of intellectual tools, the handling of one's native language.

Item: At the University of Wisconsin in Madison more than one-third of the applicants to its journalism school cannot meet the minimum requirements in spelling, grammar, word-usage and punctuation.

Item: At the University of North Carolina at Chapel Hill the journalism school has been forced to require all students to pass a simple, high-school level spelling and usage test in order to graduate. Of those entering the school this year, and taking the test for the first time, 47% failed—and the student can misspell 30% of the words and still "pass."

As the school approaches the end of the fall semester, and with many of the students having taken the test several times, there are still 39% who have not passed. These students, for the most part, are at the junior level in the University.

And these, mind you, are students who are planning to enter a craft in which the ability to put one little word after another is as important as the plumber's ability to handle a wrench.

Item: At Eastern Michigan University the number of students in all departments having to take remedial English has doubled in the past five years. Item: At the University of California 45% of the total student body have needed remedial English.

There are two things worth noting at once amid these grim statistics. First, of course, there are many students from the better high schools and some prep schools who are well prepared; they begin with an immense advantage. Secondly, that the others are not morons. There is no necessary correlation between an inability to read and write well and a student's basic intelligence.

Indeed, anyone who teaches at the university level encounters students with language difficulties who are nonetheless bright, eager, hard-working and thoughtful. These are the heart-breaking ones, for the reach of their mental capacities exceeds their grasp.

It is truly painful to watch such students struggle with reading and flounder as they try to express their thoughts. The pain is in knowing that an intelligent young person has been cheated of what ought to be his educational birthright, an understanding of his own language.

It's fashionable, I know, to blame all this on television. The argument here is that young people raised on TV cannot be expected to read as well as prior generations. There are even some who say it doesn't matter, because reading will not be as important as it used to be for either the educated person or for a generally well-informed citizenry.

Both propositions are dubious. Many years ago one of my daughters, then in high school, came home with a new assignment, Dickens' "David Copperfield." In an idle moment I picked it up and it didn't ring quite right. Unearthing my own dusty copy I found—lo and behold—that her school copy wasn't Dickens at all. It had been "simplified." All of Dickens' language, with all its color of time and place, had been removed.

It may seem a trivial example, but it was both insulting and fraudulent. Insulting because it said that a teen-age girl was incapable of understanding anything more than basic English. Fraudulent not only because it pretended to give the students Dickens when it didn't but because it robbed the students of the chance to learn the marvelous richness of their language.

No, the fault lies not with TV but with ourselves. We, and most especially our educational system, have accepted an anti-language culture. The young do not learn their language simply because they are not taught. Dr. Robert McGee of the Denton, Texas, school system puts it well: Too many teachers and administrators, he says, are convinced "that reading and written expression are outmoded, that logical thought is pretentious, and that one can acquire all of the data one really needs through visual means."

But what of the argument that it doesn't matter anyway? The answer to that will occur to anyone who has ever struggled to converse in high-school French or Spanish. The most learned of men are reduced to the level of children when they are deprived of commonly understood words and sentence structure; they can communicate only the simplest of ideas, and even those in uncertain fashion.

The plain truth is that without language we can neither learn nor think. And those to whom written language is a mystery find, like some primitive people, that the world itself is a mystery. The garage mechanic who cannot read cannot understand the engine manual, any more than a legislator a tax bill—or a journalist that reports upon the energy crisis.

That's what makes it all so discouraging. It's discouraging to see what we do to ourselves when we cheat our young of the tools of thought.

FATHER WEGNER AND BOYS TOWN

Mr. HUMPHREY. Mr. President, today I would like to join my distinguished colleague, the Senator from Nebraska (Mr. Curtis), in recognizing the accomplishments of Msgr. Nicholas Wegner on this, the golden jubilee celebration of his ordination into the priesthood.

The activities of Father Wegner in the direction and development of Boys Town are generally known; but on this occassion I feel that it is apropos that we highlighted the devoted career of Monsignor Wegner ,and that we laud his contributions to the well being and education of our Nation's youth.

Born in the town of Humphrey, Nebr., Father Wegner has led a life of constant devotion and service to the Catholic Church, and continual concern for the problems of youth. His educational accomplishments are indeed prestigious, having attended and received degrees from such distinguished theological institutions as the St. Paul Seminary, in St. Paul, Minn.; Gregorian University, in Rome; and the Catholic University, here in Washington, D.C.

Since his ordination into the priesthood, Monsignor Wegner has held numerous positions of authority within the Catholic Church. The list of his attainments include the post of administrator of the Archdiocese of Omaha, as well as the position of vicar general of the Archdiocese, which he assumed in January of 1960.

Throughout his rise within the ranks of the Church, Father Wegner has maintained his concern and interest in the problems of youth. This can be illustrated by his activities during his tenure as director of St. James Orphanage, as well as his accomplishments during his time of service to Boys Town. Upon his attainment of the directorship of Boys Town in September of 1948, Father Wegner remained true to the goals and beliefs of Father Flanagan the founder of Boys Town; and strove to further these goals throughout his 25 years of service to Boys Town.

As one scans the projects started at Boys Town under Father Wegner's direction one can see his continual striving to maintain and improve the services of this institution for our homeless and disadvantaged boys, and also his effort to expand the scope of its activities so as to include both boys and girls, and to move outward beyond the borders of the United States.

Several projects are particularly noteworthy. The Boys Town Institute for Communication Disorders, which was created in June of 1972, will include diagnostic and rehabilitative services for handicapped boys and girls. Another major project started during Father Wegner's tenure is the Boys Town Center for the Study of Youth Development. As I understand its purpose, this new Center will perform important research into the areas of learning disabilities, and such youth problems as parental rejection, drug addiction, and a host of other very noteworthy and significant areas of youth development.

Msgr. Wegner has not limited his concern for youth just to the young people of the United States. He has traveled extensively throughout the world, counseling on youth problems. Through his travels he has aided in the establishment of a Boys Home in Monterrey, Mexico, and a Boys Town in the Philippines.

As can be seen from this short review of only a small portion of the accomplishments of Msgr. Wegner, his life has been one of constant and unselfish service, both nationally and internationally, in the interest of our greatest asset, our youth.

I would like to join with the alumni of Boys Town, and all other people who have had their lives touched by Father Wegner, in congratulating him as he approaches the golden jubilee anniversary of his ordination.

JERRY PETTIS

Mr. FANNIN. Mr. President, many Arizonans and other admirers of Jerry L. Pettis are saddened by the death of this outstanding leader.

Although he served in the Congress from California, Representative Pettis was a native Arizonan. He spent his early years in the State, his family still resides in Arizona, and he has countless friends in our State.

In short, we in Arizona think of him as not only a friend and good neighbor but as one of our own.

His life was one of service to his fellow man with outstanding success and achievement as a Christian disciple, an educator, a commercial pilot and leader in the aviation world, an inventor of prominence, and an extremely gifted legislator. With all of his prestigious accomplishments he remained a humble man.

It was my good fortune to be with him as an observer at the Organization for Economic Cooperation and Development Conference last year. I witnessed his great ability as a counselor on international affairs advising our trade representative.

Mr. President, Jerry Pettis was not only an outstanding public servant, he also was a devoted family man. I join my colleagues in the Senate and the people of Arizona in extending condolences to Mrs. Pettis and the children.

TAX INCENTIVES FOR RESIDENTIAL INSULATION

Mr. MOSS. Mr. President, at the request of Johns-Manville Sales Corp., Chase Econometrics has analyzed the impact of several tax incentives for residential energy conservation improvements on three critical economic statistics: Federal Government deficits, net exports, and manufacturing employment.

I want to share with my colleagues the results of the Chase analysis of a 25-percent tax credit of the kind proposed by my bill, S. 28, assuming an average expenditure of $600 per single family house and 2.5 million houses improved in each of 2 years. Under such circumstances, the revenue cost to the Treasury would be $375 million per year. However, as the following figures show, the loss of tax revenues attributable to the incentive of a tax deduction are more than made up by the revenue flowing from the jobs created by such a proposal.

Standard forecast data is shown in parentheses.

	Fiscal year—	
	1976	1977
Federal Government deficit	−$55,900,000,000 (−$56,400,000,000)	−$32,200,000,000 (−$33,000,000,000).
Improvement	$500,000,000 or 0.9 percent	$800,000,000 or 2.4 percent.
Net exports (balance of trade)	+$1,830,000,000 (+$1,550,000,000)	−$1,180,000,000 (−$1,550,000,000).
Improvement	$280,000,000 or 18.1 percent	$370,000,000 or 23.9 percent.
Manufacturing employment	$18,610,000 ($18,530,000)	$19,830,000 ($19,720,000).
Improvement	$80,000 or 0.4 percent	$110,000 or 0.6 percent.

I hope that more of my colleagues will join me in cosponsoring S. 28.

I encourage any Senator who wants to help stimulate economic recovery and reduce energy waste to join me in cosponsoring S. 28.

LEGISLATIVE REVIEW SUBCOMMITTEES

Mr. BEALL. Mr. President, I am again pleased to cosponsor with Senator HUMPHREY Senate Resolution 55, a resolution to improve legislative oversight.

During March of last year when the budget bill was before the Senate, Senator HUMPHREY and I merged two separate amendments which we had introduced and offered such amendment to the budget reform bill. Following assurances by Senator ROBERT C. BYRD that the Rules Committee would conduct hearings on this matter, we agreed to withdraw the amendment.

The 1970 Reorganization Act contemplated additional legislative review of programs which we enacted. While some improvements have been made, I do not believe that the results under the Legislative Reorganization Act have been satisfactory insofar as the legislative oversight function is concerned.

Senate Resolution 55 contains many of the provisions of my original proposal which was included in S. 758, the Congressional Budget Control and Oversight Improvement Act, which I introduced February 5, 1973.

Specifically, the resolution provides that each standing committee in the Senate will establish a Legislative Review Subcommittee. When a committee already has a subcommittee, with the responsibility to a subject matter, that subcommittee, assisted by the Legislative Review Subcommittee, is required to evaluate all programs under its jurisdiction every 3 years. However, if the subcommittee having jurisdiction fails to evaluate such programs during this period, the Subcommittee on Legislative Review would then be mandated to undertake the evaluation.

To make it absolutely certain that a review would be forthcoming once every 5 years, the General Accounting Office would be required to make a study and to report to the appropriate committee if the review had not been done either by the appropriate subcommittee or the new Legislative Review Subcommittee by the end of the fourth year. Thus, this resolution would guarantee that the vital oversight function of the Congress would be accomplished.

Now, Mr. President, this is not a criticism of the present work of the various standing committees. It recognizes, however, that most of these committees are overwhelmed with their present legislative workload and program evaluation must necessarily take second place to the business of enacting legislation.

Furthermore, in most cases the existing committee staffs are already overworked and spread too thinly. Also, I believe that there is a difference between oversight hearings and the type of evaluation that is contemplated under this resolution.

Mr. President, in a column by Mr. Walter Pincus, which appeared in the Washington Post, December 23 of last year, he argued compellingly for the need for improvement in the oversight functions of the Congress as follows:

> The truth is that little serious thought has been given by legislators on all committees to how any Federal agency or program ought to be monitored.
>
> Within the executive branch there are eleven departments headed by cabinet members and 55 independent agencies. Who knows or cares what they are doing? Surely there ought to be some way by which committees and subcommittees of the House and Senate can at least spot-check key operations—perhaps on a rotating basis—of these numerous bureaucracies.
>
> In addition there also are the hundreds of laws passed each year, each with a stated legislative purpose. Again there is no organized congressional oversight to determine if the enacted laws are implemented to fulfill the purposes for which they were originally designed. All that happens these days is that individual legislators or subcommittee chairmen may or may not keep track of how their own pet legislation is faring.

Mr. Pincus then goes on to ask the important question: "What will the incoming Congress do about the abysmal state of congressional oversight?" We can do a great deal by enacting the Humphrey-Beall measure which would greatly strengthen the role of Congress and better enable us to carry out our legislative responsibilities.

Mr. President, I ask unanimous consent that text of this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 55

Resolution to establish Legislative Review Subcommittees in the standing committees of the Senate

Whereas there is imposed upon the standing committees of the Senate the duty to conduct analysis, appraisal, and evaluation of the programs, policies, and procedures of the United States Government, in carrying out the laws enacted by Congress; and

Whereas that duty has been fulfilled unevenly and sporadically and there are many programs that have been too long neglected as the object of congressional oversight proceedings in the Senate: Now, therefore, be it

Resolved, That the Standing Rules of the Senate are amended by adding at the end thereof the following new rule.

"RULE XLV

"LEGISLATIVE REVIEW SUBCOMMITTEES

"1. Each standing committee shall establish a Subcommittee on Legislative Review. The purpose and duty of such subcommittees shall be to assist the Senate in—

"(a) its analysis, appraisal, and evaluation of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee of each such subcommittee, and in particular, in its analysis, appraisal, and evaluation of any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument, issued, prescribed, or promulgated in the administration and execution of such laws or parts of laws, and

"(b) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

"2. In the case of a committee having one or more subcommittees to which the committee has given responsibility for considering and making recommendations with respect to subject matters within the subject jurisdiction of the committee, the Subcommittee on Legislative Review of that committee shall assist that subcommittee in reviewing and studying the application, administration, and execution of those laws, or parts of laws, which are within such responsibility. Any such subcommittee shall make a report on the results of its review and study at least once every three years. In the event the subcommittee has not made a report within a three-year period, the Subcommittee on Legislative Review of the committee shall make such review and study, and submit a report thereon to the committee, not later than one year after the subcommittee having such responsibility was to have made such report. In the case of any subject matter not within the responsibility of any particular subcommittee of the committee, the Subcommittee on Legislative Review of that committee shall make such review and study with respect to such subject matter and submit a report thereon to the committee not less than once every third year.

"5. Nothing in this rule shall be construed as precluding any Legislative Review Subcommittee of the Senate from conducting hearings and engaging in other deliberations jointly with such committees or subcommittees of the House of Representatives which the House may designate to conduct the analyses, appraisals, and reviews required under this rule."

"3. In any case in which the Subcommittee on Legislative Review has not submitted a report to be prepared by it under paragraph (2) of this rule within the period of time provided in that paragraph, the Comptroller General shall, within one year after the last day on which the subcommittee report was to have been submitted, make such study and report the subcommittee was to have made, and submit a report thereon to the committee.

"4. The provisions of this rule do not apply to the Committee on Appropriations of the Senate.

SETTING ENVIRONMENTAL STANDARDS

Mr. MUSKIE. Mr. President, two recent decisions of the U.S. courts of appeals have serious ramifications for the establishment of standards to protect the public health from environmental pollutants currently regulated.

The first decision overturned a court order shutting down the Reserve Mining Co. The second decision set aside a health-based regulation which required phase out of lead in gasoline. Both rulings were based on the absence of proof of a specific cause-effect relationship between a particular pollutant and a precise human health result.

This reversal of the burden of proof requirement in environmental law fails to recognize the unique characteristics of environmental health hazards. It is the total body exposure to environmental insult, not the single pollutant level which ultimately determines the extent of adverse public health impacts.

Is it possible, or even desirable to establish definitive proof of casual relationships between single pollutant levels and increased death and illness as the recent appeals court decisions would require?

Gershon Fishbein, publisher of the Environmental Health Letter has written a thoughtful analysis of the burden of proof dilemma presented by the recent court decisions. He poses the questions we must all consider, if our environmental regulations are to remain protective of public health. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 23, 1975]

SETTING ENVIRONMENTAL STANDARDS

(By Gershon Fishbein)

Two recent appeals court decisions have restricted the authority of the Environmental Protection Agency to establish standards to protect the public health from environmental contaminants under present laws.

The first ruling overturned a lower court order closing down Reserve Mining Co. in Silver Bay, Minn., because of the alleged presence of asbestos in the drinking water, which some scientists said could lead to cancer. More recently, the court in Washington set aside EPA's regulations phasing out the lead content of gasoline.

in each case, the court based its ruling on the same premise: that EPA had not furnished definite proof that the asbestos or the lead had caused demonstrable illness in a substantial part of the population. And in each case, the court cited the absence of a cause-and-effect relationship between statistics on deaths and illnesses and exposure to the environmental contaminants.

To EPA administrator Russell Train and his subordinates, it was clear that the combined effect of the two decisions was to impose a near-impossible burden on the agency's ability to enforce the Clean Air Act, in which the primary standards are based solely on protection of public health, and the water pollution laws related to health.

Train's concern, shared by many authorities and researchers, is based on the widely held view that the health hazards of environmental exposures cannot be pinned down in the same way that communicable diseases in one individual can be traced to one virus or bacteria. Yet that is the sort of proof which the courts appear to want before they uphold EPA's health regulations and, presumably, the standards of other agencies as well.

The concept of "one germ, one disease," or Koch's Postulate (named for Robert Koch, the 19th Century German bacteriologist who discovered the cause of tuberculosis) is one of clinical medicine's most cherished maxims. It holds that a single organism causes a single disease.

This principle holds especially true in communicable diseases such as tuberculosis or common cold when an infected individual can threaten the community. In environmental health, however, the cycle of disease transmission is reversed. It is the community which threatens man—through air pollution from many sources, or radiation, or pesticides. Thus, multiple causation is one distinctive characteristic of environmental health.

Another is the long period—sometimes 20 years or more—between exposure to a contaminant and the clinical evidence of cancer or other disease. This is in contrast to viral diseases, when symptoms frequently appear in 24 to 48 hours.

Still another characteristic is the accumulation of cellular and other damages in the body from many sources over a long period of time, adding up to what is referred to by environmental physiologists as "total body burden."

MAJOR OBSTACLES

Train and his deputy, John R. Quarles, Jr., believe that the courts ignored all of these distinctive characteristics of environmental disease in insisting on specific cause-and-effect proof—body counts, as Train put it. Such proof is, of course, available in clinical medicine but almost never in environmental medicine; there is, however, a fairly strong consensus among researchers that air pollution will, as a minimum, aggravate the condition of those with heart disease and asthma as well as the very old and very young (collectively, a substantial percentage of the population).

Faced with such scientific uncertainties, regulatory agencies charged with establishing standards of public health protection from environmental sources run headlong into major obstacles in trying to be as specific as possible in selecting standards. Dr. John F. Finklea, director of the National Environmental Research Center in North Carolina—the principal EPA health laboratory—and his colleagues ticked off some of the problems in a recent paper which sought to predict the health benefits and risks of equipping automobiles with catalysts:

There is usually insufficient information regarding the magnitude and frequency of exposure to environmental agents because health-related environmental monitoring has been an "underdeveloped activity" and because of wide variations in human reaction to the same agent.

The links between exposure and disease are complex. For example, the effects of infrequent short-term peak exposures may well differ markedly from the effects of long-term exposures or frequently repeated short-term exposures over a long time. Furthermore, a single environmental agent may contribute to a number of different disorders and a single disorder may result from a combination of agents.

Environmental health studies are limited by deficiencies in vital records and imperfections in assessment of deaths and illnesses.

A research data base which draws on the results of studies in occupational as well as clinical settings is usually lacking.

But that sort of information might not be available for years. Meanwhile, the air and water pollution laws demand numerical standards and deadlines. So the environmental scientists dig in with animal investigations, develop computerized models, plot weather characteristics, study hospital admissions during air pollution episodes and measure them against national illness and health data—and generally come up with a series of projections, inferences and presumptions.

It is possible to determine from death certificates how many people in a community with excessive air pollution levels died of lung conditions. But death certificates don't indicate whether the victims were smokers or where they lived in relation to a polluting factory, for example.

LOOKING AT OPTIONS

Health standards based on presumptions usually give the public a greater margin of safety than otherwise. But is it fair to expect industry to spend the money necessary to comply with health standards based on little more than presumptions? Perhaps more relevant to the current dilemma, is it legal?

In the leaded gasoline and asbestos cases, EPA relied on what it believed to be the preponderance of scientific data suggesting adverse health effects in establishing standards or taking other corrective action. But the affected industries produced their own scientific studies to indicate the opposite. The court agreed with the industries.

This pattern, projected into the future, illustrates why EPA cannot rely entirely on the preponderance of scientific opinion indefinitely in trying to find a way to develop health standards which not only satisfy the research community but also survive the sterner tests imposed by the courts.

If not, what options are open to EPA in attempting to cope with the problem?

As a short-term step, EPA may consider asking Congress to amend the Clean Air Act to give the administrator greater discretionary authority in determining what constitutes "endangerment to public health." The objective would be to avoid any requirement of proving cause-and-effect relationships. EPA has made no decision on this, but the problem seems certain to surface when the Senate Public Works Committee begins consideration of Clean Air Act amendments March 19.

Other legislation includes the omnibus toxic substances control bill, which would require companies to put their chemical products through detailed and extensive tests for health effects and other environmental safeguards before being put on the market. EPA might push for precise review of health data here.

Then there is the bill by Sens. Philip Hart (D-Mich.) and Gaylord Nelson (D-Wis.) which would shift the burden of proof from government to industry in environmental suits. The bill, introduced just before adjournment in the last Congress and scheduled for reintroduction shortly, would require that industrial defendants prove the absence of environmental and human health damage in lawsuits rather than require the government to prove the existence of the hazard.

Alan G. Kirk II, who recently resigned as assistant EPA administrator for enforcement and general counsel to become general counsel of Pepco, had testified that the agency supported the general purpose of the legislation, which was introduced in the wake of the Reserve Mining case decision. Sen. Hart explained the objective this way:

"It would provide that once a 'reasonable risk' of a threat to public health was established by parties requesting relief, the burden would then be on the defendant to prove that the relief requested was not justified. Thus, in situations where crucial evidence as to the extent of an acknowledged public health risk was lacking, defendants would be required to come forward and demonstrate the need for its activity outweighed the risks inherent in allowing the activity to continue. Most significantly, plaintiff's failure to prove actual harm would not, in and of itself, amount to a bar to relief."

EPA is also in the process of establishing standards of safety and purity in public drinking water supplies as a result of legislation passed in the final days of the 93d Congress. It seems certain that, forewarned by the lead and asbestos decisions, it will try to make such health standards court-proof.

High officials of EPA express their view privately that the two judges who wrote the majority opinion in the leaded gasoline ruling took into consideration the energy and economic crisis in coming to their conclusions on health effects. Their view supports the dissent of Judge J. Skelly Wright, who contended:

"I suspect that the rigor of the majority's review and hostility to these regulations are related to the energy crisis and a reluctance to 'waste' a single gallon of gasoline for reasons of health when extra gallons might prove to be in short supply. . . It is the anguish of the children and urban adults who must continue to breathe our lead-polluted air that moves me."

If the court decision was in fact formulated with an eye on the energy crisis, it would, of course, not be the first time judicial rulings took into consideration the social and economic consequences of their actions. In past years, at the height of the environmental era, such decisions often favored the ecological cause. Now that the pendulum may be swinging a bit the other way, the courts may do the same.

MINNESOTA FARMERS FACE THE FUTURE

Mr. HUMPHREY. Mr. President, I would like to point out a very thoughtful and compelling statement by Minnesota's effective and forceful Commissioner of Agriculture, Mr. Jon Wefald.

While Secretary Butz and the Department of Agriculture continue to bask in the glow of their own rhetoric, this brief statement tells it how it is on Minnesota farms. And it also points out how some Minnesota farmers are responding to today's economic crisis.

I hope some of our urban Congressmen read this release in order to better understand the situation faced by our farmers. While farmers are proud and hardworking, they are increasingly determined to receive a fair return for their labor. They also become increasingly discouraged over the excuses offered by this administration in the name of the "free market," when many areas of agriculture are strongly influenced by Government actions.

And yet, as the statement points out, the farmers are not generally able to benefit from recession measures such as food stamps and unemployment compensation.

Many of our economists fail to understand the importance of agriculture in our national economy. A progressive and prosperous agriculture generates jobs in our factories and benefits the national economy. Our agricultural economy running at about $500 billion carries far more clout than the automobile industry at around $77 billion, but we show far more concern over unemployed factory workers than our farmers.

Mr. President, I ask unanimous consent that this informative release be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Minnesota Agriculture Today, March 4, 1975

Agriculture Commissioner Jon Wefald asked rural Minnesota bankers today to help rescue livestock farmers from a sad new chapter in the bad and detoriorating agricultural story of 1974–75 weather and price disasters by making maximum use of the federal FmHA emergency livestock loan program.

"Livestock farmers out of money, out of credit, mortgaged to the eyebrows, behind in heat, electricity and insurance bills in order to maintain their families, now are perilously close to running out of feed and hay for their cattle, with six or weight weeks to go before spring pasture will be available.

"Young livestock farm families are in the most desperate predicament. They have discovered that the federal 'disaster' loan program is a hollow shell. Only farmers with adequate collateral to readily obtain commercial credit can qualify for the disaster loans. The federal benevolence places no value on experience, ability and desire," Commissioner Wefald said.

He said that not enough of the distressed livestock farmers or their bankers are aware of and making use of the one-shot emergency FmHA livestock loan program, which not only guarantees the local bank on 80 per cent of the principal, but which gives the bank the principal decision for issuing the one loan that can save young livestock farmers from total bankruptcy. The program will expire July 25.

"According to the Minnesota office of the Farmers Home Administration, only 51 emergency FmHA livestock loans have been approved to date, and only $7-million of the $50-million loan authorization for Minnesota has been committed. In contrast with the bitter experience many farmers have had with 'disaster' loan applications being rejected, only one emergency livestock loan application has been turned down," Commissioner Wefald reported.

Interest rates on the emergency FmHA livestock loans, negotiated entirely between the borrower and local bank, have averaged less than the federal 8.75 per cent rate requires on conventional FHA operating loans involving chattel mortgages.

Commissioner Wefald also urged young farm families in desperate circumstances to "lay all the cards on the table" with their bankers and creditors, and to ask for immediate processing of the emergency livestock loans.

"We have found a few cases where the creditors were unaware of families keeping homes at minimum heat, defaulting on insurance, and facing the prospect of both the family and their livestock actually going hungry. Off-farm job opportunities are attracting up to 200 applicants per opening.

"Farmers are proud, independent people, reluctant to share their problems or seek what limited help is available to them.

Because of this, society and the urban communities have had little experience in responding and processing farm family emergency problems. Farmers can't qualify for unemployment checks.

"Because of the lack of past experience, or specific programs, the few farm families that have sought food stamps and welfare assistance have experienced extreme difficulties. One of the sticky questions for farmers seeking short term welfare assistance is 'anticipated income?' I don't know anybody from the President's Economic Council or Agriculture Secretary on down who can give an honest answer to that question for any farmer in today's depressed agriculture industry.

"During these months ahead many Minnesota farm families are going to need all of the help they can get, from banks, from government, from welfare agencies, and from consumers perhaps most of all.

"If the farmer is unable to survive the losses of the disaster prices and costs for production of milk, meat and eggs, and many cannot do so with outside help, consumers and the already distressed national economy are in for even more serious problems in the year ahead," Commissioner Wefald warned.

"Only farmers produce food, and in Minnesota their industry supports over one-third of all jobs. If the farmer cannot afford to feed his family and maintain his business today, who will sustain our jobs and feed our families tomorrow?" Commissioner Wefald asked.

MIDEAST PEACE?

Mr. CHURCH. Mr. President, the March 8 edition of the New Republic carries an editorial discussing the alternatives for peace in the Middle East. It is a thoughtful, provocative, and capable of opening our minds to new possibilities for a settlement. The editorial sweeps away many myths and focuses on the unpleasant realities that must be faced if this Nation is to be of constructive assistance in that corner of the world. I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mideast Peace?

Israel has become in world affairs a pariah nation. Why this is so is both complicated and simple: Israel is, after all, the political expression of a historically oppressed people, and the power of Arab oil is just now great enough to sway both the weak and the mighty to join the anti-Israel chorus. Surely, as two prominent French leftist intellectuals wrote recently in *Le Monde*, it is not that Israel can be seen on any comparative scale—whether measured against Communist, Western, Arab, or Third World countries—as a monster state. Whatever the reasons for the lopsided anti-Israel majorities in various UN agencies or behind the hostile rhetoric of intrinsically indifferent political figures from distant and otherwise preoccupied countries, the implications of the new mood are clear—and they constitute a peril to the security of Israel.

The persuasive capacity of insincere anlysis seems to be without match, and there is a particular virulence to the contagion of insincere phrases. With reference to the Middle East, these are now the stuff of orthodoxy. James Reston, in a column for some of whose factual and intellectual gaucheries he has already apologized, sees an obstacle to peace not so much in the reluctance of Israel itself to make concessions, as in the anxieties of Israel's friends in America that territorial concessions made to the Arabs will be the military advantage from which a future wag begins. Tom Wicker fears Israeli defiance of an "acceptable" settlement—and fears also American (for which read Jewish) support of that defiance. Evans and Novak, Carl Rowan, Nicholas Von Hoffman, others, the same and more. "Columnists are like blackbirds on electric wires," Eugene McCarthy used to say. "They move in groups." Everywhere, it seems, it is assumed, "if only Israel were not so intransigent . . . if only Israel would return to the borders of June 4, 1967. . . ."

History and logic alike should confound the easy confidence with which such impatient sentiments are uttered. The frontiers existing at the outset of the six-day war separated Israel and her Arab neighbors for 19 years, and they were not frontiers of peace or even of real truce—but frontiers from which wars were waged and threatened. Indeed, much of the territory in the Sinai that Israel is now urged to restore to Arab sovereignty had already been restored twice in exchange for guarantees that proved to be of no value whatever. And if this was the case when the Arab governments were weak and divided; when there was virtually no Russian presence capable of great mischief in the area; why will the territorial *status quo ante* bring peace now that the Arabs are strong and relatively united, and now that the Russians are positioned to disrupt any situation not in accord with their own—and shifting—political ends? This isn't a rhetorical question intended to bolster an Israeli minority which opposes relinquishing Arab lands. In the first disengagement of Suez after the Yom Kippur war, more reluctantly to be sure on the Golan, Israel amply demonstrated that it would make territorial concessions to build momentum toward an agreement with the Arabs. Even those who fault what they call "Israeli truculence" know that in the next round of negotiations the Jerusalem government is willing to take considerable risks to keep alive, the process so painstakingly nurtured by Secretary Kissinger.

The question in the next days, however, is not what Israel will give up; it is rather what Egypt will give in return. It is sheer sloganeering to say, as some rather casually have, that since it is Egypt's land that is at issue, that country is obliged to give little or nothing to reclaim it. For what is expected of Israel is no small gesture toward Cairo. In the present environment, no one can underestimate the importance of fuel-poor Israel's withdrawing from the Abu Rhodeis oil fields at the tip of the Gulf of Suez, which have met half of Israel's petroleum needs during the last seven years. Nor, in an unstable situation, will the Shah's pledge to Kissinger to supply Israel's oil needs be fully reassuring. But the Mitla and Gidi passes, which are part of the anticipated bounty of negotiations, constitute an even more vexing problem for the Israelis. These mountain passes control the rest of the Sinai peninsula and an Israeli withdrawal would be a surrender of significant strategic advantage.

To the extent that risk is assumed, Israel is entitled to reciprocal—if necessarily asymmetrical—political concessions from Egypt. While the signals from Cairo have been confusing, perhaps deliberately so, the Egyptians do not yet seem to be particularly conciliatory. No doubt agreement to the demilitarization of the relinquished territories is a prerequisite of any Israeli withdrawal. But as with a decision to allow Israeli cargoes through the canal, this is an easily revokable concession. Installing tanks or missiles where it has been agreed they are not to be might be a *casus belli*, but that's sparse consolation. What is required from Egypt are moves, now, that would make it more difficult and costly for Egypt to wage war later—as the contemplated Israeli withdrawals would make a renewed war much more difficult and costly for Israel.

What is especially striking, and should make people suspicious, is Sadat's reluctance, in exchange for Israeli withdrawals, to commit his country to the politics of nonbelligerence, to tell his countrymen that the journey of conciliation with Israel has at long last begun. A leader who fears doing that might not be able to lead his country to peace; perhaps he does not want to. If he wants to but won't say so, he limits his flexibility and circumscribes the strategy of negotiations by bellicose talk. By continually saying, as he did again last week, that this next stage entails no political commitments on Egypt's part, Sadat bolsters those who want to make no political commitments to Israel of any sort. If "the hero of the crossing" cannot tell his own people what he is so eager to confide to American journalists, what Arab politician can? And if none can, how can anyone be so sure that the problem between Israel and the Arabs is simply a matter of territorial adjustments, a Mideast version of the Alsace-Lorraine question?

In addition, then, to earnests that draw the Egyptian people into the reality of negotiations, Israel is justified in wanting to know that the infinitely more complicated problems with Syria or regarding the West Bank will not be used sometime hence as an occasion for Egypt to abrogate the concessions it makes as part of an agreement on Israeli withdrawals. The most tangible measures insulating a rapprochement between Israel and Egypt from extraneous pressures would be an indefinite or, at minimum, a long-term extension of the UN peacekeeping forces in the vacated territories, revokable only by the Security Council. The present mandate, renewable every six months, institutionalizes periodic instability, and is an open invitation to interference from outside. To argue for less is to argue for making the resumption of war easy.

Given the depth of the conflict between the Arabs and the Israelis, it would be endangering the entire process of negotiations, in fact, if one side were to get concessions on the cheap. It would establish a pattern of unrealistic expectations without creating relationships between old foes on which a peaceful future for the region depends.

What with the difficulties encountered so far in eliciting significant concessions from Egypt—not, it should be noted, in eliciting such from Israel—an assortment of journalists and politicians have fixed on the notion of American guarantees to Israel as a substitute for an accord between the two contending parties. In a discussion with *New Republic* editors last week, Kissinger said that an American guarantee by treaty or otherwise would be only "icing on the cake," that such guarantees would make sense only once there were actual agreements on and concrete movement toward final settlement by the two countries.

Kissinger had been drawn into the discussion of guarantees by the persistent Russian offer to "guarantee" Israel's 1967 borders. The Soviets, of course, are wholly without *bona fides* on this matter, and Kissinger is in any case suspicious of their intentions. There is no justification, though, he reasoned correctly, for abjuring an American guarantee at some unspecified point in the future. But he knows, as surely the Israelis and Arabs know too, what is wrong with a guarantee now.

In the absence of tangible Arab, or in this instance, Egyptian, steps toward peace, an American guarantee to Israel upon its withdrawal from military significant positions increases the likelihood of circumstances that may require American intervention on behalf of Israel. Now Israel has never wanted, does not now want, such an intervention. Moreover, a firm guarantee is a politically dubious proposition in the U.S. The Arabs may well reason that the Americans might renege on such a guarantee in an extremity; but Israel also is aware of that possibility, and thus what is being talked about should seem to Israel hardly a guarantee at all.

The idea of an American guarantee to Israel emerged under curious auspices. Many of its enthusiasts have on the record no demonstrable concern for Israel's security, a fact that raises serious and unavoidable questions about motives. Many others who find an American guarantee an attractive alternative to measurable moves by Egypt adhere to a politics that would make the guarantee simply not credible. For a real guarantee to Israel might require a declared American interest and greater presence than the U.S. now maintains in the Indian Ocean, the Mediterranean, and the Persian Gulf. Moreover, it implies a commitment to produce certain weapons and aircraft like the big transport planes and more advanced fighter planes which may face the ax in congressional budget-making.

One cannot all at once credibly support an American guarantee in a very unsettled area while pushing for a general retrenchment of our foreign involvements everywhere else. Nor should it be imagined that the very idea of an American guarantee or protective arrangement with any country would appear at this moment in history as anything more than a bedraggled remnant of the past. There are many to blame for this, not the least the perpetrators of the Vietnam war. But congressional critics of American foreign policy, having belatedly and not very discriminatingly asserted legislative prerogatives against the executive, share responsibility for having rendered the U.S. incapable of acting decisively for its own interests and those of its allies.

While there are, then, many objections to the US as guarantor of agreements, there is everything to be said for the US continuing its role as broker between the adversaries. Indeed, no power other than America, and perhaps no man other than Secretary Kissinger, could aspire to these historic burdens. Such achievements as there have been in the Middle East are directly attributable to him and to his persuasive powers. But the obligations that Israel and Egypt now assume in negotiations should be to each other, and not to Kissinger—if only to preserve his ability to function as broker in future talks. Otherwise any violation committed by one side may injure his credibility with the other. In an interview with Philip Geyelin of *The Washington Post*, Sadat carried the concept of pledges to Kissinger one step further by suggesting that the secretary personally be the guarantor of commitments reached through him. Mr. Geyelin thought this to reflect "new flexibility" on Sadat's part.

If Israel is gradually to withdraw from the largest portions of the occupied territories, then its enemies will have to persuade Jerusalem that these are not likely to be scenes of new battles against Israel's survival. It is fashionable to say—the power of Clichés again!—that, with modern weapons, territory is no guarantee of security. But to think that is to have failed to learn one of the primary lessons of Indochina. With modern weapons, one should understand from the American air war against North Vietnam, you can heap excruciating torments on a country from afar; but unless you can get into its territory with conventional weapons and troops you cannot capture it or bring it to its knees.

That is why a small country like Israel, with hostile borders straddling in places only a few kilometers of its pre-1967 territories, is justifiably anxious about exactly where her frontiers will be and what armies and hardware are to be allowed beyond them. Worrying about particular hills and valleys is no trifle for the Israelis: It is a bare hour's march from the Jordan River to Jerusalem; geography itself seems almost to threaten both the agricultural settlements in the north and population centers on the coast. The cliche about the insignificance of territory—a distinctively American perception, one thinks—ordinarily goes on to assert that the only real guarantee of security is genuine trust between neighbors. This no doubt is true, but that trust can be built best—if there is reason to trust at all—when neighbors obligate themselves to each other.

This is precisely the kind of trust that the Secretary of State has been trying to foster. It has not been easy in the past, and it will not be easier in the immediate future. What is likely to develop as Kissinger shuttles back and forth between Cairo and Jerusalem is something less than optimal movement toward peace. This realistic expectation has provoked in many quarters, and for diverse reasons, a backlash against the step-by-step, country-by-country structure of Kissinger's mediation. But much of the pressure to dispense with these particular negotiations and revert to the Geneva conference derives also from the fact that it is now open season on Dr. Kissinger. This has much less to do with his actual performance than with the general demoralization of American politics and an embarrassed overreaction to an embarrassing exaltation of Kissinger's talents in the past. Sen. Stevenson's attack on the secretary's attachment to "the myth of his own personality and indispensability" is understandable as early campaign rhetoric. But the senator's corollary proposal to reconvene Geneva is not sensible.

For the strategy of peace requires first the maximization of those interests of Egypt that will keep it out of any future fighting in the Middle East. How much more difficult it would be to fix on the common concerns of Israel and Egypt in a conference attended by the other Arab states and with the redoubtable Gromyko in the chair. Sadat, in fact, does need peace. In a recent series of especially informative articles in the British *Guardian*. David Hirst found Egypt menaced by "serious internal instability . . . a growth of violence that is untypical of Egyptian society . . . deep social and economic frustrations, a sharpening of class antagonisms in a country where, some people now say, contrasts between rich and poor are quite as shocking, if different in nature, as they were in the day of King Farouk." This situation might incline Sadat to a diversionary adventure; but for the moment he has risked the enmity of fellow Arabs and alienated his on-again-off-again Russian benefactors to pursue Kissinger's byways. Consideration for Sadat's difficulties should not oblige the Israelis to overlook their own strategic concerns; but his problems do suggest that the coming talks may begin to unlock the generation-long political stalemate that has cost so many lives.

The reconvening of Geneva if these talks were to fail would be a perfect setting for the parties to play to the balconies, with full peace plans that don't give anything. The good offices of the United States—stigmatized by failure—would be broken. The initiative then would shift to the Soviet Union which, with the backing of the Europeans and Japan, terrorized by the specter of another oil embargo, would seek to force upon Israel a *dictat* devoid of the preconditions or components of genuine peace. Sadat might also not be in attendance, pushed by failure off history's stage; or he might be there only because the Soviets allow him once again to be their client. Every disruptive influence, including especially the PLO, which already shows signs of decline despite its successes on Manhattan's East River, will come to the fore; and the king of Saudi Arabia will frantically be trundling his billions behind those aiming in the end to undo him as eagerly as they would undo Israel. Paradoxically the king would also then be doing service for the Russians who need the format of Geneva and the vehicle of the PLO to install themselves on Israel's eastern borders, a standing irritant playing for stakes incompatible with a decent settlement.

It will probably not be possible to avoid Geneva in the long run. But what ultimately happens there will be much less inconsistent with a peaceful resolution of the conflict if Sadat's heretical tactics have paid off for him and if Israel's territorial concessions win some significant political responses from Egypt.

For this would mean that US diplomacy remains the key to an agreement between Israel and its neighbors, rather than another battered piece of evidence of how intractable their problems are. The awful prospect of Geneva without successful negotiations in the next stage on the Sinai should not induce a desperate Panglossian optimism about these present talks. But it is precisely the prospect of a witches' sabbath in Geneva that makes the success of Secretary Kissinger's current efforts so vital to those who live and otherwise might die in the Middle East.

EFFICIENT POWER FOR RURAL COMMUNITIES—THE FUEL CELL

Mr. MOSS. Mr. President, among the numerous ideas under consideration for alleviating our energy crisis, I note one common factor in nearly every scheme to produce electricity in the future. Powerplants must be huge in order to attain the efficiency required for economical operation.

Scientists tell me that this is true of any system in which heat creates steam to drive a turbine to turn an electrical clear reactors; coal, oil or gas-fired plants; geothermal plants, and ocean thermal designs.

All this may spell problems for rural communities. The cost of providing electricity for these areas already tends to be at a premium because of long distance transmission line losses. Inefficiencies associated with their own smaller powerplants, and heavy per capita investments.

Thus, I was delighted to hear about a NASA spinoff technology that appears to be adaptable to the energy needs of rural communities such as those located in Utah. That development is the fuel cell, a battery-like device that generates electricity for as long as fuel is supplied to it.

According to NASA's report, the fuel cell is an extremely efficient environmentally wholesome generator of electricity. Instead of using combustion to produce heat to create steam which spins a generator, the fuel cell involves a chemical reaction of the fuel with air to produce electricity directly. The intermediate mechanical processes are eliminated. In fact, the basic fuel cell has no moving parts.

The truly unique quality of this device is that even very small units are extremely efficient. This result flows from the fact that the fuel cell is really a stack of plates, screens, or wafers—depending on the design—as in a battery. Large fuel cells merely have more plates, screens, or wafers—the basic efficiency of the chemical reaction remains the same.

Consequently, we do not have to build enormous fuel cells to obtain acceptable levels of efficiency. I am told that the best steam and gas turbine generators operate at a thermal efficiency of about 39 percent of fuel used but such efficiency is achieved only if the plant produces power levels of about 100 million watts.

The best fuel cells in existence are only slightly more efficient, but that efficiency is achieved at a power output of less than one one-thousandth of that, a power level at which other systems are far less efficient. Advanced high temperature fuel cell designs that theoretically would operate at 60 percent efficiency are now under study.

Furthermore, that efficiency remains roughly constant over a variety of load situations, whereas conventional systems drop in efficiency if operated at less than maximum capacity. And the fuel cell responds automatically and very rapidly to changing loads. Conventional systems are not that flexible and adaptive.

Because fuel cells can be small yet highly efficient, they can be dispersed right into the community so that electrical transmission losses are minimized. Existing gas lines can carry the fuel right to these dispersed fuel cells. Last, the waste heat of the fuel cell can be used to heat nearby buildings, thus gaining an even higher overall efficiency.

Many advantages flow from the fact that the fuel cell's efficiency is for the most part independent of its size. First, utilities could add generating capacity only as they need it, instead of being forced to finance excess capacity in order to attain high efficiency. Recently, utilities have purchased gas turbine engines to get incremental growth that matches demand, but the low efficiency is distressing and expensive. It has been estimated that the fuel cell could displace all small gas turbine generators by 1985.

Because of its battery-like nature, the fuel cell can be built with modular construction so that incremental growth or repair is possible without a shutdown of the plant. Compact size also means that siting problems are reduced for utilities that have found the community's welcome mat rolled up. One report stated that a unit to supply the needs of 20,000 people can be placed on one-half an acre. The system would be manufactured at the factory, trucked onto its site and installed with a minimum of effort. Size is one of the merits of the fuel cell that led NASA engineers to investigate the feasibility of incorporating a fuel cell in their MIUS—modular integrated utility system—project. Waste and garbage would be processed to yield a gas which would power a fuel cell, the waste heat of which would be used to heat homes.

The fuel cell creates little air, water, thermal, nor noise pollution and so it is environmentally attractive. Waste heat is ejected into the air. Having no moving parts except perhaps cooling fans, its noise level is comparable to that of nighttime residential areas. The fuel cell's benign environmental characteristics would make it extremely attractive to utilities beset with onerous emissions control requirements.

Fuel cells were standard equipment on the Apollo spacecraft. With hydrogen and oxygen as fuel the space fuel cells reliably generate electricity yielding a waste product of drinkable water for the astronauts.

Hydrogen is little used as a fuel today, although if we ever achieve a "hydrogen economy" then Apollo-type fuel cells would be ideal. However, with modified designs other fossil fuels can be used.

When examining future sources of electricity that use a fossil fuel, it seems to me that we ought to ask two questions:

First. Can it use existing scarce fuels more efficiently so as to stretch these limited reserves in the near future?

Second. Can it run on coal, our most abundant fossil fuel, in the distant future?

For the fuel cell the answer to both questions is yes. Natural gas or the methane now being collected from coal mines will power the cell. As for the future the fuel cell is expected to operate on gas from the coal gasification process now under development, on methyl alcohol which can be made from coal for about 8 cents a gallon, or on a great range of petroleum distillates.

Mr. President, a most heartening aspect of the commercial fuel cell venture is that it is a product of private development. NASA blazed a trail with its work on fuel cells for space, but industry explored the potential for commercial application. Pratt and Whitney Aircraft began research on fuel cells in 1959 for commercial application, but by the end of 1960, they were about to drop the project because developmental problems appeared too complex for economical solutions. However, they received a NASA contract in 1961 to build a small demonstration fuel cell for aerospace purposes. In 1962, they were awarded a contract to develop and manufacture fuel cells for the Apollo spacecraft thus extending Pratt and Whitney's fuel cell development program for 5 years. Ultimately, fuel cells provided power on Gemini, Apollo, Skylab, and will be included on the Space Shuttle.

The commercial history of the fuel cell began in 1962 when Pratt and Whitney set up an experimental unit to power a pumping station at Stanton, Ky. This was followed in 1966 by a larger fuel cell for the same utility company.

Then in January 1967, 28 gas utilities formed a nonprofit consortium called the Team to Advance Research for Gas Energy Transformation—TARGET—to cooperate in the development of a natural gas fuel cell for use at shopping centers, apartment buildings, and other on-site locations. Presently, 60 fuel cells produced in the program have operated for a total of nearly 200,000 hours at 37 sites around the world.

Another milestone occurred in 1971 when four utilities that supply gas and electricity joined TARGET. Heretofore, no electric utility had expressed interest in fuel cells.

In November of that same year, 10 electric utilities and the Edison Electric Institute underwrote a $3 million Pratt & Whitney program and in 1973 the Electric Power Research Institute added $9 million more.

TARGET and Pratt & Whitney spent about $50 million in their three-phase project to develop the commercial fuel cell. According to an article in Government Executive magazine, May 1974, Pratt & Whitney recently announced a program to develop a 26-megawatt fuel cell to supplement traditional power sources.

The electric companies have placed $28 million in down payments on 56 fuel cell plants, the earliest deliveries were slated for 1978. Total sales could reach $300 million, however, the orders are conditioned on successful completion of an R. & D. program expected to cost $42 million. Even if this first commercial program is given Federal assistance to assure the early availability of a commercially viable fuel cell, only a first step in realizing the potential of this device will have been taken. More sophisticated designs are under development which have higher efficiency and compatibility with other fuels.

For instance, Westinghouse Electric Corp., of Pittsburgh, Pa., is investigating the suitability of distillate fuel such as No. 2 fuel oil for fuel cells in central power stations. In 1972, a small experimental unit was installed at the Public Services Electric and Gas Co., in Newark, N.J.

Furthermore, Engelhard Minerals & Chemicals Corp. of Murray Hill, N.J., is developing fuel cells using ammonia or methyl alcohol for remote or small power needs. The use of methyl alcohol is attractive because it is pure and cheaply obtained from coal, our most abundant fossil fuel. Such a design might be the follow-on to the early natural gas-powered fuel cell, once the coal-derived methyl alcohol is available.

To supplant the enormous central station generators we could turn to the high-temperature fuel cells which theoretically have thermal efficiencies of about 60 percent. Westinghouse is engaged in development of these advanced fuel cells to be used at coal gasification plants. However, these high-temperature versions appear to be second- or third-generation follow-ons to the less complicated low-temperature fuel cells.

The demonstrated interest of the electric and gas utilities in fuel cells, the continuing research and development by technical corporations, and NASA's reliance on the fuel cell in the space program as well as its investigations in the MIUS program all emphasize the solid potential of this device. The technological feasibility is relatively clear. The obstacle is economics. What is needed is funding for the fine tuning required to make the fuel cell commercially viable, but at current levels of investment, the fuel cell will not come of age until well into the 1980's.

However, we can advance the timetable of the fuel cell's availability, so that it might "stretch" scarce fossil fuels, if more money is devoted to research and development of the fuel cell.

The National Rural Electric Cooperative Association wrote NASA last year, emphasizing that there are nearly 1,000 rural electric member systems which serve well over 20 million citizens in 2,578 counties:

> We have a high degree of confidence in the potential technical and economic feasibility of fuel cell electric power generation as a useful and desirable component of the future complete utility system. We urge immediate and full support of an all out effort to develop the fuel cell concept for utility purposes.

And this keen interest is not limited to rural electrical utilities. In a letter dated December 27, 1974, the Massachusetts Municipal Wholesale Electric Co., controlled by 23 municipal electric utilities, urged initiation of a national fuel cell program to be supported by Federal funding.

Now I know that the fuel cell is not the answer to all of our energy problems. Certainly, there is no single answer. But, I believe that the fuel cell has generated sufficient interest among suppliers of power to rural America to justify more intensive research.

Currently, NASA, which has more expertise and experience in fuel cell technology than any other Government agency, is spending a mere $55,000 per year studying the suitability of the fuel cell to be an integral part of the MIUS project. NASA of course recognizes that Congress gave the helm of our energy program to ERDA. Yet, it is my hope that Dr. Seamans, the Administrator of ERDA, will take advantage of NASA's ability in this area and that he will establish a national fuel cell research program. Such a program could be of particular benefit to our small communities.

A NEW PROCLAMATION

Mr. BIDEN. Mr. President, earlier this year, the students of the Lore Elementary School in Wilmington issued a new "Declaration of Independence," setting forth the goals they hold to be important to themselves, their community, and their Nation as we approach the 200th anniversary of our birth.

The spirit of this new proclamation is summed up in its third sentence:

> Our goal is to build upon our strengths and conquer our weaknesses so America and the world will live in peace.

It is frequently fashionable to be cynical these days about the "apathy" of young people toward government and public officials. Yet, this proclamation—written by a concerned group of young people—shows that students are every bit as concerned as their elders about the problems which beset their own communities, the United States, and the world at large.

I ask unanimous consent, Mr. President, that this Declaration of Independence of the Lore Elementary School in Wilmington, Del., be printed in the RECORD, together with a list of those students who signed it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECLARATION OF INDEPENDENCE

In school, February 1, 1975, a declaration by the students of the Lore Elementary School in Wilmington, Delaware, the First State.

We, the students of Lore, pledge ourselves to the future of the United States. We thank our forefathers for what they have given us. Our goal is to build upon our strengths and conquer our weaknesses so America and the world will live in peace. We will conquer all the diseases which kill and cripple man and overcome hate, prejudice, doubt, fear, unemployment, and starvation. In this way, there will be no more robberies, murders, or wars. We believe that the laws of nature and of nature's God are for all people—adults and students. By God's grace, He has given all of us the right to life, liberty, and the pursuit of happiness.

Let it be known that people will live better by these ways. We will have better education, better built schools, and better teachers to teach in these schools. We will have more freedom in the classroom. We will have more and better trained policemen and better equipment for the policemen and firemen. The United States will quit getting mixed up in wars which are none of their business. We will stop inflation for once and for all. The voting age will be lowered to 14 years old. We will have better court systems because criminals who commit crimes sometimes get away with them. Laws and judges will be tougher; cases will not take so long to get to the courts, and criminals will not get out of prison so easily. We will stop the drug problem by not letting it begin. People will start to become more self-sufficient—grow food, make cloths, and build things. Our leaders, including the President of the United States, will set the good examples. People who make more money than poor people will pay more taxes and taxes for poor people will never get any higher. Women will have equal rights and opportunities to serve the nation. The government will enforce stricter laws on pollution. It will not declare war without the consent of the people. It will not permit corruption to become part of our daily lives. We will stop the use of DDT and other insecticides without safeguards for the people. We will enforce strict laws to eliminate racism and ignorance. The government will use its processes the right way. The government will work to make life better for all the people of the world.

We hold that these pledges and statements are true, and that all children are created equal, and that our God has given us laws and rights to live by. So in support of this declaration and with the protection and guidance of our Lord, this year of 1975, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

Raymond Gross, Larry Hatton, Patricia Hopkins, Tammy Jackson, Michelle Joyner, Mark Kane, Debbie Marshall, Kenneth Murray, Carmen Scott, William Truitt, Steven Washington, Quinton Watson, Kenneth Wilson, Carol Wright, Earl Williamson.

Marilyn Villafane, Clarence T. Henry, Sharon Davis, Marita Bollins, Stephanie Jackson, Ronald Taylor, Crystal Carter, Carol Brown, Janet Carter, Quillie McDonald, Willie Snow.

Devin Park, Michael Jenkins, Richard Lively, Andre Johnson, Rochelle Starling, Christopher Boyd, Karen Carpenter, Donna Wilson, Sherry Venable, Angela Lawson, David Barber, A. S. Briggs.

Marion Warren, Carmen Roberts, Lisa Caldwell, Lisa Cornelius, Carrie M. Hutson, Betsy Struck, Richard A. Struck, principal, Dorien Cane, Guy Marshall, Darryl Lucas, Denise Royster, Robert, Lisa Foster, Edith Chapman, Joseph Wright.

Terry Walls, Carolyn Dupont, James Mack, Lisa Hendrix, Shawn Test, Mary Clay, Novice Lloyd, Eugene Crosland, Ronny Mitchell, Diana Barber, Cassious Jacobs.

Larry Cagnon, Melanie Lewis, Wendell Husser III, Tracy Murphy, Robert King, Lisa Davis, Terry Hagaus, Kevin Chamblin, Karen Hall, Valerie McManus, Norma Velaques, Gilbert Green

Kim Sewell, Shandra Davis, Audrey Headley, Tracey Colson, Beatrice Turner, Frank Bromwell, Nancy Perez, Richard White, Jerry Henry, Frederick Ryle, Marta Wright, Darlene Rodgers, Roland Hicks, Michael Morrow, Johnny Falcon, Debea Johnson.

Kenny Swanson, Horace Lee, Jackie Butcher, Joseph Tilghman, Renee Russ, Janice Johnson, Gay Thomas, Attley Lambert, Paul A. Loper, Emma J. Spence, Mark Coverdale, Bobby Lundy, Tracey Brown.

Teresa Lambert, Anthony Johnson, Sharonne Miller, Paul Chapman, Anthony Venable, Damon Millis, Mark Davis.

William Gosa, Tracey Cleveland, Alex Rogers, Ellsworth Brown, Steven Lockerman, Leslie Jones, Vanessa Morales, Valerie Hunt, Mayra Quinones, Eugenia Wright, Aaron Harley, Brian Artis, Carol Heady, Keith Daniels, Ben W. Ellis, Dwayne Wilmore.

Sylvia Cain, David Crosland, Gwendolyn Neal, Joseph Thomas, Phyllis Szymanski, Stephanie Grayson, Lisa Bunche, Lillian Villafane, Carmelia Berry, Marion Rodgers, Sterling White, Elizabeth Coxe, Roman Cross.

Alvin Davis, Ernestine Roberson, Rodney Wrench, James Harden, Leonard Melton, Patricia Jackson, Ralph Jackson, Johnny Bell.

Doretha Walley, Marion Spencer, Sylvia Patterson, Lisa Goldsberry, Joseph Chapman, Wayne Strong, Michael King, Maria Fowler, Dawn Taylor, Anthony Johnson, Kevin Grissett, Tracey Stokes, Tina Hicks, Chris Kotash.

Trudy Walls, Carla White, Lawrence Saienni, Todd Turner, Crystal Murray, Ronald Merritt, Kenneth Young, Allen Brown, Michael Brittingham, Donald Huestner, Betty Nelson, Jerry Evans.

Lawrence Glover, Kevin Lucas, Dion Matthews, Willard Schneese, Carmen Wright, Leatrice Elleabe, Gerald Ryle, Raymond Santos, Jacqulin Crews, Renee Bartley, Jose Gamgal.

Leon Rayfield, Don Laws, Mildred Glover, Julie Ulmer, Debgie Gibson, Terry Robinson, Kim Oates, Karen Wade, Darryl Evans, Donna Johnson, Juanita Graham, Randolph White, Joseph Jones, Kevin Agrew.

Pamela Kennedy, Sheila McQueen, Robin Baylor, Patricia White, Danny Hicks, Michael Brown, John Lively, Linda Sharp, Desiree Collins, Billy Boyd, Valarie Petty, John Bartley.

Reuben Baylor, Whitney Blake, Steven Bowie, Louise Brinkley, Melvin Brock, Angela Caldwell, Aleta Clay, Michelle Dunn, Dwayne Ennis, Carmen Ferguson, Timothy Fletcher.

RURAL AREAS BEING DENIED NEEDED HOUSING ASSISTANCE

Mr. HUMPHREY. Mr. President, on November 25, 1974, during floor debate on the agriculture appropriations bill H.R. 16901, the distinguished Senator from Maine (Mr. HATHAWAY) and I engaged in a colloquy with the able and distinguished chairman of the Appropriations Subcommittee on Agriculture, Environmental, and Consumer Protection, Senator McGEE. This colloquy was to establish congressional concern for implementation of section 514, title V of the Housing and Community Development Act of 1974.

This section provides authority for establishing a rent supplement program for the FmHA rental programs. At that time, Senator McGEE advised Senator HATHAWAY and me that the Agriculture Appropriations Subcommittee had considered the problem very carefully and had decided that the best way to proceed was to request a report from the Department on the severity of the problem, and the amount of drawdown on the Rural Housing Insurance Fund necessary in order to implement the rent supplement program.

During this colloquy the distinguished Senator from Wyoming advised us that information from FmHA would be available by December 31, 1974, because he had set that deadline in order that the Appropriations Subcommittee would have ample opportunity to conduct a review and act on the matter at the "first opportunity for a supplemental consideration."

Mr. President, I am very concerned that the Agency did not bother to respond to Senator McGEE until after several communications. The answers to the request for specific information were evasive and unresponsive. Finally, the distinguished gentleman from Wyoming, had to send a strongly worded letter to the Agency, making it very clear that the subcommittee wanted the information on rent supplements.

Over 2 months after having requested the necessary information, a letter was received from FmHA on January 30, 1975, This letter was more than an evasion, this letter was a downright insult to the distinguished chairman, the subcommittee, and the entire Congress. Besides not providing the requested information, the letter advised the subcommittee that the Agency had decided that there is question about the need for and the effectiveness of a rent supplement program.

Mr. President, the Congress decided that there was a need for the rural rent supplement program when we enacted section 514 of the Housing and Community Development Act of 1974.

I am concerned that this action by the Department of Agriculture continues the type of operation carried out by the previous administration in defying the laws of Congress. I want to make it very clear that I will not sit still and watch this happen, especially from an agency which would cut back on a food stamp program for the elderly and the poor in order to balance the budget.

The housing programs of the FmHA have generally paralleled those offered by HUD—FHA—programs, with one notable exception, rent supplements. After several years of operating rental programs such as 221d(3) BMIR—below market interest rate—and section 202 for elderly, it became clear that the basic goal of serving the needs of low-income people could not be met. In recognition of this, Congress, as part of the Housing and Urban Development Act of 1965 (Public Law 89-117), enacted the rent supplement program. This HUD program provides for assistance payments to owners of federally insured projects such as 221d(3), 231, 202, and 236. The assistance payments supplement the rent of low-income tenants so that they do not have to pay more than 25 per cent of their adjusted income for rent. The supplemental payments are limited to those whose incomes are below the public housing limits established for a given area. There are a number of limitations built into the program such as the number of units in a project which can be aided.

Between fiscal year 1966 and fiscal year 1975 Congress appropriated $311 million for the HUD rent supplement program. This program has assisted thousands of families to achieve decent housing, primarily in urban areas. In the past few years the program has been increasingly directed to elderly and handicapped Americans who are given a priority. It has also helped to achieve an income mix in subsidized projects which is also a peripheral goal established under the Housing and Community Development Act of 1974.

Rural areas contain close to 60 percent of the substandard housing in America, as defined by the Census. In addition, with only 30 percent of the population, rural America suffers with 44 percent of those in poverty. It is clear, Mr. President, that rural America desperately needs every housing resource available if the promise of a decent home for every rural American is to be kept. One would have thought that rural America would have been the first place that the rent supplement program would be used. Unfortunately, this was not the case.

The FmHA section 515 rural rental program is supposed to provide rental housing for low- and moderate-income families and elderly persons. Despite subsidies similar to those in the HUD urban programs, the 515 program has not been able to serve the low-income elderly or families except in several Southern States where taxes and utility cost are low. In the main, the section 515 program has not been able to meet the congressional goal of serving low-income people, just as the urban rental programs were unable to do this without additional subsidies in the form of rent supplements.

In fiscal year 1974 the section 515 program was responsible for the production of 12,000 units of rental housing. Rentals for the section 515 program in a few selected States were as follows:

First. Pennsylvania—1974, 1 bedroom, lowest rental, $130 per month.

Second. New Jersey—1975, 1 bedroom, $167 per month—estimate.

Third. Massachusetts—1975, 2 bedrooms, $190 per month—estimate.

These are examples based on 50-year mortgages at a 1-percent interest mortgage. In many States, because of higher utility costs and tax rates, it is not feasible to build section 515 units, but clearly, Mr. President, Congress did not intend this program to be sectional in nature.

In order for the rural rental programs of the FmHA to carry out the congressional mandate to serve low-income elderly and families, it would be necessary for the rural housing programs to have available the same support as the urban programs. We recognized this when we enacted section 514 of the Housing and Community Development Act of 1974 and established the rural rent supplement program. After a 9-year hiatus, equity was finally provided to rural areas. As the House report (H.R. 93-1114) stated about rural rental assistance, "an important authority—long overdue."

And further that—

> The higher incidence of poverty and generally lower median incomes in rural areas, coupled with the critical need for additional housing serving very low-income families, provide adequate justifications for this special assistance.

The enactment of the rural rent supplement program was an important step forward and had wide support both in and out of Congress. It now is clear that neither the FmHA nor this administration share this support. I want to take this opportunity to deal with the issues raised by Mr. Bostic, of the Department of Agriculture, in his letter to Senator McGee. After clearing away the obscurities raised by the letter the main objections raised by the Department of Agriculture are:

First. Substantial additional personnel required to administer the program.

Second. Question about the need for the program.

Third. Question about the effectiveness of the program.

The rest of the letter frankly is gibberish and consistent with an administration which would cut back on the food stamp program for the elderly and the poor in order to keep the national debt down.

I want to deal with the issues raised by Mr. Bostic, because they are a smokescreen for the real reason for not implementing the program. First, it is unlikely that any additional employees would be required, because the rent supplement program would be carried out as part of current operating activities of the agency and at the most would require a bit more bookkeeping. I also find it interesting that Mr. Bostic is now concerned about the need for additional personnel to operate a rent supplement program. Where were Mr. Bostic, Mr. Butz, and General Elliott when the Rural Development Act was added to the FmHA responsibilities? Did they complain about the need for more staff? The answer is no. The fact is that they cut staff. If additional staff is required for FmHA why has not the administration requested it?

Second, Mr. Bostic questions the need for the rent supplement program. I would suggest that Mr. Bostic and Mr. Butz also read the statistics of the 1970 census which indicate that some 900,000 rural families have average rent paying ability of less than $14 per month and most of these people live in substandard housing. The same census shows some 4,132,000 units of substandard housing in rural America.

In this period to even raise the issue of need for housing in rural areas shows either a complete ignorance of the problem or an absolute insensitivity to the needs of the poor and elderly.

Lastly, Mr. Bostic questions the effectiveness of the program and suggests that "HUD has produced a very large program with serious deficiencies." Mr. Bostic does not offer any supporting evidence for his statements. I would suggest that a number of investigations by GAO and congressional committees have established serious cases of mismanagement of the housing program on the part of HUD. Is this what Mr. Bostic means by "deficiencies"?

Mr. Bostic, in his letter to Mr. McGee, suggests that the HUD section 8 program may provide an alternative to rent supplements. Much ado is made of the 20 to 25 percent of the section 8 units which are set aside for nonmetropolitan areas. I would remind all that at the time of the ill-conceived moratorium on housing subsidy programs instituted by former President Nixon on January 1973, nonmetropolitan areas were getting close to 40 percent of all public units. While this did not meet the need based on the percentage of substandard housing in nonmetropolitan areas, it was a good deal closer than the 20 to 25 percent of units available under the section 8 program.

In addition, the section 8 program is new with regulations still not completed. It is interesting to note that regulations for the use of the section 8 program in combination with the 515 program remain to be drafted and promulgated. Similar regulations for the revised section 23 program and the section 515 program were in the drafting stage for over 18 months and never did get completed.

Beyond this, there are serious questions by many as to whether the section 8 program can work at all. Problems such as double processing, inadequate fair market rentals, limited HUD personnel, applicability of Davis-Bacon rates, and limited rural delivery systems are all serious questions which must be answered before we blithely follow the HUD section 8 pied pipers. The experiences of the last few years in housing by this administration should give us reason to pause to reflect before blindly following.

The rural rent supplement program makes a good deal more sense for obvious reasons:

First. It has a ready vehicle for its implementation—every section 515 project.

Second. There are built in legislative controls—a limit of 20 percent of the units in a project except for elderly and farmworkers.

Third. Easy processing—the program involves only one agency with a minimum of paperwork.

Fourth. Virtually no need for additional staff to implement the program.

Fifth. Less costly than the section 8 program. There is a HUD estimate that the section 8 assistance payments will average $3,400 per unit/per year. It is estimated that the rent supplement program will cost $500 per unit/per year below the 1-percent subsidy rate.

I think every effort should be made to use the section 8 program in rural areas, but the rent supplement must also be implemented immediately. We need every tool at our disposal to meet the housing needs of rural people.

I close by reminding you that this administration has spent the last 2 years in wrecking the homebuilding industry in our country. Thousands upon thousands of desperately needed units of housing went unbuilt. Billions of dollars of revenue for rural America went unspent. This policy has led to a deep recession generally and a depression in the rural construction industry.

We in Congress have been looking for ways to get the economy moving again. I suggest that by assisting the rural construction industry to serve a broader section of the population, we would be accomplishing this. The rent supplement provision of the 1974 Housing and Community Development Act offers such assistance, and we should demand that it be implemented by the administration immediately. I believe that the next supplemental appropriations bill should contain the needed instruction to the FmHA to begin the program immediately.

Since the rent supplement program is tied legislatively to the rural rental programs of the FmHA and because, with the exception of elderly and farmworker housing, the program is restricted to assisting 20 percent of the units, I believe it is possible to carefully calculate the budgetary impact of the program. Using a base population figure of 20,000 units for the 515 rural rental program, of which 50 percent would be for the elderly, we estimate that 60 percent, or 6,000 units, will require rent supplements. Of the remaining 10,000 units, up to 20 percent could be supplemented, which would mean an additional 2,000 units. The production level of the farm labor housing program, sections 514–516, is estimated to be about 1,000 units, of which 75 percent would be assisted. The total of all units receiving assistance would be 8,750 in number. We calculate that an average rent supplement of $500 per unit per year will be required, which would mean a total expenditure of $4,375,000. This is certainly a modest amount to invest in the desperate housing needs of rural Americans.

Mr. President may I conclude my remarks by stating that unless I see evidence that the Department of Agriculture is acting responsibly with regard to congressional intent on rural housing programs, I will seriously consider amending section 514, title V of the Housing and Community Development Act of 1974, to mandate the use of the program and remove the present permissive language.

Mr. President, I ask unanimous consent that several supporting documents regarding this matter be printed in the Record.

There being no objection, the documents were ordered to be printed in the Record, as follows:

October 9, 1974.

Hon. Gale W. McGee,
Chairman, Subcommittee on Agriculture, Environmental and Consumer Protection, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: With enactment of the Housing and Community Development Act of 1974, rural areas have finally gained parity with urban areas in a number of housing assistance programs. One new program for the Farmers Home Administration is "Rental Assistance" (Section 514 of Title V of the 1974 Housing Act), which is comparable to the rent supplement program authorized for the Department of Housing and Urban Development in 1965, but infrequently used in rural areas. The importance of that program in our inflationary economy cannot be overstressed. It will enable FmHA to make assistance payments to owners of rural rental (Section 515 program) or farm labor housing projects (Sections 514 and 516), so that low-income families will not have to pay more than 25 percent of their small incomes for housing.

This rental assistance program is financed through reimbursements to the Rural Housing Insurance Fund and, therefore, will not require an appropriation at this time. However, I am concerned that without specific language in either the Agricultural or the Supplementary appropriations bills, implementation of this program will be delayed. Farmers Home Administration was given new and wide-ranging authority in the 1974 Housing Act, yet it failed to request funds for any of the new programs. There is no indication that the Agency will move aggressively on this program either. I heartily agree with President Ford's message of October 3, in which he urges early implementation of the 1974 Housing and Community Development Act—particularly the provisions that will help those people who are hurt the most by our current economic situation.

The cost of the rent supplement program for rural areas is surprisingly small in comparison to its benefits. Furthermore, the program is legislatively limited to 20 percent of the units financed under the rural rental program, except in the case of elderly or farm labor housing projects. This past year FmHA financed approximately 12,000 rural rental units. Even if that workload is increased to 20,000 units in FY 75, and another 1,000 units of farm labor housing are built, I estimate that the cost of the rental assistance program would amount to only $4,375,000. My calculations are attached. You might note that the per unit assistance is estimated at $500; this is far less than the $1200 per unit average for the urban rent supplement program. The disparity is caused by a lower rental cost to the consumer under the rural housing programs.

Rural areas are generally the last to benefit from federal housing programs, yet they suffer the worst housing and the greatest poverty in this nation. With inflation causing almost daily rises in the price of housing, we cannot afford to wait until next year's appropriation to assist our rural families in obtaining decent housing. I strongly believe that the rental assistance program will be a valuable tool for our rural residents, and that FmHA should make it available immediately.

I am attaching some committee report draft language for your consideration. Since the Senate has not acted on either the Agricultural or the Supplementary appropriations bills, I think that either piece of legislation might be appropriate. If this is not possible, I intend to encourage implementation of the rural rental assistance program through a floor colloquy.

Thank you for your consideration.

Sincerely,

Hubert H. Humphrey.

November 4, 1974.

Hon. James T. Lynn,
Secretary, Department of Housing and Urban Development, Washington, D.C.

Dear Mr. Secretary: We urge that in the development of regulations by your Department for the implementation of the Housing and Community Development Act of 1974 (PL 93–383), careful consideration be given to the effective coordination and application of provisions relating to rural housing and development.

As you know, rural America contains half of the Nation's poor and two-thirds of its substandard housing. Moreover it should be clearly recognized by now that there is a direct connection between rural conditions and the exacerbation of urban problems. The central requirement of the present decade is the creation of comprehensive and coordinated Federal, State and local government policies to promote balanced *national* growth and development.

PL 93–383 reflects an awareness of these facts in concrete terms. Thus, while Title I explicitly calls for the development of a national urban growth policy, focusing on housing, environmental, and economic opportunity requirements principally for persons of low and moderate income, it is significant that 20 percent of community development assistance authorized under this Title is designated for allocation to units of general local government outside of metropolitan areas, and to states for use outside of metropolitan areas. More over, in addition to major new and revised housing assistance programs authorized under this Act, important improvements are made in the programs of rural housing assistance through amendments, under Title V, to the Housing Act of 1949.

In light of these considerations, we are concerned that effective coordination be achieved without delay between your office and that of the Secretary of Agriculture for the early implementation of various programs under this Act which can benefit rural residents. As you know, Section 603(b) of the Rural Development Act of 1972 empowers the Secretary of Agriculture to coordinate the rural development work of all departments and agencies of the Federal Government and to focus them upon rural development, both in terms of their substantive programs and in terms of their personnel and their offices.

Moreover, under Title V of the Housing and Community Development Act, a new program of "Rental Assistance" is established, for which the Farmers Home Administration would have administrative responsibility. We urge that you take such steps as may be necessary and appropriate to assist in avoiding any delay in the implementation of this program, which would enable FmHA to make assistance payments to owners of rural rental or farm labor housing projects, so that low-income families will not have to pay more than 25 percent of their small incomes for housing. This is the first time that FmHA has been authorized to provide assistance to the lowest income families, and it should be expedited, provided adequate funds, and targetted on those who are in serious need of this help.

We also want to bring to your attention our views on certain specific matters with respect to the development of regulations on PL 93–383.

First, equitable and effective housing assistance outside metropolitan areas, as authorized under this Act, may be hindered by difficulties confronted by local governments in the preparation of technical documents in the application process. It is important that legislative provisions for advance payments and technical assistance be made known to local governments in rural areas. The Department should also inform these governments without delay and in clear terms of revisions authorized with respect to applications for development assistance, to permit communities to follow simplified procedures and to enable local governments to determine readily whether they qualify for assistance.

Second, procedures should be clearly indicated in regulations to assure that the review and decision process on development assistance takes into full account the views of local governments and residents, which should be weighted effectively with the recommendations of State governments in final determinations by the Department on assistance allocations.

Third, policies of the Department should take account of the important role of private, non-profit corporations and of local housing authorities in the development of housing programs outside of metropolitan areas. For example, often in rural communities, without the efforts of church-related organizations as housing program sponsors, the job will not get done. We believe it is important, therefore, that the capabilities of such sponsors and local housing authorities be determined on a case-by-case basis, particularly with respect to project applications for rural areas.

Finally, Section 518 of PL 93-383 authorizes a new program of assistance for mobile homes and sites, under the Housing Act of 1949. However, while Title VI provides for the establishment of Federal construction and safety standards for mobile homes and authorizes a program of mobile home safety research and development, this important requirement in addressing problems associated with the utilization of mobile homes toward resolving housing shortages must be supplemented by carefully developed and scrupulously monitored regulations for administering the mobile homes program under Section 518. Standards must be clearly set forth on site requirements, density limits, and essential facilities and services to be provided in mobile home parks, for example, and persons purchasing or renting mobile homes under this program should have a reasonable expectation of protection from fraud and misrepresentation, and that site maintenance and services will be stipulated and continued by mobile home park developer-owners receiving Federal assistance under this Act.

We ask that you give immediate and serious consideration to these recommendations toward assuring that rural as well as urban areas are enabled to meet urgent needs and undertake planned development for future growth.

Sincerely,

HUBERT H. HUMPHREY,
U.S. Senate.
DICK CLARK,
U.S. Senate.

Mr. MCGEE. In response to the distinguished Senator from Minnesota's remarks let me reiterate my assurances to the Senator from Maine (Mr. HATHAWAY). The subcommittee will request a report from the Department of Agriculture on the status of this program, with the report to be submitted by the end of his calendar year. With this information in hand, the committee will be in a position to consider the program.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., January 30, 1975.

Hon. GALE MCGEE,
Chairman, Subcommittee on Agriculture, Environmental and Consumer Protection, U.S. Senate, Washington, D.C.

DEAR SENATOR MCGEE: This will reply to your letter of January 14 concerning implementation of the rent supplement program authorized by the Housing and Community Development Act of 1974.

This new authority in the Act is discretionary and would require substantial additional personnel and administrative resources for implementation.

As you observed in your letter, a rent supplement program for rural America is an undertaking of potential great magnitude. There are several important steps to be taken and difficult decisions to be made; consequently, we have not been able to lay out, with any precision, a timetable for implementing this program.

Primarily, there is concern in the Department and in the Farmers Home Administration (FmHA) about the need for and effectiveness of the new rural rent supplement program. The Department of Housing and Urban Development (HUD) experience with rent supplements has produced a very large program with serious deficiencies. The Administration believes that the rent supplement program authorized by this Act, which involves deep subsidies and resultant high Federal outlays, may not be effective and cannot be effective within any reasonable cost. Consequently, implementation of a rural rent supplement program is regarded as being of questionable value.

As you may know, HUD is currently providing rental housing assistance to low-income families under its section 8 leased housing program which may provide an alternative to rent supplements. Twenty percent of the assisted units under section 8 are required to be located in nonmetropolitan areas.

The FmHA has implemented many of the authorities included in the Housing and Community Development Act and has begun work on developing procedures for others (as the enclosed outline shows). In view of the foregoing reasons, it would be difficult to implement this new discretionary program and it is the judgment of the Administration that we should not proceed with implementation of the rent supplement program.

Sincerely,

WILLIAM ERWIN,
Assistant Secretary.

HOUSING CONDITIONS IN RURAL AREAS

State	Total rural housing units	Substandard rural housing units		Percent of substandard housing units in State which are in rural areas
		Number	Percent	
Alabama	457,000	166,000	36.1	57.9
Alaska	45,000	20,000	43.5	76.1
Arizona	19,000	33,000	11.0	14.9
Arkansas	334,000	178,000	34.5	69.5
California	665,000	93,000	8.4	9.3
Colorado	169,000	32,000	7.2	10.9
Connecticut	207,000	16,000	7.6	19.0
Delaware	51,000	9,000	17.6	53.9
Florida	474,000	85,000	18.0	27.7
Georgia	570,000	170,000	29.9	57.8
Hawaii	37,000	12,000	32.6	24.2
Idaho	109,000	19,000	17.8	61.5
Illinois	620,000	106,900	17.2	24.4
Indiana	586,000	102,000	17.4	44.8
Iowa	405,000	63,000	15.7	52.6
Kansas	274,000	43,000	15.9	51.5
Kentucky	504,000	218,000	43.3	75.5
Louisiana	377,000	125,000	33.2	49.7
Maine	170,000	47,000	27.7	67.9
Maryland	276,000	53,000	19.0	42.4
Massachusetts	269,000	26,000	9.6	15.1
Michigan	726,000	127,000	17.5	40.1
Minnesota	407,000	95,000	23.5	53.8
Mississippi	377,000	158,000	41.8	71.8
Missouri	523,000	142,000	27.2	52.9
Montana	112,000	25,000	22.3	62.3
Nebraska	203,000	32,000	15.6	53.4
Nevada	34,000	6,000	16.6	29.9
New Hampshire	111,000	18,000	15.9	57.1
New Jersey	256,000	22,000	8.5	11.7
New Mexico	94,000	38,000	11.2	20.8
New York	831,000	100,000	11.8	15.7
North Carolina	886,000	255,000	28.9	73.0
North Dakota	116,000	31,000	27.0	74.8
Ohio	800,000	150,000	18.7	39.9
Oklahoma	305,000	67,000	21.8	55.8
Oregon	231,000	29,000	7.3	8.6
Pennsylvania	1,054,000	165,000	15.6	42.6
Rhode Island	34,000	4,000	12.3	15.6
South Carolina	416,000	137,000	32.9	68.0
South Dakota	126,000	33,000	26.4	74.3
Tennessee	534,000	184,000	34.5	66.0
Texas	845,000	216,000	6.8	16.1
Utah	62,000	11,000	11.8	12.4
Vermont	102,000	16,000	15.5	79.0
Virginia	544,000	190,000	34.9	70.0
Washington	325,000	40,000	6.6	8.2
West Virginia	349,000	119,000	33.9	84.9
Wisconsin	482,000	97,000	20.5	51.8
Wyoming	45,000	9,000	20.0	59.6

PRIVATE MONEY IN PURSUIT OF PUBLIC NEEDS

Mr. HARTKE. Mr. President, this country is unique in that we have developed an extensive network of private philanthropic institutions to funnel private sector money into areas of social need. To encourage these institutions we have adopted a variety of tax incentives.

As chairman of the Senate Subcommittee on Foundations, I have been concerned that this private money benefit our people in the most effective manner possible. In effect, private philanthropy is subsidized by the American taxpayers. They and their representatives in Congress have a right to expect that this money will be used wisely.

Mr. President, I ask unanimous consent that the text of a recent speech I delivered on this subject be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PRIVATE MONEY IN PURSUIT OF PUBLIC NEEDS

(By Senator VANCE HARTKE)

In one form or another, the charitable instinct has been a part of every major society in the history of mankind. It was prevalent among the ancient Chinese and among the Egyptians, the Greeks and the Romans. In a multitude of varieties, it has been nurtured by most of the countries of the Eastern and western worlds. In our own society, it has taken many forms, but none so unique as the private foundation.

Twenty-nine-thousand foundations with more than twenty-one billion dollars in assets, making about three billion dollars in charitable grants each year. Those are the hard figures which form the outline of the private foundation picture, but they do not begin to sketch-in the substance.

The fine lines of the brush strokes paint a picture of people helping other people—of people who were fortunate enough to have accumulated wealth, using their money to benefit others. They paint a picture of social concern, of humanity and brotherhood. From the schoolhouse to the scientific laboratory, foundations have been involved with the concerns of American citizens and dedicated to the enrichment of our lives.

Although their numbers are proportionately small and their grants equal only one-tenth of all the charitable dollars spent each year, private foundations are significant because they engage in an institutional effort to make rational decisions about the best uses of their relatively scarce financial resources.

It is the business of making rational grant decisions which enables foundations to have an impact far beyond the dollars and cents limit of their money. A foundation which sets its sights on specific objectives and which approves grant applications representing the most helpful and imaginative means of achieving those objectives, can, make a far more effective and efficient use of money than almost any other charitable alternative. Unfortunately, many foundations lack the clearly defined purpose which they must have in order to be effective.

Foundations receive their tax exemption on the premise that they will serve a public purpose. It is one thing to meet the legal technicalities of that requirement, but quite another to satisfy its substance.

The annual reports of all too many foundations simply list grant after grant, or program after program. All that says is "we gave", but that is not enough to justify the continued existence of any private foundation.

It is time to be honest with ourselves. There are twenty-nine thousand private foundations in this country, but many are really not doing an effective job. Most foundations do not have adequate professional staffs to sift grant applications. And most have not engaged in the type of innovative programs which are truly responsive to the most urgent needs of the American people. No one could expect every grant made by each of the twenty-nine thousand foundations to be a shining example of dynamic creativity, but surely foundations as a whole can do better than they have been doing in recent years.

Each of us knows that many of the foundations established in the thirty years came into existence because our laws made them attractive tax shelters. Whether or not a foundation was established to avoid taxes is not as important as whether its money is serving useful public purpose. That is the responsibility of foundation managers, and it is a responsibility at which all too many fail.

American foundations have made significant contributions to our society and to people throughout the world. They have been at their best when their money has supported innovative, experimental, or imaginative programs. Doing things that neither government or other private institutions would do has been their hallmark.

There was a time some fifty years ago when foundations spent more for education than to any other single purpose, the Federal Government spends more on higher education alone than foundations spend on all of the grants for all purposes.

What this means is that government has expanded its role significantly in the past five decades. There is hardly an aspect of our lives that it does not touch. There are programs to aid businessmen, students, farmers, the unemployed, the poor, the aged, and the sick. If government is not aiding somebody, than it is probably regulating him in some manner.

The expanding role of government does not spell doom for private, voluntary charitable efforts. If anything, we need private initiative even more now than we did fifty years ago.

Foundations and other private sector institutions offer a useful alternative to total dependence on government for probing new ideas, treading into politically sensitive waters, examining the basic institutions and principles of our society, and experimenting with innovative approaches. At a time when there has been a growing dependence on the resources of government, private foundations remind us of the importance of the individual and the meaning of human concern.

There are millions of people in this country who have lost hope for the future. They no longer look toward the horizons with the zeal of an explorer, never knowing what lies ahead but always assured that there will be something new and exciting to be discovered. Growth, hard work and optimism have been the essential characteristics of America, but they are all in short supply today.

While rural communities are becoming ghost towns, many urban and suburban communities are adopting no-growth policies. At least seven-and-one-half-million men and women are unemployed, and that figure is likely to increase. Everywhere we turn, people look to the future with a pessimism which is encouraged by the statement of their President.

I do not believe that the American people are so tired and weak that they cannot be rallied to meet the challenges of the last quarter of this century.

I do not believe that the American people have lost their desire to dream.

I do not believe that we have abdicated the full responsibility for our destiny to government bureaucrats.

We have the capacity to build a better society with the help of private institutions like foundations.

That is the challenge facing foundations today. Will they live up to their promise of promoting pluralism and diversity, innovation and experimentation? Will they reach out a helping hand in those areas where their help is needed most? Will they carve out a new role for themselves, based on the needs of our society? I join with you in hoping for a resounding "yes" to each of those challenging questions.

The role which private foundations carve out for themselves will have many faces. On occasion, foundations will become involved in areas or projects where government or other private institutions fear to tread. At other times, foundations will be partners with government, business, or public charities. Their grants may be for only a year or two, or they may represent a long-term commitment over many years. Above all, those grants must represent the best public use of private resources which the foundation can find.

Each and every one of the twenty-nine-thousand private foundations must understand that it exists to do charitable work which cannot be done as effectively by any other available source of money. Once the full meaning of that premise is clearly understood, every foundation should take a close look at the unmet needs of the community it serves and decide how best its available money can be used to meet one or more of those needs.

The Senate Subcommittee on Foundations has been devoting its efforts to shedding as much light on this subject as possible. During the last Congress, we held nine full days of hearings and we have rather extensive plans for more hearings this year. All of this activity is indicative of the increasing attention which Congress is likely to pay to private, charitable organizations.

As you know, the Tax Reform Act of 1969 was designed to put an end to serious abuses of the tax privilege on the part of foundations. A few Members of Congress wanted to sign a death warrant for foundations, but the overwhelming sentiment came down on the side of encouraging foundations to exist as long as they continued to meet those legislative requirements which were designed to assure that a public purpose was being served.

To carry out that objective, Congress enacted one of the most complicated sections of the Internal Revenue Code. The Tax Reform Act of 1969 included a tax on foundations to pay the costs of governmental supervision of all tax-exempt organizations. Anyone with a basic course in business economics knows that governmental taxes are merely passed along to the consumer in the form of increased price.

In the case of foundations, there is no product to sell. Foundations are trying to give away their money. The only one who suffers from the four percent excise tax is the charitable recipient.

I have no quarrel with the principle of charging foundations for the costs of administering exempt organizations, but the four percent excise tax brings in more than twice the revenue which is needed for that purpose. It would be simple common sense to reduce that tax to two percent, and the quicker that is done, the better it will be for all those in our society who will benefit from the forty million dollars in new money which will go to charitable purposes.

I am deeply concerned about the budget which has been proposed for the new assistant I.R.S. Commissioner for exempt organizations and employee benefit plans. That budget will mean less money going into the exempt organization functions of I.R.S. this year than was spent last year.

One of the principle efforts of the subcommittee on foundations has been to develop new information about the foundation community. We have been fortunate to have the active cooperation of Commissioner Alexander of the Internal Revenue Service. But if the proposed budget means that no new personnel will be devoted to exempt organization activities, and if that budget means that our subcommittee will be getting less information than we had expected to receive, I can assure you that I will be at least one strong voice speaking out for more money.

The four percent excise tax will bring in around eighty million dollars in revenue this year. There is no reason that at least twenty-five million dollars cannot go into the exempt organization activities of the Internal Revenue Service. What the administration has proposed is that foundations not only pay for the costs of supervising all types of exempt organizations, but that they will pay part of the cost of administering private pension plans, as well. That is not what Congress intended and it will not be accomplished without vigorous opposition.

There has been a significant amount of discussion about the minimum payout provision of the tax code. The principle behind that provision is sound. Foundations should not be permitted to sit on their money, simply accumulating more and more wealth. One measure of how well the public purpose is being served is the amount of money which a foundation gives out each year. The minimum payout provision sets a floor for that amount, but it does it in way that may be endangering the future of many worthwhile foundations.

No foundation has a right to an unlimited lifespan. Foundations should be measured by accomplishments, not longevity. But it is disturbing that nearly five thousand foundations terminated their existence since 1969 and that there were too few new foundations formed to take their place. And it is equally alarming that economic conditions are eroding the assets of many existing foundations so that their impact on our society is rapidly diminishing. It may be that the economics of inflation mandate that foundations have a decreasing importance to the people of this country, but there is no reason why our tax laws should encourage that trend.

The present minimum payout provision requires foundations to be penalized unreasonably during periods when total investment yields, and therefore money available for grants, is decreasing. They are penalized because the payout provision yields a result which is simply unrealistic under economic conditions such as those which now prevail. The law should require foundations to make prudent investment decisions. That was the intention of Congress in 1969, but the legislative language we adopted six years ago may now be producing unintended results.

The Subcommittee on Foundations has asked both the foundation community and the Treasury Department to produce information which will help us assess the impact of the minimum payout provision. When we get those facts, the members of the subcommittee may decide that a legislative modification is needed.

For the past three months, we have been working with the Treasury Department to determine if a more equitable formula for determining the applicable percentage can be adopted under the existing statute. I have seen close to a dozen different formulas for computing the minimum payout level. Quite frankly, each one is more intricate than the others. The staff of the subcommittee and the Joint Committee on Internal Revenue Taxation, together with the assistance of many highly talented tax attorneys, have spent hours trying to come up with a better formula than the one now being used by the Treasury Department. So far, those efforts have not been fruitful.

The present payout formula is clearly inadequate. In light of the fact that there are problems with the statute as written and difficulties in assessing 1974 data on money rates and investment yields, it is extremely difficult to come up with an alternate formula which will be more equitable. I am today, therefore, requesting the Treasury Department to exercise its statutory authority to refrain from changing the payout rate for 1975. This would mean that all foundations will operate under the statutory six percent rate for 1975.

If my proposal is adopted, there will be time for Congress and the Treasury to examine the statute to determine if legislative modification is necessary. The six percent payout rate for 1975 will be at least one percent less than the rate which would have applied under the present payout formula.

Within the next several weeks, the Subcommittee on Foundations will examine this question in detail. If there is a need for new legislation, I expect it to be offered as part of a general tax reform package which will come before Congress later this year.

Legislative proposals which seek to benefit private foundations should be approached with caution. Foundations have rarely had a high profile, and most Members of Congress have little idea what foundations do. The Subcommittee on Foundations will do its part to provide Congress with some of that information. We intend to hold a series of hearings on areas such as aging, education, health, and urban problems to examine what foundations have been doing. But foundations themselves must bear the major responsibility for informing Congress and the public.

Very few foundations maintain contact with their representatives in Congress. When it comes time to vote on a matter affecting private foundations, each Congressman and Senator must make his own judgment about the value of this type of charitable institution. If a foundation has a story to tell, it should make every effort to see to it that Congress knows about that story.

I am well aware of the concerns which many people in the private charitable field have about the statutory prohibition regarding lobbying and legislative activity. That prohibition deserves to be re-examined by Congress. The regulations of the Internal Revenue Service give such a broad interpretation to the restriction, that foundations are discouraged from involving themselves in some of the most important issues facing this country. Other foundations have used the restriction as a convenient shield behind which to hide.

There is no sensible reason to prohibit foundations and other organizations declared tax-exempt under section 501(c)(3) of the Internal Revenue Code from expressing their views on legislation which affects their operations or which in some way relates directly to their program activities. This is a basic first amendment right which should not be denied to any person or institution in our society.

Because this gathering is sponsored by the Council on Foundations, it is appropriate to comment about its activities. Under the able leadership of Bob Goheen and Dave Freeman, the council has been very helpful to the Subcommittee on Foundations. I know what the council has been trying to do, and I support those efforts. But I also believe that its role must be expanded if the foundation community is to be encouraged to meet its responsibilities.

There is no more pressing issue facing foundations today than the necessity to become more responsive to public needs. The problem can be approached from the perspective of new legislation, but it would be far more effective if it were solved by foundations themselves.

The Council on Foundations could assist smaller foundations by establishing a pool of talent to help them evaluate grant proposals. Some of the larger foundations are being forced to reduce their program personnel; surely these people could form the nucleus to assist foundations which are unable to afford a permanent professional staff of their own.

Grant evaluation is another area of deficiency in which the council could assist. Foundations should be encouraged to adopt standard evaluation procedures which enable them to determine the results of their grants. These procedures should include an effort to reach out to the community to get an idea of how the public evaluates the impact of the foundation's money.

Another method by which foundations can improve their operations is to provide public representation on their governing boards. No group which seeks to serve the public can afford to limit itself to dependence on a select group of executives to set policy and direction.

The council must continue to take the lead in urging foundations to go public. I suspect that a minority of the council's members publish annual reports, and that an even smaller number make any effort to publicize their grants. That attitude must be turned around for the good of the foundation community.

In an effort to encourage the formation of new foundations, the council should help compile new literature which makes it easier for the potential foundation donor to wade through the maze of statutory requirements.

Above all, the council must take the lead, through programs such as the one we are having today, to help foundations define the issues which confront them and to approach those issues with the type of dynamic and creative ideas which will guarantee their role in American society.

For my part, I intend to do all that I can to encourage foundations to do more and to do better. Most of the institutions in our society are being challenged and foundations can expect no special immunity. Survival is not the issue; rather it is a question of the quality of life which we establish for ourselves and our children.

Each of us must bring a spirit of optimism and hope to our work. There are brighter days ahead for all of us, and foundations will be no exception. All that is required is that we accept the responsibility for shaping our own destiny. I look forward to working with you to meet that challenge.

NEEDED SENATE STAFF REFORM

Mr. CRANSTON. Mr. President, too much of the current criticism of Senate staff and operating procedures has reached the totally unrealistic conclusion that Senators receive too much help—too much staff—too much space. Anyone who spends 5 minutes within these halls knows how absurd such commentaries are.

Thus, it was refreshing this morning to read the Washington Post editorial about reform of Senate operations, particularly since it followed a series of perceptive critical articles in the Post about Senate operations.

The Post proposes that Senators should receive more—not less—expert aid and that basic staff authorizations should be changed to reduce Senators' dependence on committee staff payroll.

This reform which the Post proposes can be accomplished through adoption of an amendment authorized by Senator Gravel of Alaska and Senator Brock of Tennessee. Since that amendment may be before us next week, I hope all Senators will consider carefully what the Post has to say.

Mr. President, I ask unanimous consent that the Post editorial may be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Sprawl in the Senate

It is a good rule of thumb that every institution of government should be reassessed at least once in each generation. By this gauge the U.S. Senate is due for a check-up, since its basic committee system has not been reviewed since 1946. For three decades the Senate has responded to changing needs and increasing pressures by adding on—more subcommittees, more staff, more buildings, more special bureaus and ad hoc arrangements. Most institutions of course react this way, but the tendency toward unexamined growth is accentuated in the Senate because that body is really an agglomeration of 100 or more small bureaucracies, each with its own purposes and leadership.

The resulting unevenness has become evident in staffing practices. Senators with demanding constituencies and wide-ranging legislative interests—not to mention presidential ambitions—find their office allowances for staff inadequate. Committee staff resources thus are fought for, constantly expanded and occasionally misused. A recent Washington Post study of committee practices found, for example, that some senators have built sizeable empires on a few key chairmanships, while it is common practice to use people on committee payrolls for other legislative work, political errands, constituent services and answering the mail.

More important than the petty connivances are the effects of this approach on the performance of individual senators, committees and the Senate as a whole. Some internal competition and inequalities in staff resources are not only inevitable but desirable in any legislative body—to a point. But the Senate may have passed that point. Last year, for instance, three subcommittees found reason to hold hearings on national security wiretapping—and none of them had jurisdiction over bills on the subject. Energy policy falls within the grasp of so many panels that special arrangements had to be made to orchestrate consideration of the Ford administration's comprehensive bill. Oversight of the Executive Branch is fragmented. Staff budgets bear so little relation to committee workloads that members of some panels, notably Judiciary and Labor and Public Welfare, use committee-paid professionals for other projects while many senators on the Appropriations and Finance Committees lack adequate expert help for crucial committee work.

Some say the way to cope with all of this is to cut back. That view is common, for instance, among oldtimers who like to recall how things were done with a few clerks and one trusted legislative aide when *they* were on the Hill. But few senators can function well that way today; the workloads are too big and the issues too complex. Indeed, if the Senate is really going to exercise its legislative and oversight responsibilities effectively, many of its members are going to need even more expert aid. The Financial Committee, for example, is seeking $960,000 more this year than last, so every member can obtain some staff. The dollar figure may be excessive but the intention is certainly sound.

There are, however, alternatives to simply continuing to add on. The basic staff budgets for Senate offices could be revised and the dependence on committee payrolls reduced. Subcommittees could be consolidated and committee jurisdictions modernized. The use of institutional resources such as the Congressional Research Service and the new Office of Science and Technology could be enlarged. Better ways could be devised for senators to pool their resources informally. Sens. Adlai E. Stevenson III (D.-Ill.) and William Brock (R-Tenn.), backed by many junior senators, are advocating a comprehensive study much like the bipartisan effort that produced some real improvements in the House last year. The idea is timely, but no such review is likely to be launched until the Senate leadership and Rules Committee—those who manage the current system—have been persuaded that some changes might not hurt.

THE U.S. NUCLEAR STOCKPILE

Mr. ABOUREZK. Mr. President, the Center for Defense Information has just published an excellent report on the U.S. stockpile of nuclear weapons. Needless to say, the statistics are frightening. Instead of the 8,000 nuclear warheads in the U.S. stockpile that we often hear about, CDI reports that the United States now possesses almost 30,000 nuclear weapons and there are more where they came from.

The Center has found that we have 22,000 tactical nuclear weapons in addition to our 8,000 strategic warheads. We have been producing strategic nuclear weapons like they were vitamin pills—at the rate of 90 a month—with apparently no end in sight, except for that which was set by the somewhat nebulous Vladivostok Agreement. Even under this so-called arms limitation our strategic nuclear stockpile can grow to at least 21,000 weapons.

Cause for alarm should be recognized beyond that posed by shear numbers, however. CDI reports that "there is no coherent doctrine for using land-based tactical weapons." They also suggest that because 11,200 tactical nuclear weapons are actually stored abroad, they are much more susceptible to sabotage and accidents.

Just as important as their findings, however, are their excellent recommendations. The Center strongly recommends that all tactical nuclear weapons and strategic nuclear weapons not presently on U.S. ships and aircraft, be brought back to the United States. I strongly agree with this recommendation and I urgently recommend that the Congress give careful consideration to this suggestion.

I also believe that the Center's recommendation that far greater oversight is needed in this area is well founded. We have had the unfortunate experience, in the last few months, to learn what the dangers are to the lack of proper oversight of the Central Intelligence Agency. In the area of nuclear weapons and the potential for international disaster, there is even greater cause for meticulous and extensive congressional oversight.

Mr. President, I ask unanimous consent that the report by the Center for Defense Information be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE DEFENSE MONITOR

DEFENSE MONITOR IN BRIEF

The United States has 30,000 nuclear weapons in Europe, Asia, the United States and at sea. Eight thousand of those are strategic nuclear weapons; 22,000 are tactical nuclear weapons.

There are 7,000 nuclear weapons aboard U.S. Navy ships and submarines. 4,500 are strategic weapons on nuclear missile submarines. 2,500 are short-range tactical nuclear weapons; 1,400 of these are aboard U.S. aircraft carriers.

There is no coherent doctrine for using land-based tactical nuclear weapons. Tactical nuclear weapons create an impossible command and control problem and they invite pre-emptive nuclear strikes by an enemy. If tactical nuclear weapons were used in a war abroad the likely result would be the destruction of the country in which they were used.

The very presence of tactical nuclear weapons abroad creates a dangerous situation for the United States. The likelihood is great that an exchange of tactical nuclear weapons would escalate into a full-scale nuclear war.

The dispersion of so many tactical nuclear weapons around the world greatly increases the danger of theft, terrorism, and accidents.

Most land-based U.S. tactical nuclear weapons in Europe should be removed. All land-based tactical nuclear weapons in Asia should be removed. All nuclear bombs and nuclear air-to-surface weapons aboard U.S. aircraft carriers should be removed. The safety and security of U.S. citizens would be enhanced by such a move.

The excessive secrecy surrounding tactical nuclear weapons hinders oversight by Congress and is unnecessary to preserve U.S. security. A national debate on U.S. tactical nuclear weapons is in the public interest.

22,000 TACTICAL AND 8,000 STRATEGIC: 30,000 U.S. NUCLEAR WEAPONS

The United States has nearly 30,000 nuclear weapons at home, at sea, in Europe, and in Asia. 8,000 of these weapons are considered strategic weapons. 22,000 are considered tactical weapons. The main difference between strategic and tactical nuclear weapons is the difference in range. Tactical nuclear weapons have a shorter range but are sometimes more powerful than strategic weapons.

The 8000* U.S. strategic nuclear weapons are on (1) the 1054 U.S. Minuteman and Titan land-based missiles, (2) the 656 Polaris/Poseidon missiles on the 41 U.S. ballistic missile submarines, and (3) the nearly 500 U.S. SAC bombers. The U.S. has been producing strategic nuclear weapons at the rate of three per day for the past four years, and the total promises to grow to about 21,000 U.S. strategic nuclear weapons under the limits set by the November 1974 U.S.-Soviet Vladivostok Agreement.

Less publicized and understood is the fact that nearly 22,000 U.S. *tactical* nuclear weapons are in position worldwide. 7000 U.S. tactical nuclear weapons are on land in Europe. Approximately 1700 are located on land in Asia. 2,500 tactical nuclear weapons (as well as 4,500 strategic nuclear weapons) are estimated to be aboard U.S. Navy combat ships. The remainder, approximately 10,800 tactical nuclear weapons, are assigned to U.S. bases and forces in the United States.

U.S. tactical nuclear weapons widely dispersed

Europe	7, 000
Atlantic Fleet (U.S. Navy)	1, 000
Asia	1, 700
Pacific Fleet (U.S. Navy)	1, 500
United States	10, 800
Total U.S. Tactical Nuclear Weapons	22, 000

7,000 Tactical Nuclear Weapons in Europe: In Europe the U.S. and its NATO allies have 2250 aircraft, missile launchers, and nuclear cannons that can deliver 7000 U.S. tactical nuclear weapons. These weapons carry a combined explosive capability equivalent to an estimated 460,000,000 tons of TNT—roughly 35,000 times greater than the nuclear weapon that destroyed Hiroshima in 1945. These U.S. tactical nuclear weapons are in all NATO European states with the exception of Norway, Denmark, Luxembourg, and France. France maintains its own tactical nuclear weapons in France and Germany. U.S. nuclear forces in Europe are most heavily concentrated in West Germany where 207,000 U.S. military personnel are based.

U.S. tactical nuclear weapons in Europe include at least four different kinds of surface-to-surface missiles (Lance, Sergeant, Honest John, and Pershing), two sizes of nuclear artillery shells (155 mm and 203 mm), and over 500 U.S. nuclear capable fighter-bombers. The aircraft can be loaded with air-to-surface missiles or four different sizes of bombs or a combination of missiles and bombs. The largest tactical nuclear missile has over 400 kilotons in explosive power, equivalent to over 30 "Hiroshimas." Forward based systems such as the Pershing surface-to-surface missile or the nuclear-loaded aircraft are capable of attacking targets inside the Soviet Union from Western Europe.

U.S. Has 2-to-1 Advantage in Europe: The first U.S. tactical nuclear weapons were introduced in Europe in 1954, three years before the Soviet Union. Since that time the U.S. arsenal has grown dramatically and has undergone extensive changes as new U.S. tactical nuclear weapons replaced older ones. Soviet tactical nuclear deployment has been later, slower, and shows little weapon turnover. Soviet weapons in Europe have accumulated without much retirement of earlier weapons. This resembles the pattern, of their deployment of strategic nuclear weapons.

Still, there are two U.S. tactical nuclear weapons for each Soviet tactical nuclear weapon in Europe. Altogether U.S. forces in Europe have 7000 tactical nuclear weapons to 3000 to 3500 for Soviet military forces in Europe.

The U.S. armed forces deployed nuclear weapons to Europe in the early 1950's to offset numerically superior Soviet forces in

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* U.S. will have 8,500 strategic weapons by mid-1975.

Central Europe. At the time the Eisenhower administration was seeking to check Soviet manpower advantages through a strategic policy which threatened "massive retaliation" and U.S. tactical nuclear weapons in Europe were part of that policy. When the U.S. first placed tactical nuclear weapons in Europe the Soviets had no tactical nucelar weapons. By the late 1950's the U.S. monoply on tactical nuclear weapons was ended.

1700 U.S. Tactical Nuclear Weapons in Asia: Far less information has been released to the public by the Pentagon about the estimated 1700 tactical nuclear weapons that the U.S. maintains on land in Asia. U.S. tactical nuclear weapons are in Korea and the Philippines as well as at U.S. installations on Guam and Midway. Most of these weapons are for U.S. fighter-bombers, except in the Republic of Korea where Army and Air Force tactical nuclear weapons are based.

Thousands of U.S. Nuclear Weapons at Sea: The U.S. today has approximately 7000 strategic and tactical nuclear weapons at sea. There are 284 ships and submarines in the U.S. Navy that can carry nuclear weapons. In 1965, only 38 percent of U.S. ships could carry nuclear weapons. Today 56 percent are nuclear capable and the percentage is increasing each year.

The U.S. Navy is capable of delivering up to 12,000 tactical nuclear weapons in bombs, depth charges, torpedoes, and missiles. Many of these are capable of carrying both conventional and nuclear explosives. Center for Defense Information estimates place the number of U.S. tactical nuclear weapons at sea at 2500. (This is a conservative estimate. The maximum loading of nuclear weapons would result in a number four times larger than the Center estimate. SUBROC (a rocket propelled nuclear torpedo) is assumed to be loaded one-third nuclear, two-thirds conventional. All other U.S. Navy tactical nuclear weapons are assumed to be one-quarter nuclear loaded and three-quarters conventional.) This number of weapons carries an explosive punch equivalent to 150 million tons of TNT, more than 75 times the amount of explosives dropped from 1941 to 1945 on Germany and Japan by U.S. bombers. Over 90 percent of this nuclear destructive power is found in the 1400 tactical nuclear weapons aboard 14 U.S. attack aircraft carriers.

Nearly 15,000 Nuclear Weapons in U.S.: An estimated 14,800 U.S. nuclear weapons are kept in the United States. 4000 strategic nuclear weapons are depolyed at U.S. Minuteman and Titan missile sites and at SAC bomber bases. An additional 10,800 U.S. tactical nuclear weapons are estimated to be in the custody of U.S. forces in the U.S. The seven Army divisions on active duty in the U.S. have the full spectrum of tactical nuclear weapons. Stateside Navy and Air Force units also have a full complement of tactical nuclear weapons. Thousands more are stockpiled at U.S. storage facilities.

AWESOME TACTICAL NUCLEAR ARSENAL IN EUROPE

"The significance of our nuclear weapons stockpile in Europe, only in Europe, becomes all too apparent when one realizes that the destructive force, in TNT equivalent, of the nuclear weapons we have currently stockpiled alone is more than 20 times that of the combined total force of all the air ordnance expended in World War II, the Korean war and the war in Vietnam." Senator Stuart Symington, March 7, 1974.

TACTICAL NUCLEAR WEAPONS IN SEARCH OF A DOCTRINE

According to Secretary of Defense James Schlesinger, the U.S. deploys nuclear weapons to Europe to: (1) deter Soviet use to tactical nuclear weapons and Warsaw Pact attacks, and (2) to provide a nuclear option short of all-out war should deterrence fail and our conventional defenses collapse. As Morton Halperin, former Deputy Assistant Secretary of Defense, recently put it, "The NATO doctrine is that we will fight with conventional forces until we are losing, then we fight with tactical nuclear weapons until we are losing, and then we will blow up the world."

No one yet has been able to devise any reasonable set of scenarios for the use of our European-based tactical nuclear weapons. Defense Secretary Schlesinger had admitted to continuing to search unsuccessfully for a doctrine whereby tactical nuclear weapons could be confidently used without triggering all-out war. That is likely to be a fruitless search. It is a Center conclusion that there is no rational doctrine for the use of the U.S. land-based tactical nuclear weapons in Europe and Asia.

Defending Allies By Destroying Them: Something is wrong with a strategy which, if implemented, would destroy the country it is designed to defend. The use of 10 percent of the 7000 U.S. tactical nuclear weapons in Europe would destroy the entire area where such massive nuclear exchange occurred. War games practiced by NATO troops indicate the tremendous collateral damage that would be inflicted upon cities and people bordering the battle area. A NATO war game named Carte Blanche was run for 48 hours during which 335 tactical nuclear weapon explosions were simulated, 268 on German territory. A very conservative estimate placed Germans killed at between 1.5 and 1.7 million plus an additional 3.5 million wounded. In the six years of World War II 305,000 Germans were killed and 780,000 were wounded. Thus a very limited tactical nuclear war would produce over five times as many German casualties in two days as occurred in the entire Second World War.

A similar NATO war game, Operation Sagebrush, simulated the use of 275 tactical nuclear weapons that ranged in yield from 2 to 40 kilotons. According to the evaluation of the exercise, "the destruction was so great that no such thing as limited nuclear war was possible in such an area." Former Assistant Secretary of Defense Alain Enthoven, in testimony before the Senate Foreign Relation Committee, quoted a Defense Department report on war games conducted in Europe in the 1960's as saying that: "Even under the most favorable assumptions about restraint and limitations in yields and targets, between 2 and 20 million Europeans would be killed in a limited tactical nuclear war . . . and a high risk of 100 million dead if the war escalated to attacks on cities."

Any Nuclear War Likely to be Total: Once the nuclear threshold has been broken, it is highly likely that the nuclear exchanges would escalate. Radio, radar, and other communications would be disrupted or cut. The pressures to destroy the adversary's nuclear forces before they land a killing blow would lead to preemptive attacks. In the confusion, subtle peacetime distinctions between lower level tactical nuclear war and higher level tactical nuclear war, and all-out spasm nuclear war would vanish. Once the threshold is crossed from conventional warfare to nuclear warfare, the clearest "firebreak" on the path to complete nuclear holocaust will have been crossed.

Small Weapons Trigger Big Ones: One risk of developing tactical nuclear weapons, especially those now euphemistically called "mini-nukes", is that they may create the illusion that a limited nuclear war can be fought. Small weapons such as the 155mm nuclear artillery projectiles have already been introduced. The trend is for more of the same. As smaller, "cleaner", and more accurate tactical nuclear weapons are added to the U.S. arsenal, they will add to the dangerous illusion that tactical nuclear weapons can be used with no risk of escalation.

This overlooks two factors. First, the U.S. tactical nuclear arsenal is still loaded with large "Hiroshima-size" weapons. Second, the Soviet Union would respond massively to U.S. nuclear attacks. Even if all larger U.S. tactical nuclear weapons were replaced by new "mini-nukes", using them would trigger the older, bigger, and "dirtier" Soviet weapons with the same consequences for persons living in the area and the same resultant escalation.

The idea of a limited nuclear war is an illusion. However, it may encourage policymakers to be more reckless and make nuclear war, especially during acute crises, more likely.

U.S. NAVY TACTICAL NUCLEAR WEAPONS

U.S. Attack Aircraft Carriers: 14 U.S. carriers carry fighter bombers configured for attack roles and capable of launching nuclear air-to-surface missiles or dropping nuclear bombs. An estimated 100 nuclear weapons are aboard each U.S. carrier.

Forward-based aircraft: Fighter-bombers, nuclear capable, are deployed at bases in Europe and Asia and aboard 14 U.S. Carriers. Combat radiuses vary between 400 and 1100 miles. U.S. aircraft include F4s, F111s, A4s, A6s, A7s, F8s, and F14s.

Mark 57 and Mark 101 Nuclear Depth Bombs: Used in anti-submarine warfare (ASW) and delivered by P–3 and S–3 aircraft and ASW helicopters. Estimated yield of 5–10 kilotons.

Talos Surface-to-Air Missile: Yield of warhead of 5 kilotons. Found aboard U.S. cruisers to defend against air attack. Range of 70 miles.

Terrier Surface-to-Air Missile: Yield of warhead is about one kiloton. Found aboard U.S. destroyers and cruisers to defend against air attack. Range of 25 miles.

Anti-Submarine Rocket: ASROC weapons carry an explosive of 1 kiloton and are aboard U.S. cruisers, destroyers, and destroyer escorts. ASROCs are fired by 8-celled "Pepperbox" launchers. Range of 6 miles.

SUBROC Missile: Anti-submarine rockets, fired below water by submarines and travel in the air before reentering water. Yield of one kiloton. Range of 30 miles.

U.S. ARMY AND U.S. AIR FORCE TACTICAL NUCLEAR WEAPONS

Lance Surface-to-Surface Missile: Located in Europe and the U.S. Warhead yield up to 50 kilotons. Range of 70 miles.

Nike-Hercules Surface-to-Air Missiles: These SAMs have an explosive yield of up to 5 kilotons and will be phased out to be replaced by the new SAM–D under development. Located with U.S. and NATO forces in Europe and in Korea. Range of 80 miles.

Pershing Surface-to-Surface Missile: Located in Europe with U.S. Army and German units. Warhead of missile has explosive yields up to 400 kilotons. Range of 450 miles. Pershings are capable of hitting the USSR from Germany and are put on Quick Reaction Alert status.

Nuclear Artillery: 155mm and 203mm nuclear howitzers are located in Europe with U.S. Army and NATO forces. These are also found in Korea, in the U.S., and perhaps elsewhere. Range 10 miles.

Honest John Surface-to-Surface Missile: Located in Korea and in Europe with U.S. and NATO units. Warhead has an estimated yield of up to 100 kilotons. Range of 25 miles. Being phased out of Europe and replaced by Lance.

Walleye Air-to-Surface Missile: Carried by fighter-bombers like the F4, F111, A4, A6, or A7. Warhead has a yield of 5 to 10 kilotons. Range up to 35 miles.

Sergeant Surface-to-Surface Missile: Located in Europe with U.S. and NATO units. Warhead has estimated yield of up to 100 kilotons. Range of 85 miles. Sergeants are now being phased out by the U.S. Army.

Nuclear Air-to-Surface Bombs: Carried by U.S. and NATO fighter-bombers. Bombs such as the B–28, B–43, B57, B–61, and W–72 have yields from 5 kilotons to more than one megaton. Picture is of "Fat Man," the atomic bomb that destroyed Nagasaki. For picture of a modern H-bomb, see page 9.

16,000 U.S. NUCLEAR WEAPONS ABROAD

7,000 U.S. tactical nuclear weapons in Europe (NATO):

(One-third of U.S. nuclear weapons in Europe are designated for U.S. forces, two-thirds for use of U.S. allied forces in NATO.):

Atomic Demolition Munitions (ADMs).
155mm Nuclear Cannons and Shells.
203mm Nuclear Cannons and Shells.
Lance Surface-to-Surface Missiles.
Pershing Surface-to-Surface Missiles.
Honest John Surface-to-Surface Missiles.
Sergeant Surface-to-Surface Missiles.
Nike-Hercules Surface-to-Air Missiles.
Nuclear Bombs (Air-to-Surface).
Walleye Air-to-Surface Missiles.
Nuclear Depth Bombs (Air-to-Subsurface).

2,000 total NATO nuclear capable fighter-bombers—including 500 U.S. aircraft.

Force outnumbers Soviet Tactical Nuclear Weapons in Europe 2 to 1.

U.S. Nuclear Fleet—Atlantic; 162 Nuclear capable ships and submarines:

6 Attack Aircraft Carriers.
2 Cruisers.
47 destroyers.
32 destroyer escorts.
30 ballistic missile submarines.
37 attack submarines.
7 ammunition ships.
1 escort research ship

U.S.N. Nuclear Capable Aircraft:

288 carrier attack aircraft.
144 carrier defense aircraft.
108 P-3 land-based ASW/Recon Aircraft.

5016 U.S.N. Nuclear Weapons:

Air-to-Surface Missiles (ASM).
Anti-Submarine Rockets (ASROC).
Nuclear Torpedoes (SUBROC).
Surface-to-Air Missiles (SAM).
Nuclear bombs.
Nuclear depth bombs.
Sea-launched ballistic missiles (SLMB).

U.S. Nuclear Weapons in the Philippines:

54 Nuclear capable fighter bombers.

Storage of U.S. Army, Navy and Air Force Nuclear Weapons.

U.S. Nuclear Weapons in South Korea:

155mm Nuclear Cannons & Shells.
203mm Nuclear Cannons & Shells.
Honest John Missiles.
Nike-Hercules SAMs.
Nuclear-Capable F-4 aircraft.
Nuclear bombs.
Air-to-Surface missiles.
Atomic demolition munitions.

U.S. Tactical Nuclear Weapons Abroad

Europe	7000
Atlantic Fleet	1000
Asia	1700
Pacific Fleet	1500
Total	11,300

U.S. Strategic Weapons at Sea

Atlantic	4016
Pacific	528
Total	4544

U.S. Nuclear Fleet—Pacific

122 Nuclear Capable Ships and Submarines:

8 Attack aircraft carriers.
3 cruisers.
38 destroyers.
32 destroyer escorts.
11 ballistic missile submarines.
20 attack submarines.
10 ammunition ships.

U.S.N. Nuclear Capable Aircraft:

384 carrier attack aircraft.
192 carrier defense aircraft.
108 P-3 ASW/Recon. Aircraft.

2028 U.S.N. Nuclear Weapons:

Air-to-Surface missiles (ASM).
Anti-Submarines Rockets (ASROC).
Nuclear Torpedoes (SUBROC).
Surface-to-Air Missile (SAM).
Nuclear Bombs.
Sea-launched ballistic missiles (SLBM).

FOUR NUCLEAR SAFETY DILEMMAS

Dilemma 1: Danger From Nuclear Terrorists: The risk of war with the Soviet Union has long been regarded as the primary threat to the security of the United States. In hopes of averting such a catastrophe, thousands of man-years have been spent by analysts exploring how such a war is likely to erupt.

The research and contingency plans designed to control escalation of crises and limited wars, to prevent accidental war or unauthorized attacks, and to deter a surprise attack, may be ignoring a likelier danger to U.S. national security—the nuclear terrorist.

A half-dozen terrorists with a home-made or hijacked nuclear weapon could cause thousands of deaths in a city like New York. Yet thousands of nuclear weapons are deployed by the United States, Soviet, French, and British forces in many different locations, some with questionable security precautions. If a terrorist group stole and detonated one "small" 10 kiloton nuclear weapon in New York City, the explosion could cause nearly 100,000 deaths—more than all the U.S. battle deaths incurred together in the Vietnam *and* Korean Wars.

One of the hundreds of U.S. tactical nuclear bombs in the one-megaton range, if exploded on Manhattan Island, would inflict casualties exceeding the *combined* totals of the war dead from the American Revolution, the War of 1812, the Mexican War, the U.S. Civil War, the Spanish-American War, the First World War, World War II, the Korean War, and the Vietnam War. Nearly one-and-a-half million people would perish in such an event.

More than 50 major terrorist groups are reported to exist worldwide. Urban guerrilla activities, Olympic murders, airplane hijackings, terror bombings, and airport massacres are all well known.

How safe are nuclear weapons from theft by terrorist groups? Not very, according to the few indicators available in this highly classified area. U.S. Army Special Forces exercises have shown that nuclear weapons storage areas can be penetrated successfully without detection despite guards, fences, and sensors. Their example could obviously be followed by a daring and well-organized terrorist organization.

The United States, its allies, and the Soviet Union have now deployed thousands of tactical nuclear weapons across the world, each in an effort to bolster its own national security. In doing so, these governments have made their societies more vulnerable to the nuclear terrorist. Our cities, as a result, are more likely to become casualties from nuclear terrorist attacks than from attacks by other countries.

Dilemma 2: Seizure by Allies: More than half of all U.S. nuclear weapons are stationed abroad or on the high seas. Countries where U.S. nuclear weapons are reportedly stationed include: Federal Republic of Germany, United Kingdom, Netherlands, Belgium, Italy, Iceland, Greece, Turkey, Spain, Portugal, Philippines, and Republic of Korea.

Once the U.S. deploys nuclear weapons to an allied country, we put in jeopardy our control of those weapons if that nation ever becomes unfriendly to the United States. Allied seizures of U.S. weapons could result in the United States having to fight its way into an allied country in order to rescue its own weapons.

This scenario takes on more plausibility in the light of the recent Greek and Turkish fighting on Cyprus. Both Greece and Turkey are host countries for U.S. tactical nuclear weapons and U.S. security forces were put on maximum alert guarding the weapons compounds during the short war between these two NATO allies.

Too many of the allied host countries that permit U.S. nuclear bases are dictatorships with oppressive regimes that spark dissent. Franco of Spain and Chung Hee Park of Korea are vintage examples of the genre. Some allies who permit U.S. nuclear weapons already have domestic insurrections on their hands. The Philippines and the United Kingdom are current examples. In Greece and Portugal recent coups d'etat have changed the complexion of the ruling groups. In countries plagued by civil wars and coups, U.S. tactical nuclear bases may not be safe from our "allies." During internal political disruptions in allied countries, U.S. bases might find themselves caught in the middle of a firefight. One side or the other might find it advantageous, or even necessary, to seize U.S. tactical nuclear weapons to gain the upper hand in the local struggle. Nor can we discount the possibility that allies such as the Republic of Korea might seize U.S. weapons in order to defend themselves from—or possibly to attack—their antagonists.

Dilemma 3: Unauthorized Use of Nuclear Weapons: The danger of misuse of U.S. nuclear weapons increases dramatically with the number of persons who are involved in their production, transportation, storage, security, and wartime use. Yet the 30,000 U.S. nuclear weapons are handled by many thousands of people, including U.S. military personnel, NATO allies, security guards, scientists at weapons labs, and shipyard and arsenal workers. Overall it is estimated that nearly 120,000 persons have access to U.S. nuclear weapons and weapons-grade fissionable material. While these positions are carefully screened by the Human Reliability Programs set up by the U.S. Government, there have been problems with the people who handle and would fight with nuclear weapons. An average of three persons per thousand in the U.S. armed services have been identified as suffering from mental illness serious enough for professional care. Congressional testimony indicates that 3,647 persons with access to nuclear weapons were removed from their jobs during a single year because of mental illness, alcoholism, drug abuse, or discipline problems. Twenty percent of the discharges which occurred in 1972 and 1973 were for drug abuse.

Many of the military security police are less qualified than their civilian counterparts in law enforcement and run into many of the same problems of morale and recruitment. Military training of security police is less extensive than that given civilian policemen. Lack of adequate screening hampers recruitment of high-confidence security forces. Military police have a record of higher-than-average crime and drug abuse rates and record more failures under the human reliability program than is found in the rest of the U.S. armed forces as a whole.

Dilemma 4: Nuclear Accidents: The dispersion of 30,000 U.S. nuclear weapons across the world's oceans, in dozens of ports, in numerous countries in Europe and Asia, and in the United States creates risks of accidents of unprecedented magnitude.

The Department of Defense has admitted at least eleven of what it calls "Broken Arrows", or major nuclear accidents. The Atomic Energy Commission reports at least four other accidents involving various components of nuclear weapons while under the agency's control. There is evidence that many other unreported and unconfirmed nuclear accidents have occurred since World War II. Serious students of the problem estimate that an average of one U.S. nuclear accident has occurred every year since 1945, with some estimating as many as thirty major nuclear accidents and 250 "minor" nuclear incidents during that time.

LETTER FROM A CONCERNED U.S. SOLDIER TO SENATOR SYMINGTON

"I am aware of the existence of [U.S.] tactical nuclear warheads . . . in Greece . . . and . . . in Turkey. . . . If Greece and Turkey should come to blows and seek to gain the advantage by forcibly taking these warheads to use upon the other it would undoubtedly cost many American lives and plunge the U.S. into an untenable position. . . . No more than 4 to 6 U.S. soldiers guard the bunkers which store the nukes! Most of the troops (about 40 per detachment) are housed about a quarter of a mile from the bunkers and could easily be isolated from the warheads."

"BROKEN ARROWS"—NUCLEAR ACCIDENTS ADMITTED BY THE PENTAGON

1. *Aircrash over Palomeres, Spain.* On January 17, 1966 an American B–52 bomber collided with a KC–135 refueling tanker causing the deaths of five crewmen and the dropping of 4 hydrogen bombs which were recovered after an intensive ground and sea search. Radioactive leakage and conventional explosions occurred in the area.

2. *Bomb Accidently Dropped over South Carolina.* On March 11, 1958, a B–47 bomber accidentally dropped a nuclear weapon in the megaton range over Mars Bluff, South Carolina. The conventional explosive "trigger" of the nuclear bomb detonated leaving a crater 75 feet wide and 35 feet deep. One farmhouse was obliterated. Luckily no nuclear radiation leakage was detected, no nuclear explosion occurred and no one was killed.

3. *Bomarc Missiles Burned in Fire.* On June 7, 1960, a fire at McGuire Air Force Base led to a series of shattering explosions and the destruction of one of 56 nuclear armed Bomarc missiles. While no nuclear explosion occurred there was a small amount of radioactive leakage creating a temporary health hazard.

4. *24-Megaton Bomb Safety Devices Sprung.* In 1961 a near catastrophe occurred at Goldsboro, North Carolina when a B–52 bomber had to jettison a 24-megaton bomb. Five of the six interlocking safety devices were set off by the fall. A single switch prevented the bomb from exploding, an explosion which would have been over 1800 times more powerful than the Hiroshima bomb.

5. *Greenland Air Crash Scatters Plutonium.* On January 21, 1968, a B–52 attempting an emergency landing at Thule Air Force Base, Greenland, crashed and burned on the ice of North Star Bay. The high explosive components of all four nuclear weapons aboard detonated producing a plutonium-contaminated area of at least 300–400 feet wide and 2200 feet long.

CENTER CONCLUSIONS

The secrecy surrounding nuclear weapons has made it nearly impossible for the Congress and the public to understand how many U.S. tactical nuclear weapons exist, where they are, how they would be used, and what the effects of their use would be. Increased Congressional oversight and public understanding is necessary and secrecy should be abandoned to the extent neccessary to guarantee it.

Most of the U.S. tactical nuclear weapons overseas can be brought home with no loss in national security. Indeed, there should be a net gain in security as the chances decrease for accidents, for theft, and for unauthorized use of the weapons. Increased U.S. national security would be the result of adoption of these Center recommendations:

1. Substantially cut the number of U.S. nuclear weapons in Europe. Perhaps no more than 500 would be enough to guarantee the participation of the U.S. strategic deterrent forces, yet this number would substantially cut the safety problems and costs of maintaining the force. Phasedowns could be gradual (e.g. 1000 per year) and might serve to produce similar Soviet phasedowns as the danger to them somewhat receded.

2. Restructure the remaining tactical nuclear weapons in Europe so that they are under the continuous operational control of the Supreme Commander of NATO (SACEUR). Weapons should be taken away from frontline field commanders of local units and deployed in the rear. This will improve security and control of these weapons.

3. Remove all Quick Reaction Alert Aircraft (QRA). Such systems are vulnerable to a surprise attack and lend themselves to the danger of hair trigger reactions and unauthorized use by U.S. and NATO pilots. Their missions can be taken over and performed more effectively by the ballistic missile submarine fleet.

4. Remove all forward deployed atomic artillery. Such weapons are subject to unauthorized use if forward units are surrounded and under attack. Moreover they might be easily captured if not used and turned against the NATO army they were designed to serve. Their forward deployment makes it likely that any war in Europe will be nuclear.

5. Remove all forward deployed atomic demolition munitions (ADMs) and all of those not permitted to be prechambered where that is necessary. Forward deployed ADMs, even if prechambered, would guarantee nuclear escalation of a conventional conflict—something to be avoided. ADMs that have not been prechambered to the optimal depth can cause excessive nuclear fallout and high damage to surrounding civilians and troops.

6. Remove aircraft and surface-to-surface missiles capable of hitting targets in the Soviet Union or deploy them to the rear where their status as tactical weapons is clear to the USSR. This also reduces the danger of unauthorized launching of bombs and missiles by U.S. forces directly against the Soviet Union.

7. Remove all nuclear weapons from South Korea, the Philippines, and other Asian states where they exist. Such U.S. weapons pose dangers of theft, unauthorized use, allied seizures, and accidents. They threaten to involve the U.S. in areas where we would be forced to intervene. Such situations not only make our foreign policy hostage to our weapons policy but might force the U.S. to create another precedent of nuclear first-use.

8. Substantially increase the security precautions around U.S. nuclear weapons compounds and more intensively screen U.S. personnel who handle tactical nuclear weapons.

9. The program to "modernize" tactical nuclear weapons should be shelved. Nothing is gained by their introduction and the dangers of creating illusions of "usable" nuclear weapons and blurring the distinction between conventional and nuclear war both increase rather than reduce the threat to U.S. national security.

10. Nuclear capable missiles, and missile launchers, should not be sold or given to countries that have a near-nuclear capability. To do so increases the risks of new countries "going nuclear" and increases the dangers to U.S. security thereafter.

11. Remove all nuclear weapons from U.S. aircraft carriers. Carrier aircraft have no strategic nuclear role that cannot be better carried out by other systems. Carriers are unlikely to exist for long in a nuclear war and their primary remaining useful mission is as mobile launching platforms for aircraft engaged in conventional attacks. Nuclear weapons aboard would degrade the capability of the carriers to perform that role.

REGIONAL OBSTRUCTIONISM FOSTERS UNEMPLOYMENT

Mr. PELL. Mr. President, today I would like to relate, in some detail, the story of a conspiracy, in which the Federal Government has combined administrative expertise and bureaucratic indifference in a successful effort to keep people unemployed.

Mrs. M. is a Rhode Islander of Portuguese descent: she is fluent in both English and Portuguese, she is a bright, intelligent, and hardworking woman. She needs a job, and needs it badly.

Mrs. M. responded to an advertisement for a position, funded under title II of the Comprehensive Employment and Training Act—CETA—as a bilingual teacher's aide in East Providence. This is not a "busy-work" job, but a position which is badly needed in my State, and which sorely misses a qualified employee.

Mrs. M. learned that, although she lives in a State whose unemployment rate is over 14 percent, and which has more than 61,000 unemployed workers, and in which unemployment has increased by more than 44 percent in the last month, she was ineligible for the job. Why was she declared ineligible? Because in the specific census tract in which she lives in East Providence, unemployment as measured in May of 1974—8 months ago—was not in excess of 6.5 percent as required by the Department of Labor's regulatory requirements.

In short, this woman was denied a meaningful job because she lives on the wrong block in a city and in a State that is beseiged with unemployment.

And, she is denied a job because the Labor Department's statistics are not up to date. Eight months ago, when unemployment in that census tract was measured, statewide unemployment was 6.4 percent. Today it is more than double that figure. It is a reasonable assumption that if the Labor Department measured the census tract unemployment today, they would find Mrs. M. eligible.

Here we have a clear example of blind application of inflexible administrative regulations by indifferent Federal Government bureaucrats, with several results: The intent of Congress is thwarted, an able woman is denied a meaningful job, and there are schoolchildren in East Providence who are denied the assistance of a bilingual teacher's aide.

I became aware of this case when Mrs. M. wrote to me. I will quote briefly from her letter:

> Firstly, I want to apologize for writing you this letter at a time when you have so many unpleasant issues to deal with, but I feel that my problem is of great importance . . . I feel no one has the right to keep a badly needed job unfilled on the basis of a technicality. . . .

My staff then traced Mrs. M.'s specific case from city government to State government to the regional office of the Labor Department in Boston, Mass. It became clear very quickly that while local and State officials were trying to be helpful, the problem lay in the CETA Federal regulations administered by the Boston regional office.

In response to my inquiry, the Federal regional office did two things:

First, they cited, after a 30-minute search, a matrix of regulations, which taken in combination, could be construed to deny Mrs. M. a job.

Second, they informed me that "nothing can be done on a regional level" to help work out Mrs. M.'s problem.

I had always understood that the primary purpose of regionalism and Federal regional offices is to bring Government nearer to the people and more responsive to their needs.

But here we see, regionalism as it really works. It is a one-way conduit for restrictive, irrational, and ossified Federal regulations helping to insulate Washington administrators from reality. It does nothing to assist in the solution of a problem. It does not even perform the useful purpose of bringing to the attention of Washington administrators the fact that their regulations are not working right. In this case, regionalism is obstructionism—it just sits there and says "No".

Perhaps it will take an act of Congress to provide jobs for people like Mrs. M. But, frankly, I thought we had already passed an act that was intended to do just that.

SENATOR MUSKIE REVIEWS CHALLENGES TO ENVIRONMENTAL IMPROVEMENT

Mr. RANDOLPH. Mr. President, for more than a dozen years the Committee on Public Works has been actively involved in the development of legislation to protect and enhance our natural environment.

Programs developed in our committee and enacted by the Congress are being implemented with a resulting decline in the pollution of our country's air and water. The advances have been significant, but much remains to be done before we achieve adequate protection of public health.

The knowledgeable Senator from Maine (Mr. Muskie) has occupied a strong position of leadership throughout the evolution of Federal environmental programs. He has approached the task realistically, fully aware of the enormity of the challenge and equally conscious of the obstacles to be overcome. Senator Muskie, as chairman of our Subcommittee on Environmental Pollution, has carried out his work with fairness and with determination to fashion workable laws to facilitate the ending of contamination of our air and water.

In this time of energy shortage and economic recession the temptation is great to blame environmental programs for these problems and to seek solutions through the weakening of antipollution efforts.

Senator Muskie discussed the status of the environmental programs in a thoughtful and informative address before the International Conference on Biological Water Quality Alternatives in Philadelphia on March 4. His observations should be shared with all who share our concern, and I ask unanimous consent that the text of Senator Muskie's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Speech of Senator Edmund S. Muskie

You have had an opportunity in the last two days to delve into the technical and scientific realm—to look at present and future biological alternatives for water treatment—and you have heard from distinguished and topical speakers. I would like to try to put things in the following context: how do the purposes here mesh with other purposes of the national water pollution program, and how do the systems you are discussing fit within it?

In today's political climate, any discussion of environmental issues is risky at best. Not only must those of us who continue to believe in environmental objectives explain our position more carefully but also we must defend those objectives in the context of an unfavorable economic climate.

We must begin by documenting the point that environmental programs did not generate either the economic crisis or the energy shortage.

We must begin by demonstrating that environmental controls do not cost jobs but rather create jobs.

And we must begin by restating that basic objective of improving the quality of human life while not detracting from an improved standard of living, especially for those who have not enjoyed the abundance which so often has caused deterioration of our environment.

So let me place environment in context. A recent study for the Environmental Protection Agency came to the following conclusions:

First, "The stimulus of increased expenditures on pollution control equipment in the early years of the decade is expected to raise the rate of economic growth through 1976 above the rate of increase otherwise projected for those years. . . ."

Second, "The unemployment rate, in keeping with the pattern of overall economic growth, is projected to be 0.4 percent lower in 1975 and 0.3 percent lower in 1976 than it would have been without pollution controls. . . ." and

Third, "The impact on prices over the decade show only slight increases which are almost phased out by 1972."

Now what do these figures mean? In essence they indicate that environmental requirements will have a stimulative economic impact—more jobs—more GNP—and slightly higher prices.

And what will the investment accomplish? You have heard broad statements about ecological and biological integrity. You have seen evidence of improved recreational and aesthetic benefits. You have probably seen statistics on the benefits to public health.

I cannot place a dollar value on these benefits.

I cannot tell you precisely what the value is of a clean stream or a clean sky. I am not prepared to place a dollar value on the estimated 15,000 deaths a year which result from dirty air. I am not even certain that our estimates of the value of a productive fishing resource are particularly accurate.

I am satisfied that man lives in a delicate balance with his environment and that our objectives—healthy air and clean water—are essential to maintaining that balance.

I am satisfied that our short term investment on environmental improvement will provide immediate economic benefit and in the longer run, essential ecological protection.

To those who assert that we are going too fast, I must respond that we are going too slow. Five years after Earth Day—four years after enactment of the Clean Air Act—three years after enactment of the Clean Water Act we are still negotiating over how clean is clean.

Only last month was the issue of water pollution funding finally resolved. Only now can we get on with the task of cleaning the nation's water. This is the question with which this Conference is concerned.

It is as if we are beginning again. The recent Supreme Court decision, declaring illegal the Administration's failure to allot the full program authorization, and our recessionary economy, with its ever-increasing unemployment, have accomplished what couldn't be accomplished before—they have stirred the sleeping giant—the 1972 Clean Water Act—put to sleep by the Administration's disregard of the law of the land—and headed that law again toward its stated objective: "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

The Supreme Court decision, dated February 18, 1975, made the following statement: "As conceived and passed in both Houses, the legislation was intended to provide a firm commitment of substantial sums within a relatively limited period of time in an effort to achieve an early solution to what was deemed an urgent problem." An early solution to an urgent problem indeed!

It is now two and one-half years later. President Nixon, with a stroke of his pen impounded the funds to do the job and delayed the program two and one-half years, thus seriously impairing our ability to meet our national goals.

The decision, in the end, turned on a technicality: whether the Administrator had the authority to withhold certain amounts from allotment, and was decided on the basis of overwhelming legislative history to the contrary. But its impact will be far-reaching—on the environment and on the economy.

During Senate consideration of the Conference report, I said in a passage that was cited by the Supreme Court decision as evidence of Congressional intent:

". . . to achieve the deadlines we are talking about in this bill, we are going to need the strongest kind of evidence of the Federal Government's commitment to pick up its share of the load. We cannot back down, with any credibility, from the kind of investment in waste treatment facilities that is called for by this bill. And the conferees are convinced that the level of investment that is authorized is the minimum dose of medicine that will solve the problem we face."

We didn't get the minimum dose—and, consequently, the deadlines are not being met—at least the 1977 deadlines for communities are not. Municipalities have been able to raise the local share, many states have been willing to participate financially, but the Federal commitment hasn't been there to match it.

Plans have been shelved, workers have been idled, factories have slowed down production of component equipment, and—this is the most insidious result—communities have lost hope—and lost belief—in the program. Projects that were ready to go in October of 1972 are no longer ready. There is no incentive to maintain momentum when there is no follow through. Why go through the motions, they ask?

We passed a law specifically designed to prod the communities into action—and to push the states to develop aggressive programs. The prod and the push was to be assured Federal assistance. But when they did their part, when they conducted their infiltration-inflow studies, when they established user charge systems, the Federal Government held back.

How can we cause innovation, how can we keep the pressure on technological improvement, when the Federal Government does not live up to its part of the bargain?

We have listened to the argument that the money couldn't be spent—that there were not enough projects ready to go—and we know that is not true. In Maine alone, we could obligate—within one year—the full entitled allotment of water pollution funds and still have to hold off on some projects.

And, we have been told that impoundment would have little impact on the program to clean up industry. The contrary is true.

Industries which had planned to hook into municipal systems have been stymied—they don't know what way to go—whether to build their own system or whether to wait for the municipal system.

And other industries have argued that it is unfair to force them to make a financial commitment when the Federal Government is not prepared to meet its own obligations.

But now the Supreme Court has ruled and the Administrator of EPA has agreed to make the full $9 billion available for obligation. We are, indeed, beginning again.

It is a time for decisive action—if the money is going to do any good, it must be quickly delivered. It is also a time to remind ourselves of our long-term objectives. That's what this Conference is doing today.

Your Conference—the speakers you have heard—remind us that it is not time to take the pressure off the technological community to find better and less expensive ways to do the job. We are, first and foremost, interested in reducing, and then eliminating pollution from our water—restoring and maintaining the quality of our lakes and streams. The more pollution we eliminate with each dollar invested, the better off we are.

But the water pollution program, conceived and designed to meet one major national concern—cleaning up the water—has taken on a new major role as well—stimulating a stagnant economy. The economy needs the money now—we must move those projects that are ready. But the environment ultimately needs long-term solutions, as well—solutions which may not be available in time to help stimulate our present sagging economy, but which, nonetheless, must be developed, refined, and perfected.

When we were working on the Clean Water Act some said that the country couldn't afford the cost of water pollution control, now it appears that the country can't afford not to do it—for economic, as well as environmental reasons.

These are two vital purposes—to restore our economy and to restore our environment—and they come together in the clean water program. As Chairman of the Senate Budget Committee and Chairman of the Subcommittee on Environmental Pollution, I have unique vantage point and an awesome responsibility. My role illustrates the scope of the legislation—and how its components reach out to touch many segments in our society. The extent to which the immediate and long-term needs of each effort can be merged into an active and vigorous program will provide a blueprint for solving major problems of the seventies. The seventies will show the health of the economy as dependent upon, not exclusive of, many other major social forces—education, health as well as environment.

As a United States Senator, my major objective is to get America back to work again—we desperately need to pump money into the sagging areas of the economy. We have a program ready to go—a program already committed to a major national purpose. By allotting and quickly obligating available water pollution funds, we can mitigate some of the construction industry's 15–20 percent unemployment rate.

The program will have important direct beneficial effects—the obligation of the $9 billion in impounded funds will create 360,000 direct new jobs, 180,000 in actual construction. But its major impact may be in its indirect effects. Factories will have to gear up and take on workers to provide equipment. The equipment will have to be transported and installed. Municipalities will have to hire consultants and staff for implementation. The 360,000 new workers will have money to spend on homes, appliances, and other consumer goods, further stimulating the economy. Steel and concrete will have to be made. The ripple effect is manifold and essential.

Of course, there will be some delays. All of the states will not be ready to spend all of the money; that's expected. But the appearance of movement and the promise of funding will have the effect of a stirring giant. Everyone will know the giant is going to move. Training programs will be revived. I would suspect that the full release of the money, if announced, will even move the market up a point or two.

But this is only rhetoric. We need a specific national commitment to accelerate the rate at which we approve projects, obligate these available funds, get construction under way, get people back to work and reduce the pollution load on our streams.

Yesterday Administrator Train and I discussed the need for this kind of commitment. As a result of that discussion and other information, I am convinced that EPA can and will more than double the monthly level of obligation of water pollution funds this year. And I am convinced that Administrator Train shares this goal. I think we can expect the level of obligation to increase from $200 million a month to more than $400 million a month by the end of the calendar year.

Testimony taken last Friday from states and communities indicate that we should be able to achieve that rate of obligation of Federal funds.

In order to accelerate the obligation of funds some projects which are not ready to go will have to be replaced on state priority lists with projects on which construction can begin within the next 12 months.

Enforcement of permits for municipal discharges, heretofore ignored because communities lacked the Federal funds to move ahead must now be enforced if communities delay submitting applications or are slow in getting approved projects under construction.

Communities should establish penalty provisions in contracts to assure prompt performance by engineers and contractors.

Reviews and analyses of projects and project applications which have been sequential must become concurrent. And projects which are routine must move so that projects which are controversial can be subjected to adequate public review.

Projects which will significantly improve water quality—such as projects which eliminate raw waste discharges—must receive priority in order that projects designated primarily to serve new growth can complete environmental impact analysis.

As Chairman of the Public Works Subcommittee on Environmental Pollution, I want to keep pollutants from reaching the water—or the air, for that matter. We developed the 1972 Clean Water Act to challenge technology to do better, to develop new and better treatment systems for all sources.

We should be on guard, however, against repeating past mistakes as we move quickly to gain the economic benefits of the construction grant program. I do not want to see the technological community—both public and private—interpret the rush to move the construction grant program as an opportunity to reinforce their old patterns, to rely on their old solutions.

For example, we adopted secondary treatment as a minimum concept. But we need, as a Nation, to move beyond that minimum. The current waste treatment methodology has been around, without major improvement, for 60 years.

The methods you are discussing in your conference hold great promise, and we need more people looking into more alternatives. We have spurred technology before, and technology has responded. Technology must respond again. It must go beyond existing methods.

The Act provides for this. The Administrator of the Environmental Protection Agency is directed to "encourage waste treatment management which results in . . . the recycling of potential sewage pollutants through the production of agriculture, silviculture, or aquaculture products . . ."

Systems which cooperate with nature are cheaper in the short run, and in the long run, use less of our valuable resources because they are renewable.

There will be a tendency, as the full amount of money is allocated, to rely on easy solutions—traditional engineering and construction practices. This would be contrary to the Clean Water Act's purposes.

Through the coming years as the program moves into full implementation, the Subcommittee on Environmental Pollution will continue to push for the development of that kind of innovative technology. Last year, we discussed the question in a hearing in Hawaii, and I said:

". . . secondary treatment is not necessarily the last word in methods to deal more effectively with water purity. Indeed . . . I am personally a little disturbed that in all the years since 1916 we have developed nothing better than secondary treatment as a way of dealing with these problems . . . I don't think we ought to be inhibited by the question of expenditure of monetary and other resources. If we can find a better method, we ought to go do it, hopefully at less cost and resource demands . . ."

As a Senator representing the State of Maine, I am especially interested in systems with a biological or natural base because, in the long run, they tend to employ more people from the local area and they are less capital and energy intensive.

My state has hundreds of small communities which tend to rely on treatment systems that were really developed for big cities. Thes communities are employing capital-intensive, energy-intensive systems, designed for areas that have a minimum of available land. In other words, they must put up something they don't have—money and machinery—and not something they do have—land. These communities have retained their natural support system which the cities have abandoned, but they are often not using it. We need to provide them with options tailored to their specific locations and needs.

Our economic problem is immediate, to be sure, but in addressing it, we should not provide only short-term solutions. Treatment plants that employ people only for construction are not the optimum solution. When the construction is completed, the jobs are done. The long-term employment implications must be factored in.

As Chairman of the new Senate Budget Committee, I want to keep our expenditures in reasonable proportion to our income. I am especially interested in those treatment systems which produce financial, as well as environmental benefits—benefits which recover valuable resources. Further, I want to see systems which can expand as a community expands, at community, not Federal expense.

This round of Federal assistance should not have to be repeated. The Federal Government should not and cannot commit itself toward an endless capital expense. The land application system developed in the community of Muskegon, Michigan, recently sold a corn crop for $400,000 despite an early killing frost, and that community predicts, during calendar year 1975, that they will pay their full operating expenses with the receipts of their corn sale.

Muskegon is capable of handling growth without new construction. Their system is adaptable. In fact, two industries have sited in that area because of the adaptability of their system—and those industries are going to pay their full share of the costs of operation. Muskegon also uses land and air as cleansing agents—both renewable resources. There is no resource depletion.

In the greatest food-producing country the world has ever seen, we continue to consider nutrients as pollutants. Phosphorous, nitrogen and potassium have been the targets of water pollution clean-up efforts for years, and then viewed as a sludge disposal problem, while the cost of fertilizer has escalated to unacceptable levels.

The average day's worth of municipal waste is 40 billion gallons per day. With an average of 40 parts per million of nitrogen and 10 parts per million of potassium and phosphates, it is laden with nutrients.

Each year in the United States we discharge over $200 million worth of valuable nutrients into our waterways—and call them pollutants; 486 million pounds of organic nitrogen worth $121 million; 121 pounds of available phosphorous worth $68 million; and the same amount of potassium worth $12 million. And these are deliberately conservative figures. The value of these three major chemical fertilizer components does not tell the whole story because of the micro-nutrients: zinc, copper and lead which are frequently added at the farmer's expense to agricultural land. Healthy soil is composed of myriad organic components which need to be replenished; these are present in a municipal waste stream. Finally, in many areas of the country we cannot overlook the value of water, which is imported to agricultural lands at great cost.

We need to return these materials to nature, for nature's use, for economic, as well as environmental reasons.

We need to continue to push the program toward self-sufficiency and permanence—long-term solutions, based upon sound ecological concepts—like the kind that are being discussed at this conference—the kind that are required by the Clean Water Act.

As I have said, we are beginning again, and provided with new opportunities. We have great problems to meet and overcome, and we have a law to do it; enacted by an overwhelming majority of the people's representatives and embodying fundamentally sound ecological principles.

We need all of the most expert help we can get: of scientists and engineers; of lawyers and laborers; of politicians and administrators; all of us need to work together again to restore our economy and our environment, and create an order which embodies the ethic of the naturalist, Aldo Leopold:

> "A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise."

COMMUNIST MILITARY AND ECONOMIC AID TO NORTH VIETNAM, 1970–74

Mr. NUNN. Mr. President, as a result of my study of the Vietnam question, I found our intelligence estimates for the amount of aid that the Soviet Union and China provided to North Vietnam were incomplete and somewhat fragmented. In my report dated February 12, 1975, I called for vastly improved efforts to collect and synthesize our knowledge of what was going on regarding aid to North Vietnam. I am pleased to note that in a memorandum dated March 5, 1975, and prepared jointly by the Central Intelligence Agency, the Defense Intelligence, and concurred by the Bureau of Intelligence and Research of the Department of State that there have been efforts to improve our information on this matter. I believe that this report presents clear and unbiased estimates of the amounts of aid being provided to North Vietnam, even though there are still areas of uncertainty in those estimates.

I recommend that my colleagues read this memorandum, and I ask unanimous consent that it be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

March 5, 1975.

Subject: Communist Military and Economic
Aid to North Vietnam, 1970–74 [1]

1. The Intelligence Community has been requested to estimate the amounts of Communist aid delivered to North Vietnam in the years 1970–1974, using current US dollar costs of the materiel and services provided (see Table I). It is important to recognize that the Intelligence Community's estimate on this subject is not equivalent to—and hence not comparable with—US appropriations for military and economic aid to South Vietnam, for the following reasons:

(a) On the matter of accuracy, our information on North Vietnam has always been incomplete, although coverage on civilian imports is substantially better than for military aid. The drawdown of the US presence in Southeast Asia has further limited intelligence collection capabilities in the area, so that current information on North Vietnam is less comprehensive than it was formerly. In particular, on the question of Communist military aid, our information base is very spotty. Hence we know we are seeing only part of the picture on military aid, and our estimates for the part we cannot see have a wide margin of error.

(b) Military aid to North Vietnam is focused on materiel required for the type of military action undertaken by the Communist forces in South Vietnam—i.e., selected attacks from redoubt areas at times and places of their choice. US military aid to South Vietnam supports a different military mission—i.e., defense of scattered communities, large agricultural areas, and lines of communication, plus reaction and reinforcement of local forces after Communist attack. As the total forces for the different missions differ in size, so do their requirements for assistance. Throughout the war, South Vietnam's forces have been roughly twice the size of North Vietnam's forces in the South, primarily because the missions of South Vietnam's forces—protecting population and holding territory—have required a much larger and widely dispersed military structure.

(c) The GVN has therefore also required a combat air force and an ability to redeploy forces rapidly by ground and air transport. Thus, the types of equipment supplied to South Vietnam by the US have been more sophisticated and therefore more expensive than those required by Hanoi. South Vietnam also requires considerably more logistic support.

(d) In addition, shipping, overhead, and other support costs of military aid to the GVN are substantially more than support costs of Communist aid to North Vietnam because of the greater distance involved and other factors. (See Table II at annex.)

2. Several conclusions may nonetheless be drawn with respect to levels of military and economic assistance to North Vietnam from 1970 through 1974.

(a) Total Communist military and economic aid to North Vietnam in 1974 was higher (in current dollars) than in any previous year.

(b) The suspension of US air bombardment in North Vietnam at the beginning of 1973 brought about a large decrease in assistance for defense against such bombardment or to replace losses caused by it (e.g., air defense equipment, missiles, trucks, etc.)

(c) The U.S. disengagement from combat and the reduction in the level of hostilities in South Vietnam in 1973 were reflected in a substantial decrease in the amount of ammunition and ground force equipment received by North Vietnam, compared with 1972.

(d) In 1974, the delivery of ammunition to Hanoi markedly increased over 1973 and reached a level as high as that of 1972,[2] although deliveries of ground force equipment continued at relatively low levels.

(e) Economic aid was reduced in 1972 with the closure of North Vietnamese ports, but with their reopening rose sharply in 1973 and reached a record level in 1974. The economic aid increase in 1974 was further spurred by typhoons which damaged the 1973 North Vietnamese autumn rice harvest, the inflation of dollar values in 1974, and the increased pace of reconstruction during 1974.

3. The figures leading to the above conclusions are shown in Table I. They give a rough order of magnitude of Communist military assistance to North Vietnam and a somewhat more precise indication of economic aid. Within the category of military assistance, the estimates of deliveries of equipment and materiel ($275 million in 1974), as well as the estimate for transportation equipment ($25 million in 1974), are fairly good. Even a more complete data base would produce estimates of the same relative magnitude. This is not true, however, for those items listed under the "other military-related support" heading, where the lack of hard data makes our estimates subject to wider margins of error.

4. It should also be noted that in the final analysis what is significant is not so much the level of military assistance but the relative balance of forces on the battlefield in South Vietnam. North Vietnamese forces in South Vietnam, supported by record stockpiles of military supplies, are stronger today than they have ever been. The Communists are expected to sharply increase the tempo of the fighting in the next few months. Given the present military balance in the South, the GVN's forces will not be decisively defeated during the current dry season. At currently appropriated levels of U.S. military assistance, however, the level of combat that we anticipate in the next few months will place the Communists in a position of significant advantage over the South Vietnamese forces in subsequent fighting.

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[1] This memorandum has been prepared jointly by the Central Intelligence Agency and the Defense Intelligence Agency, and concurred in by the Bureau of Intelligence and Research, Department of State.

[2] The dollar figure shown in the table for ammunition deliveries in 1974 is considerably higher than that for 1972, but tonnages were about the same. Inflation of ammunition prices explains the difference.

TABLE I.—ESTIMATED COMMUNIST MILITARY AND ECONOMIC ASSISTANCE TO NORTH VIETNAM

[In millions of current U.S. dollars] [1]

	1970	1971	1972	1973	1974 [2]
Military	205	315	750	330	400
Military equipment and materiel	140	240	565	230	275
Air defense equipment	20	85	310	100	55
Ground forces equipment	45	80	110	40	45
Ammunition	70	60	130	85	[3] 170
Other	5	15	15	4	5
Military transportation equipment (trucks, helicopters, transports)	20	15	30	35	25
Other military-related support (delivery and packaging costs, spare parts, POL for the military, technical assistance and training, medical supplies) [4]	45	60	155	65	100

	1970	1971	1972	1973	1974 [2]
Economic	735	755	465	670	1,295
Commodity shipments [5]	635	645	360	540	1,145
Food	65	60	80	170	420
Fertilizer	10	15	5	5	25
Petroleum	10	10	5	15	55
Machinery, transport equipment, and metal products	240	175	125	165	345
Other	310	385	145	185	300
Technical assistance (includes cost of foreign technicians in North Vietnam and North Vietnam trainees abroad)	100	110	105	130	150
Total of estimated Communist goods and services provided to North Vietnam	940	1,070	1,215	1,000	1,695
Less North Vietnamese exports to Communist countries [6]	50	50	30	80	125
Total estimated Communist aid to North Vietnam	890	1,020	1,185	920	1,570

[1] Because of rounding, individual figures do not always add to the totals in this table.

[2] The data for 1974 are preliminary.

[3] Although ammunition supplied to North Vietnam in 1974 constituted an estimated 40 percent of its military aid, our data regarding probable ammunition costs per ton are admittedly "soft." Therefore, if our price estimates are off by, say, 10 percent, the total value for ammunition alone could fluctuate by some US $17,000,000.

[4] The lack of hard information on the items included under "Other military-related support" makes these estimates subject to a wider margin of error than exists for other categories of military assistance to North Vietnam.

[5] For economic goods, the cost of transportation is included in the cost of the goods as shown in the table. (For military goods, delivery and packaging costs are included under "Other military-related support.")

[6] Since North Vietnamese exports in these years paid for some of North Vietnam's imports, we have subtracted them to derive our estimates of Communist aid to North Vietnam.

TABLE II.—COMPARISONS OF MAJOR CATEGORIES OF COMMUNIST MILITARY AID TO NORTH VIETNAM AND UNITED STATES AID TO SOUTH VIETNAM

[In million U.S. dollars and percentages]

	Communist military aid delivered to North Vietnam, calendar year 1974		United States military aid so far appropriated to South Vietnam, fiscal year 1975	
	Amount	Percent	Amount	Percent
Total military aid [2]	400	100	700	100
Military equipment and materiel	275	69	268	38
Air defense equipment	55	14		(3)
Ground forces equipment	45	11		(3)
Ammunition	170	43	268	38
Other	5	1		(3)
Military transportation equipment	25	6		(3)
Delivery costs	20	5	74	11
Other military-related support (including spare parts, POL for the military, technical assistance and training, medical supplies, and miscellaneous costs)	80	20	358	[3] 51

[1] For reasons explained in the text, our figures on Communist aid to North Vietnam (some of which are soft estimates) are not readily comparable with U.S. aid appropriations for South Vietnam. Also, the data we have on Communist aid is kept on a calendar year basis while U.S. aid appropriations are keyed to a fiscal year cycle. The above table, however, gives a rough indication of the way the 2 aid packages break out in calendar year 1974 for Communist aid and fiscal year 1975 for U.S. aid.

[2] Figures may not add because of rounding.

[3] One reason for the wide disparity is a charge against the U.S. aid account for administrative expenses for the DAO in South Vietnam which has no known counterpart on the Communist side. There are also other items for which no counterparts on the Communist side are available, such as offshore maintenance servicing of military equipment, and construction.

NATIONALIZING THE RAILS

Mr. McGOVERN. Mr. President, last year I introduced S. 3177, the Rail Revitalization and Energy Conservation Act. I am preparing similar legislation now and will reintroduce it later in the session. The purpose of this bill is to formulate a national rail policy thereby providing railroads with the means to upgrade and expand their existing facilities and thus offer more and better rail service. The legislation would provide, along with the development of this national transportation plan, immediate Federal relief for the most significant railroad problems.

It is interesting to note that in its March 17 issue, the respected magazine Business Week has essentially endorsed this concept, calling it "the only workable idea left." Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONALIZING THE RAILS

In its long-awaited report, the U.S. Railway Assn. estimates that more than $2.3-billion is needed to upgrade the roadbeds of the bankrupt railroads in the Northeast and the Midwest. Because such sums can come only from Washington, the report suggests that Congress create a federal corporation, the Consolidated Facilities Corp., to buy, rehabilitate, and own the tracks. In a word, the roadbeds would be nationalized.

Shocking as nationalization may have been a couple of years ago, it now seems to be the only workable idea left. Large sections of track owned by the bankrupt lines are in such bad shape that derailments are frequent, and shippers can no longer depend on rail service for safe, efficient transportation. If nothing is done, they would gradually be forced to shift from rail to truck, worsening the nation's energy and environmental problems.

Under the proposed plan, only the track would be federally owned. ConFac would lease the rehabilitated rails to a privately owned operating company which would be known as the Consolidated Railroad Corp. ConRail would market freight service in the area, operate the trains, and pay user charges to ConFac. ConRail would need some government subsidy in order to get started. But it is someday supposed to turn a profit.

The government could, of course, pay the rehabilitation bill without taking ownership of the rails. But taxpayers could then justifiably question the propriety of such a large-scale public bailout of private corporations.

To speed the rehabilitation of the rails, Congress should also consider a vast public works program to tap the huge pool of unemployed labor that has been created by the recession. Thousands of jobs—on the rails, in steel mills, and in factories—could be filled. The time is economically ripe for such a program, and the benefits would be enormous.

Nationalization—even of decaying facilities owned by bankrupt companies—is never easy for businessmen to accept. But under the circumstances, nationalization of the rails is the only way out.

ARAB ECONOMIC BOYCOTT

Mr. BENTSEN. Mr. President, as one who has long been concerned about the

Arab economic boycott and who some time ago called on this administration to publicly protest it, I commend President Ford for deploring the policy of economic discrimination being pursued by the Arab nations. I am pleased to join in cosponsoring Senate Resolution 100 which will put the Senate firmly on record as condemning such coercive tactics as being contrary to the principles on which our Nation was founded: no discrimination on the basis of race, creed, or national origin.

The United States must not stand in silence but must protest the virtual state of economic belligerency which exists in the Middle East as well as the more recent toward discrimination against American companies with Jewish management. There have even been allegations that U.S. Government agencies are bowing to Arab demands to exclude Federal Government employees who are Jewish, from participating in official business with Arab nations.

We must not tolerate the existence of those discriminatory practices which amount to an intrusion into the internal affairs of our country. U.S. law clearly states that it is the policy of this Nation to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries. I believe that is a good policy and it should be followed. And I firmly believe that an investigation should be carried out to determine whether that statute is being violated.

I urge my colleague in the Senate to support Senate Resolution 100, which is a clear statement that we must not permit our national integrity to be undermined or compromised.

JOHN FENWICK TERCENTENARY MONTH

Mr. CASE. Mr. President, the Salem County, N.J., Board of Chosen Freeholders has proclaimed September of 1975 to be John Fenwick Tercentenary Month.

In view of the contribution to our heritage made by John Fenwick, I ask unanimous consent that the Salem County Board of Chosen Freeholders' resolution proclaiming John Fenwick Tercentenary Month be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NAMING SEPTEMBER 1975 AS JOHN FENWICK TERCENTENARY MONTH

Whereas, the good ship Griffin having dropped anchor in the Delaware River near the mouth of the Salem River on or about September 23, 1675; and

Whereas, John Fenwick, his three daughters, two sons-in-law, thirteen servants and forty-eight other settlers alighted from the said Griffin and founded the first permanent English speaking colony in the Delaware Valley; and

Whereas, the said John Fenwick due to his Quaker teachings of love and peace named the new land Salem, taken from the Hebraic word, Shalom, meaning peace; now, therefore, be it

Resolved by the Salem County Board of Chosen Freeholders that in memory of these happenings do declare the month of September, 1975, to be John Fenwick Tercentenary Month throughout the entire County.

RULE XXII

Mr. CURTIS. Mr. President, in the debate and discussion of a proposal to change Senate Rule XXII, references have often been made to the number of quote "good" bills that have died because of the failure to invoke cloture and cut off debate. Proponents of a change in the filibuster rule have stated that many of these good bills would have passed if the number of Senators voting to invoke cloture was reduced from two-thirds to three-fifths of those present.

I do not need to expound on my beliefs on the issue of changing cloture requirements under rule XXII—I am sure most of my colleagues are aware of my position just as I am aware of the positions of most of them.

However, I do think there is a need to set the record straight on the past actions of the Senate involving cloture votes. We should always attempt to have the facts clearly presented in any matter before us, and in this case, perhaps the facts will help some who are not firmly decided in their position on this important matter.

I happen to think it is important that the whole truth be told, that all the facts are presented, that a complete picture is painted, before a decision is made. Thus, I think it is important that statements about the obstructionist impact of rule XXII be answered by facts that can only lead to conclusions to the contrary. The figures which I will use here are based on tabulations of three-fifths of Senators present and voting, and not on the constitutional three-fifths requirement contained in the compromise we have worked out for action today. The information is condensed from a record of cloture votes in the Senate which was compiled by Congressional Quarterly.

Mr. President, such general statements as "only 22 of 101 cloture votes have been successful," and "24 other cloture votes would have been successful on the basis of a three-fifths requirement," while true enough, are nevertheless very misleading. They do not tell the whole story about the Senate's record on cloture votes, and are therefore misleading.

These statements would have us believe that only 22 bills have been saved from the death of the filibuster and that another 24 bills would have survived if cloture had been allowed to be invoked by a three-fifths vote. The fact is that these were not votes on all different bills, and that they were not votes on bills themselves, but on the question of ending debate on bills and motions.

Expressed in percentages, proponents of a three-fifths vote for cloture would have us think that 22 percent of bills on which cloture was voted were enacted, and that another 24 percent of bills would have been enacted if a three-fifths vote had been required on cloture instead of a two-thirds vote.

However, the facts borne out in the record of Senate votes on cloture prove how misleading these statements and assertions are. Some of the cloture votes did not involve legislation at all, many were not on the bills themselves, many were repetitions of previous attempts at cloture, and none was a vote on the actual legislation involved. I will not get into a lengthy discussion of the distinction between a vote to end debate on a motion, bill or other point, and a vote on an actual bill itself—I am sure that is apparent to all here. But, I feel it is important that we look at the numbers of actual bills and cloture issues that have succeeded and have failed, where proponents of cloture change have so readily referred to the seemingly small number of issues that have succeeded under cloture.

Mr. President, rule XXII was established by the U.S. Senate in 1917. In the 58 years since that time, through February 26 of this year, 101 cloture votes have occurred in the Senate. Of those, 22 votes were successful in stopping debate under the two-thirds vote required. Another 24 would have been successful if the vote to invoke cloture was three-fifths instead of two-thirds. But it is interesting to note that 10 of those votes were on matters that eventually had cloture invoked anyway in subsequent votes. Furthermore, seven cloture votes were taken that failed to get three-fifths support and which on subsequent votes got three-fifths support but failed to obtain the necessary two-thirds.

Of the 101 votes on cloture, nine were on matters for changing rule XXII itself, and not on legislation. One subject that failed on cloture under the two-thirds requirement actually would have succeeded under a three-fifths vote on one day, but on a vote for three-fifths the very next, would have failed. A total of 22 cloture votes were taken on seven bills that were eventually successful in having debate stopped under the two-thirds requirement. There have been five issues involving more than one attempt which have not been successful but would have been successful under a three-fifths vote requirement. But, those five issues had a total of 14 vote attempts of which nine received three-fifths support but not two-thirds.

Cloture has been successfully invoked on 15 first attempts on legislation, under the two-thirds requirement, and there have been 13 issues which have only one attempt at cloture and have failed to get either two-thirds support or three-fifths support.

There were two single unsuccessful cloture attempts that would have succeeded under a three-fifths requirement. Nine issues had multiple attempts at cloture—a total of 22—that failed to get either two-thirds or three-fifths support. These do not include the nine attempts to change rule XXII itself, and which were not concerned with specific legislation.

I think it is important also to point out that only two past attempts at cloture required less than a simple majority of the membership of the Senate—one in 1928, and one in 1946—under the two-thirds requirement. But, under a three-fifths requirement, there have been 16 votes on cloture that would have required less than a majority of the total Members of the Senate to be successful. No votes to invoke cloture have been successful with less than a simple majority of the total number of Senators. But of those invoked with two-thirds of the

Senators in attendance, eight were on votes with fewer than two-thirds of the number of Senators, and two were votes of fewer than three-fifths of total Senators.

In the history of the Senate cloture rule, the highest vote to invoke cloture was 86 to 8 to end debate on the Rail Reorganization Act of February 26 of this year.

The lowest vote to end debate was an unsuccessful attempt on labor disputes on May 25, 1946, that failed 3–77. But, before and in between these votes, many cloture attempts were made that had less than a majority of total Senate support and several with very little support. A total of 41 of the 101 cloture votes had fewer than a simple majority of the entire Senate in support.

Mr. President, what all of these figures point out is that the references to cloture being obstructionist in blocking many good bills are simply not accurate. From the record of the Senate in its past votes on cloture, it is obvious that there were only a total of 53 issues, and not 101, which had attempts at cloture. Of those, 22 did have cloture invoked. Of the remaining 31 issues on which cloture was attempted, a total of only seven would have been successful under a three-fifths vote of Senators present. The remaining 24 issues involving 44 votes for cloture failed under the two-thirds requirement, and would have also failed under a three-fifths requirement. It should be pointed out that many of those cloture votes had less than a simple majority of the total number of Senators.

The point of this is that if the Senate had been operating under a three-fifths rule of Senators present to invoke cloture in the past, it would only have changed the outcome of seven cloture attempts over a 58-year period. I think this points out that our cloture procedure requiring a two-thirds vote has not been as obstructionist as has been claimed. At the same time, I think it shows the importance of our need to insure a voice for minority opinions and positions, and suggest that my colleagues bear this in mind when considering their vote on any proposal to change the cloture vote requirement.

Mr. President, there have been 79 votes taken on cloture in the time I have served in the Senate. A check of my record in voting on those cloture attempts will show that I have been on both sides of the question, and that I was as frequently on the prevailing side as on the losing side in deciding to cut off or continue debate. Furthermore, I think my statement could be applied to most of my colleagues who have served in the Senate for any length of time. But, in those instances when I was on the losing side, either for cutting off or continuing debate, I did not demand that the rules be changed on cloture. And, when I have been on the prevailing side either way, I have respected the right of the minority side to present its case, to make its arguments, and to be heard.

The U.S. Senate is required by the Constitution to ratify treaties of the United States by a two-thirds vote. The Senate is required to pass amendments to the Constitution by a two-thirds vote, and the House of Representatives must also pass amendments by a two-thirds vote. And, we are required to override Presidential vetoes of legislation by a two-thirds vote.

Mr. President, I do not think it is too much for the people of this great Nation to expect that the voices of the minorities will be heard in the Halls of Congress; and I suggest that the same two-thirds requirement for treaties and constitutional amendments and veto overrides can best assure the right and opportunity of those voices to be heard in the U.S. Senate.

I ask unanimous consent to have printed in the RECORD a listing of cloture votes taken in the Senate since 1917.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Issue	Date	Vote	2/3 majority required	Votes needed under 3/5 majority present
Versailles Treaty	Nov. 15, 1919	78–16	63	57
Emergency tariff	Feb. 2, 1921	36–35	48	43
Tariff bill	July 7, 1922	45–35	54	48
World Court	Jan. 25, 1926	68–26	63	57
Migratory birds	June 1, 1926	46–33	53	47
Branch banking	Feb. 15, 1927	65–18	56	50
Disabled officers	Feb. 26, 1927	51–36	58	52
Colorado River	Feb. 26, 1927	32–59	61	55
District of Columbia buildings	Feb. 28, 1927	52–31	56	50
Prohibition Bureau	Feb. 28, 1927	55–27	55	49
Banking Act	Jan. 19, 1933	58–30	59	53
Antilynching	Jan. 27, 1938	37–51	59	53
Antilynching	Feb. 16, 1938	42–46	59	53
Antipoll tax	Nov. 23, 1942	37–41	52	47
Antipoll tax	May 15, 1944	36–44	54	48
Fair Employment Practices Commission	Feb. 9, 1946	48–36	56	50
British loan	May 7, 1946	41–41	55	49
Labor disputes	May 25, 1946	3–77	54	48
Antipoll tax	July 31, 1946	39–33	48	43
FEPC	May 19, 1950	52–32	64	58
FEPC	July 12, 1950	55–33	64	58
Atomic Energy Act	July 26, 1954	44–42	64	58
Civil Rights Act	Mar. 10, 1960	42–53	64	57
Amend Rule 22	Sept. 19, 1961	37–43	54	48
Literacy tests	May 9, 1962	43–53	64	58
Literacy tests	May 14, 1962	42–52	63	57
Comsat Act	Aug. 14, 1962	63–27	60	54
Amend Rule 22	Feb. 7, 1963	54–42	64	58
Civil Rights Act	June 10, 1964	71–29	67	60
Legislative reapportionment	Sept. 10, 1964	30–63	62	56
Voting Rights Act	May 25, 1965	70–30	67	60
Right-to-work repeal	Oct. 11, 1965	45–47	62	55
Right-to-work repeal	Feb. 8, 1966	51–48	66	59
Right-to-work repeal	Feb. 10, 1966	50–49	66	59
Civil Rights Act	Sept. 14, 1966	54–42	64	58
Civil Rights Act	Sept. 19, 1966	52–41	62	56
District of Columbia Home Rule	Oct. 10, 1966	41–37	52	47
Amend Rule 22	Jan. 24, 1967	53–46	66	59
Open Housing	Feb. 20, 1968	55–37	62	55
Open Housing	Feb. 26, 1968	56–36	62	55
Open Housing	Mar. 1, 1968	59–35	63	57
Open Housing	Mar. 4, 1968	65–32	65	58
Fortas Nomination	Oct. 1, 1968	45–43	59	53
Amend Rule	Jan. 16, 1969	51–47	66	59
Amend Rule	Jan. 28, 1969	50–42	62	55
Electoral College	Sept. 17, 1970	54–36	60	54
Electoral College	Sept. 29, 1970	53–34	58	53
Supersonic transport	Dec. 19, 1970	43–48	61	55
Supersonic transport	Dec. 22, 1970	42–44	58	52
Amend Rule 22	Feb. 18, 1971	48–37	57	51
Amend Rule 22	Feb. 23, 1971	50–36	58	52
Amend Rule 22	Mar. 2, 1971	48–36	56	50
Amend Rule 22	Mar. 9, 1971	55–39	63	57
Military Draft	June 23, 1971	65–27	62	55
Lockheed Loan	July 26, 1971	42–47	60	54
Lockheed Loan	July 28, 1971	59–39	66	59
Lockheed Loan	July 30, 1971	53–37	60	54
Military Draft	Sept. 21, 1971	61–30	61	55
Rehnquist nomination	Dec. 10, 1971	52–42	63	57
Equal Job Opportunity	Feb. 1, 1972	48–37	57	51
Equal Job Opportunity	Feb. 3, 1972	53–35	59	53
Equal Job Opportunity	Feb. 22, 1972	71–23	63	57
United States-Soviet Arms Pact	Sept. 14, 1972	76–15	61	55
Consumer Agency	Sept. 29, 1972	47–29	51	46
Consumer Agency	Oct. 3, 1972	55–32	58	53
Consumer Agency	Oct. 5, 1972	52–30	55	49
School Busing	Oct. 10, 1972	45–37	55	49
School Busing	Oct. 11, 1972	49–39	59	53
School Busing	Oct. 12, 1972	49–38	58	53
Voter Registration	Apr. 30, 1973	56–31	58	53
Voter Registration	May 3, 1973	60–34	63	57
Voter Registration	May 9, 1973	67–32	66	59
Public Campaign Financing	Dec. 2, 1973	47–33	54	48
Public Campaign Financing	Dec. 3, 1973	49–39	59	53
Rhodesian Chrome Ore	Dec. 11, 1973	59–35	63	57
Rhodesian Chrome Ore	Dec. 13, 1973	62–33	64	57
Legal Services Program	Dec. 13, 1973	60–36	64	58
Legal Services Program	Dec. 14, 1973	56–29	57	51
Rhodesian Chrome Ore	Dec. 18, 1973	63–26	60	54
Legal Services Program	Jan. 30, 1974	68–29	65	58
Genocide Treaty	Feb. 5, 1974	55–36	61	55
Genocide Treaty	Feb. 6, 1974	55–38	62	56
Government Pay Raise	Mar. 6, 1974	67–31	66	59
Public Campaign Financing	Apr. 4, 1974	60–36	64	58
Public Campaign Financing	Apr. 9, 1974	64–30	63	57
Public Debt Ceiling	June 19, 1974	50–43	62	56
Public Debt Ceiling	June 19, 1974	45–48	62	56
Public Debt Ceiling	June 26, 1974	48–50	66	59
Consumer Agency	July 30, 1974	56–42	66	59
Consumer Agency	Aug. 1, 1974	59–39	66	59
Consumer Agency	Aug. 20, 1974	59–35	63	57
Consumer Agency	Sept. 19, 1974	64–34	66	59
Export-Import Bank	Dec. 3, 1974	51–39	60	54
Export-Import Bank	Dec. 4, 1974	48–44	62	55
Trade Reform	Dec. 13, 1974	71–19	60	54
Fiscal 1975 Supplemental Funds	Dec. 14, 1974	56–27	56	50
Export-Import Bank	Dec. 14, 1974	49–35	56	50
Export-Import Bank	Dec. 16, 1974	54–34	59	53
Social Services Programs	Dec. 17, 1974	70–23	62	56
Tax Law Changes	Dec. 17, 1974	67–25	62	55
Rail Reorganization Act	Feb. 26, 1975	86–8	63	57

Mr. FANNIN. Mr. President, the cloture rule may very well be the most vital issue that will come before the Senate in this session. I would like to highlight some important facets.

Let me remind those who represent the less populous and smaller of the States of the Union in the Senate that the adoption of the proposed changes will deprive them of an important weapon that Representatives of such States have to protect the rights of their people. The Senate and its rules are the last citadel where these States are afforded an equal chance with their larger neighbors.

Every man who has ever served as a delegate from a small State to a political convention, where Presidents are nominated and platforms are written, knows they are overwhelmed by the huge delegations from the populous States. In the House of Representatives, it is impossible for the Representatives of small States to protect their constituents. States that have 2 or 6 or even 10 Representatives are at an obvious disadvantage in dealing with those that have 25, 35, or 41 Representatives. They are often hard put to get even 5 or 10 minutes to present the views of their people. It is amazing to see Representatives from these States support the pending proposition. There has never been an issue presented that more asserts the doctrine that the end justifies the means.

If the present proposal is adopted, there will be many cases where Senators will have little choice, no voice and no rights. Rule XXII will be a gag rule that is more summary and less justified than is the gag of the previous question in the House of Representatives.

Mr. President, in the Constitutional Convention of 1787 the question of representation in our legislative bodies was the rock on which the Convention all but foundered. The most difficult question faced by the Founding Fathers was in finding some place in our system where the least populous and smaller States would have an equal chance to protect their rights in a representative government joined in a republic of States.

The greatest genius of that Convention was the creation of the Senate. The representatives of the small States in the Convention had the vision to resist until they secured a forum of equality. They even exacted a pledge and wrote it into the Constitution that equality of representation in the Senate could not be denied any State except by its own consent.

The trend of the times frankly causes me to fear that through similar tactics to those being employed here a way will be found to eliminate that provision.

By striking down the protection that the Senate rules provide for a minority or for the individual Senator, there is some purpose at work that bodes no good for the maintenance of our system of government.

I believe the Senate is the most important, vital organ in our whole system of government and is the only forum where any minority or any State or individual Member may express himself. I have, therefore, always fought to the limits of my ability to protect and preserve the Senate in the form envisioned and agreed upon by the Founding Fathers.

It is well to remember, Mr. President, that the majority in this body or in any legislation body does not need the protection of any rules. The majority, in the absence of rules, can use raw political power to run roughshod over the minority. The rules of the Senate not only propose orderly procedure, but seek to protect the right of minorities down to individual Senators. What we are asked to do here now is to disregard our rules and allow imposition of a gag rule by a bare majority. I know that there will be those who delude themselves with the idea that they can follow this policy and find a way to impose cloture by a three-fifths vote. This idea is fallacious.

Mr. CHURCH. Mr. President, on February 21, 1975, I presented my argument against any modification of rule XXII.

I ask unanimous consent that the statement I made at that time may be printed again in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

On Amending Senate Rule XXII

Mr. Church. Mr. President, each day brings news that the winds of change are sweeping away ancient rules, privileges and prerogatives in the Congress. The House of Representatives has taken the unprecedented step of electing its committee chairmen on a basis other than seniority. The Senate Democratic caucus has itself followed suit. In the future, committee chairmen may be elected by secret ballot, secretly called for.

I voted for this change. During may 18 years in the Senate, the seniority rule has imposed the virtue of patience. Junior Senators have had no alternative but to keep living until the day that they, too, would be rewarded for longevity with a committee chairmanship. Now that some of us, having survived the years, stand on the threshold, suddenly we have voted away the prize. Like the Allies stopping at the gates of Berlin, we have chosen to deny ourselves the certitude that rank will bring privilege. And this is probably best.

Presently, we are considering yet another ancient rule, a 56-year-old section of the Standing Rules of the Senate which, for many years, was perceived as the procedural weapon of civil rights opponents. Rule XXII was indeed invoked, again and again, to prevent a vote on civil rights legislation. Nevertheless, despite the rule, a way was found to pass the Civil Rights Act of 1957. By the mid-1960's, after a strenuous fight over a much stronger bill, the two-thirds majority required by the rule to end debate, was achieved. Since then, cloture has been voted much more frequently, due in part to changes in the Senate's composition and in part to success in one cloture vote leading to success in another.

Paradoxically, although rule XXII has steadily become a less formidable barrier to legislative action in the Senate, it remains the symbol of the old order, and therefore the irrestible target of all would-be reformers.

This was true in my own case, as it has been in so many others. The first vote I cast, upon entering the Senate in 1957, was against rule XXII. Since then, at the opening of several sessions of the Congress, I have led the fight to reduce to three-fifths the requirement of the rule that two-thirds of the Senators present and voting must approve, in order to end debate. Four years ago, Senator Pearson and I offered an identical resolution to that now before us.

During the intervening years, however, cloture has been invoked much more frequently; genuine filibusters, undertaken for the purpose of preventing a vote, usually fail. But the rule does give a measure of protection against hasty action on controversial proposals, sometimes insufficiently understood. Extended debate has often served the country well.

Moreover, as I have finally come to understand, the rule greatly strengthens the hand of the Senate in its dealings with the House of Representatives, as well as with the Presidency, itself. It follows that every curtailment of rule XXII weakens the institutional strength of the Senate.

Finally, it must be stressed that rule XXII no longer favors any particular clique in the Senate, neither the South against the North, nor conservatives against liberals, nor hawks against doves, nor any other grouping. From time to time, rule XXII is now being utilized by widely differing factions ranging across the whole spectrum of political philosophy and economic beliefs. It is being used often with good effect, as when reliance on the rule enabled determined opponents of the SST to ultimately prevail. In the closing days of the last session, resort to the rule made it possible for our conferees to reinstate important Senate amendments to the Export-Import Bank bill, which had been summarily stricken by the House.

Moreover, as a result of developments in the final hours of the last session, I suggest we have been given still another reason to retain rule XXII in its present form.

When the Trade Reform Act came to the Senate in December, cloture was invoked before a single word of debate was uttered. A two-thirds majority approved cloture, not for the purpose of ending debate, but for the purpose of excluding nongermane amendments. All at once, rule XXII was transformed into a closed rule, more constraining in certain respects than that used in the House of Representatives, where at least the Rules Committee can vote for a closed, a partially closed, or an open rule.

This was the first time I can remember that cloture was ever used for a purpose other than curbing debate. But now that this technique has been discovered, it will be used again. If this is a pernicious reverse twist of the rule, as I believe to be the case, the abuse will be all the easier to practice, if only a three-fifths vote is required.

For these reasons, I am convinced that rule XXII should not be altered as proposed. I do not derogate the arguments in favor of changing the rule. I, myself, once made them, believed them, and urged their acceptance. But, for nearly 2 years now, I have come to a different view, and so must seek such refuge as I can in the well-known words of Ralph Waldo Emerson:

"A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines."

LEAN TIMES FOR CATTLEMEN

Mr. McGOVERN. Mr. President, the business of raising cattle is one of America's oldest and proudest traditions. But that tradition is in danger of becoming just a legend, for the cattle industry is in very serious trouble. Cattlemen suffered heavy losses last year and the industry is facing more financial ill health this year. Given our dependence on the cattle industry to fill the huge national demand for beef, that outlook threatens all of us, not just the cattlemen.

The March 17 issue of Business Week discusses these problems, their backgrounds and repercussions, and ideas that may bolster the cattle industry. I ask unanimous consent that this article, "Lean Times for Cattlemen" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEAN TIMES FOR CATTLEMEN

The U.S. cattle industry has rarely looked sicker. Cattle producers are staggering from losses that totaled close to $2.5-billion in 1974, chiefly because of an oversupply of cattle. And as a result of high feed prices, there is disaster at the feedlots. Some feedlot operators are already bankrupt. And others are striving to maintain a viable business base by chopping heavily into other properties.

"We're paying a hell of a price for the privilege of wearing boots and cowboy hats," claims Dudley T. Campbel, general manager of the sprawling Chaparrosa ranches that, with 10,000 cattle, form one of the largest cattle-raising empires in south Texas.

Moreover, the industry faces financial slaughter again this year. At a minimum, many cattlemen agreed at last week's Houston Livestock Show & Rodeo, the U.S. market for beef sales will not pick up until after the recession. That could mean two or three more years of heavy losses, more than many cattle raisers will be able to withstand. And because of a growing oversupply of cattle in the U.S., there is very little any single producer can do to help himself.

Inventories of cattle and calves now stand at more than 132-million head, or roughly 6-million more than the market profitably can sustain. This is a 3% jump from a year ago, compared with a normal 1% annual inventory rise.

A partial liquidation is the obvious answer to the cattle industry, inventory problem. And it could be accomplished quickly if cattlemen were willing to sacrifice some of their breeding stock. But there is a profit-making motive working against such a move.

"We don't care if our neighbors kill their cows," admits one rancher. "But my herd took me five years to build. If I cut it back now, I can't produce big calf crops when the market improves."

"We're just going to have to eat our way out of this," agrees rancher Lee Duggan, who keeps 300 cows on a spread just outside Houston. "And that takes time."

Ironically, cattle raisers were having their best year just two years ago, getting up to 65¢ a lb. in the slaughterhouse for top-grade steers. Now the steers command only 30¢ a lb. and that may fall still lower because a peak in cattle inventories is not now expected until 1976.

Cattlemen accept a big part of the blame for the disastrous drop in the price they now get for their cattle. Spurred on by the healthy beef market in the early 1970s, they overexpanded their herds, ignoring the fact that periodically they always seem to get in trouble with surplus stock. That surplus tends to run in 10-year cycles. And since 1965 was a peak surplus year, they should have anticipated another big surplus about this time.

Now, cattlemen are suffering severely. But this time, they claim, they also have been hit by a series of market disruptions that were not all of their own making.

REACTION

First, they point out, the big grain sale to Russia triggered a three-fold jump in U.S. feed grain prices. Then, in July, 1973, the Nixon Administration announced 45 days in advance that it was lifting price ceilings on beef. Beef producers, feedlot operators, and packers all fell into the trap. They saw an opportunity to get higher prices by holding beef back from market until controls were lifted. What they did not see was what would happen next.

When the price ceiling did come off, so many cattlemen stampeded to the marketplace that the price they got for beef plunged. Meanwhile, inventories, which had started to decrease, began growing again. And they were raised further by a truckers' strike.

"Our problems have been as bad as those of the auto and real estate industries in the past year," contends B. Kleberg Johnson, a director of the famed King Ranch, based in Kingsville, Tex.

Surprisingly, U.S. demand for beef has remained healthy during the cattle industry's present cost-price squeeze, despite the growing pressure on Americans' pocketbooks. Annual beef consumption increased about 6% in 1974 to 115.8 lb. per person and it is expected to hit 122 lb. per person this year. That compares to an average annual consumption increase of about 2% a person between 1960 and 1970.

FEEDLOT MISERIES

Steadily growing beef consumption may save cattle producers before the end of the 1970s. But it will be too little and too late to salvage many feedlot operators who have been absorbing huge losses for the past 18 months. The main culprit here is the soaring price of grain, which has all but wrecked the economics of fattening cattle in feedlots.

The feedlot business by the early 1970s had blossomed into a $10-billion industry. But by the end of last year, the cost of adding weight to a steer in the feedlot had risen to 60¢ a lb., vs. 25¢ a lb. as recently as late in 1972. Now, prices of both grain and young calves have dropped to the point where feedlot fattening of cattle begins to make good economic sense again. But the feedyards still are stocked with large inventories of cattle, bought at higher prices, which are selling at a loss of about $50 a head.

Things are so bad that close to a score of feedlot operators have already dropped out of the business, and the industry's losses have "taken most of the liquidity of the industry," according to Kenneth W. Monfort, president of Monfort of Colorado, Inc., the country's biggest feedlot operator.

Monfort is weathering the storm because its profitable meat-packing business has covered part of the losses suffered by its cattle-feeding business. But another giant feedlot operator, Texas-based Wheatheart Feeders, Inc., has declared bankruptcy, and Mesa Petroleum Co. has sold its cattle feeding business. For others, the shakeout still may not be over.

California's Fat City Cattle Co., which was feeding 70,000 cattle in its feedyards a year ago, is now down to 3,000 cattle in its pens.

Stratford of Texas, Inc., which in 1973 was the second largest cattle feeder in the U.S., lost almost $20-million in 1974, and is selling off most of its non-feedlot assets to keep float.

GLIMMERS OF HOPE?

There is little question that the economic problems in the cattle business are changing the way the industry does business. Since January, 1973, the number of cattle in U.S. feedlots has dropped 34% to 9.6-million head. With the higher cost of grain, cattlemen are leaving their cattle to fatten in pasture longer and sending more of them directly from pasture to the slaughterhouse. In 1973, almost 70% of all cattle slaughtered in the U.S. had been fattened in a feedlot. By last year, that number had dropped to 60%, and a further slide to 50% is expected this year.

For cattlemen, that means no real difference in the price at which they sell their cattle. And for consumers, there is the unexpected bonus of bargain-hunting for lower-grade, leaner cuts of beef.

But when the turnaround comes, it could be the feedlot operators who will see their fortunes improve the soonest. William C. Helming, president of the Livestock Business Advisory Services, Inc., in Kansas City, Mo., for one, expects that shrewd feedlot managers who are able effectively to hedge their feeding programs by buying and selling grain and cattle futures, could even return to profitability by early next year.

"We are more optimistic about cattle feeding because grain prices are coming down," he explains. Farm prices for feed corn have dropped from a peak of $3.85 a bu. last year to about $2.50 a bu. now. "Feed corn may get down to the $1.75 to $2.25 range in the fourth quarter of this year or early next year," Helming predicts.

THE OIL DEPLETION ALLOWANCE

Mr. GARN. Mr. President, the House of Representatives has acted to end the oil depletion allowance, and I am informed that the Senate will soon be given an opportunity to vote on the same question. As I am sure other Senators have, I have received a number of letters from my constituents discussing this issue and wondering what the rationale is for it.

One such letter makes particularly good sense to me, and I ask unanimous consent that it be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GARN. Mr. and Mrs. Croft correctly note the anomaly of trying to encourage domestic production of oil in order to reduce our dependence on foreign sources, while at the same time acting to discourage oil exploration and dependence on foreign sources, while at the same time acting to discourage oil exploration and development in particular by the small companies which do the bulk of the exploration.

EXHIBIT 1

PROVO, UTAH,
March 1, 1975.

DEAR SENATOR GARN: My wife and I would like to express our concern over the House of Representative's vote to eliminate the oil depletion allowance.

It does not seem logical, at a time when we are striving for energy self-sufficiency, to reduce the incentive for oil companies to explore for and develop new oil wells. Particularly does it not seem appropriate in view of the economic benefit that does now and will continue to flow to Utah from oil.

The oil companies have been grossly maligned for exhorbitant profits. But their profits allow them to develop new energy resources—of benefit to all Americans.

We are very much opposed to the measure passed by the House, which would eliminate the oil depletion allowance. We urge you not to support such a measure in the Senate.

Sincerely yours,

DOUGLAS O. CROFT.
CHARMAIN R. CROFT.

S. 625—EMERGENCY UNEMPLOYMENT HEALTH BENEFITS ACT OF 1975

Mr. BAYH. Mr. President, this Nation is fast approaching a double-digit rate of unemployment; a desperate situation that cries out for stronger medicine than anything yet prescribed by the administration. The jobless rate for January was 8.2 percent, up from 7.1 percent in December. January's unemployment rate was higher than it has been since 1951—

24 years ago. One labor expert recently noted:

> The past three months (November 1974 to January 1975) have witnessed the sharpest rise in unemployment since the Great Depression of the 1930's.

Between September 1974 and January 1975, almost 2 million persons lost their jobs. Recently, the administration estimated that during an average week in calendar year 1975, about 7.5 million workers will be unemployed. And this does not include hundreds of thousands of Americans who are either underemployed or who have stopped looking for jobs.

One of the most serious problems that the jobless will face—and one that could quickly have catastrophic effects on the families of the unemployed—is the loss of group health insurance coverage.

A recent study published by the Social Security Administration found that the vast majority of full-time workers in the United States are covered under a group health insurance plan. However, once an individual becomes unemployed, he or she loses this group coverage and generally has only a limited period of time to convert to private coverage. Private health insurance coverage is expensive. A minimum private health insurance plan for a family now costs about $40 a month. In contrast, group health insurance is relatively inexpensive to the worker since the employer usually pays a substantial portion, and in some instances, all of the costs.

It is unrealistic to expect a jobless worker, receiving an average weekly unemployment benefit of $64 a week, to pay for private health insurance coverage. Under such circumstances, health insurance quickly becomes an unaffordable luxury.

A recent survey by the Washington Business Group on Health indicates that the current 8.2-percent unemployment rate, translated into people, represents over 8 million unemployed and 25 million dependents without group health insurance protection over the next year.

Obviously, this situation cannot be permitted to occur. That is why I am cosponsoring and strongly support S. 625, the Emergency Unemployment Health Benefits Act of 1975. Given the urgency of this situation, it is gratifying that the Labor Committee moved quickly to hold hearings on this legislation.

In effect, the bill would provide each unemployed worker entitled to Federal or State unemployment compensation with the same health coverage he and his family had prior to being unemployed. The bill would authorize the Secretary of Labor to make payments to the unemployed worker's insurance carrier or union fund to cover the costs of health insurance premiums.

Almost everyone agrees that unemployment has reached critical proportions. It is widespread, growing and complex. The sharp declines in the automobile and construction industries are now reverberating throughout the economy. Even our larger cities, faced with declining tax revenues, are beginning to make major job cutbacks in municipal staff.

As my distinguished colleagues noted upon introducing S. 625, this is an emergency piece of legislation which calls for immediate passage in order to assist millions of Americans who need the protection of health care insurance during this critical period in their lives and in the life of the Nation.

Experts tend to describe unemployment in terms of "rates," "percentages," "decimals," and "ratios." However, these statistical terms cannot accurately reflect the impact of joblessness on the affected workers, on their families, or on the quality of their individual lives.

It is with a sense of this human cost of soaring unemployment that I urge the Senate to move expeditiously to approve S. 625.

WILLIAM T. COLEMAN, SECRETARY OF TRANSPORTATION

Mr. HUGH SCOTT. Mr. President, I am very pleased that the Senate acted promptly in confirming my good friend Bill Coleman as the new Secretary of Transportation. He brings outstanding qualifications to this high office. I ask unanimous consent that an editorial from the Philadelphia Inquirer of March 6, 1975, on Mr. Coleman be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. COLEMAN CONFIRMED

As the Nation stands on the threshold of revolutionary changes in transportation—mandated by energy, pollution and traffic problems resulting from overreliance on the automobile and neglect of mass transit—it is fortunate to have William T. Coleman as the incoming secretary of transportation.

His unanimous confirmation by voice vote in the Senate followed impressive performances in committee hearings. The distinquished Philadelphia lawyer with long experience in transportation matters will bring to his new post not only knowledge of the subject but intimate sensitivity and appreciation of the special difficulties, including inadequate funding, that plague public transit systems in urban areas.

Even while confirmation proceedings were under way in the Senate, Mr. Coleman was representing SEPTA in tough contract negotiations that underscore both the immediate and long-range fiscal crunch on urban transportation.

William Coleman, noted for his sense of fairness as well as sound judgment, can be counted on to give a full hearing to all sides in the total spectrum of transportation matters within the jurisdiction of his Cabinet office. We wish him well, and congratulate President Ford and the Senate on their selection and confirmation of an uncommonly well qualified head of the Transportation Department.

OUTSTANDING MEDICAL TRANSPORTATION

Mr. MATHIAS. Mr. President, we now recognize that doctors and nurses and hospitals and laboratories are not the whole story in providing adequate medical care. For many Americans, a vital ingredient of adequate medicine is transportation.

I am particularly pleased by the fact that my own home community has created a model facility to provide transportation for those who need to travel to medical facilities. The Medical Transportation Unit of Frederick County, Md., has been saluted by medical leaders in many parts of the country. An example is a recent letter from the seizure clinic at the John F. Kennedy Institute in Baltimore, Md., which has invited the Frederick unit to present the features of its services at a meeting in Baltimore. I am proud of this pioneer work done by my friends and neighbors in Frederick County.

Donald Date, director of community services in Frederick and his associates in the Frederick Medical Transportation Unit should be thanked for their work in forging the link between patients and the medical resources they need. Frederick County has set the pace for the whole State of Maryland in this essential paramedical service.

I ask unanimous consent that the letter from the Kennedy Institute be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEIZURE CLINIC,
JOHN F. KENNEDY INSTITUTE,
Baltimore, Md., February 24, 1975.

DONALD DATE,
Director, Community Services, Winchester Hall, Frederick, Md.

DEAR MR. DATE: I recently met with Ms. Karen Lapidus, Director, Developmental Disabilities Council for the State of Maryland, to discuss the problem of transportation after having spoken with representatives from each and every country.

We would like very much, if it is acceptable to you, to use the county of Frederick as a model for transportation across the state for services to handicapped people. Your county, in my opinion, offers the most efficient service to date. We would like to know how your transportation service came about, who organized it, where the funding comes from, what the pitfalls were in the beginning, what the problems are that exist now, what the cost is to serve the people of your county, what unmet needs you see and how you would go about implementing more extensive service if the opportunity presented itself.

We would like to invite you to come to Baltimore and make such presentation at a meeting sometime in the early part of March. We felt that by using a model system such as yours, it makes much more sense to begin there than to try and tackle the state as a whole at this point in time. I would appreciate it very much if you could let me know if such a meeting would be possible and when it could be arranged. I may be reached at 955-6382 or 955-5300.

Thank you very much and looking forward to hearing from you.

Sincerely,

DIANA J. PILLAS,
Administrative Assistant, Seizure Clinic.

GHANA CELEBRATES NATIONAL DAY

Mr. HARTKE. Mr. President, in 1879, a few cocoa seeds were imported into the country which we now know as Ghana. Today Ghana furnishes half of the world's supply of cocoa.

The history of this independent country was recorded as far back as 743 A.D. when Arab traders entered the region searching for the source of the fabulous gold trade.

On March 6, Ghana celebrated its National Day. Under the leadership of Col. I. K. Acheampong, Ghana has greatly increased its gross national product and has moved very rapidly from a one-crop economy to a multifaceted, diversified system of self-reliance.

The Government of Ghana has always welcomed and encouraged foreign companies to participate in the growth of the country and has granted a wide range of fiscal and tax incentives. American companies such as Kaiser Aluminum, Firestone Tire & Rubber Co., Union Carbide, and Star Kist enjoy a fruitful participation in the Ghanian life.

One of West Africa's oldest universities, Achimota, is in Accra and there is an estimated 5,000 Ghanain students studying in various schools in the United States.

With the kind of energy and drive manifested by the people of Ghana, it is fitting that the American people congratulate the people and the Government of Ghana on her Independence Day, March 6, 1975.

THE NATIONAL CANCER PROGRAM

Mr. JAVITS. Mr. President, public attention was recently focused on an article in the Washington Post by Daniel Greenberg which sought to cast serious doubts about the effectiveness of the crash national cancer program, which had been initiated under legislation I authored and introduced with Senator KENNEDY.

I believe my colleagues and the American public are entitled to have the benefit of a thoughtful analysis of the points made in Mr. Greenberg's article. Accordingly, I ask unanimous consent that the full text of an article entitled "The National Cancer Program: Now the Good News," by Frank J. Rauscher, Jr., Director of the National Cancer Institute, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, scientific progress is mainly a matter of incremental movement, and I believe that there have been sufficient advances made to warrant the congressional conclusion for a continuation of the national attack on cancer, as evidenced in Public Law 93–352.

Although Mr. Greenberg, the author of the Washington Post article, is a sophisticated and constructive critic, it is essential that we have the opportunity to read Dr. Rauscher's thoughtful response to the Greenberg article. A critical element in Dr. Rauscher's response, with respect to the national cancer program, which I would commend particularly to my colleagues' attention is, as Dr. Rauscher states:

> The fact is that increased funding for the NCP did not become available until 1972 and in 1973 the new NCI Cancer Control Program began its first year of operations designed to speed the application of the latest research results for the benefit of people. The full impact of this Congressionally mandated control program will not be felt for several years because it takes time to get the latest diagnostic and treatment methods into community practice where they may be applied for the benefit of all patients.

EXHIBIT I

THE NATIONAL CANCER PROGRAM: NOW THE GOOD NEWS

(By Frank J. Rauscher, Jr., Ph. D., Director, National Cancer Program, National Cancer Institute)

A recent article in the Washington Post entitled "Cancer: Now, the Bad News": which has appeared in Science and Government Report and the Columbia Journalism Review requires comment because it completely disregards the major accomplishments of the National Cancer Program.

The central theme of the article, by Mr. Daniel S. Greenberg, is that because 5-year survival figures published by NCI on patients who were treated from 1964 to 1969 showed only slight improvement in survival from many common forms of cancer, therefore, the National Cancer Program (NCP) enacted by Congress in 1971 was making little progress.

The fact is that increased funding for the NCP did not become available until 1972 and in 1973 the new NCI Cancer Control Program began its first year of operations designed to speed the application of the latest research results for the benefit of people. The full impact of this Congressionally mandated control program will not be felt for several years because it takes time to get the latest diagnostic and treatment methods into community practice where they may be applied for the benefit of all patients. It takes even longer to get knowledge about cancer prevention translated into public action. The Surgeon General's Report identifying cigarette smoking as the major cause of lung cancer was published 11 years ago, yet lung cancer is now at epidemic proportions.

While Mr. Greenberg is correct in stating that survival from major forms of cancer did not improve dramatically between 1964 and 1969, obviously this cannot be used to evaluate a program which became operational 8 years later. Significant advances were, in fact, made in the 1960's and additional advances have been made since establishment of the national program.

Before discussing these advances, it is useful to examine the conceptual basis which is the foundation of our scientific effort to reduce and eventually eliminate deaths from cancer. The NCP plan, developed by more than 250 leading scientists and clinicians (most of them from outside the Federal Government) recognized that to reduce cancer mortality requires five things:

1. Finding causes in order to prevent the disease.
2. Early detection and diagnosis because early disease is most successfully treatable.
3. Better treatment for early disease, since not all early disease is cured and too many patients go on to develop advanced disease.
4. Better treatment for advanced disease because people most often die of advanced disease.
5. Application of research findings for the benefit of people.

The research and outreach thrusts of the NCP are directed to all five of these necessary objectives. Uncovering the causes of the more than 100 forms of cancer will lead to prevention. Our programs in viral causation, chemical carcinogenesis and epidemiology all search for cancer causes. We can take credit for having developed the sophisticated scientific techniques necessary to elucidate the role of viruses in human cancer and we can take credit for having recently isolated the strongest candidate to date for a human cancer virus. We have been able to identify chemicals and industrial pollutants that cause cancer and in some cases we have succeeded in identifying persons at high risk for developing cancer.

Some events are beyond our control or knowledge such as the sharp decline in the U.S. in the incidence of stomach cancer. We do not know why this is and we take no credit for it. A similar decline in the incidence and deaths due to cervical cancer can be largely credited to the development and application of better diagnostic methods.

Mr. Greenberg makes one reference to the fact that survival rates are not the only criteria for evaluating research in a field as complex as cancer, and the trend in cervical cancer is an excellent example of this. Survival had not improved in the 1969 figures because *only* women with more advanced disease were included. Those women with early curable lesions, which would develop into widespread disease, were not included in the cervical cancer statistics. If they had been, survival would have shown a dramatic statistical improvement. This is just one example of how prevention, which is the best form of treatment, can be highly effective, yet the casual reader of survival statistics will conclude that there has been no progress.

In the area of early detection and diagnosis, NCI and the American Cancer Society are now supporting 27 diagnostic centers to apply the techniques of early diagnosis that reduced breast cancer mortality by 30% among women screened by the Health Insurance Plan of New York. Approximately 250,000 women will be screened annually and we predict that this will yield a substantial saving in lives. Other projects in early diagnosis are under way for cervical and lung cancer.

Developments in early treatment include a report in recent months that adding a single chemical to the surgical treatment of breast cancer has substantially reduced recurrence of the disease.

Since advanced disease is the form of cancer that usually kills, it has been the focus of much of the research on treatment. In the last 15 to 20 years we have developed forms of systemic treatment that could be applied to patients with early cancer. These systemic treatments have been developed with advanced cancers such as the leukemias and lymphomas, which are usually widespread when discovered. Now that treating these disseminated diseases has been successful, we know that the same principles should be applicable both to other advanced cancer and to early cancers. Thus early and advanced breast cancer, and advanced ovarian cancer are now being treated with good results by the techniques that were developed over the years with leukemia and lymphoma. Today, the successful less disfiguring treatment of cancer is also a distinct possibility.

However, before better measures for prevention, diagnosis and treatment can be reflected in reduced mortality statistics, research findings must become common knowledge among both practicing physicians and the people. This is the mandate of the Cancer Control Program.

The concept of lag time is an important but poorly understood aspect of medical research. Perhaps this is because the American people have grown accustomed to rapid accomplishments such as the proof, in just two months of a summer in the early 1950's, that an effective polio vaccine was at hand. The scientific research leading up to these dramatic events required many years. 1969 survival figures cannot measure progress in the 1970's, but it is probably less obvious that they also barely reflect the effects of successful research programs—for example in the leukemias and lymphomas—that were introduced in 1963 and 1964. It will undoubtedly take several years for improved survival for specific cancer sites to be reflected in overall (or national) figures. For example, to test the effect of new treatment methods (such as new surgical techniques, new types of radiation, new chemotherpeutic agents, or a combination of these) usually takes a minimum of 3 to 5 years or more. Initial studies must be done on small numbers of individuals at selected institutions with particular expertise. After a new treatment has been evaluated, the next step requires dissemination of the new information and the adoption of the new methods by the medical profession for application to the population at large.

Thus, new treatment methods necessarily require 10 or more years to be reflected in overall survival figures. The fact that end result figures do not reflect what we know can be accomplished now at centers with special expertise in a given disease is all the more reason for a sustained national effort. Until passage of the National Cancer Act of 1971 the NCI had no mandate or specific funding for the translation of research results into widespread application—Cancer Control. Because of Congressional and Executive Branch initiatives the NCI now has a Cancer Control Program, but it is only in its second year of operation. Through a wide variety of agencies and voluntary organizations, it is setting up programs specifically designed to convert new research findings into widespread application as quickly as possible.

One example of our optimism both for new treatments that have been developed and for the human impact we can expect by applying these, is the 100% improvement in 5-year disease free survival from all forms of childhood cancer treated since 1967 at M.D. Anderson Hospital and Tumor Institute, Houston, Texas.

In 1967 the number of children surviving five years without disease was 25% but by 1972 it was 50%. Obviously one of our goals is to save all of the roughly 7000 new cases of cancer which occur annually in the U.S. in children under the age of 15. However, saving 3500 children for 5 years is the equivalent of saving 17,500 years of life annually and 175,000 years of life per decade.

Unfortunately, all of these children will not live to be 75, but if they did (and if their average age at treatment was 5 years) we would be preserving 245,000 years of life annually or 2,450,000 years of life over a decade. No one can responsibly dismiss savings of this human magnitude as statistically insignificant. Getting these improved treatments out to the American people, their doctors and community hospitals is a major goal of the Cancer Control Program.

Recent studies have also shown that 80% 2-year disease free survival from osteogenic sarcoma can now be achieved compared to 20% a few years ago. These 2-year data are encouraging because the disease was nearly always lethal within that time period.

Breast cancer is a major killer in which important progress has been made since the beginning of the NCP. Preliminary 2-year results indicate that a single drug (L–PAM) substantially reduces recurrences of disease and there are similar encouraging results in combination chemotherapy of advanced breast cancer. If these preliminary trends are sustained over a 5-year period the toll from this disease should be substantially reduced. Breast cancer is an instructive example of how therapeutic principles we have developed with less common advanced diseases can be applied to major cancer killers.

The ability to cure and control 10 cancers has been developed since 1960. Even though these cancers account for only 8% of all cancer deaths per year in this country, these cancers are generally biologically virulent and frequently occur in young people causing a great emotional and economic impact and a staggering loss in years of life. For example, leukemia and lmyphoma are often referred to as uncommon types of cancer, however together in males they account for 360,976,000 person years of life lost. This is more than half of the loss caused by lung cancer, which is the leading killer of males. Leukemia, which accounts for one-sixth as many deaths as lung cancer in men, accounts for almost half as many work-years lost as lung cancer and is the second ranking cause of work-years lost for both men and women.

Thus, the ability to cure or control less common cancers may be far more important than incidence figures suggest. In 1960 survival from acute childhood lymphocytic leukemia was measured in months and less than 10% of patients with advanced Hodgkin's lymphoma survived for 5 years or more, and few if any of them were cured. Today, 5-year survivals without disease are reported for 51% of children with this form of acute leukemia at certain centers, and at other centers 5-year survival from advanced Hodgkin's disease has increased to approximately 70%. A substantial percentage of these patients are undoubtedly cured.

The key point to be made here is that these examples—and they are only a few of many—illustrate how we have built a scientific base with certain advanced cancers which enables us now to develop effective combined therapies for many other cancers, both early and advanced.

We have long recognized that since 1950 survival from cancer has continued to show a slow but steady improvement. The increase has not been as dramatic as increases between 1940 and 1950, but we have now built a rational scientific base which will exert an enormous impact on the cancer problem over the next decade. This is precisely the reason why we are conducting a broad-based program to improve on the four ways of reducing cancer mortality, which are prevention, early detection and diagnosis, and improved treatments for early and advanced disease. The application of our advances in all four of these areas through the Cancer Control Program will have a major impact over the years.

It should be noted that from 1950 to 1969 cancer mortality in the U.S. has decrease for women and increased for men. If cancers associated with smoking are removed from the overall statistics, cancer mortality has also decreased for men. Of 19 major forms of cancer reported in the recently published HEW document, "Cancer Rates and Risks," only three cancers—stomach, uterine cervix and pancreas—show no improvement in three-year survival after diagnosis and the incidence is declining for two of these cancers, stomach and uterine cervix.

Finally, it is well to remember that almost half of the cancer patients diagnosed in 1975 will not die of cancer and at least 3 million Americans who have had cancer are alive today.

FISCAL ALTERNATIVES FOR 1976

Mr. MOSS. Mr. President, the preliminary report of the staff of the Senate Budget Committee released on March 4 provides "fiscal alternatives" for 1976. I believe this comprehensive proposal reflects an imaginative and timely effort which will be of great value to the Budget Committees in particular, and to the Congress in general, in reaching decisions on the Federal budget for fiscal 1976. The staff report is consistent with the objectives of the Budget Control and Impoundment Act of 1974, which emphasized the need for development and analysis of alternatives to the President's annual budget as a whole as a basis for setting national priorities.

The report provides a comprehensive proposal—offering three alternatives and describing one in detail. It suggests that we can get more of the unemployed back to work than the administration proposes without additional inflation, aims for a faster, stronger upturn in the economy, lays out a program which, if adopted, could lead to a balanced budget where full employment is achieved and points to the need for budget discipline at a time when the economy calls for additional stimulus. If additional analysis bears this out, the Congress would be remiss if it did not make that choice. While the report calls for a larger deficit than the President's budget, it also provides additional benefits in terms of economic output and employment. These are important features and, of course, will have to be weighed carefully against a temporary increase in the size of the deficit.

What the Senate Budget Committee will recommend concerning the Federal budget must await additional study and completion of our hearings, currently underway. However, I believe that the staff report provides a basis for stimulating indepth analysis, rational consideration, and will contribute positively to the efforts of the committee in our search for the right answers concerning the Federal budget. Accordingly, the report seems to provide a good starting point for the committee as well as the witnesses, who are participating in hearings before the Senate Budget Committee over the next 3 weeks.

SOUTHEAST ASIA

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the Record an account of my recent trip to Southeast Asia, which I reported to the Armed Services Committee yesterday. I hope it may be of some value to my colleagues in the Senate.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary—Southeast Asia

(By Senator Dewey F. Bartlett)

The U.S. has agonized over the struggle in Southeast Asia for many years. Our sacrifice of 44,305 American lives attests to our involvement, and it is far greater than the huge cost of 140 billion dollars. Yet the struggle continues with the encircled Cambodians fighting for their lives in Phnom Penh and in isolated enclaves; and with the South Vietnamese, after two years of bloody fighting, anticipating a heated and intensified attack from the largest and best equipped North Vietnamese fighting force ever assembled in South Vietnam.

I will discuss separately our problems in South Vietnam and Cambodia. They are quite different.

SOUTH VIETNAM

In South Vietnam, a military victory over the North Vietnamese is not feasible. However, a military balance would be required in order to provide the opportunity for a political solution—one which would provide a free and self-determined government for all the people of South Vietnam, including the Communists. South Vietnam has tried on numerous occasions to meet with North Vietnam to discuss implementing the Paris Accords from A to Z. The North Vietnamese, seeing the opportunity for a military victory, refuse.

But a military balance would not in itself guarantee a political solution being achieved within a short time, or for that matter at all. With a military balance, the war could continue for years as it has in the past, but it is my opinion that such an impasse is clearly not the desire of the great majority of the people of South Vietnam. The people of South Vietnam are tired of the killing and the war. They want peace—peace in a free society. The North Vietnamese will not negotiate a political solution to establish peace until they convince themselves they can't achieve a total military victory.

The reduced United States military and economic appropriations of the last two years have weakened the military strength of the South Vietnamese. While the strength of South Vietnam has deteriorated, the strength of North Vietnam has increased in every way. It has more men, more tanks, shorter supply routes, more artillery, more expendable provisions and occupies better strategic positions in South Vietnam than ever before.

Unfortunately, the North Vietnamese never intended to abide by the Paris Peace Agreement. Communist strategists from the beginning have emphasized that the agreement represented to them merely a legalistic framework which they could manipulate in order to bring the South Vietnamese to their knees.

Since the Paris Peace Agreement, North Viet Nam has built up its forces in the South from 160,000 main forces to about 230,000 presently. Additionally, there are seven more strategic reserve divisions in the North with about 9,000 men each which can be moved to the South on short notice.

Also, Hanoi has greatly augmented its armor, artillery, and anti-aircraft artillery strength in the South to the extent that it could support an offensive greater than the scale of 1972 for over a year without further imports. An estimated 66,000 tons of ammunition has been moved into South Viet Nam from the North since the ceasefire. All of these actions which have increased the military capability of North Vietnam are blatant violations of the Paris Agreement. The Communists have significantly more conventional military strength than ever before during the war.

Unfortunately, as the North's strength has increased, resources available to the South have sharply decreased. At the height of U.S. involvement in Viet Nam, the United States had 550,000 soldiers there and were spending over $25 billion per year. Now Vietnam is carrying on this same war against a greatly strengthened enemy with no American soldiers and aircraft with military assistance of only $700 million per year. This appropriation might have been adequate if the ceasefire had partially held, but it has not. The results of the drastic cut in military assistance are telling on the South.

While the Paris Peace Agreement permitted a 1 for 1 replacement of weapons on both sides, South Vietnam, because of lack of resources, has fallen far short of this goal. The 700 million dollar aid is less than one half of the 1 for 1 replacement level. Typical South Vietnamese fighting regiments, even after firm conservation control (including the virtual elimination of harassment and interdiction fire) are suffering serious shortages of ammunition.

One regiment which I visited was furnishing its troops with two hand grenades rather than the usual ten. Small arms usage had been cut by 55%. Similar shortages cut across the entire line of ammunitions. Additionally, the Vietnamese Air Force has reduced its monthly flight time by 75% because of lack of fuel. Planes that used to carry six bombs now carry four. This has materially reduced the effectiveness of their air power.

The Vietnamese military has been built on a model of the U.S. They have subscribed to the theory of expending heavy arsenals of artillery to save lives of their own troops. However, as the availability of ammunition and fire power is reduced, casualties have begun to go up.

In 1974, while the ceasefire was supposed to be in effect, the South Vietnamese military lost more men than during any previous year of the war. At the present casualty rate, 1975 will be worse. And while the South's casualties are going up, the North's are coming down. From 1968 through 1972, the North was losing an average of 125,000 men per year. This figure was cut in half in 1974.

As a result of the North's enhanced position, for the first time in the history of the war, the communists recently seized an entire province (Phuoc Long).

Statistics show that in spite of all this, the South still spends more money and has more men in military service than the North. So why can't the South protect themselves?

The simple answer is that for the same reason it takes more money for a police department to guard a city than it costs the criminals who rob it, it costs more for the South to guard the rice fields, every city, province, and bridge than it takes for the North to attack selectively some of those sites.

The question can also be raised: Why is the South not contributing more financially to its own effort? Its GNP is only $3.2 billion annually (compared to $1596 billion in the U.S.) and presently almost 55% of its budget goes for national security (compared to 27% in U.S.)

Vietnamese soldiers are drafted for the duration of the war which has produced adverse morale problems in an apparently never-ending war. I would suggest this be changed.

Vietnamization has worked quite well, but the complete transfer of military responsibility will require more time. The South Vietnamese soldier is now a match for the North Vietnamese, but Vietnamization has developed the South Vietnamese military forces in the image of American forces designed for the big war conducted at great expense in order to reduce casualties. Naturally, Vietnamization has made South Vietnam dependent upon the United States for military and economic aid.

Vietnam has found itself on the horns of a dilemma:—to build the economy with one hand, and to fight a war with the other.

The South Vietnamese have made progress on their education and agricultural programs. They now have twelve universities, and a good high school program throughout the country.

They have increased impressively their production of rice, timber, tea, rubber and other products. Vietnam will be exporting rice within a year or so. Foreign grants and loans are increasing, particularly those from Japan.

The economic ace in the hole is offshore oil potential. Of four wells drilled so far, three have tested oil, and the fourth indicated a show. It's too early to assess the size, but it is clear that Vietnam will soon have significant oil production. An officer of one of the American companies involved said the South oil strike may be another North Sea of 15 years ago. Because of the value of this additional oil, the economy of South Vietnam should receive a definite boost within three years. For the first time, because of our severe energy shortage, we have a compelling economic interest in South Vietnam.

Without U.S. military and economic aid, the killing would not end, but the military advantage would accrue more and more to the North Vietnamese.

Virtually all refugees flee to the South. Intelligence reports indicate the North Vietnamese are guilty of atrocities to both the soldiers and the civilians. A typical answer to my question, "What will happen if no additional aid is voted?", is "We will fight harder." There is ample reason to expect the North Vietnamese would decimate much of the leadership of South Vietnam.

It is difficult to answer whether additional military equipment and supplies will, in the final analysis, result in more or less killing, but it is easy to conclude that more individual rights will be violated by a Communist military victory than with a military balance.

Additional military aid does not guarantee a military balance, but if sufficient United States military aid is given and a military balance does result, there remains an important question. Can the South Vietnamese develop the national strength and consensus to sustain a military balance while continuing to phase out American support and yet achieve a political solution which will guarantee the civil rights of all citizens within a democratic structure? This is a vital question the South Vietnamese leaders failed to answer in the past, but that must be answered quickly by the unified actions of the South Vietnamese people and their leaders if they expect sufficient help from us to enable a complete transition of responsibility for the conduct of the war.

In trying to develop a post-ceasefire national policy for South Vietnam, the first question to answer is:

"Does the United States government have a commitment to the people of South Vietnam and, if so, to what extent?"

It is clear that there is no treaty or legal agreement with South Vietnam, but there is a strong moral obligation.

Military and economic aid have been given to South Vietnam under five Presidents. The Nixon foreign policy called for military and economic aid to friendly nations, but not a commitment of troops.

Vietnamization, consistent with this, and with the strong desire of American citizens to bring back our men from Vietnam, called for a systematic reduction of American forces and a transfer of equipment to the South Vietnamese—obviously with an obligation to furnish the parts, replacement and expendables for its operation.

The withdrawal of troops culminated in the Paris Accord, which was signed because everyone hoped to get something out of it.

USA

1. Complete removal of troops.
2. Return of POW's—a full accounting of MIA's and repatriation of all known bodies.
3. Preserve credibility.

NORTH VIETNAM

1. Bombing stopped in North.
2. USA forces out of Vietnam.
3. Forces in place.

SOUTH VIETNAM

1. Peace.
2. Thieu would stay in power.
3. No infiltration of Communist troops.
4. No Cambodia-Loas staging areas.
5. If the ceasefire would fail—one for one replacement of military hardware.

The ceasefire never really took place. The North Vietnamese, anticipating the ceasefire with a short but intense offensive, took approximately 500 hamlets just before January 28, 1974, the date of the cease-fire; and right afterwards, the South Vietnamese launched a counter offensive which regained those areas and a little more.

The one for one replacement of hardware and the expendables which they allow is a clear commitment by the United States to provide military support. Cutting off all military aid would be inconsistent with this commitment. But the extent of the aid should depend upon various considerations.

There have been several suggestions of aid for three more years including one by our Ambassador to South Vietnam, Graham Martin. His suggested amounts of military aid for the three years beginning with fiscal '76 are: $1.7 million, $1.4 million, and $1.1 million.

Though I realize a precise limit to our responsibilities has appeal, I'm concerned with this proposal for several reasons:

1. It gives the impression, one that has been given continually during our relations with South Vietnam, that peace and security are just around the corner.

2. This could extend the war for three years—encouraging the North Vietnamese to continue the fighting, to continue their military build-up, and then after three years, move toward a military victory.

3. It tends to encourage the South Vietnamese to depend fully on this country for the next three years—not encouraging them to develop a national resolve for self-sufficiency—and a rapid assumption of full responsibility for their military forces.

4. The amount of aid required by South Vietnam depends in large part on the amount of aid received by North Vietnam from Russia and China.

Some people have suggested an open-ended commitment to South Vietnam. The South Vietnamese do not favor this—because they favor self-determination. I certainly agree with them.

In developing a policy for South Vietnam, let's remember that the enemy we were fighting was Hanoi and not Saigon.

Let's remember that the North Vietnamese Communists are forcing an elevated level of military activity against the South Vietnamese who are defending their homeland and their free institutions. From many conversations in South Vietnam, I'm convinced that most citizens are ideologically opposed to Communism and favor democratic institutions.

My confrontation with Col. Boah of North Vietnam over the MIA's convinced me that he and his nation's leaders have no respect for humanity, logic, and reason—only military force.

Sufficient time is needed for the South Vietnamese to adjust their military forces to their economy which currently is $3.5 billion Gross National Product.

The Congress in voting sharp reductions in appropriations to our friends in Southeast Asia during the last two years, has created doubts about our willingness to provide sufficient aid, and, at the same time, it did not establish a foreign policy for Southeast Asia. It is vital that the current debate result in a clear policy.

I suggest we furnish adequate assistance to South Vietnam in order to establish a military balance between North and South Vietnam. When the Communists are convinced of this reality, as they were in December, 1972, the negotiation table will be their only alternative. Negotiations within the framework of the Paris Accord is the sensible solution to the war in Viet Nam.

Our policy should be flexible and take into consideration the amount of military and economic aid provided by the Soviet Union and China. It should be on a parity with it; however, this aid should be increased by a factor that recognizes the need for a larger army to protect the cities and the rice fields of South Vietnam as well as to engage the enemy forces of North Vietnam.

The negotiating efforts of President Ford and Secretary Kissinger should continue at the highest level to bring about a tri-lateral reduction of military aid to North and South Vietnam respectively, and to influence both North and South Vietnam to abide by the Paris Accords.

Vietnamization should continue as rapidly as the economy and leadership of South Vietnam will permit in order to enable an assumption of complete responsibility for their military force at the earliest possible moment. But, Vietnamization can only operate efficiently if the government is strengthened.

Our flexible policy must insist on the following collective commitment by President Thieu, his government and the leaders of the non-communist groups of South Vietnam:

1. Provide a broad political base involving representation of all significant and cooperative non-communist groups to bring about a unified national commitment to peace.

2. Assure honest elections which also have the appearance of being honest.

3. Ferret out corruption at every level of the military and government.

4. Make assurances that criticism of the government would not fall under an umbrella of national security censorship of the press.

5. Enable prisoners to have free access to lawyers and the courts, then charges of political imprisonment can not be made.

Americans for several years have wanted our obligation to South Vietnam to end, but it has not.

Is the resolve of this nation to continue adequate military support to another which is defending its home land from Communist aggression as great as the resolve of China and the Soviet Union to escalate their support of North Vietnam to win a total military victory of aggression? I believe it is.

Though the fulfillment of our responsibility is painful, particularly at this time of severe economic recession, our credibility as a nation is clearly on the line. If the United States does not fulfill its responsibility to South Vietnam, there may be a domino effect of our lack of credibility throughout the world.

MAINE LEGISLATURE URGES HEW TO RESTORE MEDICARE-MEDICAID FUNDS TO HOSPITALS IN THE TOWNS OF DEXTER AND MILO

Mr. MUSKIE. Mr. President, on behalf of Senator HATHAWAY and myself, I ask unanimous consent that this joint resolution adopted by the Maine Legislature urging HEW Secretary Caspar Weinberger to restore medicare-medicaid payments to hospitals in the towns of Dexter and Milo, Maine, be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION MEMORIALIZING THE HONORABLE CASPAR W. WEINBERGER, SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE OF THE UNITED STATES TO RESTORE MEDICARE-MEDICAID FUNDS TO THE LOCAL HOSPITALS OF THE TOWNS OF DEXTER, MILO AND SIMILAR COMMUNITIES

We, your Memorialists, the Senate and House of Representatives of the State of Maine now assembled in Regular Session of the One Hundred and Seventh Legislative Session, most respectfuly present and petition the Secretary of the Department of Health, Education and Welfare and the United States Congress as follows:

Whereas, the Plummer Memorial Hospital has served the medical needs of Dexter, Maine continuously and well since its opening in 1920; and

Whereas, the townspeople of Dexter have aided and supported this hospital, and have provided an ambulance service for this hospital, serviced by the volunteer fire department; and

Whereas, the Plummer Memorial Hospital has been licensed by the State of Maine for the year 1975 to serve the people of Dexter, a license recognized by all major medical insurance companies, including Blue Cross-Blue Shield; and

Whereas, the Department of Health, Education and Welfare has decided, contrary to the almost unanimous vote of the March, 1974 Dexter town meeting, that the Plummer Memorial Hospital shall be closed and that the people of Dexter shall be forced to use a regional hospital to be built in Dover-Foxcroft, 13 miles to the north; and

Whereas, the department has decided, based upon a technical and controversial interpretation of one regulation of the Federal Fire Code, that the hospital, in existence since 1920, is in violation of that fire code and must be closed; and

Whereas, the Department of Health, Education and Welfare has, therefore, cut off all but emergency Medicare-Medicaid funds to the Plummer Memorial Hospital, an action intended to close that facility; and

Whereas, the people of Dexter have received little cooperation from the regional director of the Department of Health, Education and Welfare, who seems unconcerned about the welfare of the people of Dexter when that welfare conflicts with a regionalization plan previously decided upon; and

Whereas, the situation in Dexter is too often repeated in other areas of Maine; and

Whereas, the Legislature of this State sympathizes with the struggle of all people who desire to preserve their own hospital facilities and their independence from the dictates of a huge federal agency; now, therefore, be it

Resolved: That We, your Memorialists, hereby record our dissatisfaction with the actions of the Department of Health, Education and Welfare and with the actions and uncooperative attitude of certain of its regional representatives, and respectfully urge and petition the Secretary of Health, Education and Welfare and the Congress of the United States to take appropriate action to help the people of Dexter, Milo and similar communities to maintain their own hospital facilities as active and useful hospitals serving the local needs of rural areas by restoring the use of all Medicare-Medicaid funds; and be it further

Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Secretary of the Department of Health, Education and Welfare of the United States, and to the Members of the Senate and House of Representatives of the United States Congress from this State.

MARYLANDERS POLLED ON NATIONAL ISSUES

Mr. BEALL. Mr. President, recently, I polled nearly 700,000 Marylanders to obtain their views on many of the issues facing the Congress and the Nation today. The results have been interesting, and sometimes surprising, and I would like to take this opportunity to share them with my colleagues in the Senate.

The questionnaire covered several major areas of legislative activity. Questions appeared on economy, energy, busing, national health insurance, defense spending, campaign financing and transportation. One of the most interesting, and at the same time disturbing, results was on the question of public confidence in Congress. When asked "Do you have confidence in the ability of the Congress to deal effectively with today's problems?" nearly two-thirds of Marylanders replying to my survey answered in the negative. To me, this means that Congress has not fulfilled its responsibilities, in the public eye, and we need desperately to begin movement on many of the questions now before us.

Almost 120,000 individual Marylanders replied to my questionnaire, and although I do not claim our efforts to be as scientific as certain professional polls, I believe they do represent a cross section of our State's, and our Nation's population.

Mr. President, I ask unanimous consent that the statewide results of my questionnaire be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONNAIRE: STATEWIDE RESULTS

(Based on total of 119,520 individual responses)

[In percent]

1. Are you in favor of a tax cut, even though it might lead to a greater federal deficit?

Yes	57
No	43

2. Do you favor the imposition of wage and price controls?

Yes	59
No	41

3. During a period of high unemployment, do you favor the federal government providing jobs for those temporarily unemployed?

Yes	70
No	30

4. In order to reduce our dependency on foreign oil, do you favor (check one):

a. Gasoline rationing	59
b. or increased prices?	41

5. Do you favor off-shore oil exploration along the Atlantic Coast?

Yes	85.5
No	14.5

6. Do you favor the temporary delay of environmental controls on automobiles and industry to help ease our energy problems?

Yes	78
No	22

7. Do you favor the forced busing of children to achieve racial balance in our schools?

Yes	4
No	96

8. Do you favor a National Health Insurance Program that (check one):

a. Is financed with federal taxes or is federally operated	33.0
b. Or is privately financed and privately operated?	24.5
c. Or provides only for catastrophic illnesses	20.0
d. Or none of the above	22.5

9. In view of the current Soviet military strength, do you favor an increase in the U.S. defense budget?

Yes	56
No	44

10. Should federal tax dollars be used to finance Congressional elections?

Yes	21.5
No	78.5

11. Do you believe a greater portion of the Highway Trust Fund should be used for mass transit?

Yes	58
No	42

12. Do you have confidence in the ability of the Congress to deal effectively with today's problems?

Yes	36.5
No	63.5

MAINE LEGISLATURE OPPOSES LIMITATIONS ON COST-OF-LIVING INCREASES IN FEDERAL INCOME MAINTENANCE PROGRAMS

Mr. MUSKIE. Mr. President, on behalf of Senator Hathaway and myself, I ask unanimous consent that a joint resolution adopted by the Maine Legislature, urging Congress to oppose the administration's proposed 5 percent limitation on cost-of-living increases in Federal income tax maintenance programs, be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO OPPOSE THE PROPOSED LIMITATION ON COST OF LIVING INCREASES IN FEDERAL INCOME MAINTENANCE PROGRAMS

We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, Social Security, SSI, and Federal Retirement Benefits are currently increased automatically as the Consumer Price Index rises; and

Whereas, this system has allowed retirees and other persons who live on fixed incomes to cope with the staggering ratio of inflation; and

Whereas, President Ford has proposed placing a ceiling of 5% on annual cost-of-living increases in Social Security, Railroad Retirement, Supplemental Security Income and Civil Service and Military Retirement programs; and

Whereas, such a limitation is only slightly more than ⅓ of last year's annual rate of inflation; and

Whereas, more than 150,000 Maine citizens depend wholly or in part on these programs for their income; and

Whereas, it is wrong to allow inflation to ravage the small means of persons who because of age or infirmity are less able to fend for themselves; now, therefore, be it

Resolved: That We, your Memorialists, respectfully urge the Congress of the United States to retain full cost-of-living increases to Social Security, Supplemental Security Income, Railroad Retirement and Civil Service and Military Retirement recipients, and to oppose efforts to place a ceiling on cost-of-living increases to these recipients; and be it further

Resolved: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Gerald R. Ford, President of the United States, to the Senate and House of Representatives in Congress and to the Members of the United States Congress from the State of Maine.

CAMBODIA

Mr. BARTLETT. Mr. President, the situation in Cambodia is decidedly different from that in Vietnam. Our involvement there has been for just 5 years as compared to almost 20 in Vietnam. There are few, if any, outside troops involved in the war. The Khmer Rouge, the Cambodian Communists who are attempting to overthrow the American supported Lon Nol government, are entirely supported by the Communist bloc of nations—China, Russia, and North Vietnam.

The Cambodian Government will fall in a few weeks if additional American support is not forthcoming. The capital of Phnom Penh is surrounded by Communist troops; and supply routes, including the vital Mekong River system, are cut off.

If the fall of the Lon Nol government would simply involve a transition from one government to the next and would stop the killing, we would probably be wise to get out.

However, simple humanitarian instincts demand that we provide these people the opportunity through military aid to fight against sheer butchery at the hands of the Communists who receive military aid from China and Russia.

The Cambodian people are deathly frightened by the Communists, and with good cause because the Communist record of atrocities in Cambodia is unsurpassed. The Communist takeover of areas of Cambodia has created over a million refugees fleeing their vengeance. I personally interviewed numerous refugees who had fled from the Khmer Rouge through the perimeter to safety in Phnom Penh to avoid the savagery of the Cambodian Communists.

Additional military, medicine, and food supplies will buy for Cambodia much needed time during which diplomatic talks can continue and, hopefully, would lead to a controlled political solution.

President Lon Nol's indication of a willingness to step down could have a decisive diplomatic impact if the Cambodian Communists are interested in negotiating a settlement. But so far, the Communists have refused to negotiate or permit Prince Sihanouk to enter negotiations with the government or discussions with our State Department. The United States should play no part in requiring President Lon Nol to step aside, which could leave a vacuum—which might be filled by someone completely incompetent. He is part of the legitimate government and we should not meddle in the internal affairs of any country. Although his government is far from perfect, it certainly is far better than the alternative Communist Khmer Rouge.

Secretary Kissinger and the State Department have made, and are continuing to make, every effort to bring about a negotiated settlement in Cambodia. Urgently needed military aid will, according to the military experts, enable the Cambodian Government to hold the perimeter around Phnom Penh.

Thus, military balance, if achieved through military aid, offers the hope of a controlled solution.

No U.S. military aid at this time to Cambodia will certainly assure a total Communist victory—most likely a blood bath of unparalleled proportions.

There is virtual unanimous support and great compassion for medicine and food aid to Cambodia. However, if we do not give military aid our opportunity to give food and medicine will be lost and the entire nation will be subject to starvation and disease. Obviously, the Khmer Rouge is not providing food and medicine for the millions of refugees they have created, even though they occupy the agricultural areas of Cambodia where the food is grown. There is no reason to assume the Khmer Rouge will be any different after taking power.

We must carve out of the military aid a sufficient amount for medical aid adequate to meet the needs of the military and the civilians.

To deny the non-Communist Cambodians our support is to deny them the chance to avoid massacre and the decimation of their social, government, and economic structure.

This is a moral question involving the resolve of the United States to continue to provide this chance and hope for a controlled solution.

We are facing a test of the will of this nation to provide a people the military aid they seek and need to defend their lives and freedom against aggression and anihilation by Communists supported with military aid from Russia and China.

Is our will to support the resistance to force by free people as strong as the will of Russia and China to support the use of force by Communists?

Our answer is important now and in the future.

MAINE LEGISLATURE SUPPORTS EXTENSION OF U.S. FISHING ZONE TO 200 MILES

Mr. MUSKIE. Mr. President, on behalf of Senator Hathaway and myself, I ask unanimous consent that a joint resolution adopted by the Maine Legislature, urging Congress to approve the extension of the U.S. fishing management jurisdiction to 200 miles, be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

STATE OF MAINE—JOINT RESOLUTION

Joint resolution memorializing the Congress of the United States to extend the United States fisheries management jurisdiction 200 miles seaward from its boundaries

We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, Maine fishermen are currently losing the livelihood of generations through failure of the Federal Government to control excessive foreign fishing off the coast; and

Whereas, Federal negotiations at the "law of the sea" conference even if successful will take 6 to 10 years to ratify and implement leaving little or no protection during the interim; and

Whereas, this inaction has prompted the Maine Legislature to declare Maine's fisheries management jurisdiction 200 miles seaward from its boundaries or to the edge of the continental shelf; and

Whereas, the Congress of the United States must act now to extend United States fisheries management jurisdiction beyond 12 miles to the 200-mile limit before fishing stocks are exhausted; now, therefore, be it

Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to pass legislation which will extend the fisheries management jurisdiction of the United States without interfering with Canada 200 miles seaward or to the edge of the continental shelf and thus reduce the chances of further depletion of fishing stocks by overfishing; and be it further

Resolved: That a duly authenticated copy of this Memorial be immediately submitted by the Secretary of State to The Honorable Gerald R. Ford, President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each Member of the Senate and House of Representatives in the Congress of the United States from this State.

FALSE HOPES CAN REST ON NEW UNEMPLOYMENT FIGURES

Mr. WILLIAMS. Mr. President, if we have learned anything from recent experience, we have learned that statistics are inevitably used to puncture and let the air out of vital issues of public concern.

It can be predicted that this will happen again in the next few days, as one Government spokesman after another points with dismal pride to the fact that the rate of unemployment did not rise in February.

Officially, it did not. The bare statistic tells us that 8.2 percent of the active, job-seeking work force is out of work, just as in January.

On the surface, it appears that there has been no change in the past month.

But to believe that is to be just as wrong as can be.

Profound and disheartening changes did, in fact, take place.

Most important was the drop in the number of persons employed by 540,000 in February, bringing the total decline in employment over the last 5 months to 2.4 million, the largest 5-month cutback recorded in the postwar period.

These thousands upon thousands were out of work, but not counted as unemployed, simply because an equivalent number stopped looking for work. They stopped coming to the employment offices in hopes of finding something. They stopped coming around to see if there were any unemployment benefits available to them.

They stopped hoping. And they dropped out of the work force in abysmal discouragement with their prospects for the future.

One other figure stands out in the February statistical report of the Bureau of Labor Statistics—the number of those who lost their jobs in February.

Nearly 200,000 persons lost their last jobs. Nearly 200,000 new clients for the unemployment insurance system or for the public assistance rolls.

Fortunately, this appears to have been balanced by a similar number of persons going back to work after having been laid off.

Fortunately, for the job force as a whole, but what comfort is that to the human individuals who were given their pink slips—nearly 200,000 of them—last month.

Mr. President, the lack of change in the unemployment rate is not to be taken as a reason for complacency.

Over a half-million persons became so discouraged—so overwhelmed with a sense of hopelessness—that they stopped looking for work.

The real measure of our plight is not the bare unemployment percentage, but the widening despair among the jobless.

With this fresh evidence of expanding discouragement, we must not relax our efforts to turn the economy around, to provide jobs for every able American, and to evoke new hope that our future as a nation is on the rise.

Mr. President, the Committee on Labor and Public Welfare, which I have the privilege to chair, is addressing the urgent needs of our current economic condition. In cooperation with other committees of the Congress, we are developing comprehensive recommendations to deal with our national plight.

Since our top priority is the human impact of the recession, our primary focus is on expanding jobs and alleviating the adversities of unemployment.

The committee is holding hearings at the full committee level on legislation that would provide extended health insurance coverage for those who have been laid off and who would otherwise lose insured hospital and doctor care within a matter of a few weeks.

We are preparing to move at the earliest possible time on extension and expansion of the public service jobs program, with a goal of 1 million public service jobs in fiscal 1976. This legislation is under consideration by the Subcommittee on Employment, Poverty, and Migratory Labor, under the able chairmanship of the Senator from Wisconsin (Mr. Nelson).

The committee will also act with dispatch on a 13-week extension of unemployment compensation benefits, so that thousands of Americans unemployed for long periods of time will not see their sole means of support exhausted beginning in April.

Beyond that, Mr. President, we are studying ideas for legislation that would authorize additional temporary jobs in conservation works, urban problems, and rural development. As these proposals are refined and considered by the committee, the best of them will be brought before the Senate for action.

In truth, it can be said that our committee seeks to look through the bare unemployment rate statistic so that we can see how human individuals are victimized by the economic downturn. The reality that we have brought into view does not permit complacency over an unemployment rate that is no worse than last month's, for we know, Mr. President, that the human impact of unemployment is no better.

So that my colleagues may read of the other distressing figures reported today by the Bureau of Labor Statistics—an 11-percent unemployment rate in manufacturing; 15.9 percent in construction; a 1-week increase in the average duration of unemployment, bringing it to 11.7 weeks; 3.7 million persons forced by economic conditions to work only part time—I ask unanimous consent that the press release issued by BLS be printed in the Record.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

THE EMPLOYMENT SITUATION: FEBRUARY 1975

The Nation's rate of unemployment was unchanged in February, following a sharp uptrend in recent months, but employment declined for the fifth straight month, it was announced today by the Bureau of Labor Statistics of the U.S. Department of Labor. The unemployment rate remained at the January level of 8.2 percent, after climbing at the most rapid pace of the entire post-World War II period between August and January.

Total employment (as measured by the monthly survey of households) declined by nearly 540,000 in February to 84.0 million. Since September 1974, employment has dropped by 2.4 million, the largest 5-month cutback recorded in the postwar period. The civilian labor force decreased by 580,000 over the month.

Total nonagricultural payroll employment (as measured by the monthly survey of establishments) declined 600,000 from January for the fourth straight monthly decrease. At 76.6 million, the number of payroll jobs was 2.3 million lower than last October. There was also a further decline in hours of work. Consequently, total man-hours, the most comprehensive measure of labor activity, continued to drop sharply.

UNEMPLOYMENT

Both the number of unemployed persons and the unemployment rate held steady in February, after increasing sharply in January. Since August 1974, when joblessness began its rapid upsurge, the number of unemployed persons has increased by 2.6 million to 7.5 million, and the jobless rate has risen 2.8 percentage points to 8.2 percent. (See table A-1.)

Despite the February stability in total unemployment, there was a further rise (nearly 200,000) in the number of persons who lost their last jobs. (See table A-5.) This was balanced by a reduction among unemployed labor force re-entrants. Since last August, job loss has accounted for four-fifths of the overall increase in joblessness, and job losers now comprise 55 percent of the unemployed total (compared with 41 percent in August).

TABLE A.—HIGHLIGHTS OF THE EMPLOYMENT SITUATION

[Seasonally adjusted data]

Selected categories	Quarterly averages					Monthly data		
	1973	1974						
	IV	I	II	III	IV	December 1974	January 1975	February 1975
Civilian labor force (millions of persons)	89.8	90.5	90.6	91.4	91.8	91.8	92.1	91.0
Total employment	85.6	85.8	86.0	86.4	85.7	85.2	84.6	84.5
Adult men	48.4	48.5	48.5	48.5	48.3	48.0	47.5	47.3
Adult women	29.7	29.8	30.1	30.5	30.1	30.0	29.9	29.7
Teenagers	7.5	7.5	7.4	7.4	7.4	7.2	7.1	7.0
Unemployment	4.3	4.7	4.7	5.0	6.1	6.6	7.5	7.5
Unemployment rates (percent of labor force):								
All workers	4.7	5.1	5.1	5.5	6.6	7.2	8.2	8.2
Adult men	3.1	3.4	3.5	3.7	4.8	5.3	6.0	6.2
Adult women	4.7	5.1	5.1	5.4	6.5	7.2	8.1	8.1
Teenagers	14.3	15.2	15.1	16.1	17.5	18.1	20.8	19.9
White	4.3	4.6	4.6	5.0	5.9	6.4	7.5	7.4
Negro and other races	8.6	9.2	9.1	9.6	11.7	12.5	13.4	13.5
Household heads	2.8	2.9	3.0	3.2	4.1	4.6	5.2	5.4
Married men	2.2	2.4	2.4	2.7	3.3	3.8	4.5	4.7
Full-time workers	4.3	4.6	4.6	5.0	6.2	6.8	7.7	7.5
State insured	2.7	3.2	3.3	3.4	4.3	4.8	5.5	5.9
Average duration of unemployment (weeks)	9.8	9.5	9.7	9.9	9.9	10.0	10.7	11.7
Nonfarm payroll employment (millions of persons)	77.8	78.0	78.3	78.7	78.3	77.7	[1] 77.2	[1] 76.6
Goods-producing industries	25.0	24.9	24.9	24.8	24.1	23.6	[1] 23.2	[1] 22.6
Service-producing industries	52.8	53.1	53.5	53.9	54.2	54.1	[1] 54.0	[1] 54.0
Average weekly hours (hours of work):								
Total private nonfarm	36.9	36.7	36.7	36.7	36.4	36.4	[1] 36.2	[1] 36.1
Manufacturing	40.6	40.4	39.9	40.1	39.7	19.4	[1] 39.2	[1] 38.8
Manufacturing overtime	3.7	3.5	3.2	3.4	2.9	2.7	[1] 2.3	[1] 2.2
Hourly Earnings Index, private nonfarm (1967=100):								
In current dollars	150.3	152.7	156.2	160.3	164.2	165.3	[1] 166.1	[1] 167.3
In constant dollars	109.3	107.8	107.5	107.1	106.5	106.4	[1] 106.2	NA

[1] Preliminary.

Unemployment rates for most labor force groups were essentially unchanged in February. While there was little or no change in the jobless rates for white workers (7.4 percent), blacks (13.5 percent), adult women (8.1 percent), or teenagers (19.9 percent), all were at or near record levels. (See table A-2). On the other hand, rates for married men and all adult men rose slightly but remained well below the peak levels reached during the 1949 and 1958 recessions.

Jobless rates for most occupations and industries were also little changed from January levels. However, the unemployment rate for manufacturing workers posted its ninth consecutive monthly increase and in February stood at a record 11.0 percent. The rate for construction workers was 15.9 percent, an indication of the severe problems the industry is experiencing.

The jobless rate for workers covered by State unemployment insurance programs was 5.9 percent in February, up from 5.5 percent in January. At 3.9 million, the number of workers claiming State unemployment insurance benefits now constitutes 52 percent of the jobless total, compared with 44 percent a year earlier.

The unemployment rate for Vietnam-era veterans aged 20–34 years, at 8.8 percent, showed little change from January but was below the rate for nonveterans, which increased to 9.5 percent. (See table A-2). The jobless rate for the youngest veterans (20–24 years old) was 17.3 percent, slightly below the previous month's high mark and well above that for nonveterans of the same ages (12.6 percent).

The average (mean) duration of unemployment moved up to 11.7 weeks in February, a full week above the January level and nearly 2 weeks higher than December. This pattern is typical during business downturns, as increases in the duration of unemployment always lag those in the overall level and rate of unemployment. In line with the lengthening in mean duration, the number of long-term unemployed—persons unemployed 15 weeks or more—increased by nearly 300,000 to 1.8 million in February. Of this number, 700,000 had been unemployed 27 weeks or more. (See table A-4).

The number of persons working part time but wanting full-time jobs was relatively stable at 3.7 million in February; however, this followed jumps of 460,000 and 200,000 in the 2 previous months. (See table A-3).

CIVILIAN LABOR FORCE AND TOTAL EMPLOYMENT

The civilian labor force, which had continued to expand, albeit slowly, throughout most of the current economic downturn, dropped by 580,000 in February to 91.5 million (seasonally adjusted). Most of this unusually large decline occurred among adult women and teenagers. (See table A-1.) The labor force gain over the past 12 months was less than half the expansion of the prior year.

Employment fell by 540,000 in February to 84.0 million, a continuation of the substantial monthly declines from last autumn's peak of 86.4 million. The February reduction was spread among the three major age-sex groups; occupationally, employment contractions were most severe among clerical workers, managers and administrators, and operatives. (See tables A-1 and A-3.)

INDUSTRY PAYROLL EMPLOYMENT

Total nonagricultural payroll employment dropped 600,000 in February to 76.6 million (seasonally adjusted), the lowest level since May 1973. The number of payroll jobs has declined 2.3 million from last October's peak, the largest 4-month decreases since the post-World War II readjustment period. Reductions in employment occurred in about 80 percent of all industries from January to February and in 87 percent of all industries over the October-February span. (See tables B-1 and B-6.)

As in recent months, the decline in February was largely concentrated in manufacturing—425,000—with each of the 21 industries posting decreases. The largest cutbacks occurred in the five major metals and metal-using industries of the durable goods sector and in textiles, apparel, and rubber and plastic products in nondurable goods. The February decline in manufacturing jobs brought the employment total down to 18.3 million, the lowest level since September 1965.

Contract construction employment was down by nearly 200,000 from January. Since its alltime high in February a year ago, construction employment has declined by half a million jobs.

In the service-producing industries, the number of payroll jobs was unchanged in February, as a 50,000 increase in State and local government and a small pickup in services countered declines elsewhere in the sector. Employment in the service-producing industries has fallen 300,000 from the alltime high recorded in October 1974. Since February a year ago, however, employment in the sector has increased by nearly 900,000, in marked contrast to an employment decline of 2.3 million in the goods-producing industries.

HOURS OF WORK

The average workweek for all production or nonsupervisory workers on nonfarm payrolls declined 0.1 hour in February to 36.1 hours, seasonally adjusted. Compared with February 1974, the average workweek was down 0.7 hour. (See table B–2.)

Average hours in manufacturing, which have trended downward since the spring of 1973, fell 0.4 hour in February to 38.8 hours. Factory overtime also continued to show weakness, declining to 2.2 hours. Since April 1973, overtime in manufacturing has dropped 1.9 hours. In February, both the factory workweek and overtime hours were at their lowest levels since the 1960–61 recession.

The aggregate man-hours of private nonfarm production or nonsupervisory workers fell by 1.8 percent in February, following declines in the previous 4 months. Since last September, total man-hours have decreased by 6.0 percent. (See table B–5.) Factory man-hours were down 4.0 percent over the month, 15.6 percent from a year ago, and 17.2 percent from their alltime high reached in late 1973.

HOURLY AND WEEKLY EARNINGS

Average hourly earnings of production or nonsupervisory workers on nonfarm payrolls rose 0.5 percent in February and 8.3 percent from a year ago (seasonally adjusted). Average weekly earnings increased by 0.2 percent in February and 6.3 percent compared with February 1974.

Before adjustment for seasonality, hourly earnings rose 1 cent in February to $4.41. Earnings have increased 34 cents from a year ago. Weekly earnings on average were up 36 cents over the month and $9.32 over the year. (See table B–3.)

THE HOURLY EARNINGS INDEX

The Hourly Earnings Index—earnings adjusted for overtime in manufacturing, seasonality, and the effects of changes in the proportion of workers in high wage and low-wage industries—was 167.3 (1967=100) in February, 0.7 percent higher than in January. The index was 9.6 percent above February a year ago. During the 12-month period ending in January, the Hourly Earnings Index in dollars of constant purchasing power declined 2.0 percent. (See table B–4.)

EXTENSION OF APPALACHIAN REGIONAL PROGRAM

Mr. BAKER. Mr. President, a decade ago the Nation recognized, and the Congress responded to, the severe problems of Appalachia—a vast region stretching along the backbone of the Apppalachian Mountains. At the very heart of this region lies central Appalachia—eastern Tennessee and Kentucky, West Virginia, and southwestern Virginia.

Here in these mountains existed a hard life and depressed conditions that may have shocked many Americans, but came as no surprise to those of us who knew the region—and who share as well the pride of Appalachians.

Accepting as the basis for legislation the report of a study group appointed by President Kennedy, the Congress in 1965 enacted the Appalachian regional development program.

Next Monday, March 10, 1975, the Senate Commitee on Public Works will begin hearings on an extension of that program. I strongly support, and will work for that extension. As a Tennessean deeply concerned about the future of Appalachia, and as the ranking Republican member of the Senate Committee on Public Works, I am proud of my association with what I consider one of the most successful programs we have.

The problems that confronted Appalachia in the early 1960's were deep-seated and intractable. Why had this resource-rich region not progressed with the rest of the Nation? How could this happen to a people known for their independence and strength of character?

The President's study commission confirmed what we had known: Appalachia's isolation cut it off from the rest of the Nation physically, economically, and socially. The mountains form a natural barrier which discouraged road building and free movement of people and goods. Major highways skirted the region, or followed traditional routes that ignored many areas. Air transportation systems shied away from the small, ill-equipped airports.

The States, with their low tax bases, could not afford to construct mountain highways that cost twice the national per-mile average to build. Nor could they provide the wide range of social services found elsewhere in the country. Appalachia's sparse and often outdated hospitals had little to attract doctors. The predominately rural and financially poor school systems had similar problems attracting teachers. Vocational education and adult training were practically nonexistent.

Coal production, the economic lifeblood of the region, was down. Mechanization multiplied the loss of jobs caused by the closing of many mines. Region-wide unemployment was almost twice the national average; per capita income was 65 percent of the national average; one out of every three families existed on an annual income of less than $3,000; and in central Appalachia the situation was far more severe.

Discouraged by problems clearly beyond local capabilities, Appalachia by the early 1960's was lagging further and further behind a growing nation. What made this situation even more appalling, however, was the great untapped potential of the region, with its wealth of natural resources; its key location between the eastern and midwestern markets; and its characteristically independent people.

With few job opportunities and no way to learn new skills, millions of Appalachians found it necessary to leave the region in search of work and better futures for their families. Outmigration was steadily sapping it of a most valuable resource—its young people.

The Appalachian Regional Development program was a carefully designed plan to help Appalachia—one that acknowledged its isolation; its economic and social problems; and, perhaps most importantly, the nature of its people.

The major goal was to bring Appalachia back into the mainstream of the Nation's economy. This was not to be accomplished simply by soliciting industry; Appalachia's situation was far too complex and desperate for a public relations effort.

It was to be accomplished, instead, by helping the region build those facilities and services that are the foundation for a sound economy—transportation systems; community infrastructure such as sewage and water systems; health care facilities and delivery programs; vocational-technical schools and training programs; decent housing; and programs to clean up and protect a neglected and often abused environment, and to encourage wise use of Appalachia's abundant natural resources.

Top priority among these was highways. The Interstate System, when completed, would provide major arteries through the region; however, they would not serve many of the more populated and potentially productive areas. The Appalachian Regional Development Highway System was designed as a series of "corridors" to link the Interstates and to provide for the free flow of people, raw materials and products throughout Appalachia and its adjacent markets.

Dependence upon the coal industry was to be supplemented by creating an atmosphere conducive to the development of a broader-based economy. This meant building the facilities and services necessary to support new and diverse economic interests—the sewage and water systems, access roads, and housing so desperately needed throughout the region. Equally important, it mean too, of course, providing people with the education, skills, and health care they needed to lead more productive lives.

Another key problem addresed by the Congress was the fact that the Appalachian area often missed out in Federal programs for lack of the local matching money required by many line agencies. Moreover, local governments could not afford to hire the technical expertise so often needed to put together increasingly complex program requests. The Appalachian "supplemental funding" helped make up the difference between what other Federal agencies required in matching money and what local areas could afford. To this was later added the flexibility to grant "seed money" where no other Federal dollars were available.

The 1965 legislation created the Appalachian Regional Commission to administer the program. The ARC was established as a Federal-State partnership—consisting of a Federal Co-Chairman appointed by the President with the consent of the Senate; and of the Appalachian governors who elect a States' Co-Chairman from among their number. It also authorized a small technical support staff to be headed by an Executive Director.

Since Appalachian funds were very small compared to the region's needs, a "rifle"—as opposed to a "shotgun"—investment approach was selected. The Appalachian program proposed to concentrate funds in areas of greatest potential for economic growth, instead of scattering investments and diluting their impact.

Today, almost 10 years later, it is fair—and indeed necessary—for the Congress to ask whether or not this program is suceeding. I am informed that 1,345—or about half—of the Appalachian highway system is completed, or under construction.

Construction is almost complete on a region-wide system of vocational-technical schools. The system currently serves 39 percent of Appalachia's eligible high school juniors and seniors, with a goal of serving 50 percent of this group.

The Commission has funded 443 sewer and water projects; 114 libraries; and 99 mine reclamation and subsidence projects.

Appalachian dollars have been invested in 846 health facilities, equipment, operations, and services projects and, of the 396 counties in the region, 389 now have comprehensive health planning agencies.

The ARC housing program has stimulated construction of low- and moderate-income housing units for over 12,000 families. It also has been influential in helping the States create housing finance authorities: eight States now have active housing finance agencies; three other States have passed, and the remaining two are considering creation of such agencies.

Appalachian funds also have been spent to build access roads to sites for industrial complexes, hospitals, and schools; to rid the countryside of junk cars; to provide technical and planning assistance on the State and local levels; and to research and recommend actions on such critical regional issues as surface mining regulations and reclamation.

Although it has been referred to as a "bricks and mortar" program, the Appalachian regional development program is much more.

Multicounty health programs are underway in 12 States, developing and delivering a wide spectrum of health care services. As an example, one such seven-county demonstration project serves over 213,000 people, or the entire population of this predominantly rural area.

My own State of Tennessee has taken advantage of its Appalachian experience. In 1974, it passed a Comprehensive Child Development Act, establishing a State child development office with responsibility for a Statewide program based upon the concept and organization of the Appalachian Tennessee Child Development Program. On a region-wide basis, the ARC has over 200 active child development projects serving more than 100,000 children and their families.

Multicounty educational service programs are operating throughout the region. These agencies enable school systems to combine their resources and share equipment and services none could afford alone. The success of this program is reflected in Maryland, as well as in Chairman RANDOLPH's State, which have both adopted the systems statewide. Tennessee, with four education service agencies operating in its Appalachian area, recently passed legislation permitting school districts throughout the State to organize along the same lines.

The Appalachian program serves not only the region, but the Nation. Appalachia is, in an important sense, a laboratory where new ideas are born. And many of these new concepts can, and are, having impact outside the region.

An illustration of the program's impact however, can perhaps best be seen on the local level. Within the First Tennessee Local Development District, for example, the Appalachian program has participiated in funding four comprehensive vocational secondary schools credited with reducing the school dropout rate and providing key support for new industrial growth.

Supplemental funds have made possible several sewer and water projects that are supporting both industrial and residential growth. Health investments, including both planning and construction grants, also have helped improve services. For example, the Johnson County Hospital today serves not only the needs of the county residents, but also those of families from nearby Virginia and North Carolina.

Including eight counties in Tennessee and one in Virginia, this local development district demonstrates how the Appalachian States cooperate on the local as well as the State level to solve mutual problems.

Over 14 million ARC dollars have been invested in a total of 71 projects ranging from long-term health care to airport safety projects. It do not believe it coincidental that the First Tennessee Local Development District is one of the fastest growing industrial areas in the State of Tennessee. I emphasize, too, that the local ARC planning district, in cooperation with the Governor's office, was responsible for setting these investment priorities and for developing and implementing the projects.

This story has been repeated many times throughout Appalachia: local initiative coupled with State planning, under priorities determined by the Governor who, as a member of the Commission, shares regionwide policy responsibility with his fellow Governors and the Federal representative.

It is a process of communication and negotiation in which all parties must be both responsive and responsible to achieve their goals.

This process is, in itself, a great and important achievement. It permits local, State, and Federal officials to work in tandem toward agreed-upon goals. This constructive institutional structure, in my opinion, is reason enough to extend the Appalachian regional development program. It is a problem-solving mechanism that I consider might well set an example of a better way of doing the people's business.

I have reviewed a bit of the history, goals, and some of the accomplishments of our Appalachian program. During hearings before the Senate and the House, the Appalachian Commission will, of course, make its own case for extension. However, as I look to the future, I see a changing region and a new set of problems.

It is critical that we now examine not only what the program has so far accomplished, but also the new challenges Appalachia faces in a changing world and a time of changing goals.

The world and the Nation have changed over the past decade—and these changes have affected Appalachia. People—weary of air pollution, overcrowding, and the impersonal attitudes of the city—have helped reverse the outmigration that cost the region so many of its most talented and capable people. Environmental pollution, a major concern in the region for years, has become a national issue. The energy crisis that has made us all too aware of our finite natural resources, has stimulated the coal industry and made Appalachian coal production critical to the Nation's energy survival.

Today we, as a nation, are faced with the need to revitalize our economy; to adapt to a quality of life based upon limitations of energy and other natural resources; and to accommodate the growing trend toward deurbanization. These changes in national attitudes and needs are having increasing impact upon Appalachia.

The influx of new residents, second-home seekers and tourists, along with the coal boom, make it imperative, I believe, that Appalachia reappraise its goals and adapt its strategy.

Historically, Appalachian coal production has been cyclical, boom followed by bust. To insure that the region—the central Appalachia coal fields in particular—does not suffer in the same way again, constructive steps must be taken promptly. This period of increased prosperity must be used to help develop the facilities and services so that the region can become, and remain, economically self-sustaining.

The influx of new residents and the growing tourism and recreation appeal of the region place added burdens on local and State planning and development institutions. Strong efforts must be continued to organize and guide new development in a way that protects our environment and avoids chaotic growth.

The simple fact is that Appalachia, although well on its way to achieving its original goals, finds itself faced with a new set of problems. And while the region has come a long way in a short time, it still lags significantly behind the rest of the Nation. Its institutions are still fragile, its fiscal resources limited, and its social services inadequate.

Since the Congress originally authorized the Appalachian program in 1965, we have had an opportunity from time to time to evaluate its progress and help determine its future. As we near the end of the program's current authorization, it is time to again exercise those responsibilities.

Considering the past success of the Appalachian program and the region's new relationship to the Nation, I know that to abandon this program now would be to leave a very necessary task unfinished. It would mean, moreover, failure to address the new challenges to a struggling regional economy.

Now is the time for Appalachia to focus its goals, improve its institutions, and order its priorities—to continue the building of community infrastructure, and to increase and raise the quality of still sadly inadequate human services.

Early completion of the interstate and regional highway systems is still the cornerstone for Appalachian development, and continued support for the regional corridor and access road system is imperative. This is a time also, however, to develop rural transportation systems that make fuller use of those new miles of road and increase access to jobs, health services, and educational facilities.

With a system of vocational-technical

schools and education service agencies largely established, the Appalachian program might well consider expanding that system through programs of adult literacy, career education, manpower training and early childhood education.

The health facilities program is also nearing the end of its building phase. The program needs now to turn more strongly to comprehensive health and child care services, especially in rural areas.

Continued support is critical in building the housing and community infrastructure that serve both the needs of people and industry. Inadequate sewage, water and solid waste disposal, as well as rundown housing, are a threat to the health and a barrier to growth.

Never before has the vital complex of energy, environment, and natural resource development been more important to a region and the Nation. Appalachian coal is today a major domestic energy source. Gasification and liquefaction must be explored.

Continued support of the young local development districts is essential to regional development. These ARC multicounty planning agencies now blanket the region, giving local people a direct link to the State and the Commission.

Continued refinement of the decision-sharing process that serves the region so well, and demonstrates to the rest of the Nation that Federal, State, and local governments can work together, is of equal importance. I trust the Commission will continue to serve as advocate and honest broker for the region. The talents and experience of its creative staff are needed as urgently as ever.

When this program began 10 years ago, the Commission could not afford to be timid in its approach to problem solving. The needs were too urgent and usable precedents too few and far between. So the Appalachian program innovated from the beginning, and continues to do so, serving the Nation as a laboratory where new ideas are born and tested.

In those early days, several scholars of government flatly state that such a program could not and would not work.

It has had its share of criticism and setbacks, I am sure. But measured by almost any standard—its original goals, the impact of its dollar investments, or the numbers of people who are benefiting—I consider that the Appalachian regional development program works and works well.

The Appalachian program's achievements are as sophisticated as a communications satellite providing inservice training for 900 teachers; as basic as a home health nurse attending the needs of residents in a mountain hollow. Its task today is to complete the work so well begun, and to meet—with the dedication and creativity we have come to expect—the great new challenges thrust upon the region by a changing world.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 o'clock noon on Monday.

There will be a period for routine morning business with statements therein limited to 5 minutes each, after which the Senate will resume consideration of S. 7, the surface mining bill. Rollcall votes may occur on amendments thereto. However, no rollcall votes will occur before the hour of 3:30 p.m.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

ADJOURNMENT

Mr. HUDDLESTON. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and at 9:03 p.m. the Senate adjourned until Monday, March 10, 1975, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 1975:

DEPARTMENT OF DEFENSE

Victor V. Veysey, of California, to be an Assistant Secretary of the Army.

Donald G. Brotzman, of Colorado, to be an Assistant Secretary of the Army.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10, United States Code:

To be major general

Brig. Gen. Richard Bodycombe, [redacted]FV, Air Force Reserve.

Brig. Gen. Vincent S. Haneman, Jr., [redacted]FV, Air Force Reserve.

Brig. Gen. Gilbert O. Herman, [redacted]FV, Air Force Reserve.

Brig. Gen. Edwin R. Johnston, [redacted]FV, Air Force Reserve.

Brig. Gen. David Waxman, [redacted]FV, Air Force Reserve.

To be brigadier general

Col. Charles E. Corcilius, [redacted]FV, Air Force Reserve.

Col. Thomas A. Diab, [redacted]FV, Air Force Reserve.

Col. Donald P. Dressler, [redacted]FV, Air Force Reserve.

Col. Robert K. Elliott [redacted]FV, Air Force Reserve.

Col. Joseph W. Kovarick, [redacted]FV, Air Force Reserve.

Col. Jack N. Kraras [redacted]FV, Air Force Reserve.

Col. John E. Lacy [redacted]FV, Air Force Reserve.

Col. Walter R. Longanecker, Jr. [redacted]FV, Air Force Reserve.

Col. John E. Taylor, Jr [redacted]FV, Air Force Reserve.

Col. Justin L. Townsley, [redacted]FV, Air Force Reserve.

Col. James L. Wade, [redacted]FV, Air Force Reserve.

Col. Edwin D. Woellner, Jr., [redacted]FV, Air Force Reserve.

IN THE ARMY

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Michael Shannon Davison, [redacted] Army of the United States (major general, U.S. Army).

To be lieutenant general

Lt. Gen. Elvy Benton Roberts, [redacted] Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert Morin Shoemaker, [redacted] Army of the United States (brigadier general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Howard Harrison Cooksey, [redacted], U.S. Army.

IN THE NAVY

Rear Adm. Stanley S. Fine, U.S. Navy, for appointment as Director of Budget and Reports in the Department of the Navy for a term of 3 years pursuant to title 10, United States Code, section 5064.

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Samuel H. Packer II
William L. Hinkle
Cabell S. Davis, Jr.
Bruce Keener III
Thomas W. McNamara
Robert M. Collins
James B. Morin
Henry D. Arnold
John V. Josephson
William M. Callaghan, Jr.
James H. Scott
Lee Baggett, Jr.
Paul C. Gibbons, Jr.
Mark P. Frudden
Stanley J. Anderson
Gordon J. Schuller
James A. Sagerholm
William H. Rowden
Ross N. Williams
Wayne E. Meyer
William Nivison
Francis F. Manganaro
Edward F. Welch, Jr.
Charles J. Youngblade
John C. Barrow
Thomas J. Kilcline
Paul H. Engel

Edward S. Briggs
Robert L. Walters
Allen E. Hill
William A. Gureck
William B. Warwick
Thomas H. Replogle
William R. Smedberg IV
Robert E. Morris
Ernest R. Seymour
Thomas L. Malone, Jr.

Captain Maxine Conder, Nurse Corps, U.S. Navy, for appointment to the grade of rear admiral pursuant to title 10, United States Code, section 5767(c) while serving as Director of the Nurse Corps.

MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general:

Andrew W. O'Donnell
Adolph G. Schwenk
Herbert L. Wilkerson
Clarence H. Schmid
Arthur J. Poillon
Kenneth McLennan
Joseph Koler, Jr.

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

Francis W. Tief
Calhoun J. Killeen
Edward J. Megarr
William B. Fleming
Charles G. Cooper
John K. Davis
Darrel E. Bjorklund
George L. Bartlett
Richard C. Schulze
William R. Maloney
Charles D. Roberts, Jr.

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of major general:

Harold Chase
Robert E. Friedrich

IN THE AIR FORCE

Air Force nominations beginning Maj. Kenneth D. Anderson, to be lieutenant colonel, and ending Maj. Thomas L. Winans, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 20, 1975.

IN THE ARMY

Army nominations beginning James M. Jackson, to be major, Regular Army, and lieutenant colonel, Army of the United States, and ending Thomas J. Shandera, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 3, 1975.

Army nominations beginning Roger E. Alberts, to be second lieutenant, and ending Gregory G. Zimmer, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 18, 1975.

Army nominations beginning James W. Abbott, to be second lieutenant, and ending Thomas Zigoris, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 1975.

IN THE NAVY

Navy nominations beginning Honorato M. Aguila, to be commander, and ending Edward William Morris, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 1975.

Navy nominations beginning Charles Ervin Aaker, to be lieutenant commander, and ending Marie Louise McElligott, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 1975.

Navy nominations beginning Richard F. Acquavella, to be lieutenant commander, and ending John C. Lessel, to be lieutenant (j.g.), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 1975.

Navy nominations beginning Paul Robert Abretski, to be chief warrant officer, W-3, and ending George Dean Zeitler, to be chief warrant officer, W-3, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 1975.

IN THE MARINE CORPS

Thomas A. Silvear, U.S. Marine Corps, for reappointment to the grade of major in the Marine Corps, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on February 3, 1975.

Marine Corps nominations beginning Leon N. Angelo, to be colonel, and ending Billie Young, to be chief warrant officer, W-2, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 3, 1975.

Marine Corps nominations beginning Joseph A. Alexander, to be second lieutenant, and ending James J. Seward, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 1975.

EXTENSIONS OF REMARKS

PRINCIPLES IN EVALUATING ECONOMIC PROGRAMS

HON. JAKE GARN

OF UTAH

IN THE SENATE OF THE UNITED STATES

Friday, March 7, 1975

Mr. GARN. Mr. President, shortly after the President made his state of the Union address, and there began to be significant reaction to it here in Congress, I made a statement of the general principles I would apply in evaluating economic programs. In view of the proposals now surfacing on a comprehensive energy plan, I feel that it might be useful to make a similar statement in this area. In evaluating energy proposals, then, I will apply the following general principles:

First. Any proposal must address both sides of the equation: Production and consumption. The majority of the proposals I have seen to date employ various techniques to limit consumption, but very few will do anything to encourage the production of new oil supplies within the United States. It is a fact that consumption will react to higher prices and taxation, but except in the area of gasoline, most of the savings in consumption that can be effected without massive capital investments have already been made.

Second. The capital investment so necessary to increased exploration, drilling, and refining must not be discouraged. To some extent, the very fact of massive budget deficits will dry up capital markets, and limit the borrowing of needed capital. Such deficits must be opposed. In addition, such measures as investment tax credits and plowback provisions of profits taxes will stimulate production while the elimination of the oil depletion allowance will discourage it. Elimination of the allowance will be especially hard on the independent producers, who account for the great bulk of new exploration.

Third. The free market provides the best tool available to accomplish the allocation of resources and to permit the individual to make judgments as to the best source of energy to use. At present, it is impossible for anyone to know whether gas heat, oil heat, or electric heat is the best buy. That is because natural gas is regulated, domestic oil is regulated, and the Government is heavily involved in all energy markets. The effects of this involvement are higher prices and illogical decisions about energy development. We must move swiftly to a free market in energy. Nevertheless, we must avoid the shock of instant deregulation. As the regulatory distortions have been built up over time, so the deregulation must be accomplished over time. I favor phasing out of controls to allow smaller firms time to adjust to the needed conditions of freedom.

Fourth. Rationing of commodities is wasteful at virtually every level of activity. Above all this statement is true of gasoline, which is so essential to every individual in the Nation, and whose pattern of use varies so widely. As practically every economist will admit, rationing systems cannot be fair and simple. They require an army of bureaucrats involving themselves in every aspect of our lives—making judgments, allocating petroleum. No man-devised system is capable of coping with the complexities of a society such as ours; the sensitivity of a free market is our only hope.

Fifth. We must avoid a temptation to create new agencies to oversee energy use and production. We have had enough experiences with Federal agencies to know that the results of their creation will not be the bed of roses expected. In every case, the results have been greater complexity, rules, and regulations in infinite variety, and more control over the lives of individual citizens. We must resist. The need to resist is particularly important in the field of energy, which is the lifeblood of the Nation. An agency which controls energy would control the country down to the minutest detail.

Sixth. Declining availability of petroleum requires development of alternative energy sources. In most cases, the incentives will come with the rising price of petroleum products, though there is an obvious case for governmental involvement in such areas as nuclear power and geothermal energy. The choice among such alternatives is coal, tar sands, oil shale, solar, and other forms of energy should be left to the market, insofar as possible. Artificial impediments placed in the way of using some alternatives, such as coal, must be reduced, consistent with the health and safety of the people. Local officials are more qualified to evaluate the ability of a given area to tolerate coal-burning electric facilities, or the need to subsidize oil shale extraction than are distant bureaucrats.

In the long run, the more esoteric sources, such as nuclear fusion and magnetohydrodynamics will deliver nonpolluting energy. Fossil fuels are finite, but their importance in the short and medium run must be recognized, and must be used.

Mr. President, these are the standards by which I will measure all proposals which come before this body. It is my hope that we will be able to work together, in partnership with the President, to fashion a policy which will allow for a quick economic recovery, and which will decrease our dependence on foreign petroleum. I believe the principles I have outlined will accomplish these goals.

POTENTIAL SOURCES OF U.S. MINERAL SUPPLIES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, March 7, 1975

Mr. METCALF. Mr. President, the current issue of the Mining Congress Journal, published by the American Mining Congress, includes an article on our Nation's problems in acquiring the minerals basic to our economy.

Headed "Potential Sources of U.S. Mineral Supplies," it was written by Dr. A. Brobst, Deputy Chief of the Office of Mineral Resources, and Dr. Edwin W. Tooker, Chief of the Office of Mineral Resources, both of the U.S. Geological Survey.

As they discuss the decline in commercial grade copper ore, they ask the question: How much lower can the tenor of the ore go without running into the problem of having the cost of the energy to recover this material exceed the value of the expected copper?

The authors point out that while the 92 naturally occurring elements are present in the Earth's crust, concentration of many metals in a deposit which can be mined commercially is rare.

Exploration to find commercial deposits costs a lot of money and, in the opinion of Dr. Brobst and Dr. Tooker, "new means of finding the great amounts of capital necessary to mount large exploration and development programs will have to be generated somehow."

I commend this article to those interested in this vital subject and I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POTENTIAL SOURCES OF U.S. MINERAL SUPPLIES

(By Donald A. Brobst and Edwin W. Tooker)

There are problems in the area of mineral resources. We can make no mistake about that. There are real ones to deal with and then there are some that are simply being created quite artificially and that too is part of the problem. In discussing capital and the U.S. resources crunch in the September 1974 issue of Engineering and Mining Journal, Wallace Macgregor and Edward L. Vickers thoughtfully stated.

"One of the great paradoxes of our time is that the intellectual and political debate over the natural resource position of the United States—instead of clarifying the problem—has added to the confusion by eroding public confidence in the natural resources industry at a time when the development of such resources is sorely needed."

The confusion referred to by Macgregor and Vickers is commonly added to by misunderstanding of our oral and written communications. Thus, in a penetrating discussion of the economic problems of today in the September 14 issue of Business Week, the writers dismissed the problem of the geologic availability of mineral commodities as a mere detail.

The Business Week writers dismissed as pure nonsense the idea that we are running out of basic materials such as iron ore, copper, zinc and bauxite. As geologists are fond of pointing out, they went on to say, the planet itself is made of minerals and a single average cubic kilometer of the earth's crust contains hundreds of thousands to millions of tons of such metals as aluminum, iron, zinc and copper.

The Business Week writers also believe that, with the exception of fuels, most minerals are not lost when they are used because they can be recovered from scrap. They believe "The real question relates not to potential mineral resources, which may be prohibitively expensive to mine in the foreseeable future, but to mineral reserves—identifiable deposits of minerals that are exploitable at current levels of technology and prices." To quote, "and here again the evidence is reassuring. The history of the past century indicates that as the result of price hikes, improved exploration, and technological advances, the known reserves of most minerals have been constantly increasing at a pace in line with consumption." This is indeed a creed for the complacent that had some validity at a time when mineral supplies were abundant, easy to find, and technologically available with low cost energy.

CIVILIZATION DEPENDENT ON MINERALS

Our civilization is dependent upon minerals. In 1927 our $1.1 trillion economy was based on $32 billion worth of raw materials and fuels produced domestically and an additional $4 billion worth of imported crude materials. The $32 billion of domestic products included about $22 billion worth of fuels and $10 billion worth of industrial minerals and metals. In constant dollars, that year's production was another point along the way in the development of an ever-expanding economy.

As a matter of fact, consumption has been rising exponentially all over the world by its exponentially rising population, and that brings us to a critical factor in understanding our mineral resource problems. Mining has been going on in the world for several thousand years, but how many times have we stopped to think about the fact that about 75 percent of all the minerals and fuels produced in the history of mankind have been consumed in the 30 years since World War II. We are already noticing the more rapid rise of world demands at higher rates than in the United States. The population of the world is expected to double again by the end of this century. A major question before us now is how long exponential growth in the use of non-renewable resources can be expected to continue, even with conservation, substitution and recycling.

HUGE SUPPLY EXHAUSTIBLE WITH EXPONENTIAL GROWTH

Exponential growth pertains to geometric increase—that old doubling of numbers. After a few doublings, the requirements become burdensome and then impossible. For example, a 1 billion year supply of anything at the present rates of consumption would be exhausted in 582 years with a 3 percent rate of expanded use annually, the general recent rate of U.S. economic growth. A $2 billion year supply will only last 23.5 years longer because it is equal to only one more doubling time of the use of 1 billion year supply. Of course, consumption of a finite supply would not follow such a pattern of increase to its final exhaustion, but the point is that the level of consumption is just as significant an element in the life of a supply as the magnitude of the resource. Exponential growth in consumption can quickly exhaust even a huge supply.

The writers agree with many economists that many of the current problems with shortages of energy and some other minerals are in large part a result of demand overtaking our abilities to develop supply. The prognosis of exponential growth and its implications, however, make it time to seek other means than simply growth and material consumption to advance the welfare of man.

JOB OF EXPLORATIONISTS IS ENORMOUS

An enormous task is placed upon the exploration departments of the mining industry at home and abroad in view of the world's uncontrolled exponentially growing demands for minerals. New ore deposits must be sought. In the short term, in the next 25 and 30 years, efforts will have to be intensified in the search for the undiscovered ore deposits of the types that we currently know how to process. During this same time, efforts will have to be made to develop the technology to convert identified subeconomic resources into reserves. More effort should be put into the study of the processes of ore formation and the geologic environments of deposition of conventional and new types of ore deposits. These studies will form the nucleus of a body of knowledge that will supply the criteria with which to hunt for the commercial ore deposits needed in the more distant future. Geologic studies to date seem to make it quite clear that there are geologic environments in which certain needed minerals may be concentrated—environments in which we have not yet sought commercial deposits. We must find them, they won't come to us.

USE OF TECHNOLOGY NEEDS TO BE SPEEDED UP

The success of the long and short term search for ore deposits also will have to depend on the development of new technology. Starr and Rudman of the Electric Power Research Institute recently pointed out in Science magazine that the application of technology is generally 10 years behind the drawing boards in research departments. They postulate an annual growth rate of technology at about 2.3 percent. This is a reservoir of information from which we shall have to draw more at faster rates in the future.

Difficult problems lie ahead in technology. We shall have to overcome several things that are holding back the utilization of today's so-called subeconomic resources. We are all well aware that in this century the commercial grade of copper ores has declined considerably and now stands at an average of 0.6 percent of contained metal. How much lower can the tenor of the ore go without running into the problem of having the cost of the energy to recover this material exceed the value of the expected copper? In an energy study in progress, it is estimated that a 300-fold increase in energy would be needed to recover the metal from copper ore in a 10-fold reduction of grade from 0.1 to 0.01 percent. With a four-fold increase in the price of energy in the last year, a 300-fold increase in energy required to recover that copper from the very lowest grade materials would appear to make such operations highly impractical on a commercial scale.

To state all of this in another way, it becomes patently clear that we cannot depend on the metal contents of the average cubic kilometer of the earth's crust as a near-term source for metals, unless energy becomes more abundant and cheaper than now, or even than it was a few years ago.

BETTER USE MUST BE MADE OF COPRODUCTS

Among other things that we can do for the short-term is attempt to make better use of co-products from the mines, the mills and the smelters. The recovery and use of coproducts has been on the rise in industry for some time. There will be improvement in these areas not only because of a need for conservation, but also economies will make it desirable to do so. If there is a product of economic value, it certainly should be able to find its way to market.

Substitution is also another means by which we can extend and better utilize some of the products of our ore deposits. Engineers will be paying much more attention to deciding the best use of given material. It is certainly debatable, for example, whether we want to consume platinum group metals, among the world's rarest commodities, in exhaust systems for automobiles. There may be considerable substitution in the future for some of the rarer materials with some of those that occur more abundantly in the earth's crust.

80 OF 92 NATURAL ELEMENTS IN COMMERCIAL USE

There are now commercial uses for about 80 of the 92 naturally occurring elements in the earth's crust. Ten elements of the 92 make up more than 99 percent of the crust (table 1) and many of the metals and elements that we use in commerce and industry today are not among those 10 (table 2). As a matter of fact, many of these metals are so rare that their crustal abundance is only a few grams per metric ton.

For example, if we consider the consumption of the individual metric tons in that rich-sounding cubic kilometer of crust referred to in Business Week, we would hope to find 200 grams of chromium, 80 grams of nickel, 65 grams of zinc, 45 grams of copper, 3 grams of tin, 2 grams of uranium and 1 gram each of molybdenum and tungsten. Indeed, we should help more people realize just how much of a rare phenomenon a concentration of some of these metals is that currently can be mined commercially.

TABLE 1.—USES AND AVERAGE ABUNDANCE OF MAJOR ELEMENTS IN THE LITHOSPHERE

Rank and element	Weight (percent)[1]	Major use
1. Oxygen	46.60	(None from lithosphere).
2. Silicon	27.72	Metallurgy.
3. Aluminum	8.13	Metal.
4. Iron	5.00	Steel.
5. Calcium	3.63	Chemicals, construction.
6. Sodium	2.83	Chemicals.
7. Potassium	2.59	Chemicals, fertilizer.
8. Magnesium	2.09	Refractories, chemicals.
9. Titanium	.44	Metallurgy, chemicals.
10. Hydrogen	.14	Fuel, chemicals (H_2O).
Tota	99.17	

[1] From Mason (1958).

TABLE 2.—AVERAGE ABUNDANCE OF SOME MINOR ELEMENTS IN THE LITHOSPHERE

Rank and element	Weight (percent)[1]
11. Phosphorus	0.118
12. Manganese	.100
16. Barium	.040
17. Carbon	.032
19. Chromium	.020
22. Vanadium	.011
23. Nickel	.008
24. Zinc	.0065
27. Copper	.0045
32. Cobalt	.0023
35. Lead	.0015
45. Tin	.0003
42. Uranium	.0002
53. Molybdenum	.0001
57. Tungsten	.0001

[1] From Mason (1958).

PRICE NOT GOVERNING FACTOR IN RECYCLING

Another extension of currently available supplies of materials involves recycling. Very little recycling has been done in past years mostly because it has been considered uneconomic. Data provided by the U.S. Bureau of Mines about the recycling of 18 metals in the United States in 1972 is shown in fig. 1. With the exception of antimony, recycling of no metal provided more than about 35 percent of the year's needs for that metal. The price of the new material is not the governing factor now in recycling.

The material currently recycled comes generally from only a few of the largest users of the material because these recycle systems are easiest to set up on a paying basis. It is also indeed unfortunate that many uses of these non-renewable materials result in the dispersal of the material to such a degree that it would be very difficult to recycle them under any economic system. Without the development of some improved, low energy technology and better channels for the direction of recycling, the record may not be much improved for some time. Recycling is not the total answer, but a better record here could indeed reduce some of the need for finding new deposits at an accelerated rate to keep up with rising demand. As professionals we cannot in good conscience condone continued waste. Better understanding and cooperation of the public in recognizing the need for recycling of materials from non-renewable resources would be of tremendous help.

Old scrap recycled in the United States is significant but improvement is possible

	Short tons
Major:	
Iron	[1]46,400,000
Lead	506,000
Copper	473,000
Aluminum	250,000
Zinc	81,000
Chromium	60,000
Nickel	73,900
Tin	13,000
Antimony	17,600
Magnesium	2,700
Minor:	
Mercury	494
Tungsten	250
Tantalum	62
Cobalt	65
Selenium	15
Precious:	
Silver	1,049
Gold	82
Platinum group	10

[1] Includes exports

LEAD TIME ON ORE DEPOSIT DEVELOPMENT RISING

Several other factors should be mentioned. Two especially important ones are the lag-time between exploration and production of an ore deposit and the very intense need for capital. The public and some of the economic policy makers commonly overlook that the lag time between the discovery of a target worth exploring for a commercial deposit and the development of it, if you are lucky enough to have found one, is growing longer each year as ore deposits become harder and more expensive to find.

Geologists realize that most of the easy to find ore deposits, at least in the U.S., already have been found. The amount of work to find hidden ore deposits is staggering and not at all well understood by the public. The period of exploration and development nowadays in many metals stretches from 5 to 15 years. Unless there are soon some tremendous technological breakthroughs, this lag-time is not likely to be reduced substantially in the near future. Anyone who expects mineral reserves to continue to be developed as easily in the future as they have been in the past does not grasp the twin concepts of geologic and economic availability. These factors are critical to successful mineral exploration.

PROJECTS CAN TIE VAST AMOUNTS OF CAPITAL

On the matter of capital, the long period of exploration and development can require investment of as much as several hundred million dollars between exploration, development and the time of first production. Return on these costs comes only after production begins. These factors of time-lag between exploration and production and the capital intensity of such programs must be put into terms that are understandable by the public.

Let us turn to copper deposits again for example. Our annual consumption of copper in 1973 reached nearly 2 million tons. Therefore, if we are going to maintain our copper reserves at current levels, we must find annually deposits containing 2 million tons of copper, discounting improvements in recycling. A number of our currently operated porphyry copper deposits in the southwest are estimated to contain about 1 million tons of copper. If it takes approximately 10 years to bring a deposit into production, then we must be finding equal to at least a 2-million ton deposit per year and have 10 others in various stages of development. This example, of course, assumes that we maintain a status quo in the level of reserves, and not increase it, as would be desirable to meet an exponentially growing need.

1973 AND 1974 USHERED IN PERIOD OF HISTORIC CHANGE

It is quite clear to those of us well immersed daily in the problems of mineral resources that we not only have many geological, technical, and economic problems, but also that we have a problem in communication. We have not yet been able to communicate the depth and the seriousness of the mineral resource problems, both short and long term.

As consumers we also belong to the great public to whom we constantly refer as having to face up to the realities of today. Fundamentally, the years 1973 and 1974 have ushered in a period of change in the history of the industrialized part of the world. We have passed from an era of general abundance of mineral and fuel supplies into an era of scarcity. World demand is rising. There is a greater competition among the nations for the available supplies as the developing nations attempt to raise their standard of living to that of the old established industrialized countries.

The awakening of nationalism in many parts of the world is not helping to solve the world's economic problems. In the past 30 years, the efforts of the industrialized countries have been so successful that basically we have created a one world economy. When there is an economic problem in one part of it, everyone has a problem. It is a new era. New solutions must be found for today's problems. If there is one thing that should have been learned from history, it is that yesterday's actions may not answer tomorrow's questions.

POTENTIAL IS FAVORABLE FOR FINDING NEW MINERAL DEPOSITS

What is the prognosis? From our knowledge of geologic availability, the potential for finding new deposits of many minerals, of both conventional and unconventional types, throughout the world is favorable. The U.S. Geological Survey has presented its understanding of this issue in Professional Paper 820 titled, "United States Mineral Resources" published in 1973. Although great parts of the United States already have been examined for minerals, much of it has been examined only by surface means. Much of the subsurface remains to be searched for minerals. In other parts of the world, geological exploration has hardly scratched the surface. Mineral explorationists will continue to find ore deposits. Whether they will find enough to supply the burgeoning demands in the years ahead is another matter.

Mineral exploration is a capital-intensive endeavor. New means of finding the great amounts of capital necessary to mount large exploration and development programs will have to be generated somehow. We shall have to muster all of the scientific, technological and financial ingenuity possible in order to meet the challenges. There is no time to waste.

SUCCESS DEPENDS ON PUBLIC UNDERSTANDING

One ingredient that is absolutely necessary for success in meeting mineral demands by industry is public understanding and support. Success in the matter of mineral resources—their discovery and utilization—will require an informed public. The public must thoroughly understand what it may mean to be permanently withdrawing land from development of mineral resources. The public must understand the possible economic, political and social consequences of great dependence on foreign sources of minerals and even capital. It is absolutely essential that the facts be brought out as soon as possible.

It is through the public and their elected representatives that public policy is formulated. The future will require tremendous cooperation between the public, industry, academia and the government. Each will have to make its unique contribution in order for us not only to succeed in solving our problems, but to survive.

One final thought on the subject of cooperation. The Geological Survey and Bureau of Mines have been examining wilderness-type areas to determine whether they contain potential mineral or energy resources prior to Congressional decisions about removing them from mineral entry. This work has been greatly aided by the mining industry, which has made relevant information available to the USGS at the request of the American Mining Congress. This cooperation is appreciated and deserves a thank you for public spirited help in providing the Nation with vital surface and subsurface data needed for sound, credible appraisal. We are equally grateful for the comparable information from individual geologists and engineers with environmental persuasions.

REFERENCES CITED

Anonymous, *Business Week*, Sept. 14, 1974 issue, p. 56.

Brobst, D. A., and W. P. Pratt, eds. "United States Mineral Resources," *U.S. Geological Survey Professional Paper* 820, 1973.

Mason, Brian. *Principles of Geochemistry*, John Wiley & Sons, Inc., 1958.

Macgregor, Wallace and E. L. Vickers, "Capital and the U.S. Resources Crunch," *Engineering and Mining Journal*, Sept. 1974.

Starr, Chauncey, and Richard Rudman, "Parameters of Technological Growth," *Science*, v. 182, no. 4110, 1974.

SENATE—*Monday, March 10, 1975*

The Senate met at 12 noon and was called to order by Hon. JAMES ABOUREZK, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not; and it shall be given him.—James 1: 5.

Almighty God, Ruler of men and nations, grant to our anxious groping hearts the assurance that amid all our perplexities and anxieties there standeth One who slumbers not nor sleeps. Show us once more that though our needs are many, our greatest need is of Thee, and that Thou art always present to those who call upon Thee in spirit and in truth. May we know the peace of Thy presence and the power of Thy love, transforming our jarring discords into the music of Thy will, and lifting all that is temporal into the light of the eternal.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 10, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES ABOUREZK, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ABOUREZK thereupon took the chair as Acting President pro tempore.

PRIVILEGE OF THE FLOOR—S. 7

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I yield to my colleague, the Senator from Montana.

Mr. METCALF. Mr. President, I ask unanimous consent that the following members of the Committee on Interior and Insular Affairs staff be allowed the privilege of the floor during consideration of and voting on S. 7: Michael Harvey, William Van Ness, Lucille Langlois, Mary Flanagan, Harrison Loesch, Fred Craft, and Mary Adele Shute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 7, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 31, Senate Resolution 103.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 103) relating to members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That the following-named Members be, and they are hereby, elected members of the following committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Hatfield of Oregon vice Mr. Hugh Scott of Pennsylvania, resigned.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Hugh Scott of Pennsylvania vice Mr. Hatfield of Oregon, resigned.

SECRETARY OF STATE KISSINGER'S PEACE-SEEKING EFFORTS

Mr. MANSFIELD. Mr. President, the distinguished Secretary of State, Dr. Henry Kissinger, is visiting Ankara today, after having met with the Greek Foreign Minister a few days ago in Brussels. That, I think, is most encouraging, because, for the first time, the Secretary of State has been able to make a breakthrough and establish some kind of contact with both the Greek and Turkish Governments.

I point out that the situation in the Middle East, which in a sense includes Turkey, Greece, and Cyprus, is a most difficult one. I am fearful that if a solution is not found to the difficulties covering the island of Cyprus and the differences between the Greeks and the Turks, the situation there will become profoundly endangered so far as NATO is concerned and so far as peace in the Middle East is concerned.

The Greek colonels were the ones who started the eruption in Cyprus and the Turks, in turn, overreacted. Out of this difficulty can come a shifting of the latter toward the Soviet Union; it can also bring a more active participation on the part of the Turks in the affairs of the Middle East, as we understand that term; it can hold back the long-range solution to the problem of Cyprus, and, in the end, it may react adversely against the best interests of Greece.

Again, Mr. President, may I say that I am pleased that this breakthrough has occurred, that Dr. Kissinger has met with the Greek Foreign Minister in Brussels, and that he is today meeting with the Turkish officials in Ankara.

I hope that out of this will come some breakthrough which will bring about a settlement of the Cyprus question.

I would add, Mr. President, that I am very much in favor of the policy being pursued by Dr. Kissinger in the Middle East. I was encouraged by what he was able to accomplish on his previous trip. This one will be more difficult and more dangerous. I think he is entitled to the wholehearted support—and I believe he has it—on the part of the Senate and Congress in his efforts to bring about a degree of stability—not peace yet—between Egypt and Israel, and hopefully with other nations as well.

I am hopeful he can give some consideration to the position of Syria and that an agreement of some sort can be reached, at least as an initial indication of good faith negotiations.

The next step after this meeting, as I see it, will be for the interested parties to go to Geneva, there perhaps to work on a peace settlement. But before that can be achieved, some progress must be made on the spot in the Middle East.

I want to express at this time my full confidence in and my full support of the efforts being made by Dr. Kissinger in all the areas I have mentioned this morning.

Mr. HUGH SCOTT. Mr. President, I am, of course, very much in agreement with what the distinguished majority leader has said.

Dr. Kissinger's efforts in the Cyprus conflict deserve warm commendation. In his numerous meetings with the Greek Foreign Minister, the Turkish Foreign Minister, and others, he has proved himself to be the one person who may be able to bring about a relaxation of tensions, with a movement toward peace in that area.

The loss of either of these countries to us as friends would be deplorable in the extreme. We should not allow passions at home to blind us to the opportunities for peaceful solutions.

In the Middle East, Dr. Kissinger is certainly the only Western statesman who can speak frankly and reasonably to the leaders of Syria, Egypt, and Israel. I hope there will be mutual agreements having to do with drawbacks upon mutually satisfactory conditions, so that we can move ultimately to a peace table in that regard.

I deplore especially the yapping jackals who nip at the heels of the Secretary of State because he is a shining target and who disserve their country for the sole purpose of seeking some sort of journalistic award or some self-glorification. These types of people are not truly journalists, in the best sense of the word. They are simply looking for someone to bring down to their level. That would be quite a fall.

Thank you. I yield the remainder of my time to the distinguished Senator from Nebraska (Mr. Curtis).

Mr. CURTIS. Mr. President, I thank my distinguished minority leader (Mr. Hugh Scott) for yielding.

Mr. President, I commend the majority leader and the minority leader for what they have had to say about the Middle East, Greece, Turkey, and Cyprus. The great desire of all of us is, first, that peace will prevail in the world. But regardless of that, the objective of American foreign policy is that the United States may conduct her affairs throughout the world, carry on commerce, and remain at peace with the world. That is the objective; that is the reason that we have a foreign policy.

Under our system, the responsibility for conducting affairs with foreign nations falls upon the President. He appoints the Secretary of State. I agree with the complimentary things that have been said about our Secretary of State. The President of the United States also appoints our ambassadors. The ambassadors report to him. The heads of foreign states confer with our President.

The President of the United States not only possesses the lawful power to carry on our foreign affairs, but, without a doubt, the organization of Government has been so formed that all of the available information is channeled into the President. If we are going to speak with clarity in the world, if we are going to speak in a manner that the rest of the world can rely upon the position of the United States, we must speak with one voice. The President of the United States and his Secretary of State are the official spokesmen for our country. I think it behooves not only individuals outside of Government such as the press, but also those in Government, when we have disagreements on policy or program, to give our information to the Secretary of State and concede to the President and Secretary of State their right and obligation and qualifications to make the public pronouncements and also carry on the affairs of foreign governments.

I yield back the remainder of my time.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. STENNIS. Under the procedures now in the Senate, am I entitled to 3 minutes?

Mr. MANSFIELD. If the Senator will yield, it was my intention to ask for a morning hour.

Mr. STENNIS. Then I shall wait for that.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for the conduct of morning business for not to exceed 30 minutes, and that there be a time limitation of 3 minutes per Member contained therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Mississippi.

FOREIGN POLICY

Mr. STENNIS. Mr. President, my purpose in requesting recognition is to speak for just a very few minutes, not from a prepared speech but from off the cuff, so to speak. I wish to add an additional point to the very fine remarks made by the majority leader, the minority leader, and the Senator from Nebraska (Mr. Curtis). That additional point is that if we are going to be a world power and world leader, we must have a world policy, a foreign policy, that encompasses this leadership. In just a very few weeks, according to the present plan, I shall have the privilege and responsibility of presenting a military procurement authorization bill to the Senate which will not represent all of the military budget in that bill, but it will be authorization for $20 billion or $21 billion in what we call hardware—missiles, ships, submarines, planes, tanks, and a great deal of military equipment. It also governs the manpower. But a great deal of this military equipment is based upon a need because we are a world power and we have undertaken the responsibility of being a world leader for the benefit of the free world.

My major point is that if we are going to have this as a policy and a course of action, we shall never do it as long as we constantly try to pick to pieces, hour by hour, day and night, whoever may be representing the President of the United States in formulating and trying to carry out this policy. We have a duty and responsibility, as well as a privilege, to disagree with the President on major points, but certainly in the proper way and not trying to destroy or hit from the back, or even from the side, constantly and forever, by discrediting individuals who represent him or discrediting the President, whoever he is, certainly as long as we think that he is trying and that he is, in good faith, endeavoring to carry out our general course in foreign policy.

If we want to change that policy, we can do it. By and large, for many years now since World War II, Congress has approved in one way or another, by passage of legislation and then appropriations bills and other policy moves, our present policy. So I say with emphasis, as one who has not a responsibility so much in setting this policy but some responsibility in trying to implement a part of it, and I say it, too, based on commonsense, that any nation, large or small, that is going to be seriously considered and carry the load in present world affairs, at times must speak with one voice, and we must back the President on these matters, certainly until we are convinced that he is wrong and the policy should be substantially changed.

I thank the Senator from Montana and the Senator from Pennsylvania for their fine, timely remarks.

I yield the floor.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ABOUREZK) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:02 a.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions in which it requests the concurrence of the Senate:

H. Con. Res. 27. Concurrent resolution to provide additional copies of housing compilation;

H. Con. Res. 44. Concurrent resolution providing for the printing of a revised edition of the House document, "Our American Government, What Is It? How Does It Function?";

H. Con. Res. 117. Concurrent resolution providing for the printing as a House document of the hearings and panels of the Select Committee on Committees; and

H. Con. Res. 145. Concurrent resolution authorizing the printing of additional copies of the joint committee print of the Committee on Education and Labor and the Committee on Labor and Public Welfare entitled "A Compilation of Federal Education Laws".

At 2:19 p.m., a message from the House of Representatives by Mr. Berry announced that the House has passed without amendment the joint resolution (S.J. Res. 48) to amend the Defense Production Act of 1950, as amended, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H.J. Res. 219) making further continuing appropriations for the fiscal year 1975, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK) laid before the Senate the following letters, which were referred as indicated:

Legislative Recommendations of the Consumer Product Safety Commission

A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting, pursuant to law, legislative recommendations of the Consumer Product Safety Commission to the Congress (with accompanying papers); to the Committee on Commerce and the Committee on Labor and Public Welfare, jointly, by unanimous consent.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication from the U.S. Consumer Products Safety Commission, submitting its legislative recommendations, be referred jointly to the Committees on Commerce and Labor and Public Welfare.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Proposed Rescissions for Which Congress Did Not Complete Action Before the 45-Day Period of Continuous Session Expired, and for Which the Administration Did Not Release Budget Authority as Required

A letter from the Comptroller General of the United States, regarding status of budget authority, proposed to be rescinded pursuant to the Impoundment Control Act of 1974, for which the Congress did not complete action before the relevant 45-day period of continuous session expired on March 1, 1975 (with accompanying papers); to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture and Forestry, the Committee on Commerce, the Committee on Armed Services, the Committee on Labor and Public Welfare, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Finance, the Committee on Public Works, and the Committee on Banking, Housing and Urban Affairs, jointly, pursuant to order of January 30, 1975.

Proposed Legislation to Repeal Certain Acts Making Permanent Appropriations and Authorizing Annual Appropriations for the Support of Colleges of Agriculture and Mechanic Arts

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to repeal certain acts making permanent appropriations and authorizing annual appropriations for the support of colleges of agriculture and mechanic arts (with accompanying papers); to the Committee on Agriculture and Forestry.

Military Manpower Training Report

A letter from the Assistant Secretary of Defense, Manpower and Reserve Affairs, transmitting, pursuant to law, the Military Manpower Training Report for fiscal year 1975 (with an accompanying report); to the Committee on Armed Services.

Plan for Reorganization of Military Headquarters in the Pacific

A letter from the Assistant Secretary of Defense, Manpower and Reserve Affairs, transmitting, pursuant to law, a plan for the reorganization of military headquarters in the Pacific (with accompanying papers); to the Committee on Appropriations.

Proposed Telecommunications Facilities and Demonstration Act of 1975

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the educational broadcasting facilities program and to provide authority for the support of demonstrations in telecommunications technologies for the distribution of health, education, and social service information, and for other purposes (with accompanying papers); to the Committee on Commerce.

Report of the Department of Transportation Pursuant to the Emergency Rail Services Act of 1970

A letter from the Acting Secretary of Transportation, transmitting, pursuant to law, a report of activities and an evaluation of the financial condition of railroads which have outstanding certificates guaranteed under the Emergency Rail Services Act of 1970 (with an accompanying report); to the Committee on Commerce.

Nautical Rules of the Road Act of 1975

A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (with accompanying papers); to the Committee on Commerce.

Proposed Legislation to Amend the Foreign Services Buildings Act

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (with accompanying papers); to the Committee on Foreign Relations.

International Agreement Entered Into by the United States

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within 60 days after the execution thereof (with accompanying papers); to the Committee on Foreign Relations.

Report on Disposal of Foreign Excess Property

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the annual report on disposal of foreign excess property (with an accompanying report); to the Committee on Government Operations.

Report on Fiscal and Budgetary Information and Controls

A letter from the Director, Office of Management and Budget, the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the performance of functions and duties imposed on the Office of Management and Budget and the Department of the Treasury (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation to Provide More Effective Means to Improve Personnel Administration in State and Local Governments; to Correct Certain Inequities in the Law; and to Extend Coverage Under the Law to the Trust Territory of the Pacific Islands

A letter from the Chairman, United States Civil Service Commission, transmitting a draft of proposed legislation to amend the Intergovernmental Personnel Act of 1970 to provide more effective means to improve personnel administration in State and local governments; to correct certain inequities in the law; and to extend coverage under the law to the Trust Territory of the Pacific Islands (with accompanying papers); to the Committee on Government Operations.

Reports of the Comptroller General

Four letters from the Comptroller General of the United States transmitting, pursuant to law, four reports entitled as follows: "States Need, But Are Not Getting, Full Information on Federal Financial Assistance Received"; "Problems in Identifying, Developing, and Using Geothermal Resources"; "Information on U.S. Ocean Interests Together with Positions and Results of Law of the Sea Conference at Caracas"; and "Observations on the Food Stamp Program" (with accompanying reports); to the Committee on Government Operations.

Report of the Office of Management and Budget

A letter from the Administrator of Federal Procurement Policy transmitting the annual report on the activities of the Office of Federal Procurement Policy (with an accompanying report); to the Committee on Government Operations.

Report of the Energy Research and Development Administration

A letter from the Administrator of the Energy Research and Development Administration transmitting, pursuant to law, a report on the solar program definition (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Legislation of the Department of the Interior

A letter from the Deputy Under Secretary of the Interior transmitting a draft of proposed legislation to extend certain authority of the Secretary of the Interior exercised through the Geological Survey of the Department of the Interior to areas outside the national domain (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Secretary of the Interior

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a report on the Nueces River project, Tex. (with an accompanying report); to the Committee on Interior and Insular Affairs.

Orders of the Immigration and Naturalization Service

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders suspending deportation, together with the list of the persons involved (with accompanying papers); to the Committee on the Judiciary.

Report of the Export-Import Bank

A letter from the Acting Executive Vice President of the Export-Import Bank of the United States transmitting, pursuant to law, the annual report of the Bank for the 1974 calendar year (with an accompanying report); to the Committee on the Judiciary.

Report of the International Trade Commission

A letter from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, a report in accordance with the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Report of the National Science Foundation

A letter from the Director of the National Science Foundation transmitting, pursuant to law, a report under the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Report of the Agency for International Development

A letter from the Director of the Office of Public Affairs of the Agency for International Development transmitting, pursuant to law, a report required by the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Consumer Product Safety Commission

A letter from the Vice Chairman of the Consumer Product Safety Commission transmitting, pursuant to the Freedom of Information Act, a report on its activities during calendar year 1974 (with an accompanying report); to the Committee on the Judiciary.

Report of the Department of Defense on the Freedom of Information

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, the initial report on Department of Defense participation in the Freedom of Information for the period covering calendar year 1974 (with an accompanying report); to the Committee on the Judiciary.

Report of the Foreign Claims Settlement Commission on the Freedom of Information

A letter from the general counsel, Foreign Claims Settlement Commission of the United States, transmitting, pursuant to law, a report of the Foreign Claims Settlement Commission for the calendar year ending December 31, 1974 (with an accompanying report); to the Committee on the Judiciary.

Report of the Department of Agriculture on the Freedom of Information

A letter from the Director of Communication, U.S. Department of Agriculture, transmitting, pursuant to law, agency-by-agency reports of freedom of information denials within the Department of Agriculture during 1974 (with accompanying papers); to the Committee on the Judiciary.

Report of the Department of Commerce on the Freedom of Information

A letter from the Acting Assistant Secretary for Administration, U.S. Department of Commerce, transmitting, pursuant to law, the department's first annual report of administration activities pursuant to the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Report of the Federal Maritime Commission

A letter from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, a report of the activities of the Federal Maritime Commission with respect to public information requests during calendar year 1974 (with an accompanying report); to the Committee on the Judiciary.

Report of the Tennessee Valley Authority on Freedom of Information

A letter from the Chairman of the Board of Directors, Tennessee Valley Authority, transmitting, pursuant to law, a report for 1974 pertaining to freedom of information (with an accompanying report); to the Committee on the Judiciary.

Report of the Equal Employment Opportunity Commission Regarding Freedom of Information

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report of the Equal Employment Opportunity Commission for the calendar year 1974 on freedom of information (with an accompanying report); to the Committee on the Judiciary.

Report of the Pennsylvania Avenue Development Corporation Regarding Freedom of Information

A letter from the general counsel, Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, a report for calender year 1974 regarding freedom of information (with an accompanying report); to the Committee on the Judiciary.

Report of the U.S. Postal Service Regarding Freedom of Information

A letter from the Postmaster General, U.S. Postal Service, transmitting, pursuant to law, a report of the U.S. Postal Service for 1974 pertaining to freedom of information (with an accompanying report); to the Committee on the Judiciary.

Report of the General Services Administration Regarding Freedom of Information

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report of the General Services Administration regarding freedom of information (with an accompanying report); to the Committee on the Judiciary.

Report of the Nuclear Regulatory Commission Regarding Freedom of Information

A letter from the Director, Office of Administration, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report of the Nuclear Regulatory Commission on the administration of the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Report of the Renegotiation Board Regarding Freedom of Information

A letter from the Acting Chairman, Renegotiation Board, transmitting, pursuant to law, a report of the Renegotiation Board pertaining to freedom of information (with an accompanying report); to the Committee on the Judiciary.

Report of the Department of Health, Education, and Welfare Regarding Freedom of Information

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Department of Health, Education, and Welfare on administration of the Freedom of Information Act during calendar year 1974 (with an accompanying report); to the Committee on the Judiciary.

Report of the Federal Communications Commission Regarding Freedom of Information

A letter from the general counsel, Federal Communications Commission, transmitting, pursuant to law, a report of the Federal Communications Commission regarding administration of the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Report of the National Institute of Law Enforcement and Criminal Justice

A letter from the Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, transmitting, pursuant to law, the first annual report of the National Institute of Law Enforcement and Criminal Justice (with an accompanying report); to the Committee on the Judiciary.

Report of the Jewish War Veterans U.S.A. National Memorial

A letter from the president, Jewish War Veterans U.S.A. National Memorial, transmitting, pursuant to law, annual audit reports of the Jewish War Veterans U.S.A. National Memorial (with an accompanying report); to the Committee on the Judiciary.

Proposed Comprehensive Health Professions Education Act of 1975

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend titles VII and VIII of the Public Health Service Act, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Library Partnership Act

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for a program of assistance to State and local library authorities, regional authorities, and other public and private agencies and institutions for the support of demonstrations designed to encourage exemplary and innovative developments in the provision of library and information services, such as networking or cooperative arrangements (with accompanying papers); to the Committee on Labor and Public Welfare.

Report of the Department of Health, Education, and Welfare

A letter from the Assistant Secretary for Education of the Department of Health, Education, and Welfare transmitting, pursuant to law, a report on the condition of education in America (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation of the Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to amend the program of financial assistance for local educational agencies in areas affected by Federal activity, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Regulation of the Department of Health, Education, and Welfare

A letter from the Executive Secretary of the Department of Health, Education, and

Welfare transmitting, pursuant to law, a copy of a proposed regulation governing bilingual education programs (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Regulation of the Department of Health, Education, and Welfare

A letter from the Executive Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, a proposed allocation formula and proposed program guidelines for postsecondary education comprehensive planning grants program (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Rulemaking of the Department of Health, Education, and Welfare

A letter from the Executive Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, a copy of a proposed rulemaking for the elementary and secondary education act of 1965 (with accompanying papers); to the Committee on Labor and Public Welfare.

Allotment Procedures for State Student Incentive Grant Programs

A letter from the Executive Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, proposed allotment and application procedures for the State student incentive grant program for the fiscal year 1975 (with accompanying papers); to the Committee on Labor and Public Welfare.

Financial Assistance for Special Educational Needs

A letter from the Executive Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, a copy of proposed rulemaking regarding financial assistance to meet the special educational needs of educationally deprived children (with accompanying papers); to the Committee on Labor and Public Welfare.

Report of the Secretary of Transportation

A letter from the Acting Secretary of Transportation transmitting, pursuant to law, a report entitled "Feasibility Study—National Center for Statistical Analysis of Highway Operations" (with an accompanying report); to the Committee on Public Works.

Report of the Secretary of Transportation

A letter from the Secretary of Transportation transmitting, pursuant to law, a report entitled "Carpool Incentives and Opportunities" (with an accompanying report); to the Committee on Public Works.

Report of the National Academy of Sciences

A letter from the president of the National Academy of Sciences transmitting, pursuant to law, a report on the study of health care resources in the Veterans' Administration (with an accompanying report); to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Abourezk):

A joint resolution of the Legislature of the Commonwealth of Virginia; to the Committee on Commerce:

"Senate Joint Resolution No. 143

"Whereas, the Commonwealth of Virginia, through its shipbuilding industry is a principal contributor to the construction of ships for the American Merchant Marine; and

"Whereas, Newport News Shipbuilding and Drydock Company at Newport News is the largest shipbuilder in the nation and the principal private employer within the Commonwealth; and

"Whereas, Newport News Shipbuilding and Drydock Company is an essential participant implementing the national policy for construction of a modern and viable Merchant Marine as mandated under the Merchant Marine Act of 1970; and

"Whereas, the nation is faced with current and prospective shortages of energy; and

"Whereas, Newport News Shipbuilding and Drydock Company has contracted under the Merchant Marine Act, to build United States Flag tankers necessary to meet the energy transportation needs of the nation; and

"Whereas, such tankers include national defense features and would be available for the transportation of energy necessary for defense production in national emergencies; and

"Whereas, the Department of Defense has construed the Defense Production Act of 1950 to deny essential steel and other materials priority in the construction of large ships to be involved in the transportation of vital energy supplies; and

"Whereas, the lack of such steel and other materials has and will impede construction of a United States Tanker Fleet and Tanker building plans in this country, and frustrate the objectives of the Merchant Marine Act and the independent capability of the nation to transport essential energy requirements by United States ships; and

"Whereas, the failure of the Federal Government to assign priority to the construction of these ships will adversely impact the national interest, the shipbuilding capability of the nation, and shipbuilding industry of the Commonwealth; and

"Whereas, such result will adversely affect the health and vitality of our shipyard and the economic well-being of our Commonwealth as well as the capability of providing energy, and transportation to meet the needs of national defense and production:

"Now, therefore, be it resolved by the Senate, House of Delegates concurring that the Virginia Congressional Delegation utilize their good offices to persuade the appropriate agency or agencies of the Federal Government to grant priority ratings to all large energy related vessels, including ultralarge tankers and liquified natural gas carriers and assure that adequate priority be given to steel and other materials and equipment associated with the construction of such vessels insuring that a timely and adequate supply of such critical materials and equipment to the nation's shipbuilding industry are available; and

"Be it further resolved that in the event appropriate administrative action of the Federal Government fails to satisfactorily address this serious encumberance to the nation's Merchant Tanker Construction Program the Congress of the United States is hereby respectfully memorialized to enact, in the national interest, legislation to mandate the allocation of steel and other scarce, critical or essential materials and equipment to the nation's shipbuilding industry to insure that vessels, required for the transportation of energy supplies, join the United States Merchant Marine on an adequate and timely basis.

"Resolved finally, that the Clerk of the Senate of Virginia is directed to send suitable copies of this resolution to each member of the Virginia Congressional Delegation to the United States Congress, and to the Speaker of the House of Representatives and the President of the Senate of the United States."

A resolution of the House of Representatives of the State of Arkansas; ordered to lie on the table:

"House Resolution Urging President Ford To Reconsider the Appointment of Carla Hill as Secretary of the Department of Housing and Urban Development

"Whereas, President Ford has announced the appointment of Carla Hill as Secretary of the Department of Housing and Urban Development of the Federal Government; and

"Whereas, prior to her appointment, Carla Hill was employed in the Justice Department; and

"Whereas, Carla Hill has no experience in housing or urban development and appears to be a person without any credentials, understanding or appreciation of the highly complex problems of the housing and urban development needs of this Country; and

"Whereas, the housing industry in this Country is one of the most depressed industries that is suffering extreme hardship during the current inflationary spiral, and tens of thousands of families are unable to obtain low interest loans to enable them to purchase needed housing; and

"Whereas, the housing industry has a high rate of unemployment, which is working hardship upon thousands of workers in this Country; and

"Whereas, it is essential in this period of urgency in housing and urban development in the Country that the Secretary of the Department of Housing and Urban Development be a person who is knowledgeable and experienced in the needs and problems of housing and urban dvelopment; and

"Whereas, the United States Conference of Mayors, the National Municipal League, the National Association of Home Builders and other national groups and associations who are knowledgeable and experienced in the housing and urban problems of this Nation have strongly criticized for the appointment of Carla Hill as Secretary of Housing and Urban Development, due to her apparent lack of knowledge and appreciation and understanding of the problems of the housing industry its current depressed condition; now therefore,

"Be it resolved by the House of Representatives of the Seventieth General Assembly of the State of Arkansas:

"That the President of the United States is respectfully urged to reconsider the appointment of Carla Hill as Secretary of Housing and Urban Development, and to name a person as Secretary of Housing and Urban Development who is knowledgeable and has an understanding and appreciation of the unique problems of the housing and urban development industry in this Country during the current economic recession.

"Be it further resolved that upon adoption of this Resolution, the Chief Clerk of the House of Representatives shall cause an appropriate copy thereof to be furnished to the President of the United States and to each member of the Arkansas Congressional Delegation."

A resolution of the House of Representatives of the State of Arkansas; to the Committee on Foreign Relations:

"House Resolution Urging the U.S. Congress to Immediately Cease All Aid and Assistance to the Governments of South Vietnam and Cambodia.

"Whereas, President Gerald R. Ford has asked the Congress of the United States to appropriate $300 million in aid to the government of South Vietnam and an additional $222 million in aid to the government of Cambodia; and,

"Whereas, despite massive aid in the past by the government of the United States to the government of South Vietnam, the government of South Vietnam is still in great peril; and, "Whereas, the people of South Vietnam have suffered through years of war and South Vietnamese government corruption; and,

"Whereas, of the $700 million made available to the government of South Vietnam for the 12-month period ending June 30, approximately $517 million has been spent thus far; and,

"Whereas, the government of South Vietnam has spent $204.6 million of this $700 million for bullets, shells, bombs, and other ammunition; $70.5 million for fuel and other petroleum products; $46.6 million for spare parts for aircraft, weapons, and other war equipment; $59.8 million for other military supplies; $48.4 million for technical assistance and training; $28.5 million for American administrative services, including military attaches in South Vietnam; $52.3 million for transporting material to South Vietnam; and $6.9 million for new equipment; and,

"Whereas, the United States is still in the process of recovering from its previous involvement in Vietnam; and,

"Whereas, that involvement began with the government of the United States providing aid similar to that now being sought; and,

"Whereas, in that previous involvement some 50,000 American lives were lost, billions of dollars were spent, and the economy of the United States, as a result, is currently suffering severe dislocations; and,

"Whereas, the energy crisis and other economic problems demand that we focus our attention to solving domestic problems and needs.

"Now, therefore

"Be it resolved by the House of Representatives of the 70th General Assembly

"That the government of the United States should not give further assistance to the government of South Vietnam as that assistance would, and could eventually result in the further loss of American lives, and severe economic repercussion.

"Be it further resolved that all American aid including personnel and materials to the government of South Vietnam and Cambodia should cease immediately, and that national administration and Congress should turn their attention to the solution of the severe economic problems which this nation is presently experiencing.

"Be it further resolved that a copy of this resolution be transmitted forthwith to the President of the United States, Vice President of the United States, Arkansas Congressional Delegation, to the Speaker of the United States House of Representatives, and to the President Pro Tem of the United States Senate."

A resolution of the House of Representatives of the State of Arkansas; to the Committee on the Budget:

"House Resolution Urging the Congress of the United States to Take Action, Whenever the Current Economic Recession and Unemployment Situation is Reduced, To Establish a Revenue Stabilization Approach in Administering the Nation's Budget

"Whereas, the Congress of the United States has conducted the fiscal affairs of this Country through the enactment of numerous definitive programs which commit federal funds for a number of years in the future; and

"Whereas, the obligations of many of these programs are of a continuing nature and these commitments often result in unmanageable deficits during periods of economic crisis of low tax yield; and

"Whereas, the State of Arkansas has, since 1945, operated under a Revenue Stabilization Law approach whereby the various expenditure programs of this State are managed on a pay-as-you-go priority basis; and

"Whereas, the recent experiences of the federal government in incurring operating deficits points up the need for the Congress to establish a system of fiscal priorities whereby the federal expenditures may be geared to the revenues of the Country on a priority basis; and

"Whereas, it is recognized that during the current inflationary economic crisis and high unemployment, it would not be feasible, at this time, to establish a pay-as-you-go budget, but plans should be made to restore the Nation to a balanced budget with Revenue Stabilization restraints to govern the Nation's fiscal affairs whenever the current economic crisis and unemployment situation is reduced;

"Now, therefore,

"Be it resolved by the House of Representatives of the Seventieth General Assembly of the State of Arkansas:

"That the Congress of the United States is respectfully requested to undertake studies of the feasibility of establishing, whenever the current economic recession has abated and unemployment is reduced, a Revenue Stabilization approach of managing the Nation's budget by categories of identified priorities whereby the total obligations of the Nation's budget would be operated on a pay-as-you-go basis or within defined maximum levels of expenditures as outlined by the Congress.

"Be it further resolved that upon adoption hereof, copies of this Resolution shall be furnished by the Chief Clerk of the House of Representatives to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Arkansas Congressional Delegation."

A joint resolution of the Legislature of the Commonwealth of Virginia; to the Committee on Finance:

"Senate Joint Resolution No. 133

"Whereas, there are federal programs which provide for payment of hospitalization for eligible patients; and

"Whereas, the amount of these payments does not cover the fair share of the costs of providing hospital care normally charged to patients; and

"Whereas, this fact results in higher charges to patients not covered by the federal programs and their insurers; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to ensure that federal programs providing for payment of hospitalization for eligible persons actually pay those persons' fair share of the costs of providing their hospital care.

"Resolved further, That the Clerk of the Senate is directed to send copies of this Resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the delegation to the Congress of the United States of this Commonwealth in order that they may be apprised of the sense of this Body."

A concurrent resolution of the Legislature of the State of New Hampshire; to the Committee on Finance:

"House Concurrent Resolution No. 10

"Whereas, it has been proposed that the chief executive of the United States exercise the authority vested in him to impose increased tariffs on imported petroleum; and

"Whereas, it is necessary that energy consumption be reduced in this country, but such reduction should not cause one sector of the country to shoulder an unfair share of the burden; and

"Whereas, the proposed increased tariffs will undoubedly have a pervasive influence on the cost of living in New Hampshire and the Northeast because of its forced reliance on imported petroleum and a negative economic impact on New Hampshire industry and tourism; now therefore be it

"Resolved by the House of Representatives, the Senate Concurring:

"That, the legislature of the State of New Hampshire hereby express its opposition to the proposed increased tariff and urges the President and the Congress of the United States to take action to assure that there will be no increase in the tariff on imported petroleum; and

"That, copies of this resolution be immediately forwarded by the clerk of the House of Representatives to each member of the congressional delegation from New Hampshire, to the Speaker of the House of Representatives and the President of the Senate of the United States and to the President of the United States."

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolution Proclaiming February the Twenty-sixth, Nineteen Hundred and Seventy-five as 'Adopt a Mass MIA Day' and Memorializing the President of the United States To Establish a Task Force To Determine the Status of American Service Personnel and Civilians Listed as Missing in Action as a Result of Military Participation in Indo-China and Memorializing the Congress of the United States To Take Such Action as May Be Necessary to Make an Honorable Determination of the Fate of the MIA's

"Whereas, We are now in a period marking the Second Anniversary of the signing of the Paris Peace Agreement and the Anniversary of the release of the first groups of POW's and there are still 1300 MIA's (Missing In Action) to be released or accounted for in Southeast Asia; and

"Whereas, The Paris Peace Agreement was guaranteed by the countries of Iran, Russia, the Peoples Democratic Republic of China, France, England, the Peoples Republic of Indonesia, the Peoples Republic of Hungary and the Peoples Republic of Poland; and

"Whereas, An honorable determination of the fate of all United States servicemen and civilians missing in Southeast Asia is a continuing obligation of the Government of the United States and all its citizens; and

"Whereas, February 26, 1975 is to be proclaimed "Adopt a Mass MIA Day"; therefore be it

"*Resolved,* That the General Court of Massachusetts proclaim February 26, 1975 as "Adopt a Mass MIA Day"; and be it further

"*Resolved,* That the members of the General Court of Massachusetts be encouraged to individually "adopt" a Massachusetts person missing in action and on a monthly basis write the head of each country responsible for the accounting of their "adoptee"; and be it further

"*Resolved,* That the General Court of Massachusetts respectfully request the President of the United States to immediately establish and appoint a Task Force to determine the status of American servicemen and civilians who are listed as missing in action as a result of our military participation in the Indo-China area; and be it further

"*Resolved,* That the General Court of Massachusetts respectfully request that the appropriate committees of the Congress of the United States hold joint hearings and take such action as may be necessary to make an honorable determination of the fate of the American servicemen and civilians who are listed as missing in action in the Indo-China area; and be it further

"*Resolved,* That copies of these resolutions be sent by the Clerk of the House of Representatives to President Gerald R. Ford, Secretary of State Henry A. Kissinger, the presiding officers of each branch of the Congress of the United States and to the members thereof from the Commonwealth, to the presiding officer of the state legislative bodies of the fifty states and to the presiding officer of each country serving as a guarantor of the Paris Peace Agreement."

A concurrent resolution of the General Assembly of the State of Arkansas; to the Committee on the Judiciary:

"Senate Concurrent Resolution Memorializing the Congress of the United States To Exercise Its Power Under Article V of the Constitution of the United States and Call a Convention for the Purpose of Amending the Constitution of the United States

"Whereas, the federal debt of the United States has risen steadily since World War II; and

"Whereas, in 1974, the federal debt exceeded $486 billion and the federal deficit exceeded $3 billion; and

"Whereas, the persistent and unbroken inflation that threatens the social, economic, and political stability of the United States is both caused and aggravated by the existence of the enormous federal debt; and

"Whereas, the power to create the federal debt and to increases the debt ceiling of the United States is equivalent to the power to aggravate and accelerate inflation; and

"Whereas, all the states that suffer the impact of scaring inflation should have a part in determining the dept policy of the United States; and

"Whereas, the power to create the federal debt can be curbed only by amendment of the Constitution of the United States; and

"Whereas the states can be given a part in increasing the debt ceiling only by amendment of the Constitution of the United States;

"Now, therefore be it resolved by the Senate of the Seventieth General Assembly of the State of Arkansas, the House of Representatives concurring therein:

"That the Legislature of the State of Arkansas hereby memorializes the Congress of the United States to exercise its power under Article V of the Constitution of the United States and call a convention for the purpose of amending the Constitution of the United States to provide that no debt above the debt ceiling existing at the time the amendment is ratified be created by or on behalf of the United States, except to repel invasion, suppress insurrection, defend the United in war, or pay existing debt, without the concurrence of the legislatures of two-thirds of the states.

"Be it further resolved that a copy of this Resolution shall be forwarded to the President of the Senate and Speaker of the House of Representatives of the United States Congress and to each Senator and Representative in the Congress from Arkansas, with the request that this Resolution be officially entered in the Congressional Record as a Memorial to the Congress."

A joint resolution of the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary:

"Amendment in the Nature of a Substitute for Senate Joint Resolution No. 107

"Whereas, the National debt is approaching five hundred billion dollars; and

"Whereas, the current national debt exceeds two thousand six hundred dollars for every man, woman and child in this country; and

"Whereas, the cost of servicing such debt is approximately ten per centum of the total national budget; and

"Whereas, it is generally conceded that, regardless of the amount of income it receives in the year nineteen hundred seventy-five, federal spending will result in an enlarged deficit in the national government's budget; and

"Whereas, deficit spending by the federal government has been a plaque to this nation for over a third of a century and both the Legislative and Executive branches have repeatedly demonstrated unwillingness to stand against political pressures to spend beyond our means; and

"Whereas, a means of arresting the ravages of said plaque, and of vaccinating against the susceptibility to political pressure of either branch of government to spend beyond estimated income for a current year must be found; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution to prohibit further deficit spending, similar to the following:

"ARTICLE XXVII

"The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing; and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all members elected to each House of the Congress so determine by joint resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year.

"Resolved, further, That the Clerk of the Senate is directed to send copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the delegation to the Congress of the United States of this Commonwealth in order that they may be appraised of the sense of this Body."

A resolution of the House of Representatives of the State of Hawaii; to the Committee on Labor and Public Welfare:

"House Resolution Supporting Enactment of National Health Insurance

"Whereas, the enactment of national health insurance programs will have a profound effect on state and local programs of health care; and

"Whereas, the state and local health care programs have created a heavy burden on taxpayers, while largely failing to meet the need for desirable minimum health care levels within moderately accessible reach of most residents of the states; and

"Whereas, the establishment and operation of a national health insurance program would make a significant contribution in meeting a minimum desirable standard of health care for the people; and

"Whereas, federal government health care programs, and federal programs providing subsidy and reimbursement for public and private health services costs may be rendered unnecessary by a national health insurance program; and

"Whereas, needless duplication of health services, and operations may be eliminated and related support activities may also be rendered obsolete, while generally promoting and maintaining a healthy citizenry; and

"Whereas, experience has evidenced the need for a more innovative approach to the problems relating to assuring adequate health care, both qualitatively and quantitatively, to the people, which need gave rise originally to national health care related legislation; now, therefore,

"Be it resolved by the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, that it urges the Congress of the United States to enact, and the President to support, legislation establishing national health insurance to assure adequate health care for all residents of the United States; and

"Be it further resolved that certified copies of this Resolution be transmitted to President Gerald Ford; Nelson Rockefeller, President of the Senate; Carl Albert, Speaker of the House of Representatives; Senator Hiram L. Fong; Senator Daniel K. Inouye; Representative Spark M. Matsunaga; and Representative Patsy T. Mink."

A resolution of the Legislature of the Territory of Guam; to the Committee on Armed Services:

"Resolution No. 9 Relative to Requesting the Department of Defense to Make Maximum Utilization of the U.S. Naval Ship Repair Facility, Guam, and Requesting the Assistance of the United States Congress in Achieving the Objective of This Resolution

"Be it resolved by the legislature of the territory of Guam: Whereas, the U.S. Naval Ship Repair Facility, Guam, provides an American staffed facility for fleet repair services; and

"Whereas, the U.S. Naval Ship Repair Facility, Guam, is not being utilized to the maximum extent to service and repair military vessels in the Pacific; and

"Whereas, the increased use of the U.S. Naval Ship Repair Facility, Guam, would not only be of invaluable aid to the local economy, but also reduce the need for the Navy to rely upon similar facilities located in Japan and the Philippines; and

"Whereas, Congressman A. B. Won Pat has indicated that rather than increasing the utilization of the U.S. Naval Ship Repair Facility, Guam, a cutback of service is being contemplated by the Navy; and

"Whereas, such a cutback would necessarily result in a reduction in force of the persons employed at the U.S. Naval Ship Repair Facility, Guam; and

"Whereas, any reduction in force would adversely affect an already unhealthy economic situation in Guam; now, therefore, be it

"Resolved, that the Department of Defense is urgently requested to make maximum utilization of the U.S. Naval Ship Repair Facility, Guam; and, be it further

"Resolved, that this Legislature respectfully requests that the Congress of the United States establish a policy that American facilities and American labor shall be used in preference to foreign facilities and foreign labor for servicing and repairing Department of Defense vessels; and, be it further

"Resolved, that the Speaker shall certify and the Legislative Secretary attest the adoption hereof and that thereafter copies shall be transmitted to the President, the Secretary of Defense, the Secretary of the Navy, to the Commander, Naval Forces Marianas, to the Honorable A. B. Won Pat, to the President of the Senate and to the Speaker of the House of Representatives of the United States Congress and to the Governor of Guam."

A resolution of the Legislature of the Territory of Guam; to the Committee on Commerce.

"Resolution No. 10 Relative to Requesting the Civil Aeronautics Board To Rescind Its Authorization for Trans World Airlines To Suspend Its Operations to Guam and Seek the Assistance of the Congress, the Department of Justice and Other Appropriate Federal Agencies in This Matter

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Guam as a territory of the United States has its most significant ties with the Mainland and to maintain this relationship relies heavily, and in greater portion than any other state or territory of the United States, upon commercial airlines for passenger service, communications, mail and cargo shipment service; and

"Whereas, Guam is an emerging participant in the Western Pacific Basin market place, in the capacity as a financial, commercial, and tourist center and a significant factor in this development has been the services provided by the airlines doing business on Guam; and

"Whereas, the Civil Aeronautics Board has authorized Trans World Airlines to suspend its operations to Guam commencing in March, 1975; and

"Whereas, suspension of service will effectively reduce the number of airlines regularly providing service between Guam and Hawaii and the mainland United States to one, namely Pan American Airways; and

"Whereas, this reduction in service will necessarily have an adverse effect on the mobility of the people of Guam and reduce territory's commerce with Hawaii, the mainland United States and points in the Far East; and

"Whereas, Guam has previously experienced such a situation and was from time to time confronted with suspension of all East-West flights because of strikes at Pan American; and

"Whereas, the people of this island are deeply dependent upon airline services for items that are necessary to ensure the health, safety and welfare of the community; and

"Whereas, an energetic program of customer service is based upon a healthy competitive environment which will cease with TWA's departure; and

"Whereas, the Legislature of Guam realizes that its needs cannot be the sole factor in determining whether Trans World Airlines should be allowed to suspend service to Guam but feels its unique situation should be given heavy consideration in this matter; and

"Whereas, the termination of services by TWA will mean less flight arrival-departure alternatives for travelers coming to and from Guam and have a detrimental effect upon our tourist industry; now, therefore, be it

"Resolved, that the Civil Aeronautics Board is requested to rescind its action relative to the suspension of Trans World Airlines service to Guam at least until such time as full substitute service is provided for by either another American flag carrier or some foreign airline which currently transits Guam without authorization to pick up or discharge passengers; and be it further

"Resolved, that the Congress of the United States, the Department of Justice and such other federal agencies as may have jurisdiction in the matter intercede in behalf of Guam to protect the people of this territory; and be it further

"Resolved, that the Thirteenth Guam Legislature does hereby memoralize Congressman Won Pat to investigate the advisability of submitting legislation to protect Guam from the disastrous potential of a crippling PAN AM strike, and to request the Civil Aeronautics Board to investigate the possibility of conferring upon Guam a unique status which would enable foreign carriers to enjoy pick up and discharge privileges at Guam; and be it further

"Resolved, that the Speaker shall certify and the Legislative Secretary attest the adoption hereof and that thereafter copies should be transmitted to the Chairman of the Civil Aeronautics Board, the Attorney General of the United States, the Honorable A. B. Won Pat, the President of the Senate and the Speaker of the House of Representatives of the United States Congress to the corporate and Guam offices of Trans World Airlines, Inc., and Pan American Airways, Inc., and to the Governor of Guam."

A joint resolution of the Legislature of the Comonwealth of Virginia; to the Committee on Public Works:

"SENATE JOINT RESOLUTION NO. 112

"Whereas, The Clean Air Act of 1970 states its primary purpose 'to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;' and

"Whereas, in order to carry out this purpose of The Clean Air Act, the Environmental Protection Agency promulgated on April thirty, nineteen hundred seventy-one, national primary and secondary ambient air quality standards to be achieved by the states through the State Implementation Plans; and

"Whereas, the Implementation Plan for the Commonwealth of Virginia was approved by the EPA on July twenty-seven, nineteen hundred seventy-two and provides for the achievement and maintenance of primary and secondary ambient air quality standards by June thirty, nineteen hundred seventy-five through the approval and implementation of control programs for the reduction of emissions; and

"Whereas, the implementation of control programs by both governmental and private resources will require the expenditure of substantial capital funds in order to achieve compliance with the national ambient air quality standards by June thirty, nineteen hundred seventy-five; and

"Whereas, it is essential for both government and the private sector to be able to plan in these inflationary times for such expenditures with a reasonable degree of certainty as to both time and amount; and

"Whereas, both government and the private sector should, in the development of environmental compliance programs, be encouraged to carefully weigh and balance the impact of various alternatives on energy conservation, the economy and the environment; and

"Whereas, this reasonable degree of certainty does not exist today due to many factors including court decisions, changing regulations, and advancing technology, thereby causing the expenditure of unproductive inflationary funds without regard to the cost of the benefits to be achieved nor to the precious energy consumed; and

"Whereas, unreasonable uncertainties now and will in the future curtail expansion resulting in shortages of goods, services and employment to the detriment of the world economy; and

"Whereas, provision is presently included in the Federal Water Quality Act Amendments of nineteen hundred seventy-two to provide a reasonable basis for financial planning for waste water management thereby encouraging the cooperation of government and the private sector; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the General Assembly of Virginia hereby memeorializes the Congress of the United States to amend The Clean Air Act by adding new sections as follows:

"SEC. 119. Notwithstanding any other provision of this Act, any existing stationary source which has implemented or which is implementing an approved control program under a state implementation plan upon the date of enactment of The Clean Air Act Amendments of nineteen hundred seventy-five shall not be subject to any more stringent standards than those contained in such control program during a ten-year period beginning on the date of completion of such control program or during the period of depreciation or amortization of such facility for the purposes of § 167 or 169, or both, of the Internal Revenue Code of 1954, whichever period ends first.

"SEC. 120. Notwithstanding any other provisions of this Act, any new stationary source the construction of which [was commenced before or after] the date of enactment of The Clean Air Act Amendments of nineteen hundred seventy-five and which new source is so constructed as to meet all applicable standards of performance for new stationary sources shall not be subject to any more stringent standard of performance during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of § 167 or 169, or both, of the Internal Revenue Code of 1954, whichever period ends first.

"Resolved, further, That the Clerk of the Senate is directed to send copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the delegation to the Congress of the United States of this Commonwealth in order that they may be apprised of the sense of the Virginia General Assembly."

A proclamation of the Governor of the Commonwealth of Massachusetts; ordered to lie on the table:

"A PROCLAMATION

"Whereas, January 27, 1975 marks the second anniversary of the signing of the Paris Peace Agreements ending the United States' involvement in the Vietnam War, and the anniversary of the release of the first groups of POW's, and

"Whereas, there are still 1300 MIA's (Missing in Action) to be released or accounted for in Southeast Asia, and

"Whereas, an honorable determination of the fate of all United States servicemen and civilians missing in Southeast Asia is a continuing obligation of the United States Government, and

"Whereas, the citizens of the Commonwealth should be made aware of the plight of the MIA's and should work to insure that every single MIA is released safely to his loved ones;

Now, therefore, I, Michael Dukakis, Governor of the Commonwealth of Massachusetts, do hereby proclaim as Adopt a Mass MIA Day February 26, 1975 and urge the citizens of the Commonwealth to take cognizance of this event and to participate fittingly in its observance."

A resolution of the Mayor and Council of the City of Tucson, Arizona, relating to the Food Stamp Program; to the Committee on Agriculture and Forestry.

A letter from a citizen of Orlando, Florida, seeking a redress of grievances; to the Committee on Government Operations.

A resolution and policy statement of the Greater Lafayette Chamber of Commerce, Lafayette, Louisiana, relating to legislative proposals concerning energy; to the Committee on Finance.

A resolution of the Maui Chapter, Kahului, Maui, Hawaii, of the American Association of Retired Persons, Inc., relating to air travel for the elderly; to the Committee on Commerce.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Yan Michael Ross, of Maryland, to be Alternate Executive Director of the Inter-American Development Bank.

Harry W. Shlaudeman, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

STATEMENT OF POLITICAL CONTRIBUTIONS BY MR. HARRY W. SHLAUDEMAN

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Harry W. Shlaudeman.

Post: Caracas.

CONTRIBUTIONS, AMOUNT, DATE, AND DONEE

1. Self—None.

2. Spouse: Carol D. Shlaudeman—None.

3. Children and Spouses, Names: Karl, Katherine, and Harry—None (in all cases).

4. Parents, Names: Karl W. Shlaudeman and Florence P. Shlaudeman—None (both deceased).

5. Grandparents, Names: Harry and Margaret Shlaudeman, Walter and Estelle Pixley—None (all deceased).

6. Brothers and Spouses, Names—None.

7. Sisters and Spouses, Names: Marcia S. Jepson and Herbert Jepson—None.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

HARRY W. SHLAUDEMAN.
(Signature of nominee)

Nathaniel Davis, of New Jersey, to be an Assistant Secretary of State.

STATEMENT OF POLITICAL CONTRIBUTIONS OF NATHANIEL DAVIS

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Nathaniel Davis.

Post: Assistant Secretary for African Affairs, Nominated, January 16, 1975.

CONTRIBUTIONS, AMOUNT, DATE, AND DONEE

(If none, write none)

1. Self—None except standard income tax form check-off—not designated by party.

2. Spouse—None except standard income tax form check-off—not designated by party.

3. Children and Spouses—None, all minors.

4. Parents—None, both dead since 1952 or earlier.

5. Grandparents—None, all dead for many years.

6. Brothers and Spouses—I have none.

7. Sisters and Spouses—

(a) Mr. and Mrs. Thomas Durham (half sister and husband) Star Route 2, Goshen, N.H. Income tax check-off; $5.00 for Harry Spanos' campaign for nomination for Governor of New Hampshire, 1974;

(b) Miss Louise F. Davis (half sister) P.O. Box 345, Fairfield, Pa. Miscellaneous contributions not exceeding $25.00 each, totalling less than $100 since Jan. 1, 1971;

(c) Mr. and Mrs. Bliss Woodruff (sister and husband) 51 Berkeley St., Nashua, N.H.—

1. Jan. 1974—$100 Democratic State Committee of N.H.

2. Approximately $100 in other miscellaneous smaller contributions.

3. Permitted use of house for political candidates meetings (the candidates paying for beverages and other expenses except for one occasion when $150 was borne by the Woodruffs for a party for the George McGovern candidacy in the N.H. Primary in 1972).

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

NATHANIEL DAVIS.
(Signature of nominee)

William G. Bowdler, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

STATEMENT OF POLITICAL CONTRIBUTIONS OF WILLIAM G. BOWDLER

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: William G. Bowdler.

Post: ——— nominated ———

CONTRIBUTIONS, AMOUNT, DATE, AND DONEE

(If none, write none)

1. Self, William G. Bowdler—none.

2. Spouse, Margaret C. Bowdler—none.

3. Children and Spouses: Names: James and Bobbie Jean, Ann, Charles—none.

4. Parents, Names: Ruth N. Bowdler—none.

5. Grandparents, Names: Deceased.

6. Brothers and Spouses, Names: George A. Bowdler, Jr., and Caroline, Victor R. Bowdler—none.

7. Sister and Spouses, Names: Betty and James Muirden—none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

WILLIAM G. BOWDLER.
(Signature of nominee)

(The foregoing nominations from the Foreign Relations Committee were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. SPARKMAN. Mr. President, as in executive session, I report favorably from the Committee on Foreign Relations sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on February 18, 1975, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 1116. A bill to require that estimates of the average cost for each taxpaying family be included in all bills and resolutions of a public character introduced and reported in the Senate and the House of Representatives. Referred to the Committee on Government Operations.

By Mr. STEVENS:

S. 1117. A bill to provide for the development of aquaculture in the United States, and for other purposes. Referred to the Committee on Commerce.

By Mr. CHILES:

S. 1118. A bill to establish a national policy for the prevention of unreasonable or excessive costs to consumers from Government programs and for priority consideration of proposals that can be expected to provide greater benefits in relation to costs to consumers, to require preparation of a consumer cost assessment for proposals for legislation or regulations which may have a significant impact on costs to consumers and for other purposes. Referred to the Committee on Government Operations.

By Mr. NELSON (for himself, Mr. WEICKER, Mr. LAXALT, Mr. HATHAWAY, Mr. ABOUREZK, Mr. JAVITS, Mr. MCINTYRE and Mr. SPARKMAN):

S. 1119. A bill to amend the Internal Revenue Code of 1954 to provide tax relief to small businesses. Referred to the Committee on Finance.

By Mr. CASE:

S. 1120. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on passenger automobiles based on fuel consumption rates and to allow a credit for the purchase of passenger automobiles which meet certain standards of fuel consumption, and for other purposes. Referred to the Committee on Finance.

By Mr. PROXMIRE (for himself and Mr. TUNNEY):

S. 1121. A bill to amend Section 611 of the Federal Aviation Act of 1958, relating to control of aircraft noise, in order to prohibit any special consideration for civil supersonic aircraft. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 1122. A bill to establish a Federal Housing Bank to purchase mortgages from FNMA and the Federal Home Loan Bank System having rates of interest no higher than 7 percent, to refinance mortgages of families stricken by unemployment, to provide emergency mortgage relief, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BARTLETT:

S. 1123. A bill to establish the Indian Nations Scenic Trail. Referred to the Committee on Interior and Insular Affairs.

By Mr. BUCKLEY:

S. 1124. A bill to amend the Small Business Act to assist in the financing of small business concerns owned by persons who are disadvantaged because of certain social or economic considerations. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. INOUYE:

S. 1125. A bill to amend the Interstate Commerce Act. Referred to the Committee on Commerce.

By Mr. INOUYE (for himself and Mr. FONG):

S. 1126. A bill to provide for the normal flow of maritime interstate commerce between Hawaii, Guam, American Samoa, or the Trust Territory of the Pacific Islands and the West Coast, and to prevent certain interruptions thereof. Referred to the Committee on Commerce.

By Mr. BROCK:

S. 1127. A bill to amend title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity) to make certain changes in the procedures established for determining violations of the provisions of title VII. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 1116. A bill to require that estimates of the average cost for each taxpaying family be included in all bills and resolutions of a public character introduced and reported in the Senate and the House of Representatives. Referred to the Committee on Government Operations.

TRUTH IN SPENDING ACT OF 1975

Mr. BEALL. Mr. President, I introduce today the "Truth in Spending Act of 1975."

This measure provides that all public bills and resolutions introduced in the Congress, and the reports of bills and resolutions by congressional committees, shall include an estimate of the average cost per taxpaying family. This cost would be calculated by multiplying the total cost of a measure by the percentage of the total Federal corporate and individual income taxes attributable to individual income taxes—thus removing the portion of the proposal's cost paid by corporate taxes—and then dividing this product by the number of taxpaying families, as defined in the bill.

Second, the proposal directs the new Congressional Office of the Budget to tabulate the total cost per taxpaying family separately for the authorizations and appropriations measures passed each week and a running year-to-date total. This would be printed each week in the CONGRESSIONAL RECORD.

I first advanced this proposal as part of S. 758, the "Congressional Budget Control and Oversight Improvement Act", which I introduced on February 5, 1973. S. 758 was one of the major budget bills which resulted in enactment of Public Law 93-344, the Congressional Budget Act of 1974"—legislation which some have called the most significant budget reform measure in the Congress in a half century. I was pleased to have been named to the Budget Committee, established under the act, and I am hopeful that this committee will enable the Congress to deal with budgetary matters and determine priorities in a more responsible and disciplined manner.

Millions and billions are not sums easily comprehended, even in these inflationary times. Johnny Carson and Ed McMahon on the February 6 "Tonight Show" were discussing the President's fiscal year 1976 budget of $349.3 billion and the difficulty that the average American had in imagining, let alone understanding, the meaning of such staggering sums.

My proposal seeks to bring these astronomical figures down to earth. It will do this by providing an estimate of what each bill or proposal costs each taxpaying family. What this means is that in addition to taking the credit and heralding the benefits of proposals, Members of Congress must also apprise the electorate, in terms they will understand, of the program costs to their family. The taxpayer will then be able to balance the promised benefits of the program against the tax burdens.

Mr. President, I am deeply concerned regarding the growing tax bite taken by Government at all levels. More than 37 cents out of each dollar generated in the Nation goes to taxes—Federal, State, and local. This is a record tax burden, 40 percent heavier than three decades ago and up nearly 20 percent in the last decade.

The Joint Economic Committee in a recent report, "Inflation and the Consumer 1974," found that:

> Higher tax payments outstripped all other price increases in the consumer budget in 1974. . . . While food prices rose 11.9 percent, housing 13.5 percent, personal income and social security taxes rose twice as fast.

While all consumers suffered a dramatic loss of disposable income, the study revealed that middle income and low income individuals were hardest hit. I ask unanimous consent that a recent Washington Post column by Mr. George Will entitled "The Largest Tax Increase: Taxes," discussing this committee's report and the growing tax burden be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, while admittedly this program is gimmick like, I feel it will have a useful purpose. The late Senator Ellender in 1971 tried to help the public comprehend the colossal size of the national debt which then stood at nearly $400 billion. In this interesting and colorful speech Senator Ellender said:

> If every member of the United States Senate counted two one-dollar bills every second of every minute of every hour of every day of every week, it would take approximately 64 years to count $400 billion. If the senators worked the standard work year (8 hours per day for 260 days a year) taking no coffee breaks, or holidays or vacations, it would take them 267 years to accomplish the same count. At its current capacity, it would take the Bureau of Printing and Engraving about 171 years to print 400 billion one-dollar bills.
>
> Four hundred billion dollars in one-dollar bills would fill about 3,456 railway boxcars, making a train almost 36 miles long. The 400 one-dollar bills stacked on top of each other would reach about 27,095 miles, or 4.5 trips from New York to Los Angeles. Placed end to end, that many bills would make a path, 160 bills or 35 feet wide, to the moon.

The $400 billion debt of which Senator Ellender spoke is now $538.5 billion and the Senate recently raised the limit to $531 billion. The President has requested a debt ceiling of $604 billion and it is expected that later this year Congress will have to again raise the debt ceiling. Using a debt of $600 billion and updating Senator Ellender's colorful illustrations, we would now find:

That if every Senator counted two $1 bills every second of every minute of every hour of every day of every week, it would now take 96 years to count the debt rather than 64 years in 1971;

That if all Senators worked only the standard work week, it would take them 400 years to count the $600 billion debt rather than 267 years in 1971;

That the Bureau of Engraving and Printing would take 256 years to print $600 billion worth of $1 bills, rather than 171 years in 1971;

That the train requiring 3,456 boxcars to carry the debt in $1 bills in 1971 would now have to add 1,719 boxcars in order to carry the increased debt and the new debt-laden train would today stretch for 56 miles rather than 36;

That the bills stacked on top of each other would reach about 40,643 miles or about 6¾ round trips from New York to Los Angeles rather than 27,095 miles and 4.5 round trips in 1971.

While citizens may have difficulty in comprehending billions, they will readily understand the cost per taxpaying family. This proposal should make Members of Congress more cost conscious and think harder and more realistically regarding the authorization and appropriations levels of the proposals we introduce. The authorization levels that Congress has been approving are often unrealistic. As Elliott Richardson, when he was Secretary of the Department of Health, Education, and Welfare observed:

> Historically, one set of committees in the House and Senate creates programs and another set actually provides the money for them. The political incentives for a member of an authorizing committee is to pass bills with big price tags—and much publicity—to show he "cares about solving problems." Such an incentive does not apply to members of appropriating committees. Time after time the figures on the price tag are higher than anything the executive branch can in good conscience request, and higher than anything that appropriations committees are willing to provide.
>
> There results, then an "Authorization-Appropriations gap"—a gap which has grown by $3 billion in the last year alone and is now over $13 billion. For the public, the authorization-appropriation process has become, in a sense, a shell game. Hopes are raised by attention to the authorization hoopla, only to be dashed by the less flamboyant hand of the appropriations process.

The Wall Street Journal in a 1972 editorial stated:

> Any procedural reform that encouraged the Congress to be aware of the overall effect of their individual actions would have substantial benefits for us all. . . . It would be a healthy discipline for Congress to ask each sponsor of a spending bill to also say how the money is to be raised since a government that is running a $40 billion deficit obviously doesn't have spare cash lying around.

I might add that with the deficit now estimated to run anywhere from $53.7 billion to $85 billion it is even clearer that we do not, in the words of the Journal, "have any spare cash lying around."

Mr. President, last year the Tax Foundation, a nonprofit group which follows Government budgetary and fiscal matters, pointed out that the average American would spend 2 hours and 38 minutes out of every work day to pay his Federal, State and local taxes. The average taxpayer last year worked until May 1 in order to earn enough to pay his 1974 taxes. In other words the taxpayer in effect worked from January to May for the Government.

I have not seen Tax Foundation figures for this year, but undoubtedly the average taxpayer is working longer hours of each day and more days each year for the Government. Thus, the burden is growing heavier. My measure will make us more mindful of this burden and help assure that Congress does not, as one commentator charged, manage "to divorce the joys of spending from the misery of taxing."

Mr. President, many taxpayers are feeling the pinch and Government is a principal culprit. Mr. President, the Evening and Sunday Times of Cumberland, Md., last December editorialized in favor of a proposal such as I am advancing, saying:

> What the average taxpayer in this country needs is a handy pocket scale that would translate big government into manageable terms. . . . Bringing the "stupendosities" casually tossed about in Washington down to human size might help to achieve firmer control over the politicians by those who make it all possible—the taxpayers.

To illustrate how the concept would operate, the Library of Congress and my staff have calculated the cost per taxpaying family of some of the authorization and appropriation bills enacted in the last Congress and also the cost of S. 281, a bill to aid the bankrupt Penn Central, passed on January 29, 1975, by the Senate. From this chart and examining last year's authorization acts, the Housing and Community Development Act, Public Law 93-383, authorizes $2.5 billion the first year and a 3-year total of $16.4 billion. Translating these sums in terms the taxpayer can understand, as my proposal would do, one finds the estimated first-year cost per taxpaying family comes to $30.16, and a total cost of $197.26 over the 3-year life of the measure.

Similarly, the Education Amendments of 1974 authorizes $7.2 billion for the initial year, or $86.52 per taxpaying family, and a total of $28.9 billion, or $348.74 per taxpaying family over a 4-year period.

For this year, the Regional Rail Reorganization Act recently cleared by the Congress cost $347 million or $4.04 per taxpaying family.

Looking at the appropriation acts, we find the costs vary from $82.1 billion, or $990.54 per taxpaying family for defense to $543 million, or $6.55 per taxpaying family for Energy Research and Development.

In recent years, the Congress has enacted various laws to better inform the consumer, such as the "Truth in Banking," "Truth in Lending," and other consumer legislation. The bill might be viewed as "Truth in Legislating" or as I have titled the bill, the "Truth in Spending Act."

I plan to have, at least on a trial basis, tabulated the cost per taxpaying family of the various bills in this session. In summary, I believe this proposal will be good for the Congress; it will make us aware of the program costs to the taxpayers. I believe this proposal will also be good for the taxpayers; it will make them aware of the costs as well as the benefits of programs. I urge the Senate to take favorable action on this proposal. I ask unanimous consent that the cost per taxpaying charts be printed in the RECORD.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

93D CONG.

A. SELECTED AUTHORIZATIONS

Bill	1975		1976		1977		1978		1979		1980		Total	
	Authorization[1]	CPTF[2]	Authorization	CPTF	Authorization	CPTF	Authorization	CPTF	Authorization	CPTF	Authorization	CPTF	Authorization	CPTF
Housing and Community Development, Public Law 93-383	2,500,000,000	30.16	5,450,000,000	65.75	8,400,000,000	101.35							16,350,000,000	197.26
Urban Mass Transit, Public Law 93-503	300,000,000	3.58	500,000,000	6.04	650,000,000	7.84	775,000,000	9.35	850,000,000	9.86	900,000,000	10.84	3,975,000,000	47.94
Elementary and secondary education amendments, Public Law 93-269	7,171,000,000	86.52	8,263,000,000	99.69	6,719,000,000	81.06	6,751,000,000	81.45					28,904,000,000	348.74
Foreign aid, Public Law 93-559	2,679,000,000	32.54											2,679,000,000	32.54
Foreign trade, Public Law 93-618	[3] 460,000,000	5.55											460,000,000	5.55
	90,000,000	1.08											90,000,000	1.07

B. APPROPRIATIONS

Bill	Appropriations	CPTF	Bill	Appropriations	CPTF
Labor/HEW, Public Law 93-517	33,045,856,000	$398.72	Legislative, Public Law 93-371	718,440,000	8.67
1st Supplemental, Labor/HEW, Public Law 93-305	8,659,352,078	104.47	2d supplemental, Labor/HEW, Public Law 93-554 ch. 4	5,840,542,000	70.46
Transportation and related agencies, Public Law 93-391	2,406,899,000	29.04	Energy Research and Development, Public Law 93-322	543,166,000	6.55
State Department, Justice, Commerce, Judiciary, Public Law 93-433	5,290,157,000	63.83	Public works, Public Law 93-393	4,505,472,000	54.37
Housing and Urban Development, Space, Science, Veterans and Independent Agencies, Public Law 93-414	5,199,721,000	62.68	Agriculture, Environmental and Consumer Protection, Public Law 93-	13,389,851,000	161.55
Defense, Public Law 93-437	82,096,000,000	990.54	Treasury, Postal Service, Public Law 93-381	5,561,169,000	67.10
			Interior, Public Law 93-404	2,070,137,000	24.98

[1] Authorization figures are rounded off to the nearest million.

[2] CPTF is the cost per taxpaying family, determined by dividing the total cost of the legislation by the number of taxpaying families. The number of taxpaying families is determined by dividing the total population of the United States by the average number of individuals in a family in the United States, rounded to the nearest 500,000 (61,000,000 taxpayers).

[3] Estimated authorization.

94TH CONGRESS

SELECTED AUTHORIZATION MEASURES

Bill	Authorization	CPTF
Regional Railroad reorganization Act (S. 281 as passed by the Senate Feb. 28, 1975	347,000,000	4.04

(EXHIBIT 1)

[From the Washington Post, Feb. 14, 1975]

THE LARGEST INCREASE: TAXES

(By George F. Will)

Hubert Humphrey is amazed. Releasing a report on "Inflation and the Consumer in 1974," he exclaims: "Amazingly, the biggest increases in the middle-income family's budget resulted from higher social security and income tax payments."

The report was prepared by the staff of the Joint Economic Committee of Congress, of which Humphrey is chairman. The report obviously comes as a startling intrusion of the outer world on the inner peace of Humphrey. It says:

"While food prices rose 11.9 per cent, housing 13.5 per cent and transportation 14.3 per cent, personal income and social security taxes rose twice as fast. For the family at the intermediate income level of $14,466, social security taxes rose 21.6 per cent in 1974, from $647 in 1973 to $787 in 1974. Personal income taxes rose even more—by 26.5 per cent. The family at the intermediate budget level would pay $2,033 in federal, state and local income taxes in 1974 compared to only $1,607 in 1973—an increase of $426—even though its real standard of living remained the same."

The less wealthy you are, the more inflation hurts your tax position by devaluing the standard deduction and exemptions. The report gives this example:

"An average four-person family with an income of $13,000 in 1973 took the standard deduction and paid $1,391 in federal income taxes. Its disposable, after-tax income was $11,609. Let us assume that this family's income rose 8 per cent in 1974 (per capita personal income rose 8.3 per cent from third quarter 1973 to third quarter 1974) to $14,040. This family would be liable for $1,609 in federal income taxes and its after-tax income would be $12,431. This means that family's after-tax income in dollar terms has risen by 7 per cent. The higher taxes that resulted from the diminished value of the standard deduction and the exemption actually increased the tax burden on this family from 10.7 per cent of income to 11.5 per cent.

"In real terms, of course, this family's real after-tax income has fallen as a result of higher taxes and inflation. Measured in 1973 dollars, its 1974 disposable income of $12,431 is actually worth only $10,939. Therefore, even though the family's income rose by 8 per cent during 1974, its purchasing power has dropped 6 per cent.

"Even if this family's income had risen by the rate of inflation, 12 per cent, its after-tax purchasing power would have declined 3 per cent from 1973 to 1974."

The perverse effect of inflation on the tax system is responsible for this American "first": We are in the first recession in which the overall tax burden on individuals and families has increased.

In a normal recession—economic decline without inflation—the tax system operates, at least a little bit, as a counter-cyclical device. As incomes decline, the tax bite becomes smaller.

But when a virulent inflation accompanies recession, the tax system reinforces rather than counters the downward recessionary trend. The tax bite grows, cutting real disposable income just when the economy needs the stimulation of consumer demand.

So while waiting for the mailman to bring your tax rebate check this spring, ponder the examples cited above.

The House Ways and Means Committee favors rebates ranging from about $100 to a maximum of $200. That news must have been received with, shall we say, muted jubilation by the family that in 1974 earned $14,466 and paid an extra $140 just in social security taxes.

Remember that the family the Humphrey report describes as "at the intermediate budget level" paid $426 more in federal, state and local income taxes in 1974 than in 1973. Its rebate may be a quarter of that sum.

And remember the family that earned $13,000 in 1973 and $14,040 in 1974. Perhaps they will get a rebate of $149.20, which would be one-tenth of the $1,492 they, in effect, lost in real disposable income between 1973 and 1974.

Government is a font from which blessings—like rebates of our own money—flow. Inflation, too, flows from government.

Government giveth and government taketh away, and it does a lot more of the latter than of the former. So Humphrey should not be amazed if the public, once it has those rebate checks in hand, still feels filleted.

By Mr. STEVENS:

S. 1117. A bill to provide for the development of aquaculture in the United States, and for other purposes. Referred to the Committee on Commerce.

NATIONAL ACQUACULTURE DEVELOPMENT ACT OF 1975

Mr. STEVENS. Mr. President, unregulated foreign fishing on the high seas continues to deplete many stocks of fish throughout the world. In my State of Alaska the salmon returns to the Bristol Bay area have decreased so drastically in the past several years that the region was declared a national disaster area last summer. Prospects for the next few years do not look much brighter. To restore the abundance of the sea there are several steps we should consider. The first is the adoption of a 200-mile economic and resource zone so that we can establish conservation measures to enhance our fisheries. Senator MAGNUSON and I have addressed this issue by reintroducing the 200-mile limit bill last week.

Another area which holds great promise is the development of aquaculture programs which provide controlled conditions for the growing of aquatic organisms. Aquaculture could make a significant contribution to nutrition in many parts of the world by virtue of its high productivity under selected conditions and also by the fact that aquatic crops are primarily protein crops. Although aquaculture has been developing in the United States for some time, it is still in the early stages. It offers an excellent opportunity to cope with the problems involved in the depletion of the U.S. coastal fish stocks, overfishing generally, and the destruction of natural fish habitats by environmental changes.

Acquaculture currently provides more than half of the Nation's catfish, 40 percent of the oysters, practically all of the trout, and over 10 percent of aur salmon. Shrimp, lobster, caryfish, clams, scallops, abalone, mussels, pompano, and other aquatic animals are produced annually through aquaculture. It is estimated that with increased support for aquaculture, current production could be increased to nearly 20 times the present level.

The National Aquaculture Development Act which I am introducing today is a companion bill to H.R. 370 which has been introduced in the House by Representative CHAPPELL of Florida. The program authorized by this bill would not only increase the sources of marine protein for the consumer and the availability and equality of consumer fishery products, but would also stimulate new business, industry, and employment. The bill authorizes the Secretary of Commerce to approve the construction of hatcheries, assist public or private organizations, develop a central source of information on aquaculture development inventory acreage and production, and initiate aquaculture pilot projects. The potential areas for aquaculture development are unlimited: stock pounds, springs, creeks, bayous, rivers, lakes, wells, seas, and other pool and pond areas that can readily be adapted to useful aquaculture production.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aquaculture Development Act of 1975".

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. (a) The Congress finds—

(1) that a world food crisis in the form of shortages of animal and plant protein is being predicted for the future, and is already being realized in some areas;

(2) that the level of harvesting of existing ocean food fish and shellfish, which represent a major source of protein, will soon reach the maximum natural production level;

(3) that many wild stocks of marine fish and shellfish adjacent to the United States are depleted, which has an undesirable impact on both commercial and recreational fisheries;

(4) that the United States is heavily dependent upon imports for its supply of seafood, which adversely affects the balance of payments, and makes impossible any guarantee of a continuous supply;

(5) that production from commercial aquaculture in the United States could augment harvests from wild stocks of fish and shellfish and increase the United States supply of protein food, while concurrently reducing dependence upon imports;

(6) that current public and private efforts to develop aquaculture are highly diffuse and in need of coordination, and that it is necessary to establish clear national objectives for aquaculture;

(7) that some Federal and State laws and regulations regarding uses of fresh, brackish, and salt waters may require amending to permit or stimulate aquaculture;

(8) that increased scientific and technical knowledge is necessary in order to make aquaculture commercially feasible for new species;

(9) that there is an insufficient data base upon which can be developed public aquaculture to enhance marine stocks of fish and shellfish heavily exploited commercially or recreationally;

(10) that a strong commitment by the Federal Government to aquaculture would stimulate private investment and accelerate the development of private commercial aquaculture; and

(11) that it is therefore necessary and proper for the United States to carry out a national aquaculture development program.

(b) It is the purpose of this Act to provide for a national program for aquaculture development in order to increase sources of marine protein for the consumer, to increase the availability and quality level of consumer fishery products, to develop new resources, to improve or maintain recreational fisheries, to initiate new business, industry, and employment, and to provide other national benefits.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "aquaculture" means the culture and husbandry of aquatic organisms; the control and management of aquatic plants and animals reared in large numbers in controlled or selected environments for economic or social benefit.

(2) The term "fish and shellfish" includes finfish, mollusks, crustaceans, and all other forms of aquatic animal or plant life, exclusive of birds and marine mammals.

(3) The term "pilot aquaculture facilities" includes hatcheries, rearing ponds, raceways, salt water pens, gravel incubators, and other facilities or equipment used for artificial propagation of fish and shellfish, together with such lands, buildings, equipment, or other appurtenances necessary for their operation and maintenance.

(4) The term "Secretary" means the Secretary of Commerce, unless otherwise specified.

NATIONAL AQUACULTURE COORDINATION AND DEVELOPMENT

SEC. 4. (a) The Secretary of Commerce is hereby authorized and directed to carry out a national aquaculture development program consistent with the policies and provisions of this Act. In consultation with interested Federal agencies and other public and private organizations and with the concurrence of the Secretary of the Interior, the Secretary shall establish national objectives for aquaculture development. The Secretary shall also act as the interagency coordinator for all Federal programs and activities in aquaculture. In the performance of coordination functions, the Secretary shall encourage participation by other Federal agencies in aquaculture, enhance interagency communication on aquaculture matters, and shall consult with and work with other Federal agencies in a manner designed to insure that all Federal aquaculture programs and activities are consistent with the national objectives established pursuant to this subsection.

(b) Activities regarding aquaculture development which the Secretary may, as he deems appropriate, carry out pursuant to the authority vested by subsection (a) of this section include, but are not limited to—

(1) construction, operation, and maintenance of hatcheries or similar facilities and undertaking of natural habitat improvement activities;

(2) assistance to public and private organizations and individuals interested or engaged in aquaculture through advisory and other services;

(3) coordination of aquaculture activities with efforts to enhance wild commercial and recreational fish and shellfish stocks;

(4) development of therapeutic substances for control of fish and shellfish diseases;

(5) consultation and cooperation with Federal, State, and local governments, regional commissions, institutions of higher learning, private industry, and other public and private organizations for the development of new aquaculture technology;

(6) research and experimentation with utilization of waste products (including thermal effluents) for aquaculture;

(7) development of improved, new, and economical sources of nutrition for fish and shellfish growing;

(8) development of centralized information retrieval and dissemination systems;

(9) investigation of legal and regulatory constraints inhibiting the development of aquaculture;

(10) identification of economic feasibility factors for acquaculture, assessment of economic feasibility for particular species, and development of scientific and technical handbooks and operating manuals for aquaculture;

(11) inventory of public and private aquaculture in the United States to include statistics of acreages, gallons of waterflow, production in pounds and numbers, techniques used, and unresolved problems which private enterprise cannot solve by itself; and

(12) performance of basic and applied research to establish a sound information base for the development of aquaculture.

PILOT AQUACULTURE FACILITIES

SEC. 5. (a) The Secretary, in consultation with affected States, shall locate, construct, operate, and maintain such pilot aquaculture facilities as he deems appropriate in order to develop aquaculture technology relative to particular species of fish and shellfish. The principal purpose of such facilities shall be to develop the expertise necessary to make economically feasible the commercial culture of species of fish and shellfish which could not previously sustain a profitable commercial operation. In locating such facilities, the Secretary is authorized to purchase, lease, or otherwise acquire the necessary interests in land if such purchase, lease, or other acquisition is not contrary to applicable Federal, State, or local law.

(b) Section 31 of title III of the Act of July 22, 1937, as amended (50 Stat 525; 7 U.S.C. 1010), is further amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence the Secretary, upon request by the Secretary of Commerce, may make available national forest lands for siting of pilot aquaculture facilities which the Secretary of Commerce is authorized to locate, construct, operate, and maintain pursuant to the National Aquaculture Development Act of 1975; except that (1) before making such an authorization, the Secretary shall first determine that the siting would not be contrary to the principles expressed in the Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–531); and (2) the Secretary shall not authorize the siting of more than three facilities in any one national forest.".

(c) Paragraph (8) of section 2668(a) of title 10, United States Code, is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following: "(including easements to the Secretary of Commerce for the establishment of pilot aquaculture facilities authorized by the National Aquaculture Development Act of 1973);".

(d) The Secretary shall issue each year an aquaculture economic feasibility report with respect to each species being grown pursuant to the authority vested by subsection (a) of this section. Such report shall be made available to the interested public and the Congress.

(e) Information derived from the operation of pilot aquaculture facilities established pursuant to subsection (a) of this section shall be made available to the interested public under the provisions of the Freedom of Information Act (5 U.S.C. 552). Wherever practical, the Secretary shall develop technical and scientific handbooks and operating manuals to assist the public in establishing their own aquaculture facilities. In addition, the Secretary shall provide opportunities for Federal, State, and private aquaculture experts to work in pilot aquaculture facilities.

(f) Federal agencies having jurisdiction over developments of activities adjacent to pilot aquaculture facilities shall, to the fullest extent possible consistent with essential national needs, take measures to avoid any adverse impact on such facilities.

GRANTS AND CONTRACTS

SEC. 6. The Secretary may carry out such functions and duties authorized by this Act as he deems appropriate through grants to or contracts with the States, regional commissions, local governments, institutions of higher learning, private industry, and other public and private organizations; except that the duties and functions of the Secretary pertaining to establishment of national objectives and coordination of Federal activities set forth in section 4(a) of this Act shall not be carried out by grant or by contract.

FUNDING

SEC. 7. Notwithstanding any other provision of law, there is authorized to be appropriated for each fiscal year beginning with the fiscal year ending June 30, 1976, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustaceans, aquatic plants and animals, and any products thereof) during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary to carry out the provisions of this Act and to cover administrative costs incurred by the Department of Commerce. The sums appropriated under the authority of this section shall be expended for such one or more of the purposes specified in this Act, and at such times, in such manner, and in such amounts as the Secretary finds will effectuate substantial accomplishment of any one or more of the purposes of this Act. The sums appropriated under the authority of this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this Act until expended.

RESEARCH

SEC. 8. The Secretary, in consultation with the Administrator of the Environmental Protection Agency, is authorized to undertake research to identify the nature and extent of pollution created by various types of aquaculture and to develop appropriate control technology. The results of such research shall be made available by the Secretary to the Administrator. In addition, the Secretary is authorized to carry out such other research as he deems appropriate in order to perform his functions and duties under this Act.

REGULATIONS

SEC. 9. The Secretary is authorized to promulgate such rules and regulations as he considers necessary to carry out his functions and duties under this Act.

SEVERABILITY

SEC. 10. The provisions of this Act shall be severable and if any part of the Act is declared unconstitutional or the applicability thereof is held invalid the constitutionality of the remainder and the applicability thereof shall not be affected thereby.

EFFECTIVE DATE

SEC. 11. The provisions of this Act shall take effect on the date of enactment.

TERMINATION OF AUTHORITY

SEC. 12. The authority contained in this Act shall expire at the end of the fiscal year during which occurs the fifth anniversary of the date of enactment.

By Mr. NELSON (for himself, Mr. WEICKER, Mr. LAXALT, Mr. HATHAWAY, Mr. ABOUREZK, Mr. JAVITS, Mr. MCINTYRE, and Mr. SPARKMAN):

S. 1119. A bill to amend the Internal Revenue Code of 1954 to provide tax relief to small businesses. Referred to the Committee on Finance.

EMERGENCY SMALL BUSINESS TAX REDUCTION ACT OF 1975

Mr. NELSON. Mr. President, we are introducing today a bill recognizing the problems and potential of small businesses under current conditions of recession and inflation. I ask unanimous consent that the bill, entitled, "The Emergency Small Business Tax Reduction Act of 1975," be appropriately referred, the text of the bill and a section-by-section summary also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHAT THE BILL DOES

Mr. NELSON. This bill puts forward an alternative to the administration's business tax package. The administration's proposal concentrates three-fourths of its benefits on the 5,000 largest corporations in the country. Our small business bill is intended to make a more equitable distribution of whatever level of benefits Congress agrees to enact, with relatively greater advantages going to medium-sized corporations, small corporations, and unincorporated businesses.

It seeks to accomplish this objective through additional first year depreciation, additional investment credits for used machinery, and an optional graduated investment credit—12 percent on the first $20,000 of investment, 10 percent on the next $30,000, and 8 percent above $50,000, up to a maximum of $1 million in credits—all which are more likely to be utilized by unincorporated and smaller incorporated businesses.

It also seeks to better balance the tax benefits between the 350 giant corporations, the 5,000 publicly-held corporations, and the other 99 plus percent of the corporate population of medium-sized and smaller corporations by: first, raising the surtax exemption to $100,000; and second, offering a temporary 1-year "normal tax credit" to companies earning less than $25,000 which could generate a maximum tax saving of $1,100.

Miscellaneous provisions would allow corporations which have overpaid their estimated taxes to get "quickie" refunds right away; would also permit an increase in the earnings a corporation can accumulate from $100,000 to $150,000; and would do something to encourage the formation of new firms by allowing amortization of organizing expenses of new partnerships.

I would emphasize that this bill is addressed to the deepening recession and the need to stimulate the economy through tax reductions for individuals and business—same problem that the President and the House of Representatives have been addressing in their respective tax efforts. The major difference between their proposals and this bill is how much of these reductions should go to what size businesses. This bill is not addressed to long-range structural tax reform—which small business also needs—and as to which we will make recommendations later this year. This bill is addressed to immediate economic needs.

BASIS FOR THIS PROPOSAL

This proposal is based upon 3 days of intensive investigative hearings on the tax needs of smaller firms on February 4, 5 and 20, which found that smaller businesses seem to have been hurt first and worst by the recession. A preliminary report of our committee's findings and recommendations has been placed before the Senate—CONGRESSIONAL RECORD, February 12, 1975, page 3036—and was also communicated to the House Committee on Ways and Means during its deliberation upon what became "The Tax Reduction Bill of 1975." The Ways and Means Committee and the House did vote to increase the surtax exemption to $50,000 and the used machinery limitation to $75,000, both of which will be helpful to small business.

CONTRAST BETWEEN ADMINISTRATION AND SMALL BUSINESS POSITIONS

While we considered the above two provisions steps in the right direction, the administration has opposed them consistently before the Select Committee on Small Business and the Finance Committee.

That controversy illustrates the need for an alternative to the administration's approach which this bill provides. The administration came to the Congress with the proposal that three-quarters of the $10 billion of tax benefits which it would channel to the business field should go to the approximately 5,000 largest U.S. corporations, all of which earn more than $1 million in profits annually and all of which have more than $1 million in assets. The administration package is thus a big business bill, and very little remains for the 99 percent of the U.S. firms which are classified as small and medium-sized businesses.

The following table illustrates the proposed distribution of benefits under the administration proposal:

DISTRIBUTION OF TAX BENEFITS IN ADMINISTRATION'S BUSINESS TAX PROPOSAL

	Percent
Largest 350 corporations	49.7
Largest 5,000 corporations	74.0
Next 150,000 "medium-sized" corporations	16.1
Smallest 1.3 million corporations	2.7
Unincorporated businesses	7.2

According to Internal Revenue statistics there are more than 12 million businesses in the country. About 1.8 million are corporations; with the remainder being partnerships and sole proprietorships.

Studies by the Small Business Administration and the Census Bureau indicate that the "small business community" accounts for between 52 and 53 percent of all U.S. employment in the private sector, as well as approximately one-third of the gross national product.

It would therefore seem logical that if the Nation wished to revive the economy in a manner placing first priority on employment, 50 percent of the business tax benefits should go to the small businses sector which contains more than 50 percent of the employment. Likewise, if our intention is to stimulate the economy generally, would it not follow that about a third of the business tax benefits should go to the small business community?

This bill would reserve the priorities of the administration and place a greater proportion of the benefits with small- and medium-sized businesses.

Our proposals may not be perfect, but they illustrate that there are viable, technically sound alternatives to the administration proposal which are supported by testimony in the record on the part of spokesmen for the overwhelming number of small businesses across this country.

If these proposals do not provoke some debate about the distribution of benefits between big and small businesses, there is something wrong with our system of tax legislation, and our system of government.

I do not think it should be possible for an administration to come to Congress pleading that we are in an emergency and that therefore it is necessary to give additional massive tax favors to large business at the expense of small business.

That is just about what happened in the summer of 1971, when this same administration proposed the "Revenue Act of 1971" which, according to the former chairman of the Small Business Committee, conferred 40 percent of its benefits on the largest 400 corporations in the country. It appears that we are seeing an "instant replay" of this game plan.

However, the issue before the Congress at this time is the economy itself. The issue is what is happening to our economy in stores on Main Street, in the households, and plants, and mills in cities and towns across our country. There is no excuse this time for saying that small business is irrelevant to the debate and that its needs should wait until next year. Small business is a substantial part of our economy we want to help. It is a substantial part of our problems and can be a substantial part of the solutions to these problems, if it is given anything like an even break.

If its needs are given fair attention, the 12 million cost-conscious competitive small firms hold great potential for reviving our economy and laying the foundations for stable growth and employment.

We have all seen family, local, small, and independent businesses which have proved their worth over the years and throughout all kinds of economic cycles. Their kind of enterprise, hard work, innovation, and competitiveness have created the American economic miracle.

The administration's proposals seem to relegate small business, and our economic history, to the background and adopt a very different policy. This administration seems to place its dependence on the giant corporations. It has offered to provide them with three-fourths of the business tax benefits dispensed by public policy in the hope that their actions will be able to solve the Nation's economic difficulties.

IS THE INVESTMENT CREDIT THE MOST EFFICIENT STIMULUS?

The administration would place sole reliance in 1975 on an investment tax credit proposal which stimulates only the investment in machinery. The administration has presented no evidence that favoring machinery over employment is the most efficient means of stimulating the economy. It has shown neither the Small Business Committee nor the Finance Committee any evidence that earmarking our total business tax benefits for machines will be more efficient than freeing business capital for some additional investment in employment, better training, working capital, intangible property such as accounts receivable or inventory, or some combination of these uses in addition to purchasing machinery.

It seems to me that before Congress enacts a tax bill giving massive aid to 5,000 corporations, that some justification of this kind should be forthcoming.

Our committee has evidence on the record that smaller and medium-sized businesses would use the capital generated by an increase in the surtax exemption to put people back to work as well as to purchase new machinery.

Our committee feels that we should give them the chance to do just this. For an example, a survey of the Smaller Manufacturers Council of Pittsburgh indicated about a third of their 600 members had laid off employees, and 40 percent had deferred hiring employees because of the recession. With additional capital, these firms want to rehire their work force.

The committee has thus proposed that the surtax exemption be increased from $25,000 to $100,000. The $25,000 surtax exemption level was established in 1938.

Since then the wholesale price index has increased about 429 percent and the consumer price index has gone up 392 percent. Thus, to leave smaller businesses in the same relative position as they were in 1938, the increase to $100,000 is justifiable on the grounds of inflation.

Second, both the British and Canadian Governments have recognized that smaller businesses—those that are not listed on the stock exchanges—must rely disproportionately on retained earnings for their business capital.

Accordingly, the Canadian Government small business tax deduction has been set at $100,000 for 1974 and thereafter. For 1972 and 1973, the exemption level was $50,000, and previous to that it was at $35,000. We seem to be at least 5 years behind the Canadian Government in recognizing the tax difficulties of smaller businesses in this regard. The committee sees no reason why small businesses should not be in the same position on both sides of the border.

Otherwise, there will be an additional incentive for small and growing profit-seeking enterprises to leave the country and take additional jobs, expertise and capital with them.

As we have already pointed out, such a surtax exemption will provide more flexibility in the use of funds than the investment credit, which we feel is desirable.

COMPETITIVE EFFECTS OF THE ADMINISTRATION PROGRAM

Finally, Mr. President, I feel that the administration's tax package will have drastic competitive effects. If, within 4 years, the Government acts twice to give such concentrated tax benefits to the largest 350 corporations, and the largest 5,000 corporations, I think we will be seriously undermining the free enterprise system in this country. The statistics already reveal that big business has consistently increased its share of assets and profits at the expense of medium-sized and small firms over the past 15 years.

CONCLUSION

We feel that this bill demonstrates that there are alternatives for reviving the economy without worsening inflation and which consider the needs of smaller and medium-sized businesses as well as larger ones.

We hope this bill will be seriously considered by this body as a basis for weighing the various possibilities for the purpose of evolving sound and responsible business tax provisions for inclusion in the Tax Reduction Act of 1975.

S. 1119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Small Business Emergency Tax Reduction Act of 1975".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Sec. 2. Changes in Additional First-Year Depreciation Allowance for Small Business

(a) Increase in Allowance From $10,000 to $15,000.—Section 179(b) (relating to dollar limitation on property eligible for additional first-year allowance) is amended—

(1) by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000"; and

(2) by striking out "$20,000" and inserting in lieu thereof "$30,000".

(b) Removal of Requirement That Property Have a Useful Life of 6 Years or More.—Paragraph (1) of section 179(d) (defining section 179 property) is amended to read as follows:

"(1) Section 179 property.—For purposes of this section, the term 'section 179 property' means tangible personal property—

"(A) of a character subject to the allowance for depreciation under section 167, and

"(B) acquired by purchase for use in a trade or business or for holding for production of income."

Sec. 3. Removal of Dollar Limitation on Used Section 38 Property.

Section 48(c) (relating to used section 38 property) is amended—

(1) by striking out paragraph (2); and

(2) by striking out subparagraph (C) of paragraph (3).

Sec. 4. One-Year Normal Tax Exemption for Corporations.

(a) General Rule.—Section 11(b) (relating to normal tax on corporations) is amended to read as follows:

"(b) Normal Tax.—

"(1) In general.—The normal tax is equal to 22 percent of the amount by which the taxable income exceeds the normal tax exemption for the taxable year.

"(2) Normal tax exemption.—For purposes of this subtitle, the normal tax exemption for any taxable year beginning after December 31, 1974, and before January 1, 1976, is $5,000, except that, with respect to a corporation to which section 1561 (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) applies for the taxable year, the surtax exemption for the taxable year is the amount determined under such section. The normal tax exemption for any subsequent taxable year is zero.".

(b) Technical Amendments.—

(1) Section 857(b)(4)(A) (relating to income of real estate investment trusts from foreclosure property) is amended by inserting in the last sentence after the comma the following: "the normal tax exemptions and".

(2) Section 962 (relating to election by individuals to be subject to tax at corporate rates) is amended by adding at the end thereof the following new subsection:

"(e) Normal Tax Exemption.—For purposes of applying subsection (a)(1), the normal tax exemption provided by section 11 (b)(2) for any taxable year beginning before January 1, 1976, shall not exceed, in the case of any United States shareholder, an amount which bears the same ratio to $5,000 as the amount included in his gross income under section 951(a) for the taxable year bears to his pro rata share of the earnings and profits for the taxable year of all controlled foreign corporations with respect to which such United States shareholder includes any amount in gross income under section 951 (a). The preceding sentence does not apply to taxable years beginning after December 31, 1975.".

(3) Section 1551(a) (relating to disallowance of surtax exemption and accumulated earnings credit) is amended by—

(A) inserting "NORMAL TAX EXEMPTION AND" in the caption of such section immediately before "SURTAX", and

(B) by inserting "disallow the normal tax exemption (as defined in section 11(b)(2))," immediately before "disallow".

(4) Section 1561 (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) is amended by—

(A) amending subsection (a)(1) to read as follows:

"(1) one $5,000 normal tax exemption under section 11(b)(2) (but only with respect to taxable years beginning after December 31, 1974, and before January 1, 1976) and one $25,000 surtax exemption under section 11(d),", and

(B) amending subsection (b)(1) to read as follows:

"(1) the normal tax exemption under section 11(b)(2) (but only with respect to taxable years beginning after December 31, 1974, and before January 1, 1976) and the surtax exemption under section 11(d),".

(c) Effective Date.—The amendments made by this section apply with respect to taxable years beginning after December 31. 1974.

Sec. 5. Increase in Corporate Surtax Exemption.

(a) General Rule.—Section 11(d) (relating to surtax exemption) is amended by striking out "$25,000" and inserting in lieu thereof "$100,000".

(b) Technical and Conforming Amendments.—

(1) Paragraph (1) of section 1561 (a) (as amended by section 4(b)(4) of this Act) is amended by striking out "$25,000" and inserting in lieu thereof "$100,000".

(2) Paragraph (7) of section 12 (relating to cross references for tax on corporations) is amended by striking out "$25,000" and inserting in lieu thereof "$100,000".

(3) Section 962(c) (relating to surtax exemption for individuals electing to be subject to tax at corporate rates) is amended by striking out "$25,000" and inserting in lieu thereof "$100,000".

Sec. 6. Increase in Minimum Accumulated Earnings Credit From $100,000 to $150,000.

(a) Increase.—Paragraphs (2) and (3) of section 535(c) (relating to accumulated earnings credit) are each amended by striking out "$100,000" and inserting in lieu thereof "$150,000".

(b) Conforming Amendments.—Sections 242(b)(3)(C)(1) (relating to qualifying dividends for purposes of the dividends received deduction), 1551(a) (relating to disallowance of surtax exemption and accumulated earnings credit), 1561(a)(2) (relating to limitations on certain multiple tax benefits in the case of certain controlled corporation), and 1564(a)(1)(B) (relating to transitional rules in the case of certain controlled corporations) are each amended by striking out "$100,000" and inserting in lieu thereof "$150,000".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1974.

Sec. 7. Deduction of Organizational Expenses of Partnership.

Section 703 (relating to the computation of the taxable income of a partnership) is amended by adding at the end thereof the following new subsection:

"(c) Organizational Expenses.—

"(1) General rule.—A deduction shall be allowed to the partnership for organizational expenses (as defined in paragraph (2)) ratably over a period of 60 months beginning in the month in which such expenses were paid or accrued, except that in the event the partnership is considered as terminated under section 708(b) any organizational expenses not previously allowed shall be allowed for the taxable year in which it is so considered to be terminated.

"(2) Definition.—For purposes of this subsection, the term 'organizational expenses' means any expense of a character which, if expended incident to the creation of a corporation having a limited life, would be amortizable over such life and which is incident to—

"(A) the creation of a new partnership;

"(B) the preparation of a partnership agreement for a partnership;

"(C) the amendment of an existing partnership agreement; or

"(D) the preparation or amendment of any agreement relating to the transfer or retirement of an interest in a partnership."

SEC. 8. REFUNDS OF OVERPAYMENTS OF ESTIMATED INCOME TAX BEFORE END OF TAXABLE YEAR.

Section 6425(a)(1) (relating to time for filing application for adjustment of overpayment of estimated income tax by corporations is amended by inserting after the first sentence thereof the following new sentence: "In the case of a corporation which is a small business concern (within the meaning of the Small Business Act), an application under this subsection may be filed at any time after a payment of estimated income tax for the taxable year has been made by it and on or before the 15th day of the third month following the close of the taxable year."

SEC. 9. INCREASE IN INVESTMENT CREDIT.

(a) Section 46(a) (1) and (2) (relating to determination of amount of investment credit) are amended to read as follows:

"(1) GENERAL RULE.—The amount of the credit allowed by section 38 for the taxable year shall be equal to—

"(A) 12 percent of so much of the qualified investment (as defined in subsection (c)) as does not exceed $20,000, plus

"(B) 10 percent of so much of the qualified investment (as defined in subsection (c)) as exceeds $20,000 but does not exceed $50,000, plus

"(C) 8 percent of so much of the qualified investment (as defined in subsection (c)) as exceeds $50,000.

"(2) Limitation based on amount of credit.—Notwithstanding paragraph (1), the credit allowed by section 38 for the taxable year shall not exceed the lesser of—

"(A) $1,000,000, or

"(B)(i) so much of the liability for tax for the taxable year as does not exceed $25,000, plus

"(ii) 50 percent of so much of the liability for tax for the taxable year as exceeds $35,000."

(b)(1) The first sentence of 46(a)(4) (relating to married individuals) is amended to read as follows: "In the case of a husband or wife who files a separate return, the dollar amounts contained in paragraph (2) shall be reduced by one-half for purposes of applying the limitation provided by that paragraph to the taxpayer.".

(2) Section 46(a)(5) (relating to controlled groups) is amended by—

(A) striking out "$25,000" the first time it appears and inserting in lieu thereof "applicable", and

(B) striking out "$25,000" the second time it appears and inserting in lieu thereof "the applicable amount".

(c) The amendments made by this section apply to property the construction, reconstruction, or erection of which is commenced after January 21, 1975, and to property placed in service by the taxpayer after such date.

SEC. 10. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, the amendments made by this Act apply to taxable years beginning after December 31, 1974.

SECTION-BY-SECTION SUMMARY OF THE SMALL BUSINESS EMERGENCY TAX REDUCTION ACT OF 1975

Section 1—The bill has been given the above title for purpose of identification. It is intended that the provisions be available to the Senate and House in connection with its consideration of H.R. 2166, "The Tax Reduction Act of 1975."

Section 2(a)—Under the existing section 179 of the Internal Revenue Code eligibility for extra first year depreciation (of 20 percent) is $10,000. This accelerates the depreciation on the property but does not increase the overall amount. This proposal would increase the amount of eligible property to $15,000. The Ways and Means Committee approved this identical provision on August 1, 1974, as part of the "Omnibus Tax Reform Bill."

The additional depreciation would be available to large as well as small business, but since the maximum additional benefit would obviously be of more importance to smaller firms.

2(b)—At present property must have a useful life of property of at least 6-years for the purpose of taking advantage of first year depreciation. In accordance also with the provision approved by the Ways and Means Committee, this subsection would remove the minimum 6-year life requirement.

Section 3—Recommends eliminating the ceiling on the amount of previously used property on which the investment credit may be taken. The limit in the law is presently $50,000; and the House bill would increase that to $75,000. However, pursuant to Sec. 9 of this bill, used equipment would be subject to the graduated scale of rates applicable to investments in new property.

Section 4—Would provide a temporary 1-year exemption of corporate income up to $5,000. The effect of this would be to provide a small amount of relief to small corporations earning less than $25,000, by allowing a maximum tax saving of $1,100, if the earnings up to $5,000 are used for corporate purposes. If the savings are paid out in savings or dividends, they would be subject to taxation at progressive individual tax rates.

Section 5—Would raise the corporate surtax exemption from $25,000 to $100,000. Since 1938, when the $25,000 level was established, the Wholesale Price Index has increased 429 percent, and the Consumer Price Index 392 percent. Thus, keeping smaller firms in the same position relative to inflation would call for an increase to $100,000.

Also, both the British and Canadian Governments have recognized the distinction between large publicaly held companies and smaller privately held ones by comparable differences in tax rates.

Section 6—Would increase the amount of permissible accumulated earnings, from the $100,000 figure established in 1958 to $150,000. This change was also approved by the Ways and Means Committee on August 1, 1974. It would be of particular help to businesses such as small home builders which must contend with periodic economic cycles.

Since 1958, the Gross National Product deflator, the broadest measure of inflation, has increased 77.68 percent, and the deflator for fixed investment has increased 76.0 percent.

Section 7—Would help new partnerships by allowing deductions or organization expenses over a period of 5 years, a benefit presently allowable to corporations. It would provide some encouragement for the founding of new unincorporated enterprises.

Section 8—Would provide for "quickie refunds" of estimated taxes already paid by corporations if recessionary conditions make it apparent that their total tax for the year will fall below the taxes they have already paid on a quarterly basis. At present, a company may only apply for such a refund at the end of the taxable year.

Section 9—Provides an optional graduated investment credit sale which would be more attractive for small business. It would permit a 12 percent rate of credit for the first $20,000 of eligible investment; 10 percent for the next $30,000; and 8 percent above $50,000, up to a maximum of $1 million. These total benefits would be available to large firms as well as small firms,—but would be of greater proportional significance to small business. The same scale of percentages would apply equally to used as well as new machinery, which has an additional small business advantage.

A large business with potential investments of more than $1 million could elect to remain under the existing investment credit provisions, (7 percent for industrial corporations and 4 percent for utilities) so that the full amount of their credit thereunder need not be restricted in any way.

Section 10—Sets forth a proposed effective date, basically, calendar year 1975. It is intended that any provisions would be integrated into "The Tax Reduction Act of 1975," and be governed by the effective dates in that Act.

Overall Revenue Impact: The Committee estimates that its proposals on the surtax exemption, used machinery, and the investment credit would involve almost the same amount of revenue as the business sections of the House-passed bill, about $3.6 to $3.7 billion in 1975.

The additional proposals of this bill, designed to assist, mainly, the smallest corporations and unincorporated businesses, are believed to involve revenue losses of about $800 million (which would be in excess of the House-passed bill) for a total revenue cost of a little under $4.5 billion.

By Mr. CASE:

S. 1120. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on passenger automobiles based on fuel consumption rates and to allow a credit for the purchase of passenger automobiles which meet certain standards of fuel consumption, and for other purposes. Referred to the Committee on Finance.

Mr. CASE. Mr. President, our current problems of energy supply and the economy are too complex to be met with any single legislative act or any other single action.

I am convinced that we are moving toward solutions of those problems with a broad and comprehensive range of proposals, some of which have already been introduced.

I am equally convinced that the bill I am introducing today, or similar legislation, must be part of that package.

My bill, which is being introduced simultaneously in the House by Representative JAMES M. JEFFORDS of Vermont, will impose a tax on the manufacturer of any car that fails to meet an escalating standard of fuel economy. It also will provide tax rebates to the buyers of new cars that exceed a higher standard of fuel economy.

There has been a range of predictions and estimates of how much this type of legislation will shift car buyer decisions to more efficient cars and how much fuel savings will result. If this range of estimates can be assumed to encompass realistic expectations, it is reasonable to expect my bill to result in a substantial saving of energy in this country over the next 5 years. In this situation, a savings of 1 million barrels of oil a day by 1980 is a reasonable expectation. This was the goal set by the administration for its program of oil import tariffs.

About 40 percent of the crude oil consumed in this country is used by automobiles in the form of gasoline. This represents about 15 percent of our total energy consumption in the United States.

Coincidentally, it also is about equal to the level of our petroleum imports.

Obviously the savings in fuel consumption generated as a result of my bill will have a significant impact on our balance-of-payments problem. Because it would reduce the need for high cost imported oil, it would dilute the overall cost of oil to the consumer in this country.

And, significantly, at a time when our economy needs stimulus, it will help to improve our economy, even in the industry that will be most directly affected.

A report to Congress by the Department of Transportation and the Environmental Protection Agency in October 1974, noted that—

> Analysis indicates that automobile sales may be increased by the fuel economy improvements . . .

That will result from legislation of the type I am proposing.

The Commerce Department, in a separate report, noted that a shift to more economical cars will result in increased capital costs by manufacturers, but also will generate 60,000 jobs in the auto and related industries.

The auto industry already has assured the President that it will try to achieve a 40-percent savings in average automobile fuel consumption by 1980.

Specifically, my bill, beginning with model year 1977 cars, will levy a tax on the manufacturer of any car with an urban fuel economy of less than 15.5 miles per gallon. Buyers of cars with a fuel economy of more than 17.5 miles per gallon will get tax rebates.

In subsequent years the fuel economy standards will be raised so that 1982 model cars would be taxed if they failed to achieve at least 21.5 miles per gallon and rebates will be given only for those achieving more than 22.5 miles per gallon.

The amount of tax on inefficient cars will increase as fuel economy decreases, so that very inefficient cars would, in effect, be prohibited through imposition of a tax equal to half of the sale price of the car.

Although the tax rebates, which apply only to American-made cars, will be phased out in 1982 models, the tax on inefficient cars will continue to increase through 1985 and will remain in effect after that. The 1985 tax level will be 50 percent of the purchase price of any car that fails to deliver more than 25 miles per gallon.

Mr. President, I ask that a complete chart showing the taxes that will be levied and the rebates that will be given be inserted in the RECORD at the conclusion of my remarks.

Revenues collected from the taxes in excess of the amount needed to pay the rebates will go to a trust fund for use by the Administrator of the Energy Research and Development Administration—ERDA—for development of conservation technologies and alternative energy sources.

This bill will bring about a savings of energy without any sacrifice of activities now enjoyed by the people of this country. I believe it is a step that should be taken before we ask any citizen to sacrifice in order to conserve energy.

There being no objections, the table was ordered to be printed in the RECORD, as follows:

EXCISE TAX/REBATE SCHEDULE

Model year and rated fuel economy	Excise tax	Rebate
1977:		
Above 23.5		1,000
21.5 to 23.5		900
19.5 to 21.5		700
17.5 to 19.5		500
15.5 to 17.5		
13.5 to 15.5	200	
Below 13.5	250	
1978:		
Above 24.5		1,000
22.5 to 24.5		900
20.5 to 22.5		700
18.5 to 20.5		500
16.5 to 18.5		
14.5 to 16.5	200	
13.0 to 14.5	250	
Below 13.0	(1)	
1979:		
Above 25.5		1,000
23.5 to 25.5		900
21.5 to 23.5		700
19.5 to 21.5		500
17.5 to 19.5		
15.5 to 17.5	400	
14.0 to 15.5	500	
Below 14.0	(1)	
1980:		
Above 26.5		1,000
24.5 to 26.5		900
22.5 to 24.5		700
20.5 to 22.5		500
18.5 to 20.5		
16.5 to 18.5	400	
16.0 to 16.5	500	
Below 16.0	(1)	
1981:		
Above 27.5		1,000
25.5 to 27.5		900
23.5 to 25.5		700
21.5 to 23.5		500
19.5 to 21.5		
17.5 to 19.5	400	
Below 17.5	(1)	
1982:		
Above 28.5		1,000
26.5 to 28.5		900
24.5 to 26.5		700
22.5 to 24.5		500
21.5 to 22.5		
20.5 to 21.5	500	
Below 20.0	(1)	

[1] 50 percent of purchase price.

The tax/rebate schedule terminates with Model Year 1982, but in order to maintain and improve fuel economy the following schedule is in force:

1983, below 22.0, 50% of purchase price.

1984, below 24.0, 50% of purchase price.

1985 and thereafter, below 25.0, 50% of purchase price.

By Mr. PROXMIRE (for himself and Mr. TUNNEY):

S. 1121. A bill to amend section 611 of the Federal Aviation Act of 1958, relating to control of aircraft noise, in order to prohibit any special consideration for civil supersonic aircraft. Referred to the Committee on Commerce.

NOISE POLLUTION STANDARDS SHOULD APPLY TO CURRENT SST'S

Mr. PROXMIRE. Mr. President, the Environmental Protection Agency and the Federal Aviation Agency have half of a good idea. They would require that all SST's built in the future abide by our minimum noise pollution standards. But they would exempt all SST's now flying or under development from these same standards. This is not enough, however. Today I will introduce a bill to require that SST's now flying or being built also come under the noise pollution standards currently set forth by the EPA and FAA before they can land in the United States.

If we are to have standards, they should be the same for all parties. There is no reason to give foreign airlines special privileges while American firms must comply with U.S. regulations.

The Concorde SST demands particular attention for it has noise pollution far greater than other aircraft. It is 20 to 30 percent more noisy than the Boeing 707. It will create household vibrations five times greater than current flying aircraft. It produces four to seven times the carbon monoxide emissions during takeoff and landing compared to present subsonic jets.

I have no objections to supersonic aircraft flying into the United States as long as there are no adverse environmental effects. If people want to spend over $1,400 for Atlantic airflight, they can go ahead. At those prices however, the Concorde will be little more than a luxury liner for the wealthy.

During this time of energy consciousness, the rationale for supersonic passenger flights cannot be defended. The Concorde and Russian TU–144 are two of the most energy intensive and wasteful modes of transportation in existence.

The $62 million Concorde is not a viable economic aircraft. Only British Airways and Air France have firm orders for the Concorde for a total of nine. Iran and the People's Republic of China have expressed interest in five aircraft, but have not given commitments yet. Other major airlines know that the Concorde cannot pay its own way.

My bill would amend the Federal Aviation Act of 1958 by requiring that supersonic aircraft not receive any exemptions or other special considerations from the noise standards established by EPA and the FAA.

The EPA and FAA have recommended a special waiver for SST's already in production or use.

By Mr. HUMPHREY:

S. 1122. A bill to establish a Federal Housing Bank to purchase mortgages from FNMA and the Federal Home Loan Bank system having rates of interest no higher than 7 percent, to refinance mortgages of families stricken by unemployment, to provide emergency mortgage relief, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

THE FEDERAL HOUSING BANK ACT

Mr. HUMPHREY. Mr. President, we have tried repeatedly over the years to assist home building and spare it from the cycles of financial boom and bust.

We have created the Federal Housing Administration; it has not done the job.

We created the Federal Home Loan Bank system; it has not done the job.

We created the Federal National Mortgage Association; it has not done the job.

We created the Government National Mortgage Association; it has not done the job.

We have all these agencies today. And we have the worst depression in the housing industry since the thirties. Why? Because we have continued to listen to the financial establishment which says that when money is tight, we must stop providing housing for our American families.

I am introducing legislation today that will create an institution that will do the job. It will stabilize the construction industry by making funds available to home purchasers at reasonable rates, no more than 6 percent for most mortgages—and on a consistent basis that is related to our housing needs.

The bill sets up the Federal Housing Bank which will buy mortgages with interest rates below 6 percent at a pace tied to housing needs—not to higher profit for financial institutions and Wall Street bankers.

It will purchase mortgages from FNMA and mortgage bankers; from savings and loans and banks; from insurance companies and pension trusts. With this bill the relationship between borrowers and lenders will remain as it always has. But, these mortgage companies will have a market for the loans and they will have a constant turnover of mortgage funds.

For the first 2 years, the mortgages that the Bank will purchase will have to be secured by new homes, new construction. We need to revitalize the building industry in this country. We need to get it going again. When the shelter section of our economy goes into a depression, it hauls the whole economy down. After 2 years, the Bank will phase in purchases of mortgages on existing housing. And of course, under the emergency mortgage assistance feature of the bill, it will purchase and refinance mortgages for homeowners of existing housing, who are stricken by unemployment.

The purchasing activity of the Bank will be related to the need for housing in this country. Each year the Bank will survey the housing needed to meet our oft-stated goal of a decent home for every American family within a 10-year period. The Bank will then undertake to purchase or make commitments to purchase enough mortgages so that housing starts will be stimulated at a rate which will take us one-tenth of the way to our goal. Since this process is repeated each year, the level of activity will keep pace with changes in demand for housing as well as past successes in creating new housing units. If the private sector of our economy recovers and begins producing housing at a rate we need, then the Bank will not be purchasing mortgages.

In order to be sure that the middle-income families who really need this assistance will be helped, the amount of mortgage indebtedness which will be subject to the low-interest rate assistance will be determined on a continuous basis by the use of prototype costs. The prototype shelter unit is one which contains 1,400 square feet of living space having a moderate but adequate design, and making most effective use of land resources and community facilities.

If a property is valued at the prototype cost level, then the purchaser will be able to obtain a mortgage to cover 90 percent of the cost and will pay 6 percent interest or less.

But the Bank will be able to buy mortgages in higher amounts provided they carry a dual interest rate; low on the part equivalent to 90 percent of the prototype cost, and market rate on the amount above that. This way, if a family needs a larger house or wants to work and pay for a bigger house or a better location, they can be aided to the same extent as a family that can get along adequately in a house meeting the prototype limits.

Why prototype costs? Because in the last few years we have seen what happens when steeply increasing prices make statutory limits obsolete. If Congress or the President must act to change these limits, then we put a stop to all construction. The Bank will make yearly reviews and readjustments to the prototype costs for each region or SMSA so that they will keep pace with price increases.

The Bank will get the funds to purchase mortgages from the issuance of bonds backed by the full faith and credit of the U.S. Government. When rates on these types of bonds are low, the Bank will be able to borrow for relatively long terms. If the long-term rates rise above short-term rates, then the debt management policy of the Bank will be flexible enough to borrow on short term until the long-term rates again subside.

The Treasury is directed to reimburse the Bank for any difference between its costs of borrowing and the rates of the mortgages which it purchases. Because the cost of federally guaranteed borrowing is generally low, this reimbursement by the Treasury will be the exception rather than the rule. And, if long-term rates are low enough and the Bank has succeeded in stimulating starts up to its annual requirement, there may be money in the Bank available to repay the Treasury on account of any previous reimbursements.

The Bank will have at least one additional important task—it will provide emergency assistance to persons who because of unemployment cannot continue to meet mortgage payments. Where a person certifies that he has been unemployed for a period of 6 months, and he has no assets from which to meet mortgage commitments, then he will be eligible for refinancing assistance from the Bank. These mortgages can be secured by existing housing, and they would have rates of 6 percent or less. In the event that this refinancing assistance is not enough, the Bank would be able to declare a moratorium on principal and interest for a period up to 18 months.

This bill is vital if we are to see a quick recovery in the building industry which supports so many other sectors of our economy: Our home furnishings industry, steel production for appliances, water and sewer construction, and the list could go on and on. At the same time, the bill will for once and for all insulate mortgage borrowing from the cycles of credit stringency and ease. Without this legislation the future is bleak indeed, with the costs of raw materials skyrocketing, because of scarcities and price fixing arrangements.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD, along with a section-by-section summary.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Housing Bank Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) the Congress finds and declares that—

(1) the vigor and prosperity of our economy requires a healthy and active housing industry;

(2) adequate shelter for the multitude of our working families in a hallmark of our standard of living;

(3) for decades this nation has been able to produce housing at reasonable cost, but long term projections of capital and materials shortages threaten this goal;

(4) decent, safe, and sanitary housing cannot be provided if interest rates on home mortgages are inordinately high; and

(5) Congress must create an institution which can reduce the costs of financing the purchase of a home for the average American family.

(b) The purpose of this Act is to establish a Federal Housing Bank which will provide permanent mortgage funds at a rate of 6% or less for low and moderate income home purchasers; and to provide emergency mortgage relief for families hit by unemployment.

ESTABLISHMENT OF BANK

SEC. 3. There is hereby created a body corporate to be known as the Federal Housing Bank, which shall have succession until dissolved by Act of Congress. The Bank, which shall be an agency of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business. For the purposes of jurisdiction and venue, the bank shall be deemed a citizen and resident of the District of Columbia.

GENERAL POWERS

SEC. 4. The Bank shall have, in addition to the special authority conferred by section 7 of this Act, the power—

(1) to sue and be sued, and complain and defend, in its corporate name and through its own counsel;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal, by the Board, such bylaws, rules and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, have offices, and exercise the powers granted by this Act in any state without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, and own, hold, improve, use, or otherwise deal in and with, any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, and to require bond for them and fix the penalty hereof; and

(9) to enter into contracts, execute instruments, incur liabilities, and do all things which are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

BOARD OF DIRECTORS: MANAGEMENT

SEC. 5. (a) The Bank shall have a board of directors which shall initially consist of nine members to be appointed as follows:

(1) Three members shall be nominated by the President pro tempore of the Senate;

(2) Three members shall be nominated by the Speaker of the House of Representatives; and

Three members shall be appointed by the President, by and with the advice and consente of the Senate, one of whom shall be designated at the time of his appointment to serve as President of the Bank and Chairman of the Board of Directors. If the President shall fail to nominate the aforesaid members within 90 days of the passage of this Act, then these members shall be appointed by the Congress in conference assembled.

(b) The Board shall hold regular bimonthly meetings and shall hold other meetings at the call of the Chairman. A majority of the board shall constitute a majority for the transaction of business. Any vacancy in the Board shall not affect its powers or duties.

(c) Any Director who is an officer or employee of the United States shall serve without additional compensation for his services as a Director.

(d) The management of the Bank shall be vested in the President of the Bank, subject to such policies as the Board of Directors shall prescribe from time to time.

INITIAL EXPENSES

SEC. 6. In order to facilitate the formation of the Bank, the Secretary of the Treasury is authorized to pay initial organizing and operating expenses. There is hereby authorized to be appropriated not to exceed $500,000 for this purpose.

SPECIAL AUTHORITY

SEC. 7. (a) Subject to the provisions of this Act, the Bank is authorized—

(1) to make commitments to purchase, and to purchase, service, and sell, on terms and conditions determined by the Bank, home mortgages on single family homes, or condominiums or cooperatives, from the Federal National Mortgage Association or the Federal Home Loan Bank System, and

(2) to make commitments to purchase, and to purchase, hold and refinance mortgages on homes of persons who certify that they have been unemployed for six (6) months and do not have assets that could be used to pay the mortgage on their principal dwelling place.

(b) The mortgages purchased under this section shall have the following characteristics and such others as the Bank may from time to time determine.

(1) Bearing interest at a rate which is 1% over the rate on obligations of the Bank, but in no event more than 6%;

(2) Having a term of thirty years or the useful life of the structure whichever is less;

(3) In an amount equal to 90% of the value of the mortgaged property or the prototype cost to be determined as set forth in Section 9 of this Act, whichever is less, except that the Bank may purchase in a higher amount having a dual interest rate 6% or less on the portion equal to 90% of the prototype cost and a market interest rate on the portion above that cost;

(4) Having a prepayment penalty in an amount determined by the Bank to be necessary to cover any costs incurred because of early repayment;

(5) Including a sum necessary to compensate the originator for its costs in processing the loan, transferring it to the Bank, warehousing the loan prior to transfer, and a fair profit; and

(6) Securing indebtedness incurred by an owner-occupant.

(c) Except for mortgages purchased or refinanced under the provisions of subsection (a)(2) of this section, the property securing the aforesaid mortgages shall;

(1) For a period of 2 years from the date of enactment of this Act, be newly constructed;

(2) For a period from 2 to 5 years from the date of enactment of this Act, be either newly constructed or existing construction having a value which is 50% of the prototype cost established by the Bank for the locality in which the property is located;

(3) For a period from 5 to 8 years from the date of enactment of this Act, be either newly constructed or existing construction having a value which is 70% of the prototype cost established by the Bank for the locality in which the property is located;

(4) For a period from 8 to 10 years from the date of enactment of this Act, be either newly constructed or existing construction having a value which is 90% of the prototype cost established by the Bank for the locality in which the property is located; and

(5) After 10 years from the date of enactment of this Act, there shall be no restriction on the age of the dwelling located on property securing mortgages purchased by the Bank.

SURVEY OF HOUSING NEEDS

SEC. 8. (a) Each calendar year the Bank shall make and publish a survey of the needs for housing construction throughout the nation over a period of ten (10) years.

(b) In any calendar year the Bank shall purchase mortgages pursuant to Section 7 (a)(1) of this act in an amount which will support the construction of 1/10 of the 10 year housing need as determined from the survey made pursuant to subsection (a) of this section.

ESTABLISHING PROTOTYPE COSTS

SEC. 9. The Bank shall establish on an annual basis for every standard metropolitan statistical area and for appropriate regional areas not included within SMSA, a prototype cost for the construction of a modest but adequate, detached, semidetached, townhouse, condominium or cooperative housing unit containing 1400 square feet of living space.

EMERGENCY MORTGAGE RELIEF

SEC. 10. With respect to any mortgages which the Bank acquires pursuant to Section 7(a)(2) of this Act, the Bank is authorized to declare a moratorium on payments of principal, interest, or both for a period of 18 months on terms and conditions to be determined by the Bank so as to alleviate hardship arising from unemployment.

OBLIGATIONS OF THE BANK

SEC. 11. (a) The Bank is authorized to issue and have outstanding obligations having such maturities and bearing such rates of interest as may be determined by the Bank. Such obligations may be redeemable at the option of the Bank before maturity in such manner as may be stipulated therein. The full faith and credit of the United States is hereby pledged to the payment of all amounts which may be required to be paid on these obligations.

(b) The Bank may require the Secretary of the Treasury to purchase obligations of the Bank issued pursuant to subsection (a) in such amounts as may be necessary in the determination of the Bank to meet its obligations under this Act, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any obligations acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Bank in excess of such amount.

FEDERAL PAYMENTS TO THE BANK

SEC. 12. (a) The Secretary of the Treasury is authorized to make, and to contract to make, annual payments to the Bank in such amount as are necessary to equal the amount by which the dollar amount of interest paid by the Bank on account of its outstanding obligations exceeds the dollar amount of interest received by the Bank on account of mortgages purchased pursuant to Section 7.

(b) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out his functions under this Act, including such sums as may be necessary to make the annual payments required by contracts entered into by the Secretary of the Treasury pursuant to subsection (a) of this section.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 13. (a) The financial transactions of the Bank shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commerical corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the GAO shall have access to all books, accounts, financial records, reports, files, and other papers, or property belonging to or in use by the Bank and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

(b) The expenses of any audit performed under this section shall be borne out of appropriations to the GAO, and appropriations in such sums as may be necessary for this purpose are authorized.

AUDIT REPORT TO CONGRESS

SEC. 14. A report of each such audit of the Bank for any fiscal year shall be made by the Comptroller General to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of any such audit and shall include a statement of assets and liabilities; a statement of capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Congress informed of the operations and financial condition of the Bank, together with such recommendations with respect thereto as the Comptroller-General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Bank, and the Secretary of the Treasury.

TAX EXEMPTION

SEC. 15. The Bank, its property, its franchise, capital reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that (1) any real property and tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

NATURE OF OBLIGATIONS

SEC. 16. All obligations issued by the Bank shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Bank pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations or obligations guaranteed as a principal or interest by the United States.

PREPARATION OF OBLIGATIONS

SEC. 17. In order to furnish obligations for delivery by the Bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Bank. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Bank shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

UNITED STATES NOT LIABLE

SEC. 18. Except as otherwise specifically provided in this Act, the United States shall not be liable for any debts, defaults, acts, or omissions of the Bank.

ANNUAL REPORT

SEC. 19. The Bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 20. (a) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by inserting "or obligations of the Federal Housing Bank", immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(b) Section 5200 of the Revised Statutes (12 U.S.C. 84) is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Federal Housing Bank shall not be subject to any limitation based upon such capital stock and surplus."

(c) The first paragraph of section 5 (c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464 (c)) is amended by inserting "or in obligations of the Federal Housing Bank;" in the second proviso immediately after "any political subdivision thereof;".

(d) Paragraph (2) of section 14 (b) of the Federal Reserve Act (12 U.S.C. 355) is amended by inserting ", or any obligation of the Federal Housing Bank" immediately before the period at the end thereof.

DEFINITIONS

SEC. 21. As used in this Act—

(a) The term "Bank" means the Federal Housing Bank created by section 3, and the term "board" means its board of directors;

(b) The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or any agency or instrumentality thereof;

(c) The term "Federal Home Loan Bank System" means the Federal Home Loan Bank, the Federal Savings and Loan Insurance Corporation, any member of a Federal Home Loan Bank or any other financial institution whose deposits are insured by the Federal Government.

(d) the term "obligation" means any bond, note, debenture or other instrument evidencing debt;

(e) The term "home mortgage" means a first mortgage on real estate in fee simple or on a leasehold under a renewable lease for not less than ninety-nine years upon which there is located a dwelling used by the owner as a principal residence.

SEPARABILITY

SEC. 22. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected.

AUTHORIZING FOR APPROPRIATONS

SEC. 23. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the purposes of this Act.

SECTION-BY-SECTION OUTLINE

Sec. 1. Title: Federal Housing Bank Act (Federal Homestead Bank Act).

Sec. 2. Findings: That a healthy national economy requires a healthy building industry; that our goal of providing decent housing for all American families is imperiled by shortages of capital and materials; that an institution must be created to lower the costs of borrowing to finance homes.

Sec. 3. Establishment of Bank: Corporate body, succession until dissolved by Congress; an agency of the United States government.

Sec. 4. General Powers: Standard powers of a corporation to conduct its business.

Sec. 5. Board of Directors—Management: Directed by a Board having nine (9) members, six appointed by the Congress and three by the President (if the President doesn't nominate members within 90 days of passage, then the Congress may appoint the remaining directors).

Sec. 6. Initial Expenses: $500,000.00.

Sec. 7(a) (1). Purchase of Home Mortgages: Bank is authorized to purchase mortgages from FNMA at a rate which will eliminate the backlog of housing needs within ten years by stimulating housing starts and new construction.

Sec. 7(a) (2). Purchase. Refinance of Unemployed Homeowners: Bank is authorized to purchase and refinance mortgages incurred by persons who certify that they have been unemployed for six months and lack assets to make mortgage payments.

Sec. 7(b). Mortgages to have the following terms and conditions:

Bearing interest at a rate 1% over the rate on obligations of the Bank, but in no event more than 6%

For a term of 30 years.

In an amount equal to 90% of the value of the mortgaged property or the prototype cost established by the Bank for the locality in which the property is located whichever is less, except that the Bank may purchase mortgages in a higher amount having a dual interest rate of 6% or less on the portion equal to 90% of the prototype cost and a market interest rate on the portion above that cost.

Secured by mortgage on new construction.

Having a prepayment penalty on an amount determined by the Bank to be necessary to cover any costs incurred because of the early repayment.

Including a sum necessary to compensate the originator for its costs in processing the loan, transferring it to the Bank, warehousing the loan prior to transfer, and a fair profit.

Available only to owner occupants.

Sec. 7(c). Mortgages on Existing Construction: Except for mortgages of unemployed homeowners, beginning two years from the date of enactment of the Act and extending for 5 years, the Bank will be authorized to refinance mortgages on existing houses having a value which is 50% of the area's prototype cost; for 5 to 8 years on existing housing having 70% of the prototype cost; for 8 to 10 years on existing housing having 90% of the prototype cost; thereafter on all new or existing housing.

Sec. 8. Survey of Housing Needs: Bank directed to make an annual survey of the nation's homeownership housing needs over the succeeding ten years in order to make a determination of the number of housing starts which must be stimulated during the year by the activities of the Bank.

Sec. 9. Establishing Prototype Costs: Bank directed to set a cost for each metropolitan or regional area for a modest, but adequate, housing unit having 1400 square feet of living space to serve as a basis for setting the limit on portion of loan to be financed at the rate of 6% or less.

Sec. 10. Emergency Mortgage Relief: Bank may declare a moratorium on principal and interest payments for up to 18 months on mortgages of unemployed homeowners pursuant to Sec. 7(a) (2) of the Act.

Sec. 11. Obligations of the Bank: Authorized to issue obligations having rates and terms as determined by the Bank necessary to finance the operations of the Bank; fully guaranteed as to principal and interest by the full faith and credit of the United States Government. Bank may also require the Treasury to purchase for up to 18 months its obligations in order to allow the Bank to meet its responsibilities under the Act.

Sec. 12. Federal Payments to the Bank: Treasury Department is directed to make an annual payment to the Bank in an amount to cover the difference between the Bank's cost to borrow and its return from mortgages purchased by it.

Sec. 13. Audit of Financial Transactions: To be made each year by the GAO.

Sec. 14. Audit Report to Congress: GAO to report results of audit to Congress each year.

Sec. 15. Tax Exemption: Funds of the bank exempt from tax; real property subject to local taxes; principal & interest on bonds subject to income tax.

Sec. 16. Nature of Obligations: Lawful investment for trusts and fiduciaries. Exempt from Securities laws.

Sec. 18. Preparation of obligations: May be prepared by the Treasury.

Sec. 18. United States not Liable:

Sec. 19. Annual Report: Must report activities to Congress.

Sec. 20. Amendments Relating to Financial Institutions:

Sec. 21. Definitions: Bank; State; Obligation; Federal Home Loan Bank System; Home Mortgage.

Sec. 22. Separability:

Sec. 23. Authorization for Appropriations:

By Mr. BARTLETT:

S. 1123. A bill to establish the Indian Nations Scenic Trail. Referred to the Committee on Interior and Insular Affairs.

Mr. BARTLETT. Mr. President, I am today reintroducing a bill to provide for a study of a hiking trail, to be named the Indian Nations Trail, to cross Oklahoma from north to south in what was the old Indian Nations Territory.

This same bill passed the Senate last year. But action on it was not completed in the House.

The proposed trail would extend over 200 miles through some of the most beautiful scenery in Oklahoma. Eastern Oklahoma is rugged, wooded, and scenic. The terrain and esthetic features are excellent for recreational trails. The area is rich in history, particularly Indian history.

The survey report by the Corps of Engineers concerning eastern Oklahoma best describes the area:

> One of the most important resources of eastern Oklahoma, and probably the least utilized, is its scenery. The area has much to offer in developed scenic attractions which contribute greatly to its attractiveness as a visitor and recreation center. There are dense forests, ridge and valley areas and meadows suitable for camping, picnicking, riding and hiking. Mountains covered with both coniferous and deciduous forest afford broad vistas of dramatic magnitude. There are also changing foliage patterns, with seasonal variations. There are old lumber trails which would function ideally for hiking, riding and viewing some of the scenic and geologic attractions not available by automobile.

With many portions of the Appalachian and Pacific Crest National Scenic Trails suffering from overuse, it would be highly desirable to have a mid-America scenic trail.

I hope the Senate Interior Committee and the Senate will take quick action on this legislation.

By Mr. BUCKLEY:

S. 1124. A bill to amend the Small Business Act to assist in the financing of small business concerns owned by persons who are disadvantaged because of certain social or economic considerations. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BUCKLEY. Mr. President, I rise to reintroduce a bill which is designed to help us achieve our goal of full equality of opportunity for all Americans by opening new sources of financing for disadvantaged, small business enterprises. It is a bill which will hasten the development of the managerial skills and self-confidence that are so essential to the advancement of those minority groups that are still to achieve a full participation in our economic life.

The legal barriers toward full equality are down, but other barriers—social and psychological—still remain. These we cannot legislate away, but we can work to overcome them by creating the climate which will encourage the growth of mutual respect and self-respect among all Americans. I believe that nothing is more certain to bring this about than the rapid vertical integration of our minorities into the economic life of the Nation.

This economic integration is not something that can be accomplished by government edict. It must be achieved in fair competition. Self respect requires the knowledge of earned success. Mutual respect will follow on the fact of achievement. But government, and our society at large, must recognize that certain handicaps still exist which make the road to achievement more difficult for some groups of Americans than for others.

Certain of these groups, notably black Americans, suffer from the psychological effects of generations of dependency. As a result, their communities are handicapped by a deficiency of business traditions and of the skills and self-confidence in commercial matters that have made it possible for other minority groups to take full advantage of the dynamics of the American system of free competitive enterprise.

Our system of free enterprise has brought to the people of this Nation economic and social gains unparalleled in history. The opportunity to fulfill one's own dream through participation in the system has been an integral part of what America has always stood for. While the opportunity to test one's own ideas and resources and courage in the marketplace does not guarantee success, the denial of such an opportunity guarantees a loss of faith in the ultimate justice of our economic system.

When an American reaches the conclusion that our economic system is inequitable, he is making a philosophical as well as an economic judgment. He is criticizing ultimately basic principles rather than economic techniques. Such a criticism cannot be answered by references to the gross national product. It must be answered in the terms in which the criticism is framed. The member of a minority group who feels he has been left out of the American dream says: "Show me." It is not enough to provide statistical data or inspirational rhetoric demonstrating the abstract fact of progress. He must be shown the worth of the American system in the only way that demonstrates that worth—by making sure that he has fair access to it. "A piece of the action" is not just a catch phrase; it is a shrewd and precise summing up of what is necessary to prove that our system works for all Americans.

The core of our national existence is the irrevocable and profound commitment to the individual. If an American is denied an equal opportunity to take his chances in the marketplace, he is, in effect, being denied not only as an "economic man" but in his totality as a human being.

From 1969 through 1974 the amount of SBA loans to minority entrepreneurs has increased from $105 million to $288.5 million.

While I am gratified to see the progress being made in the creation and administration of programs intended to foster progress in this area, they can nevertheless be substantially improved. To date, virtually the entire emphasis on the financing of minority business has been through the extension of loans. These loans are made either directly by the Government or through private lending institutions, such as commercial banks and minority enterprise small business investment companies—organized pursuant to the Small Business Investment Act of 1958 and the Minority Enterprise Small Business Investment Act—which are provided special Government incentives in the form of loan guarantees.

Section 102 of the Small Business Investment Act of 1958 reads as follows:

> It is declared to be the policy of the Congress and the purpose of this Act to improve and stimulate the national economy in general and the small-business segment thereof in particular by establishing a program to stimulate and supplement the flow of private equity capital and long-term loan funds which small-business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization, and which are not available in adequate supply: "Provided, however," that this policy shall be carried out in such manner as to insure the maximum participation of private financing sources.

These Federal programs recognize the fact that minority enterprises face certain inherent obstacles when seeking financing in the marketplace. The minority groups which these programs are designed to assist simply have too little built-in business experience and too limited a pool of managerial skills on which to draw.

Therefore the risk of failure in their enterprises is necessarily higher on the average than is the case with others competing for available dollars. Thus either through direct preferences in the case of SBA loans, or through special incentives provided to commercial banks and to MESBIC's, Government policy has sought to equalize risks.

The problem, however, is that these governmental efforts have concentrated on the device of facilitating debt financing while virtually ignoring the entire area of equity financing which is the more usual, desirable source of funds for high-risk ventures.

One result of this approach has been the large rate of defaults—more than 30 percent—which has been experienced on SBA-guaranteed bank loans which have been made pursuant to the legislation. Now there is nothing surprising in the fact that a significant percentage of new enterprises should fail, whether or not they are sponsored by members of minority groups. What is novel is that there should be so large a record of loss in loans extended by lending institutions, such as commercial banks, which usually have a very low bad debt experience because of the collateral and other safeguards they normally require. Therefore, an unusually large record of losses has the undesirable result of unfairly stigmatizing minority entrepreneurs.

What we must understand, in assessing the limitations of the present approach, is the consequence of placing too great a reliance on loans as a source of financing for minority entrepreneurs. Commercial banks and other such institutions are simply not in the business of assuming significant risks. They are accustomed to measuring collateral, demonstrated earning power and managerial experience as a precondition to the extension of credit. They are not in the business of weighing the dreams which are the stuff from which new ventures are built. Yet most of the minority enterprises in need of financing have little but future prospects to offer as security. Thus the granting of loans too often requires a willingness to risk beyond the boundaries normally permitted the ordinary commercial banker.

The unwillingness to risk is understandable considering that risk-taking is prudent only when the risk/reward ratio is reasonable. Taking open-ended risks for a return of perhaps 11 percent—the approximate average interest rate charged on small business loans—is neither reasonable nor sensible. Recognizing this, the Government has tried to limit the lender's risk through mechanisms such as the SBA 90-percent loan guarantee. It was thought that this would do the trick by enhancing the risk/

reward relationship. This device has helped, but not to the desired degree.

There is another problem in the attempt to route minority enterprise financing through conventional banking channels. It simply does not create the sort of relationship between the parties which is best designed to bring to the new venture the interested help of an experienced management. Yet it is the lack of managerial skills and of a broad base of business experience which so often prove fatal to fledgling enterprises no matter how soundly based in concept. It is simply not the business of commercial banks to help supply these needs. Their prime interest is in the security of their loans; and to the extent that a commercial bank is protected against loss by a Government guarantee, to that extent is its concern for the basic economic health of the borrower diminished.

This fact may account in part for the high rate of default among the loans which they have extended to minority businesses, but there are other factors. Because of the moral suasion which has been applied to them, because of the genuine desire on the part of so many to lend a helping hand, and because the risk of loss has been made so low, lending institutions have too often been careless in the screening process which leads to making a loan; and once made, some have a tendency to write off the loan as a form of charity. In too many instances, this has had the effect of providing financing for ventures which are predestined to fail.

Finally, by channeling financing through the medium of loans, these Federal programs have the unfortunate effect of saddling new businesses with so heavy a burden of debt that it becomes even more difficult for them to succeed. The prior claim on working capital of excessive debt service obligations is a common cause for the failure of otherwise viable ventures.

These shortcomings in the current approach can be overcome by making equity financing more readily available to minority businessmen. Under current conditions, the higher degree of risk which is inherent in their ventures makes it infinitely more difficult for them to secure equity financing through normal business channels. The purpose of the bill which I am introducing today is to reduce that element of risk to a point where minority businessmen can be assured of an interested hearing, and of the needed capital in the event that their concepts are basically sound. My bill would accomplish this goal by amending the Small Business Investment Act of 1958 so as to provide short-term guarantees limiting the size of potential losses while placing no limits on potential gains.

There are a number of institutions—investment banking firms and others—which are in the business of mobilizing venture capital for investment in the shares of new companies. Their relationship to the enterprises they finance is entirely different from that of the commercial banker. They are in the habit of dealing in futures. They are looking not for a return of capital plus interest, but for the chance to participate on the ground floor in new enterprises whose potential may be unlimited. In a very real sense, such an investor becomes a partner in the enterprise, and will bring to it not only a broad base of experience, but a high degree of commitment to its success.

Investment banking firms will usually be represented on the board of directors of the companies which they help launch so as to safeguard their own investment and that of their clients. Through this relationship, investment firms develop a detailed knowledge of the special needs and problems of each of the companies in which they have made important financial commitments, and they are in a position to make specific recommendations as to a broad range of business needs. These firms have an intimate experience with the special problems faced by any new venture, and their advice can be of critical importance in assuring the maximum chance for success of a new minority business.

Finally, they can provide inexperienced businessmen with expert advice on the best form of financing—straight equity, or debt, or a combination of both—for each stage in the organization and growth of a new enterprise. Such advice can help the founders preserve a maximum ownership in their business without incurring an excessive level of debt.

I believe it is important that any measure intended to encourage the establishment and growth of minority enterprises be designed to do no more than overcome the special handicaps to which I have already alluded. It will benefit no one if the element of risk is eliminated to such an extent that potential investors lower or abandon their standards in their assessment of the inherent merits of a business proposal. To encourage an abnormal rate of failure through careless screening procedures would retard the achievement of economic integration by destroying confidence and discouraging further investment.

What we must seek is an approach which will make certain that investment bankers and others engaged in the business of investing venture capital will welcome proposals from minority businessmen and assure that these will be examined on the basis of their inherent merits. Beyond adjusting the element of risk to reflect the special handicaps under which minority businessmen must too often operate, it is essential that the relationship between investor and entrepreneur be built on realistic, sound, and tested business principles. A business venture built on such a foundation will not only have the best chance for success, but the fact of success will have a tremendously important effect within the minority community itself. A man who suceeds not because he is a member of a minority who is a businessman, but because he is a good businessman who happens to belong to a minority, can do more for the pride and economic development of his community than a dozen Government programs that seek to shelter him from the realities of risk and reward that are at the heart of our economic system.

My bill would authorize the Small Business Administration to guarantee equity investments, for not to exceed 5 years, by investment companies or other qualified investors in small business concerns owned and managed by individuals who are disadvantaged because of social or economic considerations not generally applicable to other business enterprises. Under the guarantee, the SBA would be required to purchase equity securities at 70 percent of cost from the investor, if, after the second year but before expiration of the agreement, either the book or the market value has declined by more than 30 percent. SBA would affix uniform fees to cover application processing costs and for guaranteeing the securities.

I have sought to attract investment of venture capital by granting qualified investors the right, sharply limited in time, to sell their investment to the SBA at 70 percent of cost. I believe that the risk of loss would thereby be sufficiently large to make certain that no investment is lightly made. By the same token, the investor's stake in the new enterprise is sufficiently large to insure that every reasonable assistance will be extended to insure its success—especially as the investor will participate fully in that success. I would also hope that the provisions contained in the bill would encourage large manufacturers to assist in the organization and financing of minority subcontractors, thus forming a relationship which would have the greatest mutual benefits while benefiting the country at large by hastening the full participation by our minorities in our economic life.

Mr. President, it seems to have become fashionable of late, at least in certain circles, to make ritualistic attacks on our Nation's basic institutions. Among these is our system of free, competitive enterprise. I suggest that the best argument in favor of our system is the argument of opportunity. I believe my bill will help reinforce that argument by encouraging access to our economic system.

Mr. President, in closing I would like to emphasize the importance of small business in our economy by reading the following passage from the 1947 Committee for Economic Development Report:

> Whatever its type or stage of growth, the small business is a manifestation of . . . the basic freedoms of American life . . . to enter or leave (an occupation) at will, to start and grow big, to expand, contract—or even to fail. This freedom to be enterprising is an aspect of the economic democracy without which our political democracy cannot exist.

I send my bill to the desk and ask that it be appropriately referred. I also ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(1) (1) Whenever the Administration determines that such action is necessary or desirable to assist small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concern by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages, it may guarantee equity investments in such concerns made by investment companies in order to assist such concerns in obtaining the equity capital needed for viable and prudently managed business operations. Any such guarantee shall be made pursuant to an agreement by the Administration to purchase equity security evidencing the interest of an investment company in such a concern in accordance with terms and conditions prescribed by the Administration. As used in this subsection—

"(A) the term 'investment company' means a person registered with the Securities and Exchange Commission under any provision of the Investment Company Act of 1940, a person who is a member of any exchange or association which is registered pursuant to such Act, a small business investment company, and such other persons as the Administration may approve for purposes of this subsection;

"(B) the term 'equity securities' has the same meaning as such term has under regulations of the Administration; and

"(C) the term 'book value' means the net worth per share determined in accordance with the generally accepted accounting principles for the industry involved.

"(2) Any guarantee under this subsection shall be subject to the following limitations and restrictions:

"(A) No such agreement shall obligate the Administration to purchase securities covered by the guarantee after the expiration of five years following the date on which the agreement is entered into.

"(B) The small business concern issuing such securities is an eligible concern in accordance with standards and criteria prescribed by the Administration having regard to the purposes of this subsection.

"(C) The financings required by such concern cannot reasonably be obtained except with assistance provided under this subsection.

"(D) The Administration determines that the risks assumed pursuant to any such agreement are reasonable having regard to the purposes of this subsection.

"(3) A guarantee agreement entered into under this subsection by the Administration shall obligate the Administration to purchase securities covered by the agreement and held by an investor. An agreement may, having regard to whether the securities will be privately or publicly held, specify either one but not both of the following conditions giving rise to the obligation to purchase:

"(A) If at any time after the expiration of two years, but prior to the expiration of five years, following the date on which a guarantee with respect to securities becomes effective the book value of such securities is less than 70 per centum of their book value at the time of purchase by an investor the Administration shall on demand of the investor purchase such securities from the investor at a price equal to 70 per centum of the price paid for the securities by the investor.

"(B) If at any time after the expiration of two years, but prior to the expiration of five years, following the date on which a guarantee with respect to securities becomes effective the market price of such securities is less than 70 per centum of the price at which the securities were first offered for sale, the Administration shall on demand of the investor purchase such securities from the investor at a price equal to 70 per centum of the price paid for the securities by the investor.

"(4) After the receipt of a demand for purchase from an investor pursuant to any guarantee under this subsection, but prior to any such purchase, the Administration shall require that the books and records of the small business concern involved be audited by a private accounting firm and a report of such audit be furnished to the Administration.

"(5) The Administration shall fix a uniform fee which it deems reasonable and necessary for any guarantee issued under this subsection to be payable at such time and under such conditions as may be determined by the Administration. Such fee shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration shall also fix such uniform fees for the processing of applications for guarantees under this subsection as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith.".

SEC. 2. Paragraphs (1), (2), and (4) of section 4(c) of the Small Business Act are amended by inserting "7(1)," after "7(i),".

By Mr. INOUYE:

S. 1125. A bill to amend the Interstate Commerce Act. Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, the most important recent development in cargo transportation is the so-called container revolution. Containerization makes possible the transportation of goods from an inland point to dockside, by ship to another dockside and then to another inland point, all without the delays and costs of unpacking and repacking at each step in the process. The economies and time savings made possible by this process have been dramatic in transportation involving ocean carriers, especially in the case of Hawaii given its dependence on ocean transportation. Although Hawaii has enjoyed many benefits from this new technology in the form of container system service an anomalous system of regulation of the rates assessed for such service has evolved which this proposed legislation will correct.

In its decision in docket No. 912, the Federal Maritime Commission concluded that tariffs naming single-factor ocean rates that is those which include incidental motor carrier pickup or delivery service from or to port area points along with line-haul ocean transportation are lawful and not contrary to the provisions of the Intercoastal Shipping Act, 1933. This decision recognized that the concept of containerization made it possible for an ocean carrier to provide service from or to off-dock shipper premises as opposed to its historical role of originating or terminating its service at a water-edge dock or terminal.

An ocean carrier providing container service at single-factor rates authorized by this decision employs ICC certificated motor carriers to conduct the port area pickup or delivery service with such underlying service performed on behalf of the ocean carrier at rates and charges published and filed with the Interstate Commerce Commission by the underlying motor carrier. Under this type of arrangement, the motor carrier remains subject to the sole jurisdiction of the ICC in his role as the servant of the ocean carrier while the ocean carrier's service and single-factor rates are regulated solely by the Federal Maritime Commission. This arrangement, under which the ocean carrier has sole responsibility to the shipper for performance of the through service, has been advantageous to shippers while at the same time retaining a scheme of economic regulation wherein each carrier remains subject to the jurisdiction of that agency having optimum expertise in the respective fields of ocean and motor carrier transportation.

Under Public Law 87-595, section 216 (c) of the Interstate Commerce Act was amended in a manner that authorized the Interstate Commerce Commission to exercise economic regulation over joint motor-water rates applying between points in Hawaii and points in the other States of the Union. Under this provision an ICC certificated motor carrier and a common carrier by water, the latter otherwise subject to the shipping acts, may offer through service from or to port area points on the basis of the participating carriers being jointly and severally responsible for the performance of such service.

In contrast to single-factor rates filed with the FMC by common carriers by water employing underlying motor carriers for port area drayage service as the servant of the ocean carrier, common carriers by motor and water participate in section 216(c) joint rates as connecting carriers offering joint service with the carriers agreeing privately on their respective share of the joint rate. In *Alaska S.S. Co.* v. *FMC*, 399 F. 2d 623 (9th Cir. 1968) and *Sea-Land Service, Inc.* v. *FMC*, 404 F. 2d 824 (D.C. Cir. 1968), it was affirmed that Public Law 87-595 embraced through service at joint motor-water rates from or to port area points, even though the motor carrier portion of the total service involved only an incidental pickup or delivery service.

As a consequence of the enactment of Public Law 87-595 and its interpretation by the courts, the totality of containerized ocean transportation provided in the Hawaiian trade is subject to dual economic regulation by Federal agencies. Carriers providing container service from or to point terminal area points can select at will the agency—FMC or ICC—under which they prefer to be regulated. The result of this selection process is that the major carrier in the trade is primarily regulated by the FMC while others are primarily regulated by the ICC. This has brought about considerable confusion and uncertainty on the part of the shipping public as well as the competing carriers in the trade. Orderly and effective regulation of the trade requires that the bulk of the containerized cargo moving in the Hawaiian trade be subject to one regulatory jurisdiction.

With the recent repeal of section 6 of the 1933 Act—Public Law 93-487: October 26, 1974—those carriers filing such port area rates with the FMC can no longer grant rates for carriage of Government-sponsored cargo that are unduly preferential as compared with rates for commercial cargo.

In passing H.R. 5385—Surface Transportation Act of 1974—in the last Congress the House deleted section 501 which provided for repeal of section 22 of the Interstate Commerce Act. Consequently, as matters now stand carriers serving Hawaii can still file preferentially reduced rates for Government-sponsored cargo with the Interstate Commerce Commission pursuant to sections 216(c) and 22 of the Interstate Commerce Act, thus frustrating the intent of Congress as expressed in Public Law 93-487—namely, that all shippers, Government or commercial, would be treated alike in respect to economic regulation of freight rates in the domestic offshore trades.

Such frustration of congressional intent can be eliminated by enactment of my bill.

In summary, the effect of my bill will be to repeal the right of ocean carriers serving Hawaii to file any rate applying between mainland port area points and points in Hawaii with the Interstate Commerce Commission and in so doing would grant sole jurisdiction over all such port area rates to the Federal Maritime Commission and eliminate the carrier's right to grant preferentially reduced rates applying to and from port area points for carriage of Government sponsored cargo as presently authorized by section 22 of the Interstate Commerce Act. However, the amendment proposed by my bill would not affect the filing with the Interstate Commerce Commission of intermodal through rates applying between beyond port area points—such as Denver, Chicago, Kansas City, and so forth—and Hawaii.

By Mr. INOUYE (for himself and Mr. FONG):

S. 1126. A bill to provide for the normal flow of maritime interstate commerce between Hawaii, Guam, American Samoa, or the Trust Territory of the Pacific Islands and the west coast, and to prevent certain interruptions thereof. Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, last July 17 the U.S. Senate passed by a vote of 58 to 39 the Hawaii and United States Pacific Islands Surface Commerce Act. Unfortunately, this measure failed to come to a vote in the floor of the other body although hearings were held on a similar proposal and it was reported favorably by the subcommittee.

It is, therefore, with great hope that I reintroduce this bill today. I hope the 94th will be the Congress which will act favorably on the most important single piece of legislation affecting the people of my State which is likely to come before us.

That hope is based on more than the margin by which this measure was approved last year by the Members of this body. For, the version which I introduce today deletes or revises certain provisions from last year's bill which had troubled some of my colleagues and members of the Senate Labor and Public Welfare Committee. These provisions include; limiting sharply the parties who can seek an injunction, providing for concurrent application of any injunction issued under this act and any injunction which may be granted under section 208 of the Labor-Management Relations Act, and a reduction of the maximum length of an injunction under this bill from 160 days to 120 days.

These are important changes and it is my hope that some who found it difficult to support the measure which was passed last year may as a result of such changes find it possible to give their support this year.

Passage of this measure has long been awaited by the people of my State and of the other U.S. Pacific islands. I first introduced a measure to reasonably secure our only means of surface commerce back in 1971. In January of 1972, 3 days of hearings were held on that measure in Honolulu. As a result of those hearings legislative changes were made and in the first session of the 93d Congress all four members of the Hawaii congressional delegation jointly introduced the legislation which was the forerunner of the measure I introduce here today.

The hearings which have been held, the reports which have been filed, and the debate on the floor of the Senate have all amply demonstrated the severity and uniqueness of the problem which this measure seeks to resolve. We, in Hawaii, are uniquely dependent upon one mode of surface commerce and upon that commerce flowing between the west coast ports and our ports in Hawaii. Such dependence is shared only by the other U.S. Pacific islands. Yet that trade has almost no influence on the collective bargaining process because it constitutes such a small percentage of total west coast maritime trade. The west coast-Hawaii trade constitutes only some 3 percent of the total longshore hours worked on the west coast and some 7 percent of the shipboard labor. On the management side the carrier involved in that trade has less than 13 percent of the voting strength in the Pacific Maritime Association, the management interest responsible for negotiating settlement of maritime disputes affecting the west coast trade.

The Hawaii and United States Pacific Islands Surface Commerce Act recognizes the principle that we should interfere as little as possible, consistent with our objective, with the normal economic forces which are operative in labor-management negotiations.

My bill recognizes further that any measure of interference in labor-management disputes must be an evenhanded one. Any interference must be to the advantage of neither labor nor management.

It recognizes that the mere and recurring threat of stoppage itself causes great economic damage as merchants and other economic interests in Hawaii seek to gird against any stoppage by expensive stockpiling of merchandise. Warehousing costs in Hawaii are 250 percent of mainland costs according to a recent study.

This measure recognizes that any proposed solution must not only be fair and reliant on normal labor-management economic forces but it must also be one which can be readily implemented. The proposed solution is one which has been regularly utilized on a voluntary basis to transport military cargo including post exchange and commissary supplies during previous shipping stoppages.

This measure meets the necessary criteria of having broad support. In addition to the unanimous support of the Hawaii congressional delegation, last year's measure had the support of the Governor and the mayors of our counties. The Hawaii State Senate endorsed the proposal as did the representatives of Guam and American Samoa. The Honolulu Chamber of Commerce and other Hawaii economic interests supported the measure. The county councils have indicated their support.

Despite differences of party and political philosophy we achieved a remarkable degree of unity in support of such action. While some seek greater relief than that provided here, it is one around which an extraordinary array of political and economic leaders have rallied. I am confident this revised version will receive even broader support. The reasons are clear and persuasive.

On each occasion when there is a shipping stoppage in the west coast trade, or even the threat of such a stoppage, the shippers and consumers of Hawaii are held hostage in a dispute not of their making and one over which they have little, if any, influence.

During the hearings of the Merchant Marine Subcommittee of the Senate Commerce Committee, we received extensive documentation detailing the severity of the economic damage to the people of our State during the 1972 shipping strike. Nothing has happened since those hearings to lessen our concern. The strike then current continued for another 34 days after the expiration of the Taft-Hartley injunction. In fact, a later strike, involving a very small number of workers, closed down our shipping for 41 days.

With 99 percent of our trade by weight arriving by ship or barge and with some 90 percent of our imported food products dependent on west coast-Hawaii shipping, the need for relief can be clearly shown. In conjunction with Guam, American Samoa and the Trust Territories of the Pacific we are in a uniquely dependent and vulnerable condition.

Some have suggested that we seek a solution to our problem through general legislation which would apply to all transportation stoppages. I have opposed this course of action for our problem is unique and there is no justification in my mind for placing restrictions on the right to strike or to settle disputes through free collective bargaining where no clear and overriding threat to the economic health and survival of a people exists.

We may not be able to measure the costs in precise dollar amounts which have been added to the cost of living and doing business in Hawaii because of the recurring stoppages. Yet we know they were substantial. We know these costs are eventually borne by every businessman, every worker and every consumer in Hawaii. We know the Federal Government has once again found it necessary to continue the cost of living allowance for Federal employees in Hawaii.

We know it is time that we take effective action to bring an end to this added burden. We are confident this can be done without giving up the important rights of any group. I believe the measure introduced here today is the legislative vehicle through which our goal can finally be achieved.

Mr. FONG. Mr. President, today I join with my colleague from Hawaii, Senator Daniel Inouye, in offering the Hawaii and U.S. Pacific Islands Surface Commerce Act of 1975. Hawaii's two Representatives, Spark Matsunaga and Patsy Mink, have just introduced identical legislation in the House.

Our bill permits the Governor of Hawaii, Guam, or American Samoa, or the High Commissioner of the Trust Territory of the Pacific Islands, to seek a 120-day injunction continuing shipping service between the west coast and the U.S. Pacific Islands in the event of a west coast longshore or maritime strike or lockout which imperils the health or well-being of the people in any U.S. Pacific Island.

If the Federal district court finds that there is such an imperilment, it may enjoin that part of the strike or lockout which interrupts normal shipping between the west coast ports of California, Oregon, and Washington and the State of Hawaii, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

The 120-day injunction period would run concurrently with any Taft-Hartley injunction with which it might overlap.

Any employee who performs work during the injunction period would be governed by the wages, hours and other conditions of his previous contract, but the bill provides that he shall be paid retroactively for such period any wage increase which may be in his new contract.

This bill will not interfere with collective bargaining or the rights of organized labor, which I have always strongly supported. The number of man-days involved in the U.S. Pacific Islands trade is quite small in relation to the total for all west coast dockside and shipboard labor, and an injunction under this bill, therefore, could not significantly interfere with the ability of labor and management to freely negotiate and bring pressure to bear on each other during a work stoppage.

Mr. President, this bill is based generally on S. 1566, the Hawaii and U.S. Pacific Islands Surface Commerce Act of 1973, which Senator Inouye and I cosponsored in the 93d Congress and which passed the Senate on July 17, 1974, by a 58 to 39 vote, only to die in the House.

It improves upon that bill in several respects in order to meet the suggestions of friends and critics. A requirement that there be an imperilment of health or well-being is established and the adjudicatory role of the court in issuing the injunction is made clear. The length of the injunction period has been reduced from 160 to 120 days and an injunction obtained under this legislation would now overlap with a Taft-Hartley injunction, if the latter were obtained.

Taft-Hartley has rarely been available to help the people of my island State during even prolonged West Coast shipping tieups because an emergency must be "national" rather than solely "regional" in scope in order to qualify for a Taft-Hartley injunction.

As I have pointed out to my colleagues many times before, the geographical location of Hawaii and the other jurisdictions under the U.S. flag in the mid-Pacific Ocean make them overwhelmingly dependent upon a lifeline of shipping passing to and from the west coast of the United States. When that lifeline is severed, as Hawaii's has been on a number of occasions totaling nearly 4 years since World War II, the results can be personal tragedy and economic disaster.

This legislation seeks for Americans living in the mid-Pacific, who must depend almost exclusively on ocean shipping to carry their essential exports and imports, only that security of transportation service which citizens on the U.S. mainland enjoy largely through having so many alternatives available to them—cars, trucks, trains, barges, local short-haul air freight, and so on. Pacific Islands do not have that array of transportation alternatives.

I hope that Senators will again prove responsive to the needs of the people of my State of Hawaii and of Guam, American Samoa, and the Trust Territory of the Pacific Islands, as they did so decisively last year, by giving their support to the Hawaii and U. S. Pacific Islands Surface Commerce Act of 1975.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hawaii and United States Pacific Islands Surface Commerce Act of 1975".

Sec. 2. The Congress hereby makes the following findings:

(a) that the unique geographical situation of the State of Hawaii and of the Territories of Guam and American Samoa, and the Trust Territories of the Pacific Islands, which are physically isolated and separated by thousands of miles of water from both Alaska and the forty-eight contiguous States, generates a unique dependence on ocean shipping as a means for maintaining normal commerce between any of the United States Pacific Islands and the rest of the United States;

(b) that disruption of the normal flow of maritime interstate commerce which results from a strike or lockout affecting the longshore or maritime industries on the West Coast imperils the health or well-being of the people of the United States Pacific Islands;

(c) that the people of the United States Pacific Islands have frequently been innocent third parties in, and suffered enduring harm from, disruptions in maritime interstate commerce described in subsection (b);

(d) that a disruption described in subsection (b) means suffering for the people of the United States Pacific Islands comparable to that which the people of any other State would suffer if all domestic surface transportation serving such State were halted, thereby constructing a barrier around such State and preventing both the entry and exit of all goods transported thereto and therefrom by rail, truck, ship, barge, and any other means of interstate surface commerce, permitting only extremely expensive long distance air transport into and out of such State;

(e) that the use of present Federal emergency dispute procedures for resolving disputes affecting the West Coast longshore or maritime industries has not prevented serious disruptions in the normal flow of maritime commerce which has imperiled the health and well-being of the people of the United States Pacific Islands; and

(f) that provision for the continuation of normal maritime interstate commerce between West Coast ports and the United States Pacific Islands is necessary in order to protect the health and well-being of the people of the United States Pacific Islands.

Sec. 3. (a) No strike or lockout in the longshore or maritime industries in the State of Washington, Oregon, or California (hereafter in this Act such States are referred to as the "West Coast") which imperils the health or well-being of the people in any United States Pacific Island shall be permitted to interrupt normal shipping from any port on the West Coast to any United States Pacific Island, or from any United States Pacific Island to any port on the West Coast for a period of one hundred and twenty days.

(b) The Governor of Hawaii, Guam, or American Samoa, or the High Commissioner of the Trust Territory of the Pacific Islands, or the designated representative of any such Governor or of such Commissioner (if such a strike or lockout interrupts normal shipping of any United States Pacific Island where such Governor or High Commissioner is the executive) may petition any United States district court having jurisdiction of the parties to any disruption described in section 2(b) of this Act to enjoin that part of any strike or lockout or continuation thereof which interrupts normal shipping between the West Coast and any United States Pacific Island, and if the court finds that such strike or lockout meets the condition described in section 3(a) the court shall have jurisdiction to enjoin that part of any such strike or lock out or continuation thereof which interrupts normal shipping between the West Coast and any United States Pacific Island, and to make such other orders as may be appropriate, in accordance with the provisions of this section. Any such injunction and temporary restraining order shall in the aggregate remain in effect one hundred and twenty days unless discharged prior to expiration of such period with discontinuance of the disruption of maritime interstate commerce.

Sec. 4. (a) Any employee (the terms or conditions of whose position of employment are governed by the agreement entered into between the employer and the labor organization prior to such strike or lockout described in section 3(a) of this act) who performs work or services for his employer during the term of the injunction or temporary restraining order referred to in section 3(b) shall perform such work or services pursuant to wages, hours, and other terms and conditions of employment of the last agreement between such employer and labor organization prior to such strike or lockout.

(b) Each employee shall receive additional wages for performing work or services described in subsection (a) to fully compensate him for the difference between the hourly wage he actually was paid for performing such work or services and the hourly wage he would have been paid under the agreement which resolves the labor dispute had it been in effect.

Sec. 5. The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115), shall not apply to any injunction issued under section 3(b) of this Act.

Sec. 6. For the purposes of this Act—

(a) the term "interrupt normal shipping" means—

(1) a refusal to permit the receipt or processing of cargo or its loading aboard a ship at a port on the West Coast if such cargo is destined for use in Hawaii or any United States Pacific Island; or

(2) a refusal to permit the unloading of cargo from a ship or its processing and delivery at a port on the West Coast if such cargo was shipped from Hawaii or any United States Pacific Island; or

(3) a refusal to operate (or to permit the operation of) a ship from a port on the West Coast with cargo destined for use in any United States Pacific Island or a ship from Hawaii or any United States Pacific Island with cargo destined for a port on the West Coast;

(b) the term "strike" has the same meaning as it has in section 501(2) of the Labor Management Relations Act, 1947; and

(c) the terms "employer," "employee," and "labor organization" have the same meanings as such terms have in section 2(2), (3), and (5), respectively, of the National Labor Relations Act.

(d) the term "United States Pacific Island" means the State of Hawaii, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(e) the term "West Coast" means any port or ports located in the states of California, Oregon or Washington.

(f) the term "maritime interstate commerce" means that cargo destined for use in or shipped from any United States Pacific Island from or to the West Coast by surface transportation.

SEC. 7. The provisions of section 3 of this Act shall take effect on the date of its enactment unless a strike or lockout in the longshore or maritime industry on the West Coast is occurring on such date or enactment, in which case such provisions shall take effect on the fifth day after such date of enactment.

By Mr. BROCK:

S. 1127. A bill to amend title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity) to make certain changes in the procedures established for determining violations of the provisions of title VII. Referred to the Committee on the Judiciary.

EEOC AMENDMENTS

Mr. BROCK. Mr. President, today I am introducing legislation to amend title VII of the Civil Rights Act of 1964 relating to equal employment opportunity. The amendments are procedural in nature and designed to make the enforcement of violations more expeditious and effective.

The primary purpose of this legislation is to limit the time in which lawsuits can be filed against employers for racial or sex discrimination. Presently, there is no statute of limitations, and cases are often filed 3, 4, 5, or more years after the alleged episodes took place. The result is that it is very hard to be able to bring witnesses to bear upon the truthfulness and substantiality of these charges under 42 U.S.C. 2000e, et seq. My amendment would establish a 3-year statute of limitations on filing such lawsuits.

42 U.S.C. 2000e–5(e) provides that charges shall be filed with the EEOC within 180 days after the alleged unlawful employment practice occurred. Subsection (f)(1) provides that if the Commission has been unable to secure a conciliation agreement within 30 days after the charge is filed, it may file a civil action. If the charge filed with the Commission is dismissed, or within 180 days from filing it the Commission has not filed a civil action, the person aggrieved may bring a civil action within 90 days. The sections are confusing, but a majority of U.S. district courts have taken the position that there is no statute of limitations on the right of the Commission or the Attorney General to bring suit. Perhaps the leading case on the subject is EEOC against Cleveland Mills Co., which I will add at the conclusion of my remarks. Again, I am proposing a 3-year limitation. This limit does not apply to individuals, who still are subject to the 90-day limitation.

Additionally, the legislation provides new limits regarding the prosecutional powers of the EEOC. The law at present gives both an aggrieved individual and the Commission the authority to file a complaint and subsequently to prosecute it. My amendment would specify that only an aggrieved individual himself can initiate a complaint, although the Commission or the individual can prosecute a complaint once filed. The amendment will take the Commission out of the business of searching for employment violations, although it may still assist in seeking voluntary compliance and ultimately prosecuting on behalf of an individual.

Legislative history shows that a private right of action alone, without the Commission's intervention, is inadequate to achieve the objectives of the law, so denying the Commission all enforcement powers would jeopardize the law's effectiveness. The Commission will still have enough clout to encourage an employer's voluntary compliance, and its workload and backlog should be reduced.

Finally, my bill provides employers with a judicial means of protection from unreasonable requests for information concerning discriminatory employment practices. No longer will a complainant or the EEOC be allowed to undertake a "fishing expedition" in search of evidence. The employer may petition a district court to disallow requests for information deemed to be irrelevant.

Mr. President, I ask unanimous consent that the decision in EEOC against Cleveland Mills Co. be inserted in the RECORD at this point.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

[United States Court of Appeals for the Fourth Circuit—No. 73–2298]

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA, AT SHELBY. WOODROW W. JONES, DISTRICT JUDGE

Equal Employment Opportunity Commission, Appellant, versus Cleveland Mills Company, Appellee.

Argued February 8, 1974.

Decided August 19, 1974.

Before Haynsworth, Chief Judge, and Russell and Field Circuit Judges.

HAYNSWORTH, Chief Judge:

In the District Court, summary judgment was entered for the defendant upon the ground that this action by the Equal Employment Opportunity Commission to remedy allegedly discriminatory employment practices could not be maintained because of time limitations. It construed the Equal Employment Opportunity Act of 1972,[1] amending Title VII of the Civil Rights Act of 1964,[2] which for the first time gave the Commission the right to institute judicial enforcement proceedings, as limiting the newly created right to proceedings commenced within a period of 150 days following the expiration of a period of 30 days after the filing of the administrative charge.[3] We reverse, for we do not find the Commission's right to seek judicial enforcement so circumscribed.

I

These proceedings were begun administratively on August 2, 1968 when one of its members filed with the Commission a charge of racial discrimination against Cleveland Mills. The proceedings did not move with rapidity. Cleveland was not notified of the filing of the charge until November 28, 1968, and the first conciliation conference was held only on July 15, 1970. On August 17, 1971, more than three years after the filing of the charge, the Commission made a finding of probable cause to believe the charge of past and continuing discrimination by Cleveland. Still, conciliation attempts were continued until November 28, 1972, when the Commission notified the "aggrieved parties" of their right under 42 U.S.C.A. § 2000e–5(f)(1) to commence a private action within 90 days. No such action having been commenced within the allowable time, the Commission commenced this action on March 2, 1973, over four and one-half years after the filing of the charge.

II

During most of the pendency of the administrative proceedings, the Commission had no enforcement powers. After the investigation and a determination of probable cause to believe the respondent was in violation of Title VII of the Civil Rights Act of 1964, the Commission was authorized only to seek voluntary compliance. Its roles were those of the conferee, conciliator and uncoercive persuader. If those processes failed, the Commission was required to notify the aggrieved parties, who, within 30 days after such notice, could file an action for the enforcement of their rights. There was no provision for judicial enforcement except such a private action in the name and at the instance of an aggrieved party filed within the 30-day period.

The enforcement scheme was substantially altered in March 1972 when the administrative proceedings in this case had been pending for more than three and one-half years. The Equal Employment Opportunity Act of 1972 amended 42 U.S.C.A. 2000e–5(f)(1) to read in pertinent part:

"If within thirty days after a charge is filed with the Commission * * *, the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission may bring a civil action against any respondent not a government, governmental agency, or political subdivision named in the charge. * * * The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission * * *. If a charge filed with the Commission pursuant to subsection (b) of this section is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge * * * the Commission has not filed a civil action under this section * * * or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission * * * shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge (A) by the person claiming to be aggrieved or (B) if such charge was filed by a member of the

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Footnotes at end of article.

Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. * * * Upon timely application, the court may, in its discretion, permit the Commission * * * to intervene in such civil action upon certification that the case is of general public importance."

* * *

The text of the section contains no expressed or clearly implied time limitation upon the Commission's right to file a civil action once it has accured. The first part of the section confers the right of action upon the Commission subject to conditions only, that at least 30 days shall have elapsed from the filing of the charge and that the Commission shall have failed to obtain a conciliation agreement acceptable to it. The latter part of the section confers a private right of action upon the aggrieved person, and that private right of action is closely confined within defined time periods. The private right of action may not be exercised until after the lapse of 180 days from the filing of the charge and the aggrieved person has received notice from the Commission that (1) the charge has been dismissed by the Commission, or (2) that the Commission has not filed a civil action, and (3) that the Commission has not entered into a conciliation agreement to which the aggrieved person is a party. Once the time within which a private action may be filed commences to run, it survives for a period of 90 days, after which it is forever extinguished. This confinement of the private right of action is consistent with the earlier provisions of Title VII of the Civil Rights Act of 1964, in which an aggrieved person had only a 30-day period following the "suit letter" in which to commence a proceeding in court. The newly created right of the Commission to seek judicial enforcement had no such prior history, and the presence of strictures upon the individual's private right of action does not necessarily import a congressional intention to impose strict time limitations of a comparable nature on the Commission. The 180-day period serves its apparent purpose when it limits the time before which a private action may not be filed and thus avoids potential interference with the Commission in the performance of its primary duties of conciliation and enforcement. One would suppose that if the Congress had intended to cut off the Commission's right of action, it would have included clear language to that effect, just as it did when it clearly expressed its intention to cut off the individual's private right of action.

III

A literal reading of the statute is consistent with its legislative history.

When Congress was considering the Equal Employment Opportunity Act of 1972, it is clear that it was of the opinion that the voluntary system of enforcement, supplemented only by the strictly confined private right of action, had proven inadequate to achieve the objectives of Title VII.[4] There was general agreement upon the need of legislation conferring enforcement powers upon the Commission, and the large area of debate was over the question of whether the Commission should be given the power to enter enforceable orders or whether it should be authorized to maintain actions in the district courts.[5] By whatever means, however, the congressional contemplation was that there should be primary reliance upon the powers of enforcement to be conferred upon the Commission, and not upon private lawsuits, to achieve equal employment opportunity.[6]

Congress was well aware of the fact that it was taking the Commission from eighteen to twenty-four months to administratively process a majority of the complaints.[7] It knew of the Commission's accumulated backlog of cases and of the likelihood that the number of filings would continue on the increase.[8] Nor was there any likelihood that the grant of enforcement powers to the Commission would accelerate its performance in seeking the disposition of complaints in the administrative process by voluntary compliance.

These conditions make it highly unlikely that the Congress would have considered the imposition of narrow and precise time limits upon the Commission's right to file an action for judicial enforcement. If it had intended to impose a 180-day cut off on the Commission's right of action, and administrative proceedings dragged on as they had been doing, most of the aggrieved parties would be denied Commission representation in court and left to their own devices to seek judicial enforcement of their rights. This was the situation the 1972 Act was designed to remedy. On the other hand, if the Commission were driven to commence judicial proceedings before the expiration of 180 days after the receipt of each complaint, attainment of the expressed congressional goal of obtaining voluntary compliance through conciliation and persuasion in most of the cases would be seriously prejudiced. In the administrative process careful study of an employer's employment practices and thorough exploration of all reasonable bases for agreement and compromise may require time. Great haste in filing judicial proceedings before the administrative procedures are mature would result in burdens and disruptions to the Commission and to employers which would hardly be calculated to further the effectiveness of procedures directed toward voluntary compliance. The congressional purpose that the possibilities of voluntary compliance by agreement be first thoroughly explored and the congressional purpose that judicial enforcement proceedings be primarily the province and responsibility of the Commission may be harmonized but not if a 180-day period from the filing of the charge is imposed for the filing of judicial proceedings.

It is suggested by Cleveland that if an employer is engaged in a continuing violation of the Act, the expiration of a 180-day period of limitations would not prevent the filing of a new charge and the commencement of a judicial proceeding founded upon the second charge within 180 days thereafter. This, however, would necessitate the filing of multiple charges and would further complicate the Commission's work with technicalities serving no useful purpose. If the processes of investigation and conciliation are proceeding actively 180 days after the filing of the charge, the Act's purposes are served by permitting the administrative processes to proceed to completion as rapidly as possible. Discontinuance and disruption in commencing new proceedings would serve no such purpose.

References in the Report of the Conference Committee of March 6, 1972 to the private right of action seem to support our literal reading of the amended section:

"* * * The retention of the private right of action, as amended, is intended to make clear that an individual aggrieved by a violation of Title VII should not be forced to abandon the claim merely because of a decision by the Commission or the Attorney General, as the case may be, that there are insufficient grounds for the Government to file a complaint. Moreover, it is designed to make sure that the person aggrieved does not have to endure lengthy delays if the Commission or Attorney General does not act with due diligence and speed. Accordingly, the provisions described above allow the person aggrieved to elect to pursue his or her own remedy under this title * * *. It is hoped that recourse to the private lawsuit will be the exception and not the rule * * *. However, * * * it is necessary that all avenues be left open for quick and effective relief." 118 Cong. Rec. 7167 (March 6, 1972).

The Conference Committee's allusions to the "individual's election" to pursue his or her own remedy if there are long delays in the administrative process and to the necessity "that all avenues be left open for quick and effective relief" support an inference that the Commission's right to sue continues after the individual's right has matured. The illusions indicate that individual standing to sue is designed to let the individual choose between pursuing his own remedy and relying on the representation of the Commission. Clearly, that choice would be illusory if the Commission's right of action had already been extinguished.

IV

A number of district courts have considered this question with varying results.[9] We do not have the benefit of any decision from another court of appeals, but we are persuaded that the dual congressional purpose, first, to encourage compliance through conciliation and persuasion, and, second, to place upon the Commission primary responsibility for judicial enforcement proceedings, is inconsistent with Cleveland's contention that the Commission, under the section, loses its right to seek judicial enforcement when the 180-day period following the filing of the charge expires. The text of the statute, what light we can glean from the legislative history and the basic legislative purposes sought to be served all trend against the rigid restriction of the Commission's enforcement power which Cleveland urges upon us.

V

Cleveland understandably expresses concern that if the Commission's right to sue survives the 180-day period, the Commission and the aggrieved individual will have concurrent rights of suit for 90 days. Cleveland argues that this would be inconsistent with congressional and judicial aversion to duplicative litigation, and that only by construing § 706(f) (1) as providing consecutive, limited rights of action can this danger of duplicitous lawsuits be avoided. We need not now undertake the resolution of all of the problems that would arise if the Commission and an aggrieved party each filed an enforcement action during the 90-day period during which private actions are conditionally authorized. It is obvious, however, that the imposition of a 180-day limitation on the Commission's right to sue is not the only answer or even the best means of implementation of a policy against duplicative lawsuits. In fact, of the alternatives available, imposition of such a limitation is the most difficult to reconcile with the language of the Act and its remedial purposes. Other approaches, more in keeping with the Act and its purposes and equally effective in preventing duplicitous lawsuits, have been adopted by the courts when called upon to meet the problem of duplicitous actions.[10] We need not now choose between those other alternatives, but their existence and apparent harmony with the legislative scheme refutes Cleveland's contention that only by imposing a 180-day limitation on the Commission's right to sue can the danger of duplicitous actions be avoided.

We thus conclude that the 180-day period contained in 42 U.S.C.A. § 2000e-5(f) (1) is referable to the beginning of the time within which an aggrieved party may file a private action, but that its expiration does not finally terminate the Commission's right of action. The decision of the District Court dismissing the Commission's complaint for failure to timely file, therefore, is reversed and the case remanded for further proceedings.

Reversed and Remanded.

FOOTNOTES

[1] P.L. 92-261, 86 Stat. 103 (1972).

[2] 42 U.S.C.A. §§ 2000e, *et seq.*

[3] EEOC v. Cleveland Mills Co., W.D.N.C., 364 F. Supp. 1235.

[4] 1972 U.S. Code Cong. & Ad. News 2137, 2139–41.

[5] Id at 2167–76.

[6] *See* the Conference Committee Section-by-Section Analysis of the Equal Employment Opportunity Act of 1972, 118 Cong. Rec. S. 3462 (March 6, 1972).

[7] *See,* House Report No. 92–238, 92d Cong. 1st Sess. 3–5, 12 (1971); and Senate Report No. 92–415, 92d Cong. 1st Sess. 5–6, 87 (1971).

[8] 1972 U.S. Code Cong. & Ad. News 2137, 2139–43.

[9] Cases finding no limitation include: EEOC v. E. I. duPont de Nemours & Co., Civil No. 4515 (D. Del. March 29, 1974); EEOC v. U. S. Industries, Civil No. 73–283 (W.D. Tenn. Jan. 2, 1974); EEOC v. Huttig Sash and Door Co., 371 F. Supp. 848 (S.D. Ala. 1974); EEOC v. Bartenders Int'l Union, Local 41, 369 F. Supp. 827 (N.D. Cal. 1973); EEOC v. Eagle Iron Works, 367 F. Supp. 817 (S.D. Iowa 1973; EEOC v. Duff Brothers, Inc. 364 F. Supp. 405 (E.D. Tenn. 1973; EEOC v. Mobil Oil Corp., 362 F. Supp. 786 (W.D. Mo. 1973) Cases finding a time limitation on the Commission's right to sue include: EEOC v. Kimberly-Clark Corp., Civil No. 73–42 (W.D. Tenn. March 27, 1974); EEOC v. Griffin Wheel Co., Civil No. 73–H–429–S (N.D. Ala. Feb. 5, 1974); EEOC v. Union Oil Co. of Cal., 369 F. Supp. 579 (N.D. Ala. 1974); EEOC v. Louisville & N. R. R, 368 F. Supp. 633 (N.D. Ala. 1974); and EEOC v. Container Corp. of Am., 352 F. Supp. 262 (N.D. Fla 1972). Furthermore, another court within this circuit, when faced with the indentical issue here reached a conclusion at odds with the District Court in this case. EEOC v. Christianburg Garment Co., Civil. No. 74–18 (W.D. Va. May 7, 1974).

[10] Some have held that the Commission's right to sue terminates only when an individual action is actually brought and restrict the individual to intervention as of right once a Commission action has commenced, even during the 90-day period. Others have indicated that the Commission is altogether barred from bringing suit during the individual's 90-day period, but that the Commission's right revives upon expiration of that period should the individual fail to act. *See,* EEOC v. Missouri Pac. R. R., 8 Cir., 493 F. 2d 71 (1974); EEOC v. Huttig Sash & Door Co., 371 F. Supp. 848 (S.D. Ala. 1974); EEOC v. Cronin, 370 F. Supp. 579 (E.D. Mo 1973); and EEOC v. Union Oil Co., 369 F. Supp. 579 (N.D. Ala. 1974).

SENATE RESOLUTION 104—SUBMISSION OF A RESOLUTION RELATIVE TO THE SELECT COMMITTEE ON SMALL BUSINESS

(Referred to the Committee on Rules and Administration.)

Mr. HATHAWAY. Mr. President, for myself, Mr. BROCK, and a distinguished bipartisan group of cosponsors, I introduce a Senate resolution to provide limited legislative authority for the Select Committee on Small Business.

The cosponsors of the resolution, in addition to the Senator from Tennessee (Mr. BROCK) and myself, are:

Senators ABOUREZK, BROOKE, CHURCH, CLARK, CURTIS, EASTLAND, PHILIP A. HART, HELMS, HUMPHREY, JOHNSTON, LAXALT, LEAHY, MCCLURE, MCGEE, MCGOVERN, NELSON, RANDOLPH, HUGH SCOTT, STAFFORD, THURMOND, TUNNEY, and YOUNG.

The Select Committee on Small Business was created by Senate Resolution 58 of the 81st Congress, agreed to February 20, 1950. It has been amended from time to time, and also supplemented by other resolutions; but it has always contained and still contains this sentence:

> No proposed legislation shall be referred to such committee and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

That sentence, Mr. President, has long seemed to many thoughtful members of the American small business community to be an affront.

The small businessman sees himself as a second-class citizen in the organization and estimation of the Senate, when he compares this body's treatment of small business legislation with its treatment of legislation affecting other sectors of the economy.

Legislation pertaining to the Veterans' Administration and veterans is referred to a committee which bears the name "Veterans' Affairs."

Legislation pertaining to the Department of Agriculture and the farmer is referred to a committee which bears the name "Agriculture and Forestry."

But legislation pertaining to the Small Business Administration is referred to a committee which bears the name "Banking, Housing and Urban Affairs."

The small businessman perceives or suspects—perhaps not correctly, but he still thinks it—that his interests in that committee may have a lower priority than the interests referred to in the committee's name.

Certainly it does nothing for the small businessman's feeling that the Senate and his Senator are concerned for his welfare, when the "charter" for the one Senate committee that does bear the name "Small Business" contains the sentence I read, to the effect that no legislative power whatever shall reside in that committee. Senator BROCK, the other cosponsors of this resolution, and I feel that the time has come to give legislative power over the Small Business Administration to the Senate committee that bears the name "Small Business."

Small business is a significant part of our economy. Small businesses employ over 50 percent of all working Americans. The goods and services provided by small businesses account for 40 percent of the gross national product. Men and women of small business provide a wide array of the products and services that are crucial to the functioning of our economy.

In recognition of the importance of small business, the Congress in 1953 established the Small Business Administration as an independent agency within the executive branch of Government.

The resolution we are proposing today would simply provide that legislation pertaining to the agency exclusively concerned with small business be considered by the Senate committee exclusively concerned with small business, rather than by a committee concerned with a whole host of other subjects, the most prominent and first-mentioned of which is banking.

The jurisdiction of the Committee on Banking, Housing and Urban Affairs is broadly, sweepingly defined in subparagraph (e) of paragraph (1) of rule XXV of the Standing Rules of the Senate, as follows:

> 1. Banking and currency generally.
> 2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.
> 3. Deposit insurance.
> 4. Public and private housing.
> 5. Federal Reserve System.
> 6. Gold and silver, including the coinage thereof.
> 7. Issuance of notes and redemption thereof.
> 8. Valuation and revaluation of the dollar.
> 9. Control of prices of commodities, rents, or services.
> 10. Urban affairs generally.

The Banking Committee's jurisdiction over the Small Business Administration is derived from one part of clause 2 of that 10-clause jurisdictional description. Is it any wonder that small business may feel—correctly or incorrectly, as I have indicated—that its interests may not receive sufficient attention in that context and framework?

All that our resolution would do is transfer legislative authority for the SBA—no more—to the existing Select Committee on Small Business. The select committee would of course retain its historic powers of investigation and recommendation on all subjects of interest and concern to small business; but its legislative authority would begin and end with the SBA. To assure that point, the resolution contains a proviso that—

> Any legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate.

During the last Congress, as part of its overall committee reform, the House of Representatives provided its Small Business Committee with legislative authority. We are proposing a similar step in this body, with the view that it is inadvisable for the Senate to lag far behind the House in its recognition of the validity of the longstanding claim of small business in America that legislation pertaining to its own agency, the SBA, should be considered by a committee exclusively concerned with small business.

Mr. President, I ask unanimous consent that the text of the resolution be inserted in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 104

Resolved, That S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended, is amended to read as follows:

"That there is hereby created a select committee to be known as the Committee on Small Business, to consist of seventeen Senators to be appointed in the same manner and at the same time as the chairman and members of the standing committees of the Senate at the beginning of each Congress, and to which shall be referred all messages, petitions, memorials, and other matters relating to the problems of American small business enterprises, and all proposed legislation relating to the Small Business Administration.

"It shall be the duty of such committee to study and survey by means of research and investigation all problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation.

"Such committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction: *Provided*, That any legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate."

SEC. 2. Subparagraph (e) of paragraph 1 of rule XXV of the Standing Rules of the Senate is amended by striking out in clause 2 the words "under this rule".

THE NEED FOR LEGISLATIVE AUTHORITY FOR THE SENATE SMALL BUSINESS COMMITTEE

Mr. CHURCH. Mr. President, I am pleased to join my distinguished colleagues, Senators HATHAWAY and BROCK, in the introduction of legislation to grant legislative authority to the Senate Select Committee on Small Business.

I believe the time has come that we must recognize that small business is an entity in itself, and as such has problems unique to its character. The House of Representatives has granted legislative authority to its Small Business Committee; the Senate should follow suit.

The disastrous condition of our economy is having a major impact on small businesses across the country. Thousands have already had to close their doors, unable to weather the storm. Many more are slowly sinking.

In Idaho, the small business is the prevailing employer, and is so intertwined with the community that its successes or failures are felt by everyone. Thus, the impact of the recession on the small business in Idaho will to a large degree determine the impact of the recession on Idaho.

The U.S. Senate must take active steps to insure that small businesses are not swallowed by the recession—and furthermore that this spirited form of competition is not swallowed by the large corporations. A step in the right direction would be to grant legislative authority to the Senate Small Business Committee. It is not enough to deal with small business problems piecemeal through tax, banking, and labor legislation; we must recognize the uniqueness of small business and deal with it as a separate entity.

I commend Senators HATHAWAY and BROCK for their well-taken efforts to alleviate the plight of our small businesses. I hope that all Senators will recognize the importance and urgency of these efforts by granting legislative authority to the Senate Select Committee on Small Business. It is both necessary and important if we are to preserve small business as part of the "American way of life."

Mr. BROCK. Mr. President, one of the most important features of the internal operations of the Senate is the ability to change our structure as we recognize different problems emerging. Today, in light of the increasingly unique problems of a critical segment of our economy, I am introducing a resolution to give the Select Committee on Small Business legislative jurisdiction over the Small Business Administration.

The Small Business Administration is the primary agency to deal with the increasing complexity of difficulties facing small businessmen and businesswomen. The Select Committee on Small Business should have legislative jurisdiction to assure better understanding of these problems and assist in the development of appropriate solutions.

While the adjective "small" describes many businesses individually in our economy, the word "small" certainly does not describe the total impact these firms have on our economy and our welfare. Over 97.5 percent of all business organizations in America are classified as "small." Despite the increasing attention paid to the role of larger corporations, over half of the Nation's employment still comes from the small business sector.

Forty percent of the privately produced gross national product eminates from the efforts of small business people all across the land. Additionally, the impact of this production is felt beyond its actual output. Small businesses are able to react quickly to shortages and supply difficulties. They help "lubricate" the operation of the entire economy.

Of course, the impact of small business in a social sense goes far beyond statistics. This sector of our economy has historically symbolized the freedom of opportunity which is our national creed. Through the mechanism of small business, many Americans are allowed to attempt to achieve something in their own way.

Within the small business framework, men and women are given an opportunity to succeed or fail on their own initiative. Whether involved in marketing an idea, or a concept, or a product, small business firms allow people the chance to express their own wishes and desires.

Also, the competition that characterizes the small business world assures consumers reasonable prices and a wide product selection. Through the efforts of millions of small businessmen, we have a more efficient allocation of our increasingly scarce resources.

In summary, small business is an asset, a national asset that has helped give us the highest standard of living in the world. Therefore, it is appropriate that as a body we react to the increasingly unique problems of this sector of our economy by giving the Select Subcommittee on Small Business legislative jurisdiction over the Small Business Administration.

The current economic crisis has highlighted some of the problems confronting small businessmen. Material shortages, inadequate capitalization, and discriminatory practices by larger corporations are just a few of the difficulties small businesses face. In many respects, small business is a barometer of the well-being of the entire national economy.

To investigate these problems adequately, and to offer realistic and meaningful legislation to correct them, requires legislative authority. For example, what legislation, if any, should be adopted to better insulate small businesses from the havoc created by cyclical changes in the economy? The answer that is generated by the Small Business Administration will have a profound effect on the entire economy. It is a response that should have congressional oversight, with the right of legislative intervention.

Overall, the committee structure has shown from time to time that certain modifications were necessary to reflect the changing nature of America. I feel strongly that such a modification is called for now. That is why my resolution elevates the role of the Select Committee on Small Businesses. A nation as reliant on the economic goods and services provided by small businesses as America needs a committee with legislative jurisdiction over the SBA.

AMENDMENTS SUBMITTED FOR PRINTING

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975—S. 7

AMENDMENTS NO. 74 AND NO. 75

(Ordered to be printed and to lie on the table.)

Mr. HANSEN submitted two amendments intended to be proposed by him to the bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

AMENDMENTS NOS. 76 AND 77

(Ordered to be printed and to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to the bill (S. 7), supra.

AMENDMENT NO. 78

(Ordered to be printed and to lie on the table.)

Mr. HUDDLESTON. I would like to make clear at the outset that the introduction of this amendment to title III should in no way be construed as opposition on my part to the purpose of the title, that is providing a wide range of investigations, demonstrations, and experiments in mining and minerals resources problems. On the contrary, I strongly support this worthwhile, extremely necessary step.

In hearings I conducted last year, as a member of the Permanent Investigations Subcommittee, witness after witness told of the need for the development of new technologies if supplies of raw materials are to keep pace with the world's ever-increasing demands for their use. Certainly, with the financial resources provided in title III, our Nation's colleges and universities will be able to play the key role that they should in the advancement of these technologies.

To be sure, we cannot let the administration's view that this research is unnecessary and would duplicate present efforts, prevail. Clearly we must allow our institutions of higher learning to go forward. In addition, few could dispute that in section 306 of the bill there is adequate provision for preventing any duplication of ongoing Federal agency, private institution, or individual research programs.

My amendment speaks solely to what I consider to be the arbitrary organizational constraints included in the eligibility requirements in section 301. Specifically, I refer to the fact that to be eligible for funds a college or university must have a "school of mines department or division" with at least five full-time permanent faculty members. Two problems are created by these eligibility requirements.

First, by specifying "school of mines department or division" a number of schools with highly professional, fully qualified programs in mining research are eliminated simply because they do not fall into the organizational structure of a "school of mines, or division, or department."

For example, at the University of Kentucky, the College of Engineering has an elective mining program that offers, in addition to the required civil engineering subjects, the following curriculum: First, elements of mining; second, mine ventilation; third, mine law; fourth, rock mechanics; fifth, mine plant machinery and design; sixth, coal preparation I; and seventh, coal preparation II. This totals 21 semester hours of credit, plus laboratory time. Add to this total, civil engineering subjects such as water quality control and surveying and it would appear to constitute superior curriculum, a strong base for any research and training program. In fact, for calendar year 1972 the University of Kentucky placed more graduates—22—in coal industry jobs than any school in the country.

This was accomplished through the mining elective program described above—not "a school of mines, or division, or department."

The University of Kentucky has had a mining program since 1901. In 1972, the State of Kentucky initiated funding for the Institute for Mining and Minerals Research of the College of Engineering. It is my understanding that this institute is not considered eligible under the present requirements in S. 7. Kentucky has committed well over $3 million to the institute for research pertaining to the mining of coal, its conversion, and the exploration of reserves within the State. Yet under the organizational approach taken in S. 7, the institute will not be allowed to receive Federal allotments subsequent to the passage of this bill.

The first portion of my amendment would eliminate this inequity for all those schools with similarly qualified programs by expanding the present "eligible school of mines, department or division" provision to include those universities with a qualified curriculum.

The second portion of my amendment would eliminate the "five full-time permanent faculty" provision in S. 7 and place in lieu of it the requirement that the school of mines, or division, or department, or program in question must qualify mining students for careers in mining education, mining research, or the mining industry.

That the five full-time permanent faculty members requirement would be arbitrary and overly restrictive is easily demonstrated.

Presently, there are 17 schools in the country with accredited curricula in mining. This accreditation comes from the highly recognized Engineers' Council for Professional Development—ECPD. Three schools on the council's list—Michigan Tech, Montana College of Mineral Science & Technology, and the University of Wisconsin at Platteville—have less than five full-time faculty members.

Three other schools accredited by the council, the University of Alaska, the Colorado School of Mines, and the University of Nevada at Reno, barely meet the minimum requirement by having exactly five full-time faculty members.

We can see how arbitrary the criterion is in its present form when we look at the situation confronting the University of South Dakota's School of Mines, which usually has five full-time mining faculty members. At the present time, one of these faculty members is on leave. Thus, it is possible that if the bill is enacted into law while this faculty member is still on leave the school will be deprived for 2 years of the opportunity to apply for research moneys in the bill. What would happen if for one reason or another a faculty member at one of the schools I have listed previously as meeting only the minimum requirement was temporarily off the payroll when the bill becomes law? Is this school to be penalized for not living up to the full-time faculty members provision?

There is nothing magical about having five professors in a mining program. As anyone can see, having five full-time permanent faculty members is simply not essential to a strong program. This provision really amounts to an organizational constraint that very likely will do a great disservice to a number of highly qualified colleges and universities.

For those colleges and universities who may wish to establish schools subsequent to the enactment of title III, it is painfully apparent that the difficulty of hiring five full-time staff members may prove to be too much of a hurdle to get a qualifying program off the ground.

I sincerely believe that my amendment not only relieves the organizational constraints now contained in the bill but also provides more than sufficient safeguards against the gold rush by fly-by-night operations for the available funds.

AMENDMENT NO. 79

(Ordered to be printed and to lie on the table.)

Mr. METCALF submitted an amendment intended to be proposed by him to the bill (S. 7), supra.

AMENDMENT NO. 80

(Ordered to be printed and to lie on the table.)

Mr. MANSFIELD submitted an amendment intended to be proposed by him to the bill (S. 7), supra.

AMENDMENT NO. 82

(Ordered to be printed and to lie on the table.)

Mr. McCLURE submitted an amendment intended to be proposed by him to the bill (S. 7), supra.

RESCISSION OF CERTAIN BUDGET AUTHORITY—H.R. 3260

AMENDMENT NO. 81

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (H.R. 3260) to rescind certain budget authority recommended in the message of the President of November 26, 1974 (H. Doc. 93-958), and as those rescissions are modified by the message of the President of January 30, 1975 (H. Doc. 94-39), and in the communication of the Comptroller General of November 6, 1974 (H. Doc. 93-391), transmitted pursuant to the Impoundment Control Act of 1974.

MILITARY AID FOR CAMBODIA—S. 663

AMENDMENT NO. 83

(Ordered to be printed and referred to the Committee on Foreign Relations.)

THE U.S. ROLE IN CAMBODIA: EASE THE SUFFERING

Mr. PELL. Mr. President, I have been carefully weighing the pros and cons that have been presented on the question of further military and humanitarian assistance to Cambodia. The evidence of human suffering and bloodshed that the continuation of hostilities is causing is, indeed, heart rending.

I have come to two conclusions: One, that additional military assistance will not solve the problem, but only prolong the human agony and produce further destruction; and two, in view of our past record in Cambodia and for humanitarian reasons, we are obliged to give relief assistance but it should be given through other than official bilateral channels.

Therefore, Mr. President, I am hereby introducing an amendment to S. 663 to implement these conclusions. The amendment will do the following:

First. It denies any further military aid to Cambodia beyond that already authorized.

Second. It allows the additional $73 million in food assistance requested by the executive branch—making total food aid $165 million for fiscal year 1975.

Third. All new food or other economic aid to Cambodia must be provided through private voluntary agencies, the United Nations, or other international organizations.

Fourth. All economic aid now in the pipeline must be distributed through private voluntary agencies, the United Nations, or international organizations to the extent possible.

In the above explanation, I have deliberately mentioned the voluntary agencies first in order to underscore the value of their role in such a situation as in Cambodia. Let me give you my reasons why.

When aid is of a humanitarian nature, I believe it can best be distributed by humanitarian agencies, such as the International Operations Group of the International Committee of the Red

Cross, the Catholic Relief Services, the United Nations High Commissioner for Refugees, the World Council of Churches, the Jewish Joint Distribution Committee, or the International Rescue Committee.

The advantages of doing this are fourfold: First, it removes the curse of connecting it with politico-military objectives which is usually the case with bilateral aid.

Second, it means that the various voluntary agencies with their large constituencies in the United States give the American people a chance for direct involvement in the extension of these humanitarian efforts.

Third, as a nation built on the premise of private enterprise, it would seem more appropriate to let private voluntary agencies do this rather than government bureaucrats.

Finally, by doing it in this way, one has more assurance that the aid will not go to enrich various middle men, as sometimes is the case if it is done through official bilateral governmental channels.

When the voluntary agencies are concerned, whatever Government input is necessary can be done through the small Office of Refugee and Migration Affairs at the State Department, with the actual overseas distribution then made by the various voluntary agencies involved.

The voluntary agencies have local representatives on the spot, and they are in a position to take on other local nationals to help them with the distribution task.

I realize, of course, that international organizations, such as the United Nations, can also be helpful and meet needs that perhaps the voluntary agencies cannot under all circumstances. I do urge the use of the latter, however, to the maximum extent.

For all the foregoing reasons, Mr. President, I urge support of my amendment, which I believe will best assure that the humanitarian aid we should be giving reaches the people for whom it is intended.

Mr. President, I ask that my amendment be printed and appropriately referred, and that the text of the amendment, and a summary of its provisions, be printed at this point in the RECORD.

There being no objection, the amendment and summary were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 83

Strike out all after the enacting clause and insert in lieu thereof the following:

That in addition to funds made available for economic assistance to Cambodia under the Foreign Assistance Act of 1974, and notwithstanding any limitations or prohibitions contained in section 655 of the Foreign Assistance Act of 1961, as amended, not to exceed $165,000,000 may be obligated for assistance to Cambodia under the Agricultural Trade Development and Assistance Act of 1954 during fiscal 1975.

SEC. 2. (a) No economic assistance may be made available to Cambodia under the Foreign Assistance Act of 1974 or the Agricultural Trade Development and Assistance Act of 1954 after the date of enactment of this Act unless such assistance is under the direction and control of the United Nations, other international organizations, or private voluntary agencies.

(b) Economic assistance for Cambodia provided pursuant to obligations entered into prior to the date of enactment of this Act shall to the maximum extent possible be distributed under the auspices of the United Nations, other international organizations, and private voluntary agencies.

EXPLANATION OF THE SUBSTITUTE AMENDMENT

1. It denies any further military aid to Cambodia beyond that already authorized.

2. It allows the additional $73,000,000 in food assistance requested by the Executive Branch (making total food aid $165,000,000 for FY 1975).

3. All new food or other economic aid to Cambodia must be provided through the United Nations, other international organizations, or private voluntary agencies.

4. All economic aid now in the pipeline must be distributed through the United Nations, international organizations, or private voluntary agencies to the extent possible.

NOTICE OF HEARINGS BEFORE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, from April 14 through 17 the Senate Committee on Banking, Housing and Urban Affairs will hold hearings on proposed regulations of the Federal Home Loan Bank Board dealing with variable rate mortgages. These 4-day hearings will take place at 10 a.m. in room 5302, Dirksen Senate Office Building.

Anyone wishing to testify should contact Ms. Dorrie Thomas, room 5226, Dirksen Senate Office Building; telephone 224-6348.

ANNOUNCEMENT OF HEARINGS ON S. 462, DEVELOPMENTALLY DISABLED ASSISTANCE AND BILL OF RIGHTS ACT

Mr. RANDOLPH. Mr. President, as chairman of the Senate Subcommittee on the Handicapped, I announce that our subcommittee will hold hearings on S. 462, the Developmentally Disabled Assistance and Bill of Rights Act, on Tuesday, March 18, 1975, 10 a.m., in room 6226, Dirksen Senate Office Building. This hearing is being conducted to receive testimony from the Department of Health, Education, and Welfare.

ADDITIONAL STATEMENTS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. GARN. Mr. President, a few weeks ago, Senator WENDELL FORD and I made a brief tour of the Kennedy and Johnson Space Centers at Houston, Tex., and Cape Canaveral, Fla. I think it is fair to say that the two of us were extremely impressed with the technical and managerial expertise of the National Aeronautics and Space Administration. We are all familiar with the tremendous exploits of lifting a man to the Moon, or sending a rocket to Jupiter, but on our trip we learned of the many, many other areas of our daily lives potentially or actually affected by the activities of this agency.

We learned of safety devices adapted from space technology, of medical advancements based on the biological studies made of astronauts, of agricultural advances depending on the development of high altitude and satellite photography, of mineral discovery techniques, exotic metallurgy, and such a variety of transfers from space technology to our everyday lives that the list is endless.

The Senate Committee on Aeronautics and Space Sciences, on which I serve, also printed a report describing these achievements. The report, entitled "For the Benefit of All Mankind," is available from the committee, and I invite all my colleagues to order a copy and read it. Reading the report will convince even the most skeptical of the need for a continuation of the scientific programs carried out by NASA. In a recent "Town Hall of the Air" discussion, Dr. James C. Fletcher, the Administrator of NASA, and an old friend, made four specific points in support of the NASA program. I ask unanimous consent to print a portion of his remarks in the RECORD:

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

FOUR SPECIFIC POINTS IN SUPPORT OF NASA PROGRAM

I think we will go ahead with these scientific programs, and, in support of this, I would like to make four principal points.

POINTS TO SUPPORT PROGRAM

Point No. 1: It is incorrect to say that the space science programs can be put off indefinitely. We now have the teams in being to do this kind of work. They are an important national resource, and an important resource for all of mankind. They must be given challenging work to do, or their unique skills and experience will be lost.

Space exploration, to be productive, can't be a now-and-then activity. It must be a steady, even level of effort.

Point No. 2: Space science does produce practical benefits. We can't always predict what they will be, but they are inevitable. The more we learn about the atmospheres of other planets, the better we will be able to understand the weather and climate on Earth, and the better we will be able to understand and protect our own atmosphere from the kinds of pollution that may destroy life on this planet, if we are not careful.

Point No. 3: These scientific programs force the development of valuable new technology, such as the development of atomic power sources for the tiny Pioneer spacecraft that are exploring Jupiter, and Saturn is one example out of many.

The automated Laboratories that will land on Mars in 1976 will advance the art and science of cybernetics and benefit us all in many ways.

As a nation, we can make an important part of our living from the sale of high technology products and processes abroad.

I, personally, don't know of a better way for the Federal Government to help American industry keep ahead of competition than investing in high technology. And I think that was the thrust of the President's remarks on the day we presented him with a crystal produced aboard Skylab—that that is the way that we can be competitive abroad.

POINT NO. 4 VALID

Point No. 4: This may escape some of us, but nevertheless I think it is a valid point.

Our space science programs and our voyages to the planets are a special kind of investment. They are more than an investment in high technology or in potential practical benefits; they are more than an investment in a better America; they are a long-term investment in the future of the human race.

We have the capability to begin acquiring the technology and the experience we need to move some of our people beyond planet Earth and establish the first colonies in either Earth orbit or solar orbit, or on the planets.

No other human beings in the history of the world have had this capability. Our forefathers, down through the ages, could only dream of such ventures. We, now, have the capabilities and the clear challenge to start making these dreams come true.

The present state of the world with threatened overcrowding and diminished natural resources is giving us a push as well.

Pioneer, Mariner and Viking are blazing a trail for us, and our aim is to keep these trailblazers on the job and to follow them in due time with people, extending man's habitat beyond the Earth and into the solar system.

Mr. GARN. Mr. President, I believe that Dr. Fletcher is exactly correct in his appraisal of the importance of these programs, and the need for a consistent level of funding from the Congress.

As a freshman member of the Aeronautics and Space Committee, I have the pleasure of serving with the senior Senator from Utah, the Honorable FRANK E. MOSS, chairman of the committee. In a recent address to the American Astronautical Society, Senator Moss warned of the dangers facing NASA and astronautics in general in an era of budgetary tightness. His remarks were cogent and informed, and I feel that they would be of benefit to every Senator. I therefore ask unanimous consent, Mr. President, that the speech of Senator Moss be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE CRISIS IN ASTRONAUTICS

(By Hon. Frank E. Moss)

It is a great pleasure to meet with you at the AAS annual luncheon and to have this opportunity to share a few thoughts with you. You have honored me twice in recent months—by inviting me to be with you today and by electing me to your Board of Directors. I must acknowledge that I was unopposed on your ballot, a situation that I have seldom experienced and that I find quite enjoyable. I wish it could become habit-forming.

In thinking over what I might discuss with you today, I decided first-off to include the word "crisis" in the title. Unless you are talking about a "crisis" these days, no one will pay much attention to you.

Historians will have to choose whether to call the 1960's the decade of Apollo, of Vietnam, or of political assassination. But I have little doubt that they will settle on the 1970's as "The Decade of Crises."

Thus we are all aware of crises in the environment, crises in energy supply and demand, and of a worldwide crisis of faith in various institutions, especially political institutions. National Commissions warn us of impending crises in food, in water and in materials generally. Scientists increasingly are sounding alarms over the apparently deteriorating world climate. And now, as my Committee heard yesterday, we face the possibility that our ozone supply will end, not with a bang, but with the "psst" of Freon from a can of hair spray.

And so my subject: "The Crisis in Astronautics."

Let me begin by assuring you that my remarks will dwell only briefly on the sad symptoms of the crisis. I will devote most of my thoughts to suggested solutions for the future.

But first, let's deal with the present.

At first glance, 1975 is a bright year for the science of astronautics.

With Apollo-Soyuz, we will see this summer the first truly joint venture in space by men from different nations and different ideologies.

A few days after ASTP, we will launch the twin Viking spacecraft toward their historic landings on Mars in 1976.

Pioneer 11 will speed toward Saturn, and two Helios spacecraft toward closeup studies of the Sun, while we launch small astronomy and Explorer satellites and continue the era of space applications with a dozen or more new communications, weather and earth resources satellites, whether they be "ERTS" or "Landsats." Especially in non-NASA communications satellites, we are witnessing a veritable explosion of activity, and isn't ATS-6 a great success!

And here on Earth, the space shuttle program will be in high gear. We are finally actually building, in plants across this country and in Europe, the elements of the first space transportation system.

Heady stuff!

But here, at the risk of sounding like Chicken Little, I'll list some of the dark clouds that come with these silver linings. I give you this list, not in ascending or descending order of gloom, but simply as the facts come to mind.

First. After ASTP comes the long-foreseen four to five year hiatus in American-manned space flight. Public interest in the space program has traditionally dropped during such periods.

Second. For the sixth consecutive fiscal year, the Administration budget request for NASA totals $3.5 billion or less. With inflation gnawing away at NASA just as it is at the rest of us, we have now sunk well more than a half billion dollars below the promised "constant level" budget. And this year there are no new starts!

Third. Although those of us who believe in research and development as the key to a better tomorrow welcome the creation of ERDA, we must face the likelihood that increasing demands for energy research and development will represent increasing competition for the astronautics research and development dollar.

Fourth. The space shuttle requirement for over a billion dollars per year for each of the next few years will leave precious little room in the NASA budget for meaningful new starts. NASA and its contractors have shown great ingenuity in recent years in flying backup hardware, and in using the "billiard ball" approach to planetary flybys to give us the maximum science for the dollar. But there is a limit to the amount of progress that can be made unless, the Space Science Board has pointed out, a new start "wedge" can be created soon.

Fifth, and finally. Astronautics budgets over the next two years face the substantial uncertainties of greatly changed congressional membership, a new, untried and complex congressional budget process, and Presidential election politics.

Enough of the symptoms of pessimism! I am sure each of you can add one or more equally valid reasons for concern. If this be crisis, let us make the most of it.

I'll turn now to some of the considerations I believe we should all have in mind as we move into the second half of this decade.

For openers, let me suggest that we should more and more be viewing astronautics as a routine part of our national—indeed our international—life. Certainly in the area of space applications this is becoming the case. We barely note that every month or so a domestic or international communication satellite, a new low-earth orbit or synchronous orbit operational weather satellite or remote sensing resource satellite is launched. Commercial and foreign-built satellites are becoming quite common. Indeed, during one recent month NASA had six satellites in process at the Cape for launch, not one of them a NASA bird.

Someone noted a few years ago that not too long after Lindbergh's flight the French stopped flocking to Le Bourget every time someone flew across the Atlantic. Even in this room full of space buffs, I doubt if many of you could name the nine Skylab crewmen. So perhaps we should not be too upset when the networks decline to cover a splashdown. And while I am on this point I certainly should note that once the space shuttle has made its first few flights, another shuttle flight will probably generate about as much interest as the sailing of a large ship from New York or San Francisco.

Of course, I would not want to suggest that we settle permanently for NASA budgets of $3.5 billion, but perhaps the relatively level nature of the budget over these past six years can be viewed as one indicia of acceptance.

I happen to believe that Congress would accept a bit more, but let us be thankful that, despite the repeated rumors, the budget has not continued to decline.

Now, if we view the current budget levels, or only modestly higher levels, as the norm for the next few years, perhaps we will view our options for the near-term future in a different way.

Perhaps we will begin to devote serious attention to how we can capitalize on the advantages of the space shuttle in the 1980's. As we move into the shuttle era, there will be little patience with science and applications payload advocates who aren't ready.

The great inventor, Fulton, is supposed to have said "when it's steamboat time, you steam!" Whether or not Fulton really said it, I fully expect NASA to say to the payload community, "when it's shuttle time, you shuttle!"

Such an attitude, it seems to me, would have the duel benefits of removing the high cost burdens of other launch systems from our astronautics budgets sooner, but also of fostering timely and realistic action toward reducing the costs of payloads themselves.

Stated differently, when I read in the press statements by a NASA official suggesting that one existing launch system will be kept in the inventory through 1985 because of planetary mission requirements, I feel that we perhaps are not being as serious about either economy or the shuttle as we should.

Let me turn now to a different, but closely related, topic, and one that I find exciting.

The year of Apollo-Soyuz should lead us to consider closely the possibilities of increased international cooperation in astronautics. Here the record is already quite good. From the many hundreds of sounding rocket flights, to increasingly common launch services agreements and to major cooperative projects like Helios, the Canadian applications satellite, and ASTP, NASA has had an exceptionally successful program of international cooperation in space flight.

The undertaking of our European friends to build Spacelab modules for shuttle flights marks the beginning of what will hopefully be a permanent large-scale cooperative effort in manned and unmanned space science and applications projects. But I believe we should look beyond these successes for further opportunities for cooperation. This is so not only for the sake of cooperation itself, but for the sake of improved astronautics endeavors as well. After all, cooperation offers very real benefits. In addition, joint ventures will relieve the strain on the U.S. space budget.

I do not offer international cooperation as a panacea. As we have learned from each of these efforts in the past, they often involve many roadblocks and hurdles that would not be encountered in a purely unilateral space program. With these caveats in mind, let me mention by way of example two or three major long-range opportunities for mutually beneficial space flight cooperation.

Number one. Let us consider a space station. Most of you will recall that, originally, in the late 1960's, NASA had hoped to make a space station its number one priority project in post-Apollo period. As the studies proceeded, it became clear that a new and better way was needed to get back and forth to such a station, and so the idea of a space shuttle evolved.

Because of budgetary constraints, it soon became apparent that these two projects could not be developed simultaneously, so NASA opted to go forward first with the more basic of the two, the space shuttle. Plans for the space station were dropped, and no such missions are even shown in the shuttle mission model for 1979–91.

But why shouldn't we revive the idea of a space station? As I mentioned, we already have the cooperative Spacelab program with the Europeans. At the moment, the Spacelab is designed to fly up and back on the shuttle, relying on the shuttle for its life support and other systems. But it is not inconceivable that life support and other shuttle transported modules could be launched in conjunction with a Spacelab so that we would have the beginning of a space station.

The Soviets have recently launched the Salyut 4 and over many years have shown an active and continuing interest in the development of larger and more sophisticated orbiting manned spacecraft. Again, it is not inconceivable that the next generation of such craft would be large enough to hold several people and remain in orbit indefinitely. Perhaps a logical long-term follow-on to the ASTP program would be a joint program with the Soviets whereby they would furnish the space station and we would help resupply their station with provisions and scientific personnel.

Opportunity number two. NASA is now in the preliminary stages of designing a large space telescope, the LST. As you know, this instrument will operate above the earth's interfering atmosphere and give us our first really good unrestricted look at the universe. This instrument, and its ancillary equipment, is designed to be taken into orbit by the shuttle and left there untended when the shuttle returns to earth. The shuttle revisits it for resupply and to retrieve collected data. The entire instrument can be returned to the earth for refurbishment and repair, if necessary. In its normal mode, however, the LTS can be thought of as an embryonic space station. Perhaps it could be operated in conjunction with Spacelab modules or with a Soviet space station. Certainly the data from the LTS is going to be of enormous interest to scientists, especially astronomers, from all over the world.

Opportunity number three. If everything goes well, on July 4, 1976, a strange looking craft called the Viking will make a soft landing on the surface of Mars. We don't know yet, of course, what we will learn from that far-away landing, but already the interest in the scientific community is rising and speculation about follow-on programs in mounting. Sooner or later we are going to want to examine that Martian soil more closely. The January Issue of *Astronautics and Aeronautics* contains two rather detailed articles on possible post-Viking Mars exploration and the return of Mars surface samples to the earth. A roving vehicle on Mars is another possibility and here the Soviets' experience with their lunar rovers would be quite useful.

One thing is certain, any such Martian mission will be expensive and it seems unlikely that any one nation—not even the United States—could carry out a series of such expeditions alone. So this seems like another area that would be ideal for an international program of cooperation that would benefit all the people of the world.

Before I close today, there is one other matter that I would like to bring to your attention. For a long time most of us interested in the development of new technologies have accepted as an article of faith that money spent on advanced R&D would create benefits that would eventually pay back to society many times more than the amounts originally expended. Another way of saying this is that R&D leads to greater productivity and the creation of greater wealth without inflation. As part of this faith, we have believed that it was necessary for the Nation to spend a certain portion of its income on R&D and for the Federal government to shoulder the burden for the riskiest portion.

Within the last three or four years, there have been some preliminary econometric studies which tend to show that these relationships are indeed true. There are two studies underway right now at NASA trying to refine the earlier studies. But none of these studies has yet given us the broader and more detailed results that would allow us to make more rational decisions on R&D priorities.

I have, therefore, asked the new Office of Technology Assessment to look at the problem with the hope that a comprehensive study might give us more confidence in what we had previously accepted on faith and also give us a better method for making the hard choices between competing requests for R&D funds.

I can assure you that if the OTA is able to develop a useful methodology in this area, it will be of enormous benefit to the Committee and to the Congress in the annual requirement to authorize and appropriate money for R&D projects.

I am confident—or else I would not have asked for the study—that we will be able to place our requests for an adequate space program on a sounder and more secure basis, and thus avoid a continuing crisis in astronautics. One final word—a postscript—I have talked for longer than usual without mentioning the ERTS program except in a passing way. There is an old political adage that politicians should avoid becoming zealots. I must confess to having become, over the past few months, a virtual zealot in support of continuing and expanding the ERTS program. I'm trying to taper off, but I haven't quite made it. I can't resist sharing with you my delight at the firm rumors around town that ERTS–C, or Landsat 3 is now in the NASA budget. Let's work together, at least as moderate zealots, to keep it there, and to continue and expand the many other worthy programs. Thank you.

EQUAL RIGHTS AMENDMENT

Mr. CLARK. Mr. President, it is very possible that the equal rights amendment—ERA—which guarantees equality under the law regardless of sex, may not be ratified this year despite the original optimism of its proponents. But even faced with this possible disappointment, we ought to continue to work for passage in the remaining States and redouble the efforts to remove the archaic practices of sex discrimination.

To be more successful in the coming months, we will need to assess the reasons that the ERA has not yet gained full support in all the States. It is essential to counter the obfuscating and essentially inaccurate charges of some of those opposed to the ERA, charges correctly labeled "strawwomen" by the Des Moines Register.

Some opponents of the ERA have created misunderstanding about the probable impact of the amendment. Questions of how the ERA will affect family relationships and other areas have been inaccurately, if not dishonestly, addressed by some anti-ERA activists.

The Iowa Commission on the Status of Women has written an excellent pamphlet directly confronting the most popular "strawwomen." Military service, family relationships, alimony and child support, protective labor legislation, and rape laws are issues which deflect attention from the basic fact that women are widely discriminated against in this country and that that discrimination must stop. The ERA and its implementation can help eliminate that injustice in the law once and for all.

Neither the Congress nor State legislators can afford the luxury of retreating to outworn and unfair traditions. An examination of the arguments surrounding the ERA produce the conclusion that arguments against the ERA are at best a product of bad research and, at worst, a product of ideas which are antithetical to this Nation's most basic principles.

While the remaining State legislatures weigh the arguments on the ERA, the Senate has a chance to act now to acknowledge sex discrimination in the law and to make suggestions to eliminate that discrimination. Senate Resolution 92, which I introduced February 26, provides that the standing committees of the Senate will identify laws or parts of laws which may discriminate on the basis of sex and suggest changes in them. That resolution has been referred to the Rules Committee. It is important that the committee and the Senate act promptly on this matter, especially in light of the success that "strawwomen" have experienced so far in the State legislatures this year.

Mr. President, I ask unanimous consent that the editorial, entitled "Women's Equality Fight," in the March 6 Des Moines Register and the pamphlet, entitled "The Equal Rights Amendment: What It Will and Won't Do," published in the Iowa Commission on the Status of Women, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WOMEN'S EQUALITY FIGHT

The proposed Twenty-seventh Amendment to the U.S. Constitution, the Equal Rights Amendment, is coming down to the hard cases in the quest for national prohibition of sex discrimination.

Thirty-four states, including Iowa, have ratified the amendment. Four more are needed to complete final ratification by March of 1979.

In February, the legislatures of four states—Arizona, Georgia, Nevada and Utah—rejected the amendment. In Indiana, although the House approved the measure by a strong 61-to-39 vote, ERA was killed in committee in the Senate.

That leaves 11 states from among which supporters of equal rights for women must get four ratifications. The pickings right now look slim. In past sessions, the legislatures of some of these 11 states have rejected the proposed amendment at least once.

The ERA has run into all kinds of flak on strawmen (strawwomen?) issues. Conservatives like Phyllis Schlafly of Illinois say women will lose their special status. Betty Ford, the President's wife, has taken some heat for personally urging various state legislators to vote for ERA. In Utah, an editorial by a Mormon church publication may have turned around what looked, in the polls, like an ERA victory.

The strawwomen shouldn't exist. The ERA's purpose is to obtain equality of opportunity before the law for women. It is not going to force women to share barracks and bathrooms with men. It's not going to make women work outside the home if they don't want to.

Some ERA supporters continue to point out a failure to attract the interest of blue-collar women, who would profit heavily from the amendment in terms of equal pay.

A member of the National Organization for Women (NOW) adds that presidential candidates at the 1976 national conventions, particularly the Democrats, are going to have "some dues to pay" if they are from non-ratifying states. Women delegates may make their convention votes dependent on what a candidate can do in his home state to get ERA passed.

According to a tally compiled by NOW leaders, the roll call of states from which the four vital ratifications are needed by 1979, includes:

Alabama, which previously rejected the amendment. The Legislature doesn't meet until May 5.

Arkansas, where past action amended ERA, which is not legal. The amendment thus died for that session.

Florida, where the amendment also has been defeated. Florida's Legislature meets Apr. 8.

Illinois, where both houses in 1973 passed ERA with a simple majority. The Illinois Constitution then required a 60 per cent majority on the issue. A recent court ruling said that the Legislature is not now bound by that provision, but the Illinois Senate voted Wednesday to require a 60 per cent majority.

Louisiana, where the Legislature meets May 12.

Mississippi, which has never ratified the Nineteenth Amendment to the Constitution, which in 1920 gave women the right to vote.

Missouri, whose House has approved the amendment by an 820-to-79 vote, considerably narrower than supporters expected. Missouri has rejected ERA twice before.

North Carolina, Oklahoma, South Carolina and Virginia are the other states in which the issue is expected to come up this legislative session. South Carolina and Virginia have previously rejected ERA.

The vote-counters are placing their hopes on Illinois, Missouri, North Carolina and Florida—with South Carolina as a "possible." But, even if they fail in those states, ERA supporters still have four years to win constitutional equality for women.

The Equal Rights Amendment: What It Will and Won't Do

(Published by Iowa Commission on the Status of Women, 1974)

What does the equal rights amendment (ERA) say?

1. Equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex.

2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

3. The amendment shall take effect two years after the date of ratification.

How long will ratification take?

A Constitutional Amendment must be ratified by 38 of the 50 states. Thirty-three states have now ratified it. It must be ratified within seven years after it has been approved by the Congress . . . or by 1979.

Can a State rescind or "undo" its ratification of the ERA?

Two states, Nebraska and Tennessee, have voted to do so. However, the Constitution provides that states may take action to ratify proposed amendments to the Constitution, but it is silent on the right of states to rescind such action. One precedent established by Congress in this matter was its listing of all states ratifying the 14th Amendment in 1868, including the two states that had revoked their ratification vote. In another proposed Constitutional Amendment, the Child Labor Amendment of the mid-1930's, the U.S. Supreme Court and the Kentucky Supreme Court ruled in two separate cases that ratification by a state is a final action which cannot be repealed or revised.

Will both men and women be drafted into the military under the ERA?

This is a moot issue with a volunteer army Congress has always had the authority to draft women, and in 1945, the House of Representatives passed a bill to draft women to be army nurses. It was not put into effect because the war ended. Women have not been drafted into the army because of custom and tradition, not because of law.

Under the ERA, volunteer enlistment standards would be equal, which presently are higher for women. The military does provide job training and veteran's benefits, which should be equally accessible to both men and women. The policy of the military will continue to be to assign duty on the basis of each individual's physical and mental ability.

Will men and women have to use the same bathrooms, and sleep in the same barracks, prison cells, and dormitories?

Absolutely not. The Supreme Court has ruled on the right of privacy on several occasions (e.g., Griswold v. Connecticut, 1965). "Equality under the law" does not mean that the sexes must be regarded as identical; states would retain the power to require segregation of the sexes in order to maintain an individual's right to privacy.

How will the ERA affect family relationships?

The ERA does not affect social relationships between persons; it only affects legal relationships. It definitely will not require all women to seek employment outside the home. To the contrary, by assuring each person's right to choose their role in society, the ERA will increase the status of the role of homemaker and of other traditional women's occupations. These will become roles by choice, rather than roles imposed by society.

Will the ERA affect alimony and child support?

The ERA will extend the present alimony and child support laws to include men under the same conditions as women. Alimony is now awarded in only 2% of all divorces, and most child support is well below the amount required to support a child. And at present, both alimony and child support are difficult and time-consuming to collect. The National Citizen's Advisory Council on the Status of Women predicts that the ERA "could very well result in greater women's legal rights to support by their husbands, and to support of their children in cases of divorce or separation. . . ."

What will happen to protective labor legislation?

The laws that discriminate against women by prohibiting them from achieving full economic opportunity will be invalidated. Such laws are those that prevent women from working more than 8 hours a day, thus preventing them from receiving overtime pay or advancing into managerial positions.

Other laws that cover hazardous occupations and health and safety conditions on the job (such as requiring a break every four hours) will be extended to include male workers.

How will the ERA affect criminal laws, especially rape laws?

Rape laws would not be invalidated by ERA. Senator Birch Bayh stated that, "rape laws . . . are perfectly constitutional, for both the group which is protected: namely, women, and the group which can be punished: namely, men, have unique physical characteristics which are directly related to the crime, to the act for which an individual is punished." Laws which carry a greater penalty for one sex than for the other sex for committing the same crime would be nullified by the ERA.

POSITION ON RULE XXII MODIFICATION

Mr. SCHWEIKER. Mr. President, as a cosponsor of Senate Resolution 4, the original Mondale-Pearson bill to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate, I wish to have the RECORD show that had I been able to be present, I would have voted in favor of Senate Resolution 4, as amended, on the final passage vote on March 7, 1975.

THE USELESS AGENCY

Mr. BROCK. Mr. President, with the passage of time, our society and hence, its Government, get progressively more complex. One strange byproduct of this Government is an anomaly called bureaucracy. It seems so thick at times that "dead wood" can go unnoticed. An excellent editorial in the Nashville Banner, a newspaper in my home State, points out one such situation. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The Useless Agency

It isn't every day that the head of a federal agency admits that the job he is doing is useless and urges its abolishment to save money.

But that is exactly what Robert D. Moran has done.

Mr. Moran is chairman of the three-member Occupational Safety and Health Review Commission, which has a staff of 44 people who together are paid about $1 million a year.

The commission was set up four years ago to hear appeals from employers on penalties and citations brought against them by the Occupational Safety and Health Administration.

The cases first go to administrative judges and Mr. Moran says his commission rarely changes decisions made by the judges.

And if the commission does change the decisions, the changes are insignificant.

"The judges are good," Mr. Moran says, "and we aren't any better than they are."

Having suggested that his commission be eliminated, Mr. Moran's plea should be heard. His example isn't likely to spread very far in the bureaucracy, but it would be a good example to hold up to other briefcase toters.

The government then might establish a bounty for department heads who can prove that their agencies do no useful work, including a pay bonus and reassignment in a higher rating to a job that is productive.

If the government made it worthwhile for the department head, maybe some real economy in government could at last be realized.

Meanwhile, at the very least, a monument should be erected to Mr. Robert D. Moran, whose honesty exceeds his drive for job security.

NAVAL PETROLEUM RESERVES

Mr. TUNNEY. Mr. President, it is of vital importance that Congress approve full development and production of our naval petroleum reserves. With little effort, Petroleum Reserve No. 1 at Elk Hills, Calif., could be brought into full production and provide oil and gas for both military and civilian needs. I ask unanimous consent to have printed in the RECORD a paper entitled "The Naval Petroleum Reserves" written by William A. Johnson, formerly Assistant Administrator for Policy Analysis and Evaluation in the Federal Energy Office and now a research professor at George Washington University. I believe Mr. Johnson's paper to be an excellent review of the history of the reserves and persuasive in its argument that they should now be developed.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE NAVAL PETROLEUM RESERVES

(By William A. Johnson)

At some risk of exaggeration, most of the Nation's energy problems are the result of various policies of the federal, state and local governments. One of these policies is the Navy's control of several petroleum reserves. Under the Navy's direction, these reserves have been set aside for an emergency. Yet, at the same time, the reserves contribute little, if anything, to the national security.

The Defense Department oversees four naval petroleum reserves. The purpose of these reserves, as stated by law, is to contribute to the national defense by assuring that oil will be available in the event of a crisis that impedes oil imports or overseas purchases by the Defense Department. The naval petroleum reserves produced at full capacity only during World War II. Since then, production has been limited to amounts needed to maintain equipment and to prevent drainage through adjoining properties.

U.S. policy toward the naval petroleum reserves is a relic of the Harding era scandals. Because of the Teapot Dome affair, Congress has limited the freedom of the Administration to open up the reserves for commercial development. Under the law, production is permitted "to protect, preserve, test, or maintain" the oil fields. Production in excess of amounts necessary for these purposes is expressly prohibited unless authorized by a joint resolution of both houses of the Congress.

Despite the fact that the reserves are to be used in an emergency, they have not been developed to a state of readiness. Needed wells have not been drilled, pipelines have not been laid, and, in some instances, the reserves have not even been explored. In the worst case, NPR #4 in Alaska, significant crude production cannot occur for at least ten years.[1] The war would be over and the fate of the nation determined by the time the Alaskan oil would be available to the military.

The most readily available reserve of crude oil is NPR #1 at Elk Hills in the San Joaquin Valley of California. Elk Hills is capable of producing immediately about 100,000 bpd. Further production is constrained by existing pipeline capacity. However, within 30 to 60 days, more pipelines could be laid allowing Elk Hills' production to increase to 160,000 bpd. With additional drilling, it was estimated in 1972 that a total production of 267,000 bpd would be possible from NPR #1. However, Elk Hills has not been fully explored, particularly in its deeper strata. The initial results of an accelerated exploration program begun within the past year suggest that the crude oil capacity of Elk Hills could be still higher, perhaps as much as 400,000 bpd. The *Oil and Gas Journal Newsletter* reports of an "almost unbroken string" of drilling successes in NPR #1 during the past several months. The Navy, the *Newsletter* states, has found the equivalent of another major oil field in the reserve.[2]

A small amount of production is allowed from Elk Hills in order to maintain the field. Standard of California is under contract with the Navy to produce this oil. Under the terms of the contract, SOCAL obtains oil in payment for its services. At present, roughly 20 percent of Elk Hills' production goes to SOCAL; 80 percent to the Navy. The Navy's share of Elk Hills' production has been sold at auction to Shell Oil. The development of Elk Hills for commercial uses would be subject to existing contractual constraints. However, these contracts are not major obstacles. In January, 1975, SOCAL requested termination of its contract with the Navy, ostensibly to use its drilling rigs more profitably elsewhere.

Naval Petroleum Reserve #2 is near Buena Vista, California, south of Elk Hills. Buena Vista is a declining field. It has an operating capacity of about 7,900 bpd, and has been almost entirely leased out by the Navy. Little increase in production is possible. The Teapot Dome Naval Petroleum Reserve #3 is near Casper, Wyoming. It currently has a production capacity of about 1,000 bpd with a maximum deliverable potential of 5,000 bpd for a five year period. To bring Teapot Dome to this level of production would require additional investment by the Navy. Neither NPR #2 nor NPR #3 can yield much additional output of oil.

For this reason, they are largely removed from the controversy over commercial development of the naval petroleum reserves.

Without question, the most promising reserve is NPR #4 on the north slope of Alaska. According to the United States Geological Survey, NPR #4 has potential reserves of 10 to 33 billion barrels and could produce three to five million barrels of oil daily. This is up to 2 and ½ times the amount of oil to be extracted from Prudhoe Bay when it is fully developed. The USGS also estimates that NPR #4 can produce 80 trillion cubic feet of natural gas. However, the USGS estimates are, at best, guesstimates because NPR #4 has not been explored. Test drilling is yet to begin. Until NPR #4 is explored and developed and pipelines systems installed, the north slope reserve will not contribute to the national security under any conceivable contingency. As a result of legislation by the 93rd Congress, major exploration of NPR #4 is to begin in February, 1975. Initially, a ten year exploration program was authorized by the Navy. However, because of criticism about the slowness of the Navy's pace, the Navy is now planning an accelerated exploration program of seven years.

Another promising area for oil and gas on the Alaskan north slope— some geologists think it has greater potential than either Prudhoe Bay or NPR #4—is the Arctic National Wildlife Range lying between Prudhoe Bay and Canada. This area has not yet been subjected to even the most basic geological testing for oil and gas; nor is any exploration of the range's potential reserves contemplated. The mere suggestion that the wildlife range be opened to exploration and development would incur the wrath of the various wildlife and environmental groups. The issue is a politician's nightmare and, for this reason, has been carefully avoided. Parenthetically, the total production from the Wildlife Range, NPR #4, and Prudhoe Bay would approach the current output of Saudi Arabia. Full development of the Alaskan north slope would go a long way toward making the United States reasonably independent of insecure foreign sources of oil.

There have been proposals to open up Elk Hills to commercial development. Demands for development of Elk Hills have been especially strong since 1973.

Major support for development of Elk Hills first came from California's independent refiners. 18 independent refiners in California have a collective capacity of 292,000 bpd., or 15.6 percent of the State's total refining capacity (See Table 1). The independents are concentrated in two areas: near Bakersfield in the San Joaquin Valley and in the Los Angeles Basin. For years, small refiners were able to secure domestic crude oil by swapping with the major oil companies import tickets granted them under the Oil Import Program.[3] Under the quota system, the smaller refiners received a disproportionate number of tickets. As long as the foreign price was below the domestic price, tickets were worth something. However, with the rise in the price of foreign relative to domestic oil in 1973, import tickets ceased to have value and many independent refiners were unable to obtain supplies of crude oil necessary to keep their refineries operating at reasonably full capacity.

TABLE 1.—CALIFORNIA REFINERIES

	Location	Capacity barrels per day
LOS ANGELES BASIN		
Majors:		
Atlantic Richfield Co	Carson	185,000
Champlin Oil Co	Wilmington	30,600
Continental Oil Co	Paramount	35,000
Gulf Oil Corp	Santa Fe Springs	49,800
Mobil Oil Corp	Torrance	124,000
Shell Oil Co	Wilmington	90,000
Standard Oil Co. of California.	El Segundo	220,000
Texaco, Inc	Wilmington	75,000
Union Oil Co. of California		108,000
Subtotal		917,400
Independents:		
Edgington Oil Co	Long Beach	29,500
Edgington-Oxnard Refinery	Oxnard	2,500
Fletcher Oil & Refining	Carson	18,000
Golden Eagle Refining Co	do	13,000
Lunday-Thagard Oil Co	South Gate	3,222
Macmillan Ring-Free Oil Co.	Signal Hill	12,200
Powerine Oil Co	Santa Fe Springs	46,000
Subtotal		124,422
Total		1,041,822
SAN JOAQUIN VALLEY		
Majors: Standard Oil Co. of California.	Bakersfield	26,000
Independents:		
Beacon Oil Co	Hanford	12,100
Kern County Refinery	Bakersfield	15,900

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[1] United States Government, Comptroller General, "Capability of the Naval Petroleum and Oil Shale Reserves to Meet Emergency Oil Needs," report, Washington, D.C., October 5, 1972.

[2] *Oil and Gas Journal Newsletter*, December 30, 1974.

[3] For further discussion, see Kenneth W. Dam, *Implementation of Import Quotas: The Case of Oil*, The Brookings Institution, Washington, D.C., 1971, pp. 20–24.

TABLE 1.—CALIFORNIA REFINERIES—Continued

	Location	Capacity barrels per day
SAN JOAQUIN—Continued		
Mohawk Petroleum Corp	do	22, 100
Newhall Refining Co	Newhall	11, 500
Road Oil Sales, Inc	Bakersfield	1, 500
Sabre Oil & Refining Co	do	3, 500
San Joaquin Refining Co	Oildale	20, 000
Sunland Refining Corp	Bakersfield	15, 000
Toscopetro Corp	do	40, 000
West Coast Oil Co	Oildale	15, 000
Witco Chemical Corp	do	11, 000
Subtotal		167, 600
Total		193, 600
COASTAL—NORTH OF LOS ANGELES		
Majors: Continental Oil Co	Santa Maria	8, 000
SAN FRANCISCO BAY AREA		
Majors:		
Exxon Co., U.S.A	Benicia	86, 000
Phillips Petroleum Co	Martinez	110, 000
Sequoia Refining Corp	Hercules	27, 000
Shell Oil Co	Martinez	100, 000
Standard Oil Co. of California.	Richmond	190, 000
Union Oil Co. of California	Rodeo	111, 000
Subtotal		624, 000
Total California capacity		1, 867, 422

Source: National Petroleum Refiners Association, "U.S. Refining Capacity," Dec. 1, 1974, compiled from data provided by FEA.

One answer to the California independents' problem was increased production of Elk Hills oil. Most refiners in the San Joaquin Valley are located only a few miles from Elk Hills and could be served by existing pipelines or new pipelines built in a few months.

After the Arab oil embargo in October, 1973, support for the development of Elk Hills became even stronger. The Administration, aware of opposition in Congress, backed away from including development of the naval petroleum reserves in the President's April 18, 1973, energy message. In a subsequent message to Congress on September 10, the President did recommend drawing down Elk Hill's reserves and, several months later, the Senate enacted legislation making oil from NPR #1 available for non-military consumption. (S.J. Res. 176) This legislation would have authorized production from Elk Hills of up to 160,000 bpd for one year. It would have also authorized further exploration on both NPR #1 and NPR #4. However, the chairman of the Armed Services Committee, F. Edward Hébert of Louisiana, was strongly opposed to the bill. Hébert refused to consider the bill seriously or to hold hearings on it. According to his committee's report:

> "Since the Naval Petroleum Reserves contain the only petroleum specifically dedicated to the defense of our country, they must be made ready for that purpose. Our national defense is of paramount importance, and our petroleum reserves which support it must not be frittered away for other uses in the name of expediency."

Commercial development of the Elk Hills Naval Petroleum Reserve received the full support of the California congressional delegation, as well as many members of Congress from other states. However, the power of the committee chairman was so great that few dared to defy him. Those that did faced retaliation, particularly if they represented districts in which there was a heavy Defense Department presence. In January, 1975, at the beginning of the 95th Congress Hébert was removed as Chairman by the Democratic Caucus in a secret ballot.

Hébert's opposition to the development of Elk Hills stemmed, in large part, from a sincere belief that, in the post-Vietnam war period, the nation was neglecting its military. The assault on Elk Hills seemed to him a symptom of a broader and even more dangerous assault on the defense establishment. Hébert was determined not to be an instrument for further erosion of U.S. military capability.

Hébert's position was supported by the Navy of NPR #1 and NPR #4 for military purposes, the military strongly opposed development for commercial users. In part, this reflected a normal brueaucratic acquisitiveness. But more important, it reflected a widespread belief within the defense establishment that the naval petroleum reserves are essential to the defense capabilities of the United States. So intense was this belief that, in early 1974, the Deputy Director of the Office of Naval Petroleum and Oil Shale Reserves resigned in protest over the Administration's support of commercial development of Elk Hills.

The military's position would be stronger were it not for the fact that, by choice, it had become heavily dependent on foreign sources and thus, it had become especially vulnerable to an embargo. Although most U.S. consumers were required to consume higher cost U.S. refined products in the interest of national security, under the mandatory oil import program, the Defense Department was not. By 1973, the Defense Department was heavily dependent on foreign sources of jet fuel and motor oil, especially. Some of the oil purchased abroad by the Defense Department was refined in Bahrain and was embargoed directly by the Arabs. The rest was refined in Europe and Asia, very largely from Middle Eastern crude. The dependence by the military on foreign oil was partly motivated by economics. For years prior to 1973, foreign refined products were cheaper than domestic products. This independence was also motivated by logistics. It makes sense to purchase oil in the Eastern Hemisphere if it is to be consumed in that Hemisphere.

During the embargo, the U.S. Defense Department's supply of refined products was curtailed by over 300,000 bpd.[4] To make up for its loss, in November 1973, the Defense Department invoked the provisions of the Defense Production Act which allow it to appropriate, with fair compensation, oil refined in the United States for non-military customers. Under the terms of the Act, the Secretary of Defense is empowered to do this when a national emergency threatens the military's operations. In other words, the crisis created by the embargo was severe enough for the Defense Department to disrupt domestic distribution of oil, but not severe enough to justify increased production from the naval petroleum reserves. Heads the Defense Department wins; tails the public loses.

The Defense Department's actions, coming when they did, added to the chaos and confusion created by the embargo. DOD acted like a giant bird of prey, swooping down and gobbling up entire refinery yields, particularly of jet fuel. As a result, several airlines that happened to depend on the refineries singled out by DOD were given short notice that they would no longer be supplied and were faced with a need for immediate curtailment of service unless they could find alternative sources. Under the circumstances, these alternative sources did not exist. At one time, most of the supply of asphalt to northern California was also conscripted by the Defense Department. In December, 1973, the Federal Energy Office was deluged with urgent pleas for help from businesses affected by the Defense Department's actions, as well as from their congressmen, senators, and governors. After some acrimony between the Federal Energy Office and the Defense Department, an agreement was reached under which FEO would grant to DOD highest priority under the allocation program, while DOD would cease to invoke the provisions of the Defense Production Act.

There is reason to question whether the military needs the naval petroleum reserves in order to assure supplies of oil during a crisis. The Defense Production Act and allocation program are substitutes for these reserves. And, as events have shown, the Defense Department is more inclined to use these substitutes than to rely on the reserves.

Even more to the point, it is inconceivable that the United States would not assign defense needs highest priority in the event of war or some other crisis requiring the use of the U.S. military. In a sense, all U.S. productive capability serves as a naval petroleum reserve and can be mobilized in what will, hopefully, be a more rational and considered exercise of the powers granted by the Defense Production Act.

However, perhaps the most basic criticism of the administration of the naval petroleum reserves is the fact that they are nowhere near their maximum productive capability. Nor are they capable of meeting the Defense Department's, nor the Nation's needs in a time of crisis without substantial additional investment and, in the case of NPR #4, prolonged delay. Here, Congress did act. In 1974, the Congress increased the appropriation to the Navy for further exploration and development of both Elk Hills and NPR #4. Subsequently, the Navy began an accelerated program to bring the reserves up to a ready reserve status. However, commercial development is still ruled out.[5]

There have been a number of proposals that would, in various ways, change the status of both Elk Hills and NPR #4. Some would, like S.J. Res. 176, simply open up Elk Hills to commercial exploitation for a period of time. Ironically, were this done now there would probably be fewer interested buyers. The independent refiners who, in 1973, saw Elk Hills as their salvation, are now much less interested. One reason for this is the passage in November, 1973, of the Emergency Petroleum Allocation Act which guarantees a supply of crude oil to crude short independents by requiring other companies to sell to them. More important, however, are crude oil price controls originally drafted by the Cost of Living Council but carried on by the Federal Energy Administration. In 1973, in an effort to encourage new exploration and development for oil in the United States while, at the same time, minimizing price increases for the public, the Cost of Living Council created the so-called two tier price system. Under this system, a ceiling was placed on the price of "old" oil, while "new" oil prices were allowed to rise to the import level. New oil is defined as production from a leasehold in excess of 1972 levels. In addition, for every barrel of new oil produced from a leasehold, one barrel of oil is "released" from controls. Congress also exempted the production of stripper wells from price controls. Under the definition given by law, a stripper well produces ten barrels per day or less. Today, roughly 40 percent of all crude consumed in the United States is old oil while the remainder is either new, released, stripper, or imported crude oil. The price ceiling on old oil is now $5.25 per barrel; the free market price for all other oil is about $11 to $12 per barrel.

As it happens, California has a disproportionate share of old oil and, under the price regulations that prevail, for the moment at least, California's independent refiners benefit from possession at this old oil.[6] Were Elk Hills developed commercially, its production would be defined as new oil. In addition, existing production could be defined as released oil. Also, the Defense Department has traditionally insisted that bonuses be included in the price. In other words, Elk Hills oil would, under the circumstances, be the highest cost oil available to the independent refiners. As one oil man put it succinctly, "Why buy high priced oil from the Navy when we can buy much cheaper oil from FEA?"[7]

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[4] *Oil and Gas Journal,* January 21, 1974, p. 33.

[5] *Oil and Gas Journal,* September 23, 1974, pp. 118 and 120. See, also, *Oil and Gas Journal,* July 1, 1974, p. 37.

There have been other proposals to open up the naval petroleum reserves. On April 21, 1971 the Nixon Administration submitted a bill to Congress authorizing production and sale of oil from Elk Hills to cover the costs of terminating leases in the federal portion of the Santa Barbara Channel. This bill also called for creation of a naval petroleum reserve in the Channel and exploration in NPR #4. In effect, this measure would have shifted NPR #1 from the Elk Hills to the Santa Barbara Channel. The military objected to the proposal because it would, at the same time, shift the burden of opening up the Santa Barbara Channel from the Interior Department to the Defense Department. The Administration bill died in Congress.

During the embargo it was proposed that refiners required to allocate refined products to the Defense Department should be given access to additional crude production from Elk Hills. DOD allocations would, in effect, be exchanges for Elk Hills production. Put, differently, Elk Hills oil would be refined for the Defense Department under processing agreements. Between November, 1973, and January, 1974, the oil companies were directed to supply about 20 million barrels of petroluem products to the Defense Department. This amounts to approximately 300,000 bpd, a level of output roughly comparable to Elk Hills' long-term productive potential. This proposal received little support in the Administration or the Congress.

It was also proposed that the military be given exclusive use of royalty payments from the sale of government oil in exchange for opening up Elk Hills to public consumption. In 1973, the government's royalty oil payments were 112,000 bpd, an amount roughly equivalent to the initial production expected from Elk Hills. However, the sale of the government's royalty oil had already been committed to certain independent refiners to help ease their supply problems. Although the idea had some appeal, it was politically impossible.

Still another proposal has been advanced by, among others, Senator Jackson. This would allow commercial development of Elk Hills with a comparable amount of oil put into strategic storage. Greater U.S. storage capability, it is generally agreed, is necessary, especially now that the United States has obligated itself under the International Energy Program. Several members of Congress, including Senator Jackson, have also proposed accelerated development of NPR #4.

Finally, and most recently, President Ford proposed in his State of the Union message that the Navy be authorized by Congress to begin production on the Elk Hills' reserve. The crude oil would be used to fill the Defense Department's own storage tanks, with the rest sold in auction or exchanged for refined products consumed by the Defense Department. The revenues would be used to finance exploration and development of the naval petroleum reserves. The President also called for exploration, development, and production of NPR #4 in Alaska to provide for both civilian and military uses. The Government's share of output from NPR #4 would also be used to help build strategic storage. The President's program calls for one billion barrels of crude stored for domestic use and 300 million barrels stored for military use.[8]

President Ford's proposal makes the greatest sense, although each of these measures would be preferable to the status quo. It is difficult to justy the continued hoarding of a scarce resource by the Navy, particularly during an embargo, when military needs are granted priority under the Defense Production Act and the allocation program. The military should be given priority in time of crisis. However, at the same time, the military's reserves of oil should be used to maintain domestic production, to reduce dependence on imports, and to build storage.

DISCONTENT WITH GOVERNMENT

Mr. BROCK. Mr. President, the Wall Street Journal brought forth an article on the day after Christmas 1974, which attempted to explore and explain the rampant national ailment of today, discontent with government. I ask unanimous consent that this article be now printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Question of Values

There are those who attribute the discontented spirit in the U.S. today to a loss of common values and a consequent loss of national unity and purpose. But we suspect that the trouble lies more in frustration over a seeming lack of fulfillment of important common values. And that, in turn, is itself partly a problem of perceptions.

The symptoms of discontent are obvious enough. An off-year election attracted only a slim response from the voters, reflecting what is widely interpreted as a national disillusionment with politicians and the political process. Some Americans seem overeager to embrace vague, fruitless suggestions that they should feel a sense of moral guilt about the big and ancient problems of hunger and overpopulation. The quality of public debate on important questions, particularly economic questions, often is depressingly low.

But a close look suggests that these signs of frustration and confusion stem not from a loss of values but from a general perception that national values are not being adequately fulfilled. As nearly as they can be identified, those common values seem entirely consistent with the old-fashioned liberal ethic that has been central to the American experiment—it can be called "liberal" in the sense that it tends to uphold the worth and importance of the individual.

There is every evidence that in attempting to fulfill common values the nation has overreached itself and in some ways distorted the values themselves. One concrete sign of an overreaching is inflation, which signals that a nation is trying to do more than it can manage.

Much of the present spiritual discomfort, we suspect, can be traced to a sense of erosion and impermanance brought on by rapidly rising living costs, which in turn leads to fears about the future. Much of the low quality of public debate arises from attempts to assign specific blame for the condition—to farmers, to labor unions, to "big business," to doctors, to lawyers, to even negative abstractions such as human greed. In fact, inflation is caused by the failure of governments to adequately manage fiscal policy and the growth of the national money supply.

We are constantly critical here of the unwillingness of government to behave responsibly in its budget and money management. But we do not doubt that one of the reasons government can behave irresponsibly is that it is often motivated by worthy values and motives that have strong political support.

It is not unworthy for the nation to want to care for the poor and elderly, for example. But its leaders have badly underestimated the budgetary and inflationary costs of Social Security, welfare, Medicare, Medicaid and food stamps. It is a worthy and essential goal to clean up the environment, but national leaders have underplayed the enormous cost, which has been reflected mainly in higher prices for important needs, such as autos, electric power or fuel.

It is a sign of an awakened sense of values that the nation in the last two decades has made such a strong commitment towards equality before the law for all races and creeds. But government has sometimes pressed beyond that into the divisive and murky area of social engineering, and has thus sometimes restricted individual rights in the name of guaranteeing them.

In short, we see very little sign of eroded values. But that does not mean that we see no social or political dangers. The nation's political leadership has lost support. Mr. Nixon failed partly by not trusting enough to the good sense of the nation and by not living up to its moral standards. The Congress and the federal bureaucracy have failed by misapplying worthy values in some cases and by not being sufficiently forthright about discovering and reporting the costs of fulfilling public expectations.

Withall, the nation's social and economic achievements of the last 20 years have been immense. They could not have been accomplished without a strong underlying sense of national unity and a renewed determination to live up to the nation's traditional values. It is something to be proud of and to toss the values aside would be socially disastrous.

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[6] One major oil company serving California estimates that old oil accounts for 55 to 60 percent of the total oil consumed in that state, while only 38 to 40 percent of oil consumed in the United States.

[7] The special advantage of the California independent refiners may be lost, however. In December, 1974, the Administration announced that, under the authority of the Emergency Petroleum Alocation Act of 1973, the Government was implementing an "entitlements" program. Under this program, the right to use old crude oil would be distributed "equitably" to all refiners and also to certain importers of refined products to equalize prices throughout the country. In fact, the entitlements program was the result of substantial lobbying by certain refiners, as well as by utilities and fuel oil interests in the northern and northeastern parts of the United States. The entitlements program will, in effect, provide a subsidy to these regions by taxing other parts of the country. One company serving California estimates that the average cost of refined products will eventually increase by about 2¢ per gallon because of the entitlements program. Ironically, the hardest hit will be California's independent refiners who are almost totally dependent upon old oil. Partly for this reason, the government has instituted a temporary exemption from the program for small refiners. Whether this exemption will continue is now somewhat problematic. Equally ironically, the state's largest refiner, Standard of California, will gain slightly from the entitlements program. The program is supposed to benefit independent refiners at the expense of major oil companies. In fact, in California as in much of the midwestern and southwestern parts of the United States, it will actually help some major oil companies at the expense of some independent refiners.

[8] The White House, "Fact Sheet: The President's State of the Union Message," January 15, 1975, pp. 35–36, 42.

There is, however, a need for a new realism, to improve the level of public debate and be done with economic mysticism and devil theories. It will be important to reexamine policies in the light of whether they do further the freedom and rights of the individual. There is a need to focus attention on the real—real economic growth, real wages, real social needs, real economic benefits—rather than the imagined. As we said, the problem is partly one of perceptions, but that makes it no less a problem.

NOMINATION OF NATHANIEL DAVIS AS ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS

Mr. CLARK. Mr. President, the Senate Foreign Relations Committee this morning approved the nomination of Nathaniel Davis as Assistant Secretary of State for African Affairs. He no doubt will be approved by the full Senate, and as chairman of the Subcommittee on African Affairs, I will look forward to working with him. However, I opposed the nomination in committee today.

This is a time of tremendous change and tremendous challenge in Africa. The former Portuguese territories are becoming independent nations. The black African states are making a major effort to negotiate a solution to the problems of white supremacy in Rhodesia. The Republic of South Africa has indicated some willingness to reevaluate its racial policy, and African heads of state have expressed a desire to work with South Africa in a peaceful pursuit of human rights and racial equality.

In the Sahel, international relief agencies are working with the local governments to begin to restore economic health after years of disaster, enabling those who have suffered severe drought and famine to feed themselves once again. A foundation is being laid for a more prosperous future. If this massive experiment is successful, it could well provide a model for dealing with the problems of absolute poverty throughout the world.

The many African nations rich in raw materials and agricultural potential are becoming increasingly important members of an interdependent world community. Nigeria, one of the two largest suppliers of foreign oil to the United States, is an outstanding example of the growing economic importance of Africa.

Given this growth and change in Africa, it is especially important to develop close and productive relations between the United States and the African nations. This is a particularly sensitive time in U.S. relations with these states, a time when a mistake can have serious consequences, a time when whatever we do there—for good or for ill—will have an impact far into the future.

This country's African policy must reflect a sincere commitment to their independence and self-determination. For example, the United States now should make clear its support for the independence of the former Portuguese territories—by offering to assist in their economic development and by establishing strong diplomatic ties with these new states. We must encourage the efforts of the African states to deal with white supremacy in Rhodesia and South Africa in a way that will lead to peaceful change and cooperation. In economic assistance programs, in trade negotiations, and in international discussions of commodity prices, we must explore new ways of building cooperative economic relations with the African nations.

Any attempt by the United States to interfere in the internal political affairs of African states for whatever reason would seriously jeopardize long-term relations with Africa. Any attempt to intervene in the internal politics of an African country to secure the position of an American company would have disastrous consequences for U.S. economic relations with all African states. Any action that reflected a preference for the status quo in white-dominated southern Africa, at a time when every effort is being made to encourage peaceful change, would permanently damage American credibility on the continent.

It is because of the great potential for good relations with the African states—and the equally great danger of doing permanent and grave damage to these relations—that I believe the nomination of Nathaniel Davis as Assistant Secretary of State for African Affairs is a serious mistake. As the U.S. Ambassador to Chile during the coup, Mr. Davis has become associated—perhaps unjustly—with the very policies the United States must avoid in its relations with Africa during these times of change. The Organization of African Unity issued a statement on his nomination, saying:

> In the interest of Afro-American understanding and cooperation, the Council of Ministers feels duty-bound to point out that with the well-known background of Mr. Davis, especially his involvement with the U.S. policy of "political destabilization" in Latin America, African governments are bound to question what this appointment may portend as far as U.S. policy is concerned. The Council . . . will most vehemently condemn and resist any move by any country to import into Africa the odious practice of "political destabilization," which brought untold harm to our brothers in Latin America culminating most recently in the overthrow and assassination of the progressive President Allende of Chile.

The United States cannot be intimidated by such statements. The U.S. Government certainly must not allow other countries to dictate domestic appointments. But policymakers can and should understand the depth of concern that led the African nations to make this protest.

Most African nations have been independent only 10 to 15 years. Given the history of African colonialism, even the possibility of intervention in their internal affairs by foreign powers is of great concern to countries that still are striving for political unity. Three of the states—Angola, Mozambique, and Guinea-Bissau—will be newly independent. Angola in particular would be vulnerable to outsiders' attempts to exploit internal differences. And as a major source of oil and other raw materials, Angola is especially important economically to the United States.

There are bound to be further changes in Africa in the coming months. The new goverment in Ethiopia will be attempting to resolve the Eritrea question and implement sweeping changes in domestic economic policy. There will be increasing pressure on Rhodesia to form a new government and begin the transition to majority rule. The pressure on South Africa will be greater to end its illegal occupation of Namibia and make further changes in its own internal apartheid practices. In each case, the nations of Africa must be able to trust the United States. It must be clear to them that the United States wants to help—as a friend—to encourage peaceful change in Africa that will bring about greater respect for human rights, a higher standard of living for those in poverty, and a greater degree of self-determination for the people of Africa.

Because Nathaniel Davis is associated with one of the most regrettable instances of U.S. interference in the politics of another country, he will have great difficulty winning the trust and respect of the African governments. And too much is at stake for this country to appoint a representative who may not have that trust and respect.

The arguments over Mr. Davis' personal involvement in CIA activities in Chile are not very relevant. Of course, it would be much easier to vote for his confirmation if there were evidence that he advised against U.S. involvement in the internal politics of Chile, and I hope everyone recognizes that such interference is not in the best interest of the United States. I agree with those who argue that a foreign service officer placed in a difficult position in the field "cannot and should not be made a scapegoat for unpopular policies." It is well known that U.S. policy toward Chile was made and directed in Washington; and Mr. Davis certainly should not be precluded from further advancement simply because he was Ambassador at the time these policies were carried out.

Nathaniel Davis' outstanding record as a foreign service officer is undisputed. He is a man of character and loyalty. These outstanding personal attributies are not, unfortunately, the points at issue. In listing Mr. Davis' personal qualifications for this position, the Secretary of State has focused on his support for civil rights, his volunteer work among the disadvantaged in Washington, D.C., and his teaching at Howard University. Mr. Davis' sensitivity and concern for the problems of the poor in this country, his defense of human rights, and his intellectual openness to the views of a minority are all tremendous assets for anyone chosen to represent the United States—especially in developing countries. If he were being nominated for a different position of equal importance, perhaps as U.S. representative to a nation not so acutely sensitive to the issue of U.S. involvement in Chile, I am sure that few would oppose his nomination.

No one questions the right of the Secretary of State to choose as his deputies the men and women in whom he has the greatest confidence. This right and responsibility are indispensable to a truly effective foreign policy. But of course, the Foreign Relations Committee and the Senate have an analogous right and responsibility—to evaluate and consider State Department nominations. One question we must ask is whether the men and women chosen for responsible positions will have access to the Secretary of State and the President, and whether they will be trusted to run the operations of their bureaus and embassies. It is clear that Mr. Davis does have the trust and respect of the Secretary of State; and if he is confirmed, this will be an important factor in building better relations between the United States and Africa and dispelling the doubts and suspicions the African nations now have. However, there no doubt are other competent men or women with the Secretary's confidence and trust who would not be associated with a policy so detrimental to our image as the policy toward the Allende government in Chile.

In my judgment, the issue in the Davis nomination comes down to this: Mr. Davis, because of his association with U.S. policy in Chile, will have an extremely difficult time winning the trust and respect of the African leaders. Many African heads of state already are concerned about the possible implications of Mr. Easum's replacement as Assistant Secretary of State for African Affairs after only 9 months. They felt that Mr. Easum understood their concerns, particularly their efforts to bring about peaceful change in southern Africa.

The man who replaces him must be able to strengthen our ties with the African states. He must be a credible spokesman for a policy of support for the independence, self-determination, and economic growth of the nations of Africa. As Congressman Andrew Young pointed out during these hearings, we cannot afford at this critical time in United States-Africa relations "to see the albatross of American policy in Latin America brought to the African continent."

As chairman of the Subcommittee on African Affairs, I intend to hold extensive hearings on U.S. African policy. In that effort, I hope we will have the cooperation and support of the State Department and, particularly, the new Assistant Secretary.

Mr. President, I ask unanimous consent that Representative Andrew Young's testimony on the Davis nomination, the article by Clark Mollenhoff in the March 9, Des Moines Register, "Wrong Reasons," and the February 22 editorial in the Washington Post, "Africa Policy in Disrepair," be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Andrew Young

Mr. Chairman, and Senator Biden, this is a very difficult but I feel necessary task for me for I am coming to testify against a man that I admire and respect and a man who after I have done some preliminary investigations I find has had a very distinguished career as a diplomat and a member of our Foreign Service.

I am in the embarrassing position of testifying against a person who once testified in my behalf and I want to make very clear that my testimony is in no way related to the personality, the charactor, or the professional abilities of Mr. Nathaniel Davis, rather I am concerned about the ability of a person who has been in his most recent positions conducting the U.S. Foreign Policy or carrying out the U.S. Foreign Policy in a continent so sensitive as the African Continent.

I think that whether we like it or not there is in the African Continent a legitimate paranoia and one that we as a strong and independent nation have been known to share on other occasions. And so I am not saying this in any way critical of the nations of Africa, but given the history of governments and given the changes in governments in so many African States, given the history of colonialism and the tensions of tribalism, there is I think across the African Continent a concern that the U.S. Foreign Policy be one which would help to develop a national integrity of the Nation States within the African Continent and it makes people, I think, Legitimately shaky when, they view the present nominee as an Assistant Secretary for African Affairs as the person coming out of a background in Chile and Guatemala being the agent of our policy.

I would just like to give three illustrations where I think this background would be an unnecessary handicap even for a man of Mr. Davis' abilities.

We have in the country of Rhodesia right now very delicate negotiations going on, and those negotiations I think feature not a united African movement, rather it is a very delicate coalition of three parties which are now responding to the leadership of a young man who was educated in this country, a Methodist Bishop, educated in the State of Tennessee, and who is in fact the coordinator of the non-violent forces for freedom in Rhodesia and has gained the support of those forces which have sought to pursue the freedom of Rhodesia and Embarway through more violent and revolutionary means.

I think that the kind of person that we send to represent this country in the Continent of Africa should be the kind of person who should be able to work with a person like Bishop Mizaraway without in any way jeopardizing his integrity or calling into question his credibility, and given the history of the assassinations of leaders in Africa and the blame which inevitably is cast in our direction, of the very fact of association of someone with Mr. Davis' past experience in Chile having any kind of relationships, however supportive or positive it might be in that situation, tends to make the other parties in the liberation equation very sensitive.

I think the same thing might be said even more so in the new emerging nation of Angola where you have three liberation movements coming together forming a provisional government where you have in the Cabinda Province, where there is heavy Gulf Oil investment, a movement with no cessationist tendencies and the problem is of maintaining a united Angola and nursing that nation to its rightful place in independence in the African scene, really depends not only on what these movements do amongst themselves, it really depends in good measure how they view the outside nation's influence which will inevitably come to bear.

The Cabina Province is the oil rich Province, it is slightly separated by a river from the rest of the Continent, and if there is anything that the leadership of the new Angola Provisional Government is uneasy about, it is the possibility of secession of Cabinda.

The other thing is that even there the young man who has emerged as the leader, who has the largest military force, in fact has been one who has been rumored to be friendly towards the United States. And this is not in that equation an asset to him and his ability to maintain stable relationships with his fellow revolutionaries or the fellow parties in the Government.

The association given that area, with its history of the separation of a Catanga Province from the Belgian Congo and the long struggles over the emergence of the nation of Zaire, the assassinations that occurred in that period, the cloud of any Central Intelligence Agency association, is not one that should be introduced in a delicate situation like that.

Finally, we have the oil politics of Nigeria, and Nigeria has been a nation that in spite of the fact that it is a member of OPEC and has gone along with OPEC as far as pricing of oil is concerned, that has deliberately refused to play Middle Eastern politics with its oil, and at the time of the embargo from the Middle East Nigeria actually increased its supply of oil and has continued to increase its supply of oil until in January it became our major supplier of imported oil surpassing even Canada and Venezuela.

The information I have from people in Nigeria is that they want to continue that relationship with this Nation and yet there is in Nigeria a Mr. Faeta who is now General Secretary of OPEC, and I can see the ominous possibility, and God forbid, that given the refusal of the United States Government to recognize African sensitivities, that the African oil producing nations will decide to call upon the Middle Eastern oil producing nations to play politics with their oil in the interests of African politics.

Now, admittedly that is a far-fetched possibility but it was a possibility that I suggested in our House Banking Committee last year when we devalued the dollar, that there would be political manipulations with the economy in the interest of the political interests of the Middle East. At that time, Governor Burns assured me that sort of thing didn't happen in the world economic order and yet in less than a year we did in fact see the economic situation being exacerbated by the political considerations of Middle Eastern politics. I would just hate to see the albatross of American policy, whether you agree with it or not, in Latin America, brought to the African Continent in such a way that it jeopardized the future development of relationships between the United States and the States of Africa and where it in any way contributed to even the insecurity of relationships between the existing coalitions which are attempting to form new nations and to develop nations which now have tremendous resources which we share the benefits of.

I should go on to say that Nigeria will be introducing, will be making public a $50 billion development plan and that development plan will depend, I hope, or will be an opportunity for recycling of petro-dollars through American business sources to some extent. I would hate to see any of that kind of relationship jeopardized by any insensitivity on our part to what I feel to be a legitimate paranoia on the African Continent.

[From the Des Moines Register, Mar. 9, 1975]

Wrong Reasons

(By Clark Mollenhoff)

Washington, D.C.—The nomination of Nathaniel Davis to be assistant secretary of state for African affairs is in trouble for the wrong reasons.

Most of the criticism of Davis, a Kissinger protege, centers on his being U.S. ambassador to Chile when the Allende government was overthrown. But many believe there is a much better case against him in his handling of State Department personnel for the last 17 months as director general of the foreign service.

LINDSAY DISCHARGE

Specifically, Davis has been criticized for his handling of the discharge of Foreign Service Officer Philip M. Lindsay.

Lindsay, a veteran economic officer, said he was discharged because of low ratings he received while stationed in Ankara, Turkey—ratings that he thinks are unjustified. He argued that the ratings were a result of his being misassigned to administration when his specialty was economics and that his efficiency ratings were prepared in an improper manner.

A special review panel agreed with the discharge, but Lindsay challenged the decision on grounds that he was not given the right to call witnesses, subpoena documents and be represented by counsel.

LACKED DUE PROCESS

Davis was assigned to review the panel's report, and he upheld it. U.S. District Judge Gerhard Gesell later ruled the process to be completely lacking in due process of law.

Judge Gesell's ruling ordered the State Department to give Lindsay a hearing with a lawyer of his own choosing and the right to call witnesses and subpoena relevant documents. Davis, by then director general of the Foreign Service, resisted Judge Gesell's order and refused Lindsay a hearing.

Lindsay went to court again. Under heavy criticism by Judge Gesell, Davis arranged for a hearing, but he disregarded the court's admonition for a "fair hearing" and established the ground rules himself.

Lindsay charged that Davis should have no role because of Davis's prior rulings against him. Davis reluctantly disqualified himself, but he permitted the hearing to go on before a panel he had named and under ground rules he had approved.

ANOTHER CHALLENGE

A new ruling against Lindsay was challenged in court, and again the court declared that the hearing did not meet requirements.

This time newly appointed State Department Counsel Monroe Leigh recognized the lack of due process and ordered a new hearing. The State Department set aside its earlier adverse rulings and reinstated Lindsay.

The decision came less than two hours before Lindsay decided he would retire, having completed 25 years in the Foreign Service.

[From the Washington Post, Feb. 22, 1975]

Africa Policy in Disrepair

In the absence of a strong and active American policy toward Africa, the ordinarily unremarkable question of who occupies the post of Assistant Secretary of State for African Affairs has taken on unusual importance. For the last nine months, the post has been filled by Donald Easum, a professional diplomat with wide experience in Africa. But, it seems, partly because his views on the need for change by and in South Africa did not mesh with the Secretary of State's broader strategic outlook, Mr. Easum is being reassigned. Nominated to replace him is another professional, though one without African experience, Nathaniel Davis. But his service as ambassador to Chile in the Allende years has made him something of a symbol of CIA interventionism in the Third World, and so his nomination has been opposed by various Americans, including several congressmen, and remarkably, by all of the black African governments with which he would have to deal.

Though foreign governments are routinely given the option to refuse ambassadorial nominees, it is virtually unprecedented for foreigners to oppose a nominee to an assistant secretary's post. It can be justified only in special circumstances. We feel, however, that the current circumstances are special. Given the slight attention which Secretary Kissinger personally bestows on Africa, the assistant secretary is the Africans' chief point of contact with the U.S. government. It is not unreasonable for them to be disturbed by the replacement of a man they considered sympathetic to their aspirations, by someone regarded by them as an agent of American realpolitik. By that latter standard, they fear, they will suffer neglect, if not worse, at American hands. For them, it is not just a question of liking or disliking a particular man but of coping with the policy emphasis he represents.

One does not have to suspect that Mr. Davis would be instructed to "destabilize" Africa in order to believe that his nomination suggests an administrative inclination to ignore, even more than in the past, the political dynamics of black Africa in favor of maintaining a general African status quo which fits somehow into the larger strategic scene. Even now, for instance, as Dr. Kissinger weighs how to answer an urgent Ethiopian government plea for more arms to use against Eritrean nationalist rebels, he is described as worrying how it would be taken outside Africa if the United States were seen in Ethiopia to be an inconstant ally, or a loser.

The Foreign Service Association has testified that professional diplomats like Nathaniel Davis and Harry Shlaudeman—an Allende-period Chile-hand whose nomination as ambassador to Venezuela is under similar fire—should not be made "scapegoats" for "unpopular policies." We agree. Nobody is for scapegoating. But such nominations offer the Congress and public excellent opportunities to explore official policy and to hold the administration to account for past deeds and future plans. Frankly, we cannot see how it is in the American interest to force upon Africans an assistant secretary whose appointment they regard as an affront.

In any event, the Senate's attention to Mr. Davis should go beyond the man to the policy. When a score of nations are stirred to the unprecedented gesture made in Addis Ababa yesterday when the Organization of African Unity formally expressed its concern, something is very wrong.

THE CATTLE INDUSTRY NEEDS HELP

Mr. HANSEN. Mr. President, on Friday, 18 Senators joined in sending a wire to the President, expressing their concern at the depressed condition of the cattle industry, and their shock at a State Department action under consideration that could further depress the industry and damage the morale of American farmers and ranchers.

The 18 Senators who joined in signing the telegram, in addition to the junior Senator from Wyoming, were: John McClellan, Barry Goldwater, Bob Dole, Lloyd Bentsen, Gale McGee, John Tower, Jim McClure, Lee Metcalf, Carl Curtis, Paul Fannin, Roman Hruska, James Pearson, Pete Domenici, George McGovern, Joseph Montoya, Jim Abourezk, and Henry Bellmon.

Mr. President, because I felt time was of the essence and we should take action as rapidly as possible to try to convince the State Department not to take the action contemplated, all of our colleagues were not advised by the action we were taking in sending the telegram to President Ford. Therefore, I ask unanimous consent that a copy of our telegram be printed in the Record in order that those who wish to join in our effort can make their views known to the White House. I urge the entire Senate to join in this effort to assist one of the most productive and important food industries of our Nation.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

TELEGRAM

Dear Mr. President: According to Deputy Assistant Secretary of State, Julius Katz, the State Department has entered into negotiations with countries that export meat to this country that could increase meat imports into the United States by more than 100 million pounds this year—increasing total 1975 imports of foreign meat to more than one billion 180 million pounds.

Mr. President, for your administration to even contemplate increasing meat imports at a time that this nation's livestock industry is in greater depression than at any time in the past 20 years, is to us incredible. Your commitments to the livestock industry made in Iowa last fall, are public record. Millions of Americans are counting on your keeping those promises.

The Farmers Home Administration advised us today that delinquency in farm and ranch loans by the FHA have increased dramatically over last year.

On January 1, 1975, 45 percent (forty-five) of FHA farm and ranch operating loans were delinquent—compared to 29 percent delinquency on January 1, 1974. Loan delinquency on FHA farm and ranch purchase loans increased during the same period from 12 percent to 18 percent. These delinquencies are in annual payments and the sky-rocketing increases indicate clearly that the agriculture industry is in serious trouble. The livestock segment has been hit most severely. According to FHA, more than 72 percent of farm and ranch loans made from October through January were to cattlemen.

Mr. President, we strongly urge that you take action immediately to prevent further consideration of an increase in foreign meat imports.

Mr. HANSEN. Mr. President, I also bring to the attention of the Senate a communique from the Governor of Wyoming to President Ford, expressing the former's concern at the plight of the beef producer. The Governor on January 30 asked the President to impose beef import quotas. In a letter to the President dated March 5, the Governor of Wyoming pointed out an incident of a Wyoming rancher received only 8.5 cents a pound for cattle on the hoof, while the cost to the consumer—in this case the Governor of Wyoming purchasing beef roasts—was almost exactly $2 per pound.

I ask unanimous consent that the Governor's letter of March 5 to President Ford be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Cheyenne, Wyo.,
March 5, 1975.

Hon. Gerald R. Ford,
President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: On January 30, 1975, I wrote to you and respectfully requested that you reimpose beef import quotas and also requested that you might urge your Attorney General to investigate the pricing practices of the packers and beef wholesalers. I realize, of course, that you have been extremely concerned about the energy crises and other pressing matters involving your office, and I can certainly understand why I have not had an acknowledgment to my letter. However, our livestock producers in my state and the feeders in the surrounding states are in an extremely perilous position and I would hope that you might give this matter your attention.

As a supplement to my letter and to illustrate the disparity between the selling price of cattle and the prices in the meat markets, I would like to give you one example. About a week ago I was informed by one of my livestock friends that he had sold some cows and had received 8½ cents per pound for them. Ordinarily, in this area, the average cow will weigh approximately 1,000 pounds. Of course, this would mean that this rancher received approximately $85 per head for his cows. On the day following this visit with my rancher friend a grocery delivery boy brought a box of roasts to the Mansion. On inspecting the statement I found that he had delivered 56 pounds of beef roasts and the bill for the same was $111. I might add that he did not bring me the hooves, the horns, or the hide. I would deeply appreciate any help that you might give to our livestock people of the West.

Respectfully yours,

ED HERSCHLER.

SUPPLEMENTAL AID TO CAMBODIA AND SOUTH VIETNAM

Mr. **CRANSTON**. Mr. President, I ask unanimous consent to print in the RECORD the results of a recent Gallup poll published in Sunday's New York Times. The poll clearly illustrates that an overwhelming majority of Americans oppose the request for supplemental aid to Cambodia and South Vietnam.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 9, 1975]

A GALLUP POLL FINDS 8 OUT OF 10 OPPOSE MORE AID FOR INDOCHINA

Nearly eight of every 10 American adults oppose the Ford Administration's proposal to provide South Vietnam and Cambodia an additional $522-million in military aid, according to a recent Gallup poll.

The request, which has drawn opposition in Congress, was disfavored by 78 per cent of those polled, essentially because of a "fear of reinvolvement on a major scale," the research organization said.

Recent surveys have shown that "the American public has a distinct aversion to getting involved in any armed conflicts," the report said.

As an example, the Gallup organization said, fewer than one in 10 Americans favor military intervention in the event of another Arab oil boycott or another war between Israel and the Arab nations, even though Americans support the Israelis by more than five to one.

Sentiment against the additional military assistance for South Vietnam and Cambodia was found to be broadly based, with little variation of opinion detected on the basis of the age, sex, educational level or political party affiliation of those polled.

Of the 1,566 persons aged 18 and older questioned in 350 localities about the proposed spending, 78 per cent voiced opposition, while 12 per cent back it. Ten per cent offered no opinion.

Democrats rejected the plan, eight to one, with 10 per cent undecided. Among Republicans, the sentiment was 72 per cent against, 18 per cent in favor, and 10 per cent undecided. Independents were 78 per cent against, 13 per cent in favor, and 9 per cent undecided.

The survey was conducted during the weekend of Feb. 7–10, after President Ford's appeal on Jan. 28 that Congress appropriate $300-million in military support for Saigon and $222-million more for Cambodia in the fiscal year ending this June 30.

HIGHER EDUCATION AND THE FEDERAL GOVERNMENT

Mr. **PELL**. Mr. President, Kingman Brewster, Jr., president of Yale University, made a most interesting statement about the relationship between higher education and the Federal Government at the annual dinner of the Fellows of the American Bar Foundation on February 22, 1975.

He pointed out that there is a growing amount of control by the Government, not through direct intervention, but through oblique approaches such as utilizing the colleges and universities for affirmative action programs in the areas of race and sex. This trend is epitomized by the recently enacted Family Educational Rights and Privacy Act in which I participated.

President Brewster's remarks are most cogent because he has pointed out that we will not become a Government-controlled country through the taking of direct steps, but through an insidious growth of regulation laid upon regulation and control laid upon control which, in the end, will be just as thought and mind controlling as any direct attempt. Although his speech attacks some of the programs and bills which I have supported, I think his remarks should be read by every Senator and I ask unanimous consent that they be printed in the RECORD.

I also ask that a recent Washington Post article on this subject be printed in the RECORD.

There being no objection, the remarks and article were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS OF KINGMAN BREWSTER, JR.

No one is more aware than I that the so-called private research universities are very dependent upon public largesse. I would estimate that the liberal arts and sciences institutions like Stanford, Harvard, Chicago, and Yale are at least one third financed by the national government. This is of course heavily concentrated in medicine and the physical sciences. In the case of places like M.I.T. and Cal. Tech. the degree of government dependence is much higher.

By and large, federal research grants and contracts, and federal fellowship and loan funds, have not been abusively administered. We have been insulated from the corruption which so often infests municipal and state and even federal service and construction contracts. This is largely because the decision about who gets what in the academic world is determined not by bureaucrats or politicians, but by panels of scientists drawn from outside of government.

For the most part, conditions and requirements have not been attached which would strike directly at constitutionally protected interests, such as freedom of expression, of association, or of inquiry. The non-communist disclaimer required of federal fellowships and loan recipients was repealed before it was authoritatively tested. Maybe it would have been stricken down as an "unconstitutional condition". It would not have been easy, however, for a student to gain standing to sue, simply because he was denied a loan on account of his refusal to sign the disclaimer.

Such dramatic invasion of clearly protected constitutional rights is not what bothers me today, as it might have been ten years ago. It might have been on the top of my mind even five years ago, during the late sixties, when "student unrest" tempted many politicians to seek to extend a federal police power onto the campuses in violation of personal as well as academic freedom. Now my concern is less dramatic, more persistent, perhaps more fundamental than such passing lurid crises.

My fear is that there is a growing tendency for the central government to use the spending power to prescribe educational policies. These are matters which they could not regulate were it not for our dependence on their largesse. I am worried that maybe we do not have any obvious constitutional basis on which to resist this encroachment. It will always be asserted that the government as grantor, lender, or contractor, has a legitimate inteerst in all aspects of our behavior, once they have financed any part of our activity.

When I say "the Constitution is dead; long live the Constitution", I mean merely to assert that even if there may be no legal basis to resist the conditions which the government imposes, there is still force to the values which the Constitution embodies: recourse to objective review of alleged abuse and limits on centralized regulation of local matters by Washington. I would assert that these values are no less valid and deserving of vigilance when regulation takes the form of conditions attached to a federal grant than they are when regulation is direct, under color of regulating interstate commerce, or promoting the general welfare.

Certainly the sanction of withdrawal of federal support is at least as great as any conceivable financial penalty which might be imposed for violation of criminal or administrative law prohibitions or requirements.

Abuse for raw political or vindictive motives is no less conceivable in the administration of the spending power than in regulatory administration. An "enemies list" policy can be as effectively carried out by one route as by another. Indeed the difficulty of obtaining review of a denial of a grant or a contract makes the allocation or withholding of funds easier to manipulate for political purposes. This was precisely what was proposed, apparently in response to Presidential request, in order to get back at Jerome Wiesner for his opposition to the antiballistic missile program. Memoranda, said to have been approved by John Erlichman, urged that M.I.T. be deprived of Department of Defense grants and contracts as a technique of "disciplining" its President, later revealed to have been on John Dean's "enemies list". Leakage of the vindictive plan did threaten a backlash and the matter was dropped. One wonders, however, whether legal recourse even could have protected M.I.T.'s interest if the policy had gone forward.

But even if such raw, "smoking gun" abuses might find their constitutional comeuppance, there have been other less flagrant, but equally pernicious, efforts to use the leverage of the spending power to "discipline" educational institutions. The most notorious was Congressman Hébert's persistent effort to deny all Department of Defense grants, for students as well as for research, to any institution which discontinued its Reserve Officers Training program. When this failed as a legislated condition, the Armed Services were so terrified of antagonizing the powerful Armed Services Committee, they withheld contracts and diverted officer graduate students from colleges and universities which had terminated their ROTC programs. The spirit of the Constitution was twice flouted, first by imposing the penalty of withholding support from activities which bore no relationship whatsoever to the "offense" of discontinuing ROTC, second, by using the pressure of a legislative committee to compel a policy which that committee could not prevail upon the Congress to enact.

Use of the leverage of the government dollar to accomplish objectives which have nothing to do with the purposes for which the dollar is given has become dangerously fashionable.

Take for instance the health manpower

legislation which passed the last Congress but was not resolved in committee before adjournment. Comparable bills have been reintroduced in the House just recently. With laudable motive and seeming plausibility, the proposed legislation seeks to remedy the shortage of primary care physicians and the obvious uneven availability of medical care throughout the country. It does not use the device of special assistance for the training of primary physicians, or special bounties for graduates who commit themselves to practice where they are most needed. It proceeds, rather, by telling the medical schools that all general support for medical education, the so-called capitation grants, will be withdrawn unless a school increases its general practice training and requires some proportion of their graduates to enter practice where there is a shortage of doctors.

Were it not for the federal financial support it would be hard to find warrant in the Constitution for federal regulation of medical school curricula. Even more dubious is the Constitutionality of requiring a school to draft some of its graduates, by lottery or otherwise, to serve involuntarily, in places not of their choice.

It is not sufficient to say that since the government is paying the bills, therefore it has a right to specify the product. This would be understandable if all that is being offered were special support for the program of special federal interest. To say, however, that support for all general educational activities of national importance will be withheld unless a school enlarges the program the government is particularly interested in, is to use the threat of cutting off aid for one purpose in order to accomplish another. What it does of course is to threaten the non-complying school with a hopeless competitive disadvantage generally if it will not go along with the favored program.

It smacks of the same coercion which makes the tying clause, or the requirements contract, vulnerable under the anti-trust laws. Such coercive use of the spending power is not a proper way for government to deal with its citizens.

I'm not sure what Constitutional grounds could be asserted to resist this leverage. But it does outrage Constitutional values to say that the curricular self-determination of medical schools must be forfeited in order to receive any general institutional support.

This same leverage is carried to far greater extremes in other federal legislation already on the books. It might be called the "now that I have bought the button, I have a right to design the coat" approach.

Thus if we are to receive support for physics, let's say, we must conform to federal policies in the admission of women to the Art School, in women's athletics facilities, and in the recruitment of women and minorities, not just in the federally supported field, but throughout the University.

As one who presided over the admission of women to a college which had been "for men only" for two hundred and sixty-seven years, and as one who also presided over a strenuous effort to recruit qualified minority students, I think I can be assumed not to be opposed to women's rights and equal educational and academic career opportunity for minorities and women. However, I do object to the notion that the receipt of a federal dollar for some purposes subjects a private institution to federal regulation and surveillance in all its activities. This is constitutionally objectionable, even in the name of a good cause such as "affirmative action".

The essence of Constitutional restraint, I was taught, is that the worthiness of the end should not justify objectionable means.

The farthest outreach of federal regulation under the banner of the spending power is the Family Educational Rights and Privacy Act, the so-called Buckley Amendment to the Education Act. Again, the purpose is laudable. Schools and colleges and universities should not be able to build up prejudicial files on students against which the student has no redress if he has no way of knowing what is in them. But it does not follow that the end justifies the means in this case either.

To use the vernacular of judicial dissent, I would have thought that the one member of the United States Senate wearing the Conservative Party label would have been especially alert to the evil of expanding federal regulatory power beyond its constitutional bounds simply because the spending power opens the gate. I doubt if anyone would assert that the student records of local schools and colleges are within the reach of direct federal criminal law. Under the Buckley Amendment, however, we forfeit our federal support for research as well as students from the Office of Education if we do not comply with the regulatory requirements of access to student files imposed by legislation introduced by the Senator from New York.

I know there have been some inroads on the doctrine that conditions attached to a government grant cannot be attacked because the grant is a "privilege" not a "right". Since it is not a right, so the argument goes, the recipient has no standing to complain of any conditions imposed on him. Professor VanAlstyne has traced the erosion of this position at the hands of advocates and judges alert to the economic realities, which so often make government largesse a necessity for competitive survival. Still, in the legislative and in the popular mind, when the spending power is involved, there is a relaxed, "anything goes" attitude toward the spread of federal regulations.

Also apart from the traditional barriers to legal attack, there are practical inhibitions on redress. Financially weak institutions, like financially weak individuals, will think twice before bringing their indispensable banker or grantor into court.

Yet we all know that many activities once thought to be wholly private, whether for profit of for *pro bono* purposes, are increasingly dependent upon government funds. Government may be banker, it may be guarantor, it may be grantor, it may be contractor or purchaser. As such it has every right, indeed obligation, to be sure that every dollar is accounted for, to be sure that it is spent efficiently, to be sure that its uses comport with Constitutional requirements of equal opportunity and non-discrimination.

We have been insistent that criminal and administrative regulations should not go beyond what is rationally required by their stated purpose. We must be no less vigilant about the use of spending power as a lever to extend regulation beyond the accountability reasonably related to the purposes for which the support is given. This is crucial if we seek to remain a society which respects localism, which respects voluntarism, which respects the diversity of private initiative.

If I may be pardoned a bit of special pleading in the literal sense, I think that the independent sector of higher education is a specially sensitive case in point. Institutional diversity, autonomous trusteeship and faculty self-determination are the essence of the envied vitality of American higher education and its responsiveness to new fields of knowledge. The strengths would be lost if, as a condition of receiving a federal dollar for some purposes, we were to be subject to federal regulations for all purposes.

I take some encouragement and guidance from a little remembered warning in the leave-taking words of a great President of the United States, Dwight David Eisenhower. We all remember his warning against the mutual corruption of the military-industrial complex, and the dangers it held for our freedom. Hardly anyone remembers that he went on to say: "The prospect of domination of the nation's scholars by federal government, project allocation, and the power of money, is ever present, and is gravely to be regarded."

But if pleading as a college president is special, my plea as a neophyte Fellow of the American Bar Foundation is more general.

When to national security and minimal care for federal lands, and assurance of the free flow of commerce was added the awesome responsibility for the general welfare, lawyers took upon themselves the task of inventing doctrines, procedures, and practices which tried to keep administrative, regulatory power accountable to the rule of law. When to welfare and economic responsibility was added the task of mobilization for total global war, even then the rule of law was not forgotten, in the court of price appeals and later in the judicial veto of executive seizure of the steel industry.

Now the pervasive impact of government upon the citizen, upon private institutions, upon the economy, is not primarily by direct regulation but by exercise of the spending and lending power, whether by grant or loan or guaranty, or contract or purchase.

High on the agenda of the profession, especially its scholarly branch, should be to see to it that in terms of both limits on authority and redress against its abuse, the coercive power of the federal purse is made subject to a rule of law.

It is high time that we learn once again to ask not only "Is your objective worthy?", but also, "Are the means you would use consistent with the values of the Constitution?"

"The Constitution is dead: long live the Constitution."

[From the Washington Post, Feb. 23, 1975]

YALE HEAD HITS 'COERCIVE POWER' OF U.S. FUNDS

(By John P. Mackenzie)

CHICAGO, February 22.—Yale University President Kingman Brewster Jr. said tonight that "the coercive power of the federal purse" is infringing on the right of private educational institutions to set their own policies.

In a speech to the American Bar Foundation here, Brewster said the "leverage of the federal spending power is used indirectly to control private colleges in ways the government could not use directly." He blamed Congress for the trend.

Brewster said private colleges and universities, increasingly dependent on federal money, face across-the-board termination of grants if they violate a federal guideline affecting only a single educational activity.

He cited the so-called Buckley amendment to last year's education act cutting off aid for research as well as for pupils at schools that fail to open up their administrative files on students.

Also cited was health manpower legislation sponsored by Sen. Edward M. Kennedy (D-Mass.) to deny all general support for medical education at schools that fail to require more graduates to practice in areas where doctors are in short supply.

Brewster said the law giving students access to their college files serves "a laudable purpose" of combating the build-up of prejudicial student dossiers, but the law did so by "expanding federal regulatory power beyond its constitutional bounds simply because the spending power opens the gate."

Sen. James L. Buckley of New York, who wears "the Conservative Party label," should have been "especially alert to the evil of this "farthest outreach of federal regulation under the banner of the spending power," said Brewster.

Brewster, a former law professor, said he was "not sure what constitutional grounds could be asserted to resist this leverage, but it does outrage constitutional values."

He noted that Yale, Stanford, Harvard and other liberal arts and sciences institutions "are at least one-third financed by the national government," mostly through medicine and physical sciences grants. He said some schools would be placed at "a hopeless competitive disadvantage" if they failed to go along with a "favored" government program.

THE LATE GOV. ALFRED DRISCOLL

Mr. HUGH SCOTT. Mr. President, I was deeply saddened to learn of the death of Alfred E. Driscoll, former Governor of New Jersey, and chairman of the New Jersey Turnpike Authority.

His many administrative accomplishments attest to the ability and leadership he demonstrated during the two terms he served as Governor of his State. Governor Driscoll led the movement for revising his State's constitution, and his service included such initiatives as a large program of park improvements, many new State hospitals and institutions, increased aid for education and a strong civil rights program.

Affectionately known as the "father of the New Jersey Turnpike," Governor Driscoll saw its completion during his term of office, and, since 1970, he served as head of the Turnpike Authority.

Mr. President, Governor Driscoll was a dedicated public servant, and he will be missed by his colleagues and many friends. I ask unanimous consent that articles from the Philadelphia Inquirer and the New York Times noting his accomplishments be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Mar. 10, 1975]

STATE REFORMER, 72, HEADED TURNPIKE

HADDONFIELD, N.J.—Alfred E. Driscoll, former two-term governor of New Jersey and chairman of the New Jersey Turnpike Authority, died at his home here Sunday. He was 72.

A spokesman for the Authority said Driscoll, a Republican, who was the chief executive of the state between 1946 and 1953, died at noon.

Robert J. Citrino Jr., vice chairman of the Authority, said in a brief statement, "The Turnpike Authority and the entire state have lost a truly great person. Former Gov. Driscoll was a man of vision and high ideals and had the gift for getting things done for the good of his fellow men.

"While governor, his leadership brought about a new state constitution and court system, the Garden State Parkway and the turnpike which in recent years he served in a labor of love," he added.

"He will be missed by his colleagues and untold numbers of individual citizens who had the privilege of working with him or just knowing him. I have personally lost a true and revered friend."

Driscoll had been chairman of the turnpike authority since March 1970, when he was appointed by then-Gov. William T. Cahill.

Driscoll was acknowledged as the father of the turnpike, a 118-mile toll road whose construction the spokesman said was "Driscoll's dream."

He was one of the officials who pushed in the 1940's for the new state constitution which later came to be considered a model constitution for other states.

Driscoll received a bachelor's degree from Williams College and a law degree from the Harvard Law School. After being admitted to the New Jersey Bar in 1929 he specialized in Appellate Court practice.

He also was active in public affairs in his home town and was elected state senator from Camden County in 1938 and served as majority leader in 1941.

As governor, he reorganized the judicial system and executive branch of government, developed a network of highways and bridges and played an important role in reforming the state's mental institutions.

[From the New York Times, Mar. 10, 1975]

ALFRED DRISCOLL OF JERSEY IS DEAD

HADDONFIELD, N.J., March 9.—Former Gov. Alfred E. Driscoll died here today of a heart attack at his home. He was 72 years old.

Mr. Driscoll was chairman of the New Jersey Turnpike Authority, which operates the state's major commercial toll road.

FATHER OF TURNPIKE

Mr. Driscoll, a Republican, was New Jersey's first two-term Governor.

He was instrumental in revising the State Constitution, in 1947, and in reform of the court system. He was known as the "father of the New Jersey Turnpike," which was completed in 1951, and also initiated construction of the Garden State Parkway.

Mr. Driscoll had headed the Turnpike Authority since 1970—a post he was said to have regarded as a "labor of love." Following his departure from the State House in 1954, he was named president of the Warner Lambert Pharmaceutical Company, becoming honorary chairman after his retirement at 65.

Mr. Driscoll was one of the youngest Governors in the country when he succeeded Gov. Walter E. Edge in 1946 at the age of 43.

The constitution revisions he initiated led to, among other things, a cabinet form of government, changes in the judicial system and a stronger executive branch of government. It lengthened the chief executive term from three to four years and lifted a ban against a Governor's serving two terms. Although Mr. Driscoll technically might have run for a third term, he declined, saying he preferred to follow the spirit of the Constitution rather than its letter.

Although he once described himself as one of the worst politicians in the world, the rugged-looking Governor whose recreation focused on outdoor sports, established a reputation as a good administrator. Consistently, he presented balanced budgets without new taxes and New Jersey had neither a sales tax nor a state income tax.

ENCOURAGED BARGAINING

From the time he took office on Jan. 21, 1947, Mr. Driscoll encouraged labor-management peace by his advocacy of new collective-bargaining methods. Also, he did not hesitate to seize public utilities where strikes threatened to disrupt normal operations.

After the new State Constitution had been adopted, Governor Driscoll began an extensive program of judicial reform to eliminate delays. He also embarked on a substantial program of highway improvements, culminating in the opening of the 118-mile New Jersey Turnpike. The completed highway, built at a cost of $255-million, cut diagonally across the state from north to south, and was fully opened to traffic in January, 1952.

Mr. Driscoll's two terms also saw a large program of park improvements, heavy expenditures for new state hospitals and institutions, increased aid for education and a strong civil rights program under his administration.

On Nov. 8, 1949, he was re-elected over Elmer H. Wene, Democrat, who polled 810,022 votes against the Governor's 885,882. Mr. Driscoll won at a time when the fortunes of the Republican party were at a low ebb nationally. His victory was virtually the only major triumph scored by Republicans in the scattered elections of 1949.

INTERNATIONAL OUTLOOK

A consistent member of the internationalist wing of the Republican party, Mr. Driscoll was considered a liberal in domestic affairs. He won many awards for his work in racial amity and the promotion of tolerance.

He favored compulsory military training of 18-year-old youths, and joined in a mutual civil defense pact with the state of New York. He backed the joint development of New York Authority, a bistate agency. Mr. Driscoll sought also to link New Jersey with its neighbors, Delaware and Pennsylvania, through bridge and highway improvements.

When the site of old Fort Hancock was abandoned by the Federal Government, Governor Driscoll took the lead in establishing Sandy Hook Park on the site as a recreation area. He was a frequent critic of the Truman Administration on the ground that it had not taken a strong stand against Communism, and that it had not provided a real national leadership. He also hit at the centralizing tendencies of the national government.

The Governor was born in Pittsburgh on Oct. 25, 1902, the son of Alfred Robie Driscoll and Mattie Eastlack Driscoll. Soon after his birth the family returned to Haddonfield, where the Governor lately made his home. His family traced its New Jersey connection to Revolutionary times.

After having attended the Haddonfield public schools, he was graduated from Haddonfield High School in 1921, Williams College in 1925 and the Harvard Law School in 1928. Admitted to the bar in 1929, he joined the law firm of Starr, Summerrill & Lloyd in Camden. He left in 1946, after his nomination for Governor.

Earlier, in 1938, he had been elected to the State Senate from Camden County. Two years later he served as Senate Majority Leader. In 1941 he became State Commissioner of Alcoholic Beverages, a position he held until 1947.

Mr. Driscoll played a prominent part in swinging his state behind General of the Army Dwight D. Eisenhower in the 1952 spring primary. Senator Robert A. Taft of Ohio accused Mr. Driscoll of having violated a neutrality pledge in that campaign, but the Governor denied the charge.

Highway safety was a prime consideration with the Governor. In 1952 he announced that 12,000 driving licenses had been revoked in the preceding 12 months. He urged jail sentences for careless drivers, and insisted that the 60-mile speed limit on the Turnpike must not be exceeded.

In his second term, Governor Driscoll sent special prosecutors into Bergen, Hudson and Atlantic Counties to investigate gambling and racketeering. In the meantime, he had recommended that the temporary New Jersey Law Enforcement Council be made a permanent state agency. He vetoed a bill legalizing bingo in New Jersey on the ground that the activity would fall into the hands of professional operators.

Surviving are his widow, the former Antoinette Ware Tatem; 2 sons, Maj. Alfred Tatem of California and Peter Easlack Driscoll, a Haddonfield lawyer; a daughter, Patricia Driscoll Vielebr of Haddonfield, and 13 grandchildren.

WEATHER AND WHEAT SUPPLIES

Mr. HUMPHREY. Mr. President, the New York Times on March 9 included an important article entitled, "Surplus of Wheat Tied to Weather."

The crux of the story is that we could build up our stocks of wheat this year if the weather is good. At the same time, the reduced use of feed grains in fattening livestock will cut the demand significantly. And our grain export markets have continued to decline as the world recession has continued to spread.

These trends are of great significance to the world's needy countries and the international grain markets. The grain prices received by our farmers have been dropping since late in 1974, and our farmers are concerned over the possibility of further price declines if surplus stocks accumulate.

It is clear that the administration has no policy to deal with the situation. There is little realization of the sharp increase in production costs and the need for increased target prices and loan levels.

We need to establish a reserve program to accumulate any excess stocks and stabilize the markets. Our farmers deserve better than roller coaster prices which will encourage other nations to come in and manipulate the market.

What we need is a food and agricultural policy which is prepared for both surplus and scarcity.

Mr. President, I ask unanimous consent that the article by Seth King be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Surplus of Wheat Tied to Weather

(By Seth S. King)

Chicago, March 8.—Grain dealers here foresee the possibility of accumulating sizable reserves of wheat during the coming crop year beginning July 1.

The possibility arises because exports of American grain are below last year's levels and the prospects for a huge American wheat crop remained very good this week.

The key factor is the weather. If it continues near normal for the next six weeks, the winter wheat should yield an even larger crop than last year's record-breaking total of 1.8 billion bushels. The crop planted and growing this year is 6 per cent larger than the crop planted last year.

Other Midwestern grain farmers were still expected this week to plant all their available land in corn and soybeans in the next two months. Again, if the weather in these areas returns to anywhere near normal, there could be record total yields of those crops.

Even if the final totals fall slightly below the Agriculture Department's current estimates, the prospect of large grain supplies, combined with an easing of export demand, continued to push wheat, corn and soybean prices downward.

For the consumer, this means that most food prices, except for pork, are likely to remain stable in the coming months. And retail beef prices, already lower than last year's, may continue to decline.

"It looks like we stand an excellent chance of filling up wheat pipelines again," a Kansas City, Mo., grain exchange official said yesterday. "This year's wheat is looking very good in most areas at the same time that the clamor from abroad to buy last year's crop is easing. This could be the year when the reserves build up to a more comfortable size."

Hopes for correspondingly large wheat yields in other countries have also been reported by the Agriculture Department's Foreign Crop Service.

For the undernourished in other parts of the world, a wheat surplus next fall would mean the chance, if the money is available, to buy emergency food supplies at much lower prices.

But for Midwestern grain farmers, bumper crops and slowing export sales would certainly bring their elevator prices down even further, and many were concerned this week that these prices would drop below the profit-making point.

FARM CUTBACKS URGED

Groups of wheat farmers in Nebraska and Kansas were attempting to persuade wheat growers to plow under at least 20 per cent of their planted winter wheat if prices continued to slump. An Iowa group of corn farmers, calling itself the Independent Farmer Action Group, has urged Iowa farmers to go ahead and plant their corn next month but to plow under 1 per cent of it each week until corn prices rise.

But Agriculture Department officials in this area, as well as grain buyers, were skeptical that any concerted action would be taken to cut back wheat or corn plantings.

"It has never worked before, even though the farmers have often talked about doing it," said a Kansas City grain dealer. "To make a cutback work, you have got to get everybody to do it. The farmers don't trust each other than much yet."

Prices farmers received for their products, led by declining beef prices, dropped 3 per cent from mid-January to mid-February. The Agriculture Department's index of prices farmers receive for all products was down 34 points, from 202 to 168, from last year. The index of prices farmers pay to operate remained unchanged from January. But the February level of 180 was 19 points higher than a year ago.

The prices of wheat and all feed grains, including soybeans, were down sharply from March of last year. With the exception of hogs and broilers, whose numbers have already been reduced by farmers to bolster prices, every other farm commodity was selling below last year's prices.

The World Wheat Council in London said recently that in the major wheat-exporting countries—Argentina, Australia, Canada, members of the European Economic Community and the United States—carryover wheat supplies remaining at the end of this crop year in June would be the smallest in five years.

But the council also cited the good prospects for large wheat crops in all these countries by the beginning of the new crop year in July.

As for United States exports, at the beginning of this week, the wheat total was down to 730.7 million bushels, compared with 871.7 million bushels at this time last year; while for the same period, corn was down to 494.2 million bushels, from 509.2; and soybeans were down to 240.5 million bushels, from 286.3.

The Agriculture Department estimated that American farmers were asking 17.3 per cent less feed grains this year and 8.6 per cent less soybeans. The department estimated United States wheat consumption this year at about the same as last year's total—750 million bushels.

AMERICAN LEGION SERVICES FOR YOUNG PEOPLE PROGRAM

Mr. STEVENS. Mr. President, for the past 24 years, the American Legion has published a very helpful booklet for our Nation's high school students entitled "Need a Lift." The goal of the Legion in publishing this book "is to interest and assist all students to further their education as far as their capabilities will permit." By the publication of "Need a Lift" the Legion admirably carries out this goal. I am sure my colleagues join me in commending the American Legion on this aspect of their services for young people program.

Mr. President, one section of the booklet has proven to be extremely helpful to students regardless of whether he or she intends to continue their formal education. I ask unanimous consent to have printed in the Record a listing of sources of career information from "Need a Lift." By contacting these organizations, students may obtain information regarding the best schools to attend, courses to take, and salary and job opportunities available in specific career fields.

There being no objection, the list was ordered to be printed in the Record, as follows:

Sources of Carrier Information

Accounting, Administration, Economics & Statistics: Office of Management Services, U.S. Department of Agriculture, 14th & Independence Ave., S.W., Washington, D.C. 20250.

Accounting: Amer. Inst. of Certified Public Acc'ts., 666 Fifth Avenue, New York, N.Y. 10019.

Accounting: Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Accounting: National Recruitment Coordinator, Internal Revenue Service, U.S. Dept. of The Treasury, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Accounts Receivable Clerk: Hospital Financial Management Assoc., 840 North Lake Shore Drive, Chicago, Illinois 60611.

Admitting Officer: Hospital Financial Management Assoc., 840 North Lake Shore Drive, Chicago, Illinois 60611.

Advertising: American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.

Advertising & Communications: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Advertising Design: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Aerospace Engineering: American Institute of Aeronautics and Astronautics, Director of Students Programs, 1290 Avenue of the Americas, New York, New York 10019.

Aerospace Medicine: Aerospace Medical Association, Washington National Airport, Washington, D.C. 20001.

Aeronautical Technology: Academy of Aeronautics, LaGuardia Airport Station, Flushing, New York 11371.

Agriculture: Office of Personnel, U.S. Dept. of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Agricultural Engineering: American Society of Agric. Eng., 2950 Niles Road, St. Joseph, Mich. 49085.

Agricultural Management: Farmers Home Administration, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Agricultural Marketing Service: U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Agricultural Research Service, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Agricultural Stabilization & Conservation Service: U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Agronomy: The American Society of Agronomy, Inc., 677 South Segoe Road, Madison, Wisconsin 53711.

Air Conditioning and Refrigeration, Ryder Schools, Inc., P.O. Box 816, Miami, Florida 33152.

Air Conditioning-Heating: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Air Freight: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Airlines: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Airline Mechanics: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Airline Steward & Stewardess: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Air Transport Rating: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Air Transportation: Braniff Education Systems, Inc., P.O. Box 35001, Mail Station X–25, Dallas, Texas 75235.

American Red Cross: American Nat'l. Red Cross, Office of Personnel, 17th & D Streets, Washington, D.C. 20006.

Appliance Service Technician: Association of Home Appliance Manufacturers: 20 North Wacker Drive, Chicago, Illinois 60606.

Appliance Service Technician: Practical Schools, 1620 South Sinclair Street, Anaheim, California 92806.

Apprenticeship: Bureau of Apprenticeship and Training, U.S. Department of Labor, Main Labor Building, 14th and Constitution, Washington, D.C. 20210.

Architects: The American Institute of Architects, Public Relations Dept., 1735 New York Ave., N.W., Washington, D.C. 20006.

Astronomy: American Astronomical Society, 211 FitzRandolph Road, Princeton, New Jersey 08540.

Audiology: American Speech and Hearing Association, 9030 Old Georgetown Road, Washington, D.C., 20014.

Audit Clerk: Hospital Financial Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Auto Body Repair: Ryder Schools, Inc., P.O. Box 816, Miami, Florida 33152.

Auto Mechanics, Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Auto Mechanics, Ryder Schools, Inc., P.O. Box 816, Miami, Florida 33152.

Automotive Business Retail: Public Relations Staff, General Motors Corporation, Detroit, Michigan 48202.

Automotive Engineering: Land, Air, Sea and Space, The Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylavnia 15086.

Avionics: Academy of Aeronautics, LaGuardia Airport Station, Flushing, New York 11371.

Bacteriology and Microbiology: American Society for Microbiology, 1913 I Street, N.W., Washington, D.C. 20006.

Baking Industry: American Bakers Association, 1700 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Banking: The American Bankers Association, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Barber: National Association of Barber Schools, Inc., 59 East 1700 South, Salt Lake City, Utah 84115.

Barber: National Barber Career Center, 3839 White Plains Road, Bronx, New York 10467.

Beauty Culture (Cosmetology) Cosmetology Accrediting Commission, 1601 Eighteenth Street, N.W., Washington, D.C. 20009.

Bookkeeper: Hospital Financial Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Boys' Clubs: Recruitment & Placement Service, Boys' Clubs of America, 771 First Avenue, New York, N.Y. 10017.

Business: National Business Career Center, 3839 White Plans Road, Bronx, New York 10467.

Business and Administration: American Assembly of Collegiate Schools of Business, 760 Office Parkway, Suite 50, St. Louis, Missouri 63141.

Business Office Manager: Hospital Financial Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Business Schools: Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Camp Fire Girls, Camp Fire Girls, Inc., 1740 Broadway, New York, N.Y. 10019.

Cartography, American Congress on Surveying and Mapping, 733–15th Street, N.W., Washington, D.C. 20005.

Certified Laboratory Assistant: Board of Registy (ASCP), P.O. Box 4872, Chicago, Illinois 60680.

Chamber of Commerce Management: American Chamber of Commerce Executives, 1133 15th St., N.W., Suite 620, Washington, D.C. 20005.

Chemistry: American Chemical Society, Educational Activities Department, 115 Sixteenth Street, N.W., Washington, D.C. 20036.

Chemistry: Community Relations, The B. F. Goodrich Company, 500 South Main Street, Akron, Ohio 44318.

Chiropractic: American Chiropractic Association, Dept. of Information Services, 2200 Grand Avenue, Des Moines, Iowa 50312.

Chiropractic: International Chiropractors Association Education Commission, 741 Brady Street, Davenport, Iowa 52808.

Clerical: Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20306.

Clergy—National Council of the Churches of Christ in U.S.A.: Professional Church Leadership, 475 Riverside Drive, Room 770, New York, N.Y. 10027.

Serra International: Catholic Priestly and Religious Vocations, 22 W. Monroe Street, Chicago, Illinois 60603.

Synagogue Council of America: 432 Park Ave., South, New York, N.Y. 10016.

Club Management: Club Managers Assn. of America, 5530 Wisconsin Avenue, Suite 705, Washington, D.C. 20015.

Coal Industry: Education Division, National Coal Association, Coal Building, 1130 17th St., N.Y., Washington, D.C. 20036.

Community Organization: United Way of America, 801 North Fairfax Street, Alexandria, Virginia 22314.

Computer Programming: American Federation of Information Processing Societies, Inc., Headquarters, 210 Summit Avenue, Montvale, New Jersey 07645.

Computer Programming: Electronic Computer Programming Institute, Empire State Building, New York, N.Y. 10001.

Computer Programming: Electronic Computer Programming Institute, 576 Central Avenue, East Orange, New Jersey 07018.

Computer Programming and Technology: Control Data Institute, Corporate Headquarters, 8100 34th Avenue South, Box O, Minneapolis, Minnestota 55440.

Construction Opportunities: Associated General Contractors of America, 1957 E Street, N.W., Washington, D.C. 20006.

Crime and Delinquency: National Council on Crime and Delinquency, 411 Hackensack Avenue, Hackensack, New Jersey 07601.

Crop Science: Crop Science Society of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711.

Cytotechnologist: Board of Registry (ASCP), P.O. Box 4872, Chicago, Illinois 60680.

Dairy and Food Industries: Purdue University, Food Sciences Institute, 104 Smith Hall, Lafayette, Indiana 47907.

Dance: American Alliance of H.P.E. & R., 1201 16th Street, N.W., Washington, D.C. 20036.

Data Processing: American Federation of Information Processing Societies, Inc., 210 Summit Avenue, Montvale, New Jersey 07645.

Data Processing: Electronic Computer Programming Institute, Empire State Building, New York, N.Y. 10001.

Dental Assistants: American Dental Assistants Assn., 211 East Chicago Avenue, Suite 1230, Chicago, Illinois 60611.

Dental Hygiene, American Dental Hygienists' Assn., 211 East Chicago Ave., Chicago, Illinois 60611.

Dental Laboratory Technology, National Association of Dental Laboratories, 3801 Mt. Vernon Avenue, Alexandria, Va. 22305.

Dentistry: Division of Career Guidance, Council on Dental Education, American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611.

Dentistry: American Association of Dental Schools, 1625 Massachusetts Ave., N.W., Washington, D.C. 20036.

Diesel: Ryder Schools, Inc., P.O. Box 816, Miami, Florida 33152.

Diesel Truck Driver Training: Ryder Schools, Inc., P.O. Box 816, Miami, Florida 33152.

Dietetics: The American Dietetic Association, 6120 N. Michigan Ave., Chicago, Illinois 60611.

Draftsman: Public Relations Staff General Motors Corporation, Detroit, Michigan 48202.

Draftsman: Ryder Schools, Inc., P.O. Box 816, Miami, Florida 33152.

Driving Occupations: American Trucking Associations, Inc., Educational Services, 1616 P Street, NW., Washington, D.C. 20036.

Drycleaning: The Registrar, International Fabricare Institute, P.O. Box 940, Joliet, Illinois 60434.

Electronic Data Processing: American Federation of Information Processing Societies, Inc., 210 Summit Avenue, Montvale, New Jersey 07645.

Electronic Data Processing Management: Hospital Financial-Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Electronics: Bell & Howell Schools, Administrative Offices, 4141 Belmont Avenue, Chicago, Illinois 60641.

Electronics: Ryder Schools, Inc., P.O. Box 816, Miami, Florida 33152.

Engineering (Consulting): American Consulting Engineers Council, 1155 Fifteenth Street, N.W., Washington, D.C. 20005.

Engineering: National Society of Professional Engineers, 2029 K Street, N.W., Washington, D.C. 20006.

Engineering: Public Relations Staff, General Motors Corporation, Detroit, Michigan 48202.

English: Occupational Outlook Service, U.S. Department of Labor, 441 G Street N.W. Room 2734, Washington, D.C. 20009.

Fashion Buying & Merchandising, Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Fashion Design: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Fashion Display: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Fashion Illustration: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Fashion Photography: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

F.B.I.: Federal Bureau of Investigation, Department of Justice, Washington, D.C. 20535.

Federal Civil Service Careers: Job Information Center, Washington Area Office, U.S. Civil Service Commission, Washington, D.C. 20415.

Fine Arts: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Fire Protection Engineering: Society of Fire Protection Engineers, 60 Batterymarch Street, Boston, Massachusetts 02110.

Flight Training: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Food and Nutrition Service: Food and Nutrition Service, U.S. Department of Agriculture, Employment and Employee Relations Branch, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Food Chain Retailing: National Assn. of Food Chains, 1725 Eye Street, N.W., Washington, D.C. 20006.

Food Inspection: Animal & Plant Health Inspection Service, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Food Service Careers: Natl. Institute for the Foodservice Industry, 120 S. Riverside Plaza, Chicago, Illinois 60606.

Food Service Management: Council on Hotel, Restaurant and Institutional Education, 1522 K Street, N.W., Washington, D.C. 20005.

Food Technology: Institute of Food Technologists, Scholarship Center, 221 North LaSalle, Chicago, Illinois 60601.

Foreign Agriculture Service: U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Foreign Languages: Occupational Outlook Service, U.S. Department of Labor, 441 G Street N.W. Room 2734, Washington, D.C. 20212.

Foreign Service: Department of State, Board of Examiners, Washington, D.C. 20520.

Forester: Society of American Foresters, 1010 Sixteenth Street, N.W., Washington, D.C. 20036.

Forest Products: Wood Industry Careers Program, National Forest Products Assoc., 1619 Massachusetts Ave., N.W., Washington, D.C. 20036.

Forest Service: U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Funeral Service: National Assn. of Colleges of Mortuary Science, Inc., 229 Park Avenue South, New York, New York 10003.

Geological Sciences: American Geological Institute, 5205 Leesburg Pike, Falls Church, Virginia 22041.

Geophysics: American Geophysical Union, 1707 L Street N.W., Washington, D.C. 20036.

Geophysics: Society of Exploration Geophysicists, P.O. Box 3098, Tulsa, Oklahoma 74101.

Girl Scouting: Girl Scouts of U.S.A., 830 Third Avenue, New York, New York 10022.

Hair Styling & Beauty Culture: National Beauty Career Center, 3839 White Plains Road, Bronx, New York 10467.

Health Education: American Alliance of H.P.E. & R., 1201–16th Street, N.W., Washington, D.C. 20036.

Health Fields: National Health Council, Inc., 1740 Broadway, New York, New York 10019.

Heavy Equipment Operator: Ryder Schools, Inc., P.O. Box 816, Miami, Florida 33152.

Histologic Technician: Board of Registry (ASCP), P.O. Box 4872, Chicago, Illinois 60680.

Home Economics: American Home Economics Association, 2010 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Hospital Accountant: Hospital Financial Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Hospital Administration: American College of Hospital Adm., 840 North Lake Shore Drive, Chicago, Illinois 60611.

Hospital Admitting Clerk: Hospital Financial Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Hospital Controller: Hospital Financial Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Hospital Financial Management: Hospital Financial Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Hotel Administration: Council on Hotel, Restaurant & Institutional Education, 1522 K Street, N.W., Washington, D.C. 20005.

Hotel and Motel Administration: Stephen S. Nisbet Building, 1407 South Harrison Road, Michigan State University, East Lansing, Michigan 48823.

Illuminating Engineering: Illuminating Engineering Society, 345 East 47th Street, New York, N.Y. 10017.

Insurance Clerk: Hospital Financial Management Association, 850 North Lake Shore Drive, Chicago, Illinois, 60611.

Interior Design: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Journalism: The Society of Professional Journalists, Sigma Delta Chi, Professional Journalistic Society, 35 East Wacker Drive, Chicago, Illinois 60601.

Journalism: The Newspaper Fund, Inc., P.O. Box 300, Princeton, New Jersey 08540.

Laboratory Assistant: Board of Registry (ASCP), P.O. Box 4872, Chicago, Illinois 60680.

Landscape Architect: The American Society of Landscape Architects, 1750 Old Meadow Road, McLean, Virginia 22101.

Law: Information Service, American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637.

Law: National Recruitment Coordinator, Internal Revenue Service, U.S. Dept. of the Treasury, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Law Enforcement: National Recruitment Coordinator, Internal Revenue Service, U.S. Department of the Treasury, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20530.

Law Librarian: Secretary, American Association of Law Libraries, 53 West Jackson Boulevard, Chicago, Illinois 60604.

Librarian: American Library Association, Office for Library Personnel Resources, 50 East Huron Street, Chicago, Illinois 60611.

Life & Health Insurance, Education Services, Institute of Life Insurance, 227 Park Avenue, New York, N.Y. 10017.

Loss Prevention/Security: Electronic Computer Programming Institute, Empire State Building, New York, New York 10001.

Management: Assoc. of Independent Colleges and Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Management Engineering Technology: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Manufacturing: Manufacturing Chemists Association: Education Activities Committee, 1825 Connecticut Avenue, N.W., Washington, D.C. 20009.

Marketing: Sales & Marketing Executives Int'l, Career Education Division, 380 Lexington Avenue, New York, N.Y. 10017.

Material Handling: The Material Handling Institute, Inc., 1326 Freeport Road, Pittsburgh, Pennsylvania 15238.

Mathematics: Occupational Outlook Service, U.S. Department of Labor, 441 G Street N.W., Room 2734, Washington D.C. 20210.

Mathematics Teacher: National Council of Teachers of Mathematics, 1906 Association Drive, Reston, Virginia 22091.

Medical Laboratory Technician: Board of Registry (ASCP), P.O. Box 4872, Chicago, Illinois 60680.

Medical Record Administrator: American Med. Record Association, 875 N. Michigan Ave., Suite 1850, Chicago, Illinois 60611.

Medical Record Technician: American Med. Record Association, 875 N. Michigan Ave. Suite 1850, Chicago, Illinois 60611.

Medical Technology: Board of Registry (ASCP), P.O. Box 4872, Chicago, Illinois 60680.

Medicine: Careers, American Medical Association, 535 N. Dearborn Street, Chicago, Illinois 60610.

Mental Health Careers: National Assoc. for Mental Health, 1800 North Kent Street, Arlington, Virginia 22209.

Metallurgy: American Society for Metals, Metals Park, Ohio 44073.

Mortgage Banking: Mortgage Bankers Association of America, 1125 Fifteenth Street, N.W., Washington, D.C. 20005.

Music: Music Educators National Conference, Suite 601, 8150 Leesburg Pike, Vienna, Virginia 22180.

Music Therapy: National Association for Music Therapy, Inc., P.O. Box 610, Lawrence, Kansas 66044.

National Park Service: Department of the Interior, Career Employment, National Park Service, Washington, D.C. 20240.

Naval Architecture and Marine Engineering: The Society of Naval Architects and Marine Engineers, 74 Trinity Place, New York, N.Y. 10006.

Newspapermen: American Newspaper Publishers Assn. Foundation, Dulles International Airport, P.O. Box 17407, Washington, D.C. 20041.

Nurse Anesthetist: American Assn. of Nurse Anesthetists, 111 E. Wacker Drive, Suite 929, Chicago, Illinois 60601.

Nursing—Practical: National Association for Practical Nurse Education and Service, Inc., 122 East 42nd Street, New York, N.Y. 10017.

Nursing: National League for Nursing, Inc., 10 Columbus Circle, New York, N.Y. 10017.

Nursing-Professional: American Nurses' Association, 2420 Pershing Road, Kansas City, Missouri 64108.

Occupational Therapy: American Occupational Therpay Assn., Inc., 6000 Executive Boulevard, Suite 200, Rockville, Maryland 20852.

Oceanography: Marine Technology Society, 1730 M Street, N.W., Washington, D.C. 20036.

Optometric Assistant/Technician: Paraoptometric Program, American Optometric Association, 7000 Chippewa St., St. Louis, Mo. 63119.

Optometry: American Optometric Ass'n., 7000 Chippewa St., St. Louis, Mo. 63119.

Osteopathy: American Osteopathic Ass'n., Office of Education, 212 E. Ohio St., Chicago, Ill. 60611.

Paleontologist: The Paleontological Society, Office of the Secretary, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94025.

Paper Industry: American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

Park Police: National Park Service, Personnel Officer, Department of the Interior, Washington, D.C. 20240.

Pathologist: Intersociety Committee on Pathology Information, 9650 Rockville Pike, Bethesda, Maryland 20014.

Pathologist: Board of Registry (ASCP), P.O. Box 4872, Chicago, Illinois 60680.

Payroll Clerk: Hospital Financial Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Petroleum Engineering: Society of Petroleum Engineers of AIME, 6200 North Central Expressway, Dallas, Texas 75206.

Pharmacology: American Society for Pharmacology and Experimental Therapeutics, Inc., 9650 Rockville Pike, Bethesda, Maryland 20014.

Pharmacy: American Association of Colleges of Pharmacy, Office of Student Affairs, 8121 Georgia Ave., Suite 800, Silver Spring, Maryland 20910.

Physical Education & Coaching: American Alliance of H.P.E.&R., 1201 16th Street, N.W., Washington, D.C. 20036.

Physical Education—Elementary: American Alliance of H.P.E.&R., 1201 16th Street, N.W., Washington, D.C. 10036.

Physical Education for Girls: American Alliance of H.P.E.&R., 1201 16th Street, N.W., Washington, D.C. 20036.

Physics: American Institute of Physics, 335 East 45th Street, New York, New York 10017.

Plant Quarantine & Pest Control: Animal & Plant Health Inspection Service, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Physiology: The American Physiological Soceity, 9650 Rockville Pike, Bethesda, Maryland 20014.

Podiatry: American Podiatry Ass'n., 20 Chevy Chase Circle, N.W., Washington, D.C. 20015.

Power System Engineering: University of

Illinois, 112 Engineering Hall, Urbana, Illinois 61801.

Printing Industry: Education Council, Graphic Arts, Inc., 4615 Forbes Ave., Pittsburgh, Pa. 15213.

Process Measurement & Control: Process Measurement & Control Section, 370 Lexington Avenue, New York, New York 10017.

Professional Chefs and Cooks: The Culinary Institute of America, North Road, Hyde Park, N.Y. 12538.

Property and Liability Insurance: Insurance Information Institute, 110 William Street, New York, New York 10038.

Psychiatry: American Psychiatric Association, 1700 18th Street, N.W., Washington, D.C. 20009.

Psychology: American Psychological Ass'n., 1200-17th St., N.W., Washington, D.C. 20036.

Public Health Educator Society for Public Health Education, Inc.: Suite 408-655 Sutter Street, San Francisco, California 94102.

Public Health: Parklawn Personnel Office, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Public Relations: Career Information Service, Public Relations Society of America, 845 Third Ave., New York, N.Y. 10022.

Radio: National Assn. of Broadcasters, 1771 N Street, N.W., Washington, D.C. 20036.

Recreation: National Recreation & Park Association, 1601 N. Kent Street, Arlington, Virginia 22209.

Recreation: American Alliance of H.P.E. &R., 1201-16th St., N.W., Washington, D.C. 20036.

Respiratory Therapy: American Association for Respiratory Therapy, 7411 Mines Place, Dallas, Texas 75235.

Restaurant: Council on Hotel, Restaurant and Institutional Education, 1522 K Street, N.W., Washington, D.C. 20005.

Rubber Industry: Community Relations, The B. F. Goodrich Company, 500 South Main Street, Akron, Ohio 44318.

Rural Electrification: Rural Electrification Administration, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Safety Education: American Alliance of H.P.E.&R., 1201-16th Street, N.W., Washington, D.C. 20036.

Safety Professional: American Society of Safety Engineers, 850 Busse Highway, Park Ridge, Illinois 60068.

Sales & Marketing: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Sales and Marketing: Sales and Marketing, Executives-International, Career Education Department, 380 Lexington Avenue, New York, N.Y. 10017.

School Nursing: American Alliance of H.P.E.&R., 1201-16th Sereet, N.W., Washington, D.C. 20036.

Science: Scientific Manpower Commission, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Science: Occupational Outlook Service, U.S. Dept. of Labor, 441 G St., N.W., Room 2734, Washington, D.C. 20212.

Science Teaching: Nat'l. Science Teachers Ass'n., 1201-16th St., N.W., Washington, D.C. 20036.

Scientist: Public Relations Staff, General Motors Corporation, Detroit, Michigan 48202.

Secretary: Assoc. of Independent Colleges & Schools, 1730 M Street N.W., Washington, D.C. 20036.

Social Science: Occupational Outlook Service, U.S. Department of Labor, 441 G Street, N.W., Room 2734, Washington, D.C. 20212.

Shorthand Reporting: National Shorthand Reporters Assn., 2361 South Jefferson Davis Highway, Arlington, Virginia 22202.

Social Security Administration: College Relations Officer, Employment Branch, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Work: Social Work Career Information Service, National Association of Social Workers, 1425 H Street, N.W., Suite 600, Washington, D.C. 20005.

Soil Science: Soil Science of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711.

Soil Conservation: Soil Conservation Service, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Special Education: The Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091.

Speech Communication: Speech Communication Association, Statler Hilton Hotel, New York, N.Y. 10001.

Speech & Hearing Disorders: American Speech & Hearing Ass'n. 9030 Old Georgetown Rd., Washington, D.C. 20014.

Speech Pathology: American Speech and Hearing Association, 9030 Old Georgetown Road, Washington, D.C. 20014.

Statistics: American Statistical Assn., Suite 640, 806-15th St., N.W., Washington, D.C. 20005.

Surveying: American Congress on Surveying and Mapping, 733-15th Street, N.W., Washington, D.C. 20005.

Systems Analyst: Hospital Financial Management Association, 840 North Lake Shore Drive, Chicago, Illinois 60611.

Teaching: National Education Association, 1201 Sixteenth Street, N.W., Washington, D.C. 20036.

Teaching Blind Children: Association for Education of the Visually Handicapped, 1604 Spruce Street, Philadelphia, Pa. 19103.

Teaching Retarded: Nat'l. Assn. for Retarded Citizens, Inc., 2709 Avenue E. East, Arlington, Texas 76011.

Television: National Assn. of Broadcasters, 1771 N Street, N.W., Washington, D.C. 20036.

Textile and Apparel Marketing: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Textile Design: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Textile Technology: Fashion Institute of Technology, 227 West 27 Street, New York, New York 10001.

Tool and Die: Natl. Tool, Die & Precision Machining Association, 9300 Lexington Road, Washington, D.C. 20022.

Traffic Management: Academy of Advanced Traffic, Inc., One World Trade Center, Room 5457, New York, New York 10048.

Travel Agent: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Treasury Enforcement Agent: National Recruitment Coordinator, Internal Revenue Service, U.S. Department of the Treasury, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Truck and Bus Mechanics: American Trucking Associations, Inc., Educational Services, 1616 P Street, N.W., Washington, D.C. 20036

Trucking: American Trucking Associations, Inc., Educational Services, Supervisor Education Section, 1616 P Street, N.W., Washington, D.C. 20036.

Trucking Industry: American Trucking Associations, Inc., Educational Services, 1616 P Street, N.W., Washington, D.C. 20036.

Undergraduate Research Training: U.S. Atomic Energy Commission, Oak Ridge Associated Universities, P.O. Box 117, Oak Ridge, Tennessee 37830.

U.S. Army ROTC: DCSROTC, U.S. Army Training & Doctrine Command, Fort Monroe, Virginia 23651.

United States Air Force Officer: Director of Admissions, U.S. Air Force Academy, Colorado 80840.

U.S. Air Force ROTC: Advisory Service, Air Force ROTC, Maxwell AFB, Alabama 36112.

U.S. Air Force Careers: Educational Opportunities, Air Force Opportunities, Randolph AFB, Texas 78148.

U.S. Air Force Community College (CCAF): Air Force Opportunities, Box A, Randolph AFB, Texas 78148.

U.S. Air Force Nurse: Air Force Opportunities, Box A, Randolph AFB, Texas 78148.

United States Military Academy: Director of Admissions, United States Military Academy, West Point, N.Y. 10996.

U.S. Department of the Army: Commander, U.S. Army Recruiting Command, Attn: USARCASP-D, Ft. Sheridan, Illinois 60037.

U.S. Army Woman's Army Corps: Commander, Attn: USARCASP-D, Ft. Sheridan, Illinois 60037.

United States Coast Guard Officer: Director of Admissions, United States Coast Guard Academy, New London, Connecticut 06320.

United States Marine Corps Officer: Headquarters, Marine Corps, (Code MMRE-7), Washington, D.C. 20380.

United States Merchant Marine Officer: Admissions Officer, U.S.M.M. Academy, Kings Point, N.Y. 11024.

United States Navy Officer: Commander Navy Recruiting Command, Department of the Navy, 4015 Wilson Boulevard, Arlington, Virginia 22203. NROTC (Code 314) Navy Nurse (Code 315). Officer Candidate School (Code 312). Enlisted Programs (Code 33).

Veterans Administration: Personnel Office of any VA Hospital or Regional Office, or Veterans Administration, Office of Personnel (054), Washington, D.C. 20420.

Veterinarian: American Veterinary Medical Association, 600 S. Michigan Avenue, Chicago, Ill. 60605.

Vocational Rehabilitation Counseling: National Rehabilitation Counseling Association, 1522 K Street, N.W., Washington, D.C. 20005.

Watch Repairing: American Watchmakers Institute, Box 11011, Cincinnati, Ohio 45211.

Welding: American Welding Society, 2501 N.W. 7th St., Miami, Florida 33125.

Welding: Braniff Education Systems, Inc., P.O. Box 35001, Dallas, Texas 75235.

Welding: Hobart School of Welding Technology, Troy, Ohio 45373.

Welding: Ryder Schools, Inc., P.O. Box 816, Miami, Florida 33152.

X-ray Technology: American Society of Radiologic Technologists, 500 North Michigan Ave., Chicago, Ill. 60611.

Youth Services: Boy Scouts of America, Personnel Service, Personnel Division, North Brunswick, New Jersey 08902.

THE GENOCIDE CONVENTION AND THE FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, there are those who maintain that article III (c) of the United Nations Genocide Convention, which provides that "direct and public incitement to commit genocide" shall be punishable, transgresses upon the first amendment to the U.S. Constitution. I disagree for two distinct reasons.

First, I wholly disagree that this or any other provision of the Genocide Convention is inconsistent with the first amendment's guarantee of free speech. On numerous occasions the Supreme Court has distinguished between mere advocacy and incitement to commit unlawful action. Almost 60 years ago Justice Holmes articulated his classic statement about clear and present danger. More recently, in *Brandenburg* v. *Ohio*, 395 U.S. 444,447, the Court held:

> The constitutional guarantees of free speech and free press do not permit a State to forbid or prescribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

Thus it is not possible to state categorically that any particular statement is or is not protected by the first amendment. I firmly believe that any activity which is a violation of article III(c) of the Convention would not be protected by the first amendment.

Second, even if provisions of the Convention were held to be inconsistent with the first amendment, that is, even if an activity prohibited by the Convention were held by the Court to be protected by the Constitution, the conviction would simply be reversed. The Court has consistently held that, in case of conflict between a treaty and the Constitution, the Constitution is supreme. In *Reil* v. *Covert*, 354 U.S. 1, the Court said:

> The prohibitions of the Constitution were designed to apply to all branches of the National Govrenment and they cannot be nullified by the Executive or by the Executive and the Senate combined. . . . This Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty.

For the above reasons, I am confident that the Genocide Convention in no way transgresses upon the U.S. Constitution. This objection to the Convention, like other similar objections raised by the Convention's opponents, is empty. I urge Senate ratification of the United Nations Genocide Convention.

NUCLEAR POWER

Mr. BROCK. Mr. President, I believe that Tennessee's future advancements as well as those of our Nation lie in an inexpensive source of energy and that this inexpensive energy can be found in nuclear powerplants such as have been opened recently by the Tennessee Valley Authority. The following TVA newsletter of January 2, 1975, gives factual data which shows that these nuclear powerplants are much more reliable than any of the conventional power sources now employed by the TVA. With careful research and consideration nuclear power can become a most economical source of energy, both to the pocketbook and to the environment. I ask unanimous consent that this information be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR POWER REINFORCES TENNESSEE VALLEY SUPPLY

Nuclear power became a significant part of the Tennessee Valley's electric power supply for the first time in 1974, and the nuclear plants being built by TVA will expand this power supply year by year into the 1930's.

The first generating unit at TVA's Browns Ferry Nuclear Plant in northern Alabama was in test operation as the year began and went into commercial operation August 1. Meanwhile a second unit at this plant began producing electricity and was in test operation levels up to full load by December. A third unit is to begin tests in 1975.

Although the nuclear plants are being built to add to the supply from TVA coal-fired plants—not to replace them—the nuclear power from Browns Ferry came in time to help hold down fuel use at coal-burning plants during a period of severe coal supply problems. The rated output of the first two Browns Ferry units is more than two million kilowatts; in a 24-hour period they are capable of producing about 50 million kilowatthours of electric energy.

It takes more than 20,000 tons of coal a day—three large trainloads—to produce that amount of power.

Commerical operation of Browns Ferry unit 1 has been both reliable and economical, according to TVA's Office of Power. From July through November this unit produced over 2 billion kilowatthours of electricity and was in operation 85 percent of the time. This exceeded last year's reliability records for eight of the system's nine largest coal-burning units.

The fuel cost at Browns Ferry is equivalent to about $3 a ton for coal at coal-burning power plants. But the fuel expense today at TVA coal-fired plants averages about $10 a ton, and the agency recently has paid up to $35 a ton on some coal purchases.

Construction costs for all types of power plants have increased sharply in recent years. Browns Ferry involves a much higher capital investment in relation to its size than the TVA coal-burning plants built in the 1950's and 1960's when costs were much lower than they are today. Even when the higher capital charges are included, however, the cost of power from Browns Ferry unit 1 is expected to be about $7 million a year less than the cost last year of generating the same amount of electricity at coal-burning plants.

In addition to Browns Ferry, 14 other nuclear generating units are now under construction or being planned for the TVA system for completion by the early 1980's. These nuclear plants will provide more than 21 million kilowatts of new generating capacity to the system. These projects include:

Sequoyah Nuclear Plant, north of Chattanooga in Hamilton County, Tennessee. Two generating units scheduled for operation in 1977. Now under construction.

Watts Bar Nuclear Plant, Rhea County, Tennessee. Two units scheduled for operation in 1978–1979. Now under construction.

Bellefonte Nuclear Plant, Jackson County, Alabama. Two units scheduled for operation in 1979–1980. Preliminary construction now under way.

Hartsville Nuclear Plant, proposed for site on border of Smith and Trousdale Counties, Tennessee. Four units scheduled for operation in 1980–1982. Detailed engineering and environmental studies required for this project have been under way for more than two years. Construction is expected to begin in 1975, pending a limited work authorization from the Atomic Energy Commission.

Four units with an undetermined location that will generate an additional 5 million kilowatts of electricity.

TVA POWER SYSTEM—WEEKLY REPORT

	Average kilowatts week ending Dec. 21	Previous week
System generation:		
Hydroelectric	2, 604, 000	2, 635, 000
Coal-fired plants	6, 482, 000	7, 089, 000
Nuclear	1, 847, 000	1, 586, 000
Combustion turbines	13, 000	7, 000
Total	10, 946, 000	11, 317, 000
From other systems	2, 050, 000	2, 051, 000
Total power supply	12, 996, 000	13, 368, 000
Net system load	12, 996, 000	13, 336, 000
To other systems		32, 000
Total system load	12, 996, 000	13, 368, 000

Regional Power Demand.—The region's use of electricity in the week ended December 21 was 11 percent below use in the comparable week a year ago, after adjusting for temperature differences. Before power curtailment measures were requested, use this year was expected to increase 14 percent over last year.

Power generation from coal was at the lowest level of the year, providing less than half of total system power supply. Generation from Browns Ferry Nuclear Plant reached a new weekly high, and imports from other power systems continued above the 2,000,000-kilowatt level for the fifth straight week.

Coal Stockpiles.—Coal deliveries to TVA power plants were below normal, but the gradual increase in stockpiled coal continued because of the reduced level of coal consumption. A total of 3,978,000 tons of recoverable coal was in stockpile reserves as of December 26, an increase of about 150,000 tons from a week earlier. This was a 37-day reserve at the normal rate of coal consumption, up from a 34-day reserve when the coal miners' strike ended earlier in the month.

Operation of Major Units.—This tabulation shows approximate percent of the time the system's larger steam-electric generating units were available for service in the week ended December 21, and causes involved when units were out of service. Average availability during the past fiscal year is also shown for each unit. Capacity shown in parenthesis is at normal full load (net megawatts).

COAL-FIRED UNITS

[In percent]

For week	Last year	
80	68	Colbert No. 5 (466 MW)—Value stud replacement.
100	83	Widows Creek No. 7 (498 MW).
0	74	Widows Creek No. 8 (498 MW)—Scheduled maintenance.
100	87	Bull Run No. 1 (882 MW).
100	63	Paradise No. 1 (671 MW).
67	62	Paradise No. 2 (671 MW)—Condenser repairs.
100	74	Paradise No. 3 (1,075 MW).
100	63	Cumberland No. 1 (965 MW).
100	[1] 73	Cumberland No. 2 (965 (MW).
NUCLEAR UNITS		
100	[2] 86	Browns Ferry No. 1 (1,064 MW).
89	(3)	Browns Ferry No. 2 (1,064 MW)—Shut down by pressure sensor malfunction during startup test.

[1] Since Nov. 1, 1973.

[2] Since July 1, 1974.

[3] Not yet in commercial operation.

THE FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974—II

Mr. HUMPHREY. Mr. President, I recently addressed this body on the subject of the Forest and Rangeland Renewable Resources Planning Act of 1974 and the preparation of the assessment by the Forest Service.

As part of the planning process under the act, the Forest Service is required to submit to Congress a program document recommending program goals and associated policy options. The Forest Service is currently developing these programs through research and public input.

The act provides for a continuing process of review and submission of documents. This very sensible and unique approach provides the basis for long-term programs and policies.

The Forest Service has indicated its desire to receive public suggestions and maintains that there will be ample opportunity for analytical comment at each formulative stage in developing the program document.

The depth of public concern about resource planning was demonstrated last year. The Forest Service received 867 responses—over 23,000 pages—on its "Environment Program for the Future" report. This draft long-term forestry plan was issued prior to the enactment of the Forest and Rangeland Renewable Resources Planning Act. It is noteworthy that the draft EPFF document and the public responses to it will both be used as a basis for the development of the renewable resources program.

The encouraging trend of public participation has been continued with the Forest Service's release of an extensive outline for its upcoming program document. This outline clearly indicates the importance of integrating long-range resource goals and programs.

The program document will explore the possibility of relating programs which are suitable for a multitude of uses. It also provides for a thorough examination of the effect of each resource program system upon the ecology, social well-being, regional economic development, and national economic development.

I would like to express my personal satisfaction with the progress which the Forest Service has made to date in the implementation of this act.

Mr. President, I ask unanimous consent that this "Outline of Program Document" be printed in the RECORD.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

OUTLINE OF PROGRAM DOCUMENT

I. INTRODUCTION

The Introduction to the Renewable Resource Program will:

A. Explain the purpose of the Program document:

1. Referring to Section 3 of the Resources Planning Act;

2. Providing a brief background on the purpose of the Act.

B. Review the process by which the Program was developed:

1. Emphasizing that, by the intent of the Act, as well as by the very nature of the subject matter itself, the Program is subject to change and will, in fact, be changed periodically in the future as the environmental and economic situations themselves change;

2. Noting that the intial Program has certain limitations imposed by the working time and data available;

3. Explaining how elements of environmental analysis required by the National Environmental Protection Act have been incorporated into the Program itself;

4. Discussing the three stages of public involvement by which the public participates in developing the Program.

C. Outline the organization of the Program document in the form of a digest of each chapter.

II. FOREST SERVICE ROLE IN NATURAL RESOURCE PROGRAMS

This section will:

A. Explain the Forest Service role in the total realm of renewable resources, both domestic and international:

1. Reflecting the Service's statutory responsibilities for domestic resource management, particularly leadership in forest land and rangeland management, both on the National Forests and on other public and private land,

2. Elaborating upon the forest land stewardship ethic and the multiple-use concept that guide resource management.

B. Describe Forest Service Programs:

1. Reviewing the three arms of the Forest Service: National Forest System, State and Private Forestry, and Research;

2. Illustrating Human Resource Development Programs;

3. Discussing coordination with other Federal and State Agencies.

C. Emphasize the interrelation among Forest Service programs and responsibilities.

D. Display major laws, regulations, and national policies that influence the ownership, use, and management of forest, range, and other associated land.

III. THE PROGRAM FRAMEWORK—RESOURCE SYSTEMS

This section of the Program document will:

A. Explain why the Program is organized on the basis of "Resource Systems":

1. Defining Resource Systems;

2. Showing relations of Resource Systems approach to "management by objectives" philosophy;

3. Pointing out the interrelations among—

a. the resource systems,

b. the three arms of Forest Service responsibility (National Forest System, State and Private Forestry, and Research).

B. Describe the individual Resource Systems including a mission statement for each:

Outdoor recreation and wilderness

The primary missions of the Outdoor Recreation and Wilderness system are to provide outdoor recreation opportunities and wilderness for the Nation. The system includes all activities necessary to (1) protect, administer, and develop the outdoor recreation opportunities on the National Forests so that they meet their appropriate share of the Nation's existing and anticipated demand consistent with other resource values, (2) protect and manage the scenic, cultural, and wilderness resources of the National Forests, (3) develop new knowledge to improve both the effectiveness of providing and managing outdoor recreation opportunities and to preserving the wilderness resource, and (4) provide technical assistance and advice to other public and private forest landowners in developing forest-based recreational opportunities.

Wildlife and Fish Habitat

The primary mission of the Wildlife and Fish Habitat System is to provide wildlife and fish habitat, with special emphasis on threatened and endangered species. Management of wildlife and fish habitats is closely coordinated with the States because they have responsibility for wildlife and fish populations. This coordination includes maintaining close working relations among National Forests, and other Federal, State, and private land managers. The System includes all activities necessary to (1) protect, administer, and develop the National Forest wildlife and fish habitat, (2) assist non-Federal land managers through cooperative forestry programs, and (3) define environmental requirements of wildlife and fish and provide management alternatives through which these requirements can be attained.

Rangeland Grazing

The primary mission of the Rangeland Grazing System is to provide forage for domestic livestock grazing on forest land and rangeland. The system includes all those activities that bear directly upon management, protection, and development of the National Forest System for livestock grazing. It also includes the cooperative aspects of State and private forestry associated with producing livestock on private forest range. Research provides the system with management alternatives that relate range productivity with other forest land and rangeland resources.

Timber Resource

The primary mission of the Timber Resource System is to grow and make available wood for the Nation on a continuing basis. Thus, the system includes those activities necessary to (1) protect, improve, grow, and harvest timber from forest land consistent with other resource values and (2) protect, process, and utilize wood and wood-related products. In addition to wood, the system produces other goods and services, either by design or incidentally.

Land and Water

The primary mission of the Land and Water System is to protect, conserve, and enhance the basic resources of air, soil, and water on forest land and rangeland. It provides the base on which the renewable resources live and grow. Activities include land-use planning, watershed and river basin planning and development, and managemet of mineral areas, in addition to the protection, conservation, and enhancement roles. On non-Federal land, activities are administered through cooperating States or through sister Agencies that have primary responsibility. Research is designed to assist in the management of both public and private lands.

Human and community development

The primary mission of the Human and Community Development System is to help people and communities to help themselves. The system includes activities that provide (1) youth development through working and learning experiences, (2) adult employment and training opportunities through various Federal manpower programs, (3) rural community planning and development information and services, and (4) technical forestry assistance for urban areas in the establishment, management, and protection of needed open space and the use of trees and woody shrubs.

C. Define terms used in the Resources Planning Act to provide uniformity of use and thus enhancing communication and understanding. Some terms are: inventory, needs, opportunities, program investments, capital activities, operational activities, Program, outputs, results, benefits, direct and indirect returns, etc. A representative definition in this section might be:

The Program—A renewable resource program for the Forest Service prepared by the Secretary of Agriculture and transmitted by him to the President.

D. Explain how the program was developed:

1. Setting forth for each Resource System—

a. the findings of the assessment,

b. specific needs and opportunities,

c. alternative goals and associated policy options, and

d. system programs to meet each alternative goal;

2. Combining compatible System programs into Alternative Multiresource Programs—

a. describing the alternative programs,

b. comparing and displaying the results of the Alternative Programs (this section will serve in part as a statement of environmental impacts required by NEPA);

3. Recommending a Renewable Resources Program.

IV. OUTDOOR RECREATION AND WILDERNESS SYSTEM

This section will, for this system:

A. Summarize findings of the Assessment to set the stage for program development.

B. Discuss specific needs and opportunities:[1]

1. Inventorying these by investments in—

a. private programs,

b. public programs.

2. Dividing them into—

a. capital activities,

b. operational activities;

C. Develop alternative goals and associated policy options.

1. Summarizing those laws, regulations, and national policies that influence the ownership, use, and management of forest, range, and other associated land as related to Outdoor Recreation and Wilderness;

2. Arraying alternative goals for Outdoor Recreation and for Wilderness consistent with the findings of the Assessment and the laws, regulations, and national policies;

3. Describing Agency policy options for each goal that guided Program development and management of renewable resources, distinguishing those that—

a. define the Forest Service role and "share,"

b. identify the "means" to be employed to achieve the goals;

4. Analyzing these options as they apply to the Outdoor Recreation and Wilderness System so as to provide a policy setting for Program development (existing reports and analyses will be reviewed and cited as appropriate. The selection of any policy option will be considered in terms of its ecological, economic, and social effects. The selected options for each goal must be compatible with the goal);

5. Stating the policy options selected for each goal and explaining the rationale for their selection (for those issues that cannot be resolved in the time available, procedures for analysis and resolution will be suggested. Needs for changes or additions in statutory authority or alternatives will be discussed as necessary);

6. Displaying alternative goals with associated policy options for the Outdoor Recreation and Wilderness System that have emerged from the above analysis to provide the guidance for Program development.

D. Describe for each period defined by the Resources Planning Act (the 4-year period beginning October 1, 1976, and each of the four decades), a system Program designed to meet each of the alternative goals displayed in C 6 above:

1. Including—

a. planned level of activity,

b. required funding,

c. anticipated outputs;

2. Basing the development of these programs on—

a. findings of the Assessment,

b. inventory of needs and opportunities,

c. policy options determined to be compatible with the goal. (C above);

3. Indication (as possible) the ecological, economic, and social results (the complete picture on results will not be available until programs from each system are combined into Multiresource Program Alternatives. This section will serve, in part, as a statement of environmental impacts as required by NEPA).

V. WILDLIFE AND FISH AND HABITAT SYSTEM

Outline similar to IV for Outdoor Recreation and Wilderness System.

VI. RANGELAND GRAZING SYSTEM

Outline similar to IV for Outdoor and Wilderness System.

VII. TIMBER RESOURCE SYSTEM

Outline similar to IV for Outdoor Recreation and Wilderness System.

VIII. LAND AND WATER SYSTEM

Outline similar to IV for Outdoor Recreation and Wilderness System.

IX. HUMAN AND COMMUNITY DEVELOPMENT SYSTEM

Outline similar to IV for Outdoor Recreation and Wilderness System.

X. ALTERNATIVE MULTIRESOURCE PROGRAMS

This section will:

A. Describe in detail the process used to develop Alternative Multiresource Programs from the system programs set forth in section D of chapters IV through IX.

B. Describe each Alternative Multiresource Program:

1. Setting forth the rationale for selecting the particular system programs comprising each Alternative;

2. Showing by time period—

a. the planned levels of activity,

b. the required funding,

c. the required personnel;

3. Discussing priorities for accomplishing "opportunities";

4. Identifying by time period—

a. program outputs both commodity (i.e., cubic feet of timber and grazing by domestic animals) and noncommodity (i.e., wilderness and threatened and endangered species),

b. returns to the Federal Government including direct revenue resulting from timber sales, recreation visits, etc., and indirect revenues resulting from taxes paid by businesses and individuals.

C. Analyze, compare, and display the various Alternatives:

1. Analyzing the specific factors associated with investments—

a. program outputs (commodity and noncommodity outputs will be expressed and given equal weight in the analysis),

b. results anticipated (including ecological, economic, and social impacts of planned levels of activities such as timber harvesting, grazing, etc., on endangered species of wildlife, wilderness preservation, etc.).

This will be done in "such a manner that the anticipated costs can be directly compared with total related benefits and direct and indirect returns to the Federal Government," as required by section 3, item (2) of the Resources Planning Act. Costs are assumed to include Federal funding, other sources of funding, and opportunity costs.

2. Comparing the outputs and anticipated results for each Resource System by:

a. focusing on effects of individual activities;

b. comparing the activities under each Alternative;

c. classifying the effects of Program activities into four general categories (similar to those used in the Environmental Program for the Future) and describing how each category is affected:

Ecology (vegetation, soil, air, water, wildlife, fish, etc.)

National Economic Development (economic efficiency and output of goods and services)

Regional Development (income, numbers and types of jobs, population distribution, economic base, and stability)

Social well-being (real income distribution, life, health, safety, education, culture, recreation, and emergency preparedness) (A sample outline of this approach is attached.)

3. Displaying anticipated outputs and results in various forms (narrative, charts, photographs, drawings, tables) (In some cases, two or more variables will be involved—results of activities over time; outputs and costs of different goals; outputs over time at different funding or manpower levels.)

SOUND NATIONAL POLICY GUIDELINES

Mr. BROCK. Mr. President, Amitai Etzioni, the director of the Center for Policy Research and a sociology professor at Columbia University, recently wrote an article for the Washington Post which contained a list of very sound policy guidelines. They emphasize that we, as formers of national policy, should not be caught wringing our hands at some "expert" prophecy of inevitable doom. As Mr. Etzioni points out, these prophecies have a very poor record in the past. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ENERGY FORECAST

(By Amitai Etzioni)

Daily predictions about "the next oil-embargo"—what the Arabs will do if the next round of Kissinger negotiations fails, what the international price of a barrel of oil will be in 1985 or our energy needs over the next 10 years—pay little heed to our demonstrated inability to predict such developments in the past. Thus, the London "Economist" predicted a year ago that oil prices would soon fall sharply, because all previous shortages, from whale oil to butter, had been followed by overproduction. An astute observation—only prices did not fall.

Similarly, an expectation now widely prevalent is that the present price of $11 a barrel is very unlikely to prevail more than four years and probably will not last more than two. This is because, so it is said, soon those relatively advanced, highly populated oil-producing nations, which have myriad uses for their inflowing billions, will seek to expand oil exports, eventually breaking the cartel and pushing down prices. (This scenario, by the way, is favored by the federal government's Project Independent report.)

While this scenario does indeed appear quite plausible, history has rarely followed the course that seemed plausible only a few years earlier. Staying with this example, a possible alternative course comes to mind: If the sparsely populated oil producing countries were to cut their production by as much as the others increased theirs, a cut they could very easily absorb, the prices of oil would remain high.

Given such a large margin of uncertainty, one cannot but interpret, in the psychoanalytic sense of the term, the continued proclivity to predict and the fascination with forecasts. If they clash with reality regularly, if they mislead rather than help, why do we continue to lean on them so heavily? The reason is that they allow one to "make sense" of events; they provide a feeling that the world is meaningful, has a direction. The greater the anxiety people and nations experience, the more they ask science—and the occult—to foretell the future. Little wonder that recently the avalanche of predictions has swelled rather than subsided. But as the unreality of the efforts to tell the future becomes ever more evident, and thus the adherence to them ever more "sick," we might be ready to declare a moratorium on futurology.

In this more humble mood we may learn to deal with the basic unknowability of the future by:

Hedging our bets more widely. If we cannot know which of several alternate sources of energy will best provide for our future needs, we should avoid staking all on the development of any one line, be it nuclear reactors, gasification of coal, shale oil or solar energy, but instead spread our investment over all these potential sources, though not necessarily equally.

As the near run (1 to 3 years) is more knowable than the longer run (3 to 10 years), let alone the year 2000 and beyond (to be left to science fiction and scenario writers), we should concentrate relatively more on projects which promise near- vs. long-run outcomes (e.g., coal and nuclear power vs. shale oil). Above all, the greatest payoffs are to be expected from efforts to conserve energy, which can be implemented immediately.

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[1] This discussion will include the "backlogs" on the National Forest System called for in Section 8 of the Resources Planning Act.

We should be ready to recommit our resources and efforts as we move into the future and find, alas, that we have again erred if, for example, the Arabs do roll back prices or if we discover unknown oil reserves, a cheap way to milk the sun or an additive which stretches gas 40 per cent or more. We should not allow setups which lock us in, of the kind exemplified by the Highway Trust Fund, which still pours billions into highway construction while clearly the highest priority should be public transit.

Similarly, we ought to favor those changes in housing and industry which can be readily made and then unmade if necessary (e.g., taxes on gas and oil, which can be reduced by a stroke of a pen) rather than those which are difficult to to reverse (e.g., conversion of home heating systems from gas to electricity, as the Project Independence report suggests).

Let us also focus on those efforts which are desirable in themselves, or for reasons other than their elusive futuristic pay-offs. Thus, driving at lower speeds saves thousands of lives; we should maintain and enforce the lower speed limit even if we are not sure that otherwise there will be a shortage of gas in 1985 or that we'll run out of oil in the mid-1990s. Similarly, a commitment to developing solar energy vs. a heavier reliance on nuclear reactors seems a much sounder environmental policy, even if we cannot tell which will produce cheaper electricity 10 years hence.

We should realize that like all scarcities, those created by our realistic or imaginary fears of the future, the burdens the current energy angst, are borne unequally by various parts of our society. Thus, those disadvantaged through no fault of their own should gain special public consideration through tax-credit, fuel allotments, etc.

Finally, instead of being continually shocked by the crisis-of-the-year and trying anxiously to anticipate the next one, let us assume the future will be a rocky ride even if we cannot foresee each and every bump. While this will not smooth out the road, it will make us more tranquil riders.

THREE GENERATIONS OF HASSENFELDS PROVIDE LEADERSHIP FOR RHODE ISLAND FIRM

Mr. PELL. Mr. President, I should like to bring to the attention of my Senate colleagues a very perceptive article written by David Gumpert which appeared on the front page of the Wall Street Journal on February 21, 1975. It was entitled "The Scions" and related the story of a most successful Rhode Island firm—Hassenfeld Bros.—which was started in Providence in 1923 by two Polish emigrants, Henry and Hillel Hassenfeld. This company, which began with only eight employees, sold textile remnants and leftover fabrics to cover pencil boxes. It has now changed its name to Hasbro Industries Inc., relocated from Providence to Pawtucket, has grown to a position where its annual sales are just under $100 million and is ranked as the sixth largest toy industry.

I am especially proud to note that Hasbro Industry's new president is Stephen Hassenfeld, 33, a third generation of the Hassenfeld family, who, I am sure, will continue to provide the ingenuity and innovation which was so instrumental in making this organization such a huge success.

I would hope that the experience of the Hassenfeld family in Rhode Island would prove to be an example to all the many other businessmen in our country who are attempting to survive in this period of inflation and depression. I ask unanimous consent to have printed in the Record the article which appeared in the Wall Street Journal.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Feb. 21, 1975]

The Scions—as Toy Concern's Sales Boom, the Hassenfelds Are Loosening Control

(By David Gumpert)

Pawtucket, R.I.—When Gerald Bloom was shopping around in the job market a couple of years ago, he didn't really know what kind of company he wanted to work for. He knew the kind he didn't want to work for though—a family company. "They're usually very tightly controlled," he says.

So where did he wind up? At Hasbro Industries Inc., a toy and school-supplies maker headed by the third generation of the Hassenfeld family. Mr. Bloom, 37, stumbled into Hasbro through a blind newspaper want ad and was promised "a free hand" in revamping Hasbro's quality-control program. Nonetheless, he was skeptical. "I asked myself, 'Is this just a spot they're trying to fill because no family member is available?' "

Deciding it wasn't such a spot, he signed on with Hasbro as an associate vice president, has since been promoted to vice president for product assurance, and today says he couldn't be happier. He has used his promised freedom to create a stringent quality-control program and to put more emphasis on product safety.

Mr. Bloom's experience is indicative of a subtle but conscious loosening of family control at a company where all decisions were once made by family members. When Hasbro went public in 1968, three of seven directors were family members and another was the family lawyer; today, seven of 11 are outsiders. About half the top management now consists of outsiders who have joined since 1968. "The next president of Hasbro could very well be a non-Hassenfeld," says 33-year-old Stephen Hassenfeld, who last May succeeded his father, Merrill, as president after a 10-year apprenticeship.

Loosening of the family reins at Hasbro was prompted largely by purely business considerations. Sales have boomed over the past 10 years, to $92.5 million in 1973 from $10 million in 1963. About $78 million of the company's business is in toys, ranking Hasbro about sixth in the toy industry—behind Mattel Inc., Quaker Oats Co.'s toy division, General Mills Inc., Milton Bradley Co. and Ideal Toy Corp.

"One of the things we have to recognize is we can't run the business the way we did 10 years ago," says Stephen Hassenfeld. "You know the kind of management Quaker Oats or General Mills wants to have. That's the kind of management we've got to have."

Changing attitudes within the Hassenfeld family have speeded the loosening process. Stephen is a happy bachelor with a white Porsche sports car and no immediate plans to marry. He says he isn't about to spend 30 to 40 years running Hasbro like his father and grandfather did. "I doubt I'll remain president for more than seven or eight years," he says, predicting he'll be "stale" after that.

Stephen's only brother, Alan, 26, vice president for product planning and international operations, is also a bachelor. He's a logical successor to Stephen, but Alans says he isn't certain that he wants to stay with Hasbro indefinitely. An English literature and creative-writing major in college, Alan talks about possibly going into teaching or even setting up a business in Hong Kong. "I'm not really sure if another Hassenfeld as president would be the right thing. Maybe it should be someone outside the family," he says. The only other potential presidents within the family now are a cousin of Stephen and Alan who started with Hasbro in 1973 in the accounting department and three other cousins in high school and college who aren't yet sure if they want to join the company.

That isn't to say the Hessenfelds are no longer forces to be reckoned with at Hasbro. The family still controls about 70% of the company's common stock (which is traded on the American Stock Exchange). As at many family companies, they have their hands in various company pots. For instance, the family controls leases on four plants operated by Hasbro.

The family is closely knit. Stephen and Alan get along so well with their parents that they still live with them in their big, modern house in neighboring Providence. Stephen and his 56-year-old father, Merrill, who now is vice chairman and chief executive, have adjoining offices in the company's two-story brick main plant and freely wander into each other's offices to discuss anything that's on their minds.

Nonfamily employes say crucial decisions requiring quick action are nearly always made by one of four family members. Normally, Stephen or Merrill decides. If they're both away, Alan steps in. If Alan is away, Leon Mann, vice president for corporate planning (and Merrill's brother-in-law) takes over. "There's a very recognized chain," says Hugh Maxwell, vice president for manufacturing operations.

Some securities analysts have shunned Hasbro in the past as "too inbred," but under family leadership it has fared comparatively well in an industry plagued with problems that range from declining birth rates to plastics shortages. Some big toy makers such as Topper Corp. and Remco Industries Inc. have folded in the past few years; others, like Mattel Inc., have posted large losses. Hasbro has been "able to come up with talent from the "family" and avoid "the incompetent heir," says Morris Levin, president of Elmex Corp., a toy wholesaler and customer of Hasbro.

Hasbro's profits in 1973 fell to $312,034 from $1.4 million in 1972. But sales rose to $92.5 million from $84.8 million, thanks to its GI Joe dolls and Romper Room preschool toys, which had combined volume of nearly $48 million in 1973. Some old standbys, Mr. Potatohead and Hasbro's toy doctor and nurse kits, together account for nearly $3 million annually. Hasbro's line totals about 300 toy products, 30 to 50 of them new ones each year.

Unspectacular as the steps toward loosening family control at Hasbro might appear to outsiders, they're substantial compared to many other family companies and in the context of the company's history. Hassenfeld Brothers Co., as Hasbro was called until 1968, was started in Providence in 1923 by Henry and Hillel Hassenfeld, who had emigrated to the U.S. from Poland. The Hessenfeld brothers sold textile remnants and used leftover fabrics to cover pencil boxes made by the company, whose eight employes were all family members.

The first outsiders hired were treated much like family members. Evelyn Trillo, 65 years old and supervisor of the company's sample room until she retired last Jan. 1, joined the company in 1926 and attends family weddings and bar mitzvahs. "I'm just like part of the family," she says.

Henry gradually assumed control of the company as Hillel became involved in an outside textile venture. Longtime employes say Henry, though stern, ran the company much like a father, encouraging employes to come to him with their personal problems. When he could, he helped with cash out of his own pocket, they say. Mrs. Trillo says that when she fell behind in her rent because of family financial difficulties in the 1940s, Henry gave her $150 in addition to her salary. Sam Gilbert, vice president for industrial relations for 25 years until he retired in 1973, recalls dozens of instances in the 1940s and 1950s when Henry gave employes with illnesses or housing problems an extra $100 to tide them over.

Henry cultivated employe loyalty by doing even menial tasks himself. Arthur Rothman, a shipping-room supervisor who has been with Hasbro 38 years, recalls seeing Henry sweep out a restroom once. He'd never ask you to do anything he wouldn't do," says Mr. Rothman.

A TOUGH BUSINESSMAN

Henry was a tough businessman as well. By the mid-1930s, his company was doing nearly $500,000 annual volume making pencil boxes and cloth zipper pouches and filling them with metal compasses, protractors, pencils and other school supplies. At that point, his pencil suppliers decided to raise their pencil prices and sell their own pencil boxes at prices lower than Henry's. "He told them, 'if you do that to me, I'll go into the pencil-making business,'" recalls his son, Merrill. "They laughed and thought it was an idle theat." But in 1935, Hassenfeld Brothers began making its own pencils, and Hasbro's pencil volume now is nearly $15 million annually.

For Merrill and his brother, Harold, "it was always taken for granted we would go into the business," says Merrill. Both worked summers for the company as teenagers, and Merrill was ready to drop out of college after one year to join the company, but his father came to work the day after their respective college graduations. Harold started in 1937, dividing his time between supervising the company's pencil-making operation and working in his uncle's textile venture. Today, at 59, he's chairman of Hasbro and heads its pencil operations (the latter is based in Tennessee).

When Merrill joined the company in 1938, he immediately assumed a partnership role with his father in running the company. The two even worked in the same room at a huge double desk. It was Merrill's idea to go into the toy business to fill slack periods in demand for school supplies. The company's first toys were paint sets and wax crayons and doctor and nurse kits.

Merrill got his toy ideas from customers, inventors and his own family. During World War II, a customer suggested the company's junior air-raid-warden kits, which came complete with dummy gas masks and flashlights. When Merrill saw his four-year daughter playing with pieces of candy lipstick and rouge in 1947, he decided to produce makeup kits for children. By the end of the 1940's, Hassenfeld Brothers was a $3-million-a-year concern.

FEWER INVITATIONS

As time went by, the employe kinship fostered by Henry diminished. Merrill, who was assuming increasing control, handed out fewer invitations to employes to visit his home. When Henry died in 1960, the Hanukkah gifts of a few dollars that Henry handed out each year for children of longtime employes stopped. The company had simply grown too big for such paternalistic practices.

Nevertheless, family control remained tight with only family members and a few longtime employes entrusted with significant responsibility. Two of Merrill's brothers-in-law joined the company during the late 1940s and early 1950s; Leon Mann, now vice president for corporate planning; and Leonard Engle, currently vice president for purchasing (both men are married to daughters of Henry Hassenfeld). Mr. Gilbert, the former vice president for industrial relations, was for most of his years in charge of such diverse areas as personnel, manufacturing, engineering and building maintenance. As volume grew during the 1950s and 1960s, he became the familys liaison to the factory floor.

Family succession was never a worry for Merrill. His son, Stephen, showed unbridled enthusiasm for the business from the time he was able to walk. He accompanied his father to the plant on weekends and worked there during high school vacations, learning his way around the different departments. "I loved that environment," says Stephen. In 1964, early in his senior year at Johns Hopkins University, Stephen decided he was "just wasting time," so he quit school and went to work for Hasbro.

It was Stephen who first tampered with some of his father's and grandfather's methods of doing business. Right after coming to work, he was entrusted with key responsibilities in marketing and manufacturing the company's newest and most successful product, its GI Joe dolls. He quickly decided to replace some 35 longtime manufacturers' representatives with Hasbro's own sales force to better handle the fast-growing volume.

He also decided to add marketing experts. Until 1970, marketing had been done by product designers so poorly versed in sales that "if somebody said something about marketing they thought you were going next door to the A&P," says Stephen. Before long, the four new marketing specialists "were turning out products faster than our old-time factory setup could handle it." So the company began hiring manufacturing, engineering and quality-control experts, among them Mr. Bloom. Altogether, about six senior marketing employees and five new manufacturing experts have been hired since 1970.

PAINFUL ADJUSTMENTS

The changes didn't come without some painful adjustments. As new marketing and manufacturing experts were being hired, about 10 longtime employees either quit in protest, retired earlier than planned or were shuffled out. There was tension between Stephen and Merrill over the changes. "I was very emotionally attached to a lot of people (who left) because I broke bread with them," says Merrill. "I worked 16 hours a day with them, and I kept them because they were loyal," he says; but he adds that Stephen convinced him "we have to change with the times."

Not that Stephen is without a sense of loyalty. Six months after he joined Hasbro in 1964, the company couldn't meet the unexpectedly strong demand for GI Joe dolls and had to ration them to customers. That didn't sit well with one of Hasbro's largest customers, Sears, Roebuck & Co., Stephen recalls. One day, he says, a Sears buyer came in while Merrill was away and told Stephen that Sears would reward Hasbro well in future years if it could be assured of getting all the GI Joe dolls it wanted. Stephen turned thumbs down on the idea "without a second thought," he says, because it would have meant cutting supplies to "people I had heard my father and grandfather talk about for 10 years."

Stephen has given wide operating discretion to the specialists he has hired. "Ten years ago," he says, "if my father liked a toy it went into production, and if he didn't like it it didn't." Today, he says, he and his father approve some toys they don't care for. For instance, when several family-oriented board games were proposed for production last year, "I wasn't excited about it," Stephen says. But he adds that he approved the games because "there were enough marketing poeple who liked" the idea. "To make product decisions today, you've got to be studying the market 52 weeks a year, and the vice chairman and president don't have time to do that," he says.

The widening responsibilities of nonfamily executives, however, hasn't led these executives to pin too many hopes on attaining the top slots. "Steve talks about a short presidency, but I think he'll be president for a long time," says Paul Sullivan 30-year-old vice president for marketing, who joined Hasbro in 1970. Some nonfamily executives are convinced that the next president of Hasbro hasn't yet been born. "I think everyone feels there'll always be a Hassenfeld at the head of the company," says Hugh Maxwell, vice president, manufacturing operations, who was hired in 1972. "I don't think any of us aspires to be president."

Some of the Hassenfelds, however, insist that the question of family succession isn't nearly so cut and dried. Although customers around the country arrange blind dates for him, Stephen resists marriage. "He'd be the best catch in Rhode Island," says one secretary. But Stephen says he's too busy running Hasbro to worry about marriage. "Some people have said to me that the business is my mistress," the young president says.

Alan's uncertainty about eventually succeeding his brother isn't a new feeling for him. Unlike Stephen, he took little interest in the business while growing up, and until his junior year of college he anticipated pursuing a writing or teaching career. "I tried to fight involvement in the business," Alan says, "I was trying to create my own identity. I didn't want to be Merrill's son or Steve's younger brother. I didn't like accepting anything from anybody."

But after his junior year in college, he spent a summer working for the company in the Far East, where Hasbro has suppliers and licensees and was so taken with the overseas business that during his senior year in college he phoned company headquarters every other day to check progress of projects he had been involved with. "They hooked me that summer," he says.

Alan joined Hasbro right after he graduated from the University of Pennsylvania four and a half years ago and has been traveling the world ever since, checking on Hasbro suppliers and negotiating licensing deals with overseas manufacturers. He figures he's negotiated about 50 licensing agreements during the last four years, increasing Hasbro's licensing royalties to over $1 million from $150,000 in 1970. He says he enjoys not only the traveling but the unusual social life his travels afford as well, including one year dating a Swedish airline stewardess and another 18 months dating a Filipino model.

The brothers' seemingly casual attitude over the prospect of a non-Hassenfeld becoming president in the near future doesn't sit well with some family members. Their uncle, Harold, for one, doesn't like to hear such talk. "Sure we have a lot of bright capable nonfamily people who have come in," says Harold. "But we still have some pretty solid family people in the business."

REMARKS OF ADMINISTRATOR OF VETERANS' AFFAIRS

Mr. HANSEN. Mr. President, this time of year, the various veterans organizations hold their mid-winter meetings in Washington where their legislative requests are presented to the Congress, and their other programs are outlined for their members from the various States who come from all over the country to attend these sessions.

One of the most outstanding speakers in great demand for such mid-winter meetings is the Honorable Richard L. Roudebush, Administrator of Veterans' Affairs, and recently Rowdy spoke at the Veterans of Foreign Wars Legislative Conference. He is a past commander in chief of this organization, and commanded the rapt attention of the VFW members whom he addressed.

I think his comments were notable and may be enlightening to many of my colleagues, and I ask unanimous consent that Honorable Richard L. Roudebush's speech be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Hon. Richard L. Roudebush, Administrator of Veterans' Affairs, Conference of National Officers and State Commanders VFW Legislative Committee Meeting

My comrades—and members of the legislative committee:

It is always a personal pleasure to attend functions of the Veterans of Foreign Wars—because of the opportunity it gives me to visit again with my comrades and renew friendships of many years standing.

As I prepared these remarks—I tried to recall my first VFW conference. I guess this would date back to the late 40's or early 50's. I know I've attended every one we have ever had. First as a service officer—then as department commander—and finally as commander-in-chief—and then as a member of this committee:

It is particularly good to be here this afternoon to attend this conference, because it is the first time I have been here as administrator of veterans affairs.

Now, I don't expect this meeting to be different from past meetings—just because I have a new job. Our relations will be no more formal than they have been before—and you should not hesitate to agree or disagree with what I have to say—just as you have never been bashful or hesitant in the past—in your agreement or disagreement.

It is really not important to you what title I go by. What is important—is the work that is here to be done—work that you have always devoted yourselves to—and carried on so very well through the years.

It is my hope—and it is my intention—that my being administrator will help to advance that work—the veteran movement—the caring for him who has borne the battle.

For most of my adult life—I have had a close association with the VFW—and there is no way I could describe to you—the personal gratification that I have received from this association. There is no way that I could make you know how privileged I feel—to have been with you and to have served the VFW in high office—to have shared in the comradeship of this great organization.

But that association—and the honors it has brought to me—are beside the point this afternoon—also—except for the understanding they have given me of your viewpoints—and of the subject matter we will be discussing.

As you know—I have had an opportunity to view legislation concerning veterans' programs from several angles.

As commander-in-chief—I had a concern for good laws—that was combined with other interests and responsibilities.

As a member of the VFW legislative committee—my attention was intensified and zeroed in—on a campaign for beneficial legislative activity—for our veterans.

As a Member of Congress—I had an entirely different responsibility—and I also had great opportunity to influence legislation.

As administrator of veterans affairs—I am charged with executing laws—and carrying out legislative intent.

The American people have been generous—and have an enlightened view of programs that assist veterans and their dependents—and there is no government in history—that has done as much for those—who have fought its wars. Congress—speaking as representatives of the people—has provided the funds—and the authority for the Veterans' Administration—to pursue its mission—with a wide variety of benefits and activities.

I am delighted to appear with the distinguished chairmen of the Senate and House Veterans Affairs Committees this afternoon. I would like to congratulate them—for the work their committees have been doing—and personally thank them—for the interest they have shown in VA—and in the veterans we serve.

I am confident that this legislative conference—will produce a good exchange of ideas and information—and that the session this afternoon—will be particularly productive—because of the contribution these gentlemen will make.

One of the major subjects involved in any discussion of legislation—is the money needed to carry out programs—that are signed into law.

We are at that time of year—when decisions regarding appropriations are being made . . . When agencies of government are being called on to justify requests for money—before the appropriations committees of congress—and the process of determining spending priorities—occupies the attention of experts—in both the executive and legislative branches of government.

As I said a few moments ago—VA has generally been treated generously and well—by congress—in money matters. I have no doubt that the requests we will make—will receive the same considerate attention—when hearings are conducted this week and next—on the fiscal year 1976 budget.

President Ford has requested spending authority of nearly $16½ billion for VA—in his budget document.

This figure—is nearly a fourth more—than was being spent for all government programs—in the fiscal year prior to our entering World War II. It is more than double VA spending of just 10 years ago.

But this amount is necessary—if we are to satisfy our commitment to America's 29 million veterans—and the nearly 70 million citizens—who are dependents and survivors of veterans.

There has been no period in our history—when VA has had such a vast potential clientele—nearly one-half of the American people. There has been no time when service to those who need our help—has been so costly in dollars—a situation aggravated by soaring prices.

The VA budget request—will provide for nearly 206,000 VA employees—an increase of 9,200—over the previous budget—and the largest number of personnel since 1947.

Practically every other federal agency—is facing reduction in personnel—and no other agency has an increase even close to that requested for VA.

Here are some of the things we will be able to do—with the budget the President has requested:

Pay compensation totalling $4.6 billion to 2.6 million veterans and survivors.

Make pension payments of $2.7 billion to 2.2 million veterans and survivors.

Give education and training assistance to 2.7 million veterans. This will cost in excess of $4 billion.

About 72c of every dollar we receive will be paid out in cash benefits to our veterans.

Care for nearly 1.3 million veterans in hospitals, domiciliaries and nursing homes.

Provide for 14.7 million outpatient visits by veterans and for 1.5 million visits by dependents and survivors.

These medical costs will take nearly 24c out of every dollar we receive. (95c out of every $1.00 received will be spent for CPE or medical care.)

Help an estimated 365,000 veterans obtain home loans of more than $10 billion.

Provide burial benefits of $143 million.

Conduct a construction program worth $406 million, the largest yearly total in VA history.

I think one of the most important features of the budget is the higher funding requested for medical care. The $3.9 billion called for—is $366 million over the 1975 estimate—and $845 million over 1974 actual funding.

The budget will allow us to continue implementation of the quality of care survey—The Chase Report—recommendations made last year—as a result of the study of VA hospitals and clinics directed by the White House—and supported by Congress. There is $357 million requested for this purpose in the 1976 budget—and we have also requested $38 million in supplemental funding for this year.

The last Congress passed a large volume of legislation that has improved and updated VA programs—and I imagine that the VFW will have suggestions—for further legislative activity. It is in this manner—that our ability to serve—grows year after year.

I hope that VA people you will talk to during this conference will be helpful. It is our intention to involve you in our thinking—and in our operations—as much as possible.

One legislative matter that interests you—I know—is one that has a potential effect on veterans' affairs. It is a matter, that commander Stang has discussed many times—and he has expressed great concern about its results on our VA hospital system.

I speak of National Health Insurance.

Veterans groups are concerned that such a system might result in diminished funding for VA hospitals—because veterans could get treatment other places . . . and that it might result in non-veterans being admitted to VA facilities.

I have no information—on when a health insurance plan might come into being—or what might be included in its provisions.

But I join with those who would be in opposition—to any action that might reduce VA hospital appropriations—or that would open veterans' hospitals and clinics to those who are not veterans.

I repeat . . . VA hospitals must be for the use of veterans—and for their use only—and that these veterans must have served their country honorably in time of war.

Now I hope this does not appear to the public—or to Members of Congress—to be a selfish attitude. Certainly—the VFW is known for its unselfish service to all segments of the population—and you would not subscribe to any action—that would hinder help to either veteran or non-veteran.

But I believe . . . and I think you will agree . . . that in the foreseeable future there will be enough demand by veterans for medical care—to keep our facilities busy. And I believe the system has worked well. I want to preserve it—the VA Hospital is the greatest benefit enjoyed by our veterans.

Let me report to you that we are doing our best to make the VA medical system work well.

We at VA know that the large sums of money we request—for our many programs and activities—impose on us great responsibility to make certain that the money is well spent—and that the programs do what they are supposed to do.

But even if we did not require large appropriations—we would still have a great moral incentive—to do the best we could—because of the special obligation the nation has to the veterans we serve.

My philosophy in regard to our responsibilities is rather basic. The Veterans Administration is the agency most involved—in squaring the great debt owed veterans—and their kin by the American people.

While it is a debt that can never be fully satisfied—the American people and those chosen to serve them in Congress—expect us to do all that is possible to reduce it.

Shortly after I became Administrator last fall—I sent a message to all VA employees reminding them of what I expected of them. I said that we must be people who care. We must be willing to do the most we can. And we must be willing to do the best we can.

I think it would be an accurate appraisal of VA people—and VA operations—to say that there is a high degree of dedication to duty within the agency—that we have great talent and that we have effective organization.

These are generalizations, of course.

Every person here can point out weaknesses within VA. We all know that there are continuing problems—and that there must be a continuing effort to solve them.

But I think we know both our strengths and our weaknesses. We know where the problems are—and we are working to bring them a little closer to solution today—than they were yesterday . . . and a little closer to solution tomorrow—than they are today.

The VFW has always been a leader in planning—instigating and supporting—worthwhile legislation for veterans. You have great expertise within your organization—and you have a great tradition of leadership. What is perhaps even more important—is that the VFW has a definite fix on the problems of veterans.

This comes because its members have had military experience of the most difficult kind—(where problems are most likely to have their origin) . . . (and because VFW members have devoted themselves) (to the needs of their comrades.)

I know you will profit from this conference . . . but that is only part of the story.

You will be talking to members of Congress—and to a number of VA officials. They will profit also.

I think I can speak for my congressional friends—who are here—or will be here—and say that we are glad to have you in town. I appreciate getting to meet with you this afternoon—and look forward to other sessions of this conference.

THE SOCIAL AND ECONOMIC COSTS OF RECESSION

Mr. HUMPHREY. Mr. President, I am concerned that monthly releases of economic data are viewed piecemeal and that the depth and persistence of the declines in output and income during the recession are often little understood.

Output in the United States has declined for four consecutive quarters, and every economic indicator points to another sharp falloff in production during the current quarter. This promises to be the first recession in our postwar experience when real output has dropped for five or six quarters. Furthermore, the decline in output has been so sharp that our level of production in the fourth quarter of 1974 was lower than the level prevailing in the fourth quarter of 1972. The economic policies followed by the Federal Reserve and the administration have set back our economy by 2 years.

All the sectors of the economy have suffered from this decline. In real terms spending by consumers in the fourth quarter of 1974 was 5 percent below a year ago. While the falloff in auto purchases has been the most pronounced, consumer spending on nonauto durables such as household appliances, and purchases of nondurables, declined in real terms during the fourth quarter. Business investment, which had held up during the first half of 1974, dropped at an annual rate of 15 percent in real terms during the third and fourth quarters of last year. There is every expectation that these declines continued in the first quarter of 1975.

The severity of this decline can better be understood by calculating how much our economy would be producing at 4-percent unemployment. In 1973 and 1974 alone, the output lost because our economy was operating below its potential totaled $160 billion. According to estimates made by the Joint Economic Committee staff, if the administration's forecast for economic growth between 1975 and 1980 is realized, the economy will lose $1.5 trillion—an amount equal to the current total value of U.S. output—in production which would have occurred if the economy had been kept on a sound, sustainable growth path. This is the point on which I want my colleagues to focus—that we will be paying for this recession until the end of the decade. The JEC staff further concluded that even with a more ambitious recovery program, assuming significantly more stimulative policies, the loss in output through 1980 will still total $700 billion.

The drop in income which has naturally accompanied the cutback in production has been sharp and sustained. Since the fourth quarter of 1973, real disposable income, the broadest, most comprehensive measure of the purchasing power of after-tax income, has fallen 4.5 percent. In the current recession, real income has dropped twice as much as in any previous postwar downturn. This sharp decline in purchasing power is creating a greater drag on the economy than in past recessions and it will dampen the recovery expected towards the end of 1975. All other measures of earnings show similar declines. Real spendable weekly earnings have fallen for six consecutive quarters, and in January, earnings were 5.1 percent below January 1974. In fact, real spendable earnings are now at the same level which prevailed in the middle of 1964. The American worker, even without the benefit of Government statistics, is well aware that he has been running on an inflation-recession treadmill and that his family is no better off today than it was 10 years ago.

Mr. President, as we consider the recession legislation on taxes and public service jobs in the next several weeks, we must not lose sight of the severity of the current recession and of the substantial Government support which will be needed if the economy is to be restored to a healthy rate of growth. Even under the most optimistic assumptions, the economy will lose $700 billion in output between now and 1980. The American economy will continue to pay for this recession in a lower level of output, lower standard of living, and higher unemployment until the end of this decade. But if we follow the administration's program, the costs will be more than twice as great—lost output totaling $1.5 trillion in the next 5 years. It would be unconscionable for Congress to tacitly accept a program which idles so much of the Nation's productive resources.

AN ANALYSIS OF SALT II

Mr. BROCK. Mr. President, an article appearing in the December 12 New York Times, written by Mr. H. Scoville, Jr., presented a penetrating analysis of SALT II, a position which we should consider.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO POSITIONS: MOVING BACKWARD ON ARMS CURBS

(By Herbert Scoville, Jr.)

MCLEAN, Va.—President Ford has confirmed the worst fears of those who had hoped that the next round of negotiations on the limitation of strategic arms with the Soviet Union would finally bring to an end the continuing build-up in offensive strategic nuclear weapons.

Secretary of State Kissinger had described the tentative Vladivostok agreement as a "breakthrough" that placed a "cap on the arms race," but the ceilings established at the summit meeting with the Soviet leader Leonid I. Brezhnev are so high as to make the agreement almost meaningless.

Furthermore, since Mr. Ford said, at his Dec. 2 news conference that the United States would have an obligation to enlarge its strategic forces until the new high ceilings were reached, the agreement becomes instead the justification for additions that otherwise might never have been approved.

Sensitive to mounting criticism of the agreement from hawks and doves alike, Mr. Ford attempted to defend it on the basis that the "ceilings are well below the force levels which would otherwise have been expected over the next ten years." He also said it would prevent "an arms race with all its terror, instability, war-breeding tension, and economic waste." However it is hard to see how the agreement meets any of his own criteria.

The ceiling of 2,400 put on the total number of strategic missiles and bombers is substantially above what the United States accepted in the interim agreement on limiting offensive missiles, in 1972.

If our 450 intercontinental bombers are added to the 1,710 missiles allowed then, we would have only a total of 2,160. Thus, the new ceiling allows expansion to about 10 percent above current levels, which have been satisfactory for years.

We can now add ten new Trident submarines to our fleet instead of using them as replacements. Defense Secretary James R. Schlesinger indicated last week that there would now be a probable need to build even more than ten of the costly Tridents.

The agreed limitation of 1,320 for the numbers of missiles that could carry MIRV's—multiple independently targetable warheads—is still less satisfactory. At present, we have about 800 such missiles. When the approved Minuteman-III and Poseidon programs are completed, this number will swell to 1,046, with about 7,000 warheads. The new ceiling permits the addition of ten Trident submarines with 240 missiles carrying more than 4,000 warheads—hardly a major step forward in limiting the arms race!

The Russians do not yet have any missiles with MIRV's but the new agreement allows them to convert all their heavy SS–9 and light SS–11 intercontinental ballistic missiles to newer models with MIRV's. Because both these classes of missiles have larger payloads than their United States counterparts, the Russians can either exceed the number of our warheads or match us in warheads with significantly higher explosive power.

Since the agreement allows them to put MIRV's on all their modern ICBM's it is hard to understand Mr. Ford's statement that their force levels would be substantially below those otherwise expected over the next ten years.

Since the Russians have not yet started deployment, no reliable intelligence estimate can be made that they would, in the absence of an agreement, even approach the levels they are now allowed to have. Replacing 1,320 of the existing ICBM's with new models would be extremely costly, take many years and serve no military purpose.

While the Russians may have wished to match the United States for political reasons, they might have accepted equality at a lower level if our military had been willing to cut back. Mr. Kissinger has now admitted that we did not even seek a lower ceiling, the 1,320 having been derived from possible future programs.

The agreed levels of missiles with MIRV's will significantly destabilize the strategic balance; both sides can now have ICBM forces that can threaten to destroy the other's in a first strike. Our IBCM's will now become tempting targets for a Soviet preemptive strike, and vice versa. Mutual vulnerability of a significant component of the strategic forces is an invitation to nuclear disaster by accident or design.

Reaching the agreed ceilings will cost tens of billions of dollars. Furthermore, in answer to criticism by Senator Henry M. Jackson that the larger payload of Soviet missiles would give them an advantage, Mr. Ford said we would be free to replace our ICBM's with more powerful models. In giving this green light to Pentagon planners, he ignored astronomical costs of such a program.

Following this lead, Mr. Schlesinger stated that the threat to our ICBM's would require restructuring our forces with less vulnerable types of weapons. Thus, unless Congress applies unusually firm restraint, which will now be more difficult, the economic consequences of Vladivostok can be horrendous.

TWO ANTHONYS AND ADVERSITY IN CAMBODIA

Mr. CRANSTON. Mr. President, the civil war in Cambodia continues to be a terrible tragedy for the people involved, and is bringing those of us in Congress face to face with a very difficult decision.

I ask unanimous consent that two compelling and timely articles on this issue be printed in the RECORD.

They may make it easier for us to come to the decision.

The first, by Anthony Lake, in the March 10 Washington Post, comprises a remarkable summation of the arguments against further aid to Cambodia.

The second, by Anthony Lewis in today's New York Times, states the same strong case against further aid in a different way.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AT STAKE IN CAMBODIA: EXTENDING AID WILL ONLY PROLONG THE KILLING

(By Anthony Lake)

The news from Indochina has a familiar ring these days: Rockets are falling on a city, innocent people are dying and a government propped up by American money is calling for more. Even more familiar are the arguments being used by President Ford and his administration to urge additional aid for Cambodia, arguments that echo years of similar pleas about Vietnam.

The fact that we have heard them before does not mean that the old arguments are necessarily wrong. But the passage of time and the continuing bloodshed do indicate that we may have been arguing the wrong issues all along.

If we are to turn an all too familiar and bitter debate into a practical discussion of what is to be done about the mess in Cambodia, we should resolve the questions on Indochina that no longer can be evaded.

Anyone who feels nostaglic about the rhetoric of the past must appreciate many recent pleas by the administration.

"Dominoes," for example, are back in fashion. The allegiance to the theory of falling dominoes is not as enthusiastic as in 1963, when President Kennedy exclaimed, "I believe it. I believe it." Now, Secretary of Defense James Schlesinger argues that "the domino theory . . . has been overly discredited."

The theory has changed, of course. In the 1950s and early 1960s, the prediction was that the dominoes might fall, one by one, as communism advanced across Asia.

Under Presidents Kennedy and Johnson, the concept was broadened. The Communists would promote "wars of liberation" around the world, if they were not licked in Vietnam. In May, 1965, the assistant secretary of state for Far Eastern affairs warned that "Africa and Latin America are already feeling the threat of such thrusts."

Now, with false alarms about Africa and Latin America no longer ringing, and with détente the cornerstone of our foreign policy, the dominoes are not physical but psychological; not countries that might fall to external subversion, they have become attitudes towards the United States that might change, with severe diplomatic consequences.

Secretary of State Dean Rusk sounded this warning in October, 1967. Our "credibility," he said, was at stake in Vietnam. "If any who would be our adversary should suppose that our treaties are a bluff, or will be abandoned if the going gets tough, the result could be catastrophe for all mankind."

President Nixon, similarly, feared the worldwide consequences of America's acting like a "pitiful, helpless giant."

The assistant secrctary of state for East Asian affairs recently played on the same general theme: "Cambodia cannot be viewed as an isolated spot of small import to the U.S. Rather, it must be viewed in the larger context of Indochina which, in turn, affects Southeast Asia and Asia as a whole, which again affect the rest of the world. It is not to exaggerate to say that the eyes of the world are on the U.S. response to the needs of embattled countries."

But where are the voices and arms of our allies, if their eyes are riveted to our response? They are generally silent, because they, at least, understand the danger of drawing an analogy between a NATO country and a Cambodia. Indeed, they must prefer that the United States wake up from the Indochina nightmare that whose commitment so debilitates it.

Related to the dominoes argument is another old acquaintance, the "commitment" refrain. It is unnecessary to recall how often we heard of our "commitment" to succeeding regimes in Saigon. Now we are told we have a commitment to Lon Nol, and the Congress will violate it only at our peril.

Yet surely the blame for this state of affairs should not be placed on Capitol Hill. The administration made whatever promises there were, despite constant congressional opposition since the war was extended to Cambodia by the "incursion" of 1970.

Section 655(g) of the Foreign Assistance Act, which states that aid to Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense," was passed by the Congress in 1971 and reaffirmed since. It was also signed by the President.

To "dominoes" and "commitment," add a third familiar phrase: "foreign aggression." American troops won't necessarily be sent to meet it any more, but according to President Ford's statement on Cambodia, "the policy of this country is to help those nations with military hardware . . . where the government and the people of a country want to protect their country from foreign aggression."

At best, the view that the struggle in Vietnam is not a civil war has always been arguable. To claim that Prince Sihanouk and his Communist but indisputably Cambodian allies in the field are "foreign" to Cambodia is simply inaccurate. Sixty-two governments recognize them as the legitimate rulers of Cambodia.

Yes, they do receive foreign aid as they attack the people who attacked and threw out Sihanouk in the first place. If that makes this a situation of "aggression," and "foreign" at that, what are we to say of our aid to the other side?

Cambodia must be recognized as a civil, not an international war as Vietnam should have been so long ago.

THE BURDEN OF PROOF

Finally, there is the Cambodian "bloodbath" which so many in Washington now fear, should Phnom Penh fall. "Defeat in South Vietnam would be to deliver a friendly nation to terror and repression," warned President Johnson in April, 1965. Now one can all too clearly envisage the bloodshed that would accompany a final spasm of fighting around Phnom Penh.

But to warn of a new "bloodbath" is no justification for extending the current bloodbath. Rather, we should begin to consider the questions which must now—perhaps already too late—be addressed.

All of the arguments just mentioned warn of the penalties of failure, the consequences of allowing a defeat in Indochina. Yet the first question to be addressed is at least as important: What are the future penalties of a continuing effort to avoid defeat?

Throughout the said history of American sacrifice in Vietnam, our Presidents justified our anguish not by predictions of success, but through fear of failure. And we never saw a careful analysis of what it would cost—in American lives, in American dollars, and in the sufferings of those we said we were trying to save.

The hope offered for so many years on Vietnam, and now on Cambodia, was that a "compromise settlement" could be achieved if we were tough enough to force one. But even with the so-called cease-fire of 1973, the fighting continues in Vietnam, and this flickering light at the end of the tunnel seems as far distant as ever.

We never should have waded into Cambodia in 1970, or into Vietnam before that. Now that we are over our heads, we are like a swimmer who strikes on away from shore, with only water to the horizon, because he wants to avoid looking weak to his friends and to the bullies back on the beach.

Especially with the situation in Cambodia now so desperate, the burden of proof must be on the administration to show us where it wants to take us: how more aid will lead to peace and how much it will cost us and the Cambodian people in the process.

Playing on vague, future fears will not do. For those concerns must be overpowered by our fears of continuing a conflict that has claimed the lives of 10 per cent of the Cambodian people in the last five years and made millions homeless.

The second and third questions make an assumption that the reader may not share: that whatever the United States does, short of armed intervention, the Lon Nol regime will fall, and sooner rather than later. This is an assumption supported by news reports and widely shared by analysts both in and out of the U.S. government.

CUTTING OUR LOSSES

The second question: How, in these circumstances, can we limit damage to and within the United States?

One way would be to stop falling into the same traps we so willingly entered in Vietnam, and cease overstating the stakes in our performance.

The more we *say* that the whole world is watching and judging us, the more it watches and judges. In claiming that Cambodia is a test of our will, we may make it one. It would be better to make it a test of our intelligence.

On Feb. 25, Secretary of State Henry Kissinger intoned the warning that ". . . if the collapse of Southeast Asia is caused by an American decision to withhold aid under conditions in which such a decision can have only one outcome, the conclusion will be inevitable that it was the United States which has the responsibility."

What of the responsibility of the corrupt and incompetent Cambodian regime that made such bad use of $1.75 billion of U.S. aid the past five years?

Kissinger has carefully tried to avoid parallels between American reactions on Cambodia and our approach to Israel. Couldn't the same distinction be made in favor of our other allies? It would be in our interest to do so.

Another way to limit the damage of Cambodia would be to heed the administration's own fears, expressed by President Nixon on Nov. 3, 1969, that after disaster in Indochina, "inevitable and divisive recrimination would scar our spirit as a people."

What is it but "divisive recrimination" when the administration goes to such great lengths to blame the Congress for what most officials at State, Defense and the White House must know is an inevitable loss in Cambodia? There is a widespread suspicion in Washington that leaders of the administration privately concede defeat both in Cambodia and in the Congress, but plan to use the guilt they will lay on the Capitol doorsteps to force continuing appropriations for Vietnam. If this is the strategy, it presents a curious spectacle of self-defeat: an American government damaging us abroad and at home over Cambodia to avoid precisely those dangers over Vietnam.

A further measure of damage-limitation would involve adopting a diplomatic and rhetorical position which eschewed bitter attacks on Lon Nol's enemies. They are indeed supported by Hanoi, Peking and Moscow. But, to the extent we know much about them, they include many Khmer nationalists, Communist and non-Communist. Once they gain power, we must hope for as much nationalism on their part as possible. Why play up our enmity to them? It can only help push them further into the arms of their Communist supporters.

We are not, after all, really facing the "loss of Cambodia. It is not ours.

The third question concerns the damage done in Cambodia: How can we help keep future bloodshed there at a minimum?

As Sen. Hubert Humphrey recently put it, "It seems to me that events in Cambodia have gone far beyond the point where we should be concerned about trying to support continued military actions on the part of Phnom Penh forces and should turn our attention instead to the alleviation of the terrible suffering and bloodshed occurring on both sides in this civil war. How does it make any sense to ask for $222 million worth of ammunition which can't be delivered when children are starving and the Cambodian people are desperate for peace?"

The dilemma is painful. If no more aid is forthcoming, Phnom Penh will collapse before too long and more children will starve in the meantime. If more aid is sent, the bloodshed will continue a while longer.

There is no good answer. Some find appealing the President's call for time for negotiations aimed at a compromise settlement. But that boat left port at least a year ago, as shown by the record of failed efforts just released by the State Department. Why should the Khmer Rouge agree to share power when they can expect to seize it?

As Kissinger aptly puts it, "negotiations cannot be a substitute for a situation on the ground . . . They will reflect a situation on the ground." And even with the new aid, the position of the Phnom Penh regime is hardly likely to return to 1973—when successful negotiations, we were told, were not possible.

What, then, is to be done?

The administration would like to buy some more time with further aid. If Lon Nol still loses in the near future, we would have gone down swinging. But all we would have accomplished is the provision of an indecent interval of further killing.

If, extraordinarily, our aid denied the Khmer Rouge victory through the coming rainy season, we would only have entered a new tunnel at the end of this tunnel, with still more bloodshed.

In either case, the administration's tired old arguments would have produced a terrible new suffering.

Perhaps the least bad choice would be to provide a little more aid, including food, to allow the government in Phnom Penh to negotiate—not an impossible compromise—but an immediate, peaceful turning over of power. This would stop the final, useless killing.

Free passage out of the country for those who wished to leave might be achieved. If it is not, and the aid is simply cut off, only those Cambodians who can commandeer the last flights out of Phnom Penh, assuming the airport is open, would be able to go. American officials would leave by plane or, if necessary, by the helicopters now standing by. And the departing generals and diplomats would leave chaos behind them.

The presence of an international group in Phnom Penh that could oversee the departure of refugees could also be sought. It might be given responsibilities for managing food and medicine distribution as well.

This approach would require absolutely limiting the further U.S. aid to no more than enough for one or two more months, so the handwriting on the wall is completely clear. And it should be accompanied by calls on the administration and the leaders in Phnom Penh to make such a diplomatic effort.

Kissinger is right when he argues that the time is not ripe for negotiations—but only if the administration and the generals still seek victory or substantive compromise. The time is now for negotiation to save lives, as the final act apparently unfolds.

As it does, a last question emerges. Cambodia was invaded in 1970 for the sake of American strategy in Vietnam. Shouldn't that strategy now be examined in the light of Cambodia? For the same basic choices seem to face us in Vietnam as well, even if the timetable and scale are different.

Nothing But Shame

(By Anthony Lewis)

WASHINGTON, March 9.—For the last dozen years, through assassinations and endless wars and Watergate, some of us have been telling the skeptics that there is an American system worth preserving. In the end, we said, democracy will work. The men of violence, the totalitarians, the anarchists are all wrong. Reject their evil counsel, have faith.

It will be extremely hard to maintain that faith if Congress gives way to the Ford Administration's campaign of pressure for extra arms aid to Cambodia. For there has probably never been a weaker case for continued American intervention in a foreign civil war. If Congress does not have the courage to say no this time, when will the system work?

Last December, just three months ago, Congress made an extraordinarily explicit decision about the U.S. role in Cambodia. It put a ceiling on all aid, for the stated purpose of limiting American involvement. Absolutely nothing has happened since then that the Pentagon had not anticipated and fully argued. So Congress is effectively being asked to say that its December decision was frivolous.

Nor is there any rational ground of policy or law or security to send more American arms to the failing Lon Nol government in Phnom Penh. That conclusion is plain if one studies not only the words of the critics but the admirably honest testimony of that tough old Indochina hand who is Assistant Secretary of State for East Asian Affairs, Philip Habib. These points emerge:

1. There is no legal United States commitment to Lon Nol: no treaty, no agreement, no Congressional resolution. Indeed Congress, in voting aid previously, wrote into law that it did not constitute a commitment.

2. We have no illusions about the effectiveness of Lon Nol's government.

3. Even those who still believe in the domino theory cannot claim that Lon Nol's fall would have such effects; Mr. Habib said it would not, for example, "make much difference" to the fighting in South Vietnam.

4. Cambodia is not crucial to American security.

5. There is no assurance that additional American aid would affect the eventual outcome of the war, which the Cambodians opposed to Lon Nol have virtually won.

6. Nor is there any assurance that delaying the military end would lead to a negotiated settlement. There are no negotiations at hand, nor any stated reason to expect them.

In light of those facts, more American military aid—if it has any effect—can only prolong the agony of Cambodia. American officials in Phnom Penh have advised Washington that the only practical possibility now is to transfer power in an orderly way.

President Ford, in arguing for more military aid at his press conference the other night, spoke of "humanitarian" concerns. His argument would have delighted George Orwell. For it was Newspeak right out of "1984."

Mr. Ford talked of food and medicine. But *not a penny of the $222-million in extra funds he sought for Cambodia is for food or medicine. All of it is for arms and ammunition.*

We do have one legitimate humanitarian concern in Cambodia now and Congress can rightfully want to express it. That is to get out of the country those leaders who have relied on us and cannot properly be abandoned to the Khmer Rouge.

That concern moved Congressman Paul McCloskey, after his trip to Indochina, to suggest that we continue aid until June—to let our friends get out—and then definitively end the American role. The trouble with the McCloskey idea, as he really knows, is that the Administration will only be back for more in June. If we want to evacuate people, as Senator Mike Mansfield has asked, why not now?

The seriousness of Congress's claim to an equal voice in government is bound to be judged by the Cambodian decision. There can be no excuse of political obligation. The people who elected this Congress were not for more aid to Cambodia. The spotlight will specifically be on such key individuals as Hubert Humphrey, chairman of the Senate foreign aid subcommittee.

Senator Humphrey and other pivotal figures in Congress recognize the realities in Cambodia now—their comments at the hearings make that clear. Their unfettered choice would surely be to vote aid only for genuine humanitarian needs and to help in the orderly transfer of power.

But there is a political worry on Capitol Hill: that the Ford Administration will blame Congress for "losing Cambodia." And so, in the end, the question in these next two weeks of decision will be Congress's courage and will—which is to say, a question of faith in the system.

President Ford said the other night that if we let Cambodia fall—let the Cambodians decide their own civil war, that is—we would have a "deep sense of shame." He make me think of the scence in Shakespeare's "Henry the Fifth" after the French defeat at Agincourt, when the Duke of Bourbon takes out his anger by killing defenseless English boys. Before he sweeps down on them, he shouts:

"Shame and eternal shame, nothing but shame!"

FOOD ASSISTANCE FOR CAMBODIA

The ACTING PRESIDENT pro tempore. Is there further morning business? Other morning business being concluded, the Chair now lays before the Senate, Senate Resolution 94, coming over under the rule, which the clerk will state.

The legislative clerk read as follows:

A resolution (S. Res. 94) relating to food assistance for Cambodia.

The Senate proceeded to consider the resolution.

Mr. HATFIELD. Mr. President, last Monday, March 3, I submitted Senate Resolution 94, expressing the sense of the Senate that 50 percent of all Public Law 480 aid being airlifted into Phnom Penh be sent as title II humanitarian aid to be distributed by voluntary agencies. Senators CLARK, BROOKE, HUMPHREY, MCGOVERN, MATHIAS, and JACKSON are cosponsors.

The military situation in Cambodia has grown steadily worse in the past week. Phnom Penh is now completely encircled and dependent on the airlift for all its supplies. The insurgents have been launching rocket and artillery attacks on the beseiged city at will, inflicting terrible civilian casualties. Pumping more U.S. military aid into Phnom Penh will only prolong this grisly situation, and I think most of my colleagues agree with me that we should not authorize any more military assistance to Cambodia.

I just as firmly believe, however, that we must do all we can to alleviate the suffering of the civilian population. Many of those who have escaped injury in the military action have succumbed to starvation and disease instead. These victims of the war are oblivious to political developments; their sole concern is survival, and it will remain so regardless of who holds power in Phnom Penh.

On its own initiative, the administration has increased food shipments into Phnom Penh, and devoted a larger share of the food to distribution by voluntary agencies. Food distributed in this manner is more likely to get to those who need it most, rather than going to enrich a few merchants or government officials. Senate Resolution 94 endorses this approach, and urges that even more food be distributed through the voluntary agencies operating in Phnom Penh. I am confident that in this manner we can give the most help to the most people, and perhaps mollify the effects of a transfer of power.

Mr. President, I ask unanimous consent that the testimony which I gave before the Committee on Foreign Relations on March 7 of this year be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE SENATE FOREIGN RELATIONS COMMITTEE, MARCH 7, 1975

Mr. Chairman, I would like to make clear today my absolute opposition to extending the U.S. military commitment to the Government of Cambodia. In my judgment, any further increase in U.S. military shipments to the Lon Nol regime can only mean a furtherance of the pointless agony for the people of Cambodia, and holds little realistic hope of postponing what now seems to be the inevitable end. If Congress agrees to an increase in arms, it will have fueled the machinery of war without enlarging any hope of peace. The extension of military aid, in whatever form, promotes and legitimizes a policy that is morally and strategically bankrupt.

Specifically, Mr. Chairman, I cannot see what purpose would be served by attempting to arm the Lon Nol regime up until the rainy season this summer, and then stop. Even if it proves possible for Lon Nol to survive until that time, the violence, starvation, and destruction will continue between now and then. By next summer, the Lon Nol regime would be just as weak, just as corrupt, and just as desperate as now. The Khmer Rouge will have no more incentive or reason to negotiate with Lon Nol at that time than they do at present.

We all want to pursue that course of action which can most quickly end the suffering and death that has been inflicted upon the Cambodian people. In my view, this will best be assured by recognizing that we have intervened in a civil war, creating a client regime that has proven incapable of mobilizing the support and confidence of its own people. They are losing that war, not because they have lacked our aid, but because they lack the indigenous strength essential to the survival of any government.

While staunchly opposed to any more military aid to the Lon Nol government, I am just as concerned about the plight of the Cambodian people, who continue to suffer privation regardless of the political regime that claims their allegiance. These people should not be sacrificed for political considerations.

I propose, therefore, that the Congressional imposed ceiling of $177 million in economic aid to Cambodia be increased to $250 million, in an effort to ensure that desperately needed humanitarian relief will reach the sick and starving in Phnom Penh during the next crucial months.

In practical terms, any increase in the economic aid ceiling will have little effect on the situation in Phnom Penh, under present conditions. The present airlift capacity into Phnom Penh is six to seven hundred tons of food a day. More could be delivered if we substituted food for ammunition in some of the flights, but that is unlikely. We cannot ship more food up the Mekong River unless the present military situation changes, which is highly improbable.

At this time, there are 40,000 tons of rice in Saigon ready for shipment to Phnom Penh, and another 75,000 to 85,000 en route to Saigon. To move any more P.L. 480 food aid above this amount already in the pipeline will require 90 days from purchase to arrival in Phnom Penh.

Therefore, any increase in the level of economic aid to Cambodia will have little appreciable effect on the situation there until July. In that time, a number of events could occur, and we should be prepared to respond to them.

It is likely that the Lon Nol government will fall and an insurgent government will take over. In that event, and assuming the insurgents request assistance, we should be prepared to convert all P.L. 480 food now in the pipeline to Title II humanitarian aid, and keep it moving into Phnom Penh.

This should be done through U.N. agencies, voluntary agencies, and other multilateral or private groups operating in Cambodia, in accordance with Section 35(a)(7) of the Foreign Assistance Act of 1974. I have discussed this matter briefly with Dr. Francisco Aquino, the Director of the United Nations' World Food Program, and he believes his organization can handle the shipment and distribution of the food.

At a daily consumption rate 700 to 1,000 tons, there is enough rice already in the pipeline to last for at least four months, or from now until July.

We do not know what the precise food needs of the Cambodian people will be in the next few months. It may be that the amount of rice already in the pipeline will be sufficient. However, it is likely that there will be food deficits at least until the next rice harvest after the rainy season. I believe, therefore, that we should be ready to supply the people of Cambodia with humanitarian food assistance beyond the amount already committed under the present authorization ceiling and now in the pipeline.

In order to have food aid available to meet anticipated needs in July, we would need to purchase the necessary food by the end of this month. Such purchases would require an increase in the authorization for economic aid to Cambodia.

None of this may be necessary. It may be that we will not be asked for assistance should Lon Nol fall. It may be that there will be no food need once Phnom Penh is open to supplies from the countryside. But there is the strong possibility that many Cambodians will continue to starve, and I firmly believe we should be ready to help them.

We may have to waive certain restrictions on providing assistance to countries dominated by Communist groups or trading with North Vietnam. These political barriers should not stand in the way of feeding hungry people. This is not a matter of supporting one particular government or another, but a matter of ending human suffering. That is where our moral commitment to Cambodia lies.

Mr. HATFIELD. Mr. President. I realize that this resolution would normally be referred to the Foreign Relations Committee, but because of the urgency of this situation, I asked for its immediate consideration when it was introduced, and I have conferred with the distinguished chairman of the Foreign Relations Committee (Mr. SPARKMAN) who has graciously indicated his concurrence in the Senate's direct consideration of this resolution.

Mr. BROOKE. Mr. President, Senate Resolution 94, if passed immediately, will be a significant indication of continued congressional concern for the welfare of the thousands of refugees displaced from their homes by the tragic war in Cambodia. If its recommendations are carried out by the Executive, it will result in an equitable distribution of emergency food aid not only to those needy Cambodians who are presently in the military or are military camp followers but also to the other refugees, both registered and unregistered, who are crowded around the capital of Phnom Penh and other government-held cities.

The United States is presently engaged in an emergency 30-day airlift of rice to Cambodia. Approximately 545 tons are being transported daily. Under the present agreement, this rice is being provided through the Public Law 480 title I credit sales program. This is resulting in an overemphasis on distribution of rice to the Cambodian Army. Approximately 200 of the 545 tons delivered daily goes directly to the military. The remainder is allocated under government auspices, most of it being sold on the market. The net effect of this pattern of distribution is that many needy people will never benefit from these shipments.

The high price of rice, caused by the ineffective market mechanism and general economic deterioration in the country, precludes many from being able to purchase rice at the market price. Hence there is a need to immediately make available grant food assistance for those refugees outside the market mechanism. In this regard I am gratified to learn that the administration has initiated a grant program of 20,000 tons of rice for Cambodia that should alleviate part of the problem addressed by this resolution. Much more needs to be done.

The resolution before the Senate will indicate a desire on the part of this body to see the administration reclassify at least 50 percent of the title I rice now being transported to Cambodia as Public Law 480 title II humanitarian grant assistance, thus making available approximately 272 tons of rice per day to be distributed outside the government structure, in addition to the 20,000 tons now targeted for that purpose. The sponsors of this resolution fully expect that the various non-Cambodian voluntary agencies operating in Cambodia will be the prime distributors of the suggested title II grant food aid.

The voluntary agencies have the capability to handle this additional responsibility. They presently distribute approximately 30,000 to 35,000 tons of food yearly in Cambodia. The U.S. AID mission in Cambodia has recently made a request for a 100,000-ton title II program in Cambodia, to be handled by the voluntary agencies. This is indicative of their ability to distribute needed food on a timely basis. An additional distribution of 272 tons daily is not beyond their present capacity.

There are, of course, certain restrictions on the present level of our assistance programs for Cambodia. Economic aid, including $89 million under the Public Law 480 program is limited to $177 million for fiscal year 1975 under the recently passed foreign aid authorization bill. The resolution has been drawn with this restriction in mind. We are not asking for higher levels of assistance, only a change in the allocation of our assistance to those in greatest need.

In addition to the immediate problem addressed in the resolution, the United States must begin to consider ways it may be able to provide continued humanitarian assistance to Cambodians under altered conditions. We are all aware of the unstable and severely critical military and political conditions existing in Cambodia. One cannot confidently predict what the future holds for the Cambodian people or the political life of that country. Nevertheless, the United States is in a position to indicate to all parties its willingness to help mitigate the human tragedies that will continue to plague Cambodia in the months ahead. I hope all Americans agree that the United States has an obligation to assist the Cambodian people in their efforts to avert mass starvation and epidemics now and in the future if help is requested and if the governing body in Cambodia desires our involvement in such efforts.

Mr. MANSFIELD. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Oregon (Mr. HATFIELD). I shall have something further to say shortly, but I would like to have action on this resolution completed at this time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas rice is being airlifted by the United States into Cambodia, a country ravaged by war; and

Whereas such rice is being made available to Cambodia from commodities previously allocated under the food for peace program; and

Whereas the allocation is currently being made under title I of the Agricultural Trade Development and Assistance Act of 1954 and is being purchased on a concessional basis by the Cambodian Government for its military personnel and for sale on the open market; and

Whereas the people who will benefit by the airlift of such rice, other than military personnel, are the few who have the financial means to purchase food in the marketplace; and

Whereas it is the poor in Cambodia who are starving and suffering from malnutrition; and

Whereas it is the moral obligation and humanitarian responsibility of the United States to alleviate hunger and suffering whenever it can do so: Now, therefore, be it

Resolved, That it is the sense of the Senate that not less than 50 per centum of the food commodities which the President has budgeted for Cambodia under title I of the Agricultural Trade Development and Assistance Act of 1954 and which are delivered after the date on which this resolution is agreed to and prior to July 1, 1975, shall be made available in Cambodia for humanitarian purposes under title II of such Act.

SEC. 2. It is further declared to be the sense of the Senate that any such food made available to Cambodia under title II of the Agricultural Trade Development and Assistance Act of 1954 be administered by voluntary agencies already established in Cambodia.

SEC. 3. The Secretary of the Senate shall transmit a copy of this resolution to the President.

CAMBODIA

Mr. MANSFIELD. Mr. President, the distinguished Senator from Oregon has been one of the leaders in bringing to the hearts and minds of the American people the situation as it actually existed and as it now exists in all of Southeast Asia.

There have been references to the fact that we have a commitment in Cambodia. Frankly, I know of no such commitment, though I think our moral commitment is covered by the resolution introduced by the distinguished Senator from Oregon and his associates and just agreed to unanimously by the Senate; and, that is, to give humanitarian aid, food, and medicine to a people on whom we, and other nations, have inflicted great damage, people who are among the most peaceful on the face of the Earth, or at least were, prior to 1970, and a people who have suffered tremendously in more ways than one.

May I call to the Senate's attention the fact that section 655(g) of the Foreign Assistance Act states that aid to Cambodia:

> . . . shall not be construed as a commitment by the United States to Cambodia for its defenses.

That was passed by Congress in 1971, and reaffirmed since. It was also signed by the President of the United States. So much for commitments by this country.

There has been talk about a bloodbath if Phnom Penh fell, if and when the dissident elements entered the capital. What, may I ask, Mr. President, is going on at the present time, and has been going on for a number of years, but a bloodbath. More than 200,000 Cambodians have been killed, millions have become refugees, hundreds of thousands are starving, disease is rampant, and we talk about a bloodbath and about our moral responsibility.

We talk about aggression. Again, let me repeat, there was an incursion by the United States into Cambodia in 1970 for the first time. There were hundreds of secret bombings about which Congress knew nothing; and there has been military aid sent again and again and again since 1970 to the present Government of Cambodia, a government which took the place of the one man who could have maintained stability and neutrality for his country, and that man, of course, is Prince Norodom Sihanouk. He is now living in exile in Peking, but he is the chief of the resistance government-in-being in Cambodia itself, that is, the area and the people outside of Phnom Penh and its environs.

There has been some talk about a negotiated peace, and the administration has stated that it has tried on a number of occasions since 1971 to achieve a negotiated peace or, at least, the government in Phnom Penh has done so.

Prince Norodom Sihanouk has said consistently that he will not negotiate with the present government in Phnom Penh, and he gives you names, Lon Nol, Lon Non, Sirik Matak, Long Boret, four or five or six others, but, he says, that, if we will take care of them, if they will leave the country, he will be willing to enter into talks with those in a lower bracket; that there will be no bloodshed and that once again Cambodia might or could become a haven of stability and peace in the Indochina region.

He has also said that he is prepared to negotiate directly with the United States. He has stated that he would forget the past 5 years. He has promised that he would establish promptly diplomatic relations with the United States.

I think, Mr. President, if there is going to be peace in Cambodia that it is going to be through negotiations of some kind or other outside of the present Phnom Penh government. It will not be a case of negotiating from strength—how often we have heard that expression in relation to Indochina. There is little strength there except the weapons and supplies that we send the Phnom Penh government.

The Soviet Union, the Chinese, and the North Vietnamese also supply the rebels. There has been some talk about the amount of military assistance furnished by the various outsiders. There is no question but that large amounts of materiel assistance have been sent into Cambodia by the four countries which I have mentioned. There is no question but that sizable stocks of American arms and ammunition have been captured by the dissidents, the rebel Cambodians, as was the case in South Vietnam during the course of our participation there, and maybe still is. In the circumstances the fight is likely to go on, the blood will be let, the agony will continue, the number of refugees will increase, and peace will remain a distant mirage.

As I have said, Mr. President, the Soviet Union, the Chinese, the North Vietnamese, and the United States have furnished arms and war material to the elements concerned, and I have in my hand a United Press item dated the 6th of March which reads as follows:

> The Pentagon said today Communist rebels in Cambodia have captured 30 to 40 American-made artillery pieces which are accurate enough to close the Phnom Penh airport if the insurgents can get closer.

There is more to it, and I will ask that the article be printed at this point in the RECORD.

There being no objection, the United Press item was ordered to be printed in the RECORD, as follows:

> The Pentagon said today Communist rebels in Cambodia have captured 30 to 40 American-made artillery pieces which are accurate enough to close the Phnom Penh airport if the insurgents can get closer.
>
> But Army Maj. Gen. Winant Sidle, an artillery expert, said past operations have shown the Khmer Rouge rebels to be poor marksmen with artillery, and he said only half of the 105 millimeter pieces—captured over a 5-year period—are estimated to be operational.

Mr. MANSFIELD. What I am getting at is that these weapons from abroad are helping to kill Cambodians, helping to prolong the agony. I would hope that we would wake up to the reality of the situation and what I think is the feeling of the American people and Congress. We should test our intelligence rather than talk about a test of our will in which the real sufferers physically, mentally and otherwise are the poor people of Cambodia.

Let the leaders leave, and I believe that peace negotiations can follow. Let us see if some way cannot be found to enter into negotiations with Prince Norodom Sihanouk. He is writing letters, cables, and telegrams to a lot of people indicating that he is willing. In this he has the concurrence of the premier of the rebel movement Khieu Samphon, who is also the leader of the forces in the field. Let us get away from the rhetoric which has become outworn, and which is no longer relevant. Let us recognize that this area is the concern of the Cambodian people themselves. It is not vital to the security of the United States. Peace will be achieved when the outside powers withhold their war material and related resources and allow the people of Cambodia, regardless of which side they are on—if any—to make their own decision as to how they should define their destiny, and what they should do to better the future of their country.

It has been said by the Assistant Secretary of State, Mr. Habib, that the eyes of the world are on the U.S. response to the needs of embattled countries. He was referring specifically to Cambodia, though he may have had South Vietnam within the purview of his remarks as well.

Yes, the eyes of the world are on this country, but, more important, the eyes of the people of embattled countries are on this country because they know that we, among others, hold one of the keys which can unlock the door to peace.

I hope, Mr. President, that the resolution submitted by the distinguished Senator from Oregon (Mr. HATFIELD), which has my full and complete support, will do much to bring about relief, succor, and assistance to the people of Cambodia in the area of their food needs and in the area of their physical and medical needs.

Mr. HATFIELD. Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I wish to express my deep gratitude to the majority leader (Mr. MANSFIELD) for his very lucid and very authoritative comment this morning concerning the situation in Cambodia.

I know of no man in the Senate, perhaps few even in the State Department, who have a better background and base upon which to make such comments. I say this because of the long personal relationship that the majority leader has had with Prince Sihanouk. He is not merely reciting impersonal dispatches from the news media. Senator MANSFIELD has had personal contact with Prince Sihanouk. It is on the basis of that personal contact that can make a judgment concerning the individual and his capacity and his willingness to follow up words with action.

Now, Mr. President, I want to also underscore what the majority leader said relating to our so-called commitment.

He referred to a Military Authorization Act Amendment of 1971. In 1973, the Foreign Operations Subcommittee of Appropriations, on which I serve, had as witnesses Dr. Curtis Tarr and Mr. Lloyd Rives, representing the State Department. They were asked exactly what our commitments were. They reiterated that we had no commitment to Cambodia for its defense in the 1971 amendment.

In fact, both Mr. Tarr and Mr. Rives asserted this not only in their own words, but they also quoted the Secretary of State at that time to the effect that we had no commitment to Cambodia.

Now, what was our involvement? The Senate majority leader has certainly given us a good thumbnail sketch of that background. But again, merely to underscore, we were told in 1971 that the only military involvement we had, or the only reason for any military involvement in Cambodia, was to protect the orderly and safe withdrawal of American troops from South Vietnam.

After we withdrew our troops, we were told that the only reason we had a military involvement in Cambodia was to assist in getting a cease-fire.

So, we see that our so-called commitments have been rather nebulous, at best, and certainly have been subject to various interpretation from time to time according to the political interests of our State Department.

We also need to ask ourselves this question: Why are we losing on the military front?

Unfortunately, we most often understand a situation after the fact rather than in anticipation of facts. I am sorry to say that our Cambodian involvement is another example of our State Department being great in hindsight but unable to demonstrate any foresight.

Are we losing militarily because the Russians, the North Vietnamese, the Chinese, and the so-called Communist countries have a greater ideology to perpetrate or promulgate in Cambodia than the American forces?

I think not. I do not think this is an ideological war. I think we have tried to make it so, but it is not. I am reminded of my own experience in Hanoi in 1945. We were at that time allies to Ho Chi Minh, and everywhere we looked were these slogans: "The land shall be yours." Ho Chi Minh spoke to the people and they understood what he was representing.

And yet, we went back in there to aid and assist the retention of the colonial rule of France. So the United States of America was on the side of the colonial imperialistic France, rather than on the side of the people. Even though the people were ignorant and illiterate, they did not have to have a lot of knowledge to know what Ho Chi Minh represented and what the United States of America represented.

It is about the same situation now. We get ourselves on the side of the palace guard and we are interested in supporting a regime that has not yet developed even a scintilla of support from the people.

These people are not pro-Communist or anti-Communist. They are interested in a life in which they can have food for their stomachs and retain some kind of semblance of dignity. Yet we have tried to make it an ideological war. It is not that.

The Communists have been superior because they have spoken to the hearts and minds of the people. We have spoken in support of some kind of reactionary military regime. I think it is about time we learned from our own revolution that we do not win by military power alone.

King George had the military power in 1776. King George was No. 1, but we beat him. We beat him because of exactly what John Adams said was the core of the American Revolution. It was not the War of 1776. As John Adams said, that had nothing to do with the American Revolution; that was but the consequence of the Revolution. The Revolution began 15 years before a drop of blood was spilled at Lexington, because as John Adams pointed out, the American Revolution began in the hearts and minds of the people when they came here for a better way of life and a redefinition of lives and values.

So I think we better start looking for the ideals and principles America has to exert, rather than the kind of military firepower that can destroy homes and the lives of families.

I am very concerned that we bring this to an end and I very deeply believe that we can do so by increasing support for the people through food aid. I think this kind of aid will facilitate the negotiations and help bring this war to an end.

Remember, the only thing we are negotiating is a transfer of power. That is the only thing to negotiate, a transfer of power from the Lon Nol regime to an insurgent regime.

I hope that will help bring this killing to an end.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

(The remarks made by Mr. BEALL at this point appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

SENATOR MANSFIELD OPENS THE AIKEN LECTURE SERIES

Mr. LEAHY. Mr. President, a week ago, the distinguished majority leader of the Senate was in Burlington, Vt., to open the Aiken Lecture Series at the University of Vermont. The lecture series was instituted in honor of the former senior Senator from Vermont, George Aiken, a man who served with great distinction in this Chamber for almost 34 years.

I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the majority leader's speech, his personal tribute to Senator Aiken, and news accounts which appeared in Vermont newspapers with regard to the majority leader's visit.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. LEAHY. Mr. President, I believe that the issues discussed by the distinguished majority leader have great bearing not only for the State of Vermont but also for the entire Nation and, many instances, for the whole world.

[EXHIBIT 1]

REMARKS OF SENATOR MIKE MANSFIELD

It is not without some reticence that I choose to address you on the subject of Congressional leadership. As someone has recently pointed out, the trouble with being a political leader these days is that you cannot be sure whether people are following you or chasing you. Whether it is called a "message" or a "signal", some sort of shock has definitely been sent by the people to Washington. At a minimum, it causes a painful ringing in the ears. It can, in more serious cases, portend sudden political death. It is even rumored to be the only known cure for Potomac fever.

However, that may be, it is obvious that the public impression of the Federal government, at this time, is not a happy one. An August 1974 public opinion poll shows the Congress at its highest point in history —48 percent—compared to 21 percent in December 1974. The Presidency has also had its ups and downs, as we all know. What our respective standings are now is open to question, but I fear they are very low indeed.

Leaving aside for the moment the question of whether such feeling is warranted, the fact remains that what is being expressed is, in part, a deep sense of public dissatisfaction and concern with the Federal government. Our people are caught between the jaws of inflation and recession. The effects of this painful pressure were intensified by the Indo-China war, the oil crisis and a growing awareness of an inequitable tax structure. To cap the situation are the shocking blows against the nation's political institutions which have been delivered by the tragedies of Watergate and related matters.

Whatever the sense of frustration, I hasten to add that I do not think that the nation is at the end of the road. To the bumper sticker which commands, "America: Love it or leave it," the response is simple: whatever the current irritants, who is leaving and who doesn't love it?

You understand the reasons for that sentiment. Your University at its best is a symbol of this country. It is energy and growth. It is fresh ideas, competition, progress, service, a faith in the future of the people of the nation. Qualities such as these go with the United States. They have enabled us to withstand the gravest adversity in the past. They provide the binders which hold the nation together, even at a time of government disarray.

Out of these qualities will come the source of tomorrow's renewal of the nation's spirit. It is in this context—in the context of renewal—that I would like to discuss the Congress of the United States, its role and the leadership it is trying to contribute to the nation in this time of trial.

Fourteen years ago, I was elected the Majority Leader of the United States Senate. The mandate has been renewed by my colleagues at regular two year intervals. Many have taken issue with the nature of that leadership over the years. It is a political fact of life that some individuals—Republicans, that is—would have preferred me to be the leader of a minority.

Notwithstanding my party role in the Senate, I can assure you that there exists a close working relationship with the leadership of the other party. To be sure, Senator Hugh Scott of Pennsylvania, the Minority Leader, and I have our differences. Most of all, however, we share common problems. A Senate in continual partisan conflict is an ineffectual Senate. The Senates of the past few years have had their faults but measured by any responsible yardstick, they have been effective. They have been active, innovative, careful, cooperative and they have been made up of Americans with a sense of decency, integrity, and fair play.

For the past several years, in particular, the Legislative Branch has been the principle rock of the Republic and the guardian of Representative government. On the fundamental Constitutional questions, party labels have faded almost completely. On the many other issues, whether the energy crisis, taxes, appropriations or whatever, there are differences between the parties and even within the parties in the Congress. There are also differences between the branches and the Congress. It can be no other way. We are a government of separate branches; our politics remain lodged in two major parties. The juxtaposition of views from these various centers of political power are healthy and they are essential under our system of government.

I would not in this connection that the Democratic Majority in the Congress accepted without question, at that time, the vast electoral mandate given a Republican President in 1972. We were not, however, overawed by it then or our increased majority this year. We concluded that the retention of the Democratic Majority in the Congress also carried a message. We read it as a separate mandate from the voters for the assertion of the independent functions of the Legislative Branch. Therefore, we acted to reinforce the Nation's system of checks and balances against what seemed to us to be an excessive accumulation of power in the Executive Branch and, may I say, that in this process we had a great deal of help from the Republicans in Congress.

The accumulation of Executive power did not begin in the present administration. It has been going on, administration after administration, under Democrats and Republicans, for decades and much of it had become lodged, as a practical matter, in the permanent bureaucracy. Nevertheless, there were, at the outset of the last Congress, many evidences of a decided shift toward one-branch government which most members of the Congress of both parties found deeply disturbing in a Constitutional sense.

In my judgement, the erosion of the system of checks and balances has been halted. It has not been easy. A President can make decisions as one person and, in a moment, if he chooses to do so. In Congress, a majority of the 100 Senators and of the 435 House Members not only have to agree on a goal but on what course to take to reach it. Then, if a Presidential veto stands in the way of that source, we have to begin again and reshape a new one which will gain the adherence of two-thirds of the Members.

If the country is not in the best of shape today, we might well ponder what the situation might have been if there had not been an independent Congress of dedicated Members—Republicans and Democrats. The fact is that there has been a more constructive Congressional input into National Leadership in the past two years than at any other time in many years. While it may be too early for this change to be felt or even to be widely perceived, it is, nevertheless, a change of great significance.

I would like to state in my remarks today that even as we give our attention increasingly to domestic problems, we cannot turn away from the international underpinning of these problems. The interrelationship of foreign and domestic developments, of course, has long been recognized. I would go further, however, and suggest that our involvement in what goes on outside the United States is greater than is commonly realized. What has happened abroad and how we have responded, in my judgement, has done much to delineate the situation which now confronts us at home.

I do not propose to try to answer the question of whether this is as it should be. What I should like to do in these brief remarks is to examine some recent examples of ways in which certain foreign policies have affected our life here in the United States.

There is, first of all, to repeat, the tremendous impact of two decades of U.S. activity in Southeast Asia which culminated in one of the most tragic wars in modern history. The circumstances and the attitudes which led us into the deep involvement in that remote part of the world have already receded into the past—or have they? What ought to remain fresh in our minds, lest we forget, is the price we have paid and will continue to pay for that involvement.

In much the same fashion, a general line of foreign policy which has consisted of providing military equipment and supplies to just about any nation willing to take it has also distorted the domestic situation of the nation. In fiscal year 1974, even after Congressionally imposed retrenchment had been legislated, we still manage to sell, give, or otherwise make available equipment and supplies to seventy-eight countries.

That this great outflow of devastation has had a profound effect on some recipient nations is obvious, even a few artillery pieces can sometimes make a difference in the precipitation of coups and in the outcome of power struggles in new or unstable nations. What is not nearly so obvious, however, is that an export of such an amount of military equipment is also not without deep effect on this nation's inner affairs. In the first place, a massive outpouring of military equipment, year in and year out, feeds domestic inflation. It draws down stockpiles of strategic materials. It depletes supplies of finite raw materials. It diverts large amounts of inventive genius and engineering skill to the production of military equipment which lives a short and not very useful life and then goes into obsolescence. It directs a flow of Federal resources from areas of urgent domestic need into a vast and largely useless overseas drain.

As I contemplate that while we are turning out ever more refined military equipment, other nations are doing better at producing electronic equipment, pollution-free automobiles, and are buying U.S. resources for manufacture and re-sale to the United States.

Another aspect of our foreign relations, which, inter-related with our domestic situation is the maintaining of large U.S. military garrisons in bases abroad. This practice has been going on ever since World War II. Its effect is not unlike the give-away of billions of dollars of military equipment and supplies. Even now, we have over 300 major bases overseas and more than a thousand minor ones. There are over 300,000 American servicemen, plus dependents, in Western Europe. Another 38,000 are stationed in South Korea; U.S. outposts in Southeast Asia contain still another 28,000.

The financial drain of these deployments is readily apparent. What is only beginning to become clear, however, is that we can no longer afford to use Federal funds and exchange resources for extravagances of this kind. There has been a severe shrinkage in the large margin for error which this nation possessed a quarter of a century ago. Years of attrition have weakened the value of the dollar abroad. Years of deficits are doing the same thing at home.

The U.S. military presence overseas has been too much for too long, at too great a cost.

Overseas deployments and military exports constitute only a part of the sum of the current military enterprises of federal government. Total expenditures for the Defense Department have become so astronomical that they are now a key element in the general economic condition of the nation. This fiscal year's military budget request of $85.8 billion is the largest in our history, surpassing even the $81.6 billion we spent in 1945, the last year of World War II. At the height of the Indochinese war, the military budget was $20 billion less than the amount requested for this fiscal year. The amount for fiscal '76 will be even higher than this year's, almost $94 billion.

An area of foreign policy which will have a continuing impact on our domestic situation is the nature of our relations with nations controlling significant sources of energy and industrial raw materials. We have come to a shocking realization of the precariousness of our situation in this connection. I do not profess to know whether any U.S. policy towards the states of the Middle East might have avoided the Arab cut-off of oil exports. I do know that we have done little until recently to pursue a policy which might lead to an acceptable stability in that region.

Without reflecting on the men and women who have struggled with the problems of the region for many years, the fact is that the Middle East has scarcely been a pre-occupation of our principal policy makers except when the blood of war begins to flow.

We must also face the fact that a decent future for the people of the United States cannot be found by shutting a non-existent door. We need the rest of the world even as it needs us. In short, the challenge is to look outward with new perceptions, even as we turn inward to build anew at home.

While there is reason for optimism in regard to a renewal in foreign affairs, it will be of little avail unless there is also a restoration of confidence in government and in the nation's political institutions at home. It is not just a question of Watergate or forgetting it or pretending that it never happened. It is the whole cloth of government which has become tattered with doubt, distrust, and dissatisfaction. It would, indeed, be convenient were it possible to exorcise in a moment all the inertia, neglects, and abuses that have gone into creating this climate. That cannot be. What can be done is to use their chief instruments of government—the Courts, the Congress and the Executive Branch—to dissolve these abuses before they ever again become fatal to liberty. That is a fundamental responsibility of public leadership—in the Congress, no less than in the Presidency.

Before all else, the people have a right to an electoral system free of doubts and capable of yielding honest, responsible and responsive government open to all and shaped to meet the needs of all. It is incumbent on us to foreclose an excessive intrusion of great wealth, whether corporate, labor, personal or whatever, into the electoral process. That is a solemn and urgent obligation and, in my judgment, it will not be met except as we are prepared, in the end, to pay for the public business of elections largely with public funds. We are moving in that direction.

It is up to the Congress, too, to do something about other government abuses. Quite apart from Watergate, for example, there have been invasions into the most intimate workings of our lives, into the privacy of all Americans, by ill-coordinated, bureaucratic activity. There have been misinterpretations and maladministrations of laws, sometimes to the extent that they bear little or no resemblance to what Congress intended in the enactment. Representative government have yet to deal effectively with the problem of how to keep bureaucracies responsive to the public need, especially when they grow large, inert, cumbersome, and as in our times, more and more, automated and impersonal. In my judgment, Congress spends enough time writing laws—in some instances, too much. It may be that it is time, now, for Congress to devote itself more to looking to the manner of execution of these laws.

What Watergate, election abuses and, often, a distant bureaucracy have done to public confidence with regard to the Federal government, the energy crisis has done to the realm of the nation's economy.

The immediate responsibility is to make certain that oil shortages do not devastate the economy again and that the price of past neglect is borne equitably by all Americans. We should fit our needs to our resources and we can if we will.

Beyond the immediate, what we must have is a foundation of facts on which to build a national policy on energy. We have to know far more than we know now if we are to meet what otherwise promises to be a recurrent threat to the nation's well-being. It is a threat of widespread business shutdowns, of transportation paralysis and of a permanent inflation which can only culminate in recession, unemployment and appalling human hardship. That, the people of this nation will not tolerate. That, the Congress of the United States no less than the Executive Branch must do all in its power to prevent. The need will not change even if the OPEC nations turn the valves wide-open. I hope that the ball of blame, therefore, will not be passed between the two branches for failure to meet the problem; I hope that we will be able to work together to resolve it. I am sure that with President Ford that will be the case.

The energy crisis has shocked this nation. In so doing, it has also shown us in a sudden flash the precarious manner in which our entire national economic life has come to be organized. It is all well and good to be concerned at this time with the shortage of petroleum. But what of bauxite, nickel, tin, iron and copper and many other materials? What of wood and concrete? Where will the supplies of these and other essentials come from in the years ahead? Indeed, what of food, with the kind of disjointed policies in which exports of wheat in 1972 are stimulated one year only to compel high-priced imports the next?

To say that we have been extravagant with our resources is to put it mildly. In the earliest years of this nation, the first President, George Washington, spoke of raising "a standard to which the wisest and honest can repair." Do we meet such a standard when one day we are obsessed with the threats to our environment and the next, in our concern over the drying up of petroleum supplies, we all but forget that pure air and water are also exhaustible resources? To meet the Washingtonian standard—that is, the President's, not the city's—will take courage, courage to change, courage to innovate, courage to learn, and courage to renew.

It is my hope that the concern of the President and the Congress will not stop with just the energy crisis. The need is to learn from a bad dream before it becomes a nightcare again. The need is to begin, now, to take a careful look at not only the flashing of isolated warning lights but at the whole integrated switchboard of our national economic existence.

It is not enough, for example, for the Federal government to dole out tens of millions of dollars in a rescue operation to keep bankrupt Penn Central Railroad on the tracks. We need to know where an action of this kind fits into a national rail policy; where that policy, in turn, fits into the overall transportation requirements and the availability of fuels and other essentials in meeting them, not only today, but for the next decade or more. In short, we need to think ahead and to think in an integrated fashion. We need to begin to make the hard choices between what is more important to the nation and what is less, between what is enduring and what is transitory. That is the full scale by which government intervention in the nation's economy, if and when it must take place, should be measured. Unless we begin soon to develop that scale, the right hand of government will tend more and more to undo what the left hand has done.

Let me close by saying that there is a great deal that is right in this nation. We are a generous country with a strong, decent, industrious, and compassionate people. There is ample intelligence and inventiveness and an immense experience and vitality in our midst. If, working together, today, we will put these attributes to use for the benefit of all, there need be no fear for the nation's tomorrow.

This nation will withstand the adversity of the present. This nation will find, again, in the months and years ahead, the essential political leadership in the Presidency and in the Congress. We will renew. We will endure. There is no other choice.

[From the Rutland (Vt.) Daily Herald, Mar. 5, 1975]

MANSFIELD SPARKS AIKEN SERIES

U.S. Senate Majority Leader Mike Mansfield was the obvious choice to lead off the University of Vermont lecture series which was named for George D. Aiken and initiated to honor Aiken's long career in the Senate and in state office. As the first lecturer of the series Mansfield attracted a crowd of 1,000 or more to Ira Allen Chapel where the senator discharged one of his familiar broadsides against the tragedy and waste of the conflict in Southeast Asia and against the overextended U.S. military position worldwide.

As a friend, colleague and breakfast companion of Aiken's for 22 years, Mansfield journeyed to Burlington as he was recovering from a bout with the flu and was heard to remark that he "wouldn't have done it for anyone but George."

Mansfield called for return of deposed Prince Sihanouk to power in Cambodia, declared that "U.S. military presence overseas has been too much for too long at too great cost," and lamented the loss in Vietnam and Cambodia of 55,000 American dead and "$140 billion wasted."

His audience was a responsive one which frequently interrupted his address with applause. Although the university student body was on holiday, there were many students in the Allen Chapel.

In acknowledging tributes paid to him by Sen. Mansfield and others, Aiken recalled a trip around the world which he was asked to make with other members of Congress to sound out world opinion about the U.S. He remarked daily that the mission had no difficulty finding out what that opinion was. He made it obvious that the opinion was negative and that the basis for it was American activity in Southeast Asia.

It is one of the tragic ironies of the American experience in Vietnam that military action which was initiated to inspire respect for U.S. integrity in living up to its commitments instead turned into widespread opprobrium.

The Aiken Lecture Series is off to a good start and promises to be a rewarding aspect of campus life at UVM.

AIKEN SERIES OPENS WITH BROADSIDE

(By Robert G. Kaplan)

BURLINGTON.—U.S. Senate Majority Leader Mike Mansfield, D-Mont., used the first George D. Aiken honorary lecture here Sunday night to criticize sharply two decades of American activity in Southeast Asia as "cynical" and the source of domestic inflation.

Speaking to about 1,100 persons in the Ira Allen Chapel on the University of Vermont (UVM) campus, the Montana Democrat said:

"Our activity in Vietnam and Cambodia has resulted in 55,000 American dead, $140 billion wasted, cultures disrupted, people made refugees and now the administration is talking again of more aid to those governments. How long will this last and when will we learn?".

That statement along with six others during Mansfield's 45-minute address which initiated the lecture series to honor the recently retired Republican senator, was interrupted by a standing ovation from the audience of students, top state officials and educators from all of Vermont's colleges and universities, who packed the hall.

At a dinner before the speech Mansfield called the exiled Cambodian leader Prince Norodom Sihanouk to wrest control from General Lon Nol, whose American-supported regime is now threatened by rebel forces supported by Sihanouk.

In a prepared 20-page lecture concentrating on the success of congressional leadership during the past two years and on the pitfalls of U.S. foreign policy, the 71-year-old Mansfield said "U.S. military presence overseas has been too much for too long, at too great a cost." He said:

"While we are turning out refined military equipment, other nations are doing better at producing electronic equipment, pollution-free automobiles and are buying U.S. resources for manufacture and resale to the United States. So we can no longer afford to use federal funds for extravagances of this kind."

Mansfield also criticized the nation's Middle East policy saying the region "has scarcely been a pre-occupation of our principal policy makers except when the blood of war begins to flow."

Claiming: "The legislative branch has been the rock of the republic in recent years and the erosion of the system of checks and balances has been halted," the former Montana State University professor admitted:

"Representative government has yet to deal effectively with the problem of keeping bureaucracies responsive to the public need."

Mansfield called for Congress to spend less time writing laws and more time investigating how laws are executed.

The Senate majority leader for the past 14 years said a "shock has been sent by the people to Washington" because the public is "caught between the jaws of inflation and recession, the effects of which were intensified by the Indo-China war, the oil crisis, and the growing awareness of an inequitable tax structure."

Introducing Mansfield on the podium was U.S. Sen. Robert T. Stafford, R-Vt., who along with U.S. Sen. Patrick Leahy, D-Vt., U.S. Rep. James Jeffords, R-Vt., Gov. Thomas P. Salmon, Mayor Gordon H. Paquette, UVM President Dr. Edward C. Andrews Jr., Mrs. Barbara Snelling and Aiken and his wife, Lola, sat with Mansfield on stage.

Andrews, Stafford and Salmon delivered short addresses before the speech praising Aiken and Mansfield.

Aiken later remarked that Mansfield "dislikes war because he went to war when he was 14 and didn't like it." The Montana senator, a long-time breakfast companion of Aiken, fought with the U.S. Navy in World War I.

The lecture series, envisioned as a permanent tribute to Aiken, who held virtually all top offices in Vermont and served 34 years in the Senate, will be supported by a $250,000 endowment fund being raised.

University officials hope it will become a forum for world leaders to issue statements on foreign policy, energy and agriculture in years to come.

The second lecture will take place at 8 p.m. Wednesday here when former U.S. Secretary of Agriculture Orville Freeman will speak about the world food crisis.

Mansfield's discourse, delivered with a forceful Western twang, was preceded by a dinner here attended by about 300 persons.

After the speech, Dr. Andrews presented Mansfield with a pair of Vermont marble bookends and a $20 appropriation from UVM's library fund for books of his and Aiken's choice.

Aiken was given a book of tributes written by Vermonters concerning the accumulation of his papers and records at the university.

[From the Burlington (Vt.) Free Press, Mar. 3, 1975]

MANSFIELD IS COLD TO INDOCHINA AID, CITES COST TO AIKEN SERIES AUDIENCE

Senate Majority Leader Mike Mansfield, citing the price of past American involvement in Southeast Asia, reacted coldly Sunday night to President Ford's request for $300 million in further aid for Cambodia and South Vietnam.

"What ought to remain fresh in our minds, lest we forget, is the price we have paid and will continue to pay for that involvement," Mansfield told an audience at the University of Vermont.

The Montana Democrat pointed to 55,000 American dead, 303,000 wounded, and $140 billion in aid to Southeast Asia, plus "cultures disrupted and lands destroyed."

"Now we hear talk again about Cambodia and South Vietnam," he declared. "How long will this last and when will we learn?" The remark drew extended applause from about 1,000 persons attending the first lecture in a series honoring former Vermont Sen. George D. Aiken.

Mansfield told the audience that the United States cannot afford to maintain the development, production, and export of arms and the overseas deployment of troops at recent levels without suffering severely on the economic front at home.

He also warned that the country faces a major crisis in the availability of raw materials. The energy crisis, he said, has shown us in a sudden flash the precarious manner in which our entire national economic life has come to be organized."

"While we are turning out ever more refined military equipment," he said, "other nations are doing better at producing electronic equipment, pollution-free automobiles, are buying U.S. resources for manufacture and resale to the United States."

Mansfield reminded his audience of the extent of U.S. military bases abroad, declaring that the effect "is not unlike the giveaway of billions of dollars of military equipment and supplies.

"Even now," he said, "we have over 300 major bases overseas and more than a thousand minor ones. There are over 300,000 American servicemen, plus dependents, 235,000 in number, in Western Europe. Another 38,000 are stationed in South Korea; U.S. outposts in Southeast Asia contain still another 28,000.

"The U.S. military presence overseas has been too much for too long, at too great a cost," he declared, eliciting more applause.

In addition to feeding inflation and depleting raw materials, Mansfield said, the production and exportation of military might "diverts large amounts of inventive genius and engineering skill to the production of military equipment which lives a short and not very useful life and then goes into obsolescence."

"It directs a flow of federal resources from areas of urgent domestic need into a vast and largely useless overseas drain," he said.

Mansfield had praise for the efforts by Congress in recent years to deal with the problems at home and abroad. He had special praise for his colleagues in the Senate.

"They have been active, innovative, careful, cooperative, and they have been made up of Americans with a sense of decency, integrity, and fair play."

Mansfield also spoke of the gradual accumulation of power in the White House—accumulation which has been going on for decades, he said—and the "decided shift" toward the end of the Nixon era toward "one-branch government."

This shift, he said, was one "which most members of the Congress, of both parties, found deeply disturbing in a constitutional sense."

However, he said, "the erosion of the system of checks and balances has been halted."

Mansfield got in a plug for the financing of election campaigns with public funds, saying, "It is incumbent on us to foreclose an excessive intrusion of great wealth, whether corporate, labor, personal or whatever, into the electoral process."

Mansfield was welcomed at a reception and dinner before the lecture by Sen. and Mrs. Robert Stafford, Sen. and Mrs. Patrick Leahy, Rep. James Jeffords, Gov. and Mrs. Salmon, Mayor and Mrs. Paquette and UVM President and Mrs. Edward Andrews.

Attendance at the dinner was estimated at 240. Mansfield flew into Burlington International Airport earlier in the afternoon, and departed for Washington late Sunday night.

[From the Times (Vermont) Argus, Mar. 3, 1975]

Hard-Hitting Speech Launches Aiken Lecture Series—Mansfield Cites Pitfalls of U.S. Foreign Policies

(By Robert G. Kaplan)

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Mansfield also criticized the nation's Middle East policy saying the region "has scarcely been a preoccupation of our principal policy makers except when the blood of war begins to flow."

Claiming: "The Legislative branch has been the rock of the republic in recent years and the erosion of the system of checks and balances has been halted," the former Montana State University professor admitted: "Representative government has yet to deal effectively with the problem of keeping bureaucracies responsive to the public need."

Mansfield called for Congress to spend less time writing laws and more time investigating how laws are executed.

The Senate majority leader for the past 14 years said a "shock has been sent by the people to Washington." because the public is "caught between the jaws of inflation and recession, the effects of which were intensified by the Indo-China war, the oil crisis, and the growing awareness of an inequitable tax structure."

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Remarks of Senator Mike Mansfield

INTRODUCTION

When George Aiken announced his retirement from the Senate last year, my first reaction was to talk to him at breakfast the next day about changing his mind. He was, it seemed to me, too full of energy and too full of new ideas to talk about leaving the federal government. Most of all, I thought he was too essential to the preservation of sanity in Washington. Then, there flashed through my mind an "Aikenism" of some years ago. George was quoted on the subject of pruning trees in these words: "Some say you shouldn't prune except at the right time of the year. I generally do it when the saw is sharp."

With that thought in mind it was possible to understand his decision to leave Washington. All those years he had spent in the Senate, thirty-three of them, he was sharpening the saw of his wisdom and he had determined with that accumulated wisdom that the moment for pruning had arrived. George Aiken knew it was time to come back to his own people and to his native soil, to the green mountains and quiet streams of this lovely state, with the magnificient tool of a fine mind and a warm heart—in excellent shape. In retrospect, it is apparent, in truth, that he never left Vermont; rather, he brought Vermont to Washington.

George Aiken not only understands pruning and when to do it, he is also one of the nation's foremost authorities on wildflowers. Wildflowers and George Aiken go together, just as George Aiken and Lola Perotti Aiken go together. Wildflowers grow in a quiet field, on a rocky ledge, in a garden or in a wooded glen. That is how it is with George Aiken. He is at home and flourishes wherever he may find himself.

The wildflower is a simple thing, yet it emerges from one of the most complex of chemistries. It demands life; it affirms life. And in its unfolding, life finds expression. So it is with George Aiken. His is the simplicity which comes when the complex forms into an integrated and harmonious whole.

George Aiken has dug deep into the soil of human understanding. He has planted kindness and strength wherever he has gone. He has touched, with patience and tolerance, all that his hand has reached.

I consider myself very fortunate, indeed, to have come near enough to him to fall under his influence. He has had and will always have my deep affection and admiration. I have long since regarded him as an outstanding colleague and an understanding and beloved friend. So I am delighted with this opportunity to be in his local habitat wherein lie the well-springs of his warmth and wisdom.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There being no further morning business, the period for the transaction of morning business is concluded.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 7, Calendar No. 28, the Surface Mining Control and Reclamation Act of 1975, and that it be made the pending business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

The Acting PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Leahy). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Darla West of my staff be permitted floor privileges for the duration of discussion on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, in bringing up S. 7, Federal legislation to regulate coal mining, I wish to say that this bill is long overdue.

Enactment of the Surface Mining Control and Reclamation Act will enable the coal industry to proceed with development of our Nation's vast coal resources in a manner which will assure that the other natural resources of our country will not be unnecessarily damaged.

Congress has been actively considering surface coal mining legislation for the past 4 years. During the 93d Congress the Senate passed a bill in October of 1973 by a vote of 82 to 8. The House passed its amendment to the Senate bill in July of 1974 by a vote of 291 to 81.

I emphasize this October 1973 and July of 1974, because those bills were pocket vetoed at the end of the session.

The conference committee met almost 30 times for over 100 hours to resolve the differences between the Senate and House versions of the bill. Unfortunately after all those 30 meetings and those hundreds of hours, the end product of all this intensive study and debate did not become law, because the President did not sign it.

I deeply regret that President Ford vetoed the bill. I particularly regret the fact that he did not give Congress a chance to override his veto and thus permit the industry to get on with the business of mining coal.

As introduced, S. 7 was identical to the bill pocket-vetoed by the President. It is designed to achieve a balance between the need to protect the environment and the need to develop our coal resources to meet our national energy needs.

This is a national bill. There are substantial economic and geographical differences in all areas of America. The fertile topsoil of Ohio and Illinois can be stockpiled, while the sparse and arid topsoil of Montana and Wyoming loses its nutrients in a short period of time. The rainfall differs so greatly that reclamation is substantially easier in some areas than in others; the depth of the coal seams, the differences in mining techniques, all contribute to the difficulties of enacting comprehensive national legislation. Therefore, this bill S. 7 may well be considered as minimal in many areas and it will be the responsibility of State administrators and of the State legislatures to make the regional adjustments necessary to fit the pattern into the special needs of the respective States.

Nevertheless, the bill establishes the basic standard that land may not be stripmined unless it can be reclaimed. It contains specific reclamation standards; gives the States principal responsibility for regulation; deals with surface impacts of underground mining; establishes a reclamation program for previously mined—"orphan"—lands; authorizes establishment of mining and mineral resources research institutes; and provides special protection for certain private individuals who own the surface of land containing coal, the subsurface of which is owned by the United States.

Mr. President, I ask unanimous consent that a brief summary of S. 7 be printed in the Record at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METCALF. Mr. President, on February 6, President Ford sent to Congress an Executive communication containing the administration's proposed surface mining bill. It follows S. 7 but makes changes which would overcome the objections which led to the pocket veto. The administration bill has been introduced as S. 652.

The President identified eight "critical" changes and 19 "important" changes. The committee reviewed the President's changes very carefully. As reported by the committee, S. 7 incorporated five of the President's changes verbatim and has been revised to resolve five of the other problems identified by the President. I ask unanimous consent that a listing of the President's recommendations—in the order they appear in his February 6 letter—together with the committee's comments and recommendations be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. METCALF. Mr. President, I am particularly pleased that the Committee on Interior and Insular Affairs approved S. 7 by a vote of 12 to 2. This margin will, I suspect, be representative of the vote in the entire Senate.

I want to take this opportunity to comment on several provisions of the bill which, if one can judge by the comments of the coal industry and the minority views in the committee report, are totally misunderstood by its opponents.

First, is the reference to "protection given to alluvial valley floors." The minority views state that the Department of the Interior said that "the definition—of alluvial valley floors—would preclude mining on millions of acres." On March 7, Department representatives stated that they had misunderstood what S. 7 said. They thought that it banned mining in alluvial valley floors, when in fact strip mining is banned only if it would have a "substantial averse effect on farming or ranching operations being conducted on alluvial valley floors where such valley floors are significant to such operations." They stated that even under the broadest conceivable interpretation of "alluvial valley floor" the impact would be much less than implied in the minority report.

Mr. President, I propose to introduce a minor amendment that would be in the language of the geologist who testified on S. 7 in that March meeting, to clarify and narrow the definition of "alluvial valley floor."

The minority views on the question of stream siltation criticize the committee for failing to recognize the economic ramifications of the standards imposed by S. 7. They fail to mention the two amendments recommended by the committee which, as requested by the President, make it clear that "prevent" is not meant as an absolute requirement.

Third, the minority views state that S. 425—and by implication, S. 7—"contained a prohibition against further leasing of Federal coal until February 1, 1976." This is another incorrect description of S. 7—and S. 425. Section 716(o) of S. 7 prohibits the leasing, until February 1, 1976, only of Federal coal underlying privately owned surface. This temporary moratorium does not apply where the surface owner has agreed to surface coal mining prior to February 27, 1975. As many Senators know, coal companies have already obtained such consent on hundreds of thousands of acres in the western areas.

The minority views relate the need to lease Federal coal solely to the 16 billion tons currently under lease. This ignores the fact that an additional 12 billion tons are now committed to private development under preference right lease applications. Thus the potential impact of this limited moratorium is really very slight.

The minority views also state that S. 7 allows a variance from the requirement to return mined land to its "approximate original contour for Eastern U.S. strip mining operations, but not Western." This is wrong.

The variance applies to a mining technique—mountain top removal—not a geographic area. This technique probably will be used more in the East than in the West. But the minority fails to point out another exception to the approximate original contour which will be applicable primarily in the West. That exception is granted when there is insufficient overburden—a frequent occurrence in the thick Eastern coal seams. Furthermore, man-made lakes can be created after mining under the definition of approximate original contour.

Finally, the minority continually stresses the fact that S. 7 places greater burdens on surface mining than underground mining. Of course, the major purpose of the bill is to deal with surface effects of both surface and underground coal mining. The minority chooses to ignore the fact that Congress dealt with the underground effects of underground coal mining in the Coal Mine Health and Safety Act of 1969.

Mr. President, I urge the Senate to pass S. 7.

Exhibit 1

Brief Summary of Surface Mining Control and Reclamation Act of 1975

(1) *Environmental Standards.* The bill establishes the basic standard that lands may not be surface mined unless they can be reclaimed. It includes the following environmental protection standards: prevention of dumping spoil and overburden downslope in mountainous areas; a requirement that mine sites be regarded to approximate original contour, including backfilling the final cut to eliminate highwalls; revegetation measures to assure land stability and long-term productivity; and water protection standards directed at protection of water quantity and quality. The latter will be particularly significant in maintaining the delicate hydrologic relationships in the West and preventing acid mine drainage in the East. The environmental performance standards are not inflexible, however, as the bill provides for variances from these standards in order to allow cretain planned post-mining land uses.

(2) *State Responsibility.* The bill gives the principal responsibility for surface mining regulation to the States. The States are given thirty months to prepare adequate regulatory programs to meet the minimum standards in the Act. Federal funding is available to help the States prepare and enforce such programs.

(3) *Surface Impacts of Underground Mines.* The bill also treats surface impacts of underground mines such as those resulting from mine waste disposal. In particular, mine waste embankments are covered by rigorous engineering requirements, in order to prevent failures such as occurred at Buffalo Creek, where an embankment gave way resulting in the death of 125 persons.

(4) *Reclamation of Orphan Lands.* The bill establishes a reclamation program to repair past damages from both surface and underground coal mines in all regions of the country. In addition, assistance is provided for the construction of public facilities in order to ameliorate the impact of rapid coal development. For ten years, a reclamation fee of 35¢ per ton for surface mined coal and 25¢ per ton for underground mined coal, or 10% of the value of such coal, whichever is less, is assessed in order to provide for the reclamation program. At the present rate of production this amounts to approximately $165 million per year. One half of this money must be spent in the state in which it is collected.

(5) *State Mineral Institutes.* The bill also authorizes the Secretary of the Interior to establish state mining and mineral resources research institutes at State or other eligible universities. These institutes will perform research on mineral extraction and processing technologies, and train engineers and scientists to serve the needs of the nation's mining industry. This program should help to avoid future materials and personnel shortages.

(6) *Surface Owner Protection.* Special problems arise where coal deposits have been reserved to the United States but title to the surface has been conveyed to private individuals. The bill establishes as Federal coal leasing policy a requirement that the Secretary of the Interior not lease for surface mining without the consent of the surface owner. Federal coal deposits underlying land owned by a person who has his principal place of residence on the land, or personally farms or ranches the land affected by the mining operation, or receives directly a "significant portion" of his income from such farming. By so defining "surface owner", the bill should prevent speculators purchasing land only in the hope of reaping a windfull profit simply because Federal coal deposits lie underneath the land.

At the same time, so that there will not be any undue locking up of Federal coal, generous compensation is guaranteed to the surface owner, based not only upon the market value of the property of the land, but also the costs of dislocation and relocation, loss of income and other values and damages.

The procedure for obtaining surface owner consent is intended to assure that the surface owner will be dealing solely with the Secretary of the Interior in deciding whether or not to give his consent to surface coal mining. Penalties would be assessed to discourage the making of "side deals" in order to circumvent the provisions of the bill.

EXHIBIT 2

CRITICAL CHANGES

1. *Citizen suits. Administration Recommendations:* "S. 425 would allow citizen suits against any person for a 'violation of the provisions of this Act'. * * * Citizen suits are retained in the Administration bill, but are modified * * * to provide for suits against (1) the regulatory agency to enforce the act, (2) mine operators where violations of regulations or permits are alleged."

Committee Comment: Section 520 of S. 7 is identical to the citizen suit provision in the Deepwater Port Act of 1974, which the President signed into law one day after his pocket-veto of S. 425. The Committee does not believe that this provision will lead to undue harassment of operators.

Committee Recommendation: No amendment.

2. *Stream siltation. Administration Recommendation:* "S. 425 would prohibit increased stream siltation—a requirement which would be extremely difficult or impossible to meet and thus could preclude mining activities. In the Administration's bill, this prohibition is modified to require the maximum practicable limitation on siltation."

Committee Comment: This recommendation is based on an interpretation of Section 515(b) (10) of S. 7 which is inconsistent with the entire legislative history. Both the Senate and House recognize that surface mining involves at least temporary disruption of the environment. S. 7 accepts this fact and is not a "ban" bill.

The Administration fears that some court will interpret "prevent" on page 84, line 13, as a ban despite the overriding language on page 83, lines 20–25 stating the standard as "minimize the disturbance to the prevailing hydrologic balance at the mine site and in associated off-site areas and to the quality and quantity of water in surface and ground water systems. * * * " Adding a reference to "maximum extent practicable" introduces economic tests which are not appropriate to environmental protection and not necessary to permit surface mining.

Committee Recommendation: Amend 515 (b) (10) (B) by modifying "prevent" with the phrase "to the maximum extent possible, using the best available technology".

3. *Hydrologic disturbances. Administration Recommendations:* "S. 425 would establish absolute requirements to preserve the hydrologic integrity of alluvial valley floors—and prevent offsite hydrologic disturbances. * * * In the Administration's bill, this provision is modified to require that any such disturbances be prevented to the maximum extent practicable so that there will be a balance between environmental protection and the need for coal production."

Committee Comment: See comment on 2. above.

Committee Recomendation: Amend 515(b) (10) (F) by modifying "preserving" with the phrase "to the maximum extent possible, using the best available technology".

4. *Ambiguous terms. Administration Recomendation:* "In the case of S. 425, there is great potential for court interpretations of ambiguous provisions which could lead to unnecessary or unanticipated adverse production impact. The Administration's bill provides explicit authority for the Secretary to define ambiguous terms so as to clarify the regulatory process and minimize delays due to litigation."

Committee Comment: The Administration's proposal is a very unusual provision. The Secretary has general rulemaking authority to define terms. The courts normally look to administrative interpretations of the law to resolve ambiguities.

The Administration believes that the provision would force the courts to give *very special* weight to the Secretary's interpretation of the law. As far as the Committee can determine, this would be a unique provision, at least in Federal law.

Committee Recommendation: No amendment.

5. *Abandoned land reclamation fund. Administration Recommendation:* "S. 425 would establish a tax of 25¢ per ton for underground mined coal and 35¢ per ton for surface mined coal to create a fund for reclaiming previously mined lands that have been abandoned without being reclaimed, and for other purposes. * * * The Administration bill would set the tax at 10¢ per ton for all coal * * * which should be ample.

"Under S. 425 funds accrued from the tax on coal could be used by the Federal government (1) for financing construction of roads, utilities, and public buildings on reclaimed mined lands, and (2) for distribution to States to finance roads, utilities and public buildings in any area where coal mining activity is expanding. * * * The Administration bill does not provide authority for funding facilities."

Committee Comment: The amount of the fee is a carefully worked out compromise. The Administration has done no estimates or calculations on the adequacy of the 10¢/ton figure nor on the anticipated cost or scope of the reclamation program. The Bureau of Mines estimates the cost of orphan land rehabilitation to be almost $7 billion.

The broad scope of the program is particularly important in the West, where there are relatively few "orphan lands" but the anticipated social, economic, and environmental impacts of proposed coal development are large. This program would also create a large number of jobs.

Committee Recommendation: No amendment.

6. *Impoundments. Administration Recommendation:* "S. 425 could prohibit or unduly restrict the use of most new or existing impoundments, even though constructed to adequate safety standards. In the Administration's bill, the provisions on location of impoundments have been modified to permit their use where safety standards are met.

Committee Comment: The concern of the Administration in recommending this change is a fear that S. 7 could be interpreted to require the relocation of existing in-use dams, which are structurally sound. This is not intended.

Committee Recommendation: No amendment.

7. *National forests. Administration Recommendation.* "S. 425 would prohibit mining in the national forests—a prohibition which is inconsistent with multiple use principles and which could unnecessarily lock up 7 billion tons of coal reserves. * * * In the Administration bill, this provision is modified to permit the Agriculture Secretary to waive the restriction in specific areas when multiple resources analysis indicates that such mining would be in the public interest."

Committee Comment: The Administration indicated that it has no plans to lease Federal coal within national forests. This ban on mining in national forests represents a careful compromise between last year's House bill which banned surface mining in national forests and national grasslands and the Senate bill which did not contain any such ban. The national grasslands also contain 7 billion tons of coal reserves.

Committee Recommendation: No amendment.

8. *Special unemployment provisions. Administration Recommendation:* "The unemployment provision of S. 425 (1) would cause unfair discrimination among classes of unemployed persons, (2) would be difficult to administer, and (3) would set unacceptable precedents including unlimited benefit terms, and weak labor force attachment requirements. This provision of S. 425 is inconsistent with Public Law 93–567 and Public Law 93–572 which were signed into law on December 31, 1974, and which significantly broaden and lengthen general unemployment assistance. The Administration's bill does not include a special unemployment provision."

Committee Comment: The two public laws referred to by the Administration tie benefits to general trends in the economy and not to the possible impacts of S. 7. The Committee believes that few, if any, coal mine workers will lose their jobs because of enactment of S. 7. However, it seems only fair to provide special benefits to anyone who does become unemployed because of the imposition of new requirements.

Committee Recommendation: No amendment.

"OTHER IMPORTANT CHANGES"

1. *Antidegradation. Administration Recommendation:* "S. 425 contains a provision which, if literally interpreted by the courts, could lead to a non-degradation standard similar to that experienced with the Clean Air Act. * * * Changes are included in the Administration bill to overcome this problem."

Committee Comment: The Administration view is based on a very unlikely interpretation of S. 7. Adoption of the Administration's language for Section 102(a) would not weaken S. 7.

Committee Recommendation: Adopt Administration amendment.

2. *Reclamation fund. Administration Recommendation:* "S. 425 would authorize the use of funds to assist private landowners in reclaiming their lands mined in past years. Such a program would result in windfall gains to the private landowners who would maintain title to their lands while having them reclaimed at Federal expense. The Administration bill deletes this provision."

Committee Comment: This provision is patterned after the present Soil Conservation Service programs. The original Senate provision was authored by Senator Baker. The Committee recommends adoption of a further amendment proposed by Senator Baker.

Committee Recommendation: Expand coverage to 100 acres and give discretionary authority to increase Federal matching share in specific situations.

3. *Interim program timing. Administration Recommendation:* "Under S. 425, mining operations could be forced to close down simply because the regulatory authority had not completed action on a mining permit, through no fault of the operator. The Administration bill modifies the timing requirements of the interim program to minimize unnecessary delays and production losses."

Committee Comment: A potential moratorium on surface mining beginning two years after enactment was originally and deliberately included in last year's Senate bill (S. 425) to provide an action-forcing mechanism, by putting operator pressure on states to develop their programs in a timely way. As introduced S. 7 extends this to 2½ years. There is no reason why a moratorium should take place. If the Secretary of the Interior sees that a State is not developing an acceptable regulatory program, he can implement a Federal program.

Committee Recommendation: Amend Sections 504 and 506 to avoid possibility of shutdown.

4. *Federal Preemption Administration Recommendation:* "The Federal interim program role provided in S. 425 could (1) lead to unnecessary Federal preemption, displacement or duplication of State regulatory activities, and (2) discourage States from assuming an active permanent regulatory role. * * * In the Administration bill, this requirement is revised to limit the Federal enforcement role during the interim program to situations where a violation creates an imminent danger to public health and safety or significant environmental harm."

Committee Comment: The interim program set out in S. 7 represents a compromise which moved the House away from a Federally-run program. Lack of State enforcement of programs which looked good on paper has been a major problem in the past.

Committee Recommendation: No amendment.

5. *Surface owner consent. Administration Recommendation:* "The requirement in S. 425 for surface owner's consent would substantially modify existing law by transferring to the surface owner coal rights that presently reside with the Federal government. S. 425 would give the surface owner the right to "veto" the mining of Federally owned coal or possibly enable him to realize a substantial windfall. In addition, S. 425 leaves unclear the rights of prospectors under existing law. The Administration is opposed to any provision which could (1) result in a lock up of coal reserves through surface owner veto or (2) lead to windfalls. In the Administration's bill surface owner and prospector rights would continue as provided in existing law."

Committee Comment: The Administration's position is the same as that of the original Senate bill. This provision, the major bone of contention in the Conference, is a delicate compromise which is best left untouched.

Committee Recommendation: No amendment.

6. *Federal lands. Administration Recommendation:* "S. 425 would set an undesirable precedent by providing for State control over mining of Federally owned coal on Federal lands. In the Administration's bill, Federal regulations governing such activities would not be preempted by State regulations."

Committee Comment: This provision stems from last year's Senate bill. The Committee believes it is desirable to require surface mining on Federal lands to meet standards at least as stringent as those established by the State in which the mine is located.

Committee Recommendation: No amendment.

7. *Research centers. Administration Recommendation:* "S. 425 would provide additional funding authorization for mining research centers through a formula grant program for existing schools of mining. This provision establishes an unnecessary new spending program, duplicates existing authorities for conduct of research, and could fragment existing research efforts already supported by the Federal government. The provision is deleted in the Administration bill."

Committee Comment: The Administration's objection ignores the important training aspects of the provision, (Title III). This provision was in both the Senate and House bills. It stems from a bill vetoed by President Nixon in the 92nd Congress.

Committee Recommendation: No amendment.

8. *Prohibition on mining in alluvial valley floors. Administration Recommendation:* "S. 425 would extend the prohibition on surface mining involving alluvial valley floors to areas that have the potential for farming or ranching. This is an unnecessary prohibition which could close some existing mines and which would lock up significant coal reserves. In the Administration's bill reclamation of such areas would be required, making the prohibition unnecessary."

Committee Comment: Last year the House bill banned surface mining in alluvial valley floors. The language of S. 7 as introduced (Section 510(b)(5)) is a compromise. Alluvial valley floors in the West frequently have highly significant agricultural values. In view of the world food situation, some special protection of such valley floors which are significant to farming or ranching operations seems justified.

Committee Recommendation: Amend 510 (b)(5) to make it more precise and somewhat more limited in application.

9. *Potential moratorium on issuing mining permits. Administration Recommendation:* "S. 425 provides for (1) a ban on the mining of lands under study for designation as unsuitable for coal mining, and (2) an automatic ban whenever such a study is requested by anyone. The Administration's bill modifies these provisions to insure expeditious consideration of proposals for designating lands unsuitable for surface coal mining and to insure that the requirement for review of Federal lands will not trigger such a ban."

Committee Comment: Section 510(b) of S. 7 bars the issuance of surface mining permits for lands under study for designation, until such time as the study has been completed at which time the ban is lifted if the area is not designated as unsuitable for mining. This ban is necessary since the section also precludes the designation as unsuitable for mining of any area in which mining is already ongoing. The Administration's proposal could lead to having all reviews precluded by the granting of permits prior to a determination being made on designation.

The fear that blanket moratoria will occur is unfounded for two reasons. First, each study for designation is made only on a case by case basis upon specific petition. Second, S. 7 contains specific requirements for petition. The Secretary is required to issue regulations defining those petitions to be considered valid, to preclude frivolous requests.

With regard to Federal lands, Section 522 (b) requires the Secretary to conduct a review of all Federal lands to determine areas unsuitable for mining. But in order to avoid locking up Federal coal in the case of a protracted study (such as the wilderness study), there is no moratorium on leasing during the period of review under the provisions of S. 7.

Committee Recommendation: 1. Amend 522(a) to require the regulatory authority to render a decision on a petition for designation as unsuitable within one year. 2. Amend 522(b) to state specifically that Federal coal leases may be issued during the review period.

10. *Hydrologic data. Administration Recommendation:* "Under S. 425, an applicant would have to provide hydrologic data even where the data are already available—a potentially serious and unnecessary workload for small miners. The Administration's bill authorizes the regulatory authority to waive the requirement, in whole or in part, when the data are already available."

Committee Comment: The Administration's proposal appears to be based on a misinterpretation of S. 7 (Section 507(b)(11). There is nothing to preclude the applicant from using already available data in his permit application. The language proposed by the Administration permits waivers of the "determination of the hydrologic consequences of mining and reclamation" not just data submissions. This determination is very important, particularly in arid and semi-arid areas.

Committee Recommendation: No amendment.

11. *Variances. Administration Recommendation:* "S. 425 would not give the regulatory authority adequate flexibility to grant variances from the lengthy and detailed performance specifications. The Administration Bill would allow limited variances—with strict environmental safeguards—to achieve specific post-mining land uses and to accommodate equipment shortages during the interim program."

Committee Comment: The Committee believes that unlimited variances would greatly weaken the bill by possibly becoming the rule rather than the exception.

A provision allowing variances because of equipment shortages in the interim period was in the House bill last year. It is not included in S. 7 because of testimony and information that interim standards could be compiled with using existing equipment, so such variances were not needed.

Committee Recommendations: No amendment.

12. *Permit fee. Administration Recommendation:* The requirement in S. 425 for payment of the mining fee before operations could impose a large "front end" cost which could unnecessarily prevent some mine openings or force some operators out of business.

In the Administration's bill, the regulatory would have the authority to extend the fee over several years."

Committee Comment: There is nothing in S. 7 as introduced to explicitly preclude a regulatory authority from doing this. The Joint Statement of Managers on S. 425 expressly stated that annual payments would be acceptable.

Committee Recommendation: Adopt Administration amendment.

13. *Preferential contracting. Administration Recommendation:* "S. 425 would require that special preference be given in reclamation contracts to operators who lose their jobs because of the bill. Such hiring should be based solely on an operators reclamation capability. The provision does not appear in the Administration's bill."

Committee Comment: S. 7 (Section 707) provides a preference only to operators "who can demonstrate that their * * * operation, despite good faith efforts to comply with the requirements of this Act, have been adversely affected" by regulation. The Secretary would incorporate the preference into his regulations.

Committee Recommendation: No amendment.

14. *Any Class of buyer. Administration Recommendation:* "S. 425 would require that lessees of Federal coal not refuse to sell coal to any class of buyer. This could interfere unnecessarily with both planned and existing coal mining operations, particularly in integrated facilities. This provision is not included in the Administration's bill."

Committee Comment: This provision (Sec. 523(e)) was included in S. 7 to protect rural electric cooperatives and other small purchasers. It is not intended to abrogate existing contracts. S. 7 prohibits only "unreasonable" denials, not any and all denials.

Committee Recommendation: No amendment.

15. *Contract authority. Administration Recommendation:* "S. 425 would provide contract authority rather than authorizing appropriations for Federal costs in administering the legislation. This is unnecessary and consistent with the thrust of the Congressional Budget Reform and Impoundment Control Act. In the Administration's bill, such costs would be financed through appropriations."

Committee Comment: The provision for contract authority (Sec. 714(a)) is designed to permit the Secretary to begin to implement the Act rapidly without waiting for appropriations. This seems necessary in light of the specific statutory timetable.

Committee Recommendation: No amendment.

16. *Indian lands. Administration Recommendation:* "S. 425 could be construed to require the Secretary of the Interior to regulate coal mining on non-Federal Indian lands. In the Administration bill, the definition of Indian lands is modified to eliminate this possibility."

Committee Comment: S. 7 is not intended to require Federal regulation of non-Federal Indian lands.

Committee Recommendation: Adopt Administration amendment.

17. *Interest charge. Administration Recommendations:* "S. 425 would not provide a reasonable level of interest charged on unpaid penalties. The Administration's bill provides for an interest charge based on Treasury rates so as to assure a sufficient incentive for prompt payment of penalties."

Committee Recommendation: Adopt Administration amendment.

18. *Prohibition on mining within 500 feet of an active mine.* "This prohibition in S. 425 would unnecessarily restrict recovery of substantial coal resources even when mining of the areas would be the best possible use of the areas involved. Under the Administration's bill, mining would be allowed in such areas as long as it can be done safely."

Committee Comment: There are serious safety problems involved, particularly from blasing near "gassy" mines.

Committee Recommendation: No amendment.

19. *Haul roads. Recommendation:* "Requirements of S. 425 could preclude some mine operators from moving their coal to market by preventing the connection of haul roads to public roads. The Administration's bill would modify this provision."

Committee Comment: This was not the intent of S. 7.

Committee Recommendation: Adopt Administration amendment.

Mr. METCALF. Mr. President, that concludes my preliminary remarks. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Leahy). Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I join with the distinguished junior Senator from Montana in urging the Senate to approve S. 7, the Surface Mining Control and Reclamation Act of 1975.

It is worth recalling today that industry has in the past fought strip mining bills far less stringent than the legislation before Congress today. The delay in enacting legislation, caused largely by industry's opposition—and, may I say, not all industry—has brought the nature and scope of the strip mining problem more sharply into focus. The need for strong regulation of strip mining practices is more apparent to more people than ever before. Those who believe that the existence of an urgent need for coal will somehow forestall effective regulation of strip mining are whistling in the dark.

On numerous occasions, including the recent amendments to the Clean Air Act, Congress has shown that it understands the need for careful tradeoffs between energy needs and environmental concerns. But Congress is not prepared to sacrifice legitimate environmental goals.

The essential requirement for an adequate supply of domestic energy resources to support the Nation's social and economic well-being is being increasingly recognized as a major national issue. It is clear, particularly in the case of coal, that we have ample reserves. By all estimates our physical coal reserves are sufficient to meet our needs, even at greatly increased rates of consumption, for hundreds of years. We have an abundance of coal in the ground. Simply stated, the crux of the problem is how to get the coal out of the ground and use it in environmentally acceptable ways on an economically competitive basis.

Federal legislation to regulate coal surface mining and reclamation is a crucial measure to insure an adequate energy supply while preserving and maintaining a satisfactory level of environmental quality.

The committee is aware that representatives of the coal industry and the administration have expressed great concern about possible "production losses" which enactment of S. 7 might cause. The figures given vary so widely as to render them basically meaningless. For example, the administration has, at various times, indicated "losses" ranging from 14 to 141 million tons per year.

The administration's latest estimates are based on four assumptions:

> (1) Coal prices would not increase.
>
> (2) Mining technology would remain at its present state.
>
> (3) New mining areas would not be opened in the West.
>
> (4) Capital investments would not increase in mining and related industries.

It is important to note that the administration expressly states that—

> If the reverse of any of the above assumptions occurred, the overall coal production could increase.

In view of the rapid and continuing increase in coal prices and the large number of proposed new coal mines in the West, it appears very unlikely that there would be any significant losses of production.

The fact is that at current production levels, this country has more than 500 years of coal reserves, or as I recall the overall figures, something in excess of 50 percent of all the known coal reserves in the world. It is ridiculous to talk about a diminition in production at present prices, much less those anticipated in the future, and it is even more ridiculous, given the massive amount of our coal reserves, to refuse to assume the relocation of mining operations, for example, to areas which can be prudently mined—in estimating the impact of this bill.

S. 7 will internalize mining and reclamation costs, which are now being borne by society in the form of ravaged land, polluted water, and other adverse effects, of coal surface mining. This can be done without significant losses in coal production, under the provisions of S. 7.

Mr. President, I believe that the amendments to S. 7 recommended by the Interior Committee, go a long way toward meeting the problems cited by President Ford as reasons for his veto of S. 425 last year. I see no reason why the President should not sign S. 7 when it reaches his desk.

In this regard, I would remind the Senate and the administration of the pledge I made to the President last December 17 to correct any unanticipated problems which may arise in implementation of the bill during the 2½-year period after its enactment before it comes into full force and effect. I will not be a party to weakening the bill, because of vague fears about possible impacts at some time in the future.

Mr. President, I urge the Senate to approve S. 7 today.

Before yielding the floor, Mr. President, I want to pay tribute to the Senator from Montana (Mr. Metcalf) who, as chairman of the Subcommittee on Minerals, Materials, and Fuels, has led the committee efforts to develop surface coal mining legislation during the last 3 years. His tireless efforts are, I believe, soon to bear fruit in enactment of a firm but fair Federal statute to guide the States in regulating strip mining. The American people, and particularly the citizens of Montana who are probably about to witness a great increase in coal mining in their State, owe him—as well as the Nation owes him—a great debt of gratitude.

Mr. President, I yield the floor at this time and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, for more than 2 years Congress has given very close attention and has put much effort into a bill to provide some basic law that would govern the removal of coal by surface mining methods. I am one of the 11 who asked that the bill be reported by the Committee on Interior and Insular Affairs. I did that despite the fact that I have real misgivings about some of the provisions that are contained in the bill.

First, let me say that I have been working very closely with the distinguished junior Senator from Montana (Mr. METCALF). Not only have we worked together here, but we have cosponsored amendments. I think one of the most important amendments that was adopted by the Committee on Interior and Insular Affairs is the so-called Metcalf-Hansen amendment.

In addition, we have actually made on-the-site investigations of strip mining operations in the West. We have also held hearings chaired by Senator METCALF in Wyoming cities as well as in Montana cities.

The distinguished floor manager of the bill mentioned that there is a great diversity of conditions nationwide, and he could not be more right about that. I share that feeling. Because it is my feeling that there is a great diversity of conditions nationwide, it seems appropriate that this bill should not deal too specifically with problems that may be particularly important to one section of the country or another. I think it should incorporate into law certain broad guidelines. I believe that many Senators will agree with those of us who voted to support it that, first of all, we want to be certain before the lands are mined, there will be a guarantee that the lands can be reclaimed and will be reclaimed. That is the first and the most important provision of this bill—to set up a permit system and to set up a reclamation requirement which will ensure that when those sections of the country have made their contribution to the Nation's energy supply through the production of coal, those lands are going to be reclaimed in a fashion that will insure their continuing productivity, their acceptability so far as other uses are concerned, which include recreation and just plain aesthetics.

I think we have done a good job in insuring that that sort of end result is guaranteed.

In addition, coming from the West, as does the distinguished floor manager of this bill, we want to be certain that the surface owner is treated fairly, because most of the coal that we are talking about in this bill, for the short term, will be federally owned coal, as distinguished from privately owned coal. Not all coal that will be dealt with fits into that category, but much of it does.

Of course, Senators know that this is a problem unique to the West, where the Federal Government a number of years ago kept title to the minerals underlying the surface, when the amount of land that could be homesteaded for a grazing homestead was increased from the 160-acre initial limitation to a larger acreage.

For a long time, this problem really did not come into focus, because earlier in this century there was not the appropriate machinery to strip away the overburden and there was not the technology developed at that time, either, which permitted the coal operator to remove the overburden as it is now being removed in the West and in some parts of the East, to take the coal out and then either to leave it, as was oftentimes done in Appalachia, or to put it back together, as we are now insisting it be done in the West. But that is all changed. It is changed because we have the machines now that can strip away enormous amounts of overburden. We have machines which make it profitable to utilize this source of energy, despite the fact that it may be under a rather significant amount of overburden. That is one of the problems with which we are dealing.

So I say that the second goal that I have in mind—and I am certain it is shared by the distinguished Senator from Montana—is that we want to be sure that the man who owns the surface only is treated fairly; because at the time the Federal Government withheld the title to the minerals and kept that title in the name of all the people of the United States, the typical homesteader in the West had little, if any, reason to believe that the surface mining operations we now know about and have witnessed would ever have taken place.

Third, I have a concern that I am certain is shared by many people—I believe most people—that we want to make sure that in this time of national energy and emergency, coal can fill the unique role that is now offered to it.

I invite attention to the report on the congressional program of economic recovery and energy sufficiency. Most Senators know that this is the Democratic report that was put together and was intended to be the answer to the President's energy message. Without going into any differences that may exist between the President's energy message and the program that has been put forth by the Democratic majorities, both in the House and the Senate, let me say that, along with the President of the United States, our colleagues on the other side of the aisle recognize and call attention to, under table 6, the important role that coal can play. They point out that the production goals for 1975 for coal contemplate 1.9 million tons per day, which translated into million barrels of oil equivalent a day would be 7.5 million barrels of oil per day. This report indicates that by 1980, that figure would probably rise, or hopefully would rise, under their program, to 2.52 million tons per day, or the equivalent of more than 10 million barrels of oil per day; that by 1985, the coal production that they hope could be brought about would increase to 3.81 million tons per day, or the equivalent of 15 million barrels of oil a day.

So there is no argument between the Democrats and the Republicans, between the administration and Congress, over the role that coal can play in America's economy and short-range future.

This brings to my mind the next point: In addition to insuring that we have a good reclamation law passed which will guarantee that land will be reclaimed once it has been mined, in addition to being certain that we treat the surface owner only fairly, our third goal must be to make sure that the Nation has access to its coal supply. This bill does have a reclamation program. The criticism I find with that program is that it may spell out in too precise detail what should be done in the way of reclaiming the lands once they are mined.

I say that because what may seem obvious, what most of us, at first blush, might agree would make good sense, does not always add up that way when we look at the facts. Generally, the concept that lands are to be returned to their original contour or to that contour insofar as is practicable sounds like good sense. It does, until you have visited or until you have seen what has happened some places in Appalachia where, because of the uniqueness of the contour of that country, the topography of the country, occasionally it may make good sense not to try to put the land back together as it was before the mining operation began. Sometimes the need for flat areas is so compelling as to recommend—as has indeed been done in a few places in Appalachia—advantage be taken of the mountain of soil produced by mining by leveling it.

One little school that I read about and saw pictures of was able, for the first time, to engage in football because only following a surface mining operation, with the spoil material leveled out, was that particular high school able to have a football field. In other places, housing developments, hospitals, shopping centers, and parking lots have evolved because a city or a community wanted to take advantage of the way earth has been moved. These, of course, are decisions that I think ought to be left, as nearly as they can be, to local communities and to States and the appropriate environmental agencies in those political subdivisions.

There have been included in this bill funds to bring about a reclamation of orphan lands. These are lands which were surface mined in times past and now remain essentially as they were at the conclusion of the mining operation. The finger has been pointed at industry. It ought to be said, in all fairness to industry, that the time was in this country when our only seeming concern was to try to get a product made, produced, or to have it available at the lowest possible cost. Certainly, this has been true insofar as surface mining in times past was concerned. No one said, or at least not many people said, "Restore the land." We now know that we do not want to continue such a policy and very rightly, I think. With my full support and with the support of every one of us on the Committee of the Interior and Insular Affairs in the Senate, we are insisting that lands be returned so as to insure their continuing contribution to a better, stronger, more beautiful America.

We talk about orphan lands. Moneys will be set aside, according to the terms of the Senate bill, to provide the necessary funds to restore these orphan lands. But of even greater urgency, of even greater immediate concern than trying to restore the damage done by past surface mining operations which formed orphan lands, is the problem of subsidence.

In a Wyoming city, Rock Springs, we know firsthand what subsidence means. It is the result of the shifting of earth that occurs, oftentimes long after an underground mining operation has been completed and abandoned. In Rock Springs, in Pennsylvania, most pointedly depicted in Scranton, which I visited, in many places in Appalachia and throughout other areas of the Middle West, eventually, the pull of gravity caves in the timbers that have been put in mines or the rock formation above a coal deposit, and the earth begins to settle. If this occurs in areas where people do not live, it does not make a pretty picture; oftentimes, fire follows. But it becomes a very serious problem when it occurs where people live. That is the situation in Rock Springs, Wyo.

Old people, and young ones, too, for that matter—but I am particularly concerned about older people whose productive years have long since passed, who have only their home and what they have been able to save or what they receive in the way of social security or pensions—find that their house foundations are cracking and their houses are shifting and settling. This is happening right now in Wyoming and it is happening in other parts of the country. It is a very serious problem. I think it is a problem that we need first to address of all of the problems that we have to be concerned about.

There are many things that happen when foundations lose the support of the earth beneath them. Water mains break. Sewer lines rupture. Gas lines break or fracture. All of these things present very real problems to people who live in towns and cities where that sort of subsidence is occurring. Houses have exploded because a ruptured gas line has seeped gas into some of the lower areas and a spark has ignited the gas. More times than not, it has been found that the cause of the problem was a ruptured natural gas line.

In other places, underground fires, which inevitably result when coal is removed from underground and oxygen comes in contact with coal, fires, sooner or later, always follow. This, too, is a real problem, because the fumes, the carbon monoxide, that result from that sort of incomplete combustion, may follow water pipe lines, sewer lines, gas lines, or just cracks in the earth, and seep into basements of homes, and after having filled the basements, seep into other areas. Asphyxiation has occurred in many homes over the long course of underground mining in this country. Carbon monoxide fumes have seeped in during the night and people have passed on in their sleep. Entire families have been found dead.

These are some of the problems we have to address and we are assured can be addressed properly with the reclamation money that is included in this bill by virtue of a tax on the coal that will be taken by surface mining operations, along with a lesser amount per ton that will be contributed by underground mining operations.

In the West, where we do not have very much water in many places, and generally not enough any place, our concern for alluvial valley floors is high on our list of priorities. I believe that the inclusion of the specific language that we find in the bill goes beyond what should have been put in the bill. I say this because there seems to be a considerable lack of agreement among experts as to the precise boundaries of alluvial valley floors. We are using terms of art that are subject to different interpretations and I think that this issue might better be addressed by the respective States than to have it included, as it presently is, in the bill.

We speak about giving the surface owner, through the surface owner consent provision, the right to say whether or not mining shall occur. I support that provision. I support it because we are introducing a new concept that was not contemplated at the time the Federal Government first began to withhold title to its coal as it passed title to the surface of its lands to homesteaders in the West.

I think that by virtue of the alluvial valley floor section, section 510(b)(5) in this bill, we are, in effect, likely to deny to the surface owner whose surface covers an alluvial valley floor, as ultimately determined by a court, the right to say whether there shall be any mining. I think that this section of the bill should be deleted from the permit approval or denial section. There are adequate safeguards in other sections of the bill to protect alluvial valleys. I have proposed an amendment that would accomplish that.

I have also offered an amendment that deals with the right of the surface owner to grant permission or to deny permission to an energy company, by surface methods, to extract coal from the ground underlying the surface which he owns.

My amendment proposes that if, as this bill does, we give the surface owner the right to grant or to deny permission, then we ought not to determine as strictly as we have done what he may receive.

There will be those who will say that without the provisions in the bill, absent the restrictions that are contained in the bill, the rancher is going to have a windfall profit. I suspect that whether you agree with that allegation or not depends upon a definition of terms. What is meant by a windfall profit?

I can say that the distinguished Representative from the great State of Montana, Mr. MELCHER, put together some figures that he presented to the Senate-House conference committee last December when we were approving the bill which was later vetoed. When we were considering this particular provision, Representative MELCHER introduced into the RECORD testimony that indicates that even if a rancher were to be paid as much as $1,000 an acre, which sounds like a lot of money and indeed is a lot of money, in terms of addition to the cost per kilowatt-hour for light available in the city of Washington, D.C., or the city of New York, the increase would be so limited as to be almost infinitesimal.

In other words, the amount of coal underlying those lands in the Powder River Basin in Wyoming and Montana, North and South Dakota, is so rich and so thick that to add an additional $1,000 per acre to the cost of coal would have practically no effect. But why do I believe that we ought to take away all prohibition as to what the surface owner can receive? For this reason: to see that the surface owner is treated fairly. If he has a right to grant permission or to withhold his consent, and the right freely to negotiate with an energy company, then no one can say he does not have a chance to protect his own best interests.

What will prevent a ripoff, which some would say would result, from occurring? My answer is that there is a great amount of coal in this country. The distinguished Senator from Washington (Mr. JACKSON) said not too many minutes ago that at the present rate of consumption, there would probably be sufficient coal to last for 500 years or more. I have little doubt that long before that time is reached, we will be using other forms of energy. But the fact is there is a lot of coal, and every rancher who is given the right to grant permission or withhold permission knows that every other rancher is in the same situation. If a coal company is unable to make a deal with Rancher X it may very well go to Rancher Y, and from the sort of competition which will result outlandish deals will not be negotiated. Given the consent with the ability to negotiate that I have outlined, I am certain that any rancher will know that his is not the only coal that might be mined; he could ask for too much or hold out too long, and have the train leave the station without him.

That would be the main reason that reasonable deals will be worked out between energy companies and ranchers.

It does have this great added advantage insofar as my third major objective is concerned. That is making certain that the Nation shall have access to its coal. If a rancher has a right to withhold consent, but is not given a chance to get what he feels he should receive or is fair to him, then very probably he will say no. When one considers the checkerboard ownership pattern of land in the West, one cannot help but be struck with the fact that if a good reclamation plan is constructed for a block of coal land, it is necessary to have consent from every single landowner involved.

In some respects the land ownership pattern resembles a checkerboard. If landowners of 60 squares have given consent to a mining operation, and 4 have not, mining could not take place under those 4 squares. To remove the coal under 60 squares but not in the other 4, would result in 4 squares sticking up like toadstools in the middle of that checkerboard. If you think also about the fact that most of the ranchers in the West have some irrigation operations where they raise either their hay or perhaps other crops, you can readily appreciate that it would be impossible to get water up onto the tops of those toadstools, the areas where mining had not occurred, if the ground around them was lowered by, say, 50 to 75 feet.

So my point is that unless a rancher has an opportunity to enter into negotiations with an energy company, confident that he can work out a fair arrangement to him, he will withhold his consent, and if he withholds his consent, then his refusing to agree to the mining operation could indeed make it impossible for an energy company to put together a reclamation plan that would be acceptable, and thus deny the Government of the United States access to its coal.

These are some of the concerns that I have about this bill. I voted for the bill. I voted to report it. I am pleased with many of the things that it does. But I think that before we pass it, the country needs to know what is at stake.

I have already pointed out that the administration and Congress, both the majority and the minority parties in Congress, have agreed on the immense role that coal has to play in the coming years, and that it is of great national importance to all of us that we do have access to the coal.

I hope Senators can appreciate that there are many men who homesteaded—some second and third generation ranchers, who do not own the coal under their lands. We should not turn our backs on them. They deserve fair treatment.

Many of these people have put in one lifetime, or maybe two or three lifetimes, of effort into their ranching operations, and I do not think it is unfair at all to see that they are granted their rights in being able to withhold their consent to a mining operation, if that be their choice.

On the other hand, the best way to insure that they will grant their permission is to give them the opportunity of entering into negotiations which will result in a fair deal to them and, if that is done, if we can assure that end result, we will assure the achieving of our third objective which is that the Nation can gain access to and make use of the coal that it owns.

In closing, Mr. President, I point out that the Metcalf-Hansen amendment, of which I am proud, goes beyond the typical piece of legislation being passed by Congress, and gives to each of the States the right to exceed, if they choose, the reclamation requirements and standards and degrees of perfection that may be written into the Federal bill.

If the State of Montana, and the State of Wyoming have, indeed, they have done, decide they want to exceed the Federal law, those States will be able to do that. The Metcalf-Hansen amendment says that tougher State law shall be controlling.

I am proud of that amendment. It helps keep faith with what Senator METCALF and I told our people in Wyoming and Montana, that we wanted to have the States given that right.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. HANSEN. I am very happy to yield.

Mr. METCALF. I think it should be understood at this time if the State of Montana, or the State of Wyoming, or any other State passes a stronger law than this law it shall be controlling on Federal land, on land owned by the Federal Government, and any constitutional question that should be raised insofar as the Federal Government is concerned is taken care of by the delegation of power to administer that Federal land to that State administrator or the State government concerned.

So it is not only on private land, it is not only on State land, but it is also the Federal land contained within that area that is covered by our amendment that says the State of Montana, the State of Wyoming, or the State of Utah, or any of those, especially the public land States, if they pass stronger controls or, in fact, say: "We are not going to allow strip mining in our State," then the Federal Government will go along and concur in those provisions.

Mr. HANSEN. I thank my distinguished colleague very much for spelling out in the precise fashion in which he has exactly what the Metcalf-Hansen amendment does.

I make that observation to say again that the Senator from Montana (Mr. METCALF) and I have insisted all along that we wanted the States to have the right to exceed the thrust and the demands of the Federal law if they chose to exercise that right, and I am pleased indeed that this amendment has been accepted. I think it has made it possible for us to keep faith with the people we are privileged to represent here, and it has been an encouragement to the State of Montana and to the State of Wyoming, as well, to give extra consideration to this kind of legislation, knowing full well that if and when this bill becomes a Federal law it will underscore the rights of the separate States to have their own input into the surface mining laws of the country.

Mr. McCLURE. Mr. President, will the Senator from Wyoming yield at that point?

Mr. HANSEN. I am happy to yield.

Mr. McCLURE. I thank the Senator for yielding, because I intended to make some comments on the amendment adopted by the committee within the committee but, in terms of the remarks which have been made, the amendment to delete surface-mined anthracite, in which the exemption favored only one State and allowed that State to have lower reclamation standards than the other 49 States would have to have and which seemed to me to be an inconsistent provision, inconsistent with the general thrust of the bill, if we really were serious about requiring reclamation standards of all surface mining; that exemption was in the original bill, and by unanimous voice vote at the time of the quorum, at the time of the offering of the amendment which was adopted, it would then have the effect of requiring that in this one State the reclamation standards for surface-mined anthracite would have to be at least as high as the reclamation standards from all other surface mining in the United States. Is that the understanding of the Senator from Wyoming?

Mr. HANSEN. That is the understanding of the Senator from Wyoming.

Mr. McCLURE. I think it is consistent with the statement the Senator from Wyoming was just making that we would permit the States to set higher standards if they wished, but in no instance would they be permitted to set lower standards than required by the general bill.

Mr. HANSEN. That is my understanding.

Mr. McCLURE. I see the Senator from Montana nodding also.

Mr. METCALF. That is also my understanding.

Mr. McCLURE. I thank both Senators.

Mr. METCALF. But I also want to underscore that it applies to Federal land as well as the other land. Now, the anthracite proposition in Pennsylvania applies to a special kind of coal, and it would certainly apply to lignite or bituminous coal, too. But out in the West what is so important is to emphasize that it applies to the Federal land, which is 37 percent of the State of Montana and about 90 percent of the State of Nevada and in between——

Mr. McCLURE. And 66 percent of my State.

Mr. METCALF. Yes.

Mr. McCLURE. Although we are not fortunate enough to have any coal or lignite, so we are not concerned about the impact of this bill in my State even though the Federal Government holds title to two-thirds of the State. But I do thank both of the Senators for underscoring the determination that the committee had, and thank the committee in adopting the amendment which I offered in the committee meeting to delete the exemption for surface-mined anthracite.

I think it is important to note it was a provision which was inserted in the conference last year after it had left the Senate, and it did not have its genesis in the Senate or in the administration bill, and I suspect there will be efforts made again to favor that one State and one company that will be favored by it if it were in the bill, and I expect those efforts will be renewed either in the House of Representatives or in the conference between the House and the Senate.

I would hope that the record we are making will stimulate the people who will serve on that conference to hold steadfast to their determination that one State and one company not be exempted from the provisions of this act.

I thank the Senator from Wyoming for yielding.

Mr. HANSEN. I appreciate the comments by the distinguished Senator from Idaho.

Mr. President, just a couple of more

points. The distinguished chairman of the full committee, Mr. JACKSON, spoke about the ravaged lands of this country, and certainly I would be among the first to agree with him that there are lands that have been ravaged. We want to put them back together again. Part of that ravaging has resulted from underground mining as well as from surface mining.

The Senator from Washington spoke about the polluted water in this country, and I think it is fair to say the biggest source of polluted water is the drainings from underground mining operations, and not from surface mining operations. That underscores again the importance of reclamation funds which shall be contributed to by the coal production from underground mining as well as from surface mines.

There was an effort made to lower the contribution from coal production from underground mines and to increase it from the surface mines.

That was opposed by a majority of the members of the Interior Committee. We kept the reclamation fee at 35 cents per ton for coal produced from surface mines, and at 25 cents per ton for coal produced from underground mines. But I believe that most of the early funds that will be spend from that fund will go to the minimizing or eliminating of the problems of subsidence and the problems of underground coal fires.

The Senator spoke also about some of the other problems we have. Black lung is a very serious problem. We have many former underground miners still living in Wyoming, and black lung is a problem that has resulted in the death of a number of them, and has resulted in an impairment in the health of a number of others.

That is a disease that is peculiar and unique to underground mining operations, as far as I know. There is practically no incidence at all of black lung from surface mining operations.

Let me close by saying that there are many things that need to be considered carefully and objectively by the Senate. We will be debating this bill tomorrow, and I look forward to having amendments passed that I think will improve the bill and to its being reported out and signed before long.

Mr. President, I yield the floor.

Mr. BAKER. Mr. President, I want to commend the Members of the Committee on Interior and Insular Affairs who have worked diligently to bring the Surface Mining Control and Reclamation Act of 1975, S. 7, to the floor of the Senate so early in the 94th Congress. Their efficiency attests their understanding of the gravity of the environmental problems posed by coal surface mining.

I also want to thank the committee for accepting two modifications of the conditions and limitations placed upon the orphan mine reclamation program to be administered by the Department of Agriculture, section 404 of the bill. My especial gratitude to Senator HANSEN for his help with these amendments, which I sincerely feel are critical to the effectiveness of this program.

I will have more to say about the amendments in a moment, but first let me offer a few brief observations about the fundamental thrust and impact of this bill.

Several years ago Senator John Sherman Cooper and I introduced a bill, S. 3000, in the 92d Congress. That bill embodied my fundamental philosophy about governmental control of coal surface mining. It provided for reclamation that would both prevent the troublesome offsite impacts of erosion and siltation, but it required also that reclamation restore the character of the land as it existed prior to mining.

This position, which is essentially that adopted by the committee, has been attacked by those who feel it is too stringent, arguing that the economic or market value of the lands affected is much less than the investment required for total reclamation and that a lesser degree of restoration might effect equal environmental protection. I remain unpersuaded by this argument because, having seen the devastation and disruption of underregulated surface mining in the Appalachian region, I recognize that a reclamation standard for coal surface mining is a plan for geologic modification of great areas of land. A standard which does not restore the character of the land but addresses soil stability and drainage problems will only provide pure water to communities robbed of their pride and economic potential. It is a difficult quality to articulate, but the stark, devastated hills of Appalachian state it eloquently.

The bill before the Senate recognizes this substantial economic impact and specifies a standard which will protect the character and use of mine sites as well as troublesome offsite impacts.

There are several other concepts and provisions, which S. 3000 contained and which are incorporated in this bill today. I outlined these in my statement supporting passage of S. 425 last December and would like to repeat them briefly:

S. 3000 targeted for control and regulation of the environmental problems associated with coal surface mining. S. 7 while it has a somewhat broader scope, is essentially targeted to treat these same problems. I know that the Interior Committee is concerned, as am I, with the environmental impacts of other types of mining, but by focusing the effort in this legislation immediate and effective control can and will be brought to bear upon the most serious social and environmental problems associated with mining.

S. 3000 required a performance bond payable to the Government and sufficient in amount to cover the costs of reclamation by a third party should the permittee default. This bond was to remain in effect throughout the period of mining and for 5 years thereafter. I am pleased that S. 7 contains an almost identical provision.

S. 3000 recognized the economic and administrative problems of repairing the millions of acres of abandoned surface mines in the economically depressed and mountainous areas of the Appalachian region. In response to this situation the bill proposed to place authority for watershed reclamation under the Soil Conservation Service. I am pleased that the conferees have preserved a role in orphaned mine reclamation for the SCS. In my opinion the SCS acting in conjunction with the soil conservation districts can play an effective role in repairing the devastation caused by underregulated strip mining these steep-slope areas of Appalachia. The Service has the expertise and capability to handle this type of soil treatment program efficiently and at the least cost.

As a long-time advocate of stringent restoration criteria as the basis for strip mine regulation, I am pleased that S. 7 now provides for restoration of both premining contour and use. My concern expressed during floor debate on S. 7 earlier over the variance for so-called mountaintop mining, where the entire mountaintop is removed in order to get to the coal, is somewhat diminished by the requirement for consideration of sound land use planning in the approval of permits for such mining.

COSTS OF THE BILL

Mr. President, there has been a great deal of comment about the potential costs of S. 7. I would like to offer a few observations regarding this impact of the bill as it relates to eastern bituminous coal. The relevance of these observations is, I hope, enhanced by the fact that over 90 percent of the total coal production in the United States through the beginning of this decade came from eastern coal fields. Certainly the relevance of the bill for eastern coal surface mining is made clear by the fact that the Appalachian region still has over 25 billion tons of strippable reserves.

During the last 2 years the Tennessee Valley Authority has conducted two coal mining and reclamation demonstrations in Campbell County in eastern Tennessee. The average slope on both of these sites was 26° and both operations were designed to control offsite water impacts from mining, to restore the contour of the site, and to revegetate the site to control postmining drainage problems. These were total reclamation projects and while the techniques employed may be improved with practice the cost statistics which they provide are of interest in light of the present coal market.

The first experimental site involved a multiple-seam operation with an extensive and complex plan of overburden movement. Because the coal prices had soared to over $30 per ton during the time of operation the mine operator was able to mine a final bench width of 210 feet on a 26° slope, an extremely wide bench on such steep slopes. The production costs derived from this multiple-seam operation including transportation costs for delivery to the rail tipple was $10.97 per ton.

On an adjacent site a single-seam demonstration using the "Pennsylvania block cut" was conducted. The costs were computerized and tabulated for various thicknesses of coal. The bench width at this operation was 140 feet again on a 26° slope. The final production costs were $10.65 per ton delivered at the rail tipple.

Let me emphasize that these statistics include the total cost of reclamation to the approximate standards of S. 7.

Secretary of the Interior Rogers Morton sent to the Senate Interior Committee an estimate of the average cost per ton of H.R. 25, which was identical to S. 7 as introduced. Those statistics show an additional cost per ton of 65 cents for permit preparation and fees and the reclamation fund fee. This would bring the average cost per ton for steep-slope Appalachian surface mine production to about $11.50 per ton.

Last week I asked representatives of the Tennessee Valley Authority to give me an estimate of the present market price of eastern coal. The price of coal over the past 12 months has varied dramatically with some utilities paying as much as $50 per ton during the fall of last year. TVA during that period experienced several contract price escalations some of which more than doubled the price of the coal under contract. In September TVA paid its highest price in history for coal—$30.53 a ton, more than triple its average long-term coal price.

Presently, however, the cost per ton has level off around $20 per ton. Thus, stripmined eastern coal costing $11.50 to produce is generating a substantial margin. In the Appalachian region contour mining will produce an average of over 4,000 tons per acre stripped. This means that the stripminer who is now selling coal at $20 per ton should make about $34,000 above overhead for each acre mined, using all the increased costs associated with S. 7 as a basis for calculating the overhead. Under these circumstances I am highly skeptical that S. 7 will cause any appreciable change in the market price of coal.

One further observation: Critics of the bill assert that the 35 cents per ton fee on strip mined coal will be inflationary and costly to the public. As I have just pointed out there is no reason why this fee should affect the market price of coal in the slightest way. But I find this assertion troublesome for another reason; there are over 2.5 million acres of orphaned land in the United States which it will cost almost $10 billion to reclaim. The Interior Committee estimates that the fee contained in S. 7 will generate $165 million per year. At this rate of funding it will take over half a century to totally repair this orphan mine problem. While this is certainly not an extravagant program, I want to commend the committee for beginning to address this environmental debt. To do less, as some are asking, would be to abdicate responsibility for this environmental tragedy.

Mr. President, this orphan mine reclamation program is the hope of the Appalachian region where most of the millions of acres and thousands of miles of devastated lands and rivers are located. I deeply hope that Congress will not be persuaded to remove this hope from the people of this region in order to save a few pennies in the electric bills of the Nation.

SCS RELAMATION PROGRAM

Mr. President, I mentioned earlier that I had offered and the committee accepted two amendments to section 404 of the bill, which establishes an orphaned mines reclamation program under the Secretary of Agriculture to be administered by the Soil Conservation Service in conjunction with the soil conservation districts.

While these amendments do not make any fundamental change in the authority provided by the bill and should not significantly affect the costs of the program, they will be key to the effectiveness of the program in the steep-slope region of Appalachia.

Last year the conferees on S. 425 in an effort to protect against potential windfall profits limited the size of each project of the SCS to 30 acres per landowner. A survey of the coalfields of southwestern Virginia, which should be typical of the Appalachian region, shows that while about 50 percent of the abandoned mines in that area are under 30 acres these mines represented only about 15 percent of the total acres disturbed.

For this reason I offered an amendment to increase the acreage limitation to 100 acres per landowner. In my estimation such a limitation will adequately protect against any windfall, and will enable the SCS program to address a substantial portion of the Appalachian orphan mine problem.

My second amendment allows the Secretary of Agriculture to reduce the matching share requirement where the main benefits of the soil treatment program will be off site and where the share requirement would probably prevent the landowner from participating.

The reclamation program established in section 404 does not provide for site restoration. It provides only for soil treatment, drainage repair, and revegetation. The main purpose of the program is to begin the regeneration of the site to screen the highwall and spoil piles and to end water pollution by siltation from the site.

It is unlikely that the economic value or the utility of the mined site will be significantly improved without regrading and contour restoration, which the program does not include. It is therefore likely that many landowners will be unable or unwilling to contribute to the program an amount equal to 20 percent of the project costs, which may run to several hundred dollars per acre. Thus an inflexible share requirement would frustrate the effectiveness of the program in repairing these abandoned sites and the esthetic and siltation problems would continue.

In the State of Kentucky, where the broad form deed has been in effect for years, the share requirement would add insult to injury by requiring landowners who received no economic benefit for the devastation of their lands to bear a financial burden amounting often to over half its value for the repair of strip benches which have generated deep local resentment.

My amendment would not eliminate the matching share requirement, however, it would simply allow the Secretary of Agriculture in his discretion to modify the requirement in specific cases to reflect the benefits which might accrue to the landowner, his share in the profits of the mining operation, and his ability to contribute to the project. Ample protection is still provided against windfall profits, since the Secretary may still require in any appropriate instance the full matching share.

It is impossible to estimate the cost of the amendment, since it will be applicable in an undetermined number of circumstances. I would observe, however, that to the extent that the provision makes possible the accomplishment of soil treatments project where the inflexible share requirement would have frustrated these, the cost of the amendment will be directly proportionate to the effectiveness of the program. The amendment, of course, will not change the present funding arrangement in the bill for orphan reclamation and will *not* therefore increase the cost of the bill.

I want to thank the committee again for accepting these amendments.

I ask unanimous consent that a copy of a letter from the National Association of Conservation Districts endorsing these changes be inserted in the RECORD following these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. Mr. President, I think that the bill before us, S. 7, reflects a responsible attitude toward both the control of the environmental impacts of coal surface mining and toward the need for expanded coal production. It is a careful balancing of these interests and will enable coal to play its rightful role in our effort for energy independence without causing unacceptable environmental harm. I urge my colleagues to support the bill.

EXHIBIT 1

THE NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS,
Washington, D.C., February 21, 1975.

Hon. HOWARD H. BAKER,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR BAKER: The purpose of this letter is to support the two amendments which you are proposing for the Reclamation of Rural Lands authority in S. 7, the Surface Mining Control and Reclamation Act of 1975. Both amendments come in Section 404(d).

The first amendment would change from thirty acres to one hundred acres the limit of help to an individual land owner. This amendment would make the proposal much more realistic. If an owner has 100 acres of land which needs rehabilitating and he is limited to assistance on 30 acres only, he most likely would not rehabilitate any of it because of the extensive costs to him. The 30 acre limitation would preclude assistance in many watershed areas.

The second amendment would make an exception in cost sharing arrangements. There are a limited number of situations, primarily but not exclusively, in the Appalachian Region where the owners of the surface cannot justify contributing to land reclamation costs. They could not hope for any immediate return on their investments, and over the years could not recover a token part of the amount spent for reclamation.

Many of the present owners did not reap the returns from mining their lands for minerals and fuels. In addition, the primary benefits resulting from reclamation will be off-site and for the general public rather than for the present owner of the land, especially benefits related to water quality, wildlife and aesthetics. In those situations where acquisition under other sections of this bill is not feasible, the federal government should bear the total costs of reclaiming lands which mitigate against the public interest.

The National Association of Conservation Districts has repeatedly testified before Congressional Committees in favor of a national program of surface-mine reclamation. We favor the above referred to amendments.

Sincerely,

Ray Heinen,
Director of Public Affairs.

Mr. METCALF. Mr. President, unless there are any further opening remarks, I would like to say that Senator Fannin, who is the ranking minority member of the committee, was unable to be here today, and I want to pay the tribute that I paid before to the minority especially to Senator Fannin, Senator Hansen, Senator McClure, and Senator Bartlett, who have consistently participated in the work and consideration in the markup of this legislation.

Several times, as evidenced by our debate on the floor today, we have been in disagreement as to the particular amendments or the consideration with which we were confronted, but never have they left us without a quorum and they have always participated and their constructive assistance has contributed greatly to the kind of a bill that we have before us today.

Senator Fannin will be here tomorrow, and we have agreement that we will not vote on any of the controversial amendments. I am hopeful that some amendments will be submitted, that various Members will submit their arguments for the amendments, and the Members of the Senate can read in the Record some of the arguments which will expedite the consideration tomorrow.

But at the present time, with consent of the minority, I would like to have called up the various committee amendments, which are technical in nature.

I ask unanimous consent that the committee amendments, which are technical in nature, be agreed to en bloc, and that the bill as thus amended be regarded for the purposes of further amendment as original text.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Now, I would ask that the Presiding Officer recognize some of the Members for discussion and submission of their amendments with the understanding that any amendment that is not agreed to will be carried over until tomorrow and the vote will come at such time as the majority leader and the majority whip agree to along with the minority at a later time this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

SENATOR RANDOLPH SUPPORTS ENACTMENT OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

Mr. RANDOLPH. Mr. President, I wish to make brief remarks on the measure before us prior to discussing an amendment which is to be presented.

As is known, I am a Senator representing, with Senator Robert C. Byrd, a major coal-producing State of this Union and I am concerned for the continuing uncertainty that plagues the future of the American coal industry.

If coal production is to be doubled by 1985, as required for our country to approach energy self-sufficiency, the industry and the miners who work within the industry must be knowledgeable as to what is to be done. The industry will have to evolve from our present supply-limited posture to one that, in a sense, is limited only by demand.

This will require the development of environmentally acceptable technologies from the mine, through the transportation sector, to the point of end-use. It is essential that here, in the consideration of this important legislation, we recognize that we must establish a definitive Federal policy governing surface mining and the reclamation of surface-mined lands.

In the discussions that have taken place in subcommittee, in committee, in the conference between the Senate and the House last year, and continuing this year, there have been solid attempts to formulate a policy which assures an equitable balance between meeting our country's future needs for secure energy supplies and those national concerns—national concerns that we recognize and, we do not pass by—which are necessary for the maintenance of environmental quality.

It is my considered thinking that the policies set forth in the Surface Mining Control and Reclamation Act of 1974, going back to last year, were consistent with both these national goals which I have emphasized. Therefore, I was disturbed—I am not in any sense angry at the President of the United States for what he did; I know that President Ford is well intentioned now, as he was then, when he did something that I felt he should not have done—when the President vetoed the Surface Mining Control bill last year.

It was on December 18, 1974, that I urged the Chief Executive, as a person in this body who, I think, is familiar with the equities of such legislation, to sign the bill.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the text of the telegram which I have mentioned.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Washington, D.C., *December 18, 1974.*

The President,
The White House,
Washington, D.C.

Dear Mr. President: I strongly urge your affirmative action on S. 425, the Surface Mining Control and Reclamation Act of 1974, approved by the Congress earlier this week.

As a Senator from our country's largest coal producing State, I am deeply concerned for the uncertainty that plagues the future of this energy industry. If we are to cope with the energy crisis facing our Nation, it is essential that a definitive Federal policy governing surface mining be enunciated at this time.

During the last four years the Congress and the administration have engaged in extensive deliberation on legislation establishing federal policies to govern surface mining and reclamation of surface mined land. In these discussions every attempt has been made to assure an equitable balance is achieved between meeting our country's needs for secure energy supplies, and also national concerns for environmental quality.

It is my considered judgement that the policies in S. 425 are consistent with national goals to promote development of domestic coal resources to meet our country's future energy requirements, as well as increased energy self-sufficiency. I recognize that there is a disparity of opinion within both government and industry on the adverse impact of this legislation. Never the less, this measure represents a reasoned attempt to cope with this national problem, which is predicated on implementation by reasonable government officials.

I reiterate my support for your approval of this vital measure.

With esteem, I am,

Truly,

Jennings Randolph.

Mr. RANDOLPH. Mr. President, I know that the Senators directly concerned with this issue have been working diligently. I do not wish to indulge in pleasantry for the mere pleasantry of discussing Senators who have been close to the development of this bill. The knowledgeable Senator from Montana (Mr. Metcalf), has considered, as have I and others, the Ford administration's concerns and proposed amendments, that may be offered.

The members of the Committee on Interior and Insular Affairs, in particular, Chairman Jackson and Senators Fannin and Hansen—I speak with extra emphasis now because Senator Hansen is in the Chamber and what I say applies equally to Senator Fannin, who is not able to be present this afternoon—have, worked diligently. I commend all of them for their efforts. Because of their concern we have moved forward now, early in this session, to expedite the consideration and the hoped for passage of S. 7. By this action I believe we will be serving the purpose of fostering a more adequate energy supply for the United States to meet the threat from the importation of oil—a subject I will not discuss at the moment—by our positive action on this measure.

Does this bill represent a reasoned attempt to cope with this national problem? Yes, it does. It does so by achieving an equitable balance between environmental and energy concerns.

I recognize that there has been considerable disparity of opinion within Government and industry, and within those who represent the miners—the workers in this industry—on the potential adverse impact if such legislation is passed.

In my judgment, however, the policies set forth in this measure are eminently equitable. I am not saying that we may not differ as this bill is further discussed, as amendments are offered. But generally, this legislation is a reasoned attempt—in fact, a successful attempt, I hope—to implement programs for the reclamation of surface mining. It is necessary to do that at the present time.

While I do not need to say this, I think it is important that we underscore the fact that coal is our most versatile domestic energy resource. In coal resources we have four times the energy that the Arab world has in oil. This is a fact people are inclined, perhaps, not to realize it.

So as we move toward enactment of this measure, it is essential to provide certainty—where a very large, at least a substantial, degree of uncertainty exists—in Federal policy as we think of the development of new or increased domestice supplies.

If there are constraints, that is understandable, and these should be recognized.

Mr. President, I support the passage of S. 7, and I hope that my efforts, not only last year but this year, were directed toward bringing to passage in 1975 this important Surface Mining and Reclamation Act.

SENATOR RANDOLPH URGES APPROVAL OF AMENDMENT TO PROMOTE RECLAMATION OF ABANDONED AND UNRECLAIMED MINED LANDS

Mr. President, I have spoken in general support for the bill.

With the understanding that if there is any disagreement between the managers of the bill on any amendment that it would go over for further discussion, I send to the desk an amendment. In this instance, I would ask, with the understanding of my colleagues, that the amendment be read.

The **PRESIDING OFFICER**. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 36, after line 15, at the end of Section 405(a), insert the following new paragraph:

"(10) The Secretary shall utilize all available data and information on reclamation needs and measures, including the data and information developed by the Corps of Engineers in conducting the National Strip Mine Study authorized by Section 233 of the Flood Control Act of 1970. In connection therewith the Secretary may call on the Secretary of the Army acting through the Chief of Engineers, to assist him in conducting, operating, or managing reclamation facilities and projects, including demonstration facilities and projects, conducted by the Secretary pursuant to this section."

Mr. RANDOLPH. Mr. President, the Surface Mining Control and Reclamation Act of 1975 in section 405 establishes a program for the reclamation of abandoned mined lands or lands affected by surface coal mining operations. The Secretary of the Interior is authorized to reclaim such lands for commercial, industrial, residential, and other intensive land uses.

Prior to initiating reclamation programs on particular tracts of land, the Secretary is to make a thorough study of the area involved. In addition, the Secretary is to identify lands needing reclamation and establish priorities for proposed projects.

The program affects current Corps of Engineers activities. In addition, there is potential for significant involvement of the Corps of Engineers in efforts to reclaim lands that have been damaged by past coal mining activities.

Mr. President, the amendment which I offer would authorize the Secretary of the Interior to utilize the expertise and capabilities of the Corps of Engineers to implement reclamation projects authorized pursuant to the Surface Mining Control and Reclamation Act of 1975. The Secretary thus could take advantage of the Corps of Engineers experience and its understanding of the problems emanating from unreclaimed mining lands. The reclamation activities themselves are similar to the types of construction activities associated with current corps programs.

In response to section 233 of the 1970 Flood Control Act the Corps of Engineers has recently completed the national strip mine study. The study outlines the scope and magnitude of the effects of past and current surface and subsurface mining on navigable rivers and their tributaries. The study also indicates that 56 Federal water resource projects and about 13,000 miles of streams are adversely affected by past and current mining activities.

Some of these adverse effects will be remedied by reclamation activities required by existing law. However, more than 800,000 acres of disturbed lands that pose serious problems are unreclaimed and reclamation is not required by existing law.

The corps also has prepared a feasibility report on a reclamation demonstration project in the Cabin Creek watershed in West Virginia in response to a directive from the Appropriations Committees of the Congress. A third study undertaken by the corps dealt with the inspection of mining waste embankments in coal mining areas in the Potomac, Susquehanna, Delaware, and Ohio River basins.

As a result of the experience gained in these three studies the corps has developed expertise in evaluating the problems associated with unreclaimed mining lands, particularly with respect to both the adverse effects of these lands on the Nation's water resources and the remedial measures which may be employed to mitigate these effects. On the basis of this experience and understanding the Corps of Engineers is a logical agent for conducting reclamation projects, particularly demonstration projects, such as those authorized by S. 7.

The major benefit of this program will be the elimination or mitigation of the effects of unreclaimed mining lands on the Nation's water resources. While the condition of the land would be improved by reclamation measures, the benefits from elimination or mitigation of offsite adverse effects on water resources may very well exceed the increase in economic value of the site itself.

Mr. President, I think the language of the amendment is clear. The intent is valid. I trust that the amendment, which has been discussed with the managers of the bill, will be looked upon favorably.

Mr. METCALF. Mr. President, the Senator from West Virginia is probably the pioneer of all the Senators in the Senate today in insisting upon the development of our coal resources. As a Member of the House of Representatives during World War II he tried to get a development of coal for gasification plants, and so forth. He is the author of the joint study that was conducted by the Public Works Committee, the Interior and Insular Affairs Committee and seven other Senate Committees on the whole energy problem.

I do not know anyone in America who speaks with more knowledge about energy, and about coal especially, than the Senator from West Virginia.

As chairman of the Public Works Committee it is completely appropriate that he should come in and tell us that the committee that he works for, and the public works people of America and the Corps of Engineers are available in all of their experience and all their technique, especially in developing the water, in helping the Secretary of Interior to carry out the purposes of the Surface Mining Act.

I think it is completely appropriate that we remember that in the course of carrying out the provisions of this act the Secretary of Interior should be able to call upon any of the other governmental agencies for their knowledge, for their assistance or for their help. But especially I think we should highlight the fact that the Corps of Engineers, with its knowledge of the water courses, its knowledge of the development of all the rivers and streams of America, should be permitted to use that knowledge along with the Secretary of Interior. I compliment the chairman of the Public Works Committee (Mr. RANDOLPH) for bringing in this amendment which says that the Secretary of Interior should be especially permitted to call on the Corps of Engineers to assist him in carrying out the very important provisions of this act.

So far as I am concerned, I think the amendment should be approved, and certainly I would accept it as an improvement to the bill.

Mr. RANDOLPH. Mr. President, I thank the Senator from Wyoming (Mr. METCALF) for his gracious words and I commend the able Senator for his leadership in bringing this measure promptly to the Senate for consideration. As chairman of the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs, Senator METCALF worked diligently during the 93d Congress to achieve enactment of legislation governing the reclamation of surfaced mined lands.

Due to his continued leadership in the 94th Congress the Senate is now able to consider legislation which is responsive to the concerns voiced by the President when he vetoed the measure last year.

Mr. HANSEN. Mr. President, I have no objection to the amendment.

I do point out again that Senator FANNIN is conducting hearings in his State of Arizona today on an export matter, as a member of the Committee on Finance. Reserving the right that he may have to ask that the amendment be brought up for reconsideration, I would be happy to accept it on that basis.

Mr. METCALF. Mr. President, I concur in that reservation. In moving forward with this bill, it might be well to accept some of these matters today, with the provision that Senator FANNIN—with the concurrence of all of us—will be able to have the action on these amendments reconsidered.

The **PRESIDING OFFICER** (Mr.

GARN). Without objection, it is so ordered.

The amendment is agreed to.

Mr. McCLURE. Mr. President, I am one of those who, last year and again this year, supported the reporting of the bill and support the bill itself, with some reservations.

The bill does not have everything in it that should be there, and it has some provisions which I do not fully support. However, I think it is important that we enact a bill. I think it is past time that we enact a bill.

I was sorry that we ended up last year with a bill which the President found sufficiently unacceptable to exercise a veto. I hope that as we go through the bill today and tomorrow, we will be able to forge a bill which, after conference with the other body, can be sent to the President in form which he will find acceptable.

However, there are some matters in this bill which raise serious issues for our consideration. I raise those issues not because I am opposed to the bill but because I support it and because I want it passed. I want it passed in a form which is acceptable not only to Congress but also to the administration, because the people of the United States want and demand and expect that we will pass an appropriate measure that can become law.

I do not want us to engage in a futile exercise, trying to buy votes rather than solve problems. I hope we will solve problems with this bill and not simply posture for one group or several groups around this country, in an effort to placate them, but without any real progress toward solution of the problem.

The able Senator from Montana (Mr. METCALF) and the Senator from Wyoming (Mr. HANSEN) have already made reference to the bill and what it would do, and I will not repeat what the bill would do. But I do want to make some reference to the very real costs that we are imposing upon the consumers of this country as we seek to make the costs directly payable rather than to defer the indirect costs to future generations, in environmental damage.

That is a cost I am willing to pay. Let us not forget what we are doing, and let us not delude ourselves as we tell the American people that this bill is perfect and that it is without cost, because it is not perfect, and it is not without cost, just as the failure to pass the measure would be imperfect action on our part, and would impose a cost upon this generation and succeeding generations.

Let us take a look for a moment at what it will cost in terms of production. For small surface mines, I suspect that we will have, in permit cost, steep slope cost, impoundment cost, and reclamation fund fee that will affect about 40 million tons annually by 1976, a cost that ranges somewhere near $1 per ton.

On all surface mines, not just small ones, that cost will be reduced to slightly more than one-half, in a range of about 60 cents per ton, and by 1976 that will affect approximately 330 million tons per year. That cost of approximately 60 cents per ton on 330 million tons will be paid by the consumers of this country.

On all surface and underground mines combined, the cost again will drop, because the reclamation costs imposed upon underground mines is less than the cost imposed upon surface mines, and that cost will probably average somewhere in the neighborhood of 40 cents per ton on all coal that is mined, about 684 million tons per year, or nearly $300 million per year that will be paid by the consumers of this country, so that future generations will not pay the cost of unacceptable environmental degradation.

But there are some additional costs that are not included in those figures, and I think the American people are entitled to know that. We do not have written in those figures the additional capitalization requirements for all forms of mining and for the reclamation that will be required. We have absolutely no estimate of what may be required on one of the most controversial portions of this bill, and that is the alluvial valley floor protection. We are not even certain, as we get to the floor of the Senate, what an alluvial valley floor is, let alone what it will cost to protect it.

Aquifer restoration is another one of those costs that is totally beyond our ability to estimate at the present time. As a matter of fact, I think the able managers of this bill would have to admit that we do not know exactly what it is we are talking about in that particular area.

Citizen suits, valuable as they can be in enforcing the provisions of a law, have a cost; and those costs are almost impossible to quantify. There will be an additional cost, paid by the consumers of this country, because of the citizen suit provisions of this measure.

Under the terms of this bill, we will have designated certain lands as unsuitable for surface coal mining—properly so, I believe. Hopefully, the administration of the bill will make proper designation, but that is not without cost to the consumers of this country.

In addition, there will be exploration permit costs. There will be a cost for that, unless the amendment which I will offer later is adopted. I am not certain that it will be adopted. I understand that the Senator from Montana will oppose the amendment. It would remove the absolute ban on mining on Forest Service lands of the West. There will be an additional cost in doing that.

The surface owner consent for exploration and mining, which both able Senators have mentioned, will have very large costs. We do not know how much. I do not think anyone knows how much. But when we get through with all this list, I would not be at all surprised to find that we have added approximately $2 a ton to the cost of coal. That is a cost which perhaps we, in our judgment, are willing to impose. Most of those costs, I am willing to suggest, are proper costs, because they are proper activities. But what does that do to us at this time?

I think we must take another look at some of the other effects of this legislation, not because I am opposed to the measure, which I am not, but because I think the people of this country are entitled to be told what the facts are. I think they should demand, and we should give them, the courtesy of expecting that they are grown up, that they are able to accept the facts of life as presented to them, and that we can and should level with them on what we are doing here.

What will be the effect on our gross national product? There is probably a direct loss to the gross national product attributable to lost coal production, probably—and the estimate has been made by Treasury and OMB—in the range of $750 million. There will be a secondary economic impact because of the ripple effect of that lost gross national product, and that probably will total $1.350 billion.

There will be, as I indicated before, increased cost to the consumers. One of the places it will show up is higher utility bills. If we pass this bill, as I think we shall, we should also tell the American consuming public, "Brace yourself; you are going to pay for it monthly. It is going to be in your bills when you get your bill for electricity." That will probably be an average cost increase to consumers of electric power of about $1.3 billion. That total domestic economic impact, which must be paid by the consumers of this country because there is no one else to pay it, will be $3.4 billion. There is a cost to not doing it. But let us not try to kid anyone that when we do this, we have not imposed a very real increase in the cost of living on all of our citizens. I think we will.

There will, in addition, be an estimated payments deficit incurred by loss of coal in our balance of payments, because the only source of energy for which this coal would be the substitute is imported oil. That imported oil that will be imported because we did not mine this amount of coal will amount to about $2.750 billion.

I think when we add up all of the costs that are involved besides the direct cost to the industry, or including the direct cost to the industry, we will have about $6.2 billion in additional costs that will be paid by the consumers of this country.

Again I say that I do not make these comments because I am opposed to the bill. That is not at all true. I support the bill. But I want the American people to understand what we are doing and what they are expecting us to do as we move through this legislation.

Mr. President, I have a three-part amendment which I wish to submit en bloc. I send the amendment to the desk at this time.

The amendment which I have submitted modifies the language in section 525 (b), in section 525(c) and in section 426 (c). Those amendments are designed to expedite the judicial review of the secretarial order shutting down a coal operation.

Mr. President, I ask unanimous consent that those three amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, they will be considered en bloc.

Mr. McCLURE. Mr. President, I have discussed these amendments with the majority floor manager of the bill.

The **PRESIDING OFFICER.** The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McClure) proposes amendments en bloc.

The amendments are as follows:

On page 129, line 2, after the period add the following new language:

Where the application for review concerns an order for cessation of surface coal mining and reclamation operations issued pursuant to the provisions of subparagraphs (a) (2) or (3) of section 521 of this title, the Secretary shall issue the written decision within thirty days of the receipt of the application for review, unless temporary relief has been granted by the Secretary pursuant to subparagraph (c) of this section or by a United States district court pursuant to subparagraph (c) of section 526 of this title.

On page 129, line 9, after the period, add the following:

The Secretary shall issue an order or decision granting or denying such relief expeditiously: *Provided*, that where the applicant requests relief from an order for cessation of coal mining and reclamation operation issued pursuant to subparagraphs (a) (2) or (a) (3) of section 521 of this title, the order or decision on such a request shall be issued within five days of its receipt.

On page 129, line 13, before the semicolon, add the following: except where the applicant requests relief from an order for cessation of coal mining and reclamation operation issued pursuant to subparagraphs (a) (2) or (a) (3) of section 521 of this title.

On page 131, line 23, strike "except" and insert in lieu thereof "including".

On page 131, line 24, after the word "decision" add the following: "issued pursuant to subparagraph (c) of section 525 of this title"

On page 131, line 24, after the word "under" add the following: "subparagraphs (a) (2) or (a) (3) of"

On page 132, line 1, after the word "title" add the following: "for cessation of coal mining and reclamation operations"

Mr. McCLURE. Mr. President, this amendment—parts 1 to 3—is designed to modify the administrative and judicial review procedures where a mine operator has been ordered to shut down his operations under section 521 of the act. In light of the potentially severe economic consequences of a shutdown order, fundamental fairness requires that review by the Secretary be accomplished expeditiously and that some provision be made for prompt judicial review.

Part 1: Under section 525 mining operators who have been issued notices or orders to cease operations under section 521 are accorded an opportunity to seek review by the Secretary. No limits, however, are imposed on the amount of time the Secretary can take in making the required investigation and issuing a decision. Because of the hardship which a shutdown imposes on the mine operator, the Secretary should be required to issue a decision within 30 days of the receipt of an application for review. This requirement need not be imposed, however, where temporary relief from the order has been granted by either the Secretary or a court.

Part 2: Section 525(c), which gives mining operators the opportunity to request temporary relief pending the Secretary's review of a shutdown order also imposes no time limits on the Secretary. To avoid undue delay and to permit the operator to seek judicial review and judicial relief where appropriate as promptly as possible, a decision on a petition for temporary relief from a shutdown order should be issued within 5 days of its receipt. To facilitate prompt action by the Secretary, the hearing requirement has been eliminated in this one class of cases.

Part 3: This amendment provides for prompt judicial review of the Secretary's decision on a request for temporary relief pending his review of the shutdown order and for judicial relief where it is deemed appropriate.

I understand that they are acceptable to the floor manager.

Mr. METCALF. Yes, Mr. President, they are. I think they make a distinguished contribution to the consideration of the bill. None of us wants a delay to judicial review. None of us wants to countenance any shutdown of any of these ongoing coal operations as a result of failure to give the proper judicial decisions within an appropriate time. I think all of these amendments give time in the court to give complete consideration and, at the same time, urge that there be prompt and considered action on these operations. I compliment the Senator from Idaho for calling this to our attention.

I have no objection to the amendments. I think they contribute to the bill.

The **PRESIDING OFFICER.** The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. McCLURE. Mr. President, I understand that the Senator from Montana (Mr. Mansfield) has an amendment he would like to offer at this time. I yield to him for the purpose of his offering that amendment, with the understanding that I shall have the right to the floor after his amendment has been presented.

Mr. MANSFIELD. Mr. President, I appreciate the comments of the distinguished Senator from Idaho. I do have to meet with the leadership on both sides shortly.

The amendment I will offer will not be voted on today, because it is one with which we are all familiar. I wish to make a short statement for the Record.

AMENDMENT NO. 80

Mr. MANSFIELD. Mr. President, the bill, S. 7, Surface Mine Reclamation Act of 1975, now before the Senate, is a good bill, and will supplement some of the surface mine reclamation laws already adopted by several States. I am delighted that the Committee on Interior and Insular Affairs did not consent to some of the weakening amendments suggested by the Department of the Interior, and the coal industry. The State of Montana, I am proud to say, has adopted, perhaps, the most stringent set of laws in the country which pertain to the surface mining of coal, utilization of water, and environmental controls. The legislature is now actively discussing a severance tax as a means of providing funds to assist communities in adjusting to the impact of significant surface coal mine developments. The Federal Government has a responsibility to support these efforts, and in no way obstruct the intention of these laws and regulations.

The two basic concerns I have with the bill, S. 7, are that it commits our Government to open-ended development of Federal coal deposits, and does not give sufficient protection to the surface owner who does not wish to sell or lease his property. It is for this reason that I again offer the so-called Mansfield amendment which states that where there are Federal coal deposits and the surface is owned by another party, the lands shall be withdrawn from all forms of surfacing mining. This amendment would apply only to coal deposits leased after January 1, 1975.

The energy crisis has focused on alternative sources of energy, and, unfortunately, in my estimation, most of the attention is being given to low-sulfur coal in the West. The low-sulfur coal deposits in the States of North Dakota, Wyoming, and Montana are easily surface mined with maximum profits. I am convinced that the coal industry is primarily interested is extracting coal in the easiest and most profitable manner with little regard for dislocation, environmental, and resource damage, local impact, and the aftermath. I see no reason that the Federal Government should associate itself with the effort to tie up all coal resources in the West to be used at a time convenient to the coal companies for their financial gain. There are tremendous deposits of coal—Federal, State, and private—that have already been leased and the surface has been acquired. In the West, some 12 million acres of coal have now been leased. Six million of this is Federal coal. Why should we be rushing to tie up the rest of the Federal coal? Admittedly, a moratorium on Federal coal leasing would create inconveniences for some of the larger strip mine operators, but this is inconsequential when considered with the detrimental effects that are associated with such large developments. Modern-day technology has overcome any significant inconvenience to industry.

Statistical information from the Old West Regional Commission indicates that, in Montana alone, there are 107,727 million tons of coal. Interestingly, over half of this, 65,165 million tons, could be mined by the underground method. Eight of the Western States have a total of 199,042 million tons of coal in place—almost one-half of the Nation's coal reserve.

Too little consideration is being given to alternative sources of energy. Why are we not pressing harder for accelerated research in wind, Sun, and geothermal sources of energy? What about methane? Why are we not making a more concerted effort to improve the underground mining process, and upgrading working conditions for the miners? Let us determine as rapidly as possible just exactly what we can or cannot expect from atomic energy. In the area of coal, I recognize that it is going to be utilized to a great degree, but why not in a more efficient manner through the MHD process? The administration has, for too long, held back on giving financial and administrative support to the MHD program, which is a more efficient use of coal with limited environmental problems, and requires little water, a very precious resource in the West.

Coal is going to be mined in the West, and Montana will do its share to help meet the energy crisis; but not at our own expense. Montana will provide for its own needs and for those of the immediate area. Coal will be, and is being, exported domestically for burning elsewhere, but I do not want to see eastern Montana opened up for a network of coal gasification plants, and the social, economic, and environmental impact that comes with projects of this nature. The coal gasification process involves the consumptive use of water, and this would place a very heavy drain on the Yellowstone, and Missouri River Basin Systems. My concerns in this area are supported by the large number of applications for water allocations that have been filed with the State of Montana.

Mr. President, the one consideration that must be paramount in making these energy decisions for the future is that eastern Montana, and the neighboring States are rural in nature and are dependent on an agricultural economy. We must be concerned with protection of agricultural productivity, personal property, and community health and safety. Coal gasification is not yet a very sophisticated process, and creates many problems, environmental pollution, tremendous local impact, displacement of local resources, a 20- to 30-year life, and an undetermined, but frightening, aftermath. I, personally, am not willing to stand by and endorse a program that will mean rural slums for eastern Montana. State licensed utilities have a responsibility to their own, but I am not confident that this extends to the out-of-State company or utility. We already see some examples of shack towns, and sprawling trailer communities with inadequate public services.

Coal development anywhere in the Nation needs to be strictly regulated, properly taxed, and utilized. The developers, it seems to me, have a commitment to make certain that no one part of the Nation has to absorb the total consequences of all-out development of coal. We do not want a policy of coal development because it is cheap, and plentiful, and at anyone's expense.

Each Member of the Senate should have on his desk a copy of the autumn 1974 issue of Western Wildlands, a natural resource journal published by the University of Montana. This is a comprehensive survey of coal development in Montana presenting the views of those for and against.

Mr. President, the Sunday, March 9, 1975, issue of the New York Times contains a news account of the recent press conference of Leonard Woodcock, president of the United Auto Workers Union. During the press conference, he discussed coal mining, and its apparent shift from the east to the west. Mr. Woodcock stated:

> "The bulk of our coal lies east of the Mississippi River." He said, "We should be developing processes to remove the high sulphur content from that coal and be using it rather than out ripping up the West."

I ask unanimous consent that this news story be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOODCOCK SEEKS NEW ENERGY UNIT: LABOR LEADER SAYS IT SHOULD REGULATE OIL COMPANIES

MAHWAH, N.J., March 8.—Leonard Woodcock, president of the United Auto Workers Union, said today that the nation's economic condition and what he called the monopolistic practices of major oil companies were serious enough to warrant the setting up of a national energy development board with broad regulatory powers.

Mr. Woodcock said such a board should have the kind of bipartisan policy: development authority as that of the War Production Board in World War II.

The labor leader's comments came during a news conference before a speech he delivered to a meeting of several hundred students and union members this afternoon at Ramapo State College here.

While stressing that "we are not in favor of full nationalization" of the oil industry, Mr. Woodcock said any energy development board would have to have enough power to "take strong policy initiatives, or to break up monopolies if necessary."

He said that he had been discussing the formation of such a board during the last week with Congressional leaders in Washington and that "there has been some encouraging response from them on the project."

* * * ton, the California Democrat who is chairman of the House Democratic Caucus, joined Mr. Woodcock for today's conference on "Working People and the Economic Crisis." He said that he was familiar with the discussions on Mr. Woodcock's proposal, but that "I would have to find out more of the particulars before I could discuss its chances."

Mr. Woodcock said the economic and energy crisis is every bit as serious as the war crisis they faced during the nineteen forties, adding, "There's no way the auto industry is ever going to revive until the economy itself revives."

"The bulk of our coal lies east of the Mississippi River," he said. "We should be developing processes to remove the high sulphur content from that coal and be using it rather than out ripping up the West."

Mr. Woodcock said that because oil companies control not only oil but most other sources of energy, including coal and uranium, "an energy board would require the authority to take over those companies that stand in the way of new policies."

Mr. MANSFIELD. My amendment would limit the Federal Government's role in coal development and it would also give some hope to those ranchers, and surface owners who are not interested in having their lands stripped at any price, and who wish to continue their current livelihood. These people are a part of a way of life which must be preserved and protected.

There is a growing awareness of what is happening in the West, and I am convinced that the people of the Great Plains and Rocky Mountains do not want to become the "utility backyards of the Nation." The adoption of my amendment will, in some degree, slow down but not impede the process, and it will give the little guy a chance.

Mr. President, I sent my amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 169, beginning with line 17, strike out all through line 12 on page 170 and insert the following:

SURFACE OWNER PROTECTION

SEC. 717. All coal deposits, title to which is in the United States, in lands with respect to which the United States is not the surface owner thereof are hereby withdrawn from all forms of surface mining operations and open pit mining, except surface operations incident to an underground coal mine. Provisions of this subsection shall apply only to coal deposits leased after January 1, 1975.

Mr. MANSFIELD. Mr. President, I extend my thanks to the distinguished Senator from Idaho for permitting me to call up this amendment today, though it will not be acted upon.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the amendment will be laid aside until tomorrow.

Mr. METCALF. Mr. President, will the Senator from Idaho yield briefly to me?

Mr. McCLURE. I yield to the Senator from Montana without relinquishing my right to the floor.

Mr. METCALF. I thank the Senator. I ask for this time only to suggest that I am in wholehearted accord with the amendment offered by my colleague from Montana. I offered it in committee, and I supported it in conference, and I also offered it the last time this measure was debated.

Before we vote on it tomorrow, I shall have some further comments in support of the amendment, but at this time I defer any further comments until the Senator from Idaho has had a chance to speak on his amendment.

Mr. McCLURE. Mr. President, I was speaking a moment ago with regard to the potential impact of the passage of this legislation. I think it is well for us, in this day of the energy crisis, to ponder the effect this measure would have on the energy supplies of this country, and to recognize what we are doing. I might also parenthetically state that the figures I have given and the figures I am about to give are obviously without the impact of the Mansfield amendment. The Mansfield amendment would greatly increase the impact upon the energy availability of this country, and greatly reduce the availability of energy for the wheels of industry that provide the jobs with which we are all so very much concerned today.

That was the thing I wanted to address myself to for just a moment—the reduction that is imposed by this bill, as justifiable as it is, without the Mansfield amendment.

The potential reductions in output have been estimated, according to different sources and according to the different bills, during the transition period, as between 15 and 150 million tons a year reduction in production, and a low estimate would run around 33 million tons of coal per year, with a high range of 141 million tons of coal per year which could not be mined or would not be mined, but would be reduced from our inventory of energy assets in this country.

If I recall the figures correctly, you multiply that figure by 4 in order to get the number of barrels of oil we would have to introduce into our economy from overseas, from outside the United States, as a substitute for the coal which we would not mine under this bill.

If the high range is correct, that it might range as high as 141 million tons of coal that has to be replaced each year by oil, an additional 608 million barrels of oil per year, or 1.7 million barrels per day, would be needed.

But not all coal can be replaced by oil. It is estimated that 80 percent would be replaced by oil and 20 percent by underground mined coal; and you can talk all you want to about "Let us go to the deep mines in the East instead of the strip mines in the West," but that simply cannot be done as a practical matter, in the short run, no matter how much we may wish it. No matter how many speeches we may hear in the Senate, no matter how many learned articles are written concerning underground mining of coal, there is a limit to how fast we could exploit that resource, even if we should direct our policies in that direction.

But assuming that 20 percent would be replaced by underground mined coal, then the United States would need to import 486 million barrels a year, or 1.3 million barrels a day, which, at $11 a barrel, would add $5.4 billion a year to the U.S. foreign exchange outflow.

There have been a lot of people in Congress who have been fulminating about the oil exporting countries. There have been a great many people who have said they are friends of Israel, who have decried the amount of money that is building up in the coffers of the Arab countries, and yet many of those very same people are adopting policies which greatly strengthen the economic clout and political clout of the very countries that they decry as enemies of Israel. And again I would say that the figures in the conversation that I have been indulging in right now have to do with the impact of the bill as written and not the bill with the Mansfield amendment attached to it which would ban all strip mining on all Federal lands.

Now, if the coal output were reduced by 141 million tons of coal a year, the first year direct impact would be 26,100 jobs lost. For each direct job lost in mining it is estimated that eight-tenths of a job outside or 20,880 additional jobs would be lost indirectly, resulting in a first year total employment loss of 46,980 jobs. This is a first year impact if that were the amount of coal that were cut.

At this point Mr. HELMS assumed the chair.

Mr. McCLURE. Fortunately, I think that figure is on the outside range. The job loss will not be that great in the first year. But I think we do need to look at what we are doing so that the American people have an understanding of what price they are paying in direct cost compared to the indirect costs of damage to the environment that we are trying to correct. They need to know what we are doing.

In that connection, I think it is well to understand, because I have heard a great many people talk not only about replacing this with underground coal but also indicated we have so much coal under lease now that we do not need to lease any any more, that we do not need to make any future leases—and I am sure the Senator from Montana (Mr. MANSFIELD) would make the point that it does not affect future leases—and they point to the fact that there are 462 leases covering 681,180 acres, and they say there is plenty of coal there to last for some time.

But let us look at those contracts, those leases that are in effect, that would not be cut off by some of the proposed legislation, and we see these figures, there are under those 462 leases in those 681,000 acres of land, a total of 16.1 billion tons of coal. But what do those 16.1 billion tons consist of?

Well, about 550 million of it are uneconomic reserves. They are not going to be recovered because they cannot afford to recover them.

About one-eighth of the total, 2,010,000,000 tons are environmentally unacceptably located. They could not be mined for environmental reasons. Of the remainder of that 16.1 billion tons, 6.68 billion are already committed under existing contracts to known uses. They are not available for other uses than those to which they are already committed.

Of that 6.68 billion tons, 1.14 billion will never be mined because they are uneconomic to mine. So there will only be 5.73 billion tons mined of that 16 billion committed to present uses that will actually be mined and reach the marketplace and be used.

That leaves expected to be committed soon a total of 4 billion tons of the 16 billion that are expected, and that leaves out of the 16 billion somewhere between 1.72 to 1.73 billion tons out of the 16 billion that might be available to move into the marketplace to turn the wheels of industry and heat the homes and provide electricity for all of the homes in this country even at the costs which I have already outlined.

Now, perhaps it sounds to some like, having said what I have said, that I oppose the bill. I want to reemphasize that I do not oppose the bill. But I do oppose crippling amendments that will make the picture worse than it is.

There is no need to add to these economic woes that we are imposing upon an already crippled economy further crippling blows, and it is not necessary for us to go beyond the provisions of this bill. As a matter of fact, I think we need to make some slight revisions in the bill to moderate the impact upon the gross national product and the impact upon jobs of the people of this country.

AMENDMENT 82

I have an amendment, Mr. President, which will deal with one of those problems directly, because we have a provision in the bill which I believe is unwise, and it goes in the opposite direction from the amendment offered by the Senator from Montana (Mr. MANSFIELD). I send it to the desk and ask the clerk to report the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 124, line 20, after the semicolon add the following: *Provided*, That the Secretary of Agriculture may set aside the prohibition on surface coal mining operations for a specific area or areas if after due consideration of the existing and potential multiple resource uses and values he determines such action to be in the public interest. Surface coal mining on any such areas shall be subject to the provisions applicable to other Federal lands as contained in section 523;

Mr. McCLURE. Mr. President, in a very short few words—I know this is a controversial amendment, and I will not ask the committee to accept it, but I will ask unanimous consent that it be held at the desk for consideration tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. This amendment which I have offered would seek to delete from the bill the provision that bans all surface mining on the national forest lands of the West. I know the good Senator from Montana, my very good friend, LEE METCALF, will say to me that that is only 4 percent of the coal.

Well, it is not really 4 percent of the coal; it is 30 percent of the economically recoverable coal on national forest lands, BLM-administered lands.

It may only be 4 percent of the lands, but it is 30 percent of the coal that is recoverable.

Mr. METCALF. Will the Senator from Idaho, who is going to give my speech, give another portion of it? Will he yield to me here?

Mr. McCLURE. I would be glad to yield to the Senator.

Mr. METCALF. At the present time there is not any mining whatsoever in the national forest, any strip mining or any underground, so it would not have any effect at all on any of the leases or any operations of mining that are going on today.

Mr. McCLURE. I appreciate the comment, but let me make one correction because I think the Senator said something he did not wish to say. He said there is not any mining. He meant there is not any surface coal mining.

Mr. METCALF. That is right, and the administration told us in the hearing that they have no application for leasing for mining on the national forest lands.

Mr. McCLURE. I appreciate the comments of the Senator from Montana, but we are removing 30 percent of the recoverable coal from the reserves of this country that lay on the national resources lands, and if, as a matter of fact, there are not any applications, then that might indicate they are in less economic areas. If they are in less economic areas, they will not be mined. We do not need the prohibition.

But what I suggest is we are taking 30 percent of the recoverable coal and setting it aside and saying we are not going to touch that coal.

Now, the Senator from Montana knows, as I do, that aside perhaps from blades of grass, the most common plant in the United States, the one plant that occurs in more proliferation than any other plant in the United States, is the common sagebrush, and that is what lies on top of these coal seams in the national forest, and we have not yet figured a way to turn sagebrush into board.

If they are national forests they are not in the character of forests that a great many people in the Eastern United States think of when they think of a national forest. These are arid lands. They are similar in character to the lands that the Senator from Montana (Mr. MANSFIELD) suggests should be removed from the inventory, that we should not mine at all.

There is no logical reason, there can be no logical distinction based upon the character of the land or the character of the coal, to treat that coal or those lands differently from those lands which are administered by the Bureau of Land Management.

As I say, I think this is not an uncontroversial amendment, and I know the feelings of the Senator from Montana (Mr. METCALF) and I know why he is doing what he is doing, and I applaud him for seeking to do what he thinks is in the best interests of the people who live in that area.

But what we are passing is a national bill not a regional bill. This is not a bill to impose conditions upon a specific section of the land. We are asking the people of the Northeast United States to accept whatever dangers there may be in offshore oil drilling.

They say, "Why do that to us?" And the people in Louisiana say "Why not do that to you, you are requiring us to have the offshore oil drilling and the onshore facilities for drilling in the Gulf and then you want the energy?"

And I suggest the similarity in this particular case lies in the fact that the Senator from Montana and my good friend the Senator from Wyoming are very much concerned, as they should be, with the impact that this industry may have upon their specific States.

But again, Mr. President, this is not a bill designed to affect adversely a specific State and just as we have already adopted in the committee the amendment which I offered that said the State of Pennsylvania is not going to get affected differently on experience, I say that we should not—to the States in the West that have these coal lands—treat them differently from the rest of the States, and impose upon those hills in the Appalachian region of the United States and in the midcontinent that have stripable reserves the full burden of the coal mining operations of this country.

Unfortunately, the mineral resources of this country were not necessarily placed where they are most convenient and they are not necessarily placed at the precise point that the consumers will consume them. We have to produce those resources from the place where they occurred naturally, because there is no other way we can do it.

In closing, Mr. President, I would urge when we get around to the consideration of the amendment which I have just offered, we remember that of the coals that are on the national forest lands that are not now under lease, they are under no current application for leasing, that at some time we are going to replace those tons of coal ton by ton with four barrels of imported oil.

So our consideration, as we look at the Mansfield amendment, or the amendment which I am offering, is not whether or not we wish to mine that coal, but whether we would rather mine that coal and rehabilitate that land, or whether we would rather replace that ton by ton with $44 worth of oil from some foreign country, with all the implications that has.

That, Mr. President, is the issue presented by these two amendments.

I yield the floor.

Mr. BARTLETT. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. BARTLETT. Yes, I yield without losing my right to the floor.

Mr. METCALF. Yes.

The agreement, of course, is that the amendment offered by the Senator from Idaho and the Mansfield amendment will both be called up again tomorrow and some challenges the Senator from Idaho made will be responded to by my colleague from Montana, and also as part of the discussion on the amendment tomorrow. With that understanding, I certainly defer to the Senator from Oklahoma who did not have an opportunity to make an opening speech and will combine his with any amendments he wants to offer.

Mr. BARTLETT. Mr. President, I want to make it perfectly clear that I do strongly believe in adequate reclamation programs and strip mining of domestic coal.

I agree with the concept that domestic coal should not be mined if the surface over that coal cannot be properly reclaimed. But I also believe, and I think it is very consistent with that concept, that the coal production of this Nation must be maximized.

There are adequate provisions in this bill to provide for proper reclamation of the surface, yet the bill does not stop there; it goes on much further and finally and very quickly develops into a coal banning bill.

I wish to express views of Senator FANNIN who could not be here today, as well as from time to time some views of my own.

Mr. President, the Congress in the last session and again in this current session has moved forward to preempt State laws governing reclamation of strip mined land. Why does the Congress feel this need when 32 States already require reclamation of surface mined land and of these, 25 have updated or enacted new laws since 1970? Their laws are tailored to meet the peculiar and specific climatic, geologic, geographic and other conditions which vary from State to State. Is the land not really being reclaimed under State enforcement? Where is the evil? Are some, which do, failing to combat their problems? What necessitates a Federal law?

S. 7, under the guise of being a "reclamation" bill, which supposedly allows surface mining if the land can be reclaimed, is really a measure designed to preclude the mining of coal by surface mining methods in as many instances as possible. This "ban" philosophy is woven throughout the bill, from the purposes section to the surface owner consent provision.

There is a second philosophy which promotes underground mining as a substitute. Two short sections—one from the findings section and one from the purposes section—reveal this general thrust:

> SEC. 101(b)—"the overwhelming percentage of the nation's coal reserves can only be extracted by underground mining methods, and it is, therefore, essential to the national interest to insure the existence of an expended and economically healthy underground coal mining industry."

Mr. President, this finds its place in the strip mining bill which seems to show a bias toward underground mining rather than strip mining.

> SEC. 102(j)—"It is the purpose of this Act to encourage the full utilization of coal resources through the development and application of underground extraction technologies."

There are very serious implications inherent in a national policy that promotes underground mining while limiting surface mining. There are those that would have us believe that the United States can produce more than adequate coal supplies via underground methods which will meet the anticipated increase in demand. The facts are exactly to the contrary. Surface mining recovery technology makes it possible today to realize 98 percent recovery of the coal being mined while the bulk of underground mining—90 percent—uses the "room and pillar" technique that recovers only about 55 percent of the coal. Today, surface mining reclamation techniques can restore the land to equal or higher uses but techniques of underground mining are still in the infant stage as well as the technology to recover more of the coal.

Consider the facts expressed in the Bureau of Mines statistics.

Mr. President, I ask unanimous consent to have printed in the RECORD the charts on page 240 of the committee report.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

CHARTS

I. ESTIMATED COAL PRODUCTION BY METHODS OF MINING

[In billion tons]

	Underground	Surface	Total
1972	304,103	291,284	595,000
1975	335,700	349,010	685,000
1977	360,990	394,010	755,000
1980	396,530	498,470	895,000
1985	458,870	641,130	1,100,000

Source: Division of Fossil Fuels Minerals Supply, Bureau of Mines, May 22, 1974.

II. RECOVERABLE STRIPPABLE RESERVES

[In billion tons]

	Low sulfur	Medium sulfur	High sulfur	Total
Western	29.3	1.4	0.6	31.3
Interior	.6	1.2	6.7	8.5
Eastern	1.9	1.4	1.9	5.2
Total	31.8	4.0	9.2	45.0
Percent	70.6	9.0	70.4	100.0

Source: Bureau of Mines.

III. DEMONSTRATED COAL RESERVE BASE OF THE UNITED STATES

[In billion tons]

	Anthracite	Bituminous	Subbituminous	Lignite	Total
Mined:					
Underground:					
East	7.0	162	0	0	169.0
West	.5	31	98	0	129.0
Total	7.5	192	98	0	297.0
Surface:					
East	.5	33	0	1	34.5
West	.0	8	67	27	103.0
Total	.5	41	67	28	137.0
Grand total	7.0	233	165	28	[1] 434.0

[1] Totals may not add due to rounding.

Source: Bureau of Mines.

Mr. BARTLETT. Mr. President, chart I estimates the potential coal production levels by methods of mining. Because of the vast Western coal deposits that are easily and economically recoverable, there is great potential for expanded strip mining production. By 1985 this Nation can increase by 120 percent the coal mined in 1972 by surface mining methods, but it can only increase by 50 percent the amount mined from underground. Statistics also reveal that almost one-third of the demonstrated coal reserves, or 137 billion tons is in beds so close to the surface that underground mining is impractical, and three-fourths of this amount is located in States west of the Mississippi River.

Both political parties agree that coal production must be drastically increased to lessen the pressures caused by our dependence on foreign high-priced oil.

President Ford, in his message to Congress in January 1975, called for doubling coal production to 2.1 billion tons by 1985. The Senate majority leader and the Speaker of the House urged this past Saturday, March 1, 1975, in the congressional program for economic recovery and energy sufficiency, the Democrats' response to President Ford's energy package that coal production be increased to 1.4 billion tons by 1985, more than doubling the current production.

In reading that figure and citing the majority leader's position on increasing coal production, I am reminded of his introduction just a few minutes ago of the amendment bearing his name, which would reduce very drastically the potential production of coal in this country, as it would not permit coal to be mined from Federal lands where there is a dichotomy of ownership between the coal owned by the Federal Government and the surface owned by an individual. I do not see how, in view of the figures that I will be presenting, there would be any way in which there could be an increase to 1.4 billion tons by 1985. The figures that I will cite in just a few minutes do not include the provisions of the Mansfield amendment, but do include provisions in this bill which very severely hamper the production of domestic coal.

Even if this Nation could drastically increase underground mined coal, which it cannot, an additional factor must be considered—that factor is the human one. Consider the number of lives lost due to caveins, black lung, explosions and all the hazards incident to underground mining. The health and safety of our miners is vital and its measure of importance is incalculable.

S. 7 implements these twin philosophies by certain techniques. First, underground mining is encouraged by specifically failing to regulate it except when it causes surface effects; by pronouncements of preference in section 101, 102, and the surface owner consent section, 716, and also by taxing surface mined coal at a higher rate than coal produced by underground mining. Next, surface mining is banned in five broad areas set out in section 122, which include the national forests, the national wilderness system, within 300 feet of a public road, park, or building. Then, surface mining is mandatorily precluded in those areas where reclamation pursuant to this stringent act is not feasible. And to cap it all, surface mining may be precluded—by being designated unsuitable—if such mining will:

First, be incompatible with existing land use plans or programs; or

Second, affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or

Third, affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas; or

Fourth, affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

These considerations have absolutely nothing to do with whether the land can be fully reclaimed. These are lands which will not be mined because another purpose has been given priority even if that purpose could be fully utilized after the coal is mined. It may be that all land could fall into at least one of these categories.

Perhaps the most illustrative example of this ban philosophy is seen in section 510, the permit approval or denial section. Before a mining application can be approved, the regulatory authority must find that:

First, the assessment of the cumulative impact of all anticipated mining in the area on the hydrologic balance has been made, and the operation has been designed to prevent to the maximum extent possible—using the best available technology—irreparable offsite impacts to the hydrologic balance.

Second, the area is not within an area designated unsuitable or is not within an area being considered for such designation.

Third, the surface mining operation, if located west of the one hundredth meridian west longitude, would not have a substantial adverse effect on farming or ranching operations being conducted on alluvial valley floors where they are significant to farming or ranching operations.

Stripping the legalese away, what this section means is that if the surface mining operation even temporarily alters the hydrologic balance as it is interpreted by the regulatory authority, then surface mining could be precluded. It means that such mining could be prohibited even if all the Federal and State water quality laws are fully observed. This is a de facto amendment to the Federal water quality laws by a committee which lacks the expertise to make the proper judgments. If the mining were to be attempted in an alluvial valley in the West, it will be precluded not because reclamation under this act cannot be achieved, but because farming or ranching operations are given preference over surface mining for coal. The paramount danger inherent in the alluvial valley issue is the extent, the scope, the dimension of the definition of "alluvial valley."

During the consideration of this section in markup, the Department of Interior representatives, who were present the entire time responded to the question of how much land will be included under the definition—and specifically where in the Powder River Basin of Wyoming and Montana would surface mining be precluded. The Department said it had no maps to pinpoint alluvial valleys, but that the definition in the act would preclude mining of millions of acres in the Power River Basin and other areas in the West. For the uninitiated, the Fort Union formation in and around the Powder River Basin contains the great bulk of our entire Nation's huge coal reserves.

Nearly half of this Nation's coal production last year came from strip mines, and in the short run, increased coal supplies can only come from western coal, most of which can only be recovered by stripping. Time and again it has been said that coal is our "ace in the hole" and is the only domestic fuel that can relieve the pressures—national and international—caused by dependence on exorbitantly priced foreign crude oil. We will need to double coal production by 1985 to maintain any form of self-sufficiency, yet in this Congress right now, this Senate Interior Committee has voted to reduce coal production by at least 48 to 141 million tons a year or 6 to 18 percent of our total production. How can we justify to the American consumer cutting production when their utility rates are climbing out of sight?

I am reminded of the article that was in yesterday's Washington Post, showing a particular electric billing for 10,410 kilowatt hours in the amount of $173.68 for 1974, and for 1975, this February, on a 2-month billing comparison of only 9,810 kilowatt hours, amounting to $261.67 in 1975, compared to $173.68 in 1974, with less electricity consumed.

The figures I used of 48 to 140 million tons a year in reduced coal production do not include any loss due to the surface owner consent provision of this bill, in which a surface owner may, if he desires, deny production from Federal lands even though he receives full value of damages because his land would be out of use for a year or so during the surface mining, and even though he has absolutely no ownership in the coal, which is owned by the Federal Government.

My figures of the reduction in production of coal domestically do not consider that amount of land that would be denied mining because of the lands unsuitable provision of this bill, nor do we include those lands because of the siltation provisions, nor the disturbed lands provision.

So it really appears that some people must think we have an adequate supply of domestic energy or perhaps even an excess to enjoy the requirements of this bill, which will reduce our ace in the hole, the coal production that so many of us are relying on to get us into the next century, when we hope to bring on new technology.

This, I realize, also goes along with nuclear energy.

We predict that the losses will be even greater as the ambiguous provisions of S. 7 which cannot now be quantified are resolved.

Mr. President, the Department of the Interior was asked to provide information on every provision in this bill as to what the cost would be in the production of coal, and they said that they could not do it. They have not provided us with this kind of information, which the general public should know, at least in round figures, so that they can form an intelligent opinion of the value of this piece of legislation.

Foreseen production losses alone should be sufficient to keep this act from becoming law, but consider some other side effects: 49,980 jobs will be lost, electric utility rates will climb 10 to 16 percent, 1.7 million barrels per day of imported oil costing $2.75 billion per year will be needed to replace lost coal production. The total economic costs to the U.S. economy will be in the range of $6.2 billion, not counting the human misery incident to the loss of jobs.

Mr. President, I point out that the imbalance of trade has become a tremendous economic problem during the last few years, occasioned by the huge increase of imports of foreign oil and refined products. The total amount of this, including natural gas, for 1972 was $4.7 billion, and then about double to 1973, in the amount of $8 billion; and for 1974, it is estimated at $23 billion.

The additional amount of imported oil that would be required to replace the loss of coal production would amount to $7 billion and would increase this very drastically and increase our reliance on unreliable imported oil.

Mr. President, the issues involved cannot be viewed in a vacuum. We must consider the every day realities of inflation, dependence upon foreign energy sources, jobs, American security, and plain old economics. The majority of this committee expressly defeated an amendment I offered to clarify the section on stream siltation—section 515(b)(10)—which requires the administering authority to "minimize the disturbances to the prevailing hydrologic balance by conducting surface coal mining operations so as to prevent additional contributions of suspended solids to the streamflow." This language prohibits any increase in stream siltation and thus would preclude mining near water courses. My amendment, to add "to the maximum extent practicable," after the word "prevent," was rejected because the language was said to introduce an economic test to measure the extent of what could be done to stop siltation, and that economics are not appropriate to environmental protection. This majority analysis is a vacuum that leads to the ridiculous; we in Congress can pass laws requiring something to be done, though we know it be impossible. Reclamation of our strip mined lands is a socially desirable goal, but the level of that reclamation has to be tied to economics unless our real intent is really to preclude surface mining of coal. The total disregard of the economic ramifications of the standards imposed in S. 7 convinces us that the act is truly intended to ban strip mining. Other committee action strengthened this conviction.

As a policy matter, the committee banned open pit mining for coal except for one mine already in existence—the Kemmerer in Wyoming. This extremely environmental decision cost the consumer—at least in 1973 production terms—4 mines in Carbon County, Wyo., at 6.5 million tons; 1 mine in Lewis County, Wash., at 3.2 million tons, and 1 mine in Alaska at 700,000 tons. As a practical matter, the de facto prohibition on new open pit operations will prevent the recovery of considerable amounts of coal in Colorado, Utah, Washington, and Wyoming because the only feasible method for mining some huge, thick, pitching seams in the West is by the prohibited open pit.

Coal will be tougher to mine in the West—if it can be done at all—because the committee refused to grant variance authority from the requirement to restore to approximate original contour as set forth in section 515(b)(3) or 515(d). The issue was whether, given all the environmental safeguards elaborated in section 515(c)(3), which includes 16 specific environmental tests before a variance can be granted, the regulatory authority should be given flexibility in granting variances for industrial, commercial, residential, or public facilities to meet postmining uses for the affected land.

The committee voted to allow this variance for Eastern U.S. strip mining operations, but not Western. This decision defies logic unless the intent is to preclude strip mining in as many instances as possible. Consider this example: If the postmining use of the Western land is a planned residential community surrounding a manmade lake, the land must nevertheless be returned to approximate original contour, even if the builder must again after that original contour to accommodate his project. Economics again are viewed in a vacuum.

S. 425, vetoed by the President in December 1974, contained a prohibition against further leasing of Federal coal until February 1, 1976. As most know, the Secretary of the Interior, faced with environmental pressure, has not leased any Federal coal in the West for over 3 years. Environmentalists claim that because there is 16.1 billion tons already under lease, there is no need to break the current moratorium. But Bureau of Land Management figures bring relevance to the 16.1 billion tons by showing that all but 4 billion tons are already committed under long term contracts, are in environmentally unacceptable mining areas, or are in less than logical mining units. That in fact, of the remaining 4.01 billion tons, half is expected to be committed to contract soon, and that, thus, only approximately 2 billion tons of reserves are available to meet the huge expansion dictated by our growing energy needs. What logic is there to locking up, even for 1 day, coal reserves that belong to all the people of this Nation, when they must now be programed by lease if future energy demands are to be met? Unless, indeed, the intent is actually to preclude surface mining of coal?

The committee rejected a House provision which exempted anthracite coal mines from the environmental reclamation standards of section 515 and the surface effects of underground mining of section 516. The rejected provision would have left coal mines predominately located in Pennsylvania under that State's environmental protection provisions. We believe all the States should be treated equally, just as all surface mining operations should be so treated, and so we felt that all States should control reclamation standards. Although the committee did not adopt this approach, we support the elimination of an exemption which would give relief to only one State and one small segment of the surface mining industry.

In conclusion, we agree with President Ford's veto of this bill in December 1974.

The committee has not made enough changes to warrant his signature and we urge him to veto this measure again is significant changes are not made in conference. From experience, in the previous conference we see little likelihood of success. We agree with the President and with the Democratic leadership of the Congress who all call for accelerated coal production between now and 1985. We find this bill to be the very antithesis of the policy to increase coal supplies because it is, in essence, a ban on strip mining of coal.

We find the encouragement of underground mining at the expense of surface mining dangerous, as well as incapable of meeting the demands for additional coal. We believe our Nation cannot afford this bill. It will hamstring our efforts to wean ourselves from imported crude oil, cost the consumer in higher utility rates, cost the Nation blackouts and brownouts because additional coal-fired power plants will not be built, and put thousands of Americans out of work. The issue of striking a balance between reclaiming our lands and still mining the essential energy source will be moot, if this act becomes law, because the bulk of strippable coal reserves will not be mined. Every available fact points toward stripped coal as the only opportunity this Nation has to become energy self-sufficient.

There are huge low sulfur western coal reserves that in many instances can only be extracted by surface mining. Such a system is the safest for our miners, it is the only efficient method that can capture 98 percent of the resource. Coal is the only domestic fuel which we have in abundance, and only through apt regulation of surface mining on a State by State basis can we insure full and total reclamation of our precious land. Finally, 32 States have exemplary reclamation laws and much of this Federal scheme was borrowed from States like Pennsylvania and Montana. So why create this Procrustean bed?

The impediments which this committee has adopted in the form of S. 7 are not in the best interests of this Nation, and we only hope that if the President's veto of it cannot be sustained, the Congress will awaken and repeal it before it cripples us as an industrial nation.

I am reminded, in thinking about the treatment that strip mining received in this legislation, of the price controls on natural gas, the environmentally attractive fuel, which have prevented it from being produced in such amounts as would enable us to make real progress in reducing the pollution of this Nation. I am reminded that the former head of the National Environmental Protection Agency said that if the amount of natural gas in New York State could be increased 300 percent, the pollution problems would be greatly minimized. Yet here we are concerning ourselves with strip mining when 70 percent of the mineable coal is low-sulfur in content and very attractive from a pollution and environmental point of view. Yet we are making it very difficult to obtain adequate amounts of energy.

I am reminded, too, of an article that was published in the Washington Post earlier this year telling about Georgetown University shifting from gas to oil heat, because of the unavailability of sufficient natural gas and curtailments that were necessary by the gas company.

The additional charge to Georgetown University for, I believe, approximately 105 days, was $2,000 per day. This will be repeated time and time again, because of inadequacies of natural gas or inadequacies of domestic crude oil to provide the necessary fuel or energy to heat or to cool, or to make wheels turn. Instead, we will have to turn more and more to high cost imported oil.

The Committee on Interior and Insular Affairs has jurisdiction over certain of the environmental bills as well as certain bills pertaining to energy. It is the committee which sponsored the National Environmental Protection Agency.

Section 102 of this legislation has resulted in many delays of powerplant construction, of construction of the Alaskan pipeline, of leasing of Federal lands for coal production purposes, and of licensing of nuclear powerplants. So, in what that committee has done and has not done, although we have made progress in the environmental field, we have fallen way behind in our efforts to be energy sufficient, in our efforts to achieve energy independence.

I remind my colleagues that those nations of the world which suffer from poverty are invariably those nations of the world which have a very low supply of energy; and nations which have achieved a high standard of living are those which have acquired and developed energy of their own, or have imported it from other nations in order to have utilization of energy.

It is with a proper and careful utilization of energy that we have the opportunity for having a high standard of living. After we go into the very difficult period of developing sufficient energy for this Nation, realizing that we must replace these costly imports with domestic energy, and realizing that we must reduce those imports, we must bear in mind that it will be impossible for us to reduce the imports without decreasing employment and without affecting our ability as a nation to be productive.

I emphasize to my colleagues that the people whom we will be hurting the most, in an energy short position, are those of the most modest means, those who are poor, because what we have been doing in recent years is having more and more people of lower incomes enjoy the higher standard of living that goes with the usage of more energy; and we will be precluding the poorer segments of our population from having adequate energy if we pass this legislation.

So I ask my colleagues to consider very carefully what this legislation would do, and I implore them to make some changes in various amendments which will truly make it be a bill that will assure us of adequate reclamation to go along with our mining operations, so that we can mine coal, but that we will not mine coal if the land cannot be reclaimed. I think that we must not adopt this piece of legislation, which actually is a ban on coal production.

Mr. President, I yield the floor.

Mr. METCALF. I thank the Senator from Oklahoma.

FURTHER CONTINUING APPROPRIATIONS, 1975—CONFERENCE REPORT

Mr. INOUYE. Mr. President, I submit a report of the committee of conference on House Joint Resolution 219, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BELLMON). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 219) making further continuing appropriations for the fiscal year 1975, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of March 6, 1975.)

Mr. INOUYE. Mr. President, there were only two Senate amendments to the continuing resolution which was before the conference. They are as follows:

First. Provides for the continued funding of activities under title IX of the Public Health Service Act until June 30, 1975, instead of the extension of titles VI and IX as proposed by the Senate and the termination of such titles as proposed by the House. The conferees have included reference to title IX of the Public Health Service Act in order to assure that the regional medical program will be continued until the proper level of appropriations for fiscal year 1975 can be addressed in a supplemental appropriation bill. It is not expected that the full amount of $75 million authorized by the continuing resolution for 1975 will be obligated.

Second. Extends obligational authority for foreign assistance programs until March 25 rather than March 31 as originally proposed by the House.

At this juncture, I am pleased to announce that as a result of the position taken by the Senate, the House has assured us that the foreign aid bill will be passed before the Senate's Easter recess.

Mr. SCHWEIKER. Mr. President, I address this inquiry to the distinguished Senator from Washington (Mr. MAGNUSON).

I just want to make certain that new community mental health centers will receive funds for staffing under this continuing appropriations bill.

Mr. MAGNUSON. Yes. The continuing resolution does authorize the appropriation of funds for new community level of expenditure as in fiscal 1974.

Mr. INOUYE. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Hawaii.

The motion was agreed to.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11:30 a.m. tomorrow.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON ON THURSDAY, MARCH 13, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders or their designees have been recognized under the standing order, Mr. SYMINGTON be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND FOR FURTHER CONSIDERATION OF S. 7

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees are recognized tomorrow under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 5 minutes, at the conclusion of which the Senate will resume consideration of the unfinished business, S. 7, the surface mining bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11:30 A.M.

Mr. METCALF. Mr. President, if there be no other business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 11:30 a.m. tomorrow.

The motion was agreed to; and at 4:26 p.m. the Senate adjourned until tomorrow, Tuesday, March 11, 1975, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1975:

FEDERAL ELECTION COMMISSION

Neil Staebler, of Michigan, to be a member of the Federal Election Commission for a term of 2 years (new position).

Thomas B. Curtis, of Missouri, to be a member of the Federal Election Commission for a term of 5 years (new position).

HOUSE OF REPRESENTATIVES—*Monday, March 10, 1975*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Seek the Lord and you shall live.—Amos 5:6.

Eternal Father of our spirits from whom cometh our help for every day, strengthen us for the duties of this day and make us ready to carry our responsibilities with high honor and inspiring integrity. May we walk through these hours with a faith that never falters, a courage that never fails and a good will that never fades from our hearts.

Grant that in our search for a better life for all we and our people may accept the demands and the disciplines of that devotion. By self-denial and if need be sacrifice, may we seek to find our way and finding it have the courage to walk in it.

Bless our people, we pray Thee, especially the unemployed. Help us to make wise decisions and take sound action that these people may find work and in so doing make their contribution to the good of their families and the greatness of our Nation.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed joint and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S.J. Res. 48. Joint resolution to amend the Defense Production Act of 1950, as amended, and for other purposes; and

S. Con. Res. 22. Concurrent resolution expressing the wish of the Congress to pay tribute to the achievements of the Girl Scouts of the United States of America as this important youth movement celebrates its 63d anniversary on March 12, 1975.

The message also announced that the Vice President, pursuant to sections 42 and 43 of title 20, United States Code, appointed Mr. Moss to the Board of Regents of the Smithsonian Institution in lieu of Mr. Fulbright, resigned.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON FOREIGN ASSISTANCE APPROPRIATION BILL

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the foreign assistance and related programs appropriation bill for fiscal year 1975.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SHRIVER reserved all points of order.

PERMISSION FOR COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO SIT DURING SESSION ON MARCH 12

Mr. FLYNT. Mr. Speaker, I ask unanimous consent that on Wednesday next, March 12, 1975, the Committee on Standards of Official Conduct be permitted to sit while the House is considering legislation under the 5-minute rule and during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES AND THREE OF ITS SUBCOMMITTEES TO SIT DURING SESSION TODAY

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services and three of its subcommittees, the Research and Development Subcommittee, the Seapower Subcommittee, and the Subcommittee on Military Personnel, be permitted to proceed this afternoon with their hearings on H.R. 3689, the fiscal year 1976 Department of Defense appropriation authorization request, during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

OIL COMPANIES PUSH GASOLINE SALES

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, it seems that not everybody wants to save energy.

The oil companies are doing just the opposite. They want to push gasoline sales as hard as they can.

In Boston, the big oil companies are making their service stations stay open 7 days a week, work longer hours, and cut prices. But the price cut comes entirely out of the station's share; the oil companies are not taking any part of the reduction.

It used to be that the station made 9 cents a gallon on gasoline. Now the oil companies have made them cut their prices and their profit margins by 4 cents, so gasoline stations are only getting 5 cents on the gallon. The oil companies are bullying the gas stations and squandering the Nation's gasoline supply.

The strategy ought to be clear enough. The big oil companies are trying to force another gasoline shortage on this country so that they can demand a still higher price for gasoline and protect their oil depletion allowance.

This is one of the most selfish, shortsighted and outrageous abuses of economic power ever perpetrated on the people of this country by an essential and near-monopolistic industry.

The President has an energy plan. The House and Senate have task forces on energy. The Ways and Means Committee is working on energy. All of us in Washington are trying to save energy and protect our Nation. From now on, one of the parts of our energy package ought to be measures to deal with these outrageous practices by the oil gluttons.

AMERICANS SHOULD NOT ASK CAMBODIA TO SURRENDER

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the interview by Senator HUBERT HUMPHREY with the press in one of the talk shows on yesterday was not in the best image of the distinguished Senator. I could read nothing but compromise or surrender in his statements, and in the case of Cambodia, compromise, as he outlined it, is surrender. This distinguished American holds a high place in the minds and hearts of the people. He knows that regardless of what may happen in Cambodia, we have a commitment and moral obligation to the Cambodian people to help to save them from a bloodbath and the cruel rule of communism. And if they are willing to fight to preserve their independence, we should be the last to urge them to give up. His words undoubtedly made good reading in the Communist capitals, but they will cast doubts among the free people of the world on how much dependence can be placed on an American promise.

We should vote aid to Cambodia in the full amount the President requested. We should have done so weeks ago when the request was made. Procrastination does not help the image of Congress. Procrastination is too frequently associated with the image of Congress. Americans should not ask Cambodia to surrender.

NOMINATION AS MEMBER OF FEDERAL ELECTION COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on House Administration:

THE WHITE HOUSE,
March 10, 1975.

To the Congress of the United States:

I nominate Thomas B. Curtis, of Missouri, to be a Member of the Federal Election Commission for a term of five years. (New Position.)

GERALD R. FORD.

NOMINATION AS MEMBER OF FEDERAL ELECTION COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on House Administration:

THE WHITE HOUSE,
March 10, 1975.

To the Congress of the United States:

I nominate Neil Staebler, of Michigan, to be a Member of the Federal Election Commission for a term of two years. (New Position.)

GERALD R. FORD.

RESIGNATION AS MEMBER OF HOUSE DISTRICT COMMITTEE

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D.C.,
March 6, 1975.

HON. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In further reference to my letter to you of January 17th, 1975, I hereby tender my resignation from the House District Committee effective immediately,

Thank you for your kind attention to this matter.

Sincerely,

JAMES J. HOWARD,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

SELECTION FOR ACCREDITATION AS OFFICIAL ADVISER TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of section 161(a), title I, Public Law 93-618, and upon the recommendation of the Chairman of the Committee on Ways and Means, the Chair has selected the following member of that committee, to be accredited by the President, as an official adviser to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 94th Congress, the gentleman from Texas (Mr. ARCHER) to fill the existing vacancy thereon.

AMENDING THE DEFENSE PRODUCTION ACT OF 1950

Mr. REES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 48) to amend the Defense Production Act of 1950, as amended, and for other purposes.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California if he could give us an explanation of whether any of the questions raised previously regarding this extension resolution have been cleared up and what levels of funding, if any, are contained in the resolution?

Mr. REES. Mr. Speaker, I will be glad to.

This resolution concerns the National Commission on Supplies and Shortages. What the resolution does is to extend the Commission's life from June 30, this year, to December 31, this year, and also extends the date on which the first report will be made available to the Congress from March 1, which was about a week ago, to June 30, 1975.

This resolution came to the floor previously on February 6. At that time there was language in the resolution which would have waived the conflict of interest statutes on the appointees from the public sector to the Commission. It was objected to.

I have been negotiating with the Senate. It was agreed to take out those sections so that the conflict of interest statute will affect all Members of the Commission. That was the only point in controversy.

Also, the resolution extends the appropriation that has already been appropriated for this Commission until December 31; so there is no additional money at all. All we do is extend the life for 6 months, so that we can appoint that Commission and get going.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman and withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 48

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (h), (i) and (l) of section 720 of the Defense Production Act of 1950, as amended, are amended to read as follows:

"(h) In the first sentence strike out 'March 1, 1975' and insert 'June 30, 1975'. In the second sentence strike out 'June 30, 1975' and insert 'December 31, 1975'.

"(i) (2) In the second sentence strike out 'for the fiscal year ending June 30, 1975' and insert 'to remain available until December 31, 1975'.

"(l) Strike out 'for the fiscal year ending June 30, 1975' and insert 'to remain available until December 31, 1975'."

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 40]

Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Ashley
Aspin
AuCoin
Badillo
Barrett
Blanchard
Blouin
Boland
Bolling
Bowen
Brademas
Breckinridge
Brinkley
Brodhead
Brown, Mich.
Burke, Calif.
Casey
Chisholm
Clausen, Don H.
Conyers
Corman
Dellums
Derwinski
Diggs
Drinan
Early
Edgar
Edwards, Calif.
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fenwick
Findley
Fish
Fisher
Flowers
Ford, Tenn.
Fraser
Gude
Hannaford
Hawkins
Hayes, Ind.
Hébert
Heckler, Mass.
Henderson
Howe
Hubbard
Hyde
Ichord
Jarman
Jenrette
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jordan
Kindness
LaFalce
Landrum
Leggett
Levitas
Litton
Lloyd, Calif.
McCloskey
McDonald
McEwen
McKinney
Madigan
Mann
Martin
Meeds
Mikva
Milford
Mills
Mineta
Moorhead, Pa.
Murphy, N.Y.
O'Hara
Ottinger
Patman
Patterson, Calif.
Pepper
Quie
Quillen
Reuss
Risenhoover
Rosenthal
Rostenkowski
Rousselot
Runnels
Ryan
St Germain
Scheuer
Shuster
Sisk
Snyder
Staggers
Stark
Steiger, Wis.
Stephens
Stokes
Talcott
Udall
Vanik
Waxman
Wiggins
Wilson, Bob
Wydler

The **SPEAKER**. On this rollcall 321 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. **O'NEILL**. Mr. Speaker, I have asked for this time in order to announce a change in the legislative program for this week. We had previously announced that we would take up the Surface Mining Act on Thursday and the foreign assistance appropriations bill on Friday.

We are now moving consideration of the foreign assistance appropriations bill to Thursday, and the surface mining bill will follow that. We plan to meet on Friday in order to complete that, if necessary.

The real reason for the change, of course, is that we very well could begin consideration of the surface mining bill on Thursday and continue all day Thursday and go into Friday, and then it would be late before we would get to the foreign assistance appropriations bill.

Mr. Speaker, that is the main reason why we are taking up the foreign assistance appropriations bill before we consider surface mining bill.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 219, FURTHER CONTINUING APPROPRIATIONS, 1975

Mr. **MAHON**. Mr. Speaker, pursuant to the order of the House on Thursday last, I call up the conference report on the joint resolution (H.J. Res. 219) making further continuing appropriations for the fiscal year 1975, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 6, 1975.)

Mr. **MAHON**. Mr. Speaker, the measure which the Committee on Appropriations brings before the House today is the conference report on the further continuing resolution which passed this body on February 25. A further resolution is necessary to continue certain governmental functions for which appropriations have not yet been enacted. It covers two major areas; the foreign assistance programs and various programs under the Department of Health, Education, and Welfare and certain activities of the Community Services Administration, the successor agency to the Office of Economic Opportunity.

FOREIGN ASSISTANCE

The continuing resolution which passed the House in February provided further funding authority for the foreign aid programs through March 31. The Senate amended the House provision to terminate the foreign aid programs on February 28 and in conference a cutoff date of March 25 was agreed to.

Later today the full appropriations committee will meet to consider the regular annual appropriation bill for foreign aid and it is scheduled to be considered by the House on Thursday. It is hoped that the bill can be cleared through Congress before the forthcoming Easter recess. Certainly every effort will be made to do so.

The rate provided for foreign assistance under this continuing resolution is some $2.4 billion below the 1974 level and $2.5 billion below the amended budget estimates. The bill which will be presented to the full Appropriations Committee later today will be slightly below the level provided for in this further continuing resolution.

HEALTH PROGRAMS

Mr. Speaker, the further continuing resolution presented to the House 2 weeks ago also provided for the continuation of various health programs and other activities, to which I referred earlier, until June 30. On the House floor an amendment was agreed to exempting two items from this continuing authority—the Hill-Burton programs and the regional medical program. The Senate restored the continuing authority for these two items and in conference and after considerable discussion a compromise agreement was reached which continues the regional medical program until June 30 but does not provide further authority for those activities under title VI of the Public Health Service Act.

So, Mr. Speaker, these are the compromises that were agreed to in conference. We have no reasonable alternative but to provide the continuing authority contained in this conference report and I urge its adoption.

Ms. **HOLTZMAN**. Mr. Speaker, will the gentleman yield?

Mr. **MAHON**. I yield to the gentlewoman from New York.

Ms. **HOLTZMAN**. Mr. Speaker, I thank the gentleman for yielding.

I want to ask the distinguished chairman of the committee the following question:

The chairman will recall that when H.J. Res. 219 first came up on the floor, I questioned the propriety of giving grants-in-aid to Saudi Arabia for military training, as this resolution would permit. The chairman said that he would look into the matter. Can the chairman tell me whether the Defense Department will spend any of the moneys available on a grant-in-aid basis for Saudi Arabia under this resolution?

Mr. **MAHON**. Mr. Speaker, I well remember the colloquy of the gentlewoman, and I will yield to the gentleman from Louisiana for response to the gentlewoman's question.

Mr. **PASSMAN**. Mr. Speaker, I thank the chairman for yielding.

I would like to say to the gentlewoman from New York that when this came up on the floor during the debate on the last continuing resolution, we found that $220,000 in military training was scheduled for Saudi Arabia. After the gentlewoman from New York brought this matter up, we took it up with the Defense Department. We were informed that they obligated $38,000, but they would cancel out the remainder. Therefore, there is nothing in this bill for Saudi Arabia.

Ms. **HOLTZMAN**. I thank the gentleman for his assurance.

U.S. training of Saudi Arabian troops is a highly questionable policy. If such training is provided, certainly it is sheer nonsense to provide such assistance free of charge. Oil-rich Saudi Arabia is not an impoverished nation entitled to foreign assistance at the expense of the American taxpayers.

I thank the distinguished gentleman from Louisiana, chairman of the Subcommittee on Foreign Operations, for the prompt action he took, in response to my initial inquiries, to prevent a wasteful expenditure of taxpayer dollars.

Mr. **STRATTON**. Mr. Speaker, will the gentleman yield to me?

Mr. **MAHON**. I yield to the gentleman from New York.

Mr. **STRATTON**. I thank the distinguished Chairman for yielding.

Mr. Speaker, while there is apparently no money in the bill for Saudi Arabia, I should like to comment on what my colleague, the gentlewoman from New York (Ms. HOLTZMAN), has just said. We are in the process of very delicate negotiations now to try to achieve a second stage disengagement between Israel and the Arab confrontation states in the Middle East. The Committee on Armed Services has had a subcommittee which recently returned from that area, and it seems to me the most important objective and goal of the United States in the Middle East at the present time is to achieve that kind of an agreement.

It seems to me that if we were to try now in this legislation to withdraw some kind of ongoing program to assist Saudi Arabia, we are going to complicate that particular agreement without actually accomplishing anything.

Saudi Arabia is a moderate Arab State.

It is important these days that this House keep in mind our basic objective which is to achieve a disengagement between these two contestants rather than try to pick out this or that particular program, with which we may disagree, for in the long run that is only going to make it that much more difficult for Secretary Kissinger to achieve his objective.

Mr. MAHON. I will say to the gentleman from New York that I do not believe that any complication will result as a consequence of what has taken place here. It is true that the United States is very friendly with Saudi Arabia and is trying to work with Saudi Arabia and other nations of the Middle East toward a resolution of the problems which confront that beleaguered land.

Mr. STRATTON. If the distinguished Chairman will yield further, I also do not believe that any complications will arise from the particular colloquy that has just taken place. But I do detect a certain cloud on the horizon, perhaps no larger than a man's hand, that could perhaps later on, loom a whole lot larger in this body, and then it could have some rather devastating effects on the mission that our Secretary of State has presently embarked upon. I just believe we ought to be aware of this danger.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

I should like to ask the distinguished chairman of the Committee on Appropriations precisely what the total figure is that is contained in this bill for foreign aid.

Mr. MAHON. This, of course, continues the foreign aid appropriation bill program as it has been in existence since last July 1 at the same general level. I would yield to the distinguished gentleman from Louisiana to give the figures with regard to the matter.

Mr. PASSMAN. I thank the distinguished chairman for yielding.

I might say to the gentleman from Maryland that titles I, II, and III of the foreign aid bill are continued in the continuing resolution at an annual level of $3,501,000,000. What we are doing now is only continuing foreign aid for 15 days. This extends the foreign aid program to March 25 so we can bring the regular bill to the floor of the House by, we hope, Thursday of this week.

Mr. BAUMAN. If the gentleman will yield further, there is $3½ billion of foreign aid authorization in this Congress.

Mr. MAHON. It has been continued since last July 1. There is no new action whatever with respect to the foreign aid and foreign assistance program.

The House on Thursday will be considering the foreign assistance appropriation bill for fiscal year 1975.

Mr. BAUMAN. I thank the gentleman.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, if the chairman of the Committee on Appropriations will recall, when the House took up the continuing resolution it adopted the Michel amendment which in effect took out the continuing funding of the Hill-Burton and the regional medical programs because there were sufficient funds to carry those programs over. The regional medical program as such was abolished 6 months ago by the action taken by this House and by the Senate and approved into law by the President.

I am astounded that in spite of the action taken by the House, the conferees bring back to this House a continuing resolution for $75 million which is no longer authorized by law. I am at a loss to understand it and I would hope that the gentleman would assure the House that this money will not be spent inappropriately, inconsistent with the legislation that we adopted, but rather this will be held until the House can address this problem with a supplemental which should be up, as I understand it, before Easter, so we would need here only the transition funds to come out of this fund, and that beyond that these funds will not be obligated.

Mr. MAHON. Mr. Speaker, the explanatory note in regard to that in the conference report points out that the entire $75 million which the continuing resolution provides should not be obligated.

The other body took a very strong position in favor of the regional medical program and this was the best compromise the conferees were able to agree upon.

I agree with the gentleman that we should not waste any money and that we should not carry on programs that are not authorized, but I understand the law provides for the continued use of these funds in connection with this program.

I also would remind the gentleman that frequently the authorizing committees and the Appropriations Committee to provide for a program is the continuing resolution for which the authorizing committee has not been able to enact an authorization.

I see the gentleman from Illinois is on his feet and I yield to him for a discussion in more depth regarding these funds as agreed to in the conference.

Mr. MICHEL. Mr. Speaker, if the gentleman will yield, the gentleman from Florida may have noticed I signed the conference report but with an exception with respect to amendment No. 1, because I felt strongly, as the gentleman from Florida and others do and as evidenced by the kind of vote we had here in the House adopting my amendment to delete both the Hill-Burton program and the regional medical program from the continuing resolution.

I am glad to say the other body went along at least with the portion having to do with the Hill-Burton program, but I am very distressed that we could not get the full agreement to eliminate the regional medical programs, because I think it should be evidenced that the conference report language dealing with the regional medical programs is at best ambiguous and at worst cannot be administered really very well by the Department of HEW.

Unless the language in the upcoming supplemental appropriation clearly specifies the amount that Congress is appropriating for the regional medical programs for fiscal year 1975, it would seem to me that HEW has only one of two choices: either spend the $75 million authorized in this continuing resolution or submit a rescission. The conference report language says:

> It is not expected that the full amount of $75 million authorized by the continuing resolution for 1975 will be obligated.

Well, that language does not have the force of law and will not serve to reduce the authorization in the continuing resolution, but I would sincerely hope that if nothing else comes from this colloquy we have that the folks downtown will not get the impression that by all means we are authorizing it fully at $75 million, as this continuing resolution does, that the report language should have some force and effect in expressing the will of the Congress, that it does not all have to be spent if it cannot be spent wisely.

I would sincerely hope that my chairman would feel strongly about that, because we are going to have an opportunity between now and the end of the fiscal year to have not only our committee but the full House to speak again in implementing the new law, as the gentleman from Florida points out, which has been really in effect for 6 months now.

It is about time we get implemented the provisions of the new law against tying ourselves down so tightly to the old law, which frankly is outmoded, it is obsolete.

Mr. MAHON. I thank the gentleman.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I think the gentleman certainly knew what was directed to the Department. It should only be for transitional purposes and no more. Otherwise, it is inconceivable that we can change the law, instead of going into funding payments. In fact, it is not the policy of the chairman of the committee.

Mr. MICHEL. Mr. Speaker, if the gentleman will yield, my concern is that in effect we have some double funding here and it is an action I just would not like to see come about and the sooner we can speak up as a body, very finitely and definitely about this program, the better off we will be.

Mr. ROGERS. Mr. Speaker, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman.

Mr. ROGERS. May I say, we have already spoken; judgment has already been made. Regional medical programs are not continued. That was changed 6 months ago.

Now, if we have to start bringing to the House floor directions to the committee to go to conference, Members will do that, but I hope that will not be necessary, that the laws can be carried out as they are written.

Mr. MAHON. I would say to the gentleman from Florida that the action taken in the conference was taken upon the insistence of the other body.

Mr. ROGERS. But it is still against the law.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. HASTINGS. Mr. Speaker, I want to reiterate what the gentleman from Illinois and the gentleman from Florida have said on the report. I share their concern and I would like to request of the chairman that he would favor an expenditure of a minimum amount of $75 million; is that correct?

Mr. MAHON. The gentleman is correct.

Mr. HASTINGS. I would share then with the gentleman from Florida his request that the request in turn be made to HEW, because there is no question in my mind that this request for a continuing appropriation is in effect, legislating on an appropriation bill. I wish the parliamentary situation would rest so that I could raise that point of order. I realize it does not; but for us to raise this expenditure after this body has spoken, not only once, but second in the authorization when we reduced this figure when we continued that matter.

I would certainly compliment the chairman for holding this position to hold the expenditure to a very minimum.

Mr. CEDERBERG. Mr. Speaker, I just want to say that I join in the colloquy with the chairman and the gentleman from Illinois and the gentleman from New York.

I want to say that I believe that HEW should be very careful and cooperate in the expenditure of the funds that have just been discussed.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. FLOOD. Mr. Speaker, the conference report on the continuing resolution that is before you represents a fair and acceptable compromise.

We did not give anything away in the conference. We merely provided for the restoration of the regional medical programs in the continuing resolution for two reasons:

First, the New Health Planning Act which was signed into law on January 4, 1975, clearly provides for the continued funding of the regional medical program in fiscal year 1975.

Second, we are currently working on a supplemental appropriations bill which will provide money for the RMP—But that supplemental will not become law until May or June.

In the interim, we must provide for stopgap funding of the RMP's as we do all other programs of HEW which have not been funded through a regular appropriation bill.

There is nothing complicated about this report. It is straight forward. The RMP's are authorized for 2 more years of Federal support under Public Law 93-641 and we are providing stopgap funding until we pass a supplemental appropriation bill.

I urge you to adopt the conference results as reported.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THIRD BUDGET RESCISSION BILL, 1975

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4075) to rescind certain budget authority recommended in the message of the President of January 30, 1975 (H. Doc. 94-39) and in the communications of the Comptroller General of February 7, 1975 (H. Doc. 94-46) and of February 14, 1975 (H. Doc. 94-50), transmitted pursuant to the Impoundment Control Act of 1974; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Michigan (Mr. CEDERBERG) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4075, with Mr. LONG of Louisiana in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, this is the second rescission bill to be reported by the Committee on Appropriations during the 94th Congress under the provisions of title X of the new Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), July 12, 1974. There was one rescission bill during the 93d Congress (H.R. 17505).

The Presidential message of January 30, 1975, contains 35 rescissions which have not been acted on by the Congress. Additionally, one deferral was reclassified to a rescission by the Comptroller General. These are the only rescissions pending before the House. The Committee is recommending approval of all or some part of 5 rescissions, and is recommending that 31 not be approved.

The estimated total of budget authority recommended to be rescinded in the bill is $16,454,704. This is $1,232,220,250 less than the amount proposed by the President, and this amount will have to be made available for obligation the day after the expiration of the 45-day period prescribed by law. Outlay reductions will total $2,740,000 in 1975 and $3,440,000 in 1976.

Of the $1,232,220,250 that the committee is not recommending for rescission, some $924,311,250 is in 26 rescissions that the President proposed in the Labor-Health, Education, and Welfare areas. In addition, the committee is also recommending that a proposed rescission of $125,000,000 in the Economic Development Administration for the Job Opportunity program not be approved.

Mr. CEDERBERG. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, as we look at this particular rescission or package of rescissions that are before us today, we see an overall Presidential request proposing a billion and a quarter dollars in rescissions.

The full Committee on Appropriations, after deliberations of the various subcommittees, has accepted only $16½ million, get that figure only $16½ million—I repeat million dollars. That amounts to just 1.3 percent of the rescissions proposed.

In the HEW area, there are $912 million of rescissions proposed. After consideration of the full committee nothing has been accepted, even though some of us serving on the full Appropriations Committee feel that some rescissions are clearly justified.

I know this is a very difficult area for Members to make adjustments in some maximum figure that someone might have pulled out of the air and given to Congress, particularly, after long hours deliberation last year on the 1975 fiscal year appropriation.

I have received letters and communications from interested groups on the outside, just as other Members have.

I have received letters from the Virginia Easter Seal Society for Crippled Children and Adults; the Pine Tree Society for Crippled Children and Adults in Bath, Maine; the Friends of the Chicago Library Board of Directors; the National Council of OEO Local, AFL-CIO; the Region 11 Comprehensive Planning Council of Indiana; the National Council on Alcoholism; the National Multiple Sclerosis Society.

One of the letters I received just this morning from a Mr. and Mrs. Irving Leitner, of Riverdale, N.Y., and it says:

DEAR CONGRESSMAN MICHEL: As the parents of a 16-year-old son afflicted with juvenile diabetes, we urge you, for our sons sake—and for the sake of increasing numbers of

> diabetic children and adults across the land—to vote against President Ford's proposal to cut funds for medical research. Indeed, since diabetes is a rapidly growing national health problem (it is now, for example, the leading cause of all new cases of blindness), funds for diabetes research are now more urgently needed than ever before. Funds should be increased, not reduced. A cure must be found as soon as possible—for our child. and for all the other suffering children like him.
>
> I am enclosing a single used insulin syringe to graphically call your attention to what our son must endure every day of his life. Twice a day—every single day—he must inject himself with insulin just to stay alive. The insulin does not cure him. It just maintains his life.
>
> Please help us. Please help him. Vote for more money, not less, for diabetes research.

I want Mr. and Mrs. Leitner to know that I care very much about their son. I also want the directors of the National Multiple Sclerosis Society, who have telegramed me, to know that I too am concerned about the hopes of the hundreds of thousands of MS patients and their families who—due to the devastating effects of multiple sclerosis—are already carrying a peak load of suffering.

I care about those people. And I care about the people who are associated with the Pine Tree Society for Crippled Children and Adults of Bath, Maine, on whose behalf I have been written by Mr. Joseph L. Hahn.

I care about the Virginia Easter Seal Society, the Friends of the Chicago Library, and the National Council on Alcoholism, Alaska region, and all the others who have contacted me with their concerns.

And it is because I care about them, and countless others, that I fear for their future. And what I fear is this: that we shall be so fiscally irresponsible in this Congress that within a very few years we will have no money at all for these people.

Because if we spend ourselves into another Great Depression, they will suffer the most, and the longest, and their Government, and their friends, will have no way to help them.

Mr. Chairman, I get these letters from really concerned parents and from interested groups. All of us get the same kind of emotional appeals, and it is difficult in the face of all these types of appeals to stand up here, as I have to do today, and make the proposal that we do accept some of the rescissions proposed. Also, it should be remembered that we do not think rescissions are warranted only in this area and in no other area of Government.

It just seems to me that as we go down this road, with bigger and bigger deficits facing us this year and next year—$35 billion this year at a minimum, and more likely over $40 billion, and next year $52 billion as proposed, and that will probably be over $70 billion by the time we have concluded—all of us must make an adjustment in our thinking if we are going to strengthen our economy to deal with inflation and recession pressures.

Mr. Chairman, when we read the bill, I am going to propose an amendment that would provide for accepting 50 percent of the rescissions proposed in the HEW area, just half of the rescission items proposed, provided, however, that in no case would the level of expenditure for any line item go below either the 1974 appropriation level or the 1975 level, whichever is higher. My amendment also contains a special exception for the handicapped children. My amendment accepts 50 percent of the increase for handicapped children which we have in the 1975 bill over the 1974 bill.

I should point out here that our 1975 appropriation HEW bill had $601.7 million more in it than did the 1974 appropriation bill for those items which are subject to the rescissions. My amendment allows 57 percent of these increases to stay in place. Said in another way, my amendment results not really in a 50-percent reduction in dollars but only in a 28-percent dollar acceptance of HEW items in the amount of $259,380,000.

As the Members will recall, as I began my remarks, I said that this rescission bill proposed $912 million of rescissions, and what I am saying by way of my amendment is that we accept $259,380,000 of those rescissions.

Mr. Chairman, I know that we are at that particular point where these large figures are probably not altogether meaningful to those Members who do not have the tables before them. I would be happy to field any questions the Members might have on these specific items that are involved in the HEW portion of this bill. I will make some other appropriate remarks after we get to the point of reading the bill when I will have the opportunity to offer my amendment for consideration.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, with regard to these proposed rescissions that we have just heard discussed, you can be sure that the action taken by our Labor-HEW subcommittee was no casual act.

The Members have known the subcommittee for many, many years and know their reputation. We certainly do not do these things by waving a wand or off the top of our heads.

We spent 3 days in hearings on these rescissions before we reached a decision. That is in addition to the many months of hearings that we held last spring on the regular Labor-HEW appropriations bill and the hearings we held last fall on the supplemental appropriations bill.

We took very careful, very deliberate action on these proposed rescissions—do not forget this—and there is no bill which comes before this Congress which touches every man, woman and child in this Nation as this one does.

Therefore, we were careful about it. When we reported the regular Labor-HEW bill and the supplemental bill, we were very much aware of the needs in the field of health, education, and welfare.

We know that the demands are unlimited in these fields, but we are also very conscious indeed of the fact that the funds available are limited. This is the Committee on Appropriations. We know these things.

The committee took a lot of these factors into consideration when it marked up the original Labor-HEW bill. The committee believed then, as we told you, and it still does today, that the Labor-HEW bill was and is a good and a sound bill. We know it is impossible to make everyone happy in this institution. It was not our intent to do so when we wrote the Labor-HEW bill. It is a can of worms, to begin with. Rather, our objective when we did this was to meet as many of these very, very pressing needs as is reasonably and humanly possible. That we did.

This is a bill we all hear about. We get letters and telephone calls day and night, 10 times more than on anything else, and they are all on this bill.

What are we talking about? Wait until you hear. These proposed rescissions would cut such programs as maternal and child health, emergency medical systems, lead-poisoning prevention, bilingual education, education of the handicapped, and nutrition for the elderly. That is just to name a few. That should interest the Members.

I ask you, gentlemen, have the needs for these programs gone away in just a few months? Since we passed the HEW bill, what happened, did somebody wave a wand some place? The answer is no.

The Members know, if anybody does, that these needs, Mr. Chairman, are still with us—God help us—especially during this period of economic recession. It is magnified daily.

Mr. Chairman, we on the Labor-HEW Subcommittee recommend that all of these proposed rescissions be rejected.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take this time only to point out what I think is a serious situation, and one which we as Members of this body had better consider.

We have been talking about winding up this fiscal year on June 30 with a deficit of around $34 billion, but it will probably be closer to $40 or $45 billion. That is just as of this June 30.

The President has submitted a budget for the next fiscal year with an estimated $52 billion deficit. And it appears that the action or the inaction of the Congress will bring that up so that at the end of the fiscal year, June 30, 1976, the deficit will be about $80 billion.

The President has requested certain actions that would reduce spending by $17 billion. It appears this Congress will not take them, and that makes it then $69 billion. And we are looking at a jobs bill that we will be considering this week in the amount of $6 billion. This brings it up to $75 billion.

Then every indication is that by the time the tax bill is finished that the increased tax reduction over and above the request of the President will be at least $5 billion, and that is a very conservative estimate, and that makes it $80 billion.

So, by June 30, 1976, it will be necessary to go into the money markets of this country for a minimum of $120 billion of deficits.

This is a matter that I think ought to be of some real genuine concern to us here as we take some of these actions.

As I understand the amendment proposed by the gentleman from Illinois

(Mr. MICHEL) that these programs in his amendment will be kept at either the 1974 or 1975 budget levels, whichever is higher; is that correct?

Mr. MICHEL. Mr. Chairman, if the gentleman will yield to me, I would correct what the gentleman has stated, they would be the higher of either the 1974 appropriation levels or the budget level of 1975, whichever is higher.

Mr. CEDERBERG. Whichever is higher?

Mr. MICHEL. That is right.

Mr. CEDERBERG. That seems to me to be a rather reasonable approach in view of the fiscal situation that we are confronted with.

Also, as I understand it, the rescission requests are for between $900 million and $1 billion, and the amendment proposed by the gentleman from Illinois would allow rescissions of $259 million?

Mr. MICHEL. The gentleman is correct.

Mr. CEDERBERG. Mr. Chairman, it seems to me that that is a defensible position in the light of the problems we are faced with.

I know as time goes on that we will be requested to increase the national debt. I have always looked with interest at some of my colleagues who have continually been voting on all these increased expenditures, but I notice that when it comes time to walk down the aisle and vote to increase the national debt that they vote "no." There is no way that we can have it both ways. If we are going to increase this debt, and if we are going to increase these programs—and many of them are very desirable programs—then we must accept that responsibility. But I just think the time has come when we should reexamine our thinking.

I am convinced that the amendment that will be presented by the gentleman from Illinois is a reasonable approach to this problem.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I am happy to yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I would like to propound a question to the gentleman from Michigan (Mr. CEDERBERG).

I understood the real purpose of the Budget Control Act was to provide Congress, in the instance of rescissions, a chance to review various programs and make possible cuts.

The gentleman from Pennsylvania (Mr. FLOOD) just stated, that his subcommittee had 3 days of hearings on rescissions involving more than 30 different programs at HEW. But in the report I find no justification for the restoration of any of these programs. All I find is this:

> There is no evidence that the amounts appropriated for the programs in question are not needed, or that they cannot be used effectively to carry out the programs as intended by the Congress.

That argument can be made at any time for any program, and if it is to be believed, no cuts would ever occur.

In the light of what has happened, does the gentleman believe as I do that the rescissionary process is becoming a farce, that we are, to all intents, wasting the time of the Committee on Appropriations and the House since the majority refuse to cut spending?

Mr. CEDERBERG. Let me say that I believe that the subcommittees probably did conduct hearings on most or all of these items, and then came to their conclusions. I just happen to disagree with these. I happen to be one who believes that the Budget Control Act that we adopted went too far in the area of recissions, and is consuming far too much time. I doubt very much that each individual subcommittee is going to be able to assume that jurisdiction in the light of all the other work that it has.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, since January 6 many disasters have come to persons in the world of medical research. I speak on their behalf today and at their insistence. It is my conviction, and I shall urge it in due course that the Congress enact a bill which I have filed which provides that no President at any time in the future will be able to hold up obligational authority after he has filed a bill for rescission.

From January 6 to January 30 the level of funding of the appropriations that we deal with today was illegally held at the rescinded level and not at the appropriated level. This means that in the area of health research, an area of vital interest in greater Boston and across this country, $351 million was impounded. This is the interpretation of the OMB. In the recent past I spent an hour and a half in the Acting General Counsel of OMB. I have repeatedly spoken about this urgent problem; I have spoken in this House on January 23, on January 30, and on February 18.

I wrote on January 30 to the distinguished gentleman, the chairman of the Committee on Appropriations (Mr. MAHON). He very courteously wrote back indicating the intent of his committee to get out this rescission bill as quickly as possible. The fact is, however, that nothing by way of the moneys that we have authorized and appropriated will come to the Massachusetts General Hospital or the Peter Bent Brigham Research facilities until after March 14.

My bill, H.R. 2434, simply states as follows:

> No rescission shall become effective until and unless the Congress has completed action on a rescission bill, rescinding all or part of the amount proposed to be rescinded.

What will the level of funding be after March 14 when the 45 days have transpired? Can the President propose another rescission of a lesser sum? The law is silent on that matter. Can the President postpone the obligation of these funds for another 45 days by introducing another bill of rescission?

Second, can the President seek a deferral of any or all of these funds that are involved in this bill today? The health researchers since January 6 of this year have had their budgets held up. Because of this fact they have postponed the most serious plans in research in cancer, lung, eye, heart, and arthritic diseases. The availability of $351 million has been postponed with catastrophic effects to their programs and to the discovery of a cure for these diseases.

I would ask, Mr. Chairman, that the House move as rapidly as possible to say that it was never the intention of the founders of this bill, the impoundment bill, to have this happen again.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. I want to thank the gentleman from Massachusetts for yielding.

I am in absolute agreement with him. I doubt that it was ever the thought of the Members of this Congress when we passed the bill providing for Presidential rescissions that such things were going to happen that are happening, as the gentleman from Massachusetts has said.

I represent the great medical research area which include Massachusetts General Hospital, Harvard Medical School, as well as other hospitals where we have medical schools. But in this rescission, the Department of Health, Education, and Welfare has held up $912 million for 45 days. As the gentleman from Massachusetts said, just take, for example, in the cancer program alone, $123 million are held up and have been held up for 45 days.

These teams of scientists, these teams of research experts have been working together, and are waiting for funds. Holding them up for 45 days will result in the teams falling apart and then we will have difficulty in getting them back. I do not think that was the intent of the Congress when we passed the rescission bill, that the administration would be able to curtail and stop these programs in the middle. To me that would seem to result in higher cost because trying to get the programs restarted will cost the Government considerably more money in the long run. I am going to be a cosponsor of the resolution sponsored by the gentleman from Massachusetts which seeks to correct this mistake in future legislation.

Mr. DRINAN. I thank the majority leader for his comments.

I would welcome any comments the chairman of the Committee on Appropriations might wish to make at this point.

Mr. MAHON. Mr. Chairman, I would say to the gentleman from Massachusetts that the language in the law is not absolutely clear as to what transpires when the President sends a rescission message to the Congress. As the gentleman knows, before the Budget Control Act was enacted, when the President decided not to spend money, he would impound the funds and effectively stop the program. In response to this the Congress passed the Budget Control and Impoundment Act. I feel myself that the intent of the Congress was that the President would not abruptly close out the programs prior to the expiration of the 45 days and the action by the Congress. In other words, it would be up to Congress to determine in this 45-day period what action should be taken. So I hope we can work something out, perhaps without legislation, to rectify this situation. There are certain occasions when it would not make too much difference to freeze the funds at the time the announcement is made, but in so many programs and in my opinion in the majority of them that would do great violence, because we would suspend the programs and then in 45 days Congress would renew them and this could be very wasteful of manpower and money.

Mr. DRINAN. Would the chairman respond to this? In the event the Appropriations Committees in both bodies could in fact refuse to accept the rescission, let us say within 5 or 10 days after the President proposes it, thus making clear their will that this money should be obligated, is the President obligated under the law to immediately release that money and maybe wait for the 45 days?

Mr. MAHON. This is another area where the act is not clear; but presumably there would be some way to stop a rescission before 45 days had expired.

Mr. DRINAN. Would the President be allowed now to propose a deferral of some of these rescissions in whole or in part?

Mr. MAHON. I would not think so.

Mr. WHITTEN. In order to acquaint the Members with the committee's recommendations concerning those items proposed for rescission that affect the programs of the Department of Agriculture, let me read from our report.

In considering the items before the Committee recommended for rescission and deferral, the committee took cognizance of the fact that it is taking action at a time when both the legislative and executive branches of the Government are stressing the need for increasing jobs which in the opinion of the committee should be productive jobs. For this as well as other reasons the committee has made the following recommendations. While the committee is not aware of exactly how many productive jobs would be eliminated were these rescissions or deferrals to be approved, it is evident that the number would be substantial.

NUTRITION AND FAMILY EDUCATION PROGRAM

The committee does not recommend approval of the proposed rescission in the amount of $3,200,000 for the nutrition and family education program of the Extension as set forth in rescission No. R75–47.

The Congress provided $50,600,000 for this program and the rescission message proposed to rescind $3,200,000, the amount of the congressional increase over the budget estimate. The program provides nutrition education to low-income people. The program is carried out by approximately 8,700 program aides, many of whom themselves come from low-income backgrounds, in about 1,500 locations both rural and urban in the 50 States, Puerto Rico, District of Columbia, and the Virgin Islands. In addition, about 85,000 volunteers work with more than 1.1 million youths in 4–H type activities related to improved nutrition.

Departmental witnesses testified before the committee that if the proposed rescission were approved, 30,000 fewer families would benefit from this service.

It is the committee's opinion that depriving 30,000 families throughout the country of this valuable assistance at this time is in no way justified and, therefore, recommends that the proposed rescission not be approved.

RURAL DEVELOPMENT GRANTS

The committee does not recommend approval of the proposed rescission in the amount of $3,750,000 for rural development grants as set forth in rescission No. R75–50.

The Congress provided $13,750,000 for this program, $3,750,000 above the budget estimate. These grants are authorized by section 310(B) of the Consolidated Farm and Rural Development Act. Grants are made to public bodies to facilitate development of private business enterprises in rural areas of the country.

The Congress has repeatedly emphasized the importance of rural development. Therefore, the committee recommends that the proposed rescission be rejected.

RURAL COMMUNITY FIRE PROTECTION GRANTS

The committee does not recommend approval of the proposed rescission in the amount of $3,500,000 for rural fire community protection grants as set forth in rescission No. R75–51.

The Congress provided $3,500,000 for this program and the rescission message proposes to rescind the entire amount and thereby not implement the program as directed by Congress. These grants are authorized by title IV of the Rural Development Act of 1972 and are for the purchase of firefighting equipment and for organizing and training personnel in rural communities to assist in fire control.

Without these grants many rural communities will be unable to purchase firefighting equipment and to train people in firefighting techniques. Therefore, the committee recommends the proposed rescission be rejected.

AGRICULTURAL CONSERVATION PROGRAM

The committee does not recommend approval of the proposed rescission in the amount of $156,250,000 for the agricultural conservation program as set forth in rescission No. R75–48.

The Congress authorized $190,000,000 for this conservation program. However, the rescission message proposed to rescind $156,250,000 of the amount authorized, thereby terminating the 1975 program with the remaining $33,750,000 being used to fund long-term contracts entered into under the 1974 program.

On a dollar per dollar basis, the country probably realizes a greater return on its investment in conservation than through any other program since the farmer or the rancher must put up about half the cost plus his labor.

At this point in the RECORD I would like to insert a table which shows some of the impressive accomplishments of this low-cost conservation program.

Practice	Unit	Total accomplishments 1936–72
Water impoundment reservoirs constructed to reduce erosion, distribute grazing, conserve vegetative cover and wildlife, or provide fire protection and other agricultural uses.	Structures	2,249,000
Terraces constructed to reduce erosion, conserve water, or prevent or abate pollution.	Acres	33,216,000
Stripcropping systems established to reduce wind or water erosion or to prevent or abate pollution.	do	114,229,000
Competitive shrubs controlled on range or pasture to permit growth of adequate cover for erosion control and to conserve water.	do	63,260,000
Trees and shrubs planted for forestry purposes, erosion control, or environmental enhancement.	do	5,485,000
Forest tree stands improved for forestry purposes or environmental enhancement.	do	4,564,000
Wildlife conservation	Acres served.	[1] 13,592,000
Animal waste and soil waste pollution-abatement structures (lagoons, storage, diversion, and other).	Number	[2] 10,803,000
Sediment pollution-abatement structures or runoff control measures.	Acres served.	[2] 2,961,000
Other pollution-abatement practices	do	[2] 367,000

[1] 1962–72, inclusive, with certain data estimated.

[2] 1970, 1971, and 1972 only.

Of special significance for consideration is the fact that denying the proposed rescission will not result in additional expenditures unless the farmers and ranchers apply and earn the Federal contribution, matching it with their own funds plus their labor. This program recognizes that the present holder or owner holds the land in trust for future generations, thus all our people have an interest in retaining its fertility.

FORESTRY INCENTIVES PROGRAM

The committee recommends rescission of $10,000,000 for the forestry incentives program, instead of $25,000,000 as proposed in rescission No. R75–49.

The purpose of the forestry incentives program is to encourage the development, management and protection of nonindustrial private forest lands. The Federal Government provides technical assistance and will pay 75 percent of the cost with the private landowner paying the other 25 percent. Each agreement is limited to 500 acres.

Since only one-third of the fiscal year remains, the committee feels that $15,000,000 will be adequate to carry out the 1975 program.

Mr. Chairman, I would also like to call to the attention of the House two additional items in connection with this program, which appear on page 17 of our committee's hearings.

First, I think the Members would be interested in knowing that there are approximately 3.3 million acres of Government land on which reforestation needs to be carried out, where the Government would own the timber.

Second, since World War II, approximately 4.5 billion trees have been planted under the agricultural conservation program, and another 2.2 billion trees were planted under the conservation reserve program, making a total of 6.7 billion trees.

Mr. Chairman, this is a good bill and I urge its support.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, of course, in answer to the gentleman from Massachusetts, let me say that what the President has proposed is perfectly within the law. As a matter of fact, he is doing precisely what we asked him to. The gentleman may recall that there was an action taken by the Congress just a year ago as a result of what was going on previously with respect to impoundment. The Congress in both bodies spoke very forthrightly on the subject of the deferrals and rescissions, so it is perfectly within the law for the President to propose a rescission. The rescission dies unless the Congress acts between the time he proposes it and a 45-day period. It seems to me everything goes on as normal.

Reference is made to the cancer program and what violence is being done to the cancer program. Do the Members know what the level was for this fiscal year? It was $527 million. Do the Members know what the level of expenditure is after my amendment, what the level of expenditure would be for the cancer program? It would be, for the fiscal year 1975, $637 million, and that is a $110-million increase in 1 fiscal year.

What the gentleman seems to be mistaken about is, he feels that a rescission being proposed is a cutback of an ongoing program when, in fact, that money has not even been obligated. It increases what we had in the regular bill, so there is no way it can be called a cutback. The funds were not even obligated in the first place. What we are doing is scaling back the proposed increases of spending, and that is very different from cutting back on the current level of spending.

Mr. CEDERBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I rise in support of H.R. 4075, the third budget rescission bill, in the same spirit that I supported the second rescission bill, H.R. 3260. This Congress is again throwing away its opportunity to control Federal expenditures through the highly touted Budget Control Act of 1974.

The President, in his budget messages, has proposed rescissions totaling $2.87 million, of which the committee has approved only 14 percent, or $390 million. Instead of the total proposed reduction of $4,596 million in authority and outlays for fiscal year 1975 and 1976, the committee has, so far this year, allowed $4,002 million in relative increases to be passed on to present or future taxpayers. The action of the committee will have the ultimate effect of adding $1.5 billion onto the already burgeoning anticipated deficit of $86.5 billion for this and the coming fiscal year. My own estimate for the deficit for these 2 years is closer to $120 billion. I wonder if this is the fiscal responsibilty to which so many of our Members have sworn allegiance both within this Chamber and outside of it.

Our colleague, Representative MICHEL, will be introducing an amendment today to restore partially some of the rescissions proposed in the HEW budget. I will support it, and I hope that other Members of this body will see the wisdom of curtailing many of these programs. Passage of the amendment would be no real assurance to the people that we do have their ultimate welfare in mind, but it would be a tiny step forward toward fiscal responsibility.

Mr. Chairman, I suspect that many of our constituents are wondering whether we actualy intended to increase congressional responsibility for budget control when we passed the Budget Act last session. If the majority, which supported it overwhelmingly, meant what it said then, I suggest that this is the appropriate time for them to stand up and be counted.

However, I make that recommendation without illusions, because I do not believe this Congress, and this House, will rise to the challenge of fiscal responsibility. The inevitable result will be a series of vetoes, and challenges of vetoes, and increasing deferral and rescission proposals. It would be far easier for Congress to demonstrate its own fiscal sanity, but since it will not, I shall do what I can to help the President force sanity upon us.

Mr. CEDERBERG. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, in support of the Michel amendment, I think we must keep in perspective that we are not discussing cuts. We are not discussing reductions or cuts. We are discussing the size of increases. Under the Michel amendment 57 percent of the increases stay in place, because the gentleman says that in no case will the amount to be spent be less than fiscal year 1974 or the budget request for 1975, whichever is higher.

I would like to point out that we have a responsibility to try to avoid bankruptcy in this Nation. If we spend ourselves into bankruptcy, who is going to be hurt the most and the fastest?

The young, the well and the strong and the able will very likely be able to fend for themselves; but the old, the sick, the weak and the handicapped will suffer first and they will suffer the most. It seems to me the cruelest act in terms of their welfare is to spend this Nation into fiscal bankruptcy.

I think, therefore, the Michel amendment is reasonable and I intend to support it.

Mr. TALCOTT. Mr. Chairman, I thank the gentleman for yielding.

We agree with the proposed rescission of $500,000 instead of the requested $1,709,000 for the Consumer Product Safety Commission.

The Consumer Product Safety Commission is still a young agency, and we did not find any evidence of "bureaucratic fat" such as you might find in many older agencies.

The committee felt that the $500,000 was reasonable, but that any deeper cut would probably hurt programs, and we thought that would be unwise.

The CPSC is responsible for product safety on thousands of products which cause millions of injuries each year. We do not want to hamper their work, but we did want this competent and effective Commission to bear some share of the budgetary restraints that seem absolutely necessary if the Federal Government is to do its part in fighting inflation and deficit budgets.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 4075, the third budget rescission bill for fiscal 1975.

There are, of course, numerous important and worthwhile programs dealt with in the pending legislation. In fact, if I am not mistaken, H.R. 4075 addresses itself to more than 35 different Federal programs and agencies.

There is one area, however, to which I should like to direct my remarks today. This is a subject to which I have devoted much time and attention in recent years—the Federal Government's cancer research program.

Under the bill, I am pleased to report that we will restore the full $123 million which the administration sought to cut from the budget of the National Cancer Institute for fiscal 1975. The Congress had appropriated $691.5 million for this purpose, and today's action, if concurred in by the Senate, will restore this full amount.

Mr. Chairman, cancer is undoubtedly the most terrifying disease we face today. Cancer victims include people in all walks of life, people of all ages, and of all races.

It is estimated that as many as 700,000 Americans will develop cancer this year, and more than 350,000 will die of cancer. Beyond the incalculable toll in suffering and family disruption, this disease produces an economic loss to the United States of $15 billion annually.

It is clear, Mr. Chairman, or it should be, that the cancer research program should not be permitted to fall victim to shortsighted budgetary cutbacks. The Congress should move with dispatch to reverse the administration's unfortunate decision on this program.

Mrs. MINK. Mr. Chairman, I rise in opposition to the amendment that will be offered, which would restore part of the administration's proposed rescissions for HEW programs.

I fail to understand why my distinguished colleague has singled out health, education, and human development programs for budget cutbacks when the administration failed to justify any of these rescission requests in testimony before the Appropriations Committee.

I am especially disturbed that he would even rescind $1 for programs for education of the handicapped when U.S. courts, with increasing frequency, are being confronted with civil suits on the right of handicapped children to a public education. Congress recognized this right when it passed a special 1-year authorization under the Education Amendments of 1974 (Public Law 93-380) to enable all States to meet this important responsibility. What the Congress has appropriated this year for education of the handicapped is barely sufficient for States to provide adequate programs. Congress cannot afford to abrogate its fiscal responsibility to our exceptional children by approving any rescissions.

When Congress passed the Budget and Impoundment Control Act of 1974 (Public Law 93-344) last year, it did so because it recognized that no congressional mechanism existed to set legislative budget priorities as opposed to executive budget priorities. In recent years, we have witnessed many conflicting legislative and executive goals and priorities. This conflict over budget priorities resulted in the inability of Congress to enact an HEW appropriation bill for 2 fiscal years and in executive impoundments of funds which directly challenged congressional spending authority.

To heed the cry for budget reform and to recapture congressional power of the purse, the Budget and Impoundment Control Act centralizes previously dispersed budget responsibilities by establishing House and Senate Budget Committees and a Congressional Budget Office. The act also established impoundment control procedures, an important element in budget reform and is essentially what we are considering today.

Section 1012(b) of the Budget and Impoundment Control Act states:

> Any amount of budget authority proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded or that is to be reserved.

In his February 7 report to the Congress, the Comptroller General declared that the 45th day for Congress to complete action for all of the HEW rescissions which we are considering today expired on March 1. His report listed 26 special HEW rescissions, proposed in the 1974 Labor-HEW Appropriation Act signed on December 7, 1974. Because these appropriations were not apportioned within 30 days, in this case on January 6, as required by the Antideficiency Act, they were in effect a withholding of budget authority and had to be transmitted by the President as rescissions. Thus, the Comptroller General declared that Congress should treat these 26 appropriations as if they have been received on January 14 and thus the 45-day period would end March 1.

Apparently, OMB has refused to release this money as required under section 1012(b) because of its own interpretation of the act in determining the 45-day expiration period. In a subsequent report to the Congress dated March 6, the Comptroller General states that budget authority totaling $1.2 billion which the President was required to release on March 1 has not been released. These include all of the rescissions requests the amendment under consideration today proposes to partially reinstate.

The Comptroller General has now begun the mandatory 25-day waiting period required before it can begin a court suit to require release of the funds (section 1016).

It seems to me that Congress must not and cannot permit the executive branch to dictate its budget priorities to the Congress by accepting the administration's interpretation of the Budget Act. The Congress empowered the Comptroller General of the United States to report to and advise the Congress of the facts surrounding Presidential rescission messages. The Comptroller General has so done. If Congress truly intends to accept its lawful responsibility to establish spending priorities, it must defeat this amendment. I urge my colleagues to vote down this amendment.

Mrs. HOLT. Mr. Chairman, it would be shameful for the House of Representatives to reject a modest rescission of $259 million from the 1975 budget appropriations for the Department of Health, Education, and Welfare.

The Michel amendment to H.R. 4075 makes a lot of sense to me because it represents fiscal restraint, a responsible course between runaway spending and the meat-ax approach.

This House must tolerate this modest reduction in spending by HEW, which has 1975 appropriations of $110 billion, approximately a third of the total Federal budget for this fiscal year. There is not a single agency of the Federal Government that should be immune from the imperative of fiscal restraint.

I would remind the House that the budget deficit is estimated at $35 billion for this fiscal year and is likely to reach $70 to $100 billion in the next fiscal year. This irresponsibility promises nothing except more inflation and more hardship for the American people in future years.

We are on the brink of destroying this country through irresponsible spending This House is making a mockery of the Budget and Impoundment Control Act which became law last year.

At the time we passed the budget reform legislation, I was optimistic that we would use the new and more efficient procedures to apply reasonable restraint on spending.

But there was nothing in the Budget Reform Act to provide backbone for the Congress. A change in procedure does not guarantee responsible budgeting.

I believe that the very future of political and economic freedom in this country will depend on the decisions made by this Congress.

It is, therefore, frightening to have seen some of the votes I have witnessed here recently.

Mr. KOCH. Mr. Chairman, I am pleased to see the House reject the President's proposed rescission which would have reduced the maternal and child health funds by $24.4 million. This budgetary action would have had very serious implications for maternal and child health programs and crippled children's services.

Under Public Law 93-53, the authorizing statute for these maternal and child health programs, the States are to receive funds for maternal and child health programs in fiscal year 1975 for an amount equal to that which they received in 1973. These programs are operating in this time of inflation on funding barely adequate 2 years ago.

The President's budget message explaining the rescission has in it a gross misstatement that the $24.4 million he wanted rescinded is additional money for these programs. This is not accurate. This money is needed to make 20 States whole for the programs that they are already carrying out. The proposed rescission would have meant a $3,600,000 loss for New York State alone for programs already operating in ghetto areas of Brooklyn, Manhattan, and the Bronx to provide prenatal and pediatric care to low- and no-income families.

Over 40 Members of the House joined with me in signing a letter to the President advising him that we would protest any request for a rescission of the funds approved by the Congress for fiscal year 1975 for health services under title 5 of the Social Security Act.

I am pleased that this Congress has agreed that such a request for a reduction in these needed funds is unacceptable. The full amount appropriated by the Congress for these health services for mothers and children for fiscal year 1975 must be paid to the States to keep these programs viable.

In the HEW appropriations bill there are slotted 58 HEW staff positions for maternal aid child health and 10 staff positions for sudden infant death syndrome. It is the position of HEW that these positions be allocated to the Department of Health, Education, and Welfare. If this is permitted to happen, the maternal and child health and sudden infant death syndrome programs would not get any benefit from the personnel since HEW does not intend to provide full staffing for these areas. This Congress must insure that the 58 maternal and child health positions be allocated to the maternal and child health division; and the 10 positions to the sudden infant death syndrome division so that this money appropriated by the Congress for these areas be used for the purpose for which they are intended.

In response to my letter of January 24 to the President protesting my rescission of maternal and child health funds, I received a letter from the Office of Management and Budget stating that the maternal and child health rescission message was intended "to restrain discretionary spending in order to hold total outlays down" because of a $1.7 billion increase in medicaid and other public assistance programs.

I am sure you are aware that as a result of the recent nursing home scandals there has come to light instances of gross mismanagement, unlawful payments, and corruption in the medicaid program. Allegations of fraud have not been pursued. What this means is that the Federal Government has not done an adequate job in policing the use of medicaid funds which of course not only allows fraud to go unchecked, but actually encourages fraud.

It is outrageous that these maternal and child health programs, which have been so closely scrutinized and have been the subject of cost-benefit studies which have shown in this time of inflation a reduction in the cost of patient care, should have been the victim of a budgetary process which gives increased funds to medicaid programs for which the Federal Government has required or received little accountability.

It is my understanding that it is HEW's intention to recommend the assessment of patient fees for the maternal and child health programs. The people who are given health care by these programs are persons who traditionally do not obtain any preventive health care. If services, such as prenatal care are charged for these low- and no-income women just will not obtain the care, but will return to the emergency room and catastrophic type of care. It was the intent of the Congress when these programs were created to provide health care for those populations who could not afford it and otherwise would not obtain it.

Mr. Chairman, it is very important that the Congress will accept and not tolerate further deferral and rescission messages on these programs and that attempts by the White House to continue submitting to the Congress further deferrals or rescissions on which definitive action has already been taken by the Congress will not be accepted. The President must abide by the intent of Congress and any attempt to subvert its intent by other tactics is clearly unacceptable.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

CHAPTER III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975, are rescinded in the amount of $500,000.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Michel: On page 3, after line 8, add a new chapter IV as follows:

CHAPTER IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

HEALTH SERVICES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $18,838,000.

Center for Disease Control

PREVENTIVE HEALTH SERVICES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $3,491,000.

National Institutes of Health

NATIONAL CANCER INSTITUTES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $61,503,000.

NATIONAL HEART AND LUNG INSTITUTE

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $14,831,000.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $14,236,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $15,141,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $6,987,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $15,387,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $11,989,000.

NATIONAL EYE INSTITUTE

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $2,905,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $3,461,000.

JOHN F. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $510,000.

NATIONAL LIBRARY OF MEDICINE

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $192,000.

Alcohol, Drug Abuse, and Mental Health Administration

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $8,438,000.

Health Resources Administration

HEALTH RESOURCES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $2,500,000, from funds provided under the District of Columbia Medical and Dental Manpower Act of 1970, as amended.

Office of Education

ELEMENTARY AND SECONDARY EDUCATION

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $7,500,000 for title VII of the Elementary and Secondary Education Act.

EDUCATION FOR THE HANDICAPPED

Appropriations under this head for the fiscal years 1975 and 1976 are rescinded in the following amounts: $26,250,000 for part B of the Education of the Handicapped Act, of which $13,000,000 shall be from funds available July 1, 1975 through June 30, 1976.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

Appropriations under this head for the fiscal year 1975 are rescinded in the following amounts: $5,000,000 for part B, $2,500,000 for part F and $1,000,000 for part H of the Vocational Education Act of 1963, as amended; and $2,090,000 for the Adult Education Act without regard to section 313(a) of the Adult Education Act, as amended.

HIGHER EDUCATION

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $4,057,000.

LIBRARY RESOURCES

Appropriations under this head for the fiscal year 1975 are rescinded in the following amounts: $5,000,000 for title I and title III of the Library Services and Construction Act, and $2,500,000 for title II of the Elementary and Secondary Education Act.

Social and Rehabilitation Service

PUBLIC ASSISTANCE

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $2,450,000, of which $2,000,000 shall be from funds for title IV, part B of the Social Security Act.

REHABILITATION SERVICES

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $3,424,000, none of which shall be from funds for sections 120 and 130 of the Rehabilitation Act of 1973.

Assistant Secretary for Human Development

HUMAN DEVELOPMENT

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $17,200,000.

On page 3, line 9 strike out "IV" and insert "V".

Mr. MICHEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Chairman, the reason for my having made that last unanimous-consent request is that the text of the amendment runs six pages, and I would like to expedite the business of the Committee. I think I can very succinctly tell the Members what all this verbiage means.

It takes all the items in the Department of Health, Education, and Welfare for which there were rescission requests made, and as I said in my remarks during general debate, makes the appropriate adjustments in the figures to reflect the overall principle which I have applied in putting together this amendment. That is, it accepts 50 percent of the rescissions proposed, except that in no case will the expenditure for any line item be run lower than either the appropriation level of 1974 or the budget level of 1975, whichever is the highest.

The exception is the handicapped, where we did have a significant increase last year. There, I would provide for a specific amount of increase, excepting $26 million of the rescission.

Again, I would point out for those Members who were not here during the course of general debate that this overall rescission bill encompasses requests of $1,250,000,000. Our full committee, after hearing all the requests from all subcommittees, agreed to only $16½ million. That is 1.3 percent of the bill. If we do not do any better than that during the course of this year with respect to these rescission requests, then that goal and target that the President has set out for us as he presented the budget to us of trying to achieve $17 billion of savings by way of rescissions, we are just going to be so shy of the mark as to be utterly ridiculous.

The HEW area, which encompasses the bigger portion of this bill, $912 million of rescissions, is the part for which I feel personally responsible as the ranking member on the subcommittee on our side. Were I serving on another subcommittee, conceivably I might be applying the same yardstick to these other items, but that is not for me to decide. I am concerned here only with those for which I personally feel a special responsibility.

If we adopt this amendment and apply this rule, then frankly, we have been only accepting rescissions in the dollar amount of $259 million as against the $912 million proposed by the administration, or a 28-percent dollar acceptance of the items included in it.

I should point out that, in response to my good chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD), who made a comment during his remarks in general debate, what is a rescission? A rescission is a retrenchment or proposal to come back on the level of some expenditure previously appropriated or agreed to by the Congress. It is a suggestion by the administration which, we must remember, no longer has the power to impound, as it did in earlier days, because of recent court decisions. It is the procedure we now have to use when we want to economize. Now, there is one error in the Chairman's statement which I would like to correct, and that is that my amendment would cut back on the lead based paint poisoning program.

This is inaccurate, and let me explain why. My amendment goes to the line items. Lead-based paint poisoning, for example, comes under disease control. By my procedure, there would be a $1,366,000 reduction in the venereal disease portion of that program, but no reduction in the immunization or lead-based paint poisoning programs.

So there are some adjustments in the overall table; some items will not be touched at all.

As another example, I would mention the area of drug abuse. In research and training and projects, grants and contracts, management and information, I do not propose any reduction at all.

In order that the Members fully understand exactly which line items are affected by my amendment, and so that there be no more confusion on that score, let me include the entire schedule covered by my amendment at this point:

SUMMARY OF PROPOSED HEW RESCISSIONS

[Budget authority in dollars]

Appropriation/Agency	1974 actual	1975 Original request	1975 Appropriation	HEW proposed rescission	1975 budget after HEW rescission	Michel proposed rescission	1975 budget after Michel rescission
HEALTH SERVICES ADMINISTRATION							
Health services	506, 584, 000	493, 413, 000	493, 455, 000	−39, 677, 000	453, 778, 000	−18, 838, 000	474, 617, 000
Maternal and child health:							
(a) Grants to States	(243, 951, 000)	(243, 951, 000)	(266, 951, 000)	(−23, 000, 000)	(243, 951, 000)	(−11, 500, 000)	(255, 451, 000)
(b) Research and training	(21, 917, 000)	(21, 917, 000)	(25, 917, 000)	(−4, 716, 000)	(21, 201, 000)	(−2, 358, 000)	(23, 559, 000)
(c) Sudden infant death syndrome	()	()	(2, 000, 000)	(−2, 000, 000)	()		(2, 000, 000)
Emergency medical services	(27, 000, 000)	(27, 000, 000)	(37, 000, 000)	(−9, 961, 000)	(27, 039, 000)	(−4, 980, 000)	(32, 020, 000)
CENTER FOR DISEASE CONTROL							
Preventive health services	128, 593, 000	124, 714, 000	136, 443, 000	−9, 805, 000	126, 638, 000	−3, 491, 000	132, 952, 000
Disease control:							
(a) Program grants:							
1. Venereal disease	(24, 800, 000)	(24, 800, 000)	(28, 000, 000)	(−2, 733, 000)	(25, 267, 000)	(−1, 366, 000)	(26, 634, 000)
2. Immunization	(6, 200, 000)	(6, 200, 000)	(6, 200, 000)	(−300, 000)	(5, 900, 000)	0	(6, 200, 000)
3. Lead-base paint	(9, 000, 000)	(6, 500, 000)	(9, 000, 000)	(−2, 500, 000)	(6, 500, 000)	0	(9, 000, 000)
(b) Laboratory improvement	(8, 527, 000)	(8, 668, 000)	(9, 368, 000)	(−220, 000)	(9, 148, 000)	(−110, 000)	(9, 258, 000)
(c) Health education	(1, 736, 000)	(3, 030, 000)	(3, 030, 000)	(−21, 000)	(3, 009, 000)	0	(3, 030, 000)
Occupational health	(29, 129, 000)	(25, 848, 000)	(31, 986, 000)	(−4, 031, 000)	(27, 955, 000)	(−2, 015, 000)	(29, 971, 000)
NATIONAL INSTITUTES OF HEALTH							
National Cancer Institute	527, 399, 000	600, 000, 000	691, 666, 000	−123, 006, 000	568, 660, 000	−61, 503, 000	630, 163, 000
National Heart and Lung Institute	286, 749, 000	309, 299, 000	324, 130, 000	−37, 730, 000	286, 400, 000	−14, 831, 000	309, 299, 000
National Institute of Dental Research	43, 955, 000	43, 959, 000	42, 375, 000	−7, 489, 000	34, 886, 000	0	42, 375, 000
National Institute of Arthritis, Metabolism, and Digestive Diseases	153, 736, 000	152, 961, 000	173, 121, 000	−28, 473, 000	144, 648, 000	−14, 236, 000	158, 885, 000
National Institute of Neurological Diseases	121, 393, 000	119, 958, 000	142, 498, 000	−30, 283, 000	112, 215, 000	−15, 141, 000	127, 357, 000
National Institute of Allergy and Infectious Diseases	111, 146, 000	110, 404, 000	119, 452, 000	−13, 975, 000	105, 477, 000	−6, 987, 000	112, 465, 000
National Institute of General Medical Sciences	166, 805, 000	168, 329, 000	187, 400, 000	−30, 794, 000	156, 606, 000	−15, 387, 000	172, 013, 000
National Institute of Child Health and Human Development	125, 508, 000	124, 897, 000	141, 966, 000	−23, 978, 000	117, 988, 000	−11, 989, 000	129, 977, 000
National Eye Institute	41, 228, 000	39, 947, 000	44, 133, 000	−6, 512, 000	37, 621, 000	−2, 905, 000	41, 228, 000
National Institute of Environmental Health Sciences	28, 338, 000	28, 684, 000	34, 949, 000	−6, 922, 000	28, 027, 000	−3, 461, 000	31, 488, 000
Research resources	128, 059, 000	82, 700, 000	127, 200, 000	−46, 865, 000	80, 335, 000	0	127, 200, 000
John E. Fogarty International Center	4, 762, 000	4, 784, 000	5, 589, 000	−1, 020, 000	4, 569, 000	−510, 000	5, 079, 000
National Library of Medicine	26, 254, 000	27, 738, 000	28, 450, 000	−385, 000	28, 569, 000	−192, 000	28, 258, 000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION							
Alcohol, drug abuse and mental health	818, 477, 000	734, 502, 000	826, 598, 000	−106, 220, 000	720, 378, 000	−8, 438, 000	818, 160, 000
General mental health:							
(a) Research	(90, 146, 000)	(84, 468, 000)	(93, 252, 000)	(−11, 608, 000)	(81, 644, 000)	(−3, 106, 000)	(90, 146, 000)
(b) Training	(100, 034, 000)	(65, 101, 000)	(94, 600, 000)	(−30, 231, 000)	(64, 369, 000)	0	(94, 600, 000)
Drug abuse:							
(a) Research	(36, 977, 000)	(34, 000, 000)	(34, 000, 000)	(−2, 412, 000)	(31, 588, 000)	0	(34, 000, 000)
(b) Training	(15, 138, 000)	(9, 969, 000)	(14, 035, 000)	(−4, 035, 000)	(10, 000, 000)	0	(14, 035, 000)
(c) Project grants and contracts	(160, 770, 000)	(122, 000, 000)	(122, 000, 000)	(−1, 123, 000)	(120, 877, 000)	0	(122, 000, 000)
(d) Management and information	(15, 571, 000)	(15, 646, 000)	(14, 864, 000)	(−1, 303, 000)	(13, 561, 000)	0	(14, 864, 000)
Alcoholism:							
(a) Research	(8, 489, 000)	(10, 405, 000)	(10, 997, 000)	(−1, 972, 000)	(9, 025, 000)	(−986, 000)	(10, 011, 000)
(b) Training	(6, 824, 000)	(1, 947, 000)	(7, 847, 000)	(−5, 705, 000)	(2, 142, 000)	(−1, 023, 000)	(6, 824, 000)
(c) Project grants and contracts	(66, 956, 000)	(32, 051, 000)	(64, 908, 000)	(−40, 407, 000)	(24, 501, 000)	0	(64, 908, 000)
(d) Grants to States	(45, 600, 000)	(45, 600, 000)	(52, 000, 000)	(−6, 400, 000)	(45, 600, 000)	(−3, 200, 000)	(48, 800, 000)
(e) Management and information	(10, 040, 000)	(9, 863, 000)	(10, 163, 000)	(−1, 024, 000)	(9, 139, 000)	(−123, 000)	(10, 040, 000)
HEALTH RESOURCES ADMINISTRATION							
Health resources	139, 980, 000	151, 377, 000	159, 433, 000	−26, 254, 000	133, 179, 000	−2, 500, 000	156, 933, 000
Health professions:							
Student loans	(36, 000, 000)	(30, 000, 000)	(36, 000, 000)	(−3, 954, 000)	(32, 046, 000)	0	(36, 000, 000)
D.C. medical dental manpower assistance	(5, 000, 000)	(5, 000, 000)	(7, 500, 000)	(7, 500, 000)	()	(−2, 500, 000)	(5, 000, 000)
National Health services scholarships	(5, 000, 000)	(22, 500, 000)	(22, 500, 000)	(−10, 000, 000)	(12, 500, 000)	0	(22, 500, 000)
Nursing student loans	(22, 800, 000)	(18, 000, 000)	(22, 800, 000)	(−4, 800, 000)	(18, 000, 000)	0	(22, 800, 000)
OFFICE OF EDUCATION							
Elementary and secondary education	2, 106, 858, 000	2, 260, 818, 000	2, 255, 675, 000	−35, 856, 250	2, 219, 118, 750	−7, 500, 000	2, 248, 175, 000)
Strengthening State departments of education	(39, 425, 000)	(39, 425, 000)	(39, 425, 000)	(−9, 856, 250)	(29, 568, 750)	0	(39, 425, 000)
Bilingual education	(58, 350, 000)	(70, 000, 000)	(85, 000, 000)	(−15, 000, 000)	(70, 000, 000)	(−7, 500, 000)	(77, 500, 000)
Educational broadcasting facilities	(15, 675, 000)	(7, 800, 000)	(12, 000, 000)	(−5, 000, 000)	(7, 000, 000)	0	(12, 000, 000)
Follow through	(53, 000, 000)	(35, 000, 000)	(53, 000, 000)	(−6, 000, 000)	(47, 000, 000)	0	(53, 000, 000)
Education for the handicapped	147, 079, 000	147, 109, 000	200, 000, 000	−102, 500, 000	147, 109, 000	−26, 250, 000	148, 750, 000)
State grant program	(47, 500, 000)	(47, 500, 000)	(100, 000, 000)	(−52, 500, 000)	(47, 500, 000)	(−13, 250, 000)	(73, 750, 000)
Advance appropriation for 1976		(50, 000, 000)	(100, 000, 000)	(−50, 000, 000)	(50, 000, 000)	(−13, 000, 000)	(75, 000, 000)

Appropriation/Agency	1974 actual	1975		HEW proposed rescission	1975 budget after HEW rescission	Michel proposed rescission	1975 budget after Michel rescission
		Original request	Appropriation				
OFFICE OF EDUCATION—Continued							
Occupational, vocational, and adult education	691, 811, 000	659, 595, 000	681, 676, 000	−39, 712, 000	641, 964, 000	−10, 590, 000	671, 086, 000
Grants to States for vocational education:							
(a) Basic vocational education programs	(405, 347, 000)	(415, 978, 000)	(420, 978, 000)	(−15, 631, 060)	(405, 347, 000)	(−5, 000, 000)	(415, 978, 000)
(b) Consumer and homemaking education	(30, 994, 000)	(30, 994, 000)	(35, 994, 000)	(−5, 000, 000)	(30, 994, 000)	(−2, 500, 000)	(33, 494, 000)
(c) Work-study	(7, 849, 000)	(7, 849, 000)	(9, 849, 000)	(2, 000, 000)	(7, 849, 000)	(−1, 000, 000)	(8, 849, 000)
Other education professions development:							
(a) Vocational education	(11, 268, 000)		(9, 000, 000)	(−9, 000, 000)		0	(9, 000, 000)
(b) Higher education	(2, 100, 000)		(2, 100, 000)	(−2, 100, 000)		0	(2, 100, 000)
Adult education grants to States	(53, 319, 000)	(53, 319, 000)	(57, 000, 000)	(−4, 181, 000)	(53, 319, 000)	(−2, 090, 000)	(54, 910, 000)
Ethnic heritage studies	(2, 375, 000)		(1, 800, 000)	(−1, 800, 000)		0	(1, 800, 000)
Higher education	1, 860, 497, 000	2, 110, 023, 000	2, 131, 271, 000	−58, 300, 000	2, 072, 971, 000	−4, 057, 000	2, 127, 214, 000
Institutional assistance:							
(a) Language training and area studies	(12, 693, 000)	(10, 000, 000)	(14, 000, 000)	(−4, 000, 000)	(10, 000, 000)	(−1, 307, 000)	(12, 693, 000)
(b) University community services	(14, 250, 000)		(14, 250, 000)	(−13, 350, 000)	(900, 000)	0	(14, 250, 000)
(c) Aid to land-grant college	(9, 500, 000)		(9, 500, 000)	(−9, 500, 000)		0	(9, 500, 000)
(d) State post-secondary education commissions	(3, 000, 000)		(3, 000, 000)	(−2, 200, 000)	(800, 000)	0	(3, 000, 000)
(e) Veterans cost-of-instruction	(23, 750, 000)		(23, 750, 000)	(−23, 750, 000)		0	(23, 750, 000)
Personnel development:							
(a) Public service fellowships			(4, 000, 000)	(−4, 000, 000)		(−2, 000, 000)	(2, 000, 000)
(b) Mining fellowships			(1, 500, 000)	(−1, 500, 000)		(−750, 000)	(750, 000)
Library resources	163, 124, 000	116, 250, 000	167, 474, 000	52, 225, 000	115, 249, 000	−7, 500, 000	159, 974, 000)
Public libraries	(46, 749, 000)	(25, 000, 000)	(51, 749, 000)	(−26, 750, 000)	(24, 999, 000)	(−5, 000, 000)	(46, 749, 000)
School library resources	(90, 250, 000)	(90, 250, 000)	(95, 250, 000)	(−5, 000, 000)	(90, 250, 000)	(−2, 500, 000)	(92, 750, 000)
College library resources	(9, 975, 000)		(9, 975, 000)	(−9, 975, 000)		0	(9, 975, 000)
Instructional equipment	(11, 875, 000)		(7, 500, 000)	(−7, 500, 000)		0	(7, 500, 000)
Training and demonstrations	(4, 275, 000)		(3, 000, 000)	(−3, 000, 000)		0	(3, 000, 000)
SOCIAL AND REHABILITATION SERVICE							
Public assistance	11, 663, 521, 000	13, 280, 770, 000	12, 111, 731, 000	−12, 900, 000	12, 098, 831, 000	−2, 450, 000	12, 111, 281, 000
Child welfare services	(47, 500, 000)	(46, 000, 000)	(50, 000, 000)	(−4, 000, 000)	(46, 000, 000)	(−2, 000, 000)	(48, 000, 000)
Training projects	(8, 450, 000)	( )	(8, 900, 000)	(−8, 900, 000)	( )	(−450, 000)	(8, 450, 000)
Rehabilitation services and facilities	476, 768, 000	737, 900, 000	771, 820, 000	−29, 848, 000	741, 972, 000	−3, 424, 000	768, 396, 000
Innovation and and expansion grants	(29, 000, 000)	( )	(23, 000, 000)	(−23, 000, 000)	( )	0	(23, 000, 000)
Deaf-blind center	(600, 000)	(1, 780, 000)	(2, 000, 000)	(−220, 000)	(1, 780, 000)	(−110, 000)	(1, 890, 000)
Training	(15, 572, 000)	(11, 500, 000)	(22, 200, 000)	(−6, 628, 000)	(15, 572, 000)	(−3, 314, 000)	(18, 886, 000)
OFFICE OF HUMAN DEVELOPMENT							
Human development	267, 592, 000	274, 300, 000	312, 950, 000	−41, 582, 000	271, 368, 000	−17, 200, 000	295, 750, 000
Programs for the aging:							
(a) State and community services	(96, 000, 000)	(96, 000, 000)	(105, 000, 000)	(−9, 000, 000)	(96, 000, 000)	(−4, 500, 000)	(100, 500, 000)
(b) Nutrition	(99, 600, 000)	(99, 600, 000)	(125, 000, 000)	(−25, 400, 000)	(99, 600, 000)	(−12, 700, 000)	(112, 300, 000)
(c) Training	(9, 500, 000)	( )	(8, 000, 000)	(−7, 182, 000)	(818, 000)	0	(8, 000, 000)
Grand total						−259, 380, 000	
Requested						912, 311, 250	

I would simply ask, in conclusion, that Members think seriously about what our overall obligation is and ask for their support of my amendment.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, just a few moments ago I told the Members the Labor-HEW bill was a good bill, and I meant just that. All of the Members know it was good. What we have to consider are the merits of this bill. When this bill was on the floor we were here for over 12 hours. Remember? Over 12 hours this bill was before us on the floor, and everybody in this House had plenty of opportunity to take a shot at it. And I believe most of the Members did.

After we finished that very long day, we had what we thought was an acceptable product.

Mr. Chairman, it must have been acceptable. Let me give the Members the final vote. There were 329 yeas, 43 nays.

After the Senate acted, what did we do? We were in conference with the other body for weeks and weeks. Do the Members remember? Members were saying to us, "Where is the bill?" It was getting near Christmas. "Where is the bill? We have to get out of here." We were in conference for weeks. Then what happened? We brought back to the Members the results of the conference. What did the Members do about the conference report? The Members voted 325 yeas, 25 nays. That is what the Members of the House did.

We all felt that we had adequately provided for the needs of the aged, the disadvantaged and the handicapped. That is just to mention a few.

The very people in your districts and mine that will need these programs.

Here we are, in the early part of March. Have the problems which were with us when we passed the Labor-HEW bill gone away?

I have not heard anyone say that these problems have gone away, like a dose of salts, or something. No, nobody. Not a word.

Let me tell the Members of the House that even the administration's witnesses—and they were there lined up—who came before us to explain and to defend these proposed rescissions could tell us that the problems no longer exist.

We asked them time and time again about these programs that are already in existence. In fact, if we read the testimony—the testimony is there, by the way, and I hope the Members did read it—we would see that HEW says it could easily use all this money. They said so. They are running these programs.

The need for these programs is especially acute during this economic slump. What has happened since December? Is there something that has happened that we should be in favor of these rescissions? Quite the contrary.

During these times of economic slump, these are the programs that are needed. There may be other things that should be affected, but not these things.

Mr. Chairman, I can assure the Members that, as a result of the recession, more money must go to these people who are affected by the recession. The people we are talking about in your district and mine are turning to these very programs for help, these very programs we are talking about. We all know what they are. We are talking about maternal and child health, mental health, education for the handicapped, and nutrition for the elderly. That is just to mention a few of the programs.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. FLOOD) has expired.

(By unanimous consent, Mr. FLOOD was allowed to proceed for 2 additional minutes.)

Mr. FLOOD. Mr. Chairman, I want the Members to hear this. In the Labor-HEW Subcommittee, on the original appropriation estimates, we spent months of careful and thorough examination of the facts. We spent months, day and night; there were 7 volumes of testimony there. We now arrive at today's action to reject the proposed rescissions, after careful, deliberate consideration with the spokesmen of the administration who were there.

There is talk throughout this House about doing something to provide jobs and doing something to help our people in this period of economic uncertainty. Well, the Labor-HEW appropriation bill will provide the necessary help. And let us not forget that the HEW will spend this money, and is spending this money right now, to provide jobs all over the country, in every district of the country.

Jobs will be provided by this very action of ours.

Mr. Chairman, I do not believe that this amendment belongs on this floor today, of all times. I do not believe this amendment is consistent in any way with what this House has done by its vote on the original Labor-HEW bill and the conference report to help our people.

Therefore, Mr. Chairman, I urge flat out that the Members reject this amendment.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the Appropriations Committee it is a little like incest for one subcommittee chairman to oppose another. We are like a family. We understand each other's problems and we like to help each other. However, Mr. Chairman, I would be reluctant to vote for this bill unless it is amended.

It is disappointing to find myself in disagreement with the distinguished chairman of the Subcommittee on Health, Education, and Welfare and members of his subcommittee, but I do not feel that the House can, in good conscience, support an action which recommends spending of more than $900 million above the budget when the budget request was higher than the preceding bill.

We are asked to continue a joy ride of ballooning expenditures, including "people programs." These programs are popular with the people and undoubtedly will benefit them. The point is there has to be a limit or an admission that Congress is refusing to accept responsibility for holding down expenditures at our end of Pennsylvania Avenue. The Government agencies have been quick to sense the mood and take advantage. They enjoy a joy ride, too. But the result is a budget of $350 billion and a deficit which may well become $100 billion. How many of these can we afford? What will the program be next year?

We must accept the requirement to enact programs which will stimulate the economy by providing employment now. This also will run into billions of dollars. This is all the more reason to hold back on expenditures that are not essential at this time. We can make cuts in this bill. We can give the President at least a part of the rescission he requested. I supported the amendment in committee which is substantially the same as the one now before us. It does not really save much, but it is a start. It is an indication that we realize we have to bite the bullet which is substantially the same as the spending. The amendment would save over a quarter of a billion dollars. That is far less than the $900 million the President wants to save. But it is a start on economy. The amendment specifically provides that no program should be funded at less than the fiscal 1974 appropriation or the original 1975 budget estimate. This is reasonable. It is certainly more responsible than a refusal to accept any reduction in what Congress may vote for the Government agencies.

Mr. BAUMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think we today do have finally a chance to reconsider previous action that we have taken in this House.

The gentleman from Pennsylvania (Mr. Flood) referred to the fact that we had acted only a few short months ago on the Labor-HEW appropriation bill, but I think we should also keep in mind that it was just a few months ago that we acted on the Budget and Impoundment Control Act.

Let me recall the words of the distinguished chairman of the Committee on Appropriations in that very debate, the gentleman from Texas (Mr. Mahon). He said:

> Of course, if we do not use the instrument which is provided, if we do not have the will to achieve some economies and make some sacrifices, no legislation is going to be effective.

He was warning us of what we see happening right here on this floor today. A much more realistic view was also voiced in that debate, and I quote our former colleague from Iowa (Mr. Grassley) when he said:

> I am convinced that this legislation is an exercise in rhetoric and futility. No amount of legislation will instill in a majority of the Members of the House the ingredient, the element that has been missing. That is fiscal responsibility. Neither this nor any other legislation will provide morality and responsibility on the part of Members of Congress.

Those were but two voices that we heard in that debate, and most would agree.

Now we are presented with this committee report which completely ignores the economic situation we face and ignores the need to cut Federal spending.

The gentleman from Pennsylvania said:

> Don't vote for the Michel amendment because we are talking about funds which will create jobs.

I can see that the jobs that apparently this House is most concerned about are the jobs that pay $42,500 a year, and our own jobs, and our major concern is getting reelected to those jobs every second year when we go before the electorate.

We are now apparently at that point in our history as de Tocqaville predicted we would be when we can vote largesse out of the taxpayers' pockets in an attempt to reelect ourselves continually.

The issue today, Mr. Chairman, is the destruction of this country by inflation. This budget rescission process was created so that those in the Congress could get a handle on that inflation, curb it by judicious pruning.

What has changed since we voted on the Labor-HEW bill? Twenty-one billion dollars in a massive tax cut has been voted by this House, irresponsibly, I think; and on the other side of the Hill voices tell us that it should be $30 billion. What has changed? Six billion dollars in job-creation programs which we will be asked to vote on later this week. We are piling deficit upon deficit, and all Americans will pay the price in inflation.

We are on the brink of national bankruptcy, and all that is asked today is that we cut a half billion dollars out of these programs, that we defer some of these goodies, and the gentleman from Illinois (Mr. Michel) gives us this chance to support his amendment.

I support his amendment. I hope we will have a rollcall on it. I hope we will go back to our constituencies and explain to them how we really feel about what the gentleman from California (Mr. Burgener) correctly called the cruelest tax of all, the tax on inflation.

Mr. Chairman, I hope all of us will support the Michel amendment. It deserves our support.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. The gentleman says that the rescission process was supposed to fight inflation, and that it should permit us to come back and make changes in programs that we could not foresee. Can the gentleman say what the overall cost is going to be on these programs?

Mr. BAUMAN. I say to the gentleman from Pennsylvania that that was the original intention, that Congress could use rescission just like a scalpel, and here today we see a chance to do something about it. If we adopt this amendment we will save a considerable amount.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Does the gentleman see any evidence in any of the rescission bills that have been coming up before us this year that we will ever get to that point of being willing as a Congress to make such cuts?

Mr. BAUMAN. No; I do not think so. I think the record so far indicates that this rescissionary process generally speaking is a farce, because the Congress does not cut out the money that is unnecessary. We have already noted that in this particular rescission bill only 14 percent of the cuts requested by the President are being made. The President asked us to cut $1.2 billion but the bill only cuts about $6 million.

Mr. MYERS of Pennsylvania. What does the gentleman from Maryland think would be the situation with the Penn Central management if they were to follow the financial procedures that we follow in this Congress?

Mr. BAUMAN. The gentleman from Pennsylvania knows the answer to that. The gentleman knows that no individual, no company, no bank, no corporation could conduct its finances as this Congress continually handles itself. They would be bankrupt if they did so. And that is one of the reasons the Penn Central is where it is, and one of the reasons this country will be in the same fix shortly, unless we accept this amendment that is being offered today, and others like them. The time is now.

Mr. BURGENER. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois (Mr. Michel).

Mr. MICHEL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to make a few comments.

My distinguished chairman made several comments with respect to how good the regular bill was, and because of that there was no real need for rescissions. I can tell the Members how bad that bill was, because in the committee, not with my vote, there was a cut of $1.2 billion of public assistance so that all these other little goody items could be included, and the committee could come to the floor and say that they were not too far away from the budget figure.

Well, let me tell the Members how lousy a bill that was, and how lousy a figure that was. Today we have before us requests to make up for that deficit in public assistance of $1.2 billion that was cut. Mr. Chairman, that is as phoney as you can make it, and the proof of it is that we now have a request for $1.7 billion to make up for that $1.2 billion cut.

That is how good this bill was the last time it was before us. And there are a lot of other little items in this bill, some embodied in my amendment, that need to have a little bit of a rescission themselves.

I think that we can do ourselves a great deal of good by taking at least a step in that direction.

The gentleman was making a comment here about moving quickly. Well, within 5 or 10 days of the proposed rescissions, in the continuing resolution we just adopted an hour or two ago, the Congress took action. But that continuing resolution contained an item of $75 million for the regional medical program, which is in absolute contravention of what this House and the Senate said in revising that program 6 months ago. That is not moving quickly, it is moving backward. Moreover, we have completely negated the whole thing by what we have done here. So what is the point of it all; where are we going?

Mr. Chairman, it is so doggoned hard around here to get people to do things. You know, you continuously hear Members say that, oh, it is so hard to do this because the people need it in my district, and they would like more. And that is true in your district, and it is no less true in my district. They would like more, too. Everybody likes to have more when they can dip into the Federal till. Let us get more money from Washington, they say, let us get our share.

Well, there is no magic about that. We should have hearings on all these things so that we can have all the special pleaders in here. We can say to them, what do you want? What would you like? Are we not doing enough for you? And they can say, of course you are not. So, we send them more.

But, Mr. Chairman, this is where the buck stops. This is why our country is in such shape these days: because no one has got the guts to stand up against the special pleaders. Just once in a while cannot some average individual stand up and say so? And I am personally fed up to here, and sick and tired about it.

Someone, some of us, once in a while, have at least to make the effort, and if I did not do so today then I think I would be defaulting my own responsibility.

You know, it is tough to get up here and stand up against these special pleaders. You do not get your name in the press for this kind of thing. There is not one line that will be put in the Washington Post about anything that I happen to say here today, except that the next time I run for reelection the Washington Post will be using it against me, and saying that each time that I was up here I was trying to make a case to cut a popular program. That is why we cannot get a sufficient number of votes in this House, or in the Senate, to do the right thing once in a while.

I just wish the Members would all rack their consciences a little bit tonight when they go to bed and see what they did to really try to help bring expenditures in line with revenues.

Mr. JOHN L. BURTON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, the only thing I would like to say is that, as I understand it, within a couple of weeks we will all get a chance to save the taxpayers of this Nation some money, the American taxpayers' dollars that are not going to be spent on the aged, the infirm, and those who are unable to take care of themselves, those who need Government to really help them exist, but which are going to be spent some 8,000 miles away from this country.

I, for one, am going to sleep tonight, secure in the knowledge that I am going to vote against this amendment and spend some of the American tax dollars for the American people. I am going to sleep very secure in the knowledge that I am going to vote against spending any American tax dollars for the governments of Southeast Asia, and I am going to sleep like a baby.

Mr. CONTE. Mr. Speaker, I rise in opposition to this amendment.

I do so reluctantly, Mr. Chairman, because I feel that the Congress has not completely accepted its responsibilities under the Budget Control Act. But while I applaud the intent of this amendment, to assert a stronger record for fiscal responsibility, I feel that the health field is one in which this country and this Congress cannot afford to cut back.

I have supported the President's recission requests in the past, Mr. Chairman. Last December, President Ford proposed to Congress $672 million of recissions, and I supported all of that amount except for $14.5 million for the college housing program. In the second recission bill, I supported the amendment of the gentleman from Illinois (Mr. MICHEL) to approve all of the President's recissions except the Hill-Burton hospital construction and renovation program.

Mr. Chairman, the President's proposed rescissions, and this amendment, simply represent a return to the President's budget requests for 1975. In many of these health programs, after a lengthy hearing process, the Subcommittee on Labor-HEW on which I have the honor of serving recommended levels of funding above that recommended by the President. And in many of those cases, the Congress in its wisdom agreed and appropriated those funds.

Now the President proposes to undo the will of Congress, by reducing funds for vitally needed health programs. I would be amenable to such reductions if the administration could show that the funds are no longer needed—for example, if such dramatic progress had been made in the research on some particular disease that further research was superfluous or of low priority. But we have had hearings on these rescissions, and this is not the case.

During our rescission hearings, I asked the witnesses why they were supporting the rescissions. And in every case it became clear that the need for these funds had not lessened; in many cases the need had increased. But the funds were proposed for rescission because of a need to cut back on the Federal deficit.

Mr. Chairman, I am as appalled by the growing size of the Federal deficit as any of my colleagues. But I ask my colleagues how in good conscience they could make these cuts in health and human resource programs, when they consider the rescissions they have rejected in the past. Can my colleagues in good conscience vote to rescind funds for maternal and child health, having rejected rescissions of military and defense appropriations in the past?

Mr. Chairman, I would like to just briefly mention some of the worthwhile programs which would be cut by this amendment.

Under health services, there would be a cutback in the sudden infant death syndrome program. This disease, about which practically nothing is known, is the largest cause of death of very young infants.

Under preventive health services, there would be cuts in lead-based paint programs. My district contains many old houses with lead-based paint, which can cause mental retardation and death in small children. I am sure that this is a problem in many of my colleagues' districts as well.

Cuts in the National Institutes of Health will have a serious impact on continuing research. Biomedical research cannot be turned on and off like a faucet. It takes money to hire staff, build and stock laboratories, and grow cultures. A cut in funds during the year can be disastrous to this sort of research.

Cuts in the budget of the National Heart and Lung Institute will have a direct effect on every State's tuberculosis screening effort.

In short, Mr. Chairman, the need for this funding is clear. I urge my colleagues to register their support for improving the health of our Nation by voting against the pending amendment.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MICHEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 132, noes 252, not voting 48, as follows:

[Roll No. 41]

AYES—132

Anderson, Ill.
Archer
Armstrong
Ashbrook
Bauman
Beard, Tenn.
Bell
Bennett
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Cederberg
Chappell
Clancy
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
de la Garza
Derwinski
Devine
Dickinson
Downing
Duncan, Oreg.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
Erlenborn
Evins, Tenn.
Fenwick
Fish
Flynt
Forsythe
Fountain
Frenzel
Frey
Gibbons
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hansen
Harsha
Hastings
Hébert
Hillis
Hinshaw
Holt
Hughes
Hutchinson
Jarman
Johnson, Pa.
Kasten
Kelly
Kemp
Ketchum
Kindness
Krueger
Lagomarsino
Latta
Lent
Lott
Lujan
McClory
McCollister
McKay
Mathis
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Myers, Pa.
Nichols
O'Brien
Passman
Pickle
Pressler
Quie
Railsback
Regula
Robinson
Rousselot
Runnels
Ruppe
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shuster
Sikes
Skubitz
Smith, Nebr.
Spence
Stanton, J. William
Steelman
Steiger, Ariz.
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Treen
Vander Jagt
Waggonner
Wampler
Whitehurst
Winn
Wylie
Young, Fla.

NOES—252

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Andrews, N. Dak.
Annunzio
Ashley
AuCoin
Bafalis
Baldus
Barrett
Baucus
Beard, R.I.
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bonker
Breaux
Breckinridge
Brodhead
Brooks
Brown, Calif.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, John L.
Burton, Phillip
Carney
Carr
Casey
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
D'Amours
Daniels, Dominick V.
Danielson
Davis
Delaney
Dellums
Dent
Derrick
Diggs
Dingell
Dodd
Downey
Drinan
Early
Eckhardt
Edwards, Calif.
Eilberg
English
Esch
Evans, Ind.
Fascell
Fisher
Fithian
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Fulton
Fuqua
Gaydos
Giaimo
Gilman
Ginn
Gonzalez
Green
Gude
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W .Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Hicks
Hightower
Holland
Holtzman
Horton
Howard
Hubbard
Hungate
Jacobs
Jeffords
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Keys
Koch
Krebs
LaFalce
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
McCormack
McDade
McFall
McHugh
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Matsunaga
Mazzoli
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patman
Patten
Pattison, N.Y.
Perkins
Peyser
Pike
Poage
Preyer
Price
Pritchard
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Russo
St Germain
Santini
Sarasin
Sarbanes
Schroeder
Seiberling
Sharp
Shriver
Simon
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, James V.
Steed
Stephens
Stokes
Stratton
Studds
Sullivan
Symington
Thompson
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vigorito
Walsh
Waxman
Weaver
Whalen
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—48

Anderson, Calif.
Andrews, N.C.
Aspin
Badillo
Bedell
Bolling
Bowen
Brademas
Brinkley
Burke, Calif.
Clausen, Don H.
Edgar
Eshleman
Evans, Colo.
Findley
Flowers
Henderson
Howe
Hyde
Ichord
Jenrette
Johnson, Colo.
Kastenmeier
Landrum
McCloskey
McDonald
McEwen
Mann
Martin
Meeds
Milford
Mills
Mineta
Moorhead, Pa.
Murphy, N.Y.
Patterson, Calif
Pepper
Quillen
Rhodes
Ryan
Scheuer
Snyder
Stark
Steiger, Wis.
Vanik
Wiggins
Wilson, Bob
Wydler

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McFall) having assumed the chair, Mr. Long of Louisiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4075) to rescind certain budget authority recommended in the message of the President of January 30, 1975 (H. Doc. 94-39) and in the communications of the Comptroller General of February 7, 1975 (H. Doc. 94-46) and of February 14, 1975 (H. Doc. 94-50), transmitted pursuant to the Impoundment Control Act of 1974, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill to final passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURGENER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 17, not voting 44, as follows:

[Roll No. 42]

YEAS—371

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
AuCoin
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bonker
Breaux
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John L.
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Cederberg
Chappell
Chisholm
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Dickinson
Diggs
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Hicks
Hightower
Hillis
Hinshaw
Holland
Holt
Holtzman
Horton
Howard
Hubbard
Hughes
Hungate
Hutchinson
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire

Mahon
Mathis
Matsunaga
Mazzoli
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman
Patten
Pattison, N.Y.
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruppe
Russo
St Germain
Santini
Sarasin
Sarbanes
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steelman
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vigorito
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—17

Bennett
Burgener
Clancy
Collins, Tex.
Conlan
Crane
Devine
Edwards, Ala.
Goldwater
Michel
Myers, Pa.
Rousselot
Satterfield
Schneebeli
Steiger, Ariz.
Symms
Waggonner

NOT VOTING—44

Anderson, Calif.
Andrews, N.C.
Aspin
Badillo
Bolling
Bowen
Brademas
Brinkley
Burke, Calif.
Clausen, Don H.
Edgar
Eshleman
Evans, Colo.
Findley
Henderson
Howe
Hyde
Ichord
Johnson, Colo.
Landrum
McCloskey
McDonald
McEwen
Mann
Martin
Meeds
Milford
Mills
Mineta
Moorhead, Pa.
Murphy, N.Y.
Patterson, Calif.
Pepper
Quillen
Rhodes
Ryan
Scheuer
Snyder
Stark
Steiger, Wis.
Vanik
Wiggins
Wilson, Bob
Wydler

So the bill was passed.

The Clerk announced the following pairs:

Mr. Brademas with Mr. Aspin.

Mr. Badillo with Mr. Evans of Colorado.

Mr. Mineta with Mr. Milford.

Mr. Howe with Mr. Ryan.

Mr. McDonald of Georgia with Mr. Don H. Clausen.

Mr. Stark with Mr. Andrews of North Carolina.

Mr. Henderson with Mr. Edgar.

Mr. Landrum with Mr. Wydler.

Mr. Mann with Mr. Quillen.

Mr. Meeds with Mr. Rhodes.

Mr. Moorhead of Pennsylvania with Mr. Steiger of Wisconsin.

Mr. Murphy of New York with Mr. McEwen.

Mr. Vanik with Mr. Findley.

Mr. Pepper with Mr. Snyder.

Mr. Patterson of California with Mr. Wiggins.

Mr. Ichord with Mr. McCloskey.

Mr. Brinkley with Mr. Hyde.

Mr. Bowen with Mr. Martin.

Mrs. Burke of California with Mr. Bob Wilson.

Mr. Scheuer with Mr. Johnson of Colorado.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on the bill just passed, and that I may be permitted to include in my remarks tables and extraneous material.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Texas?

There was no objection.

PATRICK O'HARA WINS VOICE OF DEMOCRACY CONTEST

(Mr. HALEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALEY. Mr. Speaker, one of my young constituents, Patrick O'Hara, son of Mr. and Mrs. Edward R. O'Hara of Sarasota, Fla., was selected as Florida's winning contestant in the Voice of Democracy Contest sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary.

It is my honor and privilege to share with my colleagues and the general public Patrick's winning speech on the theme, "My Responsibility as a Citizen":

MY RESPONSIBILITY AS A CITIZEN

I am a citizen. In essence I've said, "I am". I exist because I'm a citizen. Take away my citizenship and take away my Soul—strip me of my dignity. I repeat, and I shall say it louder, I am a citizen.

A Democracy is only as fine as the nature of its components. The United States of today can be likened to an intricately woven flag consisting of over 213 million threads. Each thread might seem insignificant when viewed *only* as a part of the whole, but closer observation reveals that each strand upholds and supports the pattern of unity, strength, and color which the eye perceives.

As a citizen in society I, like an individual thread, must perform to *my* utmost ability to keep the United States unified, strong, and yes, in a sense, colorful.

As a citizen, I, and *no one* else, am responsible for doing *my* part to keep the United States and the fabric of our society strong. Civic duty, therefore, is an inseparable aspect of my effective and productive functioning as a citizen.

My civic duties are to support the United States government and its laws, to defend the government from internal and external erosion, and finally, to understand the value of my rights as a citizen and the *need* to exercise my freedoms.

I have a right to speak and write freely. I have a right to worship without fear. In essence, I'm free in every respect. My privileges as a citizen of this Country are to be found nowhere else on this planet. However, the rights designed to insure my individual liberties are mine *not* because I earned them, but because the citizens that preceded me understood the priceless quality of freedom.

I might be but a thread of society, but thousands of men have died for me. From the American Revolution, through the Civil War, during the World Wars, and in the tragic Korean and Viet Nam conflicts, hundreds of thousands perished in battle. They sacrificed that I might be free. Therefore, as a citizen of this Great Land, my *prime* responsibility is to likewise support and utterly defend the institutions and principles of our governmental systems from decay and destruction.

The government, under which we function, *is* a gem. But, like all gems, it has flaws. More importantly, the beauty of our institutions and processes is that they *are* flexible and open to revision. As a citizen I should work towards the amelioration of many of the existing social inequities by actively working with others with common goals.

No one will deny that a whole Niagara of problems plague this Country. But, more importantly, again, solutions can and will be realized by citizens such as myself actively working together through the channels of government. Clearly, my job as a citizen is, as some would say, "to pull my own load". John Kennedy put it better. "Ask not what your Country can do for you, but what *you* can do for your Country."

In sum, my responsibility as a citizen is to be a good citizen. A citizen aware of the threats to democracy, willing to work for the Country's general welfare, and willing to sustain the torch lit in 1776. I will keep the light bright by staying informed, exercising my franchise to vote, and assuming an active role in our democracy.

A philosopher once said, "I am, therefore I exist". Today I would like to make a contemporary corollary to that statement by telling you, "I am a citizen who understands his responsibilities, therefore I have a right to exist."

OIL FACTS

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, with all of the discussion about price of domestic oil, I am hesitant to ask my colleagues to review the facts. Most comments sound and read like campaign speeches and this is not an election year.

Here are the oil facts: In 1956 there were 58,000 new wells drilled. In 1972, there were only 28,000 wells drilled. This is less than half as many wells being drilled.

Compare the price per barrel of crude oil in 1972 dollars. Back in 1956 a barrel brought $4.50 whereas in 1972 it only brought $3.40. Oil drilling had one-third greater price incentive to drill back when they drilled twice as much.

The United States depends for one-third of its present oil energy needs on imports. And the situation gets worse each year. In 1960, the United States had 12.8 year supply of oil reserves. But it was down to 7.7 year supply in 1973. Gas reserve supply had dropped from 21 year supply to 10.7 year supply in this period. Our country is not finding enough new reserves.

Let us look at the statement that oil companies make a profit. Take the 10 years from 1964 through 1973 and compare the profits as a percent of net worth on all manufacturing companies to the petroleum companies. All manufacturing was 12.7 percent to oil of 12.2 percent which is below average.

And the oil companies have reinvested more than their earnings. Take 1964 to

1973 and we see the U.S. oil companies invested $86.6 billion whereas their total profits were only $60.6 billion. They invested $26 billion more capital than they earned.

Increased price will attract more production. Sun Oil spent $300 million on its Tar Sand project in Canada. This pioneer project has always been a loser. It requires market pricing in line with foreign prices to show a profit on its 50,000-barrels-a-day production.

Petroleum engineers estimate that primary recovery only gets 20 percent of the original oil in place. Secondary recovery can get 30 percent more, but such methods as water flooding or gas or steam systems are expensive. It is still lower priced recovery than we would have to pay to import Arab oil.

Placing an artificial low price on old crude oil where we pay Americans less than half what we pay Arabs for the same oil product, seems most strange. Can you think of any other product consumed in this country where we pay foreigners more than we will pay our own American citizens?

STATEMENT ON THE CURRENT UNEMPLOYMENT SITUATION

(Mr. McFALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. McFALL. Mr. Speaker, the new unemployment data from February, just released, shows a disheartening continuation of the steady economic decline our Nation has been experiencing ever since the current Republican administration took office.

We had been expecting another increase in the unemployment rate, but instead, we got something worse. We experienced not only a decline in the number of employed, but also an actual shrinkage of the labor force, as people formerly looking for work simply gave up their hope of finding employment.

This withdrawal of 580,000 people from the labor force, of course, accounts for the fact that the rate of unemployment stayed the same, instead of rising sharply because of the addition of 540,000 workers to the jobless roles. Had there not been this drastic withdrawal of discouraged workers previously classified as unemployed from the labor force, the new unemployment figure would have leaped upward to 8.9 percent.

Even as the number of dropouts from the labor force increased sharply in February, the prospects of those still looking for work grew even dimmer. The average duration of unemployment rose from 10½ weeks to 11½ weeks. And, even those still holding jobs have suffered from this administration's economic policies, as the number of hours in the average person's work week continued its steady march downward.

In short, Mr. Speaker, the February job numbers are the gloomiest, most discouraging that it has been my displeasure to see since I came to the Congress more than 15 years ago. In fact, it is necessary to go back more than 30 years—to the Great Depression and another Republican President—to find numbers like these.

If it were only numbers we were talking about, Mr. Speaker, this situation would not be very significant. But these numbers represent people, people who are hungry, and broke, and worried sick about their families and their futures. These are people whose plans and dreams are being dashed on the rocks of idleness and despair.

In the face of this terribly serious situation, the Democratic Congress must stiffen its resolve to protect our Nation's workers and their families from the ravages of unemployment. We have already delayed the administration's energy program, which would have added to inflation. We have passed a tax reduction bill which will help the middle- and lower-income people, and not the wealthy. And this week, we will consider a $5.9 billion appropriations measure to create almost 2 million jobs. But more is needed if we are to stop this problem of growing unemployment and recession, and I promise you that we in this Democratic Congress will do our utmost to see that whatever is needed to put America back to work is provided.

ALTERNATE APPROACHES TO THE MEDICAL MALPRACTICE PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HASTINGS) is recognized for 30 minutes.

Mr. HASTINGS. Mr. Speaker, during the last 3 weeks I have discussed the medical malpractice problem as it relates to consumers of health services, health providers, insurers, and claimant's lawyers.

Today I will describe the many approaches to the medical malpractice problem that are in effect now and are being considered by Federal and State governments, and by the health care providers and medical malpractice insurers.

To date, the programs that have been adopted usually have been within the individual States. The regulation of both insurers of medical malpractice and health care providers has been carried out by the States. Health care provider efforts, usually working in cooperation with insurers, have either dealt with the problem on a statewide or local basis.

Federal involvement to date regarding medical malpractice has been limited to fact-finding and the convening of those involved in the medical malpractice problem to help them to deal with the immediate problem of the availability of medical malpractice insurance. I will describe the efforts of Secretary Weinberger and his staff in this regard somewhat later in this discussion. In addition to the recent efforts of the Secretary of HEW, the Subcommittee on Executive Reorganization of the Senate Committee on Governmental Operations, which was chaired by Senator ABRAMAM RIBICOFF, prepared a report on medical malpractice in 1969 entitled Medical Malpractice: The Patient Versus the Physician. The findings in that report were consistent with findings that have been made since that time. One finding certainly hits the mark today. According to the report:

> At present, it appears that no one affected by the rise in medical malpractice suits and claims has been able to deal with this problem in a manner that promises to alleviate the situation.

The Subcommittee on Health of the Senate Committee on Labor and Public Welfare, chaired by Senator EDWARD KENNEDY, considered the problem of medical malpractice and certain solutions to it during its hearings on physicians training facilities and health maintenance organizations held in 1971 and 1972.

In 1971, President Nixon directed Secretary Richardson to convene a Commission to "undertake an intensive program of research and analysis of the problems associated with malpractice claims against all categories of health care providers and institutions in both the Federal and private sectors."

The Secretary's Medical Malpractice Commission, after working for more than a year, produced a great amount of useful information, including recommendations for improvement covering seventy-seven separate areas. Mr. Speaker, that Commission was convened at a time when health care providers were experiencing difficulty in obtaining medical malpractice insurance. By the time the Commission had written its report, the availability crisis had apparently subsided. The Commission found that insurance was available under group plans "and the market for such insurance was competitive." The report noted that individual providers were experiencing greater difficulty in obtaining insurance.

Because the problem apparently became manageable during the Commission's deliberations, little appears to have been done either to continue to monitor the situation or implement any of the Commission's recommendations. The problem has once again reached crisis proportions, and I think it is time that we provide solutions that will assure longer term stability in the medical malpractice insurance market.

The problem that began to emerge in 1974 and reached crisis proportion by the end of the year brought the Department of Health, Education, and Welfare back into the picture. Secretary Weinberger, noting that a number of carriers were threatening to pull out of certain States, urged that insurance companies "take no precipitous action which would deny coverage to physicians." He requested that insurance companies consider the formation of consortiums in order to spread the risk among insurers. To expedite such action, he convened a meeting of insurance representatives, providers, and the insurance commissioners. Two meetings have been held to date. On February 26, the American Insurance Association approved the establishment of joint underwriting associations in States where there were problems, and are now preparing draft State legislation for this purpose.

Legislation has been introduced in both the Senate and the House proposing various alternatives to the medical malpractice problem. On January 16, Senator GAYLORD NELSON introduced the Federal Malpractice Insurance Act (S. 188) which calls for the establishment, within HEW, of a national medical malpractice development fund, which would pay all medical malpractice claims above $25,000. The Fund would be financed by voluntary payments by insurers engaged in medical malpractice insurance. The Secretary of HEW would also be required to assess the primary medical malpractice insurance market, and to conduct certain studies relating to medical malpractice.

On January 17, Senators DANIEL INOUYE and EDWARD KENNEDY introduced the National Medical Injury Compensation Insurance Act (S. 215) which would establish a no-fault system of compensation for medical injuries. Health care providers would pay premiums into a medical injury compensation insurance fund, which would, in turn, pay claims made by or on behalf of injured patients. An injured patient would have the option of applying for compensation either to the fund or through the courts. The bill would establish conditions of participation for providers.

Senators EDWARD KENNEDY and DANIEL INOUYE also introduced the National Medical Malpractice Insurance and Arbitration Act of 1975 (S. 482) on January 29. This bill would require that both claimants and health-care providers arbitrate medical malpractice disputes. Such arbitration, however, would not be binding on either party. The decision of the arbitration panel would be admissible as evidence in any court proceeding, subject to review by the court before admission. The bill would also establish conditions of participation for health-care providers, before they could be covered under the act.

In the House, Congresswoman MARJORIE HOLT introduced a bill to establish a Commission on Medical Malpractice Awards (H.R. 1305) on January 14. This bill would establish a Commission to conduct "a comprehensive study and investigation of the feasibility and appropriateness of establishing maximum limits on the amount of damages that may be granted in any medical malpractice suit brought against a physician, dentist, or other practitioner of the healing arts." The Commission, the makeup of which is described in the bill, would be required to report its findings within 1 year of the date appropriations were made.

Congressman DAN ROSTENKOWSKI introduced a bill (H.R. 1378) on the same day which, among other purposes, calls for the study of the medical malpractice problem by the National Academy of Sciences, under the direction of the Office of Technology Assessment.

In addition to these bills, a number of other bills have been introduced in the House which are identical to S. 188 and S. 482, both of which are described above.

A number of States have introduced legislation designed to deal with the medical malpractice problem, employing a variety of approaches. In North Carolina, for example, legislation has been introduced which would require all insurers engaged in writing general liability insurance to participate in the North Carolina Medical Professional Liability Reinsurance Exchange. The function of the exchange is to provide a mechanism for distributing risks associated with the coverage of health care providers in the State of North Carolina.

In New York State, similar legislation has been introduced which would create a joint underwriting association consisting of all insurers writing personal injury liability insurance. The purpose of the association would be to provide medical malpractice insurance on a self-supporting basis. The JUA would be empowered to write medical malpractice insurance, to assign service functions to certain member companies, and to reinsure its risks.

New Jersey has introduced similar legislation that would require that companies now writing medical malpractice insurance in the State continue to do so as a condition of continuing to write other lines of insurance.

In a report to the Governor in Michigan, the Insurance Commissioner recommended legislation to establish a medical malpractice insurance fund operated by the State. The fund would be self-sustaining, and would have the power to issue or reinsure policies of insurance and to recoup deficits through assessments. Participation by providers would be voluntary. Altogether, the Report to the Governor recommended improvements in 31 areas including medical care quality controls, contingent fees, and insurer reporting requirements.

In Maryland, legislation has been introduced calling for the establishment of a medical society-sponsored mutual insurance company financed by assessments from the State's physicians, and reinsured by the State. The legislation, which was introduced at the request of the Medical and Chirurgical Faculty, Maryland's medical society, would also limit the degree of liability of the insured, and define the elements of compensatory damages.

Recently introduced legislation in Indiana calls for establishment of a patients' compensation board to review and pay medical malpractice claims, establish schedules of payments to insured patients, and provide for the offering of coverage for health care providers who are not covered by private insurers. It also places certain requirements on insurers, and authorizes the insurance commissioner to establish a joint underwriting association, if it becomes necessary.

In Wisconsin, legislation has been introduced which would limit the timespan from the point where a medical injury occurred until a suit can be instituted to 6 years, irrespective of when the injury caused by negligence was discovered. Under the bill, the plaintiff would normally be required to file a suit within 2 years from the date the incident occurred. If discovery occurs after the statute of limitations has run, the claimant must file suit within 1 year of discovery of the medical injury. In addition, a bill was introduced calling for certain State actions to assure the continued availability of medical malpractice insurance up to limits of $100,000 and $300,000. Such actions would include requiring participation of all insurers writing personal injury liability insurance in the State of Wisconsin.

Most of the legislation introduced by States is designed to assure the availability of medical malpractice or professional liability insurance. In several instances, it also attempts to limit the liability of the insurer and the health care provider. The proposed Wisconsin legislation would limit the maximum time for filing a suit to 6 years, and the Maryland legislation would limit the liability of the provider and specify the elements of compensable damage. For example, the injured patient would be compensated for the loss of income but less 80 percent of any income which the individual earns or could reasonably expect to earn from substitute work.

I think this is understandable in view of the immediate crisis faced by health care providers and insurers which is coverage for medical malpractice claims and the escalation of claims' costs and premiums.

Since the major problem in medical malpractice is the number of injuries caused by negligence, the greatest contribution to solving the medical malpractice problem would be in the area referred to as injury prevention. In its report, the Secretary's Medical Malpractice Commission noted that medicine had made some progress in preventing medical injuries, citing, for example, "color coding and unique coupling systems used for anesthetic gases." The Commission, however, criticized the industry for not doing more to prevent injuries and called upon the industry to institute "intensive medical injury prevention programs in every institution in the country, beginning with hospitals."

Seventy-four percent of all medical malpractice incidents occur in hospitals, according to the Medical Malpractice Commission. Given this fact, I think the Commission made a great deal of sense when it recommended that health care institutions do two things:

First. Investigate and analyze the frequency and causes of general categories and specific types of adverse incidents causing injuries to patients; and

Second: Develop appropriate measures to minimize the risk of injuries and adverse incidents to patients through the cooperative efforts of all personnel.

The list of quality controls that can be instituted are substantial. These have been cited on numerous occasions. They include standardizing licensure of health professionals, continuing education, relicensure, recertification, and giving State licensing boards more power to discipline offending health care providers. Professional standards review organizations could have a positive impact on the quality of health care.

I understand that insurers who have group plans with hospital and medical associations do have injury prevention programs. Some insurers employ injury prevention specialists who work with hospitals to lessen the number of injuries occurring in the hospital. Insurers report the types of cases of medical malpractice that are occurring, and work with committees of medical societies to consider how to reduce medical injuries. Since health care providers are so concerned about the reduction in medical malpractice claims, education programs should be well received.

Major provider and insurer efforts, to date, have been directed to efforts to deal with claims or the threat of claims. A major part of the medical malpractice claims review system is screening panels, which attempt to settle cases before they go to court. There are two principal types. One is made up entirely of physicians, who screen cases of the physician involved. Such panels work closely with the insurer. Their purpose is to advise the physician whether the case has merit or not, whether to settle or not, and how to play an appropriate role in his defense, if the claim proceeds. According to the Medical Economics Co., insurers tend to favor this approach over the other type of screening panel, which is the medical-legal panel. These panels are made up both of lawyers, selected by the local bar association, and doctors from the local medical society. I find the program in Pima County, Ariz., particularly interesting because the panel provides the claimant with a physician to help prepare his presentation to the panel. If the panel votes in favor of the claimant, and the physician refuses to settle, the panel also provides the claimant with expert witnesses during the trial.

As might be expected, physician panels have found for the claimant less than half as frequently as medical-legal panels. Physician panels were also found by the Medical Malpractice Commission to be fare less successful in keeping claims out of court.

Another form of screening panels are those established within the court system in New York and New Jersey. In those instances, the court appoints a panel for factfinding and to consider the possibility of settlement. According to data contained in the 19th Annual Report of the Judicial Conference for the State of New York, approximately 25 percent of the cases reviewed by these panels are settled before going to court. Regarding New Jersey, the Medical Malpractice Commission reported only that the reduction in court cases as a result of the panel was minor.

Once a claim becomes a suit, and must proceed through the courts, the process becomes both long and expensive. Two approaches which are frequently mentioned as possible alternatives to court actions are no-fault medical injury compensation systems and arbitration.

No-fault medical injury compensation systems have been recommended by the American Medical Association as the best approach to dealing with the medical malpractice problem. Dr. Malcolm Todd, president of the American Medical Association, described the system to the New York Select Committee on Insurance:

> Such a system would cover all medical injuries and would compensate the injured according to a pre-determined schedule of benefits. Such a system would eliminate the element of gambling and uncertainty that pervade the present system and would introduce instead the element of social equity.

No-fault, in effect, substitutes strict liability when an injury occurs for liability when negligence occurs. Most commonly, proposals for a no-fault system call for the establishment of medical injury compensation commissions to review cases and make awards. The advantages cited by proponents is the elimination of the issue of negligence and the consequent substantial savings in legal costs, which represent the largest single expenditure at this time. They also state that such a system would speed up the process considerably, affording the patient needed compensation sooner. Increases in claims would be offset by savings in legal and other costs.

Opponents of no-fault counter with several criticisms. One, there is no idea of the cost of such a system. Given the limited information on the number of medical injuries occurring, increased costs would be substantial. Two, schedules of payments frequently discriminate against the patient because they seldom keep pace with rising costs, and are often unreasonable to begin with. Three, there is need to maintain accountability in the medical care system. Health care providers should be accountable for their negligence, as an incentive to maintaining and improving the quality of care. Four, the development of schedules of compensable events is most difficult. According to Robert Keeton, who is a nationally known expert on no-fault automobile insurance, the no-fault medical injury concept may run into problems in determining awards not because of the issue of negligence but that of causation.

The second approach frequently advocated by a number of experts is arbitration. Arbitration retains the issue of negligence in determining settlements but uses an arbitration panel as an alternative to a suit in the courts. Arbitration panels are appointed by mutual consent of the injured party and the defending provider, or by statute. The arbitration agreement may be signed at the time treatment is to be provided, or in the case of health maintenance organizations, at the time the subscriber joins the HMO. According to William Curran, a professor at Harvard who studied medical malpractice as it related to HMO's, HMO's are increasingly including arbitration in their subscriber contracts. One carrier, Casualty Indemnity Exchange of Denver, according to the September 22, 1972, issue of Medical World News, offered a 19-percent premium benefit to those physicians who secured arbitration agreements with their patients. The Southern California Kaiser Health Plan now contains arbitration in its subscriber contracts. The Ross-Loos Medical Group in California has the most extensive experience with arbitration. Arbitration has been a standard part of their contracts with subscribers since the 1930's. Their claims experience has been extremely good. Between 1964 and 1972, 35 medical malpractice claims were instituted against the medical group. Thirty-two, or over 90 percent, were settled before arbitration, and three were settled through arbitration. This means that an average of slightly less than four claims were instituted per year, which was less than half the national experience, and undoubtedly far less than the California experience for health care providers.

Critics are concerned about the impact arbitration might have on rights of patients. Interestingly enough, Richard Markus, a medical malpractice lawyer, and a member of the Medical Malpractice Commission, feels that arbitration panels might treat the injured patient more favorably than the courts. Another criticism of arbitration is that undue coercion might be used by providers to persuade patients to sign arbitration agreements. It is pointed out that the relationship between a doctor and his patient is very different than the relationships between two businessmen and an employer and a union.

Other than the Ross-Loos data, there is little in the way of evaluation of arbitration. From what we know of the Ross-Loos experience, the process appears encouraging. Their prearbitration settlement rate was over 90 percent, as opposed to a 65-percent settlement ration nationally. The cost was substantially lower and the time required to settle was shorter.

A caveat regarding the Ross-Loos experience relates to two factors. One, Ross-Loos is a multispecialty medical group which some experts say provides higher than average quality care; and two, the group is self-insured. The factors make it difficult to isolate the impact of arbitration on the favorable experience they have had.

Arbitration can take many forms. It can either be binding or advisory. Recently, in testimony before the New York Select Committee on Medical Malpractice, the American Arbitration Association recommended that the joint underwriting association proposed in legislation introduced in the New York legislature by Senator Dunne and others consider the use of advisory arbitration in attempting to settle claims.

To the extent that such panels are advisory, they are similar to the medical-legal panels now used in some States, which I described earlier.

A target of insurers and health care providers are certain legal rules and doctrines which they contend are unfair to the health care provider. As I mentioned earlier, legislation has been introduced in Wisconsin limiting the timespan within which a claimant must file a court action. Given the present medical malpractice insurance coverage which cover the provider for medical incidents occurring during the policy year, shortening the time period in which a claim can be made improves ratemaking and also saves on claims cost.

Several other doctrines are frequently attacked, including res ipsa loquitur and those surrounding informed consent and oral guarantee of favorable outcomes of treatment. Res ipsa loquitur, if applied, has the effect of shifting the burden of proof to the defending health care provider. Insurers feel that it may be used in many cases where there is an injury and it is not possible to establish the cause. They reason that juries may arbitrarily establish negligence in these cases as a way of paying the plaintiff for the injuries that occurred. Informed consent relates to whether or not the patient was adequately informed of all significant risks associated with a particular diagnostic or therapeutic procedure. Another area frequently cited as needing reform relates to oral guarantees of favorable outcomes. Both informed consent and oral guarantee give rise to charges that patients may be awarded damages even where the jury does not find the physician or other provider negligent.

I do not intend to dwell at great length on the insurer and provider contentions that these legal doctrines are either unfair to providers or are applied unfairly. Concern for these issues is part of a larger concern by providers and insurers that the court system is not sympathetic to the defendant in medical malpractice cases. One insurer noted that juries are increasingly giving awards to patients because they are injured, and not because there was negligence involved. This point of view is not shared by the trial lawyers, who cite the fact that the jury usually finds for the doctor and not the injured patient. Richard Markus, whom I referred to earlier, has stated that it is the defense, not the plaintiff, which most frequently requests a jury trial, and that in his opinion, the judge without a jury is more apt to find for the plaintiff than a jury.

A major area of suggested reform is in the area of contingent fees. In some cases, recommendations have been made that the contingent fee be abolished. More commonly, however, the recommendation is that a schedule of contingent fees be established, which would reduce the percentage the attorney receives as the size of the award increases. This approach is frequently referred to as the "New Jersey Rule." A number of the Federal and State legislative proposals contain provisions for regulating contingent fees.

Another reform frequently considered, and included in a number of the Federal and State legislative proposals, relates to collateral benefits, which refers to other sources of services or dollars provided to the injured patient. Currently, juries are barred from considering collateral benefits in establishing the amount of awards. Critics frequently point out that this results in double payments in a large number of instances.

Awards are commonly lump sum amounts. A number of insurers and insurance commissioners have suggested that the payment of annuities be considered. They point out that such a system better assures the injured patient and his family adequate payments over a long period of time, is more equitable to both parties; for example, if an injured dependent dies shortly after receiving an award additional payments would not be required, and finally annuities would reduce claims costs because the insurer could earn income on the money held in reserve for the injured patient.

An approach being given serious consideration at this time is provider self-insurance. The American Hospital Association has announced plans to form a captive reinsurance company, which would place the providers at immediate risk for claims costs and would place the management of the insurance function in their hands.

The American Insurance Association, at one point recently, suggested that insurers give serious consideration to the establishment of a mutual insurance company. The Maryland Medical and Chirurgical Facility is promoting legislation in the State legislation which would provide for a mutual insurance company underwritten by the doctors in the State.

Large health maintenance organizations, such as the Kaiser Health Plans, are self-insured. Ross-Loos, which I mentioned earlier, is self-insured.

Mr. Speaker, this long list of alternatives to the present system does not exhaust the possibilities that have been suggested, but it does cover the major ones. I have no doubt that new approaches will be brought to our attention as we proceed with our consideration of this critical problem. Many reforms are not suggested as alternatives, but as improvements in the present system for resolving medical malpractice claims. Through the upcoming National Conference on Medical Malpractice, which I am sponsoring in cooperation with the American Group Practice Association, and future hearings, we hopefully will gain a clearer understanding of what must be done, and by whom.

THE USRA PRELIMINARY SYSTEM: LESS RAIL SERVICE FOR RURAL AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, within the past few years a number of steps have been undertaken which may result in a completely different pattern of railroad transportation in the Northeastern portion of the United States. Last year the Secretary of Transportation released a report on the railroads which recommended wholesale abandonment of service. At that time I stated that a more balanced view must take into account the interests of all those presently being served by the railroads.

The U.S. Railway Association, USRA, has released its preliminary system plan. It makes a number of recommendations which, if included in the final system plan due July 26, 1975, will have a major impact on a number of communities in the 17th Congressional District.

The preliminary system plan deals with 9,600 miles of what the USRA describes as the "light-density lines of the railroads in reorganization." Of those 9,600 miles, 3,400 miles have been recommended for inclusion in the final system plan. The remaining 6,200 miles have not been recommended for inclusion.

Not included in the preliminary system plan are lines of the Erie-Lackawanna; the USRA informed me that it is planning to have a preliminary report on the Erie-Lackawanna completed within the next month or two. This in itself is one of the problems. Solvent railroads also, such as the Norfolk & Western, are not covered by the plan as they are not railroads in reorganization.

In the 17th Congressional District the preliminary system plan makes recommendations on inclusion or exclusion of Penn Central lines. Beginning in the northern part of the 17th District, the USRA does not recommend the inclusion of the Norwalk branch of the Penn Central. This branch serves Bellevue, Monroeville, Norwalk, Collins, and Wakeman.

Other lines not recommended for inclusion are those portions of the Mount Vernon secondary track running from Mount Vernon to Holmesville; those portions of the Thurston secondary track running from Edison to Johnstown and from Granville to Heath; and those portions of the Thurston secondary track running from Berwick to Spore.

Lines recommended for inclusion are that portion of the Mount Vernon secondary track running from Columbus to Mount Vernon; the portion of the Thurston secondary track running from Spore to Bucyrus; and that portion of the Thurston secondary line in Heath which is about one-half mile in length.

The preliminary system plan is only one of the steps toward the final system plan. Public hearings will be held in Columbus from March 17–21 at which time both oral and written testimony may be given on the USRA's proposals. I will have a statement for those hearings. Also, it is important that local communities adversely affected by the plan make their positions known.

I feel that there are a number of justified criticisms of the preliminary system plan. The more rural areas find their rail service cut the most. Some of the areas where other governmental programs are encouraging the growth of industry are now being recommended not to be included in the final system plan.

To take one example, the Mount Vernon secondary track from Mount Vernon to Holmesville, Ohio, is not recommended for inclusion in the final system plan. However, a large portion of this area is located in the Appalachia area program. The goal of that program is to upgrade and improve opportunities and the living standard of the people in the area. How the preliminary system plan's recommendation is going to further those goals I do not understand. It is another case of Government working at cross purposes with itself.

The whole issue of subsidization raises a number of problems. The USRA seems to maintain that since the lines not being recommended for inclusion in the final system plan may be subsidized, the only problem is to obtain the subsidy. The USRA points out that the Federal Government is committed to providing 70 percent while States are required to provide 30 percent of any subsidy. The subsidy is for a period of 2 years.

If the States can provide their portion of the subsidies needed, there would be less immediate discontinuance of railroad service. But even if that is granted—and in actuality there may be more problems with State's subsidizing branch lines than are now apparent—the subsidies in themselves provide no basis for a long-term rail system that meets the needs of our communities. The subsidy program is a temporary one of 2 year's duration. The present subsidy program does not insure any longer term railroad service for many of our more rural areas—those same areas that may need railroad service more.

The whole subject of light density lines that the preliminary system plan deals with by its very nature means less service for the more rural areas. In addition, with the great reliance on 1973 data there seems to have been a lack of consideration of the growth prospects of areas now served by branch lines. It seems to me that future growth and prospects are an important part of present consideration in determining if a line is to be considered part of the final rail system. Otherwise, certain of the more rural areas that need railroad service to keep and expand their industrial base will find it difficult, if not almost impossible, to do so.

I am going to continue my efforts to keep needed railroad service. As you know, I have reintroduced my bill with 17 cosponsors which would place a moratorium on railroad line abandonments. When railroad service is being heavily subsidized by the Government and when there is no national transportation policy, the possible wholesale discontinuance of railroad service does not make sense. It even makes less sense to discourage railroad service to those rural areas that depend on it the most for jobs and industry.

UNITED NEGRO COLLEGE FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, in January I had the privilege of serving as general chairman of an art exhibit and reception designed to benefit the United Negro College Fund. The program featured the works of Daniel Wynn, a personal friend of mine, an upcoming and talented local black artist. His contribution to this function was especially meaningful as he had once received assistance from the UNCF, and was now in turn donating to the fund the money he received at the exhibit for his oils and pen and ink drawings. In addition to Dan, I would like to commend Leroy Washington, Bellye Jessup, Arthur Henderson, Jr., Brenda Pettross, Carthur Drake, and Bavla Kraft, without whose help the program could not have been possible. This was truly a unique event, made possible by so many hard-working people, that combined a worthy cause with the showing of a very fine artist's cultural achievements. It also afforded me personally the opportunity to learn more about the United Negro College Fund.

Back in 1943, F. D. Patterson, who was at that time president of the Tuskegee Institute, depicted the financial plight of black colleges in the Pittsburgh Courier. He said in part:

> Private colleges for Negroes have carried the brunt of our educational effort for the better part of this experience. These Negro institutions may well take a cue from the general program or organization which seems to involve most charitable efforts today. Various and sundry drives are being unified with a reduction in overhead for publicity and in behalf of a more purposeful and pointed approach to the giving public.

The result of such articles and several conferences with presidents of black colleges was that two foundations—the General Education Board and the Julius Rosenwald Fund—agreed to assist in underwriting the organization of a joint fundraising effort.

Over 30 years ago, in April of 1944, the United Negro College Fund was first chartered in the State of New York. It marked the first time in American education that private institutions of higher learning agreed to join in a cooperative fundaising venture. Now, there are over 40 colleges and universities serviced by the UNCF. For an institution to be eligible for membership to the UNCF, it must be a nonprofit, private, senior college, university or professional school which is operated solely for educational or scientific purposes. Most of the institutions are small, southern, and church-supported. They are also primarily black. However, the students are from all 50 States, more than 60 foreign countries, and are sought from all races. The faculties have always been biracial, and the student bodies are becoming increasingly so. The institutions are designed not only to prepare students for a profession but also for living in and dealing with an integrated society.

The primary purposes of the United Negro College Fund are entirely for the benefit of its member institutions. The fund assists thousands of students who are economically deprived and who would not otherwise obtain a higher education. It is interesting to note that of the thousands of students enrolled in UNCF institutions who receive financial aid, more than half of them also work to provide a significant part of their education.

In addition, the fund sponsors counseling programs, supports a clearinghouse for information on higher education of blacks in our country, and initiates various fundraisers for the benefits of colleges and universities, as well as students.

I was pleased to participate in the United Negro College Fund exhibit and reception here in Washington. The UNCF has certainly made a valuable contribution in the education of many of our citizens, and I personally feel it deserves our continuing support.

CANAL ZONE IS U.S. POSSESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, despite strong opposition from both the House and Senate, the State Department seems intent on negotiating away the U.S. rights to the Panama Canal. I have reintroduced today a resolution that would prevent this unwarranted giveaway by affirming the sovereign rights of the United States over the canal, which could not be transferred to Panama without the express approval of the Congress.

As I have stated previously, the United States cannot allow itself to be swayed by the nationalistic threats and uproar of the Panamanian government. Under the treaty of 1903, the United States acquired the rights to the Canal Zone "in perpetuity." After pouring millions of dollars into construction, the canal itself was completed in 1914. Since that time, this Nation has administered the canal fairly for all countries and has given the Government of Panama increasing shares of the receipts. If the United States were to abandon its sovereign right to the canal, it would serve as an example to small countries around the world that if one protests loud enough, the Americans will cave in to the pressure, regardless of how much in the right we may be.

In addition to surrendering property containing the investment of millions of taxpayer dollars, a giveaway of the Canal Zone would affect the United States in two other very critical areas. Strategically, our defense posture would be immeasurably weakened in the hemisphere. With the canal in the hands of a possibly unfriendly government, access to the Atlantic and Pacific Oceans by our Navy would be severely limited. Second, there is the possibility that the canal would no longer be administered in an impartial manner, thus crippling the American economy. With the 1967 closing of the Suez Canal, the world has seen the drastic increase in shipping costs that takes effect when a major shortcut passageway is closed. Permitting the government of Panama to control the canal would raise the threat of just such an economic burden at a time when our economy can ill afford any additional inflationary costs.

Mr. Speaker, I join with my many colleagues in both Houses of Congress in urging that this resolution be quickly adopted to insure that the Panama Canal remains a possession of the United States forever.

THE STRUGGLE OR COMPREHENSIVE REFORM IS JUST BEGINNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, during the past 4 months, the House Republican Task Force on Reform has examined the laws, rules, procedures, and customs which control or affect the way in which the House operates to produce its legislative product. The task force itself was born of the frustration many of us feel as we have observed the absolute, arcane, inefficient, and sometimes undemocratic methods the House employs as a matter of regular routine.

The task force's intention was to develop suggestions for change which would improve the functioning of the House. We want to help make it more effective, more open, more democratic, and more representative.

The task force's initial report with 16 recommendations follows. The report states that the struggle for real reform is just beginning. The task force expects to play an active role in that struggle but it knows it can neither dominate nor even play a major role. It can, however, be a catalyst to help move a majority which has become comfortable with the status quo forward toward reform.

The task force expects to continue its work on these proposals and other matters. Although it is not easy to attract the attention of a two-thirds majority to these needs, we will try to do so. Occasionally we may become abrasive, but only because we feel reform is a priority that has been badly neglected by the majority.

We welcome the support of any Member, or of any person, any of our recommendations, or even on matters we have not yet considered ourselves. The initial report follows:

The House Republican Task Force on Reform, 1st Report, 94th Congress: "The Struggle for Comprehensive Reform Is Just Beginning"

Bill Frenzel, Chairman, Edward G. Biester, Caldwell Butler, Del Clawson, Jim Cleveland, Thad Cochran, Barber Conable, Millicent Fenwick, Lou Frey, Jr., Trent Lott, W. Henson Moore, Joel Pritchard, Ralph Regula, Virginia Smith, Bill Steiger, Charles Wiggins. Ex officio Members: John B. Anderson, John Rhodes.

House Republican Research Committee, March 1975.

FINDINGS AND RECOMMENDATIONS

Despite ongoing attempts at reform by concerned Members of both parties, the House of Representatives does not function well. It rates low marks in effectiveness, in representativeness and in public confidence.

Its rules are antiquated, its customs secretive, and its procedures often in conflict with democratic principles. The American people have little confidence in it.

The House Republican Task Force on Reform is not satisfied with the modest successes of the status quo. We are determined to make the House as effective as representative and as respectable as possible.

Reform means more than change. It means improvement. Comprehensive congressional reform cannot be accomplished by a few changes in caucus procedures or by juggling a few chairmen. Real reform transcends personalities and party politics. It requires sweeping changes that will have an enduring impact on the House.

We urge House Members of both parties to rise to the challenge of reform, to join us in implementing our proposals, to explore other changes, and to make reform an urgent priority of this Congress.

We especially invite the majority party to join us. We note that, despite its proclaimed commitment to reform, the record of the Democratic Caucus in this Congress has been anti-reform. Particularly disappointing have been the repeated instances of backtracking on positive changes previously adopted by the House. At a time when the House should be marching forward on reform, we regret that nearly half of our recommendations must deal with cleaning up backward anti-reform steps adopted this session by the majority.

Specifically, these retrogressions include binding by caucus, reinstatement of proxy voting, increased use of the suspension calendar, staff stealing, more closed rules and secret caucus meetings.

The Task Force believes the struggle for comprehensive reform is just beginning. It has selected 16 areas where significant improvements can be made now. Our list is not complete. Much more is required, and the Task Force hopes to continue with further recommendations.

But this list represents well-known and well-debated changes which can be implemented if the House has the will:

1. Open rules; fewer waivers of points of order.
2. Open committee meetings; open conference committees.
3. Open committee records; recorded votes.
4. Improved lobby disclosure.
5. Better Congressional oversight.
6. Revised Committee jurisdiction.
7. Broadcast of floor proceedings.
8. Reduced and controlled suspensions of rules.
9. Better scheduling of House business.
10. Realistic and accurate Congressional Record.
11. Control and disclosure of newsletter funds.
12. No "unit rule" caucus votes.
13. One-third minority staffing.
14. No proxy voting.
15. Fair apportionment on committees.
16. No weakening of quorum rules.

OPEN RULES, POINTS OF ORDER AND NONGERMANE SENATE AMENDMENTS

The Task Force vigorously supports full and free debate and deliberation in the House of Representatives. We make the following recommendations to provide the most free and open environment for all House deliberations:

1. Open Rules. *All legislation should be considered under an open rule.* The Task Force is disturbed by the frequency with which the closed rule has been employed early in this Congress. While committees generally do a very competent job, all legislation should be the product of all of the people's representatives, not just a select few. In the future, the Democratic leadership should seek to curb the tendency to avoid controversial, important issues by putting legislation up on the Floor under a closed rule. Open rules are another method of bringing sunshine into the legislative process.

There are occasions when an open rule should be conditioned. It is not sufficient, however, to open up legislation only to those few key amendments blessed by the majority caucus. The only conditions open rules should carry are requirements that amendments be considered by the appropriate legislative committee and that amendments be printed in the Record prior to consideration on the Floor.

An additional problem arises when the Democratic caucus binds its Members to vote for a closed rule. Elsewhere, we have recommended that this practice be prohibited. At minimum, when such a vote is taken in caucus, the complete record of the proceedings and the results of the vote (including the way each Member voted) should be made public.

2. Points of order. The same general principles apply to waiving points of order. This procedure is used far too frequently and broadly. *The power to grant waivers should be used only in extreme emergencies and, when granted, should be very specific.* Blanket waivers are not conducive to the production of sound legislation.

3. Nongermane amendments. Senate rules allow amendments to legislation that are not relevant to the matter under consideration, while House rules forbid their consideration except when points of order are waived. Even then, the House may demand a separate recorded vote on any nongermane Senate amendment. These Senate amendments, which often have not been seen, studied or discussed by House Members, are accepted without hearings, mark up or debate in committee and without amendment or debate on the floor. *Since they represent a suspension of House rules, a two-thirds vote should be required for adoption instead of a simple majority.*

OPEN MEETINGS

The Task Force strongly believes that all of the public's business should be conducted in the open, except when the interest of the public itself dictates otherwise. Public confidence in the legislative process is ill-served by meetings shrouded in secrecy and closed to public scrutiny. The compelling policy considerations requiring openness apply with equal force to party meetings which decide public questions. The Task Force condemns the rule of the Democratic Caucus which tolerates secret votes on important public issues and compounds the error by binding all of the Democratic members to vote in future public meetings in accordance with the will of the majority of their members expressed in private.

In furtherance of sound public policy for the conduct of all meetings, the Task Force recommends:

1. *All Committee sessions, including subcommittees, joint and select committees and conference, should be open to the public,* except in those instances where a full discussion of the issues before the Committee might:

(a) Tend to degrade, defame or ridicule any person;

(b) Unreasonably invade the private or personal affairs of any person;

(c) Reveal private proprietary information of any business entity; or

(d) Reveal information inimical to important National interests.

2. A record vote to close a Committee session should be required in each instance where it is necessary to protect the interests stated above, and no session should remain closed for any period longer than is necessary to do so.

3. *Conference Committees should be open unless voted closed, per No. 2 above, by a majority of the House managers and by a majority of the Senate managers.*

4. Congressional Party Caucuses and Conferences should be open whenever votes are taken which bind Members of Congress or decide public questions.

The Task Force supports several additional proposals to the Rules of the House designed to further open committee deliberations to the public and make committees more accountable to the people.

The first proposal would make the complete record of committee action available for public inspection, except for such material the committee determines would either endanger National security or violate any law or rule of the House. While the present House rule requires that such a complete record shall be kept, only the roll call votes are open to the public. It is important that the people not only know how their representatives vote in committee, but the full context in which such decisions are made, including individual positions taken and arguments made prior to each vote. This is particularly important since many key decisions are made by non-record, voice or division votes (which are not now part of the public record). While it may seem superfluous to open to the public the complete record of committee action since we have already recommended that committee meetings be open, it should be recognized that most meetings draw few spectators and often no media representatives. It is, therefore, in the public interest that the written record be open for subsequent inspection by interested parties.

The second proposal provides that any

member of a committee may demand a roll call vote on any question. During the last Congress, some committees provided that either one-fifth of those present or one-fifth of a quorum was needed to demand a roll call (the former practice is actually in violation of the House rules).

Thirdly, recorded votes should be required on any bill or resolution reported from a Committee. We strongly feel that the people have a right to know how their representatives vote in committee, and that recorded votes should be easily obtained and frequently demanded.

LOBBYING DISCLOSURE

We believe that organized lobbying activities should be fully disclosed so that the people may know the influences at work in the operation of their Government. We do not believe, however, that regulation of such activities should prevent or restrict people from petitioning their Government.

The Federal Regulation of Lobbying Act, passed in 1946, was Congress' initial effort to allow greater public scrutiny of the lobbying process. Lacking an effective enforcement mechanism and weakened by a Supreme Court decision, the Act has been termed more loophole than law.

In 1974, five states passed new laws or regulations for lobby disclosure—Arizona, California, Kansas, Minnesota, and West Virginia. Of the states with lobby disclosure or regulation statutes, over half of them impose standards and requirements stricter than the Federal statute.

The states are moving—and so should the Congress. We specifically urge the Congress to strengthen existing lobby disclosure requirements as follows:

1. During its 28-year lifespan, the present law produced only one successful prosecution, and that occurred only after the defendant agreed to plead guilty. The Act does not provide for the monitoring of, compliance with, and enforcement of its own provisions. We recommend that the *administration and enforcement of the law be placed in the Federal Election Commission, with both subpoena and civil enforcement powers.* Criminal prosecutions should remain in the Justice Department.

2. We recommend that the Commission be empowered to make audits and field investigations, to subpoena records on information exempted from disclosure and to compile and publicize information of value to the general public in scrutinizing lobbying activities.

3. A major loophole in the current law is its criteria for identifying lobbyists. Many lobbying groups presently do not register because of a 1954 Supreme Court rule requiring registration only by organizations whose "principal purpose" is lobbying. *We recommend that disclosure requirements be based on an expenditure threshold.* Recognizing the need for a *de minimis* concept to facilitate administration and to meet constitutional requirements, we recommend that this threshold be set at a reasonable, specific dollar figure, perhaps around $1000 per quarter.

4. We recommend that lobby disclosure regulations NOT include the following types of activities: (a) an appearance before a congressional committee or the submission of a written statement to any Federal executive department, agency or entity; (2) any communication or solicitation through the distribution in the normal course of business of any news, editorial view, letter to the editor advertising or similar matter by newspapers, magazines, publishers or radio and TV broadcasters.

5. The Task Force is greatly concerned that burdensome registration and reporting requirements will have a chilling effect on public debate and the right of citizens to petition their government. Accordingly, we recommend that the lobbying law impose no unreasonable burdens on individuals lobbying independently on their own individual behalf. Specifically, travel expenses mailing costs and other similar items should be exempted and not credited toward the dollar threshold. The Commission should have the power and authority to supervise these exceptions to see that they are not abused. We fear that any blanket overly-broad statute not containing exemptions similar to the above will abridge precious citizens' rights and will be struck down by the courts.

6. We recommend that persons who must register as lobbyists be required to maintain records *which identify the source of any income or contribution in excess of $100 used for lobbying purposes and identify each expenditure (not exempted in recommendation 4 & 5) over $100 made in the course of lobbying.*

7. We recommend retention of the current requirement that lobbyists report their specific categories of legislative interest.

8. The current law requires the reporting of lobbying activities within the legislative branch and totally ignores such activities within the Executive Branch. *We recommend that lobbying activities within the Executive Branch be subject to similar disclosure requirements.*

9. Public interest groups have urged that executive agencies and Members of Congress be required to log contacts made by lobbyists, as Federal Energy Administration officials now do. Such a logging system may be helpful if it applies exclusively to formal communications between lobbyists and congressional committees, independent commissions and departments of government. We believe, however, that such a scheme would be unreasonable for the many daily contacts between Members of Congress and their constituents and for informal contacts between lobbyists and bureaucrats. It would place a burdensome requirement on government officials. It would tend to limit accessibility of officials at a time when we are urging openness. *We specifically recommend that, except as noted above, a mandatory scheme of logging all contacts and communications not be adopted.*

CONGRESSIONAL OVERSIGHT OF FEDERAL PROGRAMS

Congressional oversight was formally initiated by the Legislative Reorganization Act of 1946 which required each standing committee of the Congress to exercise continuous watchfulness of all Federal programs under its jurisdiction.

The failure of the Congress to conduct periodic review of Federal programs caused Congress itself to make this mandate more explicit in the Legislative Reorganization Act of 1970, by requiring each standing committee of the House to conduct reviews and studies on a continuing basis.

The Intergovernmental Cooperation Act of 1968 required each congressional committee to conduct oversight and review of open-ended State-Fed. grant-in-aid programs every fourth year. Congressional compliance with this mandate of law has been almost nonexistent.

The 1974 report of the Select Committee on Committees made extensive recommendations for overhauling Congressional oversight of Federal programs but the plan was watered down, due to opposition by House Democrats.

We believe that adequate congressional oversight is needed to reveal the flaws and inefficiencies of Federal programs and to point towards more effective alternatives. Because Congress has not exercised its oversight responsibilities, some government programs have become duplicative, wasteful, mismanaged, or otherwise not cost effective. Others have become inoperative.

Today, three-fourths of all Federal expenditures are mandated. Without critical analysis of and changes in existing programs, there will be no funds available for new initiatives and proposals needed to solve urgent National problems.

The Task Force believes that the Congress' failure to conduct adequate oversight has had deleterious effects on the economic health and well-being of our society, and that better oversight can help save taxpayers' dollars and improve program administration.

RECOMMENDATIONS

To improve the quality of Congressional oversight, the Task Force:

1. *Urges the Government Operations Committee to monitor strictly the oversight activities of House Committees* and call attention to the oversight failings of the Congress. Only through careful oversight hearings can congressional and public attention be focused on government agencies and programs which should either be altered, replaced, or abolished.

2. Proposes that at the beginning of each Congress *all standing committees make a report to the Government Operations Committee on their plans for oversight,* including agendas of oversight activities and timetables for completion of those agendas. The Government Operations Committee shall make these reports public and may standardize them and specify items to be included in the initial report, as well as in the final report presently required at the end of each Congress by existing House rules.

3. Recommends *full compliance with the Intergovernmental Cooperation Act of 1968* which requires thorough review of all open-ended, Federal grant-in-aid programs every four years and urges that the Act be extended to include all federal grant-in-aid programs and tax subsidies. To insure compliance, we recommend that every program not reviewed every four years shall be terminated automatically.

4. Endorses the provision of the Select Committee on Committee's report which would allow the Committee on Government Operations to offer Committee amendments based on review and oversight findings that have been included as part of the committee report.

5. Urges each committee to make its first priority the review and oversight of Federal programs. Critical analysis of existing programs is a more urgent need than the initiation of new, frequently overlapping and conflicting Federal legislation. Special attention should be given to bureaucratic red tape and to regulations which, in the name of carrying out the intent of the law, place needless burdens on the American people.

REFORMING COMMITTEE JURISDICTION

The failure of the 93rd Congress to adopt substantive reform in the area of jurisdiction of House committees is a singular failure.

We believe that the concepts contained in the report of the Select Committee on Committees deserve consideration and action by the 94th Congress. We are willing to assist the majority in having the Committee on Rules undertake the necessary work to complete action on the whole area of jurisdictional reform.

We believe that the 94th Congress should:

1. Provide for a committee system in which each member serves on but one major committee which has substantive responsibility;

2. Reshape the present incredible hodgepodge of conflicting jurisdictions;

3. Distribute the workload of House committees more logically and equitably.

When the 93rd Congress debated and voted on the work of the Select Committee on Committees, the vast majority of Republicans were willing to take on the power structure of the House of Representatives. One of the great disappointments was the overwhelming failure of Democrats to face up to their responsibility in helping to reshape the House of Representatives so that it would be a more responsive and responsible institution.

BROADCASTING OF HOUSE FLOOR PROCEEDINGS

As "the people's branch," Congress has a special obligation to open its activities and proceedings to the widest possible public view.

Accordingly, *the Task Force propoeses that the House authorize complete, live radio and television coverage of its floor proceedings, to* be initiated—as recommended by the Joint Committee on Congressional Operations—on the basis of a one-year pilot program.

There are compelling reasons for authorizing the broadcasting of floor sessions:

1. The sharply declining regard in which the public holds its Congress can be attributed, in part at least, to a lack of understanding of the role, functions, and procedures of the Congress—a condition which Congress can help correct by opening the legislative process to greater public scrutiny.

2. The Executive Branch's extensive and sophisticated use of the mass communications media, and Congress' traditional reluctance to utilize the media, have tended to exalt the President and Administration as the prime movers in government in the public mind and, conversely, to diminish the role of Congress, thereby upsetting the Constitutional balance between the two branches.

3. Broader public access to the operations of Congress could stimulate Congressional awareness of the need to reform and modernize its rules and procedures and conduct the public business in a more efficient and effective manner.

4. Authority to broadcast floor proceedings would give to the electronic media, the principal source of news for the majority of Americans, a position equal to that of the print media which has enjoyed unrestricted access to floor proceedings.

5. Broadcasting of floor proceedings would, for the first time, assure a complete, accurate and unedited record of all that transpires on the House floor, both for historical purposes and contemporary use.

The Task Force also endorses the guidelines recommended by the Joint Committee for the pilot broadcast program. These guidelines would provide for: a rule-making supervisory authority to monitor and evaluate the test; an initial period of closed circuit broadcasts followed by video and audio feeds to commercial and public broadcasters for both live and delayed news programs; procedures to minimize interference with floor proceedings, to assure equitable and non-partisan coverage, and to facilitate expeditious action on complaints; restrictions on the use of broadcast materials for political purposes and in commercial advertisements; and maintenance and availability of a complete and unedited collection of all the materials produced.

The Task Force believes the House is ready for this step toward open government. In 1970, the Legislative Reorganization Act encouraged broadcast coverage of Congressional committee hearings. In 1974, the House extended broadcast access to committee meetings. And just seven months ago, the House voted 385 to 25 to allow radio-TV coverage of the anticipated floor proceedings on impeachment.

Opening the chamber in which our laws are made to the eyes of all our citizens will help complete the process of bringing the Congress to the people.

SUSPENSION OF RULES

The Task Force recommends that the House rules be amended to more narrowly prescribe and limit the consideration of legislation under suspension of the rules.

This procedure was originally designed to permit the House to take up relatively noncontroversial bills reported from Committees by unanimous or near-unanimous vote. Debate time is limited to forty minutes, no amendments are permitted, and a two-thirds vote is required to suspend the rules and pass the bill. Prior to the 93rd Congress, the first and third Mondays of every month, and the last six days of a session were set aside for considering bills under this procedure.

At the beginning of the 93rd Congress, a new rule was reported from the Democratic Caucus to expand this to the first and third Tuesdays as well; and, near the close of the 93rd Congress, a resolution was offered by the Democratic leadership to permit consideration of bills under suspension from December 9th onward. In both of the above instances, a majority of the Republican Members of the House voted against such expansions of the suspension procedure.

It is clear from the legislative record of the 93rd Congress that the more the suspension procedure is used, the more it is abused, to the detriment of sound legislative practice and results. The fact that numerous bills were defeated under suspension and that some were even cynically brought up under suspension for the very purpose of defeating them, is sufficient evidence that this procedure must be modified and restricted.

The Task Force, therefore, recommends that (a) suspension days again be reduced to two a month; (b) no bill be brought up under suspension unless the chairman and ranking minority member of a committee so request, or, unless two-thirds of the committee, by recorded vote, instructs the chairman to make such a request; (c) a dollar amount ceiling be placed on bills which may be brought up under suspension; (d) at least three calendar days advance notice (excluding Saturdays and Sundays) be given to any bill which is to be brought up under suspension; and (e) prior to scheduling a bill under suspension, the majority party leadership consult with the minority leader.

While we dc not favor the outright repeal of the suspension procedure and recognize its utility if limited to minor, noncontroversial legislation, we must strongly protest its increasing utilization for cynical purposes or on major, controversial bills. While our committees ordinarily do a thorough and responsible job on the legislation they report, their work should not be allowed to go unchallenged or unaltered on the House floor or to pass in substitute for the will of the House. The full and free working of the legislative process should not be sacrificed for the sake of expediency.

SCHEDULING OF HOUSE BUSINESS

Congress meets to work its will upon legislation before it. It is the responsibility of the leadership to see that this is accomplished fairly, efficiently, and promptly and in accord with established principles of due process. A failure to do this because of inattention to duty or incompetence is an inexcusable reflection on the Congressional leadership. A failure to do so out of deliberate manipulation of the process if a reprehensible abuse of the public trust.

The legislation before the House of Representatives in the 93d Congress was managed in a fashion embarrassing to every Member and to every knowledgeable American. For example:

Minor or routine business was often scheduled on Monday or Tuesday; Wednesday was then usesd for consideration of rules of scheduled debates; that left the House only Thursday to work on, and vote on, up to several major pieces of legislation. Debate was limited and deliberation abbreviated, because Members had to leave to meet previous commitments. Important questions were unanswered, and often unasked. Broad participation was thwarted. The legislation suffered.

Members were warned that a Friday schedule was probable, and business was actually scheduled only to be cancelled at the last minute, leaving Members without engagements in their districts and without official business in Washington.

Days, weeks and even months passed without floor consideration of any important legislation, and often without meetings of important committees. Then large numbers of major bills were scheduled immediately before a recess allowing too little time for proper consideration. In particular more bills than the House can reasonably handle were scheduled in June before the end of the fiscal year and in December before the end of the session.

Sessions of one or two hours were sometimes followed the next day by late night sessions. Every Member will work as late as is necessary to complete the business, but the marathon sessions are not conducive to careful consideration of legislation. Marathons do, and seemingly by design, limit debate.

Legislation was scheduled and then taken off the schedule at the last minute. The whole process was then repeated to the great inconvenience of the Members.

Legislation was brought up which had not even been placed on the schedule.

Legislation that could have been considered in a timely fashion was put off until late in the session. Frequently, legislation died because there was insufficient time to hold a conference or the bill was subject to a pre-adjournment filibuster in the Senate.

Committee work schedules had all the same problems, but magnified by the absolute power of chairmen. Routine, predictable business was ignored, delayed, held back, then processed wildly in marathon sessions called at the chairman's whim.

The Task Force recommends:

1. *The leadership should encourage prompt committee action* on all legislation by keeping well informed on the status of all legislation and by constantly urging early consideration.

2. *General work plans should be established* by committees in January for all substantive committees' regular or forseeable work. These schedules should be published. Conflicts should be determined early and resolved promptly.

3. *A rule should be adopted prohibiting consideration of legislation not reported by a committee by a given (cut off) date.*

4. *Once a committee has reported legislation favorably, it becomes the responsibility of the leadership to provide for its prompt disposition. To this end we urge that the Rules of the House be amended to provide that:*

(a) All legislation which qualifies for the Suspension Calendar and is so reported must be placed at once upon the Suspension Calendar for action at the next succeeding suspension day, or referred to the Rules Committee.

(b) Legislation placed upon the Suspension Calendar shall be considered at the next suspension day or be withdrawn.

(c) Legislation defeated on suspension or withdrawn cannot thereafter be returned to the Suspension Calendar but must be immediately referred to either the originating committee or the Committee on Rules.

(d) Legislation referred to the Committee on Rules must be returned to the originating committee unless the Rules Committee takes favorable action thereon within thirty days.

(e) Resolutions of the Rules Committee requiring floor action shall be considered promptly. If such a Resolution and the bill to which it refers are not called up for floor action within thirty legislative days, the legislation under consideration must be returned automatically to the originating committee.

5. Reasonable notice of a legislative pro-

gram is essential to its intelligent consideration and fundamental to due process of law. The Democratic leadership's failure to meet its obligation in this record is reflected all too frequently in the legislative product of the Congress.

We suggest the following changes as appropriate improvements in the scheduling of legislation before the House of Representatives in the 94th Congress:

(a) *Firm schedule published in the Congressional Record at least one week in advance of consideration.*

(b) *All bills to be considered by the full House placed on the schedule.*

(c) *Bills taken up in the approximate order they are granted a rule.*

(d) *Major legislation programmed for consideration at a time certain as to day and hour.*

(e) *Stringent compliance with the three-day rule concerning conference reports.*

(f) *No scheduling contingent on favorable recommendation of Rules Committee or any other committee.*

(g) *Publication of tentative commitments as to legislative schedule.*

(h) *Scheduling balanced so that Members can expect daily legislative sessions of reasonably uniform duration during any particular week.*

(i) *Delayed votes taken under the suspension calendar indicated on the schedule.*

6. The Task Force, in addition, urges the Congress to make a wide ranging study of scheduling procedures, including a detailed analysis of practices in other legislatures. The end product of this study shall be a comprehensive resolution on Congressional scheduling based on successful experiences in other deliberate bodies.

We endorse the early publication of the 1975 recess schedule and its generous allocation of home district time. But our praise carries with it two caveats: (1) The adjournment schedule, once set, must be adhered to; (2) The generous allocation of home district time requires full use of Fridays and Mondays for committee work, as well as for floor business.

While we applaud this small but significant step, we caution that it only assures orderliness in the district schedules of individual members. It is far more important to put orderliness into the handling of the people's business in the House Chamber and in our committees where chaos and disorder reign today.

CONGRESSIONAL RECORD REFORM

The Task Force believes the Congressional Record should reflect, accurately and authentically, what actually happens in the chambers of the House and Senate.

The Record does not do so because:

1. Remarks never spoken and material never seen by other Members at the time of debate are printed in the Record as though they were actually considered during that debate.

2. Words spoken in floor debate, sometimes having a significant bearing on the legislative history of a measure, can be eliminated from the printed record.

3. Complete statements and speeches of Members who were not even present for the debate are printed as part of that debate in a manner which makes it appear that they participated.

4. Other materials are inserted in the body of the Record, as though the words were actually spoken on the floor, when, in fact, they were merely submitted for publication.

5. Hundreds of pages of the Record are filled with extraneous materials which bear no relationship to legislative issues.

6. Summaries of floor action are often incomplete or inaccurate, reports of committee meetings and hearings are sometimes uninformative, incomplete or missing entirely, while schedules of future committee meetings and hearings may similarly be incomplete or uninformative.

As a result, the legislative history of major legislation is often misleading as to Congressional intent. Both contemporary analysts of public policy and historians are denied an accurate record of the factors and arguments actually entering into Congressional decisions. The official record of Congressional activities becomes a less useful and reliable tool for Members, their staffs and the public alike.

To improve the accuracy and usefulness of the Record, the Task Force recommends that:

1. *Materials used to extend or supplement remarks actually delivered by Members be printed in a distinguishably different type.*

2. *Entire speeches or statement, no part of which were personally spoken during a debate or in special orders, be printed—again in a distinguishably different type face—at the conclusion of such debate.*

3. *Extraneous matter unrelated to legislative or public policy issues be eliminated from the Record.*

4. *The Daily Digest section of the Record be improved to assure completeness and accuracy of the information it contains.*

5. The House provide, and assure public access to, an accurate, unedited record of all that transpires on the House floor (see Broadcasting, (No. 7), recommendation No. 5).

CONGRESSIONAL NEWSLETTER FUNDS

Congressional newsletters perform the valuable function of educating and informing the general public about Congress and the political process. Newsletters, however, are not only a necessary and legitimate means of communicating with constituents, but they also serve as a powerful political device.

The source of funds for newsletter printing and distributing is both public and private. Newsletters may be mailed under the frank, but the costs of printing and addressing are required to be covered by other means. Some Members pay for newsletters out of their own pocket. Others use excess campaign funds. Still others set up "newsletter funds" financed by friendly organizations and individuals.

The status of these private sources of funds is ambiguous. Section 318 of the Federal Election Campaign Act of 1971, as amended, specifically authorizes candidates to use their excess campaign funds for newsletters, but requires that these expenditures be fully disclosed. Contributions to newsletter funds are eligible for tax credits and tax deductions. There does not appear to be, however, any other federal law regulating the sources or uses of such funds. Candidates may accept unlimited contributions from any individual or organization (including labor unions or corporations) without disclosing the amount or source of such funds.

The present situation is clearly unacceptable. The Task Force recommends that Congress immediately:

1. *Require full disclosure of the sources of all contributions to and the nature of all expenditures from funds for newsletters and other so-called institutional outlays between campaigns.*

2. *Prohibit labor unions and corporations from giving to these funds.*

3. *Limit contributions to these funds to $1,000 per person.*

The American people have shown their desire for full public disclosure of all sources of funds used to pay for both political and official business. The Congress should extend disclosure requirements to include newsletter and other such similar funds.

BINDING CAUCUS INSTRUCTIONS: "THE UNIT RULE"

The Task Force unequivocally opposes the imposition of binding caucus instructions and proposes that this practice be prohibited by the Rules of the House of Representatives.

While this "unit rule" is unique to the Democratic Caucus, as Members of the other party, we would ordinarily not presume to interfere with the internal operation of the Democratic Party's Caucus. In this instance, we have, however, a clear obligation to object as this practice directly affects the rights of the House and the integrity of its proceedings.

By means of the "unit rule", as few as one-third of the Members of the Democratic Caucus can dictate procedural and substantive matters in the various committees and may well determine the legislative outcome on the House Floor. This is a most serious if not unconstitutional, affront to our democratic system. Allegiance to the Caucus, under the "unit rule" procedure, takes precedence over one's conscience and the needs of one's constituencies.

Moreover, this practice completely nullifies the gains we have made in making the legislative system more accountable for it places the real decision-making powers in secret caucus sessions utilizing secret ballot voting.

We are not fooled by attempts to differentiate between questions of procedure and substance. Procedural votes on the previous question or a closed rule shape a bill as much as any substantive amendment. Indeed, Rules of the House are adopted on a procedural vote and they determine, in many cases, whether important bills will pass or fail.

Finally, caucus imposition of binding instructions is an insult to the intelligence of every Member of the House and to the collective expertise inherent in our committee system. It is a worse insult to the electorate. In short, it is a poor substitute for real leadership, for full, free, and open deliberations, and for independent and prudent decision-making.

MINORITY STAFFING

The Task Force wholeheartedly endorses proposals to provide the minority party members with up to one-third of total committee staff. During the last Congress, the Minority had less than 10 percent of the staff of many committees, and averages less than 15 percent of the staff of all committees.

Adequate committee staffing, for both the majority and minority parties, is essential to the effectiveness of the legislative process. Insufficient staffing for the minority party ultimately worked to the disadvantage of both parties. Many Democrats joined Republicans in recognizing the validity of this principle when the House, on July 16, 1970, voted 105–63 to allow one-third of committee investigatory funds to be used for staff for the Minority. However, before the 1970 Legislative Reorganization Act embodying this change went into effect, the Democratic majority—including many who had previously voted for minority staffing—stripped away the provisions for broadened minority staffing.

Last year, the House clearly reaffirmed its original position by amending H. Res. 988 to provide the Minority of each committee with one-third of both the investigative and professional staff funds. Once again, the Democratic majority reversed the will of the full House and exhibited its skill at staff stealing by eliminating the provision allotting the minority of up to one-third of each committee's investigative staff. While the Task Force is gratified by the Democratic majority's generosity in granting the Minority a sizable increase in committee staff, it is disappointed that once again, the Minority has been deprived of its full entitlement to committee staff positions.

A wide spectrum of observers of the legislative process—Common Cause, Ralph Nader, prominent, academic, and noted professional experts, among others—favor adequate minority staffing. Ample reasons have been given to support this position:

1. Without adequate minority representation, committee staffs tend to reflect only one side of the issue—usually the views of the employing Member. Resulting legislation mirrors this basis and consequently can have serious shortcomings. As an example, many of the Great Society programs pushed through Congress in the mid-1960's might have been more successful if their enthusiastic initiation had been accompanied by more well-articulated input by the programs, lacked sufficient staff to demonstrate these defects convincingly. Certain of these programs wasted millions of the taxpayers' dollars; and public support for them subsequently diminished. In the end, the Majority was held politically responsible for these failures.

2. Sufficient minority staffing will help revive the adversary process. This process, of course, depends upon the best possible presentation of all facets of an issue. Both the minority and the majority need adequate staff resources to grapple with the complex issues of contemporary society. Without adequate minority staffing, the majority remains unencumbered by disturbing but valid opposing points of view. In the final analysis, both the legislative process and the Nation are the losers.

3. Minority staffing need not encourage partisan rancor. With enough staff to explore, develop and express different solutions to legislative problems, Majority and Minority will be better able to understand each other's viewpoints and work together toward constructive, well-considered results.

4. Increased minority staffing should aid Congress in becoming a more effective branch of Government. A minority deprived of staffing is tempted to rely on outside resources—the Executive Branch or private groups and interests.

In conclusion, adequate minority staffing fosters the development of the adversary process of legislation, increases policy alternatives, provides stimulus for generating excellent legislation, and strengthens Congress as a branch of Government. The result is a quality of legislation of which both Democrats and Republicans can be proud.

Single party, monolithic, winner-take-all control of legislative resources may be tolerated in elitist societies, but it should not be in ours. The Task Force urges that the minority be entitled to a full one-third of all committee staff positions.

TOTAL ELIMINATION OF PROXY VOTING

On October 8, 1974, the House voted 196–166 for an amendment to completely ban proxy voting in House committees. That amendment was incorporated into "The Committee Reform Amendments of 1974" which overwhelmingly passed by a vote of 359–7 that same day. In the secrecy of their caucus only three months later, House Democrats reversed that decision. House Republicans have solidly endorsed the elimination of proxy voting without qualification both in committee and on the floor and have vigorously opposed House Democrats' efforts to restore this anti-reform at the beginning of this Congress.

In Committee, Republicans have introduced motions to prohibit proxy voting. In virtually every case, the vote has split along party lines. Democrats have solidly supported government by absentee ballot." In the fourteen committees organized so far in this Congress, the Democrats have voted 392 times for proxies.

The Task Force finds proxy voting a process unworthy of a representatives body, destructive of public confidence, and counterproductive to our goal of producing the best possible legislation. Specifically, we find that:

1. Members of Congress are elected by their constituents to represent them in all aspects of the legislative process. The transfer of that obligation to another person is abhorrent to, and inconsistent with, our representative form of government. Just as corporation directors and trustees are prohibited by common law from giving their representatives votes by proxy, elected Representatives should also be prohibited from voting by proxy.

2. Active participation in committee work—the acquisition of information, discussion, debate and mark up of a bill is as important as voting. The proxy system allows less active members to give the appearance of voting without fulfilling their obligation to prepare and participate personally.

3. Proxies reinforce the potential for abuse already inherent in the current unwholesome system which relies on the excessive powers of Committee chairmen. The Task Force believes that the majority party has grossly overendowed committee chairmen with life-and-death power over legislation. Proxies can make it possible for legislation to reflect a chairman's whim rather than solid legislative consideration.

4. Proxies sustain a system which allows certain privileged, senior Members to serve on more than one major committee, despite the conflicting time demands and workloads of those committees. This proxy-supported scheme gives favored Members an unfair measure of control over a broad range of legislation, and proportionately dilutes the strength of other Members not enjoying these privileges.

5. Proxies, because they are increasingly subject to abuse, contribute to public cynicism and reduce confidence in the legislative process.

6. Proxies encourage sloppy scheduling. Unbusinesslike scheduling in the House is a disgrace. Use of proxies takes away the principal incentive for orderly and timely scheduling of House business.

Even though the rules of the 93rd Congress encouraged proxy voting, some committees (Appropriations, Rules and Banking and Currency) abolished this practice without any noticeable negative effects on the legislative process. The successful effort of the Democratic majority to reinstate proxy voting is a prime example of backtracking on reform.

APPORTIONMENT OF COMMITTEES

The House Democratic Caucus has demanded that Democrats be represented on all committees of the House by a ratio of 2–1, plus one.

Republicans originally did not object, because of the unfounded belief that the ratio would apply only to full committees. Unfortunately, this ratio has been applied to all subcommittees and conference committees as well.

In binding all Democrats under a "unit rule", the Caucus easily implemented this unfair ratio while the Speaker was similarly bound. Rules brought to the floor, under such despotic procedure, prohibited Republicans from offering amendments.

The discriminatory nature of the two-thirds plus one rule has been dramatically exposed in subcommittee assignment and in potential conference commitee assignments. Subcommittees, under this rule, must be 7–3 or 9–4, and the unfairness of the plus one magnifies the majority percentage from 67 to 70%. On conference committees, especially the critical tax conferences, where House delegates are traditionally small, the proportions are worse. Suggestions have already been made for 3–1 or 5–2 ratios which would destroy equity by raising Democrat ratios as high as 75%

Republican participation on conference committees, under the ⅔ plus 1 requirement, would invariably be limited to one, or at best, two Members. This unduly limits the spectrum of Republican viewpoints which can be represented. Minority Members advocating a blend of differing positions on an issue would be excluded from conference committee participation by the imposition of this unfair ratio. This severely limits the presentation of minority views and increases the likelihood of unchallenged, steamrollered laws.

We, therefore, urge that the rule be discarded in favor of one requiring ratios which generally conform to the ratios in the House itself and that the Speaker and Minority Leader be empowered to exchange committee positions depending on current requests of their caucuses.

QUORUMS

The Task Force firmly opposes any effort to reduce the number of Members needed to constitute a quorum in committee meetings. Any new rule subverting the standard quorum in House committees will only debase the democratic process, reduce the incentives for broad-based participation and cast public doubt on the legislative product of this body. The proposal for reducing the number of Members needed to constitute a quorum endorses increased absenteeism and non-participation. It is necessitated by the present system allowing certain favored Democratic Members to have multiple assignments on key committees.

The Task Force urges the Democratic caucus to make proposals which will serve to democratize House proceedings, instead of those which only narrow the base of participation. Now is not the time to propose rule changes which will increase the dominance of House committee and subcommittee chairmen while serving as an inducement for Members to stay home and rest.

MERGING VILLAGE CORPORATIONS UNDER ALASKA CLAIMS SETTLEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. Young) is recognized for 10 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill to authorize the merger or consolidation of village corporations formed within the same region of Alaska under the Alaska Native Claims Settlement Act.

Many of the village corporations established under the act have found that they are simply too small to manage their resources effectively. For example, the 11 village corporations in the NANA region—one of the 12 regions created under the Settlement Act—are seeking to merge with the NANA Regional Corp. The funds of these village corporations have proven insufficient to allow their profitable operation and experienced Native management talent scarce. Many of these villages are in extremely remote locations, with limited facilities for communication or transportation to and from the outside world. For these reasons NANA has been carrying the village corporations, assisting them with virtually all required administrative actions. In view of these facts, the village corporations have concluded that their best chances for long-term survival lie in merging with each other or with NANA. By pooling their resources and business management skills, the corporations would be able to operate on a larger, more efficient and economically viable basis.

Enactment of this legislation is necessary because provisions of the Alaska Native Claims Settlement Act prohibit any sale, assignment or other alienation of stock in any regional or village corporation by its stockholders until 1991—20 years after enactment. These restrictions on alienation apply to mergers or consolidations occuring pursuant to Alaska State law. In such mergers or consolidations, the exchange by a shareholder of his stock in one corporation for stock in another corporation constitutes alienation. This legislation, which modifies the restrictions on alienation of village and regional corporation stock, is needed to permit mergers or consolidations.

This bill would authorize mergers or consolidations only among village corporations within the same region. It also would permit the subsequent merger of any merged corporations with other merged corporations within the same region. The timing of any merger is left to the corporations to decide. They would not be required to merge all at once. Any corporations resulting from mergers carried out pursuant to this bill would continue to be owned and controlled by enrolled Alaskan Natives.

The bill would allow mergers to be voted on and approved before as well as after the bill's enactment. Whether the merger could be carried out would be contingent upon enactment of the legislation. The intent of this provision is to allow corporations to lay the groundwork for merging at the earliest possible date.

Once a merger has taken place, the merged corporation would be entitled to all rights and benefits and be subject to all the restrictions and obligations previously applicable under the Settlement Act to the corporations involved in the merger. Transfers of rights and titles pursuant to a merger would not affect the tax exemptions granted by the Settlement Act.

Two provisions of this bill deal with certain rights of shareholders. The first affirms the rights accorded under Alaska law to shareholders who dissent to a merger or consolidation. Such shareholders may make demand for payment of the value of their shares, and if the merger becomes effective, the corporation must buy out their shares.

The second provision permits the terms of merger to include the elimination of extra dividend rights given to nonvillage residents under the Settlement Act. In a merger of village corporations into a larger corporation the distinction between the two classes of shares would be eliminated and all stockholders placed on the same footing. The nonvillage residents would relinquish their extra dividend rights, but in exchange they would acquire a percentage share of the assets formerly held by the village corporations. Under Alaska law this exchange of rights as part of a merger can occur only if the class of shareholders affected votes on the merger separately as a class and votes in favor of it. Under the terms of this bill, which requires any merger to be approved by a vote of all the stockholders, such a separate vote would be unnecessary.

This proposal authorizing mergers and consolidations of village and regional corporations has strong support within Alaska Native communities. At informal meetings in the villages, an overwhelming majority of village corporation stockholders indicated that they favor mergers and asked the various boards to pursue the proposal. This support is in no small part due to the fact that the Natives in the various villages feel closely bound by their common heritage and history. Regardless of what village in the region they may be from and in which village corporation they may be stockholders, they view themselves as united as part of the region. As such, their main interest is in the survival of the region as a whole and of the regional corporation.

Alaska Natives strongly desire to have their village and regional corporations succeed in achieving and maintaining self-sufficiency. However, their experiences had led them to realize that they cannot reach that goal if their corporations continue to exist as small, separate entities. Thus, mergers of the village corporations is vital to their development into strong organizations capable of handling the many and diverse needs of the corporations and their shareholders. This legislation would merely provide the village corporations with the option to merge if they perceive such action to be in their best interest.

The text of the bill follows:

H.R. 4581

A bill to authorize certain corporations under the Alaska Native Claims Settlement Act to merge or consolidate, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any provision of the Alaska Native Claims Settlement Act (85 Stat. 688), any corporation created pursuant to section 7(d) or 8(a) of such Act within any of the twelve regions of Alaska, as established by section 7(a) of such Act, may, at any time, merge or consolidate, pursuant to the applicable provisions of the laws of the State of Alaska with any other of such corporation or corporations created for the same region.

(b) Any corporations resulting from said mergers or consolidations further may merge or consolidate with other such merged or consolidated corporations within the same region or with other of the corporations created in said region pursuant to section 7(d) or 8(a) of the Alaska Native Claims Settlement Act. Such mergers or consolidations shall be on such terms and conditions as are approved by vote of the shareholders of the corporations participating therein, and may take place pursuant to votes of shareholders held either before or after the enactment of this Act. Upon the effectiveness of any such mergers or consolidations the corporations resulting therefrom and the shareholders thereof shall succeed and be entitled to all the rights, privileges and benefits of the Alaska Native Claims Settlement Act, including but not limited to the receipt of lands and moneys and exemptions from various forms of Federal, State and local taxation, and shall be subject to all the restrictions and obligations of such Act, as are applicable to the corporations and shareholders which participated in said mergers or consolidations or as would have been applicable if the mergers or consolidations and transfers of rights and titles thereto had not taken place.

(c) Notwithstanding the provisions of section 7(h)(1) or 8(c) of the Alaska Native Claims Settlement Act, the stockholders of any corporation participating in any such mergers or consolidations may exercise the rights accorded under Alaska law to dissenting shareholders in a merger or consolidation.

(d) Notwithstanding the provisions of section 7(m) of the Alaska Native Claims Settlement Act, in any merger or consolidation in which the class of stockholders of a regional corporation who are not residents of any of the villages in the region are entitled under Alaska law to vote as a class, the terms of the merger or consolidation may provide for the elimination of the right of said class to receive dividends pursuant to said section 7(m).

SEC. 2. Notwithstanding any other provision of this Act or of any other law, no such corporation referred to in the first section of this Act may so merge or consolidate unless that corporation's shareholders have approved such merger or consolidation of that corporation with any other such corporation or corporations.

BUSINESS WEEK POINTS TO BAD MANAGEMENT AT THE FEDERAL RESERVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, the current edition of Business Week, March 17, outlines the growing questions about the management of the Federal Reserve System.

The magazine states:

> Simmering in the background is a potentially more explosive question of managerial responsibility at the Fed: Just how well is the agency itself being run, as the largest, most powerful, and most complex financial enterprise in the world?

These are questions which the Congress itself should be asking and that is why I have introduced legislation—along with 95 other Members of the House—to require a full-scale, top-to-bottom audit of the entire Federal Reserve System by the General Accounting Office. As the Business Week article clearly indicates, Congress and the public ought to know more about how this massive agency runs.

Mr. Speaker, the Business Week article points out that the Federal Reserve System has total assets of more than $113.6 billion—more than twice the assets of the Bank of America, the world's largest commercial bank.

The magazine goes on to note:

> But the Fed is under none of the discipline imposed on other banks and agencies. Neither Congress nor the President has a say in how the regional Fed banks employ their vast resources . . . Finally, there is no discipline of a "bottom line" on the Fed's earnings statement—no net earnings or budget appropriation to worry about . . .

Mr. Speaker, I place in the RECORD a copy of this excellent article "An Acid Test for the Fed's Management":

AN ACID TEST FOR THE FED'S MANAGEMENT

The Congressional attack on the Federal Reserve shows signs of broadening and deepening. So far, the main thrust has been the House and Senate resolutions that would direct the Fed to increase the rate of monetary growth (BW–Mar. 10). But simmering in the background is a potentially more explosive question of managerial responsibility at the Fed: Just how well is the agency itself being run, as the largest, most powerful, and most complex financial enterprise in the world?

That question is being asked right now only by the most knowledgeable experts on Federal Reserve operations. But it could flare at any moment into a major public issue—and at the very time when the Fed is trying to tighten up its management. The experts believe that continuation of the Fed's hallowed independence will rest ultimately not only on whether the agency supplies the country with too much money or too little but also on how efficiently it manages its vast resources—some 29,000 employees and $6.3-billion revenues in 1974. Any evidence of operational mismanagement is likely to be far more obvious to Congress and the public than any judgment about where the truth lies in arcane disputes over monetary policy.

PERENNIAL CRITICS

Congressional concern over Fed operations is a legacy of 81-year-old Representative Wright Patman (D–Tex.). Although deposed this year as chairman of the House Banking Committee, Patman hangs on as chairman of the subcommittee on monetary policy. And this week, as in past years, he introduced legislation calling for audits of the Fed by the General Accounting Office.

By law, the Fed has been immune from government audit since 1933. But Patman now looks for support of a full-dress Fed review from Senator William Proxmire (D-Wis.), the new Senate Banking Committee chairman, who is far more critical of the Fed than former committee chairmen.

In preparing itself against the contingency of Congressional investigation, the Fed is in the throes of a major managerial reform. The seven members of the Fed's Board of Governors, under the stern chairmanship of Arthur Burns, have embarked on a housecleaning that is shaking up the heretofore sacrosanct Fed bureaucracy. Says Fed governor Jeffrey M. Bucher: "One of the best ways to protect the Fed's cherished independence is to manage the internal affairs of this agency in such a way that we are absolutely above reproach."

BIG BUSINESS

This is a mammoth undertaking. Burns, Bucher, and their colleagues are responsible for the activities of 12 semiautonomous regional Reserve banks. And by far the largest portion of the Fed's resources is employed in tasks other than applying monetary policy. Its units are bankers' banks, holding on deposit the reserves of the commercial banking system. But in their handling of currency and coins and in check-clearing, the Fed banks, like other banks, are like factories.

Assets of the Fed system total $113.6-billion. The $6.3-billion in gross earnings last year was mostly interest on the system's portfolio of government securities. The Fed has more than twice the assets of Bank of America, the largest commercial bank, though it has fewer employees.

But the Fed is under none of the discipline imposed on other banks and agencies. Neither Congress nor the President has a say in how the regional Fed banks employ their vast resources. Member commercial banks are required to hold shares in the regional banks, but they have no voting rights as stockholders. The Fed does not submit to audit by the GAO, although its self-audit procedures are certified by Touche Ross & Co. in an annual report to the Speaker of the House.

Finally, there is no discipline of a "bottom line" on the Fed's earnings statement—no net earnings or budget appropriation to worry about. Last year, the Fed, as required, did turn back to the Treasury the $5.5-billion that was left after the Fed had satisfied all its expenses, paid a 6% dividend on its stock, and made a contribution to surplus. That was a little more than 87% of the system's gross revenues.

A NEW BROOM

No matter how unwieldy its bureaucracy might appear to outsiders, the Fed will be no pushover for its critics. For the past three years, it has been engaged in rigorous operational reform, spearheaded by a special three-governor panel on bank activities. Headed by John E. Sheehan, a former management consultant at McKinsey & Co., the committee also includes Bucher, a former West Coast banker, and Philip E. Coldwell, a no-nonsense administrator who formerly headed the Dallas Reserve bank.

So zealous has this committee been in finding ways to inject modern management techniques into Fed operations that the board has come under sharp criticism from within. In particular, some regional banks fear their organizations are being reduced to little more than "post offices," in contravention of the public interest if not the essence of the Federal Reserve Act. There seems little question that the regional Fed banks are yielding more and more of their administrative autonomy to the Fed board. The Sheehan committee, for example, uses the board's statutory authority—and the force of its members' personalities—to press a program that includes:

Linking of regional bank presidents' salaries to a merit system that, among other things, evaluates their participation in monetary policy meetings of the Fed's Open Market Committee.

A tight lid on budgets, new office construction, and salaries. This year, some regional banks will have to reduce their staffs.

Rapid introduction into individual banks of such management techniques as "zero cost budgeting" and "management by objectives" and the promotion and swapping among banks of officers who perform well in these programs.

Such steps are intended to impose on Fed operations a discipline that they have always lacked. Not that past boards have been scandalous spendthrifts, but like most other businesses, the Fed has been the victim of rapid cost escalation that is increasingly difficult to control. Total Fed expenses have doubled in the past five years. Payroll expenses have gone up so fast that Chairman Burns has expressed private fears that these costs could "impugn the integrity" of the Fed's vaunted fight against inflation. The board's assessment on the regional banks for its own purposes, and for certain expenditures it makes in behalf of all the banks, has also been rising.

To be sure, Congress itself has pushed the Fed into increasingly complex and expensive undertakings. The Fed's responsibilities under the Bank Holding Company Act of 1970 are considered especially onerous by many Fed officers who are now processing more than 2,000 requests each year from banks that seek to diversify.

MINIMIZING THE FLOAT

Perhaps the most significant increase in Fed expenses and administrative difficulties has come from its efforts, under strong Congressional pressure, to reduce the float in the Fed's check-clearing system. The float is created when the Fed gives credit to a bank that deposits its customers' checks in the Fed's clearing system even though the funds have not yet been collected from the bank on which the check was drawn. To give the country an efficient payments mechanism, the Fed feels it must make these credits within two business days.

By creating computerized regional check processing centers (RCPS), the Fed has cut the time it takes to clear checks, reducing the float by $2.1-billion in the past three years. Fed officials say that shrinking the float saves money for the taxpayers.

The float supplies reserves to the banking system, but in a haphazard way that sometimes bedevils the managers of monetary policy. Most reserves are supplied to banks by the standard means of buying U.S. securities in the open market from government bond dealers, who are, of course, bank depositors. Since practically all of the interest paid on these securities is returned by the Fed to the Treasury, it actually saves money when the Fed expands these purchases to offset a reduction in the float on which the banks had counted for funds. Sheehan says that the RCPC program is paying for itself in savings to taxpayers.

At the same time, the regional banks' check processing centers have been inviting targets for cost control, as has been the system's entire currency counting, sorting, and distribution network. "I was surprised to find how big a factory operation we have in the Fed," says Bucher. "We have to push extra hard at times to maintain efficiency." The board's brush with new technologies in the payments mechanism has also drawn it into bitter controversies with banks and other business interests.

DUPLICATION OF EFFORT?

Even with the Fed's computerized regional check processing centers in action, for example, fully two-thirds of all checks still are cleared in private clearing systems run by commercial banks. Check-clearing is an important service that large city banks offer their country cousins and that leads to many other lucrative "correspondent" relationships, such as consulting and accounting services.

Many banks resent the encroachment of the Fed into a private business that they feel they do better. "Its giant computer system and its payments system," says one university economist, "is the C–5A of the Federal Reserve"—a reference to the cargo plane that was plagued by huge cost overruns.

Given the system's mounting expenses and the fact that the Fed increasingly finds itself slogging through ideological minefields, "the question before the banks and the board," as Coldwell sees it, "has not been whether the system should become more centralized but how that should be achieved."

On this point at least, many bank officers agree. Most of the regional banks have put considerable effort into correcting the shortcomings they see in the system's operations. The Cleveland bank, for example, is such a model of tight fiduciary control that Sheehan speaks of it as "a good center for developing bank executives." Coldwell's alma mater, the Dallas bank, along with the Boston bank and a few others, voluntarily brought in management consultants several years ago to improve operations.

CENTRALIZATION TREND

Working through their standing conferences of regional bank chairmen and presidents, the banks have taken such joint cost-saving steps as making the Minneapolis bank a central purchasing agent for such systemwide needs as computer paper and money bags. The Chicago bank handles contracts for much of the system's inter-district transportation service, and Kansas City advises other banks on the purchase of armored-car and courier services.

"These," says the president of one of the larger Fed banks, "are some of the healthiest things going on in the system—the realization that we are a system and not just 12 separate banks." But many regional banks mightily resent what they regard as the high-handedness that has gone along with centralization. The Fed governors themselves are concerned about growing difficulties of communication with the regional banks. Some of the most polite and circumspect regional bank officials have begun to refer to Sheehan as "that industrial engineer." Some speak of calls from Burns himself inquiring about the "behavior" of lower-level regional bank officers that does not reflect the chairman's notion of the proper relationship of the banks to the board.

At this point there appears to be little evidence that the ability of the regional banks to function independently has been impaired in significant areas such as economic research and deliberations on monetary policy. But the board members and the banks share concern that the conflicts over reform of central banking operations might someday have that effect.

"Continued conflict over operational matters can't help but eventually affect a man's independence in acting on monetary policy matters," says Bucher. "This is something that scares us, and it is something we have got to watch." That sentiment is shared by many outside bankers and economists, who recognize that much of the Fed's creativity comes from the regional banks rather than from Washington.

THE EMERGENCY MARINE FISHERIES PROTECTION ACT OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

Mr. BONKER. Mr. Speaker, today the Fisheries and Wildlife Subcommittee of the House Committee on Merchant Marine and Fisheries began a week of hearings on proposed legislation to establish a 200-mile fishing zone. As a member of the subcommitee, I want to insure that the committee has the benefit of all possible alternatives when considering this most important piece of legislation. Toward that end, I am today introducing H.R. 4582, the Emergency Marine Fisheries Protection Act of 1975, a bill to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion and for other purposes.

This bill would extend the contiguous fisheries zone of the United States to 200 nautical miles and would give the United States management authority over anadromous fish spawned in our waters throughout their migratory range.

This is essentially the same bill that passed the Senate on December 11, 1974, by a vote of 68 to 27 and which was reintroduced last week by Senator WARREN G. MAGNUSON as Senate bill S. 961, and appears at page 5306 of the RECORD.

This bill is similar to several bills being considered by the Committee on Merchant Marine and Fisheries and the Subcommittee on Fisheries and Wildlife. The most significant difference is that it contains fish management features which are not reflected in previously submitted proposals.

I believe it is essential that the Congress enact this legislation within the next several months in order to: First, begin to protect our dwindling fisheries resources; and second, to demonstrate to those who are about to convene at the forthcoming United Nations Law of the Seas Conference, our resolve to establish protective legislation for this most important national resource. This bill recognizes the importance of negotiating and establishing such conservation efforts in an international forum and as such we look forward to the Law of the Seas Conference to set forth international agreements in this regard. However, this legislation will institute for the United States conservation policies and limitations without those international agreements if they are not forthcoming from the conference. This bill provides for the implementation of such limitations and regulation of our fishery resources until such time as acceptable international agreements will supercede these measures.

SAN ANTONIO—A CITY REDEEMED—II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, San Antonio took the first step toward its own redemption by filing a suit for damages against its supplier of natural gas, which violated its contract. According to that contract, the gas supplier was to provide San Antonio with all its gas requirements for a period of 20 years, a period which does not expire until April 1, 1982. Halfway through this contract, the supplier defaulted. The company, Coastal States Gas, created a situation in which they had a daily obligation to deliver much more gas than they could—with a daily shortfall of as much as 500 million cubic feet of gas. The consequence of this is that San Antonio and other cities depending on Coastal are paying four, five, and even six times as much for natural gas as their contracts call for.

Obviously, if contracts mean anything, Coastal is liable for some very substantial damages. According to their Texas attorneys, in private notes, it would not be possible for the company to claim that their failure to deliver gas was the result of some force beyond their control—the shortfalls were too great for that.

It was the patent mismanagement and fraudulent conduct of the Coastal management that resulted in actions being taken by the Securities and Exchange Commission against Coastal; and it was this misconduct too which caused the company to agree to a court judgment setting up a separate, independent, court supervised management for its Texas subsidiary, the Lo-Vaca Gathering Co. According to the now-president of Lo-Vaca, the potential damages that could be assessed because of the contract defaults stemming from Coastal's malfeasance could approach $3.6 billion.

It is little wonder that the prospect of these damages cause much concern. There are those who say that writs and judgments cannot be burned for fuel, and so they urge that the damage suits be dropped. They miss the point.

In the first place, a contract is a contract. San Antonio and other communities contracted with Coastal in good faith; they are entitled to damages. If this particular gas contract means nothing, then no contract means anything. If great crimes are too big for punishment, then the lesson is obvious: commit great crimes, and escape the consequences. I believe that if any contract is ever going to mean anything, San Antonio has to insist on its rights in this case. The city is entitled to relief; its citizens are entitled to have their rights and interests protected.

In the second place, the lawsuits filed by Coastal's customers offer only reasonable assurance that the company is going to be operated in an honest way.

Coastal could be bankrupted by the damages resulting from these lawsuits filed by San Antonio and other customers. If that is what it takes to get the public interest represented in the management of that company, it is a fair price to pay. If it takes bankruptcy to get the Lo-Vaca company severed once and for all from the grasp of Coastal States, then that is a fair price to pay.

As matters stand now, the Lo-Vaca Co. is operated in a way that makes it reasonably independent of Oscar Wyatt. The public interest is at least represented by the court, and the court's supervisory manager. But if the legal pressures are dropped, that independence would disappear, and San Antonio would once again have its fate tied to the whims and deliberate mismanagement of the vulpine Oscar Wyatt.

If Coastal resumed control of Lo-Vaca tomorrow, much of what has been accomplished by the company's independent management would be instantly undone. What public trust that exists in Lo-Vaca would disappear. The independent management would be in jeopardy, subject to the revenge of Wyatt, to the extent that their independence has caused him financial grief and other pain.

If Lo-Vaca is going to be effective as an independent company, its independence has to be assured. That means that Coastal cannot be given any prospect of regaining control over Lo-Vaca. The lawsuits of San Antonio and other provide that kind of assurance.

Those who counsel that San Antonio should drop its lawsuit, and there is much talk of this, feel that successful negotiations can be obtained only if the legal air is cleared. But in my view, the lawsuits are the only weapon San Antonio has available to defend its legitimate rights and interests.

Those lawsuits represent a declaration of independence from Oscar Wyatt and Coastal States. If that company is not willing to give Lo-Vaca its independence, and help assure that it has a useful future as an independent company, there is no reason for San Antonio to make any settlement.

I understand the difficulties of the situation; yet I believe that San Antonio has no choice but to pursue its remedies in court, as the best hope of obtaining some justice out of a sorry situation. I hope that those who are now seeking to be elected to the San Antonio City Council will join me in urging that the legal remedies the city is seeking will not be dropped, until and unless there is absolute assurance that the Coastal States management of Oscar Wyatt and his cronies will never again enter into the decisions of the Lo-Vaca Gathering Co. The victim of Wyatt's deceit could hardly insist on anything less;

surely the city deserves a management that it can trust, and that is definitely not the management of Coastal's founder.

Many serious citizens have given careful thought to the problem of obtaining a stable relationship for the city, with a reliable supplier of natural gas. Most of these citizens have thought about a so-called spinoff of Lo-Vaca, and this is certainly worth considering. I have analyzed the situation in a letter, parts of which are pertinent to this discussion:

Letter by Mr. Gonzalez

As I see it, San Antonio managed to avoid an energy catastrophe when Coastal/LoVaca went into default on its contracts. The city now has enough equipment and emergency fuel on hand to meet almost any contingency, save a complete collapse of Coastal/LoVaca. Our real problem as a community is to deal with the long-range energy problem.

The heart of our long range problem is whether or not *any* gas supplier can in the future commit gas to San Antonio for use as boiler fuel. In other words, when the Coastal/LoVaca contract expires on April 1, 1982, would it be possible for anybody to furnish the city gas to use in its generating plants?

Conservative estimates say that the answer to this is "no." LoVaca's supervisor-manager says flatly that Coastal cannot meet the totality of gas requirements under their existing contracts "no matter what the price assumptions are." (James W. Hargrove. Letter to Judge Charles D. Mathews, August 20, 1974). This estimate has also been given in private conversations I have had with Roy Durst, a former court appointee to the LoVaca Board of Directors. Coastal's president, Mr. Greehey, may be somewhat more optimistic, but I have seen nothing that indicates he really believes LoVaca can ever meet all its commitments again. If this pessimistic conclusion is correct, we have to go on the assumption that nobody could supply San Antonio with boiler gas after April 1, 1982. However, everybody concedes that there would be no problem in obtaining adequate supplies for other purposes.

Can San Antonio assume that a rehabilitated and independent LoVaca supply its long range fuel needs? This is a question that demands very careful evaluation, by experts in the gas business. There is, after all, a serious question here. Some estimates indicate that there are very large quantities of undiscovered gas available, and within reach of the Coastal/LoVaca system. But if there are, how much of the potential supply is not already committed, and hence not available to a healthy pipeline company? Supervisor Hargrove says that he knows of only one or two fields in LoVaca's area today that are uncommitted, and which might contain as much as one trillion cubic feet of gas. Coastal's present requirements are about 2.4 billion cubic feet a day, of which it can meet only about 1.9 to 2 billion. He might be pessimistic, but we already know the cost of being overly optimistic in the matter of reserve data.

Given our bitter experiences with the Spice report, and with the Coastal chairman's bright claims, which were made as late as 1971, I think that the very first question any energy plan for San Antonio must resolve is whether the city can expect to receive, over the long run, as much gas per day as it is getting now—and specifically, gas that is used for boiler fuel. For while I have no doubt at all that we can get gas for heating, cooking, and other high priority uses for the indefinite future, it is possible that no boiler fuel at all will be available after the current contract expires—or if any is available, whether it would be anything like enough to meet demand. Such a question requires independent and expert opinion, and this should be obtained soonest. It is surprising to me that there seems to have been little input from experienced gas men like John Newman, in negotiations covering the possible rehabilitation of LoVaca, given the crucial importance of this question.

I raise this point because if San Antonio pays a high price to get LoVaca separated from Coastal, it is possible that we will not really have improved our position at all.

This is what I would recommend:

First: that a determination be made, as accurately as possible, concerning the possibility of meeting all of LoVaca's contract requirements at any time in the future, especially after the present contract expires; and

Second: given this estimate, that a firm, long range energy program for the community be drawn up and implemented at once.

Whatever program of action is adopted, it must meet the test of credibility. It must be based on the best available information; it must be within financial reach; it must be within technological means; it must be achievable within a reasonable amount of time; and it must enjoy public support. Public confidence has been shattered by the failure of Coastal States/LoVaca, and no plan of action that does not rebuild that confidence can have much hope of success. This means that there be a full public discussion of our problem, and the possible alternatives.

One plan seems to be a response or counter proposal to one outlined by Tom Berg a short time ago.

The assumption seems to be that (a) San Antonio has no alternative but to do business with LoVaca for the indefinite future; (b) Coastal States might tire of providing financial support to LoVaca (though the level of this support has declined recently except for capital contributions required by the Court) and the result would be a collapse of LoVaca; (c) that successful prosecution of pending litigation would be self-defeating, in that it could lead to the bankruptcy of both Coastal States and LoVaca, which would gravely affect pipeline operations; and (d) that the only way out of the impasse is to separate Coastal and LoVaca permanently.

Assuming that study should show that San Antonio has no choice but to continue doing business with LoVaca, and that it cannot be allowed to collapse, and that a spin-off would prevent this, these are the minimum questions that should be resolved:

First: under what conditions, if any, could the company meet its contract obligations? Or, restating it, would the spin-off, given optimum conditions, get us a better gas supply?

Second: is a spin-off possible, in terms of debt obligations? The Zachry proposal suggests that Coastal would absorb all of the LoVaca debt. But does this mean only intercompany debt, or does it mean all of the debt to which both are party? LoVaca has a long-term debt of $162 million; it also owes Coastal $58 million in intercompany loans; and Coastal has equity and retained earnings in LoVaca valued at $83 million. (Hargrove to Mathews, p. 34). I wonder if the idea is for Coastal to absorb all this. I rather doubt it, so the problem is, what would be the financial structure of LoVaca after a spin-off? Would the company be viable, or would it more nearly resemble United, after Pennzoil spun it off?

Third: and critical to the future of LoVaca is the question of who would own what gas reserves and leases. It would be tragic if an independent LoVaca were merely a set of empty pipelines, still dependent on Coastal for access to gas supplies.

Fourth: could competent, aggressive management be assured for a spun-off LoVaca?

Fifth: would the independent company be more capable than it now is, in terms of finding and exploiting new gas supplies?

Sixth: since it is unlikely that Coastal would give LoVaca away for nothing, would the price of the spin-off be so great that gas rates would be higher than they would be if the companies remained integrated?

And finally, it seems to me that even though the plan is much superior to what Mr. Berg proposed, both are lacking in a crucial respect: they represent a kind of amnesty for Oscar Wyatt. It may well be that a plan of this kind is the only way to meet our long-range energy needs. But even if it is, I think that damages are still due to the injured public, and that there ought to at least be some recognition by Coastal of wrongdoing. While the proposed gift of stock Wyatt would receive from the spin-off, to LoVaca, and Coastal's forgiveness of LoVaca debt might be considered a kind of damage payment, I wonder how many people would believe that justice has been done.

I know that this is a long response to the proposal. But I think it is better to give you my complete reaction, than to run the risk of any misunderstanding.

I believe that we have to have a credible, achievable plan to meet our energy problems. We have to bear especially in mind what happens at the end of the present contract. We have to consider realistically what would happen if LoVaca were to collapse. But I think it is crucial to bear in mind what LoVaca can actually achieve, even under the best of conditions. I'd like to see a total energy plan brought forward—one with realistic data, and the most reasonable assumptions. The spin-off idea might well be a part of it, but I doubt that it is more than just a part.

CIA FILES ON AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 15 minutes.

Ms. ABZUG. Mr. Speaker, yesterday the Government Information and Individual Rights Subcommittee of the House Government Operations Committee began hearings on exemptions in the Privacy Act of 1974—Public Law 93–579—that affect the Central Intelligence Agency, the Secret Service, and other Federal agencies.

The leadoff witness was William E. Colby, Director of the CIA, who revealed the various types of files that contain information about U.S. citizens which they have maintained. There was considerable discussion of my own file, which I had requested some time ago from the CIA, and which had been delivered to my office the night before the hearing. Some of the material had been obtained by illegal acts of opening my personal mail while acting on behalf of a client when I was practicing law in New York more than 20 years ago. Other material was connected with public meetings of various peace organizations I had addressed. While Mr. Colby conceded that none of the material collected over the years by the CIA about my activities indicated anything "improper", I was shocked at the Agency's cavalier trampling on my personal rights of privacy as a citizen, as a lawyer, and as a Member of Congress, its apparent disdain of basic American constitutional principles.

Mr. Speaker, these hearings will continue next Thursday, March 13, beginning at 9 a.m. in room 2203, Rayburn House Office Building. Witnesses on that day will be Mr. David R. Macdonald, Assistant Secretary of the Treasury, who will discuss the exemption of the Secret Service Protective Intelligence record system and similar systems from provisions of the Privacy Act; also testifying will be Mr. Donald C. Alexander, Commissioner of the Internal Revenue Service, who will discuss the activities of the IRS Special Services Staff and other intelligence activities affecting individual Americans.

Mr. Speaker, as this point I include several articles concerning the appearance of Mr. Colby before our subcommittee yesterday:

Associated Press Article by Jim Adams

WASHINGTON.—Rep. Bella S. Abzug disclosed today that the CIA opened some of her private mail, reported on a meeting she had with Viet Cong representatives and collected her speeches and statements against the Vietnam War.

Mrs. Abzug, D-N.Y., held up the CIA's file on herself and disclosed some of its contents at a hearing of the House Subcommittee on individual rights, which she heads.

The file was provided by William E. Colby, director of the Central Intelligence Agency, who outlined for the committee the list of files that the Agency keeps on U.S. citizens and acknowledged that some material in them "may not be appropriate."

Mrs. Abzug said that the CIA file on her goes back to 1953, when as a lawyer she represented clients before the House Committee on Un-American Activities.

She said it shows the CIA opened some of her private mail "involving solely my representation of clients in estate cases."

It contains a report on a meeting she and another Congressman had with Viet Cong representatives, her attendance at a women's strike for peace conference in 1967 and an antiwar speech at a demonstration in New York City in 1971, she said.

She said it also contains minutes of a secret meeting of an unidentified peace group.

"It is a reflection of the kind of activity that has to be ended on the part of the CIA," she said.

Meanwhile, leaders of the Senate Committee investigating the CIA and other U.S. intelligence operations met with President Ford at the White House and told reporters they got a qualified pledge of cooperation from the President.

Sen. Frank Church, D-Idaho, the committee chairman, said that Ford expressed the desire to help them but would weigh their requests for information on case-by-case basis.

During questioning at the House Subcommittee hearing, Colby assured Mrs. Abzug that her files would not be continued.

But he said that some of the information on her is still beink kept secret because it might disclose intelligence sources and methods.

"Are you suggesting that something in my file shows I was involved in anything improper?" she asked.

"No," Mr. Colby replied.

"Then you violated my right to privacy, did you not?" Mrs. Abzug asked.

Colby said he did not believe the agency had.

Colby said the Abzug file is one of four the CIA has on members of Congress. He said there also are references to some former members.

The letters were opened as part of a CIA program of opening mail from people in communist countries, he said. The program was discontinued in February 1973.

The file on the meeting with representatives of the People's Provisional Revolutionary Government of South Vietnam, the Viet Cong's political arm, resulted from CIA coverage of that organization, Colby said.

"We incidentally acquired the fact that you had contact with them." Colby said. "We were not following you."

The minutes of the Secret Antiwar Group's meeting and the speech in New York City were not monitored by CIA agents, Colby said, but were received as reports from another agency that were distributed to "a number of agencies."

Colby also testified that the CIA concluded there was no substantial foreign manipulation of the U.S. antiwar movement in the late 1960s and early 1970s.

He said the CIA's infiltration of 22 agents into antiwar groups and development of files on 10,000 citizens grew from an effort to determine if there was manipulation of the antiwar activities.

"We determine to our satisfaction that it did not exist to any substantial degree," he said.

In his prepared testimony, Colby said the CIA has three major types of files not including such administrative categories as personnel and correspondence with Congressmen.

The intelligence biography files contain "information of several million foreign political, military, scientific, economic, technical and cultural personalties," he said.

These include an unknown number of Americans, he said, because of foreign associations or because they may be a source of information.

"Or we may simply have made a mistake and have begun a record on a person whom we believed to be a foreigner but who is a U.S. citizen," Colby said.

He said the second major category contains biographies for foreign counterintelligence activities and the third contains the CIA's intelligence documents.

United Press International Article

WASHINGTON.—Director William Colby said today the Central Intelligence Agency had any number of reasons and means of collecting intelligence files on American citizens—often without their knowledge—over the past 27 years.

Colby explained such intelligence-gathering procedures to a House committee headed by Bella Abzug, D-N.Y., who less than 24 hours earlier had obtained a copy of the file the CIA had on her.

Rep. Abzug said the file contained information on her antiwar activities obtained both from the public record and from surveillance of her mail dating back to 1963, when she was practicing law. She charged the CIA "seriously violated the privacy of my clients" by opening her mail.

Colby did not dispute her charges. He said the file dealt with her antiwar activities because "we picked up a statement you made about an organization we were interested in."

"I see there are certain things in your file that should not be there," Colby said. "But some of them are legitimate."

Rep. Abzug fired back, "are you suggesting there is anything in my file reflecting improper activity?"

Colby replied, "No."

But, he added, mail surveillance of Rep. Abzug "has been terminated and will not be resumed." He also said that the CIA's investigation of antiwar groups concluded "there was no foreign manipulation or influence."

In his prepared testimony, Colby conceded "there is no way of knowing how many names of U.S. citizens" are listed in various CIA files because of cross-indexing and other procedures.

[From the New York Times, Mar. 6, 1975]

C.I.A. Opened Bella Abzug's Mail, Kept 20-Year File

(By John M. Crewdson)

WASHINGTON, March 5.—The Central Intelligence Agency acknowledged today that it maintained a dossier for more than 20 years on Representative Bella S. Abzug, that included the contents of letters she had writen on behalf of clients while she was a practicing lawyer.

The C.I.A. also acknowledged that it had opened some of the mail of the Manhattan Democrat and had retained copies of her letters in its files.

Mrs. Abzug said at a House subcommittee hearing that she had received from William E. Colby, the Director of Central Intelligence, some but not all of the documents contained in at least two separate C.I.A. files bearing her name.

The file entries, she said, dated as far back as 1953 when, as a lawyer, she represented a client before the now-defunct House Commitee on Un-American Activities.

Subsequent entries included the contents of two letters she had written to an arm of the Soviet Government in 1958 and 1960 on behalf of clients of Russian ancestry. Mrs. Abzug was trying to locate other potential heirs in an estate case.

"To find myself in your files is outrageous," Mrs. Abzug stormed at Mr. Colby, who testified today before the Subcommittee on Government Information and Individual Rights, which the New York Democrat heads.

"Let's get one thing clear right away," she said. "Opening mail of a lawyer representing a client is clearly illegal."

Mr. Colby, who nervously drummed his finger on the witness table during some of her outburst, conceded to Mrs. Abzug that "a considerable amount of the material in your file should not be in there."

He also acknowledged that, in addition to the C.I.A. "security" file begun on her in 1953, Mrs. Abzug was one of four present or former members of Congress on whom special counterintelligence files were kept as part of the agency's operations against Vietnam war dissidents.

He would not identify the three others, but said that one was no longer living. Colby said that the operation, which he said was terminated in March, 1974, had led the C.I.A. to conclude that there had been "no substantial foreign manipulation of or assistance to the antiwar movement."

The counterintelligence file, portions of which were also supplied by the C.I.A. to Mrs. Abzug, a vocal antiwar figure, included details on her Paris meeting in 1972 with representatives of the Provisional Revolutional Government of South Vietnam.

That file, she said, also included such items as the names of American lawyers on the mailing list of the World Peace Council, the minutes of a meeting of the Vietnam Mobilization Committee, once a leading antiwar group, and a report on a speech she made in front of the New York City Public Library.

The last report, which Mrs. Abzug made available to reporters, read in part:

"Women Strike for Peace [WSP] demonstrates at New York City. Placards carried by the demonstrators called on Congress to set a definite date for United States withdrawal from Southeast Asia.

"The demonstrators were addressed by Congresswoman Bella Abzug, who told them an antiwar coalition in Congress would force withdrawal from Southeast Asia."

Her voice rising in anger, Mrs. Abzug pointed out to Mr. Colby that her file contained the names of people attending the conference of the Women Strike for Peace, and she demanded to know how the file had been obtained.

"I do not know how we got it," he replied.

SOME DATA WITHHELD

Mr. Colby told Mrs. Abzug that he had withheld from her some of the contents of her files on the ground that, if disclosed they would make public "intelligence sources and methods."

But he said that the C.I.A. would make available to American citizens upon request the nonsensitive portions of any files the agency had compiled on them and to which they were entitled under the newly amended Freedom of Information Act.

Mr. Colby added that, since the disclosure last December that the C.I.A. had kept files on 10,000 Americans as part of its intelligence-gathering on the antiwar movement, the agency had received about 60 requests for the disclosure of such information.

Mr. Colby repeatedly rejected a suggestion from Mrs. Abzug and other members of her committee that the C.I.A. had abused its legislative prohibition against domestic police functions in surveillance of the antiwar movement or other activities.

But he did concede that "some of the material which was collected by C.I.A. over the last 27 years may not be appropriate today . . ." And he added that "a number" of such files had been destroyed.

The destruction has been halted temporarily, he said, by a request from two Congressional committees investigating intelligence activities that all agency records relevant to their inquiries be preserved.

Mr. Colby said that he had "directed, however, that the segregation process continue in the belief that, after the investigations are completed, the best disposition of these materials is destruction."

Asked by Mrs. Abzug, a Democrat, whether that meant that the C.I.A.'s files would eventually be purged of all reference to the political activities of American citizens, Mr. Colby replied that it did not.

The C.I.A., he said, would continue to conduct counterintelligence operations abroad, and to record and preserve the names of any American citizens found to be engaging in questionable political activities.

"You say you're not going to do it anymore," Mrs. Abzug said, "and yet you are going to do it."

"I said we're not going to do the questionable things," Mr. Colby responded.

EMERGENCY MIDDLE INCOME HOUSING ACT OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Barrett) is recognized for 5 minutes.

Mr. BARRETT. Mr. Speaker, I have today introduced for myself and 18 members of the Committee on Banking, Currency and Housing the bill, H.R. 4485, the Emergency Middle Income Housing Act of 1975. This bill was favorably approved by the Subcommittee on Housing and Community Development on March 6 for consideration by the full Committee on Banking, Currency and Housing. This bill encompasses the provisions embodied in the bill H.R. 29 which was introduced by the distinguished chairman of the Banking Committee, the gentleman from Wisconsin (Mr. Reuss), and also contains a number of proposals recommended by the distinguished gentleman from Ohio (Mr. Ashley).

Mr. Speaker, I believe this bill represents the position of the Democratic members of the Committee on Banking, Currency and Housing and, if enacted, will go a long way to assist the depressed housing industry.

Mr. Speaker, I include for the information of the Members of the House a copy of the bill and an explanation of the bill:

H.R. 4485

A bill to provide for greater homeownership opportunities for middle-income families and to encourage more efficient use of land and energy resources

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Emergency Middle Income Housing Act of 1975".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) many families of middle income cannot afford to purchase homes at current prices and high interest rates;

(2) the decline in the home purchasing power of middle-income families has contributed to the severe economic recession of the building industry and those industries dependent upon the building industry;

(3) the sharp decline in housing starts jeopardizes the attainment of an adequate housing stock in the years ahead;

(4) the accessibility of homeownership to middle-income persons is further aggravated by the high costs of land and fuel associated with low-density development;

(5) recessionary pressures in the economy have created an excessively large inventory of unsold, newly constructed residential properties which, although seriously needed, are beyond the financial means of prospective buyers who are unable to find acceptable mortgage credit terms; and

(6) such inventory is dissuading the construction of additional seriously needed residential units, and contributing to an excessively high unemployment rate in the homebuilding and related industries.

(b) It is the purpose of this Act to reduce high mortgage interest costs to middle-income families and to stimulate employment in the homebuilding industry during the current emergency period and to encourage land and energy conservation, where appropriate, to reduce further the costs of homeownership.

TEMPORARY HOMEOWNERSHIP ASSISTANCE AUTHORITY

Sec. 3. The Secretary of Housing and Urban Development (hereinafter referred to as "the Secretary") is authorized to reduce interest rates on home mortgages for middle-income families—

(1) by making, and contracting to make, periodic interest reduction payments, as described in section 4;

(2) by making, and contracting to make, interest rate differential payments, as described in section 5; and

(3) by purchasing, and committing to purchase, below-market-interest rate mortgages, through the facilities of the Government National Mortgage Association (hereinafter referred to as "the Association"), as described in section 6.

INTEREST REDUCTION PAYMENTS

Sec. 4. (a) Interest reduction payments made on behalf of middle-income families shall equal the difference between the amount of principal, interest, and any mortgage insurance premium due under a home mortgage, and the amount of principal and interest due if the home mortgage were to bear interest at the rate of 6 per centum per annum.

(b) Interest reduction payments may be made with respect to any dwelling unit only for such period as the family on whose behalf the payments are made occupies the dwelling unit. Such payments shall be made in the full amount provided for in subsection (a) for the first three years during which a family occupies a dwelling unit, 75 per centum of such amount in the fourth year, 50 per centum of such amount in the fifth year, and 25 per centum of such amount in the sixth year. No interest reduction payments shall be made after the sixth year.

(c) Interest reduction payments on behalf of an occupant of a cooperative housing project shall be in amounts computed on the basis of the formula set forth in subsection (a) applying the cooperative member's proportionate share of the obligations under the project mortgage to the items specified in the formula.

(d) For purposes of chapter I of the Internal Revenue Code of 1954, the payments described in this section shall be deemed to be applied in their entirety toward the payment of the interest due under a mortgage.

INTEREST RATE DIFFERENTIAL PAYMENTS

Sec. 5. An interest rate differential payment shall equal the difference between the amount of the outstanding principal balance of a home mortgage and the amount which would be paid for the mortgage if it were priced to provide a market yield, as determined by the Secretary. The interest rate on a home mortgage with respect to which an interest rate differential payment is made to the mortgagee shall not exceed 7 per centum per annum.

PURCHASE OF MORTGAGES

Sec. 6. (a) The Association shall purchase, or commit to purchase, a home mortgage pursuant to this Act at a price equal to par. The interest rate on such a mortgage shall not exceed 7 per centum per annum. The Association is authorized to service, sell or otherwise deal in mortgages purchased pursuant to this Act.

(b) A home mortgage which is not insured under the National Housing Act or insured or guaranteed under chapter 37 of title 38 of the United States Code shall not be purchased by the Association unless either (1) the outstanding principal balance of the mortgage does not exceed 80 per centum of the value of the property securing the mortgage or (2) the mortgage is insured by a qualified insurer as determined by the Association.

(c) The Association may issue to the Secretary of the Treasury its obligations in an amount outstanding at any one time sufficient to enable the Association to carry out its functions under this section. Each such obligation shall mature at such time and be redeemable at the option of the Association in such manner as may be determined by the Association, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligation of the Association. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Association issued under this section, and for such purposes the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchase of the Association's obligations hereunder.

(d)(1) The Association is authorized to guarantee securities based on pools or trusts of the mortgages purchased or assisted by the Association under this Act as provided in section 306(g) of the National Housing Act with respect to federally insured or guaranteed mortgages and to act as issuer of such guaranteed securities. The Association shall possess with respect to securities under this Act all the powers it possesses with respect to securities guaranteed under such section

306(g), and the provisions of such section shall apply to guarantees under this Act.

(2) The Association may offer and sell any securities guaranteed under this Act to the Federal Financing Bank, and such Bank is authorized to purchase any securities so offered. The Association may also offer and sell any such guaranteed securities to any Federal Reserve Bank. The proceeds from the sale of such securities when issued by the Association shall be treated in the accounts in the same manner as if such proceeds were from the sale of the underlying mortgages.

(e) The Association is authorized to pay for services performed in carrying out its functions under this Act without regard to any limitation on administrative expenses heretofore enacted.

DEFINITIONS

Sec. 7. As used in this Act—

(a) The term "middle-income families" means those families (including single individuals) whose incomes do not exceed 120 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller or larger families, except that the Secretary may establish income ceilings higher or lower than 120 per centum of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

(b) The term "home mortgage" means a mortgage covering a newly constructed or substantially rehabilitated single-family unit or one-family unit in a condominium project, or units in a newly constructed or substantially rehabilitated cooperative housing project, where the appraised value of the unit at the time of purchase does not exceed $38,000, or $42,000 in high-cost areas as determined by the Secretary.

AUTHORIZATION

Sec. 8. The aggregate amount of mortgages assisted under this Act shall not exceed amounts approved in appropriation Acts, and in no event shall such amount exceed $12,000,000,000. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including such sums as may be necessary to make the interest reduction payments and the interest rate differential payments under contracts entered into under this Act.

ALLOCATION OF ASSISTANCE

Sec. 9. (a) The Secretary shall allocate to application lenders aggregate amounts of mortgages to be assisted. The Secretary shall take appropriate steps to assure that mortgage funds under this Act are made available on an equitable basis geographically among and within the States and to different types and sizes of lenders.

(b) The applicant lender shall indicate in its request for an allocation of mortgage amount the proportion of such amount to be utilized with the assistance described in section 4 of this Act and the proportion of such amount to be utilized with the assistance described in sections 5 and 6 of this Act.

(c) The Secretary may determine which of the types of assistance described in sections 5 and 6 of this Act may be made available at any particular time. The Secretary shall not make any division of the mortgage amounts approved in appropriation Acts based on whether the assistance described in section 4 of this Act or the assistance described in sections 5 and 6 of this Act is to be utilized, nor shall the Secretary accord any preference to a request for an allocation of mortgage amount based on whether the assistance described in section 4 or the assistance described in sections 5 and 6 is to be utilized.

(d) Not more than 25 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated for use with respect to new, unsold dwelling units the construction of which was commenced prior to the enactment of this Act. Not more than 10 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated with respect to dwelling units with appraised values in excess of $38,000.

(e) A commitment to purchase a mortgage issued by the Association pursuant to the provisions of any other law shall not be exchanged or credited in any way to the purchase of a commitment pursuant to this Act.

(f) A mortgage, with respect to which the assistance described in section 5 or 6 is utilized, may not be assumed except by a middle-income family.

ENERGY CONSERVATION

Sec. 10. In making financial assistance available under this Act, the Secretary shall take appropriate steps to encourage the construction or sale of dwelling units which he determines will contribute to the conservation of land and energy resources because of their design or their location in clusters or projects or otherwise.

EXPIRATION DATE

Sec. 11. After June 30, 1976, no interest reduction payments or interest rate differential payments shall be made except pursuant to contracts or commitments entered into on or before such expiration date and no mortgages shall be purchased or commitments to purchase mortgages shall be issued except pursuant to commitments made on or before such expiration date.

Emergency Middle Income Housing Act of 1975

The Subcommittee on Housing and Community Development of the Banking, Currency and Housing Committee met on February 25, March 4, 5, and 6 to mark-up H.R. 29, the "Emergency Middle Income Housing Act of 1975" and on Thursday, March 6, approved for Committee consideration a clean bill.

H.R. 29 would have stimulated housing construction by expanding the potential homebuying market and by counteracting recessionary "no-buy" attitudes with the incentive of lower interest rates. H.R. 29 attempted to achieve this objective at minimum cost to the Government by capitalizing on the fact that average incomes of American families have moved markedly upward. Accordingly, under H.R. 29 the interest rate on a home mortgage would be subsidized down to a level of six percent, but only for a period of three years (in the fourth year the subsidy is halved and eliminated after the fourth year). It seemed to the Subcommittee that the subsidy approach of H.R. 29 has its place and is an appropriate means to stimulating housing sales in many circumstances, but that it cannot be the sole approach if the housing industry is to be raised quickly off its back.

Another aspect of H.R. 29 which could limit the attainment of its objective is its reliance on traditional sources of mortgage credit to finance the home sales to be stimulated by the bill. While funds are now flowing heavily into thrift institutions—and these funds ought to be tapped—the situation could change rapidly and the credit shortage of a few months ago could again become a reality.

To meet the problems just outlined and to assure attainment of the worthy objective of building more houses and putting more people to work, the clean bill would provide for alternative forms of subsidy and the tapping of various credit markets to finance the housing. The clean bill incorporates the substance of the Emergency Home Purchase Assistance Act of 1974 and the various tandem plans operated by the Government National Mortgage Association.

The following are the major programmatic features of the clean bill resulting from the combination of H.R. 29 with the various GNMA programs. The total amount of mortgages which can be assisted under the program will be approved in appropriation Acts. Blocks of this approved amount will be allocated to lenders by HUD. A lender can use all or a portion of this allocation to make market rate loans (currently between 8 and 9 percent generally) on which HUD will make monthly payments equal to the difference between the debt service on the market rate mortgage and the debt service on a 6 percent mortgage.

Like H.R. 29, the full assistance will continue for 3 years, but will be phased out over the succeeding 3-year period rather than over one year.

A lender can also use all or a portion of its allocation to make mortgage loans bearing a below-market interest rate not exceeding 7 percent. Thus, two types of subsidized loans are available under the clean bill, one involving a deeper but temporary subsidy, and the other involving a potentially larger subsidy. The former loan may be more appropriate for younger, upwardly mobile families, while the latter, for older, more stable families.

The 7 percent loans can be financed and subsidized under the clean bill by at least three methods. The bill gives the Secretary of HUD the discretion to determine which one or more of the three is appropriate at any particular time given market conditions and cost considerations. First, the loan could be held by the originator, sold to a private investor, or sold to one of the Government's secondary market facilities—the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation. The subsidy would be in the form of a single payment to the lender by HUD equal to the difference between the amount of the 7 percent mortgage and the price the mortgage would have to bear to provide a market yield. Of the three approaches, this approach utilizes funds in thrift institutions the most.

Second, the 7 percent loans could be financed through the issuance of mortgage-backed securities guaranteed by the Government National Mortgage Association. These securities are mainly purchased by pension funds, bank trust departments, insurance companies, and mutual savings banks, and by savings and loan institutions which have surplus funds. The securities could be issued in the name of the originators of the loans and would bear a below-market interest rate. The HUD subsidy would make up the difference between the market price of these securities and their face amount. Finally, the clean bill authorizes the Government National Mortgage Association to purchase the 7 percent mortgages. Under this approach, the mortgages would be financed with Government credit, either through borrowings by Treasury or the Federal Financing Bank, a procedure which is comparable to direct Federal lending.

The variety of financing and subsidy mechanisms under the clean bill will facilitate achieving the bill's numerical objective of supporting up to 400,000 new and substantially rehabilitated units before the bill's authority expires on June 30, 1976. H.R. 29 provided enough subsidy to assist up to one million units over a 2-year period. The clean bill reduces this numerical goal and concentrates activity within the time-frame likely to do the most good in breaking the recession. H.R. 29 also authorized up to 20 percent of the assisted units to be existing housing. The clean bill focuses all its resources on stimulating construction activity.

The clean bill retains features of H.R. 29 designed (1) to direct assistance to middle-income families (families whose incomes do not exceed 120 percent of the median income for the area), (2) to encourage the construction of units which will contribute to the conservation of energy and land resources, and (3) to encourage the construction of moderate-cost housing by limiting the appraised value of eligible dwellings to $38,000, with an extension in the clean bill to $42,000 for high-cost areas for up to 10 percent of the funds.

The clean bill also explicitly recognizes the need to stimulate the sale of unsold, new homes, the construction of which was begun prior to the date of enactment. In many areas, the accumulation of these unsold units is due to buyer reluctance to purchase homes during the current recessionary period, and it is necessary to move these units before builders and lenders can proceed to the new starts which will be badly needed in the near future. The bill provides that up to 25 percent of the funds can be used with respect to new, unsold units.

Enough mortgage funds are authorized under the clean bill to support approximately 400,000 units. The exact cost to the Government will depend on the level of market rates during the period of implementation, as well as on the types of subsidy and financing mechanisms used, but should range somewhere between $500 million and $1.5 billion.

ANNUNZIO PROPOSES PRESIDENTIAL POST FOR ETHNIC AFFAIRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, legislation has been introduced in this body as well as in the Senate to establish an Office of Spanish-Speaking Affairs in the Executive Office of the President. Several other bills are pending that would create similar positions for other ethnic minority groups.

Instead of approaching the need for such positions on a nationality-by-nationality or ethnic-by-ethnic basis, I suggest that we create a Special Assistant to the President in Charge of Ethnic Affairs. This office would cover Spanish-speaking Americans as well as other ethnic groups. And rather than deal with the problem on a legislative basis, it is my feeling that such an office can be created by the issuance of an Executive order from the President.

To this end, Mr. Speaker, I have written to President Ford asking that he create an office known as the Special Assistant to the President in Charge of Ethnic Affairs.

Such an action would contribute much to the democratic process. It would give ethnic leaders as well as the ethnic groups of America a place in the White House to discuss their problems and to consult with a specially designated official representative of the President. This appointment would emphatically demonstrate that all ethnic groups are being recognized, that they do belong, and that they are not being left out. It would also serve to restore faith in our democratic process and would go a long way toward reducing the apathy now prevalent in our society—particularly as far as ethnic groups are concerned.

One of my concerns with dealing with legislation establishing separate ethnic affairs offices in the executive department would be an unintentional polarization of ethnic groups. Certainly we need no further polarization of Americans, but rather we need a program that will lead toward unity. A Presidential Assistant for Ethnic Affairs would certainly promote and foster unity.

Mr. Speaker, I urge all of my colleagues who are concerned with ethnic affairs to write to President Ford expressing support for a Special Assistant to the President in Charge of Ethnic Affairs. An outpouring of support for the proposal will hopefully convince the President to use the Executive order route rather than the much slower legislative route.

Mr. Speaker, the ethnic groups in this Nation have done much to build our country. As we move closer to our Nation's 200th anniversary, I can think of no more fitting tribute to Americans whose ancestors came from other lands than this special recognition within the White House.

I am enclosing in my remarks a copy of my letter to President Ford as well as a press release I issued on this proposal:

ANNUNZIO CALLS FOR PRESIDENTIAL POST FOR ETHNIC AFFAIRS

Congressman Frank Annunzio (11th Dist-Ill) has asked the President to establish a post of Special Assistant to the President in Charge of Ethnic Affairs.

Congressman Annunzio, in a letter to the President, explained that the special assistant was needed because ethnic groups in this country represents a substantial portion of the population and are increasing at a rapid pace.

Congressman Annunzio pointed out that legislation has already been introduced that would establish an Office of Spanish Speaking Affairs in the Executive Office of the President, and several other bills are pending that would create similar positions for other ethnic minority groups.

Under the Annunzio plan, President Ford could, by Executive Order, establish a Special Assistant in Charge of Ethnic Affairs, whose position would encompass all ethnic groups including Spanish speaking people. And unlike other proposals, the Annunzio plan could be implemented by Executive Order rather than traveling the legislative route.

Annunzio pointed out in his letter to the President that the legislative proposals are directed specifically toward individual ethnic groups while, "completely ignoring all other ethnic groups thus creating the impression that they are being left out of the democratic process."

Congressman Annunzio wrote to President Ford that since it became known that legislation was being introduced to create an Office of Spanish Speaking Affairs he has received letters "from a large number of ethnic leaders not only in my congressional district but from across the country as well expressing interest in similar legislation for ethnic groups such as Polish-Americans, Greek-Americans, German-American, Italian-Americans, Irish-Americans, Jewish-Americans, and captive nation groups.

"I could have introduced legislation to provide special consideration within the Executive Branch for each ethnic group," Annunzio explained, "but such efforts might have ended pitting one ethnic group against the other and in the long run we would have ended up without any special consideration. This is why I have proposed that the President handle the situation by Executive Order and establish a single office encompassing all ethnic groups."

"Such an action would contribute much to the democratic process. It would give ethnic leaders as well as the ethnic groups of America a place in the White House to discuss their problems and to consult with a specially designated official representative of the President. This appointment would emphatically demonstrate that all ethnic groups are being recognized, that they do belong, and that they are not being left out. It would also serve to restore faith in our democratic process and would go a long way toward reducing the apathy now prevalent in our society—particularly as far as ethnic groups are concerned," said Annunzio.

Annunzio added that "ethnic groups have played a major role in the history of our country, and with the bicentennial year occurring in 1976, the creation of a Special Office for Ethnic Affairs would be an appropriate tie-in for the celebration of our country's 200th anniversary."

WASHINGTON, D.C.,
March 4, 1975.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you may be aware, legislation to establish an Office of Spanish Speaking Affairs in the Executive Office of the President has been introduced by Senator Montoya of New Mexico and Congressman Roybal of California.

As the Congressman for the 11th District of Illinois, I represent a district comprised of people who have ethnic ties to probably every country in the world. Since it became known that Senator Montoya and Congressman Roybal were introducing this legislation, I have received letters from a large number of ethnic leaders not only in my congressional district but from across the country as well expressing interest in similar legislation for ethnic groups such as Polish-Americans, Irish-Americans, Jewish-Americans, Greek-Americans, Italian-Americans, German-Americans, and captive nation groups.

It is my feeling, however, that rather than introducing legislation which would provide separate offices within the Executive Branch for the various ethnic groups that a better approach would be for you, Mr. President, to establish by Executive Order a Special Assistant to the President in Charge of Ethnic Affairs. This office would be responsible for all ethnic groups including Spanish speaking people. Many ethnic leaders feel that the Montoya-Roybal legislation, which is directed solely to Spanish speaking Americans, completely ignores all other ethnic groups thus creating the impression that they are being left out of the democratic process.

While the Montoya-Roybal approach would of course involve the legislative process, my plan would avoid what may be a long, drawn-out procedure, since you as President have the power to appoint special assistants by Executive Order.

Such an action would contribute much to the democratic process. It would give ethnic leaders as well as the ethnic groups of America a place in the White House to discuss their problems and to consult with a specially designated official representative of the President. This appointment would emphatically demonstrate that all ethnic groups are being recognized, that they do belong, and that they are not being left out. It would also serve to restore faith in our democratic process and would go a long way toward reducing the apathy now prevalent in our society—particularly as far as ethnic groups are concerned.

I make this recommendation to you, Mr. President, not as a partisan Member of Congress but as an American who feels that the time has come for the President to take the initiative to see that the needs, wants, and special problems of ethnic America are not overlooked. These groups have contributed so much to the building of our present industrial democracy, and with the bicentennial year occurring in 1976, the creation of a Special Office for Ethnic Affairs would be an appropriate tie-in for the celebration of our country's 200th anniversary.

With every best wish, I am,

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

THE GOLDEN SPIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MCKAY) is recognized for 5 minutes.

Mr. MCKAY. Mr. Speaker, on May 10, 1869, in the desert at Promontory Summit, Utah, a golden spike was driven into a rail marking completion of the first transcontinental railroad. Two steam engines, Jupiter and Rogers, met at this point where the Union Pacific and the Central Pacific Railroads joined. The event was one of great significance historically, culturally, and economically to this Nation. And it was an event that has captured the imagination and generated interest in the 100-plus years since.

It is surprising to note that the Congress did not authorize and appropriate money to preserve, restore, and interpret the site where these two railroads came together until 1965. A visitors center was constructed, with a museum exhibit and audio-visual presentation. The heart of the exhibit has been, of course, the display of two replica locomotives similar to the originals. These locomotives are on loan from the State of Nevada and are scheduled to be returned in early 1976. When this occurs the historic site will lose its major focal point.

Since 1969, 500,000 visitors have flocked to this desert site to witness reenactment of the joining of the transcontinental railroad. Estimated visitation in 1976 is planned at 150,000. Without the primary exhibit, the site will lose its attraction to tourists who come to relive one of the significant scenes from American history.

I am introducing today, a bill to increase the authorization ceiling provided in the act of 1965, from $1,168,000 to $5,422,000. This increase will allow appropriations for two replica engines and eventual development of optional support facilities such as shelters, picnic area, road and parking improvements, and so forth. This figure is, of course, an authorization ceiling. It would not mean that $5 million would be spent in the next fiscal year, only that work needed on this site could, eventually, be completed.

At present, the Park Service has approximately $350,000 in the Golden Spike Fund. Increasing the authorization ceiling will allow Congress to appropriate the additional money needed for construction of the two replica engines.

My bill provides for completion of a worthy national goal—the maintenance of an important historic site, in time for the bicentennial. I urge my colleagues to join in support of this measure.

REFLECTIONS ON THE HIPPOCRATIC OATH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, I would like to update a matter that I first brought to the attention of our colleagues on September 12, 1974. It concerned the nonavailability of a physician at a particularly trying time for a patient and his family. The patient happened to have been my father, who, fortunately, is now alive and well and living in Florida, fully recovered from the incident described in the correspondence. I will not reiterate the details since the correspondence is extensive in its description. However, it is important to note the reason I am updating this matter.

When the incident occurred back in June 1974, I wrote to the five medical societies of the five counties of the city of New York and only one responded. Because I do believe that the matter required responses from the other medical societies to which I had written, I wrote again on February 24, 1975, and on February 27, I received a response from the Medical Society of the County of Queens. I found the letter of Dr. Lester J. Candela, director of the society, more than distressing. I found it infuriating but I will let the correspondence speak for itself.

Mr. Speaker, there are many young men and women who cannot attend medical school, because enrollment in those schools is so limited. And there are many patients who are not receiving the highest degree of professional care from physicians because some of the doctors who now hold licenses—which permit them as a group to earn among the highest salaries in this country—do not want to treat patients in their homes or in institutions and would prefer to treat them by telephone. Dr. Candela calls this a canard, but I would refer him to a report of the Senate Subcommittee on Long-Term Care of the Special Committee on the Aging which according to the New York Times article I am appending states that—

> Many abuses in American nursing homes can be laid to doctors' treating the elderly patients by telephone, with rare personal visits.

That report goes on to say:

> Until physicians accept greater responsibility for the care of nursing home patients, the endless stories of negligence, poor care and abuse will continue.

I know, Mr. Speaker, that there are many superb physicians who provide excellent treatment and live up to the highest standards of the Hippocratic oath but I think Mr. Speaker, that for a substantial number of doctors the practice of medicine is no longer a profession with the highest ideals but rather a crass commercial enterprise for them. I raise this matter having undergone an experience involving a member of my family which apparently is not unique. If the medical profession is not able to correct its own shortcomings, then perhaps Congress must lend a helping hand.

The pertinent correspondence and the New York Times article follow:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., August 6, 1974.

(NOTE.—Following letter sent to each of the Medical Societies of the Counties of Bronx, Kings, Richmond, Queens.)

DEAR SIR: I am enclosing a statement of facts representing a real situation but purposely omitting the names and addresses of the physicians and patient. The question raised in that case with respect to the doctor/patient relationship transcends that individual matter.

Congress is now considering comprehensive national health insurance legislation; and I would like to be in a position in my statements on that legislation to discuss the views of physicians concerning this particular aspect of the doctor/patient relationship.

I would appreciate your submitting to your appropriate committee, and if it is not now sitting because of the summer recess, then to its individual members, asking that they individually respond to the issue providing me with the benefit of their views as soon as possible.

Sincerely,

EDWARD I. KOCH.

STATEMENT OF FACTS

On Saturday evening, June 22, 1974, at about midnight, a 79 year old man was seized at home with breathing difficulties and taken by taxi by his wife to a municipal hospital. On Admission he was placed in the intensive coronary care units of the hospital and his condition was listed by the hospital as "critical." The family was advised by the hospital physician that the patient was suffering from heart fibrillations.

The patient's wife attempted to reach his regular physician (physician A); she was told that he was not available for the weekend but that another physician (physician B) was covering for him. She contacted physician B and explained what had occurred. The following morning at about 9 am (Sunday), the son of the patient visited the hospital and when he inquired of the attending hospital staff as to whether the patient's doctor had visited him, was told that doctor B had not visited the patient but had spoken with the hospital staff physician on the telephone and provided instructions.

The son then called physician B and asked whether the physician would be examining the patient that day. Physician B responded, "No." No visit was contemplated until Monday because the patient's condition was reported as stable. The patient's son stated that he did not want his father treated by telephone and asked that the physician examine his father that day. Physician B declined to do so saying the visit would not take place until Monday unless there was a change for the worse. The son asked to be given the telephone number of physician A, the patient's regular doctor, and was told that physician A was on a brief vacation, and would not return until Monday and was not available by phone. The son requested again that physician B visit his father that day. Physician B declined.

My question is whether the American Medical Association now considers it acceptable or sound medical practice for a physician responsible for a patient, to diagnose and prescribe over the telephone in the situation above described? Furthermore, does the AMA's code of conduct approve a physician's refusal of a family member's request that the physician come to the hospital and physically examine a patient within 12 hours of his admittance to the hospital's intensive care unit?

In recent years we all have read about the increasing rarity of the home visit by the family doctor. Surely this is a phenomenon which the AMA has taken under consideration. The question which the above case brings to mind is whether we are now entering an era in which the hospital visit by a private physician is to become a rarity. Is this what American medical practice is coming to—and if so, what is the AMA's position and response to it?

Sincerely,

Edward I. Koch.

September 17, 1974.

Hon. Edward I. Koch,
Federal Plaza,
New York, N.Y.

Dear Congressman Koch: This is a follow-up of our telephone conversation of the September 16, 1974, re your letter of June 26.

As you can well understand, the Censors do not pass judgment without giving the right of reply to a physician whose ethics are being questioned. With this in mind, let me answer your questions:

1. Dr. B should have gone to the hospital as soon as possible.

2. It is not sound medical practice to diagnose and prescribe over the telephone, but in the instance described, Dr. B was talking to professionals in the coronary care unit and not to a patient.

3. We are most certainly not entering an era where physicians are reluctant to make hospital calls on *their* patients in *their* hospitals. In this case, it would appear that Dr. B was not on the staff of the hospital in question. Nor would he have been in a position to write definitive orders for that patient who was in the hospital's coronary care unit.

In our opinion, this should have been clearly explained to the family after the first visit, which should have been made both as a courtesy to the patient, to the patient's family and to Dr. A for whom he was covering.

Should any further action be contemplated, we should appreciate the names of the parties concerned so that a full investigation of the circumstances can be made.

Sincerely yours,

Roger W. Steinhardt, M.D.,
Secretary, Board of Censors.

The following letter was sent to the executive director of the Medical Societies of the Counties of Bronx, Kings, Richmond, and Queens:

Dear Sir: On August 6, 1974 I sent you the enclosed letter and statement of facts asking for your comments. To date, I have no record of having received a response. This is a matter of some importance to me and I would therefore request that, if you did respond, you be good enough to furnish me with a copy of your response. If you did not respond, I hope you will be able to do so shortly.

Thank you for your attention to this matter.

Sincerely,

Edward I. Koch.

February 27, 1975.

Hon. Edward I. Koch,
Longworth Office Building,
Washington, D.C.

Dear Representative Koch: Apparently, your "first letter" never reached my attention. Accordingly, I will reply herewith.

In the hypothetical case you refer to, as stated in the attached, if we consider the facts given at face value, with no assumptions, there are certain mis-interpretations in the presentation. The questions you pose—not intentionally, I am sure—confuse many legal, moral and ethical considerations in addition to neglecting the most important matter of "judgment," plus the realization of WHERE the judgment is expected to lie, legally. Accordingly, before any meaningful reply can be given, the facts have to be sorted in order to obtain the proper perspective.

1. *The question of "Diagnosis over the Phone:* In the case you gave, *no* diagnosis was made over the phone—physician B spoke to the house physician and accepted *his* diagnosis. Whether or not this was wise would depend on his knowledge of the other physician and his judgment. I would certainly feel safe in accepting the opinion of the Chief House Physician at New York Hospital (a man with not less than five years training *after* medical school). He is already treating patients on his own responsibility. If his opinion could not be accepted, it would speak poorly for Cornell University, New York Hospital, or any teaching institution. Physician B was accepting the house physician's opinion which, in his judgment, was appropriate. This is not an unusual practice since one cannot be in several places at one time and, by accepting the opinions and observations of another qualified, well-trained physician, a doctor can "extend" his abilities. (Today, this is being encouraged nationwide AND not with physicians but with paramedics who would report back by phone and radio.)

2. *Insofar as the doctor's "refusal" to come at the son's demand,* the reply to this is two-fold:

(a) Did he refuse to come at all?

(b) Or, did he refuse to come NOW, because with the knowledge he had obtained and his judgement, he had determined that he could or should go later? After all, the son—a layman—was not the best judge of whether or when the patient should be seen. The doctor is the one on whom the legal responsibility rests and he acts according to *his* judgement which the son can accept or reject. (Legally, as you know, the patient or his family can dismiss the doctor at any time and, conversely, the doctor may dismiss himself after proper notification.)

3. You add to the confusion by interjecting the problem of "house visits" which is really not germane to the case which you presented. You refer to the house visit as an "alleged rarity." This is an old canard that the comedians on TV like to pull out of the hat periodically. I can *document*—mind you, I said DOCUMENT—that there are many men making house calls all the time. Even I, in my present position, with a very limited practice, still see a few patients as necessary. There are areas where there is difficulty with house calls (but, this has nothing to do with a physician's inclination to make calls)—I refer to areas in the city which are so congested that it is physically impossible to make a call. There is no point or justification in a doctor paying a $15 to $25 fine for illegal parking while making a $10 or $15 house call. (We have obtained a little relief from the Parking Violations Bureau but more assistance from someone such as yourself could be very productive.) Also, in certain ghetto areas it is too dangerous, particularly at night. In Brooklyin and Queens over the recent past years, five doctors have been killed. In these areas now, where there is a real emergency, either an ambulance is called through the Police Department or the doctor calls 911 and asks for a police escort—but—no doctor dares travel alone in these areas at night.

Finally, you ask: "What is the AMA's position?" This is a fallacious question because the problem in the ghettos of New York and San Francisco are different from those in the hills of West Virginia and rural areas of upper New York and the prairie towns of the midwest. Every section has its own peculiar problems and THAT area, not the AMA in Chicago, is where your answer should be sought. Further, the above principles should be considered to determine: Who is the doctor? On what is he basing his judgment? What are the reasons for his action? What are the motivations of the family—are they meddling, hysterical, over-demanding, etc. If the doctor is wrong, he should be corrected through existing channels, but, if he is acting correctly (i.e., for the patient's sake) HIS judgement and not the son's meddling is the only thing to consider. He is the doctor of record who bears the legal responsibilities.

I would suggest that for a more significant reply, the facts be properly sorted out and specific questions be asked. I shall be more than happy to give as complete cooperation as you desire.

Sincerely,

Lester J. Candela, M.D.,
Executive Director.

[From the New York Times, Mar. 3, 1975]

Moss Panel Links Doctors To Abuse in Nursing Homes

Washington, March 2.—Many abuses in American nursing homes can be laid to doctors' treating of elderly patients by telephone, with rare personal visits, according to a Senate subcommittee report released today.

The subcommittee recommended that the Government support geriatric courses in medical schools and encourage the training of physicians' assistants and nurse practitioners specializing in care of the elderly.

Nursing homes should be required to have a medical director or organized medical staff, and doctors should be required to visit nursing home patients at least once a month under the Medicare and Medicaid programs, the report said.

The report was the fourth in a series by the subcommittee on long-term care of the Special Committee on Aging. The panel's investigators said they had found that, in many cases, doctors' treating of elderly patients by telephone resulted in abuses such as patients' receiving insulin without a diagnosis of diabetes and others' receiving digitalis although there was no history of heart disease.

Between 20 and 50 per cent of medications in nursing homes are given in error, and in some cases doctors do not even view the bodies of patients who died in nursing homes before signing death certificates, investigators said.

"The hard, cold fact is the nursing homes suffer from the lack of medical care and supervision," the report said. "What patient care there is, is given by nurses. In the end, 80 to 90 per cent of the care is given by untrained aides and orderlies.

"Until physicians accept greater responsibility for the care of nursing home patients, the endless stories of neligence, poor care and abuse will continue."

SUBCOMMITTEE ON CRIME TO CONTINUE GUN CONTROL HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Conyers) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I am pleased to announce that the Subcommittee on Crime of the House Committee on the Judiciary will continue hearings on more than 24 bills which would amend the Federal firearms laws. So far, the subcommittee has held five hearings during which testimony was received from Members of Congress and several law enforcement officials.

The next hearing will be held on Thursday, March 13, at 10 a.m., in 2141 Rayburn House Office Building. Witnesses scheduled to testify include Dr. Stefan A. Pasternack, assistant professor of psychiatry, Georgetown University School of Medicine and the Friends Committee on National Legislation.

Those wishing to testify or to submit a statement for the record should address their request to the Committee on the Judiciary, 2137 Rayburn House Office Building, Washington, D.C. 20015.

THE FACTS ON THE INDIAN OCEAN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the problems of maintaining an American presence in the Indian Ocean have not been properly resolved. The badly needed refueling station at Diego Garcia is not yet built. It is disappointing that this project has been contested in Congress on the grounds that it would result in an arms race with the Soviet in the area. The Soviets already are in the area in force. A refueling station at Diego Garcia would simply help to insure an American presence in an area which is very important to our future and to the free world. This situation is treated in great detail in an article by Lawrence Griswold entitled "A Sea of Troubles." It is published in Sea Power for December 1974.

A Sea of Troubles

(By Lawrence Griswold)

Ancients believed that just east of Norway's Lofoten Islands there was a vast whirlpool that dragged everything caught in that maelstrom down to the very center of the earth. Only from the far periphery where the spinning water slowly gained momentum was the most competent mariner able to escape a fearful end.

Something like that, nowadays, is going on in the Indian Ocean—where the onshore dynamics are political, not aqueous, but have an equally lethal effect.

Still afloat and surviving are French La Reunion and the building U.S./UK auxiliary naval-air base on the atoll at Diego Garcia. And at the western periphery, still toughly independent Iran, with Pakistan at its east, and South Africa, with inland Rhodesia at its north, have shown their determination to hold their respective corners of the Indian Ocean against all assault, internal or external. Both strongholds, situated at opposite corners of the ocean, are of tremendous strategic importance to a NATO now enfeebled by a plethora of politicians and a scarcity of statesmen.

Elsewhere in that orphaned area, from the Malagasy Republic (Madagascar) to the Andamans, near Burma, the edge of the vortex has caught everything. Even Mauritius, reeling with euphoria induced by high sugar prices, has returned to OCAM (Organization of Central African States and Mauritius) and fired four pro-European ministers from its Hindu-based government—while awaiting an influx of heavily-rubled Russian tourists as a result of an Air Mauritius linkup with Moscow's Aeroflot. And the Malagasy Republic, which last year signed an agreement allowing France continued use of her former large naval-air base at Diego Suarez, has now cancelled the agreement, demanded removal of the French garrison and nationalized French industrial assets. Add to the above Australia's decision to join an Asian bloc and Lisbon's abandonment of Mozambique, Angola and the rest of Portuguese Africa as well, and it is apparent the political coloration of the Indian Ocean has become an anti-Western red.

On the credit side of the ledger, besides South Africa and the Islamic nations of the north, the French Navy and Air Force have greatly improved their facilities at La Reunion (the large island southwest of Mauritius) by cutting through the coral ring to construct a large protected harbor at St. Denis which is capable of handling a squadron of cruisers as well as an aircraft carrier. While the loss of the drydock and installations at Diego Suarez is a heavy setback and underscores the imminent "independence" of the Comoro Islands in the northern gate of Mozambique Channel, the French Navy will continue to monitor their SMZ (Southern Maritime Zone) from St. Denis.

The future of the French naval base at Djibouti, Red Sea terminal of the railroad from Ethiopia's Addis Ababa and the only remaining European port on that strategic sea, remains in some doubt. A French enclave sporadically beset by Somalia-based, Russian-armed guerrillas calling themselves the Eritrean Liberation Force, Djibouti was secure enough while imperial Ethiopia remained pro-Western in sentiment, but the recent overthrow of the traditional Ethiopian ruling family, headed by Emperor Haile Selassie, and the tentative set-up of an Army-ruled republic with leftist leanings (if not commitments) have compromised the future to an uncertain extent.

With the clearance of the Suez Canal of bombs, mines and sunken obstructions (not to mention a submarine mountain of beer cans from the crews of 14 merchant ships marooned in the Bitter Lakes since 1967), the Canal is, according to the Egyptian official, "the cleanest waterway in history."

No regular transits are expected until after May 1975, when Egypt expects to complete installation of radar monitors and navigation lights now on order. Even then, while preliminary engineering studies for a new canal, deeper and broader than the old, are being worked out, the 1967 limitations will apply. The narrow width will still restrict traffic to alternate one-way convoys, and shipping drafts to 35 feet. Still deep enough for almost all Russian warships, the margin is too small for an American carrier.

Failing the intervention of another Arab-Israeli war before May 1975, it may be assumed that the Suez Canal will be open to the world's navies and such merchant vessels as do not draw more than about 35 feet of water, and that much maritime traffic through the Indian Ocean will also, therefore, be resumed. The reopening should shorten the travel time between Atlantic coast ports and those of East Africa, Australia and the Orient, and so reduce at least the cost of transporting vital raw materials from producing countries.

But there may be other difficulties in the case of East African raw materials, such as chromite and copper, normally shipped from Mozambique's ports of Beira or Lourenco Marques. In frenzied anticipation of legal independence from Portugal, civilian "armies" of the political left, right and center are enjoying a donnybrook in Mozambique, and normal port activities collapsed with the rise to power of the revolutionary Frelimo transitional government. The white crane operators fled for their lives and few have, even sporadically, returned to service the growing backlog of shipping at anchor in the harbors.

A RETURN TO NORMALCY

Mozambique's prospects for "normalcy" since the racial shootings of October 20 and the arrest of several hundred Portuguese whites suspected of "counter-revolutionary" opinions are even poorer than before that date, moreover. South Africa has reinforced its border patrols, admitting only white refugees and black laborers registered in the reduced foreign work force employed in South African mines. Although rail service from Rhodesia to Beira continues—with frequent interruptions, due to mounting congestion at the port—freight shipments have fallen off sharply. Rhodesian border patrols, also reinforced, check returning trains carefully for terrorist stowaways.

Rhodesia's principal exports to the United States and the West (especially chromite, nickel, copper and tin) enter the category of strategic necessities. Diversion from the shorter line through Beira and Lourenco Marques to the interlocking network of South African railroads, including a recently-completed spur line to the new South African port at Richard's Bay north of Durban, will increase both costs and shipping delays.

Mozambique has small economic importance to the West, but considerable strategic importance as the holder of natural excellent harbors fronting the Indian Ocean along the course of Mozambique Channel, which it shares with the pro-Communist government of Malagasy. The channel, a thousand mile-long bypass, is now no longer secure to Western maritime commerce. Mozambique's underdeveloped harbor and embayed anchorage at Nacala, once considered by Western naval strategists as the possible western key of a transoceanic patrol line south of Diego Garcia to Australia's Cockburn Sound, is lately more of special interest to the Russian Navy, especially since February, when the Malagasy Government at Tananarive demanded French withdrawal from the moernized naval base at Diego Suarez.

THE SOLID RED COAST

Even before the abrupt Portuguese collapse in April and the subsequent takeover of the government by a left-wing military junta, the East African coast was almost solidly anti-Western from the Persian Gulf to the Tropic of Capricorn. Russian warships were hospitably received at every useful port north of Mozambique to the Gulf of Aden. Nowadays, there is nothing left to the West north of South African Durban, except Kenyan Mombasa and that raw new man-made port of Richard's Bay, just south of Mozambique.

Across the Indian Ocean on the Australian side the political picture and the harbor facilities themselves make up a mixed bag. South of the Equator, Indonesia is firmly neutral but with a slight pro-Western bias, and Sumatra's long eastward approach to Sunda Strait past the strong of outer islands is barren of useful harbors.

And Australia, equally sterile of Indian Ocean harbors—even Perth is still a roadstead and Cockburn Sound remains undeveloped—exhibits a new Labour Government's political philosophy which rejects former Western commitments in favor of a "more practical" view that Australia's future is bound to Asia. The islands and nations of the northern Indian Ocean, from the Bay of Bengal to Pakistan, remain snugly in the Russian sphere of influence.

Northwest of the Arabian Sea, the situation is different. Neither Pakistan nor the nations of the Arab-Persian Gulf are military allies of the West even informally, but, because they share the same adversaries, there is mutuality of interest and concern. Aside from the moribund CENTO alliance, of which both remain members, there is no open treaty of alliance between Islamabad and Tehran, nor one between Islamabad and Jidda. But both Iran and Saudi Arabia offered support to Pakistan when that nation was at war with India in 1971, and Saudi Arabia sends many of its fighter pilots to Pakistan for training.

In physical characteristics, the three are widely disparate. Saudi Arabia, with the largest area (830,000 square miles) has the smallest population: about 7.7 million inhabitants; Pakistan, with a population of approximately 61 million, is a poor third in size, with an area of 310,200 square miles; Iran holds the middle ground, with its 29 million inhabitants occupying an area of 636,320 square miles. All three, however, are afflicted by varying proportions of unproductive desert, in which dubious commodity Saudi Arabia predictably holds the lead. A generation ago, the military capability of the Middle Eastern triad was dismissed as technologically undeveloped. That is no longer true.

THE ROOTS OF RENAISSANCE

Modern technology in Iran and Saudi Arabia had its roots, of course, in petroleum engineering and in the schools established by European and American oil companies to provide elementary training for young men expected to hold jobs in the oil fields and refineries. Schools of higher education followed, then technical schools with advanced curricula and, very rapidly, universities offered courses as broad as those offered by similar institutions in Europe and the United States. There is no accurate estimate of the number of young men (and women) who have graduated both from national and foreign academies with their degrees—earned degrees—in almost every branch of scientific learning, but it must be in the thousands.

Pakistan was denied a similar industrial stimulus, but young Pakistanis learned about modern warfare from the British and, later, from the staff colleges and training courses in every advanced military school in the West. And so did contingents from their Islamic neighbors.

Moreover, the more practical schools of experience broadened the educational base. Electronics arrived in the Middle East with imported radio sets. Imported motorcars demanded maintenance and repair; and international commercial aviation, as well as national airlines and the more recent worldwide rush toward wholesale electronic computerization, have all made notable contributions to advanced technologies. The October War of 1973—when Egyptian and allied Arab forces demonstrated an efficient understanding of modern avionics, fire control radar and missile warfare—was an eye-opener to a previously disparaging Israeli General Staff. But the real impetus of Iran's surge toward a thoroughly modernized military structure may have dated from the disastrous Six-Day War of 1967. If Iran took no active part in the enlightening tank-and-aircraft war, it could certainly draw the correct conclusions.

IMPROVING THE BALANCE

Much credit for Iran's renaissance must go to the intelligence rule of the Shah, son of Reiza Khan Pahlevi, an Iranian Cossack who overthrew the last of the effete Kajar Dynasty in 1925 and was exiled in 1941 after an abdication forced by the British and Russian governments, whose troops partitioned Iran horizontally until after the end of World War II. Shah Mohammed Reza Pahlevi, appointed after his father's abdication, has forgotten neither the humiliations of that period nor the studied reluctance of Moscow, until firmly prodded by the United States, to withdraw its army from northern Iran.

Shah Mohammed, now 56 and a constitutional monarch since his 22nd year, has kept himself abreast of the world and its developments, and appears to be succeeding in bringing his large and well-peopled country out of Kajar medievalism. An experienced flier, he maintains a hangar full of his own comfortably fast aircraft and keeps a keen eye on his armed forces. Since the heavy boost in petroleum prices after the OPEC embargo in 1973, he has devoted substantial sums to buy the most modern air, sea and land weapons from the United States and England.

According to the 1974–75 "Military Balance" tabulated by the London-based International Institute for Strategic Studies, India is the strongest military country in the area, with 731 combat aircraft and 1,690 tanks. (The respective totals for other countries: Iran, 507 and 1,160; Iraq, 218 and 1,300; Pakistan, 283 and 900 (medium); and Saudi Arabia, 254 and 180.) None of the five countries are believed to possess any tactical missiles, at present. Iraq and India use Russian aircraft and weapons; the others are equipped with U.S., French and British weapons.

Insofar as operations on the high seas of the Indian Ocean are practicable, the Indian Navy stands alone with Pakistan a poor runnerup. India has the only aircraft carrier in the northern ocean—the former British light carrier Hercules, now Vikrant, which can carry 21 aircraft. Two reconditioned light cruisers of the Fiji and Leander classes, some 24 destroyer types of British and Russian ancestry and six ex-Russian F-class submarines comprise the remainder of India's seagoing fighting ships. Lighter armed warships, including Russian-built OSA missile carriers, are used for coastal defense and river patrol.

Pakistan's oceangoing fleet is nominal, consisting of three modern French-built submarines of the Daphne class and nine destroyer types. Iran's naval strengh, dedicated to defense of the Gulf, was originally based on three old destroyers (U.S. Allen M. Sumner types and one British Battle type). Tehran has recently acquired four missile-bearing frigates (Vosper Mark V) are capable of 40 knots. Additionally, the Iranian Navy has 10 armed hovercraft in service and has on order modern U.S. DD–963 (Spruance-class) destroyers. The navies of Saudi Arabia and other Arab States of the Gulf, largely patrol boats, include some of the German Jaguar class.

PFLOAG CONFRONTATION

Clearly, the function of the Iranian Navy is defense and control of the Arab-Persian Gulf, but without conflict with the major Arab nations of the southern littoral. The task is not an easy one. In some respects, Iran shares with Turkey ancient Arab resentments stemming from less inhibited ages when Turkish armies overran Syria and Palestine and Iranian freebooting satraps added to their domains such pearl-rich islands or trading ports as they could hold.

Recently-dorman emotions were suddenly stirred in 1971 when Irani forces seized four sandy islets just east of the Strait of Hormuz, two of which, the Tunbs, were claimed by the Emir of Al Khaymah and the other two, Sirri and Abu Musa, by the Emirate of As Shariqa. Both claimants are integral units of the United Arab Emirates confederation.

That apparent aggression, however, was based on sound reason. The islets, infrequently and sparsely populated by occasional fishermen, were completely undefended and, on the record, were not the property of anyone. Squarely athwart the entrance of the Gulf from the Arabian Sea (or controlling the eastern exit), the islets were strategically important—particularly at a time when PFLOAG (Popular Front for the Liberation of the Arab Gulf) guerrillas with Russian arms were shooting their way northward toward the Strait while an Iraqi-armed Free Baluchistan force of guerrillas was organizing along the Irani-Pakistan frontier to drive south toward the same place.

As a point of interest, Iran subsequently intervened in the threatened Sultanate of Oman with an expeditionary force officered, at the Sultan's request, by the British. There was some fighting for a few months but the 'war" was no parallel to Vietnam. There was no daily monitoring from Tehran and the forces in the field had clear orders. The PFLOAG guerrillas were smashed by the end of 1973, and Pakistan took care of the Free Baluchistanis six months later. Iran's military occupation of the islets guarding the Strait of Hormuz is now uncontested.

Although the massive bulk of Iran's ancient Russian enemy looms just beyond her northern mountains, Iran's Air Force, backed by modernized land and sea forces and reinforced by friendly Pakistan, help to secure the northwestern sector of the Indian Ocean.

In the northeastern sector, the picture is less encouraging. Necessarily neutral Indonesia, intent on repairing the economic ruin of the Sukarno period, has no money to create a modern defense force, nor even to restore to serviceable condition the obsolescent aircraft and naval vessels provided the Sukarno regime by Russia.

PEACE-LOVING AND POLITE

Australia seems now to be a political never-never land. Acting, apparently, on the assumption that the United States will in any case be compelled to come to the rescue should Australia—and New Zealand—be menaced, Australia's present Labour Government has adopted a negative defense policy which accepts no responsibility beyond its own frontiers.

Canberra has also accepted New Delhi's deceptive gambit of declaring the Indian Ocean an "ocean of peace" and opposes both its use by Western states and the creation of a small auxiliary naval-air base on the atoll of Diego Garcia. But the same Labour Government is politely mute on the continuing patrols of Russian submarines and warshps from the Bay of Bengal and the Gulf of Aden, and makes no mention of Russian military construction in Bangladesh and Somalia.

At the southwestern extremity of the Indian Ocean, where all maritime traffic to the Atlantic must round the Cape of Good Hope, the South African government still remains a firm, if unwelcomed, ally, under recurrently pious attack by "liberal" parliaments of the West which do not share South Africa's internal problems and therefore disapprove of Pretoria's solutions to same. Last October, after the British Navy conducted scheduled joint maneuvers with the South African Navy, Britain's Labour Government publicly mourned that the U.K.'s "liberal image" had suffered from the association and threatened to cancel the Simonstown Agreement, which provides for joint defense of the region. But the large and efficient naval base at Simonstown is the only Western naval facility of importance south of the Equator excepting the smaller French base on La Reunion, and the only naval base expressly open to NATO navies.

Nevertheless, on 7 November, South Africa's Premier B. J. Vorster, announcing that work expanding the size of the Simonstown Naval Base to accommodate "40 to 50 warships" was to begin immediately, also pledged that base facilities would continue to be "open to all other friendly nations." If transatlantic emotionalism should eventually compel Pretoria to adopt a neutralist stand, the entire responsibility for security of Western maritime traffic would devolve upon France.

MAGNIFIED PROBLEMS AND CHURCHLY GRANTS

Portugal's release of its African colonies to Russian-guided "independence' has effectively magnified Sonuth Africa's problems with black African states to the north which harbor pro-Communist guerrilla bands. Landlocked Rhodesia, Pretoria's only continental friend, is now hard pressed to defend itself. As the main sources of such vitally needed strategic materials as uranium and chrome ores, and as the only responsible governments south of the Sahara, the two nations, whatever their domestic politics, are and will continue to be vital to the West.

The prospect of an increasingly black-ruled continental Africa cannot be reassuring to the West, for it was the agents of Moscow and Peking who inspired and armed the European-trained lawyers and labor leaders who have led the recent revolutions. The attacks on Portugal's slackly governed African colonies were conceived in the Congo during the Lumumba period when the first terrorist massacre of Angolan whites took place—in

February and March 1961. Subsequent outrages by pro-Communist Angolan tribes evoked reaction by pro-Portuguese tribes until the increasingly complicated situation was resolved by the left-wing overthrow of Lisbon's Caetano Government in April 1974 and the granting of independence to all Portuguese-owned African colonies.

Shortly after the Angolan outbreak, the Frelimo (Revolutionary Force for the liberation of Mozambique) guerrilla organization was born at Dar es Salaam, Tanganyika, first under Chinese, then Russian, and finally OAU (Organization of African Unit) auspices—but always supported by funds and arms from East Germany. Frelimo headquarters remained at Dar es Salaam until Lisbon's grant of "transitional independence" to Mozambique. It is of some interest to note that considerable financial aid was also provided by various international church organizations, such as the World Council of Churches, and by the government of "neutral" Sweden which, in March 1974, announced grants of money to Frelimo amounting to about $5 million.

FOUR-SIDED DEFENSE PERIMETER

Meanwhile, fighting between factions of right and left continues with intervals of terrorist-style massacres of whites such as that in Mozambique on October 20. South Africa has no choice but to maintain its guard on three continental sides in addition to insuring freedom of maritime traffic around the Cape.

Denied the right to purchase defensive arms by London and Washington, the South African armed forces have turned to France for aircraft and submarines. With a total of 100 combat aircraft, including a single squadron each of old British Canberras and Buccaneers, the Air Force also is equipped with 40 Mirage IIIs and another squadron of Mirage III fighter/reconnaissance aircraft as well as four helicopter squadrons (Alouettes) and a mixed Anglo-American bag of transports and trainers. The Air Force is now making its own trainers, just as the Army is manufacturing its own light tanks and scout cars. Pretoria has also announced plans to strengthen its naval forces—which must mean either purchases from France or West Germany, or the equipping of locally-made hulls with gas turbine engines and armament purchased elsewhere. South Africa's sea control responsibility necessarily involves long seaward reaches and requires sound seakeeping qualities in small fast boats along with helicopters and surface-to-surface missiles.

As it now exists, Pretoria's Navy is small, consisting of three Daphne-class French-built submarines and two 1942 British-built destroyers, four equally old destroyer-types and three ASW frigates of more modern vintage (1959–1960). An ex-British Algerine-class escort minesweeper and a few dozen auxiliaries, including four air-sea rescue launches, complete the naval list. The ASW frigates carry Wasp ASW helicopters.

Until last April, when Lisbon's Caetano Government was overthrown, the Indian Ocean coast of East Africa below 10 degrees South was free of Communist rule. Now, including the Malagasy Republic, that rule, or influence, extends to the 27th parallel and only the South African coast remains free. Inland, the Marxist-Leninist dictatorships of Tanzania and Zambia have only nominal local opposition and both are vectors of guerrilla terrorism. Despite the fact that they alone of the new sub-Saharan nations (excluding Kenya) have not attempted to interfere in the affairs of their neighbors, white-administered Rhodesia and South Africa have become the continent's pariahs—with a big boost from Marxist and Western "liberal" propaganda.

Thus, the long and empty reaches of the Indian Ocean are redeemed by two mutually distant and dissimilar islands: tiny Diego Garcia and the much larger La Reunion both geographically remote from the West. And at the western extremes of the ocean two dissimilar peoples fight to maintain their national integrities. Whether or not the West approves of their household management, they are natural allies.

CLEAN AIR AND THE EPA: NEW APPROACH TO AN URBAN PROBLEM

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, on February 4, I introduced two bills which are intended to help resolve the thorny problems of land use and transportation controls during implementation of the Clean Air Act by the Environmental Protection Agency.

Since the bills, H.R. 2765 and H.R. 2766, are rather complex, I though a detailed explanation in the pages of the Record might prove helpful to my colleagues and others who may be interested. At the end of these remarks, I shall include copies of the bills in question along with brief explanations of their content.

I should emphasize at the onset that I am not trying to undercut national clean air goals. Over the years, I have always supported the strongest possible air quality control legislation, at times setting myself apart on this issue from substantial majorities of our colleagues in the House and within the Commerce Committee.

My basic hypothesis now is that it should be possible to achieve reasonably clean air without imposing arbitrary controls over land development and traffic patterns. We can win the battle against air pollution by confining our main efforts to that primary source of urban smog, automotive emissions. Let us clean up the internal combustion engine and the problem will take care of itself. In my view, many of the forays on parking lots and other so called "indirect sources" could prove diversionary, containing the potential for economic and social disruption overshadowing whatever benefits might be derived.

NATURE OF THE PROBLEM

Under provisions of the Clean Air Act, the Environmental Protection Agency has established ambient air quality standards to protect the public health of all persons from a number of pollutants, including the automobile-related pollutants—carbon monoxide, CO; hydrocarbons, HC; nitrogen oxide, NOx; and photochemical oxidant, OX. The act requires that these ambient standards be set at levels which will ensure protection of the public health of all persons, including those most susceptible to illness, with an adequate margin of safety. The act also requires that these ambient standards be attained in all areas of the country by 1975, unless a particular state applies for and is granted a 2-year extension of that deadline.

The ambient standards set by EPA have been frequently criticized during the last several years on the grounds that they were more stringent than necessary. In response to that criticism, the Senate Public Works Committee commissioned a $500,000 study by the National Academy of Sciences to determine whether the standards set by the EPA were supported by the available scientific evidence. The NAS report, issued last year, concluded that the standards were defensible and should not be weakened, and thus effectively silenced most critics of the standards.

The principal mechanism provided by the act for the attainment and maintenance of the ambient standards with which we are concerned—carbon monoxide and photochemical oxidant—is a set of emission standards for light-duty motor vehicles. These standards limit the emissions of carbon monomide, hydrocarbons, and nitrogen oxides—the latter two pollutants react in sunlight to form oxidant, or "smog"—from each automobile. The act set a compliance schedule for these emissions standards, culminating in 1975–76 deadlines for ultimate statutory control. The deadlines already have been extended by both EPA and the Congress—to 1977–78—and last week the EPA extended them again.

The Clean Air Act recognized that emissions controls on automobiles would not by themselves assure the attainment and maintenance of the ambient standards in all areas of the country. It was thought that an increasing number of automobiles, operating in congested traffic patterns, in areas which suffered from unfavorable geographic, meteorologic, or climatic conditions, or which had high background pollutant concentrations, would cause or contribute to violations of the ambient standards—even if all or most of the cars in use were "clean." In order to deal with this potential problem, the act directed—in section 110—that State implementation plans include whatever "land use and transportation controls" were necessary to insure the attainment and maintenance of the ambient standards. In other words, whenever and wherever a gap might exist between the reduction in aggregate emissions necessary to attain the standards and the reduction in aggregate emissions achievable through direct source controls, land use and transportation controls could be implemented to close the gap.

It was evident from the design of the act that these land use and transportation controls were intended at most as secondary implementation mechanisms—to be used only where absolutely necessary and where the primary mechanism of auto emission controls were inadequate.

Section 110(a)(2)(B) directs that State implementation plans include such "other methods as may be necessary to insure attainment and maintenance of—the standards—including, but not limited to, land use and transportation controls." The emphasis here should be on the "as may be necessary" phrase, clearly implying that these secondary controls should be considered only after direct automotive emission controls were tried and found wanting.

Senate Report 91–1196, which accompanied the Clean Air Amendments of 1970, likewise put the main emphasis on direct emission controls. Land use and transportation regulations were viewed only as "potential" parts of implementation plans for combating pollution.

In both these cases, the use of wording like "as may be necessary" and "potential" applied to other means would seem to underscore the primacy of direct emission controls in the national drive to achieve clean air.

The original design and intent of the act has been distorted, however, by the consequences of delaying the deadlines for cleaning up the cars without corresponding setbacks in the deadlines for attaining and maintaining the ambient standards. The small and occasional gaps which the Congress expected would be closed by land use and transportation controls quickly became, according to the EPA, substantial and frequent. Following the decision of the U.S. Court of Appeals for the D.C. Circuit in NRDC against EPA—which held that State implementation plans must provide for both the attainment and maintenance of the ambient standards—the EPA disapproved all State implementation plans on the grounds that they did not close the gaps between source controls and attainment and promulgated a series of regulations designed to deal with the attainment and maintenance problem in the context of the automobile-related pollutants.

THE REGULATIONS

Three sets of regulations have been promulgated so far under the general rubric of transportation and land use controls which would have a direct impact on real estate development: indirect source regulations, parking management regulations, and air quality maintenance planning.

The indirect source regulations are designed to prevent the localized buildups—"hot spots"—of carbon monoxide which can result from traffic congestion and slow, stop-and-go driving. The regulations require that certain facilities, shopping centers among them, which attract automobile traffic be reviewed prior to construction to be sure that their design and location will not cause or contribute to violations of the CO ambient standard in the immediate—within a quarter mile—vicinity of the facility.

The parking management regulations, issued as portions of the transportation control plans for several metropolitan areas of the country, are designed to reduce regionwide levels of carbon monoxide and/or oxidant through the reduction of vehicle miles traveled—VMT. The VMT reductions theoretically would be achieved through a carrot and stick approach, including expanded—and often developer supported—mass transit facilities and limited parking facilities. The developer of an indirect source facility, including a shopping center, in an area covered by parking management regulations would be required to show prior to construction that there is a community need for his facility, that the traffic generated by the facility will not cause or contribute to the violation of an applicable CO or OX standard, and that the proposed facility will help reduce the regionwide growth in VMT.

Finally, all States must develop for the EPA's approval an air quality maintenance plan for the control regions within their boundaries. These plans are to set forth how each State will insure the maintenance of air quality, using indirect source regulations, parking management regulations, and whatever other mechanisms—that is, direct site location controls—may be necessary.

Taken as a package, these regulations pose a serious threat to the economic viability of the real estate development and retailing industries. For the public, their administration, as well as the passed-through costs of compliance with them, will be expensive. The need for them springs largely from the delays encountered in cleaning up the automobile. And a growing number of objective observers, including the NAS, have suggested that the controls not only are of marginal utility at best, but also may have a perverse impact on the Nation's air quality objectives. In the context of those considerations, the proper solution to the problem of land use and transportation controls ought to meet certain objectives.

OBJECTIVES

The first objective must be to return to the original design and intent of the act by putting the primary burden for cleaning up the air back on the direct sources themselves—the automobiles. Achieving that goal would, as a consequence, minimize the gap between emissions reductions obtainable through controls on cars themselves and emissions reductions necessary to attain and maintain the ambient standards—the gap which land use and transportation controls must close. The smaller the gap—if any—the fewer the land use and transportation controls—if any—that would be necessary.

The second objective must be a new set of limitations and restrictions on the kinds of land use and transportation controls available to the EPA under any circumstance. These limitations and restrictions should reflect the high cost, the limited effectiveness, and the possible perverse impacts of many of the controls which have been proposed; what can be accomplished directly should not be attempted through more expensive and reliable indirect controls or disincentives.

A third objective must be a rulemaking and judicial review process which produces an adequate record, permits meaningful participation by interested parties, and requires the EPA to show that its proposed regulations are not only necessary, but also are supported by adequate technical evidence.

Finally, though not in terms of its importance, the solution to the problem of land use and transportation controls should protect and preserve the absolute requirement of the Clean Air Act that air quality protective of every person's health be attained and maintained throughout the United States.

The Van Deerlin amendments, H.R. 2765 and H.R. 2766, of enacted, would achieve all four objectives.

THE BILLS

H.R. 2766 would narrow to a bare minimum the gap in emissions reductions which land use and transportation controls—applicable to indirect sources—could be used to close. First, no land use or transportation controls applicable to indirect sources could be implemented before January 1 of the model year in which fully controlled "clean" cars were manufactured for sale in all States—1978, under present law. Second, whatever such controls where implemented at that time could be no more stringent than would be necessary to insure the attainment and maintenance of the ambient—public health—standards at and after such time as 75 percent of the cars in use were fully controlled.

Since it is practically impossible to require that the use of transportation and land use controls be postponed until all, or 100 percent, of the cars in use are fully controlled, a compromise trigger point had to be chosen. A number was thought to be better than a phrase—such as "substantially all of"—since a number once enacted, left little discretion to the EPA or the courts. The figure of 75 percent is appropriate since it means most or substantially all, and since a 75 percent turnover in the automobile mix is achieved in about 5 years.

Having narrowed the gap in emissions reductions, H.R. 2766 then would proceed to limit and restrict the kinds of land use and transportation controls that could be invoked to close that gap. First, the EPA would be required to demonstrate that the proposed controls were necessary. Second, the EPA would be required to minimize the adverse economic impact of the controls. Third, the EPA could promulgate only those controls which it found to be feasible and likely to achieve the intended result. Fourth, no controls could be promulgated which would require surcharges, taxes or fees; which would restrict parking areas or spaces; or which would limit the use of any existing indirect source or one under construction. Finally, no controls could be promulgated which attempted to insure the attainment and maintenance of ambient standards beyond the immediate vicinity of an indirect source—that is, no parking management regulations or other VMT-based approaches.

In those regions where it appeared that some forms of land use and transportation controls would still be necessary to attain and maintain the ambient standards, H.R. 2766 would require that the EPA extend the deadlines until the standards are attained without such controls, or until 75 percent of the cars in use in the region are fully controlled—whichever comes first.

My second amendment, H.R. 2765, would correct what I regard as deficiencies in the existing Clean Air Act provisions governing the rulemaking and judicial review of implementation plans. This bill would make several important changes in section 307 of the act. First, no element of an implementation plan could be approved—if submitted by a State—or promulgated by the Agency unless a hearing had been held at the State or Federal level where a record was kept and where participants were given the opportunity to examine agency officials. Second, although the Agency decision would be presumed correct upon judicial review, this presumption of correctness could be rebutted by proof that the decision was not supported by "a preponderance of the evidence in the record." Finally, persons seeking judicial review of an Agency decision would have 90—rather than 30—days following the Agency's final action to file a petition for review, a more adequate span for such preparations.

CONCLUSIONS

My bill would achieve all four objectives set forth in this memorandum. Public health would be protected, but the impact of land use and transportation controls on the real estate development and retailing sectors of the economy would be lessened significantly in all areas of the country or virtually eliminated in most areas.

I include the following:

Summary Explanation of H.R. 2765, a Bill To Amend the Clean Air Act

This bill would require that all actions taken by the EPA or by a state concerning implementation plans be preceded by a hearing on the record where participants would be given opportunities for examination of agency officials. In addition, the Agency would be required to support its decisions with a preponderance of the evidence in the record upon court review, and parties would be given ninety days (rather than thirty) to petition for review of an agency decision.

H.R. 2765

A bill to amend the Clean Air Act to impose certain procedural requirements on decisionmaking with respect to State implementation plans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 307 of the Clean Air Act (42 U.S.C. 1875h–5) is amended by redesignating subsections (b) and (c) as subsections (c) and (d) respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) Any plan (or part or revision thereof) submitted to the Administrator by a State pursuant to section 110(a) shall be approved by the Administrator only if he finds that the State has conducted proceedings consistent with the provisions of section 553 of title 5 of the United States Code and paragraph (3) of this subsection.

"(2) Any plan (or part or revision thereof) promulgated by the Administrator under subsection (c) of section 110 shall be made or promulgated only after he has conducted proceedings consistent with such section 553 and paragraph (3) of this subsection.

"(3) Proceedings required under this subsection shall meet the requirements of this paragraph. Adequate notice must be given and a public hearing held, and all information, documents and data directly or indirectly affecting the proposed action shall be made available for inspection and copying by interested persons at the time of notice is given. A record of the proceeding shall be maintained. Such proceeding shall be structured to proceed as expeditiously as possible, while permitting all interested persons an opportunity to present their views. Participants shall be given a right to examine appropriate Agency employees and others on matters directly related to the proposal, and the Administrator may set such conditions and limitations on such examination as are deemed necessary to assure fair and expeditious consideration of the contested issues. All testimony shall be presented by affidavit or orally under oath, pursuant to regulations issued by the Administrator. Where appropriate, persons with the same or simular interests may be required to appear together by a single representative. The approval or promulgation by the Administrator of any plan (or part or revision thereof) shall be presumed correct upon review by any court, but this presumption of correctness may be rebutted by proof that such approval or promulgation is not supported by a preponderance of the evidence in the record. At the conclusion of any proceeding held pursuant to this subsection, notice of the decision of the State official or the Administrator, together with a summary of his findings in support of such a decision, shall be published forthwith in all newspapers of general circulation in the affected region or in the Federal Register, whichever is appropriate.".

(b) The last sentence of paragraph (1) of section 307(c) of such Act, as redesignated by subsection (a) of this section (relating to petitions for judicial review) is amended by striking out "30 days" and substituting "90 days" and by striking out "30th day" and substituting "90th day".

Summary Explanation of H.R. 2766, "A Bill to Amend the Clean Air Act"

Section 1 of this bill would amend the Act to include a definition of "indirect source," so that land use and transportation controls which apply to indirect sources (such as indirect source regulations and parking management regulations) can be distinguished from those that do not (such as vapor recovery devices and compulsory retrofit programs).

Section 2 of the bill would prohibit the Administrator of EPA from approving or promulgating land use or transportation controls applicable to indirect sources unless such controls are still necessary to insure the attainment and maintenance of primary air quality standards after most automobiles have been controlled to the extent ultimately required by the Clean Air Act.

In addition, restrictions on the sizes of parking areas, parking surcharges and limitations on the use of existing indirect sources would be strictly prohibited at any time, and land use and transportation controls on indirect sources could never be used as means of controlling area-wide or regional emissions. No land use and transportation controls applicable to indirect sources could be implemented before 1978, at the earliest.

Further, no controls could be instituted unless the Administrator took all reasonable steps to minimize their adverse economic impact and found that they were technologically feasible.

Finally, the deadline for achieving ambient air quality standards for automotive pollutants would be extended wherever necessary either until the standard was achieved without the use of land use and transportation controls on indirect sources, or until most automobiles were fully controlled.

H.R. 2766

A bill to amend the Clean Air Act to provide certain limitations with respect to land use, transportation, and certain other controls under air quality implementation plans and to permit an extension of time for the attaining of certain standards

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITION OF INDIRECT SOURCE

SECTION 1. (a) Section 302 of the Clean Air Act (42 U.S.C. 1857h) is amended by adding the following new subsection at the end thereof:

"(i) The term 'indirect source' means a facility, building, structure, or installation which attracts, or may attract, mobile source activity that results in emissions of a pollutant for which there is a national primary ambient air quality standard. Such term includes—

"(1) highways and roads,

"(2) parking facilities or any area used for the temporary storage of motor vehicles,

"(3) retail, commercial, and industrial facilities,

"(4) recreation, amusement, sports and entertainment facilities,

"(5) airports,

"(6) office and Government buildings,

"(7) apartment and condominium buildings, and

"(8) educational facilities.".

LAND USE, TRANSPORTATION, CONTROLS, ETC.

SEC. 2. (a) Subparagraph (B) of section 110(a)(2) of the Clean Air Act (42 U.S.C. 1857c–5) is amended to read as follows:

"(B) it includes (i) emission limitations for stationary and moving sources; (ii) schedules and timetables for compliance with such limitations; and (iii) other measures including, but not limited to, land use and transportation controls which have been demonstrated to be necessary to insure attainment and maintenance of primary ambient air quality standards and which meet the requirements of paragraph (5) of this subsection;".

(b) Subsection (a) of section 110 of such Act (42 U.S.C. 1857c–5) is amended by adding at the end thereof the following new paragraph:

"(5) No measure proposed or submitted under paragraph (2)(B)(iii) of this subsection shall be approved by the Administrator pursuant to this subsection or promulgated under subsection (c) unless—

"(A) the Administrator has taken all reasonable steps to minimize any burdensome, discriminatory or adverse economic impact of the measure,

"(B) the Administrator has found that the implementation of the measure is feasible and that the measure is likely to achieve the intended result, and

"(C) the measure, where applicable to indirect sources—

"(i) will be implemented no earlier than January 1 of the model year during which light-duty motor vehicles manufactured for sale in all States meet all the emissions standards required by section 202(b)(1),

"(ii) will be implemented only to the extent necessary to insure the attainment and maintenance of primary ambient air quality standards at and after such time (as determined by the Administrator) as seventy-five percent of the light-duty motor vehicles registered for use in the air quality control region for which such measure is applicable will have been certified at the time of manufacture for sale as having met all the emissions standards required by section 202(b)(1);

"(iii) will not require the imposition of any tax, surcharge, fee or other charge on any indirect source, restrict the size of parking areas or the numbers of parking spaces associated with any indirect source, nor require any limitation on the use or management of any indirect source existing or under construction at the time such measure is implemented; and

"(iv) will be used only to the extent necessary to insure the attainment and maintenance of primary ambient air quality standards in the immediate vicinity of the indirect source.".

(c) Subsection (f) of section 110 of such Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) Upon application of a Governor of a State made at any time after the submission of any plan or portion of any plan implementing a national ambient air quality primary standard or made at any time after the promulgation of any such plan or portion of such plan by the Administrator, the Administrator shall extend the three-year period referred to in subsection (a)(2)(A)(i) until the earlier of such time as the standard is attained or such time as he determines that seventy-five percent of the light-duty motor vehicles registered for use in the air quality control region for which such plan is submitted or promulgated will have been certified at the time of manufacture for sale as having met the emissions standards required by section 202(b)(1) of this Act.

"(B) The extension of time authorized in subparagraph (A) shall apply only with respect to the attainment and maintenance of ambient air quality primary standards established for one or more of the pollutants emitted by or resulting from emissions from light-duty motor vehicles, including carbon monoxide, hydrocarbons, oxides of nitrogen, and photochemical oxidants.

"(C) The three-year period referred to in subsection (a)(2)(A)(i) shall be extended under this paragraph only if the Administrator first determines that all reasonably available (i) emissions limitations, (ii) schedules and timetables for compliance with such limitations, and (iii) other measures not applicable to indirect sources will be applied within such three-year period, and will continue to be applied until such time as the standard is attained and thereafter as necessary.

"(D) The three-year period referred to in subsection (a)(2)(A)(i) shall be extended only with respect to the particular pollutant or pollutants among those listed in subparagraph (B) for which the ambient air quality primary standard cannot be attained and maintained within the three-year period without the implementation of measures authorized under section 110(a)(2)(B)(iii) applicable to indirect sources.".

SHIPPING STRIKE LEGISLATION

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I am again pleased to join my colleague in cosponsoring legislation to protect Hawaii against disruptions in its flow of commerce, due to third party strikes in which Hawaii is not a party. Identical legislation is being introduced in the Senate by the Honorable Daniel K. Inouye and Hiram L. Fong. All four members of the Hawaii delegation have again united in this effort. We cannot understate the view that approval of this bill is considered vital to the people of out State.

This bill would provide for the continuation of shipping to Hawaii for a period up to 120 days, in the event of any disruptions to that commerce created from any labor-management disputes in the west coast maritime or longshore industries. The exemption would be triggered by the Governor or Higher Commissioner of any of the U.S. Pacific Islands, making such a request to the court.

Earlier I have reintroduced a bill which would provide for a common expiration date for all labor-management contracts in the west coast maritime and longshore industries affecting shipping to Hawaii. Under its provisions, Hawaii would be guaranteed a period of 3 years of uninterrupted shipping.

If adopted, these bills would provide Hawaii great relief in the event of shipping disputes which in 1971-72 so severely injured Hawaii's economy. First, we would be assured up to 120 days of continued shipping in the event of a strike on the west coast. These provisions would not apply if the strike were in Hawaii, or in any of the U.S. islands. Second, there would be no series of successive strikes as contracts would expire and be renegotiated at the same time each for a new 3-year period.

It is essential to note that the legislation that has just been introduced does not make any significant changes in the basic approach to labor-management disputes as governed by present statutes. It simply provides for an exemption for a period of not more than 120 days while negotiations proceed still with the strike nearly 95 percent in force on the west coast.

An exemption for Hawaii would only affect about 3 percent of the labor involved in the strike. In would be no different than labor's voluntary offer to move shipping during the 1971 strike of all goods going to Vietnam. We seek only to protect the rights of an innocent third party—Hawaii and the rest of the U.S. Pacific Islands, whose workers are not on strike. The legislation does not apply to disputes in Hawaii or in all the islands carried by the bill.

Adoption of this legislation is necessary to put Hawaii on par with other States which still have other means of transporting their commerce even if shipping is interrupted—truck, rail, cars, bus. Hawaii and the U.S. Pacific Islands because of their unique geographical status have no such alternative means and must depend solely on shipping. Air transportation is not a substitute for shipping. It is too expensive and cannot handle goods in commerce.

I believe this legislation is fair. We seek only to establish equity for the offshore State and Territories.

Taft Hartley legislation has worked fairly well since its enactment in 1949. Its operations however depend upon the action of the President of the United States. In the past Presidents Truman, Eisenhower, Kennedy and Johnson have used the law to help prevent the inflation of grave harm upon regions of this country threatened by strikes. All acted within days of the commencement of a strike to invoke the provisions of Taft Hartley thereby calling a halt to the strike and requiring parties to negotiate. In most cases the 80 days injunction and consequent cooling off period have been helpful and strikes have been resolved within that period or shortly thereafter.

During the disastrous west coast strike in 1971–72 we implored President Nixon to invoke Taft-Hartley for the benefit of Hawaii. He refused on the grounds that the strike was a "regional" emergency and not a national one. He sought excuses to explain his callous refusal to act, because his real intention was to use this strike to provoke the Congress into enacting the comprehensive transportation strikes legislation that he had recommended. He succumbed after the strike had gone on for over 100 days and finally called for an injunction.

What we seek is not to disturb the tested mechanisms provided in Taft-Hartley but merely to say that with respect to the offshore "captive" islands of the United States that are 100 percent dependent upon shipping, that in the event of a shipping stoppage to these areas, that we do not have to wait for a President like Nixon to decide whether or not an injunction should be called; but that in our case, and only to the extent of our case, that the injunction shall be automatic and that the time shall run concurrently with any regular injunction which might be called. Since we can and must assume that it is likely a President might wait 40 days before invoking the injunction, we have asked in our bill, up to 120 days of relief.

I do not think our request unreasonable. I do not believe any thinking Member of this House, or of the labor movement, or of industry can honestly oppose this bill.

Labor has been accused of killing the bill in the last Congress. My Republican opponent made quite an effort to cast the blame on labor. It must be brought out that management was equally opposed to the enactment of this bill. In what was probably the most candid management statement on this bill that I have seen, Edward Flynn of the Pacific Maritime Association, stated at the House hearings that in effect management needed to have an angry, hostile public, demanding an end to the strike to be sure of a settlement favorable to management, and that this was why he did not favor an early injunction of the shipping stoppage to Hawaii. Incredible as it may seem, this was the essence of his testimony.

Without a doubt the combined forces of labor and management again working to kill this bill will doubtless succeed. But I appeal to my fellow colleagues of the House to help me convince labor and management that all we seek is relief from a burden which is unfairly put upon us as innocent bystanders.

REMARKS BY REPRESENTATIVE PATSY T. MINK IN THE U.S. HOUSE OF REPRESENTATIVES CONCERNING FREEDOM OF INFORMATION

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the Freedom of Information Act reforms which I helped obtain as a result of my lawsuit against five Government agencies, now make it possible for a citizen to inquire and obtain heretofore "secret" folders on themselves even from the CIA and the FBI. In mid-January, I submitted just such an inquiry, which still is in the initial stages of bureaucratic dialog.

The first CIA response to me produced a list of nine newspapers in which articles about me have appeared and one magazine article. Seven of the newspapers are the New York Nichibei. The Library of Congress has no copies of this newspaper. We are still in the process of trying to obtain these articles. The earliest date in my folder was October 22, 1964, which was at the close of my first successfull campaign for Congress.

Why seven articles from this Nichibei paper? Why start a CIA folder on me in 1964, the year I am elected to Congress, and start clipping a "Japanese" newspaper published in New York?

I have no idea what these articles say about me. Who cares, except the CIA? Did their "racism" get in the way of their mission? Because I was of Japanese origin, that made me immediately a person to "watch"?

What is astounding is that the CIA has 7 clippings from the Nichibei paper out of a total of 10, when I made headlines in every major paper in the country, including the cover of Parade and 3-4 pages of Life magazine upon my election and thousands of articles since then.

To highlight the ridiculousness of it all, let me "publish" the two articles noted in my CIA folder which I have been able to obtain.

The first one, dated February 22, 1966, New York Post article, reports that I read "George Washington's Farewell Address" to the House of Representatives on the celebration of his birthday. As we all know this is an honor bestowed on one Member each year by the Speaker of the House. My recollection of that event was that the Chamber was empty except for my family in the gallery and that I had set the record for the speed with which I accomplished the task.

Here is that article:

Farewell Address—Aloha

Washington, Feb. 23 (AP)—Hawaii's petite Rep. Patsy Takemoto Mink goes before the House today to read what she terms "quite a profound message"—George Washington's Farewell Address.

Mrs. Mink, the first woman of Japanese ancestry elected to Congress, says she's "really quite honored" and believes her listeners will enjoy the message on the anniversary of the birth of the first U.S. President.

Her gallery audience was to include her husband, John Mink; her 13-year-old daughter, Gwendolyn, and her only brother, Eugene Takemoto, who happens to be visiting in Washington from Honolulu, along with his wife and two children.

The only other article which was listed in my CIA folder which I have been able to obtain is one I wrote for the American Legion magazine, July 1965. That it should be in this folder is by itself laughable, but I guess the title of the article is what attracted the screening "eyes" at the CIA The title was: "Should We Expand Trade With Soviet Bloc Countries?" I shared the page with Senator Peter Dominick who had opposite views. I was asked by the American Legion magazine to write this article especially for them.

I was assisted in its preparation by the Library of Congress as is quite common as you all well know. Read it, please. You will surely call me a visionary because line for line, paragraph for paragraph, it is the current policy of the Government of the United States.

Here is that article:

Should We Expand Trade With Eastern Europe—Yes

(By Representative Patsy T. Mink, Democrat, Hawaii, At large)

I believe it is just as logical and favorable to our national interest o explore ways of increasing trade with the nations of Eastern Europe as it is to continue rigid application and enforcement of our total trade embargoes against the belligerent and aggressive members of the red bloc in the Far East.

Our present network of restrictions of trade with the communist countries rests on a patchwork built up over the years, and needs comprehensive review.

President Johnson, in his State of the Union message, said the United States seeks "peaceful understandings" with Russia that could "lessen the danger to freedom." He has established an advisory committee to study means of expanding East-West trade and increasing peaceful trade with the Soviet bloc.

These actions, and the national climate from which they come, reflect a growing awareness that trade of non-strategic materials might be a powerful factor in increasing international understanding as it already has done in Poland. Trade concessions to Yugoslavia and Romania have shown the remainder of the Soviet satellite bloc that more friendly relations with the United States can be rewarding. Naturally, tangible and advantageous concessions to the United States are expected in return.

We are talking about trade, not aid. What most of our trade restrictions now accomplish is to deny to American manufacturers and farmers the opportunity to participate in trade which is being more and more sought by our allies.

Most of the restrictions on Soviet bloc trade in the Export Control Act of 1949 have failed to accomplish their original purpose—to deny the Soviets industrial technology which was once available only in the United States. Such goods now are readily available from other nations.

No responsible American group wants to relax restrictions on the movement of military or strategic commodities to the East.

More and more, however, a case is being made for the sale of non-strategic materials on the grounds that our balance-of-payments deficit will be reduced and the United States can benefit from specific importations.

The easing of restrictions is not only likely to result in an extensive increase in trade between the United States and the Soviet bloc. Dollars are simply not available in the Eastern bloc for extensive purchases and the East has little we would wish to buy.

Problems regarding the lack of legal protection in the East for patents and copyrights would have to be solved. So the easing of trade restrictions is likely to have only a limited effect on the Soviet economy.

Foreign trade as an instrument of foreign policy must be geared primarily to the general welfare, national security and economic strength of this country. It should not be tied to outmoded conditions, momentary irritations or the expectation of making a fast dollar.

The expansion of East-West trade could strengthen America's leadership in international affairs, not only economically but politically and morally.

REMARKS BY REPRESENTATIVE PATSY T. MINK IN THE U.S. HOUSE OF REPRESENTATIVES CONCERNING A WHITE HOUSE CONFERENCE ON WOMEN IN 1976

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I am introducing a joint resolution in the House today authorizing the President to convene a White House Conference on Women in 1976 as part of the Bicentennial celebrations of this country.

Mr. Speaker, no one can deny that our Bicentennial year is an appropriate time for such a conference, and I base my call for favorable action on this joint resolution on three factors.

First. We are at the present time well into International Women's Year as designated by the United Nations. I find official support for International Women's Year substantially lacking in this country. A number of organizations throughout the country have attempted to encourage a broader involvement of the citizenry in the observance of the year, but unfortunately they have met with only a limited response. I suggest that we might more effectively focus U.S. national attention on the status of women in America by convening a White House conference to recognize at the highest level the contributions of women to the development of our country and to put forth goals and recommendations for further improvement of the status of American women.

Second. We have some unfinished business before us, Mr. Speaker, and I think that the White House conference which I am suggesting would furnish the impetus for final resolution of those deficiencies in our statutes which still allow discrimination against women, and men, in spite of our best efforts to eliminate them. I refer to the recommendations of the President's Task Force on Women's Rights and Responsibilities which grew out of that group's work as long ago as 1969. I find it almost incredible that in the face of nearly universally stated support for equality of women that there are the inequities in the laws which we still find today. The conference for which I call could again serve as a focal point for rational and comprehensive discussion of these remaining inequities and their early resolution.

And finally, Mr. Speaker, let us not forget the Bicentennial. International as well as national attention will be centered on the United States as we assess our accomplishments and our shortcomings in the past 200 years. We have a unique opportunity for self-examination in 1976, and the White House Conference on Women which I propose should be an integral part of the Nation's program to reorient our priorities where necessary.

A conference of the scope which I envision will obviously take a great deal of planning and coordination, and this is provided for in my joint resolution. But the time for beginning planning is now, and I urge early action on this legislation to start that process.

A copy of the resolution is as follows:

H.J. Res. 297

Joint resolution to authorize and request the President to call a White House Conference on Women in 1976

Whereas women have made great contributions to our country's history; and

Whereas women have not been accorded proper recognition for these achievements; and

Whereas many institutions still discriminate against women and prevent the use of a large talent pool of women resources; and

Whereas American women must be brought into the bicentennial celebrations as a group; and

Whereas a White House Conference on Women can yield productive recommendations toward encouraging and promoting wider public understanding and support for women in contemporary American society: Now, therefore, be it

Resolved by the House of Representatives and the Senate of the United States of America in Congress assembled, That (a) the President of the United States is authorized to call a White House Conference on Women in 1976.

(b)(1) The purpose of the White House Conference on Women (hereinafter referred to as the "Conference") shall be to recognize the contributions of women to the development of our country and to put forth goals and recommendations for the further improvement of the status of women.

(2) The Conference shall be composed of, and bring together—

(A) representatives of local, statewide, regional, and national women's organizations including poor and working women, especially those who are heads of households;

(B) representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations in the areas related to women and equity;

(C) representatives of Federal, State, and local governments including but not restricted to those in the area of the promulgation and enforcement of equal opportunity laws;

(D) Persons with special knowledge of, and special competence in, the status and role of women in contemporary American society; and

(E) Members of the general public.

(c)(1) The conference shall be planned and conducted under the direction of the Citizens' Advisory Council on the Status of Women (hereinafter referred to as the "Council").

(2) The Speaker of the House and the President *pro temp* of the Senate are authorized to appoint six additional members to the Council, three by the Speaker and three by the President *pro temp*. These designees shall hereafter be referred to as members of the Council for the purpose of administering the provisions of this joint resolution.

(3) In administering this joint resolution, the Council shall—

(A) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(B) make technical and financial assistance (by grant, contract, or otherwise) available to the States to enable them to organize and conduct local and State conferences and other meetings involving as many groups, institutions, organizations, and associations wishing to participate;

(C) prepare and make available background materials for the use of delegates to the Conference, including materials for use by State conferences, both before and after the White House Conference, and prepare and distribute reports of the Conference and associated State conferences as may be appropriate;

(D) ensure that each State is adequately represented as well as ensure adequate representation by racial, ethnic, and religious groups; and

(E) establish a travel budget for delegates who are unable to afford to pay their own expenses.

(4) In carrying out the provisions of this joint resolution, the Council is authorized to engage such personnel as may be necessary, without regard for the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard for chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(5) The Council shall be required to publish and distribute the Conference reports authorized under this joint resolution, and shall make proper budget reservations for these reports.

(6) Delegates attending the Conference who are unable to pay their own expenses while away from their homes or regular places of business may be allowed travel expenses. Such expenses may be paid by way of advances, reimbursement, or in installments as the Council may determine.

(d) A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than one hundred and twenty days following the close of the Conference, which final report shall be made public and, within ninety days after its receipt by the President, transmitted to the Congress together with a statement of the President containing the President's recommendations with respect to such report.

(e)(1) The Chairperson of the Council is authorized to establish, prescribe functions for, and appoint members to, such advisory and technical committees as may be necessary to assist and advise the Conference in carrying out its functions.

(2) Members of the Council who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Council shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Council in furtherance of the Conference. Such grants, gifts, or bequests offered the Council shall be paid by the donor or his representatives to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter such grants, gifts, and bequests in a special account to the credit of the Council for the purposes of this joint resolution.

(g) For the purpose of this joint resolution, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands.

(h) There are authorized to be appropriated without fiscal year limitations such sums, but not to exceed $10,000,000, as may be necessary to carry out this joint resolution. Such sums shall remain available for obligation until expended.

REMARKS BY REPRESENTATIVE PATSY T. MINK IN THE U.S. HOUSE OF REPRESENTATIVES CONCERNING H.R. 1705, RETURN OF ISLAND OF KAHOOLAWE TO THE STATE OF HAWAII

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. MINK. Mr. Speaker, I am unfortunately compelled to bring before the House again this year, a longstanding grievance of the people of Hawaii, a matter of the utmost importance to the continuing representation of the Federal Government's good faith to my constituents, and the continuance of military operations in my State which show a singular lack of consideration for the comfort and safety of nearby residents.

I refer, Mr. Speaker, to the continued Navy bombardment of the island of Kahoolawe, which lies just 8 miles offshore from the ever more heavily populated southern shore of the island where I grew up. This bombardment of Kahoolawe and the destruction of potentially valuable land has continued year after year, since the Navy obtained jurisdiction over the property 35 years ago.

We are met with the basically unsubstantiated claim from the Navy that Kahoolawe is still necessary for national defense. However, in view of the greatly increasing population of the area of the island of Maui directly opposite Kahoolawe, the Navy operations now pose an even greater threat to the safety of that population than they have in the past.

We receive an apology from the Navy when it is discovered that an error results in a bomb dropping into pasturelands on Maui owned by the mayor of Maui. We receive an apology from the Navy when it is discovered that a misunderstanding lets the noisy bombing exercises continue until almost midnight when the Navy has agreed to stop these exercises at a much earlier hour. I wonder what the Navy will say when an error or a misunderstanding puts a bomb down where it does some real damage.

Mr. Speaker, I have introduced legislation, H.R. 1705, again this year to accomplish the early return of the Island of Kahoolawe to the State of Hawaii. I urge the Navy to reexamine its Kahoolawe policy and to establish a definite target date for termination of operations there. Rehabilitation of the island, which the Navy has promised to carry out at no cost to the State, will obviously take some time in light of the extensive damage which has occurred over the last generation. Setting a target date for the return and beginning the planning for the return would be a demonstration of the Navy's good faith, examples of which we have yet to see in this matter.

This legislation has been before the House of Representatives since the 92d Congress, Mr. Speaker. I urge consideration of my bill this year again, before irreparable damage is done.

CAMBODIA: ACCOUNTABILITY OF THE PRESIDENCY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, in recent days it has been suggested by President Ford that Congress will be responsible if the present Cambodian Government is overthrown by rebel elements supported by the North Vietnamese Communists and the Vietcong. In evaluating this charge it is useful to reflect on how the war in Cambodia was provoked in the first place. It should be recalled that the fighting in Cambodia spread from Vietnam solely because of action by the previous President when he invaded Cambodia without consultation with the Congress and without any form of congressional approval. That action, a Presidential action, provoked huge spontaneous demonstrations throughout the country and was substantially responsible for the subsequent passage, over a Presidential veto, of the War Powers Act.

If we are going to assign credit or blame for foreign policy decisions to various branches of our Government,

and I do not think that is a very fruitful exercise, it is clear that blame for what happens in Cambodia rests with the Presidency. It was the executive branch which through action which I view as unconstitutional, produced the situation in Cambodia. It is the executive which must bear responsibility for its policy.

OFFICE OF ECONOMIC OPPORTUNITY NOT A FAILURE

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, during the debates over the future of the Office of Economic Opportunity—OEO—much criticism was voiced over the agency. In my district, there is some tangible indication that OEO was not a failure, and that in spite of its difficulties, the money spent resulted in the institution of programs of great benefit to the people of Oakland. Mr. David L. Gaither, the OEO Director in Oakland, has been kind enough to share with me a record of the program under his administration. I am pleased to share this with you by inserting this commentary in the RECORD:

THE TWO AND A HALF YEAR HISTORY OF THE CAA UNDER THE LEADERSHIP OF DAVID L. GAITHER

The Department of Community Resources was created by Ordinance No. 8451–CMS (City Manager Series) dated September 30, 1971, as an overall City Department to manage federally funded programs and social projects. Divisions originally assigned to this Department included Community Action Agency (OEO funded), Manpower (DOL funded), and Head Start (HEW funded). The Manpower Division has developed and grown to sufficient stature and expenditure of funds to warrant being created as a department in its own right.

The Community Action Agency has an Administering Board consisting of nine members—three appointed by the Mayor and Council, three from private community-based organizations, three elected by the poor from three designated districts in the City. The Head Start Division has a Parent Policy Council elected by the parents of children within the Head Start program. The number varies depending on the enrollment in the program.

The Agency is headed by Mr. David L. Gaither. Mr. Gaither was appointed to his position of Director on April 24, 1972. Since that time, he has been instrumental in the continuation of programs affecting the low-income minorities in the City of Oakland. These programs include housing, education, economic development, health, and social services.

Mr. Gaither's past accomplishments include working with a number of dynamic Black leaders such as Martin Luther King, Jr., Stokeley Carmichael, Julian Bond, and John Lewis. In addition, he has been actively involved in organizations such as the Southern Christian Leadership Conference (SCLC) and the Congress of Racial Equality. Activities with these organizations were primarily voter registration from the Mississippi Delta to North Carolina.

Mr. Gaither's interest in childhood development and guidance is evidenced by his 15 years of work in areas dealing with the misdirected youth of our society. Mr. Gaither then branched out into the area of management. He has done consultant work in Community Action Agencies in Jacksonville, Florida and Charleston, South Carolina. Another facet of his accomplishments was the development of a number of manpower training programs which are still in existence today in Charleston, South Carolina and Antioch, California.

Mr. Gaither's educational background is evidenced by his many accomplishments. He has attended such institutions as North Carolina State University; Morehouse College in Atlanta, Georgia; University of California—Berkeley; New York Institute of Criminology. Mr. Gaither has earned a Masters Degree in Group Work and received a certificate from the New York Institute of Criminology.

The CAA has been instrumental in the development and completion of numerous projects and programs such as the following:

Beebe Parent Child Center, Inc.: The Beebe Parent Child Center, Inc. was funded by the CAA in the amount of $16,558 for a six-month period (November 1, 1972 to April 30, 1972). One of its goals was to find other funding sources prior to the termination of their contract in order to assure continuity of the program. This program was later funded by UBAC and the County of Alameda.

Fairfax Community Volunteers Welfare Rights Organization: The Fairfax Community Volunteers Welfare Rights Organization entered into a consultant contract with the CAA to provide training to neighborhood service center staff members and some other community people in Welfare Department procedures. The contract was awarded for an amount not to exceed $1,500. For various reasons, however, the training never actually took place.

Youth Development Program: This program was administered in conjunction with the CAA of the City of Oakland and Alameda College of Alameda, California. Some 35 youths between the ages of 16 and 25 were employed in the areas of clerical, gardening and maintenance, custodian, grounds and food service. Supervision and periodic evaluations of the 35 students were handled by Alameda campus staff.

Students were employed at an hourly rate of $2.50 and were paid through arrangements with the CAA and Alameda College. Maximum hours per day were six (6) hours five days a week. Bus tokens were provided the first month; thereafter, students would have a steady income and should have been in a position to provide their own transportation.

The above-mentioned jobs offer a concrete possibility of full and part-time year round employment with career opportunities. The jobs provide experience in skills needed within the overall economy; students were counselled and motivated by the youth coordinators and job supervisors to participate in the campus curriculum especially where it related to their jobs.

In cases where students would like to enroll full-time in an academic curriculum during the fall term, arrangements were made with the college officials to transfer students to work programs with the Alameda College since all participants met the poverty guidelines in terms of income and residence eligibility.

The total cost of the program was $237,049.

The Oakland Community Development Corporation (OCDC): The Oakland Community Development Corporation was organized by the Community Action Agency to be its economic development arm. OCDC was incorporated in 1972 and became a delegate agency of the CAA. Disagreements over the interpretation of the delegate agency contract arose and when these could not be satisfactorily settled, OEO instructed the City not to renew the contract after October 31, 1973.

The total cost of the program was $387,895.

Youth Development Corporation (YDC): The Oakland Youth Development Corporation was also organized by the CAA to be an economic development corporation oriented to young people. The YDC received a large part of its money in an offset printing business which was to be operated by young people. The business was not successful and was closed in April of 1974. The YDC is no longer active.

The total cost of the program was $225,801.

East Bay Community Action Program: The East Bay Community Action Program was funded by the CAA in the amount of $9,000 from September 1, 1971 to October 31, 1972. The purpose of this program was to inform consumers on how to buy, where to buy, and what to buy. Specifically, to educate poor people on buying.

Focus on Children: This program was funded in the amount of $9,758 for the period June 19, 1972 to July 28, 1972. Focus on Children was an incorporated non-profit program serving the East Oakland Fruitvale community in terms of providing a program of cultural and outer-community experiences, arts, crafts, skills, and recreational activities for elementary school-age children; and, in addition, to provide meaningful employment and training for the Neighborhood Youth Corps.

Oakland Parks and Recreation: Oakland Parks and Recreation Department has been allocated $147,116. Basic activities included providing unusual opportunities and expanding opportunities for young people in target areas, yielding assistance to youth in work areas and cultural enrichment.

Institute for the Study of Local Institutions: The Institute for the Study of Local Institutions was allocated $56,650 to continue an internship program to enable 30 low-income Oakland college students to be placed in local governmental organizations and institutions so that they might acquire a better understanding of these institutions. The program was initially run for a six-month period, from June 1, 1972 to November 30, 1972. The objectives of this program were reached. A total of 30 college students were afforded the opportunity to understand the operations and procedures of local governmental organizations.

East Oakland and North Oakland Credit Unions: These two credit unions were funded by an OEO demonstration grant in 1966. Both credit unions grew and prospered but needed additional capital to hire sufficient staff. The CAA allocated $10,000 to each of these credit unions from June 1, 1972 to March 31, 1973 to give them the necessary subsidy for staff. The contract periods were later extended.

Oakland Minority Action Council: The Oakland Minority Action Council was allocated a total of $71,482 for the period September 1971 to April 30, 1973. This program was developed to increase the number of employment opportunities available to unemployed, low-income residents in the City of Oakland. This program was not refunded.

Neighborhood Service Systems (NSS): The Neighborhood Service System was developed in September 1971 and was operable through August 15, 1973, at which time a mandate from OEO necessitated its dismantlement. The NSS dealt primarily with services to the community. The NSS had in existence at one time 10 service centers to meet the needs of the Oakland community. The NSS was allocated a total of $585,027.

Emergency Assistance Program: The Emergency Assistance Program operated for six months from March 1972 to August 1972. The purpose of this fund was to offer limited, immediate, and non-specific financial assistance to eligible persons on an emergency basis. The money was to only be expended for: purchased services or goods, cash awards to qualified individuals, and non-interest loans. The project was allocated $56,000.

YWCA Teen-Age Parent Program (TAPP): TAPP was funded for a six and/or seven month period in the amount of $29,484. The program was geared to counsel and direct teen-age girls who were pregnant and to offer counselling services to teen-age girls as a preventive measure. The YWCA opened up a Contraceptive Clinic which was staffed by a doctor from the County Health Department. Funding is now obtained from HEW through the Alameda County Health Care Services Agency.

The CAA currently has eight (8) Delegate Agencies and two components.

Delegate Agencies: (1) Children's Vision Center of the East Bay, 414—13th Street; (2) Social Service Bureau of Oakland, Inc., 534—22nd Street, Oakland, California; (3) Oakland Rehab., Incorporated, 499 Embarcadero, Room 14, Oakland, Calif.; (4) 24-Hour Parent-Teacher Child Care, 3500 East 9th Street, Oakland, California; (5) Golden State Business League, #13 Eastmont Mall, Oakland, California; (6) Oakland Metropolitan Enterprises, 659—14th Street, Oakland, California; (7) Project LOVE, 2400 Sutter Street, San Francisco, California; (8) YMCA Conference Clubs, 2101 Telegraph Avenue, Oakland, California.

Components:

1. Urban Outreach Program, Central Office, 659—14th Street, Oakland, California.

2. Head Start Program, Central Office, 659—14th Street, First Floor, Oakland, California.

DELEGATE AGENCIES

Childrens Vision Center (CVC): Childrens Vision Center has been allocated $153,751. The primary objective of the Childrens Vision Center of the East Bay is to provide for the unmet need for vision care for children of low-income families identified by school nurses (vision screening, broken or lost glasses, etc.). The CVC was developed after the Board of Education and the Department of Health of the Oakland Public Schools made evident the necessity of a program to take care of the visual needs of children of low-income families.

Since its development, the CVC has screened approximately 5,000 to 6,000 children. The program will be expanded soon to enable children and parents the convenience of services in one location. The CVC is currently in 17 low-income public schools in Oakland. Projected goals are to expand to at least 40 or 50 schools. Compared to its first year of operation, the CVC has almost doubled its service to low-income children in the Oakland Public School System. A very unique aspect of the program is the fact that services of 21 doctors are all on a volunteer basis. Services could be expanded even further if additional doctors could volunteer their time.

Social Service Bureau of the East Bay, Inc. (SSB): Because of the recognized problems facing older people, the Social Service Bureau of the East Bay, Inc. organized its "Senior Action Project" to provide an outreach and advocacy effort utilizing Senior Citizen Community Aides to aggressively seek out the poor and isolated elderly to whom it provides information, assistance and referral. This program has expended $184,939 to date. One of the major objectives of the project, in utilizing senior citizen community aides for this work, is the creation of employment opportunities for elderly low-income residents in the community. The Senior Citizen Community Outreach Aides serve an average of 100 seniors per week.

The Senior Action Project existed prior to the Community Action Agency's funding of the program. It was engaged in the development of one-day senior activity centers on a cooperative basis between SSB, Adult Education Department and local churches. In addition, a five-day-a-week Senior Center was developed using space donated by the Satellite Senior Homes, Inc.

Oakland Rehabilitation, Inc. (ORI): The primary goal of ORI is to create a continuing housing rehabilitation program on a realistic scale for the City of Oakland, utilizing local (especially minority) labor, local financing, and local sponsorship in cooperation with existing City agencies and programs. In short, ORI intends to build a strong, permanent rehabilitation industry in Oakland.

The intention of ORI is to purchase substandard dwelling units, rehabilitate them, and sell them to low- and moderate-income families and individuals. ORI is now in its first stage of operation acting as a sponsor for a number of non-profit organizations in terms of rehabilitation. No staff has been hired at this point. The Board has taken sole responsibility for program operation. The Board is comprised of 21 very active representatives from various organizations within the Oakland community along with dedicated community workers and businessmen skilled in the area of housing.

Projected goals of ORI are to act as a catalyst in bringing together efforts of the small minority contractors and service firms, increase job and business development, and offer consultant services in areas of rehabilitation with the projected goal of increasing the supply of decent low-cost housing through rehabilitation.

Oakland Rehab., Inc., has been allocated $250,140 from the period September, 1971 to December, 1974.

24-Hour Oakland Parent-Teacher Child Care (24-HOPTCC): In Oakland, there are a total of 15,612 families with female heads of households and about 1 percent of the day care services are being met by existing programs and only on a business-day hour basis. For these reasons, 24-HOPTCC was conceived and executed.

The 24-Hour Oakland Parent-Teacher Child Care program has been funded by the Oakland Community Action Agency since May of 1974. Funds expended to date total $70,000. The major objectives are:

1. To teach children to respect themselves and be sensitive to others.

2. To help children develop autonomous behavior through development of cognitive skills so that the freedom of choice to experience constructive involvements is a part of maturational growth.

3. To provide for each child a strong sense of security and simulated home environment through parent and teacher involvement in planning and decision making.

Presently 24-HOPTCC is serving children ranging from ages 2–7 of moderate- and low-income families who work days, evenings, or night shifts at local factories, hospitals, business offices, etc. To date this Center is the only licensed 24-hour Children's Center in the United States.

Other innovative features of the program include:

1. Temporary assistance, day and night, up to a month for mothers confined to hospitals or other institutions.

2. Abused children under 6 years of age can receive one month temporary assistance in the center rather than confinement in a Probation Department setting. During this time the child is taught to understand parental stress as it relates to family growth. Reconciliation services are also offered for both child and parent.

Nutritional and health services are also included in this program.

The 24-HOPTCC has a staff of 9 people working under the direction of Mrs. Nina Tanner. It is located at 3400 East 9th Street, Oakland.

Golden State Business League (GSBL) Youth Training Program: GSBL was chosen to operate a Youth Training Program which would provide 200 low-income and minority youths during the first year of operation with skills in qualifying for jobs and job maintenance while engendering civil responsibility. The program commenced its first training session on April 29, 1974, with seventy-one (71) youths. Some of the problems being currently addressed in an effort to increase the employability of the trainees are: poor motivation, inferior education, attitude, feelings of minimal individual worth—i.e., "failure orientation," the lack of health care and corrective treatment, the lack of orientation to testing, job opportunities, vocational job training and follow-up support once employment is secured.

In addressing these problems, the Youth Training Program is providing the trainees with perhaps the first positive experience of their lives and the first step to other positive experiences in their career development. There are four training cycles, each lasting approximately ten (10) weeks. The class activities of the center are broken down into age groups in order to appeal to the different developmental levels of the trainees.

To date this program has expended $120,000.

Oakland Metropolitan Enterprises (OME): The objective of the newly formed OME is to serve as a vehicle to undertake the economic development of the low-income community of Oakland.

The economic goal of the OME is to upgrade residents' skills and income levels to obtain and operate business enterprises. The economic development program of the OME has the potential of providing low-income minorities a chance to improve their economic conditions and an opportunity to own and operate their own business.

The members of the newly formed OME are as follows:

1. Mrs. LaVolia Baker, Owner-Manager, L. Baker General Insurance.

2. Mr. Louis H. Barnett, Executive Vice-President, Member, Board of Directors, PACT, Inc.

3. Mr. Herbert G. Buckner, Director of Equal Opportunity Affairs, Kaiser Industries.

4. Mr. John L. Guillory, Commercial Leasing Specialist, Grubb & Ellis Company.

5. Mr. Nelson F. Hormillosa, Executive Vice-President, United Management & Computer Services, Inc.

6. Mr. Bennie J. Littles, Management Training Program, United California Bank, Personnel Department.

7. Mr. Michael Kalkstein, Attorney, Janin, Morgan and Brenner.

8. Mr. Alan L. Zimmerman, Attorney, Hansen, Bridgett, Marcus and Jenkins.

9. Ramon P. Rodriquez, Coordinator of Development, Spanish Speaking Unity Council.

10. Mr. Donald Walsh, Assistant Vice President—Oakland Region, Regional Urban Development Officer, Urban Affairs, North, Bank of America.

Metropolitan YMCA Conference Clubs: The Metropolitan YMCA of Alameda County is a well established and widely known private agency serving both youth and adults. The YMCA has had varied experience in the past with federally-funded programs, and has successfully operated some of them as subventions of the City of Oakland. Their basic concern for youth and their well qualified staff more than qualify them to conduct this program as a delegate agency of the Oakland Community Action Agency.

Initially a total of six conference clubs of approximately 60 high school students each have been formed within the Northwest and East Lake Branches of the YMCA. These clubs function like friendship groups, except that they have specific focus on the introduction of club members to vocational alternatives available to them upon high school graduation. They are guided by a YMCA Program Director and Volunteer Advisors.

The goals of this program are: (1) to enable young people to evaluate realistically their environment and to understand how they can shape it; (2) to develop within young people the self-trust necessary to assume responsibility for their lives and to decide among the options available to them;

(3) to develop in young people goal oriented behavior patterns.

To date this program has been allocated $16,000.

Project LOVE: LOVE stands for Learning Opportunities in Varied Environments. This project was initiated by the Oakland Bay Area Chapter of Jack and Jill of America, sponsored by the Bay Area Urban League, Inc., and funded by the CAA. To date Project LOVE has received $10,000.

The primary purpose of this program is to provide extra-curricular activities to thirty (30) sixth grade children at Clawson Elementary School in order to raise their abilities to succeed in and out of school. The secondary purpose is to provide middle-income high school students with a deeper understanding of poverty, its ramifications on the life of an individual and the dedication it takes to help dissolve the conditions of poverty. The third purpose of this project is to demonstrate that by reaching out to others, others will in turn reach out.

The objectives of this program are to reverse the conditions which cause the students to feel that they cannot expect much from themselves nor their environment. Stated differently, the objective of this program is to build within the child a positive self-image and thus the feeling of confidence that allows one to construct the world around him in a positive manner. The objective of this project then, is to reverse the learned low expectation each child has of him or herself to one of high expectations of him or herself.

COMPONENTS

Urban Outreach Program: This program is designed to improve the capability (in Oakland) to assess the needs of citizens, to decrease the distance between citizens, and services of government and private agencies, to assist citizens in problem solving, to assist government and private agency officials in citizens problems solving, and to recommend allocations of resources for human services. This program has been allocated $138,000.

There are currently three UOP Centers. Their locations are listed below:

North/West Oakland Center: 4228 Telegraph Avenue, Oakland, California, Phone: 658–7916.

Fruitvale Center: 3940 Foothill Boulevard, Oakland, California, Phone: 535–0900.

East Oakland Center: 7400 East 14th Street, Oakland, California, Phone: 635–8376.

Customer Services Program: A Customer Services Program has been developed and funded by the CAA. The program was implemented January 24, 1975 and falls under the auspices of the UOP. The amount allocated for this program is $93,000.

The staff of this program will initially do research in areas of consumer affairs. Ultimately classes in consumer education, publication of materials related to consumer problems, and referral of consumers to appropriate agencies who will handle consumer complaints will be provided to residents of Oakland and especially to low-income residents.

Head Start Program (HS): The Head Start Program is comprised of seven components—health, nutrition, education, parent involvement, social services, psychological services, and career development. There are staff members with technical capabilities in each of the areas mentioned who supervise operations at all four centers. The program is geared primarily towards the development, both mentally and physically, of young children in the most crucial stages of their development. Head Start exposes these children to learning patterns, emotional development and helps form individual expectations and aspirations.

Each of the four centers operate daily except during the summer months and accept children from age 3 years 9 months and older who will be entering kindergarten the following September. Head Start's program is geared toward an eight month learning pattern to insure the child's readiness for kindergarten. The program will expand the academic year by the acceptance of handicapped children into its program. Below is a list of the four (4) Head Start Centers.

1. 98th Avenue Center—1332 98th Avenue, Oakland, California 94603.
2. 55th Avenue Center—1800 55th Avenue, Oakland, California 94621.
3. 23rd Avenue Center—1940 23rd Avenue, Oakland, California 94606.
4. Campbell Village Center—800 Willow Street, Oakland, California 94607.

The passage of the Senate version of Economic Opportunity and Head Start Act and the signing of the Act into law by the President should give impetus to directions of reorganizing the Department of Community Resources. The Economic Opportunity and Head Start Act presently calls for the creation of a Community Services Agency under the Department of Health, Education and Welfare and a Community Economic Development Agency under the Department of Commerce. Appropriations have been authorized through fiscal year 1977.

MISREPRESENTING THE ENVIRONMENTALISTS

(Mr. **OTTINGER** asked and was given pemission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **OTTINGER**. Mr. Speaker, I would like to draw the attention of the House to "Midwives For Mother Nature," an article in the February issue of Nation's Business, which is published by the Chamber of Commerce of the United States.

This article supports the heavy lumbering and clear cutting of our national forests. It also slanders a leading national environmental organization, the Environmental Action Foundation, and misrepresents two others, Friends of the Earth—of which I have the honor to be the executive vice president—and the Sierra Club.

These nationally respected organizations are identified in the article as the three leaders of the campaign to extend our country's wilderness areas, which is, of course, a very worthy endeavor. The Environmental Action Foundation, however, is accused of trying to further this cause by advocating the driving of large nails into the trees of our national forests to foul the saws of loggers and the other two organizations are implicated through guilt by association.

The truth is that although the Environmental Action Foundation, along with the Sierra Club and Friends of the Earth, is strongly in favor of expanding wilderness areas, it is not a leader of this cause. In fact, it has never spent a penny in support of it. More important the Environmental Action Foundation has never advocated and would never advocate so irresponsible an act as deliberately ruining logging equipment to save natural areas.

It seems clear that Nation's Business, if not the Chamber of Commerce, is deliberately attempting to discredit and smear, not only these three fine organizations, but the whole environmental movement. The magazine also claims the organizations that support the expansion of wilderness areas spend as much as $30 million annually in this cause. This, it states, is more than the U.S. Forest Service spends on reforesting and twice as much as the combined budgets of the forest industry associations. Nation's Business is attempting to portray the environmental movement as a huge monolithic force arrayed against the Forest Service and the Nation's forest industries. What could be more ludicrous? The total budgets of all public interest organizations supporting wilderness expansion do not exceed $30 million and they are lucky if 1 percent can be devoted to wilderness problems.

It is a disgrace when the national organ of the Chamber of Commerce, which represents 5 million people and businesses—a publication read by over a million people—serves its readers by misrepresenting and slanting the facts in such a blatant fashion.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURGENER) and to revise and extend their remarks and include extraneous matter:)

Mr. HASTINGS, for 30 minutes, today.

Mr. ASHBROOK, for 15 minutes, today.

Mr. RAILSBACK, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. FRENZEL, for 60 minutes, today.

Mr. YOUNG of Alaska, for 10 minutes, today.

Mr. FORSYTHE, for 5 minutes, today.

(The following Members (at the request of Mr. CORNELL) and to revise and extend their remarks and include extraneous matter:)

Mr. PATMAN, for 10 minutes, today.

Mr. BONKER, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. MATSUNAGA, for 30 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Ms. ABZUG, for 15 minutes, today.

Ms. HOLTZMAN, for 10 minutes, today.

Mr. BARRETT, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. McKAY, for 5 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. RONCALIO, for 60 minutes, on March 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DUNCAN of Oregon and to include extraneous matter.

Mr. MICHEL and to include extraneous matter during the consideration of the third budget rescission bill, 1975.

Mr. CONTE, and to revise and extend his remarks immediately prior to the Michel amendment in the Committee of the Whole today.

(The following Members (at the request of Mr. BURGENER) and to include extraneous matter:)

Mr. QUIE.

Mr. DICKINSON.

Mr. McCLORY in three instances.

Mr. Sarasin.

Mr. Coughlin.

Mr. Derwinski.

Mr. Spence.

Mr. Hillis.

Mr. Mosher.

Mr. Treen in two instances.

Mr. Frenzel in five instances.

Mr. Latta.

Mrs. Heckler of Massachusetts.

Mr. Shriver.

Mr. Burke of Florida.

Mr. Whitehurst in two instances.

Mr. Jeffords.

Mr. Whalen in three instances.

Mr. Ashbrook.

(The following Members (at the request of Mr. Cornell) and to include extraneous matter:)

Mr. Blouin.

Mr. Carr in two instances.

Mr. Rosenthal.

Mr. Bonker in three instances.

Mr. Fraser.

Mr. Blanchard.

Mr. Cotter.

Mr. Annunzio in six instances.

Mr. Gonzalez in three instances.

Mr. Anderson of California in three instances.

Mr. Vanik in two instances.

Mr. Corman in five instances.

Mr. Sisk in 10 instances.

Mr. Mazzoli in three instances.

Mr. Vander Veen.

Mr. Rangel in 10 instances.

Mr. Barrett in five instances.

Mr. Young of Georgia in five instances.

Mr. Van Deerlin.

Mr. Conyers.

Mr. Mitchell of Maryland.

Mr. McKay.

Mr. Charles H. Wilson of California.

Mr. Mollohan.

Mr. Rodino.

Mr. Eilberg.

Mr. Stokes.

Mr. Won Pat.

Mr. Ford of Michigan.

ADJOURNMENT

Mr. CORNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2:36 p.m.), the House adjourned until tomorrow, Tuesday, March 11, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

524. A letter from the President of the United States, transmitting a proposed supplemental appropriation for fiscal year 1975 for the Department of Labor (H. Doc. No. 94–74); to the Committee on Appropriations and ordered to be printed.

525. A letter from the Assistant Secretary of Agriculture, transmitting notice of a delay in the submission of the evaluation of the special supplemental food program for women, infants, and children, required by section 17(e) of the Child Nutrition Act of 1966, as amended; to the Committee on Education and Labor.

526. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for a program of assistance to State and local library authorities, regional authorities, and other public and private agencies and institutions for the support of demonstrations designed to encourage exemplary and innovative developments in the provision of library and information services, such as networking or other cooperative agreements; to the Committee on Education and Labor.

527. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed regulations for construction grants under the noncommercial educational broadcasting facilities program, pursuant to section 431(d)(1) of the General Education Provision Act, as amended; to the Committee on Education and Labor.

528. A letter from the General Counsel, Federal Home Loan Bank Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

529. A letter from the Secretary, Federal Trade Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

530. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on NASA's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

531. A letter from the Administrator of Veterans' Affairs, transmitting a report on the activities of the Veterans' Administration under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

532. A letter from the staff secretary, National Security Council, transmitting a report on the activities of the National Security Council staff under the Freedom of Information Act since February 19, 1975, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

533. A letter from the Chairman, U.S. Water Resources Council, transmitting a draft of proposed legislation to amend the Water Resources Planning Act to revise the membership of the Water Resources Council; to the Committee on Interior and Insular Affairs.

534. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's annual report on cigarette labeling and advertising, pursuant to section 8(b) of the Public Health Cigarette Smoking Act (84 Stat. 89); to the Committee on Interstate and Foreign Commerce.

535. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a draft of proposed legislation to amend the Consumer Product Safety Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

536. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended (8 U.S.C. 1154(d)); to the Committee on the Judiciary.

537. A letter from the Secretary, Foundation of the Federal Bar Association, transmitting the audit report of the Foundation for the fiscal year ended September 30, 1974, pursuant to section 14 of Public Law 83–662; to the Committee on the Judiciary.

538. A letter from the Secretary of Health, Education, and Welfare, transmitting the reports of the quadrennial Advisory Council on Social Security, pursuant to section 706(d) of the Social Security Act, as amended [42 U.S.C. 907(d)] (H. Doc. No. 94–75); to the Committee on Ways and Means and ordered to be printed with illustrations.

RECEIVED FROM THE COMPTROLLER GENERAL

539. A letter from the Comptroller General of the United States, transmitting a report on national attempts to reduce losses from floods by planning for and controlling the uses of flood-prone lands; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on Mar. 6, 1975, the following reports were filed on Mar. 7, 1975*]

Mr. EVINS of Tennessee: Committee on Appropriations. House Resolution 241. Resolution disapproving the deferral of certain budget authority (D75–81) relating to the Department of Defense—Civil, Department of the Army—Corps of Engineers—Civil, which is proposed by the President in his message of October 31, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974 (Rept. No. 94–46). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. House Resolution 242. Resolution disapproving the deferral of certain budget authority (D75–82) relating to the Department of Defense—Civil, Department of the Army—Corps of Engineers—Civil, which is proposed by the President in his message of October 31, 1974, transmitted under section 1013 of the Impoundments Control Act of 1974 (Rept. No. 94–47). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. House Resolution 243. Resolution disapproving the deferral of certain budget authority (D75–83) relating to the Department of the Interior, Bureau of Reclamation, which is proposed by the President in his message of October 31, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974 (Rept. No. 94–48). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. House Resolution 244. Resolution disapproving the deferral of certain budget authority (D75–84) relating to the Department of the Interior, Bureau of Reclamation which is proposed by the President in his message of October 31, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974 (Rept. No. 94–49). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. House Resolution 245. Resolution disapproving the deferral of certain budget authority (D75–85) relating to the Department of the Interior, Bureau of Reclamation, which is proposed by the President in his message of October 31, 1974, transmitted under section 1013 of the Impoundment Control of 1974 (Rept. No. 94–50). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee. Committee on Appropriations. House Resolution 246. Resolution disapproving the deferral of certain budget authority (D 75–86) relating to the Department of the Interior, Bureau of Reclamation, which is proposed by the President in his message of October 31, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974 (Rept. No. 94–51). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations, H.R. 4481. A bill making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes. (Rept. No. 94–52). Referred to the Committee of the Whole House on the State of the Union.

[Submitted March 10, 1975]

Mr. PASSMAN: Committee on Appropriations. H.R. 4592. A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1975, and for other purposes. (Rept. No. 94–53). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Pursuant to the order of the House on March 6, 1975, the following bill was submitted on March 7, 1975]

By Mr. MAHON:

H.R. 4481. A bill making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes.

[Introduced on March 10, 1975]

By Ms. ABZUG (for herself, Mr. Vander Veen, Mr. Charles H. Wilson of California, Mr Charles Wilson of Texas, Mr. Wolff, and Mr. Yates):

H.R. 4482. A bill to prohibit discrimination on the basis of sex and marital status, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS of North Dakota (for himself, Mr. Davis, Mr. Stuckey, Mr. Evans of Colorado, and Mr. Bergland):

H.R. 4483. A bill to provide priority system for certain agricultural uses of natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK:

H.R. 4484. A bill to remove certain criminal penalties imposed as a result of the failure of an individual to answer questions submitted in connection with a census or survey conducted under title 13, United States Code; to the Committee on Post Office and Civil Service.

By Mr. BARRETT (for himself, Mr. Ashley, Mr. Moorhead of Pennsylvania, Mr. Stephens, Mr. St Germain, Mr. Gonzalez, Mr. Mitchell of Maryland, Mr. Hanley, Mr. Fauntroy, Mrs. Boggs, Mr. Patterson of California, Mr. Maguire, Mr. Ford of Tennessee, Mr. LaFalce, Mr. AuCoin, Mr. Rees, Mrs. Spellman, Mr. Hannaford, and Mr. Reuss):

H.R. 4485. A bill to provide for greater homeownership opportunities for middle-income families and to encourage more efficient use of land and energy resources; to the Committee on Banking, Currency and Housing.

By Mr. BENNETT:

H.R. 4486. A bill to amend title 18, United States Code, to provide that any parent who kidnaps his minor child shall be fined not more than $1,000, or imprisoned for not more than 1 year, or both; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 4487. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mrs. BOGGS (for herself, Mr. Pickle, Mr. Breaux, Mr. Hébert, Mr. Burleson of Texas, Mr. Lujan, Mr. Patman, Mr. Young of Texas, Mr. Collins of Texas, Mr. Charles Wilson of Texas, Mr. Milford, Mr. Moore, Mr. Kazen, Mr. Brooks, Mr. Archer, Mr. Mahon, Mr. Roberts, Mr. Steelman, Mr. Casey, Mr. Hannaford, Mr. Passman, and Mr. Charles H. Wilson of California):

H.R. 4488. A bill to amend the Emergency Petroleum Allocation Act of 1973 (Public Law 93–159) to exempt the first sale of the share of a State or local government or a subdivision thereof in crude oil produced in the United States from the mineral or leasehold estate of any State or local government or subdivision owned lands, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Florida:

H.R. 4489. A bill to authorize the Secretary of the Interior to conduct a study with respect to the feasibility of establishing the Bartram Trail as a national scenic trail; to the Committee on Interior and Insular Affairs.

H.R. 4490. A bill to provide for the issuance of a commemorative stamp in honor of the approximately 6 million Jews killed by Nazi Germany during World War II; to the Committee on Post Office and Civil Service.

By Mr. BURLESON of Texas:

H.R. 4491. A bill to amend the Internal Revenue Code of 1954 to permit banks (as defined in section 401(d)(1) to be authorized investments for 403(b)(7) custodial accounts; to the Committee on Ways and Means.

By Mr. BURLESON of Texas (for himself, and Mr. Archer):

H.R. 4492. A bill to repeal the last sentence of section 861(c) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. JOHN L. BURTON (for himself and Mr. Phillip Burton):

H.R. 4493. A bill to amend the Fair Labor Standards Act of 1938 to repeal the employers' credit against minimum wage liability which is based on tips received by employees; to the Committee on Education and Labor.

By Mr. COCHRAN:

H.R. 4494. A bill to amend the Occupational Safety and Health Act of 1970 to provide that no civil penalty may be assessed with respect to the initial issuance of a citation for any violation of such act; to the Committee on Education and Labor.

H.R. 4495. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percent of its tax contribution to the highway trust fund; to the Committee on Public Works and Transportation.

By Mr. CONABLE:

H.R. 4496. A bill to amend the Internal Revenue Code of 1954 to disallow deductions for attending conventions outside the United States and Canada; to the Committee on Ways and Means.

By Mr. CONLAN:

H.R. 4497. A bill to amend the Internal Revenue Code of 1954 to provide that cooperative housing corporations and condominium owners' or homeowners' associations will not be taxed on receipt of membership income; to the Committee on Ways and Means.

By Mr. CORMAN (for himself and Mr. Lloyd of California):

H.R. 4498. A bill to amend the Social Security Act so as to provide, for a 1-year period, hospital insurance coverage under medicare for unemployed workers and their families; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 4499. A bill to amend title II of the Social Security Act to provide that the earnings test shall not apply in the case of a widow with minor children who is entitled to mother's insurance benefits; to the Committee on Ways and Means.

H.R. 4500. A bill to amend title II of the Social Security Act to provide benefits for widowed fathers with minor children on the same basis as benefits for widowed mothers with minor children; to the Committee on Ways and Means.

H.R. 4501. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 4502. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for drug abuse therapy in schools; to the Committee on Education and Labor.

H.R. 4503. A bill to amend the Civil Rights Act of 1964 to provide a limitation of 2 years on civil actions brought to prevent unlawful employment practices; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 4504. A bill to amend the Soldiers and Sailors Civil Relief Act; to the Committee on Veterans' Affairs.

H.R. 4505. A bill to amend title II of the Social Security Act to establish more effective procedures for the conduct of hearings, and the appointment of hearing examiners, with respect to claims under such title or title XVIII of such act; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 4506. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize donations of surplus real property for public safety purposes; to the Committee on Government Operations.

By Mr. GUDE (for himself, Mr. McClory, Mr. Studds, Mr. Charles Wilson of Texas, Mr. Ottinger, Mr. Weaver, Mr. Krebs, Mr. Mazzoli, Mr. Andrews of North Dakota, Mr. Gibbons, Mr. AuCoin, Mr. Ford of Tennessee, Ms. Schroeder, Mr. Fulton, Mr. Harrington, Mrs. Mink, Mrs. Spellman, Mr. Edwards of California, Mr. Roybal, Mr. Pressler, Mr. Charles H. Wilson of California, Ms. Abzug, Mr. Yatron, Mr. Hawkins, and Mr. Sarasin):

H.R. 4507. A bill to establish in the Department of Housing and Urban Development a direct low-interest loan program to assist homeowners and builders in purchasing and installing solar heating (or combined solar heating and cooling) equipment; to the Committee on Banking, Currency and Housing.

By Mr. HASTINGS:

H.R. 4508. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HASTINGS (for himself, Mr. Heinz, Mr. Preyer, Mr. Symington, Mr. Helstoski, Mr. du Pont, Mrs. Spellman, Mr. Pattison of New York, Mr. Hicks, Mr. Steelman, Mr. Eilberg, Mr. Gilman, Mr. Brodhead, Mr. Maguire, Mr. Mazzoli, Mr. St Germain, Mr. Mitchell of Maryland, and Mr. Cleveland):

H.R. 4509. A bill to amend the Public Health Service Act to establish an emergency health benefits protection program for the unemployed; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS of Ohio:

H.R. 4510. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on Foreign Affairs.

By Mrs. HECKLER of Massachusetts:

H.R. 4511. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts (for herself, Mr. STARK, and Mr. PATTISON of New York):

H.R. 4512. A bill to extend for 1 year the authorization for the emergency job programs under title VI of the Comprehensive Employment and Training Act of 1973; to the Committee on Education and Labor.

By Mr. HEINZ (for himself, Mr. MEZVINSKY, Mr. WOLFF, Mrs. SPELLMAN, Mrs. KEYS, Mr. SARBANES, Mr. PATTISON of New York, Mr. DOWNEY, and Mrs. HECKLER of Massachusetts):

H.R. 4513. A bill to amend the Community Mental Health Centers Act to authorize a program for rape prevention and control; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself, Mr. RINALDO, Mr. MANN, Mr. BIESTER, Mr. MOORE, and Mr. KELLY):

H.R. 4514. A bill to establish a National Commission on Regulatory Reform; to the Committee on Interstate and Foreign Commerce.

By Ms. HOLTZMAN:

H.R. 4515. A bill to amend the Social Security Act to make certain that recipients of supplemental security income benefits, recipients of aid to families with dependent children, and recipients of assistance or benefits under the veterans' pension and compensation programs and certain other Federal and federally assisted programs will not have the amount of such benefits, aid, or assistance reduced because of post-1974 increases in monthly social security benefits; to the Committee on Ways and Means.

H.R. 4516. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Ms. HOLTZMAN (for herself, Mr. AUCOIN, Mr. BLANCHARD, Mrs. BOGGS, Mr. CARTER, Mr. D'AMOURS, Mr. DODD, Mr. DOWNEY, Mr. DRINAN, Mr. EDWARDS of California, Mr. FORD of Tennessee, Mr. HANNAFORD, Mrs. HECKLER of Massachusetts, Mr. JENRETTE, Mr. MCCORMACK, Mr. MIKVA, Mr. MILLER of California, Mrs. SCHROEDER, Mrs. SPELLMAN, Mr. STEELMAN, Mr. STOKES, Mr. WOLFF, and Mr. ZEFERETTI):

H.R. 4517. A bill to provide joint and survivor's annuity benefits under private pension plans based upon the participant's vested benefit; jointly to the Committees on Education and Labor, and Ways and Means.

By Mr. HOWARD (for himself and Mr. MAGUIRE):

H.R. 4518. A bill to establish a policy for the management of oil and natural gas in the Outer Continental Shelf; to protect the marine and coastal environment; to amend the Outer Continental Shelf Lands Act; and for other purposes; jointly to the Committees on the Judiciary, Merchant Marine and Fisheries, Interior and Insular Affairs, and Science and Technology.

By Mr. JEFFORDS (for himself, Mr. CHARLES WILSON of Texas, Mr. COUGHLIN, Mr. PRESSLER, and Mr. PATTISON of New York):

H.R. 4519. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on passenger automobiles based on fuel consumption rates and to allow a credit for the purchase of passenger automobiles which meet certain standards of fuel consumption, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Mr. JOHN L. BURTON, Mr. CONYERS, Mr. DRINAN, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Ms. HOLTZMAN, Mr. MCCLOSKEY, Mr. NIX, Mr. RANGEL, Mr. ROSENTHAL, Mr. ROYBAL, Mr. STARK, Mr. SOLARZ, and Mr. WAXMAN):

H.R. 4520. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. GUDE, Mr. HECHLER of West Virginia, Ms. ABZUG, Mr. JOHN L. BURTON, Mr. CARR, Ms. COLLINS of Illinois, Mr. FISH, Mr. GILMAN, Mr. HARRINGTON, Mr. HORTON, Mr. KASTENMEIER, Mr. LATTA, Mr. MILLER of California, Mr. MITCHELL of Maryland, Mr. NIX, Mr. OTTINGER, Mr. PATTISON of New York, Mr. RANGEL, Mr. ROYBAL, Mr. SCHEUER, Ms. SCHROEDER, Mrs. SPELLMAN, and Mr. STEIGER of Wisconsin):

H.R. 4521. A bill to amend section 127 of title 23 of the United States Code to reduce certain weights permitted on the Interstate System; to the Committee on Public Works and Transportation.

By Mr. LATTA:

H.R. 4522. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. BREAUX, Mr. BROWN of California, Mr. RIEGLE, and Mr. HARRINGTON):

H.R. 4523. A bill to adjust loan levels and target prices on the 1975, 1976, and 1977 crops of wheat, food grains, and cotton; to the Committee on Agriculture.

By Mr. LOTT:

H.R. 4524. A bill to amend section 1401a(e) of title 10, United States Code, to preclude a military member from receiving less retired pay by continued active service; to the Committee on Armed Services.

By Mr. MCKAY:

H.R. 4525. A bill to amend the act of July 30, 1965 (79 Stat. 426), which authorized establishment of the Golden Spike National Historic Site, to increase the appropriation authorization ceiling relating to that site; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA (for himself and Mrs. MINK):

H.R. 4526. A bill to provide for the normal flow of maritime interstate commerce between Hawaii, Guam, American Samoa, or the Trust Territory of the Pacific Islands and the West Coast, and to prevent certain interruptions thereof; to the Committee on Education and Labor.

By Mr. MELCHER:

H.R. 4527. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

H.R. 4528. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4529. A bill to provide that, following adoption of this act, Veterans' Day be observed on the 11th of November of each year; to the Committee on Post Office and Civil Service.

H.R. 4530. A bill to amend title 38, United States Code, to provide the conditions under which disinterment of decedents in national cemeteries may be authorized; to the Committee on Veterans' Affairs.

H.R. 4531. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. MEZVINSKY:

H.R. 4532. A bill to amend the Urban Mass Transportation Act of 1964 relating to apportionment of funds to urbanized areas for urban mass transportation projects; to the Committee on Public Works and Transportation.

By Mr. MILLER of Ohio:

H.R. 4533. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans' Day, to the Committee on Post Office and Civil Service.

By Mrs. MINK:

H.R. 4534. A bill to amend the Military Personnel and Civilian Employees' Claims Act of 1964 to permit officers and employees of the Trust Territory of the Pacific Islands to receive compensation for damage to, or loss of, certain personal property; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 4535. A bill to authorize the disposal of tin from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. MOORE:

H.R. 4536. A bill to return Veterans Day to its traditional date, November 11 of each year; to the Committee on Post Office and Civil Service.

By Mr. MOORHEAD of Pennsylvania:

H.R. 4537. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 4538. A bill to provide for the establishment of the Electric Power Production Authority in the Department of Commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURTHA:

H.R. 4539. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to provide that employees in coke oven areas with levels of coal dust equivalent to such levels in underground coal mines shall be eligible for black lung benefits; to the Committee on Education and Labor.

H.R. 4540. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the Allegheny River, Pa., for potential addition to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

H.R. 4541. A bill to amend title II of the Social Security Act to increase to $7,500 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deduction from benefits thereunder; to the Committee on Ways and Means.

H.R. 4542. A bill to provide for the monthly publication of a consumer price index for senior citizens and other social security beneficiaries, for use by the Congress in the determination of benefit increases under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 4543. A bill to prohibit any change in the status of any member of the uniformed services who is in a missing status under chapter 10 of title 37, United States Code, until the provisions of the Paris Peace Accord of January 27, 1973, have been fully complied with, and for other purposes; to the Committee on Armed Services.

By Mr. O'BRIEN (for himself, and Mr. FLOOD):

H.R. 4544. A bill to provide for emergency relief for small business concerns in connection with fixed price Government contracts; to the Committee on Small Business.

By Mr. O'NEILL:

H.R. 4545. A bill to amend the Impoundment Control Act of 1974 to provide that no rescission of budget authority proposed by the President shall take effect unless and until the Congress has passed a bill incorporating such rescission; to the Committee on Rules.

By Mr. PERKINS:

H.R. 4546. A bill to authorize the increase of the Federal share of certain projects under section 203 of the Federal Water Pollution Control Act; to the Committee on Public Works and Transportation.

H.R. 4547. A bill to authorize the increase of the Federal share of certain projects under title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. PICKLE:

H.R. 4548. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide that proposed changes in postal rates and classes shall be submitted to Congress and shall be ineffective if either House disapproves such changes by three-fifths vote, to repeal the authorization for temporary postal rates and classes, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. QUIE:

H.R. 4549. A bill to declare a national policy of converting to the metric system in the United States, and to establish a National Metric Conversion Board to coordinate the voluntary conversion to the metric system over a period of 10 years; to the Committee on Science and Technology.

H.R. 4550. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for regular physical examinations; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Ms. Abzug, Mr. Aspin, Mr. Badillo, Mr. Bergland, Mr. Brodhead, Mr. Phillip Burton, Mr. Conyers, Mr. Corman, Mr. Dominick V. Daniels, Mr. Diggs, Mr. Downey, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Fraser, Mr. Harrington, Mr. Harris, Mr. Hawkins, Mr. Hechler of West Virginia, and Mr. Helstoski):

H.R. 4551. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. Holtzman, Mr. Howard, Mr. Koch, Ms. Lloyd of Tennessee, Mr. Maguire, Mr. Mezvinsky, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Oberstar, Mr. Ottinger, Mr. Pattison of New York, Mr. Peyser, Mr. Richmond, Mr. Roe, Mr. Roybal, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. Solarz, Mr. Stark, and Mr. Whitehurst):

H.R. 4552. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSSELOT:

H.R. 4553. A bill to repeal the Occupational Safety and Health Act; to the Committee on Education and Labor.

H.R. 4554. A bill to repeal the Emergency Petroleum Allocation Act; to the Committee on Interstate and Foreign Commerce.

H.R. 4555. A bill to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from requiring an indirect source emission review as a part of any applicable implementation plan; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 4556. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4557. A bill to prohibit the sale of "Saturday night special" handguns in the United States; to the Committee on the Judiciary.

H.R. 4558. A bill to amend the Internal Revenue Code of 1954 to increase to not less than 9 cents per mile the standard mileage allowance which may be used in determining the amount of the deduction allowed for expenses paid or incurred for the operation of an automobile in connection with the rendition of services to a charitable organization; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself, Mr. Fulton, Mr. Goodling, Mrs. Holt, Mr. Kindness, Mr. Lujan, Mr. McDonald of Georgia, Mr. Mann, Mr. Rooney, Mrs. Schroeder, Mr. Spence, and Mr. White):

H.R. 4559. A bill to amend the Internal Revenue Code of 1954 to allow taxpayers to designate that $10 or less of their income tax be used to reduce the public debt; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 4560. A bill to provide opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services and for other purposes; to the Committee on Education and Labor.

H.R. 4561. A bill to guarantee to Federal employees the right to counsel during interrogations which may lead to disciplinary actions and to prevent agencies from obtaining unwarranted reports from employees concerning their private lives; to the Committee on Post Office and Civil Service.

By Mrs. SPELLMAN (for herself, Mr. Charles Wilson of Texas, Mr. Studds, Mr. Conyers, Mr. Hawkins, Mr. Brown of California, Mr. Brodhead, Ms. Schroeder, Mr. Stokes, Ms. Abzug, and Mr. Scheuer):

H.R. 4562. A bill to amend the Internal Revenue Code of 1954 to remove tax incentives to plant closings; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 4563. A bill to amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4564. A bill to extend the educational broadcasting facilities program and to provide authority for the support of demonstrations in telecommunications technologies for the distribution of health, education, and social service information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELMAN:

H.R. 4565. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits and to make certain other changes so that benefits for husbands and widowers will be payable on the same basis as benefits for wives and widows, and to provide benefits for widowed fathers with minor children on the same basis as benefits for widowed mothers with minor children; to the Committee on Ways and Means.

H.R. 4566. A bill to amend title II of the Social Security Act to provide that no deductions on account of outside earnings will be made from the benefits of an individual who has attained age 65; to the Committee on Ways and Means.

H.R. 4567. A bill to amend title II of the Social Security Act to provide that no deduction on account of outside earnings shall be made from any widow's or widower's insurance benefit; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 4568. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mr. Alexander, Mr. Aspin, Mr. Badillo, Mr. Bafalis, Ms. Chisholm, Mr. Mitchell of Maryland, Mr. Mitchell of New York, Mr. Murtha, Mr. O'Hara, Mr. Riegle, Ms. Schroeder, Mr. Snyder, and Mr. Walsh):

H.R. 4569. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. VAN DEERLIN:

H.R. 4570. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of brokers, dealers, and banks trading in municipal securities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN:

H.R. 4571. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 4572. A bill to provide for retirement after 30 years of actual civil service time, at any age; to the Committee on Post Office and Civil Service.

H.R. 4573. A bill to amend chapter 83 of title 5, United States Code, to establish time limitations in applying for civil service retirement benefits, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITE (for himself, Mr. Horton, Mr. McKay, Mr. Melcher, Mrs. Lloyd of Tennessee, Mr. Zeferetti, Mr. Winn, Mr. Mann, Mr. Cleveland, Mr. Yatron, Mr. Mitchell of New York, Mr. Brodhead, Mr. Jeffords, Mrs. Boggs, Mr. Moore, Mr. Wolff, Mr. McEwen, and Mr. Conte):

H.R. 4574. A bill to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services and National Archives and Records Service with respect to records management by Federal agencies, and for other purposes; to the Committee on Government Operations.

By Mr. WHITE (for himself and Mrs. Collins of Illinois):

H.R. 4575. A bill to amend title XVIII of the Social Security Act to provide payment under part A (the hospital insurance program) for care and treatment furnished at a central radiation therapy treatment facility, and to provide full payment under part B (the supplementary medical insurance program) for radiation therapy services furnished by physicians to inpatients or outpatients of any hospital or any such facility; and for other purposes; jointly to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. WHITEHURST (for himself and Mr. Minetta):

H.R. 4576. A bill to direct the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense; to the Committee on Armed Services.

Mr. WHITEHURST (for himself and Mr. Hechler of West Virginia):

H.R. 4577. A bill to amend the Federal law relating to the protection, management, and control of wild free-roaming horses and burros on public lands in order to provide the authority needed to properly manage wild horses and burros in harmony with wildlife and other uses of the national resource land; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST:

H.R. 4578. A bill to authorize the increase of the Federal share of certain projects under title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. WHITEHURST (for himself, Mr. Hannaford, and Mr. Robinson):

H.R. 4579. A bill to amend title 38, United States Code, to provide that remarriage of the widow of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. WON PAT:

H.R. 4580. A bill to amend the Organic Act of Guam to provide for the reorganization of the judicial system of Guam, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 4581. A bill to authorize certain corporporations under the Alaska Native Claims Settlement Act to merge or consolidate, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BONKER:

H.R. 4582. A bill to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain areas in order to conserve and protect such fish from depletion, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PASSMAN:

H.R. 4592. A bill making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1975, and for other purposes.

By Mr. BURKE of Florida:

H.J. Res. 293. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.J. Res. 294. Joint resolution designating the song "America the Beautiful" the "Bicentennial hymn for 1976"; to the Committee on Post Office and Civil Service.

By Mr. HELSTOSKI (for himself, Mr. O'Neill, Mr. Burke of Florida, Mrs. Fenwick, and Mr. Hughes):

H.J. Res. 295. Joint resolution to designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man"; to the Committee on Post Office and Civil Service.

By Mr. JONES of Oklahoma (for himself, Mr. Steed, Mr. English, Mr. Risenhoover, and Mr. Jarman):

H.J. Res. 296. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 16, 1976, through May 22, 1976; to the Committee on Foreign Affairs.

By Mrs. MINK:

H.J. Res. 297. Joint resolution to authorize and request the President to call a White House Conference on Women in 1976; to the Committee on Government Operations.

By Mr. REES:

H.J. Res. 298. Joint resolution to disapprove Export-Import Bank financing of a nuclear reactor sale to South Korea; to the Committee on Banking, Currency and Housing.

By Mr. SEBELIUS (for himself, Mr. Ambro, Mrs. Boggs, Mr. Burgener, Mr. Burke of Massachusetts, Mr. Cochran, Mr. Crane, Mr. Danielson, Mr. Eilberg, Mr. Hastings, Mr. Jeffords, Mrs. Heckler of Massachusetts, Mr. Ketchum, Mr. Kindness, Mr. Lent, Mr. McDonald of Georgia, Mr. Mann, Mr. Mitchell of New York, Mr. Murphy of Illinois, Mr. Murtha, Mr. O'Hara, Mr. Rinaldo, Mr. Robinson, Mr. Stark, and Mr. Thone):

H.J. Res. 299. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H.J. Res. 300. Joint resolution to provide for the issuance of a special postage stamp to honor the estimated 6 million Jews killed by Nazi Germany during the Second World War; to the Committee on Post Office and Civil Service.

By Mr. FOUNTAIN:

H. Con. Res. 169. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. MACDONALD of Massachusetts:

H. Con. Res. 170. Concurrent resolution that an imposition of a ceiling on social security cost-of-living benefit increases not be enacted; to the Committee on Ways and Means.

By Mr. REES:

H. Con. Res. 171. Concurrent resolution expressing the sense of Congress concerning the President's issuing a proclamation calling upon the several States and foreign nations to participate in the 1976 Pacific 21 Exhibition and Festival; to the Committee on Post Office and Civil Service.

By Mrs. SPELLMAN:

H. Con. Res. 172. Concurrent resolution requesting the President to designate a "National Day of Concern for Political Prisoners in the Soviet Union"; to the Committee on Post Office and Civil Service.

By Mr. DIGGS:

H. Res. 283. Resolution to provide funds for the expenses of the investigations, studies, oversight, and functions of the Committee on the District of Columbia; to the Committee on House Administration.

By Mr. BURLESON of Texas:

H. Res. 284. Resolution expressing the sense of the House of Representatives with respect to limiting U.S. contributions to the United Nations, and with respect to the U.S. delegate refraining from voting in the General Assembly; to the Committee on Foreign Affairs.

By Mr. HALEY:

H. Res. 285. Resolution to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Interior and Insular Affairs; to the Committee on House Administration.

By Mr. MILLER of Ohio:

H. Res. 286. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

By Mr. RANDALL:

H. Res. 287. Resolution to provide for the expenses of the investigations and studies to be conducted by the Permanent Select Committee on Aging; to the Committee on House Administration.

PETITIONS, ETC.

Under clause 1 of rule XXII,

51. The SPEAKER presented a petition of William E. and Jean M. Conrad, Florissant, Mo., relative to impeachment of certain judges; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

47. By the SPEAKER: Memorial of the Legislature of the State of Nevada, relative to loans to livestock producers; to the Committee on Agriculture.

48. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the status of American servicemen still listed as missing in action in Indochina; to the Committee on Armed Services.

49. Also, memorial of the Legislature of the State of Oklahoma, relative to rail service between the cities of Bartlesville and Oklahoma City; to the Committee on Interstate and Foreign Commerce.

50. Also, memorial of the Legislature of the State of Mississippi, relative to the employment of illegal aliens; to the Committee on the Judiciary.

51. Memorial of the Senate of the State of Arizona, relative to observing Veterans' Day on November 11 of each year; to the Committee on Post Office and Civil Service.

52. Also, memorial of the Legislature of the State of Oklahoma, relative to construction of a channel to the port of Sallisaw, Okla.; to the Committee on Public Works and Transportation.

53. Also, memorial of the Senate, of the State of Arizona, relative to the establishment of a national cemetery in Arizona; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 4583. A bill for the relief of Rosina C. Beltran; to the Committee on the Judiciary.

By Mr. AuCOIN:

H.R. 4584. A bill for the relief of Loren Ted Ward, Jr.; to the Committee on the Judiciary.

By Mrs. BOGGS:

H.R. 4585. A bill for the relief of Jude Agnes Andrea Cucurullo; to the Committee on the Judiciary.

By Mr. PHILLIP BURTON:

H.R. 4586. A bill for the relief of Maria Otilia Solorzano; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 4587. A bill granting a renewal of patent No. 54,296 relating to the badge of The American Legion; to the Committee on the Judiciary.

H.R. 4588. A bill granting a renewal of patent No. 55,398 relating to the badge of the American Legion Auxiliary; to the Committee on the Judiciary.

H.R. 4589. A bill granting a renewal of patent No. 92,187 relating to the badge of the Sons of The American Legion; to the Committee on the Judiciary.

Mrs. HECKLER of Massachusetts:

H.R. 4590. A bill for the relief of Sgt. Albin S. Chichlowski, U.S. Air Force; to the Committee on the Judiciary.

By Mrs. MEYNER:

H.R. 4591. A bill for the relief of Mr. Harold J. Applin; to the Committee on the Judiciary.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the Congressional Record of March 4, 1975—page 5160:

H.R. 2000. January 23, 1975. Veterans' Affairs. Extends the maximum period of veterans' eligibility for educational benefits from thirty-six months to forty-five months.

H.R. 2001. January 23, 1975. House Administration. Prohibits travel at Government expense outside the United States by Members of Congress who after the adjournment sine die of the last session of a Congress are not candidates for reelection in the next Congress.

H.R. 2002. January 23, 1975. Ways and

Means. Amends the Internal Revenue Code to permit an alternate method of deducting the depreciation expenses of certain byproduct and waste energy conversion facilities.

H.R. 2003. January 23, 1975. Government Operations. Authorizes Federal payments to county governments to compensate for the tax immunity of Federal lands within their boundaries.

H.R. 2004. January 23, 1975. Judiciary. Limits the authority of States and their subdivisions to impose income taxes on residents of other States.

H.R. 2005. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow certain individuals sixty-five years of age and over a limited credit against the income tax for the amount of real property taxes paid or accrued or the amount of rent constituting real property taxes paid during the taxable years.

H.R. 2006. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Permits an owner of rental property as an option to amortize expenditures for the restoration of rental housing.

H.R. 2007. January 23, 1975. Public Works and Transportation. Amends the Federal Aviation Act to prohibit air carriers from abandoning any route or discontinuing any service for which the Civil Aeronautics Board has issued a certificate without a finding by the Board that such abandonment or discontinuance is in the public interest.

H.R. 2008. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow an individual a credit against the income tax for the amount of any disaster evacuation expenses paid by the taxpayer during the taxable year.

H.R. 2009. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to permit employees receiving lump sums from tax-free pension or annuity plans on account of separation from employment to defer the tax on any gain at the time of distribution to the extent that an equivalent amount is reinvested in another such plan.

H.R. 2010. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to permit an additional personal exemption for a taxpayer if during all of the taxable year he has served as a tenured member in a volunteer fire company.

H.R. 2011. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to permit service charges paid by property owners to independent sewerage authorities to be deductible from gross income as part of the real property tax paid on such properties.

H.R. 2012. January 23, 1975. Ways and Means. Amends the Social Security Act to authorize payment to married couples of Old-Age and Disability Insurance benefits which have been computed on the basis of their combined earnings record.

H.R. 2013. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited deduction from gross income for amounts paid by a taxpayer during the taxable year to rent his principal residence.

H.R. 2014. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited credit against the income tax the State and local general sales taxes paid or accrued by an individual during the taxable year.

H.R. 2015. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow any person engaged in a trade or business to deduct from gross income a portion of the additional investment made in such trade or business during the taxable year.

H.R. 2016. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer to take a depreciation deduction for capital expenses incurred in connecting a sewage line from the residence of the taxpayer to a municipal sewage system.

H.R. 2017. January 23, 1975. Ways and Means. Amends the Social Security Act by allowing services performed by ministers to constitute employment for the purpose of Old-Age, Survivors, and Disability Insurance. Amends the Internal Revenue Code of 1954 by allowing ministers and employing organizations to elect to treat the services performed by ministers as employment.

H.R. 2018. January 23, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 2019. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer to deduct as an expense during the taxable year expenditures for the purpose of making any facility owned or leased by the taxpayer for use in connection with his trade or business more usable by handicapped and elderly individuals.

H.R. 2020. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited credit against the income tax the expenses paid by an individual during the taxable year to institutions of higher education for himself or for any other individual.

H.R. 2021. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to prohibit the payment of employment taxes by certain employers more than once per calendar quarter.

H.R. 2022. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from the gross income of an individual a limited amount of interest or dividends received from certain savings institutions.

H.R. 2023. January 23, 1975. Ways and Means. Amends the Internal Revenue Code of 1954 to eliminate the percentage depletion allowance and the option to deduct intangible drilling and development costs for any oil or gas well located outside the United States. Eliminates foreign tax credit for any income derived from any such well.

H.R. 2024. January 23, 1973. Agriculture. Sets the level of price support for tobacco, under the Agricultural Act of 1949, at 75 percent of the parity price, if marketing quotas are in effect. Excludes from price-support eligibility any tobacco marketed in excess of 110 percent of the acreage poundage or poundage farm marketing quotas, if in effect, under the Agricultural Adjustment Act of 1938.

H.R. 2025. January 23, 1975. Government Operations. Directs the Secretary of Health, Education, and Welfare to make grants to States and units of local government to assist in the execution of consumer protection plans.

H.R. 2026. January 23, 1975. Government Operations. Directs the Secretary of Health, Education, and Welfare to make grants to States and units of local government to assist in the execution of consumer protection plans.

H.R. 2027. January 23, 1975. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to include sales promotion games among unfair methods of competition.

H.R. 2028. January 23, 1975. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to include sales promotion games among unfair methods of competition.

H.R. 2029. January 23, 1975. Interstate and Foreign Commerce. Requires manufacturers to affix a permanent label stating the month and year of manufacture on consumer durable products the design and performance of which are periodically changed so that the date of manufacture is important to an accurate description of the product.

H.R. 2030. January 23, 1975. Interstate and Foreign Commerce. Requires manufacturers to affix a permanent label stating the month and year of manufacture on consumer durable products the design and performance of which are periodically changed so that the date of manufacture is important to an accurate description of the product.

H.R. 2031. January 23, 1975. Interstate and Foreign Commerce. Requires manufacturers to display on a conspicuous label on each item of durable goods sold to consumers the performance life of each product. Declares the National Bureau of Standards to have final authority over the designations required by this Act, and requires the Federal Trade Commission to enforce the provisions of this Act.

H.R. 2032. January 23, 1975. Interstate and Foreign Commerce. Requires manufacturers to display on a conspicuous label on each item of durable goods sold to consumers the performance life of each product. Declares the National Bureau of Standards to have final authority over the designations required by this Act, and requires the Federal Trade Commission to enforce the provisions of this Act.

H.R. 2033. January 23, 1975. Interstate and Foreign Commerce. Prohibits any person engaged in commerce from selling any merchandise unless there is available for consumers at the place of sale the recent price histories of the products offered for sale.

H.R. 2034. January 23, 1975. Interstate and Foreign Commerce. Prohibits any person engaged in commerce from selling any merchandise unless there is available for consumers at the place of sale the recent price histories of the products offered for sale.

H.R. 2035. January 23, 1975. Public Works and Transportation. Authorizes free or reduced rate transportation under the Federal Aviation Act of 1958 to handicapped persons and persons who are sixty-five years of age or older. Amends the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are sixty-five years of age or older. Authorizes the Secretary of Health, Education, and Welfare to make grants to public and private entities to plan, research, and develop special transportation systems for the handicapped and the elderly.

H.R. 2036. January 23, 1975. Public Works and Transportation. Authorizes free or reduced rate transportation under the Federal Aviation Act of 1958 to handicapped persons and persons who are sixty-five years of age or older. Amends the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are sixty-five years of age or older. Authorizes the Secretary of Health, Education, and Welfare to make grants to public and private entities to plan, research, and develop special transportation systems for the handicapped and the elderly.

H.R. 2037. January 23, 1975. Public Works and Transportation. Establishes the Airport Noise Curfew Commission to study and make recommendations to the Congress regarding the establishment of curfews on nonmilitary aircraft operations over populated areas of the United States during normal sleeping hours.

H.R. 2038. January 23, 1975. Public Works and Transportation. Establishes the Airport Noise Curfew Commission to study and make recommendations to the Congress regarding the establishment of curfews on nonmilitary aircraft operations over populated areas of the United States during normal sleeping hours.

H.R. 2039. January 23, 1975. Ways and Means. Repeals the statutory authority to impose quotas on the importation of meat and meat products.

H.R. 2040. January 23, 1975. Ways and Means. Repeals the statutory authority to impose quotas on the importation of meat and meat products.

H.R. 2041. January 23, 1975. Ways and Means. Amends the Social Security Act by guaranteeing a minimum annual income to the elderly.

H.R. 2042. January 23, 1975. Ways and Means. Amends the Social Security Act by guaranteeing a minimum annual income to the elderly.

H.R. 2043. January 23, 1975. Education and Labor. Authorizes the Commissioner of Education to make grants to the Deganawidah-Quetzalcoatl University to be used for its development and improvement.

H.R. 2044. January 23, 1975. Post Office and Civil Service. Includes as creditable service for civil service retirement purposes service as an enrollee in the Civilian Conservation Corps.

H.R. 2045. January 23, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to provide upon request, and at no additional cost, an appropriate burial ceremony for any deceased veteran who is to be buried in any national cemetery in the National Cemetery System.

H.R. 2046. January 23, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2047. January 23, 1975. Judiciary. Changes the requirements for naturalization to require the ability to read, write and speak words in ordinary usage in the language in which the applicant for citizenship is most literate.

H.R. 2048. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to increase the estate tax exemption, and to increase the estate tax marital deduction.

Permits the executor of an estate to elect an alternate valuation of certain lands used for farming, woodland or scenic open space.

H.R. 2049. January 23, 1975. Interstate and Foreign Commerce. Establishes, under the Public Health Service Act, a system of comprehensive health care benefits which are to be provided by a health maintenance organization that is approved by the Secretary of Health, Education, and Welfare and by the State Health Commission or by a nongovernmental organization that is engaged in providing such health services in consideration of predetermined payments or other periodic charges. Allows the Secretary of Health, Education, and Welfare to contract with an insurance carrier whereby the Secretary shall pay all or part of the premiums of economically disadvantaged individuals enrolled with such insurance carrier.

H.R. 2050. January 23, 1975. Interstate and Foreign Commerce. Establishes, under the Public Health Services Act, a system of comprehensive health care benefits which are to be provided by a health maintenance organization that is approved by the Secretary of Health, Education, and Welfare and by the State Health Commission or by a nongovernmental organization that is engaged in providing such health services in consideration of predetermined payments or other periodic charges. Allows the Secretary of Health, Education, and Welfare to contract with an insurance carrier whereby the Secretary shall pay all or part of the premiums of economically disadvantaged individuals enrolled with such insurance carrier.

H.R. 2051. January 23, 1975. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to increase the financial assistance available under the Act.

H.R. 2052. January 23, 1975. Banking, Currency and Housing. Amends the Bank Holding Company Act of 1956 to make it applicable to alien individuals.

H.R. 2053. January 23, 1975. Judiciary. Standards of Official Conduct. Requires candidates for Federal office, Members of the Congress, and certain officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 2054. January 23, 1975. Armed Services. Authorizes the Secretary of the Navy to transfer ownership of certain naval vessels to New York City for use as an intermodal transportation facility.

H.R. 2055. January 23, 1975. Merchant Marine and Fisheries. Establishes the limit of the United States fishery zone at two hundred miles from the inner limit of the territorial sea.

Extends the jurisdiction of the United States over fish which originate in United States inland waters to wherever such fish range in the oceans except that jurisdiction does not extend into the fishery or territorial waters of another country.

H.R. 2056. January 23, 1975. Merchant Marine and Fisheries. Establishes the limit of the United States fishery zone at two hundred miles from the inner limit of the territorial sea.

Extends the jurisdiction of the United States over fish which originate in United States inland waters to wherever such fish range in the oceans except that jurisdiction does not extend into the fishery or territorial waters of another country.

H.R. 2057. January 23, 1975. Merchant Marine and Fisheries. Amends the Endangered Species Act of 1973 to authorize the Secretary of Commerce to grant hardship exemptions to persons for stocks or inventories of marine mammals of the order Cetacea shipped in interstate commerce.

H.R. 2058. January 23, 1975. Education and Labor. Authorizes the Secretary of Agriculture to establish a universal food service which will provide at least one free meal per day to all students in public and nonprofit private schools of high school grade and under. Authorizes the Secretary to develop and make available to schools a nutrition education program.

H.R. 2059. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to permit the deduction of medical expenses of persons sixty-five years of age and over without reducing the expenses by the percentage exclusion.

H.R. 2060. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction from gross income amounts paid during the taxable year for the support of a father or mother sixty-five years of age or over, or a mother not gainfully employed and divorced or separated under a decree of separate maintenance.

H.R. 2061. January 23, 1975. Public Works and Transportation. Directs the Administrator of the General Services Administration to transfer the Old Post Office Building located in the District of Columbia to the National Endowment for the Arts.

H.R. 2062. January 23, 1975. Interior and Insular Affairs. Regulates surface coal mining operations through a permit program administered by the Secretary of the Interior. Requires applicants to meet minimum environmental protection performance standards. Allows States to establish surface mining control programs at least as stringent as minimum Federal standards.

Includes provisions to fund mineral resources research programs and to provide for reclamation of abandoned mine sites. Authorizes the Secretary of Labor to extend unemployment assistance to individuals left jobless as a result of enforcement of surface mining requirements.

H.R. 2063. January 23, 1975. Interior and Insular Affairs. Designates certain public lands and waters in Alaska as units of the National Wildlife Refuge System, the National Park System, the National Wild and Scenic Rivers System, and the National Forest System.

H.R. 2064. January 23, 1975. Interior and Insular Affairs. States that a person who is not an enrolled member of the Confederated Tribes of the Umatilla Indian Reservation of Oregon shall not be entitled to receive by devise or inheritance any interest in trust or restricted lands within the Umatilla Indian Reservation, if while the decedent's estate is pending before the Examiner of Inheritance, the Confederated Tribes pay to the Secretary of the Interior the fair market value of such interest.

H.R. 2065. January 23, 1975. Interior and Insular Affairs. Stipulates the procedures whereby the consolidation of lands within the Umatilla Indian Reservation into the ownership of the Confederated Tribes of the Umatilla Reservation and the individual members thereof is to be effectuated. Authorizes acquisitions by the Secretary of the Interior of any lands or interests in lands within, adjacent to, or in close proximity to the Reservation.

H.R. 2066. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against tax or a limited deduction from income equal to the ordinary and necessary expenses paid during the taxable year for the improvement of the thermal design of the principal residence of the taxpayer.

H.R. 2067. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against tax or a limited deduction from income equal to the ordinary and necessary expenses paid during the taxable year for the improvement of the thermal design of the principal residence of the taxpayer.

H.R. 2068. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against tax or a limited deduction from income equal to the ordinary and necessary expenses paid during the taxable year for the improvement of the thermal design of the principal residence of the taxpayer.

H.R. 2069. January 23, 1975. Judiciary. Requires that the Director of the Federal Bureau of Investigation be appointed with the advice and consent of the Senate.

Limits the Director's term of office to ten years. Prohibits anyone over seventy years of age from serving as Director.

H.R. 2070. January 23, 1975. Judiciary. Requires the destruction of files maintained by the Federal Bureau of Investigation with respect to Members of Congress after each member has been given the opportunity to examine such files. Requires the Director of the Federal Bureau of Investigation to notify the Speaker of the House or the President pro tempore of the Senate of the existence of certain other files which are not subject to examination.

H.R. 2071. January 23, 1975. Judiciary. Establishes regulations for the settlement of disputed title claims to certain real properties alleged to be public lands of the United States.

H.R. 2072. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction from gross income for costs paid by the taxpayer for the custodial care of a dependent incurred as a result of Down's syndrome.

H.R. 2073. January 23, 1975. Interior and Insular Affairs. Amends the Organic Act of Guam to provide for the removal of the existing limitation on the public debt by referendum of the people of Guam.

H.R. 2074. January 23, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to designate employees of the Department to make arrests, execute warrants and conduct investigations concerning crimes against the United States. Allows the Secretary to designate employees of any Federal agency, State or political subdivision to act as special policemen in areas of the National Park System.

H.R. 2075. January 23, 1975. Judiciary. Increases the penalties for use of a firearm in the commission of a felony.

H.R. 2076. January 23, 1975. Ways and Means. Amends the Internal Revenue Code to exclude limited amounts received as dividends or interest on deposits in a savings institution.

H.R. 2077. January 23, 1975. Ways and Means. Amends the Social Security Act to extend medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 2078. January 23, 1975. Interstate and Foreign Commerce. Prohibits certain enumerated unfair consumer practices. Establishes procedures to govern the maintenance of class action suits by persons suffering damage as a result of an unfair consumer practice.

H.R. 2079. January 23, 1975. Interstate and Foreign Commerce. Prohibits certain enumerated unfair consumer practices. Establishes procedures to govern the maintenance of class action suits by persons suffering damage as a result of an unfair consumer practice.

H.R. 2080. January 23, 1975. Interstate and Foreign Commerce. Amends the Automobile Information Disclosure Act to require disclosure of additional information relating to fuel consumption of certain automobiles.

H.R. 2081. January 23, 1975. Agriculture. Revises eligibility requirements and the portion of income to be paid for food coupons under the Food Stamp Act of 1964. Authorizes the use of food coupons for the purchase of prepared meals which are delivered to disabled individuals by a public agency or nonprofit organization.

H.R. 2082. January 23, 1975. Agriculture. Revises eligibility requirements and the portion of income to be paid for food coupons under the Food Stamp Act of 1964. Authorizes the use of food coupons for the purchase of prepared meals which are delivered to disabled individuals by a public agency or nonprofit organization.

H.R. 2083. January 23, 1975. Agriculture. Revises eligibility requirements and the portion of income to be paid for food coupons under the Food Stamp Act of 1964. Authorizes the use of food coupons for the purchase of prepared meals which are delivered to disabled individuals by a public agency or nonprofit organization.

H.R. 2084. January 23, 1975. Agriculture. Revises eligibility requirements and the portion of income to be paid for food coupons under the Food Stamp Act of 1964. Authorizes the use of food coupons for the purchase of prepared meals which are delivered to disabled individuals by a public agency or nonprofit organization.

H.R. 2085. January 23, 1975. Agriculture. Revises eligibility requirements and the portion of income to be paid for food coupons under the Food Stamp Act of 1964. Authorizes the use of food coupons for the purchase of prepared meals which are delivered to disabled individuals by a public agency or nonprofit organization.

H.R. 2086. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2087. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2088. January 23, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in connection with a permanent paralysis sustained by such individual after discharge from military service.

H.R. 2089. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2090. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2091. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2092. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2093. January 23, 1975. Judiciary. Specifies the tax treatment of certain individuals under the Internal Revenue Code.

H.R. 2094. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2095. January 23, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2096. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2097. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2098. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2099. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2100. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2101. January 23, 1975. Judiciary. Specifies the treatment of a certain individual with respect to third person tort liability claims by the United States.

H.R. 2102. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2103. January 23, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2104. January 23, 1975. Judiciary. Waives the statute of limitations for certain individuals with respect to beginning action on tort claims against the United States.

H.R. 2105. January 23, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for false imprisonment.

H.R. 2106. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2107. January 23, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2108. January 23, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's tort claim against the United States.

H.R. 2109. January 23, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in compensation for accumulated leave for which credit was lost while such individual was hospitalized.

H.R. 2110. January 23, 1975. Judiciary. Specifies the treatment of a certain individual under the Social Security Act.

H.R. 2111. January 23, 1975. Judiciary. Specifies the tax treatment of the estate of a certain individual under the Internal Revenue Code.

H.R. 2112. January 23, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2113. January 23, 1975. Interior and Insular Affairs. Directs the Secretary of the Interior to convey certain land in Montana to certain individuals.

H.R. 2114. January 23, 1975. Judiciary. Relieves a certain individual of liability to the United States for certain overpayments of retired pay.

H.R. 2115. January 23, 1975. Judiciary. Directs the Attorney General to cancel any outstanding orders and warrants of deportation, arrest and bond in the case of a certain individual.

H.R. 2116. January 23, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2117. January 23, 1975. Judiciary. Declares that for the purposes of the Immigration and Nationality Act a certain individual is considered to be the natural-born alien son of a certain citizen of the United States.

H.R. 2118. January 23, 1975. Judiciary. Declares a certain individual a child for purposes of the Immigration and Nationality Act.

H.R. 2119. January 23, 1975. Judiciary. Declares a certain individual a child for purposes of the Immigration and Nationality Act.

H.R. 2120. January 23, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain individuals in full settlement of such individuals' claims against the United States.

H.R. 2121. January 27, 1975. Interior and Insular Affairs. Regulates surface and underground coal mining operations through a permit program administered by the Administrator of the Environmental Protection Agency. Requires applicants to meet minimum environmental protection performance standards.

Sets forth a system for gradual phasing out of all surface coal mining operations. Allows States to establish surface mining control programs at least as stringent as minimum Federal standards.

Creates an Abandoned Coal Mine Stabilization Fund for use by the Chief of the Corps of Engineers and the Secretary of Agriculture in stabilizing abandoned mine site lands.

H.R. 2122. January 27, 1975. Interstate and Foreign Commerce. Amend the Natural Gas Act to establish a priority system for certain agricultural uses of natural gas.

H.R. 2123. January 27, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2124. January 27, 1975. Ways and Means. Amends the Social Security Act to permit officers and employees of the Federal Government to elect coverage under Old-Age, Survivors and Disability Insurance. Sets forth the procedures by which Federal employees may elect such coverage.

H.R. 2125. January 27, 1975. Banking, Currency and Housing. Establishes the Federal Savings and Loan Insurance Corporation as a corporation independent of the Federal Home Loan Bank Board.

Establishes a presidentially-appointed Board of Trustees to govern the Federal Savings and Loan Insurance Corporation.

Revises various administrative procedures of the Federal Home Loar Bank Board.

H.R. 2126. January 27, 1975. Interstate and Foreign Commerce. Defines the term "food supplement" as it appears in the Federal Food, Drug, and Cosmetic Act. Disallows the requirement of warning labels for and the limiting of ingredients in "food supplements" by the Secretary of Health, Education, and Welfare unless such article is intrinsically injurious to health in the recommended dosage.

H.R. 2127. January 27, 1975. Agriculture. Requires emergency loans extended by the Secretary of Agriculture, under the Consolidated Farm and Rural Development Act, to be repaid within twenty years. Authorizes the Secretary to increase the personnel for processing these loans to ranchers and farmers as a result of the severe blizzard in the midwest in January 1975.

H.R. 2128. January 27, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to clarify procedures for consideration of applications for renewal of broadcast licenses. Extends the maximum time of license and license renewal for the operation of any class of station from three to five years.

H.R. 2129. January 27, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against the income tax for the expenses of education above the twelfth grade paid by the taxpayer for providing an education for himself or any other individual.

H.R. 2130. January 27, 1975. Judiciary. Incorporates the National Association of State Directors of Veterans Affairs.

H.R. 2131. January 27, 1975. Ways and Means. Revises the tax rates for Old-Age, Survivors and Disability Insurance and hospital insurance under the Internal Revenue Code of 1954. Raises the ceiling on income taxable for Old-Age, Survivors and Disability Insurance under the Social Security Act and Internal Revenue Code of 1954.

Provides that one-third of the cost of the Old-Age, Survivors and Disability Insurance program be borne by the Federal Government.

H.R. 2132. January 27, 1975. Ways and Means. Amends the Internal Revenue Code of 1954 by allowing an individual who is 65 years of age or older to elect to exempt his income from Social Security taxes.

Amends the Social Security Act by redefining employment and self-employment to exclude service performed by an individual who is 65 years of age or older who has elected to exempt the income derived from such service from Social Security taxes.

H.R. 2133. January 27, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Service Act, to conduct, make grants, and enter into contracts for research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

H.R. 2134. January 27, 1975. Foreign Affairs. Authorizes the Secretary of State to furnish free transportation to United States citizens twenty-one years of age or older who desire to establish permanent residence in a foreign country and who relinquish their right to reenter the United States for sixty-five years.

H.R. 2135. January 27, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to create a Federal Energy Security Corporation. Authorizes the corporation to acquire rights to develop natural gas or oil on certain lands and to acquire refining and transportation facilities. Directs the Corporation to offer refined oil and gas products to consumers at fair and reasonable prices.

H.R. 2136. January 27, 1975. Armed Services. Prohibits changes in the classification of any member of the Armed Forces who is in a missing status unless (1) the President has taken all reasonable measures to account for all such members and to enforce certain provisions of the Paris Peace Accord of January 27, 1973; and (2) the next of kin of such member have not filed an objection to the reclassification.

H.R. 2137. January 27, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against the income tax for each personal exemption and a limited credit for the expenses of commuting or business-related highway travel.

Increases the excise tax on gasoline, diesel and special motor fuels, and repeals the deduction from income of State and local taxes on certain motor fuels.

H.R. 2138. January 27, 1975. Ways and Means. Suspends for 90 days the authority of the President to increase tariffs on petroleum or petroleum products.

H.R. 2139. January 27, 1975. Ways and Means. Suspends for 90 days the authority of the President to increase tariffs on petroleum and petroleum products.

H.R. 2140. January 27, 1975. Ways and Means. Suspends for 90 days the authority of the President to increase tariffs on petroleum or petroleum products.

H.R. 2141. January 27, 1975. Armed Services. Entitles person to retired pay compensation if such person is determined by the Secretary concerned to be permanently or totally disabled under the standard schedule of rating disabilities in use by the Veterans' Administration.

H.R. 2142. January 27, 1975. Judiciary. Establishes the Bicentennial Constitutional Commission to study and make recommendations on proposed amendments to the Constitution which would modify the institutions of the three branches of the Federal Government.

H.R. 2143. January 27, 1975. Post Office and Civil Service. Authorizes the allowance of creditable service for civil service retirement benefits to Federal employees and Members of Congress who have performed service in the employment of a State, or political subdivision thereof, in the carrying out of any program authorized and financed by Act of Congress, if certain specified conditions are met.

H.R. 2144. January 27, 1975. Post Office and Civil Service. Authorizes the President to designate February 20 of each year as Postal Employees Day.

H.R. 2145. January 27, 1975. Post Office and Civil Service. Requires that labor disputes within the United States Postal Service by supervisory organizations and the Service be submitted to an arbitration board.

H.R. 2146. January 27, 1975. Post Office and Civil Service. Gives retention preference to certain Federal employees who are former members of the Armed Forces retired on disability incurred in the line of duty in wartime, whenever there is a reduction in force.

H.R. 2147. January 27, 1975. Interstate and Foreign Commerce. Empowers the Attorney General, the Secretary of State, and the Secretary of Health, Education, and Welfare to execute the obligations of the United States under the international treaty entitled the "Convention on Psychotropic Substances" which is designed to establish suitable controls over manufacture, distribution, transfer, and use of certain psychotropic substances. Stipulates that the Comprehensive Drug Abuse Prevention and Control Act of 1970 is the appropriate framework for control of psychotropic substances.

H.R. 2148. January 27, 1975. Judiciary. Amends the Voting Rights Act of 1965 by extending to fifteen years the prohibition of the denial of an individual's voting rights because of his failure to comply with any test or device used in determining eligibility to vote within the previous ten years.

H.R. 2149. January 27, 1975. Public Works and Transportation. Terminates the Airlines Mutual Aid Agreement.

H.R. 2150. January 27, 1975. Agriculture. Requires the Secretary of Agriculture to cancel one-half the principal or $10,000 of the principal, whichever is lesser, of loans made to emergency areas under the Consolidated Farm and Rural Development Act. Prohibits interest charges on the remaining principal of such loans from exceeding 1 percent per year.

H.R. 2151. January 27, 1975. Interstate and Foreign Commerce. Directs the Federal Power Commission to review and modify plans submitted by natural gas pipelines for curtailing sales to specific customers and authorizes the commission to direct transfers of available supplies of natural gas in order to meet regional needs.

H.R. 2152. January 27, 1975. Agriculture. Revises eligibility requirements and the portion of income to be paid for food coupons under the Food Stamp Act of 1964. Authorizes the use of food coupons for the purchase of prepared meals which are delivered to disabled individuals by a public agency or nonprofit organization.

H.R. 2153. January 27, 1975. Interior and Insular Affairs. Amends the National Trails System Act to authorize a study to determine the feasibility of designating the Pacific Northwest Trail in Idaho, Montana, and Washington as a national scenic trail.

H.R. 2154. January 27, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against the income tax for the expenses of education above the twelfth grade paid by the taxpayer for providing an education for himself or any other individual.

H.R. 2155. January 27, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits.

Redefines wages and employment for the purpose of determining eligibility for supplemental security income benefits.

H.R. 2156. January 27, 1975. Banking, Currency and Housing. Authorizes the Federal Deposit Insurance Corporation to terminate the insurance of any bank which fails to pay the Federal funds interest rate on all tax and loan accounts maintained at such bank.

H.R. 2157. January 27, 1975. Banking, Currency and Housing. Authorizes the Federal Deposit Insurance Corporation to terminate the insurance of any bank which fails to pay the Federal funds interest rate on all tax and loan accounts maintained at such bank.

H.R. 2158. January 27, 1975. Banking, Currency and Housing. Authorizes the Federal Deposit Insurance Corporation to terminate the insurance of any bank which fails to pay the Federal funds interest rate on all tax and loan accounts maintained at such bank.

H.R. 2159. January 27, 1975. Judiciary. Authorizes the Attorney General to approve funds to reimburse a medical facility for treatment of an alien unlawfully in the United States if the treatment was given for a medical emergency and the facility is unable to recover its costs in providing such treatment from any public assistance program.

H.R. 2160. January 27, 1975. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to provide for the reorganization under such Act of a railroad heretofore found to be reorganizable under the Bankruptcy Act and later found not to be reorganizable.

H.R. 2161. January 27, 1975. Post Office and Civil Service. Directs the Secretary of Transportation to fix the pay scales of the police forces of Washington National Airport and Dulles International Airport in accordance with provisions of the District of Columbia Police and Firemen's Salary Act of 1958.

H.R. 2162. January 27, 1975. Post Office and Civil Service. Authorizes officers and employees of the United States to accept for the United States the voluntary services of certain students.

H.R. 2163. January 27, 1975. Public Works and Transportation. Terminates the Airlines Mutual Aid Agreement.

H.R. 2164. January 27, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2165. January 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for certain overtime earnings accrued while such individual was employed by the Alaska Road Commission within the Department of the Interior.

H.R. 2166. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to reduce by a limited amount the taxes due on individual income for the 1974 taxable year. Increases the low income allowance and the percentage standard deduction. Permits a limited credit against the income tax for earned income. Revises the corporate income tax to increase the investment credit and the corporate surtax exemption.

H.R. 2167. January 28, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2168. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate as married individuals filing jointly.

H.R. 2169. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to exempt from the excise tax automobile bus chassis or automobile bus bodies which are to be used predominantly by the purchaser in public passenger transportation services.

H.R. 2170. January 27, 1975. Ways and Means. Requires Congressional approval of all tariffs, fees, or quotas imposed by the President on petroleum imports.

H.R. 2171. January 28, 1975. Interstate and Foreign Commerce. Amends the Clean Air Act to prohibit the requirement of an indirect source emission review as part of an implementation plan under the Act.

H.R. 2172. January 28, 1975. Merchant Marine and Fisheries. Extends the outer boundary of the United States fishing zone to a line following the two hundred meter depth contour except that each point on the line shall be at least forty-seven nautical miles from the outer limit of the United States Territorial Sea.

Permits the continuation of established foreign fisheries in the United States fishing zone to the extent that such fisheries have been conducted during the ten years prior to this Act.

Directs the Secretary of State and Secretary of the Interior to determine the extent of foreign fishing to be permitted in the United States fishing zone.

H.R. 2173. January 28, 1975. Merchant Marine and Fisheries. Establishes a United States fishery zone contiguous with the outer limits of the Continental Shelf.

Authorizes the seizure of vessels which violate this Act. Includes sedentary species inhabiting the Continental Shelf seabed under the provisions of this Act.

H.R. 2174. January 28, 1975. Merchant Marine and Fisheries. Establishes a fishery zone contiguous with the territorial sea of the United States having a limit of two hundred miles beyond the inner limit of the territorial sea.

H.R. 2175. January 28, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to allow the Administrator of the Environmental Protection Agency to accept State certification as discharging his responsibilities under certain provisions for the development and construction of adequate waste treatment facilities.

H.R. 2176. January 28, 1975. Education and Labor. Amends the Emergency School Aid Act by extending to Franco-Americans the same benefits afforded to other minority groups under that Act.

H.R. 2177. January 28, 1975. Ways and Means. Amends the Tariff Schedules of the United States concerning items exported and returned to exempt the value of components manufactured in the United States and exported which were not advanced in value or improved in condition while abroad from the dutiable value of an imported article.

Defines the method of determining the value of United States components and the value of the imported article.

H.R. 2178. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited credit against the income tax certain amounts for individuals sixty-five years of age or over.

H.R. 2179. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to revise the method of taxing accumulation distributions from trusts.

Requires property transferred to a trust at less than fair market value to be held at least three years to obtain capital gain treatment of any gain realized upon the disposition of such property.

H.R. 2180. January 28, 1975. Ways and Means. Amends the Tariff Schedules of the United States to suspend the duty on certain aircraft components.

H.R. 2181. January 28, 1975. Ways and Means. Amends the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation.

H.R. 2182. January 28, 1975. Post Office and Civil Service.

Extends to Federal law enforcement and firefighter personnel who were reemployed annuitants on July 12, 1974, the benefits provided to other Federal law enforcement and firefighter personnel subsequent to that date.

H.R. 2183. January 28, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to authorize the use of ad valorem taxes as a user charge system.

H.R. 2184. January 28, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to revise procedures for consideration of applications for renewal of broadcast licenses. Extends the maximum time of license and license renewal for the operation of broadcasting stations from three to five years.

H.R. 2185. January 28, 1975. Armed Services. Authorizes the payment of separation pay to regular enlisted members of the Armed Forces who are involuntarily separated after five or more years of honorable service.

H.R. 2186. January 28, 1975. Education and Labor. Amends the Fair Labor Standards Act of 1938 by exempting certain individuals employed in the harvesting or preparation of seafood from the child labor provisions of the Act.

H.R. 2187. January 28, 1975. Merchant Marine and Fisheries. Authorizes the Secretary of Commerçe to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews.

Establishes the Fishermen's Association Insurance Loan Fund under the Secretary and authorizes the Secretary to establish the Fishing Vessel Reinsurance Fund to finance loans authorized by this Act.

H.R. 2188. January 28, 1975. Merchant Marine and Fisheries. Directs the Secretary of Commerce to carry out a program of exploratory fishing in the Atlantic, Gulf of Mexico and Pacific fisheries of the United States for the purpose of assisting in the development and utilization of species of fish suitable for industrial uses.

H.R. 2189. Interstate and Foreign Commerce. Declares that the Federal Communications Act shall not be construed to require the availability of broadcasting time to any person. Repeals the "equal time" provision relating to availability of broadcasting time to legally qualified candidates for public office.

Repeals the prohibition on political editorializing by noncommercial educational broadcasting stations.

H.R. 2190. January 28, 1975. Armed Services. Prohibits the exclusion from duty involving combat of women members of the Army and Air Force solely on the basis of sex.

H.R. 2191. January 28, 1975. Judiciary. Increases the number of United States district court judges for certain Federal judicial districts.

Increases the salaries of certain Federal judges and judicial officials.

H.R. 2192. January 28, 1975. Interstate and Foreign Commerce. Prohibits the shipment or sale in interstate commerce of beverage containers which are not returnable. Authorizes the Administrator of the Environmental Protection Agency to establish procedures for certification of beverage containers as returnable.

H.R. 2193. January 28, 1975. Veterans' Affairs. Sets the monthly rate for service pensions to be paid by the Administrator of Veterans' Affairs to veterans of World War I, their widows, or their children.

H.R. 2194. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a specified amount based on the fuel consumption rate of new passenger automobiles.

Requires the Administrator of the Environmental Protection Agency to determine the fuel consumption rate of each model of passenger automobile sold within the United States.

H.R. 2195. January 28, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits. Requires that the present earnings limitation be phased out over a three-year period.

H.R. 2196. January 28, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 2197. January 28, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 2198. January 27, 1975. Banking, Currency and Housing. Amends the Consumer Credit Protection Act to prohibit discrimination with respect to credit applicants on the basis of age.

H.R. 2199. January 28, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2200. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income a limited amount received during the taxable year as a pension or annuity or other benefit under a public retirement system or by any individual sixty-five years of age or over.

H.R. 2201. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax the amount of property taxes, or the amount of rent constituting real property taxes, paid or accrued during the taxable year for individuals who are sixty-five years of ago or who are disabled.

H.R. 2202. January 28, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors and Disability Insurance benefits. Revises the method of calculating the amount of allowable outside earnings.

H.R. 2203. January 28, 1975. Ways and Means. Suspends for 90 days the authority of the President to increase tariffs on petroleum or petroleum products.

H.R. 2204. January 28, 1975. House Administration. Directs certain legislative officers to enter into agreements with Virginia, Maryland and the District of Columbia to withhold State or District of Columbia income taxes of each Member of Congress or specified employees subject to such income tax, and who voluntarily agrees to such withholding.

Authorizes the Committee on House Administration to review such agreement.

H.R. 2205. January 28, 1975. Education and Labor. Authorizes financial assistance for public service employment programs under the Comprehensive Employment and Training Act of 1973. Makes special economic development assistance available to areas with unemployment rates of 6 percent or more.

Places the responsibility for administration of the program under the Secretary of Labor with the concurrence, as appropriate, of the Secretary of Housing and Urban Development, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare.

H.R. 2206. January 28, 1975. Education and Labor. Amends the Economic Opportunity Act of 1964 to authorize the Secretary of Health, Education, and Welfare to make grants to the governing boards of rural Mexican-American community land grants to fund demonstration projects for the purpose of combating poverty in and preserving the Mexican-American culture of such communities.

H.R. 2207. January 28, 1975. Interior and Insular Affairs. Establishes a Commission to guarantee the community land grants to certain lands belonging to defendants of former Mexican citizens, in accordance with provisions of the Treaty of Guadalupe-Hidalgo.

Establishes procedures for the transfer of lands and authorizes funds for land acquisition proceedings by the Commisison.

H.R. 2208. January 28, 1975. Judiciary. Creates the Civil Rights Enforcement Office as an independent agency to enforce the Civil Rights Acts and all provisions of the Constitution protecting and securing the civil rights of citizens.

Stipulates that the Director of the Office shall be appointed by the Supreme Court and confirmed by the Senate.

H.R. 2209. January 28, 1975. Education and Labor. Establishes a national policy and program to achieve full employment of all Americans able and willing to work. Creates a Stand-by Job Corps and a Job Guarantee Office to provide public service and private employment.

H.R. 2210. January 28, 1975. House Administration. Forbids the States from denying citizens the right to vote in a Federal election solely because they are outside the United States during such election.

Directs the States to follow certain enumerated procedures in supplying citizens with absentee ballots.

H.R. 2211. January 28, 1975. Judiciary. Makes it a Federal crime to kill, assault or intimidate any officer or employee of the Federal Communications Commission performing investigative, inspection or law enforcement functions.

H.R. 2212. January 28, 1975. Ways and Means. Excludes from taxable income as defined in the Internal Revenue Code of 1954 the first $750 of dividends or interest earned on deposits in certain savings banks.

H.R. 2213. January 28, 1975. Education and Labor. Amends the Equal Opportunities Act of 1974 to prohibit any agency of the Federal Government from requiring educational institutions, as a prerequisite to the receipt of Federal funds, to provide such agency with access to records which concern race, religion, sex or national origin except when unlawful discrimination has been alleged.

H.R. 2214. January 28, 1975. Interstate and Foreign Commerce. Amends the Clean Air Act to suspend motor vehicle emission controls in all parts of the United States except for certain designated air quality control regions.

Prohibits the Administrator of the Environmental Control Agency and the States from enforcing motor vehicle emissions control stadards in areas outside designated regions during the suspension period.

H.R. 2215. January 28, 1975. Post Office and Civil Service. Revises the pay structure for Federal employees whose duties primarily relate to firefighting.

H.R. 2216. Janary 28, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income limited amounts received as interest on any deposit or withdrawable account in a bank or certain other savings institutions.

H.R. 2217. January 28, 1975. Interstate and Foreign Commerce. Prohibits the Consumer Product Safety Commission from making a ruling or order restricting the sale or manufacture of firearms or ammunition.

H.R. 2218. January 28, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2219. January 28, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay service pensions to certain World War I veterans, their widows, and their children.

H.R. 2220. January 28, 1975. Interior and Insular Affairs. Amends the Mineral Act of 1920 to authorize the Secretary of the Interior to issue certificates of public convenience and necessity to aid in construction of certain pipelines. Allows certified pipeline carriers to exercise the power of eminent domain in the United States district courts to acquire rights-of-way for coal pipelines.

H.R. 2221. January 28, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2222. January 28, 1975. Public Works and Transportation. Terminates the Airlines Mutual Aid Agreement.

H.R. 2223. January 28, 1975. Judiciary. Revises the Copyright Law of the United States.

H.R. 2224. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate as married individuals filing jointly.

H.R. 2225. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate as married individuals filing jointly.

H.R. 2226. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate as married individuals filing jointly.

H.R. 2227. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate as married individuals filing jointly.

H.R. 2228. January 28, 1975. Agriculture. Revises the eligibility requirements for food coupons under the Food Stamp Act of 1964 to exclude individuals who receive one-half of their income from an individual who is not eligible for food coupons.

H.R. 2229. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to prohibit the payment of employment taxes by certain employers more than once per calendar quarter.

H.R. 2230. January 28, 1975. Judiciary. Grants amnesty to those persons who failed or refused to register for the draft or who have failed or refused induction into the Armed Forces of the United States or who have deserted the Armed Forces between August 4, 1964, and January 27, 1973. Authorizes the full restoration of citizenship to those who renounced such citizenship because of disapproval of involvement of the United States in Indochina.

H.R. 2231. January 28, 1975. Merchant Marine and Fisheries. Directs the Secretary of Commerce to carry out a national aquaculture development program. Defines aquaculture as the culture and husbandry of aquatic organisms.

H.R. 2232. January 28, 1975. Rules. Establishes a Joint Committee on Intelligence Information to conduct a continuing review of the effectiveness of the intelligence gathering activities of the Government relating to national security and to conduct a study of the problems faced by the intelligence gathering agencies of the Government.

H.R. 2233. January 28, 1975. Public Works and Transportation. Directs the Secretary of the Army to remove Shooters' Island at the mouth of Arthur Kill in New York.

H.R. 2234. January 28, 1975. Veterans' Affairs. Extends veterans benefits to those persons recognized as members of the United States military forces serving between November 12, 1918, and July 2, 1921.

H.R. 2235. January 28, 1975. Veterans' Affairs. Extends hospital and medical care to certain persons who served during World War I and World War II in foreign armed forces that were allies of the United States.

H.R. 2236. January 28, 1975. Education and Labor. Directs the Chairman of the National Endowment for the Arts to develop a program to further cultural activities by making unused railroad passenger depots available to communities for such activities.

H.R. 2237. January 28, 1975. Public Works and Transportation. Terminates the Airlines Mutual Aid Agreement.

H.R. 2238. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income a certain amount of the adjusted gross practice income of a physician, dentist, or optometrist who practices in a physician shortage area.

Requires the Secretary of Health, Education, and Welfare to certify each year the physician shortage areas in each State.

H.R. 2239. January 28, 1975. Ways and Means. Amends the Internal Revenue Code to require that interest be paid to individual taxpayers on the calendar year basis who file their returns before March 1, if the refund check is not mailed out within a certain period after the return is filed.

H.R. 2240. January 28, 1975. Agriculture. Amends the Food Stamp Act of 1964 by prohibiting increases in the portion of income to be paid for coupons unless such an increase is enacted by Congress.

H.R. 2241. January 28, 1975. Interior and Insular Affairs. Establishes the National Conservation Area of the California Desert.

Directs the Secretary of the Interior to develop and implement a comprehensive plan for the management, use, and protection of the natural resource lands within the conservation area.

H.R. 2242. January 28, 1975. Banking, Currency and Housing. Directs that paper money printed after January 1, 1976, shall have the denomination imprinted on it in braille.

H.R. 2243. January 28, 1975. Judiciary. Requires proceedings in certain United States courts to be conducted bilingually under certain circumstances. Directs the Director of the Administrative Office of the United States Courts to determine and supply the personnel and facilities necessary to conduct bilingual proceedings as required by this Act.

H.R. 2244. January 28, 1975. Agriculture. Amends the Agricultural Act of 1949 to provide for the quarterly adjustment of the price support level for milk.

H.R. 2245. January 28, 1975. Post Office and Civil Service. Redesignates the date for the observance of Veterans Day.

H.R. 2246. January 28, 1975. Government Operations. Amends the Budget and Accounting Act, 1921, to require the President to include in the annual budget an item for not less than $2,000,000,000 to be applied toward reduction of the national debt.

H.R. 2247. January 28, 1975. Interior and Insular Affairs. Amends the Land and Water Conservation Fund Act of 1965 to establish a special annual entrance permit for handicapped persons for use at designated park and recreation areas at reduced admission fees or without fees.

H.R. 2248. January 28, 1975. Post Office and Civil Service. Redesignates the date for observance of Memorial Day and Veterans Day.

H.R. 2249. January 28, 1975. Science and Technology. Directs the Secretary of Commerce to make grants to local fire departments for the purchase of firefighting equipment.

H.R. 2250. January 28, 1975. Science and Technology. Directs the Secretary of Commerce to provide Federal assistance to local fire departments in the purchase of certain firefighting equipment.

H.R. 2251. January 28, 1975. Veterans' Affairs. Directs the Administrator of Veterans Affairs to construct a Veterans' Administration hospital in the southern area of New Jersey.

H.R. 2252. January 28, 1975. Judiciary. Directs the President to appoint, with the advice and consent of the Senate, two additional district judges for Indiana.

H.R. 2253. January 28, 1975. Education and Labor. Establishes a National Office for Migrant and Seasonal Farm workers, within the Community Services Administration, to develop policies, administer Federal laws, and coordinate Federal programs designed to assist seasonal farmworkers.

H.R. 2254. January 28, 1975. Government Operations. Establishes the Office of Spanish-Speaking Affairs in the Executive Office of the President to assist Federal agencies in developing and implementing programs and policies designed to help Spanish-speaking and Spanish-surnamed Americans. Establishes a coordinating Council on Spanish-Speaking Affairs to develop and implement agreements designed to reduce conflict among Federal agencies in carrying out programs to assist Spanish-speaking Americans.

H.R. 2255. January 28, 1975. Judiciary. Requires proceedings in certain United States courts to be conducted bilingually under certain circumstances. Directs the Director of the Administrative Office of the United States Courts to determine and supply the personnel and facilities necessary to conduct bilingual proceedings as required by this Act.

H.R. 2256. January 28, 1975. Interstate and Foreign Commerce. Defines the term "food supplement" as it appears in the Federal Food, Drug, and Cosmetic Act. Disallows the requirement of warning labels for and the limiting of ingredients in "food supplements" by the Secretary of Health, Education, and Welfare unless such article is intrinsically injurious to health in the recommended dosage.

H.R. 2257. January 28, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish the Valley Forge National Historical Park in Pennsylvania.

H.R. 2258. January 28, 1975. Post Office and Civil Service. Abolishes the Commission on Executive, Legislative, and Judicial Salaries established by the Federal Salary Act of 1967.

H.R. 2259. January 28, 1975. Agriculture. Amends the Agriculture Act of 1949 to fix the loan rate payable under the Act for the 1974 and 1975 crops of corn, cotton, soybeans, and wheat. Revises the amount that a household may be required to pay for food stamps under the Food Stamp Act of 1964.

H.R. 2260. January 28, 1975. Ways and Means. Exempts vehicles used exclusively in soil and water conservation from the highway use tax.

H.R. 2261. January 28, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to prohibit the President from increasing the price of crude oil beyond December, 1974 levels.

H.R. 2262. January 28, 1975. Interstate and Foreign Commerce. Extends the maximum term of license and license renewal for the operation of broadcasting stations from three to five years.

H.R. 2263. January 28, 1975. Interstate and Foreign Commerce. Creates a Federal Energy Commission to regulate rates and charges for energy resource products. Prohibits persons engaged in commerce in the business of refining energy products to acquire an interest in energy resource product extraction, energy pipeline, or energy marketing assets. Directs the Attorney General and the Federal Trade Commission to examine independently the relationship of those engaged in one or more branches of the energy industry.

H.R. 2264. January 28, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 2265. January 28, 1975. Government Operations. Directs the Administrator of General Services to assist Federal agencies with respect to records creation, maintenance, use, and disposition. Directs the Administrator to make inspections and formulate rules regarding Federal records. Establishes a Records Review Board to review orders issued by the Administrator. Grants the Administrator custody and control over the National Archives Building and its contents.

H.R. 2266. January 28, 1975. Interstate and Foreign Commerce. Amends the Social Security Act by authorizing the payment of Federal matching funds to States for any hospital or nursing home which is participating in the medicaid program only if such hospital or nursing home also participates in the Medicare program.

H.R. 2267. January 28, 1975. Foreign Affairs. Establishes the Agricultural Products Export Control Board to provide for the allocation among end use buyers of agricultural commodities exported from the United States when necessary by taking into account domestic need, carryover reserves, domestic price levels, balance of payments, food dependency of other nations, and reciprocal trade agreements between the United States and other nations.

H.R. 2268. January 28, 1975. Ways and Means. Interstate and Foreign Commerce. Establishes a Long-Term Care Services program under the Medicare program of the Social Security Act to provide home health, homemakers, nutrition, long-term institutional care, day care, foster home, and outpatient mental health services. Specifies that these services shall be delivered by community long-term care centers under the direction and control of a State long-term care agency.

H.R. 2269. January 28, 1975. Ways and Means. Revises the method of calculating the inpatient hospital deductible under the Medicare program of the Social Security Act. Directs the Secretary of Health, Education, and Welfare to redetermine the deductible amount annually to reflect increases in hospital costs and general increases in Social Security cash benefits.

H.R. 2270. January 28, 1975. Ways and Means. Amends the Social Security Act by including the services of clinical psychologists under the Medicare supplementary medical insurance program.

H.R. 2271. January 28, 1975. Ways and Means. Interstate and Foreign Commerce. Subjects any dog or cat products unlawfully imported into the United States or shipped in interstate commerce to seizure and forfeiture as provided for violations of the customs laws.

H.R. 2272. January 28, 1975. Education and Labor. Establishes a National Overseas Education Board, within the Department of Health, Education, and Welfare, which shall have responsibility for the maintenance and operation of elementary and secondary schools for the minor dependents of military and civilian personnel of the Department of Defense stationed in foreign countries.

H.R. 2273. January 28, 1975. Ways and Means. Amends the Social Security Act by including the services of optometrists under the Medicare program.

H.R. 2274. January 28, 1975. Ways and Means. Amends the Social Security Act to extend Medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 2275. January 28, 1975. Ways and Means. Amends the Social Security Act to include routine annual physical examinations under the Medicare supplementary medical insurance program.

H.R. 2276. January 28, 1975. Education and Labor. Judiciary. Amends the Economic Opportunity Act of 1964 to authorize the Administrator of the United States Courts to appoint a special bar examination committee to re-examine and grade otherwise qualified minority group applicants to a State bar, under certain circumstances.

Directs the Administrator to prepare a report regarding discrimination against minority group law school applicants, law school students, or lawyers.

H.R. 2277. January 28, 1975. Interstate and Foreign Commerce. Establishes a National Commission on Regulatory Reform to study and make recommendations on the activities and effect on the economy of certain Federal regulatory agencies.

H.R. 2278. January 28, 1975. Judiciary. Specifies the treatment of a certain individual for purposes of administration of the Immigration and Nationality Act.

H.R. 2279. January 28, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for death indemnity compensation based upon the death of such individual's son.

H.R. 2280. January 27, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2281. January 28, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2282. January 28, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2283. January 28, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2284. January 28, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2285. January 28, 1975. Judiciary. Specifies the treatment of a certain individual for purposes of administration of the Immigration and Nationality Act.

H.R. 2286. January 28, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 2287. January 29, 1975. Rules. Declares that the House of Representatives of the 95th Congress and each succeeding Congress shall consider and adopt the rules of its proceedings. Specifies the procedure for such consideration and adoption.

H.R. 2288. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to increase the corporate surtax exemption.

H.R. 2289. January 29, 1975. Agriculture. Provides that under the Agricultural Act of 1949 the price of milk shall be supported at not less than 100 percent of the parity price therefor.

H.R. 2290. January 29, 1975. Interstate and Foreign Commerce. Amends the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to test the feasibility of utilizing rail passenger service as a means of alternative transportation by initiating rail passenger service between additional points in Maryland and the cities of Baltimore, Maryland, Wilmington, Delaware, and Philadelphia, Pennsylvania.

H.R. 2291. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income limited amounts received as interest on any deposit or withdrawable account in a bank or certain other savings institutions.

H.R. 2292. January 29, 1975. Judiciary. Amends the Immigration and Nationality Act to make it unlawful for persons to knowingly employ or refer for employment aliens who have not been lawfully admitted to the United States for permanent residence.

Directs that the Immigration and Naturalization Service shall increase its staff.

H.R. 2293. January 29, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by (1) redefining certain terms; (2) permitting employers to maintain safety councils; and (3) enumerating affirmative defenses for employers to proceedings brought under the Act.

Directs the Secretary of Labor to assist certain employers in complying with the Act.

H.R. 2294. January 29, 1975. Education and Labor. Amends the Emergency School Aid Act by extending to Franco-Americans the same benefits afforded to other minority groups under that Act.

H.R. 2295. January 29, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize grants to States and localities to assist the establishment and operation of emergency communications centers, and to make the national emergency telephone number 911 available in such areas.

H.R. 2296. January 29, 1975. Merchant Marine and Fisheries. Amends the Fish and Wildlife Act of 1965 to authorize the Secretary of Commerce to make low-interest loans, whose maturity is not to exceed ten years, to areas of the commercial fishing industry facing imminent economic disaster.

H.R. 2297. January 29, 1975. Public Works and Transportation. Authorizes the Secretary of the Army to convey, without monetary consideration, easements or other property interests acquired by the United States along certain specified segments of the Louisiana-Texas Intracoastal Waterway, to each owner of record of the real property subject to such easement or other property interest.

H.R. 2298. January 29, 1975. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to pay for any emergency hospital care and medical services provided to any veteran by a private hospital if the Administrator finds that such care was related to an adjudicated service-connected disability, that no Government facilities were reasonably available, and that delay in receiving such care would have endangered the veteran's health and life.

H.R. 2299. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited credit against the income tax the amount of any disaster preparation expenses paid by the taxpayer during the taxable year.

H.R. 2300. January 29, 1975. Ways and Means. Amends the Tariff Schedules of the United States to imposed quantitative limitations on the importation of shrimp into the United States during calendar years 1974 and 1975, and to impose a duty on imported shrimp.

H.R. 2301. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to allow an individual a credit against the income tax for the amount of any disaster evacuation expenses paid by the taxpayer during the taxable year.

H.R. 2302. January 29, 1975. Government Operations. Revises per diem and mileage allowances for Federal employees traveling on official business.

H.R. 2303. January 29, 1975. Interstate and Foreign Commerce. Amends the National Mental Health Act by establishing within the National Institute of Mental Health a National Center for the Control and Prevention of Rape to conduct a continuing study and investigation of rape. Authorizes grants for research and demonstration projects concerning the control and prevention of rape.

H.R. 2304. January 29, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare, under the Public Services Act, to make grants to qualified public and nonprofit private agencies, organizations, and institutions to assist them in meeting the cost of purchasing mobile health units to assist in the provision of health services to individuals residing in medically underserved areas.

H.R. 2305. January 29, 1975. Post Office and Civil Service. Requires Federal agencies, with certain exceptions, to employ a certain percentage of individuals on a part-time career basis for each grade.

H.R. 2306. January 29, 1975. Interstate and Foreign Commerce. Revises the National Health Service Corps program to provide the Secretary of Health, Education, and Welfare with criteria to be used in processing applications for assistance from medically underserved areas. Extends the appropriations for such assistance through fiscal year 1977. Increases and extends the level of appropriations under the National Health Service Corps Scholarship Training Program and provides a formula for repayment of loans for those individuals who fail to fulfill their service obligations under such program.

H.R. 2307. January 29, 1975. Armed Services. Directs the Secretary of the Army to convey certain lands at Fort Pickett, Virginia, to the Virginia Polytechnical Institute and State university.

H.R. 2308. January 29, 1975. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity. Permits the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity.

H.R. 2309. January 29, 1975. Judiciary. Prohibits the shipment in interstate commerce of dogs intended to be used to fight other dogs for purposes of sport, wagering or entertainment.

H.R. 2310. January 29, 1975. Interstate and Foreign Commerce. Requires certificates of approval from the appropriate State, regional, or Federal agency prior to construction of bulk power facilities. Sets forth the procedure for preparation of long-range plans for powerplant siting.

Establishes a Federal certifying agency to review plans and develop studies on new and evolving siting concepts.

H.R. 2311. January 29, 1975. Interstate and Foreign Commerce. Exempts small independent oil producers from the price-fixing authority conferred by the Emergency Petroleum Allocation Act of 1973.

H.R. 2312. January 29, 1975. Post Office and Civil Service. Directs the head of each executive agency to formulate and carry out a program to provide preretirement educational assistance to employees of that agency who are eligible, or approaching eligibility, for retirement. Authorizes the Civil Service Commission to train agency employees who are to provide assistance under such program.

H.R. 2313. January 29, 1975. Judiciary. Prohibits the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns and the possession and ownership of handguns or handgun ammunition except as authorized by the Secretary of the Treasury. Allows a tax credit for any handgun which is voluntarily delivered by a taxpayer to any law enforcement agency.

H.R. 2314. January 29, 1975. Veterans Affairs. Specifies that recipients of veterans pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2315. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to reduce by a limited amount the taxes due on individual income for the 1974 taxable year. Increases the low-income allowance and the percentage standard deduction. Permits a imited credit against the income tax for earned income.

Revises the corporate income tax to increase the investment credit and the corporate surtax exemption.

Repeals the percentage depletion allowance for oil and gas wells.

H.R. 2316. January 29, 1975. Ways and Means. Suspends for 90 days the authority of the President to increase tariffs on petroleum or petroleum products.

H.R. 2317. January 29, 1975. Agriculture. Amends the Agricultural Act of 1949 by establishing the support price for milk at not less than 87½ percent of the parity price therefor.

H.R. 2318. January 29, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors and Disability Insurance benefits.

H.R. 2319. January 29, 1975. Interstate and Foreign Commerce. Establishes a National Commission on Regulatory Reform to study and make recommendations on the activities and effect on the economy of certain Federal regulatory agencies.

H.R. 2320. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to include as a requirement for the approval by the Secretary of Labor of a State unemployment compensation law, that compensation under such law not be denied for any week to any individual who is unable to comply with any work requirements of such law due to temporary illness or impairment.

H.R. 2321. January 29, 1975. Judiciary Amends the Clayton Act to prevent oil companies from possessing any coal, uranium, or geothermal power assets.

H.R. 2322. January 29, 1975. Judiciary. Establishes as an independent establishment in the Department of Justice a United States Parole Commission to consist of a national office and five regional offices. Establishes standards for the granting of parole to Federal prisoners.

H.R. 2323. January 29, 1975. Judiciary. Makes persons and units of government who, under color of law, cause a prison inmate to be deprived of any rights, privileges, or immunities secured by the Constitution or laws of the United States, liable to that inmate in an action for redress.

Authorizes the Attorney General to bring a civil action for preventive relief whenever he believes there exists a pattern or practice denying inmates of such rights.

H.R. 2324. January 29, 1975. Judiciary. Establishes an Offender Rehabilitation Fund from which the Attorney General is authorized to make loans to individuals released from prison.

H.R. 2325. January 29, 1975. Judiciary. Establishes an Office of the United States Correctional Ombudsman to investigate either upon complaint or upon its initiative certain administrative acts of the Bureau of Prisons or the the Board of Parole.

H.R. 2326. January 29, 1975. Judiciary. Established as an independent establishment in the Department of Justice a United States Parole Commission to consist of a national office and five regional offices. Establishes standards for the granting of parole to Federal prisoners.

H.R. 2327. January 29, 1975. Interstate and Foreign Commerce. Prohibits the shipping of fur, leather, or finished products in interstate or foreign commerce which come from any State or foreign country which has not banned the manufacture, sale, or use of leghold or steel jaw traps.

H.R. 2328. January 29, 1975. Judiciary. Amends the Immigration and Nationality Act by redefining "special immigrants" to include alien veterans who served in the Armed Forces during a period of war or armed conflict and their accompanying spouse and children.

H.R. 2329. January 29, 1975. Interstate and Foreign Commerce. Amends the Securities Exchange Act of 1934 to require foreign investors and proxies of such investors to file a statement with the Securities and Exchange Commission notifying the Commission of their intention to acquire more than five percent of the equity securities of a United States company.

Authorizes the President to prohibit any such purchase by foreign investors.

Require issuers of securities to file with the Commission a list of the names and nationalities of the owners of the equity securities.

H.R. 2330. January 29, 1975. Judiciary. Requires court orders for the interception of communications by electronic and other devices, for the entering of any residence, for the opening of any mail and for the inspection or procurement of telephone, bank, credit and other records. Requires reports to Congress and to the Administrative Office of the United States Courts concerning court orders requested, denied, and approved.

H.R. 2331. January 29, 1975. Education and Labor. Amends the Education for the Handicapped Act to authorize the Commissioner of Education to make grants for the development and implementation of tutorial programs for homebound handicapped children. Stipulates that such programs should make a special effort to utilize veterans and handicapped students as tutors.

H.R. 2332. January 29, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to study the feasibility of establishing the Bartram Trail in Alabama as a national scenic trail.

H.R. 2333. January 29, 1975. Interior and Insular Affairs. Designates a segment of Hatchet Creek in Alabama as a potential component of the National Wild and Scenic Rivers System.

H.R. 2334. January 29, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to revise the procedures for consideration of applications for renewal of broadcast licenses. Extends the maximum term of license for the operation of broadcasting stations from three to five years.

H.R. 2335. January 29, 1975. Judiciary. Makes it a Federal crime to kill, assault or injure a fireman or police officer when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose.

H.R. 2336. January 29, 1975. Judiciary. Make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his official duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose.

H.R. 2337. January 29, 1975. Judiciary. Directs, under the Omnibus Control and Safe Streets Act of 1968, that a gratuity be paid to survivors of certain public safety officers who die in the performance of duty.

H.R. 2338. January 29, 1975. Post Office and Civil Service. Redesignates Veterans' Day as November 11.

H.R. 2339. January 20, 1975. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to pay a pension to any person, or his or her spouse, who was a veteran of World War I, without regard to other income. Grants hospitalization or domiciliary care to such veteran.

H.R. 2340. January 29, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2341. January 29, 1975. Veterans' Affairs. Provides full-time coverage under Servicemen's Group Life Insurance for a person who volunteers for assignment to the Ready Reserve of a uniformed service, and to a person assigned to, or eligible for assignment to, the Retired Reserve of a uniformed service if certain conditions are met.

H.R. 2342. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer to deduct as an expense during the taxable year expenditures for the purpose of making any facility owned or leased by the taxpayer for use in connection with his trade or business more usable by handicapped and elderly individuals.

H.R. 2343. January 29, 1975. Agriculture. Designates the Forest Service laboratory being constructed at Auburn, Alabama, as the George W. Andrews Forestry Sciences Laboratory.

H.R. 2344. January 29, 1975. Public Works and Transportation. Creates a Works Progress Administration to provide for the relief of unemployment through a program of public works employment.

H.R. 2345. January 29, 1975. Interstate and Foreign Commerce. Amends the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, and to raise the contribution base.

H.R. 2346. January 29, 1975. Ways and Means. Imposes temporary quotas on motor vehicles imported into the United States from foreign countries which do not allow substantially equivalent market access to motor vehicles manufactured in the United States.

H.R. 2347. January 29, 1975. Banking, Currency and Housing. Requires the developers of all condominium projects to disclose specific information on proposed new construction or conversion of existing structures to any federally regulated financial institution and any prospective purchaser as a prerequisite for the granting of a construction or purchase loan.

Establishes the Office of Assistant Secretary for Condominiums in the Department of Housing and Urban Development.

Sets forth regulations to protect the rights of tenants of multifamily rental housing which is to be converted to condominiums.

Authorizes the Secretary of Housing and Urban Development to make grants to State and local governments to establish similar programs.

H.R. 2348. January 29, 1975. Banking, Currency and Housing. Requires the developers of all condominium projects to disclose specific information on proposed new construction or conversion of existing structures to any federally regulated financial institution and any prospective purchaser as a prerequisite for the granting of a construction or purchase loan.

Establishes the office of Assistant Secretary for Condominiums in the Department of Housing and Urban Development.

Sets forth regulations to protect the rights of tenants of multifamily rental housing which is to be converted to condominiums.

Authorizes the Secretary of Housing and Urban Development to make grants to State and local governments to establish similar programs.

H.R. 2349. January 29, 1975. Interstate and Foreign Commerce. Creates a Federal Energy Commission to regulate rates and charges for energy resource products. Prohibits persons engaged in commerce in the business of refining energy products to acquire an interest in energy resource product extraction, energy pipeline, or energy marketing assets.

Directs the Attorney General and the Federal Trade Commission to independently examine the relationship of those engaged in one or more branches of the energy industry.

H.R. 2350. January 29, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to construct and maintain the eastern New Mexico water supply project in accordance with Federal reclamation laws and the provisions of this Act.

H.R. 2351. January 29, 1975. Post Office and Civil Service. Revises appeal and hearing procedures for certain Federal employees subject to removal from employment or suspension without pay.

H.R. 2352. January 29, 1975. Public Works and Transportation. Renames the Chatfield Dam and Lake in Colorado the Edwin C. Johnson Dam and Lake.

H.R. 2353. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to permit any duly registered adult to produce limited quantities of wine for personal use without payment of tax.

H.R. 2354. January 29, 1975. Ways and Means. Amends the Social Security Act to allow payment of any supplemental security income benefits due an individual at the time of his death to any person who was contributing at least one-half of such individual's support, if such individual does not leave a qualified surviving spouse.

H.R. 2355. January 29, 1975. Judiciary. Prohibits the extension of contract rights over an athlete engaged in an organized professional team sport beyond the expiration of the contract.

H.R. 2356. January 29, 1975. Interstate and Foreign Commerce. Defines the term "food supplement" as it appears in the Federal Food, Drug, and Cosmetic Act. Disallows the requirement of warning labels for and the limiting of ingredients in "food supplements" by the Secretary of Health, Education, and Welfare unless such article is intrinsically injurious to health in the recommended dosage.

H.R. 2357. January 29, 1975. Interstate and Foreign Commerce. Amends the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, and to raise the contribution base.

H.R. 2358. January 29, 1975. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to increase the financial assistance available under the Act and to provide a procedure whereby a railroad in reorganization which has been excluded from organization under this Act may appeal the exclusion.

H.R. 2359. January 29, 1975. Judiciary Standards of Official Conduct. Requires candidates for Federal office, Members of Congress, and certain officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 2360. January 29, 1975. Judiciary. Repeals the Gun Control Act of 1968.

H.R. 2361. January 29, 1975. Armed Services. Prohibits reclassification of members of the Armed Forces who are in a missing status unless (1) all reasonable measures have been taken to account for such member; (2) a reasonable effort has been made to enforce the relevant provisions of the Paris Peace Accord of January 27, 1973; and (3) the next of kin of such member have not filed an objection to a proposed status change with the Secretary of the appropriate armed force.

H.R. 2362. January 29, 1975. Ways and Means. Amends the Tariff Schedules of the United States to extend from eight to twenty-four months the period in which domesticated animals may pasture in foreign countries and be accorded duty-free status upon reentry into the United States.

H.R. 2363. January 29, 1975. Post Office and Civil Service. Requires the Secretary of Commerce to submit for congressional approval the questionnaires to be used in the periodic censuses of manufacturers, mineral industries and other businesses.

H.R. 2364. January 29, 1975. Education and Labor. Stipulates that, except with the express approval of an elected board of education, no student shall be compelled to attend any school because of race, creed, color, or national origin and no school district shall be reorganized, established or maintained for the purpose of achieving equality of persons of a particular race, creed, color or national origin.

H.R. 2365. January 29, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to revise the procedures for consideration of applications for renewal of broadcast licenses. Extends the maximum term of license for the operation of broadcasting stations from three to five years.

H.R. 2366. January 29, 1975. Judiciary. Requires the Supreme Court to report in a written decision the legal justification for reversing State criminal convictions upheld by the highest court in that State.

H.R. 2367. January 29, 1975. Post Office and Civil Service. Abolishes the United States Postal Service. Repeals the Postal Reorganization Act. Re-establishes the Post Office Department as an executive department of the Federal Government.

H.R. 2368. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to permit taxpayers to deduct medical expenses without regard to the percentage exclusions, and to include such expenses as a deduction from gross income, rather than as a deduction from adjusted gross income.

H.R. 2369. January 29, 1975. Post Office and Civil Service. Abolishes the Commission on Executive, Legislative and Judicial Salaries established by the Federal Salary Act of 1967.

H.R. 2370. January 29, 1975. Post Office and Civil Service. Authorizes the Postmaster General to withdraw second, third, or fourth class mail permits from users who forward obscene material through the mails.

H.R. 2371. January 29, 1975. Public Works and Transportation. Declares certain property acquired by the United States for flood control purposes to be surplus property if the Secretary of the Army determines such propety unnecessary for such purposes, and it is not committed to other purposes.

Directs the Administrator of General Services to dispose of such property, given preferences to former owners who wish to purchase such property.

H.R. 2372. January 29, 1975. Public Works. Authorizes an additional forty-one thousand miles for the Interstate System of Federal-aid Highways.

H.R. 2373. January 29, 1975. Veterans' Affairs. Allows an action to be brought in United States District Court in the event of a disagreement with respect to any claim for compensation under any law administered by the Veterans' Administration on account of disability or death incurred or aggravated in line of duty while serving in the active military or naval service.

H.R. 2374. January 29, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Permits an owner of rental property as an option to amortize expenditures for the restoration of rental housing.

H.R. 2375. January 29, 1975. Ways and Means. Amends the Internal Revenue Code of 1954 to exclude from gross income the interest received on the redemption of series E United States savings bonds when the purchasing power of the price paid for the bond added to the interest thereon is less than the purchasing power of the price paid for the bond.

H.R. 2376. January 29, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish the Agricultural Hall of Fame National Cultural Park in Kansas.

H.R. 2377. January 29, 1975. Public Works and Transportation. Prohibits commercial flights by supersonic aircraft in the navigable airspace of the United States until Congress approves findings of the Administrator of the Environmental Protection Agency that such flights will have no detrimental effect on the persons and environment of the United States, and the Secretary of Transportation certifies that the operation of such aircraft meets all standards prescribed for the operation of aircraft in the United States under the Federal Aviation Act of 1958.

H.R. 2378. January 29, 1975. Ways and Means. Interstate and Foreign Commerce. Subjects any dog or cat products unlawfully imported into the United States or shipped in interstate commerce to seizure and forfeiture as provided for violation of the customs laws.

H.R. 2379. January 29, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish a National Law Enforcement Heroes Memorial within the District of Columbia.

H.R. 2380. January 29, 1975. Merchant Marine and Fisheries. Establishes a program of grants under the Secretary of Commerce to enable State and local governments and agencies to bring public ports into compliance with federally imposed requirements relating to environmental protection, public health safety, or port cargo or security.

Directs the Secretary to conduct a study of the needs of United States public ports to meet requirements described above and for necessary expansion and modernization.

H.R. 2381. January 29, 1975. Ways and Means. Interstate and Foreign Commerce. Prohibits the importation, manufacture, possession, sale, or other transfer of hollow point bullets in the United States.

H.R. 2382. January 29, 1975. District of Columbia. Provides that all property of American University shall be held in perpetuity for educational purposes and, in the event that the property shall no longer be held for educational purposes, all right, title, and interest shall vest in the Board of Education of the United Methodist Church.

H.R. 2383. January 29, 1975. House Administration. Directs the Speaker of the House of Representatives to enter into agreements with Virginia, Maryland, and the District of Columbia to withhold State or District of Columbia income taxes of each Member of Congress or specified employees subject to such income tax, who voluntarily agree to such withholding.

H.R. 2384. January 29, 1975. Judiciary. Eliminates the antitrust exemption for certain resale price maintenance (fair trade) agreements under the Sherman Act and the Federal Trade Commission Act.

H.R. 2385. January 29, 1975. Interstate and Foreign Commerce. Interior and Insular Affairs. Establishes a Bureau of Energy Information and a National Energy Information System within the Department of Commerce.

Requires major energy companies to file reports within the Bureau. Establishes standards for entry of information into public, confidential, and secret libraries to be maintained by the Bureau.

Directs the Secretary of the Interior to compile an annual inventory of energy resources in the public lands of the United States.

H.R. 2386. January 29, 1975. Judiciary. Prohibits the denial or abridgment of the right of former criminal offenders to vote in elections for Federal office.

H.R. 2387. January 29, 1975. Judiciary. Prohibits the denial or abridgement of the right of former criminal offenders to vote in elections for Federal office.

H.R. 2388. January 29, 1975. Interstate and Foreign Commerce. Science and Technology. Interior and Insular Affairs. Amends the Natural Gas Act to create a Federal Oil and Gas Corporation. Authorizes the corporation to acquire rights to develop natural gas or oil on Federal lands and to acquire refining and transportation facilities. Directs the Corporation to offer refined oil and gas products to consumers at fair and reasonable prices.

H.R. 2389. January 29, 1975. Ways and Means. Interstate and Foreign Commerce. Revises the conditions and limitations applicable to home health services under the Medicare and Medicaid programs of the Social Security Act.

Requires that State plans for medical assistance under the Social Security Act include rent payments in the case of certain individuals receiving home health services in lieu of institutional care.

Makes children over age 18 responsible for their parents enrollment fees and deductibles under the Medicaid program.

Amends the United States Housing Act by removing the limitation on the amount of the contribution which the United States Housing Authority may make to public housing agencies for congregate housing.

H.R. 2390. January 29, 1975. Judiciary. Eliminates the antitrust exemption for certain resale price maintenance (fair trade) agreements under the Sherman Act and the Federal Trade Commission Act.

H.R. 2391. January 29, 1975. Ways and Means. Requires the withholding by the United States of local taxes, as well as State taxes, from the pay of Federal employees when certain conditions are met.

H.R. 2392. January 29, 1975. Education and Labor. Establishes an Office of Magnet Schools within the Office of Education to fund magnet schools in educational districts which are under judicial order to provide for the transportation of students for the purposes of desegregation. Suspends the force and effect of any judicial order requiring the transportation of students for the purposes of desegregation during the period when a school system is applying for or receiving financial assistance under this Act.

H.R. 2393. January 29, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to establish within the National Cemetery System the Fort Mitchell Regional Veterans' Cemetery in Alabama.

H.R. 2394. January 29, 1975. Government Operations. Amends the Employment Act of 1946 by requiring the consideration and reporting of the stability of the general price level by the President, the Council of Economic Advisors, and the Joint Economic Committee, in addition to other economic indicators.

H.R. 2395. January 29, 1975. Interstate and Foreign Commerce. Prohibits practices within the petroleum industry designed to restrict the supply of petroleum, petroleum products, or natural gas. Prohibits conspiracy in restraint of trade to fix the prices of such petroleum products or to use unfair or deceptive acts or practices in commerce with respect to such products.

H.R. 2396. January 29, 1975. Agriculture. Ways and Means. Amends the Social Security Act by authorizing the Secretary of Health, Education, and Welfare to formulate and administer a food allowance program for the elderly.

H.R. 2397. January 29, 1975. Agriculture. Authorizes the Secretary of Agriculture to amend retroactively regulations of the Department of Agriculture pertaining to the computation of price support payments under the National Wool Act of 1954 and to reconsider any application filed for the payment of price support under this Act during the four marketing years from 1969 to 1972.

H.R. 2398. January 29, 1975. Education and Labor. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to provide increased unemployment benefits. Authorizes the Secretary of Labor to make grants to the States for unemployment benefits assistance to eligible individuals.

H.R. 2399. January 29, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2400. January 29, 1975. Judiciary. Accords a revised filing date to certain applications for letters patent.

H.R. 2401. January 29, 1975. Judiciary. Relieves a certain individual of all liability to the United States for a specified sum stolen from the custody of such individual while employed by the Agency for International Development.

H.R. 2402. January 29, 1975. Judiciary. Directs the enrollment of a certain individual in the self and family option of the Foreign Service Benefit Plan.

H.R. 2403. January 29, 1975. Judiciary. Directs the Secretary of the Navy to pay a certain individual all withheld retired or retainer pay which such individual's husband would have received but for the fact of his disappearance.

H.R. 2404. January 29, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain individuals in full settlement of such individuals' claims against the United States on account of the death of certain persons killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program.

H.R. 2405. January 29, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2406. January 29, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2407. January 29, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2408. January 29, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for retired pay received from the United States Navy in violation of the Federal Employees Compensation Act, which was subsequently repaid.

H.R. 2409. January 29, 1975. Interior and Insular Affairs. Directs the Secretary of the Interior to quitclaim to a certain corporation all remaining interest of the United States, except the reserved mineral interest, of certain public lands in California which were previously conveyed to such corporation.

H.R. 2410. January 29, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2411. January 29, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2412. January 30, 1975. Agriculture. Revises eligibility requirements and the portion of income to be paid for food coupons under the Food Stamp Act of 1964. Authorizes the use of food coupons for the purchase of prepared meals which are delivered to disabled individuals by a public agency or nonprofit organization.

H.R. 2413. January 30, 1975. Veterans' Affairs. Authorizes the burial in a national cemetery of the parents of certain members of the Armed Forces who die while on active duty.

H.R. 2414. January 30, 1975. Judiciary. Eliminates the jurisdiction of the Supreme Court and the district courts to review any case arising out of any State statute, ordinance, rule or regulation which relates to voluntary prayers in public schools and public buildings.

H.R. 2415. January 30, 1975. Agriculture. Revises eligibility requirements and the portion of income to be paid for food coupons under the Food Stamp Act of 1964. Authorizes the use of food coupons for the purchase of prepared meals which are delivered to disabled individuals by a public agency or nonprofit organization.

H.R. 2416. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to reduce the amount of tax withheld from the salaries and wages paid to employees.

H.R. 2417. January 30, 1975. Ways and Means. Amends the estate tax provisions of the Internal Revenue Code to allow a limited deduction from the gross estate of the value of the decedent's interest in a family farming operation which passes to an individual related to him or his spouse.

H.R. 2418. January 30, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to exempt certain sales of natural gas from regulation by the Federal Power Commission.

H.R. 2419. January 30, 1975. Veterans' Affairs. Entitles veterans with a service-connected disability rated as total to travel on a space-available basis on unscheduled military flights to the same extent as are retired military personnel.

H.R. 2420. January 30, 1975. Ways and Means. Revises the tax rates for Old-Age, Survivors and Disability Insurance and hospital insurance under the Internal Revenue Code of 1954. Raises the ceiling on income taxable for Old-Age, Survivors and Disability Insurance under the Social Security Act and Internal Revenue Code of 1954. Provides that one-third of the cost of the Old-Age, Survivors and Disability Insurance program be borne by the Federal Government.

H.R. 2421. January 30, 1975. Interior and Insular Affairs. Increases the authorized appropriations for the Mission 66 Bypass Road at Vicksburg, Mississippi.

H.R. 2422. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer to deduct as an expense during the taxable year expenditures for the purpose of making any facility owned or leased by the taxpayer for use in connection with his trade or business more usable by handicapped and elderly individuals.

H.R. 2423. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer to deduct as an expense during the taxable year expenditures for the purpose of making any facility owned or leased by the taxpayer for use in connection with his trade or business more usable by handicapped and elderly individuals.

H.R. 2424. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer to deduct as an expense during the taxable year expenditures for the purpose of making any facility owned or leased by the taxpayer for use in connection with this trade or business more usable by handicapped and elderly individuals.

H.R. 2425. January 30, 1975. Post Office and Civil Service. Requires that the pay of certain Federal executive and legislative officers be reduced or increased, depending upon whether there was a Federal budgetary deficit or surplus in the preceding fiscal year.

H.R. 2426. January 30, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors and Disability Insurance benefits. Revises the method of calculating the amount of allowable outside earnings.

H.R. 2427. January 30, 1975. Education and Labor. Establishes in the Office of the Secretary of Health, Education, and Welfare an Office of Youth Camp Safety. Requires that Federal youth camp safety standards be developed and enforced.

H.R. 2428. January 30, 1975. House Administration. Stipulates that corporations and labor organizations which make unlawful political contributions shall be fined in an amount equal to the amount of such contributions.

H.R. 2429. January 30, 1975. Foreign Affairs. Prohibits assistance under the Agricultural Trade Development and Assistance Act to any country which the President determines is not making reasonable and productive self-help efforts to stabilize population growth, and thereby reducing the need for assistance under the Act.

H.R. 2430. January 30, 1975. Agriculture. Amends the Food Stamp Act of 1964 to permit households to use food coupons to purchase seeds, plants, and fertilizer from retail establishments engaged primarily in the sale of seed and feed.

H.R. 2431. January 30, 1975. House Administration. Establishes an American Folklife Center in the Library of Congress.

H.R. 2432. January 30, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants and enter into contracts to maintain and expand nurses training programs, to assist in meeting the costs of comprehensive public health services, and to plan and develop various other health-related programs. Directs the Secretary of Health, Education, and Welfare to establish within the National Institute of Mental Health a National Center for the Prevention and Control of Rape and to appoint several committees for the study of various diseases.

H.R. 2433. January 30, 1975. Judiciary. Requires the registration of all firearms. Sets forth specifications for handguns which must be met before the Secretary of the Treasury may approve the handgun for sale.

H.R. 2434. January 30, 1975. Rules. Amends the Impoundment Control Act of 1974 by requiring the President to transmit a special message to Congress before rescinding or reserving any part of any budget authority. Declares that no such rescission shall become effective until Congress has acted on a bill effecting such rescission.

H.R. 2435. January 30, 1975. Post Office and Civil Service. Restores civil service survivor compensation to any widow or widower who has remarried, if such remarriage is later dissolved by death, annulment, or divorce.

H.R. 2436. January 30, 1975. Foreign Affairs. Authorizes the President to make grants to land-grant universities to enable them to offer assistance to land-grant type universities in agriculturally developing nations.

Establishes an International Land-Grant University Advisory Board to assist the President in carrying out the purposes of this Act.

H.R. 2437. January 30, 1975. Foreign Affairs. Authorizes the President to make grants to land-grant universities to enable them to offer assistance to land-grant type universities in agriculturally developing nations.

Establishes an International Land-Grant University Advisory Board to assist the President in carrying out the purposes of this Act.

H.R. 2438. January 30, 1975. Foreign Affairs. Authorizes the President to make grants to land-grant universities to enable them to offer assistance to land-grant type universities in agriculturally developing nations.

Establishes an International Land-Grant University Advisory Board to assist the President in carrying out the purposes of this Act.

H.R. 2439. January 30, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by authorizing the Secretary of Labor to make on-site consultations to assist certain small employers in complying with the Act.

H.R. 2440. January 30, 1975. Interstate and Foreign Commerce. Prohibits distributors and refiners of petroleum products from cancelling franchises without cause and without prior notice.

H.R. 2441. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to revise and consolidate the provisions of the Code with respect to small business. Establishes a Committee on Tax Simplification for Small Business to suggest changes in the Code with respect to small business. Requires the Secretary of the Treasury, with the assistance of the Office of Small Business Tax Analysis to be created within the office of the Secretary, to submit to the House Committee on Ways and Means and the Senate Committee on Finance recommendations for structural changes in the Code relating primarily to small business.

H.R. 2442. January 30, 1975. Foreign Affairs. Amends the United Nations Participation Act to permit the President to apply the sanctions contained therein notwithstanding certain provisions of the Strategic and Critical Materials Stock Piling Act.

H.R. 2443. January 30, 1975. Government Operations. Expands the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

H.R. 2444. January 30, 1975. Post Office and Civil Service. Revises the procedure for crediting service under the National Guard Technicians Act of 1968 for Federal employees' benefits and retirement purposes.

H.R. 2445. January 30, 1975. Post Office and Civil Service. Amends the Postal Reorganization Act of 1970 by revising regulations relating to appropriations authorization, postal rates, Postal Service contracts, personnel policies, and the organization of the Postal Rate Commission and the Board of Governors.

H.R. 2446. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to increase the percentage standard deduction, the low income allowance, and the personal exemptions. Allows a credit against the income tax based on the amount of income earned by eligible individuals.

Disallows the deduction from gross income of intangible drilling costs and the income tax credit for the payment of foreign taxes on oil or gas wells located outside the United States.

Terminates the percentage depletion allowance for oil and gas wells.

H.R. 2447. January 30, 1975. Interstate and Foreign Commerce. Establishes a National Commission on Regulatory Reform to study and make recommendations on the activities and effect on the economy of certain Federal regulatory agencies.

H.R. 2448. January 30, 1975. Ways and Means. Banking, Currency and Housing. Establishes controls to insure that the national budget is balanced.

Limits the annual growth of the money supply.

Requires that all legislation contain a note disclosing the direct and indirect costs which will be incurred by such legislation.

H.R. 2449. January 30, 1975. Agriculture. Amends the Food Stamp Act of 1964 by prohibiting increases in the portion of income to be paid for food coupons.

H.R. 2450. January 30, 1975. Education and Labor. Establishes a Congressional Award Board to award a Congressional Award to young people who demonstrate qualities of excellence and leadership.

H.R. 2451 January 30, 1975. Ways and Means. Subjects any dog and cat products unlawfully imported into the United States or shipped in interstate commerce to seizure and forfeiture as provided for violations of the customs laws.

H.R. 2452. January 30, 1975. Atomic Energy. Prohibits the transfer of atomic materials or technology to foreign or international entities without specific approval by an Act of Congress.

H.R. 2453. January 30, 1975. Judiciary. States that it shall not be unlawful to intercept communications where all parties to the communication have given their consent unless the communication is intercepted for the purpose of committing any criminal or tortious act.

H.R. 2454. January 30, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay service pensions to certain World War I veterans, their widows, and their children.

H.R. 2455. January 30, 1975. Armed Services. Directs the Secretary of Defense to establish regional boards to review military discharges and dismissals.

Prohibits the inclusion on discharge certificates of any information pertaining to whether a former member should be accepted for reenlistment. Directs the Secretary of each military department to issue new discharge certificates to individuals whose original certificates contained such prohibited information.

H.R. 2456. January 30, 1975. Veterans' Affairs. Extends the maximum period of veterans' eligibility for educational benefits from thirty-six months to forty-five months.

H.R. 2475. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to permit taxpayers to defer reporting as income the payments received under the Agricultural Act of 1949 for losses to crops until the taxable year in which the income from the crops would have been reported.

H.R. 2458. January 30, 1975. Agriculture. Directs the Secretary of Agriculture to establish and maintain a program whereby the Department of Agriculture collects, prepares, makes available, and distributes information regarding the establishment and operation of farmers' markets.

H.R. 2459. January 30, 1975. Banking, Currency and Housing. Repeals the provisions of the Flood Disaster Protection Act of 1973 which require communities and individuals in flood prone areas to participate in the national flood insurance program in order to be eligible for Federal financial assistance.

H.R. 2460. January 30, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to make the Director of the National Institute for Occupational Safety and Health directly responsible to the Assistant Secretary for Health of the Department of Health, Education, and Welfare.

H.R. 2461. January 30, 1975. Agriculture. Requires the Secretary of Agriculture to establish a program whereby he shall make feed grain available to owners of beef cattle which are maintained for commercial purposes whenever the price of feeder and slaughter calves paid to producers is below 90 percent of parity, as determined by the Economic Research Service of the Department of Agriculture

H.R. 2462. January 30, 1975. Agriculture. Requires the Secretary of Agriculture to establish a program whereby he shall make feed grain available to owners of dairy cattle maintained for commercial purposes whenever the price of milk shall fall below 90 percent of the parity price.

H.R. 2463. January 30, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to require that notice of an application for a certificate of convenience and necessity be published by the Federal Power Commission in local newspapers.

H.R. 2464. January 30, 1975. Agriculture. Prohibits increases in the portion of income to be paid for food coupons under the Food Stamp Act of 1964.

H.R. 2465. January 30, 1975. House Administration. Requires that the official candidates of political parties for President and Vice President be nominated at a national primary election by direct popular vote. Establishes procedures for such national primary election.

H.R. 2466. January 30, 1975. Interior and Insular Affairs. Requires the use of litter bags in vehicles on Federal recreational properties.

H.R. 2467. January 30, 1975. Government Operations. Amends the Federal Property and Administrative Services Act of 1949 to allow certain child-care institutions to be eligible for donations of surplus property from the Administrator of General Services.

H.R. 2468. January 30, 1975. Interstate and Foreign Commerce. Defines the term "food supplement" as it appears in the Federal Food, Drug, and Cosmetic Act. Disallows the requirement of warning labels for and the limiting of ingredients in "food supplements" by the Secretary of Health, Education, and Welfare unless such article is intrinsically injurious to health in the recommended dosage.

H.R. 2469. January 30, 1975. Veterans' Affairs. Directs the Secretary of the Army to establish a national cemetery in Arizona.

H.R. 2470. January 30, 1975. Judiciary. Institutes the same penalties for crimes against an Indian by an Indian as when the victim or perpetrator is non-Indian.

H.R. 2471. January 30, 1975. Government Operations. Amends the Employment Act of 1946 by requiring the consideration and reporting of the stability of the general price level by the President, the Council of Economic advisers, and the Joint Economic Committee, in addition to other economic indicators.

H.R. 2471. January 30, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Services Act, to make grants and enter into contracts for projects to provide Huntington's disease screening, and research in the diagnosis, treatment, and prevention of Huntington's disease. Directs the Secretary to disseminate information on Huntington's disease and to provide voluntary screening, counseling, and treatment therefor within the Public Health Service.

H.R. 2473. January 30, 1975. Merchant Marine and Fisheries. Sets forth restrictions on the taking of, or interstate dealing in, undersize and egg-bearing spiny rock lobsters.

H.R. 2474. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a refund the excise tax paid on tread rubber used for certain purposes.

H.R. 2475. January 30, 1975. Agriculture. Amends the Agricultural Act of 1949 by establishing the support price for milk at not less than 80 percent of the parity price therefor.

H.R. 2476. January 30, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to establish and maintain a program to reimburse providers of utility services to certified households and landlords for a percentage of the cost of such utility services.

H.R. 2477. January 30, 1975. Interstate and Foreign Commerce. Directs the Securities and Exchange Commission, pursuant to the Securities Exchange Act of 1934, to establish a National Securities Market System which shall link all of the country's securities markets, wherever located, to maintain, at a minimum, a national securities transaction reporting system, and a composite quotation system for reporting bid and offered quotations for all securities qualified for trading in the System.

Directs the Commission to form a fifteen-member National Market Board, composed of persons knowledgeable of securities market practice, to regulate the National Market System.

H.R. 2478. January 30, 1975. Ways and Means Suspends for 90 days the authority of the President to increase tariffs on petroleum or petroleum products.

H.R. 2479. January 30, 1975. Education and Labor. Authorizes the Commissioner of Education to make grants for the establishment or improvement of educational programs for children of migrant agricultural employees.

H.R. 2480. January 30, 1975. Post Office and Civil Service. Requires the Postal Service to consult with agencies of State and local government regarding the construction of certain Postal Service facilities. Establishes hearing procedures with respect to proposals for such construction.

H.R. 2481. January 30, 1975. Agriculture. Prohibits increases in the portion of income to be paid by the elderly for food coupons under the Food Stamp Act of 1964.

H.R. 2482. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against tax or a limited deduction from income equal to the ordinary and necessary expenses paid during the taxable year for the improvement of the thermal design of the principal residence of the taxpayer.

H.R. 2483. January 30, 1975. Ways and Means. Amends the Social Security Act by redefining "United States" to include Guam, Puerto Rico, and the Virgin Islands for the purpose of satisfying the residence requirement for entitlement, as an uninsured individual, to Old-Age, Survivors, and Disability Insurance benefits at age 72.

H.R. 2484. January 30, 1975. Government Operations. Declares that the fiscal year for the Federal and District of Columbia governments shall coincide with the calendar year. Directs the Director of the Office of Management and Budget to oversee the transition of Federal agencies and instrumentalities to such fiscal year.

H.R. 2485. January 30, 1975. Judiciary. Incorporates Recovery, Incorporated, a mental health recovery organization.

H.R. 2486. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax amounts paid by the taxpayer during the taxable year for public transit transportation from his place of residence to his place of employment.

H.R. 2487. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to allow a tax deduction to tenants for their proportionate share of the taxes and interest paid by their landlords.

H.R. 2488. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to tax unmarried individuals at the same rate as married individuals filing jointly, and to apply the same requirements for requiring a declaration of estimated income tax and for withholding income tax from wages.

H.R. 2489. January 30, 1975. Ways and Means. Amends the Social Security Act by removing certain limitations on the amount payable by the Federal Government to States as grants for social services under Federal-State public assistance programs.

H.R. 2490. January 30, 1975. Ways and Means. Amends the Social Security Act to extend Medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 2491. January 30, 1975. Ways and Means. Amends the Internal Revenue Code to allow an individual a limited credit against the tax imposed for amounts paid by him during the taxable year as tuition for the education in a private nonprofit elementary or secondary school of any dependent for whom he may claim a personal.

H.R. 2492. January 30, 1975. Foreign Affairs. Authorizes the President to provide famine and disaster relief assistance to any foreign country in such form as he may determine.

Sets forth procedures for the President to follow in furnishing agricultural commodity assistance abroad.

Amends the Agricultural Trade Development and Assistance Act to increase the agricultural self-reliance of friendly countries.

Amends the Foreign Assistance Act of 1961 by appropriating funds for certain programs for fiscal years 1976 and 1977.

H.R. 2493. January 30, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain corporation in full settlement of such corporation's claims against the United States for additional expenses incurred as the result of administrative error by personnel of the Federal Communications Commission in connection with such corporation's application for a television station.

H.R. 2494. January 30, 1975. Agriculture. Directs the Secretary of Agriculture to convey to the Boy Scouts of America certain land in Chequamegon National Forest, Wisconsin.

H.R. 2495. January 30, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2496. January 30, 1975. Interior and Insular Affairs. Directs the Secretary of the Interior to convey to a certain individual all right, title, and interest of the United States in certain land in Mississippi.

H.R. 2497. January 30, 1975. Interior and Insular Affairs. Stipulates that the conveyance of certain land by the Southern Pacific Transportation Company shall have the same force and effect as if the land conveyed had been held on the date of conveyance under absolute fee simple title by such company, subject to a reservation to the United States of the minerals therein.

H.R. 2498. January 30, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for expenditures incurred in pursuing a certain invention.

H.R. 2499. January 30, 1975. Judiciary. Declares a certain individual eligible for naturalization under the Immigration and Nationality Act.

EXTENSIONS OF REMARKS

MY RESPONSIBILITY AS A CITIZEN

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. FRENZEL. Mr. Speaker, I am proud to announce that the VFW Voice of Democracy State winner this year is from my district. Dawn Knutson has proved herself to be an outstanding example for her peers and a credit to the State of Minnesota. I am passing along her winning speech "My Responsibility as a Citizen" and recommend its content to you.

MY RESPONSIBILITY AS A CITIZEN

(By Dawn Knutson)

"What then is the American? Who is this new man?"

These questions were posed in 1793 by the French author Jean de Grevecoeur, who asked about the citizens of the newly formed United States of America.

Almost two hundred years later, I reflect on these same questions and ask, "Who am I as an American? What are my responsibilities as a citizen?"

Perhaps part of the answer may be found in the word "responsibility" itself. It is a derivative of the Latin verb "respondere", which means "to answer". Thus, as a member of this country, I must strive to answer its needs as I am able to. Differences in who we are determine the different ways in which we are able to answer our country, but some obligations are readily apparent.

The first of these is awareness. As a young person, I must realize that awareness involves a constant search for truth. I must have an awareness of history, for only through knowing what has gone before can I anticipate what is to come. I must be aware of the happenings in both the local, national, and world situation. A wide knowledge will strengthen my opinions and positions on topics. The realization that the strength of any one country lies in the unity and action of all its peoples will keep my mind open and free of the obstacles of bigotry and apathy. Another of my most important obligations is involvement. Millions before me have sacrificed their time, energy, even their lives, giving me the opportunities I hold as an American. So, too, must I be willing to give of myself. Not only must I be willing to act when called upon, I must extend myself. Inspired by the accomplishments of those who have gone before me, I realize that democracy is a continuous quest, a constant challenge. I accept this challenge. I accept the risk my freedom involves. My duty is to act on this challenge, to exercise my rights in a constructive manner; to vote, to serve, to take a stand.

A third aspect of my responsibility as a citizen is respect. In days such as these, when time-honored practices, laws, and principles of our government are constantly being questioned and challenged, it is essential to remember that respect for laws and principles, as well as for each other, is imperative if we are to succeed as a united people. For every right we hold as citizens, so, too, is there an understood duty to allow others that same right. Just as it will be my right to vote, so must I grant others this right, accepting and abiding by the decision of the majority, even if I disagree. Just as it is my right to hold and express my political and religious beliefs, it is my duty to tolerate the beliefs of others without ridicule.

Our forefathers formed America on the basis of their dreams that humanity should be liberated and men and their minds should be freed. As a citizen, I must answer their call by preserving and guarding these precious ideals. It is my right to share in the prosperity of our country and its many gifts. It is my duty to converse these gifts for the use of others.

General Dwight Eisenhower once said: "When I die, I want to leave a piece of land better than I found it."

We, you and I, must unite in this common goal. Given the tools of freedom, justice, and opportunity, let us never cease in our efforts to improve and build upon this land, our land. Let us leave to the following generation—a land more honest, more free, more just than we, ourselves, have found it to be.

JOSEPH RAUH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. RANGEL. Mr. Speaker, as we in Congress fight to expand the civil rights and civil liberties of all Americans, there is no stronger ally than Joe Rauh. His career has been dedicated to using the law as a tool with which to expand the rights of our people.

I am pleased to share with my colleagues an article on Joseph Rauh which appeared in the February issue of Juris Doctor:

JOE RAUH AN INTEGRATED LIFE

(By Stephen Gillers)

"It's necessary to lead an integrated life," says Joe Rauh, smiling affably, waving his arms and blocking the view of a rainy Connecticut Avenue outside his office window. "You're happier if you lead an integrated life."

Joe Rauh has a friend who is the senior partner at a large Washington law firm. Rauh and his friend belong to a certain organization. "Chavez is its biggest project," Rauh says. "It supports the lettuce boycott, the grape boycott and the Gallo wine boycott. And my friend believes strongly in these things. He actively supports Chavez. People began picketing Washington liquor stores that sell Gallo wine. The liquor stores got together and brought a lawsuit to stop the picketing. Who do you think represented the liquor stores?"

Rauh's friend.

Who do you think successfully represented the picketers? Rauh.

Rauh says his friend is leading a "schizophrenic life . . . he does things contrary to his ideology. I have always tried to represent as a lawyer positions I believe in as a person."

You can't read the newspapers and not know Joe Rauh. He's everywhere. He represented Lillian Hellman and Arthur Miller during the House Un-American Activities Committee hearings in the 1950s. He won a major Supreme Court decision limiting the ability of that committee to use it investigative powers for purposes of exposure. *Watkins v. United States* (1957). In 1946, he was an organizer of Americans for Democratic Action and later became its National Chairman. He represented government employees and others charged under the repressive loyalty-security programs of the 1940s and 1950s.

He has been active in the Democratic Party, both nationally and in Washington, for many years. In 1964, against the wishes of President Johnson and of his own client and good friend, Walter Reuther, he fought to seat the Mississippi Freedom Democratic Party at the Democratic National Convention. Recently, he represented the late Jock Yablonski in Yablonski's challenge to Tony Boyle's leadership of the United Mine Workers. After Yablonski, his wife, and their daughter were killed, Rauh forced a federal investigation that proved the murders were instigated by the UMW leadership. He then went on to successfully represent Arnold Miller, now UMW president. Joe Rauh has for fifteen years, officially and unofficially, been general counsel to the Leadership Conference on Civil Rights. His name appears whenever there is an important civil rights struggle or lobbying effort. He was part of the civil rights and civil liberties movements even before they were movements. To a kid growing up reading *The New York Times* in the 1950s and 1960s, the name "Joseph L. Rauh, Jr." seemed to belong to more than one person.

How did he do it? Where did he come from? What did he think? From what baronial Washington, D.C., office did he operate his empire? It's nice to talk about leading an integrated life, but was it possible to do evertyhing Joe Rauh did and still make a living? There are many lawyers who do good things for humanity, but who also represent polluters, banks, or oil companies on the side, and who say they could not afford to do one without the other.

Although I've been reading about him for years, I did not meet Joe Rauh until 1972. I was impressed by his unimpressive office. It was as open as the man. He was on the fourth floor of an unstylish Washington building. The door to his suite was painted metal and the names on it were inexpensive plastic. Inside were a large room with a coat rack, two secretaries, and metal cabinets. No separate waiting room. No recessed lighting. No fancy conference area and library. No expensive furniture. Off the secretarial area were four lawyers' offices. Rauh's was cluttered—an old wooden desk, an inexpensive couch half-filled with papers, a small conference table and bookcase. Books and papers were everywhere. The office was friendly and unintimidating. How different from what I was used to on Park Avenue! There was no ambience except the decent and jovial informality of Joe Rauh himself.

I returned last November to learn more.

I had been lucky. In the half-dozen years since graduating from law school, I'd had the good fortune to work with excellent people. But I still did not know how or if it was possible to continue earning a living practicing law while remaining true to personal principles. I did not know how or if it was possible to "integrate" your work and your life. I knew all the arguments about the proper role of an advocate—who should have no qualms about arguing any side of any issue—and I made no moral judgments about people who subscribed to these. Someone had to. I simply did not want to be one of them. As far as possible, I wanted my work as a lawyer to be not only consistent with but integrally related to and in support of my interests as a person.

So I went to see Joe Rauh, wondering what his secret was, wondering how he became, as New York University Law School Professor Norman Dorsen describes him, "an original and consistent public interest lawyer, in the Brandeis tradition."

"I've had a great deal of luck," is Joe Rauh's explanation. Words like "luck" and "accident" are repeated throughout his conversation. And perhaps there was some luck. Certainly Joe Rauh's first job after graduating from Harvard Law School in 1935 was a lucky one. He clerked for Supreme Court Justice Benjamin Cardozo. His second job was also lucky. He clerked for Supreme Court Justice Felix Frankfurter. Pictures of both men decorate his office.

After his clerkships, Rauh was lucky again. He got a job as a lawyer in the Wage and Hour Administration. "At that time the minimum wage was 25 cents an hour. When the first list of violators came through, I went over it with my boss. The main violators were in the apparel industry—knit goods, textile people, all of them Jewish. 'Here we've got a fine situation,' my boss said. 'What do we do?' Well, we talked to Ben Cohen. Like everything else, whenever we had a problem we went to see Ben Cohen. Ben Cohen told us that it was no problem. Jews were enforcing the law and Jews were violating the law. He didn't see any problem."

After serving on General MacArthur's staff in the Southwest Pacific from 1942 to 1945, Rauh returned to Washington, where he worked briefly for the government before beginning private practice in 1947. One of his first clients was the United Auto Workers. Rauh had met Walter Reuther before leaving for the war.

"It was 1939 or 1940," he recalls. "Reuther had come to Washington with a plan to stop making automobiles and to start making planes. President Roosevelt had said that America would start making 50,000 planes a year. Well, we were only making five planes a year at the time. Reuther's plan was to use the auto factories to make airplanes. Phil Graham and I helped get him an audience."

Reuther and the UAW both had strong interests in civil liberties. As a result, Rauh got paid ("though not much") for handling civil liberties cases. *Watkins*, for example, was funded by the UAW.

Rauh started private practice and began to organize the ADA at about the same time. "It must have been subconscious, now that I think of it," he says, "though I did not think about it then. I am not a very introspecive guy. But when you ask me questions, I've got to think about it in order to answer them. So I guess if you're going to be the head of a liberal organization like the ADA, you then have to handle liberal cases as a lawyer.

"At that time, the only civil liberties cases you could do were loyalty-security cases. This was the 1940s. There was McCarthyism long before there was McCarthy. McCarthy was just the logical extension of what was happening in the country. Truman's loyalty-security program began in 1948."

A pattern begins to emerge. If you have strong beliefs and you live and act on them, it becomes increasingly difficult to cut off a big part of your life, your "professional" life, and behave in it as though the rest of what you believed and did was unrelated. The contradictions between your personal life and your professional life gnaw at you and, if you're a person of ordinary sensibilities, must inevitably take their toll on your health and peace of mind. Rauh's law practice is an extension of his life. He does not have to reconcile the two or rigidly separate them. And so there is a kind of spiral. One feeds and supports the other. They become, as Rauh explains, integrated rather than schizophrenic. As a result, Rauh has been able to represent issues in which he believes. He hasn't been tied to a particular client or interest. Indeed, Rauh is free to switch sides while remaining consistent with himself.

"On Monday, I filed two briefs in the United States Supreme Court," Rauh told me. "One was for a union and the other was against a union on behalf of some of its dissident members claiming a lack of union democracy. I like the fact that I was able to do that. If I wanted, I could just represent union dissidents now. After a while, people began to think of you in a certain capacity. People know of your interest in civil liberties, so you get civil liberties cases."

Still, how many lawyers have started out working for the angels and switched to the other, more lucrative side? How many lawyers moved from the plaintiffs' to the defendants' side of stockholders' derivative actions? From union to management representation? From lobbying for social change to lobbying for G.M.? From representation of environmentalists to representation of their enemies? And so on. Why not Joe Rauh?

"I didn't have any temptations," Rauh says smiling, then adds, "but also don't misunderstand, I didn't have that many offers either. In the simplest terms, it was fun. I've had more fun representing the people I've represented than I could representing G.M. Who the hell thought that in one lifetime, you could represent Marilyn Monroe, A. Philip Randolph, Jock Yablonski, and the United Mine Workers? I don't want anyone to think there's been any sacrifice in all this.

"Also, you know, anybody who has had the advantage of working for Ben Cohen, Felix Frankfurter, and Tom Corcoran will have the public interest drummed into him in a way that he can never forget it. So many of the people who came down here with Roosevelt as youngsters are now the worst highbinders. How many of the people who came down here with Roosevelt still believe the things they worked for then? The opportunities for economic advancement in this city are great. The lure is certainly there.

"The people doing the public interest work in Washington today were in diapers during the New Deal. But some of the young people who came down here then now have the most antisocial clients. Abe Fortas, for example, was a big New Dealer, but now he has many antisocial clients."

Rauh believes it is easier to do civil liberties and related cases today than it was thirty years ago. "One of the biggest advantages in public interest law today," he says, "is that you can get attorney's fees from the other side by doing something good because they did something bad. Twenty-five years ago, the law was very anti-attorney's fees because it was felt that they encouraged litigation. Today, it is recognized that if a person is going to sue in the public interest, he should be paid. I believe the future lies with the public interest law firms and lawyers and their ability to get attorney's fees. In years when our firm doesn't have fees paid by the other side, we do not have what in this town could be considered a 'financially successful year.'"

But another secret, a major factor in Rauh's ability to be selective, is size. There are five lawyers in Rauh's office, all partners. The last joined in 1968. Rauh says that "keeping the office small is deliberate. Everyone says, 'Joe, you wouldn't have to work so hard if you had a bigger firm.' This is unadulterated nonsense. When you expand you do things you don't really believe in, in order to make ends meet. If you are going to do the kinds of things I like to do, you better stay small." Rauh receives about five letters a week from job-seeking law graduates. All reecive a polite turndown. "We are a small firm," he explains in response.

A recent case provides an interesting example of the kind of litigation Rauh attracts and that ends up with a generous fee paid by the opponent. During World War II, the American assets of Japanese-owned businesses, including money deposited in certain California banks, were seized under the Trading with the Enemy Act. After the war, the government offered to return the seized money, but at the postwar yen-to-dollar conversion rate, which was about two percent of the pre-war rate. About 4,100 Japanese-Americans did not accept the exchange or contest the government's actions within the sixty-day limitation period. The government refused to pay them anything. Probably because of Rauh's wide reputation as a lawyer for the black civil rights movement, the head of the Japanese-American Citizens League went to see him.

"He complained that Japanese citizens were not geting repaid the money that was due them," Rauh remembers. "I told him it was hopeless. There was a sixty-day statute of limitations to claim payment and it had run. He said, 'All you care about is black people.' Well, when he said that, I really got mad. I said, 'Okay, if you think that, here we go.' And I took the case."

Rauh lost in the district court and in the court of appeals. The Supreme Court unanimously reversed and ordered full payment, about $10 million. *Honda v. Clark* (1967). "We got a generous fee from the government as part of the settlement," Rauh adds.

What would Rauh do today if he suddenly found himself a recent law school graduate? Is it possible to repeat the patterns of a life? Would he want to?

"Every time offers its own possibilities. If Stephen Gillers and graduated from law school in 1935, he would have joined the New Deal. That's what you did in 1935. When my two boys got out of law school in the 1960s, I urged them both to become trial lawyers and to go to the best place possible to learn that skill—the United States Attorney's Office.

You have to be a lawyer before you can be a civil liberties lawyer. You have to have the skills. It's sad when wonderful young people don't take the time to get them. I know of no place to get these skills better than in the other side's camp. Let them train you.

"Not all prosecutors are bad. During a case recently, my son went up to the judge and conceded that he could not prove the defendant guilty beyond a reasonable doubt. I was awfully proud of him. I have been at parties with prosecution kids. Many of them have as much idealism as defense kids. It was an eye opener. Until recently, I had joined in stereotype against prosecutors."

What did Rauh think about the institutions of the bar? It troubled me, I told him, that large firms, representing large and powerful vested interests, are increasingly coming to control the bar associations and making the rules, and that lawyers more and more are acting and thinking like businessmen rather than members of a profession.

"I have no feel for that. I have not been a member of bar associations. I'd rather blast the bar associations than join them. The bar associations here wouldn't let blacks in until about 15 years ago. Also, you had to sign an oath that you were not a Communist. When a wonderful guy became president, he said, 'If I get the Communist Party oath changed, will you join?' I said I would if it didn't mean I had to go to meetings. He got it changed, and so I joined. But I don't go to meetings."

But then Rauh shows me a letter he wrote to the Washington Post in the summer of 1973, while the ABA convention was being held in the capital. The letter shows that Rauh does have a feel for this issue. In his letter, he called on the association to scrap its "business-as-usual agenda at the upcoming meeting" and devote "the entire proceedings to considering remedies for the present crisis in the profession."

"Somewhere along the line," he wrote, "from law school to admission to the bar and on through the practice of law, something has gone wrong. Somewhere considerations of public interest and support for the rule of law . . . dropped out of the vision of too many lawyers. Somewhere the clients' interest became identical with right even to the extent that the end justified the means.

Just look at the current scene: corporate lawyers attacking every governmental regulation in the interest of the consumer, condoning and defending if not participating in price-fixing, representing the management of companies rather than their stockholders; "superlawyers" lobbying to defend and aggravate tax loopholes while obstructing every social program for want of funds; lawyers for unions in obvious conflict of interest furthering the regimes of corrupt, incumbent officers who continue to oppress the members whose dues pay the lawyers. And all this and more is ratified by legal disciplinary committees, staffed from the very firms that engage in these practices, who look the other way and spend their time investigating overzealous representation by lawyers defending individual rights and minor infractions by impoverished members of the bar."

Strong stuff. You don't hear criticisms like that very often from "successful" lawyers. But Rauh is not original. More than a half-century ago, Louis Brandeis lamented the same professional failure when he said, "For nearly a generation the leaders of the bar . . . have not only failed to take part in any constructive legislation designed to solve in the interest of the people our great social, economic, and industrial problems, they have failed likewise to oppose legislation prompted by selfish interests . . . They have at times advocated, as lawyers, measures which as citizens they could not approve."

Of course, no one wants the entire profession to become facsimiles of Brandeis and Rauh. Diversity is also important. But how worthy it would be of America's lawyers to assume the courage and foresight required to heed the Brandeis warning and to develop and institutionalize within the legal profession an affirmative obligation to the public interest.

The whole is greater than the sum of its parts. If someone else did everything Joe Rauh did, they would not necessarily be Joe Rauh. Luck and accident are surely part of it, as Rauh suggests. But I doubt that they make the difference. There are other qualities—vision, commitment, determination, an anger at unfair dealing—which altogether add up to character.

Self-awareness, too. "You have to take me with a grain of salt," Joe Rauh says at the end of our meeting.

SUPPLY AND DEMAND

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. CARR. Mr. Speaker, I believe that the enclosed remarks by Dr. Walter Adams, distinguished professor at Michigan State University, have particular merit in these economically troubled times. I include them for the RECORD:

SYMPOSIUM

(By Walter Adams)

(As televised over WJIM-TV, January 15 and 19, 1975)

1920 was not unlike 1975. The nation was experiencing inflation in the midst of recession, accompanied by a sharp decline in auto sales. Henry Ford I, then the industry's leader, reacted to the challenge in a manner both instructive and worthy of emulation.

Nevins and Hill, in their authorized biography of the Ford Motor Company, tell the story this way: . . . by midsummer the situation had become menacing. Sales were falling off, yet the costs of raw materials continued high. To maintain production and income, some kind of wizardry was required. Ford now perceived that inflation must be met boldly. He would reduce prices. He recognized that since he was still paying high rates for materials, any drastic reduction in car prices—and he knew that a drastic step was necessary—would mean that for some time he would sell every model at a loss.

He called a conference of high Ford Motor Company officials, informed them of his intention, and bade them plan reductions. They worked out a set of figures. Ford glanced at these, and announced abruptly that the cuts were too small.

They tried to argue with him, and he got mad. He pulled out a piece of paper with penciled prices on it and said "There gentlemen, there are your prices." The men were astonished. They told him the company would go broke on those prices. He asked for the paper back and reduced 2 cars even further.

The first in the industry to act, Ford startled the Nation and his competitors on September 21, 1920, by the size of the cuts.

The immediate response of a number of rivals was hostile. They argued that prices should not be lowered, because buyers would then expect further reductions, and all buying would cease. But like it or not, competition compelled them to follow the Ford lead, and that's what they did. "It was said that we were disturbing conditions," Ford remarked later. "That's exactly what we were trying to do."

The point is plain. When demand falls short of supply, a competitive industry does not stand pat. It doesn't accumulate unsaleable inventories. It doesn't let its factories stand idle and lay off its employees. It fights back; it hustles; it scraps, it cuts prices to stimulate sales; it obeys the law of supply and demand. In short, it does what old Henry would have done were he alive today.

The nation and the state of Michigan need that kind of industrial leadership. The people have a right to demand it.

At least, that's the way I see it.

GASOLINE RATIONING—BUREAUCRATIC NIGHTMARE

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. TREEN. Mr. Speaker, gasoline rationing—in addition to its obvious geographical, occupational, and other inequities—can never produce the results so optimistically foreseen by its proponents. It would strangle itself in the bureaucracy.

The program would probably require 15,000 to 20,000 people to administer. Cost to the Federal Government is estimated at $2 billion, and the burden placed on our Postal Service and its 40,000 local post offices would be awesome. Additionally, there would be a need for each State to set up an office to administer State set-asides, and at least one local board in each of our 3,000 counties to evaluate exemptions.

The success, such as it was, in World War II has been highly publicized. But that was hardly a comparable situation. The war was a dramatic short-term crisis that inspired a patriotic willingness to sacrifice. Today we are faced with a less dramatic and longer term crisis that will not evoke a similar willingness. Gasoline rationing in World War II was, in addition, a substantial effort to conserve rubber, and was thus understood by our citizens.

Furthermore, in 1944, there were 25 million cars in the United States, and automobile production was curtailed for the duration. Today we are driving in excess of 100 million cars, and they are less energy efficient than those of 30 years ago.

Some of the questions raised, which would have to be addressed by the network of agencies set up to administer a rationing program, would be:

How would a resale or white market be administered and/or regulated? How is gasoline allocated over the various industrial spectrums of the country—such as farming, trucking, tourism, construction, petrochemicals, the airlines, and many others?

What is the policy on foreign tourists? How would the Government decide what oil is necessary for its own operations? What about local, State, and congressional pressures to provide redress for affected parties in local districts? What kind of bureaucracy would be required to evaluate and pass judgments on these requests and demands?

An organization large enough to attempt to address these and other problems would be unworkably cumbersome. The only legitimate purpose for such an organization and system would be an immediate and dramatic crisis requiring crisis management, such as an embargo.

Gasoline rationing is merely a tool for dealing with a short-term and immediate crisis; it is under no conditions a means for solving the problem.

MORE DEFICIT SPENDING NOT THE ANSWER

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. LATTA. Mr. Speaker, after examining the national debate that is occurring over what to do about our lagging economy, the Advertiser-Tribune in Tiffin, Ohio, concluded that "more deficit spending on the part of our Government is not the answer."

In its editorial, this opinion leader in my congressional district spoke up strongly against using tax money to prop up failing private business enterprises, and emphasized that the unique circumstances that apply to each locale make "blanket answers from Washington ineffective and inefficient."

There is much food for thought in the Advertiser-Tribune's commentary, and I am pleased to insert its editorial in the CONGRESSIONAL RECORD for the benefit of my colleagues.

OUR VIEWPOINT

There are a few people loudly saying the government is to blame and should bail us out of the current economic situation. They say government should create jobs, spend more money and subsidize to bring about a more healthy economy.

But is that really the answer? Or is it a convenient way to place blame, an easy kind of remedy?

It seems to us that more government intervention in our business life has never been an adequate solution to economic difficulties. Witness the railroads . . . or the Post Office . . . or so-called wage-price controls. Wouldn't we be better off with less government bureaucratic control?

We really don't believe the government should put taxpayers hard-earned dollars—yours and ours—to the task of propping up failing private business enterprises. Taxpayers should not have to bear the burden of mismanaged aircraft companies, banks, airlines or railroads.

But our viewpoint isn't shared by some state governors, either. At the recent governors convention many flailed at the Ford administration for not having the federal bureaucracy take the full burden and remove all responsibility from the state and local bodies.

We don't think that is right. What better place to solve problems, find answers and get moving than right from the people closest to the problem? We believe local people are better problem-solvers than those many miles distant from the situation. Each locale has its own unique set of circumstances which makes blanket answers from Washington ineffective and inefficient.

Rather than having to pay for expensive government solutions which will unquestionably create higher taxes, shouldn't private business and labor find the answer working together? We believe that's what makes our whole system of free enterprise work—minimum government involvement.

If you agree that more deficit spending on the part of our government is not the answer, why not clip this editorial and mail it to your congressman or representative. He's listed at the bottom of this page.

THE 125TH ANNIVERSARY OF THE BIRTH OF THOMAS MASARYK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. DERWINSKI. Mr. Speaker, I would like to bring the attention of the Members to the 125th anniversary of the birth of Thomas Masaryk, founder and first President of Czechoslovakia. On March 7, 1850, Masaryk was born to parents of humble station in a small town in Moravia. However, his parents were able to provide him with an excellent education which enabled him to win a doctorate of philospohpy in 1876.

Upon achieving this distinction, Masaryk began a long and distinguished career as a statesman, a scholar, a moralist and successful politician. He published books on unconventional and unpopular subjects, and was an advocate of such advanced—for the period—ideas as the 8-hour work day and education for women. He became politically active and participated in the Austrian Parliament espousing the cause of a realistic Czech nationalism.

Although before 1914, he thought of the Czechs and Slovaks as a nation within Austria-Hungry, the outbreak of World War II, changed this outlook to one that advocated Czechoslovakian independence, and he devoted himself to this purpose throughout the war. In May 1918, he went to the United States where he secured official support for his cause, which resulted in its later adoption by the Allied Powers.

Finally, his work found its culmination in November 1918, when he was elected first President of the Czechoslovakian Republic. He served in this capacity for 17 years in accordance with democratic principles which he has explored in his study of various philosophies. Ill health forced his resignation in December 1935 and he died on September 14, 1937, with his beloved country in the hands of his friend and pupil Edward Benes. He was thus spared the agony of seeing his homeland under the control of Nazi and Communist oppressors.

His memory lives on in the minds and hearts of his countrymen to whom he dedicatetd his life, and remains a symbol of inspiration to all who value freedom and true national independence.

HUMANE CARE IN ZOOS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. WHITEHURST. Mr. Speaker, on January 14, 1975, I introduced H.R. 1154, which would establish a Federal Zoological and Aquarium Board empowered to set voluntary standards of accreditation for zoos and aquariums, and would provide funds for assisting these facilities in bringing themselves up to the desired standards.

The Animal Welfare Act of 1970 provided a means by which the Department of Agriculture could require zoos to meet minimum standards of humane care; H.R. 1154 would provide these facilities with the means to upgrade themselves to a high degree.

As what we like to call civilization continues to encroach upon the habitats of more and more species, many are being driven to the brink of extinction. Indeed, a number of species, including the lovely Pere David's Deer, now exist only in zoos. It is incumbent upon us to make zoos the best possible places for these animals to live, and to insure that they are given proper care. My bill would help make this possible.

An excellent article by Emily Hahn, entitled "Why Zoos?" appeared in the February 25, 1975, issue of the New York Times Magazine. I regret that the article is too long to insert in the RECORD, but I commend it to all of my colleagues, and I will be pleased to provide any of them a copy on request. The article points up the problems of zoos, their needs, and their value, and it helps show the necessity of H.R. 1154 or similar legislation.

PEACE IS NOT AT HAND

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. CRANE. Mr. Speaker, one of the most knowledgeable experts on Indochina, Sir Robert Thompson, has recently written a most perceptive study of the current situation in Vietnam entitled "Peace is Not at Hand."

Sir Robert, as many of our colleagues know, was to a considerable extent responsible for the defeat of the Communists in Malaysia in the 1950's; from 1961 to 1965 he was head of the British Advisory Mission in Vietnam. He has been to Vietnam many times since then and if his advice had been followed more often, I, for one, believe both our own country and Vietnam today would be much better off.

A most informative review of Sir Robert's latest book has just been published in International Review—Winter 1974. This is a new London journal of international affairs which deserves to be more widely read in this country.

I should like to insert this review, written by Robert Moss, an editor of the Economist in the RECORD at this time:

PEACE IS NOT AT HAND

(By Sir Robert Thompson)

Sir Robert Thompson is one of the most profound theorists, and practitioners, of counter-insurgency in our times. He won his spurs in the war against the Chinese Communists in Malaya, and before that as a young participant in the famous Chindit expeditions in Burmah during the Second World War. He became the Head of the British Advisory Mission in Vietnam between 1961 and 1965; his advice, unfortunately, was not always followed. More recently he became a personal advisor to President Nixon on the Vietnam War, and has flown out repeatedly since 1969 on whirlwind tours whose pace has sometimes left his Americans (and South Vietnamese) hosts reeling.

Sir Robert has written a number of books on counter-revolutionary warfare in general, and on Vietnam in particular. The most fascinating book that he has within him has still to be written; his memoirs. In the meantime, he has produced a new book on Vietnam, "Peace is Not at Hand", which is both a masterly overview of the course of the war during the Nixon years and a kind of *cri de coeur* about what he regards as the failure of will in Washington.

Sir Robert voices a complaint that will be shared by most people who thought that the American involvement in IndoChina, at least at the outset, was justified. He writes of the "comprehensibility gap" into which a large section of the western press appeared to stumble. It was precisely because of the relative freedom that the South Vietnamese allowed for their critics and for the television cameras, that the atrocity stories that captured the headlines nearly always referred to what was happening on their side. A My Lei, as Sir Robert insists, is part of the monstrosity of war which can never be justified, and yet must in some sense be regarded as inevitable in conditions of high tension, frustration and incomprehension of alien surroundings. The calculated slaughter carried out by the communist side in Hué in 1968 and in many lesser known towns and hamlets throughout the entire course of the war, however, was different in kind: part of a strategy of repression (the word that the Vietcong themselves always used) designed to eliminate all civilian resistance. Yet this distinction has been all too frequently forgotten.

The most valuable part of Sir Robert's new book, for those familiar with his earlier work, concerns the Easter invasion in 1972 and the negotiating process that followed. The North Vietnamese set out in March 1972 to conquer the South by a conventional invasion, in which they used the heavy T–54 tanks and 130mm guns that their Russian patrons had been shipping in for months beforehand. The timing of the invasion puzzled many commentators at the time. Sir Robert points out that the men in Hanoi were probably convinced that they could destroy Richard Nixon with their new offensive as they had destroyed Lyndon Johnson with the Tet offensive in 1968. The timing of the invasion was geared to the American presidential elections scheduled for November that year. They could, of course, have waited another year, until the American military presence had shrunk to almost nothing. (There were 140,000 American troops in South Vietnam in January, 1972; the figure was due to be halved by the end of April.)

It was part of the mythology of the Easter invasion that the South Vietnamese army (Arvn) was easily trounced by the communists, breaking and running almost as soon as it came under serious attack. But the really striking thing about the 1972 campaign, as Sir Robert makes clear, is that Arvn performed better than almost anyone had expected. On the Northern front, there was a command snarl-up, which led to the sacking of two key generals. Arvn suffered badly in this region because of its reliance on methods instilled by the Americans, such as dependence on static artillery bases and fire bases that were hopelessly exposed to the new Russian guns on the other side that could outrange the South Vietnamese batteries by as much as 6 miles.

But, as the campaign developed, and as North Vietnam's tactical mistakes allowed the Saigon command time to regroup and to call in re-inforcements, it appeared that the Arvn was fighting well wherever it was pinned down. The battle at An Loc (which Sir Robert describes as the Stalingrad of the 1972 campaign) was the prime example; it might indeed be regarded as the moment at which North Vietnam lost its chance of winning the war that year. An Loc was a small provincial town with about 20,000 people up towards the Cambodian border and quite irrelevant in strategic terms. The North Vietnamese 9th Division, heading towards Saigon, could simply have driven their tanks around An Loc and by so doing might even have reached the outskirts of the capital. Instead, the North Vietnamese, confident of easy success, became bogged down in a prolonged battle for the town in which they fired over 70,000 artillery shells and deployed dozens of heavy tanks. After their initial failure to take An Loc, the North Vietnamese massed three divisions in the area and the commander of the 5th Division took over. His boasts of early success also came to nothing; it appears, from American intelligence reports, that he was afterwards cashiered for his failure and may have been executed somewhere in Cambodia.

An Loc is something that those who insist on regarding the Vietnam war as a confrontation between an unbeatable guerrilla army and a hopelessly corrupt and incompetent government find it difficult to fit among their mental stereotypes. It is part of the reason, along with effective use of American air power, and the impressive generalship displayed by the South Vietnamese commander, General Truong, in his successful attempts to recapture lost ground in the North, why South Vietnam survived the onslaught in 1972.

It is difficult to be optimistic about its chances of survival in the long term. The cease-fire arrangement, concluded in January, 1973 (and there is a great deal more to be told about the secret negotiations leading up to it than Sir Robert includes in his book) was never worth more than the paper it was written on. The communist military build-up inside South Vietnam continues; the aircraft battery and the heavy guns are brought further down newly constructed roads through the hills towards the populated areas of the country; the North Vietnamese military presence in Cambodia and Laos has been unaffected. Sir Robert's closing chapters reflect the new pessimism of a man who believes that the Vietnam war was not lost but is in danger of being completely abandoned by South Vietnam's allies. He sees the current phase as essentially a period of economic warfare, in which the communists are putting just enough military pressure on the Saigon government to ensure that it must continue to spend the greater part of its budget on its armed forces at the expense of the general standard of living, and on its social services. His greatest immediate fear appears to be that the American congress will conclude that there is no justification for the current levels of aid expenditure—which indeed appears to be happening already.

Sir Robert's conclusions, which are expressed in courageously unapologetic terms, are bound to be the most controversial part of his book. He not only insists that the dominoes theory—so much derided in the past—still holds good for South East Asia, but that "we are all dominoes now". His central concern is about the possibility that, partly as a result of the Vietnam war, the US will cease to function as a great power at precisely the moment when the communist powers are beginning to expand their sphere of influence at an alarming rate. He complains of a widespread mental paralysis that has induced many people to accept that the communist countries are off limits in the current struggle for power while the rest of the world is a free-for-all, where the Marxist left can quite legitimately establish itself in power. He appeals—and his appeal is really directed at the men in Washington—for the rejection of soft options. The only question is whether anyone is listening.

SYMMS TESTIFIES AGAINST GUN CONTROL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. ASHBROOK. Mr. Speaker, the Subcommittee on Crime of the House Judiciary Committee has been holding hearings on gun control legislation. I serve on this subcommittee and recently had the opportunity of hearing the testimony of my friend and colleague, Congressman Steve Symms.

Congressman Symms is a strong opponent of Federal gun control. He centers his opposition on three grounds—constitutional, practical, and moral. In order to give his arguments the attention they deserve, the testimony of Congressman Symms is included hereafter in the Record:

Testimony of the Honorable Steven D. Symms Before the House Judiciary Subcommittee on Crime, February 27, 1975

Mr. Chairman. Before I begin my remarks, allow me to thank you for the opportunity to address your subcommittee this morning on the crucial issue of federal gun control. I commend you for conducting these initial hearings and trust that you will continue to solicit a wide range of input on this topic in the months ahead.

As you know, I have introduced legislation in this session of Congress to repeal the Gun Control Act of 1968. I have done so in the sincere belief that this legislation was hastily passed during a period of national panic and hysteria without due consideration of its short- and long-range implications. Since that time, a more objective and sober minded analysis of this measure has been possible, in terms of its practical effects, both on criminals and on the American people in general. Examination of the facts leads one to the conclusion that the 1968 Gun Control Act failed dismally in its aim of curbing violent crime and getting firearms out of the hands of criminals. In the past seven years the homicide rate nationwide has risen dramatically, with criminal possession of firearms at an all time high. The only apparent accomplishment of this legislation is that it fathered a myriad of rules and regulations to plague law-abiding citizens and to further burden the American taxpayer who must foot the bill for the administrative costs.

Is there not a lesson to be learned from the failure of this well-meaning yet superficially-conceived legislation? Yes, indeed there is—for those who care to learn it. It is a lesson in the futility of trying to control crime by treating it as a function of inanimate objects. It exposes the colossal folly in thinking that criminals are somehow the tools of guns, instead of the other way around. Moreover, the history of this gun control act should have taught us to beware of simplistic solutions which inevitably spring up during periods of emotional stress; that as national legislators we must resist the natural human impulse to "do something quick" about crime in America and to instead take time to delve deeper into the true causes and cures for criminal behavior in this country.

I will not dwell any further this morning on my own legislation, except to say that repeal of the Gun Control Act of 1968 is probably the most merciful thing this Congress can do for American citizens in the area of gun control. It has not worked and will not work in stemming the rising tide of crime. We as Congressman are only human. We make mistakes. The important thing to the American people is that we admit our mistakes and have the courage to take the proper corrective action. The Gun Control Act of 1968 was unwise legislation and has proven to be not only ineffective, but totally counterproductive. The time for its repeal is now.

This subcommittee will of course be considering numerous other gun control bills, most of which point in the opposite direction from my own. Such measures deeply concern me. For this reason, I would like to briefly address myself to these proposals and to the broader issue of gun control in general.

I am opposed to federal gun control on three grounds—constitutional, practical, and moral. I shall discuss each in turn, realizing however that time does not permit me to treat each area with any degree of thoroughness. Therefore, I will merely attempt to plant a few seeds of new thought in hopes they will land on fertile soil.

The Second Amendment of the U.S. Constitution states: "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." I am no Constitutional lawyer, in fact I am no lawyer at all. Yet common sense tells me that our founding fathers were trying to tell us something there—and in *no* uncertain terms! In contrast to other portions of the Constitution, there were no qualifiers in this Amendment, no "buts" or "excepts", just a straightforward statement regarding the people's right to possess firearms.

Men such as Samuel Adams and Patrick Henry were very emphatic about the need for such an Amendment prior to ratification of the Constitution, protesting that as first submitted, the document did not guarantee "the right of having arms in your own defense." So important was the right to bear arms to our forefathers, that it was placed second in the Bill of Rights, with freedom of expression the only Amendment ahead of it. Recognition of the individual's right to bear arms was by no means a new idea, however. In fact, it dates all the way back to 17th Century English Common Law.

Those who deny this Constitutional right do so on the contention that the phrase "well regulated militia" was referring to the National Guard, not private citizens. They seem to forget that our National Guard was not even established until the 20th Century. Furthermore, Title 10, Section 311 of the U.S. Code states, "The militia of the United States consists of *all* able-bodied males at least 17 years of age and . . . under 45 years of age who are or who have a declaration of intent to become citizens of the United States."

Yes, we as private citizens *do* possess the Constitutional right to keep and bear arms, uninfringed by the central government. In fact, thirty-seven State Constitutions contain sections which reaffirm the individual right of honest citizens to own firearms if they so choose. These facts cannot be denied they can only be ignored, as all too often they are.

My second objection to federal gun laws is purely practical—they do not work. In fact, they have a record of only compounding and worsening our crime problems. Let's set aside our personal assumptions for a moment and examine the hard facts about gun control.

Let me begin by assuring you that I am all in favor of keeping guns out of the hands of criminals, although I must confess that I am much more concerned about the commission of a crime than I am about the method or weapon employed. Nevertheless, disarming criminals of firearms is a worthy goal. Unfortunately, it is also completely unrealistic. Those who attempt to impose strict registration requirements or outright bans on firearms as ways of keeping them away from criminals are fighting a losing battle. Common sense tells us that the reason they are classified criminals in the first place is because they are in the habit of breaking laws. There is no reason to assume that they will obey federal gun laws any more than other laws they have broken.

The question of federal gun registration goes even beyond this argument, however. As a result of the Haynes decision by the Supreme Court in 1968, criminals would not be legally obliged to register their guns—only honest citizens would. The Court ruled that since persons who possess firearms illegally would be incriminating themselves if they came forward and registered them, that they were in effect exempted from gun registration.

Some proponents of federal firearms registration continue to maintain that a registration system would greatly aid law enforcement officers in tracing down weapons used in crimes, leading to speedier apprehension of criminals. Again, this contention ignores the fact and the laws of logic. The vast majority of criminal-owned firearms are either stolen, completely unregistered, or have had their registration numbers ground off. How in the world could these weapons be traced to the criminal offender?

My greatest fear where federal registration is concerned is that it would be nothing more than a prelude to confiscation. Once it became evident that gun registration alone was not curbing violent crime, it would be the logical next step to order the confiscation of the registered weapons. We see this course of events unfolding now in Washington, where D.C. Councilman Wilson has gained much support for his proposal to confiscate all 52,000 legally registered handguns. What would be the ultimate effect of a drastic measure such as this nationwide? To disarm all honest citizens who dutifully registered their guns with Uncle Sam. Meanwhile, every two-bit thug would retain possession of his, having never registered them to begin with. And while the police are busy enforcing gun laws on the lawful, the criminal element would be ravaging a now disarmed and defenseless society.

The desire to ban firearms as a solution to crime is very analogous to the desire in the 1920's to ban liquor as a solution to intemperance. Gun prohibitionists and liquor prohibitionists both reach their conclusions by convoluted logic about human behavior.

Their assumption is that human beings are victims—mere pawns of the inanimate objects around them. Remove the objects and all will be well. The Prohibition period should have taught us that this kind of reasoning is nonsense, that deviant behavior is primarily a function of human free will. And just as whiskey was readily available in the 1920's to whoever chose to break the law, so will firearms be easily obtainable through illegal channels by the crime community. The black market opportunities for organized crime would be staggering. Ultimately, any ban on firearms would have the effect of funneling huge amounts of money into the coffers of those who the law was originally intended to control.

I am not going to play the statistics game with you today, and would hope that you will likewise show me the same consideration. Too often, statistical data selectively cited can be used to prove any point one wishes to make. Nevertheless, there are some little known facts about guns and gun control which I would like to bring to your attention:

1) According to FBI reports, firearms are used in less than four percent of all serious crimes nationwide.

2) While firearms ownership has gone up steadily over the years, the rate of homocides involving guns has been declining significantly.

3) Over the past ten years, less than one-fourth of the aggravated assault cases across the nation were committed with firearms.

4) There are perhaps 200 million privately owned firearms in the U.S. today, of which only one sixth of one percent are used in the commission of crimes annually, including less than one percent of all handguns.

5) Firearms and shooting sports are ranked 15th on the list of sports most likely to cause accidents. There are 20 times more accidental deaths with cars, 8 times more through falls and three times more through drowning.

What strict federal gun controls in effect will do is severely penalize the 50 million law abiding gun owners in this nation while attempting, unsuccessfully, to get at the one percent who use firearms for illegal purposes. Is this the kind of legislation this Congress should be passing?

There has been much talk about the so-called "Saturday Night Special" and about legislation specifically directed toward this type of handgun. Allow me to make just a few observations in this regard.

First of all, the term "Saturday Night Special" is, to anyone who understands firearms, almost completely meaningless. Attempts to define "Saturday Night Special" based on barrel length, overall size, price, melting point, tensile strength, operating characteristics, firing tests, safety-size criteria, and so on, have all proven to be inadequate and arbitrary.

What would be the effect of outlawing these so-called "Saturday Night Specials"? The only lasting effect would be to once again disarm the law-abiding citizen. But in this case, primarily the poor would be penalized—the people who generally live in high crime neighborhoods but who can scarcely afford an expensive Smith and Wesson for protection. By outlawing inexpensive handguns, we would in effect be denying lower income people their basic right to self defense. Only the wealthy would be able to defend themselves and their families from crimes of violence.

Meanwhile, criminals would have no trouble manufacturing homemade firearms with only basic mechanical ability and readily available materials. "Zip guns" can be fashioned out of rubber bands and umbrella tubing to serve the purpose of any murderer or thief. Federal legislation can in no way prevent criminals from making firearms in this way.

All the evidence available to us points to the fact that firearms do not cause crime. The decision by an individual to be violent is the primary factor involved. His decision as to a choice of the weapon is very much secondary. Homocide studies show that where the will to murder exists, if a gun is not available, a knife or club will certainly suffice. If the tide of violence is to be turned, we must get down to the level where the original decision to be violent is made. Banning a particular weapon does not deter the criminal in making that decision. More efficient law enforcement and tougher penalties on criminal activity will. When one considers that only 3 percent of those who commit serious crimes in this country are sent to jail for doing so, there is obviously some need for improvement. It is here where we have really fallen down in deterring criminal activity.

My final objection to federal firearms control rests on moral and philosophical grounds. Gunowners, hunters, sportsmen, collectors, and shooters are, as a group, probably the most law-abiding people in the entire United States. They are not potential killers and menaces to their communities as the anti-firearms campaign portrays them. Virtually every gun organization and club in the U.S. sponsors, conducts, staffs and supports training and safety courses in firearms. To penalize these people who use firearms for lawful purposes because of the criminality of a minute number is not in conscience with the fundamental American principle of justice and fairness. Nor does it set well with our heritage and our history as a free people.

The present furor over gun control has become a bubbling caldron of emotionalism. People in my home state of Idaho are watching this latest drive with fear and confusion. Most Idahoans have grown up around firearms and therefore share none of the hysteria over guns which they hear emanating from Washington, D.C. Their familiarity with firearms has taught them how to handle guns with care and respect, and has given them an appreciation for their many legitimate uses by the private citizen. When they hear national leaders declaring that "the only purpose for handguns is to kill," and that "there is no reason for individuals to own them," they wince with pain. In Idaho as elsewhere, sidearms are widely used for hunting, for protection in the field, and for target shooting. They also serve a valuable function in defending one's home and family from criminal assault. How do you think my constituents feel, standing idly by watching Members of Congress, most of whom have no appreciation for the legitimate uses of firearms, systematically legislate away their Second Amendment rights? How do I tell these people that they should continue to trust and respect their government while watching Congress pass laws on the basis of rank ignorance, raw emotion and ruthless political power? What shall I say to these good people? How shall I explain what is being done to them and why? You tell me.

The foundation of the American system of justice is built on the presumption of innocence until proven guilty. This is a tenet by which we all claim to live. Yet it appears that many of my colleagues are prepared to throw this principle out the window where gun owners are concerned and are anxious to declare these people guilty of some crime by mere virtue of their owning a firearm. Spurred on by the abuses of a very small minority, the gun haters in our midst look upon firearms possession as a crime in and of itself, and upon gun owners as latent killers and vicious perverts. When one considers that about 50 percent of all households in America have at least one gun, that's a lot of people!

But I ask you, is that what American justice is all about? Before this Congress becomes a kangaroo court, ready to pass judgment on every gun owner in this country, we had better reflect these things for a moment. Ultimately, this issue goes much deeper than six guns and Saturday Night Specials. It gets to the very root of our American institutions and the underpinnings of our free society. Moreover, it demonstrates how fragile liberty can really be. If one group can, by popular political demand, be denied its rights and sacrificed on the alter of legislative authoritarianism, then one by one all groups can receive the same treatment. In the end, no rights will remain sacred nor freedoms safe. The end result is tyranny—and with a disarmed and defenseless population, very likely that tyranny would be here to stay. Think about it.

HEARINGS ON ILLEGAL ALIEN LEGISLATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. EILBERG. Mr. Speaker, I wish to announce that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary, will continue its hearings this week on H.R. 982, a bill which would impose civil and criminal penalties on those employers who knowingly hire illegal aliens.

On Wednesday, March 12, 1975, the subcommittee will receive testimony from additional Members of Congress who desire to be heard on this legislation, the American Civil Liberties Union, and Zero Population Growth. This hearing will be held in room 2141, Rayburn House Office Building, and will begin at 10 a.m.

On Thursday, March 13, 1975, the subcommittee will receive testimony from the U.S. Catholic Conference, and the National Congress of Hispanic American Citizens. This hearing will be held in room 2226, Rayburn House Office Building and will commence at 10 a.m.

Any Members of Congress as well as other interested individuals and organizations who desire to submit prepared testimony for inclusion into the hearing record should address their requests to the Subcommittee on Immigration, Citizenship, and International Law, room 2139, Rayburn House Office Building, as soon as practicable.

EASIER MONEY, PLEASE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. WHALEN. Mr. Speaker, in light of the debate which took place last week on House Concurrent Resolution 133, I found the enclosed editorial from the current issue of Business Week, March 17, most interesting. I recommend it for the consideration of my colleagues:

EASIER MONEY, PLEASE

Arthur F. Burns is fighting the wrong war. Afraid of a renewed bout of inflation, the Fed chairman told Congress recently that he has no intention of boosting the growth of the money supply to the 8% or 10% level many economists have urged. But unless he does, the nation has scant hope, anytime soon, of overcoming the worst economic slump since the Great Depression.

Instead of worrying so much about inflation, which is easing, Burns should be fighting recession, which is not. Industry is now operating at less than 70% of capacity, industrial production is declining at a 36% annual rate, and unemployment is approaching the double-digit level. Among teen-age blacks, unemployment is above 40%. Congress and the White House have responded by agreeing to a tax cut that will top $20-billion. But it may do little good unless the Fed eases up on the monetary reins.

Since last summer, the basic money supply defined as currency plus demand deposits, has remained essentially flat. Burns concedes this, but he contends that other indicators show that the economy is "awash" with liquidity. Savings are up, he notes, and so are corporate purchases of certificates of deposit. When these figures are included in the definition of money supply, Burns can show a significant monetary growth rate in recent months.

But that interpretation is deceiving. Savings have grown because consumers fear more unemployment and are not spending. And on the corporate side, many companies are trying to work off inventories and rebuild their cash balances, rather than invest them in added production.

In short, the recession itself is causing savings to grow. There is no fresh cash being introduced, and hence no stimulus. What is needed is growth in the basic money supply, the thing the Fed is resisting.

Arthur Burns wants to be remembered as the man who licked inflation. But unless he shows himself to be more flexible, he will be remembered instead as the man who thwarted economic recovery.

BAN THE HANDGUNS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. BINGHAM. Mr. Speaker, the epidemic of handgun shootings is not confined to the world of adults, or even to the streets of the city. It extends to the world of schoolchildren. How horrifying it is to realize that we have created a society in which children have easy access to deadly weapons.

The incident described in the attached article took place late in February, and the article is from the Washington Post. I wish to call particular attention to the statement of Eastern High School Principal William Saunders:

> Until something is done (about the access to guns) we will continue to have this happen in the community and the schools.

I submit that the only effective way to block that access is to ban the handgun. The article follows:

PUPIL, 16, IS SHOT AT EASTERN

(By Althelia Knight)

A 16-year-old student at Eastern High School, was shot three times with a small handgun yesterday in an argument in a basement hallway of the school during a lunch period.

The student, Richard Chavis of 666 46th St. SE, was treated and released from D.C. General Hospital.

According to police, Chavis was approached at his locker by three suspects. Police said the suspects placed a coat over Chavis, a struggle ensued, and Chavis was shot once in the left shoulder and twice in the side with a gun held by one of the suspects. Chavis is a junior at the school, which is located at 17th and East Capitol Streets NE.

Police said William Hill, 16, of 1802 Bay St. SE was charged yesterday afternoon with assault with a deadly weapon in the shooting. No other arrests had been made as of late yesterday, police said.

The shooting, which was reported at 12:35 p.m., apparently stemmed from an incident last week, according to police.

William Saunders, the school principal, said he understood from student reports, the three suspects were apparently outsiders.

Saunders said he had never had "any trouble like this" in his seven years at the school. He said he could give no definite reason for the incident happening but said the fact that "guns are so easily available" may have caused the shooting.

"Until something is done (about the access to guns), we will continue to have this happen in the community and the schools," Saunders said.

School continued as usual after the shooting with the principal using the public address system several times to inform the students of what had happened, the latest condition of Chavis, and to quash rumors that passed in the hallways and classrooms.

"People were saying different things about what had happened, so I didn't pay much attention to what was being said," Quintell Blake, a 10th-grader at the school, said.

Miss Blake said she was eating lunch at the time of the shooting and didn't know what had happened.

"I've seen and heard of fights before, but I've never heard of anything happening like this," she said.

POLITICAL REPRESSION IN YUGOSLAVIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. FRASER. Mr. Speaker, I am very concerned about recent political developments in Yugoslavia.

The last 2 years have been a period of intensifying political repression there. This is a trend contrary to that which led the Congress to grant most-favored-nation trade status to that Communist-ruled nation.

There have been a succession of purges and political trials. Rigid political controls over the press have been instituted and enforced. University autonomy has been violated—there have been political firings of non-conformist professors, students supporting these professors have been imprisoned and U.S. scholars have been expelled. Civil liberties are being suppressed and a police-state atmosphere of distrust and suspicion is being created.

In November 1974, Secretary of State Kissinger discussed with President Tito the possibility of U.S. arms deliveries to Yugoslavia and in January President Ford accepted Tito's invitation to visit Yugoslavia. These do not strike me as proper responses to what is happening in Yugoslavia. I suggest that this Congress examine closely our policies toward Yugoslavia.

I am not suggesting that the United States could or ought to determine what kind of government the Yugoslavs have. That is their business. But I do suggest that U.S. policies toward Yugoslavia are our business. We should not be totally indifferent to the manner in which the Yugoslav Government treats its people.

Generally, violations of human rights do not evoke enough public protest. The United States as a nation ought to be far more sensitive to violations of human rights in its foreign policies than it has been. The Yugoslav situation is only one example of this. Our actions must reflect both our own concern about human rights violations and our concern for the welfare of those affected by our policies.

Mr. Speaker, at this point I would like to include in the RECORD several items on the political events in Yugoslavia.

[From the Economist, Feb. 1, 1975]

THE BELGRADE EIGHT

A long tussle between the Jugoslav hierarchy and eight dissent marxist philosophers from Belgrade University has come to a head. Last weekend the dean of the university's philosophy faculty, Professor Sima Cirkovic, resigned in protest against the government's intention to use a new law to get rid of these dissidents. The law, which took effect on Tuesday, allows the government to override the normal university dismissal procedures.

The battle started in 1972 when President Tito was annoyed by an article in a Zagreb magazine by a member of the Belgrade group. Professor Svetozar Stojanovic's references to Jugoslavia's "stalinist destalinisation" after 1948, under a "charismatic leadership" which he said, turned it on and off to suit its own needs, moved the president to demand that "certain professors" should be debarred from teaching.

But that proved easier said than done. The eight were popular with their students and had friends in high places. Most of them had been wartime partisans. Their colleagues refused to be bullied into dismissing them, and their many friends abroad, especially among the new left in western Europe and the United States, spoke up for them. Last summer no fewer than eight special commissions, appointed to examine the charge that the eight were unfit to teach, cleared them completely. Their passports were then returned. The government probably hoped that most of them would go to the west European and American universities that had offered them appointments. Those who would not leave the country were coaxed to accept alternative non-teaching posts. But only Mr. Stojanovic went to America. The others defiantly resumed teaching.

The government is now obviously worried about the credibility of its whole tough post-1971 course. Leniency to the Belgrade group could encourage other dissidents to demand reinstatement. Besides, Russia, whose goodwill Jugoslavia has recently been trying to cultivate, has been gunning for the Belgrade eight. But western opinion could still count for more.

[From the New York Times, Feb. 22, 1975]

YUGOSLAVIA CLOSES MAGAZINE CRITICAL OF REGIME

(By Malcolm W. Browne)

BELGRADE, YUGOSLAVIA, February 21.—The only legal Yugoslav publication that has regularly criticized the regime in the last 11 years has been forced by the ruling Communist party to close.

Tomislav Jantol, a member of the Communist watchdog committee overseeing activities at Zagreb University, announced that the closing of the publication, Praxis, was a result of a decision by its four-man editorial board. He said the board, faced with the choice of radically altering the magazine's tone or closing it, elected to close it.

Praxis was published by the Croatian Philosophical Society of Zagreb, affiliated with the university. Although it had a circulation of only a few thousand, it was widely regarded as the voice of Yugoslav Marxists who believe the orthodox party, the League of Communists, has gone astray in many respects.

Articles by foreign contributors, including the American Marxist, Herbert Marcuse, were often published by Praxis in Croatian translation.

In a meeting with foreign newsmen today Jure Bilic, a senior Communist party official, explained the action against Praxis in terms of the need to protect society against detrimental forces. While asserting that he had no knowledge beyond what he had seen in the press, he said the party felt that "critics or forces that try to limit the influence of the League of Communists in society are detrimental to social development."

In another move in the campaign to suppress criticism, a literary magazine has been temporarily suspended. The latest issue of the magazine published in Nis, was ordered suppressed because of a story by a Belgrade student that was said to favor the Cetniks, the Yugoslav guerrillas who fought the Axis Occupation during World War II but also fought the Partisans led by Marshal Tito.

As for Praxis, since 1964 it has been a goad to the Yugoslav party since it argued its criticism on Marxist grounds. It frequently asserted that Yugoslav workers had no real decision-making role in or through the Communist party, whose policies were criticized as verging at times on Stalinism.

Contributors to the magazine, mainly leftist university professors in Belgrade, Zagreb and Ljubljana, most of them former party members, came to be known as the Praxis group.

The party has been reluctant to move too harshly against the group, apparently because of the international prestige of some of its members, because of their essentially Marxist orientation and because of fears that purging them could result in disturbances.

The closing of Praxis, which reportedly followed orders through trade-union organizations not to publish it, is viewed as another severe blow to free expression. Last month eight Belgrade University professors associated with the Praxis group were ousted.

[From the New York Times, Feb. 25, 1975]

In the realm of freedom of ideas, at least, it is becoming increasingly difficult to distinguish between today's Belgrade Titoism and yesterday's Moscow Stalinism. Thus, the famed Yugoslav writer, Mihajlo Mihajlov, is scheduled to go on trial today for allegedly spreading hostile propaganda, a charge for which the maximum penalty is death. Last month eight outstanding Belgrade University professors were ousted from their positions by a legislative decree which accused them of corrupting youth.

More generally, a campaign intended to terrorize actual or potential dissidents is in full swing, along with a massive press propaganda offensive against the United States. And these depressing events are taking place in a nation which once seemed seriously bent on proving that Marxist economics did not necessitate snuffing out democratic diversity of publicly expressed opinion.

Explanations for these regrettable retrogressive trends vary. It is not unlikely that aged President Tito is trying to smooth the way for a handpicked successor before his own death. There is undoubtedly also fear in Belgrade that the country's worsening economic situation may fan political discontent, especially as workers return from jobs in Western Europe and contrast their former prosperity as "slaves of capitalism" with the reality of unemployment in Yugoslavia.

Whatever the motivation, the present internal political policy of the Belgrade regime is blackening Yugoslavia's reputation in the West. That policy must delight those in the Kremlin who dream of once again seeing a Soviet satellite in Yugoslavia on the model that existed before the historic break of 1948.

[From the New York Times, Mar. 1, 1975]

YUGOSLAVIA JAILS MIHAJLOV FOR 7 YEARS

(By Malcolm W. Browne)

NOVI SAD, YUGOSLAVIA, February 28.—Mihajlo Mihajlov, the Yugoslav writer accused of having criticized the regime of President Tito in the Western press, was sentenced today to seven years at hard labor.

The presiding judge of the Novi Sad District Court, Dragomir Cvetkovic, also prohibited Mr. Mihajlov from any writing, public speaking or broadcasting for a period of four years after the completion of his sentence.

The judge said the sentence should be interpreted as a warning, "both personal and general." An entire class from the University of Novi Sad's law school was invited to the cour to hear the sentence.

Mr. Mihajlov, who was permitted to speak with his wife after the sentence had been pronounced, was convicted three times before by Yugoslav courts on essentially the same charge—spreading hostile propaganda. The longest prison term he served in the past was for three and a half years, seven months of which were in solitary confinement.

The harsh sentence was presumed to have been directed by President Tito himself. Earlier this week, Marshal Tito delivered a speech before the Central Committee of the League of Communists in which he denounced Mr. Mihajlov and asserted that the Western press had exaggerated the dissident's importance.

Yesterday, Mr. Mihajlov's lawyers asked the judge not to be swayed by President Tito's critical remarks, noting that even in the Middle Ages the law in this region enjoined judges from being intimidated by the czar himself.

The 40-year-old defendant, the son of Russian emigre parents, was charged during this trial with hostile propaganda, specifically for four articles he had written, one of which was published by The New York Times.

In one of the articles, he compared the new Yugoslav system for choosing delegates to the National Assembly with the system adopted in Fascist Italy in 1933.

Mr. Mihajlov's defense lawyers referred to the Yugoslav Constitution, which puts the burden of proving guilt on the prosecution.

They also cited the wording of the Yugoslav statute against "hostile propaganda," defined in terms of being both false and malicious.

The defense sought to call as a witness as an expert in comparative law to examine the truth of Mr. Mihajlov's parallel between the Italian Fascist and the Yugoslav legislative system, but the judge rejected the plea.

Mr. Mihajlov, who spoke in his own defense, noted that he was being tried for having allegedly slandered Yugoslavia by saying that there was no freedom of press or expression in this country.

"According to our constitution, a Yugoslav has a right to express his own opinion," he added. "But if that were so, I would not be here now."

Mr. Mihajlov was expelled from a university teaching post in 1966 by order of the party, and began serving a three and a half year sentence the same year.

Since then, he has been barred from employment in Yugoslavia, but he has also been forbidden to leave the country to earn a living elsewhere.

[From the New York Times, Mar. 4, 1975]

TITO, PREPARING FOR THE SUCCESSION, TIGHTENS HIS REINS

(By Malcolm W. Browne)

BELGRADE, YUGOSLAVIA, March 3.—President Tito has begun a political campaign against suspected adversaries at home and abroad.

In the process, Yugoslavia's foreign relations have become thornier than ever and rule at home grows more autocratic by the month. But the price is not too high, the Government's defenders maintain, if Yugoslavia is to survive what is viewed here as the crisis looming—the death or incapacity of the 82-year-old Yugoslav leader.

Despite his still fairly robust constitution, Marshal Tito realizes he may not have much longer, and is acutely aware of the problems ahead. The first of these problems, as always, is nationalist separatism.

Since World War II, President Tito's personal prestige has largely suppressed the traditional strife between the Balkan regions from which Yugoslavia was formed in 1918.

Many analysts believe that the Balkan

peoples have become so unaccustomed to fighting each other since President Tito came to power that the Yugoslav nation has been welded together for good.

FEW ARE YUGOSLAVS

But others take note of a 1971 census, in which residents of one of Yugoslavia's republics, Bosnia-Herzegovina, were directed to declare themselves as Serbs, Croats, Moslems (who are one of Yugoslavia's legally recognized nationalities) or simply as Yugoslavs.

Only 4 per cent declared themselves Yugoslavs.

The skeptics also assert that the nationwide use of a single, unifying language—Serbo-Croatian—has also declined since World War II, when the language was spread by soldiers. Today, the language is rarely spoken in the predominantly Albanian province of Kosovo, or in Macedonia, whose language resembles Bulgarian.

Last spring, President Tito reiterated his intention to leave his various offices to a collective leadership.

Within the Government, that leadership will be an eight-member Presidency, with one member elected from each of the six republics and the two provinces, who will rotate the chairmanship between them in the Swiss style.

NATIONALIST FRICTIONS

Some critics believe that this may emphasize rather than reduce nationalist friction.

"Can you imagine some Serb or Slovene Presidency member taking orders, when an Albanian from Kosovo takes the chair?" one said. "Not for long."

President Tito has not indicated a successor as leader of the League of Communists.

There seems certain to be a struggle for power in the post-Tito era, both between individuals and between nationalities. Its speedy resolution is likely to be the key to Yugoslavia's political survival.

Grave economic problems taking shape now could profoundly exacerbate future nationalist strife, which has always centered on allegations of economic exploitation by rich Yugoslav republics of poor ones.

At present, the inflation rate in Yugoslavia is 32 percent per year. According to Government statistics, at least 10 per cent of the country's five million workers are unemployed.

MILLION WORK ABROAD

About a million other Yugoslavs are normally employed in Western Europe, returning more than $1-billion of remittances to families in Yugoslavia every year.

But as economic conditions in the West deteriorate, Yugoslav workers have been coming home by the tens of thousands.

There are signs that Yugoslavia may be plunged into a severe depression just at the moment when the country's political stability can least afford it.

With this background in mind, the Tito Government has acted harshly against real or suspected political trouble-makers in recent months.

The Government finally cast university autonomy aside last month to oust a group of dissident Belgrade professors.

Scores of people have been sentenced to prison in recent months, some on charges of having planned terrorist acts and some for merely having written critical articles for foreign publications. In several cases, the defendants were prosecuted for offenses committed years earlier.

Open public attacks against the President, the Communist party, the Government or their policies have long been criminal offenses, but a new statute under consideration would make such criticism illegal even in private homes.

"At this point, the old man smells treason or hostile foreign plotting under every rock, and some ugly times may be ahead," one Yugoslav said. "He's probably right some of the time. Some of the time he's just being a crotchety, suspicious old man. But I dread the day when Yugoslavia has no more Tito."

* * * of their domestic concerns, the Yugoslavs are worried about the international situation. In a gloomy New Year's message to his people, President Tito warned that détente, which never developed very far, is not to be entirely trusted. He foretold a hard year for Yugoslavia, with mounting foreign pressures on this country, from the West in general and the United States in particular.

Almost alone among European leaders, President Tito warns repeatedly of the continued danger of general war in Europe.

It is difficult to tell whether President Tito and his Government worry more about "imperialists"—the Americans—or the "hegemonists"—the Russians.

Since the visit here last November by Secretary of State Kissinger, the Yugoslav press, over which President Tito maintains close personal surveillance, has been particularly hard on Washington.

Washington, according to the Yugoslav press, has been working against Yugoslavia by helping Nazi elements in neighboring Austria, territorially ambitious Fascists in neighboring Italy and militarist enemies in neighboring Greece, as well as conducting threatening naval maneuvers in the Adriatic and harboring anti-Tito organizations in the United States.

Some Yugoslavs believe the Soviet Union would like to gain access to the Adriatic through Yugoslavia, thus freeing its navy from the restraint of the Turkish-controlled Dardanelles at the mouth of the Black Sea. And there is concern that Russian intervention could be brought about in a period of political chaos by some Yugoslav Communists asking Moscow for help to assure the survival of socialism in Yugoslavia.

RISK FROM SOVIET DENIED

But in a speech before the Central Committee of his party last week, President Tito took note of such speculation in the Western press and denounced it as part of a compaign against Yugoslavia. The Soviet Union would never invade this country, he said.

Despite President Tito's wariness of alliances with any major power and despite his bitter break with Stalin in 1948, he retains affinities with the Russians.

The Yugoslav leader served the Soviet Union directly for a quarter century, initially as a soldier in the Red Army and subsequently as an agent of the Comintern. Despite the subsequent differences he had with Moscow, President Tito remains a product of Soviet political indoctrination.

BASKETBALL CHAMPS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. HILLIS. Mr. Speaker, it is indeed an honor and a pleasure for me to announce that Northwestern High School located in Northwestern Howard County in Indiana's Fifth Congressional District, has the special honor of having this year's only undefeated basketball team in regular season play in the State of Indiana. This is the first time in the history of Northwestern High School, which was founded in 1949, that the school has had an undefeated basketball team. I know that the students and teachers of Northwestern High School are particularly proud of basketball coach Steve David and the varsity team members who succeeded in winning 20 out of 20 scheduled season basketball games.

I would like to personally commend the fine athletes and sportsmanship of the winning team members. The seniors on the team, Tom Oren, Craig Sutherland, Rich Crawford, and Randy Crowe are not only fine athletes but have the distinction of belonging to the National Honor Society as well. Special congratulations also go to the underclassmen members of the team, Steve Sewell, Brian Hudson, and Pete Hahn.

PRIVATE SECTOR CAN HELP

HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. COCHRAN. Mr. Speaker, there are inherent dangers in excessive Government spending and excessive Government regulations of our economy. I am firmly convinced that many current economic ills are caused, to a large degree, by too much Government. More and more Government cannot solve problems caused by too much Government.

I am encouraged by the faith in the private sector evidenced by a recent editorial in the Jackson Clarion-Ledger. I recommend it to my colleagues in the House:

Private Sector Can Lead in Economic Revitalization

Over a century ago Thomas Carlyle described economics as "the dismal science." Arthur D. Burns, chairman of the Federal Reserve Board, recently reminded Congress of that, urging that the gloomy forecasts coming from many economists be taken with a grain of salt.

Mr. Burns believes the President's Council of Economic Advisers is too pessimistic in doubting whether we can anticipate a turnaround in the recession in 1975 after all. President Ford also is warning against a panicky reaction to economic news, especially the recent report that the unemployment rate had reached 8.2 per cent, the highest since 1941.

Just how bad is our economic situation? There is an old truism that whether we describe a glass of water as half empty or half full depends on our point of view. It may be scant comfort to the man in the unemployment line, but the labor statistics also were telling us that 91.8 per cent of Americans in the labor market are holding jobs. That's 84.6 million people, providing goods and services worth $1.5 trillion, still a phenomenal outpouring of production by any standards.

Moreover, the resources committed to cushioning the privations of the unemployed are greater today than at any time in the past, especially during the depression years of the 1930s which are being recalled for comparison with our current recession.

Members of Congress would not be Pollyannas if they took the time to consider the positive aspects of our economic picture before embarking on dramatic programs aimed at treating the negative aspects. It is important to remember that overreacting to the evidence of resession makes recession worse by crippling the area of the economy which is still healthy and needs to get healthier to reduce unemployment.

President Ford has programmed a $52 billion deficit into the next federal budget. Congress has shown little inclination to make the sacrifices in federal spending which would hold the deficit even to that great size. The unemployment rate is being cited as a reason for bigger tax cuts and bigger make-work programs—and consequently a bigger deficit.

A ballooning federal deficit can have only two consequences. One of them is to drain capital away from the private sector of the economy which creates productive jobs with its capital investments. The other is a reckless expansion of the money supply which will subject the healthy part of our economy to further ravages of inflation, the most serious threat it faces.

One thing that should make any economist dismal these days is the possibility that Congress will throw all caution to the winds in borrowing and spending under the mistaken impression that government can cure this recession. In so doing it would destroy the vitality of the private sector of the economy, which is where the seeds of recovery must inevitably take root.

FAIR TRADE LAWS MEAN PRICE FIXING

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. McCLORY. Mr. Speaker, exemptions from antitrust laws have a way of impeding competition and providing artificially high prices.

Mr. Speaker, on January 29, 1975, I introduced H.R. 2390 to repeal exemptions in the Federal antitrust laws relating to fair trade laws. This bill, referred to as "The Price Reduction Act of 1975," is a companion measure to S. 408 introduced in the other body by Senator Ed Brooke of Massachusetts. The measure is directed at retail price fixing which is engaged in through contracts between manufacturers or distributors and retail merchants—fixing the retail prices of certain trademarks or brand name products.

Mr. Speaker, a most convincing editorial in support of the measure which Senator Brooke and I are sponsoring appeared in the Sunday, March 9 issue of the Washington Star. I am pleased to attach a copy of this editorial to these remarks for the benefit and attention of my colleagues and all those concerned with this issue:

Fair Trade—or Price Fixing?

"Fair trade" laws have outlived whatever usefulness they had, if indeed they ever had any. So it is not surprising that a move is afoot again in Congress to repeal legislation that allows manufacturers to dictate the price at which retailers must sell their products. The chance of success this time looks surprisingly good.

In fact, a Senate Judiciary subcommittee to testify in favor of retaining fair trade laws. After three days of hearings last month, the subcommittee decided to hold another two-day session in April just to make sure that no one can say he didn't have an opportunity to be heard. If all goes well, the Senate should have a repealer approved by the end of spring and, hopefully, the House won't be far behind. House Judiciary Committee Chairman Peter Rodino, Jr. has promised to hold hearings shortly.

"Fair trade" actually is a misnomer for trade" laws. They certainly are unfair to the consumers who, according to Senator Edward Brooke of Massachusetts, are paying an unnecessary $2.1 billion each year because of them. Brooke, chief sponsor of the Senate repeal bill, calls the laws a "form of legalized price fixing."

Fair trade legislation was first introduced in Congress in 1914, but until the Depression of the 1930s it was frowned upon by the Supreme Court. But after widespread price wars of the early Depression years prompted several states to pass such laws, the Supreme Court upheld one enacted in Illinois. Fair trade legislation gained further momentum after Congress passed the Miller-Tydings Act of 1937, which exempted the state laws from federal antitrust laws. This enabled goods with fair-traded prices affixed to be sold in interstate commerce. When the Supreme Court in 1951 narrowed the effect of the Miller-Tydings Act, Congress responded by broadening it again in 1952 through the McGuire Act. Every attempt since then to repeal the federal legislation has failed.

At one time, 46 states had fair trade laws. That number has dropped to 36 now but it still means that more than 70 percent of the country is covered by this nefarious price-fixing practice, including Maryland and Virginia.

Senator Brooke pointed out, for example, that a quantity of Bayer aspirin costing $1.48 in the fair-trade state of Maryland costs 99 cents in the District of Columbia, which has no fair trade law. The Brooke bill, and a companion measure in the House authored by Representative Robert McClory, would repeal federal legislation that exempts the state laws from the national antitrust act. If passed, this would open the state laws to legal challenge and it is expected that the Supreme Court would strike them down as violations of antitrust laws.

An indication of the way sentiment is moving toward repeal is the support Brooke's legislation has gained across party and ideological lines. Two formerly strong pro-fair trade senators, Hubert Humphrey and William Proxmire, didn't show up to defend the laws at the Senate hearings. Support for repeal also has come from the Ford administration.

The main argument underlying fair trade laws is that small businessmen need protection from price cutting by discount houses and large chain stores. It was pointed out by witnesses at the Senate hearing, however, that a study of small business failures between 1933 and 1958 showed no difference in the failure rate between states with fair trade laws and those without. Thomas Kauper, assistant attorney general for the Justice Department's antitrust division, argued that fair trade laws actually stifle competition, protect inefficient retailers, discourage marketing innovations and discourage the establishment of new small businesses.

Another argument by fair trade proponents is that it protects a trademark's integrity. This is a sham that attempts to equate high prices and good merchandise. Its like saying that Arab oil at an OPEC-fixed price of about $11 a barrel is better than it was at the old $3 a barrel price established in the marketplace.

With inflation picking the pockets of consumers on every side, it makes no sense at all to continue to maintain artificially high prices through "fair trade" laws. One witness at the Senate hearings estimated that retail prices on "fair-traded" items are around 20 percent higher in states that have the laws.

Federal Trade Commission Chairman Lewis Engman made this observation during the Senate hearings: "I have tried to think of any argument in favor of maintenance of the fair trade laws which I would be willing to make publicly, and I could not think of any." Neither can we.

ENERGY CRISIS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. JEFFORDS. Mr. Speaker, today I am introducing legislation that will, I am convinced, go a long way toward alleviating the energy crisis which is so much a threat to the economic, social, and political well-being of the country and which will save 1 million barrels of oil per day by 1980 and over 2 million per day by 1985.

The Congress is aware, Mr. Speaker, of the vital role played by petroleum and petroleum products in the economy and defense of the United States. Our great industries and businesses require an adequate and certain flow of petroleum to sustain productivity and employment and to instill confidence in the marketplace. Unfortunately, the United States is vulnerable to economic pressure from foreign oil-producing nations, because it imports 40 percent of its petroleum products. Moreover, we are advised that domestic energy sources may be exhausted within 25 years if the existing consumption growth pattern continues. But I believe we need not speed helplessly down the road to economic and social ruin for we can act decisively to conserve our energy supplies and use them more efficiently.

Approximately 40 percent of the crude oil consumed in the United States is attributable to gasoline consumed in automobiles so it is eminently logical that conservation measures applied to such use would have a salutary effect on the total supply of gasoline and other petroleum products. One of the most appropriate measures we can take is to quicken the shift of consumer demand toward more efficient automobiles. Recent studies indicate that, when present automobile technology, the fuel efficiency of passenger automobiles could be increased by 60 percent by 1980 without further delays in implementing the emission-control standards under the Clean Air Act.

Accordingly, I am introducing legislation designed to reduce consumption of gasoline by encouraging the purchase of more efficient automobiles through a system of excise taxes and tax credits which will result in an estimated savings of 1 million barrels of oil per day by 1980 and 2 million per day by 1985. My bill begins with the model year 1977, levies a tax on cars with urban fuel economy below 15.5 miles per gallon and provides rebates to buyers of cars with fuel economies of 17.5 and above. The break-even point becomes more stringent each year until the model year 1982 the tax is levied below 21.5 miles per gallon and the rebate is given above 22.5 miles per gallon. Further, the bill prohibits the marketing, through a high—50 percent—excise tax on very inefficient cars, beginning in model year 1978 with cars below 13 miles per gallon and proceeding upwards until leveling off at 25 miles per gallon in 1985. The schedule of excise tax/rebates follows at the end of these remarks. The tax/rebate system terminates with model year 1982, but we are left with minimum miles-per-gallon requirements in order to prevent the industry from backsliding as it has in recent years. I assume modest improvements in technology in the 1980–85 period, enough to improve fuel economy by 1985 to 85 percent over 1975 standards. I have no doubt that Detroit is capable of such improvements.

Aside from the great improvements in energy conservation this bill would stimulate, it would provide additional economic benefits. The demand elasticity in the auto industry ranges from 0.6 to 1.5. If an average elasticity of 1.0 is taken, then a 1-percent reduction in price would achieve a 1-percent increase in demand. A tax credit amounting to 10 percent, for example, would substantially shift demand to smaller cars as well as increase total unit demand. According to the Department of Commerce, each billion dollars in increased demand for small cars—250,000 cars—would generate a substantial stimulus to the economy including $1 billion in GNP, $525 million in wages and salaries—$240 million in the auto industry, 60,000 additional jobs—22,000 in the auto industry, and $750 million in personal income throughout the whole economy.

In addition, Mr. Speaker, I would like to point out that although the tax/rebate system is skewed in the direction of the rebate, my revenue analysis shows in model years 1977 and 1978 revenues will greatly exceed rebates, perhaps by as much as $1 billion. The excess is to be placed in a trust fund for use by the Administrator of the Energy Research and Development Agency—ERDA—for development of conservation technologies and alternative energy sources.

Other significant features of the bill include the following:

All models are labeled with their rated fuel economy and the tax/rebate awarded.

There are penalties for anyone making a business of altering cars after sale in such a way as to degrade performance.

Foreign cars are eligible for the tax but not the rebate.

Emergency and law enforcement vehicles are exempted.

The Director of the Environmental Protection Agency is directed to develop tests to determine that the fuel economy rates can be reasonably maintained over the lifetime of the car.

I feel this kind of legislation, Mr. Speaker, is much preferable to either further price increases or rationing of gasoline. Our citizens cannot afford further price rises, and rationing would be very expensive and clumsy to administer. It permits the consumer to spend less on fuel and more on the rest of his market basket. It is not punitive to the automaker, but instead gives a positive incentive to the consumer and to the more conservation-minded and innovative portions of our automobile industry. The revenues initially generated will be put to a use germane to the legislation. And, in conjunction with other measures, it goes a long way toward freeing us from dependence on insecure foreign oil supplies.

I introduce this legislation with the justifiable expectation that its passage will constitute a great step in our efforts to overcome the energy crisis and establish a firm base for the continued economic and social development of our country.

I include the following information:

EXCISE TAX/REBATE SCHEDULE

Model year and rated fuel economy	Rebate
1977:	
Above 23.5	1,000
21.5 to 23.5	900
19.5 to 21.5	700
17.5 to 19.5	500
15.5 to 17.5	
13.5 to 15.5	[1] 200
Below 13.5	[1] 250
1978:	
Above 24.5	1,000
22.5 to 24.5	900
20.5 to 22.5	700
18.5 to 20.5	500
16.5 to 18.5	
14.5 to 16.5	[1] 200
13.0 to 14.5	[1] 250
Below 13	(2)
1979:	
Above 25.5	1,000
23.5 to 25.5	900
21.5 to 23.5	700
19.5 to 21.5	500
17.5 to 19.5	
15.5 to 17.5	[1] 400
14 to 15.5	[1] 500
Below 14	(2)
1980:	
Above 26.5	1,000
24.5 to 26.5	900
22.5 to 24.5	700
20.5 to 22.5	500
18.5 to 20.5	
16.5 to 18.5	[1] 400
16 to 16.5	[1] 500
Below 16	(2)
1981:	
Above 27.5	1,000
25.5 to 27.5	900
23.5 to 25.5	700
21.5 to 23.5	500
19.5 to 21.5	
17.5 to 19.5	[1] 400
Below 17.5	(2)
1982:	
Above 28.5	1,000
26.5 to 28.5	900
24.5 to 26.5	700
22.5 to 24.5	500
21.5 to 22.5	
20 to 21.5	[1] 500
Below 20	(2)

[1] Excise tax.

[2] 50 percent of purchase price.

Note: The tax rebate schedule terminates with model year 1982, but in order to maintain and improve fuel economy the following schedule is in force:

1983: Below 22	50 percent of purchase price.
1984: Below 24	Do.
1985 and thereafter: Below 25.	Do.

HOUSE INVESTIGATION OF CIA

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. QUIE. Mr. Speaker, one of my constituents, Mr. C. G. Kruse, has written to advise that he believes the House investigation of the CIA is an unnecessary duplication of the investigation being undertaken by the Senate.

He feels so strongly about this matter that he wants it brought to the attention of other Members of the House and I am placing it in the RECORD to inform my colleagues about his views:

MENDOTA HEIGHTS, MINN.,
February 27, 1975.

Congressman ALBERT QUIE,
Federal Building, Fort Snelling,
St. Paul, Minn.

CONGRESSMAN QUIE: The purpose of this letter is to register a strong protest against the House of Representatives proposed hearings on the CIA. I can see no significant value in reproducing a study which is going to be done by the Senate. It seems to be a colossal waste of time and money.

That the House of Representatives would waste time doing this indicates to me, and to people I have talked to, that whatever leadership there is in the House has lost track of why you were all elected.

It might also seem that there would be more important issues for me to correspond to you about. However, I am trying to express my disgust and frustration with what I consider to be a "do-nothing" Congress. I hope that you might be able to use this letter in some manner to generate some constructive action in the House of Representatives.

Yours truly,

C. G. KRUSE, P.E.

BANK OFFICIAL HELPS CUSTOMERS IN MEETING ECONOMIC DIFFICULTIES

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. COUGHLIN. Mr. Speaker, at a time when our Nation is suffering from the gravest economic crisis since the Great Depression, it takes the resources and concerted efforts of all sectors of society to restore economic stability. No longer can we afford to sit back apathetically and leave the repairs to others. Only through the united endeavors of government, business, the academic community, and private citizens will the vitality of America be preserved.

Our complex problems require imaginative and innovative approaches for their resolution. We should provide public recognition, moreover, for those who dare to be creative and have the fortitude to test novel ideas. I therefore ask my colleagues in Congress to join me in saluting a young woman for her resourcefulness and compassion.

Ms. Noreen Lawless, the loan manager of the Suburban Bank of Norristown, Pa., has performed a most unusual and commendable service. Troubled by the high unemployment rate of the bank's delinquent loan customers, she began contacting area businesses in an effort to secure work for these people. Through Ms. Lawless' efforts, 47 people have obtained full- or part-time employment ranging from industrial plant painting to secretarial duties. Her concern and dedication certainly deserve our sincere gratitude. Not only has she restored dignity to the lives of many, but she has also provided an encouraging example and incentive for everyone disturbed by these unfortunate times.

Mr. John Carr, president of Suburban Bank of Norristown, is also to be commended for providing the atmosphere which fosters such public-spirited endeavors of his employees. I am sure that Mr. Carr recognizes the asset he has in Ms. Lawless. I am certain, moreover, that my colleagues will join me in extending thanks to Ms. Lawless for her unique contribution in trying to overcome our economic difficulties.

GHANA CELEBRATES 18TH ANNIVERSARY OF INDEPENDENCE

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. YOUNG of Georgia. Mr. Speaker, on March 6, 1975, Ghana celebrated the 18th anniversary of her independence.

As part of the observances of the independence of Ghana, I am placing in the RECORD a statement which illustrates the vitality and determination of the people of Ghana, and their desire to develop a friendly partnership with the American people.

The Honorable Samuel E. Quarm, Ambassador from Ghana to the United States, kindly provided this paper. It is a pleasure to congratulate Ambassador Quarm and the people of Ghana for their nation's achievements and progress, and to extend best wishes for continued success and leadership in Africa and the world.

The statement follows:

GHANA CELEBRATES 18TH ANNIVERSARY OF INDEPENDENCE

Ghana is today celebrating the eighteenth anniversary of her independence, at a time when the whole world is beset by inflation coupled with sharp increases in the prices of petroleum products. Nonetheless, Ghana is forging ahead with determination in her development programme aimed at raising the standard of living of her people.

Three years ago the Government of Ghana addressed herself to the major task of making the country self-reliant to the highest possible degree within her resources. The Government therefore placed emphasis on agriculture development as the general strategy to spearhead the country's economic development. The adoption of this policy was dictated by the actual conditions of the economy at that time, and Ghanaians were called upon to muster all available resources to produce the food needed by the nation. The programme known as "Operation Feed Yourself" was regarded as an emergency operation aimed at reducing the country's crippling dependence on food imports. The years 1972–74 were therefore declared to be "Agricultural War Years", devoted to the increased production of selected crops and livestock. The basic policy under the programme is the rapid and orderly development of agriculture towards self-sufficiency in food and raw materials and the diversification of agricultural exports.

Production targets have been exceeded, and Ghana has become self-sufficient in maize—the staple food of the majority—which used to be imported in large quantities. Rice production has reached 70 per cent of the national need and Ghana hopes to become self-sufficient in rice this year.

The success story of the economic recovery during the past three years will for long be remembered. The strict discipline injected into the economy by the Government since coming into office has paid off so well that the country has been able to record a balance of trade surplus for the first time in the past two successive years.

To improve the quality of life of the people, the Government has introduced schemes for accelerated improvement in housing, health and education. A crash programme on low-cost houses for the low-income group is being pursued vigorously and work is in progress to complete, this year alone, some five thousand houses started under the scheme.

A new "Health-on-Wheels" scheme, aimed at providing more adequate medical services for the rural areas through mobile clinics, has also been instituted.

The Government has recently launched a five-year development plan aimed at effecting a structural transformation of the country's economy and promoting full and efficient use of all of the nation's resources.

The Government of Ghana has always encouraged foreign participation in our economy, and during the past year many foreign companies, including United States businesses, took advantage of a wide range of fiscal and tax incentives and good infrastructure to invest in Ghana. The country continued to maintain very fruitful partnerships with United States companies, such as Kaiser Aluminum, Firestone Tire and Rubber Company, Union Carbide, and Star-Kist.

To give practical expression to our relations with our neighbors, Ghana is exporting electrical power to Togo and Dahomey and continues to pursue a policy of friendship and co-operation with all countries.

We are determined to succeed, and with hard work and the sympathetic co-operation of our friends, we are sure we will.

DR. BORGES DESERVES HIGHEST PRAISE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mrs. HECKLER of Massachusetts. Mr. Speaker, words and phrases such as "thank you" or "job well done" are used constantly—especially by those in our profession. Overuse has numbed our senses to their real meaning. Persistent use of flattery has often rendered the compliment pointless.

However, the need arises when it is essential to say "thanks" with a very special emphasis and meaning. This is one of those times.

I would like to take this opportunity to bring to the attention of my colleagues the outstanding service of Dr. Rose Borges of Dighton, Mass. Her dedication, hard work, and renowned skill in the teaching field deserve the highest praise.

Mr. Speaker, I would like my colleagues to have the chance to learn of the accomplishments of Dr. Borges. A short biography highlighted the program at a recent testimonial in her behalf. I commend it to my colleagues:

DR. ROSE E. BORGES

Dr. Rose E. Borges was born in Dighton, Massachusetts on Dec. 28, 1906, one of eight children born to Manuel S. and Annie Borges.

She graduated from the Dighton South School, the BMC Durfee High School in Fall River, received a B.S. in Education and a Masters in Education from Bridgewater State Teachers College and continued on for a Doctorate in Education from Calvin College in Boston in 1958.

Dr. Borges has the distinction of being the first and only woman born and brought up in Dighton to have earned a Doctorate in Education.

She taught at the Flat Rock School, the South School, the North Primary School and the Dighton Elementary School. She was unanimously voted as Supervising Principal of the Elem. School in 1960, helping and guiding the children of Dighton these many years.

In 1959, while in Caracas, Venezuela, she organized the Camp Alegre Teachers Association and was elected president.

Her many educational memberships include the Dighton Teachers Assoc., Bristol County Teachers Assoc., Mass. Elem. Teachers Assoc. and the National Retired Teachers Assoc.

Her civic and charitable memberships include organizing the P.A.C.L. of Dighton, serving as its president for five years, and also serving as secretary and treasurer of the State Supreme Council. She organized the Dighton Girl Scout Troop and served as leader for two years. She held office in the Dighton Rock Grange and holds a silver star certificate of membership. She is a member of the Mass. State Grange and a Seventh Degree Member of the National Grange.

She is a charter member of the Dighton Historical Society and works with the Jr. Historical Society as well as with other youth groups.

Many years were spent working on the Dighton Rehoboth Regional Scholarship Fund and the Edwin R. Wyeth Scholarship Fund. During Dighton's 250th Anniversary, she was Pageant Chairman for the Dighton Elementary School.

She proved to be an ardent worker of the American Red Cross and was director of the Junior Red Cross. She was instrumental in organizing the P.T.A. of Dighton.

Dr. Borges also holds memberships in the Coimbra Club, St. Peter's Women's Guild, the National Federation of Republican Women, the Taunton Area Mental Health, and the Dighton Council on Aging.

We extend to Dr. Rose E. Borges our best wishes for a long, happy and healthful retirement with many pleasant memories of her contribution to the Town of Dighton.

OREGON'S VOICE OF DEMOCRACY WINNER

HON. ROBERT DUNCAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. DUNCAN of Oregon. Mr. Speaker, we live in an age of antiheroes, of antipatriotism, of widespread dissatisfaction with our system of government. It is very heartening to me to come across a young adult who is able to sort a little of the wheat from the chaff—one who is able to cope with the confusion around us and still see how many of the basic premises and ideals of our country's founders are still sound.

Gregory Shook, one of my constituents, is a junior at Benson High School in Portland, and is the son of Ronald and Charmaine Shook. He is the Oregon State winner of the Veterans of Foreign Wars-sponsored Voice of Democracy contest. It is a pleasure for me to introduce into the CONGRESSIONAL RECORD his speech which gives us all a fresh look at a seemingly passe quality: good citizenship and its value in our society today:

MY RESPONSIBILITY AS A CITIZEN

(By Gregory Shook)

The 13 original colonies had a population of 3 million people. Half of them were under 16, and 90 percent lived off the land. In 200 years, America has become a nation of 205 million people of which 66 percent live in large communities.

With increasing urbanization, America today faces depersonalization and computerization that could never have been envisioned by the men who signed the Declaration of Independence.

However, we should not forget or ignore their ideals of human dignity and freedom. Those ideas, which inspired our independence, are still vital, but are merely being tested in new ways. Since this society provides equal opportunity and full citizenship for all of its members, we must commit ourselves to respond to these provisions with the utmost of our ability.

After our country's independence, there were many problems which our forefathers faced in order for America to become a self-sufficient republic and to develop good relations with other countries. It was people, united and working together for a common cause, who solved these problems. The motivation and loyalty of these people should be emulated and respected in order to renew the spirit of patriotism.

Contemporary society must also work together in order to solve common problems and achieve common goals which will provide for the lives of future generations.

During the last presidential election, approximately 68 percent of all registered voters participated. Voting is one of the greatest privileges of our citizenship. It is imperative that each citizen become an informed voter. Know what candidates stand for and vote for those who will best represent your views. One of the greatest threats to a democracy is an uninformed public, for history has shown that when the people become weak, the dictator becomes strong. United, our democracy will stand strong. In order to solve some of our country's current problems and provide for the welfare of future generations, we must also learn to practice some self sacrifice. Many American people take for granted that the excellent provisions of our current society will remain here forever. We must always think of the future, and take action which will maintain these provisions. There is no need for us to devaluate our life style, we merely need to alter it in order to conserve our country's natural resources and to maintain a favorable economic enterprise.

Do unto others as you would want others to do unto you. The Golden Rule, which is an ancient rule but is entirely applicable to modern times. We must attempt to be observant, knowledgeable, discussant, and finally reactive to the problems faced by the less fortunate.

Our Constitution embodies the concept of Golden Rule by guaranteeing all citizens the right to life, liberty, and the pursuit of happiness without regard to race, creed, or sex. I am proud to be a member of a country in which the government respects the well being of the people, and I will, as a responsible citizen, do everything in my power to defend these inalienable human rights.

Our goal is to forge a new national commitment, a new spirit, a spirit which vitalizes the ideals for which the revolution was fought, a spirit which will unite this nation in purpose and in dedication to the advancement of human welfare as it moves into its third century.

At the time of the American revolution, over half of the revolutionary army was under the age of 18. It seems fitting, then, that the young people of today's America play a vital and active role in our country's growth.

Many people have devoted their entire lives for the welfare of our country, and I, as a responsible American citizen, shall never stand aside and wring my hands in the face of social problems. I view this life as an opportunity and challenge to inspire deeper patriotism and loyalty through actions and deeds, for to me, a patriotic spirit will keep America, in the future, the free democracy it is today.

PRAYER SHOULD BE RESTORED TO ALL PUBLIC BUILDINGS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. BURKE of Florida. Mr. Speaker, today I introduced my bill proposing a constitutional amendment with respect to offering prayer in public buildings. I previously introduced this legislation in the 91st, 92d, and 93d Congresses and it is my sincere hope that the 94th Congress will enact this legislation.

Since the Supreme Court decision on June 25, 1962, in Engle against Vitale, schoolchildren have not been allowed group prayer in public schools. It is ironic that the Court opened its session that day in the same manner that it continues even now—with the heads of those assembled bowed and the bailiff asking "God preserve this honorable court."

As a Member of the House of Representatives I took an oath to support the Constitution "so help me God." In the House Chamber over the Speaker's desk is the motto "In God We Trust," and the House opens each session with a prayer from the Chaplain whose salary is paid from public funds.

I cannot believe that the Founding Fathers, when they wrote the Constitution, intended that separation of the church and state be taken to this extreme. Public reverence in the history of these United States is a matter of very long and general record. We began with the Pilgrims whose first town hall was also a meeting house for religious services. Congress opens with prayer as do other legislative assemblies. Almost all State constitutions invoke God's help. Repeatedly our Presidents proclaim national days of prayer and thanksgiving. God is in the Pledge of Allegiance and on our coins.

Man is set apart from the animal kingdom by his power to think and to question. One of the most basic questions asked by each person is why am I here and by what power was I created. Seeking the answer to this question has kept philosophers and scientists occupied for centuries. The most widely accepted answer is that there is a prime mover, or a God, somewhere that created man. It seems to me that it is folly to place a curtain of silence over such a troubling spiritual question. Schoolchildren should be made aware of the beliefs of the men who founded this country, and of the thinking of great thinkers about the nature of the universe and man.

My fear is that atheism is a greater danger to the American way of life than is any prayer said in a school. Our society is troubled today with a lack of values and our young people are seeking meaningful guidance with which to direct their lives. Although our Nation when it was founded 199 years ago was a Christian nation, we now have many religions which enrich our culture. Nonetheless, the majority of our people believe in God, and we are letting a minority—atheists—decide what our people should do.

It is my honest opinion that the Supreme Court misapplied a great constitutional provision, and I cannot see how saying a prayer would be embarrassing to any child, nor, can I see how an official religion would be established under a resolution which would allow those who wish to say a prayer to say one. To deny schoolchildren this voluntary act, I feel, denies them the opportunity of sharing in the splendid heritage of this Nation.

There are suits in Federal court seeking to stop worship services at the White House, and religious services in the Capitol claiming that these are a violation of the first amendment to the Constitution which says that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Objections have also been raised to prayers and Bible readings by U.S. astronauts while on missions in space.

It seems that the free exercise of religion is indeed under fire, and it is my feeling that public buildings and public institutions benefit from prayers said in them as does American society. It is my hope that this legislation will be enacted before our 200th birthday so that prayer may once again become an integral part of our heritage.

SOME ACCOMPLISHMENTS OF THE HOUSE SMALL BUSINESS COMMITTEE IN THE PUBLIC INTEREST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. EVINS of Tennessee. Mr. Speaker, the House Small Business Committee was recently expanded and enlarged and provided with legislative authority which will enable the committee to be of even greater assistance to small businessmen throughout the Nation.

Through the 34 years of its existence, the committee as a select committee has rendered yeoman service to small businessmen—the committee is unique in that much of its work involves specific problems of small businessmen, many of these problems reaching the committee by referral of Members of the House.

In this connection it is well to remember that members of the committee led the successful effort to have the Small Business Administration established as a temporary agency in 1953 and as a permanent agency of Government in 1958.

It became obvious to committee members as they sought to assist small business that a "one-stop shop" was needed in the Federal Government to champion the cause of small business and to concentrate on the problems of small business. In addition, this single agency consolidating small business programs scattered throughout the Federal Government would be an efficient and convenient service to small businessmen needing assistance. With SBA in existence any small businessman no longer had to travel from agency to agency seeking assistance.

In addition, members of the committee were instrumental in assuring the continued independence of SBA.

From time to time through the years, there have been efforts to return the functions of SBA to one of the big departments—primarily the Department of Commerce—removing SBA's independent status and transferring the functions of SBA to a big bureaucracy.

This would amount to turning the clock back and returning this small business agency to a subordinate status.

This was not in the best interests of small businessmen and our committee in bipartisan efforts have successfully opposed these plans.

Today SBA remains strong and independent.

The committee's assistance to small businessmen can be cited from year to year—and there were many such instances in the last session of the Congress.

Examples of the casework of the committee are immense, and a few are cited as follows:

During the 93d Congress, the committee continued to function in its role as a service committee for the Members of the House. Thus, numerous problems encountered by the small business constituents of the Members were reviewed by the committee and its staff. A number of the matters referred to the committee by Members called for the development of information useful to the Members in responding to their constituents. In many instances, the matters required investigations, studies, and meetings with appropriate officials of the Federal departments and agencies, and often resulted in remedial administrative action helpful to the small businessmen. The matters handled by the committee cover a wide field, as can be seen from examples cited below.

Due to the energy crisis, many Members communicated with the committee on behalf of their small business constituents who were affected by the Mandatory Petroleum Allocation Act of 1973. The committee contacted appropriate State petroleum allocation offices, a number of major oil companies, and the Federal Energy Office, now the Federal Energy Administration, in order to clarify the status of and expedite the handling of applications for allocations of petroleum products as provided for under the act. Subsequent to such contacts and action by the appropriate company or agency, many small business petroleum marketers and small business purchasers who needed petroleum in order to continue their manufacturing or retail operation were able to obtain the needed product.

Gasoline retailers who had been terminated by their suppliers were assisted. Major oil companies were contacted and appropriate Federal statutes cited pointing out the requirement that suppliers continue to do business with their distributors. Subsequent to these contacts, small business distributors obtained lease renewals and a resumption of their supplies of petroleum products.

Members and their small business constituents were helped in obtaining answers to questions and interpretations regarding Cost of Living Council phase IV oil regulations. Contacts were made with the Cost of Living Council and later, the Federal Energy Office—which subsequently assumed administration of price controls on petroleum—concerning the needs of small business petroleum marketers for price increases, especially the needs of the commission agents who were discriminated against when permission was given to distributors to increase prices to reflect an increase in their overhead.

Contacts were made with petrochemical manufacturers to insure that small business purchasers were obtaining their fair share of available petrochemicals and other byproducts.

The committee assisted small businesses in seeking alternative sources of raw materials, including petrochemical feedstocks.

One gasoline retailer's case is illustrative of such assistance provided many small businesses engaged in petroleum marketing and distribution. The small retailer owned his own station and the land it was located on, renting the gasoline tanks, pumps, sign, and paying in addition a fee for use of the oil company's trademark. The supplier decided to terminate supplying the station, because it failed to meet the supplier's "appearance standards" and was a so-called "shaggy dog" station. The station was located in an urban area removed from interstate highways or major throughway business. The station's business was largely gasoline to local customers and repair work and operations could not continue to exist without gasoline supplies. After contacts by the committee to the supplier, the company agreed to continue to supply the station on an unbranded basis at historical gasoline purchase levels. In good faith, the retailer was able to purchase the oil company's tanks and pumps for a nominal sum.

The committee provided information to numerous Members regarding operations of regulatory agencies, especially the Federal Trade Commission. Also, information was furnished on all phases of the energy shortage, oil shale, offshore leasing, et cetera, to numerous Members.

The committee investigated allegations of unfair trade practices and, where warranted, forwarded the case to the appropriate agency for action.

The committee coordinated communication between FEA enforcement and compliance operations and small business associations in order to mitigate the burdens of enforcement of FEA regulations and to avoid enforcement difficulties arising from lack of information or use of erroneous information by field enforcement personnel.

The committee aided small business competitively disadvantaged by FEO/FEA regulations or proposed regulations by calling small business issues to the agency's attention and suggesting ways to fulfill legitimate small business needs without disturbing the fundamental objectives of the regulations.

On behalf of small business purchasers and sellers of futures contracts, complaints of violations of Federal law pertaining to futures trading were brought to the attention of the Commodity Exchange Authority, the Federal agency charged with enforcement of the Commodity Exchange Act.

Information on the operation of the commodity futures markets and the protections afforded by the Commodity Exchange Act and the Rules and Regulations issued thereunder were supplied to Members and their constituents.

At the requests of small hotel and motel operators, the committee continued to pursue its efforts to have the various branches of the Armed Services use private facilities available within the immediate area of Federal installations for temporary lodging instead of having the base construct its own facilities.

The committee also assisted small trailer park owners in averting the construction of duplicate facilities on two naval bases in Florida.

As a result of a committee investigation, all future standards promulgated by the Clean Air Branch of the Environmental Protection Agency will contain special sections showing the effect of proposed standards on small business and their impacts on the competitiveness within an industry.

When the Cost of Living Council unexpectedly lifted its price controls on certain foods prior to the expiration of the announced duration of these controls, many commodity traders were caught short and unable to sell their contracts and faced the possibility of severe financial losses as a direct result of the Government's policy. The committee worked with the Cost of Living Council and obtained an order from the Department of Agriculture which froze the price of pork bellies and suspended all future trading for 1 month. This was the first time a suspension was ordered and it averted serious financial disruption of many traders and trading houses.

The committee worked with a city that owned its own electric plant in obtaining fuel needed to operate the plant when its supplier refused to renew its contract and the city faced the possibility of being without electricity.

The committee worked with the Occupational Safety and Health Administration and the Small Business Administration in establishing procedures that would expedite SBA's consideration of loans to small businessmen in need of OSHA improvement loans.

The committee prompted the Environmental Protection Agency to establish a program which would prevent the major automobile manufacturers from gaining control of the repair parts and services industry as a result of the Clean Air Act's 5-year/50,000-mile warranty requirements.

The committee worked with the Occupational Safety and Health Administration in establishing programs which would assist small businessmen in learning what the act would require of them. Such efforts have resulted in the publishing of alphabetized indexes to the standards, the creation of home training courses, and the creation of audiovisual instruction programs.

The committee provided assistance to small retail pharmacists who are suffering as a result of the rapid expansion of third party prepaid prescription programs by having the Justice Department promulgate guidelines which delineate the scope of permissible negotiations between pharmacists and insurance companies.

Several minority fuel oil distributors complained to Members of the Congress that they were unable to obtain section 8(a) contracts from the Small Business Administration for the delivery of fuel oil to various Federal departments and agencies. The Federal Energy Office, now the Federal Energy Administration, established certain petroleum allocation and price regulations due to the energy crisis. FEO refused to grant SBA's request for a blanket exemption from these regulations in favor of all minority firms who are eligible to participate in the 8(a) program but granted an exemption only to those firms already in the program. The new 8(a) firms claimed that they needed 8(a) assistance in order to avoid burdensome financial losses and to remain in business.

After informal hearings and meetings conducted by the chairman of the Subcommittee on Minority Small Business Enterprise, in which representatives of the appropriate Government agencies participated, the FEA limitation was lifted and Government contracts were negotiated with the new 8(a) companies.

A small business subcontractor who supplied a large Navy contractor with an essential component part of a certain item complained that the prime contractor had built an in-house capability to manufacture the component part. The committee reviewed the problem with appropriate Navy officials who decided that in future procurements of the entire item, the component part in question would be broken out and that 50 percent of Navy's total requirements for such component part will be set aside for exclusive small business bidding. This means that the small business subcontractor will be able to bid directly for this set-aside portion and, in addition, will be able to bid in open competition for the remaining portion. In this way, small business opportunity to participate in Navy's procurement of the item is preserved while at the same time Government will benefit as a result of cost savings through increased competition.

Many Members of the Congress brought to the committee's attention the problems of their small business constituents whose fixed-price contracts with the Government were terminated or were facing termination for default due to unanticipated price increases and material shortages. If the contractor does not qualify for extraordinary relief as being essential to the national defense under Public Law 85-804, there is little, if anything, that can be done to assist the contractor administratively. Nevertheless, in some of the cases reviewed by the committee the circumstances were such as to enable the contracting officer to afford a measure of relief to his small business supplier. Thus, the Defense Supply Agency agreed to cancel certain delivery orders for fence posts at no cost to the Government or to the small business contractor upon finding that there was a change in the using agency's requirements. In another case, a small business bakery which had satisfactorily supplied a local Air Force base with bakery products under certain fixed price requirements type contracts was saved from bankruptcy after the problem was reviewed by the committee with appropriate Air Force officials. Existing contracts held by the small bakery were terminated for default and new contracts negotiated at prices established on a week-to-week basis.

The committee staff contacted the small business advisors and other officials of the military and major civilian procurement agencies urging the use of administrative remedial actions where feasible and possible to alleviate the price squeeze and material shortage problems of the small Government contractor. Assurances were obtained that for future contracts economic adjustment clauses will be used whenever appropriate. Further, longer term contracts, multiyear contracts, and price reduction options will not be utilized.

The committee assisted a small businessman in obtaining a Government Accounting Office investigation of an Air Force contract award.

A small Government contractor complained that he had not been paid by the General Services Administration on a maintenance contract for several months. The committee staff investigated the matter and the contractor thereupon received due payment on the Monday following his visit to his Congressman and the committee.

The committee advised a number of constituents as to procedures to be followed in order to be placed on the bidder's lists of various military departments and major civilian procurement agencies.

There have been many accomplishments of the Small Business Committee over the years, and the committee and staff stand ready to continue to serve small businessmen throughout the Nation.

AMERICAN AGRICULTURE

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. FITHIAN. Mr. Speaker, I would like to take this opportunity to express my concern over the critical problems facing American agriculture. In the last 2 months I have met with several groups of farmers in my district who have expressed their deep concern about the decline of agricultural prices, the increased costs of things that farmers must purchase, such as fertilizer, and problems of exporting American agricultural commodities to overseas markets.

While Congress is debating the present levels of target prices and loan rates and new directions for agricultural policy for 1975, I would like to share with the Congress one of the most articulate letters that I have received. This letter written by Mr. Jay L. Bonnell, Rural Route No. 3, Kewanna, Ind., is as follows:

KEWANNA, IND.

CONGRESSMAN FLOYD FITHIAN: I am a farmer and would like to express an opinion to you. I farm 1,070 acres, all of which I raise grain crops, corn and soybeans. I was going to write this letter earlier, but thought maybe things would work their way out.

Early last year our Federal Government and Secretary of Agriculture Earl Butz asked the farmers to go all out in production and let supply and demand regulate farm prices and do away with *Government Controls* in Agriculture.

The farmers did so and after a very wet spring, summer drought and an early frost this past fall, corn and soybean yields were cut in half. In a lot more cases even poorer yields were reported.

In meantime (during harvest) President Ford, by Government action, forced grain companies to stop exporting grain. This is not supply and demand. As a net result, corn, wheat, and soybean prices have tumbled drastically to levels where farmers can't cover costs of producing these grains.

This is a very poor way to entice farmers to produce more crops when our input costs have risen as much as 50%; namely fertilizer and machinery.

The U.S. is still exporting fertilizer to other countries and this is not stopped just because fertilizer prices have gone up.

Nitrogen fertilizer I bought for 49.50 per ton 1½ years ago now costs 150.00 per ton and must be paid for now or I might not even get delivery on it when I need it. The fertilizer I spread before planting was 80.00 per ton 1½ years ago and is now 126.00 per ton. My supplier for nitrogen says I can have no more than I used last year and I was cut ⅕ of normal usage then. President Ford says on T.V. news broadcast there will be enough fertilizer for everyone.

The (Friday Night Massacre) as it is called by farmers and grain dealers, (this is the weekend President Ford shut off exporting grain to Russia) in October 1974, has cost farmers in more money than they usually make in a year.

There are 3 farmers in my community that the Bank's have foreclosed on already and this is only the beginning if grain and livestock prices are not going to come back where we can make our cost plus a reasonable profit.

The total bushel report for corn and soybeans has just come out. If it is true and I hardly doubt it is, President Ford better let export markets open up or grain prices will be back where they were 3 years ago around $1.50 per bushel and $3.00 for soybeans and this is not even our cost of producing the grain. It costs $1.85 per bushel for corn in 1975 just for input cost, this does not count for labor, taxes, machinery, fuel, etc.

I hope the "new" Agriculture Committee can see the light before it is too late. I know there are a lot of new members that are or will be Consumer Oriented, because of being from urban areas; but I hope they will not turn the producers aside and listen entirely to consumers. I will be the first one to admit food prices are high, (but high in relation to what)! These consumers that are hollering about high food prices are not working for the same wages they were 5 years ago either. Their wage increases are reflected in *everything* I buy for my farming operation and I cannot continue to produce food as cheap as I used to.

I have said a lot in this letter and am not finger pointing. I just wanted to state facts as are and would appreciate anything that can be done by you at this time or near future. I know we farmers are a minority, but we have to live also. Thank you for listening.

Sincerely,

Jay L. Bonnell.

IS THERE A JOKER IN THE GAS MILEAGE DEAL?

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. COTTER. Mr. Speaker, recently the Wall Street Journal published a thought-provoking article on the debate over relaxing future automobile emission standards.

This analysis of the auto industry's proffered "tradeoff"—less stringent emission standards in return for greater fuel efficiency in new cars—is worthy of note. For the benefit of my colleagues and the readers of the Record, I insert this article:

Is There a Joker in the Gas Mileage Deal?

(By Karen J. Elliott)

Washington.—The trade, as President Ford described it, sounded reasonable. Because of the urgency of the energy problem, he was accepting an auto-industry offer to make a 40% improvement in fuel economy if the government would ease its auto-emission standards.

Explaining the plan in his State of the Union Message last month, Mr. Ford said that if Congress would pass legislation relaxing future emission standards, the auto industry could turn its capital and technology from the goal of cleaner air to the more pressing goal of greater fuel economy.

Since then, however, energy experts on Capitol Hill and elsewhere in the government have studied the plan more closely. Their analysis, uncovering some factors that weren't readily apparent at the time of the President's announcement, suggests that the deal isn't nearly as equitable as it seemed.

Under the agreement, Congress would suspend for five years the auto-emission standards scheduled to take effect for 1977-model cars and would substitute much less stringent standards proposed by Mr. Ford. (Emission standards specify allowable levels of carbon monoxide, nitrogen oxide and hydrocarbons in engine exhausts.) In return, according to Mr. Ford, the auto industry has promised to increase fuel economy by 40% in time for its 1980-model cars.

It is this promise of 40% greater fuel economy, sounding almost as tantalizing as an ad slogan, that turns out, on closer examination, to be the soft spot in the deal.

For one thing, the pledge isn't iron-clad. General Motors, Ford and Chrysler aren't promising to achieve such an increase, but only to try. Their carefully worded commitments, made in letters to Interior Secretary Rogers Morton, all contain caveats such as this one from General Motors President E. M. Estes: "We are sure that you recognize that certain unforeseen events beyond our control could cause variations in the outcome."

If the auto industry achieved an overall fuel-economy increase of 40% by 1980, its cars would be getting 19.6 miles per gallon of gasoline—which is the President's 1980 target. But these goals are industry-wide averages; thus, the more economical autos of American Motors and foreign importers, accounting for about 20% of new-car sales, making the Big Three's task easier. (Some imports already get better mileage than 19.6.)

In fact, if the industry is to meet the 19.6 mileage goal, the Big Three need to attain only 18.7% miles per gallon in their 1980 models. "That seemed the best we could reasonably hope for" from them, says a Transportation Department official.

Even so, reaching the 18.7 average assigned to the Big Three will take some work. General Motors, whose cars had the worst 1974 fuel-economy average (12.2 miles per gallon), would have to improve 53% by 1980. Ford would need only a 30% improvement over its 14.4 miles-per-gallon average in 1974, and Chrysler would have to raise its 13.8-miles-per-gallon average by 35%.

There are other reasons the deal is less attractive than it appears on the surface. One is that the 40% fuel-economy increase uses as its base the industry's 1974 average of 14 miles per gallon, which was the worst in recent years. Also, a 40% increase in fuel economy (or miles per gallon of gasoline) would mean only a 28% reduction in fuel consumption (or gallons of gasoline used per mile). For example, if a car that got 15 miles per gallon in 1974 improved to 20 miles per gallon by 1980, its fuel economy climbed 33%. But its consumption of gasoline per mile decreased only 25% or from 1-15 a gallon per mile to 1-20 of a gallon.

But perhaps the biggest flaw, according to several experts on Capitol Hill and at the Environmental Protection Agency and the Transportation Department, is that the industry probably could achieve 40% greater fuel economy by 1980 without any relaxation of auto-emission standards.

According to the government figures, they improved fuel economy by an average of 13.5% from 1974 to 1975 by adding catalytic converters, the tailpipe devices that trap pollutants; GM's fuel economy went up 28%. EPA and the Transportation Department believe an additional 20% increase can be achieved simply by an expected tendency of more consumers to choose smaller and more economical cars.

Such an increase, achieved through buying decisions, coupled with the improvement that's already occurred since the 1974 models, would take the industry a long way toward the 40% goal. Experts here figure it's reasonable to expect that some improvements in auto technology by 1980 would lead to further gains in fuel economy.

In response, auto makers say the public's buying habits aren't all that predictable. Furthermore, they say auto technology can't be viewed as an inevitable march of progress; an apparent advance one year may turn out later to have been unsound. They add that even if they could find the technology to meet environmental and fuel-economy goals at the same time, the cost would be prohibitive. In this, they are supported by some outside observers who believe that the environmental risks from auto emissions have been vastly overplayed and that present standards are sufficient to protect the public, though these conclusions are hotly disputed by the EPA and environmental groups.

But those here who doubt the industry's claims say that for years Detroit has sung a familiar refrain ("We can't do it") as the government has issued increasingly tough standards on auto-safety and exhaust emissions. Right now, even while striking the bargain with President Ford, the industry is lobbying EPA to freeze the emission standards for 1977 cars at the current level. What the industry wants is for Congress to allow about four times the levels of carbon monoxide and hydrocarbons that already have been prescribed for 1977 models and about twice the levels called for in the agreement with Mr. Ford. (The amount of permissible nitrogen oxide would be the same under Mr. Ford's plan as it is now, whereas present law calls for it to be reduced by about one-third by 1977.)

Auto makers have both a public and a private justification for mounting a lobbying effort that appears to undercut their agreement with Mr. Ford.

The public explanation: "We're not trying to subvert the White House," says a GM spokesman. "If the President's emission standards are enacted, that's fine with us. But we aren't sure we can make the 40% fuel-economy improvement if they are, and we're certain we can if the current standards remain in effect."

Privately, auto executives say their request that EPA freeze the emission standards is simply part of a strategy to force Congress to compromise and accept the lower standards proposed by the President.

Congress doesn't seem likely to go along. Many lawmakers are coming to the view that prompted EPA Administrator Russell Train to ask a Ford executive the other day:

"What assurance do we have that you will take advantage of the five-year breathing space provided by the President's proposal to move ahead with development of new alternative automotive systems? The danger . . . is that in 1980 we'll be back here arguing the same questions again."

VOICE OF DEMOCRACY CONTEST—ALABAMA WINNER

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. DICKINSON. Mr. Speaker, I am extremely pleased to put in the Congressional Record at this time the winning speech from the State of Alabama in the Voice of Democracy contest sponsored by the Veterans of Foreign Wars. It is a proud moment for the Second District of Alabama because the winning contestant from our State is Forrest S. Latta of Dothan, Ala. Forrest is a leader at Dothan High School and counts among his achievements the presidency of the National Forensic League and the Interclub Council, vice presidency of the student council and membership on the school board youth advisory committee.

He has a number of credits in the field of the arts, including the theater, media and forensics, and has also been an active participant in civic affairs. His essay on the theme "My Responsibility as a

Citizen," is a testimony to the fact that our young people do share the same love of country and desire for its continued success that has kept America on the right track for 200 years, and I am happy to share it with you:

1974–75 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM ALABAMA WINNER FORREST S. LATTA

Citizenship—What is it?—Why is it? In today's high speed world, most of us just simply don't ever think about what good citizenship is or whether or not we are being good citizens and upholding the spirit of democracy which is basic for America.

The responsibilities of citizenship are multi-faceted. Yet, I feel these responsibilities can be summed up very quickly. The overall responsibility of citizenship is respectfully repaying for all of the rights, freedoms, and the many other things we've all come to take so for granted. It's through the freedom of speech and the freedom of assembly that you all can gather and hear this speech today! Have you considered that? So you're sitting there saying to yourself "Who and how can we repay for this citizenship?" We owe something to our flag, to the United States of America, to our great Constitution, Bill of Rights, and Judicial System, to this land we're so privileged to have, to our ancestors who founded everything I've just stated, but most of all to our fellow Americans.

So what do we owe to all of these things? To our flag and to our Star Spangled Banner, we owe respect and a word we haven't heard in a long time: patriotism. Unfortunately, patriotism is a word nowadays usually associated with Patrick Henry, John Hancock, and the American Revolutionary War. A lot of people now obviously take our country for granted, that it'll always be here and that the American spirit is obsolete. A funny thing that meant a lot to me happened last year at a state high school citizenship conference. In a speech on Patriotism, one of the young speakers there accidentally referred to our flag as the "Red, White, and Yellow." He quickly corrected himself with a laugh and went on, but that stuck in my mind. I thought to myself how that reference might be true relating the color yellow with doubt and fear. You can find this in many ways in America today. Have you been to a public event recently where our National Anthem was played to the rising American flag and noticed how most people's arms are relaxed at their side while their eyes scan the environment? Is it that they're ashamed or afraid of the glances they would feel if they respectfully placed their hand over their heart and listened to our Star-Spangled Banner as Old Glory floated in the wind? Patriotism—one of my greatest responsibilities as a citizen.

So what do we owe our Constitution, the Bill of Rights, and our Judicial System? We have the greatest perpetual government ever to exist. It was devised by American people, for American people, and can be changed by American people if necessary. To this we owe sincere belief, upholdance, and obeyance with a respectful, patriotic attitude.

What about our ancestors? Well, this should be self-evident! These are the people who founded this country and government. The people who risked their lives to get the things we take for granted today. To them we owe great respect and the desire to know and cherish their history.

What about "the Land of the Free?" You and I both know our fuel is almost gone, our food is running out, and the land is filling with people. My responsibility to the land where I live is to be thoughtful and conservative with our resources and to do what I can to encourage others to be careful with these invaluable necessities, and maybe we'll be able to retain the phrase "America the Beautiful".

Finally, we come to the most important part. The people ARE America. It's my responsibility, more my desire, to serve and involve myself with the American people and government. All of us have heard people complain of the poor quality politicians we have, and it seems as though of the millions of people in America, there would be some men and women who would be qualified to effectively run our government. Therefore, it's one of my responsibilities to encourage those of my friends who would do a good job to run for public office, including myself, if I feel I may be of some asset in a public office. But for those of us who aren't involved in politics, it's our duty to learn of and vote for the best qualified candidate for an office. It seems as though everyone would want some say-so in who becomes their leader. As citizens, we should involve ourselves with each other and work together for our good and the country's.

Some things are obtained and then paid for, others are paid for and then obtained. Citizenship is something obtained by all Americans and paid for later by those who will. So what is my responsibility as a citizen? To try to repay my country for having the opportunity to be part of America. Our Bicentennial is only a year and a half away. You and I can work together to make 1976 a great year for America!

VOICE OF AMERICA CONTEST

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. SARASIN. Mr. Speaker, almost 500,000 students from all over the Nation participated in this year's 28th annual Voice of Democracy program sponsored by the Veterans of Foreign Wars. Students from 7,500 secondary schools prepared speeches on the theme of "My Responsibility as a Citizen." I would like to take this opportunity to commend the VFW for providing the impetus for young Americans to assess their roles as citizens and Americans. May I offer my congratulations to the winner from the State of Connecticut, Mr. Peter Keast. Mr. Keast is a resident of Waterbury, Conn., and attends the Kennedy High School, where he participates in the student council, the school newspaper, and the band and chorus.

I would like to offer my sincere best wishes to Mr. Keast and I have included the text of his speech. The future of our Nation depends upon the minds and hearts of the coming generations of young Americans and I have tremendous faith in their ability to take our experiences and mould them into viable future policies.

The speech follows:

THE RESPONSIBILITY OF THE AMERICAN CITIZEN

What makes us American citizens different? Special? Are we taller or stronger than other people? Are we intellectually superior? Though we may like to consider ourselves as being one of these, we are not physically different from any other people of the world. So what is it then that sets us apart? The fact that we are citizens of a nation which is the most outstanding example of democracy in the world today. A democracy that gives us that which very few other people have: Freedom, rights and opportunities. A democracy that gives us the best education and health programs and, in general, the highest recorded standard of living in the history of man!

However, with all of these freedoms, rights and opportunities, come corresponding responsibilities. Because so few citizens are familiar with these, three questions should be asked about responsibility. First, "To whom are we responsible?"; second, "exactly what are these requirements?"; and third, "how do we go about fulfilling them?"

Within the last five minutes, somewhere in these United States, someone was robbed. It is more than likely that someone else witnessed the crime, but that person convinced himself that it was neither his concern nor his business and that he shouldn't care. So, he "passed by on the other side", turned his back to his fellow citizen, and upon doing so, turned his back to his responsibility.

Last year, some people found loopholes by which they "legally" avoided paying some of their taxes. These citizens, when they were asked to fulfill their responsibility, shunned it. Our's is a great country. It gives much and asks relatively little in return, we, the citizens, can easily provide the little that is asked of us. So, "to whom are we responsible?" To our fellow Americans, and to our country.

Next, exactly what are these, our obligations? The typical citizen, when asked, may say, "to fulfill your responsibility as a citizen, do your job, keep out of trouble, serve jury duty, buy bonds and pay your taxes on time." But is this all that we should do? No! We owe our country much more than this. What more should we do?

We Americans have the responsibility of supporting our nation's constitution 100%, even if it does not always work for our personal benefit, as the needs of the nation as a whole must predominate. We are obliged to protect our fellow citizens' rights, as they are rights as well, and it is also our responsibility to work for improvements in our government as the need demands, and to uphold the basic concepts of democracy.

The third question that we should be asking ourselves is this: "How do we go about fulfilling these, our responsibilities?" The bible tells us how, as does every major religion. The idea behind the Golden Rule . . . Love all men as thyself, and think of all men as neighbors. Then try to understand the true meanings of freedom and democracy; try to understand what our responsibilities are—to our fellow citizens, and to our country, and fulfill them in our everyday lives; try to put ourselves in the "other guy's" place, and to see his point of view; and finally, strive toward the goal of being able to say with pride, "I am an American."

COMMENTS ON THE ENVIRONMENTAL PROTECTION AGENCY'S DECISION ON AUTO EMISSION STANDARDS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. BROWN of California. Mr. Speaker, the decision by the Environmental Protection Agency to grant a 1-year suspension, the maximum delay allowed by law, to the automobile manufacturers for hydrocarbon and carbon monoxide emission standards and set interim standards that are identical to those this year, has caused me great anguish. This decision has significance beyond the 1-year delay which the ruling technically provides. The reasons given for this 1-year delay are also being used to justify auto emission standards that are, in many ways, more lenient than the totally unjustified standards that President Ford is supporting. Since this decision, and the EPA's recommended legislative changes in auto emission standards, follows several extensive studies that justified the existing standards, now abandoned by the administration, with only minor disagreements on the final nitrogen oxide standard, I have attempted to discover if the EPA's recommendations for both the 1-year suspension and legislation to postpone cleaning up auto emissions for 5 more years is in any way justified.

Mr. Speaker, I rise today to report that I find the decision and recommendations by the EPA to be unjustified by the evidence available to me. This conclusion is reached after careful review of the several National Academy of Sciences reports on this issue, and by reviewing EPA's own hearing records and the papers prepared by the EPA's own Office of Research and Development. I am willing to acknowledge that I have not seen all of the evidence yet.

The decision by the EPA will not protect the public from sulfuric acid mist, carbon monoxide, or the oxidant that is created from the hydrocarbon emissions. Instead of weighing one pollutant against another, the EPA's new approach will allow higher emissions of all pollutants over the next 3 to 5 years. And this is only what EPA's strategy will do with auto emissions. The administration is also supporting changes in the stationary source regulations that will allow increased sulfur oxide emissions, which will be converted to sulfuric acid in the atmosphere, until 1985. At present, stationary sources contribute 99 times more sulfur oxides to the air than do motor vehicles.

If, as the EPA stated, sulfuric acid mist emissions from catalyst equipped cars is a serious hazard that cannot be allowed to occur, then why does not the EPA take steps to reduce sulfur from automobile fuel, or to prevent catalysts from being installed on new automobiles? The testimony on the record shows that over 80 percent of all autos in the United States that will be sold from 1975 to 1979 will have catalysts. The action by the EPA specifically denied an intention to ban the catalyst, although a new emission standard may be adopted which would cause production to cease by 1980. In the meantime the sulfuric acid emitting autos will grow to nearly 50 percent of the U.S. auto fleet, presuming the public begins to buy automobiles again. The refusal of the EPA to begin a low-sulfur gasoline allocation program, in conjunction with the Federal Energy Administration, and a crash program of desulfurizing gasoline, which can be done at a cost of less than 2 cents per gallon, demonstrates that this decision is not based upon either the advice of the EPA's own Office of Research and Development, or the best interests of the public. Ironically, the two biggest auto companies, Ford and General Motors, also support the desulfurization strategy.

I do not claim that desulfurization solves the problem of the catalytic converter's production of sulfuric acid mist. But it does reduce the exposure of the population to high concentrations, which will almost surely result from the current EPA policy. Automobiles remain on the road for about 10 years. Thus, we will have 5 years of production of this hazardous technology, but the peak sulfuric acid mist concentrations will occur after the catalytic converter is expected to be phased out in 1980. Desulfurization is necessary to protect the public health in the peak years of 1980 to 1985, if not before.

The EPA, which is required to make an evaluation of good faith efforts of the actions of automobile companies, may need to be examined for its good faith in its current actions. Frankly, I believe, based upon the information that I have reviewed to date, that the EPA made a decision that was political in nature. It was highly biased toward protecting the economic welfare of the auto companies, and avoiding a confrontation with the oil companies, who, naturally, oppose removing the lead, as is currently required in order to use the catalytic converter, as well as removing the sulfur.

In this political climate the EPA appears to have failed to enforce for the public welfare and interest the law that it is sworn to uphold, the Clean Air Act.

Mr. Speaker, I intend to pursue this issue. The Subcommittee on Environment and the Atmosphere of the House Science and Technology Committee has jurisdiction over the research and development programs of the EPA, and since the decision by the Administrator of the EPA was presumably based upon his own research arm, I think it is highly appropriate for this subcommittee, which I chair, to investigate the basis upon which the EPA reached its decision on automobile emission standards and attainment dates.

Mr. Speaker, I would, if space permitted, insert copies of the EPA's Office of Research and Development's papers which do not support the decision by the Administrator of the EPA. Because of their length, I will not insert them. However, I would like to insert, for the RECORD, a background paper prepared by the National Clean Air Coalition which analyses this issue.

The paper follows:

BACKGROUND PAPER BY THE NATIONAL CLEAN AIR COALITION

INTRODUCTION

Since its inception, the Environmental Protection Agency has had as its mission, the protection of the environment. Its constituency are all the citizens; for no one is exempt from air pollution and other environmental ills. By supporting Detroit's request for long term suspension of the auto emission standards, the Environmental Protection Agency forgets its environmental mission and condemns urban dwellers to lives of pollution aggravated disease. No other agency of the Federal government will step forward to protect the citizen; for their perceived mission is to protect industry.

During the suspension hearings, the Environmental Protection Agency heard from the states of Colorado, New York and Minnesota; the National League of Cities as well as the Mayors of Indianapolis and Portland; and representatives of environmental groups throughout the country. All testified to the effect that their past work on controlling air pollution would be negated if the Environmental Protection Agency were to grant and recommend long term suspension of the auto emission standards. By letting the auto industry go free to pollute, the Ford Administration destroys the willingness of the public to accept environmental control in their local areas. The public and the Congress must return the Environmental Protection Agency to its environmental mission by refusing to accept the Agency's recommendation to let the auto industry pollute further.

SULFATES

While the Environmental Protection Agency couched its decision in terms of preventing increases in sulfates, it chose the politically easiest option for resolving this problem. Its proposal will not reduce sulfates as much or as fast as the other available option of gas blending and desulfurization which would have allowed the statutory standards to be imposed in 1977 on schedule. Under Administrators Train's proposal, cars meeting the lenient 1975–1976 Federal interim standards would have sulfate emissions of about 0.03 grams per mile (g/m) under most driving conditions while under a moderate 0.01% sulfur gas blending and desulfurization option, cars meeting the statutory HC and CO emission standards would have sulfate emissions no higher than 0.02 g/m under most driving conditions. With gas blending and desulfurization at 0.003% sulfur, sulfate emissions from vehicles meeting the statutory standards are less than 0.01 g/m. As shown more completely in Table I, sulfate emissions from cars meeting the statutory standards under blending and desulfurization are only ⅕ to ⅔'s as high as sulfate emissions under Administrator Train's proposal to subject the public to harmful higher levels of HC and CO emissions. Yet Administrator Train said that the only reason for relaxing and suspending the statutory HC and CO standards was to mitigate sulfate emissions.

TABLE I.—SULFURIC ACID EMISSIONS FACTORS FOR 1975 AND SUBSEQUENT MODEL YEAR LIGHT-DUTY MOTOR VEHICLES

[Assumes 100 percent catalyst usage in California 1975–76 and nationally 1977–86]

Vehicle model year	Fuel sulfur (percent)	HC/CO emission standard	H^2SO^4 emission factor (gms/mile)				
					Cruise (mph)		
			FTP	HFET	30	40	60
1975/76	0.03	Federal interim (49-State)	0.01	0.03	0.03	0.03	0.04
1977–86	.01	Statutory	.007	.017	.023	.023	.02
1977–86	.03	Statutory	.02	.05	.07	.07	.06
1977–86	.003	Statutory	.002	.005	.007	.007	.006

FTP—Federal test procedure (regulated emissions).
HFET—EPA highway fuel economy test.

Note: California interim and statutory emission standard catalyst-equipped vehicles are assumed to use air injection.

TABLE II.—TYPICAL SULFUR LEVELS AND CHARACTERISTICS OF MAJOR GASOLINE-BLENDING COMPONENTS

Component—Characteristics	Sulfur, ppm.	Volume percent in blend	Percent of sulfur in blend
Butane—Cold startability; good frontend octane	5	9	0.1
Straight run—Low-cost component	100	14	4.0
Light catalytically cracked—Large volume component; relatively inexpensive; good octane quality	800	18	40.6
Heavy catalytically cracked—Large volume component; relatively inexpensive; good octane quality	1,500	13	55.0
Hydrocracked—Good octane; expensive; low volume	2	6	.1
Alkylate—Excellent octane quality; expensive	5	10	.1
Reformate—Good fuel economy; expensive; high volume component	1	30	.1
Total sulfur in blend	350	100	100.0

Gas blending to give low-sulfur, leadfree gasoline is an immediate viable option since 50% of the gas from the refinery has less than 0.0005% sulfur. Only about 30% of all gasoline is high sulfur as is shown in Table II. According to the Environmental Protection Agency's own estimates, 20 to 30% of all gas could be made low-sulfur, leadfree immediately. Even Exxon Corporation testified at the suspension hearings that it could now distribute 15–17 percent of its gasoline as low-sulfur, leadfree. This is sufficient low-sulfur, leadfree gasoline for two model years of catalyst equipped cars. By beginning now, the oil companies could phase in gas desulfurization equipment to take care of model years after that. For example, Exxon indicated it could phase in desulfurization over 1976–1977 with complete desulfurization ready by 1978.

By refusing to blend and desulfurize gasoline, the Environmental Protection Agency admits the special relationship that exists between the oil industry and the Ford Administration. It is all right to raise gasoline prices 20 cents per gallon and create windfall profits but it is not all right to raise gasoline prices a mere penny or two per gallon to protect public health. That this is a particularly bad deal for the air breathing public is strongly reflected in the following air quality analysis of increased carbon monoxide and oxidants exposures in urban areas.

EFFECT OF THE DELAY ON AUTOMOTIVE POLLUTION AND AIR QUALITY

Delaying the statutory Hydrocarbons (HC) and Carbon Monoxide (CO) emissions standards for five more years will mean that a total of seven model years of cars will be emitting three to four times the level of pollution called for in the Clean Air Act. Each of the 65–70 million cars will be on the road for ten years. During that time the 1975–1979 model years will pollute the air with 4.4 times more CO and 3.75 times more HC than would cars meeting the Act's standards and the 1980–1981 cars will emit 2.35 times more CO and 2.2 times more HC.

This enormous increase in emissions will affect the total auto pollution burden on the public for years into the future. If this delay occurs, the total auto CO pollution in 1985 will be nearly double the level called for by the 1970 Clean Air Act. Under the freeze the average car's CO emissions in 1985 will be 74% greater than if the Act's original schedule (meet standards in 1975) had been followed and 54% greater than if the current schedule (meet standards in 1977) is followed.[1]

Air quality prediction techniques assume that increases in CO emissions will produce similar increases in CO air pollution levels. In areas where cars are basically the only source of CO emissions, such as downtown streets, commuter-packed highways, and areas near shopping centers, parking garages, and sports stadiums, the proposed delay will nearly double the total CO emissions in 1985 compared to the original Clean Air Act schedule. As a result, the delay will cause CO pollution in these areas in 1985 to be almost twice as bad as it would be if the auto standards were not delayed from the original Clean Air Act schedule.

The delay would also increase auto HC emissions substantially over the statutory levels. This will produce higher levels of smog (photochemical oxidants or Ox) is almost every major metropolitan area in the country, compared to following the current Clean Air Act schedule. In 1973 violations of the Ox ambient air quality standard were recorded in 51 areas of the country. The effect of the delay on air quality in 30 of these areas has been estimated. Our calculations, based primarily on EPA's own assumptions, show that in these 30 areas the delay will increase the number of violations of the Ox air quality standard by at least 9,400 hours during the period 1977–1985, over what would occur if the auto standards are not delayed. This amounts to an average of three additional hours of exposure to harmful Ox pollution levels per day *every day* for nine years.

This Ox impact is a very conservative estimate: it does not cover the entire country; it may seriously underestimate the proportion of total HC emissions contributed by autos in 1985; and it ignores additional hours of exposure beyond 1985. Nevertheless, even this conservative estimate shows that the delay will result in a minimum additional number of 38 *billion* person-hours of exposure to Ox levels harmful to health in these 30 areas between 1977 and 1985.

AUSTIN RADIO STATION HONORED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. PICKLE. Mr. Speaker, Texas has always been known as a hotbed of country music. The State has produced such stars in the field as Tex Ritter, Jim Reeves, Buck Owens, George Jones, Ernest Tubb, Bob Wills, Willie Nelson, and many, many others.

KOKE–FM, a radio station in Austin, was recently honored by Billboard magazine, the bible of the music industry, for its very outstanding achievements in programing. Though KOKE is not a new station it has adopted a new format in the last couple of years and obviously has been very successful with it. The "progressive country" music scene is booming in Austin. Numerous clubs offer live music nightly by musicians who have made their pilgrimage from all over the country to come to this new mecca of country music. National publications have recognized Austin as a nucleus of blooming talent, led by such established stars as Willie Nelson, Jerry Jeff Walker, Willis Alan Ramsey, Bobby Bridger, and Jimmy Buffet, to mention but a few.

I enclose two articles about KOKE and its success. One is from Billboard magazine and the other was written by Townsend Miller, a stock broker, whose real love is country music:

[From Billboard Magazine, Jan. 18, 1975]

SOUND AND FORMAT CATCHING ON

AUSTIN, Tex.—Seldom has one radio station been so instrumental in music as KOKE–FM, the nation's first progressive country music station that has resulted in not only a "new music sound" but a format that seems to be catching on elsewhere and even books.

KOKE–FM, however, doesn't take itself too seriously, as general manager Ken Moyer points out. "Our Goat Roper logo is symbolic of our not-too-serious approach to programming." This logo graces the station's belt buckle, which proclaims: "KOKE–FM, Austin, Texas, Progressive Country" and features a cowboy roping a goat.

And Moyer adds: "We've had a lot of fun with the Statler Brothers' recording of 'Lester Roadhog Moran And His Cadillac Cowboys Alive At The Johnny Mack Brown High School' and played something from the album almost daily. It's just the kind of 'put-on' which KOKE–FM has come to be known for. We don't take ourselves too seriously and we always have a good time."

Still, the station was honored by Billboard with a Trendsetter Award for "innovating a progressive country format and allowing a new form of country music to gain a public platform."

The new form of music, of course, is that kind being spun now by such as Jerry Jeff Walker, Willie Nelson, Waylon Jennings and B. W. Stevenson, among others. These kinds of records are the staples of the format. "What determines the records we play," according to program director Rusty Bell, "is more the sound than the artist. There are hardly any no-no's, but we do shy away from Glenn Campbell and other super-slick Nashville and West Coast products."

The music is programmed in sets, usually averaging seven-and-a-half minutes per set with records back-announced. "We play a lot of 'Theme Sets', such as bluegrass and newgrass contrasted. Out of the 15 records per hour, we usually have eight new and seven older records," says Bell.

Out of the 11 records per hours in the categories of progressive country, soft rock and up-tempo rock, eight are usually new and three are older records.

Moyer says the station began programming progressive country "formally" on New Year's Eve 1972 with only one full-time air personality. He was on 8 p.m.-2 a.m. "We were simulcasting during the daytime with KOKE–AM, a regular country music operation."

Slowly, the station evolved into the progressive format it now features—one which is dramatized highly in the book "The Improbable Rise of Redneck Rock."

A typical programming hour on KOKE–FM would be comprised on 15 records like this:

Three records—standard country, recent or new. George Jones, Tammy Wynette, Johnny Cash, Merle Haggard, Charley Pride, Johnny Rodriquez, Loretta Lynn, etc.

One record—early country. Jimmie Rodgers, Hank Williams, or early bluegrass artists such as Bill Monroe.

Seven records—progressive country, Michael Murphy, Jerry Jeff Walker, Waylon Jennings, Kris Kristofferson, Kris and Rita, Willie Nelson, New Riders of the Purple Sage, Commander Cody, Jimmy Buffett, Doug Sahm. These are usually three LP cuts and three or four singles.

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[1] The absolute level of emissions cannot be calculated with precision because of uncertainties in driving patterns and deterioration of cars in use. However, for a given set of assumed driving patterns and deterioration, the relative emissions totals are reasonably accurate. The assumptions here produced calculated average emission factors.

Two records—soft rock. "Please Come To Denver" by Dave Loggins, America, Joni Mitchell, Maria Muldaur.

Two records—up-tempo rock. The Band, Beatles, Bryds, the Grateful Dead, Rod Stewart, Leon Russell.

Commercial content is held to eight minutes per hour with four breaks and a maximum of two mintues per break. The station programs five minutes of locally-originated news.

One of the most popular features on the station, according to Moyer, is the "Austin Scene," aired twice daily, which is a complete listing of all the acts at all of the clubs in town for that night. "We even list the clubs which don't advertise with us. There are still a few."

One thing for use . . . the station has been a major factor in the development of the Austin Music Scene—hotbed of progressive country and home now of artists such as Willie Nelson, B. W. Stevenson, and Jerry Jeff Walker—a music genre that is now gaining national attention.

KOKE Wins Award

(By Townsend Miller)

Rusty Bell is one of my heroes of the Austin country music scene, to a great extent unsung. Now his tireless, inspired efforts and long overtime hours are being recognized. Rusty and other members of the staff of KOKE radio have won for the station Billboard magazine's national Trendsetter Award for 1974. It is the only radio station in the nation to receive one of this year's eleven awards given to "innovators in the music and recording industry."

KOKE-FM won the award, says Billboard officially, "for pioneering a new format with its progressive programming." Rusty Bell has been program director of that progressive country music format since its inception on New Year's Eve two years ago. From six hours originally, the station has extended the formula to 18 hours a day.

Rusty is quick to share credit with Ken Moyer, station director, and Jim Ray, sales manager, who lent his previous experience as program director of other stations. The three will journey to New York City Jan. 14 for the formal presentation.

BLACKMAIL IS ILLEGAL

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. BLANCHARD. Mr. Speaker, I would like to bring to the attention of the House a matter which is troubling me deeply, because I believe many other Americans share this same concern.

Mr. Speaker, blackmail, in any form, is deplorable. The actions by the Arabs to force nations and corporations to halt trade with Israel and exclude Jews from enterprise is nothing more than blackmail. This concerted effort by the Arabs comes at a time when we are facing serious world economic problems. Perhaps, it is tempting for some to succumb to the wishes of those nations because it appears to be the easy way to end economic woes.

I personally deplore any such action. Inherent in our Nation's moral fiber is the principle freedom to express one's own religious conviction, whatever that conviction might be, without fear of exclusion or repercussion. For the Arabs to dictate this sort of policy is an insult to all free nations of the world. If we were to give in, it would shake the very foundations upon which this country was built.

This "blackmail" will not necessarily cease after one concession. And nations must not be coerced into accepting these unreasonable demands. I appeal to all free nations to withstand this intimidation, this invasion of freedom by external forces.

The Washington Post recently published an editorial which sensitively and accurately describes the dilemma and serious situation all free nations are confronted with:

The Arab Boycott

Saudi Arabia and other Arab states participating in a boycott of Israel or "Zionists" or Jews plainly have a right to decide whom they will do business with. But just as plainly, they have no right to strong-arm foreign corporations and governments into enforcing their bias for them. This is what the Arab boycott is all about. By excluding certain firms from Arab trade and investment, the boycotters wish to make foreigners accept and impose—preferably, voluntarily and with no fuss—the boycotter's own ugly values. They are trying to get Americans to divide themselves into different religious and ethnic categories. They think they can get away with it now because they constitute, in Senator Church's words, "the one booming market in the world." The Arab nations, as the senator said, are now "spending over $60 billion per year from oil revenues alone."

Frankly, we can imagine no more truly "un-American" idea than the one the boycotters are seeking to peddle with their billions.

The boycott is much more than a slap at Israel. It strikes at the fundamental egalitarian principle on which this country was founded. Some apologists for the boycott point out that it has been enforced erratically in the past and that some inconsistencies are likely to persist. But the Arabs' huge new economic power and the temptation of some of them to use it to enlarge the scope of the boycott, render that claim beside the point. Indeed, the question of just how the Arabs intend to use the boycott needs a lot more scrutiny. What did the boycott director mean, for instance, when he said the other day that although NBC's and CBS's commercial activities were boycotted, the networks' newsgathering activities might be exempted "if this were in the interest of the Arab cause"? Americans and Arabs are entering a new and intensive stage of economic relations and it is vital at the start that anti-Israel and anti-Jewish bias not be built into it. For Arabs to be broadening the boycott just as they profess to be seeking a peace settlement with Israel is, moreover, a sharp contradiction, and an insupportable one.

We note with gratification that the unacceptability of the Arab boycott is being recognized from the top of the American political community on down. In the strongest statement on the 27-year-old boycott ever made by an American official and the first by a President, Mr. Ford declared on Wednesday: "Such discrimination is totally contrary to the American tradition and repugnant to American principles." He promised that "any allegations of discrimination will be fully investigated and appropriate action taken under the laws of the United States." The State Department, which managed to look the other way on this issue in the past, showed it had gotten the message by giving Senator Church a copy of the Saudi Arabian list of 1,500 boycotted American businessmen and organizations. The Administration is now checking whether, as charged, official agencies such as the Army Engineer Corps and the Overseas Private Investment Corp. have screened out American Jews in order to cultivate Arab business and whether this has been done by private American firms for the same end.

There is already a provision, in the Export Administration Act of 1969, which "encourages and requests" American firms not to cooperate in boycotts. Whether better enforcement of that law would be appropriate, or whether new legislation is required, remains to be studied But the United States cannot afford to sell its honor for Arab gold.

James J. Blanchard.

LOWER INTEREST RATES VOTING

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. JEFFORDS. Mr. Speaker, it would have been easy to vote for House Concurrent Resolution 133 last Tuesday, since it appeared to be a vote to lower interest rates. Voting "for lower interest rates" may be politically popular, but Congress is getting into dangerous waters with the passage of this misleading resolution. The notion that unemployment and the credit crunch can be solved through Congress telling the Fed it should lower interest rates is economically hazardous for two reasons.

First, it is hypocritical for Congress to imply that the problems of the economy rest primarily with the Federal Reserve, when for the worst part, they reside within a Congress which has painted us into a fiscal corner. Congress irresponsibly continues to appropriate enormous sums, either requiring that money be taken out of the private money market, thereby driving up interest rates, or requiring the money printing presses to run causing inflationary pressures. Now Congress wants to run the printing presses at a high speed to compensate for its own failure to control its fiscal policy.

The resolution is misleading because it does absolutely nothing while appearing to direct the Fed to lower interest rates. I do want to stress, however, the dangerous nature of exposing the Fed to short-term political pressures since the more popular moves in the short term could very well turn out to be detrimental in the long run. The Fed should be able to have a long-term perspective on the Nation's economic problems with long-term goals in mind—the goals of prosperity and economic stability which I am sure we all share.

Current inflation and expectations of future inflation are principal determinants of interest rates, not just monetary policy. If Congress is unhappy with the actions of the Fed, there are other, more honest routes we can follow without interfering with the needed flexibility of the Fed. But if Congress wants interest rates to fall, it must stop misleading the voters into believing the Fed holds the key to lower interest rates and more prosperous times, and concentrate on developing long-term fiscal means to ease the credit crunch, reduce unemployment, and dampen inflation. The failure of Congress to control fiscal policy speaks poorly of its attempt to conduct monetary policy as well.

FREE ENTERPRISE—NOT GOVERNMENT CONTROL—WILL CURE OUR ECONOMIC PROBLEMS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. CRANE. Mr. Speaker, many Americans, concerned with our current economic dilemma, call for additional governmental intervention in and control of the economy, thinking that, somehow, such political action will solve our problems.

Many politicians, responding to such pressure, advocate measures which they know will exacerbate the existing situation, not correct it. It is better, they seem to believe, to do something, even if it is wrong, than to be criticized for doing nothing.

In a recent speech before the Economic Club of Chicago, Willard C. Butcher, the president of the Chase-Manhattan Bank, expressed his disturbance at the fact that "people are not being told enough about the essential nature of our economy and our economic problems."

Mr. Butcher pointed out that every worker in private industry in the United States is backed up by an investment of "$20,000 to $30,000." He noted that there is no other way to create new jobs than by supplying the capital to provide the tools, the supplies and materials that a job requires.

In the face of the massive need for capital investment, however, Mr. Butcher states that:

> . . . we are confronted by the spectre of a new government policy that could cripple the capital markets.

Discussing this trend, commentator Robert F. Hurleigh declared that:

> It is . . . a question of whether the national economy of the American people could survive the allocation of credit by some chosen government bureaucrat who would possess the power to approve the financing of a condominium in Florida or refuse a builder of summer homes on Lake Michigan. And the logical question would be whether such government allocation of credit would ever be touched by political influence.

Mr. Hurleigh concludes that:

> . . . profits are of extreme importance to all of us—as a source of capital for business and for jobs. Perhaps we should all recognize this importance of profits to the creation and support of jobs and to recognize that as of now there is a growing shortage of capital—and profits—and jobs.

As long as Government dominates the capital market through its policy of deficit spending and the need to borrow funds to cover such deficits, money will not be available to revitalize our declining economy. The real answer to our economic problems is not more, but less, Government spending and economic manipulation.

I wish to share with my colleagues the commentaries of Robert F. Hurleigh, as they were heard over the Mutual Radio Network on February 20 and 21, 1975, and insert the texts of these commentaries into the Record at this time.

Robert F. Hurleigh Commentary, February 20, 1975

This is Robert F. Hurleigh speaking from the Mutual Studios in Washington. I'll have a comment on a four trillion dollar question in just one minute.

There are many people in this country who are disturbed by the kind of politics-as-usual here in Washington that puts "less emphasis on solving our problems than on who will get the credit if they are solved, or the blame, if they are not." And many people are "disappointed in much of the nation's business community, which is either too indifferent, too resigned, or too frightened to communicate with the people." And there are many who are "disturbed by the senseless ways we are trying to overcome the inflation-recession which sorely troubles the country." If you are one of these concerned citizens, you will find that much of the language just used by this reporter is from an advance copy of an address to be given tonight by the President of Chase-Manhattan Bank Mr. Willard C. Butcher, before the Economic Club in Chicago. Mr. Butcher is disturbed by the fact "people aren't being told enough about the essential nature of our economy and our economic problems, and is distressed by the media, and by what seems to be either its failure to understand what makes our economy work, or its inability or unwillingness to communicate that knowledge." "Fundamentally," says Mr. Butcher, "I am concerned over the way we are giving up, bit by bit, what America really stands for." One fact the President of New York's Chase Manhattan Bank gives us is that every worker for private industry in the United States is backed up by an investment of "$20,000 to $30,000." And there is no other way to create new jobs than by supplying the capital to provide the tools, the supplies and the materials that a job requires. The question to which Mr. Butcher addresses himself is how can the needed capital be obtained; and the premise that government can best regulate credit. Because capital is needed to make jobs, the highest priority of our economy today lies in the stimulation of capital formation, because everything else we want grows out of that. "Yet," says Mr. Butcher, "in the face of a massive need for more than four trillion dollars in the next ten years we are confronted by the specter of a new government policy that could cripple the capital markets." It is, of course, a question whether the national economy of the American people could survive the allocation of credit by some chosen government bureaucrat who would possess the power to approve the financing of a condominium in Florida or refuse a builder of summer homes on Lake Michigan.

And the logical next question would be whether such government allocation of credit would ever be touched by political influence.

Robert F. Hurleigh Commentary, February 21, 1975

This is Robert F. Hurleigh speaking from the Mutual studios in Washington, I'll have a comment on profits and jobs in one minute.

We see now that what this nation needs are jobs for millions of our unemployed and there's no better way to create jobs than by supplying the capital to expand present industries and to begin development of new industrial ventures. The three pillars of enterprise are entrepreneurs, labor and capital. The man with an idea for a new kind of fast-food enterprise may invest his savings or mortagage his house, or convince others to invest and create a new business and give employment to others. In expanding the business, new capital is needed and the banking institutions are a prime source for the needed money, which—in turn—adds more jobs. Although this illustration is elementary, it does serve as an example of financing and the creation of jobs. The difference is in the amount of capital needed. The first fast-service operation may need but 50 thousand dollars and give employment to ten or fifteen people. An industrial complex may need a multi-million infusion of capital to provide thousands of jobs. Capital supplies the materials to build, the supplies to equip and manufacture the tools for the workers. This has been made clear by the President of Chase Manhattan Bank, Willard C. Butcher, in an address last evening when he told the members of the Economic Club in Chicago that "it takes anywhere from 20 to 30 thousand dollars in capital investment to back every worker in American industry. And Mr. Butcher estimates that the next ten years will require more than twice as much capital as the last ten. And in terms of what we really need for industry alone, for energy, for bringing our industrial plant up to date, is over 4 trillion dollars. That's 4, followed by 12 zeros, or four million, million dollars. In other words, says Willard Butcher, we must build considerably more of industrial America in the next ten years than we have standing now—and the single greatest challenge is in finding ways to provide such unprecedented amounts of capital in such a short span of time. Although capital—and credit can be efficiently channeled through banks, Mr. Butcher knows that the real sources of capital and credit in this country are individuals and corporations, the savings of people like you and me and the cash flow, made of retained earnings of corporations and businesses, large and small. Surely this short exposition should make it clear that profits are of extreme importance to all of us—as a source of capital for business and for jobs. Perhaps we should all recognize this importance of profits to the creation and support of jobs and to recognize that as of now there is a growing shortage of capital—and profits—and jobs.

So goes the world today.

THE HUMAN RIGHTS IMAGE OF INDONESIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. FRASER. Mr. Speaker, I would like to insert in the Record a statement by the International Commission of Jurists which describes the state of affairs in Indonesia with respect to human rights. The picture is discouraging. More than 30,000 person are detained without trial since 1966. The Government of Indonesia contends they were involved in the attempted overthrow of the government, yet is unable to gather enough evidence to bring charges. After the student-led anti-Japanese riots in January 1974, the government adopted further restrictive measures—curtailing political activities, banning various newspapers and periodicals, and effecting further detentions.

Neither Congress nor the executive branch can ignore the human rights situation in Indonesia. In the 1974 Foreign Assistance Act, Congress called upon the President to substantially reduce or terminate military assistance to governments committing "a consistent pattern of gross violations of internationally recognized human rights" including "prolonged detention without charges." Would the detention without charges of more than 30,000 prisoners for 10 years constitute "prolonged detention"? This is a question which must be considered both by the executive branch and the Congress. The Government of Indonesia was scheduled to receive approximately $22 million in grant assistance in fiscal 1975. Human rights considerations should play an important part in determining the level of military assistance for fiscal 1976.

The article follows:

[From the Review, December 1974]

DENTS IN THE IMAGE OF INDONESIA

Most military governments declare themselves to be temporary in character, and protect their intention to transfer power back to a civilian government as soon as a certain degree of stability has been reached or certain social objectives have been achieved. This is not the case in Indonesia.

In the aftermath of the student-led anti-Japanese riots at the time of Mr. Tanaka's visit to Jakarta on January 15 and 16, 1974, a statement was issued by the military security organization known as the Command for the Restoration of Security and Order (KOPKAMTIB). This statement laid down certain lines of conduct to restore the damage done during the "two black days". One of these read:

The Dual Function of the Armed Forces can not be disputed and one should not entertain any illusion of ever establishing in this country "civilian supremacy over the military" or "the military should go to the barracks"; such an idea can never be realized in Indonesia because the history of the armed forces in this country is quite unique; furthermore what can a complete civilian administration do if an armed battalion stages a coup d'état?

The lamentable situation regarding political prisoners in Indonesia which was outlined in ICJ Review No. 10, June 1973, still continues. Over 30,000 persons are being detained without trial, virtually all since 1966. The government acknowledges that there is no evidence against the greater number of them, but continue to hold them indefinitely. 10,000 of the prisoners have been deported to the notorious camps on Buru island, separated from their families and living under deplorable conditions.

At the end of 1973 there were some signs of liberalisation, and rumours of mass releases, but after the January riots the political repressions was again intensified. The government felt acutely embarassed by the riots and was determined to stamp out all expression of opposition.

Among the measures announced were a ban on demonstrations, on student statements, on "canvassing activities for would-be presidential candidates" and on any unauthorized political activities. Former members of banned political parties were urged to join one of the authorised parties or one of the professional organizations. The statement continued: "if they decide to remain non-partisan they should in no way hinder the government", a striking example of the application of military principles in the political sphere. Among the problems which were to be "avoided" were problems of nationalities, tribes or clans, of religion, of race or of "intersocial differences."

The government also banned 11 newspapers and weeklies, including some of the oldest and most respected, such as *Indonesia Raya, Pedoman, Abadi* and *Harian Kami.* The editorial staff of these publications have been refused permission to work for other journals. The critical content of the Indonesian press has been reduced to an all-time low.

About 350 people are believed to have been arrested after the riots. Most were released within a few weeks. A hard core of 42 have remained in custody, and these include most of the intellectual leaders who have dared to express views which were critical of government policies. They include some of the most respected university teachers, lawyers, and student leaders.

Among the 42 still detained are:

Mr. Thiam Hien Yap, a member of the International Commission of Jurists, Vice-President of the Indonesian Bar Association, Vice-Chairman of the Christian University, a leading member of the Indonesian Council of Churches, and a courageous defence lawyer who has frequently taken a public stand against abuses of power.

Mr. Buyung Nasution, head of Legal Aid Institute, a leading defender of civil liberties and a prominent lawyer.

Mr. H. J. C. Princen, head of the Institute for Human Rights, a former army officer and parliamentarian, who was imprisoned under President Sukarno.

Professor Sarbini Sumawinata, a leading economist, formerly one of the President's special assistants, who has often criticised Indonesia's excessive dependence on foreign aid.

Dr. Dorodjatun Yakti, an economist and political scientist, and a leading figure among the younger intellectuals. (On the 25th Anniversary of the Universal Declaration of Human Rights, December 10, 1973, in a speech to the United Nations Association he described it as tragic that in the name of economic development "strong government" has been developed which very often tramples on the human rights for which the struggles for independence have been waged. "The final objective", he said, "of economic development should be the realisation of human rights". One of the requirements was "three-dimensional justice, including justice between groups, justice between regions and justice between generations").

Mr. Subadio Sastrosatomo, former leader of the banned Indonesian Socialist Party, who was jailed for four years under Sukarno; former editor of *Mahasiswa Indonesia,* a student weekly, and later of the daily paper of the Functional Groups, *Suara Karya.*

Mr. Bjuhro Sumitradilaga, a former colonel and an influential leader of the community of West Java.

Mr. Hariman Siregar, Chairman of the University of Indonesia's Student Council.

Mr. Remy Leimena. Chairman of the Christian University Student's Council.

Mr. Sjahrir, leader in 1968 of the High School Students' Action Front.

Apart from the student leaders, the others appear to have been held simply because they are leading intellectuals who have been critical of the government and who have been in touch with student groups. The government seems anxious to find scapegoats who can be accused of leading the students astray. With the exception of Hariman Siregar, whose trial began in August and has since been frequently adjourned, none of those arrested has been charged with any offense. They are simply held under the "Law on Subversive Activities No. 11/1963," by virtue of which they can be held without charge for up to one year.

Apart from those arrested, a number of other leading figures have been forbidden to travel overseas. These include the writer and former Ambassador to Washington, Mr. Sudjatmoko; the novelist and chief editor of the now banned *Indonesia Raya* who was imprisoned for 9 years under Sukarno, Mr. Mochtar Lubis; the sociologist and former head of the Radio, TV and Film Directorate, Dr. Uman Kayam; the Rector of the University of Indonesia, Professor Mahar Mardjono; a Jesuit priest, Father Donuwinata; and a prominent businessman, Dr. Sudarpo Sastrosatomo.

A single example may serve to illustrate the political prisoners in Indonesia. Mr. Oei Tjoe Tat is an Indonesian lawyer, a former Minister, and an associate of the International Commission of Jurists. When the army seized power on March 11, 1966, Mr. Oei was arrested and detained with 10 other ministers in a military camp. During the 8½ years he has been in detention his case has been examined by 3 different interrogation teams, comprising military and civilian prosecution authorities. These interrogations took place in 1966, from September 1969 to March 1970, and from June to August 1972. In each case the conclusion was that there was insufficient evidence on which to charge him with any offense. At the end of 1973 there were rumours that he would be released the following year. However, following the January riots, the atmosphere changed and on April 10, 1974, the District Attorney-General announced publicly that Mr. Oei would be charged with subversion and involvement in the abortive September 1965 coup (an unlikely hypothesis in view of his well-known loyalty to President Sukarno). On July 8 the District Attorney-General stated that the case was still under preparation, and on September 16 he said that it would be postponed indefinitely as the file was incomplete without the evidence of witnesses who were remaining abroad.

If there had been any case against Mr. Oei, he would surely have been brought to trial before now. Any testimony first produced 8 years after his arrest must be virtually valueless. In these circumstances, the government with all the might and resources at its disposal, could surely allow him now to go free. If they feel themselves so insecure that his liberty cannot be permitted, humanity demands that at least he should be allowed to go into exile abroad.

The case of Mr. Oei is only one among 55,000. What applies to him applies equally to them. After the student disturbances in January, General Sumarahadi, the spokesman for Kophamtib stated: "There is a dent in the image of our nation. We have to restore it as quickly as possible. We will prevent any type of re-occurrence at whatever cost". It seems improbable that there will be any real improvement in the situation in Indonesia until it is brought home forcibly to the Indonesian Government that their continued and systematic repression of basic human rights and fundamental freedoms is causing a far greater dent in their image than any student violence.

CONGRESSMAN ANNUNZIO SUPPORTS EXEMPTION OF A PORTION OF RETIREMENT INCOME FROM FEDERAL INCOME TAX

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. ANNUNZIO. Mr. Speaker, on January 14, 1975, I introduced H.R. 194 which would provide a basic $5,000 exemption from Federal income tax of retirement income for an individual or a married couple. This legislation will benefit many of our older citizens by making our income tax system more equitable in the treatment of their retirement income and at the same time provide them with some relief from the terrible inroads of inflation.

Under present law, benefits paid under the Social Security Act and the Railroad Retirement Act are fully exempt from Federal income tax. The retirement income of individuals retired under other pension plans, public or private, is fully taxed once the employees' contributions are recovered.

Present law provides relief for employees receiving taxable pensions, in the form of a retirement income credit. This credit, which was enacted in 1954, was designed to extend to all retired persons benefits somewhat comparable to the exemption enjoyed by persons receiving tax-free social security payments. However, no changes have been made in the credit since 1964.

Social security benefits, on the other hand, have steadily increased since that time, and beginning this year are scheduled to rise automatically with increases in the cost of living. The link between retirement income credit and social security benefits has resulted not only in this disparity in benefits but also in making the credit one of the most complex provisions of existing tax law. This complexity has resulted in an estimated one-third of eligible elderly taxpayers foregoing the benefit since they find themselves incapable of computing the credit themselves and cannot afford to seek professional help. My proposal would be a major step forward in providing tax simplifications for older Americans.

Although $5,000 is not a great deal of money these days, I believe that removing this basic amount of retirement income from Federal income taxation will alleviate the hardship so many retirees are having to endure. In recent years the financial problems confronting older Americans have become more and more acute. Spiraling inflation hits those living on fixed incomes the hardest, and most older Americans live on fixed incomes. Increases in the cost of food, medical care, housing, and transportation put a severe burden on them. Increasing property taxes and increasing condominium conversion either force them to seek lower cost housing or to cut back on their expenditures for food and other necessities in order to retain the housing they have.

The cost of medical care is another crucial expense of older Americans. Eighty-six percent of the elderly have a chronic condition, disease, or other impairment. Current medicare programs fail to cover many important costs to them such as out-of-hospital drugs, dental work, eyeglasses, and hearing aids. Even when medicare is applicable, it often does not cover the full cost of the medical expense.

Census figures for 1973 show that the median income for a husband and wife family with the husband 65 years of age or older is $5,931. This amount is less than half of the $14,765 median income for a husband and wife family with the husband between the ages of 25 and 44. The least we can do is to give some minimal relief to older couples by leaving $5,000 exempt from income tax.

Americans are acquiring the reputation of being cruel to the older generation—letting them fend for themselves regardless of changing social and economic conditions. I think our older citizens deserve a break. The passage of H.R. 194 is a step in the right direction, and I urge the support of my colleagues in the Congress for this desperately needed legislation.

ON THE NEED FOR NEW ILLEGAL ALIEN LEGISLATION—PART V

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. BIAGGI. Mr. Speaker, support for my legislation, H.R. 257, is growing daily. In addition to the 35 cosponsors the bill is enjoying increased support among labor and veterans organizations. Included among these are the Veterans of Foreign Wars and the International Brotherhood of Electrical Workers.

Without question the need to combat this grave national problem should be one of the foremost concerns of this Congress. While we battle over new plans to aid our economy and provide new jobs, let us not overlook one of the easier, least expensive solutions, H.R. 257. My bill by imposing immediate criminal penalties on employers of illegal aliens as well as increasing the Immigration Service enforcement personnel will lead to increased apprehensions and deportations of illegal aliens and could create 1 million permanent jobs for American workers.

At this point in the RECORD I would like to insert a recent editorial by the Stars and Stripes, the national newspaper for veterans. In the editorial they call for strong new measures to deal with the illegal alien problem. These are the provisions contained in my bill H.R. 257.

The editorial entitled "Illegal Aliens" follows:

ILLEGAL ALIENS

> The problem of illegal aliens entering this country is one that will not go away by itself. It is, however, a problem that all veterans and non-veterans can do something about.
>
> It is estimated that seven to twelve million illegal aliens have entered this country. Another estimate is that they are earning as much as $10 billion each year in wages from American firms.
>
> According to the Immigration Service, it is a fact that they are under-staffed to curb this increasing menace.
>
> Not all of the illegal aliens in this country are gainfully employed. It is not known how many are on the welfare rolls.
>
> Another unknown factor is the amount of tax revenue our government is losing.
>
> Illegal aliens also persent another very serious problem. They contribute to the illegal trafficking of narcotics in this country. The crew members of ships that smuggle illegal aliens into this country also smuggle narcotics into our society.
>
> Now add the amount of housing these people take out of an already serious shortage.
>
> What about crime among these people?
>
> They are in this country to make money and make it as fast as they can. Crime and violating our laws mean nothing to them if it will help them achieve their goals.
>
> This country has always been more than generous in allowing people from another country to enter legally, and its citizens have been more than generous in helping legal aliens get a new start in a new country.
>
> We, in America, have more compassion than people of any other country. It may be that our compassion has caused a blindness to this problem in the past. The price for this compassion is too high to allow this problem to continue any longer when our own citizens are suffering because of the problems caused by the illegal aliens.
>
> In these recession times when we are being asked to tighten the belt, we should look for ways to eliminate as many of our problems as possible.
>
> With unemployment going over 8%, with welfare costs increasing rapidly, with taxes of all kinds setting new records, with the cost of all necessities reaching new ceilings, with narcotics of various kinds still sweeping the country in one part or another, including even grade school, with a serious housing shortage, with a shortage of personnel in the INS, preventing their effectiveness to cope with this problem, it is past the time, but not too late, for us to take a serious look at what we are doing to ourselves.
>
> The most effective way to control the illegal alien from robbing our jobs, money, housing and prevent the social problems they create is to prevent an employer from employing them.
>
> Legislation has been introduced which would provide penalties to employers who knowingly hire illegal aliens. Hearings have started on one of the bills and we would hope that the subcommittee of the House Judiciary will hear testimony on the other bill. One bill would merely provide a "slap on the wrist" to employers and criminal penalties would not be provided until the third offense. The other bill would immediately require the employer to make available proof that he had witnessed a birth certificate or other document that the alien was legal, and would provide a $500 fine or 6 months in jail on the first offense with stiffer penalties for additional offenses. In addition, it would provide an additional 2500 personnel for the INS.
>
> It will be a long time before the problem is solved; however, the solution should provide immediate stiff penalties for violations.

BARBARA TUCHMAN ON JEWS AND THE MIDDLE EAST

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. BINGHAM. Mr. Speaker, the distingushed historian, Barbara Tuchman, wrote a powerful article in the February 3 Newsweek, entitled "They Poisoned the Wells." The title refers to the accusation in the 14th century that Jews were responsible for the terrible epidemic of plague known as the Black Death. Mrs. Tuchman points eloquently to the essentiality of Israel's existence in the Middle East, the futility of appeasement, and the phenomenon that anti-Semitism continues, independent of its object.

Mrs. Tuchman's article follows:

THEY POISONED THE WELLS

(By Barbara W. Tuchman)

When people suffer plague and famine or, as now, feel themselves threatened by economic depression, fear of war and a sense of events moving out of control, they search for someone to blame. Historically the Jews have filled that role. During the Black Death of the fourteenth century, a virulent epidemic of bubonic plague that swept over India, the Near East and all of Europe, killing an estimated one-third of the population, the first corpses in Europe were hardly buried before the cry against the Jews was raised. They were accused of poisoning the wells in a monstrous conspiracy "to kill and destroy the whole of Christendom." Mobs assaulted the Jewish quarters, dragged the inhabitants from their homes and burned them in bonfires. In many towns the assaults occured ahead of the plague.

The actual cause, a bacillus carried by rat-borne fleas, had nothing to do with drinking water and contemporaries did not really suppose it had. Lacking knowledge of the real cause, they ascribed the plague to malign planetary influence or to divine punishment upon mankind for its sins. Nevertheless, people in their anger and misery still looked for a human agent upon whom to vent the hostility that could not be vented on God.

In vain Pope Clement VI pointed out in two separate bulls that Jews died of the disease like everyone else, that the plague was affecting all peoples including Jews, and that it raged in areas where no Jews lived. Hence the charge of well-poisoning was "without plausibility." But the popular hysteria was not contained. By the time the plague had passed, few Jews were left in Germany or the Low Countries.

Currently anti-Jewish sentiment is growing more outspoken. Its renewal raises certain principles of history, and a prologue in the form of a caution that in the honest wish to learn from the past, people tend to overestimate history's capacity to repeat itself. Events cannot be relied on to happen in the same way as before. History is a great joker always likely to take an unexpected turn for which no one has planned. Its lessons cannot tell us what will happen next but only how people tend to react.

FIRST PRINCIPLE

It is vain to expect logic—that is to say, a reasoned appreciation of enlightened self-interest—to determine the course of events. Rational thought and rational behavior rarely govern either the formation or the operation of policy. Since human behavior is not logical, history cannot be.

Rational thought tells us that the elimination of permanent weakening of Israel would not restore the happy days of cheap oil or open an era of friction-free relations with the Arabs, but rather the contrary. Released from the cautions required by the existence of Israel, the Arabs would be subject to no restraint whatever and the United States would be left with no lever, no foothold in the Middle East and no ally in that region. The logic of the situation is as obvious as it was in 1348 that to burn a thousand Jews would not save a single person from the plague.

Nevertheless the feeling grows that if only the Jews of Israel would go away and the Jews of America would stop supporting them, the oil problem and the threat of war wound vanish. There follows a rising demand upon Israel for concessions: a return of the Mitla and Gidi passes and Sinai oil fields to Egypt, the Golan Heights to Syria, Jerusalem to satisfy King Faisal, the West Bank to the PLO. After that why not give up sovereignty altogether and share a democratic state with Yasir Arafat? This brings us to a second historical principle which, it is rather frightening to realize, does not lie in the personal experience of anyone now under 40 and may need re-explaining.

SECOND PRINCIPLE

The futility of appeasement. The rule of human behavior here is that yielding to an enemy's demands does not satisfy them but, by exhibiting a position of weakness, augments them. It does not terminate hostility but excites it. Since Israel hardly needs to be reminded that the sequence Rhineland-Austria-Spain-Czechoslovakia-Poland would be paralleled by Sinai-Golan-Jerusalem-West Bank with the same end result, it cannot realistically be expected to initiate the process. Given the experience of regained sovereignty and statehood after 2,000 years of being other people's victims, suicide is not now likely to be the Jewish choice.

Meanwhile public opinion is exercised by specters of a Jewish lobby that either controls Congress, according to Senator Fulbright, or controls the banks and the newspapers, according to General Brown.

A Jewish lobby certainly exists as does the teachers' lobby, the gun lobby, the milk lobby, the labor lobby and countless others. But even if it had the power ascribed to it by Messrs. Fulbright and Brown, they would be barking up the wrong tree. For the situation in the Middle East is not basically a matter of Arabs versus Israel but a rising, armed by the suddenly discovered power of oil, against the old dominion of the whites. This could hardly have been more pointed than when the Arab-Africa-Chinese-et cetera bloc at the U.N., led by an Algerian president of the Assembly, welcomed with honors a Palestinian guerrilla leader ostentatiously wearing a gun holster. Like Hitler's "Mein Kampf" which the world preferred to ignore, the welcome to Arafat meant what it said.

The disappearance of Israel would do nothing to change the movement; Israel is the excuse, not the cause. As always in history, from the Crusaders' massacres and the Black Death to the Dreyfus affair, the czarist pogroms and the Nazis, the Jews have been a distraction for other rages, other tensions and other aims. This brings us to anti-Semitism, a human reaction so old and enduring that it can qualify as a historical principle.

THIRD PRINCIPLE

Anti-Semitism is independent of its object. What Jews do or fail to do is not the determinant. The impetus comes out of the needs of the persecutors and a particular political climate. Originally the Jew became an object of popular animosity because his rejection of Christ as Savior and of the new law of the Gospel in place of the Mosaic law challenged the very foundation of the early church. Consequently the synagogue was pictured as enemy and the Jew as hateful. Far from its origins, anti-Semitism endures because of the uses it serves.

Today American Jews have learned that the restored sovereignty of Israel has marked the difference from the past; that a people without a country were a ghost people and aliens everywhere, that if the state should be vanquished all Jews become once again vulnerable. What is still needed among them is recognition, first, that they are a contributing, integral part of the nation with the same right to speak out and lobby for what they want as any other group; and second, that anti-Semitism does not depend on them but on the political climate of the whole. It rises with the right or with the totalitarian left; it remains more or less quiescent while democratic institutions survive. The climate of the whole is what Jews like other Americans must be concerned with.

LEGISLATIVE AGENDA OF THE CONGRESSIONAL BLACK CAUCUS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. RANGEL. Mr. Speaker, I submit today the third and final part of the legislative agenda of the Congressional Black Caucus. This part outlines the specific legislation proposed by the individual Members to help meet the goals outlined in the two preceding sections:

LEGISLATIVE AGENDA OF THE CONGRESSIONAL BLACK CAUCUS

HEALTH CARE

The United States is the only industrialized nation in the world that does not have a comprehensive health care system. Medicaid and Medicare reach only a minimal number of people and with a relatively low level of benefits. A large number of persons have no medical plan at all, and even those with medical plans frequently do not have regular preventive care.

Basically, the problem is one of cost. Unfortunately, the medical industry and the country have forced us to choose between the high costs of comprehensive coverage and a gamble with our own health.

Legislation will be introduced in this session of Congress, as it was in the last, to create national health care. Caucus members Congressman Andrew Young and Congressman Ronald Dellums will introduce major health care legislation. There are a number of principles which must be incorporated in any bill finally passed:

1. It must set forth a positive health concept which includes preventive services, health maintenance and community education for personal and community health.
2. Health care must be recognized as a right, not merely as a privilege.
3. Health coverage must be comprehensive and include the full range of health care, preventive, diagnosis, treatment and rehabilitation regardless of one's ability to pay.
4. There must be progressive trust fund financing so that health care is insured of continuation as a permanent program.
5. Consumers, that is, the community residents, must be permitted and encouraged to participate in health care program operations.
6. Finally, the health care program must be reinforced with adequate financing for research, planning and administration.

SOCIAL INSURANCE

For a number of years, there has been a great deal of discussion about welfare abuse, welfare reform and welfare replacement. Welfare or income security must be addressed this year both in terms of the amount of money and resources consumed by the program.

More importantly, it must be discussed in human terms. Welfare recipients are citizens who have a right to be treated with dignity.

The Caucus will explore and discuss the various alternatives to the present social insurance system which are presented. In particular, we will take a close look at the concept of a negative income tax.

However, any measure which receives final Caucus approval cannot be laden down with punitive, counter-productive amendments, such as has happened in the past. As one simple example, it is ludicrous to talk about forced work requirements at a time of spiraling unemployment. Moreover, it is necessary to remove procedures and activities which result in invasions of privacy. It is also crucial to recognize that the majority of welfare recipients are heads of single-parent households, frequently with young children.

Any welfare replacement or income supplement program is doomed to failure unless it is tied to job development, job training, a vastly expanded child care program, and a thorough and far-reaching program to eradicate sex and racial discrimination in education, job training and unemployment.

We also support expansion and increased funding of programs authorized by the Older Americans Act of 1965.

EDUCATION

During the past several years, important education policy questions have taken second place to a misleading, and emotional, debate over the question of busing. As misdirected discussion continues to take place, education for black children, as well as for many others, continues to suffer. While elementary and secondary education are of primary importance for our constituents, legislative activity in education this year will mostly concern higher education and vocational education.

Two major pieces of legislation, the Higher Education Act and Vocational Education Act expire this year and are likely to be renewed. We support their renewal, but we are concerned that they be strengthened, and not weakened. There are indications that attempts will be made to amend those acts in a manner which the Caucus considers detrimental to their purpose.

Thus, in extending the Higher Education Act, there are three important issues which must be addressed: 1. Eligibility criteria must concentrate on aiding those students with the greatest needs; 2. the strengthening Developing Institutions program must be continued at at least the same funding level; 3. There must be no provisions which restrict the affirmative action obligations of institutions to hire and promote minorities.

A renewed Vocational Education Act must contain provisions to ensure that handicapped and disadvantaged students receive substantial benefits from the program. Moreover, legislative provisions must be added to see that administrative costs at the state level are substantially diminished.

Unfortunately, the bill known as the "Holt Amendment" has been reintroduced. That amendment would prevent the use of federal funds to collect data by race, sex and national origin for the purpose of compliance with Title VI of the 1964 Civil Rights Act. Its passage would essentially undercut enforcement of most federal civil rights law, not only in education, but in all areas where federal financial support is involved. The Congressional Black Caucus vigorously opposes the Holt Amendment, which was defeated in the United States Senate last year.

In addition to the preceding areas of major focus, following are some forty pieces of legislation in ten major categories which are being introduced by members of the Congressional Black Caucus. In different ways, each affects substantial segments of the nation.

1. Child Care (Chisholm).—A child care bill to be introduced would establish federally aided child development programs to provide comprehensive services to children under the age of six. Building on the Headstart experience, there would be multi-service programs for young children and their families. While the program would serve a broad population definite priorities are established for poor children and those with special needs including migrants, handicapped and bilingual children. This would also include children of working mothers and single-parent families. The bill would allow public and private organizations and institutions to operate programs.

2. Civil and Political Rights and Liberties: Voting Representation for the District of Columbia (Fauntroy, Diggs).—Despite the first election of local officials in a century in the District of Columbia this past year, Washington has no voting representation in the U.S. Senate or House of Representatives. A bill to be introduced later this year will provide for full voting members of the Senate and House from Washington, D.C.

Dishonorable Discharges (Stokes, Metcalfe, Young).—To ameliorate the severe and inequitable social and economic consequences of dishonorable discharges, legislation is being introduced to require that there be only a single category of discharge from the armed forces and that reason for separation be kept confidential.

Amnesty (Dellums).—A bill introduced provides automatic general amnesty for failing to comply with any requirement of, or relating to service in the Armed Forces during our Indochina involvement. An Amnesty Commission would also be created.

Discrimination in Bar Examination (Hawkins).—A proposed amendment to the Community Services Act of 1974 would provide for federal bar examiners for temporary periods in those states in which there is substantial and long standing evidence of discrimination in the administration of bar examinations.

Psychosurgery Prohibition (Stokes).—Under proposed legislation psychosurgery, including lobotomy, psychiatric surgery, behavioral surgery and all other forms of brain surgery to modify thoughts, action and behavior would be prohibited in any federally connected health care facility.

Mexican-American Land Rights (Hawkins).—Two bills have been introduced to guarantee, protect and, when necessary, to restore the community land grants belonging to descendants of former Mexican Citizens. Further, the civil, religious, political and property rights of these persons are protected, as is their right to self determination.

3. Criminal Justice: Gun Control (Dellums, Fauntroy, Metcalfe, Nix).—The use of handguns and other firearms has become an overwhelming threat to the life and safety of Americans of all races. Black on black crime is an especially prevalent problem. Several bills offered by Caucus members and by others would ban the importation, manufacture, sale, purchase, transfer, transportation, receipt, possession and ownership of handguns, except in certain circumstances. These special circumstances would involve gun clubs, collectors, security guards and similar persons. An effective registration and reporting system would be established. A tax credit system for turning in handguns is proposed in some bills. The Caucus supports the strongest bill using these elements which can be passed.

Hearings will be held before the Subcommittee on Crime chaired by Congressman John Conyers.

Grand Jury Reform (Conyers, Rangel).—The Grand Jury Reform Act of 1975 provides rules and safeguards assuring the appearance of witnesses, protecting their constitutional rights and apprising grand jury members of their inquiry powers. A witness could be given immunity and a corresponding order to testify only if he or she agrees to this exchange. A favorable vote by a grand jury majority would be necessary to subpoena a witness and to request a contempt citation. Use immunity would be eliminated.

Criminal Justice Reform (Conyers, Jordan, Rangel).—A number of other criminal justice reforms should be made in addition to those elsewhere in this agenda. (1) Citizens should be enlisted in the war against crime by such programs as citizens patrols and block security programs. (2) Criminal offenses, especially non-violent victimless crimes should be redefined. (3) Programs of deferred prosecution in federal criminal cases should be created. (4) A federal grand jury investigating executive branch officials should have the opportunity to appoint a special prosecutor if it is felt that the investigation is being compromised.

Dum-Dum Bullets (Burke, Metcalfe).—The Hollow Bullet Control Act would bar the importation, manufacture, possession or use of the so-called dum-dum bullet or any similar hollow point bullet.

Office of Federal Correctional Ombudsman (Metcalfe).—An independent third party system for investigating and arbitrating complaints of both inmates and the staffs of the federal prison system and those who are under the direction of the federal parole board should be established.

To Permit Suits Against States and Localities (Metcalfe).—Inability under the law to sue states and localities frequently leaves many persons without a remedy for injuries. An amendment to Section 1979 of the Revised Statutes (42 U.S.C. 1983) would permit such suits.

Drugstore Robbery (Nix).—Provides fines up to $5,000 and/or imprisonment for up to 2 years for robbing a pharmacy of any narcotic as defined under the Controlled Substances Act.

(4) Consumer Protection: F.U.E.L. Subsidy Program for Energy Costs (Stokes).—To relieve the burden of rising energy costs on lower-income families, the F.U.E.L. program would make subsidies available for electricity, heating fuel and gas, allowing voluntary participation by needy families. It would graduate the allowance so that the greatest benefits accrue to the families of lowest income on a scale from 10 to 90 percent of energy costs.

Antitrust (Jordan).—Efforts must be made to increase the effectiveness of antitrust laws by such means as permitting state Attorneys General the authority to file class action antitrust suits in federal courts, repealing state fair trade laws, and by preventing leading conglomerates from controlling alternative sources of energy. Also the antitrust exemption for agricultural cooperatives should be re-evaluated.

Commodity Price Marking (Ford).—To protect consumers' right and ability to accurately determine prices, particularly in food stores, price marking on individual commodity items must be made mandatory. A bill to this end has been introduced in response to the growing use of computer checkout pricing in supermarkets. In addition, the Caucus strongly supports the establishment of an independent consumer protection agency with the power to investigate anti-consumer activities and go to court with its own attorneys.

5. Foreign Affairs: Rhodesian Chrome (Diggs).—The Congressional Black Caucus strongly supports the bill to repeal the Byrd amendment. The Byrd Amendment passed in 1971, authorizes the President, in disregard of United Nations sanctions, to import certain strategic materials, that is, Rhodesian Chrome. The world community recognizes the illegitimacy of the Rhodesian regime.

Fair Employment Practices for U.S. Firms in South Africa (Diggs).—Contracts between the U.S. Government and any person or firm doing business in South Africa should be prohibited unless such person or firm is doing business in accordance with fair employment practices and is listed on a roster established under this Joint Resolution.

African Development Funding Act (Young).—Would provide for multilateral trade and technical assistance commitments based on the development priorities of African nations.

6. Governmental Structure and Responsi-

bility: Bureaucratic Accountability (Dellums).—In response to hearings on governmental lawlessness held by the Congressional Black Caucus in 1972, the Bureaucratic Accountability Act has been introduced to insure that citizens may obtain information and redress concerning federal activities. The bill would extend due process requirements under the Administrative Procedures Act to social programs and other aspects of positive governments. It would also broaden requirements for citizen input in agency rulemaking and would further the private attorney general concept.

Census Undercount (Rangel).—The proposed legislation would require federal agencies administering domestic assistance programs utilizing population based formulas to adjust data in determining allocations to be responsive to census undercount rates determined by the U.S. Bureau of the Census.

Cabinet Level Minority Enterprises Agency (Mitchell).—Under legislation to be introduced, the minority business components of the Small Business Administration, the office of Minority Business Enterprise and those within the Department of Health, Education, and Welfare would be combined into a single cabinet level agency.

Independent Office of Civil Rights Enforcement (Hawkins).—The Civil Rights Enforcement Act of 1975 would create the Civil Rights Enforcement Agency as an independent agency of the federal government with a director as chief executive officer who would be appointed by the Supreme Court of the United States and confirmed by the Senate.

Veterans' Pensions (Ford).—Legislation should be enacted to ensure that recipients of Veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increase in monthly social security benefits.

Hatch Act Reform (Clay).—Federal government employees, who are presently prohibited from participating in partisan politics should be permitted to participate in election campaigns and other aspects of the political process.

Social Security Disability Benefits (Stokes).—Title II of the Social Security Act should be amended to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned.

7. Health: Narcotics (Rangel).—The Congressional Black Caucus supports legislative and appropriations efforts to (1) increase the Drug Enforcement Agency's budget, (2) provide funding for supportive services such as education and employment counseling to permit treated addicts to return to the economic mainstream.

Mobile Health Units (Burke).—Under the Mobile Health Units Act, health care delivery assistance to medically underserved urban and rural areas would be provided through special project grants for the purchase of mobile health units.

Amniocentesis Research (Burke).—To further research into the early detection of birth defects, funds should be provided for research to extend the availability of Amniocentesis to those who cannot now afford such tests.

8. Housing: Low-Income Housing (Mitchell).—A 3-year emergency housing program based on legislation now on the books, should be put into effect. Three million units in three years are required: one million public housing; one million 236 or 515 with rent supplements; one million 235 or 502 with interest credits. Sixty percent of the units should be in metropolitan areas, forty percent outside.

Limited Moratorium on Repayment of FHA and VA-Guaranteed Loans (Burke).—Under legislation to be introduced, persons faced with certain specified circumstances in the current economic crisis, such as loss of employment, temporary layoffs, etc. would be permitted to defer loan repayment under FHA and VA guarantee program for a period not to exceed six months without penalty.

Condominium Conversion Protection (Collins).—The National Condominium Act of 1975 (H.R. 228) would provide national condominium standards for condominium projects utilizing federal funds, and would create the post of Assistant Secretary of HUD for Condominiums to administer the protections for condominiums. The federal standards would include submission of a form to HUD showing such things as contract terms and legal description of the project. Existing tenants would be given six months after notice of conversion for priority in purchase.

Low Interest Loans for Rehabilitation (Metcalfe).—Housing rehabilitation loans should be provided for low and middle income individuals. The legislation introduced also calls for a General Accounting Office evaluation of all ongoing housing programs on a regular basis to determine whether congressional intent is being met.

9. Martin Luther King Birthday National Holiday (Conyers).—January 15th of each year, the date of Dr. Martin Luther King's birth, should be designated as a legal public holiday. Making Dr. King's birthdate a national holiday would do more than honor the memory of Dr. King as an individual. It would provide at least one day during the year when all Americans would have an opportunity to reflect on the ideals for which Dr. King lived and died, and to consider how far we remain from truly fulfilling his ideals, as individuals and as a society.

10. Women's Rights: Rape Prevention and Control (Burke).—A National Center for the Prevention and Control of Rape within the National Institute of Mental Health should be established. It would provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment and control of rape.

Pap Smear Test (Collins).—The Social Security Act should be amended to provide for coverage under the Medicare program for routine Papanicolaou (Pap) tests for the diagnosis of uterine cancer.

Social Security Coverage for Homemakers (Jordan).—A bill has been introduced which recognizes household employees as self-employed workers and provides them with all the social security benefits available to other workers.

THE U.S. STAKE IN SOUTHEAST ASIA

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. SPENCE. Mr. Speaker, our involvement in Indochina during the last 20 years has been an extremely costly venture by all standards. Billions of American dollars and thousands of American lives have been the price for our moral obligation to assist a small nation in its fight for freedom and survival.

To help sustain the brave effort of our ally, the Republic of Vietnam, against great odds, we are now asked to contribute an emergency sum in the form of military materials—not men—in an amount which represents less than 1 percent of the total U.S. economic assistance to the area.

In my view, this request is only a small sacrifice for our country to pay as tribute to those courageous young men who gave their lives for the cause of international freedom, and as an essential signal to the world that we will continue to support similar struggles against tyranny both in Asia and in the Near East.

Yet, there is a real danger that this Congress may abandon our country's commitment to aid freedom—a commitment of which we have always been especially proud. As New York Times columnist Charles W. Wiley argues in a recent article entitled, "The United States Stake in Southeast Asia," the price which the Congress may pay for inaction could be world disorder:

> The struggle in Southeast Asia has been a test of our will, and our response is being carefully studied by friend and foe alike. Some will decide their policy after asking themselves, would a nation that turns its back on its own honored dead stand firm anywhere? And if they conclude, as they likely would, that the United States is a cowardly paper tiger without will, we can look forward to endless aggression across the globe. The Middle East and Asia are likely next targets, but the danger is everywhere.

I insert Mr. Wiley's column, which appeared in the New York Times of February 9, 1975, at this point in the RECORD:

THE UNITED STATES STAKE IN SOUTHEAST ASIA

(By Charles W. Wiley)

Our country is at a crossroads of history. The United States has promised small nations that it would stand by them. And, based on our repeated pledges, millions of people have committed their lives—and those of their children—to the struggle. To turn away from them now would not be worthy of our great nation.

During nearly two decades of American commitment to stopping aggression in Southeast Asia—the policy of five Presidents and their parties—we have spent billions of dollars and lost thousands of lives. How can we dishonor the nearly 50,000 young Americans who gave their precious lives to the cause of freedom?

The old arguments of the critics are gone. Americans no longer need to fight in Southeast Asia. The South Vietnamese and Cambodians obviously have the will to fight their own battles.

Given the time to develop their nation and military strength, the South Vietnamese, despite awesome economic and strategic problems and years of suffering, are doing almost as well alone as when we were there with over a half million troops.

It is clear that many critics will not be satisfied until our South Vietnamese allies, have been enslaved and the United States is judged a loser in the eyes of the world and our own people.

There is no way to cover up surrender to terrorists and aggression. Those who try to justify appeasement as a means of "avoiding fueling the conflict" only add lies to compound their shame. Aleksandr Solzhenitsyn has described the "sickness of the will" in the free world. As he said in his Nobel Prize acceptance speech:

"The spirit of Munich prevails in the twentieth century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles. . . . And tomorrow, you'll see, it will be all right. But it will never be all right! The price of cowardice will only be evil; we shall reap courage and victory only when we dare to make sacrifices."

Not only is our honor at stake, but so is the survival of much of the world—its people and natural resources—and, ultimately, our very own existence.

The struggle in Southeast Asia has been

a test of our will, and our response is being carefully studied by friend and foe alike. Some will decide their policies after asking themselves, Would a nation that turns its back on its own honored dead stand firm anywhere? And if they conclude, as they likely would, that the United States is a cowardly paper tiger without will, we can look forward to endless aggression across the globe. The Middle East and Asia are the likely next targets, but the danger is everywhere.

It is almost unbelievable that there can be serious opposition concerning continued material (not manpower) help to Southeast Asia. The amount of additional dollar aid being asked for both Vietnam and Cambodia is but a tiny fraction of our total commitment—far less than one per cent.

In Southeast Asia today we are like a poker player in a showdown hand. The table is piled high with chips—blue for treasure and red for the blood of our fallen sons—and we are hesitating to toss in a few white chips!

Will this not signal the world that we have washed our hands of honor and the will to survive?

Ours is a young nation of vibrant courageous people. Our heritage is rich and our achievements great. But we still must learn from history. One lesson, perhaps the most important today, is that "staying power" is crucial. Those who would destroyed freedom and our way of life have proved that they have it. Do we?

A PASTORAL LETTER ON OUR INVOLVEMENT IN VIETNAM

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. YOUNG of Georgia. Mr. Speaker, the March 9 bulletin of the First Congregational United Church of Christ in Washington, D.C., carried an article observing that the United States has not lived up to the Paris Peace Agreement of 2 years ago. The article quotes from a pastoral letter to the religious communities from 40 religious leaders.

The issue of continuing aid to Cambodia and Vietnam is now before us. If my colleagues would read this letter, I believe it will enhance their understanding of why we must say "no" to the President's request:

A Pastoral Letter on Our Involvement in Indochina

Headlines again make us very aware of our anguish around the question of our involvement in Indochina. President Ford has asked congress for $222 million in new military aid for Cambodia and $300 million in new military aid for South Vietnam.

Recently 40 well-known religious leaders sent out a pastoral letter to the religious communities of the United States. Among the signers of the letter was Dr. Robert Moss, President of the United Church of Christ.

The letter points out that we have not lived up to the Paris Peace Agreement signed on January 27, 1973. For example:

Two years ago we pledged "to respect the independence, sovereignty, unity, and territorial integrity of Vietnam". (Article 1) We have not done so.

Two years ago we pledged: "The United States will not continue its military involvement or interfere in the internal affairs of South Vietnam". (Article 4) We are still militarily involved and we interfere continuously, providing more than 80% of the Saigon government budget.

Two years ago we pledged that our advisors "to all paramilitary organizations and the police force" would be withdrawn. (Article 5) They are still there.

Two years ago we pledged "the dismantlement of all (U.S.) military bases in South Vietnam". (Article 6) The military bases are still there, but turned over to the Vietnamese.

Two years ago we pledged that we would "not impose any political tendency or personality on the South Vietnamese people". (Article 9) We do so every day.

Two years ago the South Vietnamese parties pledged to "ensure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of residence, freedom of work. . . . (Article 11) The Thieu regime, which we support, denies those freedoms consistently and as a matter of policy. The regime could not survive without our help.

Two years ago we pledged to "put an end to all military activities in Cambodia", and to allow that country to settle its internal affairs "without foreign interference". (Article 20) We have not put an end to such activity; our foreign interference continues.

The letter concludes, "And finally, we must say to ourselves: our past caution and inaction were factors in the escalation of the war in southeast Asia. We confess this grievous fault and ask forgiveness—forgiveness from God, and also from his children, victimized by our timidity. We dare not, by perpetuating a feeble witness, perpetuate a ruthless war. . . . We pray for a new insight and fresh courage, so to speak and so to act that peace may truly come."

GROWTH IN GOVERNMENT—MAD PROGRESSION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. FRENZEL. Mr. Speaker, I recently received a letter from a constituent, an old friend, who has many years of experience in local and State government. After a couple decades of public service, he feels more frustrated today than ever before by an ever-growing, wasteful, unproductive Government. His feelings are representative of my entire district, but he expresses better than anyone who has written me, so I have included his remarks for the Record. I only hope some of us are listening.

The letter follows:

Dear Bill: I read a little story the other day supposedly attributable to Wm. Cullen Bryant. It goes something like this. "There was a shoemaker in Naples whose small dog went out each morning and barked at Mt. Vesuvius." That's all of the story, but it reflects the feeling of almost everyone I know. A total frustration with the unbelievable growth of government at every level, and a feeling that our elected representatives are either powerless or unwilling to stop this mad progression.

So I bark at the only part of the mountain I know, without much hope that a single individual could change, if he wished, the course upon which we seem to be embarked.

Polls seems to indicate that though there are more Democrats than Republicans the great majority of people are conservative, if you define a conservative as one who wants government to reduce its meddling in our economy and lives. If there be a respected man in congress it must be the much maligned Barry Goldwater. Surely with a confidence rating of 13% the rest of the congress should be worrying.

Congress finds lots of time to investigate and investigate, ad infinitum, Watergate and the CIA. When, for the love of all that's good and holy are they going to investigate the unbelievable bureaucracy that grows like a fungus. The waste and inefficiencies of government from the county of Hennepin to the state and federal sectors has to be one of the major causes of inflation yet congress fiddles while the country burns, and we bark a small bark that seems unheard.

Washington Report estimates 72.5 million persons receive some sort of governmental pay or subsidy while less than 72 million work in private enterprise.

Bill, Im only venting my frustrations, but I see no hope that government will get us out of the depression that I believe waste in government got us into in the first place. Please will you join with whoever you can find to cut back on federal, state and county programs, and stop the unbelievable deficits. ($52,000,000,000.00) The repeated defeat of local referendums on school spending indicates the temper of the electorate. When will our elected officials get the message.

One last remark. If the Federal Reserve Board would free some money and cut the prime rate, private initiative could move, and until private enterprise moves all the spending in the government sector will only dig the hole a little deeper each day.

Every small business I know, and I know a lot of them, including our own, is strapped not for a lack of business but because our receivables have grown beyond belief, and we can't afford 16% and higher interest rates on loans to finance these late payments. Small businesses are going to fold by the thousands and productive workers will have to live on an unproductive dole.

Bill, I know I oversimplify, and I am aware of pressures and problems in political life, but someone has to turn this thing around if we are to survive as a free people. Government cannot solve everybody's problems, and never will, so let's start back to when this was not a socialistic state, but grew to be the greatest country in the world under a free enterprise system.

ESTONIAN INDEPENDENCE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. McCLORY. Mr. Speaker, a few weeks ago, I had an opportunity to take note of the 57th anniversary of the independence of Lithuania. Today, I would like to bring to the attention of the House, the celebration of a sister "Captive Nation," Estonia. February 24th marked the 57th anniversary of the declaration of independence for that nation as well.

The Republic of Estonia has had a long history of domination by foreign powers. With the conclusion of World War I, Estonia, along with neighboring nations, Latvia and Lithuania, was established as a free and independent nation. It was further recognized by the League of Nations in 1921. Since that time, and despite signed treaties by the Soviet Union recognizing the sovereignty of those Baltic nations, Estonia and her sister states were each forcibly incorporated into the Soviet Union and ruthlessly subjugated to its control.

Mr. Speaker, not unlike the Estonians' refusal to relinquish their claim to national independence and personal freedom, the United States has never recognized the imperialistic acquisition of those nations. Despite seemingly insurmountable ideological limitations placed on their cultural life by the purposeful and manipulative policy of Sovietization, the Estonians remain strong and undeterred in their struggle for independence.

Mr. Speaker, we can join the many supportive Estonian-Americans in offering a resounding approval of the recently introduced Baltic resolution. We can match the unwavering spirit of the Estonian people with our unalterable stand in refusing to recognize Soviet claims to these "Captive Nations." Perhaps, Mr. Speaker, this mutuality of effort can form the basis for positive action which will one day result in a true declaration of independence for the Estonian people.

PRICE DISCLOSURE ACT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. ROSENTHAL. Mr. Speaker, a revolutionary change is taking place in supermarkets and it is threatening to place obstacles in the paths of consumers trying to maximize the value of their food dollars. The "obstacles" are a series of markings most of us in this Chamber already have noticed on our grocery packages, and we will no doubt be hearing much more about them from our constituents as usage spreads.

The markings are known as the universal product code—UPC—and when passed over an optical scanner at the supermarket checkout counter, they tell the computer what was purchased and the price is automatically rung up on the cash register. The item and price are then printed on the register tape. This system is supposed to speed checkout lines, help retailers reduce their labor force, and improve inventory control, reordering and sales forecasting.

The UPC codes now appear on more than 50 percent of all supermarket products, and within the coming year over 30 major supermarket chains will be experimenting with the new scanner system. In 5 years, more than half the major supermarkets in the Nation are expected to be using automated checkout systems.

Unfortunately, many retailers are using UPC as an excuse to discontinue the item pricing of individual packages because that is no longer necessary for the tallying of purchase totals. The elimination of item pricing makes comparison shopping within a supermarket extremely difficult. It prevents shoppers from comparing the prices of newly purchased items with those stored at home or advertised in the newspaper. It makes it virtually impossible to total purchases accumulating in the grocery basket. It reduces the consumer's consciousness of food prices and price increases.

Beyond these considerations, the storing of prices in an offsite computer opens the way to deception on the part of the supermarket managers. While the industry claims that the UPC system reduces error in grocery tallies by eliminating mispunches on the cash register, consumer groups point out that it also permits stores to charge prices at variance with those advertised or posted on shelves without the consumer ever being aware.

Studies indicate that even if such deceptive practices are not engaged in, shelf markings are not a good substitute for item pricing because they are such an inaccurate source of price information.

For these reasons, Mr. Speaker, I am today introducing the Price Disclosure Act. This legislation would prevent supermarkets from removing individual price markings from groceries when they adopt UPC checkout systems. Identical legislation is being introduced in the Senate by Senators Moss and MAGNUSON.

UPC was developed by the food industry to benefit itself without any consultation with consumer or employee groups. And the industry is now advertising it as a benefit to the consumer. On the contrary, this has the greatest potential for abuse of any so-called innovation the grocery industry has yet produced.

In an age of soaring prices, we must do everything we can to give consumer the tools they need to maximize the value of their food dollar. The elimination of individual item pricing is a move in the opposite direction.

The price of a UPC system is estimated at $100,000 or more per supermarket, and as with similar innovations, the cost will be reflected in higher food prices.

This bill also calls for unit pricing of all nondurable products as well. This means the retail price of a product, per single whole unit of weight, volume of measure must be posted in the shelf along with the item price. Unit pricing is one of the most anti-inflationary measures we can take to bring down the high cost of food. It is a tool that permits consumers to make precise price comparisons between various sized packages of the same product and select the one that is most economical for his needs.

This legislation is supported by Consumer Federation of America and Retail Clerks International.

Cosponsors of the Price Disclosure Act are:

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ESCALATING THE TUNA WAR

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. VAN DEERLIN. Mr. Speaker, on the front page of today's Washington Post is an article which I feel best exemplifies the plight of U.S. fishermen in their continuous battle with the Ecuadorean Government—the "tuna war."

The latest incident in this ongoing battle occurred last Thursday, when 18 crewmen from the U.S. ship *Neptune* were arrested following a shipboard melee in which shots were fired and blows exchanged.

Although no one was seriously injured, the gravity of this incident must be realized and the State Department must move quickly for the release of these captive crewmen before a truly disastrous confrontation occurs. Further, a total cutoff of all military sales and foreign aid to Ecuador seems in order, coupled with a directive in the strongest possible terms stating American intention to continue fishing in these international waters.

The State Department is depending on this month's international "law of the sea" conference in Switzerland to alleviate surging tensions between our two countries. More positive action is needed now, and I implore our Government to respond.

The Post article follows:

"TUNA WAR" ESCALATES IN ECUADOR

(By Douglas Watson)

The Ecuadorean navy's arrest Thursday of an American tuna boat's 18 crewmen following a shipboard melee in which shots were fired and blows exchanged was the latest battle in the long-running U.S.-Ecuadorean "tuna war."

It can't compare with the Cambodian or Middle East crisis, but the escalating "tuna war" is anything but a laughing matter to the American tuna industry, the Ecuadoreans or the State Department.

The 23-year-old dispute is over fighting rights in that part of the Pacific Ocean within 200 miles of Ecuador's coast, an area over which the Andean nation of 7 million people claims sovereignty.

The tuna, one of the world's most valuable seafoods, is a large, highly migratory fish. Large schools of tuna can often be found in the disputed waters, which normally supply a substantial portion of U.S. tunafish consumption—1.4 billion seven-ounce cans annually.

Ecuadorean law says that no ships, including an American tuna fleet of at least 130 vessels largely operating out of Southern California, can fish there without buying licenses costing $20,000 to $31,000 per boat, and that the larger boats can't buy licenses at all.

The American tuna boat owners, with a few exceptions, have refused to buy the licenses because they don't recognize Ecuador's claim to a 200-mile territorial limit. They have insisted that international and U.S. laws maintain the "freedom of the seas" in the disputed waters.

STATE AGREES

The State Department agrees in principle with the tuna industry in not recognizing the Ecuadorean claim, but it has done so much more softly and diplomatically, leaving the American tuna men bitterly angry that the U.S. government has not more aggressively supported its citizens.

Despite a demand Friday from the American Tunaboat Association that President Ford dispatch U.S. destroyers to the disputed waters, State Department officials are determined to avoid anything that Latin Americans could call "gunboat diplomacy."

At the same time, State Department sources said, he U.S. government wants to avoid any recognition of Ecuador's claimed sovereignty that would encourage more nations to make similar unilateral claims. Especially, with the international "law of the sea" conference about to resume in Geneva.

The U.S.-Ecuadorean "tuna war" has yet to result in any fatalities. However, between 1955 and 1975 it cost the U.S. government $5.6 million in funds reimbursed to American tuna boatmen for fines and other losses they have suffered when their boats have been seized by the Ecuadoreans.

By law the U.S. government will have to pay several million dollars more in reimbursements as the result of the seizure this winter of seven American tuna boats under a much tougher Ecuadorean law that provides for confiscation of a vessel's entire catch.

$1.7 MILLION FINES

The seven American tuna boats were seized between Jan. 25 and Feb. 1 while fishing from 75 to 150 miles off the Ecuadorean coast.

The seven boats had to pay fines totaling $1.7 million—from $71,440 to $529,800 a ship. Their tuna catches were confiscated and the boats were held for at least 27 days. However, by last week, five of the seven American boats and a Panamanian boat also seized had been allowed to leave.

Two American boats were still being held, the Jacqueline A at the Ecuadorean port of Manta, and the Neptune at the port of Salinas. Relations between the captive crewmen and their Ecuadorean guards were becoming increasingly tense.

The arrest Thursday of 18 Neptune crewmen, including seven American citizens, after a wild fracas, occurred after Ecuadorean guards were forced off the boat and then re-boarded it in much larger numbers with automatic weapons and bayonets. There are conflicting accounts of how the fight started, with each side blaming the other. No one was seriously injured.

The crewmen were released, but on Friday three were rearrested. August Felando, general manager of the American Tunaboat Association, said yesterday that two were acquitted and one was convicted and sentenced to five days in jail and a $400 fine.

QUICK ACTION URGED

The battle aboard the Neptune brought quick demands for a stern U.S. response. The crew gave the U.S. consul a statement urging "U.S. destroyers be dispatched off the coast of Ecuador to protect our people."

Former California Gov. Ronald Reagan wrote in a newspaper column that in response to Ecuador's action, the United States should consider extending its sea claim to 200 miles or the "U.S. government next winter should send along a destroyer with the tuna boats to cruise, say 13 miles off the shore of Ecuador in an updated version of Teddy Roosevelt's dictum of 'talk softly, but carry a big stick.'"

If anything, Ecuadoreans feel even more strongly about their nations' claimed sovereignty of the Pacific to 200 miles out from the South American mainland and to within 200 miles of the Galapagos Islands, which means that at some points Ecuador claims nearly all of a 600-mile-wide section of the Pacific.

Ecuador, Chile and Peru first claimed a 200-mile limit in 1952. According to the American Tunaboat Association, in the past 15 years Ecuador has seized 136 American vessels for fishing in its claimed waters without a license.

OTHER BOATS FINED

Over the years, several other Latin American nations, particularly Peru, have also fined fishing boats they have considered transgressors, but by far the most boat seizures have been made by Ecuador.

The U.S.-Ecuadorean "tuna war" had eased in the last couple of years, partly because the tuna weren't visiting the disputed area in large numbers. However, this year the tuna are back and so are the tuna boats.

In the meantime, last year Ecuador passed a much tougher law that not only provided for confiscation of seized boats' catches, but also set much higher license fees and fines and banned any foreign fishing within 40 miles of the Ecuadorean coast or by vessels of more than 600 tons, which include about 14 ships in the American tuna fleet.

The two species of tuna found in the disputed area are the skipjack, which averages about 15 pounds, and the more coveted yellowfin, which averages about 50 pounds.

The tuna travel in schools often a couple of city blocks long, migrating in the eastern Pacific annually back and forth across the equator so as to stay in warm water.

The American Tropical Tuna Commission, to which the United States and seven other nations—but not Ecuador—belong, regulates the yellowfin season each year to be certain the species is not depleted.

The yellowfin season starts Jan. 1, and this year, boats must be back by March 12 to be entitled under the commission's rules to make a second 30- to 60-day yellowfin fishing trip. After that, they may take no more than 15 per cent yellowfin in their catch of skipjack, usually hauled aboard after being caught in 3,000-foot nets.

Large boats—the Neptune is a 180-foot converted minelayer—costing $3 million to $5 million and with crews averaging 20 men are used to catch the tuna.

WORK HARD, LONELY

The crews are paid in shares of the total catch's sale price. Robert C. Wilson, a Commerce Department fisheries expert, said that in a good year tuna boat captains make more than $50,000 and average crewmen earn $25,000. But the work is hard, continuous and lonely.

The American tun fleet has vigorously lobbied for what it sees as its fishing rights. The tuna industry has been an influential group.

The American tuna industry succeeded in 1967 in having a revised Fishermen's Protective Act enacted by Congress, providing for full U.S. compensation to owners of tuna boats fined by Ecuador. This means that U.S. taxpayers will be picking up the full tab for the fines, which total more than 10 times what the license fees would have cost if owners of the seven seized boats and paid them. Actually, only five of the seven boats were eligible for licenses, the other two being too large.

The State Department officially says it is up to the tuna boat owners to decide whether or not to buy the licenses. Only a few have. However, representatives of the American Tunaboat Association charged that the State Department unofficially has discouraged the tuna boat owners from purchasing the Ecuadorean licenses. A State Department source maintained that though there once was such unofficial pressure, there hasn't been any recently.

The State Department wants to avoid both "gunboat diplomacy" that could arouse all of Latin America against Uncle Sam and the appearance of caving in to one nation's unilateral claim that could encourage other countries to make similar claims. There also is a growing awareness in this country that something more than this nation's present three-mile claim to sovereignty and 12-mile claim to sea resources off U.S. coasts could be very valuable at a time when there was an increasing hunt for offshore oil and other sea resources.

LARGER PROBLEM EXISTS

A State Department official said of the U.S.-Ecuadorean "tuna war" that "this problem has been viewed as part of a larger problem. You can't divorce it from our 'law of the seas' policy."

On March 16 the international "law of the sea" conference will reconvene in Switzerland, with the United States hoping it can make progress there on the Ecuadorean dispute and other disagreements.

Under U.S. law, military aid to Ecuador automatically was to be cut off when the American tuna boats were seized. The United States also sends about $2 million in economic aid to Ecuador annually, but the State Department is not anxious to halt that in retaliation for the seizures.

All parties seem anxious to have the Neptune on its way out of Salinas, but as of Friday the boat still had 150 tons of tuna aboard that the Ecuadoreans insist is theirs. Felando said the Tunaboat Association has sent $65,000 to Ecuador to pay for the cargo so the boat could leave.

Meanwhile, the State Department has been holding discussions with the Ecuadorean government "to explore the possibilities for a negotiated solution."

THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1974

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. VANIK. Mr. Speaker, I have recently learned that the Emergency Unemployment Compensation Act, enacted December 31, 1974, is not providing all the assistance that Congress intended it to. Due to a technicality in the language of the law, tens of thousands of unemployed people are not receiving benefits that they should otherwise be qualified for.

Briefly, many people lost their jobs in the beginning of the energy crisis in the fall of 1973. Their 52-week benefit years expired in late 1974, when only 11 States were providing extra benefits under the Federal-State Extended Unemployment Compensation Act of 1970. Consequently, these people who had not been able to find enough work to satisfy State regulations, were not eligible for extended benefits when the rest of the States went on the Federal-State plan in early 1975. Their benefit years had expired too soon. As a result, they also could not receive additional benefits under the Emergency Unemployment Compensation Act of 1974.

These people have now been out of work for over a year and have not received any assistance in several months. Even as we stand here they are selling their homes to buy food for their families.

Mr. Speaker, the 1974 act was passed as an emergency measure. The people I have identified just now are, indeed, in an emergency situation, caught in a technical gap. I am currently preparing legislation that will close that gap and give the relief that was intended under the spirit of the 1974 Emergency Act.

AN ILL-CONSIDERED MOVE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. SHRIVER. Mr. Speaker, during last week's debate of the so-called emergency tax cut legislation I strongly expressed my opposition to the elimination of the depletion allowance for the independent oil producer, and to the inclusion of that matter in the tax reduction bill.

While I voted for the Wilson of Texas amendment to continue the depletion allowance for those who have production of 3,000 barrels a day or less of crude oil, and against the Green amendment to eliminate depletion, I was in the minority in both cases.

It is obvious that the depletion issue had no place during the debate of an emergency tax cut aimed at alleviating unemployment and helping revive a sick economy. Further, if we are to achieve the objective of reducing our dependence on foreign oil in this country, the independent producer needs incentives if he is going to stay in business and step up his exploration activities.

The Wichita, Kans., Eagle published an excellent editorial on Tuesday, March 4, on this matter which I want to bring to the attention of my colleagues in the House. Under leave to extend my remarks in the RECORD, I include the Eagle editorial:

AN ILL-CONSIDERED MOVE

In another of those parliamentary maneuvers which give legislative bodies a bad name, the U.S. House of Representatives has tacked a rider that would kill the oil depletion onto the $21.3 billion economic emergency tax cut bill and passed the whole thing.

The two questions have absolutely nothing to do with one another. Both are too serious in import to be hurried through as an ill-combined package.

The depletion allowance, in particular, deserves fuller consideration than it got. People who know nothing about the oil industry have been attacking it for years, believing that it provides a tax break for enormously rich and profitable big oil companies. It does, to an extent.

But its greatest importance is to the small independent oil producers, the fellow who is responsible for 80 per cent of all domestic oil discoveries. Without this allowance the independent often doesn't have the money to proceed with exploration.

Certainly at a time when the discovery of new oil reserves is more important than it ever has been, it is short-sighted indeed to penalize the very people who make those discoveries most frequently.

The major oil companies are something else again, but it would be unfair to treat them differently in their quest for domestic oil. To grant a depletion allowance on foreign oil makes less sense, for they enjoy tax breaks aplenty for their foreign ventures without the depletion allowance.

Nor is the oil industry the only one to enjoy the benefits of the depletion allowance. It applies, as well, in the mining of certain kinds of metals and minerals, and in the high plains of Texas there is a depletion allowance to farmers for the water they use in irrigation.

So it's not as open and shut as the House seems to think it is. And it is unforgivable to pass such a bill hastily and appended to another measure the President very much wants to see passed.

ANIMAL WELFARE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. WHITEHURST. Mr. Speaker, among the most important laws emanating from the House Agriculture Committee in the past decade have been the Laboratory Animal Welfare Act of 1966 and the Animal Welfare Act of 1970. The 1966 law empowered the Secretary of Agriculture to establish standards for the humane care and housing of animals used in research while in scientific institutions, on the premises of animal dealers, or in transit. The 1970 act, of which I am proud to have been a sponsor, expanded the coverage of the law to include nonlaboratory animals transported, bought, sold, or exhibited for teaching purposes, for use as pets, or for exhibition in zoos, circuses, or carnivals. Unfortunately, this legislation specifically exempted common carriers from regulation, and the purpose of H.R. 1152 is to close this loophole, as well as another which I shall mention later.

Let me deal first with the matter of common carriers and their terminals. My concern over the treatment of animals in transit, particularly by the airlines, was prompted by scores of letters from my constituents, and other citizens throughout the country, who have written to me describing the abuses which their pets have suffered at the hands of the airlines and other common carriers, both in transit and in the terminals.

Many of these animals were seriously injured, and even death has resulted in a number of instances. I know that many of my colleagues in the House and Senate have been equally moved by similar circumstances described in correspondence from their own constituents. I am gratified that nearly two dozen of my colleagues have already agreed to cosponsor H.R. 1152, and I know that other bills have been proposed as well.

Let me outline briefly some of the basic deficiencies which led me to introduced H.R. 1152. Underlying the entire problem of animal mistreatment in air transportation is the fact that animals are considered cargo. The airlines process animals as general freight, and this has caused animals to suffer as a result of being shipped in flimsy containers, left to endure long waits in drafty terminals which contain no specific facilities for animals, and improperly stowed in airplane cargo compartments. Studies have indicated that animals must contend with great fluctuations in temperature during long flights. Stowed in airplane cargo compartments, animals can be subjected to temperatures ranging from nearly freezing to 90° Fahrenheit or more. In addition, these cargo compartments do not permit an adequate air flow, and consequently the animals suffer from the limited air circulation.

Another problem is that airlines do not provide shipping priority for animals. As a result, animals are rarely booked on direct flights and thus must often sit for excessive periods of time in overheated or chilly terminals awaiting a flight, many times in containers which are too small, and without adequate food, water, or exercise.

Perhaps the most serious shortcoming of the existing system, and a major cause of death and injury to the animals, is the lack of any government regulation covering the type of container used for animal shipments. Many animals are now shipped in containers which are easily crushed and splintered and which provide little ventilation or room to maneuver. Indeed, animals are often crowded into far too small a space even to be able to lie down or turn around. Presently most commercial animals are shipped in what is essentially a modified lettuce crate known as the "Bruce" crate. Most veterinarians and others concerned with animal welfare believe that this crate does not meet reasonable container standards.

In many cases, the animals shipped are too young to travel well, and a large percentage die in transit. Further, some are not fully healthy when they are shipped, and latent or existing conditions are exacerbated.

Finally, when the animals reach the terminal to which they have been shipped, there is often a long wait before the consignee is notified of their arrival.

In an effort to reform these practices, several different legislative approaches have been proposed. A major point of contention among those who favor remedial legislation is the question of which Federal agency should take the lead in regulating the transportation of animals. The Department of Transportation, the Civil Aeronautics Board, the Federal Aviation Administration, and the Department of Agriculture all have their supporters. In my judgment, there is a need for coordination of effort among all of these agencies, as each has a special kind of expertise which can be brought to bear to contribute to the solution of this problem.

However, I strongly believe that the Department of Agriculture should have the primary regulatory responsibility. The USDA already has the administrative machinery in place for carrying out a program of regulating the common carriers and their terminals and insuring animal welfare. This regulatory program would simply be added to Agriculture's existing authority and responsibilities under the Laboratory Animal Act of 1966 and the Animal Welfare Act of 1970.

It makes little sense for USDA to regulate the treatment of animals up to the door of the terminal and then turn the responsibility over to another agency once the animals are inside the terminal. Further, all modes of transportation, not airlines alone, are involved. If dual jurisdiction is mandated by the Congress, I am convinced that the result would be a duplication of effort and bureaucratic infighting among the agencies involved. An additional reason for placing the regulatory authority within the Agriculture Department is that, in my judgment, the USDA would be influenced to a lesser degree by the airlines or other common carriers than would such agencies as DOT, the CAB, or the FAA. The primary aim of the Department of Agriculture would be the protection of the animals' welfare, which is, of course, the purpose of this legislation.

Let me now turn briefly to another aspect of H.R. 1152 which, although it has received less publicity, I believe is worthy of consideration. The Animal Welfare Act of 1970 specifically exempted retail pet shops from regulation. While I feel that "hobby breeders" should receive specific exemption, many abuses take place in the pet shop chains or "puppy mills," which I believe we have a responsibility to try to correct. Thus I would strongly recommend that the 1970 Act be amended by deleting the exclusion of retail pet stores and exempting only the "hobby breeders."

Many of my colleagues, I know, are familiar with the heart-rending descriptions of the maltreatment of animals similar to those I have heard. The lack of temperature control and inadequate air supply in baggage compartments; the use of inadequate, defective, or too-small crates in shipping the animals; the shipment of animals too young or too sick to travel successfully; long waits in terminals, in some cases even without food, water, or exercise; and the general treatment of animals as if they were ordinary, inanimate cargo all contribute to the inhumane conditions to which our pets are subjected by the airlines or other common carriers. Many of these problems exist in or are caused by the pet dealers.

In a country such as ours, with an outstanding humanitarian tradition dating back to the prohibition against cruelty to animals enacted by the Massachusetts Bay Colony in 1641, we can not allow the current inhumane treatment of our animals in transit to continue any longer. Let me respectfully urge my colleagues to give prompt and favorable consideration to remedial legislation such as H.R. 1152.

SISTERS OF MERCY

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. BLOUIN. Mr. Speaker, the Sisters of Mercy of Cedar Rapids, Iowa, are well known to the people of my district because of their long years of dedication and service, particularly in the educational apostolate. The Sisters are celebrating their centennial this year, and it seems to me only fitting that we should call this fact to your attention. I offer the following article, from the January, 1975, issue of Advance, which I found to be a very impressive review of the Congregation's history:

A SHARED VISION: THE SISTERS OF MERCY AND MOUNT MERCY COLLEGE

(By Sister Mary Augustine Roth)

To the fewer than 10,000 citizens of Cedar Rapids, July 22, 1875, was just another Thursday, clear, windy, the temperature in the 80's. But to Sister Mary Isidore O'Connor, Sister Mary Gertrude McCullough, and Sister Mary Boniface Daly, it was the first day for a new school and convent; and to the Sisters of Mercy of Cedar Rapids, it was the foundation day of their Congregation.

The road that led to Cedar Rapids had its source in Dublin, Ireland, forty-four years earlier, when, in 1831, Catherine McAuley gathered together a group of women who wished to dedicate their lives to helping the Irish poor. At the time, religious women were primarily contemplatives, but Catherine committed herself and her followers to a life combining prayer and activity, directing their attention toward the care of the poor, the sick, and the uneducated. Subsequently, every Congregation of Mercy has had the same goal, and through teaching, nursing, and social work has tried to promote the glory of God and the salvation of souls.

Catherine McAuley spent her life doing the works of Mercy and establishing the Institute throughout the English-speaking world. One of her companions, Sister Frances Warde, brought the Mercys to the United States, when, in 1843, she founded a convent in Pittsburgh. Three years later, the Sisters went to Chicago, from there to DeWitt (1867), Davenport (1869), and Independence (1869).

In 1875, Father Clement Lowery, pastor of Immaculate Conception Church, asked Sister Mary Baptist Martin, superior of the Davenport motherhouse, to send Sisters to open a school in Cedar Rapids. At her direction, Sister Mary Isidore, Sister Mary Gertrude, and Sister Mary Boniface came from Independence, then a branch house of Davenport, to a still unfinished brick building at Third Avenue and Seventh Street, SE, the present site of the Telephone Company office. Two weeks later, five other Sisters from Davenport joined them, and together they began St. Joseph's Academy, a boarding and day school that served for 31 years as the center of the new community.

The Cedar Rapids Republican of July 29, 1875, noted the opening of St. Joseph's: "This institution soon to open in our midst," the reporter wrote, "Promises to be an institution of great value to our city . . . The course of study will embrace a full academic course, with music and needle work. The building is pleasantly located, in one of the most popular quarters of the city and every care will be taken to render the institution one of value."

A boarding school for girls and a parochial day school for boys and girls, St. Joseph's flourished in those early years.

THE MOTHERHOUSE

In 1881, the diocese of Davenport was created from an area formerly part of the diocese of Dubuque, and the Cedar Rapids house found itself separated by diocesan boundaries from its Davenport motherhouse. Consequently, the religious community at St. Joseph's became an independent congregation, a motherhouse itself. In 1883, Sister Mary Agatha Mullany was appointed first mother superior, and Sister Mary Gertrude McCullough, assistant superior.

From Cedar Rapids, the Sisters first established a mission in Decorah in 1885 and then other missions in Iowa, Montana, and Minneapolis, caring for the poor, the sick, and the uneducated.

In 1906, crowded conditions at St. Joseph's led the Sisters to move to larger accommodations, and no doubt they turned to the want ads in the Republican. They rejected the property that is today the Howard Hall estate, because the price tag—$65,000—was far beyond their means. Instead, they decided to lease—and ultimately to buy—the ten acres of Mound Farm upon which Judge George Greene, one of the city Fathers, had built what was considered one of the most beautiful mansions in—or rather, outside of—town.

A salesman for the Mound Farm Realty Company used as a part of his sales pitch the statement that from the top of the house one could see eight counties and the spires of Cornell College. Even the prospect of seeing Cornell was not persuasive enough for Coe College officials, who also were considering buying the land but wanted something not quite so far out in the country.

According to the *Republican* of March 13, 1906, "The mound on which the mansion stands is the highest found in the city and will be an ideally healthful and sanitary site for a seminary . . . It is just far enough removed from the city to be secluded and restful and yet near enough to share all the city's advantages . . . The Sisters of Mercy have been doing splendid work in this city and the acquirement of this building will give them a fine opportunity to enlarge the scope of their good work."

When the Sisters leased the house, it had been in disuse for a number of years, except for the ballroom, which had been used for storing grain. Nevertheless, with courage and perseverance, they renovated the building and opened Sacred Heart Academy, a girls' boarding school, in September, 1906. St. Joseph's meanwhile, continued as a coeducational day school for Immaculate Conception parish.

Further acquisitions of land from 1913 to 1921 gave the Sisters possession of 71 acres, 20 of which they sold in 1956 to Regis high school. Today on the remaining property, at the highest point in Linn county, stand Mount Mercy College and Sacred Heart Convent, two independent institutions at the center of the Cedar Rapids Congregation.

Before Mount Mercy came into existence, however, there was further expansion. The enrollments at Sacred Heart Academy increased in the first three years to the point where, in 1909, a north wing was added to the old mansion. By 1923, larger enrollments made another building necessary, and the Sisters decided to keep the elementary-grade students at Sacred Heart and to construct a new academy for the older girls, the building known today as Warde Hall.

MOUNT MERCY OF THE PINES

Originally intended to be called Mount Mercy of the Pines, the institution was opened in September 1924 as Mount Mercy Academy, a boarding and day school for high school girls. The academy was discontinued in 1958 when Regis Central High opened.

The "First Annual Catalogue of Mount Mercy Academy" described the new building thus: "On the first floor, are the music rooms, a large auditorium, a well-equipped gymnasium and shower baths. On the second floor, are the offices, reception rooms and parlors, Seniors' recreation hall and Chapel. The assembly hall and classrooms occupy the third; on the fourth are found private rooms, dormitories and baths; while the fifth floor is fitted out for bowling alley and various other indoor sports."

Today the auditorium stage is a storeroom, the gymnasium and assembly hall are college classrooms, the potential bowling alley is faculty offices, and the "indoor sports" are making beds and practicing giving injections in the nursing lab!

In September 1928, the Sisters took a further step in education, instituting Mount Mercy Junior College, and in 1930, the first class was graduated. On the original faculty of the new college were seven Sisters, a priest, and four lay teachers; Sister Mary Ildephonse Holland was president, Sister Mary Xavier Reilly, dean and registrar.

The college offered business and teacher education programs with a liberal arts foundation. In 1931, Mount Mercy Junior College was approved by the State Department of Public Instruction, and in 1932 by the North Central Accrediting Association.

In 1957, the Board of Trustees, composed of Sisters of Mercy, chose twelve business and professional men and women to serve on an advisory board for the college. In 1962, the college was legally incorporated as an entity separate from the corporation of the Sisters of Mercy, and in 1968, the Board of Trustees transferred its legal power to a board consisting of three Sisters of Mercy and nineteen lay men and women, several of whom had served on the advisory board. The first chairman of the new Board of Trustees was John J. Locher, Jr., who was succeeded at death by Thomas Donovan, present chairman.

As early as 1947 the Sisters had discussed the possibility of changing the junior college to a four-year institution, and in 1957 the third collegiate year was inaugurated. In 1959 Mount Mercy had granted its first baccalaureate degrees, and one year later, it earned North Central accreditation.

Enrollment grew with the addition of new majors (including nursing in 1969), the change to coeducation in 1969, and the arrangement for smooth transferring from junior and community colleges. From 1969 to 1974, the enrollment increased 63 percent to a student body of 825 in 1974.

PHYSICAL FEATURES CHANGE

Meanwhile, the physical features of the campus changed. Mr. William Lightner constructed a grotto to the south of the academy in the 1930's, much of its beauty destroyed by vandals, a major section of the grotto was removed in 1974. Earlier plans for expansion had been to add wings at the north and south ends of the academy building. Instead, in 1956, 50 years after the Sisters had come to Mound Farm, the college built McAuley Hall, a residence and classroom building connected by a tunnel to the academy (Warde Hall) and Sacred Heart Convent. The college added a student center in 1961 and the Catherine McAuley Library in 1962.

When the new Sacred Heart Convent was built in 1964 across the drive from the old motherhouse, the Greene mansion was razed, and in its place Regina Hall was erected. From this highest point in Linn County, one can still see what the Cedar Rapids Gazette in 1898 called "a birdseye view of the city that will last in the memory forever."

In 1974, the Federal government approved a $1,136,827 construction grant for a nursing education facility at the college.

RELATION TO THE CIVIC COMMUNITY

That Mount Mercy has always been aware of its relationship to the religious Congregation and to the civic community is evident in its offerings and its people. A commercial program (1926-46); the institution of evening classes (1950); a CCD (Confraternity of Christian Doctrine) program to provide doctrinal, administrative, and catechetical foundations for religious education; the India-Comes-to-Mercy projects, by which the Sisters assumed the total cost of educating a number of Indian Sisters; the teacher education, social work, nursing, and business majors—all have been ways in which the college has related its tradition of caring for others to the issues of the times.

For many years, the people of Cedar Rapids have often considered Mount Mercy College and the Congregation of the Sisters of Mercy as one entity. Legally, however, they are two corporations, but by heritage they are tightly bound together. Founded in the spirit of Catherine McAuley's desire to educate, operated and staffed by the Sisters, whose contributed services are its endowment, the college is a vital chapter in the history of the Sisters of Mercy.

MISSIONS

Other pages in that history would tell of the approximately thirty elementary and high schools staffed by the Sisters, the four hospitals and the three schools of nursing they have established and conducted.

Since their first days in Cedar Rapids, the Sisters have done various kinds of social work, visiting the sick and aged in their homes and in nursing homes; operating a home for working girls and another for unwed mothers; caring for the mentally retarded at summer camps, in catechetical classes, and at our Lady of Mercy Novitiate; becoming involved in parish ministry; and in many other apostolic ways following in this age the example of mercy set by Catherine McAuley a century and a half ago.

A NEW HOME

In the late 1950s and early '60s, while the Sisters continued to care for the poor, the sick, and the uneducated, the Congregation was looking at the desperate condition of its own home. The old Greene mansion, completed in 1868, had served as a home first for one of the city's leading families and then for the Sisters of Mercy; but 100 years old, it was in bad condition.

Estimates showed that to renovate the building would have cost as much as to erect a new one, and the officers of the Congregation opted for construction. The city itself was not interested in preserving the Greene mansion for historical purposes, but many of the townspeople felt a sorrow at the demise of a house so intimately connected with the founding and life of their city.

One local organization rejoiced, however, that the old house was to be destroyed. The fire chief, aware of its hazardous conditions and fearful for the lives of its residents, sent a letter of congratulations to the Sisters upon hearing of their sensible decision to leave the mansion.

In 1964, under the leadership of Sister Mary Lawrence Hallagan, then Mother General of the Congregation, the new convent, Sacred Heart Convent, was completed across the drive from the old, to house active and retired Sisters, Queen of Angels infirmary, and Our Lady of Mercy novitiate.

The Cedar Rapids Sisters of Mercy, in 1929 and twice subsequently, chose not to belong to the Sisters of Mercy of the Union, an amalgamation of Mercy Congregations under a central government. Instead, they have their seat of government at Sacred Heart Convent.

Present major superior of the 220 members is Sister Mary Cephas Wichman; other superiors have been Sister Mary Agatha Mullany, 1883–95; Sister Mary Patricia Smith, 1895–98; Sister Mary Agatha Mullany, 1898–1904; Sister Mary Gertrude McCullough, 1904—10; Sister Mary Teresa Salmon, 1910–13; Sister Mary Gertrude McCullough, 1913–19; Sister Mary Josephine Donelan, 1919–22; Sister Mary Cephas Holland, 1922–27; Sister Mary Ildephonse Holland, 1927–33; Sister Mary Corneilia Burke, 1933–39; Sister Mary Maura Marron, 1939–53; Sister Mary Lawrence Hallagan, 1953–65; Sister Mary Eleanor Cashman, 1965–71; and Sister Mary Cephas Wichman, 1971–.

During their one hundred years in Cedar Rapids, the Sisters have, through their vows, tried to follow Christ, responding to the needs of the poor, the sick, and the uneducated in the spirit of Catherine McAuley, whose legacy to the world was Mercy.

INTRODUCTION OF GUAM SUPREME COURT LEGISLATION

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. WON PAT. Mr. Speaker, I have introduced legislation calling upon the Congress to amend the Guam Organic Act so as to provide for the reorganization of the judicial system of Guam and to provide that final judgments of these newly created Guam courts may be reviewed by the Supreme Court of the United States.

I have asked Congress to take this action at the behest of the government of Guam and the 12th Guam Legislature, who, in Resolution 301, specifically requested that I sponsor such legislation. In accordance with their wishes, with which I am in complete agreement, I therefore urge that my colleagues in the Congress provide this measure their utmost consideration.

It is our intention to have Congress agree to legislation which will add new language to the Guam Organic Act to authorize the establishment of a Guam Supreme Court. The legislation would additionally have the right to set salaries for court officials and to designate appellate jurisdiction. The legislation I have introduced would set the number of judges for the court and, as I mentioned earlier, provide for appellate review by the U.S. Supreme Court of decisions rendered by the Supreme Court of Guam.

Under the present language contained in the Guam Organic Act, the territorial legislature does provide that—

> The judicial authority of Guam shall be vested in the Federal District Court of Guam and in such court or courts as may have been or may hereafter be established by the laws of Guam. The District Court shall have the jurisdiction of a district court of the United States—(and)—jurisdiction over which has not been transferred by the legislature to other courts established by it, and

> shall have such appellate jurisdiction as the legislature may determine. (48 USC 1424 (a)).

In the belief that the language authorized by Congress was sufficiently clear, the 12th Guam Legislature on December 12, 1973, passed bill No. 177 which called for the creation of a supreme court and superior court for the island. The then Governor signed the measure into law and it is now known as Public Law 12-85.

On November 6, 1974, the incumbent judge of the Guam District Court issued a decision in the case of Agana Bay Development Co. against the Supreme Court of Guam in which the judge held that all sections of Public Law 12-85 "pertaining to the Supreme Court of Guam or the chief justice or associate justices of the supreme court, or which divest in any way the appellate jurisdiction of this court—are null and void."

Although his decision may be subject to later revision by the ninth district courts system, the decision by Judge Duenas has effectively blocked a laudable effort by the 12th Guam Legislature to create for island residents a local court system capable of handling the island's growing requirements and one which would be of equal stature with other branches of our Territorial government.

Without presuming to challenge in any way the decision made by the district court, I and the members of the 12th Guam Legislature, together with other island officials believe that there is a real need for Congress to clarify existing language in the Guam Organic Act to provide an island court system consistent with our needs and consistent with the intentions of Public Law 12-85.

Until such time as Congress acts to clarify the ability of the Guam Legislature to establish a Guam Supreme Court, our local court system on the island is hanging on the edge of judicial chaos. Island attorneys now have no clear idea of where to seek appellate redress. Judges do not know how to resolve the situation and the Guam Legislature finds its hands tied until Congress responds with legislative redress.

Accordingly, we must again turn to Congress for assistance. Despite the best intentions of the Congress when it authorized the Guam Organic Act, instances of vagaries have continuously cropped up to create situations such as that which now exists. In his decision, the district court judge based his findings on the belief that since Congress did not specifically create or authorize the establishment of a Guam Supreme Court, initial appellate rights must lie with the Federal District Court of Guam. Many, including myself who was one of the authors of the Organic Act, believe that Congress did intend for the legislature to have full power in establishing a complete court system. Hopefully, Congress will agree and enact my bill into law. Congressional concurrence of this measure I have introduced today will also clarify the right of litigants in island courts to seek appeal to the U.S. Supreme Court, as the States and Puerto Rico now do when decisions by their highest local courts are appealed.

As it now stands, Guam is left with half a judicial system. Public Law 12-85 was not struck down in its entirety; only that portion which establishes a supreme court. As Chief Justice designate recently stated in a letter to me:

> It seems that the territory of Guam has reached that stage of sophistication and maturity whereby it can handle its own affairs in the same manner as the Commonwealth of Puerto Rico (who has a Supreme Court), if not better. I trust that you realize the urgency of a final resolution of the dilemma that our judiciary is now in. Consequently, I need not advise you that time is of the essence in the interests of justice to those parties whose cases have been appealed and are now pending.

I fully concur with the comments and ask my colleagues in the Congress to give this vital issue their prompt consideration.

CLIFF HOLLIDAY: OUTSTANDING SENIOR CITIZEN

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. **CHARLES H. WILSON** of California. Mr. Speaker, it is my honor to note in the CONGRESSIONAL RECORD that Cliff Holliday has been named the outstanding senior citizen in the city of Gardena for the year 1975.

It is a most appropriate honor for a truly outstanding gentleman and citizen of the fair city of Gardena. His public service and service to humanity has been legion throughout his entire life.

During the First World War he served in the Canadian Army with distinction.

In 1972 he was made an honorary chamber of commerce ambassador for the city of Gardena.

He is currently serving in his second term as president of the 77th Street Area Police Council, which has an outstanding record of achievement in their efforts to control the spread of crime.

He is a member of Los Angeles Mayor Tom Bradley's committee on housing, a fact which exemplified his deep interest in good housing for the underprivileged.

His lengthy communication with his community is shown by his active interest in the Gardena Evening Toastmasters Club.

In an action totally unselfish he has donated a complete building and its facilities at 851 West Gardena Boulevard to the Los Angeles County summer youth program, which has done so much in job development for the youth of the area. This building has again been donated and is now being used as an activity center for senior citizen programs. It is there the elderly can come with their problems and meet to find the solutions which are so vitally needed for their welfare.

He is to be commended for having seen the need for a clearinghouse of the issues facing the area, and out of this rose his "Everybody's Opinion Poll," which regularly surveys the public on issues of the day and sends the results to local officials and those who can do something to solve the problems. He again has unselfishly performed this needed service out of his own funds.

A member of the redevelopment and planning commission of the city of Gardena, he has evidenced concern with city facilities, and the betterment of the residential areas and the business community.

His deep concern for his fellow senior citizens is displayed by his founding of the senior citizens council program, which coordinates representatives from senior citizen clubs. These people actively deal with the senior citizen problems of housing, purchase discounts, meals, trips, and all matters facing them. He is currently serving as vice president of this active and important group.

Cliff Holliday, now 77, is retired from the business of building contracting, and has been an outstanding member of the city of Gardena for many years. He is blessed with a daughter Grace Bean, and two grandchildren.

I join with my colleagues in the U.S. House of Representatives today in saluting this fine person, and say thanks to God that Cliff Holliday has been part of so many people's lives. He has enriched so many. Let him now be so honored.

COOPERATION AND LEADERSHIP

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. **TREEN**. Mr. Speaker, a 16-year-old constituent of mine, Peter R. LaSalle of Catholic High in New Iberia, La., won the Voice of Democracy contest of the Louisiana Department of the Veterans of Foreign Wars by urging his fellow students to exercise the characteristics of cooperation and leadership as responsible citizens. Because my service in the Congress has made me increasingly cognizant of the need for responsible leaders to exhibit these characteristics, I am entering Peter LaSalle's remarks in the RECORD at this point:

MY RESPONSIBILITY AS A CITIZEN

(By Peter R. LaSalle)

> Thomas Jefferson, Abraham Lincoln, and me. What do we have in common? They were individuals who worked as hard as they knew how to support their beliefs and improve the world in which they lived. I too, am an individual who believes in working to make the world a better place to live and who strives to live according to my beliefs. This common characteristic binds me to Thomas Jefferson, Abraham Lincoln, and all other responsible citizens of the United States of America.
>
> If the desire to improve the world and retain my integrity is to flourish, if it is going to mean real progress, it cannot listen to the pessimistic voices of those people who feel that being just one is to be lost and ineffectual. Rather, as Edward Everett Hale said, "Because I cannot do everything, I will not refuse to do that which I can do!" I'm just one, a single individual, but my efforts are no less worthwhile because they are mine, or because they are individual. This is the important characteristic of individual effort which cannot be lost if the world is to be made better. Two kinds of actions which can improve

the world are cooperation and leadership. These actions are characteristic of a hearty individual. They are valuable whether performed by a whole society or by just one man. I can cooperate and I can lead, just as many others have done before me. As a citizen, I can cooperate with the laws and duties incumbent upon me. I can show concern for my environment, whether it is by painting bridges, in a public park as a member of the Youth Ecology Society, or by simply pitching litter in a trash can, rather than on public grounds. I can show concern for national problems by observing guidelines on the conservation of energy.

After all, since the government requested citizens to conserve energy, Americans have been saving over 2.8 million barrels of fuel a day. This is a significant savings, but it was not accomplished by a society acting as a whole. It was accomplished by particular citizens, each acting as an individual. It was the cooperation of each of these individuals that resulted in so successful a concerted effort.

The successful cooperation of a society of individuals requires leadership as well as concern. Leadership means individuals acting on their own. All truly great men have acted as individuals, they've had to act on their own, as just one. Even I can accomplish good by simply fulfilling all my obligations. Whether I organize my teenage friends into a club concerned with ecology, or negotiate a truce between Arab and Israeli forces; I can exercise my leadership best by simply fulfilling all my obligations. This is what has gained Henry Kissinger such a widespread reputation for leadership: he's done his job the very best he could. Of course, I'm not Secretary of State, President, or even Governor. I'm just one, but I'm one who can lead at least a few people.

Cooperation and leadership. These two things can lead to a much better world if individuals will cooperate, if individuals will lead. Of course, I cannot speak for others and I cannot wait for others. I must cooperate: I must lead: if I am going to keep faith with myself, if I'm to live up to my responsibilities as a citizen.

ECONOMIC WITHDRAWAL FROM SOUTH AFRICA

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. MITCHELL of Maryland. Mr. Speaker, I submit, for the consideration of my colleagues, an article from the January 29, 1975, New York Times. It relates the decisions of four major American corporations, Texaco, Inc., Continental Oil Co., Getty Oil Co., and Phillips Oil Co., to terminate exploration activities in Namibia, a South-West African nation in which the issue of sovereignty is being disputed. I commend the article for your attention.

U.S. OIL CONCERNS QUIT AFRICAN NATION

(By Marylin Bender)

Four of the five American oil companies that have been under pressure from church groups to leave Namibia (South-West Africa) have served notice that they are pulling out of their offshore prospecting ventures in the disputed territory.

A decision by Texaco, Inc., to withdraw, which was made known last week to the Church Project on United States Investments in Southern Africa, leaves its partner, the Standard Oil Company of California with the choice of terminating its activities or finding another partner to assume Texaco's 45 per cent share of the exploration lease. The third member of the consortium, with a 10 per cent interest, is Swakor, owned by the Government of Namibia, which granted the lease. Namibia is controlled by South Africa, and the church groups object to South Africa's racial policies.

"We have not reached a final decision. It's being appraised," said H. L. Severance, secretary of Standard Oil of California. Since Texaco has pulled out, he said, "of course it makes a difference."

EARLIER TERMINATIONS

The Continental Oil Company, the Getty Oil Company and the Phillips Petroleum Company participated in a similar lease. Conoco withdrew last October. Getty and Phillips notified the church groups earlier this month that they were terminating their exploration activities.

All of the companies have performed geological and geophysical studies, which the departing members have turned over to the government. The Texaco-Socal consortium has drilled one exploration well.

The four companies that are leaving have let it be understood that they were not discouraged by their findings. At the same time, they generally deny that pressure from the church groups was the reason, or at least the sole reason for their decisions.

Phillips said its decision to withdraw was "attributable to the lack of a foreseeable resolution of the issues of sovereignty which have been recently accentuated. It now appears likely that substantial expenditures would have been required before those issues of sovereignty could be clarified sufficiently for Phillips to proceed."

Last December, the United Nations Security Council told the South African government to begin withdrawing from Namibia, a former German colony South Africa has administered since 1920.

During the last three years, the church groups have consistently asked the oil companies and two mineral prospectors—the Newmont Mining Corporation and Amax, Inc.—to leave the area, inasmuch as the International Court of Justice had ruled in 1971 that South Africa's occupation of the territory was illegal.

The church activists filed proxy resolutions at the annual meetings of the companies urging withdrawal from Namibia as part of a larger campaign to persuade American business to stop doing business with South Africa.

Although the resolutions were always defeated, they often drew more than 3 per cent of the vote, which meant that they could be resubmitted the following year.

The churches agreed to withdraw from such a resolution from this year's meeting after Phillips announced its decision. The latest one would have been the third of its kind at Phillips.

It was submitted by five Protestant churches and a Roman Catholic order, the Atonement Friars.

Ruddick Lawrence, vice president-corporate affairs for Conoco, said that the churches role had been "one of many factors" in its decision to withdraw.

Conoco has no operations left in South Africa. Texaco and Socal, through Caltex, have substantial marketing and refining operations there.

Donald Wilson, chairman of the church project, a coalition of 20 denominations, said yesterday that the organization would continue to press for American business withdrawal from South Africa.

A resolution has been filed with the International Business Machines Corporation by 14 church groups with 54,000 shares asking it to stop selling or leasing computers or software in South Africa.

The churches say they have evidence that computers are used by the South African Government in the administration of repressive measures, such as the passbook system, and the maintenance of the police and prison systems.

CONGRESSMAN ANNUNZIO SPONSORS VETERANS LEGISLATION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. ANNUNZIO. Mr. Speaker, I have introduced two bills which I feel are of utmost importance to veterans and their dependents. H.R. 191 would provide a service pension to World War I veterans. H.R. 2123 would insure that recipients of veterans' pension or compensation not have the amount of their VA benefit reduced because of increases in monthly social security checks.

It is not necessary for me to discuss the current economic situation. We are all painfully aware of the drastic effect that inflation has had on purchasing power. I am certain that all of us also realize that the aged and disabled—people living on fixed incomes—are most critically disadvantaged by inflation.

Fortunately, Congress has taken steps to protect the purchasing power of one large group of people who live on fixed incomes—the social security recipients. The law now provides for annual cost-of-living increases in social security benefits.

Unfortunatley, this well-intentioned legislation has been little more than a cruel hoax for many VA pensioners. Because the amount of VA pension which a disabled veteran receives is based on the amount of his outside income, including social security benefits, an increase in social security causes a decrease in pension benefits.

During the 93d Congress Public Law 93-527 was enacted with my support. This law provided an average increase of 12 percent in VA pension benefits. Had this bill not been enacted, 75,000-100,000 pensioners would have been terminated from the VA pension rolls and 2.3 million pensioners would have lost some benefits. But even with Public Law 93-527, effective January 1, 1975, 3,000 pensioners were dropped from the VA pension rolls and 300,000 pensioners found their benefits reduced.

Our veterans deserve more logical and equitable treatment. When Congress enacts a social security increase, it is intended that all social security recipients receive the full value of the increase. Instead, we are currently living with a situation in which needy disabled veterans who receive both social security benefits and veterans' pension benefits do not receive the full value of the social security increase. At the same time, the more well-to-do social security recipients—those not in need of other income maintenance programs—do receive the full value of the social security increases.

I therefore urge careful consideration of H.R. 2123 which would insure that recipients of VA pensions not find their VA benefits reduced as a result of a social security increase.

I would also like to urge passage of H.R. 191, a bill to establish a general service pension program for World War I veterans and their widows. Spanish-American War veterans are covered by such a program and I believe that World War I veterans deserve equal treatment. At the end of World War I there was no Veterans' Administration to provide hospital services and job counseling to the returning veteran. There was no GI bill to help young veterans who wanted to continue their education. World War I veterans and their families have not received equitable treatment and they are very aware of it.

As of June 30, 1973 there were 1.1 million World War I veterans, only 496,000 of whom were in receipt of VA pensions. The average age of the World War I veteran is over 78 years. Inflation has been extremely hard on this group of aged people. Many of them have had to resort to welfare to meet the rising costs of food, clothing, shelter, and medical bills. I do not feel that any veteran should be forced to resort to welfare.

Veterans served our Nation during a time of need, at great personal sacrifice. There is no way that we can completely repay them for their service. We can, however, make some efforts to provide them with a decent income. I urge immediate passage of legislation providing a general service pension for World War I veterans and their widows.

FARM BUREAU SPEAKS OUT ON ILLEGAL ALIENS LEGISLATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. ASHBROOK. Mr. Speaker, the Judiciary Subcommittee on Immigration, Citizenship, and International Law has been studying the problem of illegal aliens. Discussion centers around the question of how to prevent immigrants from illegally entering our country and obtaining jobs.

One bill that is generating considerable controversy is H.R. 982. This legislation would put the burden of proof on employers as to whether a person is an illegal alien.

The American Farm Bureau, while recognizing the seriousness of the alien problem, opposes the passage of H.R. 982 and the approach taken by that bill. In a letter to Subcommittee Chairman Joshua Eilberg, the Farm Bureau writes as follows:

> We feel that the enforcement of such a law would place an unwarranted burden for law enforcement on employers, would lead to discriminatory practices against minority groups, and would prove to be unworkable and ineffective in solving the problem of illegal aliens entering this country.

I think the arguments raised by the American Farm Bureau deserve our serious consideration. Therefore I am including in the RECORD the full text of the Farm Bureau's letter to Congressman Eilberg.

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., February 21, 1975.

Re: H.R. 982, concerning the employment of illegal aliens

Hon. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizens, and International Law, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN EILBERG: Farm Bureau is a voluntary association of 2,393,723 families in forty-nine states and Puerto Rico, constituting the largest general farm organization in this country and thus representing more employers of farm labor than any other organization.

At the annual meeting of the American Farm Bureau Federation, held last month in New Orleans, the voting delegates of the member State Farm Bureaus unanimously adopted the following policy on alien workers:

"We commend the majority of the U.S. Supreme Court for its recent decision upholding the regulations of the Immigration Service in the issuance of so-called green cards to alien workers who commute to this country on a seasonal basis to work on farms and at other places of employment. We call upon the Immigration Service to resume the issuance of such permits.

"We continue to oppose legislation that would put the burden of proof on employers as to whether a person is an illegal alien. We feel that the enforcement of such a law would place an unwarranted burden for law enforcement on employers, would lead to discriminatory practices against minority groups, and would prove to be unworkable and ineffective in solving the problem of illegal aliens entering this country.

"This is no longer a farm employment problem. Most illegal aliens in almost every area of this country are working in non-farm occupations. The truth is that many of these people are performing work that American citizens are not willing to perform for a variety of reasons.

"Instead of shifting the burden of enforcement to employers, we favor legislation that would make it illegal for any public agency or public official to approve or provide public services to illegal aliens. Tightening up the procedures involved in the issuance of social security cards and requiring that those who apply for welfare, food stamps, and other such social services show proof of their legal status as citizens or legal aliens would be more effective in locating such aliens and in discouraging their entry than other plans that have been advanced.

"We favor reconsideration of a contract labor program under agreements between the United States and other countries, which would provide for a legal and orderly entry of needed workers with due safeguards to the rights and welfare of the workers.

In furtherance of this policy, we would like to raise the following points as you give consideration to H.R. 982:

(1) We recognize the seriousness of the problem and agree that so long as the present disparity between wages and working and living in this country and in nearby foreign countries continues to exist, the tide of illegal immigration is likely to continue and to increase in intensity.

(2) We agree that the Congress needs to address itself to this serious problem, but we do not agree that H.R. 982 offers a satisfactory solution. We urge your Committee to give careful consideration to other approaches that might offer a more effective means of curbing this wave of illegal immigration.

(3) Before shifting the burden of enforcement onto the shoulders of farmers and other employers, it would seem to us to be reasonable to expect that the government would utilize all feasible alternatives within its own domain. We suggest the following possibilities:

Enact legislation that would (a) make it illegal for any public agency utilizing federal funds to provide social services to illegal aliens and (b) require public officials to determine the legal status of the applicants for such services;

Investigate the procedures involved in the issuance of social security cards and enact legislation that would (a) tighten up the issuance of these cards to prevent their issuance to illegal aliens and (b) make the counterfeiting and altering of social security cards difficult;

Take steps to tighten the process of issuing visas and tourist permits, student permits, and other such temporary entry permits. Testimony before your Committee indicates that about 300,000 aliens enter this country legally every year, but fail to leave and thus become illegal aliens; and

Explore ways of requiring the Internal Revenue Service to change its regulations so as to require an indication of citizenship status on the W-4 form. This would provide a universal basis for checking on citizenship in the case of all new employees.

(4) The penalites on smugglers of illegal aliens should be greatly increased and should include confiscation of vehicles used in such activities.

(5) Legislation may be needed to increase the penalties that can be imposed on illegal aliens before deportation.

(6) We do not agree with the Immigration and Naturalization Service that prohibition of the employment of illegal aliens "with knowledge", will prove to be an effective means of coping with the situation. We know how easy it has been to provide counterfeit documents in the past.

We urge the Committee to give these points careful consideration. We oppose the passage of H.R. 982 and urge you to explore other approaches to the illegal alien problem.

Yours sincerely,

JOHN C. DATT,
Director, Congressional Relations.

BLACK COMMUNITY CALL FORD BUDGET INADEQUATE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. RANGEL. Mr. Speaker, when President Gerald Ford revealed his proposed budget, it was immediately obvious that the misguided budgetary policies of the past were being perpetuated in the White House. I had strongly urged the President, along with my colleagues in the Congressional Black Caucus, to commit more Federal resources to human needs and social services. At the same time we called for a realistic reassessment of American military spending by the administration so that the budget for the Pentagon could be slashed, freeing badly needed funds for housing, health, education, and employment.

Leading citizens such as Mrs. Coretta

King, James Harris of the National Education Association, and Murray Finley of the Amalgamated Clothing Workers have joined with the Congressional Black Caucus in pointing out some of the seriour deficiencies of the Ford proposal.

At this time I would like to include in the CONGRESSIONAL RECORD an editorial on the subject which appeared in the February 22, 1975, issue of the Jacksonville, Fla., Star:

[From the Jacksonville (Fla.) Florida Star, Feb. 22, 1975]

BLACKS RAP FORD'S 1976 BUDGET

Blacks have joined the band of widely-dissimilar groups and organizations registering sharp criticism at President Ford's budget for Fiscal Year 1976.

"This administration has totally lost sight of the realities of human needs when it proposes to slash the federal share of spending for education and social programs while boosting military aid to Cambodia and South Vietnam," declared James Harris, president of the 1.6 million National Education Association.

Harris was particularly incensed at the proposed cuts in education funding which, he said, "means an actual dollar cut of some $445 million from 1975."

Harris was also angry about the "$6 billion request for the Department of Health, Education and Welfare's education division not only makes no provisions for the inflationary budget suffered by the nation's schools," but it also means "an actual dollar cut of some $445 million from 1975." In short, Harris branded the budget "a social and economic disaster."

On the Congressional front, Rep. Charles B. Rangel, D-N.Y., and chairman of the 17-member Congressional Black Caucus, said the budget represented "a complete failure of the President to understand the impact of our economic crisis."

The New York lawmaker who is also the first black to serve on the prestigious and powerful Ways and Means Committee, called the budget "callous and cruel in its disregard for the poor."

Rangel said: "As a member of the Ways and Means Committee, I will be taking a very close look at this budget to be certain that it will stimulate the economy as intended and that it does not call upon the poor to bear a disproportionately heavy burden."

He said he was particularly concerned with the proposed budget reduction specifically referring to the reduction of $1.2 billion in public assistance programs funded by the Federal Government, a reduction of $1.4 billion in the medical budget, and a decrease of $200 million in special education impact assistance.

A prominent black economist who asked not to be identified described the economy privately as a "very psychological thing." And he said, It will "take a lot of confidence and lot of determination" on the part of the American people to turn this inflation-recession around.

More importantly, he pointed out, it is not only the President who is cutting social programs, "but many state and local governments are cutting back as well. That's where the problem will be."

And he urged blacks to cash in on one of the buffers, "Get those unemployment checks if you qualify," he said. With a little sign of optimism, he added: "The country simply will not permit a depression. If we're lucky, the economy will pick up at the end of the year. Historically, it has been shown that recessions don't last more than 13 months."

Mrs. Coretta Scott King, president of the Martin Luther King Center for Social Change in Atlanta, and co-chairperson of the Full Employment Action Council, expressed "shock and distress" at the President's budget.

Mrs. King, in a joint statement with co-chairperson Murray H. Finley, general president of the Amalgamated Clothing Workers of America, charged that the President's program "places budget ceilings and limits on deficits above the need to do whatever is necessary to put America back to work and end the recession."

They said the administration's tolerance of an average national unemployment rate of 8.1 percent in 1975 and 7.9 percent in 1976 is "totally unacceptable," and called on Congress "to take those actions which are necessary to assure a job or an adequate income to every American in need . . . at decent wages and conditions."

BALTIC STATES SHOULD BE LIBERATED BY THE U.S.S.R.

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. McCLORY. Mr. Speaker, today I join my colleague from Illinois (Mr. DERWINSKI) and other colleagues in offering the Baltic resolution to the 94th Congress for consideration. We should recall that on February 16, Lithuanians celebrated the 57th anniversary of their independence. February 24 marked the 57th anniversary of the Declaration of the Independence of the Republic of Estonia. Today, Mr. Speaker, we are asking that the American people and most specifically the U.S. delegation to the European Security Conference join in reaffirming our country's recognition of these Baltic States as independent nations. The sad fact is, however, that these Baltic States are not, in fact, free. They continue to be subjected to gross and unlawful violations of their national rights by the Soviet Union.

Mr. Speaker, the U.S. Government has never recognized the territorial aggrandizement of these states and, indeed, it never should. Sovietization and colonialization of these nations was an outright case of illegal subjugation.

The histories of each of these "captive nations" are embattled ones, scarred by domination by many nations and yet, in each case, the authentic voice of their perserving cultural and national identities still ring clear. Instances of Sovietization in the form of collectivization of their agriculture, nationalization of their industry, communization of their education, and even eradication of their personal religious rights have continually been matched by valiant examples of public dissent and a refusal to accept the overbearing dictates of the superior Soviet force.

Mr. Speaker, we need only look to the recent liberation of Simas Kurdirka, the Lithuanian sailor who earlier had made a bold leap to freedom, the recently arrested and imprisoned champions of religious freedom, or the many other objectors who have gained visibility, to be reminded of the painful, unyielding pursuit citizens of these nations for freedom from oppression. "The Chronicle of the Lithuanian Catholic Church" remains undeterred in its fight against compulsory atheization despite mass arrests and deportation of clergy. The self-immolation of 20-year-old Roman Kalanta in 1972 and the 2 days of rioting that followed in Kaunas can only further attest to these peoples' abiding struggle and sacrifice in the name of freedom.

Mr. Speaker, perhaps to some the plight of these people seems hopeless—certainly there are those who would comment that these people are now enjoying far greater freedoms than some few years ago. The past decade of international interplay has been heralded as the new age of détente. We would do well, however, to match our accomplishments on the United States-Soviet political front with efforts on the very personal human level of securing an end to such tyranny.

Certainly, we can turn to the example of our former colleague in the House and my personal friend, Robert P. Hanrahan, and his efforts in obtaining information and securing justice in the Kurdirka case. Simas Kurdirka, of course, is the Lithuanian radio operator aboard a Soviet fishing trawler, who jumped on to a side-anchored U.S. Coast Guard cutter in an effort to win his freedom. Kurdirka was returned to his Russian vessel, anchored in Martha's Vineyard harbor off New Bedford, Mass., and transported back to Lithuanian soil. There, following his 3-day trial, he was accused of treason and sentenced to 10 years of prison labor.

Former Congressman Hanrahan pursued the Kurdirka case, writing to the Soviet Embassy, the United Nations, and our own State Department for information concerning Kurdirka. Mr. Hanrahan even went so far as to apply for a visa to go to the Soviet Union so as to visit with Kurdirka personally, and, further, stated in his floor remarks on November 15, 1973, that he "planned to pursue the matter until he got satisfaction."

Simas Kurdirka, thanks to Mr. Hanrahan's efforts and the fortuitous discovery that his mother was a U.S. citizen, is now living in the United States and is reunited with his family and those vigilant Lithuanian-American friends who offered their unfaltering support and prayers for his recovery and release.

And so, Mr. Speaker, on the basis of past positive action taken by this body in an effort to aid in the procurement of human rights and basic freedom of all peoples, I ask that the Members of the 94th Congress join in the continuing fight for liberation and independence of the Baltic nations of Estonia, Latvia, and Lithuania, and to remain steadfast in their refusal to recognize the forcible conquest of those States by the Soviet Union in the adoption of the Baltic resolution, as follows:

CONCURRENT RESOLUTION

Whereas the three Baltic nations of Estonia, Latvia, and Lithuania have been illegally occupied by the Soviet Union since World War II; and

Whereas the Soviet Union will attempt to obtain the recognition by the European Security Conference of its annexation of these nations; and

Whereas the United States delegation to the European Security Conference should not agree to the recognition of the forcible conquest of these nations by the Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States delegation to the European Security Conference should not agree to the recognition by the European Security Conference of the Soviet Union's annexation of Estonia, Latvia, and Lithuania and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic nations by the Soviet Union.

DEFENSE SPENDING AND SECRETARY SCHLESINGER'S POSTURE STATEMENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1975

Mr. CRANE. Mr. Speaker, while many Americans, and many in the Congress, speak of President Ford's proposed defense budget as an increase in defense spending, the facts are really far different.

According to the latest computations, the planned budget for all strategic forces would amount to $7.6 billion in fiscal year 1975; the figure for fiscal year 1964 was $8.5 billion, in much more valuable 1964 dollars. In fact, the strategic budget has declined very sharply in recent years.

A recent study by the Brookings Institute shows that the strategic portion of the budget will be $18.3 billion for 1975, as opposed to $29.7 billion for fiscal year 1974 computed at 1975 prices. Writing in commentary magazine, Edward M. Luttwak declares that—

> For all the talk of spiraling defense costs, it can be seen that even in current dollars the reduction in expenditure has been substantial, while discounted for inflation it has been downright phenomenal—no less than $11.4 billion in 1975 dollars.

In his recent posture statement, Secretary of Defense James Schlesinger argued that—

> Among other things, the United States must have a range and ragnitude of capabilities such that everyone—friend, foe, and domestic audience alike—will perceive that we are the equal of our strongest competitors.

Discussing the importance of maintaining our national strength, Chalmers Roberts of the Washington Post writes:

> That peace rests on power is an unassailable fact; that peace requires more than power is equally true. It is evident, for example, that Kissinger would have little chance of success in bringing about a Middle East peace if the nations involved, including the Soviet Union, did not perceive the U.S. as a power equal to Russia.

In 1964, the United States had four times as many intercontinental missiles as the Soviet Union. Ten years later, the Soviet Union had half as many again as the United States. In 1964, the United States had more than three times as many submarine launched ballistic missiles as the Soviet Union. In 1974, the Soviet Union had many more than the United States. The current trend is clearly not in our favor. Any further cuts in defense spending could prove disastrous, not only to us, but to the peace of the world.

I wish to share with my colleagues the article, "Secretary Schlesinger's Posture Statement," by Chalmers Roberts, which appeared in the Washington Post of February 27, 1975, and insert it into the RECORD at this time.

SECRETARY SCHLESINGER'S "POSTURE STATEMENT"

(By Chalmers M. Roberts)

Of all the mass of documents daily spewed forth in Washington certainly one of the most fascinating is the annual "posture statement" of the Secretary of Defense. It is a must for those in and out of Congress who struggle each year to understand what the Pentagon is up to, what it wants and what could be cut. It is doubtless minutely read in the Kremlin and elsewhere overseas.

The military services since their beginning have furnished the figures and at least since the advent of the mimeograph machine have spread the results around to bolster their case. But Defense Secretary Robert S. McNamara, at the beginning of the Kennedy era, turned this annual exercise into something else again, first of all a sort of government overview of the political-military relationship between the United States and the Soviet Union. Since Secretary of State Dean Rusk raised no protest, the McNamara posture statements became state documents of national intent.

In the Vietnam years the posture statements centered on that war, its problems and costs, but Secretary Melvin R. Laird did his best to get the focus back on the Soviet-American strategic balance. In the last couple of years, including this year, Secretary James R. Schlesinger has accentuated that balance. Unlike Dean Rusk, Secretary of State Henry Kissinger pronounces rather regularly on Soviet-American relationships and this, plus his dominant role in the strategic arms (SALT) talks, robs the Schlesinger posture statements of that administrationwide perspective that McNamara so long enjoyed.

Nonetheless, what Schlesinger says is important, the more so since he has turned out to be an able rival to Kissinger on strategic matters. I recommend his current posture statement, out on Feb. 5, to those new members of Congress who, during their campaigns, talked of doing something about the huge Pentagon budget. I think most of them will find this posture statement combines sophisticated reasoning and argument rather than the simple cry of the military-industrial complex, bleating for more of the taxpayers' money.

I am not talking about what Schlesinger has to say about particular weapons or weapons systems or even military manpower. What is important, since it affects everything else, is the secretary's overview of the Soviet-American relationship. I find unchallengeable Schlesinger's view of the Russian posture. He lists "what we can reasonably expect" as the following:

(1) "A relaxation but not an eradication of tensions with the United States." (2) "A move away from the risk of direct military confrontation with the United States (as long as we maintain our military strength), but not at the sacrifice of any major interests as perceived by Moscow." (3) "A continued pursuit of and even an increase in the ideological struggle." (4) "The maintenance of a relatively closed society and a cloak of great secrecy around the decisions of her government." (5) "A belief that the atmosphere of detente has arrived because, as the Soviet leadership might put it, the correlation of forces has begun to shift in their favor." (6) "The continued allocation of major resources to a strong and growing military posture, and a singularly persistent effort to create a balance of military power more favorable to the USSR."

Against that perception of the Soviet Union Schlesinger argues, among other things, that the United States must have "a range and magnitude of capabilities such that everyone—friend, foe, and domestic audience alike—will perceive that we are the equal of our strongest competitors." He does not, as the extremists do, argue that the United States must match each and every Soviet weapon and weapons system in the nuclear area; only that the overall balance be, and most importantly be *perceived* to be, one of general equality.

That peace rests on power is an unassailable fact; that peace requires more than power is equally true. It is evident, for example, that Kissinger would have little chance of success in bringing about a Middle East peace if the nations involved, including the Soviet Union, did not perceive the United States as a power equal to Russia.

Since deterrence of war remains fundamental to American policy, and must continue to do so, "the real issue," says Schlesinger, "is hardly one of need; it centers on the types and magnitudes of deterrent forces that we must have." That may be logical but there are some, even a few in Congress, who raise the cry of nuclear "overkill" and ask why equality is necessary, why enough is not simply enough. The current fierce competition for Treasury resources tends to add force to this reasoning for some.

At one point Schlesinger says that "opponents may feel that they can exploit a favorable imbalance by means of political pressure." I accept that as a fact. But he goes on to add, in the same sentence, "as Hitler did so skillfully in the 1930s, particularly with Neville Chamberlain at Berchtesgaden." That, however, introduces another factor: will. The Britain and France of that period gave way to Hitler because their leaders and their publics suffered from national weakness of will. In the post-Vietnam period we face something of the same problem, which is why so many would drastically cut the Pentagon budget to right our domestic imbalances. It is a truism that strength abroad must rest on strength, as a nation, at home.

"In the face of uncertainty," Schlesinger says, "and a not altogether friendly world, it is more prudent to shape the future by our own actions that to let others do it for us." True enough. The problem is how to strike that delicate balance between domestic needs and military strength.

In searching for answers to that problem, the Schlesinger tome is a help—not a full answer, but a partial one. We must not let the pendulum swing too far lest neglect of our arms affect our lives in this increasingly interdependent, yet hostile, world.

HOUSE OF REPRESENTATIVES—*Tuesday, March 11, 1975*

The House met at 12 o'clock noon.

Rev. Walter J. Kopperman, director of youth work of the Estonian Lutheran Church, New York district, Allentown, Pa., offered the following prayer:

Almighty God, to You we render the allegiance and loyalty of our lives.

We thank You for the heritage which we enjoy as citizens of this Nation.

O God, we love to think of You as a great Rock in a time of storm, and on the occasion of the Independence Day of Estonia we are refreshed by the testimony of the psalmist:

Happy the man whose Helper is the God of Jacob, whose hopes are in the Lord his God . . . who serves wrongdoers as he has sworn and deals out justice to the oppressed. The Lord sets the prisoner free . . . and straightens backs which are bent.—Psalms 146.

Grant Your blessing upon our President and all who serve in public office.

God bless America. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 219) entitled "Joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes."

TRIBUTE TO REV. WALTER J. KOPPERMAN

(Mr. ROONEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY. Mr. Speaker, I want to take this opportunity to thank my constituent, the Reverend Walter J. Kopperman, pastor of St. Peter's Lutheran Church in Allentown, Pa., for offering the opening prayer for us.

Pastor Kopperman, director of the youth ministry of the New York district of the Estonian Evangelical Lutheran Church of the United States for the last 20 years, has also served several parishes in Europe and this country, as well as a variety of Christian organizations since his ordination in 1949. He and his family have lived in the 15th Congressional District of Pennsylvania since 1966 and have been active participants in various community programs since that time.

He is a fine example of the outstanding contributions to this country of the Estonian community, which on February 24 celebrated the 57th anniversary of the founding of the Republic of Estonia. This year, especially, the celebration was a most meaningful one when President Ford became the first Chief Executive since President Kennedy to meet with the delegation of leaders from the three Baltic States to reaffirm this country's adherence to the principle of nonrecognition of the Soviet takeover of the Baltic States. The yearning of the Baltic people for a return of freedom and self-determination to their homeland should be an incentive for us to do all we can to carefully preserve our freedoms in this country and to use our liberty wisely.

FURTHER CONSIDERATION OF VETO MESSAGE OF THE PRESIDENT ON H.R. 1767

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on the bill H.R. 1767, an act to suspend for a 90-day period the authority of the President under section 232 of the Trade Expansion Act of 1962 or any other provision of law to increase tariffs, or to take any other import adjustment action, with respect to petroleum or products derived therefrom; to negate any such action which may be taken by the President after January 15, 1975, and before the beginning of such 90-day period; and for other purposes.

MOTION OFFERED BY MR. ULLMAN

Mr. ULLMAN. Mr. Speaker, I move that the bill (H.R. 1767), and the veto message from the President thereon, be referred to the Committee on Ways and Means.

Mr. Speaker, the Committee on Ways and Means is in the process of developing a major energy package that will be confined to its jurisdiction, but will be far-reaching in scope.

I think most of the Members are aware of the speed with which we are moving. I hope we will move with thoroughness. We are in the midst of very extensive panel hearings wherein we have invited the top experts in the field of energy from all segments of this Nation to come before the committee with their analyses and their recommendations on this major issue.

There is no question but what this Nation needs an energy policy. It needs it as rapidly as possible, but needs a policy that is meaningful, that covers all the aspects of the problem, that will, in fact, produce the result of turning this Nation in a new direction in the consumption of energy. That certainly is going to be the purpose of the committee.

Now, we are proceeding independently and basing our actions in part upon the recommendations of the task force that was created by the Speaker of the House and those from the Senate and also based upon our own findings from the task forces we have created in our own committee.

We are taking a course that is very definitely not in the direction of the import fees that have been imposed by the President. Certainly if the President had not agreed to defer his further increases in import fees, it would have been the purpose of the chairman of the Committee on Ways and Means to proceed expeditiously on an overriding vote.

The President, however, did agree to defer any further increases, and because of that factor and because of the fact that the Committee on Ways and Means is moving expeditiously and hopes to have a major energy bill before the House of Representatives sometime in mid-April, it is the wisdom of the committee, and I think of the leadership, that by far the best course of action at this time is to refer this bill, H.R. 1767, back to the Committee on Ways and Means.

Mr. SCHNEEBELI. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the distinguished gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Speaker, this action to return the bill to the committee has been discussed with the leadership on our side. We have no objection to this action, and hope that the House will approve the request.

Mr. YOUNG of Texas. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. Mr. Speaker, I would be happy to yield 5 minutes to my friend from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Speaker, I want to thank the distinguished chairman of the committee for yielding to me. It is with considerable sadness that I find myself in direct opposition, not only to what he is doing here, but also to the President, who has placed an additional dollar a barrel tariff on the petroleum-consuming American public in the tariff decision that he has made.

They call this a compromise? What sort of a compromise? To gain a few days' time for the Congress to act? We are placing forever, until we revoke it by legislative action, a $1 per barrel tariff on oil.

Members of this Congress, we are adding to the energy costs, to each one of us and to our constituents, something like $8 million a day in addition to the costs already incurred.

If I might say so, we are given more misinformation on energy in this country than has ever been meted out before. When we go to taxing energy, which is an integral part of our lives, we might as well tax air and tax the sunlight and the petroleum consumers. We will never learn in this Congress that we cannot disrupt major industry, one major segment of our economy, without messing up other segments.

We could not rest until we tore up the petroleum industry in this Nation, and what is happening out in Detroit? They are stacking those cars on top of each other because they cannot sell them. Why can they not sell them? Because people do not want a car inferior to the one they are driving, and they do not know whether they can get gas or not. So, between the EPA and what we in the

Congress have done to the petroleum industry, we have just about destroyed the automotive industry as well.

Members of the House, we hear in every way, on every side, that we must either raise the price of energy or we must allocate it and ration it. The fact is, we need do neither. There are many ways we can economize on energy without rationing gasoline to the American consuming public. We can conserve it in the many other ways that are available.

The Committee on Ways and Means is recommitting the vetoed bill to Ways and Means in order to carry out the compromise with the President—one that sustains his veto and will undoubtedly increase energy taxes to the consumer under legislation yet to be reported. The action sought today by Ways and Means is a double-edged sword cutting the American consumer. I assure the Members that this course of action might result in having both increased taxes and rationing of gasoline in this country. I have here the history in Europe of what we are doing here today:

RETAIL PRICE OF REGULAR MOTOR GASOLINE, INCLUDING DUTY AND TAXES

[U.S. dollars per U.S. gallon]

Country	As of July 31, 1974			As of July 31, 1973			As of July 31, 1972			As of July 31, 1971			As of July 31, 1970		
	Retail price	Duty	Tax	Retail price	Duty	Tax	Retail price	Duty	Tax	Retail price	Duty	Tax	Retail price	Duty	Tax
Austria	$1.190	$0.048	$0.450 [1]+16	$0.851	$0.051	$0.433	$0.585	$0.037	$0.339	$0.520	$0.035	$0.319	$0.495		$0.315
Denmark	1.351	.562	.177	1.033	.568	.137	.752		.519	.693		.482	.658		.477
Finland	1.208		.542	.821	.014	.429	.694	.014	.429	.657	.014	.420	.599		.321
France	1.318		.756	1.062		.817	.817		.594	.756		.552	.736		.547
Greece	1.701	.014	.050	.881	.005	.183	.756	.014	.446	.756	.014	.446	.643	$0.014	.401
Ireland	.967	.416	.058	.866	.520	.045	.677	.432	.033	.675	.430	.033	.617	.415	.0389
Italy	1.690	[1]7	1.152	.988	[1]6	.761	.988	[1]6	.771	.919	[1]6	.717	.780	[1]6	.612
Luxembourg	1.115	.506	.052	.877	.540	.015	.605	.370	.029	.607	.370	.030	.593	.375	.023
Netherlands	1.368		.858	1.142		.779	.773		.578	.692		.476	.608		.420
Norway	1.470		.631 [1]+20	.841		.596	.841		.596	.782		.578	.661		.454
Portugal	1.410	.500	.463	.846	.500	.097	.792	.466	.090	.750	.444	.084	.737	.446	.083
Spain	1.160		.380	.783		.393	.595		.326	.570		.310	.530		.310
Sweden	1.179		.628	1.012		.665	.809	NA	.534	.731	NA	.497	.643		.424
Switzerland	1.120	.657	.050	.896	.542	.036	.700	.440	.020	.580	.360	.020	.520	.330	.010
United Kingdom	1.250	NA	.630	.780		.480	.676	.461	NA	.652	.450	NA	.625	.450	
West Germany	1.265	[1]6	.648 [1]+11	1.180	[1]6	.715 +11	.751	[1]6	.467 [1]+11	.660		.380 [1]+11	.578		.362 [1]+11

RETAIL PRICE OF REGULAR MOTOR GASOLINE, INCLUDING DUTY AND TAXES

[U.S. dollars per U.S. gallon]

Country	As of Dec. 31, 1965			As of Dec. 31, 1964			As of Dec. 31, 1963			As of Dec. 31, 1962		
	Retail price	Duty	Tax	Retail price	Duty	Tax	Retail price	Duty	Tax	Retail price	Duty	Tax
Austria	$0.466		$0.298	$0.468		$0.286	$0.466		$0.280	$0.468		$0.286
Denmark	.586		.389	.586		.389	.565		.362	.559.		.362
Finland	.662		.427	.661		.426	.601		.383	.599		.383
France	.721	$0.005	.549	.721	$0.005	.549	.751	$0.005	.564	.731	$0.005	.549
Greece	.640	.015	.442	.640	.016	.440	.556	.016	.340	.556	.016	.340
Ireland	.608		.387	.576		.350	.544		.323	.549		.323
Italy	.665	.028	.469	.665	.028	.469	.585		.425	.585		.425
Luxembourg	.529		.301	.520	NA	.301	.499	NA	.301	.495	NA	.301
Netherlands	.522	.302	.022	.530	.300	.022	.484	.265	.020	.495	.272	.020
Norway	.560		.361	.560		.357	.553		.347	.551		.347
Portugal	.702	.448	.043	.702	.447	.038	.702	.447	.042	[2].702	.447	.036
Spain	.570		.360	.570		.360	.567		.362	.570		.360
Sweden	.577		.387	.548		.351	.563		.344	[2].534		.351
Switzerland	.455	.262	[1]3.6	.455	.262	[1]3.6	.438	.181	[1]3.6	.455	.262	[1]3.6
United Kingdom	.568	.377		.568	.378		.500	.320		[2].516	.300	
West Germany	.544	[1]6	.303	.544	[1]6	.303	.534	.094	.239	.534	.094	.239

[1] Percent.

[2] Prices for 1962 are a higher octane regular grade as the previously quoted octane grades are not available.

NA=not available.

Note: Years 1969, 1968, 1967, and 1966 were not published.

Source: U.S. Bureau of Mines. Prepared by IPAA. February 1975.

Let me tell you that exactly 10 years ago in Italy—and it is about the same story throughout the rest of the countries of Europe—in July of 1964 the price of gasoline in Italy was 58 cents a gallon, about what it is in this country today. But they were not satisfied. They added excise taxes, like my friend from Oregon (Mr. ULLMAN) is going to do back in his committee, they added tariffs, like our distinguished President has done, and now today it costs $1.69 for a gallon of gasoline in Italy. It is about the same story throughout the rest of Europe.

So what I am saying here, my friends in the House, is: let us some day wake up; let us learn to let well enough alone. What kind of a compromise do we have that is going to be bought at the cost of some $8 million a day to your constituents in the consumption of energy?

The Members are going to do whatever they think they can live with, with their constituents, and I hope they consider that well, because our constituents, I am sure, will remember that you raised the cost of energy.

I hope the Members vote against this motion to recommit, and I hope the Members vote to override the President's veto. Such is the only course of action that will be in the interest of the American energy consumer.

Mr. ULLMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I thank the gentleman for yielding. Both he and I are cosponsors of this bill the President vetoed. One's first instinct, when this happens, is to seek to override. But I think the President has done something else here. The President began this session of Congress by coming here for the state of the Union message and saying he wanted to compromise, he wanted conciliation, he wanted cooperation, and I think by postponing for 60 days the second dollar-a-barrel and the third dollar-a-barrel and by promising the Congress for 60 days he would not act on the deregulation of oil, that he has begun that process of compromise, cooperation, and conciliation.

I think this option of referring the matter to the Committee on Ways and Means is one that should be taken. It should not indicate in any way that we approve the duty of $1 per barrel on imported oil which the President has already unilaterally placed in effect. It will remain in effect during this period. We do, however, retain for ourselves the option of overriding that at any time by taking this action, and we also do what I think is more important, and that is, hopefully, to extend the spirit of cooperation and come up with an energy package for the American people which both this Congress and the administration can support.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentleman.

Mr. ULLMAN. Mr. Speaker, I agree with my distinguished friend from Pennsylvania. The people of this Nation want an energy program. They do not want a political confrontation. It is now up to us to bend our efforts toward the creation of a sound energy program. We must do everything we can to work out the differences with the President and the administration so that we can achieve this objective without a delay, and the political problems involved in a confrontation.

I commend the gentleman for his statement.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the distinguished minority leader.

Mr. RHODES. Mr. Speaker, I, too, wish to congratulate the gentleman from Pennsylvania for the statement he has made and the chairman of the Committee on Ways and Means.

This is, I think, a very good portend, as far as the future relations of the Congress and the President is concerned. This is a matter of importance, as the gentleman stated, so important that we cannot afford to play politics with it.

The President has indicated that he is willing to meet the Congress half way. I think by the action recommended by the distinguished chairman of the Committee on Ways and Means today that the Congress is indicating that it too is willing to negotiate and come to a solution that is in the best interest of the American people. I consider this to be a very fine hour in the history of this body.

Mr. GREEN. The gentleman expresses my sentiments exactly. I share his hope that this day marks the beginning of the effort, not toward a compromise entailing the mutual weakening of positions but toward a cooperation that will be productive of a sound, firm energy policy which will strengthen this Nation at home and abroad.

Mr. FRENZEL. Mr. Speaker, I voted against H.R. 1767 when it went through the House originally, not out of any fondness for the President's energy program, but because he had a program and Congress, as usual, did not.

I shall vote against it again; that is, I shall vote to sustain the veto.

I am encouraged that the congressional majority has finally presented a couple of energy programs. I believe that they are at best timid, and, at worst, feeble. Nevertheless they represent a great step forward from a year and a half of aimless, policyless oratory. Something is better than nothing, and I am pleased that the Congress is beginning to move.

The President has recognized the congressional action by deferring the second and third stages of his import tax, and by expressing his willingness to compromise.

But despite my admiration for the actions of both branches, I still believe it is necessary to override the veto so that Congress will not lose its incentive to work. The pressure of the import tax was absolutely necessary to get Congress moving after a year and a half of somnolence. Unless the President's right to impose the tax is not restricted, Congress may go back to sleep again. The country cannot stand another 1½ years of siesta.

I will support the motion to refer the bill and veto message back to the Ways and Means Committee. It is a sign of good faith by, and for, both parties to the current disagreement. I have the feeling that the veto could have been sustained, and should have been sustained. But I want to contribute to the era of good feeling and compromise, and therefore shall support the motion to refer the veto to committee.

Mr. DOWNEY. Mr. Speaker, in January President Ford addressed the Congress on the state of the Union. In his message, he acknowledged what we have all known for a long time—even before his predecessor told the American people a year earlier that "there will be no recession in 1974." This year President Ford told us that, in his own words, "the state of the economy is not so good." He apparently felt that his declaration alone would be enough to shock the American people and their Congress into adopting ill-conceived and unwise policies on energy and the economy, without careful examination, without thoughtful analysis.

Now I agree with many of the President's suggestions. Yes, we must take steps to curb the topsy-like growth of the Federal bureaucracy. Yes, we must reexamine many of the Federal expenditures that we have heretofore considered uncontrollable. And most emphatically, yes, we must explore new lifestyles that lessen our dependence on energy use and waste.

But there are other proposals which I cannot accept. The part of the President's proposal with which I most strongly disagree is his tariff on imported oil. The tariff is ill-conceived, ill-designed and most unacceptably, both inflationary and recessionary at the same time. As originally proposed, it would have brought close to a 50-percent increase in our cost of living. On Long Island, where 80 percent of the homes are heated with oil, the price of home heating oil has doubled in the past 16 months. The President's proposed tax increases, when added to those skyrocketing costs, would place an intolerable burden on the people of Nassau and Suffolk Counties. Frankly, I am tired of hearing proposals that ask the people of the Northeast to subsidize the price of oil for the rest of the country.

Now, as the result of cogent congressional criticism, the President has come up with his latest "compromise." In the interest of my constituents and the Nation, I cannot accept this so-called compromise, and I am working with my colleagues in the Congress on our own energy proposals which will be sensible and acceptable to the American people, and will be more successful in reaching the necessary goals of greater conservation and more equitable distribution of the hardships.

Under the latest administration proposal, the President says that he will maintain the tariff on imported crude oil, but that he will forgo the increases in crude oil and product tariffs scheduled to go into effect on March 1 and April 1. In other words, the President's compromise would result in a $1 per-barrel tariff on imported crude and no tariff on imported products.

Now, a lot of people thought that this would be a good break for Long Island. They thought that the effect of the overall plan on product prices, particularly the price of home heating oil and residual oil, would be negligible, since there would not be any fee on imported products.

Unfortunately, they were wrong. Even in its present form, the compromise would have a substantial inflationary impact on fuel oil prices. That impact comes from a hidden cost increase which has not gotten too much attention.

The President, in January, abolished the entitlements program for No. 2 fuel oil and for residual oil as of February 1 of this year. The elimination of this benefit has the effect of raising the cost of No. 2 fuel about 60 cents per barrel. For New York, New Jersey, and Pennsylvania, this action resulted in over $250 million in additional costs of these two fuels. It should be noted that this figure is nearly double the cost increase to all of the New England States.

Therefore, the impact of this new compromise for homeowners on Long Island is to bring us around full circle to the same point at which we were 1 month ago when both the tariff and the entitlements program applied to home heating and residual oil. The President's compromise, while it eliminates the tariff, does not deal adequately with the increased costs resulting from the loss of the entitlements program.

I will continue to fight against an oil tariff whether it is $3 per barrel or $1 per barrel. We need energy conservation in this country but there are other and better ways to achieve it.

Some Americans are cold this winter and many will not be able to afford to heat their homes in the future because of the rising cost of home heating oil, and that is wrong. That is terribly wrong.

Now, what are we going to do about this problem in Congress?

First, we must make it more expensive for people to purchase gas-guzzling automobiles, and more difficult for automobile companies to manufacture them. There are presently two major proposals before the Congress to add an excise tax to inefficient automobiles. The legislation would impose an excise tax starting at $200 and increasing to a maximum of $1,000 for the worst energy consuming cars in America. The bills will also provide for tax credits of like amount to stimulate production and sales of more efficient automobiles. Both of these bills will have my support. Indeed, I was an initial cosponsor of both.

Second, we hope to help people make energy-savings improvements in their homes. I have cosponsored legislation to allow a homeowner to subtract from his Federal income tax liability 25 percent of his investment, up to $200, in storm windows, storm doors, insulation, caulking material, and other energy-saving home improvements. This legislation will help Long Islanders afford to keep their homes warm in future winters.

Third, we need to seriously consider mandatory allocation of fuels as a means of saving energy. We already have a gasoline allocation system under present FEA regulations and the implementation of such a program would be far cheaper and produce far fewer inequities than a system of coupon rationing.

Combined with the imposition of import quotas, an allocation system could reduce oil imports by 500,000 to 700,000 barrels per day. And if induced gradually, this program could be implemented without causing gasoline lines or other economic disruption.

These are only some of the alternatives. But the point is this: A tariff on imported oil is not the answer. The tariff is an unfair burden to now place on the backs and the wallets of Long Islanders who have already borne a larger portion of the hardships of the energy difficulties than most other Americans.

We must achieve a sound energy policy which treats all sections of the country equally—both in terms of the burdens and in terms of the benefits. I, therefore, urge my colleagues in the House to vote this week to override the President's veto of H.R. 1767.

Mr. MICHEL. Mr. Speaker, I support this motion of the chairman of the Ways and Means Committee, but I want it clearly understood that it is without prejudice. That is to say, I do not feel obliged in any way at this juncture to support any part of the program that may come out of the gentleman's committee. I have serious reservation about some of the proposals I hear are being talked about seriously.

Quite frankly, Mr. Speaker, I would have welcomed a direct vote on the sustaining of the President's veto, as we did a great deal of work on our side, particularly, and am confident that we would have lost only a handful of votes on our side.

Members will recall that when the issue was first joined, there were 16 votes for the President's position from the Democratic side of the aisle, and I know that number would have been increased to 20 or 21 and that would have been more than adequate to sustain the veto. Be that as it may, the same purpose is served by referring the message to the Ways and Means Committee and as Mr. RHODES indicated in his remarks, it does lend itself well to the same spirit of compromise as exhibited by the President in offering to defer the second and third increment of his oil import tariff.

Mr. ULLMAN. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion.

The question was taken; and the Speaker announced that ayes appeared to have it.

Mr. YOUNG of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 57, answered "present" 1, not voting 10, as follows:

[Roll No. 43]

YEAS—364

Abdnor
Addabbo
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Beard, R.I.
Beard, Tenn.
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Blouin
Boggs
Boland
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Phillip
Butler
Byron
Carney
Carter
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conyers
Corman
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Downing
Duncan, Oreg.
Duncan, Tenn.
du Pont
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
English
Erlenborn
Esch
Eshleman
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hays, Ohio
Hébert
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Hinshaw
Holt
Horton
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kemp
Ketchum
Keys
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Mahon
Mann
Martin
Mathis
Matsunaga
Mazzoli
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Morgan
Mosher
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nowak
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman
Patten
Patterson, Calif
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Risenhoover
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schulze
Sebelius
Seiberling
Sharp
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Weaver
Whalen
White
Whitehurst
Whitten
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wirth
Wright
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Zablocki
Zeferetti

NAYS—57

Abzug
Adams
Ambro
Anderson, Calif.
Bauman
Bedell
Bingham
Blanchard
Bonker
Brodhead
Brooks
Burton, John L.
Carr
Casey
Cohen
Conte
Cornell
Dodd
Downey
Drinan
Early
Emery
Gonzalez
Hayes, Ind.
Hechler, W. Va.
Holland
Holtzman
Howard
Jacobs
Kazen
Kelly
Koch
Lehman
McDonald
Macdonald
Maguire
Miller, Calif.
Mink
Mitchell, Md.
Moakley
Moffett
Moss
Nix
Nolan
Oberstar
Richmond
Roberts
Rosenthal
Schroeder
Solarz
Spellman
Studds
Tsongas
Wilson, Charles H., Calif.
Wolff
Yates
Young, Tex.

ANSWERED "PRESENT"—1

Shipley

NOT VOTING—10

Andrews, N.C.
Dellums
Evans, Colo.
Foley
Meeds
Mills
Moorhead, Pa.
Steelman
Waxman
Wiggins

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Moorhead of Pennsylvania with Mr. Waxman.

Mr. Foley with Mr. Steelman.

Mr. Evans of Colorado with Mr. Mills.

Mr. Dellums with Mr. Andrews of North Carolina.

Mr. Meeds with Mr. Wiggins.

The result of the vote was announced as above recorded.

The SPEAKER. The message and the bill, together with the accompanying papers, are referred to the Committee on Ways and Means and ordered to be printed.

The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter just under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON HOUSE ADMINISTRATION

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 252 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 252

Resolved, That for the further expenses of the investigations and studies to be conducted by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed $600,000, including expenditure for employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)) shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $65,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the Record. It has been printed in the Congressional Record.

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would just like to ask the gentleman from New Jersey if, as he calls up these resolutions he will provide us with some explanation of the individual resolutions. I have gone over the total amounts contained in each of these resolutions for the various committees and on the basis of last year year's authorizations for 1974, I would calculate there is roughly a 73-percent overall increase in funding for these various committees, excluding the Committee on Ways and Means. Perhaps the gentleman could give us a general explanation for the necessity for this kind of enormous increase in committee spending and what each one of these committees intends to do with these funds.

Mr. THOMPSON. Mr. Speaker, if the gentleman will yield, the gentleman from New Jersey would respond by saying first I have a statement prefacing all of the resolutions and I shall be delighted to yield for purposes of debate or explanation only in each and every instance, as has been my practice.

Mr. BAUMAN. I appreciate the gentleman's assurances but could he explain to us why an overall figure of a 73-percent increase is needed?

Mr. THOMPSON. I can when the gentleman withdraws his reservation of objection.

Mr. BAUMAN. With those assurances, Mr. Speaker, I will be glad to withdraw my reservation of objection.

Mr. Speaker, I withdraw my reservation of objection.

Mr. THOMPSON. Mr. Speaker, I am grateful to the gentleman from Maryland.

Mr. BAUMAN. And I am even more grateful to the gentleman from New Jersey.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, these are routine funding resolutions. The funds are for the conduct of investigations and studies, an example of which is the now historic impeachment investigation carried out by the Committee on the Judiciary. However, the more routine investigations and studies carried out by the 20 standing committees, and their numerous subcommittees, though less dramatic, are no less important in fulfilling the oversight responsibilities mandated by the Rules of the House of Representatives. The funds requested by these resolutions provide for subcommittee and investigative staff, including the funding for minority staff under the provisions of House Resolution 5. In addition, these funds provide for consultants, witness fees, travel, clerical assistance, and other costs and items necessary for the proper conduct of investigations and studies, and are in addition to amounts appropriated each session for the day-to-day operations, and house- and record-keeping functions of the full committees.

The recent changes in the Rules of the House of Representatives, especially those rules affecting staff, those creating new oversight responsibilities and enlarging or modifying committee jurisdiction, and those mandating the formation of new subcommittees, as well as provisions for automatic staff salary increases, are mainly responsible for the increases over the funds available to the committees during the last session of the 93d Congress.

Salary increases: Across-the-board raises by Executive order subject to the approval of appointing authority:

[In percent]

1970 (January)	6.00
1971 (February)	6.00
1972 (January)	5.50
1973 (January)	5.14
1973 (October)	4.77
1974 (October)	5.52
Total	15.43

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSE OF INVESTIGATION AND STUDY AUTHORIZED BY HOUSE RULE XI

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 104 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 104

Resolved, That effective January 3, 1975, the expenses of the investigations and studies to be conducted pursuant to House Rule XI, by the Committee on Post Office and Civil Service acting as a whole or by subcommittee, not to exceed $741,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, and approved by the Committee on House Administration. However, not to exceed $110,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or ogranizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Post Office and Civil Service shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 104 from the Committee on Post Office and Civil Service amounts to $741,000. Again, as was the case in every instance, it was considered by the Subcommittee on Accounts with the chairman and the ranking member in attendance and in agreement. It was reported unanimously to the full committee and reported out favorably by the full committee.

I might say in this case that the proposed increase is less than the 15.43 percent which has taken place in increases because of Federal pay increases and amounts to an 8-percent increase over the last session.

The Committee on Post Office and Civil Service has newly acquired jurisdiction over the Hatch Act, over the Intergovernmental Personnel Act, over holidays and celebrations and congressional mailing standards, in which case two staffers would be required.

There are six subcommittees, all funded. In the last Congress there were five funded and one unfunded.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF COMMITTEE ON EDUCATION AND LABOR FOR INVESTIGATIONS AND STUDIES TO BE CONDUCTED PURSUANT TO RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 139 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 139

Resolved, That (a) effective January 3, 1975, the expenses of the investigations and studies to be conducted pursuant to rule XI of the Rules of the House of Representatives, by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $1,600,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Of such amount, $120,000 shall be available for each of eight standing subcommittees of the Committee on Education and Labor.

(b) Not to exceed $25,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (i)); and not to exceed $3,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 139, unanimously approved by the Subcommittee on Accounts and by the full Committee on House Administration requests $1,600,000 for all purposes for the Committee on Education and Labor. This represents a 9.6-percent decrease in the moneys available in the last session.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES OF THE INVESTIGATIONS AND STUDIES OF THE COMMITTEE ON SMALL BUSINESS

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 201 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 201

Resolved, That effective January 3, 1975, the expenses of the investigations and studies to be conducted pursuant to rules X and XI of the Rules of the House of Representatives, by the Committee on Small Business acting as a whole or by subcommittee, not to exceed $541,500 including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $75,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 201, for the Committee on Small Business, asks for $541,500, a 3-percent increase over available moneys in the last session. I might point out that this is the first year that the Small Business Committee has been a standing committee, so now all of the oversight responsibilities are new.

The jurisdiction of this committee was increased by the inclusion of small business assistance, small business financial aid, small business participation in Federal procurement and Government contracts. There are six subcommittees, no increase in number.

Mr. Speaker, I move the previous question on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES AUTHORIZED BY COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 226 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 226

Resolved, That, effective from January 3, 1975, not to exceed $2,209,424 shall be paid out of the contingent fund of the House for the expenses of the investigators and studies to be conducted pursuant to the rules of the House by the Committee on Public Works and Transportation, acting as a whole or by subcommittee, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants. Such payment shall be made on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $70,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Public Works and Transportation shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no obection.

Mr. THOMPSON. Mr. Speaker, House Resolution 226, for the Committee on

Public Works requests—and it was reported again unanimously by the subcommittee and the full committee—an amount of $2,209,424.

This represents an increase of 19 percent over the amount available to this committee in the last Congress. This committee's jurisdiction was expanded by the inclusion of aviation, Interstate Commerce Commission, less railroads, and all mass transportation. It has six subcommittees, all of which are funded according to the rules. There is no change.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Speaker, House Resolution 226 provides funds for the Committee on Public Works and Transportation to conduct studies and investigations within its jurisdiction during the 1st session of this 94th Congress.

The Committee Reform Amendments of 1974 assigned a number of new and major responsibilities to this Committee, especially in the fields of civil aviation and surface transportation, which will add immensely to the workload of its Members and staff.

It should be noted also that the committee, in preparing its budget, is obliged to comply with the new rules of the House providing for appropriate staff assistance, on both the majority and minority sides, for each of its six subcommittees. This requirement alone accounts for more than $300,000 of the funds budgeted by the committee for this session.

In past years, the authorized cost of programs under the committee's jurisdiction has averaged nearly $20 billion annually. To this heavy responsibility, there has now been added a whole new range of jurisdictions of comparable magnitude. The funding requested in this budget resolution is consistent with actual operating experience in the past and with projected expenses incidental to the committee's new jurisdictions.

Major items of legislation scheduled for committee consideration during this first session include extensive modification of the existing economic development program to cope with the Nation's recession and unemployed problem; airport and airway development; Federal-aid highway construction and highway safety including motor vehicle safety; water pollution control; water resource development; review and possibly legislative restructuring of the Interstate Commerce Commission's regulatory program, and the creation of a national transportation policy which, you will recall, was a major reason for the transfer to this committee of jurisdiction over mass transportation, civil aviation, including air safety, and the Interstate Commerce Commission's programs.

The Subcommittee on Investigations and Review, which monitors the administration of the many complex programs within this committee's jurisdiction, will continue to exercise congressional scrutiny across the entire spectrum of our responsibilities.

The major portion of the funding request will go to pay staff personnel assigned to the full committee and to the six subcommittees: Aviation, Economic Development, Investigations and Review, Public Buildings and Grounds, Surface Transportation, and Water Resources. The balance will be used for necesary office expenses and essential travel for on-the-spot hearings and investigations.

Mr. Speaker, I ask approval of House Resolution 226.

Mr. THOMPSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR PRIMARY EXPENSES, 94TH CONGRESS, 1ST SESSION, FOR COMMITTEE ON ARMED SERVICES

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 132 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 132

Resolved, That effective from January 3, 1975, the expenses of the investigations, studies, and oversight responsibilities and functions to be conducted pursuant to rule X, clause 2(b)(1) (relating to general oversight responsibilities), clause 3(a) (relating to special oversight functions of the Committee on Armed Services), and rule XI, clause 1(b) (relating to the authorization of investigations and studies), by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $836,275 including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Fund authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 132, for the Committee on Armed Services, was again unanimously recommended by the subcommittee on accounts and by the full Committee on House Administration. It asks for an appropriation in the amount of $836,000. It has six standing subcommittees, each of which is funded.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. THOMPSON. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, this particular resolution seems to underscore the concern I have with the overall spending figure. As I read this particular report, in the last session of the 93d Congress this committee was authorized $150,000, and in this 1st session of the 94th Congress, we are being asked to authorize $336,000.

What on earth could the Armed Services Committee be planning to do which would cause that much of an increase?

Mr. THOMPSON. Mr. Speaker, I might point out to the gentleman that, though in the last session $150,000 is an accurate figure, there was a carryover making available to this committee an amount of $227,706.44. The increase is indeed one of the larger ones. It was the subject of considerable discussion before the subcommittee on accounts, which reported it favorably, and by the full committee.

The fact is that, for the first time, the six standing legislative committees will be funded fully for both the majority and the minority. The oversight responsibilities which are to be undertaken by this most important committee are such, that the committee felt that the request was justified.

Mr. BAUMAN. So most of these funds are going for salaries for staff as a result of the Hansen-Bolling reform; is that correct?

Mr. THOMPSON. To a very large extent, yes. Also, however, there is a rather large increase in the investigative funds available and mandated by the new rules of the House.

Mr. BAUMAN. If the gentleman will yield for one further question, I notice that in some of these reports the individual committees provided a full plan of hearings and topics which they propose to investigate. I see none for the Committee on Armed Services. Did the hearings produce any evidence as to what they were going to look into specifically?

Mr. THOMPSON. Following the rules of the House, by counsel for the committee I am informed that there was provided, as required under the rules, a comprehensive program of investigative work, oversight work, to the Committee on Government Operations.

Mr. BAUMAN. I appreciate the gentleman's response.

Mr. THOMPSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATION AND STUDY AUTHORIZED BY HOUSE RULE XI

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 164

Resolved, That effective January 3, 1975, the expenses of the investigations and studies to be conducted pursuant to House rule XI, by the Committee on Veterans' Affairs, acting as a whole or by subcommittee, not to exceed $460,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $25,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Veterans' Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 164 of the Committee on Veterans' Affairs again was unanimously reported by the Subcommittee on Accounts and by the Committee on House Administration. It makes a request for $460,000. There was available to the committee in the last session of the 93d Congress $162,037. It has an increased jurisdiction by the inclusion of the National Cemetery System. It has five subcommittees, none of which were funded last year, all of which were funded this year.

Mr. ROBERTS. Mr. Speaker, I have furnished a statement which goes into some detail to describe what we intend to do this year in the Committee on Veterans' Affairs, and of course I have also submitted a budget and the list of committee employees as was requested.

The Veterans' Administration operates some very large programs. They have a proposed budget this coming fiscal year of almost $16½ billion.

The Veterans' Affairs Committee takes its oversight responsibilities seriously. As you know our requests for funds in the past have been quite modest, but this year because of the change in rules in the House and the requirement for additional staffing, it is necessary that our former requests be increased. The attached budget takes this into account, and I hope it will be approved as submitted.

Mr. THOMPSON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF COMMITTEE ON BANKING, CURRENCY AND HOUSING FOR INVESTIGATIONS AND STUDIES TO BE CONDUCTED PURSUANT TO RULE XI OF RULES OF THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 236 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 236

Resolved, That (a) effective January 3, 1975, the expenses of the investigations and studies to be conducted pursuant to rule XI of the Rules of the House of Representatives, by the Committee on Banking, Currency and Housing, acting as a whole or by subcommittee, not to exceed $1,797,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants; and

(2) for the procurement of services of individual consultants of organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i));

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

(b) Not to exceed $100,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2. U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purposes.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Banking, Currency and Housing shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the Record.

The SPEAKER pro tempore (Mr. Price). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 236 of the Committee on Banking, Currency and Housing requests an amount of $1,797,000. Again the automatic salaries are a major factor for the funding of each and everyone of the subcommittees.

The subcommittees have been increased from eight to nine, six of which will be funded by statutory funds. The obvious reason is the rather dramatic increase in minority staffing and oversight responsibilities.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 237 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 237

Resolved, That, effective January 3, 1975, the expenses of the investigations and studies to be conducted by the Committee on Merchant Marine and Fisheries, acting as a whole or by subcommittee, not to exceed $477,500, including expenditures for the employment of investigators, attorneys, individual consultants, or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $100,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Merchant Marine and Fisheries shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House

Resolution 237 for the Committee on Merchant Marine and Fisheries requests $477,450. There was available to the committee in the last session $291,414.41.

The reasons for the increase again are the statutory pay increases, the subcommittee funding, and 13 new personnel, 10 for the subcommittee and 3 for clerical backup which have been added.

After a clarifying colloquy between the committee's ranking member, the gentleman from Michigan (Mr. Ruppe), and myself, in the presence of the chairman of the committee, this resolution was unanimously reported.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I will be glad to yield to my friend, the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

I would simply like to state that my comments are not directed toward this particular resolution but toward the resolutions in toto.

As the gentleman knows, the minority Members in this House have been restive about the proportion of staff that has been granted to them. We have objected to the rules which the majority has imposed upon us with respect to the one-third staff rule. We feel we have not received adequate staffing.

We are pleased that we are getting new positions for our ranking minority members. I particularly appreciate the awareness and the willingness of the distinguished gentleman from New Jersey (Mr. Thompson) to approve extra staff appropriations where needed.

On the other hand, Mr. Speaker, I want to issue a warning that we do not believe a simple statement that all the new funds, or a good proportion of them, are being used to develop minority staffs is warranted.

As of last June, the minority had about 13 percent of the staff positions available to the committees of this House. We had a slightly higher percentage of the payroll, perhaps up to 15 percent.

We will be counting to see that we are getting a proportionate increase for our ranking minority members, and, in fact, for our total staffing needs. But we do not want this House nor the public to understand that what I think are enormous, and in some cases perhaps unjustified, increases in these expense allowances are totally due to the increase in minority staffing.

So we will be preparing another report on just who is working for whom.

Mr. Speaker, I want to say again that none of my criticism is directed toward the gentleman from New Jersey, because he has been, I think one of the strongest voices for fair and good staffing in this House.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman for his remarks.

I might say this also: that it is not my intent in the slightest to attribute the escalation in the moneys requested to the minority staff. That is simply one of the major factors.

I might point out that I was the author of not only the staffing provisions for the subcommittees, but of an amendment for one-third of the investigative staff. That was changed in the Democratic Caucus over, I might say, my objections. I have, however, taken the trouble to consult not only with every ranking member, but with as many members as have communicated with me from the minority—for example, as recently as 30 minutes ago, the gentleman from Delaware (Mr. du Pont) and I met—in order to insure fairness.

I guarantee that it will continue. I also look forward to the promise of the gentleman from Minnesota, my friend, that there will be accountability for the use of minority staff. I hold the view that the minority on the full committee and on the respective subcommittees must have, in order properly to do their work, sufficient staff, but I am confident that they will be used for that purpose and not for political purposes.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield further?

Mr. THOMPSON. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for his clarification, and I thank him for his interest in the concept of fair staffing.

I think our recognition of his work is one of the reasons why some of these very large increases are not being challenged at this time, or at least put to a vote. We are going to have to work together to figure out what is really needed here to serve the needs of both parties.

Mr. THOMPSON. Mr. Speaker, I might assure the gentleman from Minnesota that this committee was sent a fine statement by its chairman, the gentlewoman from Missouri (Mrs. Sullivan), and it was supported by the gentleman from Michigan (Mr. Ruppe), the ranking member, once there was a clarification, which I think should be made part of the Record, of the right of the ranking member to have 10 statutory employees for his office, to be used at his discretion and to be paid responsibly, because it happens that all the ranking members are responsible gentlemen, to be paid at amounts set by him without regard to the fact that the chairman might not agree with the specific amount in each case.

The only restriction under the law is in the case of the subcommittees, the ranking subcommittees entitled, that that person be paid no more than the chairman's subcommittee's opposite is paid. This has been clarified to the satisfaction of the gentleman from Michigan (Mr. Ruppe). He was kind enough to write me a letter following the colloquy and the establishment of this principle is, I think, indelibly written into the Record at this point.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF THE INVESTIGATIONS AND STUDIES BY THE COMMITTEE ON AGRICULTURE

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 228 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 228

Resolved, That effective from January 3, 1975, through the first session of the ninety-fourth Congress, the expenses of the investigations and studies to be conducted by the Committee on Agriculture, acting as a whole or by subcommittee, not to exceed $788,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $200,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Agriculture shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 228 is for the Committee on Agriculture, and the request is for $788,000, of which $200,000 is for a special one-time investigation of the food stamp program.

Each of the subcommittees is funded according to the rules of the House. There was unanimity by the chairman and the ranking member.

I might note that the jurisdiction of this committee has been expanded with the inclusion of the food stamp program.

There are now 10 subcommittees, 6 requiring statutory budgeting or budgeting for staff, the other 4 of which, if they are funded, to be funded out of the investigative fund.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on each of the resolutions just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AUTHORIZATIONS

(Mr. BAUMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BAUMAN. Mr. Speaker, I appreciate the explanation of the various committee authorization resolutions just passed as presented to the House by the distinguished gentleman from New Jersey. I must say however, that I am highly concerned at the enormous increases which have been granted to various committees by these resolutions. I have felt for some time that Members of Congress who rightfully demand economies in the operation of the executive branch, should be willing to set an example ourselves here on Capitol Hill by holding down our own spending.

It is evident that in these committee resolutions, no such example of economy was even contemplated. In fact, the overall increases for all of the committees involved are nearly 86 percent over last year. This is an increase which is totally inconsistent with the budget deficit situation the Federal Government faces. Interestingly, the largest increases have occurred in the budgets of those committees which supposedly have been "reformed" with new chairmen.

Of course, it can be suggested that any Member who does not agree with the amounts granted to each committee could demand a recorded vote on the issue. I think, however, we all know that this would be futile in view of the majority held by the party on the other side of the aisle. It would also be futile in the sense that even if we vote, we are not likely to change the amounts agreed upon by the House Administration Committee.

Nevertheless, I feel strongly that if the Congress is ever to regain the respect of the American people we have got to do a much better job of keeping our own house in order than is evidenced by these resolutions passed here today.

At this point in my remarks, I include a list of the committee authorizations just passed and the amounts and percentage increases over the previous year's authorizations. I commend it to my colleagues' reading:

HOUSE COMMITTEE AUTHORIZATIONS

Committee	1975 request	1974 authorized	Percentage increase
Agriculture	$788,000	$150,000	+425
Armed Services	836,000	150,000	+457
Banking	1,797,000	912,000	+97
Education and Labor	1,600,000	1,180,000	+36
House Administration	600,000	320,000	+88
Merchant Marine and Fisheries	477,500	203,000	+135
Post Office and Civil Service	741,000	535,500	+88
Public Works	2,209,424	1,394,480	+58
Small Business	541,500	431,000	+26
Veterans'	460,000	120,000	+283
Total	10,050,424	5,395,980	+86

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 4296

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on H.R. 4296, a bill to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 85 per centum of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

EXPRESSING APPROVAL OF CONGRESS OF AMENDMENT TO 1955 AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ISRAEL CONCERNING CIVIL USES OF ATOMIC ENERGY PROPOSED BY THE ATOMIC ENERGY COMMISSION JANUARY 14, 1975

Mr. PRICE. Mr. Speaker, I call up the concurrent resolution (H. Con. Res. 114) expressing the approval of the Congress of the amendment to the 1955 Agreement for Cooperation Between the Government of the United States of America and the Government of Israel Concerning Civil Uses of Atomic Energy proposed by the Atomic Energy Commission on January 14, 1975, and ask unanimous consent that it be considered in the House.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 114

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby expresses its approval of the proposed amendment to the 1955 Agreement for Cooperation Between the Government of the United States of America and the Government of Israel Concerning Civil Uses of Atomic Energy submitted in the January 14, 1975, letters from the United States Atomic Energy Commission to the Speaker of the House and the President of the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The gentleman from Illinois is recognized for 1 hour.

Mr. PRICE. Mr. Speaker, this concurrent resolution merely expresses the approval of the Congress to a 2-year extension of the existing agreement for cooperation between the United States and Israel in civil applications of nuclear energy. Only an extension of the existing research agreement is involved—nothing else.

Let me stress at the outset that the agreement, which has been in effect since 1955, does not permit the sale or transfer of a nuclear power reactor to Israel. The extension has nothing to do with last year's proposal along that line. This agreement deals with a small 5-megawatt research reactor and with exchanges of unclassified technical information and radioisotopes for medical and other applications.

The agreement will expire on April 11 of this year unless extended. All material and equipment transferred to Israel under the agreement is subject to the safeguards of the International Atomic Energy Agency. There has been no indication of any attempt to divert any such material under this agreement to military purposes. The extended agreement also includes an exchange of diplomatic notes which places formally on the record the long-standing mutual understanding that "peaceful uses" do not include nuclear explosive devices or the development of such devices, regardless of their intended uses. Thus, no material, equipment, or devices furnished under this agreement could be used for such purposes.

I urge the adoption of this resolution. This program has been of great value to the State of Israel in bringing to them the advantages of nuclear medicine, food irradiation, and other benefits of nuclear energy. In return, the United States receives some economic return from the sales of equipment and materials, and the results of research efforts by Israel's scientists and engineers, but more importantly a furthering of our friendly relations with that nation which have been instrumental in somewhat calming the tensions in that troubled region of the world. I ask your support for this resolution.

Mr. RONCALIO. Mr. Speaker, will the gentleman yield?

Mr. PRICE. I am happy to yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Speaker, I thank the gentleman for yielding to me, and I take this time to express my support of the remarks made by the distinguished gentleman from Illinois (Mr. PRICE) relative to House Concurrent Resolution No. 114 expressing the approval of the Congress of the amendment to the 1955 Agreement for Cooperation Between the Government of the United States of America and the Government of Israel Concerning Civil Uses of Atomic Energy proposed by the Atomic Energy Commission on January 14, 1975, and I would like to urge all of the Members of the House to vote for this concurrent resolution.

I would ask that my remarks carry with them an editorial from the Washington Post of March 10, 1975, entitled "A Nuclear Iran?"

The material referred to follows:

A NUCLEAR IRAN?

The proposed sale of eight nuclear power plants to Iran requires the closest scrutiny in order to assure that the deal won't permit or lead Iran to make its own nuclear bombs. It may be a bit embarrassing for Washington to push the question, since Iran is not only a major economic partner but a country with which we have, in Dr. Kissinger's words, "very deep political bonds." But it is essential all the same.

Iran has signed the nuclear non-proliferation treaty (NPT), a pledge of nuclear abstinence. But whether the NPT's inhibitions are consistent with the Shah's ambitions is increasingly a question. A sympathetic specialist, Georgetown's Alvin J. Cottrell, notes that last year when France promised to supply Iran with five nuclear power plants, "This immediately raised speculation about the Shah's arms policy. He was reported by the journal 'Les Informations' as saying that Iran not only wanted nuclear weapons but that she would acquire them quickly. This statement was later denied, but it seems clear that the Indian nuclear test caused some alarm in Tehran, and if India were to acquire atomic weaponry it is likely that Iran would try to follow suit. French officials are reported as saying that France will have virtually no control over the reactors or the enriched uranium that will be supplied to Iran. With the right kind of knowledge, it would be relatively easy for Iran to construct low-yield nuclear weapons."

Has the horse already been stolen? France, not itself being an NPT signatory, is not in a position even to ask for enforcement of the International Atomic Energy Agency "safeguards" against military diversion called for by the NPT. But it is the United States own policy which is at issue now. Dr. Kissinger, while explaining that reactors supplied to Iran would be subject to "safeguards that are appropriate" to the NPT, said that "it is not a deliberate policy of the United States to spread nuclear technology around" the world.

But could it be an inadvertent or reluctant policy? The IAEA safeguards, many experts believe, are inadequate to balk a determined cheater. That is why the United States has been hoping to get the handful of suppliers of nuclear reactors (including France) to impose tighter safeguards on their own. Proud, nationalistic nations like Iran, however, tend to see such tighter safeguards as infringements on their sovereignty. The Shah, for instance, has said that in 10 years Iran will need the same military potential that Britain and France possess today. And *that* is why the United States ought to induce Iran to agree that spent nuclear fuel will be shipped abroad for reprocessing, and not left in Iran where it might be used to make nuclear weapons. That particular safeguard is not required by NPT, but it should be required by the United States. Fortunately, the issue has not yet been foreclosed.

The United States is in a ticklish position. Even as it tries to persuade non-nuclear nations to sign and ratify the NPT, it is trying to get the more advanced and/or ambitious among those nations to accept safeguards more stringent than those imposed under the NPT. To square this circle is no simple task. But the main goal must be kept in mind: to do everything possible to ensure that that the nuclear club does not expand.

Further, I would like to have the RECORD show just a few of the items that are involved in this special modest research reactor, and they are as follows:

Question 1: What changes are being made in the research agreement?

Answer: None. The agreement is simply being extended for two years.

Question 2: How much enriched uranium is in each fuel load for the research reactor?

Answer: 6 kilograms.

Question 3: Suppose the agreement is not extended. What are the consequences?

Answer: The reactor and special nuclear material will continue to be protected under safeguards arrangements. The cooperative program between Israel and the United States for peaceful applications of atomic energy has been in being since 1955 and will simply come to an end.

Question 4. What safeguards arrangements apply to the research agreement with Israel?

Answer: The safeguards of the International Atomic Energy Agency (IAEA) apply. In addition, the U.S. has bilateral safeguards rights in the event it is not satisfied with the IAEA safeguards arrangements. Also, approval by the U.S. would be required before the used fuel is processed. At the present time, none of the used fuel has been reprocessed.

Question 5: What amounts of plutonium are available from the used fuel if it is reprocessed?

Answer: Negligible amounts. If the reactor were used around the clock at the highest efficiency possible, approximately 2½ grams of plutonium would be produced a year. It would take of the order of 5,000 grams of plutonium to produce one sophisticated weapon. Therefore, if the reactor were used around the clock and if all of the used fuel were reprocessed, it would take thousands of years to produce enough plutonium for a weapon. At the present time, none of the fuel has yet been reprocessed and Israel does not have reprocessing capability.

Question 6: What is the size of the reactor which is covered by this agreement for cooperation?

Answer. It is a very small 5 megawatt thermal research reactor. This is the lowest level reactor which is subject to the congressional review procedures for international nuclear agreements which were enacted last year.

Question 7. Does Israel have any other research reactors?

Answer: Yes. There is the Dimona reactor which is over 5 times larger than the research reactor covered under the agreement for cooperation with the U.S. That reactor was supplied by France and it is not under the controls of the IAEA.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. PRICE. I am happy to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise merely to endorse the statement that has just been made by the distinguished gentleman from Illinois (Mr. PRICE) and to join the other members of the committee in urging the adoption of this concurrent resolution.

Mr. PRICE. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PRICE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a similar Senate concurrent resolution (S. Con. Res. 15) expressing the approval of the Congress of the amendment to the 1955 "Agreement for Cooperation Between the Government of the United States of America and the Government of Israel concerning Civil Uses of Atomic Energy" proposed by the Atomic Energy Commission on January 14, 1975, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate Concurrent Resolution as follows:

S. CON. RES 15

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby expresses its approval of the proposed amendment to the 1955 "Agreement for Cooperation Between the Government of the United States of America and the Government of Israel Concerning Civil Uses of Atomic Energy" submitted in the January 14, 1975, letters from the United States Atomic Energy Commission to the Speaker of the House and the President of the Senate.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 114) was laid on the table.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SENSE OF CONGRESS RESOLUTION TO COUNTERACT ARAB DISCRIMINATION

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, I am introducing today on behalf of myself and 57 Members of the House of Representatives a concurrent resolution expressing the sense of the Congress that the President should convene at the earliest possible time, a meeting of the heads of all appropriate Federal departments and agencies to formulate and implement an effective program to counteract Arab discrimination against American business firms which do business with Israel or have top-level Jewish employees.

Recent reports of blacklisting American firms by Arab nations have generated many public statements deploring such discrimination, including a forthright statement from the President, but further action is needed. It is not enough to deplore discrimination when it continues to be implemented. The Congress should speak out and order Government procedures to protect American business and assure that there will be no official or unofficial, direct or indirect, cooperation by employees of the executive branch of our Government.

The blacklisting policy of Arab nations is repugnant to the basic ideals of our Nation and an immediate response is called for, by the Arab intimidation of our free enterprise system. The prosecution of those who have participated in this blacklisting policy is important but at the same time we must set forth clear guidelines to prevent future blacklisting of American firms which have Jewish individuals in important responsible corporate positions or which do business with the State of Israel.

This is not just an issue of protecting certain banks, financial houses, contractors or other firms competing for access to business opportunities in Arab or oil-wealthy nations. That must be understood. This proposed resolution is a fundamental statement of U.S. policy against discrimination in whatever form it is raised. The resolution is the vehicle by which Congress makes clear that we will not tolerate or turn our backs on any blacklist or any attempt to single out one ethnic or religious group for secondary treatment whether it be in international commerce or the exercise of basic human rights.

The number of Federal departments and agencies involved in international commerce is surprisingly large. The departments and agencies which I have identified so far include the following:

Departments: Agriculture, Commerce, Defense, Air Force, Army, Navy, Health, Education and Welfare, Justice, Labor, State, Transportation, Treasury.

Agencies: ACTION, Atomic Energy Commission, Civil Aeronautics Board, Export-Import Bank of the United States, Federal Maritime Commission, Federal Reserve System, National Aeronautics and Space Administration, National Science Foundation, Advisory Commission on Intergovernmental Relations, Board of Foreign Scholarships, Export Administration Review Board, Foreign-Trade Zones Board, National Advisory Council on International Monetary and Financial Policies, President's Foreign Intelligence Advisory Board, Trade Epansion Act Advisory Committee, U.S. Advisory Commission on Information, U.S. Advisory Commission on International Educational and Cultural Affairs, U.S. Information Agency, Federal Aviation Administration.

The above list is undoubtedly not a complete listing of those agencies of the Federal Government which have input into domestic and international commerce and the policies affecting a free flow of commerce but it is a starting point for the convening of the Presidential conference contemplated by my resolution.

The Department of Justice and the Attorney General of the United States should provide additional leadership at such a conference by stating our intentions to prosecute those who have violated the law and future policies for monitoring agency activities in this area throughout the Government.

The seriousness of the problem of the Arab blacklist is evident and the wide support which this proposed legislation has generated in the past few days is evidence that the mood of the House of Representatives favors swift action. I urge the appropriate committees and leadership of the House to move quickly on this concurrent resolution so that there can be no doubt about the seriousness of our purpose to stop this blatant act of discrimination by the Arab nations.

I am pleased to list the following Members of the House as cosponsors of this concurrent resolution:

LIST OF COSPONSORS

Hon. Bella S. Abzug (D-N.Y.), Hon. Jerome A. Ambro (D-N.Y.), Hon. Frank Annunzio (D-Ill.), Hon. Herman Badillo (D-N.Y.), Hon. Mario Biaggi (D-N.Y.), Hon. Jonathan B. Bingham (D-N.Y.), Hon. John M. Brademas (D-Ind.), Hon. William M. Brodhead (D-Mich.), Hon. George E. Brown, Jr. (D-Calif.), Hon. James A. Burke (D-Mass.), Hon. John Conyers (D-Mich.), Hon. James C. Corman (D-Calif.), Hon. Robert F. Drinan (D-Mass.), Hon. Thomas J. Downey (D-N.Y.), Hon. Robert Duncan (D-Oreg), Hon. Don Edwards (D-Calif.), Hon. Joshua Eilberg (D-Pa.), Hon. Hamilton Fish, Jr. (R-N.Y.), Hon. Donald M. Fraser (D-Minn.), Hon. Benjamin A. Gilman (R-N.Y.), Hon. Gilbert Gude (R-Md.), Hon. Ken Hechler (D-W. Va.), Hon. Elizabeth Holtzman (D-N.Y.), Hon. Robert W. Kasten, Jr. (R-Wisc.).

Hon. Edward I. Koch (D-N.Y.), Hon. John J. LaFalce (D-N.Y.), Hon. Clarence D. Long (D-Md.), Hon. Torbert H. Macdonald (D-Mass.), Hon. Joseph M. McDade (R-Pa.), Hon. Matthew F. McHugh (D-N.Y.), Hon. Norman Y. Mineta (D-Calif.), Hon. Joseph G. Minish (D-N.J.), Hon. Parren J. Mitchell (D-Md.), Hon. John M. Murphy (D-N.Y.), Hon. Robert N. C. Nix (D-Pa.), Hon. George M. O'Brien (R-Ill.), Hon. Richard L. Ottinger (D-N.Y.), Hon. Claude Pepper (D-Fla.), Hon. Charles B. Rangel (D-N.Y.), Hon. Thomas M. Rees (D-Calif.), Hon. Henry S. Reuss (D-Wisc.), Hon. Frederick W. Richmond (D-N.Y.), Hon. Peter W Rodino, Jr. (D-N.J.), Hon. Robert A. Roe (D-N.J.), Hon. Benjamin S Rosenthal (D-N.Y.), Hon. Fernand J. St Germain (D-R.I.), Hon. Paul S. Sarbanes (D-Md.), Hon. James H. Scheuer (D-N.Y.), Hon. Patricia Schroeder (D-Colo.), Hon. Paul Simon (D-Ill.), Hon. Stephen J. Solarz (D-N.Y.), Hon. Henry A. Waxman (D-Calif.), Hon. Charles Wilson (D-Tex.), Hon. Lester L. Wolff (D-N.Y.), Hon. Sidney R. Yates (D-Ill.), Hon. Leo C. Zeferetti (D-N.Y.), Hon. Bob Wilson (R-Calif.).

The text of the concurrent resolution follows:

H. CON. RES. 173

Whereas there is an announced Arab boycotting and blacklisting of American business organizations which have Jewish individuals serving in positions of major responsibility or which do business with Israel;

Whereas such discriminatory action is obnoxious to American ideals and the American way of life; and

Whereas an immediate response to this exercise in harassment is essential in order to protect our free and open democratic society and the free enterprise system: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, it is the sense of the Congress that the President should convene, at the earliest possible time, a meeting of the heads of all appropriate departments and agencies of the Federal Government for the purpose of formulating and implementing an effective program of action to counteract Arab discrimination against American business organizations which have Jewish individuals serving in responsible positions or which do business with Israel.

ARMS SALES TO INDIA AND PAKISTAN

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, on February 24, the Ford administration removed the 10-year-old arms embargo for Pakistan and India. The official State Department announcement stated clearly that "we do not intend to stimulate an arms race" in the Asian subcontinent. Assistant Secretary of State Atherton explained to the public that he was unaware that India had any interest in U.S. military equipment, and recalled that the Prime Minister of Pakistan had expressed an interest only in "defensive" U.S. items such an antitank and antiaircraft weapons. Less than 2 weeks have gone by, and the press has reported on pressures from the Indian military for U.S. aircraft for India's only aircraft carrier, for helicopters, air-to-air missiles, air cargo transport planes; from the Pakistan military for Phantom jet bombers, supersonic jet fighters, and even submarines. Not all of the pressures which could spark another destructive arms race between India and Pakistan, however, come from South Asia.

The Texas-based LTV Aerospace Corp., in the words of one executive branch official, has put "intense pressure" on the administration to permit sale of LTV's A–7 fighter-bomber to Pakistan. LTV has sought State Department permission to take senior Pakistani Air Force officials to its Dallas headquarters to view classified, technical data concerning the A–7 which is not presently licensable for export. The State Department has refused—so far—to allow LTV to disclose this classified data concerning one of America's most accurate strike aircraft.

Mr. Speaker, the State Department should be commended for resisting pressures—whatever their origins—to disclose classified information to foreign powers in order to spur sales of sophisticated weapons. All too often administrations have caved in to such pressures. Indeed, the very decision by the Ford administration to renew arms sales to India and Pakistan was the result of years of presure from Pakistan to do so. Congress must watch the South Asian arms situation closely to see that this administration does not cave in to pressures to sell sophisticated, offensive weapons that could set off a repetition of the 1965 war between India and Pakistan in which both sides used U.S. weapons.

THE LATE HONORABLE ALFRED E. DRISCOLL

(Mr. FORSYTHE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. FORSYTHE. Mr. Speaker, I would briefly like to pay my respects to former New Jersey Gov. Alfred E. Driscoll who passed away Sunday, March 9.

Governor Driscoll was a friend and companion to New Jersey and the news of his death is a profound loss not only for me personally but also for the people of New Jersey. Governor Driscoll was one of New Jersey's youngest Governors at his election in 1946, and was New Jersey's first two-term Governor. During his terms, Governor Driscoll was instrumental in revising the State constitution and reforming the court system.

Alfred Driscoll was also known as the "Father of the New Jersey Turnpike." He considered highway safety a major problem and was instrumental in bringing about the completion of the New Jersey Turnpike as well as initiating the construction of the Garden State Parkway. Governor Driscoll headed the turnpike authority since 1970—a post he regarded as a "labor of love."

Governor Driscoll was a great New Jersey statesmen and his passing is of great sorrow for all New Jerseyans.

GENERAL LEAVE

Mr. FORSYTHE. Mr. Speaker, at this point I ask unanimous consent to revise and extend my own remarks and that all Members may have 5 legislative days in which to revise and extend their remarks on the passing of the late Honorable Alfred E. Driscoll.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

UNEMPLOYMENT AND DETERIORATING SYSTEM OF RAILROAD TRANSPORTATION

The SPEAKER pro tempore. (Mr. Eckhardt). Under a previous order of the House, the gentleman from Pennsylvania (Mr. Heinz) is recognized for 30 minutes.

Mr. HEINZ. Mr. Speaker, our Nation is presently confronted with a staggering variety of serious problems, not the least of which are a skyrocketing rate of unemployment and a steadily deteriorating system of railroad transportation. These two problems, interrelated in ways, suggest to me that we in Congress now should set forth our priorities in a clear and reasonable manner.

One priority is to fine tune and focus squarely on our job programs. Exactly what is their purpose—simply to make work or is it to produce useful byproducts?

Another priority certainly is to get the railroads rolling. In the Northeast we are looking at the probable abandonment of railroads. In the West we see deferred maintenance today that could lead to abandonment tomorrow.

What we should be aiming at is not abandonment but rehabilitation. For a change, let us talk about making the railroads usable and manageable.

The villages and towns and cities that rely on railroads cannot do this for themselves. Lincoln suggested:

> The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all or cannot do so well for themselves in their separate and individual capacities.

What better time for Congress to conduct "the legitimate object of government?"

Mr. Speaker, I am today introducing legislation which would put to work rebuilding our Nation's railroad rights-of-way, unemployed railroad workers and others who have suffered job losses during these times of high unemployment. To do this, my bill would make an investment in our Nation's railroad rights-of-way. It also makes sure that the public interest in this investment is properly protected by necessary safeguards.

My legislation does not represent a long-range solution to either problem—unemployment or railroads—but it does offer an important initial step toward resolving both difficulties. Most important, this bill would mean action, and action is what the people rightfully expect of us.

My bill is designed to employ over 50,000 maintenance-of-way workers to rebuild railroad track and roadbeds—a vital step if we are to improve rail service in this country. At the same time, this bill would help achieve our national goal of putting people to work on jobs that will stimulate our economy and expand work opportunities in private industry.

The fact that the economic health of this country is dependent on rail service is most evident when you realize that railroads serve over 45,000 communities nationally, employ over 500,000 persons, pay $500 million in taxes a year, handle 60 percent of shipments by manufacturers, transport 70 percent of coal used domestically, and make annual purchases of more than $4 billion.

However, the railroad industry simply does not have the manpower it needs to restore its right-of-way to the degree necessary for railroads to once again become a viable transportation alternative. At the end of World War I the railroad industry employed approximately 400,000 people to maintain their rights-of-way; today they employ little more than 90,000 people who are responsible for the maintenance of over 205,000 miles of track in the United States.

Yet, the railroad industry has been forced to compete at a disadvantage with other forms of transportation which have been heavily subsidized with Government support. For example, the airline industry does not have to finance the high cost of running airports—the Government does that for them. The trucking industry has the benefit of the Government-constructed modern interstate highway system which is nothing less than a high speed right-of-way for intercity truck and passenger traffic financed with 90 percent Federal money. The railroad industry has none of these benefits and must run their own train stations and rebuild and maintain their own roadbeds.

Therefore, I believe the time has come for this Congress to correct the inequities in the distribution of Government financial support for transportation in this country. We have ignored those transportation economists who have pointed out to us in the past that one reason rail service is on the decline is because rail transportation has received less than one-half of 1 percent of all transportation funds expended by all levels of government in the United States. Other experts have indicated that rail transportation "can move most goods in volume between the same points with less than one-third the fuel, one-third the air pollution, one-sixth the casualties and one-tenth the land."

How can we continue to ignore the importance that an efficient rail system can have on our economic, energy, and environmental programs in this country?

This Government must begin to put our national priorities in perspective. Unemployment is soaring, almost 8 million Americans are out of work and the financially crippled railroad industry was forced to lay off approximately 21,000 employees in January of this year. This was the largest monthly drop in rail employment in a nonstrike period in 15 years.

Upon close examination, a definite parallel exists between the decline of our railroad industry and the decline in our economy. Only through this recognition will we begin to appreciate the effect that efficient rail service has on our national unemployment rate which could go as high as 10 percent this year.

The Congress will shortly consider legislation that would authorize up to $5 billion a year for public service employment programs. I cannot believe that my distinguished colleagues would authorize such a large expenditure without giving some thought to the kind of jobs we create. What we need to give priority to are jobs that will further stimulate our economy and be a wise investment for the future. Surely, rebuilding roadbeds to improve rail service makes much more sense than putting people to work raking leaves, cleaning streets, or maintaining public buildings. Rebuilding our railroad rights-of-way is a better use of hard-earned taxpayer dollars.

Mr. Speaker, the only means of transportation available to move heavy volume goods to market is rail transportation. Without it, the auto industry would collapse in a week, coal could not be cheaply transported and agricultural goods would dramatically increase in cost.

While the bill I introduce today will not solve all our problems, it will create the type of productive jobs that will stimulate our economy, improve rail service and, in turn, lead to the creation of more jobs in the private sector of our economy. We can no longer afford to idly sit back and wait for the economic recovery of our railroads—if we do so it may be too late—we need action and we need it now. I believe the proposal I introduce today could be the spark that begins a new era of efficient rail service in this country and an upturn in our economy.

Congressman Fred Rooney, chairman of the Transportation Subcommittee, has promised early hearings on this legislation and I am hopeful that we can count on speedy congressional action.

Mr. Speaker, I have also received tremendously encouraging support from Government officials, Members of Congress, railroad labor and railroad management. With their help and the help of my colleagues in the House, I am confident we can claim our first victory in our battle for a more stable economy. In particular, I have already received statements of support from the Association of American Railroads, the United Transportation Union, and the Brotherhood of Maintenance of Way Employees and I include these statements, together with the text of my legislation, at this point in the Record:

Comments of Stephen Ailes, President of the Association of American Railroads, on the "Railroad Right-of-Way Improvement Act of 1975"—A Proposal of Congressman H. John Heinz III

The railroad industry would welcome legislation of this kind. It would attack in a meaningful and constructive way not just one, but two, problems of serious public concern. It would help ease the unemployment crisis by furnishing the means to provide work for furloughed and other unemployed railroad workers. And, importantly, the work to be performed is vital and sorely needed in the public interest.

Many railroads have been forced for financial reasons to defer maintenance and upkeep of their rights-of-way. Of course, the resulting deterioration in the quality of service the railroads are able to offer the public is a source of critical concern not only to the railroads and their customers but to the nation as a whole.

Mr. Heinz's bill is a constructive approach to both the unemployment problem and the right-of-way problem.

STATEMENT BY MR. J. RAYMOND MCGLAUGHLIN, NATIONAL LEGISLATIVE REPRESENTATIVE, BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

We have reviewed legislation that Congressman Heinz is introducing today which is designed to upgrade track and roadbeds of the Nation's railroads and remove people from the rolls of the unemployed.

We fully support the goals contained in this legislation because there is an urgent need for relieving unemployment and making long overdue repairs to these railroad facilities.

UNITED TRANSPORTATION UNION,
Washington, March 10, 1975.

Hon. H. JOHN HEINZ III,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN HEINZ: I have received a draft of the bill you propose to introduce to amend the Interstate Commerce Act to provide assistance to create employment opportunities in rebuilding the nation's railroad rights of way.

We are very much interested in this legislation, since improved railroad rights-of-way will provide faster transportation and a safer place for our members to work.

After I have had an opportunity to completely analyze your proposal, I will be delighted to discuss it with you, and later on to present our views when hearings are scheduled.

Kindest personal regards.

Respectfully,

J. R. "(JIM)" SNYDER,
National Legislative Director.

H.R. 4622

A bill to amend the Interstate Commerce Act to provide assistance to create employment opportunities in rebuilding the nation's railroad rights of way, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Right of Way Improvement Act of 1975".

SEC. 2. Part V of the Interstate Commerce Act is amended by adding at the end thereof the following new section:

"RAILROAD RIGHT OF WAY IMPROVEMENT

"SEC. 520. (a)(1) The Congress hereby finds and declares that (A) there is at the present time and in the foreseeable future an urgent national interest in the development of improved methods for conserving energy, taking into account environmental considerations, (B) the railroads of the nation are in increasingly poor financial condition, (C) railroad rights of way throughout the country have deteriorated substantially in recent years, (D) unemployment among railroad workers is high, with no signs of lessening in the foreseeable future, and (E) there is an urgent need to create meaningful employment opportunities in a way which will serve the interests of the nation and of the railroads themselves.

"(2) It is therefore the purpose of this Act to provide, during times of high unemployment, assistance to create employment opportunities in rebuilding the nation's railroad rights of way.

"(b)(1) The Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to enter into agreements upon application from eligible applicants in accordance with the provisions of this section in order to make financial assistance available during times of high unemployment for the purposes of providing employment for unemployed or underemployed persons, subject to the provisions of subsection (e)(2)(C), in jobs maintaining or rebuilding railroad rights of way (including bridges and trestles) necessary to improve rail service and training and manpower services related to such employment which are otherwise unavailable.

"(2) The funds appropriated pursuant to this section shall be expended only for wages and employment benefits to persons employed under this section in accordance with the terms of applicable labor agreements existing between the railroad applicants and the Railroad Labor Brotherhoods at the time such funds are so expended.

"(3) Within 30 days after the date of enactment of this section, the Secretary shall establish by regulation necessary procedures for carrying out such agreements, including such terms and conditions as the Secretary shall deem necessary to safeguard and protect the public interest in any financial assistance granted under this section.

"(c) Financial assistance under this section may be provided by the Secretary only pursuant to applications submitted by a common carrier by railroad as defined in section 1(3) of part I of this Act.

"(d)(1) For the purposes of carrying out this section, there are authorized to be appropriated $500,000,000 for fiscal year 1975, $1,000,000,000 for the fiscal year 1976, and $1,000,000,000 for fiscal year 1977.

"(2)(A) No further obligation of funds appropriated under this subsection may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months except as provided in subparagraph (B).

"(B) If at any time subsequent to the Secretary's determination under this subsection, the rate of national unemployment (seasonally adjusted) equals or exceeds 4.5 per centum for three consecutive months, the Secretary may, notwithstanding the provisions of subparagraph (A), resume the obligation of funds appropriated under this subsection until a new determination has been made under subparagraph (A).

"(C) In determining the rate of national unemployment the Secretary shall consult with and take into consideration the findings of the Secretary of Labor.

"(3) Whenever the Secretary makes any determination required by paragraph (2), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

"(e)(1) Financial assistance under this section may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this section. Any such application shall set forth a railroad maintenance of way employment program designed, in times of high unemployment, to provide employment for unemployed and underemployed persons in such jobs and, where appropriate, training and manpower services related to such employment which are otherwise unavailable.

"(2) Any application for financial assistance for a railroad maintenance of way employment program under this section shall contain such assurances and be in such form as the Secretary may require consistent with the purpose and provisions of this section, including—

"(A) certification that sufficient material exists or will exist to perform the necessary maintenance or construction;

"(B) assurances that the eligible applicants will not substitute jobs provided under this section for existing railroad jobs;

"(C) assurances that employment priority will be given—

"(i) first, to persons who were formerly employed to maintain or rebuild railroad rights-of-way, who are now unemployed, and for whom employment opportunities would not otherwise be immediately available,

"(ii) second, to other unemployed railroad workers, and

"(iii) third, to individuals registered on the State unemployment rolls; and

"(D) such other assurances, arrangements, and conditions as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

"(f)(1) An application (or modification or amendment thereof) for financial assistance under this section may be approved only if the Secretary determines that the application meets the requirements set forth in this section.

"(2) In considering applications for financial assistance under this section, the Secretary may give preference—

"(A) to railroads in reorganization under section 77 of the Bankruptcy Act, and

"(B) to railroads with high density freight lines, and lines (including passenger lines) with serious safety hazards or substantial bottlenecks in rail lines and yards.

"(g)(1) The Secretary shall establish procedures for periodic reviews by each railroad of the status of each person employed under this section to assure that—

"(A) in the event that any person is employed under this section and the railroad finds that the job involved will not provide sufficient prospects for suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

"(B) as the rate of unemployment approaches the objective of subsection (d)(2) or if financial assistance will otherwise no longer be available under this section, maximum efforts shall be made to locate employment or training opportunities not supported under this section for each person employed under this section, and each such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

"(2) The Secretary shall review the implementation of the procedures established under paragraph (1) of this subsection six months after funds are first obligated under this section and at six-month intervals thereafter.

"(3) From funds appropriated to subsection (d)(1) the Secretary may reserve such amount, not to exceed one per centum thereof, as he deems necessary to provide for a continuing evaluation of programs assisted under this section and their impact on related programs.

"(h) The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this section, including information derived from evaluations required by this section, and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, and (2) segments of the population of unemployed persons are provided opportunities for employment in accordance with the purpose of this section."

HOW HUMANS FALL IN LOVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 3 minutes.

Mr. TALCOTT. Mr. Speaker, this morning on the radio I heard news reports that a Member of the other body had attacked the National Science Foundation for funding a scientific study of what he incorrectly characterized as "how humans fall in love and how long they stay in love."

Unfortunately I am not able to quote the exact words of the gentleman, since I have not myself seen a copy of his press release. But I am appalled at the thought that a Member of the Congress of the United States would not see any merit in such a study.

The statistics show that the dissolution of marriage is one of the most serious economic and social problems we must face. Marriages which no longer work are a problem in every part of this country, and at every social level, including the Congress itself.

What is more difficult to see is the tremendous social and economic costs involved in dissolving a marriage. On top of the obvious costs, such as attorney fees and court costs, there are the less obvious costs of the breakup of a marriage, such as the expenses of maintaining multiple homes, resources devoted to visitation, and the general loss of productivity during the readjustment process most people must go through.

If the National Science Foundation can fund basic social scientific research which will give us a better idea of the social and emotional processes which are critical to basic human interdependence, then I believe that the money would be well spent.

Perhaps, if such knowledge was readily available to both professional counselors and to the average citizen we would find that many marriages which now end in dissolution could be restored. We might also find that such knowledge could be used at the high school level to help prepare our children to face their transition into adulthood. How many foredoomed marriages which might be prevented if such data were available cannot be calculated, but I am convinced that the savings in dollars as well as emotional anguish would be considerable.

There is still a stigma in our society that indicates a marriage which has been dissolved was a "failure." That stigma causes unnecessary grief to the individuals involved, unreasonable discrimination against both divorced men and women, and a high toll in self esteem.

I believe that the statistics clearly show that the institution of traditional marriage is undergoing substantial change, and that there is an obviously high cost involved. I oppose frivolous expenditures, but most thinking persons will agree that basic research is needed in this area, and I applaud the National Science Foundation for addressing that need.

If the Senator wants to oppose a wholly unnecessary expenditure, I suggest free haircuts for Senators and below-cost lunches—right under his nose.

A BILL AMENDING THE IMPOUNDMENT CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. BAUCUS) is recognized for 5 minutes.

Mr. BAUCUS. Mr. Speaker, today I am reintroducing H.R. 3827, a bill amending the Impoundment Control Act of 1974. This amendment would allow Congress by concurrent resolution to disapprove a rescission request submitted by the President. The effect of congressional disapproval by concurrent resolution, as provided by the amendment, would be to make the money requested for rescission immediately available for obligation. The amendment also would prohibit the administration from again withholding the same funds once their rescission was disapproved in this way. The amendment does not prohibit the President from resubmitting rescission requests for the same budget authority, but stipulates that he may not withhold the same money while Congress considers any future request for its rescission. The amendment does not remove the 45-day option for disapproval. Neither does it in any way affect the process for dealing with deferrals of budget authority as prescribed in the Impoundment Control Act of 1974.

I believe, Mr. Speaker, that this amendment would significantly strengthen the ability of Congress to assert its budgetary prerogative. It is hardly debatable that the administration's spending priorities differ markedly from those of Congress. It also should be noted that for many federally supported programs, time is a critical factor. Funds administered in conjunction with State agencies, for example, have a direct impact on planning and programing at the State and local levels. A rescission request by the President, under present law, adversely affects the ability of the States to perform their duties because a portion of their anticipated revenue is frozen for 45 days.

Municipalities counting on Federal funding for community improvements such as hospital construction and waste water treatment facilities endure much hardship and uncertainty over the availability of Federal money. I know of instances in which towns have held successful bond issue elections for much needed hospitals, purchased land, employed architects and engineers, and qualified for Federal grants under the Hill-Burton program, only to find the Federal money frozen because of a rescission request. Delays like those experienced because of the Hill-Burton rescission request were both painful and costly to many communities.

Agriculture is another area that often demands immediate congressional action to make funds available for certain purposes. If the President disagrees with Congress over the advisability of obligating the funds as appropriated, he might request a rescission, the disapproval of which would take 45 days of continuous session. The Congress could thus be thwarted if its action were tied to planting or harvesting seasons, market fluctuations, or any number of other time considerations.

I submit that this amendment would give to Congress a needed alternative to guarantee that its budgetary priorities will be carried out. It would enable Congress to take positive action to expedite the obligation of appropriated moneys when such action is deemed necessary.

The Impoundment Control Act of 1974 is indeed landmark legislation, and is laudible for its affirmation of Congress budgetary prerogative in the face of almost runaway executive power. This addition would provide Congress one more alternative in its consideration of Presidential requests to rescind budget authority, and would serve to notify the people and the executive branch of its willingness to meet and execute its responsibilities in spending America's tax dollars.

The text of the bill follows:

H.R. 4595

A bill to amend the Impoundment Control Act of 1974 to permit the Congress by concurrent resolution to disapprove any rescission proposed by the President, and thereby to make the funds involved immediately available without waiting for the expiration of the 45-day period during which such rescission otherwise would be effective

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1012 of the Impoundment Control Act of 1974 is amended by adding at the end thereof the following new subsection:

"(c) DISAPPROVAL PRIOR TO EXPIRATION OF 45-DAY PERIOD.—The Congress may by concurrent resolution disapprove in whole or in part any proposed rescission or reservation of budget authority set forth in a special message at any time prior to the expiration of the prescribed 45-day period, and, in the event of such disapproval, the rescission or reservation shall cease immediately to the extent disapproved. The effect of such disapproval shall be to make available for immediate obligation the budget authority involved, and shall preclude the President or any other Federal officer or employee from causing such budget authority to be unobligated pending congressional action with respect to any subsequent proposed rescission or reservation set forth in a special message.".

SEC. 2. (a) Section 1011(4) of the Impoundment Control Act of 1974 is amended—

(1) by striking out "means a resolution" and inserting in lieu thereof "Means (A) a resolution"; and

(2) by inserting before the semicolon at the end thereof the folowing: ", or (B) a concurrent resolution of the House of Representatives or the Senate which expresses the disapproval of the Congress of a proposed rescission or reservation of budget authority set forth in a special message transmitted by the President under section 1012".

(b)(1) Section 1017(a) of such Act is amended by striking out "or impoundment resolution introduced with respect to a proposed deferral of budget authority" and inserting in lieu thereof ", and any impoundment resolution introduced with respect to a proposed deferral of budget authority, or introduced or received from the other House within the prescribed 45-day period with respect to a proposed rescission or reservation of budget authority.".

(2) Section 1017(b)(1) of such Act is amended—

(A) by inserting "or receipt" after "introduction", and

(B) by inserting ", rescission, or reservation" after "deferral".

(3) The third sentence of section 1017(c)(2) of such Act is amended by inserting "introduced with respect to a proposed deferral of budget authority" after "impoundment resolution".

ENCOURAGING A BALANCED APPROACH TO HEALTH CARE: THE HOME HEALTH SERVICES ACT OF 1975 AND THE HOME HEALTH MEDICARE AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, last Wednesday, Mr. STEELMAN and I, along with 41 cosponsors, introduced two bills which deal with a significant, yet badly neglected aspect of a well-balanced comprehensive health care system—home health care.

Although home health care is not intended to be a substitute for institutional care when it is needed, home care offers in many instances a less expensive and more effective alternative to institutionalization.

During the past decade, care of the elderly increasingly has been provided by nursing homes. Statistics show almost a 50-percent increase in the number of patients treated. This increase is due in part to the introduction of medicare and medicaid which help senior citizens bear the cost of medical care which otherwise would be beyond their means. However, while covering institutional medical costs, medicare and medicaid restrict the benefits a patient may receive for health care administered in the familiar surroundings of his own home.

The limitation forces people to accept more health care than they really need, solely because it is covered by medicare—resulting in unnecessary increased costs to the taxpayer. This is corroborated by a recent HEW study which estimates that between 14 and 24 percent of the Nation's 1.1 million nursing home patients are unnecessarily maintained in institutions because of a lack of alternative medical treatment.

Runaway cost is generally considered the No. 1 problem in financing adequate medical services. Charges for personal health services, mainly doctor and hospital bills, have risen more rapidly in the past two decades than any component of the Consumer Price Index—191.1 percent as compared to 112.5 percent. With these costs in mind, it is interesting to note that several studies have demonstrated that home health care saves money. The Home Care Association of Rochester, N.Y., showed an estimated savings of $1,068,000 in 1971 through early transfer of patients from hospitals to home care programs—a reduction of 12,579 in-hospital days. A similar program in Denver showed a savings of $515,729 in medical costs for medicare patients.

And, in my home district of Minneapolis, dramatic savings to taxpayers are achieved by the Minneapolis Age and Opportunity Center, a nonprofit organization funded in part with Federal funds that has established a working relationship with one of our local hospitals. One case, saving the taxpayer $8,051 over a 3-year period, and continuing to save $223 per month, is an example of the excellent job this, and other home health care organizations can do:

MINNEAPOLIS AGE AND OPPORTUNITY CENTER, INC.,
Minneapolis, Minn.

Client: Mildred R.

Age: 64.

Income: $140/month SS-SSI

Problem: Client spends most of her time in a wheelchair. She has multiple sclerosis and gall bladder problems. She is unable to walk, prepare food and clean house.

Action taken: On reviewal of this case, the counselor recommended:

(1) Home delivered meals;

(2) Housekeeping; and

(3) Voluntary action for social functions at Courage Center handicapped socials to relieve isolation problems.

The above services have been provided for three years.

Prognosis: With M.A.O. services, client is able to remain in independence, receiving meals and occasional housekeeping. Obviously without M.A.O. services, this client would have to be in a Nursing Home.

COST EFFECTIVENESS OF THIS MAO HOME CARE PLAN VERSUS INSTITUTIONALIZATION

MAO services provided for 3-year period	
Service and number:	
Meals (including delivery charges): 3 years (2 meals a day, 7 days a week)	$3,285.00
Housekeeping: 3 years (3 services a month)	399.60
Counseling: 3 years (Average 1 a month)	324.00
Total cost of services	4,008.60
Nursing home costs for 3-year period	
$450 a month for 3 years	$16,200.00
Less client's income of $115/month for 3 years (Client would be allowed to keep $25 a month for personal needs)	−4,140.00
Remaining cost to be paid by medicaid	12,060.00
Less cost of MAO services	−4,008.60
Saving	8,051.40

Therefore, the care MAO provided this client for 3 years saved the taxpayer $8,051.40.

ON-GOING MONTHLY SAVINGS

In addition to the above savings to the taxpayer provided over the last three years, because MAO is continuing to serve this client, there will be an on-going monthly saving to the taxpayer of $223.65.

Mr. Speaker, other countries with large elderly populations—such as Great Britain, Sweden, Denmark, and Norway—have formulated their public policy to provide as much supportive home care as necessary to enable elderly persons to remain in their own homes as long as possible and therefore retain relative independence. In many cases the difference between being institutionalized and being able to stay at home is simply having someone to help with daily home chores such as cleaning, cooking, and shopping, or being able to have doctors or nurses make repeated home visits.

To improve home health care in this country, Mr. STEELMAN and I have introduced the Home Health Services Act and a bill to amend the home health care provisions of the medicare program to provide increased home health benefits. Currently, no program exists in the United States for home health care agencies to expand, or for new ones to be established in communities without such services. The Home Health Services Act provides such "start-up" funds for public and nonprofit agencies and provides funds to expand existing services. In addition, the legislation would provide grants for training programs for both professional and paraprofessional home health personnel. This bill, coupled with the companion medicare bill, will encourage a reversal of the present trend toward institutionalization and away from home care. Between 1970 and 1972, the number of certified home health agencies decreased from 2,350 to 2,221 and payments for home care under medicare declined from $115 to $69 million, less than 1 percent of all medicare expenditures that year.

Our second bill would amend medicare to provide for home care benefits that truly meet the needs of the aged and provide a real alternative to institutional care. A real opportunity would exist for a senior citizen to receive treatment in the comfort of his own home.

To be eligible now for coverage for home care under medicare, a person must be confined to his residence, be under the care of a physician, and need part-time or intermittent skilled nursing service and/or physical or speech therapy. Current benefits are skilled oriented. They are not designed to provide coverage for care related to help with activities of daily living.

The legislation we have introduced would make the following changes in current law:

First, delete the restriction that only "skilled" nursing care or physical or speech therapy may be reimbursed as home health services. This requirement has in effect limited the home health care benefit to those who are acutely ill and need rehabilitation. It bars from medicare coverage a wide range of situations—such as preventive care—when the patient's condition has stabilized or when the patient is no longer in need of skilled nursing care as defined by the Social Security Administration. Determination of whether skilled care is required often is a complicated decision. For example: If no one is available to fill the syringes for a blind diabetic who is able to inject himself, medicare will not pay for having the syringes filled on the basis that this is not a skilled service. On the other hand, if the blind diabetic is unable to inject himself, medicare will pay for a visit by a nurse to give the unskilled service. Now under our bill, a patient could need only the services of a home health aide to fill his syringes or for such things as bathing and dressing and would qualify under medicare if the service was approved by a doctor and carried out under appropriate supervision.

Second, the bill eliminates the requirement that home health care treatment must be related to the condition which required hospitalization. In the past, this requirement has resulted in the denial of many home health care claims because the condition requiring home treatment is different from the one which was originally diagnosed as a cause of hospitalization.

Third, because homemaking services are so often essential to the continued independence of the ailing elderly, our bill would include the part-time or intermittent services of a homemaker in the list of services that may be provided by a home health agency. Homemaker services are not currently listed in the law as one of the services which may be provided by a home health agency, and the services of the home health aide are narrowly defined in terms of personal care. As a result, aged persons who live alone may be forced to remain in a hospital longer than necessary for lack of a few simple supportive services such as cleaning or shopping or they may be forced from their own homes into an institution earlier than necessary.

Finally, our bill would increase the number of home health visits covered by medicare from 100 to 200. The limitation on visits to 100 under both parts A and B is a hardship to persons requiring extended home care visits. Relatively few medicare recipients need more than 100 home health visits, but those who do should not be cut off from necessary home health services, and possibly forced back into the hospital. Establishing a limit of 200 visits would grant coverage to almost all qualifying home health patients.

Mr. Speaker, I hope in the months ahead more of our colleagues will join in cosponsoring this legislation. While it is estimated that home care expenditures under medicare will be increased from $100 million to about $275 million, there will be a net saving to the taxpayer under medicare. The National Association of Home Health Agencies estimates that home care is 3½ times less expensive per patient than hospitalization and 4 to 5 times less expensive per patient than skilled nursing homes. My colleague, Mr. Koch, estimates that, depending on the level and intensity of care, many elderly persons could be maintained in their own homes for between $3,000 and $9,000 a year compared to nursing home costs in New York City of $12,000 to $13,000 a year. Home health care must be made an integral part of any comprehensive national health system developed by this Congress.

PROCONSUMER ENERGY PROGRAM UNVEILED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. Harris) is recognized for 5 minutes.

Mr. HARRIS. Mr. Speaker, I would like to call the attention of my colleagues to a proconsumer energy program that I, along with a coalition of House Members, presented to the Energy and Power Subcommittee of the Intersatte and Foreign Commerce Committee.

The importance is clear that we must develop a program of consumer-oriented energy proposals, the main features of which include a national gas allocation system, oil import quota, a rollback on domestic oil prices and opposition to increased gasoline taxes.

The intent of our programs is to place the emphasis on conservation and to relieve the already overburdened American consumer.

Mr. Speaker, I am happy to insert at this point in the Congressional Record the statements made before the committee:

Statement of Representative Herbert E. Harris II on Repeal of Oil and Utility Industry Tax Subsidies as an Alternative to Increasing the Gasoline Tax Before the Energy and Power Subcommittee of the House Interstate and Foreign Commerce Committee, Monday, March 10, 1975

Mr. Chairman, proposals have been made for increasing the gasoline tax, both as a revenue source and as a method of conserving fuel. We believe such a tax increase on the average consumer is unnecessary on both counts.

Representative Ambro has already outlined our objections to a gas tax increase as a conservation measure and our proposed alternative—mandatory allocation. I will speak to the issue of raising revenue.

Both the Wright Task Force and the Ways and Means Committee have proposed setting up an energy trust fund to help pay the costs of research and development in the energy field. We agree that the search for alternative sources of energy is a priority.

But we do not believe it must be funded by raising the price of gasoline on the average family once again. In the last two years, the price of gasoline at the pump has nearly doubled. In 1974, the total tax bill, federal, state, and local, for the average family has risen about 30%. Our people just cannot afford to pay yet higher prices or taxes for gasoline.

The necessary revenue should be raised from the undertaxed oil companies and utilities, rather than on the overtaxed average family.

In 1973, the average tax rate for the giant oil companies was less than 6%. In the same year, 39 major electric utilities, including Virginia Electric Power Company (VEPCO), in my home state, didn't pay any federal income taxes at all.

We propose closing two major loopholes for the big oil companies—write-offs for intangible drilling costs and the abuse of the foreign tax credit—and repealing three major loopholes for the utilities—the investment tax credit, accelerated depreciation, and the Asset Depreciation Range System (ADR). This of course is predicated on the assumption that the fixed rate depletion allowance repeal as passed by the House becomes law. The case for ending these tax giveaways has been made many times.

We simply suggest that, if raising revenue is the goal, closing long-standing tax loopholes for the big oil companies and utilities is more equitable than raising the gasoline tax on the consumer.

Statement of Hon. Jerome A. Ambro, Third District, New York, Before Energy and Power Subcommittee, House Commerce and Health Committee, March 10, 1975

Mr. Chairman, I believe that increasing the Federal excise tax on gasoline will prove to be both insensitive and ineffective. This proposal would adversely affect everyone in the nation who relies on the automobile for his livelihood, everyone who lives in areas which have no effective mass transportation alternatives (especially those in suburban and rural areas), everyone who is subsisting on moderate, low, and fixed incomes, and all who are unemployed.

In addition, to increase gasoline prices via the imposition of a Federal excise tax would result in an approach which would be imitated by the States and vitiate our attempts to stimulate the economy by tax cuts and rebates. Besides that, it would, incongruously, further undermine the economy by contributing to inflation. Finally, it would not accomplish its stated task: reduce gasoline consumption.

There is an alternative—one that has the merit of being simple, easily understood, and predictably effective, but most important, of being fair. This alternative is a Federally administered allocation plan.

This approach has the advantage of setting general parameters for reduction of consumption at the national level in conjunction with overall energy policy while leaving day by day implementation to the States, where possible.

Once we have indeed computed, in a responsible fashion, the percentage of reduction of consumption that this nation must reasonably attain, we can reduce the total distribution of gasoline to the States by that percentage amount using an equitably arrived at base period from which to work. Certain priority groups would be excepted from this reduction, receiving instead 100% of their needs: agricultural producers, emergency services, energy producers, sanitation services, telecommunication services, and public transportation.

If we recognize that a 5%–8% reduction through allocation means a 500,000 barrel per day reduction of imported oil, we will have achieved a significant segment of what must be an interdisciplinary energy program.

Where necessary, the States individually could be charged with designing specific methods of utilizing their allocations—e.g. on/off days, Sunday closings, strict enforcement or lowering of the 55 mph limit, etc.

Caution: This Administration, for either philosophical or political reasons, seems to want no part of such an approach. In order to ensure that its will is carried out, the Congress must carefully monitor the implementation of its plan in terms of both spirit and letter of law. Any real departure from legislative intent must be taken seriously with the possibility of Congress considering alternative methods of administering the whole system.

To insure that the reduced gas allocation truly results in reduced oil imports, we recommend a bill which combines import quotas—the surest means of reducing imports—with government purchasing authority for foreign oil as suggested by the Committee on Ways and Means. Distribution of that oil which is allowed into the United States can be then carried out according to allocation criteria as discussed above.

Statement of Representative Andrew Maguire on Rollback of Domestic Oil Prices and Long Range Conservation Before the Energy and Power Subcommittee of the House Interstate and Foreign Commerce Committee, Monday, March 10, 1975

Mr. Chairman, one fundamental difference between President Ford's energy plans and the proposals we present today is that he believes the price of domestic oil is too low; we believe the price of domestic oil is too high.

Two years ago, the average price of domestic crude oil was $3.89 a barrel. Today the price of uncontrolled domestic crude oil is over $10 a barrel. The oil industry and the Ford Administration would have us believe that this price increase of 200% was caused by the normal adjustment of a free and competitive market. Nothing could be further from the truth.

The price of domestic oil rose to meet the price of foreign oil. And the price of foreign oil is a *monopoly* price, decided upon around a conference table by leaders of the OPEC cartel.

In the long run, the United States must seek to lower the OPEC price for foreign oil and we support efforts to do that. But the possibility of lowering the price of foreign oil *in the future* must not blind us to our responsibility to lower domestic oil prices *now*.

Last year's energy bill, passed by Congress, but vetoed by President Nixon, included a rollback of domestic oil prices to a maximum of around $7 a barrel. We think that such a rollback—of about $3 a barrel on new oil—makes just as good sense today as it did last year. The $3.89 price tag on domestic oil two years ago may have been artificially low; but $10 price tag today is clearly artificially high.

Under our proposal, the basic price of "old" domestic oil would be controlled at $4.25 a barrel, with cost-justified "incentive" prices for "new" oil ranging up to around $7.00 a barrel.

We believe that such a price range—saving consumers over $7.5 billion a year in oil price overcharges—can provide adequate incentives and fair profits for the oil companies, without exploiting the American consumer. Such a pricing policy will promote development of cost-effective energy resources like off-shore oil, without asking consumers to subsidize unreasonably expensive alternatives like shale oil and synthetic fuels. And we believe such a rollback will assert our control over our own domestic oil prices, rather than allowing the OPEC cartel to continue to set the price of domestic oil.

Over the long term, conservation must be an essential element of our energy policy as well. We enthusiastically support the thrust, and many of the specifics, of the long range conservation policies proposed by the Wright Task Force and the Ways and Means Committee. Our primary concern in conservation, as in pricing, is to make sure that everyone—giant corporations as well as ordinary consumers and businessmen—carries his fair share of the burden. Thus, we would rely on tough, mandatory fuel-efficiency standards for cars, appliances, and the like, rather than on increases in consumer prices and taxes to institutionalize the conservation ethic.

Statement of Representative George Miller on Utility Industry Reform, Before the Energy and Power Subcommittee of the House Interstate and Foreign Commerce Committee, Monday, March 10, 1975

Electric utilities have been promoting the use of electricity through advertising and promotional rate structures for many years. The culmination of this practice is the current financial crisis in which many of the utilities are now finding themselves. The utilities say that they must have continuous large rate increases in order to raise the $300 billion in new capital they will need by 1985. This projection is based on a resumption of the 7% annual growth rate which is assumed in the Project Independence report. However, there are many experts who believe that these growth figures are overstated. The Ford Foundation's Energy Policy Project concludes that a 2% to 5% growth rate in power demands is realistic. A study by the Rand Corporation concludes that the growth rate in power demands could and should be slowed. Both of these studies stress the positive impact of energy conservation measures and rate structure reforms on limiting growth of power demands, thus dampening the need for higher rates.

Neither the Wright or Ullman proposals deal sufficiently with the utility questions. The Ford Administration's energy and tax package responds to the utilities' cries for assistance by proposing tax and regulatory procedures that will improve the utilities' financial situation at the expense of the consumer. The Ford program would institute a mandatory fuel adjustment clause for all state utility commissions, mandate a time limit of 5 months on all utility rate cases, and allow construction work in progress (CWIP) expenses (of up to 15% of the rate base) to be included in the utility rate bases for the purpose of setting rates. The Administration has estimated that its proposals could result in nation-wide increases in electric rates of approximately 20% as well as a substantial decline in tax liabilities for utilities.

We believe that there are certain measures which can be undertaken in the short run which can bring some immediate relief to the hurting consumers, while laying the foundation for some long overdue reform in the rate structure and growth patterns of the utility industry. We are proposing four suggestions for legislation, which I will briefly outline here, and which are discussed in more detail in our energy packet.

The first is to prohibit any automatic pass through of higher fuel costs through a fuel adjustment clause without a public hearing on the issue, quite contrary to the President's proposal.

The second would prohibit the Federal Power Commission from including the cost of construction work in progress (CWIP) in the rate base of any utility which it regulates.

The third would prohibit the cost of image promoting advertising by utilities to be included in the rate base. The cost of such advertising should be borne by the stockholder.

The fourth would require the state utility commissions to establish "Lifeline" rates which would guarantee every family its basic electricity needs for a reasonable fixed price.

The proposals are only the beginning of a plan toward much needed reform in the utility industry. In addition, the immediate economic impact felt by the consumer would be an important sign that Congress can and will respond to the needs of the consumer.

WORKWEEK OF FEDERAL FIREFIGHTERS STILL A PROBLEM REQUIRING LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. Matsunaga) is recognized for 30 minutes.

Mr. MATSUNAGA. Mr. Speaker, in several Congresses prior to this one I introduced legislation which would have reduced the workweek of Federal firefighters from the current 72 hours a week to 56 hours, a figure more compatible with today's average workweek. This year, however, I had hoped that there would be no need for my proposal, since Federal firefighters were given coverage last year under a special provision in the Fair Labor Standards Act Amendments of 1974.

Under that new law, the firefighters' workweek was reduced from 72 to 60 hours a week as of January 1, 1975, with further phased reductions scheduled through 1977. Any hours in excess of those limits was to be compensated at regular overtime rates of time and a half.

Unfortunately, the Civil Service Commission and the Department of Defense, the principal employer of Federal firefighters, have decided to ignore the intent of the Congress in amending the Fair Labor Standards Act, and have decided to continue to work the firefighters 72 hours a week. Moreover, they have refused to compensate these deserving men for their extra hours of work on an equitable basis.

Instead, they are paying the men only half-time for the extra 12 hours a week and frustrating the intent of Congress in passing the 1974 amendments. The ostensible justification is the men's retention of premium pay, which ignores the multiple reasons for premium pay being awarded.

To rectify the unfortunate situation, I am today introducing an amended version of my prior bill, which reflects the changes in the law made last year. This means that the new bill is less beneficial to firefighters than my original bill would have been, since the initial reduction in workweek is only to 60 hours, rather than to 56. What is unchanged, however, is my old bill's guarantee that firemen would receive time and a half for all overtime, without sacrificing the pay and allowance they have been entitled to for many years.

I am hopeful of a quick and favorable action on my proposal by the House Post Office and Civil Service Committee. The text of my new bill is submitted for the Record.

H.R. 4634

A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 61 of title 5, United States Code, relating to hours of work, is amended by inserting immediately following section 6101 thereof the following new section:

"§ 6101a. Basic workweek of firefighters; related matters

"(a) The basic administrative workweek of each firefighter shall be 336 hours for each period of 3 consecutive biweekly pay periods. The duration and frequency of workshifts occurring within such administative workweek shall be determined under regulations prescribed by the Civil Service Commission.

"(b) The rate of pay of each firefighter for the regular hours of duty of his basic workweek shall consist of his rate of basic pay plus an amount of premium pay determined under section 5545(c)(1) of this title which is not less than the highest amount of premium pay payable under such section with respect to an equal amount of basic pay immediately prior to the effective date of this section.

"(c) For all hours of duty by a firefighter basic workweek, such firefighter is entitled to pay in accordance with applicable provisions of law relating to overtime, night, Sunday, and holiday pay.

"(d) For the purpose of this section, the term 'firefighter' has the meaning given such term by section 8331(21) of this title."

(b)(1) Effective with administrative workweeks beginning after December 31, 1976, section 6101a of title 5, United States Code, as added by subsection (a), is amended by striking out "336 hours" and inserting in lieu thereof "324 hours".

(2) Effective with administrative workweeks beginning after December 31, 1977, such section is amended—

(A) by striking out "324 hours" and inserting in lieu thereof "the lesser of the prevailing number of hours or 324 hours"; and

(B) by inserting at the end thereof the following new sentence: "For purposes of this subsection, 'prevailing number of hours' means 1½ times the number of hours determined by the Secretary of Labor pursuant to section 6(c)(3) of the Fair Labor Standards Amendments of 1974."

(c) The table of contents of chapter 61 of title 5, United States Code, is amended by inserting—

"6101a. Basic workweek of firefighters; related matters."

immediately below—

"6101. Basic 40-hour workweek; work schedules; regulations.".

(d) Section 13(b)(20) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(20)) is amended by inserting immediately before the semicolon the following: "or any employee of a public agency who is subject to section 6101a of title 5, United States Code".

Sec. 2. The amendments made by this Act shall not govern, change, or otherwise affect any basic workweek of forty hours (including the pay therefor) of any firefighter which is in effect immediately prior to the effective day of this Act. For the purposes of this section, the term "firefighter" has the meaning provided for such term by section 8331(21) of title 5, United States Code.

Sec. 3. This Act shall become effective at the beginning of the first pay period which begins on or after the ninetieth day following the date of this enactment of this Act.

HEARING ON REPEAL OF FAIR TRADE LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce that the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary will hold two days of public hearings on March 25, 1975 and April 10, 1975, on H.R. 2384, H.R. 2390, and H.R. 3411, to repeal exemptions in the antitrust laws relating to fair trade laws. The hearings will be held in room 2141, Rayburn House Office Building, and will begin at 10 a.m.

CHAIRMAN ANNUNZIO HAS DISTINGUISHED CONSUMER RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Barrett) is recognized for 10 minutes.

Mr. BARRETT. Mr. Speaker, one of my most pleasant duties in the Congress is to serve on the Consumer Affairs Subcommittee of the House which is chaired by our distinguished colleague, the gentlemen from Illinois (Mr. Annunzio).

Although Frank Annunzio is in his first term as chairman of the Consumer Affairs Subcommittee he has nonetheless established an outstanding consumer record during his 11 years in the Congress. The forcefulness which he pursues legislation, particularly legislation to protect the rights of working men and women, is legendary in the House.

I know that if Frank Annunzio is supporting legislation that the bill will more than likely benefit the little people of this country.

Mr. Speaker, Frank Annunzio has been an outstanding Congressman and I predict he will be an outstanding chairman of the Consumer Affairs Subcommittee.

The March issue of Fra Noi, a publication of the Scalabrini League in Chicago contains an outstanding article on Frank Annunzio's commitment to consumers. I am including a copy of this article in my remarks because it so adequately depicts the consumer background of our distinguished colleague:

When Frank Annunzio was first elected to Congress in 1964, he wasted no time in establishing himself as a friend of the consumer.

Congressman Annunzio has continued his role as consumer champion, which is one of the reasons why he was recently elected overwhelmingly as Chairman of the House of Representatives' Consumer Affairs Subcommittee.

Less than two months after Congressman Annunzio arrived in Washington, he launched into a far-reaching investigation of the problems which servicemen face in attempting to obtain credit. The results of Congressman Annunzio's world-wide investigation were so shocking that one of the largest loan companies specializing in military lending was forced to close its doors.

Congressman Annunzio discovered that United States servicemen stationed abroad were paying interest rates as high as 100 per cent for one-year loans.

Since the companies charging these rates were all licensed by foreign governments, Congressman Annunzio termed the high rate companies "legalized loan sharks."

"Not only were these companies charging usurious rates of interest, but when a serviceman fell behind in his payments the companies used every type of threatening tactic short of violence to collect the loans," said Annunzio.

"Many servicemen, fearful that their military careers would be ruined, paid debts that they might legally have avoided rather than have superiors learn of their financial difficulties."

In a number of cases, Congressman Annunzio discovered that finance companies that repossessed automobiles of servicemen who had fallen behind in their payments subsequently billed the servicemen for amounts that were higher than the original loan even though the borrower may have made a large number of payments on the original debt.

"It was a credit jungle," explained Annunzio, "and it was ruining morale of servicemen stationed overseas."

Annunzio realized that exposing the problem was only half of the answer, the other half required establishing some type of lending procedures that would enable the servicemen to borrow money at reasonable rates of interest.

To accomplish this, Congressman Annunzio worked with the Department of Defense and arranged for branch offices of U.S. credit unions to open at major military installations—both in Europe and the Far East.

These credit unions have been so successful that it is now estimated that servicemen borrowing from credit unions have saved more than $80 million in usurious interest charges.

Congressman Annunzio did not halt his consumer fight with the servicemen issue. He was successful in gaining passage of legislation to establish the so-called FAIR plan (Fair Access to Insurance Requirements), which enabled homeowners unable to obtain fire insurance to purchase such policies through a government backed program.

"If we had not developed the FAIR plan, one of the most successful of which is operating in Illinois, we would have lost virtually all our residents in the major cities of the Nation," Annunzio said. "When insurance companies stopped writing fire insurance policies for city dwellers, people were forced to flee to the suburbs, and with them they took a broad tax base."

Following the success of the FAIR plan. Congressman Annunzio authored legislation that for the first time allowed the Federal government to write crime insurance for home owners and small businessmen.

The program, which is now operating in 13 states including Illinois, has enabled thousands of small businessmen unable to obtain crime insurance in the private market to buy such policies from the Federal government and thus keep their businesses operating.

"Many people have said by allowing the Federal government to write crime insurance, we were overlooking the real problem—reducing crime," explained Annunzio.

"While I would agree that we need better crime prevention programs and stronger court treatment of criminals at the same time we cannot blame the small businessman for the government's failure in these areas. by failing to help the small businessman, however, we were blaming him for the problems."

Both the FAIR plan and crime insurance programs expire at the end of April of this year and Congressman Annunzio has announced that he will introduce legislation to extend both programs for at least an additional five years.

In 1968, Congressman Annunzio found a way to solve a consumer problem which had bothered him for years.

As Director of Labor for the State of Illinois and a member of the cabinet of Governor Adlai Stevenson, Annunzio daws troubled by the garnishment of working men's wages which left many without enough money to provide food for his family.

"I saw many cases where working individuals drew not a penny in salary at the end of the week because their wages had been garnisheed and in many cases without justifiable reason," said Annunzio. "Some employers who did not want to be troubled by the administrative paperwork involved in garnishment simply fired any employee whose wages were subject to garnishment."

When the so called Truth-in-Lending legislation was before the Congress in 1968, Congressman Annunzio was successful in adding an anti-garnishment provision that prohibited the garnishment of more than 30 percent of a wage earner's paycheck and prohibited an employer from firing a worker because of a single garnishment.

"I strongly believe that a man should pay his debts, but if a man's entire paycheck goes for debt repayment and there is no way he can get his head above water he will eventually have to borrow again to buy food and other essentials," Annunzio continued. "In some cases, this may lead to borrowing from a loan shark."

Labor leaders and consumer groups have applauded Congressman Annunzio's anti-garnishment section as one of the most important pieces of consumer legislation and have stated that it represents the first time that the Federal government has taken to reform garnishment practices.

Congressman Annunzio is not resting on his past laurels. He has constantly sought a price roll back of excessively high food prices and in early 1970 lobbied for a freeze on food prices coupled with a price roll back as the only answer to solve run away inflation.

Annunzio testified at a number of hearings on the matter including an appearance at a hearing of the Federal Government Wage and Price Board here in Chicago in which he advocated price roll backs.

Although the Nixon Administration failed to follow Congressman Annunzio's recommendations, leading economists are today saying that had the Administration gone along with the Annunzio price roll back program the Country would not be in the economic chaos it faces today.

As Chairman of the Consumer Affairs Subcommittee, Congressman Annunzio has pledged to continue his efforts on behalf of all Americans.

"I am consumer committed," Annunzio explained, "and I plan to do everything possible to keep my commitment."

PANAMA TREATY COLLOQUY IN U.S. SENATE, MARCH 4, 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, for more than a decade, I have discussed the problem of the Panama Canal and interoceanic canals generally at great length in addresses in and out of the Congress. Notwithstanding the comprehensiveness and thoroughness with which those presentations were made they have been virtually ignored in the mass news media. In making this comment, I refer specifically to the New York Times and the Washington Post, which seem never to lose an opportunity to feature news tending to undermine continued U.S. sovereign control over the U.S.-owned Panama Canal.

It was, therefore, with some degree of pleasure that I read in the Washington Star of March 5, 1975, a newsstory by Jeremiah O'Leary reporting on a colloquy in the U.S. Senate on March 4 when Senators McCLELLAN and THURMOND with 35 other cosponsors introduced Senate Resolution 97 urging retention of undiluted U.S. sovereign control over the Canal Zone. The documents quoted in the colloquy included the text of Senate Resolution 97; a February 7, 1975, statement by Foreign Minister Tack of Panama; an article by Dr. James P. Lucier; and a statement on March 7, 1974, by Secretary Kissinger before the Senate Finance Committee in which he admitted he did not have the authority to commit the Congress to approve the treaty now being negotiated. Because of the importance of the March 4, 1975, Senate colloquy, I would urge all Members of the Congress to read it, particularly those concerned with interoceanic canal problems or interested in protecting U.S. interests over the Panama Canal.

In this connection, I would urge all Members of this body who have not cosponsored one of the pending Canal Zone sovereignty resolutions to do so. This can be done by calling my office or that of one of the other signers of the "dear colleague" letter of January 29, 1975.

To make Mr. O'Leary's summary of the indicated colloquy available to the Nation at large, I quote it as part of my remarks:

[From the Washington Star, Mar. 5, 1975]

PANAMA TREATY HITS SNAG

(By Jeremiah O'Leary)

The administration's plan for a new treaty with Panama that would concede sovereignty over the Canal Zone and grant other major concessions to the Isthmian republic has suffered a severe and possibly fatal setback in the Senate.

The roadblock in the path of a new treaty arose when Sens. Strom Thurmond, R-S.C., and John McClellan, D-Ark., submitted a resolution to the Senate accompanied by the signatures of 37 cosponsors calling on the federal government not to transfer any of its rights over the waterway and the Canal Zone to Panama.

Under Senate rules, 67 votes are required for ratification of a treaty. The resolution exceeded by three names the 34 votes necessary to block any treaty. Further, some of the signatories are among the most powerful members of the Senate.

A similar resolution offered in the House recently by Reps. Leonor Sullivan, D-Mo., and Dan Flood, D-Pa., was accompanied by 111 signatures.

Normally, the House has no voice in treaties with foreign nations, but the House must approve any transfer of property acquired with taxpayers' money, as was the case with the Panama Canal and all its installations. In the House, a bare majority is sufficient to defeat such a transfer.

The Thurmond-McClellan resolution declared that the government should maintain and protect its sovereign rights and jurisdiction over the canal and the zone and should "in no way cede, dilute, negotiate or transfer any of the sovereign rights, powers, authority, jurisdiction or property" there.

If the signatures on both resolutions are counted in terms of reaction to the treaty now being worked out by the administration with Panamanian negotiators, ratification appears doomed from the outset.

Ambassador-at-Large Ellsworth Bunker and Panama Foreign Minister Juan Tack have been at work for more than a year on terms of the new treaty. Indications are they can produce a treaty acceptable to President Ford and Secretary of State Henry A. Kissinger, as well as to the Panamanian strongman, Brig. Gen. Omar Torrijos, within the next few months. Congressional approval is required before a treaty would go into effect.

Asst. Secretary of State for Inter-American Affairs William D. Rogers recently testified before the Senate Foreign Relations Committee that the United States is prepared to shed the nonessential activities it conducts in Panama.

He said the American stance is to recognize Panama's full sovereignty over all its territory, including the 10-mile-wide Canal Zone, while the United States would retain effective control over operation of the canal and its defense for a reasonably protracted period.

Rogers said the negotiators still must address the major problems of duration of the new treaty and the question of an American option to expand the canal.

The existence of 37 signatures to the Thurmond-McClellan resolution in the Senate came as a surprise because traditionally the House has been the hotbed of resistance to any concessions to Panama. While the treaty cannot be pronounced dead on the basis of the resolution, the administration is put on notice that it will have to launch an intensive lobbying campaign to get even a narrow margin of approval when the time comes for ratification.

The canal issue is one of explosive nationalistic potential in Panama. It led to rioting and shooting between U.S. Army units and Panamanian citizens in 1964. Officials concede that the two congressional resolutions might hamstring the Bunker-Tack negotiations or even push Panama into breaking off the talks.

ASHLEY INTRODUCES BILL TO AUTHORIZE SELECTIVE ECONOMIC CONTROLS, MARCH 11, 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHLEY) is recognized for 5 minutes.

Mr. ASHLEY. Mr. Speaker, I am today introducing legislation to enhance the ability of the Council on Wage and Price Stability to monitor the economy and to authorize the Council to defer particularly inflationary price or wage increases.

The Congress has embarked on an ambitious and far-reaching program to pull the American economy out of recession. Among the measures we will enact toward this goal are massive tax reductions, vastly expanded job-creating intiatives, and broad subsidies to stimulate the lagging housing industry. These expansionary programs are a necessary antidote to rising unemployment, to declining production, and to the ominous slide of the economy toward full-scale depression.

Nevertheless, the hardships imposed on the American consumer by a cost of living that soared more than 12 percent in 1974 are still to be reckoned with, and although recent slackening in wholesale prices indicates an easing of the inflationary pressures, I believe that the second facet of our economic program must be the passage of legislation to require justification for future price and wage increases that might tend to refuel the inflationary cycle.

The bill I am introducing today would strengthen the mandate of the Council on Wage and Price Stability to monitor inflation. It would empower the Council to require periodic reports in carrying out its responsibility to monitor economic trends, and to subpena witnesses and information necessary to this function. The legislation would require 30-day prenotification to the Council of any price increase planned by a company with more than $250 million in annual gross business, or any wage increase affecting more than 5,000 employees. By this means, the Council will be able to request further information, schedule hearings, and publicize its conclusions as to the justifiability of such increases before they are imposed. More importantly, where the Council finds that any proposed increase is not justified by costs or market conditions and threatens to have a severe inflationary impact, it is authorized to postpone such an increase for any period it sees fit. The bill will extend the existence of the Council to September 30, 1977, and increase its budget to $4 million a year.

The American consumer does not need to be reminded of the burdens imposed by inflation on his daily life. The continuing rise in oil prices alone, with their impact on utility bills, gasoline, home heating oil, and commodities ranging from agricultural to industrial products, is eroding the real income and purchasing power of nearly every American wage earner and pensioner.

I believe, however, that across-the-board controls—or even the threat of their imposition—cause a flurry of price and wage catchups that are themselves inflationary and introduce grave distortions into our market economy. Some of these increases are necessary to meet rising costs of doing business and, in the case of wages, to keep pace with escalating consumer prices. But I am not convinced by arguments for total Federal regulation of the economy. Experience has amply demonstrated how a comprehensive freeze creates and perpetuates a whole range of inequities, particularly on workers and on marginal small businesses which are less able to absorb rising costs than major corporations. By curbing incentives for legitimately needed investment in the private sector, in fact, across-the-board controls may force the economy into a straitjacket which will have even further recessionary effects.

I am a firm believer in the self-regulating forces of true economic competition. But I believe that there are sectors of the economy where competitive forces are not in play, and where unilateral price increases based on what the market will bear contribute substantially to inflation.

As I have stated in the past, it is my conviction that we need an anti-inflation mechanism which is flexible enough to serve the public interest in different situations. There is a clear need to place restraints on price and wage increases that are not economically justified and that threaten to make the cost of anti-recessionary activities a new round of uncontrolled inflation. The selective approach embodied in my bill, along with the considerable new authority it grants the Council on Wage and Price Stability, offers such a flexible tool. I offer this legislation, along with other measures to be considered shortly in the Economic Stabilization Subcommittee which I chair, as one facet of a comprehensive and rational policy to get the American economy back on a sound footing.

THE NATIONAL NURSING HOME SCANDAL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, there is a nationwide scandal in nursing homes today, both in the treatment and overcharging of patients.

Two reporters for the New York Daily News, Frank Van Riper and William Sherman, have traveled to Illinois, Florida, Massachusetts, and California, in addition to New York. In an outstanding series of articles, they have pointed out many such abuses.

Both Frank Van Riper and William Sherman are superb investigatory reporters who are performing a great public service by exposing the "ripoffs" that the elderly are being subjected to in nursing homes throughout the country.

I am enclosing for the RECORD extracts of this excellent series for the benefit of my colleagues:

[From the New York Daily News, Feb. 16, 1975]

DERELICTS FOR SALE $125 A HEAD

(By William Sherman)

LOS ANGELES.—In this happy hunting ground of patent medicine hucksters, religious fakers and other assorted fast-buck artists, Charles (Chuck) Weldon fits in nicely.

Weldon sold aging, infirm alcoholics to medicaid-supported nursing homes for $125 a head, according to sworn testimony heard two weeks ago by the Los Angeles County Board of Supervisors. For more than a year his business address was the drunk tank of the city jail.

Medicaid nursing home owners in the county, where there are 437 long-term care facilities (the highest concentration in the nation), compete for patients and medicaid subsidies. On Jan. 1, there were 4,000 empty beds in the county. Eleven nursing homes, according to testimony, were eager to do business with Weldon to fill their beds.

Many of the alcoholics were senile and helpless. A few who tried to escape from the homes were heavily drugged and kept behind locked doors. As long as they were inside, the homes could continue to receive the $17.50 a day in medicaid funds paid to feed and lodge each patient in California.

Weldon's hustle is typical of an almost endless variety of schemes concocted by nursing home owners and their associates.

Public health officials who manage the $355-million-a-year medicaid program for the elderly in California, known as Medi-Cal, have found present regulations too cumbersome and inadequate to deal with the machinations of the entrepreneurs.

The incidents currently under investigation by state and federal authorities here include:

A chain of nursing homes where the owners allegedly appropriated $50,000 in patients' personal funds and used the money to meet the payroll.

Deaths due to nursing home neglect, including one where a female patient who was supposed to be fed a liquid diet through a tube was given solid food by a nurse's aide. She choked to death minutes later.

The prescribing of hundreds of hearing aids for patients who didn't need them, all paid for by medicaid, and massive kickbacks by pharmacists to nursing home owners for their business.

At the root of the abuses is greed—the system might as well be called medi-bucks. Weldon's hustle, which county officials say is not unusual, had its beginnings here soon after medicaid legislation was passed by the Great Society congress in 1966.

"With all this good weather, the elderly flock here. After medicaid was passed, we had a tremendous building boom in nursing homes. There are 60 within one square mile, and we have 40,281 beds in the county," said Bernard Weintraub, chief of the long-term care unit of the county health department.

FILLING THE EMPTY BEDS

But the entrepreneurs overbuilt, the boom ended, and by the beginning of 1973, there were many empty beds. About this time, Weldon, now 39, a family man from nearby Pomona, began hanging around municipal court division 80, also known as "drunk court."

Annie Davis was receiving a major kidney transfusion at the Raymond Convalescent Hospital, Pasadena, when the shunt, or connecting needle, fell out. Blood spurted from her arm and the first-year nurse supervising the transfusion panicked and ran out of the room. The patient bled to death within minutes. Again, no charges were preferred.

In their defense, the nursing home associations here assert that the medicaid reimbursement rate is too low, that the state inspectors are too picky, and that the regulations, especially for fire safety, are impossible to meet.

"If that's true," said the county's long-term care chief, Bernard Weintraub, "how come every time we close a home, someone is always willing to come in and buy it up?"

And when they run out of money, state records show, some entrepreneurs who don't want to sell their property follow a more drastic route. They steal from the patients.

[From the New York Daily News, Feb. 17, 1975]

BERGMAN'S SHADOW HITS FLORIDA

(By Frank Van Riper)

MIAMI.—It was a balmy March morning in south Florida when nurse's aid Georgette Lehee punched in for the 11–7 shift at Miami's North Shore Nursing Home.

The home, one of more than a dozen in Florida tied to the nationwide empire of New York nursing home czar Bernard Bergman, who is now under investigation, presented a benign exterior that day in 1973. It was a modern low-slung complex typical of many of Florida's booming Dade County.

"BUGS AND ROACHES"

By the end of her shift, however, Georgette Lehee was not thinking about architecture. She was thinking about "bugs and roaches . . . in the beds, on the bodies of patients, in the drawers, around the sink, on the floor and in the glasses."

In the formal complaint, on file with the state of Florida, Mrs. Lehee said she "uncovered one patient and found roaches on his genitals."

The conditions, she said, made her "physically sick."

"Patients at the nursing home," she went on, "are lying there as though they are already dead, with roaches crawling over them."

Not surprisingly, one day after she began work at North Shore Nursing Home, Georgette Lehee quit.

For many of this state's elderly—including transplanted New Yorkers who migrate south to escape the cruel winters—Florida promises eternal sun and comfort in the twilight years.

For those who cannot afford to live in the apartment-hotels that dot Miami Beach's "old coast" or in private nursing homes that can cost as much as $50 a day, the only alternative is long-term care in medicaid nursing homes.

There are more than 250 nursing homes in Florida, most of them medicaid facilities receiving federal and state funds.

While state officials contend that conditions in substandard homes are improving daily—a sentiment that is trumpeted by the Florida Nursing Home Association—The News' survey of conditions in the Sunshine State found widespread instances where the government's promise of free quality care for the elderly poor has been ignored, if not abandoned.

For example:

Last year, state auditors found rampant ripoffs of nursing home patients, ranging from grossly inflated charges for extra services to outright theft of patients' personal funds.

Nursing homes remain chronically understaffed, despite repeated citations by state inspectors. One registered nurse, in an anguished letter of resignation from one such home, charged that she could no longer put up with "the frustration of 'hand to mouth' staffing" and having to work "double and triple shifts."

The state inspection machinery, run out of Jacksonville by a corps of retired military officers, gives as much as a week to ten days' notice to nursing homes before major annual inspections. "It saves time," one retired colonel explained, "so we don't have to spend all day hunting around for records and administrators."

Kickbacks by pharmacies to greedy nursing home owners and administrators have become so rampant that a private insurance firm has been hired by the state to process all drug claims in an effort to halt what one insider termed "an epidemic of bribes and kickbacks that runs the length of the state."

In a letter last month to his fellow nursing home operators, John Jenkins, president of the Florida Nursing Home Association, accused the press, and the congressional committees probing medicaid abuses, of trying to "ruin an industry that has been serving the people of our country for many years with tender loving care."

Besides heading the industry's major political lobbying group in the state, Jenkins is the local vice president of Progressive Medical Group, Inc.—the firm that operates virtually all of the nursing homes in Bernard Bergman's Florida empire, Medic-Home Enterprises, Inc.

State records show that Bergman has a major and direct financial interest in nursing homes in 14 Florida communities. He is also a vice president and director of at least two Dade County homes—North Shore as well as The Palms Convalescent Home, also in Miami.

Bergman owns 30% or about 260,000 outstanding shares of stock in Medic-Home, having recently stepped down as Medic-Home's chairman to fight "false and prejudicial allegations" about his nursing home interests.

[From the New York Daily News, Feb. 18, 1975]

In Boston, Lax Law Betrays the Patient

(By William Sherman)

Salem, Mass.—On a recent Sunday here, Margaret H., a 95-year-old nursing home patient whose only crime was to wander into another resident's room, was slammed into a restraining jacket and tied to a chair in the name of good nursing.

Margaret lives with 30 other frail elderly men and women, crammed four to a room, in the Melanee Nursing Home, an old Victorian wood-frame building near the center of Salem.

The home is one link in a statewide chain of 11 medicaid supported facilities that earns Claire Fay, a 49-year-old divorcee, nearly $2 million annually.

Despite numerous charges of patient mistreatment and fraud by authorities who supervise Massachusetts' $250 million-a-year medicaid program Mrs. Fay told The News, "I run the best homes in the state."

Other observers think differently.

On Christmas Day, a Salem health inspector found "only one limp stalk of celery and one pound of butter" in the refrigerator for Margaret and the other residents at the Melanee home.

Beginning last summer, inspectors started visiting the Melanee home and two other homes here owned by Mrs. Fay after they were notified about abuses in her other facilities around the state.

At the Henley Home on Federal St., a June inspection showed "corner cutting on food . . . infectious disease patients housed with regular patients . . . menu did not match food served." In the Salem Manor, a few blocks away, an inspector on Oct. 17 noted, "No heat or hot water," and on Oct. 26, the same conditions with "only two cans of juice, a few loaves of bread" in that home.

A nurse interviewed by the inspector said, "We have orders to use less food . . . and to save fuel oil and not give baths on Saturdays, Sundays, and holidays."

In response to the reports, Mrs. Fay said, "They say I have Mafia money invested, that I mistreat the patients. They can't figure out that I'm just a shrewd businesswoman."

Asked about one of her Boston homes, where inspectors found that patients with bleeding urine sores and bedsores were given only cornstarch for medication, she called the facility "a little dollhouse."

Under state medicaid guidelines, owners are reimbursed by medicaid according to the costs of operating individual homes. Mrs. Fay is paid from $20 to $30 a day to feed and lodge each of the approximately 600 patients in her chain. In six years, since she received her first home in a divorce settlement, she has saved enough to buy nine more homes, several boarding houses, a new house for herself on Cape Cod, and she plans to expand her operation into Rhode Island.

"I did it with the help of loans," she said.

Because of incredibly lax medicaid enforcement regulations in Massachusetts, no criminal or civil charges have been brought against Mrs. Fay despite additional findings by inspectors of "high attrition rates in her homes" and bills submitted for patients who were dead.

The case of Mrs. Fay is only one example of the near total immunity enjoyed by the 700 medicaid nursing home owners in this state. In another case, the administrator of the Dexter Nursing Home, in Boston, fraudulently charged relatives $158,000 for the daily care of 65 patients already covered under medicaid.

The administrator, Gerald Sohn, conned the unsuspecting relatives out of payments ranging from $50 to $11,936 according to a report by the Bureau of Welfare Auditing.

"Sohn told people trying to place relatives in his home that if they paid him three or four extra dollars a day, the patients would get extra care. He actually sent out bills on a monthly basis," said one investigator.

"If they wouldn't pay extra, he turned people down . . . When the money didn't come in, he kicked the patients out," said a physician for Harvard's Beth Israel Hospital. He added that he had sent several patients there "and they came back saying they couldn't afford it."

Raymond F. Jowdy, director of the Bureau of Welfare Auditing, stated in a report that other nursing homes around the state were "extracting" extra payments of from $2.00 to $5,000 a day from medicaid recipients and their families.

Jowdy referred the case of Sohn to the attorney general. Sohn admitted his guilt, the attorney general ordered the nursing home to pay back the relatives and Sohn walked away scot-free.

"Restitution is the only penalty in this state for medicaid fraud. There's no penalty for mistreatment of patients," said Robert Byron, counsel to Boston's health department.

TOTALLY UNEQUIPPED

"They should write new laws, but they don't," said Byron. "The state's legal mechanism was totally unequipped.

[From the New York Daily News, Feb. 19, 1975]

In Illinois System, Sickness Pays More

(By Frank Van Riper)

Chicago.—Mayor Daley calls this place "the city that works."

It's also the city that pays if you run a nursing home. In fact, it pays more—much more—the worse you treat your patients.

Under a controversial "point system" for nursing home reimbursement, approved by the state seven years ago with the strong support of the nursing home lobby, administrators of medicaid facilities here and all through Illinois can charge the state an extra $6 per patient per month each time a patient slips further downward on a scale of misery and neglect.

"The higher the level of needed care, the greater the assigned point value," the state regulations say.

"What the regulations don't say," declared Bill Recktenwald, an investigator for the Chicago Better Government Association, "is that they totally destroy any reason for an administrator to improve patient care. Why the hell should he when he can make more money the other way?"

Under the point system, which one top state health official told The News "is a disaster for patient care," a nursing home receives nothing beyond its basic monthly medicaid payment if patients are ambulatory, if they can feed themselves, if they present no major problems to the staff.

But the medicaid meter starts running in the home's favor as each patient's condition deteriorates. If a patient must be fed by an aide, it's four points, or another $24 a month for that patient alone. If he has to be fed through a tube, the rate jumps to $48 a month.

"The formula also says you get extra money if a patient is incontinent," Recktenwald noted. "Geez, you can *make* a patient incontinent with drugs."

A bookish, bespectacled man of 32, Recktenwald speaks from experience. He once posed as a mentally retarded nursing home patient to see conditions firsthand.

"Say a patient has a bowel movement either under the influence of medication or through his own condition. And he's just allowed to lay there in his own filth. Now it's likely that he—just like you and me—is gonna get a little annoyed about this and might start to complain—loudly.

"Well then," Recktenwald said, "just zap him with a little thorazine (a powerful tranquilizer) and boom, you've got a few more points from the state—and a few more bucks—for having to deal with an unruly patient."

The Illinois point system is only one barometer of how dismal conditions remain in the nation's heartland despite efforts by citizens, and new, more enlightened federal and state officials to clean things up.

Even now, a federal task force, under U.S. attorney James R. Thompson, is investigating reports of widespread fraud in the Illinois medicaid program, including charges that doctors, pharmacists, lab technicians and nursing home operators have been cheating the state out of as much as $50 million a year.

The federal probe, begun within the past several weeks, could significantly affect the way the state administers its health services to the elderly poor.

Meanwhile The News survey into nursing home conditions already has uncovered the following abuses, based on interviews with federal and state officials, inspection of records, and personal visits to medicaid facilities:

Patients fed pitifully substandard meals (in one case a lunch of sandwich and cookie for five straight days) while administrators trot out sumptuous—and fraudulent—meal plans to state inspectors.

Doctors continually ignoring their nursing home patients, even to the extent of forging evidence of medical examinations, knowing that they will not be prosecuted.

Patients dying mysteriously of bronchial pneumonia leaving behind medical records indicating that they were comparatively fine until someone left a window open on a sub-freezing night.

Untrained, unthinking aides dispensing medication with unconscionable abandon, sometimes pulverizing together a patient's half dozen or so daily pills to hasten ingestion. The action, which breaks down the "timed release" coatings on many pills, can be devastating to an old person's system. One doctor observed disgustedly: "Christ, you can make an atom bomb that way."

Hundreds of mental patients transferred from state-supported mental institutions into nursing homes, which receive both federal and state money. The action creates supervisory problems for the home and potential danger for the elderly.

[From the New York Daily News, Feb. 20, 1975]

Promised: Tough Plan To Stifle Abuses

(By Frank Van Riper and William Sherman)

Washington, February 19.—The lauded promise of free, high quality nursing home care for the nation's indigent elderly, passed nine years ago by the "Great Society" Congress, has been broken.

It has been broken from New York to Los Angeles and from Miami to Maine. Shattered as well is the guarantee that taxpayers' money used to support the medical system—more than $8 billion this year alone—would be well spent.

There are many "Bernard Bergmans" throughout the country, an investigation by The News has shown: A female nursing home owner in Massachusetts who left her 30 freezing patients only one limp stalk of celery and a pound of butter to eat on Christmas day; a man in Los Angeles who peddled senile alcoholics to nursing homes for $125 a body. And Bergman himself, in whose Florida nursing homes, cockroaches were found roaming freely over patients' bodies.

Despite these abuses, which are legion—and a hitherto undisclosed federal study of nursing facilities which concludes, that "we are all paying for expensive mediocrity at best"—a top federal official yesterday blasted as "communist, and stupid" suggestions that the profit motive be removed from the medicaid program for the elderly.

DEFENDS SYSTEM

Peter Franklin, a top assistant to Caspar Weinberger, Secretary of Health Education and Welfare, said, "The Senate will never pass it, the medical groups won't go for it . . . the Secretary (Weinberger) will never buy it." . . .

While he would not discuss specifics of the survey, Franklin along with Dr. Faye Abdellah, director of HEW Nursing Home Affairs, said the following new features would be written into federal law by next year as a result of the mammoth study:

A national nursing home rating system, that would also be available to the public in laymen's language and would allow private citizens to make informed choices on where to place their relatives. Homes will be rated according to quality of care, nursing supervision, activities for the elderly, physical plant and food.

A cost of care index that would end inflation of nursing home costs by owners, as in New York, where entrepreneurs have bought and sold the same home, in one case 36 times, to increase the facility's real estate value and thus, the return which is paid by medicaid.

National training programs for nurses and nurses aides which Franklin said are "sadly lacking" today. In California, for example, owners have hired teenagers off the street at minimum wages to minster to the elderly.

UNEMPLOYMENT HEALTH SERVICES ACT OF 1975

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the Record).

Mr. DOMINICK V. DANIELS. Mr. Speaker, our Nation is currently in the grips of a severe economic crisis. While many of our citizens have had to cope with the combined effects of recession and inflation, the greatest hardships have surely been experienced by the rapidly swelling ranks of our unemployed. Approximately 7.5 million individuals or 8.2 percent of the labor force is now out of work. Between August 1974 and January 1975, joblessness rose by 2.6 million, representing a greater increase than during any similar time period since the inception of the monthly unemployment survey 25 years ago. All signs point to a further weakening of the economy, continued layoffs, and a concomitant increase in the unemployment rate in the months ahead.

The human tragedy that these figures represent is well known to all of us. The Congress has responded to some of the urgent needs of the unemployed by extending the period when a person can receive unemployment benefits. Last December we also broadened coverage through the special unemployment assistance program established by the Emergency Jobs and Unemployment Assistance Act of 1974. This emergency legislation also amended the Comprehensive Employment and Training Act—CETA—by adding title VI, emergency jobs program to provide needed public service employment for the jobless.

Now it is incumbent on this Congress to move quickly to alleviate an associated hardship arising through job loss—the severance of health insurance protection. We should again amend the Comprehensive Employment and Training Act by adding title VII, the "Unemployment Health Services Act of 1975," to assist, on a temporary basis, many of the unemployed who lack health insurance coverage.

We must now immediately turn our attention to an associated problem—the loss of health insurance protection. Three-fourths of the full-time workers in this country are covered under an employer-sponsored health insurance program. When an employee loses his job he not only loses his paycheck but also loses his group health insurance protection. In general, the employer contribution to insurance premiums—which may have been as high as 100 percent—ceases after 30, 60, or 90 days. An individual who wishes to retain his coverage must convert to an individual policy. The benefits available under such policies are often substantially less than the individual had under his group plan while the premium rate for similar policies can be twice as high. In addition, he must pay the full cost of the premium himself at a time when he can least afford the added expense. Unemployment checks, averaging $65 a week, barely cover the basic necessities of life and are simply insufficient to cover the costs of health insurance premiums.

Faced with competing demands on very limited resources, the majority of the unemployed have elected not to purchase protection. Only a very limited number of these individuals could potentially obtain coverage under an existing public program such as medicaid. The majority of unemployed, therefore, have no health coverage. They are gambling that they and their families will not experience a major illness during this critical period. As concerned Americans, we cannot allow this situation to continue.

In response to this crisis, my distinguished colleague, Morris Udall, and I are, therefore, today introducing the Unemployment Health Services Act of 1975. This legislation responds to the most urgent health care need of our unemployed—the need for protection against the staggering costs of hospital care. The measure provides Federal funding out of general revenues for the costs of inpatient hospital services, outpatient hospital services, laboratory and X-ray services, and physician services when rendered in a hospital.

Every individual receiving unemployment compensation benefits and his dependent spouse and children will be covered under the plan if he does not have—or is otherwise unable to obtain—employer-sponsored group coverage. Eligibility will continue for up to 4 weeks after receipt of the last unemployment check. This means that an individual who loses eligibility for unemployment benefits due to illness will retain coverage during the period he is most in need of health care. The transitional coverage will also permit an individual who returns to work to retain protection until he is picked up under the employer-sponsored plan at his place of employment.

The benefits offered under the federally subsidized program are uniform for all eligible individuals within a State. The amount, duration, and scope of covered services are equivalent to the amount, duration, and scope of such services made available under the State's medicaid program to its welfare population. In many instances, this coverage is considerably more generous than that offered under private health insurance policies.

The nature of our emergency requires—indeed demands—an immediate response. We cannot tolerate the delay or confusion which would occur if a new bureaucratic machinery had to be instituted or a long series of implementing regulations were required. Our proposal calls for implementation within 30 days of enactment. This is possible, because existing structures in the States with appropriate capabilities and experience will be charged with program responsibility. Under the bill, the Secretary of Labor will enter an agreement with each Governor whereby the State unemployment agency will provide a certificate of eligibility and the State medicaid agency will handle the payment of claims. Each unemployment compensation recipient is already required to report weekly to the State Unemployment Office for his benefit check. It is assumed, therefore, that with the addition of a relatively small staff, the simple certification process can be effectively handled with little additional inconvenience to the unemployed individual. This certification, when presented to any provider of services, will serve as conclusive proof of eligibility. Providers, in turn, will utilize mechanisms already in place to obtain reimbursement for covered services. Claims will be submitted directly to the medicaid State agency or the fiscal agent handling medicaid claims in the State.

Under this proposal, reimbursement for covered services may not exceed the reasonable costs or charges as defined under medicare. Hospitals are not permitted to bill additional charges to patients covered under the program though physicians rendering services in a hospital may be permitted to bill additional amounts.

The proposal protects the hospitals from increasing numbers of bad debts associated with providing needed health care to the unemployed. It permits them to utilize an existing administrative mechanism for obtaining reimbursement for claims and further guarantees that payment levels will be consistent with those utilized under the medicare program. The plan also employs, to the extent feasible and appropriate, standards in effect under the existing medicaid program.

The approach embodied in the Unemployment Health Services Act of 1975 is, I feel, the most appropriate and feasible response to the current health care crisis. It recognizes the health service needs of the unemployed by providing uniform coverage for those services which are both the most costly and for which insurance is most urgently needed. At the same time it recognizes the competing demands on the Federal budget. Due to the potential for overutilization of other health care services, protection has not been extended to relatively less costly routine health care expenditures. Further, through the utilization of existing mechanisms, the associated administrative costs should be held to a minimum.

This proposal would have a net cost estimated at $1.9 billion, assuming that unemployment insurance recipients will number about 6 million workers per month. Of course, enactment of pending unemployment insurance bills could modify this estimate considerably.

This price figure takes into consideration the fact that workers are often continued under their employer-sponsored health insurance plans for a period of time after losing their jobs; still others are eligible for coverage under the group policy of an employed spouse, thus reducing gross costs approximately 40 percent to slightly less than $2 billion.

The Unemployment Health Services Act of 1975 is emergency legislation. It will only be in effect in any fiscal year prior to October 1, 1978, when the national rate of unemployment exceeds 6 percent. It is not viewed as an overall solution to the Nation's health care crisis nor do I view it as a prototype for national health insurance. We cannot, however, wait for enactment of such legislation to address the critical health needs of our unemployed. We must immediately provide emergency assistance to these jobless Americans during this crisis period.

ANNOUNCEMENT OF CLEAN AIR HEARINGS

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, on Thursday, March 13, the Subcommittee on Public Health and Environment of the Interstate and Foreign Commerce Committee will begin 6 days of hearings on the Clean Air Act.

The Clean Air Act of 1970, a landmark piece of legislation in environmental protection, expires June 30, 1975. Accordingly the subcommittee will be examining all aspects of the act and all bills proposing amendments to it.

These hearings will focus on the crucial interface between the need to protect the health of our citizens and future generations from a deteriorating environment and the limitations placed on those protective efforts by the economy and the energy crisis.

We will be taking testimony from scientific experts, concerned citizens, and representatives of industry, local and State governments, the appropriate Federal agencies and ecology groups. I would note that because of the long witness lists, each day's hearings will begin at 9:30.

With the Speaker's permission I submit a tentative schedule of witnesses for the RECORD:

HEARINGS—CLEAN AIR ACT: WITNESS LIST

THURSDAY, MARCH 13, 9:30 A.M. (FIRST DAY)

Environmental Protection Agency, Russell Train, Administrator.

Federal Energy Administration, Frank G. Zarb, Administrator.

FRIDAY, MARCH 14, 9:30 A.M. (SECOND DAY—HEALTH DAY)

Panel 1: National Academy of Sciences.

Panel 2: Carbon Monoxide and Summary, Mr. John Knelson, EPA; Photochemical Oxidants, Dr. John Goldsmith, NCI, Director FF & S, DCCP; Nitrogen Oxides, Dr. T. T. Crocker, University of California, Irvine, Department of Community and Environmental Medicine.

Panel 3: Unregulated pollutants, Dr. John Finklea, EPA, Dr. Irving Sellikoff, Mount Sinai School of Medicine.

Panel 4: American Medical Association; American Public Health Association; American Lung Association, John J. Sheehan, Chairman, National Air Conservation Commission.

MONDAY, MARCH 17, 9:30 A.M. (THIRD DAY)

Panel 1 (Autos): General Motors Corporation; Ford Motor Company; Chrysler Corporation; SAAB, Mr. Ralph T. Millet, U.S. Representative; Honda; Mercedes Benz of North America, Inc.

Panel 2: Dresser Industries, Inc., Mr. V. Rock Grundman, Jr., Government Business Affairs Council; Englehard Minerals & Chemical Corporation, Mr. Robert S. Leventhal, Executive Vice President; Universal Oil Products, Mr. T. V. DePalma, Technical Director, Automotive Products Division; Gould Incorporated, Dr. Robert J. Fedor, Manager of Emission Control Project.

Panel 3: National Automotive Dealers Association, Mr. Frank McCarthy, Executive Vice President; Automotive Service Councils, Inc., Mr. Donald A. Randall, Washington Representative.

TUESDAY, MARCH 18, 9:30 A.M. (FOURTH DAY)

Representative John Y. McCollister.

National Governors Conference.

National League of Cities, Council Walter Rockenstein, Jr. Alderman, 11th Ward.

U.S. Conference on Mayors.

National Association of Counties, Mrs. Jean Packard, Supervisor and Chairman of the Board of Fairfax County, Virginia.

American Petroleum Institute, Mr. P. N. Gammelgard, Vice President.

Panel 1: Kennecott Copper, Mr. C. D. Michaelson, President, Metal Mining Division; United States Steel Corporation, Mr. Earl Mallick, Vice President Environmental Control; Bethlehem Steel, Dr. D. M. Anderson, Manager, Environmental Quality Control Division.

WEDNESDAY, MARCH 19, 9:30 A.M. (FIFTH DAY)

Panel 1: Sierra Club, Mr. Bruce Terris; League of Women Voters, Mrs. Betty N. MacDonald, Chairman, Environmental Quality Committee; Clean Air Coalition, Dick Ayers.

Panel 2: Edison Electric Institute, Mr. William G. Lalor, Jr., Senior Vice President, Southern Services, Inc.; National Rural Electric Cooperative Association, Mr. Thomas A. Steele. Manager, Environmental Department Dairyland Power Cooperative; Tennessee Valley Authority, Mr. Albury J. Wagner, Chairman; American Public Power Association.

Panel 3: American Mining Congress, Mr. David Swan, Vice President Technology for Kennecott Copper; National Coal Association, Mr. Joseph W. Mullan, Vice President, Government Relations.

Panel 4: Temple, Barker and Sloane, Dr. Howard Pifer, Vice President; Industrial Gas Cleaning Institute, Inc., Dr. David H. Klipstein, Chairman of Government Relations, Vice President Research-Cottrell, Inc., Mr. Hugh Mullen, Member Government Relations, Director-Government Relations IU Conversion Systems.

THURSDAY, MARCH 20, 9:30 A.M. (SIXTH DAY)

Panel 1: Natural Resources Defense Council, Mr. Dave Hawkins, Staff Attorney; Public Interest Research Group, Mr. Clarence Ditlow.

Panel 2: International Council of Shopping Centers, Incorporated, Mr. Eliot R. Cutler, General Counsel; United States Chamber of Commerce; National Parking Association, Mr. David L. Ivey, Director Community Research; National Realty Committee, Mr. Albert Walsh, President; American Retail Federation; National Association of Manufacturers, Dr. J. William Haun, Vice President and Director of Engineering for General Mills; National Association of Industrial Parks, Wm. Abbott, Public Affairs Chairman.

(Fluorocarbons)

Federal Task Force on Inadvertant Modification of the Stratosphere.

Dr. Frank S. Rowland, Professor of Chemistry, University of California, Irvine.

DuPont—Mr. E. R. Pleasants, Director of Federal Affairs.

H.R. 1726: EXCHANGE OF CREDITS ON CIVIL SERVICE AND SOCIAL SECURITY RETIREMENT BENEFITS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, through legislation I have introduced in the Congress since 1970, I have sought to coordinate the Nation's two major governmental retirement programs and to correct certain disparities in those programs. I have introduced the legislation again in the 94th Congress, and it is designated H.R. 1726.

The bill would provide for an exchange of credits between the social security and civil service retirement systems. Under this legislation, if a person has worked in the private sector, but not for a sufficient length of time to earn social security benefits, and then switches to Federal Government employment, he could credit his years of social security work toward eventual civil service retirement income. The reverse would also be true.

As an example, a person who worked under social security for 8 years and then worked for the Federal Government for 20 years, would be able to count 28 years toward civil service retirement. As the law is now written, the person who retires under civil service loses all his payments made into social security since these payments are not refundable and he lacks adequate coverage for benefits.

In other cases, retirees might draw small retirement checks from both systems under the existing law, but under my bill would be able to combine credits for a single benefits check which would be larger than the total of the two separate checks.

The Social Security Administration has been studying prospects for some kind of coordination between social security and civil service for several years. Admittedly, it would be costly to honor all contributions which are now, in effect, confiscated by the Government. Hundreds of thousands of people enter or leave Federal employment each year. Nevertheless, it is inequitable to penalize workers simply because they might work for the Federal Government and for private industry during the course of their careers. It is doubly unfair, since these credits are earned by their labors, and are not welfare.

With the extreme inflation we have experienced over the past few years, retirement benefit recipients are more in need than ever before of a full return for their years of labor.

I urge early action on H.R. 1726 to correct this inadequacy in our present benefits laws.

H.R. 1716, POW TIME TO CREDIT ON RETIREMENT PLANS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, it has been about 2 years now since we welcomed home American prisoners of war from Indochina. The welcomes were sincere, and the Congress and the Nation have absorbed these men back into the mainstream of our daily business from which they were absent as a result of our combat role in Asia. As in every war, some of those prisoners were civilians—noncombatants who were, nevertheless, detained and treated as though they were military men, and for whom none of the Government benefits are available as a result of their imprisonment. This has been the case in all overseas conflicts, and I have again introduced legislation for the consideration of this Congress, as I did in the 92d and 93d Congresses, to provide some measure of relief in these cases.

Under my bill, H.R. 1716, the time spent by American civilians in enemy prisoner-of-war camps and similar places, would be creditable—as though it were military service—toward pensions, annuities, or similar benefits under various Federal retirement programs. The basic purpose is to provide credit toward retirement for time spent as a prisoner of war subsequent to December 7, 1941, on the premise that the individuals involved would have been gainfully employed and contributing toward retirement had they not been held prisoner.

The bill would provide credit toward social security, railroad retirement, civil service, and military retirement with a provision that such credit could not duplicate credit which would be available without regard to this legislation.

Providing this credit would be consistent with the purposes of the section of Public Law 92-603, which extended social security wage credits for time spent in American detention camps on the west coast by Japanese-Americans during World War II. Among civilians who might benefit by the adoption of H.R. 1716 are those who were employed by contractors at Pacific naval air bases during World War II. An estimated 1,500 were employed on Wake Island and an unknown number on Guam and Cavite.

Although many of the POW's died in prison camps or have passed away since their release, others are employed by the Federal Government and some may hold other positions which would permit them to gain other retirement credits by adoption of H.R. 1716.

Mr. Speaker, we have the opportunity to redress a legitimate grievance here, and I urge favorable consideration of my bill.

INCENTIVES FOR MASS TRANSPORTATION USE

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, in response to the current energy-economy crisis, incentives for energy conservation need to be pursued to the fullest. One of the most promising areas in this regard is encouragement for the use of mass transportation.

Legislation that I am introducing today would provide a direct incentive for use of mass transit facilities. This legislation would allow for a tax credit of up to one-half of all expenses incurred by the taxpayer in traveling to and from his place of employment on bus, subway, or railroad. The maximum credit allowable would be limited to the use of mass transit for travel to and from the taxpayer's home and place of employment.

This bill is designed to cut down on rush hour traffic congestion, air pollution, and, of course, gasoline waste. It would also give some financial relief to the hard-pressed subway, bus or train rider.

My colleagues, Mr. SCHEUER, Mr. MOORHEAD of California, Mr. BADILLO, Mr. RICHMOND, Mr. HAWKINS, Mr. SOLARZ, and Mr. RYAN have joined me in cosponsoring this innovative piece of legislation. I have inserted a copy of the bill for the benefit of the Members of the House:

H.R. 4640

A bill to amend the Internal Revenue Code of 1954 to allow for a tax credit for a portion of the expenses incurred by the taxpayer in commutation to and from his place of employment on mass transportation facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax allowable) is amended by inserting after section 42 the following new section:

"SEC. 43. COMMUTATION EXPENSES ON MASS TRANSPORTATION FACILITIES

"(a) GENERAL RULE.—There shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, one-half of the expenses for commutation incurred by the taxpayer in travel to and from his place of employment on mass transportation facilities.

"(b) LIMITATIONS.—

"(1) The credit allowed under subsection (a) shall not exceed $250.

"(2) Credit shall not be allowed under subsection (a) for expenses on any mass transportation facility for purposes other than regular commutation to the taxpayer's place of employment and return therefrom.

"(3) The credit allowed by subsection (a) shall be allowed, with respect to commutation expenses on mass transportation facilities, only if such expenses are verified in such manner as the Secretary shall prescribe by regulation.

"(c) DEFINITIONS.—For the purposes of this section, the term—

"(1) "mass transportation facilities" means bus, commuter railroad, or subway.

"(2) "place of employment" means the site at which the taxpayer earns whatever portion of gross income as is defined by section 61(a)(1) of part 1 of subchapter B of chapter 1 of this Code."

(b) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by adding after section 42 the following:

"SEC. 43. Commutation expenses on mass transportation facilities."

SEC. 2. The amendments made by the first section of this Act shall apply to taxable years begnining after December 31, 1974.

THE INTERNATIONAL PROBLEM OF FLUOROCARBON COMPOUNDS ON THE ATMOSPHERE

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, as you, and Members of this body, are aware, recent scientific studies have revealed that fluorocarbon compounds, when introduced into the atmosphere, may impair the Earth's protective layer. Even a small depletion of the ozone is likely to decrease that layer's screening of ultraviolet radiation, leading to a possible increase in skin cancer and other serious illness. Indeed, the effect on plants, and therefore the Earth's environment might be catastrophic. Clearly this problem demands continued, and extensive, global attention.

The frightening facts were well documented during hearings last December before the Subcommittee on Health and Environment of the Committee on Interstate and Foreign Commerce. In addition, action is pending before the Consumer Product Safety Commission on the petition of the Natural Resources Defense Council to ban flurocarbons as hazardous substances.

The use of fluorocarbons in aerosol sprays is not a problem unique to America; it is an international problem and must be dealt with as such. While I wholly support the bills introduced by Mr. ROGERS and Mr. ASPIN, that call for continued and accelerated investigation, I also feel that the international aspect of this issue are obvious, and that international cooperation and coordination is vital if this potentially disastrous problem is to be resolved.

Therefore, I ask the support of my colleagues for the resolution that I am introducing today, calling on the President of the United States to act through the U.S. delegation to the United Nations, in proposing that the United Nations General Assembly adopt a resolution securing International cooperation in the scientific investigation of the discharge of fluorocarbon compounds into the air.

I have inserted a copy of the resolution in the Record for the benefit of the Members of the House:

H. Con. Res. —

Concurrent resolution expressing the sense of the Congress with respect to the United Nations position concerning the discharge by pressurized cans of fluorocarbon compounds into the atmosphere

Whereas presently available information indicates a substantial possibility that fluorocarbon compounds discharged into the air by aerosol cans may impair the Earth's protective ozone layer; and

Whereas impairment of even a small portion of the Earth's protective ozone layer is likely to decrease that layer's screening of ultraviolet radiation; and

Whereas any significant increase in human exposure to ultraviolet radiation is likely to increase the risk of skin cancer or other serious illness, and may endanger other segments of the environment; and

Whereas this is a worldwide problem requiring international cooperation to be properly corrected: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States delegation to the United Nations, should take such steps as may be necessary to propose that the United Nations General Assembly adopt a resolution calling for international cooperation in the scientific investigation of the discharge of fluorocarbon compounds into the air.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Burgener) to revise and extend their remarks and include extraneous matter:)

Mr. Heinz, for 30 minutes, today.

Mr. Talcott, for 3 minutes, today.

(The following Members (at the request of Mr. Harris) and to revise and extend their remarks and include extraneous material:)

Mr. Baucus, for 5 minutes, today.

Mr. Fraser, for 10 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Harris, for 5 minutes, today.

Mr. Matsunaga, for 30 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Barrett, for 10 minutes, today.

Mr. Flood, for 5 minutes, today.

Ms. Holtzman, for 10 minutes, today.

Mr. Drinan, for 10 minutes, today.

Mr. Ashley, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Burgener) and to include extraneous material:)

Mr. Moorhead of California in two instances.

Mrs. Heckler of Massachusetts.

Mr. Ashbrook.

Mr. Crane.

Mr. Rhodes.

Mr. Schulze.

Mr. Don H. Clausen.

Mr. Archer in two instances.

Mr. Derwinski in two instances.

Mr. Abdnor.

Mr. Gilman.

Mr. Brown of Michigan.

Mr. Hagedorn in five instances.

Mr. Whalen.

Mr. Rousselot in two instances.

(The following Members (at the request of Mr. Harris) and to include extraneous material:)

Mr. Gonzalez in three instances.

Mr. Anderson of California in three instances.

Mr. Mottl.

Mr. St Germain.

Mr. Rodino in two instances.

Mr. Hall in three instances.

Mrs. Boggs.

Mr. Evans of Indiana in 10 instances.

Mr. Downing.

Mr. Stokes.

Mr. English.

Mrs. Schroeder.

Mr. Bonker.

Mr. Eilberg.

Mr. Sisk in two instances.

Mr. Downey.

Mrs. Spellman.

Mr. Moffett.

Mr. Dodd.

Mr. Bolling in two instances.

Mr. Rosenthal.

Mr. Edwards of California in two instances.

Mr. Mazzoli in two instances.

Mr. McDonald of Georgia in three instances.

Mr. Annunzio in six instances.

Mr. Ashley.

Mr. Vander Veen in two instances.

Mr. Mahon.

SENATE CONCURRENT RESOLUTION REFERRED

Concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follow:

S. Con. Res. 22. Concurrent resolution expressing the wish of the Congress to pay tribute to the achievements of the Girl Scouts of the United States of America as this important youth movement celebrates its 63d anniversary on March 12, 1975; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a Joint Resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 219. Joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 48. A joint resolution to amend the Defense Production of 1950, as amended, and for other purposes.

ADJOURNMENT

Mr. HARRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 12, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

540. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority for fiscal year 1975 as of March 1, 1975, pursuant to section 1014(e) of Public Law 93–344 (H. Doc. No. 94–77); to the Committee on Appropriations and ordered to be printed.

541. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the export expansion facility program during the quarter ended December 31, 1974, pursuant to Public Law 90–390; to the Committee on Banking, Currency and Housing.

542. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to the Government of Kuwait, pursuant to section 36(b) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

543. A letter from the Assistant Secretary of the Interior, transmitting additions to the previously submitted plan for the assumption of the assets of Menominee Enterprises, Inc.; to the Committee on Interior and Insular Affairs.

544. A letter from the Assistant Secretary of the Interior, transmitting his approval of the application of the Buffalo Rapids Irrigation project, District No. 1, of Dawson and Prairie Counties, Mont., for a loan under the Small Reclamation Projects Act, as amended, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

545. A letter from the Chairman, Federal Power Commission, transmitting copies of National Power Survey publications entitled "Energy Sources Research Task Force Report" and "Research and Development Task Force Report"; to the Committee on Interstate and Foreign Commerce.

Received From the Comptroller General

546. A letter from the Comptroller General of the United States, transmitting a report that the Army in Europe could improve its productivity by managing its maintenance operations better; jointly, to the Committees on Government Operations, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FOLEY: Committee on Agriculture. H.R. 4296. A bill to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 85 percent of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes; with amendment (Rept. No. 94–54). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 4593. A bill to amend title 5, United States Code, to provide for the establishment of a Special Cost-of-Living Pay Schedule containing increased pay rates for Federal employees in heavily populated cities and metropolitan areas to offset the increased cost of living, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ASHLEY:

H.R. 4594. A bill to amend the Council on Wage and Price Stability Act to confer additional authority on the Council with respect to the prices of commodities and services, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. BAUCUS (for himself, Mr. Cornell, Mr. Downey, Mr. Fascell, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Koch, Mr. Melcher, Mr. Mitchell of Maryland, Mr. Ottinger, Mr. Pattison of New York, Mr. Richmond, Mr. Roe, Mrs. Schroeder, Mr. Stokes, and Mr. Wirth):

H.R. 4595. A bill to amend the Impoundment Control Act of 1974 to permit the Congress by concurrent resolution to disapprove any recission proposed by the President, and thereby to make the funds involved immediately available without waiting for the expiration of the 45-day period during which such rescission otherwise would be effective; to the Committee on Rules.

By Mr. BOWEN (for himself, and Mr. Jones of Tennessee):

H.R. 4596. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BROWN of California (for himself, Mr. Bedell, Mr. Bergland, Mr. Blanchard, Mr. Bonker, Mrs. Burke of California, Mr. John L. Burton, Mr. Corman, Mr. Danielson, Mr. Hannaford, Mr. Harkin, Mr. Howard, Mr. Howe, Mr. Jenrette, Mr. Kelly, Mr. McClory, Mr. Mineta, Mrs. Schroeder, and Mr. Sebelius):

H.R. 4597. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense; to the Committee on Ways and Means.

By Mr. BROWN of Michigan:

H.R. 4598. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 4599. A bill to amend title 39, United States Code, to provide for the mailing of correspondence to Members of the Congress free of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOMINICK V. DANIELS (for himself and Mr. Udall):

H.R. 4600. A bill to amend the Comprehensive Employment and Training Act of 1973 to provide for health services for certain unemployed individuals; to the Committee on Interstate and Foreign Commerce.

By Mr. CLANCY:

H.R. 4601. A bill to amend the Small Business Act to authorize additional loan assistance for disaster victims and for other purposes; to the Committee on Small Business.

H.R. 4602. A bill to amend the Internal Revenue Code of 1954 to provide the individual taxpayer the option of either a tax credit or an exclusion from gross income for interest on savings; to the Committee on Ways and Means.

H.R. 4603. A bill to amend the Internal Revenue Code of 1954 to provide a repayment of the Federal excise tax paid on gasoline and special fuels used in taxicabs; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. Stokes, Mr. Downey, Mr. Hawkins, and Mr. Moakley):

H.R. 4604. A bill to establish certain rules with respect to the appearance of witnesses before grand juries in order better to protect the constitutional rights and liberties of such witnesses under the fourth, fifth, and sixth amendments to the Constitution; to provide for independent inquiries by grand juries, and for other purposes; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 4605. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Services; to the Committee on Post Office and Civil Service.

By Mr. CORMAN (for himself, Mr. Baldus, Mr. Blanchard, Mr. Carr, Ms. Collins of Illinois, Mr. Maguire, Ms. Meyner, Mr. Miller of California, Mr. Reuss, Mr. Richmond, Mr. Ryan, Mr. Sarbanes, and Mr. Solarz):

H.R. 4606. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 4607. A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide that taxes received by certain special districts which are not units of local government but which perform municipal services within cities and other units of local government shall be included in the tax effort of such cities and other units; to the Committee on Government Operations.

H.R. 4608. A bill to amend section 1504 of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. de LUGO:

H.R. 4609. A bill authorizing the transfer to the government of the Virgin Islands of title to Water Island, Saint Thomas, Virgin Islands, and the acquisition of some of the outstanding leasehold interests in such island, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4610. A bill to amend the public assistance provisions of the Social Security Act to provide that benefits thereunder (including supplemental security income benefits) shall be made available and financed in the case of Guam and the Virgin Islands on the same basis as in the case of other States; to the Committee on Ways and Means.

H.R. 4611. A bill to extend the Federal-State unemployment compensation program to the Virgin Islands, and for other purposes; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 4612. A bill to protect the domestic fishing industry by granting to it the same protections granted to the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of California:

H.R. 4613. A bill to amend the Merchant Marine Act, 1920, to establish a grant program to enable public ports to comply with certain Federal standards, to direct the Secretary of Commerce to undertake a comprehensive study of the present and future needs of public ports in the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4614. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ESCH:

H.R. 4615. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. FASCELL:

H.R. 4616. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. O'Brien, and Mr. Railsback):

H.R. 4617. A bill to amend the Agriculture and Consumer Protection Act of 1973, as amended, for the purpose of terminating the requirement for the prior approval of the export sales of agricultural commodities; to the Committee on Agriculture.

By Mr. FOLEY (for himself, Mr. Jeffords, and Mr. Andrews of North Dakota):

H.R. 4618. A bill to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 85 percent of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes; to the Committee on Agriculture.

By Mr. GUDE (for himself, Mr. Downing, Mr. Downey, Mr. Helstoski, Mr. Giaimo, Mr. Drinan, Mr. Edgar, Mr. Coughlin, Mr. Anderson of California, Mr. Fascell, Mr. Stark, Mr. Eilberg, Mr. Bedell, Mr. Richmond, Mr. Sarbanes, Mr. Yates, and Mr. Harris):

H.R. 4619. A bill to establish in the Department of Housing and Urban Development a direct low-interest loan program to assist homeowners and builders in purchasing and installing solar heating (or combined solar heating and cooling) equipment; to the Committee on Banking, Currency and Housing.

By Mr. HANNAFORD:

H.R. 4620. A bill to amend title 38, United States Code, in order to entitle veterans to 45 months of educational assistance for all educational programs under chapter 34 of this title; to the Committee on Veterans' Affairs.

By Mr. HARRIS:

H.R. 4621. A bill to amend section 8332, title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HEINZ (for himself, Mr. Hastings, and Mr. Skubitz):

H.R. 4622. A bill to amend the Interstate Commerce Act to provide assistance in rebuilding the nation's railroad rights-of-way, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 4623. A bill to amend title II of the Social Security Act to increase from 12 to 36 months the period for which benefits may be paid to an individual prior to the actual time of his or her application for such benefits; to the Committee on Ways and Means.

By Mr. HICKS (for himself, Mr. Addabbo, Mr. Badillo, Mr. Biester, Mr. Brodhead, Mr. Burgener, Mr. Clay, Mrs. Collins of Illinois, Mr. Dominick V. Daniels, Mr. Davis, Mr. Derwinski, Mr. Drinan, Mr. Downey, Mr. Eilberg, Mr. Findley, Mr. Ford of Tennessee, Mr. Harrington, Mr. Harris, Mr. Hawkins, Mr. Helstoski, Miss Holtzman, Mr. Leggett, Mr. Long of Maryland, and Mr. Mr. Matsunaga):

H.R. 4624. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically disabled because of such disability; to the Committee on Education and Labor.

By Mr. HICKS (for himself, Mr. Mazzoli, Mr. McCormack, Mr. Melcher, Mrs. Meyner, Mr. Mitchell of New York, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of Illinois, Mr. Murtha, Mr. Nix, Mr. Nolan, Mr. Ottinger, Mr. Rangel, Mr. Riegle, Mr. Rosenthal, Mr. Sarbanes, Mrs. Schroeder, Mr. Stark, Mr. Thone, Mr. Tsongas, Mr. Vanik, Mr. Waxman, Mr. Whitehurst, and Mr. Bob Wilson):

H.R. 4625. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically disabled because of such disability; to the Committee on Education and Labor.

By Mr. HICKS (for himself, Mr. Charles Wilson of Texas, Mr. Charles H. Wilson of California, Mr. Winn, Mr. Won Pat, Mr. Yatron, and Mr. Young of Alaska):

H.R. 4626. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically disabled because of such disability; to the Committee on Education and Labor.

By Mr. HUGHES:

H.R. 4627. A bill to amend the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation; to the Committee on Ways and Means.

By Mr. JENRETTE:

H.R. 4628. A bill to amend title 5 of the United States Code to provide for the designation of the 11th of November of each year as Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. LEVITAS (for himself, Mr. Baucus, Mr. Burgener, Mr. Miller of California, Mr. Roe, Mr. Hightower, Mr. Solarz, Mr. Charles Wilson of Texas, Mr. Derwinski, Mr. Dan Daniel, Mr. Mathis, Mr. Guyer, Mrs. Holt, Mr. Coughlin, Mr. Richmond, Mr. Howe, and Mr. Ginn):

H.R. 4629. A bill to permit either House of Congress to disapprove certain rules proposed by executive agencies; jointly to the Committees on the Judiciary, and Rules.

By Mr. LEVITAS (for himself, Mr. Lott, Mr. James V. Stanton, Mr. Ottinger, Mrs. Spellman, Mr. Casey, Mr. Brinkley, Mr. Andrews of North Dakota, Mr. Baldus, Mr. Mikva, Mr. Stark, Mr. Flynt, Mr. Studds, Mr. Pattison of New York, Mr. Hicks, and Mr. Jenrette):

H.R. 4630. A bill to permit either House of Congress to disapprove certain rules proposed by executive agencies; jointly to the Committees on the Judiciary, and Rules.

By Mr. MATHIS:

H.R. 4631. A bill to amend the Food Stamp Act of 1964 to prohibit any individual from receiving food stamps who receives at least one-half of his income from any other individual who is a member of another household which is ineligible for food stamps; to the Committee on Agriculture.

H.R. 4632. A bill to direct the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense; to the Committee on Armed Services.

H.R. 4633. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 4634. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MAZZOLI:

H.R. 4635. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 4636. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; jointly to the Committees on the Judiciary, and Standards of Official Conduct.

H.R. 4637. A bill to regulate lobbying and related activities; jointly to the Committees on the Judiciary, and Standards of Official Conduct.

By Mr. MONTGOMERY:

H.R. 4638. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. OTTINGER (for himself, Mr. Mitchell of Maryland, Mr. Lloyd of California, and Mr. St Germain):

H.R. 4639. A bill to amend title II of the Social Security Act to provide that any fully insured individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned, even if he does not have 20 quarters of coverage during the 40-quarter period immediately preceding his disability; to the Committee on Ways and Means.

By Mr. OTTINGER (for himself, Mr. Scheuer, Mr. Moorhead of California, Mr. Badillo, Mr. Richmond, Mr. Ryan, Mr. Hawkins, Mr. Waxman, and Mr. Solarz):

H.R. 4640. A bill to amend the Internal Revenue Code of 1954 to allow for a tax credit for a portion of the expenses incurred by the taxpayer in commutation to and from his place of employment on mass transportation facilities; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 4641. A bill to authorize appropriations for fiscal year 1976 for carrying out title VI of the Comprehensive Employment and Training Act of 1973; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 4642. A bill to amend title 38 of the United States Code in order to exempt certain State-operated vocational courses from placement record requirements as a prerequisite to approval by the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. RICHMOND (for himself, Mr. Ford of Tennessee, Mr. Stokes, Mr. Melcher, Mr. Conyers, Mr. Oberstar, Mr. Studds, Ms. Abzug, Mr. Addabbo, Mr. Peyser, Mr. Scheuer, Mr. Rosenthal, Mr. Riegle, Mr. Bergland, Mr. Hawkins, Mr. Koch, Mr. Pattison of New York, Mr. Downey, Mr. Brown of California, Mr. Charles H. Wilson of California, Mr. Edgar, Mr. Carney, Ms. Schroeder, Mr. Bingham, Mr. Drinan, and Mr. Zeferetti):

H.R. 4643. A bill to amend the National School Lunch and Child Nutrition Acts in order to extend and revise the special food service program for children, the special supplemental food program, and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs; to the Committee on Education and Labor.

By Mr. RICHMOND (for himself and Mr. Long of Louisiana):

H.R. 4644. A bill to amend the National School Lunch and Child Nutrition Acts in order to extend and revise the special food service program for children, the special supplemental food program, and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.R. 4645. A bill to provide that certain aliens illegally in the United States may have their status adjusted to that of permanent residents; to the Committee on the Judiciary.

H.R. 4646. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 4647. A bill to amend the Internal Revenue Code of 1954 to increase the exclusion allowance for gain from the sale or exchange of a residence in the case of individuals 65 and over; to the Committee on Ways and Means.

By Mr. St GERMAIN:

H.R. 4648. A bill to require to the maximum extent possible that all residential housing and small businesses be covered by insurance against catastrophic disaster losses, and to establish a new federally chartered quasi-public corporation to assist (through reinsurance of private companies and otherwise) in making coverage against such losses generally available; to the Committee on Banking, Currency and Housing.

H.R. 4649. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living benefit increases authorized thereunder shall be made on a semi-annual basis (rather than only on an annual basis as at present); to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 4650. A bill to provide certain restrictions on the aircraft noise of supersonic aircraft; to the Committee on Public Works and Transportation.

H.R. 4651. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. TEAGUE (for himself and Mr. Mosher):

H.R. 4652. A bill to direct the National Aeronautics and Space Administration to conduct a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere, and for other purposes; to the Committee on Science and Technology.

By Mr. VIGORITO (for himself, Mr. Yatron, Mr. Nix, Mr. Dent, Mr. Flood, Mr. Johnson of Pennsylvania, and Mr. Eilberg):

H.R. 4653. A bill to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, to raise the contribution base, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. Bingham, Mr. Hannaford, Mr. Howard, Mr. Pattison of New York, Mr. Udall, and Mr. Wolff):

H.J. Res. 301. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

By Mr. HELSTOSKI (for himself, Mr. O'Neill, Mr. Hyde, and Mrs. Spellman):

H.J. Res. 302. Joint resolution to designate April 24, 1975, as National Day of Remembrances of Man's Inhumanity to Man; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL of New York:

H.J. Res. 303. Joint resolution proposing an amendment to the Constitution of the United States with respect to public prayer and religious instruction; to the Committee on the Judiciary.

By Mr. ROSENTHAL (for himself, Mr. Andrews of North Dakota, Mr. Badillo, Mr. Bedell, Mr. Bergland, Mr. Blouin, Ms. Boggs, Mr. Boland, Mr. Bonker, Mr. Brademas, Mr. Brown of California, Mr. Buchanan, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Downey, Mr. Drinan, Mr. Edgar, Mr. Edwards of California, Mr. Flood, Mr. Fraser, Mr. Gilman, and Mr. Gude):

H.J. Res. 304. Joint resolution designating April 17, 1975, as National Food Day; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL (for himself, Mr. Harrington, Mr. Hawkins, Mr. Hicks, Mr. Koch, Mr. McHugh, Mr. Maguire, Mr. Melcher, Mr. Nix, Mr. Nowak, Mr. Ottinger, Mr. Pattison of New York, Mr. Peyser, Mr. Pressler, Mr. Rangel, Mr. Richmond, Mr. Simon, Mr. Solarz, Mr. Stokes, Mr. Thone, Mr. Waxman, and Mr. Winn):

H.J. Res. 305. Joint resolution designating April 17, 1975, as National Food Day; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL (for himself, Mr. Zeferetti, and Mr. Riegle):

H.J. Res. 306. Joint resolution authorizing the President to proclaim September 8 of each year as National Cancer Day; to the Committee on Post Office and Civil Service.

By Mr. ADDABBO (for himself, Ms. Abzug, Mr. Ambro, Mr. Annunzio, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Brademas, Mr. Brodhead, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Conyers, Mr. Corman, Mr. Drinan, Mr. Downey, Mr. Duncan of Oregon, Mr. Edwards of California, Mr. Eilberg, Mr. Fish, Mr. Fraser, Mr. Gilman, Mr. Gude, Mr. Hechler of West Virginia, Miss Holtzman, and Mr. Kasten):

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress that the President should convene immediately a meeting of the heads of all appropriate Federal departments and agencies for the purpose of taking such steps as may be necessary to prevent Arab discrimination against American business enterprises which have Jewish individuals serving in positions of major responsibility or which do business with Israel; to the Committee on Foreign Affairs.

By Mr. ADDABBO (for himself, Mr. Koch, Mr. LaFalce, Mr. Long of Maryland, Mr. Macdonald of Massachusetts, Mr. McDade, Mr. McHugh, Mr. Mineta, Mr. Minish, Mr. Mitchell of Maryland, Mr. Murphy of New York, Mr. Nix, Mr. O'Brien, Mr. Ottinger, Mr. Pepper, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Richmond, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. St Germain, Mr. Sarbanes, and Mr. Scheuer):

H. Con. Res. 174. Concurrent resolution expressing the sense of the Congress that the President should convene immediately a meeting of the heads of all appropriate Federal departments and agencies for the purpose of taking such steps as may be necessary to prevent Arab discrimination against American business enterprises which have Jewish individuals serving in positions of major responsibility or which do business with Israel; to the Committee on Foreign Affairs.

By Mr. ADDABBO (for himself, Mrs. Schroeder, Mr. Simon, Mr. Solarz, Mr. Waxman, Mr. Charles Wilson of Texas, Mr. Bob Wilson, Mr. Wolff, Mr. Yates, and Mr. Zeferetti):

H. Con. Res. 175. Concurrent resolution expressing the sense of the Congress that the President should convene immediately a meeting of the heads of all appropriate Federal departments and agencies for the purpose of taking such steps as may be necessary to prevent Arab discrimination against American business enterprises which have Jewish individuals serving in positions of major responsibility or which do business with Israel; to the Committee on Foreign Affairs.

By Mr. ESCH:

H. Con. Res. 176. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. HAYS of Ohio:

H. Con. Res. 177. Concurrent resolution providing for the printing as a House document a revised edition of the publication entitled "History of the United States House of Representatives"; to the Committee on House Administration.

By Mr. McCOLLISTER:

H. Res. 288. Resolution to amend the Rules of the House of Representatives with respect to the estimated cost to the public and nonpublic sectors of legislation and proposed administrative rulemaking; to the Committee on Rules.

By Mr. MURPHY of Illinois (for himself, Ms. Abzug, Mr. Annunzio, Mr. Badillo, Mr. Brown of California, Mrs. Collins of Illinois, Mr. Edgar, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Gilman, Mr. Gude, Mr. Hannaford, Mr. Harrington, and Mr. Hawkins):

H. Res. 289. Resolution expressing the sense of the House that the provisions of title XII of the Organized Crime Control Act of 1970, Public Law 91–452, creating a National Commission on Individual Rights, be immediately implemented; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois (for himself, Mr. Helstoski, Mr. Hicks, Ms. Holtzman, Mr. Koch, Mr. LaFalce, Mr. Mazzoli, Mr. Ottinger, Mr. Pattison of New York, Mr. Richmond, Mr. Roe, Mr. Rostenkowski, Mr. Simon, Mr. Solarz, and Mrs. Spellman):

H. Res. 290. Resolution expressing the sense of the House that the provisions of title XII of the Organized Crime Control Act of 1970, Public Law 91–452, creating a National Commission on Individual Rights, be immediately implemented; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois (for himself, Mr. James V. Stanton, Mr. Stark, Mr. Symington, Mr. Tsongas, and Mr. Wirth):

H. Res. 291 Resolution expressing the sense of the House that the provisions of title XII of the Organized Crime Control Act of 1970, Public Law 91–452, creating a National Commission on Individual Rights, be immediately implemented; to the Committee on the Judiciary.

By Mr. TEAGUE:

H. Res. 292. Resolution to provide funds for the investigations and studies to be conducted by the Committee on Science and Technology; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

54. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to the employment of illegal aliens; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HICKS:

H.R. 4654. A bill for the relief of Day's Sportswear Inc.; to the Committee on the Judiciary.

By Mr. HIGHTOWER:

H.R. 4655. A bill for the relief of Sr. M. Sgt. Dale A. Wade, U.S. Air Force; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

52. By the SPEAKER: Petition of the city council, Boston, Mass., relative to housing foreclosures; to the Committee on Banking, Currency and Housing.

53. Also petition of Nguyen Ba Can, Speaker of the Lower House of the Republic of Vietnam, and 94 members of the Vietnamese Lower House, relative to U.S. aid to Vietnam; to the Committee on Foreign Affairs.

54. Also, petition of the Sixth Annual Pacific Conference of Legislators, Saipan, Mariana Islands, Trust Territory of the Pacific Islands; relative to the extension of social, educational and employment programs to Micronesia; to the Committee on Interior and Insular Affairs.

55. Also, petition of the Sixth Annual Pacific Conference of Legislators, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to surface transportation in Micronesia; to the Committee on Interior and Insular Affairs.

SENATE—*Tuesday, March 11, 1975*

The Senate met at 11:30 a.m. and was called to order by Hon. JOHN GLENN, a Senator from the State of Ohio.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God by whose providence we have inherited this good land, enable us to love our country not in word but in deed. Let us who have received most be ready to give most, knowing that to whom much is given, of them shall much be required. Be with all who serve in this place. Give us an understanding of our days. Grant us quiet times of communion with Thee, with great souls and with history. Work through us Thy will for this Nation.

Through Him who is the Truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 11, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN GLENN, a Senator from the State of Ohio, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. GLENN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 10, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MARITIME ADMINISTRATION AUTHORIZATION, 1975

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 332.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 332) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce, as follows:

Page 3, line 4, strike out "post", and insert: "port".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF STATE

The second legislative clerk read the nominations of Nathaniel Davis, of New Jersey, to be an Assistant Secretary of State; Harry W. Shlaudeman, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela; and William G. Bowdler, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

THE DAVIS-SHLAUDEMAN NOMINATIONS

Mr. ABOUREZK. Mr. President, the Senate today is considering the nominations of Nathaniel Davis and Harry W. Shlaudeman for high positions in the Department of State. The Senate Foreign Relations Committee yesterday recommended that they be approved, and I am sure they will be.

I wish, however, that more discretion and care could have gone into choosing an Under Secretary of State for African Affairs and an Ambassador to Venezuela. For I am convinced that the nominees do not have qualifications appropriate to filling these important positions.

The U.S. involvement in the internal affairs of other countries, many times in a covert and illegal manner, has substantially lowered the esteem and trust which our international neighbors once had for this country.

I would like to think that the State Department would be interested, as many of us in the Senate are, in reversing this trend of events. I would like to think that, recognizing past mistakes, the administration would want to demonstrate to African and Latin American nations that this country emphatically rejects covert interventionism as a diplomatic policy between nations.

The nominations of Mr. Davis and Mr. Shlaudeman do just the opposite. No one needs to be reminded of the embarrassing and disastrous role which the United States played in the bloody coup in Chile. Testimony at the Chile Conference held in the Senate office building in March 1974 has shown that the American Embassy in Santiago, under the direction of Nathaniel Davis and Harry Shlaudeman, played a part in the success of the coup, and may have been indirectly responsible for the deaths of innocent individuals who unsuccessfully sought asylum in our Embassy.

It would be nice to think that this is a problem which concerns only the State Department or only this Nation internally, that we could admit mistakes, absolve ourselves by good works, and clear the records of individuals who may have been merely following misguided orders of their superiors.

This ideal situation is not the case today. Protests from the governments of Africa and from Venezuela force Mr. Davis and Mr. Shlaudeman to begin their new service to this country with two strikes against them. If we are to put our best foot forward in these sensitive posts, we must demonstrate clearly and actively that there will be no more Chiles in Venezuela, in Africa, or anywhere else. We must be represented by people who can effectively work with the governments to which they are assigned toward mutual benefit and increased understanding.

Because of their records in Chile and association with our anti-Allende policy there, Mr. Davis and Mr. Shlaudeman do not fit this demanding description.

What could be worse for our policy toward black Africa than to name a man to the post of Under Secretary whose nomination has been officially and publicly opposed by every single government in black Africa? Perhaps it is out of respect for the distinguished Africanist Donald Easum, who in a short time earned the admiration and confidence of African leaders, that Mr. Davis was criticized. Certainly, Mr. Easum's summary reassignment has raised questions in many quarters.

But because of their own actions in Chile, the nominees should not be approved, and I wish to go on record in opposition to Mr. Davis and Mr. Shlaudeman.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

SOUTH AFRICA AND THE BOWDLER NOMINATION

Mr. BROOKE. Mr. President, the Senate today offered its advice and consent to the nomination of a new Ambassador to the Republic of South Africa. I have no doubt that Mr. Bowdler is well qualified for the position to which he has been named. I congratulate him on his selection for this important post, and consent to his nomination.

In doing so I also desire to perform the first function with which Members of this body are constitutionally charged—I intend to give him, and with him our Government—some advice on how his duties should be discharged.

South Africa is a country blessed with natural resources, scenic wonders, and industrious people. But it is tragically a country whose citizens are deeply scarred by a disastrous preoccupation with race; whose development is marred by the denial to more than three-quarters of its people of full participation in the commerce, industry, and indeed the very life of the Republic. It is a country whose potential is seriously obstructed by discord, divisiveness, and fear.

The South African Government considers the country to be a "white, developed" nation. Yet "whites" constitute only 4 million, or about one-sixth of its total population. And development is a status enjoyed primarily by the urban few; it does not prevail in the desolate stretches of land set aside as homelands for the country's 17 million blacks.

Let me provide a few statistics to set this discussion in a proper context:

The 17 million blacks of South Africa lack normal rights of citizenship. They can own no land, enjoy no political rights, are kept in the most miserable and degrading of circumstances subject at any moment to search, seizure, imprisonment or—worst of all—banishment forever to a homeland.

The homelands are largely isolated rural areas set aside for the habitation of the blacks. Black South Africans are assigned to these areas on the basis of tribal origin; the large majority of blacks who have lived and worked throughout South Africa until the last few years, have never seen or even been near the land now defined as "home." These homelands are small and scattered in area, and ridiculously unsuited to supporting the lives of the large numbers of people assigned to them. One homeland area, for example, consists of no more than 100,000 acres, yet it is the designated "home" of 1.5 million people.

Homelands for the most part are areas unsuited to intensive agriculture. Moreover they are lacking in access to readily available resources or transportation. Unemployment in the areas ranges as high as 75 percent; the infant mortality rate is reliably estimated to be as high as 60 percent.

Other nonwhite races likewise fare poorly under South Africa's repressive racial system. "Colored," or mixed white and black persons, who now number more than 2 million, are strictly segregated in special enclosures. Having no homelands to which they can be banished they are perhaps in the most unenviable position of all—they are destined to live out their lives, socially, politically, and economically, as second-class citizens within South Africa.

This is a dreary picture. Within the last year, however, for the first time, the people of South Africa and their friends throughout the world were given some small fleeting cause to hope that the picture was about to change.

First came the coup in Portugal on April 25, 1974, which overthrew a government dedicated to maintaining an outmoded colonial system. The promise of independence was prompt and sure. The East African territory of Mozambique acquired a transition government within a matter of weeks, and with a minimum of social or political disturbance. Portugal's principal west African colony, Angola, is likewise headed toward full independence with determined efforts being made on all sides to bring together the formerly divided freedom movements.

This sudden change in Portugal and its territories did more than "weaken the bastions of white supremacy." In a single swift stroke, it moved the borders of the white-controlled enclave back a thousand miles. "White southern Africa has now been reduced to South Africa, its territories, and neighboring Rhodesia.

South Africa's response was full of flexibility, and of false hope. South African Government officials became unexpected mediators in Rhodesia's internal racial conflict. When Prime Minister Vorster became the surprising advocate of eventual black majority rule in Rhodesia, that country's ruling clique had little choice but to comply with his recommendations. Isolated as it is, Rhodesia is heavily dependent, economically and militarily, on its only friend and neighbor.

But contrary to some expectations, this change of heart did not apply to conditions within South Africa. The recommendations to the Rhodesian Government constituted nothing more nor less than a sacrifice ploy designed to prolong white supremacy in South Africa.

South Africa's recent initiatives toward the black African states constitute only another aspect of this larger strategy. Meetings between South African Government officials—including Prime Minister Vorster—and the leaders of African nations such as Liberia and Zambia, do not constitute de facto acceptance of the principle of equality between black and white regimes or peoples; much less are they likely to lead to recognition of full equality for South Africa's blacks. South Africa simply is determined to avoid a war with the black nations if at all possible, while simultaneously preparing for such an eventuality.

In October 1974, the United Nations debated the issue of expulsion of South Africa. The United States joined with Britain and France in vetoing the move. Simultaneously, South Africa's Ambassador to the U.N., the Honorable Pik Botha, delivered a speech in which he promised significant changes in his country's policies, and vowed that in "6 to 12 months' time," the world would be "amazed at where South Africa stands."

Once again, the nations and the peoples of the world took heart. Once again, they have been disappointed.

When the Johannesburg City Council voted to end "petty apartheid" prohibitions on use of the same libraries, museums, and park benches, the National Government expressed strong objections.

An announcement that the Malan theater complex in Capetown had been desegregated turned out to mean that it could be used by different races on different nights. Only strong objections from the people of Capetown together with a reasonably successful boycott produced a concession to fully integrated audiences.

Within the last 6 months the Government has taken credit for abolishing some longstanding repressive legislation. But it has replaced this with a new "Affected Organizations and Riotous Assemblies Act," which, among other things has already led to the virtual banning of the National Union of South African Students—NUSAS—and to the prohibition of assemblies in support of the new Government of Mozambique.

Within the last 6 months, many thousands more Africans have been removed to the homelands, and Prime Minister Vorster has "clarified" Ambassador Botha's remarks by saying he was referring only to new initiatives toward the black African states, with greater progress toward separate development at home.

The world is not amazed at where South Africa stands 6 months after the Botha speech; it is disheartened, disappointed, but determined that change will come.

What should be the role of the United States in bringing about inevitable change?

First of all, I believe that contact must be maintained. The South Africans themselves have shown initiative by establishing political and economic contact with a growing number of black African nations. These nations have responded favorably, in the belief that such contact will eventually help to undermine the illogical ideological bases of apartheid in South Africa. For the same reason, I favor a continued U.S. diplomatic presence in South Africa. Diplomatic recognition has never implied acceptance of a political system. What it does imply is rational acceptance of the first principle of civilized society: That it is as essential to know those who disagree with you as well as those with whom you agree.

Indeed, I believe our diplomatic presence affords unique opportunities for quietly but effectively promoting change. For instance, during the past several years the U.S. Embassy and Consulates have served as valuable meeting places for black and white South Africans to exchange ideas. These meetings of the leaders of both communities have helped not only to increase understanding but to widen the dialogue within South African society. They must continue.

Second, the United States can and must demonstrate by its own actions a commitment to complete racial equality. This may involve personal hardships for some black career officers in our Foreign Service; but it is essential that larger numbers of black officers express willingness to serve in South Africa, and that they be sent there. It is equally essential that U.S. Government facilities practice complete racial equality in their employment of South African nationals.

The State Department has initiated a very constructive program of encouraging private American businesses to adopt more equitable employment practices. Many U.S. companies doing business in South Africa have already initiated programs to reward and enhance the abilities of their employees regardless of race. Building on this beginning, the Department of State in 1973 issued a report on "Employment Practices of U.S. Firms in South Africa" which urged all U.S. companies to take such steps. Subsequently, the Department has issued guidelines calling for, among other things: Equal pay for equal work; adequate pension, insurance and medical benefits; supplementary education for workers' children; assistance to employees in finding housing; regular skills training to increase productivity; and opportunities for advancement based solely on merit.

These guidelines are not binding, but it is questionable whether specific legislation to make them so is either desirable or necessary. Other steps could be taken instead, including most obviously the pressure of public attention. Press and congressional inspection trips to South Africa to examine business practices, and equal attention on the part of the press and stockholders in the home firms, can help to accelerate the rate of desired change. The United States, in fact, has been praised editorially both by the Johannesburg Star and the Rand Daily Mail for providing this "stimulus for change."

There are already encouraging signs that other countries are following suit. It was recently reported that the British Government, for example, is encouraging its companies doing business in South Africa to likewise adopt more equitable employment practices, including equal pay for equal work, and nondiscrimination in employment and promotion. Britain has also assigned a first secretary to its embassy with responsibility for reporting on the compliance of British companies with the new mode of employment practices. The United States would do well to follow suit.

In addition to the pressure of foreign example, there are also economic pressures on the South Africans to abolish the practice of reserving certain jobs for whites. South Africa's economy is presently growing at the rate of 7 percent per year, and the country has a serious shortage of skilled labor. More and more South African companies are circumventing the law by training nonwhites as "assistants" to whites, which means they perform the same jobs at lower pay. Abhorrent as this practice is, it at least helps to insure that "separate development" will not be achieved in the immediate future; and hopefully never.

The key to the problem of apartheid does not lie just within the borders of South Africa. Part of the answer also lies with developments in neighboring territories.

With regard to Namibia, the United States concurs in the 1966 decision of the World Court that South Africa is illegally administering the territory. The United States therefore should apply a different standard with regard to that territory than it applies to the government of South Africa. U.S. investment should not be encouraged, and in fact investment guarantees should be withheld from companies which choose to trade or invest there. Other initiatives which might be considered include scholarships and educational assistance to citizens of Namibia, and increased diplomatic support for their complete independence.

The former Portuguese colonies of Angola and Mozambique offer unique opportunities for influencing South Africa's racial policies. South Africa expects the multiracial societies of her neighbors to fail; if they do so, this will further fuel the argument of the South Africans for separate development.

The United States can and should help these newly independent nations to succeed. The United States can provide both development aid and technical assistance, to help these two nations create a viable and expanding economic base for their people. Private investment should also be encouraged; Gulf Oil Corp. already has a large and lucrative holding in Angola, which is producing at the rate of several hundred thousand barrels of oil per day. Angola is rich in other mineral resources as well, and with adequate investments and job opportunities both nations could provide sizable markets for U.S. goods.

All of these are interim steps, designed to facilitate change in southern Africa. But there is one more step; the most important one of all. The United States still needs to be perceived as taking a positive attitude toward quality and independence in southern Africa For our voice to be effective in the context of southern Africa, it must be unequivocal. There must be no question of where we stand on those issues of vital import to South Africa's people: The right to own land; to live where they choose; to receive a fair wage, fair employment practices and the opportunity for fair advancement; and most of all, the right to decide their own destinies through full participation in the political process. On these issues, the United States cannot equivocate without damaging itself and the principles for which it stands. Let others question our methods if they must; but let there be no question about the goal we seek.

INTER-AMERICAN DEVELOPMENT BANK

The second assistant legislative clerk proceeded to read the nomination of Yan Michael Ross, of Maryland, to be Alternate Executive Director of the Inter-American Development Bank.

Mr. MANSFIELD. I ask unanimous consent that the nomination be considered and confirmed.

The ACTING PRESIDENT pro tempore. Without objection, the nomination was considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTIONS 105–108—AUTHORIZING CERTAIN OFFICERS OF THE SENATE TO APPEAR AS WITNESSES IN THE CASE OF UNITED STATES V. GURNEY, ET AL.

Mr. MANSFIELD. Mr. President, I send to the desk four resolutions having to do with witnesses appearing in a Florida trial, and ask that they be considered en bloc.

The ACTING PRESIDENT pro tempore. The clerk will state the first resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 105) to authorize Francis R. Valeo, Secretary of the Senate, to appear as a witness in the case of United States v. Gurney, et al.

The resolution was considered by unanimous consent and agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

Whereas, in the case of United States of America v. Edward J. Gurney, et al. (No. 74-122-Cr-J-K), pending in the United States District Court for the Middle District of Florida, a subpena has been issued by such court and addressed to Francis R. Valeo, Secretary of the Senate, directing him to appear as a witness, to give testimony, and to bring with him certain records relating to contributions to U.S. Senators and certain statements filed by Senator Edward J. Gurney, such records and statements being in the possession and under the control of the Senate of the United States: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by permission of the Senate.

SEC. 2. By the privileges of the Senate and by rule XXX of the Standing Rules of the Senate, no officer or employee of the Senate is authorized to produce documents, papers, or records of the Senate but by order of the Senate and information secured by officers and employees of the Senate pursuant to their official duties may not be revealed without the consent of the Senate.

SEC. 3. When it appears that testimony of an officer or employee of the Senate is needful for use in any court for the promotion of justice and, further, that such testimony may involve documents, papers, or records under the control of or in the possession of the Senate and communications, conversations, and matters related thereto, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate.

SEC. 4. (a) Francis R. Valeo, Secretary of the Senate, is authorized, in response to a subpena and testificandum and duces tecum issued by the United States District Court for the Middle District of Florida in the case of United States of America v. Edward J. Gurney, et al., (1) to appear as a witness, (2) to take with him authenticated copies of all Senate records commanded by such subpena and which are in his possession or under his control in his capacity as Secretary of the Senate (but he shall not take with him any original Senate record on file in his office or in his possession or under his control in his capacity as Secretary of the Senate), and (3) to produce and present such authenticated copies to the court and to testify with respect thereto.

(b) In addition, the court, through any of its officers or agents, has full permission to attend, with all proper parties to the proceeding, at any place under the order and control of the Senate and make copies of all Senate records commanded by such subpena which are in the possession or under the control of Francis R. Valeo in his capacity as Secretary of the Senate.

SEC. 5. The Secretary of the Senate shall transmit a copy of this resolution to the United States District Court for the Middle District of Florida.

The ACTING PRESIDENT pro tempore. The clerk will state the second resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 106) to authorize William A. Ridgely, Financial Clerk of the Senate, to appear as a witness in the case of United States v. Gurney, et al.

The resolution was considered by unanimous consent and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, in the case of United States of America v. Edward J. Gurney, et al. (No. 74–122–Cr–J–K), pending in the United States District Court for the Middle District of Florida, a subpena has been issued by such court and addressed to William Ridgely, Financial Clerk of the Senate, directing him to appear as a witness, to give testimony, and to bring with him certain Senate records for the years 1971, 1972, and 1973, such records being in the possession and under the control of the Senate of the United States, and

Whereas, in such case, an additional subpena has been issued by such court and addressed to William Ridgely, Financial Clerk of the Senate, or his duly authorized deputy, directing him to appear as a witness and to give testimony about the Senate method of paying expenses of Senators in 1971, 1972, and 1973: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by permission of the Senate.

SEC. 2. By the privileges of the Senate and by rule XXX of the Standing Rules of the Senate, no officer or employee of the Senate is authorized to produce documents, papers, or records of the Senate but by order of the Senate and information secured by officers and employees of the Senate pursuant to their official duties may not be revealed without the consent of the Senate.

SEC. 3. When it appears that testimony of an officer or employee of the Senate is needful for use in any court for the promotion of justice and, further, that such testimony may involve documents, papers, or records under the control of or in the possession of the Senate and communications, conversations, and matters related thereto, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate.

SEC. 4. (a) William A. Ridgely, Financial Clerk of the Senate, is authorized, in response to a subpena ad testificandum and duces tecum issued by the United States District Court for the Middle District of Florida in the case of United States of America v. Edward J. Gurney, et al., (1) to appear as a witness, (2) to take with him authenticated copies of all Senate records commanded by such subpena and which are in his possession or under his control in his capacity as Financial Clerk of the Senate (but he shall not take with him any original Senate record on file in his office or in his possession or under his control in his capacity as Financial Clerk of the Senate), and (3) to produce and present such authenticated copies to the court and to testify with respect thereto.

(b) In addition, the court, through any of its officers or agents, has full permission to attend, with all proper parties to the proceeding, at any place under the order and control of the Senate and make copies of all Senate records commanded by such subpena which are in the possession or under the control of William A. Ridgely in his capacity as Financial Clerk of the Senate.

SEC. 5. William A. Ridgely, Financial Clerk of the Senate, is authorized, in response to a subpena ad testificandum issued by the United States District Court for the Middle District of Florida in the case of United States of America v. Edward J. Gurney, et al., to appear as a witness and to testify about the Senate method of paying expenses of Senators in 1971, 1972, and 1973.

SEC. 6. The Secretary of the Senate shall transmit a copy of this resolution to the United States District Court for the Middle District of Florida.

The ACTING PRESIDENT pro tempore. The clerk will state the third resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) to authorize Charles W. Jones, Director, Senate Recording Studio, Office of the Sergeant at Arms of the Senate, to appear as a witness in the case of United States v. Gurney, et al.

The resolution was considered by unanimous consent and agreed to.

The preamble was agreed to.

The resolution with its preamble, is as follows:

Whereas, in the case of United States of America v. Edward J. Gurney, et al. (No. 74–122–Cr–J–K), pending in the United States District Court for the Middle District of Florida, a subpena has been issued by such court and addressed to Charles W. Jones, Director, Senate Recording Studio, Office of the Sergeant at Arms of the Senate, directing him to appear as a witness, to give testimony, and to bring with him certain records of the Senate Recording Studio, such records being in the possession and under the control of the Senate of the United States, and

Whereas, in such case, an additional subpena has been issued by such court and addressed to Charles W. Jones, Director, Senate Recording Studio, Office of the Sergeant at Arms of the Senate, directing him to appear as a witness and to give testimony in such case: Now, therefore be it

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by permission of the Senate.

SEC. 2. By the privileges of the Senate and by rule XXX of the Standing Rules of the Senate, no officer or employee of the Senate is authorized to produce documents, papers, or records of the Senate but by order of the Senate and information secured by officers and employees of the Senate pursuant to their official duties may not be revealed without the consent of the Senate.

SEC. 3. When it appears that testimony of an officer or employee of the Senate is needful for use in any court for the promotion of justice and, further, that such testimony may involve documents, papers, or records under the control of or in the possession of the Senate and communications, conversations, and matters related thereto, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate.

SEC. 4. (a) Charles W. Jones, Direcor, Senate Recording Studio, Office of the Sergeant at Arms of the Senate, is authorized, in response to a subpena ad testificandum and duces tecum issued by the United States District Court for the Middle District of Florida in the case of United States of America v. Edward J. Gurney, et al., (1) to appear as a witness, (2) to take with him authenticated copies of all Senate records commanded by such subpena and which are in his possession or under his control in his capacity as an employee of the Senate (but he shall not take with him any original Senate record on file in his office or in his possession or under his control in his capacity as an employee of the Senate), and (3) to produce and present such authenticated copies to the court and to testify with respect thereto.

(b) In addition, the court, through any of its officers or agents, has full permission to attend, with all proper parties to the proceeding, at any place under the order and control of the Senate and make copies of all Senate records commanded by such subpena which are in the possession or under the control of Charles W. Jones in his capacity as an employee of the Senate.

SEC. 5. Charles W. Jones, Director, Senate Recording Studio, Office of the Sergeant at Arms of the Senate, is authorized, in response to a subpena ad testificandum issued by the United States District Court for the Middle District of Florida in the case of United States of America v. Edward J. Gurney, et al., to appear as a witness and to testify in such case.

SEC. 6. The Secretary of the Senate shall transmit a copy of this resolution to the United States District Court for the Middle District of Florida.

The ACTING PRESIDENT pro tempore. The clerk will state the fourth resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 108) to authorize Burl Hays, Superintendent, Public Records Office, Office of the Secretary of the Senate, to appear as a witness in the case of United States v. Gurney, et al.

The resolution was considered by unanimous consent and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 108

Whereas, in the case of United States of America v. Edward J. Gurney, et al. (No. 74–122–Cr–J–K), pending in the United States District Court for the Middle District of Florida, a subpena has been issued by such court and addressed to Burl Hays, Superintendent, Public Records Office, Office of the Secretary of the Senate, directing him to appear as a witness, to give testimony, and to bring with him certain records reflecting designations by Senator Edward J. Gurney of individuals to perform the functions described in rule XLIII of the Standing Rules of the Senate, such records being in the possession and under the control of the Senate of the United States: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by permission of the Senate.

SEC. 2. By the privileges of the Senate and by rule XXX of the Standing Rules of the Senate, no officer or employee of the Senate is authorized to produce documents, papers, or records of the Senate but by order of the Senate and information secured by officers and employees of the Senate pursuant to their official duties may not be revealed without the consent of the Senate.

Sec. 3. When it appears that testimony of an officer or employee of the Senate is needful for use in any court for the promotion of justice and, further, that such testimony may involve documents, papers, or records under the control of or in the possession of the Senate and communications, conversations, and matters related thereto, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate.

Sec. 4. (a) Burl Hays, Superintendent, Public Records Office, Office of the Secretary of the Senate, is authorized, in response to a subpena ad testificandum and duces tecum issued by the United States District Court for the Middle District of Florida in the case of United States of America v. Edward J. Gurney, et al., (1) to appear as a witness, (2) to take with him authenticated copies of all Senate records commanded by such subpena and which are in his possession or under his control in his capacity as an employee of the Senate (but he shall not take with him any original Senate record on file in his office or in his possession or under his control in his capacity as an employee of the Senate), and (3) to produce and present such authenticated copies to the court and to testify with respect thereto.

(b) In addition, the court, through any of its officers or agents, has full permission to attend, with all proper parties to the proceeding, at any place under the order and control of the Senate and make copies of all Senate records commanded by such subpena which are in the possession or under the control of Burl Hays in his capacity as an employee of the Senate.

Sec. 5. The Secretary of the Senate shall transmit a copy of this resolution to the United States District Court for the Middle District of Florida.

AMENDMENT OF SECTION 5 OF THE EMPLOYMENT ACT OF 1946

Mr. HUGH SCOTT. Mr. President, I send a joint resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 52) was read the first time by title and the second time at length, as follows:

S.J. Res. 52

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Employment Act of 1946 (15 U.S.C. 1024 (a)) is amended—

(1) by striking out "ten" each place it appears and inserting in lieu thereof "twelve";

(2) by striking out "six" and inserting in lieu thereof "seven"; and

(3) by striking out "four" and inserting in lieu thereof "five".

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (S.J. Res. 52) was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes.

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to Public Law 86-420, appoints the following Senators to the Mexico-United States Interparliamentary Meeting, to be held in Campeche, Mexico, March 26–31, 1975: The Senator from Montana (Mr. Mansfield), chairman, the Senator from Missouri (Mr. Symington), the Senator from West Virginia (Mr. Randolph), the Senator from Indiana (Mr. Hartke), the Senator from Utah (Mr. Moss), the Senator from New Mexico (Mr. Montoya), the Senator from Kentucky (Mr. Huddleston), the Senator from Michigan (Mr. Griffin), the Senator from Nebraska (Mr. Hruska), the Senator from Illinois (Mr. Percy), and the Senator from Nevada (Mr. Laxalt).

The ACTING PRESIDENT pro tempore. Is there morning business?

IN BEHALF OF TUESDAY

Mr. HUGH SCOTT. Mr. President, in a body where something is always said about almost anything, I think I would like to speak on behalf of Tuesday. We have successfully navigated the weekend, and we have crossed the shoals of Monday, and we are moving now through still waters down to possible rapids of Wednesday, Thursday, and TGIF.

I can only hope that the Senate, now that we have moved into a position where we can hope to act promptly on legislation, will find enough to do and, therefore, I urge the committees of the Senate to expedite their business so that we are not caught in the end of the year in the usual crush of "I wish we had done this earlier."

I post these warning signals now while fair weather prevails, knowing full well that the hurricane warnings will be put up later in the year if we proceed at a too leisurely pace.

So again I urge all committees of the Senate to please bring us some legislation as quickly as possible, give us some grist for the mill, and let the mill of these mundane gods grind a little of more than slowly.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

I was going to reply, but I thought better of it.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, are we in the morning hour?

The ACTING PRESIDENT pro tempore. Morning business will continue until 12:07 p.m.

(Remarks made by Mr. Javits at this point appear in today's Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. Glenn) laid before the Senate a message from the President of the United States submitting the nomination of William C. Harrop, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea, which was referred to the Committee on Foreign Relations.

MESSAGES FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (H.R. 4075) to rescind certain budget authority recommended in the Message of the President of January 30, 1975 (H. Doc. 94-39) and in the communications of the Comptroller General of February 7, 1975 (H. Doc. 94-46) and of February 14, 1975 (H. Doc. 94-50), transmitted pursuant to the Impoundment Control Act of 1974, in which it requests the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED

At 12:25 p.m., a message from the House of Representatives by Mr. Berry announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 48. A joint resolution to amend the Defense Production Act of 1950, as amended, and for other purposes; and

H.J. Res. 219. A joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes.

The enrolled joint resolutions were subsequently signed by the Vice President.

At 3:01 p.m., a message from the House of Representatives by Mr. Berry announced that the House had agreed to, without amendment, the concurrent resolution (S. Con. Res. 15) expressing the approval of the Congress of the amendment to the 1955 "Agreement for Cooperation Between the Government of the United States of America and the Government of Israel Concerning Civil Uses of Atomic Energy" proposed by the Atomic Energy Commission on January 14, 1975.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GENN) laid before the Senate the following letters, which were referred as indicated:

Report by the Department of Agriculture

A letter from the Assistant Secretary of Agriculture stating that the final report of the Department of Agriculture on the special supplemental food program for women, infants, and children will be presented on or about November 1, 1975; to the Committee on Agriculture and Forestry.

Report of the Environmental Protection Agency

A letter from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the annual report on the ocean dumping permit program (with an accompanying report); to the Committee on Commerce.

Report of the National Railroad Passenger Corporation

A letter from the Vice President of the National Railroad Passenger Corporation transmitting, pursuant to law, a report on the operations of Amtrak for the month of January 1975 (with an accompanying report); to the Committee on Commerce.

Report of the Senate Committee on Finance

A letter from the Chairman of the Senate Committee on Finance reporting, pursuant to law, in connection with Finance Committee consideration of legislation establishing advisory committees; to the Committee on Government Operations.

Proposed Legislation of the Department of State

A letter from the Assistant Secretary of State transmitting a draft of proposed legislation to raise the detention benefit authorized for American civilians who were interned in Southeast Asia to the same level as authorized for military personnel in similar status (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE DEPARTMENT OF STATE

A letter from the Assistant Secretary of State transmitting, pursuant to the Freedom of Information Act, a report on the activities of the Department under the Act (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE NATIONAL SECURITY COUNCIL

A letter from the Staff Secretary of the National Security Council transmitting, pursuant to law, a report on implementation of the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE SELECTIVE SERVICE SYSTEM

A letter from the Director of the Selective Service System transmitting a report, pursuant to law, on the administration of the clemency and amnesty provisions and the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE PANAMA CANAL CO.

A letter from the President of the Panama Canal Co. reporting, pursuant to law, on requests for information of the company under the Freedom of Information Act; to the Committee on the Judiciary.

PROPOSED NATIONAL RESOURCE LANDS MANAGEMENT ACT

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the management, protection, and development of the national resource lands, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

ASSUMPTION OF ASSETS OF MENOMINEE ENTERPRISES, INC.

A letter from the Secretary of the Interior, transmitting, pursuant to law, certain documents necessary to implement the transfer plan for the assumption of the assets of Menominee Enterprises, Inc. (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GLENN):

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 108

"Memorializing Congress to take out of Virginia's concern and to address itself to the issue of foreign investment in the energy and material resources of Virginia and of the United States

"Whereas, the exploration, development, utilization and consumption of energy and other natural resources has become an area of great concern to the Commonwealth of Virginia; and

"Whereas, increased foreign investment has taken place in energy and other natural resources in the Commonwealth, in our sister states and throughout the United States; and

"Whereas, concern is expressed specifically about the exploitation of these energy and other natural resources and the equity ownership of these natural resources by foreign interests; and

"Whereas, this concern, however, does not include the sale of domestic energy and natural resources in foreign markets by United States' firms which sales are beneficial both to the economy and to the balance of payments of our country; and

"Whereas, because more than one state is affected and because of foreign involvement and foreign relations, this appears to be a federal rather than a State concern; and

"Whereas, due to the continuing and ultimately unknown effects of the energy crisis both in the Commonwealth and in the United States; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States is respectfully memorialized to take note of the concern of the Commonwealth over foreign investment in energy resources and other natural resources in the Commonwealth and in the United States, and because of the seriousness of the energy crisis, Congress is requested to address itself to this issue; and be it

"Resolved further, That the Clerk of the Senate is directed to forward a copy of this resolution to the Clerks of the Senate and the House of Representatives of the United States; and to each member of the Virginia delegation to the Congress."

A joint resolution of the Legislature of the State of Maine; to the Committee on Commerce:

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXTEND THE UNITED STATES FISHERIES MANAGEMENT JURISDICTION 200 MILES SEAWARD FROM ITS BOUNDARIES

"We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, Maine fishermen are currently losing the livelihood of generations through failure of the Federal Government to control excessive foreign fishing off the coast; and

"Whereas, Federal negotiations at the "law of the sea" conference even if successful will take 6 to 10 years to ratify and implement leaving little or no protection during the interim; and

"Whereas, this inaction has prompted the Maine Legislature to declare Maine's fisheries management jurisdiction 200 miles seaward from its boundaries or to the edge of the continental shelf; and

"Whereas, the Congress of the United States must act now to extend the United States fisheries management jurisdiction beyond 12 miles to the 200-mile limit before fishing stocks are exhausted; now, therefore be it

"*Resolved:* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to pass legislation which will extend the fisheries management jurisdiction of the United States without interfering with Canada 200 miles seaward or to the edge of the continental shelf and thus reduce the chances of further depletion of fishing stocks by overfishing; and be it further

"*Resolved:* That a duly authenticated copy of this Memorial be immediately submitted by the Secretary of State to The Honorable Gerald R. Ford, President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each Member of the Senate and House of Representatives in the Congress of the United States from this State."

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION No. 92

"Memorializing Congress to examine certain sections of the Federal Coal Mine Health and Safety Act of 1969.

"Whereas, in nineteen hundred sixty-six there were one thousand two hundred thirty-two truck or small mines in Virginia, but in November of nineteen hundred seventy-four there were only three hundred twelve; and

"Whereas, most of the decrease in the number of truck mines has been due to the inability to obtain permissible equipment because of its unavailability within a reasonable amount of time; and

"Whereas, millions of dollars worth of nonpermissible equipment lies in storage; and

"Whereas, 30 USC 811 (c) of the Federal Coal Mine Health and Safety Act of 1969 provides in part that:

"' * * * In addition to the attainment of the highest degree of safety protection for miners, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other safety statutes'; and

"Whereas, new methane monitors of greater accuracy than those available in nineteen hundred seventy when the Federal Coal Mine Health and Safety Act went into effect are now available; and

"Whereas, these new methane monitors, set at a predetermined level, can instantly deenergize all nonpermissible face equipment in the producing section of a truck mine if methane is detected; and

"Whereas, the only effective way to take care of methane is by proper ventilation; and

"Whereas, between April of nineteen hundred seventy and November of nineteen hundred seventy-four, in Virginia mines using nonpermissible equipment, there were only two ignitions, one of which may have been caused by cigarette smoking; and

"Whereas, great benefits to our energy needs, economy, employment rate, and balance of payments would result from production of more coal by reopening our small coal mines; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States is respectfully memorialized to examine sections 811(c), 861, and 865 of the Federal Coal Mine Health and Safety Act of 1969 in light of the facts mentioned in this resolution; and, be it

"Resolved further, That Section 863(b) of the Act should be examined for possible change to increase the minimum quantity of air required from nine thousand to ten thousand cubic feet a minute in the last open crosscut and at the intake end of a pillar line. Minimum quantity of air required on each working face should be increased from three thousand to four thousand cubic feet a minute; and, be it

"Resolved finally, That the Clerk of the Senate is directed to forward a copy of this resolution to the Clerks of the Senate and the House of Representatives of the United States and to each member of the Virginia delegation to the Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, without amendment:

S. 510. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices (Rept. No. 94–33).

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were read twice by their titles and referred to the Committee on Rules and Administration:

H. Con. Res. 27. Concurrent resolution to provide additional copies of housing compilation;

H. Con. Res. 44. Concurrent resolution providing for the printing of a revised edition of the House document, "Our American Government, What Is It? How Does It Function?";

H. Con. Res. 117. Concurrent resolution providing for the printing as a House document of the hearings and panels of the Select Committee on Committees; and

H. Con. Res. 145. Concurrent resolution authorizing the printing of additional copies of the joint committee print of the Committee on Education and Labor and the Committee on Labor and Public Welfare entitled "A Compilation of Federal Education Laws".

HOUSE BILL REFERRED

The bill (H.R. 4075) to rescind certain budget authority recommended in the message of the President of January 30, 1975 (H. Doc. 94–39) and in the communication of the Comptroller General of February 7, 1975 (H. Doc. 94–46) and of February 14, 1975 (H. Doc. 94–50), transmitted pursuant to the Impoundment Control Act of 1974, was read twice by its title and referred to the Committee on Appropriations and the Committee on the Budget, jointly, pursuant to order of January 30, 1975.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 11, 1975, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 48) to amend the Defense Production Act of 1950, as amended, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS:

S. 1128. A bill to amend the Internal Revenue Code of 1954 to impose a tax on new automobiles and trucks at a progressive rate related to their fuel consumption rate, and for other purposes. Referred to the Committee on Finance.

By Mr. ROBERT C. BYRD:

S. 1129. A bill for the relief of Elizabeth Currado. Referred to the Committee on the Judiciary.

By Mr. GARN:

S. 1130. A bill to amend the act of August 6, 1958 (72 Stat. 497), relating to service as chief judge of a U.S. district court. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (by request):

S. 1131. A bill to authorize appropriations for the U.S. Information Agency, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. SPARKMAN:

S. 1132. A bill to amend the Interstate Land Sales Full Disclosure Act to require certain reports from foreign purchasers. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MOSS (for himself and Mr. Garn):

S. 1133. A bill to amend the act of July 30, 1965 (79 Stat. 426), which authorized establishment of the Golden Spike National Historic Site, to increase the appropriation authorization ceiling relating to that site. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 1134. A bill to amend the act of March 30, 1904 (33 Stat. 154) granting certain lands to the city of Port Angeles, Wash. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIDEN:

S. 1135. A bill to amend title XVIII of the Social Security Act to permit immediate care services provided by an immediate care facility to be paid for thereunder in the same manner and subject to the same terms and conditions as are applicable to the payment for such services when provided by a hospital, and to amend title XIX of such act to require that such services be included among the services covered under a State plan approved under such title. Referred to the Committee on Finance.

By Mr. PHILIP A. HART (for himself, Mr. Hugh Scott, Mr. Moss, Mr. Weicker, Mr. Abourezk, Mr. Bayh, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Domenici, Mr. Eagleton, Mr. Garn, Mr. Gravel, Mr. Gary W. Hart, Mr. Hartke, Mr. Haskell, Mr. Hathaway, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. Leahy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Morgan, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Proxmire, Mr. Ribicoff, Mr. Stevenson, Mr. Tunney, Mr. Williams, Mr. Chiles, and Mr. Percy):

S. 1136. A bill to authorize appropriations for increased investigation and prosecution by the Federal Trade Commission and the Department of Justice of unfair methods of competition, restraints of trade, and other violations of the antitrust laws, and for other purposes. Referred to the Committee on the Judiciary and the Committee on Commerce, jointly, by unanimous consent; and, when the Committee on the Judiciary reports the bill, the Committee on Commerce will then have 45 days to report the bill.

By Mr. HATFIELD:

S. 1137. A bill to prohibit certain anticompetitive practices in connection with the distributing and marketing of refined petroleum products. Referred to the Committee on the Judiciary.

S. 1138. A bill to amend the Clayton Act to preserve competition in the oil and gas pipeline industries in the United States. Referred to the Committee on the Judiciary.

S. 1139. A bill to amend the act of February 25, 1920 (30 U.S.C. 226(b)), and the Outer Continental Shelf Lands Act (43 U.S.C. 1337). Referred to the Committee on Interior and Insular Affairs.

S. 1140. A bill to amend the Internal Revenue Code of 1954 to phase out the percentage depletion deduction allowed for domestic oil and gas wells and for other purposes. Referred to the Committee on Finance.

S. 1141. A bill to amend the Internal Revenue Code of 1954 to terminate the foreign tax credit for taxes paid or accrued in taxable years beginning after December 31, 1974. Referred to the Committee on Finance.

By Mr. HATFIELD (for himself, Mr. Beall, Mr. Humphrey, and Mr. Young):

S. 1142. A bill to amend section 121 of the Internal Revenue Code of 1954 to increase the exclusion from gross income of gain from the sale of a residence by an individual who is 65 years old or older. Referred to the Committee on Finance.

By Mr. WEICKER (for himself, Mr. Hathaway, and Mr. Hartke):

S. 1143. A bill to designate a national network of essential rail lines; to create a nonprofit corporation to acquire and maintain rail lines; to require minimum standards of maintenance for rail lines; to provide financial assistance to such corporation and to the States for rehabilitation of rail lines; and for other purposes. Referred to the Committee on Commerce.

By Mr. HATHAWAY (for himself, Mr. Hartke, Mr. Stone, Mr. Weicker, and Mr. Ribicoff):

S. 1144. A bill to designate a national network of essential rail lines; to require minimum standards of maintenance of rail lines; to provide Federal financial aid for rail rehabilitation; to establish rights of access by rail carriers to rail lines and facilities; and for other purposes. Referred to the Committee on Commerce.

By Mr. PHILIP A. HART (for himself, Mr. Nelson, Mr. McGovern, and Mr. Gravel):

S. 1145. A bill to provide amnesty to persons who, because of their principled objection to service in the Armed Forces of the United States, failed or refused to register for the draft or who refused induction or failed to be inducted into the Armed Forces or who were absent without official leave from the Armed Forces during the period from August 4, 1964, to March 28, 1973, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ABOUREZK:

S. 1146. A bill to provide for the employment of unemployed individuals to carry out an intensified forest improvement program in South Dakota, Nebraska, Wyoming, Colorado, and Kansas. Referred to the Committee on Agriculture and Forestry.

By Mr. ABOUREZK (by request):

S. 1147. A bill to liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee on December 29, 1890. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 1148. A bill to amend section 502(b) of the Mutual Security Act of 1954 to place limitations on the use of nonexcess local currencies and excess local currencies by Members and committee employees traveling in a foreign country. Referred to the Committee on Foreign Relations.

By Mr. HUMPHREY (for himself and Mr. Jackson):

S. 1149. A bill to provide for a national fuels and energy conservation policy, to establish a national energy conservation program, and for other purposes. Referred, by unanimous consent, to the Committee on Interior and Insular Affairs; then to the Committees on Banking, Housing and Urban Affairs, Commerce, Finance, Government Operations, and Public Works for not to exceed 60 days; if and when reported by the Committee on Interior and Insular Affairs.

By Mr. HUGH SCOTT (for himself and Mr. Mansfield):

S.J. Res. 52. A joint resolution to amend section 5 of the Employment Act of 1946 to increase by four the membership of the Joint Economic Committee. Considered and passed.

By Mr. DOMENICI (for himself and Mr. Montoya):

S.J. Res. 53. A joint resolution to postpone the effective date of an order of the Federal Power Commission reducing the priority of natural gas used for irrigation pumping. Referred to the Committee on Commerce.

By Mr. CLARK (for himself and Mr. Abourezk, Mr. Brooke, Mr. Burdick, Mr. Case, Mr. Cranston, Mr. Culver, Mr. Eastland, Mr. Gary W. Hart, Mr. Philip A. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hathaway, Mr. Javits, Mr. Huddleston, Mr. Humphrey, Mr. Leahy, Mr. McClure, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Pell, Mr. Percy, Mr. Hugh Scott, Mr. Stevenson, and Mr. Williams):

S.J. Res. 54. A joint resolution designating April 17, 1975, as "National Food Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 1128. A bill to amend the Internal Revenue Code of 1954 to impose a tax on new automobiles and trucks at a progressive rate related to their fuel consumption rate, and for other purposes. Referred to the Committee on Finance.

AUTOMOTIVE EFFICIENCY ACT OF 1975

Mr. JAVITS. Mr. President, I am today introducing a bill designed to curb America's wasteful dependence on gasoline-hungry motor vehicles. It is not the first such bill to accomplish this objective but I believe it offers some ideas and methods that have yet to be aired.

An automobile fuel-consumption tax, combined with a credit on high-efficiency automobiles purchased, such as the one proposed by me today, is a long-overdue step toward unnecessary prodigality. None can debate the vast differences in fuel-consumption rates by different makes and models of motor vehicles. And yet, aside from the existing gasoline tax, these enormous differences are not paid for by the parties who squander this precious resource of fuel. Nor can there be any debate that our immediate attention must be placed on the energy consumption in the transportation sector of our economy, since transportation consumes 25 percent of all energy and is almost totally dependent on petroleum, the fuel in most critical dependency.

The time has come for the automobile to begin to pay its real costs in our society. Although it has provided us with the greatest freedom of movement in the history of man, it has not done so without direct adverse social consequences. The environmental front has been breached; automobiles now have to meet the emission-control requirements promulgated by the Environmental Protection Agency.

But no effort has been made to have the automobile pay its real costs in terms of depletion of unrecoverable precious resources. The present energy crisis, and the imminence of gasoline allocation or a huge gasoline tax to counter the immediate gasoline consumption problem, underlines the necessity for taking action which will provide long-term results now.

We must take action on several fronts. We cannot be content with emergency band-aid measures that do not deal adequately with the symptoms of the problem. One of these fronts, and probably the one most capable of substantial reduction in consumption, without corresponding economic and social dislocation, is our unnecessary extravagance for huge and more powerful automobile engines. This is an area where there is almost no real need, and where it has been shown that technological improvements can, if they are economically advantageous, significantly lessen this damaging waste.

The automobile makers of the world can, with the necessary incentive, produce a full size automobile capable of traveling 30 miles on a gallon of gasoline. But most, as we all know, fall well below it. If an auto maker chooses to market a car that burns a gallon of gasoline every 8 or even 10 miles, he, and in turn the ultimate purchaser, must pay the full social price of his choice.

I am not satisfied that the Department of Transportation's informal agreement with the major auto makers to increase gasoline efficiency by 40 percent over the next 5 years is all that can be done, with or without sacrificing further emissions progress. This agreement, even if adhered to, provides no incentive to the American people to shop for the most efficient cars available. It is this incentive that I believe we must give to our citizens, and I believe we can best achieve such an incentive by immediately enacting amendments to the tax code along the lines I introduce today.

The bill I propose gives both manufacturers and purchasers the choice to produce or buy a car with either no tax or a reverse tax, that is, a credit similar to those seen by the auto makers this past month. It is only those who freely choose to drive the worst gasoline guzzlers that will pay their part.

The tax portion of this bill is proportionate—directly related to the fuel consumption rate of the motor vehicle. This is one of the primary differences between this bill and others somewhat like it. There is no logical or social reason for making the tax highly progressive with respect to the consumption rate or basing the tax on factors such as weight or horsepower which are only indirectly related to gasoline consumption; the social cost is proportionately related to the fuel consumption and nothing else, thus, so should be the tax.

Furthermore, the tax must be meaningful. A few dollars added to the price of a multithousand-dollar vehicle will not provide real incentive for improvement. To make that incentive real the tax must be a significant dollar amount.

The tax table I have proposed, with a 5-percent maximum until 1979 and a 12-percent maximum thereafter, provides that incentive for change. On a typical $5,000 car, the initial tax would range from $50 on a 17-mile-per-gallon vehicle to a $250 tax on an 8-mile-per-gallon car.

The concept of imposing a percentage tax rather than a fixed dollar amount as others have proposed, provides further equity by making the incentive approximately equal for all income groups. This is not a tax that burdens lower income groups more than upper income consumers.

But even more importantly, those who choose to purchase the more efficient cars produced will get a Government discount by the incentive credit established in this bill. Credits could range from $100 to $300 on cars achieving greater than 20 miles per gallon, a handsome incentive to purchase these more efficient cars.

The costs of the credit would be more than covered by the revenue raised under the tax portion, but hopefully the American people will respond in sufficient numbers to minimize this difference and impel the automakers to retool for more efficient car production in the shortest possible time.

Another aspect of this bill is that it attempts to stimulate a change in consumer buying habits and auto production plans rather than accept the status quo. The credit does not apply to all automobiles above the present average fuel consumption rate—it seeks to raise that average by rewarding only those who purchase cars significantly above that average. To do less would accept the existing mix of cars as reasonable, a fact with which I strongly disagree. If the American people demand it, our automakers can and will retool for a 20-mile-per-gallon average. They should be doing so already during the current slump. This bill will hasten that retooling schedule.

Additionally, I have included an excise tax on luxury petroleum-powered land and water vehicles, which would function as an adjunct to the automobile tax and credit program. Purchasers of campers and powerboats which are used entirely for leisure purposes should also pay their share of the energy and environmental costs that are impacting on society generally because of high petroleum demand and exorbitant energy prices to which they contribute. A 10-percent excise tax could fairly achieve that parity with automobile purchases and slow the increased use of petroleum for these noncritical uses.

Mr. President, we must act promptly on bills such as this and the other energy legislation pending before the Senate.

I am gratified that the House Ways and Means Committee has proposed an automobile fuel consumption tax, but I believe it should be considerably stronger. I hope the concepts I have today proposed will help lead to an effective and fair auto tax/credit bill. Such legislation will begin to move America toward energy conservation and self-sufficiency that will enable us to meet the energy challenge and emerge better prepared for the future and equal to the present emergency.

By Mr. GARN:

S. 1130. A bill to amend the act of August 6, 1958 (72 Stat. 497), relating to service as chief judge of a United States district court. Referred to the Committee on the Judiciary.

Mr. GARN. Mr. President, I am today introducing a bill to amend the act of August 6, 1958 relating to the service as chief judge of a U.S. district court.

Section 136 of 28 U.S.C. provides:

> (a) In each district having more than one judge the district judge in regular active service who is senior in commission and under seventy years of age shall be the chief judge of the district court. If all the district judges in regular active service are seventy years of age or older the youngest shall act as chief judge until a judge has been appointed and qualified who is under seventy years of age.

The purpose of this bill is to repeal a section of the act of August 6, 1958 (72 Stat. 497), which excepted from coverage of 28 U.S.C. 136 the chief judge of any district court holding this position on August 6, 1958.

This legislation has been recommended for early and favorable consideration by the Administrative Office of the U.S. Courts, on behalf of the Judicial Conference, who reported "that this exception for chief judges of two-judge district courts, to the general rule of relinquishing chief judgeship positions at age 70, has outlived its usefulness and should be eliminated." Representatives of this office have offered to testify to this effect at any hearing. Additionally, the Department of Justice has concurred in the recommendation of the Judicial Conference and Administrative Office of the U.S. courts.

This provision, as it now stands, circumvents the basic statute and general Federal policy that chief judges shall step down at 70 years of age. This policy must be adhered to in order to maintain and upgrade the administration of justice. This action would provide equitable status for all judges in the Federal system, rather than having any section carved out for basically political reasons.

This exception poses a particular problem for the two-judge court where there can be no majority of judges to guide the chief judge, and any inconsideration, capriciousness, or thoughtlessness incident to age focused upon a single judge would most seriously affect a small court.

It should be noted that this action in no way circumvents the constitutional provision for impeachment of a Federal judge. This action does not provide for removal or impeachment of a Federal judge. Rather, the effect would be the relinquishment of only the chief judgeship.

Although our judicial system has served us well, those who have studied the judicial process both from within and without have indicated that our system of justice is in dire need of modernization and strengthening. Accordingly, I feel we should act expeditiously on those recommendations made by the Federal Judicial Center of the United States, the Administrative Office of the U.S. Courts, and the Department of Justice.

Repeal of this grandfather clause will be a first step in recognizing the needs of a strong, vigorous, and viable judiciary.

By Mr. SPARKMAN (by request):

S. 1131. A bill to authorize appropriations for the U.S. Information Agency, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for the U.S. Information Agency and for other purposes.

The bill has been requested by the U.S. Information Agency and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD at this point, together with the letter from the Director of the U.S. Information Agency to the President of the Senate dated February 19, 1975.

There being no objection, the bill, analysis, and letter were ordered to be printed in the RECORD, as follows:

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Information Agency Appropriations Authorization Act, Fiscal Years 1976 and 1977."

SEC. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1976, to carry out international information activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Number 8 of 1953, and other purposes authorized by law, the following:

(1) $257,692,000 for "Salaries and Expenses" and "Salaries and Expenses (special foreign currency program)";

(2) $6,187,000 for "Special International Exhibitions";

(3) $10,135,000 for "Acquisition and Construction of Radio Facilities"; and

(4) Such additional amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, or other non-discretionary costs.

(b) There are authorized to be appropriated for the United States Information Agency for fiscal year 1977, such sums as may be necessary to carry out the authorities and purposes stated in subsection (a).

(c) Amounts appropriated under this section are authorized to remain available until expended.

SEC. 3. Any unappropriated portion of the amount authorized under any of the clauses of Sec. 2. (a) is authorized for appropriation, in addition to the amount otherwise authorized under any of the other clauses, but not to exceed more than a 10 per cent increase in the amount authorized by such clause.

SECTION-BY-SECTION ANALYSIS

Section 1—Provides that the Act may be cited as the "United States Information Agency Appropriations Authorization Act, Fiscal Years 1976 and 1977."

Section 2—*Subsection 2(a)(1).* Authorizes appropriations to be made for salaries and expenses necessary to carry out international informational activities and programs under the United States Information and Educational Exchange Act, the Mutual Educational and Cultural Exchange Act, and Reorganization Plan No. 8 of 1953, for the fiscal year ending June 30, 1976. The $257,692,000 requested is the amount now included in the President's budget for fiscal year 1976.

Subsection 2(a)(2). Authorizes appropriations to be made for expenses necessary to carry out functions under Section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, for the fiscal year ending June 30, 1976. The $6,187,000 requested is the amount now included in the President's budget for fiscal year 1976.

Subsection 2(a)(3). Authorizes appropriations to be made for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and the purchase and installation of necessary equipment for radio transmission and reception; and acquisition of land and interests in land by purchase, lease, rental or otherwise. The $10,135,000 is the amount included in the President's budget for fiscal year 1976. The request will cover maintenance and repair of existing facilities; improvement of the Agency's principal radio relay facility in East Asia; and continued technical research.

Subsection 2(a)(4). Authorizes appropriations for increases in Federal pay, retirement and other employee benefits as authorized by law which occur from time to time. This subsection further provides authorization of appropriations to meet non-discretionary cost increase items which cannot be forecast accurately at the time the basic budget estimates are being prepared, and which have a material impact upon the operations and fiscal resources of the U.S. Information Agency. This authorization would permit more rapid and responsive action to meet increased costs resulting from overseas wage and price increases and adverse currency exchange fluctuations.

Subsection 2(b). This section provides authorization of amounts for fiscal year 1977 necessary to support the activities described in the paragraphs of Section 2(a). This is in keeping with the provisions of the Congressional Budget and Impoundment Control Act of 1974 requiring advance fiscal year authorization of appropriations. (P.L. 93-344). The rapidly changing world situation imposes demands for a wide range of information and cultural program responses. The level and mix that will be necessary in fiscal year 1977 cannot now be explicitly forecast. Under these circumstances a flexible authorization of appropriations is required.

Subsection 2(c). This section authorizes funds to remain available beyond the end of the fiscal year, to the extent provided for in appropriation acts. Such availability currently applies to the "Salaries and Expenses (Special Foreign Currency Program)," "Special International Exhibitions" and "Acquisition and Construction of Radio Facilities" accounts.

Section 3. This section provides that any unused, i.e., unappropriated authorization for any category may be transferred to any other category. The amount of the authorization to be transferred may not exceed 10 per cent of the receiving category's original authorized amount. This will permit flexibility in the management of our financial resources to respond to urgent needs.

U.S. INFORMATION AGENCY,
Washington, D.C., February 19, 1975.
Hon. NELSON A. ROCKEFELLER,
President of the Senate.

DEAR MR. VICE PRESIDENT: I have the honor to transmit to the Senate for its consideration a draft of a proposed bill "to authorize appropriations for the United States Information Agency and for other purposes," and an explanation therefor.

The proposed bill would authorize appropriations to be made to this Agency for fiscal years 1976 and 1977. Section 701 of the United States Information and Educational Exchange Act of 1948, as amended, requires that such appropriations be previously authorized by legislation.

The Office of Management and Budget advises that the submission of the proposed legislation is in accord with the President's program.

Sincerely,
JAMES KEOGH,
Director.

By Mr. SPARKMAN:

S. 1132. A bill to amend the Interstate Land Sales Full Disclosure Act to require certain reports from foreign purchasers. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce a bill to amend the Interstate Land Sales Full Disclosure Act to require certain reports from foreign purchasers. In short, my bill might be referred to as the "Save Our Natural Resources for Our Own Use Act."

Very briefly, my bill would first amend the Interstate Land Sales Full Disclosure Act to require that at least a 90-day notice be given to the Secretary of HUD before closing or settlement on the purchase, or lease of any right, title, or interest in or to natural resource land by a foreign purchaser.

Second, the bill would require the Secretary of HUD, after consultation with the Secretary of Interior and the Attorney General, to make periodic reports to the President about the sales of natural resource land to foreign purchasers along with such recommendations as the Secretary deems appropriate.

Third, the bill would give to the President authority, through the proper judicial process, to set aside such purchases or leases when he determines that the potential sales transaction would create a pattern of ownership that may have an adverse impact on the availability of natural resources to the United States and would, therefore, affect our national security.

Mr. President, in the few months since the oil producing countries increased the price of oil fourfold, the wealth they have amassed is astronomical. In its original estimate, the World Bank figured the Organization of Petroleum Exporting Countries—OPEC—will have reserves totaling $1.2 trillion by 1985. The Economist of London calculated that these countries are piling up reserves at $115,000 per second—fast enough to buy the Bank of America in 6 days, IBM in 143 days, and all of the companies listed on the world's major stock exchanges is something close to 15.6 years. Of course, there has been disagreement on the total amount of reserves that will be held by OPEC within the next decade.

The World Bank recently reduced its initial estimates. A Brooking Institution's study, as well as Secretary of Treasury Simon, seem ot agree that final reserve figures will be much lower than those initially estimated by some sources.

The point is, however, these reserves have been accumulated over a very short period and these reserves could have a very detrimental effect on our Nation when and if they are recycled into investment in this country.

We already know that petrodollars were used to purchase the Commonwealth Bank in Detroit, and we know about the resentment stirred up when the same dollars were offered to purchase the Alamo. We know also about the purchase of an island off the shores of South Carolina and a large tract of land in Kentucky under which lies one of our great potential sources of energy in the future—coal.

Mr. President, let me make it very clear, I welcome long-term investments in the United States by oil-producing countries. I would like to see all the money we can get from them for long-term investments. I do not think or believe that those countries—or any others for that matter—are going to get control of our country through long-term investments. I do believe, however, we have the right to know what is going on and to watch closely the manner in which long-term investments are being made in our country. That is the purpose of my bill.

By requiring disclosures of natural resources land sales to foreign investors prior to the consummation of these transactions, we will be able to monitor the flow of investments into our lands and our natural resources, and if we find a pattern developing which is determined to be against our national interest, the transactions can be stopped.

Mr. President, we simply cannot awake some morning to learn that this Nation or our citizens are no longer the owners of the most precious gifts we have—our lands and our natural resources.

Mr. President, my bill does not block foreign investment in this country. It is simply an effort to keep us informed and to protect our natural resources for our own use where necessary.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interstate Land Sales Full Disclosure Act is amended as follows:

(1) In section 1402 (a), strike out "or estate" and insert in lieu thereof "estate, or foreign purchaser,".

(2) At the end of section 1402 (10), strike out the period and insert in lieu thereof a semicolon

(3) At the end of section 1402, add the following new clauses:

"(11) 'foreign purchaser' means an individual who is not a resident of the United States, a foreign government or an instrumentality of a foreign government, or a person or organization owned or controlled by such an individual or government; and

"(12) 'natural resource land' means any real property which the Secretary, after consultation with the Secretary of Agriculture and the Secretary of the Interior, determines should be subject to the provisions of sections 1421 and 1422 of this title.

(4) In section 1403(a), after "the provisions of this title" insert "(other than sections 1421 and 1422)."

(5) Redesignate section 1421 as section 1423 and insert after section 1420 the following new sections:

"FOREIGN PURCHASES OF NATURAL RESOURCE LAND

"SEC. 1421. (a) It shall be unlawful for any person to purchase or lease any right, title, or interest in or to any natural resource land for any foreign purchaser, unless such person has filed with the Secretary at least 90 days before closing or settlement of such purchase or lease (1) a statement disclosing the identity of the foreign purchaser, and any affiliation or association of any such foreign purchaser with any corporation, partnership, government or governmental instrumentality, and (2) a description of the nature of the natural resource land, and the location of the land involved.

"(b) The Secretary, in consultation with the Secretary of the Interior and the Attorney General, shall report periodically to the President any information obtained pursuant to subsection (a), together with such recommendations for action as he deems appropriate.

"(c) Without regard to the provisions of subchapter II of chapter 5 of title 5, United States Code, if the President determines that any purchase or lease referred to in subsection (a), by itself or as part of a pattern of similar purchases or leases, may have an adverse impact on the availability of natural resources to the United States and therefore affect national security, the President is authorized, by order, as he deems appropriate, to prohibit the purchase or lease. The President, by rule or regulation, shall prescribe the procedure applicable to any exercise of the authority vested in him by the preceding sentence. Such rule or regulation shall, as a minimum, provide that prompt notice shall be given of any exercise of such authority and that such notice shall be accompanied by written reasons.

"ACTIONS AGAINST FOREIGN PURCHASERS

"SEC. 1422. (a) The Secretary or the Attorney General, or any holder of title, right, or interest in or to any natural resource land may bring an action in any district court, the United States courts of any territory, or the United States District Court for the District of Columbia to enjoin any person from violating, and to enforce compliance by such person with, the provisions of section 1421, On a showing that the person has engaged, is engaged, or is about to engage in acts or practices constituting such a violation, the court shall grant appropriate relief in the form of a temporary or permanent restraining order or an injunction.

"(b) If any person against whom an injunction or other order is issued pursuant to subsection (a) of this section fails, within such reasonable time as is fixed by the court, to comply with the injuction or order, the court may, by order, vest any right, title, or interest in or to any natural resource land acquired by such person in violation of the provsions of section 1421 in a trustee named by it who may thereupon, notwithstanding any other provision of law, do all such things and execute all such documents as are necessary to give effect to the order or injunction of the court, and any proceeds of any sale of such right, title, or interest in or to any natral resource lands received by him shall first be applied to payment of his fees and expenses in acting as trustees and thereafter any balance remaining shall be paid by him to the person who would, but for the order vesting such right, title, or interest in him, have been entitled to receive the same."

By Mr. MOSS (for himself and Mr. GARN):

S. 1133. A bill to amend the act of July 30, 1965 (79 Stat. 426), which authorized establishment of the Golden Spike National Historic Site, to increase the appropriation authorization ceiling relating to that site. Referred to the Committee on Interior and Insular Affairs.

Mr. MOSS. Mr. President, today I am introducing legislation to increase the appropriation authorization ceiling for the Golden Spike National Historic Site.

On May 10, 1869, the golden spike was driven at Promontory, Utah, linking our continent by rail. The driving of the golden spike was not only an event of national importance, it was a turning point in our history. It marked the end of one era, and the beginning of another. The day of the covered wagon and stagecoach was largely over and America was on the way to becoming a modern industrial giant.

In the 89th Congress legislation that I introduced was passed which established our enlarged Golden Spike National Historic Site. This legislation gave the National Park Service the authority to undertake a broad program of development of a site that would give proper recognition to that historic event which joined the East and the West. It has been 10 years since Golden Spike National Historic Site was established and the National Park Service has yet to complete development of the site. In this 10-year period the cost of development has increased dramatically. It is the purpose of this legislation to provide additional funds to offset the increased development costs.

By Mr. BIDEN:

S. 1135. A bill to amend title XVIII of the Social Security Act to permit immediate care services provided by an immediate care facility to be paid for thereunder in the same manner and subject to the same terms and conditions as are applicable to the payment for such services when provided by a hospital, and to amend title XIX of such act to require that such services be included among the services covered under a State plan approved under such title. Referred to the Committee on Finance.

Mr. BIDEN. Mr. President, increasing national attention is being given to the pressing need to improve the means of treating medical cases requiring immediate care. The legislation I am introducing which would extend medicare and medicaid reimbursement to cover the special institutional costs of immediate care services provided by qualified facilities other than hospitals—which already receive reimbursement—would contribute to both an improvement in the availability and quality of care and an increase in the equity of the reimbursement provisions.

Currently, medicare and medicaid reimbursement for the institutional fee of immediate care services under titles XVIII and XIX of the Social Security Act may only be made when the services have been rendered in a provider hospital or a qualified emergency hospital. The inadequacy of the law is that it focuses upon the context in which the care is provided rather than emphasizing the principal factor—the capability of providing quality care regardless of context.

Secretary Weinberger's remarks at the meeting of the American Health Congress in Chicago on August 21, 1973, underscore the shortcomings of the medicare and medicaid legislation which encourages doctors to put patients in high-cost hospitals rather than treat them as outpatients. This generalization certainly extends to immediate care services as well. Since only hospitals are eligible for reimbursement of the special institutional costs of their immediate care services, the law discriminates against other facilities which are equally qualified to perform particular immediate care services and often better able to deliver such services.

It should also be noted that with regard to medicaid coverage of the immediate care services provided in nonhospital facilities, the administration in its 1974 budget message promised proposed legislation "requiring States under medicaid to reimburse free-standing clinics for covered outpatient services." Consistent with the specific purpose of my proposal, the legislation I am introducing would only require coverage in the State plan of immediate care services provided by free-standing facilities.

The foregoing statements by the administration support my contention that the time has come for the legislation I am offering. Let us look, however, at the concrete circumstances which demonstrate the importance of these amendments to the medicare and medicaid law.

With the growing number of cases requiring immediate medical care and the rising expectations of our citizens to receive immediate attention, our hospital emergency rooms have become overburdened and frequently unprofitable. The Senate Labor and Public Welfare Committee's report accompanying the "Emergency Medical Services Systems Act of 1973" (S. 2410) outlines the problem:

> Increasing concern is being expressed throughout the Nation regarding the heavy demands made upon a major element of any emergency medical system—the hospital emergency room. Hospital emergency rooms are increasingly called upon to provide outpatient care for the community. The position paper prepared by the American College of Emergency Physicians in 1972 reported there has been over a 600% increase in the number of emergency visits in some hospitals in the last 25 years. Nationally the average is an increase of 10% a year. Last year there were approximately 50 million visits to emergency rooms.
>
> In the critically underserved neighborhoods of densely populated urban areas, emergency medical services should more accurately be termed primary health services. Here the distinction between emergency medical care and primary health care is very difficult to determine.
>
> This increased community reliance on the services of the emergency room has overburdened its resources and has vastly compounded the difficulties of providing effective critical care to the emergency victim.

In my State, for example, until the last few years the primary source of immediate medical care in the populous northern county was the central city hospital's emergency room. A survey by the comprehensive health planning council, currently, the 314b agency for the county, revealed that approximately 25 percent—90,000—of the county's population, however, is concentrated in an area which is more than 30 minutes from the central-city hospital's emergency room. Thus, a large and increasing concentration of population was isolated from a provider of immediate medical care.

Responding to these circumstances a so-called free-standing emergency medical facility developed to serve the area. This facility and another facility which recently replaced the original facility have both met stringent licensing regulations established by the State of Delaware and fulfill the guidelines of the National Blue Cross Association as specified in the requirements of the Blue Cross and Blue Shield of Delaware—intermediary of title XVIII and XIX for Delaware—for Blue Cross reimbursement of covered services rendered to plan subscribers.

Despite the encouragement and support of State and local officials, Blue Cross and Blue Shield recognition, and community interest, these facilities have been financially hampered by the exclusive provisions of the medicare and medicaid law which deny them reimbursement for the institutional fee their specialized immediate care services entail. Since the facilities cannot obtain reimbursement from the Federal Government for services which would be covered if they had been performed in a hospital, the facilities must turn to the medicare and medicaid patients themselves—the aged and the poor—for repayment to maintain solvency.

Thus the patient who thought he or she had health care coverage discovers that the coverage is available only if one receives the services from a particular class of the facilities qualified to offer the services. Under circumstances requiring immediate medical care, however, the patient does not have the opportunity to "ship around" for a facility which is eligible for medicare and medicaid reimbursement for its patients. Instead, the individual is taken, as he or she should be, to the nearest facility equipped to treat the case.

The narrow limitations of the current law have generated ill-will between the facility and the patients who are being asked to pay for services which if provided in a hospital emergency room would be paid by medicare and medicaid. The result is the bills go unpaid and the facility loses its solvency.

My position based on what I believe to be both sound medical advice and simple equity is that if a facility is qualified to treat cases requiring immediate medical care, it should receive reimbursement on the same terms as a hospital for the specialized services provided. A statement by the former executive director of the local comprehensive health planning council, Mr. Clifford Foster, summarizes the case in favor of reimbursement:

The Health Planning Council, Inc. of New Castle County, Delaware, the B agency under comprehensive health planning, has worked hard and long to establish outreach programs away from hospitals, free-standing in nature and delivering services where the action is. We are attempting to follow through on the priorities set by the Secretary of HEW in ascertaining the gaps in service and the needs of the people in the area for which we are responsible for health planning. It is impossible for any agency to set up shop today and deliver health services unless they are certified to receive reimbursement from both Title XVIII and Title XIX moneys. With the increasing caseload of the programs, it is imperative that these type facilities, if they have adequate coverage, adequate quality of care and deliver such care at a reasonable price, should be reimbursed. This lack of reimbursement for freestanding facilities in Delaware is an albatross around the necks of us planners in encouraging organizations to set up such facilities.

Mr. President, my bill would neither expand the kinds of services medicare and medicaid cover nor lower the standards a facility would have to meet for the provision of immediate medical care—the standards for an immediate care facility in the amendment are comparable to those for a provider hospital. Although my legislation would not directly encourage the development of nonhospital immediate care facilities, it would enable such facilities to obtain equity for themselves and their patients and thus maintain a source of services which will be able to provide the lifesaving stabilization of serious emergency cases for subsequent transfer to a hospital and fully treat the less critical cases and thereby avoid unnecessary high-cost hospital emergency room treatment and free the hospitals to provide the highly specialized emergency medical services and intensive care for which they are uniquely equipped. Therefore, I foresee enactment of my proposal leading to the improved provision of immediate medical care at lower cost—the twin goals for which we should strive.

I ask unanimous consent that the text of this legislation be printed in the Record.

There being no obection, the bill was ordered to be printed in the Record, as follows:

S. 1135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 1861(e) of the Social Security Act is amended by inserting, immediately before the last sentence thereof, the following: "The term 'hospital' also includes an immediate care facility (as defined in subsection (aa)), but only with respect to immediate care facility services (as defined in subsection (bb)), and payment under this title with respect to such services provided by such a facility shall be made subject to the same terms and conditions as those applicable with respect to the payment under this title for similar services provided by an institution which meets the requirements specified in clauses (1) through (9) of the first sentence of this subsection.".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsections:

"Immediate Care Facility

"(aa) The term 'immediate care facility' means a public or nonprofit private institution which—

"(1) is primarily engaged in providing, by or under the supervision of physicians, to outpatients immediate care services for the diagnostic, treatment, and care, of injured, disabled, or sick persons;

"(2) maintains clinical records on all patients;

"(3) provides twenty-four-hour nursing service with a licensed practical nurse or a registered professional nurse on duty at all times;

"(4) has a physician in attendance at all times;

"(5) in the case of an institution in any State in which the State or applicable local law provides for the licensing of institutions of this nature, (A) is licensed pursuant to such law or (B) is approved, by the agency of such State or locality responsible for licensing of such institutions, as meeting the standards established for such licensing;

"(6) has in effect a written transfer agreement with one or more hospitals having agreements in effect under section 1866, under which any patient of such institution who requires other than immediate care facility services will be transferred to such a hospital at the earliest practicable time (which shall not be later than twenty-four hours after such patient is admitted to such institution;

"(7) has in effect a policy under which any patient who is provided services by the institution will, within twenty-four hours after he is admitted to such institution for services, be discharged or transferred to a hospital;

"(8) has in effect an overall plan and budget that meets the requirements of subsection (z); and

"(9) meets such other requirements as the Secretary finds necessary in the interest of the health and safety of the individuals who are furnished services in the institution.

"Immediate Care Facility Services

"(bb) The term 'immediate care facility services' means services, furnished to an individual by an immediate care facility, which—

"(1) are of a type which such facility is authorized to provide, and

"(2) are for a medical condition requiring immediate medical attention.".

(c) The amendments made by subsections (a) and (b) shall be effective in the case of services furnished on and after the first day of the first calendar month which commences more than thirty days after the date of enactment of this Act.

Sec. 7. (a) Section 1905(a) of the Social Security Act is amended by adding after clause (17) thereof the following new clause:

"(18) immediate care facility services (as defined in section 1861(bb)) which are furnished in an immediate care facility (as defined in section 1861(aa));".

(b) Section 1902(a)(13) of such Act is amended—

(1) in subparagraph (B) thereof, by inserting "clause (18) and" immediately after "care and services listed in",

(2) in subparagraph (C)(i) thereof, by inserting "clause (18) and" immediately after "care and services listed in", and

(3) in subparagraph (C)(ii) thereof, by inserting "clause (18) and" immediately after "care and services listed in".

(c) The amendments made by this section shall become effective January 1, 1974.

By Mr. PHILIP A. HART (for himself, Mr. Hugh Scott, Mr. Moss, Mr. Weicker, Mr. Abourezk, Mr. Bayh, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Domenici, Mr. Eagleton, Mr. Garn, Mr. Gravel, Mr. Gary W. Hart, Mr. Hartke, Mr. Haskell, Mr. Hathaway, Mr. Humphrey, Mr. Jackson, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. Leahy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Morgan, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Proxmire, Mr. Ribicoff, Mr. Stevenson, Mr. Tunney, Mr. Williams, Mr. Chiles, and Mr. Percy):

S. 1136. A bill to authorize appropriations for increased investigation and prosecution by the Federal Trade Commission and the Department of Justice of unfair methods of competition, restraints of trade, and other violations of the antitrust laws, and for other purposes. Referred to the Committee on the Judiciary and the Committee on Commerce, jointly, by unanimous consent; and, when the Committee on the Judiciary reports the bill, the Committee on Commerce will then have 45 days to report the bill.

ANTITRUST ENFORCEMENT AUTHORIZATION ACT OF 1975

Mr. PHILIP A. HART. Mr. President, I ask unanimous consent that the Enforcement Authorization Act, which I am in the process of introducing, be referred jointly to the Committee on the Judiciary and the Committee on Commerce, with the proviso that when the Committee on the Judiciary reports the bill, the Committee on Commerce will have 45 days. I understand that there has been agreement to this on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PHILIP A. HART. Mr. President, in the past 25 years, our gross national product in constant dollars has increased by about 50 percent. In the same terms, the budget and number of employees for the Federal antitrust agencies have remained approximately the same.

Obviously, something is amiss.

It seems that the Nation that discovered the free enterprise system is doing a poor job today of protecting it.

During the period ending December 1974, the rate of inflation reached 12.2 percent annually and unemployment reached 7.1 percent. Between January 1973 and December 1974, inflationary price increases in food and refined petroleum products alone have increased costs to consumers by 31.9 and 112 percent respectively.

The decline of competition in industries with monopoly and oligopoly power, and the decline of competition caused by State and Federal regulatory policies has contributed significantly to the high rates of unemployment and inflation. Diminished competition and increased concentration in the economy also are important factors in the inability of monetary and fiscal policies to reduce unemployment and inflation.

A period of inflation and unemployment such as this is a pretty poor time to neglect antitrust.

As we all know, antitrust enforcement can be a big money-saver for consumers. Its cost-benefits are impressive. Mr. President, I believe that vigorous and effective enforcement of the antitrust laws can contribute significantly to reducing prices, unemployment, and inflation. But, here, as in most places, it costs money to make money.

We are all fond of recalling the costs of the Control Data case against IBM. That case was settled before trial. But just up to that point, Control Data had spent more than $12 million, plus another $3 million for computerization of the documents.

That added up to more than the total appropriation for the Antitrust Division that year.

In his address to the Congress on October 8, 1974, President Ford identified 10 areas for joint action by the executive and legislative branches. The President stated with respect to item No. 3 as follows:

> No. 3: Restrictive practices.
>
> To increase productivity and contain prices, we must end restrictive and costly practices whether instituted by Government, industry, labor, or others.
>
> I am determined to return to the vigorous enforcement of antitrust laws.

President Ford has provided proper leadership in calling for stronger enforcement of the antitrust laws. He is entirely right. But if we are to see this done, we will have to up the appropriations for the two Federal antitrust agencies.

For they are already overburdened.

For example, roughly 15 percent of the Antitrust Division staff is now allocated to the IBM case, 10 percent to the AT&T case, and 25 percent to the anticompetitive practices in regulated industries. At FTC's Bureau of Competition, 50 percent of the staff is allocated to three matters.

The bill which we introduced today would authorize separate and equal appropriations for both antitrust bureaus. Under the bill, the Antitrust Division of the Department of Justice and the Bureau of Competition of the FTC would each receive $25 million for fiscal 1976, $35 million for fiscal 1977, and $45 million for fiscal 1978.

Currently, the appropriation for Antitrust is $17 million and the Bureau of Competition gets $12.5 million. The President's fiscal 1976 budget would increase this to $18.8 million and $15.5 million, respectively.

There is a temptation to increase the authorizations even greater, but we think that the increase proposed in this bill is within the range of what can be effectively absorbed and put to work by the agencies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Antitrust Enforcement Authorization Act of 1975".

DECLARATION OF POLICY

Sec. 2. (a) Findings.—The Congress finds and declares that—

(1) This Nation is founded upon and committed to a private enterprise system and a free market economy, in the belief that competition spurs innovation, promotes productivity, prevents the undue concentration of economic, social, and political power, and preserves a democratic society.

(2) The decline of competition in industries with oligopoly or monopoly power, and the decline of competition caused by state and federal regulatory policies has contributed significantly to unemployment, inflation, inefficiency, underutilization of economic capacity, and a reduction in exports.

(3) Diminished competition and increased concentration in the marketplace are important factors in the inability of monetary and fiscal policies to reduce the high rate of inflation and unemployment.

(4) The near record rates of inflation and unemployment have caused extreme hardship and dislocation to the American farmer, worker, consumer, and businessman.

(5) During the period ending December 1974, the rate of inflation reached 12.2 per centum annually and unemployment reached 7.1 per centum.

(6) During the period January 1973 through December 1974, inflationary price increases have resulted in increased costs to consumers of 31.9 per centum in the food industry, and 112 per centum in refined petroleum products.

(7) Investigations by the National Commission on Food Marketing, the Federal Trade Commission, the Department of Justice and other independent studies have identified conditions of excessive concentration and other anticompetitive behavior in various industries.

(8) Vigorous and effective enforcement of the antitrust laws and reduction of monopoly and oligopoly power in the economy can contribute significantly to reducing prices, unemployment and inflation.

(b) Policy.—It is the purpose of the Congress in this Act to support and invigorate a national antitrust enforcement program by authorizing sufficient appropriations to the Federal Trade Commission and the Department of Justice to permit vigorous and effective enforcement of the antitrust laws to restore and maintain competition in the marketplace, and to prevent and eliminate monopoly and oligopoly power in the economy.

FEDERAL TRADE COMMISSION

Sec. 3. (a) Section 20 of the Federal Trade Commission Act is amended by (1) inserting "(a)" immediately before the first sentence thereof; and (2) adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated to the Commission in addition to such sums as are authorized by any other provision of law, not to exceed $25,000,000 for the fiscal year ending June 30, 1976; not to exceed $6,250,000 for the transitional period ending September 30, 1976; not to exceed $35,000,000 for the fiscal year ending September 30, 1977; and not to exceed $45,000,000 for the fiscal year ending September 30, 1978; such sums to remain available until expended for the purposes authorized by the Antitrust Enforcement Authorization Act of 1975.

DEPARTMENT OF JUSTICE

Sec. 4. (a). Chapter 31 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"Sec. 527. Authorization of appropriations for antitrust enforcement. There are authorized to be appropriated to the Department of Justice in addition to such sums as are authorized by any other provision of law, not to exceed $25,000,000 for the fiscal year ending June 30, 1976; not to exceed $6,250,000 for the transitional period ending September 30, 1976; not to exceed $35,000,000 for the fiscal year ending September 30, 1977; and not to exceed $45,000,000 for the fiscal year ending September 30, 1978; such sums to remain available until expended for the purposes authorized by the Antitrust Enforcement Authorization Act of 1975."

(b) The analysis of chapter 31 of title 28, United States Code, is amended by adding immediately below the item relating to section 526 the following new item:

"527. Authorization of appropriations for antitrust enforcement".

Mr. HUGH SCOTT. Mr. President, the antitrust laws play an important role in the effective operation of our economy. If we had perfect competition among corporations, there would be no need for these guidelines but unfortunately we do not live in a perfect world. Far too often occasions have arisen in certain industries where some companies found it easier to set prices, control distribution, establish tying arrangements, and perform other noncompetitive practices rather than compete freely. In the end the consumer always suffers because he has to pay the price—the higher prices which result from these unlawful actions.

This is the reason I feel most strongly about the need for vigorous antitrust enforcement. The corporations which do not engage in anticompetitive practices have nothing to fear from the antitrust laws, because they benefit from realistic competitive activity.

I am personally delighted to be sponsoring legislation with Senator PHILIP HART, the Antitrust Enforcement Authorization Act of 1975. The bill authorized additional appropriations for the two parts of the Federal Government specifically charged with enforcement of the antitrust laws—the Federal Trade Commission's Bureau of Competition and the Antitrust Division of the Department of Justice. Each would be authorized in the bill to receive $25 million for fiscal year 1976, $35 million for fiscal year 1977, and $45 million for fiscal year 1978. This graduated funding will increase the support for these agencies by 200 percent over a 3-year period.

The tremendous response of over 40 Senators from both sides of the aisle is extremely encouraging. We will see the tremendous benefits to the consumer emerging from the vigorous antitrust efforts made possible by this bill.

I look forward to quick Senate approval of this legislation and urge my colleagues to join us.

Mr. MOSS. Mr. President, I am pleased to join with this long list of distinguished colleagues in sponsoring the Antitrust Enforcement Authorization Act of 1975. There is no question that vigorous enforcement of our antitrust laws can have an important and significant effect on our current economic situation. Competition is a critical component of American society. Those efforts which foster competition are ones to which we must devote attention and resources.

Over the years this Nation has stood out as a bastion of free enterprise. Our predecessors in the Congress determined that a sound method of enhancing free enterprise was the passage of a number of laws which we have come to know as the "antitrust laws." Starting with the Sherman Act in 1890, and continuing through the Antitrust Penalties and Procedures Act in 1974, the Congress has readily shown its commitment to antitrust efforts.

Concurrently, we must put forth the financial resources to enforce these important laws. Clearly, money expended for antitrust enforcement is returned to consumers and business manyfold. For instance, the renowned tetracycline case refunded to consumers millions of dollars in overcharges. The Federal Trade Commission's baking case in Seattle resulted in price decreases for the consumer and the opportunity for other businessmen to continue in operation, in competition with a large firm which attempted to monopolize the marketplace.

It is important to realize that in our zeal to increase antitrust enforcement, we have opted for a rational approach to funding. We closely scrutinized the availability of funds, the amount of funds necessary, and the realistic ability of the agencies involved to spend the funds appropriated. Thus, instead of pie in the sky authorizations, we have proposed a 200-percent increase in antitrust funds over a 3-year period. Clearly, this is an amount which can be expended judiciously.

Mr. President, I am hopeful that hearings on this legislation will begin soon, and that we can see its enactment before too long. Surely this measure ranks as one of the more important steps Congress can take to combat inflation.

By Mr. HATFIELD:

S. 1137. A bill to prohibit certain anticompetitive practices in connection with the distributing and marketing of refined petroleum products. Referred to the Committee on the Judiciary.

S. 1138. A bill to amend the Clayton Act to preserve competition in the oil and gas pipeline industries in the United States. Referred to the Committee on the Judiciary.

S. 1139. A bill to amend the act of February 25, 1920 (30 U.S.C. 226(b)), and the Outer Continental Shelf Lands Act (43 U.S.C. 1337). Referred to the Committee on Interior and Insular Affairs.

S.1140. A bill to amend the Internal Revenue Code of 1954 to phase out the percentage depletion deduction allowed for domestic oil and gas wells, and for other purposes. Referred to the Committee on Finance.

S. 1141. A bill to amend the Internal Revenue Code of 1954 to terminate the foreign tax credit for taxes paid or accrued in taxable years beginning after December 31, 1974. Referred to the Committee on Finance.

OIL SUPPLY, FREE ENTERPRISE, AND TAX EQUITY

Mr. HATFIELD. Mr. President, many of the problems we face in the price and supply of oil are the product of a set of economic events which the major oil companies have been able to turn to their advantage with the blind assistance of the Government's short-sighted energy, economic, and antitrust policies. The Arab embargo and price hikes, while exacerbating the situation, did not create it in the first place. Several Government policies that were significant in contributing to our energy problems are still in effect today, or are being contemplated for a future resurrection. Some once-desirable policies that have outlived their usefulness are also still on the books.

IMPORT QUOTAS

The Middle Eastern, Venezuelan, and other foreign oil that American companies were rapidly developing in the 1950's and 1960's, with the help of a subsidy from the American taxpayers in the form of the percentage depletion allowance, ironically could not be imported into the United States except in very limited quantities. This effectively kept American consumers from enjoying the low world prices for oil that existed until 1972. In addition, in that this policy encouraged the further development of our own oil reserves instead, it amounted to a "drain America first" plan.

Today the OPEC cartel is setting an artificially high world price for oil, and we need to draw on our own resources. What other measures we could use to bring the OPEC price down is much discussed in Washington. It is generally acknowledged that, short of invading one of the Arab oil producing countries, the most effective pressure that can be exerted by the consuming countries is to conserve, to see that their economies become less demanding of energy from oil which they must import. Part of President Ford's program to accomplish this is another quota system, one that will put a lid on U.S. imports of 1 million barrels per day below the anticipated U.S. demand. This kind of self-imposed reduction in our supply will probably act as an incentive for OPEC to raise prices further. It is fear that higher prices will result in a shrinkage of markets which normally disciplines sellers, but with our own supplies held arbitrarily below domestic demands, OPEC could raise prices further with no fear of market weakness. Instead of creating artificial shortages of supply in this country, we should focus on decreasing our demands, and this will be the subject of another legislative package I will introduce this month.

Quotas worked against our national interest when foreign oil prices were low, and they will do so again today, now that prices are high. They should be avoided. Free marketplace mechanisms are the tools that have proved successful in the long run in dealing with price and supply. I should hasten to add that this does not imply a requirement of laissez-faire attitudes on the part of governments—on the contrary, the marketplace can be made to reflect values and policy goals of governments through legislation in areas such as taxes, anticompetitive practices, and industrial processes—mined land reclamation, pollution control, et cetera.

OIL DEPLETION ALLOWANCE

An anachronism in today's energy situation is the percentage tax treatment for oil production income. It has probably always been justified for the small producers, the wildcatters and the rest of the so-called independent sector, for they undoubtedly used the additional capital for exploration and development of new oil, and domestic oil, at that. But the majors have never needed this tax break, and for them the tax savings did not function as a specific inducement to reinvest into further development of oil.

Now that new domestic oil is selling for the cartel price, there is no longer a need for the depletion allowance in the independent sector either. Today I am introducing legislation to phase out percentage depletion over a 4-year period. Under my proposal, the percentage as applied to income from domestic production will drop from 22 percent in 1974 to 18 percent in 1975, 13 percent in 1976, 7 percent in 1977, and zero in 1978 and subsequent years. For foreign production, percentage depletion is eliminated immediately.

FOREIGN TAX CREDITS

Government policy that still encourages foreign rather than domestic investment by the major oil companies is the system through which dollar-for-dollar credits against U.S. taxes are accumulated in amounts equal to total payments to foreign governments by these companies. Whether this was once justified on national security grounds is moot. What is important is that the operable 1950 tax ruling still results in these companies paying U.S. taxes as low as 2 percent of their income. Today I am introducing legislation to terminate this treatment.

ANTICOMPETITIVE ASPECTS OF THE OIL INDUSTRY

While the great bulk of new domestic oil development will be made in our coastal waters on the Outer Continental Shelf, all but the major integrated oil companies are now being excluded from these OCS tracts that are managed and leased by the Federal Government. This is primarily due to two features of the leasing system, joint bidding by the majors and bonus bidding.

Today I am introducing legislation to replace the bonus system with a royalty system. Few of the smaller oil companies can bid against the majors under the present system which requires that they ante up millions of dollars for a flat payment to the Government upon being awarded a lease. Under royalty bidding, offers to the Government would be percentages of the values of the oil they actually produce from the lease, but in no case would they be less than 12½ percent. My bill also applies to the development of other minerals on the public lands.

Two additional reforms need to be made in the area of leasing, although I will not today offer the specific legislation. First, it is my belief that joint ventures in oil exploration and development by the majors have become a significant anticompetitive force, both in terms of the relationships between the partners and in terms of the independents' position vis-a-vis these consortia of giants—such as were formed for the recent sales in the Gulf of Mexico. Second, it is also my belief that the requirements of a lessee on Federal land should be tightened up so as to prevent speculative nondevelopment of the lease.

Mr. President, all of what I have mentioned to this point, and the specific legislative initiatives I have so far outlined, pale in significance when compared to the two central features of my legislative package today: First, divestiture of oil and gas pipelines by companies that produce, refine, or market crude oil, petroleum, or natural gas; and second, divestiture of petroleum marketing assets by companies that produce, refine, or transport crude oil or petroleum. I am introducing what I call the Petroleum and Gas Pipeline Industries Anticompetitive Practices Act of 1975 and the Refined Petroleum Products Anticompetitive Practices Act of 1975.

The failure of the Department of Justice since 1911 to pursue a diligent and vigorous antitrust program with regard to the structure and functioning of the oil industry is well documented. The railroads have been compelled to divest themselves of their control over the coal companies which ship coal over their lines, meatpackers have been compelled to divest themselves of control over retail outlets, the functions of banking have been divorced from investment banking, the Pullman Co. has been required to separate its service function from its manufacturing function, certain motion picture producers have been required to divest themselves of their theater facilities, et cetera. But not since Standard Oil Co. of New Jersey versus United States—1911—has the economic power of the oil industry been effectively checked and dispersed. That decision, however, provided no long-term solution, and today many of the units into which the Standard Oil trust was broken are much larger in size and financial clout than the original trust itself.

Today I propose that Congress take two large steps toward restoring a free competitive market in oil, first by populating the retail petroleum marketplace with "independent" sellers, and second by eliminating the strangehold, both real and potential, that the majors have over the entire industry through their ownership of the pipelines which are the lifeline of the smaller producers, refiners and marketers.

Mr. President, it is my hope that Congress will address the alternative these five bills represent—the alternative to further Government intrusion into the marketplace through additional burdensome regulation that straightjackets our economy or through some form of nationalization. To go on as we are is to invite such ultimate Government "solutions" which substitute bureaucratic decisionmaking for normal free enterprise economic activity in effectively competitive marketplaces.

I ask unanimous consent that the five bills making up my legislative package today be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 1137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Refined Petroleum Products Anticompetitive Practices Act of 1975".

Sec. 2. The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1913 (15 U.S.C. 12–27), is amended by inserting after section 7 the following new section:

"Sec. 7A. (a) On and after the date of the enactment of the Refined Petroleum Products Anticompetitive Practices Act of 1975, it shall be unlawful for any person engaged in commerce in the business of exploring, extracting, or developing crude oil, transporting crude oil or refined petroleum products by pipeline, or refining crude oil, to acquire any petroleum marketing asset.

"(b) (1) On and after January 1, 1978, it shall be unlawful for any person described in subsection (a) to own or control any asset, the acquisition of which by that person is prohibited under such subsection.

"(2) Any person who, on the date of the enactment of the Refined Petroleum Products Anticompetitive Practices Act of 1975, owns or controls any asset which that person is prohibited, under subsection (a) of this section, from acquiring shall, within ninety days after such date, file with the Attorney General such reports relating to those assets as the Attorney General may require, and shall, from time to time, file such additional reports relating to those assets as the Attorney General may require.

"(c) It shall be the duty of the Attorney General to commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person violates subsection (a) or (b) of this section. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance.

"(d) Any person knowingly violating the provisions of this section shall upon conviction be punished by a fine of not to exceed $100,000 or by imprisonment not exceeding ten years, or both, in the discretion of the court. A violation by a corporation shall be deemed to be also a violation by the individual directors, officers, receivers, trustees, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting the violation in whole or in part.

"(e) For purposes of this section—

"(1) 'petroleum marketing asset' means any asset used in distributing or marketing of refined petroleum products;

"(2) 'asset' means any property, whether real or personal, and includes stock in any corporation or other entity which is engaged (directly or through a subsidiary or affiliate) in the business of distributing or marketing refined petroleum products; and

"(3) 'refined petroleum products' means gasoline, kerosene, distillates (including Number 2 fuel oil), propane, butane, refined lubricating oils, or diesel fuel."

S. 1138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Petroleum and Gas Pipeline Industries Anticompetitive Practices Act of 1975".

Sec. 2. The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12–27), is amended by inserting after section 7 the following new section:

"Sec. 7A. (a) It shall be unlawful for any person engaged in commerce in the business of exploring, developing, or extracting crude oil or gas, refining crude oil, or distributing or marketing gas or any product manufactured or refined from crude oil, to acquire any oil or gas pipeline asset after the date of the enactment of the Petroleum and Gas Pipeline Industries Anticompetitive Practices Act of 1975.

"(b) It shall be unlawful, on and after January 1, 1978, for any person described in subsection (a) to own or control any asset, the acquisition of which by that person is prohibited under such subsection.

"(c) Any person who, on the date of the enactment of the Petroleum and Gas Pipeline Industries Anticompetitive Practices Act of 1975, owns or controls any asset which that person is prohibited, under subsection (a) of this section, from acquiring shall, within ninety days after such date, file with the Attorney General such reports relating to those assets as the Attorney General may require, and shall, from time to time, file such additional reports relating to those assets as the Attorney General may require.

"(d) It shall be the duty of the Attorney General to commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person violates subsection (a) or (b) of this section. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance.

"(e) Any person knowingly violating the provisions of this section shall upon conviction be punished by a fine of not to exceed $100,000 or by imprisonment not exceeding ten years, or both, in the discretion of the court. A violation by a corporation shall be deemed to be also a violation by the individual directors, officers, receivers, trustees, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting the violation in whole or in part.

"(f) For purposes of this section, the term—

"(1) 'oil or gas pipeline asset' means any asset used in transporting, in interstate or foreign commerce, by means of any oil or gas pipeline, any crude oil or gas or any product manufactured or refined from crude oil;

"(2) 'oil or gas pipeline' means any pipeline for the transportation of gas or crude oil or products manufactured or refined from such oil, including storage or terminal facilities utilized in connection therewith; and

"(3) 'asset' means any property, whether real or personal, and includes stock in any corporation or other entity which is engaged, directly or through a subsidiary or affiliate, in the business of transporting, in interstate or foreign commerce, by means of any oil or gas pipeline, gas or crude oil or any product manufactured or refined from crude oil."

S. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17(b) of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U.S.C. 226(b)), is amended to read as follows:

"(b) If any such lands to be leased are within any known geological structure of a producing oil or gas field, such lands shall be leased to the highest responsible qualified bidder by competitive bidding on royalty rates in amount or value of the production removed or sold from the lease, but in no case shall any such bid be accepted which is less than 12½ per centum in amount or value of the production removed or sold from the lease. Such leases shall be issued under general regulations and in units of not more than six hundred and forty acres, which shall be as nearly compact in form as possible.".

Sec. 2. (a) Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337), is amended to read as follows:

"(a) In order to meet the urgent need for further exploration and development of the oil and gas deposits of the submerged lands of the Outer Continental Shelf, the Secretary is authorized to grant, to the highest responsible qualified bidder by competitive bidding on royalty rates in amount or value of the production saved, removed or sold, under regulations promulgated in advance, oil and gas leases on submerged lands of the Outer Continental Shelf which are not covered by leases meeting the requirements of section 6(a) of this Act, but in no event shall any such bid be accepted which is less than 12½ per centum in amount or value of the production saved, removed, or sold from the lease. Such bidding shall be by sealed bids."

(b) Section 8(b) (3) of such Act is amended to read as follows: "(3) require the payment of such royalty as may be fixed in such lease, and".

SEC. 3. The amendments made by this Act shall be applicable with respect to leases under the provisions of section 17(a) of the Act of February 25, 1920, and section 8(a) of the Outer Continental Shelf Lands Act, which are entered into on or after the date of the enactment of this Act.

S. 1140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 613 (relating to percentage depletion rates) of the Internal Revenue Code of 1954 is amended by—

(1) striking out "subsection (b)" each place it appears in subsection (a) and inserting in lieu thereof "subsection (b) or (e)";

(2) striking out subparagraph (A) of subsection (b)(1);

(3) redesignating subparagraphs (B) and (C) of such subsection as (A) and (B), respectively;

(4) striking out "or" at the end of subparagraph (A) of subsection (b)(7); and

(5) striking out the period at the end of subparagraph (B) of such subsection and inserting in lieu thereof a semicolon and "or" and by inserting immediately below subparagraph (B) the following:

"(C) oil or gas.".

(b) Section 613 of such Code is amended by adding at the end thereof the following new subsection:

"(e) OIL AND GAS WELLS.—

"(1) Reduction in 22 percent rate for domestic oil and gas wells.—In the case of income attributable to oil and gas wells located in the United States (including the outer continental shelf, as defined in section 2 of the Outer Continental Shelf Lands Act) or in a possession of the United States, the percentage referred to in subsection (a) shall be the percentage determined in accordance with the following table:

"In the case of gross income from the property for the following calendar years:	*"The percentage shall be:*
1975	18
1976	13
1977	7
1978 and subsequent calendar years	0.".

"(2) FOREIGN OIL AND GAS WELLS.—No deduction shall be allowed under this section with respect to gross income attributable to oil and gas wells located outside the United States and its possessions.".

(c) The amendments made by this section apply to taxable years beginning after December 31, 1974.

S. 1141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1954 (relating to foreign tax credit) is amended by adding at the end thereof the following new section:

"SEC. 907. TERMINATION OF CREDIT

"The credit allowed by section 33, and determined under this subpart, shall not be allowed with respect to any amounts paid or accrued as income, war profits, or excess profits taxes for taxable years beginning after December 31, 1974.".

(b) The table of sections of such subpart is amended by adding at the end thereof the following new item:

"Sec. 907. Termination of credit.".

By Mr. HATFIELD (for himself, Mr. BEALL, Mr. HUMPHREY, and Mr. YOUNG):

S. 1142. A bill to amend section 121 of the Internal Revenue Code of 1954 to increase the exclusion from gross income of gain from the sale of a residence by an individual who is 65 years old or older. Referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, today I am introducing a bill which would increase the exclusion from gross income gained from the sale or exchange of a residence by an individual who has attained the age of 65.

All of us know that this has been a difficult year for our senior citizens. Consumer prices increased 12 percent during 1974. Senior citizens living on fixed incomes have very little margin to absorb increased costs of food, housing, transportation, and medical care.

The financial suffering of senior citizens as a result of inflation has seemed even worse as a result of recent policy proposals coming from the administration. The efforts to increase the cost of food stamps, to place a ceiling on social security benefit increases, to increase the cost of medicare, and to push fuel costs up by means of added taxes all are discouraging to the senior citizen. Even though Congress may reject all of these proposals, the damage has been done in the feeling of senior citizens of being neglected and victimized.

The Revenue Act of 1964 added a new feature to our tax code which gives a $20,000 exclusion from capital gains tax for persons over 65 who sell their homes. As pointed out by the Senate Finance Committee before the law was passed:

> The elderly person whose family has grown and who no longer has need for the family homestead . . . may desire to purchase a less expensive home or move to an apartment or to a rental property at another location. He may also require some or all of the funds obtained from the sale of the old residence to meet his and his wife's living expenses.

This feature of the tax law has served retired people well during the past 10 years. At the same time it has not become a significant tax "loophole." According to the Department of the Treasury in its special analyses to the fiscal year 1976 budget, the cost of this exclusion in tax dollars not collected is only $10 million, or .0001 percent of the total "tax expenditures" which reduce individual income tax payments.

The sale price of homes has gone upward along with the general price level since the senior citizen exclusion was instituted in 1964. According to the National Association of Realtors, the median sales price of existing homes in 1966 was $18,760. This figure reached $23,030 by 1970 and $32,040 in 1974. In other words, the proceeds of home sales has nearly doubled since the exclusion was established.

Mr. President, to restore the senior citizens exclusion to its comparable level in 1964 and to achieve fairness to those who sell their homes after age 65, my bill would increase the exclusion to $35,000. This would place it somewhat above the median sales prices, as was the case in 1964.

It should be noted that the House Ways and Means Committee in a report on August 22, 1974, indicated the tentative committee decision to extend the exclusion to $35,000, slightly higher than provided for in my bill in the last Congress, S. 3758.

This change in the tax laws is not contrary to the spirit of income tax reform which I have advocated in connection with my Simpliform tax plan, S. 802. The increase in the senior citizens exclusion would not increase the revenue loss more than another $10 million, an exceedingly small amount in comparison with other tax expenditures. Until we are able to eliminate other, more costly tax breaks, this provision of the law needs to be made more equitable.

By Mr. WEICKER (for himself, Mr. HATHAWAY, and Mr. HARTKE):

S. 1143. A bill to designate a national network of essential rail lines; to create a nonprofit corporation to acquire and maintain rail lines; to require minimum standards of maintenance for rail lines; to provide financial assistance to such corporation and to the States for rehabilitation of rail lines; and for other purposes. Referred to the Committee on Commerce.

RAILROAD REVENUE ACT OF 1975

Mr. WEICKER. Mr. President, I am today introducing, along with Senators HARTKE and HATHAWAY, the Railroad Revenue Act of 1975, legislation designed to promote a safe, efficient, and viable national rail transportation system.

Mr. President, the severely deteriorated state of this Nation's rail track and roadbed is perhaps the most visible evidence of the state of the railroad industry itself.

Recent data from the Federal Railroad Administration on increases in train accidents and derailments are an alarming indication of deteriorating track maintenance. Other factors cited are the declining rate of rail and tie insertions and the prevalence of slow orders, which constitute speed reductions over certain track to compensate for deferred maintenance.

Estimates of the total dollar amount of deferred maintenance, and hence of the dollar needs for track and roadbed rehabilitation range in the billions. The railroads themselves have reported over $4 billion in deferred maintenance to the Interstate Commerce Commission. The price tag for rehabilitation of the reorganized Conrail system in the Midwest and Northeast has been estimated by USRA at over $3.5 billion.

As discussed in its preliminary system plan—chapter 6, volume I—USRA clearly recognizes that the deterioration of facilities, and equipment "leads to a decline in a railroad's ability to provide efficient and competitive transportation service." Thus, deferred maintenance is a two-edged sword: over a period of time, the accumulated adverse impact of inadequate maintenance on safety and service outweighs the immediate cash savings of postponed capital projects.

In recent testimony before the Senate Commerce Committee, the ICC suggested that of 67 class I railroads, about 30 were considered to be in "marginal or poor" financial condition, lacking the necessary cash flow to perform adequate maintenance. These marginal lines are those that have most need for and the least ability to finance, extensive track and roadbed rehabilitation, and without adequate maintenance, let alone extensive rehabilitation, the future of these marginal railroads look ever bleaker.

The importance of adequate track and roadbed maintenance for good freight service as well as good passenger service was accurately stressed by the Department of Transportation in its report to the Congress on Amtrak in March 1973.

> Railroad operational problems stemming from poor track maintenance are not confined to either passenger or to freight services. Almost a third of Amtrak's delays are attributable to "slow orders"—areas in which temporary speed restrictions have been placed due to track conditions. But inadequate track maintenance has an even greater impact on freight operations; slow speeds and delays cause increased costs due to poor utilization of crews and equipment. Quality of service is adversely affected. Freight is the railroad industry's primary source of revenue. To move it efficiently requires a well-maintained plant. Therefore, adequate track and roadbed maintenance is essential.

Clearly, Mr. President, as transportation policy has evolved in the United States, increasing subsidies have been given to every mode of transportation but rail. Aside from the original land grants to the western roads, there has been little in the way of Government subsidies for rail transport in the more recent past; in fact the railroads need to maintain their own roadbeds and right of ways and pay taxes on them, which is a striking difference from the treatment of other modes, including highways, air transportation and waterways. In fact, in recent years, less than 1 percent of public funds spent for transportation purposes were directed to rail transportation. Today, we are seeing all too painfully the results of that inequality of treatment.

Mr. President, the legislation I am introducing today represents a national approach to the national problem of decaying rail track and roadbed. This bill would establish standards for safety, speed and service over all mainline track in the Nation, designated as the Interstate Railroad System.

Those railroads unable to meet these strict standards could then transfer ownership of rail lines within the System to a newly created Interstate Railroad Corporation, which would assume full responsibility for the maintenance and rehabilitation of these essential rail lines. Ownership of the rights-of-way would be conveyed to the nonprofit corporation in exchange for relief from maintenance costs and State and local taxes, and also for the right to continue operations over those lines. Rehabilitation costs would be financed through a 1-percent tax on all surface transportation freight shipments for a 6-year period, and long-term maintenance would be financed by a user charge of $1 per 1,000 gross ton miles on rail carriers using the system.

I submit that we in Congress must no longer merely react to reoccuring crises in the rail industry—yesterday the collapse of the Penn Central, today the plight of the Rock Island, tomorrow?—with piecemeal solutions like operating subsidies, loan guarantees and service orders.

Congress must now develop a quality, balanced transportation system for the people of the United States.

Government must now assume responsibility for upgrading the rails, much as it has for the Interstate Highway System. Only in this way can we hope to develop our passenger and freight rail system as a competitive, energy-efficient transportation mode.

Mr. President, as ranking minority member of the Surface Transportation Subcommittee, I intend to work with the distinguished subcommittee chairman (Mr. HARTKE) to assure that this important legislation receives early and serious consideration. Other proposals have been advanced and should also be considered; my own commitment is above all rationalizing our badly deteriorated rail system.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1143

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That this Act may be cited as the "Railroad Revenue Act of 1975".

TITLE I—FINDINGS, PURPOSES AND DEFINITIONS

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. The Congress finds that modern, efficient rail service is essential to interstate commerce and to national defense; that the international energy crisis requires more intensive use of fuel-economic freight and passenger trains; that better utilization of existing rail rights-of-way is more compatible with the environment in terms of land use, air pollution, and noise levels than is expansion of facilities for other modes of transportation; that many railroad tracks and roadbeds have greatly deteriorated in recent years; that such deterioration has resulted in inferior railroad transportation for both freight and passengers, together with a sharp increase in train derailments; that rehabilitation of such tracks and roadbeds will provide substantial public benefits through improved rail freight and passenger service; that both the efficiency and quality of railroad service and the economic utilization of the railroad plant can be improved by freer access by rail carriers to rail lines and facilities they do not own; and that to obtain modern and efficient rail service it is necessary to designate an Interstate Railroad System; to organize a nonprofit corporation to acquire, rehabilitate, maintain, modernize, and restructure the rail lines included within such System; to transfer to the States responsibility for maintenance of rail lines not included within such System; to require minimum standards of maintenance for rail lines; to establish rights of access by rail carriers to rail lines they do not own; and to provide Federal financial assistance to the corporation and to the States for rehabilitation, of rail lines.

DEFINITIONS

SEC. 102. For the purposes of this Act, the term—

(1) "Commission" means the Interstate Commerce Commission;

(2) "Corporation" means the Interstate Railroad Corporation created by this Act, which shall not be deemed a "railroad" for purposes of the Interstate Commerce Act;

(3) "Office" means the Rail Services Planning Office of the Interstate Commerce Commission established by the Regional Rail Reorganization Act of 1973;

(4) "rail carrier" includes railroad companies; mail, express, or less-than-carload rail freight carriers; State, regional, or local transportation agencies; the National Railroad Passenger Corporation; and other private rail passenger carriers;

(5) "rail line" includes main rail track or tracks; side tracks, and yard tracks adjacent to such main tracks; the roadbed supporting such tracks; signalling, communication, and power transmission structures and devices as are permanently installed on or adjacent to such tracks and roadbed; bridges, culverts, fills, tunnels, and other structures occupied by such tracks and roadbed; real estate occupied by such tracks and roadbed; real estate adjacent to such tracks and roadbed which is used for drainage of, maintenance of, access to, and protection of such tracks and roadbed; but does not include classification yards; station and terminal tracks and facilities, other than running tracks; any structures and devices other than those specified in this paragraph; and does not include air rights over, nor mineral rights under, such tracks and roadbed;

(6) "railroad company" means a class I or class II railroad, including the Consolidated Rail Corporation and switching and terminal companies, as designated by the Interstate Commerce Commission and subject to part I of the Interstate Commerce Act together with all subsidiaries, affiliates, and leased lines of such railroads;

(7) "Secretary" means the Secretary of Transportation;

(8) "State" includes the District of Columbia; and

(9) "System" means the Interstate Railroad System established by this Act.

TITLE II—INTERSTATE RAILROAD SYSTEM

INVENTORY OF RAIL LINES

SEC. 201. (a) Within thirty days after enactment of this Act, every rail carrier shall provide the Secretary, the Office, and the Corporation with one copy each of the latest edition of all train operating timetables with related special instructions; all temporary and semipermanent slow orders currently in effect; all other current restrictions on train operation not included in the preceding items; and a verified statement indicating the maximum speeds authorized on every rail line for freight and passenger trains at all times since January 1, 1935.

(b) Additions, deletions, and changes in the information required to be provided by subsection (a) shall be promptly forwarded to the Secretary, the Office, and the Corporation within seven days after any such deletion, addition, or change is made.

INITIAL DESIGNATION OF SYSTEM

SEC. 202. (a) The initial Interstate Railroad System shall consist of all rail lines operated within the United States by domestic railroad companies which as of the date of enactment of this Act are subject to traffic usage of at least ten million gross ton-miles per year per mile of rail line.

(b) Within thirty days after the date of enactment of this Act, the Secretary shall release a concise descriptive summary, together with a map, of all rail lines included within the initial system.

HEARINGS BY COMMISSION

SEC. 203. Commencing thirty days after release of the initial System, the Office shall hold public hearings in the District of Columbia and in other parts of the country. Notice of the dates, times, and places of such hearings shall be given in a manner which will assure a full and fair opportunity to be heard for consumers, shippers, rail carriers, industry, labor, and State and local governments.

RECOMMENDATIONS OF COMMISSION

SEC. 204. Within one hundred and twenty days after release of the initial System by the Secretary, the Office shall release and report to the Secretary its recommendations for additions and deletions to such System. In making such recommendations, the Office shall take into consideration the interests of persons, communities, States, and regions as developed during the hearings. Such report shall include findings in support of each recommended addition to or deletion from the initial System.

FINAL DESIGNATION OF SYSTEM

SEC. 205. (a) Upon receiving the recommendations of the Office, the Secretary, after giving full consideration to such recommendations, and with the cooperation and assistance of the Office, shall, within thirty days, prepare and transmit to the Congress the final Interstate Railroad System of rail lines located within the United States. The System shall improve and enhance the ability of rail carriers to provide modern, efficient, and economical interstate rail freight and passenger service responsive to present and future needs and demands. The report of the Secretary shall include findings in support of each addition to or deletion from the initial System. To the extent consistent with the purposes of this Act, the Secretary shall not designate as part of the System rail lines which are parallel to, or duplicative of, other lines included in the System.

(b) The System as designated by the Secretary shall be deemed approved at the end of the first period of sixty calendar days of continuous session of Congress after transmittal unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor the System. If either body passes a resolution of disapproval, the Secretary with the cooperation and assistance of the Office shall prepare and adopt a revised System. Each such revision shall be submitted to Congress for review pursuant to this subsection. For purposes of this subsection, continuity of session of Congress is broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period. Upon becoming effective after review by the Congress, the System shall not be subject to review by any court.

MAINTENANCE STANDARDS

SEC. 206. (a) Within one hundred and twenty days after the date of enactment of this Act, the Secretary shall prescribe standards for maintenance of rail lines included within the System. In formulating such standards, the Secretary shall be guided by preferred or recommended practices from an engineering and economic standpoint as distinct from minimum requirements for safety.

(b) System rail lines shall be maintained for smooth and dependable operation of freight trains at speeds up to sixty miles an hour. Upon application and for good cause shown, the Secretary may require a standard of maintenance on any given System rail line which will allow higher speeds.

(c) All rail lines shall be in compliance with the standards included within the System prescribed by the Secretary in accordance with this Act on or before the expiration of three years following enactment of this Act, and shall be kept in compliance at all times thereafter.

MODIFICATION OF SYSTEM

SEC. 207. (a) At any time after the expiration of five years following the final designation of the System, the Corporation or any railroad company may apply to the Commission for an order permitting deletion of rail lines from such System. After hearings by the office, the Commission shall authorize the deletion, if consistent with the public interest. Approval of a deletion shall not be considered by the Commission as evidence in an abandonment proceeding that service on the line deleted is no longer required by public convenience and necessity.

(b) Requests to the Commission for orders permitting deletions from the System on account of initiation of joint use of rail lines in accordance with sections 406 and 502 of this Act, may be made at any time after the final designation of the System.

LONG-TERM CAPITAL IMPROVEMENT NEEDS

SEC. 208. (a) Within sixty days after the enactment of this Act, State and regional agencies and the National Railroad Passenger Corporation may severally designate high-density passenger corridors within the Interstate Railroad System.

(b) Within two years after enactment of this Act, the Secretary and the Corps of Engineers, United States Army, shall jointly carry out a study of the long-term capital needs for modernization of signal systems, line relocation, tunneling, highway grade crossing elimination, electrification, and other major upgrading of the Interstate Railroad System, including high density passenger corridors as designated by State and regional agencies and by the National Railroad Passenger Corporation under subsection (a). The study shall include recommendations for investment priorities among the various possible upgrading projects. The study shall evaluate the form and extent to which the Federal Government should assist with the financing of such upgrading, and the extent to which the Corps of Engineers should participate in the work involved in such upgrading. The study shall include an evaluation and recommendations regarding public acquisition and operation of railroad freight yards and terminal facilities.

(c) Upon completion of the study, the Secretary and the Corps of Engineers shall jointly submit to the President and to the Congress, and shall release to the public, a full report thereon together with their recommendations for such legislative, administrative, and other actions as they deem appropriate for implementing the report.

ACCESS TO INFORMATION

SEC. 209. All rail carriers shall provide such information as may be requested by the Secretary or by the Office in connection with the performance of their respective functions under this title. Nothing in this section shall authorize the withholding by the Secretary, the Office, or any rail carrier of any information from the duly authorized committees of the Congress.

DISCLOSURE OF RECORDS BY SECRETARY

SEC. 210. All material supplied to the Secretary in accordance with sections 201 and 209 of this Act shall at all times be open to public inspection. Any person desiring to inspect such material shall reimburse the Secretary for the time of his employees required to assist with such inspection. Any person requesting reproduction of any material shall reimburse the Secretary for the cost of such reproduction.

ADMINISTRATIVE EXPENSES

SEC. 211. There are authorized to be appropriated, to remain available until expended, for purposes of this title, $1,000,000 each for the Office and for the Corps of Engineers.

TITLE III—INTERSTATE RAILROAD CORPORATION

CREATION OF THE CORPORATION

SEC. 301. There is authorized to be created an Interstate Railroad Corporation. The Corporation shall be a nonprofit corporation, the purpose of which shall be to rehabilitate, maintain, and modernize the rail lines of the Interstate Railroad System so as to fully develop the potential of modern rail service in meeting the transportation requirements of the Nation. The Corporation will not be an agency or establishment of the United States Government. The Corporation shall be subject to this Act, and, to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act citation.

PROCESS OF ORGANIZATION

SEC. 302. (a) The Secretary of Transportation, the Under Secretary of Transportation, and the Federal Railroad Administrator shall serve as incorporators of the Corporation, and as the interim board of directors for thirty days following the enactment of this Act. The incorporators shall take whatever actions are necessary to establish the Corporation, including the filing of the articles of incorporation.

(b) There are authorized to be appropriated to the Secretary in fiscal year 1975, $50,000,000 to remain available until expended for the purpose of assisting in the initial organization and operation of the Corporation.

BOARD OF DIRECTORS

SEC. 303. (a) The Corporation shall have a board of nine directors as provided by this section (hereinafter referred to as the "board") consisting of individuals who are citizens of the United States, who shall elect one of their number annually to serve as chairman. The board shall take office on the thirty-first day after the date of enactment of this Act.

(1) One member of the board shall at all times be the Secretary.

(2) Four members of the board shall be appointed by the President of the United States for terms of four years, except that the first member so appointed shall continue in office for a term of one year, the second for two years, and the third for three years.

(3) Two members of the board shall be appointed by the Senate leader (majority leader or minority floor leader, as the case may be) of the political party opposite to the political party of the President for a term of four years, except that the first member appointed shall continue in office for a term of two years.

(4) Two members of the board shall be appointed by the House of Representatives leader (Speaker or minority leader, as the case may be) of the political party opposite to the political party of the President for a term of four years, except that the first member so appointed shall continue in office for a term of one year and the second for three years.

(b) Any member selected to fill a vacancy may be selected only for the unexpired term of the director whom he or she succeeds. A director whose term has expired shall continue to serve until his or her successor is selected.

(c) Upon the swearing into office of a President of a different political party than his or her predecessor, successors of members who have been appointed by the Senate and House leaders shall be appointed by the President, and successors of members who have been appointed by the President shall be appointed by the Senate and House leaders, the first such successor by the Senate leader.

(d) Each director shall receive compensation at a rate of $300 for each meeting of the board that he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expenses incurred in attending the meetings of the board.

(e) No director may have any direct or indirect financial or employment relationship with any railroad company during the time that he or she serves on the board.

BYLAWS AND OFFICERS

Sec. 304. (a) The board is empowered to adopt and amend bylaws governing the operation of the corporation. Such bylaws shall not be inconsistent with any law of the United States or the District of Columbia.

(b) The Corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation may have any direct or indirect employment or financial relationship with any railroad company during the time of his employment by the Corporation.

GENERAL POWERS

Sec. 305. The Corporation is authorized to own, possess, construct, control, maintain, rehabilitate, and modernize rail lines, including operation of signalling and communication systems; to acquire by construction, purchase, or gift, or contract for the use of, real estate, physical facilities, equipment, and devices necessary to its functions; to exercise the right of eminent domain in connection with acquisition of necessary property in accordance with the procedures of section 305(d) and 402(d) of the Rail Passenger Service Act of 1970; to impose and collect user charges from rail carriers using its facilities; and to conduct research and development related to its mission. To carry out its functions and purposes, the corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act. Leases and contracts entered into with the Corporation, regardless of where the same may be executed, shall be governed by the laws of the District of Columbia. The Corporation shall not be subject to State and local property taxes, nor to State and local taxes imposed in lieu of such property taxes.

BOOKS AND RECORDS

Sec. 306. (a) The Corporation shall maintain books and records in accordance with the Uniform System of Accounts prescribed by the Commission, insofar as is applicable.

(b) The Corporation shall file an annual report with the Commission at the same time and in substantially the same format as such reports of railroad companies, insofar as such format is applicable.

(c) The Commission is empowered to promulgate and modify rules and regulations governing accounting and recordkeeping requirements of the Corporation, if and when such action is deemed appropriate in view of the nature of the Corporation and the requirements of this Act.

(d) All books, papers, records, and documents of the Corporation shall at all times be open to pubic inspection. Any person desiring to inspect such material shall reimburse the Corporation for the time of employees required to assist with such inspection. Any person requesting reproduction of any material shall reimburse the Corporation for the cost of such reproduction.

AUDIT OF RECORDS

Sec. 307. (a)(1) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit; and full facilities for verifying transaction with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person.

(2) The report of each such independent audit shall be included in the annual report required by section 308(b) of this Act. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(b)(1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in possession and custody of the Corporation.

(2) To the extent the Comptroller General deems necessary in connection with such audits as he may make of the financial transactions of the Corporation pursuant to paragraph (1) of this subsection, his representatives shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any rail carrier pertaining to such rail carrier's financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of such rail carrier shall remain in the possession and custody of such rail carrier.

(3) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the Corporation at the time submitted to the Congress.

QUARTERLY AND ANNUAL REPORTS

Sec. 308. (a) Within thirty days following the end of each calendar quarter, the Corporation shall submit to the Congress and release to the public a complete report of its activities and finances for the previous quarter. Such report shall include, but not be limited to, the amount and location of (1) new and relay rail laid; (2) ties installed or replaced; (3) miles of track surfaced; (4) signals and interlockers installed or replaced; (5) grade crossing protection installed; and (6) communication systems installed. The report shall include a summary of all train derailments and collisions on Corporation rail lines, including the probable cause thereof, and a statement of the extent to which each and every rail line of the Corporation is not in compliance with the maintenance standards promulgated under this Act.

(b) On or before October 31 of each year, the Corporation shall submit to the President and to the Congress, and release to the public, a comprehensive and detailed report of its activities and accomplishments during the preceding fiscal year, including a balance sheet and statement of receipts and expenditures. The report shall include a projection of receipts and expenditures for the current fiscal year, and a proposed budget for the forthcoming fiscal year, which shall provide specific justification for each and every proposed expenditure.

TITLE IV—ACQUISITION, REHABILITATION, AND MAINTENANCE OF RAIL LINES BY CORPORATION AND STATES

ACQUISITION OF RAIL LINES

Sec. 401. (a) On or after thirty days after approval of the final System and in consideration of—

(1) relief from responsibility for rehabilitation of, maintenance of, and signalling and communications functions in connection with, the rail lines conveyed;

(2) relief from liability for the payment of State and local property taxes imposed on the rail lines conveyed (including taxes imposed in lieu of such property taxes); and

(3) the right to continue operation over the rail lines conveyed, in accordance with the provisions of this title,

any railroad company may convey to the Corporation its right, title, and interest in all its rail lines included within the System.

(b) A railroad company which—

(1) conveys its rail lines to the Corporation pursuant to subsection (a), or

(2) has no rail lines included within the System, may convey its non-System rail lines to the States in which such rail lines are located, in consideration of the same relief and operational rights as is accorded by subsection (a).

FEDERAL PAYMENT OF PROPERTY TAX EQUIVALENT

Sec. 402. There is hereby authorized to be appropriated during each fiscal year for payment by the Secretary of the Treasury to State and local governments an amount equivalent to the State and local property taxes (including taxes imposed in lieu of such property taxes) which railroad companies are relieved of responsibility for payment of in accordance with the provisions of section 401. Such payments shall be adjusted upward during succeeding fiscal years by amounts equivalent to increase in taxes on other property located within given taxing jurisdictions.

OPERATIONAL RESPONSIBILITIES OF CORPORATION AND STATES

Sec. 403. (a) Upon acquisition of System rail lines, the Corporation shall assume responsibility for the rehabilitation and maintenance of such rail lines; and for operation of signaling and communication devices on such rail lines.

(b) Upon acquisition of a rail line under this title a State may assume responsibility for the rehabilitation and maintenance of such rail line, and for the operation of signaling and communication devices on such rail line. States assuming such responsibilities shall be subject to the applicable provisions of sections 404 through 408 of this title.

(c) The Corporation and States shall have the power to fix rights of trains, maximum train speeds, size and weight limits for equipment, and other rules governing operations over Corporation and State rail lines, respectively.

(d) The Corporation and States are subject to the provisions of the Federal Railroad Safety Act of 1970 and regulations promulgated under such Act to the extent that any such provision is not inconsistent with any provision of this Act.

(e) The Corporation shall not abandon any rail line. Any Corporation rail line which is deleted from the System shall be immediately conveyed to the State within which such rail line is located.

LABOR RELATIONS

SEC. 404. In the performance of functions assumed by the Corporation or any State, the Corporation or State, as the case may be, shall—

(1) employ all persons theretofore employed by a railroad company,

(2) assume collective-bargaining agreements previously entered into between any bargaining unit representing employees and such railroad company, and

(3) be subject to the same laws and regulations as such railroad company with respect to the representation of its employees for purposes of collective bargaining, the handling of disputes between employer and employees, compensation for job-related injuries and other disabilities, employee retirement annuity, unemployment systems, and other dealings with its employees.

LIABILITY

SEC. 405. All bodily injury and property damage arising out of any accident caused by defects in, or improper maintenance of, track, roadbed, signals, communications, or other facilities owned or controlled by the Corporation or State or caused by the negligence of an employee of the Corporation or State shall be the responsibility of the Corporation or State, as the case may be. Rail carriers shall be responsible for all bodily injury and property damage arising out of any accident or occurrence caused by reasons other than those enumerated in the preceding sentence.

OPERATIONS OF RAIL FREIGHT CARRIERS

SEC. 406. (a) A railroad company which conveys its rail lines to the Corporation or to any State or which holds trackage rights over rail lines which are conveyed to the Corporation or to any State shall continue operations as a rail carrier of freight over all such rail lines maintained by the Corporation or any State that such railroad company was conducting prior to the conveyance thereof. The terms and conditions of preexisting agreements and contracts for the use of track and other facilities shall be of no force and effect as between the Corporation or any State and any rail carrier, but insofar as applicable, shall remain in effect as between two or more rail carriers of freight using the same rail lines.

(b) If a State does not assume responsibility for any given rail line in accordance with section 401(b) of this title, the rail carrier may discontinue freight service over such rail line, notwithstanding any provision of the Interstate Commerce Act, upon giving at least sixty days written notice by certified mail to the Governor of the State, transportation agencies of the State, and the government of each political subdivision within the State in which such rail line is located; and to each shipper who has used such rail service during the previous twelve months.

(c) Upon application to the Commission by any rail carrier for the use of any rail line of the Corporation or any State for freight service, if the Commission finds that—

(1) the applicant is fit, willing, and able to properly perform the service proposed;

(2) such service is or will be required by the present or future public convenience and necessity; and

(3) the operations of the applicant will not significantly impair the level of performance of the carrier or carriers already using the line who are adequately serving the public;

the Commission shall by order require the Corporation or State to permit the applicant to use such rail line upon such other terms and conditions as are reasonable under the circumstances.

(d) No one shall commence freight operations over rail lines of the Corporation or any State other than in accordance with the provisions of this section.

(e) Subsequent to commencement of freight service over State rail lines under the provisions of this section, the duty of providing continued service shall be enforced exclusively by the States, notwithstanding any provision of the Interstate Commerce Act.

OPERATIONS OF RAIL PASSENGER CARRIERS

SEC. 407. (a) Any rail carrier shall have the right to continue passenger service over any rail line maintained by the Corporation or any State at the same frequency with which it was providing such service prior to the conveyance. All preexisting agreements and contracts for the provision of passenger service shall be of no force and effect as between the Corporation or any State and such rail carrier.

(b) (1) Any rail carrier shall have the right to initiate new passenger service, or to increase the frequency of passenger service already being provided, unless the Corporation or State determines that the rail carrier is not fit, willing, and able to properly perform the service proposed.

(2) A rail carrier or freight shipper whose service or operations are affected by new or expanded passenger service may file an application with the Secretary requesting appropriate relief. If, after hearing and upon sufficient proof, the Secretary finds that such passenger service will materially lessen the quality of freight service provided to shippers, he shall issue an order fixing such terms and conditions for the operation of such passenger service as are reasonable.

(c) (1) Except in an emergency, passenger trains shall be accorded preference over freight trains in the use of any given line of track, junction, or crossing of the Corporation of any State unless the Secretary has issued an order to the contrary in accordance with paragraph (2) of this subsection.

(2) A rail carrier or freight shipper whose service or operations are affected by paragraph (1) above may file an application with the Secretary requesting appropriate relief. If, after hearing and upon sufficient proof, the Secretary finds that adherence to paragraph (1) will materially lessen the quality of freight service provided to shippers, he shall issue an order fixing rights of trains, on such terms and conditions as are reasonable.

USER CHARGES

SEC. 408. Rail carriers operating over rail lines of the Corporation or any State shall pay to the Corporation or State, as the case may be, a user charge of $1 per thousand gross ton-miles of locomotive and train operation. The amount of such user charge shall be adjusted during each successive year following enactment of this Act in accordance with changes in the applicable wage and price indices.

FINANCIAL ASSISTANCE FOR REHABILITATION

SEC. 409. (a) There are authorized to be appropriated to the Secretary during each of the six fiscal years following enactment of this Act, to remain available until expended, such sums as may be necessary for the purposes of this section: *Provided*, That, if during any fiscal year tax is collected under section 4383 of the Internal Revenue Code of 1954, the sums authorized to be appropriated under this section during such fiscal year shall not exceed the aggregate of all transportation taxes expected to be collected under such section 4383 during such fiscal year: *And provided further*, That, if during any fiscal year no such tax is collected, the sums authorized to be appropriated shall not exceed $500,000,000.

(b) Funds appropriated to the Secretary under subsection (a) shall be disbursed in accordance with an application by the Corporation or any State for the following purposes, upon such terms and conditions as the Secretary deems appropriate:

(1) Rehabilitation of Corporation rail lines in accordance with the requirements of section 206 of this Act, and

(2) Rehabilitation of State rail lines in accordance with the Federal Railroad Safety Act of 1970.

(c) Funds disbursed under subsection (b) shall not be expended for rehabilitation, maintenance, or improvement of rail lines used exclusively for passenger service.

STATE MAINTENANCE ASSISTANCE FUND

SEC. 410. (a) There is hereby established in the office of the Secretary a State maintenance assistance fund. Ten per centum of all moneys collected by the Corporation in user charges shall be deposited by the Corporation in the fund.

(b) Upon application by a State, the Secretary is authorized to grant financial assistance from the fund to such State for maintenance of State rail lines, in an amount not to exceed 70 per centum of that portion of the annual ongoing State maintenance cost which exceeds the amounts collected by the State from rail carriers in user charges. The Secretary may attach to grants such terms and conditions as are just and reasonable.

(c) States entitled to rail service continuation subsidies under the provisions of title IV of the Regional Rail Reorganization Act of 1973 shall not be eligible for assistance under this section for so long as funds are authorized by such title to be appropriated.

(d) Amounts remaining in the fund at the end of each fiscal year shall be returned to the Corporation for financing capital improvements and for other corporate purposes.

TITLE V—MAINTENANCE OF AND ACCESS TO RAIL LINES OF RAILROAD COMPANIES

REHABILITATION AND MAINTENANCE

SEC. 501. (a) Rail lines included within the system which are owned or possessed by a railroad company shall be maintained in accordance with the provisions of section 206 of this Act.

(b) All other rail lines which are owned or possessed by a railroad company shall be maintained to standards prescribed by the States within which such lines are located, consistent with the minimum requirements of the Federal Railroad Safety Act of 1970 and of regulations promulgated thereunder.

(c) Within one hundred and eighty days after the date of enactment of this Act, any railroad company which owns rail lines included within the System shall file with the Secretary a detailed schedule of proposed short-term and long-term maintenance activities to be performed on each such rail line on a regular basis to assure that each such rail line is maintained in accordance with the applicable standards. If the Secretary does not believe that the proposed maintenance activities will be adequate, he may require an appropriate revision of the schedule. Deferral of any scheduled maintenance activity is hereby prohibited.

ACCESS TO RAIL LINES

SEC. 502. (a) Section 3(5) of the Interstate Commerce Act is amended to read as follows:

"(5) Upon application by any rail carrier for the use of any track or other facility owned or possessed by a railroad subject to this part, and if the Commission finds that such use will not substantially impair the ability of the owner or possessor of such track or other facility to handle its own business, the Commission shall by order require such owner or possessor to permit the applicant to use such track or other facility upon such terms and conditions and for such compensation as is just and reasonable under the circumstances. Compensation for such use by passenger carriers shall not exceed the incremental expenses incurred by the owner or possessor as a result of such use. Applications by passenger carriers under this subsection shall be acted upon by the Commission within ninety days after such application is filed. If, under any arrangement for the use of a track or other facility which is in effect at the time of enactment of this subsection, or which is entered into subsequently, a party desires a modification in the terms and conditions, including compensation, such party may apply to the Commission for an order fixing revised terms or conditions as may be consistent with this subsection. In passing upon any application by a rail carrier for increased freight rates, increased division of revenues, or other financial relief, the Commission shall consider and determine the extent to which such carrier has availed itself of the provisions of this subsection to effect economies and efficiencies in its operations. Upon granting such application in whole or in part, the Commission may condition such relief on the filing of an appropriate application under this subsection."

(b) Section 5(2)(a) of the Interstate Commerce Act is amended by (1) striking out the semicolon and "or" at the end of clause (i) and inserting in lieu thereof a period, and (2) striking out clause (ii).

TITLE VI—PROTECTION OF EMPLOYEES

CONTRACTING OUT LIMITATIONS

SEC. 601. No owner or possessor of rail lines shall contract out any project for rehabilitation or maintenance work required by this Act of a value of over $450 per month in labor and materials which is normally performed by employees in any bargaining unit covered by a labor agreement between such owner or possessor and any labor organization.

GUARANTEE OF PREVAILING WAGE

SEC. 602. Every owner and every possessor of any rail line shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. No one shall enter into any construction contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts or agreements, except any construction work performed by an employee of a railroad company. Wage rates provided for in collective bargaining agreements negotiated under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act.

PROTECTIVE ARRANGEMENTS REQUIRED IN CERTAIN TRANSACTIONS

SEC. 603. (a) In connection with any transaction for access to rail lines, transfer of freight traffic, reduction of capacity of rail lines, or abandonment of rail lines, the Corporation, State, or rail carrier whose employees will be affected by such action shall be required to protect the interests of its respective employees. Such protective arrangements shall be those agreed to by the Corporation, State, or rail carrier and the representatives of its employees, or in the absence of such agreement, as the Commission may determine upon application by such representatives. Such protective arrangements shall be included in any order which authorizes such transaction.

(b) The protective arrangements required by subsection (a) shall protect individual employees from the date first affected against a worsening of their positions with respect to their employment and shall include, without being limited to, such provisions as may be necessary to provide for (1) notice, negotiation, and execution of implementing agreements prior to the interests of employees being affected; except that, where such implementing agreement has not been executed within thirty days after the date on which the action became effective, either party may submit for binding arbitration any unresolved questions in connection therewith, the arbitration decision to be rendered if possible within thirty days thereafter, but if such decision is for any reason delayed beyond thirty days, the rights of the parties to such arbitration shall not be affected; (2) the preservation of compensation (including subsequent wage increases), rights, privileges, and benefits (including fringe benefits such as pensions, hospitalization, vacations, and the like, under the same conditions and so long as such benefits continue to be accorded to other employees of the Corporation, State, or rail carrier in active service or on furlough as the case may be) to such employees under existing collective-bargaining agreements or otherwise; and (3) the arbitration of disputes arising out of the protective arrangements which cannot be settled by the parties. In such arbitrations the burden shall be upon the Corporation, State, or rail carrier to prove that the employee was not affected by the action taken. In no event shall said arrangements provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act.

TITLE VII—OVERSIGHT AND ENFORCEMENT

ADVISORY COMMITTEE

SEC. 701. (a) The following organizations are requested to each appoint, within thirty days after the date of the enactment of this Act, a representative to form an advisory committee for the purpose of this section:

(1) National Association of Regulatory Utility Commissioners;

(2) National Governors Conference;

(3) Association of American Railroads;

(4) National Railroad Passenger Corporation;

(5) Congress of Railway Unions;

(6) Railway Labor Executives Association;

(7) National Industrial Traffic League; and

(8) National Association of Railroad Passengers.

(b) Such committee is requested to (1) monitor the activities of the Secretary, Commission, Corporation, and States pursuant to this Act, and (2) upon the expiration of one year after the date of enactment of this Act, and after each following year, submit to the Secretary and to the Congress and release to the public a report evaluating the effectiveness of this Act in achieving the objectives thereof declared by the Congress.

ANNUAL REPORT BY SECRETARY

SEC. 702. On or before October 31 of each year, the Secretary shall submit to the President and to the Congress, and release to the public, a comprehensive and detailed report of his activities pursuant to this Act during the preceding fiscal year, together with his evaluation of the effectiveness of this Act in achieving the objectives declared by the Congress. The report shall set forth the number, nature, and location of inspections of rail lines made by the Secretary's personnel, and the extent to which each and every rail line falls short of compliance with the standards promulgated under this Act.

INVESTIGATION AND INSPECTION

SEC. 703. The Secretary is authorized to perform such acts, including, but not limited to, conducting investigations, holding hearings, making reports, issuing subpenas, requiring production of documents, taking depositions, prescribing recordkeeping and reporting requirements, promulgating rules and regulations, and delegating to any public bodies or qualified persons functions respecting examination, inspecting, and testing of railroad facilities as he deems necessary to carry out the provisions of this Act. Officers, employees, or agents of the Secretary are authorized to enter upon, inspect, and examine railroad facilities and pertinent books, papers, and records. Such officers, employees, and agents shall display proper credentials when requested.

RIGHT TO COURT ORDERS

SEC. 704. The United States district court, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, shall have jurisdiction, subject to the provisions of Rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to enforce the provisions of this Act, and orders of the Secretary issued thereunder, by requiring the production of information, issuing injunctions, or restraining orders, or granting of such other relief as may be appropriate. Failure to obey any order or decree of the court may be punished by the court as a contempt thereof.

PENALTIES

SEC. 705. (a) It shall be unlawful for the Corporation, any State, or any rail carrier to disobey, disregard, or fail to adhere to the provisions of this Act or to any rule, regulation, order, or standard prescribed by the Secretary under this Act.

(b) The Corporation, any State, or any rail carrier violating any rule, regulation, order, or standard referred to in subsection (a) shall be assessed by the Secretary a civil penalty for violation thereof in such amount, not less than $250 nor more than $10,000 as he deems reasonable. Each day of such violation shall constitute a separate offense.

(c) Such civil penalty may be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged. All penalties collected under this Act shall be covered into the Treasury as miscellaneous receipts.

SUBPENAS IN COURT ACTIONS

SEC. 706. In any action brought under this Act, subpenas for witnesses who are required to attend a United States district court may run into any other district.

OTHER RIGHTS AND LIABILITIES RESERVED

SEC. 707. Nothing contained in this Act shall be construed as depriving any person of any right of action which he may have otherwise than under this Act, or of relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

ADMINISTRATIVE EXPENSES OF SECRETARY

SEC. 708. There are authorized to be appropriated to the Secretary such sums as are necessary for administration and enforcement of this Act, not to exceed $10,000,000 in any one fiscal year. Whenever feasible, the Secretary may make use of personnel and facilities employed under the Federal Railroad Safety Act of 1970 (45 U.S.C. et seq.) in carrying out his responsibilities under this Act.

TITLE VIII—RAILROAD REHABILITATION FUND

SEC. 801. (a) Subchapter C of chapter 33 of the Internal Revenue Code of 1954 (relating to transportation by air) is amended by adding at the end thereof the following new part:

"PART IV—TRANSPORTATION OF PROPERTY BY RAIL, MOTOR VEHICLE, OR WATER

"Sec. 4383. Imposition of tax.

"SEC. 4383. IMPOSITION OF TAX.

"(a) IN GENERAL.—There is hereby imposed upon the amount paid for the transportation of property within the United States by rail, motor vehicle, or water, a tax equal to 1 percent of the amount so paid. In the case of property transported—

"(1) from a point outside the United States to a point within the United States, or

"(2) from a point within the United States to a point outside the United States,

the tax imposed shall apply to the amount paid for that part of the transportation which takes place within the United States.

"(b) APPLICATION OF TAX.—The tax imposed by subsection (a) shall apply to amounts paid—

"(1) to a carrier engaged in the transportation of property for hire, including amounts paid to a freight forwarder, express company, or similar person, but not including amounts paid by a freight forwarder, express company, or similar person for transportation with respect to which a tax has previously been paid under this section; and

"(2) for all expenses of the private carriage of property, including labor, fuel, maintenance, and depreciation, whether paid directly or as lease rentals.

"(3) BY WHOM PAID.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the tax imposed by subsection (a) shall be paid by the person making the payment subject to the tax.

"(2) PAYMENTS MADE OUTSIDE THE UNITED STATES.—If a payment subject to tax under subsection (a) is made outside the United States and the person making such payment does not pay such tax, such tax—

"(A) shall be paid by the person to whom the property is delivered in the United States by the person furnishing the last segment of taxable transportation in respect of which such tax is imposed, and

"(B) shall be collected by the person furnishing the last segment of such taxable transportation."

(b) The table of parts for such subchapter C is amended to read as follows:

"SUBCHAPTER C—TRANSPORTATION

"Part I. Transportation of persons by air.
"Part II. Transportation of property by air.
"Part III. Special provisions relating to taxes on transportation by air.
"Part IV. Transportation of property by rail, motor vehicle, or water."

(c) The heading for part I of such subchapter C is amended to read as follows:

"PART I—TRANSPORTATION OF PERSONS BY AIR"

(d) The heading for part II of such subchapter C is amended to read as follows:

"PART II—TRANSPORTATION OF PROPERTY BY AIR"

(e) The amendments made by this section shall apply to transportation beginning sixty days after the date of the enactment of this Act and shall terminate six years after the date of enactment of this Act.

TITLE IX—MISCELLANEOUS PROVISIONS

ANTITRUST EXEMPTION

SEC. 901. Persons contracting for the joint use of railroad tracks and facilities shall be and hereby are relieved from all prohibitions of existing law, including the antitrust laws of the United States, with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter into such contracts and to perform their obligations thereunder.

EVIDENCE IN DIVISIONS CONTROVERSIES

SEC. 902. For a period of five years following the enactment of this Act, evidence that the operating expenses of any rail carrier were reduced as a consequence of any direct or indirect assistance provided by this Act shall not be admissible as evidence before the Commission in any controversy involving the division of revenues.

SEPARABILITY

SEC. 903. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

By Mr. HATHAWAY (for himself, Mr. HARTKE, Mr. STONE, Mr. WEICKER, and Mr. RIBICOFF):

S. 1144. A bill to designate a national network of essential rail lines; to require minimum standards of maintenance of rail lines; to provide Federal financial aid for rail rehabilitation; to establish rights of access by rail carriers to rail lines and facilities; and for other purposes. Referred to the Committee on Commerce.

Mr. HATHAWAY. Mr. President, I am delighted to join my distinguished colleagues (Senators HARTKE, STONE, and WEICKER) in introducing the Interstate Railroad Act and the Railroad Revenue Act. There is no need to repeat at this time all the arguments and figures we set forth last year to justify a serious Federal effort in upgrading and improving the maintenance of our track and roadbeds. The inescapable point is that drastic—and, unfortunately, expensive—improvements are necessary to maintain the visibility of the national rail system. This is a bill that has been deferred too long, and further delay will only increase its ultimate cost.

The approach of the first bill is to provide grants and loans to the railroads for upgrading and maintenance—with certain restrictions—while at the same time establishing realistic maintenance standards, at least on main lines. This seems to me to be a prudent way to get the necessary work begun while insuring that the public gets what it is paying for. However, our introduction of this particular bill does not foreclose our consideration of other alternatives, such as the Railroad Revenue Act which would put ownership and maintenance responsibilities in an independent corporation with the carriers paying a user fee.

Another possibility which appeals to me—and which was discussed in the report of the U.S. Rail Association—is to provide for public ownership and maintenance of some type of lease arrangement. In this way, standards of maintenance can be assured and the public will have direct control over its investment. In any of these possible approaches, the purpose is the same—to provide some substantial Federal funds for the purpose of improving the condition of the national rail system.

I was happy to see a measure along these lines clear the House in the waning days of the last session, but was disappointed in the lack of controls on the disposition of the funds authorized in the proposed act. Fortunately, our Commerce Committee shared these concerns and did not act on the measure before adjournment. It is my hope that this year will see a renewal of interest in this subject in both Houses which will produce a carefully drawn and adequately funded piece of legislation.

Finally, I should point out that the problems of the Northeast and Midwest lines are also ultimately related to this problem. A substantial amount of the loans and loan guarantees we have already authorized are going toward upgrading and maintenance. We should realize that a similar national investment now—under carefully defined conditions—can save the national rail system from the fate of the Penn Central, and do so at a much lower final cost to consumers and taxpayers. I am convinced that the improvements to our transportation system which would result from this investment—both in terms of passengers and freight as well as increased energy efficiency—would more than justify the public costs involved.

Mr. STONE. Mr. President, I am pleased to join my distinguished colleagues, Senators HATHAWAY, HARTKE, and WEICKER, in cosponsoring legislation that would provide for the comprehensive rehabilitation of all mainline railroad tracks and roadbeds.

Mr. President, this legislation is essential from a safety as well as an economic standpoint. A functional and efficient railroad system is a necessary component of our economic well-being. Unfortunately, for the past several decades most U.S. railroads have pursued a policy of deferring track and roadbed maintenance. The resultant deterioration caused by this policy has had the effect of bringing about a decline in service quality and an alarming increase in train accidents. Much of our railroad system is subjected to "slow orders" reducing speed to as low as 10 miles per hour. Derailments on the Penn Central line alone were increased by 137 percent in 1974. Many crossings and underpasses have become tragic safety hazards. In short, there is an immediate need to rehabilitate our railroad tracks and roadbeds.

This legislation will serve two valuable functions. First, it would establish and enforce minimum standards of track and roadbed maintenance, thereby insuring safe, dependable and efficient passenger and freight service. Second, it would devise a program of Federal assistance for the rehabilitation of roadbed and track to railroad corporations that lack sufficient capital or credit to independently finance these improvements.

By making straight Federal grants available only to those corporations that are unable to repay their loans and by providing specific conditions precedent to the receipt of grants, this bill avoids wasteful Federal assistance to private corporations and guarantees that the money will be used for the intended purpose.

By Mr. PHILIP A. HART (for himself, Mr. NELSON, Mr. MCGOVERN, and Mr. GRAVEL):

S. 1145. A bill to provide amnesty to persons who, because of their principled objection to service in the Armed Forces of the United States, failed or refused to register for the draft or who refused induction or failed to be inducted into the Armed Forces or who were absent without official leave from the Armed Forces during the period from August 4, 1964, to March 28, 1973, and for other purposes. Referred to the Committee on the Judiciary.

Mr. PHILIP A. HART. Mr. President, my distinguished colleagues, Senators NELSON, MCGOVERN, and GRAVEL, join me today in introducing a bill which would grant immunity from prosecution to persons charged with draft evasion or military desertion during the Vietnam conflict.

From its beginning, this Nation has recognized that respect for and protection of the individual's conscience is basic to our concept of freedom. We place such high value on freedom of conscience that we also believe that following orders of superiors does not excuse illegal acts. The spirit of tolerance bred by this concept has helped make forgiveness rather than revenge part of our national heritage, whether in dealing with foreign enemies or with our own citizens who refused to fight against such enemies.

In keeping with this spirit, the bill I am introducing today would grant immunity on a general basis to those who, as a matter of conscience, refused to serve in or became absent from the U.S. Armed Forces between August 4, 1964, and March 28, 1973. No alternative service would be required as a condition for this immunity. Amnesty would be generally granted, thereby avoiding the arbitrary and administratively burdensome case-by-case review of each individual's records. The bill would not, however, void or otherwise affect charges arising from offenses involving violence or charges not related to draft evasion or desertion. Military personnel receiving immunity under the bill would receive honorable discharges. References in Government files to any charge for which immunity has been granted under this bill would be expunged from the individual's record. Citizenship would be restored when necessary.

The President's clemency program, for various reasons, has evoked a poor response. While President Ford is to be commended for taking the first step on this question. I hope Congress has the understanding and courage to take the next step represented by this bill. That step is not as large as it seems. Two major differences between the President's proposal and mine are the matter of alternate service and the type of discharge given and records maintained.

If we consider how few men out of the number available were called, and how many were not called for reasons other than the luck of the draw; when we consider how long those involved have had their lives disrupted for exercising the freedom of conscience our society honors; and when we consider how difficult it will be for men to find alternative service jobs of any kind, I think the case for requiring alternate service is greatly diminished if not completely undercut.

This bill would grant honorable discharges to those veterans covered by its amnesty provisions. It would also expunge from the record material related to the draft or desertion offenses. A true amnesty, or forgetting, of such offenses must include these provisions. Otherwise, the individual is marked by a record which may hinder him for the rest of his life. Our commitment to the concept of freedom of conscience is cheapened if we require, in exchange for amnesty, that the individual take on a different, but potentially equally debilitating, burden. In granting honorable discharges, this bill would restore eligibility for veterans benefits to those who would have qualified, but for the amnestied offense.

In discussions of the amnesty issue it is often said that such a program would dishonor those who served and those who lost their lives in Vietnam. It is important to remember that amnesty means to forget—not necessarily to forgive. It admits no right or wrong on anyone's part, and dishonors no one who fought honorably during the war. We should move to heal the wound of Vietnam by forgetting, not by continuing to blame each other.

I would emphasize that I view this bill as a starting point for discussing and airing views on a subject which needs to be treated. This bill is one response to the plight of thousands of young men who have suffered on account of their principal objection to the Vietnam war. Through the hearing process, we should explore other potenital remedies, and examine the specifics of the scope and the nature of legislation in this area. Let the hearings on this bill clarify fully the many competing claims; then let us correct where the evidence persuades us and, finally, let us act.

Mr. President, I ask unanimous consent that a letter from Prof. Joseph L. Sax, of the University of Michigan Law School, be printed in the RECORD at the conclusion of my remarks, as well as a listing of previous amnesties in U.S. history. Professor Sax' letter treats more extensively the questions of alternative service, the coverage of this legislation, and the desirability of a case-by-case approach to amnesty. Also, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Reconciliation Act of 1975".

SECTION 1. Notwithstanding any other provision of law, any person who failed or refused to register under the Military Selective Service Act subsequent to August 4, 1964, and prior to March 28, 1973, or failed to accept or refused induction into the Armed Forces of the United States under such Act between such dates, or who, while liable for military service under such Act otherwise violated such Act or regulations promulgated under authority of such Act, between such dates, is hereby granted immunity from prosecution and punishment under such Act for such evasion or failure to register under such Act, or refusal to be inducted under such Act, or other violation of such Act, as the case may be.

SEC. 2. (a) Notwithstanding any other provision of law, any member or former member of the Armed Forces of the United States who is alleged to have been absent from the Armed Forces in violation of the Uniform Code of Military Justice during the period subsequent to August 4, 1964, and prior to March 28, 1973, is hereby granted immunity from prosecution and punishment under the Uniform Code of Military Justice for such absence.

(b) This Act does not grant immunity from prosecution for other alleged violations of the Uniform Code of Military Justice, except that if any branch of the Armed Forces of the United States seeks to prosecute an individual for any alleged offense other than an absence without official leave offense, the prosecution must establish at trial that the alleged crime was:

(1) not reasonably related to the individual's principled objection to service in the Armed Forces of the United States, or

(2) a crime of violence against another person or a crime against property.

SEC. 3. (a) Any person who has been convicted and is serving, or has served, a prison sentence or other punishment for failing or refusing to register under the Military Selective Service Act between August 4, 1964, and March 28, 1973, or for failing to accept or refusing induction into the Armed Forces of the United States under such Act between such dates, or while liable for military service under such Act has otherwise violated such Act or regulations promulgated under such Act between such dates shall be released from prison or other terms of his sentence and any remaining portion of punishment shall be waived.

(b) Any person who has been convicted and is serving, or has served, a prison sentence or other punishment for absence from the Armed Forces in violation of the Uniform Code of Military Justice between August 4 1964, and March 28, 1973, shall be released from prison or other punishment and the remaining portion of punishment shall be deemed to have been served.

(c) Any person otherwise eligible for the benefits of the provisions of subsection (a) or (b) of this section and who is also serving a prison sentence for an offense not described in either such subsection shall—

(1) be released only from that portion of his sentence specifically applied to the offense described in subsection (a) or (b) of this section, as the case may be or

(2) upon petition to a United States District Court be released only from that portion of his sentence that the Court deems applicable to the offense described in subsection (a) or (b), as the case may be, if the sentence which he is serving is not specifically applied to either offense described in subsection (a) or (b) or

(3) upon petition to a United States District Court, in any case, other than a crime of violence against another person or a crime against property, be released from his entire sentence if he shows the Court that the offense, other than one described in subsection (a) or (b) of this section, was reasonably related to the petitioner's principled objection to service in the Armed Forces of the United States.

(d) In the case of censecutive sentences, the punishment imposed for offenses described in subsection (a) and (b) of this section shall be deemed to be the last in order to be served.

Sec. 4. Any person presently serving a term of reconciliation service or preparing to perform reconciliation service, pursuant to the Presidential Proclamation 8313, of September 16, 1974 may, at his election,

(1) be released from such service and the remaining portion of service shall be waived by the United States, and

(2) be entitled to all rights and privileges under this Act.

Sec. 5. (a) Any pending legal proceedings brought against any person as a result of his evading or failing to register under the Military Selective Service Act between August 4, 1964, and March 28, 1973 or for evading or refusing induction in the Armed Forces of the United States under such Act between such dates, or while subject to induction into military service under such Act for any other alleged violation of such Act or regulations issued under such Act between such dates shall be dismissed by the United States, and all records and information relating thereto shall be expunged from all Government agency files.

(b) Any pending legal proceedings, statutory or administrative, brought against any person as a result of his absence from the Armed Forces of the United States in violation of the Uniform Code of Military Justice between August 4, 1964 and March 28, 1973, shall be dismissed by the United States, and all records relating thereto shall be expunged from all Government agency files.

(c) Any person eligible for the benefits of the provisions of subsection (a) or (b) of this section who has pending against him criminal charges by the United States for an offense not described in subsection (a) or (b) of this section and such charges were brought against him concurrently with charges described in subsection (a) or (b) of this subsection, as the case may be, may petition to a United States District Court to order dismissal of such other charges, and such charges shall be dismissed, if he shows the Court that such criminal charges (other than ones described in subsection (a) or (b) of this section) were—

(1) reasonably related to such person's principled objection to service in the Armed Forces of the United States and

(2) not the result of an alleged crime of violence against another person or an alleged crime against property.

Sec. 6. Any testimony affidavit, or other evidence or any argument used by any individual that is presented to a United States District Court pursuant to sections 3(c) (2) and (3), and 5(c) shall be privileged and may not be used at any trial, hearing, or other proceeding, except in the event of alleged perjury, without the written consent of such individual.

Sec. 7. Any person who has served in the Armed Forces of the United States and who is granted relief under section 2(a), 3(b), 3(c) (3) or 5 (b) or (c) of this Act shall be granted an Honorable Discharge by the Secretary of Defense from the Armed Forces of the United States. In addition, any person who has been administratively discharged from the Armed Forces with an other than honorable discharge for reasons of absence from the Armed Forces in violation of the Uniform Code of Military Justice between August 4, 1964 and March 28, 1973, shall be granted an Honorable Discharge by the Secretary of Defense from the Armed Forces of the United States. Such Honorable Discharge shall not be coded or otherwise qualified to reveal the reasons for its issuance.

Sec. 8. (a) No person shall be denied any civil right or employment opportunity because of any crime for which such person was charged convicted or alleged to have committed and for which relief was granted under this Act.

(b) It shall be a misdemeanor punishable by a fine of not to exceed $5,000 or imprisonment not to exceed one year, or both, to deny any person employment or any civil right because of any crime for which such person was charged, convicted or alleged to have committed and for which relief has been granted under this Act.

(c) Any person who believes he has been denied any civil right or employment opportunity because of any crime for which such person was charged, convicted, or alleged to have committed and for which relief was granted under this Act shall have a civil cause of action in District Court of the United States for damages in the amount of:

(1) actual damages,

(2) exemplary damages in an amount treble the actual damages,

(3) actual legal fees and court costs and

(4) 9% interest from the date of filing the cause of action.

Sec. 9. Any person who has been convicted of, charged with, alleged to have committed, or who is under indictment for any crime for which relief is granted under this Act, shall have expunged from all government agencies any reference to such conviction, arrest, allegations, charges or indictment. Regulations to accomplish this end shall be promulgated by the appropriate agencies.

Sec. 10. All reference in this Act to the Military Selective Service Act shall be deemed to include a reference to any previous corresponding law.

Sec. 11. (a) The United States citizenship of any former citizen who states under oath that he or she renounced such citizenship or who became a naturalized citizen of a foreign country between August 4, 1965, and March 28, 1973, solely or partly because of disapproval of military involvement of the United States in Indochina shall be fully and unconditionally restored upon petition by such individual to any District Court of the United States provided that he or she renounces citizenship in such foreign country.

(b) Any former citizen of the United States who makes a sworn statement to an appropriate official of the Immigration and Naturalization Service, Department of Justice to the effect that he renounced his citizenship or became a naturalized citizen of a foreign country between August 4, 1965, and March 28, 1973, solely or partly because of disapproval of military involvement of the United States in Indochina shall be exempted from the provisions of section 212(a) (22) of the Immigration and Naturalization Act (8 U.S.C. 1182(a) (23)).

Sec. 12. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Sec. 13. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or to other circumstances shall not be affected thereby.

ANN ARBOR, MICH.,
May 6, 1974.

Senator PHILIP HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: You have asked me to comment on three issues that arise whenever proposals for amnesty legislation relating to the Vietnam War are put forward: (1) the question of alternative service; (2) the proper scope and coverage of such legislation; and (3) the desirability of case-by-case evaluation, rather than general determination by legislation of the status of various persons. I shall take them up in that order.

1. ALTERNATIVE SERVICE

The arguments generally made for imposing, at this stage a requirement of alternative service, are three. It can have a deterrent effect for the future, setting a precedent that refusal to serve in, or desertion from, the armed forces, should not be lightly undertaken, and cannot be costless; second, it may have a punitive effect, making the point that service was a legal obligation that, even for good reasons, should not be given a status of acceptability; and third, that even conscientious objectors are required to do alternative service, and draft resisters and deserters should not be put in a better position than CO's.

I do not find any of these claims persuasive. As to deterrence for the future, it is a virtually uniformly held position among experts on the criminal law that for deterrence to work it must be swift and sure; that is, the sanction must be imposed quickly and the nature of the sanction must be clear and certain to the person whose behavior is sought to be affected in future (and to others who may be so tempted). It is also undoubted that deterrence works best for conduct that is rationally calculating, and works least when the conduct is the product of passionate or deeply held feelings. Thus, the most deterrable conduct is, for example, income tax evasion, and the least deterrable is conduct like the murder of a spouse in the heat of anger.

Taking these three fundamental principles of deterrence, it is clear that the conduct with which amnesty legislation proposes to deal falls very far on the non-deterrable side. By their very nature, amnesties usually come considerably after the event, when involvement in the fighting has ended, and passions have cooled on all sides. In addition, government's response to claims for amnesty are inevitably tailored to the particular event involved and cannot be expected to be uniform from one war to another.

Our own history makes this latter point quite clear. "American experience with amnesty, from the time of George Washington, has varied widely depending on the moral and political goals sought to be achieved. An amnesty may be needed to bring political opponents back 'into the fold', as was the case in the War Between the States. It may be desired to cope with laws that have been unmanageable, as with the Whiskey Rebellion; it may be undertaken during war-time, in a limited way, to deal with inability to recruit and hold soldiers, as happened in our early history. It may be wanted only to deal with retrospective efforts to untangle mistakes and blunders in the conscription process, as was the case with the Truman amnesty board.

And, of course, one must expect congressional attitudes toward amnesty to reflect feelings about the particular war in question. For example, it is not surprising that no general amnesty was declared following World War II, considering the overwhelmingly favorable attitudes in the nation to that war. Similarly, there is no reason to know whether, should the problem arise in the future, we would be dealing with a war like the Vietnam War, the Second World War or, the War Between the States, each of which might quite properly call for different attitudes toward those who opposed the war, and each of which present very different problems in the broad political aims and effects of an amnesty, depending, for example, on the degree to which the War has divided significant groups of citizens.

I can say from personal experience, having talked with a great many young men who were considering draft refusal, and with many who had refused or deserted (in Stockholm and Paris, in 1967), that the question of the "precedent law" of amnesty in the United States was never in any discernible degree a factor in their decisions. Nor, indeed, if it had been, could I (or anyone) have told them what the appropriate precedent was or would be. Should one have told them to read up on the Whiskey Rebellion, or on the War Between the States, or on the situation France following the Algerian War?

One might say that if the United States set a precedent now, and determined to follow it, we would have a clear rule to which future potential draft refusers might look. But I think it fair to say that no such precedent could be binding, for no Congress can bind the future, nor would it want to in such a complex situation. To get a perspective on the problem, consider how a Congress sitting in 1840 could have set a precedent that it would have been willing unyieldingly to follow in 1868 or 1872.

Before leaving this matter, let me reemphasize that my own experience with draft resisters and deserters is unambiguous in indicating that the overwhelming numbers were people whose conduct was motivated by very deeply held feelings as to whom their legal situation was not a consideration. Indeed, I am certain that those persons who considered draft resistance, but who were conscious of their legal status (and there were a number of them who passed through my office), ultimately resolved the problem by going into the service. That is to say, without regard to amnesty, there were a number of people who weighed the legal problems of obtaining CO status, of possibly failing to obtain it, of having to undergo immediate prosecution, of the attitudes of family and friends, and all the immediate difficulties of getting entangled with the conscription laws. In short, the weeding out or deterrence process is governed by the immediate consequences, not by long term consideration of congressional attitudes. Those with very strong feelings, strong enough to be unaffected by the immediate situation, certainly were not affected by the prospect of how the nation would deal with them some years hence.

As a final word on this matter of strong feelings, and the irrelevance of amnesty laws to affect them, I want to emphasize that one need not sympathize with, or agree with, the nature of those feelings, to be certain that deterrence through the medium of amnesty laws will not be effective. Thus, whether one thinks that some draft resisters responded to deeply held moral feelings, or to simple but powerful cowardice, you can be certain that in either case a reasoned consideration of future congressional legislation would not moderate their feelings. If, indeed, as may be the case with some who oppose amnesty, they feel many draft resisters were merely afraid to die, that is the motion least likely to be affected by what the Congress does half a dozen years after the event.

Of course, one might take the most extreme position. Is it possible that refusal to enact an amnesty law, or to enact an amnesty with alternative service, might affect in the future the conduct of some people, however few? Is there anyone who might be affected? Doubtless the answer to the question put thus is yes. It is possible, but everything we know about deterrence suggests that no significant number of people would be affected, and that to act on this hypothetical possibility is to push a problem of practical judgment to what has been called a "dryly logical extreme."

Let me now turn away from the deterrence question to the question of alternative service in general. If alternative service is not a useful idea for deterrence purposes, might it serve some other useful purpose? Here we come to a tempting misconception. Why should young men who did not serve at their country's call in Vietnam not be willing to give several years of their lives to their country's service in civilian and useful work?

This formulation turns the proper question around. We are a nation that does not require each young person to be conscripted for a few years of their lives to serve the state in ordinary times. Indeed, we pride ourselves on the idea that this absence of general compulsion is an important part of our status as a free society of individuals, whose service to the community should be voluntary, if it is to be undertaken. There are other societies that pack up their doctors and engineers and send them off to serve the state wherever the state decides they are needed. But America has always taken the view that "the individual is not the mere creature of the state," and that public service should arise out of a sense of duty that is within the individual, not as a governmentally imposed legal obligation.

I feel very strongly that we should keep to this position, and I'm sure that the vast majority of members of Congress feel the same. It is in the context of this tradition that the requirement of alternative service should be viewed.

Since we do not generally conscript people to serve the state, such conscription should be justified by very special circumstances. We have conscripted, reluctantly, in time of war under the assumption that the very existence of the society was threatened. A requirement of alternative service today would not serve that purpose. Nor, based on what I have indicated above, is such a requirement likely to be effective in making conscription in a potential future war possible; that is, the deterrent argument will not hold.

On what basis, then, is imposed alternative service (so at odds with American traditions) justified? It is true that CO's bear such a responsibility in time of military conscription, but that is based presumably on the same need to preserve the society in wartime as is military conscription (a need that does not now exist), and it may be justified as a means of imposing an immediate deterrent (the only kind that works) during a time when men are being conscripted to fight in a war. I myself would not oppose the idea of alternative service being imposed during an ongoing war, and being done contemporaneously with it, for the reasons I stated above as to the immediacy of deterrent devices and the exceptional justification during wartime of departing from our usual traditions. But that should be the limit of the exception, lest we fall into the habit of treating all young people as 'duty bound to serve the state,' a most un-American view.

Finally, then, there is only the punitive argument. To impose alternative service now is to impose a penalty for refusal to serve or for desertion. As to this, I can only say that penal measures are the very opposite of everything that the concept of amnesty means. Amnesty is a forgetting, a putting aside of old claims of obligation in favor of reconciliation. If alternative service is imposed as a penalty, it will be understood as a penalty, and it will operate precisely in opposition to the fundamental purpose of an amnesty. So long as we are considering amnesty we must act in the spirit of amnesty, and not in the spirit of 'penal servitude.'

2. THE PROPER SCOPE AND COVERAGE OF AMNESTY

Here the problem is twofold. The first is whether it makes sense to distinguish between draft resisters and deserters from the armed services. And second, how one is to deal with conduct carried on in the name of opposition to the war, but that was itself unwarranted (such as desertion under fire, or destruction of the lives and property of innocent people in the name of protest). Let me deal with each in turn.

From my experience, I am persuaded that the usual distinction between draft resistance and desertion is the product of a factual misunderstanding. Many people think of desertion as a more serious matter than refusal to undergo induction in the first instance.

My experience makes quite clear that generally the difference is only the product of experience and background of the people involved. Most draft resisters come out of the middle class, college student, urban groups, who were aware of the details of the Vietnam war protest prior to the time they were called to service, and were rather knowledgeable about the ins-and-outs of the draft system. They thus acted at a very early stage; they often knew how draft boards would deal with them, and they may have had easy access to another country or have had friends who fled to Canada or elsewhere.

Conversely, of the deserters I have interviewed, the great bulk were rural or from small towns, were less educated and knew very little about Vietnam when they entered the service. Indeed, they were in many instances volunteers. Their information, and reaction to the War, thus by the mere chance of their background, usually did not come until after they had been inducted. And thus they were only in a position to respond (if they were persuaded to respond negatively to the War) by deserting from the armed services.

Thus, in my opinion to make any general distinction between deserters and resisters would be to penalize those who, in general, came from more limited educational backgrounds, or who came from more rural areas of the country.

As to the general scope of amnesty legislation, I would urge that it seek to define amnesty generally, embracing both resisters and deserters. And I would urge that it embrace only service in the armed forces. I would impose only one exception, for which I would deny amnesty, and that is for desertion under fire. That is conduct at a point of imminency of danger to others at which it seems to me too late to undertake a decision not to serve (just as we impose some sort of 'clear and present danger' test of imminency on free speech).

Moreover, I do not think the Congress should at this time try to define a general amnesty for all conduct that was carried on in the name of opposition to the War, even though that conduct may have been otherwise criminal. Some such conduct should not be excused even though it may have been carried out under a high sense of moral duty; other such conduct would seem excusable, but here the range of activity is too broad to be subject to a general legislative act by the Congress. I think the first and appropriate step is to grant an unconditional amnesty for all those who refused to be induced into the armed services, or who deserted from the armed services, out of opposition to the Vietnam War. I would thus at this time limit the legislation to refusal to put ones-self to service in the armed forces.

3. CASE BY CASE EVALUATION

The practical problem raised here, even as to service in the armed forces, is that not all deserters and draft resisters acted out of principled opposition to the Vietnam War. At this point, the Congress is faced with a practical problem. To try to untangle the motives of many thousands of persons at this time is a monumental administrative task, and one as to which evidence is hard to develop.

The example of the Truman amnesty board

is not likely to be very helpful. As you will see from the hearings of Senator Kennedy's Subcommittee of Feb.-Mar., 1972, that board undertook a very limited task, dealing essentially only with cases of administrative mistakes, and with a quite modest number of cases.

We are faced here with the conflicts between a desire to do explicit justice to each particular individual, and the problem of creating an administrative monster that will sink in a mass of endless detail, trying to sort out facts that are simply unavailable.

I would suggest two possibilities. One is to draft a general amnesty with inclusive dates, covering all those who might have acted in relation to the War in Vietnam. This would, of course, sweep very broadly, but I would note in this regard that it is the sort of broad approach taken by the French following the war in Algeria (see my testimony before the Kennedy Subcommittee of March 1, 1972, p. 288). If this seems too broad, it might be possible to impose upon the Department of Defense the obligation, within a certain time period, to object to the amnesty for any certain individuals thus covered by a broad statute, putting upon them the obligation to produce evidence why an amnesty would be inappropriate. The legislation could require them to show that a given act of desertion or refusal to serve was not related in any way to principled objection to the War in Vietnam or involved specific wrongdoing that should not be excused. Doubtless, this would be a hard burden to carry, but if there are specific cases where the DOD is persuaded that an amnesty would be improper, and they have evidence to support that view, they might be permitted to bring that evidence forward.

Such an approach, I think, would vastly reduce the potential administrative burden of taking on every case at the outset, and yet would provide a means to deal with cases where a showing could be made that an amnesty would be inappropriate. To hear such cases, the legislation could set up a modest size hearing board of disinterested civilians with a small investigative staff.

I hope these comments are helpful.

With best regards,

JOSEPH L. SAX,
Professor of Law.

Amnesties in U.S. History

Date, issued by, persons affected and nature of action, and time lapse from offense to proclamation (in months):

July 10, 1795, Washington, Whiskey Insurrectionists (several hundred). General pardon to all who agreed to thereafter obey the law, 13.

May 21, 1800, Adams, Pennsylvania Insurrectionists. Prosecution of participants ended. Pardon not extend to those indicted or convicted, 14.

Oct. 15, 1807, Jefferson, Deserters given full pardon if they surrendered within 4 months.

Feb. 7, 1812, Oct. 8, 1812, June 14, 1814, Madison, Desertors—3 proclamations. Given full pardon if they surrendered within 4 months.

Feb. 6, 1815, Madison, Pirates who fought in War of 1812 pardoned of all previous acts of piracy for which any suits, indictments or prosecutions were initiated, 60 from first offense; 5 from final offense.

June 12, 1830, Jackson (War Dept.), Deserters, with provisions: (1) those in confinement returned to duty, (2) those at large under sentence of death discharged, never again to be enlisted.

Feb. 14, 1862, Lincoln (War Dept.), Political prisoners paroled.

July 17, 1862 (Confiscation Act), Congress, President authorized to extend pardon and amnesty to rebels.

March 10, 1863, Lincoln, Deserters restored to regiments without punishment, except forfeiture of pay during absence.

Dec. 8, 1963, Lincoln, Full pardon to all implicated in or participating in the "existing rebellion" with exceptions and subject to oath, 24.

Feb. 26, 1864, Lincoln (War Dept.), Deserters' sentences mitigated, some restored to duty.

March 26, 1864, Lincoln, Certain rebels clarification of Dec. 8, 1863 proclamation).

March 3, 1865, Congress, Desertion punished by forfeiture of citizenships. President to pardon all who return within 60 days.

March 11, 1865, Lincoln, Deserters who returned to post in 60 days, as required by Congress.

May 29, 1865, Johnson, Certain rebels of Confederate States (qualified), 36 from first offense.

July 3, 1866, Johnson (War Dept.), Deserters returned to duty without punishment except forfeiture of pay.

Jan. 21, 1867, Congress, Section 13 of Confiscation Act (authority of President to grant pardon and amnesty) repealed.

Sept. 7, 1867, Johnson, Rebels—additional amnesty including all but certain officers of the Confederacy on condition of an oath.

July 4, 1868, Johnson, Full pardon to all participants in "the late rebellion" except those indicted for treason or felony, 84 from first offense.

Dec. 25, 1868, Johnson, All rebels of Confederate States (universal and unconditional), 84 from first offense.

May 23, 1872, Congress, General Amnesty Law reenfranchised many thousands of former rebels.

May 24, 1884, Congress, Lifted restrictions on former rebels to allow jury duty and civil office.

Jan. 4, 1893, Harrison, Mormons—liability for polygamy amnestied, 132 from first offense; 24 from last offense.

Sept. 25, 1894, Cleveland, Mormons—in accord with above.

March 1896, Congress, Lifted restrictions on former rebels to allow appointment to military commissions.

June 8, 1898, Congress, Universal Amnesty Act removed all disabilities against all former rebels.

June 4, 1902, T. Roosevelt, Philippine insurrectionists. Full pardon and amnesty to all who took an oath recognizing "the supreme authority of the United States of America in the Philippine Islands."

June 14, 1917, Wilson, 5,000 persons under suspended sentence because of change in law (not war-related).

Aug. 21, 1917, Wilson, Clarification of June 14, 1917 proclamation.

March 5, 1924. Coolidge, More than 100 deserters—as to loss of citizenship for those deserting since W.W. I armistice, up to 72.

Dec. 23, 1933, F. Roosevelt, 1,500 convicted of having violated espionage or draft laws (W.W. I) who had completed their sentences, up to 192.

Dec 24, 1945, Truman, Several thousand ex-convicts who had served in W.W. II for at least one year. (Proclamation 2676, Federal Register, p. 15409.)

Dec. 23, 1947, Truman, 1,523 individual pardons for draft evasion in W.W. II, based on recommendations of President's Amnesty Board.

Dec. 24, 1952, Truman, Ex-convicts who served in armed forces not less than 1 year after June 25, 1950.

Dec. 24, 1952, Truman, All persons convicted for having deserted between Aug. 15, 1945 and June 25, 1950.

By Mr. ABOUREZK:

S. 1146. A bill to provide for the employment of unemployed individuals to carry out an intensified forest improvement program in South Dakota, Nebraska, Wyoming, Colorado, and Kansas. Referred to the Committee on Agriculture and Forestry.

Mr. ABOUREZK. Mr. President, I am introducing for appropriate reference legislation which provides authorization for projects using public service employees to control the mountain pine beetles and other forest stand improvement work in the Black Hills of South Dakota and other areas under the jurisdiction of the Rocky Mountain region of the Forest Service. This bill would provide a work program for 1,000 people for 2 years.

By Mr. THURMOND:

S. 1148. A bill to amend section 502(b) of the Mutual Security Act of 1954 to place limitations on the use of nonexcess local currencies and excess local currencies by Members and committee employees traveling in a foreign country. Referred to the Committee on Foreign Relations.

Mr. THURMOND. Mr. President, section 502(b) of the Mutual Security Act of 1954 authorizes Members of Congress and congressional committee employees to receive U.S.-owned local currencies in an amount up to $75 per day for their expenses while traveling overseas. This travel allowance is available even though these individuals' expenses may have already been provided by our own Government, a foreign government, private organization, or some other group. Generally, U.S.-owned local currencies are derived from international agreements the United States has with foreign countries such as sales of agricultural commodities or loans to be repaid in foreign currency.

I do not advocate foreign governments or others paying the expenses of Members of Congress and committee employees in an effort to unduly influence our decisions, especially in the foreign aid area. However, I do not think it is fair for these individuals to draw against our local currencies in foreign countries for travel if their expenses are otherwise being paid.

Our local currencies in foreign countries, in addition to being used for congressional travel, are used for our Government's needs such as embassy operations. The foreign currencies owned by our Government are of two types. Excess local currencies are those which the Treasury Department determines are sufficient to more than cover our Government's needs for 2 years. Nonexcess local currencies are those of other countries in which such an excess does not exist. At the present, there are only seven countries in which we have excess local currencies. As I understand it, congressional travel is given priority for the use of local currencies, requiring the U.S. Government to purchase additional needed currencies in nonexcess currency countries with U.S. dollars. Consequently, in the situations where Members of Congress and committee employees draw against local currencies, when their expenses have already been paid, not only is there a waste and abuse of local currencies, but our Government in many cases has to incur the expense of purchasing additional local currencies. This practice will eventually subject our Members and others to the criticism that pockets are being lined at the taxpayers' expense. Certainly, any double allowance of travel expenses is not a practice which would insure the confidence of our citizens in their elected representatives. In addition, the inflation which we are experiencing makes it imperative that we stop all unnecessary spending. I believe that it is time to stop throwing money away, and that it is time to stop questionable practices that reflect on the integrity of the Congress.

I realize that reports are presently required to be filed with committee chairmen and, additionally, with the Secretary of the Senate or Clerk of the House of Representatives to reflect justification for the use of local currencies for congressional travel expenses. However, I do not believe these reports offer adequate protection against excessive expenditures for such travel. An amendment of the statute authorizing the use of local currencies for congressional travel is needed.

Mr. President, I send to the desk a bill which would amend section 502(b) of the Mutual Security Act of 1954 to prohibit the use of our local currencies in foreign countries to pay the expenses of Congressmen and committee employees when these expenses have otherwise been paid. In addition, this bill would prohibit any funds appropriated by Congress from being used for authorized travel if excess local currencies are available for this purpose. These excess local currencies have accumulated to our credit and should be used before we spend any U.S. dollars for these travel expenses. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks and request my colleagues to give the bill favorable consideration.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(b) of the Mutual Security Act of 1954 is amended by adding at the end thereof the following:

"(c) No non-excess local currencies or excess local currencies may be made available to any such Member or committee employee for local currency expenses in any foreign country if funds are made available for such purpose from the United States Government, any foreign government, or any private source."

"(d) No funds appropriated by the Congress may be made available for such purpose in any foreign country if funds are made available for such purpose from any foreign government or private source or if excess local currencies are available for the payment of such expenses."

By Mr. HUMPHREY (for himself and Mr. JACKSON):

S. 1149. A bill to provide for a national fuels and energy conservation policy, to establish a national energy conservation program, and for other purposes. Referred, by unanimous consent, to the Committee on Interior and Insular Affairs; then to the Committees on Banking, Housing, and Urban Affairs, Commerce, Finance, Government Operations, and Public Works for not to exceed 60 days; if and when reported by the Committee on Interior and Insular Affairs.

NATIONAL ENERGY CONSERVATION ACT OF 1975

Mr. HUMPHREY. Mr. President, today I am introducing the National Energy Conservation Act of 1975 for myself and Senator JACKSON. While several Senate committees are actively working on a variety of energy proposals, this is a comprehensive measure aimed at reducing our energy and oil shortage through tough conservation measures. It goes to the heart of this Nation's energy problem—the appalling waste of energy—and presents realistic policies that will cut the waste out of our economic system and life style. The changes proposed in this act will not be easy, but they are essential and they make good sense.

This energy conservation program is fundamental to carrying out the Democratic congressional energy program. There are other important components to our program, which I will elaborate on in a moment, but a tough, mandatory conservation program is central to a sensible, workable energy policy because it has the following advantages.

First, we waste far too much energy. At the present time, we use 40 percent more energy per capita than West Germany, and yet they have a higher per capita standard of living. Obviously, there is room for tremendous energy and oil savings through conservation.

Second, the substantial energy savings from the conservation program I am offering today will move the Nation in a rapid and responsible manner toward self-sufficiency in oil. At the present time, we import 35 percent of our oil from abroad. This program will reduce our immediate reliance on oil imports by the equivalent of 500,000 barrels per day the first year, and by the equivalent of 10 million barrels per day by 1985.

Third, we can obtain these energy and oil savings without throwing the economy into a tailspin and needlessly punishing the American people. Let us face it, we are now in the worst economic slump since the Great Depression and there is, as yet, no end in sight. Yet the administration's energy proposals would make this problem much worse by increasing the price of oil as much as it was increased during the infamous Arab oil embargo. The conservation bill I am introducing today would save both oil and jobs by gradually eliminating the waste from our system without further endangering the economy.

Finally, this conservation approach realistically recognizes that the energy crisis is a long-term problem that we must diligently work on this year, next year, and for the next decade. There are no quick-fix solutions.

We must develop more energy-efficient cars and appliances. We must build houses and factories that are better insulated and have more efficient heating systems and equipment. Yes, we can move ahead toward these goals immediately, but their full achievement takes careful study and planning and we must recognize that this is the nature of the energy problem.

Mr. President, the benefits from a tough conservation program of the kind I propose are very clear. The case for such a program becomes even more compelling when compared with the extreme energy measures proposed by the President. Before describing the details of the National Energy Conservation Act of 1975, let me place my energy conservation proposals in perspective by comparing them with the administration's proposals.

THE ADMINISTRATION'S PROGRAM

The administration has proposed a markedly inadequate economic and energy package. In it, they badly confuse priorities and would impose debilitating and depressant energy proposals on our staggering economy. They give energy policy—which requires longrun solutions—equal emphasis with economic recovery policies. Frankly, the recessionary energy proposals overshadow the administration's proposed economic recovery efforts. In fact, by the admission of his own advisers, the President's energy-economic program will leave us with about 8 percent unemployment in 1976, and at least 6.5 million men and women out of work throughout the rest of this decade. It is frightening, and we shall not support it.

The Congress is now responding to Mr. Ford. Loudly and clearly it is saying, "First things first." We will deal with the need for energy independence promptly. But, we will deal with soaring unemployment first. We will cut taxes the $30 billion or more necessary to turn the economy around. We will also enact new programs to stimulate housing, accelerate public works, and increase public service jobs. Finally, we will put pressure on the Federal Reserve to expand the money supply and lower interest rates.

Only when people are back to work; only when our factories are once again producing near their capacity; only when—in short—our economy is well on the road to recovery, should we consider imposing more stringent energy conservation rules or regulations.

First things first.

For that reason, the energy conservation package I propose now is structured to impact only gradually on our economy. In this, Mr. President, we are following the lead of many of our most prominent economists. There is now an amazing degree of unanimity in that profession that policies to drastically slash energy consumption should be delayed while we deal with our great recession.

Do not misunderstand me. This energy conservation package will significantly reduce oil imports this year and next year and it will effectively eliminate our dependence on Arab oil imports by 1985, just as the administration proposed to do. However, it will do so in a manner that will not cost thousands of workers their jobs and retard economic recovery.

THE NATIONAL ENERGY CONSERVATION ACT

The National Energy Conservation Act uses a mix of voluntary incentives and mandatory standards to stimulate energy conservation in all three major energy consuming economic sectors—transportation, residential-commercial, and industrial-utilities. Sizable immediate savings are achieved primarily through mandatory energy conservation, technological sharing by industry, and by tax incentives designed to encourage home insulation and the purchase of efficient autos. At the same time, permanent reductions in American energy consumption are set in motion by mandatory standards covering buildings, autos, appliances, lights and industrial equipment, and processes.

Through the imposition of mandatory energy efficiency standards, the major long-term burden of energy conservation is placed on American technology and innovation. Technology and innovation, in fact, are the keys to this program of energy conservation. The free enterprise system is challenged to develop effective autos, appliances, and machines that save energy. American know-how is taxed—not American consumers. To assist development of this necessary, new technology, almost one-half billion dollars is authorized over 4 years in loans, and $300 million annually in grants for research on energy conserving vehicles, appliances, and machinery.

These expenditures are an investment, a front-end investment, that will yield benefits in new technology and oil savings exceeding that possible from the administration's proposals.

In 1977, energy conservation from my proposals will exceed results from the administration's proposals—and save the equivalent of over 3½ million barrels of imported oil daily. And by 1985, savings will exceed the administration's energy savings by 5 million barrels per day.

These savings come from a wide variety of sources. In transportation, a mandatory long-term fuel economy standard for autos beginning in 1977 and rising to 24 miles per gallon in 1984. This is reinforced by voluntary short-term cash rebates for buying energy-efficient cars.

Under this bill, our State governments will play a major role in achieving energy savings from buildings. They are urged to adopt stringent energy efficient building codes and will administer a $250 million grant program for home insulation. For families with incomes exceeding $12,000 annually who are ineligible for these grants, a temporary 25-percent Federal tax credit for insulation is made available. These tax credits may cost as much as $2.5 billion in lost revenues annually for 4 years; yet, this expenditure is well spent. By 1980, we will have insulated over 15 million homes as a direct result, and that investment will still be paying off in 1990. In fact, by 1990, we will have saved close to $75 billion on our oil and gas bill as a result of these tax credits for home insulation. That is not a bad return on investment by any standard.

The administration is fond of calling for sacrifice to achieve energy independence. Well, my National Energy Conservation Act calls for sacrifice, too, but not from consumers. It calls for long hours at our universities, at our laboratories, and at our research centers. It calls for new solar energy devices, for new lighting systems, for new types of auto engines, and for new industrial machines. It calls for our engineers, our scientists, and American industry to innovate, to develop more efficient appliances, lights, and industrial equipment and processes.

In the residential and commercial sectors, this innovation will be necessary to meet mandatory standards which complement energy savings from building insulation. But in the industrial and utility sectors, innovation and mandatory standards form the foundation for energy savings.

Immediate savings in 1975 in the industrial sector will result from a crash energy conservation information sharing program by private firms. Surprisingly, that is the most productive specific single step we can take at this time. It will yield savings of some 170,000 barrels of oil daily.

By 1985, my proposals will have effected a fundamental shift in the way we use energy. The shift, however, will be more in the type of machines and device we use than in our lifestyles—although these too will undergo a basic change. We will be saving more energy than possible with the administration's proposals without either higher prices, higher energy taxes, or higher unemployment.

By the end of 1975, largely due to the immediate impact of higher fuel prices, the administration's proposals will save some 730,000 barrels of oil daily—33 percent more than my proposals. By 1977, however, largely due to mandatory standards for appliances and industrial equipment coming online my proposals will save over 600,000 barrels of oil more than that achievable with the administration's proposals which includes an enormous price increase.

And by 1985, the National Energy Conservation Act—by permanently altering our technology our techniques of energy use—will be saving the equivalent of 10 million barrels of oil daily—double the savings from the administration's proposal.

Mr. President, the Energy Conservation Act of 1975, which I am today introducing with my distinguished colleague from the State of Washington, Senator Jackson, warrants the careful scrutiny of every Member of the Senate and the urgent attention of the committees to which it has been referred. We believe that it represents the balanced approach to our continuing energy crisis that is essential in this time of deepening economic recession. It is not the full answer to this problem, but is an indispensable part of the solution.

A number of additional important actions must be taken in conjunction with the conservation program in order to have a comprehensive national energy effort. These include a vigorous supply expansion program, the creation of a National Energy Production Board, an emergency energy supply and storage program, and emergency authorities for allocation and rationing in the case of another embargo.

Mr. President, I ask unanimous consent that a section-by-section analysis of the National Energy Conservation Act, and a table comparing the energy savings under the administration's proposal and my proposal, be included in the Record.

There being no objection, the analysis and table were ordered to be printed in the Record, as follows:

The National Energy Conservation Act of 1975 Section-by-Section Analysis

TITLE I

Findings, Purpose and Policy. Establishes a national policy of reducing the domestic energy growth rate to 2 percent from the historic 3.4 percent, and of reducing Federal Government non-renewable fuel consumption by 25 percent between 1974 and 1980.

TITLE II

Transportation Studies. The Secretary of Transportation shall report to Congress on the energy conservation potential of lower speed limits, the integration of regional transportation modes and revision of Federal transportation regulations.

TITLE III

Tax credits for thermal retrofit of structures with insulation, for installation of solar energy space heating and electric generation devices, and for installation of coal-fired boilers in place of oil or gas-fired boilers—

a. All homeowners and renters are eligible for a 25 percent tax credit with a $500 ceiling for retrofiting to expire on June 30, 1979.

b. Commercial and industrial firms are eligible for a 15 percent tax credit with a $2,500 ceiling, to expire on June 30, 1979.

c. A 25 percent credit is provided for installation of solar energy devices with a $1000 ceiling, to expire on June 30, 1979.

d. A 15 percent tax credit is provided for two years for replacement of oil or gas-fired boilers with coal-fired boilers, with a $1.5 million ceiling per industrial, commercial or utility conversion, to expire on June 30, 1977.

TITLE IV

Thermal building standards and structure insulation federal grants—

a. Thermal standards applicable for all federally-assisted housing are to be established by the Federal Energy Administration within 12 months. States and Localities can voluntarily adopt these standards.

b. Federal grants totaling $250 million annually through Fiscal Year 1979 are available for distribution by States for the acquisition by families or individuals of residential insulation materials. The grants shall vary inversely with income and are available to families with annual incomes of $12,000 or less, and individuals with income of $10,000 or less.

TITLE V

Truth in energy for appliances and space conditioning systems—

All appliances and space conditioning systems must carry labels specifying annual operating costs within two years. The Federal Trade Commission shall also maintain a requirement that all appliance advertising contain annual operating cost data.

TITLE VI

Energy efficiency research and mandatory standards for appliances and space conditioning systems—

a. The Energy Research and Development Administration shall conduct research on energy efficient appliances, lights, space conditioning and solar devices.

b. The Federal Energy Administration in cooperation with private industry shall develop and within 12 months issue minimum energy efficient standards for all appliances, lights, and space conditioning systems. These standards will be monitored by the Federal Trade Commission.

c. The Federal Energy Administration will explicitly initiate a program to discourage the use of electric resistance heating in favor of heat pumps or solar devices.

TITLE VII

Federal Energy Conserving Building and Procurement Policies—

The design of and equipment purchased for federal structures shall be designed to conserve energy. A life-cycle cost analysis must be performed on all such structures.

TITLE VIII

Industrial and Utility Energy Conservation—

a. The Energy Research and Development Administration shall develop mandatory energy efficient standards for, and conduct research on, industrial equipment and processes.

b. The 2000 largest domestic firms shall annually report to the Federal Energy Administration on their energy conservation programs, devices and processes.

c. The Federal Energy Administrator shall seek to replace natural gas or oil fired boilers with solar devices, as well as coal-fired boilers.

d. The Energy Research and Development Administration shall provide technical assistance and conduct research or solid waste recycling systems designed to produce boiler fuel. It will also fund demonstration systems. Loans with a 10 year maturity shall be made available to public and private organizations for the construction of solid waste recycling systems.

e. The Energy Research and Development Administration shall conduct research and fund demonstration projects to promote energy conservation by utilities and the use of individual residential solar electricity generation devices.

f. Petroleum and natural gas-fired utilities must report to the Federal Energy Administration a time-table for conversion to coal.

g. Utilities regulated by the Federal Power Commission must submit to Congress a comprehensive evaluation of energy conservation rate structures and other devices which may reduce electricity demand.

TITLE IX

55 Miles-Per-Hour Speed Limit—

a. State Governors are urged to enforce the 55 mph speed limit and to encourage compliance with an advertising campaign stressing voluntary motorist compliance.

b. The Secretary of Transportation is directed to conduct a massive advertising campaign to encourage voluntary compliance with the 55 mph speed limit.

TITLE X

Mass Transportation Demonstration Projects—

To encourage the development and expansion of mass transportation systems, funding is doubled for low and free-fare demonstration projects and extended through June, 1979.

TITLE XI

Automobile Fuel Economy Standards and Rebates—

a. To encourage the production of fuel-efficient automobiles and light trucks, mandatory fuel economy standards are to be imposed, on a fleet sales weighted average basis, on such vehicles beginning with the 1978 model year. These standards will be administered by the Secretary of Transportation. Minimum standards include 18 miles-per-gallon (mpg) for model year 1978, 20 mpg for model year 1980, 22 mpg for model year 1982 and 24 mpg for model year 1984.

b. Fuel economy test results must be displayed on all vehicles within 90 days. These results must also accompany all vehicle advertising.

c. Cash rebates of $150 for vehicles achieving 18 to 20 miles/gallon and $300 in excess of 20 miles/gallon are provided immediately to expire in August, 1977. A variable surtax on vehicles achieving less than the annual fuel economy average will be imposed through August 1977. The surtax will not exceed $300 and will vary inversely with fuel economy.

TITLE XII

Automobile Research and Development—

a. The Energy Research and Development Administration shall conduct research on advanced energy efficient engines and vehicles leading to the production of prototype advanced automobiles.

b. The Federal Government shall purchase advanced engines automobiles if possible to comprise 10 percent of its model 1978 fleet. This share shall rise to comprise 90 percent of the 1984 fleet purchases.

AUTHORIZATIONS OR REVENUE LOSS UNDER THE NATIONAL ENERGY CONSERVATION ACT OF 1975

TITLE III

Insulation, coal-conversion and solar devices tax credits. Maximum tax credit loss annually—

(a) Residential: $500×4 million=$2 billion annually.

(b) Commercial industrial: $2,500×250,000=$425 million annually.

(c) Solar devices: $1,000×100,000=$100 million annually.

(d) Coal conversion: $.5 million×63=$33 million annually.

TITLE IV

Thermal building standards and insulation grants.

(a) Standards: $5 million for each FY 1976 and 1977.

(b) Grants: $250 million for each FY 1976 through 1979.

TITLE V

Truth in Energy. $2 million for each FY 1976 through 1979.

TITLE VI

Energy Efficiency Research and Standards for appliances—

(a) Research: $5 million in loan guarantees, plus $15 million in grants for each FY 1976 through 1979.

(b) Standards: $2 million for each FY 1976 through 1979.

(c) Heat Pumps and Solar Devices: $10 million for each FY 1976 through 1979.

TITLE VIII

Industrial and Utility Energy Conservation—

(a) Research: $200 million in loan guarantees, and $100 million in grants for each FY 1976 through 1979.

(b) Reports: $200,000 for each FY 1976 through 1979.

(c) Standards: $2 million for each FY 1976 through 1979.

(d) Solid Waste.

(1) Technical Assistance and Demonstration Grants: $5 million for each FY 1976 through 1979.

(2) Research: $15 million for each FY 1976 through 1979.

(3) Loans: $40 million for each FY 1976 through 1979.

(e) Utility Research and Reports: $25.2 million for each FY 1976 through 1979.

TITLE X

Mass Transit Demonstration Projects. $20 million for FY 1975 and $40 million for each FY 1976 through 1979.

TITLE XI

Automobile fuel economy standards and rebate-surtax—

(a) Standards: $2 million for each FY 1976 through 1979.

(b) Rebate-surtax: The surtax will be designed to raise sufficient revenue for the rebates.

TITLE XII

Automobile Research and Development: $200 million in loan guarantees, and $60 million for each FY 1976 through 1979.

TITLE XIV

55 Miles-Per-Hour Speed Limit: $60 million for FY 1976.

TABLE I.—ENERGY CONSERVATION SUMMARY, SENATOR HUMPHREY'S NATIONAL ENERGY CONSERVATION ACT AND THE ADMINISTRATION'S ENERGY INDEPENDENCE ACT

[In millions of barrels of oil per day equivalent]

	Energy savings			
	1975	1977	1980	1985
ECONOMIC SECTOR				
Industrial-utility:				
Humphrey	.17	1.61	3.04	5.56
Administration	.16	.92	1.24	1.66
Residential-commercial:				
Humphrey	.16	1.52	2.37	2.94
Administration	.30	1.32	2.01	2.47
Transportation:				
Humphrey	.13	.47	1.06	2.00
Administration	.27	.74	1.28	1.80
Total savings:				
Humphrey	.46	3.60	6.47	10.50
Administration	.73	2.98	4.53	5.93
INDUSTRIAL-UTILITY SECTOR				
Industrial energy conservation:				
Research and prototype development: Humphrey[1]		.08	.21	.41
Industry reports: Humphrey (mandatory)[1]	.17	.41	.49	1.07
Mandatory efficiency standards: Humphrey[2]		.66	1.32	2.22
Industrial-utility tax credit:				
Humphrey[2]		.33	.66	1.11
Administration[2]		.33	.66	1.11
Price disincentives, industrial-utility: Administration[3]	.16	.59	.58	.55
Solid waste recycling: Humphrey[4]		.07	.14	.30
Utility energy conservation research and rate redesign: Humphrey[5]		.06	.22	.45
Total, industrial-utility sector:				
Humphrey	.17	1.61	3.04	5.56
Administration	.16	.92	1.24	1.66
RESIDENTIAL-COMMERCIAL SECTOR				
Structural retrofit:				
Humphrey[6]	.14	.61	.94	.94
Administration[6]	.14	.61	.94	.94
Commercial retrofit: Humphrey[6]	.02	.10	.25	.25
Price disincentives: Administration[3]	.16	.59	.58	.55
Thermal building standards:				
Humphrey (voluntary)[7]		.06	.12	.24
Administration (mandatory)		.12	.24	.48
Appliance standards:				
Humphrey (mandatory)[8]		.40	.70	1.15
Administration (voluntary)[8]			.25	.50
Water heater standards: Humphrey (mandatory)[9]		.27	.24	.20
Lighting design and standards: Humphrey (mandatory)[10]		.08	.12	.16
Total, residential-commercial sector:				
Humphrey	.16	1.52	2.37	2.94
Administration	.30	1.32	2.01	2.47

TABLE I.—ENERGY CONSERVATION SUMMARY, SENATOR HUMPHREY'S NATIONAL ENERGY CONSERVATION ACT AND THE ADMINISTRATION'S ENERGY INDEPENDENCE ACT—Continued

	Energy savings			
	1975	1977	1980	1985
TRANSPORTATION SECTOR				
Light vehicle fuel economy standards:				
Humphrey (mandatory)[11]			.60	1.50
Administration (voluntary)[13]				
Enforcement of 55 miles per hour speed limit:				
Humphrey[12]	.05	.14	.14	.15
Administration	.05	.14	.14	.15
Price incentives and disincentives:				
Humphrey (surcharge-rebate)[11]	.03	.17		
Administration (price increase plus voluntary fuel economy standards) standards[13]	.17	.44	.82	1.30
Voluntary conservation and carpooling:				
Humphrey[14]	.05	.16	.32	.35
Administration	.05	.16	.32	.35
Total, transportation sector:				
Humphrey	.13	.47	1.06	2.00
Administration	.27	.74	1.28	1.80

[1] Federal Energy Administration estimates (correspondence Mar. 5, 1975). These figures are adjusted 12 percent for double-counting.

[2] See note 1. These estimates are adjusted for double counting and adjusted 20 to reflect a reduction in savings due to separation of these standards from the tax credit policy alternative.

[3] President Ford's State of the Union message, January 1975. See note 13 on the distribution of savings between economic sectors due to price disincentives.

[4] Project Independence report, table A111-22. 1977 savings are estimated.

[5] Project Independence report, table A111-24.

[6] General Accounting Office correspondence (Feb. 25, 1975 and Mar. 4, 1975). 1975 savings is one-half the GAO 1976 estimate. 1985 savings is the 1980 GAO estimate.

[7] Project Independence report, table III-5.

[8] Project Independence report. Includes space conditioning systems, table A111-17. 1975 State of the Union message. 1980 savings are estimated at one-half 1985 savings.

[9] Project Independence report. The temperature standard is 120 degrees, table A111-12.

[10] Project Independence report, table A111-10. 1977 savings are estimated.

[11] Humphrey savings based Federal Energy Administration data (correspondence Mar. 6, 1975).

[12] Comprehensive energy plan, Federal Energy Administration, and Project Independence report, table AIII-5.

[13] Fuel economy standard and price disincentive savings are combined. Savings based on Federal Energy Administration data (correspondence Mar. 6, 1975) and are derived assuming a 15 cents fuel increase and voluntary fuel economy standard peaking at 20 miles per gallon in 1980. Savings from the 15 cents fuel tax alone are estimated at: 1975 (one-half year): 0.13; 1977: 0.43; 1980: 0.70; and 1985: 1.01. The remaining price disincentive effect savings are equally split between the residential-commercial sector and the industrial-utility sector. Total price disincentive savings are from the State of the Union message, except 1980 which is estimated.

[14] 1975 savings estimate from comprehensive energy plan, Federal Energy Administration; 1977 savings are estimated. 1980 and 1985 savings estimates from Project Independence report.

Note: All Project Independence report savings are from baseline demand projections at $9 per barrel import price. Energy savings for 1975 are 4th quarter annual rates.

Mr. JACKSON subsequently said: Mr. President, I ask unanimous consent that a comprehensive fuels and energy bill, introduced earlier by Senator Humphrey for himself and me, be referred to the Committee on Interior and Insular Affairs, and if and when reported from that committee that it be referred jointly to the Committee on Banking, Housing and Urban Affairs, the Commerce Committee, the Finance Committee, the Government Operations Committee, and the Public Works Committee for not to exceed 60 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. I am very sorry, but I did not hear this. As I have indicated before, when there is a time limit on reporting a bill, I want to be very sure that this has been cleared all the way around.

Mr. JACKSON. It has been cleared with Senator Fannin. The primary responsibility is with the Committee on Interior and Insular Affairs. I cleared it with him.

Mr. GRIFFIN. What does the request require?

Mr. JACKSON. The request, simply stated, is that the bill go to the Committee on Interior and Insular Affairs, and after that committee has completed its action, if and when it completes its work, then it go to virtually half the committees of the Senate for a period of 60 days.

Mr. HANSEN. Which bill is this?

Mr. JACKSON. This is a comprehensive fuels and energy bill that relates primarily to conservation. The primary jurisdiction is in the Committee on Interior and Insular Affairs. It will then go to the other committees that have an interest, in the judgment of the Parliamentarian. I have listed the committees. I think it is the only fair and equitable way to handle it.

Mr. HANSEN. Does the Senator speak about a specific bill?

Mr. JACKSON. Yes.

Mr. HANSEN. What is the number of it?

Mr. JACKSON. It is just being introduced today. It is being referred. This is in connection with the referral of a bill being introduced. I cleared it with Senator Fannin.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

By Mr. CLARK (for himself and Mr. Abourezk, Mr. Brooke, Mr. Burdick, Mr. Case, Mr. Cranston, Mr. Culver, Mr. Eastland, Mr. Gary W. Hart, Mr. Philip A. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hathaway, Mr. Javits, Mr. Huddleston, Mr. Humphrey, Mr. Leahy, Mr. McClure, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Pell, Mr. Percy, Mr. Hugh Scott, Mr. Stevenson, and Mr. Williams):

S.J. Res. 54. A joint resolution designating April 17, 1975, as "National Food Day." Referred to the Committee on the Judiciary.

Mr. CLARK. Mr. President, no one can afford to take food for granted. In this country, there has been sharp controversy over food prices, the farm program, food stamps, the middleman's share of the food dollar, occasional food shortages, and nutritional programs for the elderly and children. The great domestic food surpluses of the 1960's have all but disappeared, and that is having a significant effect on both domestic and international economics.

The World Food Conference in Rome last year went a long way toward making people aware of the problems in food production and distribution, both here and abroad. If we are ever going to move toward a solution of the hunger problem, it is essential that awareness not be permitted to fade.

To help call attention to this critical area, I am introducing today a joint resolution designating April 17, 1975, as National Food Day—a day of awareness and action on the food issue. Congressman Ben Rosenthal of New York is introducing an identical resolution in the House. Twenty-eight Members of the Senate and 42 Members of the House have already joined with us as cosponsors of this measure calling for a "national food day."

The goal of insuring that everyone is well fed is one that we can all share.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 11

At the request of Mr. Brock, the Senator from Vermont (Mr. Stafford) was added as a cosponsor of S. 11, a bill to amend the State and Local Fiscal Assistance Act of 1972 to make Federal revenue sharing a permanent program to provide for periodic increases in the dollar amounts of revenue returned to the States under that act to offset the effects of inflation, and to eliminate certain restrictions on the purposes for which local governments may use funds obtained under the act.

S. 118

At the request of Mr. Inouye, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of S. 118, a bill to incorporate the Pearl Harbor Survivors Association.

S. 168

At the request of Mr. Domenici, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 168, a bill to amend the Internal Revenue Code of 1954 to allow an income tax credit on an income tax deduction for certain expenditures of a taxpayer relating to the thermal design of the residence of such taxpayer.

S. 319 AND S. 320

At the request of Mr. TALMADGE, the Senator from North Carolina (Mr. Morgan) was added as a cosponsor of S. 319, the Natural Gas Agricultural Priority Act; and S. 320, the Emergency Natural Gas Act of 1975.

S. 451

At the request of Mr. Bayh, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 451 a bill to provide for coverage under part B of medicare for routine exfoliative cytology tests for diagnosis of uterine cancer.

S. 483

At the request of Mr. Brock, the Senators from Maine (Mr. Muskie) and California (Mr. Tunney) were added as cosponsors of S. 483, a bill to amend the Consumer Credit Protection Act to prohibit discrimination on the basis of age in the granting of credit.

S. 506

At the request of Mr. Church, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of S. 506, a bill to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning.

S. 551

At the request of Mr. Domenici, the Senator from Oregon (Mr. Hatfield) was added as a consponsor of S. 551, a bill to provide for the recycling of used oil, and for other purposes.

S. 595

At the request of Mr. Bartlett, the Senator from Kansas (Mr. Dole), the Senators from Nebraska (Mr. Hruska and Mr. Curtis), the Senator from Georgia (Mr. Talmadge), and the Senator from New Mexico (Mr. Montoya), were added as cosponsors of S. 595, a bill to amend the Meat Import Act of 1964.

S. 624

At the request of Mr. Thurmond, the Senator from Tennessee (Mr. Brock), the Senator from Florida (Mr. Chiles), the Senator from Utah (Mr. Garn), the Senator from Kentucky (Mr. Huddleston), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), and the Senator from Pennsylvania (Mr. Schweiker) were added as cosponsors of the bill (S. 624) to prohibit any change in the status of any member of the uniformed services who is in a missing status under chapter 10 of title 37, United States Code, until the provisions of the Paris Peace Accord of January 27, 1973, have been fully complied with, and for other purposes.

S. 765

At the request of Mr. Percy, the Senator from Connecticut (Mr. Weicker) was added as a cosponsor of S. 765, a bill to reorganize the executive branch to establish a National Center for Productivity and Quality of Working Life, to provide for a review of the activities of all Federal agencies including implementation of all Federal laws, regulations, and policies which impede the productive performance and efficiency of the American economy; to encourage joint labor, industry, and Government efforts to improve national productivity and quality of working life; to establish a Federal policy with respect to continued productivity growth and improved utilization of human resources in the United States; and for other purposes.

S. 811

At the request of Mr. Tunney, the Senator from Maryland (Mr. Mathias), the Senator from New Jersey (Mr. Williams) and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of the bill (S. 811) to amend the Horse Protection Act of 1970 to better effectuate its purposes.

S. 815

At the request of Mr. Stafford, the Senator from California (Mr. Tunney), the Senator from Delaware (Mr. Biden), the Senator from Vermont (Mr. Leahy), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. McGovern), the Senator from Indiana (Mr. Bayh), and the Senator from Maryland (Mr. Beall) were added as cosponsors of S. 815, a bill to provide for the public disclosure of lobbying activities with respect to Congress and the executive branch, and for other purposes.

S. 858

At the request of Mr. Hansen, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 858, a bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of cemeteries, for veterans.

S. 863

At the request of Mr. Pearson, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of the bill (S. 863) the Local Rail Services Act of 1975.

S. 917

At the request of Mr. Pearson, the Senator from Iowa (Mr. Clark) was added as a cosponsor of the bill (S. 917) amending the Interstate Commerce Act to authorize the ICC to grant temporary operating authority to a carrier by railroad pending final determination by the Commission.

S. 944

At the request of Mr. Gravel, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of the bill (S. 944) to extend the amortization payments for construction and repair of the Snettisham hydroelectric power project.

S. 953

At the request of Mr. Stevenson, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 985

At the request of Mr. Pell, the Senator from Oregon (Mr. Hatfield) and the Senator from New Jersey (Mr. Williams) were added as consponsors of S. 985, the Social Security Recipients Fairness Act.

S. 1003

At the request of Mr. Percy, the Senator from South Dakota (Mr. Abourezk) was added as a cosponsor of S. 1003, a bill to name the synthetic gas pilot plant located in Rapid City, S. Dak., the "Karl E. Mundt Gasification Pilot Plant."

S. 1009

At the request of Mr. Stone, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of the bill (S. 1009) to amend title 13 of the United States Code, to require the compilation of current data on total population between censuses and to require the use of such current data in the administration of Federal laws in which population is a factor.

SENATE JOINT RESOLUTION 4

At the request of Mr. Inouye, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of Senate Joint Resolution 4, designating September 17 as Constitution Day.

SENATE JOINT RESOLUTION 15

At the request of Mr. William L. Scott, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of Senate Joint Resolution 15, to authorize the request the President to issue a proclamation designating May 13 of each year as American Business Day.

SENATE JOINT RESOLUTION 44

At the request of Mr. Goldwater, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of Senate Joint Resolution 44, authorizing the President to proclaim September 28, 1975 as National Indian Day.

SENATE JOINT RESOLUTION 45

At the request of Mr. Inouye, the Senator from Washington (Mr. Magnuson) was added as a cosponsor of Senate Joint Resolution 45, the Municipal Clerk's Week joint resolution.

SENATE JOINT RESOLUTION 46

Mr. **HUGH SCOTT.** Mr. President, last Wednesday when I introduced Senate Joint Resolution 46, a joint resolution authorizing and requesting the President to issue a proclamation designating October 5–11, 1975 as "Newspaper Week" the names of two cosponsors were inadvertently left off. Just to set the record straight. I would like to make note of the fact that the Senator from Idaho (Mr. McClure) and the Senator from West Virginia (Mr. Robert C. Byrd) are original cosponsors of Senate Joint Resolution 46.

SENATE RESOLUTION 20

At the request of Mr. Kennedy, the Senator from Colorado (Mr. Haskell) and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of Senate Resolution 20, relating to the Vladivostok agreement and strategic arms control.

SENATE RESOLUTION 100

At the request of Mr. Schweiker, the Senator from Delaware (Mr. Biden), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from New York (Mr. Javits), and the Senator from Missouri (Mr. Symington) were added as cosponsors of Senate Resolution 100, a resolution expressing the sense of the Senate with respect to discrimination in international commerce on religious, racial, or ethnic grounds.

SENATE RESOLUTION 109—SUBMISSION OF A RESOLUTION TO ESTABLISH A TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

(Referred to the Committee on Rules and Administration.)

Mr. **STEVENSON** (for himself, Mr. Brock, Mr. Abourezk, Mr. Baker, Mr. Bartlett, Mr. Beall, Mr. Bellmon, Mr. Bentsen, Mr. Biden, Mr. Brooke, Mr. Buckley, Mr. Bumpers, Mr. Chiles, Mr. Clark, Mr. Cranston, Mr. Culver, Mr. Dole, Mr. Domenici, Mr. Ford, Mr. Garn, Mr. Glenn, Mr. Gravel, Mr. Gary W. Hart, Mr. Philip A. Hart, Mr. Haskell, Mr. Hathaway, Mr. Humphrey, Mr. Huddleston, Mr. Inouye, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. Laxalt, Mr. Leahy, Mr. McClure, Mr. McGovern, Mr. McIntyre, Mr. Mansfield, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Packwood, Mr. Pearson, Mr. Percy, Mr. Schweiker, Mr. William L. Scott, Mr. Stafford, Mr. Stone, Mr. Taft, Mr. Tunney, and Mr. Weicker) submitted the following resolution:

S. Res. 109

Resolved, That (a) there is established a temporary select committee of the Senate to conduct a study of the Senate committee system.

(b) The select committee shall be composed of 12 Members of the Senate, six from the majority party and six from the minority party, to be appointed by the President of the Senate upon the recommendation of the Majority Leader and the Minority Leader.

(c) The select committee shall select a chairman from among its majority members and a co-chairman from among its minority members.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee may adopt rules of procedures not inconsistent with this resolution and rules of the Senate governing standing committees of the Senate.

(e) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

Sec. 2. It shall be the function of the select committee to conduct a thorough study of the Senate committee system, the structure, jurisdiction, number, and optimum size of Senate committees, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, and other committee facilities, and to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

Sec. 3. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee shall preside over meetings of the select committee, except that in his absence any other member of the select committee designated by the chairman may preside.

(c) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any other member designated by the chairman, and may be served by any person designated by the chairman or member signing the subpena.

Sec. 4. For the period from the date this resolution is agreed to through February 28, 1976, the expenses of the select committee under this resolution shall not exceed $900,000, of which amount not to exceed $30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Sec. 5. The select committee may submit interim reports on its activities, together with such recommendations as it deems advisable. The select committee shall submit to the Senate a final report of its findings, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than February 28, 1976. The select committee may also submit to the Senate such supplementary reports on the issues treated in its initial report as it considers appropriate. The select committee shall cease to exist upon the expiration of 60 days following submission of its final report.

Sec. 6. Expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

Mr. STEVENSON. Mr. President, today I submit, on behalf of myself, Senator Brock, and 50 other Senators, a resolution to establish a select committee to study and recommend improvement in the Senate committee system.

This resolution is similar to Senate Resolution 113, submitted in the 93d Congress, with support of the joint leadership. Senate Resolution 113 grew out of a committee of the Democratic Conference on the Improvement of Senate Practices and Procedures, appointed by the majority leader in the last session. That committee recommended such a select committee. The recommendation was subsequently endorsed by the Democratic policy committee in the Senate and the joint leadership.

The need for such a study of the Senate committee system is even greater now. In the interim the House has completed a thorough review of its committee operations and acted on recommendations. New committees on the budget have been created, and there have been further reorganizations in the executive branch, especially in the energy field.

The last major realinement of committee jurisdictions occurred a generation ago in the Legislative Reorganization Act of 1946. In the intervening years the number of standing Senate committees has remained almost constant—increasing from 15 to 17—but the number of subcommittees of standing Senate committees has increased from 34 to over 120. Some committees carry a heavy burden of legislation while others have comparatively little to do. The Senate is constantly confronted with competing jurisdictional claims to important legislation, and these conflicts must be resolved on an ad hoc basis, often consuming considerable time that could be put to more productive use.

The sponsors of this resolution have no preconceived ideas about specific realinements in jurisdiction. It is our purpose that the select committee report to the Senate recommendations to make more efficient use of Senators' time through more even distribution of committee workloads and resources, and minimize duplicating and conflicting efforts, and increase the effectiveness of Senate committees in their oversight and enactment of Federal laws. The select committee might also recommend a workable mechanism for regular review and revision of committee jurisdiction and clear and consistent procedures for referral of legislation falling within the jurisdiction of more than one committee. Accomplishing these tasks through a select committee will avoid placing any standing committee in the awkward position of studying itself.

The resolution calls for a select committee of 12 members evenly divided between the majority and minority. This should provide sufficient membership so that every standing committee of the Senate can be represented. The select committee would be required to report its recommendations no later than February 28, 1976, allowing ample time for the Senate to act and make any resulting changes effective with the 95th Congress.

Mr. BROCK. Mr. President, for almost 30 years, there has been no reevaluation of the existing structure of committees and subcommittees in the Senate. The result of this failure to restructure our workload has limited our actions, weakened our responses, and slowed our reaction. If the Congress is to be the people's branch of Government, it must develop a set of structures to make it sensitive to the people.

Because of these problems, I have joined with the Senator from Illinois, Mr. Stevenson, and 50 other Senators, to submit a resolution providing for the establishment of a temporary select committee to recommend realinements of committee jurisdictions. We have joined in this effort without first outlining what solutions this committee should reach. This resolution is an attempt to create an independent body of 12 Senators to find the best possible organizational structure of the Senate for the last quarter of the 20th century.

Recent events have highlighted the need to improve the congressional process. The committee system is the crucial element in any serious effort to strengthen Congress, just as it is the crucial element in any serious effort to pass legislation.

As the recent energy problems have demonstrated, the real problem is our inability to develop our own congressional program. It is estimated that 80 percent of the bills enacted into law originate in the executive branch. If the Congress is to be a coequal member of Government, we must accept our own responsibilities. We must reexamine our committee structure.

In January of 1974 I wrote an extensive article on this subject for the Annals of the American Academy of Political and Social Science. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[Reprinted from The Annals of the American Academy of Political and Social Science, Philadelphia, Vol. 411 (January 1974), pp. 15–26]

COMMITTEES IN THE SENATE

(By Bill Brock)

Abstract: Senators are dependent on groups of their peers—committees—for consideration of Senate business. In addition, committees are both vital to the legislative process and varied in their structure. In this paper, attention is focused on some of the major problems: committee organization, procedure, activities and realignment. The framework for discussion of the Senate committee system is colored by what has been called the Constitutional balance approach to government. Reforms in the committee system must promote both coequal status of the branches of government and committee responsibility in decision making. If Congress is to assume its proper Constitutional role, it must regain the authority which it has abdicated to the executive branch and must exercise influence in ways which are now neglected by all government Committee reform can be an important means for achieving this objective; the time for committee reform is now. A strong committee system means a strong Congress.

Since 1789, when the Standing Committee on Enrolled Bills—now part of the Rules and Administration Committee—was established, senators have been dependent on groups of their peers to consider the business of the Senate. Senators are assigned to be members of specific committees which have a defined membership and jurisdiction. Such groupings are essential to the legislative process; they are varied in their structure, according to the attributes of their members, the nature and scope of their activities and the legal and political environment in which they operate.

INTRODUCTION

This essay will focus on some of the major problems which I have encountered in the Senate committees, particularly with respect to their organization, procedure and activities. Where appropriate, I have proposed reforms which would, in my view, improve our committee system.

In many ways, my framework for discussion of the Senate committee systems is colored by what has been called the Constitutional balance approach[1] to government. Two assumptions of this approach are that the branches of government are presumed to be inherently coequal and that congressional committees are important in refining majorities. In other words, committees are a management tool of the Congress and are valuable to the extent that they promote the strength of the legislative branch relative to the other branches, particularly the executive. If Congress is to assume its proper Constitutional role, reforms in the committee system must, in the final analysis, promote the coequal status of the branches of government. I firmly believe that Congress must regain the authority which it has abdicated to the executive and that it must exercise influence in many ways which are now neglected by all government. I do not advocate more government, but I do know we need a more responsive and responsible government. Committee reform can be an important vehicle for meeting that objective.

COMMITTEE ORGANIZATION AND PROCEDURES

Jurisdiction

From the standpoint of their jurisdiction, the standing committees of the Senate are a hodge-podge of incongruous arrangements, more the result of precedent—or accident—than design. For example, many committees deal with wholly unrelated fields of legislation; worse yet, there is incredible overlapping. The Committee on Aeronautical and Space Sciences has jurisdiction to study and report on space activities "which are peculiar to or primarily associated with the development of weapons systems or military operations," but the Armed Services Committee has jurisdiction over "aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations."[2] Furthermore, the Armed Services Committee has jurisdiction over the maintenance and operation of the Panama Canal; yet, the Commerce Committee also has jurisdiction over the Panama Canal. And so it goes. The Committee on Veterans' Affairs reports legislation on soldiers' and sailors' civic relief, while the Armed Services Committee deals with soldiers' and sailors' homes. The Committee on Agriculture covers forestry and forestry reserves other than those created from the public domain; the Committee on Interior and Insular Affairs handles forest reserves created from the public domain.

The Committee on Public Works has jurisdiction over flood control and river and harbor improvement; the Committee on Interior and Insular Affairs has jurisdiction over irrigation and reclamation.

Conflicts do exist and are a major source of committee inefficiency. However, value judgments based on this fact are not uniform. At least one respected political scientist, Heinz Eulau of Stanford University, argues that jurisdictional overlap is a salutary feature of committee organization;[3] he adopts the position that jurisdictional conflicts "maximize congressional bargaining operations." Organizational purity for the sake of purity is, of course, a questionable principle. It seems to me, however, that any advantages gained by jurisdictional conflict are greatly outweighed by one obvious disadvantage: with so many different committees covering the same field of public policy, the chances of developing a coherent, integrated program are substantially reduced. Moreover, jurisdictional conflict works to impede the committees oversight function—everybody's responsibility is nobody's responsibility, as the saying goes.

Another aspect of this problem is the establishment of subcommittee jurisdiction. Senate subcommittees should have well established areas of jurisdiction. Jurisdictional disputes among subcommittees of the same committee could often be avoided if areas of jurisdiction were well defined.

Intercommittee coordination

Another basic issue is that of intercommittee coordination within the Senate. Some coordination is deemed desirable in order to avoid jurisdictional disputes—and no matter how carefully constructed the definitions of jurisdiction are, there will always be legislation which cuts across committee boundaries. Such coordination can generally be accomplished by four methods: (1) realignment of committee jurisdictions; (2) interlocking committee memberships; (3) intercommittee bill referrals; and (4) joint committees and joint staffing. The question is: how much coordination is desirable? Taken to the extreme, it might dangerously speed up the legislative process and increase majoritarian control at the expense of minority rights and interests.

It is important to note that four of the seventeen standing committees of the Senate are formally identified as exclusive committees. Both parties have established rules limiting a senator's membership to one of these exclusive committees.[4] Thus, fully three-fourths of the Senate has an opportunity to serve on an exclusive committee. These exclusive committees are Appropriations, Armed Services, Finance and Foreign Relations.[5]

Despite the major reduction of the number of House and Senate standing committees accomplished by the Legislative Reorganization Act of 1946, there is, nevertheless, dissatisfaction with the committee system. This dissatisfaction stems from the fact that there has been a proliferation of subcommittees. As a result of the 1946 act, members were sitting on fewer committees; however, the total number of assignments—committee and subcommittee—is still regarded by many as excessive.

Not all members, however, have regarded this proliferation negatively. Senator Metcalf once remarked that: "I don't think it's entirely bad and it has been a pragmatic approach to the complete control and power of the chairman in the seniority system."[6] An excessive number of subcommittees, then might tend to weaken the standing committee chairman. This is especially true if subcommittees are autonomous and independent of the standing committee.

Joint committees

Do we need more joint committees? In the 1946 hearings on legislative reorganization there was very little enthusiasm expressed for joint committees. House members, in particular, complained that senators dominate joint committee meetings; in turn, senators argued that joint committees impaired their appellate jurisdiction.[7] In the 1965 hearings, however, the mood of Congress was different, and there was widespread and vocal support for more joint committees.

George Galloway has offered these arguments in support of joint committees:

They are more economical of the time and energy of legislators and administrators, substituting a single inquiry for two separate studies or investigations.

They speed up the legislative process.

They help to maintain coordinate equality with the executive branch, by preventing it from playing one house off against the other.

When measures are matured by joint actions, differences between the House are not likely to arise and require subsequent adjustment in conference.[8]

Galloway's case is less than convincing if it is analyzed in light of bicameralism and the check and balance system. Former Senator A. S. Mike Monroney made this clear in 1945, when he responded to Harvard Professor Arthur N. Holcombe's suggestion that more joint committees be created: "Doctor, don't you agree that 90 percent of all the legislative work in Congress is done in committees? Wouldn't we then be moving toward a 90 percent unicameral system?" "No doubt you are correct," replied Professor Holcombe, "but that would be a movement in the right direction."[9] This is letting the cat out of the bag.

The various proposals to establish new joint committees—and dozens have been suggested—should be viewed with skepticism. An excessive number of joint committees—particularly if they are given full legislative powers—might tend to weaken bicameralism.[10] On the other hand, joint committees performing investigatory, advisory and oversight functions does not raise so many objections. Certainly, joint hearings before two or more House and/or Senate committees to receive testimony should be encouraged as this practice would simply save time without changing the organizational structure of the Congress.

Select committees

Arguing that select committees often duplicate the efforts of the standing committees, Senator LaFollette urged, in 1945, that select committees be abolished.[11] The act of 1946, as originally passed in the Senate, prohibited

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Footnotes at end of article.

select committees, but this provision was stricken in the House. Even so, according to Monroney, "the spirit of the Act clearly indicated that . . . this special work should be done by the regularly constituted standing committees."[12] Of course, it is obvious that Congress has, in this respect, continued to violate the spirit of the act, even to the present. Oddly enough, little concern over this problem was expressed in the thousands of pages of hearings in 1965. Accepting the fact that Congress will continue to create these temporary committees, the point that they should be held to a minimum is well-taken by Monroney. He said:

"On special committees you never get to a point where you can do without them, but the law of diminishing returns applies. For instance, if we have two or three special committees in the House working, they will have the spotlight of public interest; but if you spread that to ten or fifteen committees, you undermine the value of the special committee weapon, and you destroy the very effective use of special committees' prerogatives and equipment."[13]

Select or special committees should be discouraged, but not prohibited. In duplicating regular committee efforts, they tend to weaken the standing committees. Perhaps a limit should be established for the number of special committees which can exist in any one Congress under the rules of the Senate.

Standing committees

Standing committees differ to some extent from one another in the nature of their membership. For instance, attorneys serve on the Judiciary Committee. Businessmen may be attracted to the Government Operations Committee. The Interior Committee is generally made up of Senators from the western states in which federal land policy is vital to the interest of many citizens. The only easterner currently sitting on the Interior Committee is Senator James Buckley of New York. However, the most important factor in determining committee membership is seniority;[14] the senator's background, previous elective experience, interests, ideology, state and personal goals are minor factors.[15]

Committee resources include staff, office space, printing, consultants and direct assistance from the General Accounting Office, Congressional Research Service, legislative counsel and, soon, the Office of Technological Assessment. The quality and quantity of these resources determine, to some extent, the success of committees. An extensive study needs to be made of the resources available to committees and of the manner in which they can make use of technological advances in fields such as information retrieval and program analysis and evaluation.

Staffs are vital to the responsible functioning of committees.[16] Not only must staffs be of high quality, but they must be supportive of all senators on the committee. It is not unreasonable to expect this kind of support from a centrally hired staff; thus, to assure various perspectives, the minority should be guaranteed at least one-third of the committee staff to support its work. In addition, each senator should be assigned at least one professional staff member for every standing committee on which he serves.

The most notable characteristic of the rules adopted by the seventeen standing committees of the Senate is their remarkable diversity. Some allow proxy votes, others do not; some apparently allow the chairman to cancel meetings on his own authority, others do not; some encourage open hearings, others do not. The differences in rules are almost limitless. Perhaps the best method for dealing with this problem is the preparation of a model rule which would be applicable to all committees, with the understanding that all committees could add to this model as their special needs demanded.

Footnotes at end of article.

For the present, I urge the adoption of the following rules for *all* committees:

The statement of rules should include word for word, rules contained in the Legislative Reorganization Acts of 1946 and 1970 and all amendments thereto. One reason for the confusion caused by the present book of rules compiled by the Joint Committee on Congressional Operations is that some committee rules contain the above information, other committee rules allude to the above and still other committee rules make no mention of them at all.

All hearings and executive sessions should be open to the public, unless a majority of the members vote to close them.

This applies to the meetings of the subcommittees, as well as of the full committees.

In any phase of committee procedure all votes should be recorded and made available to the public upon the request of three members. The identity of any member making a motion or offering an amendment and the nature of that motion or amendment shall also be made a part of the record upon the request of three members.

One third of the committee members should be able to obtain hearings on any bill under consideration by the committee or any subcommittee thereof.

All committees should, to the maximum extent feasible, establish the same meeting schedule as their parallel committees in the House to facilitate the receiving of joint testimony.

When consultants are hired to advise a committee, the minority members should be entitled to one-third of the funds.

COMMITTEE BUSINESS

The actual workload of a committee depends on the number of bills referred to a committee, the quality and quantity of work demanded by these bills and the substance of legislation considered. Table 1 contains a numerical count of all bills referred to, and reported by, the standing committees of the Senate from the first day of the current session through July 20, 1973. Although these statistics are incomplete and do not cover the whole session, they at least establish *prima facie* evidence that the workload varies drastically from one committee to the next.

TABLE 1.—WORKLOAD OF STANDING COMMITTEES IN THE U.S. SENATE, 93D CONG., 1ST SESS.[1]

Committee	Size of committee	Public bills referred	Reported	Private bills referred
Aeronautical and Space Sciences	11	4	1	0
Agriculture and Forestry	14	75	10	0
Appropriations	24	2	0	0
Armed Services	16	68	4	0
Banking, Housing and Urban Affairs	15	138	24	0
Commerce	18	249	25	0
District of Columbia	7	16	1	0
Finance	16	233	1	0
Foreign Relations	16	70	9	0
Government Operations	18	91	7	0
Interior and Insular Affairs	16	286	16	399
Judiciary	16	717	21	0
Labor and Public Welfare	17	212	24	0
Post Office and Civil Service	9	73	4	0
Public Works	16	78	12	0
Rules and Administration	9	90	12	0
Veterans' Affairs	9	51	4	0

[1] As of July 20, 1973.

The quality of a committee's legislative effort is more difficult to measure. Yet, in the final analysis, it is probably the most important factor, calling to mind Aesop's fable of "The Lioness":

A great rivalry existed among the beasts of the forest over which could produce the largest litter. Some shamefacedly admitted having only two, while others boasted proudly of having a dozen.

At last the committee called upon the lioness.

"And to how many cubs did you give birth?" they asked the proud lioness.

"One," she replied sternly, "but that one is a lion!"[17]

Arguments on quality notwithstanding, it is clear from quantitative analysis that committee workloads vary greatly. Setting aside the Appropriations Committee—which is in a category by itself—the committees with the heaviest workloads are Judiciary, Interior and Insular Affairs, Commerce, Finance and Labor and Public Welfare.

The size of the committee seems to have little relationship to the committee's workload. Thus, the Judiciary Committee, the busiest committee in terms of bills referred to it, has sixteen members—the same number as Armed Services, which handles not even one-tenth the legislation. Of course, number of bills is not a true indicator of workload in the qualitative sense. Armed Services does deal with intricate legislation, but, clearly, so does Judiciary. In any case, more detailed study is needed to determine the real workload of the committees.

Some committees handle so little legislation that it is difficult to justify their existence. Included here would be Aeronautical and Space Sciences. The figures would also seem to suggest that the recent creation of the Veterans' Affairs Committee was unjustified. Because the workload of the twin District of Columbia Committees is so light in each house, it would seem that the suggestion, made by members of Congress during the 1945 Legislative Reorganization Act hearings, to establish a joint committee on the District of Columbia may have been a valid proposal.

The range of committee business can be viewed as a continuum: ideas—research—policy development—goals, objectives and substance—legislation—oversight. This continuum might reasonably be bent into a circle, as oversight clearly leads to new ideas. Much emphasis has been placed, within and outside the committee, on the legislative aspect of its work. Within committees, the major portion of senatorial and staff time is devoted to considering legislation.

Civics texts and works by students of committees and the Congress have focused mainly on this aspect of committee work. In my view, the other stages in the above noted process have been neglected and even ignored by those both within and outside the committee. Congress as a whole will not have assumed its place as a coequal branch of government until committees: participate actively in the development of ideas; encourage and utilize ongoing research to develop these ideas; formulate policy statements identifying goals and objectives based on this research, which in turn can be used as a framework for formulating proposed legislation; and perform the oversight activities which are necessary to ensure continuation of successful legislation and the elimination of wasteful programs.

The process denoted by the continuum is complex; however, committee members must become masters of diverse ideas, as well as overseers of their legislative output. Ideas today are haphazardly drawn from senators themselves, committee hearings, a few experts and the executive branch. Where can we look for these ideas? In addition to the sources noted above, ideas should come in greater degree from: committee staff, legislative branch support personnel in the Congressional Research Service and the General Accounting Office, experts and scholars, Senate office casework, regulatory agencies, special commissions and research institutions, such as the American Enterprise Institute and the Brookings Institution. Good ideas are the base upon which committee work rests. A more systematic effort must be undertaken by committees to catalog and evaluate ideas which could possibly result in legislation.

Committees—senators and staff—cannot do very much primary research themselves. Yet, they can utilize and encourage others within the administration or experts and scholars to engage in primary research upon which written policy statements can be based. In other words, committees should be mostly involved in secondary analysis of the research of others.

Committee analysis leads to policy development. Here Congress should concentrate its resources. Committee staff, the General Accounting Office and the Congressional Research Service should develop material upon which extensive debate among senators could be based. Policy statements setting forth the goals and objectives of impending legislation would then be formulated.

Legislative efforts of committees are very well discussed in the press, civics textbooks and social science literature. This is part of the how-a-bill-becomes-a-law syndrome which has taken hold of most of us in committees. I do not want to discount the importance of the legislative process. It is vital. However, it should be put in the perspective of overall committee business. Committee work in the legislative area includes: receiving newly introduced bills; referring these bills to subcommittees, in most instances; holding committee hearings on legislation; drafting legislation; and reporting out bills for Senate consideration.

Under the Legislative Reorganization Acts of 1946 and 1970 each of the standing committees is charged with the duty of overseeing the operation of the departments and agencies which come within its jurisdiction. Senator LaFollette, one of the principal architects of the First Reorganization Act, explained the reasoning upon which this stipulation was based:

"It was felt it was desirable to have that oversight made by the standing committee which was responsible for the original jurisdiction of legislation affecting a department, so that its members would be more intimately brought into contact with the operation of the department or agency."[18]

Experience under the Legislative Acts indicates that, in large measure, the committees have not lived up to the oversight duties assigned to them. Can committees better perform their oversight duties? I think so.

A most perceptive and informative analysis of oversight is provided by Walter Oleszek, of the Congressional Research Service, in his working paper recently presented to the House Select Committee on Committees.[19] Taking a broad view of the oversight function, Oleszek distinguishes two types of review: legislative and investigatory. The former involves committee review of programs and agencies, with an eye toward new legislation; the latter refers to the more exploratory and wide ranging efforts to uncover incompetence and wrongdoing in the administration of public policy. Regardless of whether the review is legislative or investigative, however, Congress, its committees and individual members possess many techniques to determine whether bureaucrats are complying with congressional directives and whether agencies are properly administered.

These techniques may also be used to block executive waste and dishonesty, to prevent agency usurpation of legislative authority and to ensure that executive policies reflect the public interest. More specifically, these techniques of oversight involve casework, legislative veto, committee veto, hearings and investigations, the appropriations process, nonstatutory controls, statutory controls, reporting requirements, control through audit, ad hoc groups, the confirmation process and studies by experts in the legislative branch.

COMMITTEE REALIGNMENT

Generally speaking, there are four ways to align the standing committees of Congress: (1) by the function performed; (2) by the internal organization of the executive branch; (3) by clientele served—special interest government; (4) by geographical area of operations—regional government. Congress relies principally on the first two, although certain elements of three and four are also to be found. If functional classification is accepted as the basis for a committee system, it follows that closely related functions should be combined in the same committee and that totally unrelated functions should not be combined in the same committee By grouping related functions together, overlaps can be minimized.

A classification of the major functions of the United States government—formerly used in the executive budget—groups federal programs into twelve functional fields:

(1) international affairs and finance,
(2) national defense,
(3) veterans services,
(4) social welfare, health and security,
(5) housing and community development,
(6) education and general research,
(7) agriculture and agricultural resources,
(8) natural resources,
(9) transportation and communication,
(10) finance, commerce and industry,
(11) labor,
(12) general government.

Another alternative for committee configuration would be the present six major categories utilized by the administration:

(1) national defense,
(2) international affairs and finance,
(3) space research and technology,
(4) physical resources,
(5) human resources,
(6) general government.

Of course, each of the two alternatives would have to encompass tax and expenditure committees, as well as housekeeping committees: rules, administration and ethics.

Another alternative is to organize the committee system so that it will closely parallel the organization of the executive branch. It is often considered desirable that similar grouping standards be used for legislative and executive branch organization in order to facilitate their working relations and the performance of the oversight function. If both congressional committee and executive agency jurisdictions are based upon subject matter grouping criteria, then there will be greater correspondence between the primary responsibilities of committees and agencies. This will facilitate surveillance of the administrative branch by the legislative committee; particularly if parallel standing committees in each house are organized with identical jurisdiction and terminology, they will be correlated with the administrative activities. There is already a fairly close parallelism between the legislative and administrative structures, but it could well be brought more in line with current changes in the organization of the administrative branch.

Organizing the committee system to parallel the organization of the executive branch may seem to be preferable to functional organizations for the simple reason that it better facilitates legislative review. This is not to say, however, that functional organization should be rejected *in toto*. For example, it can usefully be employed in the establishment of a congressional budget by the Budget Committee. No matter which alternative is followed, there seems to be no way of avoiding the present problem of vested interest legislation, which results from the fact that members of Congress naturally gravitate towards committees which are concerned with the same issues as their constituents. This is natural and inevitable, for representing the interests of constituents is one of the major congressional functions. For example, a rural legislator's rejecting the Committee on Agriculture may well be an act of political suicide.

One speculative idea, raised by Senator Case,[20] does warrant some consideration: abolishing the Appropriations Committees and reverting back to the practice of allowing the regular standing committees to report appropriations bills.[21] Under the present scheme, this would not be practicable, of course; with the development of a legislative budget and budget committees giving Congress some general standard to follow other than the executive budget, Senator Case's suggestion may be worthy of careful scrutiny.

In sum, my own preference would be that we lead the executive branch—reorganizing the Congress first along largely functional lines and then reorganizing the executive so that its patterns would be subject to the same efficiency and scrutiny. This would more closely respond to our Constitutional mandate. Under no circumstances can we long tolerate a continuation of the existing situation in which neither efficiency nor oversight are achieved.

CONCLUSION

In defense of Congress it can be said that most congressmen hold attitudes and have identified goals which encourage committee reform for a more responsive and responsible Congress. Thus, the time seems right for a thorough consideration of these reforms.

In looking at the various committee reform proposals, we should remember the warning of Edmund Burke—that not all change is reform—and ask the following question: does the proposal tend to weaken or strengthen the committee system? That is, does it promote bicameralism, independence of the executive, Senate control over its committees, deliberation, protection of the minority and compromise? If the answer is no, such a proposal should be viewed with skepticism. It may actually be no reform at all.

Committee reform must be considered by the Senate. Perhaps the best vehicle for consideration of this matter is a temporary Select Committee on Committees. With the support of Senator Mathias and nine others I have recently introduced a Senate resolution, S.R. 89, which would create such a committee.[22]

The Select Committee on Committees, in addition to reviewing the topics discussed in this essay, would consider seniority, committee hearings, committee meetings, committee assignments, the budgetary process, the committee and the news media, the impact of committee on party and administration leadership on committees, the proper role and authority of committee chairmen, the number of committee assignments per Senator and the authorization appropriations process and its implications for committee structure. The time for committee reform is now. A strong committee system means a strong Congress. The people deserve a peoples' branch which can be heard.

FOOTNOTES

[1] George Goodwin, Jr., *The Little Legislatures* (Boston, Mass.: University of Massachusetts Press, 1970), p. XI.

[2] The Aeronautical and Space Sciences Committee may survey and review, but may not receive legislation, whereas the Armed Services Committee has legislative jurisdiction.

[3] Heinz Eulau, "The Committees in a Revitalized Congress," in *Congress: The First*

Branch of Government, ed. Alfred de Grazia (Garden City, New York: Doubleday Anchor Books, 1967), pp. 212–216.

[4] These rules implemented sections of the Legislative Reorganization Act of 1970 and Rule XXV of the United States Senate. A grandfather clause in Rule XXV allowed those Senators serving on more than one exclusive committee to remain on those committees.

[5] In the 93d Congress, Appropriations membership is fifteen Democrats and eleven Republicans; Armed Services is split nine to six, and both Finance and Foreign Relations are split ten to seven, making a grand total of seventy-five exclusive committee assignments.

[6] U.S., Congress, Joint Committee on the Organization of the Congress, *Hearings*, 89th Cong., 1st sess., August 1965, part 10, pp. 1604–1605.

[7] See, for example, U.S., Congress, Joint Committee on the Organization of the Congress, *Hearings*, 70th Cong., 1st sess., April 1945, part 2, p. 276; George Galloway, "The Operations of the Legislative Reorganization Act of 1946," *American Political Science Review* 45, no. 1 (March 1951), p. 45.

[8] U.S., Congress, Senate, Committee on Expenditures in the Executive Departments, *The Organization of Congress: Some Problems of Committee Jurisdiction*, 82nd Cong., 1st sess., July 1951, document number 51, p. 4.

[9] U.S., Congress, Joint Committee on the Organization of Congress, *Hearings*, 79th Cong., 1st sess., May 1945, part 3, p. 623.

[10] The Joint Committee on Atomic Energy now has legislative authority.

[11] U.S., Congress, Senate, Committee on Expenditures in the Executive Departments, *Evaluation of the Legislative Reorganization Act of 1946, Hearings*, 80th Cong., 2nd sess., February 1948, p. 69.

[12] Ibid., p. 81.

[13] U.S., Congress, Joint Committee on the Organization of Congress, *Hearings*, 79th Cong., 1st sess., May 1945, part 3, p. 635.

[14] Senate Rule XXIV; Goodwin, *Little Legislatures*, pp. 83–94.

[15] Barbara Hinckley, *The Seniority System in Congress* (Bloomington, Ind.: Indiana University Press, 1971).

[16] Harrison W. Fox, Jr., and Susan Webb Hammond, "Congressional Staffs and Congressional Change" (Paper delivered at the 1973 Annual Meeting of the American Political Science Association, New Orleans, La., September 4–8, 1973). To be published in *Comparative Legislative Staffs* (Beverly Hills, Cal.: Sage, 1974).

[17] *Aesop's Fables*, (New York: Grosset and Dunlap, 1947).

[18] *Evaluation of the Legislative Reorganiza-Act of 1946*, p. 76.

[19] Walter Oleszek, "Congressional Oversight Methods and Reform Proposals" (Paper presented to United States House Select Committee on Committees, June, 1973).

[20] U.S., Congress, Joint Committee on the Organization of the Congress, *Hearings*, 89th Cong., 1st sess., June 1965, part 4, p. 647.

[21] Previous to 1867 the Finance Committee handled all appropriation bills. During the period 1867 to 1898 the Appropriations Committee reviewed these bills. Many, but not all, appropriation bills were given to the standing committees in 1898 and then reassembled in the Appropriations Committee in 1921.

[22] Introduced on April 3, 1973 and referred to the Committee on Rules and Administration.

Mr. MOSS. Mr. President, I am pleased to sponsor, with my colleagues, Senators Stevenson and Brock, a resolution to create a temporary bipartisan committee to study the organization and procedures of committees in the Senate.

This committee would be patterned after the House Select Committee on Committees, chaired by Congressman Bolling and Martin, in the 93d Congress. Six members from each party would be appointed by the President of the Senate upon the recommendation of the majority and minority leaders. They would examine all aspects of the committee system—the structure, jurisdiction, number, and size of Senate committees and subcommittees, the referral of legislation falling within the jurisdiction of two or more committees, the scheduling of hearings, staffing, rules and procedures, and provisions for future review of these matters. Upon completion of its study, within the 94th Congress, the select committee would report its recommendations to the Senate and be disbanded.

The Senate's historical reputation is that of a tradition-bound body run by a clique of autocratic barons. In fact, while we have experienced no revolts as dramatic as those in the House of Representatives, we have taken several important steps to restore public confidence in the institution. At the beginning of this session, both the Democratic and Republican Caucuses approved resolutions to open most committee and conference meetings to the public. The Democratic Caucus agreed that in the future committee chairman will be elected by secret ballot. Many chairmen have already given their committees greater say in hiring staff. Finally, the Senate last week voted to reduce the vote required for cloture from two-thirds of those present and voting to three-fifths of the membership.

COMMITTEE JURISDICTIONS

It has been nearly 30 years, on the other hand, since the Senate accomplished committee realinements and procedural changes comparable to those adopted by the House last year. In the interim we have experienced an enormous expansion of Federal activity in education, health, environmental and consumer protection, housing and urban problems, and other areas. The Senate has adjusted only in a piecemeal fashion to the times. Each new issue has been an excuse to create new jurisdictions and fragment responsibility. While the number of standing committees has remained relatively stable, subcommittees have proliferated.

In the House from 19 standing and 93 subcommittees in 1947 to 22 standing and 125 subcommittees at the end of the 93d Congress, and in the Senate from 15 standing and 54 subcommittees in 1947 to 18 standing and 131 subcommittees at the end of the 93d Congress.

Once created without a limitation on its duration, a committee or subcommittee seeks expanded power and perpetuity, often beyond its useful life. A bill to grant the Senate Select Committee on Small Business legislative authority would be appealing and perhaps desirable. The problems of small businesses deserve our careful attention, and the House adopted a similar provision in its reorganization plan last fall. However, the bill tries to avoid encroaching on rival committees by stipulating that any legislation not strictly limited to activities of the Small Business Administration be considered and approved by at least one other committee. The $400,000-a-year Judiciary Internal Security Subcommittee, one of the few moribund jurisdictions to be seriously challenged, continues to survive.

One of the most compelling illustrations of the need to revise committee jurisdictions is the energy field. In January 1974 an ad hoc committee of the Democratic Caucus was formed to recommend means for effective coordination and orderly consideration of legislation in this area. The committee discovered that 15 of the 18 standing Senate committees have jurisdiction over various aspects of the energy problem and that jurisdiction is divided among 33 subcommittees, 26 of which held hearings or markup sessions on energy legislation in the first session of the 93d Congress.

A suggestion to create a new standing committee on energy or energy and environment was deferred as a matter for the full Senate to examine.

Instead, the ad hoc committee recommended expansion of the existing National Fuels and Energy Policy Study, pursuant to Senate Resolution 45, to include representatives of the Committees on Finance, Foreign Relations, Government Operations, and Labor and Public Welfare in addition to members of the Interior, Commerce, Public Works and Joint Atomic Energy Committees.

In January of this year, with the Congress placed on the defensive by President Ford, the Senate Resolution 45 apparatus was found unwieldly and inappropriate to devise an alternative to the administration's energy package. So the leadership named a new ad hoc committee of six to draft a program. It now appears, at least in the press, that their report is being challenged by the standing committees who will write the legislation. In any event, the program must now be carved up and parceled out, for the problem of overlapping and conflicting jurisdictions remains completely unresolved.

A similar question arises from the current investigations of the FBI and the CIA by recently established select committees of the House and Senate. Once their reports are completed, who will monitor the intelligence agencies to avert future activities and policies of the type alleged to have been attempted or carried out? This is one of many gaps in congressional oversight requiring thorough examination and reform.

COMMITTEE STAFFING

Mr. President, the public doubts the integrity of Congress as well as our effectiveness. The mail from my constituents reflects widespread skepticism not just of congressional salary and expense account increases but also of the cost and size of Senate staffs, which have nearly doubled in the last 5 years. The recent investigation by the Washington Post into what Senate committees spend and where and how they spend it is bound to deepen that suspicion.

The articles contained two ironies. First, the Senate has largely eliminated cronyism and substituted productive, highly qualified employees.

Second, the Senate is far ahead of the House in public accounting of its use of tax money. Nonetheless, the study showed that more than one-third of the Members of the Senate has diverted at least 10 percent of committee staff members to personal legislative work and constituent service. The Post reiterated:

> Some of these uses of staff are illegal. Others clearly violate the spirit of the law, and the spirit of what was intended by the committee system.

To my mind, these charges have provoked too little reflection and too hasty demands for immediate reform. The diversion phenomenon may indicate an expedient padding of committee budgets or, more seriously, a draining of valuable committee resources. The answer to that question would help determine whether it is wiser to enforce the rules or to change them.

The most popular remedy for staffing problems is more of the same. A resolution introduced by Senator Gravel and others would authorize as much as $15 million for Senators to hire additional personal staff to handle committee business. It is argued, plausibly, that additional staff would help junior Members to keep up with subcommittee and committee chairmen and the Senate to keep up with the executive branch. The opposite result is conceivable, however, and the better solution may be less partisan, less personal committee staffs.

My intent is not to prejudge specific reforms. Nor do I wish to convey the impression that committee reform can be a tidy, rationalistic process of fitting form to function. Committee jurisdictions, procedures and staffing, of course, go to the personal power of every Member and to the vested interests of every group in the United States. These are precisely the justifications for a thorough study of the committee system by a select committee with a bipartisan approach, adequate staff, a cross-section of opinion on reorganization, and representation of several committees.

I urge my colleagues to support immediate action on this resolution in order that the necessary reforms can be accomplished in this Congress.

AMENDMENTS SUBMITTED FOR PRINTING

NATURAL GAS PRIORITY ACT—S. 187

AMENDMENT 84

(Ordered to be printed and referred to the Committee on Commerce.)

NATURAL GAS PRIORITY FOR AGRICULTURE

Mr. DOLE. Mr. President, the importance of food production is self-evident. Over the years, the use of natural gas has become a vital part of American agriculture. Because of the development of natural gas shortages, we have begun to see curtailments of natural gas used in food production. Those curtailments are a threat to the abundance of farm commodities Americans have enjoyed in the past.

To prevent the interruption of farm production due to natural gas curtailments, I submit this amendment today to extend S. 187, the Natural Gas Priority Act, to establish a priority on natural gas for all agricultural uses. Those agricultural uses include, but are not limited to, the use of natural gas for the production of agricultural chemicals, dehydration, crop drying and irrigation.

AGRICULTURAL USES THREATENED

As mentioned earlier, several agricultural uses of natural gas have already been interrupted or curtailed. Recently, I received letters from the American Dehydrators Association and from the Southwest Kansas Royalty Owners Association, advising me of recent curtailments and explaining the potential of those curtailments. I ask unanimous consent that these letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Southwest Kansas Royalty
Owners Association,
Hugoton, Kans., February 28, 1975.

Honorable Members of Congress: Members of the Southwest Kansas Royalty Owners Association are very much concerned about the Federal Power Commission's Opinion No. 697A entered in Docket No. RP 726, (El Paso Natural Gas Company). In the opinion, the FPC classifies irrigation pumping as an "industrial" use and subjects irrigation farmers to interruptible gas service.

The western portions of Kansas, Oklahoma, Texas, Nebraska, Eastern Colorado, and all of New Mexico are in a farming area having marginal moisture. Much of the land is now being irrigated from deep wells using natural gas as the fuel source from gas produced there. Because of irrigation, several million acres are now productive, which formerly yielded erratically. One needs only to go back to the 1930's to see what can happen when this region receives less than its normal rainfall.

Enclosed is a copy of a resolution adopted by the Board of Directors of our Association, setting forth the reasons why an interruptible gas supply for irrigation farmers is dangerous for the economy of the nation and food supply of the world. The resolution is presented on behalf of Association members and on behalf of thousands of irrigation farmers.

We request your comments and help.

Respectfully submitted,
B. E. Nordling,
Secretary, Southwest Kansas Royalty Owners Association.

(2) The FPC order eliminates considering the use of propane and butane as alternate sources of fuel supply, leaving only diesel, gasoline or electricity as alternate sources. Not only would the cost of fuel be greatly increased, conversion to alternate energy would require a different type of irrigation engine, as well as supply tanks and other equipment to operate the engines. There is already a critical shortage of diesel fuel and gasoline, as well as fuel tanks.

(3) Most industrial plants are designed for alternate fuels and the costs of the equipment and fuel are being passed on to the consumer. The irrigation farmer does not have standby equipment to convert to other fuels because of prohibitive costs, which cannot be passed on to the consumer.

(4) FPC Opinion No. 697–A is in direct conflict with the position taken by President Ford, by the Federal Energy Administration, by the Department of Agriculture, and by Congressmen introducing legislation declaring top priority for the use of natural gas and other fossil fuels in food production; now, therefore, be it

Resolved by the Board of Directors of the Southwest Kansas Royalty Owners Association, on behalf of its members and on behalf of thousands of irrigation farmers throughout the United States, that it hereby opposes the action of the Federal Power Commission in classifying natural gas for irrigation pumping as an industrial use on an interruptible basis, and urges the Commission to reconsider such action and classify natural gas for irrigation pumping to the highest priority of use; be it further

Resolved, That the Secretary of this Association is hereby directed forthwith to transmit a copy of this Resolution to the President of the United States, members of Congress, the Federal Power Commission members, the Secretary of Agriculture, the Federal Energy Administrator, and the Governors of the states located within the affected area.

Robert Larrabee,
President.
B. E. Nordling,
Secretary.

American Dehydrators Association,
Mission, Kans., February 25, 1975.

Re: S. 187

Senator Robert J. Dole,
New Senate Office Building,
Washington, D.C.

Dear Senator Dole: The following information is in response to our phone conversation of February 24, 1975.

It requires approximately 12 mcf of natural gas to produce one ton of dehydrated alfalfa. The annual production of dehydrated alfalfa in Kansas is approximately 200,000 tons requiring approximately 2.4 million mcf of natural gas. Nebraska production runs around 650,000 tons annually and requires 7.8 million mcf of natural gas. The annual production of dehydrated alfalfa in the United States is 1.5 to 1.7 million tons and requires 18 to 20 million mcf of natural gas.

Dehydrated alfalfa is primarily produced in the months of May through October, but in California and Texas, it is produced 8 to 10 months out of the year. Many alfalfa dehydrating plants dehydrate other whole plant products in the fall and dry other forages during the winter months, but their gas demands during these months are significantly less than during the summer months.

The various gas companies have different curtailment schedules, but in general, alfalfa dehydrators would fall into category 5 or 6 of the FPC 9 step priority schedule. Of the 40 alfalfa dehydrating plants in Kansas, I have been informed of 4 which have already experienced some degree of curtailment. These all occurred in the fall, and ranged from a voluntary cut back for two weeks to being shut down for 12 days. In the summer of 1973, several dehydrators were notified that they would be shut down on certain peak demand days, but we were able to prevent this by contacting the gas companies and explaining the nature of our business and the extreme problem which would be created by their proposed curtailment.

One gas company located in Nebraska has notified its customers in several states of its curtailment schedule which would curtail natural gas to 40 dehydrating plants by 10% in 1975, 20% in 1976, 65% in 1977, and 100% in 1978. This is the type of curtailment schedule over which our industry needs some type of legislative protection. It is interesting to note that only 5 years ago, this gas company was promoting the expansion of the alfalfa dehydrating industry. A copy of its promotional literature is enclosed.

Please let me know if you need more information, or if it would be beneficial for us to provide witnesses for any of the hearings in Washington. Your efforts in behalf of our industry and agriculture, in general, are appreciated.

Sincerely,

KENNETH D. SMITH,
Executive Vice President.

PRESIDENTAL SUPPORT

On previous occasions, in Kansas and elsewhere, President Ford has pledged his support for an adequate supply of fuel and fertilizer for agriculture. I believe he would sign this legislation if passed by Congress.

It is my understanding that the Commerce Committee will be marking up natural gas legislation. There is a great need to extend a priority on natural gas for fertilizer and agricultural production. I strongly hope that this legislation can be included in any bill reported to the Senate by the Commerce Committee.

STANDBY ENERGY AUTHORITIES ACT—S. 622

AMENDMENT NO. 85

(Ordered to be printed and to lie on the table.)

Mr. GLENN. Mr. President, in the next few days the Senate will be considering S. 622, the Standby Energy Authorities Act, which was recently reported by the Senate Interior Committee. That bill includes a provision which I believe to be contrary to the interests of consumers and which I intend to offer a floor amendment to strike.

The provision, section 107(c) of the bill, requires that so long as a "two tier" price system is maintained for crude oil, and State or local government shall receive the upper tier price for oil in which it has an interest. In other words, a State or locality would receive the "new" oil price of aproximately $11.40 a barrel—or a royalty based on that price—even if the oil in question would be classified as "old," and priced at $5.25 per barrel, if sold by a private individual or corporation.

The volume of old oil to which the provision would apply would be limited to 20,000 barrels per day in any one State. Even so, the Interior Committee staff estimates that the provision would cost American consumers over $200 million per year.

In support of the provision, it has been argued that the revenues it would generate for the few oil producing States that would benefit is much needed by those States. While not disputing this need, I can see no reason why such revenues, which presumably would be used for State facilities and activities, should not be raised through the normal mechanisms of State taxes or loans. To require consumers generally to absorb yet another increase in their fuel bills for the benefit of these producing States seems to me to be entirely unfair. In effect it is to give those States the benefit of the oil cartel's price at the expense of the general public.

This line of argument last year persuaded the former Federal Energy Office to remove the exemption from price controls which initially had been accorded to State and local governments. In issuing its regulations revoking the exemption, the Office stated:

> The FEO believes that the . . . revenues obtainable through the sale of crude oil at uncontrolled prices would represent, in effect, windfall revenues for those State and local governments having crude oil interests at the expense of the adverse impact on the overall objectives of the Emergency Petroleum Allocation Act.

Section 107(c) of S. 622 would restore that exemption with its accompanying windfall at least to the extent of 20,000 barrels per day per State.

Mr. President, I ask that my amendment, which would simply strike the section from the bill, be printed and that the text of the amendment appear at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 85

Strike all from page 65, line 15, down through page 67, line 2. On page 67, line 3, strike "(d)" and insert in lieu thereof "(c)".

NURSE TRAINING AND HEALTH REVENUE SHARING AND HEALTH SERVICES ACT OF 1975—S. 66

AMENDMENT NO. 86

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT (for himself Mr. HELMS, and Mr. BUCKLEY) submitted an amendment intended to be proposed by them jointly to the bill (S. 66) to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and services.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975—S. 7

AMENDMENT NO. 87

(Ordered to be printed and to lie on the table.)

Mr. HUDDLESTON submitted an amendment intended to be proposed by him to the bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations and the acquisition and reclamation of abandoned mines, and for other purposes.

AMENDMENT NO. 88

(Ordered to be printed and to lie on the table.)

Mr. TOWER (for himself and Mr. BARTLETT) submitted an amendment intended to be proposed by them jointly to the bill (S. 7) supra.

AMENDMENTS NOS. 89 AND 90

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted two amendments intended to be proposed by him to the bill (S. 7), supra.

AMENDMENT NO. 91

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS (for himself, Mr. BEALL, Mr. BROOKE, and Mr. WEICKER) submitted an amendment intended to be proposed by them jointly to the bill (S. 7), supra.

STEEP SLOPE STRIP MINING PROHIBITION

Mr. MATHIAS. Mr. President, I am submitting an amendment to S. 7, the Surface Mining Control and Reclamation Act of 1975, which will phase out surface mining on steep slopes. These are defined in my amendment as slopes over 20 degrees. It provides a 30 month phasein program to minimize any problems associated with the eventual prohibition on steep slope operations.

In seeking to amend this most comprehensive piece of legislation, I do not intend to imply dissatisfaction with the overall product. I am proud to be a cosponsor of S. 7. I extend my congratulations to the members of the Interior and Insular Affairs Committee and the committee's chairman, Senator JACKSON. This has been not only a difficult technical undertaking, but also difficult from the legislative point of view. I am very pleased that the end is in sight politically, and even more pleased that the end-product is a workable, but tough regulatory framework for the strip mine industry.

S. 425 very nearly became law in the 93d Congress. When it was considered by the Senate, I offered an amendment which would have accomplished much the same purpose as my amendment today. Since that time, much has happened. We have survived an oil embargo and we are well on our way to enacting comprehensive energy legislation to govern not next year, but the next 20 years. Project Independence has been blueprinted by the Federal Energy Administration, and that report reemphasizes the important part that coal will play in meeting this Nation's energy needs.

Something else has happened as well. Mr. President, we have become much more sophisticated as a people in recognizing the tradeoffs which are inherent as our energy needs interface with the environment which we all exist in. We have had to meet and resolve so many difficult questions in this particular area over the last year and as a result public awareness is greater now than it has ever been. One thing we have very definitely learned, is that you cannot separate energy development from environmental quality. In short, you cannot say, let us have all the energy development that this Nation can ever need and leave those areas of the Nation unsuitable for energy development as environmental areas. The relationship between our supplies of clean air, pure water, soil, and minerals are simply too complex for such a view.

I am very proud that the people of Maryland are now in the process of responding to the need to guard our environmental resources in the context of energy development. This year there are bills in both the Maryland Senate and House to phase out strip mining of slopes over 20 degrees. They are supported by the Governor and the Maryland Department of Natural Resources. This is an example of a State with a long history of both deep mining and strip mining, taking a hard look at what is occurring with respect to its soil and its water and concluding that stripping activities on steep slopes are unacceptable. Let me read you the recommendations of our State Department of Natural Resources as they testified on Maryland House bill 452:

> The Department of Natural Resources strongly urges adoption of this bill. As of 1973, there were approximately 27 million tons of coal in Maryland that were strippable; an amount equivalent to one-tenth of the annual national strip mining total. Consequently, Maryland does not have an abundance of strippable coal, and a concerted effort should be made to make the most effective use of it.
>
> At the present time, the greatest preponderance of strip mining in Maryland is accomplished on slopes having a slope more gentle than 20 degrees. Mining has been permitted in areas where slopes are greater than 20 degrees and have been subject to regulation under Department regulation 8.06.01.11. This regulation requires utilization of the modified block cut method with respect to strip mining on slopes greater than 20 degrees and only when it has been approved by the Land Reclamation Committee.
>
> The Department has adopted these very strenuous precautions in order to ensure that during the strip mining operation, disturbed areas would be restricted to an absolute minimum. These measures are non-foolproof, and during any storm and various other episodes, both sediment and mining drainage can reach and damage an area of state interest. In weighing the benefits to be gained against the loss of restricting strip mining to a very limited area, we believe the preservation of our limited natural and scenic resources far outweigh our economic losses. Since very limited mining now occurs on slopes of greater than 20 degrees horizontal, the Department believes that House Bill 452 will result in minimal economic repercussions, while at the same time making substantial achievements in the protection of our resources.
>
> Additionally, this bill would direct strip mining into areas of more gradual slopes, having the effect of preserving coal reserves on steeper grades. It may therefore result in less costly methods of reclamation, concentrating strip mining into areas of easier access and possibly the initiation of more deep mining in the State of Maryland.

Frankly, in proposing a phaseout on the steep slope, I am guided by two concerns. First, we must care for the deep-mining industry. Our Nation relies on the vitality of that industry and will long after strip mining has exhausted that which is strippable. Second, when we talk of coal on the steep slopes, beyond the angle of repose, we refer to a very small part of our resources. So we are not dealing so much with the facet of the energy crisis, but rather with a question of land use. Lost production from a phaseout of steep-slope mining can be made up by a minimal increase of production in the deep mines.

It is proper at this point to detail what my amendment would prevent so that Senators can properly consider the benefits and costs. From an environmental standpoint, mountain strip mining is by far the most damaging form of strip mining. Mountain strip mining brings with it severe problems of sedimentation, land slides, water pollution, acid drainage, and disruption of soil and subsurface waters. All of these problems pose very serious threats to the homes and lives of people living in the densely populated mountain valleys below where strip mining has occurred.

Every bit of evidence reinforces the concept that certain strip mining practices cannot be regulated satisfactorily, and in these instances, the best answer is to prohibit those specific activities. Consider for a moment the 1973 Senate study, "Factors Affecting the Use of Coal in Present and Future Energy Markets," which clearly points to the serious continuing problem of landslides on steep slopes and repeated violations of State regulations.

> For all types of mountain strip mining, more than one-third of inspections revealed major violations including: exceeding bench width, operating off the permit area, dumping excessive material over the outflow, and lack of drainage control.

The results of that Senate study are reinforced by a second study, "Design of Surface Mining Systems in Eastern Kentucky," which was the work of Mathematica, Inc., for the Appalachian Regional Commission.

Discussing problems of sedimentation, landslides, or water pollution only tells part of the story. We also have to look closely to see how this very serious, long-lasting, environmental damage will impact upon the economies of the various States. There is no question that mountain strip mining has a decidedly detrimental effect on timber production, tourism, and industrial development. The Appalachian region is one of the world's finest hardwood timber areas. This is a commodity in extremely short supply. Strip mining, even after reclamation, leaves the land in a state unsuitable for timber growth. This is not the case with deep mining.

Let me draw an example from my own State of Maryland. Quite clearly, the highest and best use of western Maryland land is to support tourism and light industry. Coal mining per se does not necessarily threaten those two industries, but coal mining on steep slopes does. As I mentioned earlier, this is a fact recognized by the Maryland Department of Natural Resources as they seek to amend State law in a fashion similar to my amendment to S. 7.

The points that I have just made relate as much to national land use as to energy policy, if indeed those two concepts can be separated. I would like to now discuss more specifically what our energy policy should be as we particularly focus on coal. The demise of the deep mining industry is proceeding at an ever-increasing pace. Since 1966, over 2,400 deep mines have shut down. Production has fallen by more than 84 million tons in Appalachia alone. At the same time, strip mining operations have increased by well over 700 and production by 59 million tons. That is a loss of 19,000 jobs in the mines. But everyone in this Chamber knows, or should know, that strip mined coal is a finite resource. We only have 45 billion tons left.

As we shoot for coal production of over a billion tons a year, and 2 to 3 billion in the years ahead, as we get into coal gasification and liquefaction, it is easy to see that, by the end of this century, all strippable coal may be exhausted. In the Department of the Interior study entitled "Energy Research Program," it is predicted that western strippable coal will all be gone by 1996 and most of the eastern strippable coal will be exhausted as well. But while we have 45 billion tons of strippable coal, we have 30 times that much deep minable coal. Even taking the most conservative statistics supplied by the U.S. Bureau of Mines, we find 356 billion tons of deep minable coal as against the 45 billion tons I mentioned earlier. Now that is an extremely conservative analysis of the amount of underground coal this Nation possesses.

But even using those most conservative figures, we see a ratio of 8 to 1.

Given these kind of statistics, what would be a rational coal policy? Would you encourage stripping wherever you can physically get the coal out? Would you encourage strip mining on steep slopes where you know that the final result will include environmental degradation and a possible threat to the safety of the people who live in the valleys below? Would you, in essence, encourage strip mining to grow in leaps and bounds, and thereby guarantee the mass exodus of deep miners from the mines and the closing of those deep mines? Would you do all this when you know by looking at statistics—the very ones I have quoted; the most conservative statistics available—that massive strip mining is a short-term operation and eventually the deep mines must be opened and expanded and the deep mine labor force rebuilt and expanded? In the final analysis, when you look at all the figures, you have to recognize the need to guarantee the continued existence of deep mining in Appalachia. The Nation desperately needs the 67.6 billion ton reserve of deep minable coal in Appalachia, but the recovery of those vast reserves is seriously jeopardized by a rush headlong to strip mining of that region of the country. Not only is it going to spell the economic death of the deep mine industry, but the blasting and other activities on the surface will make deep coal seams technically impossible to mine.

I have briefly alluded to the exodus of deep miners to other types of employment, but this bears some further analysis. I am convinced that unless we halt this steady exodus of skilled labor, that other Senators will meet in this Chamber years hence to discuss ways of retraining a massive labor force to meet this Nation's then urgent requirement for coal. That retraining will be a very expensive undertaking, but if we act today to insure a continuing stimulus to deep mining operations, the expense will be avoided.

In the final analysis, I would hope that one lesson would be learned as a result of the current energy shortage. We must plan for the future in our handling of energy. To some the future is tomorrow, to others, it is measured in years, but with regard to energy, the public interest requires that it be measured in decades. We must start with this bill to establish a policy for coal which will respect the land, the air, and the water—

the elements which sustain us—a policy which will safeguard the deep mine coal industry so that when the strip mines are exhausted, there will be a viable industry to serve this country.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 72

At the request of Mr. Hollings, the Senator from Iowa (Mr. Clark), the Senator from Vermont (Mr. Leahy), and the Senator from Missouri (Mr. Symington) were added as cosponsors of amendment No. 72, intended to be proposed to the bill (H.R. 2166), the Tax Reduction Act of 1975.

ANNOUNCEMENT OF CANCELLATION OF HEARING DATE

Mr. STEVENSON. Mr. President, on Friday, March 7, I announced hearings of the Subcommittee on International Finance on Senate Joint Resolution 51, which Senator Cranston and I introduced to defer final Export-Import Bank approval of assistance to the Republic of Korea for a nuclear powerplant until Congress receives and reviews certain statutorily required reports from the President on the adequacy of domestic and international nuclear safeguards. Notice of the transaction had been transmitted by the Bank pursuant to section 2(b)(3) of the Export-Import Bank Act of 1945, as amended. Today, however, the Bank notified the Congress that it is withdrawing its notice of the transaction.

The Subcommittee on International Finance will accordingly postpone its previously announced hearings on the subject but will hold hearings at a later date on the President's report on domestic and international nuclear safeguards as well as this specific transaction if the Bank should transmit a new notice of intended final approval.

The Export-Import Bank's action today is to be commended, for it demonstrates an awareness of the legitimacy of the concerns expressed in Senate Joint Resolution 51 as well as of the dangers involved in assisting foreign nuclear development without a full assessment of the adequacy of nuclear safeguards; without an understanding of the intentions of nations receiving nuclear assistance with regard to such matters as the development of reprocessing facilities and nuclear weapons manufacture, and without careful attention to the possibility that the Nuclear Non-Proliferation Treaty—NPT—could be undermined if nuclear assistance is given to non-NPT countries.

Deferral of Export-Import Bank nuclear assistance to the Republic of Korea until the Congress has had an opportunity to review the President's report on the adequacy of domestic and international safeguards will give both the Congress and the executive branch an opportunity to assess the wisdom of continued Export-Import Bank assistance for foreign nuclear development in Korea and other nations, as well as the circumstances and conditions under which such assistance should be extended. By taking this action the United States is rightly assuming an important leadership role in slowing down the international nuclear sales race and regulating the dangerous and uncontrolled worldwide spread of nuclear capability.

ANNOUNCEMENT OF HEARINGS ON NATIONAL PRODUCTIVITY AND QUALITY OF WORKING LIFE

Mr. NUNN. Mr. President, the Committee on Government Operations will hold a hearing on Thursday, March 20, 1975, in room 3302 of the Dirksen Senate Office Building on national productivity and quality of working life. I have the honor of serving as acting chairman of the committee for the purpose of conducting this hearing.

The specific subjects of this hearing will be S. 765 and S. 937, which were introduced by the distinguished Senator from Illinois (Mr. Percy) and myself, respectively. The committee will consider the differences in these bills in order that we can develop the best possible legislation on this important subject.

This hearing in effect is a continuation of hearings held on December 16 and 17, 1974, on similar legislation which Senator Percy and I introduced in the 93d Congress.

Persons wishing to testify at the hearing on March 20 should contact the committee staff on 224-4551.

NOTICE OF HEARING

Mr. PHILIP A. HART. Mr. President, the Senate Antitrust and Monopoly Subcommittee has scheduled 2 additional days of hearings on S. 408, Senator Brooke's proposal to repeal the Miller-Tydings and McGuire Acts. Anyone interested in testifying either April 9 or 10 should contact the subcommittee staff.

NOTICE OF HEARING

Mr. SPARKMAN. Mr. President, on February 28 I anounced that the Subcommittee on Housing and Urban Affairs would hold hearings March 14 through March 17 on emergency housing and housing/energy legislation. The bills included S. 577, S. 587, S. 591, S. 655, S. 660, S. 748, S. 751, S. 773, and titles X and XI of S. 594, and any additional bills dealing with emergency housing which were introduced prior to the start of the hearings on March 17.

In connection with these hearings, I should like to make a further announcement that the subcommittee will also hold a hearing on emergency housing legislation on March 25 in New Brunswick, N.J.

NOTICE OF HEARING ON ENERGY

Mr. MUSKIE. Mr. President, at my request, Senator Chiles will continue the series of energy hearings before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations. The hearing will be held on March 18 at 9 a.m. in the chambers of the house of representatives in Tallahassee, Fla.

This is the second in a series of hearings focusing upon the impact of the energy crisis on various regions of the country. The purpose of this hearing, in particular, will be to examine in depth the specific problems faced by Florida in the current energy emergency, and the mechanisms currently under consideration to respond to these problems. Testimony will be heard from witnesses with a variety of knowledge and experience in the energy field, including representatives from Government, industry, labor, consumers, and public utilities.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, March 18, 1975, at 9:30 a.m., in room 2228, Dirksen Senate Office Building, on the following nomination:

Anthony M. Kennedy, of California, to be U.S. circuit judge for the ninth circuit, vice Charles M. Merrill, retired.

Any persons desiring to offer testimony in regard to this nomination, shall, not later than 24 hours prior to such hearing, file in writing with the committee a request to be heard and a statement of their proposed testimony.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan); the Senator from Nebraska (Mr. Hruska) and myself as chairman.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Ronald T. Knight, of Georgia, to be U.S. attorney for the middle district of Georgia, for the term of 4 years, vice William J. Schloth, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, March 18, 1975, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

THE MEAT PRICE EXPLOSION AND CHAIN STORES

Mr. McGEE. Mr. President, over a decade ago, the National Commission on Food Marketing was established under legislation I sponsored and on which I subsequently served. After an exhaustive study and appraisal of changes taking place in the food industry, we reported the struggle between giant food manufacturers and retailers had created such a harsh environment that most small manufacturers were finding it increasingly difficult to grow and survive.

Here we are 10 years later and, through a lack of action or even concern, some of the disasters we feared might strike the food producer have ravaged the private enterprise system and plunged a knife into the heart of the little man.

The Commission, among its conclusions in 1966, stated the Federal Trade Commission was best qualified to perform the function of followup with positive action to alleviate what way back then were mounting problems in the food marketing systems. And yet, today, we are faced with even larger problems.

We warned that trade secrets and corporate privacy would make a clear vision of the food marketing picture clouded, to say the least. I believe the walls of secrecy in a few respects have been torn down—some of the retailing picture visible, if by no other means, through results to the economy.

Many of us in the Senate have sponsored legislation to bolster the Justice Department's coffers in order that a comprehensive study on chain store practices be done to determine if antitrust or other pricing violations are responsible for some of the financial disasters in this system.

As we consider a package of economic prescriptions against inflation, unemployment, and recession, we must not overlook the Nation's largest industry—food production.

Some legislation has been introduced to aid the cattle producer, only one, but a significant, victim of the "middle-man." Some cattle producers have not survived the last decade, but it is not too late for the rest.

I call with urgency my colleagues' attention to an article published in the March 9 issue of the Washington Post by James Risser and George Anthan, entitled "The Meat Price Explosion and Chain Stores." It clearly shows the problem and how the rancher has become the rump roast of the food production.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 9, 1975]

THE MEAT PRICE EXPLOSION AND CHAIN STORES

(By James Risser and George Anthan)

In the mid-1960s, officials of the nation's largest supermarkets gathered quietly at confidential "meat clinics" sponsored by their trade organization, the National Association of Food Chains (NAFC).

Each participant was guaranteed anonymity. Neither his name nor his company affiliation appeared on any list. Officially, he was known to his colleagues only by a color-coded badge on his lapel. If he spoke out during clinic sessions, he could be identified only as a member of, for instance, "the red-striped badge group."

The system was developed, one NAFC official explained later, "for the purpose of encouraging people to speak out and not hold back" as the executives discussed complexities of buying and marketing meat at a profit. And, somewhat to their chagrin today, participants did speak freely.

One color-coded supermarket man declared that "it is about time we stopped passing along the savings in distribution costs to the customer. I think we ought to keep some of it for ourselves."

"The group seemed in general agreement with this thought," notes of the meeting said.

Last summer, those words and others uttered at the meat clinics came back to haunt the supermarket industry as a federal court jury in San Francisco handed six cattlemen a stunning $32.7 million verdict against the Great Atlantic & Pacific Tea Co. (A&P) in a lawsuit charging that major retail grocery chains had conspired to fix the price of beef.

During the trial, the chief meat buyer for A&P had denied he ever met with his competitors. But then the jury of four women and two men was shown a photograph of him meeting with other supermarket officials at an NAFC clinic. The impact on the jurors was powerful.

Their verdict was upheld 10 days ago by Chief U.S. District Judge Oliver Carter, who denied A&P's plea for a new trial. Judge Carter ruled the jury had received "sufficient evidence" to support its finding that A&P had plotted with other supermarkets to set the prices they pay for beef at a low level and the prices they charge customers in their retail stores at a high level. The jurors were justified in believing that, at the "various secret meetings," supermarket executives and meat buyers "met, not only to discuss prices of meat, but to forge agreement concerning fixing of those prices," said the judge.

A&P has termed the verdict "monstrous" and plans an appeal to the U.S. Circuit Court of Appeals. The decision has sent tremors through the multi-billion-dollar supermarket industry as cattlemen in other states have moved quickly to file similar suits. While the San Francisco case covers a period which began almost a decade ago, some cattlemen contend the alleged practices have continued.

Backed by some farm state congressmen, the cattle raisers say large supermarket chains wield undue influence on wholesale and retail prices of meat. Rep. Neal Smith (D-Iowa) charges the chain grocers have replaced meat packers as the largest single force in the nation's food industry, saying they exert "tremendous leverage" over meat prices and can, in effect, dictate prices meat packers pay the cattleman for his live animals.

Smith is pushing legislation to limit the chains' involvement in production of meat, and some veteran industry regulators at the U.S. Agirculture Department agree privately that tough new laws are needed.

The farmers complain that low prices they paid for cattle are not adequately reflected at the stores' meat counters. This has become one of the most curious aspects of the high food-price situation of recent months. How can it be that U.S. cattlemen have lost $100 to $200 on each animal sent off to the slaughterhouse, and yet consumers have had to pay higher prices for their steaks and hamburger?

Agriculture Department economists and statistical experts agree that if there is an economic villain, it's someone called the "middleman"—the meat packer, the processor, the packager, the shipper, the retail grocer. All have been getting an increasingly large piece of the action as beef makes its way from an Iowa farm or a Texas feedlot to the American dinner plate.

Agriculture Department figures show that in 1971 middlemen, including the retail supermarkets, added an average of 36.5 cents to each pound of choice beef they handled. This increased to 52.7 cents a pound in 1974.

A special department task force reported last August that meat price margins—costs added by middlemen—"exploded" late in 1973 and early in 1974 "while market prices for cattle and hogs dropped sharply and losses mounted for livestock feeders." General inflation, restrictive labor union practices, government regulations and market distortions caused by earlier federal price controls were factors in this "explosion" but not enough to "explain the surge," the task force stated.

Meat marketers, the unit's report said, had significantly increased their profits, partly to recoup earlier losses. "It appears that the recent increase in meat price spreads was caused partially by food retailers changing their pricing policies to increase profits in their meat departments," it said.

A series of recent hearings by the Congressional Joint Economic Committee also dealt a blow to the supermarkets' public image. First, the committee staff accused the chain stores of issuing "intentionally misleading" financial figures in order to "cover up" high profits. Then, several supermarket chains refused to testify before the committee unless forced to do so by subpoena.

Cattlemen's suits patterned after the California case are on file in Nebraska and Texas, and the filing of others is under consideration. A $1.4-billion antitrust action filed in Cedar Rapids, Iowa, by cattlemen there was dismissed recently, but strong efforts are being made to revive it.

An examination of the voluminous record in the six-week A&P trial in San Francisco shows that cattlemen's attorney Joseph M. Alioto (an antitrust specialist and son of San Francisco Mayor Joseph L. Alioto) was able to produce little clear or startling proof of an overt conspiracy. There was no document actually showing high grocery chain officials agreeing on price-fixing schemes. But there was massive testimony and statistical evidence that, at a time when beef demand was high, cattlemen were being paid low prices while supermarket profit margins were rising. And the jury apparently was convinced that the NAFC meat clinics were a cover for supermarket efforts to get together on pricing.

TWO CHAINS SETTLE

The case, filed in 1968, originally named as defendants A&P, Safeway Stores, Inc., and Kroger Co. The three firms had conspired to pay low prices for the beef they bought and to fix high prices for the beef they sold to customers, the petition asserted. The large supermarket chains, the cattlemen alleged, had divided geographical territories among themselves to reduce competition. They also had eliminated competition among themselves in purchasing meat products, and even among different stores of the same chain. Also, it was charged, they had exchanged information on prices, sales, margins and profit through their trade associations.

Safeway and Kroger eventually elected to avoid a trial and settled out of court by paying the cattlemen $90,000 for attorney's fees, though the two chains strongly denied the charges against them. A&P, however, decided to fight the case to the end.

After a six-week trial, the jury returned its verdict, finding that a price-fixing conspiracy had cost the six cattlemen 20 cents a pound on all the beef they sold from 1964 through 1967. As a result, they had lost a total of more than $10 million and, under federal antitrust law, were entitled to triple damages.

The plaintiffs produced witnesses to buttress their claim that the big supermarket chains had agreed, perhaps only through an informal "understanding," to pay packers uniform, arbitrary, non-competitive and artificially low prices for fresh meat and meat products.

Cattlemen told the jury they sold cattle for less than it cost to raise them, and that they were able to stay in business only with bank loans and by raising crops. Also, a former independent packer testified that he had been forced to pay cattlemen low prices because of "great pressure" from major food chains he dealt with.

Testimony showed that A&P followed a policy of buying 20 million pounds of meat a week—90 per cent of its total requirements—out of a single office in Chicago. Company officials acknowledged that such large buying power could not help but have a significant market impact, but they insisted "we do not determine prices."

But, in his closing argument to the jury, Alioto claimed: "It's more likely than not that they (the competing supermarket executives) got together, either by an understanding or an agreement or an invitation to some and an acceptance by others, to control the market. They talked about prices. The evidence is they talked about methods and procedures . . ."

Referring particularly to the photograph of A&P meat buyer Robert Carpenter meeting with his competitors, Alioto commented: "First, several of them deny meeting each other, and then we have to show that and prove that in documents . . . Next, they say, 'Well, I didn't sit with him; I might have met him, but I didn't sit with him.' And then we have to get a picture . . . And then they say, 'Well, we didn't talk about prices or supply or anything like that,' and then it's all over these documents."

Arguing unsuccessfully that the jury verdict should be set aside, A&P contended that the NAFC sessions involved "wholly theoretical and legitimate discussions about retail marketing practices and consumer buying habits, but were not an attempt to fix prices or coordinate buying.

"Accusations of retail price-fixing before a jury of consumers in a period of high inflation were obviously highly prejudicial," A&P complained.

THE "YELLOW SHEET"

In addition to the NAFC meat clinics, evidence of some contact among competing food stores came in testimony of A. D. Davis, an official of Winn-Dixie stores. He said he had given his private telephone number to officials of some other firms to save them from making more expensive person-to-person calls when they wanted to speak to him.

The calls often related to handling of "excess supply" of beef, said Davis, who acknowledged that he may have told a competitor that Winn-Dixie was planning to "feature" beef.

Supermarket officials said that the NAFC often issued notices to its members, telling them of the existence of excess meat supplies, and asking them to conduct beef sales. But A&P lawyers said such sales had the effect of removing excess supplies and actually benefitted cattlemen.

The cattlemen who testified in San Francisco made it clear they don't feel that way. Courtenay C. Davis, who operates a 75,000-acre ranch at Horse Creek, Wyo., told the court that many cattlemen have been losing money since 1952. At about that time, he said, "a powerful new force emerged in the form of the concentrated buying power of fewer and fewer big chain store buyers, operating without restraint in the carcass beef market."

Supermarket officials testified that the four largest chains together were accounting for less than 20 per cent of carcass meat sales in the nation, but they acknowledged that much of the other 80 per cent represented "fragmented" purchases by locally oriented grocery, hotel, restaurant and institutional operations.

While noting that most of its 3,500 stores get most of their meat through a centralized buying office in Chicago, A&P strongly denied it sets prices it will pay to packers by relying on the so-called "Yellow Sheet." That publication, officially called The National Provisioner, is a daily compilation of wholesale prices in the meat industry. It bases its quotations on actual sales, but there have been allegations in the press and before Congress that the Yellow Sheet's figures sometimes are manipulated.

Also, during the California trial, the cattlemen contended that a Safeway decision to sell its New York City stores, A&P's decision to leave the Los Angeles market and a Kroger decision to abandon Washington were tied to efforts to lessen competition among the three in the purchase of meat.

C. W. McManamy, an official of the Omaha, Neb., Livestock Foundation and a longtime observer of midwestern markets, sees evidence large supermarket chains have been able to force some significant drops in prices farmers receive for their cattle.

One clue to this, he said, is a uniform prime decline on the same day at widely scattered markets. "When I look at a radical departure from normal patterns," he said, "then I have to look at market muscle as a possibility. I see six to eight major retail outlets. Against this, I see 3,500 packing plants, and producers market through all these plants. When I look at this picture, I can't escape the conviction that concentration in retailing would provide substance for suspecting that prices can be dictated where the power lies. Packers to a large degree don't sell meat to retailers anymore; the retailers order meat from the packers."

Testifying before the Joint Economic Committee last December, Irvin Bray, one of the plaintiffs in the California suit, said he had been unsuccessful in trying to sell cattle to packers early in the week because the packers have to wait until Wednesday to find out what Safeway, the dominant chain in his area, is willing to pay.

Safeway's buyers wait until then so they can determine through the Yellow Sheet what A&P has paid the previous day, he claimed. Bray said that in recent years there has been very little relationship between the prices paid to cattlemen and the retail beef prices charged to consumers.

Testifying later, Safeway denied the charge. Company lawyer Richard W. Odgers said Safeway does not utilize centralized buying, but purchases its beef through competitive "offer and acceptance" in which packers' offers are received and accepted separately through more than 15 meat-buying offices.

W. S. Mitchell, Safeway's president, was grilled before the committee by Sens. William Proxmire (D-Wis.) and Hubert Humphrey (D-Minn.) about the increasing concentration of economic power in a few of the big chains. Proxmire said he has "serious doubts about the competitiveness of the industry" and Humphrey asserted that the supermarket chains "went out for a killing" after food price controls were removed.

But Mitchell told the committee that "all stories about price-gouging profiteering, rip-offs, price-fixing and monopoly are just not so." He strenuously resisted suggestions that Safeway, with its 2,200 stores and annual sales of some $6 billion, is able to drive out competition and keep its prices high. Net profits of most major chains have averaged around 1 per cent of total sales, Mitchell said.

A DEVASTATING CASE

Later, the committee staff issued a report calling such figures "irrelevant." Profit figures based on rate of return on sales have been "purposefully" used to "cloud the issues and obscure the industry's true performance," the report said. A more reliable measure of supermarket profits, it contended, is "return on equity" (earnings compared to the value of the stock owned by the companies' stockholders) because this shows how much money the supermarkets are making in comparison to their total worth. For the supermarket chains, return on equity is "strikingly higher" than return on sales, the report said.

Safeway's rate of return on equity, for example, was 11.2 per cent in September, 1973, and rose to 19.5 per cent in September, 1974, an increase of 74 per cent, the report said. Winn-Dixie's rate of return rose from 13.1 per cent to 21.4 per cent. Kroger Co. went from 6.1 per cent to 10.4, and A&P from a loss of 2.2 per cent to a profit of 3.2 per cent.

The figures, on the average, are "neither spectacular nor poor," but they refute the retail food stores' claims that they are doing poorly, the committee report said.

The NAFC continues to argue, nevertheless, that supermarkets make so little profit that, if their earnings were entirely wiped out, the average family's food bill would drop by only eight cents a week.

"Lowering food prices by reducing supermarket profits is like trying to pump water from a dry well," says NAFC president Clarence Adamy. As for meat specifically, the supermarkets generally have been unable or unwilling to provide figures, although A&P has acknowledged that its average markup on fresh meat nearly doubled between 1968 and 1973. Safeway says its gross profit on meat is lower than on other grocery products, and Jewell Companies, Inc., officials say the company lost $5 million on meat sales during the first half of 1974.

Proxmire said in December that his committee staff's field investigations showed that where a small number of supermarket firms dominate the grocery business in a particular city, as in Washington, food prices tend to be higher and often are identical in the various competing stores in that city. A sampling of 4,000 items in Safeway and A&P stores in Kansas City, Mo., turned up identical prices on 3,000 items, he said. The Wisconsin senator described the finding as "the kind of conduct you'd expect out of a price fixing conspiracy."

Three weeks later, Proxmire announced that A&P, Kroger, Winn-Dixie and Grand Union Co. had refused to appear before the committee unless subpoenaed.

Proxmire said company records obtained from the 17 largest chains had been analyzed and "we believe that a devastating case has been made against the industry—especially that retail prices rose while farm prices fell and that actual price competition, as such, did not exist in about 60 per cent of the items sold in the food chains."

Proxmire has since yielded the chairmanship of the Joint Economic Committee to Humphrey and the future status of the investigation is in doubt, as is the question of public release of the reportedly revealing company financial records.

The Federal Trade Commission has announced a probe of the food industry, but a congressional source who has followed the FTC effort says it is "in bad shape, partly because of lack of staff." The Senate Select Committee on Nutrition and Human Needs also has plans to investigate the food industry, including price fixing and other anti-competitive activity, later this year.

THE FORD PRESIDENCY

Mr. HUGH SCOTT. Mr. President, a provocative article by Joseph C. Harsch in the Christian Science Monitor compares the philosophies of the last four Presidencies in terms of decisionmaking. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Mar. 6 1975]

THE FORD PRESIDENCY

(By Joseph C. Harsch)

A lot of Americans are expressing dissatisfaction with some of the things which have been done at and by the White House since Gerald Ford became President and most of these are just the inevitable sort of things which happen in every presidency. No president ever succeeded in pleasing all the citizens of the country all of the time or even tried.

But there is one particular type of criticism which has returned after a hiatus to the Washington scene and which itself provides a measure of how much the Americans have of what they thought they wanted when they got rid of Richard Nixon.

This new complaint is that Mr. Ford is not being decisive enough soon enough. In its common form it finds expression in such terms as: Why doesn't he do something? Why is he stalling around? Why so much talk when we want action?

Well in the old days of the Kennedy-Johnson-Nixon era Americans had a lot of bold, quick decisive action by presidential edict. And this was precisely the hallmark of what has come to be known as the "imperial presidency." Beginning with Kennedy the president became progressively less a man who presided over the processes of government in Washington and became progressively more a one-man generator and executor of national policy.

It isn't stretching words too much to say that John F. Kennedy became a king and both Lyndon Johnson and Richard Nixon were emperors. The United States moved far toward a structure of government in which the man at the top increased in power to the point where the old American constitutional system existed on paper more than in fact.

The essence of the imperial system is the concentration of policymaking at the center. The Kennedy-Johnson-Nixon period was marked by the decline of influence in policymaking of the Cabinet, of the Congress, of the judiciary, of the academic community, of the press, and of the officials of states and cities.

Gerald Ford was sent to the White House from Capitol Hill to dismantle the imperial system and restore the older American system as it existed and was practiced down through the Eisenhower presidency. And he has done it. And in the new complaints about not enough action in Washington we have the inevitable result.

Allowing Congress, governors, mayors, the academic community, the press, etc., to rejoin policymaking process means slower action. The one indisputable advantage of the imperial system is that it can act quickly. The price is the arbitrary quality of the action, but it is fast. Under President Nixon Americans came to find the price too high, which is precisely why Americans now have for their president a man who does not make quick, bold decisions on his own without first taking counsel of all those people and organizations which are interested in the decision.

Gerald Ford is taking counsel on all matters of important and complex nature. The Congress has not been so constantly involved in the policymaking process since the Eisenhower administration. The public seminar on economic policy brought to Washington most of the top economists of the country. Academic and "think tank" experts again shuttle back and forth between their normal haunts and the corridors of power in Washington.

It is important to recognize that the new-old system of government by consultation has its advantages as well as disadvantages. There is no perfect system of government. Those who complain of too much talk and too little action in Washington are the reverse of those who before complained of too arbitrary action.

The pendulum has swung a long way back from the Kennedy-Johnson-Nixon era. Perhaps it has swung a bit too far back. I for one think Congress is intruding too much and too far into foreign policy. But that pendulum had certainly gone much too far in the direction of arbitrary government. The present system is slower and perhaps less efficient. But it is a lot safer.

THE SST

Mr. CASE. Mr. President, in 1971, Congress defeated the SST and I was among the opponents. My convictions were founded on both environmental and economic concerns.

The New York Times this morning in an editorial "SST's to J.F.K." reflects my dismay that this has once again become a public policy question.

I ask that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 11, 1975]

SST's TO J.F.K.?

The advocates of supersonic aviation are nothing if not persistent. Four years ago, the House and Senate after wide public controversy voted down any further expenditure for an American-built supersonic transport.

A combination of three arguments proved compelling:

The plane was a prestige project that would almost certainly never generate sufficient revenue to defray the huge development costs.

When flown at supersonic speed, the plane would painfully increase the level of noise.

Most ominously, fleets of SST's in regular service might irreversibly alter the chemical composition of the ozone, permitting many more of the sun's harmful ultraviolet rays to reach earth and having unpredictable effects on the life-sustaining ecology of the stratosphere.

Notwithstanding this decision by the Congress, the Federal Aviation Agency—with the timid acquiescence of the Environmental Protection Agency—has just recommended allowing the Concorde, the Anglo-French, supersonic airline, to begin four regular flights a day from Western Europe to Kennedy Airport here and two a day to Dulles Airport near Washington, D.C.

The F.A.A. admits SST's are noisy but argues that they are only somewhat noisier than ordinary planes. It admits that fleets of SST's could produce dangerous atmospheric effects but argues that six flights a day are too few to do much harm. The road to hell also begins with small steps.

Once the F.A.A. wins this initial battle for six daily flights, it will be relatively easy to increase them. The Soviet Union, which has developed its own SST, may soon be requesting approval to use it on the Moscow-to-New York route. If granted to the British and the French, how in the name of detente could a Russian request be turned down? The pressures to have the Government finance an American SST will revive all over again.

Saving two and one-half hours on the flight to Europe and equivalent amounts of time on other routes cannot possibly justify the excruciating noise of these planes or the incalculable damage they may do to the stratosphere, that precious envelope of air that helps make life possible on this planet.

The Port Authority can bar the Concorde from Kennedy Airport. It should promptly do so, while Congress and the public make clear to the F.A.A. that it should bar these planes from Dulles as well.

THE IMPACT OF INTERNATIONAL TRADE NEGOTIATIONS ON ARIZONA AGRICULTURE

Mr. GOLDWATER. Mr. President, in preparing a statement for presentation to the U.S. International Trade Commission with respect to the affect of multilateral trade negotiations on domestic industries and consumers, I sought advice from many sectors of my own State's economy and from specialists within those areas.

One of the most thoughtful and comprehensive papers I have received in response to my call for opinions from within Arizona is a brilliant article written by Dr. Jimmye S. Hillman, head of the department of agricultural economics at the College of Agriculture, University of Arizona.

Because the scope of Dr. Hillman's learned paper goes beyond the Arizona situation to a discussion of the bearing of trade talks on American agriculture in general, and on the Nation at large, I believe his views are of interest to a wide audience and will benefit anyone who wishes to know more about the subject.

Mr. President, for this reason, I ask unanimous consent that the briefing paper prepared for me by Prof. Jimmye S. Hillman, entitled "International Trade Negotiations: Their Impact on United States and Arizona Agriculture" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL TRADE NEGOTIATIONS: THEIR IMPACT ON UNITED STATES AND ARIZONA AGRICULTURE

(By Prof. Jimmye S. Hillman)

The United States is in the special position of being both a major exporter and importer of farm products. It is the world's largest exporter of agricultural products and is the third largest importer. The importance of exports to the economic well-being of our agriculture is demonstrated by the fact that the production of one of every four cropland acres is exported, and exports provide employment for one of every eight farm workers. The importance of agricultural imports to consumers in this country is illustrated by the proportion of the total food supply of the nation that comes from abroad—approximately 10 percent. But that 10 percent is misleading in that for some products, such as coffee, bananas and cocoa, we are 100 percent dependent on foreign supplies. Obviously, without food imports the nation's diet would be both more costly and less varied.

U.S. farm exports for the fiscal year ending June 30, 1975 are currently projected at about $22 billion compared with the record $21.3 billion shipped abroad in fiscal 1974. Higher prices for many of the commodities will more than offset the decline in volume. This year, volume is now projected to be 15 percent less than last. The sharp expansion in agricultural exports which began in late 1972 resulted from many factors, among them being the opening of East-West trade, reduced agricultural production in some nations, a decline in fish meal production in Peru, and the continued rise in demand which stemmed from higher incomes and consumer expenditures in both developed and developing countries.

On the import side, a record $10.2 billion of agricultural products entered the U.S. during the calendar year 1974, up 22 percent from the previous year's $8.4 billion. As in the case of exports, increased prices accounted for the gain, as volume was down for most items. Competitive agricultural imports advanced 26 percent in value to $7.01 billion, and noncompetitive items rose 13 percent to $3.24 billion. The rate of increase in farm imports began to diminish during the latter part of 1974 because of apparent declining demand and price reductions.

In short, international trade is exceedingly important both to American agricultural producers and to the American consumer. Because of this, trade in agricultural products has become far too important to our national economic well-being to be made a subject of thoughtless, political controversy. Agricultural trade is important business and because of this it needs to be conducted in a businesslike enlightened atmosphere. It needs to be conducted by the rules of reciprocity that every businessman knows; that is, if you expect to sell, you also must buy. American farmers and ranchers with their big stake in the foreign market need to continue their stand as vigorous leaders. No group in the country has a bigger stake individually and collectively in foreign trade than the American farmer and rancher.

Another way of looking at it, never before has agricultural trade been so essential to the health of our farm economy, so important to the total economy, so seriously needed by the U.S. to achieve a favorable balance of payments and worldwide stability of the dollar, and so vital in securing and maintaining world peace. United States agricultural trade, however, has seen startling changes in the past two years. The international agricultural situation no longer is characterized by large stocks with concurrent pressure to dispose of them abroad or to curtail production to raise farm incomes. Instead, stocks have dwindled rapidly, prices have skyrocketed and there is growing public concern that the international situation has changed permanently from one of large agricultural surpluses to one of serious shortages. This situation presents major opportunities for Arizona and the western region to contribute significantly to the advancement of our State and region in which agriculture plays such a major role.

At the same time, there are many dangers that we and the developed countries of the West will lapse once again into protectionism which would negate all the gains that have been made since the beginning of the Kennedy Round of tariff negotiations in 1962. One of the dangers lies in the startling changes of the past two years. As during World Wars I and II, there has been a large expansion both in volume and value of agricultural exports of this country. Typically, when demand slackens after a rapid growth, agriculture is faced with large adjustments due in part to the expansion described.

For example, after World War I, many attempts were made to reconstruct agricultural trade patterns along pre-war lines. In the United States, legislation was proposed and enacted which emphasized subsidization of American farm production for export. Europe and others countered with their own variety of farm legislation. Agricultural protectionism was one of the leading factors in the breakdown of world trade during the nineteen twenties and thirties. After World War II the adjustment problem was just as acute. Since the end of that war the United States government has spent more than $25 billion to finance agricultural exports, including food aid. Even though export subsidies have not been in the limelight during the last year or two, we must remember that all-out production in 1975 and 1976 might again place the Secretary of Agriculture in the embarrassing position of having to support agricultural prices and incomes or to accumulate stocks or both. Western Europe and other temperate zone countries face the same problem. Receding prices in 1975, if they continued, may again demonstrate the nature of the surplus capacity problem which faces the American farmer, once he has geared up for all-out production.

Following such periods as we have just witnessed, and after periods of war, farmers and the agricultural industries face serious cost and adjustment problems. Superimposed on those adjustment problems are basic structural changes in the pattern of growth and trade among nations. During the past decade political realignments have been very significant. Economic development has come to the forefront. And, last but not least, the energy and balance of payments problems have made the general adjustment situation acute. In sum, world marketing patterns of agricultural products have been altered by changes in world food and fiber production, by population shifts and growth, by exchange balances, monetary arrangements and financial conditions of countries involved in trade, by the various bloc arrangements which involve agricultural products and by basic changes in agricultural and trade policies of the community of nations.

ARIZONA'S STAKE IN INTERNATIONAL AGRICULTURAL TRADE

Agricultural exports from Arizona amounted to $184 million, or about one percent of the nation's total. One percent may appear small, but at the margin of things in international trade it is vital. Compared with export sales from other states, Arizona ranked 31st. However, Arizona ranked 5th in dollar value for exports of both cotton (including linters) and cottonseed oil, and 6th for exports of fruits and fruit preparations. Table 1 presents selected data on agricultural commodity exports from Arizona, the United States and Region 9 (Arizona, California, Nevada and Hawaii). The Arizona data are proportional shares and are calculated from the national (U.S.) figures.

Wheat, feed grains, soybean oil and soybeans accounted for roughly three-fifths of the nation's farm exports in fiscal 1974. However, for Region 9 states, fruits and fruit preparations, cotton and rice were principal export products.

Approximately 40 percent of Arizona's total farm export sales, or $73 million, was accounted for by cotton and cottonseed oil. Wheat and feed grain exports totaled $55 million, accounting for another 30 percent of the total. Fruit and vegetables—principally citrus—followed in importance, representing 14 percent of the state's fiscal 1974 farm exports.

Other commodities, such as dairy products, while not directly involved in the export market, are indirectly affected by the trade policy which is followed in the country at large. Also, the State has had a vital interest in exporting production technology, inputs and management: to Mexico in the case of the vegetable industry and to Australia in the case of the cattle industry.

Arizona also has a vital interest in agricultural imports. Besides the competitive imports such as beef, $180–$200 million of vegetables crossed at Nogales in 1974 and are distributed throughout the U.S. and Canada. This industry generates $18 million (500 million pounds; 23 million packages of fruits and vegetables) in customs revenue, and 1,500 people are employed at the border by the industry. Moreover, we have imported millions of dollars worth of feeder cattle from Mexico annually for many years.

The table follows:

TABLE 1.—ARIZONA'S SHARE OF U.S. AGRICULTURAL EXPORTS, FISCAL YEAR 1974

Commodity	U.S. exports (millions)	Region 9 exports [1]		Arizona exports	
		Millions	Percent of U.S. total	Millions	Percent of U.S. total
Wheat and flour	$4,695	$130	3	$42	1
Rice	752	183	24		
Feed grains [2]	4,653	85	2	13	(3)
Cotton and linters	1,312	244	19	66	5
Cottonseed oil	133	26	20	7	5
Soybeans and soybean oil	3,567				
Protein meal	1,097	2	(3)	(4)	(3)
Tobacco	814				
Fruits and preparation	589	370	63	19	3
Vegetables and preparation	$407	$94	23	$7	2
Dairy products	65	4	6		
Meats and products [5]	317	17	5	4	1
Hides and skins	460	26	6	6	1
Lard and tallow	504	34	7	8	2
Other	1,958	248	13	12	1
Total	21,323	1,463	7	184	1

[1] Includes Arizona, Nevada, California, and Hawaii.
[2] Includes barley, corn, oats, and grain sorghum.
[3] Less than ½ of 1 percent.
[4] Negligible.
[5] Excludes poultry.

Source: Economic Research Service, U.S. Department of Agriculture, "Foreign Agricultura Trade of the United States," November 1974.

AGRICULTURAL PROTECTION: TYPES AND NATURE

The unusual events of 1972–74, like those of 1965–66, tend to obscure and push into the background the problems in international policy and trade which have existed since World War II: long-term excess capacity in commercial agriculture; the lack of adjustment between agriculture and other economic sectors in major industrial countries; the propensity of nations to use import and export controls to insulate themselves against price fluctuations in the world market; and the inclination of nations to use export subsidies to help solve domestic price and income problems in agriculture. Events of the past two or three years have given rise to actions on the part of governments (for example, export controls on farm commodities which were formerly in surplus and which were formerly under import quotas) which camouflage the basic problems of agricultural trade and adjustment. There is also danger that the current crises in energy and other economic phenomena, such as the balance of payments, will precipitate nationalistic approaches which will degenerate again into short-sighted protectionist actions on the part of agricultural producers everywhere.

As it stands today, American—which is to say, also, Arizona—agriculture has one of the smallest levels of protection of any industrialized country. The quota on imported beef was lifted in 1972, but the quota law (PL88–482) was activated again January 1, 1975. Negotiations are being held with exporters in Australia for them to impose "voluntary restraints" so that quotas will not have to be invoked in the U.S. Import quotas which were lifted on wheat and upland cotton in the recent period of high prices are not likely to be reinstituted until formal investigation is undertaken on the trade situation in those commodities. Dairy products imports do pose serious problems for the U.S. dairy industry. A recent (January 1975) study by the Economic Research Service, USDA, entitled "The Impact of Dairy Imports on the U.S. Dairy Industry" examined three alternatives for the industry, the only feasible one being that of continued dairy support systems and import quotas, assuming that other producing and exporting nations make no basic changes in their dairy policies.

There is a danger that subsidized and/or regulated trade in agricultural products will continue unabated in the immediate future between industrialized countries, and between those countries and the rest of the world. It will be difficult to alter protective agricultural trade policies which have existed over the past 50 years. In addition to the trade-distorting features of export subsidies there is an increasing emphasis on policies of self-sufficiency and import substitution in many large food-importing countries which result from their attempts to reduce food import bills and to reduce pressure on foreign currency reserves. Recently, of course, export subsidies have given way to quantitative export controls in what is now known as the great "turn-around" of 1973. For whatever reason, real agricultural protection appears to have risen, not diminished, since World War II, and this is dangerous for American agricultural producers as well as those in Arizona who are looking to the export market as one of their great possibilities.

Looking at it another way, for all the increased trade in agricultural products since World War II, imports of agricultural products are still on the whole marginal for most countries with the possible exceptions of Great Britain and Japan. Under such conditions, relatively small changes in demand or production cause large changes in the volume of world trade in market prices. This explains the pronounced instability of world markets for agricultural products. Likewise, relatively small disturbances which occur in the processes or channels of trade can cause disproportionate gyrations in commodity movements. Compounding these is the peculiar situation of USSR grain imports (the irregularity and the magnitude) which have accounted for about 80 percent of the price variation in the world wheat trade since World War II. All this seems to characterize the situation in which we find ourselves in 1975 with respect to the decreasing agricultural product prices throughout the world. Due to instability and uncertainty, countries are rushing back to a variety of protective devices. Trade barriers, both of the tariff and nontariff types which result from statutory and regulatory actions on international marketings of agricultural products, therefore, continue to be one of the very real problems in improving markets for America's and Arizona's agricultural products. Particularly, the various administrative and bureaucratic procedures which accompany the handling of imports and exports are very tedious and pose some sticky problems as we enter the bargaining procedures outlined in the Trade Act of 1974.

The nontariff type of protection which our agriculture faces in the immediate future is so important that it should be elaborated. Nontariff barriers, along with certain other agricultural policy issues, were pushed into the background during the Kennedy Round tariff negotiations in the early 1960's primarily because the Europeans were working out their common agricultural policy and because of the overriding question of American surpluses and agricultural policies which existed during that period. In any event, the agricultural policies and nontariff problems both were underestimated here in the United States and abroad. During the upcoming trade negotiations it will be nontariff barriers and latent policy issues which will give American farmers the most problems.

Nontariff barriers superseded tariffs as the principal problem of commercial policy beginning as early as the 1930's and the problem spread rapidly all over the industrialized world. The "new protection" resulting from governmental intervention in domestic agricultural production and marketing also arose in the 1930's and has intensified with post-World War II legislation. Quantitative barriers—or quotas—compose the principal types of nontariff barriers but there are many others, such as export subsidies, licensing and exchange control, state trading and bilateral agreements, "voluntary" agreements or executive negotiations, rules and regulations on health, safety and sanitation, and other more elusive and nonquantitative types of restrictions and measures.

In most cases, agricultural exporters of the United States, rather than trying to remove the many nontariff barriers in countries to whom we ship, simply tend to add the cost of overcoming these barriers to their normal cost of doing business. Hence, at times when corrective action is needed on nontariff and agricultural trade policy and barrier problems they are given little attention and there is little recourse for action by those such as private firms which seek relief from the fallout of protective action by foreigners. As bureaucracy increases around the world and as administrative devices of one sort or another are added to the processes of marketing in various countries, costs of doing business are increased for agricultural exporters.

The lamentable fact about trade restrictions, and particularly those of the nontariff type, is that the roles of price and the market in economic decision making are declining in an area where non-market forces, particularly intervening bureaucracies, are providing a poor substitute. There is no good economic argument as to why an industry should be given more than a modest amount of protection against its competition in the world market. Many economists have suggested that this modest amount of protection should be no more than 50 percent as a maximum. Of course, the United States, like other countries, have had, and should have, anti-dumping laws which are always available for quick implementation and which can protect against sudden erratic export practices of the foreign exporter.

In the case of agriculture in the United States, we have for a long time looked upon the manipulation and control of imports and exports as an adjunct to our domestic farm programs. This is true of other industrialized countries; e.g., the Variable Levy of the European Common Market. For this very reason it will be no easy task to adjust our modes of thinking and operation about farm policy and its relation to foreign trade policy. Export subsidies and import quotas greatly simplify the lives of program administrators, at least in the short run. Programs that subsidize additional output when there is already an excess of resources in agriculture have great political appeal and significant popular support. We rationalize them in the context of many other objectives, particularly feeding a hungry world. For these reasons, it is not easy to accept the discipline which is explicit in a liberal trade policy. To do so, would require that each farm program and each decision would be evaluated in terms of its effect upon total farm production and upon the output of each farm product. It would also mean that both government administrators and farmers would have to operate in a different setting than has been true in recent years.

While most of us would not argue for a return to a system of trade that prevailed in the 19th Century—indeed we cannot return —we would nevertheless argue that the United States can ill-afford to be in the vanguard of a resurgent army of economic nationalists, particularly with respect to agriculture protection. Such a policy for the United States, as well as Arizona agriculture, would be suicidal. In sum, the agriculture of the United States, as well as that of the State of Arizona, has a vital interest in the foreign market. On the other side of the ledger, the consumers of the United States, and of Arizona, have a vital interest in the agricultural imports which make our lives more interesting and more varied, as well as our standard of living higher than they could otherwise be.

THE TRADE ACT OF 1974

The Trade Act of 1974, which is the first United States trade legislation in 12 years, comes at a time of increasing international economic turmoil. Nervous governments of both developed and underdeveloped countries are tempted to intervene in the movement of international commerce in order to solve their short-term financial problems or trade imbalances. In such a climate, there is a danger that the progress which has been made since the beginning of the Reciprocal Trade Act of 1934 will be eroded and that international trade and finance will revert to the chaotic conditions of the period 1929–34.

Under the conditions which exist in 1975, the objective of the negotiators in Geneva, therefore, will be to go much farther than simple tariff reductions. There will be an effort to end the drift into international trade chaos and to shore-up the system of international commerce by establishing new trading rules and by dealing most emphatically with the nontariff measures which are the principal reason for trade disruptions today.

Without going into the details of the Trade Bill, it should be pointed out that the negotiators in Geneva are meeting under circumstances which are quite different than those of the past. That is, one of the principal concerns in the past has been access to markets by suppliers of agricultural products and raw materials. Today, somewhat the reverse is the case; that is, developed countries are concerned over gaining access to supplies to energy and raw materials. Many of these materials are controlled by developing countries which are increasingly forming supply cartels to promote their own interests. This is not to say that traditional types of import barriers will not exist in the future. There exists, however, somewhat of a different atmosphere than that of the 1950's and 1960's when the principal concern was access to markets by large suppliers of agricultural commodities and raw materials which were in great surplus.

What does this mean for the United States and Arizona agriculture? Leading agricultural economists and the United States delegation assess it somewhat as follows: The negotiations are taking place against a background of frustrated efforts of past negotiations to create a system of freer world trade in farm products. In other words, past efforts have been notably unsuccessful in the agricultural sector. Certainly there are many reasons for the lack of success in the past, but the principal one is that governments all over the world, reflecting their farmers' interests, have used a variety of techniques to protect farmers from competition or more efficient producers. Imports, particularly those from the United States and selected other temperate zone countries which are highly efficient in grains and other product sectors, have been taxed prohibitively and, in many cases, virtually embargoed. The principal problem which faces the United States in the upcoming round of trade negotiations is, of course, the Common Agricultural Policy of the European Community. The Community now is composed of 9 nations rather than 6, which existed during the Kennedy Round of the early 1960's.

In the current climate of negotiations the European Community seems to have little enthusiasm for negotiating on agricultural products. In the past, they, as well as some other countries, have wanted to separate agriculture from other products in the bargaining process. Therefore, one of the more important parts of the Trade Act is Section 103 which expresses the overall negotiating objective. I quote from that Section:

"To the maximum extent feasible, the harmonization, reduction, or elimination of agricultural trade barriers and distortions shall be undertaken in conjunction with the harmonization, reduction, or elimination of industrial trade barriers and distortions."

From the standpoint of U.S. and Arizona agriculture, it is imperative that negotiations on agricultural and industrial items take place in the same context. More on this shortly.

Another very important part of the Trade Bill is Title V which deals with a generalized systems of preferences. Under this Title, the President may, under certain conditions, provide duty-free treatment for eligible articles and products from specified "beneficiary developing countries". We were anxious about citrus imports under this Title and asked for, and received, assurances that certain citrus products would be removed from the list of articles eligible for duty-free treatment by this country.

NEGOTIATIONS ON AGRICULTURAL AND TRADE POLICIES

As has already been emphasized it is fundamental to the position of our agriculture that negotiations on agricultural and industrial matters at Geneva be considered jointly as a package and not separately. We can avoid many mistakes of the past, especially those of the Kennedy Round, if we insist on that position. Needless to say, that position will not be easily sustained, even with our own government. But particularly the Europeans, with their Common Agricultural Policy and their highly protective trade barriers and border mechanisms, will not want to negotiate in this context. We already know that the Europeans and many others have a vital interest in stabilizing prices and trade flows and not in an overall liberalization of agricultural trade.

The United States with its generally open market system will seek in the negotiations an elimination of restrictions which will permit market prices to perform their function of producing those products which the world needs. Therefore, one should not minimize the fundamental difference in approach which our negotiators place on the bargaining table in Geneva from that which European negotiators and others will advocate. Their approach will be achieving stability through various administrative arrangements including commodity agreements which involve considerably increased bureaucracy in the international marketing of agricultural products.

As has been pointed out earlier, the principal trade barriers which negotiators must face head on are those of the nontariff type. Principal among these are: variable levies, import quotas, export subsidies, packaging and labeling standards, government procurement practices, customs valuation methods, import licensing requirements and nuisance health regulations. These and a variety of others constitute serious impediments to the free flow of agricultural trade in 1975. For example, levels of acceptance of DDT and diethylstilbestrol (DES) have resulted in constraints on trade between countries. DES, ostensibly, was the reason given by Canada for banning beef imports from the U.S. last summer. Germany was restricting U.S. citrus imports at one time on the basis of their objecting to our processes of treating fresh fruit. Health standards have always been important in the international movement of animals and dairy products.

The United States negotiators have made it clear that our country will neither seek nor offer commitments on domestic farm price support levels. Arizona farmers, as well as other farmer-ranchers in this country, are, of course, politically sensitive to the problem of target prices and support prices, particularly in a time of declining agricultural prices and rising costs. Farmers in other countries are even more sensitive to these issues. Our negotiators will seek agreement on general principles aimed at assuring that the domestic programs are not used to offset negotiated commitments for better market access. Moreover, the United States will avoid involvement in agreements on agricultural commodities with price provisions or other provisions which are aimed at dividing the market in such a way that would have as their principal objective price and market stability. History shows that such agreements always lead to rigidity and an administrative bureaucracy which has to be set up in all countries which accede to such programs and agreements.

A particular problem for United States negotiators is that our agricultural imports are relatively small when compared with our agricultural exports. As a result, imports of agricultural products alone do not provide enough bargaining leverage to win the concessions which we need, and many of our imports are from countries with which we do not need the leverage. Forty percent of our imports are already duty-free, and half of the remaining dutiable items come from developing countries that will be very reluctant to give United States agricultural products any particular advantage in their markets in return for concessions on agricultural imports to the United States.

What all of this adds up to is that, in order to obtain meaningful results for agriculture in the Geneva negotiations, our country must be prepared to offer improved access to its industrial markets. Finally, the United States should adopt a total negotiating strategy for the multilateral trade negotiations under which it will not make trade concessions in any sector until it achieves the maximum possible from the negotiations for *all* trade sectors including agriculture.

It is clear from the United States' position repeatedly stated by Secretary of Agriculture, Earl Butz, that U.S. farmers can compete on the world market; but in the negotiating procedures which will provide access to U.S. markets, rules must be established so that the game can be played fairly. U.S. farmers are willing to compete with other farmers but not with other governments or with state trading mechanisms of central governments. The U.S. goal simply stated is to improve the competitive climate in international trade; and to work toward an international trading system where buying and selling are based on productivity, efficiency and consumer choice. This, as opposed to increased governmental regulation and intervention in the trading mechanism for our agricultural products.

A VOICE FOR CONSUMERS

Mr. RIBICOFF. Mr. President, this morning's Washington Post carried an editorial urging speedy passage of the bill to create an Agency for Consumer Advocacy. The Government Operations Committee is currently marking up this legislation, and we expect to have it ready for floor action shortly.

Mr. President, as the editorial indicates, this bill has been pending in Congress for more than 5 years. It has passed the House twice—both times by overwhelming margins. On the one occasion when the Senate was permitted to act on it, the bill passed by a vote of 74 to 4.

There is no question that support for this bill is growing. A coalition of more than 200 National, State, and local groups supports ACA. In addition, a growing list of businesses endorses the legislation—including such corporations as Connecticut General Life Insurance Co., Dreyfus Corp., Montgomery Ward, and Zenith.

Mr. President, this bill has been scrutinized as carefully as any bill I have seen during my 12 years in the Senate. The present version, S. 200, fully balances the rights and obligations of all interests affected by this legislation.

Mr. President, I ask unanimous consent that the Post editorial, "A Voice for Consumers," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A VOICE FOR CONSUMERS

Whoever believes you can't stop an idea whose time has come must know nothing about the parliamentary tactics of a few members of Congress. Legislation creating the Agency for Consumer Advocacy is an idea whose time is not only long overdue but one that has been manipulated and defeated by a minority in the Senate and House in the last three sessions. Last year, the bill—which would give the consumer a voice in the government and in the courts—was passed in the House 293 to 94 but was defeated four times by senators who sustained a filibuster through four cloture motions. The motions failed to carry by ten, seven and four votes, and the last time by one vote. In the previous session, the bill lost on three closture votes, after passing the House overwhelmingly. In the session before that, the Senate gave its approval 74 to 4 but the House Rules Committee blocked the bill.

The need for the legislation, however, has not gone away. The Senate Government Operations Committee is currently conducting hearings, and compelling arguments for the bill are being made. As the committee's chairman, Sen. Abraham Ribicoff (D-Conn.) notes, the agency is especially needed now when "continuing high prices" make it important that "the consumer receives true value and high value for every dollar that is spent." The agency would have no regulatory powers but would serve only as an advocate for consumers who have been victimized by marketplace irresponsibility. Sen. Charles Percy (R-Ill.), a former businessman who has rallied behind the bill, believes that "the votes for enacting such an agency stand ready to be counted."

Because the merits of the bill have been well debated in the past five years, and a majority of both houses have favored the agency, what is wanted now is decisive action to get the bill moving. The estimated cost of the agency is relatively modest: $15 million the first year, $20 million the next. Several groups oppose the agency—the Chamber of Commerce and the National Association of Manufacturers, among others—but it is a mistake to characterize the debate as one that pits businessmen against consumer. Actually, many prominent members of the corporate world have actively supported the bill—such firms as Montgomery Ward, Zenith, Motorola, Kimberly-Clark, Polaroid among them. Last year, the Harvard Business Review reported a survey in which businessmen "strongly agree that consumerism can no longer be ignored or denied. It is 'here to stay' say 84 per cent of our responding executives, and only 8 per cent think of it as 'a passing fad.'"

With five years of support behind it, the Agency for Consumer Advocacy is not a passing fad either. It is time for the sponsors of the bill to move it through Congress and give to consumers the voice they have long been denied.

A SPIRIT OF COMPROMISE IS AT WORK IN WASHINGTON

Mr. HUGH SCOTT. Mr. President, a spirit of compromise is alive and well in the Nation's Capital. An editorial in Thursday's Philadelphia Inquirer accurately points this out. It behooves us all to continue to maintain this climate of mutuality for the best interest of the country. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A SPIRIT OF COMPROMISE IS AT WORK IN WASHINGTON

Suddenly a spirit of compromise permeates the Washington atmosphere, and for that the nation can be grateful as it grapples with the economy and energy problems.

With a Republican in the White House and the Democrats in solid control of Congress, the alternative to working together is an angry confrontation which could delay action at best and produce a stalemate at worst. The prospects for avoiding this unhappy course are brightening daily.

"I meant what I said about cooperation with the Congress," President Ford commented in announcing a 60-day postponement of his controversial tax increase on imported oil. That deed gave substance to his words—and also gave Congress time to do what the President has been urging, which is to produce a program of its own so the White House will know what it is being asked to compromise with.

This, as Sen. John O. Pastore of Rhode Island noted, is "quite a concession on the part of the administration" and one which "behooves the legislative branch to respond in kind."

Democratic leaders in the Senate have made a start by deciding not to schedule a vote on the President's veto of their bill requiring him to postpone his entire import tax increase for 90 days.

The time thus gained will be used at both ends of Pennsylvania Avenue, we hope, to work out an effective and acceptable energy program. The delay in imposing the across-the-board tax increase on imported oil sought by the President is a welcome development, but it should now be followed by moves to raise gasoline taxes enough to reduce oil consumption.

And in that respect, the Democrats must first resolve the differences between the timid plan put forth by their special task forces and the tougher program of House Ways and Means Chairman Al Ullman.

Meanwhile, however, top priority now must go—as President Ford said in his Tuesday statement—to stimulating the economy with tax cuts.

The Senate Finance Committee's decision to consider the oil depletion allowance separately instead of making it a part of this package removes the risk of a delay on this controversial issue. And while the President and the Congress disagree on both the amount of tax relief and how it should be spread, his comments suggest that the package now shaping up on Capitol Hill, will not be acceptable to him.

Mr. Ford himself summed up the whole matter well when he said:

"What we need now is a simple but substantial tax cut to revive our economy and make more jobs.

"What we need next is a comprehensive program to end our dependence on foreign oil producers.

"What we don't need is a time-wasting test of strength between the Congress and the President."

He is right on all counts, and both he and Congress deserve credit for the progress in that direction which is now apparent.

HOW NOT TO SAVE THE RAILROADS

Mr. McGOVERN. Mr. President, on March 9 Dr. Leon H. Keyserling, a former chairman of the Council of Economic Advisors, wrote the Washington Post concerning efforts to revitalize the railroad system. But, as Dr. Keyserling points out, these efforts today exist in the form of plans to eliminate lines which are considered unprofitable as now operated. And such efforts will not revitalize the railroads; they will hasten their deterioration. The railroads will continue to decline unless the Federal Government abandons not the branch lines, but the deficiencies of the current policy, and concentrates instead on ideas and methods that will work.

I will soon introduce rail rehabilitation legislation which would assure improved rail service and provide a long-term national rail transportation plan along the lines Dr. Keyserling has advocated.

Mr. President, I ask unanimous consent that Dr. Keyserling's illuminating letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOW NOT TO SAVE THE RAILROADS

On February 27, The Post carried the story that a federal agency has proposed a plan for "a rehabilitated and streamlined railroad system for the Northeast, subsidized with billions of tax dollars," including the elimination of 6,200 miles of branch lines. Although I am not familiar with all of the details, my experience with the rail transportation problem enables me to comment, I hope constructively.

For six years before the I.C.C. and then before the Supreme Court, I opposed the Penn-Central rail merger. The central reason offered for the intended merger was to "reduce costs," and "save the two lines from bankruptcy," by drastic reduction of facilities, personnel, and services. I pointed out (a) that adequacy of service is the prime *raison d'étre* for the rails, and, if this prevents adequate profits, it is the duty of government to offer whatever aid is needed to assure adequacy of service; (b) that the two railroads were in financial trouble largely because they had adhered to scarcity service rather than adequacy, and would assuredly become bankrupt if the government put its stamp of approval upon more of the same, and (c) that the I.C.C. had accepted the railroads' palpably wrong findings as to service needs instead of making its own findings. The merger followed; more cuts in service occurred, to the public detriment; and bankruptcy came. After that, the same course was followed under the trustees, in a vain "rescue" effort.

Now we are being treated to still more of the same sort of rail policy, and doubly erroneously at a time when a shift toward more rather than less mass transportation would save immense amounts of energy.

This example has vast implications for our current efforts to "restore" the economy by predominant reliance upon tax cuts. A mixed package of tax cuts and enlarged federal spending for priority purposes would provide more efficient stimulus to the economy, save energy, and give us more of what we need most instead of more of what we can afford to postpone. When, oh, when, will we start to do some coherent planning with a long-range view, instead of muddling through to another inadequate and then aborted recovery followed by still another stagnation and then recession? Are not five such cycles since 1953 enough?

LEON H. KEYSERLING,
Former Chairman,
Council of Economic Advisers.
Washington.

SOUTH VIETNAM

Mr. GOLDWATER. Mr. President, some opponents of military assistance for South Vietnam argue that that country's economy is a mess and will soon collapse. They argue that if we send any assistance at this time it will merely mean sending good money after bad and since that is the case they claim it is time for us to call it quits and leave South Vietnam to defend itself.

Now, however, a voice has been raised in opposition to that argument. G. Warren Nutter, Assistant Secretary of Defense for International Affairs from 1969 to 1973, takes strong opposition. He says the argument is a "groundless myth" and that the South Vietnamese economy has undergone many strains but always responds with remarkable resilience and vigor.

Mr. Nutter, who now teaches economics at the University of Virginia, is writing a series of articles on South Vietnam for the Washington Post. In his first offering he claims the recent performance by the South Vietnamese is all the more admirable, because we had patronized them in economics as well as military affairs, many times doing for them what they needed to learn to do for themselves.

Thanks to the Americans' Vietnamization program, Nutter says, the foundation has been laid for an ultimately self-reliant economy. As he puts it:

> Consequently, the brutal shock of the final American withdrawal and the 1972 invasion was quietly absorbed by the economy. So was the sharp rise in oil prices last year. The standard of living has, of course, gone down while inflation and unemployment has gone up, but the people tighten their belts.

Mr. President, because this is one of the few positive and encouraging articles on the subject of Vietnam in recent weeks, I feel it is exceedingly important that it be made available to the Members of the Senate. I ask unanimous consent that Mr. Nutter's article of March 4 in the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AID TO VIETNAM: KEEPING OUR WORD

(By Warren Nutter)

(This is the first in a series of articles treating the issues involved in the question of whether this country should continue to provide aid to the government of South Vietnam.)

Good money after bad, they say. Is there no end to Vietnam? Haven't we done more than enough? We sacrificed 46,000 lives, squandered $150 billion. What do we have to show for it? The war goes on, and more American aid just means more killing. Why not call it quits and let the South Vietnamese fend for themselves?

So speak the critics of further aid to South Vietnam, and their words are persuasive to an American public still enduring tragic consequences of an ill-conceived venture in Vietnam. There can be no quarrel about our epic mistakes of the past. But must we so brood over the past that we blind ourselves to responsibilities of the present and future? Must we be so zealous in avoiding repetition of old mistakes that we commit new ones at least equally perilous to national security?

We were not wrong to help South Vietnam resist naked aggression. Our mistake consisted in trying to do the whole thing ourselves. We not only bled our nation needlessly but lost precious time preparing the South Vietnamese to defend themselves.

The Paris Accords called for a ceasefire but, as we know all too well, the firing has never ceased. One might disagree as to which side has been guilty of this or that incident, but there can be no doubt that North Vietnam has contemptuously ignored the Accords from the start. It has done so by persistent heavy attacks near the demilitarized zone and by relentless build-up of troops, supplies, and arms throughout South Vietnam. Whatever flimsy mask of respectability remained has now been torn away by the launching of a major offensive, supported by heavy artillery and tanks, that has resulted so far in capture of the entire province of Phuoclong.

The South Vietnamese face an enemy more strongly massed, far better supplied, and more heavily armed than it was at any time when we were doing the fighting. Having only a small part of our firepower and mobility, they must substitute guts and staying power. What was once a supply trail from Hanoi to the South, constantly harassed and interdicted by air, has become an unmolested freeway. Last year it brought eight times as many supplies into South Vietnam as the trail carried through in the year of build-up and support for the all-out invasion of 1972.

The Paris Accords strictly forbade even the replacement of enemy troops then in South Vietnam, but Hanoi has since doubled its forces in the South. These are main-force units of the Army of North Vietnam, filled out no more than a tenth by local Viet Cong. Seven additional regular divisions are stationed in reserve in North Vietnam. In resisting this powerful enemy, the South Vietnamese have suffered more combat deaths in the last two years than we did in our entire seven years of warfare.

Man for man and unit for unit, they have outfought the North Vietnamese. That may be hard to believe but it is true.

We cannot expect them to provide bullets as well as blood. They could if the invader were also fighting with its own weaponry. But North Vietnam is supplied in plenitude by the Soviet Union and China.

Meanwhile, we have provided far less than the one-for-one replacement of consumed supplies permitted by the Accords. In fact, Congress enacted a double-barreled cutback last year when it reduced the authorized aid program by $400 million and appropriated $300 million less than the authorization. Inflation cut real aid even further. Some wished to believe that our cutting of aid would reduce the level of violence by forcing President Thieu to fight less and negotiate more, as if it were all up to him. The result has been quite the opposite. Sensing American abandonment of South Vietnam, Hanoi stiffened its negotiating stance while launching a military offensive. When military victory seems at hand, why should Hanoi negotiate for something less?

Some opponents of military assistance argue that the South Vietnamese economy is a mess and will collapse sooner or later anyhow. This is a groundless myth. The South Vietnamese economy has suffered many strains, but it has responded with remarkable resilience and vigor. Recent performance is all the more admirable because we had patronized the South Vietnamese in economic as well as military affairs doing for them what they needed to learn to do for themselves, and often doing it wrong. In addition, the economy became distorted in trying to serve Americans in the style to which they are accustomed. Fortunately, much progress was made during Vietnamization in building the foundation for an ultimately self-reliant economy.

Consequently, the brutal shock of the final American withdrawal and the 1972 invasion was quietly absorbed by the economy. So was the sharp rise in oil prices last year. The standard of living has, of course, gone down while inflation and unemployment have gone up, but the people tighten their belts.

In current prices, imports fell by 45 per cent in the second half of 1974 and by 10 per cent in the year as a whole. Since import prices were rising by 35 per cent, the reduction in real imports was much larger. The rate of domestic inflation was cut by more than a third in 1974. The cost of living remained stable over the entire final quarter. What other country can claim such a record?

Meanwhile the long-run program for creating a self-reliant economy has been working despite the deteriorating security situation. In a word, the economy has been performing extremely well under the circumstances.

Many will ask: So the South Vietnamese are making their own way. But what do we owe them? Well, we owe them no more than our hearts tell us. We owe them neither more nor less than it means to our conscience to forsake the principle of self-determination and to acquiesce in a bloodbath of innocents.

We should also ask what we owe ourselves, and that is a matter of the head. What we owe ourselves depends on how much difference it makes to live in a disintegrating world order. For nothing will diminish our ability to wield a stabilizing influence in world affairs so much as a well-deserved reputation for infidelity and unreliability in time of trouble.

There is no doubt where my sympathies lie. I was in charge of Vietnamization from beginning to end, and I cannot forget its deeper meaning. That deeper meaning derived from the Guam Doctrine, which proclaimed to the world that we would provide material assistance to any nation that demonstrated the resolve to fight for itself in resisting aggression. This we would do instead of fighting others' battles for them. Vietnam was to be the first case of the new doctrine at work. The Mideast could be the second.

Well, they are fighting their own battle, and now the world waits to see whether we shall stick to our end of the bargain.

THE FRANK PEROFF CASE

Mr. JACKSON. Mr. President, as chairman of the Senate Permanent Subcommittee on Investigations, yesterday I made public a subcommittee staff study entitled "The Frank Peroff Case."

I wish to commend the staff for a thorough and responsible investigation and a fair and clear presentation of the facts in a very complicated case.

I ask unanimous consent that certain aspects of the 100,000-word study be printed in the Record including the introduction; the chronology; the findings and conclusions; and my memorandum transmitting the study to other members of the subcommittee.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Frank Peroff Case

INTRODUCTION

On April 28, 1974 in a Federal courtroom in New York City, former Attorney General John Mitchell and former Commerce Secretary Maurice Stans were found not guilty of conspiracy, obstruction of justice and perjury. The trial was one of the most sensational in American history. Never before had two Cabinet members been tried together on criminal charges connected with official or political duties.

The charges against Mitchell and Stans revolved around $250,000 in campaign contributions made to the 1972 re-election campaign of President Nixon. The money was from Robert Vesco, the internationally known financier. The Government prosecutors alleged that in return for the contributions Mitchell and Stans had sought to influence a Securities and Exchange Commission inquiry into Vesco's activities.

The grand jury that indicted Mitchell and Stans May 10, 1973 also indicted Robert Vesco. But Vesco was living overseas, dividing his time between Costa Rica and the Bahamas. Efforts to extradite Vesco failed. The Government, through its office of the U.S. Attorney for the Southern District of New York, went ahead with prosecution of Mitchell and Stans. Vesco remained abroad, a fugitive from justice. The trial began February 19, 1974 and ended 46 days later with the acquittals.

Robert Vesco, while avoiding prosecution, was conspicuous by his absence. His name came up many times during testimony. And, after the jury's verdict was read, there was still considerable comment about Vesco. One juror, Clarence Brown, was quoted in the April 29, 1974 Washington Post as saying, "They [the Vesco people] wanted to get something going but I don't think that Stans and Mitchell fell for it. Vesco was trying to get to any top figure to embarrass the President."

The same edition of the Post quoted a government prosecutor, John R. Wing, as saying, "I feel rotten. I feel very disappointed in the verdict. If we could have gotten Vesco back it would have been different." Wing's boss, Paul J. Curran, the U.S. Attorney for the Southern District of New York, told the New York Daily News of April 30, 1974 that Vesco "is not off the hook" and could still be charged in connection with crimes Mitchell and Stans had been acquitted of. Curran said that Vesco "is a fugitive from justice and certainly will be prosecuted if he should step foot in the United States, or move to a country from which he can be extradited."

Curran was referring to the Government's two unsuccessful efforts to have Vesco extradited, first from the Central American country of Costa Rica, then from the Caribbean nation of the Bahamas. The failure to have Vesco for the Mitchell-Stans trial was a setback to the Government's side.

In the fall of 1973—at a time when the Federal Government was trying to extradite Vesco and preparing its case against Mitchell and Stans—a man came to the Senate Permanent Subcommittee on Investigations and said he had information to show that Robert Vesco was a principal in a $300,000 heroin smuggling conspiracy. He said the Federal Government knew about the plot but had deliberately sabotaged efforts to investigate the conspiracy and expose Vesco's role in it. He said the Federal Government was protecting Robert Vesco.

The man making these charges was Franklin Peroff. He got in touch with the staff of the Investigations Subcommittee October 4, 1973. Peroff, 36, was known to the Subcommittee as an associate of organized crime figures. Peroff's name had come up most recently in connection with the Subcommittee's inquiry into the role of organized crime in the traffic in stolen securities. But Peroff's reason for making contact with the Subcommittee now did not have to do with stolen securities. Peroff wanted to talk about Robert Vesco, heroin, government cover-up and his own safety.

Subcommittee Investigators Philip R. Manuel and William B. Gallinaro listened to Peroff's story. They recommended further inquiry. The Subcommittee Chairman, Senator Henry M. Jackson of Washington, authorized a preliminary investigation.

The Drug Enforcement Administration (DEA) and the Customs Service, the two agencies most affected by the charges Peroff was making, conducted their own inquiry when Peroff's allegations were made known to them by the Subcommittee staff. Begun October 16, 1973 and completed December 12, 1973, the joint investigation was headed by William Green of Customs and Edwin L. Stamm of DEA.

On December 13, 1973, a day after completion of the inquiry, a report was issued. Entitled "Investigation of Allegations by Frank Peroff Concerning Special Agents of the Drug Enforcement Administration and the United States Customs Service," the report exonerated Federal agents of dereliction of duty. If anyone had failed to live up to what was expected of him, it was Frank Peroff, the report concluded.

The joint DEA-Customs report asserted:

"This investigation is concerned with possible personnel dereliction since Frank Peroff alleged to the Senate Permanent Subcommittee on Investigations that Customs and/or Drug Enforcement Administration agents attempted to discontinue an ongoing narcotics investigation when Robert Vesco's name was mentioned; that agents threatened and intimidated him; that someone, presumably the agents, burglarized his apartment in an effort to recover tape recordings mentioning Vesco's name.

"All agents involved in this investigation denied, under oath, the allegations made by Mr. Peroff.

"The investigation did establish that when Vesco's name came up, Mr. Peroff, an extremely difficult person to manage according to the agents, was requested to fly to Costa Rica for the purpose of exploring and further developing Vesco's alleged involvement and that Peroff refused to go despite the fact he was assured protection.

"This investigation failed to uncover any evidence to substantiate the allegations."

While the DEA-Customs inquiry disputed Peroff's allegations, the Investigations Subcommittee inquiry went forward. Executive hearings were held May 17 and 30 and June 7, 11, 12, 13 and 14, 1974.

CHRONOLOGY

January 15, 1972.—Canadian racketeer Conrad Bouchard was arrested by the Royal Canadian Mounted Police on heroin smuggling charges. Prior to this time Peroff was criminally involved with Bouchard in stolen securities and counterfeit money transactions. Peroff had known Bouchard since 1970.

March 13, 1972.—Frank Peroff went to the New York office of the Federal Bureau of Investigation with information about a counterfeit money plot in England. The FBI referred Peroff to the Secret Service office in New York where Peroff showed agents a bogus $50 bill and said it was part of a large collection of counterfeit currency being maintained in London by John Sidney Barnes. It was on this occasion that Peroff offered to help the Secret Service locate the plant where the counterfeit money was being printed.

March 24, 1972.—Harris J. Martin, at this time head of the counterfeit section of the Secret Service, and Frank Leyva, Chief of European operations for the Secret Service, met in London with Frank Peroff at which time Peroff provided information regarding the alleged counterfeiter, John Sidney Barnes. It was also at this meeting that Peroff was put in contact with Scotland Yard.

March 27, 1972.—Frank Peroff called Frank Leyva of the Secret Service to say that he no longer wished to cooperate with Scotland Yard in the Barnes counterfeit inquiry.

April 30, 1972.—Peroff came to Leyva's office in Paris and displayed a counterfeit $100 bill. Peroff identified the note as being part of a collection of counterfeit currency held by John Sidney Barnes and a Barnes' associate named Keith Jeffries.

May 11, 1972.—Peroff met in a Paris hotel with Leyva at which time the Barnes counterfeit case was discussed.

May 18, 1972.—Peroff, now in Sweden, called Frank Leyva in Paris to say that he was spending considerable amounts of his own money in connection with the Barnes counterfeit case. Peroff told Leyva he would visit him in Paris to work out "financial arrangements" with the Secret Service. Leyva said there would be no such talks since the Secret Service policy was that payments were made on a reward basis.

Summer of 1972.—The Peroff family took up residence in Rome in a large house at 16 Via Barballo.

Early January 1973.—Peroff had a chance meeting with a man in front of the Excelsior Hotel in Rome. The man, known to Peroff as Louis, was an employee of Conrad Bouchard. Louis arranged for Bouchard and Peroff to discuss business in a series of long distance telephone calls between Peroff in Rome and Bouchard in Montreal. During these conversations Bouchard introduced Peroff to a man Bouchard identified as Tom Solarik.

Mid-January 1973.—Peroff met in Rome with the man identified by Bouchard as Tom Solarik and another man Solarik identified as being named Mike Silverman. Solarik and Silverman agreed to enter into an arrangement with Peroff in which Peroff would sell for them a half-million dollars in counterfeit $100 and $50 bills.

January 21, 1973.—Peroff, calling from Rome, telephoned the Secret Service office in Paris to say he had $500,000 in counterfeit money and he was trying to obtain $2 million more. The call was taken by Frank Leyva.

January 22, 1973.—Peroff, still in Rome, called Leyva again. Leyva told Peroff to contact Customs Attache Mario Cozzi at the American Embassy in Rome. Peroff told Cozzi about the counterfeit money and about other illicit activities including procedures followed by persons who were able to obtain fraudulent Panamanian and Canadian passports. Cozzi had Peroff fly to London to gather more information on the passport question. Then Peroff was directed to fly to Paris where he checked into a hotel near the American Embassy Annex, D Building.

January 25, 1973.—Peroff turned over to Cozzi $438,750 in bogus $100 and $50 bills. Peroff indicated that the counterfeit money had been given to him on a "consignment basis by Solarik and Silverman.

February 1, 1973.—Customs Attache Mario Cozzi sent a wire to the Paris offices of the Secret Service and the BNDD in which he reported the existence of two warrants on Frank Peroff issued in Florida on bad check charges. Copies of the wire were also sent to the Washington offices of Customs, BNDD and the Secret Service. Cozzi also notified Antonio Delfino, Assistant Chief of the Rome office of Interpol, of the two warrants on Peroff.

February of 1973.—Peroff met with Leyva and Vernon Pitsker and George Corcoran of the Customs Service and with agents of the Bureau of Narcotics and Dangerous Drugs. The talks went on for the next two days. The agents informed Peroff that Solarik and Silverman had come to Europe primarily to buy narcotics and that passing counterfeit currency was a secondary goal. The agents enlisted Peroff as an informant and asked him to try and penetrate the alleged drug conspiracy. Peroff became actively involved in the drug conspiracy, reporting regularly to federal drug agents.

February 6, 1973.—Frank Leyva of the Secret Service learned of the existence of the outstanding warrants on Peroff from Florida in connection with two bad checks. Leyva raised the subject of warrants with Peroff but he did not tell Peroff that he knew of the two Florida warrants. Peroff denied any warrants were outstanding on him but later acknowledged that if such warrants were outstanding they were based on a "misunderstanding" and that Peroff had already "straightened that out."

February 8, 1973.—French police, working with U.S. Customs and BNDD agents and using information supplied by Frank Peroff, seized 10 kilograms of heroin and arrested Thomas Solarik, Nikolaye (Mike) Silberman and Werner (the Kraut) Patek in a raid on Solarik's room in the Hotel Rome at 18 Rue de Constantinople, Paris. Also arrested in connection with the heroin seizure was a Hungarian woman, Julia Kovacz Szige, who was identified by officials as being Silberman's girlfriend. Another man, Kaley Amon, a Turk traveling under a Canadian passport, was also suspect of being part of the heroin plot and was believed to have returned to Montreal.

February 9, 1973.—A cable was sent from the American Embassy in Paris to the Washington headquarters of BNDD and U.S. Customs in which a summary of the previous day's heroin arrest was given and in which it was stated that Peroff, under the code name CXA-3-0004, would receive a reward for his role in the heroin seizures of $3,000 from BNDD and $3,000 from Customs. A Secret Service check for $1,623 was sent to Frank Leyva to be given to Frank Peroff as a reward for working on the Solarik-Silverman counterfeit case. This sum, together with the $3,000 each given to Peroff by Customs and BNDD, brought his total reward money for this case to $7,623.

February 14, 1973.—Richard A. Falanga, a Bureau of Narcotics and Dangerous Drugs agent, wrote an account of the Solarik-Silverman heroin case in which he attributed considerable credit for the narcotics arrest to the undercover informant work of Frank Peroff. BNDD agent Falanga identified Peroff in his report as "SXA-3-0004."

February 1973.—Peroff met with Cozzi, John J. Molittieri and Vernon Pitsker, all of Customs, and Richard Falanga of BNDD in Rome. The agents enlisted Peroff in another drug inquiry. This inquiry would require Peroff to travel to Montreal meet with the Canadian racketeer. Conrad Bouchard, and seek to find out from him if the Solarik-Silverman narcotics seizure in Paris had wiped out the entire shipment. If there was more heroin than that which was seized, the agents wanted Peroff to find out about it. The agents also coordinated Peroff's activities in Montreal with the Royal Canadian Mounted Police.

February 15, 1973.—Peroff, under orders from federal drug agents, flew from Rome to Montreal.

February 1-5-27, 1973.—Peroff was in Montreal meeting with Conrad Bouchard and others concerning a plan to have Peroff in his private jet, fly into Marseilles, France, visit a secret heroin laboratory, pick up a shipment of the drug, and smuggle it into the United States or Canada.

February 27, 1973.—Peroff returned to Rome. Peroff testified that federal agents were enthusiastic about the opportunity to find the secret heroin facility in Marseilles.

In return for serving as an undercover agent in this proposed heroin plot, federal drug agents told Peroff he would receive a substantial reward. Peroff testified that the amount of the reward offered him was $250,000. Peroff testified that on the basis of that offer and because the agents threatened to expose him as the informant on the Solarik-Silverman counterfeit case, he was persuaded to enter into this new inquiry as an undercover agent.

March 16, 1973.—The Peroff family, following the directions of federal drug agents, flew from Rome to New York. Unknown to American officials were $10,000 in unpaid bills the Peroffs left behind in Rome.

March 16, 1973.—The Peroff family arrived in New York at the John F. Kennedy Airport where they were met by Customs agent Richard Dos Santos. Dos Santos took the family to the Ramada Inn at JFK Airport, where they stayed until March 20, a Monday.

March 19, 1973.—Cozzi and Molittieri said, in a wire to Customs headquarters in Washington, that Frank Peroff and his family had departed Rome for the United States on March 16 aboard Pan American Airlines Flight 119. The report went on to state that the Peroff's were given $500 per diem expense money to cover the period March 1 through March 20. The cable said that Cozzi had paid Peroff "extra expenses" of $336 for costs incurred during Peroff's February 15 through February 27 visit to Canada for the cost of an "undercover rental car" which Peroff used in Rome. Another expense paid by Customs, the wire said, was $1,323.50, the cost of air transportation back to the United States for Mrs. Peroff and the five Peroff children. This payment, the cable disclosed, had to do with work Peroff "had accomplished for the Secret Service." Cozzi and Molittieri also warned in the cable that Poreff was the kind of informant who expected the government to pay him more expense money than he was entitled to and that, therefore, agents who dealt with Peroff in the future should be specific and precise about arrangements for payments to Peroff.

March 20, 1973.—Richard Dos Santos had the Peroffs check out of the Ramada Inn at the Kennedy Airport. He took them to a hotel in Brooklyn and told them this would be their quarters while the Bouchard heroin inquiry was conducted. Peroff objected to his family having to stay at this hotel. Peroff told Dos Santos he wanted his family to be lodged at the New York Hilton Hotel. Dos Santos took the Peroffs to the New York Hilton Hotel where they registered in a $66 a day suite. The suite was charged to Richard Dos Santos.

March 20, 1973.—Peroff, at the direction of Customs agents, flew aboard an Eastern Airline shuttle from LaGuardia Airport in New York to Washington, D.C. where he was met by Customs Agent Douglas McCombs and Peroff left the main terminal at National Airport and walked to the adjacent General Aviation Terminal where private aircraft are serviced. They were joined by a man Peroff remembered as Bob and identified as being a Lear jet pilot who had just flown in from West Palm Beach, Fla. The pilot, Bob, was accompanied by a Customs agent from the Homestead Air Force Base in Dade County, Florida. It was agreed that Peroff would fly in the Lear jet to Montreal, with Bob piloting the aircraft and the Homestead Air Force Base Customs agent serving as copilot.

March 21, 1973.—Peroff had lunch at Moishe's Restaurant in Montreal with Giuseppe (Pepe) Cotroni, Conrad Bouchard, Claude Lemoyne and Dominic Torrente. Illicit drug transactions were discussed. Cotroni told Peroff he wanted to use the Lear jet to make a shipment of heroin to Windsor, Ontario. Cotroni questioned Peroff extensively to establish that Peroff was a person with connections in the underworld. Following the luncheon, Cotroni told Peroff that he liked him.

March 21, 1973.—Following the luncheon at Moishe's, Peroff, Lemoyne and Bouchard flew in the Lear jet to Quebec City, where Bouchard conducted a meeting with a restaurant owner. They returned to Montreal in the Lear jet that evening.

March 22, 1973.—Peroff provided the Lear jet to Conrad Bouchard, Claude Lemoyne and an associate of Cotroni named Louis Cote. The men flew to Windsor, Ontario, in the Lear jet flown by the pilot named Bob and the Customs agent from Homestead AFB. In Windsor, Cote, Lemoyne and Peroff went to a pizzeria and waited while Bouchard, carrying a briefcase, met in a private home occupied by a woman named Andrea Delisi. Also at the home of Miss Delisi was a Detroit racketeer and known drug dealer named John Fecarotta. Following the meeting Bouchard returned to the pizzeria, picked up Peroff, Cote and Lemoyne and the four men returned to the Windsor airport and the Lear jet flew back to Montreal. Customs agents believed a heroin transaction had taken place in which Fecarotta had bought $30,000 in heroin from Bouchard.

Spring of 1973.—Secret Service agents traced the counterfeit money Peroff had given them to a plant in Passaic, New Jersey. Agents learned that the counterfeit money was printed at the Passaic plant and then shipped to Montreal for distribution. The Passaic installation was "surpressed" by government agents.

April 4, 1973.—Richard Dos Santos wrote a memorandum for his superiors in which he asserted that Peroff was becoming "increasingly disenchanted" and highly critical of the way Federal agencies were treating him. Dos Santos reported that Peroff felt that he had been enticed into the new investigation on the promise of receiving a big reward but that now the reward offer had been withdrawn and that Peroff felt that the Government owed him "iron clad guaranties" that he be rewarded for his contributions to the investigation. Peroff was complaining that the Government's interest in the heroin case no longer centered on the location of the clandestine heroin laboratory in Marseilles and that instead government agents now were primarily concerned with gathering evidence against Giuseppe (Pepe) Cotroni. Dos Santos, in his memorandum, said that Peroff now claimed to have been in recent contact with three men—Conrad Bouchard, the racketeer; Vernon D. Acree, the U.S. Commissioner of Customs; and Jack Anderson, the syndicated Washington columnist. Dos Santos said Peroff threatened to take his complaints to the New York news media and the White House.

April 6, 1973.—Frank Peroff flew to Washington and met with Vernon Acree, the Commissioner of Customs, at which time he complained about money owed him by the Customs Service and about the treatment he had received fom Customs Agents.

April 11, 1973.—A 20-point agreement was drawn up at the Customs Service for the purpose of "clarifying several points of misunderstanding regarding the conditions" of Peroff's service to the government. In the agreement, written up in an April 16, 1973 memorandum by Assistant Customs Commissioner Harold F. Smith, it was asserted that certain expenses of Peroff's would be paid by the Customs Service and that he would continue to work in an undercover capacity on the Conrad Bouchard heroin inquiry. It was also stipulated that Peroff's control agent would be Richard Dos Santos. In addition, the Customs agreement asserted that Judy Peroff and the children would be moved from New York to Puerto Rico.

April 12, 1973.—Customs officials paid Peroff $7,900 in twenty $20 bills, fourteen $50 bills and sixty-eight $100 bills. In addition, Customs officials paid a $2,847 bill the Peroff family had run up at the New York Hilton Hotel.

April 13, 1973.—Judy Peroff and the five Peroff children left New York and flew to San Juan, Puerto Rico where they were met at the airport by Customs agent Octavio Pinol. Peroff himself remained in New York and registered at the International Hotel at the JFK Airport. In San Juan, Pinol took Judy Peroff and the children to quarters in the Villa Cristobal Apartments. Judy Peroff protested that the quarters were inadequate to her family's needs. A dispute broke out, Pinol called Richard Dos Santos and Dos Santos persuaded Judy Peroff to stay at the Villa Cristobal for a few days until better quarters could be found.

April 16, 1973.—Peroff informed Richard Dos Santos that he, Peroff, had obtained improved housing for his family in Puerto Rico, having worked out an arrangement with a condominium owner whose apartment was in Isla Verde, a suburb of San Juan. Then Frank Peroff left New York and flew to San Juan to join his family.

April 25–28, 1973.—Frank Peroff was in Montreal where he worked in an undercover capacity for the U.S. Customs Service on the heroin inquiry involving Conrad Bouchard.

May 2 and 3, 1973.—Frank Peroff met in New York with U.S. Customs officials and described his April 25 to April 28 visit to Montreal. Peroff told Customs officials that Bouchard was planning to use the Peroff executive jet in a 100 kilogram heroin smuggling effort that would require Peroff to fly to Marseilles or Nice, France, pick up the drugs and fly into either Canada or the United States. Peroff told Customs officials that if Conrad Bouchard went to jail Giuseppe Cotroni or John Fecarotta would step in and run the 100 kilogram transaction.

May 3, 1973.—Customs agents John Verklan and Gary Liming, assigned to the Detroit Organized Crime Strike Force, interrogated Peroff at the Statler Hilton Hotel in New York for about two hours in connection with Peroff's knowledge of criminal activities in the Detroit area, in the Bahamas, and with the airplane ride Peroff had provided Conrad Bouchard to Windsor, Ontario the previous March. It was during this interview with Verklan and Liming that Peroff referred to Robert Vesco as a powerful figure in the Bahamas and a person with organized crime connections. Peroff also explained to the agents the techniques he would employ to smuggle into the United States large quantities of heroin aboard an executive jet. Peroff told the agents that the heroin transaction being planned by Cotroni and Bouchard called for a shipment of 100 to 150 kilograms of heroin. The heroin would be purchased at the price of $3,000 a kilogram. Peroff said Mafia operatives in Detroit would manage the heroin once it arrived in the U.S. and that proceeds would be divided three ways between Italian crime families in Detroit, New York and Chicago. Peroff said Bouchard did not prefer to do business with Cotroni but that Cotroni had the resources to finance the transaction and that "Cotroni needs Bouchard for the French connection." Peroff said a gangland war could break out in Montreal because of disputes over how to handle proceeds from drug sales and other matters.

May 10, 1973.—A Federal Grand Jury in New York indicted former Attorney General John Mitchell, former Commerce Secretary Maurice Stans and financier Robert Vesco in connection with charges that Mitchell and Stans tried to influence a Securities and Exchange Commission action agaist Vesco in return for Vesco's $250,000 campaign contribution to President Nixon's re-election.

May 10, 1973.—Douglas A. McCombs, a Senior Customs Narcotics Agent, working out of the Washington Headquarters of the Service, wrote a memorandum in which he discussed the possibility that Conrad Bouchard might flee Canada and, at the same time, attempt to carry through on the massive heroin deal. McCombs pointed out in his memorandum that he and the RCMP thought it quite likely that Bouchard would enlist Frank Peroff and the Lear jet in both the heroin plot and the escape effort.

May 13, 1973.—Frank Peroff was directed to return to Montreal. He checked in at the Airport Hilton Hotel where he met with Cpl. Claude Savoie of the RCMP.

May 14, 1973.—Peroff checked into the Seaway Motor Inn in downtown Montreal and was paid a visit by two of Conrad Bouchard's associates, Louis Cote and Claude Lemoyne. The three men discussed the possibility of smuggling into North America a large shipment of hashish.

May 15, 1973.—Claude Lemoyne again talked over the possibility of a hashish smuggling effort and stated that the origin of the hashish would be Pakistan.

May 15, 1973.—Customs Agents Sidney Bowers, in Montreal, entered a notation in his diary in which he said that Special Agent Douglas McCombs was opposed to the hashish deal.

May 16, 1973.—Bowers noted in his diary that it was the judgment of drug agents of the Royal Canadian Mounted Police that Peroff be taken out of Montreal and that he was to close out his involvement at that time in the proposed hashish operation.

May 16, 1973.—Peroff met with Bouchard in Bouchard's home and demanded $30,000 in advance. The advance money was to be used to make improvements on Peroff's Lear jet. Bouchard was outraged at this demand for advance money but later calmed down and said while he could not raise $30,000 he might be able to come up with $10,000. The Bowers diary entry noted that Bouchard warned Peroff that he could not walk out on the hashish deal and that "the Italians aren't going to let you back out."

May 17, 1973.—Peroff waited at the Seaway Motel for further instructions from Bouchard but he received no direction.

May 18, 1973.—Bouchard, Lemoyne and Cote came to Peroff's room at the Seaway and took him to a tavern where Peroff was confronted by the nephew of Tom Solarik. The nephew accused Peroff of being the police informant in the arrest of his uncle. Peroff denied the charge and persuaded the Solarik relative that he had not been a government informant in Paris.

May 19, 1973.—Peroff abruptly left Montreal and returned to New York, telling the Bouchard group that he needed to check on the repair work being made on his Lear jet.

May 21, 1973.—Peroff made telephone contact with Bouchard. Bouchard said the hashish plan had been cancelled. Bouchard said the original proposal involving 100 kilograms of heroin had now been reactivated.

May 21, 1973.—Bowers noted in his diary that the Bouchard group had discarded the hashish plan and had returned to their original concept of bringing in a large shipment of heroin.

May 22, 1973.—Peroff again spoke on the telephone with Bouchard. Bouchard said he now envisioned a shipment as large as 200 kilograms of heroin. Bouchard said the shipment would be executed within the next two weeks.

May 23, 1973.—The Bowers diary noted that Bouchard was now proposing that a heroin transaction was to be executed in early June "for twice original amount." The diary entry also recorded that Bouchard wanted Peroff to contact a New York hoodlum named James Episcopia, also known as Jimmy Legs. The purpose of the proposed meeting with Jimmy Legs was to work out an arrangement whereby Bouchard and Peroff could use Legs in obtaining sufficient funds to finance a large heroin transaction. Jimmy Legs was a known trafficker in stolen and bogus securities as well as illicit drugs.

June 26, 1973.—Customs Agent Octavio Pinol, working out of the San Juan office, received a phone call in which he was instructed by Customs official that Peroff would remain an informant for the Customs Service after the transfer of narcotics functions to the new Drug Enforcement Administration (DEA).

June 28, 1973.—Customs Agent Octavio Pinol sent two cassette recordings of telephone conversations between Peroff and Conrad Bouchard to Richard Dos Santos in New York.

June 28, 1973.—The Puerto Rico Telephone Company cut off telephone service in Frank Peroff's home. Also on this date, Octavio Pinol took back from Peroff Customs tape recording equipment with which Peroff had been recording his telephone calls with Conrad Bouchard. Pinol had the telephone service cut off due to the nearly $3,000 in telephone bills Peroff had run up. Pinol took away the tape recording equipment because his supervisor, Jesus Martinez, told him to in light of the imminent transfer of narcotics functions from Customs to DEA.

June 29, 1973.—John O. Brockman, Acting Assistant Commissioner in the Office of Investigations at the Customs Service, sent a wire to Customs offices in Miami and New York. The Brockman cable authorized payment of $500 for the Peroff's rent for June and authorized the San Juan Customs office to pay the bill for the installation of a telephone in Peroff's apartment and to pay for Peroff's official phone calls. Brockman directed New York Customs office to pay Peroff per diem of $25.00 a day for 38 days—for a total of $950.00—for the period of May 24 to June 30, 1973. Another $148.38 was to be paid Peroff by the New York office for the costs involved in Peroff's having taken "suspects" for drinks and dinner and, in addition, for several telephone calls Peroff placed. Brockman's cable went on to say that "continuing delays" in the Bouchard inquiry meant that the investigation would not be completed by July 1, 1973 so that, as of that date, the case would be taken over by the DEA.

Mid or Late June of 1973.—Peroff, in a telephone conversation with his control agent, Richard Dos Santos, said that he could provide information about Robert Vesco that might prove useful to the Federal Government. Dos Santos discouraged Peroff from this pursuit on the grounds that it might entail entrapment.

June 29 through July 16, 1973.—Frank Peroff continued to communicate with Conrad Bouchard about the proposed heroin transaction over the telephone, but Peroff was not able to make any of these phone calls from his own apartment and had to use the phone of his neighbors, pay phones or phones provided him at DEA offices in San Juan.

July 1, 1973.—Under Reorganization Act No. 2 the Federal Government consolidated all of its narcotics functions in one agency, the new Drug Enforcement Administration. The DEA, located within the Justice Department, took over virtually all of the narcotics enforcement activities of the Customs Service, the Bureau of Dangerous Drugs and Narcotics (BNDD), the Office of National Narcotics Intelligence and the Office of Drug Abuse Law Enforcement. Frank Peroff, however, remained a Customs informant, receiving his expense money through the Customs Service but his directions were given by DEA agents. His control agent, Richard Dos Santos, was transferred to DEA and continued to give Peroff guidance.

July 1, 1973.—John J. O'Neill, DEA Group Supervisor, took over supervision of the Bouchard heroin inquiry as it related to the activities of Frank Peroff, the informant. Richard Dos Santos, transferred to DEA, was assigned to work under the supervision of O'Neill.

July 6, 1973.—From the apartment of his neighbor, Frank Peroff had a telephone conversation with Conrad Bouchard in which Bouchard told Peroff that Robert Vesco would finance the heroin deal. Peroff, who had turned over his government tape recording equipment to Octavio Pinol, was able to tape the conversation with recording equipment which Peroff himself owned.

Early July 1973.—Group Supervisor John J. O'Neill in a telephone conversation with Frank Peroff heard for the first time the July 6 tape of the conversation between Peroff and Bouchard in which Bouchard asserted that fugitive financier Robert Vesco intended to finance the $300,000 needed to purchase the 100 kilograms of heroin in Europe. Dos Santos testified that upon hearing this tape John J. O'Neill became excited and enthusiastic about the prospect of arresting Robert Vesco. O'Neill, however, testified that he did not, from the very beginning, have any confidence in the July 6 tape in which Bouchard implicated Vesco. O'Neill testified that the reference to Vesco was simply a ploy to keep Peroff interested and close by should Bouchard require the services of Peroff's Lear jet to escape Canada rather than face a long prison term.

July 7, 1973.—Peroff called Bouchard twice. He testified he taped both conversations on a single Scotch brand cassette. In both these conversations, Peroff testified, he tried to learn from Bouchard of any new developments in the heroin plot. Peroff said he made these calls from his neighbor's phone, again taping the calls on his own recording equipment.

July 8, 1973.—Peroff went to DEA offices in San Juan and at about 11 p.m. had a telephone conversation with Conrad Bouchard. Bouchard told Peroff that the planning meeting regarding the heroin transaction had been held and that Peroff was to go to Costa Rica and pick up $300,000 from Norman LeBlanc. LeBlanc is a close associate of Robert Vesco.

July 9, 1973.—Peroff reported to his control agent, Richard Dos Santos, about his four previous phone calls with Conrad Bouchard and about the purported involvement of Robert Vesco and Norman LeBlanc in the heroin transaction.

July 10, 1973.—Peroff, Dos Santos and Group Supervisor John J. O'Neill had a three-way conversation in which O'Neill raised the possibility that Peroff travel to Costa Rica as Bouchard had directed, but that he go commercial and not in the private jet. Peroff protested that his only involvement in the heroin inquiry stemmed from the access he would have to a private jet and that he would not wish to go to Costa Rica aboard a commercial airline.

July 10, 1973.—Following the three-way conversations with Dos Santos and O'Neill, Peroff again made contact with Bouchard. In this conversation Bouchard told him that Giuseppe Cotroni was the "mastermind" behind the heroin transaction. Peroff said Bouchard explained that Norman LeBlanc and Cotroni had been long time associates and were close friends.

July 11, 1973.—Peroff had another three-way telephone conversation with Dos Santos and O'Neill. In this conversation Peroff explained to the two men the substance of his previous day's talk with Bouchard. O'Neill now insisted that Peroff fly to Costa Rica in a commercial airline. Peroff refused. Peroff also complained about the amount of money he was receiving for expenses. O'Neill testified that the first time he had discussed the possibility of Peroff flying to Costa Rica in a commercial airplane was not July 9 or 10 but July 16, the day before Peroff left Puerto Rico to return to New York.

July 16, 1973.—DEA Agent Sidney Bowers entered in his diary for this day that Dos Santos had told him that Frank Peroff was troubled when he learned that Vesco would finance the heroin transaction. Bowers said that Dos Santos told him that what scared Peroff about the possible Vesco role was that "there might be security problems with Vesco's reported contacts in the government." Peroff feared that leaks inside the government would lead to his discovery as being an informant and that he would then be in danger for his life.

July 16, 1973.—DEA Agent Bowers asked the Royal Canadian Mounted Police if they wanted Frank Peroff to return to Montreal. Bowers testified that he made this inquiry because Richard Dos Santos asked him to. Bowers testified that the RCMP did not want Peroff to return to Montreal. Bowers said that he also objected to the idea of Peroff returning to Montreal.

July 17, 1973.—Wayne Valentine, Assistant Director of the DEA New York Region, sent a wire to the Puerto Rico DEA office in which travel was authorized for Frank Peroff from San Juan to New York City. Peroff was referred to in that telegram as code number D-73-1. The Valentine cable directed that the Puerto Rico office provide an air ticket—in the form of a government travel request—to New York to Peroff and also give him "$50.00 for expenses incurred by informant in the use of the telephone."

July 17, 1973.—The Peroff family arrived at John F. Kennedy Airport in New York. They were met by Richard Dos Santos and another agent named Dennis Perry. An argument ensued as to the correctness of Peroff having brought his family with him to New York. The argument resolved nothing and Dos Santos and Perry left the airport, leaving the Peroff family alone in the airline terminal. Before leaving the Peroffs Dos Santos gave Peroff $1,093.38 as payment for expense money owed Peroff. Peroff went to a pay phone and called Special Watergate Prosecutor Archibald Cox. He was unable to get through to Cox. Peroff then took his family to the nearby Hilton Inn at the JFK Airport where they registered under their true name.

July 17, 1973.—From the Hilton Inn, Peroff testified, he tried to call Special Watergate Prosecutor Archibald Cox, Customs Commissioner Vernon Acree and Acting Assistant Commissioner for Investigations at Customs John Brockman. It was Peroff's intention to complain to these officials that DEA agents were standing in the way of the Bouchard investigation. Peroff testified that he was unable to get through to any of these three officials.

July 18, 19, or 20, 1973.—Peroff called the U.S. Attorney's Office, Southern District of New York, and spoke with John R. Wing, who was prosecuting the Mitchell-Stans case. Peroff gave Wing details concerning his involvement as an undercover informant and his utilization by DEA in the Bouchard inquiry.

July 18, 19, or 20, 1973.—Assistant U.S. Attorney John R. Wing, upon receiving a telephone call from Peroff regarding the Bouchard inquiry, contacted Gerald Feffer of the narcotics unit of the U.S. Attorney's office, Southern District of New York. Wing told Feffer about the call and the Bouchard inquiry. Feffer, or an associate of Feffer, contacted Arthur Viviani, Assistant Chief of the Criminal Division of the U.S. Attorney's Office, Southern District of New York. Viviani called Wing for more details. Wing told Viviani that he did not know the name of the person who called him—at that point no one in the U.S. Attorney's office knew Peroff's name—or how to get hold of him. Viviani testified that he was familiar with the names Cotroni and Bouchard and that, when he concluded his conversation with Wing, he contacted Wayne T. Valentine, the Assistant Regional Director of DEA for the New York Region. Viviani testified that he told Valentine about the call Wing had received and gave Valentine the names Cotroni, Bouchard and Vesco. Viviani said Valentine recognized the names as being subjects in a DEA inquiry in which DEA Agent Richard Dos Santos was working. Viviani testified that Valentine stated that the caller was Dos Santos' informant, Frank Peroff.

July 18, 1973.—Peroff placed a call to the White House and asked for J. Fred Buzhardt. At that time Buzhardt was Special Consultant to President Nixon. Buzhardt was working on matters related to the Watergate litigation. White House switchboard operators referred Peroff to a Secret Service agent, Peter Grant, who was assigned to the White House detail of protecting the President and other officials. Grant listened to Peroff's account of the Bouchard inquiry and how he, Peroff, felt that he was being mistreated by DEA officials and to Peroff's assertions that the DEA was not properly pursuing the Bouchard-Vesco investigation. Grant called DEA Agent Morris H. Davis, Jr. Davis took the information from Grant regarding Peroff's assertions. Davis passed this information to the DEA Regional Official in New York. He spoke to a DEA official whose name he could not remember.

July 18, 1973.—Peter Grant of the Secret Service spoke with a superior, Harris J. Martin, about the Peroff calls to the White House. Grant testified that Peroff had referred to Harris as someone who could vouch for him. Harris explained to Grant that Peroff had been an informant in a counterfeit case in Europe. Martin told Grant there had previously been warrants on Peroff, according to Grant's testimony. Martin instructed Grant to contact Robert Connelly, the Secret Service agent in Orlando, Florida, Grant testified, and have him "find out if there was any existing warrant" on Peroff. Grant did as instructed. Connelly confirmed the warrants were still in effect.

July 18 or 19, 1973.—DEA Group Supervisor John O'Neill testified that it was on either of these days that he learned for the first time of the outstanding warrants which existed in Florida for the arrest of Frank Peroff. O'Neill testified that, upon learning of the warrants, he immediately initiated action to have Peroff arrested. O'Neill testified that he took this action "because he was a fugitive, the warrants called for his arrest." He testified that he also initiated action to have Peroff arrested to coerce Peroff into being a more cooperative informant.

July 19, 1973.—The Orange County Sheriff's office in Orlando, Florida sent a telegram to New York Police. In the wire the Florida authorities said that the warrants on Peroff, issued April 7, 1972, were still outstanding and requested that New York police arrest Peroff. In the wire Florida officials said that Peroff was staying at the Hilton Inn Hotel at Kennedy Airport in Room 636 and was registered under his true name.

July 20, 1973.—Peroff testified that while he was talking to Grant and others at the White House, he was also continuing his contacts with Conrad Bouchard. Peroff said that Bouchard told him to be at a certain phone booth at the International Hotel at Kennedy Airport at 5:30 p.m. July 20. Here he would receive "final instructions" for the Costa Rica trip. Peroff testified that the call came through. Bouchard had indicated that a password would be used to identify Peroff in Costa Rica. But, Peroff testified, the caller did not stipulate a password. Instead he told Peroff to wear a "distinctive suit" and that would serve to identify Peroff. Peroff said he told the caller he would wear a blue plaid suit. The caller added, "You weigh well over 200 pounds and you always wear sunglasses." Peroff said he replied, "That is right." Peroff said he knew nothing of the identity of the caller, except that the man spoke with a "New York accent."

July 20, 1973.—Richard Dos Santos wrote a memorandum for DEA Group Supervisor John J. O'Neill. In the memorandum, Dos Santos said that the RCMP had just received word from Peroff that the heroin venture was soon to be launched. In his testimony before the Subcommittee, O'Neill said he never saw that July 20 Dos Santos memorandum.

July 21, 1973.—It was on this day, Peroff testified, that he spoke with Peter Grant for the last time. Grant denied that he had any conversation with Peroff on this date.

July 22, 1973.—New York police arrested Peroff at his room at the Hilton Inn at Kennedy Airport and placed him in the Queens County House of Detention.

July 24, 1973.—DEA Agent Richard Dos Santos began negotiations with Carl M. Bornstein, Deputy Chief Assistant District Attorney for Queens County, New York, to have Peroff released from jail.

July 24, 1973.—Richard Dos Santos came to the Queens County House of Detention and spoke with Peroff. Dos Santos told Peroff that efforts were being made to have him released from jail, if he would cooperate and do as he was told.

July 25, 1973.—An Assistant District Attorney for Queens County, Andy Donlevy, arranged for Peroff's release from jail, on bail, in a $25,000 personal recognizance bond. Peroff signed all the appropriate papers. Then he was set free. Under the terms of Peroff's release from jail, Dos Santos promised Carl Bronstein that, upon his completion of his work as a federal undercover agent, Peroff would be available to the Queens County prosecutors for undercover work in local law enforcement. During these discussions Dos Santos mentioned that fact that Peroff was working on a narcotics case that involved the fugitive financier, Robert Vesco.

July 26, 1973.—The DEA gave Frank Peroff a code number, SC1-3-0149, and the title of "cooperating individual." This was Peroff's first official designation with the DEA.

July 27, 1973.—Peroff, at the direction of the DEA, flew back to Montreal. He met in Montreal with DEA Agent Sidney C. Bowers. Bowers told Peroff to demand of Bouchard advance money. Peroff was to insist that either he receive this advance money or he would not go to Costa Rica to pick up the $300,000 required to purchase the heroin. Testimony at the hearings indicated that the advance money demand that Peroff was to make of Bouchard was $10,000 or $20,000.

July 27, 1973.—DEA Agent Dos Santos located a private jet aircraft being serviced at the Fulton County Airport in Atlanta, Georgia and relayed, through the Royal Canadian Mounted Police, a description of the airplane and fabricated terms under which Peroff purportedly was leasing it. This information was then passed on by Peroff to Bouchard and to Bouchard associates to demonstrate that Peroff, indeed, did have a Lear jet which could be used in the heroin transaction.

July 27, 1973.—DEA Agent Sidney C. Bowers filed a report August 2, in which he described Peroff's July 27 discussions with Cote and Bouchard. In his report, Bowers wrote that Bouchard casually made the assertion that 10 kilograms of heroin were being smuggled into Montreal July 28 or 29 by a woman courier and that the heroin was being offered to Bouchard at the price of $7,000 a kilogram. Bouchard said he had already sold the arriving heroin to a Detroit figure for $20,000 a kilogram.

July 28, 1973.—Peroff, staying at the Martinique Hotel in Montreal, was paid a visit at 10 or 11 a.m. by Conrad Bouchard and Louis Cote. They met for about five hours. Bouchard was upset about Peroff being in Montreal. Bouchard warned that this visit "could kill the whole deal." Peroff responded by telling Bouchard that there would not be any heroin transaction in his Lear jet without the advance money he had demanded earlier. Peroff testified that Bouchard, at this point, began making an effort to collect the advance money which Peroff was demanding.

July 29, 1973.—Peroff testified that on this day Bouchard called him, explained he was having trouble raising all the needed money Peroff was demanding, but said he felt he could come up with $5,000 by Monday, July 30. Peroff testified that "he and Bouchard agreed to meet the next day at noon."

July 30, 1973.—At 10 a.m. Peroff testified, he was awakened by Cpl. Claude Savoie of the RCMP. Peroff testified that Savoie told him to pack his bags because he was leaving Montreal "right away." Peroff objected, saying he was to meet Bouchard at noon. Peroff was taken to the airport, put on a plane and he was told that Dos Santos would be able to explain the purpose of this abrupt departure. Peroff was met at the airport in New York by Dos Santos. But Dos Santos, Peroff testified, did not have an explanation that satisfied him as to why he was abruptly ordered to leave Montreal at a time when Bouchard seemed ready to go forward with the heroin transaction. Peroff returned to his room at the Hilton Inn Hotel at JFK Airport and tried to contact Bouchard by telephone. He could not get through to Bouchard but he did reach Louis Cote and Cote explained that Bouchard's phone was out of order.

August 1, 1973.—Dos Santos called Peroff at the Hilton. Dos Santos said he was on his way over and not to call Bouchard until he got there, Peroff testified. Peroff testified that when Dos Santos arrived they equipped the telephone with a recording device and they successfully reached Bouchard. Peroff testified that Bouchard was "unbelievably enraged" because of Peroff's abrupt departure from Montreal, and Bouchard shouted that "the deal was as good as dead". He accused Peroff of being to blame. Peroff testified that during the call Dos Santos told him to try to persuade Bouchard that due to his short cash position the Lear jet had been repossessed. Peroff testified that Bouchard said that if he, Peroff, were in Montreal that Bouchard would have him killed.

August 1973.—Peroff worked under the direction of the Queens County District Attorney's Office in an undercover capacity in an effort by Queens authorities to capture 500 ounces of gold stolen in two recent thefts. While working with Queens County authorities, Peroff told them of his recent experiences with federal agents in the Bouchard case. Peroff related to Queens County authorities his account of the tape recordings with Bouchard, the alleged involvement of Vesco and LeBlanc, the disagreements with John J. O'Neill as to how best to fly to Costa Rica, the complaints he lodged at the White House and elsewhere in the Executive Branch and his allegation that DEA had set out to sabotage the case as soon as the name of Vesco surfaced.

September 1973.—Peroff played the Bouchard tapes for Queens County authorities. Queens County prosecutors then met with officials of the U.S. Attorney's Office, Southern District of New York, including Paul J. Curran, the U.S. Attorney. The date of this meeting was approximately September 26, 1973.

Late September 1973.—Paul J. Curran, the U.S. Attorney for the Southern District of New York, designated two areas which he felt should be investigated by his office in connection with the Peroff allegations which had been brought to his attention by the Queens County District Attorney's Office. First, Curran wanted to determine if the Robert Vesco lead could be "resurrected" in the Bouchard heroin case. Second, Curran wanted to determine if there was any proof to Peroff's allegation that Federal agents had set out to deliberately cover up the Vesco angle. To check out both these areas of inquiry Curran assigned Arthur Viviani, an Assistant U.S. Attorney in charge of Curran's criminal division.

September 27 to November 13, 1973.—Viviani conducted the inquiry into the two areas Curran had designated.

September 27, 1973.—Viviani and Peroff met for two hours. Peroff asked that his family be placed under protective custody. Viviani refused. Then Peroff explained to Viviani that the Vesco lead in the Bouchard heroin inquiry could not be resurrected. It was established then, in the mind of Arthur Viviani on the basis of what Frank Peroff had just told him, that the Vesco lead in the heroin case was dead.

October 4, 1973.—Frank Peroff made his first contact with the Senate Permanent Subcommittee on Investigations.

Mid-October 1973.—Viviani recommended to DEA that DEA's inspection section conduct an inquiry into Peroff's allegation of government coverup.

October 16, 1973.—The U.S. Customs Service and the Drug Enforcement Administration began a joint inquiry into Peroff's allegations of government coverup concerning Vesco's alleged involvement in a heroin inquiry after being advised by this Subcommittee of Peroff's allegations.

Late October or early November 1973.—Viviani arranged for a Grand Jury subpoena to be served on Peroff to appear November 9, 1973.

November 1–4, 1973.—At the request of the RCMP Peroff went to Montreal and introduced Secret Service undercover agents to Conrad Bouchard. Bouchard was arrested by the RCMP in this case which involved some $84,000 in Canadian counterfeit.

November 1973.—Wayne T. Valentine, DEA Assistant Regional Director for the New York area, testified that it was in November of 1973 that he first heard the name Vesco in connection with the Peroff-Bouchard inquiry. Valentine did, however, testify that it was he who took the phone call from Morris Davis, the DEA agent with whom Secret Service Agent Peter Grant spoke July 7 in connection with Peroff's telephone calls to the White House.

November 9, 1973.—DEA Group Supervisor John J. O'Neill gave a sworn statement. O'Neill asserted that Norman LeBlanc, the Vesco business associate, was also an associate of a Canadian mobster by the name of Cotroni. Following the November 9, 1973 sworn statement O'Neill gave, but prior to his testimony before the Subcommittee June 11, 1974, O'Neill learned that the so-called link between the man named Cotroni and Norman LeBlanc did not exist, and it was incorrect of him to have assumed that it did.

November 9, 1973.—Peroff appeared in Viviani's office under the terms of the subpoena for the grand jury appearance. Instead of a grand jury appearance, however, Viviani interviewed Peroff and tried to conduct the interview in the presence of the two agents who were conducting the joint DEA-Customs inquiry into the Peroff allegations. At this time, Peroff turned in his cassettes containing recorded conversations of himself talking on two occasions to Conrad Bouchard and on one occasion to Harold Audsley. The tapes were rerecorded twice, one set for Peroff, the second set for the DEA-Customs inspectors. The originals were placed in a safe in the office of the U.S. Attorney for the Southern District of New York.

November 13, 1973.—Viviani concluded his investigation. His findings were that first, there was no possibility of resurrecting the Vesco lead. And, second, Viviani found there was no effort by DEA to protect Vesco by sabotaging the heroin case.

December 13, 1973.—The joint Customs-DEA inquiry was writen up in a report entitled "Investigation of Allegations by Frank Peroff Concerning Special Agents of the Drug Enforcement Administration and the United States Customs Service." The report exonerated Federal agents of dereliction of duty. The report said that if anyone had failed to live up to what was expected of him it was Frank Peroff.

April 28, 1974.—Former Attorney General John Mitchell and former Commerce Secretary Maurice Stans were acquitted of Federal charges of conspiracy, obstruction of justice and perjury in a New York Federal Court.

Findings and Conclusions

This staff study presents a chronology of Frank Peroff's role as a Government informant with particular emphasis on the period when he worked on the Bouchard heroin case.

The Bouchard case began in early January of 1973 and ended about August 1, 1973. The targets of the inevstigation were Canadian racketeers Conrad Bouchard and Giuseppe (Pepe) Cotroni. The investigation concerned the possible smuggling into the United States of 100 to 200 kilograms of heroin.

At the direction of the U.S. Customs Service and later the Drug Enforcement Administration (DEA), Peroff became involved with Bouchard as the heroin smuggling plan was formulated. Peroff's role in the drug scheme was to provide a Lear jet to transport the heroin from Europe to North America.

Bouchard also instructed Peroff to fly in the Lear jet to Costa Rica to pick up $300,000 from Robert Vesco, the fugitive financier, or from Vesco's Canadian associate, Norman LeBlanc. The $300,000 was to be used to finance the heroin deal, according to Bouchard.

It was also believed by Federal drug authorities that Bouchard might try to use Peroff's Lear jet to flee Canada should he conclude his narcotics trial would result in a conviction and a long prison term.

Peroff first learned of the heroin scheme from Bouchard in face-to-face meetings in Montreal. Peroff also met with Cotroni on at least one occasion. To win the confidence of Bouchard and Cotroni, Peroff provided a Lear jet to fly from Montreal to Windsor, Ontario to carry out a heroin transaction. The Lear jet was rented by the U.S. Customs Service. The meetings with Bouchard and Cotroni and the heroin transaction with the Lear jet were well known to Customs and later DEA agents.

Then, at the direction of the Customs Service, Peroff moved to Puerto Rico. He continued to discuss the 100- to 200-kilogram heroin plan with Bouchard in long distance telephone calls. Peroff recorded several of these conversations.

During his Puerto Rico stay, Peroff recorded two telephone conversations with Bouchard in which Bouchard said Vesco and LeBlanc would finance the heroin venture by putting up $300,000. Bouchard told Peroff he would have to fly the Lear jet to Costa Rica to get the money. Peroff received these instructions in July of 1973. He reported them to DEA agents. Due to a reorganization in the executive branch, the Customs Service was no longer involved in drug investigations and the new DEA had taken over.

It was shortly after Peroff taped the two conversations with Bouchard concerning Vesco and LeBlanc that serious problems developed between Peroff and DEA. These problems led to a temporary severance of Peroff's informant relationship with DEA. Accordingly, no further information was developed concerning Bouchard's assertion that Vesco and LeBlanc intended to finance the smuggling effort.

Peroff believed the U.S. Government deliberately sabotaged the heroin scheme. He felt the Government sabotaged the case to protect Robert Vesco.

Peroff made his allegations to the Department of Justice and to White House personnel. Subsequently, on October 4, 1973, Peroff came to the staff of the Senate Permanent Subcommittee on Investigations with his story.

Meanwhile, Federal authorities and the

Royal Canadian Mounted Police (RCMP) reenlisted Peroff in informant work. The RCMP, however, in early November, precluded any future use of Peroff as an informant by revealing in public his true role in the Bouchard heroin inquiry. The public disclosure of Peroff's informant role also put Peroff and his family in danger of retaliation by criminals. This danger was evidenced by the fact that DEA agents began guarding the Peroff family at approximately the same time that the RCMP revealed Peroff's informant status.

Peroff admits to being a swindler and a confidence man. Subcommittee investigators listened to his charges but, knowing of Peroff's criminal background, were suspicious of him and what he had to say. However, important aspects of Peroff's story began to check out.

Subcommittee inquiry revealed, for example, that Peroff had been an informant for the Secret Service, the Customs Service, the defunct Bureau of Narcotics and Dangerous Drugs (BNDD) and the DEA. Peroff was shown to have been a reliable and effective informant. His undercover work had resulted in seizure of a large quantity of heroin, the capture of about $500,000 in counterfeit American currency and the suppression of a counterfeit money plant.

Peroff turned over to subcommittee staff taped telephone conversations between himself and Bouchard in which Bouchard said Vesco or LeBlanc agreed to finance the heroin scheme. Subcommittee inquiry established that the DEA believed the voice on the tapes to be that of Bouchard.

The subcommittee staff felt that too much of Peroff's story was true for the subcommittee to ignore his unproven charge of Government cover up. Senator Henry M. Jackson, the subcommittee chairman, approved the staff's recommendation for a preliminary investigation.

The staff's investigation centered on (1) Peroff's history as an informant; (2) how Federal drug agents and officials managed Peroff as an informant; (3) how reliable Peroff was believed to be by drug agents and officials who worked with him; (4) how professionally agents pursued and evaluated information given them by Peroff; (5) how drug personnel performed once the names of Vesco and LeBlanc surfaced in the heroin inquiry; and (6) how Government witnesses explained and recalled their own actions in the Peroff matter when they testified under oath before the subcommittee.

The staff cannot support Peroff's primary allegation of Government cover up. Nor is there corroborative information supporting the allegation, made in the Bouchard-Peroff tapes, that Vesco and LeBlanc actually intended to finance the heroin transaction. But the staff does conclude that Peroff was right when he said federal law enforcement drug agents and officials conducted themselves in a manner that, in the end, contributed significantly to the failure of the Bouchard heroin inquiry. And, the staff concludes, Peroff was right when he said Federal agents did not properly investigate the Vesco-LeBlanc lead.

The Subcommittee staff finds that the allegation that Vesco or LeBlanc were prepared to finance the heroin deal should have been pursued in the most professional manner and the investigation should have been carefully documented as it proceeded. The staff finds instead that some Federal officials and agents conducted themselves in a highly unprofessional manner once the names of Vesco and LeBlanc came into the picture.

The most salient example of unprofessional conduct by drug enforcement personnel was that neither agents working the Bouchard inquiry nor officials supervising the case thought the Vesco-LeBlanc lead to be worthy of being committed to writing. The lack of records regarding this aspect of the case is a blatant violation of DEA rules.

DEA's insistence that Peroff fly to Costa Rica in a commercial airplane rather than in a Lear jet is another instance of highly questionable judgment by drug authorities. Peroff without his Lear jet was of no value to Conrad Bouchard.

Ending Peroff's informant relationship with DEA may have been justified. The staff makes no judgment in that regard. But to desert Peroff and his family in the terminal of a major airport and give him no cover to convey to Bouchard is not a professional way to sever a relationship with an informant. The Government—Customs first, then DEA—got Peroff into the narcotics investigation. Government had some responsibility to extricate him from it.

Having Peroff arrested and jailed shortly after he told the White House of his problems with DEA is another illustration of unprofessional behavior on the part of DEA. Even more questionable is the contradictory and inconsistent way DEA spokesmen testified about why and how it was that Peroff was actually arrested. From the testimony, it is impossible to determine just who made the decision to have Peroff arrested and why.

After Peroff's release from jail, DEA sent him back to Montreal. Again, this was a dubious course of action. Bouchard did not want Peroff in Montreal. Peroff didn't think he should be back in Montreal. The RCMP did not want him around. But DEA made the decision to send Peroff back to Montreal. The result was that Bouchard lost confidence in Peroff and any hope of making the heroin case was lost.

The decision by the RCMP to reveal in public Peroff's informant status was an action certain to provoke controversy. Subcommittee inquiry did not extend to the actions of a sovereign nation. However, the staff finds that, as justified as it may have been in the eyes of Canadian authorities, identifying Peroff as an informant did put the lives of Peroff and his family in danger. DEA officials must have thought so, too, because they wasted no time in giving the Peroffs protection.

In addition, Canadian sovereignty precluded the subcommittee from pursuing another aspect of the Peroff controversy. This related to the interview the RCMP conducted with Conrad Bouchard on June 4, 1974. Serving two life terms for his conviction on heroin trafficking, Bouchard reportedly told the Mounties that he had lied to Peroff about the drug scheme and the involvement of Vesco and LeBlanc in it.

The Mounties informed DEA of Bouchard's admission. And DEA Administrator John R. Bartels, Jr., notified the subcommittee, saying Bouchard's comments supported DEA's long-standing position that Peroff was being used by Canadian criminals and that there never was a big heroin conspiracy. According to this line of thought, Bouchard lied to Peroff to keep him nearby in case he wanted to flee Canada in Peroff's Lear jet.

The subcommittee staff does not agree with Bartels. The staff finds it odd that, under the circumstances, Bartels is so willing to accept as truthful the comments of a man who is serving two life terms. Bouchard might well say anything to Canadian authorities in order that they might shorten his sentence.

Moreover, it is unlikely that Bouchard, already in jail for one heroin deal, would volunteer the fact that he was planning a second drug transaction while his trial was going on. A more likely response by Bouchard would be to tell the RCMP that there was no second heroin plan, which is what Bouchard did.

If DEA personnel had documented the Bouchard case properly, they would not have found themselves in the position of seeking corroboration for their assertions from the likes of Conrad Bouchard. The irony of the DEA predicament is seen in the Bartels' position. First, Bartels says Bouchard lied to Peroff because Bouchard said he lied. Next, Bartels says Bouchard told the truth when he said he lied to Peroff. The staff wonders how Bartels is so sure of when Bouchard is telling the truth and when he is not.

The staff finds that the next illustration of unprofessional conduct by drug agents can be found in the joint DEA-Customs inquiry into the Peroff matter. As this staff study amply indicates, the joint inquiry is inconsistent and incomplete. Vital questions are not asked; key issues are not addressed.

A typical example of the failure of the joint inquiry can be seen in the inquiry's conclusion that federal personnel were not deficient in their work with Peroff on the Bouchard heroin case and that if anyone was guilty of not doing what he was expected to do it was Peroff himself for refusing to fly to Costa Rica. To arrive at such a conclusion about so complex an issue as the Costa Rica trip exhibits a lack of understanding of the facts or a determination to exonerate all federal agents of wrongdoings no matter what.

It is the subcommittee staff's major finding, therefore, that because of the unprofessional conduct of DEA personnel, drug enforcement authorities were precluded from going forward with the pursuit of the Vesco-LeBlanc lead. In addition, due to their unprofessional work, federal drug agents and officials were prevented from arriving at a satisfactory resolution of the Bouchard heroin inquiry itself.

Finally, this staff study demonstrates in detail an aspect of Government operations little known to the Congress or the American people. The Government operation is Federal law enforcement and that little known aspect of it under examination here is the manner in which Federal agents use undercover informants to develop criminal cases and, in turn, the way informants use the Government.

By the nature of dealing with undercover informants, the Government must usually do business with persons of questionable moral fiber. Law abiding citizens, for instance, rarely come upon information that might result in Government agents seizing 100 kilograms of heroin. Information of this type more frequently comes from individuals who, either directly or indirectly, are themselves engaged in drug or other illegal ventures.

Informants, even those in crime, may be motivated by the desire to help society or to cleanse a guilty conscience. They may be motivated by a desire to avenge past wrongs. But most of the time they are motivated by the prospect of a reward. For a price some are willing to betray friends and associates.

By the same token, however, sometimes the informant's motivation is not altogether internal. Sometimes—at least from the point of view of the informant—he may have been coaxed into his undercover assignment. He may have given authorities a small tip about a small crime and then the authorities want a bigger tip from him about a bigger crime. Agents may offer rewards that never materialize, or that, when given, are not as large as were promised. Conversely, the informant may insist on payment that is large enough for the risk he encountered and will demand more and more money.

Thus, the relationship between the Federal agency and the informant is tenuous at best. Ironically, it is a relationship built on trust. Yet many informants are untrustworthy. They are selling out trusting associates for a price. Agents know this and must act accordingly. Government operatives who buy information from informants are engaged in dangerous and sensitive work. They perform an important service for their Government. Yet informants also work for the Government. They also perform a service but they have no practical avenue of appeal if they feel they have been wronged. Informants have no recourse but to accept whatever payment for their services Federal agencies decide to give them, for fear of being exposed.

When a law enforcement agency engages an informant, that agency functions in an environment in which there is almost total lack of accountability. For there is little control over the way the agency, its executives and its agents in the field use undercover informants. And under ordinary circumstances, they do not answer to anyone about the way informants use them.

If, due to an informant's information, an arrest is made or a major heroin seizure is executed, the informant's role must be concealed. For the informant's protection and possibly future use, it must be that way. But if an arrest is bungled, if the heroin seizure is foiled due to an error of the agency, that agency is not always held accountable because of the clandestine nature of its work. It is conceivable that in a given unsuccessful police effort, only the informant and the agency with which he has worked know whether professional incompetence caused the failure.

The lack of accountability is a double-edged sword for Federal law enforcement agencies. Because of it, they can—and must—protect the identity and often the life of their informant. But, because there is little accountability, they have the unique capability, when convenient, to cover up their own failures, their own shortcomings, their own enmities and their own arrogance.

MEMORANDUM

To: Members of the Permanent Subcommittee on Investigations.

From: Senator Henry M. Jackson, Chairman.

This staff study deals with the allegation of Frank Peroff that Federal drug enforcement agents deliberately sabotaged a major heroin inquiry when the names of Robert Vesco and his associate, Norman LeBlanc, were mentioned as possible financiers for the drug plot.

In pursuit of its own investigation into why the Vesco-LeBlanc lead was not properly pursued, staff investigators came upon other information which revealed a questionable relationship between Federal drug enforcement personnel and Robert Vesco.

Independent inquiry by the subcommittee staff, conducted after the Peroff executive hearings of May and June of 1974, established that agents of the Bureau of Narcotics and Dangerous Drugs (BNDD), the predecessor of DEA, were used in early June of 1972 to conduct sweeps of Vesco's New Jersey offices and home to detect the presence of eavesdrop and wiretap equipment. These BNDD agents were highly trained experts in electronic surveillance techniques.

At the time of these sweeps, Vesco was the subject of an investigation by the Securities and Exchange Commission concerning his role in massive stock swindles. That probe was to become a central aspect of the Government's charges against Vesco, former Attorney General John Mitchell and former Commerce Secretary Maurice Stans in 1973 that Vesco sought to blunt the SEC inquiry with $250,000 in contributions to President Nixon's reelection campaign.

Further inquiry by the subcommittee staff has also found that subsequent efforts to extradite Vesco—first from Costa Rica, then from the Bahamas—in connection with the Mitchell-Stans trial have been subject to serious and authoritative criticism. In Costa Rica, for example, President Daniel Oduber said on May 6, 1974, in an open letter to Vesco, that he was not convinced the U.S. Government did its best to extradite Vesco from Costa Rica.

Of paramount importance in the subcommittee's investigation was whether the Peroff case was an aberration or was symptomatic of a much greater problem within DEA. In this regard, the subcommittee will continue to examine the operations of the Drug Enforcement Administration. The DEA, patterned after and staffed to a large extent by the defunct BNDD, was responsible for the failure of the Bouchard heroin inquiry. It was also DEA personnel who took the actions that precluded the professionally sound resolution of the Vesco-LeBlanc undeveloped lead.

Policing the drug traffic in the United States is a serious matter. This responsibility today belongs to DEA. By their performance in the Peroff matter, by their lame inquiry with Customs into Peroff's allegations, by their inconsistent testimony before the subcommittee, by their fierce determination to defend obvious incompetence by their own personnel, DEA officials have shown themselves to be deserving of responsible criticism. By this and other recent events they have subjected themselves and their agency to public doubt as to their ability to enforce the Nation's drug laws. For that reason, as chairman of this subcommittee, I have directed that the staff continue its investigation into the overall efficiency of DEA.

In closing, I would like to thank Senator Charles H. Percy, the ranking minority member, for his cooperation in this investigation.

PAROLE COMMISSION ACT—S. 1109

Mr. HRUSKA. Mr. President, I am pleased to join my distinguished colleague from North Dakota (Mr. BURDICK) in introducing the Parole Commission Act of 1975.

I first want to commend the Senator from North Dakota for his dedication as chairman of the Subcommittee on National Penitentiaries in pursuing legislation to reform the Federal parole system. His tireless efforts over the past several years have resulted in the legislation being introduced today. A nearly identical version of this measure was pending before the Judiciary Committee at the close of the 93d Congress.

Parole is not a new concept in the field of corrections. The views about its use, however, have significantly changed and expanded in the recent past. It is well, therefore, that Congress undertake consideration of a measure that proposes reform and modernization of our Federal parole system in many particulars.

The purpose of this bill is to create a Parole Commission which will replace the existing Board of Parole. Additionally, it would revise many aspects of the decisionmaking process currently used in parole cases.

I am pleased to note that representatives of the Department of Justice and members of the Board of Parole have worked to the maximum extent with the Subcommittee on National Penitentiaries in drafting this bill. Many issues regarding parole reform produced differing opinions. I understand, however, that compromises were reached on these points and the Department now supports this measure.

It should be noted that the Board of Parole has already undertaken changes in its basic structure and decisionmaking process. Much of this legislation, therefore, would merely codify what has already been done by administrative regulation.

Substantially all of this bill is incorporated into S. 1, the bill which seeks to revise the entire Federal criminal code. I believe, however, that revision of the Federal parole system is so vital and timely that it deserves separate and prompt consideration.

I do not necessarily agree with all of its provisions. I recognize that certain provisions of this bill may require further discussion, debate and perhaps some amendments in the Judiciary Committee and the entire Senate as well. I believe, however, that the Parole Commission bill in its present form will serve as an excellent vehicle for a thorough review of this important area of Federal law, and for ultimate enactment into law after due processing.

It is my hope that this can be done soon.

TOM WICKER ON CAMBODIA

Mr. McGOVERN. Mr. President, Mr. Tom Wicker, the brilliant New York Times journalist, has set forth his views in an excellent piece appearing in the Sunday New York Times, March 9, 1975. Because of the urgency of this issue and the compelling quality of Mr. Wicker's analysis. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

An "Inappropriate" Policy

(By Tom Wicker)

At his news conference, President Ford said it would be "inappropriate" for him to comment on almost everything he was asked about, except the necessity for the Democrats in Congress to send more military aid to the Lon Nol regime in Cambodia. Just why it was "inappropriate" for the man who pardoned Richard Nixon to say whether Mr. Nixon could again become a Republican party leader was among many things Mr. Ford left unclear.

What was most "inappropriate" about his remarks, however, was one thing he did state clearly—that if Congress will only provide $222-million military aid to Lon Nol, his government can survive, a negotiated settlement can be had, and a "bloodbath" can be avoided in Cambodia. None of those things are likely to happen, even if Congress provides the money right away.

Reports by Sydney Schanberg to The New York Times make it clear that high American Embassy officials in Phnom Penh do not believe $222-million will enable Lon Nol's inept and corrupt regime to survive; it controls little now except the capital city, and even there the insurgents are shelling the airport at will. Nor do these officials have much hope that a negotiated settlement can be had between an adversary so nearly victorious and a "government" without even a supply line.

These views are shared, moreover, by high officials in the Ford Administration, including Secretary of Defense James R. Schlesinger. But official judgments here and on the ground in Southeast Asia have been wrong before, and these could be, too. It may be argued, therefore, that Congress ought to provide aid on the solid moral ground that if there is any chance to avoid the "bloodbath" Mr. Ford predicted, that chance should be seized.

The trouble with that is the bloodbath now going on. It may be that the collapse of the Lon Nol regime would lead to the calculated slaughter of many Cambodians, although bloodbath theories have been advanced so often to justify disastrous policies in Southeast Asia that some skepticism is in order. But it is certain that $222-million in military aid to Lon Nol will prolong the vicious fighting, the shelling, burning, pillaging, the starvation and wandering, the ruination of the Cambodian countryside and the destruction of its once placid society. As between the possibility of one kind of bloodbath and the terrible presence of another, there is not much moral choice.

Mr. Ford also suggested there was some kind of commitment of national honor to "our friends in Indochina" that the United States could not violate without shaming itself. That may have some validity as regards the Thieu regime in South Vietnam, which appears to have been arm-twisted into reluctant acceptance of Henry Kissinger's Paris agreements by assurances of American military support—for how long and to what extent, the American people and the Nobel Peace Prize Committee have not been told.

But what national commitments, even in secret, have been made to Lon Nol? What popular or political backing does he have that the United States is honor-bound to sustain? At least, in South Vietnam, a vigorous sentiment exists that does not want and actively resists a government dominated by Hanoi; in Cambodia, according to the most reliable reports, a basically apolitical people primarily wants an end to the war.

Mr. Ford also put forward the political argument that if the United States did not send further aid to Lon Nol, "the aggressor" would believe that "it can win its objectives on the battlefield" and "we will be saying to all the world that war pays." The point is made less melodramatically by other high officials—and it appears to be the real rationale for the Ford Administration's fixation on more aid to Cambodia—that the collapse of Lon Nol matters less than that it be seen to have resulted from his own ineptitude, and not from American abandonment.

This Cambodian version of the old Vietnamese war thesis—that the United States has to prove and keep on proving that it will stand up against Communist aggression—may be hard-nosed geopolitics, but it is also a statement that the war must go on in Cambodia for American purposes. It is an argument that, having mistakenly identified our interests with those of a corrupt and rootless regime, and having brought open warfare to Cambodia with the misbegotten "incursion" of 1970, we must prolong a war that destroys another country rather than conceding these errors or ameliorating their consequences.

"We seek to stop the bloodshed and end the horror and the tragedy that we see on television as rockets are fired wantonly into Phnom Penh," Gerald Ford told the American people. The way to do that is to end the war. A policy of more American aid to keep it going is only one more way of trying to save American face, project a tough American image to the world, and maintain the American myth that the United States can make its will prevail wherever it tries.

INFLATION AND THE SOVIET THREAT

Mr. THURMOND. Mr. President, an excellent article by L. Edgar Prina entitled "Inflation and the Soviet Threat" appeared in the February issue of the National Guardsman magazine.

This article points out the devastating impact inflation has had on U.S. defense spending and how this impact is affecting our posture vis-a-vis the Soviets.

Mr. Prina, the military affairs correspondent for Copley News Service, makes the point that inflation cost the military services $9 billion in real spending power for fiscal year 1974 alone.

Secretary of the Navy, J. William Middendorf recently warned the Congress that "ghastly inflation is crippling our shipbuilding effort" in reporting to the Congress last month. He stated that Navy shipbuilding programs are now over $2 billion in debt.

Mr. President, this article deserves careful study by Members of the Congress and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Defense Dilemma: Inflation and the Soviet Threat

(By L. Edgar Prina)

Although they have hardly had time to unpack their bags, members of the new, younger and more dovish 94th Congress already are girding for a no-quarter confrontation with the Ford administration over the first $100 billion military budget in the nation's long history, dating back to fiscal 1777.

The upcoming defense debate could determine whether the United States will be able to halt its slide into second place behind the Soviet Union in military power and carry out the global commitments which support our national security objectives. In short, it may be the most critical such clash since the near-failure (the margin was a single vote) of the House of Representatives to continue the draft just before World War II.

Last year, Congress cut the Pentagon's $87 billion in appropriations requests by $4.5 billion or $5 billion, depending upon whether transfers of prior year funds are included. If military construction, civil defense and foreign military assistance bills are considered, the reduction would be closer to $6 billion.

This year, backed by increased majorities in both the House and Senate, Democratic leaders are preparing to make the Pentagon their prime target as they seek greater sums for social welfare and anti-recession programs.

Their ranks include more than 60 of the 75 new Democratic representatives who, when polled, said they believed the United States already was spending too much money for defense.

Nor is that all. Joining the effort will be Republican liberals and a number of fiscal conservatives of both parties who are extremely concerned about skyrocketing inflation and want to hold down government spending wherever possible.

INFLATION NOT ONLY FACTOR

Accordingly, the record-breaking (in current dollars only) FY 1976 defense budget may very well be battered by a record reduction before Congress affixes its stamp of approval and sends it to the White House later in the year.

It is, of course, largely because of inflation that President Ford is having to request more than $100 billion in total obligational authority and about $95 billion for Pentagon spending in the new budget in order to maintain the basic defense posture of the United States.

There is one all-important additional reason for requesting such substantial sums: the ever-increasing Soviet military capability in strategic and conventional arms, both land-based and sea-based.

But if past performances are any guide, the congressional budget-slashers will virtually ignore, as a key factor in the national security equation, the growing military threat posed for the United States and its allies by the Soviet Union.

They do not want to hear of the rising numbers of Russians under arms; of a family of powerful new intercontinental ballistic missiles armed with multiple warheads; of a 4,500-mile submarine-launched ballistic missile; of an ultra-modern, soon-to-become operational, swingwing jet bomber; of advances in Soviet electronics and electronic counter-measures capability, lasers, and command-and-control; of what NATO intelligence calls an "enormous increase" in the Soviets' tactical airlift for moving troops about quickly, and of a variety of more effective battlefield weapons and vehicles.

MINIMAL DEFENSE COALITION

The budget-slashers, who make up what might be called "The Coalition for a Minimal Defense of Fortress America," prefer to debate in a vacuum. They will denounce, as they have for a number of years, "higher defense spending despite the end of the Vietnam war and detente with the Soviet Union." Charges of "cost-overruns" for major weapons systems, of "waste," "duplication," "overkill" and other time-tested dovish favorites once again will echo through the halls of Congress.

Inflation, as we all know, impacts on the cost of just about everything, including new congressional office buildings. But the "coalition" obviously feels that the military is, or should be, immune from its eroding effects.

Congress almost always reduces the defense budget. The administration's job, perhaps more difficult than in any year since the Korean War, will be to persuade the lawmakers to trim fat if they find it, but not to cut into muscle.

This year there are facts and figures galore to document a convincing argument that inflation alone requires a hefty increase in current dollars—so that the level of the U.S. defense effort is not actually lowered. Sharply rising Soviet power underscores the need.

For many years, the Secretary of Defense has gone to Capitol Hill early in the congressional session to present his military posture statement to the House and Senate Armed Services and Appropriations committees. An important part of this annual report is a discussion of the threat, the over all capabilities of the Soviet Union, the world's only other superpower.

When Secretary James R. Schlesinger Jr. presents his 1975 assessment, he will have significant new developments in Soviet military strength to report.

MORE RUSSIANS UNDER ARMS

Certainly near the top of his list will be the disclosure that the Russians have far more men under arms than the Pentagon had thought only a few short months ago. Although no public announcement has as yet been made about it—and one wonders why—American intelligence experts early last fall suddenly changed their estimates of total Soviet active duty military personnel from 4 million to approximately 5 million men.

This huge increase, it is understood, is accounted for almost entirely in the support category, near echelon units of the army, navy, air force, air defense and missile forces. It came about more as the result of previous under-estimations than from any recent surge in troops being called to the colors by the USSR.

The sharply revised upward estimate of Soviet regular forces could have a major impact on the strategic thinking of the North Atlantic Treaty Organization. The conventional wisdom in NATO military circles has been that the Soviets would try for a quick knockout in any attack on Western Europe. What was previously regarded as a moderate-sized Russian support force was cited to give validity to the thesis.

GREATER STAYING POWER

The Soviet strategy undoubtedly is still designed to achieve a speedy victory in any war with NATO, but the new estimate of a much lower "teeth-to-tail" ratio (that is, more support troops in relation to combat troops than heretofore suspected) means the Soviets would have greater staying power in the event they could not engineer a blitz in the West, or against China, for that matter.

In testimony before the House Defense Appropriations Subcommittee last Feb. 26, Admiral Thomas H. Moorer, then chairman of the Joints Chiefs of Staff, said:

"The Soviet Union maintains an impressive active duty strength of about 4 million men, backed up by a trained reserve force of at least another 4 million men who have served with the active forces in the last five years. There are about 20 million men registered in the ground force reserve alone."

When the Pentagon is asked for a breakdown of Soviet military manpower by service, its spokesmen usually refer to the estimates of the London-based Institute for Strategic Studies (ISS) and say "they are close enough" to cite.

One Pentagon official asserted that ISS gets considerable information from British intelligence. He suggested an American input, too. "You know, I guess, that Robert Ellsworth (assistant secretary of defense for international security affairs) sits on the institute's board of directors," he said.

SOVIET FORCE LEVELS

In its latest annual report, "The Military Balance, 1974–75," published last September, the institute gave this rundown on Soviet force levels:

Army, 1.8 million; navy, 475,000 (including 17,000 naval infantry or marines; air force, 400,000; air defense force, 500,000, and missile force, 350,000, for a total of 3,525,000.

In addition, ISS said there were 180,000 border troops under the Committee for State Security (KGB or Komitet Gosudarstvennoy Besopasnosti) and 130,000 security troops under the Ministry of Internal Affairs (MVD).

The Central Intelligence Agency, which developed the new, higher estimate of Soviet military manpower, also believes the ISS figures to be fairly reliable, as far as they go.

But the CIA has a new category not carried by the institute—"rear services"—and estimates the total in it to be approximately 1 million men.

Western intelligence is said to have profited substantially from information which Russian-Jewish emigres have provided after they departed the USSR. Whether these emigres were the source of data which led to the new CIA estimate is a matter for speculation.

The latest official estimate of U.S. active duty military personnel, as of Nov. 30, 1974, is 2,153,914. The total includes cadets and midshipmen at the service academies. The breakdown, by service, is as follows: Army, 780,200; Navy, 551,602; Marine Corps, 191,992, and Air Force, 630,100.

Also high on the list of Soviet gains to be reported by Schlesinger to Congress are powerful new land-based and submarine-launched ballistic missiles, either deployed or ready for deployment.

The Russians have been testing three and possibly four new ICBMs armed with multiple independently targetable re-entry vehicles or MIRVs. At least one of them, the SS–18 monster missile, is combat ready and is now being deployed. Another, the SS–16, may be the world's first mobile land-based nuclear rocket. It is also the only major solid-fuel missile in the Soviet arsenal.

Already deployed at sea, aboard big Delta class nuclear-powered submarines, is the 4,500-mile SS–8 ballistic missile. The United States won't have a missile to match or surpass it until the Trident I is ready in 1979. Polaris and Poseidon missiles have ranges of 2,875 miles.

NEW RUSSIAN BOMBERS

And, as the U.S. prepares to dismantle its remaining Army surface-to-air missiles—once a backbone of continental air defense—the Russians are about to announce as operational their new swingwing jet bomber, the *Backfire*, and reportedly are continuing development of an even more advanced, delta-winged bomber.

The nearly 5 to 2 superiority in active duty manpower the USSR holds over the U.S., important as it is, may not be as meaningful as the advantage the Warsaw Pact enjoys over NATO forces on the critical central front in Europe.

The Pact, according to a new report by a House Foreign Affairs Subcommittee, has more than 925,000 men under arms in the center—the Soviets have 20 divisions in East Germany alone—while NATO has 777,000, of which 193,000 are Americans.

In addition to the heavy margin in troops, the Soviet-led coalition has nearly three times as many tanks (15,500 to 6,000) and twice as many warplanes as NATO, according to authoritative sources.

While financially strapped Great Britain recently disclosed, after a major defense review, that it would keep its 55,000-man Army of the Rhine and Second Tactical Air Force in place on the continent, it plans to reduce its armed forces over all by 35,000 men, or 10 per cent. Specifically, the RAF would be cut 18,000, the army 12,000 and the navy/marines 5,000. In the event, the British government conceded it would be weakening its contributions to the more vulnerable northern and southern flanks of the alliance.

BAD NEWS FOR NATO

There could be additional bad news for NATO if the new U.S. Congress should heed the call of Senate Democratic Leader Mike Mansfield to withdraw a substantial portion of the 310,000 American military personnel now assigned to the European theater.

As one Senate committee aide warned: "This may be the year Congress finally demands that some of the boys be brought home."

He noted that there has been a growing sentiment for a U.S. troop withdrawal from Europe. The so-called Mansfield Amendment (resolution) might have carried as far back as 1968, but the brutal Soviet invasion of Czechoslovakia late that summer chilled the campaign of the senator from Montana.

UNILATERAL REDUCTION "IMPRUDENT"

In the last couple years, the administration and its supporters successfully argued that it would be imprudent and foolhardy to make a unilateral reduction of American troop strength on the continent while the possibility existed the Russians could be persuaded to withdraw some of their forces in a mutual action.

But now Mansfield and his backers are expected to remind the President that the mutual and balanced forces reduction (MBFR) talks between NATO and the Warsaw Pact are two years old with precious little progress toward removal of the first soldier on either side to show for it.

(Preparatory talks on MBFR began in Vienna Jan. 31, 1973, but formal negotiations did not get under way until Oct. 30 of that year.)

Another key argument for withdrawal is, of course, tied to money and the scarcity of it. If 50,000 troops were brought home *and discharged*, the advocates of withdrawal assert, it would mean an eventual savings of between $500 million and $600 million a year. These sums are based on an estimated average annual cost of between $10,000 and $12,000 to keep one American military man in service.

If 150,000 were returned—as some senators have proposed—the "savings" might mount to $1.5 *billion* to $1.8 *billion* a year. Of course, that massive a withdrawal not only would jeopardize the future of NATO as a viable alliance, it would place the remaining U.S. forces in Europe in considerably greater peril in the event of an all-out Soviet attack on the West.

(It might be noted here that the Soviet Union's huge force of nuclear-powered, missile-firing submarines would make extremely difficult the business of reinforcing U.S. and NATO troops in Europe in the event of war. American shipping losses would be frightful. Some U.S. Navy planners believe, however, that the next "Battle of the Atlantic" could be won eventually if the allies held on the ground.)

Ironically, Secretary Schlesinger and the U.S. Army are doing their utmost, after some prodding by Senator Sam Nunn, D-Ga., and others on Capitol Hill, to increase the number of American combat troops in Europe without raising the overall total. They would do this by reducing support elements and filling the saved spaces with two brigades of fighting men.

One of the arguments for reducing the defense budget is the assertion that the United States and Soviet Union are in a period of detente, wherein negotiation and friendship replace confrontation. There have been strategic arms limitation agreements and trade agreements. Brezhnev likes Ford and Ford likes Brezhnev. American and Russian astronauts will soon join together in a combined mission into outer space.

"Things are so peaceful, let's cut the military," says the members of the coalition for a minimal defense. They should read a recent, if unfortunately little noticed, address by Paul H. Nitze.

GIVES CHARACTER REFERENCE

A former deputy secretary of defense and the only top-ranking member of the U.S. delegations for both the SALT I and SALT II talks, Nitze gave a character reference on our partners in detente. Speaking of the Soviets at the opening SALT session in Helsinki in 1969, he said:

"The executive secretary of their delegation, Nikolay S. Kishilov, was a senior KGB (Soviet secret police) officer who had some years earlier been thrown out of Finland when it was revealed that he and a woman who had purported to be his wife were running two separate spy rings in Finland . . .

"At least a third of their staff had had KGB experience. Many of their military advisers had affiliation with military intelligence."

QUESTIONABLE TACTICS

According to Nitze, the tactics employed by the Soviet SALT delegation covered a wide range. He elaborated:

"When we moved into our offices in Helsinki, it was found that a Tass correspondent had rented a room overlooking them. It was equipped with telescopes, antennas, and various other gadgets. It soon became apparent that all but the most secure telephone communications were being monitored.

"To protect their own intelligence security the Soviets had gone to the most extreme measures. All their chauffeurs were officers in military intelligence. The 'need to know' principle was fully enforced. Foreign Office people, and even their scientists and military production people, were not permitted to know anything not appearing in the U.S. press about Soviet military deployments.

"They made an attempt to break down individual members of the U.S. team. Initially, they tried to get people to drink too much. When it didn't work they abandoned it. They invited us to Leningrad and inundated us with stories of the siege of Leningrad. They tried to flatter individual members of the team, hoping to play on possible disagreements within it."

When it comes to divulging the size of their military budget, the Russians are just as tricky. No Western expert worth his salt (no pun intended), believes the official and ridiculously low figures announced by the Kremlin.

In December, Gen. George S. Brown, chairman of the Joint Chiefs of Staff, gave what presumably is the Defense Intelligence Agency's estimate. He said the Soviet defense budget for 1974 was believed to be in excess of $96 *billion* and continuing to grow in real terms at about 5 percent a year.

The growth is in real terms because the USSR's economy is not affected seriously by the inflation which is wracking the non-Communist world. For one thing, the Russians are self-sufficient in petroleum.

If the Soviets are spending the equivalent of $96 billion a year on their armed forces it is truly an enormous effort which dwarfs that being made by this country when it is considered that the gross national product of the USSR is only slightly more than half that of the United States.

INFLATED DOLLARS BUY LESS

There are additional factors which make the Soviet arms budget so much greater in comparison. According to the Pentagon, U.S. military spending in the current fiscal year probably will total about $83.6 billion. These inflated dollars will buy far less than they would have bought last year.

Then there is the matter of personnel costs—55 per cent of the entire Pentagon budget compared to about 35 per cent of the Soviets'. And a whopping $6 billion of our $83.6 billion goes to retired military personnel. (This is not to begrudge the payment; they earned their pensions. It is simply to state a fact.)

Inflation will cost the services $9 billion in FY 1975, which ends next June 30. That means they will not be able to fund all the programs Congress has already approved as necessary for national security.

In an excellent position paper concerning inflation's impact, the Association of the United States Army pointed out that the services were required under guidance from the White House (Office of Management and Budget) to use June 1973 prices as the basis for estimating FY '75 costs.

A $7 BILLION BITE

"Since then, the overall inflation in the national economy has averaged 12 per cent per year," it said. "So half way through FY '75, the Department of Defense must absorb a $7 billion loss in purchasing power which this inflation has produced. The Army's share of this comes in at $1.2 billion."

Looking at procurement, the AUSA paper referred to "the totally unrealistic directed approach to inflation." It said that items costing $200 million or more in the current budget were allowed an inflation factor of 4.5 per cent although the actual rise is turning out to be approximately 12 per cent.

"For example, Congress approved the purchase of 510 M60A1 tanks as being essential to modernization and readiness of the Army during the fiscal year. Because of inflation, the dollars appropriated will purchase only 439—or 71 fewer than all agreed were needed," it stated.

"Tank costs have gone from $267,000 each in FY '73 to $407,000 in FY '75 and we can expect them to cost substantially more in FY '76."

SHORTAGE IN BATTLE TANKS

The Army, incidentally, is experiencing a shortage in battle tanks. Cost has been one factor, but there are two others. First, a study of the October 1973 Middle East war has led to an increased requirement because of higher expected losses. Second, the U.S. has sold more tanks to foreign countries (primarily Israel) than it has produced in the last 12 months.

"This was reflected by a drawdown from the Army National Guard for foreign shipment of more than 650 M48A3 and M60 tanks—enough to equip 10 tank battalions or two armored divisions," the AUSA asserted.

"We just can't speed up the production of tanks to meet our needs. We are hindered in this by a serious lack of facilities in this country for producing the necessary hulls and turrets."

NO ALLOWANCE FOR INFLATION

In so-called minor procurement items (under $200 million) such as trucks, ammunition and fuel, the White House allowed no inflation factor at all in arriving at budget requests! Inflation in these accounts is averaging about 9 per cent.

Because of these price rises, crawler tractor procurement is headed down from 201 to 141 and 1 million fewer rounds of 155mm howitzer ammunition will be purchased.

There's more to the story and similar ones could be told by the Navy, Marine Corps and Air Force. For one thing, the Army, according to the AUSA paper, must request reprogramming of $143.9 million of procurement money this fiscal year to meet existing bills in the military pay and operations and maintenance accounts.

Nor is research and development immune from inflation's impact.

"If no other consideration were involved right now, it would take $120 million more than was appropriated to accomplish the level of R&D effort which was approved by Congress for FY '75," the AUSA pointed out.

And as for operation and maintenance, it is estimated that the Army will need $245 million more than was appropriated "just to pay current utility bills and fuel costs."

SHIPBUILDING CRIPPLED

Secretary of the Navy J. William Middendorf III recently warned that "ghastly inflation . . . is crippling our shipbuilding effort," adding that, due principally to inflation, "Navy shipbuilding programs are now $2 billion in debt."

During the current fiscal year, the U.S. Navy will have as few as 494 ships in commission for the first time since the 1930s. Ten years ago, it had 915, including 24 aircraft carriers. Within the next two or three years, the carrier force, the backbone of the fleet's striking power, will drop from its current level of 14 to 12.

The Air Force has a number of major programs plagued by inflation, including the B–1 bomber, now estimated to cost $76 million apiece, up $14.5 million over the previous estimate.

The new Pentagon budget, it is said, will provide a somewhat more realistic estimate of inflation's probable bite so that there will be no reduction and, perhaps, even a slight increase, in the real level of defense effort given the mounting threat.

THE PEOPLE'S CHOICE

The American people, through their Congress, of course, will have the final say. The question they must answer boils down to this:

Will they recognize it is deceptive and dishonest for the advocates of minimal defense, whether they be on Capitol Hill or in the editorial rooms of the nation's most influential newspapers and radio-TV networks, to charge that there has been a huge increase in the military budget when they are well aware that double-digit inflation has eaten up this "increase" and more over the last few years?

(NOTE.—The author: Military affairs correspondent for the Copley News Service since 1966, Captain (USNR) Prina was for nearly 17 years before that a reporter/writer for The Washington Evening Star. His last contribution to these pages, in 1973, was a close look at the "non-election year" debate in the Congress about the U.S.-Soviet detente, the budget squeeze and how those two fit together under the Nixon Doctrine. He now updates those observations and adds a critical comparison of U.S. military capability with the growing Soviet threat.)

THE PLUTONIUM CONNECTION

Mr. RIBICOFF. Mr. President, the distinguished "Nova" science series of the Educational Television Network devoted last night's program to a very special problem that will be with us for some time.

It is the problem of safeguarding from theft the ever-growing quantities of plutonium that will be generated as a by-product of the worldwide nuclear power industry. By the mid-1980's, nuclear power plants will be generating more plutonium each year than the world's military reactors used for weapons production.

The peaceful plutonium from power reactors, after reprocessing from spent fuel, is intended for recycling back into reactors as new fuel. The only problem is that peaceful plutonium is also suitable for conversion into atomic bombs if as little as a few pounds falls into the hands of a nation or a terrorist group.

The world's nuclear power reactors have generated, thus far, 135,000 pounds of plutonium, most of which has not yet been reprocessed out of highly radioactive—and inaccessible—spent reactor fuel. By the year 2000, nuclear power reactors throughout the world will be generating 2 million pounds of plutonium every year.

"The Plutonium Connection," produced by John Angier, demonstrates that plutonium will be an awful force to reckon with if stringent safeguards are not imposed before reprocessing of plutonium begins on a large scale.

In a reenacted experiment, a college chemistry student, referring to texts and government documents in public print, designs an atomic bomb which a Swedish Defense Ministry scientist determines has a "fair" chance of detonating with a force up to 1,000 tons of TNT. That is the force of the accidental chemical explosion which destroyed Texas City, Tex., in 1947. If that same force were used in a terrorist bomb concealed in a densely populated area, more than 100,000 could be killed.

"The Plutonium Connection" makes clear that in evaluating the nuclear energy option, we should consider the risk of nuclear blackmail and destruction as much of a factor as the benefit of abundant power. Obviously, we want the additional energy that nuclear power can provide, but not at the unthinkable risk that present domestic and international safeguards now imposes. The irony is that safeguards in the nuclear power industry can be upgraded tremendously; much of the technology is now available. What seems to be lacking are the dollars and the determination to do the job right.

The program points out that the most immediate problem is deciding whether we should start plutonium recycle before safeguards against theft and diversion are made much stronger than they are today.

The new Nuclear Regulatory Commission is now considering that question, and it has been asked by the Environmental Protection Agency to delay plutonium recycle until a special NRC study on safeguards is completed and evaluated—probably in 1977.

The larger, long-term problem is controlling a worldwide proliferation of plutonium. Reprocessing already has begun in Europe. By 1980, more than 50 nations will have their own nuclear powerplants and research reactors, many of them exported by the United States. Unless international controls are tightened now, each of these nations could have their own reprocessing plants, and their own plutonium, as well.

Safeguards now imposed by the International Atomic Energy Agency, under the terms of the Non-Proliferation Treaty, are considered inferior to safeguards in the United States. International safeguards are materials-accounting systems designed to detect the diversion of plutonium by nations; they are not physical protection systems designed to prevent armed attack and theft by terrorists. Many experts believe that diversion by a nation wanting to stockpile plutonium could not be prevented either.

"The Plutonium Connection" explores all of these problems, and makes clear that they remain unsolved. The widespread concern over nuclear safeguards came through loud and clear in statements by individuals on all sides of the nuclear issue. Here is a sampling of what they said:

College chemistry student:

I was pretty surprised about how easy it is to design a bomb. When I was working on my design, I kept thinking there's got to be more to it than this, but actually there isn't too much to it. In fact, the design I came up with was a lot like the one they first tested . . . the bomb they first tested in Alamogordo.

Narrator, "The Plutonium Connection":

The student's bomb, if it was built, would inevitably be the most terrifying blackmail weapon ever devised.

Dr. John Goggin, Oak Ridge National Laboratory:

Somebody might be removing materials in a very subtle way (from a nuclear fuel facility) and take perhaps months or years to do it . . . an instrument technician could in fact alter the instruments themselves so that they record uniformly the wrong answer. So, given very sophisticated people in the system, they can cause almost complete havoc if they really so desired.

General E. B. Giller, Chief of Materials Security, ERDA:

One feels that something in the order of 10 to 12 actual attackers is probably the maximum threat (on a nuclear fuel facility) that would be credible in the United States.

Gary Molen, plutonium reprocessing plant manager:

We are not in a position to, nor do we plan to be in a position to actually prevent or try to stop a significant armed attack.

Sam Edlow, nuclear materials shipping agent:

Well, I think there's no question that from a point of view of security, when nuclear materials are in the transportation cycle they are most susceptible to diversion . . . Everybody in transportation agrees that pilferage is not the problem. It's overt highjacking.

Dr. Theodore Taylor, nuclear physicist and safeguards advocate:

As of today, I think we still have a quite significant distance to go in this country to protect the materials so that we can be reasonably sure that a well planned criminal effort to steal the material while it's being transported or at fixed sites is not successful.

If we don't do much more than we're doing today or even planning to do today, within the next five or six years I think there's a very good chance the problem will be permanently out of control.

Ralph Nader, consumer advocate:

It's technological insanity run amuck.

Dr. Robert Keepin, Los Alamos National Laboratory:

I guess I would consider the nuclear blackmail threat perhaps a little bit more realistic, probable, than previously, when I stop to think that nuclear power plant accidents have to do with the malfunctionings of machines and, let's face it, nuclear blackmail and clandestine weapon manufacture and terrorism has to do with the malfunctioning of men.

I ask unanimous consent that the transcript of "The Plutonium Connection" be printed in the RECORD.

"The Plutonium Connection" has made a major contribution to the nuclear debate. By fairly and unemotionally pointing out the dimensions and potential consequences of plutonium proliferation, this program has alerted the public to a serious problem that must be solved soon.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

THE PLUTONIUM CONNECTION

Executive Producer: Michael J. Ambrosino.
Producer: John Angier.
Associate Producer: Barbara Holecek.
Production Assistant: Paula Apsell.

(NOVA is presented with the advice and cooperation of the American Association for the Advancement of Science and is made possible by grants from Carnegie Corporation of New York, The Corporation for Public Broadcasting, National Science Foundation and Polaroid Corporation.)

NARRATOR. This is Stockholm, the crucial link in a frightening story. In the Swedish Ministry of Defense, a scientist is discussing plans for an atom bomb. This is Jan Prawitz. The plans on his desk are not Swedish, and they are not for a military bomb. They were sent from Boston by NOVA researchers with one question: would this bomb work? If the answer was yes, it would mean that many people could make an atom bomb, because the design uses plutonium that could be stolen in any of the twenty-five countries now developing nuclear power. And it was thought up by a student. Five weeks before, NOVA had asked this 20 year old chemistry student at a famous University in Boston to attempt the design. The object was to test an idea proposed by Ted Taylor. Now a Washington consultant, he spent seven years as Los Alamos designing nuclear weapons. These bombs, works of genius according to colleagues, still wait in military stockpiles. Taylor now recalls the offical Pentagon attitude towards unofficial atom bombs ten years ago.

TED TAYLOR. Looking at what people were saying about the chances that another group of people might go nuclear, they were always thinking in terms of something like a dozen countries and I asked myself why does one always speak of a highly industralized country. Is it really all that difficult, given somehow, let's say some stolen plutonium or highly enriched uranium.

NARRATOR. Steal the material, make an atom bomb, and you'd have a blackmail weapon no government could afford to ignore.

TED TAYLOR. In thinking about it myself, it was clear that it would be possible for a small group of people, possibly even one person working alone to make what I would call a crude fission explosive.

NARRATOR. But even in private, nobody seemed to be taking Ted Taylor seriously. So he started publishing his ideas. And along with the ideas had to go descriptions of how it would be possible.

STUDENT. In Ted Taylor's books he cites a lot of different source materials and reference books that would be helpful to a person designing a bomb. Now a lot of these references I ended up using and they were helpful to me both for specific technical information and for a sort of general background. It wasn't indispensible that I had his book. I could have done without it, I'm sure, but he saved me some time. It was all gathered together essentially in one source so it was a time saving device.

TED TAYLOR. This is not some secret government project that's going to last for a few years, that's going off in some corner somewhere. We're talking about what many people believe is likely to be the main source of power worldwide within something like 30 years. The public I think has the right to know what the risks are. It certainly has as much right as any prospective criminal might have to go to his local librarian and ask that person to do a literature search on what's available in literature on how to make a bomb.

NARRATOR. And that's almost how the student started. He simply went along to his college science library and started looking for the key references himself. They're not difficult to find.

Under the conditions imposed on this test, the student had to work alone, without seeking any expert assistance. But buried in the stacks of any good science library in the country, and probably in the world, is a vast amount of information needed for designing a bomb. He had to work fast: the film production schedule dictated a time limit of five weeks. It was a situation which recalled the wartime Manhattan Project and the race between Germany and the Allies to develop the first bomb . . . but there was one obvious difference. In 1943, the scientists assembling at Los Alamos under strict security weren't sure if atom bombs were even possible.

STUDENT. By the time the scientists all got together at Los Alamos, there was a lot they knew. They knew what nuclear fission was. A neutron strikes an atom and the atom splits. When it does this, this gives off radiation and energy and also gives off more neutrons. It's going to give off either two or three. They also knew what materials could undergo this process. There's uranium 235 which is a component of natural uranium which you mine out of the ground like gold and there was also plutonium which is a manmade element. They also knew about the possibility of a chain reaction. You take uranium 235 or plutonium, bring it together. Here comes a neutron again. It strikes an atom, the atom spilits, energy and radiation and more neutrons. These neutrons in turn strike more atoms, more energy and radiation and more neutrons. This process continues. Now if it happens fast enough, enough fissions occur . . . you have a bomb. And to give you an idea about how much energy and radiation is given off by this process, if you have an ounce and a half of plutonium and it underwent complete fission, this would give you the equivalent energy of a thousand tons of TNT. But there was a lot they didn't know. They had a good idea but they didn't know exactly how much material they'd have to use. They also didn't know how fast you'd have to bring it together to get a bomb and they didn't know . . . they didn't have an idea about how to bring the material together.

NARRATOR. This is Los Alamos today. In the center of one laboratory are three pieces of plutonium now being prepared for a critical mass experiment.

Brought together, the pieces will be just under critical, almost enough for a chain reaction. Closed-circuit monitoring will be needed to avoid radiation. When the safety supports are removed, the experiment will be ready.

Now the scientists have to leave; the control room is over a mile away. Safety precautions have been extreme since 1946, when one scientist died from radiation exposure after the plutonium sections accidentally fell together. A master control room feeds power back to the critical mass building. Now the pieces can be brought together. A meter shows that just a few neutrons are being produced, just a few plutonium atoms splitting. No chain reaction yet, so a thin plutonium rod is run in from the left. Still no chain reaction. . . . Now the ball of plutonium is just going critical. The neutron count begins to rise as more and more atoms split, slowly starting the chain reaction. But this could never be a bomb; energy released by a strong chain reaction would blow the lightly-held pieces apart instantly. So during the war the scientists had to develop a system of explosives to force the critical mass together. In July, 1945, a site at Alamagordo, in the New Mexico desert, was prepared for the first full-scale test. After two years work the exact condition needed to achieve a strong chain reaction had been worked out. The bomb was assembled in a tent under the test tower, then winched to the top. Thirty years later, where are the results of all the Manhattan Project work?

Student. These books contain information that was generated in the Manhattan project. Altogether they contain very much the basic science about how A-bombs work. There's a lot of technical information, hard information that's useful and other things. For instance, this book is a technical history of the Manhattan project that was written in '46 and '47 and finally declassified in 1961. Here is this . . . a good hard technical source that's on critical mass data and it was also written around that time and declassified in 1964. This is a good book. This is one of my favorite books. It's a Los Alamos primer. It was used to orient scientists who were new to the project about the basic theories and the fundamentals of bomb design and it is really good for an overview about the theory of bomb design. All of these books are available through the national technical information service in Washington, D.C. I went down and picked them up myself, about $5 a book and the reference numbers which I needed I got from one of Ted Taylor's books. So it's really no problem to go down there and get enough information to design a bomb.

Narrator. As everyone knows, this information is correct.

Student. I was pretty surprised about how easy it is to design a bomb. When I was working on my design I kept thinking there's got to be more to it than this but actually there isn't too much to it. In fact the design I came up with was a lot like the one they first tested. . . . the bomb they first tested at Alamagorda. You have a central core of plutonium that's about the size of an orange or a little bigger than that which is surrounded by an iron tamper. Now the function of the iron tamper is to reflect neutrons back into the plutonium core so more fissions take place. Now around the tamper is another shell of TNT, those are circles . . . . and the information I actually needed, the hard data for how big the plutonium core should be and how much TNT I needed to use I got from Los Alamos reference books and also other reference books I checked out of the library. Now what you do, you detonate the TNT . . . that squeezes the tamper and the core together enough that the plutonium becomes super critical. It stays together long enough that you get a chain reaction and boom, you got a bomb. Really. It's that simple.

Narrator. For five weeks the student's housed a miniature Manhattan Project. In the final week he wrote a complete report. There were sections on the scientific background of the design, and full details on the sizes and weights of the parts. The figures here are covered to avoid providing a shortcut for anybody watching. The aim was to give enough information for the weapons experts in the Swedish Defense Ministry to assess the chances that a nuclear explosion would be produced, if the bomb was built according to the student's instructions.

Jan Prawitz. I think it's a very interesting report. It's a shocking report even if there is a fair chance that this bomb will not go off. On the other hand there is also a fair chance that it will go off but then the yield, the explosion yield would probably be rather low, less than a kiloton and probably less than point one kilotons. Even if there is a very, very slight chance that it will produce an explosion yield above one kiloton.

Narrator. A slight chance above a thousand tons of TNT, a better chance less than a thousand tons, more likely less than a hundred. Those are small nuclear explosions, but very large conventional ones.

Film: Lowell Thomas Voice. The explosion of a ship which caught fire and blew up a dock at Texas City on Galveston Bay loaded with a cargo of fertilizing material, highly explosive ammonium nitrate, the vessel, a former Liberty ship now under the French flag was blasted into shattered bits and hurled for miles. And that touched off a cataclysmic series of detonations.

Narrator. Texas City, 1947. A ship exploded with a force equal to about a thousand tons of TNT, equivalent to a small nuclear explosion.

Film. The first work of rescue is under desparate conditions, the city cut off, communications down, the community utterly unprepared for calamity of such magnitude.

Narrator. Here casualties were low for the size of the blast. The main areas hit were docks, warehouses, and a refinery. But Ted Taylor has worked out what could happen in a busy city.

Ted Taylor. An explosion with the force of something like a hundred tons of high explosive equivalent, which will be pretty well guaranteed even for a crude nuclear explosive would be enough under many circumstances you can imagine to kill 50 or 100 thousand people in a crowded urban area.

Film. There was an outbreak of panic . . . .

Narrator. The student's bomb, if it was built, would inevitably be the most terrifying blackmail weapon ever devised.

Jan Prawitz. I think that in the hands of a terrorist, and from the point of view of the authorities negotiating with the terrorist, the fact that the bomb might go off is the important thing.

Narrator. This could be New York, London, Belfast, Tel Aviv, any big city. It seems unthinkable that just five weeks of a student's time could come up with this potential. Why is the information he needed so freely available?

Jan Prawitz. Unclassified reactor technology and research has improved all the time and that it is necessary to understand this, to publish a lot of things, that this also is essential for designing the bomb.

Eisenhower Film. This greatest of destructive forces can be developed into a great boon. For the benefit of all mankind.

Narrator. 1953. President Eisenhower at the United Nations. It was time to end the cold war, he said, take the bomb away from the soldiers, and start exploiting the peaceful atom.

Eisenhower. Now, today, a special purpose would be to provide abundant electrical energy in the power starved areas of the world. To hasten the day when fear of the atom will begin to disappear from the minds of people and the governments of the east and west, there are certain steps that can be taken now.

Narrator. One of the first steps after Eisenhower's speech was the first Atoms for Peace Conference in Geneva, 1955. The U.S. showed an experimental reactor in public for the first time. To aid nuclear power development, America and Russia started a massive declassification program. But nobody imagined the information might be used in unofficial bomb designs twenty years later. To actually build a bomb, you'd need plutonium. And to find it, you have to understand the nuclear fuel cycle. Natural uranium ore is first refined to make power reactor fuel rods. It's impossible to make bombs with these. In this typical reactor, 100 tons of fuel rods have to be loaded into the core before a slow chain reaction will even begin. While the heat from the reactor goes to make steam for the power station, some of the uranium inside the fuel rods is converted into plutonium, and some into highly radioactive waste products. Every few months, reactor engineers have to load up heavily shielded shipping casks with what they call spent-fuel. Bundles of radioactive fuel rods are maneuvered into the casks under a water radiation shield twenty feet deep. It's a process now happening worldwide. This is an Italian spent-fuel shipment on its way to Windscale, on the deserted fringes of the English Lake District. In what's known as a reprocessing plant, the fuel is cut up into small sections at the start of a complex chemical process designed to extract plutonium from radioactive wastes. The plutonium first produced here, as in America, was used for military weapons. But now a major new use of plutonium is planned. A development at this reactor on Lake Michigan was observed by Roger Conner, a local environmentalist, with great interest.

Roger Connor. That's the Big Rock Nuclear Plant. One of the first nuclear power plants to start producing electricity in this country. And it's been involved in the last few years in a very important technology development program by the Atomic Energy Commission. What they've been doing is placing small quantities of plutonium in the reactor on a regular basis, using it as a fuel, and experimenting with it in different ways. Well, in December of 1972 the Atomic Energy Commission told Consumers Power Company that they could place a full core reload of fuel containing plutonium in that reactor. This was a very important step. It was the end of the research program, the beginning of commercial implementation. And indeed Nuclear Technology which is the magazine of the nuclear industry called this a milestone in the history of nuclear power.

Narrator. Roger Connor agreed. Applied throughout the industry it would mean widespread manufacture, storage, and transport of bomb material. He wanted an environmental impact study.

Connor. So what we did, we sent the Atomic Energy Commission a telegram. In that telegram we demanded simply that the Atomic Energy Commission and Consumers Power comply with the law. We filed a law suit shortly after we sent that telegram when we got no response and there have been court proceedings and administrative proceedings since then. But in sum, what's happened over the last year and a half is this. The Atomic Energy Commission has conceded that they do have to file what's called a generic environmental impact statement evaluating this program and giving it a systematic analysis.

Narrator. The draft statement came out last year. In theory plutonium reactor fuel cannot be used before a final statement is approved. But in practice, things look different. Here in South Carolina, Allied Chemical, Gulf Oil, and Royal Dutch Shell are investing 500 million dollars in a plant for extracting plutonium from spent-fuel—as in Windscale. Gary Molen will be in charge of keeping track of plutonium when production starts next year. Does building the plant mean that plutonium recycling will in fact go ahead?

GARY MOLEN. I would have to say I think it's unlikely that reprocessing plants would be built if in fact plutonium was not intended to be reused. At least at some point in time.

NARRATOR. It's an attitude held throughout the industry. As a fuel plutonium is worth five thousand dollars a pound; as waste, nothing. Up to seventy pounds of fuel a day will be going into the storage tanks at Allied General, enough for nearly two thousand homemade bombs a year.

With widespread plutonium use a virtual certainty in the future, what does the Atomic Energy Commission think about the possibility of people making their own bombs? General Giller is in charge of materials security.

General GILLER. They'll be in the position, probably, of not knowing whether that thing will explode and so will you. But since there is the possibility, in your case, being on the receiving end of a threat, you have to assume that it would be possible. Therefore it's obvious that you put your effort on preventing a loss of the material. Let's keep the horse in the barn rather than look for it after it's been taken.

NARRATOR. This was one of the first of General Giller's barns to be set up. Run by Kerr-McGee, an Oklahoma oil company, it's a factory making experimental plutonium fuel. And this is the horse, a can of plutonium oxide. Two cans contain about the right amount for one crude atom bomb. Anywhere plutonium is handled, bomb-making is not the first concern; it's safety. The type of radiation it gives off can be stopped with a rubber glove, but if a single plutonium dust particle is caught in the lungs, that same radiation will cause cancer. So all processing is done inside sealed glove boxes. But because only two of these cans would be needed for a bomb, the company has to try to keep track of all the plutonium moving through the process. Measurements are made and continuous records kept. It's a process known as inventory control, well-known in any industry where valuable items are handled. The question is always the same: how accurate is it possible to be? It was applied to nuclear materials twenty years ago, during the Manhattan Project. At Oak Ridge, Tennessee, some of the first bomb material was processed. Dr. John Googin explains how good the control has to be.

Dr. GOOGIN. In the safeguards sense, we would like to be able to measure things, control things, well enough so that we're sure nobody has taken enough material to make an explosive, critical mass. Back in the days when we only had a few critical masses, that was very easy. In the days coming, when we're going to have thousands and thousands of critical masses that is going to be extremely difficult and is really beyond the ability of inventory control to measure.

NARRATOR. This is a can of plutonium fuel pellets leaving the process at Kerr-McGee. A routine measurement will be performed and checked, but it's not good enough.

GOOGIN. There are limits to how accurately you can measure things.

WORKER AT KERR-MCGEE. Can 88.

WORKER. Can 88. . . .

WORKER. One thousand four hundred seventy-seven grams . . .

GOOGIN. If you're using balances, then there are limits to the accuracy of the weights and the corrections and the things like absorbtions of moisture on your materials make it most difficult to weigh.

NARRATOR. But they have to do the best they can. The stakes are too high. And the difficulties don't end with simple weight measurements. This worker's got a contaminated glove; a counter tells him to get rid of it. But along with the glove goes a trace of plutonium. Bags of waste are generated all the time so the plutonium must be counted.

GOOGIN. If you're doing radiological counting, then statistics of the counting system are a finite limit. The longer you count the better but you can't count forever. And all of this data has to be put together to balance, to try to balance, how much you have versus how much you have put in and taken out and still have to get a balanced system so you can tell where things are and what's happened to them.

NARRATOR. Every two months they're required to produce a full inventory of the plutonium they've handled. Now all those measurement inaccuracies have to be combined into an overall error. It's shown by the letters LE, limit of error, on the inventory. The result is a MUF—material unaccounted for. Filming the actual figures was not permitted, but a MUF of at least one percent of the total quantity of processed plutonium is unavoidable.

GOOGIN. One percent of inventory in a plant of the present is barely good enough. In a plant of the future where there's much larger amounts of material, you have lost several critical masses in a month and in that time a skillful person can have his project finished. So that a percent accuracy in a month or two's time is just not good enough.

NARRATOR. At Kerr-McGee one percent every two months means about two pounds missing. In a year twelve pounds, about enough for one bomb, undetectably gone. But throughout the industry there's going to be a further problem. John Googin explains.

GOOGIN. Somebody might be removing materials in a very subtle way and take perhaps months or years to do it. Therefore you have to have on a longer time scale very accurate measurements of what is going on so you can detect the small diversion on a continuing basis. And of course this is the one which is the most difficult to detect and is most easily covered up by a skillful operator. An instrument technician could in fact alter the instruments themselves so that they record uniformly the wrong answer. So the given very sophisticated people in the system, they can cause almost complete havoc if they really so desired.

NARRATOR. At Los Alamos, possible havoc in the industry seems remote. But the measurement problem has concerned one scientist who lives here, Bob Keepin.

KEEPIN. This jungle of pipes and tanks and vats and valves does not lend itself to easy measurement because it's quite a hodge podge. Might say also that fissionable materials can be in different chemical form, oxide, nitrates, carbides; they can be in different physical forms, in lumps and chunks, mixed in with sad, or floor sweepings or . . . there is a category that's technically known as GKW. That stands for God Knows What . . . and it has to do with just the unknown matrix in which material can be found. You've got everything from rubber gloves to Kimwipes and, as I said, sweepings. And so this just adds to the problem of measurement.

Narrator. This is a sealed can of industrial plutonium waste, maybe even GKW, received by Keepin's research group at Los Alamos. They're using an experimental machine to measure, very accurately, the plutonium content. The factory measurement claims there are 122 grams of plutonium inside. Keepin aims to develop a range of machines, linked to a central computer, which could keep accurate accounts of nuclear materials through out a factory. The result of the analysis: 162 grams. The factory was 30% wrong. Could a computerized system be the answer?

GOOGIN. In fact the computer can be a hazard because sometimes you really forget what it's telling you and how its programmed and somebody who does know on your crew how it's programmed can make it lie to you very easily.

MOLEN. Your system can only be as good as the people that you have working. In fact, if you are not able to employ trustworthy people, then you can design no system, no physical materials system which can override them because there's always some way to work around it. No system in itself is absolute.

NARRATOR. While inventory control might never be able to detect theft from inside the plant, simply breaking in is the most obvious way for a bombmaker to get his plutonium. At Kerr-McGee, they've got all the guards, fences and alarms that the Atomic Energy Commission now requires. There's a metal detector for guns. And an explosives detector inside. The objective of any break-in would be the vault. It contains over four hundred pounds of plutonium at a time. The whole system is designed to keep out maybe one or two thieves. But what size attack should they expect

This is Belfast. Political terrorists work in large, organized, well-armed groups. The Middle East. Terrorists like to use bombs. They aim to disrupt. They don't mind who gets in the way.

The SLA in Los Angeles. Dozens of police were needed to hold down just six opponents.

Anywhere a terrorist group has chosen to operate, the Munich Olympics, for instance, tremendous opposing forces have had to be brought in. They're not the slightest bit disturbed by casualties, and at Munich they penetrated with ease a conventional security screen enclosing the Olympic Village. They are a new force to appear in the world. And their appearance was noted with alarm back at Oak Ridge, Tennessee, where Bill Sargent is Director of Security.

BILL SARGENT. This old guard tower brings back some interesting memories. If it wasn't actually fixed in the ground we might even recall it to active duty. Now it wasn't here during World War II because in World War II we were concerned about espionage so our physical security program was designed to prevent the loss of information, not to repell some attacker or invader. But following World War II when the world knew that we had a nuclear weapon, we foresaw the possibility that someone would try to sabotage our plants. The protection had to be against some attacker from a foreign power and that's why we had this kind of structure. It has bullet proof glass, steel plate through which the guard could fire. There's even a mount here in which we could place a machine gun. The structure's reinforced concrete. It had a search light on the roof. It could be turned by the guard. This is really the kind of thing that we're thinking about again today. We have seen that terrorists are willing to do almost anything to accomplish their objectives. So today we are concerned in a sense as we were 25 years ago with someone who might try to invade or attack our facilities and steal . . . divert special nuclear materials for some evil purpose, that purpose to influence events, to suit themselves.

OAK RIDGE GUARD. Commence fire!

NARRATOR. Would Bill Sargent's guards, armed with pistols, be enough to stop a terrorist attack on this government weapons factory? He's done as much as his budget will allow to strengthen the defenses, but it hasn't been much.

BILL SARGENT. We've taken steps to enhance the protection of this room in light of the increased threat. This is a very important room. We call it our security operations center. It possesses security communications facilities with all of the security elements and all of the law enforcement elements in this area. Some of the things we've done is to install bulletproof glass in the room, put heavy steel plate on the door.

We've also put television monitors to assist the officer in his controls from this point.

Narrator. It might not be enough to stop a strong attack. What else would he like to do?

Bill Sargent. I'd like to see some additional guards at our plants and I'd like to see them assisted by some of our most sophisticated alarms that are available today, that would give them a chance to be forewarned of any attack on them. I would also like to see the guards equipped with the latest type of military ordinance. I'd like to see them have available some kind of hardened facility protection along the lines of the old guard towers that would enhance our ability to combat any people who are trying to enter the plant illegally to divert special nuclear material.

Narrator. If the defenses are not adequate at this government factory, what are they like in the civilian power industry? Security at the new Allied General plutonium plant is described by Gary Molen.

Gary Molen. We are not in a position to, nor do we plan to be in a position to actually prevent or try to stop a significant armed attack. It's not in the requirements now and private industry is not in a position where they are willing to take on that responsibility.

Narrator. Gary Molen defined a significant armed attack as anything above two or three people. What size attack would the Atomic Energy Commission expect?

General Giller. One feels that something in the order of ten to twelve actual attackers is probably the maximum threat that would be credible in the United States.

Gary Molen. The system that we've designed would probably not prevent them from entering. We would certainly deter them, we would detect them. And we have a communications systems available to us as part of our overall security system to enable us to call for reinforcements.

Narrator. Security here will depend on reinforcement. But only four policemen are stationed nearby. And when asked, South Carolina State Police revealed they would need forty-five minutes to assemble a large force.

Kerr-McGee's plutonium fuel factory depends on the same reinforcement system. A maximum of thirteen police are within ten minutes. Large-scale reinforcements, fifty minutes. Does General Giller think the situation is satisfactory?

General Giller. What remains to be done yet is to increase the amount of physical security that we perhaps employ in what we call fixed sites. A manufacturing plant or in the weapons case, perhaps one of our assembly plants where there would be a question of more of the same. More guards, maybe some armored vehicles would be made available to them that we don't have at the moment. And this will take us into the years ahead in a way that it's a little hard to foresee now.

Narrator. So plutonium at fixed sites might not be secure against terrorist attack, and plutonium inside the factory cannot yet be accurately accounted for. And what about the plutonium that has to be transported? This shipment is travelling in the approved AEC manner by commercial armored car, the same type that's used to carry money. There's enough plutonium in the drums for two or three bombs. The latest AEC regulations specify a chase car with two armed guards. Most civilian nuclear transport is arranged by one Washington shipping agent, Sam Edlow.

Sam Edlow. Well, I think there's no question that from a point of view of security when nuclear materials are in the transportation cycle, they are most susceptible to diversion. You have two possibilities. The possibility of pilferage and a possibility of overt highjacking. Everybody in transportation agrees that pilferage is not the problem. It's overt highjacking.

Narrator. Four armored cars, carrying money, were highjacked last year in the United States.

Security Guard. This is unit 95 ceiling . . .

Narrator. To give warning of a highjack, the AEC requires communication back to base every two hours.

Security Guard. Please place a collect call to area code 202–833–8237 . . .

Narrator. The system, using conventional radio-telephone, is cumbersome and unreliable.

Dave. This Dave . . . go ahead . . .

Security Guard. This is our position 105 reporting a ten twenty of Charlie plus 15 miles.

Dave. Ten four, your · next call will be due at 14:30 . . .

Narrator. Sometimes even the radio-telephone can't be used.

Sam Edlow. I would say that anything that we can do to improve it, we need. The present system that we're using, we run into blackout areas due to terrain. It's basically a matter of terrain. On most of our runs we have a few blackout areas where our vehicles must use land lines to be in touch with us on a regular scheduled basis.

Narrator. Highjacked in a blackout area, it could be hours before the alarm went out. Nobody disputes the fact that nuclear transport is insecure. An eventual solution is now being worked out, using first this truck, designed originally for weapons shipment. It's supposed to be able to keep people from getting inside for several hours. Exactly how is secret. A second element is inside this camper. It contains a new communications system designed to work anywhere, anytime. Using a series of prearranged codes, you can send out up to a hundred messages. Picked up by one of five ground stations across the country, the message is relayed to a control center. Truck identification and position are sent automatically. It's the same as the fixed site theory: delay the attack and call for reinforcements . . . if they're available.

Ted Taylor. I think it has yet to be seen to what extent the communications systems between the vehicles that are carrying these materials and law enforcement forces and perhaps military forces will be, to see to it that if a theft is delayed as these specially designed vehicles are designed to do, sufficient strength, armed strength appears in time to keep the material from disappearing from view.

Narrator. What does Ted Taylor think of the overall response since he first revealed his fears about homemade atom bombs?

Ted Taylor. As of today, I think we still have a quite significant distance to go in this country to protect the materials so that we can be reasonably sure that a well planned criminal effort to steal the material while it's being transported or at fixed sites is not successful.

Narrator. And that, unfortunately, is good news for terrorists, because the plutonium security developed in the United States is probably the most advanced in the world

Jan Prawitz. If stealing plutonium is easier in one country than in another, the measures undertaken by the second country will be worthless because the terrorists can go to the first country and steal the plutonium and threaten the second country anyway.

Narrator. This is Vienna, the headquarters of the International Atomic Energy Agency, which now faces the incredible task of keeping track of the world's growing mountain of plutonium. They run a materials accounting system in the same way as the United States. Ted Taylor's estimate of over a hundred thousand pounds of plutonium accumulated worldwide by 1980 gives an idea of their difficulties. That's enough for ten thousand homemade bombs.

They rely very much on materials accounts provided by individual countries; this one's from Japan. But there are often long time delays, and measurement errors and materials unaccounted for are as unavoidable as in the United States.

To back up the reports, the Agency runs a series of inspections. This is a Swiss reactor being visited by an inspector to monitor fuel reloading. A country might be diverting its own spent-fuel, reprocessing in secret, then making bombs with the plutonium. As the fuel bundles are removed from the reactor core, the inspector keeps count. It's large-scale national diversion that the Agency hopes to detect. Catching a factory plutonium thief is still up to the individual country.

Back in Vienna, the IAEA Inspector-General, Dr. Rometsch, was asked what he would do if he did find a large-scale diversion.

Rometsch. When we have the proof there is a foreseen way of giving the message further, I report to the Director General of this organization. He reports to the Board. The Board might order additional investigation or if the case is crystal clear, would report to the Security Council of the United Nations

Narrator. So at least the world would know about it, but since it hasn't happened yet, nobody can say whether the Security Council could take any effective action. Agency membership and inspections come automatically with signature of the nuclear non-proliferation treaty. Most countries of the world have signed. But a few haven't.

A Canadian reactor supplied with no effective restrictions provided India with the plutonium she exploded last year. This is the only photograph so far released, but the explosion may have looked like this, an American Plowshare shot.

The Indian Government claims its explosion was for peaceful exploitation of mineral deposits. They could have bought the technology direct from the United States or Russia, but chose not to.

The Israelis, as well, haven't signed the non-proliferation treaty. Their plutonium is produced with a French supplied reactor in the Negev desert. Eight other countries have not signed the treaty. Preventing national nuclear proliferation is now practically impossible. Should the Agency instead turn its attention to worldwide plutonium security?

Jan Prawitz. I think that the international agreement on physical security of fissionable materials is essential for the future. Otherwise one has to rethink about the whole nuclear power industry.

Narrator. An attempt at agreement was made. This booklet of security advice was prepared by an Agency committee, but agreement among the members to even call it an IAEA publication could not be reached.

Rometsch. If you look at the overall situation of the world and the fact that the agency has one hundred and five member states, the probability is not very high that there is such a degree of consensus between them that the agency has more than the character of the secretariat of these one hundred five

Ted Taylor. I think there's a very good chance that certainly by the end of the century nuclear violence quite possibly not involving national military use of nuclear explosives will have reached the stage that most of us would consider intolerable.

Jan Prawitz. In most countries people will think that if terrorists are gong to get atomic bombs because of the grow-up of the nuclear power industry, we would better scrap the power industry.

Narrator. In the United States reactor accidents are seen as the major potential danger of nuclear power. It's one reason industry opponents have demanded a shutdown. . .

Environmentalist Film. 100,000 injured, 50,000 dead. That's what could result from a serious accident at just one small nuclear power plant according to an atomic energy commission report. It all adds up to this. Nuclear power is a terrible way to go.

NARRATION. Now plutonium and bombs is a new reason.

ENVIRONMENTALIST FILM. The more nuclear power plants we build, the more plutonium we have to worry about. An accident could be a disaster. God Bless You, America.

Dr. JOHN GOFMAN. The demand by society to see that atom bombs don't get into everybody's hands is going to be an almost hysterical demand and the response to such hysterical demands that we must protect our lines of plutonium shipment, our factories, means that everyone involved in that entire chain must necessarily be subject to security evaluation and surveillance because everyone is a possibility.

NADER. There's going to have to be extensive personnel security checks and classifications reminiscent of the fifties in our country. There's going to be private dossiers built up about people filled with answers to questions such as what magazines have you read and who did you associate with that was considered radical or unstable.

GOFMAN. And if you have the largest industry, the largest single industry in your land subject to this sort of security, that means the largest fraction of the workers in your country are subject to this sort of security and this means a garrison state.

NARRATOR. A garrison state, possibly. What's certain is that the type of information now available to the public will have to be cut back.

This is the AEC's public reading room in Washington. It's the first place a bomb-designer would visit when he was planning his plutonium theft.

DIALOGUE. Hi. Can I have these files please? Just a moment . . .

NARRATOR. On file and freely available are the plans of every civilian nuclear installation in the country.

DIALOGUE. Thanks. This will keep me busy for awhile. . . . thank you.

NARRATOR. These are the plans, for example, of Kerr-McGee's plutonium fuel factory. You can examine the layout of the security fences, and locate the plutonium plant. Inside the plant, you can find out where the vault is, and the design of its door. Ralph Nader's attitude to the industry is clear.

NADER. It's technological insanity run amuck. It's economic disaster. It's a vast invasion of privacy, it's the intrusion of the national security state into most areas of the country where people live. For what?

NUCLEAR ADS. You're turning on more electricity than ever before. Your demand for electricity doubles every ten years. Doubles. At BSG&G we're meeting the increasing energy demands of today and tomorrow with modern, dependable nuclear power plants. Clean, reliable nuclear power.

A nuclear generating plant is as harmless as a . . . harmless as a chocolate factory. A lot more nuclear power is needed. Nuclear power. The power to keep America turning on.

TAYLOR. If we, for example, decided for one reason or another to stop nuclear power development in this country, the United States, the pressures that would continue in a country like Japan that has no indigenous sources of fossil fuels to continue whatever we do would continue to be very big. I think it's really whistling in the wind to call for an international moratorium on all nuclear power development, or a halt on nuclear power development. I think its just completely unrealistic. I don't think it will happen.

NARRATOR. Which is why he raised the idea of simple atom bombs in the first place, and why some began to listen.

KEEPIN. And I don't know if I'm influenced by the publicity that we've seen this past year. Perhaps I am. But I guess I would consider the nuclear blackmail threat perhaps a little bit more realistic, probable than previously, when I stop to think that nuclear power plant accidents have to do with the malfunctionings of machines and, let's face it, nuclear blackmail and clandestine weapon manufacture and terrorism has to do with the malfunctioning of men.

GOOGIN. I have great respect for the damage that can be done. Nuclear weapons is something I understand and I don't want anybody to have one who's not knowledgeable himself of what he's going to be able to do. No reckless person should have a nuclear weapon.

TED TAYLOR. We've got a very few years to get this problem under international control. If we don't do much more than we're doing today or even planning to do today, within the next five or six years I think there's a very good chance the problem will be permanently out of control. The reason for that is that there will have been so much material accumulated throughout the world that to try to put it under heavy safeguards at that point may be like trying to do a roundup of cattle that have left the barn and have gone out into the wilds and are essentially lost. In other words there may have been material diverted or stolen before an effective system was set up, in which case it's gone.

In order not to reveal the identity of the student bomb designer, his part was portrayed by an actor. However, both his opinions and the design process shown were accurate representations of real events.

STATE OF ARIZONA MEMORIAL URGING ESTABLISHMENT OF A NATIONAL CEMETERY LOCATED IN ARIZONA

Mr. GOLDWATER. Mr. President, the Senate of the State of Arizona recently adopted a memorial urging the Veterans' Administration to work for the establishment of a national cemetery in Arizona. I ask that the text of the Senate Memorial 1002 be printed in full in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

SENATE MEMORIAL 1002

A memorial urging the Veterans' Administration of the United States to enact legislation establishing a national cemetery in Arizona

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

The State of Arizona's one hundred seventy avaliable National Cemetery burial spaces are totally inadequate to handle the potential demand of the more than two hundred fifty thousand veterans residing in the state.

A deceased veteran who has expressed a desire to be buried in a National Cemetery must be transported to another state for burial thereby causing great hardships for his survivors.

Veterans organizations within the State of Arizona have some six hundred forty acres of land in central Arizona available, without cost, for utilization as a National Cemetery and Memorial Park.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Veterans' Administration give its most earnest consideration to the establishment of a National Cemetery in the State of Arizona.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of the Veterans' Administration and to each member of the Arizona Congressional Delegation.

CLEAN AIR ACT

Mr. MUSKIE. Mr. President, there has been considerable speculation in the press and elsewhere regarding the future regulation of air pollution from automobiles.

The Subcommittee on Environmental Pollution will examine the question in some detail this year as a part of an overall review of the Clean Air Act.

In order to place this issue in perspective, Mr. President, I ask unanimous consent to have printed in the RECORD an article on auto emissions from the March 7 issue of Science magazine.

The article notes that—

> The Clean Air Act was fashioned with public health and environmental protection as the prime considerations and notes that fuel economy has taken on almost equal importance.

These issues will be evaluated by the Subcommittee on Environmental Pollution in hearings which begin on March 19 of this year.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Science magazine, Mar. 7, 1975]

AUTO EMISSIONS: EPA DECISION DUE ON ANOTHER CLEANUP DELAY

(By Constance Holden)

On 3 March Russell Train, administrator of the Environmental Protection Agency (EPA), will announce his decision on whether to grant auto makers an additional 1-year suspension, under the Clean Air Act of 1970, of emissions standards scheduled to go into effect for the 1977 model year. He will also be making long-term recommendations to Congress that could affect the rate at which cleanup efforts proceed, as well as the nature of the technology that is brought to bear on the problem.

EPA officials say this may be the toughest set of decisions the agency has yet confronted. In the past, says one, the attitude has been, "If the technology is there you go ahead" with enforcing the law. But now, with the economy in shambles and fuel prices going out of sight, the name of the game more than ever is trade offs. Public health and environmental needs must be weighed against fuel economy (mileage per gallon) goals, rising car prices, and the need to keep the auto industry—which contributes 16 percent of the gross national product—financially viable.

The Clear Air Act originally mandated that regulated emissions from automobiles be reduced by 90 percent from 1970 levels by 1975. This amounts to a goal of 0.41 gram of hydrocarbons (HC) per mile, 3.4 grams of carbon monoxide (CO), and 0.4 gram of oxides of nitrogen (NO_x). Since then, manufacturers have twice been granted reprieves. Currently, the law says the CO and HC standards must be met by 1977 and the NO_x standard by 1978 (Table 1). Train must decide, taking available technology and the public welfare into account, whether to give auto makers until 1978 to get their CO and HC emissions into line.

TABLE 1.—CURRENT AND PROJECTED AUTO EMISSION STANDARDS (GRAMS PER MILE)

Standard	Hydrocarbons	Carbon monoxide	Oxides of nitrogen
Interim 49-state standards for 1975 and 1976	1.5	15.0	3.1
California interim standards	.9	9.0	2.0
President's recommendation for 1977 to 1981	.9	9.0	3.1
Statutory 1977 standards	.41	3.4	2.0
Statutory 1978 standards	.41	3.4	.4

EPA research, backed by studies by the National Academy of Sciences, leave little doubt that achievement of statutory emission standards is technically feasible. The public welfare question is trickier—auto makers claim that the costs to both the industry and the car-buying public would outweigh the benefits of marginally cleaner air in 1977. (The introduction of catalytic converters in 1975 models to bring emissions down to the interim 1975 and 1976 standards has achieved 83 percent of the final goal.) Manufacturers claim that more advanced and costly emission control devices needed for the 1977 and 1978 standards are the last thing the country needs to get Detroit moving again; that they will have to stop production of some model lines, which will add to unemployment; and that they need more time to perfect various techniques for improving mileage and cleanliness and for developing workable alternatives to and refinements of the internal combustion engine.

These arguments were advanced by industry during several weeks of hearings EPA held to consider the suspension request. Auto manufacturers also used the hearings as a forum to push for what they really want, which is a 5-year freeze, starting in 1977, on emission standards as they now apply. Since the ultimate cleanup standards have already been pushed back from 1975 to 1978, amendment of the law to conform with industry's desires would amount to a 7-year rollback of the original deadlines.

President Ford, with the apparent prematurity that has marked some of his other actions, in January offered auto makers a compromise deal. In return for a pledge to improve fuel economy by 40 percent between 1974 and 1980, he suggested a 5-year freeze (1977 to 1981) at the emission levels for HC and CO now mandated in California. These are tighter than those prescribed for the rest of the nation but not as tight as the statutory levels. He recommended that the NO$_x$ standard be allowed to stay at the current level of 3.1 grams per mile (the California standard is 2). Train, also somewhat prematurely, expressed sympathy with the Ford idea, as did auto makers.

All of this would seem to make the subsequent suspension hearings somewhat redundant. Most observers assume the suspension request will be granted, but the hearings may influence the longer-term recommendations Train makes to Congress. A 1-year suspension is no big deal in itself because it would not affect standards presently applicable for 1978; however, it could cause legislators to be more sympathetic to pressures to loosen up the Clean Air Act, particularly if Train decides to push the presidential recommendations.

Senator Edmund Muskie (D-Maine), chairman of the air and water pollution subcommittee of the Senate Committee on Public Works, is said to be unlikely to favor giving Detroit any more leeway. But if EPA fails to urge holding the line on the statutory standards, Congress might well succumb to the arguments coming out of Detroit.

What Detroit says sometimes needs to be taken with a grain of salt. In 1973, for example, General Motors said that installation of oxidation catalysts in their 1975 models was really out of the question. Now GM has these catalysts in 85 percent of its cars and it loves them. Catalysts have turned out to be a boon—they handily achieve emission reductions required by 1975 interim standards, and the added cost is more than compensated for in enhanced fuel economy (engines had to be detuned to achieve emission reduction but now they can be tuned to maximum efficiency because the catalyst takes care of the added residuum).

Now, however, auto makers are trying to make the case that further tightening of standards will require much more expensive catalysts and will impede further efforts to improve fuel economy. This may be something of a red herring—EPA itself has said that there is "no inherent relationship between exhaust-emissions standards and fuel economy," and it is common knowledge that vehicle weight is the greatest single factor affecting gas mileage.

Presumably, it is the public health and environmental considerations that should settle the matter, but there is still very little known about the relationship between various levels of ambient air quality and public health. No one knows whether the ultimate standards set for mobile source emissions are really the right ones.

A study by three universities—Columbia, Massachusetts Institute of Technology, and Harvard—paid for by the National Science Foundation, recommended last fall that enforcement of the ultimate standards be delayed. The reasoning was that, otherwise, auto companies would be locked into the catalyst as the way to go and would not have the resources to devote to alternative engines. On the other hand, experience has shown that the only way to get auto makers busy on new technology is to make standards mandatory. Former EPA official Stephen Miller, now a freelance consultant, says, "What Detroit is saying is, 'Give us time and we'll come up with a better engine,' but," he adds, "they've been saying that since the 1950's."

For the next 5 years at least, there will be no new fuel-efficient clean-burning engine available for mass production. So it looks as though catalysts will be around for a while.

There are basically three kinds of catalysts. The simplest, and the only one now in mass production, is the oxidation catalyst. This works only to reduce emissions of HC and CO by injection of air which breaks them down to water and carbon dioxide. NO$_x$, an entirely separate problem, is kept down by means of exhaust gas recirculation.

A more advanced model is the dual, or reduction, catalyst. This is actually two catalysts, an oxidation one preceded by a catalyst to chemically reduce the NO$_x$. This is said to involve some fuel penalty because there must be a rich air-fuel mix to make the reduction component work properly.

The most sophisticated kind is the three-way catalyst. This is a single unit that reduces all three kinds of emissions when the engine is operating at the stoichiometric ratio (optimal burning mixture) of 14.7 parts air to 1 part fuel. This catalyst requires an oxygen sensor to ensure that there is just enough air to allow oxidation of HC and CO but not enough to encourage formation of NO$_x$.

Currently occupying center stage in the standards disputes are sulfates and NO$_x$. Sulfates became a matter of great concern in 1973 (*Science*, 26 October 1973) when it was discovered that sulfur from gasoline was oxidized by catalysts into sulfuric acid. Sulfur dioxide from tail pipes eventually turns into sulfuric acid anyway, but usually in the upper atmosphere. With catalysts, it comes straight out of the tailpipe in amounts up to ten times as great as in cars not equipped with catalysts. Sulfuric acid is bad for people with respiratory and lung problems.

For a while some people thought the oxidation catalyst might turn out to create more evil than it eliminated, but now, according to an EPA researcher at Research Triangle Park, North Carolina, it's beginning to look as though the risks have been overblown. The data on sulfates are pretty ambiguous and, he says, "we have only scratched the surface" on sulfate research.

Recent results of research on NO$_x$, however, are beginning to persuade some people that the dangers of these emissions are greater than was previously thought. Nitric acid is believed to be even worse for the health than sulfuric acid, and recent studies have implicated NO$_x$ not only in respiratory problems but in such other far-flung disorders as nephritis and increase in blood lipids.

What EPA and Congress finally decide about sulfates and NO$_x$ will affect the direction of emission control technology. If an emission standard is created for sulfates, a move that is under consideration at EPA, this would limit the use of oxidation catalysts and force industry to move to the three-way catalyst, the only one that inhibits sulfuric acid production. If the tight NO$_x$ standard of 0.41 is enforced, they will have to jump to the dual catalyst, the only one that now promises to reduce NO$_x$ that far.

There is, of course, another way out: drastic reduction in automobile weight and engine size. This would automatically reduce emissions and improve mileage. It would also permit introduction of the stratified charge engine, which is now generally regarded as suitable only for small cars. The stratified charge engine was invented in the United States and developed by Honda of Japan. This is a lean-burning engine (that is, one using a high air to fuel ratio that permits oxidation of HC and CO), and Honda says it can meet all the U.S. statutory standards right now. A NO$_x$ catalyst might be needed, which would involve some fuel penalty. But there are countless measures to offset that—improved design to reduce aerodynamic drag, radial tires, better carburetion, electronic ignition, fuel injection, and so forth.

Auto makers are busy developing these measures, but they have been having a very hard time thinking themselves into smaller cars. They have long argued that they make big cars because people want them. This is true, but it may not be as inalienable a right as the people in Detroit make it out to be. Besides, they complain about the costs and inefficiency of catalysts while continuing to build costly and frivolous "options" such as push-button windows, vinyl roofs, and air conditioning into many of their models.

ECONOMY VS. ENVIRONMENT

The Clean Air Act was fashioned with public health and environmental protection as the prime considerations. Now that fuel economy has taken on almost equal importance, auto makers are saying that one objective can only be achieved at the expense of the other. As has been indicated, many observers think this is a phony argument. Chief among them are officials involved with environmental protection in metropolitan areas. The feeling expressed at the hearings by these individuals was that auto makers were getting the breaks, and that cities would have to pay the price to get ambient air standards within levels prescribed by law. Robert Low, head of New York City's Environmental Protection Administration, said it looked to him like a "double standard"—cities had to keep up with timetables but auto makers were being permitted repeated delays.

(It might be remarked here that a precipitous drop in auto sales resulting from rampant price increases certainly wouldn't do air quality any good. The turnover of vehicles now on the road is estimated at 10 percent annually, so theoretically it will be a decade before virtually all auto emissions are controlled. A reduction of that percentage means that inefficient fume-belching models will continue to be operated long after owners would normally have turned them in.)

While EPA is agonizing over the recommendations it will make to Congress, a staff member of the Muskie subcommittee observes that Congress is pretty used to making up its own mind when it comes to decisions affecting the Clean Air Act. Congressional response to the presidential proposal, even if it is endorsed by Train, is likely to be cool. The staffer says that even the "Neanderthals" on Capitol Hill recognize that a lengthy freeze on emission standards in exchange for a "pledge" of increased fuel economy is a pretty bad bargain. For one thing, Detroit doesn't have a history of doing such things voluntarily; for another, most of the 40 percent improvement has already been effected in the 1975 models and evidence is that the goal—which would only attain an across the board average of 18.7 miles to the gallon—could be achieved without stalling any more on standards enforcement.

The Clean Air Act is scheduled for thorough retuning and overhaul this year. At present a drastic relaxation in the auto emission standards seems unlikely. The basic purpose of the act was and is to protect public health. There will be particular pressure to raise the 0.41 No$_x$ standard but, according to the committee staff member, there is not as yet any evidence to justify that action. As for technological considerations, the staffer observes that "the technology-forcing aspect of the Clean Air Act was a key part of it," so if auto makers don't think they can achieve the standards they will have to make a very strong case indeed.

Perhaps the worst effect of a 1-year suspension would be a psychological one. Repeated delays may just delay awareness on the part of manufacturers that the private automobile may not always remain a symbol of the American way of life and that, with the development of mass transit, autos may indeed play a smaller part in America's future than they do in its present. Certainly Chrysler Corporation has not picked up on the notion. In its report announcing a stunning $73.5 million loss in the last quarter of 1974 it managed to make a chipper conclusion, to wit:

"The increase in the number of new drivers each year and the development of suburban areas that rely heavily on motor vehicle transportation will continue to support the long-term growth of the automobile market."

LEGAL IMPLICATIONS OF CONSTITUTIONAL AMENDMENT ON ABORTION

Mr. PACKWOOD. Mr. President, on March 10, the Senate Subcommittee on Constitutional Amendments resumed its extended hearings on the historic Supreme Court abortion decision of 1973. Because of the religious and ethical diversity in our society, I have been among those who feel that the Court's decision was a wise and just one.

However, several opponents of the decision have introduced resolutions designed to overturn the Court's ruling by amending the Constitution. During yesterday's hearings, Harriet F. Pilpel, of New York, a prominent attorney and expert in constitutional law, presented an excellent statement describing some of the ramifications of the proposed amendments. Because of the widespread interest in the abortion issue, and the need for more informed discussion on the legal implications of a constitutional amendment, I ask unanimous consent that Mrs. Pilpel's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF HARRIET F. PILPEL ON SENATE JOINT RESOLUTION 6, 10, AND 11

I. INTRODUCTION

My name is Harriet F. Pilpel. I am a senior partner in the law firm of Greenbaum, Wolff & Ernst in New York City. I am a Vice-Chairman of the American Civil Liberties Union. Our firm is general counsel to Planned Parenthood Federation of America, Inc., International Planned Parenthood Federation (Western Hemisphere Region) and Planned Parenthood of New York City, Inc. The firm also represents many other groups, individuals and organizations interested one way or another in preserving the basic constitutional freedom of reproductive choice.

The amendments under consideration here today, S.J. Res. 6 (Helms), S.J. Res. 10 (Buckley) and S.J. Res. 11 (Buckley), the so-called "Right to Life" amendments, pose a serious threat to such freedom, and if enacted would have far reaching collateral consequences which would in my opinion be highly damaging to our whole legal system. I have been asked to address myself to these collateral consequences.

II. THE "RIGHT TO LIFE"

First, I want to talk about a "right to life" generally in the context of United States law as it has been until now and is today.

Nowhere in our Constitution or in any amendment adopted to date is there any reference to, or guarantee of a "right to life" for anyone. Some affirmative rights are guaranteed by the Constitution, e.g. a right to assemble peaceably, a right to keep and bear arms, a right to a speedy and public trial by jury and to counsel in criminal prosecutions, and a right to vote.

But there is no guaranteed "right to life" for anyone born or unborn. All that the Constitution does in this context is to forbid the government—federal, state and local—from depriving any one of life without due process of law. This is accomplished by the Fifth and Fourteenth Amendments. Neither Amendment confers any "right to life."

Perhaps we should consider at this stage of our constitutional development, amending the Constitution so that it would guarantee a "right to life" for all those "persons" within the jurisdiction of the United States—not just for those not yet born. Such a "right" would at least extend to the continuation of the biological physical lives of all our people. It would mean that all of us would be assured at the very least of that minimum of food, clothing, shelter and medical care which is necessary to sustain the continued physical existence of all of us. Such a guaranteed "right to life" would mean that there would be a constitutional obligation on the part of government to assure to each individual access to these life giving essentials. None of us has such a constitutional right now.

The Helms amendment (S.J. Res. 6) clearly provides for such a right: "every human being subject to the jurisdiction of the United States or any state . . . shall be deemed from the moment of fertilization to be a person and entitled to the right to life." That must mean all of us. Both Buckley amendments (S.J. Res. 10 and S.J. Res. 11) also refer specifically to a "right to life" which would apply to "all human beings, including their unborn offspring at every stage of their biological development irrespective of age, health, function or condition of dependency." That also applies to all of us. (S.J. Res. 10) S.J. Res. 11 seems to confer such a right only on the "unborn".

What would be the effect of adopting these amendments? Clearly no one can fully answer that question, since history shows that virtually every amendment to the Constitution has, by virtue of years of necessary judicial interpretation, come to mean something more and often quite different from its original sponsors' intention. For example, the Fourteenth Amendment was adopted after the Civil War to protect blacks from state action in violation of their new freedom. Yet the term "person" in that Amendment was later defined to include corporations, and the Amendment itself, used at one time to bar needed social reforms, more recently has in effect become a protector of many of our individual liberties but against government action only.

What is clear, however, is that the courts would have to define any newly guaranteed "right to life." The rash of cases which have followed the declaration of such rights as the right to equality of treatment as far as racial discrimination is concerned, declared by the United States Supreme Court in *Brown* v. *Board of Education,* 347 U.S. 483 (1954), would be negligible compared to the litigation which would be required to determine the contours of a newly guaranteed "right to life."

As I have already pointed out, such a right would at the very least call for affirmative government action to assure every person of the basic necessities which are prerequisites to biological survival, i.e. food, clothing, shelter and medical care. However, "man does not live by bread alone" and it might well be argued that such a "right to life" means more than just going on living. Surely such a right would also entail on the part of government some obligation with respect to the quality of life which must be constitutionally maintained. Would not the "right to life be violated in situations, for example, where children already born, and adults for that matter, are compelled by our economic system to live in substandard housing where they are exposed daily to attack by such vermin as rats which recent studies have again demonstrated many Americans, adults and children are. And what about "battered babies?" The government would certainly have to step in and assure them the minimum conditions for continued existence.

Perhaps, I repeat, the Constitution should guarantee all persons subject to United States jurisdiction a "right to life." But any consideration of such a proposal must take into account all its ramifications and not be limited only to the rights of unborn "persons" since they would be but a small minority of those affected.

I will now consider the effects of the proposed amendments one at a time.

III. THE HELMS AMENDMENT (S.J. RES. 6)

The Helms Amendment would create a guaranteed "right to life" to which every human being from the moment of fertilization would be entitled. The amendment provides for no exceptions. It leaves it up to Congress and the several states to enforce the article "by appropriate legislation."

Since the proposed amendment was designed to prevent abortion, let us first consider its collateral effects in that area. The Helms amendment gives no guidance to Congress and the several states as to how the right to life of the woman is to be balanced as against the right to life of the fetus where those rights are in conflict. If it is necessary to destroy the fetus in order to save the life of the mother, what is the doctor to do? As I read this proposed amendment, it would be up to Congress and the states to make that choice, and nothing would prevent them from placing the life of the fetus ahead of the life of the mother.

But the collateral consequences with respect to abortion are minor compared with aspects of the problems which would arise if S.J. Res. 6 were adopted. Since as stated above, the proposed amendment would for the first time create a federally guaranteed "right to life", such questions would have to be resolved as: could the federal government still draft men and send them off to war where at least some of them would certainly be killed and thus deprived of the "right to life"? Would not capital punishment become unconstitutional in all circumstances? What would happen to the established self-defense exception to virtually all our laws against homicide?

Moreover, the amendment would give government broad new powers far beyond those presently accorded it by the Constitution. In order to protect the right to life of all "persons", Congress and the states would be called upon to enact far reaching legislation providing for the support and maintenance of every individual—not only as in some Socialist countries—"from the cradle to the grave", but indeed, "from womb to tomb."

IV. THE BUCKLEY AMENDMENT NO. 1
(S.J. RES. 10)

S.J. Res. 10 is more limited in its scope and indeed does not appear to accomplish what apparently is its sponsors' goal. Nevertheless it too would create chaos in numerous areas of law.

S.J. Res. 10 provides that "with respect to the right to life, the word 'person', as used in this article and in the fifth and fourteenth articles of amendment to the Constitution . . . applies to all human beings, including their unborn offspring at every stage of their biological development." The amendment makes an exception for "an emergency when a reasonable medical certainty exists that a continuation of the pregnancy will cause the death of the mother." Enforcement is left to Congress and the several states.

I would like to point out first that, although this amendment does not in so many words "guarantee" a right to life, it uses that new term and might well lead to all of the litigation and possible expansion of rights discussed with respect to the Helms amendment.

However, by its terms this amendment would appear only to protect "persons" including the unborn, against government action. It seems clear that if this amendment were adopted, it would do nothing to take away from women and their doctors the right to decide whether or not to abort a fetus. As was stated by Professor Laurence Tribe of the Harvard Law School in previous hearings before this Subcommittee, abortion decisions would still be privately made for the amendment operates only against government action, as do the Fifth and Fourteenth Amendments generally. If a legislative body permitted, but did not cause the death of any fetus, it would not, under well established legal principles, be depriving any fetus of life without due process of law any more than such a body would be acting unconstitutionally if it did not conduct a meaningful war against hunger.

The amendment might, however, prevent such government agencies as federal, state and municipal hospitals from permitting abortions on their premises, and in that respect would have the unfortunate result of preventing poor and indigent women from obtaining abortions while not interfering with the ability of affluent women to obtain abortions readily from private doctors, clinics and hospitals.

Outside the abortion field, moreover, the amendment could have widespread collateral consequences. The word "person" as used in the Fifth and Fourteenth Amendments and presumably in all the legislation that has been enacted to implement those amendments would be broadened to include the unborn. Also, Congress and the state legislatures would be empowered to enforce the rights of unborn persons with confusing and disastrous effect upon our laws relating to crimes, torts and medical malpractice, all of which I will discuss later in this testimony.

V. THE BUCKLEY AMENDMENT NO. 2 (S.J. RES. 11)

I believe that S.J. Res. 11 would have the most serious collateral and detrimental effects on our entire constitutional system of any of the amendments proposed. Like S.J. Res. 10, S.J. Res. 11 begins with a provision that "with respect to the right to life, the word 'person', as used in this article and in the fifth and fourteenth articles of amendment to the Constitution . . . applies to all human beings . . . including their unborn offspring."

However, unlike either of the other two proposals, S.J. Res. 11 contains a provision in Section 2, that "no *unborn* person shall be deprived of life by any person" (except to prevent the death of a pregnant woman). (Italic mine). Such a provision in the United States Constitution would involve a totally new and uncharted application of the Fifth and Fourteenth Amendments which presently apply only against government action. By according a new and special protection against the action of "any person" to "unborn persons" as distinguished from any born person, this amendment would give unborn persons far greater constitutional protection than is now given to any born human being, and for the first time private individuals as well as government would be subject to the constitutional restraints of those amendments but only with respect to the unborn.

The United States Supreme Court in the *Civil Rights Cases*, 109 U.S. 3 (1883) made clear that the amendments as they now stand do not apply against the action of individuals as opposed to government:

> ". . . Civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful act of individuals, unsupported by State authority in the shape of laws, customs or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. . . Hence, in all those cases where the Constitution seeks to protect the rights of the citizens against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights, which it denounces, and for which it clothes the Congress with power to provide a remedy."

The amendment proposed by S.J. Res. 11 would create a whole new area of congressional control, namely the protection of unborn "persons" against injury by any "person", even a person not acting under color of any government authorization. Presumably this would call for a federal law of "crimes against the fetus" including abortion which would have to be enforced by the FBI and other federal agencies already overburdened without the addition of such mammoth new caseloads. Any attempt to enforce the "right to life" of the fetus "person" would involve not only a wholesale invasion of the right of privacy of all women of child bearing age, but would necessitate a federal law enforcement apparatus which would threaten the privacy of all of us. Thus, in the interests of the unborn we would not only be giving them protection far beyond any accorded to those of us who have already been born, but we would have taken a long step toward creating an all powerful federal bureaucracy and impairing the essential right of privacy of all born persons, which would be permanently and irrevocably in jeopardy.

I shall next discuss some of the probable effects that all of the proposed amendments would have in varying degrees upon substantial areas of established law.

VI. CRIMINAL LAW

If the fetus is a "person" or a "human being", anyone committing a lesser crime which incidentally results in the miscarriage of a woman would apparently ipso factor, be guilty of murder under the so-called "felony-murder rule", which classifies as murder the killing of a person in the course of a lesser crime. Yet at no time in the history of Anglo-American law, even at its strictest, has abortion been the equivalent of murder. Compare *Keller* v. *Superior Court*, 2 Cal. 3d 619 (1970) and *State* v. *Dickinson*, 23 Ohio App. 2d 259, 275 N.E. 2d 599 (1970). *See also* Means, Cyril, "The Phoenix of Abortional Freedom", XVII N.Y. Law Forum 355 (1971). Similarly, anyone charged with criminal recklessness or indeed negligence which resulted in a miscarriage would be guilty of at least of the crime of manslaughter.

Would not prosecutors be under a duty to investigate every miscarriage to see if it resulted from fetus abuse or carelessness or recklessness? It is estimated that approximately 30% of all conceptions result in a spontaneous miscarriage. Would the women who spontaneously miscarried automatically be under suspicion of fetus murder? Could every fertile female in the United States be required to have a pregnancy test every month to ascertain if she is harboring a "person" within her? How else could crimes against the fetus-person be detected, especially when the fetus is only two or four or even eight or ten weeks old?

Many questions arise with respect to the conduct of a pregnant woman herself. If she took a medicine which caused the expulsion of the fetus, would she be violating a constitutional amendment and be guilty of murder? Would the answer to that question depend on proof of intent, i.e. whether she intended to cause that effect? Would she be equally guilty if she didn't intend any such result but should have known it would follow (under the well known axiom that a person is deemed to have "intended" the natural consequences of his act)?

One thing is clear. If the fetus were a person entitled to due process and equal protection from the moment of conception, every pregnant woman would constantly be acting at her peril. Presumably the state could enjoin a safety regimen on every pregnant woman and could hold her accountable criminally and civilly for any injury the fetus suffered which she could have avoided. The profound invasion of born women's rights of privacy that would be involved would really be akin to those of the worst totalitarian regimes.

VII. GENERAL TORT LAW

The effect of the proposed constitutional amendments upon tort law would also be great. As the law now stands, tort recovery for injury to the fetus is permitted, if at all, only if the alleged tort occurs at a time when the fetus is viable. In New York and many other states, there can be no recovery for injury even to a viable fetus unless a live child is born. See 15 ALR 3d 992. It may well be that adoption of any of the proposed amendments would alter this rule, and that the courts and legislatures would be required to recognize the "right to life" of a fetus in civil as well as criminal litigation. Difficult questions would arise, for example, under the automobile guest statutes: What are the rights of a guest in an automobile? What if the driver has no knowledge that the woman is pregnant? Could the estate of a fetus sue an airline on the ground that miscarriage was caused by an especially turbulent flight which could have been avoided by the choice of another route? Or that the airline should have turned away its pregnant mother? Or would that depend on whether the airline officials knew or could have known that the woman was pregnant?

And what of intra-family immunities? This area of law is opening up today so that live children, i.e., children who have been born alive and are alive when they are injured by, for example, a negligent act of their parents, can sue the parents for tortious injury. Would the proposed amendment allow the fetus also to sue the pregnant woman in tort?

Could any of the proposed amendments be interpreted to give anyone with an interest in the birth of a child the right to sue if the fetus does not ever get born? Could such a right be extended to the situation where a woman was negligent with respect to maintenance of her pregnancy?

All of these issues might well result in the direction of "federalizing" the tort of negligence—which again would enormously complicate the law and add greatly to the already overburdened docket of the federal courts.

VIII. MEDICAL PRACTICE AND MALPRACTICE

The mounting and now almost prohibitive cost of malpractice insurance (e.g., $15,000 a year for physicians in New York) has become a problem of wide public concern. If every fetus had a constitutionally guaranteed "right to life", it is likely that there would come into being a new variety of malpractice actions against doctors charged with negligence in connection with pregnancies. In addition to claims on behalf of the woman, there would also inevitably be claims on behalf of dead or injured fetuses. In a situation where a life saving medical procedure for the woman had the ancillary effect of possibly forcing a miscarriage, the doctor would always be at risk of a charge of violation of the constitutional rights of the fetus. Thus his medical judgment with respect to the medical steps he thought necessary to protect the woman might be restrained to the point where he would not feel free to prescribe the treatment he considered appropriate for the woman. Indeed, S.J. Res. 11 might force all hospitals to adopt practices similar to those currently in use at some Catholic hospitals, where the life of the woman may not be placed above the life of the fetus. It is true that the Buckley amendments make an exception for this but experience under the old restrictive abortion laws had demonstrated that this criterion of avoiding the death of the woman (and S.J. 10 talks of "a reasonable medical certainty that continuance of the pregnancy will cause the death of the mother") is so imprecise that doctors would be acting at their peril in guessing its meaning in any particular case. Moreover, the Helms amendment makes no such exception at all. The "chilling effect" on medically mandated treatment of the woman is incalculable as is the substantial increase in the already staggering cost of malpractice insurance which would follow.

IX. AT WHAT POINT IN TIME WOULD THE FETUS BECOME A PERSON UNDER THE PROPOSED AMENDMENTS?

The proposed amendments differ significantly in their definition of the beginning of "personhood". Under S.J. Res. 6, personhood would begin at the "moment of ferltilization." Yet I understand that there is no way in which this "moment" can be ascertained. If the amendment were adopted, physicians would have to indulge in a gigantic and tragic guessing game. Moreover, the exact way in which certain contraceptives operate is today also not known. Some may prevent fertilization; others may prevent implantation which takes place after fertilization. Among these methods may be the intra-uterine device (I.U.D.), the morning after pills and the so-called mini-pills (progestin-only). S.J. Res. 6 would apparently make the doctors who prescribed these and the women who used them guilty of murder. Moreover, since the date of fertilization cannot be exactly determined, S.J. Res. 6 would create a great penumbra of vagueness in this context around our laws with respect to murder, manslaughter, wrongful death, negligent death, and all other laws relating to the continuation of "life". Such vagueness until now has been rightly denounced by the courts as unconstitutional in connection with criminal law.

S.J. Res. 10 and S.J. Res. 11 do not define so specifically when personhood begins. They refer instead to "all human beings, including their unborn offspring at every state of their biological development . . ." Does this mean from the time of fertilization? Or from the time of implantation? Or if not, when? By avoiding the question entirely, S.J. Res. 11 leave totally unanswered and unaswerable the question whether the prescription and/or use of such contraceptive as the I.U.D., the morning after pill and the mini-pill would violate constitutional rights.

All three of the proposed amendments, by redefining the word "person" as it has always been understood in Anglo-American law, would have some startling side-effects. Legally birth would no longer be a significant event. Presumably, we would celebrate not our birthdays but (under Helms) our "fertilization days" or (under Buckley) our "beginning of biological development."

X. CONCLUSION

Some of the consequences I have mentioned may sound farfetched. However, they are all real possibilities as would become immediately apparent if we adopted any of the amendments rather than speculate about them. What would certainly follow upon an adoption of any of them would be a drastic upheaval of our established law and legal traditions. Regardless of the position of any of us with reference to the abortion controversy, these amendments must be rejected if we are to avoid legal chaos which would seriously threaten our present governmental system.

AMENDMENT TO CHANGE SENATE RULE XXII

Mr. BIDEN. Mr. President, a change in Senate rule XXII is an idea whose time has long been due. It has now been approved.

I believe that the compromise amendment offered by the leadership is one that should be acceptable to all parties concerned lowering the number of Senators needed to invoke cloture to a constitutional three-fifths majority from the existing two-thirds present and voting affirms the right of extended debate while at the same time insuring that a handful of Senators will not leave the Senate in a state of legislative paralysis. I do not believe that the democratic right to free speech will be weakened by the adoption of the compromise amendment, Senate Resolution 93.

It is the contention of my distinguished colleagues who oppose the proposed rule change, that any change in the cloture rule would render the Senate inoperative as a democratic institution. These Senators claim that it was our forefathers' intent to provide us with one deliberative body where the right to free speech would be upheld and where a powerful majority could not stifle the voice of a less powerful minority. I am sure that our forefathers were very wise in providing us with a legislative body where our most treasured democratic principles would be preserved.

However, the provisions that were meant to protect us against majority tyranny, have been used time and time again as a vehicle to insure minority tyranny. It is my opinion, that a change in Senate rule XXII will strengthen—not weaken—the principles upon which this great institution was founded.

Voltaire, in affirming his support of the principle of free speech once said:

> I disapprove of what you say, but I will defend to the death your right to say it.

I, too, have always been a staunch supporter of this principle, the right to free speech. I think that I have amply proven this fact by my previous actions in regard to this matter, both as a Senator and during my years as a practicing attorney in the State of Delaware. It is my belief that by supporting the current resolution to change the cloture rule, I am being consistent with my past actions.

Too often, it becomes the case that members of certain institutions become so preoccupied with institutional procedure that they lose sight of their primary goals. This has been one of the most frequent criticisms that Members of Congress have aimed at governmental bureaucracies. Unfortunately, this also appears to be the case in the Senate on many occasions. Too often, the Senate, boggled by its own structural apparatus, has been unable to pass legislation approved by a large majority of its members. The voting habits and the ideological predispositions of the Senators are not as much responsible for this phenomenon as are the rules and regulations which allow a handful of Senators to continually thwart the will of the majority. It is time that we stop fooling ourselves by believing that a practice which allows a minority to dictate legislative policy to a majority is democratic.

Every good practice can be rendered a vice when carried to extremes. For many years, debate in the Senate was unlimited. This led to a popular upheaval against the Senate when a small number of Senators refused to permit a vote upon President Wilson's request for legislation to arm our merchant fleet, even then under attack by German submarines in 1917.

As a result, the Senate established for the first time, a means of closing off debate on bills before it. This became rule XXII of the Senate, which permitted debate to be shut off if two-thirds of the Senators present and voting agree. But even this small restriction on unnecessarily protracted discussion has proved its inadequacy in recent years. Just as liberty has become license, so free debate in the Senate can become obstructionism. This is why I support S. 4 which permits a constitutional three-fifths of the Senate to now be able to close off debate. I am pleased to have voted with the majority of 56 on final passage which occurred March 7, 1975.

ECOLOGY AND ENERGY

Mr. BROCK. Mr. President, Dr. Marion Clawson, the acting president of Resources for the Future, recently published an article entitled "Ecology: Second Thoughts." I think this article is a most responsible statement made on the relationship between ecology and energy. As Dr. Clawson so aptly states:

> The partial and piecemeal approach to environmental problems ignored the maxim of ecology: everything is related to everything else.

As the Senate continues to debate issues of environmental and economic concern, I would hope that we can benefit from the profound insights this article offers. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article

was ordered to be printed in the Record, as follows:

Ecology: Second Thoughts

The environmental revivalism of the mid-1960s was overdue, but many of the actions it spawned were ill-conceived, illusory in their results, or even harmful. Electric power companies were encouraged or forced to shift from coal to oil or gas as a source of energy, only shortly to be forced to reconvert at considerable expense when supplies of gas and oil were inadequate. Legislation required banning of chemicals which might cause cancer in humans, regardless of how low the probability and regardless of the adverse consequences to food supply and thus to health.

One of the most pervasive environmental measures of the past decade was the National Environmental Policy Act of 1969. It was not the first time that Congress enacted a law which it did not fully understand and whose meaning is only now slowly being forged in the courts. Environmental impact statements surely impede public action, whether it be well or ill conceived. They are costly to prepare, are an open invitation to lengthy court disputes, and may in time be largely thwarted as public agencies learn perfunctory compliance. A sharp check rein upon public agencies was almost surely necessary, but the short-run efficiency of environmental impact statements is low and their long-run effectiveness is, at best, unproven.

There is evidence of a serious recession in the tide of environmental concern. "Environment" is a serious issue with vastly fewer young people today. The hard core of dedicated environmentalists, young and old, still hold meetings, still circulate petitions, still write letters to magazines, newspapers, and public officials, and still attend public hearings. But apparently they find it harder to command attention and fresh audiences.

At the federal level, both Administration and Congress have had and are having second thought about environmental programs. In the economic and social framework which I fear the United States faces for the next few years, environmental protection is likely to find it increasingly hard going.

The partial and piecemeal approach to environmental problems has been particularly strange because its proponents have ignored the maxim of ecology which presumably all would accept: that everything in an ecosystem is related to everything else in that system. Had interrelationships among inputs, processes, and outputs been carefully studied, and had more distant, as well as primary, consequences been considered, the marching up and down of the past few years could have been much reduced, if not avoided entirely. The environmental protagonist simply forgot what the environmental scientist had taught—even when the same person played both roles.

The environment-economic-output-population complex of problems is too serious, especially in the long run, to be brushed aside or taken lightly. Man cannot produce indefinitely at a rate which leads to constantly growing numbers, any more than can any other species. Neither can our environment absorb unlimited quantities of strange, even exotic, chemicals and other wastes. Some basic adjustments in population, consumption and production are clearly required. But how much, what kind, when and by whom?

In view of our past failures to deal with these problems soundly, I have evolved a five-fold approach:

1. What are the physical-biological alternatives in natural resource use in any given situation, and what are the physical-biological consequences of implementing each alternative? For instance, faced with the need for more food, does the family or the nation seek to bring more land under cultivation, or apply more fertilizer to the land now cultivated, or make some other adjustment, or simply accept an insufficient food supply? Some alternatives are rather evident, others are dubious or difficult, and still others are nearly or totally impossible.

2. What is the economic efficiency of each physically and biologically feasible alternative? Almost anything can be done, if one does not count cost—bananas can be grown in cold climates, water brought to deserts, metal extracted from seawater or from country rock, or even gold made from lead. These extremes aside, considerations of economic efficiency may be, often should be, dominant. The benefit-cost approach has been widely abused, even prostituted, and yet it is basic. Count every cost and every benefit, not merely those bought and sold in the market; count secondary and tertiary as well as primary effects. Yet in the end, both individual and society must decide: are the gains worth the costs?

3. But economic efficiency is not sufficient; who gains the benefits and who pays the costs? How does society or its elected government decide that the gain to one person out-weighs the loss to another?

4. Social acceptability may be as important as physical-biological feasibility, economic efficiency, and considerations of distribution of costs and gains. Eating beef is as abhorrent to some Hindus as eating human flesh is to Americans. Clearcutting as a forest technique is culturally unacceptable to some people.

5. Lastly, a proposed resource or environmental program must be operationally or administratively practical. There is little gained, and much may be lost, by proposing some program which, for one of several reasons, cannot or will not be carried out. A program of waste collection and recycling which depends on consumer cooperation may fail because too few people cooperate. A land use planning process which depends on the independence of the planning board from the political pressure of builders may fail because such pressures are inevitable. And so on.

Utilization of five kinds of considerations presents serious analytical problems. How does one balance off high social acceptability against low economic efficiency, for instance? It is possible, however, to establish minimum levels or thresholds for each of these three factors, below which a proposed program will be rejected out of hand. It is also possible to measure the trade-offs so that more informed political choices can be made.

If one acknowledges that the comprehensive and eclectic approach outlined above has merit, how might something like this come into use? Public agencies, individuals, firms and interest groups each have their established ways of doing things, which they are reluctant to change. The approach proposed here is not required by any law; indeed, it is not easy to see how it could be translated into law.

A different danger also exists. A call for more careful and more comprehensive planning of resource and environmental problems might well be used as the excuse for obfuscation and procrastination. One can almost hear some affected group calling for more facts, more research, and more planning as a means of stalling some action which it does not wish to oppose openly.

Given these serious theoretical and operational problems, why then do I still advocate this approach? The answer is clear to me: no lesser, simpler approach is adequate.

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE 44TH ANNUAL MEETING OF THE NATIONAL HOUSING CONFERENCE

Mr. SPARKMAN. Mr. President, yesterday the senior Senator from Massachusetts (Mr. Kennedy) made an excellent address to the National Housing Conference meeting in Washington. He dealt with housing, a subject in which all of us are interested and concerned. I believe all Senators will enjoy reading it.

I ask unanimous consent it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Edward M. Kennedy to the 44th Annual Meeting of the National Housing Conference, March 9, 1975

I appreciate the opportunity to welcome you here to the Nation's Capital and to join with you once again at the annual meeting of the National Housing Conference.

I want to thank your president, Leon Weiner, and your board chairman, Kenneth Hylton, for the invitation to address the opening session of your conference.

Let me also express a word of appreciation to your executive vice president, Bessie Economou, for her help and assistance.

The National Housing Conference was organized in the midst of the depression. The commitment you made then was "to promote better communities and decent homes for all Americans." Through the intervening decades, your members and your leaders have kept faith with that pledge.

At every step of the advance toward decent homes for the citizens of this country, the National Housing Conference has been a vigorous, forceful and effective advocate for action.

And today in Washington, we need to hear that cry for action once more. It has to be sounded on Capitol Hill.

It has to be sounded in the Department of Housing and Urban Development and in the Farmers Home Administration.

And most urgently, it has to be sounded at 1600 Pennsylvania Avenue.

We face the gravest economic challenge since the depression. Eight million Americans are without work. The gross national product has seen four straight quarters of decline. Industrial output plummeted further last month than at any time since December 1937. And inflation continues at an unacceptably high rate.

And these statistics do not tell the full story. They do not tell of the human tragedy that is involved when men and women cannot support their families, when they seek work in vain day after day and when they watch the unpaid bills pile higher and higher.

The statistics do not reveal the anguish when homeowners find themselves unable to meet their payments and see the looming threat of foreclosure.

They do not describe the fear of tenants facing the spectre of eviction.

I do not believe that our currrent economic situation was inevitable. I believe it was the abdication of economic leadership by this administration and its predecessor that precipitated the current crisis.

And a key aspect of that failure of leadership was its negative housing policy. For our national housing goals were sacrificed at the altar of fighting inflation.

Interest rates were driven forcibly upward to their highest levels since the civil war.

The money supply was restricted and new home mortgages became rarities for the average family.

A moratorium on federal housing subsidy programs doomed thousands of families to the dark shadows of decaying tenements and rural shacks.

If the administration had set out with the design of destroying the Nation's housing industry, they could not have done a better job.

And if they had wanted to pick the one industry whose decline would ripple with the maximum force and the maximum destruction through the rest of our economy, they chose the right industry.

Between 1972 and 1974, the annual number of housing starts dropped by more than one million units. The future looks equally bleak with the fewest number of building permits issued in January since we began keeping records.

That decline in housing construction has encouraged inflation and helped insure recession.

I met with leaders of the Massachusetts housing industry in my State on Friday. They told me that the average cost of a new home is close to $40,000—and there are few families who can afford that price.

Nationally, the price of the average home has jumped 30% since 1972, sending it out of the reach of all but the top third of the nation's families.

Administration anti-housing policies also have concentrated a full measure of the recession in the housing industry. In my own State, more than 25 per cent of the construction workers in the Boston metropolitan area are jobless today.

Across the nation, nearly a million construction workers are without work. And at least another million workers have been idled in related industries.

Thus the decline in the housing industry produced by the faulty policies of recent administrations has been a fundamental cause of our economic crisis.

If we could regain those 1 million housing starts, we would sharply reverse the slide of our economy. We would drive an 8 percent unemployment rate down below 6 percent. We would boost our national production. And we would move this nation closer to its goal of providing decent housing for its citizens.

A year ago, the former president told the American people, "Americans today are better housed than ever before in our history." When he spoke, there were 13 million American households in substandard and overcrowded conditions.

They still live in those conditions today, and that is not acceptable to me. That is not acceptable to the National Housing Conference and that is not acceptable to the American people.

The 10-month-late report of the President on the 1968 Housing Act's 6-year results—even with mobile homes added—shows we are not achieving our goals. It shows we are nearly 40 per cent below the target for subsidized housing production for low and moderate income families.

From its own record, it is apparent that the administration does not want to build homes for those families.

How else can one explain the shell game that your president, Leon Weiner, talked about last year. One shell was labeled "moratorium." One shell was labeled "impoundment." And one shell is labeled "untried programs that no one really expects to work."

Where are the new housing starts for low income families promised for fiscal 1974? Where are the new starts promised for fiscal year 1975? Where is the new housing for the people of urban America and the people of rural America?

Which shell are they under? The sad answer is they do not exist. All of the shells were empty. And what is even worse, the administration spokesmen knew it.

For the past 2 years, the budget has promised one thing and each year the accomplishments have been only a small fraction of the promise.

The President's budget promised approval of 173,000 subsidized units in 1974. But only 38,000 units actually were approved.

The FY 1975 budget promised 200,000 subsidized approvals in the year beginning July 1, 1974. In September, former Secretary Lynn said there would be 400,000 approvals.

Now the new budget of President Ford says that 200,000 approvals was the right figure all along. But even that turns out to be an empty shell.

When we called HUD offices a few days ago, we were told that for the first six months of the year in all the subsidized new housing programs in that agency—there had only been 50,000 approvals. And when we asked how many starts there actually had been, we found it was only 21,444—a paltry fraction of what had been promised.

We need to double the annual level of subsidized housing starts to 1.2 million just to meet the goals set in 1968. And we have to start to do it this year.

But the President's new budget is still another flawed vision of our housing needs. The policies it spells out are simply not good enough.

They are not good enough because they turn their backs on housing programs that work and risk everything on programs that have never been tested.

They are not good enough because they will leave us further away from the target for low and moderate income families at the end of 1976 than we are today.

They are not good enough because they do not live up to the promise of the 1968 Housing Act.

I worked for the passage of that act, as you did. I voted for it. I believe in it. And I am not ready to see it abandoned.

The pledge in the 1968 act was a decent home in a decent environment for every American this Nation can fulfill that pledge.

There is a second pledge to be fulfilled, the pledge to rebuild our Nation's cities. For that pledge too was dropped by an administration bent on shutting off that budget even it meant shutting out urban America.

The struggle of the American city for survival once drew the full attention of the Nation. But today, there no longer is the roar of firebombs or the sound of riots to bring the television cameras and the news reporters. And so the audience has lost interest.

Between now and the year 2000, one hundred million Americans will be born. The questions of where and how they will be sheltered, educated, protected and given a chance to develop their talents remain unanswered.

But if the way the new budget response to the needs of our cities is any indication, those Americans will have the sad choice between central cities in an advanced state of decay or suburbs trying futilely to escape the cities that sired them.

The crisis of the city is more than a thousand dusty studies sitting on a government bookshelf. It is where fiscal deficits force cutbacks of fire and police protection. It is where the lines of unemployed workers are the longest.

It is where families are desperate to leave apartments they share with rodents. It is where hundreds of thousands of units that could house those families are abandoned because they seem too expensive to maintain or too expensive to renovate. It is where one-third of our population awakens each day to live . . . and to die.

And yet all too many administration spokesmen seem blind to what is happening.

They should have walked along with the mayors a week ago in the Nation's Capital as they passed by boarded up buildings that still bear silent witness to the riots of 1968 and to the failure of our urban development policies since then.

The impoundment of urban renewal and model cities appropriations two years ago cut short the revitalization of central cities. After years of correcting the weakness in these programs, they were discarded just when they were finally beginning to hold promise for the future.

And when we told the administration last year that switching the urban development process in mid-stream required transitional aid, they rejected that view.

I offered an amendment that doubled the urban renewal transition funds to $600 million. It was adopted in the senate, but in conference with the House—and with the administration threatening a veto—it was cut out. Now we see cities falling behind their schedule as available funds do not even permit them to keep up with the cost of inflation. Six months have passed since the 1974 omnibus housing and community development act was approved; but no new help to meet the challenge of urban America has been forthcoming.

When we passed that act, we did not expect more red tape, we expected less.

When we passed that act, we did not want community development proposals without housing, we wanted proposals with housing and funds available to finance that housing.

When we passed that act, we did not want fewer resources going to rebuild the cities, we wanted more.

But that has not been the path chosen by this administration we cannot continue down the dead-end path announced by the administration. We must guarantee that the road we pursue leads to progress for our cities and better futures for our people.

The program of the national housing conference offers a better route for America. Your program once more is a complete agenda for the community development and housing needs of our cities and our rural communities.

And I endorse virtually every recommendation that you have made.

In the short run, let me single out eight urgent steps for an emergency program to revive the housing industry and to move us closer to our housing and community development goals.

First, we must halt the downward swing of the foreclosure sword that is now hanging over the heads of hundreds of thousands of American homeowners. The plan to reestablish the home owners loan corporation or its modern equivalent is essential. We know that it saved millions of homes during the depression and we must put it into place to protect the nation's home owners today. And we must provide similar relief to the tenant and sponsor of multi family housing. As a minimum HUD should use its current authority to delay foreclosures whenever possible.

Second, we cannot wait for section 8 regulations to become final, for a financing mechanism to be tested, or for the shake-down process of this highly dubious program to be completed.

We have programs that we know produce housing. Conventional public housing works. Section 235 works. Section 236 works. Let's start using them today: Almost a billion dollars already is appropriated for section 8 or conventional public housing. Let's use as much of those funds for conventional public housing as there are worthwhile projects to fund. It is outrageous that the only conventional housing proposed in this year's budget is 6,000 units for Indian reservations—which ironically is even less than was promised even for that purpose last year.

$264 million of section 235 funds have been withheld, and I believe, illegally impounded. They should be released immediately. The G.A.O. informed the Senate on Friday that it will take H.U.D. to court unless those funds are released.

There are some $75 million in authorization now for section 236. It is another program that you know works. We should triple those funds as part of an emergency housing act.

Third, we should not allow the most popular and most successful program in providing housing for the Nation's elderly and handicapped to remain idle. If the administration cannot produce new regulations for section 202 by next week. I would urge them to immediately begin accepting proposals under the old regulations, which remain in effect. And under no circumstances should those funds be limited to construction loans. That is not what Congress intended and that is not what the law provides. And the new Secretary of H.U.D. would be following the old into the courts if she holds to her predecessor's decision.

Fourth, we should provide a major stimulus to the conventional housing market as well by adopting the Proxmire proposal to provide 6 percent mortgage money for one million new housing starts over the next 3 years for middle-income families. The House is moving along a similar path, and we should push for final action by May.

Fifth, we must not only extend the section 312 rehabilitation program but expand it as an integral part of community development policy. The president has proposed a program to winterize homes by adding insulation but first we have to tear down the boards from the windows and make the buildings liveable and for that we need a full rehabilitation program.

Sixth, we should provide full funding for the community development portions of the new act. This will barely permit cities to keep up with inflation and it will be vital to enable smaller communities to participate in the program. And we must prevent an end to the 701 planning program which is so essential for communities to provide thoughtful solutions to their problems.

Seventh, we must provide resources and commitment to meet the housing problem of rural America as well.

The rent supplement program was designed to be used with the Section 515 program and the Farmers Home Administration cannot blithely disregard our intention. In addition, a reasonable portion of conventional public rural housing funds must be made available for rural housing along with a far higher appropriation for the migrant housing program.

Finally, let me suggest, at this time of high unemployment, an attempt to link some of the programs we know in a new way to turn abandoned buildings into decent housing.

We have an urban homesteading program. And we have a rehabilitation program. We also have a public service jobs program. I would like to challenge this organization to come up with a proposal to link those programs in a way that will put the unemployed back to work turning abandoned housing in our central city into decent housing for low income families.

Our goals must be to revive the housing industry, to meet the needs of low, moderate and middle income families for decent housing and to revive our economy as we do it.

The additional housing funds I have suggested would produce more than 600,000 subsidized housing units a year—but we need more.

They would provide more funds in housing than the administration budget proposes—but we need more. It would provide more jobs than the administration budget provides—but we need more of those as well.

We have the capacity and the resources to provide every child a decent home in which to live, and a decent environment in which to grow.

The challenge is before us as it will always be, the challenge to be worthy of the promise of this land, the challenge to make its future ever more bright.

Daniel Webster of Massachusetts, whose seat I now fill, said it well, when he spoke at the laying of the cornerstone for the Bunker Hill Monument 150 years ago. He said:

"Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its greatest interests, and see whether we may also, in our day and generation, perform something worthy to be remembered."

The challenge of those words summons us again. Let us respond once more. And let each of us, to the best of our ability, help create a better future for the generations to come. In so doing, we will have performed something worthy to be remembered.

FOOD DAY

Mr. PERCY. Mr. President, I am pleased to join the Senator from Iowa (Mr. CLARK) in introducing today a joint resolution designating April 17, 1975, as National Food Day.

Last year during the brief lull between the worst of the energy crunch and the deepening of the recession, a great deal of attention in this country was focused on global food problems. In September, the World Hunger Action Coalition sponsored a Week of Concern for World Hunger that encouraged public interest in the problem. In November, the U.N.-sponsored World Food Conference in Rome received a great deal of publicity and helped stimulate public support for cooperative international efforts to seek solutions. Since then, however, public interest in the world food situation has seemed to wane. Our worsening economic problems here at home have absorbed much of our attention. I feel, therefore, that a new catalyst for public concern on the food issue is very much needed.

One way that a food day can meet this need is to help focus attention on the need for Americans to reevaluate agriculture and food policies in view of the changing domestic and global food situation. In addition, a food day can educate the public that well-informed food and nutrition management can yield real economic rewards for families hurt by the recession.

Mr. President, America is a nation of faddists; the cause that is "in" today and the subject of public activism may well be "out" tomorrow and a casualty of public apathy. In 1970, Earth Day helped to bring ecology out of the fad category and assure it a continuing position of prominence in public thought. In 1975, Food Day can do the same for food and nutrition issues; it can assure that the momentum gathered last year by the World Food Conference will continue. U.S. food policy is too important to the nations of the world and individual nutrition habits are too important to our society for us to allow them to sink again into relative oblivion, overshadowed by less basic but perhaps more immediately demanding concerns.

Mr. President, I urge my colleagues to give quick approval to the Food Day resolution. Early endorsement of Food Day will encourage planning efforts and will maximize the effectiveness of related activities. Food Day will not be just a daylong observance. Rather it will be the rallying point for thousands of local groups across the Nation in their on-going efforts toward nutrition education and enlightened food policies. The food crisis will not be any easier to dispel than the energy crisis. Food Day can be a useful implement, however, in our domestic and global efforts to provide adequate nutrition for human well-being to all people.

A debt of public gratitude is owed to Michael Jacobsen and his colleagues at the Center for Science in the Public Interest for formulating the concept of Food Day as well as to the dozens of other individuals who have been at work for months to assure Food Day's success. The Food Day Advisory Board, on which I regrettably was unable to serve, also deserves special commendation. I congratulate them on their fine work, and ask that their names be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Food Day Advisory Board

Eddie Albert, Pacific Palisades, California.

Eugene Carson Blake, former general secretary, World Council of Churches.

Barbara Bode, president, Children's Foundation.

Julian Bond, Georgia State Legislature.

George Briggs, professor of nutrition, University of California-Berkeley.

Peggy Charren, president, Action for Children's Television.

Robert Choate, director, Council on Children, Media and Merchandising.

Senator Richard Clark, U.S. Senator, Iowa.

Rev. William Sloan Coffin, Yale University.

Robert Coles, Harvard University.

Norman Cousins, editor, Saturday Review/World.

Samuel Epstein, professor of environmental health and human ecology, Case-Western University.

Carol Foreman, executive director, Consumer Federation of America.

Ilene Goldman, co-director, Consumer Action Now.

Jerry Goldstein, editor, Organic Gardening and Farming.

Bishop Thomas Gumbleton, vice president, Bread for the World.

Joan Gussow, instructor, Columbia Teachers College, Program in Nutrition.

Fred Harris, former U.S. Senator.

LaDonna Harris, director, Americans for Indian Opportunity.

Senator Hubert Humphrey, U.S. Senate, Minnesota.

Derrick Jelliffe, head, Division of Population, Family and International Health, UCLA School of Public Health.

Nicholas Johnson, chairman, National Citizens Committee for Broadcasting.

Frances Moore Lappé, author, Diet for a Small Planet.

Michael Lathanm, professor of international nutrition, Cornell University.

Jean Mayer, professor of nutrition, Harvard School of Public Health.

Anthony Mazzocchi, legislative director, Oil, Chemical, and Atomic Workers Union International (AFL-CIO).

Dan McCurry, director of the project on food and cooperative alternatives, Chicago City Colleges.

James McHale, secretary of agriculture, State of Pennsylvania.

Joyce Miller, Social Services Department, Amalgamated Clothing Workers of America (AFL–CIO).

Bess Myerson, former Commissioner of Consumer Affairs, New York City.

Helen Nelson, director, Center for Consumer Affairs, University of Wisconsin-Milwaukee.

Kay Patchner, executive director, San Francisco Consumer Action.

Esther Peterson, president, National Consumers League; consumer advisor, Giant Foods.

Robert Redford, New York, N.Y.

Representative Benjamin Rosenthal, U.S. House of Representatives, New York.

B. Warren Ross, president, American Society for Preventive Dentistry.

Dr. George Wald, professor of biology and Nobel Laureate, Harvard University.

Ellen Zawel, president, National Consumers Congress.

U.S. POLICY TOWARD AFRICA

Mr. BIDEN. Mr. President, one of the consequences of the coup in Portugal last April—sparked in large measure by national unrest growing out of that country's intransigent colonial policy—is the inevitable end, for all practical purposes, of the Portugese empire in Africa. The end of that empire, in turn, will ultimately have an impact on U.S. policy toward Africa, and especially toward southern Africa. The question is the direction American policy will take toward southern Africa in coming months and years.

With a few obvious exceptions, such as our involvement in the Belgian Congo, the United States has tended to ignore Africa, at least as far as possible. Having had no colonial interest of our own on the African continent, American policymakers have been largely content to look upon Africa and its problems as the preserve of their European counterparts. The result, in my view, has been a policy of nondirection, and it has been largely mixed, especially with regard to the thorny problem of the white regimes of South Africa and Rhodesia.

The case of Rhodesia, especially, has proved a perplexing problem to American policymakers since Prime Minister Ian D. Smith declared Rhodesian independence. The United States followed the lead of Great Britain, endorsed the international economic sanctions imposed by the United Nations, yet looked the other way as they were ignored, by American, as well as foreign, interests.

Indeed, it was not even a matter of "looking the other way." Congress itself approved the Byrd amendment, which allows the importation of a number of Rhodesian goods, especially chromium, in violation of the sanctions. When he was a Member of Congress, Gerald Ford supported the amendment. Today, as President, he supports efforts to secure its repeal. Such is the seeming inability of the United States to focus for long on a coherent policy toward Africa.

Rhodesia is now facing new and increasing pressure to seek an accomodation with her black majority—pressure which finds its roots in the prospect of a black-ruled Mozambique, free of Portugese colonial rule and with the ability to cut land-locked Rhodesia's access to the sea.

Directly to the south, South Africa—which gave material support to the Smith regime—is adding its own pressure on Rhodesia to moderate its racial policies. Sensing its own potential vulnerability, the Pretoria government has begun seeking dialog with black African states, and has even made gestures toward possible changes in its aparthied laws, although the substance of such change remains to be demonstrated to a skeptical world.

In the midst of this ferment, the United States now has an opportunity to consider its own policy toward southern Africa, and—I hope—toward Africa as a whole.

Writing in the February 26 issue of the New York Times, Anthony Lake, director of International Voluntary Services, suggests that in formulating an African foreign policy, the United States would do well to "recognize the limits of our influence."

I tend to agree with Mr. Lake. He notes that such a policy of "distance" would not try to force change, for "we cannot do so."

Rather:

> It would serve us well in the event of a racial crisis in South Africa, or if black African nations should someday force us to choose between cooperation with them or with Pretoria.

And, he adds:

> It would better respond to the views of concerned blacks in America.

I would only make the distinction, which I think is important, that a policy which recognizes "the limits of our influence" is vastly different from—and much to be preferred to—a policy of nondirection and indecision.

Mr. Lake's article is perceptive, and I ask unanimous consent, Mr. President, that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. POLICY ON AFRICA

(By Anthony Lake)

WASHINGTON.—No area of the world has been viewed by Americans with greater moral disapproval and less attention than southern Africa. Recent events suggest that more attention would be worthwhile.

The area's political map is rapidly changing. The Portuguese empire in Africa is in shreds. White-ruled Rhodesia faces greater physical isolation than ever, with her routes to the sea through Mozambique coming into African hands. She faces diplomatic isolation as well, since the South African Government, an ambivalent ally in the past but still an ally, is leaning on the white leaders to make fundamental concessions to the black majority.

The new political leadership in the United States could adopt a new policy toward the region. President Ford had already shown a willingness to be more flexible on southern Africa than his Congressional record suggested. For example, as President he has favored repeal of the Byrd amendment, which allows the importation of a number of Rhodesian goods in violation of United Nations sanctions, despite his votes in favor of the amendment as a Congressman.

A secret National Security Council study led, in 1970, to a new policy of closer relations with the white regimes in southern Africa. This remains our policy today, despite occasional shifts in marginal emphasis.

The new concept, in brief, was that American policy should emphasize "communications" and "dialogue" with the white regimes while increasing support for black nations in the area. The theory was that more normal relations between the United States and the white regimes could bear fruit in two ways.

First, American investment and trade could help make South African society more prosperous, which would mean more jobs for blacks; this in turn would lead to peaceful social change. This proposition has been much studied, without conclusive proof or disproof.

Second, a calm American voice would help the whites hear reason from abroad. Flinging their racial vices in their faces only strengthened their lonely determination. A neat theory, but it was flawed in principle because it required practices that Washington has predictably, failed to follow.

It was naive to believe that the business-oriented Nixon Administration would have done more than use the new approach to justify closer cooperation with the whites. And to make the policy work, Secretary of State Kissinger would have had to pay more attention to finely tuning American actions than he has done.

Indeed, if the policy has mattered at all for southern Africa, it has probably hindered more than helped along the current trend of events.

Washington made unnecessary assistance deals with the old regime in Portugal and offered licenses to sell to its colonial authorities such items as helicopters, which could have been used for military purposes despite assurances to the contrary. Thus, with the coup in Portugal the United States simply ended up on the wrong side.

By flirting with, and in some cases allowing, a relaxation of our participation in the sanctions against Rhodesia, as explicitly suggested in the National Security Council study, the United States was disregarding international law and strengthening the spirit of the regime of Prime Minister Ian D. Smith.

Recent White House support for repeal of the Byrd amendment has partly righted this.

Did the new policy cause South Africa's leaders to promise internal changes, as they have, while leaning on Rhodesia to settle her own problems with the black majority? It seems unlikely.

The threat of increased pressure on Rhodesia and South Africa from a black-ruled Mozambique has been the key to these changes in southern Africa. South Africa wants to avoid a mess in Rhodesia; the casualties recently suffered by South Africa's "police" forces there are ominous. And the South Africans do not want a continuing Rhodesian crisis to draw more world attention to their own racial problems.

Leaving aside the past, can "communications" make a difference in the future? And if so, what kind and how?

Our current stance suggests our approval of South Africa's moves on Rhodesia and South Africa's efforts to improve relations with black African states. We should encourage the former and leave the latter to Pretoria and the governments it is wooing.

But we should avoid also supporting a view among white South Africans that their current, relatively enlightened foreign policies may allow them, in the long run, to avoid relinquishing their illegal control of Namibia (South-West Africa) or making basic changes in their racial policies at home. It is not enough that they promise some minor relaxation of apartheid.

On the other hand, it would be harmful to pretend that the United States can bring justice to South Africa by some illusory effort to sever her ties to the outside world.

Some "communications" are inevitable and diplomatic approval of some of South Africa's foreign policies is wise. But the message of recent years, an impending return to normalcy in our relations, goes much too far.

The key point was made by the State Department as it fought against the White House's policy shift in 1970: We must recognize the limits of our influence. Recent years show that a comfortable dialogue with South Africa is not the key to racial justice there. More attention should be paid to avoiding actions that do harm both there and to ourselves.

Let us, therefore, set clear limits on the scope of our relations with South Africa until it becomes clear, probably many years hence, that one way or another her blacks have gained the rights they are now denied.

A distant policy of this sort would not try to force change; we cannot do so. It would serve us well in the event of a racial crisis in South Africa or if black African nations should someday force to us choose between cooperation with them or with Pretoria.

It would better respond to the views of concerned blacks in America.

And there would be an added advantage, for those who still care: Such a policy would bring us a little closer to acting on the principles we still proclaim.

U.S. ARMS: ARE OUR DEFENSES DOWN?

Mr. THURMOND. Mr. President, the March 17, 1975, issue of Newsweek magazine contains an excellent interview with Secretary of Defense James R. Schlesinger and a comprehensive article on national defense in general.

Written by Tom Matthews and Lloyd Norman of the Washington bureau, this article raises the question, "U.S. Arms: Are Our Defenses Down?"

An evenhanded summary of the national defense picture, I commend this report and the interview with Secretary Schlesinger to my colleagues as a brief survey of where we stand defensewise in 1975.

Also, it should be noted that the Defense Secretary is issuing a warning to our people that trends toward withdrawal of U.S. military influence around the world and the threat of heavy defense budget cuts could lead to expenditures far greater than those of being prepared and supporting our allies.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ARMS: ARE OUR DEFENSES DOWN?

In the world of hawks, James Rodney Schlesinger occupies an awesome perch. The desk of his office on the third floor of the Pentagon's "E Ring" once belonged to Gen. John (Black Jack) Pershing, and the Strangelovian war room is just downstairs. Schlesinger, however, is no Dr. Strangelove. He may, in fact, be the brightest and best Defense Secretary in the nation's history. Last week, he ambled around Washington, puffing his pipe and mustering his scholarly acumen to sell a record defense budget to a Congress preoccupied with domestic ills and to a public shivering from post-Vietnam withdrawal symptoms. "If present trends continue," he told NEWSWEEK in an exclusive interview (page 46), "there is likely to be a very serious setback for the United States in the years ahead—and then there will be voices demanding. "Why were we not warned?' I want to be able to say quite clearly: 'You were warned'."

The trend that worries Schlesinger most is the steadily growing nuclear strength of the Soviet Union, and his warning was an open invitation for a public debate that may shape U.S. strategic posture for years to come. Schlesinger contends that with the Soviet Union deploying a vast array of hydra-headed nuclear missiles and pushing into such previously uncontested areas as the Indian Ocean, the strategic balance may be tilting in its favor (chart, page 48). He believes that to keep the peace, the U.S. must inspire awe, and he fears that if budget cutters lop chunks off the defense budget year after year—or mangle his $104.7 billion request for 1976—they will turn the U.S. into a bargain-basement superpower. "If we want the shadow rather than the substance of a first-class military power," he said in his strategic-posture report to Congress last month, "we should make the decision explicitly rather than in a casual and impulsive fashion."

Though it is axiomatic in Washington that Cabinet members tend to accentuate the negative in justifying ever higher budgets, Schlesinger has some dismal statistics to offer.* His bookkeepers maintain that over the past four years alone, inflation, mandatory military pay boosts and forays by Congress have taken a 42 per cent bite out of the purchasing power of the defense budget. At the same time, the total manpower of the U.S. armed forces (2.1 million) has dropped to pre-Korean War levels, and the Navy has shrunk to 496 ships—the smallest U.S. fleet since Pearl Harbor. Technological advances and new strategic concepts have made up for many of the outward signs of decline. But with inflation, unemployment and the energy crisis to cope with, Congress is unlikely to pass the defense budget untouched. "Schlesinger," observes Wisconsin Rep. Les Aspin, a Pentagon critic, "doesn't know which side his guns are buttered on."

DYSPEPSIA

Other critics contend that the Secretary of Defense wages his battles by cold-war rules at a time when global interdependence has become the essence of international power politics, and money—not arms—has emerged as the ultimate weapon. In rebuttal, Schlesinger maintains that the very climate within which economic interdependence can flourish depends upon a sturdy U.S. military posture. He hopes, even after the Vietnam experience, that most voters know he is right. "I think we are past the worst part of our national dyspepsia," he said in his NEWSWEEK interview.

The latest polls, however, indicate that Schlesinger may be mistaken. According to the Harris poll, only 36 per cent of the public believes that foreign military aid "helps our national security." The Gallup poll suggests that an overwhelming majority of voters (78 per cent in all) rejects the Administratons' argument that U.S. credibility would be tarnished if Congress turns its back on Cambodia and South Vietnam. A Chicago Council on Foreign Relations survey indicates that most Americans—and their leaders—think education, health insurance and housing should be the beneficiaries of increased government spending. The bill for foreign military and economic aid and for defense tops the list of obligations most voters would like to trim. "The reluctance to continue our post-World War II role in military security abroad," noted council president John Reilly last week, "is striking."

The drift appalls Schlesinger. A tall man with a shock of unruly gray hair that makes him look older than his 46 years, he is an unabashed Taft Republican whose politics were seasoned in the heyday of John Foster Dulles. He believes that appearances count, and while he admits privately that the U.S. can survive a humiliation in Indochina, he is not amused at the prospect of presiding over the first significant U.S. defeat at the hands of the Communists since Chairman Mao's triumph in China.

Schlesinger brought a formidable set of credentials with him when he joined the Nixon Administration as assistant director of the Bureau of the Budget in 1969: a summa cum laude B.A. and a Ph.D. in economics from Harvard; a primer on strategic thought—"The Political Economy of National Security"; and six years of total immersion in nuclear weapons and arms control as director of strategic studies for the Rand Corp. think tank. He also has a phenomenal memory. "Jim can recite songs from summer camp with 75 verses or recall some minute detail from the Bible," says his brother, Eugene. Schlesinger has never shied away from speaking his mind. When he was in the Budget Bureau, he startled then Secretary of Defense Melvin Laird by proposing to cut American defense spending by $10 billion and to take a reef in the Trident missile submarine program.

WOODS

Schlesinger has long been a brusque, independent man who is used to getting his own way, but he can be flexible as well. By birth Schlesinger was a Reform Jew, but after graduating from college he made a tour of Europe and the Middle East, and converted to Presbyterianism on the road. As a compromise with his wife Rachel, a Radcliffe girl and Methodist whom he married in 1954, Schlesinger and the family became Lutherans. They now have four sons and four daughters and live in Arlington, Va., where the Secretary takes to the nearby woods from time to time for his favorite pastime—bird watching.

Schlesinger rose quickly in the Washington hierarchy—from the Budget Bureau to head of the Atomic Energy Commission to director of the CIA to the Pentagon in mid-1973. There, he caught the eye of Gerald Ford. Schlesinger, Ford observed critically, was one of the officials in the Nixon Administration who really knew more about defense matters than his watchdogs in Congress and who made little attempt to conceal his disdain for the dimmer bulbs on the Hill. "Some people know how to deal with Congress and some people don't," Vice President Ford told friends—and he let the word drop that if *he* became President, Schlesinger might have to go.

WARRIORS

Ford did—but Schlesinger managed to keep his job. For one thing, the new President needed Schlesinger's manifold talents. For another, both share the same ideological beliefs. "Ford and Schlesinger," observed one senior White House staffer last week, "are basically cold warriors." That orientation has landed the Secretary of Defense into a spat or two with the Secretary of State. When Kissinger and Nixon traveled to Moscow for last summer's summit with the Soviet party chief, Leonid Brezhnev, Schlesinger let it be known that he was worried that the president and his chief diplomat would ignore such complex matters as the size and throw-weight of Russian missiles in the eagerness to close a politically attractive bargain limiting offensive strategic weapons. The affair angered Kissinger and left Schlesinger nettled as well. "Henry is not a man who tolerates competition easily," observes a colleague from Cambridge. The two men, who agree on most other matters, have since mended fences.

Schlesinger has spent much time wondering what would happen if the Soviet Union tested U.S. resolve during a crisis by launching a limited nuclear attack—perhaps against a remote U.S. missile silo. Would the President order the kind of massive retaliation that has been the essence of conventional nuclear strategy for decades a thundering salvo of missiles could easily immolate 100 million Russians; but since destroying every Soviet missile silo and submarine is impossible, such an attack would also draw an equally murderous Russian second strike upon American cities. The existing strategy of mutual assured destruction (MAD) was suicidal, Schlesinger concluded. What the President needed was a wide range of flexible options and targets, a plan that would allow the U.S. to reply to a limited strike in kind—while keeping the doomsday machine in reserve as the option of last resort.

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*In terms of U.S. prices, the Soviets now outspend the U.S. by 20 per cent in military research and development, 20 per cent in general-purpose forces, 25 per cent in military procurement and 60 per cent in strategic nuclear forces.

The idea was not new. In the early 1960s then Secretary of Defense Robert McNamara sponsored a "counter-force" strategy designed to allow the U.S. to strike Soviet bomber bases, missile sites and nuclear submarine pens while minimizing civilian deaths. He eventually cooled to the strategy because of the expensive and politically unacceptable investments it entailed. Faced by an energetic Soviet program of missile development in the late 1960s, however, Richard Nixon revived the plan. Schlesinger has inherited the job of steering it onward. The Pentagon is now installing, among other things, a "Command Data Buffer System" that will allow technicians to change the computer tapes targeting Minuteman III missiles in 36 minutes. In the past the job took from 16 to 24 hours, too long for anything but massive retaliation—or surrender.

WAR-AND-A-HALF

Critics argue that counter-force strategy lowers the threshold of terror—and increases the risk of nuclear war. Schlesinger is convinced that neither the Soviet Union nor the United States is likely to launch a massive "bolt from the blue" surprise attack on the other. Current U.S. strategy calls for maintaining a credible defense against a major war between NATO and Warsaw Pact nations in Europe while preserving the ability to fight a brushfire war at the same time elsewhere (the so-called "war-and-a-half capability").

Toward that end, the all-volunteer American Army is now being bolstered by 48 battalions to bring its strength up from thirteen to sixteen divisions by 1977, and Schlesinger hopes to spend $2 billion improving military airlift capacity so that a full Army division with equipment could be transported to Central Europe every few days. Given a lightning air-transport system, he reasons, the U.S. can center its military forces abroad upon the Seventh Army in West Germany, the Second Infantry Division in South Korea, and the Third Marine Division in Japan and Okinawa—backed by the Sixth Fleet in the Mediterranean and the Seventh Fleet in the far Pacific. "It's a very dangerous world," noted one high-ranking Pentagon general. "If we can't respond with conventional forces, we are asking for a nuclear holocaust."

Over the past two and a half months, Schlesinger has spent 48 hours testifying before a mixed bag of Congressional committees on behalf of his programs. He has also buttonholed 75 congressmen and 20 senators personally to lobby for his plans. Though he has managed to shed his image as an aloof and arrogant academic, this has not greatly decreased his vulnerability to budget cuts. Among the most likely candidates for surgery in this session of Congress are such pet Pentagon projects as the B–1 bomber, the SAM–D anti-aircraft missile and the Trident submarine. Congress will probably trim between $5 billion and $8 billion from the defense budget, and appropriations for foreign military aid are in for rough going as well. "If Berlin were in trouble today," notes a seasoned lobbyist for the United Auto Workers union in Washington, "I wonder whether the American people would want to spend the money for an airlift."

DESTINY

The answer is probably yes, for despite the surface signs, the United States is not retreating into a nostalgic neo-isolationism. It can't. "To talk about neo-isolationism in the age of ICBM's is insane." said Prof. Hans Morgenthau of the New School for Social Research in New York last week. "Nobody in his right mind would do it." There is a new element in the strategic mix. "For the moment," observes French political strategist Raymond Aron, "the economic game is more important than the military."

Multinational corporations and expanding trade have already tangled the United States in $180 billion worth of foreign interests. Third World nations, entranced with cartel politics and nuclear technology, also pose an inescapable challenge to every industralized country beyond their borders. The days of Fortress America are over for good, though Schlesinger may be exaggerating the decline in what was once the awesome presence of the United States abroad. But in sounding an alarm, he is rendering a service, for as he says: "An active foreign policy implies risks, but so does passivity." In a not altogether friendly world, Schlesinger wants Americans to shape their own destiny, rather than let others do it for them.

A WORD OF WARNING

(Is the U.S. entering an era of neo-isolationism that will erode its power? Foreign Editor Edward Klein, Washington bureau chief Mel Elfin and Pentagon correspondent Lloyd Norman posed this and other questions in an interview last week with Secretary of Defense James Schlesinger.)

NEWSWEEK. In the wake of Vietnam, is the U.S. drifting toward neo-isolationism?

SCHLESINGER. I think that the post-Vietnam passions lead somewhat in that direction. Nonetheless, in contrast to the 1930s, the American public remains deeply interested in the external world and, so far as the polls are any indication, the public continues to desire to have military power second to none. In addition, I think that we should recognize that circumstances can change very rapidly, and in circumstances in which the American people feel their interests are being dramatically affected they would be no more averse to the use of power—of military power—than they were in the period after Pearl Harbor.

Q. Are the American people convinced that their essential interests are at stake in Cambodia and Vietnam?

A. No, I do not think that they're convinced of that at this moment, otherwise we would not have the difficulties that we have in obtaining adequate funding for support for the two governments.

Q. Some months back, you talked at a breakfast group and said that our vital interests were not involved in Southeast Asia. Why, then, should we concern ourselves even on a nonmilitary basis?

A. I doubt that I said precisely that. The degree of initial American interest in Southeast Asia was far less than its interest in, say, Europe or the Middle East. Nonetheless, we have created for ourselves dependencies in Southeast Asia. To abandon those countries, and particularly South Vietnam, would be a very telling sign to the rest of the world. The U.S. would suffer in its foreign policy and I believe, ultimately, would suffer in its own image of itself.

Q. Do you think that the Lon Nol government can survive if it receives the supplemental-aid request from the United States?

A. They cannot survive without additional aid. But with such aid, there is no question that they could survive during the course of the current dry season, and that would carry them through another wet season. What the long run is likely to provide is anybody's guess. We hope to have negotiations, though.

Q. And so if the Lon Nol regime collapses after we give the support, you think that American credibility would not suffer in the eyes of other people?

A. It would be a setback for American foreign policy, but there would be less questioning of the fidelity of American commitments and that, I think, is the most important aspect.

Q. Would you include the Indian Ocean in the sphere of vital American interests?

A. Most of the industrialized world is dependent on the flow of petroleum out of the Persian Gulf. The domination of the oil resources of the Persian Gulf area would dramatically alter the configuration of world politics. The Soviets have built up and are still building a major logistical capability in the general area of the Persian Gulf. Nonetheless, there is an inclination to bury one's head in the sand, and some people now exhibit that ostrich-like tendency. Soviet facilities at Berbera in Somalia are both impressive and growing. They are now, it appears, constructing a cruise-missile [unmanned nuclear bomber] support facility at Berbera, on the Gulf of Aden.

Undoubtedly there will be those who will find imaginative excuses for the Soviets. They might suggest it is an economic demonstration project for the Somalis or perhaps an advance reaction to current U.S. research-and-development activities on cruise missiles. But the fact is that this represents reload capabilities for a potent weapon system that the U.S. does not yet possess. It is plain, I think, that the Soviets are deeply serious about a permanent presence and strike capability in the western part of the Indian Ocean and we would be blind to reality if we were unprepared to take the necessary countermeasures.

Q. *What kind of countermeasures?*

A. The United States should have its own logistical capability in the Indian Ocean at Diego Garcia so, if the necessity arises, we can support our own forces in the area.

Q. *In terms of the other bases that the Soviet Union has managed to establish, how would you rate their present base facility in Somalia?*

A. I would regard this as unique. In some ways it could be compared to the facilities that the Soviets had established for themselves in Egypt and in Syria.

Q. *When you were with the CIA as director, did you discover that there were assassination teams and that assassinations were carried out?*

A. The brief answer to that is no—though there were suggestions on rare occasions in a much earlier period. However, those would be matters the [Congressional] committees might want to explore—and I should not expand further at this time.

Q. *What has been the result of the cutoff of military aid to Turkey?*

A. The cutoff of assistance to Turkey is an extraordinary event. The only parallel one can think of, however imprecise, was the decision by John Foster Dulles in 1956 to cancel aid to Egypt for the Aswan Dam. It is that politically dramatic a decision on the part of the U.S. Government.

Q. *In terms of strategic weapons, is there a minimum ceiling below which the U.S. should not go?*

A. Well, I would think that we would begin to be concerned if we were to cut the numbers by more than, say, a third.

Q. *In other words from 2,400 to 1,600 vehicles?*

A. That would seem to be something in the order of a minimum figure.

Q. Your proposal for a flexible nuclear strategy has led a number of critics to charge that what you are really thinking of is a first-strike capability. Wouldn't that destabilize the current nuclear balance?

A. The change in our targeting doctrine requires no expansion of U.S. strategic forces. The change increases the efficacy of our deterrent posture because our nuclear threat is no longer incredible on its face, and does not necessarily involve the pact of mutual suicide. For that reason, the likelihood of major military action is diminished. The United States does not desire that either side have a first-strike capability; in fact, given the forces on both sides neither side can attain a first-strike capability. We have structured American strategic forces on the premise that the U.S. cannot limit damage to the urban industrial base of the U.S. if the Soviets wish to destroy it.

Q. But you have proposed a sharpening of accuracy and possibly an increase in yield. Wouldn't that lead to our development of a counterforce capability against their ICBM force?

A. We have repeatedly underscored that we would prefer that neither side develop major counterforce capabilities. The concern that we have quite naturally is with this massive new deployment by the Soviet Union of a new generation of ICBM's with on-board computations and many accurate MIRV's. They are moving in that direction, and we are prepared to match them if they do so. We would prefer that both sides avoid the deployment.

Q. Many congressmen have praised your recent posture statement on defense. Yet the chances are they will slice large chunks out of your budget. Is that because the Pentagon has cried wolf too often?

A. Well, in the past there may have been some tendency to cry wolf, but I would remind all parties that when the wolf appears it will be the American society that is gobbled up rather than the poor lad who got lonely. The underlying point is an improved willingness on Capitol Hill and in the society at large to approach the questions of American security and its defense capabilities with a greater degree of intellectual discipline than was characteristic of the Vietnam period when the prevailing mood was simply one of dyspepsia.

Q. In other words, you think we're past the worst part of our Vietnam dyspepsia?

A. I think we are past the worst part of our national dyspepsia. We still have some tendency to go on cutting into defense, but not because of hostility toward defense. It is driven more by budgetary considerations, and the desire to get more resources out of defense so that more resources can be put into social or economic programs.

Q. What effect do you think the press now has on the formation of American opinion on the subject of national defense?

A. Every poll of the American public indicates the wish to maintain a military establishment that is second to none. In fact, a very substantial minority wishes the U.S. to remain militarily superior. There is some difference between that underlying public sentiment and the opinions that are frequently expressed. I think that the American public does not recognize the degree to which we have cut away our own military establishment.

Q. What about the era of former Defense Secretary Louis Johnson a quarter of a century ago, when so many military programs were reduced? Are we back to that?

A. Indeed, we are back not only to the Louis Johnson era in terms of the proportion of our manpower under arms and the proportion of the GNP, but to the period of pell-mell demobilization immediately following World War II. This is akin to what Churchill said in "Triumph and Tragedy": "And so the great democracies triumphed, and so were able to resume the follies that had so nearly cost them their life."

Q. Do you think you will be heard?

A. Well, I'm optimistic because I think that the realities of world politics are those that the American public will recognize. But in any event, I feel that I have no alternative but to pursue the goal of public enlightenment about the military balance between ourselves and the Soviet Union. If present trends continue, there is likely to be a very serious setback for the U.S. in the years ahead, and then there will be voices demanding: "Why were we not warned?" I want to be able to say quite clearly, "You *were* warned."

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, day after day for over 6 years, I have discussed the merits of the Genocide Convention and attempted to refute the criticisms of the convention's critics. There is one statement which can be made about this treaty, however, for which there can be no rebuttal: it is clearly the most thoroughly examined and discussed treaty that the Senate has ever considered.

It is important to remember that this treaty was first submitted to the Senate in 1949, 26 years ago. Think about that. That is a full quarter century ago. During those years, the Senate Foreign Relations Committee has held numerous days of hearings and has reported the treaty favorably three times but to no avail. Each time a determined minority prevented this body from considering this important human rights treaty. Last year we were stymied by a filibuster.

Clearly, we have reviewed ad nauseum the contentions of the critics of this convention and we have found them as baseless today as they were in 1949.

Mr. President, in the words of my distinguished colleague, the senior Senator from Virginia, it is time for the Senate to "fish or cut bait."

This treaty is but one of over two dozen human rights treaties that have not been acted upon by this body. Today, we have a new cloture rule and a new spirit of humanitarian concern in this body. It is high time we turned these noble ideals into concrete action.

HISTORIC SITES

Mr. HUGH SCOTT. Mr. President, last year I joined the Senator from Texas (Mr. TOWER) in sponsoring a bill that would select and preserve one historic site in each State as a "meeting house" for citizens concerned with the preservation of cultural heritage and environmental quality. Although hearings were held on this proposal, no final action was taken prior to adjournment of the 93d Congress.

I am pleased to join in a similar effort with Senator JACKSON, S. 327. Title II of this bill would establish the National Historic Preservation Fund to match the over $150 million which States are willing to dedicate to the preservation of our Nation's history. An important feature of this legislation would provide grants for projects to restore certain historic properties with a view to designating and preserving such properties for use as meeting houses in connection with this Nation's Bicentennial.

As I indicated in my testimony before the Senate Interior Subcommittee on Parks and Recreation on June 5, 1974, in connection with S. 2877:

> I am proud to note that my Commonwealth of Pennsylvania is among those states which have made prospective site selections. Specifically, the Valley Forge area has been chosen and this is significant because it was the site of General George Washington's encampment of 1777–78, a turning point in the Revolutionary War. Lafayette's Headquarters, which would serve as the proposed "Meeting House", is located on the Lafayette Farm adjacent to Valley Forge State Park in Tredyffrin Township, Chester County. The 34-acre site served as Major General Marquis de Lafayette's residence during the famous encampment.

Additional sites that have already been proposed include: an opera house in Texas, a fort in North Dakota, a tavern in Connecticut, a royal brewery in Hawaii, a theater in North Carolina, and a casino in Puerto Rico. I am sure my colleagues can identify their nominations for "brick and mortar" restorations, and I urge them to join the cause of historic preservation in America.

Mr. President, I firmly believe that the meeting house concept holds the promise of a lasting contribution to our country's visual appearance as it reflects our cultural and natural heritage. With the Bicentennial almost upon us, what better time to commit ourselves to the preservation of our total environment—natural and man-made.

DANGERS IN THE PRODUCTION, USE, AND DISPOSAL OF PLUTONIUM

Mr. ABOUREZK. Mr. President, the Energy Research and Development Administration just presented the Committee on Interior and Insular Affairs with a budget request for fiscal year 1976 giving the lion's share of money to nuclear research. At hearings on that budget, I asked that funds for developing the breeder reactor be deleted. I regard this as a most serious issue; one which, once decided, is irrevocable. Life-threatening fission wastes such as plutonium, once created, remain active for tens of thousands of years. I ask unanimous consent to have printed in the RECORD a detailed article from the Wall Street Journal of March 5, 1975, in which Burt Schorr describes the enormous dangers accompanying the production, use, and disposal of plutonium.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGURING A FUTURE FOR PLUTONIUM

(By Burt Schorr)

WASHINGTON.—Soon the government's Nuclear Regulatory Commission will begin pondering a fateful question: Should plutonium, a deadly man-made metal, be used as fuel for nuclear powered generating plants?

Many government and industry planners, regarding plutonium as a major source of U.S. energy in the future, say Yes. But a growing number of other experts, aware that a small amount of the material contains enough radioactivity to make an entire city uninhabitable, say No.

Both sides agree that if plutonium eventually is to be used as fuel, extremely tough new safeguards must be developed to prevent its release into the environment. Some opponents doubt, however, that effective safeguards can be established.

"Those who have asked what changes in our institutions will be necessary to accommodate plutonium have come away from the inquiry profoundly concerned," concluded the Natural Resources Defense Council in a recent study. "Our technology has again outstripped our institutions, which are not prepared or suited to deal with plutonium."

The nation's 53 commercial nuclear reactors—President Ford wants almost 150 more by 1985—aren't permitted to "burn" plutonium. But the enriched uranium these reactors use is turning out thousands of pounds of plutonium annually as a waste product; this waste is being stored, for the most part, in spent fuel rods at reactor sites. Within 10 years, such plutonium waste could amount to about 50,000 pounds a year.

Thus, the public hearings which the NRC will hold, probably this spring, are likely to deal with two related questions: Should nuclear plants be allowed to recycle this plutonium for use as fuel, and, even if recycling isn't permitted, what should be done with the nation's mounting trash pile of the deadly substance?

TROUBLE AT KERR-MCGEE

Some signs of trouble already have developed. For several months last year, a mysterious series of plutonium-contamination incidents occurred at a plutonium fuel-rod fabricating plant of Kerr-McGee Corp. near Crescent, Okla. In January, the old Atomic Energy Commission found "minor" violations of its rules by Kerr-McGee but hasn't imposed any sanctions yet.

Most mysterious of all was the fate of a plant worker, Karen Silkwood, whose body and apartment had registered dangerously high plutonium levels. As she was driving to meet a newspaper reporter who was investigating plant conditions, her car hit a culvert and she was killed. Post-mortem tests showed that she had ingested plutonium, which, if absorbed into the bloodstream, poses a strong threat of bone cancer.

As part of its investigation of the incidents, Kerr-McGee asked plant employes to "volunteer" for lie-detector tests. According to a complaint filed with the National Labor Relations Board by the Oil Chemical and Atomic Workers Union, the tests included questions about contacts the employes might have had with newsmen and union officials. The union says that employes who refused to submit to questioning have been transferred to warehouse work. Kerr-McGee declines to comment because the investigation involves "internal matters which shouldn't be open to display," a spokesman says.

Many nuclear experts believe that the risk from plutonium, while real, is being overemphasized. They point out that the U.S. has been producing large quantities of plutonium since the Manhattan Project of World War II without harming public health.

"For 30 years plutonium has been produced in reactors, recovered from reactor fuel, purified, made into many chemical and physical forms, fabricated, handled, transported and stored in large quantities involving many tons of material," the AEC staff noted in its draft statement on plutonium recycling issued last August.

There's a strong energy argument in favor of using plutonium, too: Nuclear generating plants are calculated to produce enough of the fuel over the next 20 years to equal 10 billion barrels of oil.

Yet there are reasons to be especially apprehensive about plutonium. The yellowish tan plutonium oxide pellets packed into reactor core rods, emitting short-range but extremely dangerous alpha particles, constitute "a fuel toxic beyond human experience," warns physicist Donald P. Geesaman.

Mr. Geesaman, who spent 13 years doing bio-medical research for the AEC, notes that plutonium injected under the skin and into the blood-stream of mice and dogs has produced cancer. But he worries most about the ability of plutonium "under a number of probable conditions" to powder into invisible particles tinier than human cells. If scattered in the air by an explosion or even by the wind, they could be inhaled into deep lung tissue, bombarding surrounding cells with alpha radiation and causing death.

How seriously the government regards this risk and the attendant public alarm became clear in 1966 when a B–52 bomber, after colliding with a tanker plane, loosed four hydrogen bombs over Palomares, Spain. The massive effort to check some 2,000 local inhabitants for radiation, to extirpate scattered plutonium from a local field and to recover one of the bombs from the nearby ocean cost over $2 million.

The possibility that similar scenes might be duplicated along highway and rail routes after large-scale plutonium shipments had begun is one of the major issues before the NRC. Massive tamper-proof containers already are required for such shipments. But the Environmental Protection Agency believes much more research must be done before the government can even predict the probability of a transportation accident "in which radioactive materials are released, or the consequences of such an accident."

A sulphur-cooled breeder-reactor is being designed now to produce plutonium; commercial versions are expected to turn out about 175 tons annually by the year 2000, while generating electricity at the same time. By comparison, a mass of plutonium the size of a softball and weighing only 10 pounds could wreck, say, the New York financial district, according to Theodore B. Taylor, a one-time designer of nuclear weapons who specializes in plutonium theft dangers.

Cost overruns, a slowdown in the growth of electrical demand, and more abundant uranium supplies than now foreseen could delay the advent of the commercial breeder. Even so, the problem of what to do with plutonium produced during uranium fission remains and solutions aren't readily apparent.

Ideas for safeguarding plutonium seem to create as many problems as they solve. The government is considering, for example, the creation of massive nuclear "parks" where plutonium could be recycled. But Congress isn't likely to relax environmental laws and take the other steps that would be needed to create them.

Meanwhile, the controversy builds. In South Carolina, for example, several groups are opposing operation of a $250 million nuclear fuel processing plant that's close to completion near Barnwell. Herbert Buhl III, an American Civil Liberties Union lawyer based in South Carolina, declares that in weighing the environmental impact of plutonium use the government has failed to consider the possible loss of constitutional rights, "including the right to privacy and freedom of movement," that plutonium safeguards might impose. The national ACLU may choose to participate in NRC proceedings because it shares such concerns, according to an ACLU official in New York.

STUDY AND UNCERTAINTY

The White House Council on Environmental Quality, commenting on the AEC's draft statement, agreed that the environmental analysis of plutonium recycling won't be complete until its "social, legal and institutional" aspects—hardly discussed in the draft—are thoroughly examined.

If the NRC consents to study these issues further, or is forced to by a federal court (the Natural Resources Defense Council is threatening to sue to require such analysis), the result would be further uncertainty for the nuclear industry. Already the industry is chafing over the delays that are likely before it can begin using plutonium. The NRC staff won't finish its studies of possible plutonium safeguards until the end of this year. There likely would follow lengthy congressional debate over atuhorizing legislation.

Ironically, the nuclear-power industry has its own worries about loss of freedom in the name of safeguarding plutonium. Forcing plutonium reprocessors and fuel fabricators to build their plants in designated parks or other common sites, for instance, "could cause unfair and unnecessary economic penalties to some," Exxon Nuclear Co., a subsidiary of Exxon Corp., has advised the NRC. "Such a concept is viable only for a nationalized nuclear industry," adds Babcock & Wilcox Co.

There is an alternative to recycling plutonium: storing it with other fission wastes. But those who fear plutonium are equally unhappy with that approach. By 1995, there could be more than 750 tons of plutonium in this blistering hot, highly radioactive trash dump.

Where to put it? The government is hunting for an underground disposal site that would be safe from floods, earthquakes and even a new Ice Age—not for centuries, but for milennia. Some fission wastes remain dangerous sources of radioactivity for more than 200,000 years.

"Is mankind prepared to exert the eternal vigilance needed to ensure proper and safe operation of its nuclear energy system?" asks Alvin N. Weinberg, former director of the Oak Ridge National Laboratory. "No government has lasted continuously for 1,000 years," says Mr. Weinberg. "Only the Catholic Church has survived more or less continuously for 2,000 years or so."

The frailty of institutions, when compared to the life of radioactivity, hasn't escaped federal nuclear planners. They talk of the long-range need to imbed high-level wastes "in the ice sheets of the Antarctic" or to remove them from earth altogether "with rockets." But such proposals, little more than vague speculation just now, hardly assure citizens that they and their children can live tranquilly in a society that relies on plutonium for its energy needs.

OUR COMPLEX SOCIETY

Mr. BROCK. Mr. President, a recent article written by Robert Donovan was published on December 26, 1974, entitled "Managing Our Complex Society Should Be Worry No. 1." I ask unanimous consent that this article be printed in the RECORD for all to read its insight into basic legislative policies and their impact on social order.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Managing Our Complex Society Should Be Worry No. 1

(By Robert J. Donovan)

CAMBRIDGE, MASS.—When Dr. Jerome B. Wiesner was chairman of the President's Science Advisory Committee in the Kennedy and Johnson Administrations, he used to worry that mankind would blow itself up with nuclear weapons or at least pollute the atmosphere for the next 50,000 years of testing them.

Now that times have changed and he views the world from the new perspective of his position as president of the Massachusetts Institute of Technology, he no longer sees the world military situation as being the No. 1 problem.

His primary concern rather is whether the United States can solve its complex problems without lapsing into undemocratic or even authoritarian ways.

He grants the necessity of government regulation of business and industry yet fears that, in moderating the evils of free enterprise, government may destroy it.

"The problem of managing our society," Dr. Wiesner said in a recent interview, "looks much tougher to me now than when I was in Washington. The question at stake is whether you can maintain a growing, viable society like ours and deal with the complex choices that must be made and still do it in a democratic process.

"There is a mood today, reflected by Heilbroner (Robert L. Heilbroner, author of the catastrophically pessimistic 'An Inquiry In to the Human Prospect'), that an advanced technological society is too complex to be dealt with through the democratic process.

"If I worry about anything, it is that: how to deal with the complexities in our society so people are not tempted to accept a Russian or Chinese or other dictatorial solution. How to retain really the advantages of our competitive society and still solve the clear difficulties inherent in it."

Basically, Dr. Wiesner is optimistic that through knowledge and through trial and error he will be able to cope with the distressing problems that seem about to engulf us at times.

"Things have to get sufficiently bad to command your attention," he said. "In '64 or '65 the Science Advisory Committee made a report showing that the energy problem was becoming increasingly acute as consumption was growing at an exponential rate.

The trouble is most of us make linear projections and problems develop at an exponential rate, so crises overtake us. If our problems get acute enough, we will turn our attention to dealing with them. We are going to have some serious traumas, but on the whole I think society will be intelligent enough to deal with the problems.

"The condition of mankind has more or less gotten better throughout history, so if you take the long-term view, you have history on our side. Of course, that doesn't help if we have a 100-year fluctuation of trouble.

"But beyond that the kind of problems we are currently wrestling with have solutions. Problems of physical resources, food, energy conservation are matters we can cope with. I think we can build a world that provides a more than adequate life for everybody, because the resources, knowledge and technology to do it exist."

But isn't the world food situation threatening to get out of hand, disastrously?

"Until we react," Dr. Wiesner said, "there will probably be a lot of starvation and hunger, but this will motivate people to solve the problem.

"I have just been in the Peoples Republic of China where 25 years ago there was a lot of hunger. It was the kind of situation in which most people would have thrown up their hands and said it is impossible to do anything about such a society.

"China is not affluent, yet they have made impressive progress and have managed their agriculture, distribution and social system so that they have now eliminated starvation and the worst kind of poverty you see in most other developing countries.

"It has taken a terrific effort to do it. Many of the problems around the world will not be solved without struggle.

"My own fear is that in this country we will end up with too much bureaucratic control and that this will grind the country to a halt.

"Legislation to deal with environmental problems, energy problems, economic problems has generally had to come from the federal government, which means that frequently it fails to take into account variations of local or regional problems.

"A similar danger lurks in the effort to control industry by government. A number of industries, for example, are so afraid of anti-trust action that they are, therefore, cautious about moving into new fields and experimenting with new products.

"Increasing concern about drug-testing has made it so costly to test new drugs that many companies either test outside the United States or on occasion don't pursue possibilities they might otherwise attempt. These are just a few examples of where growing social concern makes innovation difficult or at least much slower. Then too as government takes over more and more social responsibility it disposes a larger and larger share of our total income and also makes our social system more ponderous.

"On the other hand, one has to admit that inadequate drug-testing has serious consequences. Finding the proper social balance is difficult.

"As industry grows in scale, I believe that more control is necessary, but controls inevitably reduce flexibility and initiative by industry and the rate at which it can respond to changing conditions. Yet without a certain amount of control and leadership we can't deal with our problems.

"Striking the right balance is the central problem of this country. In the long pull it is more serious than the threat of war. While correcting the things that are wrong in our system, we have to protect the things that are right.

"What really worries me is that people might get so discouraged that they will come to believe the solution lies in some form of autocratic management. Every autocratic management I have examined is so much more than what we have—not only in terms of limitations on the individual, which is inevitable, but in terms of ability to solve the basic problems we are talking about."

A MILLION JOBS GO BEGGING

Mr. PELL. Mr. President, today I would like to bring to the attention of my colleagues a striking article which appeared in the March 17, 1974, issue of Business Week, and which takes a look at one important characteristic of our Nation's unemployment problem: The 800,000 or more job openings in this country which remain chronically unfilled for workers to occupy them. These employment opportunities exist at the college and noncollege level, in offices and in the field, in the private sector and in Government.

The existence of such a large number and great variety of job openings points out the importance of the development of two capacities in our education-labor market; first, a greater and more sensitive capacity to train people for the jobs which will exist when they graduate from school, and second, the development of a more workable and comprehensive job-matching system.

Mr. President, I ask unanimous consent that the article from Business Week, entitled "A Million Jobs Go Begging," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MILLION JOBS GO BEGGING

Help Wanted: machinists, welders, nurses, traveling salesmen, computer repairers, and many, many others.

Help Wanted? With unemployment at 8.2% and still rising, with 7.5-million people out of work, with unemployment insurance funds running low, and government proposing emergency measures to create jobs for the jobless, jobs go begging?

In brief, yes. They always do, in every recession. The unemployed do not have the right skills for the unfilled jobs. A jobless auto worker cannot step into a nurse's white shoes.

But this time the contrast is even sharper. The urgent need to find fresh sources of energy and develop present ones has created whole new categories of job shortages. Today the help wanted columns add rig builders, pumpers, and dehydration plant operators to the secretaries, drafters, and X-ray technicians they have sought for so long. An oil well driller can almost name his price. The sky's the limit for welders who can work on pressure vessels for natural gas.

And something else is new in the latest recession. As the recent flood of legislation on environmental and safety-and-health issues outraced the training of specialists in these fields, demand from the public and private sectors produced still another category of job shortages. The Occupational Safety & Health Administration would hire some 100 industrial hygienists right now if it could find them, and major corporations would hire many times that number. Any lab technician qualified to do the water or air analyses required by environmental protection agencies is probably working overtime. One-million? The number of jobs going begging depends on who is counting. The U.S. Labor Dept. figures that 730,000 jobs remained unfilled in December, a number that would extrapolate to 800,000 today. Van M. Evans, president of Deutsch, Shea & Evans, Inc., a New York consulting firm noted for its job market surveys, offers as an educated guess an estimate that "shortages are well over a million and growing." Other such guesses climb still higher.

In Cleveland, where unemployment tops 7% one measure of job shortage is the signs dotting chain link fences outside industrial plants. They say "Machinists Wanted."

"Good machinists are always in short supply," says Richard D. Kleise, plant superintendent at the Baker Electric Div. of Otis Elevator Co. and a former machinist. Kleise attributes the shortage to the amount of time and ability required to attain the necessary competence, and also to the fact that good machinists frequently advance to tool-and-die makers, specialized mechanics, or other highly skilled or supervisory jobs.

Gene H. Gray, a Baker machinist for 11 years, offers another insight into the machinist shortage. When he first joined Baker, he recalls, a machinist's job paid far more than most other jobs in the plant. "Today there's not that much differential between my wages and the wages of the guy who sweeps the floor or the guy who puts a bolt in a truck over there," he says. "It's not right," Gray says. "Being a machinist takes a lot of schooling and on-the-job training."

In Los Angeles, electrical engineers are in conspicuously short supply. "We advertise in local papers, we work through employment agencies, we recruit at colleges and, whenever we can, we get referrals from our present employees," says Scott G. Hasler, vice-president of administration for the Electronic Systems Div. of Bunker Ramo Corp. "And this division still has vacancies for 20 electronics engineers."

At a base salary range of $14,000 to $20,000, it's a good job, says Edward Sweeney, the electrical engineer who heads Bunker Ramo's electronic intelligence systems.

NONCOLLEGE JOBS

Below the college level there are opportunities, too, for consumer electronics technicians—the people who fix TV, hi-fi, and radio sets at salaries ranging from $150 to

$200 a week plus vast quantities of overtime. It takes only nine months to a year to acquire the skill at technical school, but Bill Brewer, Western region personnel manager for Panasonic in Los Angeles, has failed to find four such technicians after advertising daily for three straight weeks. The unemployment rate in Los Angeles is 8.9%.

Over all, the most short-handed employers in the U.S. are unquestionably the companies that drill for oil. The industry will need 5,400 workers for the 175 new oil drilling rigs scheduled to go into operation this year, says Warren Baker, vice-president of the International Drilling Contractors' Assn. in Houston, "and there is no such thing as an experienced man who is unemployed." Companies will have to train everyone they hire from scratch, says Baker, including roughnecks, derrickmen, drillers, and toolpushers.

In the related field of petrochemical production, companies accept with practiced resignation the shortage of piping designers—specialists who work from flow diagrams to design the layout of pipes in and around petrochemical refineries. A good designer makes $35,000 a year, says Robert Creedon, personnel man for Badger Co. of Cambridge, Mass., a major builder of petrochemical plants, and there is always a shortage. Few technical schools teach the skill and "outside of places like Houston, a lot of training people and potential pipe designers don't even know the skill exists," Creedon says. Piping designers are typically draftsmen who learned the skill on the job, sometimes from their fathers.

BAD SYSTEM

Although unemployment heightens the drama of job shortages, manpower experts emphasize that the underlying problem is related to neither recession nor prosperity, but involves a basic malfunctioning of the U.S. labor market. Workers seek jobs, hear about jobs, and even make their original job choices in a haphazard fashion that is increasingly impractical in today's complex economy, the experts say. They reason like this:

Job shortages—and surpluses—are inevitable in a labor market that does not even possess a device for telling job hunters where the jobs are. World Southern Corp. needs crane operators in Charleston, and Maryland Shipbuilding & Drydock Co. needs welders in Baltimore, but does anyone in Milwaukee know it?

Labor Dept. experiments in creating computerized state labor banks have received scant employer support, thanks to traditional bureaucratic red tape and traditional employer distaste for the U.S. Employment Service.

An even denser bottleneck exists at the very beginning of the job pipeline, where high school counselors still advise youngsters to go into specialists that became obsolete shortly after the counselors graduated from college. White-collar snobbery also abounds. With students bright enough to master the machinist's trade, for instance, parents and counselors join forces to urge that they go to college—although machinists, who earn an average of $4 to $7 an hour, always seem to be in short supply.

Shortages of technicians frequently stem from another cause—industry's failure to train them in time, either on its own or by notifying the public school system of its forthcoming needs. The time lag between technological innovation and commercial application, once 15 years, is now three or four. Not too long ago, International Business Machines Corp. was forced to take back computers it had leased to corporations because no programmers were available to use them.

ENGINEER SHORTFALL

It all comes of taking a short-range view of a labor market that operates inexorably in the long range, says Van Evans of Deutsch, Shea & Evans. He cites an example: Engineering classes increased from 30,000 to 40,000 between 1950 and 1968, roughly matching the rising demand. Then the 1968 recession, exceptionally hard on engineers, suddenly changed the minds of thousands of young people who had planned on engineering careers. Engineering enrollment dropped, resulting in a current shortfall of young engineers, since demand moved up again soon after the recession—which may be why Bunker Ramo cannot find electrical engineers. A more wide-scale effect is that universities expect to graduate 37,000 engineers this June and employers anticipate a need for 52,000.

Evans offers two suggestions for avoiding future shortages:

In a technological society technicians are needed to keep the machine going, so community colleges and technical schools must buckle down to the job of training them. And society as a whole must learn to grant social status to the technicians and skilled tradesmen who keep the gears moving.

Major corporations must somehow pool their individual projections of job needs to produce at least ballpark figures of what kind of specialists will be needed and when. Such a broad-gauge projection would give both the educational system and individual youngsters a basis for rational training decisions.

"The private sector could do it," Evans says, "if all major corporations threw their projections into a national hopper and then subjected them to computer analysis. One could vary projections on the basis of differing variables, and one could distinguish between short-range and long-range needs."

The difficulties would be considerable, says Evans, but the result would be an enormous improvement on present hit-and-miss methods.

WELFARE REFORMS

Mr. BROCK. Mr. President, an editorial concerning welfare reforms recently appeared in the Wall Street Journal. I ask unanimous consent that it be printed in the RECORD so that others may become aware of the need for reform in our welfare system.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A joint legislative committee in Illinois is investigating a woman who reportedly used 80 different names, 31 addresses, 27 'children,' 25 telephone numbers, eight 'deceased' husbands and three Social Security numbers to bilk social welfare agencies of millions of dollars. Arraigned on 31 assorted counts, the woman is free on bail while investigators try to figure out how she was able to acquire a fortune from a system designed to alleviate poverty.

That incident is made to order for those who believe the welfare system is fraught with fraud and deception. But the biggest failure of the public welfare system is not the occasional glaring abuses. It is the maze of disjointed and overlapping programs with conflicting objectives and administrative inefficiencies, the sort of thing that two years ago led a New York state commission to assert that some 6,000 different social agencies in New York City alone have been spending several billion dollars on a fragmented social services delivery system.

Similar conclusions can be found in a 260-page report recently issued by the Joint Economic Committee's subcommittee on fiscal policy. The report, the result of three years of congressional study, doesn't add a great deal to what the New York commission and other critics have already told us. But it's mind boggling nonetheless to see so many shortcomings summarized in one report with a minimum of editorial comment.

The authors of the congressional study, headed by Congresswoman Martha Griffiths, propose a number of improvements. They want a federally administered system run by the IRS that would replace most existing welfare programs with a system of tax credits, new subsistence allowances and work incentives. Their changes are designed to eliminate the current method of taxing workers to support loafers, of offering financial incentives for fathers to desert their families and of discouraging ambition by taxing away the entire earnings of welfare recipients who work.

The proposals seem to have been well thought out. But their major drawback is that they carry a price tag that would add $16 billion to the $142 billion already being spent on federal social services including Social Security, in this fiscal year.

Moreover the proposed reforms still don't address themselves sufficiently to the underlying problem even though it can be argued that they will mitigate that problem. And that is that snafus, duplication and piecemeal efforts in existing welfare programs are not solely the result of mismanagement. Many, perhaps most, are the result of policies aimed deliberately at forging a political power base built on welfare fund recipients.

There is nothing sinister about all this; lobbies and pork-barrels are Washington institutions. But the increased cost of welfare has far outstripped the rate of increase for all other major government programs. And overlapping jurisdictions and inefficient programs don't just waste money, they shortchange the truly needy by parceling out a large percentage of available funds to those with political influence regardless of need. This in turn breeds skepticism toward even legitimate welfare programs.

There is no easy way to put an end to this process, since it exists at every level of government. Those who have suggested ways to correct it deserve credit for trying. But quite clearly, lasting welfare reform lies in somehow removing the political profit motive from a system that has gone well beyond assisting the truly down-and-out.

SCHOOL BREAKFAST PROGRAM MUST BE CONTINUED

Mr. EAGLETON. Mr. President, in submitting his proposed fiscal 1976 budget to Congress, the President called for the termination of a number of child nutrition programs, including the school breakfast program.

Under legislation that will be proposed by the administration, these programs would be replaced by a single child nutrition block grant program. However, even if this legislation is not enacted, the President's budget contemplates termination of the school breakfast program on June 30.

The Federal Government now provides assistance to the States to establish and operate breakfast programs in schools. By and large, participating schools are those with large concentrations of low-income children. In fiscal 1974, about 84 percent of breakfasts served nationwide were either free or reduced price.

It is estimated that during the current fiscal year 257 million breakfasts will be served to an average of 1.5 million children daily at a cost to the Federal Government of $73.3 million.

In Missouri, in January of this year, 166 schools were participating in the breakfast program, serving an average of 23,060 breakfasts each day. Ninety-five percent of those breakfasts were free or reduced price, indicating almost total concentration of the program on children from low-income families.

ST. LOUIS SCHOOL BREAKFAST PROGRAM

By far the largest breakfast program in Missouri is that operated by the St. Louis public schools. Begun just a year ago with 16 schools, the program today operates in 75 city schools with a participation of as many as 18,000 children per day.

I am told that the program is very popular with principals, teachers, parents, and students and understandably so since it has had some observable results.

Last July, after only 4 months of operation, administrators of 66 participating schools responded to a questionnaire about the breakfast program.

Seventy percent of those who responded indicated that "the breakfast program influenced the attendance of participating students."

Eighty-three percent said "the program affected punctuality."

Fifty-three percent responded that there had been some "noticeable change in the performance of children in the classroom."

In recent days, a number of principals and teachers in the St. Louis schools have written to me and to David R. Page, director of the division of food services of the St. Louis public schools, concerning the value of the breakfast program to their students.

Their comments constitute such an impressive testimonial to the benefits of this program that I will quote from a few of those letters.

The principal of the Wyman School wrote:

> Since February of 1974 the breakfast program has become an integral part of the total program of the Wyman School. Since its initiation, it has been very well received by the students and parents of our area. We now serve approximately 440 students each morning, with students arriving as early as 7:15 A.M. so as not to miss their breakfast.
>
> The staff of the Wyman School has repeatedly reported to me that their students are much more receptive to learning after a breakfast, and that they can tell the students who have eaten from those who have not eaten.
>
> The student attendance at the Wyman School has been on the increase during the present school year, while tardiness has decreased. I feel that the breakfast program has contributed to the improvement in both these areas.

A letter from the principal of the Clinton Branch School stated:

> Our pupils arrive promptly, eager to partake of the breakfast program. Pupils seem to have fewer headaches and other physical anxieties that usually manifest themselves to the teachers and/or office staff attention by the morning recess period. Noticeably some pupils who are visibly undernourished are seemingly gaining more physical stamina thus indicating weight gain and more positive school attitudes.

A teacher at the Clark School wrote:

> Twenty of the children in my class go to breakfast regularly. The children who go are showing progress in many areas.
>
> A great deal of their restlessness is gone. Attention span seems to be longer. The room atmosphere is more tranquil. Most important, the reading and arithmetic levels seem to be rising.

A supervising teacher at the Field Branch School wrote:

> We know that a sound mind is the product of a sound body and a sound body is the product of adequate nutrition as found in the variety of delicious hot and cold items served. Too often, this is the only adequate breakfast nutrition some of our pupils get . . .
>
> Teachers have commented that the ability to concentrate has improved and some hyperkinetic children are developing quiet controls as a result of regular nourishing meals.

A letter from the principal of the Euclid School said:

> Euclid School has a high intensity A.D.C. population. Over ninety-five percent of the student population is eligible for the free and reduced price breakfast. As the economic situation becomes worse, this percentage will undoubtedly rise. The children definitely need this food. If they are not served breakfast at school, they do not eat breakfast.
>
> The quality of the breakfast is good. Besides being nutritious the breakfast is tasty. There is little or no waste by the children. All of the items are consumed. This, by itself, speaks highly for the program.
>
> A higher attendance and lower tardiness rate can also be partially attributed to the breakfast program. An effort was initiated to improve these two things at the time the breakfast program was begun. The results have been good. The attendance went from 88% in the first semester last year to 94% in the second semester. Although this was not all due to the breakfast program, we do see children who were habitually tardy or absent now coming more punctually. This is due partially to the breakfast program. These children also seem to have more energy and a better learning attitude based on teacher observation.

A supervising teacher at the Divoll Branch School observed:

> With so many mothers working to help support their families those pupils, who on numerous occasions did not get breakfast at home because mother didn't have time to prepare it everyday, are now receiving a well balanced meal to start the day. This is most important. A child can't do his/her best work when he's experiencing hunger-pangs.

And finally, I quote from a letter from the principal of the Carr Lane School:

> As a principal with many years of experience I can attest to the fact that this program has been a program not only of motivation educationally, but a nutritional necessity to the children of the poor. Many of our children would not receive adequate food and nutrition if it were not for our ability in schools to furnish same.
>
> Since our breakfast program was inaugurated our attendance (tardiness and absences) has improved. Our achievement rate of development in the skills area has increased and our discipline problems have decreased, especially those of an emotional nature.

Mr. President, it is not always easy to perceive the benefits, if any, from the expenditure of Federal dollars. But the letters from which I have quoted today indicate this is not true of the school breakfast program.

This program is having an important, demonstrable effect on the daily lives of thousands of young children in St. Louis and other communities in Missouri and throughout the Nation—an effect that my alter, to a greater or lesser degree, the future course of their lives.

The administration's decision to terminate this program in order to reduce the Federal budget by something less than $100 million is indefensible, especially in view of concurrent requests for additional billions of dollars for defense and foreign aid.

The school breakfast program must be continued and should be made available to additional numbers of low-income children.

LEGISLATION TO EXTEND BREAKFAST PROGRAM

I am pleased to be a cosponsor of S. 850, the bill introduced by the Senator from South Dakota (Mr. McGOVERN), which would extend the school breakfast program beyond June 30.

Similar legislation was approved last week by a subcommittee of the House Education and Labor Committee and is scheduled to be considered today by the full committee.

S. 850 should receive similarly expeditious consideration in the Senate so that schools and children participating in the school breakfast program will be assured of its continuation.

ENERGY CONSERVATION IN LAS CRUCES, N. MEX.

Mr. DOMENICI. Mr. President, I cosponsored Senate Resolution 59 on energy conservation which was approved by the Senate on February 5, 1975. This measure called on the President to declare February 16 to March 15 Energy Conservation Month.

In the furtherance of energy conservation, I think it is appropriate to bring to the attention of the Senate some conservation initiatives instituted by the city of Las Cruces. The people of Las Cruces are to be commended for their efforts and commitment to energy conservation as we work toward the solution to our mutual energy and economic problems.

I ask unanimous consent that a letter which I received from Robert B. Munson, mayor of the city of Las Cruces, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> CITY OF LAS CRUCES,
> *March 4, 1975.*
>
> Hon. PETE DOMENICI,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR DOMENICI: The City of Las Cruces, New Mexico has been engaged in an active program in energy conservation for the last three years in an attempt to do our part in meeting national goals in energy reduction.
>
> The City operates a natural gas utility; this utility functions as a business enterprise. One of the things our utility advertising budget has been doing for the last two years is stressing the need for conservation and techniques that home owners can use in reducing heat leak and thus natural gas consumption in their homes.
>
> Within our City operation we have also striven to reduce energy consumption:

We have turned off half of the street lights in our down town area to lower electrical usage.

We have installed photo-cell controls in the gas lighting used in our Downtown Mall which has cut our gas usage for this purpose by about one-half.

We have installed new controls and timing devices on our traffic signal controls to improve traffic flow and to minimize as much as possible start and stop driving caused by badly timed lights.

We have reorganized our sanitation (garbage pickup) truck routes and put this service on the four-day week and cut twenty (20%) percent of the monthly mileage previously required by this program.

We have imposed new controls on the use of our City vehicle fleet. We did this in part by establishing a motor pool to more carefully control vehicle usage and in part by reducing the number of cars performing non-critical services to force better sharing of the available transportation.

We have been trying for two years to find a way to invigorate the local bus service which operates under a Las Cruces franchise but have so far been unsuccessful in this.

Recognizing the need for even sterner energy conservation measures, the City Commission established an ad hoc energy advisory task force which we hope will study energy usage in Las Cruces (with particular regard to natural gas), and will recommend even further measures upon which the City Commission can act. A copy of our resolution and charge to the energy task force is enclosed.

If there are other things that Las Cruces can do to contribute to the solution of the nation's energy problems, I would be pleased to know of them.

Sincerely,

ROBERT B. MUNSON,
Mayor.

RESOLUTION NO. 75-110

A resolution establishing a task force on energy

The City Commission of the City of Las Cruces, New Mexico, is informed that:

The Federal Power Commission has issued Opinion No. 697-A which would limit the purchases of natural gas to predetermined seasonal volumes;

The intent of their opinion is to halt the increase of gas consumption within the residential and commercial priority categories;

The City of Las Cruces, New Mexico, desires to continue to serve new customers;

If the City of Las Cruces is to serve additional buildings, conservation measures must be undertaken by our existing customers;

A complete analysis of the existing natural gas policies of the City is necessary to develop new policies for the natural gas system;

The City of Las Cruces desires to have the analysis made by a temporary committee of citizens.

Therefore, the City Commission of the City of Las Cruces, New Mexico, determines, resolves and orders as follows:

I

That a committee entitled "A Task Force on Energy" be established to review the current natural gas policies of the City and to develop suggested courses of action for the City Commission and the City Staff.

II

That Exhibit "A" be the basis for the committee's actions.

III

That this Task Force is not to be a permanent committee of the City of Las Cruces and is to be disbanded upon the submission of its final report.

Done and approved this 3rd day of March, 1975.

EXHIBIT "A": TASK FORCE ON ENERGY

PURPOSE

The Task Force is to review the energy policies of the Utilities Division and to suggest courses of action which will fairly share the problems of the energy crisis with all of our citizens, which are in compliance with recent FPC orders, and which will insure the receipt of their fair share of the available energy.

GOAL

The Task Force is to develop suggested courses of action which can be followed by the City Commission and by City staff. This recommended course of action shall be in the form of a written report.

TASK FORCE STRUCTURE

The Task Force should be fourteen in number and composed of two City staff members, five citizens appointed by individual commissioners to represent consumers, two representatives of the home building industry, one representative of the financial institutions, one representative of the Chamber of Commerce, one professional engineer having knowledge of structural design, one mechanical engineer having knowledge of insulation and thermal conductivity and a member from the Codes Enforcement Board of Appeals. Nominations for several individuals will be sought from the groups representing each of the above interest areas. The City Commission will appoint members from among the nominees. The Task Force will select the chairman.

The Director of Utilities will serve as liaison to the Task Force and will act in the function of executive director for arrangements with the Task Force. The City will provide secretarial services to the Task Force.

DURATION

This Task Force is not to be a standing committee. The Task Force is to be terminated upon the submission of the final report ninety days from the date the appointments are made by the City Commission.

REPORTS

Two reports will be submitted by the Task Force to the Commission. The first report should be made within forty-five days and should contain recommendations that the City Commission can initiate. The final report from the Task Force to the Commission should be made within ninety days.

CHARGE

The Task Force should be charged with reviewing and reporting recommendations to include, but not limited to, the following eight items:

1. Source of supply.
For example,
a. El Paso Natural Gas Company.
b. Supplements from intrastate sources.
c. Peak shaving and storage devices.

2. Facilities for transmission and distribution.
For example,
a. Alternate delivery line.
b. Capital improvements to the distribution system.
c. Leak detection and repair.

3. Rate structure and service charges.
For example,
a. Analysis of rate structure and inclusion of high prices for high gas consumption.
b. Methods to internalize penalties and incentives within the rate structure.
c. Standby charge.
d. Charge for service calls.
e. Services which should be charged for instead of being free.

4. Extension policy for gas lines.
For example,
a. Extension into new subdivisions.
b. Compensation for extension.

5. Incentives and suggested methods for reducing gas consumption.
For example,
a. Home insulation.
b. Policies for pilot lights.
c. Credit allowances for insulation.
d. Dual pane windows.
e. Thermostat settings in local businesses.
f. Alternate fuel source for large commercial establishments.
g. User allotments.
h. Recommended methods for controlling heat losses.

6. Analysis of the reaction to rules promulgated by regulatory agencies.
For example,
a. Legal response for interventions in hearings.
b. Equity in gas load consumption.
c. Information to public.
d. Establishment of escrow accounts.

7. Utility advertising and public information policies.
For example,
a. Conservation advertising.
b. Type of conservation information to be disseminated to public by advertising.

8. Alternate energy source.
For example,
a. Use of hydrogen.
b. Impact of policy on electrical industry.
c. Exotic fuel use.

TRUTH IN SAVINGS

Mr. GRAVEL. Mr. President, I wish to call the attention of the Senate to a very excellent article by my friend and colleague, the Senator from Indiana (Mr. HARTKE), which appeared in the Pepperdine Law Review. Entitled "Full Disclosure of Consumer Savings Information," it sets out in very lucid prose the almost insurmountable problems the consumer now faces simply in making a rational decision as to where he should open a savings account.

Senator HARTKE draws our attention to the fact that there are now more than 50 different methods of earnings computation in use. These variations in the method of calculating earnings can result in a monetary difference of as much as 150 percent over a 6-month period. Yet at present the consumer has no way of deciphering the complex formulae which could tell him whether or not a particular institution is giving him a good deal or a bad deal. The information he needs to do this simply is not made available.

To remedy this situation and provide the consumer the information to which he is rightfully entitled, Senator HARTKE introduced in the 93d Congress the Consumer Savings Disclosure Act, S. 1052, of which I was pleased to join as a cosponsor. Legislation in this area is vitally needed, and Senator HARTKE is to be commended for his pioneering work in this field.

I urge every Senator to read our colleague's article in the Pepperdine Law Review. I think Senators will agree with me that it moves the debate on this subject a significant step forward.

Mr. President, I ask unanimous consent that the article by Senator HARTKE, entitled "Full Disclosure of Consumer Savings Information," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FULL DISCLOSURE OF CONSUMER SAVINGS INFORMATION

(By Vance Hartke*)

INTRODUCTION

Americans place more than $78 billion of disposable income into savings accounts each year.[1] This is money saved for emergencies, for children's education, for a new home, for a long awaited vacation, and for many other purposes. Despite the fact that savings are so important to so many of us, few Americans realize the importance of the decision to place their money into a savings institution.

Just as an individual shops for the best buy when purchasing a new car or a washing machine, he should also shop when opening a savings account. What is savings to him is income for a savings institution—income which is used to produce profits. In the same way that stores offer different terms for washing machines, savings institutions offer different terms for money entrusted to them.

Unfortunately, the consumer does not have enough information at his disposal before he opens an acount. He is confronted by confusing claims in newspaper advertisements and a variety of technical information which is difficult to understand. There are more than fifty-four different methods of earnings computation in use today.[2] They include LIFO, FIFO, low balances, day-of-deposit to day-of-withdrawal accounts, daily interest and grace days, combined with the infinite possibilities of compounding which include sem-annually, quarterly, daily, and continuously.

Differences in earnings rates and methods of computation are important to the average consumer. Mere variations in the method of calculating earnings can result in a monetary difference of as much as one hundred fifty percent over a six-month period. Yet, I doubt that most of us know precisely which method of earnings computation our savings institution uses. We may know that it compounds and credits earnings quarterly, but do we know whether it bases its computations on the lowest balance during the quarter, or on some other system which emphasizes the beginning balance during the quarter or first deposits during the quarter? We may know that our savings institution credits earnings from the first day of the month even though we deposit money on the tenth day, but do we know if there are any panalties for excessive withdrawals during the quarters? At some time during our lives, each of us make at least one major withdrawal from our savings accounts, but do we honestly know what is the best month (or day) for such a withdrawal?

This is all complicated information, but it is, nevertheless, important for consumers to have it. A withdrawal made at the wrong time may well mean a serious loss of earnings. Money placed with one institution may not earn as much as money placed with another. If we work diligently for our money, then we must invest it wisely. Opening a savings account is the same as investing our money.

Consumers have both a need to know this information and a right to know it. This right to basic knowledge was first enunciated by President Kennedy in 1962.[3] Many years before, however, it was recognized in the Truth in Securities Act of 1933, which established the Securities and Exchange Commission[4] and in such more recent legislation as the Consumer Credit Protection Act (Truth in Lending Act)[5] and the Fair Packaging and Labeling Act (Truth in Packaging Act.)[6] All of these laws require standardization of terminology to improve communication with consumers.

THE TRUTH IN LENDING ACT

The Truth in Lending Act of 1967 provides valuable insight into the need for consumer disclosure information.[7] The basic purpose of that legislation is to provide full disclosure of credit charges to the American consumer. The main thrust is not at regulating the credit industry, but rather at letting the consumer decide for himself whether the credit charge is reasonable. By enabling the consumer to compare the cost of credit among different creditors, Truth in Lending seeks to promote the wiser use of consumer credit.[8]

The Senate debate on Truth in Lending was marked by little opposition. The only doubts about the bill were raised by Senator Thomas McIntyre of New Hampshire.[9] He was concerned about the possible adverse effect which Truth in Lending would have on small businesses which compete with large enterprises. He also questioned the appropriateness of congressional action in a field which traditionally had been subject only to state regulation. In the final analysis, Senator McIntrye said that the bill gave consumers a meaningful way of comparing the entire cost of credit.

THE SAVINGS EXPERIENCE

A consumer depositor meets several problems, not the least of which is his lack of knowledge about savings institutions and their practices. This rather complete ignorance sets the savings experience apart from the Truth in Lending experience described above. In the latter, many consumers were aware of their ignorance; but this awareness does not pertain to savings deposits.

Most consumers believe that a savings institution which indicates that it is offering an earnings return of five percent compounded and credited quarterly has provided them with as much information as they need to know and can possibly use to make a rational choice among savings alternatives. Given a choice between that institution and one which offers an earnings rate of four percent compounded and credited quarterly, the decision would seem to be obvious. But given a choice between two institutions which offer the same five percent rate, the consumer will probably determine that the placement of his savings in either institution will be equally beneficial to him.

It is at this point that the consumer's ignorance begins to hurt him. There are far too many different methods of calculating earnings to allow the assumption that even two identical earnings rates will yield the same earnings over an equal period of time. In addition, there is no standardization of even the most basic of terms. Thus, what is a year for one institution will be more, or less, than a year of another.

Some savings institutions use a three hundred sixty day year, and others use a three hundred sixty-five or three hundred sixty-six day year. Quarterly compounding for one institution may mean one-fourth the annual earnings rate while for another it may be based on the number of actual days in the quarter divided by the number of actual days in the year. Furthermore, savings institutions use different factor tables resulting in different earnings rates.

One need only look at the daily newspaper to know that savings institutions provide potential depositors with varying amounts of information. Some advertise only their annual percentage; others advertise only their annual percentage yield (which reflects the effect of compound interest); and still others use both rates. Many institutions do not advertise how often earnings are compounded or credited, and still others use misleading terms such as "retroactive interest is better than daily interest."

All of these institutions are operating within the law, but existing Federal regulatory institutions merely establish the parameters within which savings institutions may operate. They have yet to exercise their statutory authority to standardize and define terms so that the consumer can be informed.

A definitive study of this subject has turned up the information that many savings institutions are unable to describe adequately their own methods of calculating earnings.[10] That same study demonstrated that it was possible for two institutions with apparently comparable earnings rates to vary as much as one hundred seventy-one percent in the amount of earnings paid on a specified six-month savings program.

Although that study made use of forty different methods of earnings calculation, the following exhibits show the variations which can occur using only seven widely used methods of calculation:

EXHIBIT A

Date	Withdrawal	Deposit	Balance (without interest)
Jan. 1, 1970			$1,000
Jan. 10, 1970		$2,000	3,000
Feb. 6, 1970		1,000	4,000
Mar. 5, 1970	$1,000		3,000
Mar. 20, 1970	500		2,500
Mar. 30, 1970	500		2,000
Apr. 1, 1970			2,000
July 1, 1970			2,000

EXHIBIT B

(Annual percentage rate of six percent)

System	*Yield*
Low Balance: Compounded and credited semiannually	$29.75
Low Balance: Compounded quarterly and credited semiannually	29.97
Low Balance: Compounded and credited quarterly	44.93
First in-first out applied to beginning balance: Compounded and credited quarterly	52.44
First in-first out applied to first deposits: Compounded and credited quarterly	53.93
Last in-first out: Compounded and credited quarterly	58.44
Day of deposit to day of withdrawal: Compounded and credited quarterly	75.30

Most savings institutions seek to attract new depositors through newspaper and other mass media advertisements. A recent study, however, found that a substantial proportion of those advertisements were uninformative.[11] The study also showed that the lack of information in advertisements is not necessarily a function of the ad. Twelve percent of the small ads included in the study were completely informative and twenty-two percent of the ads between one-half and two full pages in size gave almost no facts at all.

The ultimate problem faced by the consumer depositor is the annual report he receives from his savings institution which reports the amount of earnings his account has accumulated during the previous calendar year. Because of the lack of information of methods of earnings calculations and rates of earnings, it is impossible for him to check the accuracy of the savings institution's calculations.

Each of us makes periodic checks of our checkbook balance. If there is an error, we usually find it to be in our own calculations. Occasionally, however, banks do make errors. These can be determined for checking accounts because the calculations involved are relatively simple; but this is far from the case with most savings accounts. So long as the principal remains untouched throughout a full earnings period, there is little difficulty in checking a savings institution's calcula-

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Footnotes at end of article.

tions. But if the depositor adds or subtracts principal during the earnings period, checking the earnings calculation is made impossible.

CONSUMER SAVINGS INFORMATION PROPOSAL

Each of these problem areas for consumer depositors can be corrected so that he has adequate information to assist him in (1) making a rational choice among various savings alternatives, and (2) checking a savings institution's earnings calculations. With this in mind, I joined with Congressman William Roy of Kansas in 1971 and again last year in sponsoring the Consumer Savings Disclosure Act—more popularly known as Truth in Savings.[12]

One of the primary objectives of this legislation is to clear up ambiguities of terminology. Use of such terms as "annual percentage rate" and "annual percentage yield" is not uncommon in many newspaper advertisements.[13]

The term annual percentage rate means the nominal rate used to compute annual earnings. The use of this term assists the consumer in understanding the concept of rates as applied both to savings and to credit. Credit and savings are mirror images of each other. The credit consumer borrows from the savings institution; the savings institution borrows from the consumer. The use of common terminology in both credit and savings transactions is, therefore, desirable.

Annual percentage yield, on the other hand, includes the resulting effect of the compounding of earnings. Whether earnings are compounded on a daily, monthly, quarterly or semiannual basis will affect percentage yield measurably. In the hypothetical account I cited on page six, earnings compounded and credited semiannually at an annual rate of six percent amount to $29.75, while earnings compounded quarterly and credited semiannually at an annual rate of six percent amount to $29.97. This means that the annual percentage yield for the two types of accounts is different, even though the annual percentage rate is the same.

The Hartke-Roy Consumer Savings Disclosure Act makes it a requirement that each savings institution disclose to potential depositors its annual percentage rate and its annual percentage yield. In addition, it must disclose the minimum length of time a sum of money must remain on deposit to earn interest at the annual rate.

There are two other essential pieces of information which must also be disclosed according to the requirements of the Truth in Savings legislation. The first is the periodic percentage rate. In the equation:

$$E = prt$$

the "E" factor is the earnings that will result from the deposit and the "t" factor is the time during which the funds are actually on deposit. The "r" factor is the periodic percentage rate—the rate which is actually applied in figuring earnings for each time period. If earnings are computed each quarter, for example, the periodic rate is the actual rate which the savings institution uses to calculate interest for that quarter. (For most institutions, the periodic rate in this example would be one-fourth of the annual percentage rate.)

This periodic rate has been used in the credit industry for years. An examination of a department store credit account, for example, will disclose that the store states the monthly percentage rate which it applied to the unpaid balance on the account. This monthly rate is the periodic percentage rate.

The second piece of essential information which must also be supplied to consumers is the method by which the balance upon which earnings are calculated is determined. In the equation cited above, this represents the "p" factor. Which balance is used in computing earnings is crucial to the consumer. Will it be the low balance, the average balance, the "daily" balance, or some other balance? This information is vital to consumers; yet, there are so many different methods of computing earnings that he cannot be expected to know this fact without being told by the savings institution.

Some savings institutions make provision for grace days. Under this option, a consumer may place a deposit in the institution after the first of the month and yet that deposit will accumulate[14] earnings as if it had been deposited on the first of the month. Other institutions impose a charge on excessive withdrawals from an account. My bill requires that this type of information must also be disclosed to the potential depositor.

To minimize the possibility for error and misunderstanding, my proposal requires that savings institutions make the following annual disclosures to their depositors: the amount of earnings payable; the annual percentage rate; the periodic percentage rate; the principal balance to which the annual percentage rate was applied and the method by which that balance was computed; and a detailed explanation of any differences between the amount of earnings payable and the maximum amount of earnings that would have been payable had the terms and conditions for such maximum payment been met.

Finally, to supplement the disclosure requirements of my bill, basic requirements are also established for advertising. All advertisements relating to earnings payable on an individual savings deposit must state with equal prominence the annual percentage rate and the annual percentage yield. Ads must also state any minimum amount of deposit and time requirements. No advertisements will be permitted to include any indication of percentage rate or percentage yield which is based on a period in excess of one year or on the effect of any grace period. In this way, the consumer will be able to make effective comparisons among various savings institution advertisements.

Nothing could be clearer than the need for this information to be in the hands of consumers. The American public deserves to have all the facts needed to make a prudent choice among savings institutions. The "Truth in Savings Act" puts such information at their disposal. It is based on the premise that the best-protected consumer is the best informed consumer. In no way does it tell financial institutions what they should pay or how they should pay it. They are free to compete with each other as they choose. It merely provides that financial institutions tell in clear and meaningful language what they are doing for the depositor.

There are certain very clear comparisons between Truth in Savings and the Truth in Lending Act.[15] The terminlogy used throughout both proposals is highly similar. In many ways, Truth in Savings is a mirror image of Truth in Lending. The consumer placing his money in a savings institution receives earnings in return for his placement; the consumer who borrows money pays a finance charge which represents the credit agency's earnings. Both consumers need to know the relative costs or benefits which result from dealing with various institutions. Both are confronted by annual percentage yields. Since Congress has recognized the need for legislation to clear up the confusion on the credit side of the transaction, it should also act to clear up confusion on the savings side.

In discussing the "Truth in Savings" proposal with savings institutions, I have been pleased with their support of its objectives. They are just as anxious as I am to eliminate any sources of misunderstanding for consumers. What is most important is that we develop a national concern for the problems of consumer depositors, and then translate that concern into positive legislative action.

Some have suggested that the objectives of the Truth in Savings Act can be achieved more easily by Federal regulation, rather than by legislation. There are, however, drawbacks to this approach.

Not all savings institutions are under Federal regulatory authority. The Federal regulatory agencies are: The Federal Reserve Board, the Federal Depoist Insurance Corporation, the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation. Although the latter three agencies have power over state financial institutions, not all state institutions are covered.[16]

The corollary problem to this is that, for any Federal action to be effective against all those institutions under Federal regulatory authority, each of the Federal regulatory agencies must act in concert. At the present time, there is evidence that only the Federal Deposit Insurance Corporation has recognized the possible need for such administrative regulation.

In a September 15, 1971, letter to Senator John Sparkman (Chairman of the Senate Banking, Housing and Urban Affairs Committee), the Chairman of the FDIC, Frank Wille, made the following statement:

"The Corporation, of course, favors the full and accurate disclosure to depositors of the applicable rates of interest and of the other terms and conditions governing their deposits. We believe, however, that the Corporation's Board of Directors, the Board of Governors of the Federal Reserve System, and the Federal Home Loan Bank Board presently have statutory authority sufficiently broad to enable them to adopt any regulations necessary to accomplish the bill's objectives with respect to insured banks and savings and loan associations."

Since the writing of that letter, no action has been taken by the regulatory agencies to assert this statutory jurisdiction. Either the FDIC determined that it did not have the authority to propose regulations, or else it decided that such regulations were not needed. It seems apparent that the use of regulations to achieve Truth in Savings is a hopeless cause.

RESPONSE OF THE FEDERAL AGENCIES

Most of the Federal agencies responsible for the regulation of financial institutions made formal comments on the Trust in Savings Act (S. 1052) during Senate hearings held in 1973.[17]

The Federal Home Loan Bank Board cited the fact that newspaper advertisements for savings accounts are often confusing, making comparison shopping among savings institutions difficult.[18] The Board agreed that consumers should be informed of the annual percentage yield, but thought other information required to be disclosed by the bill would be too confusing.[19]

The Federal Reserve Board stated that it "would support enactment of legislation along the line of S. 1052."[20] However, contrary to the position of the Federal Home Loan Bank Board, the Reserve Board thought that the annual percentage yield, rather than the annual percentage rate, should be the only information disclosed to the consumer. Both agencies thought that the responsibility for implementing Truth in Savings ought to rest solely with the Federal agencies which regulate savings institutions, rather than including the Federal Trade Commission as proposed in S. 1052.

The Federal Deposit Insurance Corporation stated that it preferred a regulatory approach to the statutory method embodied in S. 1052.[21] The National Credit Union Administration cited its support for the objectives of the legislation but noted the difficulties which credit unions would have complying with it.[22]

Footnotes at end of article.

Although the Treasury Department did not enter a comment on S. 1052 during the Senate hearings, it has since made its position quite clear. On October 11, 1973, the Treasury sent to Congress the Financial Institutions Act of 1973.[23] That bill includes a Truth in Savings proposal.[24]

The Treasury Department's proposal eliminates the requirement of S. 1052 that the annual percentage yield and the periodic percentage rate be disclosed to depositors at the time accounts are opened.[25] It also eliminates the requirement that the periodic percentage rate and the principal balance to which that rate was applied be disclosed to depositors annually and at any time an earnings report is made to the depositor.[26] It retains the advertising requirements of S. 1052 [27] and most of the administrative enforcement provisions of that bill,[28] but it eliminates any role for the Federal Trade Commission.

This commitment to Truth in Savings by the Treasury Department and by almost all other Federal agencies which regulate financial institutions demonstrates the need for disclosure to consumer depositors. What all these agencies have neglected, however, is the need to provide depositors with enough information to verify the earnings calculations of savings institutions.

Without access to information about the periodic percentage rate, it will be impossible for a depositor to know whether the bank has made an accurate calculation of his earnings. The need for this information was highlighted during testimony before the Subcommittee on Consumer Credit presented by Professor Richard L. D. Morse of the Department of Family Economics at Kansas State University.[29] Dr. Morse entered into the hearing record by reference a series of correspondence which he had with the New York Bank for Savings.[30] That correspondence recited the fact that Dr. Morse opened two identical savings accounts at that institution. A deposit of $500 was made in each account on April 16th. In January of the following year, earnings of $18.96 were entered by the bank on the first account and $22.04 on the second account. Neither account had any activity in the interim. The annual rate of earnings on both accounts was listed as five and three-quarters percent. The only difference was that the earnings on the first account were credited as of January 15th, and the earnings on the second account were credited as of January 20th. As these were accounts where earnings were to be compounded and credited quarterly, rather than daily, it was clear that an error had been made, and the bank so acknowledged that it had erred.

Dr. Morse was able to discover the error because he had two identical accounts in the same savings institution. Had he opened only the first account, he would have received an earnings report of $18.96 and would not have known that the earnings report was incorrect. Because Treasury's proposal would not require that this information be disclosed to depositors, that proposal would not enable consumers to check the validity of earnings calculations by savings institutions.

Overall, the Treasury's proposal fails to give the consumer information until the initial deposit is made, and then it requires information be given about all types of savings accounts offered by the institution, rather than the one type of account which the depositor has already opened. The proposal fails to give the consumer such vital information as the annual percentage yield, the periodic percentage rate, and the balance to which it is applied, thus perpetuating the current state of confusion and making it impossible for the consumer to check the validity of earnings calculations.

CRITICISM OF TRUTH IN SAVINGS

Two objections raised to the Truth in Lending Act by Senator McIntyre, *supra*, have been raised in connection with Truth in Savings. The first is the possible adverse effect on small savings institutions.

Informing consumers costs money. Just how much cost is involved in Truth in Savings has yet to be determined. The bill requires that potential depositors be given certain basic information. Requirements for advertisements are also established. Neither of these requirements involve any significant additional expenditure of money on the part of savings institutions. The former can be accomplished by simply expanding the information at the time application is made for new accounts. The study of savings institution advertisements cited above on page six, demonstrated that small advertisements can be just as informative as large ones. Therefore, the latter requirement should entail no additional expense whatsoever.

The only additional expense of any importance might come in the bill's requirements to provide existing depositors with basic information about their accounts. This information can be provided on the forms which are presently sent to all depositors at the end of each year. Computers would have to be re-programmed to supply new information on those forms. Smaller savings institutions, particularly small credit unions, might have difficulty meeting the expense of this requirement. If this proves to be the case, there is ample provision in the legislation for the Federal Reserve Board to exempt certain classes of savings institutions from any or all of the requirements of Truth in Savings.[31]

During the hearings of the Subcommittee on Consumer Credit, various criticisms of Truth in Savings were voiced by groups representing varying points of view. The American Bankers Association felt that there is already existing statutory authority for accomplishing the objectives of Truth in Savings and charged that S. 1052 represented an "inflexible approach." [32] They, too, objected to the periodic percentage rate as "unworkable."

A joint statement by the California Savings and Loan League and the United States Savings and Loan League urged the Federal regulatory agencies to "get together and set up some guidelines or regulations which would eliminate the abuse and misunderstandings" involved in savings deposits.[33] These two organizations also objected to the periodic percentage rate, saying that it would "blow the minds of consumers." [34]

Further objection came from a representative of Ralph Nader's Public Citizen Litigation group who urged that savings institutions be limited to one method of earnings computation, the day-of-deposit to day-of-withdrawal method.[35]

While the day-of-deposit to day-of-withdrawal method of earnings computation may be the most advantageous method of computation in most cases, limiting savings institutions to this method has two serious drawbacks. First, it ignores the varied needs of savings institutions, not all of which can offer this method of earnings computation at attractive earnings rates. Second, it ignores the welfare of depositors who can benefit from the higher earnings rates which can be made available under other methods of earnings computation.

The Credit Union National Association noted that credit unions declare their dividends (i.e. earnings) at the end of each period based on net earnings after provision for required reserves. This provision for dividends is permissive, rather than mandatory, making it difficult—if not impossible—for credit unions to inform their depositors what the dividend rate will be for the coming period.[36]

This is a valid objection which can be taken care of by a provision which enables credit unions to inform their depositors of the most recent dividend declared.

Finally, the National Association of Mutual Savings Banks declared that it was satisfied that existing Federal and state regulation of savings institutions made further legislation unnecessary.[37]

CONCLUSION

Amidst the growing awareness that we know so little about the products and services we purchase, there is a need for full disclosure of information about savings accounts. The comments of a Commissioner of the Federal Trade Commission on the need for truth in advertising of products are also applicable to the need for Truth in Savings.

"Today the consumer's need for information in order to make the type of meaningful rational choices among products and services offered in the marketplace on which the competitiveness of the marketplace depends, is totally different from what it was even a decade ago. As a result, it can be anticipated that the material facts which must be disclosed in order to ensure that the truthfulness of an advertising message will be far more extensive than what had formerly been regarded as material in a marketplace composed of simpler and less technical products and in which the consumer's purchasing skill and knowledge was not so widely dissimilar from those of his seller as it is today.

"The fairness of advertising messages is of crucial importance, both to the need to protect consumers from untruths and also to the role of advertising in promoting the competitiveness of the marketplace. Thus, in the context of today's marketplace, advertisers and regulators must increasingly ask themselves whether advertising is fair, either to consumers or to competitors if an advertising message causes consumers to reach for a particular name brand product in the manner of one of Pavlov's dogs, without thinking about its comparable qualities or its basic ingredients or even of the consumer's need for it? Is it fair for the advertiser to entice a consumer into the marketplace, confront him with a series of products about whose properties he is entirely ignorant and present him with a highly selected set of facts but with no facts at all about the performance of these products when the seller is the only source of the information and the buyer has no practical or ready means to ascertain the facts himself or to even know there are relevant facts he should know?" [38]

We need consumer savings disclosure legislation because, without it, consumers will continue to make their savings decisions in ignorance. In an age of consumer rationalism, this is a condition which cannot be permitted to exist.

FOOTNOTES

[**] United States Senator from Indiana. The author would like to express his appreciation to his Legislative Assistant, Howard Marlowe, for his invaluable assistance in preparing this article.

[1] Federal Reserve Board Report on the Flow of Funds Unadjusted for the Fourth Quarter of 1972 and Preliminary (1973).

[2] *Maybe We Need Truth-in-Savings, Too,* Changing Times, Feb. 1971, at 7.

[3] President's Message On Consumers' Protection and Interest Program, H.R. Doc. No. 364, 87th Cong., 2d Sess. (1962).

[4] *See generally* P. Douglas, In Our Time (1968).

[5] 15 U.S.C. § 1601–13, 1631–41, 1661–65, 1671–77 and 18 U.S.C. § 891–896.

[6] 15 U.S.C. § 1451–61.

[7] 113 Cong. Rec. 18400 (1967) (discussion by Senator Proxmire of Wisconsin on the need for Truth in Lending).

[8] *Id.* at 18413.

[9] *Id.*,

Truth in Lending was designed to improve competition among all classes of lenders. Everybody is in favor of improving competition, of course. But it seems to me that any improvement in competition, and I refer specifically to competition in vendor credit, will place the national chain stores, the great mail order houses, and the large metropolitan retailers, in a substantially advantageous position over the small neighborhood or country store, with its limited access to credit facilities and its inability to use automated data processing techniques for its accounts receivable.

Perhaps, from the viewpoint of the consumer, such competition will continue to be desirable. But, Mr. President, we are legislating for an entire Nation, not just a nation of consumers, but a nation of shopkeepers, of small businessmen, of corner groceries and small automobile dealers. And I believe that the present bill may tend to injure these men and women.

Another objection which I have to this bill, as well as to its predecessors, goes to the appropriateness of congressional action in what has traditionally been an area subject to State regulation. Practically every State in the Union already has consumer credit legislation on the books, but in one fell swoop the Congress is preparing to enter, and practically preempt the field. . . .

I might point out that my preference for State, as opposed to Federal legislation in this area is not based upon any reliance on the old cliche of 'States rights.' Rather, it is based upon two practical results of the historic regulation of consumer credit by the States themselves. First, the States have already created and funded the administrative machinery needed to enforce and administer consumer credit laws. The Federal government has no such administrative machinery, and its creation would add to the taxpayers expenses only to duplicate existing State machinery.

In addition, consumer credit legislation is intertwined with a whole network of related State legislation. The pending bill deals only with disclosure, and, although we have tried our best to foresee any conflicts with other State laws, we do not know how well we have succeeded. What, for example, will be the effect of this bill on existing State usury laws? We hope that disclosure under this bill will have no relevance to State usury laws, but only State legislative, and not the Congress, is competent to dovetail the two different kinds of regulation . . . .

[10] J. Pinson, Truth in Savings, 1970 (unpublished thesis at Kansas State University).

[11] 117 Cong. Rec. 22336–38 (1971) (Study conducted by Diana Osbaldiston).

[12] S. 1052, 93d Cong., 1st Sess. (1973).

[13] *See e.g.*, Washington Post, Nov. 20, 1973 at p. D8; New York Times, Nov. 19, 1973 at p. 29.

[14] *See e.g.*, Washington Post, Dec. 9, 1973 at p. F3.

[15] Comparison of truth in lending and truth in savings, table following in footnote:

Truth in Lending Act (sections of Regulation Z)	Term	Truth in Savings Act (sections of S. 1052 or H.R. 4985)
§226.7(b)(4).....	Finance charge/ earnings.	§3(a)(4); 6(b)(1).
§226.7(b)(6).....	Annual percentage rate	§4(b); 6(a)(1); 6(b)(2).
§226.7(b)(9).....	Time allowance.	§6(a)(2).
§226.7(b)(5).....	Periodic percentage rate.	§4(a); 6(a)(4); 6(b)(3).
N/A; no compounding involved.	Annual percentage yield.	§4(c); 6(a)(3).
N/A; see above.	Number of time each year earnings are compounded.	§6(a)(5).
Do.........	Other factors affecting yield.	§6(b)(6).
§226.7(b)(8).....	Method used to determine balance to which rate is applied.	§6(a)(4); 6(b)(4).
§226.7(b)(9).....	Dates earnings payable or finance charge assessed.	§6(a)(6).
§226.7(b)(4).....	Other charges...	§6(a)(7); 6(b)(5).

[16] According to the Federal Home Loan Bank Board there are 1,036 non-Federally regulated or non-Federally insured savings institutions in the United States. These include some commercial banks, mutual savings banks, savings and loan associations and other types of institutions.

[17] *Hearings Before the Subcomm. on Consumer Credit of the Senate Comm. on Banking, Housing, and Urban Affairs,* 93d Cong., 1st Sess. (1973) (hereinafter cited as 1973 *Hearings*).

[18] *Id.* at 82.

[19] *Id.* at 84.

[20] *Id.* at 55.

[21] *Id.* at 48.

[12] *Id.* at 52, and *see* comments of the Credit Union National Association, *infra.*

[23] S. 2591, 93d Cong., 1st Sess. (1973) (Introduced by Senator Sparkman of Alabama).

[24] *Id.* at § 106.

[25] *See* S. 1052, n. 13, *supra* at § 6(a).

[26] *Id.* at § 6(b).

[27] *Id.* at § 7. *Note* that this section merely *permits* the disclosure of the annual percentage yield rather than requiring it as under S. 1052.

[28] *Id.* at § 8.

[29] *1973 Hearings, supra* n. 16 at 143.

[30] *Id.* at 414–16.

[31] *Supra,* n. 13, at § 5(a).

[32] *Id.* at 420.

[33] *Id.* at 465.

[34] *Id.* at 466.

[35] *Id.* at 108.

[36] *Id.* at 492.

[37] *Id.* at 495.

[38] Address by Mary Gardiner Jones, FTC Commissioner.

BETTER VISION FOR THE WORLD

Mr. RIBICOFF. Mr. President, recently Mr. Lawrence O. Aasen, executive secretary of the Better Vision Institute of America and one of my constituents, made some thought-provoking comments on the need for better eye care.

The need for better vision care in the world is dramatically brought to our attention by some startling statistics which Mr. Aasen reveals:

Two million adults with undetected glaucoma in the United States.

One of four school-age children in need of eye care.

One thousand eye injuries daily.

I urge my colleagues to read Mr. Aasen's editorial published in the Optical World of December 1974, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BETTER VISION FOR THE WORLD

(By Lawrence O. Aasen)

Today, there are nearly four billion people in the world. It is a reasonable estimate that half of them are not seeing everything they should and that some of them are going blind. Right now, there are more than 15 million blind people in the world!

It has been estimated that there are from 400 to 500 million cases of trachoma in the world, and of these 125 million are in India alone. Trachoma is one of the oldest diseases known to mankind. There is evidence of it in the third and second millenium BC in ancient Egypt, in Mesopotamia and in China. And in 1974, trachoma is still blinding people, accounting for two million of the blind people in the world today.

Twenty million persons suffer from river blindness or onchocerciasis which is limited to the environs of rivers and streams in tropical countries. It may blind up to 10 per cent of a local population.

It is not just underdeveloped countries that have serious eye problems. In certain developing countries, Vitamin A deficiency in human beings leads to permanent blindness in one or both eyes, and is among the major causes of preventable blindness.

Despite the efforts of many in the United States, these facts are true in America today:

There are 2 million adults with undetected glaucoma in the US.

100 million Americans—half the US population—have some form of impaired vision or eye disorder, according to the US National Eye Institute.

One in four school-age children need eye care. One in 20 pre-school children have a vision problem.

There are 1,000 eye injuries daily in American industry.

The vision problems of people are staggering and depressing. What can we do about it? We can do many things. Good eye care takes many different forms and requires a lot of careful thinking, hard work, action—and money.

Good eye care can mean urging everybody to have regular, professional eye examinations. It can mean teaching a poor family in India that the one towel the family uses is a carrier of dangerous germs. It can mean building and supporting more colleges to train more ophthalmologists, optometrists and opticians. It can mean spraying a river in Bangladesh with insecticides. It can mean manufacturing quality lenses, frames and ophthalmic and surgical instruments.

It can mean supporting the many organisations all over the world that are dedicated to preventing blindness and to improving vision. It can also mean supporting the World Health Organisation which is carrying on dramatic activities all over the world against trachoma, river blindness, etc. and is devoted to achieving the highest possible level of health throughout the world.

Good eye care can mean scientists studying the eyes of white rabbits and monkeys to follow the course of an eye disease. It can mean legislative work geared to reducing eye injuries in factories and on farms. And it can mean working for laws to outlaw fireworks.

In short, many different kinds of activities can help the people of the world have better vision. But they must all be done—and done quickly—so that more and more people of the world can enjoy the magic and joy of good vision.

ECONOMIC PLANNING

Mr. JAVITS. Mr. President, our current economic problems are so grave that most of our energies are directed to solving the immediate problems of unemployment and a faltering industrial plant. But our preoccupation with the urgent needs of the moment should not blind us to the medium- and longer-term economic conditions. Our current plight has made absolutely clear the lack of foresight by Government agencies that has caused us to stumble almost blindly from one crisis to the next, the inadequacy of our traditional monetary and fiscal tools to deal with infectious recession. We can no longer afford the unplanned, uncoordinated hit or miss approach to economic policy.

Recently a number of prominent Americans have come to the same realization that a national commitment to broader economic planning is now a necessity. This group of some 70 persons have formed an Interim Committee to develop these ideas and legislation to implement them .

The cochairmen of the Interim Committee are Leonard Woodcock, president of the United Auto Workers, and Wassily Leontief, Harvard University professor and Nobel Prize winner. Senator HUMPHREY and I share their concerns and their commitment to a more systematic approach to our national economic needs. We intend to work together with this group to enable these ideas to be presented to the Senate and the Congress for legislative consideration.

The New York Times of March 9, 1975, contained an excellent article by Thomas E. Mullaney on the work of this group. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LOOK AT ECONOMIC PLANNING

(By Thomas E. Mullaney)

While the public and the political world are worriedly scanning the periodic economic reports these days, economists and businessmen are beginning to look beyond the current recession to the climate that will prevail in the United States and the world for the rest of this decade.

With business activity still contracting and unemployment still excessively high, it is not surprising that Main Street and Washington are preoccupied with the present state of the economy and concerned about what's ahead in the near term, particularly from the standpoint of jobs.

For their part, businessmen and many private economists are less troubled about the immediate outlook. They foresee the beginning of the end of the recession and are confident that fiscal and monetary policies now in place—or about to be activated—will resuscitate the economy in the latter part of the year without any significant worsening of today's strains.

But they are worried whether the American people and the Congress will have the patience to await the evidence that recently adopted, or imminent, fiscal and monetary measures are working.

There are also some prominent authorities in financial, labor, economic and academic circles who wonder whether the nation will come out of this horrifying economic experience—the worst cyclical downturn in business since World War II—any more cognizant of the reasons for the trauma and any more willing to embrace programs that might work to prevent a recurrence of such extensive economic damage in the future.

To be sure, it is difficult to be sanguine about the present state of the economy or the general outlook, when last week's data reported unemployment remaining at a rate of 8.2 per cent of the labor force, another 34-year high; when factory orders for January declined for the fifth consecutive month, even though the latest 2 per cent decline was much narrower than the preceding month's 9.3 per cent plunge; when the American dollar reached new low points in the foreign-exchange markets.

And yet there were reasons as well for a little more optimism as a result of some recent developments. The best news, of course, was the further drop of eight-tenths of 1 per cent in the wholesale price index in February, the third consecutive monthly decline, with the easing of farm and food products the most prominent factor in the downward movement.

To be sure. it will require more than improvement in the price picture to bring consumer confidence back to levels that would support greater ebullience in the economy. But other factors are at work, notably the further declines in the prime and discount rates and the approaching approval by Congress of massive tax reductions and the apparent disposition of the executive and legislative branches of Government to reach an agreement on a energy policy that would be less onerous for the nation and less inflationary than the original program proposed by President Ford two month ago. The sooner these crystallize, the better.

The danger of much further procrastination on the tax-reduction program is that pressure will build up for even more stimulative actions via new Government spending programs as the economic news continues to show a bleak picture, as it surely will for some months to come. Such impatience and precipitate actions can only have their own price later on this year and into the next few years—a resurgence of inflationary pressures.

Stop-go policies by Government agencies have been typical of American economic management, especially in recent years. There has been virtually no long-range planning, and no establishment of national priorities, but instead a general tendency to adopt 11th-hour remedies for specific problems regardless of the consequences on other aspects of the economy—flying by the seat of the pants, so to speak.

Successful businesses cannot operate in that fashion—and do not. Well-managed economies cannot be run on an ad hoc basis either, especially with the complexities and the interdependence of today's world. The Congress finally recognized the necessity of forward planning when it adopted legislation establishing a joint House-Senate operation in the area of the Federal Budget to try to give Congress a tool for seeing the budget in long-run terms.

Then, a week ago, a group of 11 leading American public figures held a news conference to put forth their views on the necessity for a national commitment for broader economic planning in the United States. There were 70 prominent signatories—but few businessmen—of the statement presented by Leonard Woodcock, president of the United Auto Workers; Wassily Leontief, Harvard University's Nobel Prize-winning economist, and Robert V. Roosa, a partner of Wall Street's prestigious investment firm, Brown Brothers Harriman & Co. and an Under Secretary of the Treasury during the Kennedy Administration.

Mr. Roosa had proposed some such action in a paper he delivered in Munich last November and which he circulated among many corporate executives afterward. He indicated in an interview last week that he had received considerable reaction to the proposal at that time.

"Half of those who responded," he declared, "said yes we need a greater commitment to planning, but with freedom of choice, and half said they just couldn't see the United States embarking on the planning road because we'd lose the vitality of our private enterprise system the more we get Government involvement in it."

Mr. Roosa said he understood the antipathy of businessmen toward governmental planning since it seems to smack so much of socialism and totalitarianism, but he and his group are not advocating greater Government intrusion in the economy but rather "a more systematic look at the longer run as a guide and influence on what we are doing in specific areas today."

He and his associates in this proposal do not envision a vast new layer of Government—not a 500-person staff such as Japan uses. They advocate the employment at the highest Government level of a small group with the obligation to look at various paths the Government might take on certain matters, some of which might be in conflict, and to insert themselves as advisers in various decision-making processes by the executive branch so that the eventual policy bears more reasonably and consistently on particular problems.

A similar proposal was broached by economist Herbert Stein in December, 1973, when he was chairman of President Nixon's Council of Economic Advisers, but it aroused little public support at that time.

Now, however, after all the traumas that flowed from Government decisions over the course of the last 10 years on taxes, Federal spending, monetary policy, economic controls, export controls and import surcharges, energy regulations, and environmental restrictions, there might be more widespread support now for the positioning of a high-level group in Government that would intensely look at the diverse consequences of such decisions before they are made.

Economist Henry Kaufman of Salomon Brothers, a Wall Street investment firm, gave qualified support to the planning concept, when asked for comment on it the other day.

"Some advance planning would be wholesome," he said, "but it should be loosely structured and not highly formalized. The danger is that you could become fixed to forecasts and predictions. But planning would be valuable as a background for decision-making, so long as all sectors—Government, businesses and labor—join the concept.

Another respected economist and banker, James J. O'Leary, vice chairman of the United States Trust Company, also supported the planning proposal, saying: "I think Bob Roosa is right. We need better coordination of fiscal and monetary policy. We can't construct our policies piecemeal, and we've got to look at the Federal budget from the standpoint of priorities. Furthermore, we can't rely on the marketplace to give us all the answers in the highly complex economy we have today."

One top businessman, however, expressed what might be a typical business reaction to the Government-planning concept. John D. Harper, chairman of Alcoa and head of the Business Roundtable, a group of 150 leading businessmen, commented:

"I'm very strongly against it. I've seen too many countries where it simply does not work. When corporations do their own planning it works because the markets control it. But governments are too remote from control and the responsibility for the decisions made."

The subject of Governmental planning may become a live issue on a broad scale fairly soon. Within a month or so, it is expected that enabling legislation to create such an agency will be introduced in Congress, and then the debate will burst into the open.

It should be interesting. The issue certainly is a worthy national topic at this time.

GIRL SCOUTS' NATIONAL CENTER WEST

Mr. McGEE. Mr. President, I join my colleagues today in celebration of the 63d anniversary of one of America's strongest institutions, the Girl Scouts of America, an organization still affluent with tradition. The anniversary has special significance for my wife, Loraine, who serves as a member of the Girl Scout

Properties Board and for my State of Wyoming.

Seven years ago, Girl Scouts' National Center West was dedicated near the small town of Ten Sleep, Wyo. Its permanent facilities were built on a 640-acre tract of land acquired from the Bureau of Land Management. We in Wyoming are proud to have the heritage of the Girl Scouts of America in our State.

Mr. President, the Bureau of Land Management's publication, Our Public Lands, in 1969 published an article about Girl Scouts' National Center West. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Our Public Lands, Winter 1969, Bureau of Land Management]

GIRL SCOUT NATIONAL CENTER WEST—FOR ENJOYMENT AND LEARNING IN THE OUTDOORS

Near the tiny town of Ten Sleep, Wyo., scene of the last of this Nation's great cattle wars, Girl Scouts of the U.S.A. has acquired some 15,000 acres in the Bighorn Mountains for the establishment of a national center.

The site will be called Girl Scout National Center West. Scouts from all over the country as well as Girl Guides from all over the world will gather there for large encampments, troop camping, training workshops, seminars and conferences for both girls and adults, and activities in arts, crafts, and sports of all kinds.

The Bureau of Land Management played a key role in making the site available for the Center. Permanent facilities of the Center will be built on a 640-acre tract to be acquired from BLM under the Recreation and Public Purposes Act. In addition, BLM issued the youth organization a special use permit covering nearly 6,000 acres. To round out their ownership to 15,000 acres, the Girl Scouts purchased a large ranch and a number of smaller holdings. Cost of developing the Center is conservatively estimated at $3 million.

Acquisition of the site was announced at a dinner given by Wyoming Governor Stanley K. Hathaway and the Worland, Wyo., Chamber of Commerce in honor of the Girl Scouts. The event was attended by a delegation of Girl Scout officials headed by Mrs. Holton R. Price, Jr.., National President; by political and civic dignitaries of Wyoming; and by BLM Director Boyd L. Rasmussen. Actress Debbie Reynolds, closely associated with scouting since her youth, was mistress of ceremonies.

Interior Secretary Stewart L. Udall wired that he was pleased that the Department, through BLM, was able to make public lands available for the Center. He added, "I know that the Girl Scouts who visit the Center in the years to come will enjoy their 'home' in this spacious countryside, and I wish you every success with this exciting new venture."

Girl Scout National Center West will be inaugurated in the summer of 1969 when 50 troops of Senior Scouts, one from each of the States, meet at Ten Sleep for 14 days of backpacking and trailblazing.

The new property offers countless program possibilities for Girl Scouts. There the girls can enjoy the beauty of nature and the outdoors, learn to conserve natural resources, and study the history and culture of the West. The rich archeological content of the area affords opportunity for digs under the supervision of professional archeologists. Many artifacts have been found on the surface of the land, and there are pictographs—ancient Indian rock paintings—in caves on the property. Geologically, the site is considered a treasure. It contains all but one of the major geological strata. The area abounds with elk, deer, and small game, and the climate allows both winter and summer sports. A further advantage of the site is its location adjacent to the Bighorn National Forest administered by the U.S. Department of Agriculture's Forest Service.

Many wonderful experiences are in store for Girl Scouts who go to the center, and the richest of all could be a deeper awareness of self. In 1968 the Girl Scouts held a trial run on the site during which troops backpacked and blazed trails. The poetic reaction of a Senior Scout may best sum up what the Center can mean to young adults:

"When I measure myself with the grasses,
I find I am very tall;
But when I measure myself with the mountains,
I do not exist at all."

THE WISDOM OF THE SUPREME COURT DECISION ON ABORTION

Mr. PACKWOOD. Mr. President, yesterday the Senate Subcommittee on Constitutional Amendments resumed its hearings on a variety of amendments designed to overturn the Supreme Court's 1973 abortion decision.

Debate on the ethical and moral issues regarding abortion has continued unceasingly. Testimony which the subcommittee has received over the last year has given ample proof of the range and intensity of the conflicting views on the abortion issue. To some this has been a sign that the decision was ill advised and should be reversed.

As I testified yesterday, I believe that the opposite is true. The continuing debate is evidence of the wisdom of the Supreme Court decision.

The abortion issue is highly complex and emotional, and one on which there is no consensus among theologians and others who deal with values in our society. The Supreme Court importantly recognized this fact, and the broad range of values in our pluralistic society, and wisely placed the state in a neutral stand.

At the same time, the Court acted appropriately to protect the health and welfare of our citizens, their right to privacy, and the right of physicians to make medical decisions according to their best judgments.

Many of those who have asked Congress to overturn the Supreme Court decision by constitutional amendment are deeply religious and moral people. They are moved to act out of their concern for life. We have been quite aware of their voices these past 2 years, and will hear them speaking with equal vigor in the future, I am sure.

But we in Congress must not forget that there are also millions of deeply religious and moral people sincerely concerned with the preciousness of life, who just as fervently hold an entirely different view of how best to deal with the issue of abortion.

Let me give you a few examples. The general conference of the United Methodist Church in 1972 expressed its views in these words:

Our belief in the sanctity of unborn human life makes us reluctant to approve abortion. But we are equally bound to respect the sacredness of the life and well-being of the mother, for whom devastating damage may result from an unacceptable pregnancy.

In continuity with past Christian teaching, we recognize tragic conflicts of life with life that may justify abortion . . . We support removal of abortion from the criminal code, placing it instead under laws relating to other procedures of medical practices. A decision concerning abortion should be made after thorough and thoughtful consideration by the parties involved, with medical and pastoral counsel.

The Connecticut Council of Churches issued the following statement on its position in 1969:

Because Christian respect for the sanctity of life and the dignity of persons can be realized only in the context of free moral choice and responsible decision making, we concur . . . that 'the right of a woman to determine her own reproductive life is a basic human right.'

Like all such rights, however, this one should be exercised in the context of the highest ethical and spiritual considerations available to the conscience of the individual concerned. Basic to this ethical and spiritual determination of her own reproductive life is the acceptance of the promise to the potential child implicit in every act which begins the reproductive cycle. Since the action which initiates the promise is the woman's and not society's, the woman herself has the primary obligation to keep or break the implicit promise to the future child. We hold that it is this obligation to the future child as a result of the act of promise-making which is the ethical issue in the proper exercise of the woman's determination of her reproductive life. Should she break this promise without good cause, the guilt and shame are hers, not society's.

Therefore, we hold that in attempts to legislate the legal conditions for abortion, society usurps the woman's own ethical responsibilities. . . . We urge that full, voluntary consultation or counselling be undertaken by the woman with representatives of her religious or ethical tradition as part of the process of decision making.

In 1972, the council reaffirmed its earlier statement:

Debate over the issue of abortion law underscores again the fact that persons of good will and integrity, often sharing the spiritual and ethical resources of the same basic faith, can come to fundamentally different conclusions regarding complex moral issues. This is true not only because they interpret their faith from within different culturally conditioned traditions, but also because they attach special importance to different aspects of the factual situation. . . .

We believe in the sanctity of life and the dignity of persons. But we also believe these can be realized only in the context of free moral choice and responsible decision making. Therefore, we believe that the right of a woman to determine her own reproductive life is a basic human right. . . .

The National Council of Jewish Women also addressed the issue in 1969, and concluded:

The National Council of Jewish Women believes that the freedom, dignity and security of the individual are basic to American democracy, that individual liberty and rights guaranteed by the Constitution are keystones of a free society, and that any erosion of these liberties or discrimination against any person undermines that society.

The council thereupon resolved:

To work for and encourage public understanding that abortion is an individual right,

> and to work for the elimination of legal obstacles that limit this right.

The Lutheran Church in America issued this statement in 1970:

> . . . In the consideration of induced abortion, the key issue is the status of the unborn fetus. Since the fetus is the organic beginning of human life, the termination of its development is always a serious matter. Nevertheless, a qualitative distinction must be made between its claims and the rights of a responsible person made in God's image who is in living relationships with God and other human beings. This understanding of responsible personhood is congruent with the historical Lutheran teaching and practice whereby only living persons are baptized.
>
> On the basis of evangelical ethic, a woman or couple may decide responsibly to seek an abortion . . .
>
> Persons considering abortion are encouraged to consult with their physicians and spiritual counselors. This church upholds its pastors and other responsible counselors, and persons who conscientiously make decisions about abortion.

Mr. President, these are but a few of the statements which have been issued by responsible religious organizations. I should also mention a number of other religious, medical, and socially concerned groups which have similarly expressed their concerns over restrictive abortion laws, and have indicated their belief that the abortion decision should rest more properly with the individual than with the state. I would also like to ask unanimous consent that their individual statements be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PACKWOOD. Mr. President, these people are not proabortion, just as I am not proabortion. They simply feel, as I do, that with this Nation's religious and ethical diversity, no one view of abortion should be written into law. They do not wish to write their own views into the law of the land. They fully understand that others may not share their views. They simply do not wish to be bound by the religious or ethical dictates of others.

This Nation has traditionally and wisely looked to the Supreme Court as a protector and defender of individual rights and religious liberties, especially when political pressures have made protection of such rights and liberties difficult.

In the case of the abortion issue, the Court has wisely acted to take the state out of the decisionmaking process—except for late abortions—and has thereby provided the kind of individual protection our society has depended upon over the years. Under the Court's decision, all individuals are free to make their own decisions consistent with their own religious, moral, and ethical views.

A number of the groups I have mentioned, and several others, have coalesced to protect these individual rights against renewed attacks from those who would impose a monolithic view of abortion on all members of society. I believe their statement of purpose further exemplifies the importance of protecting the individual rights of all Americans:

> It is vital to build public awareness of the principle that in a pluralistic society the State should not embody in law one particular religious or moral viewpoint on which widely differing views are held by substantial sections of the religious community. All those concerned with religious liberty can join in opposing any attempt by constitutional amendment or legislation to take us back to the era of criminal abortion which legally denied to all, but in practice particularly denied to the poor, the right and responsibility to make their own decisions.

Mr. President, this clearly is the essence of the current deliberations of the Senate's Constitutional Amendments Subcommittee.

Mr. President, given these fundamental questions of individual rights and religious liberties, let me mention for a moment some other aspects of the abortion issue which are relevant to your deliberations.

As you know, the Supreme Court's 1973 ruling automatically superseded inconsistent State laws. Although certain States chose to ignore the Court's ruling, and subsequently passed laws prohibiting abortions, all such restrictive laws have predictably been struck down.

But in two other important areas, State and Federal courts have consistently issued rulings which not only support but in fact bolster the original Supreme Court decision. The two primary areas in question concern medicaid coverage of abortions and consent requirements.

In all decisions that have come to my attention, State medicaid programs have been required to pay for abortions. When a medicaid program offers aid to poor women who are pregnant, it cannot set up a discriminatory standard for poor women by arbitrarily refusing the abortion option. Denial of medicaid funds for pregnancy termination has been consistently found to violate the equal protection and due process protections of the 5th and 14th amendments.

With regard to consent requirements, the Supreme Court specifically stated in the 1973 decision that—

> They did not discuss the father's rights, if any exist in the Constitutional context, in the abortion decision. No paternal rights were asserted in either case.

Since the decision, other courts have dealt with the question and have consistently held that consent to the abortion by any party other than the woman—that is, husband, father, parents of minor—cannot be required. In this way, courts around the country have reflected the primary impact of the 1973 decision—that the woman, and the woman alone, has a fundamental individual right which may not be obstructed.

PUBLIC OPINION

On the question of public support for the legalization of abortion, we see a diversity of opinion which typifies the kind of pluralistic ethical and religious views which I discussed earlier in my statement. I should point out, however, that recent polls have shown a clear majority favoring the individual's right to make this decision, as opposed to having restrictive provisions written into the law.

Several of my colleagues have confided in me that some of their constituents had voiced a different view of abortion laws than recent polls had indicated. But even congressional questionnaires have shown majority support for the legalization of abortion. Of 93 questionnaires sent by Members of Congress during 1973 and 1974, 73 showed majority support for free choice; whereas only 5 showed majority opposition. (The remaining 15 showed no clear majority.) I ask unanimous consent to have the results of these polls printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

PUBLIC HEALTH BENEFITS

Mr. PACKWOOD. Mr. President, another important consideration in the abortion debate is the significant positive impact on the public health or more specifically on maternal mortality. Opponents of abortion often look to data from other decades and other countries in an attempt to demonstrate that legal abortions have health risks comparable with illegal abortions. Quite to the contrary, current statistics from our own country clearly show that where abortion has been legalized, there has been a significant drop in the number of abortion-related maternal deaths and medical complications. A recent report from the Center for Disease Control—January 18, 1975—shows a 40-percent drop in maternal mortality resulting from abortion in just the first year that abortions were legal nationwide. This drop is due entirely to fewer deaths from illegally induced or self-induced procedures. In its editorial note the Center for Disease Control states:

> The two-year decrease in illegal and spontaneous abortion mortality occurred concurrently with an increased availability of safer, legal abortion services throughout the Country.

The Center's report also points out that abortion in the first trimester is now about 10 times safer than a full-term pregnancy.

One early assumption which has been borne out by all available data is that, where information about abortion and abortion services is readily available to all women, rich and poor alike, women will obtain early, and therefore safe, abortions. In the State of Washington, abortion became a legal option in 1972 with passage of a statewide referendum. Today, more than 95 percent of all abortions in the State of Washington are performed in the first trimester. In Illinois, 97 percent are performed before the 12th week of pregnancy.

In this regard, it should be noted that only 15 percent of all abortions in 1973 were performed after the first trimester. Only 2 percent occurred after the 21st week. And it is clear that the circumstances surrounding these late abortions are extreme. Generally, women forced to late abortions do so for three primary reasons. First, diagnosis of genetic disorder cannot be completed until early in the second trimester; second, teenagers frequently deny the fact of pregnancy, even to themselves, or do not know where to turn, for several weeks or months; finally, many poor women even today have only limited access to quality medical care and are either not aware of abortion services or are denied access because of bureaucratic redtape.

To compound the problem, about 5 million low-income American women do not have access to preventive family planning information or services. And on this point, may I offer an aside.

Mr. President, we would all welcome a time in which abortion is a thing of the past, truly a medical rarity. With adequate family planning information and services for all who want, but do not currently have access to them, we might virtually eliminate the need for abortions. I had fervently hoped that following the Supreme Court's decision, opponents of legalized abortion would begin to work with us to make family planning services available to all so that abortions might one day not be necessary. Unfortunately, however, we find today that some opponents of legalized abortion are directing their efforts toward overturning the Supreme Court decision and imposing new restrictions on Federal programs—rather than the far more constructive approach of helping to prevent the unwanted pregnancies which result in abortion.

Let me turn now to the proposed amendments which would ignore both the wisdom of the Court's decision and the extreme negative consequences of any new restriction on the individual's right to terminate an early pregnancy.

We have seen that there is far from a consensus of public opinion in support of any move to overturn the Supreme Court decisions. At the same time, groups opposing legal abortion themselves have had difficulty in developing a consensus on the form that a constitutional amendment should take. Their difficulty is inherent in any attempt to develop, in law, strictly defined absolutes as to when a fetus may acquire personhood. In our society, there is no agreement as to when, or at what point during the development of a fertilized ovum the state should develop an interest in its preservation. I have already pointed out the diversity of views on this subject among our religious, ethical, and medical communities.

The Supreme Court decision established viability as the time when the States can assert an interest in the protection of the fetus—except in cases where there is a conflict with the woman's own survival or health. Groups opposing the decisions seek instead to establish through various proposed constitutional amendments, not only that State interest commences "from the moment of conception," or "moment of fertilization" or "at every stage of biological development," but also that personhood be fully granted at that time. Each one of these starting points for State interest is fraught with problems of definition, and, ironically, focuses on one of the points of confusion in the abortion debate. It is asserted that "life" begins at some certain point associated with fertilization or implantation. But life is also present in the sperm and eggs before fertilization. The criterion would, I believe, be more appropriately dependent upon the point at which ensoulment occurs. Which reminds us again of the varying religious views among us.

Mr. President, any statement would be incomplete if it failed to discuss the responsibilities of the States under the Supreme Court abortion ruling.

The wisdom of the 1973 Supreme Court decision lies in the fact it does not deal in absolutes, for the abortion question is one in which there are no absolutes—ethical, legal, or scientific. The Court squarely faced up to this in its acknowledgment of the incontrovertible and simple fact that both the fetus and the pregnant mother cannot simultaneously and in every situation be held to have absolute, equal rights, even the right to life. May I refer you to an excellent piece on this subject by Dr. J. Philip Wogaman, dean of the Wesley Theological Seminary, and ask unanimous consent that it be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 3.)

Mr. PACKWOOD. The Court, then, qualified both a woman's right to terminate her pregnancy and the rights of the individual States to regulate, and even proscribe, the abortion process. In doing so, the Court acting in the best traditions of our unique system of Federal-State government, left a great deal of latitude to the individual States, in exercising their legitimate interests. Indeed, the syllabus preceding the opinion states clearly that—

> The individual States have legitimate interests in protecting both the pregnant woman's health and the potentiality of human life, each of which interests grows and reaches a "compelling" point at various stages of the woman's approach to term.

The Court's decision set forth guidelines for balancing the legitimate interests of the States in protecting the rights of already existing life. Each of these interests is seen to be "compelling" at the various stages of pregnancy, and within this framework, much is left to legislation and adjudication at the State level.

The Supreme Court decision has been frequently criticized for not solving all of the problems—legal or otherwise—relating to abortion. This is certainly the case, but I would argue that the fluid and open-ended nature of the decision was intentional and is in the best interests of a society, first, in which we not only hold diverse, and even opposing, religious and ethical beliefs, but second, in which constant refinements and advances are being made in the art of medical science relating to prenatal development.

As I have already mentioned, the Supreme Court recognized the ethical diversity of the American people and their religious leadership in protecting the right of American women, in conjunction with sound medical advice, to opt for abortion before the time of viability, when the fetus has a reasonable chance of survival outside the mother's womb.

The difficult subject of viability relates closely to the second reason for the wisdom of the open-ended nature of the Court's decision. While neither theologians nor scientists are now in agreement among themselves as to when life begins, it is becoming increasingly possible for medical science to determine the approximate time at which a fetus may be capable of survival outside the womb. At the time of the Court decision, conventional medical wisdom placed this occurrence at somewhere between 24 and 28 weeks. Several years from now, with more advanced medical technology, that moment may be considerably earlier. The point is that as the approximate moment of viability changes, the States will continue to have the right—and, indeed, the duty—to respond within the basic framework of the Court's decisions by regulating, and even proscribing the abortion decision, except in cases where abortion is necessary to protect the life or health of the mother.

The Supreme Court, admittedly and purposely, did not close the book on the abortion controversy in its 1973 decision. It did not deal with such abortion-related questions as consent, performance, and facility requirements, or the responsibility of the State or the doctor to sustain the potential life of a potentially viable fetus resulting from the abortion procedure. Several States have already enacted laws which attempt to deal with these problems, and I would hope that all States continue to examine their responsibilities under the 1973 decision and pass appropriate enacting legislation.

In conclusion, Mr. President, may I ask a question which goes to the very heart of the constitutional amendment discussion. If theologians and ethicists have come no closer to agreement on the morality of abortion, if law in the past has not moved us any closer to consensus, what special qualifications do we here in the Senate have to settle this matter?

In the absence of any overwhelming consensus in our society, I believe we must come down on the side of individual liberty. Only the individual woman can know the threat posed to her own humanity by a pregnancy. She must be free to make a decision consistent with her own moral, ethical, and religious convictions, not ours or anyone else's.

The American Lutheran Church last October focused on this question in a beautifully written statement expressing the right and duty of individual conscience in this area:

> The position of the American Lutheran Church is a pro-life position. It looks in awe at the mystery of procreation and at the processes through which a human being develops, matures, and dies. It takes seriously the right of the developing life to be born. It takes into account the rights of the already born to their health, their individuality, and the wholeness of their lives. It allows the judgment that all pertinent factors responsible considered, the developing life may need to be terminated in order to defend the health and wholeness of persons already present and already participating in the relationships and responsibilities of life. . . .

Needless to say, equally committed Christians differ in their understanding of how these dimensions answer the abortion issue. The ALC earnestly urges the members of its congregations to show Christian love, mercy and compassionate understanding to those with whose views and actions on the abortion they totally disagree.

We have no need to itemize a list of circumstances under which abortion is acceptable or is forbidden. We have the responsibility to make the best possible decision we are capable of making in light of the information available to us and our sense of accountability to God, neighbor and self.

Just as no church can make such a list, neither should Congress attempt to impose either a total or a limited prohibition. The debate which has been carried on over the last year is basically all about freedom of belief. That freedom is no less precious on this complex issue of abortion than in other areas. Let all be free to oppose abortion fervently, or accept it, as conscience dictates, but the Constitution of the United States would be grievously wounded by attempting to impose one viewpoint at a terrible cost upon those who believe otherwise.

EXHIBIT 1

ORGANIZATIONS

RELIGIOUS

Commission on Social Action of Reform Judaism.
Unitarian Universalist Association.
American Baptist Convention.
American Jewish Congress.
Unitarian Universalist Women's Federation.
National Council of Jewish Women.
American Friends Service Committee.
Connecticut Council of Churches.
B'nai B'rith Women.
Church Women United.
United Methodist Church.
Lutheran Church in America.
Moravian Church in America, Northern Prov.
United Presbyterian Church in USA (Northern).
Episcopal Church Women.
Capital Area Council of Churches.
Federation of Protestant Welfare Agencies.
National Women's League of the United Synagogue of America.
United Church of Christ.
Connecticut Conference of the United Church of Christ.
West Virginia Council of Churches.
Council of Churches of the Mohawk Valley Area.
United Church of Canada General Council.
Church Women United of Connecticut.
Church of the Brethren.
Catholics for a Free Choice.
Pennsylvania Council of Churches.
National Association of Laity.

MEDICAL

Medical Committee for Human Rights.
American Public Health Association.
American Medical Women's Association.
American Psychiatric Association.
New York Academy of Medicine.
Group of the Advancement of Psychiatry.
American Protestant Hospital Association.
American Psychoanalytic Association.
American Medical Association.
National Council of Obstetrics-Gynecology.
Student American Medical Association.
American College of Obstetricians & Gynecologists.
California Medical Association.
American College of Nurse-Midwives.
Michigan Nurses Association.
National Medical Association.
American Association of Maternal & Child Health.
Physicians Forum.
Iowa Medical Society.
State Medical Society of Wisconsin.
Minnesota State Medical Association.

OTHER

American Civil Liberties Union.
Citizens Advisory Council on Status of Women.
Planned Parenthood—World Population.
American Ethical Union.
American Humanist Association.
National Council of Women of the United States.
American Psychological Association.
American Society of Mammalogists.
YWCA.
The Izaak Walton League of America.
Chicago Child Care Society.
National Organization for Women.
President's Task Force on the Mentally Handicapped.
Urban League.
White House Conference on Children and Youth.
American Association of University Women.
American Home Economics Association.
National Association of Social Workers.
National Council on Family Relations.
National Welfare Rights Organization.
Community Service Society.
American Bar Association.
Americans for Democratic Action.
Women's International League for Peace and Freedom.
National Women's Political Convention.

COMMISSION ON SOCIAL ACTION OF REFORM JUDAISM,

January 31, 1974.

The Union of American Hebrew Congregations is deeply dismayed by persistent efforts to nullify the Supreme Court decision on abortion.

At its 49th General Assembly in 1967, delegates from Reform synagogues throughout the United States adopted a resolution on the subject of abortion which called upon the 700 synagogues associated with the Reform Jewish movement to "join with other forward looking citizens in securing needed revisions and liberalization of abortion laws."

In view of escalating efforts to secure restrictive action by the United States Congress, we are herewith affirming our position on this subject and urging members of the Congress to resist all attempts to negate or diminish the Supreme Court decision. It is our hope that leaders of the nation will mobilize to protect the humane and moral advance represented by the Supreme Court decision on abortion reform.

Sincerely,

ALBERT VORSPAN, *Director.*

UNITARIAN UNIVERSALIST ASSOCIATION: GENERAL RESOLUTIONS 1968

Abortion

Be it resolved: That the 1968 General Assembly of the Unitarian Universalist Association urges that efforts be made to abolish existing abortion laws except to prohibit performance of an abortion by a person who is not a duly licensed physician, leaving the decision as to an abortion to the doctor and his patient.

AMERICAN BAPTIST CONVENTION, 1968

Because Christ calls us to affirm the freedom of persons and the sanctity of life, we recognize that abortion should be a matter of responsible personal decision. To this end we as American Baptists urge that legislation be enacted to provide:

1. That the termination of a pregnancy prior to the end of the 12th week (first trimester) be at the request of the individuals concerned and be regarded as an elective medical procedure governed by the laws regulating medical practice and licensure.

2. After that period the termination of a pregnancy shall be performed only by a duly licensed physician in a regularly licensed hospital for one of the following reasons as suggested by the Model Penal Code of the American Law Institute:

(a) When documented evidence exists that this is a danger to the physical or mental health of the mother;

(b) When there is documented evidence that the conceptus has a physical or mental defect;

(c) When there is documented evidence that the pregnancy was the result of rape, incest or other felonious acts.

Further we encourage our churches to provide sympathetic and realistic counseling on family planning and abortion.

We commend study, research and development of understanding on the part of the populace led by the people of our churches toward an enlightened view of this provocative problem.

AMERICAN JEWISH CONGRESS, BIENNIAL CONVENTION, 1968

At its 1968 Biennial Convention, the American Jewish Congress adopted the following resolution:

The American Jewish Congress supports liberalization of existing restrictions on abortion and will support repeal of such laws. Short of that goal, we will seek liberalization of existing restrictions in at least the following instances:

1. Where there is a substantial risk that a continuance of pregnancy would endanger the life of the pregnant woman, or

2. Where there is a substantial risk that a continuance of the pregnancy would cause or aggravate a material impairment of the physical or mental health of the pregnant woman; or

3. Where there is a substantial risk that the child, if born alive, will be physically or mentally impaired to a significant degree; or

4. Where the pregnancy of the woman resulted from an act of rape or incest or the pregnancy occurred while the female was thirteen years of age or less; or

5. Where the pregnancy occurred while the woman was a mentally disabled or incompetent person.

UNITARIAN UNIVERSALIST WOMEN'S FEDERATION, 1968

Be it resolved: **That the 1968 General Assembly of the Unitarian Universalist Association urges that efforts be made to abolish existing abortion laws except to prohibit performance of an abortion by a person who is not a duly licensed physician, leaving the decision as to an abortion to the doctor and his patients.**

Reasons: Prolonged and needless suffering, even death, has resulted from prohibitions placed by the laws of many states on the performance of abortions by qualified physicians.

It is estimated that at least 650,000 illegal abortions are performed in the United States each year.

Physicians who perform illegal abortions in the best interests of their patients must live in fear of punishment by criminal law.

Existing abortion laws discriminate particularly against the poor.

The right of a woman to decide whether she will bear a child is one with which the laws of government should not interfere. A child has a right to a mother who cherishes him—an unwanted child may suffer grave psychological, mental, and even physical handicaps.

NATIONAL COUNCIL OF JEWISH WOMEN,

March 15, 1974.

DEAR SENATOR: The National Council of Jewish Women, an organization established in 1893, with over 100,000 members throughout the United States, has concerned itself since its inception with human welfare and individual rights. It is dedicated to the protection of these rights and the promotion of the general welfare locally, nationally and internationally through an integrated program of community service, education and social action.

The landmark U.S. Supreme Court decision (Roe v. Wade, 1/22/73) recognized a woman's right to an abortion as guaranteed by the Due Process Clause of the Fourteenth Amendment which "protects against state action the right to privacy, including a woman's qualified right to terminate her pregnancy."

Attempts to nullify this decision and reinstate criminal abortion laws by constitutional amendment would subject women to an inexorable course of childbearing which represents a value superimposed upon them by the state notwithstanding their personal choice in the situation.

It is our hope that the integrity of the U.S. Constitution will not be undermined by unnecessary amendments, that the role of the U.S. Supreme Court as interpreter of Constitutional issues will not be nullified, and that the rights of the individual to determine one's own reproduction will neither be abridged nor restrained.

For these reasons we urge you to oppose all constitutional amendments and other proposals which in any way attempt to nullify or undermine the Supreme Court decision on abortion rights.

Sincerely yours,
Mrs. Eleanor Marvin,
National President.

American Friends Service Committee, October 1969

ABORTION

We believe that no woman should be forced to bear an unwanted child. A woman should be able to have an abortion legally if she decided that this is the only solution she can accept and if the physician agrees that it is in the best interests of mother and child. She should be encouraged to seek the best social and spiritual counseling available before reaching a decision; and the physician, for his own support, should have the opportunity to confer with colleagues of his choosing if he feels the need for such consultation.

Believing that abortion should be subject to the same regulations and safeguards as those governing other medical and surgical procedures, we urge the repeal of all laws limiting either the circumstances under which a woman may have an abortion or the physician's freedom to use his best professional judgment in performing it.

We believe that no physician should be forced to perform an abortion if this violates his conscience; but, if this is so, he has an obligation to refer his patient to another physician willing to serve her.

We were drawn to these conclusions by facts and considerations that bear repetition.

The need for abortions may be greatly reduced when contraceptives that are as acceptable, effective, and safe as possible become readily available. But until that time, it can be assumed from the evidence that women will continue to have abortions. No prohibitions or penalties anywhere in the world have succeeded in stopping them. Instead, restrictive laws have made them more difficult to obtain, more dangerous, and more degrading.

Current laws in the United States are discriminatory, since the rich find it possible to secure abortions unobtainable by the poor. They promote criminal activity and disrespect for law. They are an invasion of human rights: the right of a child to be wanted and loved, the right of a woman to decide whether and when she will have children. And, by interfering with the right of families to limit the number of their children, present laws contribute to population pressures.

While we found all of the above considerations persuasive and important, the most decisive factors in reaching our conclusions have been our concern that the individual, the family, and society achieve the highest possible quality of life and our conviction that this is unlikely for mentally and physically damaged or unwanted children, for their parents, and for an overpopulated world.

On religious, moral, and humanitarian grounds, therefore, we arrived at the view that it is far better to end an unwanted pregnancy than to encourage the evils resulting from forced pregnancy and childbirth. At the center of our position is a profound respect and reverence for human life, not only that of the potential human being who should never have been conceived, but of the parents, the other children, and the community of man.

The repeal of abortion laws seems to us to be a step in the right direction, but much more is needed:

1. Positive programs to do away with the necessity for abortions, as summarized on page 62.

2. A program of medically sound and easily available abortion services at low cost to protect women against the health problems resulting from recourse to backstreet abortionists.

3. Abortion services as part of accepted medical care, paid for by public funds for those who depend on public funds for such care.

4. Availability of counseling and social services to women requesting abortion with a view to (a) helping them examine the alternatives to abortion, (b) exploring with them sources of aid—medical, financial, adoptive—to make possible carrying the baby to term and rearing it decently, (c) putting them in touch with social services equipped to deal with such other problems as employment and housing, and (d) providing contraceptive advice and education as protection against future unwanted pregnancies. It is society's responsibility to provide such counseling services where they are not now available.

In pursuing these approaches, we must not lose sight of the need to work toward larger goals—raising educational levels and standards of living—important to the quality of life both as ends in themselves and as necessary means of motivating people to control their fertility.

National Council of Jewish Women

The National Council of Jewish Women believes that the freedom, dignity and security of the individual are basic to American democracy, that individual liberty and rights guaranteed by the Constitution are keystones of a free society, and that any erosion of these liberties or discrimination against any person undermines that society.

It therefore resolves: . . . 7. To work for and encourage public understanding that abortion is an individual right, and to work for the elimination of legal obstacles that limit this right.

Adopted by the National Council of Jewish Women, 1969.

Connecticut Council of Churches, 1969

ABORTION

Because Christian respect for the sanctity of life and the dignity of persons can be realized only in the context of free moral choice and responsible decision making, we concur in the position taken by the Presidentially appointed Advisory Council on the Status of Women as reported on June 21, 1968, to the Washington, D.C. Conference of state Commissions on the Status of Women, by the Chairman, former U.S. Senator Maurine Neuberger: "the right of a woman to determine her own reproductive life is a basic human right."

Like all such rights, however, this one should be exercised in the context of the highest ethical and spiritual considerations available to the conscience of the individual concerned. Basic to this ethical and spiritual determination of her own reproductive life is the acceptance of the promise to the potential child implicit in every act which begins the reproductive cycle. Since the action which initiates the promise is the woman's and not society's, the woman herself has the primary obligation to keep or break the implicit promise to the future child. We hold that it is this obligation to the future child as a result of the act of promise-making which is the ethical issue in the proper exercise of the woman's determination of her reproductive life. Should she break this promise without good cause, the guilt and shame are hers, not society's.

Therefore, we hold that in attempts to legislate the legal conditions for abortion, society usurps the woman's own ethical responsibilities. We call, therefore, for repeal of the present Connecticut laws concerning abortion performed by a duly licensed physician, and that they be replaced by a provision that abortion be governed by the general laws regulating medical licensure and practice. We urge that full, voluntary consultation or counselling be undertaken by the women with representatievs of her religious or ethical tradition as part of the process of decision making.

Connecticut Council of Churches, 1972.

Re: Abortion legislation.

(The Connecticut Council of Churches is composed of representatives of the eight Protestant church bodies who are members of the Council.)

Debate over the issue of abortion law underscores again the fact that persons of good will and integrity, often sharing the spiritual and ethical resources of the same basic faith, can come to fundamentally different conclusions regarding complex moral issues. This is true not only because they interpret their faith from within different culturally conditioned traditions, but also because they attach special importance to different aspects of the factual situation.

It is within this context that I speak on behalf of the Connecticut Council of Churches in opposition to the kind of restrictive abortion legislation advocated by the Governor.

The Connecticut Council of Churches has considerably held that the only legislation needed is a provision that abortion be covered by the general laws regulating medical licensure and practice. Any other legislation will intrude the State into those delicate areas of religious belief, ethical judgments and personal liberty where it has no right or competency to interfer.

We believe in the sanctity of life and the dignity of persons. But we also believe these can be realized only in the context of free moral choice and responsible decision making. Therefore, we believe that the right of a woman to determine her own reproductive life is a basic human right. Whenever the State attempts to legislate the moral conditions for abortion, it is usurping the woman's own ethical responsibilities. The churches of the Connecticut Council of Churches think it is high time, therefore, for the State to cease and desist its attempts to legislate personal moral sandards which are the responsibility of the individual.

B'nai B'rith Women

RESOLUTION—ABORTION LAWS

B'nai B'rith Women recognizes that abortion is a serious problem with legal, social, religious, ethical, psychological and physical implications. Accurate statistics are unattainable for obvious reasons, but estimates go as high as 1,200,000 abortions a year in the United States alone.

We are aware that in the United States, because of the restrictive laws in almost all of the states, most of the abortions are performed outside the law, exposing the participants to death, serious injury and drastic penalties. Many physicians would like to see the laws broadened to protect themselves and the women they treat. Many lawyers and professors have also made recent proposals for liberalization of the abortion laws.

Problems that result from stringent laws on abortion now in effect in most areas of the world are of concern to B'nai B'rith Women as an international women's organization.

We therefore urgently recommend to the legislative bodies in the United States and other countries throughout the world, liberalization of the conditions under which abortions may be legally performed.

Adopted by B'nai B'rith Women Triennial Convention, March, 1968.

Resolution on Abortion

(Board of Managers, Church Women United, St. Louis, Mo., March 19, 1970)

Our Christian concern for the human rights of all persons, whether as individuals or as groups, compels us to support the right of women to make the final decision about termination of an unwanted pregnancy in which a woman has strong reason for not bearing a child. Therefore, we believe the current abortion laws that deny this fundamental human right should be repealed.

New medical techniques make abortion safe, but current laws force women into dangerous situations and discriminate particularly against the poor woman. Whereas there are a variety of opinions about when life becomes human, laws of the state should not bind all women to one view. A woman does not make a decision for abortion easily or lightly and every encouragement and support should be offered to avoid this extreme solution. But this recourse must be open to her and she must be free to make the final decision with the help of her family, doctor, and spiritual advisor for she is the one who is required to go through the pregnancy and childbirth and will be expected by society to be primarily responsibile for any child that is born. We also believe it is important that those who counsel and support women not be restricted by legalities.

We urge that serious work be done by the church on the ethical and theological aspects of abortion and that the results of such studies be available so that women may find adequate understanding and support.

In speaking on this issue of urgency to women, Church Women United recognizes that within our constituency there are some women who belong to communions who do not agree with this statement, but we believe that our unity is strong enough to contain varied opinions.

The United Methodist Church, 1971

Our belief in the sancity of unborn human life makes us reluctant to approve abortion. But we are equally bound to respect the sacredness of the life and well-being of the mother, for whom devastating damage may result from an unacceptable pregnancy. In continuity with past Christian teaching, we recognize tragic conflicts of life with life that may justify abortion. We call all Christians to a searching and prayerful inquiry into the sorts of conditions that may warrant abortion. We support the removal of abortion from the criminal code, placing it instead under laws relating to other procedures of standard medical practice. A decision concerning abortion should be made after thorough and thoughtful consideration by the parties involved, with medical and pastoral counsel.

Lutheran Church in America, 1970

Some Issues Related to Abortion

In the consideration of induced abortion, the key issue is the status of the unborn fetus. Since the fetus is the organic beginning of human life, the termination of its development is always a serious matter. Nevertheless, a qualitative distinction must be made between its claims and the rights of a responsible person made in God's image who is in living relationships with God and other human beings. This understanding of responsible personhood is congruent with the historical Lutheran teaching and practice whereby only living persons are baptized.

On the basis of the evangelical ethic, a woman or couple may decide responsibly to seek an abortion. Earnest consideration should be given to the life and total health of the mother, her responsibilities to others in her family, the stage of development of the fetus, the economic and psychological stability of the home, the laws of the land and the consequences for society as a whole.

Persons considering abortion are encouraged to consult with their physicians and spiritual counselors. This church upholds its pastors and other responsible counselors, and persons who conscientiously make decisions about abortions.

The Moravian Church in America, Northern Province, August 1970

The following Resolutions were adopted by the 1970 Provincial Synod of the Moravian Church in America, Northern Province.

Resolved: (7) That this Synod affirm that the decision to interrupt a pregnancy consistent within the time limits recognized by the medical profession be the responsibility of the individual(s) involved, based on his interpretation of Christian teaching, and that those who seek such an irreversible alternative do so with considerable thought and adequate medical and spiritual counseling; and be it further

Resolved: (8) That abortions should be viewed in the perspective of bringing mercy to a difficult situation where other options may be more destructive; and be it further

Resolved: (9) That abortion should not be used as a means of population control.

The United Presbyterian Church in the United States of America, 1972

Re: Freedom of personal choice in problem pregnancies.

Whereas, God has given persons the responsibility of caring for creation as well as the ability to share in it, and has shown his concern for the quality and value of human life;

Whereas, sometimes when the natural ability to create life and the moral and spiritual ability to sustain it are not in harmony, the decisions to be made must be understood as moral and ethical ones and not simply legal;

Whereas, society now provides minimal care for unwanted children and inadequate support systems for women with children;

Whereas, most present abortion laws are inadequate and morally and ethically unjustifiable because: a) the laws do not deal with the problem of the bodily rights of women nor affirm their life and health; b) the laws do not grant women the right not to bear unwanted children; c) the laws do not deal with the emotional, social or economic welfare of other members of a family into which an unwanted child may be born; d) the laws fail to solve the problem of illegal abortions but leave the problem to be handled by criminals, quack practitioners and a small number of reputable physicians willing to risk their practice and reputation by performing abortions; e) the laws do not relieve the burden which the present structure places on the poor and on those who are unsophisticated about the ways of medicine and the law, and f) the laws do not insure the right of all children to be born as wanted children;

Therefore, in support of the concern for the value of human life and human wholeness and for the freedom of choice advocated in the report, "Sexuality and the Human Community," received for study by the 182nd General Assembly (1970), in support of the call to repeal inadequate abortion laws by that Assembly and in support of the resolution passed by United Presbyterian Women (1970), the 184th General Assembly (1972):

a. *Urges* the development, support and expansion of agencies where women with problem pregnancies have assistance and counseling on options such as keeping the child, adoption alternatives and abortion, with future access to birth control methods. As part of the counseling process, it urges consideration of the feelings of the father and the family.

b. *Declares* that women should have full freedom of personal choice concerning the completion or termination of their pregnancies and that the artificial or induced termination of pregnancy, therefore, should not be restricted by law, except that it be performed under the direction and control of a properly licensed physician.

c. *Continues to support* the establishment of medically sound, easily available and low-cost abortion services.

d. *Urges* the church to demonstrate its concern for women with small children by encouraging 1) the support of prenatal care for all pregnant women, 2) the principle that all children are legitimate at birth, 3) the establishment of support groups for single women who elect to keep their children, and 4) the formation of high quality child-development centers.

e. *Supports* legislation to repeal abortion laws not in harmony with this statement and encourages responsible groups working for such repeal.

f. *Urges* the development and dissemination of biblical and theological materials on the issue of abortion in order to facilitate responsible dialogue.

g. *Directs* the Stated Clerk of the General Assembly to urge synods and presbyteries to study and take appropriate action on the issue of abortion in line with sections a. through f. above, including training opportunities for pastors and laypersons in counseling on problem pregnancies.

h. *Directs* the Stated Clerk of the General Assembly to request seminaries to include appropriate consideration of the issue of abortion in courses in pastoral counseling and social ethics as well as in continuing education programs offered to clergy, and to request church-related colleges to consider the issue of abortion in appropriate courses, programs or counseling services.

[Episcopal Churchwomen]

A Resolution in Favor of Abortion Law Repeal and Free Birth Control Availability

(Adopted by the Triennial Meeting, October 16, 1970)

Whereas, the subject of abortion is a matter of current concern in many of our State legislatures; and

Whereas, our legislators need and desire support and guidance from the community and church concerning reform or elimination of current abortion laws; and

Whereas, the theological debate over when a fetus is a life and whether or not abortion constitutes the taking of a life, are questions that cannot be resolved to the satisfaction of all individuals and/or religious faiths; and

Whereas, the liberalized "Model Abortion Law" enacted in several states has not resulted in a significant decrease in the number of illegal abortions and has proven to be discriminatory against women from the lower economic strata, now therefore be it

Resolved, That the 33rd Triennial Meeting of the Women of the Episcopal Church support efforts to repeal all laws concerning abortion which deny women the free and responsible exercise of their conscience, and be it further

Resolved, That the members of the 33rd Triennial Meeting encourage and support *efforts to make generously available to all women and men, regardless of economic or marital status, other methods of birth control including birth control for men, which are more acceptable than abortion to many individuals of Christian conscience.*

Capital Area Council of Churches, 1970

We strongly feel that abortion is a matter of individual conscience and that no religious or secular group has the right to impose its codes and practices on others. Abortion as a voluntary act based on moral, ethical and religious values should not be curtailed by legislative restrictions. Restrictions which rob the individual of the right to self determination are discriminatory.

Federation of Protestant Welfare Agencies, Inc., 1970

The Federation of Protestant Welfare Agencies believes that every woman should have the right to decide for herself whether or not to secure the termination of pregnancy.

We believe there should be no abortion law, and that abortion should be governed solely by the laws regulating medical practice in general.

Therefore, the Federation supports repeal of all laws treating abortion as a crime, leaving the matter of abortion to be decided by the woman affected, and in the domain of sound medical practice.

We believe that attempts to create and define other grounds for abortion in addition to preservation of the mother's life, the only legal reason at present, and to define procedures and set up safeguards against violation will do little to ameliorate the problem in most cases where a woman wants to terminate a pregnancy. Such an approach will not solve the problem of the woman who seeks an abortion but cannot qualify under the law and will not reduce the hazards and humiliations for the woman who will feel compelled to resort to illegal and dangerous surgical procedures. Furthermore, such changes will serve to involve the State in deciding when a woman will and when she will not be compelled to bear a child against her will.

Accordingly, the Federation of Protestant Welfare Agencies urges repeal of all criminal abortion laws, and revision of the Education Law to provide that under the definition of practice of medicine, termination of pregnancy shall be considered treatment of a physical condition.

National Women's League of the United Synagogue of America, 1970

National Women's League believes that, inherent in the civil rights of women, is the freedom of choice as to birth control and abortion.

We believe that all laws infringing on these rights should be repealed.

The United Church of Christ, 1971

The theological and scientific views on when human life begins are so numerous and varied that one particular view should not be forced on society through its legal system.

Present laws prohibiting abortion are neither just nor enforceable. They compel women either to bear unwanted children or to seek illegal abortions regardless of the medical hazards and suffering involved. By severely limiting access to safe abortions, these laws have the effect of discriminating against the poor.

The mere liberalization of the laws has not proven to be a viable solution to the problem of illegal abortions. The liberalized laws tend to cause more rigidity and narrowness of interpretation, and, in any case, cannot cover all circumstances in which an abortion may be appropriate.

For these reasons, the Eighth General Synod of the United Church of Christ calls for the repeal of all legal prohibitions of physician-performed abortions. This would take abortion out of the realm of penal law and make voluntary and medically safe abortions legally available to all women. Simultaneously we ask that adequate protection be given to "conscientious objectors" against abortion, including physicians, nurses, and prospective mothers.

In order to give effect to its concern for freedom with responsibility, and acknowledging the church's obligation to aid in the resolution of the problem of unwanted pregnancies, the General Synod of the United Church of Christ takes the following action:

1. The General Synod calls upon the churches of the United Church of Christ and their members to involve themselves extensively in programs which would support repeal of present abortion legislation and to expand their ministries of counsel and concern to all women who have problems related to unwanted pregnancies.

2. The General Synod calls upon pastors, members, local churches, Conferences, and Instrumentalities to provide programs of counseling and education as to the meaning and nature of human life, sexuality, responsible parenthood, population control, and family life.

3. The General Synod calls on pastors, members, local churches, Conferences, and Instrumentalities to support and expand programs for family life and sex education in schools, agencies for adult education, communications media, and other public institutions; and to encourage the extension of information and services related to contraception as instrumental to the prevention of undesirable pregnancies and the achievement of wholesome family life.

4. The General Synod calls on pastors, members, and local churches to offer counseling opportunities and supporting fellowship for persons facing problems of unwanted or ill-advised pregnancies; to assist such persons in making wise ethical decisions regarding their problems; and to help them find professional assistance if necessery, as through existing noncommercial consultative services.

5. The General Synod urges the Council for Health and Welfare and its member agencies to work for the expansion of family planning services in the communities they serve and to initiate new programs that can serve as models to other hospitals and institutions.

6. The General Synod requests the Division of Health and Welfare and the Division of Christian Education to provide educational resources, consultative services, and training for constituents who wish to sponsor programs which are consistent with this General Synod position.

7. The General Synod calls on pastors, members, health and welfare committees, the Division of Health and Welfare, and other agencies to develop ministries on behalf of disadvantaged and minority groups which would give them freedom of choice in the area of family planning and the termination of unwanted pregnancies in keeping with this statement.

8. The General Synod calls the above action to the attention of Conferences and Instrumentalities and urges their appropriate staffs to cooperate closely in the implementation of the purposes of this statement.

Connecticut Conference of the United Church of Christ, 1971

Whereas a responsible position concerning abortion should be based on a consideration of the rights of the individual woman, her potential child, her family and society, as well as the rights of the fetus.

The theological and scientific views on when human life begins are so numerous and varied that one particular view should not be forced on society through its legal system.

And whereas present laws prohibiting abortion are neither just nor enforceable. They compel women either to bear unwanted children or to seek illegal abortions regardless of the medical hazards and suffering involved. By severely limiting access to safe abortions, these laws have the effect of discriminating against the poor.

The mere liberalization of the laws has not proven to be a viable solution to the problem of illegal abortions. The liberalized laws tend to cause more rigidity and narrowness of interpretation, and, in any case, cannot cover all circumstances in which an abortion may be appropriate; therefore be it

Resolved that the Connecticut Conference of the United Church of Christ join with the Eighth General Synod of the United Church of Christ in calling for the repeal of all to take abortion out of the realm of penal law and make voluntary and medically safe abortions legally available to all women. Simultaneously we ask that adequate protection be given to "conscientious objectors" against abortion, including physicians, nurses, and prospective mothers.

The Connecticut Conference calls upon its member churches to involve themselves extensively in programs which would support repeal of present abortion legislation and to exand their ministries of counsel and concern to all women who have problems related to unwanted pregnancies.

West Virginia Council of Churches, 1971

RECOMMENDED POSITION STATEMENT ON ABORTION LEGISLATION

There are several factors the Division of Life and Work considered, and commends for serious consideration, in evaluating the related questions of abortion and abortion legislation. The emphasis should be made here that the Division has interpreted its responsibility as recommending a position *only* on abortion legislation.

The First and most important of these factors is the sanctity of human life. Indeed, the thrust of the Gospel of Jesus is God's activity for humans. It is necessary only to give reference to the several occasions in which Jesus, not only underscored the commandment against murder, but elevated our responsibility to a basis higher than legalism that would include total consideration of the humanity of persons. Whatever we do has to reflect and be based upon this sanctity of human life.

In attempting to discover specific biblical references to the practices of abortion, the Division was reminded again of the uncertainty that is involved in this question. This only makes heavier the responsibilities that are ours in deciding questions that are difficult at best.

The strong implication of the ministry and teaching of Jesus was not to develop his own legalistic code, but to incarnate and ennunciate guidelines applicable to specific situations that humans find themselves in. This, however, places both the responsibility and the freedom upon us to decide as we understand His Spirit leads. Further, Jesus' approach was not one of coercion, but was one of proclamation and incarnation. The confrontation with man was made, but the responsibility for man's decision was his, with the freedom to decide either for or against. This element of human freedom with the human responsibility to exercise that freedom, under His guidance, has weighed heavily in our deliberations.

In attempting to recommend a position on abortion legislation, there are additional factors that have to be considered. No member of the Division has argued for the law to permit abortions in those situations in which all evidence indicates human life is present. The *fact* of determining when human life is present has only served to underscore the element of uncertainty. The medical profession itself is divided on this question. We are well aware of and have seriously considered the feelings of those who believe that an abortion at any stage of pregnancy would interrupt, if not actual, the potential human life in some stage of development. We ourselves believe that this is a value judgment that cannot be shoved aside as lightly as some do. However, we are equally aware that persons in making their own decisions as to where to draw the line, may draw that line at different points.

Persons who have pregnancies that they consider to be problem pregnancies for them, sometimes draw their own line in such a fashion that they do seek and obtain abortions—whether legally or illegally. We have reminded ourselves that the church community has not been sufficiently aware of this problem to provide needed resources; financial, counseling, and other, to provide realistic alternatives to persons who have what they consider to be problem pregnancies. We have also asked ourselves the question of the responsibilities that the church community has to those persons who decide, whether legally or illegally, to obtain abortions.

We have had to remind ourselves that all of us are sinners. This is the reason for prayers of confessions as a regular part of services of worship. The relationship and the grace which Jesus incarnated and proclaimed is one of healing and wholeness for all persons. As we remind ourselves of our continual need for that gift of healing and wholeness, so we must also remind ourselves of our responsibilities to provide a healing and wholesome relationship, particularly for those whose actions and decisions we do not believe to be wise.

Combining these elements of the sanctity of human life, of the strong emphasis in the Gospel of Jesus upon human freedom, human responsibility, and God's grace; and the reality of the tremendous uncertainty in this area, our recommendations are as follows:

1. We recommend support for efforts to make abortion a medical decision between the persons involved and competent medical counsel. We further recommend that a 20 week limitation (no abortions performed after the first 20 weeks of pregnancy) be included in the code.

2. Recognizing differences of opinion by both medical personnel and laymen, and recognizing that hospitals are financially prohibitive for several persons, we recommend support for efforts to permit abortions on a clinic approach.

3. Recognizing that the decision to have an abortion is not a decision easily arrived at, and that once an abortion is obtained problems surrounding that pregnancy and abortion often still continue; we recommend support for efforts to establish supportive services, particularly psychological and counseling facilities.

4. We recommend to the Council, to the various church groups, and to others that all of us accept the responsibilities that are ours in providing meaningful alternatives for person to deal with problem pregnancies.

This recommended position is not to be interpreted as either endorsing or opposing abortions. It is to be interpreted as a recommended position statement on abortion legislation.

The Division feels it must make one addition observation. Over the course of our deliberations, we have been made acutely aware that persons disagree on the subjects of abortion and abortion legislation with deep feeling and much sincerity. We caution all of us not to judge too hastily and humanity, the values, and the worth of persons with whom we disagree. We remind ourselves again that all of us continually live our need for God's healing and forgiving grace. And that we are commanded to love each other as we are loved.

THE COUNCIL OF CHURCHES OF THE MOHAWK VALLEY AREA, INC., 1971

The Board of Directors of the Council of Churches of the Mohawk Valley Area affirms its conviction that termination of pregnancy should be voluntary and a matter of conscience. The decision for or against termination of pregnancy should be without legal circumbrance so that women and their husbands, together with physicians, clergy, or other appropriate counselors may be able to exercise their best judgment as to what is wise in individual cases.

Because the integrity of the medical profession is unnecessarily questioned by proposed legislation which would restrict physicians' rights to make decisions with their patients, licensed physicians should be subject only to general laws regulating medical licensure and practice.

The only acceptable modification of present New York State Law which can be envisioned would be a reduction in the number of weeks during which an undesireable or unwanted pregnancy can be terminated.

A STATEMENT OF THE TWENTY-FIFTH GENERAL COUNCIL OF THE UNITED CHURCH OF CANADA, AUGUST, 1972

ABORTION

(a) We affirm the inherent value of human life, both as immature in the foetus and as expressed in the life of the mother and related persons. The foetus is a unique though immature form of human life and therefore has inherent value. Christians should witness to this value by insisting that abortion is always a moral issue and can only be acceptable as the lesser of two evils in each particular situation. Therefore, abortion is acceptable only in certain medical, social, and economic situations.

(b) The present law, which requires a hospital therapeutic abortion committee to authorize an abortion, is unjust in principle and unworkable in practice.

(c) We do not support "abortion on demand". We believe that prior to twelve weeks of gestation, or prior to that stage of foetal development when abortion can no longer be performed by D.&C. suction, abortion should be a personal matter between a woman and her doctor. After that period of time, abortion should only be performed following consultation with a second doctor. We further believe that her male partner and/or other supportive people have a responsibility to both the woman and the foetus and should be involved in the decision wherever possible.

Therefore: 1. We urge the Government of Canada to:

(a) Remove from the Criminal Code all sections presently relating to abortion;

(b) Enact and enforce penalties for people who, without the required medical qualifications, perform abortions; or who perform abortions in places other than those approved for that purpose.

2. We urge Provincial Governments to:

(b) Provide facilities and personnel necessary to meet the need for abortions, and make known the availability of such facilities, and require all hospitals to declare publicly their policy on abortion.

3. In order to protect the foetus and the woman from an ill-advised abortion, and to help the woman make a responsible decision, we urge the Federal and Provincial Governments to cooperate with Churches and other helping agencies in the funding and further development of counselling services in all centres where abortions are performed, and in geographic areas where such hospital and medical services are not available. This counselling should include:

(a) *Early Pregnancy Counselling*

To help the woman to:

Understand her own feelings about being pregnant;

Explore all the options for coping with the pregnancy;

Carrying the pregnancy to term;

Giving up or keeping the baby;

Abortion;

Articulate her reasons for choosing an abortion or carrying the pregnancy to term; and

Relate to family members or friends to whom she can look for support in her predicament.

To inform the woman about:

Available community services, should she choose to have and to keep the baby, or have and give up the baby;

Adoption possibilities and procedures; and

Abortion procedures and possible mental, spiritual and social ramifications.

(b) *Contraception Counselling*

Ensure that the client and, if possible, her male partner understand the facts of fertility, are informed about contraception methods and have access to devices and prescriptions.

(c) *Follow-up Counselling* to deal with personal problems that may arise from the operation and to encourage the continued use of contraceptives.

4. Further, as an expression of our Christian concern, we urge Churches, Governments, and all helping agencies to work through all possible avenues to ensure adequate community support for mothers choosing to give birth, both those giving up and those keeping their babies.

CHURCH WOMEN UNITED OF CONNECTICUT—1972

Our Christian concern for the human rights of all persons, whether as individuals or as groups, compels us to support the right of women to make the final decision about termination of an unwanted pregnancy in which a woman has strong reason for not bearing a child.

Therefore, we urge that any action taken by the legislature in relation to abortion be just and humane recognizing the right of a woman to make the ultimate decision.

Therefore, we, the Church Women United in Connecticuit, urge that the Connecticut legislature seriously consider the subject of abortion and enact a just and humane law. We strongly feel that the legislature should remove the abortion question from the area of criminal law and place it under the jurisdiction of laws governing medical practice.

CHURCH OF THE BRETHREN

A POSITION STATEMENT

Brethren oppose abortion because it destroys fetal life. Let it be clear that the Brethren ideal upholds the sacredness of human life and that abortion should be accepted as an option only where all other possible alternatives will lead to greater destruction of human life and spirit.

However, we confess that we are part of a society that contributes to abortion by denying parents the support and assistance they need. We further confess our lack of compassion, our condemnation of those who differ with our view of morality, and our need to coerce and compel others to our way of thinking.

Thus, our position is not a condemnation of these persons who reject this position or of women who seek and undergo abortions. Rather, it is a call for Christlike compassion in seeking creative alternatives to abortion.

We support persons who, after prayer and counseling, believe abortion is the least destructive alternative available to them, that they may make their decision openly, honestly, without the suffering imposed by an uncompromising community.

We oppose any action, direct or indirect, by parents, physicians, the state, or anyone that would compel a woman to undergo an abortion against her will.

All who seek abortions should be granted sympathetic counsel about alternatives available as well as the health and safety of publicly available physicians and hospital care.

Excerpt from the statement adopted by the 1972 Annual Conference, Church of the Brethren.

CATHOLICS FOR A FREE CHOICE

STATEMENT OF PURPOSE

Catholics for a Free Choice is a national organization of Catholic laypersons who are seeking change within their church on matters of abortion and contraception.

We support the individual woman's right to make decisions regarding abortion and contraception in accordance with her own conscience and without fear of criminal prosecution.

This "Right to Choose" should not be restricted by Federal and/or State legislation.

PENNSYLVANIA COUNCIL OF CHURCHES 1973–74 STATEMENT OF LEGISLATIVE PRINCIPLES

a. *Abortion.* Abortion has been dealt with by the Supreme Court of the United States. It allows great freedom in the decision to have or not to have an abortion. For those in a position to have to decide on abortion, we believe it can never be lightly made, and urge support for those making a decision and following it through, whatever it may be.

NATIONAL ASSOCIATION OF THE LAITY

After studying the decision, the Board of Officers of the National Association of the Laity (NAL), applauds the Supreme Court on its decision emphasizing the individual's right to privacy in making a decision on abortion. The Court's decision is not inconsistent with the Catholic Church's teaching that responsible persons exercise their conscience in matters of morality.

The NAL is the independent national Catholic lay reform organization in the U.S. For three years it has researched and debated this complex issue. Given the many aspects of this sensitive issue, the NAL is not yet ready to present a full position in a consensus. But implicit in the NAL's study has been dissatisfaction with the hierarchy's rigid position and with its insensitivity to the moral complexity of this issue.

The Court's decision in no way impedes the rights of our church to teach a doctrine limiting or prohibiting its members' use of abortion. But it also permits the free exercise of conscience for those citizens who regard abortion as a civil right and a personal option.

The Court has fulfilled its responsibility to the whole of the American people in dealing with this constitutional question. Now the Church can concentrate on re-examining its abortion teaching and restating it lucidly to Catholics, while not imposing its position on our fellow citizens who may not agree with us.

MEDICAL COMMITTEE FOR HUMAN RIGHTS

"The Medical Committee for Human Rights strongly urges the immediate reform of archaic laws concerning induced abortion and further, that these reforms must be based upon consideration of health in the broadest definition, rather than upon political or religious factors."

AMERICAN PUBLIC HEALTH ASSOCIATION—1971

Replacement Reproduction and Zero Population Growth

The nation now faces critical questions concerning the implications of continued population growth. The vital arithmetic is relentless—population growth cannot be sustained indefinitely.

Reducing population growth per se is not the panacea for all the nation's problems, but it is one important and achievable means to help attain many desirable goals. Specific proposals to achieve population stabilization must be designed to maximize individual freedom and diversity of opportunity, as well as to avoid social and economic inequities. Concerns of minority groups not only must be an integral part of population policy, but also of high priority. The United States should continue to open its doors to immigrants, even though immigration produces one-quarter of our population growth.

APHA calls for the establishment of a national goal of replacement reproduction an average of 2.11 children per woman—within this decade. To help achieve this goal, APHA supports full provision of family planning services, including sterilization for men and women, safe legal abortions, expanded population research, and universal public education on the causes and effects of population growth.

AMERICAN MEDICAL WOMEN'S ASSOCIATION—1960–71

1966—THAT the American Medical Women's Association approve in principle the recommendations of the American College of Obstetrics and Gynecologists and the American Law Institute that legalized abortion may be performed in licensed hospitals if at least two physicians agree there is substantial danger to the mother's physical or mental health or that the child will be born with a grave physical or mental defect, or when pregnancy is the result of rape or incest.

1969—THAT the AMWA approve removing restrictions on abortion and voluntary sterilization for those who, for family planning or health reasons, wish it, and that this be done with the approval of their physicians.

1969—THAT the AMWA encourage counseling with regard to abortion both in group and individual medical practice.

AMERICAN PSYCHIATRIC ASSOCIATION—1969

A decision to perform an abortion should be regarded as strictly a medical decision and a medical responsibility. It should be removed entirely from the jurisdiction of criminal law. Criminal penalties should be reserved for persons who perform abortions without medical license or qualifications to do so. A medical decision to perform an abortion is based on the careful and informed judgements of the physician and the patient. Among other factors to be considered in arriving at the decision is the motivation of the patient. Often psychiatric consultation can help clarify motivational problems and thereby contribute to the patient's welfare.

[From the CONGRESSIONAL RECORD, July 14, 1970]

THE PRESENT STATUS OF ABORTION LAWS

A STATEMENT BY THE NEW YORK ACADEMY OF MEDICINE PREPARED BY THE COMMITTEE ON PUBLIC HEALTH

"A small and temporary improvement may really be the worst enemy of great and permanent improvement, unless the first is made on the lines and in the direction of the second."—Morley, J. *On Compromise*, vol. 3, p. 129. London, MacMillan, 1921.

The New York Academy of Medicine has issued three opinions on therapeutic abortion since 1943. In that year, after a grand jury investigation of so-called "abortion specialists," the Committee on Public Health of the Academy recommended that the state penal law should be amended to legalize therapeutic abortions in order to preserve the health of a pregnant woman. By way of implementing its recommendation, the Committee drafted the proposed amendment in appropriate phraseology:

Definition of abortion and therapeutic abortion and punishment of one who performs a non-therapeutic abortion.

(1) an abortion is an interruption of an intrauterine pregnancy before the period of viability (up to 28 weeks gestation) is reached.

(2) a therapeutic abortion is the artificial interruption of an intrauterine pregnancy before the period of viability (up to 28 weeks of gestation) is reached where the continuance of such pregnancy would jeopardize the life of the woman or so aggravate the physical or mental disease from which she suffers as seriously to impair her health or threaten her life.

(3) may be performed only by a physician duly licensed in the State of New York, and only in a hospital recognized by the Department of Social Welfare of New York State, or the Department of Health of New York State, or approved by the American College of Surgeons and/or the American Medical Association. After written opinions of its necessity have been obtained from competent qualified and recognized consultants in the respective specialties involved, which said written opinions shall be incorporated in the records of the hospital.

In 1953 the Committee on Public Health recommended that its previously proposed amendment be broadened to include the likelihood of impaired health or disability of a child as an indication for therapeutic abortion.

In 1959 the American Law Institute suggested a Model Penal Code governing abortion. This code would authorize therapeutic abortion when a licensed physician believes there is substantial risk that continuance of the pregnancy would gravely impair the physical or mental health of the mother, or that the child would be born with grave physical or mental defects, or that the pregnancy resulted from rape by force or incest. The physicians must certify in writing their belief in the justifying circumstance.

In a statement issued in 1965 the New York Academy of Medicine reaffirmed its previously expressed opinions that changes in the abortion law were necessary. This statement contained the following recommendation:

The New York Academy of Medicine therefore strongly recommends that the Penal Law of the State of New York be amended to legalize therapeutic abortion where there is substantial risk that the continuance of pregnancy would gravely impair the physical or mental health of the mother, or that the child would be born with grave physical or mental defects. Safeguards should also be included in the legalization of the procedure on these grounds: therapeutic abortion should be permitted only in officially recognized or accredited hospitals after review and approval in each instance by a competent committee established by the hospital; and the operation should be performed only by a physician licensed in the State of New York.

In the intervening years many resolutions from diverse authoritative bodies and changes of statutes here and abroad have called attention to the appalling inadequancy of the New York law.

INDICATIONS FOR THERAPEUTIC ABORTION—STATUTES ENACTED 1967-69

	Life	Health	Mental health	Fetal defects	Rape	Incest	Limit (weeks)
Arkansas	×	×		×	×	×	12
California		×	×		×	×	20
Colorado	×	×	×	×	×	×	[1] 16
Delaware	×	×	×	×	×	×	[2] 20
Georgia	×	×		×	×		
Kansas	×	×	×	×	×	×	
Maryland	×	×	×	×	×		[3] 26
Mississippi	×				×		
New Mexico	×	×	×	×	×	×	
North Carolina	×	×		×	×	×	
Oregon	×	×	×	×	×	×	[3] 21

[1] Applies only to cases of rape or incest.

[2] Exceptions in the case of serious threat to the mother's life or in cases of fetal death.

[3] Time limit does not apply in cases of danger to life.

In 1967 the House of Delegates of the American Medical Association went on record as supporting reform of the abortion laws to conform with the general guidelines set forth in the Model Penal Code. The American College of Obstetricians and Gynecologists recommended, in addition to the provisions of the Model Penal Code, that social and total economic environment—actual or reasonably foreseeable—be considered as having a bearing on the health of the mother.

For more than two years the Medical Society of the State of New York has formally approved reform of the present "inadequate" abortion law.

The American Public Health Association at its 1968 annual meeting took the final step; it formally advocated repeal of the existing statutes regulating therapeutic abortion.

Between 1967 and 1969 eleven states have amended their abortion laws by extending the indications for therapeutic termination of pregnancy as indicated in the accompanying table.

The new abortion act in Great Britain (1967) is potentially the most permissive of all recently enacted statutes. It contains two significant clauses in respect to the ascertainment of health of the mother.

(a) Account be taken of the pregnant woman's actual or reasonably foreseeable environment.

(b) Account be taken not only of the effect of pregnancy on the mother but on any existing children of her family.

If liberally construed, the current British abortion law could amount to virtual unrestricted abortion.

The report of Governor Nelson A. Rockefeller's special commission to review the New York State abortion law was published in March 1968. The recommendations follow the Model Penal Code, but add two additional indications for abortion as follows:

(a) The pregnancy commenced while the female was unmarried and under 16 years of age, and is still unmarried.

(b) When the female already has four living children.

The principal arguments in favor of a more permissive abortion statute have been summarized by the governor's special commission as follows:

(1) The deaths, sterility and harmed physical and mental health, resulting from the large number of illegal abortions each year, could largely be prevented if such abortions were performed by competent physicians in proper hospital surroundings, within the framework of reasonable legislation.

(2) The wide disparity between the statutory law and actual practice encourages disrespect for the law and places upon the conscientious physician an intolerable conflict between his medical duty to his patients and his duty as a citizen to uphold the law.

(3) The present law places an unfair discrimination on the poor. Persons with money may obtain safe abortions either by travelling to other jurisdictions, by going to high-priced, competent though illegal abortionists, or by obtaining legal abortions here based on "sophisticated" psychiatric indications.

The divergence between the literal interpretation of the law and current medical practice has led today's physician into an area of grave legal risk. There are indications that the courts may take action when reputable medical practice in accredited hospitals does not conform to strict interpretation of rigid abortion laws.

In 1969 there were two court decisions of major importance in this field. On September 5 the California Supreme Court in the case of People v. Belous declared the pre-1967 California abortion law unconstitutional on the following grounds:

(1) The phrase "necessary to preserve life" is vague;

(2) "The fundamental right of the woman to choose whether to bear children" is a right of privacy which the statute abridges;

(3) The statute violates the Fourteenth Amendment because of the "delegation of decision making power to a directly involved individual," (i.e., the doctor might be penalized for approving a request for abortion but not for denying a request).

In November a decision in the United States District Court for the District of Columbia declared unconstitutional that part of the statute that outlawed abortions other than those done "for the preservation of the mother's life or health." The reasoning was similar to and in part relied upon that in the Belous decision.

At present the New York law is being challenged in the Federal Court for the Southern District of New York. The complaint in the cases alleges that the abortion law is unconstitutional on ground approximately similar to those cited in the California case.

In view of these circumstances, the New York Academy of Medicine recommends repeal of those sections of the criminal code referable to the performance of abortion by qualified physicians and further supports the legal changes that would place abortion under the general provisions of the medical-practices act of the various states.

GROUP FOR THE ADVANCEMENT OF PSYCHIATRY—1969

Many of the social, sexual, and pragmatic goals served by legal sanctions against abortion have diminished in the past decades. Their continued application no longer can be sustained by a justifiable state interest. If anything, it may be in the interest of the state to permit abortion freely as a secondary measure to limit population where contraception fails. The laws as currently enforced impose an enormous hardship on the unwilling mother, whatever her medical or psychiatric condition may be. There remains the moral issue of abortion as murder. We submit that this is insoluble, a matter of religious philosophy and religious principle and not a matter of fact. We suggest that those who believe abortion is murder need not avail themselves of it. On the other hand, we do not believe that such conviction should limit the freedom of those not bound by identical religious conviction. Although the moral issue hangs like a threatening cloud over any open discussion of abortion, the moral issues are not all one-sided. The psychoanalyst Erik Erikson stated the other side well when he suggested that "The most deadly of all possible sins is the mutilation of a child's spirit." There can be nothing more destructive to a child's spirit than being unwanted, and there are few things more disruptive to a woman's spirit than being forced without love or need into motherhood.

It is on the basis of the foregoing discussion that we recommend that abortion, when performed by a licensed physician, be entirely removed from the domain of criminal law. We believe that a woman should have the right to abort or not just as she has the right to marry or not.

We suggest that the physician who is asked to perform the abortion be expected to exercise medical judgment as he would in the case of any elective surgery. Medical judgment will be affected by many factors. Perhaps the most controversial of these will be the length of gestation and the viability of the fetus. However, we believe that general rather than specific guidelines should be instituted. Thus, we assume that most physicians, as gestation progresses, will be increasingly reluctant to perform abortion.

As psychiatrists we would particularly emphasize the importance of the physician's exploring with the pregnant woman the basis of her motivation, so as to clarify impulsive, manipulative, or self-destructive elements in the decision to abort. The various medical judgments pertinent to abortion may, when warranted, be arrived at with the help of consultation. We do not believe that psychiatric consultation should necessarily be routine.

We are well aware that our recommendations constitute a broad change of social policy. Given the experiences in Hungary, Sweden, and Japan, we recommend that the Bureau of Census, the various population centers, and the various social and psychological research centers attend to and study the consequences of this change and, where indicated, recommend future policy changes. What we suggest is not necessarily a final step, but rather a current appropriate measure.

AMERICAN PROTESTANT HOSPITAL ASSOCIATION—1970

Believing that the integrity of the family unit and the institution of marriage is jeopardized, if not destroyed, by unwanted children, and believing that the condition of pregnancy and the bearing of children may cause physical suffering and mental anguish, and believing that social maladjustment may be related to or result from unwanted children, and those conceived out of wedlock and until such time as totally effective and acceptable contraceptive material and techniques have been developed, pregnancy may be interrupted at the request of and with the informed consent of a woman, her legal guardian or nearest relative if she is under the age of consent. No woman should be compelled to undergo, or a physician to perform a procedure that would interrupt pregnancy if either has ethical, religious, or any other objection to such a procedure. All reasonable efforts should be made to remove economic barriers that would prohibit the exercise of the option provided by this statement.

It is the position of this Association that all procedures performed in conformity with this policy should be by licensed practitioners of medicine and in a facility which in all respects conforms to the then current acceptable standards of organized medicine and hospitals.

AMERICAN PSYCHOANALYTIC ASSOCIATION—MAY, 1970

POSITION STATEMENT ON ABORTION

In the spring of 1968 a Committee of the Executive Council of the American Psychoanalytic Association undertook a study of the issues that relate to the medical procedure referred to as therapeutic abortion.

The Report of the Committee, submitted to the Council on 7 May 1970, notes the religious, cultural, and social roots of abortion laws, as well as the medical concerns which, until the development of anesthesia and of means for combating infection, made the procedure a dangerous one.

In addition, the Committee studied the data related to psychological effects of abortion upon women. Psychiatric and psychoanalytic findings reveal no consensus or basis for general prediction of the nature of the expectable psychological sequelae. Though there are always emotional aspects of each such proceeding, there is no evidence that these are necessarily negative or enduring. As psychoanalysts, we are aware of the existence of many motives behind the pregnancy and its termination and of the presence of psychological conflict which are less effects of the abortion per se than of the underlying difficulty.

For these reasons the Committee on Social Problems took the following position which was approved unanimously by the Executive Council of the American Psychoanalytic Association.

We support a woman's right to choose whether or not to continue her pregnancy.

We view a therapeutic abortion as a medical procedure to be agreed upon between a patient and her physician; and one which should be removed entirely from the domain of criminal law.

AMERICAN MEDICAL ASSOCIATION—JUNE 1970

ABORTION

The new AMA policy on abortion is that:

"Whereas, Abortion, like any other medical procedure, should not be performed when contrary to the best interests of the patient since good medical practice requires due consideration for the patient's welfare and not mere acquiescence to the patient's demands; and

Whereas, The standards of sound clinical judgment, which together with informed patient consent should be determinative according to the merits of each individual case; therefore be it

Resolved, That abortion is a medical procedure and should be performed only by a duly licensed physician and surgeon in an accredited hospital acting only in conformance with standards of good medical practice and after consultation with two other physicians chosen because of their professional competence and within the Medical Practice Act of his state; and be it further

Resolved, That no physician or other professional personnel shall be compelled to perform any act which violates his good medical judgment. Neither physician, hospital, nor hospital personnel shall be required to perform any act violative of personally-held moral principles. In these circumstances good medical practice requires only that the physician or other professional personnel withdraw from the case so long as the withdrawal is consistent with good medical practice." (Board Report D)

NATIONAL COUNCIL OF OBSTETRICS AND GYNECOLOGY—JUNE 2, 1970

"The National Council on Obstetrics-Gynecology recognizes that the initiation, continuation or interruption of pregnancy are the personal responsibility of each woman and should not be regulated by any law. Any health problems arising out of pregnancy are a concern of the pregnant woman and her chosen physician."

STUDENT AMERICAN MEDICAL ASSOCIATION—1970

ABORTION

Whereas, every woman has the undeniable right of deciding whether or not to terminate her pregnancy, and

Whereas, every physician has the undeniable right to conduct the treatment of each of his patients in accord with his professional judgment, and

Whereas, the present abortion laws restricting induced abortion violate both these rights, therefore be it

Resolved, that National SAMA and each chapter of SAMA exert influence to repeal all laws regulating induced abortion by physicians; all laws regulating induced abortion by physicians, all hospitals and physicians should provide induced abortion on demand with the judgment to be made solely by the individual and the physician, and all women, regardless of financial or social status, should have equal access to an induced abortion by physicians.

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS—1970

Policies covering abortions should be designed by the medical staff to safeguard the patient's health or improve her family life situation. They should have due regard for local legal statutes and judicial decrees. Abortion should only be performed in facilities that are administered by a hospital approved by the Joint Commission on Accreditation of Hospitals and/or licensed by a state or province.

It is recognized that abortion may be performed at a patient's request, or upon a physician's recommendation. No physician should be required to perform, nor should any patient be forced to accept an abortion.

When abortion is requested by a patient, the request should be obtained in writing from the patient, or, in the case of a minor, from her parent or guardian. The patient should be informed of the medical nature of the procedure and of its potential consequences. When a abortion is recommended by a physician, the indications should be stated in the patient's record, and informed consent obtained from the patient and her husband, or herself if she is unmarried, or from her nearest relative or guardian if she is under the age of consent. When abortion is requested by a patient, a consultation is not necessary. When abortion is recommended by a physician, the indication for the procedure should be approved by a consultant knowledgeable in regard to the condition thought to indicate abortion.

Abortion is an operative procedure and should only be performed: (1) by a physician who has hospital privileges for the care of obstetric-gynecologic patients and (2) in a hospital-facility adequately equipped to care properly for unexpected complications.

In order to assure that adequate facilities will be available for indicated care of other obstetric-gynecologic patients in some communities, consideration should be given by hospitals to (1) providing a room or entirely separate facilities where an abortion can be performed with minimal disruption of other hospital procedures and the hospital based educational program, and (2) utilizing hospital personnel who volunteer to care for patients admitted to be aborted.

CALIFORNIA MEDICAL ASSOCIATION

The California Medical Association believes that abortion is a medical procedure governed by the Medical Practice Act and, as such, is a matter between the patient and her physician. In 1970, the California Medical Association's House of Delegates voted to adopt this policy, adding that abortion should "be governed by medical standards of sound clinical judgment and informed patient consent, according to the merits of each individual case [1]." As any other medical procedure, abortion should not be performed if it would be detrimental to the best interests, physical or mental, of the patient. Good medical practice indicates that abortion should not be performed after the 20th week of pregnancy.

CMA strongly opposes any factor that might lead patients into the hands of criminal abortionists, and therefore believes that abortions should "be performed in hospitals approved either by the Joint Commission on Accreditation of Hospitals or the California Medical Association Medical Staff Survey, or in appropriately equipped outpatient facilities demonstrating adequate mechanisms for local peer review.[2] Availability of such facilities to pregnant women seeking abortions decreases the number of illegal abortions and the risk to the patient's health.

Realizing that some physicians may disagree with CMA's position on abortion, whether for moral, ethical, medical or psychiatric reasons and acknowledging the wide spectrum of opinion on the subject, CMA believes that—as with any medical procedure, abortion should never be performed "on demand [3]." CMA holds that no physician may be required to violate his own conscience by performing an abortion, nor should any member of the health team be required to assist with an abortion, nor should a hospital be required to permit an abortion in violation of moral principles to which it is dedicated. The alternatives offered to members of the medical profession who oppose abortion are: "(1) to try to remove the stigma attached to pregnancy, (2) to provide emotional support to the patient during pregnancy, (3) to help in adoption, (4) to offer advice regarding future contraception or sterilization or (5) to withdraw from the case if the patient insists on an abortion, so long as the withdrawal is consistent with good medical practice [4]."

In all abortion cases, CMA urges the physician to provide pre- and post-abortion counseling and supports policy that recommends family planning counseling.[5]

CMA has established a standing committee "to consider the response of the medical profession to the evolving scientific, technological and philosophical trends in our society as they affect human life [6]." This committee has helped to evaluate policy on abortions, and is delving into other issues which concern society and its relationship to the medical profession.

AMERICAN COLLEGE OF NURSE-MIDWIVES—1971

The American College of Nurse-Midwives fully supports the statement of the American College of Obstetricians and Gynecologists issued in August, 1970, which states, "abortion is an operative procedure and should only be performed by a physician who has hospital privileges for the care of obstetric-gynecologic patients." The nurse-midwive may, however, at her discretion, be involved in patient care before and after the operative procedure.

Footnotes at end of article.

Michigan Nurses Association—1971

The Michigan Nurses Association/supports the liberalization of abortion laws in the State of Michigan to the extent that the matter is a private concern between the patient and her physician.

National Medical Association—1970

ABORTION POLICY

Abortion, as with any other disease or illness, is a matter between patient and physician. Therefore, it is a medical judgement for a physician to make, with the patient's interest preserved in determining the need for an abortion.

American Association for Maternal and Child Health

This organization being interdisciplinary, composed of professionals and non-professionals, recommends acceptable family planning. We support the Supreme Court Decision on abortion.

The Physicians Forum, Inc.—November 2, 1973

The Physicians Forum is a national organization of practicing and public health physicians with membership throughout the country. As physicians deeply involved with our patients' well-being, we have watched with dismay the movements afoot in Congress to abrogate the Supreme Court decision on abortion. We have known, only too well, the awful tragedy of illegal abortion and its consequences. We have known, too, that it goes on despite all legislative attempts to curb it; that the ones who suffer most under the illegal circumstances are the poor, the young, the unsophisticated, who cannot get good medical attention for this procedure under the prohibitively exclusive economics of illegality.

We now have statistics validating our impressions from the New York State experience. These documents dramatize the drop in mortality and morbidity figures once abortion is legalized.

We enclose a piece of literature for your information. We deplore the need to bombard public consciousness with such frightening photos, but the scare tactics of the anti-abortion groups have forced us to do this. We urge you to stand firm against the Hogan, Buckley and Whitehurst amendments, and any others that would overthrow the Supreme Court decision and limit a woman's right to determine her own medical fate.

Bernard D. Challenor, M.D.,
Chairman.
Joan M. Flanigan, M.D.,
Vice-Chairman.
Anna T. Rand, M.D.,
Chairman, Committee on Maternal Health.

Iowa Medical Society—April 30, 1973

Pregnancy termination is a surgical procedure. For its performance adequate facilities, equipment and personnel are required to assure the highest standards of patient care. Pregnancy termination should be performed only by physicians who are qualified to identify and manage the complications that arise from the procedure.

First trimester abortions (up to 12 weeks gestational age) should be performed in a hospital or in a facility that offers the basic safeguards provided by hospital admission and has immediate hospital back-up. Such a facility should be accredited by the Joint Commission on Accreditation of Hospitals or licensed by the State Department of Health.

Pregnancy termination beyond the first trimester should be performed in a hospital. It is hoped that the majority of terminations of pregnancy would be done under 12 weeks and only a limited number between the 12th and 20th weeks.

From the end of the 20th week until the onset of fetal viability (normally between the 24th and 28th week) pregnancy termination would best be done only for medical or genetic indications. Beyond the period of viability termination should be subject to the approval of a Hospital Termination of Pregnancy Committee and only when the action based upon appropriate judgment is necessary for the preservation of the life or health of the pregnant woman.

Facilities for the performance of first trimeter terminations should include appropriate surgical, anesthetic and resuscitation equipment. In addition the following should be provided:

1. Verification of the diagnosis and duration of pregnancy.
2. Preoperative instructions and counseling.
3. Recorded preoperative history and physical examination, particularly directed to identification of pre-existing or concurrent illness or drug sensitivity that may have a bearing on the operative procedures or the anesthesia.
4. Laboratory procedures as usually required for a hospital admission including blood type and Rh factor.
5. Prevention of Rh sensitization.
6. A receiving facility where the patient may be prepared and receive preoperative medication and observation prior to the procedure.
7. A recovery facility in which the patient can be observed until she has sufficiently recovered from the procedure and the anesthesia and can be safely discharged by the physician.
8. Postoperative instructions and arrangements for follow up, including family planning advice.
9. Reporting of legal inducted abortions is essential. The State Department of Health should assume the responsibility for collection of the necessary data and preservation of the confidentiality of such information.

It is recognized that termination of pregnancy may be performed at a patient's request or upon a physician's recommendation. No physician or supporting personnel, or hospital or other facility should be required to perform or assist in the termination of pregnancy procedures; nor should any patient be forced to accept termination of pregnancy.

The usual informed consent, including operative permit, should be obtained. A patient who is married or 19 years of age (18 years of age effective July 1, 1973) may give her own consent. For other patients consent must be given by parent or legal guardian.

It is important that the provision of abortion services not interfere with the care of other obstetric-gynecologic patients or with residency training programs in obstetrics and gynecology. Consideration should be given by hospitals to providing facilities where termination of pregnancy can be performed with minimal disruption of other hospital function.

Termination of Pregnancy—Wisconsin House of Delegates—1973

Resolved, That the State Medical Society of Wisconsin support the enactment of appropriate legislation which would acknowledge the right of a physician to perform an abortion and to practice this medical procedure as he must any other medical procedure and to refuse to perform an abortion within the dictates of his own training, experience and conscience; and be it further

Resolved, That such guidelines be developed which will assure that abortions are performed only under proper medical circumstances with adequate provision for safeguarding the health of the patient; and be it further.

Resolved, That the State Medical Society reaffirm its opposition to euthanasia as classically defined as "the act or practice of killing individuals that are hopelessly sick or injured for reasons of mercy." (Webster's Seventh New Collegiate Dictionary)

Minnesota State Medical Association, May 1973

PUBLIC EDUCATION

Education about abortion procedures and services is the responsibility of all health agencies and professionals concerned about the care of women. A variety of agencies should assume a leadership role in making the following essential facts known to the public.

1. Abortion should always be a matter of free personal choice and should not be provided under coercion. Information about alternatives to abortion such as maternity homes, adoption, etc., should be made available.
2. Abortion should not be relied upon as a primary means of fertility control. Contraception or sterilization are preferable to abortion as methods of preventing unwanted births.
3. The symptoms and signs of pregnancy should be widely disseminated so that those wishing to terminate a pregnancy may seek assistance at the earliest stage of pregnancy possible; it should be stressed to both doctor and patient that both risks and costs are lower, when abortion is sought early in pregnancy—specifically in the first trimester.
4. The diagnosis of pregnancy should be confirmed prior to abortion through the performance of a physical examination and, if necessary, a laboratory test for pregnancy. At present screening tests for pregnancy which are available over drugstore counters must not be relied on as substitutes for pregnancy tests performed in laboratories. Abortion must be performed by licensed physicians.
5. Information regarding follow-up care and counseling, including specific places or persons to contact for medical services essential to the prevention or discovery of post-abortion complications or emergencies should be provided.
6. Educational literature on abortion should:
   - A. Be readily obtained.
   - B. Stress that abortion is a matter of free choice and should be entered into without coercion and with full knowledge of all available alternatives.
   - C. Specify agencies or individuals who can provide further information, counseling and service.
   - D. Discourage individuals from seeking illegal abortions.
   - E. Stress the importance of medical follow-up after an abortion.
   - F. Emphasize the desirability of contraception instead of abortions to avoid unwanted pregnancy. Facts concerning sterilization should also be made available.
   - G. Physician's fees for abortion should be comparable with his fees for similiar surgical procedure.
   - H. Physicians should have information about public assistance programs, other insurance coverage, and other abortion facilities.

REFERRAL

Abortion referral services should be available through a variety of sources.

1. Referral should be made only to physicians and facilities which meet the provisions contained in these Guidelines.
2. Before referrals for abortions are made the patient should be seen and examined by a physician to determine whether the patient is pregnant and the estimate of duration.

AMERICAN CIVIL LIBERTIES UNION—1968

The ACLU asserts that a woman has a right to have an abortion—that is, a termination of pregnancy prior to the viability of the fetus—and that a licensed physician has a right to perform an abortion, without the threat of criminal sanctions. In pursuit of this right the Union asks that state legislatures abolish all laws imposing criminal penalties for abortions. The effect of this step would be that any woman could ask a doctor to terminate a pregnancy at any time. In this turn, a doctor could accede to the woman's request in accordance with his professional judgment without fear of criminal prosecution. Thus, the decision of whether or not to continue a pregnancy would become one of the woman's personal discretion and the doctor's medical opinion. Both would be free to follow their private consciences in determining whether their religious or moral standards were being violated. No fear of criminal punishment would enter into the decision.

The ACLU holds that every woman, as a matter of her right to the enjoyment of life, liberty, and privacy should be free to determine whether and when to bear children. The Union itself offers no comment on the wisdom or the moral implications of abortion, believing that such judgments belong solely in the province of individual conscience and religion. We maintain that the penal sanctions of the state have no proper application to such matters.

The discriminatory effect of the prohibition of abortion involves another area of civil liberties interest, that of equality. The rich can circumvent or violate the law with impunity, but the poor are at the law's mercy. This treatment is simply too unequal for civil libertarians to accept. Moreover, the very tendency of the law to be so arbitrarily applied and so widely ignored itself weakens the principle of the rule of law which is essential to the protection of civil liberties.

Although the social and medical problems created by prohibition of abortion are without doubt extremely serious (for example, the physical, psychological, and social costs of backstreet abortions, and the consequences to the mother, her unwanted child, and the rest of her family when not even a criminal abortion is available), in pressing for legislative abolition of the abortion laws the Union is guided by its desire to protect and promote the civil liberties of all citizens. We believe that the abortion laws violate civil liberties in the following specific ways:

(1) They deprive women of the liberty to decide whether and when their bodies are to be used for procreation, without due process of law.

(2) They infringe upon the right to decide whether and when to have a child, that is, the marital right of privacy.

(3) They deny to women in the lower economic groups the equal protection of the laws guaranteed by the Fourteenth Amendment, since abortions are now freely available to the rich but unobtainable to the poor.

(4) They are unconstitutionally vague.

(5) They impair the right of physicians to practice in accordance with their professional obligations in that they forbid doctors to perform what their professional judgment may dictate as a necessary medical procedure. In many cases their failure to perform this medical procedure would, but for the statutory prohibitions on abortion amount to malpractice.

CITIZEN'S ADVISORY COUNCIL ON THE STATUS OF WOMEN, TASK FORCE REPORT ON FAMILY LAW

PERSONAL RIGHTS RELATING TO PREGNANCY

A. Laws penalizing abortion

1. Problem definition and context.

The world's population explosion is one of mankind's most crucial problems.

It took from the beginning of man to 1830 to produce the first billion people in earth. It took only 100 years (1830–1930) to produce the second billion; the third billion took only 30 years, from 1930 to 1960; and it is now estimated by demographers that it will take only 15 years, from 1960 to 1975, to reach a world population of 4 billion. Some demographers estimate than even if all people had only the number of children they wanted, the population growth rate would be in excess of the needs or the capability of economic resources to sustain life in an increasingly industrialized urban world. From this perspective, long range population policy becomes a critical need in all countries in the world, yet few have done anything toward developing such a national population policy.

We must face the problem of how to stabilize the world population growth rate. This necessarily involves the question of what women do with their lives. Motherhood should not be the exclusive goal of women, for this encourages the view that the more children, the better the mother, as well as the view that no marriage is complete without a child. Praise and social approval for women with large numbers of children are no longer functionally appropriate to an urban crowded society. This applies to economically well-to-do women as well as to poor women, to women in the United States as well as to Latin American and Asian women, to white women as well as to black women.

Abortion as an alternative to other contraceptive methods is now primarily the pattern in Catholic countries in which chemical and mechanical contraceptive devices have not been available, and in underdeveloped countries which have not yet had widespread exposure to the ideas of birth control. In France, the annual number of abortions equals the number of live births. In Latin American countries, there is an average of one abortion for every two live births. In some countries, like Uruguay, the ratio is as high as three abortions for every live birth. Recent support for family planning has only begun to affect this high rate of abortion, and for many years to come, will serve only a minimal role in stemming the fantastic population growth of the South American continent.

The majority of the women who have been helped with contraceptive advice and devices in Asian countries are women who have already borne five or more children, and hence already have contributed dangerously to the growth rate of their countries.

While it is extremely difficult to assess the incidence of illegal abortions in the United States, estimates range from 250,000 to over a million annually. The vast majority of these cases are married women who have attained the number of children they wish or can afford to care for.

The development of more efficient contraceptives may gradually reduce the incidince of unwanted pregnancies, but we are a long way from this situation, for several reasons.

1. Not all women can use chemical or mechanical contraceptives for a variety of physical and medical reasons.

2. Not all women have access to contraceptive information and devices.

3. Even the pill, the most efficient contraceptive known to date, has a one percent failure rate. There are 25 million women in the United States between the ages of 15 and 44; only about 3 million of these women want to conceive in any given year, leaving 22 million women exposed to the risk of an unwanted pregnancy. Even if all these women could use the pill the failure rate of one percent could still yield as many as 220,000 pregnancies that were not wanted by the women. Research underway now toward the development of "morning after" pills is still a long way from realization.

The central ideology of the family planning movement over the past half-century has been the human right of a woman to determine the number of children she will have. This is also an important foundation for the ability of women to plan their lives to include active and meaningful participation in the world outside the family. In the United States, the family planning ideology has gained widespread acceptance, and most people would state as a corollary of this principle of human rights that every child should be born into a loving environment, a wanted child eagerly awaited by its parents. This is the most fundamental, best "head-start" a child can have, which no ameliorative head-start program, no adoption system for unwed mothers, no community mental health center, can begin to match. We must take the next step to the realization that no woman should be forced to be the unwilling parent of an unwanted child. The task force believes that it is from this perspective that any recommendation for abortion law reform should be viewed.

2. State law reform

Forty-two States prohibit the performance of an abortion unless it is necessary to save the life of the pregnant woman (or, in the case of Connecticut, the life of the woman or the unborn child). In the remaining eight States (Alabama, California, Colorado, Maryland, Mississippi, New Mexico, North Carolina and Oregon) and the District of Columbia, abortions are permitted in certain other circumstances in addition to cases where abortion is necessary to save the woman's life. For example, Mississippi permits abortions where the pregnancy is the result of rape; California permits abortions where the physical or mental health of the woman is endangered, or in cases of statutory rape of a girl under 15 or where pregnancy is the result of forcible rape or incest. Colorado and North Carolina have recently enacted laws patterned after the American Law Institute's Model Penal Code, which would permit abortions in the following circumstances: continuance of the pregnancy would gravely impair the physical or mental health of the woman; the child would be born with grave physical or mental defect; the pregnancy resulted from rape, incest or other felonious intercourse, including illicit intercourse with a girl below the age of 16.

Bills to make abortion laws less restrictive were introduced in 30 States and were enacted in three (Calif., Colo., N.C.) in 1967. Mississippi amended its law in 1966. In 1968, Maryland amended its law to permit termination of pregnancies by licensed physicians in accredited hospitals, upon written authorization of a hospital abortion review authority, in situations where (1) continuation of the pregnancy is likely to result in the death of the mother, (2) continuation of the pregnancy would gravely impair the physical or mental health of the mother, (2) there is a substantial risk of birth of a child with grave and permanent physical deformity or mental retardation, and (4) the pregnancy resulted from rape. Under the new Maryland law, a licensed physician who performs an abortion in an accredited hospital is not subject to criminal penalty, but if he performs an abortion in violation of the new law, his license may be revoked or suspended under the same procedures for revocation or suspension or licenses provided for unprofessional or dishonorable conduct. (H.B. 88, approved May 7, 1968).

Even if all States enacted the provisions of the Model Penal Code, it is estimated that only about 15% of the illegal abortions would fall within the permitted classes of abortions and the remaining 85% of abortions (170,000 to 850,000 per year) would continue to be subject to criminal sanctions under State abortion laws.

The Task Force on Administration of Justice of the President's Commission on Law

Enforcement and Administration of Justice stated in its report (*The Courts*, page 105):

"Abortion laws are another instance in which the criminal law, by its failure to define prohibited conduct carefully, has created high costs for society and has placed obstacles in the path of effective enforcement. The demand for abortions, both by married and unmarried women, is widespread. It is often produced by motives and inclinations that manifest no serious dangerousness or deviation from the normal on the part of the people who seek it. These factors produce the spectacle of pervasive violations but few prosecutions."

That task force concluded that "the time is overdue for realistic reexamination of the abortion laws."

From the experience of other countries it seems clear that what the law permits or does not permit in this area has little effect upon the incidence of abortion. When most abortions are illegal, women either resort to devious, exaggerated claims to obtain a legal abortion or seek illegal abortions in secret and, for poor women especially, in medically unsafe conditions, or worst of all try to induce the abortion themselves. When abortions are legal, the incidence is about the same, the only difference being the greater health precautions followed in a hospital setting. Criminal abortion laws are generally not enforced and are indeed unenforceable, and when this is the case, it is wise "for the law to withdraw rather than have the majesty of the law brought into disrespect by open disobedience and unpunished defiance." (Robert Drinan, Dean of Boston College Law School, Washington Conference on Abortion, 1967).

Revision of State laws along the lines of the American Law Institute proposal would continue criminal penalties for some abortions while sanctioning others. The repeal of laws penalizing abortion may be more acceptable than the A.L.I. proposal to those who believe that all abortions are doctrinally immoral. As Dean Drinan stated:

"A system of permitting abortion on request has the undeniable virtue of neutralizing the law, so that, while the law does not forbid abortion, it does not on the other hand sanction it, even on a presumably restricted basis."

It may be noted that there is very little difference between Catholics and Protestants on attitudes toward abortion law reform and there is increasing support for liberalizing abortion laws.

Proposals which permit abortions under certain circumstances while penalizing all others deny the right of a woman to control her own reproductive life in light of her own circumstances, intelligence, and conscience. Although governmental agencies and the medical profession may offer service and counsel, they should not exercise the power of decision over the woman's personal right to limit the number of children she will have, and her right to decide whether to terminate a particular pregnancy she does not wish to carry to term.

Convinced that the right of a woman to determine her own reproductive life is a basic human right, the task force recommends that laws penalizing abortion be repealed and urges the Council to encourage the State Commissions on the Status of Women to assume responsibility for educating the public on this issue and in getting State legislatures to repeal criminal abortion laws.

The repeal of criminal abortion laws would mean that abortion would be treated in the same way as other medical procedures. It would mean that abortions could be performed by physicians without penalty and it would virtually eliminate abortions by unauthorized practitioners.

PLANNED PARENTHOOD—WORLD POPULATION

STATEMENT OF POLICY ON ABORTION

Planned Parenthood-World Population reaffirms its position that the optimum method of conception control is the consistent employment of effective contraception but it realizes that in practice this goal is frequently not achieved. It, therefore, recognizes that safe, legal abortion must be available in some situations as a back-up medical technique to omitted or failed contraception. In light of this, Planned Parenthood-World Population confirms the policy statement on abortion of its National Medical Advisory Committee, to wit:

(1) The National Medical Advisory Committee of Planned Parenthood-World Population believes that it is the right and responsibility of every woman to decide whether and when to have a child.

(2) The Committee re-affirms that abortion is a medical procedure, the decision for which must rest with the woman and her physician.

(3) This decision should be made with full knowledge of the woman's personal situation, with consideration of her social, economic, and cultural environment, and with reasonable medical safeguards.

(4) The Committee therefore recommends the abolition of existing statutes and criminal laws regarding abortion, and the recognition that advice, counseling, and referral with regard to abortion is an integral part of medical care.

RESOLUTION OF ABORTION ADOPTED BY PLANNED PARENTHOOD-WORLD POPULATION AT ITS ANNUAL MEETING 1969

Planned Parenthood believes that no one should be forced to use contraception or undergo abortion and that we must be especially vigilant to preserve freedom of choice about family size for those who are dependent on public or voluntary agencies. The optimum method of birth control is the consistent employment of effective contraception but in practice this goal is sometimes not achieved. Planned Parenthood believes that since abortion is a medical procedure, it should be governed by the same rules as apply to other medical procedures in general when performed by properly qualified physicians with reasonable medical safeguards.

Recognizing that advice, counseling and referral with regard to abortion are integral parts of medical care, Planned Parenthood recommends that women inquiring at Planned Parenthood centers about abortion be referred to a center physician for counseling. In appropriate cases, Planned Parenthood recommends that referral be made to a medical facility where the patient may request such service. In the event such service is found not to be legally obtainable from such a facility, it should be the intent of Planned Parenthood involvement to protect the woman's health by providing counseling and referral services.

AMERICAN ETHICAL UNION

RESOLUTION ON ABORTION

Whereas: we believe it is every woman's right to control her own body and determine her own reproductive life;

And whereas: we believe it is the right of a child to be wanted;

Whereas: the present restrictive laws lead to needless death and suffering as a result of illegal abortions;

And whereas: liberalization of existing laws have failed to reach those women most in need of medical services;

Therefore be it resolved: that the only remedy for this discriminatory legislation is outright repeal of laws restricting abortion, and that the decision regarding abortion should be a private matter between the patient and her physician, governed only by the laws of general medical practice.

AMERICAN HUMANIST ASSOCIATION

ADOPTED JANUARY 1969

"We support the right of any woman to obtain an abortion from a qualified medical practitioner without having to give a reason to any legal or quasi-legal authority."

NATIONAL COUNCIL OF WOMEN OF THE UNITED STATES

RESOLUTION ON ABORTION

Whereas we believe it is every woman's right to control her own body and determine her own reproductive life;

And whereas we believe it is the right of a child to be wanted;

Whereas the present restrictive laws lead to needless death and suffering as a result of illegal abortions;

And whereas liberalization of existing laws have failed to reach those women most in need of medical services;

Therefore, be it resolved that the only remedy for this discriminatory legislation is outright repeal of laws restricting abortion, and that the decision regarding abortion should be a private matter between the patient and her physician, governed only by the laws of ethical medical practice.

AMERICAN PSYCHOLOGICAL ASSOCIATION—RESOLUTION

Whereas, in many state legislatures, bills have recently been introduced for the purpose of repealing or drastically modifying the existing criminal codes with resepct to the termination of unwanted pregnancies; and whereas, termination of unwanted pregnancies is clearly a mental health and child welfare issue, and a legitimate concern of APA; be it resolve, that termination of pregnancy be considered a civil right of the pregnant woman, to be handled as other medical and surgical procedures in consultation with her physician, and to be considered legal if performed by a licensed physician in a licensed medical facility.

AMERICAN SOCIETY OF MAMMALOGISTS

RESOLUTION PASSED JUNE, 1970

Whereas, mamalian populations that exceed the carrying capacity of their environments exhibit many typical characteristics prior to drastic population declines or "crashes;" and

Whereas, the world human population today is exhibiting these traits and is increasing at an exponential rate which now adds 1.3 million new people each week to the world population; and

Whereas, incomplete figures indicate that between one and two billion people are today undernourished, and between 4 and 10 million will starve to death this year, and there is no possibility that agricultural production can be increased rapidly enough even to maintain present standards of nutrition if the population continues to increase at the present rate; and

Whereas, modern technology depends to a large extent on nonrenewable natural resources, such as petroleum, that are rapidly being exhausted; and

Whereas, the expansion of this technology is causing a rapidly accelerating pollution and destruction of the environment—such as air pollution which contributes to respiratory and other diseases, pollution of lakes and streams which destroys water and fishery resources, and the poisoning of the entire biosphere—including man himself—by persistent pesticides such as DDT; and

Whereas, many renewable natural resources are being overexploited and reduced to a point far below their maximum sustainable yield; and

Whereas, increased crowding and deprivation of large segments of the human population may be the most important factors leading to increased massive social and behavioral disruptions; and

Whereas, in many parts of the world populations already depend upon imports of food for their survival, and the population of the United States probably already exceeds the optimum size for maintaining a desirable standard of living in terms of aesthetic values, lack of overcrowding, preservation of open spaces, and other factors conducive to mental and physical health and well being; and

Whereas, all the preceding facts indicate that a massive population decline is inevitable; and

Whereas, actions by the responsible political leaders of the United States and of other nations to lessen the effects of this impending disaster seem to have been consistently too little and too late; and

Whereas, the growth of populations, now makes the solution of a host of major political, social and individual problems more difficult and will eventually make satisfactory solutions impossible;

Therefore be it resolve, that the American Society of Mammalogists voices its gravest concern to the President of the United States, the United States Congress, the Governors of the 50 States, officials at other levels of government, and to the people themselves, in the hope that they will assume immediately their responsibilities to take large-scale, effective, and unprecedented action to curb population growth, by promoting birth control, legalizing abortion, reducing tax incentives for natality, and by such others acts as may be needed to realize the larger goal of survival of the human species under acceptable conditions.

POSITION STATEMENT OF THE YWCA OF THE U.S.A.

In the 24th National Convention of the YWCA of the U.S.A. in Boston, Mass., April, 1967, the delegates voted to work to liberalize the abortion laws, and in the following three year period many YWCA's studied the issues, attended hearings in their State Capitals, and kept in touch with the results of liberalization. Across the country members became convinced that repeal of abortion laws was the answer because laws with specifications can discriminate against the poor who cannot afford to travel to places where legal, safe abortions are available. These women are at the mercy of unskilled abortionists working under unsanitary facilities.

The decision to give emphasis to the repeal of all laws restricting or prohibiting abortions performed by a duly licensed physician was voted in the 25th National Convention of the YWCA of the U.S.A. in Houston, Texas, in April 1970. Delegates representing 48 states were selected by their local Associations, and voting delegates were empowered to cast their votes, keeping in mind the best interests of the total YWCA. The decision to support repeal of restrictive abortion laws was passed unanimously.

In the 26th National Convention in San Diego in March 1973, delegates voted to "support efforts to provide safe, low-cost abortions to all women who desire them."

In line with our Christian Purpose we, in the YWCA, affirm that a highly ethical stance is one that has concern for the quality of life of the living as well as for the potential for life. We believe that a woman also has a fundamental, constitutional right to determine, along with her personal physician, the number and spacing of her children. Our decision does not mean that we advocate abortion as the most desirable solution to the problem, but rather that a woman should have the right to make the decision. Along with the YWCA many religious, social work and medical groups have endorsed repeal of laws because this makes it possible for a woman to have access to safe medical service if this seems the solution that she and her physician decide upon. This point of view is taken by many women who themselves would not seek an abortion.

Because the YWCA voted as its overall imperative to work to eliminate racism wherever it occurs in institutions, it has a concern that no woman should be deprived of services that others can have, but it also is concerned that no women be pressured into decisions which are not in their best personal interest.

POPULATION RESOLUTION ADOPTED BY THE IZAAK WALTON LEAGUE OF AMERICA AT THE NATIONAL CONVENTION JULY 10, 1970

That appropriate governmental and private agencies undertake scientific research, and encourage necessary policies, attitudes, social standards and programs which will, by voluntary means consistent with human rights and individual conscience, bring about the stabilization of population. These shall include but not be limited to:

a) The dissemination of birth control information to all segments of our society;

b) emphasis on the desirability of limiting family size to two or fewer natural children;

c) education on sex and population problems in the educational institutions of the Nation;

d) support of challenges to laws which make voluntary abortion, sterilization, and birth limitation more than medical and personal matters;

e) sponsorship of population control workshops and clinics in the communities of the Nation.

CHICAGO CHILD CARE SOCIETY

STATEMENT ON ABORTION—1970

It is estimated that well over one million abortions are performed in the United States each year! Abortion laws are obviously forcing women to secure termination of pregnancy outside of the law, irrespective of the dangers that may be involved for them.

Abortion laws have been based upon the premise that the fetus is fully human and that to perform an abortion is to terminate a human life. Such a view is presently challenged by medical, legal and religious opinion that holds that the fetus is a potential life and that it is not viable until it is sufficiently developed to live should it be born. Society should recognize differing views and no longer try to inflict one view on all its members. Abortion should move into the sphere of private decision-making and be treated as a medical decision to be made by a woman in consultation with a physician.

As a child welfare agency interested in the welfare of children and their families, we believe that all children have the right to be wanted. Children may very well have to suffer, not alone from being unwanted by their own mothers, but also in the case of unmarried mothers being rejected by the society that forced their mothers to bear them.

Legal abortions in this country are performed on economically privileged patients. The same group has access to legal abortions in other countries. The poor, on the other hand, turn to any abortionist they can find or resort to self-imposed methods known to be harmful.

According to a recently published item, gambling, narcotics and abortions are the three most profitable criminal enterprises in this country. Abortion laws are unenforceable and highly discriminatory.

Chicago Child Care Society, therefore, takes the position that:

"The termination of a pregnancy is a medical procedure to be decided upon by a woman and her physician and, therefore, provisions of law making such termination a crime should be amended so as to make them inapplicable in the case where the termination is effected by a licensed physician as a medical procedure."

NATIONAL ORGANIZATION FOR WOMEN—1970

The basic human right to limit one's own reproduction includes the right to all forms of birth control (contraception, including sterilization, and abortion), recognizing the dual responsibility of both sexes. We therefore oppose all legislation and practices that restrict access to any of these means of birth control, and advocate positive measures requiring:

that all public hospitals offer contraception, sterilization, and abortion to anyone requesting these services;

that these services be made accessible to as many people as possible by the establishment of a network of local public clinics;

that the availability of these services be widely and continuously publicized; and

that public funds be allocated for research into new methods of contraception, sterilization, and abortion which would increase their safety and availability.

Women should be guaranteed their civil right to an abortion performed by any qualified person in any suitable setting. We urge the convening of regional conferences on the repeal of abortion laws.

Resolution on reproduction and its control, adopted at the NOW national conference, Chicago, March 22, 1970

PRESIDENT'S TASK FORCE ON THE MENTALLY HANDICAPPED—1970

The Task Force notes with approval that many Americans—as reflected in recent legislative and judicial decisions—are changing their attitudes toward the termination of unwanted pregnancies. In the interest of both maternal and child mental health, no woman should be forced to bear an unwanted child. For today's unwanted children, far more so than the others, are likely to be tomorrow's alienated, violent, mentally disabled, or criminal.

Avoidance of unwanted births would have a direct as well as an indirect effect on preventing mental disability. Estimates have been made, for example that it would reduce prematurity—which is associated with mental retardation—by almost 20 percent, congenital malformations by more than 20 percent, and Down's syndrome by more than 30 percent.

The Task Force recommends that the government provide active leadership for increased support of birth control research, increased dissemination of birth control information, and increased availability of birth control measures and voluntary sterilizations and abortions.

URBAN LEAGUE—1970

STATEMENT OF WHITNEY M. YOUNG, JR., EXECUTIVE DIRECTOR

"(New York State law before repeal) is repressive, barbaric and discriminatory. Repeal, which would leave the question of abortion to the discretion of the individual woman and her doctor, is long overdue. Any present failure to act is to see a mounting toll in human suffering and misery.

"The present law represents gross discrimination against the poor and a hardship for those who are middle class. It is only the rich with money for the ticket—to Puerto Rico, London or Tokyo—and the medical services, who can safely avail themselves of abortions, legal or illegal, today.

"The real casualties of the present law are the poor and black. A recent study shows that of all the maternal deaths caused by criminal abortion in New York County, 50 percent were black, 44 percent Puerto Rican and only 6 percent were women from all other ethnic groups combined.

"Abortion, in addition to being a major

public health problem, is also a private health problem to be regarded in the same manner as any other health problem, the solution to which is equal access to equitable treatment for all who need it."

POPULATION STABILITY IN THE UNITED STATES

WHITE HOUSE CONFERENCE
ON CHILDREN,
December 1970.

FROM THE REPORT OF FORUM 16

The White House Conference on Children considered carefully the effect various possible population problems would have on the quality of life of children in the seventies. *The Conference concludes that the enhanced well-being of children requires the early stabilization of United States population. We recommend a national program to educate all citizens in the problems of population growth for the purpose of achieving early population stability.* While it is true that birth rates are much higher among the poor and among Blacks, middle class whites constitute the largest number of people in the United States. Birth rates among the poor and Blacks are not high enough to offset the effects of the larger number of middle class whites. This means that population growth in the United States occurs primarily because of reproduction of affluent and middle class whites who in 1965 through 1970 produced 70 percent of our births. Therefore, particular attention should be directed to reducing their natality.

We urge a national policy of early population stabilization because United States population growth *must* stabilize eventually. Only a small fraction of finite earth is ours to inhibit, and the problems facing the country grow more severe as our population grows.

* * * * *

From the specific recommendations of the total conference

To enhance the self-worth of all children, and to achieve early population stabilization, we recommend consumer-determined, publicly funded programs of (1) family life, sex and population education, and (2) voluntary family planning services and safe abortion available to all.

In balloting by delegates on specific recommendations, the one above rated 8th out of 25 considered.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN—1971

AAUW encourages its members and state divisions to work for repeal of restrictive laws on abortion making abortion legal for those who wish it after medical consultation.

AMERICAN HOME ECONOMICS ASSOCIATION—1971

Whereas, Unlimited population growth with its concomitant potentials is hazardous to world and national well-being, and

Whereas, A responsible position concerning abortion should be based on a consideration of the rights of the individual woman, her family, and society, and

Whereas, The present legal structure in many states fosters illegal abortions under hazardous conditions; therefore, be it

Resolved, That the American Home Economics Association support the repeal of laws restricting or prohibiting abortions performed by a duly licensed physician.

NATIONAL ASSOCIATION OF SOCIAL WORKERS, 1971

The National Association of Social Workers stands with a client in her right to a total range of health and social services when she is involved in an unwanted pregnancy. The abortion issue should be seen in the full perspective of the dignity of human life, recognizing the dignity of the individual person, of the woman and of the whole human society. We support the right of a woman to make a responsible decision regarding an unwanted pregnancy without coercion and unhampered by (1) unrealistic laws, (2) inadequately funded and delivered health services and insufficient medical facilities, (3) insensitive and punitive attitudes of the health professions and ancillary personnel. Unequal access to hospital abortion service can lead women to hazardous illicit abortions. . . .

RECOMMENDATIONS

1. The NASW should support implementation of public information services.

2. Public and private social agencies should share with public health and medical societies the responsibility of providing information about abortion procedures and services. Such a public information program should include the following:

A. Knowledge about the legal right to abortion or laws pertaining to abortion.

B. Recognition of the moral, religious and social aspects of the abortion decision and information about appropriate moral and social resources.

C. Criteria for obtaining safe abortions.

D. Importance of early detection of pregnancy and an early decision if abortion is to be the choice.

E. Effective education about contraceptive measures.

3. NASW should work toward the removal of laws which restrict the woman's right to abortion. . . .

NATIONAL COUNCIL ON FAMILY RELATIONS—1971

POSITION PAPER ON ABORTION

Introductory Statement

Due to growing concern over the issue of abortion in this country, the National Council on Family Relations has prepared a major statement on this controversial topic. Because of the moral and political implications of this growing phenomenon, both within the country and within the organization, a minority report was also prepared. The major position was supported by 70 percent of the membership, while the dissenting view was held by 26 percent. Four percent approved neither position. It is hoped that such statements of professional opinion will encourage increased public awareness of the feasibility and necessity for change in the legal and medical aspects of this problem.

Major Position

The National Council on Family Relations is vitally concerned with individual and family mental health. Growing out of this concern is increasing anxiety over the number of unwanted pregnancies which are occurring in this country, and the multitude of problems these pregnancies are creating for individuals and families in America.

First, unwanted pregnancies restrict the right of couples to postpone parenthood to space their children, or to limit the size of their families.

Second, unwanted pregnancies push many couples into marriage and parenthood before they are prepared for or desirous of either.

Third, unwanted pregnancies often create further problems in the relationship between the parents and the child.

Fourth, unwanted children add greatly to the growing problem of overpopulation.

Fifth, unwanted pregnancies cause needless suffering and death for many women, especially the poor, because they feel forced to seek abortions from medically untrained persons.

Because of these and other related problems created by unwanted pregnancies, the NCFR recommends that increased attention be given to improving and expanding programs in contraceptive education and family planning.

While the National Council supports family planning education as a preventive approach, it also strongly endorses the repeal of all laws which prohibit safe medical abortion in this country. It further recommends that abortion be the legal right of all women. . . .

NATIONAL COUNCIL OF WOMEN OF THE UNITED STATES—1969

Whereas we believe it is every woman's right to control her own body and determine her own reproductive life;

And whereas we believe it is the right of a child to be wanted;

Whereas the present restrictive laws lead to needless death and suffering as a result of illegal abortions;

And whereas liberalization of existing laws have failed to reach those women most in need of medical services;

Therefore, be it resolved that the only remedy for this discriminatory legislation is outright repeal of laws restricting abortion, and that the decision regarding abortion should be a private matter between the patient and her physician, governed only by the laws of ethical medical practice.

STATEMENT BY DR. GEORGE WILEY, EXECUTIVE DIRECTOR, NATIONAL WELFARE RIGHTS ORGANIZATION

OCTOBER 4, 1971.

To us in welfare rights, control and self-determination in one's private, personal life is one of those central issues that face women on welfare. For the welfare system is a system of control, a system that regulates virtually every aspect of a person's life and denies a person or family freedom in practically every aspect. To have the kind of laws we have on abortion, and to have a situation where women because of their circumstances do not have access to the possibility of abortion when this is called for by their circumstances, adds to the repression that is felt by people on welfare and poor people generally.

This issue of abortion reform is an issue for all women, but it is especially acute for poor women. To me, it is a sad commentary on the situation in our country today when doctors must take the risks while we have to think in terms of a decent court decision giving and extending what should be a fundamental right to every person in the society. To me nothing could speak more eloquently of the need for having women on the Supreme Court—some people there who are sensitive to the needs of one of the oppressed segments of our society, albeit a majority segment of society.

I want to say also, as a black man concerned with oppression of black people as well as oppression of poor people, that there has been much controversy in the black community around the issues of abortion reform and the dissemination of birth-control information. Our organization is unequivocal on these subjects. It is our belief that people have a right to decide for themselves what course of action they should take in relation to their families, in relation to their reproductive lives. And I think that it would be arrogant for me to attempt, as one individual, to prescribe for other people whether they should have access to certain information, or whether they should have access to the opportunity for an operation, when these are decisions that those individuals should be able to make for themselves regardless of their sex, race, or origins of birth. So I say that we are for freedom of information and freedom of access to operations such as abortions for all people in the society.

I want to say at the same time that I understand and am sympathetic to some of the reasons for the opposition to birth control and to abortion reform. All too often one gets people who are not poor, people who are not black, or not from a minority, who want to use these devices so obviously to control or, indeed, to eliminate the population of poor people or minority groups. I think it is incumbent upon all committed to abortion reform to stand with blacks and other minorities to fight against all of the oppressions designed to eliminate or control the population of poor people and black people. We should all stand together to oppose restrictions on those freedoms that are so basic and so vital to a human being's having a reasonable chance at life, liberty, and the pursuit of happiness.

Community Service Society

The Committee on Health of the Community Service Society is a citizen's committee; some of us are businessmen and nonprofessionals, others are housewives. We are representative of much of the public. Each of us, as members of the Committee on Health of the Community Service Society, is concerned with encouraging the best kind of health care and services that can be made available to all of the people of this city and state.

For this reason, because we believe that abortion is a matter to be determined between a woman and her physician, we unanimously supported the liberalized abortion law that became effective on July 1, 1970. We were firmly convinced that such a law would reduce to a minimum the number of illegal abortions that were being performed, and so eliminate a major public health problem. In keeping with that opinion, implementation of the law can certainly be counted a success. In the City of New York, for example, maternal mortality rates in 1971 were at an all time low of 2.9 deaths per 10,000 live births; this compares with a rate of 5.3 deaths per 10,000 live births in 1969, the year before the liberalized law was enacted.

We recognize that there are those with personal convictions who would not, for themselves, choose to take advantage of the law's provisions. However, we see no justification that the will of some should be imposed on vast numbers of the people of the state who once again would be denied their right of choice should the current law be amended.

We, the Committee on Health, are aware of the pressures that are being exerted on legislators who have and continue to support the current abortion law. We emphasize again the certain evidence that women's lives are being saved as a result of the law. Aside from your consideration of this irrefutable fact, we urge that you act on the basis of the views and interests of the total constituency you represent.

Uniform Abortion Act

American Bar Association,
February 7, 1972.

Section 1. [*Abortion Defined; When Authorized.*]

(a) "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus.

(b) An abortion may be performed in this state only if it is performed:

(1) by a physician licensed to practice medicine [or osteopathy] in this state or by a physician practicing medicine [or osteopathy] in the employ of the government of the United States or of this state. [and the abortion is performed in the physician's office or in a medical clinic, or] in a hospital approved by the [Department of Health] or operated by the United States, this state, or any department, agency, or political subdivision of either;] or by a female upon herself upon the advice of the physician; and

(2) within [20] weeks after the commencement of the pregnancy [or after [20] weeks only if the physician has reasonable cause to believe (i) there is a substantial risk that continuance of the pregnancy would endanger the life of the mother or would gravely impair the physical or mental health of the mother (ii) that the child would be born with grave physical or mental defect, or (iii) that the pregnancy resulted from rape or incest, or illicit intercourse with a girl under the age of 16 years of age].

Section 2. [*Penalty.*] Any person who performs or procures an abortion other than authorized by this Act is guilty of a [felony] and, upon conviction thereof, may be sentenced to pay a fine not exceeding [$1,000] or to imprisonment [in the state penitentiary] not exceeding [5 years], or both.

Section 3. [*Uniformity of Interpretation.*] This Act shall be construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among those states which enact.

Section 4. [*Short Title.*] This Act may be cited as the Uniform Abortion Act.

Section 5. [*Severability.*] If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 6. [*Repeal.*] The following acts and parts of acts are repealed:

(1)
(2)
(3)

Section 7. [*Time of Taking Effect.*] This Act shall take effect———————.

Americans for Democratic Action

ADA supports the recent Supreme Court decision on abortion. ADA warns of attempts to reverse or undermine the Supreme Court's ruling, through passage of a constitutional amendment or through crippling state legislation. ADA supports abortion legislation at the state level, consistent with the decisions of the Supreme Court which would provide the following:

(a) that abortions must always be performed by or under the supervision of a licensed physician;

(b) that after the third month of pregnancy appropriate clinical or hospital facilities must be utilized for performance of an abortion; and

(c) that after the sixth month of pregnancy abortions should be permitted only to save the life of the mother.

Women's International League for Peace and Freedom, June 1973

RIGHTS OF WOMEN

Legal restrictions and sexist attitudes have kept women from full participation and a rightful share of power in our society. WILPF calls for:

1. Elimination of all laws which discriminate between the sexes.
2. Equal opportunity for education at all levels.
3. Equal opportunity for all jobs, and equal pay for equal work.
4. Full participation by women at decision-making levels in public and private institutions.
5. Comprehensive programs of family planning and aid.
6. Repeal of abortion laws.
7. Passage of the Equal Rights Amendment.

National Women's Political Caucus, June 1974

Whereas the NWPC reaffirms its support of freedom of choice with regard to the size and spacing of one's family, and

Whereas the NWPC reaffirms its rejection of any effort to coerce women to have or not to have children, and

Whereas our society has not yet developed a range of 100% safe and effective contraceptive methods for men and women,

Therefore be it resolved, That the NWPC affirm its support of the Supreme Court decisions of January 22, 1972, with regard to abortion, and

Be it Further Resolved, That the NWPC oppose any effort to erode or nullify these decisions through a Constitutional amendment or legislative action at the state and national level.

Exhibit 2

Results of Congressional Questionnaires on the Abortion Issue

[Percentage]

ARIZONA

Sam Steiger (3rd dist. R.) Oct. 1973:
On abortion do you favor:

(a) A Constitutional amendment to prohibit abortion in all but extreme circumstances?	37
(b) A Constitutional amendment to allow each state to decide the abortion question?	28
(c) Do nothing at all and let the Supreme Court decision permitting abortion stand?	35

ARKANSAS

John P. Hammerschmidt (3rd dist. R). Winter 1973:

Which Congressional course of action on abortion do you favor?

Do nothing at all and let the Supreme Court decision permitting abortion stand	34
Enact Constitutional amendment to prohibit abortion	24
Enact amendment to let each state decide abortion question	42

John P. Hammerschmidt (3rd dist. R.) March 1974:

Should legislation be enacted proposing a Constitutional amendment which would negate the Supreme Court's decision striking down state and local statutes governing abortion?

Yes	45
No	55

CALIFORNIA

Bob Mathias (18th dist. R.) Summer 1974:

Which Congressional course of action do you favor?

(1) Do nothing and permit the Supreme Court's decision which upholds women's rights to early abortions, to stand	69.5
(2) Enact a Constitutional amendment banning such abortions	14.5
(3) Enact a Constitutional amendment giving the states the right to decide	10.5
(4) Undecided	5.5

Thomas M. Rees (26th dist. D.) Summer 1974:

A recent U.S. Supreme Court decision legalized abortions which are performed by qualified physicians during the early stages of pregnancy. This allows abortion to be a decision made by a woman and her doctor rather than regulated by the government. Do you favor the court's ruling?

Yes	85.6
No	9.2
Undecided	5.6

Fortney H. Stark Jr. (8th dist. D.) Fall 1974:

Abortion—Do you favor an amendment to the U.S. Constitution to outlaw all abortions?

Yes	15.3
No	84.7

Lionel Van Deerlin (41st dist. D.) Summer 1973:

The Supreme Court has acted to relax state abortion control laws. Do you think abortions should be (check one):

Left to the woman and her doctor	82.1
Regulated by the government	5.2
Other (specify)	12.7

Charles E. Wiggins (25th dist. R.) Spring 1974:

The decision to have an abortion is a private matter and the law should not interfere in any way:

Agree	64
Disagree	36

Charles E. Wiggins (25th dist. R.) Spring 1974:

10. All abortions are morally wrong and the Constitution should be amended to make abortions illegal under all circumstances.

Agree	18
Disagree	82

11. I believe that a separate human life comes into being from the moment of conception.

Agree	43
Disagree	57

12. The decision to have an abortion is a private matter and the law should not interfere in any way.

Agree	64
Disagree	36

13. Abortion should be permitted only when the life of the mother would be threatened by the continued pregnancy.

Agree	33
Disagree	67

14. The proper solution to the abortion controversy is to divide a normal pregnancy into thirds: During the first three months, abortion should be lawful and relatively unregulated; during the second three months, abortion should be allowed but carefully controlled by law; and during the final three months, no abortion should be allowed except in the case of absolute medical necessity.

Agree	37
Disagree	63

COLORADO

Donald G. Brotzman (2nd dist. R.) Summer 1974:

Do you favor an amendment to the Constitution which would reverse the most recent Supreme Court decision (Roe vs. Wade) on abortion?

Yes *	19	21
No *	49	54
Undecided *	24	26
No response	9	

* Percentages of those responding.

CONNECTICUT

Stewart B. McKinney (4th dist. R.) Summer 1974:

Do you favor the recent Supreme Court decision that leaves the question of abortion to a woman and her doctor?

Yes	82.9
No	17.1

Do you favor a Constitutional amendment prohibiting abortion?

Yes	21.7
No	78.3

Ronald A. Sarasin (5th dist. R.) Summer 1974:

Do you favor the adoption of a Constitutional amendment prohibiting abortions?

Yes	22.0
No	71.6
Undecided	6.3

FLORIDA

J. Herbert Burke (12th dist. R.) Fall 1973:

The Supreme Court recently declared most State abortion laws unconstitutional. Would you favor a Constitutional amendment restricting the practice of abortion?

Yes	36.3
No	63.7

William Lehman (13th dist. D.) Summer 1974:

Do you favor a Constitutional amendment prohibiting abortions?

Yes	19
No	79
Undecided	2

C. W. Bill Young (6th dist. R.) Fall 1973:

Do you believe that a woman and her doctor should have a legal right to make a decision regarding abortion?

Yes	79.9
No	14.7
No opinion	5.4

ILLINOIS

Majority supports the right to choose abortion

Frank Annunzio (11th dist. D.) Summer 1974:

Abortion: Do you favor amending the Constitution to overturn the Supreme Court decision which liberalizes abortion regulations?

Yes	36
No	53
Undecided	11

Harold R. Collier (6th dist. R.) Summer 1973:

Do you approve of the Supreme Court ruling that abortions are permissible under certain circumstances?

Yes	72.2
No	25.6
No response	2.2

John N. Erlenborn (14 dist. R.) Spring 1973:

In light of the recent Supreme Court decision declaring a Constitutional right to abortion, which course of action do you favor?

Do nothing. Let the decision permitting abortion stand:

Men	60.3
Women	59.2
Combined	59.7

Enact a Constitutional amendment allowing the people of each state, through their legislatures, to prohibit or regulate abortions.

Men	39
Women	40.8
Combined	40.3

Paul Findley (20th dist. R.) Summer 1973:

The Supreme Court has stated that during the first three months of pregnancy, a woman and her doctor should have the right to decide whether she will have an abortion. Only in the last three months can states prohibit all abortions. Do you feel this decision is right.

Yes (52.5%)

His	8,260
Hers	8,219
Total	16,479

No. (38.7%)

His	5,843
Hers	6,399
Total	12,242

Undecided (8.4%)

His	1,376
Hers	1,252
Total	2,628

Edward J. Derwinski (8th dist. D.) Summer 1974:

Do you agree with the Supreme Court decision allowing abortions?

Yes	57
No	36
Not sure	7

Morgan F. Murphy (2nd dist. D.) Fall 1973:

Abortion: Agree with the recent Supreme Court decision on abortion?

Agreed	52
Disagreed	39
Undecided	9

Tom Railsback (19th dist. R.) Summer 1973:

Do you agree with the Supreme Court ruling on abortion that it is permissible under certain guidelines?

	His	*Hers*
Yes	76	67
No	24	33

Samuel Young (10th dist. R.) Fall 1973:

Do you approve the Supreme Court ruling that abortion is now permissible?

	His	*Hers*	*Total*
Yes	75.6	68.4	72.1
No	24.4	31.6	27.9

No clear majority

Frank Annunzio (11th dist. D.) Fall 1973:

Abortion; amend the Constitution to overturn the Supreme Court decision which liberalizes abortion regulations?

Yes	43
No	44
Undecided	13

Majority favors States rights

George M. O'Brien (17th dist. R.):

Do you favor a Constitutional amendment which would return the power to the States to enact laws with respect to abortion?

Yes	59
No	41

INDIANA

Edwood D. Hillis (5th dist. R.) Summer 1974:

In your opinion, should abortion be:

A decision made by a woman and her physician	60.5
Allowed only in the case of rape, incest, defective fetus, save the life of the mother	26.6
Allowed only to save the life of the mother	8.5
Outlawed in all cases	4.4

Roger H. Zion (8th dist. R.) Fall 1974:

In regard to abortion, do you favor:

(a) permitting abortion on demand	33.0
(b) letting States descide the legality and limits of abortion	23.0
(c) enacting a constitutional amendment guaranteeing the "right to life" of an unborn child	44.0

KANSAS

Robert J. Dole (Senate R.) Winter 1974:

Under what circumstances do you believe abortion should be permitted?

Never	5
Only to save the mother's life	20
Based on a medical decision reached between a woman and her doctor	54
Upon demand	21

Robert J. Dole (Senate R.) Summer 1974:

Would you favor a Constitutional amendment to change the Supreme Court's January 22, 1973 opinion which permits abortion to be performed on demand?

Yes	34.4
No	50.0
No opinion	15.6

Dr. Bill Roy (2d dist. D.) Summer 1974:

The Supreme Court has ruled that States cannot prohibit abortions during the first three months of pregnancy, but may regulate abortion procedures during the second three months and prohibit abortions during the balance of pregnancy. Which of the following is closest to your views on the subject?

(1) The Supreme Court's decision is reasonable. No federal legislation is needed	25.4
(2) There should be no laws regarding abortion. It should be a matter of conscience and medical advice	47.4
(3) The Congress should pass a Constitutional amendment prohibiting abortion at any time	16.9
(4) The Congress should pass a Constitutional amendment permitting states to decide whether to prohibit or permit abortions	6.4

Garner E. Shriver (4th dist. R.) Summer 1974:

Do you favor enacting a Constitutional amendment outlawing all abortions except in cases of possible harm to the mother, either mental or physical?

Yes	38.3
No	57.3
Abstain	4.4

Joe Skubitz (5th dist. R.) Fall 1974:

Do you think that there should be a Constitutional amendment prohibiting abortions except in cases of possible mental or physical harm to the mother?

Yes	45.1
No	54.9

Larry Winn (3d dist. R.) Fall 1973:

Do you agree with the recent Supreme Court decision regarding the liberalization of abortion laws?

	Male	*Female*
Yes	62	63
No	33	37

KENTUCKY

M. G. Snyder (4th dist. R.) Winter 1973:

Do you favor the recent Supreme Court ruling making abortions permissible?

Yes	45.3
No	51.3
No opinion	3.2

MARYLAND

Gilbert Gude (8th dist. R.) Summer 1973: I would like to see:

(a) the recent Supreme Court decision on abortion stand	41.1
(b) a Constitutional amendment eliminating all abortions	11.3
(c) an amendment returning to the States the power to restrict abortions	14.1
(d) further liberalization	27.9

MASSACHUSETTS

Paul W. Cronin (5th dist. R.) Summer 1974:

Do you favor a Constitutional amendment to prohibit abortions?

Yes	21.4
No	67.5
Undecided	5.7
No reply	5.1

Gerry E. Studds (12th dist. D.) Summer 1974:

Do you favor amending the Constitution to prohibit abortion?

Yes	23
No	77

MICHIGAN

William S. Broomfield (19th dist. R.) June 1974:

Abortion: Do you favor a Constitutional amendment prohibiting abortions?

Yes	28
No	66
No opinion	6

Charles C. Diggs, Jr. (13th dist. D.) Summer 1974:

The Supreme Court has ruled that abortion is not illegal and may be performed when a woman and her doctor decide it is necessary. What are your feelings on abortion?

(a) The Supreme Court is correct; the decision should be left to the woman and her doctor	65.8
(b) The Supreme Court is wrong; abortion should only be performed in special cases such as rape; Congress should pass a Constitutional amendment prohibiting abortion except in special cases	15.8
(c) Abortion is wrong under any circumstances	15.4
(d) No opinion; don't know	3.0

MINNESOTA

Bill Frenzel (3rd dist. R.) Spring 1973:

Do you favor a Constitutional amendment prohibiting abortion?

Yes	24
No	67
No response	9

Joseph E. Karth (4th dist. D.) Summer 1973:

(a) Agree with U.S. Supreme Court decision	49
(b) Disagree with the court decision and favor a Federal Constitutional amendment that would:	
(1) forbid all abortions	10
(2) forbid all abortions except under special medical circumstances (danger to the mother's life, victims of rape and incest)	36
(3) let each state decide whether or not to legalize abortion	5

MISSISSIPPI

Thad Cochran (4th dist. R.) Summer 1973:

Do you approve the recent legal decision that abortion can be permitted under certain guidelines?

Yes	69.4
No	30.6

Trent Lott (5th dist.) Spring 1974:

Do you favor the Supreme Court's decision allowing abortions?

Yes	40.4
No	48.1
Undecided	11.5

MISSOURI

Jerry Litton (6th dist. D.):

Do you believe the recent Supreme Court decision that permits abortions within the first three months was correct?

Yes	46
No	42
No opinion	12

James W. Symington (2nd dist. D.) Fall 1973:

The Constitution is the basic document of our American political system. From this fundamental document our laws are derived. In our nation's history it has been altered only 26 times, and only after long debate and serious thought. Recently, several new amendments have been proposed; which if any would you support?

An amendment to prohibit abortion under all circumstances except to save the life of the mother?

His	18
Hers	21

Gene Taylor (7th dist. R.) 1973:

Do you approve of permitting abortion on demand through the first 3 months of pregnancy as provided in the recent Supreme Court decision?

Yes	44.1
No	52.7
No answer	3.2

NEVADA

David G. Towell (at large R.) 1973:

Abortion: Agree with the recent Supreme Court decision liberalizing abortion laws?

Yes	65
No	26
No opinion	9

NEW HAMPSHIRE

James C. Cleveland (2nd. dist. R.) Summer 1974:

The Supreme Court has ruled that a woman has the right to obtain an abortion during the first 3 months of pregnancy with her physician's approval; that during the second 3 months the states may regulate the procedures employed only to protect her health; and that thereafter, a state may prohibit abortions except those necessary to her life or health. Do you agree?

Yes	70
No	26
Undecided	4

NEW JERSEY

Majority supports the right to choose abortion

Edwin B. Forsythe (6th dist. R.) Summer 1973:

What is the best policy?

Permit the Supreme Court decision, which upholds a woman's right to early abortions, to stand	67
Enact a Constitutional amendment banning such abortions	24
Enact a Constitutional amendment giving the States the right to decide	9

Henry Helstoski (9th dist. D.) summer 1974:

Do you favor the Supreme Court decision which states women and their doctors can decide about abortions within the first 3 months of pregnancy and further allows the states to regulate abortions after 3 months?

Yes	55.6
No	38.0
Undecided	6.4

Joseph G. Minish (11th dist. D.) Summer 1974:

Do you favor a Constitutional amendment to prohibit abortion?

Yes	23.5
No	68 6.
Undecided	7.9

Edward J. Patten (15th dist. D) Spring 1974:

How do you feel about abortion? (Check only one)

(a) Let the United States Supreme Court decision stand (Allow an abortion within 90 days after conception	57.3
(b) Disagree with court decision and favor a Constitutional amendment that would forbid all abortions	9.8
(c) Disagree with court decision and favor prohibiting abortions except under special medical circumstances (danger to mother's life, victims of rape, etc.)	26.2

(d) Let each state decide the matter itself	6.7

Robert A. Roe (8th dist. D.) Summer 1974:

Do you favor the Supreme Court decision which states women and their doctors can decide about abortions within the first three months of pregnancy and further allows the states to regulate abortions after three months?

Yes	58.4
No	29.8
Undecided	9.4

No clear majority

John E. Hunt (1st dist. R.) September 1973:

Which Congressional course of action do you favor?

(1) Do nothing and let the Supreme Court decision permitting abortions stand?	42
(2) Enact amendment to let each state decide the abortion question	47
(3) Undecided	11

Robert A. Roe (8th dist. D.) Summer of 1974 (same questionnaire as cited above):

Supreme Court decisions sanctioning abortion have now placed the "right to live" issue before Congress. Some members have proposed legislative action to amend the Constitution to extend the right to life and full legal protection to the unborn. Do you favor this proposal?

Yes	34.8
No	49.5
Undecided	13.5

NEW YORK

Majority support the right to choose

Jonathan B. Bingham (23rd dist. D.) December 1972:

Abortion:

	Adults	*Youth*
Should be left entirely to the woman and her doctor	80	90
Should be allowed only under special circumstances (like danger to the mother's life)	14	9
Should not be permitted	5	1
Don't know, no opinion	1	0

Hamilton Fish (25th dist. R.) Summer 1974:

Would you favor a Constitutional amendment prohibiting abortions?

Yes	21
No	71
Undecided	6
No response	2

Benjamin A. Gilman (26th dist. R.) Summer 1973:

Do you favor Congress:

(1) Letting states devise their own abortion laws	21
(2) Upholding the Supreme Court decision permitting abortion	55
(3) Enacting a Constitutional amendment prohibiting abortion	21
(4) No opinion	3

James R. Grover (2nd dist. R.) Spring 1974:

Do you favor a Constitutional amendment to protect the unborn?

Yes	40.2
No	53.4
Undecided	6.3

James M. Hanley (32nd dist.) Fall 1974:

Do you feel that the question of abortion is a private one between a woman and her doctor?

Yes	80.5
No	19.5

Do you feel that an amendment to the Constitution is needed to reverse a Supreme Court decision which now prevents the States from outlawing abortions?

Yes	31.86
No	68.14

John Murphy (17th dist.) Fall 1974:

People who agree with the Supreme Court ruling that the States cannot prohibit abortions during the first three months of pregnancy, but may regulate abortion procedures during the second three months and prohibit abortions during the balance of pregnancy	64
Those who said there should be no laws regarding abortion; that is should be a matter of conscience and medical advice	82

Otis G. Pike (1st dist.) Spring 1974:

Many people consider the issue of abortion the most vital to be faced this year. The Supreme Court by a 7–2 decision has made abortions very easy to obtain by saying it is unconstitutional for government to intervene at all in what the mother and doctor decide during the first 3 months of pregnancy and to intervene significantly during the next 3 months. I believe that—

(a) All abortion is murder, and the Constitution should be amended to protect all the unborn from the moment of conception	12
(b) The Constitution should be amended to allow abortion only to save the life of he mother	6
(c) The Constitution should be amended to allow abortion only to protect the health of the mother, in rape cases, or where there is evidence that a defective child will be born	19
(d) I disagree with the Supreme Court decision but would not amend the Constitution to impose my views on others	8
(e) I agree with the Supreme Court decision, and would leave the Constitution alone	52

Howard W. Robinson (27th dist. R.) Fall 1973:

Would you favor an amendment to the Federal Constitution to (in effect) repeal such laws and allow abortion only to save the life of the mother?

No	68

Henry Smith (36th dist. R.) Summer 1974:

Do you feel abortion should be:

(a) Illegal	18
(b) A decision to be made solely by a woman and her doctor	55
(c) Legal but with limitations	23
(d) Undecided	4

Samuel S. Stratton (28th dist. D.) December 1973:

Do you favor a Constitutional amendment overruling the recent Supreme Court decision on abortion?

No	56

William Walsh (33d dist.) Summer 1974:

What is your position on the Supreme Court decision on abortion?

For	58.5
Against	33.75

John W. Wydler (5th dist. R.) Summer 1974:

Abortion—Do you favor abortion on demand?

Yes	55.9
No	35.5
Undecided	8.6

NORTH CAROLINA

Ike Andrews (4th dist.) Fall 1974:

Do you support a Constitutional amendment prohibiting abortion?

No	76.1

L. Richardson Preyer (6th dist. D.) October 1973:

Do you agree with the Supreme Court decision establishing the legality of abortion during the first three months if the women and her doctor agree?

Yes	72
No	22
No answer	6

OHIO

John Milan Ashbrook (17th dist. R.) Summer 1973:

Do you approve of the Supreme Court ruling that abortion is permissible under certain guidelines?

Yes	62.4
No	28.8
No	8.8

John Milan Ashbrook (17th dist. R.) Summer 1974:

In 1973, the Supreme Court ruled that abortion was legal in most circumstances when the woman and doctor approve. What is your opinion?

(a) I agree with the Supreme Court decision	49
(b) I favor a Constitutional amendment outlawing abortion except in cases of extreme potential danger to the mother	36
(c) I favor outlawing all abortion	7
(d) I favor a Constitutional amendment which will allow each state to decide on the abortion issue	8

Clarence E. Miller (10th dist. R) Fall 1974:

Do you favor a Constitutional amendment outlawing abortion?

Yes	42
No	50
Undecided	8

Walter E. Powell (8th dist. R.) Fall 1973:

In a single issue questionnaire Rep. Powell presented statements of more than 100 words for and against the Supreme Court decision on abortion.

Rep. Ronald V. Dellums in favor of the Court's decision, agree	32.7
Rep. Lawrence Hogan opposing the Court's decision, agree	67.3

John F. Seiberling (14th dist. D.) Spring 1974:

Do you support changing the Constitution by adoption of a "right to life" amendment which prohibits abortions?

Yes	27.7
No	70.3
Undecided	3.0

John F. Seiberling (14th dist. D.):

The Supreme Court has ruled that the government cannot prohibit abortions during the early months of pregnancy, but may prohibit them after the 6th month of pregnancy (except when necessary to protect the mother's health). Which of the following is closest to your views on the subject? Check one.

(a) Abortion should be left entirely to each woman's conscience, with no legal restrictions	42
(b) The Court's decision is reasonable and should not be changed	24
(c) The Constitution should be amended to prohibit abortion except to save the mother's life	24
(d) Undecided	5

Chalmers Wylie (15th dist. R.) Winter 73:

On the question of abortion, do you favor:

(a) the Supreme Court decision:

	Yes	No
His	74	26
Hers	72	28
(b) absolute prohibition:		
His	19	81
Hers	20	80
(c) limited laws permitting abortion when medically judged necessary to preserve the health or life of the mother:		
His	61	39
Hers	61	39
(d) limited laws including the above and adding pregnancies resulting from rape and incest:		
His	71	29
Hers	72	28

OREGON

AL ULLMAN (2nd dist. D.) Fall 1974:

Do you believe that abortions should be prohibited through a Constitutional amendment?

Yes	22.7
No	70.6
Undecided	6.7

PENNSYLVANIA

Edward G. Biester, Jr. (8th dist. R.) Winter 1973:

The Supreme Court recently handed down a decision liberalizing abortion.

What is your opinion regarding the decision and future policy?

Agree with the Supreme Court decision	59
Favor a Constitutional amendment banning abortions	14
Favor a Constitutional amendment giving the States the power to decide under what circumstances an abortion may be performed	27

R. Lawrence Coughlin (13th dist. R.) Fall 1973:

Do you approve of the Supreme Court decisions on abortion?

Yes	61
No	26
Undecided	13

Joseph M. Gaydos (20th dist. D.) Summer 1974:

"Home phone poll" concerning the liberalization of abortion laws:

(a) Opposed any further easing of abortion laws	1,219–47
(b) Favored liberalization	1,130–43
(c) Had no opinion on the issue	263–10

H. John. Heinz (18th dist. R.) Fall 1973:

Do you favor Constitutionally outlawing abortion? Fall 1973:

Yes	38
No	55

Gus Yatron (6th dist. D.) Fall 1974:

Which of the following is closest to your view on abortion?

(a) Abortion should be entirely a decision between a woman and her doctor	43.0
(b) Opposed to abortion on any grounds	13.0
(c) Support the Supreme Court decision, allowing abortion in earlier months of pregnancy	11.0
(d) Abortion should be allowed in any instance to protect life or health of mother	26.0
(e) Undecided	2.0

SOUTH CAROLINA

Floyd Spence (2nd. dist. R.) December 73:

Do you favor: The Supreme Court's allowing abortions?

Yes	60
No	40

SOUTH DAKOTA

James Abdnor (2nd dist. R.) September 1973:

Abortion: Agree with the recent Supreme Court decision liberalizing abortion laws?

No	55
Yes	40
Undecided	5

TEXAS

Bill Archer (7th dist. R.) Spring 1974:

Should the individual states be granted the right to pass laws restricting abortions?

Yes	61
No	39

Richard Crawford White (16th dist. D.) June 1973:

Do you agree with the Supreme Court decision establishing the legality of abortion during the first six months if the woman and her physician agree?

Yes	64
No	25
No opinion	11

VERMONT

Richard Mallory (at large R.) Spring 1974:

Do you believe that the Supreme Court decision that permits women and their doctors to decide about abortions within the first 3 months of pregnancy and allows the State to regulate abortions after 3 months is a reasonable solution?

Favor decision	66
Opposed	24
Undecided	10

VIRGINIA

Joel T. Broyhill (10th dist. R.) Winter 1974:

Do you support changing the Constitution by adoption of a "right to life" amendment which prohibits abortions except in rare circumstances?

No	67.3
Yes	26.2
Undecided	6.5

M. Caldwell Butler (6th dist. R.):

The Supreme Court of the United States ruled in 1973 that existing state laws restricting the practice of abortion were unconstitutional. The ruling allows the states to impose restrictions on the medical conditions under which abortions may be performed during the last six months of pregnancy. There has been a great deal of controversy over this decision and the Congress is now faced with three alternatives:

(a) It may refuse to approve any Constitutional amendment. This would have the effect of leaving the Supreme Court decision unchanged	33.8
(b) It may approve a Constitutional amendment which would place all regulations of abortions under state jurisdiction. Previous to the Supreme Court decision, the states exercised such jurisdiction	23.2
(c) It may approve a Constitutional amendment which would prohibit abortion except in rare circumstances (this is often called the Right to Life amendment.)	11.2

Robert W. Daniel (4th dist. R.) Summer 1974:

Should Congress pass a Constitutional amendment to make abortion against the law?

Yes	25
No	64
Undecided	11

Stanford E. Parris (8th dist. R.) Spring 1974:

Do you support changing the Constitution by adoption of a "right to life" amendment which prohibits abortions?

	Adults	*Youth*
Yes	27.7	1,951
No	70.3	2,907

WISCONSIN

Harold Froelich (8th Dist. R.):

Abortion: Agree with the recent Supreme Court decision?

Yes	48
No	38

William A. Steiger (6th dist. R.) Fall 1973:

Abortion: Allowing the Supreme Court decision to stand	36
Amending the Constitution to restore to the states the power to regulate abortion	11.5
Amending the Constitution to prohibit in all but extreme circumstances	52
No abortion in any circumstances	5

WYOMING

Cliff Hansen (Senate R.) Summer 1974:

Do you favor amending the Constitution so that abortions would be prohibited?

Yes	26
No	62
Uncertain	12

EXHIBIT 3

ABORTION: SHALL WE RETURN TO ABSOLUTISM?

(By J. Philip Wogaman)

THE SUPREME COURT DECISION IN MORAL PERSPECTIVE

(About the Author—Dr. J. Philip Wogaman is the Dean and a professor of Christian Social Ethics at the Wesley Theological Seminary in Washington, D.C. He holds a Ph.D. in Social Ethics from Boston University and was formerly the Director of the Pacific Center for the Study of Social Issues at the University of the Pacific.

(Dr. Wogaman is an ordained minister of the United Methodist Church. He is presently on the Board of Directors of the American Society of Christian Ethics and is a member of the American Academy of Religion. He is the author of a number of books including *Guaranteed Annual Income: The Moral Issues* and *Protestant Faith and Religious Liberty*, and he was the editor of the book, *The Population Crisis and Moral Responsibility*. Dr. Wogaman has published numerous articles in the Christian Century, Nexus, Christianity and Crisis, and other periodicals.)

A major national controversy has again erupted over the abortion question. In the wake of the Supreme Court's ruling that present state abortion laws are unconstitutional, sensitive Christians and Jews along with other persons of good will are re-examining this moral question in the light of their faith and conscience. Some, who have already concluded that abortion is a threat to the value of life in our society, have begun a counterattack against the effect of the high court's decision. Those of us who support that decision, but at the same time value human life dearly, are under a special obligation to explain why. It is particularly important to explain why in relation to our ultimate beliefs and values. First, however, it is necessary to review the Court's decision and to pay some attention to the views of those who now oppose it.

DEBATE OVER THE COURT'S DECISION

In Roe v. Wade (decided with a companion case on January 22, 1973), the Supreme Court, by a 7 to 2 majority, struck down state laws prohibiting abortion prior to the viability of the fetus. It did permit states to enact laws designed to protect the health of women during the second three months of pregnancy and to prohibit abortion altogether during the period of viability (about the last three months of pregnancy). The Court's own summary of these decisions was in three parts:

"(a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

"(b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

"(c) For the stage subsequent to viability, the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother."

The first two paragraphs were based upon the Court's careful review of medical evidence. The last paragraph was based upon the Court's judgment that prior to viability (that stage in the development of an unborn fetus when it could be expected to survive premature delivery) there is no basis in law for the judgment that the fetus is a human person in the full legal sense. Writing for the Court's majority, Justice Blackmun contended that "we need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer."

This last point was crucial. Even though the Court's decision was based upon a careful and scholarly review of the history of thought on this subject, it was subjected to an almost immediate counterattack. The counterattack was based upon the belief that human life is present at *all* stages of pregnancy. This belief was stated forcefully by Senator Mark Hatfield (R-Ore.) in a Senate speech supporting a Constitutional Amendment to counteract the decision. "The facts of embryology seem compellingly clear to me," he said "human life—the existence of the person—begins when life begins. When that life commences its development, it is human life—not only any other form of life, or not just general life, but human life. And since it is there, it is obviously being. It is a human being. That seems to be the evidence of science." The proposed Constitutional Amendment, sponsored by Senator James Buckley (C.-N.Y.), Senator Hatfield, and others, would redefine the word "person" in the following way: "With respect to the right to life, the word 'person', as used in this Article and in the Fifth and Fourteenth Articles of Amendment to the Constitution of the United States, applies to all human beings, *including their unborn offspring at every stage of their biological development,* irrespective of age, health, function or condition of dependency" (emphasis supplied).

Quite understandably, thoughtful people find much in this counterattack against abortion appealing. The definition of all nascent life (that is, all life between conception and birth) as human simplifies what may otherwise be very difficult questions. The problem of definition is that between conception and birth nascent life is in constant development. Unless we choose one of those two rather definite points (conception and birth) as the time when life becomes human, we do have a difficult time drawing the line. Few would want to leave nascent life in its last stage unprotected by law, and the only other clear point of reference is at the very beginning of pregnancy.

But the appeal of the anti-abortion position is not just the value of its apparent clarity. Rhetoric employed by spokesmen for the movement makes much of the confrontation between the sanctity of life on the one hand and the cheapening of life through violence on the other. In an article in *The Christian Century* (April 25, 1973), Prof. C. Eric Lincoln, put this vividly:

"I, for one, am sick of blood and bloodletting in the streets, on the battlefields, and in the safe aseptic privacy of a doctor's office. In our continuing retreat from responsibility, we are too ready to wipe out the consequences of our private and public acts with a shrug and a resort to blood. But there are consequences to human behavior-economic, political, social, psychological and sexual; and neither the bayonet nor the scalpel is the ideal means of setting things right. . . . To my present way of thinking, unrestricted abortion—"left up to the woman and her doctor"—is but one more example of the retreat from responsibility which seems characteristic of the times."

Senator Hatfield expressed the same point in his Senate speech:

"Abortion is a form of violence. That is the undeniable reality. It is the destruction of life. It furthers the dehumanization of life. It cheapens life. There is no single characteristic of our society that troubles my inner self more than the degradation, the cheapening, the dehumanization of life that we see all around us today. That is what is at the heart of the terrible inhumanity of our policies in Indochina. Human life became cheap, and easily expendable—especially Asian life, which somehow seemed less valuable than American life. We justified policies by talking about body counts. And we destroyed all sensitivity to the sanctity of human life. That is what happened at Attica. That is what happens whenever we heed the frightened and vengeful pleas for "law and order" that would have us crush the lives of others. The same holds true for capital punishment. The State cannot be so arrogant as to take away that ultimate right of every citizen—the right to life. . . . We have suffered so many assaults on the sacredness of human life that our conscience is insensitive and numb."

Such statements rather clearly seem to link the proponents of abortion to a generally callous attitude toward life and violence.

There is, moreover the somewhat subtle question of how a pregnant woman views the fetus within her own body. Senator Hatfield quotes a statement by Roman Catholic moral theologian Bernard Haring which speaks eloquently of this relationship: "It makes an enormous difference whether she considers the fetus only as 'tissue' or entertains motherly feelings toward this living being. The humanization of all mankind, the totality of human relationships cannot be dissociated from this most fundamental and life-giving relationship between the mother and the unborn child. All forms of arbitrary rationalization to justify abortion will lead to other types of alibiing about interpersonal relationships and further explosions of violence." Indeed, would widespread practice of abortion make such human relationships simply utilitarian? Would this not affect the attitudes of even those mothers who have no intention of ever aborting a pregnancy?

Further questions have been raised by some black leaders, such as the Rev. Jesse Jackson, who regard abortion as a form of genocide practiced against blacks. Senator Hatfield argues that "the dispossessed should be listened to, and allowed to speak for themselves." When they do so, he asserts, "the truth is that in general they have not been the ones asking for abortion laws to be liberalized. . . . When we realize that society has been more ready to provide assistance for the poor to have abortions than for the poor to have children, maintained by an adequate standard of living, we recognize the truth spoken by those who view abortion as another form of our oppression of the poor." Thus, support for abortion emerges in the minds of its opponents not only as anti-life and pro-violence but also anti-black people and anti-poor people.

Not surprisingly, such arguments place proponents of abortion on the defensive. Does liberalization of abortion laws really put us in the slippery slope of violent disregard for human life and justice? Does this threaten the foundational values of our society? Is this really against the stream of the higher values of the Judeo-Christian religious traditions?

Of course there is much to what Senator Hatfield and Prof. Lincoln and others have said. Our society *has*, to a considerable degree, shown disrespect for human life. We *have* used violence casually. We *have* neglected the poor, and we *have* oppressed minority groups. Our sexual behavior *has* become looser and more utilitarian and our family ties *have* become weaker. We are, in many respects, morally insensitive and irresponsible. Whether any of this can be related to abortion, either as cause or effect, is in my mind very doubtful. Indeed, the main sponsor of the proposed new Constitutional Amendment, Senator James Buckley, has been a consistent advocate of capital punishment, the Vietnam war, and other evidences of dehumanization of life cited by Senator Hatfield in his speech supporting the same amendment!

Furthermore, so much of the debate is carried on by male politicians or male theologians and ethicists, that, as Claire Boothe Luce once wrote, "The motivations, psychology and emotions of women who face the trauma of induced abortion are given little attention. . . . The question here is not of 'taking the side of women,' but of taking the woman's side of the abortion question into consideration." Have those who seem totally concerned with the rights of the fetus seriously considered the impact on the life of a woman whom they would have the law *compel* to carry a pregnancy to term, no matter what that might do to her own life?

Certainly the sanctity of life is basic, and the problems raised by those who favor legal strictures against abortion warrant our deepest concern. For one thing, I believe, we can all agree that abortion is not the best form of birth control. Other forms of birth prevention are preferable where a choice is possible because respect for fetal potentialities is not unrelated to respect for life. As a matter of personal choice, the initial presumption in any particular instance should be against use of abortion.

But the legal question is another matter. Those who favor a new Constitutional Amendment wish to demolish outright the Supreme Court's decision. They would have us return abortion to the criminal code. What would this mean? Potentially, it would mean that women would be prohibited by law in all the states from having abortions. An abortion would again become a form of illegal behavior, punishable by criminal law.

Indeed, if the language of the proposed amendment were followed strictly in all the states, it is difficult to escape the conclusion that abortion would be defined as out-and-out *murder*. The most serious penalties of law would result for women, their doctors, and any others involved. In other words, Senators Hatfield and Buckley and others wish to *force* women not to have abortions and to *force* physicians not to perform them. Is this really the humane, life-affirming way to deal with abortion?

CONSEQUENCES OF ILLEGAL ABORTION

We may begin to answer this by asking ourselves what could reasonably be expected to result from this return of abortion to the criminal law codes. Almost certainly there would be a return to the hazards and tragedies of illegal abortions. The number of illegal abortions performed annually before some states began to legalize the procedure cannot be known, but responsible estimates range to one million. It has been calculated by some that during the mid-1960's illegal abortions terminated up to 30 per cent of all pregnancies in the United States and that several thousand deaths and as many as a hundred thousand injuries resulted annually.

Such hazards and tragedies are to be expected in large numbers when large numbers of women feel compelled by circumstance to seek the abortions which physicians feel compelled by law not to perform for them. The result is that abortions must be self-inflicted or sought from frequently incompetent illegal abortionists under surreptitious and often unsanitary conditions. It is no wonder that thousands died or were seriously injured. Where abortion is no longer illegal, the number of operations has increased to some extent, but the injuries and deaths have dropped sharply. Today an early abortion is statistically safer than proceeding through pregnancy to the normal time of delivery.

Is there any prospect that a new Constitutional Amendment and a new round of state criminal laws would reduce the number of women seeking abortions? There is on the contrary every reason to suppose that the suffering and tragedy from illegal abortions would be *increased* from the already appalling levels experienced before legalization. Abortion is now regarded as a matter of right by millions of women. Are we to suppose that these women will suddently change their minds as a result of a new Constitutional Amendment and the moral arguments of those who take the absolutist position? Is it not more likely that there would be greater disrespect and disregard for law, accompanied by the dangers of illegal abortions? Would this contribute to the sanctity of life in our society?

We might also expect a return to the double standard as to who would be able to get safe abortions. Prior to liberalization of abortion law, it was the well-to-do who could afford to fly to England or Mexico or Japan or who could arrange for legal exceptions in states permitting this. We are told now that poor people and minority groups are really not interested in this kind of "genocide" anyway. But recent statistics suggest that this is *not* viewed as genocide by black women. Out of 70,000 abortions performed during a recent 12-month period in New York City, 48 per cent of the women involved were black, and only 39 per cent were white. This is in startling contrast to the fact that before the change in the New York law, 90 per cent of all therapeutic abortions in New York City were performed on white women, according to the Association for the Study of Abortion.

Black columnist Carl T. Rowan commented on this reversal from the period when abortions were illegal:

"Why the sudden upsurge in the number of black women getting abortions? For the same reason that far more poor white women are getting abortions: For the first time in history they can legally abort an unwanted pregnancy under medically safe conditions at a price they can afford. . . . That so many black women are turning to abortion is especially remarkable when you remember that they have been bombarded with superstud talk about how abortion is genocide. These women know that, as long as someone else does not force an abortion on them, it is not genocide. . . . The anti-abortion fanatics offer another kind of vicious circle to the poor. Force those poor women to have babies, curse them when their children go on welfare, deny the children even a minimum level of decency, then wait for them to get pregnant at age 12 or 13 when you can tell them, "no abortions, you must have babies." (The Washington Star-News, December 16, 1973.).

Making an abortion a criminal offense again will deprive such women of a service which can be purchased with safety by the more prosperous. Would this contribute to the humanization of our society?

Speaking for her sister black women, Margaret Sloan, co-editor of Ms. Magazine, said:

"It's nice for philosophers and moralists to sit around and debate whether or not women should have abortions. The fact of the matter is we have lost as many women from illegal abortions as we lost American men at the height of the Viet Nam war. Eighty-five percent of the women that die every year from illegal abortions are black and brown women. So while we're sitting back debating whether or not women should have them, women are dying because of sexism. We have lost a lot of women and we are still doing that."

IMPLICATIONS FOR POPULATION

We cannot separate these personal decisions from the social framework in which they happen, nor the U.S. position from the world situation. Abortion is the most widely used means of birth control in the world, because for many it is the only method available. Estimates are that there are between 30 to 40 million abortions around the world each year. The toll of suffering is immense, yet in present circumstances, would it have been less if 30 to 40 million more babies had been added to a world population each year—and in situations where adequate nurture was impossible? Many thoughtful people have already concluded that too many people, far from contributing to our sense of human worth, actually tend to diminish it. Historically, population growth has been limited by disease and famine, supplemented on some occasions by war and on very few occasions by voluntary abstinence from sexual activity. Increased use of birth control measures has had considerable effect, but apparently not enough to preclude a return to disease and famine as nature's own way to limit growth. We need to ask ourselves seriously whether the immense suffering and dehumanization accompanying famine and pestilence is better than the use of abortion as a fall-back measure of birth control. Any pattern of laws which contributes to the world's population growth rate should be scrutinized very carefully by those who are truly sensitive to human values.

We might look at the experience of a relatively rich country, Japan, which has had the legal option of abortion for some years. The Japanese growth rate, which was around 2.1 per cent in 1949 just after its own liberalization of abortion laws, dropped to 1.1 per cent within five years. If abortion laws had remained highly restrictive, it is probable that the Japanese population would have grown from 82 million to 125 million rather than to the 107 million reported in mid-1973. Whether Japan could have handled the additional 18 million people is more than doubtful. Comparable figures can be cited for Eastern Europe, where laws were greatly liberalized during the 1950's.

It seems likely that the United States is having a similar experience. During the 1960's and the early 1970's, the U.S. growth rate was about 1.1 per cent annually (a figure which, if held to, would have resulted in a doubling of the population before the middle of the 21st century). The birth rate has now fallen to near replacement level. This decrease in the birthrate reflects greater public awareness of the relationship between population size, environmental problems, and resource and energy depletion. We have had to learn the hard way that the planet does not have unlimited room for more people. But the decrease has also coincided with the liberalization of abortion law in this country, culminating in the Supreme Court decision of early 1973. Abortion is not the preferable method of birth control but, as method of last resort, it is indubitably effective.

Many of those who seek to make abortion illegal show a concern for enlarging the available supply of food and other human life-support resources and for distributing these necessities with greater social justice. But this does not of itself make their position on abortion a responsible one. They must be responsible, not only for their intention to *enlarge* the world food supply, nor even for their own personal actions in this direction. They must also accept responsibility for their *capability* to do this and for the world's capacity to sustain life on the scale it will have to with abortion excluded. This is not simply a matter of improving adoption regulations to provide homes for unwanted children. It is a matter of being reasonably certain that human life-support conditions will be present on a scale commensurate with need.

It will do no good to argue that it is possible to affirm the sanctity of life in the presence of even the most miserable circumstances of poverty and overcrowding, famine and disease. That is romantic sentimentality; impressed largely by those not living under those conditions. God's life-affirming love must be mediated through human channels, and some minimum of physical well-being is required. It is one thing for strong people to choose poverty or to respond to poverty out of their strength of spirit. It is quite another thing for persons who have never known anything other than want and squalor to emerge into spiritual strength. God's grace does apply to the latter as well as to the former. But, God's grace does not operate in a material vacuum. God did not create us as disembodied spirits. Physical life must be present in adequate form before human spirituality is possible. Those who wish to return to repressive laws against abortion need to ask themselves in a serious way whether this would really be a decision in favor of life or whether it would contribute to greater disregard for the sanctity of life in the long run.

The illegal abortion route likewise cheapens life. Do we really want to return to the coat-hanger abortions? To the clandestine abortions performed by exploitative incompetents and unethical physicians under unsanitary conditions and at higher costs? Obviously, Senator Hatfield and others like him do not want to return to that—they want to do away was abortion altogether. But do they really think it would be possible to do today what was never possible prior to the Supreme Court decision?

We might expect an agonizing reply to these questions: Granted, millions of women and families might suffer; granted, there is a serious population problem and we must try to do something about it; granted, illegal abortions would resume by the hundreds of thousands—it is still the case that every abortion is simple murder. Murder is better defined as murder and made illegal despite whatever benefits in the way of health and safety to women can be expected when it is conducted in a legal, clinical setting. This argument would finally boil down to the simple assertion: "You wouldn't solve the population problem or go about your own individual family planning by killing babies, and abortion means the same thing." In this way, all discussions of the morality of abortion sooner or later come back to the central question: When, really, *does* human life begin?

BIOLOGICAL LIFE

Senator Hatfield treats this as a very simple biological matter at first ("Human life—the existence of the person—begins when life begins."), but then he discovers that this has to be defined more carefully. For he follows this with the remark that "it may be sensible to point to implantation, and the time after potential segmentation, as the more precise moment when truly individual and personal life is present." Implantation, of course, occurs a few *days after* conception. The relative advantage to defining new human personhood in relation to implantation, unstated by the Senator, is that several birth control devices (such as the IUD) are designed to prevent implantation of the conceptus on the uterine wall, not to prevent conception. If conception, as such, were regarded as the moment of emerging human personhood, all such birth control devices would have to be treated as the equivalent of abortions.

The proposed Constitutional Amendment itself presumably falls into this trap, since it defines as "persons" as "unborn offspring at every stage of their biological development." (Indeed, for that matter, do not even the sperm and the ovum represent a stage in the biological development of human life?) Senator Hatfield's position is thus not as logical as that of most official Roman Catholic pronouncements, which treat life even before conception as subject to protection—at least insofar as artificial contraception is to be avoided.

The problem here is that those who take the more simplistic view of abortion are trying to get at human value biologically when they should rather seek to understand it relationally and spiritually. This is not to say that there is not a crucial biological element in all statements concerning the sanctity of life (nor that there are not important biological pre-conditions to human spiritual existence). But it is to say that the biological element alone is not enough to form the basis of that sanctity.

Senator Hatfield finally admits to uncertainty: "I recognized," he writes, "that everyone may not agree about the certainty of where personhood begins. But I suggest that if we are to err, then let us err on the side of being too liberal about the definition of human life." If we do so, he continues, "then there must be convincing certainty that a human being does not exist when that life is eliminated. The burden of proof lies with those who would advocate abortion to demonstrate conclusively that they are not taking human life."

THE RELATIONSHIP BETWEEN PERSONS AND GOD

To Christians and Jews who take God's reality seriously, the definition of human personhood centers on the relationship between persons and God. The value of human life lies in that relationship—not in the simple facts of biological existence. How are we to understand, then, the relationship which each *fetus* has to God? In what sense does it already participate in God's purposes and in God's covenant of love? Does nascent life have the same value to God as does life after birth?

To get at that question indirectly, we may well refer to an apparent contradiction in the thought of Dietrich Bonhoeffer, the celebrated German theologian who strongly opposed abortion. Bonhoeffer expressed himself forcefully: "Destruction of the embyro in the mother's womb is a violation of the right to live which God has bestowed upon this nascent life." (*Ethics*, page 175.) While the word "this" is an improper addition in translation from the original German text, it remains clear that Bonhoeffer believed that any *particular* embryo exists because God has *specifically* given it the gift of life. In any and all pregnancies, he continues, "the simple fact is that God certainly intended to create a human being. . . ." (Page 176) Accordingly, in his view, abortion "is nothing but murder."

Any Christian or Jew could rather quickly agree that *in general* life in the womb exists because of God's creative empowerment. A life is God's gift in the sense that all life is ultimately given and empowered by God. But Bonhoeffer has argued that what is in general God-empowered is also specifically intended by God, and from the very moment of conception. In other words, God not only gives parents the power to have babies, but God also is specifically responsible for each instance in which they do so.

What did Bonhoeffer mean by this? Certainly he did not mean that *all* human acts are specifically willed by God (which would make God directly responsible for all human sin!). Nor did he mean that, while human beings retain the power to have or not have sexual intercourse, it is God's desire that children result from all sexual unions. Did he believe, then, that God intends that all possible pregnancies should occur? No, because he goes on to support planned parenthood in these words, "it would not be right for blind impulse simply to run its course as it pleases and then go on to claim to be particularly pleasing in the eyes of God; responsible reason must have a share in the decision." (Page 177)

Thus the apparent contradiction: Bonhoeffer regarded every conception as being intended by God, but at *the same time* he called for responsible birth control. Are we to suppose that God also intends those conceptions which result from our failure to be responsible in our birth planning (when "blind impulse" runs its course)? Bonhoeffer is an interesting thinker for us to study because what he has clearly asserted is often less clearly implied by present-day absolutists on the abortion question. With few exceptions, the latter also believe in birth control while also continuing to regard each conception as possessed of the full value of life.

But these two positions may be difficult to reconcile. If the number of children one has is a matter for sober decision before God, then clearly it is a frustration of God's intention if one irresponsibly has either too few or too many. This is implied in all that churches and their theologians have been saying about the responsibility of each couple to engage in family planning. It plainly means that many actual conceptions are a frustration of God's will. Concerning such conceptions, it is necessary to say that God probably never intended for them to occur at all, even though it is still God's creative general empowerment that made them possible. To put this bluntly, from God's loving viewpoint, it were better that the conceptus had never come into existence in the womb.

It can still be argued by opponents of abortion that even though God may not have intended a particular pregnancy, once it has occurred God then accepts the new conceptus as a child to love. Indeed, we must insist upon the universality of God's loving covenant with all his children—whether or not they are aware of his love in any immediate conscious sense. If nature is permitted to pursue its course, then clearly a child, loved by God, will result from most pregnancies whether or not one believes the initial conception to have been a reflection of God's loving purposes.

But the question remains whether this is equally true of a conceptus at the very beginning of pregnancy. Here we must refer again to Senator Hatfield's point that "if we are to err, then let us err on the side of being too liberal about the definition of human life." This way of handling the acknowledged uncertainty is easier only because it avoids the possibility that a given pregnancy may itself be a frustration of God's intention. How then are we to resolve the question of when the fetus acquires that relationship to God which is the basis for all ultimate human valuation?

I do not believe that point is established by conception itself, nor by implantation, nor even by the physical appearance of the fetus. Rather, it is established by when the fetus begins to *experience* reality for himself or herself. A new being must be an "I" in some sense before God can know it as an actual (not simply a potential) "thou."

Persons are human beings who are capable of experiencing reality. When, in the developmental process, does this begin to happen? It is difficult to be certain, but I am confident that in some rudimentary sense this capacity to experience reality is in being during the last few months before birth. I am equally confident that this is *not* in being during the earliest months of pregnancy—which is the period with which abortion is really concerned. I do not know *any* responsible life scientist or theologian who is prepared to argue that a human being exists with the ability to experience reality from the very beginning of pregnancy.

Even this might not matter greatly, since a certain high value must be placed upon even the physiological basis of potential human personhood. But it does matter greatly because this value must also be seen in the wider perspective. A theological over-valuing of early embryonic life has tempted too many people to overlook the weighty grounds for believing that in many cases (and not just those involving the health of the mother or deformity of the fetus) abortion may be faithful obedience to the God of life and love.

A RESPONSIBLE CHOICE

The problem can be approached from a different angle by exploring the morality of sexual relationships as they relate to the possibility of pregnancy. It is often asserted in the case of unmarried women seeking abortions that "they want to have their cake and eat it too." The implication behind this kind of remark is that sexual relationships are a pleasure with the possibility of a resulting responsibility and that the unwillingness to anticipate or accept the responsibility of parenthood clouds the morality of the relationships themselves.

The point is applicable in the case of married couples as well. The acceptance of potential parenthood is regarded as the basis of the morality of sexual intercourse even in cases where birth control measures are used. Some theologians have expressed this thought beautifully in their writing on human sexuality. Sexual relationship expresses at its deepest levels God's intention for human love, and this love cannot be genuine unless it includes love for a potential life resulting from the union. I strongly agree with the central point. Sexual relationship is dehumanized apart from faithful love involving one's partner, God, and the children of the union. It does not help the case for abortion that some of the proponents of liberal laws have also seemed to regard sexuality casually.

Nevertheless, the love standard of truly human sexuality cannot be applied solely to the unintended fetus. It must also apply to the whole series of relationships in which the marriage is involved. Consider, for example, the position of a poor family in Mexico or India or an urban ghetto with three children already, for whom a fourth child would make the difference between tolerable and intolerable conditions of life for all. Consider the case of a middle-aged woman who has already raised a family and is now devoting herself to creative new pursuits which are inconsistent with trying to raise still another child. Consider a suburban couple with two children who would rather adopt a third. In such cases, is not love for existing children and for others in the family and community also a basic test of the moral integrity of the sexual union?

Abortion may not be dismissed simply as a result of human selfishness and pleasure-seeking. Even in cases where an unmarried couple engages in sexual intercourse on the basis of entirely selfish mutual exploitation, it is not all self-evident that a decision to bear the child would be the more loving thing for the mother to do. In such a case, *requiring* the mother to bear the child would not improve upon the morality of her prior sexual experience.

AFFIRMING THE SANCTITY OF LIFE

It seems to me that, far from reflecting a sensitivity to life, the absolutizing of the rights of the fetus in the early stages of pregnancy can lead to greater callousness concerning life and God's full and loving intentions for it. Clearly, the increase in violence in our society during the 1960's was not *caused* by liberalized attitudes or practices concerning abortion. The change of laws on abortion and the Supreme Court decision appear too late to be blamed for urban riots and My Lai and Auschwitz. No after-the-fact posturing can hope to attribute increased violence in our society to the legalization of abortion. Nor can we argue that the liberalization of abortion laws is an effect of increased violence. One's judgment on this inevitably depends upon whether one regards abortion as disrespect for life in the first place.

I suppose anybody could locate many people who combine advocacy of liberalized abortion with disrespect for the sanctity of life in general. (Interestingly, however, Adolph Hitler, while sponsoring outright genocide for Jews, was strongly opposed to abortion for other Germans!) But would it not be equally easy to find people with a deep abhorrence of war and other forms of social violence?

The abortion debate is not really between one group of people who are committed to the sanctity of life and another group who have regrettably become callous and selfish. I would not take pen in hand for one moment to write an argument for what I considered disregard for life, and I know that this is also true of those, such as Senator Hatfield, who now believe abortion to be immoral. Doubtless many of those who favor the present liberalized approach do take human life cheaply. Doubtless also many of those who wish to make abortion a punishable crime are insensitive to the life and freedom of women, to the needs of the whole family and to the dehumanizing realities and possibilities of rapid population growth.

But there are also serious people on both sides of the argument. It needs to be remembered that among those supporting the liberalized abortion laws there are pacifists and people who vigorously struggled to end the Vietnam conflict and people who have long struggled for racial and economic justice. Others combine their advocacy of permitting women and their doctors to make this decision with dedicated efforts to humanize our penal institutions and to abolish capital punishment. Such points should not have to be made, but apparently the debate over abortion needs to be elevated just a little. Whenever it is implied that abortion is proposed out of a cheapened attitude toward life, it must be replied that this simply is not so. Those of us who concur with the Supreme Court's decision regard it as a landmark of humane spirit and practical wisdom.

WILLIAM T. COLEMAN, JR.

Mr. HUGH SCOTT. Mr. President, another article on our new Secretary of Transportation, William T. Coleman, Jr., by the Philadelphia Inquirer deserves the attention of my colleagues. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A "FINE PHILADELPHIAN" JOINS THE CABINET

(By Creed C. Black)

WASHINGTON.—Shortly after noon Friday, a veteran of four years on the White House staff stood amid a bustling reception in the State Dining Room and spoke in some wonderment of a ceremony that had concluded a few minutes earlier in the historic East Room.

"You could feel a lot of warmth in that room," he said. "I've been to a lot of these over the years. This was a good one."

And so it was.

It was the swearing-in of Philadelphia's William T. Coleman Jr. as secretary of the Department of Transportation.

There were so many Philadelphians present that the Metroliner which brought most of them down Friday morning was informally dubbed "The Coleman Special."

But official Washington was also represented in the standing-room-only crowd with its heavy artillery, starting with President Ford himself and ranging through members of the Supreme Court, the Congress, the Cabinet and the White House staff.

All were friends of Bill Coleman, and there was a festive, old-home week atmosphere about the White House as they assembled to the accompaniment of a military orchestra playing in the lobby.

The occasion turned solemn, as all such do, when an announcer intoned, "Ladies and gentlemen, the President of the United States and Secretary-designate and Mrs. Coleman."

But it lightened quickly again when President Ford referred to his appointee as the new secretary of commerce. "I'm not switching jobs on you," the President explained in a quick recovery. "I'm thinking of one we have to fill."

Bill Coleman responded to that with a reference to his old friend Elliot Richardson. They'd always had a friendly competition, he said and now it looked as if he had beat Mr. Richardson's record for changing jobs in the executive branch.

It's too bad that Elliot Richardson was in London taking up his new post as American ambassador, for he played a key role in helping Mr. Ford succeed where previous Presidents have failed: persuading the gifted William T. Coleman Jr. to join the Cabinet.

It's too bad that Ronald Reagan was not among those present, for he might have had some second thoughts about his recent grumping about Mr. Ford's Cabinet appointments.

It is true, as a White House press release duly noted, that Mr. Coleman is the second black Cabinet officer in the history of the Republic. And he's the first in a Republican administration.

Significantly, however, that fact was not even mentioned as the President welcomed Mr. Coleman into "one of the toughest Cabinet posts in government."

And most of those present, I venture, would agree with an observation during the reception by Isadore Scott of Philadelphia: "The President picked the best man. He just happened to be black."

"The thing about Bill Coleman," Scotty continued, "is that he's just a great, great guy."

The cross-section of people crowding around to congratulate Bill Coleman and his family testified eloquently to that. They included his law partners, his associates from SEPTA, judges and lawyers, bank chairmen, labor leaders, the governor of Pennsylvania, university and utility presidents, NAACP officials, his "Episcopalian friends," as he called them in his remarks, and his Mt. Airy neighbors.

"If we could just get all these folks in one room at home," one Philadelphian commented, "we'd really be going places."

Bill Coleman himself has already gone places.

"Are you proud of him?" his mother was asked as she sat quietly taking in all the excitement in the State Dining Room. "Am I proud of him?" she replied. "I'm the proudest mother in the United States today!"

His appointment means that Philadelphia now has its first Cabinet officer since Thomas Gates served as secretary of defense in the Eisenhower Administration.

"We're glad to have this fine Philadelphian come down to take on this job," the President commented as he mixed with the new secretary's many friends during the reception.

"Well, treat him kindly," someone requested.

"We'll keep him busy," Mr. Ford responded.

No doubt they will. And for that, the people who know Bill Coleman are sure, the country will be better off.

THE DEREGULATION OF NATURAL GAS PRICING

Mr. ABOUREZK. Mr. President, the Federal Power Commission has just published a report asking for the deregulation of natural gas pricing in order to avoid a possible shortage threatened by the companies. I have an article called "The Gas Game" showing the discrepancy between established rates of production for gas wells and the rates at which the companies actually produce them. I ask unanimous consent that this article from the March 1975 issue of the Elements be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GAS GAME

Amid continuing doubts about the validity of the natural gas shortage, an official of a major East Coast supplier told the Federal Power Commission that his company assumes producers are supplying gas at capacity levels, despite deliveries from one field at only 58 percent of the official maximum production rate listed by the US Geological Survey.

Robert H. Green, chief gas supply engineer of the Transcontinental Gas Pipe Line Corporation (Transco), told the FPC February 4 that the company received 250,000 Mcf per day from one Gulf of Mexico field last December. This is 180,000 Mcf less than the 430,000 maximum production rate (MPR) listed for the field by the USGS last October.

The problem is complicated by the fact that gas producers supply the figures used by USGS for both MPR and maximum efficient rate (MER)[1] estimates. The extent to which the Survey reviews these figures, if at all, is unclear. Producers therefore appear to be supplying Transco with natural gas at levels below their own maximum production estimates.

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[1] From OCS order 11, USGS, Gulf of Mexico:

"Definition of Terms

"(C) Maximum efficient rate (MER): The maximum sustainable daily oil or gas withdrawal rate from a reservoir which will permit economic development and depletion of that reservoir without detriment to ultimate recovery.

"(D) Maximum production rate (MPR): The approved maximum daily rate at which oil may be produced from a specified oil well completion or the maximum approved daily rate at which gas may be produced from a specified gas well completion."

In response to questions from FPC counsel William Braun, Green said he knew of no systematic examination by Transco of these discrepancies to see if they could be explained through shutins and other unanticipated declines occurring after the figures were filed with USGS.

"That (a study of discrepancies) has not been attempted, yet you can claim you are getting the maximum amount of gas from your producers?" Braun asked. "Do you still make that claim, having not made such a study?"

"Yes, sir," Green said. "Based on our request to the producers I would have to assume if they are capable of producing more, it is in their interest economically and otherwise to produce it."

"On that basis you are representing that you are receiving the maximum production from all your producers?"

"Yes, sir," Green said.

Green testified that the producer files an MER with the USGS and "[it] has to be approved by the USGS. So we assume since the USGS has the authority to approve these and to look at the information that goes into the determination, we assume they are correct."

When FPC counsel Braun asked if Transco makes its own independent estimate of the proper MER for each of its producers, Green said no, because "it would be meaningless to us if we do not have the right to impose this on the producer or the USGS, or anyone else. It is superfluous for us to make an effort along this line when we have no control over it. The MER is controlled by agencies, either state or federal. It is not determined, it is approved by those agencies."

Under current contract arrangements, Transco has rights to reserves dedicated to the company but has no control over the manner in which a reservoir is produced.

"Since we have no right . . . to tell them [producers] how they are going to produce their reservoirs we do not make a conscious effort to tell them 'you have to do this or that.' We tell them of our need for gas, we tell them, 'we take all you can produce,'" Green testified.

INVOLVEMENT IN SOUTHEAST ASIA

Mr. HASKELL. Mr. President, in 1966 I introduced a resolution in the Colorado State Legislature calling for an end to U.S. involvement in Southeast Asia.

At the risk of sounding like a broken record, and at the risk of implying that we as a Nation have not learned anything in the intervening decade, I would like to urge once again that we—once and for all—end our involvement in Southeast Asia. I, for one, have learned a great deal in the past decade. I have learned that we, as a Nation, simply cannot afford to continue that involvement any longer and that it should have been stopped years ago.

Unfortunately, however, the administration has not learned that lesson. We are being asked to continue our involvement, to add another $300 million prop to the corrupt Thieu regime, to further fund the Lon Nol regime, and to pledge continuing additional assistance for the next 5 to 10 years.

Mr. President, I protest. Quite frankly I am sick and tired of throwing dollars down the drain in South Vietnam, in Cambodia, in Indochina, in Southeast Asia—whatever or wherever you want to call it. We must stop this nonsense now before we are taken for another multimillion or multibillion dollar ride.

The administration's request includes $222 million more in American military aid to Cambodia for fiscal year 1975 and $300 million in military aid to South Vietnam. There is every evidence that the request will not stop there and that additional aid requests are in the offing. We are told that the Phnom Penh government cannot survive more than a "month or two" without fresh supplies. We are told that our "commitment" to South Vietnam and Cambodia obligates us to make these funds available. The Secretary of State has resurrected the domino theory and tells us that the result of denying this aid would be "the most serious consequences" for American credibility elsewhere in the world.

We are not reneging on our commitment if we deny this aid request. Far from it. In fiscal years 1953 through 1975 we have given the South Vietnamese Government $14.518 billion—that is right, billion—in military assistance alone. The only question now is whether we are going to be coerced and bludgeoned by the administration's threats that all of Southeast Asia will collapse if we do not accede to this request.

Some of my colleagues may find it interesting to note that the Defense Intelligence Agency estimates the Soviet Union and the People's Republic of China have given North Vietnam $3.65 billion in military assistance since 1966. By way of contrast we have provided $13.5 billion or 3½ times as much.

Mr. President, if the Thieu regime were a model of democracy, integrity, and decency the situation facing us in the Congress would be vastly different. Instead of a model of democracy we are faced with a corrupt regime; a regime which has refused to implement the provisions of the 1973 peace agreement; a regime which cannot even keep track of the aid and military equipment we have already provided.

The government we are "committed" to has recently closed 18 newspapers in Saigon in an attempt to squelch all political dissent. According to statistics made available by Amnesty International upward of 100,000 political prisoners are still incarcerated in South Vietnamese jails without any sign that there has been or will be a major release of these prisoners. Reports of alleged additional arrests still filter through. President Thieu refuses to insure the democratic liberties of his fellow countrymen. He refuses to implement the 1973 Peace accord and allow the citizens of South Vietnam political freedom. He refuses to set up a Tripartite Commission called for in the peace agreement to oversee the elections for a new government.

He is possessed by the fear of losing his political power. As it has been for years that power is derived out of fear and corruption. And I, for one, refuse to continue to support him.

Mr. President, I could go on and on about the abuses of political power we have all observed in both Cambodia and South Vietnam. My colleagues are familiar with these abuses and have joined in deploring the situation for years. Another recitation of all-too-familiar events will serve little good.

Most of us were numbed years ago by events in Southeast Asia. Our sense of outrage has been replaced by a sense of numbness and exasperation. When will it end?

My answer is that we must end it now. We have met our commitment. We have lived up to our promises to do what we can for the people of Southeast Asia. Now it must be up to them. I, for one, am simply unwilling to continue to grant military aid today, tomorrow, or next year.

SEVERING THE OIL DEPLETION ALLOWANCE FROM THE TAX RELIEF BILL

Mr. MOSS. Mr. President, the tax relief bill recently passed by the House includes an amendment to repeal the oil depletion allowance. There appears to be growing support in the Senate for this package arrangement.

I am strongly in favor of severing the oil depletion allowance from the tax bill so the two matters can be considered separately.

Recession is the most significant issue facing the Nation today. There is general agreement on the need for a rebate of personal income taxes for 1974 and some tax reductions for both individuals and businesses to stop the economy's slide and to bring about an upturn this year. To achieve this requires immediate action to produce a prompt effect.

The tax rebate is a sure, quick way to increase individual purchasing power. Moreover, the tax rebate and reductions would restore some of the income lost through persistent inflation and provide an economic stimulus to combat rising unemployment.

It is important to focus on the tax bill as a matter of first priority. Addressed by itself, I believe the Congress can enact tax relief within the next 2 weeks. But the package arrangement is likely to create Senate delay and greatly reduce the prospects of a tax bill before mid-April or later.

Senator LONG, chairman of the Senate Finance Committee, has already publicly announced that his committee will begin hearings on the oil depletion allowance immediately after the Easter recess. The oil depletion bill, as now written, would be retroactive to January 1, 1975. This is yet another reason for severing the oil depletion allowance from the tax relief bill: it is retroactive and it would provide time for adequate consideration of the oil depletion allowance while we afford the taxpayers, especially those in the low-income brackets, badly needed and timely relief.

THE TRAGEDY OF CAMBODIA

Mr. TUNNEY. Mr. President, the rapidly deteriorating situation in Cambodia, with the shelling and bombing of helpless civilians, is an immense tragedy that millions more in American military aid can do little to avert, but can do a great deal to prolong. Senator CRANSTON has long been an informed commentator and observer on international affairs, and I ask unanimous consent that his incisive article on Cambodia for the Los Angeles Times be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Arms for Cambodia: The Debate Quickens—Involvement Is Futile, Immoral

(By Alan Cranston)

Senate Majority Leader Mike Mansfield expressed the revulsion most of us in Congress feel about the perpetual bloodletting in Southeast Asia when he said he is "sick and tired of pictures of Indochinese men, women, and children being slaughtered by American guns with American ammunition."

"The more aid we give," Senator Mansfield said, "the more killings there will be."

He couldn't be more right. The war in Cambodia has already cost the U.S. taxpayer $7 billion. Vietnam has cost us $170 billion thus far. By the time the last bill is paid generations hence—after we add in such long-range costs as billions of dollars interest on a national debt swollen by deficit war spending and more billions in benefits paid to our veterans—we'll find that our military involvement in Indochina will have cost us, our children and our grandchildren something on the order of a trillion dollars.

And all for what? What have we and the people of Southeast Asia gotten for that money?

Just in the past two years, since the so-called Paris cease-fire agreement, 1,413,000 more Vietnamese have been made homeless and 340,000 more civilians and soldiers have been killed or wounded by ceaseless, American-financed warfare.

In Cambodia, five years of napalm, B–52 bombings and endless internecine fighting have made casualties of nearly a million people.

And what of the United Sttaes? What have we gotten for all those billions spent on the Vietnam and Cambodian wars?

We all know the answers, all too well: 55,000 Americans dead; 300,000 wounded. Soaring inflation that wracked our economy even before last year's food shortages and Arab oil price-hikes made things still worse.

Now, as Congress prepares to struggle with President Ford's $350 billion budget—and the 16th consecutive annual budget deficit—the President wants Congress to approve another $1.3 billion in military aid to Vietnam and $363 million more for Cambodia in fiscal 1976. This money could be put to far better use to help the unemployed and the disadvantaged here at home and to spur our economic recovery.

That's not all. For the remaining four months of fiscal 1975, President Ford wants an extra $300 million for Vietnam (they already got $700 million this year). And, since the Lon Nol government has already used up the $275 million it got from us this year, the President has made an emergency appeal for $222 million more for Cambodia.

All those millions are being demanded from us for Marshal Lon Nol—while the Soviet Union and China have substantially reduced their aid to the Cambodian insurgents. And though the rebel Khmer Rouge are outnumbered by government forces, they have had no help from North Vietnamese combat troops since 1972. Yet the Ford Administration claims that without continuing, large-scale, open-ended aid from the United States, the Lon Nol government is sure to collapse.

Ironically, it is we, not the Communists, who (inadvertently) are supplying the insurgents with most of their war materiel. According to a Congressional source who has just returned from Cambodia, most of the Khmer Rouge's equipment was made in the United States and has either been captured from government troops or obtained on the black market.

Why does the Administration want to keep pouring American money—and Cambodian lives—down this rathole?

The President says we have a "commitment" to the Lon Nol government. What is that commitment? When was it made? By whom? Was it by Richard Nixon—when he ordered the U.S. "incursion" into Cambodia? If there was a secret commitment, the American people have a right to know.

The Congress knows of no such commitment. In fact, the Foreign Assistance Act originally framed in 1971 and signed by President Nixon explicitly states that the provision of U.S. aid to Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense."

President Ford calls Cambodia an ally. But surely he knows we have no treaty of alliance. Secretary Kissinger, who is more precise about such things, refers to Cambodia only as "a country which has been associated with us."

The Ford Administration, to its credit, does not repeat the discredited arguments of the past that the U.S. has any vital interest in Cambodia. Clearly we do not. The outcome of the Cambodian civil war (even the U.S. embassy in Phnom Penh has topped pretending that it is the North Vietnamese, not the Cambodians, who are driving back Lon Nol's forces) is not vital to our security or our welfare.

But President Ford does claim, rightly I believe, that "our national security and the integrity of our alliances depend upon our reputation as a reliable partner." I have no fears on that score. We have proven time and again to be eminently reliable partners in war—even when, as in the case of Vietnam and Cambodia, such years of stubborn steadfastness have been a calamitous mistake for everyone concerned.

The President says there's a "moral question" involved in Cambodia. Indeed there is, though perhaps not the one he sees.

Our "association" with Cambodia has not only been costly and tragic, but immoral as well. It is widely believed that the Central Intelligence Agency initially encouraged the Lon Nol coup which overthrew Prince Sihanouk in 1970. President Nixon continued to support Lon Nol despite the Cambodian government's corruption and incompetence which alienated whatever popular support it once had.

Meanwhile, secret American bombing with B-52s had been going on for more than a year. Finally, a month after the coup, came the American invasion.

The Cambodian invasion supposedly was to protect South Vietnam from North Vietnamese forces using Cambodian "sanctuaries." But the sanctuaries were expanded, rather than destroyed.

Cambodia—a victim of American deceit, violations of the law and abuse of executive powers—has remained an American-financed battlefield ever since. Instead of flying more ammunition in, we should be flying people out (if, as feared, some lives will be in jeopardy if the Lon Nol government falls to the insurgents).

The time has come, in the interest of the Cambodian people as well as our own, for the Administration to be less concerned about our image as an indefatigable warrior and inexhaustible banker and more about our responsibilities as a compassionate friend of peace.

A TRIBUTE TO VIVIEN KELLEMS

Mr. RIBICOFF. Mr. President, recently one of the outstanding citizens of Connecticut and a crusader for the causes she believed in—Vivien Kellems—passed away. Her memory will not be forgotten.

Dr. Homer Babbidge, a distinguished educator and former president of the University of Connecticut, eulogized Ms. Kellems eloquently.

I ask unanimous consent that Dr. Babbidge's remarks be printed in the Record.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

A Tribute to Vivien Kellems

(By Homer Babbidge)

Vivien Kellems was adjective-prone. Like particles to a magnet, colorful, descriptive words and phrases attached themselves to her: scrappy, vivacious, dynamic, lively, single-minded, courageous, engaging, mercurial. There was even a time when an exasperated government tried to label her "willful"—an allegation that a jury of her peers rejected.

For willful she was not. However strong her will, and however tenacious her spirit, she did not diregard reason. Some thought her quixotic, but she was eminently a realist. She always knew the odds she was up against when, time after time, she sallied forth against the Goliath of government, armed only with a sling and the pebbles of principle. She might privately concede that she couldn't beat the system, but she knew she could sting it and, as she was fond of saying, "teach those people a thing or two,"

And teach us a thing or two, she did. She taught us that the spirit of individual liberty can and will survive in those to whom it is precious. She taught us that the lesson of John Hanson's solitary courage two centuries ago was a lesson for today. Feminine to the tips of her toes, she taught us to acknowledge the equality of the sexes and warned us with the words of Abigail Adams that if we didn't, she was "determined to foment a rebellion." She taught us not to be ashamed to demonstrate love of country, love of tradition, love of principle. Indeed, she tried to teach us not to be afraid; not to be afraid of authority in any guise, and not to be afraid to be ourselves.

Vivien Kellems was unabashedly in love with her country, with this state, with the elegant structure in which we are gathered, and with the long, tidal river on the banks of which it stands. She was unabashedly in love with a multitude of friends, including many with whom she quarrelled.

In those respects, Vivien wore her heart on her sleeve. And yet, she was a very private person. Few of us were privileged to catch even glimpses of the innermost dimensions of her life. Yet we know that there had to be an intimate core to this flaming meteor—a core that was both stable and serene. We know that she derived strength from the natural surroundings of her beloved home; for she often walked alone, beyond the pond and in the woods "lovely, dark and deep.' And there she undoubtedly thought of the miles to go and promises to keep.

And because of that very private, inner being, the secrets of which will never be known to us, Vivien was something of an anachronism. She was tough, but tender; a fighter, yet a forgiver; an angry angel.

And that's why the flood of adjectives, and their inadequacy. No accumulation of them, however accurate, can fully describe Vivien Kellems. Perhaps someday the world will know another personality as appealing and yet elusive as Vivien's. And if it does, we'll then have the right adjective: we'll be able to say that that person is "Vivienesque."

May her restless spirit now repose in peace; and may we not rest in our effort to thank her for having been among us.

WYOMING EDUCATOR ELECTED PRESIDENT OF NATIONAL COUNCIL OF STATE COMMITTEES FOR CHILDREN AND YOUTH

Mr. McGEE. Mr. President, I note the National Council of State Committees for Children and Youth has elected a Wyoming educator as its national president. Everett D. Lantz is a professor of educational foundations at the University of Wyoming where I formerly taught.

Dr. Lantz was instrumental in formation of the Wyoming Youth Council and has since initiated many programs on the local and national levels, all dedicated to the betterment of our young people. His efforts have no limits and his contributions are immeasurable.

MR. FRED BRANFMAN ON AID TO CAMBODIA

Mr. ABOUREZK. Mr. President, as chairman of the Separation of Powers Subcommittee of the Committee on the Judiciary, I have a particular concern for the proper balance of power between the Executive and Congress.

I was thus particularly interested in testimony recently presented before the Senate Foreign Relations Committee on Cambodia by Mr. Fred Branfman, codirector of the Indochina Resource Center. Mr. Branfman's thought-provoking statement seems to me important not only for what it says about the tragic situation in Cambodia today, but for its insights into the nature of our commitments in Cambodia.

Mr. Branfman points out that any commitment we have in Cambodia is a commitment entered into unilaterally by our executive branch. He demonstrates that this executive commitment in Cambodia has turned out to be one of our major foreign policy debacles of the 20th century. And he argues that Cambodia raises the most profound questions about whether we in Congress can any longer allow the Executive either to maintain its present system of global commitments, or enter into any new ones.

I was particularly interested in Mr. Branfman's findings during the spring of 1973 regarding progress toward negotiations concerning Cambodia. As the President knows, the administration has recently charged that Congress "undermined" executive progress toward a negotiated Cambodian settlement by halting U.S. bombing of Cambodia on August 15, 1973. The administration's case rests on its assertion that it had gotten on the negotiating track by April and May 1973, before Congress clearly signified its intention to stop the bombing by a date certain in June 1973.

Mr. Branfman reports, however, that Mr. In Tam, who later became prime minister in the Lon Nol cabinet, told him that Lon Nol opposed negotiations during April and May 1973, that no such negotiations were underway, and that Mr. In Tam himself opposed serious negotiations at that time because the Lon Nol government would be operating from a position of weakness.

Mr. Branfman further reports, moreover, that officials in the political section of the American Embassy also told him that no such negotiations were underway and, indeed, that the most influential members of the American Embassy, such as Deputy Chief of Mission Enders and Brigade General Cleland, also opposed opening any such negotiations because the Khmer Rouge were in such a superior military position.

This entire testimony raises the most troubling questions about whether the executive branch has properly consulted with Congress about our policy in Cambodia, as provided for in our Constitution. It also raises the even more serious issue of whether the Executive continues to exceed its constitutionally provided authority in other countries around the world today.

Mr. President, I ask unanimous consent that the statement by Mr. Branfman be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement

(By Mr. Fred Branfman, Co-director, Indochina Resource Center)

(Mr. Branfman's testimony is based on a regular monitoring of events in Cambodia over the past 4 years. In addition, he has visited Cambodia in 1967, 1970 and 1973. On his last visit, during 5 weeks in April and June of 1973. he travelled frequently on all roads leading out of Phnom Penh as far as one could go. In addition, he visited Battambang, Sihanoukville and Kampot, and also flew over much of the country in civilian aircraft, crisscrossing from Krakor in the north to Kampot in the South, from Battambang to Phnom Penh, down again to Kampot.)

(He interviewed hundreds of refugees crowding Phnom Penh and its environs, and visited bombed-out villages; spoke with officials ranging from Prime Minister In Tam to dozens of local civilian and military personnel; interviewed a wide cross-section of the urban population, including student leaders, along with American Embassy, International Red Cross, and foreign diplomatic officials.)

THE LESSON OF THE U.S. EXECUTIVE'S CAMBODIAN COMMITMENT

Cambodia: The Nixon doctrine in its purest form

I am struck by how much agreement exists today between the Administration and its severest critics on the situation in Cambodia. All sides agree that the parties fighting are Cambodian, and that there is no serious North Vietnamese military involvement in the Cambodian war; that there is no real hope for a negotiated settlement between the GRUNC and the Lon Nol cabinet; that the $222 million request for supplemental military aid cannot reverse the Lon Nol government's desperate military situation on the battlefield or ease the suffering of the Cambodian people.

The only serious point of dispute, in fact, is over the Administration assertion that the U.S. has some commitment to Cambodia, and the U.S. "credibility" around the world will suffer if Congress does not give additional military aid to the Phnom Penh government.

I should like to speak today to this question of our Cambodia commitment, based on personal experience of having followed events there on a regular basis for the past 4 years through our work at the Indochina Resource Center, as well as 3 visits to Cambodia between 1967 and 1973.

I would begin by noting that any U.S. commitment in Cambodia is exclusively an Executive commitment, entered into by a handful of top officials of our Executive branch without the knowledge or consent of the American people or Congress.

This Executive commitment took the form of the "Nixon Doctrine", a formula under which we would supply war materiel and economic aid to governments like that of Marshal Lon Nol, but not U.S. troops. Cambodia, indeed, is a particularly striking example of "The Nixon Doctrine". For it was President Nixon himself who declared in 1971 that "Cambodia is the Nixon Doctrine in its purest form."

While the Executive was committing itself in Cambodia, however, Congress was already articulating a very different theme. Many members of Congress, including the distinguished Chairman of this sub-committee, stated time and again that the U.S. was no longer to play the role of Global Policeman. Congress made it clear that our only real commitments were in areas vital to our own defense, and that we would extricate ourselves from world-wide involvement with military dictatorships like that in Cambodia.

The Executive, however, has chosen to ignore this clear public and Congressional sentiment. For 5 years President Nixon and now President Ford have not only maintained Executive commitments in the third world, but extended them in countries like Cyprus, Ethiopia, and Chile. In Cambodia alone, the Executive has sent over $3 billion, excluding its ground invasion, before coming up with its present request for an additional $222 million supplemental, and more than $500 million in FY 76.

We have no national commitment in Cambodia, in short. We have only an Executive commitment which raises the most profound questions about Executive judgment. For Cambodia demonstrates as nowhere else this century that Executive commitments are not to people or countries, but narrow military cliques; that such Executive commitments are opposed to the interests of the American people; and that these Executive commitments violate the most basic standards of morality and decency, standards upon which the continuation of our civilization is based.

Cambodia is indeed "the Nixon Doctrine in its purest form." The question is whether this Doctrine is viable or decent. The issue is whether a "commitment" made under it is in fact a national commitment, and whether this nation can afford any longer to allow our Executive to make foreign policy unilaterally.

Executive commitment in Cambodia: The political and military dimension

The first point to note about the Executive commitment in Cambodia is that it is to a narrow-based military dictatorship, not the Cambodian people nor a government they support.

During my first visit to Cambodia in 1967, I was struck by the widespread popularity of Prince Sihanouk among the Cambodian people. He was criticized, to be sure. As he himself later noted, he tended this period to rely too much upon his advisors, including his then chief-of-staff, Marshal Lon Nol. As a result, there was widespread corruption and inefficiency, particularly among the military. But there was no doubt in anyone's mind that the vast majority of the Cambodian people regarded Sihanouk as a patriot, for he performed the most essential task: keeping Cambodia out of the Vietnam war. All knew that no other Cambodian leader could have done so.

On my first return visit after the coup, in August 1970, all this had changed. Although there was some enthusiasm for Lon Nol among sectors of the urban elite and students, one quickly learned that the war had already disaffected most Cambodians from the Lon Nol government. It was relatively easy to understand. Sihanouk had meant peace. Lon Nol had brought war.

By May and June 1973, when I returned for a five-week visit, any support Lon Nol had just after the coup had entirely evaporated.

The final break with the students had come in March, 1973, when agents of Lon Non, Lon Nol's brother, had thrown grenades into a strike meeting of teachers and students, killing several persons. The urban elite had long since been disaffected through the corruption of the regime and the disintegrating economy.

I could not find a single supporter of Lon Nol among the hundreds of Cambodians I talked with. Even the English-speaking Khmer guides, widely believed to be reporting on visitors to the Cambodian police, made clear in private their dislike for Lon Nol.

I saw no evidence, moreover, and none has emerged subsequently, to support the Administration's contention that the Cambodian people want to fight and ask only our military aid to do so. To begin with, of course, the Cambodian military forces of 220,000 men represent only some 5% of the estimated 3-4 million people living in Lon Nol zones. There is no serious doubt that the 95% of the non-military Cambodians living under Lon Nol, most of whom are hungry and homeless, would prefer peace to all else.

But even the 5% fighting for Lon Nol are clearly demoralized and disaffected. On one occasion in 1973, for example, I asked a Cambodian spooky pilot who the greatest hero of the still-fledgling Lon Nol airforce was. "So Potra, we all admire him very much. We wish we had his courage," he answered. So Potra, of course, was the Lon Nol pilot who bombed Lon Nol's palace before defecting to the GRUNC side.

Nothing symbolized Lon Nol's fear of his own armed forces more than the fact that he had anti-aircraft guns installed around his own palace—not against the Khmer Rouge, who have no aircraft, but against his own airforce.

There have been instances, of course, where Lon Nol's troops have fought well. Such cases, however, illustrate simply that even the poorest troops will fight well when their lives are at stake. Such instances offer no proof at all of widespread support for continuing the war.

A constant stream of press reports in recent months indicates that, if anything, the demoralization of Lon Nol's army has increased rather than decreased since my visit. On January 22, 1975, to pick only one example, the *Washington Post* reported that "A district town 10 miles north of here (Phnom Penh) nearly fell to the Khmer Rouge early today when its government defenders fled and reinforcements took 10 hours to arrive after being urgently requested . . . One villager carrying rifles and a quantity of ammunition picked up on the battlefield, said the government soldiers had run off in all directions."

If the "Cambodian people" wanted to carry on the fight, why did the *Washington Post* also report on January 27, 1975?: "Until last week, press gangs operated around the central market and on the main roads. The draftees were loaded into trucks and taken to the recruitment center, where, unless they had enough money for a bribe, they would be assigned to training camps . . . As a French journalist recalled, the Cambodian system was much the same as that employed by the Nazis in Vichy France."

It did not take long in Phnom Penh to discover why disaffection from the present government is so widespread. One had only to travel to the section of the city in which high-ranking military officers had constructed dozens of luxurious villas from money they had stolen from American aid funds, surrounded by hundreds of thousands of refugees who lacked food or medical care. One needed only to visit a military hospital, where soldiers lay dying for lack of medicine because their superiors had sold U.S.-supplied medicines on the black market. One had only to visit the houseboats moored near a small village 10 miles outside of Phnom Penh, where Lon Nol officials and military officers cavorted with prostitutes while their men died on battlefields only a few miles away.

It is no accident that the Executive commitment in Cambodia has resulted in a debacle for Executive foreign policy. From the beginning, the Executive branch could not find popular, non-corrupt, well-respected Cambodian leaders who would consent to bring war to their country. Instead, it had from the very beginning to turn to a small caste of unpopular military and civilian leaders. Their political and military defeat has been inevitable from the beginning.

Executive commitment in Cambodia: The domestic dimension

It is no coincidence that the Executive commitment in Cambodia began with 14 months of illegal bombing kept secret from the American people and Congress. For the Executive commitment in Cambodia has from the beginning been so opposed to the interests and moral values of the American people that it could only be maintained through deceit.

A striking example of Executive violation of traditional American morals in Cambodia has been its misuse of Food for Peace funds. In fiscal year 1974 alone, the Executive funneled in $168 million worth of food into Cambodia—4 times more than the $40 million allotted to Bangladesh where mass starvation occurred.

This food to Cambodia, however, did not go to the hungry. In June, 1973, for example, I was walking down one of Phnom Penh's major boulevards. I came upon a long line of trucks filled to the brim with bags of American rice. I counted over 50 trucks, filled with enough rice, I estimated, to feed 30-50,000 people for one month.

Continuing to the front of the line of trucks, however, I discovered that they were queued up in front of a military storehouse. This American Food for Peace was actually going to provide Lon Nol's troops with rations. I was struck by the irony that this Food for Peace, then, was actually being used to create hunger—to feed troops who would wage war, driving people from their homelands into the cities where they would go hungry.

Inquiring further, I discovered that virtually all of the FY 1974 Food for Peace was Title I, i.e. would go on the open market to be bought by the army quartermaster and those who had enough money to purchase it. The weak, the refugees, the poor, would have to go without.

This pattern, of course, persists until today. Mr. Habib, Assistant Secretary of State, came before this sub-committee just last week to announce dramatically the beginning of a humanitarian airlift to feed the starving of Phnom Penh. Within days, however, Lon Nol ordered that this food be distributed to soldiers rather than starving civilians. (Under congressional pressure, the Administration has at this writing allowed 25% to go to the starving.)

Perhaps the greatest indictment of the Executive commitment in Cambodia, however, lies in the simple fact that it has not, from the beginning, offered the slightest hope of ending without the kind of debacle we are now witnessing.

The unpleasant reality is that for five years now the Executive has systematically misled the American people and Congress about the possibilities of a negotiated settlement in Cambodia and the improvement of the Lon Nol regime.

When I arrived in Cambodia in May, 1973, for example, the Executive was telling Congress that we could not halt American bombing in Cambodia because it would hurt the chances for a negotiated settlement.

In June, 1973, American officials proclaimed that the Lon Nol government had significantly broadened its base by sending the unpopular Lon Non abroad and bringing in Messrs. In Tam, Cheng Heng, and Sirik Matak to form a four-man council with Lon Nol. When Congress halted the bombing anyway on August 15, it was attacked bitterly by President Nixon for having "undermined" the chances for a political settlement.

I discovered in Cambodia, however, that there was in fact no serious chance for negotiations at all, with or without the bombing. Mr. In Tam, later appointed Prime Minister, for example, told me in May that he was not aware of any efforts to reach a political solution with the Khmer Rouge of Prince Sihanouk. He went on to say, moreover, that Lon Nol was adamantly opposed to opening talks with the Khmer Rouge. Mr. In Tam explained, moreover, that he personally would only agree to negotiate seriously after Lon Nol was removed, and he had a chance to institute various reforms that would take years to complete.

American officials within the American Embassy confirmed that no serious chances for a negotiated settlement between Sihanouk and Lon Nol existed. They added, moreover, that the American embassy itself was resisting any moves toward negotiations, since they felt that the Lon Nol government was too weak to salvage anything from them. In less than a year, Lon Nol was back—and In Tam, Sirik Matak and Cheng Heng were out.

This pattern too has continued until the present. American officials, for example, stated to this subcommittee last week that the entire blame for the breakdown of negotiations lay with the other side, but that if the $222 million supplemental was passed chances for negotiations would improve.

In fact, however, Prince Sihanouk has repeatedly offered to negotiate with anyone other than the top officials of the Lon Nol regime. It seems clear that it is Executive insistence on retaining Lon Nol that is responsible for the absence of a political settlement. Given the Khmer Rouge's strength on the battlefield, moreover, there is no reason to believe that any amount of military aid to Lon Nol will improve chances for a settlement. On the contrary. More military aid will simply prolong the war, prolong the bitterness, delay the inevitable, and only serve further to impede a negotiated settlement.

Executive commitment in Cambodia: The human dimension

For all of its political and military failures, however, the Nixon Doctrine in Cambodia is most likely to be remembered for its human consequences. For history may well record the Nixon doctrine in Cambodia as one of the most senseless man-made holocausts of this century.

There is no way I can describe the suffering and misery I saw in Cambodia, that is going on right now in Cambodia, in the few minutes I have before this subcommittee today.

You see it everywhere: on the roads, where five or 10 kilometers out of Phnom Penh you see the first destroyed home, and then for every kilometer further as far and wide as the eye can see, more destruction and devastation; you see it in the eyes of the children in the refugee camps, feverish and large, sick from hunger and illness; you see it in the very heart of Phnom Penh, in the choked, throbbing streets, packed with hopeless, penniless refugees, in what was a few short years ago one of the cleanest, most beautiful cities in the world.

A Cambodian medical student tells you of the ambulances which arrive at his hospital carrying people who have collapsed in comas in the street. "When we revive them, we asked what had happened to them," he says. "They answer nothing. We just did not have any money. No land. No home. Our family has been separated. We decided to walk the streets of Phnom Penh till we died."

An American doctor describes soldiers dying in hospitals for lack of blood plasma, simple intravenous transfusions. "The medicine is here," he says. "The Americans have given plenty of it to the military hospitals. But the hospital directors are selling it on the black market, so there is none here to give the soldiers."

A foreign photographer who has just spent some days in Kampot tells you how high-ranking Cambodian military officers are buying up young women from refugee camps to serve as their concubines. "The going rate," he says, "is ten to twenty dollars." When the colonels and generals tire of them, they sell them to houses of prostitution. The women have no choice because their families are starving and the money keeps them alive for a while longer.

Does the U.S. really have a commitment to prolonging the starvation of children? Are we to allow the Executive to so debase the national dialogue as to remain committed indefinitely to the senseless slaughter of hundreds of people daily? What international credibility can a nation preserve that would try to maintain a government that forces young refugee women into prostitution, young boys of 12 onto the battlefield?

What we must also realize, however, is that there is an alternative to this Executive commitment to starvation and war.

It is likely that if Congress refuses any more military aid to the Lon Nol government, Lon Nol and his top confederates will leave the country. This will see the coming to power of other elements in the present Lon Nol administration who will agree to negotiate an end to the war with the GRUNC. Such negotiations will no doubt see the return of Prince Sihanouk with the Khmer Rouge playing the dominant role in the new government that will be formed.

What will happen here in the U.S. after such an outcome will in large part depend on the Executive. If the Executive chooses to attack Congress for such an outcome, it can stir up the very domestic bitterness it has so long claimed it is trying to prevent. Whatever it does, however, there is little doubt the American people can weather the storm. A poll released by NBC–TV on March 2, 1975, indicates that the American people oppose any further military aid in Cambodia by a margin of 69 to 23, with 8 per cent undecided.

Congressional reassertion of control over Executive commitments will undoubtedly serve the country in the long-term. It is these executive commitments which are the source today of much of the domestic turmoil in this country. A clear Congressional action to halt global policemanship will heal many of these wounds.

There is no doubt, moreover, what will happen in Cambodia.

The thousands who would have died on the battlefields in the months to come will instead live; tens of thousands who would have starved to death will survive; millions will achieve their simple dream: to return to the villages of their birth, begin once more to till the soil, and start the long process of rebuilding what remains of their shattered lives.

And tens of millions around the globe will start to hope that the United States is beginning to move away from the military dictatorships which stunt their lives, move towards the peace and democracy that our country's ideals set forth.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Under the previous order, the Sen- expired.

Mr. MANSFIELD. Mr. President, what is the pending business?

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

The ACTING PRESIDENT pro tempore. The time for morning business has ate will now resume consideration of the unfinished business, S. 7, which will be stated by title.

The legislative clerk read as follows:

> A bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the State with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MORGAN). Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I ask unanimous consent that the following staff members be allowed the privileges of the floor during debate and votes on S. 7, the pending legislation—Harrison Loesch, Fred Craft, Margaret Lane, Mary Adele Shute, Tom Berry, and Gay Vaughan.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT THERE BE NO ROLLCALL VOTES BEFORE 2:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be no rollcall votes today prior to the hour of 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE MINING BANS

Mr. FANNIN. Mr. President, on numerous occasions I have called to the attention of the Senate the disastrous ramifications which would occur if the Senate enacted this surface mining bill in its present form. Time and again we have reaffirmed our belief that surface mining should not go forward if reclamation of the land cannot be achieved. Our objections to this bill revolve around the issue that many provisions in the bill ban surface mining even though the land could be fully reclaimed. That coal which will not be mined will certainly put this Nation at a disadvantage in its struggle to become energy self-sufficient. We see no reason to deny ourselves—at this critical economic period—the only energy resource which we in this Nation have complete control over and have in abundance. In other words, Mr. President, these bans have absolutely nothing to do with whether the land can be fully reclaimed, and other land uses are being given priority over the mining of this vital resource.

These bans which I refer to are the ban in alluvial valleys, the national forests, the national wilderness system, on fragile or historic lands, on important historic lands, on cultural lands, and on lands designated as important for scientific or aesthetic purposes.

Mr. President, for these reasons we need to move to strike this ban on alluvial valleys from the permit approval or denial section. Senator HANSEN has an amendment which he will call up at a later time to accomplish this goal.

Congress, in its omniscient wisdom can pass a law which everyone knows is absolutely impossible to comply with because the degree of the technology is just not as advanced as the Congress. Imagine Congress, just 100 years ago in 1875, passing a law requiring the abolition of the use of horses and demanding as replacement the creation of the automobile as a substitute within a 10-year period. Imagine Congress doing generally the same type of irresponsible action when it requires our automobile industry to adopt, within a 5-year time frame, technology which will clean up all of the air pollution caused by the automobile.

We all know that the Clean Air Act was passed by Congress. We know that the congressional standards imposed upon the automobile industry were set without the benefit of public hearings, unfortunately. We know that the philosophy behind this congressional action was to hold the feet of the industry to the fire to force them to come up with technology which could answer this air pollution dilemma. We knew the technology was not currently available, but we imposed this costly, impossible time frame within which they had to respond. Now we are suffering the consequences.

Recall that in 1972 and 1973 when the automobile industry came to the Environmental Protection Agency and said they could not meet the standards imposed by Congress and asked for a 1-year extension. The EPA responded that the industry was not acting in good faith and suggested that they adopt on an industrywide basis the use of the catalytic converter. We, in Congress, are more aware than most that our antitrust laws prevent the companies within the industry from consulting and trading technology on this problem. So, we saw GM spend $700 million; Ford, $300 million; Chrysler $100 million; and AMC $50 million, for a grand total of $1,150 million, just for independent research and development on this converter.

This congressional folly has caused more than mild irritation and discomfort. First, in fact, this decision to use the converter required the petroleum industry to alter existing refineries and build new refineries to produce lead-free gasoline; second, created a new industry which would build those converters and they spent millions of dollars tooling up for that manufacturing; third, those manufacturers had to make long-term contracts for platinum and platuim which are the catalytic agents used in the converter and those materials had to be imported, which added to our disastrous balance-of-payments situation; and fourth, the EPA regulations cost the retail gasoline stations a huge amount in costs for new storage tanks and special nozzles so that lead-free gasoline could be pumped and sold to the users of these catalytic automobiles.

Mr. President, in 1975, the Environmental Protection Agency has admitted that in its zeal to keep the feet of the industry to the fire, it may have goofed in forcing the catalytic converter down the throats of the American people. It also revealed that the converter cleans up some pollutants but creates dangerous sulfuric oxides or sulfuric acid at the same time. EPA is in a dilemma and now has asked Congress to set new standards that can be met by the automobile industry without the use of the catalytic converter.

Government bungling and the congressional setting of impossible standards have cost the American consumer billions of dollars for research and development on this converter and cost the automobile purchaser $210 for each of the converters, plus it will cost the consumer loss of mileage efficiency because of the removal of these converters. Finally it will cost the consumer to develop new technology which can respond to this problem.

Mr. President, are we going to repeat this folly by demanding impossible standards in this surface mining bill which defy technology? When we require zero siltation from the mining process, are we not exceeding the standards of the Clean Water Act? Certainly even the layman can understand that mining disturbs the earth and that such disturbances cause some increase in siltation to the surrounding water. To retain this zero siltation margin will simply mean no mining.

Mr. President, let us talk about what is happening and its effect on what we are trying to do in solving the energy crisis of this country. What the utilities do and what is done by industry generally, hinges on the mining industry expansion. Our balance of payments, which is becoming so critical, and our assurance of an energy supply in this country in case our supplies of imported fuels are cut back or eliminated, are very important factors. Mr. President, in the National Academy of Engineering, there is an article entitled "U.S. Energy Prospects." I wish to refer to their reflection on what is happening concerning coal. They say that vastly increased quantities of coal and uranium fuel will be required if the United States is to meet its 1985 goal. According to the National Academy of Engineering task force:

> Coal production will have to more than double in the next 11 years, while uranium mining production must be increased six times.

Mr. President, we are talking about coal.

According to this report, the task force estimates normal production would be increased by 660 million tons per year by 1985, from 600 million tons per year in 1973 to 1.26 billion tons per year in 1985.

Stated another way, the coal industry will have to bring into production one deep mine and one surface mine each month for the next 10 years. All these must average 2 million tons production per year or more. To put this into perspective, Mr. President, only 13 mines of 2 million tons per year capacity were opened in the decade between 1960 and 1969. In 1971, only 25 mines with annual production capacity greater than 2 million tons per year were in operation, and only three of those exceeded 5 million tons per year.

The article goes on to explain that the expansion will be costly. The NAE estimate is about $21 billion in terms of the 1974 dollar. To accomplish this will require a stable, favorable market outlook ranging some 30 to 40 years in the future.

It is also probable that coal prices will have to rise from $40 to $60 a ton to permit recovery of those costs. It will also require a massive expansion of transportation facilities, by 400 million tons per year capacity.

I call this to the attention of my colleagues to illustrate the tremendous problem we are facing in this Nation if we are to meet the requirements that I have stated. And what other alternatives do we have, Mr. President? I do not know of any other. We are working on many different programs, but I simply cannot assure my colleagues that we have made sufficient progress, or that we have the technology to go forward with many of the programs for which we have great hopes.

Mr. President, at this time I would like to comment about the President's program for energy.

It is unfortunate that the reactions to President Ford's economic and energy program have been more emotional than rational. There has been surprisingly little done in the way of analysis in the media either in support of the administration program or against it. Most commentary has been aimed at emotion rather than intellect.

Recently my attention was called to articles which were written by Donald F. Anthrop, chairman of the Department of Environmental Studies at San Jose State University in California. These articles contain some very interesting figures and an extremely thoughtful analysis of the President's energy program.

Mr. President, I ask unanimous consent that these two articles, which were published in the San Jose News, be printed in the Record for the benefit of my colleagues.

There being no objection, the articles were ordered to be printed in the Record, as follows.

[From the San Jose (Calif.) News,
Feb. 6, 1975]

Public Misses Point on Energy

(By Donald F. Anthrop)

President Ford's energy program seeks to reduce energy consumption and oil imports primarily through economic measures.

The essential features of the President's program are (1) a $3 per barrel import fee on imported crude oil and petroleum products; (2) price decontrol on domestic crude oil, most of which is presently controlled at $5.25 per barrel; (3) decontrol of wellhead natural gas prices; (4) an excise tax of $2 per barrel on domestic crude oil and $0.37 per thousand cubic feet on natural gas; (4) a windfall profits tax to be levied on domestic oil producers to recapture for the federal government the profits arising out of oil price decontrol; (6) relaxed environmental controls, accelerated offshore oil leasing, and other measures intended to increase domestic energy supplies

Surprisingly, perhaps, the principal opposition to the President's program has been focused on those measures designed to reduce imports and foster conservation, a fact which suggests that Americans do not really understand either the gravity or complexity of the nation's long-range energy problems.

As a result of the Arab oil embargo during the first three months of 1974 and higher oil prices, total domestic demand for petroleum in 1974 was 6.1 billion barrels, about 3.1 percent below the 1973 level. However, domestic crude production, which peaked in 1970, continued to decline, falling 4.2 per cent below 1973 production. As a result, the U.S. imported 2.1 billion barrels of petroleum last year (35 percent of its supply) at a cost of nearly $24 billion. If U.S. petroleum consumption should return to its historic growth rate of 4.3 percent annually and if domestic crude production continues to decline at the rate it has since 1970, by 1980 the U.S. could be dependent upon foreign sources for nearly 60 percent of its supply at an annual cost of $45 billion at current world oil prices—a sum which is approximately half the existing value of all U.S. foreign investments. Of course we don't know what oil prices will be in 1980, but unless the OPEC cartel is broken we must assume they will rise.

To counter this perilous trend the Ford Administration wants to reduce imports by one million barrels per day by the end of 1975 and 2 million barrels per day by the end of 1977. This is a modest proposal, and even if successful, will leave us dependent upon foreign sources for 30 percent of our oil by the end of this year. However, there are no quick and easy answers.

Our nation's future energy supplies are further jeopardized by an impending natural gas shortage of very serious proportions. In 1974, marketed production of natural gas was 1.5 percent below the 1973 level—the first absolute decline in gas production since World War II. In a staff report issued last month, the Federal Power Commission (FPC) states that conventional U.S. gas production reached its peak in 1973, and, because annual production far exceeds new gas discoveries, will decline for the indefinite future.

The problem is largely economic and stems from the FPC's regulation of natural gas prices. In a 1954 opinion, the U.S. Supreme Court ruled that under the Natural Gas Act of 1938, the well-head price of gas was subject to regulation. In implementing that decision, the FPC has regulated well-head prices largely in the interest of consumers and has succeeded in holding gas prices below those for other fuels. Comparison of fuel costs to electrical utilities shows that in September, 1974, the utilities paid an average of $0.52 per million BTU for natural gas compared to $0.79 for coal and $1.95 for low sulfur fuel oil. Since natural gas contains almost no sulfur, electrical utilities faced with air pollution regulations limiting sulfur dioxide emissions have found combustion of gas to be a much cheaper solution than using low-sulfur fuel oil or investing in the capital equipment needed to burn coal.

I have sketched in the foregoing the recent history of our consumption of oil and natural gas, and tried to indicate the seriousness of our present situation in regard to these commodities. In a second article I shall examine President Ford's proposed remedial program and the alternative of mandatory rationing.

[From the San Jose (Calif.) News, Feb. 13, 1975]

PRESIDENT'S OIL STRATEGY SOUND

(By Donald F. Anthrop)

Last week in this space I attempted to sketch the history of our present energy dilemma and show the serious consequences that would follow if recent trends in energy supply and demand are allowed to persist.

To counter these perilous trends President Ford has proposed an energy program which includes taxation and other economic measures intended to reduce oil imports by one million barrels per day by the end of 1975 and 2 million barrels per day by the end of 1977.

Ever since the President proposed his energy program, Senators Jackson and Kennedy along with the Democratic leadership in the House have been telling us the President's program will be inequitable, inflationary, and ineffective. The Democrats appear determined to reject the Administration's program in favor of one of their own. While they are apparently unable to agree on the basic principles on which an energy policy should be based or even upon the objectives to be achieved, they seem to believe that some form of mandatory gasoline rationing is the only viable option for achieving these objectives. Before we accept this conclusion, a more careful analysis of the problem would seem to be in order.

As I indicated in this column last week, one of our basic problems is consumption of oil—particularly foreign oil—not just gasoline. Since motor gasoline accounted for 39 per cent of our total petroleum consumption in both 1973 and 1974, any program which limits gasoline usage only, whether it be rationing or a special tax on gasoline at the pump, attacks only thirty-nine per cent of the problem. Although some rationing advocates would have us believe the remaining 61 per cent consists largely of home heating oil, middle distillates, which include heating oils used in homes and commercial establishments, comprise about 18 per cent of our total oil consumption.

If imports are reduced by one million barrels per day and if domestic crude production continues to decline this year, our total oil consumption would have to be reduced by 7.2 per cent, which is a reasonable and achievable goal. If, however, these reductions were applied entirely to the gasoline component, gasoline consumption would have to be reduced 18 per cent. Since part of this gasoline is used in the production of food and other purposes not amenable to rationing, gasoline usage in passenger cars would have to be reduced at least 24 per cent. Achievement of this reduction would mean that on the average each passenger car could be driven no more than 130 miles per week. Although the bleeding heart liberals in Congress seem to assume that only rich suburbanites commute to work, it just happens that the poor commute too—often long distances—because they are more restricted in housing. Furthermore, an immediate reduction in gasoline usage of this magnitude would cause a major economic upheaval and unemployment in those industries and communities dependent upon tourism.

In my view, many of the President's proposals for energy resource development and relaxed environmental controls, particularly on air quality and strip mining, are unnecessary, undesirable, and detrimental to the quality of life. Nevertheless, his basic strategy on energy is based on two fundamental principles of a sound energy policy: (1) that the energy consumer rather than the general public pay the cost of making that energy available, and (2) that consumer demand should be shifted away from energy-intensive products and processes. I have no reason to believe Congress can do as well, and in my judgment, the most serious flaw in any rationing scheme is that it fails to accomplish either of these fundamental goals.

Finaly, I should point out that the taxation and energy policies espoused by the liberal Democrats in Congress are not even in accord with their professed desire to keep energy prices low. (And I think I made clear that I believe low-cost energy to be an undesirable goal in this country.) In the long run, low-cost energy can only be achieved by increasing energy supplies. In order to make the enormous capital investment that would be required for exploration and production facilities, the oil and gas industries must improve their earnings. This will not be accomplished by maintaining price controls on domestic gas and crude oil or imposing additional taxes on the industry. Despite the rhetoric, Congress can't have it both ways.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. FANNIN. I am pleased to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I realize there are not too many Senators present in the Chamber at the moment, but my guess is that unless the Senate as a body, with most of its Members participating, takes a good, close look at what has been said by the Senator from Arizona and heeds some of the red flags he is displaying, we are going to be returning in a year or two to undo what I would predict we are now very likely to do.

The Senator has called attention to the bad mistake we made on the catalytic converter. As Senators know, it is very hard to be against a clean environment. No one is. We are all for it. Yet sometimes in our enthusiasm, which has proved at times to be misguided, we have made some very bad mistakes, and the catalytic converter is one of those mistakes. It is one of the things that have added significantly to the cost of automobiles in this country, and as a consequence I think has contributed at least somewhat to the depressed state of the automobile industry. That is reflected in unemployment and in the draw upon unemployment compensation benefits, and in the loss of purchasing power.

The fact is that when we passed the environmental protection laws, the Clean Air Act and most of those bills, I, with most Senators, voted for them. I did the same when we had the OSHA bill before this body, the Occupation Safety and Health Act. Who can be against preventing injuries to people, and possible deaths? Certainly not the Senator from Wyoming. If I had taken time to read the fine print in that bill, I am not so certain that I would have voted for it, though I think there were only three Senators who voted against it.

It is very easy, because we are concerned about our environment, because we do appreciate beautiful landscapes, because we do deplore acid mine discharges in the streams of America, to want to do something about it. I spoke about subsidence that occurs in my State of Wyoming, a problem that has been familiar to residents of the States in Appalachia for many more years than we have experienced it in Rock Springs. These are all problems we want to do something about. But we have a more serious problem in this country, a critical problem, that has been addressed by the President, by Congress, by all politicians, and by a lot of experts as well. And what have we been saying?

We have been saying we want to make it tough. We want to make sure that industry shapes up. That is one of the things we have been saying. So we have been going from the rather general rule to the specifics that, I think unfortunately, have been incorporated into S. 7, now before us. We have entered areas that I think could better be left and indeed should be left to the 50 States for adoption or for consideration and possible rejection.

The State of Montana, represented so ably by our distinguished colleague now managing this bill on the floor (Mr. METCALF), has passed some tough laws. They are specifically tailored to address problems in the State of Montana. In Wyoming the same thing has occurred. I believe Congress would be well advised, I repeat would be well advised, to leave some of these specific decisions and special rulemaking and lawmaking up to the States, instead of trying to incorporate it all in this bill. But we have not done that.

It is popular these days to be against many things—to be against bigness, and we are against that. It is popular to be against windfall profits, and we are against that. All you have to do to be against little people is to say that little people could get windfall profits if we do not assure that that shall not happen.

So we have done several things, Mr. President. First, we have given the rancher or the farmer the surface ownership of lands in the West, where the full estate is separated, where there is ownership of the surface only, as distinguished from the minerals underneath. That has occurred because of the homestead laws. The grazing homestead laws passed when, some several decades ago, the Government decided that it was going to keep these minerals, including the coal under the land, for the future needs of all of the people of the United States. So when the lands went to patent, only the title to the surface passed to the homesteader. We are addressing that issue, and we have in this bill now before us, as was done last year in conference, given the surface owner the right to agree that strip mining can take place on the land the surface of which he owns, or to deny an energy company that right. Then we have taken the next step, which I think is a very grievous error, and one that I do not doubt a bit, despite the very persuasive presentation made by the distinguished Senator from Arizona to point out what is wrong with it, we are still going to enact. I have no doubt of that at all.

We have said that this rancher can give consent or this farmer can withhold consent. But if he wants to give consent to the strip mining operation all he can receive is the appraised value of those acres actually to be disturbed by the mining operation or the use thereof incident to that mining operation and the appraised value of the improvements on the surface that will be likewise affected by the mining operations. We have given him the right to receive compensation for diminution in income which results as a consequence of the interruption of his agricultural operation by virtue of the mining operation.

Now, in order to display our generosity a step further in conference last year, that is to say that in addition to these three considerations that can be legally contemplated by the rancher or the farmer, on the one hand, and industry, on the other, we have said if that is not enough, in the opinion of the Secretary of Interior, he may pay up to $100 an acre for those acres actually involved again or the amount of the losses in paragraphs (1) through (4) in section 716, whichever is the lesser.

We are going to find out, as we do so often around here, the hard way, that that is not a very good deal. I do not know anything about coal mining, but I do know a little bit about ranching because I have been in the business—despite the fact I have not made a success of it—for more years than some Members of this body are old, and I know enough about it to know this: The typical rancher is not going to buy that kind of a deal. He is not going to get enough out of this bill, having so narrowly restricted what he can receive, that there is any inducement for him to say to X coal company, "I will give you consent to strip mine the coal under my lands."

So we are going to be coming back—I make this prediction—after we pass this bill, and I have no doubt but what we are going to pass it, and ask ourselves the question, why is it these ranchers did not give consent to the operation?

Well now, at the present time if you are going to try to make that argument you are going to be confronted with statistics. They are always persuasive. It is easy for somebody to get up and say, "You do not have to worry about that because look how much coal is under lease." It is under lease, but we have done something else in this bill. We have said before the mining operation actually can begin the coal company must receive from the surface owner permission to engage in that strip mining operation. One of the criteria for approval of a mining permit is that the coal operator has got to put together a reclamation plan. He has got to show how he is going to reclaim the lands.

Now, something else that is unique about the West is that there is a checkerboard pattern of ownership. It is not unlike an actual checkerboard with the red and black squares. Maybe within a certain block of ground, where the coal mining operation is going to take place there are 20 ranchers or farmers, and 19 of them say they are willing to have the land strip mined, but the 20th one says he is not willing.

Well, statistically that is unimportant. If everyone owned the same amount of land as every other person, only 5 percent of the coal under that situation would be denied the people of the United States. But—and this is a very big "but"—because one has to have a reclamation plan that will provide the specifics by which it is all going to be put back together, it simply means that if one man, with a few of these checkers on the checkerboard says, "You cannot strip my land," then the whole thing falls apart because it is not a full reclamation package.

It is not uncommon at all in the West to find land irrigated, where there is water available. Picture, if you will, the anomalous situation where you have two or three toadstools sticking up representing the lands owned by a rancher who says, "Do not mine my land." Contemplate, if you will, how he could raise water onto his land after the surrounding area has been lowered by maybe 25, 50, 75 feet, or the amount by whatever amount of coal may have been removed. That is the situation, and that is the situation that we are going to be faced with because this bill is so restrictive that there is little, if any, inducement for a rancher to give his consent to a surface mining operation. Because an operator cannot put together a reclamation plan for a block of land, no mining will occur.

Despite the fact that there is a lot of coal already leased in the United States, this bill requires the issuance of a mining permit which must be preceded or accompanied by a reclamation plan showing how the energy developer is going to put it all back together. So I say, Mr. President, that that is one of the faults in this bill.

Now, we have attacked it from another point of view, too. We have said to the energy company, "There is no way you can circumvent the thrust of this law." If it can be proven that the energy company has decided that maybe it could get the consent of the farmer if the energy company was to go two States away and buy Uncle Joe's little farm or a building or something and pay him a good price for that, if that person two or three States removed is important enough to the rancher or to the farmer, that sort of deal, too, has been contemplated. We have put teeth into this bill so that any energy company which thinks it can get around the prohibition against paying more than those simple criteria that I first spelled out, has not read the bill because there is no way that that can be done.

So I predict what will happen is there will not be very much coal leased.

The administration, Members of Congress, the Democratic majority in Congress, put together a policy statement and they recognized, as I said yesterday, that coal has to make a significant contribution. They predicted, I think, by 1985, if everything goes as they envisage, we will be getting enough coal from our deposits in the United States to replace the quivalent amount of 15 million barrels of oil per day.

It sounds great. We have the coal. The Senator from Washington (Mr. JACKSON) said we have enough coal to last us 500 years. At the rate we are going in this bill I predict we will have enough to last us 1,500 years because we are not going to be using very much of it. It is just that simple.

I think what the Senator from Arizona says is right. I spoke earlier about these environmental standards.

I read a very interesting paper over the weekend by a Dr. McKetta, who was quite an environmentalist. The title of his paper was, "Eight Facts That People Should Know Something About." We have been concerned about the buildup of carbon monoxide, and rightly we should be. It can cause asphyxiation if one is subjected to enough of it.

I was surprised to learn, in reading this paper by Dr. McKetta, who is on the faculty of a very prestigious university in the State of Texas, that if a heavy smoker who does not smoke for several hours and who goes out into the most heavily contaminated area in any city in the United States, insofar as carbon monoxide buildup is concerned—if he is away, if he stops smoking for a few hours, and goes out there and breathes those exhaust fumes that just entirely surround him, and if one checks the CO in his blood level it has not gone up, it has gone down. It has gone down because there is less carbon monoxide coming from the emission of all these automobiles in Los Angeles, New York, Washington, or any place else than there is in the smoking of his cigarettes.

Now, I suppose that might surprise some people. We have been concerned about thermo pollution in water and we have gone to great lengths in some of the environmental bills we have passed to say that we cannot raise the temperature of a river because this rise, it is going to bring about all kinds of disastrous results. We have so saddled industry with the requirements of that law that the President of ConEd, Mr. Luce, who used to be with the Bonneville Power Administration, told me, if I remember correctly, that 17 percent of their costs in the City of New York are a direct result of the environmental protection laws we have passed.

Well, we have said that by a certain time, one cannot raise the temperature of a stream scarcely at all, or maybe not at all.

Do we know what raises the temperature of water more than any other single factor in America? Probably with all of our erudition we might make the wrong guess, but if one asks any first or second grader what raises the temperature of water, he would give one the right answer. It is the Sun. It raises the temperature of Lake Erie from about, I think, 34° up to about 75° in the summertime.

They have also found that where concentrations of phosphates occur, fish life abounds.

It has also been found that the phosphates that were used in detergents so successfully, and which we banned, now are not that bad.

The putrification that occurs and is of such concern in Lake Erie does not come about from the phosphates we get in the source and the rivers from the detergents. It comes about from the sewerage itself.

I am trying to make the point, Mr. President, that sometimes in our haste, in our enthusiasm, and in our desire to get out in front to pass something to show people how concerned we are about America, we make some bad blunders, and we have made plenty of them. I just hope we might stop long enough and take enough time to look at this bill so as not to repeat those blunders because we are in a critical situation.

I could go on talking about other things. We have found out, for instance, in South America that the biggest buildup of nitrates occurs from the continuing incidence of thunderstorms over the Andes and the nitrogen oxides that are collected in rain water combine with solids in the soil to build up the great saltpeter deposits in South America.

This has nothing at all to do with man. In fact, the whole thrust of Dr. McKetta's article led me to believe that despite the arrogance that we ascribe to ourselves, thinking we are really changing the face of the Earth, the fact is that we do not really have very much to do about it, period. Most of the things that happen are totally unrelated.

Dr. Pecora, the late great head of the USGS and Under Secretary of the Interior, said that three single volcanic eruptions—just three—have brought about a total of more pollution in the air surrounding this planet Earth than all of the things that man has done since he first started walking upright. Just three volcanoes did that.

It was not but 100 years ago that we had a very widespread and continuing fire in the forests of the West, and for 2 or 3 years, or maybe more, I have heard oldtimers, all of whom now are dead, tell me when I was a young boy that they could remember that the Sun for 2 or 3 years was reddened almost all of the time by consequence of the smoke that was in the air. That was not man made. There may have been a few manmade fires, but essentially this was a forest fire caused by lightning strikes.

My point is that most of the things we do or do not do really do not make very much difference. Yet we have made some bad blunders because we ascribe undue importance, undue significance to incomplete facts. We have gone forward here and legislated, as I am certain we are going to do this time, thinking that we are going to please everybody—we are going to please environmentalists, we are going to please ranchers—and that is all right. The one thing we do not talk too much about these days is what is going to happen to power rates.

I happen to come from the West, and I want a first-class reclamation job done. I was one of the persons that insisted that we keep the reclamation fee per ton of coal at 35 cents a ton. It was dropped down from 35 cents to 25 cents for underground coal despite the fact that most of the money we put in early is going into underground mining to fill mine voids.

The fund will do several things. First, it will stop subsidence so people's houses are not going to break underneath them—the houses actually cave and fall down and subside into the ground. The fund will fill voids to prevent the breakage of sewer lines, water lines, and gas mains, all of which can cause threats to health. Natural gas seeps into basements, as oftentimes it has done. One hears about an explosion. Someone's house blows up. We do not know what caused it. They find there was a ruptured gas main and that the gas followed that broken line and got into someone's basement and a spark ignited it. It goes up in the air. That is one of the things that happens.

Another thing, very serious as far as underground mining goes, is that, whenever there is a void left underground, fire sooner or later breaks out. Fires occurred in mines long before man had anything to do about it.

Much of that took place before man mined, but we have been speeding up the process now. We have taken coal out of these underground mines, leaving more, or oftentimes more than we remove and it catches fire. That is another hazard, too, because, if that occurs, the carbon monoxide from that incomplete combustion which takes place, can seep into people's homes and cause death.

I think that we want to do a first-class reclamation job, and I think the people who turn the light switches on ought to pay for it. I do not know what else will and I am not willing to say we will cut that fee back and take it out of the General Treasury. We have been taking out of the General Treasury until the General Treasury is upward of $500 billion in the hole already.

People are complaining against inflation, saying we ought to raise social security and welfare to do more for everybody and to make food stamps more readily available.

Yet, when we fail to balance the budget, we exacerbate the very thing that makes it necessary to consider taking these other actions I am talking about.

So I am not happy about that. I think we want a first-class reclamation job, and people are going to have to pay the bill.

It is a bunch of hogwash to think that X, Y, or Z coal company is going to pay the bill. The people who will turn the light switches on are going to pay the bill. I think they should. I think that is fair. I want to make sure that the land, after the coal has been removed in the West, is made usable. It can be made usable. I have seen what is going on out there in the way of reclamation, and it is good. There are those who say it is not going to work, but I think those statements come mostly from people who do not know what they are talking about.

The reclamation I have seen taking place right now inclines me to believe that we can remove the coal just as Germany has been doing for a long time; we can put the earth back together, and it can be even more productive—and I repeat that, Mr. President—it can be even more productive than it is now for one very good reason: Sometimes the topsoil is not the most fertile layer of earth encountered. One of the mines south of Gillette found that just above the first layer of coal for about 12 to 18 inches was a higher concentration of plant nutrients than there was anyplace else. So they said, "Let's try that out." They put that on top of the ground when it had been put back in place. They found that that was more fertile and more productive than the topsoil would have been.

We found in Wyoming the topsoil is not always the best. They have found in Germany it is not always the best. They have tested the horizons. They have gone down and removed the overburden in Germany and have found out that sometimes you can improve upon nature.

I think another thing that *should* be mentioned is that it does not always make sense to try to put it back the way nature gave it to us.

Sometimes, as they found in parts of Appalachia, kids would like to play football and they happen to live in little towns where, by virtue of the topography of the country, there is not a piece of real estate flat enough on which to play football. We saw pictures in the Committee on Interior and Insular Affairs last year of such a place. That was where they had never had a football field.

Instead of telling that mining company, "Put it all back together as you found it," they said, "Leave this piece flattened out and we will have a school and a playground here."

They put in some housing developments and a supermarket was constructed. I think that makes sense. So I say let us leave some of these options to our own judgments. I think it underscores the point that if you want to have as much local input as possible, leave as much of the decisionmaking process as possible in the hands of the States which, in turn, can get some input from local communities. You are apt to come up with a better answer than you may otherwise have had.

The Senator from Arizona knows what he is talking about. He comes from a State which, while it has not only coal but has other minerals as well, is aware that the pattern that this particular piece of legislation takes may, indeed, have some impact on other pieces of legislation that we are likely to be considering at a later date. The Senator from Arizona knows what he is talking about, and it would be well for the Congress of the United States to heed what he has been saying. I regret that there have not been more people in the Chamber. I know when they come in to vote what we say will not be considered by very many people. If I were a betting man, which I am not, I would bet that this bill will not be changed very much. But I will make one other little offer. If anybody tells me we are not going to be coming back here in a year or two with some significant changes and amendments to propose, I would like to call that one.

I can just about guarantee it will be found that despite the total amount of acreage leased, when this surface owner consent provision is applied, it will be found the surface owner has little if any inducement to give his permission to the mining of his land. By virtue of the checkerboard pattern it will not take more than one man to hold up mining the whole checkerboard. Reclamation has to encompass an entire block of land.

Yesterday I talked about the alluvial valley floor. The Senator from Arizona mentioned that. We do not want to disturb any streams or underground water. But I was talking to some of the USGS officials yesterday and they told me this: An action that is taken may disturb the waterflow one place, but if this stream dries up, another one is going to pop up someplace else. Nature has a way, as we all know, of balancing things out. So it is not always going to mean that devastation and chaos will result if there is some interruption.

I do not want any interruption. This bill guarantees that if there is an interruption or a dislocation of the surface stream or the underground water involved, the energy company responsible for that action will be fully liable.

Later on this afternoon I intend to display some of the real problems that come about from a definition of terms.

The U.S. Geological Survey has some words of art. We have wrestled with what is meant by alluvial valley floors, or some of the changes that have been offered on that.

I hope that Members will take the time to walk by the easels. There will be a staff person available to answer questions. I am not trying to say we have very many of the answers, but I would hope that we may raise some questions that I think ought now to be considered.

In this Federal legislation we are getting into some pretty technical areas that we do not know enough about, and we are dealing with them in a fashion which inclines me to believe that when we get to applying the specifics of this law, the courts may not take the same approach that the Congress now takes.

We would hope that everything can be done reasonably, that we would be not unreasonable in our judgments. Yet I believe the courts are going to look at the language, they will read the legislative history, and they are going to have to try to make a determination on the basis of what the law says, as modified, possibly, through its legislative history. So it does not follow that what we hope may come about necessarily will result.

Let me express my appreciation again to the Senator from Arizona for his very incisive and, I hope, persuasive observations. I think he has done a great service. I hope before this bill is passed that Senators who are not here now will have had an opportunity to read what the Senator has said and to recognize that the person who utters those words knows what he is talking about. I thank my colleague.

Mr. METCALF. Mr. President, we have heard much about the likely "inflationary impact" of this bill and the "inordinate costs" it will impose on the industry and on the consumer. We have heard such a wide range of numbers bandied about that any one set becomes meaningless taken out of the context of the assumptions on which it was based. I therefore feel it is imperative to put this issue in perspective for once and for all. There are several catgories of costs which I would like to discuss.

First, there are the very real and present costs of damages now being caused by surface coal mining operations: costs for cleaning up streams polluted by siltation and acid mine damage; damage caused by improper blasting practices; damage to homes and crops from landslides; and damage and loss of income to surface and water right owners during the life of the mining operation. These are but a few of the costs that S. 7 is designed to eliminate. An idea of their magnitude can be found from looking at the estimated cost of rectifying these damages on abandoned lands, which is $7 to $10 billion.

Balanced against these we have the following potential costs: to the industry, to the consumer, to the Federal Government, and possible losses in production.

With regard to increased operator costs, numerous studies and testimony received by the Interior Committees of both Houses, indicate that the actual increased costs of production would range from 0 to $2 per ton, depending on the operator's present practices. However, this increase will be phased in over a period of almost 3 years. Furthermore, the price of coal has increased in the past year more rapidly than the price of oil. Coal once selling for $2 to $8 per ton is now going as high as $60 a ton on the spot market, and utilities once paying $2 to $3 per ton under long term contract are now being forced to renegotiate for coal at $15 to $20 per ton. Yet demand still outstrips supply. The profits of most coal companies have soared—some increasing by as much as 400 percent over last year. In such a context of profitability, it is difficult to decry even a maximum cost increase of $2 per ton to assure top quality mining and reclamation practices.

Even when the 35 cents or 25 cents per ton reclamation fee is added to this, the impact on overall production costs must still be considered relatively minor, particularly when such costs will all be ultimately passed on to the consumer.

With regard to the consumer, a $2.35 per ton increase in the price of coal—assuming the worst case—would increase his electric bill less than 20 cents a month, a small price to pay for a vastly improved environment. This is considerably less even than the anticipated impact on consumer electric bills under President Ford's $3 per barrel tariff on imported oil.

Next, we must consider the cost to the Government of administering this bill.

Staff calculations show maximum additional Federal expenditures for S. 7 as follows, in millions of dollars:

Fiscal year 1975	$46.2
Fiscal year 1976	62
Fiscal year 1977	69
Fiscal year 1978	71
Fiscal year 1979	73
Fiscal year 1980	75
Fiscal year 1981	77
Each year thereafter	30

And finally, we must discuss the costs associated with possible losses in production. Although the administration has gloomily prognosticated production losses ranging from 14 to 41 million tons of coal a year, they have been unable to justify these figures or to specify to the Interior Committee the source of the assumption for any figure in this exceedingly broad range. Dire predictions of huge production losses, one can only assume, are predicated on two basic assumption: first, that S. 7 will drastically cut coal production because of reclamation costs, and second, that there are provisions in the bill that will effectively lockup vast coal reserves. The first argument is obviously falascious. As I have already stated, the price of coal is such that the cost of the bill can be easily borne by the industry. And furthermore, as many of my colleagues have pointed out, most of the requirements of S. 7 are already included in many State mining laws, and so should not be an undue additional burden to responsible operators.

The second argument is equally weak in that it assumes, despite our vast coal resources, if surface coal mining is statutorily banned on even 10 percent of all coal bearing land—a generous estimate—there will be no relocation of mining operations either to other areas, or no shifts in mining technology. This argument also assumes that the Congress, should it find these provisions to have been injudicious, could not and would not alter them. Yet this pledge has been made time and again during the course of debate on this bill and the predecessor, S. 425. It was made in conference; it was made in a letter to the President by the chairman of the Interior Committee, and it has been made on the floor of this very Chamber as recently as yesterday.

And finally, it makes the grievous error of equating reserves with production.

Although it may be that there are considerable reserves of coal in the areas under discussion, there is very little actual production going on at present on these lands, or contemplated for the next year or so. So we are not by these provisions significantly altering the status quo, and have plenty of time to rectify any errors in judgment, these provisions may prove to represent.

But we cannot put off this measure to wait and see—we must act on this bill now, and I strongly urge my colleagues to leave these provisions in the bill.

Mr. STEVENSON. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. STEVENSON. I have a question regarding section 522, which provides for the designation of areas unsuitable for surface coal mining.

Does this section preclude all types of coal mining from areas found unsuitable for surface coal mining?

Mr. METCALF. The designation of areas unsuitable for surface coal mining will not necessarily result in a prohibition of mining. The designation can merely limit specific types of mining and thus the coal resource may still be extracted by a mining technology which would protect the values upon which the designation is premised. In addition, after an area is designated, coal development is not totally precluded as exploration for coal may continue. Moreover, any interested person may petition for termination of a designation.

Mr. STEVENSON. Will this section have any effect upon existing surface coal mining operations?

Mr. METCALF. The designation process is not intended to be used as a process to close existing mine operations, although the area in which such operations are located may be designated with respect to future mines.

Mr. STEVENSON. What does the committee consider is an "existing mine"?

Mr. METCALF. The committee recognizes that an existing mine might not be one actually producing coal, because it was in a substantial stage of development prior to coal production. Thus, the meaning of existing operations is extended to include operations for which there are "substantial legal and financial commitments."

Mr. STEVENSON. What was the committee's understanding of the term "substantial legal and financial commitments?"

Mr. METCALF. The phrase "substantial legal and financial commitments" in the designation section and other provisions of the act is intended to apply to situations where, on the basis of a long-term coal contract, investments have been made in powerplants, railroads, coal handling and storage facilities, and other capital intensive activities. The committee does not intend that mere ownership or acquisition costs of the coal itself or the right to mine it should in and of itself constitute "substantial legal and financial commitments."

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Wyoming for his very forthright position on this legislation and on the problems that we have with this proposal. He and the distinguished manager of the bill come from two States that perhaps will furnish more coal to this great country of ours than any other States in our Nation.

They are very much aware and insistent that their States be protected, that if the laws of their States are stricter than the Federal laws in respect to the reclamation of their land, that the States' rights be upheld. I commend them for that position. They have been very insistent that first consideration be given to the States which have these great deposits of coal.

We are very fortunate to have in this great Nation a vast quantity of coal.

I also realize that we have many other wonders in the States of Montana and Wyoming. Senators representing those States have the desire and the obligation to protect those wonders.

I know that they will do just that.

I again commend the Senator from Wyoming for his statement, for the various matters that have been succinctly brought forward which are important considerations in the passage or the rejection of this bill. I feel that we are indebted to him for this very worthwhile presentation.

Mr. METCALF. Mr. President, I want to make some comments, but at this time, without losing my right to the floor, I ask unanimous consent that I may yield to the Senator from Kentucky to submit an amendment.

The PRESIDING OFFICER (Mr. Morgan). Without objection, it is so ordered.

Mr. HUDDLESTON. I thank the distinguished Senator from Montana.

The PRESIDING OFFICER. Does the Senator from Kentucky ask unanimous consent that the pending amendment be laid aside?

Mr. HUDDLESTON. Yes, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 78

Mr. HUDDLESTON. Mr. President, I call up my amendment No. 78.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Kentucky (Mr. Huddleston) proposes amendment No. 78.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 12, beginning with line 4, strike out all through line 16 and insert in lieu thereof the following: "ducting a program of, or a curriculum which provides for, substantial instructions and research in mining or minerals extraction or which establishes such a school of mines, division, department, or curriculum subsequent to the enactment of this title and which school of mines, division, department, or curriculum shall have been in existence for at least two years. The Advisory Committee on Mining and Minerals Resources Research as created by this title shall determine a college or university to have an eligible school of mines, division, department, or curriculum providing a program of substantial instruction and research in mining or minerals extraction wherein or pursuant to which education and research in the minerals engineering fields are being carried out and which qualifies students participating therein for careers in mining education, mining research, mining industry, or other related fields:".
>
> On page 13, strike out line 4 and insert in lieu thereof the following: "or department or curriculum conducting or providing for a program of substantial in-".
>
> On page 13, line 9, immediately after "department" insert a comma and the following: "or curriculum".

Mr. HUDDLESTON. Mr. President, my amendment relates to title 3, section 301, with respect to mining and minerals resources and research institutes.

What I am attempting to do here is to relax the criteria established in order for institutions to qualify for funds provided by this bill. I have a full statement which was presented yesterday and is in the Record. The managers of this bill on both sides of the aisle have indicated that they will accept the amendment. Therefore, I will not belabor the point at this time.

I just want to point out that the proposed amendment would give the council that is created by S. 7 and which is given the responsibility of administering these funds, the authority to use curricula—as well as schools, departments, and divisions in determining whether or not that institution is eligible for participation in this program. I think this will eliminate some of the arbitrary and unduly restrictive organizational restraints that are contained in the present language and will make the funds more usable and more effective in accomplishing the objectives of the act.

Mr. METCALF. Mr. President, this amendment was provided in the bill as it was passed by the Senate last year. I think it is a worthwhile amendment, and the Senate substantially agreed to it. It would give an opportunity for an educational agency to carry out a program that we believe should be carried out.

I compliment the Senator from Kentucky for offering the amendment. I feel that the Senator was correct in attempting it last year. It was dropped in conference. I hope the amendment will be accepted this year.

Mr. FANNIN. Mr. President, I am very pleased to support the amendment of the Senator from Kentucky. I join the Senator from Montana, the manager of the bill, in recommending the adoption of this amendment.

I am pleased that the Senator from Kentucky has joined in this discussion and has brought out the need for the University of Kentucky to be involved in this activity, which is quite important to his State. I know the work that will be done will be beneficial not only to his State, but also to the Nation and to our goals in the proposed legislation.

Mr. HUDDLESTON. Mr. President, there has been some discussion about the potential coal production in the Western States. It might be that in the near future, the State of the distinguished Senator from Arizona or the State of the distinguished Senator from Montana might be the leading coal producer in the Nation. But as of this moment, our State of Kentucky enjoys this distinction of being the largest producer of coal in the United States.

So I welcome the support of both Senators for this amendment.

We think it is important that we carry on this research, and I am pleased that my State can make a contribution. The University of Kentucky has been involved in programs of this nature since 1901 and has done an outstanding job. This amendment will provide them with the opportunity to continue to expand and extend this research.

Mr. FANNIN. I say to the distinguished Senator from Kentucky that although I am not going to take a position as to which States produce the most coal, I hope that production in his State does go forward. It happens to be my native land. I commend him for his outlook in that regard. I hope that when we finish with this bill, we will not place any barriers in the path of the State of Kentucky in going forward with its continued production. I am very pleased to have the remarks of the Senator from Kentucky concerning the important part his State now plays in the production of coal in this country.

The PRESIDING OFFICER (Mr. Hathaway). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. METCALF. Mr. President, a great deal has been said today and yesterday about how much coal is around, about how many people will be thrown out of work if we do not use all these billions of tons of coal, about the percentages of the tons of coal available, about the East against the West, and about and other statistics. I think the Senator from Wyoming suggested that we could use those statistics any way we wished.

There is a great deal of coal in Montana, in northern Wyoming, and in the Dakotas. It ranges from lignite to low-grade bituminous. It is low sulfur coal. It can be burned for the generation of electricity. It can be mined very cheaply.

In some areas in America, the seams are only a few feet thick. Some seams are 14 to 20 to 200 feet thick. Sometimes, in northern Wyoming especially, with the huge mining machinery that is available today, a seam of coal 200 feet thick can be mined; and every time the shovel dips, it will load a coal car.

All this makes for economical production of coal, but all this also makes for destruction of some of the top soil and the destruction of the whole area for many hundreds of years in the future if we do not adopt a bill such as this for restoration and reclamation of such an area.

It is tremendously difficult to sit down in a committee, as the Senator from Arizona and the Senator from Wyoming and the Senator from Idaho and all the Senators on the Democratic side have done, and write a bill that is a national bill. A bill that applies to the extremely fertile land of southern Illinois and Ohio and western Kentucky, and at the same time applies to the desert lands in the Four Corners area of Arizona, or the sunny arid lands of Montana and Wyoming and others.

We have testimony in the record from outstanding scientists that it took thousands of years to develop the topsoil of eastern Montana and Wyoming, and that it could not be stockpiled. When it was taken off, the nutrients would erode, and it could not be stored. It should not be mined at all, according to the people who testified.

We have tried in this bill to build a balanced approach so that billions of tons of this coal shall be available for mining immediately; billions of tons shall be set aside for mining in the future; and billions of tons shall be left there until a great emergency arises, and ranching and other operations shall take place.

I wish to speak specifically to the Mansfield amendment. A good many years ago, at the turn of the century, we discovered oil in several of the States, including Montana, Wyoming, and Utah, and huge oil companies sent their representatives and employees out. Under the Homestead Act, they would acquire 160 acres in fee title, owning the surface, the subsurface, including the mineral rights. Then they would turn the fee title over to the oil companies. At that time, it created a national scandal. It was such a scandal that President Theodore Roosevelt and his chief forester, Gifford Pinchot, and others, mounted a campaign that was equivalent almost to the campaign that the environmentalists have mounted recently to change that. They contended that the minerals under that land belonged to the people of the United States and the business of sending people out and homesteading the land and then turning the minerals over to the giant corporations—Standard Oil Co., especially—was a scandal against the people of the United States. So we passed an act, the Grazing Homestead Act. And we said, "Look, some of that land is arid, some of that land does not produce as the land in the Midddle West, so we will give you 640 acres instead of 160 acres, but the Government of the United States will retain those minerals for the people of all America." That was a great conservation achievement of those days when that bill passed.

We set up grazing homesteads and we said people can come out, and instead of getting 160 acres, they got 640. They went out to Montana and they saw these coal outcroppings. They knew about the oil. But they said, "We shall graze this land and we do not care what happens to the minerals." For three generations, they have grazed the land.

We have had a lot of tears shed for the little old homesteader who came out three generations ago and homesteaded that land. He has gotten himself, on the basis of that homestead, a grazing right under the Taylor Grazing Act, under public domain, or up in the National Forest. He has set up for himself a ranching operation and he has been growing cattle out there or sheep or something of that sort. We are shedding a lot of tears for that little guy. But let me tell what really happened.

During the Great Depression, that little guy was sold out and there are not very many of them left. Out in southeastern Montana and northeastern Wyoming, the ranches are 10 and 20 thousand acres and the people there are newcomers. They are the ones who came in during the depression and they picked up this land for its tax value. They picked up that land for $10 or $12 an acre. It is those people we are talking about who are going to get a windfall profit of $5 or $6 or $7 million, just because the Federal Government retained value of their land. If it were only the 640-acre homesteaders, only the third-generation homesteaders that were involved, I would agree with the Senator from Wyoming, and I would say, "Let them get as much money as they can for selling the people's coal." But they are not the people who have most of the land out West in this area. The people who won the land and have control of the land in split ownership are largely the people who came in and took advantage of the Great Depressing and bought this land at bankrupt prices.

This brings us up to the Mansfield amendment. Senator MANSFIELD says, "fine, we retain in the Federal Government the subsurface ownership of the coal—all minerals, but coal especially here today." The Federal Government said that the people of the United States are going to keep that coal for the use of the people. We gave the ranchers the surface rights to operate a ranch or for a ranching operation. We gave them all the surface rights so that they could use that as beneficial property, so they could lease Forest Service land and other Federal land. That is all we gave them. So, Senator MANSFIELD says, we will continue to give these people the surface rights. We will continue to let them operate the ranch that they contracted to operate. And we, the Government of the United States, will keep the coal that is under that land in reserve and refrain from strip mining the surface. We, the Government of the United States, will keep that coal in reserve for future operations.

As Senator MANSFIELD pointed out yesterday, there are billions of tons of coal out there. Millions of tons are already under lease. There are millions of tons that can be leased by the Federal Government that do not have this split ownership. Millions of tons that are leased by the States who own section 16 and section 36. Millions of tons that are leased by the successors of the railroads, who had these alternate sections of land grants. Millions of tons which have been leased by private individuals. All we say in the Mansfield amendment is that when there is split ownership, those lands will continue to be operated as ranching operations and the Federal Government will keep its coal in reserve.

I can understand a rancher in Montana or Wyoming, who, all at once, has a great big windfall and he finds out that there is coal under his land. He has to send his kids to college, or he wants a retirement fund and he leases his coal. That is an ordinary, understandable, human development. But the Federal Government does not have to do that. We can say that we may need this coal much worse in the future than we need it now. We have a lot of coal land that we can lease already. We say that there is coal there for 500 years. We say all the coal that is leasable will take care of the energy shortage right today.

Therefore, I think that the Mansfield amendment is the wisest approach to this split ownership that we have known. It will not create the toadstools that the Senator from Wyoming is talking about. It will not create any toadstools, because we just will not lease any of the land that has a split ownership.

So I urge my colleagues to again agree to the Mansfield amendment as a conservation amendment, as a continuation of the great conservation victory that was won back at the turn of the century by the conservationists of that time as a way to keep a coal reserve for the people of America, and as a way to solve this problem of a split ownership in the fairest and most equitable manner.

Mr. President, I have been talking about the Mansfield amendment. That is the first amendment, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. METCALF. I am perfectly willing, either in order or out of order, not to yield but to let the Senator from Oklahoma be recognized in his own right.

Does the Senator from Oklahoma wish me to yield to him?

Mr. BARTLETT. That is correct.

Mr. METCALF. I yield to the Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I thank the Senator from Montana, and I appreciate the opportunity to again speak on this measure.

It seems a strange sort of logic to proclaim that we are debating S. 7 without adequate consideration of the facts. After all, this is a bill that has been in hearings and subject to staff work for many months and even years. However, that does not mean that it has had the right kind of consideration. I submit that this bill is being enacted without the Senate having a clear idea of what it is doing. Therefore, by any standard whatever, this is bad legislation. It is random, hip-shooting legislation. I presume that in the manner of such shooting we will go out later to see what we shot. I am afraid that the victim will turn out to be the national economy.

Mr. President, I wish more Members of the Senate had read a publication issued last year by the National Academy of Engineering entitled "U.S. Energy Prospects, an Engineering Viewpoint." I doubt that they have. In this volume the National Academy of Engineering gives some specifics of what is required if this Nation is to double its coal production by 1985, as we envisage if we are to reduce our reliance on imported oil and even approach energy independence.

Mr. President, I would like to point out at this point that practically every comprehensive energy plan with the goal of having energy independence by 1985 and with the goal of reducing our reliance on unreliable imports, calls for developing the coal production of this country.

The National Academy of Engineering says that by 1985 we will require 780 million tons of production from surface mines. This is in contrast to about 310 million tons of coal produced from surface mines last year. Yet we are today debating a bill which would impose very strict standards on surface mining, and I submit that we have no clear idea what those standards mean. The mining industry tells us that many of these standards would reduce production severely, at a time when we need to increase it. The Department of the Interior has said these standards would reduce production. I submit, Mr. President, that this is reckless and hasty legislation, ill-considered in the worst sense of the word. We cannot sit here in this Chamber and legislate in a vacuum. We need to consider the hard facts of the Nation's need for energy.

We need to consider also the first thing any geologist or mining engineer knows—you have to mine the mineral where it occurs, not by where you wish it were or by methods you wish you could adopt. More than one-third of our Nation's recoverable coal reserves, in terms of present technology and economics, can only be recovered by surface mining. That is the way that we have to mine it. If we do not allow surface mining where necessary, following it with the requirement for good reclamation to the extent that it is feasible, we are depriving ourselves and future generations of important resources of energy that cannot be duplicated within our borders.

Mr. President, I have no argument with the requirements for good reclamation that are in this bill, but I do have arguments with provisions in the bill that go far beyond that extremity, many of them having absolutely nothing to do with reclamation.

Congress has already taken one wishful, wistful trip into an environmental never-never land without clear idea of where it is going and the Nation is suffering thereby. This trip was the Clean Air Act of 1970. We did our best to write in the law a bunch of standards based on wishful thinking and environmental slogans. We did not take the time to find out what would be required to attain them. We simply assumed that if we made the law strict enough and orated hard enough, somebody else would get the air as clean as we declared it must be.

Well, here we are, with a deadline fast approaching, and an energy crisis upon us. The only way we can cope with the energy crisis without splurging ourselves into national bankruptcy is to burn more coal, the only truly abundant energy resource this Nation has readily available.

Mr. President, I would point out that of the coal currently being mined by surface mining, 70 percent is low sulfur content, and another approximately 10 percent is of medium sulfur content. So we will be depriving, because of this legislation, the mining of the low sulfur content coal, the coal that does the least amount of pollution. This course brings us into collision with the Clean Air Act, which prohibits the use of much of our high sulfur coal. Perhaps technology can be improved in time to allow the use of high sulfur coal. Perhaps deadlines need to be extended for compliance with the act. In fact I am sure these things are so, but we are finding them out very late. Meanwhile, the most feasible way of conforming with the standards of the Clean Air Act, whenever they become effective, is the use of low-sulfur coal. And in this bill, S. 7, we are effectively ruling out the mining of much of the low-sulfur coal in the Nation.

In the Clean Air Act, the Congress created a monster which is about to wreck our economy unless we take steps quickly, I will have more to say about that when we consider the matter. My plea today is that we do not duplicate the mistake and create another monster, a kissing cousin to the first, by writing a hopelessly severe and ill-considered surface mining law which will deepen our energy dilemma.

We are discovering that the catalytic converter on our automobiles is a rolling disaster. I hope we do not here create its parallel, the cataclysmic converter by passing S. 7 and endangering the national energy supply.

For example, Mr. President, it became clear in markup sessions on this bill that there were very differing ideas among the Members about what was meant by the language we are using to govern the mining of alluvial valley floors. I am not astonished by this disagreement, only dismayed. It was apparent to me for a long time that we were writing legislation without a clear idea of what we were doing. There is apparently no accepted definition of exactly what constitutes an alluvial valley floor. When the regulatory authority finally begins administering this law, he has nothing to guide him as to what the accepted definition of alluvial valley floor may be. What are its boundaries? The U.S. Geological Survey says this provision could affect millions of acres in the West. It does not know what we mean by the term. We do not know what we mean by the term. Yet, some civil servant is going to have to administer this law. If he makes up his own definition, we can be sure that he will stretch his authority as widely as possible. He will have the authority to prohibit mining under certain conditions on great expanses of coal. In effect he will have the power of life and death over many a coal company. And yet we have not really told him where his authority begins and ends. In effect, this is like letting him drive 60 miles an hour through the middle of town after first painting his windshield black.

Certainly one definition that can be given to alluvial valley floors is the valley areas that are generally agricultural, farm or grazed for cattle purposes. This would mean that much of the area that is potential for coal production would be given over preferentially to agriculture, even though the coal could be removed and the land reclaimed for agricultural purposes with very little disruption and with no impairment as far as the ability of that land to grow a crop or to provide a good stand of grass.

Mr. President, the provisions in this bill intended to protect the rights of the surface owner are a clear example of too much of a good thing. We are proposing to protect the right the surface owner never had—the right of ownership of the mineral resources under his surface. It is also a right that he does not have today because the subsurface, including the coal, belongs and is owned by the Federal Government. The present surface owners, or their predecessors, acquired this land in the full knowledge that they did not own the mineral rights. That coal does not belong to them. It belongs to the people of the United States.

Mr. President, I would like to bring out that this same condition of a dichotomy of ownership of minerals and surface occurs quite often in the case of petroleum production, and sometimes this creates problems because the surface owner has certain rights and the subsurface owner has certain rights, as in this case, and if the mineral owner—in this case the Federal Government—leases to a coal company, and they wish to exercise their rights to produce coal, obviously it inconveniences and creates damage to the surface, and the surface owner should be recompensed properly for that damage. This is the procedure when there is a dichotomy of ownership as far as petroleum is concerned, and I think that a person can realize that even though an oil well is rather small, and the disruption that it causes is small, perhaps, compared to the taking up of the entire surface, having an oil well close to a house is not something that most people would like. So there are ways of paying damages; there are ways of giving and taking but still producing the energy at the least inconvenience to the surface owner.

The people of the United States should have the right to have the energy from this coal which currently belongs to the Federal Government, and they should receive the benefits of the revenue from that coal. The surface owner has a right to be adequately compensated for any damage to his property. However, he does not have, or should not have, the right of absolute veto of the benefits of the people of the United States, and this is the provision currently in the bill. He should not have, furthermore, the right to be unduly enriched by the fact that his property lies over coal owned by these people. Just compensation should not be extended to a windfall.

I think it would be very interesting to see the financial statements of all of the landowners owning land over potential coal deposits in the West because I think we would see or what we would see in Oklahoma, although it does not apply to Oklahoma, is that much of the land in the rural areas is owned by people of some means, and land values today are quite high, even including those where the subsurface minerals are owned by the Federal Government, as is the case here.

So, to give these people a veto over the future energy production of this Nation is a very questionable part of this bill which, I think, should be deleted.

Mr. President, the faults of surface owner protection of S. 7 are certainly not cured by the amendment offered by the Senator from Montana (Mr. MANSFIELD). Prohibiting the mining of privately owned land over Federal coal may protect the farmer and rancher from surface mining. It also protects him from the revenue that he could acquire in the process of these coal reserves.

It affords this willy-nilly protection to the surface owner whether he wants it or not. It effectively prevents mining of not thousands and not millions but literally billions of tons of coal in the West which are owned by the people of the United States, and which are urgently needed for the national welfare.

The distinguished majority leader paints a graphic picture of rural slums that might be created by surface mining. Mr. President, the West knows a lot about rural slums. They go back as far as the old folk songs or the homesteader starving to death on his government claim, and they certainly go to areas of oil development of many years ago.

They were caused by hard times, by drought, by blizzard, by disastrous drops in the price of cattle, wheat, oil, and other commodities. They were not caused by surface mining.

Now, the people who have survived these conditions are told that they cannot dispose of their surface rights for purposes of surface mining, and surface mining with proper and full and complete controls on reclamation.

I do not believe that the surface owner should be unjustly enriched from the sale of rights which are not legally his. On the other hand, I do not believe he should be prohibited from disposing of his land for surface mining at a fair price or receiving fair compensation for the damages done to his land in the mining process. There is a reasonable solution to this dilemma, and it is not the absolute prohibition embodied in the Mansfield amendment.

In fact, Mr. President, there is a reasonable solution to the problems of surface mining, but it is not the prohibitive solution embodied in Senate bill 7. The solution is to require good reclamation and not bully and harass the mining industry with a series of sloganeering prohibitive regulations with the real intention of closing down mining rather than assuring good work. For that reason, Mr. President, I hope that the Senate will reject this legislation.

Mr. President, I would like to point out that the amount of coal that, it is estimated, is currently being produced that no longer would be produced because of the passage of this bill, amounts to close to one-half of the surface mine production of coal today, and this amount that would be prohibited from being produced amounts to a little less than a quarter of all the total coal production.

When this is equated in value to that of oil, because if this bill passes and this amount of coal is not produced, there will need to be a replacement of energy, and the only available source today is more imported oil at very high prices of around $12.50 a barrel, amounting in a year to approximately $7 billion more of a deficit balance of payments.

This Nation cannot afford that kind of deficit balance of payments to its economy, and it certainly cannot afford that amount of greater reliability on unreliable foreign sources of oil.

So I hope that the Senate will reject this legislation. If it does not, I hope that the President will again veto it and insist on the passage of legislation which adequately protects both the environment and our energy supplies. They are not incompatible.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HATHAWAY). The question is on agreeing to the amendment of the Senator from Montana.

Mr. METCALF. Mr. President, before we vote on the Mansfield amendment, I would like to have Senator MANSFIELD speak for 1 or 2 minutes. Since we cannot vote until 2:30, can I get unanimous consent that at 2:20 the Mansfield amendment will be called up, and the first vote, will take place at 2:30?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. METCALF. Now, the second amendment, is the McClure amendment, and Senator MCCLURE is not in the Chamber, I would be delighted to respond to the McClure amendment for just a few minutes at this time and then we can take that vote up after the Mansfield amendment.

Mr. FANNIN. Mr. President, do I understand, if the Senator will yield, that there is no time limitation on the McClure amendment?

Mr. METCALF. No, the Senator would have an opportunity to speak on his amendment and there would be time to vote after the 2:30 vote.

Mr. FANNIN. In other words, there is no time limitation and no time certain on the McClure amendment?

Mr. METCALF. No, the only time limitation, as I understand it, Mr. President, is that we have agreed to vote on the Mansfield amendment at 2:30 and it will be taken up again so that Senator MANSFIELD can debate on it at 2:20.

The PRESIDING OFFICER. The Senator is correct, it will be voted upon at 2:30.

Mr. FANNIN. I thank the distinguished Senator.

Mr. METCALF. The McClure amendment is a simple amendment. The provision in S. 7 says there should be no surface mining in the national forest.

Now, the administration concurs in this amendment and suggests that we provide that there be mining in the national forest. The administration testified that about 4 percent of the coal in America was in the national forest.

Most of the coal in national forests is in the Custer County National Forest in eastern Montana. As the Senator from Idaho suggested the Custer National Forest is not a forest such as we have on the Pacific coast of redwoods or Douglas-fir, or things of that sort. There is a lot of sagebrush, there is a lot of open land, there is a lot of land that was set aside, indistinguishable from other land or other prairie and grazing land.

But, nevertheless, this is an agreement that we have all entered into that there shall be no surface mining on the national forest. It will not interrupt any of the patterns of surface mining because there is not any surface mining on the national forest, nor have we been told that there will be any leasing in national forest land.

The Department of the Interior and the Department of Agriculture agreed in the testimony that they do not want to lease land for surface mining in the forest.

Now, some suggestion has been made that this would set a precedent that would open up further prohibitions against mining in national forest lands. The present law, of course, is that in all the public domain anyone can go in and locate a claim for gold, silver, copper, and other locatable minerals in a national forest or on BLM land.

This does not disturb that situation, nor does it disturb the idea that one can have it underground in the national forest. The only thing we have said is that there shall be no surface or strip mining of coal in any of the national forests.

Mr. President, I want to bring the McClure amendment up for vote right after the Mansfield amendment. I am perfectly willing to have the Senator make his further statement in favor of the amendment at the present time and then we could vote immediately after the Mansfield amendment, at 2:30, or the Senator can reserve his statement.

Mr. McCLURE. Mr. President, will the Senator from Montana yield for a question?

Mr. METCALF. I will certainly yield.

Mr. McCLURE. Mr. President, that is certainly satisfactory with me, if we can have the vote on my amendment immediately following the vote on the Mansfield amendment.

They are somewhat similar in issue. They go in opposite directions, as the Senator from Montana knows. Would the Senator respond to the question of whether or not the yeas and nays have been ordered on the Mansfield amendment?

Mr. METCALF. No, they have not.

I know Senator MANSFIELD wants the yeas and nays on the Mansfield amendment. As soon as we get enough people in the Chamber, I would be delighted to ask for the yeas and nays and then if the Senator from Idaho wants the yeas and nays on his amendment, they could be requested.

Mr. McCLURE. Yes, sir, that would be my desire, Mr. President, if we could. I certainly support the Senator from Montana (Mr. MANSFIELD) in the request for yeas and nays on his amendment and hope we could have the votes back to back, immediately following each other, following 2:30 or after.

Mr. METCALF. I am pleased at this time, on the McClure amendment, to yield the floor to the Senator from Idaho so that he may make his statement and then as soon as we get enough Senators in the Chamber we can provide for a rollcall vote on the McClure amendment and the Mansfield amendment, back to back at 2:30, beginning at 2:30.

I yield to the Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLURE. I thank the Senator for yielding and I shall be very brief because the major thrust of the argument in favor of my amendment was made yesterday.

I think the two amendments taken in conjunction with each other need to be considered in their total impact. The Mansfield amendment would further exacerbate the problem that is already present in the bill. My amendment would somewhat alleviate the problem that is already inherent in the bill in the reduction of the amount of coal which might be recovered from the public lands of the United States.

Just in rough terms, and I realize we cannot get into the statistical game very easily without losing listeners, we quote too many figures and all of a sudden people stop listening, but just in rough terms, the existing bill probably restricts all of the recoverable coal on western public lands in the United States due to the checkerboard pattern of ownership.

If the Mansfield amendment is adopted, that would increase to about 75 percent, and if the McClure amendment were adopted and the Mansfield amendment were defeated, we would have increased the amount of recoverable coal by about 30 percent on the public lands and substantially increased our ability to respond to the energy crisis and the threat of the outflow of dollars in world trade as we seek to buy energy for which this coal would be the substitute.

If we are really serious about the security aspects of availability of energy, if we are really serious about the economic consequences of growing dependence upon foreign sources of energy, then I would think that this Congress would want to be on record as favoring the substitution of U.S. coal.

I think there has been enough said about the energy crisis in recent years to at least convince those who know the facts that the crisis is real.

There are people across this land who see abundant gasoline at the pumps today and assume that the crisis was fabricated.

There are those, however, who recognize that that current abundance can just as quickly become a shortage. Even with the current abundance we recognize the growing dependence upon foreign oil as a source of supply. The high prices which are in effect now become a very real threat to the economic stability of the United States and, indeed, of the entire western industrialized world.

Those who have been working with this problem, and it does not make any difference whether it is the Senator from Washington (Mr. JACKSON), or the Senator from Arizona (Mr. FANNIN), being the ranking member and the chairman respectively of the Committee on Interior and Insular Affairs, or those who have otherwise been engaged in the energy studies by other committees, recognize the necessity of reducing our dependence upon high-priced foreign oil imports.

We sought a variety of solutions to the problem that is thus presented to us. This bill today can be either an assist or a detriment to our efforts toward reduced dependency upon foreign energy and all the implications which flow from that decision. I believe the two amendments on which we will vote are very good examples of the kind of thrust that must be decided and must be determined by the Congress of the United States.

I would urge that when the Senate does vote on the McClure amendment, after having voted on the Mansfield amendment, that the Senate will have taken a very positive and direct step toward solving the energy crisis, so far as we can in this legislation, and turned away from making the crisis worse and reducing our ability to deal with that crisis as we take the most obvious step that everyone suggests. That is a growing use of our coal reserves within this country.

Mr. METCALF. If the Senator will yield for a moment, I ask for the yeas and nays on the Mansfield and McClure amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FANNIN. Mr. President, I concur with what the distinguished Senator from Idaho has stated, and I support his amendment.

Mr. President, the Senator's amendment gives flexibility to the Secretary of Agriculture to set aside the prohibition on surface coal mining operations for a specific area or areas, if, after due consideration of existing and potential multiple resource uses and values, he determines such action to be in the public interest. Surface coal mining on any such area shall be subject to the provisions applicable to other Federal lands as contained in section 523.

Mr. President, what the Senator from Idaho is doing is recognizing the tremendous obligation we have to the people of this Nation to leave their options available. Those options can be utilized to solve the tremendous problem we have in this country over our balance of payments. As very eloquently brought out, the balance of trade has significantly changed from 1973 when we had imports of around $19 billion, including petroleum and other raw materials, to 1974 when that figure jumped up in excess of $42 billion. So this is the threat that we face in this country of ours.

If we are to be forthright and recognize the obligation we have to the people of this country, then we will take the precautions necessary to protect them.

It is easy to say that this land should be set aside and that area should be set aside, and that we should have a wilderness area here and one there. It can be very popular with certain segments of our society. But is it the wisest thing to do? Is it right? Is it going to help solve the problems this Nation faces?

There is a tremendous obligation we have that we are not meeting, and that is the unemployment situation that we have in this country today.

Let us look at that one item. What would be involved if we go forward with the program that has been outlined by the National Academy of Engineering Task Force concerning U.S. energy production?

If we do what they advocate, then let us look at it from the standpoint of manpower. This is a very serious problem with the unemployment in this Nation today. Let us talk about coal miners.

The 1973 coal mining population was about 165,000. By 1985 with increased productivity of 4,300 tons per man versus 3,420 in 1973, an increase of 45,000 miners, about 25 percent will be needed if the task force suggestion of 11.7 million barrels per day of oil equivalent is to be realized.

In other words, Mr. President, we are talking about a possibility of 45,000 additional jobs. Of course, those are miners. Each one of those jobs in the mines results in other jobs in associated industries and in the communities where these miners are living.

Then let us go back to engineers. Even more rapidly the need for engineers comes forth.

If the bulk of the new engineers is to have any measurable effect on the projects to be brought on line by 1985, those new engineers will have to be available by 1980. This means only 5 years are open to educate and train approximately 30,000 new engineers for the entire energy industry, or a 40-percent increase over the 1973 total energy industry engineering population. Much of that is in the mining industry because that is where many of the jobs will be available almost immediately.

Then we talk about construction workers. The working men are expected to more than double by 1985 from the estimated 149,000 total at the end of 1973. In other words, we are talking about an increase in construction workers of almost the total number that are estimated to be employed today.

Then, Mr. President, there is the demand for boilermakers, with an estimated increase of 3,000.

We can go on and on with the increased employment that will be involved if we go forward with this program.

What if we do not? If we do not, then we are going to be importing more and more oil and petroleum products from the foreign countries. That is a problem in itself. We have talked about the tremendous problem we have in paying for this oil. We are not exporting quantities of products that even add up to a fraction of what we are importing. This is one of our most serious problems.

We can talk about the dollar, and we can talk about the balance of payments, because that is certainly a great factor. We can talk about our international monetary program. All of these matters are affected.

The increased coal that could be mined if the amendment of the distinguished Senator from Idaho is approved is a great factor in what we will do in the future to favorably affect the balance of payments.

So, Mr. President, we are talking about this Nation's future. We are talking about the economy of this country. We are talking about the ability to meet requirements that we have set as a goal for ourselves, and that we feel must be met.

Mr. President, if we fall down in carrying through with a program that can help solve this country's problem in that regard, and that is the coal program, then I feel we have failed in our obligation.

Mr. President, the proponents of S. 7 have shown time and time again that they are remarkably sensitive on one issue. That is the loss of jobs and coal production that will result from its passage.

This body has heard them insist that no coal production losses will result from S. 7, and that is just not correct.

We have testimony from the Department of the Interior, from the industry people, from economists, from academicians, and from others who have testified that this will result in a big cut in the production of coal in this country.

Let us talk, too, about the results from the standpoint of economics.

Utility rates have soared at record rates because of the cost of fuel, and the voices of outraged consumers can be heard across the land. We have had some marches in this area in the last few days. If we enact this bill as it is now drafted, the cost of the oil that will be required to replace this coal will itself drive electric rates up 10 to 16 percent. This does not include the far greater cost that will come as growing demand chases up the price of a shrinking supply of coal. We will have a shrinking supply of coal unless we do everything within our power to develop the resources of this land.

Far more economic impacts will be felt as the effects of this industrial trauma ripple across the economy. Once the Nation may have had the wealth to indulge its House and Senate Interior Committees. But that day is gone. We simply cannot afford S. 7.

The passage of this bill will hamstring all efforts to wean ourselves from imported oil. It will seriously undermine our national security and will put thousands of Americans out of work. This, Mr. President, is not environmental protection, because we do provide in this measure the protecton that is essential. I am sure that if we approach the voting upon this measure with the knowledge of what will take place if it is adopted, we will be rendering a great service to our country.

We cannot promiscuously pass measures without going into them very thoroughly. We talk about the Mansfield amendment. It has been discussed here many times. We have had facts and figures about what it would do. The distinguished Senator from Idaho has brought out what would result. I feel that we have an obligation to this body and to the people of this country not to pass measures that will be so detrimental to the need for energy in this country.

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that Mr. Rick Herod, a member of my staff, may have the privilege of the floor during the continuation of the consideration and disposal of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAM L. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHIAS). Without objection, it is so ordered.

Mr. WILLIAM L. SCOTT. Mr. President, I have been looking at a copy of the bill now before the Senate and have been reviewing the committee report. They are quite lengthy—the bill and report being more than 250 pages long—and it is difficult for a Member not serving on the committee to be familiar with the provisions of the entire bill, which appears to be complex and technical. However, the regulation of strip mining does appear to be a matter that should be left with the respective States, without unnecessary intervention by the Federal Government, and I would like to associate myself with the minority views in the committee report in this regard.

Let me read just the opening paragraph on page 239 which expresses this point:

> The Congress in the last session and again in this current session has moved forward to preempt state laws governing reclamation of strip mined land. Why does the Congress feel this need when 32 States already require reclamation of surface mined land and of these, 25 have updated or enacted new laws since 1970? Their laws are tailored to meet the peculiar and specific climatic, geologic, geographic and other conditions which vary from state to state. Is the land not really being reclaimed under state enforcement? Where is the evil? Are some which do, failing to combat their problems? What necessitates a federal law?

Mr. President, I am not an expert on mining and do not pretend to know the details of the technical issues involved, but, I know, we do have a serious energy problem. I am sure every Member of the Senate will agree with this. But, Mr. President, we cannot burn esthetic values and we cannot burn natural beauty; we have to strike a balance between our desire to have sufficient energy, a very urgent need to have a sufficient supply of energy, and our desire to maintain a healthy and wholesome and beautiful environment.

It is my understanding that my own State of Virginia is among the States with laws governing surface mining and that 25 of these States, including Virginia, have extended or tightened such laws since 1970. It is my feeling that the Federal Government is increasingly taking over the rights of the individual and preempting State and local laws. In my opinion, this surface mining legislation represents another example of increasing Federal involvement in matters that should be properly determined by the States under their police power.

In numerous instances, Mr. President, Federal regulation has hindered the small businessman throughout the country. This bill, designed to limit surface mining in as many instances as possible through overly stringent environmental and enforcement regulations, has the potential of shutting down or crippling many of these small mining concerns in Virginia and elsewhere in the country. In a letter to Secretary of the Interior Rogers Morton, the Virginia Surface Mining and Reclamation Association, Inc., makes the point that this bill, if enacted, would have an adverse effect in Virginia and nationally on loss of jobs and a significant decrease in coal production. At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a copy of this letter for the benefit of my colleagues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VIRGINIA SURFACE MINING AND
RECLAMATION ASSOCIATION, INC.,
Norton, Va., February 24, 1975.

HON. ROGERS C. B. MORTON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: Our membership commends you and your Staff for again making Congress aware of the terrible cost this country will pay if either S. 7 or H.R. 25 should become law. This legislation, if passed and enforced as written, would virtually eliminate coal surface mining in Virginia's mountainous coal region.

In support of your conclusions, we would point out that over 2,000 people are directly employed on our Virginia coal surface mines. An estimated 5,000 to 7,500 additional workers earn their livings in related work such as trucking, equipment maintenance, railroading, related services, etc. It is obvious that Virginia alone would suffer neary 20% of your 47,000 estimated jobs lost. Interestingly, we produce just over three percent of the nation's surface-mined coal, or about 10 million tons annually.

Neither this lost production nor the lost jobs can be made up by underground mining. Expansion capital and skilled labor are not available here. In fact, total Virginia coal production would decrease drastically. One of the many reasons is that high-sulphur underground coal from some Virginia mines is blended with low-sulphur surface coal. The resulting product will meet stringent sulphur emission standards passed by certain localities. Without the surface coal production, these underground mines would not have a market for their product.

In summary, Mr. Secretary, these bills are capable of plunging us even further into recession and energy shortages while doing little to improve the environment.

Thank you for taking time to consider our comments. We will be pleased to provide any additional information or assistance you may desire.

Very truly yours,

B. V. COOPER,
Executive Director.

Mr. WILLIAM L. SCOTT. Mr. President, the letter from the Virginia Surface Mining and Reclamation Association indicates that over 2,000 people in our State are directly employed in Virginia in coal surface mining and an estimated 5,000 to 7,500 additional workers earned their living in related work such as trucking, equipment, maintenance, railroading, and related services. This is something that is of importance to our State. That is just one of the reasons, Mr. President, why I cannot support this bill as it comes from the committee.

Mr. President, it seems to me that when there appears to be substantial support for using more coal, our most abundant source of energy, legislation like this would have a detrimental effect on expanding domestic coal supplies. We are told the country will face the possibility of less electricity because of potential coal production shortages in the range of 15 to 20 million tons for the first year and 48 to 141 million tons per year thereafter. President Ford made this point when he vetoed a similar measure passed late in the 93d Congress, saying the bill would cause:

> Excessive coal production losses, including losses that are not necessary to achieve reasonable environmental protection and reclamation requirements.

Certainly, I support reasonable protection of the environment but I believe we should not place business in a straitjacket. While the bill has worthwhile goals of protecting the ecology and insuring adequate reclamation of the land, it is my understanding that the measure goes much farther. It is intended, according to the bill's purpose, to set up basic Federal guidelines and minimum State standards on strip mining. But experience has shown in many instances that the Federal Govenment, through its regulatory agencies, has often made it very difficult for the businessman to comply with the law. Citizen suit provisions, like those in this bill, also have posed considerable problems. Some of our environmental laws, for example, may need to be changed to not only allow greater energy production but to insure continuation of our high standard of living and availability of jobs.

In particular, I note that some of the environmental requirements set out in this bill appear to be so stringent that their practical application is questionable, if not impossible. Some have expressed reservations over the potential long delays in getting a permit because of the stringent antipollution and reclamation standards required under this measure. In addition, prolonged delay may also result by a requirement that approval of State programs and promulgation and implementation of Federal programs shall be major Federal actions under terms of the National Environmental Policy Act, thus requiring environmental impact statements. Mr. President, this act has slowed down numerous projects in the past, such as the Alaskan pipeline and could well postpone strip mining operations in many areas of the country when we need the coal now.

I believe, Mr. President, that sometime in the future, we shall have to take another look at the National Environmental Policy Act and the necessity for filing environmental impact statements that go into great detail and, oftentimes, cost many thousands of dollars, and should perhaps put a limit on the size of the environmental impact statements, some limit on the time that is required for their preparation, and some limit on the cost of an environmental impact statement.

Mr. President, we need a balance between our desire for a clean environment and our need for increasing coal production in this country. I believe this bill is unreasonable and basically unworkable and should be rejected in its present form or, if passed, that the President should veto it.

The PRESIDING OFFICER (Mr. MATHIAS). The hour of 20 minutes past 2 o'clock having arrived, under the previous order, the Senator from Montana (Mr. MANSFIELD) is recognized.

Mr. MANSFIELD. Mr. President, I have said what I have to say on yesterday. It is all in the RECORD.

The issue is a simple one. The issue is, do we want to give a homesteader who has built up his spread over a period of decades, but who does not own the subsurface rights, the so-called mineral rights, the protection which I think he deserves, or do we want to let him be prey to the coal interests, and to bring about the creation of a wasteland in a State like Montana, which, may I say, has more than half the reserves of coal in eight western States?

Of Montana's total of 107,727 million tons of coal, 65,165 million tons could be mined by the underground method, to which I am not opposed.

The amendment at the desk, which will be voted on shortly, would limit the Federal Government's role in coal development, and would also give some hope to those ranchers and surface owners who are not interested in having their land stripped at any price, and who wish to continue their current livelihood. These people are a part of a way of life which must be preserved and protected. These people operate spreads which have 2 or 3, or maybe 5 inches of topsoil. It is a fragile economy, on which not much in the way of products can be grown; therefore, it is mostly grazing land for sheep and cattle.

There have been proposals that this land could be reclaimed, but the land is so fragile that it well could be impossible to reclaim most of it.

There is a growing awareness of what is happening in the West, and I am convinced that the people of the Great Plains and Rocky Mountains do not want to become the "utility backyards of the Nation." The adoption of my amendment will, in some degree, slow down but not impede the process, and it will give the little guy a chance.

The amendment reads as follows:

> SEC. 717. All coal deposits, title to which is in the United States, in lands with respect to which the United States is not the surface owner thereof are hereby withdrawn from all forms of surface mining operations and open pit mining, except surface operations incident to an underground coal mine. Provisions of this subsection shall apply only to coal deposits leased after January 1, 1975.

Mr. President, these ranchers are not numerous. They do not pack a great deal in the way of political punch because they lack numbers. But I think that these people, who opened up the West, who settled a barren country, who made something out of an area which had not amounted to much before, people who have developed ranches and number two or three generations so far as length of occupancy is concerned, are entitled to that kind of protection, the homestead law notwithstanding, which created an anomaly—and that is what it is—with the surface rights held by the rancher, but with the subsurface rights held by the U.S. Government. This does not apply to land in which the Federal Government owns the surface and the subsurface rights. It applies only to those spreads in which there is a divided ownership. This is one way in which the Senate can make sure that those people will be given the protection which I think they need at this particular time.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. FANNIN. Mr. President, I would just like to comment about my understanding of the wording of this proposal.

As I read it, the surface owner does not have an option as to whether or not that land is to be surface mined; is that correct?

Mr. MANSFIELD. That is correct, because if there happens to be a surface owner who wants to exercise an option, I do not think he should do so at the expense of his neighbors, and create a checkerboard pattern which would result in the ruin of the area.

Mr. FANNIN. I understand the concern of the Senator from Montana, but let us say he and all his neighbors felt they wanted to mine the land, and they felt it could be improved by mining the land; they still would not have that option, under the Senator's amendment?

Mr. MANSFIELD. No, because in my opinion it would not be improved. What would happen would be a fat down payment and probably royalties of a significant nature which would go to one or two of the ranchers, but what would happen to the rest of the area?

I think what we have to do is consider this collectively, and not on an individual basis; and as far as I know, in eastern Montana, most of the ranchers do not want to sell their spreads for coal development.

Mr. FANNIN. As I understand the Senator's amendment, it applies to other than just the State of Montana.

Mr. MANSFIELD. Oh, yes, but I am using this for an example because here is where we have the greatest amount of coal reserves. If they want to deep mine the coal, that will be fine; but I am afraid of strip mining, which will make a wasteland out of the eastern part of my State and other parts of the Nation as well, where there is coal in development quantities.

Mr. FANNIN. Mr. President, my point is that this coal belongs to all the people of the United States. If it is not surface mined, perhaps half of it or maybe more is lost, because I am sure the Senator will agree, much of it could not be mined by underground methods.

Mr. MANSFIELD. Will the Senator yield right there? I wonder what the Senator's attitude would be if he happened to be a Montanan whose family had lived on this land for many generations and who was now faced with probably the most critical question confronting him in his lifetime.

If I know the distinguished senior Senator from Arizona, and he was in that category, I think I could say without question that he would be on my side on this particular issue.

Mr. FANNIN. I just say to the distinguished majority leader—and certainly I have great respect for him and for his sincerity and dedication to the people of Montana and to the people of the United States—that I understand how he looks at this matter, but I cannot agree, because if I had people in that situation in my State of Arizona, I would want them to have the option of making this decision regarding their surface rights.

I still feel that the people of the United States of America should have the option to determine what they do with their rights, and certainly they do have rights in Montana, Arizona, or wherever it might be, if they own the subsurface. That is the question involved in this amendment.

Mr. MANSFIELD. The Senator is correct. But I do not approve of this divided ownership of the surface by the private individual, and the subsurface by the Government, even though it was part of the Homestead Law, and I think that these individuals have as much right as individuals as do the people of the United States, represented by the U.S. Government.

The PRESIDING OFFICER (Mr. William L. Scott). The hour of 2:30 having arrived, under the previous order, the question now occurs on agreeing to the amendment of the Senator from Montana.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley) and the Senator from Illinois (Mr. Percy) are necessarily absent.

I further announce that the Senator from Ohio (Mr. Taft) is absent due to illness.

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from Ohio (Mr. Taft).

If present and voting, the Senator from Illinois would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—39

Abourezk
Bayh
Biden
Brooke
Case
Church
Clark
Cranston
Culver
Eastland
Hart, Philip A.
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Muskie
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Tunney
Weicker
Williams

NAYS—56

Allen
Baker
Bartlett
Beall
Bellmon
Bentsen
Brock
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Gravel
Griffin
Hansen
Hart, Gary W.
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Johnston
Laxalt
Long
McClellan
McClure
McGee
Montoya
Morgan
Moss
Nelson
Nunn
Pearson
Scott, William L.
Stennis
Stevens
Stevenson
Stone
Symington
Talmadge
Thurmond
Tower
Young

NOT VOTING—4

Buckley
Hartke
Percy
Taft

So Mr. Mansfield's amendment was rejected.

Mr. FANNIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to vote on amendment No. 82, offered by the Senator from Idaho. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley) and the Senator from Illinois (Mr. Percy) are necessarily absent.

I further announce that the Senator from Ohio (Mr. Taft) is absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. Taft) would vote "nay."

The result was announced—yeas 27, nays 68, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—27

Allen
Baker
Bartlett
Bellmon
Brock
Cannon
Curtis
Dole
Domenici
Fannin
Fong
Garn
Goldwater
Griffin
Hansen
Helms
Hruska
Laxalt
Long
McClure
Moss
Pearson
Scott, William L.
Stevens
Thurmond
Tower
Young

NAYS—68

Abourezk
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Eagleton
Eastland
Ford
Glenn
Gravel
Hart, Gary W.
Hart, Philip A.
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Muskie
Nelson
Nunn
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—4

Buckley
Hartke
Percy
Taft

So Mr. McClure's amendment was rejected.

Mr. HUDDLESTON. Mr. President, I call up my amendment to S. 7.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. Huddleston), for himself and Mr. Ford, proposes an amendment:

On page 26, line 13, immediately after "title" insert the following: "after receiving and considering the recommendations of the Governor of that State or the head of the governing body of that tribe having jurisdiction over that reservation, as the case may be".

Mr. HUDDLESTON. Mr. President, the amendment I am offering merely gives the Governors of the various States some additional input into the program of expenditures of the reclamation funds which are provided in this act. Under the legislation, as reported, the Secretary of the Interior has the authority to spend these funds and fifty percent must be spent within the State where they originated.

My amendment simply insures that the Governors shall submit recommendations and the Secretary receive and consider them prior to determining how these funds are to be spent. They must be spent, of course, within the guidelines that are already set out within the act. The Secretary will still have the final authority as to which project shall be approved. But, under the amendment, the Governors will have additional input.

I believe that the amendment is acceptable to the managers of the bill on both sides of the aisle, and I think it will contribute to the beneficial and effective use of the reclamation fund.

Mr. JOHNSTON. Mr. President, on behalf of the committee, we will accept the amendment. We believe it is a worthwhile improvement to give some real input into this matter by the Governors of the States. We will accept it enthusiastically.

Mr. FANNIN. Mr. President, I agree with what the floor manager of the bill has stated. The Senator from Kentucky is to be commended for bringing this matter into proper perspective, so that the Governors will have their input.

Mr. HUDDLESTON. I thank the distinguished Senators.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter relating to this subject from the National Governors' Conference.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' CONFERENCE,
Washington, D.C., March 11, 1975.
Hon. WALTER D. HUDDLESTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUDDLESTON: The National Governors' Conference supports your amendment to the Surface Mining Control and Reclamation Act of 1975 which would give the Governors of the individual States more flexibility and discretion over the utilization of revenues from the proposed abandoned coal mine reclamation fund.

It is extremely important under current economic conditions that Governors be given the necessary flexibility and responsibility in federal laws to implement the policies of Congress in an efficient and orderly manner with due recognition of environmental concerns.

Sincerely,
JAMES L. MARTIN,
Director, State-Federal Affairs.

Mr. HUDDLESTON. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 75

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. HANSEN. Mr. President, I call up my amendment No. 75.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. HANSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Delete section 510(b)(5).

Mr. HANSEN. The purpose of this amendment, Mr. President, is to delete section 510. The reason I do that is that this section is entitled "Permit or Approval Denial." Essentially, if the Senators will bear with me, I think I can point out why this particular section is superfluous to the bill.

On line 15 of section 510, this language is found:

> (b) No permit, revision, or renewal application shall be approved unless the application affirmatively demonstrates and the regulatory authority finds in writing on the basis of the information set forth in the application or from information otherwise available which will be documented in the approval, and made available to the applicant, that—

Then a number of things, including:

> (5) the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would not have a substantial adverse effect on farming or ranching operations being conducted on alluvial valley floors where such valley floors are significant to such operations.

I do not argue with that, but I make the point, Mr. President, that in section 515, the section which deals with environmental protection performance standards, under subsection (E) of that section, this language is found:

> (E) preserving to the maximum extent possible, using the best available technology, throughout the mining and reclamation process the hydrologic integrity of alluvial valley floors in the arid and semi-arid areas of the country; and

My point is that there really is no reason at all to have contained in the permit section that I read, 510, a provision which predetermines the efficacy of a reclamation effort.

That is the whole thrust of this bill, and throughout, I think, is embodied the concept that before any land can be strip mined, it must be demonstrated that it can be reclaimed. Section 515 assures that kind of reclamation. It assures it specifically for alluvial valley floors and retaining section 510 in the bill, the section which my amendment would eliminate, precludes an operator from being able to show what can be done through reclamation.

I hope that Senators will see the wisdom in passing my amendment, No. 75, and giving the energy company, the coal operator, the opportunity to see if reclamation can be obtained so as to protect the integrity of alluvial valley floors. If, and only when, that can be done will the operator be able to go ahead and mine the coal under those lands. I think it makes sense to adopt the amendment. I hope that it will be agreed to.

I move the adoption of the amendment.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I wish to bring to the attention of my colleagues just what is in the legislation now and it appears in section 510(b). I shall paraphrase it so that it will not take a great deal of time.

It says that no permit shall be approved unless:

> (1) all the requirements of this Act and the State or Federal program have been complied with;
>
> (2) the applicant has demonstrated that reclamation as required by this Act and the State or Federal program can be accomplished under the reclamation plan contained in the permit application;
>
> * * * * *
>
> (5) the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would not have a substantial adverse effect on farming or ranching operations being conducted on alluvial valley floors where such valley floors are significant to such operations.

Mr. President, this is a very difficult situation, because we have language that just cannot be understood.

During full committee consideration of S. 7, the surface mining bill, Senator HANSEN and Senator METCALF asked the Department of Interior, through the Geological Survey, to provide the committee with their best estimate of the coal which potentially could be precluded from being mined in the Powder River Basin and the Fort Union Formation, if the alluvial valley floor definition on page 145 is applied to section 510(b)(5)—the permit approval or denial section. This provision states that surface mining would be precluded if located west of the 100th meridian, if it would have a substantial adverse effect on alluvial valley floors where such valley floors are significant to farming or ranching operations. In other words, this is a ban on surface mining, not because the land cannot be reclaimed under the standards, but because farming or ranching operations are given priority over surface mining for the coal. Senators HANSEN and METCALF asked Geological Survey to assess for them in a small area—the Powder River Basin—what potential lands could be excluded based upon application of this provision. Geological Survey in their briefing on March 7 indicated that the bulk of the strippable coal located in the Powder River Basin would be precluded from surface mining or potentially could be if the provision were not revised.

During the House-Senate conference during the 93d Congress, the conferees were under the belief that the definition on page 145 of "alluvial valley" floors was a definition provided by the Geological Survey. The Geological Survey at their briefing, however, disclaimed authorship of this provision and in fact offered alternate language to tighten the definition which would limit the application of this ban. They suggest inserting in the definition, on page 145, the words "flood plains and channels underlain by" after the word "means" in line 6, and on line 7, page 145, after the word "holding" insert the word "perennial". This definition instead of precluding 60 to 80 percent of the coal in the Powder River Basin would only limit a small percentage of the coal capable of being surface mined at the present time.

Retention of the language banning surface mining on alluvial valleys where such mining would adversely affect ranching or farming operations on alluvial valleys is in essence, a contradiction to the surface owner consent provision, section 716. That section gives the surface owner the prerogative of allowing or precluding surface mining under his land and yet section 515(b)(5) denies the rancher or farmer the prerogative of exercising that consent. The rancher or farmer will never be asked to grant his consent if the regulatory authority decides that the ranching or farming operations will be adversely affected by surface mining because it is located in an alluvial valley.

Recall the legislative history of the alluvial question—the House, in the 93d Congress, adopted on the floor a total ban on surface mining in alluvial valleys. The Senate in its consideration did not adopt any type of ban on alluvial valleys. The Senate adopted a provision in section 515(b)(10)(E) which is the reclamation standards section which requires the mine operator to "preserve throughout the mining and reclamation process the hydrologic integrity of alluvial valley floors in the arid and the semiarid areas of the country." The conferees, given these two contradictory provisions of the House and the Senate, decided to adopt the language of 510(b)(5) which is a ban on surface mining in alluvial valleys if it would have a substantial adverse effect on farming or ranching operations.

Mr. President, this is very difficult to understand. It would be very confusing if enacted.

The Senate has several options in dealing with this issue. First, it can strike the ban on alluvial valleys located in 510(b)(5) thus returning to the earlier Senate position of addressing alluvial valleys only in the reclamation standards section which, in essence, precludes surface mining only if the coal operation cannot meet the reclamation standards of preserving the hydrologic integrity of that alluvial valley. Second, the Senate could adopt the suggestion of the Geological Survey and amend the definition of alluvial valley to insert "flood plains and channels underlain by" and also "perennial" before streams in that definition which will tighten and reduce the scope of the application of this alluvial ban. If neither of these options are adopted, then the Senate will move to conference with the House, which is expected to adopt the previous House ban on mining in alluvial valleys, and the issue at that juncture will not be the same as it was in the previous conference—whether to adopt a ban or whether to adopt the Senate approach of only limiting it to the reclamation standards—but the options will be whether to adopt the House total ban approach or whether to adopt the partial ban approach of the Senate. The ban philosophy will no longer be the question—it will only be a matter of the extent or the application of the ban.

So, Mr. President, I support the amendment of the distinguished Senator from Wyoming. It will clarify the intent, and certainly make it possible to carry through with what I think is desirable in this legislation. It will give us an opportunity to have language that can be understood.

Mr. HANSEN. Mr. President, there are some graphs that have been prepared by the U.S. Geological Survey that I think Senators might find interesting in order to understand better the purpose of my amendment. They are on easels at the back of the Chamber, and there are people there who can explain to Senators what is portrayed by those charts.

We asked the U.S. Geological Survey and the Bureau of Mines, after they had had an opportunity to read section 510 and to understand the impact that the ban that is imposed in section 510 might have on possible coal production, just what the significance of this section is.

In its broadest possible application, I can say that a very significant amount of the coal that is found in the West would be affected. We portray that coal in two respects: First, the amount of coal that could be mined with removal of up to 200 feet of overburden. That is shown by one color used on the charts.

We also display the amount of coal that would be affected if up to 400 feet of overburden were to be removed. I think that before Senators reject this amendment, or before they vote for it, they might like to have the benefit of learning for themselves, firsthand, what a determination by the Federal agencies, the U.S. Geological Survey and the Bureau of Mines, interprets the language to mean, and the extent of the prohibition and restriction that would be placed upon the federally owned coal.

It is not an insignificant amount. I said earlier today that there is throughout the West a characteristic checkerboard pattern of the landownership. This prohibition, this ban, which was not contained in the Senate bill last year, but which was added by the Senate-House conferees when we were trying to resolve the differences between the two bills last December, was added.

Senators should know that not only does this bill contain a provision reserving to the owner of the surface the right to deny access to the coal under lands the surface only of which he owns, but there would be superimposed upon that right the further exclusion of all coal contained in the alluvial valley floors insofar as it might have a significant effect upon the ranching and farming operations contained in the area.

As a rancher myself, I know perfectly well in its broadest interpretation one would have to conclude that any time you disturb the surface of an ongoing ranching or farming operation it has an impact. It would not have to have a very big impact to have a significant impact.

But the trouble with section 510 is that before a coal company is even given an opportunity to show what can be done through reclamation—and that is the main thrust of this bill all the way through to insure that there will be reclamation of the coal lands—before that operator has a chance to show, to demonstrate, what can be done through reclamation, this section says if it has a significant impact despite the probability of making a complete restoration of the alluvial valley floor, one cannot mine it.

Now, I know that Senators have been persuaded by figures that have been bandied around, they have been encouraged to believe that the surface owner protection being restricted as it is to the extent that a surface owner cannot receive more than the appraised value of his land, more than the appraised value of the improvements on that land, that will be directly affected or occupied or taken over by a mining operation and, third, by the diminution in income that would result from the impact of that mining operation on his ranching operation, only to the extent of those three amounts, plus up to $100 per acre if the Secretary of the Interior, in his discretion, believes that the compensation otherwise would be inadequate, only to that extent can the surface owner receive any compensation for a disruption of his ranching activities in exchange for giving his consent or withholding it.

It has been my contention that the typical rancher in the West, given so little in the way of recompense for permitting the coal to be removed under the surface of his lands, will be inclined to say, "no."

So my concern, Mr. President, is that we are going to pass a bill, or we likely will be passing a bill, unless some of these amendments are passed, which, I think, will insure a denial to the Government of the United States of the right to mine its coal.

What does that mean? It means that by all judgment that has been espoused by the administration, by Congress, and by other people in and out of Government, the ability of the United States to move toward energy sufficiency, self-sufficiency, will have been effectively blunted. Coal is the only readily accessible resource we have that can be used now. We have the technology to use it, we can make use of it, and it can certainly minimize or lessen our dependency upon the foreign-produced and imported petroleum.

But if we pass the bill as we have it now, it is my prediction that there will be much less coal made available than most Senators believe will be available.

This is an example, Mr. President, of the point I am trying to make, and that is that section 510, despite every other consideration, despite what can be done in the way of reclamation, just says, "No, you cannot mine it. It cannot be mined."

I appeal to my colleagues to understand what their actions can mean to this country if this section 510 is left in. It will help insure that a supply already greatly restricted will be made even less than it is now.

Mr. JOHNSTON. Mr. President, I send to the desk an amendment No. 79 by Mr. METCALF which I offer as——

The PRESIDING OFFICER (Mr. BROOKE). The amendment is not in order. There is already an amendment before the body. The question is on agreeing to the amendment submitted by the Senator from Wyoming.

Mr. JOHNSTON. There cannot be a substitute offered?

The PRESIDING OFFICER. It is an amendment to strike, and the Senator's amendment cannot be substituted for the motion to strike.

Mr. HANSEN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. Is my good friend, the distinguished Senator from Louisiana, trying to kill my amendment?

Mr. JOHNSTON. Mr. President, we are trying to improve the amendment considerably.

Mr. METCALF. Mr. President, may I be heard on the amendment of the Senator from Wyoming, without holding in abeyance an amendment that I have submitted or that I have propounded and which has been submitted for me by the Senator from Louisiana? Both the Senator from Wyoming and I met with the U.S. Geological Survey.

Mr. HANSEN. And Bureau of Mines.

Mr. METCALF. And Bureau of Mines.

They presented us the maps that are in the rear of the Chamber. They told us about what alluvial valley floors would be. They told us about what creeks and what rivers and what canyons would be affected. They continued to talk about croplands and haylands and pastures, and their language was consistently that language of croplands and haylands and pastures rather than alluvial valley floors.

We talked about, well, "Is this an alluvial valley floor," and they said, "Well, that is a geological formation." It is very difficult to get definitive answers from some of these scientists who tried to testify on legislation.

But the amendment that I have prepared was an amendment that was presented to the Senator from Wyoming to use, instead of alluvial valley floors, the language that the U.S. Geological Survey and the language that the Bureau of Mines used in defining some of these areas in the Powder River basin and, assuming, that that is a typical area, some of the areas elsewhere.

Now, I am convinced that we should give the ranching operations protection. Some of the time we are going to cut aquifers, we are going to cut water off from pasture land—we are going to cut the water off from pasture land. We are going to cut water off upstream, and somebody with water rights downstream is going to have a claim for underground water or pasture or irrigation water.

On the other hand, certainly none of us wants to cut off mining in all of the little mountain valleys all over the West. So I have prepared the amendment to the alluvial valley floors, that was submitted for me by the Senator from Louisiana, and that was intended to use the same language as the U.S. Geological Survey and the Bureau of Mines used in our discussions.

Now, the Senator from Wyoming will recall that the administration completely misunderstood the purpose of our amendment. They said that this amendment would absolutely prevent mining on alluvial valley floors. It was pointed out that in section 510(5) we were talking about the prevention of only substantial adverse effects on farming and ranching; and if the Senator from Wyoming will recall, in the conference committee we talked about the same thing explicitly stating that we did not want to prevent mining absolutely. We only wanted to prevent significant adverse effects on the farming and ranching operations on the alluvial valley floors.

So in the committee, and this is in italics on page 70 of the bill, we put in an amendment:

> On farming or ranching operations being conducted on alluvial valley floors where such valley floors are significant——

And "significant" is an important word—

> significant to such operations.

But during the course of our discussion with the Bureau of Mines and the Geological Survey, they talked about pasture land, they talked about irrigated land, so I decided that I would submit an amendment that would clarify what we really wanted to protect, which is the farming and ranching operations. That is the genesis of the amendment that I am trying to submit.

Now, if the Chair says that it is out of order——

The PRESIDING OFFICER. Is this the same amendment which was offered by the Senator from Louisiana?

Mr. METCALF. Yes, this is the amendment that I submitted and the Senator from Louisiana offered it on my behalf.

The PRESIDING OFFICER. Very well. Then the amendment which the Senator from Louisiana offered on behalf of the Senator from Montana is in order.

Having read that amendment, while a motion to strike certain language in the bill is pending, an amendment to the language proposed to be stricken out is not a substitute for such motion but is in order as a perfecting amendment and has precedence over the motion to strike.

So the amendment is in order.

The clerk will state the amendment.

AMENDMENT NO. 79 (AS MODIFIED)

The assistant legislative clerk read as follows:

> The Senator from Montana (Mr. METCALF) proposes an amendment No. 79, as modified. The amendment is as follows:
>
> On page 70, strike lines 1 through 4, and insert the following: "on croplands, haylands, or pastures overlying alluvial valley floors where such croplands, haylands, or pastures are significant to the practice of farming or ranching operations".

The PRESIDING OFFICER. The Senator from Montana.

Mr. METCALF. Mr. President, the whole proposition is that it was alleged and debated in committee, as the Senator from Wyoming knows, that the definition of "alluvial valley floors," which we adopted in the conference, was an ambiguous phrase. When we met with the Geological Survey and with the Bureau of Mines, they continued to talk about these lands as croplands, although certain lands on the map were designated as hay lands or pasture lands. As a result we sat there and I consulted with the Senator from Wyoming about this amendment and we tried to clarify our intention, which is protecting farming and ranching operations, irrigation operations, and water, from the adverse effects of coal surface mining.

Mr. HANSEN. Will the Senator yield?

Mr. METCALF. Of course, I yield.

Mr. HANSEN. Mr. President, let me say that there is no doubt at all in the mind of the Senator from Wyoming that this is an improvement over the language in the bill.

I would point out, though, that this still will deny a rancher the right to make the initial determination that I think he should have, whether he wants to permit mining on his ranch or not.

I just say to my good friend from Montana that I saw an article that was published in the Montana Farmers' Stockmen by a Mr. Burton B. Brewster from Birney. I gather from the thrust of the article, he owns not only the surface but the minerals as well. Would my good friend from Montana know if that might be the case or not?

Mr. METCALF. Well, I do not know. I have known Mr. Brewster for a long time and he may be the owner of both the surface and the subsurface estates.

Mr. HANSEN. Yes.

Mr. METCALF. In which case this amendment would not apply.

Mr. HANSEN. Yes, I was just going to make the point——

Mr. METCALF. But let us assume it would apply to him. Will the Senator make his point?

Mr. HANSEN. I was going to make the point that he says that if we could strike the prohibition, or the restrictions, rather, on what may be paid by way of consideration to a farmer or rancher by an energy company, if those could be stricken, then Mr. Brewster makes the point that a 20-cent-per-ton royalty would yield a very significant amount of money to him which would permit him and other ranchers similarly situated to improve their ranching operations very substantially.

His contention was that under that set of conditions he could anticipate having a ranch after the operation had been completed with the productive capability to do even better than it now does, plus the fact that he would have some income to do things that he presently cannot do.

I say to my friend from Montana that what this language would still do, as I understand it, is to deny such a rancher as Mr. Brewster, if he were to fit the other conditions which would bring him under this section, the opportunity to say whether he desired to have it mined or whether he did not, if it has a substantial effect upon the pasture, the hay lands, or the croplands. Then, if I understand the amendment, it would rule that out. Am I correct?

Mr. METCALF. That is correct.

Mr. HANSEN. I thank my colleague.

Mr. METCALF. Let me say that a temporary enrichment of the rancher for a destruction of his operation for 20 or 30 years, I say it would be in the rancher's own interest much more important to him than the coal underlying the land.

If the Senator from Wyoming has ever driven from Helena, Mont., to Butte, Mont., and has seen what happened when the dredgers moved up there and left rock piles there where it will take 500 years for the land to recover, the Senator can see what we are trying to say at this time, when we have agricultural needs just the same as we have energy needs. We are trying to save the farming and ranching operation.

Mr. HANSEN. Will the Senator yield on that point?

Mr. METCALF. Of course.

Mr. HANSEN. May I say, Mr. President, that I have visited many places in Montana, including the particular section of that great State to which the Senator has just referred. I could not agree with him more.

I do make the observation, though, that this law, unlike the absence of laws that characterized that period when gold was being recovered in the State of Montana, in this bill effectively insures that that result shall not obtain.

Land must be reclaimable. The operator who proposes to remove the coal has to demonstrate to the satisfaction of the

Federal as well as the State authorities that it will be reclaimed before mining can take place.

I, too, would not hope to have a recurrence of that dredging operation that does leave land pretty well desolated, as the Senator and I agree.

Mr. METCALF. I know the Senator from Wyoming has been as concerned as I about the despoiling and the long-term destruction of land from mining, whether it is by subsidence or by dredging operations or by other mining operations.

Mr. McCLURE. Will the Senator from Montana yield for a question?

Mr. METCALF. I will yield if I have satisfied the Senator from Wyoming.

Mr. HANSEN. May I say that the Senator from Wyoming has never been anything except satisfied with the sincerity and the fairness of the Senator from Montana.

We may not agree upon the thrust of a particular bill or an amendment, but I have never been at variance with him at all, as I hope he knows, on these other points.

Mr. METCALF. I would be delighted to yield to my friend from Idaho, who made such an outstanding contribution to this bill.

Mr. McCLURE. I thank the Senator from Montana, both for the comment and for yielding for a question.

I would understand that the amendment which has been offered by the Senator from Wyoming was intended to at least partially solve the ambiguity of the term "alluvial valley floor." Is that correct? That is, that the term alluvial valley floor is an ambiguous term that covers all kinds of water-deposited rubble, and might include very large portions of the Western United States under a rather loose definition of what an alluvial valley floor might be. I believe the Senator is intending to narrow the definition, if I understand him correctly.

Mr. METCALF. I do not know whether I am intending to narrow the definition or not. I am intending to use the words that the Geological Survey and the Bureau of Mines use for the precision of trying to define what we want to protect. That is croplands, haylands, and pastures.

Mr. McCLURE. If I understand the Senator correctly, it would not extend to a ban on mining on drylands that happen to lie upon the water deposit, a rubble that was deposited by water.

Mr. METCALF. Unless there was a water hole or subirrigation was involved or part of a pasture land, something of that sort. I am trying to get away from what the Senator from Wyoming is criticising; that every little creekbed will be an alluvial valley floor, or anything that any geological formation 1,000 years old will be considered an alluvial valley floor. We are trying to protect the ranching and farming operations ongoing in the West at this time.

Mr. McCLURE. I understand the Senator's purpose. I am trying to get some definition of how it applies and what the distinction is so that at least the record will show what it is intended to be if this language is adopted.

Mr. METCALF. I think a rancher knows what a cropland is, what a pasture is, and what a hayland is.

Mr. McCLURE. I am sure the rancher does, but I am not sure the bureaucrats do. It is the bureaucrats who will interpret the law, not the ranchers.

Mr. METCALF. The bureaucrats have given us this definition. The U.S. Geological Survey and the Bureau of Mines are the ones who came up and met with the Senator from Wyoming and myself and demonstrated that they did not understand what we wanted. They thought we were trying to prevent things. But we ended up putting into this bill their own suggested language.

Mr. McCLURE. Let me rephrase my question. What I am trying to do is get for the record what it was they meant by the language. I am not sure I know what they meant by this language. I am assuming that the difficulty arose because of the criticisms that were mentioned by the Senator from Wyoming, that an alluvial deposit is any loose mineral deposit that has been laid down by the action of water, including that which was laid down during the Glacial Age. That broad definition is the thing that causes the difficulty when the Geological Survey was being asked "What does an alluvial valley floor mean?" They said it could mean great areas of the West. I assume from that came their definition that the Senator referred to in talking about croplands, haylands, or pastures. It would mean that not all water deposits or loose mineral deposits would then be within the definition of an alluvial valley floor. Is that correct?

Mr. METCALF. That is correct.

But the very maps that are on display on the minority side are not maps of alluvial valley floors. They show croplands, haylands, and pastures, the lands we want to protect.

That is the land that the so-called bureaucrats we are talking about described to us. That is the land on their maps and the definition in the bill is their definition.

Mr. McCLURE. Will the Senator from Montana tell me if all the haylands, croplands, and pastures on those maps overlie alluvial valley floors?

Mr. METCALF. I am proposing to change the definition to take care of it.

Mr. McCLURE. No, the Senator is not, I say most respectfully. It says these croplands, haylands, and pastures must overlie alluvial valley floors.

Mr. METCALF. No, we do not say that at all. We say croplands, haylands, or pastures that are significant to the practice of farming and ranching operations.

Mr. McCLURE. It seems to me, and I will read from amendment No. 79, at least the print in front of me starting on line No. 2, the language which would be inserted says, "croplands, haylands, or pastures overlying alluvial valley floors".

Mr. METCALF. That is correct. Croplands, haylands, or pastures overlying alluvial valley floors and at the same time where they are significant to the practice of farming or ranching operations. There may be lands that do not overlie alluvial valley floors that are significant. There may be lands that do overlie alluvial valley floors that have no significance at all to farming or ranching.

Mr. McCLURE. Let me ask this question, if I may, so I can get some definition: Do the maps to which the Senator from Montana makes reference as referring to pastures, croplands, and haylands distinguish which of those overlie alluvial valley floors and which do not?

Mr. METCALF. On the map?

Mr. McCLURE. On the map.

Mr. METCALF. No, they do not.

Mr. McCLURE. So the maps are of no real assistance to us in determining which are included and which are excluded?

Mr. METCALF. We are concerned with the lands which overlie alluvial valley floors and which make a significant contribution to the practice of farming. That is important. If they overlie alluvial valley floors and do not make a significant contribution to the practice of farming or ranching operations, it does not make any difference whether or not they overlie such lands.

Mr. McCLURE. I would assume the maps would not try to determine whether they are significant or not to the ranching operation.

I am not arguing or quarreling with the Senator from Montana at all. I just want to know what the terms mean. That is what started this whole discussion. We did not know what an alluvial valley floor was. Now I am trying to find out if we know what croplands, haylands, or pastures overlying an alluvial valley floor may be. The Senator from Montana has referred to some maps and then says, "But the maps do not determine whether they are pertinent to the discussion."

I am concerned that we know, by legislative history, what was intended by the enactment of the amendment that we are discussing. I have no quarrel with the thrust of the Senator's amendment. I support that effort to exclude from that exclusion that is in the original bill all of the alluvial valley floors. But I assume that what we are talking about is a water-laid rubble deposit upon which there are now croplands, haylands, or pastures. Is that correct?

Mr. METCALF. That is correct.

Mr. McCLURE. I assume I know what cropland is. I assume that is land that is cultivated from which crops are removed by harvesting. Would that be a suitable definition?

Mr. METCALF. Yes, I would think so.

Mr. McCLURE. And hayland would be land upon which hay grows upon which the hay is harvested, not just by grazing but by some mechanical means. It is removed and stored. Is that correct?

Mr. METCALF. Yes, that is correct.

Mr. McCLURE. I am a little less certain that I understand what would be meant by the term "pastures."

Mr. METCALF. Pastures, of course, as the Senator and I know, in the West are considered lands in the lower valleys and away from the land under Bureau of

Land Management or away from the national forests which probably is subirrigated.

Mr. McCLURE. Is it land that has enough water on it to sustain the vegetative growth during the dry period as distinguished from that which is more of a dryland?

Mr. METCALF. That is what they told us.

Mr. HANSEN. Will the Senator yield at that point?

Mr. METCALF. I would be delighted to yield.

Mr. HANSEN. If I recall correctly, I think, out of fairness to the U.S. Geological Survey and the narrow context in which they use the term "pasture," they referred rather specifically to an area which had been cultivated and upon which pasture seed of some kind had been sown which resulted in that particular variety or varieties of grass or grasses growing. It was not necessarily land that might be irrigated or subirrigated. It oftentimes, I think, would be dryland.

I would have to say, if I may further take this opportunity, on behalf of the Senator from Montana, that the term "pasture" seems to me to be one that does not have a wide, specific, understood connotation as these other terms may have.

Mr. METCALF. But in the maps we saw last week they identified the various lands as croplands, pasture lands.

Mr. HANSEN. I do not recall. Yes, I think——

Mr. METCALF. The Senator did not bring the map in from the Bureau of Mines.

Mr. HANSEN. We do have a map. As a matter of fact, I think one of the maps did show, perhaps on a blown-up scale—I do not recall at the moment if it is the one on our left as we face them—where certain kinds of ranching operations occurred. Am I right

Mr. METCALF. Yes.

Mr. HANSEN. So far as the entire area is concerned, I do not think that was the case.

I make the further point that with respect to the term "pasture land," at least insofar as general usage goes, we refer to pasture land in our part of the country as land that has not been cultivated generally.

Mr. METCALF. I think we referred to it in that way, but we referred to land that is subirrigated or taken care of or reused for year-round maintenance of our cattle operations, as opposed to ordinary grazing lands where cows graze in the early spring, and then we move them into the Forest Service or the BLM.

Mr. HANSEN. Let me make a further point. In my particular area of Wyoming, we refer to pasture land, as distinguished from meadow land or hay land and subirrigated pasture.

Mr. METCALF. I see that the Senator is concerned about "pasture." Would he agree to the amendment if we struck the word "pasture"?

Mr. HANSEN. I think that would be helpful.

Let me say this: I have no illusions about my success in trying to strike section 510(b)(5). So I think anything would be an improvement. It would be improved if we were to restrict it as the Senator has just suggested.

Mr. METCALF. I am trying to find something that is definitive and gives us an unambiguous understanding of what we are after in trying to protect the land to which we have referred as alluvial valley floors.

Mr. McCLURE. That is the only reason I asked the question—so that when this is all done, whatever we have adopted, we at least understand what we meant by it.

The Senator from Wyoming refers to pasture land which has been cultivated and upon which pasture type grasses have been planted.

Mr. METCALF. I would not agree that that is the only definition.

Mr. McCLURE. We have some ranch improved areas in my State in which they have cultivated thousands of acres of ranchland and planted crested wheat grass. I am not sure we can say it has always been successful.

Mr. HANSEN. We have a sagebrush spraying program in the West. I suspect that it is in existence in many States; I know it is in Wyoming. Nothing is done to change the variety or the nature of the vegetative cover, except by spraying to kill the sagebrush, the various kinds of sagebrush we have. Artemisia is one. I sat up last night learning that.

In that respect, I think one could say that something has been done to improve the pasture land. Yet, in the strict sense of the term that the U.S. Geological Survey used it, they did not talk about—or at least I did not hear them say anything about—what determination they would place upon pasture land, as I use the term "pasture land," which was covered by sagebrush and which may have been sprayed.

I raise that as an additional query to ask; Will this be in or out?

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. FANNIN. I say to the distinguished Senator from Montana that, so far as I can see, what the Geological Survey has recommended differs widely with what we are considering. When we say croplands and haylands, it comes to my mind that we could be including lands that were seeded from planes.

Mr. METCALF. Probably. Absolutely.

Mr. FANNIN. Here we have vast areas, even on mountain sides, that are seeded, pelleted—the seed surrounded by a fertilizer. What would be the case in that regard? In other words, if you included land that was as widespread as that, you would be taking in practically every piece of land in the State.

Mr. METCALF. I must confess that I am not sure. It would have to be considered on a case-by-case basis. If it were important and significant to the practice of the farming operation of that ranch and if it were a basis for getting leases on the BLM and the other Federal lands, I think it would be pasture land.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. McCLURE. The Senator knows that in Arizona, cows are bred with wide mouths, and they graze at 40 miles an hour to get enough feed in some of that land. That is pasture land.

Mr. METCALF. Not only in Arizona does that happen.

Mr. FANNIN. I will explain to the Senator my understanding of the Geological Survey's definition as it appears on page 145. It would make this change in paragraph (27), line 6:

> Alluvial valley floors means—

Then they insert the words "flood plains and channels underlain by."

Then it continues—

> the unconsolidated stream laid deposits holding——

Then would appear the word "perennial," and it continues—

> streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities;

That is what I understand the Geological Survey recommended.

Mr. METCALF. That is their definition. When we called them and talked to them and met with the opposition and it was stated that that was an ambiguous phrase, I said we will talk about croplands, haylands, and pasture lands.

Let me ask the question again: If we knock out "pasture lands," will the Senator agree to the amendment?

Mr. FANNIN. It is the Senator from Wyoming's amendment, and it is up to him as to what he would like to do.

Taking out "pasture lands" would assist in clarifying it. But I still say that a great deal of misunderstanding could come about where it must be considered whether croplands or haylands are significant to a farming operation. How is significant determined? That is a determination that would be difficult to make.

Mr. METCALF. The Senator knows that we cannot specifically define in any legislation how significant, what the significance is, and so forth.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield.

Mr. McCLURE. Mr. President, I have one fundamental difficulty. I think that if we were to take out the term "pastureland," we would have gotten to the point where we at least understood what we were talking about with a great deal more precision. But the difficulty I really have, I suppose, is that it seems to me that the fundamental thrust of the bill, even with this amendment—and it is a very constructive amendment—still assumes that no reclamation is possible in those areas.

I have no coal in my State, so I am not talking about that; but I do know of one area in which mining operations took place in which the pastureland was restored. The surface is as good now as it was before the mining took place.

It is beautiful pastureland, subirrigated pastureland, and it is very productive. Most people who drive through the valley would have no idea at all that that valley had ever been mined.

It seems to me that if we were to adopt this provision, even with the amendment suggested by the distinguished Senator from Montana, we would be assuming that it is absolutely impossible, under any circumstances, to reclaim the land to useful cropland or hayland. I think that assumption is false.

Mr. METCALF. That assumption is wrong, perhaps. They have been working at Colstrip reclaiming the land that was stripped by the Northern Pacific a couple of decades ago and they have quite a bit of forage out there, but they still have not fed a cow. They have been on it for what, 7 years, did they tell us, I ask the Senator from Wyoming, when we were out there?

Mr. HANSEN. I believe the Senator is correct.

Mr. METCALF. Well, that was land that was destroyed. That would be orphan land and so forth. That was not land that was reclaimed immediately after it was taken up.

Anyway, I did not realize that I was going to run into all this opposition as far as pastures are concerned. If I strike the word "pasture" from the amendment, can I get an agreement from the minority that we talk about croplands or haylands and limit this area to that?

Mr. HANSEN. Mr. President, responding to the query posed by the Senator from Montana, let me say that that would certainly make the amendment more acceptable and, as a pragmatist, which I hope at times I might be, I am inclined to accept the amendment. I so indicate, if we can use only the words "croplands" and "haylands."

Mr. METCALF. We shall change it to "on croplands or haylands overlying alluvial valley floors, where such croplands or haylands are significant to the practice of farming or ranching operations."

Mr. HANSEN. Yes.

Let me say for the record, Mr. President, that I think there is still real justification for deleting section 510(b) subsection 5. I think there is little likelihood that I can prevail on that. In a spirit of trying to get something done to improve the bill, I am happy to accept the amendment.

The PRESIDING OFFICER. The question is on the amendment——

Mr. METCALF. Mr. President, I wish to modify my amendment——

Mr. HANSEN. As modified.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana as modified by the Senator from Wyoming, as modified.

The amendment, as modified, was agreed to as follows:

On page 70, strike lines 1 through 4, and insert the following: "on croplands or haylands overlying alluvial valley floors where such croplands, or haylands are significant to the practice of farming or ranching operations.'"

Mr. METCALF. Mr. President, the question of the extent to which mining should be permitted on alluvial valley floors has become one of the more emotionally debated provisions of S. 7. One reason for this is the many confusing or misleading interpretations about the meaning of these provisions. There has also been considerable confusion between provisions of the bill designed to protect hydrology and provisions designed to protect those small areas in the west used as subirrigated or flood irrigated hay meadows or croplands. These confusions lie principally in three categories: First, the actual and intended definition of an alluvial valley floor, and therefore their extent; second, the degree to which these lands are underlain by surface minable coal; and third, the extent to which a limitation on mining on these lands will affect total coal production.

In the West, these alluvial valley floors contain the hay meadows and croplands vital to continuation of farming or ranching. Although under the provisions of S. 7 mined land will ultimately be restored and reclaimed, a mining operation on arid western lands would interrupt and preclude for a period of at least 20 years, any farming or ranching operation on that land.

At a time when we are increasingly concerned about potential food shortages as well as an energy crunch, it is imperative that this bill provide standards for striking a balance between the satisfaction of these two critical needs. This is a public policy issue which Congress should consider. If the choice is left to individual landowners, it seems likely that the high and short term economic return from coal mining will inevitably override the long term, but equally important use of these lands for food and fiber production.

Mr. President, I strongly urge my colleagues to adopt the provisions of S. 7, as amended by my strengthening and limiting amendment with regard to the protection of croplands and haylands needed to maintain farming and ranching operations.

Mr. President, I ask unanimous consent to have printed in the RECORD a report from the Powder River Basin Resource Council of the amount of land that would be affected if this amendment goes into effect.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SENATE STRIP MINE BILL—IMPACT ON WESTERN AGRICULTURAL LANDS

The Senate strip mine bill (S. 7), as it is coming to the Floor, has been seriously weakened in the Interior Committee with respect to protection of irrigated lands in the West which are critical to the survival of agriculture in those states.

These irrigated lands sustain hay and other winter forage which are essential to the livestock industry in semi-arid and arid areas.

The Senate Interior Committee has further weakened the vetoed strip mine bill in Sections 510(b)(5) and 515(b)(10) (D) and (E). These sections not only allow strip mining in irrigated lands of the West, but, do not even provide for adequate standards of protection for water resources and agriculture.

Senator Hansen, who supported these weakening amendments, has further confused the issue by claiming in the Additional Views to S. 7 that "millions of acres" will be affected by the existing weakened language in the bill.

Senator Hansen's figures directly contradict the official statistics on irrigated acreage in Wyoming, as published by the State Engineer's Office.

According to the State Engineer's Office, there are only 134,582 acres classified as "irrigated" in coal-bearing Sheridan, Johnson and Campbell counties. These irrigated acres account for only 1.83% of the total tri-county acreage.

In Montana, there are only 3,000 irrigated acres over strippable coal, according to the State Department of Natural Resources and Conservation.

Irrigated lands constitute a tiny fraction of total acreage in Wyoming and Montana. These irrigated lands are absolutely essential to the survival of agriculture in this region, and there is no reason that justifies strip mining these valuable and productive agricultural lands.

MONTANA—FORT UNION COAL FORMATION OF THE POWDER RIVER BASIN

Total acreage	8,280,000
Presently irrigated acreage	100,000
Irrigated acreage over strippable coal	3,000
Percent irrigated acreage over strippable coal	3.00
Percent irrigated over coal out of total acres	.04

Source: Montana Department of Natural Resources and Conservation, unpublished report, 1975.

	Wyoming counties		
	Sheridan	Johnson	Campbell
Total acreage	1,620,480	2,674,560	[1] 3,043,840
Irrigated acreage	79,179	50,172	[2] 5,231
Percent irrigated	4.89	1.88	0.17
Total acres in the 3 counties			7,338,880
Total acres irrigated in the 3 counties			134,582
Percent irrigated in the 3 counties			1.83

[1] Wyoming framework water plan, State Engineer's Office, May 1973; p. 13, table 1–5.

[2] Wyoming framework planning program report, No. 7, State engineer's office, January 1971; p. 14, table II.

Source: Powder River Basin Resource Council, Sheridan Wyo.

The PRESIDING OFFICER. Does the Senator from Wyoming withdraw his amendment?

Mr. HANSEN. The one that was just agreed to, Mr. President.

The PRESIDING OFFICER. The amendment to strike.

Mr. McCLURE. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The amendment of the Senator from Wyoming was amended by the amendment of the Senator from Montana. Now the question is——

Mr. HANSEN. Mr. President, if I may respond, let me say that it was my understanding that the amendment by the Senator from Wyoming had been modified so as to leave that section in the bill, but to use the terms "croplands" and "haylands" in their proper context in order to restrict mining operations on less land than otherwise would have resulted.

The PRESIDING OFFICER. The amendment of the Senator from Montana added the language which was proposed to be striken by the amendment of the Senator from Wyoming. We shall have to act on the amendment of the Senator from Wyoming to strike.

Mr. HANSEN. I withdraw that portion of my amendment which would have the effect of striking.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. McCLURE. Parliamentary inquiry, Mr. President.

The **PRESIDING OFFICER.** The Senator from Idaho will state it.

Mr. McCLURE. If the Senator from Wyoming withdraws his amendment, is not the amendment of the Senator from Montana withdrawn also, because it was an amendment to the amendment of the Senator from——

The **PRESIDING OFFICER.** The amendment of the Senator from Montana was an amendment to the language which the Senator from Wyoming sought to strike.

Mr. HANSEN. I withdrew only that portion of my amendment which struck the section.

Mr. McCLURE. I thank the Chair.

Mr. METCALF. And the Senator substituted my amendment.

Mr. HANSEN. Yes.

Mr. BARTLETT. Mr. President, I have an amendment which I send to the desk.

The **PRESIDING OFFICER.** The clerk will state the amendment.

The legislative clerk read as follow:

> On page 163, beginning with line 4, and through page 169, line 16, strike all of Section 716.

Mr. BARTLETT. Mr. President, this amendment has the effect of striking the entire section 716, the section that deals with surface owner consent.

Mr. President, this particular provision concerns itself with the Federal coal which is overlain by privately owned land. I wish to point out that the coal which we are allowing the surface owners to veto does not belong to the surface owner, but does belong to all the people of this Nation.

Under existing law, the surface owner has no right to the Federal coal under his surface. At the time the surface owner acquired ownership of the surface, he knew he did not also own the mineral rights. Bestowing the rights of this section to the landowners is a raid on the U.S. Treasury at the expense of all the people of the United States, because it is giving the surface owner something that belongs to everyone.

Mr. President, I ask for the yeas and nays on my amendment.

The **PRESIDING OFFICER.** The yeas and nays have been asked for. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BARTLETT. Mr. President, this right allows the surface owner to capitalize on our Nation't energy shortages by providing him a windfall and by allowing him to hold up the production of coal for any amount he can negotiate. That cost will be reflected in all our utility rates.

Section 716 gives a person, just selected by chance because he happens to be the surface owner, the right to mine or not to mine, just following any whim that he might have. The surface owner, of course, normally has little, if any, knowledge of coal or the reclamation of coal, so his decision is not based on any knowledge of reclamation or the kind of reclamation that should take place. This gives the right to the surface owner to veto production of coal, and, of course, it has nothing to do with the kind of reclamation or the approach to reclamation that might be followed by the lessee.

My amendment merely preserves existing law and practice. Surface owners have never litigated exactly what their rights are. Thus the coal companies today do give them some monetary reward just because of the desire and need for fast development.

Mr. President, in the case of petroleum production, quite often, the surface ownership is separate from the minerals, and each has rights—the mineral owner who leases to an oil producer and the surface owner, who has a right to do with his land as he sees fit.

In this case, normally, if the lessee pursues his rights and drills a well and produces that well, then the surface owner is entitled to damages. The same is true in the case of the dichotomy of ownership in coal.

Coal can be produced, and naturally causes damage to the surface owner. The surface owner would thus be recompensed for the amount of that damage, and the amount of the damage, of course, would depend on the amount of surface that was mined, the length of time it was disrupted, and the condition of the surface at the end of that time, even though there was a requirement that it be reclaimed to a use at least as high as prior to the mining.

Government control of this willing seller-buyer relationship will, in my opinion, be detrimental to everyone: the consumer, the coal industry, the utility industry, and most of all, to our Nation.

Mr. President, I think this kind of provision, which could be in many cases a ripoff to the person who happens to own the land, is certainly not in the interest of proper development of our natural resources in the interest of the citizens of this Nation. At a time when we are in dire straits as far as sufficient energy is concerned, at a time when virtually everyone who is advancing a plan of energy sufficiency or independence is calling upon coal production to double within 10 years, by 1985, if this provision for surface owner consent exists in the law, as it would in the bill as now written, there would, to my mind, be no opportunity at all for us to achieve a doubling of coal production within 10 years. Much of that doubling must come from strip mining, and this provision would prevent that from happening.

Mr. FANNIN. Mr. President, I support the amendment of the distinguished Senator from Oklahoma. I feel he has properly covered exactly what is involved as far as the rights of the American people to their ownership of the subsurface rights is concerned. As he explained, it was intended, and the owners of the surface rights have that understanding and have taken that action accordingly, knowing that the subsurface rights did belong and do belong to the U.S. Government, to all the people.

Under the law as it is today, they have the right to negotiate so that the surface owner can be protected and is protected in his rights to what is covered by his damages, what is covered by his loss of utilization of that land, and that is under present law, so that we would not be changing that particular stipulation.

I feel that if we should adopt this amendment, it would give the Government and the people of this country greater opportunity to develop their resources. Under the present law, for strip mining, which is certainly damaging to the surface owner, because he has certain requirements that he must meet, he is compensated on a basis that I do not consider fair and equitable—not as fair and equitable as what is available to him under present law.

So I support the amendment of the distinguished Senator from Oklahoma, and trust that it will be approved.

Mr. METCALF. Mr. President, this business of the surface owner's rights has probably been the thorniest problem that we have met in considering this whole strip mining bill. This was the subject of the Mansfield amendment that we considered earlier. For hours and hours, in the conference last year, we debated back and forth about surface owner rights. I had a proxy from the Senator from Colorado, for example, during the consideration and markup of this bill, and he said that I was authorized to vote in his behalf for any amendment, except that he believed that the surface owner proposition in this bill should not be changed to the extent of a period, a semicolon, or a comma.

The Senator from Louisiana, who was here to handle that business a few minutes ago, told the committee that he was against any windfall, that he was against any lockup, but finally in conference he too agreed to this compromise agreement.

This is the agreement that we worked out after hours and hours of conference discussion, after we had discussed the matter of hours in the committee. I do not think it is completely satisfactory. My colleague from Montana, Representative MELCHER, was not completely satisfied.

I voted on every side of this issue in order to get a bill. Senator MANSFIELD submitted his amendment. But this is the key to getting a surface mining bill this year—agreeing to the surface owner consent compromise that was worked out between the Senate and the House of Representatives in conference last year. I think anything that violates that compromise of last year might very well destroy the opportunity to get a bill this year.

Probably some of the members of the minority who are opposed to any legislation would like to change the surface mining owner consent provision and get some other change, but I would hope that after hours of discussion in committee and after hours of discussion in conference, that this proposal in the legislation before the Senate today would be supported by a majority of the Senate, so that we can go to conference on something that we agreed to the last time.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I

would like to say very briefly that this provision in the bill which my amendment would remove is one kind of ban on mining that is contained in the bill. There are several others as well.

When one considers that the purpose of the bill is to provide for good, sound reclamation; and then when we look more deeply into the bill and see that it goes far beyond that, to ban much surface mining, to favor underground mining, to reduce the amount of coal that is currently surface mined by approximately 141 million tons—almost one-half of all that is surface mined—and then when we think about the people on the east coast of the United States, who do not want any exploration to take place on the Outer Continental Shelf, it seems that everyone wants to export pollution, or any threat to the environment.

If that is done thoroughly, and to a great extent, then, of course, we are going to have to be totally reliant upon unreliable foreign sources of energy. We will then be completely at the whim of others for our energy provision, or we will have a very small amount of energy available.

Any kind of reduction of any significance in our supply of energy will very quickly reduce our standard of living. It will reduce our employment. It will reduce the social programs that are available to the people of this Nation.

So I want to stress that this amendment will remove a barrier to proper development of our resources, and will permit more coal to be developed, than if this provision remains in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. HANSEN. Mr. President, I just want to make the observation that a year ago, believing as I then did that there was no chance at all that we would include in this bill a provision affording the owner of the surface only the right to veto a mining operation, I proposed that we include a royalty provision which would stipulate the amount of money that would be paid to the surface owner in consideration for the disruption of his ranching or farming activities that would result from a surface mining operation.

I was not successful in getting that amendment passed. I shall oppose the amendment of the Senator from Oklahoma despite the fact that my guess is if this bill passes, as I think it is likely to pass, and I shall have an amendment later to propose to try to improve it; but, nevertheless, if it passes, as I suspect it will pass, it is my feeling that what the Senator from Oklahoma has proposed, if we could include a provision to pay a royalty to the surface owner, would result in a better bill than I think likely will result.

I wanted to make that observation. I will not suggest, I will not propose, that there be a royalty payment made, but I just felt out of fairness and candor to observe that the expressions from nearly everyone on the Senate Interior Committee a year ago, until we went to conference, inclined me to believe there was no way that the Senate Interior Committee or the conferees representing that committee would agree to any granting of a right to the surface owner to veto any surface mining legislation.

If I felt that this amendment would carry, then I would think that there could be some merit in trying to amend and perfect it.

I have no illusions about that. I wanted the Senator from Oklahoma to understand my reasons for voting against his amendment.

The PRESIDING OFFICER (Mr. BROOKE). The question is on agreeing to the amendment of the Senator from Oklahoma.

The yeas and the nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Colorado (Mr. HART), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

The result was announced—yeas 16, nays 77, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—16

Bartlett
Bellmon
Byrd,
Harry F., Jr.
Curtis
Eastland
Fannin
Fong
Goldwater
Griffin
Helms
Hruska
McClure
Scott,
William L.
Stevens
Thurmond
Tower

NAYS—77

Abourezk
Allen
Baker
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Ford
Garn
Glenn
Gravel
Hansen
Hart, Philip A.
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams
Young

NOT VOTING—6

Buckley
Bumpers
Hart, Gary W.
Hartke
Percy
Taft

So Mr. BARTLETT's amendment was rejected.

Mr. McGEE. Mr. President, Wyoming has the second most abundant supply of strippable coal reserves in the United States—almost 24-million tons. We are not a selfish State; the citizens of Wyoming realize the Nation needs coal to meet the ever increasing demand for energy.

At the same time, we are desirous that the lands in Wyoming which produce the coal, as well as the people on and around those coal-laden areas, are protected—protected from selfish or noncaring interests. There must be a sensible way to mine coal for the country's requirements and at the same time shelter mother Earth which provides these minerals.

I, therefore, urge the passage of S. 7, the Surface Mining Control and Reclamation Act. The act will enable us to carry out production of coal with protection of our natural resources.

Agriculture is the second largest industry in Wyoming. I believe the lands in the State can continue to produce food and coal at the same time under the protections afforded by the act. It is time to act.

The Congress has 4 years behind it on surface mining and reclamation work. We have reached general agreement before, based on those years of study and debate. Our efforts must bear fruit.

The bill establishes the basic standard that land may not be strip mined unless it can be reclaimed. It contains specific reclamation standards and gives the States the principal responsibility for regulation. The bill also, and importantly, protects those who own the surface where federally owned coal lies.

To allow surface mining without the protections of this bill would be a reckless course in any State. To again fail to realize enactment of a surface mining law would be a mistake with which we'd all have to live.

I am not willing to call upon my State or any other State to make the supreme sacrifice.

This bill is one of the most vital and urgent considerations in the country today.

I call to the attention of the President who vetoed the strip mine bill last year the fact the bill is one containing results of hundreds of hours of work and input from experts with the best interests of the country at heart. Another veto or delay would not be in the best interests of the country.

Mr. President, I urge the Senate to pass S. 7.

Mr. BAYH. Mr. President, I rise to support S. 7, the Surface Mining Control and Reclamation Act of 1975. This measure is essentially the same legislation enacted by the 93d Congress on December 16, 1974, and later unwisely vetoed by President Ford. I believe enactment of this legislation is crucial in order to insure an adequate energy supply for our Nation while, at the same time, preserving and maintaining a satisfactory level of environmental quality.

Federal legislation to regulate surface coal mining is certainly long overdue. The Congress has now been considering this legislation for over 4 years. We can no longer afford to delay Federal strip mining control which will at last enable the coal industry to proceed with the development of our Nation's vast coal resources in a manner which will protect the natural resources of our country from unnecessary damage.

I would like to bring to the attention of my colleagues that some States, including my own State of Indiana, have been way ahead of the Federal Government on the issue of strip mining control. In 1967, Indiana enacted strong and pioneering legislation to control strip mining operations within the State. One area that Indiana has considered in detail is the requirements for adequate reclamation of damaged land. Indiana's reclamation requirements call for a return of the land to its "highest potential capabilities," therefore allowing land to be used for reforestation farming or recreation despite the original use of the land before the mining.

While Indiana has been farsighted in its approach to strip mining and land reclamation, many States have not. Therefore, I support the need to establish uniform minimum Federal standards throughout the country, on both public and private lands, in order to assure adequate environmental protection from the ravages of uncontrolled stripping in all States.

This legislation before us today mandates that any State law which provides for more stringent land use and environmental controls on surface mining and reclamation operations than exist under Federal law shall not be considered inconsistent with that Federal law. This protects States such as Indiana that already have strict controls on strip mining.

When President Ford vetoed this vital legislation last December, he did so on the grounds that the strict requirements which the bill imposed upon companies in strip mining for coal would decrease domestic coal production and increase the price of coal to consumers. While the administration adopted this position, the figures which might substantiate such claims vary so widely as to make them meaningless. For example, according to the Committee on Interior and Insular Affairs report on S. 7, the various administration estimates of these threatened "production losses" have ranged from 14 to 114 million tons a year.

Despite the cries of the administration, the fact remains that this country has more than 500 years of coal reserves. Simply stated, the problem is not the abundance of coal, but how to get it out of the ground and use it in an environmentally acceptable and economically sound bases.

Mr. President, I believe that the legislation we have before us today will provide just such a mechanism. For too long now the society has had to bear the costs of uncontrolled strip mining. Society has borne these costs in the form of ravaged land, polluted water, and other adverse effects of surface coal mining.

I am confident Mr. President, that the Senate will approve this landmark legislation, and I am hopeful that the White House will not once again choose the unwise path of a veto. Each year that goes by without such minimal Federal control produces more and more destroyed land—land that cannot be reclaimed. I urge the Senate to once again take a stand for the protection of our natural resources and enact the Surface Mining Control and Reclamation Act of 1975. I do so emphasizing my sincere belief that this act will not significantly reduce domestic coal production nor impose unfair burdens on coal producers. In other words, Mr. President, this bill protects the environment without impeding our wise national quest for energy self-sufficiency.

Mr. HANSEN. Mr. President, regarding the provisions of section 527 for special bituminous coal mines, I understand that the section applies only to pits which were operational prior to January 1, 1972, and that only specific pits, not entire operations which may cover thousands of acres, are eligible. It is also my understanding that the regulatory authority should examine the long-range operational plan for eligible pits to ascertain the necessity for special treatment. As expressed in the joint statement of the committee of conference, in some cases, the regulatory authority may determine that the reworking of old pits or combination of existing pits on a mined site will provide an opportunity for a mining operation to so adjust as to meet the basic provisions of the act. Would the gentleman not agree, however, that in like manner, a combination of existing pits may be eligible for the special treatment provided in section 527 where such combination meets the special standards of the section, and there has been a commitment to a mode of operation which makes adjustment to the basic standards of the act difficult and not practicable?

Mr. METCALF. Yes; I would agree.

Mr. MANSFIELD. Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I have discussed the matter which I am about to propose to the Senate with the distinguished Senator from Montana, the manager of the bill, and the distinguished Senator from Arizona, the manager on the Republican side, and they have indicated that it would be possible to finish this bill tomorrow with a final vote at 3 o'clock.

Therefore, Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 7

Mr. MANSFIELD. Beginning at that hour, the pending business will be laid before the Senate.

I ask unanimous consent that there be a time limitation of not to exceed 30 minutes on all amendments to the bill, with the time to be equally divided between the sponsor of the amendment and either the manager of the bill or the ranking Republican member.

Mr. CURTIS. Reserving the right to object, will that mean that it will be impossible to get some time upon the convening tomorrow? The junior Senator from Nebraska would like to make a statement of about 3 minutes.

ORDER FOR RECOGNITION OF SENATOR CURTIS TOMORROW

Mr. MANSFIELD. Fine. I ask unanimous consent that the Senate convene tomorrow at the hour of 9:45 a.m. and that the distinguished Senator from Nebraska be recognized first for not to exceed 15 minutes.

Mr. CURTIS. I thank the distinguished Senator.

Mr. MATHIAS. Reserving the right to object, would the majority leader advise if there are amendments pending? Suppose they proliferate between now and about noon tomorrow so that it is impossible to get the appropriate time for debate on those amendments? Will the leadership insist on the 3 o'clock vote?

Mr. MANSFIELD. Only if the Senate agrees to it. As the Senator knows, if they proliferate, as the Senator so aptly puts it——

Mr. MATHIAS. They have a habit of doing that.

Mr. MANSFIELD. They have at times. Then it means that when we get down to the hour of 3 o'clock we vote on those amendments but there is no debate and the time is extended beyond the hour of 3 o'clock as a result. But on the basis of what we know right now it appears that we can do it in plenty of time and the request is not to exceed 30 minutes. Some of them will be finished in 10 minutes.

The PRESIDING OFFICER. Without objection——

Mr. MATHIAS. Further reserving the right to object——

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. I have discussed with the manager of the bill an amendment which I have proposed and would hope that we could have some assurance that there would be time to debate it.

Mr. MANSFIELD. I must apologize. I was trying to listen to several others.

Mr. MATHIAS. I was just saying that I had discussed with the manager of the bill an amendment which I had offered last year and which I intend to offer again. I hope we can be assured that there would be a minimum amount of time for debate.

Mr. FANNIN. Will the Senator yield?

Mr. CURTIS. Yes.

Mr. FANNIN. Is it a printed amendment the Senator is referring to?

Mr. CURTIS. No. It is a slope amendment. The staff are thoroughly familiar with it.

Mr. GRIFFIN. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. FANNIN. Will the Senator yield?

Mr. MATHIAS. Yes.

Mr. FANNIN. As far as the minority is concerned, I do not believe our staff is aware of the stipulations in the amendment. Is the amendment available?

Mr. MATHIAS. Yes, it is available. It is a 20-percent slope amendment, which I offered yast year, and at the request or the management withdrew in the hope that it would be considered this year. I just do not want it to go lacking.

Mr. MANSFIELD. If the Senator will yield, I will take the responsibility of assuring the Senator that he will have a half-hour. I hope he is here early tomorrow morning.

Mr. MATHIAS. On the basis of the majority leader's assurance, I withdraw any further objection.

Mr. GRIFFIN. Further reserving the right to object, I want to ask the majority leader if it is understood, and, if not, should it not be incorporated in the agreement, that amendments would have to be germane?

Mr. MANSFIELD. I would incorporate that in the request. I would also request that of the time before 3 o'clock, 1 hour be allocated to the distinguished manager of the bill, the Senator from Montana, and the distinguished ranking Republican manager of the bill, to be equally divided between the two.

Mr. DOMENICI. Reserving the right to object, Mr. President, I, too, have discussed with the manager and the minority leader a proposed amendment. I do not have it prepared. It is curative in nature and claritive. I cannot have it ready until morning, but they are both aware of it.

Mr. MANSFIELD. That is all right if it is germane.

Mr. DOMENICI. It is germane. At the same time, I would certainly want assurance, as did the Senator from Maryland, that it would be considered.

Mr. MANSFIELD. The vote at 3 o'clock is part of the unanimous-consent request, and rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. FANNIN. Reserving the right to object, the only clarification I would like from the distinguished majority leader is if we could know what the amendments are and not have one amendment come up at the hour of 3 o'clock that vitiates the complete program of the bill. In other words, is there any way that we can know by 2 o'clock the amendments that would be offered?

Mr. MANSFIELD. The joint leadership will make every effort to see what is in the offing and notify the two managers of the bill no later than 2 o'clock. I cannot guarantee it, but we will do our best.

Mr. METCALF. We have a half hour.

Mr. FANNIN. I understand. No. objection.

Mr. MANSFIELD. Has the request been agreed to?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And there will be no further votes tonight.

The text of the unanimous-consent agreement is as follows:

Ordered, That on Wednesday, March 12, 1975, at the hour of 10 a.m., the Senate resume consideration of S. 7, with debate on any amendment to be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That at the hour of 2 p.m. there shall be 1 hour debate, to be equally divided and controlled by the Majority and Minority Leaders, or their designees, and that at the hour of 3 p.m. the vote on final passage of S. 7 shall occur.

PRIVILEGE OF THE FLOOR—S. 7

Mr. CRANSTON. Mr. President, I ask unanimous consent that Roy Greenaway, my administrative assistant, may have the privilege of the floor for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who desires time?

What is the will of the Senate?

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 110—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL ASSISTANTS TO WORK ON MATTERS PERTAINING TO COMMITTEES

Mr. GRAVEL. Mr. President, I send to the desk a resolution, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. Brooke). The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution authorizing each Member of the Senate to employ additional assistants to work on matters pertaining to committees on which Senators serve.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. BROCK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The resolution will go over, under the rule.

The resolution submitted by Mr. GRAVEL (for himself, Mr. Brock, Mr. Packwood, and Mr. Cranston) is as follows:

S. Res. 110

Resolved, That rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraphs:

"8. (a) Each Senator serving on a committee is authorized to hire staff to assist him in his duties as a member of each committee on which he serves as follows:

"(1) A Senator serving on one or more standing committees named in paragraph 2 shall receive, for each such committee, an amount equal to two times the amount referred to in section 105(d)(2)(i) of the Legislative Appropriations Act, 1968, as amended and modified.

"(2) A Senator serving on one or more standing committees named in paragraph 3; select and special committees of the Senate; and joint committees of the Congress shall receive for each such committee an amount equal to the amount referred to in section 105(d)(2)(i) of the Legislative Appropriations Act, 1968, as amended and modified.

"(b) An employee appointed under this paragraph shall be designated as such and certified by the Senator who appoints him to the chairman and ranking minority member of the committee and shall be accorded equitable treatment with respect to access to the records of that committee.

"(c) An employee appointed under this paragraph shall not receive compensation in excess of that provided for an employee under section 105(d)(2)(i) of the Legislative Branch Appropriations Act, 1968, as amended and modified.

"(d) Payments made with respect to individuals appointed to the office of a Senator under this paragraph shall be paid out of the contingent fund of the Senate on vouchers approved by such Senator.

"(e) Individuals appointed as employees under this paragraph shall be in addition be employees otherwise authorized to be appointed to the office of a Senator.

"9. (a) Each Senator serving as chairman of any subcommittee or ranking minority member of any subcommittee is authorized to hire staff to assist him in his duties as chairman or ranking minority member of that subcommittee as follows:

"(1) A Senator serving as chairman or ranking minority member of a subcommittee shall receive an amount equal to two times the amount referred to in section 105 (d)(2)(i) of the Legislative Branch Appropriations Act, 1968, as amended and modified. If a Senator is serving as chairman or ranking minority member of more than one subcommittee of the same committee he shall be entitled to receive funds under this paragraph for only one such subcommittee but the individuals employed with such funds may assist him in his duties as chairman or ranking minority member of all such subcommittees.

"(2) Such amount shall not be lowered unless done so by agreement of the chairman of the committee, the subcommittee chairman, and the ranking minority subcommittee member.

"(3) If funds are authorized for the staff of a subcommittee pursuant to section 133 (g) of the Legislative Reorganization Act of 1946, or if funds authorized for a committee under such section are allocated to a subcommittee, then the amounts to which the Senators serving as chairman and ranking minority member of that subcommittee are entitled under this paragraph shall each be reduced by an amount equal to the funds so authorized or allocated.

"(b) An employee appointed under this paragraph shall be designated as such and certified by each Senator to the chairman and ranking minority member of each full committee.

"(c) An employee appointed under this paragraph shall not receive compensation in excess of that provided for an employee under section 105(d)(2)(i) of the Legislative Branch Appropriations Act, 1968, as amended and modified.

"(d) Payments made with respect to individuals appointed to the office of a Senator under this paragraph shall be paid out of the contingent fund of the Senate on vouchers approved by such Senator.

"(e) Individuals appointed as employees under this subsection shall be in addition to staff members otherwise authorized to be appointed to the office of a Senator."

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9:45 a.m. tomorrow.

After the two leaders or their designees have been recognized under the standing order, Mr. CURTIS will be recognized for not to exceed 15 minutes, after which the Senate will resume consideration of S. 7, the unfinished business, the Surface Mining Control and Reclamation Act of 1975.

Rollcall votes will occur on amendments thereto, and final passage of that bill will occur at 3 p.m. tomorrow. Undoubtedly, there will be a rollcall vote on final passage thereof, so Senators may be prepared for several rollcall votes tomorrow.

ADJOURNMENT TO 9:45 A.M. TOMORROW

Mr. METCALF. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and at 5:02 p.m. the Senate adjourned until tomorrow, Wednesday, March 12, 1975, at 9:45 a.m.

NOMINATION

Executive nomination received by the Senate March 11, 1975:

DEPARTMENT OF STATE

William C. Harrop, of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11, 1975:

DEPARTMENT OF STATE

Nathaniel Davis, of New Jersey, a Foreign Service officer of the class of Career Minister, to be an Assistant Secretary of State.

Harry W. Shlaudeman, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

William B. Bowdler, of Florida, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

INTER-AMERICAN DEVELOPMENT BANK

Yan Michael Ross, of Maryland, to be Alternate Executive Director of the Inter-American Development Bank.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE DIPLOMATIC AND FOREIGN SERVICE

Diplomatic and Foreign Service nominations beginning David Llodric Crandall, to be a Foreign Service officer of class 3, a consular officer, and a secretary in the Diplomatic Service of the United States of America, and ending John E. Sorensen, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on February 18, 1975.

Diplomatic and Foreign Service nominations beginning Nicholas G. Andrews, to be a Foreign Service officer of class 1, and ending Thomas Kenneth Wukitsch, to be a Foreign Service officer of class 6, which nominations were received by the Senate and appeared in the Congressional Record on February 18, 1975.

EXTENSIONS OF REMARKS

TOURISM: MORE MONEY AND JOBS FOR AMERICANS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ANNUNZIO. Mr. Speaker, with hundreds of thousands of families across the country pinching pennies, and unemployment ranging upwards of 8.2 percent, not as many people are considering an overseas holiday this year. Not as many are even traveling around the country; some are relocating to try and find new jobs.

Yet over 200 million trips were taken by people all over the world last year, creating a highly profitable tourist market on which other countries actively capitalize. In the last Congress, the National Tourism Resources Commission submitted its report on the tourism needs and resources of the United States through 1980. It clearly outlined the magnitude of tourism and its potential. In 1970, for example, tourism expenditures in the United States totaled $50 billion, and the Commission report projected expenditures of $127 billion in 1980.

These expenditures could in turn significantly affect the general economy—our economy, that desperately needs bolstering. For every $4 of income earned directly by tourism, another $3 is generated indirectly. Each $20,000 spent by foreign tourists in the United States creates one new job.

This is why I reintroduced H.R. 190, a bill I sponsored in past Congresses. H.R. 190 would amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States. It would grant the Secretary of State and the Attorney General authority to exempt visitors coming for 90 days or less from all but the most serious of the 30-odd grounds of ineligibility, as well as from the visa requirement. only a passport would be necessary. This privilege would apply only to nationals of foreign countries designated by the Secretary of State on the basis of reciprocity or on the basis of a determination that such a designation would promote the foreign policy of the United States. Approximately 35 nations do not require visas from American tourists; we require them from nationals of all countries except Canada and Mexico.

There is no danger that this bill would create loopholes in our immigration law or escape hatches for illegal aliens. Sections 6 and 7 are specifically aimed at curbing the employment of illegal aliens by establishing penalties both for their employers and for nonimmigrants who accept employment in violation of their status.

Thorough safeguards are also provided to prevent abuse of the foreign visitor provisions. Aliens entering under this program would have no option either to extend their 90-day time limit or to adjust their status. They would be required to possess a valid passport and a nonrefundable round trip ticket. Any alien who willfully remained beyond the 90-day period would be penalized by a delay of 2 years in his priority date for issuance of an immigrant visa. Those who threaten danger to our people would continue to be totally excluded—the confirmed criminal, the insane, those afflected with contagious diseases, anarchists, and violators of our narcotics laws, to give example. In brief, the bill would simplify the procedure for granting a visitor's permit without in any way jeopardizing the security of our country.

By relaxing some of the dispensable, cumbersome requirements visitors must now face, we would, at least, be providing a welcome mat for our foreign guests and visitors. As it is now, we do have a U.S. Travel Service that has been trying to promote the allure of our country in foreign lands, but they work on a very limited budget. Jamaica, the size of our State of Connecticut, has four times as large a budget.

Once and for all, we could turn around the travel deficit—the difference between what U.S. travelers spend abroad and what foreigners spend here, and create new jobs for our own citizens as well.

Our Bicentennial is coming up next year, and surely visitors from foreign lands will want to come and help us celebrate. They will want to see and experience our great country with their own eyes and ears. As it is now, the Communist countries of the world are about the only ones who require a visa from American tourists. We are really a far friendlier nation than that; our free press and media proclaim that around the world. So what better way, to truly welcome our foreign friends on our 200th birthday, than by relaxing the regulations for their arrival.

I urge my colleagues to join with me in enacting H.R. 190.

CHILD AND FAMILY SERVICES HEARINGS RESUME MARCH 12

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. BRADEMAS. Mr. Speaker, on behalf of Senator MONDALE and myself, I would like to announce that joint hearings of the House Subcommittee on Select Education, the Senate Subcommittee on Children and Youth, and the Senate Subcommittee on Employment, Poverty, and Migratory Labor on H.R. 2966 and S. 626, the child and family services bills, will resume March 12, 13, and 14.

On Wednesday, March 12, at 9:30 a.m., in room 4232 of the Dirksen Senate Office Building we shall continue hearings on the need for such legislation. Witnesses that day will include the Honorable Bella Abzug, Member of Congress, New York; representatives from the National Women's Political Caucus, National Organization for Women, the Women's Lobby, Womens Equity Action League, and Federally Employed Women; Mrs. Edwina Hertzberg, executive director of the Greater Minneapolis Day Care Association; Mrs. Ann Ellwood, project director of the Minnesota Early Learning Design; Mrs. Tutti Sherlock, executive director, Olmstead County Council for Coordinated Child Care, Rochester, Minn.; Ms. Erline Kendall of Nashville, Tenn.; Dr. James Gallagher, director of Porter Graham Child Development Center of the University of North Carolina; and Dr. Susan Gray of Peabody College in Nashville, Tenn.

On Thursday, March 13, at 9:30 a.m., in room 4232 of the Dirksen Senate Office Building our hearings on general needs will continue with witnesses including the Honorable Lawrence Coughlin, Member of Congress, Pennsylvania; representatives of the Board of Global Ministries, United Methodist Church; Tressler-Lutheran Service; National Conference of Catholic Charities; the National Tribal Chairmans Association; the Day Care and Child Development Council of America; American Parents Committee; American Home Economics Association; National PTA; and the American Personnel and Guidance Association.

On Friday, March 14, at 9:30 a.m. our hearing will be held in room 2175 of the Rayburn House Office Building, and will focus primarily on the question of the appropriate role for profitmaking day care programs in legislation of this kind. Witnesses will include the Honorable Patricia Schroeder, Member of Congress, Colorado; Dr. Maria Piers, dean of Erickson Institute, Loyola University, Chicago; representatives of the National Association for Child Development and Education, and representatives of family day care programs.

The public is invited to attend these hearings. Any individuals or organizations interested in submitting statements for the hearing record should contact Sid Johnson, staff director of the Senate Subcommittee on Children and Youth, or Jack Duncan, counsel for the House Select Subcommittee on Education.

Mr. Speaker, the February 26, 1975 edition of the New York Times carried a perceptive and informative description of the need for increased attention to the educational needs of children in their earliest years.

The article described the success of the California Early Childhood Education program, and concluded that—

> The California experiment gives new urgency to enactment of the Child and Family Services bill.

Mr. Speaker, I include the New York Times article at this point in the Record.

Preventive Education

American education has devoted too much of its resources to massive remedial instruction, and not enough to the prevention of failure. Wasteful of manpower and funds, this policy is even more severely flawed in human terms. The frustrations suffered by children who cannot keep up with their peers are hard to erase, even with superficially effective remedial work.

Since the existing approach is so demonstrably unsatisfactory, the decision of California's education authorities to replace it with preventive pedagogy is a triumph of common sense. The new Early Childhood Education program in that state relies on the oldest recipe—intimate personal attention to every child.

Specifically, the program calls for the availability in each classroom of one adult for every ten children, to make sure day after day that no youngster is left behind in those early years, between ages 4 and 6. It is then, as all expert testing shows, that the foundations are laid for reading, numbers, the comprehension of new ideas and the responsibilities toward one self and one's neighbors.

Precisely such strategies have long been applied to the most successful private schools and to a few recent programs for the disadvantaged. The crucial difference in the California plan, however, is that it is intended across the board rather than exclusively for either the rich or the poor. The program thus avoids the high risk of failure that confronts any approach that does not benefit most children.

The new plan must still skirt two graveyards of educational innovation: quick claims of easy victory and obsessive reliance on instant statistical feedback. Wilson Riles, California's unorthodox Superintendent of Public Instruction, has wisely allowed individual schools to draw their own pedagogical roadmaps.

That means time will be required to determine the best ways of conducting preventive education.

Since the program relies heavily on a combined force of teachers, paraprofessionals and volunteers, its success depends on each school ingenuity in establishing cohesion in a staff of such disparate background and capacities. In addition, the experiment will represent a challenge to the teacher-training institutions to shift their focus to the actual classroom scene.

The California experiment gives new urgency to enactment of the Child and Family Services bill, the successor to the Child Development bill vetoed by former President Nixon. The combination, in home and school, of early diagnosis and preventive care in child rearing, nutrition and education places emphasis on joyous learning rather than on painful remedies for failure.

NATIONAL HEALTH SECURITY ACT—A NECESSITY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ST GERMAIN. Mr. Speaker, at a time when unemployment has caused many families to lose medical care benefits and economic forces have left our poor and elderly unable to afford proper health maintenance, there is not a moment to lose in the consideration of the National Health Security Act of 1975. Our people need to know that we are making the best possible use of funds by providing them with comprehensive national health insurance and with the additional job opportunities which will result as a consequence of the enactment of this legislation.

Certainly, we can also provide immediate relief through short-term programs, but our responsibility will always be to maintain the physical well-being of our citizens. Current plans still leave a majority of our constituents with no coverage, and the practice of preventive medicine is practically nonexistent. Therefore, let us begin immediately to see that the National Health Security Act receives the prompt attention this issue demands.

In further reference to the need for this legislation, I would like to call the attention of my colleagues to a resolution passed in the General Assembly of the State of Rhode Island on the 25th day of February 1975, memorializing Congress to enact into law the Kennedy-Corman bill, S. 3/H.R. 21, the National Health Security Act to cover medical costs for all Americans:

House Resolution Memorializing Congress to Enact Into Law the Kennedy-Corman Bill, S. 3/H.R. 21, the National Health Security Act to Cover Medical Costs For All Americans

Resolved, That the House of Representatives of the State of Rhode Island and Providence Plantations hereby memorializes Congress to enact into law the Kennedy-Corman Bill, S. 3/H.R. 21, the National Health Security Act to cover medical costs for all Americans; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in Congress.

LOUISIANA YOUTH SEMINAR CELEBRATES FIFTH YEAR

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mrs. BOGGS. Mr. Speaker, for the past 4 years, Louisiana youth has had the opportunity to participate in one of the most refreshing and exciting high school leadership programs offered anywhere, the Louisiana Youth Seminar.

This year the seminar celebrates its fifth anniversary, and all indications point to an even more successful event than ever.

The seminar, held in the summer of each year, provides an intensive weeklong workout for the student delegates, who spend long hours developing their leadership, organizational and interpersonal communication skills. At the end of the session, the delegates leave with, not only new knowledge about the practical workings of a true leader and the organization, but a new awareness of themselves and their fellow man.

I would hope that any student who has the opportunity to participate in this unique program will do so. The expressions of past delegates indicate that the personal rewards gained from attending the Louisiana Youth Seminar are priceless.

I wish the seminar many more outstanding years and this year's fifth anniversary delegates a most rewarding experience.

BLUEPRINT FOR DEPRESSION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. McDONALD of Georgia. Mr. Speaker, at some point in time, this U.S. Government, this Congress and the American people have to face up to the fact that the Federal debt has grown too large, and to the further fact our unbalanced budget, coupled with the stimulation of added Government spending, is not going to cure our economic problem and may even start another round of rampant inflation. In this regard, I thought Anthony Harrigan, executive vice president of the United States Industrial Council, wrote a particularly sensible article on this topic which he released on January 30, 1975. The column follows:

BLUEPRINT FOR DEPRESSION

(By Anthony Harrigan)

President Ford's proposal for more deficit spending—$75 billion over the next two years—and the determination of dominant congressional liberals to increase the cost of government means that the lot of Americans will steadily worsen.

How could things improve when the Executive and Legislative branches are agreed on spending more than the government receives in revenues? That's the classic formula for inflation, a deteriorating currency, and a continuing drop in business confidence.

Mr. Ford wants to provide tax cuts for 12 million citizens. Many Americans under his plan would receive cash rebates. A rebate is just another term for a handout. And handout government got us in the mess we are in today. A tax cut would be justified only if there were a corresponding cut in government expenditures. But congressional leaders already have made it plain they will have none of that. The liberals on Capitol Hill arrived in Washington as a result of the tax-spend-elect formula. They won't turn their backs on it—even if refusal to do so wrecks the country. Meanwhile President Ford turns his back on the balanced budget concept he embraced in years past.

There is ample blame to go around. The chief offenders are those Americans who insist on obtaining more and more government services, but who also resist the idea of paying for those services. They prefer that the country pay for goodies today with borrowed money.

In the end, however, the people are compelled to pay. As the government borrows more and more, the burden of debt service increases. Moreover, government borrowing to finance its deficit spending operations means that inadequate amounts of capital are available for business expansion.

As business finds it difficult or impossible to expand, there aren't enough new jobs for Americans who want to work. Housing starts are few. Interest rates are driven up. Thus deficit financing creates unemployment and eliminates tax-paying enterprises.

No, the country can't get out of a recession by turning more of what made it sick in the first place—deficit financing to cover excessive federal spending. The proposed $75 billion deficit—and the even more disastrous fiscal plans outlined by congressional liberals—constitute a blueprint for permanent depression.

When and where will the American people find leaders who will make them face up to the fact that the federal government can't spend the country out of a recession?

NO ALTERNATIVE TO NUCLEAR POWER

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. MOORHEAD of California. Mr. Speaker, the difficult problems that we face as a result of our energy shortage in the United States are of great concern to each of us. Thirty-two prominent scientists have recently spoken out in an article in the March issue of the Bulletin of the Atomic Scientists. Their comments can be of great assistance to this Congress in our efforts to meet our energy goals:

THIRTY-TWO SCIENTISTS SPEAK OUT: "NO ALTERNATIVE TO NUCLEAR POWER"

(NOTE.—Recent issues of the Bulletin of the Atomic Scientists have questioned the policy of the United States and other industrialized nations of relying on nuclear power development as a means of solving the growing worldwide energy crisis. They have pointed to such unsolved problems as the disposal of long-lived, highly toxic radioactive wastes, the risk of catastrophic accidents in the operation of nuclear power reactors, the vulnerability of the nuclear fuel cycle to theft of weapons-grade material and the inherent adaptability of nuclear technology, in its present form, to military uses. These considerations suggest to us that, until the problems are resolved, the increased energy is not worth the ultimate price society may have to pay for increased reliance on nuclear power. We present here a differing view of the energy crisis and the nuclear option offered recently by a group of 32 scientists (one-third of whom are Nobel laureates) headed by Hans Bethe of the Cornell Laboratory of Nuclear Studies, who is also chairman of the Bulletin's Board of Sponsors. Ed.)

We, as scientists and citizens of the United States, believe that the Republic is in the most serious situation since World War II. Today's energy crisis is not a matter of just a few years but of decades. It is the new and predominant fact of life in industrialized societies.

The high price of oil which we must now import in order to keep Americans at their jobs threatens our economic structure—indeed, that of the Western World. Energy is the lifeblood of all modern societies and they are currently held hostage by a price structure that they are powerless to influence.

In the next three to five years conservation is essentially the only energy option. We can and we must use energy and existing energy sources more intelligently. But there must also be long-range realistic plans and we deplore the fact that they are developing so slowly. We also deplore the fact that the public is given unrealistic assurances that there are easy solutions. There are many interesting proposals for alternative energy sources which deserve vigorous research effort, but none of them is likely to contribute significantly to our energy supply in this century.

Conservation, while urgently necessary and highly desirable, also has its price. One man's conservation may be another man's loss of job. Conservation, the first time around, can trim off fat, but the second time will cut deeply.

When we search for domestic energy sources to substitute for imported oil, we must look at the whole picture. If we look at each possible energy source separately, we can easily find fault with each of them, and rule out each one. Clearly, this would mean the end of our civilization as we know it.

Our domestic oil reserves are running down and the deficit can only partially be replaced by the new sources in Alaska; we must, in addition, permit offshore exploration. Natural gas is in a similar critical condition; in the last seven years new discoveries have run far below our level of gas consumption. Only with strong measures could we hope to reverse this trend.

We shall have to make much greater use of solid fuels. Here coal and uranium are the most important options. This represents a profound change in the character of the American fuel economy. The nation has truly great reserves of these solid fuels in the earth. Our economically recoverable coal reserves are estimted to be 250 billion tons and exceed the energy of the world's total oil reserves. Our known uranium ores potentially equal the energy of 6,000 billion tons of coal; lower grade ore promises even more abundance.

The U.S. choice is not coal or uranium; we need both. Coal is irreplaceable as the basis of new synthetic fuels to replace oil and natural gas.

However, we see the primary use of solid fuels, especially of uranium, as a source of electricity. Uranium power, the culmination of basic discoveries in physics, is an engineered reality generating electricity today. Nuclear power has its critics, but we believe they lack perspective as to the feasibility of non-nuclear power sources and the gravity of the fuel crisis.

All energy release involves risks and nuclear power is certainly no exception. The safety of civilian nuclear power has been under public surveillance without parallel in the history of technology. As in any new technology there is a learning period. Contrary to the scare publicity given to some mistakes that have occurred, no appreciable amount of radioactive material has escaped from any commercial U.S. power reactor. We have confidence that technical ingenuity and care in operation can continue to improve the safety in all phases of the nuclear power program, including the difficult areas of transportation and nuclear waste disposal. The separation of the Atomic Energy Commission into the Energy Research and Development Administration and the Nuclear Regulatory Commission provides added reassurance for realistic management of potential risks and benefits. On any scale the benefits of a clean, inexpensive, and inexhaustible domestic fuel far outweigh the possible risks.

We can see no reasonable alternative to an increased use of nuclear power to satisfy our energy needs.

Many of us have worked for a long time on energy problems and therefore we feel the responsibility to speak out. The energy famine that threatens will require many sacrifices on the part of the American people, but these will be reduced if we marshall the huge scientific and technical resources of our country to improve the use of known energy sources.

Hans Bethe, Organizing Chairman, Cornell University Laboratory of Nuclear Studies.

Luis Alvarez, Lawrence Radiation Laboratory, Berkeley, Calif.

Peter Auer, Laboratory of Plasma Studies, Cornell University.

William O. Baker, President, Bell Telephone Laboratories.

John Bardeen, Department of Physics, University of Illinois.

Robert F. Bacher, Department of Physics, California Institute of Technology.

Felix Bloch, Department of Physics, Stanford University.

Norris E. Bradbury, Former Director, Los Alamos Scientific Laboratory.

Harold Brown, President, California Institute of Technology.

Richard H. Chamberlain, Chairman, Department of Radiology, University of Pennsylvania.

Cyril L. Comar, Chairman, Department of Physical Biology, Cornell University.

Arthur Kantrowitz, AVCO-Everett Research Laboratory.

Ralph E. Lapp, Energy Consultant, Alexandria, Va.

Joshua Lederberg, Department of Genetics, Stanford University.

Willard F. Libby, Department of Chemistry, University of California, Los Angeles.

Franklin A. Long, Center for Science, Technology and Society, Cornell University.

Edwin M. McMillan, Director, Lawrence Radiation Laboratory, Berkeley, Calif.

Kenneth S. Pitzer, Department of Chemistry, University of California, Berkeley, Calif.

Edward M. Purcell, Department of Physics, Harvard University.

I. I. Rabi, Professor of Physics, Emeritus, Columbia University.

Norman Rasmussen, Department of Nuclear Engineering, Massachusetts Institute of Technology.

Roger Revelle, Director, Harvard Center for Population Studies.

Glenn T. Seaborg, Associate Director, Lawrence Berkeley Laboratories.

Frederick Seitz, President, Rockefeller University.

Edward Teller, Lawrence Livermore Laboratory, Livermore, Calif.

James A. Van Allen, Chairman, Department of Physics, University of Iowa.

Warren Weaver, Mathematician, New Milford, Conn.

Alvin Weinberg, Former Director, Oak Ridge National Laboratory.

Victor F. Weisskopf, Department of Physics, Massachusetts Institute of Technology.

Edward Wenk, Jr., Director, Program in Social Management Technology, University of Washington.

Eugene Wigner, Professor of Theoretical Physics, Princeton University.

Richard Wilson, Department of Physics, Harvard University.

PAUL GRIST: NEWEST MEMBER OF ALABAMA SPORTS HALL OF FAME

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. FLOWERS. Mr. Speaker, I would like to take this opportunity to congratulate a friend and constituent, Paul Grist of Selma, Ala., on his recent induction into the Alabama Sports Hall of Fame.

Mr. Grist richly deserves this honor. He has spent his entire adult life working with the youth of Selma through the Young Men's Christian Association.

He has made an outstanding contribution to community life and has enriched the lives of all those with whom he has worked.

I would like to share with you an editorial about Mr. Grist which appeared in The Selma Times-Journal, edited by Paul Davis:

[From the Selma (Ala.) Times-Journal, Feb. 16, 1975]

PAUL GRIST: A GREAT MAN

Many honors have been bestowed upon Selma's Paul Grist, but probably none will be cherished more than the one received Friday night in Birmingham.

Grist has been named to the Alabama Sports Hall of Fame, sharing the honor with Alabama Gov. George Wallace and other well known names such as Zipp Newman, Frank House, Billy Hitchcock, the late Pat Trammell, Euil Snider and Travis Tidwell.

Grist was honored for his lifetime at work with young people in the Young Men's Christian Association. Selma's YMCA is named in honor of Grist.

Although much honor was brought to Grist personally, Selma also was honored when Paul Grist took his place in the Alabama Sports Hall of Fame.

And again Grist shared his honor with the city he loves, paid tribute to his late wife and expressed thanks to God for the accomplishments during his lifetime.

He has worked with the YMCA all his adult life and is responsible for much of the success of the YMCA program here in Selma. He served as both coach and physical director for the YMCA and also has served on the staff of the National YMCA Blue Ridge Assembly at Black Mountain, S.C. and also has been an active member of Rotary International.

Paul Grist, Mr. Selma. A deeply religious man, a man who cares about his community, his fellow man, today's young people. He has brought honor to himself and to his city. He is due our commendation.

TRIBUTE TO "GUSSIE"

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. STARK. Mr. Speaker, Helen Keller once noted that "life is an exciting business and most exciting when lived for others." If this is indeed the case, then Gitele "Gussie" Kimball has led an exceedingly exciting life. Her generosity to others is boundless. Her benevolence envelops us all.

Gussie is leaving San Leandro for "retirement" in Rossmoor and is being honored at a testimonial dinner on March 12. She leaves behind a wealth of kindness. A well-known philanthropist, Gussie has received numerous honors for her work in behalf of civic groups, schools, and local charitable organizations. Last year, she helped raise $20,000 for the carillon bells at the Casa Peralta and has participated in fund drives to help defray the cost of San Leandro High's jazz band's trip to Switzerland, the Mulford mosaic on Marina Point and contributions to the Jerry Lions Memorial Fund. Her principal interest, however, is with the City of Hope, a free nonsectarian medical center in Duarte. This medical research facility has had her good will for over 15 years.

In 1960 she organized her first City of Hope chapter in San Francisco and the members raised $18,000 during their inaugural year. The center presented Gussie with her most prized possession—the Golden Tree of Life for her outstanding inspiration. In 1960, her diligent work and enthusiastic fundraising was rewarded—Gussie was named the City of Hope Woman of the Year.

In 1960, Gussie's book "Gitele" was published, the autobiography of 50 years of her life. All sales were donated to the City of Hope. The authoress is now in the process of completing the sequel entitled "Whatever Became of Gitele?" and again the proceeds will go to charitable organizations.

Active in San Leandro affairs, Gussie has been a member of the chamber of commerce and supporter of area homeowners groups. Her charitable interests extended into her business enterprises. An apartment house owner, Gussie used her large, fully equipped social hall not only for tenants but for political and community services and fundraisers for boys' and girls' clubs. Her contributions to the growth and development of her city are noteworthy.

Gussie will be missed, but it is great to know she will be over in Rossmoor organizing her third City of Hope chapter. Even her testimonial is an extension of her benevolence—as all proceeds will be donated to the San Leandro boys' and girls' clubs. Her spirit has not retired. Seventy-nine years strong, Gussie Kimball is still leading a most exciting life.

RESOLUTION OF STATE LEGISLATURE OF SOUTH DAKOTA MEMORIALIZING CONGRESS TO ENACT LEGISLATION TO RELIEVE EMERGENCY AFFECTING CATTLE INDUSTRY

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ABDNOR. Mr. Speaker, I wish to bring to attention of this body House Concurrent Resolution No. 506 which was adopted by the House of Representatives of the State of South Dakota and concurred in by the senate of the State of South Dakota during the 50th legislative session.

The resolution expresses the real urgency for relief on the part of South Dakota citizens' basic industry, that of cattle production.

Mr. Speaker, the resolution follows:

H. Con. Res. 506

A concurrent resolution, memorializing the Congress of the United States to enact legislation to relieve emergency circumstances currently affecting the cattle industry

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, South Dakota cattlemen are presently experiencing record financial losses due to declining market prices for cattle, at the same time as they are confronted with greatly increased operating costs; and

Whereas, a severe January blizzard coupled with recent drought conditions further compounded these losses; and

Whereas, record-high interest rates are impeding cattlemen's efforts to put the industry back on its feet:

Now, therefore, be it resolved by the House of Representatives of the Fiftieth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress enact legislation prohibiting the importation of beef and dairy products during the present crisis; and

Be it further resolved, that the Congress enact legislation to encourage the consumption of beef products during the present economic recession both domestically through relief programs and abroad through the purchase and distribution of livestock and red meat as a component of this nation's foreign aid program; and

Be it further resolved, that the Congress enact legislation to provide long-term low-interest loans to cattlemen trying to restore the cattle industry; and

Be it further resolved, that copies of this resolution be forwarded by the Chief Clerk of the House of Representatives of the state of South Dakota, to each member of the South Dakota Congressional delegation and to the President of the United States.

Adopted by the House, February 21, 1975.

Concurred in by the Senate, February 25, 1975.

THE RETIREMENT OF MILTON SCHWARTZ

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. EDWARDS of California. Mr. Speaker, the vice chairman of the Committee of Bar Examiners for the State Bar of California, Mr. Milton Schwartz, will be ending his term of office next month. I feel that it is entirely fitting that his service be recognized by all of us here in the House of Representatives.

Mr. Schwartz' involvement in and concern for education does not begin with his efforts as vice chairman of the bar examiners. He has served as trustee for the Sutterville Heights School District, 1951 and 1952, and as a member of the Sacramento City Board of Education from 1958 to 1963, serving as president of the board in 1961. He was a member of the California State Board of Education from 1964 to 1968 and served as vice president on that important board in 1967.

He was elected fellow of the American College of Trial Lawyers in 1964 and has served as a member of the bar examiners committee since 1971. His efforts in behalf of education, especially legal education, could well serve as a model for us all.

The list of his activities is a measure of his dedication and competence as a member of the bar and is certainly an indication of his great concern, as a citizen, for the well-being of our society.

Without the effort and skill of individuals such as Milton Schwartz, the State bar would be significantly less able to meet the needs of the people of the State of California. The energy and intelligence that he has committed to his duties as vice chairman of the State bar examiners have played a significant part in insuring that the high professional and ethical standards of the California bar are maintained, for the benefit of attorneys, and most importantly, for the benefit of the public who must rely on the professionalism of attorneys who serve them.

Milton Schwartz is an individual whose life could serve as a model of public service for us all. He has truly gone above and beyond the call of duty to see that we, his fellow citizens, can look to a bar that embodies competence and high standards. He deserves our abundant thanks as well as our warm admiration.

ALEXANDER UHL RETIRES

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. BOLLING. Mr. Speaker, there follows a brief announcement of the retirement of one of the ablest and most intelligent of the many journalists who work in Washington. Although Alexander Uhl is described in this article which appeared in the AFL-CIO News of March 8, 1975, as an outstanding labor journalist, he is far more than that. He is a wise man with a sense of history whose freshness of mind and ability to look ahead are complemented, not limited, by his vast experience.

The lady he lives with on a farm in Maryland is my able and charming administrative assistant.

The announcement follows:

Alexander Uhl Retires From PAI Service

Alexander H. Uhl, editor and cofounder of Press Associates, Inc. with Harry Conn 21 years ago, has announced his retirement effective Mar. 1.

One of the nation's outstanding labor journalists, Uhl was a respected foreign correspondent and editor before his PAI days. As a PAI editor he concentrated in such areas as economics and trade, explaining the complexities of both to readers of the labor press through the service.

Born June 11, 1899, in New York City, Uhl received his bachelor of arts degree from City College of New York and did graduate work at the Columbia School of Journalism. After serving one year as a reporter on the Newark Star Eagle, he joined the Associated Press in 1923.

In 1935 he was assigned as bureau chief in Madrid and headed the AP coverage of the Spanish Civil War through 1938. His stories from Spain were heralded for their depth and significance. "It was in Spain that I first developed a social conscience," he later said.

From 1940 to 1948 he served as foreign editor of the newspaper PM and covered the European Theater during World War II. He was awarded the French Legion of Honor decoration. After PM folded, he moved to Washington as a writer for the Public Affairs Institute and in 1954, along with Conn, founded Press Associates, which today is the only independent national trade union press service.

Uhl lives with his wife, Gladys, on a farm in Montgomery County, Md. He plans to write, particularly on the Spanish Civil War, and possibly do some traveling.

PRINTING ERRORS IN REPORT ON EMERGENCY EMPLOYMENT APPROPRIATION ACT—H.R. 4481

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. MAHON. Mr. Speaker, the bill and report on the Emergency Employment Act, 1975—H.R. 4481—was filed last Friday, March 7. In the report, several printing errors were made in the tabular summary of the bill.

The following are the places where errors were made reflecting the correct figures:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY RECOMMENDED IN THE BILL

Department or activity	Budget estimates, 1975	Recommended in the bill	Bill compared with estimates
Page 10:			
Veterans Administration: General works programs		$70,755,000	+$70,755,000
United States Fish and Wildlife Service: Construction and anadromous fish		21,496,000	+21,496,000
Page 11:			
Total, Department of the Interior		74,035,000	+74,035,000
Youth conservation corps		10,000,000	+10,000,000
Total, Forest Service		85,080,000	+85,080,000
Page 15:			
New budget (obligational) authority	$125,000,000	5,368,474,000	+5,243,474,000

It would have been possible to request that the report be reprinted, but due to the high cost of this procedure, I thought this explanation would adequately serve the Members and correct the printing errors that were made.

INTERNATIONAL WOMEN'S DAY—PLIGHT OF UKRAINIAN WOMEN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. RODINO. Mr. Speaker, last Saturday, March 8, was designated as International Women's Day. We in the United States can take pride in the status of women in our Republic and satisfaction that there is continuing progress being made to improve it further.

Unfortunately, in some other countries women endure injustice, imprisonment, and repression simply because they have actively spoken out to seek the civil liberties and rights guaranteed them by their nation's constitution. Such is the case with many brave Ukrainian women in the Soviet Union, and in commemorating International Women's Day we must not forget their sacrifice and suffering. In this connection, I would like to include in the Record at this point a statement expressing the views of the 86th Branch, New Jersey, of the Ukrainian National Women's League of America on this tragic situation:

Ukrainian National Women's League of America—86th Branch, New Jersey: Statement

We, the members of the Ukrainian National Women's League of America, 86th Branch, New Jersey, are deeply concerned at continuous waves of repressions in the Soviet Union.

On the International Women's Day we take the opportunity to voice our consternation about the plight of Ukrainian women in the USSR. We are greatly disturbed that the United States government does not submit through its United Nations representative an official request to the United Nations to investigate flagrant violations of "Universal Human Rights" by the Soviet Union;

. . . to investigate the existence of political prisoners in the USSR;

. . . to investigate the inhuman treatment of those prisoners, especially the cruel treatment of incarcerated Ukrainian women: Nina Strokata-Karavanska (microbiologist), Stefania Shabatura (artist), Iryna Stasiv-Kalynetz (writer and college professor), Lyuba Serednyak (student), Iryna Senyk (poetress and writer), Nadia Svitlychna-Shumuk (radio scriptwriter), Halyna Didyk and Daria Husak (Red Cross workers), and many others—

. . . to urge the United Nations to invoke economic sanctions against the USSR until the Soviet government agrees to democratization of political and civic life by a transformation to a constitutional form of government, the endowment of genuine suffrage to its citizens, the guarantee of all human rights, the abolition of censorship and reinstatement of the lawful rights of the Union Republics ignored by the Russian regime.

We feel that the Soviet government, by signing the Universal Declaration of Human Rights, committed itself to the enforcement and protection of these rights. Since the Soviet Union failed to conform to the "Universal Declaration," as well as to its own constitution, it should be subjected to United Nations economic sanctions and boycotts or be asked to withdraw as cosignatory of the "Declaration."

We feel that international morality should apply to every country, regardless of its economic or military might. One standard should apply to all the members of the United Nations.

CONGRESSMAN GUDE DISCUSSES THE VIETNAM SUPPLEMENTAL

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. WHALEN. Mr. Speaker, an article entitled "Vietnam Supplemental—It Won't Do Any Good" by my good friend and colleague, Congressman Gilbert Gude, has appeared in the March 10, 1975, issue of the College Republican.

In his statement, Congressman Gude proffers with great forthrightness arguments against the administration's request for additional military aid for South Vietnam. In my opinion, his paper is one of the most cogent assessments of the situation that I have seen in recent months. I share his viewpoint, and I insert his statement here in the Record for the consideration of our colleagues and of all the people.

Vietnam Supplemental—It Won't Do Any Good

(By Congressman Gilbert Gude)

My opposition to further military assistance for South Vietnam is based on a simple conclusion: it won't do any good. Billions of dollars and thousands of lives after we began our intervention in Southeast Asia, we have now come full circle. The Diem government 15 years ago could have been characterized as an undemocratic regime with rapidly eroding popular support and increasing Buddhist-Catholic conflicts in the face of a deteriorating security position and growing incursions from the North. After many governmental permutations in Vietnam, we have returned to square one—a dictatorial regime with eroding public support and an even more rapidly deteriorating military position. In looking at the beginning and the end, it is profoundly discouraging to discover that all of our efforts in the middle did nothing but slow down what is now clearly the inevitable.

Thus, we return to my conclusion—our assistance thus far has changed little, and there is not a shred of evidence to believe more aid will make any difference. Various pundits, of course, are beginning to repeat the same assertions we heard in the 1960's. "We can see the light at the end of the tunnel." "A few dollars more and the Vietnamese will be able to stand on their own." We have heard and believed before, and we were wrong. I have seen no evidence this time to suggest they are right.

This does not, of course, address the question of whether we "should" be giving such assistance. The popular reasons for "should" have been debated for years, and will probably never be fully resolved. Some of the arguments have become cliches. First is the anti-Communist domino theory, the idea that we are faced with an aggressive world Communism and Vietnam is the place to stop it.

Post-war experience has shown that Communism is not monolithic, that Communist nations are diverse in their policies, and that violent change we construe as a Communist conspiracy is often due to purely local causes. It should also be clear that regardless of what objectives one assigns to any Communist state, the record of the last fifteen years shows that Vietnam is no place to effectively counter them.

Second is the theory that having provided assistance in the past, we have contributed to the mess in Southeast Asia and thus are obligated to help clean it up—the old "throwing good money after bad" theory. A corollary to this is the assertion that in denying aid we will be breaking our word, which is bad for our image and harmful to the credibility of our commitments elsewhere. First, American aid and lives have fulfilled this commitment many times over. Second, aside from the fact that history, including that of our own country, is replete with commitments that have outlived their relevance, to suggest that our failure to aid Vietnam will affect the credibility of our other commitments assumes that those other interests are analogous to the case in Vietnam, an argument which would be difficult to sustain. Further, in regard to our credibility, my assessment of world opinion tells me that most nations, including our friends and allies, welcomed our disengagement in Vietnam as long overdue, and that a refusal to supply aid now, far from arousing their fears would produce a sigh of relief that we have come to our senses. Our commitments are credible if all parties perceive them to be in our continuing interest. If our interests or resources change, a paper promise will not restore them, and the other nations in the world are not so stupid as to rely only on such promises. Our commitments elsewhere depend on our interests elsewhere, not on our promises to Vietnam.

A discussion of these arguments brings me inevitably back to the more important question of "could"—could we afford to give the aid and could we do it so it would be effective?

This is a particularly important question now, as the nation faces a budget bursting at the seams, in which our President—never known as an advocate of deficit spending—proposes the largest peacetime deficit in the nation's history. A spending program that has been attacked as having little room for the poor and elderly seems to have more than enough room for the quixotic gesture of military assistance to Vietnam. We cannot afford it under the best of circumstances; yet we are asked to pay for it under the worst economic circumstances since the Depression.

A large issue is also at stake here, however, and that is the lessons we have learned from this tragedy. If Vietnam taught us anything, it should have shown us that power is measured more in terms of people's commitment and dedication to a cause than it is in fire power and soldiers. This is not to say that I have any liking or admiration for the North Vietnamese. I do not. The North Vietnamese long ago launched a deliberate effort to conquer the South and reunite the country under their government. There is nothing to indicate they have changed that objective, and there is nothing to indicate they will honor any agreement that stops them short of it. They are in clear violation of the Paris Peace Agreements—as is the South—and a debate over who started the current round of violations is meaningless. The conflict will continue in all likelihood until one side has taken over the other, and the North must bear its heavy share of blame for that condition.

On the other hand, this should not be construed as a defense of the South, for it is not. A series of corrupt inefficient governments have done little to rally the people behind them to present a strong front to the enemy. The course of the war, patricularly the impunity with which guerrilla warfare has been waged in the South, has shown clearly which is the stronger and better organized nation, and I think it also says something for the relative attitudes of the people of the two states.

Our experience in the 1960's should have taught us that the options are limited in Vietnam. In fact, I would have put them at two: either the United States should have released the full force of its power against the North, eliminating it as a nation—which I certainly would not have condoned and which has never been politically acceptable in this country—or the U.S. should have resigned itself to the loss of South Vietnam. The latter outcome would not necessarily be immediate, and it could be peaceful. In fact, the most usual course would be a series of coalition governments each successively more Northern than Southern, ending in unification and one North dominated government. This scenario may yet occur—it was essentially the course the Paris agreements would have led to—but the outcome is the same regardless of how it is reached. In the absence of a total American commitment, the likelihood of a Northern victory is very great. I do not applaud this outcome, but I believe it inevitable. An examination of the dedication and commitment of the North and the inability of the South to match that dedication despite mountains of American aid and thousands of American lives should make that inevitably clear to all. Tragically, that was not clear to our government when it chose to attempt a middle course of limited force, in the hopes that the South could pull itself together in time. As a result, we had years of waste in Southeast Asia and years of political and economic difficulty in this country, with today's economic crisis largely a legacy of billion dollar Vietnam budgets.

Further, I think there is a lesson here about the limits of our influence abroad and our perception of those limits. The history of the post-war period has been a succession of crises begun by small powers into which the large powers rushed. Korea, the Suez crisis of 1956, the Congo, Vietnam and Cambodia, India and Pakistan, have all been local conflicts with various degrees of overt and covert great power involvement. Perhaps the great powers' mistake has been to perceive these crises as threats to world peace and rush in, thereby creating a *real* threat to world peace as other powers move to respond, a self-fulfilling prophecy that produces disaster. Like great war elephants, the major powers bring to these conflicts a level of fire power and military sophistication that did not have to be there and which only leads to more native deaths. The solution lies not in isolationism, and rejection of the supplemental request does not imply a return to isolationism. Rather it suggests the beginning of a more accurate mature perception of our interests and the limits of our influence which will lead to a more rational foreign policy. The supplemental request shows that the Executive has yet to learn and appreciate those limits.

NO EVIDENCE OF DESECRATION IN ISRAEL

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. GIAIMO. Mr. Speaker, in February, the United Nations Commission on Human Rights adopted a resolution accusing Israel of desecrating Moslem and Christian shrines in the occupied Arab territories. This action, taken despite the opposition of the United States and several European countries, fails to recognize the true nature of Israel's administration of these religious areas.

Last November my wife Marion and I participated in an interfaith study mission in Israel and we had the opportunity to visit and inspect many of the religious shrines in Jerusalem and other parts of the West Bank. During my visit, I observed the care with which the Israelis have protected historical and holy sites of all religions in these areas.

In Jerusalem I was pleased to find that Christian and Moslem holy sites are given the same attention and protection as Jewish holy places. I was also informed that religious authorities for Christian and Moslem holy sites have complete autonomy over the internal administrations of these areas and are personally responsible for the maintenance of their buildings and properties. Of course, Israel defense forces provide necessary external security in these areas.

Throughout my travels in Israel and the occupied lands, I failed to notice anything which would substantiate the U.N. Commission's accusations. In each place I visited, I found a true respect and sensitivity for those places which are of religious significance to either Christian, Moslem, or Jew.

From my personal observance, I found no evidence of any desecration and do not believe that any such action has occurred in the subsequent months. I can only conclude that the censuring of Israel is motivated by a continuous attempt to belittle Israel's standing in the world community. It represents yet another example of the kind of irresponsible action by the U.N. and its associations which makes it difficult to bring peace to that troubled part of the world.

RIGHTS OF LITHUANIAN PEOPLE IN SOVIET LITHUANIA, LATVIA, AND ESTONIA

HON. RICHARD F. VANDER VEEN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. VANDER VEEN. Mr. Speaker, today I want to express the concerns of Lithuanian Americans of Grand Rapids, Mich., who are commemorating the 57th anniversary of the restoration of Lithuania's independence, and the 724th anniversary of the formation of the Lithuanian Kingdom in 1251.

These people feel that in 1940 the Republic of Lithuania was forcibly occupied and illegally annexed by the Soviet Union in violation of all existing treaties and principles of international law. The Lithuanian people were subjected to alien domination and exploitation which infringed upon their right of self-determination and other basic human rights.

Lithuanian people are risking and sacrificing their lives in defiance of the Soviet regime and are seeking political and religious freedom, as demonstrated by the Lithuanian seaman Simas Kudirka and Romas Kalanta. Their courage is unmatched as they fight for the freedom they so rightly deserve.

The Lithuanian Americans of Grand Rapids urge the United States to follow a policy of nonrecognition of the forcible annexation of Lithuania by Soviet Russia, and to maintain that policy during all negotiations with the Soviet Union. They also demand immediate release of all Lithuanians who are imprisoned for political and religious reasons.

I commend the people of Lithuania for their courage and will to fight for freedom. I also congratulate the Lithuanian Americans of Grand Rapids for their concern and devotion to the land of their forefathers.

PROPOSES TO END FOREIGN AID UNTIL AMERICAN ECONOMY IS RESTORED TO GOOD HEALTH

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. MOTTL. Mr. Speaker, I would like to announce a policy for myself regarding the giveaway of American wealth and resources.

I will vote against giving even a single additional penny of tax money to any foreign Nation until our own national economy has been restored to robust health.

It seems shortsighted and stupid for us to continue passing out billions of dollars to other countries while our own people are experiencing what economic experts describe as either a recession or a depression.

Since World War II, we have given away $172 billion in foreign aid.

The time has come for us to give first priority to the pressing needs of our own people. If we can afford economic aid, let us give it to our own unemployed and our own struggling industries.

I believe we should contribute our fair share to a world food bank to prevent human starvation anywhere on this planet, but we must face the facts of our limitations in this regard, too.

The United States of America is incapable of feeding and supporting the entire world.

We must recognize that our first and major responsibility is to our own people.

This does not mean that we should turn our backs on starving people anywhere. We have a moral obligation to share our surplus, if any, with them. But it would be the height of folly to give away billions of dollars in military and economic aid while millions of elderly people are hungry in our own country—and while Secretary of Agriculture Butz tells us that we cannot afford a school lunch and breakfast program for our own children. Of course, Mr. Butz is dead wrong. We cannot afford to do anything but maintain a decent program of nutrition for our own youngsters and senior citizens.

It is ridiculous for us to give grants and "forign aid" to countries that resent our help and kick our people and interests around.

It is high time that we adopted a policy of prudent selfish self-interest. Otherwise, we will soon find ourselves, with our wealth and resources given away, pleading for help from other nations. I think the record shows how much help we might expect.

For these and other reasons, I intend to vote against the foreign assistance appropriation bill when it comes before this House for action on Thursday.

ESAA IS WORKING IN AMITYVILLE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. DOWNEY. Mr. Speaker, in his state of the Union address, the President outlined his proposals for solving our current economic and energy problems. One of his proposals was to keep Government spending at a minimum by placing a 5-percent ceiling on cost-of-living increases for social security and other programs tied to the Consumer Price Index, and by deferring new Government spending programs until a later date. In reviewing the President's budget, I found that his proposed cuts went much farther than suggested in his address before this body.

Unfortunately, the President has decided that aid to education is an area unworthy of adequate funding. Among the programs most severely cut is the Emergency School Aid Act. Funding under this act for fiscal year 1975 has been provided through a continuing resolution, keeping the level of funding at that of fiscal year 1974. With the passage of joint resolution 219, which is presently in conference, funding will be assured at this level through June 30, 1975. However, if the President's budget request of $75 million for ESAA for fiscal year 1976 is approved by the Congress, it will mean a cut of $161 million in this very worthwhile program.

In passing the Emergency School Aid Act, the Congress recognized the need to: First, meet the special needs of minority group segregation and discrimination among students and faculty in elementary and secondary schools; second, encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and, third, aid schoolchildren in overcoming the educational disadvantages of minority group isolation. If the purposes of this act are to be fulfilled, adequate Federal funding is essential since funds are required to which local educational agencies do not have access.

If the President feels that ESAA is not working, I suggest that he take a good look at the Amityville Union Free School District where there is clear and conclusive proof that it is working. The problems recognized by the 92d Congress are being dealt with as a result of the funds that Amityville has received under ESAA for the last 2 years. Presently, the program is composed of three components: First, remedial services—reading and mathematics; second, learning disability services; and, third, administrative and auxiliary services.

The results of the Amityville program have been dramatic. The following test results compare the growth on reading and mathematics scores on metropolitan achievement tests—MAT—between October 1, 1973, and May 1, 1974, for students receiving special instruction under the ESAA program:

	ESAA—Reading			ESAA—Math		
Grade	Pre-test mean	Pre-dicted mean	Post-test mean	Pre-test mean	Pre-dicted mean	Post-test mean
2	1.49	1.81	2.35	1.40	1.65	2.32
3	2.07	2.43	2.65	2.20	2.60	3.31
4	2.43	2.76	3.06	2.79	3.19	3.63
5	3.12	3.48	3.90	3.69	4.15	4.71
6	3.58	3.94	4.43	4.16	4.59	4.97

These test results show that the actual growth in reading and mathematics was greater than the predicted growth. In all instances the differences are too great to be attributed to chance. ESAA has made the difference.

The success of ESAA in Amityville is also reflected in the degree of community involvement that has developed. The Amityville School Board first suspected that their funding might be in jeopardy when they received a communication from the region II office of HEW, stating that there might be a change in the eligibility criteria for funding under ESAA, implying that Amityville might not be eligible for funding during the school year 1975–76.

Since the first hint that their funding under ESAA might be discontinued, I have received countless letters from the citizens of Amityville, expressing their support for their program and the need for its continuation. Although Amityville has accomplished much in the last 2 years, there is still much left to accomplish. The educational attainment of minority students is still below that of their peers.

My impression from observing the operation of the Amityville program is that ESAA is one of the more worthwhile educational programs developed by the Congress. I urge every Member to look into this matter—the value of ESAA will become self-evident.

This country has made great strides in the effort to end discrimination and improve the quality of education for all children. I am confident that the Congress will realize that what is more important is the distance we have yet to go. Now, as we approach our 200th year as a nation, is not the time to slip backward. The House must set the priorities of America straight and reject the President's proposed cuts in funding under the Emergency School Aid Act.

CARL McNEELY

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. EVANS of Indiana. Mr. Speaker, Carl McNeely will be retiring later this year from Rockwell International Corp., where he was manager of the Admiral Group's Shelbyville Cabinet Division.

Mr. McNeely has been active in community affairs in Shelby County for many years and has lent a helping hand to a variety of voluntary groups.

Because people like Mr. McNeely deserve public recognition and thanks for all they have done, I am inserting into the RECORD an editorial which appeared in the Shelbyville News on February 26:

PARTICIPATING CITIZEN

Over a long period of years, this community has benefited greatly from what we believe to have been an unusually large number of citizens who have contributed much to the common welfare of the city and county—quite beyond the large responsibilities of their jobs and their families.

We have noted in these columns on a number of occasions that it is such people among us who help make our community a better place than it would otherwise be as a place to work, to raise families and to enjoy life in general.

Today, we'd like to mention one such person who, in our opinion, is an example of the truly participating citizen.

We speak of Carl McNeely, manager of the Admiral Group's Shelbyville Cabinet Division of Rockwell International Corporation, and we single him out now as an appropriate time to recognize a few of his citizenship attributes because of the announcement of his retirement later this year.

McNeely, who joined Admiral some 30 years ago as personnel manager and controller at the local plant, became general manager in 1962.

Going back quite a few years, he served in the National Guard from 1930 to 1941 and attained the rank of lieutenant. He served in the U.S. Army from 1941 to 1960 and saw World War II service in the Pacific Theater of Operations and was elevated to the rank of major. He retired from military service in 1960 as a lieutenant colonel.

This good citizen served as a member of the Shelbyville school board two terms, from 1958 to 1964. He was a member of the board of trustees of the First United Methodist Church and in 1967 was chairman of a campaign to raise funds for a new church building. He has been a member of the board of directors of the Shelby County Youth Center (REC) since 1948 and has been secretary-treasurer of that United Fund agency since 1953. He was president of the Shelby County Chamber of Commerce in 1968–69. He received the Chamber's Outstanding Citizen Award in 1965.

McNeely has been extremely active in Shelby County United Fund for many years. He served the fund-raising organization as general drive chairman in 1964, was president of the board of directors in 1965, and has served on the board for a number of years. He is a member of the Lions Club, a member and former exalted ruler of the Elks Lodge here, is a member of the Eagles and Masonic Lodges and the Fraternal Order of Police, and an associate member of the Knights of Columbus.

In these and other activities, his volunteer work with a wide variety of community projects demonstrates what one person can be and do. He is an example of the well-known saying that, "If you want to get something done, ask a busy person".

McNeely's retirement, when it becomes effective, is likely to be just a word—and we can all be grateful for that, for the community has great need for such people—now and in the future.

ADDRESS OF AURORA COLLEGE'S PRESIDENT LLOYD M. RICHARDSON

HON. TIM L. HALL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. HALL. Mr. Speaker, Dr. Lloyd M. Richardson is now in his first year as president of Aurora College in Aurora, Ill. Dr. Richardson is an outstanding educator and administrator and will bring dynamic leadership to Aurora College.

Mr. Speaker, the Aurora College News has printed excerpts from Dr. Richardson's inaugural address. In his address, he provides all of us an insight not only into Aurora College but the problems generally faced by institutions of higher education. As a member of the Education and Labor Committee, I found the speech most interesting and wish to share it with our colleagues. Dr. Richardson's address follows:

IN DREAMS BEGINS RESPONSIBILITY

Mr. Matthews; directors of Aurora College; distinguished representatives of colleges, universities and learned societies; colleagues of the faculty and staff; students; friends of Aurora College:

The occasion which brings us together this day is one which evokes mixed reactions. In large measure you have entrusted to me the future of Aurora College. That is an awesome responsibility. I come to this hour with high expectations and yet with some anxiety.

As we celebrate together this moment in the college's history, I should like to use it as an opportunity to reflect briefly upon the needs of the present, the heritage of the past, and then to consider the possibilities of the future.

These are exciting and challenging times for those of us actively involved in higher education. Any careful observer of the contemporary scene cannot escape the impact of frequent and repeated references in the media to the dilemma, yea crisis, which confronts higher education, particularly independent liberal arts colleges such as Aurora College. It is true that we, along with our colleagues in similar institutions across the land, face a whole complex of interrelated problems that challenge our very existence.

How shall we respond to this situation of which we are so vividly aware? The writer of Hebrews recalls for us the response of Abraham when called by God to journey into a new land. This man of faith "went out," not knowing whither he went. We too must venture forth, and we do so in faith.

We have been reminded often of the "crisis of confidence." The erosion of public confidence in higher education has come with the realization that mere accumulation of knowledge through research and scholarship cannot alone solve societal problems. Yet, education, in spite of its failings, *has* enabled this nation to capitalize upon opportunities and resources far beyond that of any other people throughout history. Nevertheless, the current attitude toward higher education reflects ambivalence and skepticism about the value of a college degree, especially one in the liberal arts.

Some would suggest that the *major* challenge confronting liberal arts colleges is not financial in nature but rather a questioning on the part of prospective students as to the validity of a liberal arts education as adequate preparation for life in the real world, their world. Hence, our attention has been directed to a pervasive, and ultimately more serious, "crisis of purpose." The problems which threaten our very existence—declining enrollments, escalating expenditures, and stabilized gift income—must be recognized and dealt with as grim realities. Transcending those concerns, however, is this challenge to the credibility of our type of institution and the fundamental goals and values upon which it is based.

The commentators would have us believe that colleges and their administrators are increasingly the products and victims of the larger culture and, as such, have lost control over their own destiny. A resigned sense of fatalism seemingly has afflicted higher education.

Yet I would remind you that throughout its evolution the academy has faced many periods of change, many conditions of tension and stress, and many challenges. Change is inevitable.

A glance back into the relatively brief history of Aurora College reveals that men of vision, integrity and dedication "looked forward," and in so doing possessed the faith and courage to meet the challenges of their day. We must be equally prepared.

Dr. Orrin Roe Jenks courageously moved a struggling school from Mendota, Illinois to a new campus in a cornfield on the southwest edge of Aurora in 1912. With very limited resources he, along with community leaders and friends across the nation, created a new institution. The attractive and functional campus we enjoy today bears testimony to the wisdom and foresight of this man and his successors. He met the challenge and established a viable institution to serve with distinction and purpose the constituency of his day.

Dr. Theodore P. Stephens met the problems of Aurora College during succeeding years. Greater financial stability was attained, as was regional accreditation, an expanding academic program, and an enlarged physical plant. He envisioned the contribution the college could make to the community—educationally and culturally—and thus increased the base of service and support to include a broader segment of the Fox Valley. He too met the challenges of *his* day.

Dr. James E. Crimi was taken from us before his work was complete. Nonetheless, he made an immeasurable contribution to Aurora College. Confronted with expanding enrollments and diversified interests, he took the necessary steps to introduce new educational programs, improve academic quality, strengthen the faculty, expand student services, and improve the physical plant. His leadership in the area of adult education is well known. Born out of educational philosophy rather than pragmatism, and coming as it did nearly two decades before the current rush to identify and serve the "new student," this contribution was indeed a tribute to his understanding of the very essence of the liberal arts college as a "liberating" agent.

Drs. Jenks, Stephens, and Crimi, along with other administrators, faculty, students, alumni and friends of the college have joined ranks to meet the challenges, even the crises of the past because of a commitment to the fundamental mission, purpose, and ideals for which this institution was founded.

So it is for us! As rational beings, we cannot simply accept the dismal predictions forecast by the prophets of doom but rather seize upon the condition of crisis, in the best sense of Webster's definition of the word, as "an opportunity," "a turning point," "a decisive moment," "a time of radical change."

In the light of these present challenges, therefore, we are led to re-assess the values which Aurora College has traditionally sought to serve. In doing so, we must attempt to redefine institutional identity only within the context of these ultimate goals and purposes, and elicit a renewed declaration of the commitments to which the college and those within it subscribe.

Let me hasten to reaffirm these basic tenets. As a Christian college we shall continue to encourage wholesome development of a Christian faith and life by providing opportunities for study, fellowship, worship and meditation. To those who seek it, we will provide an opportunity for systematic study of religious faith and practice. We will encourage a confrontation with basic religious questions, while acquainting the student with rival claims to truth. As an institution we will stand steadfast in our belief that the ultimate meaning and purpose of human existence can best be discovered in the life and teachings of Jesus Christ as epitomized in one of His parables when He elevates selfless service to the needy and dispossessed with these words, "Truly, I say to you, as you did it to one of the least of these my brethren, you did it to me" (Matt. 25:40).

As a liberal arts college we shall continue to invite professors and students to become a community of scholars dedicated to a quest for truth. Therefore we are committed to a truly "liberalizing" education which confronts a student with his humaneness and provides him not only with value questions but encourages an openess of spirit through which one's true identity may be discovered.

As a small college, we shall continue to respect the dignity of the individual and seek to foster his full development as a human being, for personal and intellectual growth can only be obtained when there is confidence and self-esteem, operative within a horizon of hope.

As an independent college, we remain committed to a dual system of higher education in which we look primarily to private sources for support, independent of government influence, as a necessary condition for the preservation of our freedom of inquiry and expression, and our emphasis on values.

With that reaffirmation as background, let me address myself briefly to the question of the future of Aurora College. That future is tied, indubitably, to our ability to provide an alternative. The admonition is to be different and to be better. These are both qualitative dimensions. Quality for Aurora College is a function of direction and commitment to socially relevant and desirable goals through the vehicle of our unique and distinctive character as an institution.

How can we make a difference, have an impact for good in the last quarter of this century? There are alternatives before us. Difficult decisions must be made. Institutionally, we must find our path. This can only be accomplished through vision born of purpose—a dream in which design for action is discerned.

My vision for Aurora College is that of an institution noted and respected for its academic excellence, its quality of educational program, its responsiveness to community and societal needs, its fiscal stability, and its fidelity to its heritage as a Christian, liberal arts college.

It is clear that we are experiencing a "no-growth" phenomenon in higher education. It is important that we adapt to this "steady-state" condition through introduction of new programs and courses, that we seek to improve instructional and non-instructional productivity, and that we identify new sources of students and new dollar resources. Attempts at expansion alone, however, are insufficient to remain viable in a "non-growth" industry.

At Aurora College, the most feasible approach to achieve academic excellence is to examine existing and proposed programs with the intent of developing selected excellence. That is, we must channel our limited resources into programs which hold promise of producing quality experiences and which meet the real and perceived needs of our students and society.

The size and nature of Aurora College allows us to seize another opportunity, thus is, the creation of a learning environment where vocational preparation is an integral part of a student's *total* educational experience in a continuous and developmental sense. There is, to me, no inherent conflict between the nature of the liberal arts and that of career preparation. I see a college where vocational preparation is integrated into the academic experience, where that preparation is examined for its intellectual content and given humane direction.

Landrum Bolling has stated that "the greatest need in education today is to reassert the central role in the search for, and the definition of, values and meaning. This is what liberal education is all about." Certainly, a primary objective must be to identify those values which influence our behavior, apply reason and intellect to their appraisal, and then examine their consequences for the individual and society. Consequently, I see a college where the reality of human concern permeates the instructional process and where students are confronted with ultimate questions.

I also see a college with a faculty of men and women who are mature in both scholarship and religious experience; men and women who can illuminate their respective fields of learning with Christian faith and insight; a faculty which creates a campus atmosphere permeated not just with a set of beliefs but with a way of life.

Aurora College is confronted with problems and challenges at this stage in its history. These problems become opportunities when there is vision. We have a fascinating dream which draws us onward. It is our hope in the future. To reach it we may have to fit the sail to the breeze, but we will relentlessly, uncompromisingly pursue that course.

What is the role of presidential leadership in this voyage? I have a dream for Aurora College. In that penetrating and insightful line from Yeats resides a tremendous truth: "In dreams begins responsibility." You have made me responsible and accountable for the challenges before us. There is a renewed concern for an old moral principle which holds that the only authority deserving one's allegiance is that which people freely and knowingly grant to their leader. I covet that allegiance and look forward to the assistance of colleagues and friends in meeting the challenges before us. Together we must dream, and translate those dreams into reality.

CONGRESSMAN ANNUNZIO URGES TAX BREAK FOR HIGHER EDUCATION EXPENSES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ANNUNZIO. Mr. Speaker, on January 14, 1975, I introduced H.R. 193 which would amend the Internal Revenue Code to allow a deduction from gross income of one-half of tuition and other expenses related to the cost of college attendance for an individual or his children. The assistance which this legislation would provide is sorely needed by college students and their parents whose resources are being eroded by the relentless pressure of double-digit inflation. The cost of educating one's children, long a formidable burden for the average family to face, is fast becoming impossible to bear in an era of economic instability.

The only help now provided by the tax system for higher education expenses is a deduction for the cost of studies undertaken to maintain or improve skills needed in a trade, business, or other employment situation. If people are recognized in the tax law as deserving a break for the costs of education to keep their jobs, then I think our young people and their parents should have the same kind of benefit to help get started in a profession.

From 1962 to 1972, fees for tuition, room and board at public colleges and universities increased 50 percent compared to a 38-percent increase in the Consumer Price Index. During the same period, the costs of private higher education have risen 80 percent, more than twice the rise in the Consumer Price Index. Indeed, many private schools face extinction if the syndrome continues in which these institutions are forced to charge higher fees while the number of students and families able to pay them is steadily shrinking. Vocational programs also have shown steep cost increases.

Middle and lower income students are being increasingly priced out of the college market. Student financial aid programs are limited. And so, with rapidly rising costs, we face a situation in which costs of postsecondary education are eliminating those who fall between the categories of poor and rich. Children of the poor frequently qualify for full scholarships, and those who are rich can afford high tuitions.

It is primarily moderate-income American families, frequently ineligible for Federal student assistance, which have been caught in the higher education cost squeeze. With prices of even basic necessities spiraling upward, family plans for heavy outlays for education must be drastically curtailed or even abandoned. My plan to allow a deduction for half of the college expense burden should prove an important benefit to those families.

Mr. Speaker, most Americans want more for their families than to provide just for physical survival. In addition to providing a pleasant home and reasonable financial security, they want their children to be educated to as high a level as their abilities will carry them. Often this desire is coupled with the hope that the children will attain a better position in life than circumstances gave their parents the opportunity to achieve.

I urge the support of my colleagues in the House of Representatives for this vital legislation.

HARMFUL RESULTS OF GOVERNMENT CONTROLS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ARCHER. Mr. Speaker, I have been very concerned with the increasing intervention of the Federal Government in our economic system. Although Federal bureaucrats proclaim they want to "preserve competition" or "assist businesses," the results have been the opposite of such stated intentions. Federal regulations have imposed enormous burdens on individuals conducting businesses even to the point of driving certain individuals completely out of the business field.

I would like to enter into the RECORD an editorial entitled "The Loss of a Great Car," which appeared in the January 28, 1975, issue of Old Cars. It illustrates the effects of excessive Government controls on business both in the United States and in Britain.

The article follows:

THE LOSS OF A GREAT CAR

Aston-Martin, British producers of fine, fast sports and GT cars for more than 50 years have called it quits. The firm signed its own death warrant by public admission of its financial travails and only waits for the spadesful of Labor government earth to cover the coffin.

Never a volume producer, Aston-Martin built cars for enthusiasts who delighted in sophisticated handling, performance, and engineering. In recent years the cars were regarded as England's answer to the Italian-built Ferrari, though Anglophiles might retort that the Ferrari is Italy's answer to the Aston-Martin.

But Aston-Martin today is, to borrow the title of a book by an English author, a burnt-out case.

The grand old name of Lagonda was also consumed in the financial holocaust. Lagonda which had direct ties to W. O. Bentley, was begun by an American, Wilbur Gunn, a transplanted engineer who named the car after the Indian spelling of a river in his native Ohio.

What caused Aston-Martin to fail, especially in the face of orders totalling better than 4½ million dollars?

Mismanagement? Doubtful. Lack of demand for the cars? The orders on the books put the lie to this thesis.

If any one primary factor killed Aston-Martin it was government. Government here and government in its native England.

Our government employed their full weight of obstructionism by bottling up the importation and sale of these cars. They demanded that they carry the same sort of beepers, bleepers, buzzers, and bumpers as every Chevy popping forth off assembly lines. Egalitarianism in action. It seems to us that those who can afford an Aston-Martin worry very little about their ability to absorb a 5 m.p.h. bop in the nose from those who park their cars by ear. But federal thinking seemed to be; if the Big Three can meet the standards, why can't Aston-Martin? Begging our question: why *should* Aston-Martin? Why should a small (500 employee) firm be expected to have the time, personnel, and money to halt most of their production and export business to satisfy requirements designed to "protect" the average car buyer? As an aside, we might add that all this government-directed benevolence for our

motoring safety and health seems to have scored a direct hit into the U.S. economy's solar plexus by driving the price of new cars out of the reach of many otherwise willing buyers, with consequent massive layoffs in the auto industry.

ARREST RECORDS: PERMANENT STIGMA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. MAZZOLI. Mr. Speaker, the vast majority of arrests of U.S citizens do not result in conviction. Even when the charge is dismissed or the individual is acquitted, a permanent record of his arrest remains.

This record follows that person throughout his life. And, in many ways the individual can be seriously disadvantaged over an entire lifetime because of an arrest record.

An unconvicted arrestee can be refused credit, housing, employment, licensing, or education under some circumstances.

An arrest record can result in a harsher sentence for a subsequent conviction on an unrelated charge. The existence of an arrest record can result in the denial of bail. And, an arrestee runs the risk of "qualifying" automatically as a suspect of other crimes because of his earlier arrest record.

Although an arrest record does not establish guilt, many law enforcement officials, bankers, employers and prosecutors look upon evidence of a previous arrest as an indication of guilt or as a perdictor of future criminal potential.

This violates one of our basic principles: the accused is presumed innocent until proven guilty.

Legislative remedies are inadequate or nonexistent on the Federal and State levels. Judicial remedies are an expensive, time-consuming, and uncertain solution for most arrestees.

I am happy to note that several curative measures have been introduced in the 94th Congress. I hope we can take positive action soon. Few subjects could more usefully occupy the time of this House and this Congress.

Mr. Speaker, the following article from the Washington Post of March 4 indicates the need for resolution of the problem of arrest records:

ARREST RECORD HEADED FOR TEST

(By Leon Dash)

Warren Hudson III was arrested shortly after midnight on July 15, 1974, in the 1200 block of New York Avenue NW and charged with the murder earlier that night of a Detroit truck driver.

But later, a witness who had identified Hudson as the assailant in the shooting death of James D. Roden admitted he had lied.

In addition, another witness who had read accounts of Hudson's arrest told police she had seen Roden shoot himself. The D.C. medical examiner confirmed Roden's death was a suicide.

Four days after the arrest of Hudson, the U.S. attorney's office dropped the charges against him, and he was a free man. Or was he?

On Feb. 19, D.C. Superior Court Chief Judge Harold H. Greene, acting on a motion by Hudson and citing among other things the "principles of fundamental justice," ordered the destruction of Hudson's arrest record.

But sources in the U.S. attorney's office, who acknowledge that expungement of the record is the only fair thing to do, indicate that Greene's order will be appealed to the D.C. Court of Appeals.

The U.S. Attorney's and corporation counsel's office opposed Hudson's original appeal on the grounds that a Superior Court judge does not have the legislative or judicial authority to destroy police records, no matter how inaccurate. They also view Greene's order as a judicial encroachment on governmental authority.

Prosecutors in both offices cite a 1971 decision by the District's appeals court rejecting the argument that destruction of police records is a legal alternative for persons acquitted of criminal charges.

The court's decision declared that Congress had provided no legislation to allow for such a circumstance and that the destruction of arrest records would perpetuate a fiction after a fact had passed into history—the actual arrest. The appeals court decision involved 75 persons arrested in misdemeanor charges during demonstrations in May, 1970.

In his order, Greene called the higher court's ruling "unrealistic" when applied to a person mistakenly arrested—and never even tried—on murder charges.

"I believe," Greene wrote in his decision, "that . . . a decision by (me) to permit the perpetuation of an arrest record for murder of a man totally innocent of that crime would be erroneous as a matter of law, would be wrong on principles of fundamental justice and would, in a sense, constitute an impairment of the implied social contract between government and the citizen that the former will deal fairly with the latter."

Amid this tangle of legal contentions, maneuvers and counter maneuvers stands Hudson, a thin, disabled 23-year-old Army veteran.

Since his honorable discharge in 1972, Hudson has received a $170 monthly disability check from the Veterans Administration. He was granted a 50 percent medical disability status, recently increased to 100 percent, because of a serious head wound he received while manning a machine gun on a gunboat in South Vietnam's Mekong Delta.

By his own account, he has worked "off and on," twice as a porter and once as a dishwasher.

He lost each of the jobs he said, because he had to return to the VA hospital for an "aggravated nervous condition." The third time, Hudson said, the hospital "decided to hold me for three or four months."

In appealing for expungement of Hudson's murder arrest record, his attorney, Robert Clem, argued that Hudson's head wound has caused him "serious psychological problems, including loss of memory."

"It is conceivable that Mr. Hudson might be unable to explain the circumstances of his arrest for homicide were he called upon to do so by a potential employer, attorney or court," Clem added.

Hudson's case raises two questions about the criminal justice system as it affects Hudson and others arrested under similar circumstances:

Does a person mistakenly arrested for a felony have the right to have the record destroyed, thereby altering a historical fact?

Is the legal system so entwined in the adversary posture taken by prosecutors, defense attorneys and judges that the abstract goal of justice and the rights of defendants are overlooked?

In his order, Greene cited some problems that unemployed Hudson faces if his arrest record is not destroyed.

"In large areas of (Washington), the so-called high-crime areas, a considerable proportion of the residents has an arrest record—not because many are guilty of crime but because arrests are made much more promiscuously there than elsewhere," Greene wrote.

"The high ghetto arrest rate may be due to some lingering prejudice by individual (police) officers. It may be caused more often simply by the fact that more crimes are committed in such areas and that for this reason officers feel an obligation to be somewhat less selective in making arrests, or it may be the result of court decisions which hold that presence on the street in such neighborhoods provides in itself some justification for a police arrest," Greene wrote.

Greene also noted the following:

Federal agencies, local government and private employers discriminate against individuals with police records.

Contrary to the prosecutors' argument, arrest records of persons found innocent of crime "have no law enforcement or other value."

Historical facts are routinely altered, such as in juvenile cases where the law stipulates that court proceedings "shall be treated as if they never occurred.

Failure to destroy the arrest records of an innocent person "violates important constitutional protections. Included among these are the right to privacy and the right to due process of law."

Thomas H. Queen, chief of the misdemeanor section of the U.S. Attorney's office, said the only reason his office originally opposed Hudson's motion is that Superior Court is "without the authority to order the relief sought by the defendant."

Assistant Corporation Counsel John M. Clifford said his office also opposed the expungement request because "we believe it is in the interest of government law enforcement agencies to have (Hudson's arrest record) available to them."

Prosecutors interviewed recently acknowledged privately they routinely review a defendant's arrest record when that person has been arrested on a new charge. They use a defendant's record to determine, among other things, whether they will accept a guilty plea to a lesser charge or ask a judge to impose the maximum sentence for the new charge, they said.

Judges also said they note charges in determining the gravity of previous length of sentences.

Asking that their identities be withheld, several supervisory prosecutors in both offices said they would not have opposed the expungement request if it had been brought to their attention during the original appeal. But once "having gone on the record as opposed to it, the judicial process must steam on," one prosecutor said.

"I think Greene's reasoning is very sound," another prosecutor conceded. "We just probably opposed it because we don't want judicial encroachment on our prerogatives."

Prosecutors acknowledged privately their opposition to doing an injustice to Hudson, but they contest the expungement order because of their "governmental obligations," they said.

Greene focused on that issue in his order. "I have never been able to understand," he wrote, "why even the most committed advocate of what has become known as the law-and-order philosophy would want to oppose the expungement of the arrest record of one who is clearly innocent of the charges for which he was arrested."

CONGRESSMAN FORD ANALYZES REVENUE-SHARING FAILURE IN THE BLACK COMMUNITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. RANGEL. Mr. Speaker, the U.S. Civil Rights Commission recently issued a report criticizing the Federal revenue-sharing program for its failure to meaningfully enforce the civil rights provisions of the State and Local Fiscal Assistance Act of 1972. Nearly a month before that report was made public, the distinguished gentleman from Tennessee (Mr. Ford), addressed the National Conference of Democratic Mayors on that very subject.

This Congress will soon give consideration to extending the revenue-sharing program which is due to expire in August of this year. In view of the importance of this legislation, it would serve a useful purpose for our colleagues in the Congress to be familiar with the issues Mr. Ford discussed at that meeting.

Therefore, Mr. Speaker, I include at this point in the Record the complete text of his remarks entitled "Failure of Revenue Sharing in the Black Community."

Revenue Sharing Failure in Black Community

(By Hon. Harold E. Ford)

Chairman Maier, Mayor Beame, Mayor Maloney, members of the panel, distinguished guests and friends:

I should like to begin my remarks by expressing my sincere appreciation to you for your invitation to appear here in Wilmington at this first public forum of the National Conference of Democratic Mayors. It is indeed an honor and a privilege for me to speak to a group which will serve as the vanguard of social change in this country, a group dedicated to the eradication of governmental indifference.

I come here today not only as a Congressman representing the interests of my constituents in Memphis, Tennessee, but also as a spokesman for the black community. This morning I shall address myself to an issue which all of us in this room have confronted at one time or another—the failure of general revenue sharing in the black community.

As a State legislator in 1972, I ardently supported and was greatly pleased by passage of the "State and Local Fiscal Assistance Act." It was heralded as a new and more efficient means by which State and local governments could deliver federally funded public services. At that time, the administration asserted it would mean more, not less, Federal assistance to cities and States. Of course, had we considered the source of this spurious claim, we would have been infinitely better prepared for what was actually to transpire. As Boston's Mayor Kevin White declared, "I am one who fought for the basic tenets of new federalism in the form of general revenue sharing for the past three years. I find myself chagrined that I don't know now what I have, except that I have less money in the short run and probably the prospect of less in the long run."

Nevertheless, I believe the basic concept of general revenue sharing is sound and it will continue to receive my support in this Congress—with some qualification.

As I see it, the primary concerns of shared funds are the preservation of human dignity and improvement of public welfare. In at least three significant instances, revenue sharing in its present form, has failed to pursue these goals.

First, and most blatant, has been the nearly utter lack of enforcement of section 122 of the Federal Revenue Sharing Act which states:

"No person in the United States shall on the ground of race, color, national origin or sex be excluded in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with revenue sharing funds."

To begin with, the Office of Revenue Sharing does not have adequate staff to effectively monitor use of revenue sharing funds to determine whether this anti-discrimination provision has been violated. More importantly, however, when cases of documented discrimination involving shared funds come to the attention of the Office of Revenue Sharing, it stands idly by, continuing to subsidize unbridled assaults on civil rights. On this point Andrew Biemiller of the AFL–CIO observed, "Regulations and guidelines written on paper don't mean a damn unless there is a capacity and a willingness in the National Government to enforce these requirements."

Only recently, and only after a Federal judge ordered it, did the Office of Revenue Sharing withhold revenue sharing aid from a recipient because of civil rights violations. More than simple coercion is necessary if we are to guarantee the civil rights of all the people.

Another, more fundamental problem with the current revenue sharing program which has grave implications for the black community, is the flagrantly inaccurate statistical data received from the Bureau of the Census upon which revenue sharing allocations are based. The Bureau estimates that it substantially undercounted—by approximately 7.7 percent—the population of black citizens in the 1970 census.

This is more than four times the undercount rate for whites. Consequently, urban centers with a high proportion of black population have been shortchanged under this program. For example, as a result of this undercount, it is reported that the city of Newark, which has a population which is 52 percent black, anticipates a loss as high as $1.7 million in general revenue sharing funds during fiscal year 1975. Surely, this situation of gross inequity deserves immediate corrective action.

Lastly, I call your attention to the formula employed by the office of revenue sharing for disbursing its funds. In essence, it consists of a locality's per capita income, tax effort and population. An article which appeared in the January 1974 edition of Race Relations Reported noted, "Ask Federal officials to explain the formula more carefully and they present the kind of advanced calculus rendering that prompted Will Myers of the Advisory Commission on Intergovernmental Relations to quip, "If we didn't have computers, they would probably have come up with an understandable formula'."

We have already determined the "reliability" of the population dimension of the formula and I submit that the other factors, if not equally unreliable, are at the very least inappropriate criteria. I advocate radical modification of this formula so that need is given the top priority in allocating shared funds.

Many cities which have fallen victim to decay and mass exodus of its residents to the suburban ring, deserve more extensive assistance than would be warranted by the existing formula and I intend to make an effort to see that they receive it.

In conclusion, gentlemen, I wish to reemphasize my support of the concept of general revenue sharing and at the same time my commitment to make it a fair and equitable system of federal assistance.

Groups such as the National Democratic Mayors' Conference and the Democratic Party have an outstanding record of achievement in recognizing and acting to solve the problems of minorities in this country. I look forward with great enthusiasm to working with you to continue this fine tradition.

ORSON WELLES RECEIVES LIFE ACHIEVEMENT AWARD OF THE AMERICAN FILM INSTITUTE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. BRADEMAS. Mr. Speaker, one of America's outstanding artists is the film maker and actor, Orson Welles.

On February 9, 1975, Orson Welles received the third annual Life Achievement Award of the American Institute at a dinner in Los Angeles.

Earlier recipients of this award were the motion picture director, John Ford, and the actor, James Cagney.

Mr. Speaker, I ask unanimous consent to insert at this point in the Record the remarks of George Stevens, Jr., director of the American Film Institute, on presenting the Life Achievement Award to Orson Welles, Orson Welles' acceptance speech, and an article in the New York Times describing the occasion:

Remarks

(By George Stevens, Jr.)

It was thirty-five years ago when a twenty-four year old man came to this town, walked into the RKO Studio, inspected it, and said: "This is the greatest electric train set any boy ever had."

We are here to celebrate what that man has done with that toy. We are here to celebrate the enduring value of what he has created and the knowledge that, even though his place in history is secure, he remains in the fray of movie-making.

Each year the Trustees of The American Film Institute select one artist who has in a fundamental way advanced the film art and whose work has stood the test of time. Orson Welles has advanced the art of film like few others. He has had a positive and profound influence on international cinema.

Too often we measure a film only by its bank account. That is why, in making this award, the Trustees emphasize the test of time. Tonight you have seen inspired films which have met that test, and remembering the stormy seas that Orson Welles has weathered in his career, hear what the writer John Ruskin said, a hundred years ago, in noting that many of the most enduring works in art and literature are never paid for.

"How much," he asked, "do you think Homer got for his 'Illiad' or Dante for his 'Paradise.' Only bitter bread and salt, and walking up and down other people's stairs."

So tonight we measure Orson Welles by his courage and the intensity of his personal vision. He has combined a mighty will with a child's heart to produce a film legacy. He reminds us that it is better to live one day as a lion than a hundred years as a sheep.

Orson Welles has had many days as a lion—as a man of radio, the theatre, as a magician, a painter, a writer, a designer. But, he will be remembered as a creator of films.

In presenting this award for life achievement, let us call him forth with the purest definition of a great man.

A great man never reminds us of others. Mr. Orson Welles.

ACCEPTANCE SPEECH

(By Orson Welles on receipt of the Life Achievement Award)

My father once told me that the art of receiving a compliment is of all things the sign of a civilized man. And he died soon afterwards leaving my education in this important matter sadly incomplete. I'm only glad that on this, the occasion of the rarest compliment he ever could have dreamed of, that he isn't here to see his son so publicly at a loss.

In receiving a compliment—or trying to—the words are all worn out by now. They're polluted by ham and corn and when you try to scratch around for some new ones, it's just an exercise in empty cleverness. What I feel this evening is not very clever. It's the very opposite of emptiness. The corny old phrase is the only one I know to say it.

My heart is full. With a full heart—with all of it—I thank you.

This is Sampel Johnson on the subject of what he calls "Contrarities."

"There are goods so opposed that we cannot seize both and in trying fail to seize either. Flatter not yourself," he says, "with contrarities. Of the blessings set before you, make your choice. No man can at the same time fill his cup from the source and from the mouth of the Nile."

Well, this business of contrarities has to do with us. With you who are paying me this compliment and with me who have strayed so far from this home town of ours. Not that I'm alone in this or unique. I am never that. But there are a few of us left in this conglomerated world of ours who still trudge stubbornly along the lonely, rocky road and this is, in fact, our contrarity.

We don't move nearly as fast as our cousins on the freeway. We don't even get as much accomplished, just as the family-sized farm can't possibly raise as many crops or get as much profit as the agricultural factory of today.

What we do come up with has no special right to call itself better. It's just different. No, if there's any excuse for us at all it's that we're simply following the old American tradition of the maverick. And we are a vanishing breed. This honor I can only accept in the name of all the mavericks. And also as a tribute to the generosity of all the rest of you—to the givers—to the ones with fixed addresses.

A maverick may go his own way but he doesn't think that it's the only way or ever claim that it's the best one—except maybe for himself. And don't imagine that this raggle-taggle gypsy is claiming to be free. It's just that some of the necessities to which I am a slave are different from yours.

As a director, for instance, I pay myself out of my acting jobs. I use my own work to subsidize my work. In other words, I'm crazy. But not crazy enough to pretend to be free. But it's a fact that many of the films you've seen tonight could never have been made otherwise. Or if otherwise—well, they might have been better. But certainly they wouldn't have been mine. The truth is I don't believe that this great evening would ever have brightened my life if it weren't for this—my own particular contrarity.

Let us—Let us raise our cups then standing, as some of us do, on opposite ends of the river and drink together to what really matters to us all—to our crazy and beloved profession. To the movies—to good movies—to every possible kind.

I leave you now in default of the eloquence this high occasion deserves with another very short scene from the same film—a piece of which you saw earlier with John Houston and Peter Bogdanovich—just by way of saying good night from one who will remember tonight—not as a sort of gala visit but as a very happy homecoming. And who remains not only your obedient servant, but also in this age of supermarkets your friendly neighborhood grocery store. Good night. Thank you.

[From the New York Times, Feb. 10, 1975]

ORSON WELLES GETS FILM INSTITUTE AWARD

LOS ANGELES, February 9.—Orson Welles, the film maker and actor who remains one of Hollywood's most enigmatic personalities, received tonight the American Life Institute's Life Achievement Award.

Mr. Welles, 59 years old, his bulky figure looking as Falstaffian as ever, accepted the award from George Stevens Jr., director of the institute, at a black-tie dinner in his honor at the Century Plaza Hotel.

Mr. Stevens described the bearded film maker as a "great man who never reminds us of others" and told an audience of about 1,200 persons from the movie industry how Mr. Welles had "weathered stormy seas" to become "a positive and profound influence on every man and woman of our time who has chosen film as a profession."

EARLY BROADCASTS HEARD

The $125-a-plate dinner, which was videotaped for broadcast Feb. 17, included clips from 14 motion pictures made by Mr. Welles, including "Citizen Kane," "The Magnificent Ambersons," "The Lady From Shanghai," and "Chimes at Midnight," with Mr. Welles as Falstaff, his favorite role as an actor.

The award, which was presented for the third time tonight, is an annual presentation. The previous winners are James Cagney and John Ford, the late director.

Portions of Mr. Welles' early broadcasts were also heard, including his voice as "The Shadow" from the old radio series and a segment from the famous "War of the Worlds" broadcast.

A number of celebrities, including Charlton Heston, Ingrid Bergman, Peter Bogdanovich, Janet Leigh, Dennis Weaver and Natalie Wood discussed Mr. Welles's contribution to movies, radio and the theater, and offered personal memories. Joseph Cotten, the actor, who appeared in two of Mr. Welles' most acclaimed films, called the film maker "a man of deep perception . . . who has had an awesome and profound influence on the lives and careers of all of us."

"If it wasn't for him I could be very happy working in my uncle's bank in Sycamore Street in Petersburg, Va." Mr. Cotten said, adding that Mr. Welles had brought him and other actors to Hollywood to make "Citizen Kane." He was later also in "The Magnificent Ambersons."

BERGEN RECALLS SHOW

Edgar Bergen, who appeared with his wooden friend Charlie McCarthy, recalled the night of Oct. 30, 1938, when Mr. Welles' radio production of "War of the Worlds," which used news bulletin techniques for realism, panicked many listeners, who thought creatures from Mars had landed on earth.

Mr. Welles, who flew from Paris to Los Angeles to accept the Film Institute award, was said to be extremely pleased about the honor, particularly because of the wide range of Hollywood Establishment notables on the institute's board of trustees.

In presenting the award, Mr. Stevens said that it was given "to one whose talent has in a fundamental way advanced film art and . . . whose work has stood the test of time." In an apparent reference to the fact that Mr. Welles' films were never very successful financially, Mr. Stevens remarked that "too often a film is measured only by its bank account."

"So tonight," Mr. Stevens said, "we measure Orson Welles by his courage and the intensity of his personal vision. He has combined a mighty will with a child's heart to produce a legacy of enduring creation."

A CONTROVERSIAL START

Mr. Welles's career in Hollywood was controversial from the start. "Citizen Kane," his first major film, which he made for RKO Studios when he was 25, was a thinly-veiled biography of William Randolph Hearst. Mr. Hearst attempted to halt the film's release and, failing that, banned both the mention of the picture and Mr. Welles's name from all his newspapers.

The American Film Institute is a Government-chartered body that serves as a training ground for new film makers. As part of the ceremonies tonight, Mr. Cotten presented three special scholarships in Mr. Welles' name to two young men and a woman who are first-year fellows of the institute. All proceeds from the dinner and television broadcast go to the Film Institute.

THE REALITY OF TAIWAN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ASHBROOK. Mr. Speaker, recently the chorus again has been heard, "It is time to diplomatically recognize Red China and withdraw diplomatic recognition from Free China." Why? The reason is usually something about recognizing realities.

That argument, though, is one of the greatest myths that has come down the pike. There is nothing realistic about recognizing Communist China at the cost of withdrawing recognition from the Free Chinese.

The Republic of China on Taiwan has one of the highest living standards in Asia—much higher than that on the mainland. The foreign trade of Taiwan is as great as that of the whole mainland. It is obvious to the most impartial observer that the Republic of China on Taiwan is a lively and important player in international trade and life.

Withdrawing diplomatic recognition from the Republic of China would be ignoring the existence and importance of the millions of Chinese on Taiwan. That would be neither good politics nor good diplomacy.

Our relations with Taiwan are many and varied. Over the years—from World War II to the present—the Republic of China has been a proven ally of this country. Why should our country do anything further to weaken that alliance which serves both countries well?

The Chinese Communists want to take over Taiwan. They have never hidden that goal. Any move to withdraw diplomatic recognition from the Republic of China would be a very destabilizing move in Asia.

Dr. George Chu has analyzed the situation. In regard to a possible invasion of Taiwan, he writes,

> The political behavior of the Chinese Communists has been so erratic there is no guarantee that their power struggle may not burst into an adventure against Taiwan, a paramount and ultimate objective on which they all seemed to agree.

The Chinese Communists have not invaded Taiwan itself in the past 25 years. This is due to a number of factors. One of the major reasons is that our treaty and diplomatic commitments to the Republic of China have warned the Red Chinese against foolish adventures. Our relations with the Republic of China have been and continue to be close. I see no reason that they should be changed.

Perhaps, before the President and the Secretary of State make their next trip to mainland China, they should stop in Taiwan. It would be a worthwhile visit. In addition, I understand the well-traveled Secretary of State has never visited Taiwan. Such a visit might help him understand what free Chinese are attempting to do.

At this point I include in the RECORD the text of an excellent analysis by Dr. George P. C. Chu, "Is Red China Capable to Taking Taiwan by Force?" from the March 15, 1975, issue of Human Events.

IS RED CHINA CAPABLE OF TAKING TAIWAN BY FORCE?

(By George P. C. Chu)

If the United States should accept Peking's term regarding Taiwan as a price for full diplomatic relations, the specter of a war over the island would be inevitable.

In his "Agenda for 1975" veteran diplomat Charles W. Yost called for such relations "no later than the time of President Ford's visit to Peking." (The Christian Science Monitor, Dec. 26, 1974). Columnist Jack Anderson quoted his diplomatic sources as saying that this may be just what is going to happen. Although the State Department has denied it to be the case, there is reason to assume that when it did happen, the Communist may regard that as a green light to take Taiwan.

The Communists have attempted to invade the island at least three times during the last 25 years. The first attempt was made right after they proclaimed the founding of the People's Republic in late 1949, when they marked the event by landing some 20,000 troops on the offshore island complex of Quemoy as a prelude to a full invasion of Taiwan. That was a fiasco as the 20,000 troops were either killed or wounded and captured on the beach.

The second and third attempts were made in 1955 and 1958, touching off what are known as the first and second Taiwan Straits crises. In 1958, the Communists started out with a highly intensified artillery bombardment, again, of the Quemoy complex as well as Matsu, another island complex off the mainland coasts. The invasion did not materialize. But it was not called off until after John Foster Dulles threatened to attack the mainland in retaliation with nuclear bombs.

The bomb-rattling "brinkmanship" of Dulles was made possible by the Formosa Resolution of 1955, which the Congress passed in the wake of the first crisis in the Taiwan Straits. Under this resolution, the President was authorized to take whatever action he deemed necessary to help defend Quemoy and Matsu if he considered an attack on the two island complexes to be a threat to the security of Taiwan, with which the U.S. signed a mutual defense treaty in 1954.

Experiencing the biting substantiality of the two "scraps of paper" of the American "paper tiger," the Communists have never tried to take either the two offshore island complexes or Taiwan ever since.

Now that the Formosa Resolution is no more—it was repealed in November 1974—what is left for the security of Taiwan is the mutual defense treaty. And the Communists have been demanding that Washington abrogate this treaty and break ties with Taipei altogether as a prerequisite for normalizing relations with them. If the U.S. should give in to them, how much simpler it would be for them to resume their unfinished business.

But Taiwan is not a piece of pie just for the eating. It is a fortress defended by a 600,000-man armed force equipped and trained by the United States. With their very survival at stake, the Nationalists can be expected to put a do-or-die resistance if attacked.

The Defense Department and the Central Intelligence Agency reportedly believe that the Nationalists should be able to hold out after the U.S. withdraws from Taiwan, and that in order to take the island, the Communists would have to mount a costly Normandy-style invasion across a hundred miles of water. Can they afford such an invasion? More realistically, would they suceed in it?

In pure statistics, Peking maintains an armed force of about 2.9 million men at present. According to the London Institute for Strategic Studies, the total includes the 2.5 million in the army, the 141,000 in the navy, and the 180,000 in the air force. The army consists of 110 infantry, five armored, three cavalry, and two airborne divisions (of 12,000 to 14,000 men each), in addition to various supporting and logistic units, such as the artillery, the signal, and engineer regiments, etc.

The navy, as indicated in the *Jane's Fighting Ships, 1974–75,* has the following numbers and types of ships and craft: 44 Submarines; 8 Destroyers (plus four presently under construction); 9 Frigates; 11 Escorts (Sloops and Corvettes); 17 Fast missile boats; 20 Submarine chasers; 315 Fast gunboats; 200 Fast torpedo boats; 22 Coastal and river defense vessels; 27 Medium and small minesweepers; 54 Amphibious (landing) ships and craft; 33 Auxiliary support ships; 375 Miscellaneous service craft.

Of all these, only the fleet of 44 submarines is considered an offensive weapon, and only one of them is believed capable of carrying six to 10 medium-range (600 to 1,000 miles) ballistic missiles with nuclear warheads. The lack of fire support ships such as cruisers (let alone battleships) and a large number of amphibious landing ships and craft tends to confirm a belief that the navy is primarily oriented to coastal defense.

The air force, according to the *Jane's Weapons Systems, 1974–75,* has 2,800 combat aircraft, including 1,700 jet fighter-interceptors of MIG–15, 19 and 21 types; 60 F–9 jet fighters with a speed of 1,400 miles per hour and a combat radius of 300 to 500 miles; 30 long-range and 150 short-range bombers.

In addition, the Communists have about 1,500 air defense radar units, 4,500 anti-aircraft artillery emplacements, and 50 surface-to-air radar-guided missile batteries. From this it can be seen that the air force, just like the navy, is also primarily oriented for self-defense, although numerically, the 2,800 combat aircraft are a much larger strength compared with the 500 combat aircraft of the Nationalists.

The Communist army is sizable—in fact, the largest in the world. But its offensive capability, especially when used against Taiwan, depends on the strategic sealift and airlift capability of the two other services.

In the views of Ellis Joffre and L. M. Martin and other military analysts, Peking's such capability is extremely limited. It is noted, of course, that their judgment is based on Western standards, which may not be the base for assuming that the Communists would be inhibited by it from attempting an amphibious operation.

In their invasion of Quemoy in 1949, they shipped their assault troops there by motorized junks, fishing boats, and even sampans. The crossing of the 100-mile-wide straits would be a different story, but in both 1955 and 1958, they were again prepared to do the same, except on a much larger scale.

This would be suicidal against an enemy with a powerful modern air force, to be sure. But if the enemy were Taiwan, the Communists could exploit the numerical superiority of their air force in providing a cap for the assault troops shipped by primitive means.

Conceivably, Peking can use its submarines and air force to blockade and strangle Taiwan. Its bombers, in particular, can be used to cripple the transportation system or even the economy on the island. But the losses for Peking would be very high, for it is here where the Nike-Hercules and the Hawk surface-to-air missiles and the far better trained air force of the Nationalists would prove deadly to the invaders.

On the other hand, the island, being oblong and narrow in its width and lacking in depth for defense as a result, is most vulnerable to a combined assault by sea and air. Theoretically, an invader can cut the island in two by driving a wedge at the center with his airborne troops, and pushing both south and north from there with reinforcements rushed in from the air. This, however, is beyond Peking's limited airlift capability.

In all events, if the defenders should be determined to fight to the last, the invaders would have to incur a tremendous number of casualties as shown in the Pacific campaign of the U.S. at the close of World War II.

Peking's nuclear capability, if used in the invasion, would change the picture entirely. But this prospect should probably be discounted for many reasons.

First, upon his first test-explosion of a nuclear device in October 1964, Mao Tse-tung declared that he would never be the first one in the world to use the bomb. Second, to use the bomb on Taiwan unprovoked would be a serious crime against all the Chinese as a people and against humanity as a whole, and be condemned by nations all over the world.

Third and last, such a crime would confirm a deep-rooted apprehension of the Soviets about the recklessness of the Peking leadership, thereby lending support to the hawks in Moscow who have advocated a preemptive attack on China all along.

The nuclear capability of Peking may embolden its leadership, nevertheless, to move toward invading Taiwan. Here the stability and unity as well as the mentality of that leadership comes into play. Although a sort of "triumvirate" has emerged from the Fourth National People's Congress in mid-January to mark a temporary truce of the decade-long power struggle in Peking, there have been reports that Mao is neither happy with the truce nor willing to relinquish his power to the triumvirate completely. In fact, the power struggle has been revived and intensified behind the scenes, this time between not only the "Big Three" (i.e., Chou En-lai, Teng Hsiao-pink and Chank Chun-chao), but also the triumvirate and Mao himself. And both Mao and Chou are aging and ailing.

Such a leadership is certainly not in a position to undertake a sustained military operation of magnitude. But the political behavior of the Chinese Communists has been so erratic there is no guarantee that their power struggle may not burst into an adventure against Taiwan, a paramount and ultimate objective on which they all seemed to agree.

The price of such an adventure can be extremely high in human terms. But the payoff could be a fatal blow to the rival government of the Nationalists and thus the elimination of a source of endless menace and embarrassment. A windfall "fringe benefit" from this prospect would be the damaging of America's credibility in the East as well as the West. Once the ghost of Dulles is "exorcised" from the Taiwan Straits (if President Ford should choose to do so in Peking later this year), the temptation of Taiwan may prove too strong for the Communists on the mainland to resist.

AMERICAN REVOLUTION BICENTENNIAL DRAWS NEAR

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mrs. HECKLER of Massachusetts. Mr. Speaker, as the occasion of our American Revolution Bicentennial draws near, communities across the Nation are preparing to celebrate, as never before, the rich heritage of our great land, and I am privileged to have this opportunity to bring a notable page from this proud history to the attention of my colleagues.

On October 21, 1774, residents of Taunton, Mass., assembled in the Taunton Green to raise the flag of liberty and union—the first such flag to be flown in the colonies. The raising of this flag was much more than a symbolic gesture; it was an inexorable commitment to the cause of liberty and justice. Recently, the 200th anniversary of this historic event was celebrated in the First Parish Church of Taunton, and I am pleased to share with you the remarks made on that day by the Honorable John F. Parker, minority leader of the Massachusetts Senate, and by Robert W. Williams III, historian of the First Parish Church:

THE 200TH ANNIVERSARY—RAISING OF LIBERTY AND UNION FLAG

(Principal address by State senate minority leader, John F. Parker)

When dawn breaks tomorrow upon the City of Taunton, October 21, 1974, it will mark the 200th anniversary, to the day, of the most significant event in the history of this community.

This event of 200 years ago, was no mere prank by over-exuberant youngsters. It was a happening in a developing situation which helped solidify public opinion and resentment in the Colony of Massachusetts against unfair taxation, unfair rule and oppression by the mother country of England.

That this incident took place in this community, as a prelude to the American Revolution, has given our Town of Taunton an ongoing pride. At a given moment in the affairs of this land of America, our people here, displayed the courage to act upon, and with God's help, to stand against the forces of tyranny and oppression, by defiance—open and bitter.

Yes, October 21, 1774, was Taunton's big day in history. On that day, the people of this then tiny town, dared, before anyone else in the colonies, to raise a flag in Taunton Green. It was an appeal to resolution, a call for Liberty, and a call for union among the colonists. The act that day on Taunton Green, ignited a spark that fired the colonists into action and eventually into open resistence. The Taunton flag and its inspiration, gave life and breath to the spirit of independence and finally open revolution.

And, now, my friends assembled here this morning in this historic First Parish church, to mark this observance, might I say something about this town in which we live. It is an ancient community. Its settlement, along the Taunton river by Miss Elizabeth Pole and her hardy band, only 17 years after the Pilgrims landed at Plymouth, makes this town very old indeed.

Elizabeth Pole and her first settlers came to these lands from Taunton, England in 1637. They named the town in honor of their beloved home town of Taunton, England, nestled in the rolling green hills of Somersetshire.

Here in these forebiding forests, Miss Pole and her people eked out a hard existence. They fought the elements, striving to better their lot. They faced sickness, dispair, loneliness and death with amazing fortitude, bolstering their constitutions with prayer and an abiding faith in Almighty God.

Within a short period of years, the little band of Tauntonians under Elizabeth Pole, felt secure enough in this wilderness, to build a meeting house for the worship of God and for public affairs. They constructed it in the immediate vicinity of this parish and they invited here from England, the Reverend William Hook, to serve as the first minister in 1647.

While goodly numbers of people emigrated to America from England to find opportunities in the new land, even from the day the first settler arrived, there was a strong tie with the motherland. These settlers understood and accepted the fact they were colonists. They spoke not of separation from the mother country, for they had friends, relatives and families there. They insisted on a certain degree of independence, yes, but still there was the attachment to England.

The flag of England was recognized as the one used for all ceremonial and necessary occasions and presumably flew over the court house in Taunton. It was carried by the local militia for decades. The colonists accepted a King-appointed governor and judges as well. They were unhappy with a lot of them, but managed to live with whomever the King appointed. The towns looked to the British for protection beyond their local militia. Often young men of Taunton and elsewhere were impressed into military service and took part in many conflicts as British soldiers against the French, Indians and others. Their names and regiments are on record in Historical Hall in Taunton.

This was how it was for the better part of 140 years. Taunton grew and prospered and produced a long line of sturdy, hard-headed, God-fearing men and tenacious, thrifty women, who took only the forests and fields and the streams and made them work for their benefit.

They dug iron from the bogs, smelted and forged it and shipped it to Boston for re-shipment to England. This town, in the 1760's was a beehive of activity. Its 3,000 souls were struggling for success and attaining it.

There were quarrels and controversies with the mother country, to be sure. But here in Taunton, these problems seemed so far away and there was little local involvement. This changed when the pressure of King George's edicts started to cut and hew at the independence of the people as guaranteed by the Massachusetts Bay charter.

It was during this period, in 1769, that a new pastor came to Taunton and to the forerunner of this church. He was the Reverend Caleb Barnun from Danbury, Connecticut. He was a big, some say brawny man, strong on religion, powerful in his sermons and principles. He soon became a tremendous influence in the growing events of the times.

It was this influence of Reverend Caleb Barnun which probably sparked the fierceness of the Taunton colonists, as events unfolded.

The Town of Boston had had trouble with England for a long time, culminating in the Boston tea party in December, 1773. The Sugar Act, the Stamp Act and other measures were being continually resisted by the colonists. A 10-year report went to England, showing that during that period, Massachusetts had denied the right of Parliament to collect taxes. The colony had thrown every obstacle in the way of collecting revenues for the Crown.

Hard action needed to be taken, declared Lord North in the House of Commons. "Those rebellious colonists must be made to pay their just due," he thundered. Lord Mansfield cried that "England should destroy the nest of locusts in Boston, meaning, of course, Samuel Adams, John Adams, James Otis, John Hancock and others."

And so the powerful machinery of Parliament went into action and ground out five measures by the spring of 1774. All five of the bills struck at the very heart of life for the American colonists, including Taunton.

The first act dissolved the Legislature and made them appointees of the Grown.

The second act suspended trial by jury.

The third act disbanded the town militia.

The fourth act threatened all possibility of expansion of New England. It provided for government by a legislative council appointed by the Crown, thereby dissolving town government.

The most offensive of the five acts was the Boston Port Bill. It was a back-breaker for New England and Taunton as well. The bill discontinued the loading and shipping of goods at Boston, and it threatened the economic well-being of Taunton. When the news reached Taunton about these five bills, resentment seethed from one end of the community to the other. People became concerned that business would be ruined and wide-spread unemployment would prevail, if they could not ship their goods out of Boston.

In one of his fiery sermons, Rev. Caleb Barnum thundered to his parishioners: "If our civil rights and privileges are so precious as we have heard, it will then follow that to be deprived of them, is a very, very great judgment of Heaven."

The 38-year-old Rev. Barnum was the catalyst, along with 26-year-old Dr. David Cobb, Zephaniah Leonard, Robert Treat Paine and others in bringing Taunton people together in opposition to the oppressive measures enacted by Parliament and about to be put into effect by General Gage, commander of the British forces in Boston.

Not long after England's decision on the colonies, the Sons of Liberty in Taunton swung into action. A Bristol County Convention was organized, bringing together delegates from all surrounding towns at the court house. Their mission: to discuss and take action on the alarming threat to the colonies and to Bristol County as well.

It was a desperately angry and raucous delegation which crowded into the Taunton courthouse over the dates, September 28 and 29, 1774. They meant business.

Taunton men were the most vocal. These were the men who had, only a month before driven Representative Daniel Leonard out of town, with a gunshot through a shutter of his home on Taunton Green, in violent opposition to his siding with the British, and had harassed other tories out of town. These were the men, also, who had marched to Assonet to warn Col. Gilbert not to accept the office of high sheriff, under the present administration of the colonies.

These were the men, about whom the British authorities in Boston spoke, when they said, "It is more dangerous to be a tory in Taunton than any place in the colony."

For two days, the committee labored and argued, under the chairmanship of Zephania Leonard and secretary David Cobb. It is said Robert Treat Paine wrote the resolution, which declared in part:

"We cannot in justice tamely stand by and suffer everything that is valuable and dear to be wrested from us. We are resolutely determined at the risk of our fortunes and our lives to defend our natural and compacted rights."

The resolution further declared the acts of Britain and its Parliament were contrary to reason. It abhorred the fact which prevented towns from regulating themselves; that civil officers appointed by the king, deserved no obedience or respect; and that they would regulate themselves by opinion and advice of the Continental Congress, then sitting in Philadelphia.

The resolution ended with sympathy for the people of Boston, "suffering under the cruel hand of power," and it called for support and relief, "which," the resolution continued, "we are ready to afford them."

But bitterness did not cease in Taunton, with the passage of the Bristol County resolutions. Angry and worried talk prevailed on every street corner and in every assembly, including this church, as the resolutions went off to Philadelphia.

"What course of action now?" might have been the cry on the streets, in the taverns and in meeting places.

Reverend Caleb Barnum, Dr. David Cobb, Zephania Leonard and others went about the community, bolstering the sagging spirits of their townsmen, as General Gage prepared to enforce the hated Boston Port bill, denying use of the port for shipment of goods.

I ask you now, my good friends, in this ancient and historic church, to turn your thoughts back 200 years to the period, September 29 to October 21, 1774. Imagine what your thoughts would be, if you were there. Your liberty being threatened. Your home might be confiscated. Your fortune and business lost. Your family separated. How desperate, agonized and concerned you might be, as were they. It was real fear, and nothing like it had ever happened before or since. All the concerns of the period were fed by the wildest and most unimaginable of rumors, about the British marching to Taunton, etc.

Men of strength in this community, weighed it all. What to do? The mere wringing of hands was not enough. Wild talk solved nothing. A course of action had to be taken.

Something dramatic had to be done to pull everybody together . . . action that would set afire a flame that would spread across the land, crying, "we are ready . . . ready for independence . . . for freedom . . . for Liberty . . . for union . . ."

Whose idea it was, no one can positively tell. But someone suggested that Taunton fly its own flag on Taunton Green—the military training ground. What better way to defy Great Britain and demonstrate togetherness of the colonies?

But do we dare be so defiant? was the caution. It had never been done anywhere. The flag of England was the sovereign flag of the colonies and Taunton as well.

But the word went out. Be there on Taunton Green, Friday, October 21. Something was going to happen. We were going to fly our own flag and let the chips fall where they may.

A flag had been turned over to the ladies of the town. It probably was one that had been used by the Bristol County militia, for it had the cross of St. George and St. Andrew in a red field. The order to the ladies was to sew three words on that flag: "Liberty and Union."

Several of the town's strongest young men were ordered into the nearby woods. "Get us the tallest and straightest tree you can find, trim it and bring it to Taunton Green."

Another order went out: "Dig a hole for the pole." might have been the words.

When the pole came out of the woods, it was 112 feet long, straight and tall and impressive.

Soberly and thoughtfully the crowd gathered that October Friday on Taunton Green. The town fathers were there. The Sons of Liberty marched in, spirited and shouting. Willing hands had set the pole in the ground. It was not a moment for raucous laughter and by-play. Defiance never is. This was the moment in time when a community would raise a symbol against the motherland. It would not go unnoticed by the British authorities in Boston. What consequences lay ahead, no man or woman could tell. There were several thousand British troops in Boston and what action they would take was speculation. The eyes of those around the Green that day carried the message . . . a message of worry and apprehension: "Are we doing right?" might have been the whispers.

And then, before anybody could say, "NO, don't do it!" the Liberty and Union flag was on its way to the top of the pole, flapping defiantly in the cool October air. The flag snapped its words, for the first time in America, "Liberty and Union." They were simple Latin words, Liberty meaning the right to act in the name of one's own choice, and Union from the Latin UNO, meaning "one."

As the bright red flag fluttered in the wind, all eyes were upon it. Women moved closer to their men, as if for protection. Hands were clasped warmly and sincerely. Old men and women dropped their heads in prayer. The young laughed and joked, but their laughter had the high pitch, that told of nervousness. The children played, unmindful of events. Even those who were enemies, sought each other's eyes, for now, old sores had to heal. If they wanted Liberty it had to be by union. All for one and one for all.

Suddenly a cheer went up as Reverend Caleb Barnum stepped forward.

There is no record of the minister's words that historic day, but he might well have said:

"Beloved townsmen, Heaven bless our Holy cause. We don't want war. God spare us such a fate as that. We pray for peace and pray King George repeal the Tax. We've shed our blood for honor of that flag above, Whose valiant folds have never flown in infamy. But if King George tells General Gage by shot to keep us serfs,

"By your resolve, four weeks ago, to risk our lives, That flag shall see more blood that e're's been shed before."

And there was silence as Reverend Barnum stepped back to his place. Then a placard was placed on the staff by the Sons of Liberty, with an interpreted Latin expression declaring: "Love of Country and Desire for Liberty Increase," and concluded with these burning words:

Born to be free, we spurn the knaves who dare,
For us the chains of slavery to prepare.
Steadfast, in Freedom's cause, we'll live and die,
Unawed by Statesmen, foes to tyrany,
But if oppression brings us to our graves,
And marks us dead, she'll never mark us slaves . . .

The act was done, completed. The flag of Liberty and Union was there against the sky. Defiance of British rule was absolute. Here in this town, there was the courage to risk it all, openly defy and set in motion an event that swept across the colonies, as the news spread and liberty poles were raised in all parts of the land, culminating in open revolution six months later. In that revolution, more than 700 Taunton men participated. David Cobb became an officer with George Washington. Reverend Caleb Barnum, left a wife and nine children for service as a military chaplain, dying of disease after service at Ticonderoga. His last statement was: I have no doubt concerning the justice and goodness of our cause, and had I a thousand lives, they would all be willingly laid down for it."

Robert Treat Paine, whose statue is near this church, was a signer of the Declaration of Independence.

I am certain all the drama of that October day, 200 years ago tomorrow, was captured by Hezekiah Butterworth, when he wrote:

'Twas autumn, bright autumn, when glimmered the weir,
The Taunton flowed full on that beautiful day,
And kirtled wives gathered the flag pole near,
'Mid the old men at prayer and the children at play;
They saw the red flag in blue Liberty's dome,
Wave O'er the valley, Equality's home.
And they heard the men say, while their own lips were dumb,
We'll defend with our valor, and virtue and votes,
The red flag of Taunton that waves o'er the Green.

And, so my friends, when you arise on the morrow, it will be on a very, very special day for this town. As you drive past, walk by or through the Green, think of those courageous Tauntonians and their neighbors of long, long ago, who stood there that cold October day. And who, because they loved freedom of speech, assembly, worship, the press and independence . . . and hated tyranny, were willing to put up their fortunes and all they held dear, to maintain it.

Each of us then on this Sunday, should be conscious of our heritage. As we think of what they did, let us strive to meet that test of courage, in our own hearts and in our own lives.

Let us constantly remind ourselves, that our privileges as Americans, came about, only because, at a given moment of time, courage and determination prevailed over timidity and despair.

In this beloved old town of ours, men dared, and their women supported them, and the beginnings of Liberty and Union were seeded here, 200 years ago tomorrow, October 21, 1774.

A BIT OF HISTORY

(By Robert W. Williams, III, Historian)

"When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to separation. . . ."

Those eloquent words written by Thomas Jefferson and signed by him and 55 others representing the Colonies—including our own Robert Treat Paine—are historic to us now. But the Declaration of Independence was the climax, not the reason why the Colonists rebelled against England. The causes, as history relates, were many.

From the courage of James Otis who first sparked patriots toward rebellion, to the issuance of papers and, in Taunton's case the raising of the Liberty and Union Flag on the training field, the drive toward freedom took shape.

The staking of a flag in the ground or the raising of a flag on a pole was and is, in my opinion, the most rebellious act. It has always meant the taking of possession throughout the pages of world history. Tauntonians were the first to claim this land as our land.

We must remember that Nazism began with only two women and one man; that the defeat of the Bolshevists was the result of plotting by a handful of designers of communism. We have learned that we cannot bask in freedom; we must work to protect it.

Tauntonians salute, in history, Robert Treat Paine, Rev. Caleb Barnum and others. But mostly the first two at this hour. Paine is remembered as first cold, then only lukewarm toward independence until 1773. But that is not strange when we consider that one-third of the Colonists were Patriots, one-third were for the Crown, and the other one-third were disinterested.

Two men of Taunton, Paine and Daniel Leonard, had a decision to make for themselves. One chose the Crown because he was more interested with personal gains. Fortunately, Paine wasn't as easily influenced by the Crown as Leonard, and he lived and has been written on the better side of American history. But what would you have done in those days, particularly with English blood in your veins? History makes it easy for us to decide today, Two hundred years ago we would have had to make the decision as our forebearers did.

Persistence to seek the truth was one thing; the knowledge of the truth was another; but the challenge to do something about the truth was the important thing then as now. We must credit men like the Rev. Caleb Barnum who, from the pulpit of the old meetinghouse that stood on this hallowed ground, warned the people to make a decision once and for all. He said:

"But I was born free. If our civil rights and privileges are as precious as we have heard, it will then follow, that to be deprived of them, is a very great judgment of Heaven. . . . Since the Apostle Paul insisted on the enjoyment of those civil rights as a Roman which were infringed upon, we are taught our duty in like situations. . . . It is our duty to claim those privileges. . . . There is a sort of dignity and energy in Truth and Right which stand in no need of fraud or injustice to support it, but will of their own native tendency rise superior to all opposition. . . . We had better suffer in a good cause than take any undue method to extricate ourselves."

The Rev. Barnum did more than just stimulate his flock with words. On April 20, 1775, one day after the first shot was fired at Lexington Green, he packed his gear and, with a regiment from Taunton, marched to Boston to join the fight for freedom as a Chaplain. He left behind a wife and seven children. His pursuit took him to Canada and thence to Fort Ticonderoga where he became ill. Relieved of his duties, Rev. Barnum began the long trek homeward. He reached Pittsfield where he was stricken and taken in by friends. He died there in August, 1776.

I would credit all preachers of his day for much of the rebellious acts against the Crown. Preachers of the Gospel were the few educated among the people. They represented knowledge and it is natural to conclude their words would be the best advice. The uninterested one-third had to be convinced and motivated by somebody, otherwise a revolution might never have started.

As the Rev. John Christensen said in this pulpit three years ago when this church and the Taunton Colonial Minutemen first joined to point toward this very day:

"This same truth lies in us today. We have come to know that whenever a truth comes into our lives and our consciousness we must do something about it. Freedom comes from the doing, not from the knowing. We are free only when we do something about it. This is the awesome truth about truth!"

That is the real lesson we learn from the acts of 1774 and even to this Bicentennial year. It should be the personal responsibility of every American to pursue the truth, then do something about the results, so that this nation, under God, so conceived in Liberty, and framed as a government of the people, by the people and for the people, shall not perish from this earth!

ENERGY PROPOSALS

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. MOFFETT. Mr. Speaker, today I am inserting into the RECORD a letter I received from Charles Matties, an official of the Connecticut Gas Retailers Association, expressing his points of disagreement with the President's energy proposals. Mr. Matties' support of a mandatory allocation system to reduce consumption of gasoline lends credence to the argument that such a system is workable in Connecticut.

The letter follows:

U.S. Representative TOBY MOFFETT,
Longworth Office Building,
Washington, D.C.

DEAR REPRESENTATIVE MOFFETT: Your support of legislation to prevent the President's imposition of tariffs on imported and domestic oil is requested.

I feel the President's program will create unnecessary hardships and complexities.

The stated objectives as I understand them are: (1) reduce our consumption of and dependence on foreign oil, (2) correct the imbalance of payments, (3) create incentives for exploration and discovery of new oil, (4) eliminate the ability of the O.P.E.C. countries to ever again blackmail or attempt to coerce our nation.

Objective No. 1, can be accomplished very simply by imposing import controls. They could be phased in gradually through the balance of 1975, to accomplish the one million barrels per day reduction by the year's end. Import controls have been used for years to keep out cheap oil. The desirable aspects of this idea is the ability to open or close the spigot ourselves. I believe there is a reasonably good chance no further action will be needed due to present reduced demand and public awareness.

Objective No. 2, would be realized concurrent with the imposition of import controls.

Objective No. 3, already exists in my opinion. Newly discovered oil prices are not controlled. Oil output that exceeds prior production levels from existing wells is also considered new oil and is matched by an equal amount of released oil from existing controlled wells. The present selling price of oil bears no relationship to the actual cost of production. I see no justification in adding rewards to a very profitable product. The additional billions of dollars generated could not be put to work producing oil immediately since there is a shortage of drilling rigs and materials.

The desire to return to "the free marketplace" cannot be realized. What is a "normal marketplace"? We lost that with the recognition that the world supply of oil is rapidly dwindling.

Objective No. 4, would be accomplished as we reduce our demand in a positive way.

We can turn a very troublesome situation into a plus if we successfully cut back on imports.

The O.P.E.C. alliance will continue to fragment if the balance of the free world acts in a positive manner. I feel the solution as proposed will work. The suggested tax rebates and reductions proposed to combat recession have considerable merit and should not be affected by the lack of a tariff. If they are related, the effect could prove counter-productive.

An accommodation with the O.P.E.C. nations will be possible as soon as we prove we are equal to the task. Higher prices may not accomplish the necessary reduction in imports. Strict importing goals will.

The existing mandatory allocation regulations have been refined and will assure equitable distribution within reason.

I have attempted to highlight some of the objections to the President's program as originally stated. I am available to discuss this at greater length with a member of your staff at mutual convenience.

Thank you for your interest in this matter.

Sincerely,

CHARLES R. MATTIES.

CONGRESSIONAL ACTION NEEDED ON REGULATORY REFORM

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ROUSSELOT. Mr. Speaker, I believe that regulatory reform is one of the most important issues that should be pursued by the 94th Congress. Washington University economist, Murray L. Weidenbaum, states in the opening paragraphs of his new book "Government-Mandated Price Increases":

> As the American public is learning to its dismay, there are many ways in which government actions can cause or worsen inflation. Large budget deficits and excessively easy monetary policy are usually cited as the two major culprits, and quite properly. Yet, there is a third, less obvious—and hence more insidious—way in which government can worsen the already severe inflationary pressures affecting the American economy.
>
> That third way is for the government to require actions in the private sector which increase the costs of production and hence raise the prices of the products and services which are sold to the public . . .

Dr. Weidenbaum's book was published by the American Enterprise Institute for Public Policy Research, and a copy was sent to most Members. It provides great insight and information on this critical issue, and I urge all my colleagues to study it carefully.

I believe that if this Congress is truly concerned about easing the inflationary burden on American consumers, we must concentrate on repealing or substantially amending those laws in which we have delegated almost unlimited authority to the regulatory agencies. This will have a double benefit—first, it will get the Government out of the business of regulating almost every aspect of private industry from production to marketing which has been a substantial pressure on forcing up prices; and second, it will reduce Government's deficit spending which in itself has played a primary role in causing inflation.

Yesterday, I introduced three bills which relate to regulatory reform. One, H.R. 4553, would repeal the Occupational Safety and Health Act. The second, H.R. 4554, would repeal the Emergency Petroleum Allocation Act; and the third, H.R. 4555, would prohibit EPA from requiring an indirect source emission review as a part of any applicable implementation plan. It is my intention to continue to support those legislative initiatives intended to free American industry from overregulation, and the price increases caused by this overregulation.

If there was one thing wage-price controls demonstrated, it was that Government bureaucrats cannot replace the free market mechanism to efficiently and economically deliver products and services to consumers.

An article in the March 1975 issue of Nation's Business entitled "How the Customer is Wronged by Washington," summarizes some of the Government's actions which have been responsible for increased prices. Nation's Business is the major publication of the Chamber of

Commerce of the United States which represents more than 5 million business and professional people and companies, and their thinking is reflected in this magazine. Following is the full text of this article which emphasizes the need for prompt congressional action on regulatory reform:

How the Customer Is Wronged by Washington

When "Red" (Billy J.) McCombs reads about auto workers laid off in droves, his blood boils. He doesn't wonder why auto sales have plunged—and Detroit assembly lines have ground to a halt.

He says he knows.

"It's Congress," states the 47-year-old six-footer, president of Hemphill-McCombs Ford, San Antonio, Texas.

"Congress dictated the safety and emission standards that have added so much to cost. And that's only the tip of the iceberg. Trying to meet these standards has taken up all the time of some very capable engineers in Detroit for the past four years.

"They had to lay aside drivability, economy and a lot of other things car buyers want. Congress, in its own great wisdom, decided to tell the American people what kind of cars they can own. And many Americans don't want them.

"Also, we've got a lot of people who can't afford to buy them."

Hemphill-McCombs Ford is on the edge of the central business district in downtown San Antonio. Its typical customer, says President McCombs, is "a middle-class guy in the $10,000 to $15,000 a year bracket."

It's one of the nation's bigger Ford dealers. In a normal year, it sells about $20 million worth of new and used autos and trucks.

"I know this business," says Red McCombs, "and Congress priced us out of the market."

Only Detroit's rebate offers broke the sales logjam, he states.

WASHINGTON WAKING UP?

Recently, Sen. William Proxmire (D.-Wisc.) discussed the high cost of complying with safety and environmental laws.

When they were enacted, he said, "they had an inflationary effect, and we didn't recognize that at the time.

"Now, the consumer has to pay for it."

"I think we should, in many cases, do exactly what we are doing," he continued. But, he added, government should "be fair and honest with the American people in doing so."

President Ford, too, is for candor.

"I will require," he told Congress last fall, "that all major legislative proposals, regulations and rules emanating from the Executive branch of the government will include an inflationary impact statement that certifies we have fully weighed the effect on the nation."

He asked Congress to please do the same.

Then he extended an invitation.

Let's get together, he said, "to identify and eliminate existing federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The President's Council of Economic Advisers estimates that federal regulation of just a few industries—airlines, railroads, truckers, natural gas producers, banks and savings and loan firms—may add as much as $13 billion a year to their costs. It urges that controls be cut back drastically.

The woods are full of other examples.

Take the case of railway fusees.

Until 1970, Army Ordnance bought these signal flares from U.S. firms. Bristol Flare Corp. for example, supplied them for years to Picatinny Arsenal.

"Then," says President Reba Goebig, "we got a letter saying we'd have to be inspected. The Army explained why. It seems an munition factory in West Virginia had exploded. This was a safety precaution."

Her firm had offered to supply the Army 111,150 fusees at 49 cents each. Total price: $54,463.50.

But the Bristol, Pa., firm flunked the inspection.

That upset Mrs. Goebig. "We're inspected all the time," she says, "by railroad inspectors, underwriters, insurance companies—and we never have any problem."

No other U.S. fusee-maker passed either.

"The trouble," says Charles W. Gardner, vice president, Standard Railway Fusee Corp., Boonton, N.J., "is that the Army expected us to meet standards drawn up for munitions makers. It would cost us a fortune—and the standards just don't apply.

"We don't make explosives. We're a flammable-solid industry. The Army misclassified us."

So the order went to a Canadian firm. It charged the Army 59 cents a fusee. Total price: $65,578.50.

This, like auto safety and antipollution standards, is what Washington University economist Murray L. Weidenbaum, in his new book, "Government-Mandated Price Increases" (American Enterprise Institute for Public Policy Research, Washington, D.C.), calls "a neglected aspect of inflation."

It has hit Detroit, of course, like a ton of bricks.

PINTO'S COST ZOOMS

"The design and manufacture of the 1973 automobile," Prof. Weidenbaum points out, "was subject to 44 government standards and regulations involving about 780 separate test points which must be met on each car."

Detroit has a basketful of figures to show what federal meddling has added to auto prices. [See "What's Ahead for the Auto," page 34.]

Lee A. Iacocca, president, Ford Motor Co., recalls a prediction he made in 1970—that the price of the $2,000 Pinto, Ford's answer to the VW, would rise $1,000 in five years, with half the increase resulting from inflation and half from government standards.

At the time, some critics said the forecast was too gloomy. In fact, Mr. Iacocca's estimate proved too cheery.

"We were off by 10 bucks and 12 months," he confesses. "The actual increase has been $1,010—in only four years."

None of that increase, about $500 of which is due directly or indirectly to the cost of complying with Washington's notion of what an auto should do, is added profit for Ford.

Other industries, too, are victims of regulation.

"Every time that the Consumer Product Safety Commission imposes a standard which is more costly to attain," Prof. Weidenbaum points out, "some product costs will tend to rise. The same holds true for the activities of the Environmental Protection Agency, the Food and Drug Administration—and so forth. The point being made here should not be misunderstood.

"What is at issue is not the worth of the objectives of these agencies. Rather it is that the public does not get a 'free lunch.' . . .

"Although the costs of government regulations are not borne by the taxpayer directly, in large measure they show up in higher prices of the goods and services that consumers buy."

THE CUSTOMER IS WRONGED

Are Americans willing to pay the prices?

"I get a little discouraged" says gag writer Robert Orben. "After all these years, we finally have a chicken in every pot—and now we can't afford to turn on the stove."

And we ain't seen nothing yet, experts warn.

For example, it's been estimated that meeting antipollution goals will cost at least $112 billion in a single 10-year span—from 1972 to 1981.

In fact, probably much more.

That estimate was made by the U.S. Council on Environmental Quality in 1973. Since then, double-digit inflation has run up the tab by many billions more.

One of EPA's grandiose plans for America means, among other things, higher food bills. To comply with it, canners of fruits and vegetables will spend $250 million for waste treatment systems by the end of this year.

Other EPA plans on the drawing board may make them double that investment.

Most of the nation's 2,200 canners are small. EPA, the National Canning Association says, may put about 400 of them out of business.

A Midwestern canner who prefers that his name not be used—"We try not to look for trouble," he says—explains why.

He packs, in a year, about $5.5 million worth of corn, beans and other canned foods. The plant employs 70 people year-round and about 225 at the peak of the season. Recently, he was told to build a new lagoon or holding pond for waste water—or shut down.

"We needed only about 40 or 50 acres," he says. "But we're hemmed in by highways and railroads. The only land near us was a 155-acre farm. The owners wouldn't sell. They knew they had us over a barrel. They said they'd trade the farm, however, for one about twice the size.

"Luckily, we found a 288-acre farm a mile or so away. But we had to pay $330,000 for it. Now, to contour the land and put in a lagoon will cost us $200,000.

"We paid for the farm by borrowing from an insurance company. Now we're looking for another $200,000."

The book value of this plant is $750,000.

Will he pass on the waste system's $530,000 cost to his customers?

"Well," he says, "the competition will determine how much you get for a can of corn. But our competitors are all saddled with added costs, too. They have to be passed on, eventually."

A NEW BREED

EPA, of course, is only one of many federal agencies that ride herd on U.S. employers.

The Occupational Safety and Health Administration, the Consumer Product Safety Commission, the Equal Employment Opportunity Commission and EPA, however, represent a new breed.

In the past, Prof. Weidenbaum points out, Congress set up agencies that focused on regulating a specific industry—like the Interstate Commerce Commission or the Civil Aeronautics Board.

"The more recent regulatory efforts," he says, "are not so limited. They cut across virtually every branch of private industry."

Congress is spending more and more money on federal inspectors to keep an eagle eye on business. In 1972, it anted up $1.3 billion; this year, fiscal 1975, the tab is $2.8 billion.

Federal regulatory agencies now have a staff of some 63,000—the rough equivalent of five U.S. Army airborne divisions.

Their impact is pervasive—sometimes contradictory.

After Sen. Edmund Muskie's Clean Air Act became law, many Eastern utilities had to switch from coal to oil. That's an added cost which, ultimately, shows up as higher electric bills for homeowners. But it was that—or EPA would blow the whistle.

Then came the Arab oil embargo.

A new bureau, the Federal Energy Office, dashed off an S.O.S. to many of the same utilities. The message: Please switch back to coal.

Northeast Utilities, Berlin, Conn., estimated it would cost $20 million to convert eight of its oil-fired units back to coal—without the scrubbers needed to meet EPA's air quality standards.

With scrubbers, the expense was $150 million.

UNHAPPY COUPLERS

But costs seldom trouble federal officials.

Not long ago, the Department of Transportation issued a directive—HM–109 amended. It calls for a new safety device on pressurized tank cars. In a collision, it's meant to prevent couplers from puncturing tank cars full of liquefied, compressed gas that could burn or explode.

DOT's solution: Install a heavy metal shield at both ends of the car.

The Association of American Railroads argued against it. Its tests show that vibration, or wind blast, might tear loose the 750-pound shields and hurl them into the path of the cars behind.

DOT asked representatives of 19 railroads and shippers what they thought of the shields. All turned thumbs down. They opted for a better coupler, easier to install, less expensive and, in the opinion of AAR, safer.

DOT said No.

Cost to install shields on some 18,000 cars: $27 million, plus labor charges. Deadline—Dec. 31, 1977.

Each year, tank car owners must file reports on the progress of their "retrofit" program.

Thus, DOT does its bit to add to another major cost of doing business—filling out federal forms.

In 1965, a House committee estimated that form-filling alone costs the public $20 billion a year. In addition, Sen. Thomas J. McIntyre (D.-N.H.) says, government spends $18 billion to "print, shuffle and sort" the paper the public fills out.

The cost, he adds, "must necessarily be passed on to you and me, to the consumer."

At least some of the paperwork is a waste of time. As well as money.

John J. Lennon, president, Nettco Corp., Everett, Mass., points out why. Last July, he got an invitation he couldn't refuse.

GREETINGS

It was a letter from the Federal Trade Commission.

"The first paragraph was very beautifully phrased," he says. "It said: 'Your company has been introduced into the FTC financial reporting program.' That sounds like a letter from the draft board."

Purpose of the program, the letter explained, is to provide many user agencies with timely information on the state of the economy. Then came the hooker: Filing is required by law—"without exception."

The form is FTC Form MG–3.

"It's filled out quarterly," Mr. Lennon says. "And to do it properly, you have to take inventory—to find out how much money you've made. Now we're a small firm, employing about 40 people. We make fluid agitation equipment—mixers—for all kinds of industrial users. Like paint and varnish manufacturers, paper mills or chemical companies.

"We take inventory once a year. To do it, we have to shut down the plant for three or four days. Then we go out in the warehouse and count the stuff—raw castings, gear boxes, oil seals and so on—one by one."

Large corporations, he points out, take inventory on the computer. Nettco Corp. doesn't have one.

Mr. Lennon told FTC he couldn't provide good figures.

"But I was threatened with legal action," he says, "if I didn't fill out the form. Of course, the information is valueless. And even if it were based on an accurate inventory, it would be valueless.

"We're in a category known as 'machinery. except electrical.'

"Total sales for that industry—for the fourth quarter of 1973—were almost $20 billion.

"Our sales were a fraction of one-thousandth of 1 per cent of the total! So our figures would be meaningless."

The dollar total for what it costs a firm like Nettco to fill out forms that Washington wants may not be very large. But for a big corporation, it's big sugar.

Douglas H. Springer, vice president, financial planning, Campbell Soup Co., recalls the era of federal price controls from mid-1971 to early 1974.

UNPLEASANT DIVERSION

"I have a department of about 30 people," he says.

"At the height of controls, half our time was spent on federal paperwork. It cost us about $500,000 a year. But worst of all was what it kept us from doing.

"Normally, we would have put that time into finding ways to cut costs and keep prices down. Washington diverted us from that objective."

Like Mr. Springer, many experts say we may be spending our money in the wrong place.

They ask: Is the $3 billion a year invested in motor vehicle seat belts and pollution controls well spent?

Much of it may not be, National Safety Council statistics indicate.

Nearly four out of 10 persons killed in auto accidents—38 per cent—are pedestrians, bike-riders or motorcyclists, the Council says. None would be saved by seat belts, shoulder harnesses or air bags.

Also, removing roadside hazards "might eliminate as many as one-quarter of all motor vehicle fatalities," says Prof. Roger LeRoy Miller, University of Miami School of Law. "The costs of altering such roadside hazards are small—compared to the costs of making the cars themselves safer, in crashes."

Furthermore, he adds: "Safer roads help drivers of all vehicles, not just new ones."

Moral: When weighing a costly safety standard, don't ask the wrong question.

One frequently posed, in Congress, is this: "Are you more concerned with saving dollars than saving lives?"

Rephrase it, Prof. Miller urges. Put it this way: "What's the best way to spend the money?"

Unfortunately, that's not a question Washington seems to ask often. The American Iron and Steel Institute cites a classic case:

Take a modern mill, with two electric furnaces, that turns out 630,000 tons of steel a year.

To remove the first 87.8 per cent of dust from its smokestacks costs 4 cents a pound. The next 9.5 per cent costs 46 cents a pound. Squeezing out another tenth of 1 per cent would cost $33.26 a pound.

But EPA once proposed standards that would have required steel mills to do just that. (It later modified the proposal.)

LOOK BEFORE YOU LEAP

Should federal agencies be required to put a price tag on their edicts?

At their last session, several Congressmen said they thought so.

One was Rep. Vernon W. Thomson (R.-Wisc.). "We all recognize," he told his colleagues, "that the mammoth federal budget has contributed mightily to inflationary pressures in the economy."

What often isn't realized, he added, is that some laws and most administrative rulings also impose tremendous costs. Not all are bad or wasteful, he said—many provide real benefits. But Americans should know what they'll have to pay for them.

He introduced a "look before you leap" bill. It would require that the real cost to the public of any law or regulation be calculated—and published—before it is imposed on them.

Some on Capitol Hill thought this was an idea whose time had come. But possibly not the voters.

Rep. Thomson was defeated when he ran for reelection.

CIA DEFECTOR AGEE CREDITS EXPOSÉ TO CUBAN COMMUNIST PARTY AND NACLA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. McDONALD of Georgia. Mr. Speaker, in the acknowledgments section of his book of revelations of covert Central Intelligence Agency work in Latin America, former CIA agent Philip Agee gives thanks to those persons and organizations without whose help Inside the Company: CIA Diary could not have been produced.

Agee admits that Biblioteca National Jose Marti and the Casa de los Americas in Havana, Cuba, "provided special assistance for research and helped find data available only from Cuban Communist Government documentation.

Agee further reveals:

> Representatives of the Communist Party of Cuba also gave me important encouragement at a time when I doubted that I would be able to find the additional information I needed.

This defector to the Communist cause includes "among the people who especially helped" in the preparation of the book several U.S. radicals with close connections to the Cuban Government and Cuban intelligence services. Agee writes:

> John Gerassi, Nicki Szulc and Michael Locker of the North American Congress for Latin America (NACLA) obtained vital research materials in New York and Washington, D.C. * * * Without these people and institutions this diary would be far more incomplete than the present form and probably still unwritten.

The security and intelligence services of the United States have been under attack from a wide variety of sources. All too many of these attackers have close connections with domestic and foreign Communist parties and regimes which are obviously the direct and principal beneficiaries of the exposure of covert U.S. information collection and counter-intelligence activities.

In the past weeks I have provided brief reports on some of those anti-intelligence groups for the information of my colleagues. They have included the Socialist Workers Party, the Organizing Committee for a Fifth Estate, the Committee for Public Justice, and the Center for National Security Studies.

NACLA staffer Nicole Jeanne Szulc is now a staff member of the Center for National Security Studies. In September 1974, she took an active role in setting up the CNSS conference held in the Dirksen Senate Office Building, "The CIA and Covert Activities."

Participating in the anti-CIA conference were Nicki Szulc's coworker in NACLA, Nancy Stein, a Venceremos Brigade veteran and former member of the Weatherman faction of SDS; Winslow Peck, aka Perry Fellwock, a founder of the Organizing Committee for a Fifth Estate, which states it wants a classified document a day to leak; Frank Donner, an identified member of the Communist Party who now heads the ACLU's Privacy Project; and her father, journalist Tad Szulc.

Also participating in the NCSS anti-CIA conference were many current and former associates of the Institute for Policy Studies—IPS—an "independent research organization" characterized in "Think Tanks" by Paul Dickerson as "attempting to lay the groundwork for the new society that will replace the new society that will replace the present collapsing one." He said:

> It not only has dedicated itself to ushering in the new society by inquiry and experimentation but it is also doing what it can to hasten the demise of the present one.

Among the IPS stable present and participating in the conference were Robert L. Borosage, a member of the National Lawyers Guild and former IPS codirector; Ivanhoe Donaldson, a former leader of the Student Nonviolent Coordinating Committee—SNCC, and IPS fellow; Marcus Raskin, IPS codirector; Earl Ravenal, formerly a member of the office of the Secretary of Defense and IPS fellow who is currently a professor at the School of Advanced International Studies, Johns Hopkins University; and Roberta Salper, an IPS resident fellow and former writer for the Maoist communist Guardian newspaper, and for Claridad, the publication of the self-proclaimed Marxist-Leninist revolutionary vanguard Puerto Rican Socialist Party—PSP—on whose U.S. Zone Central Committee she has served.

It is noted that several NACLA activists have also been IPS associates. These include Joe Collins, a vocal supporter of the former Marxist regime in Chile; Michel Klare and Saul Landau, a maker of pro-Cuban propaganda films.

Named by SDS leader Carl Davidson as the "intelligence gathering arm" of the New Left, NACLA states it was formed in 1966 in opposition to the 1965 U.S. intervention in the Dominican Republic.

NACLA was set up by the SDS Radical Education Project, an REP brochure at that time clearly set out NACLA's mission as an intelligence apparat:

> REP is assisting the development of a network of people, in the U.S. and abroad, closely tuned to international events, who will serve the movement as quick, incisive sources of intelligence on issues as they develop—and before.

The REP brochure continued by spelling out the targets for recruitment into the network, "scholars, journalists, leftist youth leaders, government officials, guerrilla leaders, and so forth."

REP then said it had already established "contacts in Latin America, Japan, most European countries and Canada," as well as with communist Vietcong guerrillas in South Vietnam, with various African terrorists, and with Guatemalan guerrillas.

NACLA staffers have produced a river of propaganda articles and reports praising Castro's Cuban Communist regime, and various Castroite terrorist bands active in Latin America. One of these, the Tupamaros urban guerrillas of Uruguay, was the subject of an NACLA comic book.

NACLA propaganda consistently interprets any and all U.S. involvement in Latin America as "exploitative" and against the interests of Latin American countries. NACLA states that each report is a "chapter in the story of U.S. domination in Latin America—naming names, corporations, foundations, lobbies, Government agencies, universities, et cetera."

It is of interest that many of these NACLA publications have been printed bearing the union "bug" 209 of Prompt Press. Prompt Press has printed for more than three decades "the bulk of the literature issued by the Communist Party and its affiliates and is reliably known to be owned by the Communist Party." Among the better known NACLA publications bearing Bug 209 insignia is the NACLA research methodology guide which is the basic text for all the new left research groups.

Corporations and Government agencies "exposed" as targets for agitation by NACLA have been subjected to bombing attacks by the Weather Underground and other new left terrorist groups.

The documented pro-Cuban Communist research and propaganda activities; the many trips to Havana where NACLA associates have been in contact with the Cuban Communist functionaries of ICAP, and OSPAAL, Castro's "tricontinental" apparat for the export of revolution; the close associations with violence-prone, revolutionary Marxist-Leninist organizations in the United States; and now its work for Philip Agee indicate that the North American Congress on Latin America is potentially a serious threat to U.S. security.

I urge the appropriate committees of the House and the executive branch to take appropriate action in this matter.

NURSE TRAINING ACT OF 1975

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. DODD. Mr. Speaker, the Subcommittee on Health and the Environment of the House Committee on Interstate and Foreign Commerce, chaired by Representative PAUL ROGERS, held hearings recently on the Nurse Training Act of 1975. The subcommittee has referred this legislation to the full committee for its consideration. Several identical bills have been introduced on this matter, including H.R. 2657, which I introduced.

These bills would help meet the nurse shortage problems by increasing funding for current nurse training programs and by instituting new programs to train nurses to provide primary health care. In my area of eastern Connecticut, the shortage of health practitioners is a very serious problem and, therefore, I have a special interest in seeing this legislation enacted into law.

I have recently reviewed letters from Ms. Donna Diers, dean of the school of nursing at Yale University, and Mrs. Barbara Donaho, assistant director of the Department of Nursing at Hartford Hospital. Both of these individuals who are actively involved with nurse training programs in Connecticut have expressed to me that this legislation is very much needed in order to meet the Nation's health care requirements in the future.

Mr. Speaker, I would like to include the text of these letters in the RECORD at this time:

HARTFORD, CONN.,
February 25, 1975.

CHRISTOPHER J. DODD,
Member of Congress, Congress of the United States, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE DODD: The Nurse Training Act of 1975, H.R. 2657, is a crucial piece of legislation for the Health Care Industry—particularly with major changes in the health care delivery system also being studied at this time.

With the economy as it is, financial support to both students and schools is imperative if an adequate supply of nurses is to be made available.

Thank you for seeking my thoughts.

Sincerely,

(Mrs.) BARBARA A. DONAHO, R.N.,
Assistant Director, Hartford Hospital and Director, Department of Nursing.

NEW HAVEN, CONN.,
February 19, 1975.

Hon. CHRISTOPHER J. DODD,
House of Representatives, Congress of the United States, House Office Building, Washington, D.C.

DEAR MR. DODD: We are delighted to hear of your interest and support of nurse training, and of the re-introduction of H.R. 2657, the Nurse Training Act of 1975, into the House deliberations.

In our opinion, without the Nurse Training Act as proposed, the implementation of legislation already passed—the National Health Planning & Resources Development Act (P.L. 93-641)—as well as legislation to be considered is seriously compromised. The National Health Planning & Resources Development Act sets as one of its priorities, better utilization of nurse clinicians. Nurse clinicians are prepared entirely in graduate programs in nursing, and it is the graduate programs which have suffered most from the Presidential veto of the Nurse Training Act, as well as the budget cuts of the previous administration. In Connecticut there are only two graduate programs in nursing. The Yale School of Nursing has been providing the majority of nurse clinicians prepared in this State for over 50 years. The University of Connecticut's program has joined us in the last two years. The preparation of nurses to practice in roles expanded beyond basic nursing practice (which has to be done in graduate programs) is absolutely essential to the nation's management of the crisis in health care—access to quality health care for all citizens.

I would be delighted to speak with you or your representatives if there is other information that would be helpful to you in your critical work for nursing.

Sincerely yours,

DONNA DIERS,
Dean.

AID TO SOUTH VIETNAM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. RHODES. Mr. Speaker, there has been considerable discussion about the pros and cons of our program of helping the South Vietnamese. Many of the arguments have generated more heat than light.

I have received a letter from a person who knows firsthand the rationale for our assistance in Vietnam. He was one of these hundreds of thousands of American young men who spent time there. I believe that he has expressed the real commitment that we have made to the brave, freedom-loving people in this Asian land. I am hopeful that my colleagues will take time to read this personal account, which is a reflection of the overall commitment our Government has made, but which now seems to be near abrogation by inaction of the Congress.

The source of this letter is one in which I have great faith, as to its accuracy and sincerity. The writer is my son, Jay. Text of the letter is as follows:

KILLIAN & LEGG,
Mesa, Ariz., March 4, 1975.

Hon. JOHN J. RHODES,
Congressman of the United States,
Washington, D.C.

DEAR DAD: I'm becoming quite concerned with the attitude of the Congress concerning continuing aid to South Viet Nam. I think there are some factors involved that have been forgotten or not considered.

Leaving aside the question of a "national commitment", I am concerned about personal commitments—millions of them.

There were basically two periods of time in which we asked for commitments from the Vietnamese. The first was when we were building up our forces in the middle 60's, and our request was basically that the government of Viet Nam just hang on, and we would fight the war for them while training them to take over the responsibility. We all know that as time went on the United States did more and more of the fighting, while the Vietnamese seemed to require more and more training.

The second period was what we knew of as "Vietnamization." I was in the country when Vietnamization really began to take hold, in 1969 and 1970. Our message to our Vietnamese counterparts changed from "Let us do it" to "We can't do it," "We don't have it," "You'll have to make do," "There are no U.S. assets available," and "No." It was a difficult, dangerous, trying, frustrating time. The American field and company grade officers understood the program better than most general grade officers. It cost lives.

But, most importantly, it required commitments, first on our part and then on the part of the Vietnamese.

The United States told our allies, at the Summit level, in effect, if you will take over the burden of fighting this war so that we can get our troops out, we will negotiate the best settlement for you we can, buy you as much time as we can, and support you with materiel and assistance. This was easy to pledge on the strategic level.

On the local level, we were standing face to face with Province Chiefs, police officials, Regional Force and Popular Force soldiers, Peoples' Self-Defense Force volunteers, Rural Self-Development Force cadre, National Police Field Forces personnel, government of Viet Nam elected officials, and civilian bureaucrats, as well as their army, and telling them not to give up, and not to go over; that we would complete their equipping and training, and see to it that they would not lack for support in their continuing fight. We were going home but we would not forget and would not allow them to be forgotten.

In August of 1970, there were hamlet and village level elections held throughout South Viet-Nam. Many thousands of Americans were involved in reassurances to prospective candidates in these elections that the United States would remain committed to the Republic of Viet-Nam. Many Vietnamese committed themselves to those elections based on those assurances, and many of them are now dead, because of that commitment.

It was my experience that the American soldier and his officers understood Vietnamization quite well and helped to implement it ably. The fact that the soldier may have been motivated more by the desire to get home than anything else does not detract from the fact that Vietnamization could not have worked without his personal involvement and commitment. It was that involvement and commitment which produced the cooperation of the Vietnamese themselves, without which Vietnamization could never have worked; for many long, agonizing, horrible months the Vietnamese were most uncooperative. They finally became cooperative and committed to the program when they realized that we were serious about (a) getting out and (b) keeping them in. This was accomplished by continuous, constant, personal assurance to the Vietnamese in the field by the Americans in the field.

In short, there are literally thousands of Americans who are personally committed to specific Vietnamese individuals who have in turn committed themselves based upon the word of those Americans. I am less concerned, however, with the breaking of the word of thousands of Americans than I am with the effect on those who relied on our word. Literally tens of thousands of South Vietnamese are now under arms or working for the government of Viet-Nam who would otherwise not have been had we not convinced them of our commitment. It is not dramatization to say that we placed them in harm's way by asking them to make that commitment. I have personally seen the results of the commitment when the Viet Cong came into the picture; it is most unpleasant.

More is at stake than $300,000,000, or the nature of President Thieu's regime. In this war, policy was very much formulated and promulgated by the men in the field; turning the war over to the Vietnamese would never have worked if those men had not made it work by convincing their counterparts that, with our help, it would work. Our personal commitment and word, and their lives, are at stake now.

I hope that your colleagues will consider these additional factors in their deliberations.

Sincerely,
JOHN J. RHODES III.

FOOD DAY 75

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ROSENTHAL. Mr. Speaker, I am today introducing, with the support of 42 of our colleagues, a resolution to establish April 17, 1975, as National Food Day, a day of action and awareness focusing on food policies and problems at home and throughout the world.

An identical resolution is being introduced in the Senate today by Senator DICK CLARK of Iowa, with 29 cosponsors.

The purpose of Food Day is to mobilize public concern over the need for a national food policy which will promote better quality, lower-priced food supplies; insure the livelihood of the family farmer, and allow increased U.S. assistance to needy nations.

Official endorsement of this event, through enactment of the joint resolution being introduced today in the House and Senate, is necessary to show that Government shares the public's desires to achieve these goals.

This is not a partisan or ideological issue. As you will see from the list of cosponsors, support comes from all parts of the political and national spectrum. From right and left, rural and urban.

We can no longer afford to take food for granted. Our once great food surpluses have all but disappeared. Now we have sharp controversy over food prices, the farm program, food stamps, the middleman's share of the food dollar, occasional food shortages, and nutritional programs for children and the elderly.

Action is urgently needed to make people aware of the problems and to find solutions.

We must know why and how our food policies have failed. We must pinpoint responsibility for skyrocketing food prices. We must know whether an agricultural policy that deliberately encouraged the depletion of our grain reserves through unbridled "for profit" exports was responsible for high domestic prices and U.S. and world shortages. We must measure the impact of corporate agriculture on the demise of small family farmers and competition in the marketplace.

For myself, I will use my time on Food Day to work for the establishment of a special congressional committee to study the cost and availability of food, the establishment of a strategic grain reserve, an end to speculation in the food commodities market and the sensible regulation of exports.

The American consumer this year is paying record high prices for food at the supermarket. At the retail level, inflation in food prices is running at nearly 12 percent a year, and at the wholesale level it is almost 20 percent.

Once this Nation was a land of plenty; today the only thing we have in abundance is shortages. While inflation has soared over the past 5 years, we have had two administrations preaching the old-time religion of a free market in an increasingly concentrated food marketing system while urging consumers to clean their plates and tighten their belts. That approach has been nothing but disastrous.

Federal regulation and management of the Nation's food marketing system has failed to provide consumers with food at reasonable prices and farmers with a fair return on invested capital.

The absence of a coherent national food policy has victimized both consumers and farmers while speculators, grain dealers, food manufacturers, middlemen and retailers reap windfall profits. A lack of competition in certain segments of the food industry contributes to consumers being overcharged billions of dollars annually, according to the Agriculture Department.

The administration policy of depleting our once enormous grain reserves and its unrestricted food export programs have contributed directly to higher prices for almost everything we Americans eat, and it has contributed to the world food crisis by pricing our grain out of reach for many developing nations.

The problem has become so severe that in my district in New York City and elsewhere, some elderly persons are eating pet food because that is all they can afford, and supermarket thefts are increasing. It is sad that people have been forced into stealing envelopes of dehydrated soup from grocery store shelves while the grocery manufacturers and retailers are posting record profits.

Food prices and profits are soaring and the quality of our food is declining, as witnessed by the proliferation of junk foods. This is due in no small part to the fact that our regulatory agencies are controlled by the very industries they are supposed to regulate.

I am convinced that, barring massive crop failures, there is a solution to the food price dilemma. We can provide consumers with an adequate supply of food at reasonable prices and still allow farmers to earn a fair return on their invested capital and we can and should meet our moral obligation to help feed hungry nations.

The American people should be encouraged to choose a simpler lifestyle, one that will result in less energy and food consumption; and governmental policy should encourage and sometimes require such actions. But the large corporations cannot continue to reap record profits at the same time consumers are being called upon to sacrifice.

Although consumers are frustrated—and outraged—by ever-rising prices and dismayed by famine overseas, it has been difficult for them to understand some of the root causes of our current predicament, and, more importantly, to work toward some solutions. Food Day can be the catalyst for involving people in finding answers at both the local and the national levels.

I strongly urge all Americans to take part in Food Day activities in their communities.

Following are the text of the Food Day resolution and the names of House and Senate cosponsors:

H.J. RES. 304

Joint resolution designating April 17, 1975, as "National Food Day"

Whereas food shortages have resulted in massive hunger and starvation in many nations; and

Whereas malnutrition is a fact of life for millions of Americans; particularly the poor and the elderly; and

Whereas inflation, shortages of fertilizer, adverse weather conditions, and other factors have led to record high food prices in the United States; and

Whereas the diets of tens of millions of Americans lead to serious health problems; and

Whereas changes in agricultural practices are threatening the survival of small family farmers; and

Whereas a broad coalition of citizens groups and concerned individuals have designated April 17, 1975, a national day of action to develop a food policy aimed at assisting needy nations, reducing food prices, improving the quality of the American diet, and insuring the livelihood of the family farmer; Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 17, 1975, is designated as "National Food Day", and the President is authorized and requested to issue a proclamation to promote public involvement in developing a national policy guided by the needs of people, both in the United States and abroad.

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Harrison A. Williams (N.J.)

CONGRESSMAN VANIK HONORED

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. STOKES. Mr. Speaker, last night in Cleveland, Ohio, over 1,500 people gathered in the Cleveland-Sheraton Hotel to pay tribute to one of our distinguished colleagues. The Jewish National Fund dedicated their 36th annual dinner to Congressman CHARLES A. VANIK in honor of his dedication and service to Jewish and American ideals. The Congressman Charles A. Vanik Forest of 100,000 trees will be planted in his honor in the hills of Judea, overlooking the city of Jerusalem, thus linking his name eternally with the land and the people of Israel.

A representative cross section of citizens from all walks of life and racial and religious backgrounds attended this public tribute to Congressman VANIK. Also present on this occasion were Congressman JAMES STANTON and myself. Mr. Speaker, Mr. Julius B. Amber, the energetic and dedicated gentleman who has been president of the Jewish National Fund Council for 20 years, delivered the following message on this occasion:

MESSAGE FROM THE PRESIDENT

Our Dinner this evening dramatizes the life-enhancing point of the Jewish National Fund, the oldest institution in existence dedicated to the upbuilding of the Jewish Homeland.

Since 1901, it has performed miracles, for it has transformed swamps, desert and rock beds into productive land on which crops, vegetation and, yes, human beings have flourished.

Nearly seven hundred rural settlements—fully 93% of all rural settlements in the country, have been established on JNF land. By planting 130 million trees, building more than 2,000 miles of access roads, by covering 90,000 acres with trees, by reclaiming 200,000 acres of land, JNF has literally changed the face of the country, making it possible for hundreds of thousands of immigrants to find homes and means of livelihood on the soil of Israel.

Supported by both Jew and non-Jew the world over, the JNF—which is now the sole land authority in Israel—has been a major force in the building of Israel. Over a million people live on land prepared for habitation by the JNF and, what is more, the Fund is Israel's largest employer of labor for the programs of land redemption through rock clearance, swamp drainage, road building, terracing and tree planting, and these activities still continue unabated.

These tasks, performed by the JNF for seventy-four years now, surely merit the enthusiasm and support for both the traditional and foundation aspects of the Fund, on the part of the entire Community of Cleveland. Your presence here this festive evening inspires us to an even greater spirit of rededication, to continue our efforts for the people of Israel in the months and years that lie ahead.

Mr. Speaker, the main tribute to Congressman VANIK on this occasion was made by Rabbi Arthur J. Lelyveld. In his own inimitable and eloquent way Rabbi Lelyveld captivated the audience in his tribute to our colleague. Others who embellished this occasion with their oratory were: Rabbi William J. Seligman, chaplain, Jewish Community Federation; Samuel H. Miller, national chairman, United Jewish Appeal, general chairman, dinner committee; Julius B. Amber, president, Jewish National Fund council; Mrs. Sanford Milter, president, Jewish National Fund women's division; Meyer Pesin, president, Jewish National Fund of America; Morton L. Mandel, president, Jewish Community

Federation; Rev. Edward J. Camille, assistant director, Catholic Charities, Diocese of Cleveland; Judge Adrian B. Fink, Jr., chairman, civic committee; and the incomparable Dorothy Fuldheim, television star.

Mr. Speaker, the program of the evening contained the following statement prepared by Tom Boardman, editor of the Cleveland Press which is as follows:

Some congressmen earn their political reputations, and help assure their own political survival, by conscientious, effective attention to the personal needs of their constituents.

Others win their reputations by statesmanship—by their precise knowledge of the issues of the day, and their leadership in the legislative processes which respond to those issues.

Charles Vanik, to a degree rare in the Congress, does a superb job in both these areas.

He and his staff know how to lead the people of his district through the confusing labyrinth of the federal bureaucracy, and get a result.

And, as a senior member of the powerful Ways and Means Committee, Charlie has a massive impact on legislation. He takes the time, and has the intellect, to understand all sides of an issue, and vote accordingly. His legislative decisions are based on facts, laboriously and conscientiously accumulated, and not on emotion.

His legislative commitment places a heavy burden on his time in Washington. But he manages, still, to stay close to home, to keep in continuing, close and effective touch with his district here, with its people and its problems.

He is, as well, a man of the highest personal and political integrity. He is a politician in the finest sense of that word, a man who understands the immense importance of the political process, and does his share, and more, to make that process work.

The word "honorable," which traditionally precedes a congressman's name, is totally appropriate for him.

His wife, Betty, has always been his great strength and, as one would suppose, his greatest booster. She served her country, too, as a Navy nurse in World War II, and, like her husband, understands the responsibilities which go with public service.

Cleveland is proud of them both. And we're grateful for this opportunity, at this dinner this evening, to say and write publicly what so many of us have felt for so long.

Mr. Speaker, I am sure that all of my colleagues join me in saluting Congressman VANIK for the honor bestowed upon him and his lovely wife Betty on this significant occasion.

MY RESPONSIBILITY AS A CITIZEN

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ENGLISH. Mr. Speaker, each year, the Veterans of Foreign Wars of the United States and its Ladies Auxiliary hold a Voice of Democracy contest. This year, the contest theme was "My Responsibility as a Citizen," and nearly 500,000 secondary school students competed for the five national scholarships ranging from $1,500 to $10,000.

This year's winner from Oklahoma is Miss Christie LeAnne Skinner of Ponca City. As the representative from the Sixth District which includes Ponca City, I am extremely proud of the efforts of Miss Skinner and the degree of national pride expressed in her speech.

I therefore insert Miss Skinner's speech to be printed in the RECORD:

1974–75 VFW VOICE OF DEMOCRACY CONTEST—OKLAHOMA WINNER CHRISTIE LEANNE SKINNER

America has often been described as the melting pot of the world. And called so because of the variety of nationalities represented in today's Americans.

But—is America really a melting pot? Let's look for a moment at the words "melting pot" and the connotation derived from them.

Imagine now a large cast iron pot with its contents bubbling over smoldering coals. As you peer into it, all the elements while melting, lose their shape and flow together as substance. No longer can individual characteristics be recognized.

Is this really what we want out of America?—A melting pot society in which everyone is completely united, giving up all individuality and conforming to a common goal? I don't think so! I think of our American system as a salad bowl. Think about it—a salad. Each piece still unique, and yet combined together with other tastes. The final touch of dressing, when covering each piece enhances the flavor even more.

Now think about America and her Constitution. Don't our responsibilities resemble more that of a salad? Each individual is free to be an individual as long as he doesn't interfere with the flavor of the others. Individuals, working together with a sense of unity, but not as an inseparable block.

All of our privileges and American freedoms rest on the foundation laid forth by the Constitution. But now, it is our responsibility as citizens to be the building blocks. We must create on this foundation, concrete ideals for the preservation of our Constitution and nation.

Now—I would like to share with you a few of the responsibilities which I believe the Constitution demands of every citizen, if we are to keep America from becoming a "Melting Pot" society.

Let's consider now the responsibility of exercising the freedoms placed upon us. A gift isn't a gift until you accept it. Neither are freedoms really freedoms until you exercise and experience them.

"Freedom of the Press" holds special responsibility for me, while working on the school newspaper. In the past few months, Americans have seen the potential of this freedom. The Press has served not only as a tool, but also as a lethal weapon.

America's mass media and communication system is probably the single largest factor in preserving the salad bowl image—all resulting from the exercising of this one simple right—"Freedom of the Press!"

Along with the responsibility of exercising our freedoms comes living in compliance with the law. The Constitution is the foundation of our nation, but the laws maintain the Constitution. Our laws are not only those of society, but those of God, laid down for his people from the foundation of the world.

Obedience of the law, comes as a result of respect. When you have respect for a friend, you wish only the best for him, and go out of your way in defending him. And so—each of us must experience this same sense of respect for our laws.

Finally today, look with me at the aspect of cooperation. Our Constitution—together with our whole judicial system—has stemmed from this idea of cooperation. Without cooperation and participation, there can exist no democracy! But with it, we hold the most successful form of government history will ever see!

Today, as we look out over the country and see inflation, Watergate, prison riots, and of course, the energy crisis—everything comes as a direct result from lack of cooperation!

The President has asked for our cooperation in conserving energy. But just turning off the lights isn't enough. We must stand behind our nation in cooperation and respect for all her undertakings.

"America, although I may not always understand your methods or agree with your ideas, I can love you. I am responsible, however, not only for cooperating, but for respecting any institution ordained by God, as the founder of our Constitution and nation and pray for the mistakes I see in it."

Yes—America is a great salad bowl! And our Constitution serves as a great dressing! But we as pieces of the American salad have our part to play as well. As individuals, we are obligated not only to exercise our freedoms, but to respect and cooperate with the ideals of the Constitution. For only then can the Constitution become alive and carry out its purpose, as the dressing for our American salad.

Let's all come together, harmonizing in a spirit of love, respect and cooperation so that "The American Salad, with its dressing the Constitution" may endure for all generations.

AUTO EMISSION STANDARDS AND THE CATALYTIC CONVERTER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. BROWN of California. Mr. Speaker, yesterday I made some comments on the catalytic converter issue as it relates to auto emission standards. Since most of my colleagues do not receive the Los Angeles Times, and they may not have had an opportunity to learn of the level of controversy that the recent decision by the EPA on auto emission standards has caused, I am inserting today several articles from the Los Angeles Times to bring everyone up to date.

The State of California, thanks to the diligent efforts of its Congressmen, has the right to establish its own auto emission standards. I hesitate to generalize, but in the case of auto emission standards, what is good for California is good for the Nation, and the actions that the State of California is taking in response to the EPA's latest decision should be considered as the appropriate action that the Congress takes here in Washington.

I highly recommend to my colleagues the following news items:

[From the Los Angeles Times, Mar. 7, 1975]

STATE AIR UNIT CHALLENGES EPA—VOICES DOUBTS ON EASING CAR SMOG STANDARDS

(By Dan Fisher)

SACRAMENTO.—An obviously skeptical California Air Resources Board Thursday challenged top U.S. Environmental Protection Agency officials over the EPA's decision earlier this week to push back the nation's auto exhaust cleanup timetable.

Speaking at the opening of state hearings concerned with future anti-smog standards in California, ARB Chairman Tom Quinn questioned the timing of the federal agency's "discovery" of new health hazards associated with more stringent controls.

"It's possible," Quinn charged, that the alleged hazard was used "as a convenient propaganda vehicle" to justify an essentially political decision.

In announcing his plan in Washington Wednesday, EPA Administrator Russell Train said the rollback is necessary because the technology required to meet tougher auto emission standards results in the increased output of a new pollutant—sulfuric acid.

The sulfuric acid issue was first raised about 18 months ago but Train decided at that time to encourage auto makers to introduce the technology in question—chemical catalysts—anyway.

The issue resurfaced at EPA hearings in January after President Ford proposed in his State of the Union message that future new car standards be frozen for five years.

Rogers Streelow, assistant EPA administrator for air and water programs, insisted Thursday that his superior's latest decision was based on "a substantially greater body of technical information" than was available earlier. The new data confirmed what had only originally been suspected, he said.

Whatever the motivation, Wednesday's EPA decision puts California on the spot because the state already enforces tougher standards than those EPA has proposed nationally to be effective until 1980. The tougher California requirements were specifically rejected by EPA in its decision because, Train said, they would drastically worsen the sulfuric acid problem.

"I think the federal government has got us boxed into a severe problem," commented William Simmons, ARB's executive officer.

If the state rolls back its own standards so that catalysts are no longer required, it will mean higher output of another automobile pollutant—hydrocarbons—which is particularly critical here. Hydrocarbons combine with oxides of nitrogen in sunlight to create photochemical smog.

"It begins to sound like you're trading the bubonic plague for typhoid," said ARB member Mary Nichols.

Streelow also put a damper on what some ARB members hoped would be an attractive alternative to relax state standards: new controls on the sulfur content of gasoline. (It is the sulfur in gasoline that the catalyst converts into sulfuric acid.)

The EPA official said that on a national basis it would cost $20 billion to cut sulfur content by about 80% and that still might not be enough to solve the sulfuric acid problem.

Other witnesses at the hearing disputed some or all of the EPA's contentions.

Robert Sansom, a consultant who formerly held Streelow's job at the EPA, was sharply critical of the agency's rationale and called its decision "a long step down the slippery slope toward greatly relaxed auto standards."

While removal of sulfur from gasoline alone might not solve the problem, Sansom argued, a combination of that approach plus modifications of the current catalytic control system might do the job.

Fred Bowditch, a General Motors Corp. pollution control expert, said that the company commissioned an independent study that concluded that sulfur in gasoline could be reduced far more than the EPA estimate at a small fraction of the cost.

Sansom was one of the EPA officials primarily responsible for encouraging introduction of the catalyst in the first place and GM is the technology's most ardent supporter among the auto companies.

Meanwhile, a Los Angeles County Air Pollution Control District official said his organization is opposed to the use of catalysts "until and unless the problems anticipated from their use can be accurately assessed and corrected."

Robert G. Lunche, air pollution control officer, urged the board "not to force the potentially dangerous catalytic exhaust devices upon the people of Los Angeles County."

He said that the board should "encourage the more promising methods of emission control which are now almost ready for incorporation in vehicles which can be on the market in the next few years."

[From the Los Angeles Times, Mar. 8, 1975]

STATE AIR BOARD MOVES TO KEEP CAR CATALYTIC UNITS

(By Dan Fisher)

SACRAMENTO.—After hearing testimony that advanced catalytic converters can clean up car exhausts without causing adverse side-effects, the state Air Resources Board moved here Friday to keep the devices alive.

Tom Quinn, ARB chairman, ordered the agency's technical staff to prepare three reports in anticipation of a critical vote by the full board on March 17 relating to 1977 California auto standards.

The reports would form the basis for board action to both protect Californians against any new health hazard and to continue the state's leadership in enforcing the nation's most stringent controls on other auto emissions, Quinn said.

The ARB acted at the close of a two-day hearing called after the federal Environmental Protection Agency said catalysts may pose an even greater health hazard than the one they are designed to eliminate.

The EPA subsequently decided on Wednesday to slow down the national auto exhaust cleanup schedule because of the new risk of sulfuric acid emissions from catalyst-equipped cars.

However, Quinn said Friday he "was not persuaded" by the federal agency's arguments.

He instructed the ARB staff to:

Investigate claims by one catalyst manufacturer that the company has a system that does not emit sulfuric acid and which does an even better job than today's catalysts of cleaning up other auto pollutants.

Draft a proposed standard that would limit the allowable sulfuric acid emissions from 1977 and later model California cars.

Prepare a legal argument on which the board could base the setting of new controls over the composition of gasoline sold in the state.

The EPA decision put considerable pressure on California because the federal agency specifically rejected future new car standards that already are in effect here. The EPA said the California regulations would result in sharply increased sulfuric acid emissions and the agency settled on more lenient regulations.

Top EPA officials testified Thursday before the ARB concerning the federal decision.

The state panel got more bad news about possible alternatives from a series of oil company witnesses Friday but late in the day an official of Englehard Industries gave members a glimmer of hope.

Englehard has a "three-way" catalyst that can far exceed current state standards and do so with no sulfuric acid emissions, said John Mooney, technical director for the company's auto catalyst group.

(Englehard already is a principal supplier of the catalysts found on most 1975 model cars. "Three-way" refers to the fact that the new unit cuts down on all three of the primary auto pollutants. The current device is effective in only two.)

Auto makers general were skeptical Thursday about the durability of a three-way catalyst. Engelhard insisted, however, that such a system was not only feasible but that the company could manufacture enough to equip all 1977 model cars sold in California.

Mooney disclosed that Engelhard's three-way catalyst emits small amounts of another new pollutant—ammonia—but he insisted that that would not constitute yet another health problem. And Quinn said that ARB's staff would be on the lookout for just such a danger when it investigates the device.

Quinn also instructed the staff to prepare a proposed standard that would limit sulfuric acid emissions to a level significantly lower than now produced by catalyst-equipped cars but not so low as to effectively outlaw the devices altogether.

The EPA also has promised such a standard for 1979 model cars, although the federal agency is still considering a requirement that would spell death for catalysts.

The ARB standard would be effective in 1977, Quinn said, and would enable California to "set the tone for the country."

The legal argument Quinn requested relates to a debate over whether the board currently has the authority to regulate gasoline composition or whether it needs new legislation to get such power. Quinn wants the issue clarified so the board can set new regulations limiting the amount of sulfur in gasoline. It is sulfur that the catalyst converts in to sulfuric acid.

Oil companies testified Friday that it would cost up to 5 cents a gallon to significantly reduce sulfur in gasoline but the EPA does not think that will solve the sulfuric acid problem. But the ARB says it may still be worthwhile, if even a partial solution.

[From the Los Angeles Times, Mar. 7, 1975]

UNITED STATES PICKS WRONG SOLUTION FOR POLLUTION, GROUPS SAY

WASHINGTON.—Seven environmental groups said Thursday that the Environmental Protection Agency chose the wrong solution to automobile pollution problems because of a "special relationship . . . between the oil industry and the Ford Administration."

The groups offered no direct evidence of such a "special relationship."

They said EPA Administrator Russell E. Train should have solved a potential health problem from sulfate emissions from automobiles by requiring the removal of sulfur from gasoline, not by slowing down efforts to reduce other forms of pollution.

"By refusing to blend and desulfurize gasoline, the Environmental Protection Agency admits the special relationship that exists between the oil administration and the Ford Administration" the groups said in a joint statement.

"It is all right to raise gasoline prices 20 cents per gallon and create windfall profits," they said, referring to President Ford's proposals to increase petroleum prices, "but it is not all right to raise gasoline prices a mere penny or two per gallon to protect public health."

The statement was issued by the Public Interest Research Group, the Natural Resources Defense Council, the American Public Health Assn., the Sierra Club, Friends of the Earth, the Environmental Policy Center and the National Clean Air Coalition.

Train, in testimony Thursday before the Senate Budget Committee, said the agency had concluded that blending gasoline supplies is not the answer to the sulfuric acid mist problem.

Cars with catalytic converters are emitting 25 times the acid mist present in the exhaust of cars without the converters, Train said.

Doctors have not yet determined the level of acid mist that humans can tolerate, he added, and the EPA cannot afford to "play Russian roulette" with human lives.

Train announced Wednesday his decision to postpone for one year the strict auto emission standard previously scheduled to take effect in 1977.

A RESPECTFUL PETITION TO THE CONGRESS

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. DOWNING. Mr. Speaker, I take this opportunity to offer an expression of opinion which I have received from my constituent, Mr. Sinclair Phillips of Newport News, Va. It represents the thinking of a number of my constituents on one of the most grave problems of our day, and I urge its consideration by my colleagues:

A RESPECTFUL PETITION TO THE CONGRESS OF THE UNITED STATES

(By Sinclair Phillips)

Your petitioner, under Article I of the Amendments to the Constitution of the United States, being a born citizen of the City of Newport News, in the State of Virginia, in the United States, does hereby request the Honorable Harry F. Byrd, Jr., Senior Senator from Virginia, and the Honorable Thomas N. Downing, representing the First Congressional District of Virginia in the House of Representatives, to present this petition to their respective bodies of the United States Congress.

The President of the United States has made a desperate step to solve our energy crisis. However, many people in this area think it is the wrong decision.

An import duty on oil would disrupt all state, city and county citizens, all utilities, transportation, manufacturing, and every item of our daily necessities to such extent that the cost of living would bring dire calamity and further decrease employment. The cost of fuel is not deductible, only the tax added for road and other special use. To collect import duty and then make adjustments to public bodies, etc. would create another bureaucracy with great expense and burden upon all citizens.

Because of decreased speed limits and patriotic action by most of our people the use of fuel has decreased and the tax for road bulding likewise decreased.

It is this petitioner's opinion that a large federal increase on automotive fuel divided with state highway departments would be the proper action and not only further decrease the use of auto fuel, but would offset the present loss in road funds, bridge construction and employment. People who would suffer from the added expense would drive less and could either double up in riding to work or use public supported mass transit.

All mass transit buses are now driven by diesel engines—with only fractional harmful pollutants, as compared to gasoline engines. The fewer gas engines on the streets and highways, the greater would be the improvement to ecology and the decrease to environmental hazards. The average automobile hauls 1½ passengers, while a bus seats 52 or more.

From conversations in our communities a firm stand promptly by Congress in this area of approach would meet with strong public support and, also, answer the challenge of the president for action.

Another, and most important step by Congress in answering the president's challenge would be to enact laws allowing and urging states to return to Neighborhood schools in order to save energy, taxes, and reduce a terrible environmental hazard caused by yellow gasoline driven buses running bumper to bumper in congested traffic, hauling students from one end of the city or county to the other, wasting millions of gallons of fuel, causing ill feeling, vandalism and lack of interest by many parents who never visit the far away school of their child's attendance.

The people and this petitioner ask Congress to not only answer the challenge of the president, but also to assume its legislative duties usurped by the federal judiciary. The people of the United States who have supreme authority, when such authority is not surrendered, can only act through their elected members of Congress or call for a convention to exert their rights. Time is of the essence; action is needed and respectfully requested by your petitioner.

FEDERAL EMPLOYEES PAY RAISES REMAIN IN JEOPARDY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Ms. SCHROEDER. Mr. Speaker, as most of us know, the President has asked that pay raises for Federal employees be limited to 5 percent through at least July 1, 1976. Under provisions of current law, Federal employees would receive an approximately 10-percent pay raise effective October 1, 1975, in order for their salaries to remain comparable with salaries in the private sector.

It is generally conceded, even by White House officials, that the President's plan has little chance of congressional approval. Indeed, the President still has not sent down any proposed legislation designed to implement his objective—and now we are told there is a "hold" on any such legislation.

Therefore, the "conventional wisdom" these days in Washington is that equitable pay raises for Federal employees will not be jeopardized.

But I am not so sure that this is the case. I am of the opinion that the administration might well try to subvert the intent of existing pay adjustment system, if and when, its proposals are rejected by Congress. If the 5-percent pay raise limit until mid-1976 is rejected, then I fully expect the President to ask that any pay increase be deferred from 3 to 6 months beyond its normal October 1 date. The administration's approach would be to characterize this proposal as a more "moderate" measure, and thereby win congressional approval—but I am confident that Congress will not reject one bad proposal only to accept another one that, although still very bad, is not quite as unfair.

What concerns me, then, is not how Congress will react to inequitable proposals from the President which it must approve. What does concern me very much is action which the President might try to take unilaterally.

There is, I believe, a serious loophole in the Pay Comparability Act of 1970 which could be used by the President to circumvent and subvert the intent of the law. The law provides, in effect, that after accepting recommendations for pay raises from the Office of Management and Budget, the Civil Service Commission, labor representatives, and a "neutral" Advisory Board, the President decides what figure is necessary to assure "comparability."

I believe that, having been rejected once by Congress in an attempt to limit Federal pay raises to 5 percent, the President might unilaterally declare "comparability" to be significantly less than the 10-percent pay raise Federal employees need to keep pace this year. Indeed, I believe the groundwork for such a scenario is already being laid with the President's recent directive that a "Blue Ribbon Panel" be established to study the methods now used to determine "comparability."

I am hopeful that the President will not choose to pursue a blatantly unfair course and pull a low comparability figure out of "thin air" come September. But I am asking that the House Subcommittee on Retirement and Employee Benefits, which has jurisdiction over pay, study whether changes are necessary in the law to prevent such arbitrary action which would so adversely affect Federal employees and their families.

In conclusion, then, I remain concerned that Federal employees will have to fight for the right merely to have their wages fall only 3 to 5 percent below cost-of-living increases like everybody else, instead of being set aside as a select group of Americans chosen by the President to fall some 10 to 15 percent behind inflation. Once again it appears that Federal employees will have to rely upon the Congress to protect their right to the principle of equitable pay comparability.

ADDRESS BY PRESIDENT THIEU

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. CRANE. Mr. Speaker, a short time ago several distinguished Members of this body traveled the 9,000 miles to the Republic of Vietnam to see conditions for themselves. While they were in Saigon several of our colleagues were addressed by President Thieu.

I thought it might be of interest to those of us who were not present to know President Thieu's thoughts on the present situation in Southeast Asia. Accordingly, I should like to make this information available by inserting his speech of March 1, 1975 in the RECORD at this time:

Excellencies, Ladies and Gentlemen, Distinguished Guests, I have great pleasure in seeing you tonight again in a friendly and relaxed atmosphere. I shall avail myself of this opportunity to convey to you my most sincere feelings.

First of all, on behalf of the Government and People of the Republic of Viet Nam, I sincerely thank you and would, through you, express my appreciations to all the American people who kindly concern themselves with my country.

You did not mind making this long trip in your endeavours to understand the self-defense struggle of my people. I am extremely delighted to welcome you here, because I consider it a rare opportunity for you to have a closer look at the situation which is much spoken of, but the true aspect of which is not visible to many.

I am extremely pleased to see that, as you had wished it when you landed in this free land, you were able to move freely, to visit the places you want to see, to freely look for all the evidence and informations that you are after, and that the elements and facts that you have gathered were not distorted through any pressure at all.

You met only with two limitations: these are, on the one hand, the Republic of Viet Nam's national laws which are equally applicable to all people because, we, too, have a Constitution, national laws and an independent judiciary system and on the other hand your willingness to respect the national sovereignty of the friendly country which is now hosting you.

My satisfaction is accounted for by the traditional sense of hospitality of the Vietnamese people, together with their indomitable spirit, that never surrenders to violence, and never accepts any humiliation. Thus our hospitality is not attitude of opportunists, prompted by immediate interests.

Therefore in view of this intimate reunion I shall now propose to you that we leave out partisan passions, unjustified suspicions, and tricks unworthy of us. I invite you all, together with me, to rise over all of that, so as to look seriously and accurately into the problem common to our two peoples.

Obviously the matter cannot be limited to the so-called merit or demerit of the Government and the People of Viet-Nam regarding American aid. Because it is entirely fabricated by a minority to cover up their deep-rooted prejudices.

We believe that your visit has proved to be fruitful in the sense that it serves to strengthen the long lasting bonds between our two peoples.

Because, short of that goal, there will be no justification for the precious time that you have spent here the last few days.

Indeed, we believe that you have come here to get informed and not to investigate; to observe the situation and not to only look for our shortcomings; that you have come with goodwill and impartiality rather than with preconceived ideas and judgments, for we know that impartiality and fairness stand very high on the American scale of values.

During the past few days, you have been able to go wherever you want to go and to meet whomever you like to meet. You have had the opportunity to observe at close range our soldiers in the front and our peasants in the countryside. You have called on both government officials and political dissenters. You have thus listened to a wide range of opinions, from the left to the right. From this vast amount of facts and findings, each one of you will draw his own conclusions, and this is the way things should be in a democratic regime.

However, I think there are some points upon which everyone might agree:

First of all, the fact that there had been no restrictions imposed on your movements in this country, no areas marked off-limits and no persons held incommunicado from you during your stay, had done much, I hope, to destroy the myth carefully nurtured by the dissenters according to which the Republic of Viet-Nam is just another police State. Even though we are presently faced with aggression, you can see that there is much more freedom here than in many other countries living in peace and where national security is not at all threatened.

Secondly, the evidence is here for all to see that, far from being the warmongers so often depicted in Communist literature, we are actually being attacked—and massively so—by North Vietnamese Communist Troops, in violation of every provision of the Paris Agreement of January 27, 1973. So it is evident to any impartial observer that the first thing to do in order to save the Paris Agreement is to stop the Communist aggression. Once the ceasefire is effectively implemented, all other provisions of the Agreement can be carried out. We are ready to do our part and we are disposed to resume the peace negotiations without any precondition.

The third point that may have been noticed by everyone is the determination of the people of South Viet-Nam to resist aggression and enslavement by the Communists. You have visited our barracks and our ricefields, our cities and our refugees' camps. Did you meet anyone who would willingly go to the other side?

So, we have the will to survive. We have also the capability to survive. Assistance to South Viet-Nam cannot be an open-ended affair: you have only to look at our food production, at the development of our light industry and at the prospects of oil exploitation on our off-shore-areas to be convinced of that. As a proud people, we do not intend to rely on foreign aid forever; as a potentially rich country, we do not have to.

Some of you might be interested in one individual instance or in a particular aspect of political life in Viet-Nam. These are legitimate interests and, as we have been straightforward and open-minded in facilitating your fact-finding mission, I think that your questions have been fully answered. The answers you have got may or may not satisfy you. But please remember that the issue you ultimately have to address yourselves to is larger than any issue of personality or of any particular institution. In fact this issue goes even beyond the problem of whether or not the supplemental military aid of 300 millions-US dollars should be accorded to South Viet-Nam The central issue that shall be considered by the 94th Congress of the U.S. can be summed up as follows:

During the past two decades, the People of South Viet-Nam have been told time and again by five U.S. Presidents belonging to both parties of America—all of them supported by successive legislatures of the U.S.—that the United States is determined to provide them with adequate assistance as long as they are willing to resist Communist aggression to preserve their freedom. That solemn commitment had been renewed at the time of the signing of the Paris Agreement. The issue boils down to one simple question: is the commitment made by the U.S. to be of any value? Is the word of the U.S. to be trusted?

That is the message I want you to convey to the 94th Congress of the United States.

Bearing in mind the supreme sacrifices consummated by tens of thousands of young Americans on this very soil, and the hardship endured by many others in Communist jails, are we going to allow those sacrifices to become futile? Is the United States going to part from her ally of two full decades? Recalling the proud history of America and her dedication to the ideals of freedom and justice, I am convinced that the answer to the above question can only be negative.

Distinguished guests, To-night I also wish to express the emotions of my people when we hear Americans sympathetic to our national cause, invoke America's traditions, responsibility and credibility to stir people's conscience to eventually decide the assistance that my country needs now for the coming transitional years. May I compliment these genuine friends for their sound vision, and may I recall here the meaningful saying:

"The gift is important. But the manner in which it is given is even more important".

I wish to add that in the forthcoming months there will be more serious challenges to the cooperation between our two countries, and to the survival of the ideal of democracy and freedom in this land.

Considering the friendliness existing between the Vietnamese and American peoples and welded in the course of the recent struggle sustained side by side, I am certain that unity between our two countries will consolidate faith in the Free World, and will also be a strong and efficient deterrent against communist North Viet-Nam aggressors.

All the guests whom I have the honor to entertain to-night have the ability to contribute positively to materialize our common aspirations, I mean, to help my people to obtain the aid indispensable for us to defend ourselves efficiently, to discourage our aggressors, and to force them to seriously implement the Paris Agreement. Only then, will the people of South Viet-Nam be able to enjoy a just peace based on the right of self-determination. That is the solemn pledge of the Government of the United States and also what you yourself wish for the Vietnamese people.

My wish is that "having been comrades in war, we now remain good friends in peace".

In that spirit, may I propose a toast to the American Delegation and through them, to the American Congress and people.

Thank you.

JOHN SAWHILL ON THE ENERGY SITUATION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. BONKER. Mr. Speaker, last Tuesday the Democratic Study Group had the opportunity to hear a presentation from two of what has become a growing number of experts in the field of energy, Mr. John C. Sawhill and Mr. Charles Schultz. Both made a very informative presentation.

For the benefit of our colleagues, who did not have an opportunity to hear this illuminating presentation, I would like to insert in the RECORD an outline of Mr. John Sawhill's remarks:

PRESENTATION OF JOHN C. SAWHILL BEFORE THE DEMOCRATIC STUDY GROUP, MARCH 4, 1975

I. CURRENT ENERGY SITUATION

1. Demand for energy in U.S. has grown at 3.5% a year over last half century. Rate of growth accelerated to 4.5–5% in late 1960's and early 1970's.

2. Recent growth in domestic energy supply has been at a somewhat slower rate—oil production peaked in 1970, gas production has leveled off, coal production stagnant.

3. Result has been sharply increased imports, deteriorating balance of payments and increased vulnerability to another embargo. And, the quadrupling of prices since October 1973 has had a serious impact on the domestic economy, contributing about one-third inflation.

4. Yet, in recent weeks, several developments have occurred which suggest that the situation may be improving.

a. World oil prices are softening in the face of a buildup in inventories and the prospect for continued price weakness is encouraging—at least until the worldwide economic picture improves.

b. The financial crisis appears to have passed and financial institutions are now beginning to recycle surplus OPEC funds into longer term investment—e.g. Pan Am.

c. Major consuming nations are beginning to work together through the IEA to coordinate energy R&D and conservation programs and to develop contingency plans for sharing supplies in the event of another embargo.

5. Thus, for the next 18–24 months, it appears that the likelihood of supply interruptions or further price increases has been reduced. We have some time to get our energy house in order, but we must begin now.

II. PREPARING FOR ANOTHER EMBARGO

1. Immediate steps should be taken to prepare for a future embargo by enacting standby emergency powers and a strategic storage program.

2. Standby emergency powers would permit the President to invoke tough demand reduction measures—including gasoline rationing, hours of operation for retail stores, lighting standards, etc.—in the event of another embargo.

3. Strategic storage program would create an "oil stockpile." Oil for storage could be produced from the naval petroleum reserves and limited amounts could be purchased from foreign governments under "sealed bids." Eventually, some of the reserves could come from the production of synthetic fuels.

III. EXPANDING DOMESTIC ENERGY SUPPLIES

1. We have few short range options for expanding domestic energy supplies because of time lags, resource constraints, and environmental conflicts.

2. But, we must increase oil production where possible—e.g. develop Elk Hills and begin exploration and development of NPR #4.

3. We must, through Congressional mandate, implement a method to increase natural gas prices and eliminate the uncertainty of the current regulatory climate.

4. Over the next few years, we should return to a single price for oil by setting a ceiling price for new oil near current levels and giving the President discretionary authority to raise old oil price by a fixed amount (e.g. 10%) a year to compensate for inflationary cost increases in secondary recovery equipment.

5. We should begin OCS exploration so that we know amount and difficulty of producing these reserves and can determine how best to develop them. As part of OCS program, it may be necessary to rethink and perhaps expand role of Federal Government and give the States a share of OCS revenues.

6. We must enact energy facilities siting legislation—perhaps as part of a broader land use bill.

7. We must provide some type of front end financing to new communities created to expedite energy resource development.

8. Congress should take a careful look at the utility industry and determine whether some type of supplemental government financing is necessary—perhaps a limited UFC.

9. Finally, the depletion issue should be settled and the foreign tax credit amended to insure that it does not encourage foreign investment.

IV. ENVIRONMENTAL TRADEOFFS

1. While the nation takes these exploration and development steps, the Congress must face up to some tough environmental questions—such as

2. A tough, clean bill to regulate strip mining.

3. Amendment to Clean Air Act and Energy Supply and Environmental Coordination Act to permit—under certain controlled conditions—the substitution of coal for oil under utility boilers.

4. Amendments to Clean Air Act to change certain auto emission standards (e.g. NO$_x$), but 5-year moritorium not necessary.

V. ENERGY R. & D.

1. Congress should review energy R. & D. priorities to insure that coal conversion, alternative energy sources (e.g. solar and geothermal), and *in situ* oil shale processing are being adequately funded.

2. And, we should expand funds for conservation R. & D. and mount a crash program to develop a more efficient auto engine and explore the feasibility of an electric car for urban use.

3. Finally, we must develop new types of government-industry partnerships to insure that synthetic fuels program moves forward.

VI. REDUCING ENERGY DEMAND

1. There is no need to reduce imports by 1 million barrels per day in 1975—a more gradual approach is more consistent with economic recovery. Imports in 1975 will be well below earlier expectations even without the proposed tariffs and excise taxes due to the lower level of economic activity.

2. But, a more gradual approach does not mean abandonment of energy conservation goals.

3. Congress should enact a large gasoline tax—e.g. 30¢—but implement the tax in 5¢ increments over a 5–6 year period. In this way, people have time to adjust to the higher prices and can plan and act accordingly. Appropriate refunds should be made to low-income groups.

4. More funds will be needed for public transportation—perhaps financed out of the gasoline tax. States and cities cannot afford to do the job alone and we must give people an alternative to the automobile.

5. Mandatory standards should be set requiring auto manufacturers to make more energy efficient cars—a 20 m.p.g. sales weighted standard by 1980 is not unrealistic. Standards are preferable to excise taxes (e.g. horsepower tax) which might stimulate imports and could be offset by price changes.

6. Energy labeling bill needed for autos, appliances, home heating systems—also mandatory efficiency standards for appliances.

7. Conservation in residential and commercial buildings should be stimulated through tax credits for retrofit of existing buildings, thermal efficiency standards for new buildings, and subsidies to low-income families. Tax credit should be large enough to get the job done—e.g. 50 percent.

8. Conservation goals and programs should be required for largest industrial consumers and investment tax credit should be selectively increased to 15% for long term investment projects which produce significant energy savings.

MIDEAST PEACE?

HON. RICHARD F. VANDER VEEN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. VANDER VEEN. Mr. Speaker, all of us yearn for a just and durable peace in the Middle East. And I believe that all of us wish our Secretary of State, Dr. Kissinger, success in his mission of personal diplomacy to urge events in the direction of peace. How this can best be done is debated by knowledgeable people in and out of the Federal Government. A fresh approach is taken by Martin Peretz in the New Republic of March 8. I commend it to the attention of the House:

[From the New Republic, Mar. 8, 1975]

MIDEAST PEACE?

Israel has become in world affairs a pariah nation. Why this is so is both complicated and simple: Israel is, after all, the political expression of a historically oppressed people, and the power of Arab oil is just now great enough to sway both the weak and the mighty to join the anti-Israel chorus. Surely, as two prominent French leftist intellectuals wrote recently in LeMonde, it is not that Israel can be seen on any comparative scale—whether measured against Communist, Western, Arab, or Third World countries—as a monster state. Whatever the reasons for the lopsided anti-Israel majorities in various UN agencies or behind the hostile rhetoric of intrinsically indifferent political figures from distant and otherwise preoccupied countries, the implications of the new mood are clear—and they constitute a peril to the security of Israel.

The persuasive capacity of insincere analysis seems to be without match, and there is a particular virulence to the contagion of insincere phrases. With reference to the Middle East, these are now the stuff of orthodoxy. James Reston, in a column for some of whose factual and intellectual gaucheries he has already apologized, sees an obstacle to peace not so much in the reluctance of Israel itself to make concessions, as in the anxieties of Israel's friends in America that territorial concessions made to the Arabs will be the military advantage from which a future war begins. Tom Wicker fears Israeli defiance of an "acceptable" settlement—and fears also American (for which read Jewish) support of that defiance. Evans and Novak, Carl Rowan, Nicholas Von Hoffman, others, the same and more. "Columnists are like blackbirds on electric wires," Eugene McCarthy used to say. "They move in groups." Everywhere, it seems, it is assumed, "if only Israel were not so intransigent . . . if only Israel would return to the borders of June 4, 1967. . . ."

History and logic alike should confound the easy confidence with which such impatient sentiments are uttered. The frontiers existing at the outset of the six-day war separated Israel and her Arab neighbors for 19 years, and they were not frontiers of peace or even of real truce—but frontiers from which wars were waged and threatened. Indeed, much of the territory in the Sinai that Israel is now urged to restore to Arab sovereignty had already been restored twice in exchange for guarantees that proved to be of no value whatever. And if this was the case when the Arab governments were weak and divided, when there was virtually no Russian presence capable of great mischief in the area, why will the territorial status quo ante bring peace now that the Arabs are strong and relatively united, and now that the Russians are positioned to disrupt any situation not in accord with their own—and shifting—political ends?

This isn't a rhetorical question intended to bolster an Israeli minority which opposes relinquishing Arab lands. In the first disengagement on Suez after the Yom Kippur war, more reluctantly to be sure on the Golan, Israel amply demonstrated that it would make territorial concessions to build momentum toward an agreement with the Arabs. Even those who fault what they call "Israeli truculence" know that in the next round of negotiations the Jerusalem government is willing to take considerable risks to keep alive the process so painstakingly nurtured by Secretary Kissinger.

The question in the next days, however, is not what Israel will give up; it is rather what Egypt will give in return. It is sheer sloganeering to say, as some rather casually have, that since it is Egypt's land that is at issue, that country is obliged to give little or nothing to reclaim it. For what is expected of Israel is no small gesture toward Cairo. In the present environment, no one can underestimate the importance of fuel-poor Israel's withdrawing from the Abu Rhodeis oil fields at the tip of the Gulf of Suez, which have met half of Israel's petroleum needs during the last seven years. Nor, in an unstable situation, will the Shah's pledge to Kissinger to supply Israel's oil needs be full reassuring. But the Mitla and Gidi passes, which are part of the anticipated bounty of negotiations, constitute an even more vexing problem for the Israelis. These mountain passes control the rest of the Sinai peninsula and an Israeli withdrawal would be a surrender of significant strategic advantage.

To the extent that risk is assumed, Israel is entitled to reciprocal—if necessarily asymmetrical—political concessions from Egypt. While the signals from Cairo have been confusing, perhaps deliberately so, the Egyptians do not yet seem to be particularly conciliatory. No doubt agreement to the demilitarization of the relinquished territories is a prerequisite of any Israeli withdrawal. But as with a decision to allow Israeli cargoes through the canal, this is an easily revokable concession. Installing tanks or missiles where it has been agreed they are not to be might be a casus belli, but that's sparse consolation. What is required from Egypt are moves, now, that would make it more difficult and costly for Egypt to wage war later—as the contemplated Israeli withdrawals would make a renewed war much more difficult and costly for Israel.

What is especially striking, and should make people suspicious, is Sadat's reluctance, in exchange for Israeli withdrawals, to commit his country to the politics of nonbelligerence, to tell his countrymen that the journey of conciliation with Israel has at long last begun. A leader who fears doing what might not be able to lead his country to peace; perhaps he does not want to. If he wants to but won't say so, he limits his flexibility and circumscribes the strategy of negotiations by bellicose talk. By continually saying, as he did again last week, that this next stage entails no political commitments on Egypt's part, Sadat bolsters those who want to make no political commitments to Israel of any sort. If the "hero of the crossing" cannot tell his own people what he is so eager to confide to American journalists, what Arab politician can? And if none can, how can anyone be so sure that the problem between Israel and the Arabs is simply a matter of territorial adjustments, a Mideast version of the Alsace-Lorraine question?

In addition, then, to earnests that draw the Egyptian people into the reality of negotiations, Israel is justified in wanting to know that the infinitely more complicated problems with Syria or regarding the West Bank will not be used sometime hence as an occasion for Egypt to abrogate the concessions it makes as part of an agreement on Israeli withdrawals. The most tangible measures insulating a rapprochement between Israel and Egypt from extraneous pressures would be an indefinite or, at minimum, a long-term extension of the UN peacekeeping forces in the vacated territories, revokable only by the Security Council. The present mandate, renewable every six months, institutionalizes periodic instability, and is an open invitation to interference from outside. To argue for less is to argue for making the resumption of war easy.

Given the depth of the conflict between the Arabs and the Israelis, it would be endangering the entire process of negotiations, in fact, if one side were to get concessions on the cheap. It would establish a pattern of unrealistic expectations without creating relationships between old foes on which a peaceful future for the region depends.

What with the difficulties encountered so far in eliciting significant concessions from Egypt—not, it should be noted, in eliciting such from Israel—an assortment of journalists and politicians have fixed on the notion of American guarantees to Israel as a substitute for an accord between the two contending parties. In a discussion with New Republic editors last week, Kissinger said that an American guarantee by treaty or otherwise would be only "icing on the cake," that such guarantees would make sense only once there were actual agreements on and concrete movement toward final settlement by the two countries.

Kissinger had been drawn into the discussion of guarantees by the persistent Russian offer to "guarantee" Israel's 1967 borders. The Soviets, of course, are wholly without bona fides on this matter, and Kissinger is in any case suspicious of their intentions. There is no justification, though, he reasoned correctly, for abjuring an American guarantee at some unspecified point in the future. But he knows, as surely the Israelis and Arabs know too, what is wrong with a guarantee now.

In the absence of tangible Arab, or in this instance, Egyptian, steps toward peace, an American guarantee to Israel upon its withdrawal from militarily significant positions increases the likelihood of circumstances that may require American intervention on behalf of Israel. Now Israel has never wanted, does not now want, such an intervention. Moreover, a firm guarantee is a politically dubious proposition in the U.S. The Arabs may well reason that the Americans might renege on such a guarantee in an extremity; but Israel also is aware of that possibility, and thus what is being talked about should seem to Israel hardly a guarantee at all.

The idea of an American guarantee to Israel emerged under curious auspices. Many of its enthusiasts have on the record no demonstrable concern for Israel's security, a fact that raises serious and unavoidable questions about motives. Many others who find an American guarantee an attractive alternative to measurable moves by Egypt adhere to a politics that would make the guarantee simply not credible. For a real guarantee to Israel might require a declared American interest and greater presence than the U.S. now maintains in the Indian Ocean, the Mediterranean, and the Persian Gulf.

Moreover, it implies a commitment to produce certain weapons and aircraft like the big transport planes and more advanced fighter planes which may face the ax in congressional budget-making. One cannot all at once credibly support an American guarantee in a very unsettled area while pushing for a general retrenchment of our foreign involvements everywhere else. Nor should it be imagined that the very idea of an American guarantee or protective arrangement with any country would appear at this moment in history as anything more than a bedraggled remnant of the past. There are many to blame for this, not the least the perpetrators of the Vietnam war. But congressional critics of American foreign policy, having belatedly and not very discriminatingly asserted legislative prerogatives against the executive, share responsibility for having rendered the U.S. incapable of acting decisively for its own interests and those of its allies.

While there are, then, many objections to the U.S. as guarantor of agreements, there is everything to be said for the U.S. continuing its role as broker between the adversaries. Indeed, no power other than America, and perhaps no man other than Secretary Kissinger, could aspire to these historic burdens. Such achievements as there have been in the Middle East are directly attributable to him and to his persuasive powers. But the obligations that Israel and Egypt now assume in negotiations should be to each other, and not to Kissinger—if only to preserve his ability to function as broker in future talks. Otherwise any violation committed by one side may injure his credibility with the other. In an interview with Philip Geyelin of The Washington Post, Sadat carried the concept of pledges to Kissinger one step further by suggesting that the secretary personally be the guarantor of commitments reached through him. Mr. Geyelin thought this to reflect "new flexibility" on Sadat's part.

If Israel is gradually to withdraw from the largest portions of the occupied territories, then its enemies will have to persuade Jerusalem that these are not likely to be scenes of new battles against Israel's survival. It is fashionable to say—the power of cliches again!—that, with modern weapons, territory is no guarantee of security. But to think that is to have failed to learn one of the primary lessons of Indochina. With modern weapons, one should understand from the American air war against North Vietnam, you can heap excruciating torments on a country from afar; but unless you can get into its territory with conventional weapons and troops you cannot capture it or bring it to its knees. That is why a small country like Israel, with hostile borders straddling in places only a few kilometers of its pre-1967 territories, is justifiably anxious about exactly where her frontiers will be and what armies and hardware are to be allowed beyond them. Worrying about particular hills and valleys is no trifle for the Israelis: It is a bare hour's march from the Jordan River to Jerusalem; geography itself seems almost to threaten both the agricultural settlements in the north and population centers on the coast. The cliche about the insignificance of territory—a distinctively American perception, one thinks—ordinarily goes on to assert that the only real guarantee of security is genuine trust between neighbors. This no doubt is true, but that trust can be built best—if there is reason to trust at all—when neighbors obligate themselves to each other.

This is precisely the kind of trust that the Secretary of State has been trying to foster. It has not been easy in the past, and it will not be easier in the immediate future. What is likely to develop as Kissinger shuttles back and forth between Cairo and Jerusalem is something less than optimal movement toward peace. This realistic expectation has provoked in many quarters, and for diverse reasons, a backlash against the step-by-step, country-by-country structure of Kissinger's mediation. But much of the pressure to dispense with these particular negotiations and revert to the Geneva conference derives also from the fact that it is now open season on Dr. Kissinger.

This has much less to do with his actual performance than with the general demoralization of American politics and an embarrassed overreaction to an embarrassing exaltation of Kissinger's talents in the past. Senator Stevenson's attack on the secretary's attachment to "the myth of his own personality and indispensability" is understandable as early campaign rhetoric. But the senator's corollary proposal to reconvene Geneva is not sensible.

For the strategy of peace requires first the maximization of those interests of Egypt that will keep it out of any future fighting in the Middle East. How much more difficult it would be to fix on the common concerns of Israel and Egypt in a conference attended by the other Arab states and with the redoubtable Gromyko in the chair. Sadat, in fact, does need peace. In a recent series of especially informative articles in the British Guardian, David Hirst found Egypt menaced by "serious internal instability . . . a growth of violence that is untypical of Egyptian society . . . deep social and economic frustrations, a sharpening of class antagonisms in a country where, some people now say, contrasts between rich and poor are quite as shocking, if different in nature, as they were in the day of King Farouk."

This situation might incline Sadat to a diversionary adventure; but for the moment he has risked the enmity of fellow Arabs and alienated his on-again-off-again Russian benefactors to pursue Kissinger's byways. Consideration for Sadat's difficulties should not oblige the Israelis to overlook their own strategic concerns; but his problems do suggest that the coming talks may begin to unlock the generation-long political stalemate that has cost so many lives.

The reconvening of Geneva if these talks were to fail would be a perfect setting for the parties to play to the balconies, with full peace plans that don't give anything. The good offices of the United States—stigmatized by failure—would be broken. The initiative then would shift to the Soviet Union which, with the backing of the Europeans and Japan, terrorized by the specter of another oil embargo, would seek to force upon Israel a dictate devoid of the preconditions or components of genuine peace. Sadat might also not be in attendance, pushed by failure off history's stage; or he might be there only because the Soviets allow him once again to be their client. Every disruptive influence, including especially the PLO, which already shows signs of decline despite its successes on Manhattan's East River, will come to the fore; and the king of Saudi Arabia will frantically be trundling his billions behind those aiming in the end to undo him as eagerly as they would undo Israel. Paradoxically the king would also then be doing service for the Russians who need the format of Geneva and the vehicle of the PLO to install themselves on Israel's eastern borders, a standing irritant playing for stakes incompatible with a decent settlement.

It will probably not be possible to avoid

Geneva in the long run. But what ultimately happens there will be much less inconsistent with a peaceful resolution of the conflict if Sadat's heretical tactics have paid off for him and if Israel's territorial concessions win some significant political responses from Egypt.

For this would mean that U.S. diplomacy remains the key to an agreement between Israel and its neighbors, rather than another battered piece of evidence of how intractable their problems are. The awful prospect of Geneva without successful negotiations in the next stage on the Sinai should not induce a desperate Panglossian optimism about these present talks. But it is precisely the prospect of a witches' sabbath in Geneva that makes the success of Secretary Kissinger's current efforts so vital to those who live and otherwise might die in the Middle East.

ARMS SALES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. MAZZOLI. Mr. Speaker, it is increasingly clear that sales of American defense materials to other nations is a questionable expression of foreign policy.

As the world's largest purveyor of weaponry—selling half again as much in 1974 as did the Soviet Union—the United States impacts the military balance of regions like the Middle East, the importance of the military in the internal affairs of other nations, and the economies of the trading nations.

Our policy of virtually unrestrained military sales is coming under new attack as ineffective and perhaps counterproductive in achieving foreign policy and military goals, and harmful to the cause of world peace.

One of the most painful ironies of such sales is that often the arms supplied by the United States to one nation are used against American made arms in another country.

The validity of the U.S. role as arms merchant for the world is challenged in the March 3, 1975, Time magazine story "The Arms Dealers: Guns for All."

The story states that the international arms trade has increased from $300 million in 1952 to $18 billion currently, and that the 1974 U.S. share was $8.3 billion.

Most of our military sales were to nations in the highly volatile Middle East region.

The consequences of this massive spread of destructive capability are often tragic and unforeseen.

For example, we have too frequently armed both sides of a military conflict. We now sell arms to Israel and its potential opponents in the Mideast. In the past we armed both Pakistanis and Indians, and supplied both Turkey and Greece with American-made weapons.

Since it is difficult if not impossible to fight a war without guns, the proposition that our arms sales have contributed to the possibility of war seems valid. Indeed, Time states:

> In each of the 60 military conflicts since the end of World War II, imported weapons were used almost exclusively.

One expert credits these arms with causing the deaths of 10 million people.

Equipping a nation with firepower—and we are now exporting even the newest, most effective nonnuclear firepower—may tempt it to seek a military resolution to a disagreement which might otherwise be resolved by peaceful means.

The race to sell arms—and the major arms makers compete vigorously in the world market—may result in other nations equipped to a level far beyond what is necessary for any purpose other than domestic repression or foreign aggression.

Mr. Speaker, rationality and restraint must be brought to this senseless aspect of the arms race. It is not necessary, nor perhaps even desirable, to put an end to all arms sales. Nations have the inherent right to defend themselves.

But indiscriminate sales, contrary to the interests of peace, the maintenance of democratic governments, and our own foreign policy interests, should be ended. If the administration fails to negotiate in earnest for appropriate limits on international arms transfers with other arms suppliers, the Congress should consider a suspension of such sales or a requirement that all sales be approved by the Congress prior to their consummation.

IN PRAISE OF A JOB WELL DONE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. RANGEL. Mr. Speaker, our distinguished colleague, Congressman Peter Rodino from New Jersey, has served this country brilliantly at a time of grave national crisis. At a time when the constitutional foundation was being challenged by a former President and his staff, Chairman Rodino was there to protect our system. The integrity, intelligence, and diligence that he exhibited as chairman of the House Judiciary Committee during the impeachment inquiry will long be remembered by most Americans. He led this country through perilous times, holding fast to the basic principles of justice and fairplay that this country aspires to. It was indeed reassuring that during our Nation's hour of need, the very able and eminent Peter Rodino was there to see us through these dark times.

I would like to share with my colleagues the following tribute to Congressman Peter Rodino written by journalist Nathan Wright. I am sure he speaks for all of us in this Chamber and more importantly the entire Nation when he expresses praise of Peter Rodino.

The material follows:

JUDICIAL POST REWARD

(By Dr. Nathan Wright, Jr.)

In the light of the possible creation of a number of new federal judgeships, New Jerseyans in particular should be boosting one of their most heroic sons for one of the imminent vacancies. House Judiciary Committee Chairman Peter Rodino acquited himself before the public eye, during the Nixon impeachment hearings, as one of the nation's most astute and judicious referees in a congressional court of inquiry.

The qualities of calmness, fairplay in the face of tremendous open and covert political pressure and diligence in the orderly pursuit of truth are all essential to the retention and furtherance of integrity in our courts. These attributes have been displayed by Chairman Rodino for years but never so brilliantly as in the televised House Judiciary Committee hearings this past year.

An able lawyer, he has chaired the U.S. House of Representatives' committee of lawyers with such distinction that he has been rated in several polls as the most effective chairman in the Congress.

For more than a third of a century, "the law" has been Chairman Rodino's life. His concern for judicial excellence is evidenced in his work with the House Judiciary Committee in which he rose through the ranks and, through seniority of service, became its perhaps most celebrated leader.

Newarkers have found in Mr. Rodino an able and effective public servant whose sympathies and supportiveness have been broad enough to bridge the notoriotous divisions of what has been called at once America's most beseiged and beleaguered city. While Newarkers may be divided on many issues, there is wide agreement that Chairman Rodino has meant much to the preservation of their city.

Some have encouraged, with good reason, that Mr. Rodino be nominated for the next vacancy on the U.S. Supreme Court. Once nominated, his confirmation would be certain and a grateful nation which has had little reason to be other than cynical would have ample cause to be proud of something. The nation would see in "Justice Rodino" an able and accomplished public servant who has faithfully championed human rights. They would see a proven leader among the nation's ablest lawyer-statesmen. They would have a patriot honored on the field of battle and an internationalist who has been decorated repeatedly for his work in promoting world understanding and cooperation.

Supporters of Mr. Rodino, who should include most of the public-spirited community of the State of New Jersey, should approach their U.S. Senators and Representatives and make direct communication with the White House. Republican Party members especially would have much to gain in securing from President Gerald Ford, the non-partisan appointment of a popular jurist. After all, it will take almost as many Democratic votes as those of Republicans to place Mr. Ford in the White House for a second term. A non-partisan image through the instrumentality of a "Justice Rodino" would go far to assure the kind of support which will be decisive for Mr. Ford's political future.

If any public servant, in all of the bleakness and tragedy of Watergate, has stood tall and wondrously beautiful it has been Newark's hometown hero, Peter Wallace Rodino.

Newark needs a hero to be hailed at home and also heralded nationally. The U.S. Supreme Court needs a new kind of face to offset the Nixonian image of an attempted turning back of the political clocks via appointments of "strict constructionists" in a period of rapid social, political and economic change. Mr. Rodino would offer a sense of stability, while being particularly sensitive to the evolving needs which America faces in terms of the re-interpretation of the law.

It is high time that all Americans had something to cheer about. In Mr. Rodino's receiving of an appropriate reward for the most distinguished public service, by the offer of even greater opportunity for more substance service, we would be observing one of the soundest principles of good democratic government, at the same time we would restore much of a needed faith ourselves and in our system.

A NATIONAL ENERGY POLICY STATEMENT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. EILBERG. Mr. Speaker, the energy problem facing our Nation and the world has affected almost every aspect of our lives.

During this session of Congress we will undoubtedly pass legislation intended to reduce the Nation's consumption of gasoline and other petroleum products. While this legislation is certainly necessary, I believe that we have not really come to grips with the idea of solving the problem, we are just dealing with its symptoms.

There must be a national commitment to ending our dependence on oil and to developing new sources of energy.

Recently, my good friend, Dr. Norman H. Cherry, manager of energy programs at the University City Science Center, in Philadelphia, issued a national energy policy statement endorsed by 41 Philadelphia area scientists, engineers, and businessmen.

At this time, I enter Dr. Cherry's statement into the RECORD:

A NATIONAL ENERGY POLICY STATEMENT

This nation is presently engaged in a debate on energy policy that is primarily restricted to approaches of an economic nature. Although these approaches may eventually lead to some alleviation of our energy crisis, they are not central to the problem. The central problem is the fact that our energy technology has neither been developed nor used sufficiently to meet national energy requirements from domestic energy resources. In this energy policy statement we therefore set forth the role that energy technology has played in the growth of the United States, the extent to which we are now energy dependent, the fundamental reason for the confusion in our handling of this crisis, and how we have solved similar problems in the past. Having done this we then make salient recommendations for a national energy program.

Since the advent of the Industrial Revolution a great many nations have raised their standard of living, often dramatically. As a pioneering nation endowed with many natural resources, the United States has for decades developed its technology, through the Industrial Revolution, to ensure its standard of living as paramount among nations. Our industrial capacity, our food production and distribution, our transportation system, our medical facilities, our educational institutions and our communications network are sufficient testimony to this fact of domestic and international life.

The role that energy technology plays, however, in all industrialized nations, is unique. No single enterprise or institution can grow without the development of energy sources and their utilization. Until recently the domestic supply of energy in the United States has been more than adequate to permit the growth of our industrial capacity and the consequent rise in our standard of living. In the last decade and a half, however, this situation has changed drastically. We now exist as a net importer of energy sources, particularly oil. In recent years, therefore, we have lost our energy independence and are now an energy dependent nation. Some eighteen percent of our total energy requirements now lie outside our legal jurisdiction, and this foreign dependence has resulted in a current annual energy trade deficit of some twenty-three billion dollars.[1] It has also resulted in the vast accumulation of dollar reserves in foreign hands, an additional situation we can ill afford.

In terms of consumption, oil presently represents by far the leading energy resource. It accounts for approximately fifty percent of our total energy resource consumption. To meet domestic oil requirements, the United States has for decades been the world's leading oil producer. This fact of international life, however, has just recently changed. While our own domestic production has slipped, that of the Soviet Union's has continually increased to the extent that they now stand as the world's leading oil producer. The United States has taken the number two position.[2] This second rate position compounds still further our energy problems.

That this energy dependence constitutes a national crisis of unsurpassed magnitude can be seen by not one, but two exacerbations of its consequences. During the early part of 1973 the United States was assaulted in the international money markets. This was due in substantial measure to the huge foreign accumulation of dollar reserves from the sale of crude oil to the United States, without a reciprocal purchase of our own exportable products. Phrased in terms of energy, our energy dependence was a major contributor to an international monetary crisis involving our currency. In late 1973, this same energy dependence led both to international political consequences, from which we still have not recovered, and to innumerable domestic problems which could return with increasing intensity at any time.

This is not the first time in recent years that the United States has been confronted with this type problem. During World War II we were cut off from our rubber supply by the Japanese. During the same period there was also concern that the Germans would develop an atomic weapon. Again in 1957 we were jolted as a nation by Sputnik, a mere 180 pounds of Russian metal and electronics passing over our territory unhindered. In each of these cases we met the challenge by calling upon two areas of our society where we are supreme, namely, our technological capacity and the ability to organize that capacity to face a crisis situation. In approximately a year, through synthetic processing, we solved the rubber problem. Within five years through the Manhattan Project we had atomic weapons. Through the NASA program we had men on the moon by the end of the 1960 decade, a feat unequaled by any other country. When we were confronted in the past, therefore, by problems that were basically technological in nature, we used our supremacy in this area to solve each problem in a way that was commensurate with the magnitude of the problem.

The energy crisis, however, has one feature to it that did not exist in these previous challenges. Because the national energy "plant" is so fundamental to our society, because it is so all pervasive, it is conceptually diffuse. It lacks the relatively simple definitions that characterized the previous challenges. For this reason the energy crisis is more insidious, and the challenges derived from this crisis are equally insidious. It would represent a fundamental national error however, if we did not recognize, with extreme urgency, the basic nature of these challenges and were to succumb by default. We must instead recognize the energy crisis for what it is, namely, one of the greatest national challenges we have faced this century. Having recognized this, and as we have done with such previous problems, we must bring our nation's technology to bear on every available energy resource, and do so with an unparalleled intensity.

We can of course use our energy in a more rational way than heretofore. Such a procedure usually comes under the heading of energy conservation. This is a necessary and immediate requirement, but it is by no means sufficient. Certainly we cannot conserve the entire eighteen percent energy deficiency unless we concurrently accept a sizably reduced standard of living and a negligible growth pattern. Because we still have millions of people in this country who are "ill-housed, ill-clothed and ill-fed" and since the international arena is so intensely competitive, we do not accept this as a policy consistent with this nation's morality, history and security.

Concurrent with our huge demand upon energy sources, we have made similar demands upon our air, land, and water resources as if they, like our domestic energy resources, were unlimited. As a consequence, we have changed rapidly from one natural environment to another. Our former natural environment has deteriorated and to restore these pre-Industrial Revolution resources the nation has taken seriously the impact upon the environment of rapid industrialization. Like the rapid growth of our industrial capacity, however, the impact of the environmental movement has been both rapid and severe. It has in fact frequently required the application of technological processes to reduce air, water, and land pollution, which have placed an additional burden upon the national energy plant. Since air, water, and land quality represent a major part of our standard of living, the implication is that restoration, on a permanent basis, of the quality of these resources requires more energy, not less.

At the present time the federal government has devoted some effort to alleviating our dependence upon foreign energy suppliers. This effort however, has been very late in its inauguration and is not at all adequate to ameliorate this crisis in any reasonable span of time. Although we now have an Energy Research and Development Administration with total annual funding of approximately $2.2 billion, with further legislation pending in this area, we do not believe that the federal government has utilized the vast potential of our presently untapped technology that is available to meet this energy crisis. As an example, we cite the fact that the Soviet Union has seen fit to utilize two to two and a half man hours for each man hour utilized in the United States on fusion research,[3] despite the fact that their gross national product is sizably less than ours. We have seen how we overcame the three crises involving rubber, nuclear energy, and space technology. What we have not seen is the same kind of effort to meet the energy crisis, with a magnitude equal to the challenge, inaugurated by the federal government.

What we require as a nation and what we therefore advocate is:

1. A national recognition of the depth of this crisis and a concurrent sense of urgency to regain our energy independence.

2. An immediate exploitation of all domestically known energy reserves where present energy technology including environmental considerations, is adequate—coupled with immediate physical exploitation in regions of our suspected energy resources.

3. A massive national Research and Development funding to raise the level of energy technology across the entire spectrum of known and potential energy resources, under a program taking cognizance of:

(a) the immediacy of on-line application, including technology applied to energy conservation.

(b) simultaneous investigation and pilot plant construction of all feasible systems for a given energy resource (as we did with isotope separation in the Manhattan Project).

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[1] Department of Commerce, January 27, 1975.

[2] Oil and Gas Journal—Worldwide, December 30, 1974.

[3] Library of Congress estimate.

(c) fund allocation based on both short and long term potential of each energy reserve and resource with special reference to more efficient recovery methods and more efficient application systems.

(d) the fact that, in recent years, there has been a sizable shift from training in some of the physical sciences and a diminished use of some trained technical personnel. We must, therefore, incorporate into this program an effort for maximum utilization of scientifically and technically trained manpower.

(e) our realization of the importance of environmental considerations and include these considerations intimately in the development of energy technology.

4. That since our annual energy trade deficit is some $23 billion, (comparable with both the entire NASA budget, and for a two and a half year period, with the entire Atomic Energy Commission budget), we finally strongly recommend a total federal Energy Research and Development expenditure commensurate with this unconscionable drain on our national wealth, security and standard of living.

Only with such an effort can we repeat our past successful history with crisis programs, primarily of a technological nature, and achieve national stability in the fundamental area of domestic energy supply.

ENDORSERS OF A NATIONAL ENERGY POLICY STATEMENT

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Dr. Robert H. Creamer, Director, Associate Degree Programs, College of Engineering Technology, Temple University.

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Dr. Lawrence Eisenberg, Director, National Center for Energy Management and Power, University of Pennsylvania.

Dr. William B. Ferguson, Associate Professor, Department of Civil Engineering, Villanova University.

James D. Gallagher, President, Uni-Coil Corporation.

Dr. Irwin Goldberg, President, Energy Resources Associates, Inc.

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Dr. Richard M. Stavseth, Associate Professor, Department of Physics, Temple University.

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Walter C. Vertreace, Project Manager, Information Science, Inc.

Dr. Alice M. Weeks, Professor, Department of Geology, Temple University.

REGULATORY REFORM NEEDED NOW

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. EVANS of Indiana. Mr. Speaker, consumer groups and many businessmen are teaming up to fight a common enemy—bureaucratic regulations.

Consumers rightly believe that some regulations of various agencies of the Federal Government are unnecessarily increasing prices, while giving consumers little or nothing in return. Businessmen rightly believe that some regulations are putting a stranglehold on the free enterprise system.

Two agencies that should be carefully examined are the Civil Aeronautics Board—CAB—and the Interstate Commerce Commission—ICC.

The CAB was created in 1938 to regulate the fledgling aviation industry, but also to promote and protect the interests of the industry. By regulating and promoting, the CAB has managed to prevent the entrance of any new trunk carriers in its 37-year history. This, in effect, penalizes potentially more efficient carriers. And not accidentally, the CAB has also managed to prevent any major airline from going bankrupt in that same timespan.

Until now, the traveling public has not had to pay very much for this regulation. For the most part, this is due to the fact that the airlines were able to increase their productivity in the 1960's with the advent of jet planes, which are less expensive to operate. But by the early 1970's, inflation had eaten away the largest part of these benefits, and then too, the jumbo jets introduced in the beginning of this decade did not have the same productivity record that was expected.

Consequently, as productivity has been sliding, fares have been going up.

Do not think the CAB has done nothing about competition in the industry. It has examined whether or not a piano in a 747 lounge constitutes unfair competition. There is always the food and drinks served on board, or charges on earphones for piped-in music which the airlines can haggle over, but rarely such items as fares.

A recent study by George Douglas and James Miller III for the Brookings Institution estimates that for the year 1969 alone, passengers paid "excess" fares ranging between $366 million and $538 million attributable to the lack of competition in air fares, for which passengers received service improvements valued between $118 million and $182 million. The difference between the fare and service figures represents one of the costs of the inefficiency in the airline industry which is promoted by CAB regulation.

The ICC, on which the CAB was modeled, does not have a much better record. Truck rate bureaus, which are regional groups of truckers, are permitted to agree on rates which involve only one trucking firm, by virtue of an exemption from our anti-trust laws.

The ICC is permitted to block rate cuts, even if the new rate at least meets the costs of shipping the goods. This too discourages competition among truck firms.

I think the most absurd regulation of all, however, is the case of the truck hauling goods to a distant point, and being forced by certification regulations to return empty to the point of origin. This is not only wasteful of previous gasoline, but makes little or no economic sense.

Although President Ford and I do not routinely agree on most issues, I do agree with his proposal to create a National Commission on Regulatory Reform, and have joined in sponsoring legislation, H.R. 3007, to establish such a Commission. The Commission would be directed to investigate whether regulatory agencies have unnecessarily reduced productivity and/or competition, and make recommendations to Congress on what improvements can be made.

I am hopeful that early and favorable action on this proposal will be taken. I am inserting into the RECORD for the attention of my colleagues a recent editorial from the Wall Street Journal which speaks to the need for regulatory reform:

KICKING OFF DEREGULATION

Of all the economic proposals that have come out of Washington in the last week, the deregulation initiatives in the Council of Economic Advisers' annual report may offer the broadest potential for public benefits. Unfortunately, they may also have the least chance of winning congressional approval.

The proposals call for a sweeping deregulation of U.S. industry, including the airlines, the railroads, trucking, natural gas and interest rates. Their general objective is to substitute competition for the maze of rules and compacts that now control what company shall do what, where, at what price and with how much benefit to the public.

Don't expect the CEA's proposals to receive a warm welcome either among legislators or industry lobbyists on Capitol Hill. A lot of private interests are tied up with that maze of rules and compacts—regulators, lawyers, labor leaders, corporate managers and their Congressmen. The people who are for change, even though they include the President and some of his principal advisers, don't seem to stand much of a chance.

But at least they have picked a good place to start, the airline industry, where the costs and inanities of regulation have been particularly evident. Antitrust Chief Thomas E. Kauper said yesterday that the Justice Department and four other administration branches are working together on proposed legislation to curtail the regulatory powers of the Civil Aeronautics Board, which he blamed for higher-than-necessary airline costs and fares.

Those powers have been considerable and the record is replete with farces played out by airline lawyers before the CAB's august decision makers; such burning questions as whether a piano in a 747 lounge constitutes unfair competition, for example.

The powers vested in the CAB by Congress have led it, as often as not into decreeing that airlines raise their fares rather than lower them, particularly where special inducements to travel were involved. The latest such initiative was a CAB plan, launched last fall, to abolish low-cost "affinity group" fares. These fares airlines offer to clubs and other groups whose travel en masse yield charter facilities. However, the proposal brought such a howl from travel agents, clubs and the like that the CAB postponed the project indefinitely last weekend.

That was a victory for someone, but there won't be a victory for everyone until deregulation forces airlines to demonstrate the broader efficiencies that are available to them. Mr. Kauper noted that non-CAB-regulated intrastate airlines in California and Texas have been able to cut fares to about half those of CAB-regulated carriers. There are a good many other reasons to doubt that giant cripples could develop, a la Pan Am, and call for taxpayer support once competition was restored to the industry.

If the administration can mobilize travel agents and other groups there is some chance it might be able to sway Congress on airline deregulation. Then, or so we hope, it can go to work on the harder cases. Believe us, the next targets will be tougher.

Railroad regulation is such a tangle of interests that it is hard to know where to start. And matters will be complicated by the fact that the most urgent question right now is what to do about yet another giant cripple, the Penn Central.

As to the related field of trucking, industry lobbyists already are in full cry over a 12-point program the Department of Transportation is proposing to reduce Interstate Commerce Commission jurisdiction over rate making and entry into the industry. William A. Bresnahan, president of the American Trucking Associations (ATA), says the industry is "disturbed by the cries for elimination or emasculation of the regulatory structure" which he claims provides the best transportation system in the world and does so under the "private enterprise system."

Maybe so, but we have a feeling that any freight transportation system that ends up with an enormous broken down railroad on its hands, and has to keep funnelling it tax money for fear its failure will wreck the total economy, must have a problem somewhere.

We have always had the feeling that competition is good for private enterprise. And we have a feeling that federal regulation is destroying competition. Thus we welcome the administration's deregulation kickoff and hope we've underestimated its chances for success.

LEFTIST FILIPINO PRESSURE GROUPS IN THE UNITED STATES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. McDONALD of Georgia. Mr. Speaker, last Wednesday, February 26, I noticed a bus bearing the banner of the Movement for a Free Philippines and a group of 50 demonstrators at the Capitol passing out literature asking U.S. Government pressure be put on Philippines President Marcos to end marital law and permit all his leftist opponents full rights to organize. My colleagues will recall that in September 1972, following a 3-month period of increasing guerrilla warfare and terrorism, President Marcos declared martial law in his country.

Since that date a number of organizations have been formed in the United States to support insurgent groups in the Philippines. The members of these groups are recruited from among the 50,000 persons of Philippines ancestry or birth who live in the United States and from members of radical-revolutionary organizations who consider the government of President Marcos "a puppet of U.S. monopoly capitalism." The aims of the United States-Filipino movements are varied depending on the political affiliation of the group. They range from reformist-socialist to revolutionary Communist, with the latter calling not only for the "liberation" of the Philippines but also for "the liberation of the working class and Filipino minority in the United States."

While in general the pressure tactics of the United States-Filipino groups has been confined to propaganda, demonstrations, seminars, conventions, and other forms of legitimate protest, the rhetoric used at many of these meetings is violent and could provoke individuals or small groups into using violence.

For example, at a Washington, D.C., convention of the Catholic Socialist-based Movement for a Free Philippines—former Philippine Senator Raul Manglapus called on delegates to be "courageous enough to spill blood if necessary to bring democracy to the Philippines."

There are four main anti-Marcos pressure groups operating in the United States. They are the National Committee for the Restoration of Civil Liberties in the Philippines—NCRLP; the Movement for a Free Philippines—MFP; the Katipanan Demokratikong Pipipino—Union of Democratic Filipinos—KDP; and the Friends of the Filipino People—FFP.

While often unable to work harmoniously with each other because of Marxist rivalry, the four groups share a number of common aims including:

The end of martial law in the Philippines;

The restoration of civil rights to Filipinos;

The release of all "political prisoners;"

The end of all U.S. military, economic, and technical aid to the government of President Marcos.

Accepting these goals, the anti-Marcos groups in the United States consider that the two factors which contribute most to the stability of the Philippines Government are American industry in the islands and the presence of some 20,000 U.S. servicemen at 23 U.S. military bases.

Targets selected for special attack by the pressure groups are the U.S.-AID public safety program which works with joint U.S. military advisory group; the the Philippines Constabulary, an effective force against guerrilla terrorism; the special forces "civic action" programs; and the major bases at Clark Field and Subic Bay. The Philippines military bases are important staging areas for support for our allies in Southeast Asia, and the Chinese and Russian Communists and their puppets in the Far East recognize the bases are an important stumbling block to their plans for aggression.

In the area of industry, the Friends of the Filipinos published a listing of targets for the U.S. supporters of the Philippines insurgents. Among the targeted U.S. businesses are: Caltex Petroleum, Esso Eastern; Gulf Oil; Mobil; Getty; Georgia Pacific; Weyerhauser; Pacific Wood Products; Union Carbide; National Lead; S. C. Johnson & Sons; Borden Chemical; American Cyanamid; Sherwin-Williams; Reynolds International; Phelps Dodge; Rheem International; Otis Elevator; International Harvester; B. F. Goodrich International; Goodyear International; and Firestone Tire & Rubber.

The FFP Marxists characterize these companies as being "in collusion with an oppressor ruling faction under Marcos that continue to exploit the masses of the Filipino people."

To evaluate the potential of the United States-Filipino movements as a potential threat to public safety and possible cause of public disorder, some consideration must be given to the "parent" groups active in the Philippines.

The oldest revolutionary group active against the Philippines Government is the Partido Komunista ng Pilipinos—PKP—or Communist Party of the Philippines, organized during the 1930's by Comintern representative and Communist Party, U.S.A.—CPUSA—leader James S. Allen. In 1942 the PKP organized the Huk guerrillas to resist the Japanese. At the end of the war, the Huks refused to disarm and became the formal military arm of the PKP. The Huks and the PKP became the target of an effective counter-insurgency program and their numbers greatly reduced, the Huks became dormant except for sporadic banditry by the mid-1950's.

In 1969, the PKP broke its affiliation with the Huks and organized its own small Army ng Bayan—National Army—which has avoided direct violent confrontation with the Philippines Constabulary. Members and supporters of the PKP have been active in such Philippines fronts as the Free Peasants Union, the National Youth Organization; and the Movement for the Advancement of Nationalism.

In the United States, most support for the PKP has come from the Friends of the Filipino People and the Communist Party, U.S.A.

In January 1969, the Communist Party of the Philippines—Marxist-Leninist, CPP–ML—also known as the Communist Party of the Philippines—Mao Tsetung's thought—was formed by discontented PKP cadres who believed that a return to the guerrilla tactics of a "people's war" was in order.

Later in 1969, the Maoists of the CPP–ML created the New People's Army—NPA. The CPP–ML also has its share of front groups such as the Democratic Union of Filipino Youth, chapters of the Bertrand Russell Peace Foundation, and the National Workers Federation.

In the United States, the Union of Democratic Filipinos—KDP—provides the main support for the CPP–ML. However, the more moderate National Committee for the Restoration of Civil Liberties in the Philippines—NCRCLP—is increasingly becoming subject to Maoist domination.

Among U.S. Filipino pressure groups, as in the Philippines, there is extreme rivalry between the Soviet and Chinese-oriented Communists. The PKP has stated that its "activity was complicated by the divisive tactics of the local Maoists, who formed an organization of their own. The Maoists adventurist actions provided for the imposition of martial law in 1972."

This PKP statement ignores another major cause of the martial law edict: the military insurrection of a large proportion of the Philippine Moslem population. Both the PKP and the CPP–ML have vied with each other for support of the Moslems, who are reported to have 20,000 troops in the field which have been heavily armed by Libyan president Quaddafi and other Arab nations. With some of its top leaders commanding Moslem insurgent forces in the southern Philippine Islands and with NPA members fighting alongside the Moslems, it appears that the CPP–ML has had more success.

The following groups are most active in the United States in promoting U.S. military withdrawal from the Philippines and a total cutoff of aid to the Filipino people.

Movement for a Free Philippines—MFP—operates from New York City and is led by former Philippines senator and foreign secretary, Raul S. Manglapus, who in the 1960's led the Philippine Christian Social Movement.

A major propagandist for the MFP is a Catholic priest, Father Bruno Hicks, O.F.M., expelled from the Philippines by President Marcos. Writing in the socialist Catholic Worker in March 1974, Father Hicks stated:

> U.S. financial institutions and corporations are flourishing under the martial law regime in the Philippines. The U.S. government is supporting Marcos with economic and military aid. U.S. troops are in the field helping the Philippine army "pacify" those who object to this inhuman and tragic situation. Let's pray over this, and then help the Lord answer our own prayers.

The MFP was formed as a convention in Washington, D.C., in September 1973, at which Manglapus was elected MFP president. MFP's stated objectives are twofold: to exert pressure on the U.S. Government and other governments to withhold and withdraw all economic, military, and other assistance from the Philippine Government; and to foster resistance in the Philippines itself. The MFP claims that it took a leading role in establishing an organization, Filipino Freedom Fighters, in that country.

Union of Democratic Filipinos operates primarily in the San Francisco Bay area and is paramount among the Maoist Communist Filipino organizations in the United States. Formed in September 1973, the Union of Democratic Filipinos—KDP—Katipanan ng mga Demokratikong Pilipino—united Maoist groups from New York, Philadelphia, Los Angeles, and other areas.

The KDP was described by the Maoist newspaper Guardian which follows the politics of the October League, Marxist-Leninist, as a "revolutionary mass organization," democratic centralist in structure. According to WIN magazine, the KDP "supports a national democratic revolution in the Philippines and socialism in the United States. KDP holds that the struggle for economic and political freedom in the Philippines and the United States are intertwined and must proceed together."

National Committee for the Restoration of Civil Liberties in the Philippines—NCRCLP—has its national headquarters at 2546 N. Halstead, Chicago, and claims chapters in New York City, Philadelphia, and some dozen other areas.

It is noted that the 2546 N. Halstead address also houses the New World Resource Center, the former Chicago branch of the American Committee on Africa—ACOA—and the North American Anti-Imperialist Coalition, a group created to replace the radical Peace Corps veterans' Committee of Returned Volunteers. Members of the NAAIC include the North American Congress on Latin America—NACLA—the Committee for a Free Mozambique, the Southern Africa Committee, and other groups supporting foreign guerrilla terrorists.

The NCRCLP was the first anti-Marcos group formed after the imposition of martial law in the Philippines in 1972. At that time the organization had a broad spectrum of Communist, Socialist, and non-Communist support including elements from the Communist Party, the National Lawyers Guild, the Maoist Chinese-American I Wor Kuen, the Maoist Revolutionary Union, and several leading members of the political opposition to President Marcos. They included former Philippine Senators John Osmena and Genero Magsaysay, Delegates Raul Manglapus and Ramon Durano, former mayor of Manila Antonio J. Villegas and Rafael Salas, a director of the U.N. Commission on World Population.

Soon after its formation it became apparent that the NCRCLP was dominated by Maoist students from the Filipino Youth Alliance. At that point the CPUSA and Christian Socialist elements left to form their own organizations—the Movement for a Free Philippines and Friends of the Filipino People.

Friends of the Filipino People—FFP—formerly American Friends of the Filipino People, emerged in October 1973. Its national office is in New York City. Among those taking a leadership role in FFP are many formerly associated with the Communist Party's "peace" apparat, the People's Coalition for Peace and Justice—PCPJ—and Dr. Daniel Boone Schirmer, a man active in the CPUSA in New England for more than 35 years. In 1973, Schirmer was a member of the U.S. delegation to the World Peace Congress in Moscow.

Director of FFP's national office is Bradford "Brad" Lyttle, a militant "peace activist" long associated with the War Resisters League and PCPJ and who over the past decade has closely followed the line established by the World Peace Council, an international Soviet front.

I ask my colleagues to carefully consider the anti-American goals of these militant pressure groups and to recognize that the ultimate beneficiaries of a U.S. withdrawal from the Philippines will be the Communist Chinese and the Soviet Union.

INTRODUCING THE PASADENA HIGH CHAMBER SINGERS AND PASADENA HIGH SCHOOL MARCHING BAND AND GIRLS' DRILL TEAM

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. MOORHEAD of California. Mr. Speaker, the city of Pasadena, Calif., is very fortunate to have two outstanding groups of high school students representing the United States this summer in Europe.

They are the Pasadena High School Chamber Singers, who have been invited to take part in the International Choral Festival in Vienna, Venice, and Rome in July, and the Pasadena High School Band and Drill Team, who have been invited to participate in the Fete de Geneve at Geneva, Switzerland in August.

The accomplishments of these two groups are summarized and I would like to incorporate them into the RECORD:

INTRODUCING THE PASADENA HIGH CHAMBER SINGERS

The Pasadena High School Chamber Singers, a 32-voice, highly selected, and very active group, are the nucleus of the 65-vote Concert Choir. The Musical Director of the Chamber Singers for the past six years is Carolyn Shannon, a member of the L.A. Master Chorale, doctoral candidate at U.S.C. in Choral Conducting, Met Regional finalist, and honored member of "Outstanding Secondary Educators of America."

The Chamber Singers have quite an impressive history of appearances and activities. We would like to take this opportunity to tell our audiences about the latest honor that has come to the group and their Director, School, and Community. Through a rigorous and complicated screening and then auditioning process the PHS Chamber Singers have been chosen from 476 choirs all over the

U.S. to represent the Country in the International Choral Festival to be held in Vienna, Rome, and Venice next July. They will be competing with 3,000 other singers from all over the world. They will also be joining other choirs in masterwork choruses, performing the Beethoven *Mass in C*, the Verdi *Four Sacred Pieces*, and the *Nanie* by Brahms. They will be performing many secular concerts as well as singing the Heredia *Missa Super Cantu Romano* for masses in various churches. Another activity of the trip is performing for choirs and audiences of other lands a one-half-hour concert of contemporary American music. Also, there will be competitions for many college scholarships for individuals of the participating choirs.

The PHS Chamber Singers will also be visiting Salzberg, Munich, Garmisch, Paris, and London for other concert appearances and educational activities.

Pasadena High School, Fete de Geneve, August 1975

The following information is submitted relating to the participation by the Pasadena High School Marching Band and Girls Drill Team in the Fete de Geneve at Geneva, Switzerland in August, 1975.

The Fete de Geneve is an internationally recognized festival, similar in nature to the Tournament of Roses. The practice of the Fete is to invite two bands to participate, one from the United States and one other, usually from the communist countries. For the next Fete in August if 1975 only one band from the United States has been invited, namely, the Pasadena High School Band and Girls' Drill Team.

The Board of Education of the Pasadena Unified School District on November 26, 1974 officially approved participation by the Band and Drill Team in the Fete de Geneve.

The total group travelling will number approximately 200, including members of the Band, Drill Team, faculty and necessary escorts.

The group will spend approximately 13 days abroad, all in Switzerland. During this time the Band and Drill Team will perform in the parades and concerts which highlight the Fete. In addition, they will perform in a concert tour, playing in at least four or five cities and towns in Switzerland, other than Geneva. It should also be recognized that this whole project is viewed by the High School as an educational program and will involve attendance by the students in Summer School prior to the trip, and the trip will be an integral part of the Summer School course, with appropriate academic credit.

SENATE—*Wednesday, March 12, 1975*

The Senate met at 9:45 a.m. and was called to order by Hon. Hugh Scott, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father we lift our morning prayer to Thee with thankful hearts for the world Thou hast made; for sunset and dawn, for night and day, for winter and spring, for sunshine and rain.

We thank Thee that Thou hast made us as we are—with hands to work and feet to walk, for eyes to see and ears to hear, for minds to think, for memories to recall, for freedom to choose right or wrong, and for hearts to love.

We thank Thee for those who impart wise counsel and friends who encourage our endeavors, for loved ones who share our burdens and heal our wounds, and for all human relations which give glory to life.

Grant that in all we do we may be aware of Thy presence and live to honor Thy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., March 12, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Hugh Scott, a Senator from the State of Pennsylvania, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. HUGH SCOTT thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 11, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 23—AUTHORIZING PRINTING OF ADDITIONAL COPIES OF "THE CONGRESSIONAL PROGRAM OF ECONOMIC RECOVERY AND ENERGY SUFFICIENCY"

Mr. MANSFIELD. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. McIntyre). The clerk will state the concurrent resolution.

The assistant legislative clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 20,000 additional copies of the publication entitled "The Congressional Program of Economic Recovery and Energy Sufficiency," of which 10,000 copies shall be for the use of the Members of the Senate and 10,000 copies shall be for the use of the Members of the House of Representatives.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the concurrent resolution.

The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Does the Senator from Pennsylvania (Mr. Hugh Scott) seek recognition at this time?

Mr. HUGH SCOTT. No, Mr. President.

The PRESIDING OFFICER. Under the previous order the Senator from Nebraska is recognized for not to exceed 15 minutes.

TRIBUTE TO SENATOR YOUNG

Mr. CURTIS. Mr. President, I wish to pay tribute to one of our distinguished colleagues. It was 30 years ago today that the Honorable Milton Young appeared in this body and took his oath of office as U.S. Senator.

For a quarter of a century plus five, or for three decades, Senator Young has with distinction and honor and fidelity represented the State of North Dakota.

Senator Young has made great contributions to our country. His voice has been a voice for agriculture, he has spoken up for rural America, and his actions and his words have benefited all throughout the land.

Milton Young has carried an important and heavy role in the appropriating processes of the Senate. As the ranking member of the Committee on Appropriations, he serves us all in an excellent manner. He is dedicated to sound principles and high ideals in Government.

So on this 30th anniversary of the beginning of his service in the U.S. Senate, I wish to congratulate him and to wish him a long period of health and happiness and service to his State and our country—and good golf scores.

Mr. HUGH SCOTT. Will the distinguished Senator yield at that point?

Mr. CURTIS. I am happy to yield.

Mr. HUGH SCOTT. I simply want to say that we all rejoice that we have Milton Young with us. We congratulate him on his 30th anniversary. He has been staunch and sturdy. He has pursued his course of action straight down the fairways, and has managed to score on the level greens. He has established as a Senator the same reputation he has established as a golfer. That is a man of excellence; a man who knows where he is going; a man who can see the direction of his shots; a man who follows through competently, and who, therefore, has earned the admiration of his colleagues here and of his competitors elsewhere. I thank the distinguished Senator.

Mr. MANSFIELD. Will the Senator yield?

Mr. CURTIS. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I find it difficult to follow the words of the distinguished Republican leader in expressing my high regard for a friend and neighbor, Senator MILTON YOUNG, of North Dakota. But I have long admired this man of modesty, quiet dignity, and great integrity. He is a workhorse in the Senate. He attends to his duties and to his constituents. I think that the Senate is indeed fortunate to have had the wisdom of a man of the caliber and the independence of MILTON YOUNG during 30 years of service in the Senate. I want to join the distinguished Senators who have spoken before me and to extend to Senator YOUNG my heartfelt, deeply felt congratulations and commendation for a job well done down through the decades.

Mr. CURTIS. I thank my distinguished leader.

Mr. GRIFFIN. Mr. President, I wish to join with my colleagues in extending congratulations to the distinguished Senator from North Dakota (Mr. YOUNG) on this anniversary occasion—the completion of 30 years of service in the U.S. Senate.

No one has ever served his State and the Nation more conscientiously or more effectively.

We cherish his friendship and wish for him many more years of fruitful service.

Mr. DOLE. Mr. President, to most of us in this body our challenge is to meet the high standards which membership in the Senate imposes. To a few in the history of the U.S. Senate, it is given to set those standards.

MILTON R. YOUNG, the distinguished senior Senator from North Dakota, fits easily into this latter category. Thirty years ago today he came to the Senate after having served in various State and local elected offices in North Dakota. Appointed to fill an unexpired term, MILTON YOUNG has since been reelected six times by the people of his native State. In a career in public office that spans over 40 years, he has the enviable distinction of never having been defeated for reelection to any office he has ever held.

In our American political system this record is tantamount to proof not of mere popularity but of excellence.

It is my privilege to serve with Senator YOUNG on the Senate Committee on Agriculture and Forestry. And I have learned first hand that Senator YOUNG, while he is on the one hand my party's most senior Senator in terms of service, he is also one of the Senate's most innovative in terms of legislation.

I worked directly with Senator YOUNG on the development of the agricultural target price concept which he originated and which is perhaps only the latest of a long list of contributions he has made to the American farmer and to the well-being of all Americans who depend on our farm products.

MILTON YOUNG, a farmer himself, understands perhaps better than any man in this body the motives, the capacities and the limitations of American farmers. And with a depth of knowledge and experience that is unexcelled, he understands, too, the critical importance of shaping Government policy in a way that can maximize the food and fiber producing industry's productive potential.

I join, I am sure, with all my colleagues in taking the opportunity of this anniversary to recognize Senator YOUNG for the contributions he has made and continues to make to his State and to his country, and also to recognize in a special way the continuing contribution he makes to the efficacy, responsiveness, and dignity of the U.S. Senate.

SENATE JOINT RESOLUTION 55—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO THE BALANCING OF THE BUDGET

Mr. CURTIS. Mr. President, I am today introducing a joint resolution proposing an amendment to the Constitution of the United States. If this joint resolution can be passed by a two-thirds vote of both Houses of Congress and be ratified by three-fourths of the States it will bring an end to deficit financing and the ever-mounting Federal debt, and put our Federal Government on a pay-as-you-go basis.

It would work in a manner like this:

The President would be required to submit a balanced budget. If the President recommended more expenditures than the estimated income, the President would be required to calculate the amount of surtax that would be necessary to put his budget in balance. A surtax is a percentage tax added onto a taxpayer's income tax. This would be included as part of the President's budget message and, of course, be made public.

Immediately, people across the land would know of the deficit. They would know their taxes were about to be increased. Many of them would become active in their resistance. They would be contacting their Congressmen and Senators and protesting the increase in taxes.

Under our constitutional system, Congress is properly in control of our expenditures and our taxes. My proposed constitutional amendment would not change that. When a President would send a budget message to the Congress, the Congress would do one of several things.

First, the Congress could cut the President's budget and then the surtax that was proclaimed by the President would not be necessary.

Second, the Congress might choose to levy some other kind of tax to raise the needed revenue to put the budget in balance and the surtax would not be necessary.

Third, the Congress might authorize the full amount of spending as requested by the President in his budget message and do nothing about cutting expenses or raising other revenue, in which case the Presidentially proclaimed surtax would go into effect.

Fourth, oftentimes the Congress exceeds the President's budget. If the Congress voted for more spending than was set forth in the President's budget and did nothing about raising other revenue, a surtax in the amount necessary to put the budget in balance would automatically go into effect.

This proposal carries the provision that at stated times during the year the Speaker of the House of Representatives must estimate the amount of expenditures voted and estimate the amount of revenue income. If the expenditures exceeded his estimate of income, the Speaker would have to calculate the amount of surtax necessary to put the budget in balance and publicly proclaim the same. If the Congress completed its work without cutting expenditures to balance the budget, or without finding new revenue, the surtax as determined by the Speaker of the House of Representatives would automatically go into effect.

Our Nation might face a grave national emergency or we might be involved in a declared war. In such a case, the proposed amendment provides that the provisions requiring a balanced budget could be set aside for 1 year at a time by a three-fourths vote of both Houses of Congress. The set-aside could be continued for more than a year but a vote to do so would have to be taken each year.

Someone might well ask, "Why would a Nebraska conservative be sponsoring a constitutional amendment that could lead to higher taxes?" That question is entitled to an answer, and the answer is twofold.

First, if we are going to have high spending we must have high taxes. That is the only way to end the deficit and stop the Federal debt from mounting.

Second, I believe that if the President and the Members of the House and the Senate must face the issue and reduce expenditures or collect the necessary taxes, they will reduce expenditures and this proposal will mean less expenditures and lower taxes in the end. If the President and the Congressmen and Senators fail to curtail expenditures, the voters will know it and they can at the next election turn the rascals out, and they should do so. At the present time expenditures continue to increase, deficits grow larger, the national debt continues to grow and grow, and we drift toward ruinous inflation and bankruptcy.

We must write into our Constitution a provision to compel a pay-as-you-go system and it must be self-enforcing. It must be a provision that holds the politicians accountable. Now is no time for platitudes and pious declarations. We need a constitutional amendment with teeth in it. We must not let the advocates of big government and big spending ruin the greatest country on the face of the Earth.

The Honorable William E. Simon, Secretary of the Treasury, in testifying before the Senate Finance Committee on March 5, 1975, said:

> More than anything else it is inflation which has created our current recession. Inflation destroys consumer confidence, investor confidence, and public confidence in the ability of our government to perform its obligations.

Mr. President, I yield to the distinguished Senator from South Carolina.

(At this point in the proceedings the unfinished business was laid before the Senate and additional time was yielded to the Senator from Nebraska (Mr. CURTIS) by the Senator from Montana (Mr. METCALF), as hereinafter appears.)

Mr. THURMOND. Mr. President, I am pleased to join the distinguished Senator from Nebraska (Mr. CURTIS) in sponsoring this resolution proposing a constitutional amendment to require a balanced Federal budget.

As Congress takes steps to fight the recession in business activity and rising unemployment, we must not forget the more pervasive long-term problem of inflation. Inflation has ravaged our Nation by destroying the purchasing power of the dollar. If we are ever to attain economic stability, inflation must be brought under control. A buy-now, pay-later approach to Government year after year has not worked and will not work. We simply cannot spend more annually than our income each year. Congress must finally recognize that deficit spending breeds inflation, and that inflation, if it continues long enough, breeds the sort of economic chaos we have now.

The administration has predicted a deficit exceeding $80 billion for the next 2 years. Past experience would indicate a deficit of this magnitude will have a disastrous effect. The Congress has got to make the hard decision to reduce the staggering deficit.

The American people continue to be amazed at the lack of fiscal responsibility displayed by Congress. Public confidence in this body is at an extremely low level. We must get ourselves out of our present economic situation and take proper steps to insure that we do not find ourselves in this situation again.

Mr. President, the administration and many Members of Congress have called for a tax cut. Indeed, a tax cut, in the short run, would have a positive effect on our economy by stimulating sales and increasing productivity. However, in the long run, a tax cut will do more harm than good if Federal spending is not reduced. This Congress should not practice deceit by giving the American taxpayer a tax cut with one hand and taking it away with the other by increasing inflation.

Mr. President, massive reductions in Federal spending are long overdue. Personally, I would like to see expensive Federal programs cut and the savings returned to our citizens in the form of tax relief. I challenge my colleagues to slash from the Federal budget a dollar for every dollar that is provided our citizens in the form of tax rebates of tax cuts. To be realistic, Federal spending should be reduced more than taxes.

If Congress would only begin to exercise such fiscal responsibiilty, upcoming deficits could be significantly reduced and their inflationary impact hopefully reduced. Ideally, of course, the Federal Government, itself, would see that expenditures did not exceed revenue. However, Mr. President, I am a realist, not an idealist like some of my liberal friends, and recognize that Congress, if recent experience serves as an example, will not exercise the discipline that is necessary to bring Federal spending under control. As the country stands $485 billion in debt and plans to borrow more, it should be very clear that we need mandatory measures.

The resolution by the distinguished Senator from Nebraska and myself and others calls for a constitutional amendment to impose an automatic surtax every year, if necessary, to bring about a balanced budget. It is sensible and realistic, and, more important, it is what we must have.

Certainly, it is regrettable that a constitutional amendment is necessary to restore fiscal responsibility to the U.S. Congress. After all, our citizens expect this body to exercise the same judgment and restraint that they exhibit in planning a simple household budget—that is, you cannot continually spend more than is taken in. The time for voluntary restraint has passed. We do not have time for further promises or preaching. We may try to do better, but the fact remains that we have not done better. Precious time is running out to save the economic stability of our country.

While I advocate this constitutional amendment to require a balanced budget, I urge Congress to continue to take other steps to combat inflation. Steps are needed to increase productivity such as an increase in the investment credit. Excessive Government regulations and restrictions must be abolished. The effect of monopoly, both in business and labor, must be carefully examined. Conservation of our energy resources and an increase in our domestic energy production is essential.

Mr. President, this proposed constitutional amendment will not constitute an immediate remedy for our economic problems, considering the time necessary for ratification by the States and implementation. Even so, the passage of this amendment would indicate to the American people that the era of Government spending beyond our means must come to an end. When the amendment becomes effective, it would provide a permanent safeguard against inflation. By using this approach, we can insure that our Government will never again spend itself into economic crisis.

Mr. President, again I wish to thank the distinguished and courteous Senator from Montana.

ORDER OF BUSINESS

(The following proceedings occurred during foregoing remarks by Mr. THURMOND:)

The PRESIDING OFFICER (Mr. MANSFIELD). The time of the Senator from Nebraska has expired.

Mr. METCALF. Mr. President, how much additional time does the Senator need?

Mr. THURMOND. About 9 minutes.

Mr. METCALF. Mr. President, there is only one Senator present in the Chamber who is prepared to offer an amendment, which I am going to accept. If S. 7 is laid before the Senate at this time, I will be delighted to yield 10 minutes to the Senator.

The PRESIDING OFFICER. The hour of 10 o'clock having arrived, the unfinished business will be laid before the Senate, after which the distinguished Senator from South Carolina will be recognized for not to exceed 10 minutes.

Mr. METCALF. Mr. President, if the Senator from Kentucky would call up his amendment, I will yield the time from the time on the amendment, rather than from the time on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

The Senate resumed the consideration of the bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

AMENDMENT NO. 77

The legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD) proposes an amendment numbered 77, as modified:

On page 14, line 5, beginning with the word "other" strike out through the word "research" in line 7 and insert in lieu thereof "other institutes".

The PRESIDING OFFICER. The Senator from Kentucky is recognized for not to exceed 15 minutes.

Mr. FORD. Mr. President, at the desk is an amendment numbered 77. This amendment, on page 14, line 5, beginning with the word "other", would strike out through the word "research" in line 7 and insert in lieu thereof "other institutes".

There is a fear by many of those in this field that employees of various institutes might want to move others. There is a fear that this language would prevent them from making this transition. I understand that these words will eliminate that fear.

I have talked with the distinguished floor manager of the bill about this amendment. I believe there is an agreement on it, and I yield to the distinguished floor manager.

Mr. METCALF. Mr. President, I say to the Senator from Kentucky that Kentucky institutions have contributed to the research and development of reclamation and of the clearing of orphan lands. I would disapprove of anything in the bill that deprives these agencies from participation.

I compliment the Senator from Kentucky for offering this clarifying amendment, so that the people of that area as well as others who are concerned will have an opportunity to participate in the reclamation and restoration of orphan lands. I think this helps the bill, helps to clarify what we are trying to do, and I accept the amendment.

Mr. FORD. Mr. President, would it be in order that I ask unanimous consent that the amendment be accepted?

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. FORD. Mr. President, I have one question, and I should like to preface the question with a remark or two addressed to the distinguished floor manager. It will take about a minute or two.

Mr. President, it was my privilege, while Governor of the Commonwealth of Kentucky, to initiate and support a partnership between my State and the Federal Government to gasify and liquefy coal to provide the people of this Nation with energy so vitally needed. I took this position because our Nation must sever its dependence on foreign powers to provide us with the energy fuels we need.

We are most fortunate to have an option open to us, and we must take every advantage of this opportunity. The challenge is clear. We must find ways to produce and use this abundance of natural resources with which nature has provided. Unfortunately, we must accept these natural resources in the form in which they exist, and not in the form we wish they existed. The program which I supported, and still support, would certainly satisfy this requirement, and I urge Congress to push on toward energy independence. We must avoid at every turn any legislation which inhibits our advancement to this goal.

H.R. 25 and S. 7, the surface mining bills now being considered by Congress, both contain language which, if they had been approved by Congress, would make it almost impossible for private industry to gasify or liquefy coal.

Simply stated, section 506(c) of S. 7 and H.R. 25 require that a permit would terminate if the permittee had not commenced the surface mining and reclamation operations covered by such permit within 3 years of issuance. I am in favor of this language, wherein it attempts to insure that this valuable natural resource is made available for the people of the United States without delay.

However, let me caution that in connection with an application to dedicate the coal to a gasification or liquefaction project, there must be sufficient guarantee that the permit will not be canceled prior to the time the coal is required as feedstock for the plant itself. If a package is put together for investment purposes and construction of a gasification plant is anticipated over a 4-year or 5-year basis, then a permittee should not be required to risk reapplication at the end of 3 years; nor should he be required to mine the coal and stockpile it for a 2-year period until such time as it is needed as feedstock.

There are to be different methods of extracting coal for gasification and liquefaction facilities. In my State, our reserves are primarily deep, which means synthetic energy plants will be supplied coal from underground mines more than they will from surface mining. However, because this bill relates to surface mining and there will be reserves acquired through this method, it is important to consider the implications of reapplication.

There is an inherent danger if we require this procedure to be followed, because coal stockpiled for any period of time could create a hazard because of combustion: and, of course, there could be considerable deterioration and loss of B.t.u. quality of the coal caused by its exposure to the forces of nature.

Mr. President, I am pleased that during the markup of this legislation, the Committee on Interior and Insular Affairs recognized this danger and has now amended the original language of the bill as follows:

At page 53, line 21, striking the word "A" and inserting "unless otherwise provided in a permit, A".

I ask the manager of the bill if it was the intent of the committee, when this modification was adopted, to insure that the holder of a permit which was issued for the purpose of stripmining coal to provide feedstock for gasification or liquefaction would be exempted from the 3-year requirement?

Mr. METCALF. The purpose of the section beginning with the last words in line 22 and so forth was to provide that, once a permit was given for the mining of coal, there would be immediate and prompt mining, and that someone would not sit on a permit and hold up the development of coal operations.

Then testimony was presented to the committee, in accordance with the discussion that the Senator from Kentucky has made, that maybe a liquefaction plant or some other sort of plant would take longer than 3 years for development, for financing, and for final completion. Therefore, we provided, as the Senator has suggested, that unless otherwise provided in the permit, and that is the language on line 22, there could be an extension of time.

So when someone comes in with a plant that is going to take, maybe, 5 years to develop, to finance, and to complete, then will present the whole program to the person who is in charge—either the Secretary or the person in the State who is in charge—and write into the permit itself the estimated amount of time that it will take to develop the surface mining property and adjacent property for liquefaction or whatever the program is.

So that language, that amendment, was put in exactly for the purposes suggested by the Senator from Kentucky, and the report language makes it clear that that is the purpose that we desire.

Mr. FORD. I thank the Senator.

I also ask if the time at which operations must begin would be determined by the time required to construct the processing plant, and the regulations would be broad enough to include such a stipulation in the permit? I believe he answered my question, but I still wish to have that a matter of record.

Mr. METCALF. There is a good deal of latitude permitted to the administrator and at the time the application for the permit was made, it would certainly be written into the permit and be contemplated that the administrator—whether the Secretary or the State administrator—would have a good deal of latitude in deciding what the terms of the permit were.

Mr. FORD. I thank the floor manager for the answers to my questions and his courtesy this morning.

Mr. METCALF. I thank the Senator.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STONE). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I offer an amendment to title V of the bill. I will send it to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. FANNIN) proposes an amendment.

The amendment is as follows:

Title V, page 87, Section 515(b)(13), line 5, commencing with the word "location", strike all thereafter through line 7 and substitute the following:

. . . structures are located so as to minimize danger to the health and safety of the public if failure should occur;

CONFORMING AMENDMENT

Title V, pages 98 and 99, Section 516(b)(15), line 25, commencing with the word "location", strike all thereafter through line 2 on page 99 and substitute the following:

. . . structures are located so as to minimize danger to the health and safety of the public if failure should occur;

Mr. FANNIN. Mr. President, these amendments dealing with the placement of water impoundments for waste disposal are intended to remedy existing language. As now written, this language would require the removal of virtually all existing impoundments, and could disallow the placement of this type of impoundment in almost any location since, if failure was to occur, it would be almost impossible not to create some danger to the public health and safety. Almost any impoundment or dam in the Nation, if it was to fail, would create a hazard to public safety.

The administration bill retains language in subsection 515(b)(13) that imposes specific requirements that only the best engineering practices for design and construction be used in order to achieve the necessary stability with an adequate margin of safety to protect the health and safety of the public. It may also be noted that new regulations for waste impoundments to be promulgated by the Secretary of the Interior under the Coal Mine Health and Safety Act of 1969 have now been formulated and are pending review of the final environmental impact statement before being published in the Federal Register. These regulations will offer strong and adequate safeguards for the construction of waste impoundments.

Mr. President, on page 87, line 5, the language now reads:

. . . and that the location will not endanger public health and safety should failure occur;

This is a requirement that cannot be met.

The basis upon which I am offering the amendment is to say:

are located so as to minimize danger to the health and safety of the public if failure should occur.

In other words, it is clarifying language to be sure that what is stated in the legislation could actually be enforced. I feel that this would be a clarifying amendment and would be more specific as to just what is intended, and that it would be possible, whereas the present language is not, and I trust that the distinguished manager of the bill will accept this particular amendment.

Mr. METCALF. Mr. President, the amendment or proposition that is presented by section 515(b) (13), and especially the language cited by the Senator from Arizona is explained on page 214 and page 215 of the committee report.

The committee report says:

> A great deal of misunderstanding has occurred regarding the performance standard relating to the construction and location of water impoundments. The provisions of S. 7 require that both new and existing impoundments must be located in such a manner that they "will not endanger *public health and safety* should failure occur." It has been argued that this provision could prohibit the use of impoundments throughout the coal mining industry since under even the best circumstances a minimal risk of danger to one or more individuals will always occur if an impoundment should fail. This argument is based on a patently unreasonable interpretation of the statutory language.

Then we go on:

> The Committee does not intend to prohibit all impoundments. The Committee does intend to require not only that impoundments be built in accordance with stringent construction standards, but also that mining companies be required to design their mining plans so as to avoid locating impoundments in areas where failure would cause entire towns to be wiped out.

In recent months we have heard about entire towns, especially in Appalachia, being wiped out. wiped out for two reasons: First, because of the location of the impoundment; and second, of course, because they use the mine residue to construct the impoundment. That is also prohibited by this bill.

But then, going on:

> Impoundments are to be constructed only in safe locations. If they cannot be located safely, then they should not be built.

Now, the argument that is presented by the Senator from Arizona that you can never have an absolutely safe impoundment would, of course, apply to every Bureau of Reclamation dam, every Corps of Engineer dam, every dam that we have constructed. It is not the intention of the committee to say that you cannot have a dam for impoundment. It is just the intention of the committee to say they should be located in safe places where they will not endanger towns, and they shall be built in accordance with the main engineering and technology that is available at the time.

I do not interpret the language—and that the location will not endanger public health and safety should failure occur—in the same way that the Senator from Arizona interprets it. But I do not see any difference in his language.

Mr. FANNIN. Well, Senator, I think we both have——

Mr. METCALF. And the language of the bill. I think the language the Senator is proposing will do exactly the same thing as the language we have in the bill.

We are talking about minimal propositions in our committee report and inasmuch as the administration and the minority are concerned about it, and we have made the record and the committee report has made the record, I think the Senator's language says exactly the same thing the committee language does, I see no reason why that should not be clarified.

Mr. FANNIN. Well, Mr. President, I wish to express my thanks to the distinguished Senator from Montana, the chairman.

Mr. METCALF. The whole proposition is that we do not want dams built where they endanger towns or people.

Mr. FANNIN. I understand that.

Mr. METCALF. We do not want them built with shoddy construction so that they are not in the best technology that is feasible at that time.

Mr. FANNIN. Mr. President, we do——

Mr. METCALF. And we agree on that.

Mr. FANNIN. Yes, we agree, and I think it is very clearly stated under this language that there would not be the reluctance to build the type of a dam I am thinking about, in many instances, which would be storm-controlled, or something similar.

Under present language, I was afraid it might be misinterpreted, and this does clarify that.

Mr. METCALF. I do not want it misinterpreted that we are permitting companies to build the kind of dams they have been building in West Virginia and Kentucky, and so forth, to get up in the morning and read about a flash flood with a whole town washed down the river.

Mr. FANNIN. Right, but that kind of structure would not minimize danger to health and safety.

Mr. METCALF. I think the Senator's language says exactly the same thing as ours.

I have no objection.

Mr. FANNIN. Then, Mr. President, I ask for immediate approval of the language that has been submitted.

The PRESIDING OFFICER. Is all time yielded back?

Mr. FANNIN. Yes, all time is yielded.

Mr. METCALF. All time, yes, I yield my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. FANNIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 111, line 5, strike all through line 24, page 113 and insert the following:

CITIZEN SUITS

(a) Except as provided in subsection (b) of this section, any person having an interest which is or may be adversely affected may commence a civil action on his own behalf—

(1) against any person including—

(A) the United States,

(B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution, and

(C) any other person who is alleged to be in violation of any rule, regulation, order, or permit issued pursuant to this Act; or

(2) against the Secretary or the appropriate State regulatory authority to the extent permitted by the eleventh amendment to the Constitution where there is alleged a failure of the Secretary or the appropriate State regulatory authority to perform any act or duty under this Act which is not discretionary with the Secretary or with the appropriate State regulatory authority.

(b) No action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing under oath of the violation (i) to the Secretary, (ii) to the State in which the violation occurs, and (iii) to any alleged violator; or

(B) if the Secretary or the State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the provisions of this Act, or any rule, regulation, order, or permit issued pursuant to this Act, but in any such action in a court of the United States any person may intervene as a matter of right; or

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice in writing under oath of such action to the Secretary, in such manner as the Secretary shall by regulation prescribe, or to the appropriate State regulatory authority, except that such action may be brought immediately after such notification in the case where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(c)(1) Any action respecting a violation of this Act or the regulations thereunder may be brought only in the judicial district in which the surface coal mining operation complained of is located.

(2) In such action under this section, the Secretary, or the State regulatory authority, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under this or any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief (including relief against the Secretary or the appropriate State regulatory authority).

(f) Any resident of the United States who is injured in any manner through the failure of any operator to comply with any rule, regulation, order, or permit issued pursuant to this Act may bring an action for damages (including attorney fees) in an appropriate United States district court.

Mr. FANNIN. Mr. President, I would just like to explain that on page 111, line 12, section 520, following "amendment to the Constitution", we would add, "and (C) any other person who is alleged to be in violation of" and then strike the language "of the provisions of this Act or the regulations promulgated thereunder, or order issued by the regulatory authority", and add "any rule, regulation, order, or permit issued pursuant to this Act;"

Mr. President, if we leave the language as it is presently, this could undermine the bill's permit mechanism and could lead to a mine-by-mine operation in virtually every ambiguous aspect of the bill, even if an operator is in full compliance with existing regulations, standards, and permits. This is unnecessary and could lead to production delays or curtailments. Citizen suits are retained in the amendment but are modified—consistent with other environmental legislation—to provide for suits against the regulatory agency to enforce the act, and mine operators where violations of regulations or permits are alleged.

In effect, the amendment would permit a suit to hold the mine operator accountable for violating requirements specifically for which he is not responsible. The danger of permitting a suit against a mine operator for any violation of the act is that he would be subject to suit where it is claimed that the regulations under which the operator is mining are not in accord with the act. This possibility is particularly serious since the mine is subject to closure through preliminary injunction or otherwise with consequent loss of coal production.

Extensive litigation of the many uncertain or ambiguous provisions of this new legislation could have serious production impacts. In such a situation, a citizen suit should be brought against the regulatory authority which is alleged to have improperly issued the regulation. If it is determined that the regulatory authority's action was not in accord with the law, the regulatory authority can be compelled to correct its error vis-a-vis a mine operator through modification of regulations or permits.

Confining citizen suits against mine operators in this way does not materially undercut the concept of citizen enforcement of the legislation, because ample opportunity for citizen involvement in promulgation, issuance, and review of regulations and permits is provided and because citizen suits could be brought under the amendment to require the regulatory authority to act in conformance with the legislation.

Mr. President, I trust that the distinguished Senator from Montana will approve this particular change.

Mr. METCALF. I thank the Senator from Arizona.

Mr. President, while this amendment is long and relates to the whole of section 520, there is only one change, and that is in subsection (1) (B).

The section as it now reads says that in a civil suit, in a citizen's unit, you can sue A. any person, including the United States, and then B. any other governmental instrumentality or agency to the extent permitted by the 11th amendment to the Constitution, and C. any other person who is alleged to be in violation of any rule, regulation, order, or permit issued by a regulatory agency.

The concern expressed by the Senator from Arizona is that a mine operator can follow the statute, can follow the regulations, can follow the standards submitted, and at the same time might be subject to a shutdown or a suit as a result of that language. His amendment, then, changes that language to add:

> (C) any other person who is alleged to be in violation of any rule, regulation, order, or permit issued pursuant to this act.

It is his concern that the person who is conforming with the regulations and with the act should not be sued. The person who should be sued is the regulator, or the person who should be sued in a citizen's suit is the enforcement agency which is failing to make the enforcement.

As a natural matter, Mr. President, if I were filing a citizen's suit in a situation such as this, where I felt that the regulations were wrong and the mining company was not conforming to the regulations, I would join them both in a citizen's suit. I would come in and make the argument that this is not in accordance with the law and that there has been a violation. If I were the judge in that case, I would say, "Look, the mining company is conforming to the law," and I would dismiss it, if they were completely conforming.

I do not want to keep a citizen from filing a suit in that situation, and nothing in this amendment would keep a citizen from filing such a suit and joining both of them. I think the court would say to the mining company, "We're not going to make you cease and desist if you do everything that the regulations require, everything the regulator agency requires, and everything that the statute seems to require as interpreted by the regulator."

I do not quite understand why the administration is so concerned that the language in the bill will lead to proliferation of suits and that the language propounded by the Senator from Arizona does not. It does not seem to me to make any difference.

I do not believe that the committee wants any mine company that is complying with the regulations and the standards that have been promulgated by the regulating agency—whether it is the Secretary of the Interior or the State—to be put out of business by any citizen's suit or any other suit. The suit should be against the regulatory agency. When the regulations are promulgated, a citizen should be allowed to come in and say, "Look, these regulations are not in conformity with the provisions of the statutes."

So I am not at all impressed by the concern. Again, I do not think the language suggested makes any difference. I believe we are after the same thing, I say to the Senator from Arizona. What he wants to write in was suggested by the staff when we had the staff study of the administration proposals.

Mr. FANNIN. The Senator is correct.

Mr. METCALF. This is one of the things that the President brought up in his message on the pocket veto of this bill.

I think we are thoroughly protected with this language or the other language. If the Senator is concerned about it, I would be delighted to accept the amendment.

Mr. FANNIN. There is the feeling, I say to the distinguished Senator, that this amendment clarifies the matter, and I think it would be helpful in interpretation. If the Senator is in agreement, I ask for immediate consideration of the amendment.

Mr. METCALF. Mr. President, I yield back the remainder of my time.

Mr. FANNIN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MORGAN). The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

> At the end of the bill add the following new section:
>
> UNITED STATES SURFACE OWNER
>
> SEC. 718. Notwithstanding the provision of Section 716 of this Act or of any other law requiring consent of the surface owner, in any case in which the surface right of any area is owned by the United States (other than in a trust status) and the sub-surface rights to such area are owned by any person or entity other than the United States, the owner of such sub-surface right shall be permitted to mine such area without the consent of the surface owner unless such area has been withdrawn by law from all forms of mining operations.

Mr. STEVENS. I wish to modify that by putting the word "from" in front of "such"—"to mine coal from such area unless such area has been withdrawn," and so forth.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

> At the end of the bill add the following new section:
>
> UNITED STATES SURFACE OWNER
>
> SEC. 718. Notwithstanding the provision of Section 716 of this Act or of any other law requiring the consent of the surface owner,

in any case in which the surface right of any area is owned by the United States (other than in a trust status) and the sub-surface rights to such area are owned by any person or entity other than the United States, the owner of such sub-surface right shall be permitted to mine coal from such area without the consent of the surface owner unless such area has been withdrawn by law from all forms of mining operations.

Mr. STEVENS. Mr. President, this is a technical amendment, but it is brought about by the fact that under the Alaska Statehood Act and under the Alaska Native Claims Act, both the State of Alaska and the Alaska native entities were allowed in some instances to select subsurface rights, and have done so. The surface of those areas is still owned by the United States. The intent of this amendment is to require that coal mining be permitted without the consent of the Government unless Congress has withdrawn the area from mining by law.

Let me point out just an instance. I am sure my friends from Montana and Arizona remember that we were given the right in the first brief period right after statehood to select the subsurface rights that were already subject to oil and gas leases issued prior to statehood, even though the surface was not available for selection. Having done so, we now own the subsurface rights as a State and, in certain instances, as I said, the native people will own subsurface rights.

I do not feel that, by executive action, the right to mine coal in those areas should be prohibited. There are some proposals before Congress which will require the approval of Congress for withdrawals in some of these areas. To me, that is a congressional decision and not an executive decision to thwart the rights that were given by Congress to the State and the native people.

I ask my friends, the Senator from Montana and the Senator from Wyoming or the Senator from Arizona, whoever is managing the bill for our side, if they will accept this amendment in the spirit in which it is offered. It is a highly technical amendment, but one which I think is necessary to protect those who selected the subsurface rights and as such, incidentally extinguished the right to the total lands in the amounts in which they were given.

If my friend from Montana will comment, I would appreciate it.

Mr. METCALF. Mr. President, as the Senator from Alaska points out, the Statehood Act for Alaska was a more comprehensive act and a different sort of act and, in my opinion, a very generous act as compared to some of the Statehood Acts in the State of Montana, Wyoming, or other States. The complexity was further compounded, of course, by the Alaska Native Claims Settlement Act, on which the Senator from Alaska and the Senators from Wyoming and Arizona worked for a long, long time. So we have a completely different statutory situation than we have in the so-called lower 48.

I think that this amendment only clarifies some of the statutory provisions and clarifies the intent that we had in passing the Alaska Native Claims Act and the Statehood Act to give the control over the subsurface rights to the people of Alaska. I agree to the amendment.

Mr. STEVENS. I thank my friend from Montana.

Mr. FANNIN. Mr. President, I concur with what the manager of the bill has stated. This is consistent with what was intended in the Alaska Native Claims bill. It would certainly be improper not to abide by that understanding. I commend the senior Senator from Alaska for bringing up this amendment, which does, I think, assist in clarifying exactly what was intended and what should be in the legislation.

Mr. STEVENS. I appreciate the statements of both the Senator from Montana and the Senator from Arizona. I supported the McClure amendment because of this problem. When the McClure amendment did not pass, we thought it absolutely necessary to get a technical amendment to cover our specific situation. I think this will do it.

I ask my friend if he will accept the amendment. If he will, I move the adoption of the amendment.

Mr. METCALF. Yes, I feel the amendment is a proper one and a significant one. I accept it and I yield back my time.

Mr. STEVENS. I yield back all my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment, as modified, was agreed to.

Mr. STEVENS. I thank the Senator from Montana very much.

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment as follows:

On page 38, line 7, strike the word "housing".

Mr. DOMENICI. Mr. President, even though this amendment strikes only one word, I wanted to offer it as a separate amendment and engage in some dialog with the managers of the bill.

This amendment deletes the word "housing" from that portion of the bill that gives the Secretary the authority to use the funds in various ways, in particular this one.

The word "housing" as used there was followed by the word "facilities." It was my understanding that those who endorsed this concept in committee were concerned about the fact that there may be unusual growth situations, sometimes referred to as boom towns, and that these particular areas of rapid growth might not have the wherewithal to do the planning to provide for the necessary facilities, water and sewer, streets, and the like, to accommodate the rather extraordinary growth attendant on areas where increased mining takes place.

It appears to me that the intention is far better served if we strike the word "housing," so that that section would just have in it the provision that the Secretary could use this money under these conditions where there was a need of facilities. I understood this was clearly the intention, that we were trying to solve a bigger problem than just housing needs that might occur in these extraordinary boom town growth situations, but that we had tied it to housing.

I want to clarify the situation so that these funds will not have to be used just for housing, but for any of a myriad of problems incident to growth that might occur with a new or accelerated mining area, as a result of a well-defined and orderly strip mining law in our country.

Mr. METCALF. Mr. President, the Senator from New Mexico has pointed out the use of a probably very restrictive word, "housing."

It was contemplated that when we have the boom towns in the West—we have some in Montana and Wyoming at the present time, and we will have some in New Mexico if they start stripping up there in the Four Corners area, and so forth—it was pointed out that such communities need sewer systems, water systems, all kinds of services, new schools, extra policing, all of which come out of local tax revenues, and the rapid influx of new people into such an area causes the local taxpayers to have their taxes sometimes doubled or tripled, and at the same time they do not have adequate facilities for the new people to be located.

The committee was talking about and the discussions in the committee and the testimony on this part of the bill were all concerned with services, additional water and sewer lines, roads, streets, and all those things that are needed as a result of a rapid influx of people.

I think the Senator has pointed out an important area where we need to have more flexibility than the bill, if read technically, would provide. I certainly would agree to the amendment, which reflects the intention of the committee.

Mr. DOMENICI. I thank the distinguished Senator.

Mr. FANNIN. Mr. President, I also wish to thank the distinguished Senator from New Mexico, because he was observant, in this instance, in determining exactly what was intended. The bill is a little misleading as now worded, and, as the distinguished chairman of the committee and manager of the bill has stated, our committee discussions were in accordance with the amendment which he now proposes. I support his amendment; I feel it is clarifying and will be very helpful in implementation of this act.

Mr. DOMENICI. I thank the Senator from Arizona. I understand it was the Senator from Wyoming (Mr. HANSEN) who brought up the very basic issue encompassed in this section 403 and the subsections under it. I commend him for his foresight in giving the Secretary some latitude in helping alleviate the situations described. It was my intention simply that the intent expressed by the committee is carried out, and that it is not limited to housing. The word "housing" is a kind of mark for determining the need, though we do not need it in here as long as the legislative history indicates what we are talking about, facilities and the like.

Mr. HANSEN. Mr. President, if the Senator from New Mexico will yield, I would like to add my compliments to those already expressed in congratulating him on his diligence and perceptiveness in pointing out the change in language which would make clear the intent of Congress.

It was pointed out in committee that there has been strip mining in the past that did not have to comply with the sort of requirements we are outlining in this bill. For the most part, the impact we anticipate, that has been experienced by towns such as Gillette, Rock Springs, Kemmerer, and Hanna, Wyo., and other places, will be softened by virtue of the thrust of the concern expressed by the Senator from New Mexico. These areas need money not only for housing, but for sewers and for other services that we normally look toward a city government to provide.

I want to express my appreciation for the effort that is represented here by his presentation and to commend him for it.

Mr. DOMENICI. I thank the Senator.

I want to say this to the Senator from Wyoming. I am going to offer another amendment immediately following this one that would further expand the ability to use money in this matter, but it is under a separate section. I would rather vote on this one first, and then I will explain the other one in detail.

I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MORGAN). The question is on agreeing to the amendment of the Senator from New Mexico. [Putting the question.]

The amendment was agreed to.

Mr. DOMENICI. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment on page 26, lines 20 and 21 strike the words "for the reclamation of previously mined areas." On line 22 following the word "stated," add the words: "(a) reclamation of previously mined areas;". Thereafter, renumber following subsections.

Mr. DOMENICI. Mr. President, in this regard I noted that yesterday the distinguished Senator from Kentucky (Mr. HUDDLESTON) amended section (e) of 401 by inserting immediately preceding the "Provided, however" clause some language giving the Governors and the tribal leaders, respectively, some input and jurisdiction over the way the Secretary allocated the half that belonged to the Indian tribes and/or States by saying that he would take their recommendations into consideration in spending the money.

It would appear to me that since that money is intended by this bill to go one-half back to the region from whence it came, and then under the section we just amended, the Secretary has broad discretion to put it back in various places, that those of us who come from States that are going to yield an awful lot of this money, but do not have an awful lot of abandoned or orphaned mines, would be trying to relegate it exclusively to the discretion of the Secretary under the section we just amended.

It appeared to me that the objectives of the fund found in section 402 could be easily adjusted so as to accommodate those States which have serious problems attendant to mining but yet do not have significant orphaned mine problems.

So what my amendment does is take the objectives of fund section, section 402 and, as we read it, we would strike from the initial sentence the words "for the reclamation of previously mined areas," for if it is left there it becomes exclusive, and all of the subsections under it are concerned only with reclamation of previously mined areas.

So what we are doing is deleting it, but not forgetting about it, taking it out of there and then making the reclamation of previously mined areas the first objective of that fund, so that if you have a State or region Indian tribe that is entitled to spend this money, this one-half that the Secretary has collected, and gets together with them to see how he ought to spend it, we will find that they must first use it for the reclamation of previously mined areas, as defined in the section that follows this one, section 403.

But in the event they do not have any of those, then we go on and put in the sections that were under this, which are the protection of the environment, and so on, including roads, and the like, all within that section to be constructed, built or provided for out of that fund.

So that it will not be lingering around indefinitely for years in an unused pool, we have not seen fit to change the 3-year mandate of the section. In other words, the States or Indian nations have 3 years within which to use that money under this section and under the section as amended by Senator HUDDLESTON yesterday, which adequately provides and guarantees them one-half of the fund for 3 years.

I would be pleased to answer any questions on this. I truly believe that it is more in the spirit of the bill to clarify that we do not intend to spend all of the money from the newly mined areas to clear up the orphaned mined areas of other States, although some may go there and some may go there in large proportions if unused in the State from whence it came, and certainly under the one-half that remains with the Secretary of Interior. In any event, it has brought discretion there.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. DOMENICI. I am delighted to yield.

Mr. HANSEN. Mr. President, I compliment the distinguished Senator from New Mexico yet another time for perceiving an ambiguity and a restriction which was not intended by the committee when this legislation was being drafted.

I think this amendment is highly in order. It will achieve the purposes that have been spelled out by the Senator from New Mexico, and clearly is very much in the public interest.

Most of the contribution to this fund will come from mining activities that are prospective. We have not yet undertaken them. It seems eminently fair to me that a proportion of that fund should go back to those areas where the actual mining has been and will be taking place, and that it should address the problems that have been identified by the Senator from New Mexico.

I want to associate myself with him and urge the adoption of this amendment by the Senate.

Mr. METCALF. Mr. President, I concur in the remarks of my friend, the Senator from New Mexico, and the remarks of my friend, the Senator from Wyoming. This is largely a technical amendment. It merely moves the words "reclamation of previously mined areas" down as to only one of the purposes for which the money can be used.

Mr. DOMENICI. Precisely.

Mr. METCALF. Clearly, in my mind, that was the intention of the committee.

I compliment the Senator for calling it to our attention.

Mr. DOMENICI. I think, Senator, had we not done this, very easily there could have been a construction that that entire fund could only be used where we have previously mined areas, and I think that this amendment makes it clear.

Mr. METCALF. All of the provisions of (a), (b), (c), (d), and (e) of section 402 make it clear.

Mr. DOMENICI. It will now make it clear that so long as there are no previously mined areas that have to be reclaimed, as defined in section 403, that the fund can be used.

Mr. METCALF. Subject to the provisions of section 403, and subject to the provisions of the Huddleston amendment yesterday, the Senator has made it clear as to all of the objectives that are outlined in section 402.

Mr. DOMENICI. I would say to the distinguished Senator that I do still have a little bit of trouble with the section, but I am not going to quibble about it. I think by setting priorities we may be relegating some very much needed things to secondary and tertiary positions. But I think commonsense will be applied. We will not look around for (a), (b), (c), (d), and (e), in the individual sense, but we will look at the broad area. I hope that is the sense in which we will follow the priorities in this whole section.

Mr. METCALF. It is devoutly to be hoped that this bill will be administered with commonsense.

Mr. DOMENICI. I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from New Mexico. [Putting the question.]

The amendment was agreed to.

AMENDMENT NO. 91

Mr. MATHIAS. Mr. President, I have an amendment to send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes amendment No. 91.

The amendment is as follows: on page 41, lines 7 and 8, strike out "515(b)(19), and 515(d) of this Act." and insert in lieu thereof "and 515(b)(19) of this Act. No such permit shall be issued on or after such date of enactment for surface coal mining operations on a steep slope (as defined in section 515(d)(4)) or on any mountain, ridge, hill, or other geographical configuration which contains such a steep slope.".

On page 69, after line 7, insert a new paragraph (4) as follows and renumber subsequent paragraphs accordingly:

"(4) the proposed surface coal mining operation does not include mining on any steep slope (as defined in section 515(d)(4)) or on any mountain, ridge, hill, or other geographical configuration which contains such a steep slope;".

Mr. MATHIAS. Mr. President, for the convenience of the Members of the Senate, I point out that the amendment is printed in the RECORD of March 11 on page 6038.

Mr. President, I am offering an amendment to S. 7, the Surface Mining Control and Reclamation Act of 1975, which will phase out surface mining on steep slopes. These are defined in my amendment as slopes over 20 degrees. It provides a 30-month phase-in program to minimize any problems associated with the eventual prohibition on steep slope operations.

In seeking to amend this most comprehensive piece of legislation, I do not intend to imply dissatisfaction with the overall product. I am proud to be a cosponsor of S. 7. I extend my congratulations to the members of the Interior and Insular Affairs Committee and the committee's chairman, Senator JACKSON, and to the distinguished managers of the bill on both sides today. This has been not only a difficult technical undertaking, but also difficult from the legislative point of view.

I am pleased that the end is in sight legislatively as well as being pleased that the end product is a workable, but tough regulatory framework for the strip mining industry.

S. 425 very nearly became law in the 93d Congress. When it was considered by the Senate, I offered an amendment, which would have accomplished much the same purpose as my amendment today. Since that time, much has happened. We have survived an oil embargo and we are well on our way to enacting comprehensive energy legislation to govern not next year, but the next 20 years. Project Independence has been blueprinted by the Federal Energy Administration and that report reemphasizes the important part that coal will play in meeting this Nation's energy needs.

But something else has happended as well. Mr. President, we have become much more sophisticated as a people in recognizing the tradeoffs which are inherent as our energy needs interface with the environment which we all exist in. We have had to meet and resolve so many difficult questions in this particular area over the last year and as a result public awareness is greater now than it has ever been. One thing we have very definitely learned, is that we cannot separate energy development from environmental quality. In short we cannot say, let us have all the energy development that this Nation can ever need and leave those areas of the Nation unsuitable for energy development as environmental areas. The relationship between our supplies of clean air, pure water, soil, and minerals are simply too complex for such a simplistic view.

I am very proud that the people of Maryland are now in the process of responding to the need to guard our environmental resources in the context of energy development. This year there are bills in both the Maryland Senate and House to phase out strip mining of slopes over 20 degrees. They are supported by the Governor and the Maryland Department of Natural Resources. This is an example of a State with a long history of both deep mining and strip mining, taking a hard look at what is occurring with respect to its soil and its water and concluding that stripping activities on steep slopes are unacceptable.

Mr. President, I ask unanimoun consent to have printed in the RECORD the recommendations of the State Department of Natural Resources.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS

The Department of Natural Resources strongly urges adoption of this bill. As of 1973, there were approximately 27 million tons of coal in Maryland that were strippable; an amount equivalent to one-tenth of the annual national strip mining total. Consequently, Maryland does not have an abundance of strippable coal, and a concerted effort should be made to make the most effective use of it.

At the present time, the greatest preponderance of strip mining in Maryland is accomplished on slopes having a slope more gentle than 20 degrees. Mining has been permitted in areas where slopes are greater than 20 degrees and have been subject to regulation under Department regulation 8.06.01.11. This regulation requires utilization of the modified block cut method with respect to strip mining on slopes greater than 20 degrees and only when it has been approved by the Land Reclamation Committee.

The Department has adopted these very strenuous precautions in order to ensure that during the strip mining operation, disturbed areas would be restricted to an absolute minimum. These measures are nonfoolproof, and during any storm and various other episodes, both sediment and mining drainage can reach and damage an area of state interest. In weighing the benefits to be gained against the loss of restricting strip mining to a very limited area, we believe the preservation of our limited natural and scenic resources far outweigh our economic losses. Since very limited mining now occurs on slopes of greater than 20 degrees horizontal, the Department believes that House Bill 452 will result in minimal economic repercussions, while at the same time making substantial achievements in the protection of our resources.

Additionally, this bill would direct strip mining into areas of more gradual slopes, having the effect of preserving coal reserves on steeper grades. It may therefore result in less costly methods of reclamation, concentrating strip mining into areas of easier access and possibly the initiation of more deep mining in the State of Maryland.

Mr. MATHIAS. Mr. President, frankly, in proposing a phaseout on the steep slope, I am guided by two concerns. First, we must care for the deep mining industry. Our Nation relies on the vitality of that industry and will long after strip mining has exhausted that which is strippable. Second, when we talk of coal on the steep slopes, beyond the angle of repose, we refer to a very small part of our resources. So we are not dealing so much with the facet of the energy crisis, but rather with a question of land use. Lost production from a phaseout of steep slope mining can be made up by a minimal increase of production in the deep mines.

It is proper at this point to detail what my amendment would prevent so that Senators can properly consider the benefits and costs. From an environmental standpoint, mountain strip mining is by far the most damaging form of strip mining. Mountain strip mining brings with it severe problems of sedimentation, land slides, water pollution, acid drainage, and disruption of soil and subsurface waters. All of these problems pose very serious threats to the homes and lives of people living in the densely populated mountain valleys below where strip mining has occurred.

Every bit of evidence reinforces the concept that certain strip mining practices cannot be regulated satisfactorily, and, in these instances, the best answer is to prohibit those specific activities. Consider for a moment the 1973 Senate study, "Factors Affecting the Use of Coal in Present and Future Energy Markets," which clearly points to the serious continuing problem of landslides on steep slopes and repeated violations of State regulations:

> For all types of mountain strip mining, more than one-third of inspections revealed major violations including: exceeding bench width, operating off the permit area, dumping excessive material over the outflow, and lack of drainage control.

The results of that Senate study are reinforced by a second study, "Design of Surface Mining Systems in Eastern Kentucky," which was the work of Mathematica, Inc., for the Appalachian Regional Commission.

Discussing problems of sedimentation, landslides, or water pollution only tells part of the story. We also have to look closely to see how this very serious, long-lasting, environmental damage will impact upon the economies of the various States. There is no question that mountain strip mining has a decidedly detrimental effect on timber production, tourism, and industrial development. The Appalachian region is one of the world's finest hardwood timber areas. This is a commodity in extremely short supply. Strip mining, even after reclamation, leaves the land in a state unsuitable for timber growth. This is not the case with deep mining. Let me draw an example from my own State of Maryland. Quite clearly, the highest and best use of western Maryland land is to support tourism and light industry. Coal mining per se does not necessarily threaten those two industries, but coal mining on steep slopes does. As I mentioned earlier, this is a fact recognized by the Maryland Department of Natural Resources as they seek to amend State law in a fashion similar to my amendment to S. 7.

The points that I have just made relate as much to national land use as to energy policy, if indeed those two concepts can be separated. I would like to now discuss more specifically what our energy policy should be as we particularly focus on coal. The demise of the deep mining industry is proceeding at an ever-increasing pace. Since 1966, over 2,400 deep mines have shut down. Production has fallen by more than 84 million tons in Appalachia alone. At the same time, strip mining operations have increased by well over 700 and production by 59 million tons. That is a loss of 19,000 jobs in the mines. But everyone in this Chamber knows, or should know, that strip-mined coal is a finite resource. We only have 45 billion tons left. As we shoot for coal production of over 1 billion tons a year, and 2 to 3 billion in the years ahead, as we get into coal gasification and liquefaction, it is easy to see that, by the end of this century, all strippable coal may be exhausted. In the Department of the Interior study entitled "Energy Research Program," it is predicted that Western strippable coal will all be gone by 1996 and most of the Eastern strippable coal will be exhausted as well. But, while we have 45 billion tons of strippable coal, we have 30 times that much deep minable coal. Even taking the most conservative statistics supplied by the U.S. Bureau of Mines, we find 356 billion tons of deep minable coal as against the 45 billion tons I mentioned earlier. Now that is an extremely conservative analysis of the amount of underground coal this Nation possesses. But even using those most conservative figures, we see a ratio of 8 to 1.

Given these kind of statistics, what would be a rational coal policy? Would one encourage stripping wherever one can physically get the coal out? Would one encourage strip mining on steep slopes where one knows that the final result will include environmental degradation and a possible threat to the safety of the people who live in the valleys below? Would one, in essence, encourage strip mining to grow in leaps and bounds, and thereby guarantee the mass exodus of deep miners from the mines and the closing of those deep mines? Would one do all this when one knows by looking at statistics—the very ones I have quoted; the most conservative statistics available—that massive strip mining is a short-term operation and eventually the deep mines must be opened and expanded and the deep mine labor force rebuilt and expanded? In the final analysis, when one looks at all the figures, one has to recognize the need to guarantee the continued existence of deep mining in Appalachia. The Nation desperately needs the 67.6-billion-ton reserve of deep minable coal in Appalachia, but the recovery of those vast reserves is seriously jeopardized by a rush headlong to strip mining of that region of the country. Not only is it going to spell the economic death of the deep mine industry, but the blasting and other activities on the surface will make deep coal seams technically impossible to mine.

I have briefly alluded to the exodus of deep miners to other types of employment, but this bears some further analysis. I am convinced that unless we halt this steady exodus of skilled labor, that other Senators will meet in this Chamber years hence to discuss ways of retraining a massive labor force to meet this Nation's then urgent requirement for coal. That retraining will be a very expensive undertaking, but if we act today to ensure a continuing stimulus to deep mining operations, the expense will be avoided.

In the final analysis, I would hope that one lesson would be learned as a result of the current energy shortage. We must plan for the future in our handling of energy. To some the future is tomorrow, to others, it is measured in years, but with regard to energy, the public interest requires that it be measured in decades. We must start with this bill to establish a policy for coal which will respect the land, the air, and the water—the elements which sustain us—a policy which will safeguard the deep mine coal industry so that when the strip mines are exhausted, there will be a viable industry to serve this country.

Mr. President, I reserve the remainder of my time.

Mr. HANSEN. Mr. President, will the Senator from Maryland yield for some questions?

Mr. MATHIAS. I am happy to yield to the very distinguished Senator from Wyoming.

Mr. HANSEN. First, Mr. President, let me compliment the distinguished Senator from Maryland for his interest in this very important and vital piece of legislation.

I would like to believe and I am encouraged to believe by his presence here in the Chamber and by the action that he now proposes that there is a growing awareness, a growing concern, and a desire on the part of people everywhere to understand better and to become involved in legislation of this kind.

I compliment those forces that are responsible for bringing about this kind of concern, this interest, and it certainly is true, as people now demonstrate by their actions, that what happens in the West or what happens offshore is of importance not only to those specific localities, but as well to people everywhere.

I say that, because as the petroleum resources of our country, oil and gas resources, become increasingly difficult to discover and increasingly costly to produce, we know that without the contribution that can come from the Outer Continental Shelf there is likely not to be enough oil and gas to give us that relative independence that we so earnestly desire and desperately seek now, in being able to assert a foreign policy that we think, first, would serve this country best, and second, to assure us of that independence that is reflected in our industry, in our gross national product, that can best be assured by a declining reliance upon unstable foreign sources of supply.

Having said that and having complimented my good friend, the distinguished Senator from Maryland (Mr. MATHIAS), for his interest, I ask him if he has figures that would reflect the amount of coal that is capable of being stripped in our country now that would be involved under his amendment which phases out the mining of coal on slopes 20 degrees and above, in terms of our national short-range productivity?

Mr. MATHIAS. Before I respond directly to the distinguished Senator's question, I would say that I agree with him, but I think there is a growing awareness, as I said earlier, in the problems of energy and in the fact that it has to come from somewhere, that, in effect, a price has to be paid for energy; that we are going to have to determine together what price we are willing to pay.

This is something in which we have had some experience in the State of Maryland over the years, when I consider that part of Maryland, the Appalachian area, the area to which Maryland Republicans often look, and say:

> Raise up thine eyes and lift up thine eyes unto the hills whence cometh thy strength.

We have seen the results of a very tragic abuse of nature.

This amendment is not offered in ignorance of the issues involved. This amendment is offered, because we understand the issues that are involved. We understand the need for coal. We understand the need for energy. We understand that the price will have to be paid. We believe that that price ought to be set at a reasonable level of environmental cost.

Answering the Senator's question directly, I refer to the report of the Committee on Interior and Insular Affairs pursuant to Senate Resolution 45, the national fuels and energy policy study, where, on page 52, there is this reference:

> As indicated in the tables, a large percentage of surface mined coal now comes from steep slopes. Indeed, only 14 percent of surface mining in Appalachia is on slopes of less than 10°, 16 percent is on slopes of 10° to 15°, 18 percent on 15° to 20°, 18 percent on 20° to 25°, and 33 percent over 25°. If a 15° slope limitation were applied immediately, it would affect:
>
> 70 percent of Appalachian surface mining production.
>
> 39 percent of total U.S. surface mining production.
>
> 20 percent of total U.S. production.

> If a 20° slope limitation were applied immediately, it would affect:
>
> 51 percent of Appalachian surface production.
>
> 29 percent of total U.S. surface mining production.
>
> 14 percent of total U.S. production.

Those figures are impressive figures. They might even be frightening figures to the Senate if we did not consider that those figures only applied to about 1 percent, a single 1 percent, of the total national reserves. So while the percentages seem large, the absolute tonnage of coal in the national reserves that are to be affected is about 1 percent.

Mr. HANSEN. I thank my distinguished colleague.

Referring to the same document that he has called attention to, on page 139, the last paragraph on that page, if the Senator would like to refer to it, "Impact on Production," I find this language:

> As can be seen in tables 1 to 4, the loss of production as a result of a 20 degree slope prohibition ranges from about 17 to 18 million tons per year depending on the impact scenario used, compared to a range of 42 to 108 million tons annually with a 15 degree slope limit. The impact is most severe in central Appalachia—

I would hope that I might have the attention of the Senators from that part of the country, those in the Chamber at the present time, because I am certain they will be interested:

> The impact is most severe in central Appalachia, which has the highest quality low sulfur coal, with a minimum 80 percent of the loss coming from this area. The reason for an increase in production in the Huntington-Ashland EA in the low impact case is that no surface production is lost, while underground mining is assumed to grow by 10 percent.

I do not know as well, certainly, as does the distinguished Senator from Maryland, what the attitude of people is in that State. I have read, as I am certain he has, reports of meetings and protests being launched by different groups in the State of Virginia over the rising electric utility rates. I am certain that the distinguished Senator from Maryland is aware that the cost of compliance with environmental standards is indeed not a small one.

President Luce, of Consolidated Edison in New York, told me several months ago that his company, which had to pass up a stock dividend for the first time in its nearly century-old history, as I recall—and I may be in error on the length of time that that company has been in operation—was occasioned in part by the fact that 17 percent of their total costs came about from the requirement that they meet certain environmental standards. Among others was the requirement that they move toward minimizing the raising of the temperature of rivers that have been used historically to cool the towers where steam fired generation operations occur.

There was also a great reluctance in that State, as we know, expressed with respect to the addition of nuclear reactors. I think it would be fair to say that that reluctance, that fear, that concern pervades not only the State of New York but, indeed, much of America. People do not know as much as they need to know, and certainly not as much as they would like to know about the dangers, real and suspected, that may result from nuclear reactors.

My next question is would the people, as nearly as the Senator knows, in the great State of Maryland willingly accept the added cost that would be occasioned by denying this 16 to 18 million tons of coal annually, low-sulfur coal? That is the kind of coal that certainly has to be used in heavily populated States. Would the people in his State be willing to pay the extra costs that would be necessary and would be imposed by this prohibition?

Mr. MATHIAS. I believe the Senator knows that we are all in the same boat. High costs of utility rates are affecting Americans everywhere. People in Maryland are just as distressed by the high utility rates as any other place.

The Senator sets up for us an equation which is just not realistic. The Senator talks about the increased cost of taking some care with regard to the world in which we live, without considering the cost of not taking care.

To use a totally different situation as an analogy, when we think, for example, of the cost of health care in the Los Angeles community as it is affected by air pollution problems there, I think we probably would come out on the side of saving money by being concerned about the air quality, which is causing people to have heart attacks, heart diseases, pulmonary diseases, and other health problems, which not only shortens lives but which, from a purely cold hearted economic point of view, is decreasing economic productivity.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. On my time, Mr. President, I will finsh my answer.

The PRESIDING OFFICER. The time has all expired under the rules.

Mr. METCALF. Mr. President, how much time do I have?

The PRESIDING OFFICER. Fifteen minutes.

Mr. MATHIAS. Mr. President, I reserved my time. I thought I was answering only the——

Mr. METCALF. I am delighted to yield time. I want to be sure to reserve a few minutes, but I will be delighted to yield time either to the Senator from Wyoming to continue this dialogue, or to the Senator from Arizona, who wants to respond.

Mr. MATHIAS. Mr. President, I thought I had reserved my time, and I thought I was responding on the time of the managers.

Mr. METCALF. Nobody asked me to reserve time. I have time and I am delighted to yield time so that there will be a complete and comprehensive debate on this bill.

Mr. MATHIAS. If I could just have enough time to finish my response to the question posed by the Senator from Wyoming.

Mr. METCALF. How much time does the Senator from Maryland desire?

Mr. MATHIAS. Two minutes.

Mr. METCALF. I yield 2 minutes to the Senator from Maryland.

Mr. MATHIAS. The precise question asked by the Senator from Wyoming was what had to be faced by the people of Maryland. The Maryland Department of Resources came up with this conclusion:

> In weighing the benefits to be gained against the loss in restricting strip mining to a very limited area, we believe that the preservation of our natural and scenic resources far outweigh our economic losses.
>
> Since very limited mining now occurs—

We are talking, remember, about 1 per cent of the national reserves, and this is a very limited area—

> The department—

That is, the Maryland Department of Natural Resources—

> believes that this legislation will result in minimum economic repercussions, while at the same time representing a substantial achievement in the protection of our resources.

This is a balanced, considered view which the people of Maryland have come up with.

Mr. HANSEN. Mr. President, are we constrained insofar as time is concerned?

Mr. METCALF. May I have control of my time, so that I may have some time to respond to the Senator? How much time does the Senator from Wyoming desire?

Mr. HANSEN. I am just going to raise a parliamentary inquiry, first, if I may.

Mr. President, are we constrained, insofar as time is concerned, by an earlier unanimous-consent agreement to vote at a time certain?

The PRESIDING OFFICER. We are constrained both by the time agreement to vote and by the unanimous-consent agreement to limit debate on each amendment to 30 minutes.

Mr. HANSEN. What is the time for the final vote?

The PRESIDING OFFICER. Three p.m., with debate to begin at 2 p.m.

Mr. HANSEN. Mr. President, I ask unanimous consent that the time for the final vote may be moved to 4 o'clock this afternoon, rather than 3 p.m. What is being said is very important.

Mr. METCALF. Mr. President, I am constrained to object. When the unanimous-consent request was propounded, we arranged for 15 minutes for each side on each amendment—30 minutes total on an amendment; then there was an agreement that we had an hour to use for final debate.

As I understand it—and the Chair will correct me if I am wrong—that 30 minutes on a side, with an hour for final debate, can be yielded to anybody as an additional time on each amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. METCALF. Mr. President, if this is coming out of my time, it is quite satisfactory.

I am prepared to take that 30 minutes and yield it at such time as is necessary, but I will object to moving the time of the vote to a period later than 3 o'clock.

Mr. HANSEN. Mr. President, will the

Senator from Montana yield me 5 minutes?

Mr. FANNIN. Mr. President, a parliamentary inquiry.

Mr. FORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. METCALF. Mr. President, I yield to the Senator from Kentucky for a parliamentary inquiry.

Mr. FORD. Mr. President, do I correctly understand that we have 30 minutes for each amendment, 15 minutes to a side?

The PRESIDING OFFICER. That is correct.

Mr. FORD. And the time of the Senator from Maryland has expired?

The PRESIDING OFFICER. That is correct.

Mr. FORD. The distinguished floor manager on this side of the aisle has 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. I would like to have 2 minutes, if the Senator from Montana will yield.

Mr. METCALF. I promise to yield later and to reserve time for the Senator from Kentucky.

Mr. FANNIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FANNIN. The Senator from Arizona has time on the bill, as I understand, of 30 minutes.

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. FANNIN. I yield 4 minutes on the bill to the Senator from Wyoming.

Mr. HANSEN. I thank the Senator from Arizona.

Mr. President, I wanted to point out that I do not argue at all and I do not disagree at all with the points made by the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, will the Senator from Wyoming yield so that I may request the yeas and nays?

Mr. HANSEN. I yield.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, the point I want to make is simply this: We all want to accomplish the goals that the Senator from Maryland has in mind. I do not think there is any question about that. But I am aware that there is great concern on the part of the people in the East with rising costs that are occasioned, increased fuel costs, utilities, heating and everything else. I am also aware that bills have been introduced—I think one was introduced in the State of Maryland, but I am not sure about that; etiher Maryland or Virginia, as I recall—to freeze utility rates at a certain level for a fixed period of time.

My point is that we cannot have it both ways. I have felt all along that the one failure, the significant failure, on the part of Members of Congress was that they go out and tell people they are going to give them everything they want and that it is not going to cost anybody anything. It is going to cost, and this is a case in point.

It is true that these strippable reserves on the 20 percent or more slopes constitute only 1 percent of the total coal reserves. But these coal reserves that are included in the 100 percent are going to be a long time in being developed; and it is going to occasion more cases of black lung, and it is going to occasion more subsidence problems.

It does not matter how you remove the coal. There is going to be cost one way or the other. Simply to say that we are going to underground mine does not mean we are going to get rid of all the problems. The opposite is true. It will create problems.

I simply say to the Senator from Maryland that the fact is that people are concerned about the cost of electricity, they are concerned about the cost of heating, and this will have an impact on it.

My good friends from West Virginia have said that if they put this bill in, it is going to bring about the immediate unemployment of more than 7,000 to 8,000 people in one State alone. So we should not be too cavalier in saying what we think we would like to have adopted, without looking at the consequences of that.

I, too, would hope, and I think this bill guarantees—I repeat, this bill guarantees—that whatever is done in the way of surface mining must be accompanied by adequate reclamation. With that assurance, I must say, for what I think are good reasons, that I will be voting against the amendment to prohibit mining on slopes of 20 degrees or more, because we have the requirement in the bill that if the lands cannot be reclaimed, they cannot be mined.

I yield back the remainder of my time to the distinguished Senator from Arizona.

The PRESIDING OFFICER (Mr. BUMPERS). The Senator from Montana is recognized.

Mr. METCALF. I yield myself 2 minutes.

Mr. President, the Senator from Wyoming inquired of the Senator from Maryland if, in his opinion, he thought the people of Maryland would acquiesce to additional costs incurred because of the bill. I want to remind the Senator from Maryland——

Mr. MATHIAS. Wait a minute.

Mr. METCALF. Was that not the question?

Mr. MATHIAS. I said, if the Senator will yield so that I can respond——

Mr. METCALF. I am delighted to yield. But did not the distinguished Senator from Wyoming ask whether, in the opinion of the Senator from Maryland, the people of Maryland would consent to the increased utility rates brought about by this bill? That was the question, was it not?

Mr. MATHIAS. And the answer was——

Mr. METCALF. I did not say anything about the answer. Will the Senator let me go forward? The question was, Would the people of Maryland consent? Will the Senator admit that that was the question?

Mr. MATHIAS. I will admit that that was the question.

Mr. METCALF. Very well.

Mr. MATHIAS. But I am not——

Mr. METCALF. The answer to that question is that under this bill the people of Maryland have a perfect right to say that they will let their slopes be mined at 19, 20, or 25 degrees. In their legislature, they can pass any restriction they want on the slope. If they want to consent that they will only mine a small portion of the hills of Maryland, they have a perfect right to consent to that. That is up to the people of Maryland. If they want to acquiesce, they can go to their legislature and do it.

This bill says that we will comply with environmental standards while mining on those slopes. But we say that we have strict environmental standards for the rest of the Nation, that we do not feel there is any distinction in potential impact between 19 and 20 degrees, if they comply with those strict environmental standards. We say that it is up to the various States to make additional application of those standards.

Mr. MATHIAS. Mr. President, will the Senator yield me about 30 seconds to comment?

Mr. METCALF. I will be delighted to yield at the present time.

Mr. MATHIAS. I think we all understand that costs are involved. We all understand that there are costs involved if we do set standards and there are costs involved if we do not set standards. But it is interesting that in the coal supply task force study by the Federal Energy Administration, published in January of this year, it is pointed out that the price of coal is not going to be determined so much by the cost of production, the cost of mining, as it is going to be determined by the somewhat extraneous factor of the price of oil. When the people of Maryland pay their electrical bills the amount will in the final analysis be based on the cost of oil.

I further say that there is another long-term consideration which is going to affect costs. Yes, we can go to strip mining. We can strip off all the strippable coal in the next few years that is easy to get at.

Mr. METCALF. We can if we pass this bill.

Mr. MATHIAS. That we can get at easily and, we think, cheaply. But what are we going to do to what is the real coal reserve of this country? That is the coal which is available only by deep mining. I would not presume to say to the manager of this bill very much about where the coal reserves are. The distinguished Senator knows. He knows that deep mining is the only way to get it.

If we encourage a lot of quick strip mining, we are going to discourage the development of our deep mines and, in the long run, we are going to decrease the amount of energy available to the people of this country and increase the cost of that energy.

Mr. METCALF. I cannot see that I concur with that.

Mr. President, I yield myself such time as I need to respond.

I concur with the Senator from Maryland that we should encourage deep mining. I certainly agree with him. I just cannot see the relevance of that argument to the amendment he has presented.

Mr. HANSEN. Will the Senator yield me 15 seconds?

Mr. METCALF. Surely.

Mr. HANSEN. Mr. President, the distinguished Senator from Maryland may not know that the Metcalf-Hansen amendment gives to every State, including the great State of Maryland, the right to prohibit coal mining on a 5-percent slope if it wants to. Our point is that that restrictive type of prohibition has no place in this national legislation.

Mr. FANNIN. Mr. President, I yield myself 2 minutes on the bill.

Mr. President, I say to the Senator from Maryland that I do not think he realizes how devastating this bill is. Some of the figures he has utilized are very misleading. When we are talking about how much coal is estimated to be in the United States, that is one figure. When we are talking about how much coal can be mined, that is another figure. He acts as if strip mining does not amount to anything. Let us look at the figures.

I will admit that the demonstrated coal reserve base of the United States is 297 billion tons from underground mining and 137 billion tons from strip mining. So the figures are entirely different from what he has estimated.

Let us look at what he is doing. What does the——

Mr. MATHIAS. Will the Senator tell me the source of those figures?

Mr. FANNIN. The Bureau of Mines statistics. They are in this book, on page 240.

Mr. MATHIAS. That is the same report from which I read.

Mr. FANNIN. It is perfectly all right. The Senator is using different figures. He is using a total amount of coal and the Senator knows that we are wasting half the coal when we go to underground mining. I think the Senator knows that. It cannot all be mined. The tunnels have to be provided and so forth.

I am informed that this is the report on S. 7 that I am referring to. This is the report on the present bill I am referring to, and the report that the Senator from Maryland was referring to pertained to S. 45.

To go on further, let us look at what the future holds, because we are dependent more on strip mining from the standpoint of our economy to meet the crisis that we face——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FANNIN. I yield myself 2 more minutes.

Let us look at what is actually happening. This is from George F. Neilsen, McGraw Hill Publications, on his survey. They are very reliable. Presently on the books of 72 producing firms is 236.6 million tons of new coal mining capacity for the years through 1983. There are plans for 127 mines, from a relatively small 100,000-ton annual operation to larger operations—but it is huge mines that are involved. These figures provide what I am talking about. Surface mining methods account for about 60 percent of the new capacity that is going to be mined—that is what we are interested in—or 141,865,000 tons. This will be produced by 38 mines—understand that, 38 mines. The largest number of mines are underground mines, 87 in all. They will be mined by deep mining methods and will have a combined capacity of 94 million tons, or about 40 percent of the total.

I think what we have to realize is that we are talking about a problem that we face in the immediate future and over the next 10 years. This is up to 1983. So if we are going to provide the energy at a rate at which it can be afforded, if we are going to keep the lights from going out, we had better protect the strip mining industry. I am talking about protecting them by prohibiting mining unless the land can be reclaimed. I am not talking about devastating any land. I am talking about providing, in many instances, better land than what was there before the mining started.

I remind the distinguished Senator from Maryland that what he is asking us to do would be almost like asking for bankruptcy. I think that it is something that we can absolutely not afford. We cannot take a chance of having to import a greater amount of oil.

He is talking about prices. We do not know what the price is going to be in the future, but we do know that strip mining is less expensive than underground mining. It is safer; it is better in every respect, and I think we should go forward with a bill that will provide us the opportunity to mine surface coal.

Mr. METCALF. Mr. President, I yield to the Senator from Tennessee 3 minutes. If my time has expired on the amendment, I yield it on the bill.

The PRESIDING OFFICER. The Senator has 2 minutes remaining on the amendment.

Mr. METCALF. I yield 2 minutes. If the Senator needs more, I shall give him more.

THE STEEP SLOPE BAN

Mr. BAKER. Mr. President, I thank the distinguished manager of the bill for yielding so that I may make brief remarks in opposition to the amendment offered by the distinguished senior Senator from Maryland.

Mr. President, I sympathize with the environmental concerns which have motivated the Senator from Maryland (Mr. MATHIAS) to offer this amendment to prohibit surface mining for coal on steep slopes. Nowhere is the environmental disruption from improperly reclaimed strip mining more devastating than on steep slopes. The hills of Appalachia bear miles upon miles of scars in testimony to this fact. And anyone who has seen these mountains or talked to the people who live in them can understand the motivation of those who would ban such mining.

But we are now approaching the enactment of a bill which contains standards which will insure that future mining in these mountains does not leave them barren and desolate. The standards of this bill require careful restoration of these mountains—their contour, their drainage systems, and their vegetation. And where this restoration cannot be accomplished, no permit to mine can be issued.

Mr. President, reclamation can often be accomplished on slopes substantially in excess of 20°, which is the definition of steep slope used in S. 7. In Tennessee the best reclamation ever undertaken—two back-to-contour demonstration mines funded by the TVA—were located on slopes of approximately 26°. I am sure that there are other areas in the country where mining on slopes under 20° can not be accomplished. The environmental question properly put is not "what is the slope of the mine?" but "can it be fully and successfully reclaimed?"

That is precisely the focus of S. 7 and therefore I oppose this amendment.

But there are additional reasons why I intend to oppose this amendment which I would state briefly:

In many areas of the Appalachian mountains, benches on steep slopes have been stripped with equipment less sophisticated than is presently available to mine operators or at a time when it was uneconomic to move much overburden. Most of these mines were given little post-mining treatment and remain open, barren pits. A substantial portion of the mining in the State of Tennessee over the past several years has been restripping of these benches.

Under the provisions of S. 7, restripping of these steep contour mines will result in a substantial environmental improvement. If this steep slope mining is banned many of these abandoned benches may never be repaired.

There are reclamation programs in S. 7 which will help with this orphan mine problem, but they are modestly funded and much of their funds are directed toward areas from which the severance fees are derived. If steep slope mining is banned, these apportioned funds would be denied to steep slope communities.

For these reasons, Mr. President, I must oppose the amendment of the Senator from Maryland.

The PRESIDING OFFICER. The Senator's 2 minutes are up.

Mr. METCALF. I yield to the Senator from Kentucky 2 minutes on the bill.

Mr. FORD. Mr. President, there are just a couple of remarks I would like to make.

I hope that the fine State of Maryland does pass some legislation to improve its strip mining and reclamation program. Other States have been doing that for some time. Our colleague from Maryland has emphasized that only 1 percent of the reserve would be affected by his amendment, but we are not talking about reserves; we are talking about production.

In my State alone, 70 million tons was produced in 1974 by strip mining of this coal. This country and this administration, and those who are fearful about our energy problems and the country's future, are begging for West Virginia coal and east Kentucky coal, with its less than 1 percent sulfur content.

I believe this bill gives greater authority and direction in the reclamation area. I think it also gives us an opportunity to develop reclamation programs that are so vital in this particular area. Our State, for example, is spending millions of dollars in the effort to develop new methods of reclamation. NASA is in the arena of coal extraction, to find better ways and better methods to develop the extraction of coal and its reclamation.

I might point out, too, that where they are saying that deep mines are important and that is where the reserve is, I agree; but I must remind my colleagues that it takes some $30 million to open a deep mine, and in this era of our economy, I wonder, even though coal prices are high, how many can develop a $30 million project. There are shortages to meet which we in the 93d Congress have worked hard to find the material so that we might extract this valuable material from the ground.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. METCALF. I yield the Senator 2 additional minutes.

Mr. FORD. I am fine. I only wanted to say I oppose the amendment.

I yield back the remainder of my time.

Mr. METCALF. Mr. President, I yield 5 minutes to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I have great esteem for my distinguished colleagues from Maryland and I am never eager to take issue with them.

Our States share a common boundary and many common interests. The topography of our States, however, is not similar and it is upon this basis that I must differ with the Senators from Maryland.

The amendment proposed by the Senators from Maryland would ban—flatly and unequivocally prohibit—surface mining of coal on any slopes of 20 degrees or greater.

In Virginia, virtually all of the surface-mined coal comes from slopes of greater than 20 degrees.

Of Virginia's known strippable reserves—estimated at 226.86 million tons—194.8 million tons of low-sulfur coal lies under slopes of greater than 20 degrees.

That is over 85 percent of the coal in Virginia available for surface mining.

And Virginia's surface mining industry produces almost one-third of the State's total production.

I am told by knowledgeable sources that S. 7, as presently drafted, will virtually end surface mining in Virginia.

The amendment by the Senators from Maryland would leave no room for doubt, no opportunity to assess the benefits of technology or for what little administrative flexibility might be employed by the bureaucracy in implementing this law. It would make a bad proposal worse.

Mr. President, I think it is significant that the committee report for 1973 includes this statement:

> **If a 20-degree slope limitation were applied immediately, it would affect 51 percent of Appalachian surface production, 29 percent of total U.S. surface mining production, and 14 percent of total U.S. production.**

I think the reasons given by the Senators from Maryland are fine ones—for the people of Maryland. That is why I have said in the past—and say now—let us not preempt the States with this legislation.

Maryland and Virginia have different problems—and different situations entirely—with respect to surface mining.

Virginia has a strong law—a good law—on surface mining and land reclamation.

In opposing the Senators from Maryland on this amendment, then, I am really asking them to join me in seeking a Federal law on surface mining which will not stifle State initiative but will, instead, permit flexibility and allow the States to regulate and control these mining practices in a manner most consistent with the health and welfare of the people of that State—a task entrusted primarily to the State legislatures.

I hope the Senate will vote to disapprove the amendment offered by the Senator from Maryland. I yield back the remainder of my time to the distinguishel Senator from Montana.

The PRESIDING OFFICER (Mr. BUMPERS). All time on the amendment has expired. The question is on agreeing to the amendment (No. 91) of the Senator from Maryland (Mr. MATHIAS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Wyoming (Mr. MCGEE), the Senator from North Carolina (Mr. MORGAN), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further anounce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. TAFT) and the Senator from Arizona (Mr. GOLDWATER) are absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 28, nays 64, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—28

Beall
Biden
Brooke
Case
Chiles
Clark
Cranston
Culver
Hart, Philip A.
Hathaway
Humphrey
Javits
Kennedy
Mansfield
Mathias
McGovern
Mondale
Muskie
Packwood
Percy
Proxmire
Ribicoff
Schweiker
Stevenson
Stone
Tunney
Weicker
Williams

NAYS—64

Abourezk
Allen
Baker
Bartlett
Bayh
Bellmon
Bentsen
Brock
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Curtis
Dole
Domenici
Eagleton
Eastland
Fannin
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hartke
Haskell
Hatfield
Helms
Hollings
Hruska
Huddleston
Inouye
Jackson
Johnston
Laxalt
Leahy
Long
Magnuson
McClellan
McClure
McIntyre
Metcalf
Montoya
Moss
Nelson
Nunn
Pastore
Pearson
Pell
Roth
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Talmadge
Thurmond
Tower
Young

NOT VOTING—7

Church
Goldwater
McGee
Morgan
Randolph
Symington
Taft

So Mr. MATHIAS' amendment was rejected.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FANNIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the hour for the convening of the Senate on tomorrow be 11 a.m. rather than 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 622

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of S. 7 today, the Senate proceed with the consideration of S. 622.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 1:30 p.m. today, subject to the call only of the leadership in the meantime.

The motion was agreed to, and at 12:53 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1:30 p.m., when called to order by the Presiding Officer (Mr. Tower).

The PRESIDING OFFICER. The Chair suggests the absence of a quorum, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

At this point, Mr. Mansfield assumed the Chair.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

The Senate continued with the consideration of the bill (S. 7) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

AMENDMENT NO. 88

Mr. TOWER. Mr. President, I call up my amendment No. 88 at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. Tower) for himself and Mr. Bartlett proposes an amendment on page 48, between lines 7 and 8, insert the following:

(e) the provisions of this title shall be of no force or effort within the boundaries of any State in which there shall be enacted a bill or resolution which provides that—

(1) it is the will of the people of such State that the provisions of this title shall be of no force or effort within the boundaries of such State; and

(2) that it is the intention of the legislature of such State that the provisions of this title shall be of no force or effort within the boundaries of such State.

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed be charged to either side.

The PRESIDING OFFICER (Mr. Culver). Without objection, it is ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I would like to call attention to a clerical error. In the printing of my amendment on line 5 the word "effort" should be the word "effect," and I modify my amendment to delete the word "effort" and substitute therefor the word "effect."

The PRESIDING OFFICER. The amendment will be so modified.

There is a similar error on lines 2 and 9.

Mr. TOWER. I thank the Chair for calling my attention to that, and I also modify it by deleting the word "effort" on lines 2 and 9 and substituting therefor the word "effect."

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 48, between lines 7 and 8, insert the following:

(e) the provisions of this title shall be of no force or effect within the boundaries of any State in which there shall be enacted a bill or resolution which provides that—

(1) it is the will of the people of such State that the provisions of this title shall be of no force or effect within the boundaries of such State; and

(2) that it is the intention of the legislature of such State that the provisions of this title shall be of no force or effect within the boundaries of such State.

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hansen). Without objection, it is so ordered.

Mr. TOWER. Mr. President, my amendment is very simple. It has been dubbed the States' rights amendment.

I would like to ask unanimous consent that the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) be added as a cosponsor.

The PRESIDING OFFICER (Mr. Culver). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I think the States should have a degree of control over their natural resources. Historically it has been recognized that it is within the purview of the police power of the State to regulate and pass laws appropriate to the development of natural resources.

In Texas for many years we have had a proration law which allows the railroad commission of the State of Texas to determine the allowable production per month for oil wells in our State. This proration program has, I think, been a boon not only to Texas but to the country because it has prevented needless waste of petroleum resources.

What I propose to do here in my amendment is to simply allow States to opt out of the provisions of S. 7. It seems to me altogether reasonable that we should not require the State of Arizona or the State of Montana or the State of Virginia or the State of Texas or the State of Iowa to be governed by what people from other States think should be proper policy relative to strip mining.

We have extensive coal resources in my State that we would like to produce and I think that if the people, as represented by their legislatures in their respective States, are willing to accept preventing risks to the environment or to the esthetic value of the land, if the people are willing to risk that in their respective States, it does not seem to make much sense that they should not be allowed to do so, because such a thought would be unseemly by somebody from New England.

I would point out that what the bill does, really, is to force the State into compliance, to arbitrarily establish Federal standards that have no flexibility and that do not take into consideration regional differences or interests.

I would point out that some 32 States already have strip mining legislation and some 25 States have revised or updated their statutes in this matter since 1970.

The legislature of my State has deliberated on this matter before and is expected to again. I think that the people in their capacity as citizens of their respective States, living with producing and marketing their resources, should have the opportunity to have their will reflected in government at a lower level and at a level that is more responsive to their own needs, their own desire and their own aspirations.

I, therefore, hope that the Senate will accept this amendment that I have offered.

Mr. HARRY F. BYRD, JR. Will the Senator yield?

Mr. TOWER. I yield 3 minutes to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I rise to support the amendment offered by the distinguished senior Senator from Texas. It seems to me a very appropriate one.

We have 50 States in this great Nation of ours, all of them or most of them have entirely different topographical situations. Most of them differ greatly, one from another.

We have such States as the great State of Alaska, which is so totally different from the great State of Hawaii, and even in the continental United States there are varying conditions geographically in all of our 48 continental States.

For us to sit here in Washington and attempt to enact legislation on a preconceived basis as to what would be best for all of our 50 States seems to me to be somewhat unreasonable.

This proposal offered by the Senator from Texas would permit the people of each State, acting through their own legislatures, to determine whether they feel it is in the best interests of their particular State to come under the provisions of S. 7. If the people themselves speaking through their legislatures should conclude that the conditions in their State are such that they would prefer to have different criteria and regulations than provided for by S. 7, if the amendment offered by the Senator from Texas is approved they would be permitted to have such freedom of action.

The Commonwealth of Virginia has a good law on surface mining and mined land reclamation. It is sound and it is strong. I believe the Commonwealth of Virginia should be allowed to determine whether its own law is better suited to the needs of Virginia and the welfare of Virginians than this Federal legislation.

I think this proposal by the Senator from Texas is a reasonable amendment and I hope the Senate will support it.

Mr. METCALF. Mr. President, this amendment, of course, will destroy the purpose of the whole bill. This amendment is calculated to reduce and even eliminate the minimal Federal standards that we have established by this bill, and when a State wants to destroy its land and its resources, it will go ahead and do so.

Too long have we permitted States to permit destruction of their mineral resources by strip mining, surface mining, dredging, and so forth. When we drive back and forth and fly over this United States we see the scars of the mining companies and the dredging companies, and their operations.

So we have to have minimal standards.

No, this is a national bill. This is a bill that has taken into consideration the mountain tops of West Virginia, the prairies of Montana and Wyoming, the deep and fertile soil of southern Illinois and Ohio, and the sands of New Mexico and Arizona.

We have had to tailor this bill to the various geographic and economic problems all over the United States. The Senator from Wyoming (Mr. HANSEN) and I have insisted that this be a minimum bill, minimum to a whole national program. Now if a State wants to have higher standards the State can go ahead and have higher standards and the Federal law will not prevent this and these higher standards will apply even on Federal property, in those States.

So if some State wants to say they will not mine coal by strip mining under this bill, the Bureau of Land Management lands and other Federal lands, with coal under them will not be surface mined in that State.

But this amendment would provide that if some State does not care, or the mine owners have come in and they have destroyed the land already so that they leave permanent scars on the whole landscape, there would be no Federal control, and could be any Federal interference to protect the citizens of that State.

Believe me, this is a Nation, and the people of New England do have a right to come out and see a landscape in the State of Montana that has not been destroyed and buried by dredges and coal mining operators so that it is destroyed forever, and these operators will destroy this land for 500 years if we do not prevent them by adopting the minimum standards in this bill. This amendment will destroy the bill we have here.

Now, I notice that the Senator from Texas is perfectly willing to accept the Federal aid and the Federal grants that are provided in other parts of the bill for reclamation of lands, and so forth. All he wants to do is say is that if a State wants to destroy its whole landscape for 500 years, it ought to be able to do so.

Too long in this country we have said that, so that we have the scars in West Virginia, in Kentucky, in Pennsylvania, and in the West. This bill is to try to stop that. We have to stop it and we have to stop it with at least the very minimum standards we have established in this legislation.

Again I repeat, the amendment of the Senator from Texas will destroy this bill and I urge that it be rejected.

Mr. FANNIN. Mr. President, I certainly cannot disagree with the distinguished Senator from Montana, the manager of the bill, about what has happened in the past. But fortunately, that is mostly in the past and we do not see today those same techniques which have been so devastating to the lands of Appalachia and other areas of the country, because 32 States have already enacted legislation requiring reclamation of surface mined land.

At least 25 of those States have updated or enacted new surface mining reclamation laws since 1970. These laws, Mr. President, are tailored to meet the peculiar and specific climatic, geologic, geographic, chemical, and other conditions required by that particular State. To add another layer of regulation, which the Interior Department estimates will cost the taxpayers $90 million annually in administrative costs, is inappropriate in this inflationary era. This, of course, does not include the approximately $200 million annual, additional, inflationary cost burden which will result from the "excise tax" on coal.

So, Mr. President, we are not just talking about what has happened in the past; we are talking about the present and the future.

The States around our country that are fortunate in having coal reserves are concerned about what is happening in those States. The distinguished Senator from Wyoming has continually emphasized that he wants good reclamation practices in his State which he is going to insist upon. The Senator from Montana has done the same. They do have good laws and stringent laws in those States.

So, Mr. President, I concur that what has happened in the past has been very unfortunate. I wholeheartedly agree that it is unfortunate the particular States that have had this devastation of lands, did not have legislation years ago. But it was not passed, and the condition exists. We should not condemn the mining of coal for the future, because of what has happened in the past.

As I brought out earlier, Mr. President, we have a potential of 137 billion tons of coal that can be mined by surface mining. This is what we are talking about. We are talking about protecting those lands, but we are also talking about being able to mine the coal. In most instances this is better coal, which is more readily available. Certainly, the facts and figures show that if we project what is going to take place in the future, we will find that we will be dependent upon that coal.

The States are just as desirous of protecting their environment, and protecting their landscape, as the Federal Government and perhaps more so. How can we here in Washington see through the eyes of the people in the different States of this Nation as to just what they want?

Mr. President, I hope that the amendment of the distinguished Senator from Texas will be approved.

Mr. TOWER. Mr. President, what we see here in S. 7 is an expression of Federal arrogance which says that the people of Montana, the people of Texas, the people of Wyoming or the people of Arizona are too stupid, too selfish, or too greedy to protect their landscape against the hazards of the extraction of natural resources.

I believe the people of my State can make just as good judgments—I think they can make better judgments—about what is good for them as the Government here in Washington.

Here we are at a time when we are trying to develop a self-sufficiency in energy, and at this very time we are considering proscriptive legislation that makes it more difficult for us to develop and use sources of energy other than petroleum and gas.

As a matter of fact, we talk about phasing out the depletion allowance. That will be great. That will deny us a great incentive for the exploration of oil and gas in this country just at a time when we are trying to reach self-sufficiency. This is the same kind of legislation that denies incentive and makes it more difficult at a time when we are facing up to the necessity to expand our self-sufficiency. If we fail to do so we are going to find ourselves political hostage to those countries that do supply us with the resources we need.

If the people of New England do not want to site a refinery and do not want drilling off their shores, that is fine. But I do not think we should be told under what circumstances we are going to produce our resources for energy, and told what we are going to be paid for them. This is the type of mentality that I think is pitting region against region in this country. I do not have any desire to see sectional conflict. I believe a way to avoid it is through such measures as the amendment that I have proposed here today.

Mr. President, I yield such time as the Senator from Oklahoma may require.

Mr. BARTLETT. Mr. President, I am very pleased to be a cosponsor of the amendment that is being advanced and pushed by the Senator from Texas.

I think one thing is very clear in the debate about the strip mining bill: It is that throughout the country, obviously, there is a very strong interest in the environment that is reflected in this particular bill. So the interest is not just directed at legislation to be adopted by this body and the other body, and then to be signed by the President, but the interest has been in providing very meaningful legislation at the State level.

There was a move in my own State several years ago——

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. METCALF. How much time does the Senator require? Five minutes?

I yield the Senator 5 minutes on the amendment.

Mr. TOWER. Would the Senator withhold one moment?

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METCALF. I yield the Senator 5 minutes of my time on the amendment.

Mr. BARTLETT. I thank the Senator from Montana. I may not use all that time.

Mr. President, in the State of Oklahoma several years ago a number of us made an effort to improve the laws requiring reclamation. The desires of the people I do not believe were fully fulfilled with that particular proposal. But, again, another step was made. I think now the laws of the State are reasonably good.

I support this amendment not because I believe that the laws of every State are just what they should be, but I do believe that the people in the States are and have been responsive to the same desires that are reflected in the bill before us.

What concerns me about the bill before us is that I feel it has been approached too much from the idea that anything at all that can be added to the bill to make more strict requirements on mining from an environmental point of view, or from other points of view, is good.

I believe we need a balanced bill. I feel we want to make certain that we do not mine unless we reclaim, and we reclaim to the standards that existed before, or for a use at least as high as before, or even higher.

I believe there is another goal that must be achieved in this proposal, in S. 7. That is within the restrictions of sound and sensible reclamation, which are going to cost quite a bit, that we maximize the mining that can take place by strip mining methods.

I do not think there is much interest or perhaps much charisma in gross national product figures, but I do believe today there is a great interest among a lot of people for adequate energy for this Nation.

I am not speaking about the people of the higher income brackets, because as time goes on they are not going to be demanding or utilizing perhaps any more energy than they are now.

It is very apparent, if you look over the statistics of the last 20 or 30 years, that, as time has gone on, those of the middle- and lower-income brackets have been demanding and have been receiving the utilization of more energy every year. This has taken the form of perhaps another car or a window air conditioning unit—some way of improving their standard of living which utilizes energy.

So when some of us are talking about zero growth in energy and others are talking about rolling back the imports, I do not believe they realize that this is going to be at the expense of employment, and it is going to be at the expense of the hopes of many poor people who are wanting also to benefit from the many advantages of utilizing energy.

I believe that the States have a real feel for the problem of reclaiming strip mined areas, because they are living among those areas that have been devastated. They know that, with their present laws, in virtually every case, they have ample requirements for reclamation. I think the people in those States also realize that we do want to maximize mining within sensible restrictions so that we can fulfill the hope that virtually every person or every group has advanced as the hope for 1985, and that is to double the production of coal in this country. This is the safety valve we have all looked to so far as energy is concerned domestically.

We could look at efforts now being made to increase oil and gas production and receive some satisfaction from the fact that progress is being made, but not enough to even take care of the constant decline in our ability to produce oil and gas. But we say, "Look at coal. We have a 300-year supply; and if we properly program ourselves and create a proper environment for the coal industry, we can make real strides and we can double production in 10 years." Much of this must come from strip mining, and it is not going to happen with this piece of legislation.

The PRESIDING OFFICER (Mr. BUCKLEY). The time of the Senator has expired.

Mr. BARTLETT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 6 minutes remaining.

Mr. METCALF. Does anyone else desire time?

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Texas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD: I announce that the Senator from North Carolina (Mr. MORGAN) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. TAFT) and the Senator from Arizona (Mr. GOLDWATER) are absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 18, nays 78, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—18

Allen
Bartlett
Byrd, Harry F., Jr.
Curtis
Eastland
Fannin
Garn
Helms
Hruska
Laxalt
McIntyre
Nunn
Scott, William L.
Stevens
Talmadge
Thurmond
Tower
Young

NAYS—78

Abourezk
Baker
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fong
Ford
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Tunney
Weicker
Williams

NOT VOTING—3

Goldwater
Morgan
Taft

So Mr. TOWER's amendment was rejected.

AMENDMENT NO. 90

Mr. BELLMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BELLMON. I have an amendment, No. 90, at the desk. I ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. Bellmon) proposes an amendment (No. 90).

The amendment is as follows:

(1) On page 24, line 12, strike out the word, "COAL" in the heading of title IV.

(2) On page 38, line 11, add the word, "any" after the word, "from" and before the word, "mining" and add the word, "operation" after the word, "mining" and before the word, "constitute,".

(3) On page 141, line 10, add the clause, "*Provided, however,* That reclamation operations may, as agreed between the Secretary and the Governor of any State pursuant to a 'State program,' be applied to voids and open and abandoned tunnels, shafts, and entryways caused by underground mining for other types of minerals than coal.".

Mr. BELLMON. Mr. President, the purpose of this amendment is to make it possible, under the terms of this act, to close the open shafts that exist in several States and that are a hazard to the life and safety of humans and wildlife. These shafts have not been closed and cannot be closed by any other means that presently exist. The problem is that many of these shafts were opened and abandoned years ago by companies that have long since ceased to exist, and unless we make it possible under this bill to close those shafts, there will be no effort made in most of those cases to see that those hazards are removed.

We have many of these shafts in my own State of Oklahoma. There are many others in adjoining States—in Kansas, in southwestern Missouri, some of them in Arkansas, and the same is true all over the United States.

The purpose of the amendment, very simply, is to make it possible to use the funds under this act to close those shafts. This is just the shafts. We are not talking about reclaiming the land or in any way using large sums of money. We are talking about dedicating the fairly small sums that will be required to remove these hazards on a one-time basis.

Mr. President, I have discussed this matter with the ranking minority member and the author of the bill, and I believe they have agreed that the amendment may have some merit.

Mr. METCALF. Mr. President, I remind my colleagues that the orphan lands provision in this bill is primarily intended to reclaim lands that the coal industry has failed to reclaim in the past.

That does not mean that the people who are charged are the people who are guilty of having abandoned lands.

I do not want us to go to the coal industry and say, "It is up to you to reclaim the land that was destroyed by gold dredges, the silver mining industry, the lead and zinc industry, the iron industry, and so on." I have resisted any amendment that would provide that the coal industry would use the funds to be established under this measure to reclaim lands in other areas than coal.

However, in Oklahoma and some other areas, there are these very dangerous abandoned mine shafts that need to be filled. The amendment of the Senator from Oklahoma would provide that the share of the money that is available, that goes in there, could be used solely for this specific and narrow purpose of plugging the tunnels and taking care of the abandoned mine shafts. I have no objection to expanding the scope of the bill to that limited extent.

Mr. FANNIN. Mr. President, I join the Senator from Montana, and I commend the distinguished Senator from Oklahoma for offering this amendment, which takes into consideration what has happened in the past, the damage that has been done, the safety factor involved, and many other reasons why this amendment should be adopted. I am willing to accept the amendment.

Mr. BELLMON. Mr. President, I thank my distinguished colleagues for supporting the amendment. It will serve a humane purpose, and I think will contribute to the effectiveness of the bill.

I ask unanimous consent that the name of my distinguished colleague from Oklahoma (Mr. BARTLETT) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

AMENDMENT NO. 89

Mr. BELLMON. Mr. President, I call up my amendment No. 89.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposed an amendment numbered 89.

Mr. BELLMON's amendment (No. 89) is as follows:

On page 147, line 4, insert the following new section and renumber the other sections accordingly:

INTERSTATE MINING COMPACT

SEC. 703. (a) In the approval of "State programs," in allotments to "institutes," and in grants to States, the Secretary shall recognize the efforts of the Interstate Mining Compact in gathering and disseminating information and statistics and in coordinating efforts to obtain the most efficient methods of reclamation; and

(b) The Secretary is authorized and encouraged to make contracts and grants to and through the compact and in order to strengthen it as an approach to the solution of mining needs and problems.

Mr. BELLMON. Mr. President, during the time I served as Governor of Oklahoma, I became very much concerned about the lack of conservation laws to supervise the strip mining of coal and other minerals. As a member of the Southern Governors' Conference in 1964 I proposed that we establish an Interstate Mining Compact, to encourage the States to adopt workable conservation laws and attempt to stop the ravishing of the countryside as a result of mining operations.

Since that time, the Interstate Mining Compact has come into being. It now has as members eight of the principal mining States of the Union, and this compact has made significant progress in attempting to deal with the problems of strip mining.

I realize that once this bill is passed, as I hope it will be, and becomes law, the work of the Interstate Mining Compact will not be quite as heavy as it has been in the past. But at the same time, this compact can provide some very meaningful inputs into the Nation's efforts to avoid the kind of depredation of our countryside that we have had in the past. The amendment would simply recognize the efforts of the compact, and allow the Secretary to make grants and contracts through it, in case the Secretary felt that the compact could make a contribution to it.

I am hopeful that over the years this compact can be even more helpful than it has been in the past. For one thing, it may be helpful in getting States to work with their citizens under this act, and getting States to get together to design their State programs in such a way as to save money both for the Federal Government and for the States.

I believe sincerely that the Interstate Mining Compact fulfills a real need, and I hope by means of this amendment to insure its continued effectiveness, and that it will help the States and the Federal Government to develop a more harmonious working relationship, so that we can solve the problems this act was intended to cope with.

Mr. METCALF. Mr. President, I am in full accord with the objectives which the Senator from Oklahoma proposes in section 703(a): the approval of State programs, allotments to institutes, and so forth, including the efforts of the interstate mining compact; and I believe the Secretary or the Administrator should participate in gathering and disseminating information.

But the orphan land funds and other funds are going to be so scanty that it would seem to me to be wrong to expand the areas where grants-in-aid are made, and authorize the Secretary to give the interstate mining compact grants-in-aid in order to assist its independent program.

I would accept the amendment and I would applaud the Senator from Oklahoma if he would strike out subsection b. and just authorize the Secretary to recognize the efforts and assist in disseminating the information gathered by the interstate mining compact. But if he seeks to give grants to those people, expand the grant program, and have additional people entitled to grants, I would oppose the amendment.

Mr. BELLMON. Mr. President, I yield myself 2 minutes.

It was not the intention of the author of this amendment that the amount of money the Secretary would authorize for contracts and grants to the Interstate Compact would be significant. My purpose here was that if there were situations in which the Interstate Mining Compact would be the very obvious and most effective organization or vehicle that the Secretary could use to further the purposes of this act, he would be free to contract or to make grants with the Interstate Mining Compact for the kinds of services that the compact is ideally qualified to provide.

I have no desire in any way to weaken the fund or to take substantial sums of money away from it; but it seems to me that here we have a tool that could be used by the Secretary under certain circumstances, and it was my intention to make it plain in this language that if the Secretary decided to contract with the Interstate Mining Compact, he would be free to do so.

I would hope that my friend from Montana would feel that he can accept the entire amendment, but if he cannot, I would be happy to drop the entire second paragraph, though in my opinion it weakens the amendment to do so.

Mr. METCALF. In my opinion it weakens it, too, but it weakens it enough so that it is acceptable.

Does the Senator so modify his amendment?

Mr. BELLMON. If the Senator will permit, I would like to hear first from the Senator from Arizona.

Mr. FANNIN. Mr. President, I feel that time is of the essence, and I do support the amendment of the Senator from Oklahoma. I feel, however, that since there is a consideration by the distinguished Senator from Montana, the manager of the bill, to accept only the part of the amendment that the Senator from Oklahoma considers very important, I would support Senator BELLMON's position either way that he would like to handle his amendment.

Mr. BELLMON. Mr. President, in order to avoid any delay, and since half a loaf is better than none, and I realize that a vote on this matter probably would not result in my favor, I modify the amendment by striking subsection b.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BELLMON's amendment (No. 89), as modified, is as follows:

On page 147, line 4, insert the following new section and renumber the other sections accordingly:

INTERSTATE MINING COMPACT

SEC. 703. (a) In the approval of "State programs," in allotments to "institutes," and in grants to States, the Secretary shall recognize the efforts of the Interstate Mining Compact in gathering and disseminating information and statistics and in coordinating efforts to obtain the most efficient methods of reclamation.

Mr. BELLMON. I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amend-

ment (No. 89) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

Mr. BELLMON. Mr. President, I ask unanimous consent that the name of my colleague from Oklahoma (Mr. BARTLETT) be shown as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona (Mr. Fannin) proposes an amendment on page 152, line 7, strike all through line 6, page 156.

Mr. FANNIN. Mr. President, this amendment is a very important one. The bill that we passed last year, S. 425, had a similar amendment which was objected to strenuously by the administration. We have passed legislation this year that takes care of the need that this amendment addresses.

What does this amendment do? The Secretary of Labor shall make grants to any individual who loses his job in the coal-mining industry due to closure of a mine which is a direct result of the administration and enforcement of this act.

How do we interpret that? That is where the difficulty comes in. Administration and enforcement of this act is a very complicated procedure. This unemployment provision would cause, I think, unfair discrimination among classes of unemployed persons, would be difficult to administer and would set unacceptable precedents, including an unlimited benefit term and labor force attachment.

This year we passed a $2 billion package; during the last Congress we passed two acts to update unemployment compensation.

So it certainly does not seem advisable to confuse the issue by having another stipulation in this bill covering unemployment assistance. Certainly we want to take care of the unemployed, but we can, through existing laws, in the bill that was passed this year and last year.

Now, the proponents of this legislation argue that we will not have unemployment as a result of the legislation we are passing, so why do we have need for this particular section? They argue that additional jobs would be created; that we will have a great deal of work on reclamation and, consequently, a great deal of new work that would provide new jobs.

So, Mr. President, I feel that it is highly essential that we delete this particular section from the legislation.

I reserve the remainder of my time.

Mr. METCALF. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the section to which the able Senator from Arizona (Mr. FANNIN) directs our attention is 708 which involves the employment impact of this measure and unemployment assistance.

As we read the report we will note that there are certain views expressed by the Members, and I am wondering if there was any minority view on section 708. I ask my distinguished colleague who has just spoken if this issue was addressed by him as the bill was reported from the Committee on Interior and Insular Affairs?

Mr. FANNIN. The answer to the question is, no. The Administration is on record as far as their position on the bill and the views are, I think, very clear as to the objections that the Senator from Arizona has in mind.

Mr. RANDOLPH. It is not my intention to criticize the Senator. I was only asking as a point of information. The pending amendment comes in the nature of a motion to strike, thus expressing opposition to section 708 which was not previously expressed in the reported minority views. Is that correct?

Mr. FANNIN. The Senator is correct as far as his information is concerned. But the Senator from Arizona did support the deletion of this provision in the committee, and a vote was taken. He did vote for deletion of this particular stipulation.

Mr. RANDOLPH. I appreciate that information. For the moment, I would like to ask a further question: What was the vote in the committee on the deletion of the section referred to in the amendment

Mr. FANNIN. I would say to the distinguished Senator from West Virginia, to my knowledge or to the best of my knowledge, it was not a recorded vote. It was a voice vote.

Mr. RANDOLPH. I thank my colleague.

I direct attention to page 227 of the report. I shall not read all the language. This provision would give the Secretary of Labor the authority to make grants for assistance to individuals who—and I underscore "who"—lose their jobs in the coal mining industry as a direct result of the closure of an operation which closed as a direct result of the administration and the enforcement of this act.

The report goes on to indicate that those persons who are not eligible for unemployment assistance or who have exhausted all their rights to regular, additional, and extended compensation under the State unemployment compensation laws would be subject to the decision of the Secretary of Labor.

I yield to my friend, the Senator from Arizona.

Mr. FANNIN. Just for a question. Does the Senator know of anyone who would not be covered under Public Law 93-572 that was passed December 31, 1974, anybody who would be unemployed and not be subject to compensation? If he would be subject to compensation under this law, then wouldn't he also be covered under the law that was passed this year, the $2 billion package? Certainly that would cover the people about whom he is concerned.

Mr. RANDOLPH. The Senator from West Virginia will say, in response to the question that there could be such instances, but there are limitations in the section to prevent abuses of the compensation program.

Now, Mr. President, I oppose this amendment, and I do with the full realization of the conviction of the Senator from Arizona in this matter. He has expressed his opposition very candidly to the Members of this body. It would strike the unemployment compensation provision from the measure.

I support the strict regulation of surface mining. I have done that in the past, and I do it today. But while I do this I believe it is unrealistic, Mr. President, to expect that it will not have some effect on employment and unemployment in coal-producing areas.

Any serious program of surface mining control will bring regulations that will cause economic dislocation.

A study in 1972 by the West Virginia legislature indicated that the abolition of surface mining would cost 8,000 miners in our State their jobs. Now, that figure relates to abolition, I want to be very correct in so stating. But if we have strict controls, surely there will be some fraction of that dislocation which I have mentioned.

Mr. President, I do not believe that the personal hardship should be inflicted on individuals just because the industry in which they have worked is now subject to stringent regulation. Therefore, I originally sponsored an amendment to provide unemployment compensation on an extended basis to those persons in the coal industry who become unemployed because of this act. That provision, in a more limited form, was included in the bill finally reported by the Conference Committee and vetoed by the President last year, and that is the provision Senator FANNIN's amendment proposes to strike from the bill now before the Senate, as I have indicated.

Mr. FANNIN. If the Senator will yield, the Senator realizes that is not now in the House bill presently being considered?

Mr. RANDOLPH. Yes, I realize that.

Mr. FANNIN. I thank the Senator.

Mr. RANDOLPH. I was simply saying that this provision was in the bill that was vetoed by the President.

If I have reemphasized, it was only that I wanted to make that statement emphatic.

I understand the position that we should seek to provide these unemployment compensation benefits in a uniform way for all those in need, through general legislation. But such assistance is not now generally available, and I do not believe this bill should move forward without making provision to repair the dislocation it will create.

Mr. FANNIN. Mr. President, I do not like to disagree with the distinguished Senator from West Virginia. I have great respect for the Senator and for the positions he takes. He is certainly thorough in his investigation of legislation upon which he takes a position.

But I just say that this is giving special consideration where people are already covered. Why should we have to determine whether someone in the mining industry lost his job, or someone in the automotive industry. They are all affected. If one is out of a job, one is out of a job.

We should be consistent, and already

have Public Laws 93-567 and 93-572, and then here we add to that a $2-billion package.

So I say, Mr. President, we do have this coverage.

It is inconsistent now to back up every industry. We will certainly have turmoil if people are trying to decide whether they come under this law or that law, or get compensation under this act or under another act.

I would just say, Mr. President, we have an obligation here in the Congress of the United States to apply our laws equally, to treat people on the same basis. If we do not have a law today, which I think we do have, that will take care of the people that the Senator is concerned about, then we should pass a law in that respect. But my position is that we do have effective legislation at the present time.

Mr. METCALF. Mr. President, how much time have I?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. METCALF. Mr. President, under this law, S. 7, there is going to be a substantial increase in employment, an increase brought about by two things, primarily.

First, the fact that the land is going to be reclaimed and it will take more people to reclaim the land than to strip the land.

Second, we have a substantial provision here for reclamation of other abandoned and so-called orphan lands.

So there will be additional employment in the coal mining areas. I doubt very much if in any area there is going to be, as a result of the passage of this bill, any unemployment.

I want to point out, and this is at page 187 of the committee report, that we have directly touched upon the two bills that were mentioned by the Senator from Arizona, Public Law 93-567 and Public Law 93-572, and point out that those do not apply, do not touch the problem of unemployment in this specific area.

So a majority of the committee felt that if in a certain specific area some mine workers were unemployed as a result of the passage of this legislation, we should retain the provision that came out of conference.

I urge that this modified provision, that modified the floor amendment from last year, be adopted and sent to conference.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I have not participated in the debate on this bill as this is not an enterprise in which I have been particularly active, but I do express considerable concern about a unique type of unemployment assistance which is incorporated in this particular section.

The concern which I express is because we are under a so much greater problem of unemployment where I have had a very, very direct and very active participatory relationship in respect of law to extend Federal unemployment compensation of a special character both to those who have used up their benefits and to those not covered by State law, and other aspects of unemployment problems.

I, therefore, would like to have the attention of the managers of the bill on this matter because I think the problem which I raise of the unique character of this particular type of unemployment compensation can be determined by the terms of the bill itself, because I note that the provision of the bill begins at the bottom of page 152, and states:

> Regulations of the Secretary of Labor under paragraph (1) may require—

I emphasize that word "may"—

> that States enter into agreements as such regulations—
>
> (A) shall provide that—

And so on.

Now, then, when we go over to (B), for example, on page 154, we have again the word "may."

> may provide that individuals eligible for a benefit under this subsection have been employed for up to one month in the fifty-two-week period.

That is a much shorter time than is generally provided, I think, under practically all State laws.

So I ask the manager of the bill, and the manager on the minority side, and perhaps the Senator from West Virginia (Mr. RANDOLPH) himself, would wish to answer this question: Is there enough discretion vested in the Secretary of Labor in respect of what shall be the eligibility, the form, et cetera, of this type of unemployment compensation so that without in any way changing the bill when we take into consideration all of the unemployment compensation laws——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. May I have 1 minute more?

Mr. FANNIN. I yield 1 minute on the bill.

Mr. JAVITS. All of the unemployment compensation laws and the whole pattern of unemployment with which he is charged, or do the authors of the bill intend that this is all mandatory?

In other words, if we can take into consideration the total pattern of unemployment compensation, et cetera, then I would have confidence that he simply is not going to be blindfolded or wear blinders on what kind of unemployment compensation is applied here. The word "may" does give him that right.

If the authors intend that this is the way it has to be done, and no other way, I would worry about it for the reasons I have stated. I know they are as deeply concerned about the total pattern of unemployment compensation as I am.

Mr. METCALF. Mr. President, I yield myself 1 minute on the bill.

Mr. President, it would be my idea, and I believe the idea of my colleagues on the committee who support the amendment or proposal of Senator RANDOLPH, that it would be the responsibility and the privilege of the Secretary of Labor to take into consideration the entire spectrum of unemployment compensation. But in some area that might arise, in some special, local, or regional area, where the economic unemployment compensation laws do not take effect, we feel that it would be proper, because of the passage of this legislation creating a special type of unemployment there, to also include the amendment that is in the bill.

Mr. JAVITS. In other words, as I understand it, if the Senator will yield, he might go up and he might go down, but provided he considers both the pattern of unemployment and the special purposes of this bill.

Mr. METCALF. That is correct. But, preferably, he would fit this into the whole pattern of unemployment compensation.

Mr. JAVITS. I thank the Senator very much.

Is that the understanding of Senator RANDOLPH?

Mr. RANDOLPH. Yes. What Senator METCALF has said is my thinking in reference to this matter. I think the concern of the able Senator from New York is understandable. We want to give a certain flexibility here. If there are unemployed persons who cannot take advantage properly and rightly of regular unemployment compensation—and I do not think there will be many—then we should take care of them. We give the responsibility for the implementation to the Secretary of Labor.

Mr. FANNIN. I yield myself 1 minute to comment to the Senator from New York.

This is the basis of the interpretation as far as the extent of the benefits any person can get—this compensation would be not in addition to but rather would commence after his other rights ran out. It also says:

> The unemployment resulting from the administration enforcement of this act shall be defined in the regulations of the Secretary of Labor and includes unemployment clearly attributed to such administration enforcement.

The interpretation is, I think, very difficult to apply and would create problems. I just feel that we already have adequate legislation that now covers the need.

Mr. JAVITS. I thank my colleague.

Mr. FANNIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METCALF. May I make a parliamentary inquiry, Mr. President?

The PRESIDING OFFICER. The Senator will state it.

Mr. METCALF. Under the unanimous-consent agreement, it is proposed that we vote at 3 o'clock. The yeas and nays on this amendment have been ordered and, of course, we will vote on that amendment first. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. METCALF. However, there are 6 minutes remaining. Would it be in order for me to suggest if somebody else had an amendment in this next 6 minutes, they could offer it and then we would vote in order on the amendments?

The PRESIDING OFFICER. It would take a unanimous consent to set aside the present amendment in order to allow that.

Mr. METCALF. I ask unanimous consent that at the hour of 3 o'clock we start voting on amendments and then conclude with the rollcall on the bill.

I ask unanimous consent that in the interval between now and 3 o'clock, the bill be open for any further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HARRY F. BYRD, JR. Reserving the right to object, will the Senator amend that to permit me to have 1 minute to get some matters into the RECORD dealing with the bill prior to the amendments being called up?

The PRESIDING OFFICER. Is the Senator's motion amended to accommodate the request of the Senator from Virginia?

Mr. METCALF. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. I now yield to the Senator from Wyoming to offer an amendment.

Mr. HANSEN. Mr. President, I thank the distinguished floor manager of the bill.

AMENDMENT NO. 74 (AS MODIFIED)

Mr. HANSEN. Mr. President, I call up my amendment No. 74 (as modified), and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HANSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 163, line 4, strike all through page 169, line 16, and insert the following:

SEC. 716. (a) The provisions and procedures specified in this section shall apply where coal owned by the United States, under land the surface rights to which are owned by a surface owner as defined in this section, is to be mined by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 201(a)), except that no award shall be made by any method other than competitive bidding.

(c) Prior to placing any deposit subject to this section in a leasing tract, the Secretary shall give to any surface owner whose land is to be included in the proposed leasing tract actual written notice of his intention to place such deposits under such land in a leasing tract.

(d) The Secretary shall not issue a mining permit for any lease of such coal deposits until the lessee has the written consent of the surface owner to enter and commence surface mining operations or a document which demonstrates the acquiescence of the owner of the surface rights to the extraction of coal within the boundaries of his property by surface mining methods.

(e) In the event the lessee does not secure consent from the surface owner as prescribed in subsection (d), the lessee may rescind the lease whereupon the Secretary shall reimburse him for the value paid for the lease.

(f) For the purpose of this section the term "surface owner" means the natural person or persons or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section who—

(1) hold legal or equitable title to the land surface; and

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations.

(g) Nothing in this section shall be construed as increasing or diminishing any property rights held by the United States or by any other landowner, nor increasing or diminishing any rights or privileges acquired in accordance with the provisions of section 201(b) of title 30, United States Code.

(h) This section shall not apply to Indian lands.

Mr. HANSEN. Mr. President, I want to point out that it is going to be a little more difficult to get the next unanimous-consent request because despite the feeling of many that this amendment is not important, I happen to think it is.

I do not think I will have enough time to go into it as I would like to go into it.

My amendment would strike the present section 716 in the bill and insert in lieu thereof certain language which would accomplish three or four things.

Section 716 of this bill deals with surface owner consent. It spells out precisely what restrictions shall be applied to the surface owner insofar as what he is eligible to receive in exchange for giving his consent to mine the coal under his land.

Under the terms of the bill as now written, the surface owner has the right to appoint an appraiser. The Government has the right to appoint an appraiser. Those two appoint a third appraiser, whose duty it shall be to determine the fair appraised value of the surface; the fair appraised value of the improvements thereon, and to make such other determinations as the amount of income lost that would be suffered by virtue of the incidence of the mining operation, and the costs of relocation.

In addition to those I have enumerated, he may be paid up to $100 per acre for the land actually mined, actually being occupied, or directly involved in the surface mining operation.

May we have order, Mr. President?

The PRESIDING OFFICER. May we have order in the Senate?

Mr. HANSEN. In addition to the compensation I have spoken of, he may be paid up to $100 per acre for the lands actually mined or occupied by the surface mining operation if, in the opinion of the Secretary, considering the tenure that the surface owner has been on the land, and other factors, he is deserving of more than he would otherwise receive.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment was rejected.

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from Arizona. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Ohio (Mr. TAFT) are absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 19, nays 77, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—19

Bartlett
Bellmon
Buckley
Curtis
Domenici
Fannin
Fong
Garn
Griffin
Hansen
Helms
Hruska
Laxalt
McClure
Roth
Talmadge
Thurmond
Tower
Young

NAYS—77

Abourezk
Allen
Baker
Beall
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Eagleton
Eastland
Ford
Glenn
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Tunney
Weicker
Williams

NOT VOTING—3

Bayh
Goldwater
Taft

So Mr. FANNIN's amendment was rejected.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, I send to the desk an amendment and request its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 125, after line 13, insert the following:

"(f) No surface mining operations for phosphate except those which exist on the date of enactment of this act shall be permitted on any Federal lands within the boundaries of any national forest except surface operations and impacts incident to an underground mine."

Mr. METCALF. Mr. President, I make the point of order against the amendment that it is not germane. Yesterday in the unanimous-consent agreement the proposal was that we would have amendments to this bill and vote on it at 3 o'clock, but that the amendments would have to be germane.

I call attention to the proposition that this bill is a surface mining bill for coal, and we have limited it to coal and coal only. The amendment refers to phosphate, and therefore is not germane under the provisions of the bill.

The PRESIDING OFFICER. Does the Senator from Florida wish to be heard on the point of order?

Mr. CHILES. Yes, I do, Mr. President.

Looking at title I, Statement of Findings and Policy, in section 101, it states:

> The Congress finds and declares that—
>
> (a) extraction of coal and other minerals from the earth can be accomplished by various methods of mining, including surface mining;

The bill repeatedly talks about surface mining of "coal and other minerals."

Further, in the bill itself, at page 136, in section 601(a), it says:

> With respect to Federal lands within any State, the Secretary of Interior may, and if so requested by the Governor of such State, shall review any area within such lands to assess whether it may be unsuitable for mining operations for minerals or materials other than coal, pursuant to the criteria and procedures of this section.

This section specifically deals with minerals other than coal. So the bill is replete. While perhaps in its main thrust and important it deals with coal, it is replete with areas in which it speaks of minerals and materials other than coal, and I feel that the amendment would be germane to a surface mining bill.

Mr. METCALF. Mr. President, may I be heard further on the point of order?

The PRESIDING OFFICER. Yes.

Mr. METCALF. The sections cited by the Senator from Florida are prospective and future in nature. They say in the future it is the intention of the committee to look into surface mining of minerals other than coal, to look into even the matter of quarries and spoil pits, and so forth. We are asking the Council on Environmental Quality, on these other minerals, to conduct a study. But the only regulations we have in this bill, and all the amendments that have been brought up during the consideration of the bill, have related to coal. We have resisted any amendments that have provided for other minerals or any other concerns.

We do say that in the future we will look into other minerals, and ask the Secretary to make a study to keep us advised, but that is the only purpose of reference to other minerals in this legislation.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. CHILES. Will the Senator tell me, on page 136 of the bill, title VI, "Designation of lands unsuitable for noncoal mining," in section 601(a) under that title, whether there is anything prospective about that, or in the future? That seems to me to read so as to apply very much to the present.

Mr. METCALF. This is for the Secretary to review these areas that are unsuitable for noncoal mining. This is on Federal lands only. As I understand, the Senator's amendment on phosphate relates to Federal lands also. But this is prospective in nature, and it is up to the Secretary to review. I have announced already that it is the intention of the subcommittee to hold hearings on nonferrous strip mining and open pit mining. The Senator's subject matter would be taken up in the course of that hearing.

Mr. CHILES. As I read this again, it does not say just a review. It says, "shall review any area within such lands and assess" whether it is suitable for mining or not.

So again, there is nothing perspective about that. This section gives the Secretary of the Interior the express right to allow minerals other than coal not to be mined on Federal lands.

That is all the amendment of the Senator from Florida attempts to do, is just say that if you are not going to allow coal mining in national forests, why should you allow mining of phosphates in national forests?

Mr. METCALF. We allow all other mining in the national forests. We allow people to go out and file claims in the national forests. The Senator from Washington (Mr. JACKSON) and I have bills that would change the locatability and leasability in the national forests, but that is a matter we have consistently taken up under other legislation than this surface mining of coal.

Mr. CHILES. As I understand, we were speaking of the point of order.

Mr. METCALF. Yes.

Mr. CHILES. The point of the Senator from Florida was that this amendment is germane. I would like to argue with the Senator the other point that he has already argued. Certainly if we have an amendment and a fight on this floor as to whether we can take up the matter of using the national forests to mine coal, I do not happen to have any coal in my State, but we do have mining of phosphates in our national forests.

Mr. METCALF. Mr. President, may we have a ruling on the point of order?

The PRESIDING OFFICER (Mr. BUCKLEY). The Chair submits the question to the Senate. The question is, Is the point of order well taken?

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. What is the precedent for the ruling by the Chair? Is it the Rockefeller precedent?

I did not hear the Chair. May we have order?

The PRESIDING OFFICER. I believe that the Chair has recognized each Senator seeking recognition.

Mr. HANSEN. That, of course, depends upon the judgment of the Chair. We sought recognition, if we could get it.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Does that make the Presiding Officer a liberal or a conservative?

The PRESIDING OFFICER. The question is, Is the point of order well taken (putting the question)?

The Chair is in doubt, and calls for a division.

On a division, the point of order was sustained.

Mr. HARRY F. BYRD, JR. Mr. President, the Senate is considering an important piece of legislation. S. 7 is heralded by its sponsors as providing the means to balance our growing energy needs with the stress these needs place upon our environment.

I agree with this objective. The State of Virginia has a good reclamation law. But does the pending legislation accomplish this objective? I think not.

On the contrary, the bill before us would reduce the available supply of a scarce and valuable fuel—namely low-sulfur coal—at a time of very real energy shortage in the United States.

It is essential that we keep in mind the vital role that coal plays in our energy picture. It is not too much to say that unless and until we pass entirely out of the fossil fuel age—and there certainly is no immediate prospect of that—the United States is absolutely dependent on an adequate coal supply.

I think this was clearly recognized by the President when, in his outline for an "urgent national energy plan," he said:

> Stronger measures to speed the development of other domestic energy resources, such as coal, geothermal, solar, and nuclear power, are . . . essential.

The minority views of Senators FANNIN and BARTLETT note that this means a doubling of our domestic coal production by 1985.

Likewise, the distinguished majority leader, Senator MANSFIELD, and the Speaker of the House, in their presentation of the Congressional Program of Economic Recovery and Energy Sufficiency, called for an increase in domestic coal production from the 685 million tons anticipated for 1975 to 1,370 million tons by 1985.

Yet, S. 7 would go in the opposite direction.

It is essential that we make wise use of this great resource. Unreasonable restriction on coal production would greatly weaken our effort to achieve self-sufficiency in energy. We can and should protect the environment without unreasonable restrictions in coal production.

We must consider that even with prudent conservation measures, our economy is going to demand increasing amounts of energy each year.

At the same time, there is a pressing concern for cleaner air in our metropolitan areas and clearner air in some of our rural regions—a demand which can be met in part by low-sulfur coal.

Surface mining in Virginia regularly produces 10 million tons of low-sulfur coal annually. If this bill is enacted, that coal will not be available.

I think some aspects of the problems involved in regulation of surface mining, particularly as concerns mountainous regions like the mining area of southwest Virginia, have not been given full consideration to date. I would like now to explore some of these problems.

The committee recognizes in its report that a mining and reclamation program for the mountains of Appalachia must necessarily differ from one for the Western areas of our country. Further, it is recognized that many States already have regulatory surface mining and reclamation laws and, while the implication is made that these laws are not adequately enforced, it is not, and it cannot, be said that all State laws are poorly enforced.

Virginia has had a strong surface mining and reclamation law on the books and in full effect since 1966. It was strengthened in 1972 by the general assembly. I believe it is a good law.

The Virginia General Assembly already has recognized the problems associated with surface mining. The legislature moved to correct it by responsible and responsive legislation. And it is working.

There is much coal production in the southwestern areas of my State. Coal production, together with its allied industries, is the major industry and the major source of income for southwest Virginia. Virginia's law has insured environmental responsibility without committing economic suicide.

Mr. President, S. 7 can make no such claims.

This bill, if enacted as presently written, will, I am reliably informed, end surface mining of coal in the rugged mountains of southwest Virginia. The bill requires backfilling to original contours.

While this might be possible in some areas, it is not in southwest Virginia.

There is even strong evidence that an unbending policy to slope restoration promotes further environmental damage, such as erosion, rather than retarding it. Yet the bill makes no allowance for the submission and approval of alternative plans by the operators.

Elimination of any deposit of spoil downslope, in effect, eliminates, according to competent sources, surface mining of coal in my State.

Likewise, the definition of "steep-slope" as any slope above 20°, as effectively bans surface mining of coal in Virginia as if the bill stated: "It is Federal policy that there shall be no surface mining of coal in Virginia."

There are those who will say "It is quite all right to eliminate surface mining of coal. The jobs which are lost can be replaced by some other occupation, or by deep mining. And surface mined coal only amounts to a small percentage of our total coal reserves."

These statements may apply to some other State, Mr. President. But they do not reflect the effect of this legislation upon Virginia. Virginia has over 2,000 persons directly employed by coal surface mining companies, and an estimated 6,000 additional in related supporting services and businesses. Thus, if surface mining were eliminated in Virginia, it would have a profound effect on jobs—at least 8,000.

The long-term effect, in terms of jobs only remotely related or dependent upon the surface mining of coal, could be several times greater.

These concerns were expressed most recently by Mr. B. V. Cooper, executive director of the Virginia Surface Mining and Reclamation Association, Inc., in a letter to Interior Secretary Rogers C. B. Morton, dated February 24, 1975.

Later, I shall ask unanimous consent that a copy of this letter be printed in the RECORD.

In addition, consider this: Virginia's annual coal production exceeds 30 million tons. The surface mining industry produced 10 million tons of low-sulfur coal, or between 25 to 30 percent of Virginia's annual production.

This is coal production which, if eliminated on the surface, cannot be increased through the deep-mining of coal. It is lost to our economy.

Just what does this mean to the people caught in the midst of compelling energy shortages? It means that the 70 percent of Virginia's surface-mined coal which has gone to the electric utility companies will be removed from their power supplies.

It means that more shortages are likely in the near future.

It means that costs will rise.

Yes, 10 million tons of coal will be eliminated from production, according to the reliable estimates.

Mr. President, two of the most critical problems which are facing this Nation today—indeed, two of the most critical problems which have ever faced this Nation—are the energy situation and unemployment.

This bill will hurt both.

This bill has laudable purposes—purposes which I support. But for the reasons I have outlined, I think it fails to accomplish its aim.

Because of the extremes to which it goes and its serious adverse effect on the jobs and economy of southwest Virginia, I must cast my vote against S. 7.

I ask unanimous consent to insert at this point in the RECORD, a letter from B. V. Cooper, executive director of the Virginia Surface Mining and Reclamation Association, Inc., which shows the economic impact in Virginia; and this to be followed by the Virginia laws on surface mining and reclamation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VIRGINIA SURFACE MINING
AND RECLAMATION ASSOCIATION, INC.,
Norton, Va., February 24, 1975.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Interior Building, Washington, D.C.

DEAR MR. SECRETARY: Our membership commends you and your Staff for again making Congress aware of the terrible cost this country will pay if either S. 7 or H.R. 25 should become law. This legislation, if passed and enforced as written, would virtually eliminate coal surface mining in Virginia's mountainous coal region.

In support of your conclusions, we would point out that over 2,000 people are directly employed on our Virginia coal surface mines. An estimated 5,000 to 7,500 additional workers earn their livings in related work such as trucking, equipment maintenance, railroading, related services, etc. It is obvious that Virginia alone would suffer nearly 20% of your 47,000 estimated jobs lost. Interestingly, we produce just over three percent of the nation's surface-mined coal, or about 10 million tons annually.

Neither this lost production nor the lost jobs can be made up by underground mining. Expansion capital and skilled labor are not available here. In fact, total Virginia coal production would decrease drastically. One of the many reasons is that high-sulphur underground coal from some Virginia mines is blended with low-sulphur surface coal. The resulting product will meet stringent sulphur emission standards passed by certain localities. Without the surface coal production, these underground mines would not have a market for their product.

In summary, Mr. Secretary, these bills are capable of plunging us even further into recession and energy shortages while doing little to improve the environment.

Thank you for taking time to consider our comments. We will be pleased to provide any additional information or assistance you may desire.

Very truly yours,

B. V. COOPER,
Executive Director.

CODE OF VIRGINIA ON SURFACE MINING AND RECLAMATION

CHAPTER 16.—PERMITS FOR CERTAIN MINING OPERATIONS; RECLAMATION OF LAND

Sec.
45.1–180. Definitions.
45.1–180.1. [Repealed.]
45.1–181. Permit required; fee; duration; application; approval by Department.
45.1–182. Plan of operation.
45.1–183. Bond of operator.
45.1–184. Review of plan of operation by Director; issuance of permit.
45.1–185. Additional bond to be posted annually; release of previous bond; report of reclamation work.
45.1–186. Inspection and approval or disapproval of reclamation work; forfeiture of bond.
45.1–187. Additional bond to cover amended estimate of land to be disturbed.
45.1–188. Interference with reclamation unlawful; other mining operations on land.
45.1–190. [Repealed.]
45.1–191. Penalty for violation of chapter, etc.
45.1–193. Injunctive relief.
45.1–194. Appeals to Board of Surface Mining Review.
45.1–195. Board of Surface Mining Review created; membership; terms; vacancies; chairman; compensation; duty.
45.1–197. Local standards and regulations; waiver of application of chapter.
45.1–197.1 [Repealed.]
45.1–197.2. Certain powers of Chief not affected by chapter.

§ 45.1–180. Definitions.

(a) *"Mining".*—Means the breaking or disturbing of the surface soil or rock in order to facilitate or accomplish the extraction or removal of minerals, ores, rock or other solid matter; any activity constituting all or part of a process for the extraction or removal of minerals, ores, rock or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface, and shall not include excavation or grading when conducted solely in aid of on-site farming or construction. Nothing herein shall apply to mining of coal.

(e) *"Operator".*—Any individual, group of individuals, corporation, partnership, business trust, association or any legal entity which is engaged in mining and which disturbs more than one acre of land or removes, or intends to remove, more than five hundred tons of minerals, ores or other solid matter in any twelve-month period from any such land by such mining operation.

(f) *"Director".*—The Director of the Department of Conservation and Economic Development or his authorized agent.

(h), (i) [Repealed.]

(1972, c. 206; 1974, c. 312.)

The 1972 amendment substituted "one

acre" for "one-quarter acre" and "five hundred" for "one hundred" in subdivision (e).

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment delted "strip" preceding "mining" in the second sentence of subdivision (a), added "or his authorized agent" at the end of subdivision (f), and deleted former subdivisions (h), defining "Division" and (i), defining "Chief."

Only part of section set out.—Only the subdivisions changed by the amendments are set out.

§ 45.1–180.1: Repealed by Acts 1974, c. 96.

Code commission note.—The repealed section was enacted by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–181. Permit required; fee; duration; application; approval by Department.—It shall be unlawful for any operator to engage in any mining operation in this State, without having first obtained from the Department a permit to engage in such operation and paying a fee therefor of six dollars per acre for every acre proposed to be disturbed, not to exceed the total sum of one hundred fifty dollars, which shall be deposited in the State treausry in a special fund to be used by the Director in performing reclamations under the provsions of this chapter. Such permits shall not be transferable. A permit shall be obtained prior to the starting of any mining operation. A permit shall continue to be in effect, if within ten days of the anniversary date of the permit the Director, after inspection, is satisfied that the operation is proceeding according to the plan submitted to and approved by him. If the operator believes changes in his original plan are necessary or if additional land not shown as a part of the approved plan of operation is to be disturbed, he shall submit an amended plan of operation which shall be approved by the Director in the same manner as an original plan and shall be subject to the provisions of §§ 45.1–182 and 45.1–183 hereof. A separate permit must be secured for each mining operation conducted. Application for a mining permit shall be made in writing on forms prescribed by the Director and shall be signed and sworn to by the applicant or his duly authorized representative. The application, in addition to such other information as may be reasonably required by the Director shall contain the following information: (1) the common name and geologic title, where applicable, of the mineral, ore or other solid matter to be extracted; (2) a description of the land upon which the applicant proposes to conduct mining operations, which description shall set forth: the name of the county or city in which such land is located; the location of its boundaries and any other description of the land to be disturbed in order that it may be located and distinguished from other lands and easily ascertainable as shown by a map attached thereto showing the amount of land to be disturbed; (3) the name and address of the owner or owners of the surface of the land; (4) the name and address of the owner or owners of the mineral, ore or other solid matter; (5) the source of the operator's legal right to enter and conduct operations on the land to be covered by the permit; (6) the total number of acres of land to be covered by the permit; (7) a reasonable estimate of the number of acres of land that will be disturbed by mining operations on the area to be covered by the permit during the ensuing year; (8) whether any mining permits of any type are now held by the applicant and the number thereof; (9) the name and address of the applicant, if an individual; the names and addresses of all partners, if a partnership; the state of incorporation and the name and address of its registered agent, if a corporation; or the name and address of the trustee, if a trust; and (10) if known, whether the applicant, or any subsidiary or affiliate or any partnership, association, trust or corporation controlled by or under common control with applicant, or any person required to be identified by item (9) above, has ever had a mining permit of any type issued under the laws of this or any other state revoked or has ever had a mining or other bond, or security deposited in lieu of bond, forfeited.

The application for a permit shall be accompanied by two copies of an accurate map or plan and meeting the following requirements:

(a) Be prepared by a licensed engineer or licensed land surveyor or issued by a standard mapping service approved by the Director;

(b) Identify the area to correspond with the land described in the application;

(c) Show adjacent deep mining, if any, and the boundaries of surface properties, with the names of owners of the affected area which lies within a hundred feet of any part of the affected area;

(d) Be drawn to a scale of four hundred feet to the inch or better;

(e) Show the names and location of all streams, creeks or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area affected and within five hundred feet of such area;

(f) Show by appropriate markings the boundaries of the area of land affected, the outcrop of the seam at the surface or deposit to be mined, and the total number of acres involved in the area of land affected;

(g) Show the date on which the map was prepared, the north arrow and the quadrangle name;

(h) Show the drainage plan on and away from the area of land affected, including the directional flow of water, constructed drainways, natural waterways used for drainage and the streams or tributaries receiving the discharge.

No permit shall be issued by the Department until the Director has approved the plan of operation required in § 45.1–182 and the bond from the applicant as required in § 45.1–183. (1968, c. 734; 1972, c. 206; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1972 amendment deleted "person or" preceding "operator" near the beginning of the first sentence.

The 1974 amendment substituted "Department" for "Division" in the first sentence and "Director" for "Chief" in the seventh sentence of the first paragraph, added "or issued by a standard mapping service approved by the Director" to subdivision (a) of the second paragraph and substituted "Department until the Director has approved" for "Division until it has received approval in writing from the Department of" in the last paragraph.

§ 45.1–182. Plan of operation.—At the time of filing an application for a permit, each operator shall file with the Department a plan of operation for the mining operations for which a permit is sought. The plan shall then be submitted to the Director on a form to be prescribed by the Director and shall contain such information as the Director may require. The plan shall contain among other things an agreement by the operator to provide for the following in a manner satisfactory to the Director:

(1) Removal of metal, lumber and other debris resulting from mining operations.

(2) Regrading of the area in a manner to be established by rules and regulations of the Director.

(3) Grading the surface in such a manner as to preserve existent access truck roads and truck roads on and along the bench, and grading the surface on areas where truck roads do not exist in such a manner that serviceable truck roads may be constructed with minimum cost by persons other than the operator for the purposes of forest fire control or recreation.

(4) Grading loose soil, refuse and other debris on the bottom of the last cut so as to reduce the piles of such material in accordance with good conservation practices.

(5) Planting trees, shrubs, grasses or other plants upon the parts of such area where revegetation is practicable.

(6) Where the operator elects to impound water to provide lakes or ponds for wildlife, recreational or water-supply purposes, such operator shall file a formal request with the Department and obtain approval before such ponds or lakes can be created in impounding such water.

(7) In a plan of operation submitted by a dimensional stone quarry operator, the Director shall give due consideration to the peculiar nature of the excavated cavity or cavities to be excavated contained in such plan. (1968, c. 734; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment substituted "Department" for "Division" in the first sentence of the introductory paragraph.

§ 45.1–183. Bond of operator.—Each operator at the time of filing his application shall furnish bond on a form to be prescribed by the Director payable to the Department and conditioned that the operator shall faithfully perform all of the requirements of this chapter and of the plan of operation as approved and directed by the Department; except that any persons engaged in mining less than one acre per year on land of which he is owner in fee shall not be required to pay any bond. The amount of bond shall be no less than two hundred dollars nor more than one thousand dollars per acre, based upon the number of acres of land which the operator estimates will be disturbed by mining operations during the next ensuing year. The minimum amount of bond furnished shall be one thousand dollars, except in areas of five acres or less the bond shall be no less than two hundred dollars nor more than one thousand dollars per acre. Such bond shall be executed by the operator and by a corporate surety licensed to do business in this State; provided, however, that in lieu of such bond the operator may deposit cash or collateral security acceptable to the Director. (1968, c. 734; 1970, c. 245; 1972, c. 206; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1972 amendment added the exception clause at the end of the first sentence.

The 1974 amendment substituted "Director" for "Chief" in the first sentence and "no less than two hundred dollars nor more than one thousand dollars" for "fifty dollars" near the beginning of the second sentence and "no less than two hundred dollars nor more than one thousand dollars per acre" for "two hundred dollars" at the end of the third sentence and substituted "Director" for "Chief" at the end of the fourth sentence.

§ 45.1–184. Review of plan of operation by Director; issuance of permit.—Upon receipt of a reasonable plan of operation and bond prescribed above, the Director shall review the plan and if it meets with his approval issue a permit. If the Director disapproves the plan, he shall furnish the applicant with his written objections thereto and his required amendments. Until the applicant shall amend his plan of operation to meet the Director's reasonable objections and file a satisfactory amended plan with the Director, no permit shall be issued.

The Director shall issue the permit unless he finds that the applicant has had control or has had common control with a person, partnership, association, trust or corporation which has had a mining permit revoked or bond or other security forfeited for failure to reclaim lands as required by the laws of this State, in which event no permit shall be issued. Except, however, if an operator who has heretofore forfeited a bond within thirty days of notice and demand by the Director pays the cost of reclamation in excess of the amount of the forfeited bond, or if any bond is forfeited and the amount forfeited is equal to or less than the cost of reclamation, such operator shall then become eligible for another permit (1968, c. 734; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment substituted "and if it meets with his approval issue a permit" for "and if it meets his approval certify this fact to the Division" in the first sentence and deleted "and the Division" following "applicant" in the second sentence of the first paragraph and substituted "The Director" for "Upon receipt of the Director's approval and the required bond, the Chief" in the first sentence of the second paragraph.

§ 45.1–185. Additional bond to be posted annually; release of previous bond; report of reclamation work.—Within ten days following the anniversary date of any permit, the operator shall post additional bond in the amount of no less than two hundred dollars nor more than one thousand dollars per acre for each additional acre of land estimated by him to be disturbed during the next year following the anniversary date of the permit for which no bond has been previously posted by him. Bond or other security previously posted shall be released for the areas disturbed in the last twelve months if reclamation work has been completed and the approval of the Director obtain in accordance with the following:

The operator shall file with the Department a written report on a form to be prescribed by the Department stating under oath that reclamation has been completed on certain lands and submit the following:

(a) Identification of the operation; (b) the county or city in which it is located and its location with reference to the nearest public highway; (c) a description of the area of land affected by the operation within the period of time covered by such report with sufficient certainty to enable it to be located and distinguished from other lands; (d) an accurate map or plan prepared by a licensed land surveyor or licensed engineer or issued by a standard mapping service approved by the Director showing the boundary lines of the area of land affected by the operation, the number of acres comprising such area and the methods of access to the area from the nearest public highway. (1968, c. 734; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment substituted "no less than two hundred dollars nor more than one thousand dollars" for "fifty dollars" in the first sentence of the introductory paragraph and inserted "or issued by a standard mapping service approved by the Director" in clause (d) of the last paragraph.

§ 45.1–186. Inspection and approval or disapproval of reclamation work; forfeiture of bond.—Upon receipt of the report called for in § 45.1–185, the Director shall cause an inspection to be made of the land described in the report. If he approves the reclamation work completed by the operator, he shall order the return of the bond or certified check to the operator.

If the Director does not approve the reclamation work, he shall notify the operator immediately in writing and advise him of what additional steps he deems necessary to satisfactorily complete the reclamation. In such event, the operator shall have ninety days from the receipt of the Director's order to begin such additional reclamation and present satisfactory evidence to the Director that such work is in progress. The bond or other security posted by the operator for such land shall not be refunded until he has obtained the Director's approval as aforesaid.

If the operator does not undertake to complete the reclamation in accordance with the notification of the Director and submit evidence to the Director that such work is in progress within ninety days of such order or within such additional period of time not to exceed six months which may be granted by the Director for cause shown, the Director shall order a forfeiture of the bond or other security posted by the operator at a rate of no less than two hundred dollars nor more than one thousand dollars per acre or part thereof for each acre of land involved; or, upon the written request of the operator, the Director shall survey the land involved and establish the cost of reclaiming such land. He shall immediately notify the operator by registered mail, who shall within thirty days of receipt of such notice deposit cash or a certified check with the Director the sum set by the Director for reclamation. Upon receipt of this sum, the Director shall have the reclamation performed with the money so received and release the operator from further liability.

In the event the operator does not post the cost of reclaiming as set by the Director or does not request him to set such amount the Director shall certify the fact to the Attorney General who shall proceed to collect the amount thereof, which, when collected, shall be deposited in the State treasury in a special fund to be used by the Director in performing reclamation under the provisions of this chapter. Furthermore, following the order of forfeiture the Director shall perform such reclamation operations as he deems necessary with the resources and facilities of his Department or as provided by § 45.1–192 hereof, the cost thereof to be paid from the proceeds of the special fund above created. (1968, c. 734; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment substituted "approves" for "shall approve" and deleted "shall notify the Division in writing and the Chief" preceding "shall order" in the second sentence of the first paragraph, deleted "and the Director has notified Division in writing to this effect" at the end of the third sentence of the second paragraph, deleted "request, and the Chief shall" following "the Director shall" near the middle of the first sentence of the third paragraph and substituted, in that sentence, "a rate of no less than two hundred dollars nor more than one thousand dollars" for "the rate of fifty dollars." The amendment also substituted "Director" for "Chief" in the first sentence of the last paragraph.

§ 45.1–187. Additional bond to cover amended estimate of land to be disturbed.—If, during any operation, it is found that the operator's estimate of the amount of disturbed land for which bond or other security has been posted for reclamation is less than the actual area disturbed, the Director shall order the operator to file additional bond or security sufficient to cover an amended estimate of land to be disturbed by such operation. (1968, c. 734; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment substituted "Director" for "Chief."

§ 45.1–188. Interference with reclamation unlawful; other mining operations on land.—It shall be unlawful for any owner or owners of surface rights or the owner or owners of mineral rights to interfere with the operator in the discharge of his obligations to the State for the reclamation of lands disturbed by him. If the owner or owners of surface rights or the owner or owners of mineral rights desire to conduct other mining operations on lands disturbed by the operator furnishing bond hereunder, such owner or other person shall be in all respects subject to the provisions of this chapter and the Director shall then release an equivalent amount of bonds to the operator originally furnishing bond on the disturbed area. (1968, c. 734; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment substituted "Director" for "Chief" in the second sentence.

§ 45.1–190: Repealed by Acts 1974, c. 312.

§ 45.1–191. Penalty for violation of chapter, etc.—Any violation of any provision of this chapter or of any order of the Director shall be a misdemeanor punishable by a maximum fine of one thousand dollars or a maximum of one year in jail, or both. (1968, c. 734; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment deleted "or Chief" following "Director."

§ 45.1–192. Assistance of federal, State and local agencies.

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–193. Injuctive relief.—In addition to other legal processes, the Director or the Department may seek injunctive relief to enforce any rule, regulation, order or requirement issued. (1968, c. 734; 1974, c. 312.)

Code Commission note.—This section was

amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment deleted "the Chief or the Division or" proceeding "the Director."

§ 45.1–194. Appeals to Board of Surface Mining Review.—An appeal from any order, rule or regulation of the Department shall be taken first to the Board of Surface Mining Review hereinafter created. Such appeal shall be taken within thirty days following the issuance of such order, rule or regulation, Any party desiring to appeal shall file with the Board of Surface Mining Review a notice of appeal designating the order, rule or regulation appealed from, and send a copy thereof by registered mail to the Director.

Upon receipt thereof, the Board shall set the hearing at a place within the county where the major portion of the land involved in the order, rule or regulation appealed from is located and such hearing shall be held by the Board within sixty days from the date notice of appeal is received.

The Board shall have the power to subpoena and bring before it any person in this State or take testimony of any such person by deposition with the same fees and mileage in the same manner as prescribed by law in judicial procedure in courts of this State in civil cases. Any party to any hearings before the Board shall have the right to the attendance of witnesses in his behalf. (1968, c. 734; 1974, c. 312.)

The 1974 amendment deleted "or Division" following "Department" in the first sentence and "or the Chief issuing such" following "Director" at the end of the third sentence of the first paragraph.

§ 45.1–195. Board of Surface Mining Review created; membership; terms, vacancies; chairman; compensation; duty.—There is hereby created the Board of Surface Mining Review to be composed of the Director of the Department of Conservation and Economic Development and three members to be appointed by the Governor, two of whom shall be surface mining operators who have been engaged in such operation continuously for five years preceding their appointment, and one property owner who at the time of his appointment owns land or is an executive officer of a corporation which owns land upon which surface mining operations have been or are being conducted. The appointive members shall serve for terms of four years each, except appointments to fill vacancies which shall be for unexpired terms, all of whom shall hold office at the pleasure of the Governor for their respective terms. The Board shall elect its own chairman. The members of the Board shall receive no compensation for their services but shall be entitled to receive their necessary traveling and other expenses incurred in the performance of their duties. The sole duty of the Board shall be to hear appeals from orders issued by the Department under this chapter, and the procedure for determining such appeals shall be as provided by § 45.1–194. (1968, c. 734; 1974, c. 312.)

The 1974 amendment deleted "or Division" following "Department" in the last sentence.

§ 45.1–196. Appeals from Board of Surface Mining Review.

Code Commission note—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–197. Local standards and regulations; waiver of application of chapter.—Counties, cities and towns may establish standards and adopt regulations dealing with the same subject, provided, however, such standards and regulations shall not be below those adopted by the Director.

This chapter shall not be construed to repeal any local ordinance or regulation or charter provision now in effect in any county, city or town where the provisions are not less than the standards adopted by the Director. The Director may waive the application of this chapter if, in his opinion, a county, city or town in which surface mining operations are being conducted has enacted zoning ordinances dealing with the subject matter, prescribing standards and regulations not below those set forth in this chapter. If the Director waives the provisions hereof, the operator shall comply strictly with all the provisions of the ordinances of such counties, cities, and towns in which his operations are located.

The Director may also waive the application of this chapter as to any mining or borrow pit operation which is conducted solely and exclusively for a State project and which is subject by contract to the control and supervision of a State agency, provided regulations satisfactory to the Director have been promulgated and are incorporated in any contract for such removal. (1968, c. 734; 1974, c. 312.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment deleted "Chief and" preceding "Director" at the end of the first paragraph and at the end of the first sentence of the second paragraph and substituted "Director" for "Chief" in the second and third sentences of the second paragraph and in two places in the third paragraph.

§ 45.1–197.1: Repealed by Acts 1974, c. 96.

Code Commission note.—The repealed section was enacted by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–197.2. Certain powers of Chief not affected by chapter.—Nothing in this chapter shall be construed to encroach on the powers and duties of the Chief of the Division of Mines and Quarries relating to the health and safety of the workers in underground and surface mining operations. In safety and health, all surface workers are to be governed solely by Title 45.1, chapters 1 through 14 (§§ 45.1–1 to 45.1–161) and such rules and regulations adopted by the Chief Mine Inspector as he may deem appropriate. (1974, c. 312.)

The number of this section was assigned by the Virginia Code Commission, the number in the 1974 act having been 45.1–197.1.

CHAPTER 17.—SURFACE MINING OF COAL

Article 1.—General Provisions

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Article 1.—General provisions

§ 45.1–198. Legislative findings; declaration of policy.—(a) The General Assembly finds that, although the surface mining of coal within the Commonwealth provides a significant, present source of energy and employment, uncontrolled coal surface mining and unreclaimed land can adversely affect the environment through the erosion of the land and the increased likelihood of floods and landslides through the destruction of vegetative cover, the removal of overburden, the alteration of normal drainage patterns, the increased siltation and sedimentation of streams as well as other forms of pollution, the temporary and in some circumstances permanent destruction of scenic beauty and wildlife habitats.

(b) The General Assembly further finds that the proper control of surface mining of coal so as to minimize or prevent adverse disruptions and the injurious effects thereof requires thorough planning in selection of approproiate coal surface mining sites, methods of coal surface mining and the nature and extent of reclamation; consideration of the impact of coal surface mining upon the ecology and land use of surrounding areas as well as upon the disturbed land of the coal surface mining site; and the incorporation and use of control techniques and reclamation actions as an integral and simultaneous part of coal surface mining.

(c) The General Assembly declares that it is in the public interest and shall be the policy of this chapter to require and encourage the proper control of surface mining of coal so as to minimize or prevent adverse disruptions and injurious effects thereof upon the people and resources of the Commonwealth through good industry and sound conservation practices, and to require and encourage through operations and reclamation planning, consideration of surrounding ecology and land use, and incorporation of control techniques and reclamation actions in coal surface mining operations insofar as practicable to assure such proper control of coal surface mining. To these ends, the Director of Conservation and Economic Development is mandated to enforce this chapter and the Board of Conservation and

Economic Development is mandated to adopt whatever regulations are found necessary to accomplish the policy of this chapter.

(d) The General Assembly by this chapter intends to exercise the police power of this Commonwealth in a coordinated statewide program to control present and future problems associated with the surface mining of coal resources and the reclamation of disturbed lands to the end that coal surface mining activities shall be regulated in a manner that will effectuate the purpose of this chapter.

(e) Nothing in this chapter is intended, nor shall be construed, to limit, impair, abridge, create, enlarge or otherwise affect, substantively or procedurally, the rights of any person to any dispute involving property rights, or the right of any person to damage or other relief on account of injury to persons or property due to coal mining activities regulated by this chapter and to maintain any action or other appropriate procedure therefor; nor to affect the powers of the Commonwealth to initiate, prosecute and maintain actions to abate public nuisances. (1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

Law Review.—For survey of Virginia law on administrative law for the year 1971–1972, see 58 Va. L. Rev. 1159 (1972).

§ 45.1–199. Definitions.—The following words and phrases when used in this chapter shall have the meaning respectively ascribed to them in this section except where the context clearly requires a different meaning; the Board of Conservation and Economic Development shall have the power to adopt by regulation such other definitions as may be deemed necessary to carry out the intent of this chapter.

(a) *"Coal surface mine"* or *"coal surface mining"*—The breaking or disturbing of the surface soil or rock in order to facilitate or accommodate the extraction or removal of coal by strip, auger, or other mining methods; any activity constituting all or part of a process for the extraction or removal of coal so as to make it suitable for private, commercial, construction or industrial use.

(b) *"Disturbed land"*—The areas from which overburden has been removed in coal surface mining operations, the areas covered by spoil, or any other areas, including access roads, used in such surface mining operation which have been disturbed and may cause injurious effects thereby.

(c) *"Overburden"*—All of the earth and other material which lie above or around a natural deposit of coal.

(d) *"Spoil"*—Any overburden or other material removed from its natural state in the process of coal surface mining.

(e) *"Reclamation"*—The restoration or conversion of disturbed land to a stable condition which minimizes or prevents adverse disruption and the injurious effects thereof and presents a reasonable opportunity for further productive use.

(f) *"Director"*—The Director of the Department of Conservation and Economic Development or his authorized agents.

(g) *"Division"*—The Division of Mined Land Reclamation.

(h) *"Person"*—Any individual, firm, corporation or corporation officer, joint venture, partnership, association, trust, or any other group or combination acting as a unit, or any other legal entity.

(i) *"Operator"*—Any person engaging in the surface mining of coal whether or not such coal is sold within or without the State.

(j) *"Board"* shall mean the Board of Conservation and Economic Development. (Code 1950 (Repl. Vol. 1972), § 45.1–162; 1966, c. 667; 1968, c. 752; 1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–200. Authority of Board and Director of Conservation and Economic Development; enforcement of chapter by injunction; construction of chapter.—(a) The authority to promulgate rules and regulations to effectuate the provisions and the policy of this chapter is hereby vested in the Board of Conservation and Economic Development and specifically includes the authority to regulate prospecting activities in general.

(b) The authority to administer and enforce the provisions of this chapter is hereby vested in the Director of the Department of Conservation and Economic Development. In administering and enforcing the provisions of this chapter, the Director shall exercise the following powers in addition to any other powers conferred upon him by law:

(1) To supervise the administration and enforcement of this chapter and all rules and regulations and orders promulgated thereunder;

(2) To issue orders to enforce the provisions of this chapter, all rules and regulations promulgated thereunder, and the terms and conditions of any permit;

(3) To make investigations and inspections to insure compliance with any provision of this chapter or any rules, regulations, or orders promulgated thereunder;

(4) To encourage and conduct investigations, research, experiments and demonstrations, and to collect and disseminate information relating to coal surface mining and reclamation of lands and water affected by coal surface mining;

(5) To receive any federal funds, State funds or any other funds and to enter into any contracts, for which funds are available, to carry out the purposes of this chapter.

(c) In addition to any administrative remedy granted herein, the Director may petition any court of comeptent jurisdiction for an injunction against any violation of the provisions of this chapter, and the rules, regulations and orders promulgated thereunder or to compel the performance of acts required thereby without regard to any adequate remedy which may exist at law, said injunction to be issued without bond; however, with regard to the suspension of mining operations, § 45.1–210 shall control.

(d) Nothing in this chapter shall be construed to encroach on the powers and duties of the Chief of the Division of Mines and Quarries relating to the health and safety of the workers in underground and surface mining operations. In safety and health, all surface workers are to be governed solely by Title 45.1, chapters 1 through 14 (§§ 45.1-1 to 45.1-161) and such rules and regulations adopted by the Chief Mine Inspector as he may deem appropriate. (1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

Article 2.—Regulation of mining activity.

§ 45.1–201. Prospecting permit.—(a) It shall be unlawful for any person to use excavating equipment in an area for which no valid coal surface mine permit is in effect for the purpose of removing overburden to determine the location, or quantity or quality of a coal deposit, or to determine the feasibility of removing coal by surface mining methods without having first obtained from the Department of Conservation and Economic Development a permit therefor as provided in this section; provided, however, that no such permit shall be issued for more than ten acres. Application for a prospecting permit shall be made in writing on forms prescribed by the Director and shall be signed and verified by the applicant. The application shall be accompanied by: (1) a fee of ten dollars per acre based on the acreage estimated to be disturbed during prospecting as shown by a plat supplied by the applicant, provided this amount shall be credited towards the land disturbance fee required under subsection (f) of § 45.1–202 if such fee is paid for disturbance of land for which a prospecting fee was paid; (2) a United States geological survey topographic map showing by proper markings the crop line and the name, where known, of the seam or seams to be prospected; (3) a reclamation plan meeting the requirements of § 45.1–204 for the area proposed to be disturbed by prospecting; and (4), a bond meeting the requirements of § 45.1–206 in the amount of three hundred dollars per acre or fraction thereof for the total estimated disturbed acreage. The bond shall be payable to the State of Virginia and conditioned upon the applicant faithfully performing all the requirements of the reclamation plan. The bond shall be released by the Director in accordance with the provisions of § 45.1–206(b). Any excavation carried out under a prospecting permit and not incorporated into the complete reclamation plan as provided in paragraph (b) of this section shall be reclaimed as set forth in the rules and regulations.

(b) In the event the holder of a prospecting permit desires to surface mine the area covered by the prospecting permit, the Director may permit the postponement of the reclamation of the acreage prospected if that acreage is incorporated into a complete reclamation plan submitted with application for a coal surface mining permit within a period of three months following completion of each separate excavation under the prospecting permit. Provided that if such permit be granted, then the prospecting permit fee shall be a credit toward the fee to be paid by the operator as provided in § 45.1–202(f). (1972, c. 785; 1974, c. 573.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment substituted "ten dollars" for "six dollars" near the middle of subsection (a) and added the last sentence to subsection (b).

§ 45.1–202. Surface mining permit.—(a) It shall be unlawful for any person to engage in surface mining of coal in this State without having first obtained a permit to engage in such operation. Such permits shall be valid for one year, shall not be transferable, shall cover such acreage as contained in the application for a permit and shall be renewable annually on the anniversary date of issuance; provided, that the acreage may, in the discretion of the Director, be limited to two hundred fifty acres.

(b) Application for a surface mining permit shall be made to the Division on a form furnished by the Director and shall be signed and sworn to by the person, or his legal representative, intending to engage in surface mining of coal.

(c) The application shall contain such information as is required by regulation, including, but not limited to a description of the land to be disturbed and the coal to be extracted, the surrounding land use that may be affected; identification of the person intending to engage in surface mining of coal, the owners of the land to be disturbed and the owners of the coal and mineral rights; the source of the applicant's legal right to enter and conduct operations on the land to be covered by the permit. Appended to the application shall be such maps and drainage plans as may be required by the Director.

(d) The application for a permit shall include a statement of any mining permits issued by the State and held, at the time of or prior to application, by the applicant or by any individual, corporation, partnership, association or any other legal entity of which or with which the applicant has or has had control or common control. If the Director finds that such permits have been revoked or bond or security thereunder forfeited, no permit shall be issued unless authorized by the Board in accordance with § 45.1–212.1.

(e) The application for a permit shall be accompanied by a fee of twelve dollars per acre of the area of land to be affected by the total operation for which plans have been submitted.

(f) A renewal fee of six dollars per acre shall be payable each year on the anniversary date of the permit for the amount of the undisturbed land remaining on the original permit. (Code 1950 (Repl. Vol. 1972), § 45.1–163; 1966, c. 667; 1968, c. 752; 1972, c. 785; 1974, cc. 573, 651.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendments.—This first 1974 amendment added the proviso at the end of subsection (a) and substituted "twelve dollars" for "six dollars" in subsection (e) and "six dollars" for "two dollars" in subsection (f).

The second 1974 amendment added "unless authorized by the Board in accordance with § 45.1–212.1" at the end of the second sentence of subsection (d).

Law Review.—For survey of Virginia law on administrative law for the year 1971–1972, see 58 Va. L. Rev. 1159 (1972).

§ 45.1–203. Operations plan to accompany application for permit for registration.—(a) The application for a permit for registration shall be accompanied by an operations plan in such form and with such accompanying material as the Director shall require, describing: (1) the proposed method of operation, including the manner, time, and distance for back filling and grading work where appropriate, and stating the nature and extent of anticipated adverse disruptions and injurious effects, reasonably foreseeable, as a result of the proposed coal surface mining operation, upon the land proposed to be disturbed and upon surrounding land use, both during the coal surface mining operations and after the conclusion of such operations, and (2) proposed control techniques to minimize or prevent such disruptions or effects.

(b) There shall be a drainage plan appended to the operations plan, which shall provide for the proposed scheme of drainage control in accordance with the regulations of the Board.

(c) In order to meet the purposes of this chapter, spoils shall be retained on the bench to the extent feasible in accordance with an approved operation plan and retained spoils are to be subsequently used for back filling to further reduce the ultimate highwall to the maximum extent practicable.

(d) The operations and drainage plans shall be an integral part of the terms and conditions of issuance of the coal surface mining permit. The provisions of these plans shall be carried out simultaneously with mining operations insofar as practicable. The plans may be amended to meet the exigencies of any unanticipated circumstance or event. (1972, c. 785; 1974, c. 573.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment reenacted this section without change.

§ 45.1–204. Reclamation plan to accompany application for permit for registration.—The application for a permit for registration shall be accompanied by a plan for reclamation of all disturbed land estimated to result from the coal surface mining for which the permit is sought The plan shall be in such form and with such accompanying material as the Director shall require and shall state: (1) the planned land use to which the disturbed land is to be returned through reclamation; (2) proposed actions to assure suitable reclamation of the disturbed land for the planned use to be carried out by the applicant as an integral part of the proposed coal surface mining operation and to be conducted simultaneously insofar as possible; and (3) all auger holes shall be entirely covered after the augering operation is completed.

Notwithstanding the provisions of subsection (c) of § 45.1–203 it shall be the policy of the Director to encourage adoption of more productive land use, such as pasture, agricultural use, recreational areas, sanitary landfills, industrial and building sites.

The reclamation plan shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto and shall be a part of the terms and conditions of the coal surface mining permit. The plan may be amended if required to meet the exigencies of any unanticipated circumstance or event. (Code 1950 (Repl. Vol. 1972), § 45.1–164; 1966, c. 667; 1972, c. 785; 1974, c. 573.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment added clause (3) at the end of the first paragraph.

§ 45.1-205. Review and approval or disapproval of application.—(a) The Director shall review the application along with all accompanying material, shall consider all other relevant factors relating to the issuance of the permit and recommend whether or not the permit should be issued. The Director shall approve the application only after he is satisfied that all the requirements of this chapter and rules and regulations adopted pursuant thereto are fully observed and that there is probable cause to believe that the operations and reclamation plans will be carried out consistent with the purposes of this chapter, but the Director shall approve or disapprove the application within thirty days following the receipt thereof; provided, in the discretion of the Director, for the purpose of obtaining such other necessary information as may be required, the time for approval or disapproval may be extended not to exceed ten days.

(b) In reviewing operations and reclamation plans, the Director shall have such advice and assistance of the local soil and water conservation districts, consulting agencies, and any agencies of the State charged with environmental responsibilities as he may request.

(c) The Director shall cause such inspections to be made of the land proposed to be coal surface mined and disturbed as he deems necessary to assure adequate review of the application, and refusal by the applicant or his representative to allow such inspection of the proposed coal surface mining site shall be grounds for refusal to approve the application.

(d) If in reviewing such plans, the Director finds that the operation will constitute a hazard to public safety; or that reclamation or proper drainage control is not feasible; or that any spoil would adversely affect an established water course; or that the operation would adversely affect a public park, certified historic landmark or recreational area, then he shall disapprove the application or, if feasible, approve the application after deleting such areas from the permit application as will remove the grounds of refusal hereinabove stated. (Code 1950 (Repl. Vol. 1972), § 45.1-166; 1966, c. 667; 1972, c. 785; 1974, c. 573.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment substituted "but the Director shall" for "but in no event shall the Director fail to" near the middle of the second sentence of subsection (a) and added the language beginning "provided, in the discretion of" at the end of subsection (a).

§ 45.1–206. Bond of applicant; final report of operator; inspection and approval or disapproval of reclamation work.—(a) After approval of the application, and as a condition of issuance of the registration permit, the applicant shall be required to furnish bond, on a form prescribed by the Director, in the amount of no less than two hundred dollars or more than one thousand dollars per acre to be disturbed within the next ensuing year, and for which the operator has paid the permit fee, based on the estimated cost of reclaiming the land to be disturbed and the quality and quantity of coal estimated to be produced from the operation, conditioned upon the applicant's faithfully and satisfactorily complying with the approved operations and drainage plans and reclamation plan. In no event shall any bond be less than twenty-five hundred dollars; however, in the event the total amount of acreage to be distributed is less than five acres, the bond shall be not less than one thousand dollars. Such bond shall be with corporate surety licensed to do business in this State; provided, however, that in lieu of such surety the operator may deposit with the Director cash or certified check or collateral security acceptable to the Director. Upon satisfactory execution of bond, the Director shall issue a permit.

(b) Upon completion of the coal surface mining and reclamation for which the permit was issued, the operator shall submit a final report, on a form to be prescribed by the Director, stating that he has completed coal surface mining and reclamation in compliance with the approved operations, drainage, and reclamation plans and requesting release of bond. Upon receipt of such report, the Director shall cause an inspection to be made of the permit site. If the Director is satisfied that the requirements of the operations, drainage and reclamation plans have been fully complied with, and all fees have been paid, he shall approve the final operation, drainage and reclamation plans report and shall order the return of the bond; provided, however, that the Director shall approve or disapprove the final report within a period not to exceed one year from the date upon which he receives the final report from the operator. If the Director disapproves the final report, he shall notify the operator immediately in writing and advise him of what additional steps are deemed necessary to comply with the operations and reclamation plans. (Code 1950 (Repl. Vol. 1972), §§ 45.1–

165, 45.1–168; 1966, c. 667; 1968, c. 752; 1972, c. 785; 1973, c. 418.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1973 amendment, effective March 15, 1973, added "or collateral security acceptable to the Director" at the end of the third sentence of subsection (a).

§ 45.1–207. Disposition of fees.—All fees collected under the provisions of this chapter shall be paid into a special fund of the Department of Conservation and Economic Development under this chapter, to be used for the reclamation of orphaned lands pursuant to article 3 hereof (§ 45.1–216 et seq.) and for the administration of the coal surface mining regulatory program and are hereby appropriated for such purposes. (1972, c. 785; 1974, c. 573.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment inserted "and for the administration of the coal surface mining regulatory program" near the end of the section.

§ 45.1–208. Unlawful for owner to interfere with reclamation work; other mining operations on disturbed land.—It shall be unlawful for any owner or owners of surface rights or the owner or owners of mineral rights to interfere with the operator so as to hinder, delay, or prevent the discharge of his obligations to the State for the reclamation of lands disturbed by him. Provided, however, that if the owner or owners of surface rights or the owner or owners of mineral rights decide to conduct activities on the land disturbed by coal surface mining operations and such activities will delay, hinder or prevent the adequate reclamation of the disturbed land as set forth in the reclamation plan, the subject owner or owners shall be in all respects subject to the provisions of this chapter regardless of the activities contemplated, and specifically shall be responsible for reclamation of that portion of the disturbed area on which their activity occurs and shall give adequate bond pursuant to § 45.1–206. If these provisions have been complied with by the aforementioned owner or owners, the Director shall then release an equivalent amount of bond of the operator originally furnishing bond on the disturbed area. (1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–208.1. Succession of one operator by another at uncompleted project—Where one operator succeeds another at any uncompleted operation, whether by sale, assignment, lease, merger, or otherwise, the Director may release the first operator from all liability under this chapter as to that particular operation; provided, however, that the successor operator has been issued a permit and has otherwise complied with the requirements of this chapter, and the successor operator assumes as part of his obligation under this chapter, all liability for the reclamation of the area of land affected by the first operator. No fee, or any portion thereof, paid by the first operator shall be returned to either operator. The permit fee for the successor operator for the area of land permitted by the first operator shall be the same as that for a renewal fee under § 45.1–202. The permit fee for the successor operator shall be valid for one year from the date of issuance and may be renewed thereafter in accordance with the provisions of this chapter. (1974, c. 573.)

§ 45.1–209. Notice of noncompliance; revocation of permit and forfeiture of bond.—The Director may cause a notice of noncompliance to be served on the operator whenever the operator fails to obey any order by the Director to:

(1) Apply the control techniques in his operations and drainage plans;

(2) Institute the actions approved in his reclamation plan;

(3) Follow any required amendments to the operations or reclamation plans; or

(4) Comply with any other requirement of this chapter or any rules or regulations promulgated pursuant thereto.

A copy of the notice shall be delivered to the operator or served by certified mail addressed to the operator at the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to obey the order of the Director and shall require the operator to comply with the order within a reasonable period of time as fixed by the Director, following service of the notice. If the operator has not complied with the requirements set forth in the notice of noncompliance within the time limits fixed therein, the Director shall revoke the permit and declare the forfeiture of the entire bond, which when collected, shall be deposited in the State treasury in a special reclamation fund to be used by the Director in performing reclamation under the provisions of this chapter. After completion of the reclamation and payment of all fees required by this chapter, any additional funds from the forfeiture of the bond shall be returned to the corporate surety. If a certified check or cash has been deposited in lieu of bond, any residue shall be returned to the person who provided same originally or the operator. (Code 1950 (Repl. Vol. 1972), § 45.1–168; 1966, c. 667; 1968, c. 752; 1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–210. Injunction prohibiting mining operations.—Whenever adverse ecological disruptions or other injurious effects of mining operations seriously threaten or endanger health, safety and property rights of any individual, and abatement is not feasible by the application of control techniques, the Director shall petition the court of record having general equity jurisdiction wherein such mining operations are located, for an injunction to prohibit further operations. Upon granting such injunction, the court may require the Director to post a bond in the amount such court deems advisable. Such injunction shall not relieve the operator from his duty to reclaim lands theretofore disturbed according to the terms and conditions of his permit. (1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–211. Performance of reclamation operations by Director.—In the event of forfeiture of bond, the Director shall perform such reclamation operations as he deems necessary to return disturbed land to the minimum planned land use, pursuant to the relevant operation, drainage, and reclamation plans, the cost of such reclamation to be paid from the proceeds of the special reclamation fund created for that purpose. He may use the resources and facilities of the Division or he may enter into contracts for performance of such reclamation with any individual, corporation, partnership, association or any other legal entity, any soil conservation district, or any agency of the State or federal government. After a contract is entered into by the Director with anyone other than the operator, the operator shall be relieved from all further responsibility in reference to reclamation of the disturbed land. (Code 1950 (Repl. Vol. 1972), § 45.1–168; 1966, c. 667; 1968, c. 752; 1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–212. Position of hearings officer established; hearings.—(a) There is hereby established the position of hearings officer within the Department of Conservation and Economic Development. The incumbent to the position shall be appointed by the Director subject to the approval of the Board. The duties of the hearings officer shall be to conduct hearings as set forth in § 9–6.10(a) of the Code of Virginia. The conduct of such hearings shall conform to the provisions of §§ 9–6.10 through 9–6.12 of the Code of Virginia.

Any operator who is aggrieved by the action or inaction of the Director, acting pursuant to the provisions of this chapter, who is entitled to a formal hearing by virtue of § 9–6.10(a) of the Code of Virginia shall be afforded such hearing by the hearings officer.

(b), (c) [Repealed.] (1972, c. 785; 1974, c. 651.)

Code Commission note.—This section was repealed by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was itself repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

The 1974 amendment deleted subsections (b) and (c) dealing with review of hearing decisions by the Board of Conservation and Economic Development.

§ 45.1–212.1. Review by Board.—(a) If upon completion of the hearing by the hearings officer, compilation of the record and a final decision rendered by the hearings officer with the advice of the Director, any person is still aggrieved as a result of such judgment of the hearings officer, he may apply to the Board of Conservation and Economic Development for review of the case. This application must be made within sixty days after the final decision rendered by the hearings officer.

(b) The Board of Conservation and Economic Development shall review the record and hear oral arguments or receive written memoranda on the merits of the case; however, the Board need not receive further evidence unless it is alleged that additional evidence is available which may materially affect the outcome of the review.

(c) Thereafter, the Board shall announce its decision in the manner provided by § 9–6.12.

(d) If the Board approves such findings and conclusions in a matter in which a permit has been revoked and a bond forfeited, it may, in its discretion, set terms and conditions under which the operator may again be eligible for a permit. These terms and conditions shall be based on the particular circumstances existing in each individual case.

(e) Any operator who has been aggrieved by a decision issued by the Board prior to July one, nineteen hundred seventy-four, in a matter in which a permit has been revoked and a bond forfeited, may petition the Board for reconsideration under this section. (1974, c. 651.)

§ 45.1–213. Appeal from decision of Board or hearings officer.—Any operator who is aggrieved by an opinion issued by the Board of Conservation and Economic Development or hearings officer shall have the right of appeal to the circuit court of the county or corporation court of the city in which the land or a major portion thereof which is involved in the opinion appealed from is located. Such appeal shall be filed within twenty-one days after the opinion of the Board or hearings officer is rendered. The filing of an appeal hereunder shall not automatically stay the effect of the opinion appealed from, but, if on application to the court, undue hardship is shown to result, the court in its discretion may suspend the execution thereof and fix the terms. (1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–214. Misdemeanors.—(a) It shall be a misdemeanor, punishable by a fine of not more than one thousand dollars or confinement in jail for a period not exceeding one year or both, for any person: (1) to surface mine for coal without first obtaining a permit or after a permit has lapsed, or after suspension or revocation of a permit; (2) to obtain a permit through the deliberate submission of false or misleading information; (3) to fail willfully to follow the approved control techniques or actions set forth in his operation, drainage, or reclamation plans in any significant particular; or (4) to disregard willfully or disobey the regulations or orders promulgated pursuant to the provisions of this chapter.

(b) Continuation of the offenses specified in subsections (3) and (4) of paragraph (a) of this section shall be deemed willful after delivery of written notice of the terms of the violation by the Director to the permit holder pursuant to § 45.1–209 or the evasion of, or the refusal to accept, delivery of such notice.

(c) Each day that the offenses specified as subsections (1), (3), and (4) of paragraph (a) of this section continue shall constitute a separate violation. (1973, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–215. Operators holding permits issued under former chapter 15; chapter 15 continued in effect for certain purposes.—Any operator holding a valid permit issued pursuant to the provisions of chapter 15 of Title 45.1 shall comply with all of the provisions of this chapter on July one, nineteen hundred seventy-two or be considered to be in violation of subsection (a) (1) of § 45.1–214 as to mining operations conducted after July one, nineteen hundred seventy-two. Any permits issued under § 45.1–163 shall be renewable and subject to such renewal fee contained in § 45.1–202(f). If, however, in the opinion of the Director such operator cannot comply with the provisions of this chapter on its effective date, the Director may, upon payment of the fees herein prescribed pursuant to subsection (f) of § 45.1–202 issue a permit conditioned upon the future compliance with all of the provisions of this chapter.

The provisions of chapter 15 are continued in effect as to reclamation of land on which mining operations were completed prior to July one, nineteen hundred seventy-two. (1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

Articles 3.—Orphaned lands

§ 45.1–216. Definition.—For the purpose of this article, the term "orphaned lands" shall mean lands disturbed by coal surface mining operations which were not required by law to be reclaimed or which have not in fact been reclaimed. (1972, c. 785.)

Law Review.—For survey of Virginia law on administrative law for the year 1971–1972, see 58 Va. L. Rev. 1159 (1972).

§ 45.1–217. Survey; priorities for reclamation.—The Director shall cause a survey to be conducted to determine the extent of the orphaned lands in this State and shall establish priorities for the reclamation thereof. (1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–218. Agreements with owners or lessees; reclamation by Director.—The Director is authorized to enter into agreements with owners or lessees of orphaned lands whereby the owners shall agree to the reclamation of such lands by the Division to the extent and in the manner deemed appropriate or feasible by the Director. In no event shall the Director return orphaned land to other than the minimum potential use thereof which obtained prior to the initiation of mining operations unless the landowner or owners, lessee or lessees, agree to bind himself or themselves to the payment of the additional cost upon such terms as the Director deems reasonable. In entering into such agreements, the Director shall be guided by the priorities for reclamation established by him, but in no event shall the Director enter into such agreement unless funds are immediately available for the performance of the agreement by the Director as hereinafter provided. (Code 1950 (Repl. Vol. 1972), § 45.1–179; 1966, c. 667; 1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–219. Contracts for reclamation.—The Director is authorized to contract with any State agency, federal agency, or private contractor through the Division for the purpose of reclaiming orphaned lands pursuant to the agreements herein specified. (1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier reenacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

§ 45.1–220. Acceptance of federal funds, gifts, etc.—The Director is authorized to accept federal funds or gifts or grants from any source for the purposes of this article and is further authorized to acquire by gift or purchase (but not by the exercise of the power of eminent domain) such orphaned lands as in his judgment is in the public interest and to utilize any such funds, gifts or grants, as well as any fees collected under the provisions of this chapter for the reclamation of such orphaned lands. (1972, c. 785.)

Code Commission note.—This section was amended by Acts 1973, c. 471. The 1973 act, which was made effective July 1, 1974, and provided that it should expire at midnight on that date unless earlier renacted, was repealed by Acts 1974, c. 96, effective March 22, 1974, and therefore never went into effect.

CHAPTER 18. REFUSE PILES, WATER AND SILT RETAINING DAMS

Sec.
45.1–221. Reports to be filed by operators of coal mines within 60 days of July 1, 1974.
45.1–222. Dams and refuse piles to be constructed, approved, etc., by qualified engineer; designs and other data to be submitted to Chief Mine Inspector.
45.1–223. Reports to be filed by operators of coal mines within 120 days of July 1, 1974.
45.1–224. Examination of dams and refuse piles; potentially hazardous conditions; plans to be submitted by operators.
45.1–225. Definitions.

§ 45.1–221. Reports to be filed by operators of coal mines within 60 days of July 1, 1974.—Within sixty days following July one, nineteen hundred seventy-four, the operator of a coal mine on which refuse piles are located shall report the location, height, other dimensions including the original groundline as shown on an applicable United States Geological Survey topographical map, the average elevation over which the refuse material is piled, and the average ground elevation and direction of pitch of the area within two hundred feet of the refuse pile to the Chief Mine Inspector, Division of Mines and Quarries, State of Virginia. The report shall also show:

(1) whether or not the refuse pile is burning;

(2) Whether or not water or silt is impounded behind the refuse pile; and

(3) The measures, if any, being taken by the operator to extinguish any fire or drain any impounded water or silt. (1974, c. 323.)

§ 45.1–222. Dams and refuse piles to be constructed, approved, etc., by qualified engineer; designs and other data to be submitted to Chief Mine Inspector.—(a) On and after July one, nineteen hundred seventy-four, new water or silt retaining dams, or a mine refuse pile, or the modification of existing mine water or silt or mine refuse retaining dams shall be designed and constructed by, or under the direction or, a qualified engineer, if such retaining dam:

(1) Is designed to impound water or silt to a height of five feet or more above the lowest natural ground level within the impounded area; and

(2) Has a storage volume of fifty acre-feet or more; or

(3) Is designed to impound water or silt to a height of twenty feet or more, regardless of storage volume.

(b) Water or silt retaining dams or a mine refuse pile in existence prior to July one, nineteen hundred seventy-four, which impounded the volume of water or silt specified in paragraph (a) of this section, shall, within one hundred twenty days from July one, nineteen hundred seventy-four, be approved as structurally safe for the volume of water or silt impounded therein by a qualified engineer. The operator shall, in accordance with the requirements of paragraph (a) of this section, make any construction modifications necessary to obtain such approval.

(c) Water and silt retaining dam or mine refuse piles, designs, construction specifications, and other related data, including final abandonment plans, shall be approved and certified by the qualified engineer specified in paragraph (a) of this section, and by the operator or his agent.

(d) The designs, construction specifications, and other related data approved and certified in accordance with paragraph (c) of this section shall be submitted for approval to the Chief Mine Inspector, Division of Mines and Quarries. If the submittal is approved by the Chief, he shall notify the operator in writing. If he disapproves, he shall notify the operator with his written objections thereto and his required amendments. But in no event shall the Chief fail to approve or disapprove the submittal within thirty days following the receipt thereof. (1974, c. 323.)

§ 45.1–223. Reports to be filed by operators of coal mines within 120 days of July 1, 1974.—On or before one hundred twenty days from July one, nineteen hundred seventy-four, the operator of a coal mine on which a water or silt retaining dam or a mine refuse pile is located shall report to the Chief Mine Inspector, Division of Mines and Quarries, the location, width, height above the lowest natural ground level within the impounded area; the average depth of the impounded volume of silt and water; the storage capacity of the dam; the volume of silt or water currently impounded. (1974, c. 323.)

§ 45.1–224. Examination of dams and refuse piles; potentially hazardous conditions; plans to be submitted by operators.—(a) All water and silt retaining dams or mine refuse piles shall be examined daily for visible structural weakness, volume overload and other hazards by a qualified person designated by the operator. When rising water and silt reaches eighty percent by volume of the safe design capacity of the dam, such examination shall be made more often as required by the Chief Mine Inspector or his designated agent. Frequent examinations must be made during periods of rainfall that could create flooding conditions.

(b) When a potentially hazardous condition exists, the operator shall initiate procedures to:

(1) Remove all persons from the area which may reasonably be expected to be affected by the potentially hazardous condition;

(2) Eliminate the potentially hazardous condition; and

(3) Notify the Chief Mine Inspector or the District Mine Inspector in whose area the retaining dam is located.

(c) Records of the inspection required by paragraph (a) of this section shall be kept and certified by the operator or his agent. Such records shall be kept on the surface at the office or designated station of the mine.

(d) The operator of each coal mine on which a water and silt retaining dam is located shall adopt a plan for carrying out the requirements of paragraphs (a) and (b) of this section. The plan shall be submitted for approval to the Chief Mine Inspector on or before October thirty-one, nineteen hundred seventy-four. The plan shall include:

(1) A schedule and procedures for inspection of the retaining dam by a qualified person;

(2) Procedures for evaluating potentially hazardous conditions;

(3) Procedures for removing all persons from the area which may reasonably be expected to be affected by the potentially hazardous conditions;

(4) Procedures for eliminating the potentially hazardous conditions;

(5) Procedures for notifying the Chief Mine Inspector; and

(6) Any additional information which may be required by the Chief Mine Inspector.

(e) Before making any changes or modifications in the plan approved in accordance with paragraph (d) of this section, the operator shall obtain approval of such changes or modifications from the Chief Mine Inspector, State of Virginia. (1974, c. 323.)

§ 45.1–225. Definitions.—For the purpose of this chapter the term

(a) "*Impound water*" means to impound water for use in carrying out any part of the process necessary in the production or preparation of coal or other minerals.

(b) "*Silt*" means fine particles resulting from a mining operation, suspended in or deposited by water.

(c) "*Refuse*" means waste material resulting from a mining operation of coal or other minerals.

(d) "*Water,*" as used in this chapter, means water used in mining operations. (1974, c. 323.)

PROMPT ENACTMENT OF SURFACE MINING CONTROLS IS NEEDED

Mr. MUSKIE. Mr. President, it is past time for the Federal Government to require protection of the land resources of America from the environmental damage caused by unregulated or inadequately controlled strip mining. Millions of acres of land in America have been lost or are threatened as a result of inadequate concern for the long term effects of strip mining.

Short-term effects of such activities have been ignored. Many people have been left homeless by irresponsible elements of the surface mining industry.

The lasting damage of uncontrolled or improperly regulated mining activities is evidenced by thousands of miles of polluted streams and barren land.

Last year's veto of this legislation was unwise. We needed this legislation years ago. Further delay caused by the necessity to enact this bill once again only means that more acres will be destroyed before adequate controls are placed on these activities.

To compromise this legislation further by weakening environmental standards in the hope that we might attract the support of the President would be equally unwise. The bill before us already is a compromise.

I want to compliment the members of the Committee on Interior and Insular Affairs for the work that they have done in pressing forward with this legislation early in this Congress. The distinguished floor leader, Senator METCALF, is to be complimented for his effort to bring out a bill which represents a significant progress toward effective protection of regional and national interests.

There are provisions in the legislation that have raised questions, which could use clarification. To date the Congress has, in environmental legislation, asserted specifically the rights of States and localities to enact more stringent environmental controls if deemed appropriate.

Section 505(b) of this law appears to continue past precedents in this area. This language protects the States from Federal preemption with regard to land use and strip mining laws. The language which appears on page 52, line 7, and states that protection is given to State law "which provides for more stringent land use and reclamation operations." I am assured by the committee that this language is broad in its construction and would include any air or water pollution controls established by States in association with land use and strip mining laws.

Another concern relates to the language on pages 46 to 47, which requires:

> (2) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of a State program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857).

To clarify this language in the form of legislative history. I would point out that States do not meet "air or water quality standards," the phrase used in this text, but rather meet pollution control requirements, such as emission and effluent limits which are the enforcement mechanism. I know that it was the intention of the members of the Interior Committee to require that all aspects of the air and water pollution control requirements be met and, therefore, I merely make this statement in order to clarify the record.

Finally, Mr. President, I am particularly concerned with the language on page 84, lines 12 through 20, which is section 515(b)(10)(B), which states:

> (B) conducting surface coal mining operations so as to prevent to the maximum extent possible, using the best available technology, additional contributions of suspended solids to streamflow or runoff outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines.

The purpose here again is laudable. The best technology available ought to be used to control pollution. My only point in discussing this measure is that it should not be viewed as the final possible requirement. It is entirely possible, under the Federal Water Pollution Control Act, that even with the use of the best available technology, the discharge from the mining activity might be such that the mining activity could not be done in compliance with that act. In that case, even the best available technology would not be sufficient to allow the mining to go forward. This is a concept which was dealt with extensively in both the air and water pollution control laws. I am sure that the intent of this amendment was to leave that stringent requirement in place and to simply insure that the best technology be used when pollution control laws allowed such discharge to occur. Rather than offer any language to amend this provision, I believe it is sufficient to simply clarify this matter in this discussion.

Once again, I commend the members of the Senate Interior Committee for the work they have engaged in over the last few years bringing this legislation forward. I hope that my colleagues will endorse it, and certainly urge the President to reconsider his veto and to sign the legislation this time when it is sent to his desk.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 7) was ordered to be engrossed for a third reading, and was read the third time.

Mr. METCALF. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, will the manager of the bill yield me 1 minute for a motion?

Mr. METCALF. My time has expired.

The PRESIDING OFFICER. There is no time remaining.

The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are absent due to illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—84

Abourezk
Allen
Baker
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Fong
Ford
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Stone
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams

NAYS—13

Bartlett
Byrd, Harry F., Jr.
Curtis
Eastland
Fannin
Garn
Helms
Hruska
Laxalt
Scott, William L.
Stennis
Tower
Young

NOT VOTING—2

Goldwater
Taft

So the bill (S. 7), was passed, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Mining Control and Reclamation Act of 1975".

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Sec. 712. Study of reclamation standards for surface mining of other minerals.
Sec. 713. Indian lands.
Sec. 714. Experimental practices.
Sec. 715. Authorization of appropriations.
Sec. 716. Research and demonstration projects on alternative coal mining technologies.
Sec. 717. Surface owner protection.
Sec. 718. Federal lessee protection.
Sec. 719. United States Surface Owner.

TITLE I—STATEMENT OF FINDINGS AND POLICY

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) extraction of coal and other minerals from the earth can be accomplished by various methods of mining, including surface mining;

(b) coal mining operations presently contribute significantly to the Nation's energy requirements; surface coal mining constitutes one method of extraction of the resource; the overwhelming percentage of the Nation's coal reserves can only be extracted by underground mining methods, and it is, therefore, essential to the national interest to insure the existence of an expanding and economically healthy underground coal mining industry;

(c) many surface mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agriculture, and forestry purposes, by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitats, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property, by degrading the quality of life in local communities, and by counteracting governmental programs and efforts to conserve soil, water, and other natural resources;

(d) surface mining and reclamation technology are now developed so that effective and reasonable regulation of surface coal mining operations by the States and by the Federal Government in accordance with the requirements of this Act is an appropriate and necessary means to minimize so far as practicable the adverse social, economic, and environmental effects of such mining operations;

(e) because of the diversity in terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States;

(f) while there is a need to regulate surface mining operations for minerals other than coal, more data and analyses are needed to serve as a basis for effective and reasonable regulation of such operations;

(g) surface and underground coal mining operations affect interstate commerce, contribute to the economic well-being, security, and general welfare of the Nation and should be conducted in an environmentally sound manner; and

(h) the cooperative effort established by this Act is necessary to prevent or mitigate adverse environmental effects of present and future surface coal mining operations.

PURPOSES

SEC. 102. It is the purpose of this Act to—

(a) establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations and surface impacts of underground coal mining operations;

(b) assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are fully protected from such operations;

(c) assure that surface mining operations are not conducted where reclamation as required by this Act is not feasible;

(d) assure that surface coal mining operations are so conducted as to protect the environment;

(e) assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations;

(f) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided and strike a balance between protection of the environment and the Nation's need for coal as an essential source of energy;

(g) assist the States in developing and implementing a program to achieve the purposes of this Act;

(h) promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this Act and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public;

(i) assure that appropriate procedures are provided for the public participation in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by the Secretary or any State under this Act;

(j) encourage the full utilization of coal resources through the development and application of underground extraction technologies;

(k) provide a means for development of the data and analyses necessary to establish effective and reasonable regulation of surface mining operations for other minerals;

(l) stimulate, sponsor, provide for and/or supplement present programs for the conduct of research investigations, experiments, and demonstrations, in the exploration, extraction, processing, development, and production of minerals and the training of mineral engineers and scientists in the field of mining, minerals resources, and technology, and the establishment of an appropriate research and training center in various States; and

(m) wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations.

TITLE II—OFFICE OF SURFACE MINING RECLAMATION AND MAINTENANCE

CREATION OF THE OFFICE

SEC. 201. (a) There is established in the Department of the Interior, the Office of Surface Mining Reclamation and Enforcement (hereinafter referred to as the "Office").

(b) The Office shall have a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule under section 5315 of title 5 of the United States Code, and such other employees as may be required. The Director shall have the responsibilities provided under subsection (c) of this section and those duties and responsibilities relating to the functions of the office which the Secretary may assign, consistent with this Act. Employees of the Office shall be recruited on the basis of their professional competence and capacity to administer the provisions of this Act. No legal authority, program, or function in any Federal agency which has as its purpose promoting the development or use of coal or other mineral resources, shall be transferred to the Office.

(c) The Secretary, acting through the Office, shall—

(1) administer the programs for controlling surface coal mining operations which are required by this Act; review and approve or disapprove State programs for controlling surface coal mining operations; make those investigations and inspections necessary to insure compliance with this Act; conduct hearings, administer oaths, issue subpenas, and compel the attendance of witnesses and production of written or printed material as provided for in this Act; issue cease-and-desist orders; review and vacate or modify or approve orders and decisions; and order the suspension, revocation, or withholding of any permit for failure to comply with any of the provisions of this Act or any rules and regulations adopted pursuant thereto;

(2) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act;

(3) administer the State grant-in-aid program for the development of State programs for surface coal mining and reclamation operations provided for in title V of this Act;

(4) administer the program for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to title IV of this Act;

(5) administer the surface mining and reclamation research and demonstration project authority provided for in this Act;

(6) consult with other agencies of the Federal Government having expertise in the control and reclamation of surface mining operations and assist States, local governments, and other eligible agencies in the coordination of such programs;

(7) maintain a continuing study of surface mining and reclamation operations in the United States;

(8) develop and maintain an Information and Data Center on Surface Coal Mining, Reclamation, and Surface Impacts of Underground Mining, which will make such data available to the public and to Federal, regional, State, and local agencies conducting or concerned with land use planning and agencies concerned with surface and underground mining and reclamation operations;

(9) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of this Act and, at the same time, reflect local requirements and local environmental conditions;

(10) assist the States in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State to be designated unsuitable for all or certain types of surface coal mining pursuant to section 522;

(11) monitor all Federal and State research programs dealing with local extraction and use and recommend to Congress the research and demonstration projects and necessary changes in public policy which are designated to (A) improve feasibility of underground coal mining, and (B) improve surface mining and reclamation techniques directed at eliminating adverse environmental and social impacts; and

(12) perform such other duties as may be provided by law and relate to the purposes of this Act.

TITLE III—STATE MINING AND MINERAL RESOURCES AND RESEARCH INSTITUTES

AUTHORIZATION OF STATE ALLOTMENTS TO INSTITUTES

SEC. 301. (a) There are authorized to be appropriated to the Secretary of the Interior sums adequate to provide for each participating State $200,000 for fiscal year 1975, $300,000 for fiscal year 1976, and $400,000 for each fiscal year thereafter for five years, to assist the States in carrying on the work of a competent and qualified mining and mineral resources research institute, or center (hereinafter referred to as "institute") at one public college or university in the State, which has in existence at the time of enactment of this title a school of mines, or division, or department conducting a program of, or a curriculum which provides for, substantial instructions and research in mining or minerals extraction or which establishes such a school of mines, division, department, or curriculum subsequent to the enactment of this title and which school of mines, division, department, or curriculum shall have been in existence for at least two years. The Advisory Committee on Mining and Minerals Resources Research as created by this title shall determine a college or university to have an eligible school of mines, division, department, or curriculum providing a program of substantial instruction and research in mining or minerals extraction wherein or pursuant to which education and research in the minerals engineering fields are being carried out and which qualifies students participating therein for careers in mining education, mining research, mining industry, or other related fields:

Provided, That—

(1) such moneys when appropriated shall be made available to match, on a dollar-for-dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute;

(2) if there is more than one such eligible college or university in a State, funds under this title shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to one such college or university designated by the Governor of the State; and

(3) where a State does not have a public college or university with an eligible school of mines, or division, or department or curriculum conducting or providing for a program of substantial instruction and research in mining or minerals extraction, said advisory committees may allocate the State's allotment to one private college or university which it determines to have an eligible school of mines, or division, or department, or curriculum as provided herein.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to exploration; extraction; processing; development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation, having due regard to the interrelation on the national environment, the varying conditions and needs of the respective States, to mining and mineral resources research projects being conducted by agencies of the Federal and State governments, and other institutes.

RESEARCH FUNDS TO INSTITUTES

SEC. 302. (a) There is authorized to be appropriated annually for seven years to the Secretary of the Interior the sum of $15,000,000 in fiscal year 1975, said sum increased by $2,000,000 each fiscal year thereafter for six years, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses for purposes of:

(1) specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes, and

(2) research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated costs, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by nongovernmental sources in the project.

(c) The Secretary shall insofar as it is practicable, utilize the facilities of institutes designated in section 301 of this title to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications without regard to race or sex of the personnel who will conduct and direct it, and on the basis of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists. The Secretary may designate and utilize such portions of the funds authorized to be appropriated by this section as he deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

(d) No grant shall be made under subsection (a) of this section except for a project approved by the Secretary of the Interior and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

(e) No portion of any grant under this section shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building.

FUNDING CRITERIA

SEC. 303. (a) Sums available to institutes under the terms of sections 301 and 302 of this title shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this title and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this title during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this title shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

(b) Moneys appropriated pursuant to this title shall be available for expenses for research, investigations, experiments, and training conducted under authority of this title. The institutes are hereby authorized and encouraged to plan and conduct programs under this title in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved, and moneys appropriated pursuant to this title shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

DUTIES OF THE SECRETARY

SEC. 304. (a) The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this title and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this title, participate in coordinating research initiated under this title by the institutes, indicate to them such lines of inquiry as to him seen most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

(b) On or before the 1st day of July in each year after the passage of this title, the Secretary shall ascertain whether the requirements of section 303(a) have been met as to each institute and State.

(c) The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this title. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

AUTONOMY

SEC. 305. Nothing in this title shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this title shall in any way be construed to authorize Federal control or direction of education at any college or university.

MISCELLANEOUS PROVISIONS

SEC. 306. (a) The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources of State and local governments, and of private institutions and individuals to assure that the programs authorized in this title will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of mining and minerals research, having due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this title, in addition to any direct publication of information by the institutes themselves.

(b) Nothing in this title is intended to give or shall be construed as giving the Secretary of the Interior any authority over mining and mineral resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

(c) Contracts or other arrangements for mining and mineral resources research work authorized under this title with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work.

(d) No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act unless all uses, products, processes, patents, and other developments resulting therefrom with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any fiscal year.

CENTER FOR CATALOGING

SEC. 307. The Secretary shall establish a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for public use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of Government, colleges, universities, private institutions, firms and individuals as may make such information available.

INTERAGENCY COOPERATION

SEC. 308. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for interagency coordination of such research, including the research authorized by this title. Such coordination shall include—

(a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research;

(b) identification and elimination of duplication and overlap between two or more agency programs;

(c) identification of technical needs in various mining and mineral resources research categories;

(d) recommendations with respect to allocation of technical effort among the Federal agencies;

(e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort; and

(f) actions to facilitate interagency communication at management levels.

ADVISORY COMMITTEE

SEC. 309. (a) The Secretary of the Interior shall appoint an Advisory Committee on Mining and Mineral Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Director of the National Science Foundation, or his delegate, with his consent;

(3) the President, National Academy of Sciences, or his delegate, with his consent;

(4) the President, National Academy of Engineering, or his delegate, with his consent;

(5) the Director, United States Geological Survey, or his delegate, with his consent; and

(6) not more than four other persons who are knowledgeable in the fields of mining and mineral resources research, at least one of whom shall be a representative of working coal miners.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research and such determinations as provided in this title. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of mining and mineral resources research and the making of any grant under this title.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the Secretary, but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

TITLE IV—ABANDONED MINE RECLAMATION

ABANDONED MINE RECLAMATION FUND

SEC. 401. (a) There is created on the books of the Treasury of the United States a trust fund to be known as the Abandoned Mine Reclamation Fund (hereinafter referred to as the "fund") which shall be administered by the Secretary of the Interior.

(b) The fund shall consist of amounts deposited in the fund, from time to time, derived from—

(1) the sale, lease, or rental of land reclaimed pursuant to this title;

(2) any user charge imposed on or for land reclaimed pursuant to this title, after expenditures for maintenance have been deducted; and

(3) the reclamation fees levied under subsection (d) of this section.

(c) Amounts covered into the fund shall be available for the acquisition and reclamation of land under section 405, administration of the fund and enforcement and collection of the fee as specified in subsection (d), acquisition and filling of voids and sealing of tunnels, shafts, and entryways under section 406, and for use under section 404, by the Secretary of Agriculture, of up to one-fifth of the money deposited in the fund annually and transferred by the Secretary of the Interior to the Secretary of Agriculture for such purposes. Such amounts shall be available for such purposes only when appropriated therefor; and such appropriations may be made without fiscal year limitation.

(d) All operators of coal mining operations subject to the provisions of this Act shall pay to the Secretary of the Interior, for deposit in the fund, a reclamation fee of thirty-five cents per ton of coal produced by surface coal mining and twenty-five cents per ton of coal produced by underground mining, or 10 per centum of the value of the coal at the mine, as determined by the Secretary, whichever is less. Such fee shall be paid each calendar quarter occurring after the date of enactment of this Act, beginning with the first calendar quarter (or part thereof) occurring after such date of enactment and ending ten years after the date of enactment of this Act unless extended by an Act of Congress.

(e) The geographic allocation of expenditures from the fund shall reflect both the area from which the revenue was derived as well as the program needs for the funds. Fifty per centum of the funds collected annually in any State or Indian reservation shall be expended in that State or Indian reservation by the Secretary to accomplish the purposes of this title after receiving and considering the recommendations of the Governor of that State or the head of the governing body of that tribe having jurisdiction over that reservation, as the case may be: *Provided, however,* That if such funds have not been expended within three years after being paid into the fund, they shall be available for expenditure in any area. The balance of funds collected on an annual basis may be expended in any area at the discretion of the Secretary in order to meet the purposes of this title.

OBJECTIVES OF FUND

SEC. 402. Objectives for the obligation of funds shall reflect the following priorities in order stated:

(a) reclamation of previously mined areas;

(b) the protection of health or safety of the public;

(c) protection of the environment from continued degradation and the conservation of land and water resources;

(d) the protection, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities and their use;

(e) the improvement of lands and water to a suitable condition useful in the economic and social development of the area affected; and

(f) research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques in all areas of the United States.

ELIGIBLE LANDS

SEC. 403. The only lands eligible for reclamation expenditures under this title are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this Act, and for which there is no continuing reclamation responsibility under State or other Federal laws.

RECLAMATION OF RURAL LANDS

SEC. 404. (a) In order to provide for the control and prevention of erosion and sediment damages from unreclaimed mined lands, and to promote the conservation and development of soil and water resources of unreclaimed mined lands and lands affected by mining, the Secretary of Agriculture is authorized to enter into agreements, of not more than ten years with landowners (including owners of water rights) residents and tenants, and individually or collectively, determined by him to have control for the period of the agreement of lands in question therein, providing for land stabilization, erosion, and sediment control, and reclamation through conservation treatment, including measures for the conservation and development of soil, water (excluding stream channelization), woodland, wildlife, and recreation resources, of such lands. Such agreements shall be made by the Secretary with the owners, including owners of water rights, residents, or tenants (collectively or individually) of the lands in question.

(b) The landowners, including the owner of water rights, resident, or tenant shall furnish to the Secretary of Agriculture a conservation and development plan setting forth the proposed land uses and conservation treatment which shall be mutually agreed by the Secretary of Agriculture and the landowner, including owner of water rights, resident, or tenant to be needed on the lands for which the plan was prepared. In those instances where it is determined that the water rights or water supply of a tenant, landowner, including owner of water rights, residents, or tenant have been adversely affected by a surface or underground coal mine operation which has removed or disturbed a stratum so as to significantly affect the hydrologic balance, such plan may include proposed measures to enhance water quality or quantity by means of joint action with other affected landowners, including owner of water rights, residents, or tenants in consultation with appropriate State and Federal agencies.

(c) Such plan shall be incorporated in an agreement under which the landowner, including owner of water rights, resident, or tenant shall agree with the Secretary of Agriculture to effect the land uses and conservation treatment provided for in such plan on the lands described in the agreement in accordance with the terms and conditions thereof.

(d) In return for such agreement by the landowner, including owner of water rights, resident, or tenant the Secretary of Agriculture is authorized to furnish financial and other assistance to such landowner, including owner of water rights, resident, or tenant in such amounts and subject to such conditions as the Secretary of Agriculture determines are appropriate and in the public interest for carrying out the land use and conservation treatment set forth in the agreement. Grants made under this section shall not exceed 80 per centum of the cost of carrying out such land uses and conservation treatment on not more than one hundred acres of land occupied by such owner including water rights owners, resident or tenant, or on not more than one hundred acres of land which has been purchased jointly by such landowners including water rights owners, residents, or tenants under an agreement for the enhancement of water quality or quantity or on land which has been acquired by an appropriate State or local agency for the purpose of implementing such agreement; except the Secretary may reduce the matching cost share where he determines that (1) the main benefits to be derived from the project are related to improving off-site water quality, off-site esthetics values, or other off-site benefits, and (2) the matching share requirement would place a burden on the landowner which would probably prevent him from participating in the program.

(e) The Secretary of Agriculture may terminate any agreement with a landowner including water right owners, operator, or occupier by mutual agreement if the Secretary of Agriculture determines that such termination would be in the public interest, and may agree to such modification of agreements previously entered into hereunder as he deems desirable to carry out the purposes of this section or to facilitate the practical administration of the program authorized herein.

(f) Notwithstanding any other provision of law, the Secretary of Agriculture, to the extent he deems it desirable to carry out the purposes of this section, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

(g) The Secretary of Agriculture shall be authorized to issue such rules and regulations as he determines are necessary to carry out the provisions of this section.

(h) In carrying out the provisions of this section, the Secretary of Agriculture shall utilize the services of the Soil Conservation Service.

(i) Funds shall be made available to the Secretary of Agriculture for the purposes of this section, as provided in section 401(c).

ACQUISITION AND RECLAMATION OF ABANDONED AND UNCLAIMED MINED LANDS

SEC. 405. (a)(1) The Congress hereby declares that the acquisition of any interest in land or mineral rights in order to eliminate hazards to the environment or to the health or safety of the public from mined lands, or to construct, operate, or manage reclamation facilities and projects constitutes acquisition for a public use or purpose, notwithstanding that the Secretary plans to hold the interest in land or mineral rights so acquired as an open space or for recreation, or to resell the land following completion of the reclamation facility or project.

(2) The Secretary may acquire by purchase, donation, or otherwise, land or any interest therein which has been affected, by surface mining and has not been reclaimed to its approximate original condition. Prior to making any acquisition of land under this section, the Secretary shall make a thorough study with respect to those tracts of land which are available for acquisition under this section and based upon those findings he shall select lands for purchase according to the priorities established in section 402. Title to all lands or interests therein acquired shall be taken in the name of the United States. The price paid for land under this section shall take into account the unrestored condition of the land. Prior to any individual acquisition under this section, the Secretary shall specifically determine the cost of such acquisition and reclamation and the benefits to the public to be gained therefrom.

(3) For the purposes of this section, when the Secretary seeks to acquire an interest in land or mineral rights, and cannot negotiate an agreement with the owner of such interest or right he shall request the Attorney General to file a condemnation suit and take interest or right, following a tender of just compensation awarded by a jury to such person. When the Secretary determines that time is of the essence because of the likelihood of continuing or increasingly harmful effects upon the environment which would substantially increase the cost or magnitude of reclamation or of continuing or increasingly serious threats to life, safety, or health, or to property, the Secretary may take such interest or rights immediately upon payment by the United States either to such person or into a court of competent jurisdiction of such amount as the Secretary shall estimate to be the fair market value of such interest or rights; except that the Secretary shall also pay to such person any further amount that may be subsequently awarded by a jury, with interest from the date of the taking.

(4) For the purposes of this section, when the Secretary taken action to acquire an interest in land and cannot determine which person or persons hold title to such interest or rights, the Secretary shall request the Attorney General to file a condemnation suit, and give notice, and may take such interest or rights immediately upon payment into court of such amount as the Secretary shall estimate to be the fair market value of such interest or rights. If a person or persons establishes title to such interest or rights within six years from the time of their taking, the court shall transfer the payment to such person or persons and the Secretary shall pay any further amount that may be agreed to pursuant to negotiations or awarded by a jury subsequent to the time of taking. If no person or persons establish title to the interest or rights within six years from the time of such taking, the payment shall revert to the Secretary and be deposited in the fund.

(5) States are encouraged to acquire abandoned and unreclaimed mined lands within their boundaries and to transfer such lands to the Secretary to be reclaimed under appropriate Federal regulations. The Secretary is authorized to make grants on a matching basis to States in such amounts as he deems appropriate for the purpose of carrying out the provisions of this title but in no event shall any grant exceed 90 per centum of the cost of acquisition of the lands for which the grant is made. When a State has made any such land available to the Federal Government under this title, such State shall have a preference right to purchase such lands after reclamation at fair market value less the State portion of the original acquisition price. Notwithstanding the provisions of paragraph (1) of this subsection, reclaimed land may be sold to the State or local government in which it is located at a price less than fair market value, which in no case shall be less than the cost to the United States of the purchase and reclamation of the land, as negotiated by the Secretary, to be used for a valid public purpose. If any land sold to a State or local government under this paragraph is not used for a valid public purpose as specified by the Secretary in the terms of the sales agreement then all right, title, and interest in such land shall revert to the United States. Money received from such sale shall be deposited in the fund.

(6) The Secretary shall prepare specifications for the reclamation of lands acquired under this section. In preparing these specifications, the Secretary shall utilize the specialized knowledge or experience of any Federal department or agency which can assist him in the development or implementation of the reclamation program required under this title.

(7) In selecting lands to be acquired pursuant to this section and in formulating regulations for the making of grants to the States to acquire lands pursuant to this title, the Secretary shall give priority to lands in their unreclaimed state which will meet the objectives as stated in section 402 above when reclaimed. For those lands which are reclaimed for public recreational use, the revenue derived from such lands shall be used first to assure proper maintenance of such funds and facilities thereon and any remaining moneys shall be deposited in the funds.

(8) Where land reclaimed pursuant to this section is deemed to be suitable for industrial, commercial, residential, or private recreational development, the Secretary may sell such land by public sale under a system of competitive bidding, at not less than fair market value and under such other regulations as he may promulgate to insure that such lands are put to proper use, as determined by the Secretary. If any such land sold is not put to the use specified by the Secretary in the terms of the sales agreement, then all right, title, and interest in such land shall revert to the United States. Money received from such sale shall be deposited in the fund.

(9) The Secretary shall hold a public hearing, with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired to be reclaimed pursuant to this title are located. The hearings shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use of the lands once reclaimed.

(10) The Secretary shall utilize all available data and information on reclamation needs and measures, including the data and information developed by the Corps of Engineers in conducting the National Strip Mine Study authorized by section 233 of the Flood Control Act of 1970. In connection therewith the Secretary may call on the Secretary of the Army, acting through the Chief of Engineers, to assist him in conducting, operating, or managing reclamation facilities and projects, including demonstration facilities and projects, conducted by the Secretary pursuant to this section.

(b)(1) The Secretary is authorized to use money in the fund to acquire, reclaim, develop, and transfer land to any State, or any department, agency, or instrumentality of a State or of a political subdivision thereof, or to any person, firm, association, or corporation if he determines that such is an integral and necessary element of an economically feasible plan for a project to construct or rehabilitate housing for persons employed in mines or work incidental thereto, persons disabled as the result of such employment, persons displaced by governmental action, or persons dislocated as the result of natural disasters or catastrophic failure from any cause. Such activities shall be accomplished under such terms and conditions as the Secretary shall require, which may include transfers of land with or without monetary consideration: *Provided*, That, to the extent that the consideration is below the fair market value of the land transferred, no portion of the difference between the fair market value and the consideration shall accrue as a profit to such person, firm, association, or corporation. Land development may include the construction of public facilities or other improvements including reasonable site work and offsite improvements such as sewer and water extensions which the Secretary determines necessary or appropriate to the economic feasibility of a project. No part of the funds provided under this title may be used to pay the actual construction costs of housing.

(2) The Secretary may carry out the purposes of this subsection directly or he may make grants and commitments for grants, and may advance money under such terms and conditions as he may require to any State, or any department, agency, or instrumentality of a State, or any public body or nonprofit organization designated by a State.

(3) The Secretary may provide, or contract with public and private organizations to provide information, advice, and technical assistance, including demonstrations, in furtherance of this subsection.

(4) The Secretary may make expenditures to carry out the purposes of this subsection without regard to the provisions of section 403, in any area experiencing a rapid development of its coal resources which the Secretary has determined does not have adequate facilities.

FILLING VOIDS AND SEALING TUNNELS

SEC. 406. (a) The Congress declares that voids and open and abandoned tunnels, shafts, and entryways resulting from any mining operation constitute a hazard to the public health or safety. The Secretary, at the request of the Governor of any State, is authorized to fill such voids and seal such abandoned tunnels, shafts, and entryways which the Secretary determines could endanger life and property or constitute a hazard to the public health or safety.

(b) In those instances where mine waste piles are being reworked for coal conservation purposes, the incremental costs of disposing of the wastes from such operations by filling voids and sealing tunnels may be eligible for funding providing that the disposal of these wastes meet the purposes of this section.

(c) The Secretary may acquire by purchase, donation, or otherwise such interest in land as he determines necessary to carry out the provisions of this section.

FUND REPORT

SEC. 407. Not later than January 1, 1976, and annually thereafter, the Secretary shall report to the Congress on operations under the fund together with his recommendations as to future uses of the fund.

TRANSFER OF FUNDS

SEC. 408. The Secretary of the Interior may transfer funds to other appropriate Federal agencies, in order to carry out the reclamation activities authorized by this title.

TITLE V—CONTROL OF THE ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING

ENVIRONMENTAL PROTECTION STANDARDS

SEC. 501. Not later than the end of the one-hundred-and-eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations setting mining and reclamation performance standards based on and incorporating the provisions of title V and establishing procedures and requirements for preparation, submission, and approval of State programs and development and implementation of Federal programs under this title. Such regulations shall not be promulgated and published by the Secretary until he has—

(A) published proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than forty-five days after such publication to submit written comments thereon;

(B) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those regulations promulgated under this section which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857); and

(C) held at least one public hearing on the proposed regulations.

The date, time, and place of any hearing held on the proposed regulations shall be set out in the publication of the proposed regulations. The Secretary shall consider all comments and relevant data presented at such hearing before final promulgation and publication of the regulations.

INITIAL REGULATORY PROCEDURES

SEC. 502. (a) No person shall open or develop any new or previously minded or abandoned site for surface coal mining operations on lands on which such operations are regulated by a State unless such person has obtained a permit from the State regulatory authority.

(b) All surface coal mining operations on lands on which such operations are regulated by a State which commence operations pursuant to a permit issued on or after the date of enactment of this Act shall comply, and such permits shall contain terms requiring compliance with the provisions of subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act.

(c) On and after one hundred and thirty-five days from the date of enactment of this Act, all surface coal mining operations on lands on which such operations are regulated by a State which are in operation pursuant to a permit issued before the date of enactment of this Act shall comply with the provisions of subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act, with respect to lands from which overburden and the coal seam being mined have not been removed.

(d) Upon the request of the permit applicant or permittee subsequent to a written finding by the regulatory authority and under the conditions and procedures set forth in subsection 515(c), the regulatory authority may grant variances from the requirement to restore to approximate original contour set forth in subsections 515(b)(3) and 515(d).

(e) Not later than twenty months from the date of enactment of this Act, all operators of surface coal mines in expectation of operating such mines after the date of approval of a State program, or the implementation of a Federal program, shall file an application for a permit with the regulatory authority, such application to cover those lands to be mined after the date of approval of the State program. The regulatory authority shall process such applications and grant or deny a permit within six months after the date of approval of the State program, but in no case later than thirty months from the date of enactment of this Act.

(f) No later than one hundred and thirty-five days from the date of enactment of this Act, the Secretary shall implement a Federal enforcement program which shall remain in effect in each State in which there is surface coal mining until the State program has been approved pursuant to this Act or until a Federal program has been implemented pursuant to this Act. The enforcement program shall—

(1) include inspections of surface coal mine sites which shall be made on a random basis (but at least one inspection for every site every three months), without advance notice to the mine operator and for the purpose of ascertaining compliance with the standards of subsection (b) above. The Secretary shall order any necessary enforcement action to be implemented pursuant to the Federal enforcement provision of this title to correct violations identified at the inspections;

(2) provide that upon receipt of inspection reports indicating that any surface coal mining operation has been found in violation of section (b) above, during not less than two consecutive State inspections or upon receipt by the Secretary of information which would give rise to reasonable belief that such standards are being violated by any surface coal mining operation, the Secretary shall order the immediate inspection of such operation by Federal inspectors and the necessary enforcement actions, if any, to be implemented pursuant to the Federal enforcement provisions of this title. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such persons when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection;

(3) for purposes of this section, the term "Federal inspector" means personnel of the Office of Surface Mining Reclamation and Enforcement and such additional personnel of the United States Geological Survey, Bureau of Land Management, or of the Mining Enforcement and Safety Administration so designated by the Secretary, or such other personnel of the Forest Service, Soil Conservation Service, or the Agricultural Stabilization and Conservation Service as arranged by appropriate agreement with the Secretary on a reimbursable or other basis;

(4) provide that the State regulatory agency file with the Secretary and with a designated Federal office centrally located in the county or area in which the inspected surface coal mine is located copies of inspection reports made;

(5) provide that moneys authorized by section 714 shall be available to the Secretary prior to the approval of a State program pursuant to this Act to reimburse the States for conducting those inspections in which the standards of this Act are enforced and for the administration of this section.

(g) Following the final disapproval of a State program, and prior to promulgation of a Federal program or a Federal lands program pursuant to this Act, including judicial review of such a program, existing surface coal mining operations may continue surface mining operations pursuant to the provisions of section 502 of this Act.

STATE PROGRAMS

SEC. 503. (a) Each State in which there is or may be conducted surface coal mining operations, and which wishes to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations, except as provided in section 521 and title IV of this Act shall submit to the Secretary, by the end of the eighteen-month period beginning on the date of enactment of this Act, a State program which demonstrates that such State has the capability of carrying out the provisions of this Act and meeting its purposes through—

(1) a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act and the regulations issued by the Secretary pursuant to this Act;

(2) a State law which provides sanctions for violations of State laws, regulations, or conditions of permits concerning surface coal mining and reclamation operations, which sanctions shall meet the minimum requirements of this Act, including civil and criminal actions, forfeiture of bonds, suspension, revocation, and withholding of permits, and the issuance of cease-and-desist orders by the State regulatory authority or its inspectors;

(3) a State regulatory authority with sufficient administrative and technical personnel, and sufficient funding to enable the State to regulate surface coal mining and reclamation operations in accordance with the requirements of this Act;

(4) a State law which provides for the effective implementation, maintenance, and enforcement of a permit system, meeting the requirements of this title for the regulation of surface coal mining and reclamation operations for coal on lands within the State;

(5) establishment of a process for the designation of areas as unsuitable for surface coal mining in accordance with section 522;

(6) establishment, for the purposes of avoiding duplication, of a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other Federal or State permit process applicable to the proposed operations.

(b) The Secretary shall not approve any State program submitted under this section until he has—

(1) solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State program;

(2) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of a State program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857);

(3) held at least one public hearing on the State program within the State; and

(4) found that the State has the legal au-

thority and qualified personnel necessary for the enforcement of the environmental protection standards.

The Secretary shall approve or disapprove a State program, in whole or in part, within six full calendar months after the date such State program was submitted to him.

(c) If the Secretary disapproves any proposed State program in whole or in part, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State program, or portion thereof. The Secretary shall approve or disapprove the resubmitted State program or portion thereof within sixty days from the date of resubmission.

(d) For the purposes of this section and section 504 the inability of a State to take any action the purpose of which is to prepare, submit, or enforce a State program, or any portion thereof, because the action is enjoined by the issuance of an injunction by a court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under titles IV and VII of this Act or in the imposition of a Federal program. Regulation of the surface coal mining and reclamation operations covered or to be covered by the State program subject to the injunction shall be conducted by the State pursuant to section 502 of this Act, until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of sections 503 and 504 shall again be fully applicable.

FEDERAL PROGRAMS

SEC. 504. (a) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement a Federal program for a State no later than thirty months after the date of enactment of this Act if such State—

(1) fails to submit a State program covering surface coal mining and reclamation operations by the end of the eighteen-month period beginning on the date of enactment of this Act;

(2) fails to resubmit an acceptable State program within sixty days of disapproval of a proposed State program: *Provided*, That the Secretary shall not implement a Federal program prior to the expiration of the initial period allowed for submission of a State program as provided for in clause (1) of this subsection; or

(3) fails to implement, enforce, or maintain its approved State program as provided for in this Act.

If State compliance with clause (1) of this subsection requires an act of the State legislature the Secretary may extend the period for submission of a State program up to an additional six months. Promulgation and implementation of a Federal program vests the Secretary with exclusive jurisdiction for the regulation and control of surface coal mining and reclamation operations taking place on lands within any State not in compliance with this Act. After promulgation and implementation of a Federal program the Secretary shall be the regulatory authority if a Federal program is implemented for a State, subsections 552 (a), (c), and (d) shall not apply for a period of one year following the date of such implementation. In promulgating and implementing a Federal program for a particular State the Secretary shall take into consideration the nature of that State's terrain, climate, biological, chemical, and other relevant physical conditions.

(b) In the event that a State has a State program for surface coal mining, and is not enforcing any part of such program, the Secretary may provide for the Federal enforcement, under the provisions of section 521, of that part of the State program not being enforced by such State.

(c) Prior to promulgation and implementation of any proposed Federal program, the Secretary shall give adequate public notice and hold a public hearing in the affected State.

(d) Permits issued pursuant to an approved State program shall be valid but reviewable under a Federal program. Immediately following promulgation of a Federal program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not violated. If the Secretary determines any permit to have been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of the Federal program.

(e) A State which has failed to obtain the approval of a State program prior to implementation of a Federal program may submit a State program at any time after such implementation. Upon the submission of such a program, the Secretary shall follow the procedures set forth in section 503(b) and shall approve or disapprove the State program within six months after its submittal. Approval of a State program shall be based on the determination that the State has the capability of carrying out the provisions of this Act and meeting its purposes through the criteria set forth in section 503(a) (1) through (6). Until a State program is approved as provided under this section, the Federal program shall remain in effect and all actions taken by the Secretary pursuant to such Federal program, including the terms and conditions of any permit issued thereunder, shall remain in effect.

(f) Permits issued pursuant to the Federal program shall be valid but reviewable under the approved State program. The State regulatory authority may review such permits to determine that the requirements of this Act and the approved State program are not violated. If the State regulatory authority determines any permit to have been granted contrary to the requirements of this Act or the approved State program, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of this Act or approved State program.

(g) Whenever a Federal program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface mining and reclamation operations subject to this Act shall, insofar as they interfere with the achievement of the purposes and the requirements of this Act and the Federal program, be preempted and superseded by the Federal program.

(h) Any Federal program shall include a process for coordinating the review and issuance of permits for surface mining and reclamation operations with any other Federal or State permit process applicable to the proposed operation.

STATE LAWS

SEC. 505. (a) No State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation issued pursuant thereto, except insofar as such State law or regulation is inconsistent with the provisions of this Act.

(b) Any provision of any State law or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent land use and environmental controls and regulations of surface coal mining and reclamation operations than do the provisions of this Act or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act. Any provision of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the control and regulation of surface mining and reclamation operations for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

(c) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable State law, his interest in water resources affected by a surface coal mining operation.

PERMITS

SEC. 506. (a) After six months from the date of approval of the State program or the implementation of the Federal program, no person shall engage in or carry out on lands within a State any surface coal mining operations unless such person has first obtained a permit issued by such State pursuant to an approved State program or by the Secretary pursuant to a Federal program; except a person conducting surface coal mining operations under a valid permit from the State regulatory authority may conduct such operations beyond such period if an application for a permit has been filed in accordance with the provisions of this Act, but the initial administrative decision has not been rendered.

(b) All permits issued pursuant to the requirements of this Act shall be issued for a term not to exceed five years and shall be nontransferable: *Provided*, That a successor in interest to a permittee who applies for a new permit within thirty days of succeeding to such interest and who is able to obtain the bond coverage of the original permittee may continue surface coal mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until such successor's application is granted or denied.

(c) Unless otherwise provided in the permit, a permit shall terminate if the permittee has not commenced the surface coal mining and reclamation operations covered by such permit within three years of the issuance of the permit.

(d) (1) Any valid permit issued pursuant to this Act shall carry with it the right of successive renewal upon expiration with respect to areas within the boundaries of the existing permit. The holder of the permit may apply for renewal and such renewal shall be issued, subsequent to public hearing upon the following requirements and written finding by the regulatory authority that—

(A) the terms and conditions of the existing permit are being satisfactorily met;

(B) the present surface coal mining and reclamation operation is in full compliance with the environmental protection standards of this Act and the approved State plan pursuant to this Act;

(C) the renewal requested does not jeopardize the operator's continuing responsibility on existing permit areas;

(D) the operator has provided evidence that the performance bond in effect for said operation will continue in full force and effect for any renewal requested in such application as well as any additional bond the regulatory authority might require pursuant to section 509; and

(E) any additional revised or updated information required by the regulatory authority has been provided. Prior to the approval of any extension of permit the regulatory authority shall provide notice to the appropriate public authorities.

(2) If an application for renewal of a

valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for revision of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new applications under this Act.

(3) Any permit renewal shall be for a term not to exceed the period of the original permit established by this Act. Application for permit renewal shall be made at least one hundred and twenty days prior to the expiration of the valid permit.

APPLICATION REQUIREMENTS

SEC. 507. (a) Each application for a surface coal mining and reclamation permit pursuant to an approved State program or a Federal program under the provisions of this Act shall be accompanied by a fee as determined by the regulatory authority. Such fee shall be based as nearly as possible upon the actual or anticipated cost of reviewing, administering, and enforcing such permit issued pursuant to a State or Federal program. The regulatory authority may develop procedures so as to enable the cost of the fee to be paid over the term of the permit.

(b) The permit application shall be submitted in a manner satisfactory to the regulatory authority and shall contain, among other things—

(1) the names and addresses of (A) the permit applicant; (B) every legal owner of record of the property (surface and mineral) to be mined; (C) the holders of record of any leasehold interest in the property; (D) any purchaser of record of the property under a real estate contract; (E) the operator if he is a person different from the applicant; and (F) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and resident agent;

(2) the names and addresses of the owners of record of all surface and subsurface areas within five hundred feet of any part of the permit area;

(3) a statement of any current or previous surface coal mining permits in the United States held by the applicant and the permit identification;

(4) if the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person owning, of record or beneficially either alone or with associates, 10 per centum or more of any class of stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface mining operation within the United States;

(5) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held a Federal or State mining permit which subsequent to 1960 has been suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved;

(6) a copy of the applicant's advertisement to be published in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks, and which includes the ownership, a description of the exact location and boundaries of the proposed site sufficient so that the proposed operation is readily locatable by local residents, and the location of where the application is available for public inspection;

(7) a description of the type and method of coal mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used;

(8) the anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected;

(9) evidence of the applicant's legal right to enter and commence surface mining operations on the area affected;

(10) the name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged;

(11) a determination of the hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding area so that an assessment can be made of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability;

(12) when requested by the regulatory authority, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges;

(13) an accurate map or plan to an appropriate scale clearly showing (A) the land to be affected as of the date of application and (B) all types of information set forth on topographical maps of the United States Geological Survey of a scale of 1:24,000 or larger, including all manmade features and significant known archeological sites existing on the date of application. Such a map or plan shall among other things specified by the regulatory authority show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all surface areas abutting the permit area, and the location of all buildings within one thousand feet of the permit area;

(14) cross-section maps or plans of the land to be affected including the actual area to be mined, prepared by or under the direction of and certified by a registered professional engineer, or registered land surveyor and a professional geologist (when specific subsurface information is deemed essential and requested by the regulatory authority), showing pertinent elevation and location of test borings or core samplings and depicting the following information: the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined within the area of land to be affected; existing or previous surface mining limits; the location and extent of known workings or any underground mines, including mine openings to the surface; the location of aquifers; the estimated elevation of the water table; the location of spoil, waste, or refuse areas and topsoil preservation areas; the location of all impoundments for waste or erosion control; any settling or water treatment facilities; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan;

(15) a statement of the results of test borings or core samplings from the permit area, including logs of the drill holes; the thickness of the coal seam found, an analysis of the chemical properties of such coal; the sulfur content of any coal seam; chemical analysis of potentially acid or toxic forming sections of the overburden; and chemical analysis of the stratum lying immediately underneath the coal to be mined; and

(16) information pertaining to coal seams, test borings, or core samplings as required by this section shall be made available to any person with an interest which is or may be adversely affected: *Provided*, That information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding such mineral or elemental content which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

(c) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought, or evidence that the applicant has satisfied other State or Federal self-insurance requirements. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface coal mining and reclamation operations and entitled to compensation under the applicable provisions of State law. Such policy shall be maintained in full force and effect during the term of the permit or any renewal, including the length of all reclamation operations.

(d) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a reclamation plan which shall meet the requirements of this Act.

(e) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with the recorder at the courthouse of the county or an appropriate official approved by the regulatory authority where the mining is proposed to occur, except for that information pertaining to the coal seam itself.

RECLAMATION PLAN REQUIREMENTS

SEC. 508. (a) Each reclamation plan submitted as part of a permit application pursuant to any approved State program or a Federal program under the provisions of this Act shall include, in the degree of detail necessary to demonstrate that reclamation required by the State or Federal program can be accomplished, a statement of:

(1) the identification of the entire area to be mined and affected over the estimated life of the mining operation and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought;

(2) the condition of the land to be covered by the permit prior to any mining including:

(A) the uses existing at the time of the application, and if the land has a history of previous mining, the uses which preceded any mining; and

(B) the capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover;

(3) the use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of any State and local governments or agencies thereof which would have to approve or authorize the proposed use of the land following reclamation;

(4) a detailed description of how the proposed post-mining land use is to be achieved

and the necessary support activities which may be needed to achieve the proposed land use;

(5) the engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation (where vegetation existed immediately prior to mining); and estimate of the cost per acre of the reclamation, including a statement as to how the permittee plans to comply with each of the requirements set out in section 515;

(6) the steps to be taken to comply with applicable air and water quality laws and rgeulations and any applicable health and safety standards;

(7) the consideration which has been given to developing the reclamation plan in a manner consistent with local, physical environmental, and climatological conditions and current mining and reclamation technologies;

(8) the consideration which has been given to insuring the maximum practicable recovery of the mineral resource;

(9) a detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

(10) the consideration which has been given to making the surface mining and reclamation operations consistent with applicable State and local land use plans and programs;

(11) all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;

(12) the results of test borings which the applicant has made at the area to be covered by the permit, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the mineral and overburden: *Provided*, That information about the mineral shall be withheld by the regulatory authority if the applicant so requests;

(13) a detailed description of the measures to be taken during the mining and reclamation process to assure the protection of (A) the quantity and quality of surface and ground water systems, both on- and offsite, from adverse effects of the mining and reclamation process, and (B) the rights of present users to such water; and

(14) such other requirements as the regulatory authority shall prescribe by regulation.

(b) Any information required by this section which is not on public file pursuant to State law shall be held in confidence by the regulatory authority.

PERFORMANCE BONDS

SEC. 509. (a) After a surface coal mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond for performance payable, as appropriate, to the United States or to the State, and conditional upon faithful performance of all the requirements of this Act and the permit. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the regulatory authority an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit and shall be determined by the regulatory authority on the basis of at least two independent estimates. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by a third party in the event of forfeiture and in no case shall the bond be less than $10,000.

(b) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for a period coincident with the operator's responsibility for vegetation requirements in section 515. The bond shall be executed by the operator and a corporate surety licensed to do business in the State where such operation is located, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or such State, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(c) The regulatory authority may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the regulatory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount.

(d) Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit.

(e) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the regulatory authority from time to time as affected land acreages are increased or decreased or where the cost of future reclamation obviously changes.

PERMIT APPROVAL OR DENIAL

SEC. 510. (a) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this Act and pursuant to an approved State program or Federal program under the provisions of this Act, including public notification and an opportunity for a public hearing as required by section 513, the regulatory authority shall grant or deny the application for a permit and notify the applicant in writing. Within ten days after the granting of a permit, the regulatory authority shall notify the State and the local official who has the duty of collecting real estate taxes in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(b) No permit, revision, or renewal application shall be approved unless the application affirmatively demonstrates and the regulatory authority finds in writing on the basis of the information set forth in the application or from information otherwise available which will be documented in the approval, and made available to the applicants, that—

(1) all the requirements of this Act and the State or Federal program have been complied with;

(2) the applicant has demonstrated that reclamation as required by this Act and the State or Federal program can be accomplished under the reclamation plan contained in the permit application;

(3) the assessment of the probable cumulative impact of all anticipated mining in the area on the hydrologic balance specified in section 507(b) has been made and the proposed operation thereof has been designed to prevent to the maximum extent possible, using the best available technology, irreparable offsite impacts to hydrologic balance;

(4) the area proposed to be mined is not included within an area designated unsuitable for surface coal mining pursuant to section 522 of this Act or is not within an area being considered for such designation (unless in such an area as to which an administrative proceeding has commenced pursuant to section 522(a)(4)(D) of this Act, the operator making the permit application demonstrates that, prior to September 1, 1974, he has made substantial legal and financial commitments in relation to the operation for which he is applying for a permit); and

(5) the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would not have a substantial adverse effect on croplands or haylands overlying alluvial valley floors where such croplands or haylands are significant to the practice of farming or ranching operations.

(c) The applicant shall file with his permit application a schedule listing any and all notices of violations of this Act and any law, rule, or regulation of the United States or of any department or agency in the United States pertaining to air or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the one-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation. Where the schedule or other information available to the regulatory authority indicates that any surface coal mining operation owned or controlled by the applicant is currently in violation of this Act or such other laws referred to in this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority, department, or agency which has jurisdiction over such violation.

REVISION OF PERMITS

SEC. 511. (a)(1) During the term of the permit the permittee may submit an application, together with a revised reclamation plan, to the regulatory authority for a revision of the permit.

(2) An application for a revision of a permit shall not be approved unless the regulatory authority finds that reclamation as required by this Act and the State or Federal program can be accomplished under the revised Reclamation Plan. The revision shall be approved or disapproved within a period of time established by the State or Federal program. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided*, That any revisions which propose a substantial change in the intended future use of the land or significant alterations in the Reclamation Plan shall, at a minimum be subject to notice and hearing requirements.

(3) Any extension to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this Act shall be made without the written approval of the regulatory authority.

(c) The regulatory authority may require reasonable revision or modification of the permit provisions during the term of such permit: *Provided*, That such revision or modification shall be subject to notice and hearing requirements established by the State or Federal program.

COAL EXPLORATION PERMITS

SEC. 512. (a) Each State program or Federal program shall include a requirement that coal exploration operations which substantially disturb the natural land surface be conducted under a permit issued by the regulatory authority.

(b) Each application for a coal exploration permit pursuant to an approved State or Federal program under the provisions of this Act shall be accompanied by a fee established by the regulatory authority. Such fee shall be based, as nearly as possible, upon the actual or anticipated cost of reviewing, administering, and enforcing such permit issued pursuant to a State or Federal program. The application and supporting technical data shall be submitted in a manner satisfactory to the regulatory authority and shall include a description of the purpose of the proposed exploration project. The supporting technical data shall include, among other things:

(1) a general description of the existing environment;

(2) the location of the area of exploration by either metes or bounds, lot, tract, range, or section, whichever is most applicable, including a copy of the pertinent United States Geological Survey topographical map or maps with the area to be explored delineated thereon;

(3) a description of existing roads, railroads, utilities, and rights-of-way, if not shown on the topographical map;

(4) the location of all surface bodies of water, if not shown on the topographical map;

(5) the planned approximate location of any access roads, cuts, drill holes, and necessary facilities that may be constructed in the course of exploration, all of which shall be plotted on the topographical map;

(6) the estimated time of exploration;

(7) the ownership of the surface land to be explored;

(8) a statement describing the right by which the applicant intends to pursue his exploration activities and a certification that notice of intention to pursue such activities has been given to the surface owner;

(9) provisions for reclamation of all land disturbed in exploration, including excavations, roads, drill holes, and the removal of necessary facilities and equipment; and

(10) such other information as the regulatory authority may require.

(c) Specifically identified information submitted by the applicant in the application and supporting technical data as confidential concerning trade secrets or privileged commercial or financial information which relates to the competitive rights of the applicant shall not be available for public examination.

(d) If an applicant is denied a coal exploration permit under this Act, or if the regulatory authority fails to act within a reasonable time, then the applicant may seek relief under the appropriate administrative procedures.

(e) Any person who conducts any coal exploration activities in connection with surface coal mining operations under this Act without first having obtained a permit to explore from the appropriate regulatory authority or shall fail to conduct such exploration activities in a manner consistent with his approved coal exploration permit, shall be subject to the provisions of section 518.

PUBLIC NOTICE AND PUBLIC HEARINGS

SEC. 513. (a) At the time of submission of an application for a surface coal mining and reclamation permit, or revision of an existing permit, pursuant to the provisions of this Act or an approved State program, the applicant shall submit to the regulatory authority a copy of his advertisment of the ownership, precise location, and boundaries of the land to be affected. At the time of submission such advertisement shall be placed in a local newspaper of general circulation in the locality of the proposed surface mine at least once a week for four consecutive weeks. The regulatory authority shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit number and where a copy of the proposed mining applications with respect to the effect spected. These local bodies, agencies, authorities, or companies have obligation to submit written comments within thirty days on the mining applications with respect to the effect of the proposed operation on the environment which are within their area of responsibility. Such comments shall be made available to the public at the same locations as are the mining applications.

(b) Any person with a valid legal interest or the officer or head of any Federal, State, or local governmental agency or authority shall have the right to file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operation with the regulatory authority within thirty days after the last publication of the above notice. If written objections are filed and a hearing requested, the regulatory authority shall then hold a public hearing in the locality of the proposed mining within a reasonable time of the receipt of such objections. The date, time, and location of such public hearing shall be advertised by the regulatory authority in a newspaper of general circulation in the locality at least once a week for three consecutive weeks prior to the scheduled hearing date. The regulatory authority may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed mining area for the purpose of gathering information relevant to the proceeding. At this public hearing, the applicant for a permit shall have the burden of establishing that his application is in compliance with the applicable State and Federal laws. Not less than ten days prior to any proposed hearing, the regulatory authority shall respond to the written objections in writing. Such response shall include the regulatory authority's preliminary proposals as to the terms and conditions, and amount of bond of a possible permit for the area in question and answers to material factual questions presented in the written objections. The regulatory authority's responsibility under this subsection shall in any event be to make publicly available its estimate as to any other conditions of mining or reclamation which may be required or contained in the preliminary proposal. In the event all parties requesting the hearing stipulate agreement prior to the requested hearings, and withdraw their request, such hearings need not be held.

(c) For the purpose of such hearing, the regulatory authority may administer oaths, subpena witnesses, or written or printed materials, compel attendance of the witnesses, or production of the materials, and take evidence including but not limited to site inspections of the land to be affected and other surface coal mining operations carried on by the applicant in the general vicinity of the proposed operation. A verbatim transcript and complete record of each public hearing shall be ordered by the regulatory authority.

DECISIONS OF REGULATORY AUTHORITY AND APPEALS

SEC. 514. (a) If a public hearing has been held pursuant to section 513(b), the regulatory authority shall issue and furnish the applicant for a permit and persons who are parties to the administrative proceedings with the written finding of the regulatory authority, granting or denying the permit in whole or in part and stating the reasons therefor, within thirty days of said hearings.

(b) If there has been no public hearing held pursuant to section 513(b), the regulatory authority shall notify the applicant for a permit within a reasonable time, taking into account the time needed for proper investigation of the site, the complexity of the permit application and whether or not written objection to the application has been filed, whether the application has been approved or disapproved. If the application is approved, the permit shall be issued. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for the said disapproval. The regulatory authority shall hold a hearing within thirty days of such request and provide notification to all interested parties at the time that the applicant is so notified. Within thirty days after the hearing the regulatory authority shall issue and furnish the applicant, and all persons who participated in the hearing, with the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

(c) Any applicant or any person who has participated in the administrative proceedings as an objector, and who is aggrieved by the decision of the regulatory authority, or if the regulatory authority fails to act within a reasonable period of time, shall have the right of appeal for review by a court of competent jurisdiction in accordance with State or Federal law.

ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

SEC. 515. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable performance standards of this Act, and such other requirements as the regulatory authority shall promulgate.

(b) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operation as a minimum to—

(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that reaffecting the land in the future through surface coal mining can be minimized;

(2) restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is a reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of Federal, State, or local law;

(3) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this Act): *Provided, however,* That in surface coal mining which is carried out at the same location over a substantial period of time where the operation transects the coal deposit, and the thickness

of the coal deposits relative to the volume of the overburden is large and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region: *And provided further,* That in surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this Act;

(4) stabilize and protect all surface areas including spoil piles affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution;

(5) remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plan or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation;

(6) restore the topsoil or the best available subsoil which has been segregated and preserved;

(7) protect offsite areas from slides or damage occurring during the surface coal mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(8) create, if authorized in the approved mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that—

(A) the size of the impoundment is adequate for its intended purposes;

(B) the impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006);

(C) the quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality in the receiving stream;

(D) the level of water will be reasonably stable;

(E) final grading will provide adequate safety and access for proposed water users; and

(F) such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;

(9) fill all auger holes with an impervious and noncombustible material in order to prevent drainage;

(10) minimize the disturbances to the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters;

(B) conducting surface coal mining operations so as to prevent to the maximum extent possible, using the best available technology, additional contributions of suspended solids to streamflow or runoff outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(C) removing temporary or large siltation structures from drainways after disturbed areas are revegetated and stabilized;

(D) restoring recharge capacity of the mined area to approximate premining conditions;

(E) replacing the water supply of an owner of any interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground source other than a subterranean stream channel where such supply has been affected by contamination, diminution, or interruption proximately resulting from mining;

(F) preserving to the maximum extent possible, using the best available technology, throughout the mining and reclamation process the hydrologic integrity of alluvial valley floors in the arid and semiarid areas of the country; and

(G) such other actions as the regulatory authority may prescribe;

(11) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this Act;

(12) refrain from surface coal mining within five hundred feet from active and abandoned underground mines in order to prevent break-throughs and to protect health or safety of miners: *Provided,* That the regulatory authority shall permit an operator to mine closer to an abandoned underground mine: *Provided,* That this does not create hazards to the health and safety of miners; or shall permit an operator to mine near, through or partially through an abandoned underground mine working where such mining through will achieve improved resource recovery, abatement of water pollution or elimination of public hazards and such mining shall be consistent with the provisions of the Act;

(13) with respect to the use of existing or new impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes, incorporate the best engineering practices for the design and construction of water retention facilites and construct or reconstruct such facilities to insure that the construction will be so designed to achieve necessary stability with an adequate margin of safety to protect the health and safety of the public and which at a minimum, is compatible with that of structures constructed under Public Law 83-566, (16 U.S.C. 1006); that leachate will not pollute surface or ground water, and that no mine waste such as coal fines and slimes determined as unsuitable for construction constituents by sound engineering methods and design practices are used in the construction of water impoundments, water retention facilities, dams, or settling ponds; and that the structures are located so as to minimize danger to the health and safety of the public if failure should occur;

(14) insure that all debris, acid forming materials, toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters or sustained combustion;

(15) insure that explosives are used only in accordance with existing State and Federal law and the regulations promulgated by the regulatory authority, which shall include provisions to—

(A) provide adequate advance written notice by publication and/or posting of the planned blasting schedule to local governments and to residents who might be affected by the use of such explosives and maintain for a period of at least two years a log of the magnitudes and times of blasts; and

(B) limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent (i) injury to persons, (ii) damage to public and private property outside the permit area, (iii) adverse impacts on any underground mine, and (iv) change in the course, channel, or availability of ground or surface water outside the permit area;

(16) insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface coal mining operations;

(17) insure that the construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property: *Provided,* That the regulatory authority may permit the retention after mining of certain access roads where consistent with State and local land use plans and programs and where necessary may permit a limited exception to the restoration of approximate original contour for that purpose;

(18) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;

(19) establish on the regraded areas, and all other lands affected, a diverse, effective and permanent vegetative cover native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except, that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan;

(20) assume the responsibility for success-

ful revegetation, as required by paragraph (19) above, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with paragraph (19) above, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operator's assumption of responsibility and liability will extend for a period of ten full years after the last year of augmented seeding, fertilizing, irrigation, or other work: *Provided*, That when the regulatory authority approves a long-term intensive agricultural postmining land use, the applicable five- or ten-year period of responsibility for revegetation shall commence at the date of initial planting for such long-term intensive agricultural postmining land use: *Provided further*, That when the regulatory authority issues a written finding approving a long-term, intensive, agricultural postmining land use as part of the mining and reclamation plan, the authority may grant exception to the provisions of paragraph (19) above; and

(21) meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this Act, taking into consideration the physical, climatological, and other characteristics of the site, and to insure the maximum practicable recovery of the mineral resources.

(c) (1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in paragraph (3) of this subsection.

(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a variance from the requirement to restore to approximate original contour set forth in subsection 515(b) (3) or 515(d) of this section may be granted for the surface mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill (except as provided in subsection (c) (4) (A) hereof) by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accord with the requirements of this subsection.

(3) In cases where an industrial, commercial (including commercial agricultural), residential or public facility (including recreational facilities) development is proposed for the postmining use of the affected land, the regulatory authority may grant a variance for a surface mining operation of the nature described in subsection (c) (2) where—

(A) after consultation with the appropriate land use planning agencies, if any, the proposed development is deemed to constitute an equal or better economic or public use of the affected land, as compared with the premining use;

(B) the equal or better economic or public use can be obtained only if one or more exceptions to the requirements of section 515(b) (3) are granted;

(C) the applicant presents specific plans for the proposed postmining land use and appropriate assurances that such use will be—

(i) compatible with adjacent land uses;

(ii) obtainable according to data regarding expected need and market;

(iii) assured of investment in necessary public facilities;

(iv) supported by commitments from public agencies were appropriate;

(v) practicable with respect to private financial capability for completion of the proposed development;

(vi) planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use; and

(vii) designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

(D) the proposed use would be consistent with adjacent land uses, and existing State and local land use plans and programs;

(E) the regulatory authority provides the governing body of the unit of general-purpose government in which the land is located and any State or Federal agency which the regulatory agency, in its discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use;

(F) a public hearing is held in the locality of the proposed surface coal mining operation prior to the grant of any permit including a variance; and

(G) all other requirements of this Act will be met.

(4) In granting any variance pursuant to this subsection the regulatory authority shall require that—

(A) the toe of the lowest coal seam mined and the overburden associated with it are retained in place as a barrier to slides and erosion;

(B) the reclaimed area is stable;

(C) the resulting plateau or rolling contour drains inward from the outslopes except at specified points;

(D) no damage will be done to natural water-courses;

(E) all other requirements of this Act will be met.

(5) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

(6) All exceptions granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(d) The following performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this section: *Provided, however*, That the provisions of this subsection (d) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area:

(1) Insure that when performing surface coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the downslope below the bench or mining cut, except that where necessary soil and spoil material from the initial block or short linear cut of earth necessary to obtain initial access to the coal seam in a new surface coal mining operation can be placed on a limited and specified area of the downslope below the initial cut if the permittee demonstrates that such soil or spoil material will not slide and that the other requirements of this subsection can still be met: *Provided*, That spoil material in excess of that required for the reconstruction of the approximately original contour under the provisions of paragraphs 515(b) (3) or 515(d) (2) or excess spoil from a surface coal mining operation granted a variance under subsection 515(c) may be permanently stored at such offsite spoil storage areas as the regulatory authority shall designate and for the purposes of this Act such areas shall be deemed in all respects to be part of the lands affected by surface coal mining operations. Such offsite spoil storage areas shall be designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.

(2) Complete backfilling with spoil material shall be required to cover completely the highwall and return to the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator may not disturb land above the top of the highwall unless the regulatory authority finds that such disturbance will facilitate compliance with the environmental protection standards of this section: *Provided, however*, That the land disturbed above the highwall shall be limited to that amount necessary to facilitate said compliance.

(4) For the purposes of this section, the term "steep-slope" is any slope above twenty degrees or such lesser slope as may be defined by the regulatory authority after consideration of soil, climate, and other characteristics of a region or State.

SURFACE EFFECTS OF UNDERGROUND COAL MINING OPERATIONS

SEC. 516. (a) The Secretary shall promulgate rules and regulations directed toward the surface effects of underground coal mining operations, embodying the following requirements and in accordance with the procedures established under section 501 of this Act.

(b) Each permit issued under any approved State or Federal program pursuant to this Act and relating to underground coal mining shall require the operator to—

(1) adopt measures consistent with known technology in order to prevent subsidence to the extent technologically and economically feasible, maximize mine stability, and maintain the value and use of such surface lands, except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner: *Provided*, That nothing in this subsection shall be construed to prohibit the standard method of room and pillar continuous mining;

(2) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine workings when no longer needed for the conduct of the mining operations;

(3) fill or seal exploratory holes no longer necessary for mining, maximizing to the extent practicable return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations;

(4) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the permittee from current operations through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure that the leachate will not pollute surface or ground waters and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(5) with respect to the use of existing or new impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes, incorporate the best engineering practices for the design and construction of water retention facilities and construct or reconstruct such facilities to insure that the construction will be so designed to achieve necessary stability with an adequate margin of safety to protect the health and safety of the public and which, at a minimum, is compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006); that the leachate will

not pollute surface or ground water, and that no mine waste such as coal fines and slimes determined as unsuitable for construction constituents by sound engineering methods and design practices are used in the construction of water impoundments, water retention facilities, dams, or settling ponds and that the structures are located so as to minimize danger to the health and safety of the public if failure should occur;

(6) establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area;

(7) protect offsite areas from damages which may result from such mining operations;

(8) eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public;

(9) minimize the disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas and to the quality and quantity of water in surface ground water systems both during and after coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and

(B) conducting surface coal mining operations so as to prevent to the maximum extent possible, using the best available technology, additional contributions of suspended soils to streamflow or runoff outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines.

(c) In order to protect the stability of the land, the regulatory authority shall suspend underground coal mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if he finds imminent danger to inhabitants of the urbanized areas, cities, towns, and communities.

(d) The provisions of title V of this Act relating to State and Federal programs, permits, bonds, inspections and enforcement, public review, and administrative and judicial review shall be applicable to surface coal mining and reclamation operations incident to underground coal mining with such modifications to the permits application requirements, permit approval or denial procedures, and bond requirements, as are deemed necessary by the Secretary due to the differences between surface and underground coal mining. The Secretary shall promulgate such modifications in accordance with the rulemaking procedure established in section 501 of this Act.

INSPECTIONS AND MONITORING

SEC. 517. (a) The Secretary shall cause to be made such inspections of any surface coal mining and reclamation operations as are necessary to evaluate the administration of approved State programs, or to develop or enforce any Federal program, and for such purposes authorized representatives of the Secretary shall have a right of entry to, upon, or through any surface coal mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any approved State or Federal program under this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of any such State or Federal program or any other requirement of this Act—

(1) the regulatory authority shall require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the regulatory authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as a regulatory authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the regulatory authority deems reasonable and necessary;

(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance of water use either on or off the mining site, the regulatory authority shall specify those—

(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water and aquifers potentially affected by the mining and also directly below the lower most (deepest) coal seam to be mined;

(C) records of well logs and borehole data to be maintained; and

(D) monitoring sites to record precipitation.

The monitoring, data collection, and analysis required by this section shall be conducted according to standards and procedures set forth by the regulatory authority in order to assure their reliability and validity;

(3) the authorized representatives of the regulatory authority, without advance notice and upon presentation of appropriate credentials (A) shall have the right of entry to, upon, or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(c) The inspections by the regulatory authority shall (1) occur on an irregular basis averaging not less than one inspection per month for the surface coal mining and reclamation operations for coal covered by each permit; (2) occur without prior notice to the permittee or his agents or employees; and (3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Act and the regulatory authority shall make copies of such inspection reports immediately and freely available to the public at a central location in the pertinent geographic area of mining. The Secretary or regulatory authority shall establish a system of continual rotation of inspectors so that the same inspector does not consistently visit the same operations.

(d) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operations.

(e) Each inspector, upon detection of each violation of any requirement of any State or Federal program or of this Act, shall forthwith inform the operator in writing, and shall report in writing any such violation to the regulatory authority.

(f) Copies of any records, reports, inspection materials, or information obtained under this title by the regulatory authority shall be made immediately available to the public at central and sufficient locations in the county, multicounty, and State area of mining so that they are conveniently available to residents in the areas of mining.

PENALTIES

SEC. 518. (a) In the enforcement of a Federal program or Federal lands program, or during Federal enforcement pursuant to section 502 or during Federal enforcement of a State program pursuant to section 521 of this Act, any permittee who violates any permit condition or who violates any other provision of this title, may be assessed a civil penalty by the Secretary, except that if such violation leads to the issuance of a cessation order under section 521, the civil penalty shall be assessed. Such penalty shall not exceed $5,000 for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations at the particular surface coal mining operation; the appropriateness of such penalty to the size of the business of the permittee charged; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

(b) A civil penalty shall be assessed by the Secretary only after the person charged with a violation described under subsection (a) of this section has been given an opportunity for a public hearing. Where such a public hearing has been held, the Secretary shall make findings of fact, and he shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. When appropriate, the Secretary shall consolidate such hearings with other proceedings under section 521 of this Act. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code. Where the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Secretary after the Secretary has determined that a violation did occur, and the amount of the penalty which is warranted, and has issued an order requiring that the penalty be paid.

(c) If no complaint, as provided in this section, is filed within thirty days from the date of the final order or decision issued by the Secretary under subsection (b) of this section, such order and decision shall be conclusive.

(d) Interest at the rate of 6 per centum per annum or at the prevailing Department of the Treasury borrowing rate, whichever is greater, shall be charged against a person on any unpaid civil penalty assessed against him pursuant to the final order of the Secretary, said interest to be computed from the thirty-first day after issuance of such final assessment order.

(e) Civil penalties owed under this Act, either pursuant to subsection (c) of this section or pursuant to an enforcement order entered under section 526 of this Act, may be recovered in a civil action brought by the Attorney General at the request of the Secretary in any appropriate district court of the United States.

(f) Any person who willfully and knowingly violates a condition of a permit issued pursuant to a Federal program, a Federal lands program or Federal enforcement pursuant to section 502 or during Federal enforcement of a State program pursuant to section 525 of this Act or fails or refuses to comply with any order issued under section 525 or section 526 of this Act, or any order incorporated in a final decision issued by the Secretary under this Act, except an order incorporated in a decision issued under subsection (b) of this section or section 704 of this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year or both.

(g) Whenever a corporate permittee violates a condition of a permit issued pursuant to a Federal program, a Federal lands program or Federal enforcement pursuant to section 502 or Federal enforcement of a State program pursuant to section 521 of this Act or fails or refuses to comply with any order issued under section 521 of this Act, or any order incorporated in a final decision issued by the Secretary under this Act except an order incorporated in a decision issued under subsection (b) of this section or section 704 of this Act, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered; or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (f) of this section.

(h) Whoever knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to a Federal program or a Federal lands programs or any order or decision issued by the Secretary under this Act, shall, upon conviction be punished by a fine of not more than $10,000, or by imprisonment for not more than one year or both.

(i) As a condition of approval of any State program submitted pursuant to section 503 of this Act, the civil and criminal penalty provisions thereof shall, at a minimum, incorporate penalties no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto.

RELEASE OF PERFORMANCE BONDS OR DEPOSITS

SEC. 519. (a) The permittee may file a request with the regulatory authority for the release of all or part of a performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the operator shall submit a copy of an advertisement placed on five successive days in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the location of the land affected, the number of acres, the permit number and the date approved, the amount of the bond filed and the portion sought to be released, and the type and the approximate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface coal mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(b) Upon receipt of the notification and request, the regulatory authority shall within a reasonable time conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution.

(c) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied that reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act according to the following schedule:

(1) When the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, the release of 60 per centum of the bond or collateral for the applicable permit area;

(2) After revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan. When determining the amount of bond to be released after successful revegetation has been established, the regulatory authority shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in section 515 of reestablishing revegetation. No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area above natural levels and seasonal flow conditions as set forth in the permit.

(3) When the operator has completed successfully all surface coal mining and reclamation activities, but not before the expiration of the period specified for operator responsibility in section 515:

Provided, however, That no bond shall be fully released until all reclamation requirements of this Act are fully met.

(d) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release.

(e) With any application for total or partial bond release filed with the regulatory authority, the regulatory authority shall notify the municipality in which a surface coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the bond.

(f) Any person with a valid legal interest or the officer or head of any Federal, State, or local governmental agency shall have the right to file written objections to the proposed release from bond to the regulatory authority within thirty days after the last publication of the above notice. If written objections are filed, and a hearing requested, the regulatory authority shall inform all the interested parties, of the time and place of the hearing, and hold a public hearing in the locality of the surface coal mining operation proposed for bond release within thirty days of the request for such hearing. The date, time, and location of such public hearings shall be advertised by the regulatory authority in a newspaper of general circulation in the locality twice a week for two consecutive weeks.

(g) For the purpose of such hearing the regulatory authority shall have the authority and is hereby empowered to administer oaths, subpena witnesses, or written or printed materials, compel the attendance of witnesses, or production of the materials, and take evidence including but not limited to inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. A verbatim transcript and a complete record of each public hearing shall be ordered by the regulatory authority.

SEC. 520. (a) Except as provided in subsection (b) of this section, any person having an interest which is or may be adversely affected may commence a civil action on his own behalf—

(1) against any person including—

(A) the United States,

(B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution, and

(C) any other person who is alleged to be in violation of any rule, regulation, order, or permit issued pursuant to this Act; or

(2) against the Secretary or the appropriate State regulatory authority to the extent permitted by the eleventh amendment to the Constitution where there is alleged a failure of the Secretary or the appropriate State regulatory authority to perform any act or duty under this Act which is not discretionary with the Secretary or with the appropriate State regulatory authority.

(b) No action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing under oath of the violation (i) to the Secretary, (ii) to the State in which the violation occurs, and (iii) to any alleged violator; or

(B) if the Secretary or the State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the provisions of this Act, or any rule, regulation, order, or permit issued pursuant to this Act, but in any such action in a court of the United States any person may intervene as a matter of right; or

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice in writing under oath of such action to the Secretary, in such manner as the Secretary shall by regulation prescribe, or to the appropriate State regulatory authority, except that such action may be brought immediately after such notification in the case where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(c)(1) Any action respecting a violation of this Act or the regulations thereunder may be brought only in the judicial district in which the surface coal mining operation complained of is located.

(2) In such action under this section, the Secretary, or the State regulatory authority, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under this or any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief (including relief against the Secretary or the appropriate State regulatory authority).

(f) Any resident of the United States who is injured in any manner through the failure of any operator to comply with any rule, regulation, order, or permit issued pursuant to this Act may bring an action for damages (including attorney fees) in an appropriate United States district court.

ENFORCEMENT

SEC. 521. (a)(1) Whenever, on the basis of any information available to him, including receipt of information from any person, the Secretary has reason to believe that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority, if one exists, in the State in which such violation exists. If no such State authority exists or the State regulatory authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure and transmit notification of its action to the Secretary, the Secretary shall immediately order Federal inspection of the surface coal mining operation at which the alleged violation is occurring unless the information available to the Secretary is a result of a previous Federal inspection of such surface coal mining operation. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such person when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

(2) When, on the basis of any Federal inspection, the Secretary or his authorized representative determines that any condition or practices exist, or that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, which condition, practice, or violation also creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the Secretary or his authorized representative shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the condition, practice, or violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the condition, practice, or violation has been abated, or until modified, vacated, or terminated by the Secretary or his authorized representative pursuant to subparagraph (a) (5) of this section.

(3) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, Federal inspection pursuant to section 502, or section 504(b) or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, but such violation does not create an imminent danger to the health or safety of the public, or cause or can be reasonably expected to cause significant, imminent environmental harm to land, air, or water resources, the Secretary or authorized representative shall issue a notice to the permittee or his agent fixing a reasonable time but not more than ninety days for the abatement of the violation.

If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written finding of the Secretary or his authorized representative, the Secretary or his authorized representative finds that the violation has not been abated, he shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof of relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated, or until modified, vacated, or terminated by the Secretary or his authorized representative pursuant to subparagraph (a) (5) of this section.

(4) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, Federal inspection pursuant to section 502 or section 504(b) or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that a pattern of violations of any requirements of this Act or any permit conditions required by this Act exists or has existed, and if the Secretary or his authorized representative also finds that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Act or any permit conditions, or that such violations are willfully caused by the permittee, the Secretary or his authorized representative shall forthwith issue an order to the permittee to show cause as to why the permit should not be suspended or revoked. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the Secretary or his authorized representative shall forthwith suspend or revoke the permit.

(5) Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the surface coal mining and reclamation operation to which the notice or order applies. Each notice or order issued under this section shall be given promptly to the permittee or his agent by the Secretary or his authorized representative who issues such notice or order, and all such notices and orders shall be in writing and shall be signed by such authorized representatives. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the Secretary or his authorized representative. A copy of any such order or notice shall be sent to the State regulatory authority in the State in which the violation occurs.

(b) Whenever the Secretary finds that violations of an approved State program appear to result from a failure of the State to enforce such State program effectively, he shall so notify the State. If the Secretary finds that such failure extends beyond thirty days after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce this Act, the Secretary shall enforce any permit condition required under this Act, shall issue new or revised permits in accordance with requirements of this Act, and may issue such notices and orders as are necessary for compliance therewith.

(c) The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Secretary under this Act, or (B) interferes with, hinders, or delays the Secretary or his authorized representatives in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Secretary in furtherance of the provisions of this Act, or (F) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this Act. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure, as amended. Any relief granted by the court to enforce an order under clause (A) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside law or modifies it.

(d) As a condition of approval of any State program submitted pursuant to section 503 of this Act, the enforcement provisions thereof shall, at a minimum, incorporate sanctions no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto.

DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING

SEC. 522. (a) (1) To be eligible to assume primary regulatory authority pursuant to section 503, each State shall establish a planning process enabling objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of a State are unsuitable for all or certain types of surface coal mining operations pursuant to the standards set forth in paragraphs (2) and (3) of this subsection but such designation shall not prevent the mineral exploration pursuant to the Act of any area so designated.

(2) Upon petition pursuant to subsection (c) of this section, the State regulatory authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if the State regulatory authority determines that reclamation pursuant to the requirements of this Act is not feasible.

(3) Upon petition pursuant to subsection (c) of this section, a surface area may be designed unsuitable for certain types of surface coal mining operations if such operations will—

(A) be incompatible with existing land use plans or programs; or

(B) affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or

(C) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas; or

(D) affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

(4) To comply with this section, a State must demonstrate it has developed or is developing a process which includes—

(A) a State agency responsible for surface coal mining lands review;

(B) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface coal mining operations;

(C) a method or methods for implementing land use planning decisions concerning surface coal mining operations; and

(D) proper notice, opportunities for public participation, including a public hearing prior to making any designation or redesignation, pursuant to this section, and measures to protect the legal interests of affected individuals in all aspects of the State planning process.

(5) Determinations of the unsuitability of land for surface coal mining, as provided for in this section, shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels.

(6) The requirements of this section shall not apply to lands on which surface coal mining operations are being conducted on the date of enactment of this Act or un-

der a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operations are in existence prior to September 1, 1974.

(7) The regulatory authority shall render a decision upon a petition within one year from the date of submittal pursuant to this section. Failure of the regulatory authority to render a decision, however, shall not prevent the issuance of a permit.

(b) The Secretary shall conduct a review of the Federal lands to determine, pursuant to the standards set forth in paragraphs (2) and (3) of subsection (a) of this section, whether there are areas on Federal lands which are unsuitable for all or certain types of surface coal mining operations: *Provided, however*, That the Secretary may permit surface coal mining on Federal lands prior to the completion of this review. When the Secretary determines an area on Federal lands to be unsuitable for all or certain types of surface coal mining operations, he shall withdraw such area or condition any mineral leasing or mineral entries in a manner so as to limit surface coal mining operations on such area. Where a Federal program has been implemented in a State pursuant to section 504, the Secretary shall implement a process for designation of areas unsuitable for surface coal mining for non-Federal lands within such State and such process shall incorporate the standards and procedures of this section.

(c) Any person having an interest which is or may be adversely affected shall have the right to petition the regulatory authority to have an area designated as unsuitable for surface coal mining operations, or to have such a designation terminated. Such a petition shall contain allegations of facts with supporting evidence which would tend to establish the allegations. As soon as practicable after receipt of the petition the regulatory authority shall hold a public hearing in the locality of the affected area, after appropriate notice and publication of the date, time, and location of such hearing. After a person having an interest which is or may be adversely affected has filed a petition and before the hearing, as required by this subsection, any person may intervene by filing allegations of facts with supporting evidence which would tend to establish the allegations. Within sixty days after such hearing, the regulatory authority shall issue and furnish to the petitioner and any other party to the hearing, a written decision regarding the petition, and the reasons therefor. In the event that all the petitioners stipulate agreement prior to the requested hearing, and withdraw their request, such hearing need not be held.

(d) Prior to designating any land areas as unsuitable for surface coal mining operations, the regulatory authority shall prepare a detailed statement on (i) the potential coal resource of the area, (ii) the demand for coal resources, and (iii) the impact of such designation on the environment, the economy, and the supply of coal.

(e) Subject to valid existing rights no surface coal mining operations except those which exist on the date of enactment of this Act shall be permitted—

(1) on any lands within the boundaries of units of the National Park System, the National Wildlife Refuge Systems, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act and National Recreation Areas designated by Act of Congress;

(2) on any Federal lands within the boundaries of any national forest except surface operations and impacts incident to an underground coal mine;

(3) which will adversely affect any publicly cessation of coal mining and reclamation tional Register of Historic Sites unless approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park or the historic site;

(4) within one hundred feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join such right-of-way line and except that the regulatory authority may permit such roads to be relocated or the area affected to lie within one hundred feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interests of the public and the landowners affected thereby will be protected; or

(5) within three hundred feet from any occupied dwelling, unless waived by the owner thereof, nor within three hundred feet of any public building, school, church, community, or institutional building, public park, or within one hundred feet of a cemetery.

FEDERAL LANDS

SEC. 523. (a) No later than six months after the date of enactment of this Act, the Secretary shall promulgate and implement a Federal lands program which will be applicable to all surface coal mining and reclamation operations taking place pursuant to any Federal law on any Federal lands: Provided, That except as provided in section 713 the provisions of this Act shall not be applicable to Indian lands. The Federal lands program shall, at a minimum, incorporate all of the requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal lands in question. Where Federal lands in a State with an approved State program are involved, the Federal lands program shall, at a minimum, include the requirements of the approved State program.

(b) The requirements of this Act and the Federal lands program shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface coal mining and reclamation operations. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal lands program to deal with changing conditions or changed technology, and to require any surface mining and reclamation operations to conform with the requirements of this Act and the regulations issued pursuant to this Act.

(c) The Secretary may enter into agreements with a State or with a number of States to provide for a joint Federal-State program covering a permit or permits for surface coal mining and reclamation operations on land areas which contain lands within any State and Federal lands which are interspersed or checkerboarded and which should, for conservation and administrative purposes, be regulated as a single management unit. To implement a joint Federal-State program the Secretary may enter into agreements with the States, may delegate authority to the States, or any accept a delegation of authority from the States for the purpose of avoiding duality of administration of a single permit for surface coal mining and reclamation operations.

(d) Except as specifically provided in subsection (c) this section shall not be construed as authorizing the Secretary to delegate to the States any authority or jurisdiction to regulate or administer surface coal mining and reclamation operations or other activities taking place on the Federal lands.

(e) The Secretary shall require as one of the terms and conditions of any permit, lease, or contract to surface mine coal owned by the United States, that the lessee, permittee, or contractor give satisfactory assurances that no class of purchasers of the mined coal shall be unreasonably denied purchase thereof.

PUBLIC AGENCIES, PUBLIC UTILITIES, AND PUBLIC CORPORATIONS

SEC. 524. Any agency, unit, or instrumentality of Federal, State, or local government, including any publicly owned utility or publicly owned corporation of Federal, State, or local government, which proposes to engage in surface coal mining operations which are subject to the requirements of this Act shall comply with the provisions of title V.

REVIEW BY SECRETARY

SEC. 525. (a) (1) A permittee issued a notice or order by the Secretary pursuant to the provisions of subparagraphs (a) (2) and (3) of section 521 of this title, or pursuant to a Federal program or the Federal lands program or any person having an interest which is or may be adversely affected by such notice or order or by any modification, vacation, or termination of such notice or order, may apply to the Secretary for review of the notice or order within thirty days of receipt thereof or within thirty days of its modification, vacation, or termination. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the applicant or the person having an interest which is or may be adversely affected, to enable the applicant or such person to present information relating to the issuance and continuance of such notice or order or the modification, vacation, or termination thereof. The filing of an application for review under this subsection shall not operate as a stay or any order or notice.

(2) The permittee and other interested persons shall be given written notice of the time and place of the hearing at least five days prior thereto. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and shall issue a written decision incorporating therein an order vacating, affirming, modifying, or terminating the notice or order, or the modification, vacation, or termination of such notice or order complained of and incorporate his findings therein. Where the application for review concerns an order for cessation of surface coal mining and reclamation operations issued pursuant to the provisions of subparagraphs (a) (2) or (3) of section 521 of this title, the Secretary shall issue the written decision within thirty days of the receipt of the application for review, unless temporary relief has been granted by the Secretary pursuant to subparagraph (c) of this section or by a United States district court pursuant to subparagraph (c) of section 526 of this title.

(c) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any notice or order issued under section 521 of this title, a Federal program or the Federal lands program together with a detailed statement giving reasons for granting such relief. The Secretary shall issue an order or decision granting or denying such relief expeditiously: *Provided*, That where the applicant requests relief from an order for cessation of coal mining and reclamation operations issued pursuant to subparagraphs (a) (2) or (a) (3) of section 521 of this title, the order or decision on such a request shall be issued within five days of its receipt. The Secretary may grant such relief, under such conditions as he may prescribe, if—

(1) a hearing has been held in the locality of the permit area on the request for temporary relief in which all parties were given an opportunity to be heard except where the applicant requests relief from an order for owned park or places included in the Na-

operation issued pursuant to subparagraphs (a)(2) or (a)(3) of section 521 of this title;

(2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to him; and

(3) such relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air, or water resources.

(d) Following the issuance of an order to show cause as to why a permit should not be suspended or revoked pursuant to section 521, the Secretary shall hold a public hearing after giving written notice of the time, place, and date thereof. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Within sixty days following the public hearing, the Secretary shall issue and furnish to the permittee and all other parties to the hearing a written decision, and the reasons therefor, concerning suspension or revocation of the permit. If the Secretary revokes the permit, the permittee shall immediately cease surface coal mining operations on the permit area and shall complete reclamation within a period specified by the Secretary, or the Secretary shall declare as forfeited the performance bonds for the operation.

JUDICIAL REVIEW

SEC. 526. (a)(1) Any action of the Secretary to approve or disapprove a State program or to prepare and promulgate a Federal program pursuant to this Act shall be subject to judicial review only by the appropriate United States Court of Appeals upon the filing in such court within sixty days from the date of such action of a petition by any person who participated in the administrative proceedings related thereto and who is aggrieved by the action praying that the action be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and the Attorney General and thereupon the Secretary shall certify, and the Attorney General shall file in such court the record upon which the action complained of was issued, as provided in section 2112 of title 28, United States Code.

(2) All other orders or decisions issued by the Secretary pursuant to this Act shall be subject to judicial review only in the United States district court for the locality in which the surface coal mining operation is located. Such review shall be in accordance with the Federal Rules of Civil Procedure. In the case of a proceeding to review an order or decision issued by the Secretary under the penalty section of this Act, the court shall have jurisdiction to enter an order requiring payment or any civil penalty assessment enforced by its judgment. The availability of review established in this subsection shall not be construed to limit the operation of the rights established in section 520.

(b) The court shall hear such petition or complaint solely on the record made before the Secretary. The findings of the Secretary if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.

(c) In the case of a proceeding to review any order or decision issued by the Secretary under this Act, including an order or decision issued pursuant to subparagraph (c) of section 525 of this title pertaining to any order issued under subparagraph (a)(2) or (a)(3) of section 521 of this title for cessation of coal mining and reclamation operations, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if—

(1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

(d) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order or decision of the Secretary.

(e) Action of the State regulatory authority pursuant to an approved State program shall be subject to judicial review by the court of competent jurisdiction in accordance with State law, but the availability of such review shall not be construed to limit the operation of the rights established in section 520.

SPECIAL BITUMINOUS COAL MINES

SEC. 527. The regulatory authority is authorized to and shall issue separate regulations for those special bituminous coal surface mines located west of the one hundredth meridian west longitude which meet the following criteria:

(a) the excavation of the specific mine pit takes place on the same relatively limited site for an extended period of time;

(b) the excavation of the specific mine pit follows a coal seam having an inclination of fifteen degrees or more from the horizontal, and continues in the same area proceeding downward with lateral expansion of the pit necessary to maintain stability or as necessary to accommodate the orderly expansion of the total mining operation;

(c) the excavation of the specific mine pit involves the mining of more than one coal seam and mining has been initiated on the deepest coal seam contemplated to be mined in the current operation;

(d) the amount of material removed is large in proportion to the surface area disturbed;

(e) there is no practicable alternative method of mining the coal involved;

(f) there is no practicable method to reclaim the land in the manner required by this Act; and

(g) the coal being mined has been owned or controlled by the operator of the mine since February 27, 1975; and

(h) the specific mine pit has been actually producing coal since January 1, 1972, in such manner as to meet the criteria set forth in this section, and, because of past duration of mining, is substantially committed to a mode of operation which warrants exceptions to some provisions of this title.

Such alternative regulations shall pertain only to the standards governing onsite handling of spoils, elimination of depressions capable of collecting water, creation of impoundments, and regrading to the approximate original contour and shall specify that remaining highwalls are stable. All other performance standards in this title shall apply to such mines.

SURFACE MINING OPERATIONS NOT SUBJECT TO THIS ACT

SEC. 528. The provisions of this Act shall not apply to any of the following activities:

(1) the extraction of coal by a landowner for his own noncommercial use from land owned or leased by him; and

(2) the extraction of coal for commercial purposes where the surface mining operation affects two acres or less.

TITLE VI—DESIGNATION OF LANDS UNSUITABLE FOR NONCOAL MINING

DESIGNATION PROCEDURES

SEC. 601. (a) With respect to Federal lands within any State, the Secretary of Interior may, and if so requested by the Governor of such State, shall review any area within such lands to assess whether it may be unsuitable for mining operations for minerals or materials other than coal, pursuant to the criteria and procedures of this section.

(b) An area of Federal lands may be designated under this section as unsuitable for mining operations if (1) such area consists of Federal land and a predominantly urban or suburban character, used primarily for residential or related purposes, the mineral estate of which remains in the public domain, or (2) such area consists of Federal land where mining operations would have an adverse impact on lands used primarily for residential or related purposes.

(c) Any person having an interest which is or may be adversely affected shall have the right to petition the Secretary to seek exclusion of an area from mining operations pursuant to this section or the redesignation of an area or part thereof as suitable for such operations. Such petition shall contain allegations of fact with supporting evidence which would tend to substantiate the allegations. the petitioner shall be granted a hearing within a reasonable time and finding with reasons therefor upon the matter of their petition. In any instance where a Governor requests the Secretary to review an area, or where the Secretary finds the national interest so requires, the Secretary may temporarily withdraw the area to be reviewed from mineral entry or leasing pending such review: *Provided, however,* That such temporary withdrawal be ended as promptly as practicable and in no event shall exceed two years.

(d) In no event is a land area to be designated unsuitable for mining operations under this section on which mining operations are being conducted prior to the holding of a hearing on such petition in accordance with subsection (c) hereof. Valid existing rights shall be preserved and not affected by such designation. Designation of an area as unsuitable for mining operations under this section shall not prevent subsequent mineral exploration of such area, except that such exploration shall require the prior written consent of the holder of the surface estate, which consent shall be filed with the Secretary. The Secretary may promulgate, with respect to any designated area, regulations to minimize any adverse effects of such exploration.

(e) Prior to any designation pursuant to this section, the Secretary shall prepare a detailed statement on (i) the potential mineral resources of the area, (ii) the demand for such mineral resources, and (iii) the impact of such designation or the absence of such designation on the environment, economy, and the supply of such mineral resources.

(f) When the Secretary designates an area of Federal lands as unsuitable for all or certain types of mining operations for minerals and materials other than coal pursuant to this section he may withdraw such area from mineral entry or leasing, or condition such entry or leasing so as to limit such mining operations in accordance with his determination, if the Secretary also determines, based on his analysis pursuant to subsection 601(e), that the benefits resulting from such desingation, would be greater than the benefits to the regional or national economy which could result from mineral development of such area.

(g) Any party with a valid legal interest who has appeared in the proceedings in connection with the Secretary's determination pursuant to this section and who is aggrieved by the Secretary's decision(or by his failure to act within a reasonable time) shall have the right of appeal for review by the United

States court for the district in which the pertinent area is located.

TITLE VII—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 701. For the purposes of this Act—

(1) "Secretary" means the Secretary of the Interior, except where otherwise described;

(2) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(3) "Office" means the Office of Surface Mining, Reclamation, and Enforcement established pursuant to title II;

(4) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce;

(5) "surface coal mining operations" means—

(A) activities conducted on the surface of lands in connection with a surface coal mine or surface operations and impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine site: *Provided, however,* That such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ percentum of the tonnage of minerals removed for purposes of commercial use or sale or coal explorations subject to section 512 of this Act; and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities;

(6) "surface coal mining and reclamation operations" means surface mining operations and all activities necessary and incident to the reclamation of such operations after the date of enactment of this Act: *Provided, however,* That reclamation operations may, as agreed between the Secretary and the Governor of any State pursuant to a 'State program,' be applied to voids and open and abandoned tunnels, shafts, and entryways caused by underground mining for other types of minerals than coal;

(7) "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands;

(8) "Federal lands" means any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands;

(9) "Indian lands" means all lands, including mineral interests, within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands including mineral interests held in trust for or supervised by any Indian tribe;

(10) "Indian tribe" means any Indian tribe, band, group, or community having a governing body recognized by the Secretary;

(11) "State program" means a program established by a State pursuant to section 503 to regulate surface coal mining and reclamation operations, on lands within such State in accord with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

(12) "Federal program" means a program established by the Secretary pursuant to section 504 to regulate surface coal mining and reclamation operations on lands within a State in accordance with the requirements of this Act;

(13) "Federal lands program" means a program established by the Secretary pursuant to section 523 to regulate surface coal mining and reclamation operations on Federal lands;

(14) "reclamation plan" means a plan submitted by an applicant for a permit under a State program or Federal program which sets forth a plan for reclamation of the proposed surface coal mining operations pursuant to section 508;

(15) "State regulatory authority" means the department or agency in each State which has primary responsibility at the State level for administering this Act;

(16) "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State program or the Secretary where the Secretary is administering this Act under a Federal program;

(17) "person" mean an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

(18) "permit" means a permit to conduct surface coal mining and reclamation operations issued by the State regulatory authority pursuant to a State program or by the Secretary pursuant to a Federal program;

(19) "permit applicant" or "applicant" means a person applying for a permit;

(20) "permittee" means a person holding a permit;

(21) "fund" means the Abandoned Mine Reclamation Fund established pursuant to section 401;

(22) "other minerals" means clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substances of commercial value excavated in solid form from natural deposits on or in the Earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form;

(23) "approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the regulatory authority determines that they are in compliance with section 515(b)(21) of this Act;

(24) "operator" means any person, partnership, or corporation engaged in coal mining who removes or intends to remove more than two hundred and fifty tons of coal from the earth by coal mining within twelve consecutive calendar months in any one location;

(25) "permit area" means the area of land indicated on the approved map submitted by the operator with his application, which area of land shall be covered by the operator's bond as required by section 509 of this Act and shall be readily identifiable by appropriate markers on the site;

(26) "unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

(27) "alluvial valley floors" means the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities;

(28) "imminent danger to the health or safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice, or violation can be abated.

OTHER FEDERAL LAWS

SEC. 702. (a) Nothing in this Act shall be construed as superseding, amending, modifying, or repealing the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–47), or any of the following Acts or with any rule or regulation promulgated thereunder, including, but not limited to—

(1) The Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

(2) The Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

(3) The Federal Water Pollution Control Act (79 Stat. 903), as amended, the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality.

(4) The Clean Air Act, as amended (42 U.S.C. 1857).

(5) The Solid Waste Disposal Act (42 U.S.C. 3251).

(6) The Refuse Act of 1899 (33 U.S.C. 407).

(7) The Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661–666c).

(b) Nothing in this Act shall affect in any way the authority of the Secretary or the heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface coal mining and reclamation operations on lands under their jurisdiction.

(c) To the greatest extent practicable each Federal agency shall cooperate with the Secretary and the States in carrying out the provisions of this Act.

(d) Approval of the State programs, pursuant to section 503(b), promulgation of Federal programs, pursuant to section 504, and implementation of the Federal lands programs, pursuant to section 523 of this Act, shall constitute a major action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

INTERSTATE MINING COMPACT

SEC. 703. In the approval of "State programs," in allotments to "institutes," and in grants to States, the Secretary shall recognize the efforts of the Interstate Mining Compact in gathering and disseminating information and statistics and in coordinating efforts to obtain the most efficient methods of reclamation.

EMPLOYEE PROTECTION

SEC. 704. (a) No person shall discharge, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary for a review of such firing or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation the Secretary shall make findings of fact. If he finds that a violation did occur, he shall issue a decision incorporating therein and his findings in an order requiring the party committing the violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no violation, he shall issue a finding. Orders issued by the Secretary under this subsection shall be subject to judicial review in the same manner as orders and decisions of the Secretary are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate any violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees) to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

(d) The Secretary shall conduct continuing evaluations of potential losses or shifts of employment which may result from the enforcement of this Act or any requirement of this Act including, where appropriate, investigating threatened mine closures or reductions in employment allegedly resulting from such enforcement or requirement. Any employee who is discharged or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of the enforcement or requirement of this Act, or any representative of such employee, may request the Secretary to conduct a full investigation of the matter. The Secretary shall thereupon investigate the matter, and, at the request of any interested party, shall hold public hearings on not less than five days' notice, and shall at such hearings require the parties, including the employer involved, to present information relating to the actual or potential effect of such limitation or order on employment and on any alleged discharge, layoff, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall promptly make findings of fact as to the effect of such enforcement or requirement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the Secretary or a State to modify or withdraw any enforcement action or requirement.

PROTECTION OF GOVERNMENT EMPLOYEES

SEC. 705. Section 1114, title 18, United States Code, is hereby amended by adding the words "or of the Department of the Interior" after the words "Department of Labor" contained in that section.

GRANTS TO THE STATES

SEC. 706. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act. Such grants shall not exceed 80 per centum of the total costs incurred during the first year, 60 per centum of total costs incurred during the second year, and 40 per centum of the total costs incurred during the third and fourth years.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface coal mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

ANNUAL REPORT

SEC. 707. The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this Act.

PREFERENCE FOR PERSONS ADVERSELY AFFECTED BY THE ACT

SEC. 708. (a) In the award of contracts for the reclamation of abandoned and unreclaimed mined areas pursuant to title IV and for research and demonstration projects pursuant to section 716 of this Act the Secretary shall develop regulations which will accord a preference to surface coal mining operators who can demonstrate that their surface coal mining operations, despite good-faith efforts to comply with the requirements of this Act, have been adversely affected by the regulation of surface coal mining and reclamation operations pursuant to this Act.

(b) Contracts awarded pursuant to this section shall require the contractor to afford an employment preference to individuals whose employment has been adversely affected by this Act.

EMPLOYMENT IMPACT AND UNEMPLOYMENT ASSISTANCE

SEC. 709. (a) The President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of Government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

(b)(1) The Secretary of Labor shall make grants, in accordance with regulations prescribed by him, to States to provide cash benefits to any individual who loses his job in the coal mining industry as a direct result of the closure of a mine which closed as a direct result of the administration and enforcement of this Act, and who is not eligible for unemployment assistance or who has exhausted his rights to such assistance (within the meaning of paragraph (4) (B)).

(2) Regulations of the Secretary of Labor under paragraph (1) may require that States enter into agreements as such regulations—

(A) shall provide that—

(i) a benefit under this subsection shall be available to any individual who is unemployed as a result of the administration and enforcement of this Act as defined in subsection (b)(1) of this section, and who is not eligible for unemployment assistance;

(ii) a benefit provided to such an individual shall be available to such individual for any week of unemployment which begins after the date on which this Act is enacted;

(iii) the amount of a benefit with respect to a week of unemployment shall be equal to—

(I) in the case of an individual who has exhausted his eligibility for unemployment compensation payment for which he was most eligible; or

(II) in the case of any other individual, an amount which shall be set by the State in which the individual was last employed at a level which shall take into account the benefit levels provided by State law for persons covered by the State's unemployment compensation program, but which shall not be less than the minimum weekly amount, nor more than the maximum weekly amount, under the unemployment compensation law of the State; and

(B) may provide that individuals eligible for a benefit under this subsection have been employed for up to one month in the fifty-two-week period preceding the filing of a claim for benefits under this subsection.

(3) Unemployment resulting from the administration and enforcement of this Act shall be defined in regulations of the Secretary of Labor, consistent with the provisions of subsection (b)(1) of this section. Such regulations shall provide that such unemployment includes unemployment clearly attributable to such administration and enforcement. The determination as to whether an individual is unemployed as a result of such administration and enforcement (within the meaning of such regulations) shall be made by the State in which the individual was last employed in accordance with such industry, business, or employer certification process or such other determination procedure (or combination thereof) as the Secretary of Labor shall, consistent with the purposes of paragraph (1) of this subsection, determine as most appropriate to minimize administrative costs, appeals, or other delay, in paying to individuals the cash allowances provided under this section.

(4) For purposes of this subsection—

(A) an individual shall be considered unemployed in any week if he is—

(i) not working

(ii) able to work, and

(iii) available for work,

within the meaning of the State unemployment compensation law in effect in the State in which such individual was last employed, and provided that he would not be subject to disqualification under that law for such week, if he were eligible for benefits under such law;

(B)(i) the phrase "not eligible" for unemployment assistance means not eligible for compensation under any State or Federal unemployment compensation law (including the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.)) with respect to such week of unemployment, and is not receiving compensation with respect to such week of unemployment under the unemployment compensation law of Canada; and

(ii) the phrase "exhausted his rights to such assistance" means exhausted all rights to regular, additional, and extended compensation under all State unemployment compensation laws and chapter 85 of title 5, United States Code, and has no further rights to regular, additional, or extended compensation under any State or Federal unemployment compensation law (including the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.)) with respect to such week of unemployment, and is not receiving compensation with respect to such week of unemployment under the unemployment compensation law of Canada.

SEVERABILITY

SEC. 710. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

ALASKAN SURFACE COAL MINE STUDY

SEC. 711. (a) The Secretary is directed to contract with the National Academy of Sciences-National Academy of Engineering for an in-depth study of surface coal mining conditions in the State of Alaska in order to determine which, if any, of the provisions of this Act should be modified with respect to surface coal mining operations in Alaska.

(b) The Secretary shall report on the findings of the study to the President and Congress no later than two years after the date of enactment of this Act.

(c) The Secretary shall include in his report a draft of legislation to implement any changes recommended to this Act.

(d) Until one year after the Secretary has made this report to the President and Congress, or three years after the date of enactment of this Act, whichever comes first, the Secretary is authorized to suspend the applicability of any provision of this Act, or any regulation issued pursuant thereto, to any surface coal mining operation in Alaska in existence on the date of the enactment of this Act if he determines that it is necessary to insure the continued operation of such surface coal mining operation. The Secretary may exercise his suspension authority only after he has (1) published a notice of proposed suspension in the Federal Register and in a newspaper of general circulation in the area of Alaska in which the affected surface coal mining operation is located, and (2) held a public hearing on the proposed suspension in Alaska.

(e) There is hereby authorized to be appropriated for the purpose of this section $250,000.

STUDY OF RECLAMATION STANDARDS FOR SURFACE MINING OF OTHER MINERALS

SEC. 712. (a) The Chairman of the Council on Environmental Quality is directed to contract with the National Academy of Sciences-National Academy of Engineering, other Government agencies or private groups as appropriate, for an in-depth study current and developing technology for surface and open pit mining and reclamation for minerals other than coal designed to assist in the establishment of effective and reasonable regulation of surface and open pit mining and reclamation for minerals other than coal. The study shall—

(1) assess the degree to which the requirements of this Act can be met by such technology and the costs involved;

(2) identify areas where the requirements of this Act cannot be met by current and developing technology;

(3) in those instances describe requirements most comparable to those of this Act which could be met, the costs involved, and the differences in reclamation results between these requirements and those of this Act; and

(4) discuss alternative regulatory mechanisms designed to insure the achievement of the most beneficial post-mining land use for areas affected by surface and open-pit mining.

(b) The study together with specific legislative recommendations shall be submitted to the President and the Congress no later than eighteen months after the date of enactment of this Act: *Provided*, That, with respect to surface or open pit mining for sand and gravel the study shall be submitted no later than twelve months after the date of enactment of this Act.

(c) There are hereby authorized to be appropriated for the purpose of this section $500,000.

INDIAN LANDS

SEC. 713. (a) The Secretary is directed to study the question of the regulation of surface mining on Indian lands which will achieve the purpose of this Act and recognize the special jurisdictional status of these lands. In carrying out this study the Secretary shall consult with Indian tribes. The study report shall include proposed legislation designed to allow Indian tribes to elect to assume full regulatory authority over the administration and enforcement of regulation of surface mining of coal on Indian lands.

(b) The study report required by subsection (a) together with drafts of proposed legislation and the view of each Indian tribe which would be affected shall be submitted to the Congress as soon as possible but not later than January 1, 1976.

(c) On and after one hundred and thirty-five days from the enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

(d) On and after thirty months from the enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringest as those imposed by sections 507, 508, 509, 510, 515, 516, 517, and 519 of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

(e) With respect to leases issued after the date of enactment of this Act, the Secretary shall include and enforce terms and conditions in addition to those required by subsections (c) and (d) as may be requested by the Indian tribe in such leases.

(f) Any charge required by subsection (c) or (d) of this section in the terms and conditions of any coal lease on Indian lands existing on the date of enactment of this Act, shall require the approval of the Secretary.

(g) The Secretary shall provide for adequate participation by the various Indian tribes affected in the study authorized in this section and not more than $700,000 of the funds authorized in section 715(a) shall be reserved for this purpose.

EXPERIMENTAL PRACTICES

SEC. 714. In order to encourage advances in mining and reclamation practices, the regulatory authority may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under sections 515 and 516 of this Act. Such departures may be authorized if (i) the experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operation is no larger than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practies do not reduce the protection afforded public health and safety below that provided by promulgated standards.

AUTHORIZATION OF APPROPRIATIONS

SEC. 715. There is authorized to be appropriated to the Secretary for the purposes of this Act the following sums, and all such funds appropriated shall remain available until expended:

(a) For the implementation and funding of sections 502, 552, 405(b)(3), and 713 contract authority is granted to the Secretary of the Interior for the sum of $10,000,000 to become available immediately upon enactment of this Act and $10,000,000 for each of the two succeeding fiscal years.

(b) For administrative and other purposes of this Act, except as otherwise provided for in this Act, authorization is provided for the sum of $10,000,000 for the fiscal year ending June 30, 1975, for each of the two succeeding fiscal years the sum of $20,000,000 and $30,000,000 for each fiscal year thereafter.

RESEARCH AND DEMONSTRATION PROJECTS ON ALTERNATIVE COAL MINING TECHNOLOGIES

SEC. 716. (a) The Secretary is authorized to conduct and promote the coordination and acceleration of research, studies, surveys, experiments, demonstration projects, and training relating to—

(1) the development and application of coal mining technologies which provide alternatives to surface disturbance and which maximize the recovery of available coal resources, including the improvement of present underground mining methods, methods for the return of underground mining wastes to the mine void, methods for the underground mining of thick coal seams and very deep seams; and

(2) safety and health in the application of such technologies methods and means.

(b) In conducting the activities authorized by this section, the Secretary may enter into contracts with and make grants to qualified institutions, agencies, organizations, and persons.

(c) There are authorized to be appropriated to the Secretary, to carry out the purposes of this section, $35,000,000 for each fiscal year beginning with the fiscal year 1976, and for each year thereafter for the next four years.

SURFACE OWNER PROTECTION

SEC. 717. (a) The provisions and procedures specified in this section shall apply where coal owned by the United States under land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques. In order to minimize disturbance to surface owners from surface coal mining of Federal coal deposits, the Secretary shall, in his discretion but, to the maximum extent practicable, refrain from leasing such coal deposits for development by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 201a), except that no award shall be made by any method other than competitive bidding.

(c) Prior to placing any deposit subject to this section in a leasing tract, the Secretary shall give to any surface owner whose land is to be included in the proposed leasing tract actual written notice of his intention to place such deposits under such land in a leasing tract.

(d) The Secretary shall not enter into any lease of such coal deposits until the surface owner has given written consent and the Secretary has obtained such consent, to enter and commence surface mining operations, and the applicant has agreed to pay in addition to the rental and royalty and other obligations due the United States the money value of the surface owner's interest as determined according to the provisions of subsection (e).

(e) The value of the surface owner's interest shall be fixed by the Secretary based on appraisals made by three appraisers. One such appraiser shall be appointed by the Secretary, one appointed by the surface owner concerned, and one appointed jointly by the appraisers named by the Secretary and such surface owner. In computing the value of the surface owner's interest, the appraisers shall first fix and determine the fair market value of the surface estate and they shall then determine and add the value of such of the following losses and costs to the extent that such losses and costs arise from the surface coal mining operations:

(1) loss of income to the surface owner during the mining and reclamation process;

(2) cost to the surface owner for relocation or dislocation during the mining and reclamation process;

(3) cost to the surface owner for the loss of livestock, crops, water or other improvements;

(4) any other damage to the surface reasonably anticipated to be caused by the surface mining and reclamation operations; and

(5) such additional reasonable amount of compensation as the Secretary may determine is equitable in light of the length of the tenure of the ownership: *Provided*, That such additional reasonable amount of compensation may not exceed the value of the losses and costs as established pursuant to this subsection and in paragraphs (1) through (4) above, or one hundred dollars ($100.00) per acre, whichever is less.

(f) All bids submitted to the Secretary for any such lease shall, in addition to any rental or royalty and other obligations, be accompanied by the deposit of an amount equal to the value of the surface owner's interest computed under subsection (e). The Secretary shall pay such amount to the surface owner either upon the execution of such lease or upon the commencement of mining, or shall require posting of bond to assure installment payments over a period of years acceptable to the surface owner, at the option of the surface owner. At the time of initial payment, the surface owner may request a review of the initial determination of the amount of the surface owner's interest for the purpose of adjusting such amount to reflect any increase in the Consumer Price Index since the initial determination. The lessee shall pay such increased amount to the Secretary to be paid over to the surface owner. Upon the release of the performance bonds or deposits under section 519, or at an earlier time as may be determined by the Secretary, all rights to enter into and use the surface of the land subject to such lease shall revert to the surface owner.

(g) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

(1) hold legal or equitable title to the land surface;

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations; and

(3) have met the conditions of paragraph (1) and (2) for a period of at least three years prior to the granting of the consent. In computing the three-year period the Secretary may include periods during which title was owned by a relative of such person by blood or marriage during which period such relative would have met the requirements of this subsection.

(h) Where surface lands over coal subject to this section are owned by any person who meets the requirements of paragraphs (1) and (2) of subsection (g) but who does not meet the requirements of paragraph (3) of subsection (g), the Secretary shall not place such coal deposit in a leasing tract unless such person has owned such surface lands for a period of three years. After the expiration of such three-year period such coal deposit may be leased by the Secretary, provided that if such person qualifies as a surface owner as defined by subsection (g) his consent has been obtained pursuant to the procedures set forth in this section.

(i) Nothing in this section shall be construed as increasing or diminishing any property rights held by the United States or by any other land owner.

(j) The determination of the value of the surface owner's interest fixed pursuant to subsection (e) or any adjustment to that determination made pursuant to subsection (f) shall be subject to judicial review only in the United States district court for the locality in which the leasing tract is located.

(k) At the end of each two-year period after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the implementation of the Federal coal leasing policy established by this section. The report shall include a list of the surface owners who have (1) given their consent, (2) received payments pursuant to this section, (3) refused to give consent, and (4) the acreage of land involved in each category. The report shall also indicate the Secretary's views on the impact of the leasing policy on the availability of Federal coal to meet national energy needs and on receipt of fair market value for Federal coal.

(l) This section shall not apply to Indian lands.

(m) Any person who gives, offers or promises anything of value to any surface owner or offers or promises any surface owner to give anything of value to any other person or entity in order to induce such surface owner to give the Secretary his written consent pursuant to this section, and any surface owner who accepts, receives, or offers or agrees to receive anything of value for himself or any other person or entity, in return for giving his written consent pursuant to this section shall be subject to a civil penalty of one and a half times the monetary equivalent of the thing of value. Such penalty shall be assessed by the Secretary and collected in accordance with the procedures set out in subsections 518(b), 518(c), 518(d), and 518(e) of this Act.

(n) Any Federal coal lease issued subject to the provisions of this section shall be automatically terminated if the lessee, before or after issuance of the lease, gives, offers or promises anything of value to the surface owner or offers or promises any surface owner to give anything of value to any other person or entity in order to (1) induce such surface owner to give the Secretary his written consent pursuant to this section, or (2) compensate such surface owner for giving such consent. All bonuses, royalties, rents and other payments made by the lessee shall be retained by the United States.

(o) The provisions of this section shall become effective on February 1, 1976. Until February 1, 1976, the Secretary shall not lease any coal deposits owned by the United States under land the surface rights to which are not owned by the United States, unless the Secretary has in his possession a document which demonstrates the acquiescence prior to February 27, 1975, of the owner of the surface rights to the extraction of minerals within the boundaries of his property by current surface coal mining methods.

FEDERAL LESSEE PROTECTION

SEC. 718. In those instances where the coal proposed to be mined by surface coal mining operations is owned by the Federal Government and the surface is subject to a lease or a permit issued by the Federal Government, the application for a permit shall include either:

(1) the written consent of the permittee or lessee of the surface lands involved to enter and commence surface coal mining operations on such land, or in lieu thereof;

(2) evidence of the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the permittee or lessee of the surface lands involved to secure payment of any damages to the surface estate which the operations will cause to the crops, or to the tangible improvements of the permittee or lessee of the surface lands as may be determined by the parties involved, or as determined and fixed in an action brought against the operator or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation under this Act.

UNITED STATES SURFACE OWNER

SEC. 719. Notwithstanding the provision of section 717 of this Act or of any other law requiring the consent of the surface owner, in any case in which the surface right of any area is owned by the United States (other than in a trust status) and the subsurface rights to such area are owned by any person or entity other than the United States, the owner of such subsurface right shall be permitted to mine coal from such area without the consent of the surface owner unless such area has been withdrawn by law from all forms of mining operations.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STONE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR METCALF AND OTHER SENATORS ON PASSAGE OF SURFACE MINING ACT

Mr. MANSFIELD. Mr. President, the Senate today may be proud of the splendid manner by which the surface mining measure was disposed of. Our deepest thanks and commendation go to the extremely able Senator from Montana, my distinguished colleague LEE METCALF. Especially is the Senate in his debt for his expert handling of this measure. Both in committee and on the floor of this Chamber his able advocacy assured its overwhelming success. The Senate's gratitude goes as well to the distinguished Senator from Washington, HENRY JACKSON. As always, Senator JACKSON expressed his views with clarity and sincerity. His support was essential to the expeditious handling of this bill.

Joining with notable and indispensible contributions to the overall debate were the Senator from Arizona (Mr. FANNIN) and the Senator from Wyoming (Mr. HANSEN). Each deserves the highest commendation of the Senate for the splendid manner in which they cooperated to move the measure through to final passage. The urged their own strong and sincere views on certain features of the bill with great skill and ability. The Senate is grateful.

The leadership commends the entire

Senate for its diligence in disposing of this measure in a thoughtful and thorough way. It contains items of surpassing importance to the future of this Nation. It is an accomplishment for which the entire Senate may be proud.

Mr. FANNIN. Mr. President, I want to express my appreciation to the distinguished Senator from Montana for all the courtesy extended to the minority during debate on this bill and to express my great appreciation to my colleague from Wyoming for his great work on this.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate so that the Senator may be heard?

The PRESIDING OFFICER. May we have quiet, please.

Mr. FANNIN. Although the Senator from Arizona was not successful in his attempt to make several amendments that I think would have been very important as far as the bill is concerned, the Senator——

The PRESIDING OFFICER. The Senator from Arizona will please cease.

May we have order in the Senate, may we have quiet.

The Senator will proceed.

Mr. FANNIN. The Senator from Montana was patient, understanding, and gave every consideration to any Member who wanted recognition or wanted to be heard on the bill.

It was unfortunate that just at the end, before the vote, the distinguished Senator from Wyoming was not in a position to properly present his amendment.

I think it is very important that we maintain the rights that the Senators have in that regard.

Although the Senator from Arizona was on the losing side, we express appreciation to those involved in this legislation.

It is important now that we try to do in conference, perhaps, what we were not able to do on the floor of the Senate, and that is to have a proper bill we can send to the President with the feeling that it will be beneficial to this Nation of ours and that it will not be subject to a veto.

Mr. President, I pledge myself, of course, in the conference to try to obtain that type legislation.

Mr. President, I pay tribute to the distinguished Senator from Montana, Senator METCALF, the floor manager of the bill for his patience, cooperation, expertise, and most of all his fairness in all dealings on this bill. Senator METCALF always protected the rights of the minority and insisted and demanded fairness to the differences which the President voiced about this bill. It cannot be said that the administration's views were disregarded or ignored by the Senator from Montana. Though I totally disagree with the committee's actions on many parts of this bill, we at least had the full opportunity to make our arguments in favor of change. No man could have been more fair or more accommodating than Senator METCALF.

I also want to thank our Republican Minority Members particularly Senators HANSEN, MCCLURE, and BARTLETT for their contributions. They spent many hours mastering this complicated technical subject matter and made significant amendments to better this measure.

Finally, Mr. President, I want to thank the staff for the hours, weeks, and months of hard work which they put into this bill. Mike Harvey, deputy chief counsel and Fred Craft, deputy minority counsel and professional staff member Lucille Langlois provided, as always, competent professional assistance their bipartisan and impartial advice has been invaluable.

Mr. JACKSON. Mr. President, I want to associate myself with the remarks of the distinguished Senator from Arizona.

I commend the minority for their cooperation and for the expeditious way in which the legislation was moved.

I must say to the manager of the bill and the individual who chaired the hearings, the distinguished junior Senator from Montana, they provided the kind of leadership that made it possible for us to move, I think, far faster than we had expected to be able to move in the beginning of the session.

The Senator from Montana (Mr. METCALF) has been most considerate of all points of view as expressed in the committee hearings, committee deliberations, and on the floor of this body, and I commend him for his skill, his professionalism and his fairness in the handling of the pending measure which passed by such an overwhelming majority.

I hope and trust, Mr. President, and I think this is the main point, that the President of the United States will sign this bill because clearly the vote is a signal to the White House that he should sign it.

I say that because I think if we are going to get on with the business of the Congress, in these situations where it is so clear that the will of the Congress is so overwhelming, we can save a lot of time and effort in avoiding confrontations which do not help anyone.

So I hope and trust that the President of the United States will approve this bill, and I am confident it will pass the House by a similar overwhelming margin.

Mr. President, I yield to the distinguished Senator from Montana.

Mr. METCALF. I thank the chairman of the committee for yielding to me. I am grateful to him, Senator FANNIN and Senator HANSEN, especially for their cooperation.

I emphasize that in this legislation the committee carefully considered the message President Ford sent to us and carefully considered the various propositions in which he disagreed with the legislation.

We adopted some of them, we modified some of them, and we rejected some of them. We are back here with a piece of legislation, and I join with the chairman of my committee, the distinguished Senator from Washington, in urging the President to sign this bill.

Mr. President, this bill is the culmination of many years efforts to enact legislation regulating surface mining of coal. The principal author of the bill, Senator JACKSON, has consistently exercised his leadership in giving high priority to this legislation. Without his support, this bill would not have reached the floor at this early date.

I also want to express my appreciation to the minority members of the Interior Committee for the wonderful cooperation they have given me throughout the consideration of S. 7 in committee and during the last 3 days. I am particularly grateful to the ranking minority member (Mr. FANNIN) and my good friend from Wyoming, Senator HANSEN.

The new members of the Senate Interior Committee, Senators BUMPERS, STONE, and GLENN did not have the benefit of previous hearings and consideration of this egislation, yet they did their homework and contributed to the final legislation.

The committee's staff deserves the highest commendation, on the majority side, Mike Harvey and his assistants Lucille Langlois and Mary Flanagan were indefatigable in their efforts.

I also want to express my appreciation for the assistance of the minority staff: Fred Craft, Sonny Nixon, and Mary Adele Shute.

Mr. JACKSON. Mr. President, I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I wish to express my appreciation to the floor manager of the bill for his fairness, the numberless hours of time that he has spent in chairing committee sessions, and the respect and fairplay he has accorded everyone who has had anything to say, either pro or con, on this bill. He has been particularly helpful to me, and I am truly grateful for it.

I believe because of his leadership and because of his understanding of the problems we are in a better position than we would otherwise be.

I voted for the bill, as I did a year ago. I feel it accomplishes some goals that all of us recognize as important.

I have said from the beginning, and I have repeated time after time after time that, in my mind, there were three very important goals that deserved our serious consideration and attention:

No. 1, the country, the people of the United States, all of us who have seen those areas where mining has occurred want to take steps that will insure no further repetition of some of the destruction and desolation which has occurred. I am sure we can all applaud the bill for having required, as it does, the demonstration of the ability to reclaim land before land can be mined.

When we talk about strip mining of coal, as this bill addresses the issue, we must recognize that we are talking rather precisely and almost specifically, insofar as the solution of our energy crisis is concerned, to those lands in the West where there is a divided estate, where the surface of the land is owned oftentimes by individual homesteaders and their successors, and the ownership of the coal has been retained by the Federal Government.

I believe there are other adequate remedies for the rights of the one as contrasted with the other where the title has been vested at one time in our history in one individual or one entity. But in this instance in the West we have a separation of those rights. Because of that, the problem of trying to make good use of the Nation's energy supplies and to treat fairly the surface owner poses some very real problems.

There is no question but what most of the owners of only the surface estates in the West would want to have the right to grant or to withhold permission to those who would surface mine the coal. Unfortunately, we did not address that problem very well, I do not think, as we considered this bill today.

I regretted that I did not have time in the few minutes remaining before 3 o'clock to explain some of the reasons that seemed to me to be important to the Senate, and I think may in later days prove to be important to the country.

We have given the surface owner the right to give permission or to withhold permission to a surface mining operation. I repeat again I voted for the bill because, on balance, it contains more worthwhile objectives and more laudable goals than I find can be criticized in the bill. The bill as written provides that while the surface owner may grant or withhold permission to a surface mining operator, what he may be paid, what he may receive, in consideration for his giving permission to surface mine is, I believe, going to be quite inadequate.

I predict as a consequence we will be returning in a year or two to reexamine this bill and to see what needs to be changed in order to better and more convincingly persuade the typical rancher and farmer in the West, who owns only the surface over Federal coal, to give his consent to mine the coal on his surface land.

I say that because when we limit, as this bill does, the rancher's or farmer's compensation or consideration to only the appraised value of the surface, the appraised value of improvements, to the consideration or compensation that he may be permitted for relocating, for moving from where he now lives and operates to another place, and to the loss of income brought about as a direct consequence of the incidence of mining interrupting his ongoing agricultural livestock operations, we restrict him too closely.

In addition to those points I have mentioned, he can be paid if, in the judgment of the Secretary of the Interior more is equitable in view of the farmer's or rancher's tenancy on his land, up to $100 per acre as an additional payment. That amount, however, may not exceed the total of these other measures that I have enumerated, including loss of income.

So, in effect, what this amounts to is that for the typical surface owner in the West, whether he is a rancher or a farmer, or whoever he may be, I think formula compensation in the bill is insufficient to induce many ranchers and farmers to give their consent.

If they could receive a greater share, or at least some little share, of the value of the coal that is to be removed from the earth under the surface which they own, I think it would make that necessary difference and we would find surface owner consent being granted. That is not in the bill, and I think it is a very serious shortcoming. I feel it is the kind of shortcoming that I suspect not many Senators appreciate.

I know there was a great interest in making certain that no one was unjustifiably enriched. We have done a good job in this bill today of ensuring that no one is going to be unjustifiably enriched. My prediction is that we have done such a good job that no one or very few, indeed, will give permission to a surface mining operation.

That brings up the third point that I have in mind, which I believe is important. That is in ensuring that the Government of the United States, and the people that Government tries to serve, shall have access to the coal that is owned by all of the people. Because we failed to give adequate compensation by restricting so narrowly as this bill does what a farmer or rancher, or any surface owner may receive, we failed in two of the three important objectives that I feel some of us have had in mind.

We do ensure, we do guarantee, that adequate reclamation will take place. We failed to recognize the kind of judgment, the kind of balancing of factors, and the kind of determination that I think will satisfy most ranchers and farmers in the West.

By failing to give that type of individual what I believe must be given him in order to secure his written permission, we will fail in our third objective, which means that the Government of the United States probably will not be able to persuade many more people whose consent has not already been obtained to give their consent when they will be paid as little as this bill allows.

So it was with mixed feelings that I voted for the bill. I voted for it because there is no doubt that the term "surface owner consent" has become a major objective insofar as most ranchers and farmers and, I think it fair to say, all the environmentalists in the West are concerned. They all want it, and I, too, want it.

I tried to perfect section 716 so that we could give a little more consideration to what we are doing. We have given the surface owner the right to say whether or not mining will take place; but by denying him what he can receive, to the extent and degree that we have, I think we have almost insured that most surface owners will not give their consent.

The bill does contain a number of provisions that are helpful and good. For one thing, by applying general standards nationally and uniformly, we have gone a long way in insuring that one area of the country shall not be placed in an unfair competitive position against another section; and that, of course, is one of the main reasons for having a national bill passed.

When I was Governor of Wyoming, some of the bentonite operators said they had no objection to reasonable reclamation requirements being demanded of them, provided other bentonite producers in other States were treated the same way. This bill does that. It insures that every surface owner, every surface mining operator will have to meet the same Federal standards that every other surface miner has to meet.

The Metcalf-Hansen amendment, with which I was proud to associate myself with the distinguished floor manager of this bill, gives to the State the extra right to go beyond the Federal standards and to require whatever extra provisions may be indicated, in the discretion of the legislature. I support this. With that kind of provision in this bill, with the Hansen-Metcalf provision in the bill, which places State law in a sovereign position over Federal law, if it exceeds in its requirements or stipulations what is imposed by Federal law, I think the bill has been improved.

The unfortunate thing is that I believe some of the provisions we have in the bill fail to recognize that any State can exceed what is in the law. As a consequence, amendments were adopted and incorporated in the bill that I think might better have been left out.

Everyone is concerned with acid water. Most of the acid water that plagues America comes from underground mines.

It is also fair to point out that the rainfall in the Appalachian area of the United States exceeds by a very considerable amount that which falls upon most of the West. So here, again, it might better have been left to actions of State legislatures to determine the precise requirements in that respect.

In my State of Wyoming, I think of the Continental Divide Basin, an area of about 300 square miles, which has an average annual rainfall of 7 inches a year. The topography is such that there are no rivers draining that area. All the water that falls within this 300-square-mile section of southern Wyoming either evaporates or percolates into the ground. There is no acid water draining from any mining operation out there. That is not the situation we find in Appalachia; and it points up once again a good reason for giving the States the ability to write the specifics of this reclamation law or of the requirements that may be imposed.

I think that some of the other provisions, some of the reclamation requirements, some of the permit provisions are ill-advised in certain respects. I recall that section 510(B)(5), I think it is, requires that, with respect to alluvial valley floors, it must be determined that a mining operation will have little or no significant effect on the croplands or the hay lands in those areas.

If they are excluded by virtue of that particular provision of the bill, I can envisage a situation in which the land on either side of an area so designated could be mined, the surface of the mined area of the ground could be lowered. In effect, one could envisage the future of that area as being reflected by a stream that would be in an elevated position, with no ability of the area on either side, if it should happen to have been mined, to contribute the water that would fall by rain or melt from snow into that particular stream, because the stream would be left in an elevated position—almost in the position of a flue. That is one of the provisions that I think should have been stricken from the bill.

I tried to present the logic for excluding that particular section from the bill, feeling that the reclamation requirement sections remaining in the bill were such as to insure that whatever was done would meet the requirements of the country, would conform with our standards that have been spelled out clearly insofar as reclamation is concerned, and I think would have handled in a very adequate and satisfactory manner what we all sought to achieve.

The particular section to which I have referred seems to me to contain a type of land use decision rather than to ask the basic question upon which the bill was based: Can reclamation be effected in a manner that will conform with the ethic that is extant in the country today and one to which we all subscribe?

In closing, let me say again that I am most appreciative of the role that Senator Metcalf has played in forming this bill. I agree that the President of the United States should sign it. It seems futile to me, despite the faults I find with it, to think that he will have adequate grounds on which to veto it. I join Senator Jackson in predicting that if he were to veto it, his veto would be overridden. I say that believing as I do, nevertheless, that we probably are going to have to find out the hard way that there are some unworkable provisions in this bill, and I fully anticipate that that will be our experience.

Despite the statistics indicating that there is a great deal of coal already under lease, by imposing the obligation as we do, we are going to find that a reclamation plan has to be submitted that is workable. We will find that one or two surface landowners who say, "No, you can't surface mine my land," will present very formidable obstructions to the presentation of an adequate reclamation program.

As a consequence, my feeling would be that it will be impossible to put together the blocks of coal mining operations that are necessary in order to meet the very demanding requirement of our Nation for substitutes for the increasing amounts of oil that we have to buy from insecure foreign sources.

I appreciate the work of all of the members of the Committee on Interior and Insular Affairs. They have been very kind and helpful to me, and I express my thanks to them.

I yield the floor.

Mr. JACKSON. Mr. President, before turning to the pending business, I wish to commend the Senator from Wyoming for his participation in connection with the legislation just adopted. I spoke earlier about the fine work of the distinguished ranking minority member (Mr. Fannin) from Arizona. Both Senators put a lot of time and effort into the pending legislation.

I must say, the Senator from Wyoming, as always, has spoken with great candor. I do not think there is any question that we will have some problems with the strip mining bill. It cannot be determined, really, until it has been tested. I think in summary, however, that we have made a good beginning. We will be monitoring and policing and following the implementation of strip mining legislation very closely as part of our oversight responsibility in the Committee on Interior and Insular Affairs.

I especially commend the Senator from Wyoming for the vigorous way in which he presented his amendments and his points of view. It comes from the heart of the problem, and no one knows it better than someone who lives with this situation in his own constituency. I therefore wish to thank, commend, and compliment the Senator from Wyoming for the fair way in which he participated in the floor debate, despite inclusion in the bill of provisions with which he did not always agree; I commend him heartily.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the ACTING PRESIDENT pro tempore (Mr. Hugh Scott) laid before the Senate, messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:50 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the enrolled bill (S. 332) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce.

The enrolled bill was subsequently signed by the Vice President.

At 2:05 p.m., a message from the House of Representatives by Mr. Berry announced that the Speaker has appointed Mr. Fountain, Mr. Corman, and Mr. Brown of Ohio as members of the Advisory Commission on Intergovernmental Relations on the part of the House.

The message also announced that the Speaker has appointed Mr. Morgan, chairman, Mr. Johnson of California, Mr. Randall, Mr. Stratton, Mr. Meeds, Mr. Solarz, Mrs. Collins of Illinois, Mr. Cleveland, Mr. Horton, Mr. McEwen, Mr. Winn, and Mr. du Pont members of the U.S. delegation of the Canada-United States Interparliamentary Group on the part of the House.

The message further announced that the Speaker has appointed Mr. Dingell and Mr. Conte members of the Migratory Bird Conservation Commission on the part of the House.

The message also announced that the Speaker has appointed Mr. Kastenmeier, Mr. Seiberling, Mr. Railsback, and Mr. Butler members of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance on the part of the House.

The message further announced that the Speaker has appointed Mr. Hays of Ohio, chairman, Mr. Rodino, Mr. Brooks, Mr. Phillip Burton, Mr. Annunzio, Mr. Bob Wilson, Mr. Broomfield, Mr. Latta, and Mr. Edwards of Alabama members of the U.S. group of the North Atlantic Assembly on the part of the House.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Hugh Scott) laid before the Senate the following letters, which were referred as indicated:

Report on Change in Market Shares for Petroleum Products

A letter from the Administrator, Federal Energy Administration, transmitting, pursuant to law, a classified report relative to the change in market shares for petroleum products (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 331. A bill to redesignate November 11 of each year as Veterans' Day and to make such day a legal holiday (Rept. No. 94–34).

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.R. 4075. An act to rescind certain budget authority recommended in the message of the President of January 30, 1975 (H. Doc. 94–39) and in the communications of the Comptroller of February 7, 1975 (H. Doc. 94–46) and of February 14, 1975 (H. Doc. 94–50), transmitted pursuant to the Impoundment Control Act of 1974 (Rept. No. 94–35).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Ralph B. Guy, Jr., of Michigan, to be U.S. attorney for the eastern district of Michigan;

John E. Clark, of Texas, to be U.S. attorney for the western district of Texas;

William B. Cummings, of Virginia, to be U.S. attorney for the eastern district of Virginia; and

Donald W. Wyatt, of Rhode Island, to be U.S. marshal for the district of Rhode Island.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. EASTLAND, from the Committee on the Judiciary:

J. Smith Henley, of Arkansas, to be U.S. circuit judge for the eighth circuit; and

Stanley S. Brotman, of New Jersey, to be U.S. district judge for the district of New Jersey.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 12, 1975, he presented to the President of the United States the enrolled bill (S. 332) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. FANNIN:

S. 1150. A bill to amend the Occupational Safety and Health Act of 1970. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENS (for himself and Mr. KENNEDY):

S. 1151. A bill to amend the Federal Water Pollution Control Act in order to increase the authorization for the Alaska village demonstration projects. Referred to the Committee on Public Works.

By Mr. McCLURE (for himself and Mr. CHURCH):

S. 1152. A bill to amend the act of December 28, 1973 (87 Stat. 904) to clarify the relationship of the provisions of said act to the provisions of section 103 of title 26, United States Code. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 1153. A bill to amend the Internal Revenue Code of 1954 to require that charitable organizations which solicit contributions from the public pay out at least half of their gross revenues in charitable activities and for other purposes. Referred to the Committee on Finance.

By Mr. CANNON (for himself, Mr. MAGNUSON, and Mr. HARTKE) (by request):

S. 1154. A bill to amend section 1371 of title 49, United States Code, to provide for the certification of an indirect carrier of Air Express. Referred to the Committee on Commerce.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. PERCY, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1155. A bill to amend the Public Health Service Act to provide for inservice training of nursing home personnel. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1156. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. BURDICK, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1157. A bill to amend title VII of the Public Health Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of continuing education programs in geriatrics for physicians. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. WILLIAMS, Mr. PERCY, and Mr. DOMENICI):

S. 1158. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1159. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1160. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of nurse practitioners to provide primary health care in nursing homes. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1161. A bill to authorize and experimental program to provide for care for elderly individuals in their own homes. Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1162. A bill to amend title XVIII of the Social Security Act to expand the definition of "provider of service" to include "day care center". Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. HUGH SCOTT, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1163. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, to amend part A of such title to liberalize the coverage of posthospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care to provide expanded Federal funding for congregate housing for the displaced and the elderly and for other purposes. Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. PERCY, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1164. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program a report of costs and a financial statement, both audited by a certified public accountant reflecting the operation of such nursing home. Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. PERCY, Mr. WILLIAMS, and Mr. DOMENICI):

S. 1165. A bill to authorize the Secretary of Housing and Urban Development to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MOSS (for himself, Mr. CHURCH, Mr. WILLIAMS, Mr. PERCY, and Mr. DOMENICI):

S. 1166. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home. Referred to the Committee on Finance.

By Mr. ABOUREZK (for himself, Mr. HARTKE, Mr. HUMPHREY, and Mr. McGOVERN):

S. 1167. A bill to amend title 39, United States Code, to maintain and extend rural mail delivery service, to be called the Uniform Mail Delivery Act. Referred to the Committee on Post Office and Civil Service.

By Mr. STEVENS (by request):

S. 1168. A bill to regulate commerce and protect consumers by requiring improved safety assurance measures in food manufacture and distribution and registration of producers of food. Referred, by unanimous consent, jointly to the Committee on Labor and Public Welfare and the Committee on Commerce.

By Mr. HUMPHREY (for himself, Mr. BENTSEN, and Mr. DOMENICI):

S. 1169. A bill to amend the Congressional Budget Act of 1974 to require the Congressional Budget Office to prepare economic impact statements in connection with legislation reported by congressional committees and in connection with rules and regulations proposed by Federal agencies. Referred to the Committee on Government Operations.

By Mr. HUMPHREY:

S. 1170. A bill to amend the Arms Control and Disarmament Act, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. TUNNEY:

S. 1171. A bill to amend the Internal Revenue Code of 1954 to allow a business deduction under section 162 for certain ordinary and necessary expenses incurred to enable an individual to be gainfully employed. Referred to the Committee on Finance.

By Mr. ROBERT C. BYRD:

S. 1172. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation. Ordered placed on the calendar by unanimous consent.

By Mr. CURTIS (for himself, Mr. HRUSKA, Mr. THURMOND, Mr. FANNIN, Mr. GOLDWATER, Mr. LAXALT, Mr. McCLURE, and Mr. WILLIAM L. SCOTT):

S.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FANNIN:

S. 1150. A bill to amend the Occupational Safety and Health Act of 1970. Referred to the Committee on Labor and Public Welfare.

OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS OF 1975

Mr. FANNIN. Mr. President, I introduce for appropriate reference a bill to amend the Occupational Safety and Health Act of 1970. This act has generated considerable controversy ever since its enactment. We have been virtually bombarded with complaints from employers, particularly small ones, about the act and the way it is being enforced against them. Numerous groups have made it their No. 1 priority to do something to improve the situation. They have made suggestions ranging from repeal of the law to relative minor procedural changes. They all have one thing in common—strong discontent with the law as presently written.

During the last Congress during the debate on the Labor-HEW appropriations bill, a number of amendments to OSHA were debated. While there was no clear agreement among the supporters of these amendments as to whether the difficulty lies primarily with the way the act is being enforced, or with unfair provisions in the act itself, there was broad agreement that some changes are needed and that the proper forum for considering such changes is the legislative committee where the act originated, not floor debate on an appropriations bill.

While I believe the Labor Department has been made cognizant of some of the problems of OSHA standards and enforcement procedures and is moving to make corrections, I strongly believe that substantive changes in the law itself are necessary. At the same time, I believe that the objective of the act—to provide a safe and healthful working environment for all American workers—is a worthy objective, and none of my proposed amendments detract from that objective.

The act as presently written places too much emphasis on punishment of employers for noncompliance and not enough emphasis on assisting employers toward compliance. It is clear that employers must bear the responsibility for complying with the act and that penalties are necessary where they refuse to comply. It is equally clear that the objectives of the act cannot be achieved without their cooperation. Additionally, we need to recognize that employers, particularly small ones, need assistance in understanding and complying with the complex OSHA standards.

This bill proposes the changes I think are necessary and it is addressed to the provisions of the act which I feel are more punitive than constructive. It would place more emphasis on assisting employers toward compliance.

Let me summarize briefly the changes this bill would make. First, it would require OSHA to provide advice and technical assistance to employers having 100 or fewer employees. Such advice and assistance would be provided through onsite consultations where requested by the employer. Such consultations would be limited to matters specified by the employer, and no citations could be issued during the consultative visit. OSHA would be permited to provide advice and technical assistance by means other than a visit to the worksite where such other means would be more appropriate and equally effective. At the present time, OSHA cannot provide technical assistance through onsite consultations. If an OSHA inspector observes a violation during a visit to the worksite, he is obliged to issue citations and propose penalties, depending on the nature of the violation.

Second, the bill would remove OSHA's discretionary power to assess penalties for nonserious violations on the first inspection. Under the act as presently written, an employer can be fined up to $1,000 for a nonserious violation discovered on the first inspection of his premises, often a violation of a standard of which the employee was totally ignorant. This change would not affect the provisions of the act imposing penalties for willful or repeated violations, or for failure to correct violations within the abatement period prescribed by OSHA. Thus, an employer who received a citation for a nonserious violation could receive a penalty for failing to correct that violation within a reasonable time, and he could be fined up to $10,000 for a subsequent nonserious violation.

Third, the bill would change the penalty for serious violations from mandatory to permissive. In determining whether a fine should be assessed, OSHA would be required to take into account the gravity of the violation, the good faith of the employer—for example, whether he had tried to comply—and the history of previous violations. Again, whether or not a penalty is assessed for the first serious violation, the employer would be subject to stringent penalties for failure to abate the violation, and for any subsequent violation. While the amount of a fine for a violation classified by OSHA as "serious" is discretionary under the act—up to $1,000—a fine in some amount is mandatory.

Fourth, it would establish a procedure under which an employer who has received a citation could apply for a variance from the OSHA standard violated on the ground that work procedures in operation at the time of the citation are equally effective in protecting his employees. The act now permits an employer to apply for such a variance in advance of an inspection or citation. Under this change, an employer could apply for a variance after receiving a citation, and no penalty could be assessed, pending review of the application. If a variance were granted, the citation would be withdrawn. OSHA would not be required to suspend enforcement proceedings where the application for a variance were determined to be frivolous or filed for the purpose of delay. This provision would add needed flexibility without reducing the incentive for employers to comply, and without reducing protection to workers.

Fifth, the bill would provide that citations for violations need not be posted by employers after such violations have been abated.

This is a ridiculous situation. An OSHA inspector comes into a plant and finds a violation. They have to post a notice that there has been a violation. Then they correct the violation but the notice has to stay up as though they were still in violation. That is simply nonsense so far as I am concerned. It does not help anyone—the worker, the employer, or I think, the health and safety of the area.

Sixth, the bill would require OSHA to consider the economic impact of proposed new standards on affected employers, and to publish in the Federal Register along with such standards a statement summarizing their expected economic impact, including an estimate of the total costs which will be incurred by each affected industry in complying. I think this provision would result in a healthy awareness on the part of OSHA regarding the costs of proposed new standards, and would better enable all interested members of the public to measure the benefits against expected costs, which are, of course, ultimately passed on to consumers.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the Record, followed by a section-by-section analysis.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 1150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act Amendments of 1975".

Sec. 2. Section 6(b)(2) of the Occupational Safety and Health Act of 1970 is amended by inserting at the end of the first sentence the following: "Such proposed rule shall be accompanied by a statement summarizing its economic impact on affected employers, including estimate of the total costs which will be incurred by employers in each affected industry in complying with such rule."

Sec. 3. (a)(1) Subsections (b) and (c) of section 9 of the Occupational Safety and Health Act of 1970 are redesignated as subsections (c) and (d), respectively.

(2) Section 9 is further amended by inserting after subsection (a) a new subsection (b) as follows:

"(b) Any employer who is issued a citation and who believes that he maintains work conditions which would meet the criteria for a variance under section 6(d), may apply to the Secretary for such a variance within the time designated in section 10(a) for giving notice of intent to contest a citation. Except where the Secretary finds it frivolous and submitted for the purpose of delay, such application shall result in the suspension of all further proceedings with respect to such citation pending final action by the Secretary on such application. If a variance is granted, the Secretary shall enter an order vacating such citation."

(b) Section 9(c) of such Act (as redesignated by this section) is amended by adding at the end thereof the following: "Such posting shall not be required after (1) such violation has been abated, or (2) a proceeding contesting such citation has been concluded by an order under sections 9(b), 10(c), or 11 vacating or modifying such citation, whichever comes first: *Provided,* That where such order modifies such citation, the citation as modified shall not be required to be posted after the violation has been abated."

Sec. 4. (a) Section 17(b) of the Occupational Safety and Health Act of 1970 is amended (1) by striking the word "shall", and inserting in lieu thereof the word, "may"; and (2) by inserting at the end thereof the following new sentence: "In determining whether a penalty shall be assessed under this subsection, due consideration shall be given to the gravity of the violation, the good faith of the employer, and the history of previous violations."

(b) Section 17 of such Act is further amended by striking subsection (c), and redesignating subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), and all references thereto, as subsections (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

Sec. 5. (a) Section 21 of the Occupational Safety and Health Act of 1970 is amended by changing the heading to read as follows:

"TRAINING, EDUCATION, AND TECHNICAL ASSISTANCE

(b) Section 21 of such Act is further amended by inserting at the end thereof the following new subsection:

"(d)(1) In order to further carry out his responsibilities under this section, the Secretary shall visit the workplaces of employers having one hundred or fewer employees for the purpose of affording consultation and advice to such employers. Such visits (A) may be conducted only upon a valid request by an employer for consultation and advice at the workplace on the interpretation or applicability of standards or on possible alternative ways of complying with applicable standards, and (B) shall be limited to the matters specified in the request affecting conditions, structures, machines, apparatuses, devices, equipment, or materials in the workplace. Where, after evaluating a request by an employer pursuant to this subsection, the Secretary determines that an alternative means of affording consultation and advice is more appropriate and equally effective, he may provide for such alternative means rather than onsite consultation.

"(2) The Secretary shall make recommendations regarding the elimination of any hazards disclosed within the scope of the onsite consultation. No visit authorized by this subsection shall be regarded as an inspection or investigation under section 8 of the Act and no notices or citations shall be issued nor shall any civil penalties be proposed by the Secretary upon such visit, except that nothing in this subsection shall affect in any manner any provision of this Act the purpose of which is to eliminate imminent dangers.

"(3) Nothing in this subsection shall be deemed to require the Secretary to conduct an inspection under section 8 of the Act of any workplace which has been visited for consultative purposes. The failure of the Secretary to give consultation and advice regarding any specific matter during a consultation visit shall not preclude the issuance of appropriate citations and proposed penalties with respect to that matter.

"(4) In prescribing rules and regulations pursuant to this subsection, the Secretary shall provide for the appropriate separation of functions between officers, employees, or agents who conduct visits pursuant to this subsection and officers, employees, or agents who conduct inspections or investigations under this Act."

SEC. 6. This Act shall take effect sixty days after the date of its enactment.

SECTION-BY-SECTION ANALYSIS OF S. 1150

SECTION 2

Amends Section 6(b)(2) of the Occupational Safety and Health Act of 1970 to require that when a proposed rule, which would establish a new occupational safety and health standard, or which would affect an existing standard, is published in the Federal Register, it shall be accompanied by a statement summarizing its economic impact on affected employers, including an estimate of the total costs which would be incurred by employers in each affected industry in complying with such rule.

SECTION 3

Amends Section 9(b) of the Occupational Safety and Health Act of 1970, which requires an employer who has received a citation for a violation of an occupational safety and health standard or regulation to post such citation at or near the site of the violation, by providing that such posting need not continue after the violation has been abated.

Amends Section 9 of this Act to establish a procedure whereby an employer receiving a citation could obtain a variance from the standard violated by persuading the Secretary that work procedures in operation at the time of the citation are equally effective in protecting his employees. An application for such a variance would not suspend enforcement proceedings where the Secretary found it was frivolous, or filed for the purpose of delaying enforcement proceedings.

SECTION 4

Amends Section 17 of the Occupational Safety and Health Act of 1970 by striking subsection (c), which gives OSHA discretionary power to assess fines against employers for non-serious violations on the first inspection.

Amends Section 17(b) of the Act by changing from mandatory to permissive the asessment of fines for serious violations. In determining whether a fine should be assessed, due consideration would be given to the gravity of the violation, the good faith of the employer and the history of previous violations.

SECTION 5

Amends Section 21 of the Occupational Safety and Health Act of 1970 by adding a new subsection requiring OSHA to provide advice and technical assistance through consultations at the work sites of employers who have 100 or fewer employees, and who request such assistance. Such on-site consultations would be limited to matters specified by employers, and no citations could be issued during such consultations. The Secretary could provide such advice and assistance through means other than on-site consultations, where he finds such alternative means to be more appropriate and equally effective.

SECTION 6

These amendments would be effective sixty days after enactment.

By Mr. STEVENS (for himself and Mr. KENNEDY):

S. 1151. A bill to amend the Federal Water Pollution Control Act in order to increase the authorization for the Alaska village demonstration projects. Referred to the Committee on Public Works.

Mr. STEVENS. Mr. President, with a need to provide centralized waste treatment and safe water facilities in Alaskan native villages, Public Law 92–500 authorized $2 million for the required construction in three communities lacking these facilities.

To date, construciton of the demonstration projects has provided residents of Emmonak and Wainwright with a safe water supply, sewage facilities, and solid waste disposal. However, last November when a fire at Wainwright destroyed the waste treatment facility, the Environment Protection Agency and the Department of Housing and Urban Development reviewed the project and developed the modifications needed to assure that this tragedy would not reoccur.

Mr. President, in view of these circumstances the $2 million originally authorized is too low to permit the program to continue. The bill I am introducing increases the authorization ceiling according to an EPA estimate that an additional $1.5 million will be needed to replace the destroyed Wainwright facility and make the necessary improvements to protect the Emmonak project from a like destruction. I request the committee take immediate action on this bill so that the residents of Wainwright, Emmonak, and a third native village can enjoy the facilities that this program can provide. Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 113(d) of the Federal Water Pollution Control Act is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,500,000".

By Mr. MONDALE:

S. 1153. A bill to amend the Internal Revenue Code of 1954 to require that charitable organizations which solicit contributions from the public pay out at least half of their gross revenues in charitable activities and for other purposes. Referred to the Committee on Finance.

TRUTH IN CONTRIBUTIONS ACT

Mr. MONDALE. Mr. President, about 140 years ago, a Frenchman named Alexis de Tocqueville wrote a book in which he tried to define the character of the new "Americans." Nothing impressed him more than our spirit of generosity.

De Tocqueville wrote:

> When an American needs the assistance of his fellow, it is very rare for that to be refused, and I have often seen it given spontaneously and eagerly.

He continued:

> When there is an accident on the public road people hurry from all sides to help the victim, and, when some unexpected disaster strikes a family, a thousand strangers willingly open their purses, and small but very numerous gifts relieve their distress.

De Tocqueville's insights still have meaning for us today. As you probably know better than I, the spirit of charity is alive and well in the United States more than a century after he first described it.

I have been impressed for years with this extraordinary commitment of Americans to helping people in need. During our lifetime, American charity has accepted the challenge of some of our most terrible problems. It has helped to virtually eliminate tuberculosis and polio, to feed millions of hungry children, to aid the crippled and disenfranchised, and to offer new hope and new life to countless victims of our society.

It is with this tradition of commitment in mind that I introduce today the Truth in Contributions Act. My hope is that legislation of this type will help us to strengthen worthwhile, existing charitable efforts; encourage new ones; and discourage activities which are conducted in the name of charity but which have no charitable purpose at all.

The proposed legislation has evolved from a year of study, investigation and hearings of the Subcommittee on Children and Youth, of which I am chairman.

We felt it was appropriate for a congressional committee to conduct such a study because of the substantial Federal support these organizations receive. We identified at least three types of Government subsidy to charities serving children and youth: the tax exemption; nonprofit mailing rates; and registration with the Advisory Committee on Voluntary Foreign Aid of the U.S. Agency for International Development.

In the subcommittee's work, we focused on organizations which emphasize service to children in their programs and/or in their fundraising efforts. We were not able to hold hearings on all of these organizations. We were not even able to compile a complete list of them, because even the Internal Revenue Services does not have one.

Our work showed that most of these groups are led by dedicated persons who are doing an impressive job of assisting youngsters who need help.

But our investigation also uncovered some shocking and misleading practices on the part of some organizations claiming to be charities. For example, we found an organization which raised some $10 million over 10 years to help asthmatic children. A close examination of the records showed that about 15 cents of every dollar had been spent on helping the kids. The rest went to a direct mail firm and to other administrative and fundraising activities. The direct mail firm which earned millions of dollars from this account was never even subjected to a bid procedure. According to their testimony, the charity's executives simply paid whatever bill was presented to them. In addition, the organization had billed certain expenses to an affiliate in another State in order to circumvent the New York state law which regulates fundraising.

In another hearing, a 28-year-old tycoon told the subcommittee exactly how he made his fortune by deceiving the public. I asked him: "Did you call your organization "National Youth Clubs" to make the public think that it was a charity?" The answer was "yes."

National Youth Clubs was one of two organizations we found which were really profitmaking businesses. They recruited children to sell candy and cookies door-to-door. The potential customers thought the proceeds would go to programs for kids. They really went to the owner of the candy and cookies companies.

In an investigation of one of the Nation's major health charities, we discovered a secret agreement between the executive director and his board. This was a contract providing not only a salary of $42,000 a year—but an extra bonus of $12,000 for 2 years. He called this $12,000 a "signing fee" and did not think that it should be reported as salary to the authorities regulating charities in some States.

The subcommittee also requested a General Accounting Office study of organizations which raise money in the United States and send it abroad for charitable efforts. The five organizations studied were all registered with the U.S. Agency for International Development. Some of them advertised this registration in their solicitation materials. And yet, GAO found that AID makes no attempt to audit or monitor the programs of these charities. They may or may not be doing good work. But the fact is that AID simply would not know. The bylaws and the rules of the AID committee require them to investigate and assure the public the registered charities are legitimate. But they were not doing a thing.

The GAO report found that the five groups investigated were doing a good job. But they also found some questionable practices. For example, one organization stated in its ads that gifts for specific children would be forwarded in their entirety to those children. The fact was that this did not always happen. Sometimes the money was spent on several children. But the contributor was not told this. In another case, this organization was still making payments to a school in Hong Kong for more than 100 children who had not been there for months.

I am pleased to report that this particular organization—the Christian Children's Fund—has developed a new format for its ads since the hearings. The ads now include a copy of the financial statement and more complete explanation of what does happen to the contributor's dollar.

I admire and believe very much in this type of self-regulation. We saw other examples of it in our hearings. The Council of Better Business Bureaus and the National Health Council have initiated some very good work in this area. So has the Institute of Certified Public Accountants, which has tried to bring some order into the question of accounting standards for nonprofit organizations. And a few States and other jurisdictions—Pennsylvania, Los Angeles, Florida, and New York among them—have also made real progress in educating both contributors and charities.

But these efforts are limited and, unfortunately, not available to the great majority of Americans when they are confronted with a request to donate funds to an organization.

Through our investigation and hearings we identified several problems which I believe should be addressed:

First. The inadequacy of existing laws to protect most contributors and beneficiaries.

Second. The ability of a few irresponsible organizations to tarnish the reputation of charity in general.

Third. The lack of reliable comparable information which enables the contributors to make an educated decision about how to spend his or her charity dollar.

It is my hope that the Truth in Contributions Act would remedy these problems. I am very aware, however, of the complexities of legislating in this area. The proliferation of laws, ordinances, and standards for the operation of charities suggests that it is very hard to reach a consensus on questions such as which charities deserve our support; and which charities are truly helping people, as opposed to just perpetuating a business operation.

I would like to stress that the Truth in Contributions Act I am introducing today is a first step toward addressing the needs identified by the subcommittee. The bill presents many issues which deserve thorough study and debate among the interested parties. I would encourage all who are interested to offer their suggestions for improvement of the legislation. A section-by-section analysis of the bill follows my statement. But I would like to call attention to a number of issues which I consider to deserve special attention and open debate. They are:

First. What agency or agencies should administer the provisions of the bill. Although the Internal Revenue Service is named in the legislation, we need to consider whether IRS should administer all the provisions; or whether requirements relating to disclosure might more appropriately be administered by another agency.

Second. Exactly which organizations should be subject to the requirements in the bill. The bill as introduced aims to apply to the kinds of groups which were the subject of the subcommittee study.

Third. The best way to establish uniform accounting standards in this field. The legislation requires the Secretary of the Treasury to prescribe one set of accounting standards as the basis for required disclosure reports. If an existing set of standards is found to be adequate and appropriate, this could be written into the law.

Fourth. The best way to implement the principle of disclosure of financial and other information at the time of solicitation. The bill does not specify the mechanism for disclosure in the case of media including radio and television, "walks for charity," and so forth. We need to learn from the experience of jurisdictions which have such requirements; and from the charities who have been complying with them.

In conclusion, I again want to stress that the purpose of this legislation is to strengthen American charity by establishing procedures which enable the public to support the organizations which deserve their support. Private, charitable efforts are an essential part of any strategy for dealing with human problems in this country. They offer millions of volunteers the opportunity to know the satisfaction of helping others. They encourage that special sense of personal involvement that can get lost in Government programs. And they offer contributors the opportunity to work for a cause which they truly want to support.

I hope that voluntary efforts will continue to play a major role in improving the quality of life in our country and other nations of the world; and that they will not lose the vision of a better life which impressed de Tocqueville when he visited America. As he said at that time:

> America is a land of wonders, in which everything is in constant motion and every change seems an improvement. The idea of novelty is there indissolubly connected with the idea of amelioration. No natural boundary seems to be set to the efforts of man; and in his eyes what is not yet done is only what he has not yet attempted to do.

I ask unanimous consent that the following documents be printed in the RECORD: An explanation of the purpose and a summary of the bill; a section-by-section analysis of the Truth in Contributions Act; and a copy of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truth in Contributions Act".

Sec. 2. (a) Chapter 42 of the Internal Revenue Code of 1954 (relating to private foundations) is amended by adding at the end thereof the following new subchapter:

"Subchapter B—Public Charities

"Sec. 4961. Taxes on Undistributed Revenue.

"Sec. 4961. TAXES ON UNDISTRIBUTED REVENUE.

"(a) Initial Tax.—There is imposed on the undistributed revenue of a public charity for any taxable year, which has not been distributed before the first day of the second (or any succeeding) taxable year following such taxable year (if such first day falls within the taxable period (as defined in subsection (c)(5)), a tax equal to 15 percent of the amount of such revenue remaining undistributed at the beginning of such second (or succeeding) taxable year.

"(b) Additional Tax.—In any case in which an initial tax is imposed under subsection (a) on the undistributed revenue of a public charity for any taxable year, if any portion of such revenue remains undistributed at the close of the correction period, there is imposed a tax of 100 percent on such portion.

"(c) Definitions.—For purposes of this section—

"(1) Public charity.—The term 'public charity' is defined in section 509(f).

"(2) Gross revenue.—The term 'gross revenue' means gross income (as defined in section 61) determined without regard to the provisions of part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) but not including—

"the value of property received and held for the production of income unless such property is sold or exchanged during the taxable year within which it is received (but this paragraph does not exclude amounts constituting gain from the sale or exchange of such property whenever sold or exchanged).

Amounts obligated for expenditure during a taxable year and taken into account under paragraph (4)(B) for the taxable year in which the obligation was made, shall be taken into account as income for the taxable year in which the expenditure was to be made to the extent they are not expended during that year.

"(3) Undistributed revenue.—The term 'undistributed revenue' means, for any taxable year, the amount by which one-half of the sum of the gross revenue of a public charity for the taxable year exceeds the sum of—

"(A) the expenditures for charitable purposes for the taxable year determined in accordance with accounting principles or standards prescribed by the Secretary or his delegate, and

"(B) the amounts irrevocably transferred during the taxable year by the public charity to another public charity (other than a public charity from which amounts have been received during the preceding 4 taxable years), so long as the recipient charity includes the amount of such transfer in computing its gross revenues.

"(4) Expenditure for charitable purposes.—

"(A) A public charity is considered to have made an expenditure for a charitable purpose if the expenditure is for—

"(i) the active conduct of the activities constituting the purpose or function for which the public charity is organized and operated, or

"(ii) assets which are directly devoted to such active conduct.

"(B) An amount obligated for a specific project shall be treated as an expenditure for a charitable purpose if—

"(i) expenditure of the amount obligated would be treated as an expenditure for a charitable purpose,

"(ii) the entire amount obligated is to be expended within 5 years after the taxable year during which it is obligated, and

"(iii) the specific project is of a nature which is best accomplished by the obligation, rather than by the immediate expenditure, of funds.

"(C) Expenditures for wages or salaries (other than for wages or salary paid to an individual engaged personally in performing services provided under a charitable program carried out by a public charity), for office facilities, services, equipment, or for other administrative expense, or for fund-raising, shall not be considered an expenditure for a charitable purpose.

"(5) Taxable period.—The term 'taxable period' means, with respect to the undistributed revenue for any taxable year, the period beginning with the first day of the taxable year and ending on the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212.

"(6) Correction period.—The term 'correction period' means the period beginning on the first day of the taxable year following the taxable year in which an initial tax is assessed under subsection (a), and ending ninety days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under section 6212, extended by—

"(A) any period in which a deficiency cannot be assessed under section 6213(a), and

"(B) any other period which the Secretary or his delegate determines is reasonable and necessary to permit a distribution of undistributed revenue under this section.

"(d) Exemption for First Four Years of Operation.—

"(1) Exemption.—The provisions of this section do not apply to a public charity for the first 4 taxable years of the charity.

"(2) Transferee Organizations.—For purposes of this subsection, in the case of a transfer of assets of a public charity to another public charity pursuant to any liquidation, merger, redemption, recapitalization, or other adjustment, organization, or reorganization, the transferee shall not be treated as a newly created organization.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as are necessary to carry out the provisions of this section, including regulations setting forth accounting principles and standards.".

(b)(1) Section 507 of such Code (relating to termination of private foundation status) is amended by—

(A) inserting "OR PUBLIC CHARITY" after "PRIVATE FOUNDATION" in the caption of such section, and

(B) striking out subsection (a) and inserting in lieu thereof the following:

"(a) General Rule.—

"(1) Private foundations.—Except as provided in subsection (b), the status of any organization as a private foundation shall be terminated only if—

"(A) such organization notifies the Secretary or his delegate (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) of its intent to accomplish such termination, or

"(B)(i) with respect to such organization, there have been either willful repeated acts (or failures to act), or a willful and flagrant act (or failure to act), giving rise to liability for tax under chapter 42, and

"(ii) the Secretary or his delegate notifies such organization that, by reason of clause (i), such organization is liable for the tax imposed by subsection (c),

and either such organization pay the tax imposed by subsection (c) (or any portion not abated under subsection (g)) or the entire amount of such tax is abated under subsection (g).

"(2) Public charities.—The status of any organization as a public charity shall be terminated only if—

"(A) such organization notifies the Secretary or his delegate (at such time and in such manner as the Secretary or his delegate may by regulations prescribe) of its intent to accomplish such termination, or

"(B)(i) with respect to such organization, there have been either willful repeated acts (or failures to act), or a willful and flagrant act (or failure to act), giving rise to liability for tax under chapter 42, and

"(ii) the Secretary or his delegate, after consultation with the Attorney General with respect to the duties of the Attorney General under section 4 of the Truth in Contributions Act, determines that such termination is appropriate and in accordance with the purposes of such Act and of the amendments made by such Act.".

(2) Section 509 of such Code (relating to definition of private foundation) is amended by—

(A) striking out the caption of the section and inserting in lieu thereof the following:

"Sec. 509. Definitions.",

(B) striking out the caption of subsection (a) and inserting in lieu thereof the following:

"(a) Private Foundation.—", and

(C) by adding at the end thereof the following:

"(f) Public Charity.—Except as used in section 507(b), for purposes of this part the term 'public charity' means an organization described in section 170(b)(1)(A) (vi) or (viii), the gross revenue (as defined in section 4961(c)(2)) of which for the taxable year exceeds $25,000, but does not include any organization described in clause (i), (ii), (iii), (iv), (v), or (vii) of section 170(b)(1)(A).".

(3) The caption and table of sections for part II of subchapter F of chapter 1 of such Code is amended to read as follows:

"Part II—Private Foundations and Public Charities

"Sec. 507. Termination of private foundation or public charity status.

"Sec. 508. Special rules with respect to section 501(c)(3) organizations.

"Sec. 509. Definitions.".

(c)(1) The caption for part II of subchapter F of chapter 1 of such Code is amended to read as follows:

"Part II—Private Foundations and Public Charities".

(2) Chapter 42 of such Code is amended by—

(A) inserting "AND PUBLIC CHARITIES" after "FOUNDATIONS" in the caption of such chapter, and

(B) inserting between the caption of the chapter and the table of sections for the chapter the following:

"Subchapter A.—Private Foundations.

"Subchapter B.—Public Charities.

"Subchapter A—Private Foundations"

(d) Section 6033 of such Code (relating to returns by exempt organizations) is amended by redesignating subsection (c) as (d) and by inserting after subsection (b) the following new subsection:

"(c) Additional information required from public charities.—Every public charity (as defined in section 509(f)) which is subject to the requirement of subsection (a) shall furnish annually information, at such time and in such manner as the Secretary or his delegate may by forms or regulations prescribe setting forth, in addition to the information reported under subsection (b)—

"(1) its gross revenue (as defined in section 4961(c)(2)) for the taxable year, on a fund accounting basis in which restricted and unrestricted sources of revenue are clearly distinguished, broken down into such categories as are appropriate for their organization;

"(2) its total expenses for the taxable year, reported on a functional basis in which program costs, administrative and fund raising expenses are reported separately, and in which the program expenses are also broken down to show each of the major programs carried out by the organization together with expenses applicable to more than one program or functional category being allocated as appropriate in accordance with accounting principles or standards prescribed by the Secretary or his delegate;

"(3) a statement of analysis of functional expenses showing the expense categories which have gone into each of the functional expenses reported on the statements of gross revenue and expenses;

"(4) a balance sheet;

"(5) a statement by a certified public accountant that he has prepared the return in accordance with accounting principles and standards prescribed by the Secretary or his delegate, and that the information reported by the public charity under subsection (a) and this subsection presents fairly the information shown therein, and

"(6) such other information as the Secretary or his delegate determines to be necessary to inform prospective contributors of the activities and fiscal policies of the public charity, and to present fairly the financial status of the public charity."

(e)(1) Subpart D of part III of subchapter A of chapter 61 of such Code (relating to information returns) is amended by—

(A) inserting "And Public Charities" after "Private Foundations" in the caption of such subpart, and

(B) adding at the end of such subpart the following new section:

"SEC. 6057. ANNUAL REPORTS AND DISCLOSURE STATEMENTS BY PUBLIC CHARITIES

"(a) ANNUAL REPORT REQUIRED.—The chief executive officer of every public charity (as defined in section 509 (f)) shall file an annual report as of the close of the taxable year at such time and in such manner as the Secretary or his delegate shall prescribe by regulation.

"(b) CONTENTS.—The report required under subsection (a) shall contain the following information with respect to the public charity:

"(1) A copy of the return filed by the charity for the preceding taxable year under section 6033.

"(2) The names and amount of compensation paid for the taxable year to (A) the 10 most highly compensated officers or employees of the public charity, and (B) each employee or consultant who received more than $20,000 in compensation from the public charity for the taxable year.

"(3) Such additional information as the Secretary or his delegate may require.

"(d) SPECIAL RULES.—

"(1) The annual report required to be filed under this section is in addition to, and not in lieu of, the information required to be filed under section 6033 (relating to returns by exempt organizations) and shall be filed at the same time as such information.

"(2) A copy of the notice required by section 6104(d) (relating to public inspection of such annual reports), shall be filed by the chief executive officer of the public charity together with the annual report.

"(3) The chief executive officer of each public charity shall file a copy of the annual report required by subsection (a) with the appropriate official of any State in which the charity solicits contributions, and furnish a copy to such other persons at such times and under such conditions as the Secretary or his delegate may prescribe by regulation.

"(4) The annual report required by this section shall be prepared by a certified public accountant in accordance with accounting principles or standards prescribed by the Secretary or his delegate and shall include a statement by such certified public accountant that in his opinion, the annual report presents fairly the information shown therein in accordance with such accounting principles and standards.

"(d) DISCLOSURE STATEMENT.—

"(1) A disclosure statement shall be filed with the Secretary or his delegate not later than 30 days before the date on which it is first furnished to persons from whom contributions are solicited. The disclosure statement shall be filed at such time and in such manner as the Secretary or his delegate shall prescribe by regulation. The Secretary or his delegate shall disapprove the use of such statement if it is determined that the requirements of such regulation have not been met. The disclosure statement shall not be furnished to any person if it is disapproved by the Secretary or his delegate until it is revised and the revised disclosure statement has been filed with the Secretary or his delegate and the revised disclosure statement is either approved by him or 30 days have passed without the revised disclosure statement being disapproved. The disclosure statement shall also be furnished to the officers to whom the annual report is furnished, and shall be maintained by the Secretary or his delegate in offices of the Internal Revenue Service for public inspection.

"(2) The disclosure statement shall contain, but is not limited to—

"(A) a statement of the gross revenue (as defined in section 4961(c)(2) of the charity for the year covered by the annual report,

"(B) a statement of the amount of the expenditures for charitable purposes described in section 4961(c)(4)(A) for that year, the transfers described in section 4961(c)(4)(B) for that year, and the percentage of such gross revenue represented by each,

"(C) a statement of the amount expended during that year for raising funds, the amount expended for administrative costs (including salaries), and the percentage of gross revenue represented by each.

"(D) such other information as the Secretary or his delegate may prescribe.

"(3) A copy of the disclosure statement shall be furnished by the public charity to each person from whom a contribution is solicited at the time of such solicitation, without regard to whether the solicitation is conducted in person, by mail, by broadcast, by publication or otherwise. The public charity shall mail a copy of the most recent disclosure statement to any individual who requests such copy within 15 days after receipt of the request."

(2) The table of sections for such subpart is amended by adding at the end thereof the following:

"Sec. 6057. Annual reports and disclosure statements by public charities.".

(3) Section 6652(d)(3) of such Code (relating to returns by exempt organizations and by certain trusts) is amended by inserting after "relating to annual reports by private foundations)" the following: "or under section 6057 (relating to annual reports and disclosure statements by public charities),".

(4) Section 6104 of such Code (relating to publicity of information required from certain exempt organizations and certain trusts) is amended by adding at the end thereof the following:

"(e) PUBLIC INSPECTION OF PUBLIC CHARITY'S ANNUAL REPORTS.—The annual report required to be filed under section 6057(a) (relating to annual reports by public charities) shall be made available by the chief executive officer of the charity for inspection at the principal office of the organization during regular business hours by any citizen on request after publication of notice of its availabilty.

(5)(A) Section 6685 of such Code (relating to assessable penalties with respect to private foundation annual reports) is amended to read as follows:

"SEC. 6685. ASSESSABLE PENALTIES FOR REPORTS, STATEMENTS, AND RELATED REQUIREMENTS APPLICABLE TO CERTAIN ORGANIZATIONS.

"In addition to the penalty imposed by section 7207 (relating to fraudulent returns, statements, or other documents), any person who is required to file the report and the notice required under section 6056 (relating to annual reports by private foundations), or section 6057(a) (relating to annual reports and disclosure statements of public charities), or who is required to file the disclosure statement under section 6057(d) (relating to disclosure statements of public charities), or who is required to use such statements in contribution solicitations only in the absence of disapproval, under section 6057(d), or who is required to comply with the requirements of section 6057(c)(2) or section 6104(d) (relating to public inspection of annual reports of exempt organizations), and who fails to comply with such requirements, if such failure is willful, shall pay a penalty of $1,000 with respect to each such failure."

(B) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out the item relating to section 6685 and inserting in lieu thereof the following:

"SEC. 6685. Assessable penalties for reports, statements, and related requirements applicable to certain organizations.".

(6) Section 6213(e) of such Code (relating to suspension of filing period for certain chapter 42 taxes) is amended by—

(A) striking out "or 4945" and inserting in lieu thereof 4945",

(B) inserting after "(relating to taxes on taxable expenditures)" the following: ", or 4961 (relating to taxes on undistributed revenue)", and

(C) striking out "or 4945(h)(2)" and inserting in lieu thereof the following: "4945 (h)(2), or 4961(c)(6)".

(7) Section 6501(n) of such Code (relating to special rule for chapter 42 taxes) is amended by inserting "or the public charity" after "private foundation" each place it appears in paragraph (1) and paragraph (2).

(8) Section 6501(c)(7) of such Code (relating to termination of private foundation status) is amended to read as follows:

"(7) Termination of exempt status.—In the case of a tax on termination of private foundation or public charity status under section 507, such tax may be assessed, or proceeding in court for the collection of such tax may be begun without assessment at any time.".

(9) Section 7422(g) of such Code (relating to civil actions for refund) is amended by—

(A) striking out "or 4945," in paragraph (1) and inserting in lieu thereof the following: "4945, or 4961,",

(B) striking out "or section 4945(b) in paragraph (1) (relating to additional taxes on taxable expenditures)" and inserting in lieu thereof "section 4945(b) (relating to additional taxes on taxable expenditures), or section 4961(b) (relating to additional taxes on failure to distribute revenue),", and

(C) striking out "or 4945" in paragraphs (2) and (3) thereof, and inserting in lieu thereof "4945, or 4961,".

SEC. 3. The Secretary of the Treasury shall encourage the appropriate officers of State and local governments to accept copies of reports made to the Secretary by public charities under sections 6033 and 6057 of the Internal Revenue Code of 1954 in satisfaction of the requirements of State and local laws for similar reports from such organizations.

SEC. 4. (a) Whenever the Attorney General is notified by the Secretary of the Treasury (or his delegate) that consideration is being given to terminating the tax-exempt status of a public charity (as defined in section 509 (f) of the Internal Revenue Code of 1954), the Attorney General shall take whatever action may be necessary to insure that assets consisting of, or derived from, contributions solicited from the public are preserved and expended only for substantially the same charitable purposes as those for which they were contributed.

(b) It is the duty of the Attorney General to carry out the provisions of subsection (a) by seeking voluntary compliance and, if necessary, by instituting civil actions for appropriate relief (including, but not limited to, permanent or temporary injunctions, restraining orders, and other appropriate orders) in the district court of the United States for the district in which such public charity is soliciting contributions or has an office. The district courts of the United States have jurisdiction to entertain civil actions brought under this section. Upon a proper showing that such public charity has engaged, or is about to engage, in acts or practices which would cause the dissipation of such assets or their diversion to noncharitable purposes (or to significantly different purposes), a permanent or temporary injunction, restraining order or other order shall be granted without bond by such court.

SEC. 5. No organization registered with the Advisory Committee on Voluntary Foreign Aid may state that it is registered with that committee in material distributed to the public in connection with the solicitation of contributions to that organization. Any organization violating the provisions of this section shall be fined not more than $1,000. Any officer or director of any organization who causes the organization to violate the provisions of this section, or who consents to any such violation, shall be fined not more than $1,000, imprisoned for not more than one year, or both.

SEC. 6. Any individual who, while an officer or employee of a public charity (as defined in section 509(f) of the Internal Revenue Code of 1954), knowingly commits any act or series of acts which results in the termination (under section 507(a)(2)(B) of the Internal Revenue Code of 1954) of the status of the organization as a public charity shall be fined not more than $5,000, imprisoned for not more than one year, or both.

SEC. 7. The provisions of this Act shall be effective for tax years beginning after December 31, 1975, except that no tax described under section 2(a) of this Act shall be imposed for any tax year beginning before January 1, 1980.

Truth in Contributions Act

PURPOSE

Present federal tax laws provide that a charitable organization may retain its tax-exempt status so long as it is "organized and operated exclusively" for charitable and other qualifying purposes, and so long as none of the earnings of the organization "inures" to the benefit of any individual. However, in meeting this "exclusively" test, the Internal Revenue Service (IRS) and the courts have stated it is sufficient if a public charity is engaged "primarily" in activities to accomplish the purposes for which it is tax exempt, and that not "more than an insubstantial part of its activities" is in furtherance of non-exempt purposes. There is no requirement in present law, however, that charities distribute any minimum portion of their revenue each year for charitable purposes, nor that they furnish the public and appropriate government agencies with sufficient information to enforce any minimum distribution requirement. Neither is there any present requirement that a public charity, in soliciting contributions, indicate to potential contributors the portion of their revenues which actually are used or devoted for charitable purposes.

The purpose of this legislation is to require all public charities subject to the Act to distribute at least 50% of their gross revenue each year for charitable purposes, and to provide for filing sufficient information to determine whether this requirement has been met, and to provide for sufficient tax penalties for non-compliance. In extreme cases, repeated violations will result in the charity being put out of business, and the remaining assets turned over for the charitable purposes for which they were contributed. Criminal sanctions may be imposed on those persons causing a charity to lose its status in this manner. Finally, the Act would require public charities to furnish all prospective contributors with a short statement of specific information, including the prior year's revenue, and the amounts and percentage of revenue actually spent for charitable activities, and for other purposes such as administrative and fund-raising expenses. The latter requirement applies to charities subject to the Act, whether or not they have 50% expenditure test.

SUMMARY OF THE ACT

"Public charities" subject to the Act are defined as those receiving a major part of their contributions from government units or from the general public. The Act does *not* apply to religious, educational, hospital, medical research or related organizations, and does *not* apply to organizations with less than $25,000 gross revenues for the year. In addition to the "information returns" now required to be filed by most tax exempt organizations, public charities would be required to include additional information on forms and in such manner as the I.R.S. prescribes, and to have such information returns prepared by a certified public accountant. Most of the additional information relates to income, expenditures, and other balance sheet information. Failure to file such additional information is subject to the present penalty of $10 per day ($5,000 maximum) for the organization and possibly the person(s) responsible for such failure.

Public charities will also be required to file an annual report prepared by a certified public accountant, containing specified information including the names and amounts of compensation received by the 10 highest paid employees and all employees and consultants receiving more than $20,000 for the year. A $10 per day penalty may be imposed on the person failing to file, and a $1,000 penalty may be imposed on any person who "willfully" fails to file such report. Public charities are also to be required to file a "disclosure statement" with the I.R.S., stating briefly the gross revenue for the previous year, and the amounts and percentages of gross revenue actually spent for charitable purposes, or for other purposes such as administrative or fund-raising expenses. This statement must be furnished by the charity to all prospective contributors at the time of solicitation—no matter the manner of solicitation—and may be used only after approval by I.R.S. (or in the absence of disapproval within 30 days after filing). "Willful" failure to file such statement with the I.R.S., or to use an approved statement (or one not disapproved within 30 days) in all solicitations, will result in a $1,000 penalty for each such violation.

Public charities which do not distribute at least 50% of their gross revenue for the year for charitable purposes, will be subject to a penalty tax. This tax will not be imposed for the first four years after enactment of this Act, nor during the first four years of operation of a charity newly created after the date of enactment. Qualifying expenses for charitable purposes include: (1) expenditures for activities for which the charity was organized and is operated; (2) acquisition of assets directly devoted to such activities; and (3) transfers to other public charities (with safeguards to prevent transferring the same amounts back and forth to avoid the penalty tax). Expenditures for office facilities or for wages and salaries (except for those persons engaged personally in performing services provided under a charitable program of the charity) are not considered as qualifying for this purpose. If an organization does not meet the 50% test (and the Act provides that charitable expenditures will qualify even if made within the 12 months following the close of the year in question) a two level tax will be imposed: (1) 15% of the amount that should have been distributed to meet the 50% of revenue test; and (2) a second level tax of 100% of the amount still undistributed more than 90 days after receipt of the I.R.S. notice of the original violation. This tax is imposed on the public charity, not the individuals responsible.

If the I.R.S. determines there have been repeated violations of the 50% test, causing imposition of the tax(es), or if there has been a "willful and flagrant" violation of this test, then I.R.S. may proceed to "terminate" the charitable status of the organization. Generally, this means that the I.R.S., with the help of the Attorney General if necessary, will move to put the charity out of business, and preserve and take over the charity's assets to prevent them from being used for non-charitable purposes. Criminal sanctions are possible against the person(s) who "knowingly" commits any acts or series of acts (or failures to act) which result in the termination of charitable status ($5,000 fine, 1 year in prison, or both).

The Act will take effect for years beginning after December 31, 1975, except that the two level tax on failure to meet the 50%-of-revenue distribution test will not be imposed for four years thereafter, or during the first four years of operation of a charity newly created after enactment.

Section-by-Section Analysis of the Truth in Contributions Act

1. SHORT TITLE

This bill when enacted may be called the "Truth in Contributions Act."

2. TAXES ON UNDISTRIBUTED REVENUE OF A PUBLIC CHARITY SUBJECT TO THE ACT

Section 2(a) of the bill amends chapter 42 of the Internal Revenue Code of 1954[*] (relating to taxes on private foundations) to add new Code section 4961, which provides that a public charity subject to the Act must distribute at least 50% of its revenue for charitable purposes within the taxable year (or within the 12 months following the close thereof) and imposes tax sanctions in the event of failure to do so. The sanctions take the form of a two-level tax: (1) an initial tax, and (2) an additional tax (both discussed below).

For purposes of this section and the Act, the following definitions are included in new Code section 4961(c):

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[*] Hereafter called "Code."

"*Public charity*" is to be defined in new Code section 509(f), and is discussed subsequently in this analysis. Generally the Act will apply to certain charities other than religious, hospital, or educational organizations, which receive their support from government units or the general public, and then the Act only applies to such organizations that received "gross revenue" exceeding $25,000 for the year.

"*Gross revenue*" of a public charity is defined as is "gross income" for most taxpayers, but without regard to certain tax exclusions provided in the Code. "Gross revenue" does *not* include the value of property received and held for the production of income beyond the year of receipt.

"*Undistributed revenue*" of a public charity is defined as the amount by which one-half "gross revenue" exceeds the sum of (1) "expenditures for charitable purposes," and (2) amounts transferred to other public charities, so long as the recipient organization(s) reports this as part of its "gross revenue" for the year, and has not made any transfers to the donor organization within the year or within the four preceding years.

"*Expenditure for charitable purposes*" is defined as amounts expended in the taxable year (or within the 12 months following the close thereof) for either (1) the active conduct of the activities constituting the purpose or function for which the charity is organized and operated, or (2) for acquisition of assets directly devoted to such active conduct. Amounts which are obligated to be paid within 5 years after the taxable year for specific projects, will qualify as expenditures in the taxable year, so long as a current expenditure for such project would qualify. The term does *not* include expenditures for the wages or salary of an individual (other than for wages or salary paid to an individual engaged personally in performing services under a charity's charitable program), and does not include expenditures for office furniture and facilities, services equipment, or for other administrative expenses, or fund-raising expenses.

The "*initial tax*" is 15% of the amount of expenditures for charitable purposes which would be required to bring the charity's charitable expenditures to the 50% of gross revenue level. If after imposition of the initial 15% tax the public charity does not make the necessary charitable expenditures to meet the 50% of gross revenue level within the "correction period", an "*additional tax*" of 100% of the amount of "undistributed revenue" yet to be distributed for charitable purposes, will be imposed. The term "correction period" means the period beginning on the first day of the taxable year following the taxable year in which the initial tax was imposed, and ending 90 days after the mailing of a notice of deficiency by the I.R.S. This 90 day period may be extended to provide for filing a petition to the Tax Court for redetermination of the alleged deficiency, or for any other purpose and for any period the I.R.S. determines is reasonable and necessary to permit distribution of the "undistributed revenue."

The new Section 4961 of the Code, (requiring payouts of "undistributed revenue," and imposing two-level taxes in the event of failure to do so), does not apply to a public charity subject to this Act, during the first four taxable years of the charity. In the case of a transfer of the assets of one public charity to another through liquidation, merger, redemption, recapitalization, or other adjustment, organization or reorganization, the transferee will *not* be treated as a newly created organization. These provisions of section 4961 will *not* become effective for four years for public charities in existence at the time of enactment of the Act.

3. TERMINATION OF PUBLIC CHARITY STATUS

Section 2(b)(1) of the bill amends section 507(a) of the Code (relating to termination of private foundation status) to include public charities. Under this provision, a public charity subject to the Act, wishing to *voluntarily* terminate its status, may do so if it properly notifies the I.R.S. of its intentions, and also pays a substantial "termination tax." A public charity may also be *involuntarily* terminated by the I.R.S., if it is determined that the charity or its officers have committed "willful" repeated violations (or committed a "willful and flagrant violation") of the 50%-of-revenue test for charitable expenditures, resulting in imposition of the penalty taxes described above. When I.R.S. is contemplating such action, it must notify the Attorney General, who shall take (as required by section 4 of the Act) any appropriate action (including court proceedings) to preserve the public charity's assets derived from public contributions, and to to see that they are used only for the charitable purposes for which the contributions were made. In the event of an involuntary termination, the public charity is also required to pay the substantial "termination tax."

The termination tax, described in the present Code sections relating to private foundations, is the *lower* of: (1) the 'aggregate tax benefit," or (2) the value of the public charity's "net assets." "*Aggregate tax benefit*" is the total amount of taxes, income gift or estate, that would have been collected from "substantial contributors" and the charity since 1913, had the charity not been tax-exempt and the contributors' deductions disallowed, plus interest to the date of termination. "*Net asset value*" is the value of the public charity's assets on either the first day it begins termination, or on the last day of its charity status, whichever value is higher. Thus, on termination, I.R.S. will either recover the lost taxes from all the years of the charity's exempt status, or will recover the charity's assets or their value at termination.

Section 6 of the Act, related to the above provides that any individual who, while an officer or employee of a public charity, "knowingly" commits any act or series of acts which results in the involuntary termination of the status of an organization as a public charity, shall be fined up to $5,000, and imprisoned for up to one year, or both.

4. DEFINITION OF PUBLIC CHARITY SUBJECT TO THE ACT

Section 2(b)(2) amends section 509 of the Code (relating to the definition of private foundations), by adding new subsection 509 (f). Public charities are defined as including those defined in Code section 170(b)(1)(A) (vi) and (viii). Generally, these organizations include those for which contributions are deductible for donors up to a limit of 50% of their adjusted gross incomes, and which organizations normally receive a substantial part of their support from government units or from contributions from the general public. Qualifying organizations must meet several tests, including the following: (1) they must be organized under the laws of the United States or any State, U.S. Possession, or D.C.; (2) they must be organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to animals or children; (3) they may not have any part of their earnings inure to the benefit of any private shareholder or individual; and (4) they may not have a substantial part of their activities consist of carrying on propaganda or otherwise influencing legislation, nor may they participate in or intervene in any political campaigns on behalf of any candidate for any public office.

New Code section 509(f) specifically *excludes* from the 'Truth in Contributions" Act those organizations which are described in Code sections 170(b)(1)(A)(i), (ii), (iii), (iv), and (vii). These include churches; educational institutions; hospitals and medical research organizations; certain governmental units; certain private foundations; and organizations whose purpose is to "receive, hold, invest and administer property and to make expenditures to and for the benefit of a college or university. Section 509(f) also *excludes* from the "Truth in Contributions Act" for any given year, an organization which would otherwise be subject to the Act, but which has less than $25,000 gross revenue for that year.

5. CONFORMING AMENDMENTS

Section 2(b)(3) and 2(c) of the bill amend captions and tables of sections of the Code to reflect above changes.

6. ADDITIONAL INFORMATION TO BE FILED ON INFORMATION RETURNS BY PUBLIC CHARITIES SUBJECT TO THIS ACT

Section 2(d) of the bill amends Code section 6033 (relating to information returns required to be filed by exempt organizations) to require additional information from those public charities subject to this Act. Present law requires certain information from various tax-exempt organizations (including those which would be subject to this Act) to be filed on forms supplied by the I.R.S., if the organization has more than $5,000 gross revenues that year. The bill would not change these requirements, but new subsection 6033(c) would impose additional informational requirements on those public charities subject to the Act, that is, with more than $25,000 gross revenues that year.

The additional information to be filed includes: (1) a statement of gross revenue for the year, on a fund accounting basis, distinguishing between restricted and unrestricted sources of revenue; (2) a statement of total expenses for the year, reported on a functional basis, distinguishing between program costs, administrative and fund-raising expenses, and other categories prescribed by I.R.S.; (3) a statement of analysis of functional expenses; (4) a balance sheet; and (5) "such other information [determined by I.R.S.] . . . to be necessary to inform prospective contributors of the public charity, and to present fairly the financial status of the public charity."

The bill would require that the form filed in compliance with Section 6033(c), be prepared by a certified public accountant and that the information therein be prepared in accordance with accounting principles or standards prescribed by the Secretary or his delegate.

Present law provides (Code section 6652(d) (1) and (2)), a $10 per day penalty (maximum $5,000) will be imposed *upon tax exempt organizations* for failure to file such information returns. I.R.S. may make written demand that such information be filed by some reasonable date, and if filing is not made by that date (absent a showing of reasonable cause), a $10 per day penalty (maximum $5,000) will be imposed *on the person(s) responsible* for such failure.

7. ANNUAL REPORTS TO BE FILED BY PUBLIC CHARITIES SUBJECT TO THIS ACT

Section 2(e)(1) of the bill adds new Code section 6057, which provides that public charities subject to the Act must file with the I.R.S. an annual report. A similar requirement is found in existing law with regard to certain private foundations. The report will reflect the public charity's condition as of the close of the taxable year, and is filed in addition to, not in lieu of, the information returns described above. The reports must be filed on forms that are to be supplied by the I.R.S., or in such manner as the I.R.S. prescribes. The report shall contain: (1) a copy of the information return required to be filed by the public charity for the preceding taxable year; (2) the names and amounts of compensation paid for the taxable year to the ten highest paid officers and employees of the public charity, and each employee or consultant who received more than $20,000 in compensation from the public charity for the year; and (3) other information that may be required by the I.R.S. A copy of the notice required by Code section 6104(d) (relating to public inspection of such annual reports) must be filed with the annual report.

A copy of the annual report is required to be filed with the appropriate officials in any state where the public charity solicits contributions. The annual report must be prepared by a certified public accountant in accordance with accounting standards to be prescribed by the I.R.S., and must include a statement that he has examined the report and that the report presents the information fairly in accordance with such accounting standards, and in a manner consistent with the public charity's practices during the previous taxable year.

Section 2(e) (3) of the bill amends section 6652 of the Code, to impose a $10 per day penalty (maximum $5,000) *on the person* failing to file the public charity's annual report on the date and in the manner prescribed.

Section 2(e) (5) of the bill, related to the above, amends Code section 6685, to provide for a $1,000 penalty for any person who "*willfully*" fails to comply with these filing rules for the annual report.

8. DISCLOSURE STATEMENTS TO BE FILED BY PUBLIC CHARITIES WITH I.R.S. AND USED IN SOLICITING CONTRIBUTIONS ONLY IN ABSENCE OF I.R.S. DISAPPROVAL

Section 2(e) (1) of the bill also adds another subsection to new Code section 6057, which requires a public charity subject to the Act to file a disclosure statement with the I.R.S. at least 30 days prior to using such statement in soliciting contributions. Public charities would be required to furnish a copy of a disclosure statement to all persons from whom contributions are solicited, without regard to the manner in which such solicitation is made (including broadcasts, mail, in person, by publication, and otherwise), but may not use such disclosure statement unless it has been approved by I.R.S., or has not been disapproved within 30 days after submission to I.R.S. A public charity must mail a copy of its most recent disclosure statement to any individual who requests such a copy, within 15 days after receipt of such request. The disclosure statement shall also be furnished to the state officials and others to whom a copy of the annual report must be furnished.

The disclosure statement must contain (but is not limited to): (1) a statement of gross revenue for the year covered by the annual report; and (2) a statement of the amounts expended during the year, and the percentage of gross revenue represented by such expenditures, for charitable purposes, administrative costs, fund-raising expenses, and for other purposes as required by the I.R.S.

Section 2(e) (3) of the Act amends Code section 6652 of the Code to provide a penalty of $10 per day (maximum $5,000) for late filing of the disclosure statement.

Section 2(e) (5) of the bill, related to the above, amends Code section 6685, to provide a $1,000 penalty for any person who "*willfully*" fails to comply with these rules for filing a disclosure statement with the I.R.S., or "*willfully*" failing to furnish a disclosure statement to all prospective contributors at the time of solicitation, which statement has been approved by I.R.S. (or not disapproved within 30 days after filing).

9. CONFORMING AMENDMENT

Section 2(e) (2) of the bill provides a conforming amendment to the Code to add new section 6057 to the table of sections at the appropriate place in the Code.

10. $10 PER DAY PENALTY FOR LATE FILING OF PUBLIC CHARITY'S ANNUAL REPORT

Section 2(e) (3) of the bill amends section 6652 of the Code, to impose a penalty of $10 per day on the person failing to file the public charity's annual report and disclosure statement on the date and in the manner prescribed. (This is the same penalty referred to in items 7 and 8 above).

11. PUBLIC INSPECTION OF ANNUAL REPORTS

Section 2(e) (4) amends Section 6104 of the Code (relating to publicity of information from certain exempt organizations and certain trusts) by adding new subsection (d), which requires that the annual report of a public charity be made available by the chief executive officer of the charity for inspection at the principal office of the organization during regular business hours by any individual who requests it.

Section 2(e) (5) the bill amends Code section 6685, to provide for a $1,000 penalty for any person who "*willfully*" fails to comply with these notice requirements.

12. ASSESSABLE PENALTIES WITH RESPECT TO ANNUAL REPORT AND DISCLOSURE STATEMENT REQUIREMENTS OF THE ACT

Section 2(e) (5) of the bill amends Code section 6685 (relating to assessable penalties with respect to private foundations annual reports) to extend the present $1,000 per violation penalty to any person who *willfully* fails to comply with the requirements for filing an annual report or a disclosure statement, or who *willfully* fails to comply with the notice requirements related thereto, or who *willfully* fails to furnish a copy of an approved disclosure statement (or one which has not been disapproved within 30 days after submission to I.R.S.) to all prospective contributors at the time of solicitation, as required by Code sections 6057 and 6104, as amended by the Act. (This is the same penalty referred to in items 7, 8, and 11 above).

13. SUSPENSION OF FILING PERIOD FOR CERTAIN EXCISE TAXES

Section 2(e) (6) amends section 6213(e) of the Code (relating to suspension of filing period for certain chapter 42 taxes) to include the taxes on undistributed income provided under new section 4961 among those which would be suspended for any period which the I.R.S. has extended the time for making corrections.

14. APPLICATION OF SPECIAL RULES FOR ASSESSMENT TO PUBLIC CHARITIES

Section 2(e) (8) amends Section 6501(c) (7) of the Code (relating to termination of private foundation status) to provide that the tax on termination of public charity status under Section 507 (referred to in item 3 above) may be assessed, or court proceedings for the collection of the tax may be begun without assessment at any time.

15. SPECIAL RULES FOR CIVIL ACTION FOR REFUND OF CERTAIN CHAPTER 42 TAXES

Section 2(e) (9) amends section 7422(g) of the Code (relating to civil actions for refund) to include the taxes imposed by new section 4961 on public charities as taxes for which refund suits may be brought. A suit cannot be started if a prior suit has been instituted or if a petition has been filed in the Tax Court. The determination by the court represents a final decision on all questions with respect to any other tax imposed.

16. REPORT REQUIREMENTS OF STATE AND LOCAL GOVERNMENTS

Section 3 of the bill provides that the I.R.S. shall encourage the appropriate officers of State and local governments to accept copies of reports made by public charities under sections 6033 and 6057 in satisfaction of their requirements for similar reports.

17. DUTIES OF ATTORNEY GENERAL IN PUBLIC CHARITY TERMINATION

Section 4 of the bill provides that upon notification by the I.R.S. that an involuntary termination of public charity status is under consideration, the Attorney General is required to take whatever action is necessary to assure that the charity's assets derived from public solicitation are preserved and expended only for substantially the same charitable purposes. The Attorney General is required to carry out this provision by seeking voluntary compliance, and if necessary, by instituting civil action for appropriate relief in the district court of the United States for the district where the charity is soliciting contributions or has an office. If it is shown that the public charity has dissipated or is about to dissipate these assets or divert them to noncharitable or significantly different purposes, a permanent or temporary injunction, restraining order or other order shall be granted by the district court.

18. ORGANIZATIONS REGISTERED WITH THE ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Section 5 of the bill provides that no organization registered with the Advisory Committee on Voluntary Foreign Aid of the U.S. Agency for International Development, may refer to this registration in material distributed to the public in soliciting contributions to that organization. Such registration applies to charities which raise money in the U.S. and send it abroad for charitable efforts. An *organization* violating this provision will be subject to a fine of not more than $1,000. Any *officer or director* of an organization who causes an organization to violate this provision or who consents to such a violation, shall be subject to a fine of not more than $1,000, or to be imprisoned for not more than one year, or both.

19 CRIMINAL PENALTIES FOR CERTAIN ACTIVITIES BY PUBLIC CHARITY OFFICERS OR EMPLOYEES

Section 6 of the bill provides that any individual who, while an officer or employee of a public charity, "knowingly" commits any act or series of acts which results in the termination of the status of an organization as a public charity, shall be fined not more than $5,000, imprisoned for not more than one year, or both. (This is the same penalty referred to in item 3 above.)

20. EFFECTIVE DATES

Section 7 of the bill provides that the Act will take effect for years beginning after December 31, 1975, with the exception that the two-level tax on failure to meet the 50% of revenue expenditure test will not be imposed for four years thereafter, or during the first four years of operation of a new charity organized after the date of enactment.

By Mr. CANNON (for himself, Mr. MAGNUSON, and Mr. HARTKE) (by request):

S. 1154. A bill to amend section 1371 of title 49, United States Code, to provide for the certification of an indirect carrier of Air Express. Referred to the Committee on Commerce.

Mr. CANNON. Mr. President, I, along with Senators MAGNUSON and HARTKE, am introducing, by request, a bill aimed at assisting a very seriously threatened transportation company, REA, Inc.

I am sure that many of my colleagues are aware that REA was just recently forced to declare bankruptcy under chapter XI of the bankruptcy laws and is now seeking to reorganize while continuing its operations. It is sad to note that only several months ago this company was projecting a modest profit for 1975 after earning a small profit last year. Unfortunately, the current depressed state of the U.S. economy together with the extremely tight and critical credit situation forced REA into a cash squeeze from which it could not recover. I am told the company's revenues are down more than 30 percent from what they were at this time last year, reflecting the serious decline in the economy and rate increases brought on by inflation.

REA's current troubles are only the latest in a series of setbacks. A series of CAB decisions, commencing in December 1973, have threatened the very existence of air express service over the continued objections of the shipping public and a substantial majority of airlines. The most injurious decision was handed down by the Board in May of 1974 and in effect canceled REA's air express authority which it has held since 1938. Fortunately, that decision was not upheld by the U.S. Court of Appeals for the Second Circuit which on December 23, 1974, remanded the Board's decision back to the Civil Aeronautics Board for further consideration. I am sorry to note that as yet the Board has not taken action on the court's order.

Despite the court victory, however, the Board's action of 1974 created grave concern among shippers, hundreds of whom made their views known to the Court, and continues to jeopardize REA's credit position and corporate future.

REA air express service is the only means of insuring priority air transportation to small shippers, communities outside the main air cargo traffic lanes and shippers of live animals and other unique commodities. REA Express is the only company with experience in the operation and development of the air express service and has a compelling historical claim to participate in its future. Indeed, the livelihoods of 15,000 REA employees and REA's vital surface express service are directly tied to REA's ability to continue its air express operations.

This bill would recognize REA's historic right to furnish air express service and the overwhelming public interest in nationwide air express operations. It would accord REA Express "grandfather" rights to perform this service consistent with its 40-year record of achievement and would require the Board and the airlines to provide adequate service, equipment, and facilities to permit air express to be operated at rates consistent with its inherent economies. It would, in short, assure the shipping public that REA air express would continue to fulfill its vital role in meeting the present and future needs of the domestic commerce.

I point out that this bill in no way should be considered a bail out of REA with Federal funds or loans or guarantees. It is simply a statement of congressional policy that REA should be allowed to continue as an air express carrier as it has done over the years. I hope that our introduction of this bill will provide additional assurance to REA, its employees, the shippers who use its services and its lenders that we believe that REA continues to serve an important transportation function in the United States despite the Civil Aeronautics Board's continuing attempts to regulate the firm out of business.

We wish REA all success in trying to overcome its current serious financial problems and we urge the regulatory agencies involved and the direct carriers who provide REA transportation services to do all they can to assist REA in the present emergency.

By Mr. MOSS (for himself, Mr. Church, Mr. Percy, Mr. Williams, and Mr. Domenici):

S. 1155. A bill to amend the Public Health Service Act to provide for inservice training of nursing home personnel. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. Church, Mr. Williams, and Mr. Domenici):

S. 1156. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. Church, Mr. Burdick, Mr. Williams, and Mr. Domenici):

S. 1157. A bill to amend title VII of the Public Health Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of continuing education programs in geriatrics for physicians. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. Church, Mr. Williams, Mr. Percy, and Mr. Domenici):

S. 1158. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. Church, Mr. Williams, and Mr. Domenici):

S. 1159. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. Church, Mr. Williams, and Mr. Domenici):

S. 1160. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of nurse practitioners to provide primary health care in nursing homes. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. Church, Mr. Williams, and Mr. Domenici):

S. 1161. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes. Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. Church, Mr. Williams, and Mr. Domenici):

S. 1162. A bill to amend title XVIII of the Social Security Act to expand the definition of "provider of service" to include "day care center". Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. Church, Mr. Hugh Scott, Mr. Williams, and Mr. Domenici):

S. 1163. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, to amend part A of such title to liberalize the coverage of post-hospital home health services thereunder, to amend title XIX of such Act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes. Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. Church, Mr. Percy, Mr. Williams, and Mr. Domenici):

S. 1164. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program a report of costs and a financial statement, both audited by a certified public accountant reflecting the operation of such nursing home. Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. Church, Mr. Percy, Mr. Williams, and Mr. Domenici):

S. 1165. A bill to authorize the Secretary of Housing and Urban Development to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health-care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MOSS (for himself, Mr. Church, Mr. Williams, Mr. Percy, and Mr. Domenici):

S. 1166. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home. Referred to the Committee on Finance.

NURSING HOME REFORM

Mr. MOSS. Mr. President, my Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging is in the process of releasing a 12-part report on nursing home problems. This report reflects more than 5 years work with some 25 hearings and more than 5,000 pages of testimony. The report is entitled, "Nursing Home Care in the United States: Failure in Public Policy."

Our introductory report, issued last November, traced the growth of the nursing home field from $500 million in 1960 to $7.5 billion today. The report asserts that medicare and medicaid are ineffective and inefficient and that thousands of infirm aged are going without the care they need. It asserts further than the Department of Health, Education, and Welfare has been remiss in terms of setting and enforcing Federal standards. In addition, the policy of reducing benefits paid under medicare and medicaid has caused other major problems. Our second report dealt with the continuing litany of nursing home abuses and charged that 50 percent of U.S. nursing homes are substandard, with one or more life-threatening conditions. The next paper, describing shortcomings in controls on nursing home drugs, was released in January, and our most recent report charges that physicians devote inadequate attention to the needs of nursing home patients.

Other forthcoming reports, which are to be released monthly, will deal with issues such as the role of nurses in nursing homes, the role of nursing homes in caring for discharged mental patients, the profitability of the nursing home industry, the access of minority groups to nursing homes and positive aspects in long-term care. The 11th volume will offer industry and consumer reaction to our reports. The final volume will be an analysis of these comments and reactions to our reports along with our final findings and recommendations to the Congress.

Some people have taken this organizational plan to mean that we intend to introduce no legislation until the final report is released. This is not accurate. In fact, today I am introducing the first items in a 40-bill package designed to bring about substantive nursing home reforms. Overall, these bills fall essentially into six categories: First, new Federal minimum standards; second, new enforcement tools for the Department of Health, Education, and Welfare; third, training for physicians in the care of nursing home patients; fourth, meassures tying nursing home reimbursement to the quality of care provided by long-term care facilities; fifth, a package of wider benefits for the elderly under medicare looking first to treat them in their homes with expanded home health services and, where this is no longer possible, authorizing day care and comprehensive nursing home coverage, and sixth, training programs for nursing home personnel.

Neither the bills I am introducing today nor the total 40-bill package constitute the complete or final reforms to be advanced. I will introduce still other bills and will be relentless in my insistence that HEW implement and enforce existing law in line with congressional directives. With respect to HEW's responsibility, I have some specific points in mind, including the following:

First. HEW must begin to enforce Federal law and regulations which prohibit nursing home operators from dominating State boards which license nursing home administrators.

Second. HEW must announce regulations implementing section 242 of Public Law 92-603, which makes offering or accepting a kickback a crime punishable by a $10,000 fine and a year in jail.

Third. HEW must announce and enforce regulations implementing my measure to require the disclosure of nursing home ownership. This law was enacted in 1967 to cover indirect as well as direct interests, but HEW has made no change in regulations. There is no uniformity in the way States keep these lists or in the information they contain. They are seldom available to the public as required by law.

Fourth. HEW must alter present regulations which limit access to home health services. Recent departmental statements indicate that these changes have been made but the budget for fiscal 1975 and proposed budget for fiscal 1976 remain the same. Medicare outlays for home health services next year are projected at $148 million or still less than 1 percent of medicare's $15.5 billion total.

The legislation to be introduced today follows:

TRAINING FOR NURSING HOME PERSONNEL

S. 1155. A bill to amend the Public Health Service Act to provide for in-service training of nursing home personnel.

Mr. President, our reports firmly establish that physicians have abdicated their responsibility for the care of the infirm elderly. Doctors are infrequent visitors to nursing homes. The result of the absence of the physician from the nursing home setting inevitably means a heavy reliance on the nursing staff.

But the term "nurse" is used rather casually within the context of U.S. nursing homes; it is applied to almost anyone in white garb. The fact is that there are only some 56,000 registered or professional nurses in America's 23,000 nursing homes. To complicate matters further, these professional nurses are increasingly tied up with administrative duties including filling out medicare and medicaid forms, showing prospective clients around the facility and ordering supplies. The result is that professional nurses spend comparatively little of their time tending to patients.

All of this means that 80 to 90 percent of the care provided in today's nursing homes is given by untrained aides and orderlies, sometimes hired literally off the street with no training or previous experience.

The example provided by the investigator of the Better Government Association who testified at Senate subcommittee hearings on nursing homes in Chicago is classic. He applied for a job as a janitor at a Chicago nursing home and within 20 minutes he had the keys to the narcotics cabinet on his belt and was at work passing medications.

I should add that the aides and orderlies that make up the bulk of nursing home personnel are generally paid the minimum wage. The work they perform is difficult, arduous, and unpleasant. It is little wonder to me that the turnover rate for these employees approaches 75 percent a year.

Most of these aides and orderlies have no formal training; they learn by doing, through trial and error or by imitating the work of other aides. While many homes attempt to provide in-service training, they must do so out of their own pockets. They are increasingly reluctant to provide such training not only because of the cost but because of the rapid turnover. One aspect of this turnover is that aides with training and experience gained in the nursing home quickly leave for hospital work where the pay is higher.

With the impact of increasing unionization of nursing home employees, wages are rising. However, there remains no Federal training program of any significance which provides assistance in this vitally needed area of training nursing home personnel. My bill would provide such assistance.

More specifically, my bill authorizes grants to schools of nursing to establish in-service training programs—not to exceed 6 months—for these nursing home employees. My bill would authorize a modest $5 million for this effort over the next 2 years. I urge the enactment of this proposal.

ESTABLISHMENT OF DEPARTMENTS OF GERIATRICS TO SCHOOLS OF MEDICINE

S. 1156. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics.

Mr. President, I introduce, for appropriate reference, a bill to provide grants to schools of medicine to establish departments of geriatrics.

This bill, which was introduced in the last two sessions, has received wide support from all quarters of the health care industry. It is an effort to attack what I have described as one of the five major problems in the field of long-term care—and that is the simple fact that physicians avoid the nursing home and do not view it as part of the medical continuum.

A 1960 report issued by the Subcommittee on Problems of the Aged and Aging of the Senate Committee on Labor and Public Welfare concluded that:

> Management of patients in nursing homes by physicians is either lacking or inadequate.

Unfortunately, things have not changed very much since then.

Testimony received in past sessions by the Senate Subcommittee on Long-Term Care, indicate that doctors have little interest in nursing homes for a variety of reasons.

First, it is more difficult to deal with aged patients, many of whom cannot communicate with the physician.

Second, the staff of nursing homes is not trained in the same sophisticated degree as hospital staffs, which handicaps the physicians.

Third, most nursing homes are located some distance away from hospitals or other health facilities, and it requires extra time for the physicians to travel to them.

Fourth, doctors tend to be "acute-oriented"—what I call the "Marcus Welby snydrome"—and prefer to treat younger patients in whom they can see marked improvement. "In a nursing home all you can do is postpone death" we were told.

Fifth, many doctors feel that it is depressing to visit nursing homes; that it is unpleasant to work with patients who are unstimulated, unresourceful and many of whom have been rejected by their own families.

Sixth, there is no organized medical staff in most nursing homes. There might be as many as 40 physicians serving a nursing home of 140 patients—each doctor a law unto himself with little knowledge about the patients of his fellow physicians and with no one in a position of ultimate responsibility for the care of patients on whom he can rely.

Seventh, payments are low for physicians visits under medicare and medicaid.

All of these facts are detailed in our third supporting paper, "Doctors in Nursing Homes: The Shunned Responsibility," issued on March 3. The report emphasized that the inevitable result of the absence of the physician from the nursing home setting is poor care. Poor care as it relates to physicians has many dimensions including:

No visits, infrequent, or perfunctory visits.

The telephone has become a more important medical instrument in nursing homes than the stethoscope.

No physical examinations, pro forma or infrequent examinations.

Some patients receive insulin with no diagnosis of diabetes.

Significant numbers of patients receive digitalis who have no diagnosis of heart disease.

Large numbers of patients taking heart medication or drugs which might dangerously lower the blood pressure, do not receive blood pressure readings even once a year.

Some 20 to 50 percent of the medications in U.S. nursing homes are given in error.

Less than 1 percent of all infectious diseases in the United States are reported—a special problem in nursing homes where patients have advanced age and lessened resistance. This fact was dramatically proven in 1970 when 36 patients died in a Salmonella epidemic in a Baltimore, Md., nursing home.

Physicians do not view the bodies of patients who have died in nursing homes before signing death certificates.

The root of the problem is, of course, that geriatrics has not developed as a specialty in this country. There is unimpeachable evidence that the medical problems of the elderly require separate and specialized education. This education is not readily available in the United States. My 1971 survey of schools of medicine in this country turned up the fact that only three schools have anything approaching a department of geriatrics. Our follow-up survey in 1974 indicated some progress; 13 schools were in the process of making geriatrics a specialty. However, all of these schools need financial help which my bill would provide.

I believe that we should establish departments of geriatrics in several medical schools. There is much we can learn from Great Britain and Sweden in this regard. Geriatrics is a specialty in Europe and it should be recognized as such in the United States.

I believe that my bill will stimulate the attention of the medical profession in problems of the aged in general and in problems of nursing home patients in particular. As a result, the quality of nursing home care will surely improve.

CONTINUING EDUCATION IN GERIATRICS FOR PHYSICIANS

S. 1157. A bill to amend the Public Health Service Act to provide funds to schools of medicine to establish continuing education programs for physicians in geriatrics.

Mr. President, I introduce for appropriate reference a bill amending the Public Health Service Act to provide continuing education in geriatrics for physicians.

I have just introduced a bill to help establish departments of geriatrics in schools of medicine. This bill is directed at the future generations of physicians. My Subcommittee on Long-Term Care has received abundant testimony and letters complaining that medical schools presently offer little emphasis on geriatrics in their curricula and that no continuing education programs exist.

I believe it is essential that continuing education programs in geriatrics be established for the present generation of physicians who are interested in updating or expanding their education.

My bill would authorize funds to schools of medicine specifically for this purpose.

TRAINING OF PARAMEDICAL PERSONNEL

S. 1158. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities.

Mr. President, I offer, for appropriate reference, a bill to authorize grants to train certain veterans with appropriate experience as paramedical personnel—Medics—to serve as medical assistants in long-term care facilities.

This bill is offered as a way of ameliorating one of the major problems in the field of long-term care—the absence of the physician from the nursing home setting. I am discussing many of the reasons for the physician's absence in a statement I am making today in introducing my bill to provide grants to schools of medicine to establish departments of geriatrics.

However, I neglected to mention one important factor, because I felt it would be more appropriate to the discussion of legislation to train paramedical personnel. That is the well known fact that physicians are in very short supply, and therefore many of them are greatly overworked. This results in a particularly serious physician shortage in rural areas. The Congress has tried to remedy this shortage by using Federal grants, or by forgiving Federal loans, when medical students in training agree to practice later on for a given period in areas of greatest need.

The competition for the physician's time works a particular hardship on nursing homes. They do not fare well. To a certain extent, certain Federal policies under medicare tend to increase the problem.

Under medicare original regulations a physician was required to see patients every 30 days. This was not always honored, I regret to say. New rules now require physician visits every 30 days for the first 3 months and thereafter at the discretion of the physician but no less often than once every 60 days.

One solution to infrequent physician visits to nursing homes is to give medical corpsmen discharged from the armed services a concentrated course in the special needs of geriatric patients and then let them serve as medical assistants in nursing homes. My bill authorizes just that. It would authorize $2.5 million in fiscal 1976, and $5 million in the next 3 fiscal years. It is not a new concept and HEW has experimented with it to some degree. I find it totally sensible. I hope this bill will be enacted.

TRAINING OF PHYSICIAN'S ASSISTANTS

S. 1159. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants.

Mr. President, I offer, for appropriate reference, a bill making grants to colleges and universities to assist them in establishing programs for the training of physicians' assistants. This bill represents an effort to increase the supply of physicians' assistants so they can help ease the shortage of physicians generally and specifically the shortage in nursing homes.

I define "physicians' assistants" as they are defined by the American Medical Association Committee on the subject:

> A skilled person qualified by academic and practical training to provide patient services under the direction of a licensed physician who is responsible for the performance of that assistant.

This bill is another segment of my efforts to upgrade the quality of medical care in long-term care facilities. Other bills I am introducing would help establish geriatrics as a specialty in this country, and train medical corpsmen in geriatrics so that they might assume some responsibility in nursing homes.

I also intend to introduce, in the future, a bill to provide for the training of a corps of nurse practitioners composed mainly of registered nurses who have completed two additional semesters of specialized work in geriatrics. These nurse practitioners could then be placed in charge of the medical care in long-term care facilities, subject to the overall control and responsibility of the physician under contract with the facility.

I believe that both physicians' assistants and nurse practitioners, if trained in geriatrics, can do much to ameliorate the medical problems of long-term care facilities.

My present bill authorizes $10 million a year to qualify colleges and universities for the training of physicians' assistants. I hope we can take final action on it this session.

In principle it was included in Public Law 92-603, the social security amendments enacted in the 92d Congress, but only on a demonstration basis. The provision in Public Law 92-603 authorizes the Secretary to conduct experiments with the use of physicians' assistants and nurse practitioners and to make recommendations as to their future use. I am looking forward to the results of these demonstration projects, because I feel strongly that the effective use of nurse practitioners and physicians' assistants can mean marked improvement in the quality of medical care, particularly to the 1 million residents of our nursing homes.

S. 1160. A bill to amend title VIII of the Public Health Service Act authorizing the Secretary of the Department of Health, Education, and Welfare to make grants or enter into contracts with public or nonprofit private schools of nursing to develop programs for training nurse practitioners with specific emphasis on geriatrics and the care of nursing home patients.

Mr. President, through the years the subcommittee has often heard the suggestion that professional nurses with certain additional training in geriatrics could assume a great portion of responsibility for the care of the elderly in nursing homes. This is based on the premise that the kind of medicine practiced in nursing homes is what is termed chronic maintenance as distinguished from complicated diagnostic or surgical procedures.

Nurse practitioners—that is, registered nurses licensed under State law who have completed a program of study such as presently developed by the American Nurses' Association—are more than qualified to provide primary health care. Among the duties they could perform are the following:

First. Obtaining a health history;

Second. Assessing health-illness status;

Third. Entering an individual into the health care system;

Fourth. Sustaining and supporting individuals who are impaired, infirm, ill, and undergoing programs of diagnosis and therapy;

Fifth. Managing a medical care regimen for acute and chronically ill patients within established standing orders;

Sixth. Assisting individuals in regaining their health;

Seventh. Teaching and counseling individuals about health and illness;

Eighth. Counseling and supporting individuals with respect to the aging and dying processes, and

Ninth. Supervising nursing assistants.

My bill would authorize the Secretary of the Department of Health, Education, and Welfare to provide grants, or enter into, contracts with schools of nursing practitioners with special emphasis on geriatrics and the needs of nursing home patients. I feel certain that this proposal, when enacted, will result in the immediate improvement in the quality of nursing home care.

S. 1161. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes.

Mr. President, I introduce for appropriate reference a bill which would create an experimental program to subsidize the family for the care of their elderly in their own homes.

It has been my experience that most American families would prefer to maintain their elders at home if they could afford to do so. It is the inability to pay for the medical, nursing, and social needs of the elderly which often results in the families' decisions, however reluctant, to place a family member in a nursing home.

We have seen that the American family is more and more under attack in recent years. Industrial employment, the automobile and other factors have lead to the gradual disintegration of the American social phenomenon, the extended family. This fact has had severe repercussions in our Nation, on old and young alike.

The bill I propose today would help families to keep their loved ones at home. The proposal makes economic as well as sociological sense. If we as a nation are quite willing to pay an overage of $600 a month to keep someone in a nursing home, might we not be willing to pay $150 a month to a family to help maintain their elders in their own homes?

My bill applies with particular relevance to the needs of ethnic groups. A nursing home often is anathema to them, for many deep-rooted reasons. This proposal would help them meet their burdens.

I realize that there are drawbacks to the approach that I have suggested, and it is for this reason that I have proposed a limited experimental program. Armed with new experience, the Congress could legislate more effectively. Certainly, this idea is important and viable; it deserves a fair test.

S. 1162. A bill to provide for day care services for individuals eligible to enroll in the supplementary medical insurance program for the aged established under part B of title XVIII of the Social Security Act:

DAY CARE FOR THE ELDERLY

Mr. President, in the last two sessions of the Congress I have introduced legislation authorizing day care services for the elderly under part B of medicare. The proposal has its roots in the British system which has been widely acclaimed throughout the world.

In testimony before our subcommittee, British doctor, Lionel Z. Cosin noted the many advantages of day care. Working families could bring their elderly to a day care center where the elderly would receive therapy, nursing care, recreation, and other services. The most important aspect of this proposal is supervision. Working families would have the security of knowing that their elderly were being well cared for by day, and have the pleasure of their company after work and through the evening hours. In addition, many elderly living alone who are eligible for nursing home care could be maintained independently if day care services were available.

If enacted this proposal would provide a viable alternative to institutionalization and would be greatly less expensive than nursing home care. Having introduced this proposal in the last two sessions of the Congress, I am particularly hopeful for its enactment during this session.

A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, to amend part A of such title to liberalize the coverage of post-hospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes.

Mr. President, I often receive letters asking me why the Congress will not enact legislation to enable senior citizens to remain in independence rather than going to a nursing home. Such letters, of course, must be answered with the rather unpleasant fact that the Congress has passed legislation for home health services but that the administration has not committed the funds to these programs. In terms of medicaid only $24 million was paid in 1972 for home health services with New York State spending $15 million or more than 60 percent of the program's total expenditures.

The medicare home health coverage is a little more complicated. But like medicaid there is the skeleton of the program but no real substance. Medicare's outlays for home health consistently run less than 1 percent of medicare's total outlays.

Home health care is provided under both part A and part B of medicare. Part A provides for home health benefits—up to 100 visits for each benefit period—after an individual has been hospitalized for at least 3 days, providing that a home health plan is established for the patient within 14 days of his transfer from a hospital or medicare skilled nursing facility. Moreover, individuals must be confined to their homes and a physician must certify the need for skilled nursing care or physical therapy. Speech therapy, occupational therapy, part-time services of a home health aide and medical social services are also authorized, subject to the continuous precondition that the patient qualify for skilled nursing care.

The definition of skilled nursing care in the home health setting has been as restrictive as applied in the nursing home setting. The result has been to keep the costs of the medicare home health program down to their present minimal level and, perhaps, to deny millions of Americans the care they need.

Home health care is also provided under medicare part B, the supplementary medical portion of medicare. The same preconditions for eligibility are required except for prior hospitalization which is unnecessary to claim benefits under part B. The scope of coverage is the same with the potential of benefits ranging from the services of a home health aide to speech therapy. Benefits are restricted by the limitation of qualification for skilled nursing care. In fact, home health agencies are required as a condition of participation in the medicare program to provide skilled nursing, plus one additional service. In 75 percent of the cases the other service provided is physical therapy.

The lack of emphasis on home health care is particularly tragic in view of the dramatic cost savings—as opposed to nursing home care—which are possible in many cases. Mrs. Daphne Krause, executive director of the Minneapolis Age and Opportunity Center, provided the committee with numerous case examples illustrating sizable savings including the following:

The remaining question is what can be done to make in-home services a reality for older Americans. Most experts are of the opinion that HEW need only revise their regulations. Since HEW does not share this view, I have today joined with Congressman ED KOCH, of New York, in introducing this bill which mandates expanded home health services under both medicare and medicaid. Congressman KOCH is to be complimented for the research which preceded the introduction of this bill whose short title is the National Home Health Care Act of 1975. The bill's essential features are as follows:

Section 2 would allow unlimited home health visits, if necessary to maintain an individual outside of a hospital, nursing home, or other institutional facility, under part B of medicare's supplementary medical insurance. Under the current program, a patient is limited to 100 visits. Under the legislation, a patient would qualify for these services on the basis of specific criteria—eating, mobility, et cetera—in order to avoid abuses of claims for need. The Secretary of HEW would be required to promulgate regulations, based on the functional criteria listed in the bill to determine patients' eligibility for the provisions of the act. In addition, the payment given cannot exceed payments which would be provided if the individual were receiving institutional care.

A medicare doctor's recommendation of need would immediately be effective, but his affirmative recommendation would be reviewed within 30 days by a physician and two other health professionals.

Supportive services for Mrs. M. R. over 3 years by MAO:	
Meals, including delivery charges (2 meals a day, 7 days a week)	$3,385.00
Housekeeping services (3 services a month)	399.60
Counseling (average 1 a month)	324.00
Total cost of MAO services	4,008.60
Nursing Home costs for 3-year period (projected cost):	
$450 per month for 3 years	16,200.00
Less clients income of $115 per month for 3 years (client would be allowed to keep $25 a month for personal needs)	−4,140.00
Remaining cost to be paid by medicaid	12,060.00
Less cost of MAO services	−4,008.60
Total MAO saved the taxpayers over 3 years with respect to a patient ordered institutionalized	8,051.40

Section 2 would also expand home health services under medicare by adding a full range of services—not just doctor and nurse visits, but transportation and "homemaker" services—that is assistance in household tasks such as shopping, getting dressed and walking, in addition to such other services as the Secretary of HEW deems necessary to maintain an individual outside an institution.

Section 3 would increase the home health services of part A of Medicare's supplementary medical insurance, the provision covering post-hospital care, from 100 to 200 visits. In addition, correlative services would be provided identical to those in section 1.

Section 4 requires States to include home health services, including the full range of medical and correlative services as defined in Section 1, in order to qualify for Federal medicaid funds. The functional criteria and verification mechanism of section 1 apply here also.

Section 5 would permit State medicaid programs to cover payment of rent for elderly or disabled persons who would otherwise require nursing home care. The amount of payment will be the fraction of the total household represented by the elderly or disabled persons involved and is subject to a ceiling conforming with current standard for federally assisted housing.

Section 6 removes the $10,000,000 limitation in funding authorized under the 1974 HUD Act for demonstration projects for congregate housing for the elderly, the handicapped, and other groups.

The enactment of this bill would be a major step toward providing needed and appropriate health care for older Americans.

DISCLOSURE OF NURSING HOME COSTS

S. 1163. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program an annual report on the costs incurred in the operation of such nursing home.

Mr. President, I introduce for appropriate reference a bill to require nursing homes receiving Federal funds under title XIX of the Social Security Act to submit to the State agency administering the program an annual report of the costs incurred in the operation of such nursing home.

This bill is introduced in recognition of the fact that the taxpayers have a substantial interest in the nursing home industry. In fact, $1 out of every $2 in nursing home revenues come from the public coffers. By reason of this substantial contribution, which amounts to almost $8 billion yearly, the taxpayers are entitled to an accounting of how these funds are spent.

I have said many times that I believe the vast majority of nursing home administrators are honest, and that by and large nursing home rates are too low. On the other hand, there continues to be some indications that a few operators are growing rich at the expense of their patients.

This question of possible profiteering by some health providers is very inflammatory.

These facts have been amply detailed in our recent hearings in New York. In New York and elsewhere operators have been greatly reluctant to share their books and records with the committee. Only through the use of our subpena power were we able to secure the records that we needed for our study.

The results of our study to date indicate that some aspects of the industry are very profitable. For example, in our study of 106 publicly held corporations controlling 18 percent or the industry's beds—and one-third of the industry's 1972 total of $3.2 billion in revenues—indicated the following growth between 1969 and 1972: 122.6 percent in total assets; 149.5 percent in gross revenues; and 116 percent in average net income.

One recent HEW study, however, shows marginal rates of return in a sample of 228 nursing homes. Thus, the issue is far from settled. But a joint study—conducted by the General Accounting Office and the subcommittee—suggests increases in total assets, revenues, and profits for individual operators as well.

Significantly, GAO and HEW as well as various State agencies have been hindered by their inability to get information concerning nursing home costs and profits. In fact, only eight States now require nursing homes to file certified public accountant audited financial statements and few of these States provide any specific penalties for fraud or misrepresentation in connection with the filing of such statements.

The solution to this problem it seems to me, is simply to require every nursing home to file a financial statement with the State in which it is located. Some States have such a requirement at the present time, but it should be uniform, applying to every State. HEW and the GAO would have access to this material as a matter of course.

It would, of course, be impractical to audit each statement every year, but such statements, in my judgment, would qualify as documents affecting a person's rights to benefits. A false statement with intent to defraud would carry the 1 year in jail and a $10,000 fine now in section 242 of Public Law 92-603. If not, then false reports would qualify as "false reporting of a material fact as to conditions or operations of a health-care facility" which is a misdemeanor subject to up to 6 months' imprisonment, a fine of $2,000, or both.

Mr. HUGH SCOTT. Mr. President, I am pleased today to join as a prime sponsor of the National Home Health Act, S. 1163, a bill which I believe will go a long way toward solving the critical problems facing Pennsylvania nursing homes and nursing homes across the Nation.

In essence, this bill will encourage home health care for the elderly by requiring the inclusion of home health services in a State's medicaid program and by permitting rent payments for those elderly persons who would otherwise require nursing home care. In addition, the bill provides expanded Federal funding for congregate housing for the displaced and the elderly.

A recent report put out by the Health and Welfare Committee of the Pennsylvania House of Representatives points to some frightening statistics on the elderly in the Commonwealth. I will list just a few:

First. Pennsylvania's population of those 65 years of age and over is increasing rapidly. By 1980, it is expected to increase by 24 percent and constitute 13 percent of the State's total population. In 1930, those 65 and over represented only 5.3 percent of the State's total population.

Second. Over 296,000 or 23 percent of those 65 and over had incomes below the poverty level in 1970.

Third. Presently, 14 percent of those 65 and over have a net worth of under $1,000, 20 percent under $3,000, and 25 percent under $5,000.

Fourth. Approximately 13 percent of those 65 and over in Pennsylvania today are functionally disabled.

Fifth. There is presently a shortage of nursing home beds and the projected need for new beds by 1980 is 35,000.

Sixth. The cost of updating present nursing homes to meet the Life Safety Code standards and constructing new facilities by 1980 could easily exceed $1 billion.

Seventh. The annual cost to the various levels of government for health care and other related services in nursing homes by 1980 may exceed $800 million.

Obviously the need is great. And the problem is constantly being exacerbated by growing numbers of elderly requiring skilled nursing care and corresponding numbers of nursing homes which are closing.

The problem of nursing home care has been a grave one in Pennsylvania for some time now. In September of 1973, 11 residents died in a fire at the Washington Hill Nursing Home in West Philadelphia. A few short months later nine residents of the Caley Nursing Home in Wayne, Pa., died a similar death when a fire broke out in the 73-year-old facility.

Consequently, Pennsylvania nursing home residents face a multifaceted problem: Not only are there inadequate facilities, but many existing facilities are not in compliance with the Federal Life Safety Code, the code which sets standards for skilled nursing facilities. As of yesterday, there were over 7,000 on waiting lists for Pennsylvania county homes alone.

Since these two Pennsylvania fires, nursing home administrators in the Commonwealth have found it necessary to renovate their buildings to comply with this stringent code or shut down. Many opted for the latter approach rather than face required rebuilding or costly installation of fire detection equipment. This had the effect of reducing the already limited number of nursing home facilities available. Nursing home closings represent a horror to the elderly residents—closings mean relocation, a nightmare for these aged and often debilitated residents.

The aged and the infirm deserve better treatment than the current system of nursing home care is able to provide. They deserve care and understanding, love and simpathy which only family members can provide. This bill will encourage families to care for their aging mother or father in their homes and help them financially to do so.

I hope this proposal will receive the careful consideration of each of my colleagues and will be quickly enacted. But this bill really represents only the first step. The rest is up to the families of the elderly. I hope they will recognize that this bill is offered as a substitute for the impersonal care which nursing homes often represent and as an opportunity for families to get reacquainted.

NURSING HOME OWNERSHIP

Mr. MOSS. S. 1164. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner, in whole or in part, of any mortgage, deed of trust, note, or other obligation secured, in whole or in part, by such home.

Mr. President, I introduce, for appropriate reference, a bill to require any skilled nursing facility or intermediate care facility receiving funds under title XIX of the Social Security Act to disclose to the State the identity of each person who has any ownership at all in the facility.

The present law requires that anyone with a 10-percent or greater interest in a skilled home or an intermediate care facility must disclose such interest. This provision has been avoided by a host of techniques such as by allocating a 9-percent interest in the name of family and friends, or by disguising ownership through the use of mortgages and deeds of trust.

This loophole in the law must be closed if the law is to be meaningful. The Governor's Commission on Nursing Home Problems in the State of Maryland concluded that under the existing law, it is impossible to find out who actually owns the State's nursing homes. The commission endorsed this bill, which was S. 2927 in the 92d Congress and S. 763 in the 93d, as a solution.

The ineffectiveness of the present ownership disclosure provisions was never more effectively proven than in our recent hearings in New York. Newspapers indicated that Dr. Bernard Bergman was the head of an empire of more than 100 homes. The State Health Department was somewhat more conservative, and the State Welfare Inspector General placed the number of his homes at 50. Dr. Bergman himself appeared before the subcommittee and testified under oath that he owned only two nursing homes.

I firmly believe the extent of any man's nursing home interests should not be a matter of conjecture. Accordingly, my bill simply asserts the public's right to know requiring the disclosure to the State of my interest in a nursing home, direct or indirect. The public's right to know obviously grows out of the fact that more than 50 percent of all nursing home revenues comes from the public coffers.

Mr. President, I ask unanimous consent to have printed in the Record the HEW's 1972 report on this bill (S. 2927 in the 92d Congress), together with the text of the 12 bills.

There being no objection, the material was ordered to be printed in the Record, as follows:

Department of Health, Education,
and Welfare,
Washington, D.C., July 13, 1972.

Hon. Russell B. Long,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This letter is in response to your request of December 21, 1971, for a report on S. 2927, a bill to amend Title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home.

Present legislation provides that the State agency be apprised of full and complete information concerning the identity of any person having an ownership interest of 10 percent or more in any such nursing home. The proposed bill would (a) expand the present requirement to include persons having any ownership interest and (b) clarify the meaning of ownership by specifying persons who are owners of mortgages, deeds of trust, or other obligations.

The Department favors the principle of disclosure of information regarding nursing home ownership to the State agency, and would favor clarification of the meaning of ownership to include owners of mortgages, deeds of trust, notes, etc. We have no objection to the expansion of the present requirement to include persons having an ownership interest of less than 10 percent.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Elliot L. Richardson,
Secretary.

S. 1155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Nursing Home Personnel In-Service Training Act".

Sec. 2. Section 805 of the Public Health Service Act is amended by redesignating subsections (b) and (c) as subsections (d) and (e), respectively, and by inserting the following after subsection (a):

"(b)(1) The Secretary may also make grants (not to exceed $100,000 per grant) to assist public or nonprofit private schools of nursing to meet the costs of developing short-term in-service training programs (not to exceed six months) for nurses aides and orderlies for nursing homes.

"(2) Such training programs shall emphasize the special problems of geriatric patients and include but not be limited to—

"(A) monitoring the well-being of the patient;

"(B) emergency procedures;

"(C) drug properties and interreactions;

"(D) feeding and cleaning of patients; and

"(E) fire safety techniques.

"(3) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976, to carry out the purposes of this subsection.".

S. 1156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part E of title VII of the Public Health Service Act is amended by inserting immediately after section 775 the following new section:

"GRANTS FOR THE ESTABLISHMENT AND OPERATION OF DEPARTMENTS OF GERIATRICS

"SEC. 776. (a) The Secretary may make grants to assist schools of medicine in the establishment and operation, within such schools, of departments of geriatrics.

"(b) Grants under this section for any year shall not be made to more than six schools of medicine and the amount of the grants under this section to any school of medicine for any year shall not exceed $500,000.

"(c) Any grant under this section shall be made upon such terms and subject to such conditions as the Secretary shall prescribe.

"(d) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section."

S. 1157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part E of title VII of the Public Health Service Act is amended by inserting immediately after section 775 the following new section:

"GRANTS FOR THE ESTABLISHMENT AND OPERATION OF CONTINUING EDUCATION PROGRAMS IN GERIATRICS

"SEC. 776. (a) The Secretary may make grants to assist schools of medicine in the establishment and operation, within such schools, of continuing education programs in geriatrics for physicians.

"(b) Grants under this section shall be made only upon application therefor, and shall be made in such amounts and on such terms and conditions as the Secretary shall by regulations prescribe."

S. 1158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part E of title VII of the Public Health Service Act is amended by adding after section 775 thereof the following new section:

"GRANTS TO DEVELOP PROGRAMS TO TRAIN CERTAIN VETERANS TO SERVE AS MEDICAL ASSISTANTS IN LONG TERM HEALTH CARE FACILITIES

"SEC. 776. (a) There is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1976, and $5,000,000 for each of the next three fiscal years, to enable the Secretary to make grants to schools of medicine to assist such schools in meeting the costs of developing and conducting special training programs designed to prepare qualified veterans of the Armed Forces to perform services as medical assistants in long term health care facilities.

"(b) As used in subsection (a)—

"(1) the term 'qualified', when used in reference to any veteran, means an individual who is not a physician but who, while a member of the Armed Forces, performed (as his occupational specialty) duties which involved the provision of first aid and other medical services (whether under the direct supervision of a physician or otherwise) which, if performed by a physician, would be regarded as professional services; and

"(2) the term 'medical assistant' means an individual who is not a physician but who is qualified to perform first aid and certain other medical services (whether under the direct supervision of a physician or otherwise) which, if performed by a physician, would be regarded as professional services."

S. 1159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part E of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"GRANTS FOR THE ESTABLISHMENT AND OPERATION OF PROGRAMS FOR THE TRAINING OF PHYSICIANS' ASSISTANTS

"SEC. 776. (a) There is authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1974, the sum of $10,000,000, to enable the Secretary to make grants to appropriate colleges and universities to assist them in meeting the costs of establishing and operating programs for the training of physicians' assistants.

"(b) As used in this section, the term 'physicians' assistants means a skilled person qualified by academic and practical training to provide patient services under the direction of a licensed physician who is responsible for the performance of that assistant.

"(c) Any program with respect to which a grant is made under this section shall only accept students who—

"(1) are high school graduates, and

"(2) have substantial health care experience (such as, but not limited to, two years of experience as a medical corpsman, or equivalent position in the Armed Forces; or two years of experience as a registered nurse or as a licensed practical nurse).

"(d) Grants under this section shall be made only upon application therefor, and shall be made in such amounts and on such terms and conditions as the Secretary shall by regulations prescribe."

S. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part E of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

GRANTS FOR THE ESTABLISHMENT AND OPERATION OF PROGRAMS FOR THE TRAINING OF NURSE PRACTITIONERS TO PROVIDE PRIMARY CARE IN NURSING HOMES

"SEC. 776. (a) The Secretary may make grants to and enter into contracts with public or nonprofit private entities for the purposes of developing or operating programs for the training of nurse practitioners with special emphasis on nursing homes and the care of the aged.

"(b) As used in this section, the terms 'programs for the training of nurse practitioners' means educational programs which meet guidelines prescribed by the Secretary in accordance with paragraph (c) and which have as their objective the education of nurses who will on completion of their studies in geriatrics be qualified to effectively provide primary health care.

"(c) On or before March 1, 1975, after consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs for nurse practitioners. Such guidelines shall, as a minimum, require—

"(i) a program of classroom instruction and supervised clinical practice directed toward preparing nurses to deliver primary health care;

"(ii) a minimum course of study of one academic year of which at least four months must be classroom instruction; and

"(iii) a minimum level of enrollment in each year of not less than eight students.

"(d) No grant may be made or contract entered into to plan, develop, and operate a program for the training of nurse practitioners unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program will upon its development meet the guidelines which are in effect under section (c) no grant may be made or contract entered into to expand or maintain such a program unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program meets the guidelines which are in effect under such section.

"(e) For purposes of making payments under grants and contracts of this section there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975 and $7,500,000 for the fiscal year ending June 30, 1976.

S. 1161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XI of the Social Security Act is amended by adding at the end thereof the following new section: "AUTHORIZATION OF EXPERIMENTAL PROGRAM TO PROVIDE IN-HOME CARE FOR ELDERLY INDIVIDUALS

"SEC. 1121. (a) The Secretary is authorized to establish an experimental program of subsidation of families who agree to care for their dependents who are 65 years of age or older and who would otherwise require, because of physical or mental infirmities, the services of a skilled nursing home, in their own homes. Such subsidies may be made directly in the form of grants, to families who are determined, in accordance with regulations prescribed by the Secretary, to be eligible for assistance under this program.

"(b) Any grant under this section shall be made on such terms and conditions, and payments thereunder shall be made in advance or by way of reimbursement and in such installments, as the Secretary may determine to be appropriate to carry out the purposes of this section and protect the financial interests of the United States.

"(c) Any grant under this section shall be made only upon application therefor, submitted in such form and containing such information and assurances as the Secretary may by regulation require."

SEC. 2. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1975, and for each fiscal year thereafter, such sums as may be necessary to carry out the provisions of this Act.

S. 1162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elderly Day Care Center Act of 1975".

SEC. 2. Section 1861(u) of the Social Security Act is amended by inserting "day care center", immediately before "hospital".

S. 1163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Home Health Care Act of 1975".

HOME HEALTH CARE UNDER SUPPLEMENTARY MEDICAL INSURANCE PROGRAM

SEC. 2. (a) Section 1832(a)(2)(A) of the Social Security Act is amended by striking out "for up to 100 visits during a calendar year".

(b) Section 1834 of such Act is amended to read as follows:

"CONDITIONS AND LIMITATIONS APPLICABLE TO HOME HEALTH SERVICES

"SEC. 1834. (a) Payment under this part may be made for home health services furnished an individual who is determined under regulations to be receiving such services wholly or partly as an alternative to institutional care in a skilled nursing facility or elsewhere, during any period, only if it is determined (in accordance with regulations) that the total amount of such payments is less than the total amount of the payments which would be made under this part during the same period for the corresponding services (and related care) furnished such individual if he or she were receiving such services in the form of (or as a part of) such institutional care.

"(b) In determining for purposes of this title whether an individual applying for or receiving payment for home health services would otherwise require institutional care in a skilled nursing facility or elsewhere, the Secretary shall specify criteria for eligibility including such individual's mobility, need for assistance in eating, behavior or mental condition, state of debility, incontinence, current physical rehabilitation needs, special dietary needs, and needs for medications, injections, intravenous and subcutaneous fluids, dressings and appliances, catheterization (including irrigation), douches, enemas, colostomy irrigations, suctioning, oxygen, or other special assistance, and shall also specify such additional factors and criteria as he may deem necessary or appropriate to assure that only those individuals who would otherwise require skilled nursing facility or other institutional care will qualify to have payments made for home health services on their behalf under this part.

"(c) The Secretary shall within 90 days after the date of the enactment of this subsection promulgate such regulations as may be necessary to carry out this section, and such regulations shall be periodically reviewed and revised thereafter in the light of experience under this subsection."

(c) Section 1835(a)(2)(A) of such Act is amended to read as follows:

"(A) in the case of home health services, such services are or were required because (i) the individual is or was confined to his home (except when receiving items and services referred to in section 1861(m)(7)) and needed (on an intermittent basis) nursing care or any of the other items or services referred to in section 1861(m), or (ii) the individual needed such services as an alternative to institutional care in a skilled nursing facility or elsewhere; and a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician;".

(d) Section 1835(a) of such Act is further amended by adding at the end thereof the following new sentences: "In the case of home health services, the initial recertification required by paragraph (2) where the services involved are furnished over a period of time (and any re-evaluation of the individual's need for skilled nursing facility or other institutional care) shall be made, within 30 days after the physician's original certification with respect to such services (or need), by a panel of at least three health providers (which shall include at least one physician, and may include one or more social workers, nurses, psychiatrists, psychoanalysts, and other qualified specialists) appointed in such manner as may be approved by the Secretary; and such panel shall thereafter review the need for and level of the individual's home health care at least twice each year (four times each year whenever feasible) so long as he or she is receiving (or claiming entitlement to have payment made for) such care. A finding by such panel that the initial certification or a previous recertification was erroneous or unjustified shall be considered for all of the purposes of this title, to be a determination of the Secretary (with respect to the items or services involved) under section 1862(d).".

(e)(1)(A) Section 1861(m)(4) of such Act is amended by inserting "or homemaker" after "home health aide".

(B) Section 1861(m) of such Act is further amended by adding at the end thereof the following new paragraphs:

"For purposes of paragraph (4), services of a home health aide include (in addition to other services normally provided by a home health aide) physical therapy, occupational guidance and therapy, nutritional guidance, family and personal counseling (including the provision of information concerning senior centers and nutrition centers), and such additional services as the Secretary deems reasonable and necessary to increase the individual's maximum rehabilitation potential within the home setting. The term 'home health aide' includes a nurse's aide and a qualified professional social worker as defined in regulations of the Secretary.

"For purposes of paragraph (4), services of a homemaker are services which are performed in the home of an aged, blind, or disabled adult individual to help such individual remain in or return to such home, maintain or strengthen his capacity for self-care, and maintain or raise his level of functioning in the areas of personal care and household management, when such individual is unable to perform such services by or for himself, whether or not such individual also requires the services of a home health aide or other specialist. Services of a homemaker include the performance for an individual of household tasks, transportation for medical visits and essential shopping and transportation to and from senior centers (as defined in title V of the Older Americans Act) and nutrition centers (as defined in title VII of such Act), essential shopping, and simple household repairs, assistance in outdoor walking, and other services furnished to an individual which are reasonably necessary (as determined under regulations) to maintain him outside of a hospital, skilled nursing facility, or other institutional facility.

"In any case where an individual who is hearing-impaired or blind would require institutional care, for reasons other than hearing impairment or blindness, if home health services were not made available under this title, the Secretary may include as a part of such home health services (and make payment under this title for) such special facilities and services in or around such individual's home as may be necessary to assure that he or she will not require institutional care solely because of the hearing impairment or blindness.

"Notwithstanding any other provisions of this title except those imposing limitations or requirements relating to cost, eligibility, or certification, the term 'home health services' includes (without regard to any of the preceding provisions of this subsection) any professional health services provided in an individual's home by a hospital or skilled nursing facility or its staff (including its physicians, nurses, social workers, therapists, technicians, home health aides, dieticians, and other personnel) as an alternative to institutional care, if such services do not qualify for payment (as outpatient hospital services or otherwise) under the other provisions of this title."

(2)(A) Section 1861(m)(2) of such Act is amended by striking out ", occupational, or speech therapy" and inserting in lieu thereof "or occupational therapy, or speech pathology or audiology services".

(B) Section 1861(m)(5) of such Act is amended to read as follows:

"(5) medical supplies (including drugs and biologicals), the use of medical appliances, and the use of medical equipment (including hospital beds and wheel chairs) and other sick-room supplies (including salves, oils, powders, creams, lotions, sanitary napkins, and chucks) which would have been provided if the individual were receiving institutional care, while under such a plan;".

(3) Section 1862(a) of such Act is amended—

(A) by inserting "exclusive of homemaker services" after "custodial care" in paragraph (9); and

(B) by inserting "exclusive of homemaker services" after "household" in paragraph (11).

(f) The amendments made by this section shall apply with respect to items and services furnished after the month in which this Act is enacted.

POST-HOSPITAL HOME HEALTH CARE UNDER HOSPITAL INSURANCE PROGRAM

SEC. 3. (a)(1) Section 1812(a)(3) of the Social Security Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(2) The first sentence of section 1812(d) of such Act is amended by striking out "100 visits" and inserting in lieu thereof "200 visits".

(b) Section 1814(a)(2)(D) of such Act is amended to read as follows:

"(D) in the case of post-hospital home health services, such services are or were required because (i) the individual is or was confined to his home (except when receiving items and services referred to in section 1861(m)(7)) and needed (on an intermittent basis) nursing care or any of the other items or services referred to in section 1861(m), or (ii) the individual needed such services as an alternative to institutional care in a skilled nursing facility or elsewhere; and a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician; or"

(c) The amendments made by this section shall be applicable in the case of home health services provided under part A of title XVIII of the Social Security Act on visits which occur in one-year periods (described in section 1861(n) of such Act) which begin, in the case of any individual, after the date of enactment of this Act.

HOME HEALTH CARE UNDER MEDICAID PROGRAM

Sec. 4. (a) Subparagraphs (B) and (C)(i) of section 1902(a)(13) of the Social Security Act are each amended by striking out "clauses (1) through (5)" and inserting in lieu thereof "clauses (1), (2), (3), (4), (5), and (7)".

(b) Section 1902(a) of such Act is further amended—

(1) by striking out "and" at the end of paragraph (35);

(2) by striking out the period at the end of paragraph (36) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (36) the following new paragraph:

"(37) provide that (A) in determining whether an individual is entitled to have payment made under the plan for home health care services as an alternative to institutional care, the condition specified in section 1834(a) (taking into account rent payments described in paragraph (17) (and the last two sentences) of section 1905(a) as well as payments for home health care services under paragraph (7) of such section) will be applied, and (B) in determining under the plan whether an individual applying for or receiving home health care services would otherwise require nursing home or other institutional care (i) the criteria specified in or under section 1834(b) will be utilized, and (ii) the verification procedures applied will include recertification requirements substantially similar to those imposed by the next to last sentence of section 1835 (a)."

(c) Section 1905(a)(7) of such Act is amended by inserting before the semicolon at the end thereof the following: ", including visiting nurse services and any other home health services as defined in section 1861(m)".

(d) The amendments made by this section shall apply with respect to items and services furnished on or after the first day of the first calendar quarter which begins more than 60 days after the date of the enactment of this Act.

RENT PAYMENTS FOR THE ELDERLY AND HANDICAPPED UNDER MEDICAID PROGRAM

SEC. 5. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (16);

(2) by redesignating paragraph (17) as paragraph (18);

(3) by inserting after paragraph (16) the following new paragraph:

"(17) rent payments on behalf of elderly and handicapped persons who would otherwise require institutional care;"; and

(4) by adding at the end thereof the following new sentences:

"For purposes of paragraph (17), the determination of whether an elderly or handicapped person would require institutional care without assistance in the form of rent payments shall be made (subject to the same verification procedures as those applied in determining need for skilled nursing facility or nursing home care generally) by a physician, utilizing the criteria specified in or under section 1834(b); and the amount of such payments (subject to a ceiling which shall be prescribed by the Secretary of Housing and Urban Development to conform with current standards for federally assisted rental housing) shall reflect the fraction of the total household represented by the elderly or handicapped person or persons involved. In any case where an elderly or handicapped person who would otherwise require institutional care owns his or her own home, mortgage payments and payments of repair and maintenance costs (with respect to such home) may be made under the plan in amounts up to the amounts which such person would receive pursuant to the preceding sentence if he or she were renting such home; and any payments under this sentence shall be considered rent payments for purposes of paragraph (17)."

(b) Section 1902(a)(13)(C)(ii)(I) of such Act is amended by striking out "(16)" and inserting in lieu thereof "(17)".

(c) The amendments made by this section shall apply with respect to items and services furnished on or after the first day of the first calendar quarter which begins more than 60 days after the date of the enactment of this Act.

HOME HEALTH PATIENT OMBUDSMAN

SEC. 6. Part C of title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"HOME HEALTH PATIENT OMBUDSMAN

"SEC. 1880. There shall be in the Department of Health, Education, and Welfare a Home Patient Ombudsman, who shall be appointed and provided with adequate staff and facilities by the Secretary. It shall be the duty and responsibility of the Ombudsman to monitor the programs under this title and the various medical assistance programs under State plans approved pursuant to title XIX, and to maintain such oversight of those programs and their operation and administration as may be necessary to (1) assure that home health patients under such programs are receiving the care to which they are entitled, (2) provide safeguards against overcharging for home health services, (3) identify abuses against home health patients, (4) receive, handle, and expedite complaints by home health patients, (5) recommend to the Secretary any changes in the regulations affecting home health services which may appear necessary or desirable, and (6) take appropriate action (including the transmission of findings to the Attorney General) with respect to abuses and violations of law affecting the provision or receipt of home health services under such programs."

Financial Responsibility of Children for Parents' Nursing and Home Health Care Expenses Under Medicaid Program

INCREASE IN AMOUNT AVAILABLE FOR CONGREGATE HOUSING UNDER LOW INCOME HOUSING PROGRAM

SEC. 7. The proviso in the first sentence of section 7 of the United States Housing Act of 1937 (as amended by section 201(a) of the Housing and Community Development Act of 1974) is amended by striking out "not more than 10 per centum" and inserting in lieu thereof "not less than $10,000,000".

S. 1164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1902(a)(28) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (E);

(2) by inserting "and" immediately after the semicolon at the end of clause (F); and

(3) by adding after clause (F) the following new clause:

"(G) submit, not later than 60 days after the close of any fiscal year of such nursing home, to the State agency a full and complete report disclosing all costs incurred for such fiscal year by such nursing home and a financial statement for such fiscal year. Both the cost report and the financial statement shall be audited by a Certified Public Accountant;".

SEC. 2. The amendment made by this Act shall become effective July 1, 1975.

S. 1165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Campuses for the Elderly Act".

SEC. 2. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Housing and Urban Development.

(2) The term "skilled nursing home" means a facility which (A) meets requirements under title XIX of the Social Security Act, and (B) is equipped to accommodate at least 120 patients.

(3) The term "congregate living facility" means a facility which includes (A) one or more residential structures containing at least 100 dwelling units in the aggregate, and (B) one or more central dining facilities and such other shared facilities as may be approved by the Secretary to serve the needs of the residents.

(4) The term "rest home" means a health facility with nursing supervision conforming to criteria and standards prescribed by the Secretary for the accommodation of at least 100 patients.

(5) The term "multifamily residential facility" means one or more structures suitable for dwelling use by at least 100 elderly families (including single elderly persons) which meets standards and criteria comparable to those which are applicable to housing constructed with assistance under section 202 of the Housing Act of 1959.

(6) The term "community center" means a facility conforming to criteria and standards prescribed by the Secretary which provides such social, recreational, counseling, vocational, and other services as the Secretary may require to meet the needs of elderly persons in the community having due regard to the availability of existing services in the area.

(7) The term "elderly", used adjectively with reference to an individual or family, characterizes the individual or the individuals comprising the family as being at least 55 years of age.

SEC. 3. (a) In order to provide for the construction on a demonstration basis of "campuses for the elderly," the Secretary shall institute a program under which qualified organizations, public and private, will submit plans for the development of carefully conceived and innovative projects to meet the special health care, housing, and related needs of elderly persons in a campus-type setting. Each such project shall be designed to include in a complex of closely related structures a skilled nursing home, a congregate living facility, a rest home, a multifamily residential facility, and a community center. From among the plans submitted the Secretary shall select three which he determines are most promising in furtherance of the objectives of this Act. To the sponsors submitting the plans so selected, the Secretary shall award appropriate plaques and certificates for excellence in the design of health-care and related facilities for senior citizens.

(b)(1) For the purpose of assisting the owner-sponsor of a project designed in accordance with a plan selected by the Secretary under subsection (a), to finance debt service charges arising in connection with the development thereof the Secretary is authorized to make, and contract to make, interest subsidy payments to the holder of any mortgage covering such project and insured under section 232(i) of the National Housing Act. Such payments shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premiums which the project owner as mortgagor is obliged to pay under the mortgage and the monthly payment for principal and interest such owner would be obliged to pay if the mortgage were to bear interest at the rate of 1 per centum per annum.

(2) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under paragraph (1), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

(3) As a condition for receiving the benefits of interest subsidy payments under this section, the project owner shall operate the project in accordance with such requirements as the Secretary may prescribe. In addition to establishing such requirements, the Secretary is authorized to make such rules and regulations, to enter into such agreements, and to adopt such procedures as he deems necessary or desirable to carry out the objectives of this Act.

(4) There are authorized to be appropriated such sums as may be necessary to make interest subsidy payments under contracts entered into under this subsection. Payments pursuant to such contracts shall not exceed $15 million per annum.

(c) Section 232 of the National Housing Act is amended by adding at the end thereof the following:

"(i) The Secretary is further authorized to insure and to make commitments to insure mortgages (including advances on mortgages during construction) secured by properties in projects to be carried out in accordance with plans selected by the Secretary of Health, Education, and Welfare under section 3(a) of the Campuses for the Elderly Act. Such insurance shall be provided in accordance with the provisions of this section subject to the following limitations and requirements:

"(A) Mortgage insurance shall be provided with respect to not more than three such projects each one of which is designed to demonstrate the feasibility of a particular plan.

"(B) The mortgage shall involve a principal obligation in an amount not to exceed $———, and not to exceed 100 per centum (90 per centum in the case of a mortgagor which is an entity other than a public body or nonprofit organization) of the estimated value of the project (including equipment to be used in the operation of the facilities comprising the project) when the proposed improvements are completed and the equipment is installed.

"(C) The Secretary shall approve the site of any project with respect to which mortgage insurance is provided under this subsection only after consultation with the Secretary of Health, Education, and Welfare, and regulations of the Secretary relating in any way to the facilities comprising any such project, or the operation thereof, shall be issued only after such consultation."

SEC. 4. (a) Not later than two years after plans selected by the Secretary for the development of demonstration "campuses for the elderly" projects have been implemented with assistance under this Act, an evaluation of such projects shall be undertaken to determine their effectiveness and suitability in meeting the needs of elderly persons. Such evaluation shall be made by a committee consisting of the following members:

(1) three members of the Congress to be appointed jointly by the President of the Senate and the Speaker of the House of Representatives; and

(2) six members to be appointed by the Secretary, of which three shall be representatives of the medical profession and three shall be persons who have had experience in the administration of health-care facilities, both proprietary and non-proprietary.

The committee shall submit to the Secretary for transmittal to the Congress a report with respect to its findings and recommendations not later than 6 months after the date on which the committee is fully organized.

(b) The committee, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, may appoint and fix the compensation of such staff personnel as it deems necessary.

(c) (1) Any member of the committee who is appointed from the legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the committee.

(2) Members of the committee, other than those referred to in paragraph (1), shall receive compensation at the rate of $25.00 per day for each day they are engaged in the performance of their duties as members of the committee and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the committee.

(d) There are authorized to be appropriated such sums (not to exceed $70,000) as may be necessary to carry out this section.

(e) The committee shall cease to exist thirty days after the submission of its report.

S. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1902(a) (28) (A) (i) of the Social Security Act is amended to read as follows: "(i) of each person who has any ownership interest in such nursing home or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such nursing home or any of the property or assets of such nursing home,".

SEC. 2. The amendment made by this Act shall become effective July 1, 1975.

Mr. WILLIAMS. Mr. President, I am pleased to join Senators Moss and CHURCH today in introducing 12 bills which are the first of a total of 40 expected to emerge from the comprehensive study of nursing home care by the Subcommittee on Long-Term Care of the Special Committee on Aging.

The subcommittee, of which Senator Moss is the able chairman and on which I am privileged to serve, is in the process of issuing a series of reports on the findings of its ongoing study. The bills introduced today are, I believe, an appropriate response to the concerns raised in those reports.

One area of particular concern which I share with Senator Moss involves the recent revelations of highly questionable and costly nursing home practices in New York State. I was appalled by testimony we heard when the subcommittee conducted a hearing in New York City, and I am pleased that the legislation introduced today addresses the need for strict accountability for expenditure of public funds.

But, in addition, there is also a pressing need for genuine reform in many aspects of long-term care for the elderly, and for training additional health professionals to deal with the specific problems of the elderly. These areas are also covered by the legislation.

In New Jersey, several nursing home investigations are now underway, and I am paying close attention to their findings. Clearly, wrongdoing and deficient levels of nursing home care must not be tolerated. But at the same time, it is important that the honest and concerned nursing home operator not be penalized for the failures of those who fall short of these standards.

Genuine reform is needed, and I believe the legislation advanced today can help us toward that goal.

Mr. CHURCH. Mr. President, for the past 5 years Senator FRANK E. MOSS and the members of the Subcommittee on Long-Term Care in the Committee on Aging have conducted an extensive series of hearings into nursing home problems. To date, some 25 hearings have been held and more than 3,000 pages of testimony taken. These hearings have formed the major basis for a 12-volume report entitled: "Nursing Home Care in the United States: Failure in Public Policy." Four reports have been issued, and others are to follow at monthly intervals.

Under the terms of our original plan, the 11th volume in our series has been set aside for industry reaction to our reports, and the 12th report will contain our final recommendations to the Congress. This plan has led some people to believe that no legislation would be introduced before this November. This is not the case. As a matter of fact, I am joining Senator Moss today in introducing 12 bills directed at nursing home reform. Senator Moss has promised to introduce another 28 bills before the end of the month.

The bills we are introducing today fall essentially into six major categories, as follows:

First. Training for nursing home personnel.

Major provisions: Grants to schools of nursing for 6-month in-service training programs.

Prior to this bill, no Federal training program of any significance has been established to provide assistance in this vitally needed area of training nursing home personnel. This bill authorizes grants to schools of nursing to establish in-service training programs—not to exceed 6 months—for these nursing home employees—aides and orderlies.

Second. Two bills to further the training of M.D.'s in geriatrics.

Major provisions: One. Continuing education programs in geriatrics be established for the present generation of physicians.

Two. To provide grants to schools of medicine to establish departments of geriatrics—directed at the future generation of M.D.'s.

We have introduced these bills in an effort to attack what has been described as one of the five major problems in the field of long-term care—that is the simple fact that physicians generally avoid the nursing home and do not view it as part of the medical continuum. I believe that this legislation will stimulate the attention of the medical profession in problems of the aged in general and in problems of nursing home patients in particular. As a result, the quality of nursing home care will surely improve.

Third. Three bills to provide for the training of paramedical personnel.

Major provisions: One. A bill to provide for certain veterans with medical experience (Medics) to serve as medical assistants in nursing homes.

Two. A bill to provide funds to colleges and universities for the training of physicians' assistants to work in nursing homes.

Three. A bill to provide training for nurse practitioners to provide primary care in nursing homes.

These bills are offered as a way of ameliorating one of the major problems in the field of long-term care—the absence of the physician from the nursing home setting. My bills will serve to augment physicians in nursing homes by providing geriatric training to paramedical personnel. I believe these bills will significantly improve the quality of care available in nursing homes.

Fourth. Three bills to provide expanded benefits for the elderly.

Major provisions: One. A bill to create an experimental program to provide for the care of the elderly in their own homes.

Two. A bill to authorize day care under part B of medicare.

Three. And most important, a bill to provide expanded home health services under medicare and medicaid.

These bills will help families keep their loved ones at home, providing an alternative to nursing home institutionalization. They will enable elderly Americans to remain at home and yet be provided with the opportunity for recreation, services, professional care, and medical care which up to now have been frequently denied them at home. I believe they will provide valuable alternatives not now available to our senior citizens.

Fifth. Two bills to create new Federal disclosure requirements for nursing home operators.

Major provisions: One. A bill to require nursing home operators to file CPA-audited cost and financial statements with the State.

Two. A bill to require operators to disclose to the State each and every ownership interest in a nursing home.

The provisions of these bills would enable State and Federal Government oversight of these highly subsidized operations, and provide specific penalties for fraud or misrepresentation in connection with the filing of such statements. It is my hope that these new requirements will be sufficiently flexible to meet rural as well as urban requirements.

Sixth. One bill authorizing the construction of special campuses for the elderly.

Major provisions: One. A bill to authorize the Secretary of Housing and Urban Development to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health care and related needs of elderly persons in a campus-type setting.

Many knowledgeable persons in the field consider the campus concept as the answer to the fragmentation of care which marks our present system.

A campus will include five elements: A skilled nursing facility; congregate living facilities; rest home with nursing supervision; apartments for senior citizens and a senior citizen center. This bill is designed to create demonstration projects to test these ideas in real life settings, incorporating the private sector in their design, construction and operation.

It is my hope that these bills can be quickly enacted. The Federal Government, which provides so much of the support for nursing home care, should also insist that such care be appropriate and be of high quality. These measures can help us toward those goals.

By Mr. ABOUREZK (for himself, Mr. HARTKE, Mr. HUMPHREY, and Mr. McGOVERN):

S. 1167. A bill to amend title 39, United States Code, to maintain and extend rural mail delivery service, to be called the Uniform Mail Delivery Act. Referred to the Committee on Post Office and Civil Service.

Mr. ABOUREZK. Mr. President, when Congress passed the Postal Reorganization Act, the commitment to free daily rural mail delivery was unmistakable:

> The postal service shall provide a maximum degree of effective and regular service to rural areas, communities, and small towns where the post offices are not self-sustaining. . .

On behalf of Senator HARTKE, HUMPHREY, McGOVERN and myself, I am today proposing that the Congress give substance to that commitment by extending daily driveway delivery service to over 200,000 families who do not now receive it.

Presently, these people—who live one-half mile or more from an existing rural route—must drive to town or to the rural route, sometimes dozens of miles every day, just to receive the mail which the rest of us have delivered to our doorsteps or driveways. Thousands of other rural Americans currently receive mail only every other day.

Rural people, unlike their city cousins, depend on the mail for daily and weekly newspapers, commercial deliveries, and much of the news that city people can find out with a local phone call. Tri-weekly service, or no service at all, is a particular hardship to them, and adds to the feeling many rural families have of being cut off from the life of the Nation.

Recently I heard from 12 rural families who live along a stretch of road 6½ miles long near Eureka, S. Dak. Because the rural carrier would have to drive 13 miles round trip to serve these 12 families, exceeding the one-box-per-mile ratio, each of the 12 must drive daily to the rural route to pick up their mail.

If these families are evenly spaced along the road, I calculate that they must collectively drive 84 miles every day, to accomplish what a single rural route driver could do by driving 13 miles. If we are serious about conserving gasoline, let alone living up to the rhetoric of the Postal Reorganization Act, it would be imperative to provide driveway mail service to people like this.

In the previous Congress, legislation similar to the uniform mail delivery act was introduced by Representative John Zwach, of Minnesota. This year Representative CARL PERKINS, of Kentucky, introduced a similar bill, H.R. 2611. Their efforts have, I believe, made the Postal Service more aware of the problems rural Americans are facing. I believe that they helped prompt the Postal Service to revise, last August, the ratio, which previously allowed rural delivery only if there were three families every 2 miles of round trip driving.

Now, happily, the ratio is one box per mile. The Rural Letter Carriers Association estimates 100,000 customers are newly eligible for service at what seems to me a modest increase in cost—$7 or $8 million according to one Post Office study last year.

The Postal Service has said that it is unable to estimate the cost of delivering mail to people not now served, such as those included under the provisions of this bill. They have calculated the miles of passable roads not now served, arrived at the total 775,000, and extrapolated that it would cost about $184 million to drive these 6 days a week.

Since it is inconceivable that every mile of road would have a mailbox on it, or would have to be driven to reach one, the cost of this bill would be well under the $184 million figure.

According to the Rural Letter Carriers, there are about 4,000 families who receive mail only 3 times per week. Six-day service for these people would cost an estimated $550,000. This seems to me little to pay to end the discrimination against this small number of people who depend on the mail for daily news.

I am under no illusions that providing this rural free service will be cheap. Everyone knows that there are not extra millions of dollars hanging around post offices to extend their routes. Everyone knows that most postal employees have no spare time to drive out into the country to serve extra customers.

But hardly a day goes by that Senators do not receive a complaint about the Postal Service. It is clear that the Postal Reorganization Act has not worked as we had hoped, both from the point of view of quality of service and of cost. This bill addresses one area of service, which I believe deserves attention and action.

This is by no means an answer to the postal problems. The last thing needed is to put politics back in the Post Office. We need, however, to reexamine the financing and apparent deterioration of some services. Perhaps a subsidy from general revenues will be necessary. We should certainly look into ways to enable the Postal Service to provide the services people need, whether they pay for themselves directly, or only indirectly, in promoting national unity, commerce and participation.

The people who live in the most rural locations, especially, have been getting the short end of the stick in many ways. I believe that they should be entitled to the daily home mail delivery which the rest of us take for granted.

I ask unanimous consent that the text of the Uniform Mail Delivery Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 403(b)(1) of title 39, United States Code, is amended by inserting immediately before the semicolon at the end thereof the following: ", including, as provided by section 3661(d) of this title, an efficient rural mail delivery service sufficient to serve the needs, insofar as practicable, of the entire rural population of the United States".

(b) Section 3661 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Postal Service shall maintain a rural delivery service for the free daily delivery of mail serving as nearly as may be practicable the entire rural population of the United States. In carrying out the purposes of this subsection, the Postal Service shall extend rural delivery service, without regard to the number of families residing in a specified area, to the driveway or other entrance to the property of residence of each person desiring such service who resides on or near any road—

"(A) which is in good condition,

"(B) which is maintained in good condition, and

"(C) which is unobstructed by gates or by unbridged streams which are not fordable at all seasons of the year.

"(2) For purposes of this subsection, the term 'daily' means each day of the week except Sunday and such holidays as the Postal Service may determine to exclude.".

Sec. 2. The amendments made by this Act shall become effective on the first day of the second calendar month commencing after the date of enactment of this Act.

By Mr. STEVENS (by request):

S. 1168. A bill to regulate commerce and protect consumers by requiring improved safety assurance measures in food manufacture and distribution and registration of producers of food. Referred, by unanimous consent, jointly to the Committee on Labor and Public Welfare and the Committee on Commerce.

FOOD SAFETY ASSURANCE AMENDMENTS OF 1975

Mr. STEVENS. Mr. President, I am today introducing the Food Safety Assurance Act on behalf of the following organizations: National Canners Association, Biscuit and Cracker Manufacturers Association, National Cottonseed Products Association, National Fisheries Institute, National Soybean Processors Association, National Association of Margarine Manufacturers, American Frozen Food Institute, Millers' National Federation, American Spice Trade, Institute of Shortening and Edible Oils, and the Florida Canners Association.

This bill has been developed as an alternative to S. 641, a bill to regulate commerce and protect the consumer from adulterated food. I personally take no position on the merits of one bill as opposed to the other. I do feel, however, that when hearings are held both bills should receive consideration.

There is one problem which I see with both bills as presently written—that is the Federal preemption of State regulations with respect to food labeling. In the State of Alaska there are products such as muktuk and seal oil which are canned for use only within the State. These products have been used by the Eskimos for centuries, but there is certainly no effort underway to develop an interstate market for these items. I strongly feel that State law and regulation should govern products such as this. There is no compelling argument for stringent federally imposed regulations covering labeling for contents or nutritional value. I would hope that the committee will carefully consider this matter as work continues on proposed legislation to provide consumer safety standards in the food industry.

Mr. President, I ask unanimous consent that the bill I have introduced, the Food Safety Assurance Amendments of 1975, be jointly referred to the Committee on Commerce and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. And, Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Safety Assurance Amendments of 1975".

TITLE I—SAFETY ASSURANCE SYSTEMS

Sec. 101. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

"Sec. 410. (a) Any person who operates any establishment in which food is processed (hereinafter referred to as a 'food processor') shall develop a safety assurance system for such establishment, unless he is exempted by the Secretary pursuant to subsection (c) of this section, or is otherwise exempt under the provisions of section 413. Such system shall be set forth in writing and accessible to the Secretary within 12 months of the date of enactment of this section in such manner and simplified, efficient format as the Secretary shall prescribe. In developing such system a food processor shall, to the best of his ability—

"(1) identify those control points in the food processing operation carried out by any establishment operated by him where he determines adequate controls are required to assure that food produced in such establishment will not be unsafe or rendered injurious to health;

"(2) identify the hazards determined by him to be associated with each such point;

"(3) establish controls which he determines are adequate at each such point; and

"(4) establish monitoring of the controls which he determines is adequate at each such point.

"(b) The safety assurance systems developed under subsection (a) of this section shall be reviewed, and appropriate revisions made, at least annually, by the food processor involved.

"(c) A food processor shall be exempted from the requirements of this section if the Secretary finds by regulation that the establishment or type of establishment operated by such processor is unlikely, because of the nature or volume of its food processing, to create or contribute to a significant risk that food processed therein will be unsafe or rendered injurious to health.

"(d) As used in this section 'safety assurance' includes and is limited to those processing factors which bear upon whether a food will be unsafe or rendered injurious to health within the meaning of this Act."

Sec. 102. Section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following new subsection:

"(q) The failure to develop, set forth in writing, or make accessible to the Secretary safety assurance systems as required by section 410 of this Act."

TITLE II—SAFETY ASSURANCE STANDARDS

Sec. 201. Chapter IV of the Federal Food Drug, and Cosmetic Act is amended by adding the following new section:

"Sec. 411. (a) If the Secretary finds that any food (or class of food) is being processed in a significant number of establishments in such a manner as to present an unreasonable risk that the food will be unsafe or rendered injurious to health within the meaning of this Act, he shall promulgate regulations or amendments to existing regulations establishing a safety assurance standard for the processing of such food (or class of food) in order to reduce or eliminate such risk. Such standard shall specify the food or class of food in question, the nature and scope of the risk found to exist, and the procedures, including sampling plans, found necessary for the reduction or elimination of such risk.

"(b) Regulations under this section shall be promulgated in accordance with section 553 of title 5, United States Code, except that the Secretary shall—

"(1) provide an opportunity for the oral presentation of data, views, and argument on any proposal for such regulations and have a transcript kept of any such oral presentation;

"(2) make and publish appropriate findings with respect to (A) the nature and scope of the risk referred to in subsection (a), (B) the procedures specified in the standard deemed necessary to reduce or eliminate such risk, and (C) the probable effect of such standard upon the cost and availability of such food; and

"(3) publish an adequate statement of reasons of the need and basis for the provisions adopted, including responses to objections and comments of interested persons.

An order promulgating regulations or amendments to regulations under this subsection shall be subject to judicial review in accordance with section 701(f) of this Act.

"(c) Any person or group of persons may petition the Secretary for an amendment of or exception to any safety assurance standard so as to permit the use of procedures other than those specified in the standard. Upon a showing that any alternative procedure is equally or more effective than the procedure specified in the standard, the Secretary shall approve the requested amendment or exception. If such a petition is submitted (1) with respect to a safety assurance standard that has been published as a proposal pursuant to subsections (a) and (b), and (2) within 30 days after such publication, then the Secretary shall take final action on such petition at the time that he issues a final order with respect to the proposed safety assurance standard, and such actions shall be reviewable in the same manner as the standard."

Sec. 202. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding the following new subsection:

"(r) The failure to comply with an applicable safety assurance standard established pursuant to section 411."

(b) Section 402 of such Act is amended by adding the following new subsection:

"(f) If it was processed other than in compliance with an applicable safety assurance standard established pursuant to section 411."

TITLE III—REGISTRATION OF PRODUCERS OF FOOD

Sec. 301. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following section:

"Sec. 412. (a) Within 90 days after the initial promulgation of regulations under this subsection each food processor shall prepare and submit to the Secretary a registration statement which shall include his name; principal place of business; the location of each establishment operated by him; and, for each such establishment, a complete list, in such form as the Secretary shall by regulation prescribe, of all classes of foods processed therein. The Secretary may promulgate regulations defining classes of foods to promote uniformity and expeditious administration with respect to such registration.

"(b) (1) Any person, upon first engaging in the processing of food in any establishment which he operates in any State, shall within 30 days after first engaging in such processing notify the Secretary and prepare and submit to him a registration statement containing the information required under subsection (a) of this section.

"(2) Any person who has duly registered under this section shall notify the Secretary if he ceases to process or discontinues the processing of any class of food in any establishment, within 90 days of such cessation or discontinuance. Such notification shall not be required in the case of any temporary cessation or processing which is necessitated by the seasonal character of operations at the particular establishment or which is caused by temporary conditions beyond the control of such person.

"(3) Every person who has submitted a registration statement in accordance with this subsection shall within 30 days notify the Secretary of any additional establishment which he acquires or at which he commences operations in any State and which involves the processing of food. Such notice shall contain a supplemental registration statement which shall include, with respect to such additional establishment, the information required by subsection (a) of this section.

"(c) The Secretary shall make any registration statement filed pursuant to this section available for inspection by any person without charge, except to the extent that such information is a trade secret or other matter referred to in section 1905 of title 18, United States Code.

"(d) This section shall not apply to any class of food processors whom the Secretary may by regulation exempt from the application of this section upon a finding in writing that registration in accordance with this section is not necessary for the protection of the public health.

"(e) Every establishment in any State which is required to be registered with the Secretary under this section shall be subject to inspection, pursuant to section 704 of this Act.

"(f) The Secretary may by regulation provide for the registration of foreign establishments engaged in the processing of food intended to be offered for importation into the United States. Such regulations shall include provisions for registration of any such establishment upon conditions that adequate and effective means are available, by arrangement with the government of such foreign country, or by inspection (including written requests for information available under section 704) of a representative of the Secretary, to determine from time to time whether food prepared, packed or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any grounds set forth in section 801(a) of this Act.

"(g) As used in this section and sections 410, 411, 402(f) and 801(a) of this Act—

"(1) 'name' includes, in the case of a partnership, the name of each partner and, in the case of a corporation, the name appearing on the corporation's charter or certificate of incorporation, the name of each principal corporate officer, and the name of any State of incorporation;

"(2) 'principal place of business' and 'location of each establishment' include mailing address and telephone number; and

"(3) 'processing' and 'processed' include manufacturing, processing, packing, labeling and storing."

SEC. 302. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding after subsection (r) thereof the following new subsection:

"(s) The failure to register or the failure to provide any information, as required by section 412 of this Act."

(b) Section 403 of such Act is amended by adding after subsection (n) thereof the following new subsection:

"(o) If it was processed in an establishment not duly registered under section 412."

SEC. 303. Section 801(a) of such Act is amended by inserting "(1)" immediately after "(a)" and adding at the end thereof the following new paragraph:

"(2) The Secretary may refuse entry of any food offered for importation into the United States which has been processed in any establishment, other than an establishment registered pursuant to section 412 of this Act, except as provided in subsection (b) of this section."

SEC. 304. The amendments made by this title shall take effect on the first day of the seventh calendar month which commences after the date of enactment of this Act.

TITLE IV—FACTORY INSPECTION

SEC. 401. (a) Section 704(a) of the Federal Food, Drug, and Cosmetic Act is amended to add the following two new sentences after the first sentence in that section:

"In the case of any factory, warehouse, or establishment in which food for human consumption is manufactured, processed, packed or held, the inspection may extend to such records, files, papers, and processes which are reasonably necessary for a determination whether foods that have been, are being, or are about to be manufactured, processed, or packed are unsafe or injurious to health within the meaning of this Act: *Provided, however*, That the inspection shall not extend to records, files, and papers until a statement showing a reasonable need for such access has been presented, in writing, to the owner, operator, or agent in charge and such person shall have been provided an expedited opportunity to contest the reasonableness of the inspector's demand before the Secretary's designee, who shall be a person outside the operating line of command to whom the inspector reports, and no person shall be subject to any criminal penalty for refusal to permit access to and inspection of records, files, and papers until he has been given an opportunity to contest the reasonableness of the request before a district court of the United States, and has been ordered by such court to grant such access to and inspection of such records, files and papers, and his rights of appeal are exhausted. In any such proceeding before the district court, where the Secretary or his designee seeks access to a manufacturer's secret formulation, the court shall not order the material disclosed unless the Secretary demonstrates (a) that he has probable cause to believe that any such food product may be adulterated, and (b) that the public health or safety requires access to such formulations, and (c) that no alternative means exist for determining that violation other than disclosure of the formula."

(b) Section 704(a) of such Act is further amended by striking the words "second sentence" in the last sentence and inserting in lieu thereof "fourth sentence" .

(c) Section 704 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Trade secrets protected from disclosure by section 301(j) of this Act, confidential information referred to in 18 U.S.C. 1905, and information exempted from disclosure under 5 U.S.C. 552(b), shall not be disclosed by any officer or employee of the United States, and any request for disclosure that raises issues of fact as to disclosability shall be determined by procedures which conform, as near as may be, to the procedures of the Federal Rules of Civil Procedure, Rule 34. The district courts of the United States shall have jurisdiction over actions brought under this subsection, without regard to the amount in controversy, and shall expedite the disposition of such actions.

TITLE V—DETENTION PENDING SUIT FOR FORFEITURE

SEC. 501. Section 304 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new subsection:

"(g) Any food liable to seizure may be detained, pending such seizure or notification of any Federal, State, or other governmental authority having jurisdiction over the food, by an appropriately authorized representative for a reasonable period, not to exceed 20 days, if such representative concludes that the facts provide a reasonable basis to show that such food is unsafe or injurious to health within the meaning of this Act, and such food shall not be moved by any person from the place at which it is located and detained (except as the Secretary may authorize) until released by the Secretary. If the food is still being processed, and has not been put in final form for shipment processing may continue until the food is put in final form, but detention of such food in final form may be ordered. Any person who would be entitled to claim such food if it were seized may appeal such detention (1) to a superior official who shall be a person outside the operating line of command to whom the representative reports, and who shall conduct an informal hearing on the matter and confirm or revoke such detention within 5 days of such appeal, or (2) to the district court of the United States that would have jurisdiction over such seizure."

TITLE VI—CITIZEN SUITS

SEC. 601. Chapter III of the Federal Food, Drug, and Cosmetic Act is amended by adding the following new section:

SEC. 309. (a) Except as provided in paragraph (b) of this section, any person may commence a civil action for mandatory or prohibitive injunctive relief, including interim equitable relief, on his own behalf, whenever such action constitutes a case or controversy against the Secretary alleging a failure of the Secretary to perform any act or duty under this Act, without regard to the amount in controversy.

"(b) No civil action may be commenced under paragraph (a) of this section prior to 60 days after the plaintiff has given notice of the alleged violation to the Secretary in such manner as the Secretary may by regulation require.

"(c) The court in issuing any final order in any action brought pursuant to paragraph (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate.

"(d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any regulation or order or to seek any other relief.

"(e) For purposes of this section, the term 'person' means an individual, corporation, partnership, association, State, municipality, or political subdivision of a State."

TITLE VII—EFFECT ON STATE LAWS

SEC. 701. The Congress hereby finds and declares that in order to make regulation of interstate commerce in foods effective and to avoid varying and conflicting State and local regulations which unduly burden interstate commerce it is necessary to provide for uniformity in food laws and regulations and in their enforcement by Federal, State and local officials with respect to food, drugs, devices, and cosmetics introduced into, or held for introduction into, interstate commerce.

SEC. 702. Chapter IX of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

SEC. 903. (a) The requirements made by or under the authority of this Act, as now in existence and as hereafter amended, shall apply to all foods, drugs. devices and cosmetics introduced into, held for introduction into, or held for sale after shipment in interstate commerce. The requirements of that Act may be enforced by appropriate procedures in Federal and State courts by such officers or employees as are authorized under Federal and State laws to seek or compel compliance with food, drug, device and cosmetic legislation.

"(b) Whenever the Secretary or the Governor of any State, or his designee, proposes a change in the requirements of this Act, he shall consult his State or Federal counterparts and shall include in the petition to the Congress for such amendment or amendments a statement of the views of such counterpart officials on the proposals. Upon the request of the Governor of any State, the Secretary shall present any proposed change in the uniform food, drug, device and cosmetic legislation to the Congress through the appropriate clearance channels within the Executive Branch along with the Secretary's recommendations, unless he finds that the proposal is clearly a State or local matter which, if enacted into State or local law, would not burden or unduly interfere with interstate commerce.

"(c) No State or local law or regulation which purports to impose requirements which are in addition to or different from the requirements made by or under authority of this Act, as now in effect or as hereafter amended, may be applied to or enforced against any food, drug, device or cosmetic which is introduced into, held for introduction into, or held for sale after shipment in interstate commerce, except that a State in which a food is processed may, for the purpose of regulating the quality of such food when produced in the State, impose quality requirements which are in addition to or higher than those set forth in the standards issued under section 401 of this Act."

TITLE VIII—CRIMINAL AND CIVIL LIABILITY

SEC. 801. Section 303(a) of the Federal Food, Drug, and Cosmetic Act is amended by adding the words "knowingly and willfully" before the word "violates".

SEC. 802. Chapter III of the Federal Food, Drug, and Cosmetic Act is amended by adding the following new section:

SEC. 308. Any person who violates a provision of section 301 shall be subject to a civil penalty of not more than $10,000 for each violation."

TITLE IX—INGREDIENT LABELING

SEC. 901. (a) Section 401 of the Federal Food, Drug, and Cosmetic Act is amended by striking out the fourth sentence thereof.

(b) Section 403(g) of such Act is amended to read as follows:

"(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 401 of this chapter, unless (1) it conforms to such definition and standard; and (2) its label bears the name of the food specified in such definition and standard."

SEC. 902. Section 403(i) of the Federal Food, Drug, and Cosmetic Act is amended by striking out "if it is not subject to the provisions of paragraph (g) of this section unless its label bears" and inserting in lieu thereof "if its label fails to bear".

SEC. 903. Section 407(c) of the Federal Food, Drug, and Cosmetic Act is amended to read as follows:

"(c) No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless—

"(1) a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place, or

"(2) a notice that oleomargarine or margarine is served is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items; or

"(3) each separate serving bears or is accompanied by labeling identifying it as oleomargine or margarine."

TITLE X—EXEMPTIONS

SEC. 1001. (a) Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding the following new section:

"SEC. 413. Sections 410, 411, and 412 shall not apply to—

"(a) any processing subject to the exclusive jurisdiction of the Secretary of Agriculture;

"(b) processing which consists solely of the sale of food in a retail establishment for consumption on or off the premises;

"(c) processing of distilled spirits, wine, or malt beverages as defined in the Federal Alcohol Administration Act (27 U.S.C. 201-11);

"(d) any establishment engaged exclusively in the handling of fresh fruits and vegetables in their raw, unpeeled form, or any vessel engaged exclusively in fishing operations."

(b) Section 201(f) of the Federal Food, Drug, and Cosmetic Act is amended by inserting after "animals," the following: "except that in sections 410, 411 and 412 of this Act such terms shall not include articles used for food or drink for animals."

By Mr. HUMPHREY (for himself, Mr. BENTSEN, and Mr. DOMENICI):

S. 1169. A bill to amend the Congressional Budget Act of 1974 to require the Congressional Budget Office to prepare economic impact statements in connection with legislation reported by congressional committees and in connection with rules and regulations proposed by Federal agencies. Referred to the Committee on Government Operations.

ECONOMIC IMPACT ACT OF 1975

Mr. HUMPHREY. Mr. President, we do not need any further evidence that our economy is facing a rapidly darkening future. Unemployment is not projected to top 9 percent this year with little hope for a serious reduction in this rate likely anytime soon. There is little confidence in the administration's ability to lead us out of our economic morass.

In recent weeks, many of us have proposed specific steps which the Government should and must take to reduce unemployment and restore economic growth. But, at the same time, we must give serious attention to fundamental, structural changes in the methods Congress and the Federal agencies use in making decisions affecting the economy.

For two centuries, Congress and the Federal regulatory agencies have made far-reaching decisions largely within an economic impact vacuum. In evaluating proposed legislation, or rules and regulations, attention has been given, in most cases, only to the likely impact on short-run Government costs, on the budget and on the industry or sector directly affected. We frequently have had situations in which the probable impact on prices, of import controls or of regulations governing transportation rates, for example, was ignored.

The fact is that Congress and the Federal regulatory agencies must have a professional, sound, comprehensive evaluation of the likely economic impact made available prior to making significant decisions. The regulatory authorities now receive economic evaluations pertaining largely, if not only, to the specific industry involved. Likewise, Congress is now and will be receiving sound but limited economic information on legislation from the standing committees and the new Budget Committees. They will provide some economic information to Congress, but not enough. We and the regulatory agencies must know, to the extent possible, the long-run, net costs, and benefits of all our decisions well in advance of making them.

Too many decisions over the years were based on a pennywise but pound-foolish economic rationale, decisions like those restricting the antitrust budget in the Justice Department and at the Federal Trade Commission. Because Government has not spent a modest additional amount in those areas in the past, consumers today are paying an estimated $80 billion in price overcharges due to anticompetitive business practices.

An editorial in the Washington Post this week and an article on the subject by Murray L. Weidenbaum, make me more convinced than ever of the urgent need for economic impact statements.

Most public policy decisions that seriously affect the economy require each decisionmaker to do a mental balancing act. Unless the total economic impact is estimated, as best as possible, and made available, it is unlikely that the proper balance will be struck.

To rectify this gap in the decision-making process of Congress and the regulatory agencies, I and several other Senators have proposed that the Congress adopt a formal procedure requiring economic impact statements for legislation that is reported to the floor and for rules and regulations of Federal agencies.

Today, Senators BENTSEN, DOMENICI, and I are introducing that proposal, the Economic Impact Act of 1975.

It requires, in regard to legislation, that the Congressional Budget Office prepare an impact statement for each bill, joint resolution, and amendment reported or offered on the floor of either body of Congress. Members of Congress will receive a copy of each statement. These statements will include an analysis of the direct and indirect short- and long-term effects of the legislation, including its impact on production, employment, inflation, and real income. Also, they will evaluate potential savings or direct budgetary costs and shall cover the first year and the 5 succeedings years following enactment of the legislation.

This legislation, identical to a bill we proposed last year, will also enable the Congress to gain a firmer grip over the Federal regulatory agencies it has established. Included in the Economic Impact Act of 1975 is a provision that the Congressional Budget Office evaluate the rules and regulations of these agencies before they are promulgated—something Congress has not done in the entire history of these agencies. At least 30 days before a proposed rule or regulation becomes effective, this Office must distribute an impact statement to all Congressmen which, in addition to those items already noted, must contain an analysis of the rule or regulation's impact on the fiscal integrity of State and local governments, on major industrial sectors of the economy, on employment by industry, trade sectors, and regions, on the availability of goods and services, on low- and middle-income families, on competition, and on small business.

This is quite an undertaking, but the Budget Office will be given some discretion in the depth of the analysis it will undertake. It will, incidentally, be able to call upon any Federal agency or department for assistance in preparing these economic impact statements.

Most important, in my view, is the requirement that proposed legislation, Federal rules and regulations must be evaluated in terms of whether they further the objectives set forth by the Employment Act of 1946. This act, as you know, proclaims as a continuing policy of the Federal Government the promotion of maximum employment, production, and purchasing power. We are failing to do so today. But with the aid of the Economic Impact Act of 1975, the Congress will be in better position in the future to see that we meet this obligation, this duty to promote full employment.

Mr. President, I ask unanimous consent that the Washington Post editorial of March 5, "It's Time for Economic Impact Statements," and the article in the same newspaper on the same day by Mr. Murray L. Weidenbaum, be printed at this point in the RECORD. I also ask unanimous consent that the text of the Economic Impact Act of 1975 be included in the RECORD.

There being no objection, the articles and bill were ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 5, 1975]

GOVERNMENT REGULATIONS: THE INFLATIONARY COSTS

(By Murray L. Weidenbaum)

(NOTE.—Mr. Weidenbaum, director of the Center for the Study of American Business at Washington University, St. Louis, was an assistant Secretary of the Treasury from 1969 to 1971. This article is adapted from "Government-Mandated Price Increases," permission and copyright by the American Enterprise for Public Policy Research, Washington, D.C.)

As the American public is learning to its dismay, there are many ways in which government actions can cause or worsen inflation. Large budget deficits and excessively easy monetary policy are usually cited as the two major culprits, and quite properly. Yet, there is a third, less obvious—and hence more insidious—way in which government can worsen the already severe inflationary pressures affecting the American economy.

That third way is for the government to require actions in the private sector which increase the costs of production and hence raise the prices of the products and services which are sold to the public. For example, the price of the typical new 1974 passenger automobile is about $320 higher than it would have been in the absence of federally mandated safety and environmental requirements. Attention needs to be focused on this third route to inflation for two reasons: (1) the government is constantly embarking on new and expanded programs which raise cost and prices in the private economy and (2) neither government decision makers nor the public recognize the significance of these inflationary effects. Literally, the federal government is continually mandating more inflation via the regulations it promulgates. These actions of course are validated by an accommodating monetary policy.

Obviously, most of these government actions are not designed to increase prices. Nevertheless, that is their result, In part because of efforts to control the growth of government spending, we have turned increasingly to mechanisms designed to achieve a given national objective—better working conditions, for example, or more nutritious foods—without much expenditure of government funds. The approach emphasizes efforts to influence private decision makers to achieve specific ends. Thus, rather than burden the public treasury with the full cost of cleaning up environmental pollution, we now require private firms to devote additional resources to that purpose. Rather than have the federal government spend large sums to eliminate traffic hazards, we require motorists to purchase vehicles equipped with various safety features that increase the selling price.

At first blush, government imposition of socially desirable requirements on business appears to be an inexpensive way of achieving national objectives: it costs the government nothing and therefore is no burden on the taxpayer. But, on reflection, it can be seen that the public does not escape paying the cost. For example, every time that the Occupational Safety and Health Administration imposes a more costly, albeit safer, method of production, the cost of the resultant product will necessarily tend to rise. Every time that the Consumer Safety Commission imposes a standard which is more costly to attain, some product costs will tend to rise. The same holds true for the activities of the Environmental Protection Agency, the Food and Drug Administration, and so forth.

The point being made here should not be misunderstood. What is at issue is not the worth of the objectives of these agencies. Rather, it is that the public does not get a "free lunch" by imposing public requirements on private industry. Although the costs of government regulation are not borne by the taxpayer directly, in large measure they show up in higher prices of the goods and services that consumers buy. These higher prices, we need to recognize, represent the "hidden tax" which is shifted from the taxpayer to the consumer. Moreover, to the extent that government-mandated requirements impose similar costs on all price categories of a given product (say, automobiles), this hidden tax will tend to be more regressive than the federal income tax. That is, the costs may be a higher relative burden on lower income groups than on higher income groups.

Government regulation is an accepted fact in a modern society. The point being made here is the modest one that a given regulatory activity generates costs as well as benefits. Hence, consideration of proposals—and they are numerous—to extend the scope of federal regulation should not be limited, as is usually the case, to a recital of the advantages of regulation. Rather, the costs need to be considered also, both those which are tangible and those which may be intangible.

It should be acknowledged that what is taking place in the United States represents not an abrupt departure from an idealized free market economy, but rather the rapid intensification of fairly durable trends of expanding government control over the private sector. In earlier periods, when productivity and living standards were rising rapidly, the nation could more easily afford to applaud the benefits and ignore the costs of regulation. But now the acceleration of federal controls coincides with, and accentuates, a slowdown in productivity growth and in the improvement in real standards of living. Thus, the earlier attitude of tolerance toward controls is no longer economically defensible.

Worthy objectives, such as a cleaner environment and safer products, can be attained without the inflationary impact that regulation brings, and public policy should be revised to this end. But we need to examine more closely the phenomenon of government-mandated price increases. It is likely that this unwanted phenomenon will be with us for some time—at least until consumers and their representatives recognize the problem and urge changes in public policy.

As these government-mandated costs begin to visibly exceed the apparent benefits, it can be hoped that public pressures will mount on governmental regulators to moderate the increasingly stringent rules and regulations that they apply. At present, for example, a mislabeled product that is declared an unacceptable hazard often must be destroyed. In the future, the producer or seller perhaps will only be required to relabel it correctly, a far less costly way of achieving the same objective.

[From the Washington Post, Mar. 5, 1975]

IT'S TIME FOR ECONOMIC IMPACT STATEMENTS

The scope of new government programs and regulations has never expanded so rapidly as it has in the past decade, except, perhaps, during the early days of the New Deal. Since the mid-1960s, federal legislation and administration orders have set new standards for air, water, noise, meat, poultry, fabrics, land sales, boats, paint, credit tranactions, industrial safety, and employment practices—to mention but a few. All of these regulations involved efforts to improve the quality of life for some or all citizens, and most have had a measure of success. Some have required the expenditure of large sums of tax money, while others have not. All, however, cost somebody something, and the costs that don't show up in tax bills tend sooner or later to show up in price increases. As Murray L. Weidenbaum makes clear in a new study, a portion of which appears elsewhere on this page today, those price increases have been a significant component in the inflationary spiral. And, if the expansion of regulation goes on at its present rate, such price increases could produce a stagnant economy.

The argument over health care provides a classic example of the way the present system works. Health insurance plans before Congress are usually discussed in terms of how much they will cost federal or state governments in tax money. While these figures are of obvious importance, the true cost of any such plan must include the additional expenses the plan will impose on employers and employees. If those additional expenses are paid by the employers, they will be reflected, sooner or later, in prices. If they are paid by employees, they will be reflected in a loss of buying power. In either case, they are real costs, just as tax increases are real costs.

Congress has taken note of one aspect of this problem by requiring that the President's budget set out as "tax expenditures" those losses in tax revenues that result from deductions or tax credits used to encourage economic activities. But it needs to go further. In order to get a true picture of the full costs of a health plan or noise reduction regulation or any other federal program, Congress needs an "economic impact" statement not unlike the environmental impact statements now required of many construction programs. Then it could know how much a particular program or set of regulations really costs.

This is not to suggest that things like health insurance or safety regulations or meat inspection programs should be postponed or abandoned. Rather, it is to suggest that Congress and the public should be aware of the full costs of the legislation it approves—and of the individuals or institutions that will be made to bear those costs. We suspect that if Congress recognized the full cost of some of the information federal agencies now gather or of some of the health and safety regulations that have been imposed, it would cut back certain federal activities. The benefits, in some instances, of the information or the regulations would hardly seem commensurate with the costs. And, in a time of inflation and recession, any unnecessary cost imposed by government on business or individuals simply increases the agony.

S. 1169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Economic Impact Act of 1975."

SEC. 2. The Congress finds that—

(1) Federal legislation has a direct impact on the levels of employment, production, and inflation;

(2) rules and regulations promulgated by Federal agencies, under authority granted by Congress, have a direct impact on the levels of employment, production, and inflation;

(3) the Congress declared in the Employment Act of 1946 that it is the continuing policy of the Federal Government to promote "maximum employment, production, and purchasing power", yet Americans are facing severe unemployment, falling production, and severe inflation simultaneously; and

(4) it is imperative that the Congress be informed in advance of the economic impact on employment, production, and prices, and on real purchasing power, of any program or policy which comes before it for consideration or for consideration by any Federal agency so that the total economic impact can be evaluated in relation to the objectives set forth in the Employment Act of 1946.

SEC. 3. Section 403 of the Congressional Budget Act of 1974 (Public Law 93-344) is amended—

(1) by inserting "(a)" after "SEC. 403."; and

(2) by adding at the end thereof the following new subsections:

"(b) The Director of the Congressional Budget Office shall, to the extent practicable, prepare an economic impact statement for each bill or joint resolution which has been reported in the Senate or House of Representatives, for each amendment proposed on the floor of the Senate or the House of Representatives, and for each rule or regulation proposed by any Federal agency. Such statements shall—

"(1) be appended as a part of each such bill, joint resolution, or amendment, when it is printed;

"(2) be appended as a part of each such proposed rule or regulation, and distributed to each Member of the Congress;

"(3) contain an analysis of the direct and indirect short- and long-term effects of the bill, joint resolution, amendment, or proposed rule or regulation on employment, production, and the rate of inflation, including its impact on real income;

"(4) contain an analysis of the direct and indirect costs likely to be incurred, or the direct and indirect savings likely to be achieved, in the budget in carrying out the bill, joint resolution, amendment, or proposed rule or regulation; and

"(5) cover the fiscal year in which it is reported or proposed and each of the five fiscal years following such fiscal year (or for the authorized duration of any program or policy authorized by the bill, joint resolution, amendment, or proposed rule or regulation, if less than five years).

"(c) In carrying out the provisions of subsection (b) as they apply to a proposed rule or regulation of a Federal agency, the Director shall, to the greatest extent practicable, insure that the economic impact statement includes an analysis of the effect on—

"(1) the fiscal integrity of State and local governments;

"(2) major industrial sectors of the economy;

"(3) employment, by industrial and trade sectors, as will as on a regional, State, and local basis;

"(4) the overall economic viability of regional, State, and local areas;

"(5) the availability of consumer goods and services;

"(6) low- and middle-income families, as defined by the Bureau of Labor Statistics;

"(7) competition in all sectors of industry and commerce; and

"(8) small business.

Such economic impact statement shall be distributed as soon as possible after such rule or regulation is proposed, and not later than thirty days before it is to become effective.

"(d) Each Federal agency shall provide all necessary assistance to the Director of the Congressional Budget Office to enable him to carry out his functions and duties under subsections (b) and (c). For purposes of this subsection and subsections (b) and (c), the term 'Federal agency' means an agency as defined in section 551(1) of title 5, United States Code.".

SEC. 4. The provisions of section 904 of the Congressional Budget Act of 1974 shall apply to subsections (b) and (c) of section 403 of such Act (as added by this Act) in the same manner as if such subsections were included in such section 403 at the time of its enactment.

By Mr. HUMPHREY:

S. 1170. A bill to amend the Arms Control and Disarmament Act, and for other purposes. Referred to the Committee on Foreign Relations.

ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS OF 1974

Mr. HUMPHREY. Mr. President, in 1961 the Congress, in close cooperation with the administration of President John F. Kennedy, established the Arms Control and Disarmament Agency—ACDA. This agency was created in order to provide the President with a central organization through which to consider the interrelationship of political, strategic and scientific problems related to arms control. The Agency was to be staffed by experts dealing broadly with the whole range of disarmament matters, including research, policies and programs.

I was privileged to be the sponsor of this legislation in the Senate. As I said on the floor of the Senate when first introducing legislation which established the Arms Control and Disarmament Agency:

> Our disarmament preparations must be continuous, constant, up to date and ever more reliable. Disarmament is a demanding task. Disarmament is full-time work. It cannot be undertaken by half-hearted, part-time efforts.

The bureaucratic rationale for the creation of ACDA was very obvious. But there was a more basic reason for the establishment of an arms control agency. It was a way to demonstrate the actual and symbolic commitment of the United States to the general proposition of halting the nuclear arms race. It was also a mechanism to begin a modest reordering of priorities with emphasis on achieving security through arms limitations instead of through a spiraling arms race—which was seen as decreasing rather than enhancing national and international security.

It would have been impossible to create ACDA without strong Presidential backing and support from leaders in the defense and diplomatic communities. Despite a not altogether sympathetic public understanding of the need for arms control, President Kennedy said during his campaign of 1960:

> Peace takes more than words. It takes hard work and large-scale efforts. Above all, it takes a government which is organized for the pursuit of peace as well as the possibility of war, a government which has a program for disarmament as well as a program for arms.

The Agency, which President Kennedy originally hoped to name the U.S. Disarmament Agency for Peace and Security, was intended to be an advocate for peace within the Federal Government. It clearly was meant to express an expert viewpoint and a perspective that could provide some balance to the views propounded by military planners.

However, it was not conceived as an antagonist to the Pentagon. Rather, its role was to provide the State Department and the President with policy options in the field of arms control, prepared by professional experts.

In looking back over the years since its founding, I believe it is fair to state that at no time in the Agency's history has its commitment to arms control taken precedence over its concern for the security of the United States.

Today, in introducing amendments to the Arms Control and Disarmament Act, it is necessary to recognize that nearly 15 years after its founding, the Congress must begin to make changes in the functioning of this Agency, so that it can more effectively serve the cause of formulating arms control policies for the executive branch and the Congress.

This legislation was drafted by Congressman CLEMENT ZABLOCKI, who has spent a great deal of his personal time in studying the operations of the Arms Control and Disarmament Agency. I introduce this bill today because it is the result of a lengthy study undertaken by Congressman ZABLOCKI's subcommittee of the House Foreign Affairs Committee.

The changes in the basic arms control and disarmament mandate proposed by this legislation are significant. They are needed in light of the recent tendency to downgrade the role of ACDA as the focal point for consideration of arms control policy in the executive branch.

The basic purposes of this bill are to change the emphasis and the mandate of ACDA from capability to perform certain functions to designation as the Government agency responsible for performing those functions. Under these amendments, the Director of the Arms Control and Disarmament Agency is designated as having the prime authority, under the direction of the President, for arms control and disarmament matters. These amendments eliminate any possible question as to the Agency's statutory authority.

I would like to explain the other sections of the legislation. One of the more significant amendments requires that the Director of ACDA be a member of the National Security Council and a full-time participant in its deliberations. At present, the ACDA Director attends only those National Security Council meetings which deal directly with arms control and disarmament issues, and his attendance is by invitation.

I believe that the Director of the ACDA should be made a full-time member of the NSC, in light of the fact that National Security Council matters involve either directly or indirectly the question of arms control and disarmament. His full-time membership on the NSC would assure that all arms control aspects of the many issues on NSC agendas can be properly considered.

Under the original Arms Control and Disarmament Act, a General Advisory Committee was established to provide the Agency with a public panel to assist it in its work. The amendments which I have introduced would provide that Members of Congress be included in the committee and that the advisory role of the committee be expanded to include the Congress among those whom it advises respecting arms control and disarmament matters.

I believe it is necessary and desirable to expand the communication between the Congress and the General Advisory Committee. It is also important to make available to the Congress additional insight and information on arms control matters.

One of the amendments I am introducing today requires Government agencies whose plans and activities may have an impact on governmental arms control and disarmament policies or negotiations, to prepare "arms control impact statements" for review by the Arms Control and Disarmament Agency. These impact statements are similar to the environmental impact statements now prepared under law. They would permit the Arms Control Agency to monitor, comment on and evaluate plans without having to devote its very limited staff resources to ferreting out the necessary information.

The legislation requires that a copy of the ACDA impact statement be furnished to the NSC, the OMB, and to the Congress. The Arms Control Director, after informing the Secretary of State, is required to make recommendations to the Congress on the arms control significance of governmental plans, programs, or negotiations.

This section of the bill is important in order to make other Federal agencies aware of arms control and disarmament concerns in developing their policies. And it would also provide both the executive branch and the Congress with more complete information on the arms control ramifications of governmental activities.

Under the provisions of the amendment introduced today, the Arms Control and Disarmament Agency is allowed to carry out necessary and legitimate public information activities within the United States. The legislation will allow ACDA to provide the public with information on U.S. arms control and disarmament goals and activities without violating the prohibition against "propaganda" within the United States on the Agency's activities. Quite frankly, the legislation should also serve to balance the extensive public information program carried out by the Department of Defense.

At the present time, the Arms Control Act calls for an annual report to the Congress. But this report is not adequately detailed and provides us with little if any substantive information on which to base an important judgment as to progress and needs in achieving arms control goals. One of the amendments will require that the Agency's annual report to the Congress be expanded to include a complete and analytical statement of arms control and disarmament goals, negotiations and activities as well as an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect. This added reporting requirement is analogous to the "posture statement" provided the Congress by the Secretary of Defense.

Several of the amendments being introduced today are what can be called conforming amendments to other acts. One of these amendments is to the Mutual Security Act, and it requires that the Director of ACDA be consulted and his opinion considered in making decisions with respect to the issuance of licensing for the export of articles designated as arms, ammunition, and implements of war under this section.

At present, the law does require that consideration be given to the arms control impact of decisions under the Foreign Assistance Act of 1961 and the Foreign Military Sales Act. However, there is no such requirement in the munitions control section of the Mutual Security Act.

This change in the law would insure that all decisions under section 414 have the benefit of the Director's opinion of the impact on arms control policies and negotiations. I consider this amendment vital to congressional and executive branch consideration of the massive proliferation of conventional arms which is now underway.

Another amendment requires the Director of ACDA to be consulted and his opinion to be considered as part of the evaluation of all sales proposed to be made pursuant to the Foreign Military Sales Act. Section 42(a) of the Foreign Military Sales Act does not specifically require that ACDA be consulted or that its views be obtained. The change would assure that all such evaluations have the benefit of the Director's opinion of the impact of the proposed sale on arms control policies and negotiations.

Finally, the last amendment requires that the Director of ACDA be consulted on all decisions to furnish military assistance under the Foreign Assistance Act, and that his opinion with regard to the arms control impact of such assistance be taken into account in making such decisions. This change would assure that all such decisions have the benefit of the Director's opinion of their impact on arms control policies and negotiations. These final amendments are badly needed in view of the dangerous proliferation of conventional arms and the lack of high-level analysis of the prospects for arms control.

I have been deeply troubled by the sale and supply of sophisticated weapons to the Persian Gulf States and other countries in the Middle East. We are shipping massive quantities of arms into an area which is a tinderbox and the possible location of a future superpower confrontation. The amendments I am introducing today would begin to provide a vehicle for analysis and study of the impact of the sale and granting of conventional arms in which our Government is so actively involved.

In conclusion, Mr. President, the amendments I am introducing today are an important step in the upgrading of the Arms Control and Disarmament Agency. It is my hope that this bill will be considered in the very near future by the relevant subcommittees and committees of the Senate and that it will receive the wide support of my colleagues on both sides of the aisle. This bill is needed to reaffirm the commitment of the Congress of the United States to arms control and to the serious pursuit of policies designed to limit the development, production, and sale of all types of armaments.

It is appropriate that nearly 15 years after its founding, the status of the Arms Control and Disarmament Agency should be reexamined by Congress. I strongly believe that the conclusions which are reflected in these amendments should be enacted into law in order to strengthen the role of ACDA in the structure of the executive branch.

Mr. President, I ask unanimous consent that the text of my bill to amend the Arms Control and Disarmament Act be included at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arms Control and Disarmament Act Amendments of 1975."

TITLE I—AMENDMENTS TO ARMS CONTROL AND DISARMAMENT ACT

PURPOSES OF ACT

SECTION 101. Section 2 of the Arms Control and Disarmament Act (22 U.S.C. 2551) is amended by striking out "It must be able" and inserting in lieu thereof "It shall have the authority, under the direction of the President,".

NATIONAL SECURITY COUNCIL

SEC. 102. Section 22 of the Arms Control and Disarmament Act (22 U.S.C 2562) is amended by inserting the following new sentence after the second sentence thereof: "The Director shall be a member of the National Security Council."

GENERAL ADVISORY COMMITTEE

SEC. 103. Section 26 of the Arms Control and Disarmament Act (22 U.S.C. 2566) is amended to read as follows:

"SEC. 26. The President, by and with the advice and consent of the Senate, shall appoint a General Advisory Committee of not to exceed fifteen members. Two of such members shall be Members of the United States Senate (only one of whom shall be from the majority political party), and two of such members shall be Members of the United States House of Representatives (only one of whom shall be from the majority political party). The President shall designate one of the members not appointed from the United States Congress to act as Chairman. The members of the Committee who are not also Members of Congress may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act. The Committee shall meet at least twice each year. It shall from time to time advise the President, the Secretary of State, the appropriate committees of the United States Congress, and the Disarmament Director respecting matters affecting arms control, disarmament, and world peace."

ARMS CONTROL AND DISARMAMENT IMPACT STATEMENT

SEC. 104. Title III of the Arms Control and Disarmament Act (22 U.S.C. subchapter III) is amended by adding at the end thereof the following new section:

"IMPACT STATEMENT

"SEC. 36. (a) Not less than 30 days prior to requesting an authorization for any program of research, development, testing, engineering, construction, deployment, or modernization, for which the total program cost is estimated to exceed $250 million, or for which the proposed annual appropriation exceeds $50 million, for armaments, ammunition, implements of war, or military facilities, the department or agency of the United States making the recommendation or proposal shall prepare and submit to the Director a detailed statement on the nature, scope, mission and impact on arms control and disarmament policies or negotiations of the proposed program and on the alternatives to the proposed action. Within 30 days after such statement is submitted to him, the Director shall submit to the department, or agency making the recommendation or proposal a report on his review and appraisal of such program as it might impact on arms control and disarmament policies and negotiations. A copy of such statement and the report of the Director shall be furnished to the National Security Council, to the Office of Management and Budget and to the Congress.

"(b) After informing the Secretary of State, the Director shall make recommendations to the Congress with respect to any programs which are being undertaken which have been the subject of consideration under subsection (a) of this section."

SECURITY REQUIREMENTS FOR CERTAIN CONSULTANTS

SEC. 105. (a)(1) The second sentence of section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2585(a)) is amended by striking out "The Director" and inserting in lieu thereof "Except as provided in subsection (c), the Director".

(2) The fifth sentence of section 45(a) of such Act is amended by striking out "No person" and inserting in lieu thereof "Except as provided in subsection (c), no person".

(b) Section 45 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The investigations and determination required under subsection (a) may be waived by the Director in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interests of the United States."

PUBLIC INFORMATION

SEC. 106. Section 49(d) of the Arms Control and Disarmament Act (22 U.S.C. 2589 (d)) is amended by striking out "None" and inserting in lieu thereof "Except as may be necessary to carry out the purposes of this Act specified under section 2(c), none".

REPORT TO CONGRESS; POSTURE STATEMENT

SEC. 107. Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2590) is amended by adding at the end thereof the following new sentence: "Such report shall include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect."

TITLE II—CONFORMING AMENDMENTS TO OTHER ACTS

MUTUAL SECURITY ACT OF 1954

SEC. 201. Section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934) is amended by adding at the end thereof the following new section:

"(f) Decisions on issuing licenses for the export of articles on the United States Munitions List shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements."

FOREIGN MILITARY SALES ACT

SEC. 202. Section 42(a) of the Foreign Military Sales Act (22 U.S.C. 2791(a)), is amended by striking out "(3)" and inserting in lieu thereof "(3) in coordination with the Director of the United States Arms Control and Disarmament Agency, the Director's opinion as to".

FOREIGN ASSISTANCE ACT OF 1961

SEC. 203. Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(d)) is amended by striking out the words "take into account" and inserting in lieu thereof "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to".

By Mr. TUNNEY:

S. 1171. A bill to amend the Internal Revenue Code of 1954 to allow a business deduction under section 162 for certain ordinary and necessary expenses incurred to enable an individual to be gainfully employed. Referred to the Committee on Finance.

CHILD CARE TAX DEDUCTION

Mr. TUNNEY. Mr. President, I am introducing a bill today which is simultaneously being introduced by Congressman CORMAN in the House to amend the Internal Revenue Code to allow a business deduction for household and child-care expenses incurred by working mothers and certain other individuals to enable them to be gainfully employed.

The basic principle of this bill—allowing this deduction as a business rather than a personal expense—has already received overwhelming support in the Senate. On November 12, 1971, the Senate adopted my amendment to the Revenue Act of 1971 to create the business deduction by a vote of 74 to 1, but the amendment was eliminated in conference. In 1972, similar action occurred. The bill was accepted by the Senate by a vote of 71 to 8 as an amendment to H.R. 1, but was once again eliminated in conference.

It is my belief that the time has come to remove the inequity in our tax laws which enables businessmen to deduct "ordinary and necessary" business expenses, yet denies to working mothers a deduction for the most "ordinary and necessary" business expense they incur—the cost of maintaining their households and assuring safe and responsible care for their children while they work.

If a businessman can deduct the cost of hiring a secretary to improve his effectiveness in working, if he can treat his entertainment expenses as a tax deduction, how is it just that a working mother should not be allowed the same sort of deduction for expenses which are even more vitally related to her work? What can be more of a business expense than one which basically enables her to work, or enables her to work to the full extent of her capacities?

These are not personal expenses like doctors' bills. They should not be classified as they are now with charitable contributions. They are ordinary and necessary expenses incurred to enable an individual to be gainfully employed.

In 1971, 42 percent of the Nation's mothers worked outside the home and I am certain that percentage has increased drastically today. Of the approximately 12.5 million mothers with children under 6 more than one in every three is working. That means there are more than 4.3 million mothers with children under 6 who are in the labor force today.

These are the people who simply cannot avoid paying for the care of their children and for other household expenses. Very often they have to lose a substantial proportion of their income to secure these services. Yet they are not allowed to take these considerable costs as a business deduction.

There are many reasons why mothers go out to work. At the lower-income levels it is a matter of compelling financial necessity. Whether or not they prefer to be full-time mothers, devoting all their care and attention to the family and the home, they do not really have the choice. They must work, they must produce a second income to keep their family out of poverty and provide even the basic necessities.

Others want to work as a matter of self-fulfillment to use their capabilities to take an individual's place in the community in the way that a man can, and is expected to, without any special obstacle.

Whatever the motivation for working, their problem in this area is the same. To be able to take employment and receive an income they must step over a much higher threshold than other people who want to enter the labor market. Not only do they have to find a suitable job. They must also obtain and pay for the care of their children and of their houses while they are away earning that income. These expenses are clearly work related.

Of all mothers of children under 6, 10 percent—1.3 million of them—were single parents bringing up children without a husband. Half of these mothers held down a job.

For these women, and for many widowers or divorced men with families to care for, the fundamental character of these outlays as a business expense is even more explicit. There may be doubts about many of the expenses which businessmen run up in the name of business and consequently take as tax deductions. But the expenses with which this bill deals are not for entertainment or for country club subscriptions. They are payments which are necessary for those families to be viable, self-supporting, economic units.

There are many other income earners, both men and women, whose earnings capacity depends on their ability to provide suitable care of a spouse or other dependent who is incapable of caring for himself.

Their situation is particularly difficult and demanding, physically and emotionally as well as financially. They have enough to handle without the additional difficulty of tax laws which limit the availability of a legitimate deduction for expenses involved in bringing in their family income.

All these groups are taxpayers, producing taxable income, but at present the tax laws fail to recognize the reality of the direct link between the expenses they incur and the income which is generated.

The main burden of the failure to allow a business deduction for such expenses as child care has, of course, fallen mainly on women. It places an unnecessary and unjustifiable obstacle in the path of women who wish to enter the employment market and once they are in the market, it constitutes a built-in economic disadvantage to their efforts. It is not the result of any positive attempt to discriminate against women. It is rather the relic of a time when it was not the normal or accepted thing for mothers to go out to work. But times have changed. The proportion of mothers now working outside the home is more than double that of 25 years ago. In 1948, 18 percent went out to work. Now 42 percent do. The trend is continuing. Tax provisions should reflect the realities of the society to which they apply.

In the name of equity for working mothers now and in the future, the current situation should be changed.

It is true that the law as it stands at present provides some relief in this area by allowing these expenses as a personal income tax deduction.

However, apart from the objection of principle that genuine business deductions should be treated as business deductions and not as personal deductions there is a much more practical objection to leaving the existing provisions as they are.

This arises from the fact that some 68 percent of the families with earnings of $10,000 or less use the standard deduction form and do not itemize their personal deductions. As a result they do not get the benefit of the child-care deduction. Yet these are often the people who most need and most deserve assistance from tax relief. They are people with modest to moderate incomes. They are people who are doing their best to be self-reliant and to improve their lot. They are often people who need a second income in the family to ward off the effects of inflation which others can bear with greater ease. They are people who need help and support, not discrimination against their efforts in the tax structure.

The bill allows a deduction for expenses paid or incurred during the taxable year for household services and for the care of one or more dependents of the taxpayer, but only if such expenses are "ordinary and necessary to enable the taxpayer to be gainfully employed." The deduction will be available on the same basis as any other business expense deduction subject to such rules and regulations as the Internal Revenue Service may prescribe.

It does not create another loophole in the Income Tax Code. It is not a soft subsidy for those who do not need it. It simply is a correction of a basic inequity whose burden often falls heavily on those who have small capacity to bear it.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (h) as (i), and by inserting after subsection (g) the following new subsection:

"(h) CERTAIN EXPENSES NECESSARY FOR GAINFUL EMPLOYMENT.—

"(1) IN GENERAL.—In the case of an individual who maintains a household which includes as a member one or more of the following qualifying individuals—

"(A) a child or stepchild of the taxpayer (within the meaning of section 152) who is under the age of 15,

"(B) a dependent of the taxpayer who is under the age of 15 or who is physically or mentally incapable of caring for himself or herself, or

"(C) the spouse of the taxpayer, if he or she is physically or mentally incapable of caring for himself or herself,

the deduction allowed by subsection (a) shall include the reasonable expenses paid or incurred during the taxable year for household services and for the care of one or more individuals described in subparagraph (A), (B), or (C), but only if such expenses are ordinary and necessary to enable the taxpayer to be gainfully employed.

"(2) MAINTAINING A HOUSEHOLD.—For purposes of paragraph (1), an individual shall be treated as maintaining a household for any taxable year only if over half of the cost of maintaining the household during such period is furnished by such individual (or if such individual is married during such period, if furnished by such individual and his or her spouse).

(3) SPECIAL RULES.—For purposes of this subsection—

"(A) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the deduction provided by subsection (a) shall be allowed only if the taxpayer and his spouse file a single return jointly for the taxable year.

"(B) GAINFUL EMPLOYMENT REQUIREMENT.—If the taxpayer is married for any period during the taxable year, there shall be taken into account employment-related expenses incurred during any month of such period only if—

"(i) both spouses are gainfully employed, or

"(ii) the spouse is a qualifying individual described in paragraph (1) (C) of this subsection.

"(C) CERTAIN MARRIED INDIVIDUALS LIVING APART.—An individual who for the taxable year would be treated as not married under section 143(b) if paragraph (1) of such section referred to any dependent, shall be treated as not married for such taxable year.

"(D) PAYMENTS TO RELATED INDIVIDUALS.—No deduction shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual bearing a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a) (relating to definition of dependent) or to a dependent described in paragraph (9) of such section.

"(E) REDUCTION FOR CERTAIN PAYMENTS.—In the case of employment-related expenses incurred during any taxable year solely with respect to a qualify individual (other than an individual who is also described in subparagraph (A) or (B) of paragraph (1) of this subsection and who is under the age of 15) the amount of such expenses which may be taken into account for purposes of this section shall be reduced—

"(i) if such individual is 15 or older and is described in subparagraph (B) of paragraph (1) of this subsection, by the amount by which the sum of—

"(I) such individual's adjusted gross-income for such taxable year, and

"(II) the disability payments received by such individual during such year, exceeds $750, or

"(ii) in the case of a qualifying individual described in subparagraph (C) of paragraph (1) of this subsection, by the amount of disability payments received by such individual during the taxable year.

For purposes of this subparagraph, the term 'disability payment' means a payment (other than a gift) which is made on account of the physical or mental condition of an individual and which is not included in gross income."

(b) Section 62(c) of the Internal Revenue Code of 1954 (relating to trade and business deductions of employees) is amended by adding at the end thereof the following new subparagraph:

"(E) CERTAIN EXPENSES NECESSARY FOR GAINFUL EMPLOYMENT.—The deductions allowed under section 162 which consist of expenses allowable by reason of the application of subsection (h) thereof, paid or incurred by the taxpayer in connection with the performance by him or by her of services as an employee."

(c) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended—

(1) by striking out section 214 (relating to expenses for household and dependent care services necessary for gainful employment), and

(2) by striking out the item relating to section 214 in the table of sections for such part.

(d) The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. ROBERT C. BYRD:

S. 1172. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation. Ordered placed on the calendar by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, this is a request that I have cleared with the distinguished Republican leader, the Senator from Pennsylvania (Mr. HUGH SCOTT) and with the Senator from Nebraska (Mr. HRUSKA), the ranking member on the Committee on the Judiciary, and with the chairman of the Committee on the Judiciary, the Senator from Mississippi (Mr. EASTLAND). I ask unanimous consent that a bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968, to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. CURTIS (for himself, Mr. HRUSKA, Mr. THURMOND, Mr. FANNIN, Mr. GOLDWATER, Mr. LAXALT, Mr. MCCLURE, and Mr. WILLIAM L. SCOTT):

S.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

(The remarks of Mr. CURTIS when he introduced the above resolution appear earlier in the RECORD.)

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 199

At the request of Mr. WEICKER, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 199, a bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes.

S. 232

At the request of Mr. BURDICK, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services not apply to the amount of State and local taxes paid for such services.

S. 408

At the request of Mr. BROOKE, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 408, to repeal exemptions in the antitrust laws relating to fair trade laws.

S. 451

At the request of Mr. BAYH, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 451, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of medicare for routine exfoliative cytology tests for the diagnosis of uterine cancer.

S. 522

At the request of Mr. JACKSON, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 522, the Indian Health Care Improvement Act.

S. 613

At the request of Mr. HATFIELD, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 613, a bill to prohibit the introduction into interstate commerce of nonreturnable beverage containers, and for other purposes.

S. 615

At the request of Mr. PROXMIRE, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 615, the limousine limitation bill.

S. 660

At the request of Mr. MONDALE, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 660, the Home Owners' Loan Act of 1975.

S. 673

At the request of Mr. MOSS, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 673, to establish an energy stamp program which will provide energy stamps to certain low-income households to help meet residential energy costs incurred by such households.

S. 740

At the request of Mr. JACKSON, the Senator from Missouri (Mr. EAGLETON) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 740, a bill to establish a National Energy Production Board to assure early development of energy resources on the public domain and on other Federal lands and on the Outer Continental Shelf to overcome the dependence of the United States on foreign nations for energy supplies essential to national security, commerce, and a full-employment economy.

S. 811

At the request of Mr. TUNNEY, the Senator from Illinois (Mr. STEVENSON), the Senator from Indiana (Mr. HARTKE), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 811, a bill to amend the Horse Protection Act of 1970 to better effectuate its purposes.

S. 858

At the request of Mr. HANSEN, the Senator from North Dakota (Mr. YOUNG) was added as a cosponsor of the bill (S. 858) to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement and maintenance of cemeteries for veterans.

S. 880

At the request of Mr. MCGOVERN, the Senator from Minnesota (Mr. MONDALE) was added as a copsonsor of the bill (S. 880) to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans.

S. 953

At the request of Mr. STEVENSON, the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 997

At the request of Mr. MOSS, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 997, a bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes.

S. 1113

At the request of Mr. HATFIELD, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1113, a bill to authorize the Secretary of the Interior to establish, on certain public lands of the United States, national petroleum reserves, the development of which needs to be regulated in a manner consistent with the total energy needs of the Nation, and for other purposes.

SENATE JOINT RESOLUTION 5

At the request of Mr. FONG, the Senator from Tennessee (Mr. BROCK), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Wyoming (Mr. HANSEN), were added as cosponsors of Senate Joint Resolution 5, to establish a National Commission on Social Security.

SENATE JOINT RESOLUTION 16

At the request of Mr. HARRY F. BYRD, JR., the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Senate Joint Resolution 16, proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years.

SENATE JOINT RESOLUTION 39

At the request of Mr. DOLE, the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), the Senator from Indiana (Mr. HARTKE), the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of Senate Joint Resolution 39, to designate the week of March 17 to 23, 1975, as National Lead Poisoning Prevention Week.

SENATE JOINT RESOLUTION 51

At the request of Mr. STEVENSON, the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Vermont (Mr. LEAHY), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of Senate Joint Resolution 51, to disapprove Export-Import Bank Financing of a nuclear reactor sale to South Korea.

SENATE JOINT RESOLUTION 5

At the request of Mr. DOLE, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of Senate Concurrent Resolution 5, to urge the President to establish a Council on the Missing in Action.

SENATE CONCURRENT RESOLUTION 24—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO PROPOSED CURTAILMENT OF BENEFITS UNDER MEDICARE

(Referred to the Committee on Finance.)

Mr. BAYH (for himself, Mr. Ribicoff, Mr. Abourezk, Mr. Bentsen, Mr. Brooke, Mr. Burdick, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Culver, Mr. Eagleton, Mr. Philip A. Hart, Mr. Hartke, Mr. Hatfield, Mr. Humphrey, Mr. Leahy, Mr. Magnuson, Mr. Mathias, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Pell, Mr. Randolph, Mr. Stevenson, Mr. Stone, Mr. Tunney, and Mr. Williams) submitted the following concurrent resolution:

S. Con. Res. 24

Resolved by the Senate (the House of Representatives concurring), Whereas the President has proposed the enactment into law of amendments to the Medicare program (title XVIII of the Social Security Act) which would have the effect of—

(1) imposing a coinsurance amount with respect to in-patient hospital services (under part A of title XVIII) equal to 10 per centum of the actual costs imposed for such services, above the initial deductible, during the first 60 days of hospitalization and thereafter with a maximum of $750;

(2) increasing the amount of the deductible which is applicable with respect to physician services (under part B of title XVIII); and

Whereas, such proposal to increase costs under Medicare has caused great alarm and concern to many Americans, particularly the elderly; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that no such amendments be enacted.

Mr. BAYH. Mr. President, it is my pleasure to introduce with Senator Ribicoff and 28 of our colleagues a concurrent resolution which expresses a sense of Congress that the administration's proposals to increase the costs of medicare to its beneficiaries shall not be enacted. Along with his proposals to put ceilings on social security increases and reduce food stamp benefits, President Ford has recommended that we save more money by restructuring medicare deductible and copayment systems so that citizens in need would pay more of the health bill. Mr. President, it is almost as if the President and the Office of Management and Budget especially devised a package to increase the burdens on our senior citizens, just at a time when they truly need increased aid.

I believe that it is crucial that we in Congress make it absolutely clear that we will have no part of such a program. As we went on record against the proposed 5 percent ceiling on increases in social security, and as we reversed administration plans in regard to food stamps, it is now important that we express our resolve not to enact legislation which will increase the costs of medical care to older Americans.

Mr. President, in establishing medicare in 1965, we made a commitment to provide our senior citizens, who often live on small, fixed incomes, with adequate health care. Prior to that time many older Americans were denied needed health care because they lacked the funds necessary to pay for it.

When medicare began it met 50 percent of the health care needs of our elderly. But unfortunately, Mr. President, the soaring costs of health care have eroded much of our original commitment. The medicare program now covers less than 40 percent of the health bill for senior citizens. In fact, the elderly pay more in out of pocket expenses for medical care now than they did the year before medicare was enacted.

It is shocking that, in this context, OMB would now propose that we further reduce medicare benefits.

The administration proposal would impose a 10-percent copayment requirement under part A of medicare which covers hospitalization, and would increase deductibles for part B, which covers physician services, according to increases in social security benefits. The President has tried to sell his package by putting $750 cost ceilings on patient liability under part A and part B, which in itself is desirable, but a close look at current law and experience under medicare shows that he is offering no bargain for medicare patients.

Presently, beneficiaries pay an initial deductible under part A of $92 per benefit period. No further benefit payments are required until the beneficiaries have been hospitalized for a period of at least 60 days.

The average hospital stay for persons under medicare is 11.7 days. Thus the average cost for hospitalization under present law to the 5.5 million people who will receive hospitalization benefits under medicare in 1975 will be $92, the assigned deductible. Under the President's proposal, however, that cost would rise substantially. Statistics published by the American Hospital Association show that average expenses per inpatient day were $118 in 1974. Under the administration plan the medicare patient would be liable for 10 percent of that amount in addition to his deductible, and the cost per average hospitalization would increase from $92 to $230. It would be more than doubled. The cost of a 60-day hospitalization would go from $92 to $800. Since only .5 percent of those covered by medicare are hospitalized beyond 60 days, there will be little benefit to anyone in the proposed $750 ceiling.

In addition to changes in part A, the administration proposes to increase the costs of supplementary medical insurance which provides for physicians services. Under present law, beneficiaries pay an annual deductible of $60 and copayments amounting to 20 percent of reasonable medical costs. The President would increase the initial deductible by the same percentages that cash benefits increase under social security.

The sad fact is that existing deductible and coinsurance requirements are too high, and many are discouraged from receiving treatment because they do not have the initial $60. It would be unconscionable to increase that cost in a time when inflation has so shrunk the value of the dollar. What's more, Congress enacted increases in social security benefits to help the elderly meet the increased demands which have been thrust upon them by our economic problems. We certainly did not intend for part of these funds to be taken back in the form of higher payments under medicare. Such a plan amounts to no more than a subtle fraud upon our senior citizens.

The administration claims that its proposed changes in the medicare program will save about $1.3 billion in fiscal year 1976. But let us set the record straight. The administration is proposing changes in the present law which will impose $1.3 billion in additional costs to the 23.5 million Americans who are covered by medicare. The President's proposal is not blocking a new spending program, but rather levying a very costly tax upon older Americans. In a time when we are talking of multibillion dollar tax cuts and expenditures to stimulate an economy which is sliding toward depression, the administration's plans for medicare are not only bad policy, but also bad economics.

Mr. President, many of us believe that the most desirable action that Congress could take would be the reduction of current deductible and copayment requirements under medicare. I was privileged to cosponsor, with many of my colleagues, S. 525, which was introduced by Senator Ribicoff to reduce these costs to 1974 levels. I am very hopeful that that legislation will be enacted. If it is not, however, the very least we must do is to block passage of the administration's proposals for medicare. This resolution will nip that ill-conceived proposal in the bud, and I hope that it will give assurance to our senior citizens that their Government will not add to their already overwhelming burdens.

AMENDMENTS SUBMITTED FOR PRINTING

TAX REDUCTION OF 1975—H.R. 2166

AMENDMENTS NO. 92 THROUGH NO. 99

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON submitted eight amendments intended to be proposed by him to the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 to provide for a refund of 1974 individual income taxes, to increase the low-income allowance and the percentage standard deduction, to provide a credit for certain earned income, to increase the investment credit, and for other purposes.

Mr. NELSON. Mr. President, I am submitting several amendments to H.R. 2166, the pending emergency tax reduction bill, and request that they be printed, so they will be available to the Committee on Finance.

These amendments concern small business and are parallel to provisions of

S. 1119 the Small Business Emergency Tax Reduction Act of 1975, which was put forward by nine members of the Select Committee on Small Business in March 10, after 3 days of hearings on this subject.

The Small Business Emergency Tax Reduction Act was proposed in the form of amendments to the Internal Revenue Code. Having provisions printed as amendments to the House bill as it is to be considered by the Finance Committee will make it possible for that committee to take up these provisions when it goes into executive session later this week.

AMENDMENT NO. 100

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (H.R. 2166), supra.

STANDBY ENERGY AUTHORITIES ACT—S. 622

AMENDMENTS NOS. 101 AND 102

(Ordered to be printed and to lie on the table.)

Mr. JACKSON submitted two amendments intended to be proposed by him to the bill S. 622 to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, to implement U.S. obligations under international agreements to deal with shortage conditions, and to authorize and direct the implementation of Federal and State conservation programs consistent with economic recovery.

AMENDMENT NO. 103

(Ordered to be printed and to lie on the table.)

JUDICIAL REVIEW PROVISIONS FOR THE STANDBY ENERGY AUTHORITIES ACT

Mr. MATHIAS. Mr. President, from the very first day that the Senate began considering extending governmental power to deal with energy emergencies, whether of price or supply, I have taken an active part. The debates have been numerous and protracted, but worthwhile. I chaired Cost of Living Council oversight hearings by the Separation of Powers Subcommittee of the Judiciary Committee and came away convinced of the need to tighten administrative and judicial procedures under what has been described as emergency legislation. I believe much was accomplished and that a workable formula for review of administrative decisionmaking was established.

On February 7, 1975, S. 622 was introduced in the Senate. Entitled the Standby Energy Authorities Act, S. 622 provides for standby authority to ration crude oil, residual fuel oil, and any refined petroleum product, to impose certain energy conservation plans and to require allocation of materials to expand domestic production. Unfortunately, the judicial review section of the bill departs from the successful approach of the past in a way that does not well serve either the Federal Energy Administration or the public.

My amendment focuses on this departure and provides a system more appropriate for this standby authority. I am guided by considerations relating to the nature of S. 622's authority and the need for a prompt and efficient means of obtaining judicial review of action taken under this authority. These considerations argue persuasively in favor of a system comparable to that provided for in the Emergency Petroleum Allocation Act of 1973, as amended.

Mr. President, I ask unanimous consent that the full text of my amendment be included in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 103

On page 74, beginning with line 12, delete the text of subsection 112(b), ending on page 76, line 3, and insert in lieu thereof the following new subsection:

"(b) (1) The district courts of the United States shall have exclusive original jurisdiction of cases or controversies arising under this title, or under regulations or orders issued thereunder, notwithstanding the amount in controversy; except that nothing in this subsection or in subsection (7) of this section affects the power of any court of competent jurisdiction to consider, hear, and determine any issue by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this title) raised in any proceeding before such court. If in any such proceeding an issue by way of defense is raised based on the constitutionality of this title or the validity of agency action under this title, the cases shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code.

(2) (i) Except as otherwise provided in this section, exclusive appellate jurisdiction is vested in the Temporary Emergency Court of Appeals, a court which is currently in existence, but which is independently authorized by this section. The court, a court of the United States, shall consist of three or more judges to be designated by the Chief Judge of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Temporary Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Except as provided in subsection (d) (2) of this section, the court shall not have power to issue any interlocutory decree staying or restraining in whole or in part any provision of this title, or the effectiveness of any regulation or order issued thereunder. In all other respects, the court shall have the powers of a circuit court of appeals with respect to the jurisdiction conferred on it by this title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases over which it has jurisdiction under this title. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

(ii) Appeals from the district courts of the United States in cases and controversies arising under regulations or orders issued thereunder shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

(3) In any action commenced under this title in any district court of the United States in which the court determines that a substantial constitutional issue exists, the court shall certify such issue to the Temporary Emergency Court of Appeals. Upon such certification, the Temporary Emergency Court of Appeals shall determine the appropriate manner of disposition which may include a determination that the entire action be sent to it for consideration or it may, on the issues certified, give binding instructions and remand the action to the certifying court for further disposition.

4(i) Subject to paragraph (ii), no regulation of any agency exercising authority under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that the issuance of such regulation was in excess of the agency's authority, was arbitrary or capricious, or was otherwise unlawful under the criteria set forth in section 706(2) of title 5, United States Code, and no order of such agency shall be enjoined or set aside, in whole or in part unless a final judgment determines that such order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence.

(ii) A district court of the United States or the Temporary Emergency Court of Appeals may enjoin temporarily or permanently the application of a particular regulation or order issued under this title to a person who is a party to litigation before it. Appeals from interlocutory decisions by a district court of the United States under this paragraph may be taken in accordance with the provisions of section 1292(b) of title 28, United States Code; except that reference in such section to the courts of appeals shall be deemed to refer to the Temporary Emergency Court of Appeals.

(5) The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside in whole or in part any provision of this title, or any regulation or order issued thereunder shall be postponed until the expiration for a writ of certiorari is filed with the Supreme Court under subsection (6) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court.

(6) Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code. The Temporary Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Temporary Emergency Court of Appeals, shall have exclusive jurisdiction to determine the constitutional validity of any provision of this title or of any regulation or order issued under this title. Except as provided in this section, no court, Federal or State, shall have jurisdiction or power to consider the constitutional validity of any provision of this title or of any such regulation or order, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title authorizing the issuance of such regulations or orders, or any provision of any such regulation or order; or to restrain or enjoin the enforcement of any such provision.

(7) The provisions of this section apply to any actions or suits pending in any court, Federal or State, on the date of enactment of this section in which no final order or judgment has been rendered. Any affected party seeking relief shall be required to follow the procedures of this title.

NOTICE OF HEARING

Mr. METCALF. Mr. President, in the Congressional Record of February 26, I included with my remarks on ocean floor mining a news story from the Wall Street Journal of that date. My statement appears at page 4449.

The Journal article was headlined: "Mining of Ocean Floor by U.S. Concerns in 1976 is Proposed if U.N. Stalls on Pact."

It said in part that the Department of the Interior has draft legislation, "being circulated to other Cabinet officers," to license U.S. mining companies to go after minerals basic to our economy.

At that time, the Committee on Interior and Insular Affairs was deeply involved in surface mining legislation. Now that we have approved S. 7, we can turn our attention to another source of the minerals basic to our economy, the seabed.

So I have asked the Secretary of the Interior, or someone authorized to speak for him, to come up and tell us what he can about this draft legislation and the Interior Department's new Ocean Mining Administration.

Assistant Secretary of the Interior Jack Carlson is to appear before the Subcommittee on Minerals, Materials and Fuels at 2 p.m., Wednesday, March 19, in room 3110, Dirksen Senate Office Building. This will not be a hearing in the sense that others will be asked to comment. It is solely to hear the Department's explanation of the new agency, of the bill in its present form and to answer such questions as may come up.

As I have done since 1969, I am inviting Senators who share an interest in this complex subject to take such part in the hearings as they wish. Their staff members also are welcome.

POSTPONEMENT OF HEARING

Mr. MUSKIE. Mr. President, I wish to announce the postponement of the hearing on the Intergovernmental Personnel Act amendments, S. 957, which the Subcommittee on Intergovernmental Relations was scheduled to hold Friday, March 14, 1975, at 10 a.m. in room 3302 of the Dirksen Senate Office Building.

This hearing will be rescheduled at a later date.

BUDGET COMMITTEE CONSIDERATION OF THE FIRST CONCURRENT RESOLUTION

Mr. MUSKIE. Mr. President, I am pleased to announce that the Committee on the Budget will meet to consider the first concurrent resolution on the Budget on March 20 at 2 p.m., March 21 at 10 a.m. and April 8–10 at 10 a.m. All meetings will be held in room 357 of the Russell Building.

ADDITIONAL STATEMENTS

UNITED STATES-CUBAN RELATIONS

Mr. BUCKLEY. Mr. President, in recent weeks Secretary of State Kissinger has said that the United States was prepared to move in new directions in relations with Cuba.

Last week the Senators from New York and Rhode Island (Messrs. Javits and Pell) introduced legislation asking President Ford to take steps toward normalization of relations with Cuba and the Senator from Massachusetts (Mr. Kennedy) introduced a bill that would end a 13-year U.S. embargo on trade with Cuba.

On Sunday, March 8, a member of my staff visited Florida for the purpose of meeting with a number of Cuban exiles to discuss the current situation in Cuba and future Cuban-American relations.

I feel it is important, in order to be able to participate in debate on this vital matter, that I know as much about the internal affairs of Cuba as possible. Therefore, I asked my aide to meet with Cubans in this country and I have also asked that members of my staff apply for permission to visit Cuba so that I might be better informed as to the conditions on which we could prudently restore normal relationships between our two countries. It is interesting to note that in recent months, many Americans have gone on factfinding trips to Cuba, including Senators Javits and Pell, a staff member of the Senate Foreign Relations Committee, a former aide to Senator George McGovern, two aides to Senator Edward Kennedy, and many reporters.

While these persons have been accorded the hospitality of the Cuban Government, I cannot report equal satisfaction. It is approximately 6 months since members of my staff applied to the Cuban Government through the Czechoslovakian Embassy in Washington for visas to visit Cuba for similar purposes. These have been denied to date.

Mr. President, I wish to call the Senate's attention to two Cubans who were among the group that my aid met with on Sunday. Their names are Dr. Eduardo Suarez Rivas and Dr. Manolo Reyes. In recent weeks the lives of both these men have been threatened. They do not take these as idle threats as several leaders of the Cuban community in Florida have been murdered during the past year. For their safety, they have asked that I name them on this floor so that their names may be published in the Congressional Record as insurance against their own assassination. This is an experience that I became familiar with during a recent visit to the Soviet Union when dozens of Russian dissidents asked that their names be published in the Congressional Record as insurance against retaliation by the Soviet state.

As I stated in September of last year, any change in our existing policy vis-a-vis the Castro regime should be preceded by a full examination of every aspect of the Cuban situation. I intended to continue to investigate and report to the American people my findings and judgments. There is too much at stake in terms of humanitarian and security considerations for us to act hastily in seeking a new relationship with Castro Cuba.

LABOR'S VIEW OF THE ECONOMY

Mr. HUMPHREY. Mr. President, the State of Minnesota is very fortunate in having as one of its outstanding citizens Mr. David K. Roe, the president of the Minnesota AFL–CIO. Mr. Roe is a gifted leader of the labor movement and a highly respected citizen. Recently Mr. Roe outlined labor's view of the economy in a featured article for the St. Paul Pioneer Press of March 9. I ask unanimous consent that this thoughtful article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

LABOR'S VIEW OF THE ECONOMY

(By David K. Roe)

Although the Minnesota AFL–CIO has received a lot of publicity lately which seeks to brand us as a selfish special interest group—we think otherwise.

We are the people's lobby over at the Legislature and before Congress on issues like food stamps, minimum wages and unemployment benefits. We resent recent attempts to lump the broad economic and social concerns of working men and women and their families into the same box with large corporations pursuing narrow goals designed to improve a financial balance sheet.

This year we have a record 262 items in our state legislative program, every resolution approved by democratic vote of the delegates at the Minnesota AFL–CIO Convention in Duluth last fall. Those delegates represent 200,000 affiliated union members.

A key legislative goal of the Minnesota AFL–CIO is to change the benefit formula for both Workmen's Compensation and Unemployment Compensation to allow for rapid inflation because higher and higher unemployment goes hand in hand with higher living costs in the "slumpflation" that afflicts the U.S. economy. This could be accomplished by establishing a so-called "flexible maximum" for benefits. Instead of a fixed dollar ceiling for weekly benefits under these two programs, the maximum benefit would be pegged as a percentage of the average weekly wage in Minnesota.

To finance these new benefits and to maintain the Unemployment Compensation Fund during these times of record benefit payouts—over $4 million every week—both the employer contribution rates and the wage base that contribution is made on must be raised. Employers contributions are computed only on the first $6,200 of an employe's annual wage, but when the unemployment benefit system began, the wage base ceiling, then set at $3,000, covered the entire annual wage of virtually all workers.

The Minnesota AFL–CIO is proud to lobby for improved benefits for job-related illness and injury. The state needs a law to give disabled employes two-thirds of their wage loss up to a flexible maximum benefit of 200 per cent of the average weekly wage. Today, this would amount to a ceiling of $224, to be phased in over a four-year period. The ceiling on disability benefits now is $100. These benefits are paid by insurance carried by the employer.

Organized labor is seeking additional legislation to require that benefits be paid to a worker as soon as an occupational disease has been diagnosed and that the difference in wages be paid to an employe who must switch to a lower-paying job in order to decrease or eliminate the exposure causing the disease.

Among citizen groups, the Minnesota AFL–CIO is somewhat of a lonely voice at the Legislature testifying for an increase in the Minnesota minimum wage, a law which affects only a small segment of union members. The state minimum wage is $1.80 an hour for adults, well below the level of the federal minimum wage, now $2.10 and scheduled to go to $2.30 an hour Jan. 1, 1976. Even the federal rate is only pegged near the poverty level, so we will push hard for a state minimum wage of at least $2.30.

Again, we don't feel that our legislative program is self-centered since we actively support a wide range of consumer protection bills which would:

1. Allow price advertising of prescription drugs and the sale of prescription drugs by generic name.
2. Regulate closed-end credit accounts with a maximum interest rate of 12 per cent.
3. Include preventive health care and primary health care in health insurance plans along with acute medical and hospital care.

Certainly we are interested in an amendment to the state income tax law to preserve the entire amount of the pending federal income tax reduction or tax rebate for citizens of Minnesota.

To combat the nationwide crisis in housing, we favor the direct allocation by the state of Minnesota of $50 million for home mortgage subsidies for low- and middle-income families to supplement the funds for the Housing Finance Agency.

As usual, we are left the task of holding the line on the 8 per cent interest limit on home mortgages set by the Minnesota usury law. We released a detailed report Feb. 14 proving to our satisfaction that the statutory 8 per cent limit is not the cause of the housing slump in Minnesota—which is not as severe as the decline nationally. Housing starts here fell 18 per cent last year while nationally, housing starts plummeted 35 per cent.

The Minnesota AFL–CIO is on record in favor of the minimum gas tax increase needed to fund necessary road and highway bridge construction.

We also urge immediate action by the Legislature on mass transit so the opportunity to receive federal money is not lost. We support the Metropolitan Transit Commission's proposal.

The workers we represent live in the same environment as the rest of the public and share everyone's concern for clean air and water. We are pragmatic in our approach to cleaning up the environment, however, and insist that economic impact of bills like the ones on "ban-the-can" be carefully weighed, particularly today when neither the state nor the country can afford to sacrifice jobs needlessly.

Short term and long term approaches must be studied before actual implementation. Energy and resource problems would be generally alleviated by large-scale recycling programs. Recycling can recapture valuable and increasingly scarce resources being buried in land fills. Residues can be burned to provide energy.

A TRIBUTE TO GROVER COBB

Mr. DOLE. Mr. President, last Friday Grover Cobb, senior executive vice president of the National Association of Broadcasters, passed away here in Washington. With his untimely death, the Nation's broadcasters have lost an effective and respected voice, the State of Kansas has lost an outstanding civic leader, and I have lost a good friend.

Mr. Cobb was only 53 years old. Yet, in his 53 years, his personal and professional accomplishments were numerous. Throughout his 30 years in radio and television, he represented the very best in American broadcasting. He took the standard under which all broadcasters are expected to operate their broadcast properties—"the public interest"—and applied it to his personal life as well. During his 22 years as manager of radio station KVGB in Great Bend, Kan., he not only operated a strong community-oriented radio station, but he served on the Great Bend City Council, the board of education, and the Governor's Committee on Higher Education. He served as president of the Great Bend Junior Chamber of Commerce, the Chamber of Commerce, the Kiwanis Club, and the United Fund.

To be sure, his accomplishments did not go unnoticed by his fellow citizens. In 1951, after just 3 years in Great Bend, he received the Distinguished Service Award. And in 1969, the city proclaimed a "Grover Cobb Day" honoring him as the first winner of Great Bend's Distinguished Citizen Award.

Just as he was active in local and State affairs, he also devoted himself to the betterment of his chosen industry. He was a founder of the Kansas Association of Radio Broadcasters. From 1964 to 1967, he served on the radio board of directors of the National Association of Broadcasters. And from 1967 to 1969, he served two terms as chairman of the joint radio-television board of directors of the NAB—the highest elected position in the NAB. The fact that the Nation's broadcasters, including the major networks and large urban televisions, chose the manager of a small Kansas radio station as chairman of their board, was an outstanding tribute to Mr. Cobb.

Mr. President, Grover Cobb's voice will be sorely missed by his broadcasting colleagues. At a time when broadcasters have come under increased public scrutiny, his was a voice of reason and integrity. I am sure all the Members of the Senate join me in extending our condolences to his loving family, his wife, Fan, and his children, Ty, Randy, Roger, Susan, Betsy, Phillip, and Julie.

Mr. President, I ask unanimous consent that the editorial by the vice president of WIBW radio station, Topeka, Kan., dated March 11, 1975, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WIBW EDITORIAL

(By Thad M. Sandstrom, vice president)

When I arrived for my first radio job as an announcer at KSAL in Salina in 1943, the name Grover Cobb was a legend. Grover had started as an announcer at KSAL in 1939 while a student at Kansas Wesleyan. He went off to fight in the war, but the folks still talked about Grover Cobb. Later while I managed KSEK at Pittsburg, Grover was General Manager of KVGB at Great Bend.

In 1951, Grover Cobb took the lead in calling together a group of Kansas radio broadcasters to talk about the need to form a state broadcasters association. The rallying cry—broadcasts of KU and K-State football and basketball games. There was no economically practical way in 1951 to beam a broadcast from Lawrence or Manhattan to the outreaches of Kansas at Pittsburg, Great Bend, Garden City and Colby. Everybody nodded in agreement when someone said we needed to make Ben Ludy, General Manager of WIBW, the first president of the Kansas Association of Radio Broadcasters. But everybody knew in his heart that the first president should have been Grover Cobb. He served as president later—putting the good of the association ahead of personal goals.

Grover loved life. He loved the broadcasting business. He loved Kansas. He loved his family—his wife, Fan, and seven children—four boys and three girls. He loved sports, too. Grover, with his sidekick, Bob Hilgendorf, used to travel all over the nation broadcasting the NCAA Basketball Championships on radio whether KU or K-State played or not. We've always suspected the reason was not so much because Grover thought the folks in Great Bend needed to hear the NCAA finals as it was that he wanted to see the games.

Grover's interest in the Kansas broadcasters association lead to his election in 1964 to the Board of the National Association of Broadcasters. He became Chairman of the Board in 1967. Who would dream that a radio broadcaster from a small town of Great Bend, Kansas, would rise to be Chairman of the Board of the major trade association of the broadcast industry—which speaks for radio and television stations large and small—as well as for all the major networks? Grover Cobb did just that.

He was lured away from Great Bend in 1969 by an offer from the Gannett Company of Rochester, New York, to manage their broadcast properties. But soon the NAB beckoned again. The call of service to the broadcast industry was one Grover could not resist. Off he want to Washington in 1971 where he became Senior Executive Vice President of the National Association of Broadcasters. He was the broadcasting industry's chief spokesman on Capitol Hill as an advocate of free broadcasting. An efficient organizer, he was persuasive and effective. If he had been a lawyer, he surely would have been another Perry Mason for he was an excellent debater. If he had been a preacher, he might well have been a Billy Graham for he had the ability to hold an audience with his speeches.

The name Grover Cobb probably doesn't mean much to most WIBW listeners and viewers. But to the men and women at the management level of the broadcast industry, the name is gospel. Grover had a history of heart attacks. But you couldn't hold him down. In true western Kansas style, he died with his boots on in Washington Friday morning. He was 53. Grover suffered a heart attack while attending a meeting with the Chairman of the Federal Communications Commission discussing deregulation of radio broadcasting. Ironically, one of those at the meeting was Dick Painter, a broadcaster from Mankato, Minnesota, who used to work for Grover at Great Bend. He was at Grover's side when the end began. They'll bury Grover Cobb today at Great Bend. Some of the biggest names in broadcast management from across America will be there. The industry is going to miss him. Free broadcasting in America will be there. The industry is going to miss him. Free Broadcasting in America is better today because of the things Grover Cobb stood for and did.

FEDERAL NONNUCLEAR ENERGY RESEARCH BUDGET IS INADEQUATE

Mr. CHURCH. Mr. President, the Subcommittee on Energy Research and Water Resources of the Senate Interior and Insular Affairs Committee recently completed several days of public hearings on the administration's fiscal year 1976 authorization requests for the new Energy Research and Development Administration—ERDA. As the Senate will recall, ERDA was established by the Energy Reorganization Act of 1974, approved last October. The new agency's mission and mandate is to assume control and management of the various energy research, development, and demonstration activities, and programs of the Federal Government, to reorganize our efforts, and to mount an aggressive national research program to develop and demonstrate the new technologies we need to harness the Nation's fossil fuel, solar, geothermal, and other energy resources. The Energy Research and Development Administration is now the principal agency for achieving this goal—and I daresay there is no greater challenge facing the Nation.

During the course of our hearings the subcommittee was privileged to receive testimony from my good friend and distinguished colleague the senior Senator from West Virginia, the Honorable JENNINGS RANDOLPH. Senator RANDOLPH's long record of service and achievement on energy matters is well-known. He brings to the subject a depth of concern and an expertise generated by years of careful attention to the energy needs of the Nation—by his long and dedicated pursuit of a coordinated and effective National Energy Policy.

Senator RANDOLPH's statement before our subcommittee makes a compelling case for more aggressive and more adequately funded programs in the area of nonnuclear energy research and development than those currently being proposed by the administration. I am sure his statement will be of great interest to many Senators.

I ask unanimous consent that Senator RANDOLPH's statement entitled "Federal Nonnuclear Energy Research Budget Is Inadequate" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FEDERAL NON-NUCLEAR ENERGY RESEARCH BUDGET IS INADEQUATE

If this Nation is to become energy self-sufficient we cannot allow the advocates of nuclear energy to carry us down the road to disaster in the 1970's and '80's, as they did in the 1950's and '60's.

The ERDA budget for Fiscal Year 1976 perpetuates the bias toward nuclear electric power as well as weapons development that has plagued Federal energy research for almost 25 years. Such tunnel vision, in my judgment, has contributed substantially to our present energy crisis.

The Congress cannot allow this to continue.

Tens of billions of dollars have been spent—in my judgment misspent—on nuclear power to date; yet this technology, which was portrayed as the Savior of mankind, in 1973 satisfied less than two percent of our country's energy requirements.

By comparison fossil fuels traditionally have satisfied over 95 percent of our nation's energy needs. In 1985 they will supply 85 percent of our energy supplies, yet fossil fuel research is budgeted at less than 10 percent of ERDA's program.

The Administration's non-nuclear energy research program does not assume the aggressive posture necessary to assure that the United States will be able to maintain a strong economy once our present economic problems and energy shortages are overcome.

The assurance of adequate energy supplies in the future will require enormous sustained energy programs for the development of unconventional as well as traditional energy supplies. Such action programs are not reflected in the Energy Research and Development Administration's proposed budget for Fiscal Year 1976.

The program outlined is inadequate to the task.

The Congress created ERDA in order to assure that non-nuclear energy alternatives would receive equitable treatment. This is not the case for the ERDA budget and the programs outlined by Dr. Seamans yesterday. The program continues the emphasis of the former Atomic Energy Commission. In fact, I understand from testimony presented last week before the House Science and Astronautics Committee that the 25 odd "specialists" formulating ERDA's fossil fuel research strategies are all former AEC types. I must ask: where is the expertise?

Despite Dr. Seamans' assurance that priority will be given to fossil fuels research, I also must note that the Assistant Administrator for Fossil Energy has yet to be even nominated, although five months have passed since the President signed the legislation creating ERDA.

Our immediate concern as representatives of the American people must focus on our country's economic problems, which will not render themselves susceptible to easy solutions.

The challenge will be to lay the groundwork for solutions to our energy supply problems at the same time we are coping with current economic disruptions.

I must reemphasize that both our energy and economic problems must be resolved, concurrently, otherwise our Nation and the American people may well not survive under a Republic as we know it today.

NATIONAL ENERGY AND RESEARCH DEVELOPMENT POLICY

For many years I and others have advocated a National Energy Policy; such a policy has yet to be formulated. Likewise our country does not possess a comprehensive National Energy Research and Development Policy.

At the request of President Kennedy in 1963, a review was undertaken of Federal energy research and development programs. At that time, a comprehensive strategy was recommended for the development of new energy technologies.

Due to the lack of progress in this regard a similar study was initiated in 1973 by President Nixon. The final report also enunciated recommendations regarding our country's energy future. The Administration has yet to propose a comprehensive Federal nonnuclear energy research and development policy,

Since the creation of the Energy Research and Development Administration and enactment of the Federal Non-Nuclear Energy Research and Development Act last year, the Administration has assured the Congress that such a policy is now in the early stages of formulation.

A definitive National Energy Research and Development Policy is requisite to meeting the long-term energy needs of the American consumer. We no longer can afford the luxury of postponing obvious programs until such a policy is formulated. Even now there is a concensus among experts on many of the necessary programs. With few exceptions the necessary programs were outlined in the December 1973 Report to the President by then Atomic Energy Commission Chairman Dixy Lee Ray, entitled, "The Nation's Energy Future." The recommended program enunciates specific and realistic objectives for the near-term (the present to 1985), for the mid-term period (from 1986 to the year 2000), and for the long-term (beyond the year 2000).

Last year the Congress enacted the Federal Non-Nuclear Energy Research and Development Act. However, the proposed ERDA budget does not reflect the policy contained in that Act.

For example, the increased funding for physical research to support nuclear power development (some $80 million) is greater than the total budget for either solar energy development or geothermal energy development or advanced energy systems.

In fact more money is to be spent on physical research, such as high energy physics, than on the total coal research program. Some $312 million are devoted to physical research while only $279 million are devoted to coal research. Moreover the physical research budget is greater than the total fossil fuel energy development budget.

This is unconscionable.

I recommend that this Committee adjust the ERDA budget authorizations to assure that non-nuclear energy programs receive equitable treatment.

I wish to address my remarks to three critical aspects of Chairman Ray's report and the proposed ERDA budget: energy conservation, the utilization of coal, and oil and gas production.

ENERGY CONSERVATION RESEARCH

As we approach the 21st Century, the American consumer, and indeed the world, are faced with major shortages of petroleum if present uses of oil and natural gas are perpetuated, without improving their efficiency.

Refined petroleum products are uniquely suited for transportation uses; yet they are limited. Precisely for this reason every effort should be made to conserve these nonrenewable resources for such critical future uses as transportation.

Aggressive Federal policies are thus needed which promote new energy conservation practices throughout our economy. Success in this regard will enable a reduction in the rate of growth in energy consumption.

The American consumer must be assured sufficient energy supplies to provide an acceptable standard of living. Moreover this must be accomplished in compliance with occupational health and safety standards and consistent with national policies for the improvement and maintenance of environmental quality.

The significance of energy conservation for the future was enunciated in the President's State of the Union Message and the Congressional Program of Economy Recovery and Energy Self-Sufficiency. This are also was given the highest priority in Chairman Ray's Report to the President.

Energy conservation, however, is only nominally reflected in the ERDA budget which proposes $32 million for Fiscal Year 1976. Almost $21 million of these monies are concerned with the problems of the electric utility industry.

Although significant energy savings are possible in buildings and industrial processes, only $3 million is developed to this area. By comparison, Chairman Ray's Report advocated some $20 million for Fiscal Year 1976 and $32 million for Fiscal Year 1976 (about $52 million for the two years).

Energy Conservation offers the only option for reducing energy growth without adversely affecting the American consumers' standard of living. As such, energy conservation is the means for achieving economically acceptable energy self-sufficiency.

Therefore, I recommend that the ERDA budget authorization for energy conservation research be increased to at least $166 million as recommended in Chairman Ray's Report for Fiscal Year 1975.

NATIONAL COAL RESEARCH POLICY

Coal is our most versatile domestic energy resource. While it can be used directly as a boiler fuel to produce steam and electricity; it also can be synthesized into liquid and gaseous forms to serve utility markets and even transportation uses. By comparison, uranium is only useable by nuclear reactors in the production of electricity. Thus it serves a single energy use sector.

Over the years this Committee has supported efforts to substitute domestic coal supplies for natural gas and, in particular, for imported oil. Likewise this Committee has supported expanded Federal research and development programs on fossil fuels.

If coal production is to be doubled by 1985, as required for our country to approach energy self-sufficiency, then the industry must be transformed from its present supply limited posture to one that is limited only by demand.

This will require that new technologies be developed from the mine mouth, through the transportation sector, to the point of end-use, including the disposal of any waste residues.

The principal feature of a National Energy Research Policy must be to recognize that coal must serve some 20 percent of the United States' energy needs well into the 21st Century. Thus Federal programs must provide certainty for the production and use of coal.

These objectives will not be achieved with the proposed ERDA budget. The Administration's program focuses exclusively on the end-uses of coal, while it ignores the problems attendant to the mining and transportation of this energy resource.

New mining methods must be developed to increase coal production, including longwall mining methods. In addition, experimental mines should be operated under a system of Federal support in order to demonstrate new mining methods as well as to provide for the training of highly-skilled miners. This area is totally ignored by the proposed ERDA budget.

Even the funding levels for synthetic fuels development are inadequate and well below the Administration's own estimates of need.

SYNTHETIC FUELS FROM COAL

In response to energy shortages during World War II, this Senator became one of the pioneer advocates of using coal to produce synthetic liquid fuels.

As a member of the House of Representatives, I joined with Senator Joseph O'Mahoney of Wyoming in authoring and pressing to passage the Synthetic Liquid Fuels Act of 1944. Under that authority the Department of the Interior created a coal liquifaction and a coal gasification program during the late years of the Roosevelt Administration; this effort continued through the Truman Administration until abandoned during the early years of the first Eisenhower Administration.

From 1944 to 1960 the Bureau of Mines spent in excess of $1 million on the development of synthetic liquid fuel technologies. The majority of these monies were appropriated under the Synthetic Liquid Fuels Act of 1944.

Over ten years ago a pilot plant demonstrating the hydrogenation process was considered feasible within less than five years. Estimates suggested that synthetic gas could be produced at a cost of around 70 cents per thousand cubic feet.

Since those fateful years of World War II, and the earliest inception of the Randolph-O'Mahoney legislation, I have felt that the United States must have the capability to produce synthetic liquid fuels as well as pipeline quality gas from coal.

I believe this even more so today than in yesteryear.

In his State of the Union Message President Ford proposed a National Synthetic Fuels Commercialization Program capable by 1985 of producing 1 million barrels of synthetic fuels and shale oil per day.

In my judgment this program is the single most important action that can be taken by the Federal government to expedite the commercial development of a domestic synthetic fuels industry. I recommended such a program to the Ad Hoc Committee to the Democratic Caucus. Their action was to include in the Congressional Economy-Energy Program a program with the goal of achieving by 1985 some 500,000 barrels per day of synthetic fuels from coal. This objective, in my judgment, will not be achieved with the Administration's proposed budget.

I recommend that the ERDA authorization for coal liquefaction and coal gasification thus be expanded to provide for the initiation within Fiscal Year 1976 of the ten projects necessary to achieve this objective. In making this recommendation, I note that the Administration supported this goal in its testimony yesterday even though their proposed budget is inadequate to meet this objective.

This program should emphasize substitutes for imported refined petroleum products, such as heating oil. Coal liquefaction processes also can yield products suitable for petroleum chemical feedstocks as well as transportation uses. These possibilities should also be pursued.

ADVANCE POWER CYCLES

Besides synthetic natural gas from coal, the highest priority should be given to onsite production of low-Btu gas from industry uses and electric power generation.

This technology offers significant potential for improved efficiencies in the generation of electricity. For example, practical efficiencies up to 50 percent are achievable with advanced gas-turbine systems. Private research efforts on high temperature gas turbines are being significantly reduced; however, due to uncertainties over the availability of natural gas.

A single commercial demonstration for peak load application is presently being undertaken by Westinghouse with Federal support. This effort must now be expanded to assure development of a system suitable for base-load and intermediate-load applications. The present program which is designed for peak load applications alone will serve little value in releaving our dependence on imported oil.

FUEL CELLS

Another possible clean energy source is fuel cells for the storage and transmission of energy. Commercial prototypes must now be developed for initial testing on utility systems. In order to accomplish this objective last year, at the request of the Administration, the Congress appropriated $6 million for their commercial demonstration.

Earlier this week the Environmental Protection Agency testified before the Committee on Public Works that this program had been transferred to ERDA. Yet the proposed budget shows only $500 thousand for this program.

I therefore urge the Committee to expand this program to a funding level of at least $6 billion, for fuel cell research and development.

OIL AND GAS PRODUCTION

Faced with emerging petroleum shortages every alternative also must be pursued to increase the production of oil and natural gas. In this regard significant opportunities exist for the secondary and tertiary recovery of residual reserves. Estimates range as high as 260 million barrels of oil per year by 1985. An additional 700 billion cubic feet of associated natural gas per year also is possible by that time.

A conservative program was proposed by Chairman Ray that would require some $53 million in Fiscal Year 1976. By comparison the proposed ERDA budget includes $22 million for this purpose.

I therefore recommend that this potential be expeditiously developed by authorizing at least $50 million for this program.

Mr. Chairman, I wish to express my appreciation to the Committee for affording me this opportunity to review my proposals for improvements in the ERDA budget.

This is not a time to be timid. It is a time for commitment to the future.

Federal energy research policies of the past have left much to be desired. They have been geared principally to satisfying the needs of the electric utility industry through the preferential development of nuclear power. In the process many fossil fuel and unconventional energy alternatives have not been developed in a timely manner.

Now is the time to focus this effort on our country's overall energy needs for the future.

THE EIGHT SURPRISES; GLOOM NOT JUSTIFIED

Mr. HANSEN. Mr. President, Dr. John J. McKetta, Chairman of the National Air Quality Commission, recently gave a thought-provoking speech called "The Eight Surprises."

His address, before the annual convention of the American Trucking Association, on October 16, 1974, outlines some of the current problems our country faces as we wrestle with balancing our desire to protect the environment and still allow for the proper kind of industrial development and its important by-product—jobs.

Dr. McKetta's speech, which he said "is drawn heavily from talks given by my friends," Dr. A. Letcher Jones, Dr. I. W. Tucker and the late Dr. William Pecora, points out that interest in our environment is a fairly new thing for many people. For some, it has been like the discovery of a new world.

Not so for Dr. McKetta. His concern with the environment goes back 35 years—to 1939, when he was chemical director of the C. B. Schneible Co., one of the world's largest environmental companies. He is a charter member and also a member of the board of directors of the National Council for Environmental Balance, and is Chairman of the Committee on National Air Quality Management for the National Academy of Science and Engineering.

In 1962, he was national president of the American Institute of Chemical Engineers, the highest honor that can be accorded by his profession.

A native of Pennsylvania, Dr. McKetta received his undergraduate education at Tri-State College in Angola, Ind., and did his graduate work at the University of Michigan. He has received honorary doctorates of engineering from both of these institutions, as well as an honorary doctorate of science from the University of Toledo.

After 15 years of administrative service at all levels at the University of Texas—including being chairman of the chemical engineering department, dean of engineering, and executive vice chancellor—Dr. McKetta chose to return to his first desire—the students and classroom teaching. He now is the E. P. Schoch professor of the department of chemical engineering at the University of Texas.

Mr. President, I think what Dr. McKetta says makes a great deal of sense. I commend it to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The 8 Surprises or Has the World Gone to Hell??

(By Dr. John J. McKetta)

On March 27, 1973, I heard Garner Ted Armstrong say over the television:

"There is no way you can have any optimism for the continuation of life on this earth because of the pollution, over-population, and results of technological advances."

It bothers me that there are so many purveyors of gloom who talk about the hopelessness of our future. There is an entire spectrum, from zero to infinity, of views and actions on almost any problem.

Let's take the pollution problem, for example. We all know there are still some companies and cities which put toxic gases and liquids into our air and streams. It's almost unbelievable that many of our large cities still discharge raw sewage, or only partially treated sewage into our streams. Both industry and the cities should be stopped immediately from these flagrant violations.

On the other extreme we have those people who wish to have distilled water in the streams and zero particulates in the atmosphere. These are impossible concentrations and could not be attained even if we had no people on this earth.

The answer, obviously, is somewhere between these two extremes.

Just like most of you, I am a family man. My lovely wife and I have four wonderful children. It is my wish that they have clean air to breathe and clean water to drink. Not distilled water nor absolutely pure air, but I do want them to have odorless, non-toxic, clean air, and clean water. I believe we still have a great deal of environmental work to do in the USA. I believe, however, that extremism is bad on either end.

We're all deeply concerned about reports of the destruction of our environment as a result of technological recklessness, over-population, and the lack of consideration for the preservation of nature. As Chairman of the National Air Quality Commission, I have to read great amounts of technical literature in this area. I've turned up a lot of evidence that I'd like to share with you.

Some of the people who are filled with gloom and believe we have no future blame our apparent demise on the Judeo-Christian ethic that it is God's will that man exploit nature for his proper ends and that we have overdone it.

Others recommend that we go back 2500 years and embrace the practices of druidism. Many many people express a disdain for science and mistrust in technology in general.

They say our automobiles are no longer a wondrous method of freeing man from his immobility, but instead have become terrible polluters and will ultimately become piles of junk which will desecrate the landscape. Electricity, which has been the most convenient form of energy ever available, has come into disrepute. The bad industry that produces electricity is looked upon as an evil organization of the establishment whose objective is to create new radiation hazards with nuclear power plants, cut down trees, stick poles into the ground and pump smoke into the air to poison all of us.

It's a gloomy picture indeed. But I've found out this outlook is not justified. This is what I'd like to talk to you about. I hope you'll understand that I'm speaking to you as one who understands elementary science and engineering, and not as an emotional supporter of any particular "side" of ecology. Some of the facts I will mention will surprise many of you. I can assure you that my conclusions are supported by evidence that is difficult to interpret in any other way. They may be verified by anyone who wishes to do so. (Editor's Note: a list of literature citations may be found at the end of this booklet.)

1. WHY IS THE OXYGEN DISAPPEARING??

My first surprise concerns the air we breathe. You have been reading that we are seriously depleting the oxygen in the atmosphere and replacing it with toxic substances such as carbon monoxide.

Throughout my formal education I have always been taught that oxygen in our atmosphere is supplied by green plants using the process of photosynthesis. It is known that plants take in carbon dioxide, and through activation by sunlight, combine carbon dioxide with water to make starches and cellulose, and give off oxygen. In this way the whole chain of plant and animal life is sustained by energy from the sun. When the vegetable or animal materials thus produced are eaten, burned, or allowed to decay they combine with oxygen and return to the carbon dioxide and water from whence they came. We all know this. Then, what is the surprise?

Surprise Number One is that most of the oxygen in the atmosphere doesn't come from photosynthesis. The evidence is now overwhelming that photosynthesis is just inadequate to have produced the amount of oxygen that is present in our atmosphere. The reason is that the amount of oxygen produced by photosynthesis is just exactly enough to convert the plant tissue back to the carbon dioxide and water from which it came. In other words, the net gain in oxygen due to photosynthesis is extremely small. The oxygen in the atmosphere had to come from another source. The most likely possibility involves the photodissociation of water vapor in the upper atmosphere by high-energy rays from the sun and by cosmic rays. This process alone could have produced (over the history of the earth 45 × 109 years) about seven times the present mass of oxygen in the atmosphere.

The significance of this information is that the supply of oxygen in the atmosphere is virtually unlimited. It is not threatened by man's activities in any significant way. If all the organic material on earth were oxidized, it would reduce the atmospheric concentration of oxygen by less than 1%. We can forget the depletion of oxygen in the atmosphere and get on with the solution of more serious problems.

2. CARBON MONOXIDE WILL KILL US ALL!

As you know, the most toxic component of automobile exhaust is carbon monoxide. Each year man adds 270 million tons of carbon monoxide to the atmosphere. Most of this comes from automobiles. The scientists are concerned about the accumulation of this toxic material because they know that it has a life in dry air of about three years. For the past several years, monitoring stations on land and sea have been measuring the carbon monoxide content of the atmosphere. Since the ratio of automobiles in the northern to the southern hemisphere is 9:1, it was expected that the northern hemisphere would have a much higher concentration of atmospheric carbon monoxide. The true measurements show, however, that there is no difference in carbon monoxide amounts between the hemispheres and that the overall concentration in the air is not increasing at all. In fact, they've found higher concentrations of carbon monoxide over the Atlantic and Pacific oceans than over land.

Early in 1971, scientists at the Stanford Research Institute in Palo Alto disclosed that they had done some experiments in smog chambers containing soil. They reported that carbon monoxide rapidly disappeared from the chamber. Next, they sterilized the soil and then found that now the carbon monoxide did not disappear. They quickly identified the organisms responsible for carbon monoxide (CO) removal to be fungi of the aspergillus (bread mold and penicillin types). These organisms, on a world-wide basis, are using all of the 270 million tons of the CO made by man for their own metabolism, thus enriching the soils of the forest and the fields.

This does not say carbon monoxide is any less toxic. It does say that, in spite of man's activities, carbon monoxide will never build up in the atmosphere to a dangerous level except on a localized basis. To put things in perspective, let me point out that the average concentration of CO in Austin, Texas is about 1.5 parts per million. In downtown Houston, in heavy traffic, it sometimes builds up to 15 or 20 ppm. In Los Angeles it gets to be as high as 35 ppm. In parking garages and tunnels it is sometimes 50 ppm.

Here lies surprise Number Two for you: Do you know that the CO content of cigarette smoke is 42,000 ppm? The CO concentration in practically any smoke-filled room grossly exceeds the safety standards we allow in our laboratories. I don't mean to imply that 35 to 50 ppm CO should be ignored. I do mean that there are so many of us who subject ourselves to CO concentrations voluntarily (and involuntarily) that are greater than those of our worse polluted cities, including Holland Tunnel in New York, without any catastrophic effects. It is not at all unusual for CO concentrations to reach 100–200 ppm range in poorly ventilated, smoke-filled rooms. Incidentally, if a heavy smoker spends several hours without smoking in highly polluted city air containing 35 ppm of CO concentration, the concentration of CO in his blood will actually decrease! In the broad expanse of our natural air, CO levels are totally safe for human beings.

Incidentally, 93% of the CO comes from trees and greeneries (3.5 billion tons per year). Only 7% comes from man (270 million tons per year).

3. OXIDES OF NITROGEN WILL CHOKE US!

I have been extremely impressed by the various research efforts on the part of petroleum, automotive, and chemical companies to remove oxides of nitrogen from the products of combustion in the tail pipe gas of our automobiles. I've read about the brilliant work of Dr. Haagen-Smit that showed that the oxides of nitrogen play a critical role in the chain reaction of photochemical smog formation in Los Angeles. Oxides of nitrogen are definitely problems in places where temperature inversions trap the air.

But we've all known for many years that nature, in addition to man, also produces oxides of nitrogen. The Number Three surprise (and shock) is that most of the oxides of nitrogen come from nature. If we consider only nitric oxide (NO) and nitrogen dioxide the best estimates are that 97% is natural, and only 3% are man-made. If we also consider nitrous oxide (N_2O) and amines, then it turns out that 99+% is natural and less than 1% is manmade.

Nature makes oxides of nitrogen in several ways. Biological action and organic decomposition produce most of the N_2O and NO. In fact, the great saltpeter deposits of South America are a result of perpetual thunderstorms over the Andes. Oxides of nitrogen in rainwater react with minerals of the soil and end up as saltpeter when the water evaporates.

The great abundance of marine life between Antarctica and the top of South America is also attributed to the nitrate run-off from the Andes which initiates plankton growth, thus setting off a whole chain of food in which fishes and sea animals eat each other, ending on the top with the blue whale.

The significance of this is that even if we are 100% successful in our removal of the oxides of nitrogen from combustion gases, we will still have more than 99% left in the atmosphere which is produced by nature. Sometimes I think nature laughs at us.

4. THE DEATH OF LAKE ERIE

We've all read for some time that Lake Erie is dead. It's true that the beaches are no longer swimmable in the Cleveland area and the oxygen content at the bottom of the lake is decreasing. This is called eutrophication. The blame has been placed on phosphates as the cause of this situation. Housewives were urged to curb the use of phosphate detergents. In fact, for several years phosphate detergents were taken off the market. There's been a change in law since scientific evidence proved that the phosphate detergents were not the culprits and never should have been removed from the market in the first place.

Now let's look at the scientific evidence that I've been able to find on the subject. The study shows that the cause of the eutrophication of Lake Erie has not been properly defined. This evidence suggests that if we totally stopped using phosphate detergents it would have no effect whatever on the eutrophication of Lake Erie. Many experiments have now been carried out that bring surprise Number Four—that it is the organic carbon content from sewage that is using up the oxygen in the lake and not the phosphates in the detergents.

The reason that the Cleveland area beaches are not swimmable is that the coliform bacterial count is too high, not that there is too much detergent in the water.

Enlarged and improved sewage treatment facilities by Detroit, Toledo, Sandusky, and Cleveland will be required to correct this situation. Our garbage disposal units do far more to pollute Lake Erie than do the phosphate detergents. If we put in the proper sewage treatment facilities, the lake will sparkle blue again in a very few years.

Incidentally, we've all heard that Lake Superior is so much larger, cleaner and nicer than Lake Erie. It's kind of strange, then, to learn that in 1972 and 1973 more tons of commercial fish were taken from Lake Erie than were taken from Lake Superior.

Governor John J. Gilligan of Ohio declared war on pollution in general and on thermal pollution in particular. Investigation of the thermal pollution problem reveals that, beyond any question of doubt, the sun is by far the greatest thermal polluter of Lake Erie. Governor Gilligan announced that he would "back legislation making it unlawful to increase the temperature of the water by more than one degree over the natural temperature." I don't know what he will do with the sun breaking the law, since as we all know, the natural temperature of Lake Erie is changed by the sun more than 40° F. every year between winter (33° F.) and summer (75° F.+). The natural life in the lake accommodates this change in great fashion, as it has for many thousands of years.

According to my calculations, if we would store up all of the electricity produced in Ohio in a whole year and use it exclusively for heating Lake Erie all at one time, it would heat the entire lake less than 3/10ths of 1° F.

In terms of localized heating we must remember that we already have hundreds of power plants pouring warm water into streams and lakes. Forty of these are nuclear power plants. Evaluation of the effect of these from an ecological point of view is that "thermal pollution" is a less descriptive and less appropriate term than is "thermal enrichment." There are no species disappearing. No ecological catastrophies or problems have appeared. Some of the best fishing locations in the country are near the warm water outlets of these power plants.

5. DDT IS THE WORST THING THAT EVER HAPPENED TO US?

DDT and other chlorinated compounds are supposedly endangering the lives of mankind and eliminating some bird species by the thinning of the egg shells of birds. There is a big question mark as to whether or not this is true. From the readings that I have done, the experiments were conducted in such a manner that positive conclusions could not be drawn from them. Even if it is true, it's quite possible that the desirable properties of DDT so greatly out-number the undesirable ones that it might prove to be a serious mistake to ban entirely this remarkable chemical.

Many of you have heard that Dr. Norman E. Borlaug, the Nobel Prize winner. He is opposed to the banning of DDT. Obviously, he is a competent scientist. He won the Nobel prize because he was able to develop a new strain of wheat that can double the food production per acre anywhere in the world that it is grown.

Dr. Borlaug said, "If DDT is banned by the United States, I have wasted my life's work. I have dedicated myself to finding better methods of feeding the world's starving population. Without DDT and other important agricultural chemicals, our goals are simply unattainable."

As I read into this matter, I find that DDT has had a miraclulous impact on arresting insect-borne diseases and increasing grain production from fields once ravaged by insects. According to the World Health Organization, malaria fatalities alone dropped from four million a year in the 1930's to less than one million per year in 1968. Other insect-borne diseases, such as encephalitis, yellow fever, and typhus fever showed similar declines. *Surprise Number Five* is that it has been estimated that 100 million human beings who would have died of these afflictions are alive today becaust of DDT. Incidentally, recent tests indicate that the thinning of bird egg shells may have been caused by mercury compounds rather than DDT! Ho hum!

6. WE'RE KILLING OFF TOO MANY SPECIES

Many people feel that mankind is responsible for the disappearance of the animal species. It is possible that in some instances man may hasten the disappearance of certain species. However, the abundance of that evidence indicates that he has very little to do with it. About 50 species are expected to disappear during this century. It is also true that 50 species became extinct during the last century and 50 species the century before that, and so on.

Dr. T. H. Jukes of the University of California points out that about 100 million species of animal life have become extinct since life began on this planet, about 3 billion years ago. Animals come and animals disappear. This is the essence of evolution, as Mr. Darwin pointed out many years ago. Mankind is a relatively recent visitor here. Surprise Number Six is that he has had nothing to do with the disappearance of millions of species that preceded him.

In fact, one of man's failures is that he has not been successful in eliminating a single insect species—in spite of his all-out war on certain undesirable ones in recent years.

7. MAN IS THE REAL POLLUTER

Here's the Seventh Surprise. The late Dr. William Pecora calculated that all of man's air pollution during his thousands of years of life on earth does not equal the amount of particulate and noxious gases from just three volcanoes, (Krakatoa, Indonesia—1883; Mt. Katmai, Alaska—1912; Hekla, Iceland—1947).

Dr. Pecora pointed out that nature's pure water is not so pure after all. Here are a few of his examples:

The natural springs feeding the Arkansas and Red Rivers carry approximately 17 tons of salt per minute.

The Lemonade Springs in New Mexico carry approximately 900 pounds sulphuric acid per million pounds of water. (This is more than ten times the acid concentration in coal mine discharges).

The Mississippi River carries over two million tons of natural sediment into the Gulf of Mexico each day.

The Paria River of Arizona makes the Mississippi look like a trout stream. It carries 500 times more natural sediment than the Mississippi River. Yes—one billion tons of sediment per day.

LET'S GO BACK TO THE GOOD OLD DAYS

Don't believe the trash about the happy lives that people once had before all this nasty industrialization came along. There was no such thing. One of my 19-year-old students once asked me: "What has all these 2000 years of development of industry and civilization done for us? Wouldn't we have been happier in 100 B.C.?" I said "No, chances are 97 out of 100 that, if you were not a poor slave, you'd be a poor farmer living at bare subsistence level."

When people think of ancient times, they think of themselves as members of aristocracy. They are sitting in the Agora in Athens listening to Socrates, in the Senate House in Rome debating with Cicero, riding on horses as knights of Charlemagne's time. They are never slaves, never peasants. But, that's what most of them would be.

My wife once said to be, "If we lived a hundred and fifty years ago, we'd have no trouble getting servants." I said, "If we'd lived 150 years ago, we'd be the servants."

Let's consider what life was really like in America just 150 years ago. For one thing, we didn't have to worry about pollution very long—because life was very brief. Life expectancy of males was about 38 years. It was a gruelling 38 years. The work week was 72 hours. The women's lot was even worse. They worked 98 hours a week scrubbing floors, making clothes by hand, bringing in fire wood, cooking in heavy iron pots, fighting off insects without pesticides. Most of the clothes were rags by present-day standards. There were no fresh vegetables in winter. Vitamin deficiency diseases were prevalent. Homes were cold in winter and sweltering in the summer.

Epidemics were expected yearly and chances were high that they would carry off some members of the immediate family. If you think the water pollution is bad now, it was deadly then. In 1793, one person in every five in the city of Philadelphia died in a single epidemic of typhoid as a result of polluted water. Many people of that time never heard a symphony orchestra, or traveled more than 20 miles from their birthplace during their entire lifetime. Many informed people do not want to return to the "paradise" of 150 years ago. Perhaps the simple life was not so simple.

We Are Practicing Witchcraft

In every age we have people practicing witchcraft in one form or another. I used to think that the people of New England were irrational in accusing certain women of being witches without evidence to prove it. Suppose someone accused you of being a witch? How could you prove you were not? It is impossible to prove unless you can give evidence.

It is precisely this same witchcraft practice that is being used to deter the construction of nuclear powerplants. The opponents are saying that we, the builders and owners of these plants, are witches and it is up to us to prove that we are not. The scientific evidence is that the nuclear power plants, constructed to date, are the cleanest and least polluting devices for generating electricity so far developed by man. We need electricity to maintain the standard of living we have reached, but to the extreme environmentalists we are witches. We should be burned at the stake!

We hear the same accusations about lead

compounds from the gasoline engine. Our Environmental Protection Agency has no evidence that there has ever been a single case of death, or even illness, from lead in the air coming from burning of gasoline, but they still insist that we must remove the lead from the gasoline.

To the EPA we are witches. They have no evidence. No proof. We are pronounced guilty! And yet you know that gasoline needs some additives to prevent engine knocks. If we don't use tetraethyl-lead, we have to use aromatic compounds. Some aromatics are carcinogenic. We know that! The use of unleaded gasoline also used up to 20% more crude oil. (Incidentally, the real reason for removing lead from gasoline was because it was suspected that lead poisoned the catalyst in the emission control unit. Now we have good evidence that it isn't the lead, but ethylene bromide which is the poisoner.)

From what we read and hear it would seem that we are on the edge of impending doom. A scientific evaluation of the evidence does not support this conclusion. Of course we have some undesirable problems attributed to technological activities. The solution of these problems will require a technical understanding of their nature—not through emotion. They cannot be solved unless properly identified, which will require more technically trained people—not less.

I agree, as Thomas Jefferson did, that if the public is properly informed, the people will make wise decisions. The public has not been getting all of the facts on matters relating to ecology. This is the reason why I am speaking out on this subject today—as a technical man and as a citizen. Some of the things you have heard today are contrary to your beliefs, but I'm willing to support my conclusions on evidence good enough for me to stake my reputation on it.

8. THE LAST SURPRISE: WE'RE GOING TO LIVE!

In summary, let me state that we are not on the brink of an ecological disaster. Our oxygen is not disappearing. There will be no build up of poisonous carbon monoxide. The waters can be made pure again by adequate sewage treatment plants. The disappearance of species is natural. A large percentage of pollution is natural pollution and would be here whether or not man was on this earth. We cannot solve our problems unless we attack them on the basis of what we know rather than what we don't know. Let us use our knowledge and not our fears to solve the real problems of our environment.

There is a moral to the effect that those who misrepresent facts are not believed when they speak the truth. We've heard many cries of "wolf" with respect to our oxygen supply, the build-up of CO, the disappearance of species, DDT, the oxides of nitrogen, phosphates in the lakes, thermal pollution, radiation effects from nuclear power plants, lead in gasoline, mercury in fish, filth in our streams, to name a few.

For the most part, these cries of wolf have not been malicious, but have been based largely on fear, ignorance, or misinformation. The people have listened to these cries and have come running to the rescue, but when they got there they didn't find the wolves.

Let's not cry "wolf" until we are reasonably certain that we have done enough homework to know what a wolf looks like. Otherwise we may undermine our credibility and not be believed by the people when we warn them of the real wolves that do exist.

PLIGHT OF THE CITIES

Mr. HUMPHREY. Mr. President, recently representatives of the U.S. Conference on Mayors, the National League of Cities, and the National Association of County Officials testified before the Congressional Joint Economic Committee. These local government representatives brought to our attention the growing problem of urban and local government deficits due to the recession and inflation. The problems of teenage unemployment, the lack of housing, the rising tide of crime, and the ever increasing costs of social services plague our cities.

Recently there were published two articles—one by Mr. Carl T. Rowan entitled "Weeping and Urban Reality"; the second by Mr. Marquis Childs entitled "Warning Bells From the Cities"—which summarize the plight of our cities. I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WARNING BELLS FROM THE CITIES

(By Marquis Childs)

The governors have come and gone, the mayors have come and gone. Their plea was identical: please send money quick because, if we are not bankrupt, we soon will be.

It was put vividly by Mayor Joseph Alioto of San Francisco, chairman of the Conference of Mayors, who said that, if you walk on the edge of a volcano, you have more knowledge of when an eruption is likely to occur than if you live at a distance. He was talking, as did the other mayors, about the threat of the coming summer with unemployment among the minorities and the young in the center cities up to 20 per cent or more

The mayors were lobbying for $5.7 billion in federal aid to provide jobs and to avert a breakdown of services with policemen and firemen lopped off payrolls that could not be met. The $2 billion President Ford has requested to create an additional 760,000 summer jobs and extend the present program falls far short of what the mayors believe essential to avoid an explosion in another long hot summer.

The urgent plea of the governors and the mayors comes at a moment when a grim awareness of stern reality is beginning to take hold. At both the federal and state levels we have been living beyond our means. The whole structure of pensions, welfare, benefits of one kind and another, has gone beyond the taxing capacity already under great strain. In several instances the cracks are beginning to show, not least of all in the huge federal deficits coming up.

The reporter was recently in New England where the unemployment rate in many areas is considerably above the national average. It is there that cracks in the taxing-spending structure are painfully apparent.

Take Vermont, surely one of the most beautiful and tranquil states in the union. We have always thought of frugal Vermonters. Yet two articles in the Rutland Daily Herald by Daphne P. Gratiot, joint director of Vermont Economic Research Associates, puts the facts in sharp perspective.

While Vermont is 40th in the standing of the states in per capita income, it is third, behind only Alaska and Hawaii, in state spending as a percentage of that income. The state debt will reach $1,000 per capita this year. As elsewhere, the taxing power, income, sales, property and you name it, has been stretched to the point of diminishing returns.

There is no gain, Mrs. Gratiot observes, in pointing the finger of blame. The state legislature has been in the hands of the Republicans for more than 100 years. And since the legislature votes all spending and taxes, the recent tenure of two Democratic governors doesn't change the record.

The only way out is to cut the cloth to fit the income available in current taxes. This should be done without turning the state over to land developers who would cut it up into small pieces and destroy the beauty and the tranquillity that are Vermont's heritage. One way is to attract industry as against the ski and recreation projects that take so much land and provide so few jobs.

According to the Advisory Commission on Intergovernmental Relations, two other states, New York and Wisconsin, have taxed themselves into the same box as Vermont. A warning signal came when New York's Urban Development Corporation, initiated in 1968 by Gov. Nelson Rockefeller, defaulted on $110 million of its bonds. The new Democratic governor, Hugh Carey, responded by calling on the legislature to come to the rescue out of the state's general funds even though the bonds have no direct claim on the state's credit but only a "moral" obligation to repay the bondholders.

The warning bells have too long been ignored. Bond issues for badly needed-new schools and civic improvements have been repeatedly voted down. The well-nigh intolerable burden of the constantly rising property tax was a theme of the mayors. An example cited was a tax of $1800 on a $20,000 house. Feeling pushed to the wall, the householder is turning against all government and almost his only response is fear of crime and violence. In the optimistic view, this is no more than a temporary downward swing. But the long-term portents are all in the other direction.

WEEPING AND URBAN REALITY

(By Carl T. Rowan)

Sitting down with a group of mayors these days is like attending a wake in Disneyland: The mourning gets so mixed up with the make-believe it's hard to know when to cry and when to laugh.

Not that any sane American can doubt that our cities have some incredible problems which seem certain to worsen in the coming months of economic distress.

But you listen to these mayors, as I did a few days ago, and you find them skirting around some of the truly grim realities.

Mayor Joseph Alioto of San Francisco shocks you with a report that one person out of every five in that beautiful, affluent city is now on welfare, with another 10 percent living on Social Security. It means, he said, that almost a third of San Franciscans "are living at a subsistence level."

The mayor of Gary, Ind., Richard Hatcher, says that despite grinding unemployment he is not among those who predict a long, hot summer of violence, *a la* the 1960s. Hatcher says that a new style of rebellion is already under way—meaning the sharp increase in robberies and burglaries.

Another mayor talks about how heroin is back on the streets in plentiful supply, with drug-related deaths up in his town in the last few months. Still another mayor says the unemployment situation is so bad that 1,000 people applied for a single job as garbage collectors in Tucson, Ariz.

And yet another mayor says that cities' tax bases are eroding and their revenue sharing funds are dwindling to the extent they must lay off policemen, firemen and other workers—all at the same time they are being offered a pittance of federal money for public-service jobs.

Newark's Mayor Ken Gibson evokes groans with the report that his city collects an $1,800 annual property tax on a $20,000 home.

You have guessed that these mayors were in Washington looking for money. They want a direct outlay of $5 billion from the federal government, arguing that this is a far more efficient and effective economic step than a tax cut ("people will just put it in their savings accounts") or federal spending of the same amount. Mayor Perk of Cleveland explains passionately that the federal government "drains some $3 billion from my area every year" and that all he's asking for is some of that money back.

You recognize all this as the true, desperate world of urban America. The make-believe begins only when you ask the mayors if they see a ghost of a chance of having $5 billion given to them (instead of being put into a tax cut) when the cities are populated more and more by racial minorities, and when some politicians in the White House, the Congress, the state legislatures are saying that they won't give priority to the cities because there aren't many votes for them in the cities.

It was tragically clear that the Nixon administration put the cities way down on its priority list. The mayors are now saying that things have changed. Alioto and others would have us believe that the Ford administration sees the problems and needs of the cities as transcending all considerations of race and politics.

That's where my weeping over the cities turns to laughing at the mayors. There is just no evidence that, unlike the Republicans and Democrats before him, Ford is going to allocate federal dollars without an eye toward pleasing the people most likely to vote for him.

But then, just about all the mayors are smart enough to know this. I rather suspect they are opearting on the hope that if they say loudly enough, often enough, "President Ford really cares about the cities," then Ford himself will begin to believe it.

Nice idea. If it works.

THE NATIONAL GALLERY OF ART

Mr. HATFIELD. Mr. President, this morning, our Interior Appropriations Subcommittee heard the budget request from the National Gallery of Art. At the hearing, I made a brief statement praising the gallery for its work in preparing the exhibition of archeological finds of the People's Republic of China, as well as expressing my disappointment that greater attention was not paid to two very significant anniversaries during the past year. I refer to the 100th anniversary of the first impressionist showing in Paris, and the 500th anniversary of the birth of Michelangelo.

I ask unanimous consent that my statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Interior Appropriations Subcommittee, National Gallery of Art

Mr. Chairman, as a member of this subcommittee, I naturally am interested in programs carried out by the National Gallery of Art. I have a few comments on the year just passed. First, let me say what I know all of us in the Senate feel about the major show now in progress containing the material from China. It is a magnificant exhibit, and the staff of the gallery responsible for work on this show deserve all the accolades they have received. While I recognize that it is the exhibit material itself in The Exhibition of Archeological Finds of the People's Republic of China that is the real star of the show the way in which the treasures are presented adds to their beauty and their meaning. I hope the Gallery can match such shows in the future, but I recognize this is a difficult task.

In addition to praising this show, I do want to note two occasions that appeared to go unrecognized by the Gallery in 1974. March 6, just last week, marked the 500th anniversary of the birth of Michaelangelo, yet I am not aware of efforts by the Gallery to honor this date in some manner. Secondly, 1974 marked the hundredth anniversary of the first Impressionist show. From April 15 to May 15, 1874, in a studio of a photographer Nadar, the "Societe Anonyme des Artistes, Peintres, Sculpteurs, Graveurs" show marked what most people call the first Impressionist show. Cezanne. Degas, Monet, Pissarro, Renior, and Sisley all were represented at this showing. In view of this date, and the popularity of Impressionist painting, I am somewhat surprised there was no effort made to call attention to this date. I am aware that there were major shows in Paris and New York devoted to Impressionist painting, and with the P.R.C. show, there may not have been resources or time to prepare a show. With the many Impressionist painting already owned by the Gallery, however, and with those at the Phillips Gallery as well, I would have thought an effort would have been made at least to call attention to the paintings already at the Gallery, and their relationship to this historic show in 1874.

With the Exhibition of Archeological Finds of the People's Republic of China, however, this past year remains one in which all those associated with the Gallery should be proud. I hope that this next fiscal year will bring as many satisfactions to all of you.

A DIFFERENT VIEW OF THE STATE OF THE UNION

Mr. ABOUREZK. Mr. President, in January, President Ford carried out his constitutional obligation by coming before the Congress with information on the state of the Union. But his is not the only view on the condition of the country.

In the March 13 issue of Rolling Stone, my colleague from South Dakota (Mr. McGovern) has written about his own outlook in an article entitled "The State of the Union." In his message, which is considerably different from President Ford's, Senator McGovern names the three problems which are the major enemies of a movement toward a better state of the Union. Militarism, monopoly and the maldistribution of wealth are the forces Senator McGovern sees as upsetting the national economy. He maintains that we will not end the national economic crisis until we deal with these underlying causes.

I recommend that my colleagues read Senator McGovern's comprehensive and thought-inspiring article and encourage them to look ahead to the course he has directed the Nation to follow. I ask unanimous consent that the Rolling Stone article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The State of the Union By George S. McGovern

The State of the Union

(By George S. McGovern)

The American spirit is uncertain. First there was an unworthy, unended war. Then there was Watergate. Now there is economic collapse. And from these things has come not only the dangerous condition of our country, but a pervasive doubt about our capacity to correct it.

I believe we can find solutions in our origins.

Our nation comes from a revolution against political tyranny. Now we must finish that revolution by replacing the structure of economic privilege and by repudiating the tyranny of the warmakers.

What has happened to us it not a random visitation of fate. It is the result of forces which have assumed control of the American structure—economic royalists as oppressive as the Crown 200 years ago. These forces are militarism, monopoly and the maldistribution of wealth.

Militarism still depletes our economy because it still dominates our foreign policy.

The horror of Vietnam continues, now with surrogate bullies firing American bullets and dropping American bombs. American troops are gone; the color of the bodies has changed, but the bodies still fall to save the face of the militarists who wanted this war, who fought it with our sons and who lost it. The militarists are still lavishing arms and money on the generals in Saigon who will not keep the peace agreement because they want more war to keep their own power.

Lately we have been shocked by revelations about the CIA and domestic spying. But these are not isolated evils any more than Vietnam has been simply a tactical mistake. CIA spying symbolizes our strategy for the rest of the world turned inward—a bad barrel spoiling the apples.

In fact it is entirely reasonable to suppose that Watergate itself was just a logical extension of dirty tricks abroad—all "in the national interest."

But the still dirtier trick is the one we play on ourselves and others by giving first call on our wealth to the militarists who measure our position in the world solely by the size of the arms establishment we can rattle to impress friends or foes; to the militarists who do not believe that foreign policy exists to serve the country and instead believe that the country exists to serve the global ambitions of the elite.

The domination of militarists is the only way to explain what has happened, for example, in the Strategic Arms Limitation Talks.

Scientists have estimated that, if they were properly targeted, the bombs and missiles of either the United States or the Soviet Union could destroy all human life on the planet 50 times over. Our own stockpile is now equal to roughly 615,000 Hiroshimas and is still mounting.

It requires no extraordinary common sense to suggest that we reverse this arms race. Instead SALT has become another excuse to build more weapons we do not need, but which the Pentagon and its Kremlin counterpart want anyway. Now we multiply missiles and warheads not merely to "maintain superiority" or to be a "first-rate power" but, ironically, to serve as "bargaining chips" in arms-control negotiations.

Yet in the end we never bargain away anything we already have. The "bargaining chips" join the permanent arms establishment and arms control becomes another way of saying arms competition.

This happens because the ground rules are set in the Pentagon. Never mind what we can negotiate with the Russians; what can we negotiate with the Joint Chiefs of Staff? Not much, apparently, for the arms agreement announced recently at Vladivostok actually calls for a dramatic increase in nuclear arms.

The same view shapes our conventional commitments. Not counting naval manpower at sea, we have 400,000 American troops stationed around the globe with half of them in Europe. Most of them could come home without endangering our security. But our policy is not confined to security; it reaches toward empire. American forces stay in Europe as "bargaining chips." An American division remains in South Korea so the dictatorship there will have a "bargaining chip" if it ever decides to negotiate with the North. In Vietnam, we inflicted and incurred terrible losses long after it was clear that the war was lost so that Secretary Kissinger would have a "bargaining chip" for the return of our prisoners—which we could have secured years before simply by withdrawing our forces.

This year the Pentagon will demand over $100 billion to perpetuate this insanity. The generals will claim three-fifths of all the money Congress can spend just to underwrite past and present wars and to maintain a far-flung military machine for the future.

Of course the United States is not alone. Worldwide military spending now totals more than $250 billion each year—more than the combined Gross National Product of Africa, the Middle East and South Asia. The Institute for World Order estimates that from 1960 through 1972 the nations of the world have spent $2400 billion—$2.4 trillion—on arms.

But we unquestionably lead the way among developed nations and we set the example for the rest. The United States accounts for more than a third of all arms spending in the world. We were the first country to develop and the only country to use nuclear arms and strategy. In every phase of the arms race we have been running practice laps and then daring other aspirants to catch up. We propagate an ethic of militarism which has no decent relevance to the problems the world has or the solutions the world needs.

We have the option, if we choose it, to turn toward peace instead and to take others with us.

That choice is now a matter of necessity as well as morality. For we have learned, if very late, that the militarism which brings repression to millions abroad also brings chaos to our own economy. The arms industry is parasitic. It consumes our resources, but returns nothing that can be bought or sold or used to add to the national wealth. Economic breakdown was an inevitable result of maintaining an all-out war economy for 35 years.

It is time to say no to the militarists. We must refuse to be persuaded that the process of negotiations is more important than their purpose. We must repudiate the "bargaining chip" absurdity and reduce a bloated arms budget. We must reject a $20 billion B-1 bomber and the host of other useless refinements in overkill.

A rational assessment of any external threat and a realistic understanding of the costs, the futility and the danger of arms will take away tens of billions of dollars from the Pentagon. And it will wipe away the stain of a militarism which supplies the means for torture in Chile, fuels dictatorship and forces human misery in Vietnam, Korea, the Philippines and elsewhere.

The second force disrupting our national economy is monopoly—the concentration of corporate enterprise which makes us a people without power in our own marketplace.

Just 200 massive corporations now control nearly two-thirds of America's manufacturing assets. And mass means power.

It means not only economic power to control the market but political power to guarantee a privileged position. It means lavish advertising budgets to brainwash the consumer in favor of senseless differentiations. It means influencing and often dominating the government regulatory agencies which are supposed to protect the consumer. It means enterprise that need not be concerned with sound business principles and quality products because there is no threat of competition and, in any case, the government will always save the day with a regulatory ruling, a new tax loophole or a Lockheed loan.

Most of all the concentration of industrial wealth means free enterprise rules cannot work. Economic remedies based on those rules are predestined to fail.

We have heard that we suffer skyrocketing inflation in a faltering economy simply because food and petroleum have been in short supply. It has hardly been mentioned that those commodities are controlled by two of the most concentrated industries.

The nature of the oil industry has been exposed in a short and painful time. Just seven multinational companies control 80% of the world's supply of petroleum. They control it from the well to the gas pump and at every stage in between. The consumer's sacrifice has been big oil's opportunity to extort more government favors and secure an even tighter grip on the market. And now the shared petroleum monopoly is striving to become an energy monopoly by buying up coal companies and leases on Western coal reserves.

In the food industry the six largest grain dealers handle 90% of all wheat; one soup company, Campbells, sells 90% of all soup; four large processors control 90% of all breakfast food; in each of more than 200 major metropolitan areas four large grocery chains control more than half of the retail sales.

What is the effect on prices and profits? Even that is hard to learn because business refuses to tell. Continental Baking, for example, is owned by ITT which does not report the profits of its subsidiaries separately. Safeway, a large food manufacturer as well as a retailer, publishes only companywide figures. Nearly all conglomerates practice a similar concealment.

But we can measure the dollar impact from field to table. Last August, when ranchers were receiving 27% less for their cattle than a year earlier, retail meat prices were nearly 12% higher. While the wheat earnings of farmers went down 5%, bread prices shot up 35%.

The consumer's money is disappearing somewhere. We must find out why that happens and where it goes. This year the Senate Committee on Nutrition and Human Needs will search out the truth through a comprehensive investigation of the food industry.

Giantism, not only in food and oil but across the economy, is a major underlying cause of inflation. One standard defines a shared monopoly as four or fewer firms controlling 50% or more of a market—and one Federal Trade Commission report has concluded that if the market share of those firms could be cut to 40% or less, prices would fall by at least 25%.

Against these estimates it is foolish to expect that any fiscal or monetary policy will work, whether the adversary is inflation or recession or both. This is a post-Keynesian economy. A monopolistic structure can bleed off every stimulus and pass on every restraint. It will stifle each answer we try.

It will welcome especially the answers which have so far prevailed—the "trickle down" tax cuts, price hikes and deregulations which swell profits without ever sharing a portion with the people.

If entrenched power defeats economic management now, it also disrupts intelligent economic priorities for the future.

No one was ever born, for example, with a taste for huge gas-guzzling automobiles. That is one of so many created demands. Yet the auto industry holds hostage the workers who could make smaller cars. For ransom the auto manufacturers expect to have environmental safeguards relaxed and taxes for the wealthy reduced, so they can continue to sell big cars.

Some Americans were cold this winter and we will all suffer in the future because there is too little fuel to run all the Cadillacs and heat all the homes at the same time.

Now a helpless government is supposed to say to the American people: "You can drive your cars—and you can breathe nitrogen instead of air; you can accept more emphysema, more lung disease, more despoilation of the commons; you can threaten your children's future to comfort yourselves. That is the only choice we dare to offer."

The arms industry exerts a similar control. Aerospace corporations hold their workers hostage for higher arms budgets and a permanent arms race. It is too complicated to retool and convert to peacetime pursuits, too hard to meet the demand for the necessities of life—for housing, health or mass transit.

Despite the Sherman Act, the Clayton Act and regulatory laws, government has not been a contestant on behalf of the public, but a servant of monopoly power. In that role government only worsens our economic plight.

So instead of leaving antitrust laws to languish in the hands of a lax administration, the new Congress must strengthen them and demand their enforcement.

If there are places where free enterprise cannot be made to work government has an obligation to intervene on behalf of the public with long-term economic controls—not only on prices and wages, but on profits and interest rates as well.

The Nixon administration gave controls a bad name. But the fault was not in government itself; it was in the incompetence and corruption of the men in the White House. The last and worst effect of Watergate will be if we henceforth measure the capacity of our system by the culpability of Nixon.

We must move to democratize our economy so the buyer will not always have to beware of shoddy products, swollen prices and stolen resources.

And government has much to do as an agent of effective economic planning.

The monopolists denounce a "planned economy" as heresy. But what they really oppose is not planning—for the most part our economy is already shaped by a handful of officials. Raw materials are used or abused, prices are set and profits are maintained not by the operation of free market forces, but by the bureaucrats of the corporate structure. What the monopolists object to is any measure of planning for the public good instead of private profits. What they say is that we are restricting free enterprise; what they mean is that they want unrestricted power to manipulate an unfree enterprise system.

Through direct public participation in the management of major corporations or through federal chartering or through other measures, we must direct private economic plans according to the public interest. We have intervened before to protect monopoly and to preserve kinds of enterprise that have outlived their time; now we must intervene to save our economy and to convert wasteful or harmful enterprise to essential work for the nation.

The third flaw in our economic structure is the maldistribution of national income.

The statistics are as simple as they are shameful: For the last 20 years, despite heralded social programs, poverty wars and the rest, the relative distribution of America's national wealth has stayed essentially the same. The most prosperous fifth of the population receives more than 40% of all money income. The poorest fifth barely exists on a tenth as much.

There must be a reasonable incentive for individual initiative—but that is no reason for insensitivity to human deprivation. Perhaps no society in the world can be truly classless—but that is no excuse for a class-dominated economy in America.

Millions of Americans need and want jobs which are not there. Past leadership has played a cruel trick on them. It has scorned them as "loafers" and worse. At the same time it has called full employment a "myth," and has contrived to drive unemployment to the highest level in a generation. Government has forced the indignity of joblessness, then compounded the pain with derision.

We must replace this economics of exploitation with an economics of equity. Our policy must be a prosperity fairly achieved and fairly distributed.

That means first that the burdens of today's crisis and its immediate solutions must be fairly shared. We must conserve energy. But we must do it through an equitable system of rationing, not through devices to raise prices so the wealthy can buy all they want while the poor cannot afford what they need. We must stimulate the economy. But we must do it through public investment and the reduction of regressive payroll taxes, not through a new feast of tax rebates and loopholes for the rich. We must preserve today's jobs and create millions more. But we must do it by converting the economy to meet urgent national needs, not by across-the-board investment credits that subsidize the wrong endeavors and subvert the redirection of enterprise.

For more than a decade tax reform has been a campaign rallying cry, sometimes even a title on legislation, but never a reality of economic life. Now we must make it real, not only to demonstrate our political freedom from big money, but to pay the cost of critical public work.

With the revenue from tax reform and the savings from military cuts we can invest in shelter for people who cannot find it at their price or any price; we can invest directly in new sources of energy to break the monopoly of oil; we can invest in food production and a fair food delivery system to nourish ourselves and nations in famine at reasonable cost; we can underwrite mass transit for both people and goods, to break our dependence on the automobile; we can at last end our shameful trailing position in international health comparisons and establish a national health insurance system to take the dollar sign off human survival.

It is folly to talk of massive permanent tax cuts with those tasks before us. And it is folly to suffer mass unemployment. With a decent public agenda, we will require only an occasional resort to temporary public service employment to guarantee a job for every American who is able to work.

And for little more than it costs now to maintain a bureaucratic welfare maze, we can act through the tax structure to guarantee a fair minimum income to those who cannot work and a supplemental income for those whose work barely sustains them between the higher reaches of poverty and the lower edges of a decent life. As the food stamp program does now for just one human necessity, we must erase for all necessities the divisive line between the oppressed who have jobs and the oppressed who do not.

Just as the morality of an Asian war challenged America's conscience in the Sixties, so the distribution of our resources and the fairness of our economy will be the test of our character in the Seventies. We cannot serve both the people and the exploiters. We must fight for the people, to give them back their economy.

The Constitution charges the president to report on the state of the Union. In his message to the Congress, President Ford conceded the obvious: "The state of the Union is not good." But he also called for policies which will make it worse. At every point where the president had a choice, he picked a policy that will help the rich and hurt the rest of us. Nowhere did he discuss the underlying causes of crisis.

Our time has been stained by the bloodiest wars and the darkest genocide. Yet we are confronted still by stark questions of human and national existence.

We dare not respond with conventional rhetoric, with empty measures, with paper promises signifying nothing but a thirst for political power. For the people know better. They seek leadership that will shape and reshape things as they are, for they know we cannot go on the way we have been.

There is a great wave cresting across America. It first stirred and then mounted during the protest against racism and war; it has been swelled by a revulsion against the corruption of our values and a revolt against the exploitation of our economy.

The economic royalists will fight to turn it aside. For it threatens to sweep over the status quo and sweep down the walls which guard the citadels of economic privilege.

But for us this is not a threat; it is an opportunity. For if we ride and reinforce the wave of change, then before it is spent, we will restore the ideals of this land and lift the quality of life among ourselves and for our brothers and sisters around the world.

MIDWESTERN JOINS RANKS OF MINNESOTA LAW SCHOOLS

Mr. HUMPHREY. Mr. President, the 26th of February is a very significant date in the history of a new law school in St. Paul, Minn. On Tuesday, February 26, 1975, in Chicago, Ill., the Midwestern School of Law was granted provisional accreditation by the American Bar Association. This action means that seniors of the school's first graduating class this June may take State bar examinations. Midwestern joins two other fine law schools in Minnesota: The University of Minnesota Law School and William Mitchell College of Law.

I have observed with deep concern the tremendous increase in the number of students seeking entrance to professional schools, especially law schools. Due to the increased demand for legal education, many law schools have turned away thousands of qualified applicants. This demand for law schools is not a regional or local phenomenon, but is a national concern.

I am happy to announce that a new law school, the Midwestern School of Law, was established in Minnesota to meet this increased demand for legal education. The Midwestern School of Law was founded in December 1972, as an evening law school of limited enrollment, operating under the terms of a trust agreement. The trust was terminated upon the creation and registration of a new nonprofit corporation, the Midwestern School of Law.

This new nonprofit corporation was formed under the Minnesota Nonprofit Corporation Act for the exclusive purpose of providing legal education. The school occupied several rented quarters in Minneapolis before moving in 1974 to Hamline University in St. Paul where the two schools' officials are discussing a merger. The school enrolls 392 students presently and plans to admit about 200 in the fall of 1975.

I am pleased to congratulate the Midwestern School of Law for this fine achievement and wish them every success in the future.

Mr. President, I ask unanimous consent that articles which appeared in the Minneapolis Star and the Hamline University Oracle, regarding this new law school, be printed, in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Minneapolis Star, Feb. 27, 1975]

Provisional OK Given 2-Year-Old Law School

Midwestern School of Law, a 2-year-old law school housed at Hamline University, has been granted provisional accreditation by the American Bar Association.

The action means that about 30 members of the school's first graduating class this June may take the state bar examination and may be admitted to practice if they pass.

The Minnesota Supreme Court rules allow only graduates of accredited schools to take the examination.

Leonard Biernat, assistant to the dean of the school, said he expects full accreditation to be granted in two to three years.

He said officials of the school and Hamline University are discussing the possibility of a merger. The school has been in rented space at the university since September.

It was founded in December 1972 and occupied several rented quarters before moving to Hamline.

Biernat said the school has 392 students and expects to admit about 200 next fall. It has eight full-time and 12 part-time teachers, he said.

[From the Hamline University Oracle, Feb. 28, 1975]

After a Long Wait Midwestern Granted Accreditation

The American Bar Association (ABA) Tuesday announced its provisional approval of the Midwestern School of Law at Hamline University.

Provisional approval by the ABA allows Midwestern's students to take the bar exam in all states following ABA guidelines.

"Provisional accreditation is a necessary first step," explained Dean Richard T. Oakes of Midwestern. "A law school must show substantial compliance with ABA standards to be provisionally accredited."

Oakes said Midwestern is in compliance with or exceeds all ABA accreditation standards. However, ABA regulations state that all provisionally approved law schools must wait a minimum of two years for full approval.

The action may speed up the process of affiliation between Hamline and Midwestern. Hamline administrators had said in the past that affiliation would be impossible with an unaccredited school.

"We came to this campus with the expressed desire to affiliate," Oakes said. "I hope it doesn't take a year."

Wesley St. John, chairman of the Hamline-Midwestern relations committee was more reserved.

"I'm very pleased with the provisional accreditation granted Midwestern," he said. "I think it's good for Hamline and for Midwestern."

St. John did not indicate affiliation would be an inevitable upshot of the accreditation.

"The accreditation gives us a basis for consideration," he said. "I think we must look at this very carefully," he added.

Oakes indicated several areas where special effort must be applied. "We have to get a building under construction," he said.

The law school is presently located in parts of the basement and first floor of Drew Hall.

The dean said more emphasis was needed in attracting senior and multiple-degreed law faculty. "We've had some success, but attracting good instructors is a very practical problem."

Oakes is pleased with the integration of the two student bodies and faculties. He said the lack of lounge space and commons area in the law school had forced Midwestern people to the Snack Bar.

He added he did not foresee any insurmountable problem regarding affiliation, and hopes the students will work out for themselves any possible problems brought about by affiliation.

THE MEAT PRICE EXPLOSION AND CHAIN STORES

Mr. McGOVERN. Mr. President, the Washington Post on March 9 published an important and informative article entitled, "The Meat Price Explosion and Chain Stores."

The article, written by James Risser and George Antham, points out the impact that the major food chains have on the price the American consumer pays for beef. It also points out the great discrepancy between the low prices the cattle producers are currently receiving and the high price for that same beef at the retail level.

It is clear to me that we need to pursue a vigorous investigation of the marketing practices of the chain stores and others in the middle of the food industry to take action as needed to insure an equitable price both for the farmer and the consumer.

I think we owe the American citizens an explanation for this phenomenon, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MEAT PRICE EXPLOSION AND CHAIN STORES

(By James Risser and George Anthan)

In the mid-1960's, officials of the nation's largest supermarkets gathered quietly at confidential "meat clinics" sponsored by their trade organization, the National Association of Food Chains (NAFC).

Each participant was guaranteed anonymity. Neither his name nor his company affiliation appeared on any list. Officially, he was known to his colleagues only by a color-coded badge on his lapel. If he spoke out during clinic sessions, he could be identified only as a member of, for instance, "the red-striped badge group."

The system was developed, one NAFC official explained later, "for the purpose of encouraging people to speak out and not hold back" as the executives discussed complexities of buying and marketing meat at a profit. And, somewhat to their chagrin today, participants did speak freely.

One color-coded supermarket man declared that "it is about time we stopped passing along the savings in distribution costs to the customer. I think we ought to keep some of it for ourselves."

"The group seemed in general agreement with this thought," notes of the meeting said.

Last summer, those words and others uttered at the meat clinics came back to haunt the supermarket industry as a federal court jury in San Francisco handed six cattlemen a stunning $32.7-million verdict against the Great Atlantic & Pacific Tea Co. (A&P) in a lawsuit charging that major retail grocery chains had conspired to fix the price of beef.

During the trial, the chief meat buyer for A&P had denied he ever met with his competitors. But then the jury of four women and two men was shown a photograph of him meeting with other supermarket officials at an NAFC clinic. The impact on the jurors was powerful.

Their verdict was upheld 10 days ago by Chief U.S. District Judge Oliver Carter, who denied A&P's plea for a new trial. Judge Carter ruled the jury had received "sufflicient evidence" to support its finding that A&P had plotted with other supermarkets to set the prices they pay for beef at a low level and the prices they charge customers in their retail stores at a high level. The jurors were justified in believing that, at the "various secret meetings," supermarket executives and meat buyers "met, not only to discuss prices of meat, but to force agreement concerning fixing of those prices," said the judge.

A&P has termed the verdict "monstrous" and plans an appeal to the U.S. Circuit Court of Appeals. The decision has sent tremors through the multi-billion-dollar supermarket industry as cattlemen in other states have moved quickly to file similar suits. While the San Francisco case covers a period which began almost a decade ago, some cattlemen contend the alleged practices have continued.

Backed by some farm-state congressmen, the cattle raisers say large supermarket chains wield undue influence on wholesale and retail prices of meat. Rep. Neal Smith (D-Iowa) charges the chain grocers have replaced meat packers as the largest single force in the nation's food industry, saying they exert "tremendous leverage" over meat prices and can, in effect, dictate prices meat packers pay the cattleman for his live animals.

Smith is pushing legislation to limit the chains' involvement in production of meat, and some veteran industry regulators at the U.S. Agriculture Department agree privately that tough new laws are needed.

The farmers complain that low prices they are paid for cattle are not adequately reflected at the stores' meat counters. This has become one of the most curious aspects of the high food-price situation of recent months. How can it be that U.S. cattlemen have lost $100 to $200 on each animal sent off to the slaughterhouse, and yet consumers have had to pay higher prices for their steaks and hamburger?

Agriculture Department economists and statistical experts agree that if there is an economic villain, it's someone called the "middleman"—the meat packer, the processor, the packager, the shipper, the retail grocer. All have been getting an increasingly large piece of the action as beef makes its way from an Iowa farm or a Texas feedlot to the American dinner plate.

Agriculture Department figures show that in 1971 middlemen, including the retail supermarkets, added an average of 36.5 cents to each pound of choice beef they handled. This increased to 52.7 cents a pound in 1974.

A special department task force reported last August that meat price margins—costs added by middlemen—"exploded" late in 1973 and early in 1974 "while market prices for cattle and hogs dropped sharply and losses mounted for livestock feeders." General inflation, restrictive labor union practices, government regulations and market distortions caused by earlier federal price controls were factors in this "explosion" but not enough to "explain the surge," the task force stated.

Meat marketers, the unit's report said, had significantly increased their profits, partly to recoup earlier losses. "It appears that the recent increase in meat price spreads was caused partially by food retailers changing their pricing policies to increase profits in their meat departments," it said.

A series of recent hearings by the Congressional Joint Economic Committee also dealt a blow to the supermarkets' public image. First, the committee staff accused the chain stores of issuing "intentionally misleading" financial figures in order to "cover up" high profits. Then, several supermarket chains refused to testify before the committee unless forced to do so by subpoena.

Cattlemen's suits patterned after the California case are on file in Nebraska and Texas, and the filing of others is under consideration. A $1.4-billion anti-trust action filed in Cedar Rapids, Iowa, by cattlemen there was dismissed recently, but strong efforts are being made to revive it.

An examination of the voluminous record in the six-week A&P trial in San Francisco shows that cattlemen's attorney Joseph M. Alioto (an antitrust specialist and son of San Francisco Mayor Joseph L. Alioto) was able to produce little clear or startling proof of an overt conspiracy. There was no document actually showing high grocery chain officials agreeing on price-fixing schemes. But there was massive testimony and statistical evidence that, at a time when beef demand was high, cattlemen were being paid low prices while supermarket profit margins were rising. And the jury apparently was convinced that the NAFC meat clinics were a cover for supermarket efforts to get together on pricing.

TWO CHAINS SETTLE

The case, filed in 1968, originally named as defendants A&P, Safeway Stores, Inc. and Kroger Co. The three firms had conspired to pay low prices for the beef they bought and to fix high prices for the beef they sold to customers, the petition asserted. The large supermarket chains, the cattlemen alleged had divided geographical territories among themselves to reduce competition. They also had eliminated competition among themselves in purchasing meat products, and even among different stores of the same chain. Also, it was charged, they had exchanged information on prices, sales, margins and profit through their trade associations.

Safeway and Kroger eventually elected to avoid a trial and settled out of court by paying the cattlemen $90,000 for attorney's fees, though the two chains strongly denied the charges against them. A&P, however, decided to fight the case to the end.

After a six-week trial, the jury returned its verdict, finding that a price-fixing conspiracy had cost the six cattlemen 20 cents a pound on all the beef they sold from 1964 through 1967. As a result, they had lost a total of more than $10 million and, under federal antitrust law, were entitled to triple damages.

The plaintiffs produced witnesses to buttress their claim that the big supermarket chains had agreed perhaps only through an informal "understanding," to pay packers uniform, arbitrary, non-competitive and artificially low prices for fresh meat and meat products.

Cattlemen told the jury they sold cattle for less than it cost to raise them, and that they were able to stay in business only with bank loans and by raising crops. Also, a former independent packer testified that he had been forced to pay cattlemen low prices because of "great pressure" from major food chains he dealt with.

Testimony showed that A&P followed a policy of buying 20 million pounds of meat a week—90 per cent of its total requirements—out of a single office in Chicago. Company officials acknowledged that such large buying power could not help but have a significant market impact, but they insisted "we do not determine prices."

But, in his closing argument to the jury, Alioto claimed: "It's more likely than not that they (the competing supermarket executives) got together, either by an understanding or an agreement or an invitation to some and an acceptance by others, to control the market. They talked about prices. The evidence is they talked about methods and procedures. . . ."

Referring particularly to the photograph of A&P meat buyer Robert Carpenter meeting with his competitors, Alioto commented: "First, several of them deny meeting each other, and then we have to show that and prove that in documents. . . . Next, they say, 'Well, I didn't sit with him; I might have met him, but I didn't sit with him.' And then we have to get a picture. . . . And then they say, 'Well, we didn't talk about prices or supply or anything like that,' and then it's all over these documents."

Arguing unsuccessfully that the jury verdict should be set aside, A&P contended that the NAFC sessions involved "wholly theoretical and legitimate discussions about retail marketing practices and consumer buying habits, but were not an attempt to fix prices or coordinate buying.

"Accusations of retail price-fixing before a jury of consumers in a period of high inflation were obviously highly prejudicial," A&P complained.

THE YELLOW SHEET

In addition to the NAFC meat clinics, evidence of some contact among competing food stores came in testimony of A. D. Davis, an official of Winn-Dixie stores. He said he had given his private telephone number to officials of some other firms to save them from making more expensive person-to-person calls when they wanted to speak to him.

The calls often related to handling of "excess supply" of beef, said Davis, who acknowledged that he may have told a competitor that Winn-Dixie was planning to "feature" beef.

Supermarket officials said that the NAFC often issued notices to its members, telling them of the existence of excess meat supplies, and asking them to conduct beef sales. But A&P lawyers said such sales had the effect of removing excess supplies and actually benefited cattlemen.

The cattlemen who testified in San Francisco made it clear they don't feel that way. Courtenay C. Davis, who operates a 75,000-acre ranch at Horse Creek, Wyo., told the court that many cattlemen have been losing money since 1952. At about that time, he said, "a powerful now force emerged in the form of the concentrated buying power of fewer and fewer big chain store buyers, operating without restraint in the carcass beef market."

Supermarket officials testified that the four largest chains together were accounting for less than 20 per cent of carcass meat sales in the nation, but they acknowledged that much of the other 80 per cent represented "fragmented" purchases by locally oriented grocery, hotel, restaurant and institutional operations.

While noting that most of its 3,500 stores get most of their meat through a centralized buying office in Chicago, A&P strongly denied it sets prices it will pay to packers by relying on the so-called "Yellow Sheet." That publication, officially called The National Provisioner, is a daily compilation of wholesale prices in the meat industry. It bases its quotations on actual sales, but there have been allegations in the press and before Congress that the Yellow Sheet's figures sometimes are manipulated.

Also, during the California trial, the cattlemen contended that a Safeway decision to sell its New York City stores, A&P's decision to leave the Los Angeles market and a Kroger decision to abandon Washington were tied to efforts to lesson competition among the three in the purchase of meat.

C. W. McManamy, an official of the Omaha, Neb., Livestock Foundation and a longtime observer of midwestern markets, sees evidence large supermarket chains have been able to force some significant drops in prices farmers receive for their cattle.

One clue to this, he said, is a uniform price decline on the same day at widely scattered markets. "When I look at a radical departure from normal patterns," he said, "then I have to look at market muscle as a possibility. I see six to eight major retail outlets. Against this, I see 3,500 packing plants, and producers market through all these plants. When I look at this picture, I can't escape the conviction that concentration in retailing would provide substance for suspecting that prices can be dictated where the power lies. Packers to a large degree don't sell meat to retailers anymore; the retailers order meat from the packers."

Testifying before the Joint Economic Committee last December, Irvin Bray, one of the plaintiffs in the California suit, said he had been unsuccessful in trying to sell cattle to packers early in the week because the packers have to wait until Wednesday to find out what Safeway, the dominant chain in his area, is willing to pay.

Safeway's buyers wait until then so they can determine through the Yellow Sheet what A&P has paid the previous day, he claimed. Bray said that in recent years there has been very little relationship between the prices paid to cattlemen and the retail beef prices charged to consumers.

Testifying later, Safeway denied the charge. Company lawyer Richard W. Odgers said Safeway does not utilize centralized buying, but purchases its beef through competitive "offer and acceptance" in which packers' offers are received and accepted separately through more than 15 meat-buying offices.

W. S. Mitchell, Safeway's president, was grilled before the committee by Sens. William Proxmire (D-Wis.) and Hubert Humphrey (D-Minn.) about the increasing concentration of economic power in a few of the big chains. Proxmire said he has "serious doubts about the competitiveness of the industry" and Humphrey asserted that the supermarket chains "went out for a killing" after food price controls were removed.

But Mitchell told the committee that "all those stories about price-gouging profiteering, ripoffs, price-fixing and monopoly are just not so." He strenuously resisted suggestions that Safeway, with its 2,200 stores and annual sales of some $6 billion, is able to drive out competion and keep its prices high. Net profits of most major chains have averaged around 1 per cent of total sales, Mitchell said.

"A DEVASTATING CASE"

Later, the committee staff issued a report calling such figures "irrelevant." Profit figures based on rate of return on sales have been "purposefully" used to "cloud the issues and obscure the industry's true performance," the report said. A more reliable measure of supermarket profits, it contended, is "return on equity" (earnings compared to the value of the stock owned by the companies' stockholders) because this shows how much money the supermarkets are making in comparison to their total worth. For the supermarket chains, return on equity is "strikingly higher" than return on sales, the report said.

Safeway's rate of return on equity, for example, was 11.2 per cent in September, 1973, and rose to 19.5 per cent in September, 1974, an increase of 74 per cent, the report said. Winn-Dixie's rate of return rose from 13.1 per cent to 21.4 per cent. Kroger Co. went from 6.1 per cent to 10.4 and A&P from a loss of 2.2 per cent to a profit of 3.2 per cent.

The figures, on the average, are "neither spectacular nor poor," but they refute the retail food stores' claims that they are doing poorly, the committee report said.

The NAFC continues to argue, nevertheless, that supermarkets make so little profit that, if their earnings were entirely wiped out, the average family's food bill would drop by only eight cents a week.

"Lowering food prices by reducing supermarket profits is like trying to pump water from a dry well," says NAFC president Clarence Adamy. As for meat specifically, the supermarkets generally have been unable or unwilling to provide figures, although A&P has acknowledged that its average markup on fresh meat nearly doubled between 1968 and 1973. Safeway says its gross profit on meat is lower than on other grocery products, and Jewell Companies, Inc., officials say the company lost $5 million on meat sales during the first half of 1974.

Proxmire said in December that his committee staff's field investigations showed that where a small number of supermarkets dominate the grocery business in a particular city, as in Washington, food prices tend to be higher and often are identical in the various competing stores in that city. A sampling of 4,000 items in Safeway and A&P stores in Kansas City, Mo., turned up identical prices on 3,000 items, he said. The Wisconsin senator described the finding as "the kind of conduct you'd expect out of a price-fixing conspiracy."

Three weeks later, Proxmire announced that A&P, Kroger, Winn-Dixie and Grand Union Co. had refused to appear before the committee unless subpoenaed.

Proxmire said company records obtained from the 17 largest chains had been analyzed and "we believe that a devastating case has been made against the industry—especially that retail prices rose while farm prices fell and that actual price competition, as such, did not exist in about 60 per cent of the items sold in the food chains."

Proxmire has since yielded the chairmanship of the Joint Economic Committee to Humphrey and the future status of the investigation is in doubt, as is the question of public release of the reportedly revealing company financial records.

The Federal Trade Commission has announced a probe of the food industry, but a congressional source who has followed the FTC effort says it is "in bad shape, partly because of lack of staff." The Senate Select Committee on Nutrition and Human Needs also has plans to investigate the food industry, including price fixing and other anticompetitive activity, later this year.

THE GENOCIDE CONVENTION AND PRESIDENT TRUMAN

Mr. PROXMIRE. Mr. President, on December 9, 1948, more than 26 years ago, the General Assembly of the United Nations adopted the Genocide Convention by a vote of 55 to 0. The convention was sent to the member nations for their approval.

On June 16, 1949, the convention was transmitted by President Truman to the Senate. Although hearings were held by a subcommittee of the Foreign Relations Committee in 1950, and the convention was reported favorably to the full committee, no committee action was taken.

In early 1970, a subcommittee of the Foreign Relations Committee again held hearings on the convention, and reported it favorably to the full committee. On December 8, 1970, the convention was formally reported to the Senate, but was not brought to a vote before the end of the 91st Congress.

On March 30, 1971, the committee again voted to report the convention favorably to the Senate. The 92d Congress adjourned without further action on the treaty.

On February 27, 1973, the committee voted for a third time to send the convention to the Senate. For a third time, the Senate failed to take action.

Mr. President, throughout the long legislative history of the Genocide Convention, the reasons for ratification have remained intact. President Truman's words to the Senate in 1946 are just as meaningful today as they were over a quarter century ago:

> By playing the leading part in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

Mr. Truman's words were true in 1946, and they are true today. I urge Senate ratification of the Genocide Convention.

CUTTING THE COST OF AIR TRANSPORTATION

Mr. TUNNEY. Mr. President, as one who is extremely concerned about the ever-increasing cost of living, I am very pleased to see that the airlines are coming up with proposals that would cut the cost of air transportation to the consumer.

Many airlines have submitted proposals to the Civil Aeronautics Board which would allow for reduced air fares on many flights. I enthusiastically support such initiative from the airline industry and I strongly urge the CAB to approve all such proposals as soon as possible.

There is absolutely no reason why airlines should not be able to reduce their air fares. Any Government regulation which prevents them from doing so is absolutely ridiculous and an affront to the public interest it was intended to protect.

THE WAY TO PEACE IN CAMBODIA

Mr. McGOVERN. Mr. President, recently Mr. Tom Hayden visited with a spokesman for the insurgent group in Cambodia.

Mr. Hayden then gave the substance of his views to the Senate Committee on Foreign Relations.

Because I believe this testimony is of value in reaching a judgment on American policy in Cambodia, I ask unanimous consent that the Hayden statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CAMBODIA: WHAT DOES THE OTHER SIDE WANT?

(Report on an interview with a Sihanouk representative)

(By Tom Hayden)

As the fall of Phom Penh nears, one question has taken on special urgency: what does the other side want?

The other side has a recognized governmental apparatus, the Royal Government of National Union of Cambodia (GRUNC), which is officially accepted as a member of the Conference of Non-Aligned Nations. Its head is Norodom Sihanouk. Its ministries are located inside Cambodian territory. Its policies are publicly available.

Besides the GRUNC, the Cambodian struggle against the Lon Nol regime is institutionalized in the National United Front of Cambodia (FUNK).

In Paris on Friday, Feb. 28, I interviewed Ok Sakun, official representative of the GRUNC Mission in France. In the course of a five hour discussion, he clarified the GRUNC position. Not only does he speak officially, he is extremely well-informed (and was leaving for meetings with Sihanouk in Peking this week).

What follows is a summary of his views, in my own words, on the key questions. My notes of the conversation are attached.

1. They are determined to win a complete victory, overthrow the Lon Nol regime, and replace it with the GRUNC.

2. They are confident they can do so in the near future, perhaps in weeks and very likely before June. They claim that the Mekong will remain closed for the rest of the dry season, and the Pochentong Airport can be choked off as well. Then they expect uprisings inside Phnom Penh and the entrance of the GRUNC armed forces.

3. They also claim to be prepared to fight longer, through the coming year, in the eventuality that the U.S. escalates its military involvement to protect Phnom Penh.

4. It is my deduction that their military reserves are far greater than the Pentagon acknowledges, whereas Lon Nol has no reserve force at all. Contrary to the U.S. view of only two months ago, echoed widely in the press, that this would be "just another" Khmer Rouge dry season offensive, it appears that the balance of forces has qualitatively changed in favor of the GRUNC military.

5. They reject any negotiations with Lon Nol, or any political settlement which accords any status to Lon Nol or his circle. Just as Lon Nol has condemned Sihanouk in absentia to death, the GRUNC will hold responsible and probably kill Lon Nol, Sirik Matak, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret and Sosthene Fernandez—the top leaders of the Phnom Penh government. They view Lon Nol as a totally illegitimate usurper of power, a rebel against the legitimate Sihanouk government. They view the U.S. and Lon Nol Nol as seeking to win recognition through negotiations. They distinguish Cambodia from Laos and South Vietnam where the U.S.-supported right-wing (and neutralist) forces are recognized by the January 1973 Paris Agreement and September 1973 Loas Agreement. Lon Nol, they say, has no such base, either in popular support, economic class, or military strength. Therefore they reject any negotiations.

6. On the other hand, the GRUNC envisions an amnesty and reconciliation with all other elements which have served the Lon Nol regime in the past. This is a long-standing policy, and has been affirmed significantly in the Feb. 24–25 National Congress held in Cambodia. In the Congress' declaration, it is stated:

"As to the functionaries, officers and soldiers, officers and agents of the police, self-defense units, members of military and para-military organizations, politicians and other personalities, members of various organisms of the puppet regime, the National Congress . . . declares that these compatriots can fully rally to the National United Front and the nation and people of Cambodia as soon as they cease all their activities in the service of the seven traitors and all collaboration with them."

In conclusion: it is impossible for the U.S. to maintain the Lon Nol regime. It has no viability. Under present conditions its end is very near. But it is possible to reduce the bloodletting and arrange a more peaceful transference of power in Phnom Penh. If the "seven traitors" depart, there will be less possibility of a bloodbath, and more control of the transition to peace. All that is needed is for the U.S. to notify Lon Nol that our support for him is ending, arrange his departure (and that of the others) and notify GRUNC to this effect.

Talks with the GRUNC, in my opinion, could begin immediately after the departure of the Lon Nol elements, Sihanouk will fly immediately to Phnom Penh as Head of State (though his functions will be largely in foreign affairs), ready to receive all guests including journalists, members of U.S. Congress and U.S. officials. Talks regarding a new relationship could begin at once.

This may not be pleasing to the State Department, but it is perhaps all that is left to do. The U.S. will have to make a policy decision against maintaining Lon Nol or face the disintegration of that regime in a bloody and chaotic disaster. Once this policy decision is made, it is possible at least to save lives and create a new foundation of U.S.-Cambodian relationships.

EXCERPTS FROM INTERVIEW WITH OK SAKUN, FEBRUARY 28, 1975

About the general situation: Cambodia includes 185,000 square kilometers of land, and 160,000 are under our control. The enemy zones are isolated islands, linked only by air. So the first point is that the Lon Nol regime, which is recognized by a majority of Western countries, has no land, no territory. They are the bandits, the rebels, artificially created. We are reducing their enclaves to zero.

The second point: the enemy has no economy. They produce nothing. They receive everything from the U.S. On our side, economically we depend entirely on our own resources. We can maintain a long war . . .

Third, the enemy has no popular support. We have five of seven million people in our zones. The people in Lon Nol's zones are hostile to him. Now we can say all the conditions for a general uprising exist. For the urban people it is a question of life and death. In Phnom Penh there is nothing more to eat. People are forced to become soldiers. They have been hostile to Lon Nol for a long time but now they are prepared to fight.

On the political level, Lon Nol has no political power. It is the U.S. Embassy which is the power. On our side, people have power. There are committees of the NUF elected in every commune, district and province, dealing with education, health, defense, etc. It is very important to understand how Cambodians have changed in the last five years. We are not the same kind of people. We are actually witnessing a rennaissance. Since the civilization of Angkor Wat the Khmer people have gone through a period of being asleep, and now they are awakening. This is what Washington has not understood. They foresaw everything but this. Now they're not able to believe this is happening.

It is important to understand all this in grasping our relationship towards Lon Nol. This is why we do not want to negotiate. The enemy wants to portray us as hard, inflexible. But we are realistic. You cannot compare our situation with that of other Indochinese countries. This is not a war between two political forces or tendency. We are fighting a situation entirely created by the U.S. after the 1970 coup.

We consider the Lon Nol group as criminals and we will judge them. They are responsible. But the others, apart from these, if they cease their collaboration, we are ready to welcome them in our front. We are prepared to forget the past.

We will pursue a foreign policy of neutrality and non-alignment. This is not a tactical choice, but a fundamental choice corresponding to our conditions, geography and the temperament of our people. We want friendly relations and aid from all countries, East and West, without conditions.

About the situation in Phnom Penh: the general objective of our January 1st offensive is to destroy the maximum of the enemy forces while protecting our own, to win over people, to create a new balance of forces. It is a liberation war like Vietnam and China. Winning new territory is not the important thing. If we win territory, it is good, but the essential thing is the balance of forces. This has been our constant position for five years.

Since January 1st: in the first months of the offensive we have destroyed near Phnom Penh about 400 large and small posts. The effect is to weaken the Phnom Penh defenses. The enemy has lost 15,000 men (our figures). The U.S. sources say ten thousand. And these are elite troops. According to the U.S., Lon Nol has about 20,000 elite troops, that's all. Also we destroyed posts all along the Mekong River, about 80 kilometers in all, and occupied the banks. There are only two positions we haven't taken, Neak Loung and a smaller one, but they are encircled and bombarded. At the same time we have attacked provincial capitals still controlled by the enemy.

In general, they are in a critical defensive stiuations. We have been strengthened. We have recovered much material, especially in the river, which is like a treasure chest.

The most important result is that they are losing men and posts. Phnom Penh is cut off except for the airport. Phnom Penh needs 800–900 tons of ammunition daily, 600 tons of rice, 150–200 tons of gas, according to Western sources. The airport cannot supply this amount for three reasons. 1) financial: the US Congress is little disposed, and it costs very much. But even with money, there is 2) a technical problem. There is only 1 runway. It is also used by Lon Nol's air force, and commercial traffic. They say their airport is saturated by 1000 tons per day. Every day there is a deficit. And Western figures underestimate the situation. Soldiers in Phnom Penh are used to making a wasteful "war of the rich". They are not used to economizing munitions (and when they are afraid, they use up more). Same thing about gas; they are used to a motorized war (they don't carry things on their backs). The 3) factor is military. We often rocket the airport, causing problems for traffic. We are coming closer and will even be able to take the airport.

But the airport is not the problem. It is in Phnom Penh. People there cannot remain passive. It is life or death. Until now they have been discontented but haven't risen up. But as the airport is cut off there will be less rice (the priority is military supplies). It will push people to rise up. Before they hesitated because Lon Nol was stronger. But now when he is weak people will have more courage. They also are encouraged by knowing we are close. When they rise up, we will be there to enter the city right away.

Conditions in the weeks ahead will become worse in climate. March and April are the hottest months. Even now electricity is off much of the time. During the greatest heat there will be no water because not enough fuel for pumps. This will add to tension.

So our perspective is that in the weeks ahead things will become decisive, very decisive. They think opening the Mekong will solve their problems, but the river continues to lower until April. In April conditions to block the river are best. There is no hope for them. Another important factor is the declining morals of the Lon Nol army, it will worsen. Last week almost every day entire units were wiped out, and high officials killed.

If this situation remains without massive US intervention we can expect the final moment in the weeks ahead.

Whatever happens, and it depends on Kissinger, we have created a new balance of forces which can not be changed by the US. What Kissinger and Ford can do is push back the final day, prolong the war a few months or a year, but they cannot prevent a total fall.

OLDER AMERICANS PUZZLE OVER HEALTH INSURANCE

Mr. CHURCH. Mr. President, the Senate Committee on Aging has persistently supported medicare, but has been equally persistent in pointing out the shortcomings of that program.

Our reports and hearings have shown that costs are going up for medicare participants but benefits in many cases are dwindling.

For these reasons, I led Senate efforts in opposition to President Ford's proposal to increase the coinsurance and deductibles even more. Strong congressional resistance to the President's so-called cost-sharing scheme will, I am sure, force its abandonment.

Instead of weakening medicare, Congress should improve that essential program. One of the most glaring gaps in its coverage, for example, is its failure to cover essential out-of-hospital prescription drugs. The Committee on Aging hears often from persons who have to choose between food for the table or medications to ease pain or to head off intensification of disease. Once again this year, I have introduced legislation to close this gap.

Fearful of this and other shortcomings in medicare, many older persons, approximately 11.5 million of the 21 million Americans now 65 and over, supplement medicare with private health insurance policies. They fear that they will not be able to meet the steadily rising costs of medicare without such protection, and so many skimp on life's necessities to make certain that they can pay their bills in case of illness.

Recently, the Senate Committee on Aging released a report dealing with these so-called "Medi-Gap" policies. Written by consultant Gladys Ellenbogen, the paper presented summaries of conversations with health insurance commissioners from five States; and it drew upon other sources of information about consumer understanding of private health insurance which supplements medicare.

That report served an important purpose by documenting that: First, there is considerable confusion about the "meshing" of private health insurance and medicare; second, in some cases, the insurance provider makes it appear that there is more protection than actually exists; and third, many persons do not find until the are ill that they are not fully protected.

Miriam Ottenberg, the distinguished investigative reporter who writes for the Washington Star, has written a series of articles on insurance for that newspaper.

In her March 9 installment, she focused on supplemental health insurance for the elderly, and she mentioned the Committee on Aging report. More than that, she provided additional information and insights into the problems of elderly consumers who seek such protection, only to become confused or disappointed by many of the policies now being sold, though certainly not all of them. Her article is informative and timely; I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Washington Star, March 9, 1975]

HEALTH INSURANCE PUZZLE: WHY THE ELDERLY COMPLAIN

(By Miriam Ottenberg)

The over-65 American, generally has more health problems and less health coverage now than his or her working days.

He's got to fill out more claim forms to get less money back.

His employer used to pay for his health insurance. Now, unless his employer was unusually generous in providing for his retired years, he's got to pay not one but two insurance premiums if he wants his doctors' bills covered. And he still may have to pay some of the doctors' charges himself anyway.

With all the insurance he's got now—some government, some private—he expects to be as fully protected as he used to be. But he's not.

The biggest gap in his health coverage today, it is generally agreed, is the lack of payment for prescription drugs. His drug bills were paid under the group insurance his employer carried for him, but now that he's on Medicare, he has to pay the drug bills himself.

The "explanation" for what isn't covered by insurance is even more unintelligible than it used to be when he dealt only with one private insurance company. Among other things, he can't understand why more of his doctor's bill doesn't get covered.

He wants his doctor to protest but he's already paid the doctor . . . and a busy man doesn't have much incentive to raise a fuss.

And many times, an appeal would bring results as a General Accounting Office study shows. The GAO study found that Medicare patients whose claims for payment from an insurance company are rejected lose money by not appealing the rejection. In a number of cases, the GAO reported, when an insurance company takes another look at a rejected claim, it reverses its decision and the claim gets paid.

Because of the obvious gaps in his insurance coverage, the doctors' bills that don't get covered, the fear of a savings-wrecking illness, the older citizen often is buying a mail order insurance policy for senior citizens which not only doesn't fill the gaps but may cost him some of the protection he has now.

For less than complete health protection, he and approximately 11.2 million of the 21 million Americans aged 65 and over have at least one private health insurance policy.

A consultant to the Senate's Special Committee on Aging estimated that the elderly spend over half a billion dollars on private health insurance premiums each year. That's in addition to the $1.6 billion they are paying for Medicare's Part B premiums. (Medicare's Part A pays for hospital care. Part B is mainly for doctors' services.)

Those private health insurance policies are supposed to fill the gaps in Medicare but even the best of them leave the elderly with plenty of health bills to pay on incomes far more limited than in working days.

Take the drug bills. Senator Frank Church, D-Idaho, who heads the Aging Committee, calls the lack of payment for prescription drugs "one of the most serious gaps in the entire Medicare program." He says some hospital stays are prolonged simply to enable Medicare patients to have insurance pay for their drugs.

Church tried unsuccessfully to get Congress to extend Medicare coverage to out-of-hospital prescription drugs which are necessary for treatment of crippling or life-threatening conditions. Church told The Washington Star he'll try again this year.

Another gap—one that particularly confuses patients—is the difference between what the doctor charges and what Medicare will pay. And, then, what the private insurer who's supposed to supplement Medicare will pay.

Suppose the doctor charges the patient $120 for services he knows are covered by Medicare. The private insurance organization handling Medicare payments under government contract notes that the reasonable charge set by Social Security for the doctor's service is $100. Medicare pays 80 percent of the approved charge or $80.

The claim now goes to the private insurer if the patient has one. If the insurer is Blue Shield, for instance, another $20 will be approved, bringing the total payment to $100 but that's all. Either the doctor has to forget that the bill was actually for $120 or the patient has to pay that last $20 himself—despite his public and private insurance.

The patient does not get billed for the last $20 if his doctor has accepted assignment of the allowable charge.

To find out how doctors feel about accepting assignment of fees in such cases, the American Medical Association conducted a survey in 1973 which found that only 32.4 percent of the doctors polled frequently accepted assignment; 23.3 percent occasionally; 17.7 percent rarely and 10.1 percent never. The remaining 16.5 percent of the doctors polled said the question wasn't applicable.

An AMA spokesman said the association had not taken a position urging doctors to accept assignment. He said the doctors found they were being paid considerably less than their regular charge if they took what Medicare gave them as full payment. He and others pointed to a 6-to-18 month lag in determining what reasonable charge should be paid now.

From June 1974, to June 1975, it was explained, the doctor would be bound by what he charged during the calendar year 1973. If the majority of a doctor's patients were Medicare age, the AMA spokesman said the doctor might not be able to afford being paid his 1973 rates for most of his patients.

Perhaps that's why some Washington doctors have this notice posted on their waiting room wall: "I do not accept assignment." That may be gibberish to the young people but many older folks know it means they can expect a bill.

Elderly patients often protest that Medicare—or its insurance intermediary—aren't realistic about what they agree to pay the doctor.

What Medicare doesn't pay and Blue Shield doesn't pay either are the other big gaps in Medicare. If a patient gets a regular physical examination—as older people are urged to do—he's stuck with the whole bill.

Printed on the Medicare claim form are the words "We have paid for all covered services." To an older person, that often means Medicare has paid the bill. So when the doctor sends his bill, the patient protests, "but Medicare paid."

Medicare puts out booklets, brochures and forms. So does Blue Cross and Blue Shield who administer Medicare in the Washington area and in many states. But the older patient still doesn't always understand.

An AMA official looked at Medicare this way: "Medicare is primarly for acute illness. It's not for preventive medicine or to take care of long-term illness without hope of recovery. The aged don't understand the limitations of Medicare."

The most dependable private insurance policies to supplement Medicare pay the first $92 worth of hospital bills and the first $60 in doctors' bills before Medicare takes over. Then they share the bills by paying 20 percent of the "allowable charges" while Medicare pays 80 percent. Finally, they share the costs of long-term hospitalization.

The gimmicky policies don't cover those first bills which Medicare doesn't pay either. And they don't share the bills with Medicare during the first months of illness. Instead, they may offer to share hospital bills starting with the 61st day of hospitalization.

As one Medicare expert put it, "Since the average hospital stay for people 65 and over was down to 11.4 days last year, the likelihood of someone collecting only after the 61st day of hospitalization is not very great."

The elderly, fearful of having their savings wiped out, buy what appears to be "extra protection" which often proves to be duplication.

The older subscriber may think if she gets three insurance policies, when she has a $100 hospital bill, the hospital will be paid $100 but she'll get to keep $200. That may have been what the insurance promoter told her but that's not how it works. Benefits are coordinated by insurance companies to avoid overpayments to subscribers and insurance companies make very sure of that.

Or an insurance salesman advises an aging customer to cancel his long-standing policy and buy a new one. The agent gets his commission but the customer now faces a long waiting period before a pre-existing condition will be covered again.

Or a mail order company says it will sell the aging a policy without a physical examination. Instead, the company waits until the subscriber files his first claim. Then the company may require a physical examination or ask permission to dig into the insured's medical records.

A Massachusetts health insurance guide reported that many claims are denied because pre-existing condition are discovered this way.

The recent study prepared for the Senate's Special Committee on the Aging said that the "pattern of mail order deception is well-known by now to the departments of insurance throughout the nation."

The Aging Committee said that if Medicare and private health insurance are to help the elderly meet their enormous health care bills—over $1,000 per capita in 1973—"more information on both the public and private insurance programs must be made available to the concerned public in a manner and form readily understandable to us all."

Until that happens, the aging will just go on wondering why they have to pay out of their own pocket for so much of what their doctor charges them, why they have to sink so much of their money in medicines, why a full-time nurse isn't covered by Medicare in a patient's home when a part-time nurse is covered, why Medicare doesn't help at all for what may keep an older person active longer—eye glasses and hearing aids.

When Medicare was enacted, its proponents had to settle for what they could get. What the older Americans have now are those benefits whittled away by inflation, doctors less willing to take smaller fees for serving the Elderly, promoters scaring them into buying useless insurance policies. All that and a confusing forest of claim forms, too.

ADEQUATE HEALTH CARE

Mr. INOUYE. Mr. President, the Hawaii State House of Representatives recently passed a resolution calling for the prompt enactment of a national health insurance program to assure adequate health care for all residents of the United States.

Today I would like to share a copy of this resolution with my colleagues in the hope that we will soon see fit to pass a comprehensive national health program, and I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SUPPORTING ENACTMENT OF NATIONAL HEALTH INSURANCE

Whereas, the enactment of national health insurance programs will have a profound effect on state and local programs of health care; and

Whereas, the state and local health care programs have created a heavy burden on taxpayers, while largely failing to meet the need for desirable minimum health care levels within moderately accessible reach of most residents of the states; and

Whereas, the establishment and operation of a national health insurance program would make a significant contribution in meeting a minimum desirable standard of health care for the people; and

Whereas, federal government health care programs, and federal programs providing subsidy and reimbursement for public and private health services costs may be rendered unnecessary by a national health insurance program; and

Whereas, needless duplication of health services, and operations may be eliminated and related support activities may also be rendered obsolete, while generally promoting and maintaining a healthy citizenry; and

Whereas, experience has evidenced the need for a more innovative approach to the problems relating to assuring adequate health care, both qualitatively and quantitatively, to the people, which need gave rise originally to national health care related legislation; now, therefore,

Be it resolved by the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, that it urges the Congress of the United States to enact, and the President to support, legislation establishing national health insurance to assure adequate health care for all residents of the United States; and

Be it further resolved that certified copies of this Resolution be transmitted to President Gerald Ford; Nelson Rockefeller, President of the Senate; Carl Albert, Speaker of the House of Representatives; Senator Hiram L. Fong; Senator Daniel K. Inouye; Representative Spark M. Matsunaga; and Representative Patsy T. Mink.

SST'S—CAMEL'S NOSE UNDER THE TENT

Mr. PROXMIRE. Mr. President, the recent recommendation by the Environmental Protection Agency and the Federal Aviation Agency to permit the landing of SST's at two U.S. airports regardless of current noise pollution standards is nothing but the camel's nose under the tent.

With landing rights at two U.S. airports, the backers of the Concorde will attempt to acclimate the U.S. public into acceptance of the higher pollution emissions coming from those aircraft. And then they will seek landing rights at other U.S. airports—in the South, West and Midwest. As the old story goes, the camel's nose was soon followed by one hump, then another, and finally, to the amazement of all, the camel stood before them. And, of course, no one really wanted the whole camel in the tent in the first place.

The Concorde is a waste of money. It is a waste of critically short energy. It is a flying transport for the wealthy. And it does not meet current U.S. noise pollution standards.

The New York Times editorial of March 11, 1975, puts the problem in perspective. The editorial reads:

> Once the FAA wins this initial battle for six daily flights it will be relatively easy to increase them.

Mr. President, I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SST's TO J.F.K.?

The advocates of supersonic aviation are nothing if not persistent. Four years ago, the House and Senate after wide public controversy voted down any further expenditure for an American-built supersonic transport.

A combination of three arguments proved compelling:

The plane was a prestige project that would almost certainly never generate sufficient revenue to defray the huge development costs.

When flown at supersonic speed, the plane would painfully increase the level of noise.

Most ominously, fleets of SST's in regular service might irreversibly alter the chemical composition of the ozone, permitting many more of the sun's harmful ultraviolet rays to reach earth and having unpredictable effects on the life-sustaining ecology of the stratosphere.

Notwithstanding this decision by the Congress, the Federal Aviation Agency—with the timid acquiesence of the Environmental Protection Agency—has just recommended allowing the Concorde, the Anglo-French supersonic airliner, to begin four regular flights a day from Western Europe to Kennedy Airport here and two a day to Dulles Airport near Washington, D.C.

The F.A.A. admits SST's are noisy but argues that they are only somewhat noisier than ordinary planes. It admits that fleets of SST's could produce dangerous atmospheric effects but argues that six flights a day are too few to do much harm. The road to hell also begins with small steps.

Once the F.A.A. wins this initial battle for six daily flights, it will be relatively easy to increase them. The Soviet Union, which has developed its own SST, may soon be requesting approval to use it on the Moscow-to-New York route. If granted to the British and the French, how in the name of détente could a Russian request be turned down? The pressures to have the Government finance an American SST will revive all over again.

Saving two and one-half hours on the flight to Europe and equivalent amounts of time on other routes cannot possibly justify the excruciating noise of these planes or the incalculable damage they may do to the stratosphere, that precious envelope of air that helps make life possible on this planet.

The Port Authority can bar the Concorde from Kennedy Airport. It should promptly do so, while Congress and the public make clear to the F.A.A. that it should bar these planes from Dulles as well.

CAMBODIA

Mr. HUMPHREY. Mr. President, the issue of additional military assistance to Cambodia has commanded the attention of our country and Government. Recently a very thoughtful article by Mr. Anthony Lake, former member of the National Security Council staff and now executive director of the International Voluntary Services, placed in proper focus what is happening in Cambodia. The question is, should we extend further military assistance? I have opposed such further assistance, feeling that it would only prolong the agony. I do not see that such assistance will either hasten a cease-fire or bring peace to that beleaguered country. I ask unanimous consent that the article by Mr. Lake be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AT STAKE IN CAMBODIA: EXTENDING AID WILL ONLY PROLONG THE KILLING

(By Anthony Lake)

The news from Indochina has a familiar ring these days: Rockets are falling on a city, innocent people are dying and a government propped up by American money is calling for more. Even more familiar are the arguments being used by President Ford and his administration to urge additional aid for Cambodia, arguments that echo years of similar pleas about Vietnam.

The fact that we have heard them before does not mean that the old arguments are necessarily wrong. But the passage of time and the continuing bloodshed do indicate that we may have been arguing the wrong issues all along.

If we are to turn an all too familiar and bitter debate into a practical discussion of what is to be done about the mess in Cambodia, we should resolve the questions on Indochina that no longer can be evaded.

Anyone who feels nostalgic about the rhetoric of the past must appreciate many recent pleas by the administration.

"Dominoes," for example, are back in fashion. The allegiance to the theory of falling dominoes is not as enthusiastic as in 1963, when President Kennedy exclaimed, "I believe it. I believe it." Now, Secretary of Defense James Schlesinger argues that "the domino theory . . . has been overly discredited."

The theory has changed, of course. In the 1950s and early 1960s, the prediction was that the dominoes might fall, one by one, as communism advanced across Asia.

Under President Kennedy and Johnson, the concept was broadened. The Communists would promote "wars of liberation" around the world, if they were not licked in Vietnam. In May, 1965, the assistant secretary of state for Far Eastern affairs warned that "Africa and Latin America are already feeling the threat of such thrusts."

Now, with false alarms about Africa and Latin America no longer ringing, and with detente the cornerstone of our foreign policy, the dominoes are not physical but psychological; not countries that might fall to external subversion, they have become attitudes towards the United States that might change, with severe diplomatic consequences.

Secretary of State Dean Rusk sounded this warning in October, 1967. Our "credibility," he said, was at stake in Vietnam. "If any who would be our adversary should suppose that our treaties are a bluff, or will be abandoned if the going gets tough, the result could be catastrophe for all mankind."

President Nixon, similarly, feared the worldwide consequences of America's acting like a "pitiful, helpless giant."

The assistant secretary of state for East Asian affairs recently played on the same general theme: "Cambodia cannot be viewed as an isolated spot of small import to the U.S. Rather, it must be viewed in the larger context of Indochina which, in turn, affects Southeast Asia and Asia as a whole, which again affect the rest of the world. It is not to exaggerate to say that the eyes of the world are on the U.S. response to the needs of embattled countries."

But where are the voices and arms of our allies, if their eyes are riveted to our response? They are generally silent, because they, at least, understand the danger of drawing an analogy between a NATO country and a Cambodia. Indeed, they must prefer that the United States wake up from the Indochina nightmare that whose commitment so debilitates it.

Related to the dominoes argument is another old acquaintance, the "commitment" refrain. It is unnecessary to recall how often we heard of our "commitment" to succeeding regimes in Saigon. Now we are told we have a commitment to Lon Nol, and the Congress will violate it only at our peril.

Yet surely the blame for this state of affairs should not be placed on Capitol Hill. The administration made whatever promises there were, despite constant, congressional opposition since the war was extended to Cambodia by the "incursion" of 1970.

Section 655(g) of the Foreign Assistance Act, which states that aid to Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense," was passed by the Congress in 1971 and reaffirmed since. It was also signed by the President.

To "dominoes" and "commitment," and a third familiar phrase: "foreign aggression." American troops won't necessarily be sent to meet it any more, but according to President Ford's statement on Cambodia, "the policy of this country is to help those nations with military hardware . . . where the government and the people of a country want to protect their country from foreign aggression."

At best, the view that the struggle in Vietnam is not a civil war has always been arguable. To claim that Prince Sihanouk and his Communist but indisputably Cambodian allies in the field are "foreign" to Cambodia is simply inaccurate. Sixty-two governments recognize them as the legitimate rules of Cambodia.

Yes, they do receive foreign aid as they attack the people who attacked and threw out Sihanouk in the first place. If that makes this a situation of "aggression," and "foreign" at that, what are we to say of our aid to the other side?

Cambodia must be recognized as a civil, not an international war as Vietnam should have been so long ago.

THE BURDEN OF PROOF

Finally, there is the Cambodian "bloodbath" which so many in Washington now fear, should Phnom Penh fail. "Defeat in South Vietnam would be to deliver a friendly nation to terror and repression," warned President Johnson in April, 1965. Now one can all too clearly envisage the bloodshed that would accompany a final spasm of fighting around Phnom Penh.

But to warn to a new "bloodbath" is no justification for extending the current bloodbath. Rather, we should begin to consider the questions which must now—perhaps already too late—be addressed.

All of the arguments just mentioned warn of the penalties of failure, the consequences of allowing a defeat in Indochina. Yet the first question to be addressed is at least as important: What are the future penalties of a continuing effort to avoid defeat?

Throughout the sad history of American sacrifice in Vietnam, our Presidents justified our anguish not by predictions of success, but through fear of failure. And we never saw a careful analysis of what it would cost—in American lives, in American dollars, and in the sufferings of those we said we were trying to save.

The hope offered for so many years on Vietnam, and now on Cambodia, was that a "compromise settlement" could be achieved if we were tough enough to force one. But even with the so-called cease-fire of 1973, the fighting continues in Vietnam, and this flickering light at the end of the tunnel seems as far distant as ever.

We never should have waded into Cambodia in 1970, or into Vietnam before that. Now that we are over our heads, we are like a swimmer who strikes on *away* from shore, with only water to the horizon, because he wants to avoid looking weak to his friends and to the bullies back on the beach.

Especially with the situation in Cambodia now so desperate, the burden of proof must be on the administration to show us where it wants to take us: how more aid will lead to peace and how much it will cost us and the Cambodian people in the process.

Playing on vague, future fears will not do. For those concerns must be overpowered by our fears of continuing a conflict that has claimed the lives of 10 per cent of the Cambodian people in the last five years and made millions homeless.

The second and third questions make an assumption that the reader may not share: that whatever the United States does, short of armed intervention, the Lon Nol regime will fall, and sooner rather than later. This is an assumption supported by news reports and widely shared by analysts both in and out of the U.S. government.

CUTTING OUR LOSSES

The second question: How, in these circumstances, can we limit damage to and within the United States?

One way would be to stop falling into the same traps we so willingly entered in Vietnam, and cease overstating the stakes in our performance.

The more we *say* that the whole world is watching and judging us, the more it watches and judges. In claiming that Cambodia is a test of our will, we may make it one. It would be better to make it a test of our intelligence.

On Feb. 25, Secretary of State Henry Kissinger intoned the warning that ". . . if the collapse of Southeast Asia is caused by an American decision to withhold aid under conditions in which such a decision can have only one outcome, the conclusion will be inevitable that it was the United States which has the responsibility."

What of the responsibility of the corrupt and incompetent Cambodian regime that made such bad use of $1.75 billion of U.S. aid in the past five years?

Kissinger has carefully tried to avoid parallels between American actions on Cambodia and our approach to Israel. Couldn't the same distinction be made in favor of our other allies? It would be in our interest to do so.

Another way to limit the damage of Cambodia would be to heed the administration's own fears, expressed by President Nixon on Nov. 3, 1969, that after disaster in Indochina, "inevitable and divisive recrimination would scar our spirit as a people."

What is it but "divisive recrimination" when the administration goes to such great lengths to blame the Congress for what most officials at State, Defense and the White House must know is an inevitable loss in Cambodia? There is a widespread suspicion in Washington that leaders of the administration privately concede defeat both in Cambodia and in the Congress, but plan to use the guilt they will lay on the Capitol doorsteps to force continuing appropriations for Vietnam. If this is the strategy, it presents a curious spectacle of self-defeat: an American government damaging us abroad and at home over Cambodia to avoid precisely those dangers over Vietnam.

A further measure of damage-limitation would involve adopting a diplomatic and rhetorical position which eschewed bitter attacks on Lon Nol's enemies. They are indeed supported by Hanoi, Peking and Moscow. But, to the extent we know much about them, they include many Khmer nationalists, Communist and non-Communist. Once they gain power, we must hope for as much nationalism on their part as possible. Why play up our enmity to them? It can only help push them further into the arms of their Communist supporters.

We are not, after all, really facing the "loss of Cambodia." It is not ours.

The third question concerns the damage done in Cambodia: How can we help keep future bloodshed there at a minimum?

As Sen. Hubert Humphrey recently put it, "It seems to me that events in Cambodia have gone far beyond the point where we should be concerned about trying to support continued military actions on the part of the Phnom Penh forces and should turn our attention instead to the alleviation of the terrible suffering and bloodshed occurring on both sides in this civil war. How did it make any sense to ask for $222 million worth of ammunition which can't be delivered when children are starving and the Cambodian people are desperate for peace?"

The dilemma is painful. If no more aid is forthcoming, Phnom Penh will collapse before too long and more children will starve in the meantime. If more aid is sent, the bloodshed will continue a while longer.

There is no good answer. Some find appealing the President's call for time for negotiations aimed at a compromise settlement. But that boat left port at least a year ago, as shown by the record of failed efforts just released by the State Department. Why should the Khmer Rouge agree to share power when they can expect to seize it?

As Kissinger aptly puts it, "negotiations cannot be a substitute for a situation on the ground . . . They will reflect a situation on the ground." And even with the new aid, the position of the Phnom Penh regime is hardly likely to return to 1973—when successful negotiations, we were told, were not possible.

What, then, is to be done?

The administration would like to buy some more time with further aid. If Lon Nol still loses in the near future, we would have gone down swinging. But all we would have accomplished is the provision of an indecent interval of further killing.

If, extraordinarily, our aid denied the Khmer Rouge victory through the coming rainy season, we would only have entered a new tunnel at the end of this tunnel, with still more bloodshed.

In either case, the administration's tired old arguments would have produced a terrible new suffering.

Perhaps the least bad choice would be to provide a little more aid, including food, to allow the government in Phnom Penh to negotiate—not an impossible compromise—but an immediate, peaceful turning over of power. This would stop the final, useless killing.

Free passage out of the country for those who wished to leave might be achieved. If it is not, and the aid is simply cut off, only those Cambodians who can commandeer the last flights out of Phnom Penh, assuming the airport is open, would be able to go. American officials would leave by plane or, if necessary, by the helicopters now standing by. And the departing generals and diplomats would leave chaos behind them.

The presence of an international group in Phnom Penh that could oversee the departure of refugees could also be sought. It might be given responsibilities for managing food and medicine distribution as well.

This approach would require absolutely limiting the further U.S. aid to no more than enough for one or two more months, so the handwriting on the wall is completely clear. And it should be accompanied by calls on the administration and the leaders in Phnom Penh to make such a diplomatic effort.

Kissinger is right when he argues that the time is not ripe for negotiations—but only if the administration and the generals still seek victory or substantive compromise. The time is now for negotiation to save lives, as the final act apparently unfolds.

As it does, a last question emerges. Cambodia was invaded in 1970 for the sake of American strategy in Vietnam. Shouldn't that strategy now be examined in the light of Cambodia? For the same basic choices seem to face us in Vietnam as well, even if the timetable and scale are different.

GEOTHERMAL RESOURCES—TESTIMONY OF TRAVIS E. REED BEFORE THE SENATE FINANCE COMMITTEE

Mr. TUNNEY. Mr. President, Mr. Travis E. Reed, executive vice president, Geothermal Resources International of Marina del Rey, Calif., recently submitted testimony to the Senate Finance Committee.

Since the Senate may soon be considering legislation referenced in Mr. Reed's statement and since that consideration may precede publication of the committee hearing record, without associating myself with Mr. Reed's position I ask unanimous consent that Mr. Reed's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF TRAVIS E. REED

This statement is submitted in accordance with the Committee's announcement inviting the public to testify concerning H.R. 2166. The statement recommends that Title IV of the bill be amended to provide more clearly and comprehensively for continuation of the present 22 pct. rate of depletion applicable to geothermal wells. Such amendment would aid in implementing the stated policy of the Congress to (1) support the development of geothermal energy as a substitute for imported oil; and (2) encourage private industry in fostering such development.

Geothermal Resources International (GRI) is an independent holder and developer of geothermal resources which are situated on lands held in fee and lands leased from private owners and the Federal Government.

As the Committee knows, geothermal deposits as at The Geysers, in California, have been held by the courts to be depleting assets, contained in a closed reservoir in finite amounts, with no significant liquid influx; *Reich* v. *Commissioner of Internal Revenue*, 454 F.2d 1157, 9th Cir. 1972. Under the Court's interpretation of the term "gas wells" in the Code, production from The Geysers is subject to depletion allowance at the 22 pct. rate. There is no sound reason, and none was advanced during the House consideration of H.R. 2166, to believe that geothermal deposits which may be discovered and developed elsewhere in various forms should not be accorded percentage depletion at the same rate.

The present language of Title IV concerning geothermal deposits is vague and inconclusive. Congressman Green did not explain the language and no questions were asked in debate. It appears that the language, at Sec. 102 of Title IV, is technically inadequate because it fails to provide a workable definition of the term "any geothermal deposit which is determined to be a gas well within the meaning of section 613(b) (1) (A)." The time has long since come to free geothermal energy from its present tenuous dependence upon the term "gas wells". This is a good time to provide positively for the tax treatment of geothermal energy.

"Steam" or "dry-steam" fields, to which the *Reich* case may more directly apply, are considered geologically to be filled mainly with steam itself, under pressure and at high temperatures. "Wet-steam" fields are considered as filled with hot water from which some of the steam may flash on the way up the well.

"Hot-water" fields may require pumping from the reservoir, and little or none of the water may convert into steam. The water's heat may pass to a heat exchanger from which a liquid expands to drive the turbine. According to some estimates, this may be the most common kind of source, and it is the one in which Geothermal Resources International is mainly interested.

The vast geopressured deposits underlying the Gulf and the bordering States may be more in the form of "hot water" than "steam".

Other kinds of geothermal fields include those containing hot brines, and hot rocks. All of these forms of geothermal deposits have the common characteristic that the natural heat source, and the wells by which they are tapped, will tend to deplete themselves from use over a period of time. Accordingly, all of the forms deserve equivalent tax treatment.

Depletion of a wasting natural resource is a hard and irrefutable fact which must be dealt with in tax policy. Sales made from a depleting asset resemble long-term capital liquidation more than they do current income. Some kind of reward should remain for finding and establishing newly discovered sources of geothermal energy. The depletion allowance for geothermal deposits, if clearly and comprehensively stated, will serve these various functions.

The Tax Code originally recognized the importance of natural resource discoveries by allowing for "discovery depletion". Such depletion was usually based upon the fair market value of the discovered deposit as determined within 30 days after discovery.

Percentage depletion was first introduced by a 1926 amendment, limited at the time to oil and gas wells. The innovation was intended as a substitute for "discovery depletion", which wsa causing legal and practical problems of administration.

The Executive Branch tried for several decades (1933 to 1951) to eliminate or reduce perecentage depletion but the legislative response, at least until recent years, was steadily to the opposite.

If, by chance a movement should gain momentum to eliminate percentage depletion across-the-board, then a strong case could be made to restore "discovery depletion" so as to recognize the value added by discovery of natural resources and to help in providing the wherewithal to replace discovered assets which are depleting or have depleted.

Meanwhile, at least for the time present, a proper depletion allowance—one that is clearly and affirmatively stated—should be provided for geothermal deposits of all kinds. The present language of H.R. 2166 does not meet this requirement.

In 1974, when the Senate was about to consider the Ribicoff-Magnuson-Jackson depletion amendment, Geothermal Resources International became very much concerned because the text of the amendment would have eliminated percentage depletion not only for oil and gas but also for geothermal deposits. Our contacts with Senators who supported the amendment showed clearly that this result had not been intended. In fact several Senators have assured us that, when the matter comes up again, they will see to it that geothermal energy is not adversely affected by any measure designed to eliminate or reduce the depletion allowance for oil or natural gas. We believe that Congressman Green and his colleagues may have had the same thought in mind. However the language he has provided is unsatisfactory for that purpose and does not affirmatively and clearly establish a comprehensive policy.

Geothermal energy can and must provide a significant contribution toward meeting the Nation's energy requirements during the present decade and beyond. The research and development program which is getting underway through ERDA will aid in the longer run. But an immediate need exists to provide Federal support for the development of geothermal resources based upon known technology or technology that will become available to private industry within a reasonable period of time.

Geothermal Resources International suggests that title IV of H.R. 2166, if it is to be included in the tax reduction legislation, be amended as follows to meet the objectives recommended in this statement:

1. Amend section 101(a) to read as follows:

"(a) Section 613(b) (1) (A) of the Internal Revenue Code is amended by striking out the words 'oil and gas wells' and by substituting therefor the words 'certain gas wells as defined in subsection (e) and any geothermal deposits coming within the meaning of the term "geothermal steam and associated resources" as found in the Geothermal Steam Act of 1970, 84 Stat. 1566'."

2. Strike out all of section 102(e) (1) (C).

3. Amend section 103 to read as follows:

"The amendments made by sections 101 and 102 of this Act shall apply to oil, gas, and geothermal deposits produced on or after January 1, 1975."

In the first of these three grouped amendments, reference is made to the definition of geothermal energy which was provided by the Congress in the 1970 Geothermal Steam Act. That definition reads as follows:

"(i) all products of geothermal processes, embracing indigenous steam, hot water and hot brines; (ii) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (iii) heat or other associated energy found in geothermal formations; and (vi) any byproducts derived from them.

This definition has operated satisfactorily for purposes of Federal geothermal leasing. It was incorporated by reference into the Geothermal Research, Development, and Demonstration Act of 1974. If the Congress should now elect to incorporate the same definition into the depletion allowance provisions of the Tax Code, all apparent requirements of accuracy and comprehensiveness would be met and the objective of uniformity in the U.S. Code of Laws would be furthered.

In adopting the 1974 Geothermal Act, the Congress found it to be a fact that national energy problems can be solved only if there is a commitment to develop geothermal resources. This commitment can be strengthened if the members of this Committee and other Senators will favorably consider these proposed amendments to Title IV of H.R. 2166.

There has now appeared in the records of the Senate another approach to amending H.R. 2166, in the form of Amendment No. 72, the Hollings-Kennedy-Magnuson Amendment. If Amendment No. 72 should receive active floor consideration, it should be amended as follows so as to provide clearly and comprehensively for a depletion allowance at the current rate for geothermal deposits of depleting nature:

Amend Sec. 613A(b) (1) (C) as it would be provided for in Amendment No. 72 so as to read as follows: "(C) any geothermal deposit coming within the meaning of the term "geothermal steam and associated resources" as found in the Geothermal Steam Act of 1970, 84 Stat. 1566."

If, as part of H.R. 2166, the depletion allowance for oil and gas wells is to be eliminated or curtailed, and if at the same time a clear and comprehensive provision is not made for a depletion allowance for geothermal deposits which are depleting in nature, then the result would be the discriminatory treatment of geothermal energy production, inasmuch as percentage depletion would be continued in effect for the other competing forms of energy such as coal, oil shale and uranium. Such discrimination would be unfair and would be incompatible with the stated policy of the Congress to aid and assist private industry to develop geothermal energy.

At an appropriate time, the Congress should also consider extending to geothermal energy in a comprehensive manner the provisions of the Tax Code allowing deduction from current income of intangible drilling costs associated with exploration for geothermal deposits.

Because of the imminence of Senate Floor action on H.R. 2166 and in view of the critical nature of the present domestic energy situation, these recommendations deserve the immediate attention of the members of the Committee on Finance and of other Senators.

We appreciate the opportunity which was afforded by the Committee to submit our recommendations.

COMBAT AND CONSUMER PROTECTION IN MAINE

Mr. MUSKIE. Mr. President, I would like to acquaint my colleagues with two very effective private organizations working for the consumer in Maine. The two agencies, separate but related, are COMBAT in Portland and Northeast COMBAT, Inc. in Bangor.

COMBAT was originally formed 3 years ago in Portland when a group of people involved in Portland's Model Cities program recognized the need for an agency in Maine to help average families with consumer problems. Northeast COMBAT, Inc. was formed in Bangor a few months later and works with the Portland organization on matters of common interest at the state level. While Model Cities helped finance COMBAT in Portland for a time, both organizations rely entirely on volunteer workers and contributions.

These groups have worked on a variety of consumer issues with regional or statewide impact, ranging from regulations on mail-order insurance and milk prices to utility rates. Staff members work at the individual level and behind the scenes, and act as the consumer's representative when necessary to help arbitrate small and large disputes. Northeast COMBAT has also become involved in consumer education by having workshops and courses, and suggesting curricula on consumer issues to local school systems.

Mr. President, to dramatize the effective consumer work being done in Maine, I ask unanimous consent that the history and purpose of Northeast COMBAT, Inc. be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Northeast COMBAT, Inc.: History and Purpose

INTRODUCTION

In the Fall of 1971 a young radio announcer in Bangor, Maine, started to note increasing calls from listeners who wanted to receive assistance with defective goods which had been advertised on local radio. It was obvious that people were calling the radio station because they knew nowhere else to go for help.

After repeated attempts to assist those consumers, the announcer, John Supranovich, found the same frustration since there was no Better Business Bureau or other mechanism for remedy in the State of Maine. He decided that since Bangor was his home and he was interested in community service, he would try to organize a consumer organization.

THE PLAN

The origins of Northeast COMBAT were very much at the grassroots level, but the primary concern of Mr. Supranovich and the organizers who were recruited was that the stereotyped nature of consumer organizations could not be a part of the new group which they were forming. The original board of directors which incorporated Bangor COMBAT (later changed to "Northeast") felt that to continue conflict was to thwart change. They decided from the beginning that fairness and impartiality would be primary goals, that reasonable behavior would achieve far more for the Maine consumer than aggression and antagonism.

THE DEVELOPMENT AND GROWTH

It also became obvious to the organizers that in order to be fair and responsible, strict professionalism, accurate record-keeping, and theoretical planning would have to be followed. The various components of Northeast COMBAT grew from public need, common sense, wise management, and practicality. It was decided that in order to have a comprehensive program, there would have to be several elements including: Individual Assistance: Public Issue Advocacy: and Consumer Education. Tangentially, the experience gained from all would prepare consumers who volunteered for COMBAT to serve as effective representatives on decision-making Boards, Councils, and Commissions.

INDIVIDUAL ASSISTANCE

Probably the most complicated and the most satisfying part of Northeast COMBAT's program has been the Individual Assistance Program (IA). Acting as a Better Business Bureau for all intents and purposes, the IA program has given consumers a place to call or write for assistance with individual problems. The IA program uses mediation to resolve difficulties rather than threat or litigation.

When a consumer calls Northeast COMBAT with a complaint, a volunteer caseworker takes down all the information necessary in order to make a determination as to whether there are other remedies called for. When appropriate, NE COMBAT refers a consumer to existing agencies for assistance, for legal advice if the complaint so indicates, or to store management if the consumer has not taken all the steps possible toward quick resolution. Follow-up always accompanies such referral in order to insure that the consumer receives assistance. The complaints are retained and cross-filed with businesses for review and possible trends.

If information and referral is not sufficient, NE COMBAT gives direct assistance, contacting the business in question to see what the other side has to say. In cases where the consumer is patently wrong, NE COMBAT does not hesitate to say so. Experience has shown that often consumers try to use NE COMBAT for unfair retribution when such is not warranted.

NE COMBAT maintains a close working relationship with such agencies and offices as: The Chambers of Commerce, Attorney General's Consumer Fraud Division, Federal Trade Commission, Business Associations, Legal Assistance, Legal Referral Offices and local attorneys, and many others.

NE COMBAT offices were first located in the Unitarian Church of Bangor and, as they expanded, in donated space provided by the Penquis Community Action Program. There is only one incoming telephone line upon which complaints are received and assistance given. That telephone is available for "in" calls for only 20 minutes out of every three hour block since most of the time "out" calls are being made for information and resolution.

Cases received are categorized by industry, nature of complaint, and the effectiveness of both I & R and casework assistance.

In the first three years of its existence, the following is NE COMBAT's record in actual dollars returned vs expenditures for all phases of operation.

	Money returned to consumers	Active cases	I. & R.	Budget
1972	[1]$5,000	95	74	$235.62
1973	[1]15,000	392	195	1,622.74
1974	[1]30,000	661	336	1,987.33
Total	[1]50,000	1,148	605	3,845.79

[1] Over,

In other words, the net return of actual cash to consumers has exceeded the expenditure of cash by *thirteen* times.

DEFINITIONS

Money returned—actual cash refunds (including mail order, record companies, retail sales, etc.) The figures do not include cash value of exchanges or service without charge. Additional car repairs, for example, are not counted and car repair cases account for better than 30% of our caseload. It would not be out of line to increase the cash return by two or three times the stated figures if such cases were assigned value.

Active cases—those cases which required direct contact with business or others on behalf of the clients.

Information and referral (I & R)—cases where either no action is requested or indicated, simply information, and cases where referral seems to be more appropriate. Follow-up on such referrals often leads to a change in status of the case to ACTIVE if the agency to which the client was referred cannot or will not assist.

Budget—total cash spent by NE COMBAT in *all* phases of operation. This includes in-kind match on work/study people, VISTA support costs, purchase of equipment (typewriter, file cabinet, etc.), consumables, mailing, and telephone.

Note: In January 1975 ACTIVE CASES received increased by over 400% over what they were in January 1974. The first two weeks of February 1975 saw more cases *received* than were *completed* in January 1975. I & R showed a like increase.

PUBLIC ISSUE ADVOCACY

From time to time public demand, timely issues, and casework trends indicate the need for extensive campaigns. At that point, NE COMBAT finds itself in the position of being the only recognized advocate for the consumer. If a great many consumers can be assisted through such a campaign, and if resources, volunteer and financial, allow, NE COMBAT takes on the role of public advocate.

In our three years we have formally intervened at two electric rate increase hearings before the Maine Public Utilities Commission. Both times we were saluted by the Commission for our reasonable and professional approach although all who worked on such interventions were volunteers (lay people and professionals).

Over the past two years the efforts of COMBAT have brought the Milk Price Support issue to the fore, resulting in endorsement of both political parties in their platforms of the idea of abolition of such supports. Such a bill is now before the Maine Legislature. One year ago, the legislature would not even consider such an action seriously.

NE COMBAT has also worked hard for reform in: Mail Order Health Insurance, Nursing Home operation and practices, Replevin without judgement, Small Claims Court maximums, Car Repair practices, mobile home standards, and many other issues.

NE COMBAT has been a leader in bringing the cause of the consumer before the public and the decision-makers.

CONSUMER EDUCATION

Northeast COMBAT believes that much consumer difficulty arises from insufficient preparation of the consumer for dealing with a complex and often deceptive environment. For self-help and self-protection to occur, the consumer must be allowed basic education regarding wise buying practices, budgeting, credit, common deceptive practices, guarantees and warranties, insurance, etc.

To that end, NE COMBAT gives much education during crisis situations on the Help Line. More importantly, NE COMBAT has given many courses, seminars, and classroom visits as well as 8-week programs at the YWCA with the assistance of local business and professional people as volunteers.

NE COMBAT has developed suggested curriculum guidelines for school systems with the assistance of local educators and is currently working with teachers, the Curriculum Advisory Committee of the Bangor Education Association, the Superintendent for Curriculum of Bangor Public Schools, and others toward implementation of such a curriculum.

NE COMBAT has developed printed materials and distributes government and other publications to consumers. All of these efforts are severely restricted by lack of financial resources.

STAFFING

For the first two and one-half years of operation, NE COMBAT had exclusively volunteers. During that time better than $90,000 in free services were given through volunteer man-hours (based on minimum wage of $2.00 per hour).

In the Summer of 1974, NE COMBAT received two VISTA volunteers who could not be a part of the IA function but who provided liaison with clients, the public, and the business community as well as support services which have streamlined, expanded, and improved our services.

In the Summer of 1974 we received a work/study student from the University of Maine for whom we paid $4.50 per week for about 15 weeks. Later we received a full-time trainee from Work-Experience (Manpower/Mainstream) who has been trained in consumer assistance. We pay 25% of her salary.

Recently demands have exceeded NE COMBAT's ability to cope with increasing IA requests so a full-time work/study person from the University of Maine has been hired. This has accounted for the dramatic rise in cases handled and success.

FUNDING AND BUDGET

In the past three years NE COMBAT has received just under $8,000 from private donations, usually under $10 each, and two small contracts from OEO (State). Since NE COMBAT does not know where the next dollar is coming from, or if, they have used incredible husbandry and wise management of funds to the extent that half of the total amount received is still available. This has been necessary since there is no guarantee that even money for office operation will be forthcoming.

GENERAL IMPACT

Individual assistance—stated on page 2

Advocacy—excluding direct impact of issue advocacy, consumerism has been established as a respected movement in Maine through NE COMBAT's reasonable and considered approach. Awareness of consumers, business, government, and others has been accomplished to the point that much institutional and attitudinal change has taken place.

Education—hundreds of consumers have been assisted and educated directly in programs and classes as well as through individual counseling. Thousands have benefited from media efforts, regular Public Broadcasting and commercial programs and features presented by COMBAT volunteers.

Courts and attorney burden—COMBAT intervention and arbitration has effectively screened many petty and bothersome cases which could have wasted the time and resources of the already strained legal system. NE COMBAT regularly receives referrals from reputable attorneys.

Relief for businesses—once a consumer has set his or her mind that injustice has occurred, it is very difficult for a vested interest to convince him or her otherwise. As an independent body, NE COMBAT is able to look at situations objectively and counsel the consumer. In many instances, the consumer will listen to COMBAT even though he or she has rejected like information and advice when it came from the business.

Acting in such a role, NE COMBAT saves local businesses much staff time, paperwork, possible legal action, and public discredit by angered consumers through its efforts to mediate quietly and resolve with minimum disturbance.

Relief for government—increasing demands for protection leave the government with a need area which is unfilled and which would be costly to develop programs to fit. NE COMBAT has provided such a human service after careful and very effective development at no cost to local, state, or federal agencies and the taxpayer.

RECOGNITION OF NORTHEAST COMBAT

The organization has been recognized by state, federal, local, and private groups for both its programs and its methods.

In addition to public recognition of COMBAT and kind comments made by both business and political leaders in reference to the achievements of the organization, the founder and volunteer director of three years, John Supranovich, has been recognized for contributions to the community through Northeast COMBAT and other volunteer work.

In 1972 Mr. Supranovich received the Volunteer of the Year Citation from the National Center for Voluntary Action in Washington, D.C. The award, given for his work with Northeast COMBAT, was the only award given to someone from Maine and one of only 75 nationwide.

In 1975 Mr. Supranovich was honored by the Bangor Jaycees as The Outstanding Young Man of the Year. An award such as this from a group made up of young business professionals to the leader of a consumer group says much about the success and methodology of Northeast COMBAT and the confidence it has developed.

SUMMARY

Northeast COMBAT, Inc. can stand easily as a perfect example of effective, responsible, and constructive citizen action. The work that has gone into building a strong and respected organization from human need as a beginning and meeting that need as an end, shows that commitment and sacrifice combined with energy and wise management plus fiscal restraint can provide meaningful services at reasonable cost while retaining and encouraging confidence between traditionally antagonistic factions.

Alumni volunteers from Northeast COMBAT now live in Florida, New Mexico, Oregon, Arizona, and other states. When they write home, they often remark, "Boy, they really need a 'COMBAT' out here."

Northeast COMBAT could and should stand as the perfect model for a program which might help to restore consumer confidence in the economic system and break down barriers between business and the consumer.

INDIA—BIG BUYER OF WHEAT

Mr. HUMPHREY. Mr. President, in past years the United States has made available to India substantial quantities of grain under title I—the concessional food aid provision—of Public Law 480, know as the Food for Peace program. This year India, according to the reports of the Department of Agriculture, will become the largest foreign buyer of U.S. wheat. It is estimated that India will purchase more than 5 million metric tons at a cost of more than $760 million. These are normal commercial cash sales.

For those who have been the critics of the Food for Peace program, it might be well to note that India has been for a long period of time one of our largest commercial cash customers. The Indian purchases come at a time when American wheat stocks, due to the cancellation of contracts by China and the Soviet Union and other countries, have reached rather substantial proportions. The Indian purchase should be of help to the market. It should stabilize wheat prices which up until now have been dropping rather precipitously.

I ask unanimous consent that an Associated Press dispatch entitled "India Buying Big Stock of U.S. Wheat" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDIA BUYING BIG STOCK OF U.S. WHEAT

India has emerged as the largest foreign buyer of U.S. wheat this season with orders that could exceed 5 million metric tons at an estimated cost of more than $760 million, a trade analyst in the Agriculture Department said yesterday.

The Indian wheat orders, mostly for cash, are the largest since that country received huge quantities of U.S. grain as aid in the mid-1960s. Unlike the present commercial sales, the earlier shipments were financed through long-term soft credit arrangements.

John B. Parker Jr. of the Agriculture Department's Economic Research Service said India's recent purchases were undertaken because of "the realities of a sharply reduced 1974–75 food grain crop and precarious stock position" in its own reserves.

Thus, Parker said in a report published by the department's Foreign Agricultural Service, India will be the largest foreign commercial buyer of U.S. wheat in the fiscal year that will end June 30.

Last season, when it bought 1.6 million tons, India was fourth in the U.S. wheat market behind China, Japan and the Soviet Union.

SIMON'S REBATES TO THE RICH

Mr. CLARK. Mr. President, Treasury Secretary Simon apparently believes it is essential that the Government give rebates to people who are relatively well off in order to stimulate the economy. In my judgment, he is not seeing very clearly, and this same analysis of the Simon strategy was made by Jim Crane, editor of the Ottumwa Courier, in an excellent editorial entitled "Simon Astigmatic."

Even the income groups that do purchase the greatest quantity of cars and houses are not likely to use their $200 rebates for such purchases. As Mr. Crane has indicated, the tax cut will have to be coupled with other measures if the aim is to give special stimulus to these particularly weak sectors of the economy. The automobile industry will have to be encouraged or required to produce cars with more efficient gasoline cosumption before Americans can be expected to increase their purchases of cars. Even appliances will not be purchased unless they are energy saving. Mortgage rates will have to be reasonable, and credit for home purchases will have to be made available before there can be a comeback in the housing industry.

Rebates to the rich are thus not justifiable on the grounds that Mr. Simon has given. No one will use rebates to purchase cars, houses, or even appliances until other measures are taken to make such investments more economically sound. Indeed, there is good reason to believe that tax rebates aimed primarily at the upper-income groups would result in less stimulus to the economy than those tax cuts aimed at middle- and lower-income families. People with relatively lower incomes consume a large proportion of their incomes. People in the upper-income brackets save more. As we have seen in the last few weeks, additional savings at this point will do the economy no good. Business is not going to borrow to invest so long as demand is so far down. Banks will not lend to many who do want to borrow because they are not considered "credit worthy" in these hard times. And if Mr. Burns' evaluation of what is going on in the banking community is correct money saved will sit in the banks—not stimulate the economy.

But the most important issue, as the editorial points out, is that Mr. Simon ignores the under $10,000 income Americans squeezed the most by joblessness and inflation. It is not a humane policy, and it is not a responsible policy to ignore the needs of those who have been hit hardest by higher prices, fewer jobs, and higher utility bills.

Mr. President, I ask unanimous consent that the full text of Jim Crane's editorial in the March 8 Ottumwa Courier, "Simon Astigmatic," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIMON ASTIGMATIC

(By Jim Crane)

Treasury Secretary William Simon showed Wednesday that he's suffering from statistical astigmatism. He's squinting so hard at the recession numbers that his vision is distorted.

In an appearance before the Senate Finance Committee he complained that the proposed $21.3 billion tax cut provides too much relief for families whose adjusted gross incomes are less than $10,000 a year.

He reasoned that since the recession can be blamed on a 34 per cent reduction in purchases of household appliances, cars and new homes, most of the tax cut ought to go to the families who buy those things—the families with adjusted gross incomes of between $10,000 and $50,000.

He urged the acceptance of President Ford's plan which would bestow 57 per cent of the tax relief on taxpayers making less than $20,000, but only 15 per cent on those families with incomes under $10,000. The House-passed measure now being studied in the Senate would give only 44 per cent of the relief to the $10,000 to $50,000 group.

Simon's theory of durable goods and middle-income purchasers smacks of elitism. In addition, Simon seems to think that a maximum rebate of $200 would greatly stimulate buying.

Perhaps the Administration should consider that few sensible Americans are going to commit themselves to the purchase of a new $5,000 Belchfire V–8 on the strength of a $200 tax rebate.

Since Congress and the Administration both are advocating measures that could push the cost of gasoline to $1 a gallon, many consumers are likely to hold off on buying new cars until they can tell what gasoline will cost and whether more economical cars will be available.

Some families might use the rebated tax money to buy major appliances, that's true. But Americans are becoming increasingly conscious of their utility bills and unless they can see that buying a new trash-smasher or a deep freeze will save energy or money, they're not likely to buy additional appliances.

But the major flaw in Simon's pitch to the finance committee is that he ignores the under-$10,000 Americans who are most cruelly squeezed by joblessness and inflation.

Sure, the current economic situation has caused many $10,000-plus families to defer buying a new car or a camper, but the under-$10,000 segment has had to default on bills, go on welfare, leave medical problems untreated.

The Administration's formula for beating the recession seems to hinge on socking the poor: Raise the price of food stamps, reduce Social Security payments, increase petroleum prices, allow food prices to climb.

And now the poor get a Simon haymaker on tax relief.

Simon's view of the tax cut is flawed and his understanding of the under-$10,000 segment of Americans is nonexistent.

PRICE ASSURANCE FOR FARMERS EQUALS FOOD INSURANCE FOR CONSUMERS

Mr. SYMINGTON. Mr. President, during February, editorials in two major Midwest newspapers reported and commented on rumors that farmers are organizing to reduce crop acres planted this year in order to maintain prices at least near their out-of-pocket production costs.

Both editorials, which appeared in the February 1 Kansas City Star and the February 26 Des Moines Register, report that increased grain production without some price protection would drive prices down far below cost of production.

The dilemma presented in these editrials is that, on the one hand, "The world's granaries are nearly empty," and on the other, that "Farm production costs are staggering and the farm, like any other business, must show a return."

As the Kansas City Star continues:

> One should keep in mind that the next step after cheap food could be a real shortage of food, not only in the developing nations but in more affluent circles.

I recommend these editorials to my colleagues as we prepare to consider farm legislation to provide producers with enough assurance on prices to stimulate production to an adequate level for domestic and foreign markets.

I therefore ask unanimous consent that these editorials be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Kansas City Star, Feb. 1, 1975]

Wariness on Full Crop Production

In a pragmatic and nonetheless potentially ominous turn of events, it appears that farmers in the vast and fertile Middle West are having second thoughts over maintaining full crop production in 1975. Undoubtedly they've been wtaching with keen interest and undisguised relief that they have escaped what overproduction has wrought in the livestock industry.

Another factor is the downturn in the tonnages of grain and soybeans currently being exported because of several factors. Among them are a reduced financial ability abroad to purchase raw foodstuffs and an overhanging congressional threat to impose outright export controls in an effort to keep food costs down. Of course, input shortages and cost increases like fertilizer and quality seed supplies also are part of the picture.

For the current marketing year the export of corn is down 37 million bushels; wheat, down 100 million bushels, and soybeans, down 27 million bushels. To be more specific, the People's Republic of China and the Soviet Union have canceled U.S. orders for wheat.

It is calculated by some agricultural economists that the cost of producing a bushel of corn, for example, will be $1.82 a bushel this year, based on Iowa land yielding 110 bushels to the acre. Corn still on the farm is selling for $1 or so over that figure, but corn and all other farmers are worried over what their selling price might be if this year turns out bumper crops.

The point now is being reached that a "grassroots" movement appears to be building to reduce corn production by 20 per cent. At least, that's the recommendation of the controversial National Corn Growers Association, headquartered in Iowa. Kansas wheat was seeded several months ago, but there are reports some of it either will be plowed up or grazed down on through the spring to avert a possible wheat glut.

To many, any actions like those are unthinkable at a time when so many millions of persons around the world are suffering from malnutrition or even starvation. Yet, self-preservation, physical and, yes, financial, are paramount human instincts, the latter reinforced by "steely-eyed" bankers. Farm production costs are staggering and the farm, like any other business, must show a return.

One should keep in mind that the next step after cheap food could be a real shortage of food, not only in the developing nations but in more affluent circles.

[From the Des Moines Register, Feb. 26, 1975]

Farmers Are Worried

Farmers in several important corn states, including Iowa, Nebraska and Illinois, are growing worried about the price of their main product. They are trying to mobilize farmers into an agreement to reduce acreage planted to corn this year.

Although corn production fell off drastically last year because of bad weather, the price of corn has sagged since harvest time. The sharp reduction in cattle feeding and weaker export demand for corn, due to the worldwide recession, have brought prices down. This alarms the corn producer, quite understandably.

The cost of producing corn has increased enormously in the last year, and there are no indications cost factors will come down this year. Fertilizer, insecticide, herbicide, power, labor—everything will be higher. Many capable farmers think they can barely make a profit at present prices of around $2.50 a bushel in central Iowa. They fear that a big harvest in 1975 would send prices below $2. (In October, corn was well above $3.)

The concern of farmers about future prices is warranted. The odds favor a big crop this year. If the weather is normal, and if planted acreage increases as expected, a crop of 6.5 billion bushes or more could be harvested. This would be about a billion bushels more than ever harvested before. The record is 5.6 billion in 1973, and the 1974 crop was 4.6 billion.

A billion-bushel increase in output would send prices down far below the cost of production. So farmers are trying to get together to cut acreage. It is obvious that the government will not activate the feed grain program and call for an acreage reduction.

We can thoroughly understand the fears of farmers and their purpose in reducing production. But it is a hopeless task to try to get the job done that way. Not enough farmers would cooperate to make the plan work. It would be impossible to get even a semblance of equality in acreage reduction.

To the extent that it did work, the plan would benefit most those farmers who did not cooperate. Under the federal program, every farmer who cuts acreage at least gets a payment for doing it. Attempts at voluntary production control by producers of a crop grown nationwide, such as corn or wheat, have always failed. The only possible way to get supply management in these crops is through government.

But is it wise to cut corn production this year, by whatever means? We think not. The world's granaries are nearly empty. Instead of trying to reduce output, every means ought to be taken to increase it. Let us get the 6.5-billion-bushel crop of corn if possible.

But it is unfair to ask the farmer to take the whole risk. The present corn loan and present level of "target" prices under the feed grain program are ridiculously low. The target price of $1.38 a bushel is far below the level that would provide assurance against risk for a farmer.

Therefore, we suggest that Congress substantially raise the corn loan from the present $1.10 to about $2 a bushel. The target price could be about the same or perhaps a little higher. These guarantees would give the producer confidence that a further severe break in corn prices would not be ruinous.

TAD SZULC ON CAMBODIA

Mr. McGOVERN. Mr. President, Tad Szulc, the distinguished writer on foreign affairs, has written a most perceptive account of the pattern of deception which has characterized American policy in Cambodia since 1969.

Mr. Szulc's article appearing in the March 15 issue of the New Republic is well worth the attention of every Members of Congress. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Trial of Deception

(By Tad Szulc)

US involvement in Cambodia began with a deception in 1969, and it appears to be ending now, six years later, in deception. Looking back, in fact, we've never been told much truth about Cambodia—neither by Presidents Nixon and Ford nor by Secretary of State Henry Kissinger.

The final deception is the extraordinary manner and circumstances in which a "civilian contractor" with strong ties to the Central Intelligence Agency was set up in business by the Pentagon to fly an arms and fuel airlift from a US air base in Thailand to Cambodia in violation of the spirit, if not the letter, of the law banning American military operations in Indochina. It is a transparent deception, but it has worked.

As we now know the original Cambodian deceptions were the secret B–52 bombings of the Khmer kingdom, starting in March 1969, and the simultaneous clandestine ground penetrations into Cambodia by US military intelligence teams. That was "Operation MENU," so secret that the air force used a double reporting system to cover up the missions.

Then there was Nixon's statement, as he announced the US "incursion" into Cambodia, that we had never before violated Cambodian neutrality. And Kissinger's assertion, when the Vietnam peace agreement was being signed in 1972, that a truce in Cambodia was also in the offing (he now thinks he was misled by Hanoi). And the deliberate obfuscation, still in effect, of our actual" commitment" to defend the Lon Nol regime.

If a commitment was made, it must have been a secret one, in which case Kissinger owes Congress and the public an explanation. If, on the other hand, there was no secret commitment, then the Ford-Kissinger rhetoric about US credibility and living up to our obligations to an "ally" simply doesn't wash. "Commitment" and "credibility" are the main justifications for the urgent request to Congress for the $222 million in additional military funds for Cambodia for the balance of this fiscal year.

Here are the administration's deceptions for 1975:

The US has a moral commitment to try to save the Pnompenh regime. This sidesteps the issue of a real commitment, if one exists. The same general approach applies to US commitments to South Vietnam (for which Mr. Ford wants an extra $300 million this fiscal year) although the General Accounting Office, the congressional watchdog body, said flatly in a recent classified report that the US has "no obligation" to replace equipment lost by Saigon in post-truce fighting.

As far back as last spring, the administration secretly set in motion plans to have a so-called civilian contractor fly military equipment to Cambodia aboard borrowed C–130 air force transports to get around the prohibition in the Foreign Assistance Act of "military or para-military operations by the US in or over Vietnam, Laos or Cambodia." Late last September, when the missions were launched, the Pentagon released information about the "civilian contractor" flights. It failed, however, to mention that the actual contract for the operation was yet to be formally approved by the air force (it was approved January 28, 1975) and that the civilian contractor had had close ties with the CIA's paramilitary activities in Indochina.

The argument, most recently advanced by the administration, that even if President Lon Nol (or his successors) wanted to negotiate with the Khmer Rouge rebels, he wouldn't know with whom to talk or to whom to surrender. This, too, is a deception because the US is perfectly aware that there exists a clearly identifiable rebel leadership under Khieu Samphan, a former member of the Cambodian National Assembly (until 1967) and now the commander-in-chief and "defense minister" of the Khmer Rouge. The rebels may no longer see a point in negotiating (though they might have done so as late as 1972, and thousands of Cambodian lives might then have been saved), but it may be helpful to recognize that there is a Khmer Rouge leadership. Samphan is supported by Hanoi and pays only lip-service to Cambodia's exiled Prince Norodom Sihanouk in Peking.

Of all the current deceptions, the most blatant one involves the "civilian contractor" who has been flying the Cambodian airlift at an exorbitant cost to the US taxpayer and, apparently, at a handsome profit to himself. Few details of this operation have been disclosed, but they are spelled out in the original contract between the air force and the civilian contractor and in other documents that I have.

The original contract with Birdair Company, providing for $1.76 million to fly "Airlift Support for Cambodia" between September 1, 1974 and June 30, 1975, was signed in Bangkok, Thailand, on July 11, 1974, by U.S. Air Force Master Sergeant Warren H. Shouldis, on behalf of the Pacific Air Force Procurement Center in Thailand, and William H. Bird, president of Birdair, a subsidiary of Bird and Sons, Inc. This is an Oakland, California-based company, that since 1959 has been engaged in the construction of short airstrips in Laos, reportedly in connection with the CIA's build-up of the "secret army" of Meo tribesmen, as well as in flying support missions for the agency.

Birdair, consisting of 22 aircraft, was sold in 1965 to Continental Air Services, a wholly owned subsidiary of Continental Air Lines, which during the Vietnam war had Defense Department and CIA contracts. Birdair's general manager at the time was Robert E. Rousselot, a former employee of Civilian Air Transport (CAT), the Taiwan-based airline owned outright by the CIA. William Bird himself had been CAT's Bangkok representative in the early 1950s.

In 1968 Bird revived Birdair and quickly obtained a contract with the Agency for International Development (AID) to fly helicopter resupply missions in Laos. He lost one of his six helicopters there. AID was often used as a cover by the CIA in Laos. So much for Birdair's background, though it should be added that, according to a Pentagon spokesman, the company was the only one acceptable to both Thai and Cambodian authorities when Kissinger and the Defense Department conceived the idea, early in 1974, to hire a "civilian contractor" to "demilitarize" the arms airlift to Cambodia.

The reason for this disguise, Pentagon officials say, is that some members of Congress were beginning to question the legality of the Cambodia airlift then flown by the air force. Besides, the administration worried that American soldiers might be killed. Hence the Birdair deception ploy. Because of the urgency in the cover-up, letters of intent were exchanged between the Air Force Procurement Center in Bangkok and Bird in May and June 1974, and, to avoid wasting time, the "definitized" contract was signed by the master sergeant, holding a procurement warrant, rather than by a commissioned officer. This, Pentagon officials say, is most unusual in a million-dollar contract though it's not necessarily illegal. "It was sloppy, hurry-up procedure," an official told me.

The contract is insistent upon the protection of the cover-up, providing that "all employees, servants and officers of the contractor or other persons or organizations employed by the contractor in performance of work or services rendered under the contract shall at all times be identified as employees, servants, officers, or agents of the contractor and shall not be considered as employees, servants, officers or agents of the US Government." Then there is another precaution: "The contractor shall not make any news releases pertaining to the services performed under this contract without prior approval of the Contracting Officer."

All this, of course, is designed to preserve the impression that Birdair's C–130 crews are civilians rather than US air force personnel. Pentagon officials have said that the pilots, co-pilots, flight navigators and flight engineers, and loadmasters were recruited by Birdair from the air force reserve. And an interesting clause in the contract provides that refresher physiological training for the crews "will be provided by the US Government at no cost to the contractor." This, air force officers say, is not a usual procedure for civilians. The contract also stipulates that the C–130s must carry Thai "secondary loadmasters," obviously Thai military personnel.

Birdair's contractual obligation is to fly airlift and airdrop missions with its crews. Planes may land only at Pnompenh's Pochentong Airport, but airdrop zones are designated in daily flight operations schedule orders by the commander, Thai Airlift Control Center, at U Tapao air base. The fact that these "frag" orders are issued by US officers—Birdair is obviously in no position to determine the missions—strongly suggests direct US involvement in the Cambodian war. Arms and ammunition are dropped by the C–130s over combat zones.

Birdair is richly paid for its services when one considers that its only overhead is the crews' salaries, accommodations and transportation. The US air force provides, at no charge, the C–130s, spare parts, fuel and maintenance. Besides, according to the contract, "the contractor shall not be liable for any loss, damage, or destruction of aircraft."

For its services Birdair receives $450 per flight hour under a schedule that provides for certain "minimum flight hours." If, for weather or operational reasons, Birdair is unable to fly the scheduled number of missions, "the difference between the actual hours flown and the established minimum hours will be invoiced . . . at the fixed rate of $381 per unflown hour." If the minimum flight hours are exceeded, "the difference between the minimum established flight hours and actual hours flown will be invoiced . . . at the fixed rate of $190 per hour."

"This is a sweetheart deal for Birdair," a Pentagon procurement specialist who studied the contract told me. Since it takes two hours to fly the round-trip between U Tapao and Pnompenh, Birdair gets about $900 for each completed mission. Although Birdair's rates are considerably less than the cost-per-mile for chartering a Boeing 707 cargo plane in the U.S.—a New York charter company charges the equivalent of $1250 per hour—the comparison is meaningless because a commercial operator provides his own aircraft, fuel and maintenance.

According to the Pentagon the maintenance and servicing cost of the five C–130s under the original contract was $1.26 million, borne by the air force, in addition to the $1.76 million paid Birdair. Pay to air force maintenance personnel was $677,160. The Defense Department says all the airlift costs come under the ceiling of the military aid appropriation for Cambodia.

The first Birdair mission was flown last September 26, but, as it turns out, only on October 7—two weeks later—was the air force able to fully phase out its own crews from the Cambodian airlift. One of the peculiarities of the original Birdair contracts is that although the airlift has been in operation since late September, it was approved officially only on January 28, 1975. That's the date on which Colonel R. B. Lovingfoss, director of procurement of U Tapao, signed the contract. Nobody seems to know why it took so long and whether the air force was acting legally in paying Birdair prior to the approval date.

In the first week of February, the original contract was expanded by one million dollars as seven C–130s were added to the airlift for what the Pentagon considered the critical period in Cambodia. Early in March Birdair was flying 30 daily missions using 12 C–130s. The extra cost to the air force was $900,000. By mid-February, before two *bona fide* civilian charter companies were added to the operation at a cost of $1.2 million, the Birdair airlift cost the U.S. taxpayer $5.59 million. This total, of course, does not include the cost of the equipment and fuel delivered to the Cambodians.

How long this immensely expensive airlift can continue obviously depends on whether Congress appropriates the additional money for Cambodia this year—and whether there is a regime left in Pnompenh to defend. But the Birdair operation will be remembered as the final Cambodian deception.

FEDERAL REGULATION OF CARDIAC PACEMAKERS IS INADEQUATE

Mr. RIBICOFF. Mr. President, I am releasing today the results of a 20-month General Accounting Office investigation in which the Food and Drug Administration was found not to comply with its own procedures in a life-threatening situation involving the recall of nearly 600 cardiac pacemakers by the General Electric Co.

According to GAO—

> FDA's recall procedures require FDA to take measures to insure that the defective products are promptly removed from the market and the cause of the defect is identified and corrected. FDA did not take such measures in connection with GE's recall of defective cardiac pacemakers.

The GAO investigation, which I initiated in July 1973, eventually was broadened to cover an additional 22,310 recalled pacemakers after GE and three other manufacturers issued subsequent recalls. Pacemakers are small, battery-operated devices which are surgically implanted to provide electronic impulses to regulate the heartbeat of cardiac patients.

Failure by the Food and Drug Administration to independently identify and correct the defect in the pacemakers has cost and jeopardized many lives. The facts in this investigation are shocking. They show that both the industry and the Federal regulators still have not corrected a defect that can be corrected. Public health and safety have been endangered for reasons that are not yet clear.

The GAO reported that many of the recalled pacemakers exhibited the same problem: damaged circuitry caused by moisture from body fluids that penetrated the cement seal of the devices. Such defective pacemakers can cause death or injury by inducing abnormally fast or slow heartbeats.

In addition to General Electric's medical systems division, Milwaukee, which recalled a total of 2,574 pacemakers, the other companies were Cordis Corp., Miami, Fla., 18,460; Biotronik Corp. of West Germany, 1,345; and Vitatron Medical, Inc., 506. The GAO investigation focused on FDA's role in the initial GE recall.

GAO found that FDA's investigation was hampered by the fact it lacked the legal authority to require pacemaker manufacturers to notify it of all recalls and to produce records and data relating to production and distribution of recalled pacemakers. The report made clear, however, that FDA did not exercise existing legal authority to inspect pacemaker plants, obtain samples of recalled devices, or run their own tests to determine the cause and to correct defects.

I ask unanimous consent that the digest and the conclusions and recommendations of the report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIBICOFF. The GAO report disclosed that—

> Although cardiac pacemakers have been marketed since about 1960, the Administration (FDA) had not established standards for their safety, manufacture, distribution and use.

In May 1974, FDA contracted with the Association for the Advancement of Medical Instrumentation to develop pacemaker standards.

However, the GAO investigators reported being told by an FDA official that—

> A standard for hermetically sealing—a process used by a number of manufacturers to protect the pacemaker circuitry from moisture—was not being developed as FDA believed such a standard might restrain manufacturers' efforts in developing a solution to the moisture problem.

According to the GAO—

> When the problem was first noted in the GE standby pacemaker in 1972, FDA did not make a thorough study of the problem but accepted GE's explanation that it was the result of a unique electronic phenomenon. Subsequent pacemaker recalls by other manufacturers for basically the same problem indicated that the problem could be widespread throughout the pacemaker industry.

FDA estimates that there are now 125,000 pacemakers in use in the United States. Each year, about 60,000 are surgically implanted, about half of which are replacements for pacemakers that must be removed before the batteries wear out.

According to the GAO, the Food and Drug Administration—although required by its own recall procedures—did not:

> (1) make a complete visual inspection of GE's manufacturing facility to determine the cause of the defect;
>
> (2) collect and examine samples of the recalled GE standby pacemaker to determine the need for regulatory action, and
>
> (3) make a public disclosure of the recall and verify that all physician consignees and pacemaker users received notification of the recall.

The GAO report also cited "the lack of FDA inspection guidelines, safety and performance standards and good manufacturing criteria."

The investigation focused on the operations of the FDA's Bureau of Medical Devices and Diagnostic Products, which monitored and investigated the pacemaker recalls. In other key findings, the GAO reported:

> The Bureau did not become aware of three of the recalls for periods ranging from 6 to 16 months after they had been initiated by the manufacturers because manufacturers are not required to notify FDA of their recalls.
>
> Information concerning possible violation of Federal conflict of interest statutes by two high-ranking employees of the Medical Devices Bureau was turned over by the GAO to the FBI for further investigation. The U.S. Attorney's Office in Baltimore, which covers Rockville, Maryland, where the Bureau is located, is expected to decide soon whether prosecution is warranted.

Mr. President, I have submitted the GAO report to the Secretary of Health, Education, and Welfare, who supervises the FDA, and to the four manufacturers of recalled pacemakers for their comments on its findings and recommendations.

I am asking for a full accounting of the number of deaths and injuries caused by the recalled pacemakers. I am also asking for a report on what corrective steps are being taken now to eliminate the moisture problem. After evaluating the responses, I will determine whether hearings and remedial legislation are needed.

I ask unanimous consent that my letter to Secretary Weinberger and a representative letter to the manufacturers be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON
GOVERNMENT OPERATIONS,
Washington, D.C., March 11, 1975.

Mr. REGINALD H. JONES,
Chairman of the Board, General Electric Co.,
Fairfield, Conn.

DEAR MR. JONES: I enclose a copy of a report issued at my request by the General Accounting Office dealing with the "Food and Drug Administration's Investigation of Defective Cardiac Pacemakers Recalled by General Electric Company."

The report contains serious findings as to the inadequacy of present FDA procedures for monitoring pacemaker recalls by General Electric and other manufacturers. The report also contains several recommendations for improving these procedures and for upgrading pacemaker standards generally.

A similar letter is being sent to the other pacemaker manufacturers mentioned in the report.

I would appreciate your commenting in detail on these findings and recommendations so that I and other members of the Government Operations Committee can give timely and comprehensive consideration to all aspects of Federal regulation of the pacemaker industry.

In particular, I request that your comments include:

1. A full accounting of the number of deaths and injuries associated with all pacemakers recalled by General Electric.
2. A status report on what steps are being taken now by GE to correct the moisture problem associated with the recalled pacemakers.
3. GE's position as to whether pacemaker manufacturers should be required to notify FDA immediately of any pacemaker recalls, and to make available all records and data pertaining to production and distribution of recalled pacemakers.

I would appreciate your submitting this

information to me, along with your detailed comments on the report, no later than April 1, 1975. The same request is being made of the other pacemaker manufacturers mentioned in the GAO report.

Thank you for your cooperation.

Sincerely,

ABE RIBICOFF.

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., March 11, 1975.

Hon. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. WEINBERGER: I enclose a copy of a report issued at my request by the General Accounting Office dealing with the "Food and Drug Administration's investigation of Defective Cardiac Pacemakers Recalled by the General Electric Company."

The report contains several serious findings as to the inadequacy of present FDA procedures for monitoring pacemaker recalls by General Electric and three other manufacturers. The report also contains several recommendations for improving these procedures and for upgrading pacemaker standards generally.

I would appreciate your commenting in detail on these findings and recommendations so that I and other members of the Government Operations Committee can give timely and comprehensive consideration to all aspects of Federal regulation of the pacemaker industry.

In particular, I request that your comments include:

1. A full accounting of the number of deaths and injuries associated with all pacemakers recalled by the four manufacturers.
2. A status report on what steps are being taken now by FDA and the manufacturers to correct the moisture problem associated with the recalled pacemakers.
3. Your position as to whether pacemaker manufacturers should be required to notify FDA immediately of any pacemakers recalls and, to make available all records and data pertaining to production and distribution of recalled pacemakers.

I would appreciate your submitting this information to me, along with your detailed comments on the report, no later than April 1, 1975.

Thank you for your cooperation.

Sincerely,

ABE RIBICOFF.

EXHIBIT I

[Comptroller General's Report to the Chairman, Committee on Government Operations, U.S. Senate]

FOOD AND DRUG ADMINISTRATION'S INVESTIGATION OF DEFECTIVE CARDIAC PACEMAKERS RECALLED BY THE GENERAL ELECTRIC CO.

DIGEST

Why the review was made

GAO was asked to review the Food and Drug Administration's activities involving regulation of cardiac pacemakers. Specifically, it was requested for information concerning the Food and Drug Administration's efforts to investigate General Electric Company's recall of malfunctioning cardiac pacemakers and establish safety and performance standards for pacemakers.

Findings and conclusions

The Food and Drug Administration, a constituent agency of the Department of Health, Education and Welfare (HEW) is responsible under the Federal Food, Drug, and Cosmetic Act (FD&C Act) for regulation of medical devices (including cardiac pacemakers) that are shipped in interstate commerce.

The Administration's Bureau of Medical Devices and Diagnostic Products in Rockville, Maryland, administers the Food and Drug Administration's program for regulating medical devices.

The Administration can initiate legal actions—prosecutions, injunctions, and seizures—through the Department of Justice, when it considers medical devices to be adulterated or misbranded, but does not have recall authority.

Recalls of products are made by the voluntary action of manufacturers. The Administration monitors manufacturers' recalls to determine whether recalled products pose any potential hazard to health and to insure that recall actions will be successful in protecting consumers.

In January and April 1972, General Electric Company recalled about 574 implantable standby cardiac pacemakers—model A2072—because abnormally high pacing rates caused by the presence of moisture, which, in combination with other factors, affected the pacemaker's performance.

Of the 574 pacemakers, 352 were implanted in people living in the U.S. and the rest were distributed to foreign countries or held in General Electric's inventory.

Overall Findings

The Administration needs to strengthen its regulation of implantable cardiac pacemakers. Its recall procedures call for measures to insure the prompt removal of defective products from the market and the identification and correction of the cause of the defect. The Administration did not take such measures in connection with General Electric's recall of defective cardiac pacemakers.

Inspection of General Electric's Manufacturing Facility

Recall procedures require that the Administration conduct an in-depth inspection of the manufacturing facility in which the recalled product was produced. The Administration's authority with regard to medical devices is limited to visual inspection of the manufacturing facility.

The Administration initiated its investigation after learning of the recall on April 8, 1972, from various newspaper articles.

The Administration's visual inspection of General Electric's manufacturing facility was not complete in that it did not include an inspection of the area used for life-testing pacemakers.

According to an Administration official, an inspection of this area was important for determining the cause of the defect. Also, Administration district office officials indicated that the Administration had not issued good manufacturing criteria for pacemakers.

They also said Administration inspectors needed additional guidelines, training, and experience to effectively conduct inspections at manufacturing facilities in which complex medical devices such as cardiac pacemakers are produced.

Collection and Examination of Pacemaker Samples

The Administration's recall procedures require that any Administration district office involved in a recall promptly collect and examine samples of the recalled product. According to the Administration's Inspection Operations Manual the collection and examination of a recalled product can provide tangible evidence of adulteration or misbranding and could serve as the principal basis for determining the need for regulatory action.

An Administration official said that he did not believe the Administration needed to examine samples of the recalled pacemaker to determine that it was defective, as General Electric informed the Administration that several recalled pacemakers would fail.

Although a manufacturer reports a problem concerning its products, the Administration should examine samples of the recalled product to determine the need for regulatory action.

Public Disclosure

At the time of the recall, the Administration's recall procedures required the Administration, in all life-threatening situations, to: place a notice of the recall on a recall list for distribution to the trade press and selected Government agencies and issue a public warning through the news media.

Although General Electric's pacemaker recall involved a life-threatening situation, the Administration did not comply with its procedures.

According to an Administration official failure to place a notice of the General Electric pacemaker recall on a recall list was due to an administrative oversight.

A public warning was not issued through the news media because General Electric had already issued a warning to each user's physician. GAO noted, however, that one pacemaker user was not located through General Electric's efforts.

In September 1973 the Administration revised its recall procedures to require public warnings only when there is a need to alert affected parties.

In lieu of a public warning, the Administration may issue a statement of facts to the appropriate segment of the public affected by a recalled product without alarming others not involved in the recall.

Because of the concern that such procedures could withhold from the public vital information concerning a defective and potentially hazardous product, legislation (H.R. 216, 94th Congress, and H.R. 10916, 93d Congress) has been introduced to prohibit the Administration's withholding such information from the public.

Investigation of Effectiveness of General Electric's Recall

The Administration's recall procedures require that it investigate the effectiveness of a manufacturer's product recall.

In a case involving an imminent hazard to health, the recall procedures required the Administration to contact all of the product consignees (i.e., physicians and hospitals) to insure that the consignees had received notification of the recall and to develop information concerning injuries and complaints associated with the product.

The Administration did not contact all of General Electric's pacemaker consignees but found that at least five physician consignees had not received notification of the recall from General Electric.

Therefore, the Administration did not develop complete information on injuries and deaths associated with the 352 pacemakers that were distributed in the U.S.

The Administration made investigations involving 68 of the recalled pacemakers. According to Administration records, seven deaths and two injuries were attributed to the defective pacemaker.

The Administration did not conduct investigations in connection with the remaining 284 recalled pacemakers that were distributed in the U.S.

The Administration's Evaluation of Need for Regulatory Action

The Administration cited General Electric for violations of the adulteration and misbranding provisions of the FD&C Act involving four of the recalled pacemakers that were associated with users' deaths.

On the basis of the information obtained from General Electric during hearings regarding the citation and other information obtained during the Administration's investigation, a determination was made that legal action against General Electric was not warranted.

HEW's Assistant General Counsel, Food and Drug Division, was not consulted regarding need for legal action in this case. According to the Assistant General Counsel, there may have been a basis for prosecution against General Electric.

A complete review of the case, however, would be necessary before such a determination could be made. The Assistant General Counsel believed the case was too old to reopen.

Because determinations as to whether a manufacturer should be prosecuted for misbranding or adulteration violations of the FD&C Act often require technical legal considerations, the Administration's legal counsel should be consulted concerning such determinations.

Subsequent Pacemaker Recalls

Since General Electric's 1972 pacemaker recall, General Electric and three other manufacturers—Cordis Corporation, Biotronik Corporation and Vitatron Medical, Incorporated—have recalled about 22,310 pacemakers.

These pacemakers have exhibited a variety of problems, including the presence of moisture which in combination with other factors, affected the pacemaker's performance.

Because manufacturers are not required to notify the Administration of their recalls, the Administration did not become aware of three of the recalls until 6 to 16 months after they had been initiated.

As of February 1975, the Administration was in the process of investigating these recalls. (See pp. 16 to 18.)

Pacemaker Standards

Although cardiac pacemakers have been marketed since about 1960, the Administration had not established standards for their safety, manufacture, distribution and use. Such standards are necessary to help insure that marketed cardiac pacemakers are safe, reliable, and effective.

In May 1974 the Administration awarded a contract for the development of pacemaker standards.

Standards under development do not include a standard dealing with the problem of moisture which affected the performance of many of the pacemakers that were recalled. Inasmuch as moisture was a significant problem, moisture standards should be developed along with inspection guidelines and good manufacturing criteria.

Recommendation to the Secretary of Health, Education, and Welfare

The Secretary, HEW, should direct the Commissioner of the Food and Drug Administration to—

Make a concerted effort to insure compliance with the requirements of the Administration's recall procedures.

Establish guidelines and provide training needed for the inspection of pacemaker manufacturing facilities and equipment.

Establish good manufacturing criteria for pacemakers.

Make a public disclosure through the news media or a statement of facts to all affected parties (i.e., physicians, hospitals, or consumers) to insure timely notification of potentially hazardous products.

Require the Administration's legal counsel be consulted before a final determination is reached as to whether a manufacturer should be prosecuted for violation of the FD&C Act.

Establish pacemaker safety and performance standards to reduce or eliminate the risk of injury or illness to potential pacemaker users.

CHAPTER 5—CONCLUSIONS AND RECOMMENDATIONS

FDA needs to strengthen its regulation of implantable cardiac pacemakers. Since GE's 1972 recall, GE and three other manufacturers have recalled about 22,310 pacemakers many of which exhibited the same basic problem—shunting due to accumulation of moisture on the pacemakers circuitry. When the problem was first noted in the GE standby pacemaker in 1972, FDA did not make a thorough study of the problem but accepted GE's explanation that it was the result of a unique electronic phenomenon. Subsequent pacemaker recalls by other manufacturers for basically the same problem indicates that the problem could be widespread throughout the pacemaker industry.

Because defective pacemakers present a serious risk to consumer's health, it would seem especially important for FDA to take prompt, effective measures during a recall to insure the safety of the consumer. With regard to GE's 1972 pacemaker recall, FDA did not fully carry out the requirements of its recall procedures which are intended to minimize risks to consumers.

Although required by its recall procedures, FDA did not (1) make a complete visual inspection of GE's manufacturing facility to determine the cause of the defect, (2) collect and examine samples of the recalled GE standby pacemaker to determine the need for regulatory action and (3) make a public disclosure of the recall and verify that all physician consignees and pacemaker users received notification of the recall. Also, the lack of FDA inspection guidelines, safety and performance standards and good manufacturing criteria for complex medical devices such as pacemakers limited the effectiveness of FDA's investigation of the pacemaker recall.

Standards presently under development do not include a standard dealing with the problem of moisture which affected the performance of many pacemakers that were recalled. Inasmuch as moisture was a significant problem, we believe moisture standards should be developed along with inspection guidelines and good manufacturing criteria.

FDA's legal counsel was not consulted regarding the legal requirements for enforcing the misbranding and adulteration provisions of the FD&C Act. Because determinations as to whether a manufacturer should be prosecuted for misbranding or adulteration violations of the FD&C Act often require technical legal considerations, FDA operating personnel should consult with legal counsel concerning such determinations.

FDA lacks authority to review a manufacturer's records and data relating to the production and distribution of pacemakers and to require manufacturers to promptly notify FDA of all recalls. Such authority could strengthen FDA's regulation of pacemakers. Legislation introduced in the 94th Congress (S. 510) would provide FDA with such authority.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to—

Make a concerted effort to insure that the requirements of FDA's recall procedures are complied with.

Establish guidelines and provide training needed for FDA inspections of pacemaker manufacturing facilities and equipment.

Establish good manufacturing criteria for pacemakers.

Make a public disclosure through the news media or a statement of facts to all affected parties (i.e., physicians, hospitals, or consumers) to insure timely notification of potentially hazardous products.

Require that FDA's legal counsel be consulted before a final determination is reached as to whether a manufacturer should be prosecuted for violation of the FD&C Act.

Establish pacemaker safety and performance standards to reduce or eliminate the risk of injury or illness to potential pacemaker users.

GLASGOW HIGH SCHOOL—QUITE A RECORD

Mr. SYMINGTON. Mr. President, at a time when most of the news ranges from gloomy to downright depressing, it is indeed refreshing to read an item such as that which appeared recently in the Columbia, Mo., Daily Tribune.

This article tells of Glasgow, Mo., and the incredible winning basketball team that has made that famous river town even more famous and greatly increased the community pride of its citizens.

According to the article, the Glasgow High School "Yellowjackets" have had a winning streak of 56 games. Since that article was published, however, that team has won seven more, putting them within two games of beating the all-time State high school record, now held by Bradleyville High School.

I ask unanimous consent that the article referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GLASGOW: THE TOWN AND THE TEAM

(By Tom Marshall)

GLASGOW.—Driving from the west on state highway 240. Crossing the Missouri River on the world's first all-steel bridge.

Past the bridge. Past the city limit sign and the little sign saying the water supply has been approved by the state health department.

A 180-degree turn, curving under the railroad half of the twin-bridge span. Back toward the main street of the town.

On the left, between the street and the river, the huge grain elevators, filled with their winter store of corn, carrying on their off-season trade. Bird speck at the spillage under the sign that proclaims the community to be "The Corn Capital of Missouri."

Up First Street. Cars and pickup trucks angle back from the sidewalk, the streets filled with people.

Welcome to Glasgow.

For years, ever since Glasgow was founded in 1836, folks have journeyed to this mid-Missouri town for various reasons.

Civil War battles were fought across the river here, about 40 miles northwest of Columbia, and the all-steel bridge was quite an attraction when Gen. William Smith, engineer, built it for the Chicago & Alton Railroad in 1891. More recently, those gigantic bins, with their two avenues of commerce (the river on one side and the highway on the other) have kept Glasgow, population 1,336, prosperous.

Oh, yes—one other thing. Glasgow High School has a basketball team, the Yellowjackets. that has won 56 consecutive games during the past two seasons.

That streak is eight games short of Bradleyville's all-time Missouri high school record. The Yellowjacket streak started with the first game of the 1973–74 season, and Glasgow could tie Bradleyville's record in the sub-state finals at Kirksville March 12.

Glasgow could win its 65th consecutive game in the state semifinals at Columbia March 14.

More than the bridge, the bins or the business, that streak has brought the attention of all Missouri to the little town of Glasgow.

"Baskeball has certainly made Glasgow known around the state," says Jess Walters, superintendent of the Glasgow R–II school district. "Now they know us for basketball instead of just corn."

Walters, 24 years a school superintendent, was understandably proud when the Yellowjackets finished a 33–0 season last March by winning the state class A championship with a 78–73 victory over Greenfield. So proud, in fact, that he kept the state championship trophy in his office for three months after it was awarded.

"Well, it had to be engraved, you know," Walters says sheepishly. "Then we could put it out on display."

If Walters is proud, so is the rest of the community of Glasgow.

"It's a matter of hometown pride," says Henry Himmelberg, who runs Henry's Clothing Store on First Street. "Pride and accomplishment. We're proud of the guys who are doing the job and the way they're doing it.

"They're putting Glasgow on the map with their accomplishments."

Harley Gebhardt, himself a Glasgow High graduate, looks out at the Missouri River from his executive vice-president's office at the Glasgow Savings Bank and says, "The team's made the community very proud, and the increase in community pride has been tremendous.

"Finally, we've achieved some status among the bigger cities of Missouri, publicity-wise at least. And it's come from a wholesome activity."

Joe Young, publisher of the Glasgow Missourian, says, "This town has, well, just been a basketball town for the past 10 years.

"The people here have always been basketball fans. Now, with this record, they're really nuts."

They're nuts, alright. And staunchly loyal.

"As far as Glasgow knows, there are no strangers," assistant chief of police Randy Elam says. "I think the whole attitude of the town is friendly toward newcomers.

"Now they do boo the other team sometimes, but I don't think it's meant to be derogatory. It's just habit."

Another habit is winning.

The streak. Another possible state championship. How many points will Lawrence Butler, Glasgow's star player, score tonight? That's what's on the mind of the people of Glasgow.

"Right now, I don't think it's bothering our kids," says Dick Royston, the Yellowjackets' head coach.

"The main effect is that everybody's read about it, and now they want to beat us. Right now, Glasgow is the bad guys and everybody else is the good guys."

The 27-year-old Royston, in his third season as head coach at Glasgow High, enrollment 218, tried to put the streak and another state title into proper perspective for his players.

"If we've got the kind of pride I think we do, maybe the kids will grab hold of this. Maybe they'll realize they can get something a little more historical than just winning a couple of basketball games.

"If we lose," Royston says, "we just lose. We'll say we're glad we got as far as we did."

Most of the townspeople, however, don't expect that to happen very soon.

"I think they'll win it (the state championship)," Elam says. "Unless something drastic goes wrong."

Bob Reuther, a former mayor of Glasgow, played for Yellowjacket teams in the mid-40's. He owns Reuther Chevrolet. "I think most of the people, including former players, have come to expect good teams," Reuther says.

"But when they're going like this, it's hard to get used to. You think, surely this can't go on. But it does."

Charlie Walkup, owner of Charlie's Quik Chew, says, "If they're aware of it, people are more pepped up about that winning streak. I think that may be a little more important than that state championship."

To Royston and his players the streak is important, but it is secondary to their main goal.

"Our concern is pinning another one of those state championsthip flags on the wall," Royston says.

He looks at the schedule-calendar hanging on the wall of his office. After each opponent, the score is neatly written, followed by a "(W)." There hasn't been an "(L)" since February 28, 1973, when Glasgow lost to Westran, 62–48, in the finals of the sub-state tournament at Kirksville.

"There's been L's before," Royston says. "From a strictly pragmatic point of view, a loss would reduce whatever pressure there is on us to keep the streak alive.

"If we had a loss, it would show us that we're not invincible, but it would also leave a bad taste in our mouth. It would spoil what we like—and that's to keep our slate clean.

"I've said at the beginning, I've said all along, and I'll continue to say: you can't expect not to lose over a long period of time."

The players seem to agree with Royston's point of view.

"You know that everybody's heard of Glasgow," senior guard David Holtwick says. "And that makes you feel good.

"It'd be awful to lose, but I'd rather lose a game before the state tournament, if we had to."

Butler, the team's leading scorer, quickly adds, "Yea, but we don't want to lose at all. When we lose, everybody would be down on us."

The last time anybody asked, nobody was down on Butler, known by his teammates and around Glasgow simply as "L.B." or "B."

And the fans, especially the kids, love to watch the smooth, 6-foot-3, 185-pound Butler, wearing his No. 32 and scoring his 30 points a game. During the warmup they hang over the rail of the balcony in Glasgow's three-year-old gym, hollering, "L.B., L.B.

"C'mon, B.," they say. "Stuff it."

Little do they know that a stuff—which L.B. could certainly produce if he should so desire—would cost Glasgow a technical foul.

B. goes on warming up.

A couple of hours later, Butler has his 30-or-so points. On one typical night recently, Butler scored 34 points, hitting on 16-of-19 field goal attempts and 2-of-2 free throws.

"No doubt Butler's scored more points than any other Glasgow player," says Phillip Thierfelder, a long-time Yellow-jacket supporter.

More than any Glasgow player. More than 2,000 points. As of Thursday, Butler had scored 2,043 points in his three varsity seasons at Glasgow.

"I started coaching him in the eighth grade," Royston says. "At that time, he was good, but not disciplined and not under control at all.

"When Lawrence was little, he played with the older kids in his neighborhood."

And in Butler's neighborhood, basketball is the order of the day—every day.

"Last year, I played a lot in the summer when everybody was out working," Butler says. "Not that I was trying to get out of work, but I'd rather play ball.

"After my sophomore year, I played more in the summer because I wanted to be better my junior year. I played outside in the evening when it would get cool."

Royston says the problem that sometimes exists between a star and his teammates does not exist at Glasgow.

"He gets along very well with his teammates," Royston says. "I feel like they would not like it at all if he was not around."

Senior forward Dennis Hagedorn agrees. "We know B. can shoot and score. We figure if he's got a 15-footer from the corner, he should take it."

And Holtwick says, "When we go out to play, we know L.B.'s going to get a lot of points.

"But say if Lawrence got 30 and Freddie (Davis) got 20, I might go up to Fred and congratulate him and not say anything in particular to Lawrence, because 30 points—well, that's just Lawrence."

Butler realizes he can shoot, and he likes that. "I like to score, but I just go out and try to play my best."

Butler's best, along with that of his teammates, has helped produce the 56-game win streak that has affected the players and the town of Glasgow.

"People constantly talk to you about it," Hagedorn says. "All the time, they come up to you and ask how you're going to do tonight.

"People at school are always wondering if we're going to go all the way.

"But the attention is real good," Hagedorn says. "Very few schools get that much (attention). It may even help your play sometimes.

"Other teams are bound to get up for you, though," he says. "At times, it's harder to win. We know and realize that we've got to play well, and most of the time we do."

Royston says, "How the team does is the topic of conversation and talk in town. Everybody knows what happens. Even if you didn't go to the game, it doesn't take long to find out what happened."

How does success affect Glasgow?

"I don't think this town is as affected by it as another might be because of the tradition," Royston says. "Since the late '50s Glasgow has always had at least about 15 wins a season. Last year was the 13th in a row that we've been to the regional finals.

"So the town is used to a winning program here. I don't think theirs is the rah-rah type of excitement that you might find in another town.

"It's not that they're not excited," Royston says. "But when we play a weak opponent, it shows in the crowd. At a big game, though, it's really full.

"Overall, they support us real well."

Win or lose, there's some people in Glasgow who would support the Yellowjackets regardless of their record and achievements.

Phillip and Mildred Thierfelder have missed few Glasgow High basketball games during the past 25-or-so seasons. Both at home and on the road, the Thierfelders are there watching and cheering for the Yellowjackets.

And, being a Glasgow fan recently has been fun.

"It's the talk of the town," Phillip says. "You hear it every place you go.

"Why, the other day I was down at the K-Mart in Columbia, and there were people there you'd never seen talking about Glasgow."

Mildred adds, "When you go someplace and people ask you, 'Where are you from?' and you tell 'em Glasgow, they usually say, 'Oh yea, we know all about Glasgow.'"

Like everyone else the Thierfelders are concerned about the streak—repeating as state champs.

"The team's got the pressure on them," Phillip said, "If we lost, it'd hurt the fans as much as the players.

"That's our goal, you know—to break Bradleyville's record, being as how we've gone this far."

Mildred agrees with her husband. "It's gonna be a sick bunch when they do lose a ball game," she says. "He (Phillip) would go just as much if they lost, though."

If the Thierfelders are Glasgow's No. 1 fans, then the gang at Charlie's Quik Chek is No. 1-A.

"Sometimes they (the Thierfelders) go in mid-afternoon to get a seat," says Charlie Walkup. "I go to most of the home games, and try to get to some of the out of town, depending on how I am at the end of the day.

"Here, we're all pretty enthused and have been," he says, "as are most of the people I talk to.

"People who aren't even interested go, considerably more than used to."

Charlie Yung, a butcher at the Quik Chek, is Walkup's companion at many of the Yellowjacket games. "I'm not too sure this team isn't better than last year's," Yung says.

"During the season, it keeps everybody in town really interested. During the summer, the talk is year to year."

What were the people of Glasgow interested in before basketball?

"By golly, I just don't know," Walkup says. "There's no country club, no fishing, no football. Well, in the summer several years ago, we had a pretty good semi-pro baseball team."

But basketball's the thing. Though Walkup supports the team as much as anyone, he tries to keep a low profile.

"I didn't take in the festivities at the high school after the state championship last season," Walkup says. "Winning the championship was the big thing as far as I was concerned. And that other was nice, but kind of anti-climactic.

"Us at the store and Leroy Sanders down at the Tip-Top Cafe did treat the boys to dinner (after the state tournament), though."

Down at the Tip-Top the other night, the early evening patrons were beginning to come in out of the cold of First Street for a meal in the town's only restaurant.

The Yellowjackets had a home game scheduled to begin a couple of hours later and, predictably, that's what the farmers with their mud-caked boots, the family with the crying baby and the traveling salesman were discussing.

Then, an old black man trudged in, doffed his hat, and ordered stew and a beer at the bar. As the beer (maybe not his first) started to take effect and the stew was eaten, Crocky Paine started talking to himself.

How do you know he was talking to himself? Because someone asked him whom he was talking to, and he said he was talking to himself.

"Weellll, think we'll win tonight?" Crocky asked Crocky. "Yeeaaaa, I 'spect so.

"I'll bet you $1,000 we'll win.

"C'mon, make a bet!

"I'll bet my LIFE we gonna win tonight."

There were no takers.

But then, that's not really too surprising. You'd be crazy to bet against the Yellowjackets.

THE WINNING STREAK

1. Glasgow 88, Northwestern 51.
2. Glasgow 68, Cairo 58.
3. Glasgow 69, New Franklin 43.
4. Glasgow 51, North Callaway 37.
5. Glasgow 56, Westran 55.
6. Glasgow 75, New Franklin 45.
7. Glasgow 74, Fayette 62.
8. Glasgow 61, Boonville 54.
9. Glasgow 63, Brunswick 59.
10. Glasgow 83, Tipton 65.
11. Glasgow 76, Salisbury 41.
12. Glasgow 80, Keytesville 51.
13. Glasgow 73, South Callaway 46.
14. Glasgow 79, Eldon 53.
15. Glasgow 63, California 44.
16. Glasgow 64, Fayette 52.
17. Glasgow 69, Northwestern 34.
18. Glasgow 66, Salisbury 59.
19. Glasgow 62, Cairo 57 (2OT).
20. Glasgow 99, Brookfield JV 37.
21. Glasgow 57, Cairo 45.
22. Glasgow 71, Westran 50.
23. Glasgow 65, Brunswick 45.
24. Glasgow 67, New Franklin 48.
25. Glasgow 97, Keytesville 51.
26. Glasgow 102, Kemper 26.
27. Glasgow 102, Keytesville 77.
28. Glasgow 82, Slater 55.
29. Glasgow 73, Brunswick 65.
30. Glasgow 57, Cairo 38.
31. Glasgow 86, Green City 67.
32. Glasgow 76, Smithton 66.
33. Glasgow 78, Greenfield 73.
34. Glasgow 83, Keytesville 68.
35. Glasgow 64, Brunswick 44.
36. Glasgow 70, Northwestern 52.
37. Glasgow 57, North Callaway 47.
38. Glasgow 76, Cairo 54.
39. Glasgow 89, Bunceton 33.
40. Glasgow 77, Brunswick 35.
41. Glasgow 77, Pilot Grove 53.
42. Glasgow 75, New Franklin 50.
43. Glasgow 77, Tipton 61.
44. Glasgow 86, Salisbury 50.
45. Glasgow 82, Keytesville.
46. Glasgow 84, Russellville.
47. Glasgow 67, Boonville 45.
48. Glasgow 71, Rock Bridge 57.
49. Glasgow 68, Northwestern 41.
50. Glasgow 85, Cairo 60.
51. Glasgow 151, Westran JV 25.
52. Glasgow 91, Keytesville 74.
53. Glasgow 78, Cairo 65.
54. Glasgow 79, Salisbury 47.
55. Glasgow 87, Brunswick 42.
56. Glasgow 100, New Franklin 41.

THE NATION ON CAMBODIA

Mr. McGOVERN. Mr. President, for many years the Nation magazine has been in the forefront of enlightened and sometimes prophetic commentary.

The March 8, 1975, issue of Nation carries a most timely warning on our present involvement in Cambodia. I ask unanimous consent that this brilliant editorial entitled "Kissinger's War," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KISSINGER'S WAR

Henry Kissinger may yet have his Dien Bien Phu. The pattern is the same as it has been for more than twenty years; only the location is different. Just as first French and then American Governments wasted lives and treasure while razing most of a nation in Vietnam, refusing to relent, so Kissinger and his supporters in the White House are intent on destroying lives, property and American funds in Cambodia. If anything, the destruction of Cambodia is more irrational. The tool on the Cambodians is certainly higher, if such things can be measured. That American soldiers are not dying only makes continued intervention the more grotesque.

That America has no foreign policy, not even a coherent cold-war strategy, is a thesis stated and defended by David Edwards in this issue (p. 263). The truth of the charge is most clearly and most hideously evident in Cambodia. We have no "agreements" to honor there, as successive administrations claimed there were in Vietnam. There is no Gulf of Tonkin Resolution giving legal trappings to an illegal war. In Cambodia, the law which forbade continuing American overt intervention has been circumvented. Sydney Schanberg reports in *The New York Times* that Bird Air, a "civilian" airline staffed by "retired" Air Force pilots, flying Air Force planes with the insignia painted out, is shipping weapons to Lon Nol. The American-backed corrupt regime controls only the capital and a few other towns and commands something less than the "hearts and minds" of the people. According to Anthony Lewis (also in the *Times*) nearly $7 billion has been spent in Cambodia, more than two-thirds of it for bombs. The cost to the Cambodians has been much higher: in a country that, before the American intervention, had a population of about 7 million, some 700,000 have been killed or wounded. A Senate committee reports that just under half of all Cambodians have seen their homes destroyed by war.

The agents of Kissinger's foreign policy—including the President in his barnstorming appearances—are asking for yet another $222 million to kill more Cambodians, perhaps because in the absence of an authentic foreign policy they see no alternative save to admit error, pack up and allow the remaining able-bodied Cambodians to work out their own solution. That probably would mean a reinstitution of the government of Prince Sihanouk, whose right to power the rebels seem to be promoting.

But it would probably also mean, for once, a clear-cut defeat of the Kissinger foreign policy. Cambodia was first brought into the war by Kissinger in 1970 when President Nixon approved the initial overt "incursion" there. By any standard, it was a mistake.

Henry Kissinger does not want peace in a Cambodia led by Sihanouk. But he can't win in Cambodia and there are indications that, short of full-scale American invasion, he will soon lose. That the war serves no ideological aim is compatible with Kissinger's scorn of ideology as a basis for power politics. Anthony Lewis calls the continued American involvement in Indochina "Mr. Kissinger's War." Hundreds of thousands bleed and starve and die there only to maintain our Secretary of State's reputation as the world's top gun.

RULES OF THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the Committee on the Judiciary, at a meeting held March 12, 1975, adopted the procedural rules for the committee.

I ask unanimous consent that the rules be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

COMMITTEE RESOLUTIONS

Resolved, by the Committee on the Judiciary, That, pursuant to subsection (3) of rule XXV, as amended, of the Standing Rules of the Senate (S. Res. 180, 81st Cong., 2d sess., agreed to February 1, 1950) a quorum of the committee, or any subcommittee thereof, for the purpose of taking sworn testimony shall consist of one Senator of said committee.

Resolved, by the Committee on the Judiciary, That the committee shall not take any action with respect to any report pertaining to an inquiry or investigation conducted by any subcommittee, unless, at least one day before such action is taken, a copy of such report is furnished to each member of the committee. If, within 24 hours after a copy of any such report has been furnished to any member as herein provided, the member shall request that action be deferred thereon, no action shall be taken by the committee on the report prior to the 14th day after the day on which the report was furnished to the member or members requesting the deferral, unless an earlier date is specified by such member or members.

Sec. 2. For the purpose of this resolution, a copy of any report may be furnished to a member by (1) delivery to the member, or (2) delivery to the office of the member during office hours.

Resolved, by the Committee on the Judiciary, That the Internal Security Subcommittee shall, during the 94th Congress, continue its practice of conducting a hearing in executive session with each witness it subpenas, prior to any hearing of such witness in open session.

THE ENERGY GLUT

Mr. RIBICOFF. Mr. President, the Economist of London is one of the most preceptive journals in the world. With energy being one of the basic issues confronting not only the United States, but the entire world, the article entitled, "The North Sea Bubble," from the March 8 issue of the Economist is worthy of your attention. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NORTH SEA BUBBLE

History is being swayed by the increasing capability of important groups to con each other and themselves that they are observing the precise reverse of what is actually happening. In oil what is happening is that the world is now trying to produce about 20 per cent more than people are willing to buy while the price of oil is around $10 a barrel, and that some glut of present productive capacity would probably persist even if the price dropped to $3–$4 a barrel. Medium-term energy policies all over the world are now geared to making this present glut enormously greater with every year that passes.

Under one of these policies the world's governments may—as a diplomatic ploy, perhaps rightly—sign Mr. Henry Kissinger's piece of paper pretending that all this generation's successors in business and government will promise to pay through the 1980s perhaps $7 a barrel, maybe index-linked, for a commodity which costs 10 cents a barrel to produce in much of the Middle East and whose marginal operating costs (once rigs are in place, and it costs money to stop pipelines) are sometimes barely over two cents a barrel. If there is an index-linked floor price of $7 a barrel, then it is probable that more than half of the productive capacity of primary energy either already existing or now planned for the early 1980s will have to be held or edged out of production; indeed Mr. Kissinger's objective in talking about $7 a barrel is precisely to create such a glut.

People can believe if they wish that the capacity declared redundant will not then be the expensive (and rising-marginal-cost) capacity like Alaska and the North Sea plus the high wage coal mines of Britain and America. People can believe if they wish that countries like Japan will be bound by a piece of paper saying that they must buy oil at $7 a barrel when marginal producers will be offering it at a price based on costs less than one-seventieth of that, and that Japan's competitors will then allow their own energy costs to stay up to 70 times more expensive than hers. People will believe what they want to believe, including dear delusions.

In the rush to oil glut in the last 18 months there have been four main self-deluders (oil companies, governments of producing and consuming countries, journalists), just as there were four in the exchange-rate farce that preceded it (central banks, governments with strong and weak currencies, journalists). Both these stories began with the breakdown of a longstanding, because restrainedly canny, restrictive practice (oil companies' rigging of world oil prices against the Arabs before Yom Kippur, central banks' fixed exchange rates before 1971). In both the breakdown led initially to a wildly unsustainable attempt at more extravagant market-rigging the other way (Opec, Smithsonian agreement), so that ordinary market forces swung into reaction. While they were thus in swing, governments who always believe they can repeal the laws of supply and demand were holding consecutive meetings in lush hotels (Opec summits, finance ministers' conferences), and journalists always wrote as if something important was happening there. But anybody who stayed home and based his guesses on any reasonable calculation of elasticities of substitution and supply could see that exchange rates would float again and could guess correctly what would happen first to demand for oil, then to stocks, then to supply, and next to prices.

THE OLD CARTEL

Before Yom Kippur of 1973 the major international oil companies rigged world oil prices in a way which ensured that their very cheap Middle East oil did not undercut their sometimes 50-times-more-expensive oil from existing and intended ventures in uneconomic areas like North America, the Arctic, the North Sea. This market-rigging was probably illegal under American and other anti-trust laws, but was thought worth allowing to "keep us out of the power of the Arabs."

The old cartel was (a) hurting all consumers to the benefit of producers in the sense that it kept selling prices well above marginal cost, but (b) kept most of the gravy from the most efficient producers (Arabs) so as to finance the digging of oil from uneconomic areas on which these companies got both a producer's and distributor's profit. At the same time the companies (c) cannily did not push selling prices so high as to induce substitution or indeed even (d) so high as to maximise monopoly profits (leaving grateful western governments room to put on heavy petrol taxes in a still rising market).

Many poor primary producers would give their eyeteeth if big foreign capitalists would kindly arrange a semi-monopolistic distribution network for their products in the west, down to tied petrol filling stations. During the 1960s and early 1970s a lot of us believed that the Arabs could eventually seize advantage of this, and double their revenue to about an index-linked $4 per barrel by diverting to themselves the monopoly profits that were then going to (a) western oil companies and the support of their ventures in uneconomic western areas, (b) western governments who were taking such a large tax revenue from oil. *The Economist* was much attacked in 1967 for pointing out that it was only a matter of time before the Middle East producers with small populations and small dependence on oil would bring the oil companies and Europe's consumers to their knees. The big question was always whether the Arabs, when the moment came to strike the oil companies down, would be too greedy, and stimulate over-supply against themselves.

THE BOYCOTT THAT WASN'T

When they quintupled the oil price under the emotion of the Yom Kippur war, it was clear that the Arabs had over-egged their pudding. Why should the new country cartel (which controlled local production only) be likely to be able to maintain for long a far bigger monopoly profit than the old company cartel (which controlled worldwide production, distribution, and possessed the ear of rich countries' governments), unless one assumed that the old companies were shrinking violets, and that the newcomers could keep unbelievably tight the control of supplies? Reports of that first winter's "boycott" were delusive. Hawk-like old oil companies were intent on saying "see how effectively the Arabs are strangling the west, America must invade them", while the dove-like old oil companies were intent on saying "see how effectively the Arabs can strangle the west, so let's ditch Israel". *The Economist* at this time adopted the simple expedient of checking the insurance coverage at Lloyd's of oil shipments from the Gulf, and found that the boycott was not being enforced as fully as both sides' propaganda alleged. Does anybody now deny this? In the peak boycott month of January, 1974, shipments of oil from the Middle East were 5 per cent higher than in the free market month of January, 1975. All through the early months after the price hoist, all through the period when the world was supposed to be being strangled by the boycott, the Arabs were shipping out more oil than customers were ever likely to want to buy at the new price.

That winter some normally shrewd traders bought marginal free market oil at $18 a barrel, although any counter at Lloyd's could see that before it got home ample oil would be available at little more than half that price. Nearly all big countries discussed the possibility of petrol rationing, and some introduced it; as *The Economist* was pilloried for forecasting, all found that the flood of supplies made rationing ridiculous within a week. All through the first half of 1974 some serious commentators were writing that oil would become steadily scarcer and more expensive for the rest of our lives, although anybody who counted how many Gulf supertankers made five could tell that oil was heading for its biggest instant glut.

By June the glut was obvious, as tankers were told to go slow across the oceans and act as great floating storage tanks. The big oil companies made embarrassingly large stock profits in the first half of 1974 because of the quintupling in price, but now recognised uncomfortably that they might suffer huge stock losses on record inventories held at a time when demand was falling fast.

Since mid-1974 some oil companies have front-stage joined with the oil countries in urging everybody to believe that prices will not come down, while backstage they have frantically cut their purchases so as not to be holding quite such large stocks when prices actually do.

The cuts in prdouction have not been dictated by Arab solidarity, but by the companies' sensible commercial decision not to buy from the most expensive Opec suppliers. Libya and Abu Dhabi (who were unlucky enough to enjoy price extras for their low-sulphur crude) have seen their sales cut by more than half, while Saudi Arabia was until recently selling more than before Yom Kippur. The one-third cut in Kuwait's production is partly voluntary, because it suffers from what can be called the Aberdeen disease; in a country the size of Yorkshire, with an immigrant majority that is distrusted by the ruling native minority, nationalists in the Kuwait assembly feel they might do better to keep their scarce oil in the ground. Some nationalists in Scotland and Norway have the same delusion, which is very unwise for this period of mounting energy glut.

Those who are whistling to keep prices up have two arguments. One is that oil cartels have stuck together well in the past, and that Opec's successes have tightened it. Actually, Opec's nationalisations have broken the old cartel up. In place of the experienced ring of the seven sisters (the big oil companies who once controlled nearly all production and distribution), there are now a dozen inexperienced nationalised companies trying to sell their oil in a market of surging surplus, confronted by the old oil companies, who still control distribution and whose sole incentive in the Opec area should soon be to shop around for the best deal they can get. The cartel can only last if the western oil companies find some new reason for wanting to keep oil prices up.

Secondly, Opec's optimists say that the drop in demand is caused by world recession. But recovery from recession will coincide with the beginnings of new oil coming on flow. The present market situation, to repeat, is that the operators of existing capacity want to produce 20 per cent more oil than the world wants at present prices to buy; while, for the first time in any slump for anything, every country has an "energy policy" designed to make this overexpansion of supply far more overexpanded still. That is a market in which to be a buyer (like Japan) could be very heaven and in which a potential seller like Britain should not buoy up its hopes on a North Sea bubble.

The diplomats of the world rightly look beyond this price-induced glut; and Mr. Kissinger and an army of thousands in the west and the Middle East are now sensibly looking for trading and price arrangements that may prevent the next war from creating an oil-price nonsense again. But that doesn't change the economic fact of the matter. An oil-price nonsense it is.

ANTHONY LAKE ON CAMBODIA

Mr. McGOVERN. Mr. President, Anothony Lake, the respected foreign policy expert—formerly a member of the National Security Staff and presently director of the International Voluntary services—has written a highly inspired analysis of the current U.S. dilemma in Cambodia.

Believing that Mr. Lake's views are well worth the consideration of the Congress, I ask unanimous consent that his article as printed in the Washington Post "Outlook" section for Sunday, March 9, be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AT STAKE IN CAMBODIA: EXTENDING AID WILL ONLY PROLONG THE KILLING

(By Anthony Lake)

The news from Indochina has a familiar ring these days: Rockets are falling on a city, innocent people are dying and a government propped up by American money is calling for more. Even more familiar are the arguments being used by President Ford and his administration to urge additional aid for Cambodia, arguments that echo years of similar pleas about Vietnam.

The fact that we have heard them before does not mean that the old arguments are necessarily wrong. But the passage of time and the continuing bloodshed do indicate that we may have been arguing the wrong issues all along.

If we are to turn an all too familiar and bitter debate into a practical discussion of what is to be done about the mess in Cambodia, we should resolve the questions on Indochina that no longer can be evaded.

Anyone who feels nostalgic about the rhetoric of the past must appreciate many recent pleas by the administration.

"Dominoes," for example, are back in fashion. The allegiance to the theory of falling dominoes is not as enthusiastic as in 1963, when President Kennedy exclaimed, "I believe it. I believe it." Now, Secretary of Defense James Schlesinger argues that "the domino theory . . . has been overly discredited."

The theory has changed, of course. In the 1950s and early 1960s, the prediction was that the dominoes might fall, one by one, as communism advanced across Asia.

Under Presidents Kennedy and Johnson, the concept was broadened. The Communists would promote "wars of liberation" around the world, if they were not licked in Vietnam. In May, 1965, the assistant secretary of state for Far Eastern affairs warned that "Africa and Latin America are already feeling the threat of such thrusts."

Now, with false alarms about Africa and Latin America no longer ringing, and with detente the cornerstone of our foreign policy, the dominoes are not physical but psychological; not countries that might fall to external subversion, they have become attitudes towards the United States that might change, with severe diplomatic consequences.

Secretary of State Dean Rusk sounded this warning in October, 1967. Our "credibility," he said, was at stake in Vietnam. "If any who would be our adversary should suppose that our treaties are a bluff, or will be abandoned if the going gets tough, the result could be catastrophe for all mankind."

President Nixon, similarly, feared the worldwide consequences of America's acting like a "pitiful, helpless giant."

The assistant secretary of state for East Asian affairs recently played on the same general theme: "Cambodia cannot be viewed as an isolated spot of small import to the U.S. Rather, it must be viewed in the larger context of Indochina which, in turn, affects Southeast Asia and Asia as a whole, which again affect the rest of the world. It is not to exaggerate to say that the eyes of the world are on the U.S. response to the needs of embattled countries."

But where are the voices and arms of our allies, if their eyes are riveted to our response? They are generally silent, because they, at least, understand the danger of drawing an analogy between a NATO country and a Cambodia. Indeed, they must prefer that the United States wake up from the Indochina nightmare that whose commitment so debilitates it.

Related to the dominoes argument is another old acquaintance, the "commitment" refrain. It is unnecessary to recall how often we heard of our "commitment" to succeeding regimes in Saigon. Now we are told we have a commitment to Lon Nol, and the Congress will violate it only at our peril.

Yet surely the blame for this state of affairs should not be placed on Capitol Hill. The administration made whatever promises there were, despite constant congressional opposition since the war was extended to Cambodia by the "incursion" of 1970.

Section 655(g) of the Foreign Assistance Act, which states that aid to Cambodia shall not be construed as a commitment by the United States to Cambodia for its defense," was passed by the Congress in 1971 and reaffirmed since. It was also signed by the President.

To "dominoes" and "commitment," add a third familiar phrase: "foreign aggression." American troops won't necessarily be sent to meet it any more, but according to President Ford's statement on Cambodia, "the policy of this country is to help those nations with military hardware . . . where the government and the people of a country want to protect their country from foreign aggression."

At best, the view that the struggle in Vietnam is not a civil war has always been arguable. To claim that Prince Sihanouk and his Communist but indisputably Cambodian allies in the field are "foreign" to Cambodia is simply inaccurate. Sixty-two governments recognize them as the legitimate rulers of Cambodia.

Yes, they do receive foreign aid as they attack the people who attacked and threw out Sihanouk in the first place. If that makes this a situation of "aggression," and "foreign" at that, what are we to say of our aid to the other side?

Cambodia must be recognized as a civil, not an international war as Vietnam should have been so long ago.

THE BURDEN OF PROOF

Finally, there is the Cambodian "bloodbath" which so many in Washington now fear, should Phnom Penh fall. "Defeat in South Vietnam would be to deliver a friendly nation to terror and repression," warned President Johnson in April, 1965. Now one can all too clearly envisage the bloodshed that would accompany a final spasm of fighting around Phnom Penh.

But to warn of a new "bloodbath" is no justification for extending the current bloodbath. Rather, we should begin to consider the questions which must now—perhaps already too late—be addressed.

All of the arguments just mentioned warn of the penalties of failure, the consequences of allowing a defeat in Indochina. Yet the first question to be addressed is at least as important: What are the future penalties of a continuing effort to avoid defeat?

Throughout the sad history of American sacrifice in Vietnam, our Presidents justified our anguish not by predictions of success, but through fear of failure. And we never saw a careful analysis of what it would cost—in American lives, in American dollars, and in the sufferings of those we said we were trying to save.

The hope offered for so many years on Vietnam, and now on Cambodia, was that a "compromise settlement" could be achieved if we were tough enough to force one. But even with the so-called cease-fire of 1973, the fighting continues in Vietnam, and this flickering light at the end of the tunnel seems as far distant as ever.

We never should have waded into Cambodia in 1970, or into Vietnam before that. Now that we are over our heads, we are like a swimmer who strikes on away from shore, with only water to the horizon, because he wants to avoid looking weak to his friends and to the bullies back on the beach.

Especially with the situation in Cambodia now so desperate, the burden of proof must be on the administration to show us where it wants to take us: how more aid will lead to peace and how much it will cost us and the Cambodian people in the process.

Playing on vague, future fears will not do. For those concerns must be overpowered by our fears of continuing a conflict that has claimed the lives of 10 per cent of the Cambodian people in the last five years and made millions homeless.

The second and third questions make an assumption that the reader may not share: that whatever the United States does, short of armed intervention, the Lon Nol regime will fall, and sooner rather than later. This is an assumption supported by news reports and widely shared by analysts both in and out of the U.S. government.

CUTTING OUR LOSSES

The second question: How, in these circumstances, can we limit damage to and within the United States?

One way would be to stop falling into the same traps we so willingly entered in Vietnam, and cease overstating the stakes in our performance.

The more we *say* that the whole world is watching and judging us, the more it watches and judges. In claiming that Cambodia is a test of our will, we may make it one. It would be better to make it a test of our intelligence.

On Feb. 25, Secretary of State Henry Kissinger intoned the warning that ". . . if the collapse of Southeast Asia is caused by an American decision to withhold aid under conditions in which such a decision can have only one outcome, the conclusion will be inevitable that it was the United States which has the responsibility."

What of the responsibility of the corrupt and incompetent Cambodian regime that made such bad use of $1.75 billion of U.S. aid the past five years?

Kissinger has carefully tried to avoid parallels between American actions on Cambodia and our approach to Israel. Couldn't the same distinction be made in favor of our other allies? It would be in our interest. to do so.

Another way to limit the damage of Cambodia would be to heed the administration's own fears, expressed by President Nixon on Nov. 3, 1969, that after disaster in Indochina, "inevitable and divisive recrimination would scar our spirit as a people."

What is it but "divisive recrimination" when the administration goes to such great lengths to blame the Congress for what most officials at State, Defense and the White House must know is an inevitable loss in Cambodia? There is a widespread suspicion in Washington that leaders of the administration privately concede defeat both in Cambodia and in the Congress, but plan to use the guilt they will lay on the Capitol doorsteps to force continuing appropriations for Vietnam. If this is the strategy, it presents a curious spectacle of self-defeat: an American government damaging us abroad and at home over Cambodia to avoid precisely those dangers over Vietnam.

A further measure of damage-limitation would involve adopting a diplomatic and rhetorical position which eschewed bitter attacks on Lon Nol's enemies. They are indeed supported by Hanoi, Peking and Moscow. But, to the extent we know much about them, they include many Khmer nationalists, Communist and non-Communist. Once they gain power, we must hope for as much nationalism on their part as possible. Why play up our enmity to them? It can only help push them further into the arms of their Communist supporters.

We are not, after all, really facing the loss of Cambodia. It is not ours.

The third question concerns the damage done in Cambodia: How can we help keep future bloodshed there at a minimum?

As Sen. Hubert Humphrey recently put it, "It seems to me that events in Cambodia have gone far beyond the point where we should be concerned about trying to support continued military actions on the part of the Phnom Penh forces and should turn our attention instead to the alleviation of the terrible suffering and bloodshed occurring on both sides in this civil war. How does it make any sense to ask for $222 million worth of ammunition which can't be delivered when children are starving and the Cambodian people are desperate for peace?"

The dilemma is painful. If no more aid is forthcoming, Phnom Penh will collapse before too long and more children will starve in the meantime. If more aid is sent, the bloodshed will continue a while longer.

There is no good answer. Some find appealing the President's call for time for negotiations aimed at a compromise settlement. But that boat left port at least a year ago, as shown by the record of failed efforts just released by the State Department. Why should the Khmer Rouge agree to share power when they can expect to seize it?

As Kissinger aptly puts it, "negotiations cannot be a substitute for a situation on the ground . . . They will reflect a situation on the ground." And even with the new aid, the position of the Phnom Penh regime is hardly likely to return to 1973—when successful negotiations, we were told, were not possible.

What then, is to be done?

The administration would like to buy some more time with further aid. If Lon Nol still loses in the near future, we would have gone down swinging. But all we would have accomplished is the provision of an indecent interval of further killing.

If, extraordinarily, our aid denied the Khmer Rouge victory through the coming rainy season, we would only have entered a new tunnel at the end of this tunnel, with still more bloodshed.

In either case, the administration's tired old arguments would have produced a terrible new suffering.

Perhaps the least bad choice would be to provide a little more aid, including food, to allow the government in Phnom Penh to negotiate—not an impossible compromise—but an immediate, peaceful turning over of power. This would stop the final, useless killing.

Free passage out of the country for those who wished to leave might be achieved. If it is not, and the aid is simply cut off, only those Cambodians who can commandeer the last flights out of Phnom Penh, assuming the airport is open, would be able to go. American officials would leave by plane or, if necessary, by the helicopters now standing by. And the departing generals and diplomats would leave chaos behind them.

The presence of an international group in Phnom Penh that could oversee the departure of refugees could also be sought. It might be given responsibilities for managing food and medicine distribution as well.

This approach would require absolutely limiting the further U.S. aid to no more than enough for one or two more months, so the handwriting on the wall is completely clear. And it should be accompanied by calls on the administration and the leaders in Phnom Penh to make such a diplomatic effort.

Kissinger is right when he argues that the time is not ripe for negotiations—but only if the administration and the generals still seek victory or substantive compromise. The time is now for negotiation to save lives, as the final act apparently unfolds.

As it does, a last question emerges. Cambodia was invaded in 1970 for the sake of American strategy in Vietnam. Shouldn't that strategy now be examined in the light of Cambodia? For the same basic choices seem to face us in Vietnam as well, even if the timetable and scale are different.

WORKERS' INTEGRITY KEEPS INDUSTRY IN MAINE

Mr. MUSKIE. Mr. President, according to a recent article by John D. Moorehead of the Christian Science Monitor, the Southworth Machine Co. of Portland, Maine, recently considered moving to the Midwest, but decided to stay in Maine because of the integrity of the workers there.

Southworth's decision is high praise for working men and women in Maine. In order to share with my colleagues one company's opinion of Maine labor, which I consider one of Maine's most important resources, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Feb. 21, 1975]

A. N.E. FIRM DECIDES TO STAY

(By John D. Moorhead)

BOSTON.—The facts seemed to point to a move out of New England.

The Southworth Machine Company of Portland, Maine, which sells most of its products and gets many of its raw materials from the Midwest and South, was seriously considering starting production at a site nearer its markets.

Company officials took a good, hard look at those long supply lines—and decided last fall not to move.

What made them stay put, says Loren K. Hutchinson, Southworth president, was "the independence of the average worker in Maine, his great pride in craftsmanship, his personal integrity."

Instead of heading for the Midwest, the 85-year-old company leased 10,000 square feet of additional space in a nearby industrial park and prepared it for the manufacturing of heavy machinery.

AT THE BEGINNING OF THE LINE

"I really feel that New England should wake up to what they have to offer and stop playing themselves down," says Mr. Hutchinson. "We are not at the end of the line, as people often say; we are at the beginning of the line."

Southworth, which manufactures, paper mill equipment and heavy-duty tables, ships its products out by flat-bed truck, "which is a long haul to some of our markets, as far away as the West Coast," says Mr. Hutchinson.

"Transportation costs are high, but there are many ways you can overcome that," he says.

According to a survey by the First National Bank of Boston, 53 New England industries chose to pick up stakes and move in the last two years, but 37—or 70 percent—simply stepped over to another location within the same state. Four of these just moved up the street.

During the same period, five new firms came to New England while five firms migrated out of the region, the First National Bank survey shows.

And there appears to be a trend toward locating in medium-sized or small communities. Of those 53 companies that moved, only 10 percent went to larger towns.

"When you get into a smaller area such as Maine," says Mr. Hutchinson, "people understand what it means to be neighborly."

EXAMPLE OF INTEGRITY

He also likes to tell the story of a Southworth machinist who sometimes leaves his lathe in the middle of the work day and punches out on the time clock. The worker goes back to the lathe, works for a bit, and then punches in again.

"Every time he makes a mistake, says Mr. Hutchinson, "he punches out so he won't cheat the company, and then he corrects his error on his own time.

"By the same token, he wants everything that is coming to him" in terms of wages and benefits, Mr. Hutchinson adds.

ENVIRONMENTAL IMPACT OF THE B-1

Mr. McGOVERN. Mr. President, the Environmental Action Foundation has raised a number of serious questions about the proposed B-1 bomber which I hope my colleagues will consider before we approve any further development work on this project.

The foundation has pointed out that the B-1 raises many of the same environmental issues which were instrumental in our decision several years ago against building the supersonic transport.

In recent years we have, for example, learned a great deal more about the dangers of stratospheric pollution, which can degrade the ozone layer and expose us to deadly ultraviolet radiation. The B-1, like the SST, poses precisely that danger.

In addition, as the Environmental Action statement points out:

> The B-1 will produce a more powerful sonic boom than any other plane ever manufactured.

Further, unlike the SST, the B-1 and other aircraft armed with nuclear weapons raise concerns about the environmental hazards associated with nuclear accidents.

No one has suggested that these environmental impacts make up the full case against going ahead with the B-1. But they must certainly be included in the equation. It would be another story if the B-1 were the only thing standing between us and the ultimate pollution of nuclear war. But with the overwhelming detrerent built into our land and seabased forces, that plainly is not the case. And we must therefore ask ourselves whether we can afford not only the enormous monetary costs, but also the severe environmental costs, of going ahead with the B-1.

Mr. President, I ask unanimous consent that the Environmental Action Foundation statement to which I have referred, "The B–1 Bomber and the Environment," be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE B–1 BOMBER AND THE ENVIRONMENT

Environmentalists rejoiced when, in 1971, the plans for the commercial SST were scrapped. Now the Air Force is trying to push another SST, known as the B–1 Bomber, on the unsuspecting American public.

The environmental problems with the B–1 are much the same as those of the Boeing SST: stratospheric pollution leading to the destruction of the ozone layer, sonic boom, and noise pollution. In addition, questions regarding the safety of manufacturing and handling of nuclear bombs are associated with the B–1.

STRATOSPHERIC POLLUTION

The Department of Transportation's Climatic Assessment Impact Program brought the issue of stratospheric pollution sharply into focus, by providing much badly needed information on the workings of the atmosphere.

The stratosphere, which contains the ozone layer, is vital to life on earth, because of it's unique ability to screen out the harmful ultra violet radiation given out by the sun. Ozone, in the stratosphere, averages only three parts per million, and catalysts (such as the oxides of nitrogen, contained in SST exhaust gasses) at only one part per ten thousand of ozone can rapidly decompose ozone.

Reliable calculations show that a fleet of two hundred and fifty supersonic aircraft (the planned B–1 fleet is two hundred and forty one aircraft) operating in the Northern Hemisphere, would produce enough pollution in the stratosphere to reduce the ozone layer by three per cent. A three per cent decrease in the ozone layer would mean approximately a six percent increase in the solar ultraviolet radiation, which would be responsible for an estimated twenty five thousand additional cases of skin cancer per year in the United States alone.

SONIC BOOM

For want of a better word, people most often describe the impact of sonic boom as "intolerable". The B–1 will produce a more powerful sonic boom than any other plane ever manufactured.

Studies have been done that indicate that a low intensity (approximately 1.9 pounds per square foot as opposed to the B–1's 2.7 pounds per square foot) sonic boom can interrupt a person's attention to decision making for at least thirty seconds, easily enough time for the driver of a car to be involved in a serious accident. No one knows what the B–1's bigger boom will do.

NUCLEAR BOMBS

The B–1 is designed to replace the B–52 as America's front line strategic bomber. However, flying planes loaded with nuclear bombs seems to harm more people than it protects, as the people in Palomares, Spain found out. On January 17, 1966, a B–52 collided with a KC–135 tanker accidently releasing four nuclear bombs, two of which broke apart spreading deadly plutonium on the unfortunate people below. This was only one of some thirty-three reported accidents in which dangerous nuclear weapons were involved.

The B–1, utilizing a much more untested technology than the B–52, is likely to be involved in even more of these incidents.

The Air Force statement "The B–1 is considered to be more environmentally acceptable than older manned bomber weapon systems," is not just wrong, but totally irresponsible and willfully misleading in light of the evidence to the contrary.

LATER YEARS CAN BE GREATER YEARS

Mr. CHURCH. Mr. President, Kiwanis International has given special attention for more than a year to constructive efforts on behalf of older Americans.

I know of two mottos being used to express Kiwanis goals. One is directed at members; it says, "Give of Yourself by Enriching the Lives of the Aging." The other is directed at older persons. It says: "The later years can be the greater years, if you know how to live them."

Recently, the Kiwanis magazine asked me to write a message commenting on these "greater years." I was glad to do so, because I know that Kiwanis members are active civic leaders; they have launched many fine individual projects intended to make life better for the elderly in communities.

Mr. President, I ask unanimous consent to have the editorial which appeared in the November 1974 Kiwanis publication printed in the RECORD. I also ask unanimous consent to have printed in the RECORD an article from the same issue which describes Kiwanis-sponsored housing for the elderly in North Vancouver, British Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. CHURCH. Mr. President, it is the very type of housing which got off to a promising start in the United States during the 1960s, only to encounter a "moratorium" in 1969. The Congress, however, has insisted that a modified version of the 202 direct loan program—which encourages nonprofit sponsors to plan and build such housing—be included in last year's Housing and Urban Development Act. Now that this program has been given what should be a new lease on life, I am hopeful that Kiwanis members and other worthy sponsors will look into it.

EXHIBIT 1

WHAT ABOUT YOUR GREATER YEARS?

People sometimes ask me whether I like working on the Senate Special Committee on Aging. They seem to think it's depressing to spend so much time on what is so often called "the plight of the elderly." I have no hesitation in telling them that my duties with the Committee have furnished me with the most satisfying experience of my legislative career.

We certainly do face problems on the Committee. We search for short-term and long-range answers to retirement income, Medicare, housing, better transportation, and much more. Slowly we are making progress in these areas, and I draw satisfaction from taking part in such problem solving. But the really heart-warming experiences come from direct contact with older persons. Their message is simple and to the point; the aging refuse to settle for a "plight" as the sum of their existence. They are busily and enjoyably establishing a new way of life for themselves in what our Committee has often called a "retirement revolution."

The more I learn about the aging, the more impatient I am with the two extreme stereotypes by which so many younger people seem to conceive of the elderly.

One vision sees destitution and isolation as the fate of most older persons, ignoring the fact that 95 percent of our people over age sixty-five live outside of institutions. They have lots of vigor despite their ailments.

The other vision pictures the elderly as "golden agers" withdrawn from life and living in usefull leisure. This view, like the other, is a caricature. It does a disservice to the elderly. And it does harm to the young because they tend to dismiss their grandparents, and perhaps even their parents, as irrelevant.

We need a more balanced view of what it means to be old. We need to understand the good as well as the bad.

Kiwanis International deserves a great deal of credit, therefore, for choosing as one of its major emphasis programs, "The Greater Years." I am impressed by the challenge you have posed to your members: "Give of Yourself by Enriching the Lives of the Aging." And I think that Kiwanis gives sound advice to the aging when it tells them: "The later years can be the greater years, if you know how to live them."

I hope you keep up this good work even after your official emphasis program ends. And I hope too that you will think about your own personal adjustment to retirement *before* it begins.

Studies have shown that many persons of middle age tend to become more and more "turned off" by retirement as it approaches. Many even resist taking preretirement training, which provides practical information on such matters as financial security in later years, appropriate living quarters, health maintenance, and so on.

Retirement is more than a change in employment status. It can be, and so often is, the beginning of that part of life in which persons can call the shots of their daily existence with far greater freedom than ever before. They can devote full time to relaxation, or they can find a new balance between responsibilities and pleasure.

In either case retirement can be a period of continuing and even accelerating personal growth. Voluntary service is certainly one option for retirees. Many members of Kiwanis International, for example, are especially well qualified to serve on SCORE, an organization of retired businessmen who give free, and often invaluable, advice to owners of small businesses. The Retire Senior Volunteer Program has already enlisted 60,000 individuals in some six hundred communities. The Foster Grandparent program offers wonderful opportunities to serve children.

Retirement can and should be a period of new experience, not mere time passing. And "new experience" can take many forms. A hobby of long standing can help meet community needs as easily as business or professional expertise.

Don't feel that you have to wait for retirement to become interested in aging. For example, if your town does not have a community school program, you can help develop one now as a kind of annuity for your own retirement years. Briefly, community schools keep their doors open after normal classroom hours and serve as headquarters for a large variety of civic and recreational activities. A bill I introduced to help develop community schools recently became law, and I hope Kiwanians will take the lead in making good use of its provisions in their communities.

Above all, analyze your own attitudes toward aging. As your own parents become older, do you find it more or less difficult to communicate, and how often do you do so? Do you envision your own old age as a time of satisfaction or of trial and depression? Do you want, in short, to make the *most* of your life *all* of your life?

These are leading questions, but they are the kind of questions occurring with greater frequency as our "retirement revolution" continues. A great deal depends on how well these questions are answered.

EXHIBIT 2

NORTH VANCOUVER'S HIGHRISES FOR THE ELDERLY

(By Paul Martin)

"It's terrific living here," said Byron Gardner. "My wife and I were just saying this morning that if we had stayed in our apartment we'd have been alone. Living in Kiwanis Towers, we have a feeling of belonging, many pleasant friends, and interesting activities."

Bryon's attractive wife, Theda, nodded in agreement and added, "We're very thankful for the opportunity to live here. We've been here two years and have enjoyed the whole time."

We didn't ask the age of Bryon's wife but he's a youthful seventy-two years. He jogs two miles a day, practices Yoga, meditates, and works in his daughter's garden. "The secret of youth," says Bryon, "is in a person's mental attitude. I try to do a certain amount of studying to keep my mind active along with exercise to remain physically flexible." Before retiring Bryon owned his own supermarket and then spent some years in the real estate business. He and his wife are among the 150 senior citizens living in Kiwanis Towers, a facility built and operated by the Kiwanis Club of North Vancouver, British Columbia. Completed in 1970, Kiwanis Towers is a fourteen-story highrise overlooking the bay. Its one-bedroom suites for married couples rent at $94 a month, and bachelor suites are available for $84 a month. Rent includes heat, light, cablevision, and laundry facilities.

A service project dating back to 1942 with the North Vancouver club, special housing for the elderly is particularly timely today. The number of persons over 65 in the United States and Canada has grown at three times the rate for the total population, and care of the aged accounts for nearly a third of these nations' health expenditures. Numbering 23 million, the elderly constitute 10 percent of all North Americans and the average child born in the US or Canada can expect to live to about sixty-nine, which is twenty-three years longer than at the beginning of the century.

The questions of care for the elderly and the best ways to deal with the problem spark varying reactions. Says Robert Bradshaw, president of the North Vancouver club, "I came into this project a greenhorn and felt that it was wrong to put senior citizens into facilities by themselves. It seemed to me that they would have been better served by leaving them in situations where they would be with people of all ages. But my experience with these Kiwanis housing projects has changed my view 180 degrees.

"These older people understand each other's needs and enjoy living here. They have a wealth of knowledge and varying background, and these are used in our programs for the elderly. For instance, they take pride in the gardens and keep them in beautiful condition. Being involved in these homes has vastly expanded my understanding of elderly people and the problems that accompany aging. I believe this has helped me grow as a human being." Head of his own plumbing and heating business, Bob is chairman of the maintenance committee for the facilities and a member of the board of directors.

The board, Kiwanis Senior Citizens Homes, Ltd., is headed by Robert Handel, who serves as president. A Kiwanian for the past eleven years, Bob Handel is an electrical engineer specializing in designing hydroelectric plants. These include the Mica Dam on the Columbia River, one of the largest units in western Canada.

"Many service clubs have been squeezed out of service work because it's difficult to find meaningful activities," Handel explained. "We feel that this senior citizens project is an area in which we can make a substantial and continuing contribution. The emphasis here is not just on real estate but on personal involvement—permanent, personal involvement. We're continually trying to expand the social programs and make certain that all our club members, and their wives, keep active in various facets of the project."

The eleven-man board includes chairmen of key committees such as planning and property headed by John Sutherland, tenant welfare and liaison directed by Paul Harrington, tenant applications led by John Struthers, and the finance committee headed by David Bonner, who also serves as vice-president of the Senior Citizens board.

At the time the Kiwanis Towers opened four years ago its value stood at $1,260,000. This was the outgrowth of the North Vancouver club's decision in 1942 to try to do something to ease the lot of the elderly. The special committee was unable to do anything substantial until 1951, when it bought twenty surplus cottages built by the Canadian government for defense workers. Requiring substantial renovation, the cottages were remodeled with new front and rear porches, concrete foundations, and new plumbing and wiring. Later the club bought and renovated an additional twenty surplus cottages.

Christened Kiwanis Village, the forty cottages soon had a long waiting list with no possibility of expansion. Then in 1955 British Columbia passed the Elderly Citizens Housing Act. Under this bill, if the sponsoring agency pledges 10 percent of the construction cost of housing for senior citizens the provincial government will grant 33 percent, provided that the Canadian government will supply a low-interest mortgage for the balance of the capital cost.

With the help of this new law the North Vancouver Kiwanians began construction in 1959 of a three-story apartment building, followed by two more in the next few years. Today these three buildings provide a total of eighty-eight apartments for single persons at rentals of $53 a month for apartments with small balconies and $49 a month for the others.

Plans for construction of the high-rise Kiwanis Towers were sparked in 1968 with a government decision to build a road right through the original forty cottages of Kiwanis Village.

Jack Sutherland was president of the board of directors of Kiwanis Senior Citizens Homes at the time and says, "When that happened we began to look for ways to relocate the forty couples living in the village. We also had about 150 applications on file, and since we were going to have to relocate the forty original couples we decided to build an apartment building large enough to handle a few more." This decision resulted in the fourteen-story Kiwanis Towers and its ninety-eight apartments.

John Knight, a Kiwanian with a background of twenty-five years in geriatric social work, is executive secretary of the Kiwanis Towers and on duty about twenty hours a week. A quiet, articulate man who answers questions thoughtfully, John explained, "We don't think of our residents as senior citizens but simply as people who are a little older. We encourage them to keep active in planning social activities and trips. In fact, today forty residents are on an excursion to Vancouver Island, a two-hour ferry trip each way. The environment is stimulating around here and keeps the residents alert and aware of what's happening." The board of directors meets monthly, the committees meet as needed, and John Knight sees that their decisions are implemented.

The lounge on the fourteenth floor provides a magnificent panorama of the bay and is used for bingo games hosted by wives of the Kiwanis members. The shuffleboard is used extensively both by the residents and by the Kiwanis members after their meetings, which are held in the lounge. Cribbage and bridge tournaments contribute to the excitement in the facility and, according to Bob Bradshaw, the residents play a sharp, tough game of both. The Legion donated a piano and stereo system to help equip the recreational program in the building. On Thanksgiving Day the residents cooked and served a four-course dinner for 115. Entertainment includes wine and cheese tasting parties, songfests led by school choirs, and each Christmas club members bring a cake and a card to each resident in Kiwanis Towers.

The North Vancouver club's current project under construction is Lynn Manor, well along toward completion, which will house three hundred persons in seventeen stories. Lynn Manor will mark a new direction for the club with provisions for 120 suites designed for light personal care. The newest home will be staffed by about thirty persons, including a registered nurse on each shift and a registered nurse as director of nursing. The suites for light personal care include independent balconies and full bathroom facilities with emergency call precautions. Audio and visual control from nursing stations to each suite is standard with these units.

In addition, there will be 108 suites for single persons and thirty-six one-bedroom suites for married couples. Lynn Manor is being constructed with large lounges in the main area and a penthouse with separate cafeteria, chapel, beauty parlor, television and bridge rooms, library, an area for dancing, and a sun deck. Rents have not been established but are expected to be in the neighborhood of $95 for single persons, $110 for married, and $300 for the light personal care units including full food service. Target date for opening is January 1975. As with previous buildings, Lynn Manor has been funded with one third of the cost provided by a grant from the provincial government and the balance amortized over a fifty-year period. On this project the North Vancouver club provided the land as its equity of approximately $350,000. With the completion of Lynn Manor the total value of the club's property for senior citizens will be about $7 million.

"With the opening of Lynn Manor we'll have a little more than four hundred residents able to look after themselves," noted Bob Handel. "As our residents get older, about twenty a year will have to be moved to the section for light personal care. Without this capability we would have to release them to nursing homes, which would be a painful shock for them. This way we'll still be able to house them and they'll remain among their friends."

To qualify for one of the Kiwanis Senior Citizens Homes a person must be at least sixty-five, ambulatory, in reasonably good health, and have an income of a little more than $200 per person. At present the waiting list totals above five hundred.

The North Vancouver club remains heavily involved in all phases of the homes because, says Bob Bradshaw, "We didn't want to have a purely check-writing role. Rather, we've elected to develop personal relationships with the residents and keep active in a wide range of programs designed to add interest and enjoyment to their lives."

How well does this succeed? Let's ask Constance and John Edenborough, who have lived in Kiwanis Towers for the past three years. Born in Port Elizabeth, South Africa, Constance is ninety-one and John, who was born in Middlesex, England, is ninety-two. A delightful, alert couple, they speak with moving simplicity.

"It's pleasant, not rowdy," smiled Elizabeth. "There's a nice view of the bay, and everyone is friendly."

A man of fewer words, John said, "I like it here."

CONSTRUCTIVE CHANGES IN THE CONSUMER PROTECTION ACT

Mr. NUNN. Mr. President, the Committee on Government Operations this morning approved S. 200, the Consumer Protection Act, with two changes which represent major steps in the right direction for this highly controversial legislation.

While I still have grave reservations about the governmental principle of having one Federal agency, such as the proposed Agency for Consumer Advocacy, intervening in the operations of others, I believe these two changes make the CPA a much more reasonable bill.

First, the committee adopted my amendment to broaden the exemption for small businesses from the information gathering powers of the Agency for Consumer Advocacy.

Second, it adopted an amendment offered by the distinguished Senator from Tennessee (Mr. Brock), which I wholeheartedly cosponsored, to require that every proposed Federal law or regulation be accompanied by a statement assessing its cost to consumers.

With these amendments, the bill now contains compensating factors which may serve to override my objections to the overall governmental principles on which it is based. Accordingly, I am now reexamining my opposition to the bill, provided it stays in the same form as approved by the committee.

In my estimation, the CPA heretofore has been an unreasonable piece of legislation. While it has been based on the noble principle that consumers should be protected from unscrupulous business practices, it has been lacking in fairness and equity for the average American consumer and small businessman.

These amendments and certain features incorporated in the bill by the distinguished chairman of the committee (Mr. Ribicoff) when he reintroduced it this year have made the CPA much less objectionable.

As introduced, the bill would have exempted small businesses from the information-gathering powers of the ACA. However, the definition of "small business" was limited to firms with no more than 25 employees.

To my mind, this was an unreasonable criteria.

There are many firms with more than 25 employees which are small businesses in terms of their financial base.

The Small Business Administration uses a much different criteria for its SBIC loans. As a result of my amendment, the SBA criteria alone is now incorporated in the bill. It defines a small business as one having assets not exceeding $7.5 million, net worth not in excess of $2.5 million, and an average annual net income of not more than $250,000.

My amendment broadens the small business exemption, and many more businesses will be exempt than if the 25-employee test were left in the bill. Only those with the financial resources to fight back will be subject to the chief harrassment power of the ACA.

Mr. President, the other major amendment adopted by the committee, which was offered by Senator Brock with my unqualified support, will serve to tell the American people just how much Government programs and regulations are costing them.

It requires that every new law, rule, or regulation be accompanied by an inflation impact statement which will assess its costs to consumers. This is similar to a requirement in S. 937, a bill which I introduced earlier this year, that productivity impact statements accompany every new major Federal program.

Senator Brock deserves congratulations from every American for proposing this amendment, for it will provide for the first time a true picture of the cost of Government.

It is absolutely essential that we begin to consider all of the economic implications of Federal laws and regulations. Too often our reaction to a problem has been to pass a law establishing a new program or requirement without fully understanding the impact it will have on consumers, the economy, and our rate of productivity. Sadly, our citizens are now paying the price—right out of their pocketbooks.

Mr. President, the Washington Post recently carried an editorial in support of economic impact statements along with an excerpt from a study by economist Murray L. Weidenbaum regarding the cost of government regulations.

I ask unanimous consent that the Post editorial and the excerpt from Mr. Weidenbaum's study be printed in the Record.

There being no objection, the materials were ordered to be printed in the Record, as follows:

It's Time for Economic Impact Statements

The scope of new government programs and regulations has never expanded so rapidly as it has in the past decade, except, perhaps, during the early days of the New Deal. Since the mid-1960's, federal legislation and administration orders have set new standards for air, water, noise, meat, poultry, fabrics, land sales, boats, paint, credit transactions, industrial safety, and employment practices—to mention but a few. All of these regulations involved efforts to improve the quality of life for some or all citizens, and most have had a measure of success. Some have required the expenditure of large sums of tax money, while others have not. All, however, cost somebody something, and the costs that don't show up in tax bills tend sooner or later to show up in price increases. As Murray L. Weidenbaum makes clear in a new study, a portion of which appears elsewhere on this page today, those price increases have been a significant component in the inflationary spiral. And, if the expansion of regulation goes on at its present rate, such price increases could produce a stagnant economy.

The argument over health care provides a classic example of the way the present system works. Health insurance plans before Congress are usually discussed in terms of how much they will cost federal or state governments in tax money. While these figures are of obvious importance, the true cost of any such plan must include the additional expenses the plan will impose on employers and employees. If those additional expenses are paid by the employers, they will be reflected, sooner or later, in prices. If they are paid by employees, they will be reflected in a loss of buying power. In either case, they are real costs, just as tax increases are real costs.

Congress has taken note of one aspect of this problem by requiring that the President's budget set out as "tax expenditures" those losses in tax revenues that result from deductions or tax credits used to encourage economic activities. But it needs to go further. In order to get a true picture of the full costs of a health plan or noise reduction regulation or any other federal program, Congress needs an "economic impact" statement not unlike the environmental impact statements now required of many construction programs. Then it could know how much a particular program or set of regulations really costs.

This is not to suggest that things like health insurance or safety regulations or meat inspection programs should be postponed or abandoned. Rather, it is to suggest that Congress and the public should be aware of the full costs of the legislation it approves—and of the individuals or institutions that will be made to bear those costs. We suspect that if Congress recognized the full cost of some of the information federal agencies now gather or of some of the health and safety regulations that have been imposed, it would cut back certain federal activities. The benefits, in some instances, of the information or the regulations would hardly seem commensurate with the costs. And, in a time of inflation and recession, any unnecessary cost imposed by government on business or individuals simply increases the agony.

Government Regulations: The Inflationary Costs

(By Murray L. Weidenbaum)

As the American public is learning to its dismay, there are many ways in which government actions can cause or worsen inflation. Large budget deficits and excessively easy monetary policy are usually cited as the two major culprits and quite properly. Yet, there is a third, less obvious—and hence more insidious—way in which government can worsen the already severe inflationary pressures affecting the American economy.

That third way is for the government to require actions in the private sector which increase the costs of production and hence raise the prices of the products and services which are sold to the public. For example, the price of the typical new 1974 passenger automobile is about $320 higher than it would have been in the absence of federally mandated safety and environmental requirements. Attention needs to be focused on this third route to inflation for two reasons: (1) the government is constantly embarking on new and expanded programs which raise costs and prices in the private economy and (2) neither government decision makers nor the public recognize the significance of these inflationary effects. Literally, the federal government is continually mandating more inflation via the regulations it promulgates. These actions of course are validated by an accommodating monetary policy.

Obviously, most of these government actions are not designed to increase prices. Nevertheless, that is their result. In part because of efforts to control the growth of government spending, we have turned increasingly to mechanisms designed to achieve a given national objective—better working conditions, for example, or more nutritious foods—without much expenditure of government funds. The approach emphasizes efforts to influence private decision makers to achieve specific ends. Thus, rather than burden the public treasury with the full cost of cleaning up environmental pollution, we now require private firms to devote additional resources to that purpose. Rather than have the federal government spend large sums to eliminate traffic hazards, we require motorists to purchase vehicles equipped with various safety features that increase the selling price.

At first blush, government imposition of socially desirable requirements on business appears to be an inexpensive way of achieving national objectives: it costs the government nothing and therefore is no burden on the taxpayer. But, on reflection, it can be seen that the public does not escape paying the cost. For example, every time that the Occupational Safety and Health Administration imposes a more costly, albeit safer, method of production, the cost of the resultant product will necessarily tend to rise. Every time that the Consumer Safety Commission imposes a standard which is more costly to attain, some product costs will tend to rise. The same holds true for the activities of the Environmental Protection Agency, the Food and Drug Administration, and so forth.

The point being made here should not be misunderstood. What is at issue is not the worth of the objectives of these agencies. Rather, it is that the public does not get a "free lunch" by imposing public requirements on private industry. Although the costs of government regulation are not borne by the taxpayer directly, in large measure they show up in higher prices of the goods and services that consumers buy. These higher prices, we need to recognize, represent the "hidden tax" which is shifted from the taxpayer to the consumer. Moreover, to the extent that government-mandated requirements impose similar costs on all price categories of a given product (say, automobiles), this hidden tax will tend to be more regressive than the federal income tax. That is, the costs may be a higher relative burden on lower income groups than on higher income groups.

Government regulation is an accepted fact in a modern society. The point being made here is the modest one that a given regulatory activity generates costs as well as benefits. Hence, consideration of proposals—and they are numerous—to extend the scope of federal regulation should not be limited, as is usually the case, to a recital of the advantages of regulation. Rather, the costs need to be considered also, both those which are tangible and those which may be intangible.

It should be acknowledged that what is taking place in the United States represents not an abrupt departure from an idealized free market economy, but rather the rapid intensification of fairly durable trends of expanding government control over the private sector. In earlier periods, when productivity and living standards were rising rapidly, the nation could more easily afford to applaud the benefits and ignore the costs of regulation. But now the acceleration of federal controls coincides with, and accentuates, a slowdown in productivity growth and in the improvement in real standards of living. Thus, the earlier attitude of tolerance toward controls is no longer economically defensible.

Worthy objectives, such as a cleaner environment and safer products, can be attained without the inflationary impact that regulation brings, and public policy should be revised to this end. But we need to examine more closely the phenomenon of government-mandated price increases. It is likely that this unwanted phenomenon will be with us for some time—at least until consumers and their representatives recognize the problem and urge changes in public policy.

As these government-mandated costs begin to visibly exceed the apparent benefits, it can be hoped that public pressures will mount on governmental regulators to moderate the increasingly stringent rules and regulations that they apply. At present, for example, a mislabeled product that is declared an unacceptable hazard often must be destroyed. In the future, the producer or seller perhaps will only be required to relabel it correctly, a far less costly way of achieving the same objective.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER FOR RECOGNITION ON TOMORROW OF SENATOR MORGAN AND SENATOR MANSFIELD

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after Mr. Symington is recognized on tomorrow under the order previously entered, Mr. Morgan be recognized for not to exceed 15 minutes, and that he be followed by the distinguished majority leader for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 622

Mr. JACKSON. Mr. President, I ask unanimous consent that in connection with the consideration of S. 622 the following members of the Committee on Interior and Insular Affairs be permitted the privilege of the floor during the consideration of that measure: William Van Ness, Ben Cooper, Tom Platt, Grenville Garside, Jim Barnes, and Patty Ladner.

The PRESIDING OFFICER. Without objection, it is so ordered.

STANDBY ENERGY AUTHORITIES ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Chair lay before the Senate S. 622, in compliance with the order of the Senate.

The PRESIDING OFFICER (Mr. Buckley). Under the previous order, the Chair lays before the Senate S. 622, which the clerk will state by title.

The legislative clerk read as follows:

S. 622

Bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement United States obligations under international agreements to deal with shortage conditions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment to strike out all after the enacting clause and insert the following:

That this Act, including the following table of contents, may be cited as the "Standby Energy Authorities Act".

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TITLE I—STANDBY AUTHORITIES

SEC. 101. FINDINGS AND PURPOSES.—(a) The Congress hereby finds that—

(1) energy shortages cause unemployment, inflation, and other severe economic dislocations and hardships;

(2) such shortages and dislocations jeopardize the normal flow of interstate and foreign commerce;

(3) disruptions in the availability of imported energy supplies, particularly petroleum products, pose a serious risk to national security, economic well-being, and the health and welfare of the American people;

(4) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, governmental responsibility for developing and enforcing appropriate authorities lies not only with the Federal Government, but with the States and with local government;

(5) the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital during periods of energy shortages;

(6) existing legal authority and reliance upon voluntary programs to deal with shortage conditions on an emergency basis are inadequate to protect the public interest;

(7) new standby legislative authority is needed to deal with conditions that may be created by domestic energy shortages or curtailment of oil imports and thereby to protect the American people and the economy from serious disruption and dislocation; and

(8) development of cooperative international programs to manage energy shortages

can combat economic hardships and contribute to national security.

(b) The purpose of this title is to grant specific temporary standby authority to impose end-use rationing and to reduce demand by regulating public and private consumption of energy, subject to congressional review and right of approval or disapproval, and to authorize certain other specific temporary emergency actions to be exercised, to assure that the essential energy needs of the United States will be met in a manner which, to the fullest extent practicable:

(1) is consistent with existing national commitments to protect and improve the environment;

(2) minimizes any adverse impact on employment;

(3) provides for equitable treatment of all regions of the country and sectors of the economy;

(4) maintains vital services necessary to health, safety, and public welfare;

(5) insures against anticompetitive practices and effects and preserves, enhances, and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources; and

(6) embodies the Federal Government, subject to sections 120 and 121, to fulfill its responsibilities under international agreements to which it is a party.

(c) Prior to exercising any of the authorities contained in any of the following provisions of this title:

1. Section 103, End-Use Rationing;
2. Section 104, Energy Conservation Plan;
3. Section 106, Federal Actions To Increase Available Domestic Petroleum Supplies;
4. Section 110, Antitrust Provisions;
5. Section 113, International Oil Allocations; and
6. Section 119, Exchange of Information

the President is required to make a finding that: (A) acute energy shortage conditions exist or are impending that threaten the domestic economy and the ability of the United States to meet essential civilian or military energy requirements and that such shortage conditions are of such severity or scope as to require the exercise of the standby energy authorities provided for in this title; or (B) that the exercise of the authorities provided for in this title are required to fulfill obligations of the United States under an international agreement to which it is a party. The President's finding shall be transmitted to the Congress together with a report on the manner in which the authority will be used.

(d) Any finding made under subsection (c) of this section shall not remain in effect for a period of more than nine months. The President may make a new finding under subsection (c) if he finds that the exercise of authorities pursuant to his initial finding is required beyond nine months.

Sec. 102. Definitions.—For purposes of this Act:

(1) The term "State" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(2) The term "petroleum" means crude oil, residual fuel oil, or any refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Administration.

(5) The term "international agreement" means the Agreement On An International Energy Program, signed by the United States on November 18, 1974, and printed as Serial No. 93-53, November, 1974, Committee Print, Committee on Interior and Insular Affairs, United States Senate.

(6) The term "person" means any natural person, government entity, corporation, partnership, association, consortium, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, that directly or through other persons subject to its control, is engaged in commerce in any part of the United States, its territories and possessions, Puerto Rico, or the District of Columbia, or is a United States citizen engaged in commerce outside of the United States which activity affects United States commerce, or is otherwise subject to the jurisdiction of the United States.

(7) The term "handicapped person" means any individual who, by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability, is unable without special facilities, planning, or design to utilize mass transportation vehicles, facilities, and services and who has a substantial, permanent, impediment to mobility.

(8) The term "eligible person" means any handicapped person (who may or may not have a driver's license) or the parent or guardian of a handicapped person who must transport that person to and from special services.

Sec. 103. End-Use Rationing.—(a) The President is authorized to promulgate a regulation which shall provide, consistent with the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, for the establishment of a program for the rationing and ordering of priorities among classes of end-users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to end-users of such products of rights, and evidences of such rights, entitling them to obtain such products in precedence to other classes of end-users not similarly entitled.

(b) The regulation under subsection (a) of this section shall take effect only if the President finds that it is necessary to achieve the objectives of this title and those public purposes enumerated in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973.

(c)(1) The President shall, by regulation or order, in furtherance of the regulation authorized under subsection (a) of this section and consistent with the objectives enumerated in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, cause such allocations or such adjustments of allocations made pursuant to the Emergency Petroleum Allocation Act of 1973 or other authority, as may be necessary to carry out the purposes of this section.

(2) In the event of the expiration of the Emergency Petroleum Allocation Act of 1973 and the absence of any other petroleum allocation authority, the President is hereby authorized, notwithstanding the expiration of that Act, to promulgate consistent with the purposes and standards and according to the procedures set out in section 4, subsection (a) through (d) of the Emergency Petroleum Allocation Act of 1973, such a regulation providing for the allocation of crude oil, residual fuel oil, and refined petroleum products as is necessary to carry out the purposes of this subsection.

(d) The President shall provide for procedures by which any end-user of crude oil, residual fuel oil or refined petroleum products for which priorities and entitlements are established under the rationing program authorized under subsection (a) of this section may petition for review and reclassification or modification of any determination made under such paragraph with respect to his rationing priority or entitlement. The President shall also provide for the making of such adjustments as are practicable to prevent special hardship, inequity, or unfair distribution of burdens, and shall establish procedures which are available to any person for the purpose of seeking an interpretation, modification, rescission of, exception to, or exemption from, such rules, regulations, and orders. Such procedures may include procedures with respect to such local boards as may be authorized to carry out functions under this subsection pursuant to section 116 of this title.

(e) No rule or order under this section may impose any tax or user fee or provide for a credit or deduction in computing any tax.

(f) At such time as the President finds that it is necessary to put a regulation under subsection (a) of this section into effect, the President shall transmit such regulation to each House of Congress and such regulation shall take effect and terminate in the same manner as an energy conservation plan prescribed under section 104 of this Act and shall be deemed an energy conservation plan for purposes of section 104(c), notwithstanding the provisions of section 104(a)(1)(B). Such a regulation may be amended as provided in section 104(b)(1) of this Act.

(g)(1) In promulgating a rule under subsection (a) of this section the President shall give priority consideration to the needs of the handicapped and other eligible persons, including the need for special arrangements for handicapped persons who because of architectural barriers would be unable to obtain evidence of their rights under subsection (a) under standard procedures or arrangements.

(2) In determining the eligibility of "handicapped person" and "eligible person" the President shall consult with the Social Security Administration, the Veterans' Administration, and the Federal Energy Administration: *Provided further,* That the administrative procedures to meet the needs of the handicapped shall be established in advance of and take effect on the effective date of the rule promulgated pursuant to subsection (a) of this section.

Sec. 104. Energy Conservation Plans.—(a)(1)(A) Pursuant to the provisions of this section, the President may promulgate, by regulation, one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other authority of this or other Acts) to result in a reduction of energy consumption. For purposes of this section, the term "energy conservation plan" means a plan for transportation controls (including but not limited to discretionary transportation activities upon which the basic economic viability of the United States does not depend) and such other reasonable restrictions on the public or private use of energy (including limitations on energy consumption of businesses) which are necessary to reduce energy consumption.

(B) No energy conservation plan promulgated under this section may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax.

(C) In promulgating regulations pursuant to this section the President shall give priority consideration to the needs of handicapped persons.

(2) An energy conservation plan shall become effective as provided in subsection (b) of this section. Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to such plan in cases where a comparable State or local program is in effect, or where the President finds special circumstances exist.

(3) An energy conservation plan shall deal with only one functionally discrete subject matter or type of action proposed to reduce energy consumption.

(4) Subject to subsection (b)(3), an energy conservation plan shall remain in effect for a period specified in the plan unless ear-

lier rescinded by the President; but shall terminate in any event no later than nine months after such plan first takes effect unless renewed in accordance with this section.

(b) (1) For purposes of this subsection, the term "energy conservation plan" does not include an amendment to an energy conservation plan that is consistent with the subject matter of the primary conservation plan. The President shall notify the Congress of all amendments.

(2) The President shall transmit any energy conservation plan (bearing an identification number) to each House of Congress on the date on which it is promulgated.

(3) Each energy conservation plan shall take effect on the date provided in the plan, but if either House of Congress, before the end of the first period of ten calendar days of continuous session of Congress after the date on which such action is transmitted to it passes a resolution stating in substance that Congress does not favor such action, such action shall cease to be effective on the date of passage of such resolution.

(4) For the purpose of paragraph (3) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ten-day period.

(5) Under provisions contained in an energy conservation plan, a provision of the plan may take effect at a time later than the date on which such plan otherwise takes effect.

(c) (1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) For purposes of this subsection, the term "resolution" means only a resolution of either House of Congress described in subparagraph (A) or (B) of this paragraph.

(A) A resolution the matter after the resolving clause of which reads as follows: "That the ———— does not object to the implementation of energy conservation plan numbered ———— submitted to the Congress on ————, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank space being appropriately filled; but does not include a resolution which specified more than one energy conservation plan.

(B) A resolution the matter after the resolving clause of which reads as follows: "That the ———— does not favor the energy conservation plan numbered ———— transmitted to Congress on ————, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy conservation plan.

(3) A resolution once introduced with respect to an energy conservation plan shall immediately be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4) (A) If the committee to which a resolution with respect to an energy conservation plan has been referred has not reported it at the end of five calendar days after its referral, it shall be in order to move, either to discharge or to discharge the committee from further consideration of any other resolution with respect to such energy conservation plan which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy conservation plan), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same plan.

(5) (A) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the resolution was agreed to or disagreed to; except that it shall be in order to substitute a resolution disapproving a plan for a resolution not to object to such plan, or a resolution not to object to a plan for a resolution disapproving such plan.

(6) (A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(7) Notwithstanding any of the provisions of this subsection, if a House has approved a resolution with respect to an energy conservation plan, then it shall not be in order to consider in that House any other resolution with respect to the same plan.

(d) (1) Any energy conservation plan or rationing rule, which the President submits to the Congress pursuant to subsection (b) of this section shall contain a specific statement explaining the need for, the rationale and the operation of such plan or rule.

(2) Any energy conservation plan or rationing rule which the President submits to the Congress pursuant to this title shall be based upon a consideration of, and to the extent practicable, be accompanied by an evaluation of the potential economic impacts, if any, of the proposed plan or rule, including an analysis of the effect, if any, of such plan or rule on—

(A) the fiscal integrity of State and local government;

(B) vital industrial sectors of the economy;

(C) employment, by industrial and trade sector, as well as on a national, regional, State, and local basis;

(D) the economic vitality of regional, State, and local areas;

(E) the availability and price of consumer goods and services;

(F) the gross national product;

(G) competition in all sectors of industry;

(H) small business; and

(I) the supply and availability of energy resources for use as fuel or as feedstock for industry.

SEC. 105. MATERIALS ALLOCATION.—(a) The President may, by rule or order, require the allocation of, or the performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment in order to maximize domestic energy supplies if he makes the findings required by subsection (c) of this section.

(b) The President shall report to the Congress within sixty days after the date of enactment of this title on the manner in which the authorities contained in subsection (a) will be administered. This report shall include, but not be limited to the identification of materials and equipment in short supply, the manner in which allocations will be made, the procedure for requests and appeals, the criteria for determining priorities as between competing requests, and the office or agency which will administer such authorities.

(c) The authority granted in this section may not be used to control the distribution of any supplies of materials and equipment in the marketplace unless the President finds that—

(1) such supplies are scarce, critical, and essential to maintain or further exploration, production, refining, transportation, and conservation of energy supplies or for the construction and maintenance of energy facilities; and

(2) maintenance or furtherance of exploration, production, refining, transportation, and conservation of energy supplies and the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in subsection (a) of this section.

SEC. 106. FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES.—(a) The President may, by rule or order, require the following measures to supplement domestic energy supplies—

(1) The production of designated domestic oil and gas fields, at maximum practicable rates of production if necessary to meet the objectives of this title: *Provided*, That production shall not be in excess of the currently assigned maximum efficient rate of production unless the President determines that the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned maximum efficient rate for periods of not more than ninety days without excessive risk of losses in ultimate recovery, unless renewed. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency. Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields;

(2) The unitization of production on any oil and gas producing properties on Federal lands; and

(3) The adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the objectives of section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(b) Nothing in this section shall be construed to authorize any additional production not already authorized from any Naval Petroleum Reserve now subject to the provisions of chapter 641 of title 10, United States Code.

SEC. 107. OTHER AMENDMENT TO THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.—(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is further amended by adding at the end of such section the following new subsection (h):

"(h) If any provision of the regulation under subsection (a) provides that any allocation of residual fuel oil or refined petroleum products is to be based on use of such a product or amounts of such product supplied during an historical period, the regulation shall contain provisions designed to assure that the historical period can be adjusted (or other adjustments in allocations can be made) in order to reflect regional disparities in use, population growth or unusual factors influencing use (including unusual changes in climatic conditions), of such oil or product in the historical period. This subsection shall take effect sixty days after the date of enactment of the Standby Energy Authorities Act. Adjustment for such purposes shall take effect as soon as practicable after the date of enactment of this subsection. Adjustments to reflect population growth shall be based upon the most current figures available from the United States Bureau of the Census.".

(b) Section 4(b) (1) (G) of the Emergency Petroleum Allocation Act of 1973, as amended, to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintennace of exploration for, and production or extraction of—

"(i) fuels, and

"(ii) minerals essential to the requirements of the United States,

and for required transportation related thereto,".

(c) Section 4(e) of the Emergency Petroleum Allocation Act of 1973, as amended (87 Stat. 627), is hereby amended by adding a new paragraph 4(e) (3) as follows:

"(3) (A) In the event that the price regulation promulgated under subsection (a) of this section provides for more than one price (or manner of determining a price) for a given grade and quality of crude oil produced in a given producing area, the regulation shall provide that the price applicable to any crude oil produced by, owned by, or due to any State or subdivision thereof as royalty, as participation in production or as participation in net profits, from the mineral or leasehold estate owned by that State or subdivision on January 1, 1975, shall be the highest price applicable to the given grade and quality of crude oil produced in the given producing area.

"(B) No person (whether an operator, holder of a leasehold interest, contractor or otherwise) other than a State or subdivision thereof, shall receive any benefit from the operation of this paragraph or the provision of regulation required thereby.

"(C) The volume of crude oil produced in any State for which the highest price for the given grade and quality of crude oil in the given producing area is applicable exclusively by virtue of the provision of regulation required by this paragraph shall not in any month exceed an amount equivalent to an average of twenty thousand barrels per day.

"(D) In the event that the total volume of crude oil produced or owned by, or due to any State and its subdivisions, whose price would, absent subparagraph (c) hereof, be affected by the provisions of this paragraph, exceeds the equivalent of twenty thousand barrels per day, the twenty thousand barrels per day to which the highest price for the given grade and quality in the given producing area applies shall be apportioned among the State and those of its subdivisions owning or producing such crude oil in the ratios which the crude oil owned or produced by each governmental entity bear to the total owned or produced by all such entities in that State."

(d) Section 3 of the Emergency Petroleum Allocation Act of 1973, as amended, is amended by adding at the end thereof the following new subsections:

"(8) The term 'handicapped person' means any individual who, by reason of disease, injury, age, congenital malfunction or other permanent incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services and who has a substantial, permanent impediment to mobility.

"(9) The term 'eligible person' means any handicapped person (who may or may not have a driver's license) or the parent or guardian of a handicapped person who must transport that person to and from special services."

SEC. 108. PROHIBITION ON UNREASONABLE ACTIONS.—(a) Action taken under authority of this title, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in the allocation of petroleum products and electrical energy among classes of users or resulting in restrictions on use of petroleum products and electrical energy, shall be equitable, and shall discriminate among classes of users only to the extent necessary to accomplish the purposes of such Acts. Allocations shall contain provisions designed to foster reciprocal and nondiscriminatory treatment by foreign countries of United States citizens engaged in commerce.

(b) To the maximum extent practicable, any restriction on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restriction on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business, or commercial enterprise, or on any individual segment thereof and shall give due consideration to the needs of commercial, retail, and service establishments whose normal function is to supply goods and services of an essential convenience nature during times of day other than conventional daytime working hours.

SEC. 109. REGULATED CARRIERS.—Within ninety days after the date of enactment of this title, the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel consumption of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public convenience and necessity during such period.

SEC. 110. (a) ADVISORY COMMITTEES.—(1) Except as provided in section 121, to achieve the purposes of this title the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. app. I) and section 17 of the Federal Energy Administration Act (Public Law 93-274) whether or not such Act or any of its provisions expires or terminates during the term of this title or of such committees, and in all cases shall be chaired by a regular full-time Federal employee and shall include representatives of the public, and the meetings of such committees shall be open to the public. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(2) A full and complete verbatim transcript shall be kept of such advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of section 552 (b) (1), (b) (3), and so much of (b) (4) as relates to trade secrets, of title 5, United States Code.

(b) REPEAL OF SECTION 6(c) OF THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.—Effective on the date of enactment of this title, section 6(c) of the Emergency Petroleum Allocation Act of 1973, as amended, is hereby amended to read as follows:

"(c) There shall be available as a defense to any action brought for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange petroleum, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under section 4 of this Act.".

(c) REQUIRED REPORTS.—Within thirty days after the filing of the report submitted pursuant to section 109, the Attorney General and the Federal Trade Commission shall each submit a report to the Congress and to the President analyzing the effect upon competition of such proposals and providing alternatives to avoid or overcome, to the greatest extent practicable, any anticompetitive effects of such proposals while achieving the purposes of fuel conservation.

SEC. 111. EXPORTS.—(a) The President is authorized by rule or order, to restrict exports of coal, natural gas, petroleum products, and petrochemical feedstocks, drill pipe, upland and offshore drilling rigs and platforms, and of such other supplies of materials and equipment which he determines to be necessary to maintain or further exploration, production, refining, transportation, and conservation of domestic energy supplies and for the construction and maintenance of energy facilities within the United States, under such terms and conditions as he determines to be appropriate and necessary to carry out the purpose of this Act.

(b) In the administration of the restrictions under subsection (a) of this section, the President may direct and, if so, the Secretary of Commerce shall impose such restrictions pursuant to the procedures and authorities established by the Export Administration Act of 1969, as amended.

(c) Rules or orders of the President under subsection (a) of this section and actions by the Secretary of Commerce pursuant to subsection (b) of this section shall take into account the historical trading relations of the United States with Canada and Mexico.

SEC. 112. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—(a)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule, or regulation, or any order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this title, except that this subsection shall not apply to any rule, regulation, or order issued under the Emergency Petroleum Allocation Act of 1973 (as amended by this title).

(2) Notice of all proposed substantive rules and orders of general applicability described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where the President finds that strict compliance would seriously impair the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order. In addition, public notice of all rules or orders of general applicability described in paragraph (1) of subsection (a) which are promulgated by officers of a State or political subdivision thereof or to State or local boards pursuant to this Act shall to the maximum extent practicable be achieved by publication of such rules or orders in a sufficient number of newspapers of statewide circulation calculated to receive widest possible notice.

(3) In addition to the requirements of paragraph (2), unless the President determines that a rule or order described in paragraph (1) is not likely to have a substantial impact on the Nation's economy or upon large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the implementation of such rule or order, but in all cases such opportunity shall be afforded no later than forty-five days after the implementation of any rule or order. A transcript shall be made of any oral presentation.

(4) Any officer or agency authorized to issue rules or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act or the Emergency Allocation Act of 1973 (as the case may be), as may be necessary to prevent special hardship, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or recission of, or an exception to or exemption from, such rules and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) or other applicable law when such denial becomes final. The officer or agency shall, in rules prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

(b)(1) Judicial review of administrative rulemaking of general and national applicability done under this title may be obtained only by filing a petition for review in the United States Court of Appeals for the District of Columbia within thirty days from the date of promulgation of any such rule or regulation, and judicial review of administrative rulemaking of general, but less than national applicability done under this title may be obtained only by filing a petition for review in the United States court of appeals for the appropriate circuit within thirty days from the date of promulgation of any such rule or regulation, the appropriate circuit being defined as the circuit which contains the area or the greater part of the area within which the rule or regulation is to have effect.

(2) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising under this title, or under regulations or orders issued thereunder, except any action taken by the Civil Aeronautics Board, the Federal Power Commission, or the Federal Maritime Commission, or any actions taken to implement or enforce any rule or order by any officer of a State or political subdivision thereof or State or local board which has been delegated authority under section 116 of this title except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this title). If in any such proceeding an issue by way of defense is raised based on the constitutionality of this Act or the validity of agency action under this title, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code.

(3) This subsection shall not apply to any rule, regulation, or order issued under the Emergency Petroleum Allocation Act of 1973.

(4) The finding required by section 103(b) of this title shall not be judicially reviewable under this subsection or under any other provision of law.

(c) The Administrator may by rule prescribe procedures for State or local boards which carry out functions under this Act or the Emergency Petroleum Allocation Act of 1973. Such procedures shall apply to such boards in lieu of subsection (a), and shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least ten days before taking the action. Such boards shall be of balanced composition reflecting the makeup of the community as a whole.

(d) In addition to the requirements of section 552 of title 5, United States Code, any agency authorized by this title or the Emergency Petroleum Allocation Act of 1973 to issue the rules, regulations or orders described in paragraph (1) of subsection (a) shall make available to the public all internal rules and guidelines which may form the basis, in whole or in part, for any rule or order with such modifications as are necessary to insure confidentiality protected under such section 552 of title 5, United States Code. Such agency shall, upon written request of a petitioner filed after any grant or denial of a request for exception or exemption from rules or orders, furnish the petitioner with a written opinion setting forth applicable facts and the legal basis in support of such grant or denial. Such opinions shall be made available to the petitioner and the public within thirty days of such request and with such modifications as are necessary to insure confidentiality of information protected under such section 552 of title 5, United States Code.

SEC. 113. INTERNATIONAL OIL ALLOCATIONS.—(a) The President is authorized to require by rule, regulation, or order such action as may be necessary for implementation of the obligations of the United States under the international agreement with regard to the international allocation of petroleum to other countries in such amounts and at such prices as are specified in (or determined in a manner prescribed by), such rule, regulation, or order. Such rule, regulation, or order may apply to all petroleum owned or controlled by persons subject to the jurisdiction of the United States including petroleum destined, directly or indirectly, for import into the United States or any foreign country, or produced in the United States, and shall remain in effect for no more than six months unless extended pursuant to section 101(c).

(b) Neither section 4(d) of the Emergency Petroleum Allocation Act nor section 28(u) of the Mineral Leasing Act of 1920, as amended by the Act of November 16, 1973 (30 U.S.C. 185), shall preclude the allocation and export of petroleum produced in the United States to other countries in accordance with obligations of the United States under the international agreement.

SEC. 114. PROHIBITED ACTS.—It shall be unlawful for any person to violate any provision of this title or to violate any rule, regulation (including an energy conservation plan), or order issued pursuant to any such provision.

SEC. 115. ENFORCEMENT.—(a) Whoever violates any provision of this title or rule, regulations or orders promulgated pursuant thereto, shall be subject to a civil penalty of not more than $5,000 for each violation.

(b) Whoever willfully violates any provision of this title or rules, regulations or orders promulgated pursuant thereto, shall be fined not more than $10,000 for each violation.

(c) It shall be unlawful for any person to offer for sale or distribute in commerce any product or commodity in violation of an applicable order or regulation issued pursuant to this title. Any person who knowingly and willfully violates this subsection after having been subjected to a civil penalty for a prior violation of the same provision of any order or regulation issued pursuant to this title shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(d) Whenever it appears to any person authorized by the President or the Administrator to exercise authority under this title that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of this title, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any provision of this section.

(e) Any person suffering legal wrong because of any act or practice arising out of any violation of this title may bring an action in a district court of the United States without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ of injunction. Nothing in this subsection shall authorize any person to recover damages.

SEC. 116. DELEGATION OF AUTHORITY AND EFFECT ON STATE LAW.—(a) Within sixty days following the date of enactment of this Act, the President shall after affording an opportunity for interested persons to make oral presentations, promulgate a regulation—

(1) establishing criteria for delegation of his functions under this Act or the Emergency Petroleum Allocation Act of 1973, to officers or local boards (of balanced composition reflecting the community as a whole)

of States or political subdivisions thereof; and

(2) establishing procedures for petitioning for the receipt of such delegation.

(b)(1) Offices or local boards of States or political subdivisions thereof, following the establishment of criteria for delegation and procedures for petitioning in accordance with subsection (a) of this section, may petition the President for the receipt of such delegation.

(2) The President may grant any properly submitted petition within thirty days of its receipt.

(c) No State law or State program in effect on the date of enactment of this title, or which may become effective thereafter, shall be superseded by any provision of this title or any regulation, order, or energy conservation plan issued pursuant to this title except insofar as such State law or State program is inconsistent with the provisions of this title, or such a regulation, order, or plan.

SEC. 117. GRANTS TO STATES.—(a) The President shall provide financial assistance in accordance with this section for the purpose of assisting eligible State or local energy conservation programs.

(b) One-half the sum appropriated each fiscal year for fiscal assistance to the States shall be apportioned to each State in the ratio which the population of that State bears to the total population of the United States. The remainder shall be distributed by the President among the States on the basis of their respective needs.

(c) A State is eligible to receive financial assistance for energy conservation programs pursuant to subsection (a)(1) of the subsection in any fiscal year if—

(1) the State has established a State plan for energy conservation which provides for equitable distribution of such assistance among State, local, and regional authorities;

(2) the State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this section to the State; and

(3) the State complies with regulations of the President issued under this section.

(d) Within sixty days after the date of enactment of this Act, the President shall issue, and may from time to time amend, regulations with respect to financial assistance for energy conservation programs which include criteria for such programs.

(e) Any amounts which are not expended or committed by a State pursuant to subsection (b) during the ensuing fiscal year shall be returned by such State to the United States Treasury.

(f)(1) Each recipient of financial assistance under this section shall keep such records as the President shall prescribe.

(2) The President and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts.

(g) There is authorized to be appropriated to carry out the purposes of this section such sums as are necessary, not to exceed $50,000,000 for each of the two fiscal years including and following the effective date of this section.

(h) Any funds authorized to be appropriated under subsection (g) of this section shall be available for the purpose of making grants to States to which the President has delegated authority under section 116 of this title, or for the administration of appropriate State or local energy conservation, rationing or allocation programs which are the basis of an exemption made pursuant to section 104(a)(2) of this title from a Federal energy conservation plan which has taken effect under section 104 of this Act. The President shall make such grants upon such terms and conditions as he may prescribe by rule.

SEC. 118. ENERGY INFORMATION.—(a) The President is authorized to request, acquire, and collect such energy information as he determines to be necessary to achieve the purposes of this title.

(b) For the purposes of implementing and carrying out this Act, including the obligations of the United States under an international agreement, the authority relating to the collection, processing, analysis, and dissemination of energy information data granted by the Energy Supply and Environmental Coordination Act and the Federal Energy Administration Act, respectively, shall continue in full force and effect without regard to the provisions of these Acts relating to their expiration.

SEC. 119. EXCHANGE OF INFORMATION.—(a) Except as provided in subsections (b) and (c), and notwithstanding any other provision of law relating to prohibitions on disclosure of proprietary and confidential business data or information, the Administrator, after consultation with the Attorney General may provide to the Secretary of State, and the Secretary of State is authorized to transmit to an appropriate international organization or foreign country the information and data related to the energy industry certified by the Secretary of State as required to be submitted under an international agreement to which the United States is a party.

(b) The President shall make the final determination as to whether the transmittal of energy information and data pursuant to the authority of this section would prejudice competition, violate the antitrust laws, or be inconsistent with United States national security interests, he may require that such energy information or data not be transmitted.

(c) Energy information and data the confidentiality of which is protected by statute shall not be provided by the Administrator to the Secretary of State under subsection (a) of this section for transmittal to an international organization or foreign country, unless the Administrator has obtained the specific concurrence of the head of any department or agency which has the primary statutory authority for the collection, gathering, or obtaining of such information and data. In making a determination to concur in providing such information and data, the head of any department or agency which has the primary statutory authority for the collection, gathering, or obtaining of such information and data, shall consider the purposes for which such information and data was collected, gathered, and obtained, the confidentiality provisions of such statutory authority, and the international obligations of the United States with respect to the transmittal of such information and data to an international organization or foreign country.

(d) As used in this section and section 118 the term "energy information" means information or documents pertaining to any person engaged in any phase of major energy supply or major energy consumption, including information and documents pertaining to:

(1) corporate structure;

(2) financial structure, including balance sheets, profit and loss accounts, and taxes paid;

(3) capital investments realized;

(4) terms of arrangements for access to major sources of crude oil and other energy supplies;

(5) current rates of production and anticipated changes therein;

(6) allocations of available energy to affiliates and other customers (criteria and realization);

(7) stocks and levels of inventories and available emergency reserves;

(8) cost of crude oil, oil products, and other energy supplies;

(9) prices, including transfer prices to affiliates;

(10) energy consumption and supply;

(11) availability and utilization of transportation facilities;

(12) current and projected levels of energy supply and demand;

(13) demand restraint measures; and

(14) other subjects which the Administrator finds necessary in order to achieve the purposes of this title.

SEC. 120. RELATIONSHIP OF THIS TITLE TO THE INTERNATIONAL ENERGY AGREEMENT.—The purpose of the Congress in adopting this title is to provide standby energy emergency authority to deal with energy shortage conditions and to minimize economic dislocations and adverse impacts on employment. While the authorities contained in this Act may, to the extent authorized by this title, be used to carry out obligations incurred by the United States in connection with the November 18, 1974, executive agreement, "Agreement On An International Energy Program", this title shall not be construed in any way as advice and consent, ratification, endorsement, or other form of congressional approval of the specific terms of the executive agreement or any related annex, protocol, amendment, modification, or other agreement which has been or may in the future be entered into.

SEC. 121. INTERNATIONAL VOLUNTARY AGREEMENTS—PROCEDURES.—(a) The requirements of this section shall be the sole procedures applicable to the development, implementation, or carrying out of voluntary agreements or plans of action to accomplish the objectives of the international agreement with respect to international petroleum allocation and the information system provided in such agreement, and to the availability of immunity from the antitrust laws respecting the development, implementation, or carrying out of such voluntary agreements or plans of action.

(b) As used in this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c)(1) To achieve the purposes of the international agreement with respect to international petroleum allocation and the information system provided in such agreement, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), and section 17 of the Federal Energy Administration Act (Public Law 93-274) whether or not such Act or any of their provisions expire or terminate during the term of this Act or of such committees, and in all cases shall be chaired by a regular full-time Federal employee and shall include representatives of the public, and the meetings of such committees shall be open to the public. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(2) A full and complete verbatim transcript shall be kept of such advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Except when the Administrator has suspended the application of subsections (b) and (c) of section 17 of the Federal Energy Administration Act pursuant to paragraph (3) of this subsection, such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of sections 552 (b)(1), (b)(3), and so much of (b)(4) as relates to trade secrets, of title 5, United States Code.

(3) The Administrator, in consultation with the Secretary of State and the Federal Trade Commission, and subject to the approval of the Attorney General, may suspend the application of—

(A) sections 9, 10, and 11 of the Federal Advisory Committee Act,

(B) subsections (b) and (c) of section 17 of the Federal Energy Adminstration Act, and

(C) the requirement under subsection (c) (1) of this subsection that meetings be open to the public:

Provided, That the Administrator determines in each instance that such suspension is essential to the implementation of an international agreement and relates solely to the purpose of international petroleum allocation and the information system provided in such agreement in response to reductions or probable reductions in petroleum supplies, and that the application of such provisions would be detrimental to the public interest, including, but not limited to, the foreign policy interests of the United States. Such determination by the Administrator shall be in writing, and shall set forth his reasons for granting such suspension and shall be published in the Federal Register at a reasonable time prior to the effective date of any such suspension.

(4) For purposes of this Act, the provisions of subsection (a) of section 17 of the Federal Energy Administration Act shall apply to any board, task force, commission, committee, or similar group, not composed entirely of full-time Government employees, established or utilized to advise the United States Government with respect to the formulation or carrying out of any agreement or plan of action under the international agreement.

(d) The Administrator, subject to the approval of the Attorney General, both in consultation with the Federal Trade Commission and the Secretary of State, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing petroleum may develop and implement voluntary agreements and plans of action to carry out such agreements which are required to implement the provisions of the international agreement, limited to international petroleum allocation and the information system provided in such agreement, in response to reductions or probable reductions in petroleum supplies.

(e) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(1) meetings held to develop a voluntary agreement or a plan of action under this subsection shall permit attendance by interested persons, including all interested segments of the petroleum industry, consumers, and the public, shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission, and to the public, and shall, except for bodies created by the International Energy Agency established by the international agreement, be initiated and chaired by a regular full-time Federal employee: Provided, That the Administrator, in consultation with the Secretary of State, and subject to approval of the Attorney General, may determine that a meeting held to develop a plan of action shall not be public and that attendance may be limited, subject to reasonable representation of affected segments of the petroleum industry as determined by the Administrator with the approval of the Attorney General, if he finds that a wider disclosure would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States. At all meetings held to develop, implement, or carry out a voluntary agreement or a plan of action under this subsection, a regular full-time Federal employee shall be present;

(2) interested persons shall be afforded an opportunity to present in writing and orally, data, views, and arguments at such meetings; and

(3) a full and complete record, and where practicable a verbatim transcript, shall be kept of any meeting or conference held, and a full and complete record shall be kept of any communication made, between or among participants or potential participants, to develop, implement, or carry out a voluntary agreement or a plan of action under this subsection and such record or transcript shall be deposited, together with any agreement resulting therefrom, with the Administrator, and shall be available to the Attorney General and the Federal Trade Commission. Such transcripts, records, and agreements shall be available for public inspection and copying, subject to (A) the provisions of sections 552 (b)(1), (b)(3), and so much of (b)(4) as relates to trade secrets, of title 5, United States Code, or (B) a determination by the Administrator, in consultation with the Secretary of State, and subject to approval of the Attorney General, that such disclosure would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States.

(f)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, implementation, and carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. The Attorney General, in consultation with the Federal Trade Commission, the Secretary of State, and the Administrator, shall have the right to review, amend, modify, disapprove, or revoke, on his own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity which may be conferred by subsection (h) of this section.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission twenty days before being implemented, where it shall be made available for public inspection and copying: *Provided*, That any plan of action shall not be made publicly available if the Administrator, in consultation with the Secretary of State, and subject to approval of the Attorney General, determines that such public availability would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States: *And provided further*, That if emergency measures have been activated pursuant to the international agreement, the Administrator, subject to approval of the Attorney General, may reduce the twenty-day period applicable to plans of action. Any action taken pursuant to such voluntary agreement and plan of action shall be reported to the Attorney General and the Federal Trade Commission pursuant to such regulations as shall be prescribed under subsection (g)(4).

(g)(1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation, and carrying out of plans of action and voluntary agreements authorized under this section to promote competition and to prevent anticompetitive practice and effects, while achieving substantially the purposes of this Act.

(2) In order to carry out the purposes of this section, the Attorney General, in consultation with the Federal Trade Commission and the Administrator, shall promulgate regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts, and other records related to the development, implementation, or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

(3) Persons developing, implementing, or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

(4) The Attorney General and the Federal Trade Commission may each prescribe such rules and regulations as may be necessary or appropriate to carry out their respective responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(h) There shall be available as a defense to any civil or criminal action brought under the antitrust laws (or any similar State law) in respect of actions taken in good faith to develop, implement or carry out a voluntary agreement or plan of action by persons engaged in the business of producing, refining, marketing, or distributing petroleum products that—

(1) such action was taken—

(A) in the course of developing a voluntary agreement or plan of action pursuant to this section, or

(B) pursuant to a voluntary agreement or plan of action authorized and approved in accordance with this section, and

(2) such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

(i) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred (1) prior to the enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of this Act and this section, or (3) subsequent to its expiration or repeal.

(j) Effective sixty days after the date of enactment of this Act, the provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this Act or the Emergency Petroleum Allocation Act of 1973. Nothing in this section shall be deemed to authorize the application of section 708 of the Defense Production Act of 1950, as amended, to any voluntary agreement.

(k) The Attorney General and the Federal

Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized by this section.

(l) The authority granted by this section shall terminate upon the expiration or repeal of this Act.

(m) In any action in any Federal or State court of breach of contract there shall be available as a defense that the alleged breach of contract was caused solely by compliance with the provisions of this section, or any rule, regulation, or order issued pursuant to this section.

SEC. 122. EXTENSION OF MANDATORY ALLOCATION PROGRAM.—Section 4(g) (1) of the Emergency Petroleum Allocation Act of 1973, as amended, is further amended by striking out "August 31, 1975" wherever it occurs, and inserting in lieu thereof "June 30, 1976".

SEC. 123. LIMITATIONS ON RAISING OR REMOVING PETROLEUM PRICE CONTROLS.—(a) (1) After the date of enactment of this title no increase in the price permitted for oil now classified as "old" oil under regulations promulgated pursuant to section 4 of the Emergency Petroleum Allocation Act of 1973 (87 State. 629) and in effect on January 1, 1975, may be established except in accordance with subsection (b) of this section.

(2) After the date of enactment of this title no amendment to the petroleum price control regulations promulgated under section 4 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 629) which has as its purpose the exemption, pursuant to section 4(g) of the Emergency Petroleum Allocation Act, of crude oil, residual fuel oil, or a refined petroleum product from price controls may become effective except in accordance with subsection (b) of this section.

(b) No action covered by the provisions of subsection (a) (1) or (2) of this section may be undertaken unless the specific action proposed to be taken is first submitted to both Houses of the Congress pursuant to the procedures provided for in section 104 (b) through (d) of this title. Each House then shall have the opportunity to review and by majority vote disapprove of such action within ten days of the receipt of the proposal pursuant to the procedures provided for in section 104 of this title.

(c) For the purposes of this section, any reference in section 104 to the term "energy conservation plan" shall be deemed to be a reference to the term "petroleum pricing and exemption action".

SEC. 124. CONTINGENCY PLANS.—(a) In order to fully inform the Congress and the public with respect to the exercise of authorities under sections 103 and 104 of this title, the President shall, to the maximum extent practical, develop contingency plans in the nature of descriptive analyses of—

(1) the manner of implementation and operation of any such authority;

(2) the anticipated benefits and impacts of the provision of any plan;

(3) the role of State and local governments;

(4) the procedures for appeal and reviews; and

(5) the Federal officers or employees who will administer any plan.

(b) Within one hundred and eighty days following the date of enactment of this title, and at such other times as the President deems appropriate, the President shall submit to the Congress such contingency plans in accordance with subsection (a) of this section as have been formulated.

(c) Notice of all proposed plans shall be given by publication of such proposed plans in the Federal Register. In the case of each such proposed plan, a minimum of ten days following such publication shall be provided for opportunity for comment thereon and for opportunity to request a public hearing thereon, which, if requested by any interested person, shall be held prior to the adoption of such plan.

(d) (1) Within ninety days following the date of enactment of this title, the President shall develop and submit to Congress a contingency plan (or plans) for rationing which shall describe the rationing system he deems most appropriate to respond to—

(A) an embargo of the sort experienced during the winter of 1973–1974, and

(B) any other contingency which may reasonably be projected, for which rationing may reasonably be considered appropriate, and for which a contingency plan for rationing may reasonably be developed and submitted within the prescribed time period.

(2) Any contingency plan for rationing with respect to a contingency referred to in subparagraph (1) (B) of this subsection which cannot reasonably be developed and submitted to Congress within ninety days following the date of enactment of this title shall be developed and submitted as soon thereafter as practicable.

(3) The requirements of this subsection shall not apply with respect to any contingency which the President finds already exists and for which he has promulgated and submitted to Congress a regulation pursuant to section 103 of this title.

SEC. 125. INTRASTATE NATURAL GAS.—Nothing contained in this Act shall authorize the President to regulate or allocate natural gas not otherwise subject to the jurisdiction of the Federal Power Commission: *Provided*, That to the extent authorized by law the President may with respect to all sources of energy establish thermal efficiency standards, lighting standards, appliance standards, and other general standards of national application designed to improve energy conservation in residential, commercial, and industrial uses: *Provided further*, That State regulatory bodies having jurisdiction over natural gas shall cooperate with the President to achieve the conservation objectives of this Act.

SEC. 126. EXPIRATION.—(a) The authority under this title to prescribe any rule or order to take action under this title, or to enforce any such rule or order, shall expire at midnight, June 30, 1977, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, June 30, 1977.

(b) The Secretary of State shall prepare and transmit to the Congress a report every ninety days on all significant proposals, meetings, and activities undertaken by the United States and other signatory nations to the Agreement On An International Energy Program. The report shall include a summary and copies of any amendments to the agreement, any changes or modifications of related annexes or protocols, any interpretation or construction of the meaning of the agreement, considered in the previous quarter, and any change, modification or interpretation of the agreement to be proposed or supported by the United States in the forthcoming quarter.

SEC. 127. AUTHORIZATIONS OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the President such funds as are necessary for implementation of the provisions of this title.

SEC. 128. SEVERABILITY.—If any provision of this title, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 129. TRANSFER OF AUTHORITY.—In accordance with section 15(a) of the Federal Energy Administration Act (88 Stat. 108 and 109) the President shall designate, where applicable and not otherwise provided by law, an appropriate Federal agency to carry out the provisions of this title after the termination of the Federal Energy Administration.

TITLE II—ENERGY CONSERVATION POLICY

SEC. 201. STATEMENT OF PURPOSES, FINDINGS, AND POLICY.—(a) The purposes of this title are—

(1) to declare an interim national conservation policy;

(2) to make energy conservation an integral part of all ongoing programs and activities of the Federal Government;

(3) to promote energy conservation efforts through specific directives to agencies of the Federal Government, State government, and sectors of private industry;

(4) to encourage greater private energy conservation efforts;

(5) to authorize the Administrator of the Federal Energy Administration to establish national energy conservation standards; and

(6) to provide for the development of energy conservation programs by State government pursuant to the policies set forth in this title.

(b) The Congress finds that—

(1) adequate supplies of energy at reasonable cost are essential to the maintenance of the United States economy and a high standard of living;

(2) increasing dependence on energy supplies imported from foreign sources has created serious economic and national security problems;

(3) a continuation of past trends in the expansion of demand for energy in all forms will have serious adverse social, economic, political, and environmental impacts; and

(4) the adoption at all levels of government of laws, policies, programs, and procedures to conserve energy and fuels could have an immediate and substantial effect in reducing the rate of growth of energy demand and minimizing such adverse impacts.

(c) The Congress hereby declares that it is in the national interest for, and shall be the continuing policy of, the Federal Government to foster and promote comprehensive national fuels and energy conservation programs and practices in order to better assure adequate supplies of energy to consumers, reduce energy waste, conserve natural resources, and protect the environment.

(d) Every agency of the Federal Government shall have the continuing responsibility of implementing the policy and purposes set forth in this title. Each agency shall review its statutory authority, policies, and programs in order to determine what changes may be required to assure conformity with the policy and purposes of this title and shall report annually on the results of its review, together with recommendations for necessary changes, to the President and to the Congress.

SEC. 202. INTERIM ENERGY CONSERVATION PLANS.—(a) (1) Pending the promulgation of regulations to establish national energy conservation standards pursuant to sections 203 through 207, and/or the adoption by the Congress of specific legislative policies, standards, and programs for energy conservation programs, the President may promulgate, by regulation, one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other provisions of this or other Acts) to result in a reduction of national energy consumption.

(2) For purposes of this section, the term "energy conservation plan" includes but is not limited to plans to establish:

(A) lighting efficiency standards for the public buildings;

(B) thermal performance standards for all new Federal construction and all new homes and buildings financed under any Federal loan guarantee or mortgage program;

(C) reasonable restrictions on hours for public buildings;

(D) standards to govern decorative or nonessential lighting;

(E) standards and programs to increase industrial efficiency in the use of energy;

(F) programs to insure better enforcement of the fifty-five mile per hour speed limit;

(G) programs to maximize use of carpools and public transportation systems;

(H) standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

(I) energy efficiency standards to govern Federal procurement policy;

(J) low interest loans and loan gurantee programs to improve the thermal efficiency of individual residences by installations of insulation, storm windows, or other improvements; and

(K) public education programs to encourage voluntary energy conservation.

(3) No energy conservation plan promulgated under this section may impose rationing or any tax or user fee or provide for a credit or deduction in computing any tax.

(4) An energy conservation plan shall become effective as provided in subsection (b) of section 104 of title I of this Act. Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to such plan in cases where a comparable State or local program is in effect, or where the President finds special circumstances exist.

(5) An energy conservation plan shall deal with only one functionally discrete subject matter or type of action proposed to reduce energy consumption.

(6) Subject to section 104(b)(3) of title I of this Act, an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the President, but shall terminate in any event no later than one year after such plan first takes effect unless renewed in accordance with section 104(b) of title I of this Act.

(b) Any energy conservation plan promulgated by the President pursuant to subsection (a) of this section shall not become effective until it has been transmitted to the Congress for review and right of disapproval in accord with the expedited procedures of section 104(b) through (d) of title I of this Act: *Provided*, That for the purposes of this section the reference to "ten calendar days" in section 104(b)(3) of title I of this Act shall mean "thirty calendar days".

Sec. 203. Federal Initiatives in Energy Conservation.—The Administrator of the Federal Energy Administration, in cooperation with the Secretaries of the Departments of Housing and Urban Development, Commerce, Interior, Transportation, Health, Education, and Welfare, Treasury, and the heads of other appropriate Federal agencies shall, within three months of the effective date of this Act, promulgate regulations which specify standards for energy efficiency and conservation and establish—

(a) lighting efficiency standards for public buildings;

(b) thermal performance standards for all new Federal construction and all new homes and buildings financed under any Federal loan guarantee or mortgage program;

(c) reasonable restrictions on hours for public buildings;

(d) standards to govern decorative or nonessential lighting;

(e) standards and programs to increase industrial efficiency in the use of energy;

(f) programs to insure better enforcement of the fifty-five-mile-per-hour speed limit;

(g) programs to maximize use of carpools and public transportation systems;

(h) standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

(i) energy efficiency standards to govern Federal procurement policy;

(j) low interest loans and loan guarantee program to improve the thermal efficiency of individual residences by installation of insulation, storm windows, or other improvements; and

(k) public education programs to encourage voluntary energy conservation.

Sec. 204. State Initiatives in Energy Conservation.—(a) The Administrator is authorized and directed to promulgate within sixty days of the effective date of this title Federal guidelines for the funding and development of State energy conservation programs to be submitted pursuant to section 205.

(b) The Administrator is authorized and directed to request the submission within four months of the effective date of this Act from the Governor of each State a report describing a proposed State energy conservation program to be implemented within the jurisdiction of said State and supported by Federal funds pursuant to section 206 of this title.

(c) The Administrator is authorized, subject to the availability of manpower and funds, to extend such technical assistance as he deems appropriate to individual States for the development of the State energy conservation programs described in subsections (a) and (b) of this section.

(d) The report submitted by the Governor of each State pursuant to subsection (b) which describe the proposed State energy conservation program shall be based upon any or all of the energy efficiency and conservation standards and programs set forth in section 203. The report and the proposed State energy conservation program shall be designed so as to—

(1) minimize adverse economic or employment impact within the particular State; and

(2) meet unique local economic, climatological, geographic, and other conditions and requirements.

Sec. 205. Delegation of Authority.—(a) Within sixty days following the date of enactment of this title, the Administrator shall—

(1) establish criteria for the delegation of responsibility for the implementation and administration of State energy conservation programs to the responsible State officers and agencies; and

(2) establish procedures for petitioning for the receipt of such delegation.

(b)(1) State offices and agencies, following the establishment of criteria for delegation and procedures for petitioning in accordance with subsection (a) of this section, may petition the Administrator for the receipt of such delegation.

(2) The Administrator shall review and may approve any State energy conservation program submitted pursuant to section 204 (a) and subsection (a) of this section within thirty days of its receipt.

(3) The Administrator shall establish procedures incorporating the provisions set forth in title I of this Act governing interpretation of State programs, administrative law, judicial review, enforcement and penalties.

Sec. 206. Grants to States.—(a) The Administrator shall provide all financial assistance in accordance with this section necessary for the development and implementation of approved State energy conservation programs.

(b) One-half the sum appropriated for fiscal assistance to the States shall be apportioned to each State in the ratio which the population of that State bears to the total population of the United States. The remainder shall be distributed by the Administrator among the States on the basis of their respective needs and their achievement of conservation targets set by the Administrator.

(c) Within sixty days after the date of enactment of this title, the Administrator shall issue, and may from time to time amend, regulations with respect to financial assistance for State energy conservation programs which include criteria for such programs.

(d) Any amounts which are not expended or committed by a State pursuant to subsection (b) during the ensuing fiscal year shall be returned by such State to the United States.

(e)(1) Each recipient of financial assistance under this section shall keep such records as the Administrator shall prescribe.

(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts.

Sec. 207. Energy Conservation Targets and Objectives.—(a) The Administrator shall, on a regular and periodic basis, establish realistic and attainable energy conservation targets and objectives for State energy conservation programs. States which meet energy conservation targets and objectives shall be eligible for an incentive grant as determined by the Administrator from the funds authorized and appropriated to carry out the purposes of this title.

(b) The Administrator shall furnish the Governors of the respective States with a monthly report on the implementation of this title, on the energy savings achieved, and any innovative conservation program undertaken by individual States.

Sec. 208. Nonparticipation by State Government.—In the event that one or more States fail to propose an acceptable State energy conservation program, or having proposed such a program fails to implement or enforce the program, the Administrator is authorized and directed to develop, implement, and enforce a Federal program for such State or States.

Sec. 209. Reports.—Six months after the date of enactment of this title the Administrator shall prepare and submit to the Congress a report on—

(a) the operation of this title, the energy conservation savings achieved, the degree of State participation and compliance, and any recommendations for amendments; and

(b) the Administrator's assessment of the need, if any, and his recommendations for additional economic incentives or economic penalties to insure effective participation and compliance with and by State government with the provisions and the purposes of this title.

Sec. 210. Authorization of Appropriations.—There are hereby authorized to be appropriated to the Administrator such funds as are necessary for the fiscal years following the effective date of this title.

Sec. 211. Expiration.—The authority under this title to prescribe any rule or order to take action under this title, or to commit any funds thereunder, shall expire at midnight, June 30, 1976.

Mr. JACKSON. Mr. President, there are two problems with the President's energy program: first, in a period of inflation, it raises prices; and second, in the worst recession in a generation, it will cause more unemployment.

Such a program makes no sense.

There is a way to cut back our usage of oil and to create jobs at the same time. That is the program that I have proposed and that is the program the Senate will be voting on shortly.

The Congress would have had a program sooner, but it had to spend time trying to stop the most disastrous elements of the President's program—the excise tax and decontrol.

The cost to the average family of the President's tax, tariff, and decontrol program would be $800 a year. The job cost of a million-barrel-a-day cutback in oil usage would be 400,000 more Americans thrown out of work. I do not buy that; Congress is not about to buy that; and the American people will never buy that.

To try to cut oil usage by drastically raising its price is not fair in that it hurts those who can least afford it. It makes no sense in that it will almost surely establish higher world oil prices. It is not right in that, if successful, it will cause more unemployment. The sensible alternative program is a program of conservation tied to a program of creating jobs in the production of energy.

The Standby Energy Authorities Act, most of which was passed by the Congress last year and vetoed by the President, mandates Federal and State energy conservation programs. It will not raise oil or gas prices.

Tied to this important measure is S. 740, a bill to create a National Energy Production Board. The Committee on Interior and Insular Affairs will hold hearings on this bill before the Easter recess.

This bill will mobilize American's resources and manpower on a vast scale to substantially increase production of domestic energy supplies. It will create jobs and tap new oil fields on public lands, the Outer Continental Shelf, and in Alaska.

Mr. President, S. 622, the Standby Energy Authorities Act, provides specific standby authority to deal with the severe energy shortages which would result from a new oil embargo or other serious curtailment in energy supply. Most of the provisions of title I of S. 622 were approved by the Senate in the 93d Congress. S. 2589, the Energy Emergency Act, contained a majority of the provisions for standby authority incorporated in S. 622. President Nixon vetoed S. 2589 on March 6, 1974. A clean standby authorities bill, S. 3267, was introduced shortly thereafter and subsequently modified to incorporate the additional authorities required to meet new obligations under the Agreement on an International Energy Program which the United States signed on November 18, 1974. Title XIII of S. 594, the administration's standby authorities legislation, is based on S. 3267 and represents substantial progress along the learning curve by the administration on the subject of standby authority.

Title II of S. 622 provides the foundation upon which a new national energy conservation policy can be built. The programs of this title represent a responsible alternative to the ruinous energy tax, tariff, and pricing policies proposed by the administration. These programs provide for interim Federal energy conservation measures to be implemented pending enactment of more comprehensive legislation by the Congress.

The choice of measures included in title II is based on the opportunities for energy conservation reflected in the Federal Energy Administration's comprehensive energy plan and the Project Independence blueprint. Based on the findings of the comprehensive energy plan, implementation, on a voluntary basis, of the programs described in title II would result in energy savings within a year equivalent to over 800,000 barrels per day of crude oil. By mandating these conservation programs, title II will lead to even greater energy savings.

There is broad agreement that we can and ought to begin the job of systematic energy conservation. There is virtually unanimous agreement that the sledgehammer-approach of energy price increases which the administration has proposed are a prescription for economic disaster. The administration's energy program is a rationing program. It is rationing by prohibitive pricing. Ironically, because of the structure of our economy it may only conserve energy because it accelerates the decline into depression.

The programs of title II offer an alternative to this bleak prospect. This legislation provides for the promotion of sensible energy conservation—consistent with economic recovery—to build energy efficiency into the fabric of our society and limit our dependence on foreign energy supplies.

Taken together these two titles of S. 622 create the mechanisms to deal with two of the central goals of a reasonable and responsible energy policy:

The protection of the domestic economy from the danger of curtailments in energy supplies; and

The initiation of energy conservation programs which promise real energy savings without disastrous economic impacts.

STANDBY AUTHORITIES

In addition to the specific grant of the standby authorities to deal with severe energy shortages, title I contains carefully circumscribed authority, which does not now exist in law to carry out the provisions of the agreement on an international energy program. In no sense, however, does any provision of title I constitute advice and consent or implied approval of provisions of the agreement, or of any protocol amendments of new international agreements entered into subsequent to November 18, 1974.

As reported by the Senate Committee on Interior and Insular Affairs, title I of S. 622 contains the major provisions listed below. Of these provisions, sections 103, 104, 106, and 113 may be exercised by the President only following a finding that acute energy shortages exist or are impending that threaten the domestic economy or that the exercise of these authorities is required by the agreement on an international energy program.

First. Section 103 authorizes the President, subject to congressional review and right of disapproval, to implement a program for end-use rationing of petroleum and petroleum supplies;

Second. Section 104 authorizes the President, subject to congressional review and right of disapproval, to implement energy conservation plans;

Third. Section 105 authorizes the President, after reporting to Congress, to allocate supplies and materials associated with the production of energy to the extent necessary to maintain and increase the production and transport of fuels;

Fourth. Section 106 authorizes the President to undertake a number of measures to increase domestic supplies of petroleum;

Fifth. Section 111 authorizes the President to restrict exports of fuels and energy resources, including petrochemical feedstocks, as well as material and equipment necessary for domestic energy exploration and production, under such terms as he deems appropriate, consistent with existing laws.

Sixth. Section 113 authorizes the President to order such action as may be necessary for implementing the obligations of the United States under the international agreement, as defined in the title, with regard to the international allocation of petroleum.

Seventh. Section 118 authorizes the President to collect such energy information as he deems necessary for the purpose of carrying out the title, including the obligations of the United States under the international agreement;

Eighth. Section 120 provides that title I shall not be construed as advice and consent, ratification, endorsement, or other form of congressional approval of the international agreement or any related agreement;

Ninth. Section 121 sets forth the procedures and conditions governing voluntary agreements entered into to accomplish the objectives of the international agreement with regard to the international allocation of petroleum;

Tenth. Section 122 extends the Emergency Petroleum Allocation Act of 1973 to June 30, 1976, by amending section 4(g)(1) of that act;

Eleventh. Section 123 prohibits any increase in the price permitted for "old" oil, and any exemption of crude oil, residual fuel oil, or refined petroleum product from price control regulations without congressional review and right or disapproval;

Twelfth. Section 124 requires the President to develop and transmit to Congress contingency plans for energy rationing and conservation. Such contingency plans may not be implemented, however, without congressional approval, as provided for in sections 103 and 104.

ENERGY CONSERVATION

Mr. President, title II initiates a number of mandatory energy conservation programs. According to the Federal Energy Administration's comprehensive energy plan and the Project Independence blueprint implementation of only a portion of the programs authorized in the title would result in savings of the energy equivalent of approximately 800,000 barrels of crude oil per day within a year, nearly 1.5 million barrels per day by 1980, and over 2.5 million barrels per day in 1985. In no sense would enactment of S. 622 foreclose further congressional action at a later date to enact additional energy conservation legislation affecting the sectors with which this legislation is concerned or new subject matter areas not dealt with by S. 622.

Title II of S. 622 is designated to provide a sensible, economically responsible, and effective alternative to the ruinous and inequitable program of across-the-board increases in energy prices which has been proposed by the adminsitration. Testimony before several congressional committees by a distinguished group of economists, including the current Chairman of the Federal Reserve Board, past advisers to both Republicant and Democratic Presidents, and a number of eminent academic and business economists, has been unanimous in its criticism of the grave danger to the economy which is posed by the administration's program. In addition, the portion of this testimony which deals with the potential for energy savings resulting from the administration's proposal has cast serious doubts on the effectiveness of a program of rationing by price in conserving energy. Charles R. Owens, former Deputy Assistant Administrator for Policy Planning and Analysis at the FEA, testified before the Senate Interior Committee on February 6, that:

> Fundamentally we believe the President's program is based on several highly dubious assumptions . . . [including] the assumption that demand elasticity is significantly negative despite the contrary evidence over the entire post-World War II period. Even the past eighteen months, while admittedly exceptional, indicate almost zero elasticity.

Thus, even if the enormous economic sacrifice by the American consumer which is involved in the admnstration's proposal is made, there is a substantial doubt that the energy savings which the administration claims for the program would actually be achieved.

The approach of title II of S. 622 to the conservation of energy is based on a far more prudent and economically responsible policy. The reduction in energy consumption would be achieved by focusing the attention of the American people on energy conservation through comprehensive, well-thought-out, mandatory conservation programs administered by the States. This effort would not saddle consumers, business, industry, and State and local government with drastic energy price increases which would diminish chances for economic recovery. It would not impose draconian Federal intervention in the marketplace. It would begin those programs which the FEA has indicated can result in substantial energy savings based on detailed and comprehensive study of the potential for energy conservation. It would utilize Federal expertise, authority, and funds to assist in the development and operation of these programs.

The direction and authority contained in title II is intended to mandate the establishment of energy conservation goals, standards and specific model Federal programs. These programs are intended to be in effect until such time as the Congress enacts specific legislative policies on each of the subject matter areas covered by the title. Title II programs do not require an oil embargo, a serious curtailment in energy supplies, or a finding of impending emergency shortage conditions to trigger implementation.

Title II provides for the formulation by State governments of State energy conservation programs based on Federal model programs and standards and tailored to meet the unique economic, climatological, and geographic conditions prevailing in each State. The implementation of these programs at the State level by State government will go a long way to avoid the problems of coordination and administration experienced during the 1973–74 embargo.

The most important sections of title II are as follows:

First. Section 202 authorizes the promulgation by the President, subject to congressional right of review and disapproval, of specific interim Federal energy conservation programs pending establishment and implementation of the programs mandated by the title.

Second. Section 203 requires the Administrator of the Federal Energy Administration to promulgate regulations within 3 months of the effective date of the act setting forth Federal standards for energy efficiency and establishing specific programs for energy conservation. These Federal initiatives shall include:

Lighting efficiency standards for public buildings;

Thermal performance standards for all new Federal construction and all new homes and buildings financed under any Federal loan guarantee or mortgage program;

Reasonable restrictions on hours for public buildings;

Standards to govern decorative or nonessential lighting;

Standards and programs to increase industrial efficiency in the use of energy;

Programs to insure better enforcement of the 55 mile-per-hour speed limit;

Programs to maximize use of carpools and public transportation systems;

Standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

Energy efficiency standards to govern Federal procurement policy;

Low interest loans and loan guarantee programs to improve the thermal efficiency of individual residences by installation of insulation, storm windows, or other improvements; and

Public education programs to encourage voluntary energy conservation.

The Federal Energy Administration has estimated that the energy equivalent of over 800,000 barrels per day of crude oil could be saved within a year through a purely voluntary program incorporating many of the provisions included in section 203. Mandatory adoption of these measures will increase energy savings. The Project Independence blueprint estimates energy savings from the adoption of similar programs at the energy equivalent of 1 million barrels per day in 1977, nearly 1.5 million barrels per day in 1980, and 2.5 million barrels per day in 1985.

Third. Sections 204, 205, and 206 authorize the setting of Federal guidelines for State energy conservation programs to be submitted to the Administrator of the Federal Energy Administration by the Governors of each State, the delegation of authority to the State to implement the program, and the support of the programs through a grant of Federal funds.

Fourth. Section 207 requires the Administrator of the Federal Energy Administration to establish realistic energy conservation targets and objectives for State programs and to establish an incentive program for added Federal funding.

Fifth. Section 208 provides that, should any State fail to submit an acceptable State energy conservation program, the Administrator shall develop, implement and enforce a Federal energy conservation program in that State.

Mr. President, S. 622 provides the needed standby authority to deal with severe energy shortages which may occur in the future; it also starts the Nation on the road to responsible and economically viable programs of energy conservation.

The administration has repeated often in the past month the belief that congressional energy proposals are inadequate. In my view the legislation before us today represents an important part of a responsible energy policy which can achieve real goals without damaging the economy. The administration's policy, an energy policy which merely makes energy more expensive, guarantees nothing except economic hardship. I strongly urge the passage of S. 622.

Mr. FANNIN. Mr. President, the Senator from Arizona regrets very much that he cannot support S. 622 and cannot be in agreement with the statement that has been made by the chairman of our committee, the distinguished Senator from Washington.

However, I think the Members of this body can benefit by reading the minority and additional views of the Senators in the report, and I will cover some of the views that are expressed by myself, Senator HANSEN, Senator McCLURE, and Senator BARTLETT. I would also like to refer to the views that have been expressed by the distinguished Senator from Oregon (Mr. HATFIELD).

I would just read from the opening statement of his views where he says:

> The Standby Energy Authorities Act, S. 622, like its predecessors in the 93rd Congress, S. 2589 and S. 3267, is an example of a power delegation that has practically no legal bounds, only political bounds, in that Congress will have the opportunity under this Act to say "no" to each and every Presidential attempt to invoke the authorities of S. 622.

He goes on to say:

> This bill is a poor substitute for the kind of tough, forward looking legislation we need to address the various problems we call collectively the energy crisis.

Mr. President, if we are going to solve the energy crisis that faces this Nation, we must take positive action, and I commend the President for the action he took. Certainly we can say he did obtain the attention of not only Congress but of the American people. There are very few places in this country where you travel that you will not have pros or cons stated to you regarding the President's program.

Now, whether we agree wholeheartedly with the President's program or whether we disagree with the many phases of the President's program, he certainly is to be commended for what he has done in getting the attention of Congress and the American people.

We are moving forward. I do not feel that S. 622 is in that particular category of moving forward because we have other legislation being considered now by Congress that is vastly more important, that is forward-looking legislation, and will attain some of the goals that we are talking about.

Mr. President, S. 622, the so-called standby energy bill is again before us in a new loose fitting frock which still conceals the same old deformities. In 1973 we considered S. 2589. In 1974 we considered it as S. 3267. S. 622 has at least as many faults as its predecessors and is, to my mind, little return on the massive investment we have made under Senate Resolution 45, the National Fuels and Energy study. As we have set out and explained in the minority and additional views in the Interior Committee's report on the bill, it has six major faults.

Mr. President, these faults are, first, that it ignores the administration's effort to develop a national energy policy which can deal either with normal situations or emergencies such as the Arab oil embargo.

Second, by providing for congressional veto procedures, it essentially tells the executive branch to provide an overall policy but subjects any proposed policy to piecemeal veto by the Congress and consequently prevents any assurance of the workability of any administrative proposal. This is brought out quite well by the Senator from Oregon (Mr. HATFIELD).

Third, Mr. President, the very extension of the Emergency Petroleum Allocation Act contained in the bill is unnecessary and an entire shirking of congressional responsibility. The bill extends the life of that act until June 30, 1976. Following an extension provided by the Congress last year to August 31, 1975 (S. 3717), there is no earthly reason this Congress cannot fully review and amend, if necessary, the Allocation Act by the end of August of this year. We will still be in session for sure.

In fact, if we have not done so and the Nation is not then operating under a cohesive energy policy which is the product of administration and congressional thinking, the Congress will deserve the censure it will undoubtedly get from the people of this country. We should note here, Mr. President, that the proposed extension is to be passed with no hearings whatever on the workings and administration of the Allocation Act.

Mr. President, the fourth major fault is title II, which without benefit of hearings, the committee proposes that the Senate adopt. Title II provides for a so-called conservation program. Cast in generalities, it tells the administration to "conserve." It does not say how much, where, when, or how. Having given this direction, the title then carefully reserves to the Congress a 30-day right of veto on any conservation proposal.

Mr. President, if we are going to have true conservation, then we must be willing to coordinate our efforts with those of the President and not set up a contest between Congress and the President.

We strongly request, Mr. President, that our colleagues read title II in its entirety. Such examination cannot help but convince the majority of them that it is inappropriate, inconsistent, and hypocritical.

The fifth objection to the bill, Mr. President, is that its section 106(a)(1) authorizes an unconstitutional seizure of private property by authorizing oil production beyond the maximum efficient rate. Such a course of action has dire consequences in energy waste as well as being the unconstitutional taking of property. Mr. President, the States of this great Nation of ours have done quite well in supervising this particular procedure.

Lastly, Mr. President, section 121 purports to provide defenses to antitrust actions when a concerted course of action is taken to develop and implement voluntary plans of action in allowing IEP international oil allocation. While the purpose and intent of section 121 is to be beneficial, in fact and in law, it leaves any company relying on it in a most exposed and risky position. Mr. President, no company could possibly undertake the agreement contemplated by this section under its subjective and ill-considered terms.

Mr. President, I am not going to elaborate on all of the objections. They are covered—the objections the Senator from Arizona has and other minority Members have are covered—in the minority and additional views as to their position with respect to this legislation, as I stated earlier, and I just trust that the Members of the Senate will carefully examine what has been said.

I feel that we must have a viable overall national program and policy, and I certainly will cooperate, and I trust that we can, through the deliberations in the next few days, make amendments to this bill.

Although I cannot support it as it now stands, I would certainly not close my eyes to possible changes that could be made that would be very beneficial.

If we are going to have legislation go through Congress, we have an obligation to do whatever we can, whether we agree to it or not, to try to better that legislation and improve it; and that, I assure you, I will make every effort to do.

I feel that we have a very serious problem facing us, and we can move forward in many areas that will be helpful. But we do have a great deal of other legislation now under consideration by Congress, and we must take the overall into consideration. I trust we will do that.

I yield the floor, Mr. President.

Mr. HANSEN. Mr. President, as several of us said in our minority views on S. 622, we are opposed to the bill for a number of reasons.

Foremost are the sections revising congressional veto procedures for oil price controls and extension of the Emergency Petroleum Allocation Act.

Like so many other bills reported out of this committee over the objections of the minority, it is loaded with extraneous and unwanted authority and congressional veto procedures that would make any kind of emergency planning an exercise in futility if it could all be undone before or soon after any contingency plan was implemented.

Even the Alaska pipeline bill was loaded down with unnecessary and unwanted provisions and requirements and as were this bill's predecessors, the Energy Emergency Act, which the President vetoed last year and another Standby Energy Authorities Act which died in the last Congress.

Proponents of more and continued Federal regulation and price controls would not give up, though, and this bill is a warmed over version of the Energy Emergency Act with a new approach to continued price controls on crude oil and petroleum products.

Mr. President, even the great majority of independent marketers favor doing away with the two-tier oil pricing system and the whole allocation and crude entitlements programs and getting back to a free market system under contractural agreements with the major suppliers.

Only a very small segment of independent marketers favor retention of either the allocation or entitlements program. One large refiner who operates almost entirely on foreign oil and who has benefited magnificently from the allocation and entitlements program favors retaining the program.

The Emergency Petroleum Allocation Act is playing havoc with competition between independents and majors and hurts one as much as the other and helps none except a small minority that benefits from the profits taken away from others, both independents and majors.

As incongruous as it may seem, one of the larger independent refiners in my State of Wyoming is threatened with huge losses as a penalty for having too much "old" or price controlled oil and having to share its foresight and good fortune with those who had not so provided.

But even the major companies are suffering. One with a refinery in Casper was faced with the threat of a shutdown by having to give most of its oil to other refineries in the Rocky Mountain area and not having enough to run its own refinery.

So at least the act does not discriminate. It hurts both major and independents and none of these people were allowed to comment or testify when the majority of the committee voted to extend the act for another 10 months.

No witnesses were asked or allowed to testify except administration officials from FEA, and Interior Department.

Frank Zarb, Administrator of the Federal Energy Administration, said it would take them only 30 days to phase out the allocation and crude entitlements program although they still have until the end of August this year if they need it.

And, Administrator Zarb and other administration officials want to phase the program out and get back to a free market system as soon as possible.

I had numerous requests, Mr. President, from independents and majors alike who wanted to testify but who were given no opportunity.

This, Mr. President, is not only running rough-shod over the committee minority but is ignoring the majority of even the independent sector of the industry—producers, refiners and marketers alike—who want the program either terminated or amended.

But the chairman could not spare a day or two more to hear the multitude of objections all of these people had to continued allocations, regulation, and price controls long after the emergency was over.

Mr. President, one who I would like to have heard from and who has made a comprehensive study of the act is Associate Professor Mancke, international economic relations, Fletcher School of Law and Diplomacy, Tufts University.

I would like to quote from a published report of Prof. Richard B. Mancke's study of the performance of the Federal Energy Office.

Here is what he said:

> Well before the start of the Arab embargo, the shortages that developed made it evident that the price ceilings on old oil had been set far below market-clearing levels. Crude-short refiners, desperate for refinery feedstocks, bid up the price of exempt crude. Desiring even more oil, they began seeking ways to circumvent the price controls of old oil. According to reports in the trade press prior to the OAPEC embargo, some succeeded by agreeing to tie together purchases of old and new oil from a given source they bought old oil at the controlled price, but bought new oil at a price so high that the weighted average price for the total purchase rose to near the market-clearing level. Thus, the price controls on old oil had the undesirable consequence of accelerating the inflation of prices of new oil.
>
> U.S. Petroleum supplies became much tighter after the OAPEC embargo. Realizing that producers of old oil would almost certainly require tie-in purchases in order to circumvent the price controls, the FEO froze all buyer-seller arrangements on old oil as of 1 December 1973. This ruling eliminated the possibility of tie-in sales and thereby saved the controls on crude-oil prices from total emasculation.
>
> Some refiners process much greater proportions of old crude than others. In order to prevent these fortunate refiners from reaping vast windfall profits, the FEO had to enforce differential ceilings on the prices refiners could charge for their products. The method was to allow each refiner a specified markup over its full unit production costs. Even within well-defined geographical markets, the price controls on old crude led to intercompany differences of as much as 12c per gallon in retail gasoline prices.
>
> All petroleum products were in short supply during the Arab embargo. Hence, even companies whose products carried prices as much as 20 per cent above those of their competitors because they processed proportionately more of the high-priced new and foreign crude did not lose sales. However, once the embargo ended and the shortages eased, these companies confronted the dilemma of maintaining their prices and watching their sales plummet or cutting prices and incurring huge losses. This situation was neither "fair" nor economically desirable. However, given multi-tiered pricing for crude oil, the unhappy choice could be avoided only by requiring relatively crude-rich refiners to sell (at controlled prices) some of their cheap crude to crude-short refiners. Disregarding the vigorous protests of the crude-rich refiners, who felt (correctly) that they were being asked to subsidize their less fortunate competitors, the FEO and its successor, the Federal Energy Administration, enforced the interrefinery allocation rules discussed earlier.
>
> ### THE FAILURE OF PRICE CONTROLS ON CRUDE OIL
>
> The foregoing discussion provides a taste of the complexities of the price regulations on crude oil and of the problems arising from their enforcement. The FEO was aware of most of these problems. It used much of its scarce manpower trying to make the controls more efficient and equitable and to enforce them properly, but to no avail. Unfortunately, because crude oil was in such short supply, inequities and inefficiencies were inherent in any system of effective price controls. Perhaps even worse than the myriad problems that the controls caused was their failure to achieve one of their main goals, restraint on profits. To illustrate, in the first quarter of 1974, in the aftermath of the OAPEC decision to embargo oil sales, earnings of thirty of the largest U.S. based oil companies soared 73.4 per cent over the same period in 1973.
>
> The FEO never questioned the desirability of preventing the oil industry from reaping windfall profits due to the OAPEC embargo. Recognizing the need for voluntary public support for its energy conservation plans and the enormous public distrust of the oil industry, I concur with this decision. But controlling windfall profits is not without problems. Most important, it places the government in the difficult position of defining acceptable profit levels. Judged by the most common measure, the rate of return on equity investments, profits of most U.S. oil companies were below the average for all U.S. industry for the ten years prior to the OAPEC embargo. When profits of twenty-five leading oil companies rose nearly 53 per cent in 1973, their rate of return on equity was 15.1 per cent against more than 14 per cent for all U.S. manufacturing. These comparisons do not establish that profits in the American oil industry were "excessive" and needed to be controlled.
>
> The price controls failed to limit the post-embargo profits of oil companies for three reasons:
>
> First, the sharp rise in the price of foreign oil roughly doubled the value of stocks of foreign crude. Large inventory profits were realized when crude bought at pre-embargo world prices was sold at post-embargo prices. Price controls on domestically produced crude oil could not limit this source of approximately half of the higher profits attributable to the embargo.
>
> Second, because they did not wish to worsen shortages, the designers of the price controls exempted new, released, and stripper oil, which accounted for roughly 40 per cent of all domestic crude. This was a wise decision. However, the shortage pushed prices of exempt domestic crude from less than $6.00 per barrel on the eve of the embargo to nearly $10.00 by late December; roughly three fourths of the higher revenues due to this price rise accrued as higher profits to the owners of exempt crude.
>
> Third, the FEO, wanting to maintain output in the face of escalating production costs, granted producers of old oil a price rise of $1.00 per barrel.
>
> It should be stressed that the inefficiencies and inequities of price controls, and their ultimate failure to limit oil-company profits, were not the fault of the FEO. It made repeated attempts to remedy these deficiencies. Rather, the fault lies with the basic policy of controlling the price of a product at a level so low that its demand far exceeds its supply.
>
> ### A REMEDY
>
> The United States may experience renewed interruptions in oil supplies. In that event, it may once again seek to limit the profits of oil companies to gain public acceptance of the necessary austerity measures. The unsatisfactory experience with price controls prompts me to suggest an alternative policy to meet any new crisis in petroleum supply.
>
> First, prices of crude oil and refined products should be allowed to rise freely both to discourage their consumption and to facilitate the allocation of scarce supplies to their most important uses. However, the government should have ready for quick implementation a rationing program designed to restrict demands to the supplies available—if, and only if—the petroleum shortage is so great that it threatens to push prices up to politically intolerable levels.
>
> Second, to prevent the oil companies from reaping windfall profits from crisis-bred higher prices, Congress should pass legislation that requires the President to impose a temporary excise tax on sales of petroleum products after a formal finding of an energy crisis by the Federal Energy Administration. (It is tempting to recommend the inclusion of a tax on excess profits in this legislation as an alternative presidential option. But I suspect that, as was the case with price controls recently, an efficient and equitable excess-profits tax is impossible to devise.
>
> Furthermore, in practice, companies find many ways to avoid this type of tax.) The temporary excise tax should be set nearly equal to the maximum hike in the prices of petroleum products that Congress feels Americans would tolerate under the circumstances. If Congress feels that poor Americans would suffer a disproportionate burden from a temporary petroleum excise tax, it should also require that its imposition be coupled with offsetting income tax credits or some other type of tax reduction.

Those are just a few of my objections, Mr. President. The section on conservation should alert Governors to what the committee has in mind for States rights. As stated in our minority views, the hypocrisy of section 202 is revealed in section 203. In committee, the possibility of Federal enforcement of speed limits on State highways was seriously discussed. In addition to the FBI, we could soon have a Federal highway patrol competing with State patrols for its fair share or quota of speeding tickets.

Mr. President, I continue to be amazed at the glibness with which the chairman glosses over and ignores the obvious answers to our energy problems.

He continues to expound over obscene oil company profits and must hope that such bills as S. 622 will soon put an end to all oil company profits and leave them at the tender mercies of the Federal Government.

Is it not enough that the Federal Government is now faced with bankrupt railroads, failing airlines, and other ailing industries whose woes have been brought on largely by Government regulation. Does the chairman wish now to have the oil companies, independents as well as majors, come hat in hand before his committee to beg for alms because they were making too much money and now can make none?

Mr. President, this bill is even worse than the Energy Emergency Act which the President vetoed last year. I hope President Ford will have the good judgment to veto this one unless it is amended as the distinguished Senator from Arizona (Mr. FANNIN) suggested.

Mr. STONE. Mr. President, I commend the chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) for his leadership with respect to S. 622. Senator JACKSON was particularly instrumental in guiding the committee toward adoption of title II of S. 622, which provides for the development of national energy conservation standards and the encouragement of State energy conservation plans.

In the opinion of the Senator from Florida, title II is especially important because, if enacted into law, it will manifest congressional determination to take immediate action with respect to energy conservation. Most Americans are ready to cooperate in a national effort to eliminate wasteful uses of energy. The Senator from Florida believes that title II of S. 622 establishes a policy and a program which will be supported by the American people.

Title II of S. 622 contemplates that we shall have efficiency and performance standards for such things as lighting and heating in buildings, standards to govern decorative or nonessential lighting, standards to increase industrial efficiency in the use of energy, and a public education program to encourage voluntary energy conservation.

One of the important features of title II of S. 622 is that it places primary emphasis upon the States in developing and implementing energy conservation plans. Although the bill authorizes the Administrator of the Federal Energy Administration to promulgate Federal standards for energy efficiency and conservation, it relies principally upon the States to develop and implement energy conservation plans which are appropriate for the individual States respectively. The bill authorizes financial assistance to the States for the development and implementation of such conservation programs. Only if a State fails to propose, implement, or enforce an acceptable State energy conservation program would the Federal Energy Administrator implement a Federal program for such a State.

Under the provisions of title II, the Governors of the States are given 4 months from the effective date of the act to submit proposed State energy conservation programs. These proposed State programs must be designed so as to "minimize adverse economic or employment impact within the particular State" and to "meet unique local economic, climatological, geographic, and other conditions and requirements." In other words, Mr. President, title II of S. 622 contemplates the development of energy conservation programs which are appropriate for the very different conditions which prevail from one part of our country to another. This is a wise approach because it combines the promulgation of understandable Federal standards with the flexibility to implement these standards in a practicable way.

Pending the promulgation of national energy conservation standards by the Federal Energy Administrator—which must be forthcoming no later than 3 months from the effective date of the act—or the adoption by Congress of specific energy conservation programs, title II of S. 622 authorizes the President to promulgate interim energy conservation plans. Any such plan shall not become effective until it has been transmitted to the Congress for review and right of disapproval by either body and shall terminate no later than 1 year after such plan first takes effect. Thus, Congress is providing a procedure by which our country can immediately initiate energy conservation plans, pursuant to Presidential regulation, without granting to the executive branch uncontrolled policymaking powers with respect to energy conservation.

In summary, Mr. President, the Senator from Florida sincerely believes that the Interior Committee is proposing a sensible approach toward the development and implementation of a national energy conservation program. It combines Federal standards with State responsibility. It contemplates Federal guidelines but relies on State initiative. The Senator from Florida urges the Senate to adopt title II of S. 622 as the first step toward putting an end to wasteful uses of energy in America.

Mr. PHILIP A. HART. Mr. President, I would like to thank the distinguished chairman of the Interior Committee for providing me and the staff of the Antitrust and Monopoly Subcommittee the opportunity to participate in the drafting of the antitrust immunity provisions of this bill. Although title 13 of the administration's counterpart bill was referred to the Judiciary Committee because of the antitrust provisions, referral of S. 622 was not necessary in light of the cooperation and close working relationship with the Interior Committee and staff on this issue.

I believe that the antitrust provisions in section 121 represent a careful and proper balance between, on one hand, a desire to accomplish the immediate purposes of this act and on the other hand, the need to protect the public from anticompetitive practices. These provisions were worked out in close consultation with both the Federal Energy Administration and the Departments of State and Justice. Basically, they represent an adaptation of the antitrust immunity language and safeguards contained in the vetoed Emergency Energy Act passed by the last Congress.

These provisions, however, have been tailored to the specific requirements of the International Energy Agreement. This agreement provides for two types of cooperative action between petroleum companies which the administration and industry contend, but for some special immunity provision, might violate the antitrust laws. The first of these activities deals with international allocation. In the event of a significant loss of petroleum supply by any part of the consuming world, each country has agreed to share its available supply in order to equalize the effect of the loss. The second area involves a sharing of data necessary for emergency planning by the International Energy Agreement.

My own opinion is that legitimate activities undertaken in this regard would not necessarily constitute violations of the antitrust laws. Consequently, I am not persuaded that there is a need for antitrust immunity. In view of the representations from the industry and the administration that without these provisions the oil companies will not participate in carrying out our obligations under the agreement, I reluctantly support the limited immunity provided in the bill.

The bill's immunity provisions are intentionally narrowly drawn and contingent upon adherence to certain important safeguards. Section 121(a) makes clear that no general antitrust immunity is intended and that possible immunity is limited to the two specific activities under the International Energy Agreement. Nor is immunity provided for domestic activities. Those aspects of the vetoed bill have been deleted with the support of the administration.

Similarly, the antitrust provisions in this act also contain a repeal of the immunity provision contained in the Emergency Petroleum Allocation Act of 1973. It is the opinion of the Federal Energy Administration and the Department of Justice that these provisions are no longer necessary for the proper operation of a domestic allocation system. I fully support the policy of the administration that antitrust immunity provisions should be quickly removed when they no longer serve any immediate purpose. I trust that the provisions of section 121 will receive the same consideration.

Subsection (e) of section 121 sets out certain minimum requirements which must be contained in the rules promulgated under subsection (d). For example, all meetings to develop a voluntary agreement must be public, and must permit participation of all interested segments of the industry, consumers and the public. They must be preceded by timely notice and an agenda. The Attorney General and the Federal Trade Commission must be notified and the chairman must be a regular full time Federal employee, except in cases where an international meeting is being held under the auspices of the International Energy Agency.

These requirements may be limited somewhat for meetings devoted solely to developing plans of action under a voluntary agreement. If the Administrator, with approval of the Attorney General, finds that wide disclosure would be detrimental to the public interest, he may limit attendance so long as he provides for a reasonable representation of the various affected segments of the industry. This provision stems from a concern that premature disclosure of plans or events during a boycott could have adverse consequences and be detrimental to achieving the very purposes of the meeting.

The rules must also provide that a full and complete record be kept of all meetings or conferences and, where practicable, this record must be a verbatim transcript. This material, together with all communications between the participants of an agreement, must be made public subject to the exemptions in the Freedom of Information Act relating to defense and foreign policy, material specifically exempted from disclosure by statute, and trade secrets. The Freedom of Information Act exemption relating to commercial and financial material is expressly not made applicable. The reasoning here is that the public should be entitled to see the commercial and financial material exchanged between the companies if there is to be antitrust immunity for this type of exchange. It is hard to conceive of an exchange of confidential commercial and financial data being essential to international allocation, but it is even more difficult to justify the confidential nature of business information which a corporation is willing to share, for whatever reason, with its competitors. Such sharing destroys the basic reason for its confidentiality.

Let me try to deal with this question in the context of a specific example. In the operation of the major foreign joint ventures, each company periodically proposes the amount of crude oil it wants to lift and a determination is then collectively made as to what can actually be lifted. It is usual for the companies to treat both their target liftings and actual liftings as confidential. Exchange of production data of itself creates a great potential for collusive behavior. It is obviously easier to restrict production when you are confident that everyone else is doing the same. Yet, this type of exchange of information would be eligible for antitrust immunity. If competitors are going to be let in on this kind of information, it is important that everybody else be let in to assure that such exchange does not allow for anticompetitive activity.

Subsection (f) provides for extensive participation by the antitrust agencies. They are required to be present and consulted with regard to every aspect of the voluntary actions permitted under these provisions. They are required to "participate from the beginning in the development, implementation and carrying out of voluntary agreements and plans of action." The Attorney General has the power to "review, amend, modify, disapprove or revoke any plan of action or voluntary agreement." Needless to say, this provision does not contemplate requiring a firm to remain a party to a voluntary agreement should it not approve of an amendment made by the Attorney General.

Subsection (h) provides as a defense to any antitrust action, civil or criminal, that a person or company acted in good faith to develop, implement or carry out a voluntary plan or action authorized and approved under this section and that such person or company fully complied with the rules promulgated under this section. An issue has been raised of the propriety of requiring "good faith" as a prerequisite to the granting of immunity. It is complained in the minority committee views that this requirement introduces a subjective element of intent into the standard. This is, in fact, the purpose of the language. Our concern here is that a voluntary agreement or plan of action may allow considerable latitude on the part of the companies as to what specific actions they may take to accomplish the approved purpose. Here intent is important. It is quite conceivable that a firm or group of firms may choose methods which, while implementing a voluntary agreement or plan of action, may at the same time enable them to achieve a seriously anticompetitive result.

Further, it is conceivable that such a seriously anticompetitive result could have been deliberately accomplished by such firm or firms. I strongly object to the immunization of this type of conduct. It may well be that the good faith requirement will make firms behave in a very cautious manner, but I believe this to be desirable. In those limited areas where we suspend the antitrust laws, and permit actions which could be collusive or otherwise anticompetitive, it is desirable to impose a very high standard of conduct. Even in the most dire emergency, there is nothing unreasonable about asking these firms to behave in good faith.

It is worth noting here that we are dealing with an industry with a long history, and a careful reading of this history is enough to inspire a great deal of caution when it comes to granting antitrust immunity, particularly with regard to the international operations of the international companies. Senator CHURCH's Subcommittee on Multinational Corporations has carefully documented a long record of collusive behavior sanctioned by either Government complicity or indifference. The American consumer has paid a high price for this in the past and it should not be permitted to happen again.

There has also been an objection raised in the minority views to the provision which conditions the immunity upon "full compliance" with the requirements of the section and the rules and regulations which may be promulgated under it. It is feared that a technical failure to comply with one or the other of the rules may result in a loss of immunity for all actions taken under a voluntary agreement, whether or not they are related to the infraction of the rules. There is no reason to anticipate an unreasonable interpretation of this provision by the courts. Minor infractions should not affect the liability of participating firms with regard to totally unrelated activities. On the other hand, it is the purpose of this language to require strict compliance with all of the procedural safeguards. Antitrust immunity is a serious matter. It should not be conferred lightly or without appropriate safeguards and the immunity must be conditioned upon a stringent observance of the safeguards.

In sum, Mr. President, I believe the public interest is protected by the combination of interrelated provisions in section 121. The administration is to be commended for their commitment toward achieving the protective provisions embodied in the section.

Mr. STONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I ask unanimous consent that the following staff members be accorded the privilege of the floor during consideration and voting on S. 622: Harrison Loesch, Fred Craft, David Stang, Roma Skeen, Mary Adele Shute, Gaye Vaughan, Margaret Lane, Nolan McKean, Tom Cantrell, Tom Biery, Mike Hathaway, and Steve Hickok.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 11 a.m. The Senator from Missouri (Mr. SYMINGTON) will be recognized for 15 minutes. The Senator from North Carolina (Mr. MORGAN) will then be recognized for 15 minutes.

Following that, the Senator from Montana, the distinguished majority leader (Mr. MANSFIELD) will be recognized for 15 minutes.

The Senate will then resume consideration of S. 622, the energy allocation extension bill.

Rollcall votes are expected.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STONE. Mr. President, pursuant to the previous order, I move that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 4:55 p.m. the Senate recessed until tomorrow, Thursday, March 13, 1975, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 1975:

DEPARTMENT OF JUSTICE

Harold R. Tyler, Jr., of New York, to be Deputy Attorney General vice Laurence H. Silberman, resigning.

IN THE NAVY

Vice Adm. William J. Moran, U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Butler, Craig D., [redacted].
Carns, Edwin H. J., Jr., [redacted].
Cochran, Henry S., [redacted].
Donohue, Hugh J., Jr., [redacted].
Faulk, Charles W., Jr., [redacted].
Fullerton, Leroy R., Jr., [redacted].
Grabow, Thomas W., [redacted].
Hadorn, Jorn R., [redacted].
Hameister, Herbert H., [redacted].
Harper, Stephen J., [redacted].
Hauck, Kenneth W., [redacted].
Hlista, Richard J., [redacted].
Hutchison, Milford B., III, [redacted].
Jenna, Russell W., Jr., [redacted].
Lesh, Newton D., II, [redacted].
Manning, George S., [redacted].
Moore, Reginald C., Jr., [redacted].
Parr, Thomas J., [redacted].
Potter, Michel W., [redacted].
Ricks, Robert E., Jr., [redacted].
Shegog, James H., [redacted].
Vissers, Christian, [redacted].

To be first lieutenant

Ambrose, Anthony D., [redacted].
Andersen, Peter A., [redacted].
Balloch, Steven M., [redacted].
Beam, Thomas E., [redacted].
Berg, Allan W., [redacted].
Boslego, John W., [redacted].
Calverley, Mickey J., [redacted].
Carroll, Dale A., [redacted].
Clapper, John F., [redacted].
Cornell, Floyd M., [redacted].
Current, John D., [redacted].
Davidson, Howard, [redacted].
Davis, Larry D., [redacted].
Donnelly, Terrence M., [redacted].
Downey, Gordon O., [redacted].
Dye, Scott F., [redacted].
Fogarty, John P., [redacted].
Fortuna, Lawrence J., [redacted].
Foulks, Charles J., [redacted].
Frank, Charles G., [redacted].
Garrett, Craig R., [redacted].
Gooden, Stephen M., [redacted].
Grabowski, William S., [redacted].
Grant, Artis C., Jr., [redacted].
Haas, Royce A., [redacted].
Hahn, David B., [redacted].
Harvey, Robert C., [redacted].
Hill, Charles R., [redacted].
Hill, Marvin E., [redacted].
Jarchow, Robert C., [redacted].
Kenevan, Robert J., [redacted].
Lewis, Paul W., [redacted].
Lough, Frederick C., Jr., [redacted].
Maron, Andrew W., [redacted].
McCabe, James M., [redacted].
Mein, Calvin E., [redacted].
Muller, Thomas W., [redacted].
Nickles, Dean J., [redacted].
Norder, Nickolas W., [redacted].
Omeara, Thomas F., [redacted].
Plautz, Henry S., [redacted].
Pumphrey, Robert S., [redacted].
Ramirez, Hector J., [redacted].
Rebecca, George S., [redacted].
Reid, Michael L., [redacted].
Renton, Richard F., [redacted].
Richardson, Michael A., [redacted].
Ridenour, Robert V., Jr., [redacted].
Ross, Allan L., [redacted].
Sakas, Edward L., [redacted].
Scavone, John A., [redacted].
Searcy, Jon W., [redacted].
Sikes, Randall A., [redacted].
Simon, Fred A., Jr., [redacted].
Smalkin, Frederic N., [redacted].
Somers, Bruce W., [redacted].
Steinweg, Kenneth K., [redacted].
Townsend, Larry W. A., [redacted].
Tripp, Glenn G., [redacted].
Venard, Thomas G., [redacted].
Wall, Henry G., [redacted].
Young, Robert M., [redacted].

To be second lieutenant

Bosse, David A., [redacted].
Daigh, John D., [redacted].
Sihelnik, Stephen A., [redacted].
Sullivan, Harold H., [redacted].
Vacarro, John A., [redacted].
Webber, Paul M., [redacted].
White, Christopher B., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be colonel

Molano, Leopoldo E., [redacted].

To be major

Hollis, William R., [redacted].
Stuart, Richard B., [redacted].

To be captain

Balentine, Jimmie, [redacted].
Becka, David C., [redacted].
Blizzard, Bardon, Jr., [redacted].
Carney, Hugh M., [redacted].
Coyle, David T., [redacted].
Demetz, Robert A., [redacted].
Farne, John F., [redacted].
Finch, Alfred J., [redacted].
Frelin, Alyce J., [redacted].
Garretson, Peter W., [redacted].
Gibbs, Stephen D., [redacted].
Glenn, Lucille, [redacted].
Hansen, Albert M., [redacted].
Harrison, Judith A., [redacted].
Henry, James M., [redacted].
Hunt, Arthur L., [redacted].
Jones, Diane J., [redacted].
Magers, Malcolm S., [redacted].
Mallard, Charles E., [redacted].
Mazat, Bruce A., [redacted].
McMahon, Robert E., Jr., [redacted].
Norton, Thomas H., [redacted].
Pitts, Harold E., [redacted].
Rogers, Joan K., [redacted].
Ryerson, James A., [redacted].
Schmidt, Ardon O., [redacted].
Solomson, Ronald D., [redacted].
Swain, Gary R., [redacted].
Towley, Carl K., [redacted].
Weaver, John M., [redacted].
Young, Jimmy L., [redacted].

To be first lieutenant

Adkins, Ronald A., [redacted].
Allen, William R., [redacted].
Bates, Michael R., [redacted].
Bergman, Michael R., [redacted].
Bifano, Robert J., [redacted].
Brawley, Michael J., [redacted].
Brown, Thomas E., Jr., [redacted].
Browne, John W., Jr., [redacted].
Browne, Robert W., [redacted].
Cajigal, George L., [redacted].
Call, Gordon H., [redacted].
Callahan, Michael F., [redacted].
Carmichael, Paul D., [redacted].
Carter, Michael R., [redacted].
Chrisco, Larry D., [redacted].
Cipolloso, Peter T., [redacted].
Collins, Robert C., [redacted].
Cope, Evelyn W., [redacted].
Corbell, Michael K., [redacted].
Coupe, Arthur H., [redacted].
Cox, Douglas E., [redacted].
Crickenberger, Mary, [redacted].
Currier, Edward F., [redacted].
Daley, David L., [redacted].
Delbalso, Angelo M., [redacted].
Eagleburger, Steven R., [redacted].
Edney, Kermit, Jr., [redacted].
Farish, Charlene, [redacted].
Flynn, Mary A., [redacted].
Fox, Constance M., [redacted].
Franco, Jess J., Jr., [redacted].
George, Donnie L., [redacted].
Hensel, Pamela B., [redacted].
Hentges, George P., [redacted].
Hill, Roger D., [redacted].
Hinds, Frederic C., III, [redacted].
Hobbs, Quincy C., [redacted].
Horan, Linda M., [redacted].
Jackson, Brendel J., [redacted].
Juechter, Alfred H., Jr., [redacted].
Kalbfleish, Julia E., [redacted].
Killackey, John P., [redacted].
Knight, John R., [redacted].
Krautmann, Paul J., [redacted].
Law, Douglas B., [redacted].
Lea, Dora A., [redacted].
Light, Dick, [redacted].
Lublin, William D., [redacted].
Lucas, Willie C., [redacted].
Maiello, Thomas C., Jr., [redacted].
Meyer, Henry W., Jr., [redacted].
Morely, Thomas V., Jr., [redacted].
Mosher, Elizabeth M., [redacted].
Murphy, Terrell L., [redacted].
Nedock, Frank W., [redacted].
Oleary, Arthur J., Jr., [redacted].
Otis, Elizabeth F., [redacted].
Peterson, William E., [redacted].
Quinlan, Maricarolyn, [redacted].
Rea, Ruth E., [redacted].
Rion, John M., [redacted].
Roberts, William F., [redacted].
Ryan, William A., [redacted].
Sampson, Elizabeth W., [redacted].
Sandberg, Michael L., [redacted].
Sarran, Sue F., [redacted].
Sawyers, William T., [redacted].
Schommer, Patricia A., [redacted].
Shackleton, Lawrence C., Jr., [redacted].
Shatz, Stewart S., [redacted].
Sheeran, Francis B., [redacted].
Siemer, Richard P., [redacted].
Smith, Michael E., [redacted].
Spencer, Linda L., [redacted].
Stacha, Raimund, [redacted].
Stires, Christine, [redacted].
Stuart, Ronald F., [redacted].
Sylvester, Donna C., [redacted].
Tappan, John R., [redacted].
Thompson, Peter J., [redacted].
Thompson, Robert A., [redacted].
Veiga, Edgar N., [redacted].
Vogel, William L., [redacted].
Wake, Henry E., [redacted].
Walczak, Alexander M., [redacted].
Wallace, James B., Jr., [redacted].
Weber, Keith A., [redacted].
Weiss, Frank, [redacted].
Whilbanks, Thomas D., [redacted].
Wilbanks, Thomas D., [redacted].
Wimmer, Kenneth G., [redacted].
Wonsik, John M., Jr., [redacted].
Worrell, Homer W., [redacted].
Wyatt, Jake W., [redacted].
Yarzumbeck, Arthur J., [redacted].
Young, Robert F., [redacted].
Zweig, John E., [redacted].

To be second lieutenant

Clayton, Mary B., [redacted].
Fancher, Howard H., [redacted].
Forbes, Marlin G., [redacted].
Hicks, Linda S., [redacted].
MacKinnon, Stephen R., [redacted].
Nairn, Angelina E., [redacted].
Snyder, Michael S., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Backenstoss, Gary K., [redacted].
Boyd, Donald R., [redacted].
Bucher, James P., [redacted].
Chick, Gary R., [redacted].
Duncan, Kenneth W., [redacted].
Kirk, Clifford D., [redacted].
Oates, Robert M., [redacted].
Smith, Earnest C., Jr., [redacted].
York, Rudy L., [redacted].

HOUSE OF REPRESENTATIVES—*Wednesday, March 12, 1975*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us not be weary in well doing: for in due season we shall reap, if we faint not.—Galatians 6:9.

Our Heavenly Father, Creator and Sustainer of our lives, the inspiration of every good thought, every high resolve and every noble purpose, may Thy Holy Spirit move through the Members of this House of Representatives as they endeavor to make wise decisions and take worthy actions for the good of our beloved Republic.

Let Thy Spirit come anew into the minds of our President, our Vice President, our Speaker, and upon the members of the executive, the legislative, and the judicial branches of our Government that they may work in harmony with each other and with Thee, guarding the sacred rights of our people and guiding our Nation into the fruitful fields of justice, truth, and good will.

In the spirit of Christ, we offer this, our morning prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 332. An act to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 52. Joint resolution to amend section 5 of the Employment Act of 1946 to increase by four the membership of the Joint Economic Committee.

The message also announced that the Vice President, pursuant to Public Law 86–420, appointed Mr. MANSFIELD, chairman, Mr. SYMINGTON, Mr. RANDOLPH, Mr. HARTKE, Mr. MOSS, Mr. MONTOYA, Mr. HUDDLESTON, Mr. GRIFFIN, Mr. HRUSKA, Mr. PERCY, and Mr. LAXALT to attend, on the part of the Senate, the Mexico-United States Interparliamentary Meeting to be held in Campeche, Mexico, March 26 to 31, 1975.

PRESIDENT FORD RECOGNIZES CONTRIBUTIONS AND POTENTIAL OF WOMEN

(Mrs. HECKLER of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, as we begin International Women's Year, I would like to call attention with great pride to President Ford's initiative among world leaders in recognizing the contributions and potential of women.

The appointments of Carla Hills as Secretary of Housing and Urban Development and Betty Murphy as Chairman of the National Labor Relations Board are clear testimony that the President believes women deserve an equal place in government. I applaud him for his fair-minded leadership.

Mrs. Hills and Mrs. Murphy, both attorneys, have had distinguished professional careers. The ability they displayed in their past assignments is a harbinger of their future accomplishments which will benefit the country.

President Ford made these appointments without pressure from women's groups and that is to his credit. I am pleased with the progress his administration is making in giving equal consideration to women for jobs at all levels of government. I look forward to the day when discrimination against women is entirely eliminated.

Mrs. Hills has demonstrated the expertise needed to serve in the President's Cabinet. Her record as chief of the civil division of the Justice Department attests to this.

Mrs. Murphy is a nationally recognized labor lawyer who has distinguished herself in her legal practice.

Quality appointees, such as these women are, will demonstrate that sex is no barrier to government leadership.

I extend my personal congratulations to both these fine women and wish them well in their new undertakings. Their record in office will provide us with additional ammunition to use in the effort to eliminate the inequities facing women.

Mrs. Hills and Mrs. Murphy have sharp, probing minds, outstanding administrative ability, and the will to do a good job.

The country will be better for their service.

PERSONAL EXPLANATION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD at this point a statement regarding two recorded votes I missed on March 10, 1975, and an indication of how I would have voted had I been present.

I refer first to rollcall No. 41, a vote on an amendment by the gentleman from Illinois (Mr. MICHEL) to H.R. 4075, the third budget rescission bill for fiscal year 1975, to restore $259.4 million in Presidential rescissions in 25 HEW programs. The amendment was rejected by a vote of 132 to 252. Had I been present, I would have voted against the amendment.

I refer second to rollcall No. 42, a vote on H.R. 4075, the third budget rescission bill for fiscal year 1975. The bill was passed 371 to 17. I was paired for this bill, and, had I been present, would have voted in favor of it.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT ON H.R. 4221, AMENDING TITLE IV OF HIGHER EDUCATION ACT

Mr. SIMON. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until midnight tonight to file a report on H.R. 4221, a bill to amend title IV of the Higher Education Act with respect to the reallocation of college work-study funds.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMBRACING CASTRO

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, it is a source of keen regret to many of us to note that Members of the other body have recently proposed that the United States change its policy and embrace in friendship the bloody hand of the Communist Castro. It is all the more regrettable because there seems to be a drift in that direction on the part of the administration now in power.

I cannot help but feel, Mr. Speaker, that it might be appropriate to use the words of the Master when he was being crucified, "Father, forgive them, for they know not what they do."

It is, therefore, unfortunate to advocate that the United States become a close friend and collaborator of Castro. Let those who advocate our dealing with Castro tell us, how many people Castro has murdered? How many people has he tortured? How many people has he robbed? How many people today are rotting in his political prisons?

Rather than advocate that our country embrace in friendship that Communist dictator who is the puppet of the Soviet Union, I would prefer to see our country carry out the commitment that our former great President Kennedy made in my hearing in Miami to the Cuban brigade who had been in the Bay of Pigs invasion, when he pointed to the brigade flag and said, "Someday that banner will fly again over a free Cuba."

I hope that will continue to be the policy of our country.

ELECTION OF MEMBER TO COMMITTEE ON VETERANS' AFFAIRS

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 293) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 293

Resolved, That Matthew F. McHugh of New York be, and he is hereby, elected a member of the Committee on Veterans' Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE U.S. DELEGATION OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section I, Public Law 86–42, the Chair appoints as members of the U.S. delegation of the Canada-United States Interparliamentary Group the following members on the part of the House: The gentleman from Pennsylvania, Mr. Morgan, chairman; the gentleman from California, Mr. Johnson; the gentleman from Missouri, Mr. Randall; the gentleman from New York, Mr. Stratton; the gentleman from Washington, Mr. Meeds; the gentleman from New York, Mr. Solarz; the gentlewoman from Illinois, Mrs. Collins; the gentleman from New Hampshire, Mr. Cleveland; the gentleman from New York, Mr. Horton; the gentleman from New York, Mr. McEwen; the gentleman from Kansas, Mr. Winn; and the gentleman from Delaware, Mr. du Pont.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

The SPEAKER. Pursuant to the provisions of section 804(b), title 3, Public Law 90–351, as amended, the Chair appoints as members of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance the following members on the part of the House: The gentleman from Wisconsin, Mr. Kastenmeier; the gentleman from Ohio, Mr. Seiberling; the gentleman from Illinois, Mr. Railsback; and the gentleman from Virginia, Mr. Butler.

APPOINTMENT AS MEMBERS OF THE MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 U.S.C. 715a, as amended, the Chair appoints as members of the Migratory Bird Conservation Commission the following members on the part of the House: The gentleman from Michigan, Mr. Dingell; and the gentleman from Massachusetts, Mr. Conte.

APPOINTMENT AS MEMBERS OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER. Pursuant to the provisions of section 3(a), Public Law 86–380, the Chair appoints as members of the Advisory Commission on Intergovernmental Relations the following members on the part of the House: The gentleman from North Carolina, Mr. Fountain; the gentleman from California, Mr. Corman; and the gentleman from Ohio, Mr. Brown.

APPOINTMENT AS MEMBERS OF THE U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as members of the U.S. group of the North Atlantic Assembly the following members on the part of the House: The gentleman from Ohio, Mr. Hays, chairman; the gentleman from New Jersey, Mr. Rodino; the gentleman from Texas, Mr. Brooks; the gentleman from California, Mr. Phillip Burton; the gentleman from Illinois, Mr. Annunzio; the gentleman from California, Mr. Bob Wilson; the gentleman from Michigan, Mr. Broomfield; the gentleman from Ohio, Mr. Latta; and the gentleman from Alabama, Mr. Edwards.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MAHON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 44]

Ambro
Barrett
Bergland
Brown, Calif.
Burton, John
Chisholm
Conyers
Dodd
Eckhardt
Edwards, Ala.
Edwards, Calif.
Foley
Fountain
Gibbons
Hébert
Howard
Ichord
Jarman
Jenrette
Kastenmeier
Macdonald
Madigan
Meyner
Mikva
Mills
Moorhead, Pa.
Patterson, Calif.
Rangel
Roncalio
Rosenthal
Ruppe
Scheuer
Schulze
Seiberling
Sikes
Ullman
Waxman
Wiggins
Yates

The SPEAKER. On this rollcall 393 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS TO SIT DURING 5-MINUTE RULE TODAY

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Accounts may sit during the 5-minute rule this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EMERGENCY EMPLOYMENT APPROPRIATIONS ACT, 1975

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4481) making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Michigan (Mr. Cederberg) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4481, with Mr. Brooks in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. Mahon) will be recognized for 1 hour, and the gentleman from Michigan (Mr. Cederberg) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Appropriations is recommending that a grand total of $5,936,636,000 be provided for the emergency acceleration of existing Federal programs and projects in order to increase immediately employment throughout the Nation. The committee estimates that over 900,000 jobs will be directly provided by this bill.

The bill contains $5,368,474,000 in new budget authority, $485,000,000 in loan authority, and $83,162,000 in liquidation of contract authority.

Mr. Chairman, I will not cite all the bleak economic statistics that generated this bill. The country is facing a most difficult situation.

Unemployment has soared in the last year—nearly 8,000,000 are out of work; the unemployment rate stands at 8.2 percent, and the prospects for recovery are dim indeed.

It is our hope that H.R. 4481 can help stimulate the great resources that this Nation possesses and can be a part of the economic recovery for which we all look.

In the last few weeks the committee, through its subcommittees, has mobilized an intensive effort to identify existing programs and areas where additional funds would immediately create additional jobs.

The committee has worked closely with the leadership of the House in developing this bill as a response to the critical unemployment situation facing the Nation.

Seven subcommittees of the Appropriations Committee have developed this measure. The members of these subcommittees have worked many additional hours in putting the bill together. The work came on top of a schedule already crowded with regular appropriation bill hearings, development of a supplemental appropriation bill, and handling of the various rescissions and deferrals. These subcommittees are certainly to be commended.

Two approaches to the unemployment problem are being recommended—funding of programs such as public service jobs in which funds are used directly for the creation of jobs and funding of accelerated Government programs such as construction, repair and rehabilitation, and purchase programs where funds will be used to create jobs indirectly through construction contracts, purchase of automobiles for Government use, further development of the Nation's recreational and public land resources, and other similar programs.

WHY $6 BILLION OF DEFICIT SPENDING

The great bulk of spending proposed in the bill is above the President's budget. Why is the committee recommending and urging such spending in view of the large deficits which we already face?

One of the key tools which we have to affect the present economic decline is Federal spending. Through stimulation of the economy, such as this bill proposes, jobs will be created and revenues produced for the Government.

It is clear that the present economic decline must be reversed or the financial condition of the Federal Government, and indeed of the country, will measurably deteriorate.

Estimates have been made that show for each 1 percent of unemployed, a total of $16 billion is loss to the Government—$2 million in unemployment benefits and $14 billion in loss tax revenues.

We must do everything reasonably possible to stop this drain and waste of resources. Men who can work should be able to.

Studies also indicate that about 400,000 people per month will exhaust their unemployment benefits during the July to December period. Jobs, rather than additional unemployment benefits, must be available for these people. Hopefully, this bill will begin the stimulation of the economy that is so overdue and begin the turnaround in the unemployment picture.

It is for this reason that I can support a bill such as this that produces jobs while at the same time realizing it may cause nearly $6 billion in deficit spending.

If I had had the exclusive authority to draft the bill, there are changes that I would have made. For example, I would not have included such a high level of spending for public service jobs and instead would have emphasized what I consider to be more productive types of work as is proposed in other parts of the bill.

However, the bill as reported by the committee does represent a blend of different approaches to unemployment that seems to be a consensus of the views of the various members of the Appropriations Committee.

WHY NOT MORE JOBS AND MORE SPENDING?

This bill has identified areas and programs that the Federal Government can accelerate and that will immediately provide jobs. There is a limit to these programs, and this bill reaches that limit.

Significant new additional spending for job creation, if that is to be proposed by Members, should be on the basis of new programs and new authorizations which have been developed. Hopefully, such actions will not be necessary.

BILL HIGHLIGHTS

Highlights of the major features of the committee's recommendations include the following: $1,625,000,000 for public service jobs which should support 180,000 additional man-years of employment.

There are $375,000,000 additional to fully fund the job opportunities program of the Economic Development Administration, thus providing wide-ranging emergency employment assistance in urban and rural areas suffering from high levels of unemployment; $117,955,000 for the acceleration of approved projects under the Bureau of Reclamation and the Corps of Engineers to promptly provide jobs, increase national capital assets and promote conservation of resources across the Nation; $385,000,000 for the loan programs of the Small Business Administration to increase and protect job opportunities in this essential sector of the economy.

There are $443,000,000 for the purchase of 121,000 automobiles and other vehicles by the General Services Administration, the Postal Service and other agencies which will not only provide required additions and needed replacements for Federal vehicle fleets, but will significantly impact on the industry presently hardest hit by the unemployment crisis.

There are $148,755,000 in appropriations and $83,162,000 for the liquidation of contract authority in the Department of the Interior and the Forest Service for immediate but lasting accomplishments including reforestation and timber stand improvement, fire prevention activities, habitat fencing, erosion control, hatchery improvements, and the construction and improvement of roads and trails and recreation facilities.

There are $70,755,000 to make necessary and immediate improvements to facilities of the Veterans' Administration, including repair and improvement and energy conservation projects at veterans' hospitals and medical facilities.

There are $106,000,000 to accelerate construction of approved watershed and flood prevention operations of the Soil Conservation Service, which will immediately create jobs and enhance the Nation's land and water resources through long-term conservation benefits.

There are $465,000,000 for the General Services Administration to undertake immediate construction, repair, alteration and improvement of public buildings in hundreds of locations across the country.

There are $350,000,000 for the immediate construction and improvement of postal facilities on a nationwide basis which will generate jobs and provide lasting results.

There are $150,000,000 for rural water and sewer grants, and an increase of $300,000,000 in the loan level for this program to stimulate jobs in the construction industry and reduce the backlog of these needed projects which will provide safe drinking water and help prevent pollution of streams, lakes, and rivers; $412,700,000 for the summer youth employment which will generate 760,000 jobs for 9 weeks of the summer; $5,000,000 for jobs under the Youth Conservation Corps; $70,000,000 for the Work Incentives program to assist welfare recipients obtain employment and which will continue the present programs for which funds are currently being exhausted; $24,000,000 for community service employment for unemployed, low-income persons aged 55 or over which together with $12,000,000 appropriated earlier and not spent should provide 12,000 jobs; $119,800,000 is provided for college work-study grants which will provide part-time employment to about 250,000 students both in this current academic year and during the summer.

Under leave to revise and extend, and insert tabular and extraneous material, I am inserting pertinent parts of the report which accompanies H.R. 4481:

A Congressional Commitment to Jobs for All Americans

For many years the Congress has been steadfast in its commitment to jobs for Americans. The Employment Act of 1946 clearly sets forth the policy of this nation in regard to jobs for its citizens. The Act states the following:

"Sec. 2. The Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power."

The Congress reaffirms this policy and stresses its resolve that the existing high rate of unemployment must be reduced.

THE CURRENT ECONOMIC SITUATION

All significant indicators show a grave economic situation. Given current conditions, there are no signs indicating such recovery.

The gross national product is declining in terms of constant dollars, with a drop of 2.2% in 1974 and a projected drop of 3.3% in 1975. In 1973 GNP rose by 5.9%.

Inflation continues at a high rate—an average of 11.0% in 1974 with a projection of 11.3% in 1975. In 1973 inflation was 6.2%.

The balance of payments shows a negative $5.6 billion in 1974 with few prospects for improvements in 1975. In 1973 the figure was a negative $1.0 billion.

The housing industry has been in a decline since 1972 when the number of new starts reached 2.3 million. In 1974, this number had dropped to 1.3 million.

THE UNEMPLOYMENT PICTURE, JANUARY 1975

Unemployment has reached crisis proportions. In January, 7,500,000 people were unemployed and the unemployment rate (seasonally adjusted) was 8.2% of the civilian labor force. The past three months have witnessed the sharpest rise in unemployment since the Great Depression of the 1930's. In the one month alone between December and January unemployment climbed a full one percent.

Unemployment is at its highest peak since the beginning of World War II.

Civilian employment at 84,562,000 declined by 1,238,000 below January, a year ago.

People receiving unemployment benefits totaled 5,179,000 in the week ending January 18, 1975. This was an increase of 2,439,000 over January 1974, or nearly double that of a year ago. Grave concerns are mounting over what will happen when those presently receiving unemployment benefits begin to exhaust the time period during which they are eligible for benefits. Estimates have been made which indicate that, unless current economic conditions change, about 400,000 people a month will exhaust their unemployment benefits during the July to December period.

Unemployment is widespread. Some parts of the economy have been hit harder than others, but the effects of rising unemployment pervade the entire economy. In addition to the automobile and construction industries, heavy unemployment exists in many other areas such as textiles, furniture, apparel, rubber, electrical, and paper as reflected by the following schedule.

Unemployment rates by Industry, January 1975

Industry	*(Percent)*
Automobile	24.0
Construction	22.6
Textiles	19.4
Lumber	17.8
Apparel	17.6
Rubber and plastics	13.8
Stone, clay, glass	12.9
Electrical equipment	12.9
Furniture	12.1
Food	11.8
Paper	11.4
Other transportation equipment	11.2
Primary metals	8.2
Chemicals	7.1

All components of the work force are suffering the impact of unemployment, particularly minorities, teenagers, and women. The unemployment rates for Negro and other minority groups are alarmingly high—10.5% for men, 11% for women, and an amazing 41% for teenagers. However the overall unemployment rate for all men aged 20 and over is a relatively low 6.0% for January.

The rise in unemployment has hit with special force our Vietnam veterans. In January, the unemployment rates for such veterans aged 20–34 rose to 9%, up from 7.6% the previous month. Instead of having a rate lower than comparable aged non-veterans, the veterans are now experiencing a higher rate than the non-veterans.

The following schedule reflects the impact of unemployment on various sectors of the population.

UNEMPLOYMENT STATUS OF SELECTED LABOR FORCE CATEGORIES, 1971–74

Selected categories	Annual averages				Seasonally adjusted quarterly averages					
						1974				
	1971	1972	1973	1974	1973, IV	I	II	III	IV	1975, January
Unemployment rates (percent):										
All workers	5.9	5.6	4.9	5.6	4.7	5.2	5.1	5.5	6.5	8.2
Men, 20 years and over	4.4	4.0	3.2	3.8	3.0	3.5	3.5	3.7	4.7	6.0
Women, 20 years and over	5.7	5.4	4.8	5.5	4.7	5.1	5.0	5.4	6.5	8.1
Teenagers	16.9	16.2	14.5	16.0	14.3	15.3	15.1	16.0	17.5	20.8
White	5.4	5.0	4.3	5.0	4.2	4.7	4.7	5.0	5.9	7.5
Negro and other races	9.9	10.0	8.9	9.9	8.6	9.3	9.0	9.5	11.8	13.4
Full-time workers	5.5	5.1	4.3	5.1	4.3	4.6	4.6	5.0	6.2	7.7
Part-time workers	8.7	8.6	7.9	8.6	7.4	8.2	8.4	8.7	9.0	10.5

Nearly all areas of the country are affected by the unemployment crisis. At the present time, a total of 67 out of the 150 major urban areas are in the "substantial unemployment" category.

The following table shows the January unemployment rate by State. This table shows the overall State average but even in those States with relatively low unemployment, certain industries such as housing may have very high rates.

Unemployment rate by State, January, 1975[1]

	Rate
Alabama	7.2
Alaska	11.4
Arizona	8.3
Arkansas	9.9
California	10.1
Colorado	5.1
Connecticut	8.7
Delaware	8.6
District of Columbia	4.8
Florida	8.7
Georgia	9.7
Hawaii	7.2
Idaho	9.2
Illinois	6.8
Indiana	9.1
Iowa	5.1
Kansas	4.7
Kentucky	8.4
Louisiana	7.1
Maine	10.6
Maryland	5.4
Massachusetts	10.4
Michigan	13.9
Minnesota	8.1
Mississippi	6.2
Missouri	7.7
Montana	9.0
Nebraska	5.8
Nevada	10.7
New Hampshire	6.5
New Jersey	9.8
New Mexico	7.2
New York	9.4
North Carolina	10.4
North Dakota	5.8
Ohio	8.0
Oklahoma	5.4
Oregon	10.0
Pennsylvania	8.5
Puerto Rico	17.2
Rhode Island	13.8
South Carolina	8.9
South Dakota	5.2
Tennessee	6.2
Texas	5.7
Utah	7.6
Vermont	9.6
Virginia	5.4
Washington	9.4
West Virginia	8.5
Wisconsin	7.3
Wyoming	5.5

[1] These are the latest figures that are available on a State basis and are preliminary and subject to adjustment.

DEVELOPMENT OF THE BILL

The Committee on Appropriations believes that the current economic situation requires unusual and emergency action. In recommending appropriations in the past the Committee has normally waited until a budget request was received from the President and then proceeded.

These critical times, however, require immediate positive action. Thus, the Committee, in cooperation with the leadership of the House, has in the last two weeks mobilized an intense effort to identify existing programs and areas where additional funds would immediately generate additional jobs.

BILL SUMMARY

The funds recommended in the bill represent a blend of two approaches to the unemployment problem—funding of programs such as public service jobs in which funds are used directly for the creation of jobs and funding of accelerated Federal construction, building and purchase programs where funds will be used to create jobs indirectly through construction contracts, purchase of automobiles for government use, further development of the Nation's recreational and public land resources, and other similar programs.

THE DIRECT CREATION OF JOBS

The bill provides $1,625,000,000 in public service jobs; $412,700,000 in summer jobs for youths; $24,000,000 in jobs for older Americans; $119,800,000 in work-study grants for college students; $70,000,000 in the work incentive program to provide employment, training, and related child care for welfare recipients; and $10,000,000 in jobs for youths in the Youth Conservation Corps.

These are funds which will be directly used to employ people. These programs should create over 200,000 jobs for adults for one year; 768,000 summer youth jobs; and about 250,000 part-time jobs for students attending college, including those attending college during this summer.

CAUTION ABOUT PUBLIC SERVICE JOBS

In recommending $1,625,000,000 for public service jobs, the Committee fully funds the amount authorized for this program. The Committee makes this carefully considered recommendation only because of the severity of the unemployment problem, the requirement to have an immediate impact on joblessness, and in combination with the recommendation of other stimulative actions providing productive, tangible and lasting results. The Committee firmly believes that economic stability must be promoted through the private sector and stresses that the provision of such public service jobs should be viewed only as a temporary emergency action taken in response to the current economic crisis. The Committee is aware of the contribution that public service jobs can make to some local agencies of government, but emphasizes its belief that such jobs must eventually be fully funded by state and local governments if they are desired on a longer term or permanent basis.

The Committee is concerned about the potential for waste, mismanagement, and corruption that exist in public service jobs. It is essential that local officials manage this program in such a way as to fully implement the purposes for which it was created and not to use the program to enhance local political objectives or to replace already existing locally funded jobs with federally funded jobs.

Job creation through government stimulation of construction, manufacturing, and other economic activities

The Committee believes that the best way to create employment during an economic crisis is by giving people the opportunity for useful, productive work that will result in the increase of the man-made resources of this nation.

The Committee is recommending funding of $3,675,136,000 for such projects. These include items such as the acceleration of ongoing public works projects, increase of rural water and sewer grants, the improvement and modernization of existing veterans' hospitals, increased maintenance of the national cemeteries, reforestation and timber stand improvement, expansion and upgrading of facilities in national parks, forests and other federal lands, increased assistance to small businesses, construction of postal service facilities, major repairs and renovations of existing federal buildings, and the purchase of large numbers of automobiles.

It is difficult to estimate precisely how many jobs will be created through such programs. However, some studies show that the numbers would exceed 600,000, and large multiplier effects would also be generated.

EFFECTS OF THE BILL

In all, the funds recommended in this bill should generate over 900,000 new jobs. The creation of these jobs, over the next 3 to 8 months, will come at a time when they are most needed. The multiplier effects that such job creation will have should also be significant.

This bill reaffirms the Congressional resolve that all healthy Americans should seek work and be able to find it.

The strengths of the American people and the economy are enormous. Through the stimulation of these resources, there is little doubt but that the problems of the economy will be resolved. This bill, and other ongoing and proposed Federal programs, should assist in that stimulation.

NEED FOR PROMPT ACTION BY THE EXECUTIVE BRANCH

The Committee on Appropriations fully intends that the provisions in this bill be promptly carried out by the Executive. Any ceilings which have been established in the Executive Branch by administrative action for employment and outlays should be increased to the extent necessary to fulfill the provisions of this bill.

TABULAR SUMMARY

The following table summarizes the revised budget requests and the amounts in the bill by chapters:

SUMMARY

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY RECOMMENDED IN THE BILL

Department or activity	Budget estimates, 1975	Recommended in the bill	Bill compared with estimates
TITLE I			
CHAPTER I			
DEPARTMENT OF AGRICULTURE			
Farmer's Home Administration:			
Agricultural Credit Insurance Fund:			
Soil conservation loans (watershed)		($35,000,000)	(+$35,000,000)
Operating loans		(150,000,000)	(+150,000,000)
Rural water and waste disposal grants		150,000,000	+150,000,000
Rural Development Insurance Fund:			
Water and sewer facility loans		(300,000,000)	(+300,000,000)
Salaries and expenses		6,500,000	+6,500,000
Soil Conservation Service:			
Watershed and flood prevention operations		106,000,000	+106,000,000
Resource conservation and development		8,750,000	+8,750,000
Total, chapter I:			
New budget (obligational) authority		271,250,000	+271,250,000
Direct and insured loan level		(485,000,000)	(+485,000,000)
CHAPTER II			
ENVIRONMENTAL PROTECTION AGENCY			
Abatement and Control		350,000	−350,000
VETERANS' ADMINISTRATION			
General works programs		70,755,000	+70,755,000
Total, Chapter II: New budget (obligational) authority		71,105,000	+71,105,000
CHAPTER III			
DEPARTMENT OF THE INTERIOR			
Bureau of Land Management			
Managemet of lands and resources		6,548,000	+6,548,000
Construction and maintenance		5,295,000	+5,295,000
Public lands development roads and trails (appropriation to liquidate contract authority)		(2,462,000)	(+2,462,000)
Total, Bureau of Land Management		11,843,000	+11,843,000
United States Fish and Wildlife Service			
Construction and anadromous fish		21,496,000	+21,496,000
National Park Service			
Operation of the national park system		5,700,000	+5,700,000
Planning and construction		22,100,000	+22,100,000
Road construction (appropriation to liquidate contract authority)		(12,700,000)	(+12,700,000)
Total, National Park Service		27,800,000	+27,800,000
Bureau of Indian Affairs			
Operation of Indian programs		5,000,000	+5,000,000
Construction		7,896,000	+7,896,000
Road construction (appropriation to liquidate contract authority)		(12,000,000)	(+12,000,000)
Total, Bureau of Indian Affairs		12,896,000	+12,896,000
Total, Department of the Interior		74,035,000	+74,035,000
Appropriation to liquidate contract authority		(27,162,000)	(+27,162,000)

Department or activity	Budget estimates, 1975	Recommended in the bill	Bill compared with estimates
RELATED AGENCIES			
DEPARTMENT OF AGRICULTURE			
Forest Service			
Forest protection and utilization:			
Forest land management		$56,080,000	+$56,080,000
State and private forestry cooperation		1,000,000	+1,000,000
Total, forest protection and utilization		57,080,000	+57,080,000
Construction and land acquisition		18,000,000	+18,000,000
Youth conservation corps		10,000,000	10,000,000
Forest roads and trails (appropriation to liquidate contract authority)		(56,000,000)	(+56,000,000)
Total, Forest Service		85,080,000	85,080,000
Health Services Administration			
Indian health facilities		12,574,000	+12,574,000
Total, Related Agencies		97,654,000	+97,654,000
Appropriation to liquidate contract authority		(56,000,000)	(+56,000,000)
Total, Chapter III:			
New budget (obligational) authority		171,689,000	+171,689,000
Appropriations to liquidate contract authority		(83,162,000)	(+83,162,000)
CHAPTER IV			
DEPARTMENT OF LABOR			
Manpower Administration			
Comprehensive manpower assistance		412,700,000	+412,700,000
Community service employment for older Americans		24,000,000	+24,000,000
Temporary employment assistance	$125,000,000	1,625,000,000	+1,500,000,000
Total, Department of Labor	125,000,000	2,061,700,000	+1,936,700,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE			
Office of Education			
Higher education		119,800,000	+119,800,000
Social and Rehabilitation Service			
Work incentives		70,000,000	+70,000,000
Total, Department of Health, Education, and Welfare		189,800,000	+189,800,000
Total, Chapter IV:			
New budget (obligational) authority	125,000,000	2,251,500,000	+2,126,500,000
CHAPTER V			
DEPARTMENT OF DEFENSE—CIVIL			
DEPARTMENT OF THE ARMY			
CORPS OF ENGINEERS—CIVIL			
Construction, General		58,055,000	+58,055,000
Operation and maintenance, general		48,000,000	+48,000,000
Total, Corps of Engineers, Civil		106,055,000	+106,055,000
Department of the Interior			
Bureau of Reclamation			
Construction and Rehabilitation		9,600,000	+9,600,000
Operation and Maintenance		2,300,000	+2,300,000
Total, Bureau of Reclamation		11,900,000	+11,900,000
Total, Chapter V, new budget (obligational) authority		117,955,000	+117,955,000
CHAPTER VI			
DEPARTMENT OF COMMERCE			
ECONOMIC DEVELOPMENT ADMINISTRATION			
Job Opportunities Program		375,000,000	375,000,000
RELATED AGENCIES			
SMALL BUSINESS ADMINISTRATION			
Business Loan and Investment Fund		210,000,000	+210,000,000
Disaster Loan Fund		175,000,000	+175,000,000
Total, Small Business Administration		385,000,000	+385,000,000
Total, Chapter VI		760,000,000	+760,000,000
CHAPTER VII			
DEPARTMENT OF THE TREASURY			
Office of the Secretary		$2,000,000	+$2,000,000
Federal Law Enforcement Training Center, salaries and expenses		3,500,000	+3,500,000
Bureau of Alcohol, Tobacco, and Firearms		6,500,000	+6,500,000
U.S. Customs Service		52,900,000	+52,900,000
Construction, border stations		3,175,000	+3,175,000
Internal Revenue Service:			
Accounts Collection and Taxpayer Service		5,000,000	+5,000,000
Compliance		400,000	+400,000
U.S. Secret Service		6,500,000	+6,500,000
Total, Treasury Department		79,975,000	+79,975,000

SUMMARY—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY RECOMMENDED IN THE BILL—Continued

Department or activity	Budget estimates, 1975	Recommended in the bill	Bill compared with estimates
U.S. POSTAL SERVICE			
Payment to the Postal Service Fund		$900,000,000	+$900,000,000
INDEPENDENT AGENCIES			
GENERAL SERVICES ADMINISTRATION			
Federal Building Fund:			
Construction		25,000,000	+25,000,000
Alterations and major repairs		340,000,000	+340,000,000
Real property operations		100,000,000	+100,000,000
Total, Federal Buildings Fund		465,000,000	+465,000,000
General Supply Fund		280,000,000	+280,000,000
Total, General Services Administration		745,000,000	+745,500,000
Total, Chapter VII		1,724,975,000	+1,724,975,000
Grand Total:			
New budget (obligational) authority	$125,000,000	5,368,474,000	5,243,474,000
Direct and insured loan level		(485,000,000)	(+485,000,000)
Appropriations to liquidate contract authority		(83,162,000)	(+83,162,000)

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Florida.

Mr. PEPPER. I thank the gentleman for yielding.

Mr. Chairman, I was interested in the reference that the distinguished chairman just made to the number of unemployed among the teenagers, particularly among the minority. I think I saw in the paper yesterday that the unemployment rate of the young blacks is 31 percent. I am afraid there has been an incidental increase in crime attributable to that. I want to ask the distinguished chairman if he has made provision in this bill that would make a contribution toward reducing that unemployment.

Mr. MAHON. We certainly do have provisions in this bill designed to remedy to some extent that situation. I will be discussing some of the things in a few moments that the bill provides.

Mr. PEPPER. I thank the gentleman.

Mr. ALEXANDER. Mr. Chairman, in Arkansas we have an expression used to describe a situation of a person who must make an important decision that inevitably will be at least partly wrong. We call it being "between a rock and a hard place". That is where I find myself today as we approach the vote on the Emergency Jobs Appropriations Act of 1975.

Like my colleagues in this Chamber, and on the Committee on Appropriations, I am deeply concerned about the need to find solutions to our worsening unemployment problems. I am committed to working for such solutions. I want to see our jobless millions back at work. But, I believe we as a nation make a critical, if not a fatal, mistake if we take short-sighted action in tossing billions of dollars into a job river that can only continue to flow if more and more Federal taxpayer dollars are poured into it.

The strength of our Nation has always been grounded in the strength of our private economy. While Government services are essential, it has always been the ability of private businesses and industries to provide jobs and to create products and services to be consumed by workers spending the income from those jobs that has made us strong. Today it is the private sector of our economy that needs boosting. The tax dollars flowing from that sector are the juice that keeps the vitality of Government services moving.

Is this bill we are going to vote on this afternoon a bill that gives the needed push to the private enterprise portion of our economy? Yes and no. Some of the funds we are voting will put people back to work in private business and industry. And, I heartily support many of these provisions. I would vote for them without question, were I able to vote for them separately.

But, there are other portions of this bill which uses billions of taxpayer dollars to create public service jobs that are all too likely to end when the Federal spigot is shut off. What happens then? A new round of rising unemployment because our private enterprise section has not expanded enough to provide jobs for the newly employed? Or, does the Congress again yield to the quick-gain solution of another jobs program?

Are we chaining our Nation to a treadmill of crash programs that only offer an aspirin to cool the fever of unemployment?

When I vote for this legislation today it will be with a heavy spirit. I fear that we are closing our minds to the harsh responsibilities of tomorrow that our actions today are likely to create. I agree with Franklin Roosevelt's observation that:

> It is common sense to take a method and try it; if it fails admit it frankly and try another. But, above all, try something.

With this bill we are trying something. The problem, as I see it is that some of the things that we are trying have been tried before and found lacking but we have not really changed them substantially to eliminate their shortcomings.

High unemployment is not a new experience for our Nation. Our most recent worst round of it peaked at 7.5 percent in 1958. We have had 16 years to seek and develop long-range effective solutions.

In all those intervening years we have had plenty of "economically depressed areas" where we could have tested a variety of solutions. And, since 1971 we have had no year in which the annual national unemployment rate was lower than 4.9 percent. We as a nation have had ample warning.

Possibly what we do here today is our only choice now.

I am not convinced that it is. I know that it is not the Nation's only choice for the future. In the future that begins right now, our people must demand that we in the Congress and throughout the Federal Government end our practice of fighting brush fires against unemployment and establish some rational, long-term, well-tested programs to combat joblessness. Some of these programs must be of a nature that can be automatically triggered at specified levels of unemployment. And, some of them will, no doubt, be continuing programs.

Frankly, our citizens cannot afford to give any Congress or any administration the luxury of being "heroes of the hour" who come through in the clutch of emergency jobs programs that just treat symptoms, not causes of unemployment.

Since the passage of the Employment Act of 1946 we have been talking about full employment. I think it is high time we stopped talking so much and started doing more. It may be dull work. It may not generate news stories, speech invitations or appearances on talk shows, but it is unquestionably the kind of work our duty to our citizens demands.

Mr. MAHON. Mr. Chairman, at this time I yield such time as he may consume to the distinguished gentleman from Montana (Mr. BAUCUS), a member of the Appropriations Committee who is very much interested in this bill and who has some remarks he wishes to make at this time.

Mr. BAUCUS. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, I simply want to direct the attention of the Members of this body to the importance of this bill. I understand there are strong arguments for it, and also there are some arguments against it.

The major arguments against it are that there have not been hearings. But I wish to remind the Members of this body that we ourselves are not unemployed. We are not the ones who are unemployed. They are the heads of families, the construction workers and automobile workers, and the families of the unemployed. If we would ask them whether we should wait longer at this time to put this bill into effect, they would tell us there is no time to waste and that we must act now.

Also I might remind the Members of this body that if we do not act quickly on this bill, we will probably find ourselves among the unemployed, and then when we are among the unemployed we will realize how important a bill like this is.

So I urge the Members strongly to realize the great importance of this bill and how important it is for us to act very quickly. Once these points are realized, I think we will quickly vote for this bill.

Mr. Chairman, in the brief time in which the Appropriations Committee worked on this bill, I think it did an outstanding job in responding to the critical need for creating jobs for the Nation. Montana, I am sure, will receive its proportional share of the $5.9 billion provided.

One particular section of this measure is of particular importance to my district in western Montana, and that is the one relating to funding for the Forest Service. The unemployment rate is 14.7 percent in the Kalispell area of my district and 12.4 percent in the Missoula area, mainly because of the slump in the wood products industry. The funding for the Forest Service would do much to relieve this unemployment situation by putting people to productive work in the forests of the western part of my State.

The Forest Service portion of this emergency employment bill not only provides funds to fight unemployment, but it will improve the long-range productive capacity of the forests. In other words, this is not a "make-work" measure. The Forest Service is lagging far behind in the work that needs to be done, and this bill will enable it to make a dent in that backlog. This work will help the country meet future housing needs and also result in more jobs in the years to come.

At the present time in Montana and other northern Rocky Mountain States, the loss each year from mortality in the forests is equal to the growth. This situation must be halted if the Nation is going to have the timber to meet its future needs.

We need more roads to allow workers to get into areas to salvage dead and dying timber.

We need to replant millions of acres of nonstocked, but potentially productive lands.

We need to do stand improvement to bolster timber growth rates.

The Forest Service portion of this bill provides funds to begin some of this work. Nationwide, it provides the Forest Service with, in effect, $160 million—to be funded by an $80 million appropriation and $56 million in contract authority which will fund $80 million for vital forest roads and trails. It provides 13,500 jobs and 4,000 Youth Conservation Corps opportunities.

More than $12 million will be spent in Montana, according to Forest Service, including $8 million for forest roads and trails and more than $3 million for such things as reforestation, timber stand improvement, recreation use, forest fire protection and wildlife and fish habitat management. That will provide about 1,250 job opportunities.

Even so, this is only a fraction of the work that needs to be done in the Montana-northern Idaho area of Forest Service region 1. That region has 5 million acres of young stands in need of precommercial thinning, according to the Forest Service. If these stands are allowed to lose their growth potential, it will result in a reduction in the annual allowable cut. In addition, 180,000 acres of commercial forest land needs to be replanted.

The Forest Service estimates that it could productively use more than $54 million in those two States and employ more than 5,300 during the 1975 work season. More than $35 million could be used in Montana alone, providing employment for 3,400.

While the funds provided in the Emergency Employment Appropriations Act do not meet the full capacity of the Forest Service to employ persons in useful activities, the amounts will make a significant dent in the unemployment in the areas which have national forests. If we find later in the year that unemployment continues at a high rate, it might be wise to consider further appropriations of the kind contemplated here. I am, however, hopeful that this bill will provide the stimulus needed to turn the recession around.

I want to stress once again, Mr. Chairman, that the Forest Service jobs funded in this bill are not of the make-work variety. They are jobs that should have been accomplished in recent years, but were not because of inadequate funding. These jobs will take people off the unemployment and welfare rolls and put them to work on jobs that will enhance the productivity and the recreation uses of one of our greatest natural resources—the Nation's forests.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me tell the Members that I do not yield to anyone in my concern about providing jobs for those in this country who have a genuine need, but I do have a concern about the approach we are taking here today.

If this legislation were to be completely effective, it is claimed it would probably provide something in the area of 900,000 jobs, and that would be over a long period of time because a substantial portion of this bill could not be placed into effect for many, many, many months.

I feel constrained to recap to the Members what I said the other day on the floor of this House.

The reason I do it is because I believe we are taking, and have taken, some actions that I believe are well intentioned, but I think place in jeopardy many of the productive jobs that are currently in existence.

As I stated a few days ago, rather than a deficit of $34 billion ending June 30, we are going to have a deficit of between $40 and $45 billion. Rather than have a deficit of $52 billion for the fiscal year starting July 1, 1975, as was provided in the budget that was sent to us by the President, I said at that time that the budget deficit would probably be in the area of $80 billion as we end the fiscal year June 30, 1976.

Well, let me tell this House that looking at those estimates objectively, it appears that that deficit, instead of being about $80 billion is going to be something in the area of $90 billion at a minimum.

Now, when we are faced with the fact that we have to go into the money market, and within a period of 15 months finance a deficit in the area of $130 billion plus, which is in competition with all the other money needs that are so desperate in our country, then I can see nothing on the horizon but an increase in inflation, a decrease in the ability of business enterprises and individuals to finance needs that are so pressing, and needs that in themselves create jobs.

So while we are here today looking at a bill well-intentioned and designed to do something for the immediate situation, I am personally not convinced that it will accomplish that objective.

This bill was put together in a hurry. Practically no hearings were held on the $6 billion in expenditures proposed here.

I come from a State that has the highest unemployment in the United States, between 15 and 16 percent. If I thought for 1 second that this bill was going to really do something for my State, I would be inclined to support it; but as I read this bill I find very, very little in it for my State, and that includes the purchase of the automobiles that are in this bill. There is nothing in this bill that indicates these automobiles should be purchased from areas of high unemployment such as in my State.

I see nothing in this bill as it is structured that says we ought to spend the money where the unemployment is. Look through this bill and in public works projects we will not find anything for my State except a few incidentals. It does not pinpoint the attack on unemployment where the problem is, and that is one of my basic objections. Not only that, but why are we here with $6 billion? We know very well when this bill is concluded from the other body, we will be looking at another $1, $2, or $3 billion on the other side, because the House of candidates over there are all going to get in and put on their amendments to see who can express the greatest concern for those that are unemployed.

What we need in this country is to create a climate where the free enterprise system can create productive and meaningful jobs. We have gone down this road many times before and it has not been effective, and we are going to go down it again, I know.

In addition to the money that is available here, there is being released substantial funds, as a result of various actions, for highway construction. There are going to be released substantial amounts of money for sewer and water construction. All of these things are going to heat the economy. My prediction is, with all the actions that we take, we will probably see—and I hope so—a turning around of the economy later this year or early next year, and an upswing, but I fear that after that period some of the actions that we will have taken will result in dramatically higher interest rates, and rather dramatically increased inflation rates, which is just exactly what we want to try to avoid.

It just seems to me that there are other actions that we could take. If it were possible, I would try to amend this bill some way to say that the funds should be spent in areas of the highest unemployment, but I know how difficult it is to amend an appropriation bill, and not be legislating on an appropriation bill, and subject to a point of order.

In addition to that, I am well aware that, even though many areas have unemployment rates of 4, 5, 6, and 7 percent, they are not much concerned about a State that has unemployment of 15 to 16 percent.

Let me tell the Members, I am concerned about my State, and I said it before. But, what I am basically concerned about is trying to take some sensible, fiscal positions here in the Congress that will, over the long pull, assure the opportunity of the free enterprise system, which raised this country to the highest standard of living in the world, to work and to produce productive jobs.

Oh, there is much more that can be said, and I am sure that this bill is going to pass with an overwhelming vote. I know that I probably will be accused of a lack of concern—and I have no lack of concern—my constituency is in an area of very high unemployment, and let me tell the Members that this bill will do little or nothing to alleviate that problem. I wish it would.

I even remember when I was advised that this job bill was coming up in the first place, and they told me, "What we are going to do is try to have a bill with about $5 billion." When we marked up my section of the bill, I said, "Well, how do we know it is going to be a $5 billion bill?"

They said, "Well, what is going to happen, we will all get together if it is over $5 billion, and chop a little out of each so that we will stay within a $5 billion ceiling."

I did not see any such meetings. It is $5.9 billion, give or take a few hundred million dollars, which does not make much difference around here anyway. So, here we are, with this massive bill interestingly titled, but even if it creates 900,000 jobs, it would place a very relatively small dent in the problem of unemployment. If we are going to do anything about unemployment over the long pull in this country, then it is not going to be done by Government. It is going to be done by a productive free enterprise system, in competition with one another, and the production of meaningful jobs.

The CHAIRMAN. The gentleman from Michigan has consumed 10 minutes.

Mr. CEDERBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, this bill purports to be an emergency employment act, but the only two items in the bill that are directly targeted on urgent needs for employment are the ones for public service jobs and for summer youth employment.

The other items in the bill are simply a conglomeration of the "wish lists" of various agencies for funds without normal budget restraints. There is even one program, the so-called job opportunities program in EDA, that would permit public works "wish lists" to be funded without direct appropriations and without review by either the Congress or the central review agencies of the executive branch.

When the Congressional Budget and Impoundment Control Act was passed last July, the CONGRESSIONAL RECORD was just full of rhetoric about how the Congress had finally bitten the bullet and would now consider parts of the budget only in relation to their effect on the total. Now, less than a year later, that rhetoric is beginning to sound mighty hollow.

The President presented to the Congress comprehensive and coordinated plans on energy and the economy. While he has modified them in some respects and has agreed to negotiate on some points, the plans are still comprehensive and coordinated.

On the other hand, the Congress continues its bad habits of the past. It is interesting that the committee's report on the Emergency Employment Appropriations Act makes no reference to the economic stimulus that would be provided by the tax reductions that the Congress is considering or to the growing number of other congressional plans to provide increased stimulus through increased spending. We have an obligation to ourselves and to the Nation to carry out last year's budget reform resolutions.

The task before us is clear. Our first priority is to act on the President's proposed tax reductions and on his emergency—and I would underline "emergency"—employment assistance proposals. Then we can consider, in the manner contemplated by the recent budget reform legislation, the amount and nature of additional stimulus that might be needed.

The inflationary impact statement on page 8 of the committee report confronts the fundamental issue raised by the Emergency Employment Appropriation Act squarely in the face, and then backs down and meekly moves on to the next subject. This is what the report says:

> However, if the economy recovers faster than projected, then continued spending at the higher levels proposed in this bill could generate inflationary pressures.

Various parts of the Congress are competing now to add stimulus to the economy. The resulting stimulus is almost certain to be excessive. If this happens, faster recovery during the next 18 months than was projected by the President in early February is virtually assured, but at a considerable price in the longer run.

With the except of the two recommendations endorsed by the President—for temporary employment assistance and the summer jobs program—we know from long experience that the proposed spending increases would become permanent additions to program bases. They would lead to an irreversible increase in the size of Government and in Government spending and would generate the excessive future inflationary pressures that the committee warns us of.

This proposed legislation illustrates very clearly why efforts to control the size of Government fail so often. Unquestionably, additional fiscal stimulus is needed. The President has proposed achieving the needed stimulus through tax reductions and temporary employment assistance, both of which effectively restrain the size of Government.

But by contrast, the committee report on the Emergency Employment Assistance Act states:

> Any ceilings which have been established in the Executive Branch by administrative action for employment and outlays should be increased to the extent necessary to fulfill the provisions of the bill.

In its frantic haste to do something, the Congress is making the President's job of exercising prudent management of Government funds and personnel well nigh impossible.

I would like to address myself, if I may, to several of the individual parts of this package today.

Most of it is of a critical nature; for example, the public service employment portion.

I think it was the gentleman from Montana who mentioned how much he proposed to do for all the unemployed around the country with this bill. The public service employment portion of this measure only goes to 4 percent of the people currently unemployed, and we are talking about $3½ billion all told.

Mr. Chairman, it costs $800 million in public service jobs to employ 100,000 people in public service in this country. That is an inordinate cost. We could put three times as many of those unemployed people on extended unemployment benefits as we could employ in public service jobs, if we just took that route.

That is part of my objection to having this thing jammed down our throats so quickly and with so little consideration. We have not even had authorization legislation; they are just coming to the Committee on Appropriations and ramming this down our throats, because they know it is quite difficult to amend an appropriation bill. I think we ought to give the Congress an opportunity to work its will and to change directions, if that is the way we think we ought to go.

Mr. WYLIE. Mr. Chairman, will the gentleman yield

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, let me ask this question:

Did we not pass the Emergency Public Service Employment bill last November?

Mr. MICHEL. The gentleman is correct. And we still have a big carryover of funds from that.

Mr. WYLIE. That answers my next question. My third question: Are there not a lot of public service jobs provided for in that legislation which have not been filled?

Mr. MICHEL. As a matter of fact, the testimony showed only 210,000 currently in that program, but by the end of June we would hope to have a full complement of 310,000 to 320,000.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I think there are some figures here that ought to be of some interest to Members of this House as to what has been happening in the area of money that has already been released to go into the economy.

As a matter of fact, $672 million has been released, and there were 39 rescissions that have not been reached. There were 35 rescissions pending, covering $1.1 billion. There was $900 million of that, I think, in the HEW portion which we did not agree on in the rescission. So there would be $1.1 billion released. There were deferrals amounting to $24 billion requested.

All of these pending original deferrals have been released, to the extent of $15.6 billion which has been released. Included in this release of the EPA funds for water and sewer is $9 billion, and that has just been released. In addition, $2 billion for the highway program has just been released. Billions of dollars have been released.

So not only are we looking at the $6 billion we are talking about here, but we are speaking of massive billions in addition to this that are going to be involved.

Mr. Chairman, I thought the Members of the House ought to know some of those details.

Mr. MICHEL. Mr. Chairman, I thank the gentleman for his very valuable contribution. I would like to continue making a few other points during the time I have.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the chairman of the committee.

Mr. MAHON. Mr. Chairman, the President, of course, has sent up a budget estimate to provide additional public service jobs.

Mr. MICHEL. I appreciate that.

Mr. MAHON. I have a low opinion of the public service jobs program. I have made that known to the Members in the leadership and to those who have to do with legislation in this area. I am sure the gentleman from Illinois has done what he could on his side of the aisle in this respect.

The public service jobs program is an expensive way to operate, and we do not get very much for it. However, it is in the budget estimate that the President requested, and it is plain that this is one of the quickest ways to do something about unemployment. So the gentleman, I assume, is supporting the public service jobs program in this respect.

Mr. MICHEL. Mr. Chairman, I have serious reservations concerning it. I am not sure that I do support that, as the gentleman well knows.

As a matter of fact, I know the proposal was made because we got to that cliff, and many of the Members thought that we were at that point where we would fall off. Then when the unemployment rate reached 8.2 percent, it was thought the situation would be exacerbated by taking from the rolls those individuals having only temporary employment for a certain period.

But what we are doing here is extending these jobs, and what the President is doing is extending the life of those public service jobs, so that will not contribute to that problem. However. I must raise a question as to what will be facing us down the road a ways.

What will happen at the end of that particular time when these local communities and States, which have built-in Federal contributions to public service jobs, come back to us and then we have a renewal of the general revenue sharing bill? Then just watch all of the built-in lobbying that will be going on around the country, bringing pressure upon the Congress to vote $5, $6, or $7 billion for general revenue sharing, because they will say we must keep those people on that have been piled on us before.

So, I just have to formulate my own opinion. If it turns out that I am at variance with my President's position on that issue, so be it.

I just have to feel compelled to state what is in accordance with my own conscience when that is appropriate to be done on the floor of this House.

Mr. MAHON. If the gentleman will yield further, I think the gentleman from Michigan was right in pointing to the fact that we have not made several hundred millions of dollars in rescissions requested by the President, and certain other reductions proposed otherwise by the President will not be made. As a matter of fact, we know that this jobs bill and the funds that will be released otherwise, could create a tremendous upsurge in employment, but of course, could generate considerable inflation also.

I do not think any of us is naive enough to feel that there are not some hazards involved here and I think we all share concern about that. However, it is a question of trying to do something that is responsive to the urgent need of people unemployed.

Mr. MICHEL. I will go back to the original part of my statement in which I place the emphasis on the need for a tax stimulus to encourage the private sector to create the jobs. That is the sane way of doing it and of building for the long haul. This is a patchwork, temporary kind of thing which I really have serious reservations about.

In this public service jobs sector, 55 to 65 percent of all municipal public service jobs are recalls; that is, terminated local employees are rehired on the Federal payroll.

If I might turn, for example, to EDA or the economic development sector, we have $125 million already provided. I wonder whether or not it can be effectively used, let alone piling on another $375 million, as we are doing here in this measure. Most of these jobs would be in the area of public works which are extremely costly and a slow means of meeting employment needs. Experience tells us that public works programs are not the way to meet urgent employment needs quickly. We were not able to use funds effectively in 1962 and we cannot do so now.

Even in the area of soil conservation, to help small watersheds to absorb a considerable amount of additional funding without additional Federal employment, the effect of this would be the creation of only 1,400 man-years of indirect Federal employment at a cost of almost $76,000 per man-year of employment.

Surely, this is not the way to spend Federal dollars.

Again, in the area of agriculture for construction of roads, buildings, water facilities, sewers, and waste disposal facilities, there is $642 million in this bill. These projects often require long lead-times to get underway, and therefore do not provide immediate employment assistance. Once started, such projects are had to stop and make budget restraint more difficult.

I do not know any member of the committee who is prepared to tell us what this item translates into so far as increasing the number of people put to work is concerned.

Moreover, is there any assurance that the projects authorized and approved are currently in areas suffering most severely from unemployment? If they are, I am all for it. However, do we have the proper mechanism, by way of this appropriation bill, to assure that it is going to be confined to those areas? I do not know.

The gentleman from Michigan mentioned the automobile figure of $443 million, and this proposal disregards standards for optimum automobile life and will mean uneconomical operation of cars. In the GSA, for example, automobiles are normally replaced after 6 years or 60,000 miles. As of July 1, 1974, only 19,000 automobiles were eligible for replacement. This proposal would require replacement of the entire 73,000-vehicle motor pool fleet and the sale of 54,000 serviceable vehicles, which would take sales away from both new and used car dealers.

Therefore, Mr. Chairman, I just think that there are a number of items in this measure thrown together here for political expediency and being jammed down our throats today.

I just feel compelled, and I am sure I am going to be joined by others, to express some real reservations about the direction and way we are proceeding here today. I have no illusions about what we can do to amend this measure or that a motion to recommit would prevail. The die has been cast, I realize that; but to let this whole $6 billion package go by the board without raising some kind of objection or at least raising some flags about where we are going in the future, I think would be a disservice to the Members of this House.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I want to compliment the gentleman from Illinois (Mr. MICHEL) on the statement that he has made. I also want to ask the gentleman about the manner in which this appropriation bill has been considered by this committee. Are there any printed hearings on the proceedings that dealt with all aspects of this particular appropriation bill?

Mr. MICHEL. No, not specifically. But, if we go back, for example, to the public service jobs before our subcommittee—it had to do with hearings on the supplemental and in that respect more or less applies today. But to say that we received specific requests from each subcommittee to put together this package, the answer is "No."

Mr. BAUMAN. If the gentleman will yield still further, I would ask the gentleman were there any agency officials called in to testify about the specific need in these matters?

Mr. MICHEL. Not specifically on our proposal.

Mr. BAUMAN. If the gentleman will still yield, the reason I have asked these questions is that I have just been reading over the committee report, and I notice, for instance, that one of the proposed Corps of Engineers projects is in Maryland and Delaware. There I see a figure in the neighborhood of several million dollars for the Inland Waterway in that particular area. I might say that this is a project that I know intimately. It is a project that is opposed by some and supported by others, but it will be years before the first dredge will be able to start action. There is no way this money could apply to that project in order to provide jobs immediately. I am informed this will be one of the make-work projects that immediately will provide jobs in my district. This would be a farce because it could not be started within a 2- or 3-year time frame.

If this is typical of the projects contained in this bill, then this is the height of irresponsibility.

Again I commend the gentleman for presenting the overall picture, but I do wish that every Member would look at the report to see how it affects their districts. If all of them are as filmsy as this, then it certainly sustains the presentation made by the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I, too, want to compliment the gentleman from Illinois (Mr. MICHEL) for the very excellent statement the gentleman has just made, and I wish to associate myself with the gentleman's remarks.

I wish to explain why I oppose H.R. 4481, the Emergency Employment Appropriations Act. We are admittedly facing a serious unemployment problem. Such economic difficulties always seem to demand that Congress "do something" to get the unemployment back to work, even if that "something" is of doubtful efficiency and effectiveness. The bill before us is that type of knee-jerk reaction measure designed to show the unemployed that the Congress is, indeed, sympathetic to their plight. It has a little something for everybody: the auto workers, welfare recipients, students, older Americans, youth, farmers, veterans, conservationists, the construction industry, small business, and, last but not least, State and local government employees. I trust that no one has been left out.

Five billion, nine hundred million dollars is to be appropriated to create an estimated 900,000 jobs. Will it work and are the priorities established appropriate? Congress has already appropriated $2.5 billion for public employment job relief in fiscal 1975. Many of these jobs, however, are still not filled. It appears that a number of the programs envisioned in this bill require long lead times to get them into operation. So there will obviously be no immediate relief to a large number of the unemployed.

Some economists are predicting that the economic recovery will begin later this year. If these predictions are correct, many of the programs envisioned in this bill will come on line when the economy is undergoing a natural recovery. In such a situation, Government spending for make work projects only provides an artificial and unnecessary stimulus that siphons off labor from the needs of private industry. Such an infusion of funds during a recovery period may also stimulate inflationary pressures by adding to the already massive budget deficit.

Even if one accepts the most optimistic prognostications of this bill's proponents the new jobs created would probably not even lower unemployment by 1 percent. May I suggest that the potential inflationary impact of this proposal may well outweigh any potential short-term benefit to a limit number of workers.

It may, indeed, even deter an economic recovery by further limiting the amount of capital available to private industry, since the Government will have to borrow close to $6 billion to fund this program.

Mr. SLACK. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, the gentleman from Maryland raised the point as to whether or not there were any hearings held on this matter. I hold in my hand a copy of the hearings, some 400 pages of hearings held on various areas of this bill.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, because of my concern over certain funding provisions contained in chapter VII of H.R. 4481, I will at the proper time offer an amendment to eliminate or reduce some of the proposed appropriations for specified agencies of the Treasury Department, the U.S. Postal Service and the General Services Administration.

Specifically, my amendment would strike the $443 million contained in chapter VII for the purchase of over 120,000 motor vehicles. It also would eliminate the entire $900 million for payment to the Postal Service fund. This amounts to a total of $1.343 billion.

Before proceeding further, I would like to submit for the RECORD the text of my amendment and to clarify the changes I propose.

Under the funding provided for the Department of the Treasury, my amendment would eliminate the entire $3.5 million appropriation for the Federal Law Enforcement Training Center.

Under the provision for the Bureau of Alcohol, Tobacco, and Firearms, my amendment would reduce the amount appropriated from $6.5 million to $3 million. The $3.5 million which has been eliminated is intended for the purchase of 830 passenger motor vehicles, including police types. The $3 million remaining would be used for the acquisition of base station and vehicular radios, electronic surveillance equipment, and other technical and scientific paraphernalia.

Under the provision for the U.S. Customs Service, my amendment would reduce the total amount appropriated from $52.9 million to $43.7 million. The funds eliminated, a total of $9.2 million, is intended for the purchase of 687 passenger motor vehicles, including police type, and aircraft. The $43.7 million remaining would be used for renovation of customs facilities at airports and seaports, facilities improvements at border stations, and specialized customs law enforcement communications and detection equipment.

Under the provision for the Internal Revenue Service, my amendment would eliminate the total appropriation of $5 million to provide for the purchase of 50 passenger motor vehicles, including police types. It also would eliminate the entire appropriation of $400,000 intended for the IRS "compliance" section. This amount also is intended for the purchase of 50 passenger motor vehicles, including police types.

Under the provision for the U.S. Secret Service, my amendment would reduce the total appropriation of $6.5 million to $3 million, thereby eliminating the $3.5 million intended for the purchase of 641 passenger motor vehicles, including police types, while retaining the amount of $3 million for additional electronic, technical and security-related law-enforcement equipment.

Under the provision for the U.S. Postal Service fund, my amendment would eliminate the entire $900 million payment to the Postal Service fund.

And finally, under the General Services Administration, my amendment would eliminate the entire appropriation of $280 million for the general supply fund. This amount is intended for the purchase of 80,000 passenger motor vehicles.

While the concept of helping alleviate the unemployment situation through Government purchase of motor vehicles may be open to argument, I basically am not opposed to this approach so long as we act prudently on the basis of facts and substantiated information. The auto industry surely needs the help. But, what I do object to is the commitment of taxpayers' money to a pump-priming measure without recourse to basic available data to substantiate some of the figures contained in chapter VII.

This information is not contained in the committee report. It cannot be obtained from committee hearings, since the subcommittee responsible for this particular section of the bill held no hearings. While I recognize that the subcommittee did its best to obtain statistics from the agencies involved, I have been advised that this information was obtained by telephone and that there is no documentation available to justify the requests. This, to me, is not enough. When we are appropriating $443 million for the purchase of 120,000 motor vehicles, I, for one would like to see some hard figures and cost accounting.

I am well aware that there is a statutory limitation on the amount of Federal money which can be expended for the purchase of any passenger motor vehicle, $2,100, or station wagon, $2,400, including an amount not to exceed $900 for those equipped for police purposes. However, in my attempts to reconcile the purchase prices of the vehicles in chapter VII with the statutory limitations, I have found that the total amounts allowed by law are far less than the levels being considered for appropriation. Insufficient information is available to explain the discrepancies in these amounts and the uses for which the remainder of the money is to be put. I would like to know this.

Furthermore, I am aware that the statutory limitation for police-type vehicles acquired for the Treasury Department was eliminated in Public Law 93-443, the supplemental appropriation bill enacted into law on December 27, 1974. However, upon checking with the Secret Service, I have been informed that the last bid price which was paid by that agency for its vehicles was $4,800. The committee bill allows for an average cost of $5,362.

Another item which is of particular concern to me is the $280 million which has been included in the bill for the purchase of 80,000 motor vehicles for replacement and some expansion of the General Services Administration's Government-wide motor pool fleet. Upon checking with GSA, I have been advised that the total size of the motor fleet as of June 30, 1974, was 72,709 vehicles, ranging in age from 1 to 6 years. This includes 4,550 compact and full-size cars which were purchased in May 1974.

I agree with the committee that we should accelerate the purchase of vehicles due for replacement. However, I question the wisdom of purchasing 80,000 vehicles at this time. Assuming that 4,550 cars acquired last May would be retained, the 80,000 here requested would bring the size of the fleet to 84,550—11,841 cars greater than it had been a year ago.

Again, I hasten to mention that there is no testimony or information available to the House on the reasons for this increase, the purposes for which the additional cars are to be used, or the parties to whom the cars are to be distributed. I also hasten to mention that we are confronted with an energy problem and are attempting to formulate a policy to enable us to conserve our scarce resources and excessive use of gasoline.

Just as I oppose a blanket giveaway of cars to the various agencies without the benefit of hearings, I also oppose the $900 million contained in this bill for payment to the Postal Service fund. This $900 million includes $153 million for the purchase of 39,000 trucks.

I am sure that many of you will agree with me that there are few issues about which our constituents are more concerned than the quality of our mail service. Just in the 6 years I have been in Congress, the volume of complaints has multiplied. Because of these complaints and the steady deterioration of our mail deliveries, I object to the $900 million included in this bill. I think the Postal Service should be made to answer some vital questions about how this money is to be used and how it is expected to improve performance.

In conclusion, I would again like to provide assurance that my amendment is not an attempt to prohibit the purchase of motor vehicles or essential equipment for the Postal Service. Its purpose is merely to delay these purchases until the House can be provided with sufficient criteria from the respective agencies to justify the expense. Should this information be made available to all Members of Congress, then I certainly would support the purchase of necessary vehicles and payment to the Postal Service fund when the regular Treasury Department, Postal Service, and general Government appropriation bill is considered by the House later this year.

I urge you to join in support of my amendment to defer this spending until the House has had the opportunity to obtain the necessary facts.

Mr. WHITTEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, it is said that we usually have a depression about once every 30 years and war about as often because the new generation naturally does not remember nor accept the lessons of the past.

I happened to start off in public office when I was 21 years of age, at a time when the State treasury had to its credit only $4,400 and could not pay its schoolteachers and its employees, nor could anyone else. One of the first things we had to do was to extend the time for a person to reclaim his land from earlier tax sales because the owner did not have the money to redeem it. Not only did that condition exist in my State, but it existed throughout the country.

We hear Members today talking about pockets of unemployment and we have them. However, we have unemployment compensation to try to meet local situations, but those pockets have reached such proportions that just before the beginning of the year I met with the leadership of the House, and we conferred with the presidents of about 60 major businesses in the country who were frightened to death about the recession which they felt was apparent.

Later I had the privilege of meeting with Senator MANSFIELD and labor leaders, where the same presentation was made. While we have these unemployment pockets, it has reached the point where the White House and the President recognize, that as serious as inflation is, the greatest danger today is the possibility that we may be heading toward a depression.

Believe me, considering the pace of urbanization in our country, if we were to have a depression, we could face a most serious problem in many of our cities.

It could be that public service jobs may be necessary as a temporizing measure, but I would point out that one such job does not in turn produce many others. This we need to do if we are to reach and cure the cause of recession.

In the section, where I am chairman, Agriculture, we have provided as follows:

FARMERS HOME ADMINISTRATION

RURAL WATER AND WASTE DISPOSAL GRANTS

The committee recommends an increase of $150,000,000 in grant funds and an increase of $300,000,000 in the authorized loan level for rural water and waste disposal grants. The committee expects that not less than 20 percent of these funds will be used for the expansion of the existing systems.

OPERATING LOANS

The committee recommends an increase of $150,000,000 for farm operating loans. The committee has been advised that a supplemental request is currently pending before the Office of Management and Budget. However, since it is essential that these additional loan funds be available in time for the spring planting, the committee feels it is essential to provide additional loan authority without delay.

As previously mentioned, these additional loan funds will have an impact of 30,000 jobs and will serve to protect the consumer from food shortages and the resulting higher food prices.

SOIL CONSERVATION LOANS

Because of the increased funding provided for watershed and flood prevention operations of the Soil Conservation Service, additional loan funds will be required to aid local watershed districts unable to obtain financing. The $20,400,000 provided in the 1975 appropriation bill is now fully committed and the committee estimates that an additional $35,000,000 in loan funds will be required.

SALARIES AND EXPENSES

Because of the extremely restrictive personnel ceiling placed on the Farmers Home Administration for 1975, additional employees and funds for salaries and expenses will be required to carry out the aforementioned program increases. Therefore, the committee recommends $6,500,000 and 720 positions.

RURAL ELECTRIFICATION ADMINISTRATION

The current regulations under which the Rural Electrification Administration is operating provides that all distribution loans in excess of $750,000 must be split into 1-year separate loans. This practice, of course, limits the amount of the outstanding loan level for new loans in any one fiscal year.

However, according to information received by the committee, this procedure is having an adverse affect on the various rural electric cooperatives with regard to long-range planning and more especially the procurement of required equipment in an orderly and economical manner.

This matter was discussed at length during the hearings on this bill and based on the information developed at that time, it is the opinion of the committee that this restrictive regulation should be discontinued and that the Rural Electrification Administration should revert to its previous procedure on the approval of loans before the splitting of these loans was instituted.

SOIL CONSERVATION SERVICE
WATERSHED AND FLOOD PREVENTION OPERATIONS

The Watershed Protection and Flood Prevention Act, as amended, provides for cooperation between the Federal Government and the States and their political subdivisions in a program to prevent erosion, floodwater, and sediment damages in the watersheds or rivers and streams and to further the conservation, development, utilization and disposal of water.

The committee recommends an additional appropriation of $106,000,000 for watershed and flood prevention operations, of which $6,000,000 is for critical area treatment.

RESOURCE CONSERVATION AND DEVELOPMENT

The committee recommends an increase of $8,750,000 for resource conservation and development of which $375,000 is for 14 projects now in planning and $8,375,000 is for resource development and technical services involving approximately 300 contracts in 32 States. These projects will directly generate 600 jobs and indirectly should result in an additional 1,000 to 1,500 jobs.

EXTENSION SERVICE

During the hearings with departmental witnesses considerable discussion was held on the plan of the Environmental Protection Agency to require that all farmers receive training to be certified for the use of pesticides.

The committee expects the Department to do everything possible to see that the impact of these regulations on the farmer is reasonable and practical.

The Extension Service is well equipped to take an active role in this program and is expected to do so. The statement or certificate by the extension agent shall be accepted by the certifying agency.

The money in the sections of the bill I have had to deal with, which is in agriculture, soil conservation and public works, projects have been ready and needed for years, but they have been held up because of limitations on personnel and because of the withholding of funds by the Office of Management and Budget. Each year that these projects are delayed we increase the cost about 10 percent exclusive of the damage done to our country in the meantime. The funds, $150,000,000 for crop production loans, are needed now if we are to produce the food necessary for our people.

We need to restore and maintain the natural resources of our Nation for that is where we must look for our future. We have taken the silver out of our coinage and we have taken gold from behind our dollar. We have depreciated our dollar twice because the world reduced the value it placed upon it. What have we got behind our currency today? We have the land and the physical resources of the United States, its roads and buildings, its river and harbors, its productive soil for these things are real wealth while money is only a medium of exchange—one we should keep stable, if possible, but not at the expense of letting our country or its resources be exhausted as they have been in India, in China and many other nations of the world.

We held hearings and we have had before us the best informed men in the United States on the urgent matters with which we are to deal. We have provided money for projects so they can start work tomorrow.

I say to the Members if we can stop this trend toward depression, if we can stop that, and I believe we can, we can revitalize our economy, by spending our money on the land, the trees, the harbors and the rivers. For it has been proven that money spent in this way will generate seven times the original amount expended.

I would like to say we have followed the same course in connection with Public Works a subcommittee of which I am a member. Here, too, the benefits will be multiplied many times over.

My friends, our problems are bigger than a few isolated situations. If that was all we faced, then unemployment compensation could possibly meet the problem. As things are we do not need more unemployment compensation, we need more employment in production, where we will have something to show for our expenditures; something of real value to the Nation and thereby to the people.

That is the course our subcommittee followed and we urge your support of our efforts.

Mr. CEDERBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. GRADISON).

Mr. GRADISON. Mr. Chairman, I rise today against H.R. 4481, the emergency employment appropriation for fiscal year 1975.

I am opposed to this bill because it fails to attack the immediate crisis of recession we now face.

This bill is the same kind of political pap the majority has been foisting on the American people for the last few years—give a little bit to everyone to make the bill acceptable.

The point is that we need immediate action which will spur economic activity to get us out of the current situation. As I stated when we considered the Tax Reduction Act of 1975, the best way to do that is to enact a sizable tax rebate immediately.

The basic problem with H.R. 4481 is that the major portion of the funds, $3.6 billion, is provided for long-range projects with a considerable lag-time in starting up and would continue for years to come with a delayed impact on our economy. Such construction and renovation projects will not help us combat recession now, and may be unneeded at the time the funds are spent, with a delayed inflationary effect.

In this bill, I believe there are worthwhile provisions including the public service jobs program and the summer youth job program which need to be implemented now. However, in order to sweeten the pot to make the bill politically acceptable to everyone, the majority has added projects one on top of another with no consideration of their total effect.

For example, this bill provides for purchase of 121,000 vehicles for Government use at a cost of $443 million, 80,000 of which are for GSA. I agree with the idea that we should explore ways to aid the auto industry, but 80,000 vehicles is more than the whole fleet of cars the GSA uses today. And the entire 121,000 vehicles would account for less than 2 percent of production.

This is just one example of the hasty and ill-conceived nature of H.R. 4481. I believe this point should be made painfully clear to every Congressman today: We cannot continue to run this Government by including gifts for every special interest or group concerned about an important piece of legislation.

We face an economic crisis today. Immediate action is needed to deal with that crisis. However, we must realize that we cannot continue to add provisions like ornaments on a Christmas tree without recognizing the long-term impact those sections. will have.

I hope we can separate the urgently needed sections of this bill which can be quickly implemented from those with considerable lagtime and potentially inflationary impact in the future.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. EVINS), chairman of the Public Works Subcommittee.

Mr. EVINS of Tennessee. Mr. Chairman, I want to reassure the Members of this House who have inquired about hearings that we have held hearings and, in fact, our subcommittee will conclude hearings with the Corps of Engineers tomorrow. We have heard all the divisions across the Nation, including the Chief Engineers and the Director of Civil Works. We propounded the question: "What are the projects on which you are ready and capable of moving forward on?" They have provided the committee with such a list.

We have been very selective in chasing the projects that are included in chapter 5 of this bill and each of them are projects which the corps is able and willing to move on.

The subcommittee chose those projects that are job oriented and job productive and, may I say, that public works projects creates jobs that provide capital assets for the Nation, that provide power on the line. The construction industry has a 22.6-percent unemployment rate at this time.

Mr. Chairman, the vote of our committee was unanimous. It was bipartisan in support of the projects included in chapter 5 of this bill.

There is no nation in the world that

has such a great construction organization as the Corps of Engineers that is willing and able to move forward. The Bureau of Reclamation is able to move forward quickly. These projects will produce the highest number of jobs in the shortest period of time. Many other projects and programs could have been chosen, but we did not chose them because they were not as highly job oriented as those included in the bill.

Jobs are essential at this time. There are 7.5 million Americans unemployed. The national unemployment rate has reached 8.2 percent. In the construction industry it has reached 22.6 percent.

The total amount recommended in the bill for public works—and I would emphasize that public works implies just that, public works—is only $117,955,000. The new funds provided will generate an estimated 27,400 new jobs in fiscal year 1975. In addition, we suggest 100 percent funding the development of recreation facilities at projects completed, where authorized, which will provide an additional 1,900 jobs, for a total of 29,300 direct new jobs.

We have testimony that for each job created the ripple effect on the economy could well be 5 to 1. With the total of 29,300 new jobs which should be created in chapter 5, the ripple effect could well create another 146,000 jobs in the Nation, for a total of 175,000 new jobs.

Mr. Chairman, included in chapter 5 of our committee report for the Corps of Engineers, we are proposing seven new construction starts, including one multipurpose project with hydropower and six flood control projects, and increases in 39 ongoing projects, including seven with hydropower capability. The total amount recommended for the corps construction program is $58,055,000.

I would point out the testimony shows there are 49 man-years of direct jobs created for every $1 million provided for construction projects. For the Corps of Engineers operation and maintenance program, we are recommending $48 million for 40 projects. For every $1 million added to this program, up to 82 man-years are generated.

Now, for the Bureau of Reclamation in the 17 Western States, we are recommending $9.6 million to accelerate eight ongoing construction projects, five of which have hydroelectric power connected with them. These projects are clearly needed to provide power. In addition, we propose $2.3 million for eight operation and maintenance projects for the Bureau of Reclamation. As I said, these are highly job intensive. We are advised that the man-years per $1 million are the same as previously discussed.

Again I repeat, there are 103 construction and operation and maintenance projects funded in chapter 5 of this bill, which could provide a total of 175,000 jobs.

Mr. Chairman, the Subcommittee on Public Works Appropriations believes strongly that public works are vital for the economic development of this Nation. These projects provide jobs during this period of high unemployment. Public works projects provide aid to the construction industry, which at this time is in dire need of help.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MAHON. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. EVINS of Tennessee. Mr. Chairman, many of the public works projects funded in the bill will provide essential electric power on the line in many parts of our land. The development of these hydropower resources is needed desperately to alleviate pressures for using oil during the energy crisis. Public works projects provide productive jobs for the Nation, not just leaf-raking jobs. When projects are complete, they are capital assets for the Nation, and assist the economic development of the Nation.

These programs provide water for irrigation to increase the food supply, flood control to diminish the ravages of raging waters, water supply for municipal and industrial use and recreation for millions of our citizens.

Mr. Chairman, our priorities must be rearranged. Instead of increasing unemployment compensation, we believe we should provide jobs. We need more jobs for this Nation. This will be a better policy for this Nation and this approach will be better received by the people of this Nation.

Why should not the projects currently under construction be funded up to their full capabilities, to assist in providing relief from the unemployment situation?

So, Mr. Chairman, I repeat that the funds provided under chapter 5 of the bill will greatly assist in providing jobs to the construction industry as a whole, providing power on the line to help solve the energy crisis, and providing capital assets for the Nation, a truly productive effort in the public interest.

Mr. Chairman, I urge prompt passage of this bill, the Emergency Employment Appropriations Act of 1975.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman yielding to me, and I appreciate his concern and the concern of the gentleman from Mississippi that these be projects of value and not just leaf-raking jobs.

I wonder if employment on duck nests, scenic overlooks and park signs would fall in that category?

Mr. EVINS of Tennessee. Yes, it provides jobs.

Mr. ROUSSELOT. Are they of essential value?

Mr. EVINS of Tennessee. Yes, jobs are of value, however, I believe the jobs the gentleman refers to fall under chapter III, the Department of Interior portion of the bill.

Mr. ROUSSELOT. And 3,000 people do that?

Mr. EVINS of Tennessee. I suppose, where they have the capability.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. MAHON. Mr. Chairman, I yield 1 additional minute to the gentleman from Tennessee.

Mr. BALDUS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Wisconsin.

Mr. BALDUS. Mr. Chairman, I note on page 59 of the Appropriations Committee report that there is $500,000 under consideration here today in H.R. 4481 for the La Farge Lake and channel improvement project in Wisconsin.

The Army Corps of Engineers presently has under its consideration and review the question of water quality of the lake created by the impoundment. The water quality was studied and put into question by a research team of the University of Wisconsin. The Army corps commissioned a partnership team of citizens and experts to study their report. The partnership team is expected to report to the Army corps on March 17.

A large part of the project, particularly the building of roads, is proceeding to completion. Of the total project cost, over $16 million are devoted to road building and related construction. This construction is not related to the more technical consideration of the water impoundment and water quality.

I completely agree with the spirit and intent of this job's emergency bill. In keeping with the spirit of the committee report, it is my understanding that this appropriation is intended for that part of the La Farge project relating to road construction, land and damages, and will in no way interfere with the study of questions relating to water quality and alternatives.

Is that the gentleman's understanding?

Mr. EVINS of Tennessee. The gentleman is correct in his interpretation.

Mr. CEDERBERG. Mr. Chairman, I yield 13 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I rise with reluctance to speak in opposition to this legislation. I realize that to do so puts one's self in a political posture of being against jobs and against those who are unemployed. But I rise to say that I welcome this debate on job creation and welcome this discussion of what we can do to put our people back to work again.

I happen to think this bill is the wrong approach. I have great affection for the chairman of my committee (Mr. MAHON) and for all the individual chairmen of the subcommittees who have worked so hard in bringing to this House a bill that they sincerely and honestly believe is going to help put people back to work, I think it will but only over the very short term, but the cost will be astronomical to the American people in terms of inflation, higher interest rates, and further troubles down the road.

Part of this bill is a shell game; for example, millions of dollars of Federal loans to small businesses. What this is doing is the Fed going out into the credit market and borrowing money to loan to small businessmen who cannot borrow money because the Federal Government has preempted much of the available credit and capital necessary to keep their business going.

This $6 billion bill is added to a deficit already swollen to over $100 billion in the next 18 months. We will have to finance a deficit that is reaching the level of $170 billion approximated by the very distinguished and able chairman of the Committee on Appropriations.

The President's budget deficit in the next 2 years or the next 18 months, is somewhere between $80 and $90 billion. Our chairman predicted that after the Congress got through with the budget it would be somewhere in the vicinity of $170 billion. As Mr. Lynn of the Office of Management and Budget said last night, we are rapidly approaching that figure. I think we need to at some point, stop, and ask ourselves what is destroying jobs and how can we help create them in the productive sector? We are impeding the ability of the private, the productive sector to create jobs and the goods and services so necessary. We are denying that sector the capital necessary to finance the type of plant expansion, the new and better tools, that are necessary to restore our economy and lessen unemployment. The most important ingredient in a stable economy is a stable dollar, a stable currency, a responsible growth of the money supply? This bill will accomplish just the opposite.

The very same politicians who scream that there are no funds for housing and construction are the same ones who are making sure that there are no funds available to expand these segments of our economy.

Let us talk about construction, did you realize that a dollar of deficit might otherwise go into a thrift institution? It might be a dollar of mortgage money that might help expand the housing market, which also stimulates everything from television sets to refrigerators to the truck that rolls on tires, and so forth. That is a rippling effect that I think is far more important and productive to our Nation than compounding this out-of-control deficit, which, as I said earlier, approaches disaster for American enterprise. Deficits and taxes are choking the supply of capital so extremely important to our system. We are choking and strangulating the ability of the private sector to find the capital so necessary to finance a sound recovery with more jobs and stable prices.

The most serious shortage in America today is capital. Our country has the lowest rate of capital investment as a percentage of gross national product of any industrial nation in the world today. Last year we reinvested as a percentage of our gross national product something between 9 and 10 percent. Look at West Germany, Japan, France, and perhaps even Britain. They are all reinvesting more capital in their economy than we are.

It is not probusiness to talk like this it is prolabor. It is projobs, as far as I am concerned, to recognize that if you did not have to finance $10 billion of deficit, if you could reduce the deficit by $10 billion it would mean hundreds of thousands of housing starts and perhaps a million jobs. I am for jobs, tax producing jobs not tax consuming jobs.

"What are we for?"—those of us who are going to have to oppose this bill, we are for creating incentives for people to produce, to save, to invest, and all the good that results.

The point is simply this: This bill will not create the number of jobs we are being told that it will, and the people should not be misled this way. It is unfair to a man or woman out of work to hold out the prospect of getting a job when the statistics say that only 1 out of 10 unemployed could be given a job even under the most favorable circumstances.

There are other points misleading in this bill.

The money to pay for these publicly funded jobs has to come from somewhere; it does not appear out of midair. It comes from the taxes paid by the people, or it comes through Government's deficit financing. Both take money away from the people: Taxes do it directly, deficit financing does it indirectly through inflation. The result of both is a loss of jobs within the private, free enterprise, non-Government sector of the economy. Some interesting calculations have been advanced on this point, including those of Senator WILLIAM PROXMIRE, of Wisconsin, on the floor of the Senate last August 22 specifically relating to housing starts and construction. If $10 billion taken by Government—either in the form of taxes or in the form of borrowing of investment capital to cover deficit spending—were to be left in the private sector of the economy, that $10 billion could provide for 500,000 new housing starts, generating approximately 1 million direct and 2 million indirect jobs.

This relates directly to the bill before us, a bill which would take about $6 billion from the private sector. Considering direct jobs alone, for every three jobs created here as public service jobs, one must subtract two jobs destroyed by either the extra tax load or the capital borrowing by Government, leaving a net gain of only one. For every three public service jobs, we are eliminating two private sector, productive jobs. And, this does not even consider indirect jobs lost.

Thus, if we take the committee's figure of 900,000 public service jobs to be supposedly created by this bill, we would have to figure on a reduction in the work force in the private sector of 600,000 jobs. The net gain? Only about 300,000.

You cannot continue this process forever. Look at the experience of the United Kingdom—where problems of unemployment were dealt with through ever-continuing and ever-expanding reliance on public service jobs. The string has run out; the United Kingdom is not capable of relying further on that technique, for it is at the point of bankruptcy. Yet, it has gone so far in that direction that a reversion to a market economy is virtually impossible.

All of what happened there—and what is happening here today—is being done in the name of the public welfare. But, who gets hurt the worst by this process? Those least able to be hurt—the work force—those in whose name well-meaning people sought the enactment of these counterproductive programs. The labor force, the workers get hurt the most.

I am deeply concerned about where we are heading. This budget of ours is out of control and this Congress has not taken one single step to try to reduce that same deficit which all of us were ostensibly against politically in the last campaign.

What are we for? We are for a sound currency and stable prices, we are for protecting the integrity of the dollar which is so important to the young people as well as to senior citizens, and the hard-working people of America.

We are for creating incentives, capital investment incentives, and incentives for savings. These programs did nothing to cure unemployment in the thirties, and it won't work today. In fact, unemployment in 1938 after 6 years of economic tinkering was 18 percent.

These are the same policies that have taken Great Britain down the road to the point where 60 or 70 percent of its industry is now nationalized or centrally controlled.

Mr. Chairman, we are going to have to come back in here within a very few months and face the problem of high interest rates and raging inflation again.

I think it is necessary to create an incentive for savings, and I am going to design some legislation and work on that problem right now, as well as the issue of creating capital formation techniques that will provide the types of investment and savings and jobs that can come with an expansion of the private sector.

I realize there is much at stake, I realize this is a terribly seductive bill, and I realize the Members are going to be in a tough political position. However, if this Congress is going to have to come back at some future point and deal with the issue of inflation, I think we had better deal with it right now.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, to the extent that my colleague points out that there is a systematic flaw in the way this economy has been operating, I am perfectly happy to agree with him, but he has not mentioned the human considerations of the unemployment situation and what they are really doing to us.

I want to point out to my colleague that I was just talking to one of the waiters in the dining room who works another job, as many of them are forced to do, and he said that after 10 years of seniority in this other job in private industry, everybody beneath him has been laid off, and he is now going to be looking for a job somewhere right now.

We have an unemployment rate in the automobile industry of 24 percent. It is

35 percent in certain parts of my city. So let us talk about what we must tell these fellow Americans of ours.

Mr. KEMP. Let me point out to the gentleman——

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KEMP. Mr. Chairman, because the gentleman has made such a good point I would like to address it. I hope also at some propitious moment to get more time with which to answer the gentleman's very serious question.

I would like to answer the question, because I represent part of Erie County in New York State. We have unemployment in the city of Buffalo of 15 percent and unemployment in the suburbs of 10 percent. That is very high for our area, although not as high as that area which the gentleman represents.

However, I share the gentleman's concern. A few weeks ago we legislated a tax cut. I happened to vote against it. I would rather see somebody get a job than give them a $100 rebate. I think that going into the money market and having to borrow to pay off the deficit we are trying to finance for a tax cut is going to cause more inflation and destroy, not create, jobs.

Mr. Chairman, if the gentleman will bear with me further, he must ask himself one question, the same question I must ask myself: What is causing unemployment in Detroit? What is causing unemployment in Buffalo? What is causing unemployment in this country?

Parenthetically, I would suggest to the gentleman that we need to make sure that we take care of those who are severely dislocated and unemployed and make sure that they have extended unemployment compensation. They should have extended unemployment compensation and I would vote for that.

In this bill we could take care of three times the number of people with unemployment compensation that we can by putting some people to work with a Federal rake and a Federal hoe in either Detroit or Buffalo.

I will also say to the gentleman, as I pointed out earlier, that Senator PROXMIRE pointed out in the Senate that if we reduce the deficit by $10 billion, we can increase housing starts by 500,000 units.

The American people are going to find out that the Federal Government is taking the money for public purposes and there is no money for housing and no money for construction. Four dollars out of five private dollars of credit are going to finance our deficit and projected deficit.

With 4 out of $5 going to finance our deficits, I say to my friend, the gentleman from Michigan, that we then will see what is happening to the private sector's ability to raise the resources that are necessary to finance a sound recovery and put people back to work in Detroit and Buffalo and everywhere else in this country.

I would suggest to the gentleman that cutting the deficit makes a lot more sense at this point than further exacerbating the rate of inflation.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Michigan.

Mr. CONYERS. Would the gentleman from New York agree with me that the Federal Government should at this point make its highest priority seeing to it that everyone in America who wants to work will be provided with work? Is that an objectionable philosophy as far as my friend, the gentleman from New York is concerned?

Mr. KEMP. The gentleman has said nothing that I could not agree with. I've read the full-employment act, but I would remind the gentleman it also says that it should be in a manner designed to create and to foster and promote free competitive enterprise.

But we are strangling free enterprise. We are choking and asphyxiating free enterprise. The best thing we can do for the poor and the jobless is to work for prosperity through a free-enterprise economy.

Mr. Chairman, there is another crucially important reason not to vote for this taxpayer-subsidized jobs program. I speak of the disclosure through Senator CLAIBORNE PELL of Rhode Island on the Senate floor only yesterday of the 800,000 job openings in this country which remain chronically unfilled for lack of applicants to occupy them. These job opportunities exist at all level of skills—from unskilled to college graduate level, in both office and field, in both the public and private sectors. This estimate of available jobs was prepared by the U.S. Department of Labor, the statistical operations of which are probably among the most accurate in the country in the employment field.

Why ought we to vote $6 billion of tax dollars—taken from the pay of hardworking men and women in this country—to create supposedly 900,000 public service jobs, when there are 800,000 private and public sector—mostly private—jobs already available and going begging for applicants? It does not make any sense.

The entire subject of public service employment is about to undergo hopefully, extensive scrutiny by the Committee on Education and Labor. There is much that is wrong with the public service jobs approach to the unemployment problem, and we are seeing signs of it everywhere. Those problems range from failure to train for permanent, available jobs in the private sector, all the way through nepotism and political influence. You have, also, the basic question on how much—or how little—this program really helps the unemployment picture. It would have been preferable to have insisted that that committee do its work first, then have moved to a bill or bills of this nature. That was not done.

My last reason for opposing this bill is, perhaps, the most important of all: This is simply not the right way to go about this task.

As I said, we have at our disposal the means to provide sufficient capital formation incentives in the country to assure the recreation of a number of jobs far greater than that which we could sustain with tax dollars. Instead of asking the taxpayers to pay for public service jobs, we should, through amendments to our basic tax structure, encourage the formation of capital requisite to formation of more permanent, tax-generating, more fulfilling jobs in the private sector.

Genuine prosperity depends more on the amount of investment per worker than any other known economic factor. The more capital we have invested, the greater the number of jobs, the more permanent our job and commodity markets, the more stable the economy. Yet, capital formation is at a critical low in the United States today. It is so low that we are "eating our seed corn"—consuming the dollars it will take to create more productivity. The principal reason for this is government borrowing—62 percent of available capital this year and a projected 80 percent next year—borrowing abetted by spending programs such as that contained in the bill before us.

Every major industrial power in the free world is spending a greater percentage of gross national product for capital formation than we are. The results are obvious: Jobs lost, reduced share of the world's markets, reduced efficiency of production, higher prices.

Within a matter of days I will be introducing the Jobs Formation Act of 1975, a bill designed to overcome this problem. This bill would create incentives for capital formation—essential to jobs formation. It would do it without reliance on massive Federal expenditures. It would do it without creation of make-work, tax-consuming public service jobs. And, every Member with whom I have discussed this approach, knows that it would not be inflationary, because in conjunction with decreased Government revenue resulting from such incentives, we have similarly proposed reductions in Government expenditures.

The bill will provide for these measures:

Tax credits for qualified savings and investments up to $500 per year, or $1,000 for a joint return;

Elimination of the present double taxation on common dividends—now once at the corporate level and once at the individual taxpayer level—by granting an exclusion to the taxpayer;

Granting a $1,000 exclusion from capital gains for each capital transaction;

Granting an extension of time for payment of estate taxes where the estate consists largely of small business interests;

Increasing the estate tax exemption for family farming operation to $200,000;

Amending the corporate normal tax rates, including provision for reduced taxes for small businesses;

Increasing the investment tax credit and making it permanent, an essential prerequisite for long-term business planning;

Increasing the corporate surtax exemption;

Allowing taxable year price level adjustments in property;

Increasing class life variances for purpose of depreciation;

Providing for alternative amortization periods for pollution control facilities; and

Expanding the scope of employee stock ownership plan financing.

The net effect will be the creation of jobs.

This is not a probusiness bill any more than it is a prolabor bill. It is, in short, a projobs bill. It is intended to achieve, at the least cost to the taxpayer, the quickest, surest, most permanent means of creating real jobs—real jobs. This is what our Nation's work force wants. They want to work in productive jobs, in the best spirit of the American tradition. They do not want make-work jobs; they do not want unemployment compensation. Most of all, they do not want continued unemployment.

I will be introducing this bill in the next few days. I invite Members to join with me in this effort, this attempt to rely on the creative and constructive forces of the incentive system, free enterprise.

Mr. MAHON. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, let me tell the Members what the House of Representatives did.

I am not so sure what some of the talk has been about today, but as has been said by others, let us look at the record.

Here is the record on the subject that we have been talking about since noon: In December, right before Christmas, the Congress of the United States passed the Emergency Jobs and Unemployment Assistance Act of 1974. This was in December. This is now the middle of March.

Do the Members know what that vote was, and it was a rollcall vote? I invite them to take a look at their names in that RECORD. The rollcall vote was 346 "aye" and 58 "noe." It was 346 "aye" and 58 "noe," and that is the bill that most of this money is being appropriated for.

In December the unemployment rate was 7.2 percent. Today it is 8.2. In many districts it is 10, 12, or 15. In mine it is 10.5. Today it is 8.2 nationwide.

Based upon what the Congress did and based upon the unemployment rate, the Committee on Appropriations did hold hearings—they are printed; they are before us here—reported out a bill, printed the bill, printed the report, and then the administration jumped on the bandwagon. Based upon what the Congress did and the circumstances existing today, the President sent a request up for $2 billion for summer jobs and for public service jobs.

That is exactly what we had done the week before in our subcommittee.

Let me tell the Members what the Labor-HEW chapter of this bill contains. That they may not have heard already.

The chapter we are talking about contains $2,251,500,000 in new budget authority for fiscal year 1975.

This amount provides additional funding for laws already on the books. The House voted for these authorizing bills. This is merely additional funding for what the Congress has already done on the laws that it gave birth to—summer youth employment, community service employment for older Americans, public jobs, and so forth.

You voted for Older Americans Act. We are talking about an act of the Congress, and this is the Committee on Appropriations.

The college work-study program, I heard talk about that. You remember how you voted on that? You voted overwhelmingly.

The work incentive program—WIN, remember WIN? Do you remember that? God, country, and I want to win. All we are doing is supplying the money that you voted for. What is wrong with that?

Now, the public service jobs in title VI of CETA, and do you know what that is about? You get it at home, all the proposals. All we have done is to provide the additional $1.625 billion to meet the authorization that we voted for, and our President asked us to appropriate.

Now, what do you want? Diamonds? We cannot do any more than that. We cannot add any more. We cannot go beyond the authorization. All we did was go as far as you told us to go, and the President asked us to go.

I repeat, the money in this bill is in addition to the $875 million that was in the urgent supplemental bill. Get that, the urgent supplemental bill—in December. You voted for it. You meant it was urgent. There it is.

We are adding at the President's request the total which meets the authorization of the bill—no more, no less.

In addition we have appropriated $400 million in this fiscal year under title II of CETA for these public service jobs. There is $600 million from the 1974 appropriation which was carried forward, and is available during 1975. That you know about. There is nothing new about this. I am repeating what I told you in December. It is the same thing.

What does that mean? Therefore the funds appropriated in this bill together with the funds that we previously appropriated would provide a total availability for public service employment during fiscal year 1975 of $3,500,000.

By the way, about the jobs, let me say that the Labor Department advises us there are 310,000 jobs to be filled by about April 1. About 200,000 are now filled, and they expect to have all of them filled by about April 1.

We had a hearing with the Labor Department, and they told us how many of these jobs they expected to fill.

Somebody was talking about that about 10 months ago, and the answer is "Yes," they will be filled in the next 30 days. The Department of Labor will have them filled, they told us that, just 2 weeks ago, at the hearings on this bill.

We asked them the same questions that you are asking, and we wanted to know. So I asked them. They said yes, and they showed us. And we looked at their reports, and we listened to the evidence, and heard the testimony and they showed us these things. And it is in there. I do not understand why the Members do not know this.

Since some seem to be uncertain about some of this, take a look at the report, look at pages 34 and 35 of the report, there you will find a description of title VI of C.E.T.A., which was created by the act I told you about, in December, the Emergency Job and Unemployment Assistance Act. But read that report. There you will see in detail all of these things, and you will see the formula for the allocation of the funds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield 4 additional minutes to the gentleman from Pennsylvania.

Mr. FLOOD. The next item, and again I repeat, for the purpose of emphasis, we are presenting nothing new here. This is the Community Service Employment program for older Americans. That is title IX of the Older Americans Act. We are providing $24 million in this fiscal year. This is in addition to the $12 million which was appropriated in the regular bill in 1975, but which the Labor Department told us they had not expended. So we stated here in the report, and you can read it, we told them very directly, you immediately—immediately—obligate that $12 million which is now available in order to generate an immediate expansion on the current program level for the older Americans programs.

These programs we are talking about are for tomorrow morning—not plans, designs for architects and engineers for public works, months and months or a year ahead. We are talking about putting people to work last night. There is an emergency. You said so. Last night, not next year, not in 6 months. That is what this appropriation bill will do and can do.

Title IX is for part-time work in community activities. This is for the unemployed, low-income people. This is for age 55 and over, the ones who have very poor employment prospects. This is your law—a good law. You voted for it. So did I. That is what it does. It meets that very special kind of problem in a special way.

The college work-study program—I remember your being eloquent about that. I can think of some who were especially so. That amount, by the way, will be in addition to the funds already available for the academic year in which we are now engaged—the academic year, not the fiscal year; and it will provide money for this summer and for next academic year also.

Then on the work incentives program, we recommend an additional $70 million. The regular bill for 1975 contained $210 million, but because of the accelerated rate of expenditures since then, especially in the child care and supportive services area, additional funds are needed now.

We found out here—and you heard from the States—that $70 million in this bill is necessary, and I will tell you why. This is to prevent at least 30 States from exhausting all of their available WIN funds. By the end of the fiscal year they will be broke, about 30 of those States in that program. This will also enable the local manpower agencies to negotiate new on-the-job training and public service employment contracts, to extend these to be sure that the States are not damaged on these WIN programs. We will not let them get hurt. You do not want to do it.

With respect to summer youth employment, we have provided $412,700,000 for this coming summer to insure that the program operates at least at last summer's level. The amount in the bill will provide 760,000 summer job slots for disadvantaged youths aged 14 to 22. The jobs are for 9 weeks at an average 26 hours per week. The partcipants are paid the minimum wage, $2.10 an hour.

We expect the Labor Department to allocate these funds to the prime sponsors under title I of the Comprehensive Employment and Training Act. Of course, these local sponsors can, at their option, use a portion of their initial 1975 title I allocations in addition to the funds that we are recommending here to provide more summer jobs in 1975 than were provided in 1974, and we think that many of them will do so.

Mr. Chairman, that concludes my remarks on the Labor-HEW chapter of the bill.

I would just like to reiterate that we initiated action on these items in the absence of any Presidential budget requests, with the sole exception of $125 million for public service jobs, because we thought that the sorry state of the economy required some immediate action. After the subcommittee had taken action on these items and printed a bill and report, the administration decided to jump or the bandwagon by sending up budget requests at the last minute for additional funds for two of these programs, public service jobs and summer youth employment.

As a result of that last minute request, the total of $2,251,500,000 in chapter IV exceeds the budget by $214 million instead of $2.1 billion, as would have been the case in the first instance.

Mr. ALEXANDER. Mr. Chairman, would the gentleman yield for a question?

Mr. FLOOD. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Is it true that the $412,700,000 included under the description "Comprehensive manpower assistance" in chapter IV of this bill is to finance summer jobs for youths between the ages of 14 and 22 years, and will pay a minimum of $2.10 per hour?

Mr. FLOOD. Yes. They will get $2.10 an hour, average about 26 hours a week. The program covers from age 14 to 22; that is correct.

Mr. ALEXANDER. There are thousands of American men and women who are and have been working full-time for the Federal minimum wage of $2.10 an hour. I support development of job opportunities for youth. But, I find it very difficult to see fairness in this program which would guarantee at least $2.10 an hour to 14-year-old youths who do not have the experience or capabilities of these full-time workers. It seems to me that such a program must have a detrimental effect on the work ethic of many of our full-time workers.

Would the gentleman please comment on why such a program is included in this bill?

Mr. FLOOD. I can understand the gentleman's concern. This program is nothing new. It has been operating for years, and as far as I know, the kids have been receiving the minimum wage all along.

This is the Committee on Appropriations. We are funding the basic law that authorizes this program. We did not write the law. I have said that time and time again. There is no doubt at all that if the proper authorization committee would pass a law doing what the gentleman wants done, that this committee would comply with it.

Mr. ALEXANDER. If we are attempting to reduce unemployment it occurs to me that it would be a much wiser policy to pay lower wages for the summer youth jobs employment program and therefore provide more employment opportunities for thousands more jobless this summer. The committee approach promotes high pay, more than providing jobs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Texas.

Mr. MAHON. I thank the gentleman for yielding.

I just want to join the gentleman from Arkansas in condemning a procedure that would provide $2.10 an hour to a 14-year-old youngster under all these circumstances. I do hope a way can be found to put more young people to work. It is not so important how much they make, but let them get out and work.

Mr. FLOOD. That is right. There is no quarrel with that at all.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, one thing I am worried about on the $1.6 billion for public service jobs is the purpose of the bill is to increase the number of people that are given jobs. In Massachusetts some jobs that are already filled under CETA will expire in August. I wonder if we could create a little legislative history. Is it the intent of the gentleman that the man who gets through in August and is still out of work will be entitled to continue on that job, or will he be cut off and somebody else go on?

Mr. FLOOD. There is a question regarding projects of this type. There is a misunderstanding. There are different kinds of layoffs. In many of the municipalities, and I know in Massachusetts very well and in Pennsylvania I know very well, many municipalities are forced because they are broke to make legitimate layoffs of public personnel in these cities. There is no reason why under this law those people who are laid off cannot be rehired.

Mr. CONTE. That is not the point I am worried about. What I am worried about is some of these people got jobs under CETA. Those jobs will expire in August of this year. Will they be able to continue on?

Mr. FLOOD. There is no reason why they cannot if they are still out of work. There is no reason why they cannot be rehired. None that we know about.

Mr. CONTE. I might say they still remember the gentleman in the well very well in Lynn, Mass. They remember him very well.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MAHON. Mr. Chairman, I yield the gentleman from Pennsylvania 2 additional minutes.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Chairman, talking about the situation the gentleman just mentioned, about paying a minimum wage to 14-year-olds, is that not in fact putting the Federal Government into competition with private individuals who would like to hire these same people but who cannot afford to pay the minimum wage? In my own district, for instance, many senior citizens would like to hire young people for lawn mowing, lawn raking, and other types of house and property care, but they cannot afford to pay the minimum wage. I think the Federal Government is creating the situation where young persons will be discouraged from being innovative, energetic entrepreneurs which provide a meaningful contribution to our society; they will be instead encouraged to rush for the big Government dole ignoring the pleas for service by senior citizens willing to pay but not able to compete with the power of the Federal deficit.

I would like to say if the Appropriations Committee has great reservations about funding some of these programs included in certain bills, as has been expressed here today, they should refuse to fund them. I do not think the committee should just come to the floor with a bill simply because there is such an authorization bill. When the Appropriations Committee has deep reservations about funding of Congress authorizations, please exercise the type of restraint with the taxpayers' purse strings that you would for your own purse strings.

Mr. FLOOD. We will take that matter under consideration, I can assure the gentleman.

Mr. ALEXANDER. Mr. Chairman, the largest single appropriation provision in this bill we are considering today is $1.6 billion for public service employment. The concept of this program is a good one. But, throughout the consideration of this bill in committee we have heard complaint after complaint about how it is working.

From my own State of Arkansas, I have had many expressions of dissatisfaction with the program and few favorable comments. The complaints touch on a number of matters but generally boil down to three things:

First. The lack of flexibility local officials have in determining how they will divide the funds they receive between the number of jobs they feel they ought to be able to generate;

Second. The fact that the jobs financed under this program too often fail to make a significant, long-term or permanent contribution to the good of the community; and

Third. The inability to fill certain needed job positions because the funds needed for materials or equipment are not available.

I am convinced that we are acting with too much haste in making this appropriation before the appropriate authorizing committee has taken action to correct problems which have arisen with this program. The General Accounting Office now has underway a major evaluation of the Comprehensive Employment and Training Act public service employment program. And, there exists a number of GAO studies of the operation of the Emergency Employment Act public service programs which preceded CETA.

We in Congress have a heavy responsibility to the taxpayers of this Nation to carefully consider and act on the results of these studies.

When I vote on this bill today it will be because of the good in its other provisions, and in spite of the funds in this temporary employment assistance program because I feel this program is poorly structured.

Mr. CEDERBERG. I yield 5 minutes to the gentleman from Colorado (Mr. ARMSTRONG).

Mr. ARMSTRONG. Mr. Chairman, I am very much concerned about unemployment in this country, because it is costing the Nation's productivity $150 to $200 billion a year. That, of course, concerns all of us. But I am even more deeply concerned about the human cost of unemployment, what it does to the individuals who are unemployed and to their families. I am concerned about the potential for social upheaval when unemployment rises as high as it has in certain geographical areas and among certain socio-economic groups.

Congress bears a heavy responsibility to formulate laws and programs that will come to grips with that problem.

If it were possible to alleviate unemployment by passing this appropriation, it would be a bargain. But there is little chance the spending in this bill will have any appreciable effect on nationwide unemployment. And it is almost certain to worsen other threats to the Nation's economic well-being.

I therefore urge the House to defeat this legislation for the following specific reasons:

First. This bill will barely make a dent in the Nation's unemployment. Even if the committee's optimistic projections are realized, new jobs to be created by this bill would lower the unemployment rate by only about 1 percent.

But the committee is estimating the cost per job created at only about $5,750. Government-induced employment is likely to cost much more, up to $85,000 per job, according to estimates previously submitted to the committee.

If the Government could create jobs as efficiently as private industry—a doubtful assumption—$25,000 per job might be a reasonable estimate. On information available, it's almost impossible to say what each new job will cost. However, the committee estimate is clearly far too low. So the effect on the Nation's unemployment rate will be considerably less than the projected amount.

Nor does the committee report take into account the displacement factor. Testimony before the House Education and Labor Committee indicates that in the public service employment program 55 to 65 percent of all municipal job creations are recalls: employees who are terminated, then rehired and, in the process, shifted from the local payroll to the Federal program.

I also note that much of the effort of this bill is directed toward providing 9 weeks of summer youth employment—$412.1 million—and part-time work for college students—$119.8 million. These may be worthwhile purposes. But they hardly constitute a serious effort to cope with chronic unemployment among family breadwinners nor will such programs do much to curb the astronomical rates of unemployment among minority young people, the two most urgent unemployment problems. Other portions of the bill provoke similar questions about the spending priorities involved.

While there is real doubt about how many jobs may be created by this bill, I am also skeptical about timing. When will these new jobs come into being and how long they will last? Some portions of this appropriation will produce immediate results: New automobile purchasing, for example. But this will be a strictly one-time effect.

Other programs will take many months to implement and, to that extent at least, will provide a slower economic stimulus than other possible remedies: Middle-income tax cuts, reduced corporate tax, accelerated depreciation, deregulation of natural gas—to name some actions that would produce almost instant employment but which Congress has seen fit to delay.

Second. This bill will add to an already stupendous budget deficit thereby causing renewed inflation and economic distortions.

When President Ford announced a proposed budget deficit of $35 billion for the current fiscal year and $51.7 billion for 1975–76, most of us were stunned. Even the enthusiastic deficit spenders were visibly surprised.

But, we are now talking about far larger deficits and have already taken action which will raise the current year's deficit to nearly $41 billion and the projected deficit for next year over $71 billion.

Many experts believe deficits will go far higher. I agree. While I have no way of knowing how high the deficit may rise, I will not be surprised if it is $80 billion or even more.

What are the consequences of deficit spending on this scale? At the very least, we will suffer a severe crunch in the capital markets several months from now and renewed double digit inflation.

Federal borrowing already accounts for over two-thirds of the total funds market. With increasing deficits this proportion is sure to rise and the Government will elbow more and more private borrowers out of the market. Job-producing investment by the private sector will be reduced accordingly, another ripple effect not considered in the committee's projection.

The rate of capital formation in the United States has already sunk to the lowest level in the industrial world. Our plant capacity is growing obsolete while other nations modernize. We are slipping behind productivity: The annual rate of productivity increase during the 1960's and early 1970's averaged more than 10 percent in Japan, 6 percent in Germany and France, but only 3.3 percent here in the United States. This bill will make the situation worse.

One industry would be hit especially hard: housing. At a time when the Nation is falling behind in meeting housing needs and unemployment in the construction trades is already over 22 percent, the threat of further disruption of housing is gruesome to contemplate.

But housing depends on vast amounts of mortgage financing. So when the Federal Government crowds other borrowers out of the funds market and raises interest rates, money will be drained from thrift institutions which are the main source of mortgage financing for homeowners. Many small construction firms will be unable to survive this kind of squeeze. When they go under, more jobs will be lost.

Third. While some of the programs funded in this bill may be one-time costs, others will continue forever. I do not believe the committee has seriously considered the long-term implications of adding to the spending base of the agencies involved.

Fourth. Finally, I am distressed by the way this bill has been handled and the committee's failure to carefully review proposed spending. Only a few days ago someone came up with the idea that additional spending should be approved. A $5 billion target was established, apparently picked out of the air. Agencies were invited to submit shopping lists of worthy projects to Appropriations Subcommittees.

This kind of haphazard, open-handed approach is completely inconsistent with the responsible traditions of the committee. It is hard to imagine executive branch agencies will be much impressed if the committee should, at some future time, urge spending restraint or careful scrutiny of proposed budget increases.

What is worse, in the haste and confusion, we have ignored serious shortcomings and abuses already evident in programs previously funded:

Charges of corruption in public service job programs include allegations that funds are being used for nepotism and political payoffs.

In some areas of the country school teachers are being paid from public service employment funds during the summer recess even though they continue as regular, full-time teaching employees.

All in all, it appears to me Congress is being stampeded into action which we will later regret. I urge defeat of this bill and, in its place, consideration of other ways to cope with unemployment, solutions which are consistent with sound fiscal policies and which will put people back to work without further risking the Nation's economic future.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. ARMSTRONG. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I wish to compliment my colleague from Colorado for bringing this point to the attention of the House. It is very simple to stand in the well here today and say this bill is going to help provide jobs when, in fact, it could well deny or destroy jobs in the area of private housing construction. Last year, as the gentleman knows, the Treasury absorbed 62 percent of the money in the private market because of deficit financing. If we go on adding more and more deficits amounts, as we are in this bill, according to the economists that have come before the Joint Economic Committee, the Treasury will probably drain about 80 percent of the money available in the private money market this current fiscal year. So by voting for this bill a member is adding on to the Federal deficit and helping to deny people in the private housing industry more jobs.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. CEDERBERG. Mr. Chairman, I yield the gentleman from Colorado 1 additional minute.

Mr. ARMSTRONG. I thank the gentleman for yielding this additional time.

If I may sum up one additional point which should be brought to the attention of the Members, there are other alternatives. It is not a case of voting for this bill or just throwing up our hands and saying the situation is hopeless.

Indeed, the Congress has an opportunity to act quickly on middle income tax cuts and restrictive regulations that are costing millions of jobs across the country, to deregulate natural gas, to approve other measures, that will permanently create jobs in the private sector instead of creating temporary jobs in the Government sector.

For these reasons I am going to vote against this bill.

Mr. FLOOD. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, it has been suggested that we really cannot afford this bill and that it is going to shoot the budget of the country out of sight. Let me point out a couple of facts.

First of all, I do not believe that the previous speaker was correct, that the Congress is not looking at the overall budget problem. We will be voting tomorrow on a foreign aid bill which cuts about $2½ billion from the request. That is a substantial cut, and will be the second largest cut of any appropriation bill to come before the House in this fiscal year.

In addition, Mr. Chairman, I would like to quote, if I may, from a recent report of the Library of Congress Congressional Research Service. If we are looking for places where we can legitimately cut this year's budget, I will just quote several interspersed sentences from that CRS report on the defense budget for this year.

Under general purpose forces, the CRS says the following:

> The administration has chosen fiscal year 1976 as the year to expand, modernize or make up the previous year underfunding in a wide variety of general purpose forces.

Then, it goes on to say:

> As a result of the major increases in this budget category, the real growth in baseline forces spending is greater than in any year since 1967.

Then, to read on from page 7:

> Tactical Air Forces: modernization of tactical air arms of each service continues at an accelerated pace.
>
> Operation and maintenance: While a substantial portion of the increase requested for operation and maintenance relates to pay increases and general inflation, there is real program growth of $652 million.
>
> Strategic forces: SALT talks. SALT II guidelines authorize the United States and the Soviet Union 2400 strategic nuclear delivery systems each. President Ford has expressed an "obligation" to reach that ceiling. Since each Trident costs $1 billion and each B-1 costs $86 million, substantial savings could result if the United States could provide for its defense with strategic weapons even slightly below that ceiling.

On production support for foreign military sales, CRS reports the following:

> This $300 million item constitutes a new program.

On the relation of the fiscal year 1976 budget to national security, CRS reports the following:

> Fiscal 1975 was a year for new strategic weapons initiatives. Fiscal 1976 is the year budgeted for expansion, refurbishment, modernization and readying general purpose forces.

Mr. Chairman, I would suggest that if Members of this House are looking for places where the budget ought to be cut, they ought to take a look at that Library of Congress report. I think they will find many areas where they can cut.

I do also want to address for just a moment the impression, which I think was left here, that administration witnesses had not testified on many portions of this bill. I can only say that in the Labor-HEW Appropriations Subcommittee, of which I am a member, that members of the administration did, in fact, testify. They came down to testify on the supplemental, it is true, but they did discuss the question of the Older Americans Act funding. They did discuss the action of funding public service jobs.

In fact, when I asked Mr. Burdetsky from the Department of Labor whether he thought it was fiscally responsible for Members of Congress to take a look at the public service jobs program with the idea of possibly increasing the funding, his response was—and I wrote it down—

> No, I think Congress ought to take a look at it.

The reason for funding public service jobs as we have in this bill is very simple. Under administration estimates, public service jobs will be funded, as the gentleman from Pennsylvania indicated, at about 190,000 jobs as of right now. They are expecting about 310,000 jobs to be filled by April 1, but that would drop, without any action by us, drop to about 170,000 jobs after July 30, and drop to about 51,000 jobs after next February. That would make no sense whatsoever when unemployment is expected to rise to a rate approaching 10 percent.

Let me just suggest one other thing. It is not just wild spenders who are suggesting that we ought to really provide some additional stimulus to the economy now if we want smaller deficits later.

Let me just read, if I could, a statement by Paul McCracken, who is not exactly a wild spender. Mr. McCracken said as follows:

> If we stay with tough (budget) policies until the price level is stabilized, the economy will continue to weaken for at least another half year, causing a deeper recedence than was planned. In a frantic attempt to counter this further decline, policies may then turn toward massive ease, and the next inflationary overheating begins to incubate.

All he is saying—and I would suggest to the Members that they follow his views—is that when you look at the budget you look at the deficit and try to determine why that deficit is as large as it is.

It is large not because the Government is massively increasing spending; it is large because the bottom has fallen out of revenues, and you are not going to get revenues on the upturn unless you have more jobs.

I submit to you that, timid though this bill is, it is, at least, a humble start in that direction. If you increase Government stimulation this year—I know that is not a popular thing to say politically—you have a better change of reducing that deficit next year and the next year and the next year, down the line, because if you do not move fast enough now to stimulate the economy, as many economists testified before the Joint Economic Committee and other committees, we will end up applying massive stimulus later on in a desperate effort to turn the economy around and then we will probably be too slow to act against inflation.

We need the bill. We need funding for FMHA, for EDA, for college work-study funds, for Green Thumb jobs for the rural elderly poor, and we need it now.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I thank the gentleman for yielding.

If we were to follow the previous speaker's advice, why do we have so much unemployment? With the $125 billion in deficit for the last 4 or 5 years, and the $180 billion we will have in the next 18 months, according to my friend there should be no unemployment. If deficits solve the problem of creating jobs, certainly in the last 6 or 7 years, or in the last 30 years there would be some empirical evidence to support that premise. We ought to know deficits do not create jobs; they destroy jobs. That is what is happening in our economy today. Federal spending is out of control and is choking the oxygen supply of our free enterprise system, capital.

As I said earlier we need to increase the amount of capital investment in our Nation if we are to create the jobs and meet the needs of the American people.

Mr. FRENZEL. I thank the gentleman from New York for his additional comments. I thought his initial contribution was right on the money, too. I congratulate him on that statement and join him it it.

Mr. Chairman, here we go again. Today we have another spending nightmare—a pot pouri of largely unbudgeted items—which will throw another $6 billion worth of red ink into the budget.

Today's budget buster, H.R. 4481, is only one in a long and tawdry line of contrived nonsense by which a discredited and incredible Congress is trying to convince itself and its constituents that it is doing something, or anything, about the recession. H.R. 4481, however, is a particularly egregious example of wanton congressional waste. One can always get a foretaste of how bad a bill is by its title. If it is really rotten it gets a euphemistic title like the Emergency Employment Act. I understand its principle elements were assembled by calling every agency on the phone and asking what it wanted. That's like sending a drunk into a saloon with an unlimited credit card. No wonder the public has no confidence in Congress.

One of the wonderful features of this bill is that it will fund 121,000 new cars for the Government. We have been trying to cut back on cars for years. We are trying to save energy. We have just found out that this year's models, thanks to the Congress, are marvelous producers of sulphuric acid. Is it really possible that we are now going to buy, in a single bill, more cars for one agency alone than it now possesses?

If this bill passes, one can only conclude that the Democratic Caucus has again used its unit rule to bind its members, because surely no majority of thinking members could support this soggy grabbag of rotten grapes on its own merits.

Oddly enough, the bill does have some merits. The $1.6 billion for CETA title VI programs—public service employment—can be justified on the basis of the state of the economy even if the program itself is not an unqualified success. Public service employment has had the effect of simply being an additional subsidy to local governments for the same number of jobs, rather than a job builder. But, in a time of recession and inflated local government costs, it still is not all bad. This item should be voted on separately. It is passable on its own merits, but it is not good enough to carry the rest of the baggage.

The summer job program, a $400 million item, is also needed now. It, too, should be passed in a separate bill. After those two items, the pickings get slim. All the programs are nice. All of them will do some good, even if accidentally. But, all of them are items we did not want to fund this year. Few of them have had any recent hearings. They are an uncoordinated grab-bag whose principal purpose is to give the Congress a chance to pin an antirecession rose upon itself.

The recession is awful. Each of us has concern. Opposition does mean approval of or disinterest in, recession. Every Member wants to do whatever is reasonable and possible to mitigate its effects and turn the economy around. Unfortunately, this bill is both unreasonable and impossible. Its effect on inflation, and its effects in convincing the people that Congress has taken leave of its senses, will far outweigh its feeble effects on the economy.

The bill spends nearly a billion for the Postal Service for facilities and services we apparently felt previously were not needed. It spends $400 million on EDA job opportunities programs. Nobody has said whether these programs attack unemployment in the new areas of need. They probably will not.

It pours another $100 million into the Corps of Engineers and into reclamation projects. We are using the recession as an excuse to fatten up the pork barrel. There is about $250 million for Interior and the Forest Service. I suppose those are good programs, but are they affordable at a time of cataclysmic deficits? I think not.

It spends $70 million for necessary improvements to VA facilities that were not necessary last year. It spends nearly $500 million for buildings for GSA. Maybe we can get some of the old WPA shovels from the Smithsonian to help in this work.

It puts $450 million into rural sewer and water grants and loans. One can wonder how long it will take that money to be spent. Well after the recession, I would guess. It spends for every motherhood-type program the committee could find—YCC, WIN, Community Service Employment, College Work-Study, Small Business Administration. All are worthy. All are unaffordable now.

The Emergency Employment Act is illustrative of the leadership and policy gap in Congress. Without policy and without leadership, the Congressional majority feels it must cure the recession in each committee separately. Thus we have a tax cut from Ways and Means, a grab bag from appropriations, a housing support bill from Banking, more public service jobs from Education and Labor, more public works from Public Works, maritime subsidies from merchant marine and heaven knows what else. And, in true competitive congressional style the Senate will escalate, accelerate and exacerbate any program we pass. We need help in Housing simply because we have driven up interest rates with overspending and taken the confidence out of the economy. We need help in SBA for the same reasons.

In addition, most Government programs in health, welfare and manpower are already indexed. For instance, Unemployment Compensation, a $4 billion item in 1973, will be over $20 billion in 1975. That is good, but when the price tags of all these are added up, they guarantee either rampant inflation or a totally controlled economy for years to come. Inflation and controls will be traded, moreover, for little if any current benefit to the economy. More precisely they will be traded for the vain hope to improving the congressional image.

There are valid, comprehensive ways to fight recession. First, we have the income support of unemployment compensation. It is essential, and we have not done a bad job of it. Next, we need the tax cuts. But, here we have had too many heroes who have sacrificed the welfare of the economy in an effort to play Lochinvar with depletion repeal.

Finally, we have a legitimate responsibility in other areas like public service jobs, or needed programs that can produce jobs immediately.

This soggy bag of grapes does not meet the test. It is simply a mess of programs assembled for a public relations image. It spends dollars we do not have for programs that have some intrinsic merit but which would not help the economy much and which we have previously decided are not necessary.

I shall support the Coughlin amendment which will attempt to remove the worst boondoggles—the 121,000 automobiles and the new post offices. However, even if it passes, I shall vote against the bill. This Congress has to make a coordinate, effective attack on the recession. This bill merely throws chunks of money at it and should be defeated here. It not, it should be vetoed.

Mr. MAHON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Chairman, I thank the distinguished chairman of the committee for yielding this time to me.

I would like to address a question to the distinguished chairman of the Subcommittee on the Department of the Interior and related agencies.

I read on page 26 of the report that there are funds made available to the National Park System and National Park Service for planning and construction in the amount of something over $20 million, and as they described the use of these funds, they say they may be used for maintenace and repair of roads, bridges, and scenic overlooks, and that they could be used for construction and repair of camping and other recreational facilities.

My question to the chairman of the subcommittee is this: In the area that I represent, where we have the Golden Gate National Recreational Area, there is a need there for what are known as comfort stations to serve the visitors and to take some of the burden off the local communities.

As I read the report, there is certainly funding that would be made available to the Golden Gate Recreational Area, and some of those funds could well be utilized for the construction of such comfort facilities.

Would that be consistent with the purposes of these appropriations?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. JOHN L. BURTON. I am delighted to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the answer to the gentleman's question is: Yes. Part of the rehabilitation and reconstruction program that is contemplated in this bill is for the construction of sanitation facilities in the national parks.

Mr. JOHN L. BURTON. So then it would clearly be the intent of the committee that funds made available could be utilized for such purposes as constructing toilet facilities in that area?

Mr. YATES. The answer to the gentleman's question is: Yes.

Mr. JOHN L. BURTON. Mr. Chairman, I thank the gentleman very much.

Mr. MAHON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. SPELLMAN).

Mrs. SPELLMAN. Mr. Chairman, it will not take even 2 minutes to say what I have to say.

I have listened here to the speeches today. I had no intention of coming up here to speak, but I have listened to talk which has assaulted my ears.

I have heard this bill described as a "shell game." I have heard gentlemen question the need for these jobs.

I would like to invite those who have any question about whether we need to move on providing jobs and whether we need to move quickly to come with me tomorrow morning just across the D.C. line to my district, to visit with the people who are standing in line at 5 o'clock in the morning to get into the unempoyment benefits office and who are standing in line at 4 or 5 in the morning to apply for food stamps.

I have gone in there to talk with these people. They turn to me, those who do not recognize me, and say, "Where did you work? Where are you going to look for jobs?" They show their shock. They look stricken, frightened. These are people who never expected they would be unemployed and they are bewildered.

Where is our conscience? Where is our compassion? Please do not stand here saying, "I have compassion, but I find this little thing wrong with the bill or that little thing wrong with the bill or that big thing even." Go out there and talk with these people and ask them how they feel about this bill or any other bill which will make it possible for them to work and make it possible for them to bring home to their families checks which they have earned by their labors. That is what they want—work. They are not the kind of people who want to be applying for food stamps.

Therefore, I ask the Members to stop the faultfinding and to start attacking the problem. Recognize the situation for what it is. It is a depression. We have to move; we have to start getting a handle on it right now.

Some of the ideas brought forth about helping private industry to employ these people, I fully agree with, and I would like to help the people on both sides of the aisle to work out programs like that. However, do not, when I go back there on Monday morning or Tuesday morning or Wednesday morning to talk with these people, force me to have to admit to them that we still have done nothing. It is time to give our Nation hope. It is time for deeds, not words.

Mr. CEDERBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, certainly I think all of us have been in our district and all of us have seen the unemployment lines. Certainly I have. I go home nearly every weekend. I do as many as 10 speeches, and I visit all of my projects and all of my institutions in my district. Therefore, we do not have to be lectured about what the situation is. The situation is bad. There is no doubt about it, but one does not throw good money after bad money.

Some of these programs are like throwing corn down a rathole.

I have been discussing this program with my committee for quite some time. I am going to vote for this bill, but we have to have new direction. Is the Democratic side of the aisle so bankrupt that they are going to perpetuate a program that has outlived its usefulness?

I have little communities in my district that are saturated with public service jobs. There are more public service jobs than there are public employees in a great part of those communities. All I am saying is: Come up with an idea. Let us do something constructive. Let us go back to the old days when we had a Civilian Conservation Corps. Let us clean up our forests, build parks. Let us fix our dilapidated buildings, our hospitals, and our schools so that when this thing is all over with, we have something to show for. Let's rebuild our railroad tracks.

What have we in public service jobs? In Massachusetts, the leading newspaper, the Boston Globe, has held an investigation. They have found corruption. They have found public officials putting their families on the payroll. They have found all kinds of nepotism. They even found that some politicians were using public service jobs to pass out pamphlets on election day.

Is this what we want to promote or can we not come up with a good, solid program?

Why cannot the Committee on Education and Labor come out here with a program that is going to create jobs and at the same time is going to do some good for this country of ours?

All I say is that we need a change. We need a change in direction. Let me read from my additional views in report 94–52 of the Emergency Employment Appropriations Act of 1975:

> I support the commitment of another $1,625,000,000 to the Public Service Jobs program, but only with very grave reservations.
>
> At best, this is an exercise in blowing up a leaky balloon.
>
> Puff. Puff. Puff. P-s-s-s-s-s-s-t. Puff. Puff. Puff. P-s-s-s-s-s-s-t. Puff. Puff. Puff. Puff. P-s-s-s-s- . . . .
>
> I am getting out of breath.
>
> And I am getting discouraged.
>
> With all the billions of dollars Congress has appropriated for this program, what do we have to show our children and future generations?
>
> The Public Service Jobs program has kept many people employed and food on their tables. Everybody is in favor of that. But this accomplishment is only temporary and has very little long-range utility. Instead of spending huge wads of the taxpayers' money just to take some of the sting out of unemployment, it's time to put a positive focus on what public funds should be doing.
>
> In my western Massachusetts district, I see many areas which could sorely use the investment of federal money and where the investment would pay the return of a lasting gift to future generations. I see dilapidated railroad track beds, forests that could be transformed into beautiful parks and trails, local hospitals and schools that would benefit from a face-lift.
>
> It's not sufficient just to create jobs for the sake of creating jobs. This is one open checkbook program that has gone far enough. The Congress must start demanding a permanent return on its investment. The program should be run like a business, not a philanthropy.
>
> For instance, I would urge the Congress to revive the Civil Conservation Corps and similar community programs under the sponsorship of the Federal Government. The CCC was inaugurated during the Depression. It took thousands of young, idle men off the streets, put them into forests and undeveloped lands and put them to work building America. The return to the nation on this program has been enormous. In my district today, there are now thousands of acres of forests that were planted and cultivated under the CCC program. They are a lasting monument to legislative foresight.
>
> I question the advisability of placing even more reliance on an already heavily saturated public service employment program administered at the local level. There are increasing indications that the programs in many jurisdictions are poorly administered at best, and beset with favoritism and corruption at worst.
>
> Programs of this nature far too often have a way of becoming permanent drains on the taxpayers. And, in this case especially, the public is left with nothing to show for its massive expenditures. Already many State and local governments—against the intentions of the Congress in initially enacting a public jobs program—are reducing their payrolls at the same time that new Federal job money is being made available to them. The net effect is no increase in assistance for the victims of recession: the unemployed. This cheats both the jobless, as well as those with jobs who—through their taxes—are trying to lend a hand in this pinch.
>
> The public works projects that will be funded under this bill present a better solution. These projects are either underway now or can be started immediately. In addition to directly providing jobs for the unemployed, they stimulate the private sector to provide additional jobs in shipping the steel or producing the tools required to complete the projects.
>
> This is not enough, however. The Congress should consider a broad based, federally controlled jobs program reaching into each affected area and community. This would enable those made jobless by the recession to perform useful public service in projects such as reforestation, environmental cleanup, additional recreation facilities in local parks, upgrading thousands of miles of long-neglected and now unsafe railroad track beds, to name just a few.
>
> A broad program of this nature could be

built on what was learned from the Depression-era CCC and WPA programs. Many communities throughout the land are still—40 years later—making use of the public works projects completed by those and other Federal programs, modern versions of which could be administered by existing Federal departments and agencies.

In this manner, everyone who is without a job would have an equal chance in finding work in an area close to his home, and at a task that would benefit his community.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the gentleman from the Virgin Islands (Mr. de Lugo).

Mr. de LUGO. Mr. Chairman, I wish to endorse the Emergency Employment Appropriations Act and commend the Appropriations Committee for its outstanding work in drafting a bill of this magnitude in the short time available. I had the pleasure of casting my vote in support of the bill in the meeting of the Democratic Caucus which was held this morning, and now urge my colleagues in the House to pass it overwhelmingly.

The almost $6 billion provided by this measure will make a substantial contribution to helping the national economy during the current period of decling economic activity and high unemployment. The people of the United States, including my constituents in the Virgin Islands, will derive great benefit from the programs provided by this bill such as Public Service Jobs, Summer Jobs for Youths, Community Service Employment for Older Americans, and the Youth Conservation Corps. It is estimated that more than 900,000 jobs will be provided directly from the programs supported by this bill, and the purchasing power thus generated will stimulate the private sector of the economy and create employment opportunities for many thousands of additional workers.

The Virgin Islands are especially vulnerable to inflation and downturns in the national economic cycle. Because of our small land area and insular location, practically everything we use or consume must be imported by ship or plane thereby making consumer items significantly more expensive than on the mainland. Tourism, our most important industry, is dependent upon a prosperous U.S. economy for its existence, and suffers as that economy declines.

For the Virgin Islands, this legislation will double the amount of Federal funds available for programs which will directly provide jobs. I am hopeful that, both in the territory and the Nation, the ultimate impact will be to stop the growth of unemployment and begin the return to economic recovery.

Finally, I wish to commend the House of Representatives for spurring the resurgence of Congress in achieving its historic leadership role in the establishment of national policies. In the barely 2 months that the 94th Congress has been in session, the House has protected the food stamp program against administration efforts to raise the cost of stamps to those least able to afford an increase, and passed tax reforms which will pump billions of dollars into the national economy. I am sure today, the House will pass the emergency employment legislation which provides assistance far in excess of what the administration had recommended. These measures will be of lasting benefit to my constituents in the Virgin Islands in their perseverance to overcome the present economic decline.

Mr. CEDERBERG. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, this bill is not a substitute for food stamps, and it is not a substitute for unemployment compensation. I would not want to suggest that all of the programs funded under this measure are bad. I am sure there are going to be jobs created in private enterprise through the purchase of 121,000 new automobiles for Federal Government employees. Maybe that will be good for Detroit and one or two other areas, but I do not think there are any real incentives or inducements in this measure which would encourage the private economy to help provide jobs, and that is what the American people want, jobs in private enterprise.

It is my feeling, Mr. Chairman, that the direction in which this program endeavors to move the country is entirely wrong. It is not possible, I do not believe, for the Federal Government, just by throwing funds at the problem of our depressed economy can succeed in providing a healthy private economy. What we will have to do to create more jobs is to provide those inducements and invitations to private business which will provide the jobs for people who are looking for jobs, and who want jobs. And in that respect it seems to me that this measure fails us almost completely.

I hope we will soon get to the point where we are doing something for the private enterprise sector so that we can take people from the unemployment compensation and food stamp lines and reintroduce them to the kinds of jobs they want.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we have about come to the conclusion of this debate.

A few years ago someone said: "Ask not what your country can do for you, ask what you can do for your country."

I still believe that the American people have considerable ingenuity. I still believe, and I am determined to believe, that the average American who is out of work is trying to find some sort of job on his own. I just believe that.

I think it would be foolish for us to feel that it is the responsibility of the Federal Government to provide everybody with a job regardless of whether that person wants a job or not. I do think the Government can help, but I think we must rely heavily on the private initiative of the American people. I believe that strength still exists. I believe that many unemployed people, most unemployed people, are really trying to find something to do to secure employment of some kind, and not stay tied to this kind of Government-made work.

I realize that this bill is not perfect, but I believe it represents the best we could do under the circumstances.

If we have a will to make it succeed, and if the communities have a will to make it succeed, if they will acknowledge their own responsibility, and if the mayors and local officials will try to see to it that there is no waste or boondoggling in these programs, I believe this bill will be of help. It will depend largely, of course, on those who administer the programs as to whether the programs will succeed or not. So I would hope that we will not be too pessimistic, and that we will give this legislation credit for being a step in the right direction, and one which will be productive of some substantial good.

Mr. Chairman, I have no further requests for time.

Mr. CEDERBERG. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. Shuster).

Mr. SHUSTER. Mr. Chairman, there is a vast difference between tax dollars spent in this bill to create jobs by creating real American assets and tax dollars which make work and then once spent leave nothing to show for it. I support those portions of this bill which create truly productive jobs—but I cannot in good conscience support adding $6 billion to the national debt when a large part of the spending is ill-conceived and economically unsound.

Mr. BADILLO. Mr. Chairman, the Bureau of Labor Statistics has stated the official unemployment rate for January was 8.2 percent, but only because the official statistics do not include hundreds of thousands of people who are not looking for work because they know that there are no jobs available. The official statistics, however, are shocking testimony on the current state of our Nation's economic condition and the lack of action and direction provided by the administration. Seven and a half million persons were out of work in January, and, according to Government statisticians, most of the increase in joblessness was caused by layoffs—the number of persons who lost their jobs in January increased by 640,000 to 3.8 million. However, these alarming statistics fail to illuminate the full dimensions of the unemployment picture. It is high time that Congress mandate the Bureau of Labor statistics to give us a more complete and accurate picture of unemployment. We must be able to legislate, understanding the full dimensions of the problem. We must know who is out of work and how many Americans have given up looking for work.

The committee report states:

> Unemployment rates for Negro and other minority groups are alarmingly high—10.5 percent for men, 11 percent for women, and an amazing 41 percent for teenagers.

For this latter group, the $412.7 million appropriation for youth employment under H.R. 4481 will help create approximately 760,000 9-week slots for summer employment. Last year the national appropriation for this program was $380 million, with New York City's share amounting to $30 million of the total. For fiscal 1976 the localities have already set aside an amount equal to last year's and, if the provisions of this measure are retained in conference, and the $412.7 million is added to the already earmarked $380 million, participation in the program can be more than doubled. This will provide some welcome although short-lived relief.

By every measure, a declining gross national product, continued inflation, and a growing deficit in our balance of payments all indicate that we are in the midst of a lengthy, continuing unemployment crisis which seems likely to approach the frightening proportions of a massive depression. Our citizens would be immensely relieved if they knew that they could find a job when they needed one.

Although a far cry from guaranteed employment, the $375 million which will be added to the Economic Development Administration's Job Opportunities program will go a long way toward alleviating immediate pressures. Because this money can be used to finance job-intensive projects already cleared by other Federal agencies, very little time will be necessary for implementation. It is my understanding that there is so much demand for this program throughout our Nation that applications totalling more than $3 billion have already been received by EDA.

It seems to me that this is the proper time for the Education and Labor Committee to now take up the subject of guaranteed employment for all Americans. I have introduced a bill, H.R. 3199, which sets forth my ideas regarding a comprehensive approach to guaranteed employment. The Honorable AUGUSTUS HAWKINS has also introduced legislation which sets forth a program.

The committee report quotes section 2 of the Federal Employment Act of 1946, as follows:

> SEC. 2. The Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.

However, this does not constitute a mandate to provide jobs for all. It is merely a statement of a lofty goal without any direction that only a goal must be accomplished. Indeed, until recently "full" employment was defined as 4 percent unemployed! A society that tolerated 4 percent unemployment and called it full employment now shows itself willing to accept unemployment at the level of over 6 percent for the rest of this decade. This was indicated in the President's budget message where the projected unemployment rates were 8.1 percent for 1975, 7.9 percent for 1976, 7.5 percent for 1977, 6.9 percent for 1978, and 6.2 percent for 1979.

It is time that we come to grips with the central issue which is that we recognize that our economic system simply cannot provide jobs for all who need them. If we are going to avoid these recurring crises, we must mandate a program of guaranteed jobs. Until we do so, legislation such as the one we are enacting today will be the same old too little and too late technique that has never worked before and never will work.

Mr. SLACK. Mr. Chairman, chapter VI of the pending emergency employment appropriations bill includes additional funds for the Small Business Administration as well as funds for the job opportunities program of the Economic Development Administration.

With respect to the Small Business Administration, additional capital of $210,000,000 plus $150,000,000 of available balances is provided for the section 7(a) direct loan program. In addition, the sum of $175,000,000 in additional capital and $50,000,000 of available balances is provided for the nonphysical disaster loan program—economic injury loans, primarily for businesses affected adversely by energy shortages.

With respect to the job opportunities program, $375,000,000 is included in this bill in addition to the $125,000,000 already provided. For the benefit of the Members, I would like to review the status of this program.

JOB OPPORTUNITIES PROGRAM

Authorization: This program was authorized by title III of the Emergency Jobs and Unemployment Assistance Act of 1974—Public Law 93-567 of December 31, 1974—which created a new title X in the Public Works and Economic Development Act of 1965, as amended. Under title III, $500,000,000 is authorized for fiscal year 1975 to remain available for obligation until December 31, 1975. The primary purpose of the legislation is to provide additional funding to ongoing projects and programs of Federal departments and agencies which have the potential to create jobs in eligible areas. Under the law, these departments and agencies are to submit proposals for such projects to the Secretaries of Commerce and Labor within 45 days of the date of enactment. The act further provides that the Secretaries of Commerce and Labor are to evaluate these proposals and allocate funds within 75 days from the date of enactment to projects which qualify under the criteria set forth in the statute. The criteria to be used in the evaluation process are as follows:

Projects which will contribute significantly to the reduction of unemployment in eligible areas;

Those which can be initiated or strengthened promptly;

Projects or programs which can be substantially completed within 12 months after initial funding is provided;

Projects or programs which are not inconsistent with locally approved comprehensive plans for the jurisdiction affected; and

Projects or programs which are most labor-intensive.

The act provides that funding may be available for projects or programs in which not more than 25 percent of such funds will be expended for necessary nonlabor costs. This restriction applies to 50 percent of the funds made available for the above purposes.

Appropriations: The Congress provided initial funding of $125,000,000 for the job opportunities program in the Urgent Supplemental Appropriations Act, 1975 (Public Law 93-624 of Jan. 3, 1975). The act provided that these funds were to be derived by transfer from the $1,000,000,000 appropriated therein to the Department of Labor's public service jobs program.

Proposed deferral: On January 30, 1975, the President proposed a deferral of the $125,000,000 appropriated for the job opportunities program (D75-141). In addition, the fiscal year 1976 budget submitted to the Congress on February 3, 1975, included a fiscal year 1975 supplemental budget request to restore the $125,000,000 to the Department of Labor for the public service jobs program.

GAO reclassification: On February 14, 1975, the Comptroller General under his authority in the Impoundment Control Act of 1974 reclassified the proposed deferral as a rescission since the proposed action of the President would "effectively terminate the job opportunities program."

Disapproval of proposed rescission: On Monday, March 10, 1975, the House approved the recommendation of the Appropriations Committee in Report No. 94-26 of March 4, 1975, to disapprove the proposed rescission of $125,000,000 for the job opportunities program. Under the Impoundment Control Act of 1974, these funds must be made available after 45 days from the date of the reclassification if the rescission is not approved. These funds, therefore, must be made available for obligation by April 16, 1975, taking into account the presently scheduled Easter recess.

Funding provided in Emergency Employment Appropriations Act, 1975: An additional $735,000,000 for the job opportunities program is included in the bill the House is now considering. This amount together with the $125,000,000 already provided will bring the total amount appropriated to $500,000,000, the full amount authorized.

I understand that based on tabulations as of March 7, 1975, over 18,000 potential projects have been submitted to the Secretary of Commerce and the Secretary of Labor from 43 Federal departments and agencies which might be funded with job opportunities funds. With an appropriation of $500,000,000 the committee feels that many of the 18,000 projects can be funded upon completion of the evaluation process required by the authorizing statute, and that such projects could have a significant employment impact. Based on experience with a similar EDA program, the public works impact program, it is estimated that at least 40,000 to 50,000 jobs could be created with the total appropriations of $500,000,000 provided.

Mr. O'NEILL. Mr. Chairman, I rise in strong support of this bill, the second major counterrecessionary legislative measure of this Congress. The Emergency Employment Appropriations Act of 1975 has the full endorsement and encouragement of the Democratic leadership in the House. I commend Chairman MAHON and the seven subcommittees of the Appropriations Committee for their deligence and expeditous action in reporting out this $6 billion measure so we can act today.

This bill is part of the Democratic program for economic recovery which we have promised to the American people. It will create more than 900,000 jobs within the next 3 months in two basic areas: programs such as public service jobs, and accelerated Government programs such as construction, repair, and rehabilitation, where funds will be used to create jobs indirectly through construction grants, purchase of automobiles for Government use, and for development of the Nation's recreational and public land resources.

Unemployment reached 9.5 percent in February. Undoubtedly, March figures will be worse. In some industries unemployment is far above that level: such as in the automotive industry with 24 percent and construction with 22.6 percent, and textiles with 19.4 percent. Certain segments of the population are particularly hit hard—minorities at 13.4 percent, teenagers at 20.8 percent, and part-time workers at 10.5 percent.

It is to these industries and to these segments of the population that this bill is directed. It is an emergency measure to meet our national employment emergency needs.

There is $412.7 million for summer youth employment which will generate 760,000 jobs for 9 weeks geared toward economically disadvantaged youths—teenagers at 20.8 percent, and part-time million for college work study grants to help provide part-time employment to about 250,000 students; there is $148.8 million to improve the facilities of the Veterans' Administration. There is money in this bill for flood control projects, such as $1.5 million for the Corps of Engineers Charles River Dam Project in my district.

These are just some of the reasons why we must act today, in a responsive way, to stimulate employment. We have promised the American people that we would get them back to work again and that we would provide a program of economic recovery. This bill will balance in the Government sector the stimulus provided in the private sector by the tax reduction bill we adopted 2 weeks ago. It is an important part of our program.

I urge all my colleagues to vote for this bill.

Mr. JONES of Tennessee. Mr. Chairman, the Seventh Congressional District of Tennessee is one that is dominated by rural charateristics, Though we do have urban centers, small in size, our primary industries that provide commercial and economic stimulus to this 15-county area are those that relate to agriculture.

The bill that this distinguished body now considers is one that is more appropriately suited for implementation in the Nation's large, urban areas where unemployment and general economic slumps have rendered the greatest damage.

Though I can readily see the differences in the purpose of the bill and our own constituency, I offer my full support for the passage of this legislation.

The situation faced by our Nation is not one that focuses primarily on the urban citizens, nor does it focus primarily on those who live and work in a rural setting. It is a problem faced by all the people of this Nation, without regard to social environment or the career of an individual. Our present recession is being felt by all, either directly or indirectly.

We have here another opportunity to provide additional stimulus to our sagging economy—another tool of therapy for our crippled economy. I would, therefore, urge all of my distinguished colleagues who, like myself, represent rural America to offer their support for this measure for the benefit of all Americans.

Mr. DRINAN. Mr. Chairman, I would like to lend my strong support to the Emergency Employment Appropriations Act of 1975 (H.R. 4481), which is being considered on the floor of the House today. This country's economy is continuing in its downward spiral and the Congress must act in a forceful and expeditious manner in order to avoid the worst excesses of our current recession. Emergency action is needed, and I believe that the Employment Appropriations Act which we are now considering would greatly help to provide the economic stimulus which we so desperately need at this time.

Every month, Mr. Chairman, I see the economic indicators getting worse and worse, and I wonder just how far our economy can sink before we enter another depression. The national unemployment rate has now reached 8.2 percent, well below the 18.9 percent figure which was reached in 1933. Yet the 8.2 percent rate translates into 7.5 million people out of work, and to these millions must be added the several million additional persons who have stopped looking for work and who are therefore no longer counted among the unemployed.

Despite the fact that our current joblessness rate is now at its highest level in 34 years, it still hides the special sufferings and hardships which certain regions and groups in our society are presently enduring. The unemployment rate in my home State of Massachusetts, for example, is now over 10 percent, leaving close to a quarter of a million Bay State residents without work. In the automobile and construction industries, unemployment grows dangerously near the 25 percent mark. In the textiles, lumber, and apparel industries, the rate is near 20 percent. Where minorities are concerned, the statistics are even more dramatic. The rate for black workers is close to double that for white workers, with 13.4 percent unemployment for blacks, against 7.5 percent for whites. The absolute worst joblessness figure involves black teenagers; 41.1 percent of these young people are without jobs.

Mr. Chairman, in the face of figures like these, the Congress and the Federal Government as a whole cannot ignore their constitutional duty to provide for and "promote the general welfare." The situation is now critical and no halfway measures will suffice. It is for this reason that I am enthusiastically supporting the Emergency Employment Appropriations Act of 1975. This bill provides a total of $5,936,636,000 for the emergency acceleration of existing Federal programs and projects to increase immediately employment throughout the Nation. Over 900,000 jobs should be directly and indirectly provided for in this bill, and the creation of thousands of other jobs in the private sector will be stimulated.

The general framework of this legislation represents a blend of two approaches to the unemployment problem. First, the appropriated funds will be directed toward public service employment, in order to provide for jobs in Federal hospitals, in our national parks and forests, in targeting money for summer jobs for our youths, and to open up positions for many deserving older Americans. Second, this bill will fund accelerated Federal construction, building and purchase programs in order to create jobs indirectly through construction contracts and the purchase of automobiles for Government use. In addition, grants for rural water and sewer treatment will be increased, our Nation's recreational and public land resources will be developed, and increased assistance to small businesses will be included.

It is difficult to estimate, Mr. Chairman, precisely how many jobs will be created through this Emergency Employment Appropriations Act, but I am hopeful that the figures will reach the 900,000 level. Funds as large as those provided for in this bill should bring about a strong multiplier effect, and if this does occur, I think that it is entirely possible that our economy will receive this very needed "shot in the arm." There can be little question that such emergency action must be taken immediately, and I am also hopeful that we can begin to implement these employment opportunities in the very near future.

Mr. Chairman, I would now like to address myself to a problem which has been experienced in connection with some of our previous public service employment laws. It is well and good for the Congress both to authorize and to appropriate funds to be spent for the employment of workers who are presently without jobs. However, if these jobs and funds do not reach the workers out in the cities and towns of America, our whole effort will have been for naught.

Information which has come to my attention indicates that money allocated under the Comprehensive Employment and Training Act and the recent Emergency Jobs and Unemployment Assistance Act has not always reached its intended destination. The Department of Labor has been working to induce prime sponsors to hire unemployed individuals as quickly as possible, but bureaucratic slowdowns have been experienced. If this is to be the case under the legislation which we consider today, my support for this particular bill would be substantially lessened.

It is quite true, Mr. Chairman, that the Federal Government cannot be held solely responsible for failure to utilize the employment funds properly. Many cities and towns have resisted proceeding with public service employment in view of the paperwork involved and the fact that such jobs may only be in the short term. I can understand some of this resistance, but the current economic situation and our 8.2-percent unemployment rate must overcome these objections.

I am hopeful that the local elected leadership of our towns and cities will take the example of Chicago under consideration. In that city, job lists have already been prepared by approximately 2,500 jobs, and the city is ready to proceed with more employment opportunities when new money is appropriated.

Along with insuring that jobs are made available to unemployed workers, I also feel strongly that the work offered should not be primarily of a "make-work" nature. The jobs should be spread throughout existing city agencies, where meaningful work could be accomplished. In San Jose, Calif., for example, public service workers were used to maintain public library hours when city budget cuts threatened reductions. In Detroit, the city is now using CETA funds to hire busdrivers. San Francisco used these employment funds to add to the staff of its parole department. Many worthy jobs can be made available, and I will be greatly disappointed if this new manpower resource is not constructively utilized.

Mr. Chairman, the legislation which we are considering today is important to the future well-being of this country. In conjunction with the Tax Reduction Act of 1975, which provides for tax cuts for taxpayers, the Congress should be providing a significant stimulus for our downsliding economy. Let us hope that in future months our current unemployment rate can be turned around so that this country can again begin to enjoy some measure of economic prosperity.

Mr. NIX. Mr. Chairman, I rise in support of H.R. 4481, the Emergency Employment Appropriations Act.

As the Appropriations Committee indicates in its report on this bill, unemployment has reached crisis proportions in this country. In the Philadelphia area unemployment has reached a dizzying 9.5 percent at the adjusted rate for the month of February. And overall unemployment rates, as we know, mask the true depths of the problem. Unemployment is far worse in the cities. It is far worse for minority groups, for unskilled labor, for women, and for young people. And the unemployment rates do not even count the millions who have lost hope and have given up even looking for work.

Mr. Chairman, this economic recession and the mounting unemployment is dealing a staggering blow to millions of our citizens. Working people who have worked hard to advance their lot in life and to provide a decent living for their families are being driven back into poverty. Young people who want to be productive and to improve their skills are being forced into idleness. Millions have been forced to reduce their level of expectations to the point where they hope only to provide their families with the necessities of life.

We cannot allow this situation to deteriorate any further. It is our obligation to provide whatever programs and funds are needed to put people back to work. This terrible recession, which is already a depression in large pockets of our cities, must be checked.

I believe that this Emergency Employment Appropriations Act will go a long way toward meeting the obligations of the Federal Government. It will directly provide about 900,000 jobs. It will help young people to find summer jobs and to work their way through school. It will provide help for our construction and automobile industries, which are vital to the whole economy. It will provide additional public service jobs for those who can find no other work. It will help small businesses to stay in business and to provide jobs.

This bill will not solve the problem, but it will help. The Tax Reduction Act will help. And we must stand ready to pass other emergency measures to rescue our economy from the terrible blight of recession and unemployment.

Mr. FASCELL. Mr. Chairman, I rise in strong support of the Emergency Employment Appropriations Act. I commend the Appropriations Committee and the House leadership for taking the initiative to act quickly on this urgent measure which, if enacted, would create over 900,000 public service jobs as well as thousands of others in the private sector by accelerating ongoing Federal projects.

The announcement last week that unemployment during the month of February held constant at 8.2-percent nationally, was accurately analyzed as a serious understatement of the actual numbers of persons left jobless. Because a number of workers simply gave up and stopped trying to find a job, thousands were not factored into the February statistics. In reality, the national figure must exceed 8.2 percent substantially.

In south Florida, the figures are worse. In January the unemployment figures in Dade County were put at 8.6 percent with 53,800 workers unemployed. In the construction industry, which has been particularly hard hit, unemployment is estimated in south Florida as high as 38 percent. The south Florida unemployment picture is particularly serious when one takes into account that January is traditionally one of Dade County's strong winter season months.

Earlier this year I urged the chairman of the Labor-HEW Appropriations Subcommitee to act expeditiously to fund the remaining authorization for the public service jobs program enacted by the 93d Congress last December. At that time, I pointed out that $7.7 million of the $875 million appropriated had been allocated for Dade and Monroe Counties. But local officials had advised me in January that requests from governmental and nonprofit organizations in the area had exceeded $28 million, nearly four times the amount available.

I am a strong advocate of public employment jobs programs and have joined as a sponsor of the Equal Opportunity and Full Employment Act, and have sponsored legislation to authorize $5 billion in fiscal year 1976 public service jobs funds. But we in the Congress should also consider new approaches to solving the unemployment problem and creating jobs.

One of my constiuents has recommended a proposal which I believe has a great deal of merit and deserves the serious consideration of the Congress. Mr. Fred Shochet, publisher and editor of the Jewish Floridian, has proposed an employment subsidy program where the Government would subsidize on a declining scale the added cost of employing new workers who were on the unemployed rolls. The Federal contribution would represent 80 percent of the new worker's salery during the first year, and decline by 20 percent in each subsequent year until the 5th year when the business would assume the full cost. The cost of the Government would be offset by two factors: first, the employed workers would go off the unemployed rolls and cease collecting unemployment compensation, and second, he would become a productive tax-paying citizen. Further, the workers would be permanently integrated into the work force.

I have asked the chairman of the Manpower Subcommittee of the House Education and Labor Committee to review this idea as his committee proceeds to consider extension and revision of the Comprehensive Employment and Training Act of 1973 and the Emergency Jobs and Unemployment Assistance Act of 1974.

The country is facing the worst recession and highest unemployment since World War II. Every proposal, every suggestion, must be considered carefully and seriously in our efforts to offset the crippling effects of rising unemployment.

Today's action is absolutely essential as a part of our jobs program. But we must also proceed to consider and act on new proposals which may have a greater long-term impact than the 1-year jobs authorized by the public service program.

Mr. ASHLEY. Mr. Chairman, I rise to urge the speedy approval of H.R. 4481, the emergency employment appropriations bill which I consider the most comprehensive and important antirecession legislation to come before the 94th Congress. I also wish to express my commendations to the House leadership and the members of the Appropriations Committee whose diligence has made it possible for us to vote this early in the session on a major program to combat unemployment.

I am firmly convinced that we must commit the resources of the Federal Government to the creation of new jobs if we are to reverse our deepening recession and get the economy on the road to recovery. The legislation before us, designed to make $5.93 billion in new budget authority available for the creation of more than 900,000 jobs, could very well point us in that direction.

Mr. Chairman, the 8.2 percent official unemployment rate, the highest in 34 years, does not accurately reflect the extent of joblessness in America. The Bureau of Labor Statistics estimated that a half million of the unemployed were so discouraged that they did not register for jobs in February and therefore could not be included in the Government's jobless rate. Furthermore, that 8.2 percent figure does not in any way include underemployed workers, either those whose working hours have been reduced because of the downturn of the economy or those who have been forced to accept jobs below the level for which their training and experience qualify them.

In my own congressional district, Lucas County, Ohio, unemployment spurted from 7.7 percent in December to 9.3 percent in January, well over the national rate, and five other counties in northwest Ohio are suffering from jobless rates of more than 13 percent. It is therefore clear that the national rate, unacceptably high as it is, is not even a true indicator of how severely the recession has hit some areas of the country. The whopping 24 percent unemployment in the automotive manufacturing industry and the more than 16 percent rate of joblessness in construction also indicate the need for us to enact programs to stimulate activity in these critical sectors of the economy.

Mr. Chairman, this is no time for halfway measures. I urge approval of the Emergency Employment Appropriation Act today and call upon the Senate and the President to give the measure their highest priority. I especially urge President Ford to sign this into law in light of the depth and persistence of the unemployment gripping the country. Though he earlier threatened to veto any new spending programs passed by Congress, the creation of jobs is of such critical importance if we are to restore the health of the American economy that I urge his cooperation, in this endeavor to stimulate renewed activity in both the public and the private sector.

A brief analysis of the major programs in this bill follows:

For Public Service Jobs which should support 180,000 additional man-years of employment—$1,625,000,000.

To fully fund the job opportunities program of the Economic Development Administration, thus providing wide-ranging emergency employment assistance in urban and rural areas suffering from high levels of unemployment—$375,000,000 additional.

For the acceleration of approved projects under the Bureau of Reclamation and the Corps of Engineers to promptly provide jobs, increase national capital assets and promote conservation of resources across the nation—$117,955,000.

For the loan programs of the Small Business Administration to increase and protect job opportunities in this essential sector of the economy—$385,000,000.

For the purchase of 121,000 automobiles and other vehicles by the General Services Administration, the Postal Service and other agencies which will not only provide required additions and needed replacements for Federal vehicle fleets, but will significantly impact on the industry presently hardest hit by the unemployment crisis—$443,000,000.

Amounts of $148,755,000 in appropriations and $83,162,000 for the liquidation of contract authority in the Department of the Interior and the Forest Service for immediate but lasting accomplishments including reforestation and timber stand improvement, fire prevention activities, habitat fencing, erosion control, hatchery improvements, and the construction and improvement of roads and trails and recreation facilities.

To make necessary and immediate improvements to facilities of the Veterans' Administration, including repair and improvement and energy conservation projects at veterans' hospitals and medical facilities—$70,755,000.

To accelerate construction of approved watershed and flood prevention operations of the Soil Conservation Service, which will immediately create jobs and enhance the Nation's land and water resources through long term conservation benefits—$106,000,000.

For the General Services Administration to undertake immediate construction, repair, alteration and improvement of public buildings in hundreds of locations across the country—$465,000,000.

For the immediate construction and improvement of postal facilities on a nationwide basis which will generate jobs and provide lasting results—$350,000,000.

For rural water and sewer grants, and an increase of $300,000,000 in the loan level for this program to stimulate jobs in the construction industry and reduce the backlog of these needed projects which will provide safe drinking water and help prevent pollution of streams, lakes and rivers—$150,000,000.

For the summer youth employment which will generate 760,000 jobs for nine weeks of the summer—$12,700,000.

For jobs under the Youth Conservation Corps—$5,000,000.

For the work incentives program to assist welfare recipients obtain employment and which will continue the present programs for which funds are currently being exhausted—$70,000,000.

For community service employment for unemployed, low-income persons aged 55 or over which together with $12,000,000 appropriated earlier and not spent should provide 12,000 jobs—$24,000,000.

Provided for college work-study grants which will provide part-time employment to about 250,000 students both in this current academic year and during the summer—$119,800,000.

Mr. DOWNEY. Mr. Chairman, we are now in the midst of the worst recession that this Nation has experienced in 35 years. Unemployment presently stands at 8.2 percent of the country's labor force. The Nation's economic picture can accurately be described as ominous. The steady decline in total employment that began last October has continued. Last month 540,000 persons lost their jobs. In all, 2.3 million jobs have been lost in the past 4 months.

Our economic problems have become so persistent that I fear that many of our increasing numbers of unemployed have lost hope of obtaining a job. The number of workers idled for 15 weeks or more, according to Newsweek magazine rose by nearly 300,000 in February to 1.8 million. Last month's decline in employment was accompanied by the disappearance of 580,000 people from the labor force. These people have simply stopped looking for work.

In all, 7.5 million people are now unemployed. This equal to the total number of working men and women in 16 of our States—Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nebraska, New Hampshire, New Mexico, Nevada, North Dakota, Rhode Island, South Dakota, Utah, Vermont, and Wyoming. In any event, the number of unemployed is now 2.75 million more than it was 1 year ago.

The Emergency Employment Appropriations Act, which we consider today, would provide about $5.9 billion for the emergency acceleration of existing Federal programs and projects to increase, immediately, employment throughout the Nation. Over 900,000 jobs should be directly provided by this bill, and the creation of thousands of others in the private sector will be stimulated.

The funds recommended in the bill represent a blend of two approaches to the unemployment problem—funding of programs such as public service employment to directly create jobs and funding of accelerated Federal construction, building, and purchase programs to create jobs indirectly.

I support this appropriation for emergency employment. I believe that, in view of our current economic problems, its passage is vital.

I do realize that the bill has some definite limitations. The benefits provided by the measure may only be temporary. I am also aware that these locally administered programs are often poorly managed. In the worst cases, the programs are plagued by favoritism and corruption. Moreover, some local governments have been known to reduce their own payrolls to the extent that Federal jobs become available.

This bill, therefore, is not a panacea. But it is an important measure. At present rates the number of unemployed in this country during our Bicentennial year will be more than double the population of this Nation in 1776.

In addition, more than half of the moneys appropriated will be spent directly on public works projects; that is, the moneys appropriated will not be spent on public service jobs but will be used to stimulate employment in the private sector.

Among the jobs stimulation projects which would be funded are ongoing public works projects, increase of rural water and sewer grants, the improvement and modernization of existing veterans' hospitals, increased maintenance of national cemeteries, reforestation and timber stand improvement, expansion and upgrading of facilities in national parks, forests and other Federal lands, and increased assistance to small businesses.

I am also especially pleased that the bill provides for $24 million for employment of older Americans. This appropriation will not only provide relief to the group which has perhaps been hit hardest by our current economic problems, but will also attempt to tap a very important but largely neglected, national resource—the talent and experience of our senior citizens.

The bill will also provide for 764,000 summer youth jobs. We need to protect our future generations from the corruption which so frequently accompanies frustrating and prolonged idleness.

This is an important and critically needed piece of legislation. Notwithstanding its limitations, I urge my colleagues in this body to support it.

Mr. DE LA GARZA. Mr. Chairman,

the stated purpose of H.R. 4481, the Emergency Employment Appropriations Act, is on the face of it impeccable. The need for measures to stimulate employment at this time is widely recognized. It is a need that I hope will be met without due delay.

Unfortunately, recent and current events lead to the conclusion that in the case of a public service jobs programs most of the money is apt to end up with the planners instead of providing work for individuals out over the country.

Complaints to this effect reach me constantly from towns and cities in my south Texas district. Representatives of Federal agencies say to local officials, "We have the capability to spend this amount of money in your area. Prepare your plans. Get a program ready and submit it to us."

But when the program is submitted, too often it is rejected—usually because of technicalities or a lack of understanding on the part of the local officials about just what is required.

The officials then write me, as their representative in Congress, to complain bitterly about the failure of the public service jobs program as it applies to them. The same mail is likely to bring letters from other constituents taking me to task for supporting such social welfare programs.

It is a case of damned if you do and damned if you do not.

Mr. Chairman, I believe that the concept of providing public service jobs in a time of severe economic recession is sound. But the soundness of the concept counts for little if its execution is flawed. There is a great need to simplify the process under which localities can qualify for funds under this program—and that applies with special force to small government entities, which have neither the resources nor the manpower to spend a great deal of time creating elaborate plans.

The public service jobs program should be oriented to the needs of the people, not the bureaucratic instincts of the planners. If it does not work for the benefit of the people, it is without value.

Mr. BAUMAN. Mr. Chairman, it is always tempting to support what appears to be an easy and direct answer to the serious problem of high unemployment. However, the creation of public service jobs, while permitting temporary relief for some, is a proposal which fails to deal with the fundamental causes of unemployment. In fact, such an approach will make those conditions worse.

In the first place, this measure will not provide the significant relief which looks so politically attractive. Congress appropriated $2.5 billion for public service jobs last year, and months later many of these jobs have not been filled. The public works projects envisioned by this bill, besides being marginally productive at best, often take months and even years to implement. There is also evidence that funds already appropriated to create new jobs have been used to pay the salaries of workers who were previously paid by State or local government. Where is the gain in this?

In my own district, and I am sure this pattern has appeared in other parts of the country, there is evidence that public service job funds are being used by politicians to build empires or reward their supporters.

This bill does not reach the most important target of our concern, the full-time adult worker who is a family breadwinner. H.R. 4481 supposedly would create 1 million summer and part-time jobs but only 200,000 full-time adult jobs—and there is no guarantee that in its implementation it will create even this many jobs.

This bill would create an ever larger pool of workers who are directly dependent for their livelihood on the largess of the Federal Government. H.R. 4481 is described as a temporary, emergency measure, but it would generate enormous pressure at election time 1976 to continue funding of public service jobs.

In the context of the present Federal budget deficit, any proposal for increased spending means increased borrowing. That means the Government going into the capital markets of this country in a time of capital shortage, preempting money which would be used by the private sector for creation of productive jobs. It also means increased pressure on interest rates. This House has gone on record in opposition to higher interest rates but, increasing the Federal deficit will make the goal of lower interest rates that much more difficult to achieve.

The Senator from Wisconsin (Mr. PROXMIRE) released a study last year by the Joint Economic Committee which indicated that $10 billion trimmed judiciously from the Federal budget, thus releasing the money for use by the private sector, could result in as many as 500,000 new housing starts and the direct addition of a million new jobs, plus another 2 million indirect support jobs. That would be a truly direct approach to unemployment, but here we are taking the opposite tack.

Some economists contend that increased Government deficit spending can alleviate unemployment, and this bill certainly reflects that mistaken belief. The evidence for that proposition is slim. During the 5 years when the Federal budget rose from $184 billion to $304 billion, unemployment rose from 3.4 percent to 5.4 percent. The Government went way over last year's $304 billion budget and we are now looking at a $350 billion-plus budget for next year. Unemployment is at 8.2 percent.

The fact is that the most productive source of new jobs is the private sector of the economy. When we take money from the private sector we weaken its ability to create new and productive jobs. The larger the deficit, the weaker is the economy's capacity to grow. Thus it is not surprising that increased deficits usually result in sapping the strength of the economy. This bill only contributes to that dangerous process.

Mr. MILLER of Ohio. Mr. Chairman, throwing money at a problem will not make it go away. Yet that is precisely what the Congress is attempting to do in the hastily conceived, ill-advised Emergency Employment Appropriations Act of 1975. The Congress is throwing bushel baskets filled with money to the four winds in the hope that employment will increase and inflation subside.

The national debt has just passed the one-half trillion dollar mark. The fiscal 1976 budget is programed for a $50 billion deficit, though it is no secret the deficit will run much higher. And now the Congress adds another $6 billion plus interest.

This endeavor was undertaken in the dark. Of the seven subcommittees whose efforts resulted in this bill, only four conducted any hearings whatsoever and those were pro-forma single sessions. The Federal agencies merely sent their shopping lists and an empty bag, and the Congress filled their order. The bureaucrats must have felt like a kid in a candy shop.

To compound matters, the Congress did not even throw money in the direction of the unemployed. They just threw $6 billion and hoped it would land in the right place. Statistically, some probably will. But little or no attempt was made to correlate areas of high unemployment to projects undertaken. As a result, the Emergency Employment Appropriation Act will not even dent areas where unemployment is the most severe and will kindle inflation where it is the least. I know it may be asking too much to conduct a thorough screening of these expenditures, but is it too much to ask that we insure they reach the areas in most need?

Over one-third of this bill will be used to create public service jobs, the most expensive, least enduring, and producing the most minimal effect on unemployment of any job type we can find. Instead, why not a brick and mortar program where the results would be lasting and where more people would find employment?

It is probable that a number of State and local employees will unceremoniously be ushered out the backdoor through layoffs, wait 15 days, and then ceremoniously be ushered through the front door to take part in the public service jobs program. The Federal Government does not create any jobs with the slight-of-hand; it just absorbs part of the State and local payroll.

It costs $800 million to create 100,000 public service jobs. We can get a lot more for our money using other means such as brick and mortar projects.

Inflation does not hurt the wealthy; it hurts the poor, people on fixed incomes, young families. This bill is inflationary.

Mortgage money is in short supply because the Government is robbing the private sector of available funds to pay its outrageous deficits. This bill will drain more money from the mortgage market.

A jobs program should focus on areas suffering the most severe impact from unemployment. This bill throws money in every direction.

The Government should always attempt to obtain the greatest value for the taxpayer's dollar. This bill spends far more for public service jobs than brick and mortar projects.

The purpose of the Emergency Employment Appropriations Act of 1975 is noble; the result is a far different matter.

Mr. ASHBROOK. Mr. Chairman, the temptation is great to support legislation such as the Emergency Employment Appropriations Act of 1975. By voting "aye," a Congressman can show his constituents—however wrongly—that he really "cares" about unemployment.

I urge my colleagues to reject this temptation. I urge my colleagues to reject this $5.9 billion appropriation.

I do not make this recommendation lightly. I do so because I am convinced that Congress is following a dangerous course. A course that could lead to the complete breakdown of our economy.

Is this an exaggeration? I do not think so. Let us take a close look at the dimensions of the problem.

Our Nation is presently faced with a staggering budget deficit. Budget Director James Lynn reports that the prospective deficit for next fiscal year has risen from Ford's initial estimate of $51.9 billion to at least $55.5 billion. This would be the biggest deficit in our nation's history. And, at the rate we are going, experts forecast $50 billion to $60 billion deficits for years to come.

The Federal Government, of course, must borrow to finance these deficits. A mounting danger to our economy stems from the impact of such Federal borrowing on the total capital market.

Already 60 cents out of every dollar being borrowed today is by the Federal sector. As deficits continue to increase, the Government must dip further into the capital market to finance the deficits. The more Government takes out of the market, the less capital that remains for anyone else.

The result is threefold: interest rates climb, inflation soars, and private borrowers are crowded out of the market. Money is no longer available for house mortgages and business expansions. Job-producing investment by the private sector grinds to a halt. As the economic health of the private sector declines, more people are thrown out of work, which, if the Government continues its policy, will be transferred to public jobs. The economy plunges toward depression.

In looking at our fiscal situation, Secretary of the Treasury William Simon recently commented, "the Government is out of control." Unless Congress exercises restraint on new spending programs, the higher deficits "would erode the very foundations of our economy and eventually lead us to social ruin."

I urge my colleagues to heed the warning of Treasury Secretary Simon. Congress must act responsibly on spending. Now is not the time to accelerate public works projects. Now is not the time to construct more Postal Service facilities. Now is not the time to add another $5.9 billion to our budget deficit.

At this point in the RECORD I am including a column by James J. Kilpatrick, which appeared in the March 6 edition of the Washington Star:

THE DEADLY DANGER

(By James J. Kilpatrick)

William E. Simon, secretary of the Treasury, has the most cheerful executive office in Washington. In winter an open fire blazes away beneath a portrait of Hamilton. In spring and summer, the big windows open onto a fine view of the White House. Bright draperies and colorful furnishings lift the spirit. But these days, sad to say, you will not find a more pessimistic place in town.

"The government is out of control." That is Simon's terse appraisal of the fiscal situation the Treasury confronts. The next few months are critical. If Congress exhibits a sense of restraint, the crisis may be surmounted. But if Congress orders massive new spending programs, the higher deficits "would erode the very foundations of our economy and eventually lead us to social ruin."

From this possibility of "social ruin" Simon does not exclude the prospect of literal revolution. He foresees a kind of tip point, at which a free society no longer can survive. If present trends continue, government will act as a leech upon the body politic, sucking away its life-sustaining blood. Staggering under unmanageable debt, the economy finally will break down altogether. Beyond that point, Simon's prophecies falter. He does not know who will pick up the pieces, or how.

These are grim visions. It should be emphasized that many reputable economists do not accept them. An entire school of thought insists that Simon is too timid, too conservative, too fearful of imaginary disasters. The current newsletter of Americans for Democratic Action, for example, says "the administration would be well advised to stop worrying so much about the size of the deficit," George Meany, president of the AFL–CIO, is demanding greater tax rebates and larger social spending.

In my own view, for whatever it may be worth, Simon's warnings carry the bell-like ring of truth. The crucial figures have to do with the impact of federal borrowing upon the total capital market. In the current calendar year, the Treasury will be coming into the market for at least $70 billion in net new financing. Federally sponsored agencies may account for another $10 billion. As Simon recently told the House Ways and Means Committee, "This is an enormous sum."

To that enormous sum must be added the debt requirements of state and local governments, and of the entire private sector. If total government borrowing demands 80 percent of the capital market, only 20 percent remains for everything else. Some sectors, says Simon will get crowded out—and the first of these many be housing. Yet a recovery of the housing industry is vital.

Simon makes certain assumptions as he looks to the future. He assumes that payments to individuals will grow in real terms at an annual rate of 8.8 percent. He assumes a 4 percent real increase in defense spending. He projects an increase in other budget outlays of 2.5 percent. These are highly conservative assumptions. This is where they would take us:

The deficit for fiscal '76 would come to $63.6 billion, the deficit for fiscal '77 to $57.7 billion. The next three years would see deficits averaging $67.3 billion. In a span of just six years, the cumulative federal deficit would amount to $357.6 billion.

Simon's critics are fond of demanding that the secretary keep things in perspective. The ADA newsletter points out that in 1959, under Eisenhower, the nation saw a deficit of $12.9 billion, about 2.7 percent of the Gross National Product. This year's deficit of $35 billion is only 2.4 percent. What's to worry about?

Simon responds by noting that the deficit of 1959 was followed by a surplus in 1960, just as the alarming deficit of 1968 was followed by a surplus in 1969. No such surpluses are now in sight. On the contrary, under the best of circumstances that may be realistically foreseen, we may expect recurring mountainous deficits for years to come. These are seas of red ink. Either we patch up the ship of state, says Simon, or one of these days we sink.

Mr. SIKES. Mr. Chairman, I fully support the aims outlined in H.R. 4481, the Emergency Employment Appropriations Act of 1975. This I believe to be required legislation which will provide badly needed jobs for more than 900,000 Americans at a cost of less than $6 billion.

Unemployment has reached unacceptable proportions in our country—even staggering proportions in some areas—and, while all segments of the economy have not been hit on an equal basis, nearly every American is impacted by the unemployment rate in one way or another.

Hardest hit are the automotive, construction, textile, and lumber industries with resultant hardships on those out of work and their families. But, unfortunately, in some categories the cutbacks in production have increased prices to those who are fortunate enough to have money to buy the products.

This particular piece of legislation, while not touching directly on some of the major areas of unemployment, will provide meaningful employment to upwards of 900,000 who now are out of work. Many of them also are out of hope.

Money is made available for public service jobs for youths, older Americans, college students, and job incentive programs for those who are on welfare.

But the bill goes beyond these so-called make-work jobs. It provides more than $3.6 billion for acceleration of public works projects, rural water and sewer grants, improvements to veterans hospitals, and work in reforestation, national parks, assistance to small business, construction of postal facilities, and similar programs.

These are meaningful and constructive jobs and the effects of the work will remain long after the work has been completed.

Most importantly, the jobs which will result from this bill can be generated within the next 3 to 8 months, at a most critical time in our fight against unemployment.

This bill appears essential and it deserves the support of every Member of Congress concerned about the economy of our Nation and our people.

Mr. BOLAND. Mr. Chairman, the committee has recommended an appropriation of $70,755,000 to upgrade Veterans' Administration facilities. These funds will provide employment for an estimated 4,500 people. We believe that the advantage of this approach is that these jobs can be created and filled quickly—they will be temporary, from 6 to 8 months duration—and they will not increase permanent federal employment.

Included within the amount provided is $40,000,000 for nonrecurring maintenance and repair items related to energy conservation at VA hospitals; $20,000,000 for recurring maintenance and repair of exteriors and patient areas; $5,200,000 for overdue maintenance of the National Cemetery System; and $5,555,000 for minor repairs and demolition of existing buildings.

These funds will be allocated to all 171 hospitals in the VA system, and the projects will be completed within 12 to 15 months.

The committee has also recommended

an appropriation of $350,000 to provide the Environmental Protection Agency with 200 additional positions to administering waste treatment grants. As you know, the U.S. Supreme Court recently ordered released $9 billion for waste treatment construction. But before this money can be allocated to the States, EPA is going to need some help. These 200 additional jobs will provide that help and will insure that the agency can effectively and efficiently handle the workload necessary to allocate the $9 billion.

In the judgment of Mr. Talcott, the ranking minority member, myself, and the subcommittee, these positions are vital to this country's waste treatment program.

Mr. OBERSTAR. Mr. Chairman, I rise in support of H.R. 4481 and to comment for a moment, on the appropriations in title I of this bill which provide an additional $375 million for the Job Opportunities program under the new title X of the Public Works and Economic Development Act.

Passed last December as an an amendment to the Emergency Jobs and Unemployment Assistance Act, title X was designed to provide a short term, very flexible program for public works projects to accelerate job creating activities in areas of high unemployment.

Public works projects, as opposed to public service employment, are significant for two very important reasons.

First, public works projects, by their very nature, have a job creating potential running far beyond the specific jobs supported by this appropriations. These projects stimulate investments in the private sector which provide additional jobs and contribute to the development of a sound economic base for many communities plagued by traditionally high rates of unemployment.

Second, public works projects are of lasting value to the Nation and continue to be of benefit to communities for many years.

I call to mind the work carried out by the Civilian Conservation Corps in years past that is still of significance to our Nation today. Everyone is aware of the many lasting legacies—the public recreational facilities, the wiser use of our natural resources, the conservation of our land—of the CCC in our congressional districts.

More recently, the experience of the Accelerated Public Works program of the early 1960's again demonstrates that public works projects can put people to work quickly and effectively. In its brief existence, the Accelerated Public Works program provided over 200,000 jobs and supported the construction of thousands of public facilities which, for lack of funds, would not otherwise have ever been constructed, as well as serving as the springboard for the Public Works and Economic Development legislation of the mid-1960's.

Over $3.5 billion in public works projects have already been identified by various Federal department, agencies, and regional commissions which are labor-intensive and could be under construction in a short time. The Departments of Commerce and Labor reported only yesterday to the Economic Development Subcommittee of the Public Works and Transportation Committee that they are now reviewing these projects to determine their feasibility for funding under title X. Further, both Departments assured the subcommittee that they are ready to move ahead with title X if Congress approves funds for this program. I can assure my colleagues that further hearings are planned to insure that all administrative or legal obstacles to the speedy and effective implementation of this program are swept away.

I think it is noteworthy that one agency alone has identified over $4 million in projects in Minnesota which could be underway shortly if funds were available. These projects include park and recreational area development, highway and bridge construction, and the construction of community and vocational education facilities.

The Forest Service estimates they have an immediate backlog of 350,000 man-hours of productive work, much of which could be funded under title X, but not under CETA.

The list could go on and on; in every State, in every department, there are worthwhile projects ready to go as soon as money is available. These are important projects that could provide jobs and construct facilities of lasting significance.

While I want to most heartily applaud the speedy work of the Appropriations Committee and this body in moving ahead on this vital job-creating legislation, I would submit that two items need to be considered in greater depth:

First, I would respectfully suggest that perhaps the most effective and productive employment strategy we could adopt in the face of a severe unemployment problem such as we now face would be to use public service employment programs as an immediate, short term effort to carry us over the few months needed to gear up a major accelerated public works program, such as title X, to provide more meaningful and productive employment until the economy can once again support full employment.

Second, in order to facilitate such a strategy, a standby capital improvements program must be enacted so that there will be a ready reserve of projects to be brought on line quickly when a downturn in the economy warrants. Such legislation has been discussed in the past and I intend to bring new legislation before the Public Works Committee this year.

If, as is expected, the Congress appropriates the full $500 million authorized for title X and EDA implements this program to the best of their ability, I am confident that the benefits of adopting a strategy based on public works employment programs such as I have outlined will be evident.

Finally, I earnestly hope that the administration will get the message of today's action by the House and not attempt to defer or rescind the $375 the committee has made available in this legislation for title X, in addition to the $125 million previously appropriated by the Congress.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in opposition to H.R. 4881, a bill to provide emergency funds for public service employment and other job creating Federal activities. I object to this bill for many reasons. While there is considerable support for so-called public service jobs, while this bill does contain some sound funding features, and while it may sound appealing that the Government is providing jobs for the unemployed, these programs are not as effective as may seem. Evidence suggests a number of reasons why results of so-called job-creating programs may be rather modest. As a temporary novocain for the recession, it will provide funds for jobs in local governments that may have been created or funded locally. The net effect of such Federal funding may be minimal, and in fact, might be nil since local governments could or would have provided funding for the same jobs.

The usefulness of such a program depends on not only the number of real new jobs it creates but also on the type of people who will fill the jobs. Could they be workers who stand a good chance of finding work anyway? In other words will the hardcore unemployed be affected by this program or will this be an easy entry for an otherwise employable worker?

Public service jobs may be created at the expense of local small businesses, whereby the government spends less elsewhere due to the cost of public service jobs or borrows more, meaning somebody else would borrow less. Public service jobs may add to inflation due to the need to increase money to finance new jobs. Ultimately, a public service job program may add to the ills of the Nation and provide relief to nobody who genuinely needs it, thus hurting everybody.

Finally, there may be an approach acceptable to economists and politicians on both sides of the aisle, that being jobs through loans to businesses or grants to cities for permanent and lasting improvements such as the proposals contained in title X of the Public Works and Economic Development Act of 1965, as amended.

The public service jobs approach funds jobs for local government, that is, public jobs. It is too convenient for the localities to fill a job with Federal funds in an economic pinch; the presence of Federal support for such jobs institutionalizes these positions. Indeed, it is easy to give public jobs out, but very painful to take them away.

I mention title X because it is sound fiscal policy to deal with the private sector in creating needed work through public works projects. Title X does just that; it funds projects that deal with the private sector and stimulate private employment. The multipliers are higher than simple public job funding, and the results are more substantial.

There are features of H.R. 4481 which lend to a rational approach to our economic ills.

I support the portion of H.R. 4481 dealing with the Older Americans Act, work-study program, work incentive program, as well as that portion dealing with

EDA and SBA. I cannot support, however, the bulk of this appropriation bill. In the end, much money will be expended through this bill, with little results.

Mrs. HOLT. Mr. Chairman, I oppose H.R. 4481, the so-called Emergency Employment Appropriations Act, because it will not solve the unemployment problem, but will create grave economic problems for our country in the future.

This bill was conceived in panic by seven subcommittees. It would spend nearly $6 billion. It will do nothing to stimulate an economic recovery, but its long-range effects will be to hinder economic expansion.

The legislation increases Federal deficit spending which is already hurtling this country toward a rendezvous with economic catastrophe. The Federal Government will borrow at least $100 billion in the next 18 months to cover its deficits. This huge drain on capital will force higher interest rates and reduce the funds available to private industry.

This legislation, therefore, is actually attempting to increase the number of public jobs at the expense of jobs in the productive sector of the economy. Instead of increasing production and jobs in the private sector, which we sorely need, this bill will contribute to a strangulation of economic growth.

It offers nothing except higher interest rates, more inflation, and future hardship for the American people. The greatest problem afflicting industry is a shortage of capital induced by Government borrowing on a horrendous scale. The House majority is injecting medicine which could be fatal to the patient.

The philosophy of many House Members is to spend wildly today and forget about tomorrow. I cannot legislate that way. I must think about the tomorrow that will surely come.

The consequences of today's acts of Congress will be felt for many years, and the consequences of reckless deficit spending will ultimately be followed by a resurgence of inflation and a worse recession.

Mr. TREEN. Mr. Chairman, H.R. 4481 has an attractive title—the Emergency Employment Appropriations Act—has a general purpose which is laudable, and contains some good features. But, in my opinion, the title of the bill is misleading, the legislation will fall very short of the intended purposes, and the bad features far outweigh the good features.

Like most appropriations bills, a wide variety of spending measures are included. Thus, each Member is called upon to make a decision based on the overall effects of the bill. This bill has been put together to include a number of items which are meritorious and which, standing alone, should be approved. For example, the bill appropriates approximately $58 million—of the total amount in the bill of almost $6 billion—for Corps of Engineers construction projects. I am sure that some of these projects are worthy and the acceleration of these programs will provide additional employment. There is also $48 million in this bill for Corps of Engineers maintenance work. I believe that this kind of an expenditure is justified. These construction and maintenance projects meet the double criteria by which I think all the programs being proposed in this legislation should be measured: Will the end product of the expenditure be useful, and, second, will the money be efficiently used?

Some of the other programs meet these two tests to varying extents. For example, some of the funds provided for the Farmers Home Administration to construct waste disposal facilities could be useful in providing employment with an end product which is desirable and meaningful. Likewise the funds appropriated for the Economic Development Administration and for the Small Business Administration make some sense.

When these and the other few legitimate and useful programs are added up, they amount to a small fraction, in terms of the money involved, of the total $6 billion appropriation which we are acting on here today.

The largest single amount in this bill is the $2.3 billion for direct public employment programs. While I believe that some appropriations to local government to hire additional people might be justified, it should not be overlooked that Congress has already appropriated $2.5 billion for public employment in this fiscal year and many of the jobs are still not filled. There is a very grave question in the minds of many who have looked at the public service employment program as to its effectiveness. It appears that many local governments are simply using the Federal funds instead of their own funds for regular employment. Thus, new jobs are not created.

Second, whereas the hiring of people provides some income to those that are hired, there is very little useful product because much of the public service hiring is make-work and, because of its temporary nature, is difficult to utilize in a productive way.

Estimates of the amount of money each public service employee would receive range from $5,700 per year to $8,500 per year. Assuming that the average will be somewhere around $7,000 per year, one must ask the question whether it would be easier on the American taxpayer to continue unemployment compenstaion rather than to hire people at more cost to do largely unproductive work.

The massive amounts of money that we are throwing at the public employment program in helter-skelter fashion, and without recognizing that we have probably already funded this program to the maximum efficient extent, causes me great concern. This aspect of the bill, plus other spending measures which seem to be inefficient in terms of the stated purposes, have led me to the conclusion that I must, in good conscience, vote against this bill. I must do this, Mr. Chairman, even though, as I have said before, there are many worthwhile features in the bill

Mr. Chairman, there is one final point which I think needs to be emphasized about this approach to our economic problems. It is one which I think we lose sight of because we are so close to the trees that we fail to see the forest. We are proposing here today to appropriate another $6 billion in spending for fiscal year 1975 which ends on June 30 of this year. This is a massive amount of money. It represents additional spending over that which has already caused the American public to be faced with unprecedented peacetime deficits. What we must not fail to understand, as we consider spending almost $6 billion, is that this money is going to come right out of the pockets of American taxpayers. This is true, of course, of all Government spending. But in trying to spend money to provide employment—which is the stated purpose of this legislation—we must realize that we are taking money away from people who would be spending that money in the economy. They would be spending it on consumer items, on capital goods, or by investing it in job-producing ways.

Thus, while we propose to send $6 billion into the economy we necessarily are taking $6 billion out of the pockets of the American people. One might argue that the taxpayers will not be hit for this $6 billion until a later time and that we need to spend this money now to pump up the economy. This kind of argument can partially justify accelerated spending, but it cannot possibly justify it when there will be little or nothing to show for the expenditure, and when the additional deficits must be met by increased borrowing by the Government. This increased borrowing will result in increased pressures on the capital markets making it that much harder for private business and industry to create more productive jobs.

Furthermore, as we all know, this deficit spending represents an immediate withdrawal from the pockets of the American taxpayers through the inflation which it breeds and the consequent decrease in the purchasing power of the dollar.

What we can do to increase the purchasing power of the American public is to enact the tax cut bill proposed by the Ford administration. This is still languishing in the Congress although we have been in session now for almost 2 months. We can put more spending power in the pockets of the productive American people with this tax cut. That is the kind of stimulus that the times call for. Mr. Speaker, we could do that tomorrow; while the effects of this bill, as meager as they are will not be felt for many months to come.

Mr. MOORE. Mr. Chairman, I rise in opposition to this shambles of a bill which will spend some $6 billion, most of which will be used to put over 1 million more people on the public payroll and to pay for Federal make-work projects.

A minor portion of the funds will go toward worthwhile projects which will stimulate jobs and productivity in the private sector, and this is where the problem comes in. There are a few very good parts to this bill and a great many very bad parts, and I resent the big-spending Democratic-controlled Appropriations Committee mixing up fish and fowl in one big bill. Oh, yes, there is some little thing in the legislation for everyone. The only trouble is that they are going to have to swallow the whole

$6 billion if they want to get their piece of the action. I imagine the idea is that Members are supposed to be afraid to vote against a bill that has any money at all for their district. Well, this is one Congressman who is not going to swallow that bait.

Let us take a look at the bill piece by piece and separate the benefits from the boondoggles. On the positive side there is badly needed loan and grant money for the Farmers Home Administration to be used for water and waste disposal, seed, fertilizer, and equipment purchases, and watershed districts. Funds are also provided for soil conservation. This will help keep farmers in business, increase our food supply and lead to lower prices for the consumer. At the same time, it will lead to some 250,000 more jobs in the private sector.

Another good section of the bill expands the direct loan program of the Small Business Administration. Small businesses have borne the brunt of the current inflation, and these loans will maintain or create between 60,000 and 120,000 jobs in the private sector. Actually, this expansion would not be necessary if our deficit spending had not dried up most of the capital available to these small businesses, or we had not overregulated them.

Funds for the Veterans' Administration will upgrade VA hospitals, including energy conservation repairs on their buildings, and provide better maintenance at our veterans' cemeteries. These are certainly worthwhile expenditures of taxpayers' money.

Another section of the bill accelerates projects being undertaken by the Corps of Engineers, including $6.3 million to keep the lower Mississippi River open to traffic. These are projects which will eventually be done anyway, could easily pass in a separate appropriations bill, and their acceleration will give the economy a needed shot in the arm right now when it is most needed.

All these programs are very important, and I would have no hesitation in voting for them. To get them, however, I am going to have to vote to put over 1 million people to work for the Departments of the Interior, Labor, Commerce, and HEW. These public service jobs are supposed to be temporary, but does anyone in his right mind really believe that such a constituency would not come marching in here 1 million strong to continue their make-work projects from now till eternity?

This is one reason that I am also going to have to vote against the Michel motion to recommit. I usually concur with amendments and motions offered by the distinguished minority whip, but this time he would throw out the baby and keep the bath water. His motion would cut out funds for agriculture and veterans, but keep the public service make-work jobs intact. The cuts should be in the other direction.

To make this bill even more ridiculous, $440 million is provided for the purchase of more than 121,000 new motor vehicles, mostly for GSA and the Postal Service. GSA, for example, presently has only 72,000 vehicles in its fleet, 20 percent of which are 1974 models. They are supposed to sell all of these and buy 80,000 new ones. What a waste. If we are going to subsidize the automobile industry, I challenge the appropriate committees to bring a separate bill to the floor and call a spade a spade.

Has anybody given some thought to where we are going to get the $6 billion needed to fund this bill? We are working on tax cuts, so it certainly is not going to come from that source. The only other alternative is a further massive increase in the national debt, another $6 billion of private funds for private housing, private capital investment, and private jobs driven off the market as Uncle Sam buys up every available dollar in sight.

Mr. Chairman, when I saw that majority was trying to logroll me into voting for this bill by including a little bit of money for my district, I called back home to the people who would be most affected, the people who sorely need the funds provided in a few parts of this bill. I told them how much they would get and how much the whole bill would cost. They were unanimous in their support of my position. No one is going to bribe the people of Louisiana into spending $6 billion just to get a few dollars back for our own use. I admire the fine citizens of my district for their farsightedness, because this bill is going to cost them far more in the long run than they are ever going to see used for their benefit.

Now I know that the liberal, big-spending, big-government majority of this Congress is going to ram this bill through anyway, but I am going to ask every Member who has any care for holding down the public debt, who has any interest in our free private enterprise system, who does not want to see another 1 million Americans feeding at the public trough, not to be bribed by a few pennies thrown their way and to soundly reject this unwise bill.

Mr. **DOMINICK V. DANIELS.** Mr. Chairman, the bill being considered today, H.R. 4481, emergency employment appropriations for fiscal year 1975, truly represents a quick and appropriate response by the House Appropriations Committee, under the leadership of Chairman MAHON, and the Labor-HEW Subcommittee headed by my colleague from Pennsylvania (Mr. FLOOD), to the unemployment crisis facing this Nation, and I trust that we will today pass this important measure.

I want to point to two appropriations which are of particular significance to me and my colleagues on the Education and Labor Committee who considered the Comprehensive Employment and Training Act, Public Law 93-203, and the Emergency Jobs and Unemployment Assistance Act of 1974, Public Law 93-567, which authorized the funding being appropriated today.

At the time these two enabling bills were considered, unemployment was in the 5-percent range. There were some indications of an impending softening in the economic picture, but I would venture to say that none of us who worked so long and hard on CETA and emergency jobs ever dreamed of the nightmare of joblessness that torments more than 7.5 million Americans.

That is why the prompt and humanitarian response by the Appropriations Committee should be commended. The committee is asking approval to appropriate $1.625 billion for title VI of CETA. The amount proposed would fund the full authorization of $2.5 billion under title I, Public Service Employment, of the Emergency Jobs and Unemployment Assistance Act signed into law December 31, 1974.

The initial $875 million appropriated earlier was fully obligated by the Department of Labor on Monday, March 10. It is indeed timely that we are now speedily acting to place additional funds into title VI to insure that the 403 prime sponsors can either continue to employ those already hired, or have the option of creating new job slots with the additional moneys.

Hearings which are now being held before the Manpower, Compensation, and Health and Safety Subcommittee, which I chair, concerning funding for title VI in fiscal year 1976, reveal that in towns, in rural areas, in major cities, there is a desperate need for further public service employment funds to alleviate the hardships and dislocation caused by the swelling ranks of the unemployed.

I want to assure my colleagues that if this vital measure is passed, as I am certain it shall, I will spare no effort to insure compliance on the part of the Department of Labor and the prime sponsors with the provisions of CETA in my capacity as chairman of the Manpower Subcommittee.

Another aspect of H.R. 4481 which is significant in light of the number of teenage jobless Americans is the proposed appropriation of $412.7 million for summer youth employment under title I, CETA. The unemployment rate for this age group today currently stands at 20 percent. This is an average figure. For minority youth, the impact of the recession is 3 or 4 times as severe.

In times of a healthy economy, the Nation's private employers are usually able to absorb young people, and business and industry are financially able to pick up teenagers during the summer months and employ them in short-term job slots.

This summer, we face a situation of disastrous proportions for our young people. The National League of Cities testifying on February 19 before the Manpower Subcommittee concerning additional funds for CETA, called attention to results of a league survey of the summer youth employment situation. In New York City, for example, an estimated 426,000 youngsters would be eligible for summer youth job slots. In Chicago, this figure is 85,000; in Detroit, 40,000; in Los Angeles, 75,000.

Clearly, the appropriation of $412.7 million for summer youth employment fulfills an urgent need. I am assured by the Department of Labor in testimony before the Manpower Subcommittee on March 6, that the administration supports this appropriation and the Department will move immediately to provide the newly appropriated moneys to prime sponsors across the country.

I therefore want to again commend the distinguished members of the Appropriations Committee for their forthright response to the needs of millions of Americans.

This bill, H.R. 4481, is surely a testimony to this Nation of the concern of the Congress and the desire of this body to act with dispatch to alleviate the tragedy of joblessness that wreaks havoc with the lives, the plans and the dreams of our citizens.

Mr. BIAGGI. Mr. Chairman. I rise in unqualified support of H.R. 4481, the Emergency Employment Appropriations Act of 1975. This legislation is another in a series of commitments which the 94th Congress has and will make on behalf of helping to put more Americans back on payrolls.

This bill is our most ambitious effort to date. It provides almost $6 billion to provide 900,000 jobs in the public sector and thousands of others in the private sector. The bill offers a new approach to the unemployment problem by both funding programs which will directly create new public service jobs and accelerating other Federal programs in construction, building and purchase programs to indirectly create new jobs desperately sought by workers in these gravely depressed sectors of our economy.

While this legislation was reported out of the House Appropriations Committee, it will serve to enhance and expand several programs which originated in the Education and Labor Committee of which I am a member. This bill is expected to create some 764,000 summer jobs for youths through funding of several programs including the Youth Conservation Corps which will receive some $10 million in new funds. In addition 250,000 part-time jobs for students will be established by providing some $119 million for the college work-study program. $1.6 billion will go directly to providing some 200,000 new public service jobs, and $24 million will go to provide needed employment opportunities for older Americans.

Unemployment has increased dramatically even in the short time since we passed our first emergency unemployment legislation. Between 7.5 and 8 million Americans are out of work and recent statistics put out by the Labor Department indicate that still another problem related to unemployment has arisen, namely Americans are not even seeking employment because they feel that there are no jobs available. This legislation is designed to allay their fears and provide a new and rejuvenated job market.

While the price tag of this legislation is high, I feel its benefits to the American economy will make it a sound investment. I do not feel that we should stop here. We must work to create still further jobs. I have introduced legislation in the Congress, H.R. 257, which could create 1 million permanent jobs for American workers by removing the 1 million illegal aliens who currently occupy them. The House Judiciary Committee is currently considering this legislation but I hope that the urgent need to establish more American jobs will propel them into swift action on this legislation.

The American working man and woman should be heartened by our actions today. They realize that the key to their economic future rests with employment just as we realize that the key to our own national economic recovery rests with increased employment. I urge the immediate enactment of this legislation by both Houses and equally prompt action by the President.

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

TEMPORARY EMPLOYMENT ASSISTANCE

For an additional amount for "Temporary employment assistance", $1,625,000,000, to remain available until December 31, 1975.

AMENDMENT OFFERED BY MR. DEVINE

Mr. DEVINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEVINE: Page 7, line 6, strike out the period and insert in lieu thereof the following: "; of which amount $250,000,000 shall be available only for use by State and local prime sponsors to provide emergency jobs for unemployed workers to perform needed railroad maintenance of way services pursuant to contracts with railroads located within the geographical jurisdiction of such sponsors."

Mr. MAHON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DEVINE. I thank the chairman of the committee for reserving his points of order rather than insisting upon them at this time.

Let me reread this amendment so there will be no question of what we are talking about. The attention of the Members is directed to page 7, line 6, wherein there is provided $1,625,000,000 for public service-type jobs. My amendment strikes out the period and inserts in lieu thereof the following: "; of which amount $250,000,000 shall be available only for use by State and local prime sponsors to provide emergency jobs for unemployed workers to perform needed railroad maintenance of way services pursuant to contracts with railroads located within the geographical jurisdiction of such sponsors."

I would point out that this $250 million is only 15 percent of the $1,625,000,000 for public service contracts. It means very simply this. When we are talking about public service jobs, it takes us back a little over 40 years. We remember the WPA days. We heard of leaf-raking where a man rakes leaves all the way across a statehouse yard, and then rakes them back. Do we consider this public service employment, this make-work type of thing? We recall the men leaning on shovels in make-work types of jobs.

We have a great need in this country to get the rights-of-way in workable condition, the tracks on our railroads, so that the railroads can run again.

We just a week or two ago provided $327 million for Penn Central, $25 million for Erie-Lackawanna, and there are untold sums of money we are going to be requesting for Amtrak to continue operations.

But these trains cannot run without tracks. If we are going to put people to work, let us put them to work in the public interest and not just have them killing time. I cannot think of anything more in the public interest than building rights-of-way and building tracks to let the trains run.

I anticipated some resistance from the railway labor unions because this might mean taking work from union employees, but I find a surprising amount of support from them because they recognize that in the long run if we build rights-of-way and track to let the trains run, it will mean jobs for the unions indefinitely into the future.

So I think this is in the public interest. That is the purpose of this particular amendment, to provide just 15 percent of this money to build rights-of-way and roadbeds on those railroads we are already subsidizing by making available millions and millions of dollars of public funds. That is the purpose of the amendment. It is very sensible. I will appreciate the support of the Members for this amendment.

POINT OF ORDER

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment on the ground that there is no authorization for this action and it violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Ohio desired to be heard on the point of order?

Mr. DEVINE. I do, Mr. Chairman.

Again I would like to express my appreciation to the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), for reserving his point of order.

I recognized when this amendment would be offered it might be construed as legislation on an appropriation measure, but I have gone back to the act and I have looked at the act. The purpose of the act we passed in 1946, the Employment Act, was consistent with those needs and obligations and other essential considerations of national policy for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities—and I repeat, useful employment opportunities. That is the purpose of the act.

What we are doing in this amendment is providing useful employment opportunities—not leaf raking and not make work jobs, but useful employment opportunities.

The whole purpose of the bill is to provide funds for public service jobs. That is exactly the purpose of the amendment, except it earmarks that. In my opinion, Mr. Chairman, this does not violate the rules and I think the point of order should be overruled.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, is it not true that we passed several acts in the last year to help the railroads? Would this not be consistent with those actions where we have clearly moved aggressively to help the railroads? This is an important part of the program to rebuild the roadbeds.

Mr. DEVINE. It would be purely consistent. As I said earlier, in the long run it would be in the interest of getting the Erie running again. So it would be consistent with those acts.

The CHAIRMAN (Mr. BROOKS). The Chair is prepared to rule.

The amendment specifies that this quarter billion dollars shall be available for use only by State and local prime sponsors to provide emergency jobs for unemployed workers to perform railroad maintenance. The Chair has examined Public Law 93-567, and there is no specific authorization for such purpose. The Chair finds that the proposed amendment further changes the allocation formula contained in Public Law 93-567 which is described on pages 34 and 35 of the report, and further interferes with the discretion given the Secretary under section 603(b) of the public law as to the utilization of the final 10 percent of the authorized amounts. In chapter 26, section 6 of "Deschler's Procedure," it provides very clearly that there is ample precedent that such reallocations in appropriation bills are legislation, and the point of order is sustained.

AMENDMENT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS of Indiana: On page 7, strike lines 3, 4, 5, and 6.

Mr. MYERS of Indiana. Mr. Chairman, I apologize for not having a copy of the amendment at the desk of the Chairman. It is rather simple. It is a spur of the moment thing in response to what has just happened. In the full committee as well as here today, there have been objections offered to the so-called make-work or public service type of employment, that we are creating jobs here raking leaves from one side to another, just creating jobs, nothing productive, nothing creative. Nothing identified in this particular section will produce anything to improve our country.

We are not going to have a better America as a result of this section. We may be creating a very few jobs. We may be taking people out of lines of unemployment. This is good, but there are so many other places to do that, we should wait until authorization comes along for these things similar to that offered by the gentleman from Ohio to rebuild the railroad rights-of-way and tracks.

It seems to me these are funds that would not be used wisely in the foreseeable future, because it has already been presented on the floor that under previous legislation enacted last year we have not spent all the money for emergency employment measures.

Here is an opportunity to cut $1,625 million from this appropriation this afternoon, money that may or may not have to be spent in the future. If it must be appropriated in the future, it could be appropriated much more wisely. I do not think a good case has been made that this section could be used to the best advantage of the taxpayer, as well as those that need jobs.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I am happy to yield to my namesake, the gentleman from Pennsylvania (Mr. MYERS).

Mr. MYERS of Pennsylvania. Mr. Chairman, I would like to ask, is it not true this $1.625 billion could, in fact, be used for unemployed persons other than the primary wage earner of a family? In other words the family prime wage earner could be employed and public service jobs could go to other members of the family. I believe this would not be solving today's economic problem of stabilizing the economic plight now being struggled with by millions of American families.

Mr. MYERS of Indiana. The gentleman may be right. There are other sections of this bill for the youthful unemployed 14 years to 22 years of age. There may be some for the primary wage earner of the family, but the great bulk of these people will not be the primary wage earners; so it is true, this does not define who shall qualify.

Mr. MYERS of Pennsylvania. Again I would like to raise the point, we could have primary family wage earners making $50,000 or $60,000 a year and the spouse or other members of the family picking up public service jobs. I do not believe this to be the best use of the limited public funds with which we are entrusted.

Mr. MYERS of Indiana. Of course, we would have to go back to the authorization bill, rather than the appropriation. This is only appropriations. We would have to go back to the basic authorization to find who are qualified, as in the last ruling of the Parliamentarian. This is only appropriation. It does not identify who shall be eligible, who shall qualify. That goes back to authorization legislation.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment. Especially since the gentleman and I have agreed so much, I am distressed that he is on one side of the canal and I am on the other. Usually we are in the middle.

This amendment is totally unrealistic. We are suffering an 8.2 percent unemployment rate. It is the worst since before World War II. This is certainly not the time to say that we do not need any more money for public service jobs. By the way, even the administration agrees with that completely. As a matter of fact, they came up with the budget request for exactly the amount we have in the bill, $1,625,000,000.

We are trying in this bill to assure the mayors, they were here, and all the Governors, and they were here, they are the prime sponsors for CETA, that the funding for public service jobs will not drop off overnight. You can't turn this program on and off like a faucet.

Now, the effect of the gentleman's amendment would be simply to gut this emergency job bill. It is completely unrealistic. I urge you to vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. MYERS).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expanses", including purchase of (not to exceed forty) passenger motor vehicles, $3,500,000.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer a series of amendments, and I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. COUGHLIN: Page 11, strike out lines 1 through 5.

Page 11, strike out lines 9 and 10, and on line 11, strike out "$6,500,000" and insert in lieu thereof "$3,000,000".

Page 11, strike out lines 15 and 16, and on line 17, strike out "purchase of aircraft, $52,900,000" and insert in lieu thereof "$43,700,000".

Page 12, strike out line 8 and all that follows thereafter through page 13, line 4.

Page 13, strike out lines 8 through 10 and insert in lieu thereof "$3,000,000".

Page 13, strike out lines 11 through 14.

Page 15, strike out lines 1 through 4.

Mr. COUGHLIN. Mr. Chairman, the amendments which I have introduced and have referred to earlier would eliminate all of the $443 million contained in various sections of the bill for the purchase of 120,000 motor vehicles. In addition, it would eliminate the entire $900 million which has been included for payment to the Postal Service fund.

I am certainly not opposing the concept of creating employment. In fact, I favor it, but there are at least three very good reasons for supporting these amendments. First, on this particular section of the bill, there were no hearings held. There were no hearings, no justifications for the purchase of these vehicles. The amounts and the numbers of vehicles were simply the result of telephone calls to various departments and agencies and just what they wanted was put into the bill.

Second, the dollar values per vehicle that would be allowed under the appropriations considerably exceed those that would be allowed under current law. If we spend the kind of money we are talking about here per vehicle, we would have some mighty expensive vehicles aboard.

Finally and most significantly, the numbers of vehicles simply do not make any sense. For example, at the present time the Federal Law Enforcement Training Center has no vehicles. We give them 40. The U.S. Customs Service has 1,082 vehicles. We give them 687 more.

The Internal Revenue Service has 622 vehicles. We give them another 100. The Secret Service has 925 vehicles. We give them another 634.

We give the Postal Service 39,000 more vehicles.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague for proposing this amendment. I realize it may appear to be a difficult decision for many to face. For those from Michigan, it would, I suppose, be hard to turn down an order for 121,000 automobiles. Does the gentleman suppose the post office wants that many vehicles to have a vehicle go with each letter?

Mr. COUGHLIN. They appear to be approaching that.

We would give the GSA 80,000 more vehicles. Their entire total fleet now is only 72,000, and we are going to give them 80,000 more.

This is a ludicrous performance. It is a ludicrous performance because there is no justification. It is ludicrous because there were no hearings. It is ludicrous because the cost figures do not make sense, and it is ludicrous because the quantities of vehicles do not make sense. This is not the way to create jobs.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Can we have any assurance that the automobiles the gentleman is talking about purchasing will actually be fabricated in the United States? Is there anything in this bill that would prevent importing of fabricated vehicles from Canada or any other foreign country?

Mr. COUGHLIN. I think that is not in this bill, but it is in existing legislation.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I have an amendment that has been presented to the minority and to the majority leaders that will come in section 202 that will require any vehicles purchased or leased under the funds of this bill must be manufactured and assembled within the continental limits of the United States.

Mr. DEVINE. Mr. Chairman, if the gentleman will yield, does the gentleman restrict it to Michigan?

Mr. FORD of Michigan. Some of the vehicles will come from Ohio, too.

Mr. COUGHLIN. I thank my colleagues, and I solicit support for my amendments.

Mr. CEDERBERG. Mr. Chairman, I rise in opposition to the amendment. The reason I rise in opposition to the amendment is, I suppose, in part parochial, because I am from the State of Michigan. As I said earlier in my remarks during the general debate, my concern about this whole bill is that it is not structured to target areas of specific unemployment. My State has an unemployment rate of between 15 and 16 percent, and yet in this whole bill I find very little of the money that is in this bill that would even come into the State of Michigan, except possibly some of it in the purchase of automobiles. There is not anything in the bill that says the automobiles will be purchased in the area of highest unemployment, which takes in the State of Michigan.

But I most oppose the amendments on the faint hope that, if automobiles are purchased, some of them will be manufactured in my State. Knowing, as I do, something about the industry, I have a fear that the type of automobile that is going to be purchased will probably be purchased in greater quantities outside of the State. I would personally prefer to have a more meaningful consumer and business climate to encourage the production of automobiles for private consumption.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Chairman, I intend to support the bill, and I am not going to vote for the amendment. I would like to remind my colleagues that this is a food stamp program for the automobile manufacturers.

Mr. CEDERBERG. We have food stamps for everybody else, and probably that might not be a bad idea.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would like to inform the gentleman that there is money in the bill for the rehabilitation of 5 fish laboratories in Michigan.

Mr. CEDERBERG. That would probably handle maybe 50 jobs in the whole area.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I want to say to my very distinguished colleague from Michigan that I have no objection to the purchase of automobiles, as such, and the acceleration of the purchase of automobiles if we need them and if they are justified.

But there just simply is no justification in the bill for the purchase of this kind of equipment. I would support it if there was justification for this sort of thing.

Mr. CEDERBERG. Mr. Chairman, I also want to say, while I am on my feet, that when my colleague, the gentleman from Michigan (Mr. Ford), introduces his amendment, I hope the House will support that amendment.

Mr. STEED. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I think for the sake of the record and the information of the Members we ought to get this issue back in focus. The only thing that is ludicrous that I can see here is the misrepresentation that has been made about why this item is in this bill at this point.

Our Government operates a fleet of about 420,000 motor vehicles. The fiscal year 1976 budget request currently before the Congress asks for an increase in these vehicles from 73,000 to over 88,000 in GSA alone. The present GSA inventory includes about 73,000 vehicles, composed of 40,000 passenger vehicles subject to the price limitation and 35,000 trucks, tractors, and trailers not subject to the limitation.

If we divide the number of vehicles mentioned in the bill into the total amount of money provided in the bill, we would, of course, come up with some peculiar looking figures. But when you realize we are not talking just about ordinary passenger cars and that more than half of it is for other types of vehicles, you can, of course, understand the proposals of the committee.

What we did, Mr. Chairman, is this: We have taken an industry that is in a high unemployment status, and we have taken an item that the Government must buy anyway; we are merely accelerating the acquisition of these vehicles which the Government must have, and some of the money identified here for motor vehicles, if this item is left in this bill, will be off set in the regular appropriation bill. These agencies cannot very well perform their work without sufficient motor vehicles.

So this is not just a matter of adding on a lot more money. This will permit the acquisition of these vehicles at a time when it will not only give the Government the equipment it needs but also help the unemployment situation.

Mr. Chairman, there is going to be another benefit that will come about by getting a lot of these automobile workers off the unemployment compensation rolls and back on the jobs so they may become taxpayers again.

So when we look at all the benefits and all the factors involved here, we find that this amendment would strike out what I think is probably the most practicable and the most commonsense part of this bill, mainly because it is something that can be done immediately. It will provide jobs that can be had immediately. It is money that is going to have to be spent sooner or later anyway. It gives the Government the needed vehicles at a time when it does the most good, and at the same time we help to end unemployment and we reduce the tax loss due to unemployment. In addition, we can get an offset in the regular appropriation bills, because a lot of the money can be taken out of the bills at that time.

So I think any Member who will look at the whole story would not only want this in the bill but would have to say that of all the items in the bill this probably makes more sense than many others. I am surprised that any Member who presumes to know enough about this situation to offer amendments to strike these items would want to raise this issue in a bill of this kind.

It is one thing to be against the whole idea of the bill, but if we are going to have this kind of a bill, it would seem to me that every Member would want these items above all others. They are in the best interests of the Government. They also strike at the problem we are concerned with—providing jobs immediately.

Mr. Chairman, if there ever was a time when the Government could improve its fleet, it ought to be now.

Therefore, I urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. Coughlin).

The question was taken; and on a division (demanded by Mr. Coughlin) there were—ayes 21, noes 35.

Mr. COUGHLIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL SUPPLY FUND

For necessary expenses for the purchase of (not to exceed eighty thousand) passenger motor vehicles, trucks, and trailers, pursuant to 40 U.S.C. 756(a), $280,000,000.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: Page 15, immediately after line 4, insert the following:

CHAPTER VIII—DEPARTMENT OF TRANSPORTATION

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For an additional amount for "Administrative Expenses", $5,000,000, to remain available until expended.

Mr. CONTE. Mr. Chairman, this is a simple amendment. All it really does is to lift out of the next supplemental appropriation bill and add to this bill a $5 million item to cover the estimated administrative expenses of the U.S. Railway Association for the balance of this fiscal year.

It is a budgeted item. Our Transportation Subcommittee has conducted a hearing on it, and I believe we are in unanimous agreement that the request should be approved, and that Congress should grant that approval at the earliest possible date.

Mr. Chairman, let me tell you why we ought to move this item forward now:

The association will be out of money early next month. While it may be able to meet its April payroll, it will not be able to enter into any further contracts for outside studies and data acquisition after the end of this month. That would be serious since this small, temporary planning agency has, up to now, spent about 50 percent of its administrative expense funds for contract studies and has much important work remaining to do, including completion of the essential property valuation studies on which the financial projections for the proposed ConRail system will rest. Through contract work it will also need to refine its proposals for including the bankrupt Erie-Lackawanna Railroad into its final system plan.

Mr. Chairman, on February 26, all of us received copies of the Association's preliminary system plan for reorganizing the bankrupt railroads of the Northeast and Midwest into a new and viable private system. Although this proposal has received generally favorable editorial comment in the Nation's press, it is not without controversy, as we know. But, over the next several weeks there will be public hearings by both the ICC's Rail Services Planning Office and the appropriate legislative committees in this and the other body. And the Association must be in a position to respond constructively to the comments made by the general public or by the Congress, and to study and analyze all modifications proposed for its preliminary recommendations so that it can get its final system plan here to Congress, as scheduled, on July 26.

That date is less than 5 months from now. If the Association does not get the additional money it needs, and soon, it will mean Congress will get either a late final system plan or an incomplete final system plan—and either way that would cost the taxpayers more money than it should and also lessen our hope that, through the work of USRA, we can find an acceptable solution to the complex problems of the railroads of the Northeast and Midwest without huge subsidies and without their nationalization.

But there are further reasons why this item belongs in this particular bill. For the job-creating potential of the Association's work is substantial over the short term as well as the long term. It has already pointed up for us the magnitude of the job that needs to be done in rehabilitating these tragically rundown railroads, suggesting the expenditure of some $3 billion over the next 10 years. The seven bankrupt railroads for which it is planning now employ some 12,000 maintenance workers, and I understand that an additional 3,000 employees could be effectively utilized in the near future to perform normal repair and rehabilitation work caused by deferred maintenance practices.

Track maintenance and rehabilitation is more labor intensive than highway construction. Let us make sure that this work gets underway promptly and, as it does, additional jobs will be created. And over the longer term, of course, a refurbished rail freight system will provide not only far more jobs but give our whole economic system the kind of lift it now so badly needs.

Mr. Chairman, I have certain questions and reservations about portions of the Association's preliminary proposals, and I will express those at the proper time and place.

But I have no reservations whatsoever about the importance of keeping this essential planning effort going forward and on time. In a matter of weeks, our subcommittee will be examining more closely into the Association's practices and procedures as we consider its budgeted $10 million request to complete its work in the next fiscal year.

For now, however, let us keep the Association's work "on track" for us, and for the Nation, for we all have a big stake in the early and successful completion of its work.

I urge the adoption of my amendment.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman from California.

Mr. McFALL. Mr. Chairman, I agree with the gentleman from Massachusetts, who pointed out that the Subcommittee on Transportation held hearings on this bill, that this should be done. We are merely doing it ahead of time, and I think it needs to be ahead of time. The supplemental probably will not be finished, I would not think, until some time in the latter part of April anway; and this money is needed by the U.S. Railway Association to prepare the plan which they have to submit by June 26, and I think by July 26 it will be submitted to the Congress. It is made necessary by the fact that the cost is more than estimated and because of the bankruptcy or the condition of the Erie-Lackawanna Railroad, which is now a part of the plan.

Therefore, Mr. Chairman, I would agree with the gentleman from Massachusetts that we sought to have this amendment, and I understand the gentleman from Texas (Mr. MAHON) would also like to make a statement to that effect.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I just wish to concur in the remarks which have been made with respect to this amendment by the gentleman from Massachusetts and the gentleman from California.

Mr. CONTE. I thank my good friend, the gentleman from Texas.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, without taking another 5 minutes, there is no problem on this side. We support the amendment of the gentleman from Massachusetts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—GENERAL PROVISION

SEC. 201. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Michigan: Page 15, immediately after line 13, insert the following language:

SEC. 202. No part of any appropriation, funds, or other authority contained in this Act may be expended or obligated to purchase, lease or otherwise acquire motor vehicles other than motor vehicles manufactured and assembled in the United States."

Mr. FORD of Michigan. Mr. Chairman, this amendment is cosponsored by all of Michigan's Democratic members, Messrs. DIGGS, DINGELL, O'HARA, NEDZI, CONYERS, RIEGLE, TRAXLER, VANDER VEEN, BRODHEAD, CARR, and BLANCHARD, and I appreciate the kind words and support of the ranking minority member of the committee, the gentleman from Michigan (Mr. CEDERBERG).

The amendment, I think, explains itself. If the purpose, as we all agree, I believe, of this legislation is to be the creation of jobs for the unemployed victims of the hard-pressed American economy, I think we should make sure that the jobs we are creating are going to be here in the United States.

The effect of my amendment would be to say that if certain agencies of the Government should order motor vehicles from any source by purchase, lease, or otherwise, by number of automobiles as to particular specifications, that then, in the filling of that order, they will do it with automobiles manufactured here in the United States, by American workers, and not with automobiles manufactured in Canada, Germany, England, or Japan or any other foreign country. All of the big three automakers are substantial manufacturers and importers of foreign cars, and although they may be called a Ford, a Chevy, or a Chrysler, in fact, there is no American labor involved in the manufacture of them, and the sale of such vehicles to agencies of the Federal Government would do little or nothing to produce American jobs.

Mr. STEED. Mr. Chairman, if the gentleman will yield, I think the purpose of the amendment offered by the gentleman from Michigan (Mr. FORD) is already in the law, but since there is some question, I see no objection to the amendment so as to make certain that we do that which we want to do, and that is to help the American economy and the American workers.

Mr. FORD of Michigan. I thank the gentleman.

Mr. CEDERBERG. Mr. Chairman, if the gentleman will yield, I just want to reiterate what I mentioned on the floor before, and that is that I support the gentleman's amendment, and I am sure that all of us here on the minority side would support the amendment.

Mr. FORD of Michigan. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. FORD).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4481) making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Chairman, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

CALL OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered. There was no objection.

The call was taken by electronic device; and the following Members failed to respond:

[Roll No. 45]

Alexander
Archer
Byron
Chisholm
Conyers
Derwinski
Diggs
Dodd
Drinan
Eshleman
Fithian
Foley
Harsha
Hébert
Jones, Ala.
Karth
Landrum
Madden
Mathis
Meyner
Milford
Mills
Moorhead, Pa.
Neal
O'Neill
Passman
Pike
Rangel
Rees
Roncalio
Satterfield
Scheuer
Steiger, Ariz.
Stuckey
Udall
Ullman
Waxman
Wiggins
Young, Ga.

The SPEAKER. On this rollcall 393 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY EMPLOYMENT APPROPRIATIONS ACT, 1975

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. MICHEL moves to recommit the bill H.R. 4481 to the Committee on Appropriations, with instructions that it be reported back to the House forthwith with the following amendment: Strike all after the enacting clause through line 14 on page 6. On page 10, strike line 18 through line 4 on page 15, provided that the amendments inserted on page 15 shall not be stricken.

The SPEAKER. Does the gentleman desire to be heard on his motion?

Mr. MICHEL. I do, Mr. Speaker.

Mr. MICHEL. Mr. Speaker, my motion to recommit leaves in the bill chapters IV, V, and VI, plus the amendment offered by the gentleman from Massachusetts (Mr. CONTE), which added $5 million for the U.S. Railway Association, and the amendment offered by the gentleman from Michigan (Mr. FORD), having to do with U.S.-built automobiles.

Let me tell the Members what is left in the bill in chapters IV, V, and VI. In chapter IV, we have the summer youth employment program, $412,700,000; the Older Americans Act, $24 million; Public Service Employment, $1.625 million; the college work study program, $119.8 million; and the work incentive program, $70 million, for a total in that chapter of $2,251,500,000.

In chapter V, we leave in the bill the Civil Corps of Engineers, $106,055,000, which covers all these areas of public works projects the Members see displayed in the report, plus the Bureau of Reclamation and Interior, $11.9 million; for a total of $117.9 million in that chapter.

In chapter VI, the job opportunities program under EDA, $375 million, is left in the bill, as are the Business Loan and Investment Fund, $210 million, and the Disaster Loan Fund, $175 million, under the Small Business Administration, for a total of $760 million in the chapter.

The overall total remaining in the bill amounts to $3,134,455,000.

The items which are deleted, appearing in chapters 1, 2, and 3, have to do with USDA, EPA, a small VA, and interior. The totals in these chapters, respectively, are $756,250,000, $71,105,000, and $254,851,000. In chapter 7, the deletions include the Treasury Department, $79 million; the U.S. Postal Service, $900 million; Federal buildings, GSA, $415 million; and the General Supply Fund, $280 million. In other words, the grand total of deletions in this bill comes to $2,802,181,000.

I might comment, as did a number of Members during the course of general debate, that what the President proposed in the neighborhood of $2 billion would be tripled in what we are piling on here in the name of new and additional jobs, so-called. But, frankly, we are not altogether sure how many people will be employed by this method of simply passing a good-sounding appropriation bill, in the amount of $6 billion, and expect it to all of a sudden increase job opportunities around the country. When you analyze these items line by line very carefully, how many people will actually be put to work? I tell the Members that if they are using their thinking caps, they will have to go a long way to find jobs for additional people.

I submit we have a good compromise. The motion to recommit ought to be adopted. It is half, $3 billion, rather than $6 billion. Bear in mind that this entire bill is virtually $4 billion over the budget. I would ask the Members to support my motion to recommit.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the minority leader, the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I congratulate the gentleman from Illinois on the statement he made and on the motion to recommit he has offered. I think it is fair to observe that the supposed $34 billion deficit for fiscal year 1975 probably will now be something over $40 billion, and maybe even higher. This is an attempt to actually save the deficit from going even higher than the $40 billion. The cut which is proposed here is a cut which I think is well considered. The items which are left in the bill are the items that are best calculated to produce jobs, which is what the whole exercise is about anyway. I feel the gentleman has done a good job, and I hope the House will support his motion to recommit.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

I just want to say in conclusion that I was not sure what my motion to recommit would be, because I wanted to stay here on the floor and listen to the debate and hear the amendments that were offered before deciding on the contents of the motion.

Frankly, the one amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN) I supported. It was defeated. The gentleman from Indiana had a motion, which I supported. I tried to reflect that in the motion to recommit.

The SPEAKER. The chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, the Committee on Appropriations has thoroughly explored the possibility of trying to bring a halt to the acceleration in unemployment and has come up with a bill providing about $6 billion to guarantee or assure additional jobs for unemployed workers in the United States. The House this afternoon has debated the legislation and the House has made no substantial change in it.

Now the gentleman from Illinois proposes that we just rewrite the bill here without ample consideration and eliminate many of the jobs that are provided in the bill.

Mr. Speaker, what the gentleman proposes is to eliminate many of the programs in this bill that will provide productive employment and contribute to the lasting resources of the Nation.

So, Mr. Speaker, I would say that the motion to recommit should be voted down by a resounding vote. I have no doubt but that it will.

I share the feelings of many Members in this House that we ought to cut corners where we can. We are trying now to eliminate the possibility of even higher unemployment levels, and we know that every 1 percent of unemployment costs the Federal Treasury about $16 billion.

So it seems to me that the thing to do at this point is to vote down the gentleman's motion to recommit by a resounding vote.

Mr. MICHEL. Mr. Speaker, would my dearly beloved chairman yield to me?

Mr. MAHON. I am delighted to yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, the gentleman wanted to know why I left in the bill one of the most undesirable programs, by my motion.

I share the gentleman's view that that perhaps should have been in my motion to recommit. The reason for that was, of course, that there was a motion made here by the gentleman from Indiana to knock out the program. Unfortunately, it was the will of this House that that program stay in the bill.

So that was one of the considerations I had to make in framing my motion to recommit.

Further than that, Mr. Speaker, on the question of water and sewer grants, all of the courts have required the administration to loosen up some $9 billion in expenditures in that area. So what little additional amount we have in this bill to add onto that is not going to make all that much difference.

Mr. Speaker, I submit that we should vote for my motion to recommit.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I wish to call attention to the fact that these items that would be cut out by the gentleman's motion to recommit in the field of agriculture have to do with watersheds and many, many programs from which we get real benefit.

In addition to that, there is a real need for credit, and much of the farmland in the United States is not going to be planted in crops this year for lack of financing.

Mr. Speaker, the gentleman's motion to recommit would knock out the funds which are made available by the Farmers Home Administration which are given to enable the farmers to provide food and fiber for the Nation.

Mr. BOLAND. Mr. Speaker, I rise in opposition to the motion of the gentleman from Illinois. He would strike chapter II which contains funds for the Veterans' Administration and the Environmental Protection Agency.

The projects for the Veterans' Administration are to undertake important and necessary work. They will help to conserve energy by replacing and repairing heating lines, windows and doors, roofs, and modifying other lighting and power systems.

Let me give you an example of some of the kinds of projects that the VA will undertake at the hospitals in Brockton, Northampton, Bedford, and Boston, Mass.

The clinical laboratories will be modernized. The nurses' call systems will be updated. Canteens and stairwells will be refurbished and a number of nurses' stations will be rennovated. I might add at this point that much of the work is overdue—particularly at a hospital which is 50 years old. Other typical projects include waterproofing buildings, adding fuel oil storage tanks, updating kitchen facilities, resurfacing roads, replacing windows, enclosing porches, and remodeling volunteer lounges.

All of these projects will improve patient care, and help to improve the working environment. They are not makework projects in any sense. I urge that you defeat this motion.

The SPEAKER. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. MICHEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 315, not voting 8, as follows:

[Roll No. 46]

AYES—109

Anderson, Ill.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bell
Bennett
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Daniel, Robert W., Jr.
Derwinski
Devine
Dickinson
Downing
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
Erlenborn
Eshleman
Fenwick
Fish
Forsythe
Frenzel
Frey
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hammerschmidt
Hansen
Harsha
Hastings
Heinz
Henderson
Hinshaw
Holt
Hutchinson
Hyde
Ichord
Jarman
Johnson, Pa.
Kasten
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Latta
Lent
Lujan
McClory
McCloskey
McDonald
McEwen
McKinney
Mann
Martin
Michel
Miller, Ohio
Moorhead, Calif.
Mosher
Myers, Pa.
Pritchard
Quie
Quillen
Regula
Rhodes
Robinson
Rousselot
Runnels
Sarasin
Schneebeli
Schroeder
Schulze
Spence
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Treen
Whitehurst
Wilson, Bob
Wydler
Wylie
Young, Fla.

NOES—315

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John L.
Burton, Phillip
Byron
Carney
Carr
Carter
Casey
Chappell
Chisholm
Clay
Cochran
Collins, Ill.
Conyers
Corman
Cornell
Cotter
D'Amours
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
English
Esch
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Findley
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Green
Gude
Haley
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Helstoski
Hicks
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keys
Koch
Krebs
Krueger
LaFalce
Landrum
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
McCollister
McCormack
McDade
McFall
McHugh
McKay
Macdonald
Madden
Madigan
Maguire
Mahon
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Mikva
Milford
Miller, Calif.
Mineta

Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman
Patten
Patterson, Calif
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Railsback
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Tsongas
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Yates
Yatron
Young, Alaska
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—8

Foley
Meyner
Mills
Moorhead, Pa.
Satterfield
Udall
Wiggins
Young, Ga.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Moorhead of Pennsylvania with Mr. Young of Georgia.

Mr. Udall with Mrs. Meyner.

Mr. Foley with Mr. Satterfield.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken by electronic device; and there were—yeas 313, nays 113, not voting 6, as follows:

[Roll No. 47]

YEAS—313

Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Carter
Casey
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
English
Esch
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Fithian
Flood
Florio
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fraser
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Green
Gude
Guyer
Haley
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Leggett
Lehman
Lent
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Mikva
Milford
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman
Patten
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pike
Pressler
Preyer
Price
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Thompson
Thornton
Traxler
Tsongas
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Tex.
Zablocki
Zeferetti

NAYS—113

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Archer
Armstrong
Ashbrook
Bauman
Beard, Tenn.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Cederberg
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Derwinski
Devine
Dickinson
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Eshleman
Fenwick
Flowers
Fountain
Frenzel
Goldwater
Gradison
Grassley
Hagedorn
Hammerschmidt
Hansen
Harsha
Hastings
Hébert
Hefner
Henderson
Hinshaw
Holt
Hutchinson
Hyde
Ichord
Jarman
Johnson, Colo.
Jones, N.C.
Kasten
Kelly
Kemp
Ketchum
Lagomarsino
Landrum
Latta
Levitas
Lott
Lujan
McCollister
McDonald
McEwen
Mann
Martin
Michel
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Myers, Pa.
Nichols
Pickle
Poage
Quillen
Rhodes
Robinson
Rousselot
Runnels
Satterfield
Schneebeli
Sebelius
Shriver
Shuster
Skubitz
Smith, Nebr.
Snyder
Spence
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Treen
Waggonner
Wampler
Whitehurst
Wilson, Bob
Winn
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—6

Meyner
Mills
Moorhead, Pa.
Udall
Wiggins
Young, Ga.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Young of Georgia with Mr. Udall.

Mrs. Meyner with Mr. Moorhead of Pennsylvania.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include certain tables and extraneous material.

Further, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to recommit which was offered on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas

There was no objection.

MAKING IN ORDER CONSIDERATION OF HOUSE RESOLUTIONS 241, 242, 243, 244, 245, AND 246, IN THE HOUSE

Mr. EVINS of Tennessee. Mr. Speaker, I call up House Resolution 241 and ask unanimous consent that it be considered in the House and that House Resolutions 242, 243, 244, 245, and 246, disapproving the deferrals of certain budget authorities, may also be considered in the House.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROVIDING FOR DISAPPROVAL OF PROPOSED DEFERRAL D75-81 TRANSMITTED UNDER SECTION 1013 OF THE IMPOUNDMENT CONTROL ACT OF 1974

The Clerk read the resolution as follows:

H. Res. 241

Resolved, That the House of Representatives expresses its disapproval of proposed deferral D75-81, as set forth in the message of October 31, 1974, which was transmitted to the Congress by the President under section 1013 of the Impoundment Control Act of 1974.

The SPEAKER. The Chair recognizes the gentleman from Tennessee (Mr. Evins).

Mr. EVINS of Tennessee. Mr. Speaker, we are considering six resolutions disapproving deferrals of budget authority by the President.

These deferrals relate to—

The Corps of Engineers, general construction;

The Corps of Engineers, flood control, Mississippi River and tributaries;

Bureau of Reclamation, Department of the Interior, loan program;

Bureau of Reclamation, Department of the Interior, construction and rehabilitation;

Bureau of Reclamation, Department of the Interior, Colorado River basin project;

Bureau of Reclamation, Department of the Interior, Upper Colorado River storage project.

I want to emphasize that 23 deferrals were recommended on items in the regular public works appropriations bill for this fiscal year—and we are recommending the reversal and overturn of only 6 of these 23 deferrals, only 6.

The other 17 deferrals relate to items in the budget for the Energy Research and Development Administration—originally budgeted for components of the Atomic Energy Commission transferred to ERDA.

Our committee has been most selective in requesting that only 6 of the 23 deferrals be reversed and overturned, and ask that the funds be released for jobs and for projects.

These six deferrals in more detail are as follows:

First. House Resolution 241 relates to deferral numbered D75-81 which proposes to defer for 1 year $43,945,000 for the Corps of Engineers "construction, general" program. Funds are presently deferred on 76 projects by one-half of the amount added by the Congress for them in the regular 1975 public works appropriations bill. The committee recommends that the proposed deferral be overturned.

Second. House Resolution 242 relates to deferral numbered D75-82 which proposes to defer for 1 year $14,503,000 for the Corps of Engineers "flood control, Mississippi River and tributaries" program. Funds are presently deferred on 12 construction projects by one-half of the amount added by the Congress for them in the regular 1975 public works appropriations bill. The committee recommends that the deferral be overturned.

Third. House Resolution 243 relates to deferral numbered D75-83 which proposes to defer for 1 year $900,000 for the Bureau of Reclamation's "loan program." Funds are presently deferred on two loans by one-half of the amount added by the Congress for them in the regular 1975 public works appropriations bill. The committee recommends that the proposed deferral be overturned.

Fourth. House Resolution 244 relates to deferral numbered D75-84 which proposes to defer for 1 full year $17,955,000 for the Bureau of Reclamation's "construction and rehabilitation" program. Funds are presently deferred on two construction projects by one-half of the amount added by the Congress for them in the regular 1975 public works appropriations bill. The committee recommends that the proposed deferral be overturned.

Fifth. House Resolution 245 relates to deferral numbered D75-85 which proposes to defer for 1 full year $2,525,000 for the Bureau of Reclamation's "Upper Colorado River Basin project." Funds are presently deferred on the central Arizona project by one-half of the amount added by the Congress in the regular 1975 public works appropriations bill. The committee recommends that the proposed deferral be overturned.

Sixth. House Resolution numbered 246 relates to deferral numbered D75-86 which proposes to defer for 1 year $1,730,000 for the Bureau of Reclamation's "Upper Colorado storage project." Funds are presently deferred on five projects by a portion of the amount added by the Congress for them in the regular 1975 public works appropriations bill. The committee recommends that the deferral be overturned.

I repeat, we are recommending that only 6 of the 23 deferrals referred to our committee be overturned.

Mr. Speaker, we have just passed a $5.3 billion public works bill—the emergency employment appropriations bill for 1975—the jobs bill.

The times call for this action and this bill—we need it, the Nation needs it, the unemployed need it.

But frankly, Mr. Speaker, it does not make sense to pass this bill while at the same time not releasing funds previously appropriated for projects by the Corps of Engineers and the Bureau of Reclamation.

What we are recommending in these resolutions is the release of funds—$81,558,000 which will fund some 117 projects by the Corps and the Bureau of Reclamation.

This will provide an additional 10,600 direct jobs—new jobs—and will provide another 53,000 jobs in the economy through the ripple effect.

This is a total of 63,000 jobs the reversal of these six referrals will create, directly or indirectly.

Put another way: Since we have passed the jobs bill, it is more important than ever that the funds for these projects be released and these projects be put back on schedule.

These projects are job oriented—they will create jobs while at the same time providing needed and important public works for the Nation.

There will be a total of 63,000 jobs that will be created by disapproval of these deferrals.

So we are urging the release of these public work funds.

Public works are what the words imply.

Public works provide jobs.

Public works provide capital assets for our Nation.

Public works provide electric power on the line which is vital and important in view of the energy crisis.

Our employment rate in the Nation today stands at 8.2 percent.

There are 7½ million Americans out of work today.

The unemployment rate in the construction industry is more than 22 percent—22.6 percent.

The 117 projects listed in these deferrals will stimulate the construction industry and provide employment if these deferrals are overturned so that these projects can move forward. They have been too long delayed now.

I should like to point out that when the regular appropriations bill was passed originally, we added some small amounts up to the corps capability on some projects.

OMB has deferred 50 percent of the amount of these congressional add-ons.

In requesting a reversal of these deferrals, we are asking that the remaining 50 percent of the funds added by Congress be restored—be released. Action proposed here precedes and supplements the jobs bill.

The reports which accompany the resolutions are self-explanatory and I will not take the time of the House to explain each one separately unless requested to do so.

As the resolutions are called up, I urge that they be approved.

What the committee is recommending here today will assure the availability of $81,558,000 in new budget authority and $57 million in expenditures for the current fiscal year which is already appropriated.

These funds will not only provide for 10,600 new jobs, but will also prevent the curtailment of existing contracts which would add additional people to the unemployment rolls.

In addition, as I said, the 10,600 jobs could have the ripple effect of creating up to 53,000 additional jobs throughout the country.

The Corps of Engineers has advised the committee that for every $1 million in construction funds, a total of 49 man-years of new jobs is created, and for operation and maintenance 82 man-years are generated for every $1 million.

Therefore, I strongly recommend that the funds proposed to be reserved by deferrals numbered D75-81, 82, 83, 84, 85, and 86—six deferrals—be overturned.

The committee recommends the approval of these resolutions, which will make funds immediately available to the Corps of Engineers and the Bureau of Reclamation for needed work and jobs.

The committee feels strongly—and I feel strongly—that the $81,558,000 recommended to be released for the acceleration of the construction programs will greatly assist in providing jobs—stimulating the construction industry, and providing capital assets for the Nation, and needed power during the energy crisis.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

PROVIDING FOR DISAPPROVAL OF PROPOSED DEFERRAL D75-82 TRANSMITTED UNDER SECTION 1013 OF THE IMPOUNDMENT CONTROL ACT OF 1974

Mr. EVINS of Tennessee. Mr. Speaker, I call up House Resolution 242, recommending that the House of Representatives express its disapproval of proposed deferral D75-82 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 242

Resolved, That the House of Representatives expresses its disapproval of proposed deferral D75-82 as set forth in the message of October 31, 1974, which was transmitted to the Congress by the President under section 1013 of the Impoundment Control Act of 1974.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

PROVIDING FOR DISAPPROVAL OF PROPOSED DEFERRAL D75-83 TRANSMITTED UNDER SECTION 1013 OF THE IMPOUNDMENT CONTROL ACT OF 1974

Mr. EVINS of Tennessee. Mr. Speaker, I call up House Resolution 243, recommending that the House of Representatives express its disapproval of proposed deferral D75-83 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 243

Resolved, That the House of Representatives expresses its disapproval of proposed deferral D75-83, as set forth in the message of October 31, 1974, which was transmitted to the Congress by the President under section 1013 of the Impoundment Control Act of 1974.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

PROVIDING FOR DISAPPROVAL OF PROPOSED DEFERRAL D75-84 TRANSMITTED UNDER SECTION 1013 OF THE IMPOUNDMENT CONTROL ACT OF 1974

Mr. EVINS of Tennessee. Mr. Speaker, I call up House Resolution 244, recommending that the House of Representatives express its disapproval of proposed deferral D75-84 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H.R. Res. 244

Resolved, That the House of Representatives expresses its disapproval of proposed deferral D75-84, as set forth in the message of October 31, 1974, which was transmitted to the Congress by the President under section 1013 of the Impoundment Control Act of 1974.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

PROVIDING FOR DISAPPROVAL OF PROPOSED DEFERRAL D75-85 TRANSMITTED UNDER SECTION 1013 OF THE IMPOUNDMENT CONTROL ACT OF 1974

Mr. EVINS of Tennessee. Mr. Speaker, I call up House Resolution 245, recommending that the House of Representatives express its disapproval of proposed deferral D75-85 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 245

Resolved, That the House of Representatives expresses its disapproval of proposed deferral D75-85, as set forth in the message of October 31, 1974, which was transmitted to the Congress by the President under section 1013 of the Impoundment Control Act of 1974.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

PROVIDING FOR DISAPPROVAL OF PROPOSED DEFERRAL D75-86 TRANSMITTED UNDER SECTION 1013 OF THE IMPOUNDMENT CONTROL ACT OF 1974

Mr. EVINS of Tennessee. Mr. Speaker, I call up House Resolution 246, recommending that the House of Representatives express its disapproval of proposed deferral D75-86 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 246

Resolved, That the House of Representatives expresses its disapproval of proposed deferral D75-86, as set forth in the message of October 31, 1974, which was transmitted to the Congress by the President under section 1013 of the Impoundment Control Act of 1974.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86-420, the Chair appoints as members of the U.S. Delegation of the Mexico-United States Interparliamentary Group the following Members on the part of the House: The gentleman from Pennsylvania, Mr. Nix, chairman; the gentleman from Texas, Mr. Wright; the gentleman from Texas, Mr. Gonzalez; the gentleman from Arizona, Mr. Udall; the gentleman from New York, Mr. Badillo; the gentleman from California, Mr. Ryan; the gentleman from Texas, Mr. Charles H. Wilson; the gentleman from California, Mr. Talcott; the gentleman from California, Mr. Rousselot; the gentleman from Arizona, Mr. Conlan; the gentleman from Ohio, Mr. Guyer; and the gentleman from California, Mr. Lagomarsino.

CONGRESS FIDDLES WHILE CONSTITUENTS ARE SMOLDERING

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, let us face the facts squarely: while Congress fiddles, our constituents are smoldering. Let us stop fiddling before they begin to burn.

Prior to the last congressional recess, I strongly urged that the House follow the example set by the Senate and cancel plans for the Lincoln's birthday recess. Once again, I am looking at the plight of the American people who are in turn looking to Congress and the administration to expeditiously provide relief for soaring unemployment—now at 14 percent in Rhode Island and 8.3 percent nationally and still climbing.

The Easter recess certainly can and should be confined to those holy days which fall between the close of business on Wednesday, March 26, and Monday morning, March 31. Also, we should give similar consideration to the Memorial Day and Independence Day recesses so that our time away from our urgent work in Washington is cut to a bare minimum. Perhaps after the July 4 recess, we could review the recess schedule for the balance of the year.

It is not enough to say that the committees are free to continue working, because as a practical matter most do not and could not even raise a quorum. Proof of this is the experience of the Senate in trying to conduct business during the last recess when it was extremely difficult to have a quorum present.

The attempt at justification, to wit, that Members need the time to know what their constituents are thinking and what their problems are, is ridiculous. We are all fully aware, or should be, that constituents feel the Congress is insensitive to their suffering. Anyone with nominal intelligence knows that what our constituents want and need is employment so that they can feed, house, and clothe their families.

I wholeheartedly concur with the editorial that appeared in the Providence Journal on March 10, which I include at this point in the Record:

WILL CONGRESS RECESS FOR 2 WEEKS?

If Congress follows precedent, both houses will take a two-week recess at the end of the month in celebration of Easter. Why two weeks, of course, is difficult to understand at any time. Most Americans manage to observe the holy season of Christianity between Good Friday and Easter Sunday.

The question of "why" is even more valid these days, with President Ford and the Congress trying in what seems to be good faith to reach a compromise in the public interest on the issues of tax cuts and energy. Talk of deadlines for necessary action is being focused around Friday, March 21, after which the Easter exodus normally would start.

But are these recesses necessary? Cannot the two houses confine their holiday time-off to the religious period of Good Friday, 28 March, up to and including Easter Sunday, March 30? The Christian tradition would be honored for those who wish to honor it; the public interest would be served by staying on the job as much as possible.

OCEAN THERMAL GRADIENT RESEARCH

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, I want to call my colleagues' attention to a very important part of the ERDA budget. This is the provision for the funding of ocean thermal gradient research.

As we know, the Sun is our greatest source of energy with more than 70 percent of the solar radiation falling on the Earth's oceans. The effect of this is that the Sun's rays heat the surface of the ocean to an average constant temperature of 20° C, 68° F, while only 1,000 meters below the surface the temperature remains at 5° C, 35° F. This temperature difference is known as an ocean thermal gradient.

The concept of producing energy by using these gradients has been with us since a French physicist, Jacque D'Arsonval, discovered it in 1881.

In 1929, George Claude built a shore-based ocean gradient powerplant in Cuba that produced 22 kilowatts of electricity. This operation proved the concept to be sound, but was an economic failure due to the technical inferiority of the plant design.

Recently, this idea was rediscovered and many people and groups are conducting research on the process.

The proposed powerplant would be either partially submerged far out in the ocean or on a stationary platform nearer to shore utilizing large quantities of both hot and cold ocean water. The warm water would be pumped through a heat exchanger, where it would cause a "working liquid" to become a high pressure vapor which would expand through a turbine to produce electricity. The cold sea water then cools the vapor so that it returns to a liquid state and the cycle is then repeated.

We have found that the greater the temperature difference of the ocean, the more efficient the process. Research has also shown that the most ideal situation for electric production near the continental United States would be in the Gulf Stream—which approaches very close to the southeastern coast, from North Carolina to the southern tip of Florida.

As the long-distance transmission of electricity becomes cheaper, the use of this essentially pollution-free and renewable source of energy will become more realistic.

While the production of large amounts of electricity by using the ocean's thermal gradients may sound largely futuristic, an intensive 9-month study has just concluded that the actual technology is available today. Further study is needed to develop the most efficient plant design, in particular, the choosing of the best "working fluid" to power the electric generator.

But, current estimates are that ocean thermal gradient powerplants could produce as much as 500 megawatts per plant.

In addition to providing power, these plants could also produce 60 million gallons of fresh water per day and assist in the breeding of shellfish which alone could yield over $1 million. Even without these additional benefits, researchers have concluded that a sea powerplant is economically competitive with fossil fuel and nuclear energy systems.

However, this industry has not had the amount of funds necessary for the concentrated research and development.

For this reason I urged the Subcommittee on Energy, Research and Development to increase the funding level for this project from $3.2 million to $11.2 million, which we did. I believe this increase is necessary if we want a comprehensive program to be established. In fact, in view of what is presently possible the amount is astoundingly small.

Scientists now say that a demonstration plant can be built by 1980 and that solar sea power will be economically competitive by 1985.

From the international view, it has been estimated that the ocean thermal gradient concept could provide 20 percent of the world's energy needs by the year 2000, especially to the countries located in the tropic zone.

We must fund and support the research in this infinite energy supply which could be applied almost immediately.

Ocean thermal gradient power production is already technically ready for the demonstration and development phases and with adequate funding, plants can be built to further explore this potentially infinite energy resource.

SECRETARY KISSINGER AND HUMAN RIGHTS IN CUBA

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, on March 1, 1975, Secretary of State Henry Kissinger delivered a major speech on U.S. policy toward Latin America. During that speech he spoke at some length on Cuba and indicated that the United States is "prepared to move in a new direction if Cuba will." The Secretary stated that any new policy will be largely based on Cuba's "external policies and military relationships with countries outside the hemisphere."

Nowhere was mention made of concern for political prisoners in Cuba or for Cuba's willingness to abide by international legal standards in the area of human rights despite the fact that the Secretary, at the conclusion of his speech, strongly supported the importance to the inter-American system of our common "assertion of the fundamental rights of man."

Clearly the Secretary's speech indicated the executive branch's readiness to change our Cuban policy, apparently with little specific regard to human rights issues. Before we go further down the road of again allowing human rights considerations to be the last and least important component of our policy, I believe that both the executive branch and Congress should carefully analyze the gross violation of fundamental human rights in Cuba and evaluate ways in which any changed U.S. policy might effectively encourage Cuban respect for fundamental human rights.

I call on Secretary Kissinger to halt what many have interpreted to be a rush toward normalization of relations with this hemisphere's most brutal dictatorship. Certainly U.S. policy must be based primarily on our own national interest and on another government's willingness to fulfill its international obligations but one of the most fundamental of those obligations is fair and just treatment of a country's own people and that factor should weigh heavily in our own deliberations on a Cuban policy.

Mr. Speaker, I support continuation of our present Cuban policy because it is in our interest and the long-term interest of the Cuban people. I do not believe we should impose our policy on others but we are entitled to the same consideration and should feel free to continue our present policy on a unilateral basis if OAS sanctions are removed. When and if Castro is willing to abide by international human rights standards, to respect other international laws with respect to nonintervention and effective compensation and to end military relationships detrimental to our security then we can consider a new and changed policy toward Cuba.

A BILL TO INCREASE EXEMPTIONS FOR ESTATE TAX PURPOSES

The SPEAKER pro tempore (Mr. RONCALIO). Under a previous order of the House, the gentlewoman from Nebraska (Mrs. SMITH) is recognized for 5 minutes.

Mrs. SMITH of Nebraska. Mr. Speaker, in these days of falling farm prices and rising production costs, U.S. consumers should be even more concerned than ever about the future of the family farm. Those of us from agricultural areas know that if we are to have a stable, adequate and reasonably priced supply of food and fiber in this country in the future, we must do more to encourage family-type farming and ranching operations.

One of the serious problems that threatens the future of this type of agriculture is the effect inflation has had on the application of Federal estate taxes upon the death of a farmer or rancher.

The bill I am introducing today would deal with this problem. In recognition of the inflation which has taken place since 1942 when the $60,000 estate exemption was adopted, this bill increases that exemption to $200,000 for all estates, not just those in agriculture.

Second, in recognition of the importance of the partnerships between husbands and wives in farming and other small businesses, the bill raises the marital deduction from 50 percent of the adjusted gross estate to $100,000 plus 50 percent of the total value of the adjusted gross estate.

The measure also establishes a procedure whereby farm estates could elect to be assessed at their value for farming purposes rather than at values for higher uses. If such an election is made, the bill provides that the land in the estate must remain in farming or ranching for a period of 5 years or the higher use value would be assessed and the higher tax would be collected. While the period of 5 years is arbitrary, it is felt that a longer term would create hardship by clouding the title to land in an estate and thereby impairing its collateral value. The advantages of the proposed election would be partially offset by other tax laws. Since the value for farming purposes established in settling the estate would become its base value, any future sale above that base price would be subject to taxation as capital gains.

Mr. Speaker, I believe this is a fair and equitable approach to a problem which carries a very real threat to the future of family farming and ranching operations, and I hope we will see prompt and favorable action on this legislation by the Congress.

H.R. 4808

A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternate method of valuing certain real property for estate tax purposes

Be it enacted by the Senate and House of Representatives of the United States of ***America in Congress assembled,*** That (a) section 2052 of the Internal Revenue Code of 1954 (relating to exemption for purposes of the Federal estate tax) is amended by striking out "$60,000" and inserting in lieu thereof "$200,000".

(b) Section 6018(a)(1) of such Code (relating to estate tax returns) is amended by striking out "$60,000" and inserting in lieu thereof "$200,000".

SEC. 2. The amendments made by the first section of this Act shall apply to the estates of decedents dying after the date of enactment of this Act.

SEC. 3. INCREASE IN ESTATE TAX MARITAL DEDUCTION.—

(a) Section 2056(c) of the Internal Revenue Code of 1954 (relating to limitation of aggregate marital deduction) is amended by inserting after "shall not exceed" in paragraph (1) "the sum of $100,000, plus".

(b) The amendment made by subsection (a) shall apply with respect to decedents dying after the date of enactment of this Act.

SEC. 4. ALTERNATE VALUATION OF CERTAIN REAL PROPERTY.—

(a) Section 2031 of the Internal Revenue Code of 1954 (relating to definition of gross estate) is amended by adding at the end thereof the following new subsection:

"(c) ALTERNATE VALUATION OF CERTAIN REAL PROPERTY.—

"(1) IN GENERAL.—If the executor of an estate so elects, the value of any qualified real property included in the estate shall be determined by its value for the use under which it qualifies, under paragraph (2), as qualified real property.

"(2) DEFINITION OF QUALIFIED REAL PROPERTY.—For purposes of this subsection, the term 'qualified real property' means real property substantially all of which is, and, for the 60 months preceding the date of death of the decedent, has been, devoted to—

"(A) farming (including the production of agricultural commodities and the raising of livestock),

"(B) woodland (including land use for the commercial production of trees and land used for scenic and recreational purposes), or

"(C) scenic open space.

"(3) ELECTION REQUIREMENTS.—An election under this subsection shall be filed with the Secretary or his delegate at such time and in such form and manner as he may prescribe and shall contain, in addition to any other matter, the name, address, and taxpayer identification number of the person to whom the property passes under the terms of the decedent's will or by operation of law.

"(4) REVOCATION OF ELECTION.—If property valued under paragraph (1)—

"(A) is sold or transferred, by or on behalf of the person to whom the property passed, within 5 years after the date on which the return of the tax imposed under this chapter was filed, or

"(B) is converted substantially to a use not described in paragraph (2) within that 5-year period by that person, the election made under this subsection shall be revoked and the difference between the tax actually paid under this chapter on the transfer of the estate and the tax which would have been payable on that transfer had the property not been valued under paragraph (1) shall be a deficiency in the payment of the tax assessed under this chapter on that estate.".

(b) Section 1014(a) of such Code (relating to basis of property acquired from a decedent) is amended by inserting before the period at the end thereof a comma and the following: "or, in the case of an election under section 2121(c) (relating to alternative valuation of certain real property), the value thereof as determined under such action for the applicable valuation date.".

SEC. 5. The amendments made by section 4 of this Act shall apply with respect to the estates of decedents dying after the date of enactment of this Act.

ASSISTING VIETNAMESE ORPHANS AND FACILITATING ADOPTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am today reintroducing two bills I first introduced during the 93d Congress to provide assistance for children in Vietnam and to facilitate adoption by American families for some of them.

Specifically, one bill would establish within the Peace Corps a special program, to be known as the Vietnam Assistance Volunteers program, with a mandate to provide medical, educational and other humanitarian assistance to those who have suffered hardship as a result of the continuing conflict in Vietnam. The other would simplify adoption procedures for and confer U.S. citizenship on Vietnamese-American children who are orphaned or abandoned.

For many years, the debate over the U.S. military presence overshadowed any real discussion over what our role should be toward meeting the very real, serious needs of millions of Vietnamese civilians—both adults and children—who suffered loss of relatives, homes and livelihood as a result of the conflict that was going on around them. As millions were forced into refugee camps or into the already overcrowded cities—and as children were forced to sleep in the streets and beg for food during the day—our attention was on getting our troops out of Vietnam.

We have not had military forces in Vietnam for 2 years now, but still the conversation of most Americans swirls not around what sort of humanitarian commitment we should have to the people of Vietnam, but rather over the question of supplemental military aid to the government of South Vietnam. The reports we hear daily of Communist forces attacking provincial capitals and hamlets should give us a sharp awareness that, beyond any question of military needs by the South Vietnamese forces, the necessity of humanitarian assistance is increasing markedly each day.

It is for this reason that I reintroduce my legislation to provide a workable, proven program of assistance to these people. Such a program would be a good supplement to the excellent effort to meet the needs of Vietnam's children which the Agency for International Development has developed through voluntary agencies already working in Vietnam.

The AID program has been in effect for over a year. Its concentration has been to prevent child neglect, child abandonment or placement of children in orphanages by offering alternatives to economically pressed families, while at the same time improving the health, sanitation, nutrition, facilities and management of orphanages. The effort also includes special programs for handicapped children, pediatric care and training and inter-country adoption.

The approach is a good one. It works directly through those agencies that have already been reaching out their hand to help those in need, and it gets the aid resources to these children in a way that gives them the maximum benefit.

But I think we can also make use of the spirit of volunteerism that the Peace Corps exemplifies. To simply pour in foreign aid materials is not enough. Much more can be accomplished by making use of the dedication, expertise, technological skills, and knowledge of those willing to devote a period of humanitarian service in South Vietnam.

Beyond this kind of program, we must do what we can to facilitate adoptions for those orphaned and abandoned children who have adoptive parents waiting for them here in the United States. In the 2 years since I first introduced my bill, great strides have been made in this regard. The amount of paperwork required to complete an adoption has been reduced, and steps have been taken to cut down the time needed to complete some phases of the adoption process.

Still, many families continue to face extended delays between the time they apply for an adoptive child and the time the procedure is completed. Some of these delays are clearly unavoidable. However, I continue to think that the approach I take in my bill would serve to speed up the process.

Perhaps most important, we will clearly indicate to the South Vietnamese that we are committed to the best welfare of these children through the provision bestowing U.S. citizenship on them. They will be encouraged to allow the children to leave South Vietnam by this indication that we want to provide them all the care, rights, and privileges that we grant all American citizens. It is my best estimate that there are some 100,000 Vietnamese children who were fathered by Americans—we cannot ignore our obligation to them.

The granting of citizenship and the requirement that the child must be placed with an adoptive parent or parents, approved by a licensed or properly accredited adoption agency in the United States, before the procedures of the act are effective, are the kinds of safeguards which will firmly demonstrate to the Vietnamese our commitment to the children.

The bill would make eligible for citizenship any Vietnamese-American child born in the Republic of Vietnam before January 1, 1974, of an age such that not more than 12 years have passed from the date of the child's birth to the date of enactment of the act, and placed within a family through a properly accredited adoption agency.

The President and the Secretary of State would be authorized to negotiate and make necessary agreements with the South Vietnamese Government to put the act's provisions into effect. Responsibility for certifying eligible children, working through and with properly accredited adoption agencies, and making arrangements to transport qualified children to their adoptive parents would be taken by the Department of State. Making use of State Department officials familiar with South Vietnam and the orphan problem will help avoid another level of bureaucracy which might well result with creation of a special agency to handle the orphan adoption process.

Two years ago, when I introduced these bills, I quoted Dr. Thomas Dooley's comments on his book, "The Edge of Tomorrow," concerning his medical efforts in Laos. They are no less pertinent, and they should give all of us pause:

> And especially I wanted to show that we Americans possess an instrument not too well developed, more powerful than any bomb yet devised. It is a force that can relieve ugliness and tragedy. It is the force of gentleness.

The bills follow:

H.R. 4810

A bill to confer United States citizenship on certain Vietnamese children and to provide for the adoption of such children by American families

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Congress declares that—

(1) during the course of the Vietnam conflict, thousands of children were fathered in Vietnam by United States citizens;

(2) current procedures for adoption of and granting citizenship to illegitimate children born in Vietnam make provision of assistance extremely difficult;

(3) the French, following their departure from Vietnam in 1954, offered citizenship and educational assistance to the illegitimate children of French soldiers;

(4) Americans have expressed the desire to adopt Vietnamese orphans of American extraction, so that they may receive the care and love which the disruptions and tragedies of the Indochinese war have denied them;

(5) if adoption procedures could be expedited and red tape eliminated, there would be homes for thousands of Vietnamese-American orphans; and

(6) the United States has a special responsibility to assist in facilitating the care and adoption of those children in South Vietnam whose parent is a United States citizen no longer providing parental care to the child.

Sec. 2. Notwithstanding the Immigration and Nationality Act, the children qualifying under section 3 shall be citizens of the United States.

Sec. 3. Each child shall be qualified for the purposes of this Act who, to the satisfaction of the State Department under such rules and regulations as the Secretary of State shall prescribe—

(1) was born in the Republic of Vietnam prior to January 1, 1974, and orphaned or abandoned;

(2) is of an age such that not more than twelve years have passed from the date of such child's birth to the date of the enactment of this Act;

(3) in all probability has or had one parent who was at the time of such child's birth a citizen of the United States; and

(4) is placed through an adoption agency in the United States licensed or properly accredited according to pertinent local, State, and Federal law with suitable parent or parents in the United States, with a preference for any natural parent of such child, who is or are willing to adopt the child upon its arrival in the United States.

Sec. 4. (a) The Department of State shall make the arrangements necessary to inform properly accredited adoption agencies in the United States of children potentially eligible for the benefits of this Act, and cooperate in the placement of such children under section 3(4).

(b) The Department of State shall make the arrangements necessary to transport children who are qualified under this Act to their adoptive parents in the United States at the expense of the United States.

Sec. 5. The President and the Secretary of State are authorized to negotiate and to make such agreements with the Republic of Vietnam as are necessary to effectuate the purposes of this Act while assuring that citizenship conferred under this Act is in accordance with the norms of international law and the treaty obligations of the United States.

Sec. 6. No person shall acquire any right, privilege, or status under the Immigration and Nationality Act by reason of such person's relationship to any child granted citizenship under the first section of this Act.

H.R. 4809

A bill to establish within the Peace Corps a special program to be known as the Vietnam assistance volunteers program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that—

(1) the United States has a moral responsibility to assist the government of South Vietnam in the care and protection of all South Vietnamese children, particularly those orphaned or abandoned, in relocation and settlement of refugees, and in medical care for victims of the Vietnam conflict;

(2) the spirit of volunteerism held by Americans can and should be applied effectively in helping those most in need of help, and there is a deep desire on the part of the American people to share in the rebuilding of war-torn Indochina by Americans of every age and persuasion who wish to make a personal commitment and contribution to the future of the peoples of Indochina;

(3) there are in South Vietnam millions of individuals who are innocent victims of a conflict which has left them and their country badly in need of assistance during the postwar period;

(4) it is imperative for the future of South Vietnam that the needs of these millions of children and refugees be attended to, since it is unreasonable to expect that they will find the resources to resurrect themselves after the war; and

(5) the dedication, expertise, technological skills, and knowledge of those willing to devote a period of humanitarian service in South Vietnam can be of immeasurable benefit to the people of South Vietnam and to the cause of peace and brotherhood in the world.

Sec. 2. There is established in the Peace Corps the Vietnam assistance volunteers program.

Sec. 3. The Director of the Peace Corps is authorized to enroll qualified citizens of the United States in the Vietnam assistance volunteers program for voluntary service, under such regulations as the Secretary of State shall prescribe, in civilian assistance in the Republic of Vietnam. The terms and conditions of enrollment, training, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of the citizens enrolled under this Act shall be the same as those established for volunteers (as that term is used in the Peace Corps Act) under the Peace Corps Act (22 U.S.C. 2501 et seq.).

Sec. 4. The civilian assistance provided under this Act shall be of the following types:

(1) refugee relocation assistance;

(2) medical assistance to war victims; and

(3) medical, educational, and material assistance to orphans.

Sec. 5. Under such rules as the Secretary of State shall prescribe, the Vietnam assistance volunteers program shall be permitted to utilize United States foreign aid materials located in any host country for the purposes of assistance under this Act.

Sec. 6. The President is authorized, upon agreement with the potential host nation, to extend the Vietnam assistance volunteers program to any of the following: Laos, Cambodia, and the Democratic Republic of Vietnam.

Sec. 7. The Secretary of State shall coordinate assistance offered under this Act with existing programs of assistance, including those sponsored by the United Nations and by religious, charitable, and other private organizations.

SAN ANTONIO—A CITY REDEEMED—III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, as a Nation we have lived through an extraordinary trauma, one in which we discovered that the very office of President was occupied by a man who could and would commit criminal acts; and confidence in our Government sank to a dismal level, a level that must have been the very nadir of the whole national experience. At about the same time, the people in the city of San Antonio discovered that they had been ill served and badly abused, as I have described.

People who have been abused do not readily renew any grant of trust. Anybody who has been burned is more careful than anybody who has never been burned. It will be a long time before the American people will again fully trust either the President or Congress, no matter who the President and Congress are, and no matter what they do. Public trust is not easily earned. It takes time. Just as our National Government struggles to redeem itself, the city government of San Antonio is faced with the task of renewing public confidence in its own realm. It is no easy task.

Yet in a free society, Government at every level must enjoy public support. No free government, at any level, can carry out its responsibilities without having the faith of the people behind it. Other systems rely on fear; our society is established on faith—faith in the honesty of each other, faith in the power of reason, faith that free minds will govern themselves in a way that preserves human liberty.

So free governments at every level struggle to discharge their stewardships with honesty, if they aim to survive. The city government of San Antonio, just as we in Congress, just as the President, must work hard to earn the faith and confidence of the people.

Part of that faith can be earned by the conduct of honest political campaigns—campaigns that are honestly and openly financed—and campaigns that inform people of how candidates feel, what they think, what they might do, if elected. If San Antonio's current campaign for city offices is characterized by that kind of honesty, rather than the fear and loathing, huckstered campaign of 1973, we will have a good start.

But words will not speak louder than actions. The next city government will have to prove by its deeds that it merits the support of the citizens.

A great part of the future San Antonio city government's public credit will depend on how the city addresses itself to the energy problem.

I have already suggested that the city should pursue its legal actions, and that this is one way of getting at least some compensation for the damages suffered by the avarice of Coastal States Gas Corp. It is also a way of helping assure that Costal States can be forced out of the city's energy future altogether, and that a future supplier can be developed—one independent of Coastal, and one that hopefully has some sense of responsibility toward its customers.

But the city can do more than that; it can do more than defend its legal rights.

For example, the city charter calls for the appointment of a utilities supervisor, whose job it is to oversee the utility regulation that is the city's responsibility. This office has never been properly filled. If the utility supervisor's function is properly discharged, the city council could have available to it the information that it needs to make a proper judgment on utility rate requests. The failure to gain information of this nature means that the city in the past has been forced to rely on what the utilities themselves were willing to provide—plus whatever a consultant could dig out, if indeed one were hired.

The consequence of this has been that the utilities have been virtually unregulated. The telephone company, for instance, is the focus of sensational charges regarding its rate practices—charges that the Texas rates have been inflated, that city council people have gotten preferential treatment for phone company contracts, charges of political slush funds, and all manner of other practices that mitigate against the public weal. In San Antonio, councilmen have received contributions for their campaigns from telephone company executives—Charles Becker, for instance, reported that he received $300 from the telephone company's chief San Antonio executive, back in 1973; another turned out to be getting some machine shop orders; and others received other favors. None of this has done much to foster public confidence in the city council, or helped people understand in any way why the telephone company wants more money. In these circumstances, it would be hard to grant a rate increase, even if one is justified.

In exactly the same way, the city council would have a hard time in justifying other rate increases. The electric utility wants an increase; the water board needs a rate increase—but the fact that the city has never adequately monitored any of these utility operations makes it hard for the city council to judge the cases, and difficult for the public to accept the validity of the council's decisions on rate questions. The council ought to go about its rate-setting responsibilities in the manner prescribed by the city's own charter, and step number one is to get a competent, credible, and continuing supervision over the utilities serving San Antonio.

One thing that could be done, would be for the council to rescind the current automatic fuel cost adjustment allowed on gas and electric utility bills. Instead, the city council should grant the adjustment charge only after an adequate showing that it is needed, and then only after every single cent of it is justified. As it is now, the utility gets a bill for fuel, and pays it—apparently without question. The consumers then have their utility bill adjusted to reflect the cost of fuel for that billing period—and pay it, or get their service cut off.

People do not have much confidence in this procedure, because San Antonio has in effect a cost-plus contract for utility fuel. Most people who have done business on a cost-plus basis take special pains to see that the costs are real and that they are properly charged. That is what should be done in the case of the fuel cost adjustment. People ought to be given some kind of evidence that a competent review of these costs is taking place.

A review of fuel cost adjustment charges would do a great deal to reassure a puzzled and outraged public that the charges are necessary—and likewise show when such charges are not necessary. This is the kind of thing that a good utilities supervisor could do—see that every cent of a fuel adjustment charge is accounted for. If there is no way to avoid these charges, the people who pay them have a right to know that they are getting billed for no more than a fair and reasonable amount.

Some might say that a review of this kind would delay billings and raise financial problems for the utility or its fuel supplier. But I cannot believe that the utility lacks financial reserves that would enable it to absorb whatever costs might be involved in checking things out once in a while, or that the gas supplier would be unwilling to cooperate.

I think that the city council should show a genuine concern for the problems of citizens, and for their real grievances.

For example: The State collects a sales tax not only on the gas and electricity used by the people of San Antonio, but on the fuel adjustment charge as well. It is debatable whether there should be any sales tax on these necessities of life at all—but it is an egregious error for the State to slap a tax on the fuel adjustment charge as well. Under this situation, the worse the shortage gets, the harder people are pinched, the richer grow the State's coffers. A great State like Texas ought not benefit so from the helpless plight of innocent people. So I think that the city council could bring forth a resolution, and diligently pursue it, asked the State legislature which is now in session, to do away with the sales tax, at least on fuel cost adjustment charges, if not on utility bills as a whole.

The city council might want to review the whole structure of basic utility rates. There ought to be a special effort made to assure that the structure of utility rates is not just adequate to meet the financial needs of the utilities—it ought to be a structure that is fair to people who have special needs, and fair to the consumers as a whole. I think that people are going to be willing to pay utility rates that they know are as fair as they can be. That can only happen if a complete review of the whole rate system is made. After all, these rates were made for a time when the realities of economics and energy were very different from what they are now. I think that people would like to know whether the rates are realistic in terms of today; whether those rates are working as they ought to work; and whether they have been given competent consideration by a trustworthy city government.

The city should recognize that it has a responsibility toward utility customers, even though the city itself is the owner of every utility except the telephone company. The people of San Antonio are entitled to having their needs voiced and heard; they are entitled to more than public relations treatments. Possibly San Antonio should have a consumer advocate to hear and process grievances with the utilities—an advocate whose job it would be to see that the publicly owned utilities are serving the public as well as possible. This is not to say that service is bad; it is very good. It is not to say that complaints are not heard. But I believe that the public is entitled to advocates of its own, so that they can have a better assurance that the utilities are doing their job. A little cross-examination never hurt any monopoly—even one that is owned by the public itself.

And I believe that the next city council would do well to have a full scale review of its proper rôle in the determination of future energy policy for San Antonio. The council ought to be certain that the city does have a plan for the future. It ought to be certain that any such plan will really work, and that it is in the public interest.

It is, in short, the job of any elected body to represent the public interest. That is our job; it is the job of every elected official. If we do that task well, our government functions well. If we do it poorly, our government functions poorly. We have to earn the faith and support of the people we serve—and so does every other elected government in this land.

San Antonio has to redeem itself—in part, by city government that merits respect and support.

ENERGY PRICE ENFORCEMENT AND COMPLIANCE BY THE FEDERAL ENERGY ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 20 minutes.

Mr. DRINAN. Mr. Speaker, in this last year, the United States has witnessed greatly escalating energy prices, prices which have severely taxed the average American's budget and purchasing power. Our constituents have responded to these increased costs by urgently requesting the Congress to prevent any further price hikes from going into effect.

In many cases, the increases are largely beyond the control of the Congress, as in the decision of the oil exporting nations to raise their prices. However, it must be pointed out that these high prices are not due just to the OPEC nations, or even to domestic taxes. Instead, the inadequate enforcement of energy price regulations by the Federal Energy Administration has largely contributed to the high level of today's prevailing energy costs. The Emergency Petroleum Allocation Act of 1973 gives the FEA the authority to prevent energy price abuse and overcharges, yet the FEA has been singularly deficient in insuring that these prices are no higher than they need be.

To insure that Americans are not paying inflated energy costs, I have introduced two pieces of legislation which are aimed at remedying the current situation. My first bill, H.R. 3715, requires the President to take all necessary actions to enforce strictly the regulations under the Allocation Act of 1973. The President must insure compliance throughout all regions of the United States, and report to the Congress within 90 days after the date of the act's enactment with respect to the compliance and enforcement actions that have been taken.

In addition, the executive branch would be required to specify the need for any new legislation or additional appropriations which are necessary to guarantee that energy price enforcement is fully implemented. The Federal Trade Commission is also empowered to monitor and investigate all actions taken by the President and his agencies in enforcing the regulations of the Allocation Act.

The second piece of legislation which I have introduced, House Resolution 251, directs itself to the potential conflict of interest situation which may occur within the Federal agencies. The resolution requests that the Department of Justice investigate the Federal Energy Administration with respect to any possible conflicts of interest which may exist in the agency. Should any violations be found, it is recommended that the Department strictly enforce the statutory provisions of the conflict of interest laws.

The current high cost of energy is a subject which elicits emotional responses from the American public. Consequently, it might be thought that attacking the energy price enforcement by the FEA is a ploy to divert attention from the real issues involved. However, there can be little doubt that substantial abuses in energy pricing are driving the cost of our available supplies to unwarranted heights. While it is difficult for the Congress to address many of the factors which are causing higher energy prices, there is no reason why we cannot insure that illegal energy price overcharges do not take place.

The Federal Energy Administration has itself admitted to the extent of the violations which are now being experienced in the energy marketplace. FEA investigations have turned up violations such as kickbacks and payoffs to brokers, excessive brokerage fees, excessive transportation and handling costs, violations of FEA mandatory regulations, and unnecessary offloading and physical movement of products to increase costs. The results of such practices have raised energy prices to intolerable levels, and now make it difficult for many families to pay their electricity bills and to heat their homes.

It is most illustrative, Mr. Speaker, to point to some of the specific violations which have recently taken place. Investigators have found cases of power companies, for example, paying as much as 80 cents per gallon for distillate oil that left the refinery costing about 20 to 30 cents. One single power company may have been overcharged as much as $15 million. In a number of instances, the price of fuel oil was raised 300 percent while the oil moved only a few miles from refiner to fuel storage terminal. This oil was later sold to utilities at a still higher price. Another practice which is fairly widespread involves charging the more expensive foreign price of $12 a barrel for oil that was actually drilled domestically and subject to a $5.25 ceiling.

The examples of price abuses and overcharges are legion, and I could continue to list many more. Yet little purpose would be served when the evidence is so overwhelmingly clear. Indeed, in a recent report by the Government Accounting Office, the huge magnitude of this problem was stated most clearly. Referring to violations committed by refineries alone, the GAO estimated that the total price tag for the consumer could be between $1 and $2 billion, a truly staggering sum. And this figure does not even account for overcharges and fraudulent practices which have been found at the retail, distributor, and broker level.

Mr. Speaker, there is no reason why the Congress cannot rectify this current state of affairs in the enforcement activities by the FEA. Not only can such abuses be halted, but to let them continue would amount to an abdication of responsibility on the part of the Congress with respect to our hard-pressed constituents. We must act to insure that illegal and fraudulent activities by energy producers and middlemen do not allow these groups to profit at the expense of the consumer.

STATUTORY BASIS FOR ENERGY PRICE ENFORCEMENT

The Emergency Petroleum Allocation Act of 1973 was designed to minimize the adverse impact of short term petroleum shortages. This goal was to be achieved through equitable restrictions on supply, cost, and profit. The act is the basic legislative authorization for the continued price control of petroleum products.

A second legislative enactment bearing on energy price enforcement is the Federal Energy Administration Act of 1974. This act provided for a reorganization of governmental functions on an interim basis to deal with energy shortages. The shortages. The FEA was given the task of: First, inventorying energy resources; second, developing a comprehensive national energy policy; and third, insuring that energy programs are designed and implemented in a fair and efficient manner. In keeping with that mandate, the Federal Energy Administration was required to promote stability in energy prices to the consumer, promote free and open competition, and prevent unreasonable profits.

In order to implement these legislatively imposed goals, the FEA and its predecessor, the Federal Energy Office, established a series of regulations which govern the allocation and price of crude petroleum and refined products. The allocation regulations evolved from a strict proration at 1972 supply levels during the Arab oil embargo to a more liberal proration at 1973 levels. These pricing regulations have remained relatively constant since they were first utilized.

Basically, the production of crude petroleum is subject to three price rules. First, monthly production up to the level of 1972 is controlled at a price of about $5.25 a barrel. Crude petroleum determined under this rule is termed "old oil." Second, production over the level of 1972, termed "new oil," and production from wells yielding 10 barrels or less a day, termed "stripper well oil," are not price controlled and can be sold at the existing market price, at about $10 a barrel. Third, for each barrel of new oil that is produced in a given month, a like amount of the old oil production is released from price controls.

As can be seen from the above, the pricing regulations governing the cost of energy are somewhat complex. Unless close oversight is maintained by the Federal Energy Administration, it is not difficult for energy producers, distributors, and retailers to elude the regulatory intent of the Emergency Petroleum Allocation Act of 1973.

ENFORCEMENT ACTIVITIES BY THE FEA

The FEA originally designated its regional offices as being responsible for compliance and enforcement activities in the energy pricing area. Because of the early need for trained auditors, actual compliance and enforcement work was performed by the Internal Revenue Service until the middle of 1974. These responsibilities were then transferred to the FEA on July 1, 1974.

In its initial investigatory work, the FEA used about 850 investigators who were hired and trained by the IRS. These investigators were heavily oriented toward seeking compliance and enforcement at the retail and wholesale level. The administration designated no auditors to monitor producers, and only a relatively small number were designated to audit refinery operations.

The decision to focus in on retail and wholesale energy outlets proved to be a major mistake. The audits of producer operations are crucial, since it is at this point of production that the type—new, old, stripper, or release—and consequent price of crude oil used in refineries, is determined. Unless an adequate program of verification exists at the producer level, there is no way to insure that consumers are not charged at expensive, new oil prices, rather than at the less expensive, old oil costs.

Instead of balancing its investigatory programs more evenly, the FEA's enforcement and compliance effort has been directed at the retail level due to the consuming public's sensitivity to this type of violation. The administration did uncover a great many violations in this area, uncovering 18,034 price violations resulting in refunds of $51.2 million in a period of only 3 months in the fall of 1974. The work which the FEA was able to accomplish was certainly commendable, but unfortunately, it was undertaken at the expense of enforcement activities on other refinery and distributorship levels.

In its report entitled, "Problems in the Federal Energy Administration's Compliance and Enforcement Effort," the GAO concluded that if such pricing controls are to work, the FEA will have to strengthen substantially its compliance and enforcement program at all levels. Otherwise, there could be no adequate assurance that firms are in substantial compliance with pricing regulations. The report continued:

> Specifically the FEA will need to devote considerable attention to audits of producers and wholesalers in view of the potential impact of pricing violations at each of those levels.

The GAO recommended that the FEA increase the size of its assigned staff for enforcement activities and that it use a "strike force" approach where a team of auditors would visit selected firms and review key facets of the operation.

Since the GAO report was released to the Federal Energy Administration, the FEA has taken a number of steps to improve their enforcement and compliance activities. "Project Escalator," a special Federal task force of 30 investigators, was assembled from FEA's current field staff to investigate the widespread price gouging involved in sales of fuel oil to public utilities. The investigation began in the South, and has since spread to the east coast and to the Midwest. It was hoped that the investigation would eventually reach the entire country. The Federal enforcement unit has also continued to crack down on retail units which are not in compliance with the pricing regulations.

I commend the Federal Energy Administration for attempting to right the many difficulties which beset their enforcement program. Yet it must be stated that their efforts are in the nature of "too little, too late." We are talking in terms of billions of dollars of overcharges and a problem of this magnitude cannot be solved through a task force of 30 investigators. Neither can we make serious inroads in reducing price gouging through investigations which are oriented only toward certain parts of the country.

Unless the Congress chooses to deregulate all forms of energy supplies, a move which I would strongly oppose, then we should rigorously enforce existing price regulations. To do otherwise would mean that we are utilizing an arbitrary system which does not effectively accomplish its mission. In the end, we are left with artificially inflated energy prices which pose severe burdens for lower and middle income groups.

CONFLICT OF INTEREST IN THE FEA

I would now like to turn to a subject which has troubled me greatly, that being the apparent conflict of interest which seems to exist within the Federal Energy Administration. As we have seen, the FEA is responsible not only for enforcement and compliance in the energy price area, but also for making recommendations to the President and administering vast Federal energy programs. Unless we in the Congress and the country as a whole can be sure that the FEA is undertaking its duties free from any bias, it leaves the judgments of that administration open to doubt.

In the fall of 1974, the General Accounting Office forwarded to the Justice Department two possible conflict of interest cases involving high level employees who were on leave from oil companies. The GAO report pointed out that both individuals had at least potential impact on Federal energy regulations relating to petroleum products. The GAO went on to say that their duties, including their involvement in commenting on energy office policies, "may possibly be in violation" of criminal statutes governing conflict of interest situations.

The two individuals mentioned above are no longer employed at the FEA, but the fact that they were hired initially indicates a certain laxness on the part of FEA officials in hiring former oil industry employees. Of even greater concern to me is the fact that in testifying before a congressional committee, Mr. John Sawhill, former Administrator of the FEA, said that he saw no violation of the conflict of interest statute in the assignment of one of the individuals to the FEA. This sort of attitude on the part of an Administrator of this agency does not promise greater scrutiny in the future in this area.

In August of last year, I inquired as to the number of former oil employees who were working in top grade policy jobs, with ranks of GS-13 and above. I was not concerned with low level employees nor clerical type staff, but rather, employees who might have meaningful input into Federal energy decisions. At that time, the Federal Energy Administration released to me the following figures: Fifty-eight figures held key jobs at GS-13 through GS-15 positions, while four more were in top grade policy positions, with ranks of GS-16 or higher.

The presence of these former oil employees working for the Federal Energy Administration is indeed worrisome. The Administration should easily be able to find perfectly competent economists and specialists to fill these jobs, without turning to the very industry that is being regulated. If the FEA is to maintain its credibility in the eyes of the American public as an objective energy policy maker, it will have to use much greater care than in the past in staffing its operations.

CONCLUSIONS: LEGISLATIVE PROPOSALS

Mr. Speaker, my preceding statement indicates that legislative action is needed on two fronts. First, the Federal Energy Administration must significantly expand its enforcement and compliance activities in the area of energy prices. Second, the House should recommend that the Department of Justice investigate any possible conflicts of interest within the FEA.

We can no longer delay in taking these legislative steps, as each day that passes results in further price overcharges to the utility companies and to the consumers themselves. The GAO concluded that price violations in the refineries alone could have accounted for between $1 billion and $2 billion in overcharges, and the FEA subsequently indicated that the actual figure was around $1.3 billion. Again, it should be emphasized that the total overcharge amount could reach many billions of dollars and, consequently, any delay here by the Congress would be unconscionable.

If the legislation which I have proposed is enacted, we could be assured that the Federal Energy Administration was free from possible conflicts of interest which now threaten its credibility. We would also be assured that, for the first time, the pricing regulations promulgated by the FEA would be enforced in an effective and forceful manner. Failing to take these actions, we in the Congress cannot legitimately maintain to our constituents that energy prices are not at artificially high levels.

For the benefit of my colleagues, I would now like to include the legislation which I have recently introduced:

H.R. 3715

A bill to require the President to take all necessary action to strictly enforce the regulation promulgated under section 4 of the Emergency Petroleum Allocation Act of 1973 and all orders issued under such Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress finds that—

(1) under the Emergency Petroleum Allocation Act of 1973, the President is directed to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products and dislocations in their national distribution system for the purpose of minimizing the adverse impacts of such shortages and dislocations on the American people and the domestic economy;

(2) although many actions of the President under such Act have helped to ameliorate the effects of such shortages and dislocations, prices of petroleum products, especially residual fuel oil, have continued to rise at alarming rates which have put or threaten to put an unfair burden on American consumers who use such products for essential purposes, such as heating their homes, or have these higher prices passed

on through excessive electric utility rates and charges;

(3) any illegal violation of the price provisions of the regulation under section 4(a) of the Emergency Petroleum Allocation Act of 1973 or orders issued under such Act is intolerable during this time of shortages, dislocations, and inflation; and

(4) it is essential and critically necessary to the success of the program under the Emergency Petroleum Allocation Act of 1973 and to the recovery of our Nation's economy that the President strictly enforce the provisions of such Act.

SEC. 2. The President shall take all necessary action to strictly enforce the regulation under section 4(a) of the Emergency Petroleum Allocation Act of 1973 and all orders issued under such Act so as to insure compliance throughout all regions of the United States and all sectors of the petroleum industry with such regulation and orders.

SEC. 3. The President shall report to the Congress within ninety days after the date of enactment of this Act with respect to all actions taken under section 2 of this Act and the need, if any, for new legislation or additional appropriations to carry out section 2 of this Act.

SEC. 4. The Federal Trade Commission shall monitor and investigate all actions taken by the President or his delegate to enforce the regulation under section 4(a) of the Emergency Petroleum Allocation Act of 1973 and all orders issued under such Act and report to the Congress from time to time with respect to the effectiveness of such actions.

H. RES. 251

Whereas Congress has found that it is necessary to establish a Federal Energy Administration to assure a coordinated and effective approach to overcome energy shortages;

Whereas the Federal Energy Commission is required, pursuant to its authority under the Federal Energy Administration Act of 1974, to take positive and effective action to conserve scarce energy supplies, to insure fair and efficient distribution, and maintenance of fair and reasonable consumer prices for, such supplies, to promote the expansion of readily usable energy sources, and to assist in developing policies and plans to meet the energy needs of the Nation;

Whereas it is critically necessary that the Federal Energy Administration exercise its responsibilities in a fair equitable manner, free from any influence which the conflict of interest provisions of title 18, United States Code, were designed to protect against. Now, therefore, be it

Resolved, That the House of Representatives requests that the Department of Justice investigate the Federal Energy Administration with respect to any possible conflicts of interest, and strictly enforce the provisions of chapter 11 of title 18 with respect to such conflicts.

RETIREMENT BENEFITS FOR SERVICES RENDERED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. HARRIS) is recognized for 5 minutes.

Mr. HARRIS. Mr. Speaker, yesterday I introduced a bill designed to assist approximately 7,000 current Federal employees who have worked in federally funded and supervised jobs, but who did not earn civil service retirement credit. Specifically, this bill would provide that service formerly rendered by a present Federal employee at a period when he or she was a State employee under a Federal-State cooperative program shall be creditable under the Civil Service Retirement System.

Several proposals dealing with these employees are under consideration by the Congress. My bill differs from others in that it clearly delineates in specific terms those persons, who by virtue of their former position in a cooperative Federal-State program, would be eligible. For example, among those entitled to benefits under my bill are persons in the State agricultural experiment station work, persons in the Federal-State cooperative vocational education program, and persons in the Federal-State cooperative program of highway construction authorized by the Federal-Aid Road Act. What all these groups of employees have in common is that: First, the function in which they worked was created by an act of Congress; second, it was administered by a Federal department; and third, it was financed wholly or in part by Federal funds.

Some opponents of this legislation argue that it is open ended, that making these employees eligible would open the door to an unknown number of State and local employees who work in programs supported by Federal funds. On the contrary, I believe that my bill strictly limits eligibility to the estimated 7,000 employees. The number of eligible persons is growing smaller every day because it narrows those eligible to the positions specified by law. However, it will not reach zero because Federal agencies will continue to go to their Federal-State counterparts for recruitment of qualified Federal employees.

This concept is not new. There are now approximately 34,000 Federal employees who formerly performed work as a State employee; 27,000 of them have already been granted creditable service for their former service. For example, the Congress, by Public Law 86–568 of July 1, 1960, brought under the Civil Service Retirement Act persons employed by county committees in the Agricultural Stabilization and Conservation Service. Additionally, other persons who are not Federal employees in the traditional sense have been brought under the Civil Service Retirement System such as employees of the District of Columbia, National Guard technicians, Peace Corps and VISTA volunteers, and employees of the regular or Reserve Corps of the Public Health Service. Thus, my bill would grant similar relief to the remaining 7,000 persons who have been overlooked.

My bill would not result in a substantial increase in the unfunded liability of the Civil Service Retirement Fund because it provides that those who wish to avail themselves of its benefits must make a deposit into the fund contributions for the period of their State service. The Civil Service Commission in January 1974 estimated that it would cost only about two-tenths of 1 percent of the current expense of the fund, including the unfunded liability.

In short, what I propose is to close the gap—to include, rather than exclude, these 7,000 individuals. It is imperative that during a time of rampant inflation and a deepening recession the Congress give prompt attention to the retirement needs of our citizens, that everyone have a respectable retirement which through years of hard work they have rightfully earned.

HEALTH BENEFITS FOR THE UNEMPLOYED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, the Department of Labor has just released the latest unemployment statistics and the sad truth is that some 7½ million American workers are still unemployed. This represents more than 8 percent of the labor force. Between last August and January of this year, joblessness rose by 2.6 million—a sharper increase than during any 5-month period since the monthly unemployment survey was begun.

One of the tragic consequences of the desperate unemployment situation is that the worker and his family generally lose their group health insurance coverage if the worker is not rehired within a few weeks. The unemployed worker also generally loses any contribution that his former employer had made toward the premiums.

Moreover, group health insurance costs about half as much as an individually purchased policy. Thus, if the unemployed worker decides to convert to an individual policy after his group health insurance has expired, he must not only purchase a more expensive form of health insurance, but he must pay the full cost at a time he can least afford it.

In response to the surge of unemployment in the latter half of 1974, the 93d Congress enacted legislation to provide an additional 13 weeks of unemployment benefits and broadened the coverage of the program. While these needed additions will benefit millions of unemployed workers and their families, the hard fact is that the average unemployment check is only about $65 per week. This is not enough to meet the immediate demands for food and shelter and other basic necessities and certainly not enough to cover the cost of health insurance.

Many workers are finding it necessary, therefore, to forgo health insurance, hoping that the family will be able to defer medical care until after the worker has found new employment. This can be a tragic mistake for those families that are not so fortunate and if a family member is hospitalized they must pay the bills somehow.

Mr. Speaker, my colleague from New Jersey (Mr. DANIELS) and I have introduced legislation—H.R. 4600—that would provide those who are unemployed and their families with inpatient hospital care, outpatient hospital services, physicians' services rendered in hospitals, and laboratory tests and X-rays. These benefits would be provided only where the worker or family member is not eligible for benefits under any employer-sponsored health benefits plan.

Briefly outlined, the proposal that Congressman DANIELS and I introduced does the following:

Provides coverage for inpatient care—including physicians' services—outpatient services, and laboratory and X-ray services for persons—and dependent spouses and children—who are entitled to receive unemployment compensation benefits under any Federal or State unemployment compensation program. Coverage would continue for 4 weeks after eligibility for unemployment compensation benefits ended.

The amount, duration, and scope of these services would be equal to what is included under each State's medicaid plan, as of January 1, 1975. In the case of Arizona, which did not yet have a medicaid plan in operation on that date, the benefits would correspond to those the State has indicated will be available when the program becomes operational.

The Secretary of Labor would enter into agreements with each State to provide 100 percent of the costs plus administrative costs to the State agency that administers the medicaid program. The State agency would in turn reimburse hospitals and physicians for the health services they provide the unemployed under this program. Hospitals would be required to accept the payments as determined by the medicaid program as full reimbursement, but physicians would be allowed to bill individual patients additional fees if the payment from the State agency did not cover the costs of their services.

The States' unemployment compensation offices would be required to issue certification of eligibility to those entitled to receive unemployment compensation benefits which would also be conclusive proof of eligibility for health care when presented to the health service provider.

The program would not provide coverage for those entitled to other third-party coverage or whose spouses had or could obtain family coverage under a private health insurance program.

The emergency program would be in effect until October 1978, but only while unemployment rates exceeded 6 percent. The annual cost of this proposal is estimated to be less than $2 billion—based on 6 million unemployed a month who are eligible for unemployment compensation benefits.

For administrative convenience, medicaid agencies would be responsible for paying the hospital and physicians bills with the Federal Government reimbursing the State 100 percent out of general revenues. Although the unemployed who would qualify under the proposal would have no direct connection with medicaid, the use of the established and functioning medicaid agencies would be a substantial administrative convenience. This system will, I believe, make it possible to put the new program into effect more quickly and efficiently than proposals that would require entirely new administrative arrangements with innumerable complex requirements. That is a major drawback, in my opinion, of proposals that would require State or Federal agencies to make arrangements with hundreds of insurance organizations and thousands of employers for the continuation of unemployed workers' health insurance.

The approach I am sponsoring also recognizes that relatively few families will actually need hospital benefits while the worker is unemployed. Unlike proposals that would require payment of premiums from week to week for every unemployment insurance beneficiary, this program would apply only when the actual need for payment for health services arises.

This is a very significant advantage from a cost standpoint, but also because the implementation of the program would not have to be deferred while numerous and possibly unnecessary transactions were being made.

Moreover, the use of the medicaid system would assure that payments would be subject to cost, quality, and utilization controls. The Federal Government would be liable for only the benefit costs and the costs of administration. It would not be necessary to spend tax dollars to pay risk charges, profits, advertising costs, and other components of health insurance premiums that are not relevant to medicaid's operation.

This legislation is also more equitable than other proposals for it would not limit eligibility to those who previously had health insurance. Many workers, notably in the construction industry, have chosen to negotiate for wage increases instead of employer-sponsored health insurance. And other workers, for any number of reasons, simply do not have health insurance. Indeed, an estimated 40 million Americans are not covered by health insurance. These people would receive no help under proposals that link benefits to previous group coverage, even though they are not able to finance health insurance during periods of unemployment any better than employees who had lost group coverage.

Similarly, I question whether it is equitable to use Federal money to provide better health insurance for some workers than for others, as would be the case under proposals to subsidize the worker's previous coverage.

Mr. Speaker, I have studied the various bills that have been offered, and I believe that this bill best meets the crisis situation that faces us. But it is far from perfect. It would do nothing for the "working poor"—those who are employed for wages that permit only a mere subsistence. These groups are also in desperate need of help, but this is a problem that must be dealt with in this Congress by the enactment of a comprehensive system of national health insurance. Although we have not yet reached a consensus on the many major policy issues that must be decided before a national health insurance program can be enacted, this is insufficient reason to do nothing for the mounting numbers of unemployed.

The Congress should not delay action on this temporary, stop-gap measure that would build on proven programs and preserve the independence of millions of workers who are victims of the sudden recent economic downturn. A section-by-section analysis of H.R. 4600 follows:

UNEMPLOYMENT HEALTH SERVICES ACT OF 1975—R.R. 4600

Section 1—Provides that this Act may be cited as the "Unemployment Health Services Act of 1975."

Section 2—Amends the "Comprehensive Employment and Training Act of 1973" by redesignating Title VII as Title VIII and making appropriate changes in section numbers and in references to such title and section numbers. Adds a new Title VII as follows:

TITLE VII—HEALTH SERVICES FOR THE UNEMPLOYED

Authorization of appropriations

New Section 701—Authorizes appropriations of such sums as may be necessary for any fiscal year ending prior to October 1, 1978 in which the seasonally adjusted national rate of unemployment exceeds six percent. Such funds are to be used to carry out the provisions of this title. Any amounts appropriated in a fiscal year which are not obligated prior to the end of such year shall remain available for obligation during the succeeding fiscal year.

Federal-State agreements

New Section 702(a)—Provides that each State which through its Governor enters into an agreement with the Secretary of Labor under this Title shall receive payments pursuant to Section 702(b).

New Section 702(b)—Specifies that an agreement with the Secretary under this Title shall provide for payment (in advance or by way of reimbursement) by the Secretary to the State Agency which administers (or supervises the administration of) the Medicaid program in the State (hereinafter referred to as the "single State Agency.")

Payments are to be equal to 100% of the amounts expended by such agency for payments for the costs of health services (pursuant to Section 704) provided during a week of unemployment (or other period described in Section 705) to an individual (or the spouse or child of such individual living in the same household) who is eligible to receive payment of:

(1) assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974,

(2) emergency compensation under the Emergency Unemployment Compensation Act of 1974,

(3) regular or extended compensation under an unemployment compensation law which is approved by the Secretary under section 3304 of the Internal Revenue Code of 1954, or

(4) compensation under any other State or Federal unemployment compensation law.

Payments to the single State Agency shall include amounts equal to the reasonable administrative costs of making payments for health services.

New Section 702(c)—Requires a Federal-State agreement to provide:

(1) that the State Agency which administers the unemployment compensation law in the State shall be charged with determining eligibility under this title. Such agency shall issue to each individual a certificate of eligibility whch must state the name of the eligible individual, the name of any spouse or child living in the same household, and the termination date of eligibility.

The certificate of eligibility shall, when presented to any provider of services, be considered conclusive proof of eligibility.

(2) that the State agency which administers its unemployment compensation law shall, in carrying out its responsibilities under clause 1, coordinate with the single State agency and provide such single State agency

with such information as is necessary for it to perform its required functions.

(3) that the single State agency shall regularly provide the Secretary with such information as he may require with respect to payments made by such agency under section 704 and the associated administrative costs.

New Section 702(d)—Provides that the Secretary, in entering into and carrying out agreements under this title, may request assistance from other appropriate Federal agencies.

New Section 702(e)—Excludes from the definition of eligible "spouse" any employed spouse who is covered by (or who upon application would be able to obtain coverage) by any employer-sponsored or administered plan or any plan toward which an employer makes a contribution for health services which extends protection to the spouse and children of such spouse.

Health Services Covered

New Section 703(a)—Provides that payments may be made under the program for the following services only:

(1) inpatient hospital services (other than services in an institution for tuberculosis or mental diseases),

(2) outpatient hospital services,

(3) other laboratory and X-ray services, and

(4) physicians' services furnished by a physician (as defined in section 1861(r)(1) of the Social Security Act) but only when rendered in a hospital.

New Section 703(b)—Provides that the amount, duration, and scope of covered services shall be equal to the amount, duration, and scope of covered services made available under the State's Medicaid program on January 1, 1975 to "categorically-needy" recipients. In the case of a State which did not have a Medicaid program in effect on that date, the amount, duration, and scope of services under this title shall be equivalent to that which the Secretary determines will be made available to "categorically needy" individuals under Medicaid.

Payments for the Cost of Health Services

New Section 704(a)—Provides that the single State agency shall pay the reasonable cost (or the reasonable charge in the case of physicians services) of health services provided to eligible individuals during weeks of unemployment or during a period described in section 705. Reasonable costs and charges shall be determined under methods and standards consistent with Section 1122 of the Social Security Act which shall be developed by the single State agency and reviewed and approved by the Secretary and (after notice of such approval) adopted by such agency.

The reasonable costs or charges paid with respect to covered services may not exceed the amount which would be determined under Section 1842(b)(3)(B) (which defines reasonable charge under Medicare) or Section 1861(v) (which defines reasonable cost under Medicare) of the Social Security Act.

New Section 704(b)—Provides that payments may only be made to a hospital if such hospital agrees to accept such payment as payment in full for covered services.

New Section 704(c)—Provides that the single State agency may not make a payment for covered services unless it has taken all reasonable measures to ascertain legal liability of third parties to pay for such services. The agency is further prohibited from making payments for services unless, where third party legal liability is found to exist, such agency seeks payment or reimbursement, whichever is appropriate, for such services to the extent of such liability.

Continuation of payment for health services

New Section 705—Requires the single State agency to continue to make payments:

(a) for health services which are provided to an eligible individual or his eligible spouse or child in any of the four weeks which immediately succeed a week in which the individual is eligible to receive unemployment compensation benefits, and

(b) for inpatient hospital services (and physician services in a hospital) provided to an eligible individual or his eligible spouse or child during any period of hospitalization which commenced during a week in which he was eligible to receive unemployment compensation benefits or during any of the four weeks immediately succeeding such week.

Effective date

New Section 706—Provides that agreements entered into by a State with the Secretary shall be entered into within 30 days of enactment.

Applicability of the Medicaid programs

New Section 707—Provides that to the extent appropriate and consistent with the purposes of this title, payments by a single State agency for health services shall be subject to the same limitations, conditions of payment, and utilization review requirements currently applicable under the State's Medicaid program.

A BILL AUTHORIZING APPROPRIATIONS FOR FISCAL YEARS 1976 AND 1977 FOR BOARD OF INTERNATIONAL BROADCASTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, at the request of the executive branch, I am introducing today a bill to authorize appropriations for fiscal years 1976 and 1977 for carrying out the Board for International Broadcasting Act of 1973.

As drafted by the executive branch, this bill would provide an authorization of $65,640,000 for fiscal year 1976 and "such sums as may be necessary" for fiscal year 1977.

The Commitee on Foreign Affairs will hold hearings on this bill in due course and submit its recommendations for consideration by the full House. Until our committee reviews and acts upon this legislative request, therefore, I am not committing myself at this time to support any specific figure or language contained in this bill.

The executive communication and the text of bill I am introducing today are as follows:

BOARD FOR INTERNATIONAL
BROADCASTING,
Washington, D.C., February 4, 1975.

Hon. CARL B. ALBERT,
The Speaker, U.S. House of Representatives,
U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: The Board for International Broadcasting encloses and recommends for your consideration proposed legislation to amend the Board for International Broadcasting Act of 1973, as amended, to provide authorization for appropriations for fiscal years 1976 and 1977.

The authorization sought by this bill will provide for the operations of the Board for International Broadcasting in fiscal year 1976 through 1977 and for the continuation of grant assistance to Radio Free Europe and Radio Liberty. It continues to be the position of this Administration that the broadcasts of these Radios to Eastern Europe and the Soviet Union contribute significantly to international peace and serve the interests of the United States.

The Office of Management and Budget advises that enactment of the proposed legislation would be in accord with the President's program.

A letter similar in content is being sent to the President of the Senate.

Sincerely yours,
DAVID M. ABSHIRE,
Chairman.

H.R. 4699

A bill to authorize appropriations for fiscal years 1976 and 1977 for carrying out the Board for International Broadcasting Act of 1973

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That Section 8(a) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877 (a)) is amended—

(1) by striking out "$49,990,000 for fiscal year 1975, of which not less than $75,000 shall be available solely to initiate broadcasts in the Estonian language and not less than $75,000 shall be available solely to initiate broadcasts in the Latvian language" in the first sentence and inserting in lieu thereof "$65,640,000 for fiscal year 1976 and such sums as may be necessary for fiscal year 1977"; and

(2) by striking out "fiscal year 1975" in the second sentence and inserting in lieu thereof "fiscal year 1976."

NO MORE MILITARY AID FOR CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, today the congressional delegation that recently went to Indochina appeared before the House Foreign Affairs Committee to present Members' views on supplemental aid to Cambodia.

What I saw there convinces me that further military assistance to Lon Nol would be not merely wasted, but actually harmful to friend and foe alike. I appreciate the opportunity to share my thinking with other Members of this body who will soon have to vote on extending military aid:

TESTIMONY BY REPRESENTATIVE BELLA S. ABZUG

Mr. Chairman. I appreciate the opportunity to come before you this morning to comment briefly on an Administration request to remove the ceiling on U.S. aid to Cambodia and specifically to appropriate $222 million more in military aid.

This is incorporated in HR 2704, introduced February 4th by Mr. Morgan of Pennsylvania and Mr. Broomfield of Michigan at the request of the Administration. That bill was referred to the Foreign Affairs Committee, where it is now pending.

This bill would remove the ceiling that Congress has set on aid to Cambodia. That ceiling, incidentally, was not some afterthought. Indeed, the Foreign Aid Authorization Bill came to the House floor in December without any Cambodia ceiling in it. It was only added after Mr. Conte took leadership in offering the amendment and then beat back two efforts to weaken it on the floor.

In conference, the total amount of military aid approved was $275 million for Cambodia for FY 75—$200 million under the ceiling and a special $75 million available under the draw down authority. Now, only a few weeks later the Administration is requesting another $222 million—an 80% increase!

Mr. Chairman, as you know, I had the opportunity two weeks ago, along with several of my colleagues, to visit Cambodia and South Vietnam. I made no secret of the fact that I went to South Vietnam and Cambodia opposed to any further military aid there. I expected to find a continuing war to which I have been opposed since its inception. I was not prepared, however, for what I was to find on this visit. The degree of human misery, corruption, and political repression caused by American support of the Thieu and Lon Nol governments, quite frankly, exceeded anything I had seen on a brief visit to South Vietnam two years ago. I have come back with the deepened conviction that we must extricate ourselves from that quagmire immediately. We are not doing the Cambodians any favor by continuing to pour in arms and perpetuating the carnage.

But, people ask me, what about our commitments? Won't we be breaking our word and creating distrust of U.S. intentions?

The record shows that the Congress has never made a commitment to the survival of any government in Cambodia. The Administration may have made a unilateral commitment, but this Congress never joined in. Under close questioning by members of the Foreign Affairs Committee in November, 1970, when the first request for U.S. military aid to Cambodia was made, then Secretary of State Rogers repeatedly said that U.S. military assistance to Cambodia was not related to any SEATO commitment. It was, in fact, not related to any treaty commitment. It was tied to the withdrawal of U.S. troops in Vietnam and the success of the Vietnamization program, both of which have now been completed. For example, Mr. Kazen asked: "Mr. Secretary, just exactly what is our commitment to Cambodia at this time?" Secretary Rogers replied: "Really, we have no commitment. We have no treaty obligations with Cambodia."

We don't have a legal commitment to Cambodia. Certainly the Congress has no commitment to a war that was started illegally by the Nixon Administration and continued without regard for the will of Congress or the American people. What we have, basically, is a month to month lease. The Administration asks us for money, we appropriate it, or we cut it, or we refuse it. Any time Congress wants to terminate the arrangement it can. Last December we in Congress said we would pay $275 million for military aid to Cambodia for the fiscal year ending June 30th. Now, the Administration is back, asking for that 80% increase. But we don't have to agree to it. There is no commitment. If they can convince us on the merits, fine. But not by speciously arguing some sort of commitment.

Well, we're told, maybe you don't have a commitment, but you have a "moral obligation." I'm not quite sure what that means. To whom do we owe our moral obligation? Is it to General Lon Nol and the narrow group of people around him who hold power and run a corrupt regime? What morality binds us to that small group of men?

If we are told that we have a moral commitment to the Cambodian people to continue the war, they may wish we hadn't cared so much. Since 1970, the United States has dominated Cambodia, first with our troops, then with our bombs, then with our dollars. During that period, more than half of all Cambodians have become refugees with 60,000 new refugees in January of this year. By official count, civilian casualties in Cambodia during 1974 averaged 7000 per month for a total of 84,000 (Kennedy Subcommittee, January 27, 1975 report). Will sending more arms to be used by both sides carry out some sort of "moral obligation" or will this just inflict more pain and suffering?

But, others argue, think of the terrible bloodbath that will occur if we stop sending arms to Cambodia. We must prevent that from happening. I know we are all concerned about bloodshed, and are aware of the possibilities of violence in a rapid change of government in a wartime situation. But let's look at the record. When our delegation was in Cambodia, we were told by U.S. officials that FANK claimed 4260 Cambodian armed forces personnel had been killed in the first 50 days of this year—just about the same number who were recruited in the same period. Some 15,000 people were wounded in the countryside in January and February. According to estimates of our embassy, about 30,000 people were killed or wounded in two months. Other more dispassionate observers report killed and wounded on both sides, including civilians, total about 25,000 a month. In the bill now before you, the Administration proposes to fund that war until June 30th. Based on the experience so far this year, 100,000 people who are alive today in Cambodia will be dead or wounded by July 1. Is this not a bloodbath? And this carnage has been going on in Cambodia since 1970.

Just imagine yourself addressing a crowd of those 100,000 Cambodian men, women and children in front of the Capitol and someone shouts up the question: "Why do we have to die or be wounded, with our hopes and dreams shattered, our bodies mangled?" What can you tell them? That you are doing it so you can avoid a bloodbath? This argument defies reality and common sense.

For awhile we were told that this new military aid was to "stimulate negotiations." That hope—if it was ever real—is long since gone. Even the U.S. Ambassador, John Gunther Dean, admits that there is no chance of saving the Lon Nol regime. Secretary of State Kissinger, unenthusiastic about the negotiation situation, is unwilling to even get involved in negotiating the transfer of political power which is inevitable. He still talks in terms of military strength. Yesterday, CIA director William Colby told House members that he was pessimistic about the ability of the Cambodian government to survive even if it receives more U.S. military aid. Assistant Secretary of State, Philip Habib, has said that he could not guarantee that the $222 million would produce a negotiated settlement. Even Senate Minority Leader, Hugh Scott (R-Pa.), feels that the U.S. should get the refugees out which would "lead to some change of leadership at the top, some sort of transition government." Lon Nol, although his remarks were originally misinterpreted, has made it clear that he does not intend to resign. Members of his own party are urging him to step down, but he will not do so. In this situation, what can the United States do?

The best solution, it seems to me, is to fly to safety Lon Nol and his supporters who are considered "collaborationists" by the Khmer Rouge. If this is done, there will be no occasion for a "bloodbath" such as the Administration predicts. We must remember that this is a civil war in which brother fights brother, largely at the original instigation of a foreign power—the United States. So let us rescue those to whom we feel a commitment, and leave the others to settle their affairs in peace. Sooner or later, this must happen in any case, and 100,000 lives may be saved by having it happen now.

The very weapons and ammunition that we airlift to Lon Nol are being captured and used by the Khmer Rouge against those we are supposed to help. Thus, in effect, we are arming both sides to continue the killing.

Negotiations for surrender and replacement of the Lon Nol regime are now the only possible kind of negotiations. Secretary Kissinger should turn his talents to this area. Friendly and neutral countries should be asked to help open negotiating channels for a cease fire.

Then, I urge orderly distribution of the food and medical supplies that we all agree are needed. This must be done through international organizations, because Lon Nol is diverting from the people to the army the food we are sending him. I cannot express the shock I felt upon seeing starving mothers and children, and then learning that they did not get the food we supposedly sent to them. This must not be allowed to happen.

Given a hopeless situation, let us not respond blindly or stubbornly. Let us not force Asians to continue killing each other to maintain our false pride. We have not "lost" Cambodia—we never had Cambodia. Let us help its tormented people to rebuild their shattered lives.

LEGISLATION TO REQUIRE FAA REGULATION OF SST NOISE LEVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SCHEUER) is recognized for 60 minutes.

Mr. SCHEUER. Mr. Speaker, the Federal Aviation Administration has recently recommended that the Anglo-French supersonic airliner, the Concorde, be permitted to fly into New York's John F. Kennedy Airport and into Dulles International Airport on a regular commercial basis. I need not inform you, Mr. Speaker, nor my colleagues, that the supersonic transport can produce a degree of noise, vibration, and pollution that is a danger to our health and a hazard to public safety.

Accordingly, I am introducing legislation requiring the Federal Aviation Administration to regulate the noise level of the SST by the same standards by which it now regulates subsonic aircraft. To this effect, I am introducing a bill to amend section 611 of the Federal Aviation Administration Act which empowers the FAA to set noise-level standards.

In FAA regulation, FAR-36, the noise decibel level limit for all subsonic planes constructed since December 1969 is 108. The Concorde produces a noise level of 117.8. Still more injurious than its noise, I am told, are its profound low-frequency sounds that cause pictures to rattle and glass to shatter.

If we here in Congress fail to act, we will be abdicating our responsibility for the public health, welfare, and safety to the Federal Aviation Administration which, by default, will make its own decision on whether to let the Concorde and all future supersonic aircraft fly into our airports.

I do not wish the Congress or the FAA to take unilateral action against a specific foreign plane, particularly one that was produced by our friends, the British and the French, at enormous cost. The bill is in no way intended to cripple the economics nor the aviation programs of our longtime allies. What I am urging is that no exception be made to the health and welfare regulations which we employ to govern our own domestic aircraft.

I am informed that the British and the French have long been aware of our noise control laws and regulations. I regret that they did not take these laws and regulations into sufficient account when they designed and constructed the

Concorde. I very much hope that our noise laws and regulations will be a major factor in the design and construction of all future aircraft on both sides of the Atlantic.

I am confident that in support of this bill, we will be able to count on concerned colleagues on both sides of the aisle.

ENOUGH WAR IN CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. LEGGETT) is recognized for 5 minutes.

Mr. LEGGETT. Mr. Speaker, more than a month ago, on February 3, I testified in opposition to the administration's request for an additional $222 million in military aid to Cambodia. Since that time the situation for the residents of that tragic country has grown steadily more perilous, and the policy problem for us in Washington increasingly more acute.

The result is that we are now sitting squarely on the horns of the dilemma created by our disastrous errors of the past in Cambodia. From the very beginning in May of 1970, which was bloody here in the United States as well as for the Khmer people, the administration has followed a policy totally opposed to the interests of both the American and the Cambodian peoples.

First we aided and abetted the coup d'etat against Prince Sihanouk, one of the few leaders who was maintaining at least some semblance of neutrality as between us and the Communist states, in favor of a military dictator whose lack of legitimacy is exceeded only by his incompetence. Then our leaders chose to exploit that "coup" by conducting the so-called "incursion" into Cambodia, which caused such agony in the United States and also gave impetus to the civil war between the Lon Nol regime and the Khmer Rouge.

That, of course, we were told was strictly for the purpose of eliminating the North Vietnamese "sanctuaries" in Cambodia, which was deemed essential to the prosecution of the war in Vietnam, and did not involve any commitment to the new government of Cambodia. But naturally our Cambodian friends, as a result of their aid to the cause of the Thieu regime, were then eminently deserving of economic and military assistance to enable them to cope with the civil war rapidly spreading in their own country.

In the ensuing years what started with the "incursion" has grown into one of our largest aid programs. Furthermore, immediately after we in the Congress had limited this year's military assistance program to the not inconsiderable sum of $275 million, the administration sent us a request to raise the total to almost half a billion. And there are those who are saying that we now have a commitment, moral or otherwise, to continue indefinitely supporting the embattled regime in Phnom Penh.

To me the real issue is not whether additional assistance would enable that government to survive. Continuing assistance may or may not keep Lon Nol or his potential successors from falling for a few more months, or even a few more dry seasons. That is an open question, although CIA Director Colby's recent testimony that he is "deeply pessimistic" about the regime's ability to survive certainly does not give cause for added confidence in the judgment of the Ford administration.

The fundamental question, however, does not involve the probability of the current government's surviving. What is really at issue, as is brought out well in a recent editorial in the Sacramento Bee, is whether we in the United States want to prolong the fighting and killing in Cambodia. If we have an obligation, it is to serve the interests of our own and the Cambodian people, not to prop up a totally bankrupt regime.

There is no morality in continuing to support the Lon Nol government. We must reverse the gradual and unarticulated escalation of commitment to that government which has occurred since 1970. If we are to play a political role in stopping the fighting, moreover, we must divorce our policy from that government.

In my view, a recent column by T. D. Allman of the New York Times points the way to a more viable policy. We must end our belief in the fiction that Lon Nol is the legitimate leader of a legitimate government. Prince Sihanouk and the Khmer Rouge continue to refuse to negotiate with that regime, and we must stop insisting that that is the only form which negotiations can take.

A willingness on our part to negotiate directly with the Prince and the Khmer Rouge might break the stalemate. Continuing our current variety of interventionism can only diminish whatever chances there are for negotiating the restoration of a neutral and democratic Cambodian State. I think we should recognize the Prince and start negotiating now, before there is nothing left to negotiate.

Permit me one final observation stemming from reflections about earlier wars. The English historian E. H. Carr, who wrote of the period between the World Wars, said that history cannot repeat itself because men, affected by their knowledge of what transpired in the past, do not allow it to occur again. Yet if we continue to subsidize the Cambodian war we will be doing just that. As Mr. Allman says, we will be doing what epitomized Watergate and was the essence of the Vietnam tragedy—refusing to admit that we had made a fundamental error of judgment. If the opportunity presents itself to cast a vote on the Cambodia issue, I urge you to vote to reverse that error.

At this point I would like to include in the RECORD the Sacramento Bee editorial and the Allman column that I referred to earlier, so that you may have the full benefit of their analysis of the issue:

[The Sacramento Bee, Feb. 27, 1975]

CAMBODIA: ENOUGH'S ENOUGH

President Gerald Ford is dead wrong when he says the controversy over his request for an extra $222 million in military aid for Cambodia is a "moral question."

In truth the moral question is: Does the United States want to prolong the killing in Cambodia?

The morality of supporting the besieged Lon Nol government is highly questionable. The United States would come down harder on the side of civilized morality by not sending Cambodia more ammunition.

After five years of the ravages of war one of the most beautiful and pleasant Southeast Asian countries has been turned into a desperate nation, faced with famine, disease and death of civilians and soldiers alike. What once was a popular, viable government in Cambodia has been changed, through United States' aid, into one with little domestic support willingly given and one now totally dependent upon Washington. What started off as limited U.S. aid has become an unwritten but nonetheless total commitment without benefit of congressional blessing.

The fact is the administration's Indochina policy is finally coming to a well-deserved dead end. There have been ample warning signs, first from an apathetic public and then from an increasingly hostile Congress.

And although the recent crisis is brought on by the threatened capture of Phnom Penh by the Khmer Rouge insurgents, the problem goes beyond the danger of the collapse of the Lon Nol regime in Phnom Penh. The problem has developed because Congress is seriously, and we think properly, questioning the essence of U.S. policy in Cambodia—the gradual escalation of commitment to that country, sometimes by deliberate decision or in default of a decision, and other times in defiance of Congress.

Additional military aid to Cambodia means more fighting, more killing. That has to stop sometime. It is up to the Cambodians to settle their differences themselves, in their own way, without more U.S. ammunition and military equipment.

Giving Cambodia another $222 million is not in the best interest of peace, either in Southeast Asia or the world. Nor would it in any way serve the best interests of the United States.

Congress should turn down the request.

[From the New York Times, Feb. 28, 1975]

CAMBODIA: WATERGATE EAST

(By T. D. Allman)

OXFORD, ENGLAND.—Nearly five disastrous years ago, as he invaded Cambodia, Richard M. Nixon exulted that "time is no longer on the side of the Communists."

As Cambodian events continue to demonstrate, Mr. Nixon's Cambodia "incursion" in fact was a strategic Watergate. His secret bombings, support for the Lon Nol coup, and subsequent invasion were not merely based on deceit, violations of the law, and abuse of executive powers.

Like the Watergate break-in itself, they were also pointless and inept: The sanctuaries were not destroyed, but expanded; the Communists' Central Office of South Vietnam was never found. Saddled with a corrupt, unpopular client state, the United States has been pumping military hush money into Cambodia ever since, hoping one of America's greatest foreign policy scandals would go away.

It has not. And even though the Administration continues to react to each new Cambodia failure the way the former President reacted to each new Watergate revelation, the effort to brazen it out militarily in Cambodia has failed.

Blaming Congress for not voting new funds every time Lon Nol runs through an entire year's appropriation in a few months may successfully diffuse political responsibility for the failure. But it only obscures the real problem: While the United States may be able to perpetuate the Cambodian war a few more months or dry seasons, American policy has no long-term possibility of success. If the United States-run administration in

Phnom Penh does not fall this year, it is likely to collapse in 1976.

President Ford and Secretary of State Kissinger keep calling for more aid for Cambodia. Congress is increasingly tempted to abandon Cambodia altogether.

Fortunately, another possible course exists. By following it, the United States could not merely achieve peace in Cambodia, it could also erase one of the darkest stains of the Watergate era. It consists of negotiating an honorable settlement with Prince Norodom Sihanouk.

Prince Sihanouk was not in his Cambodian capital when the coup, backed by the Central Intelligence Agency, occurred. Since then, with difficulty and compromise, he has kept alive the possibility of re-establishing in Cambodia a popular government open to wide political participation, and committed to a peace of reconciliation with the objective of restoring Cambodia's neutrality.

Whatever its divisions and deficiencies, Prince Sihanouk's Royal Government of National Union, after five years of war, is far more competent to govern Cambodia and has a far better chance of restoring her independence than Lon Nol's discredited regime. It governs 85 per cent of Cambodia's territory and three-quarters of its population; it knows how to fight for what it wants; it enjoys wide international support.

Whatever the United States does or wants, Lon Nol eventually will lose not just most of Cambodia, but all of it. America no longer faces an either-or choice, but the option of either continuing to plunge toward final humiliation in Cambodia or trying to find some way around it.

The State Department has consistently disguised the fact that Prince Sihanouk has repeatedly offered the United States a way around that humiliation—through a settlement negotiated between his government and Washington.

Only one obstable impedes the speedy negotiation of peace. The United States continues to insist that Prince Sihanouk and his allies negotiate not with Washington but with Lon Nol—that is, that they accept President Lon Nol as the legitimate leader of a legitimate government.

Such pretensions are mocked not merely by the C.I.A.'s initial encouragement of Lon Nol's coup and by his subsequent, manifest failures as a national leader, but by the Ford Administration's own admission that without large-scale, open-ended United States aid his regime is sure to collapse.

In contrast, Prince Sihanouk's forces have lacked direct Communist aid since 1972. The Khmer Rouge—the Communist-led insurgents—shell Phnom Penh with captured United States artillery. Not even the United States Embassy in Phnom Penh any more pretends that it is the North Vietnamese, not the Cambodians, who are driving back Lon Nol's forces.

Under the circumstances, the United States should recognize Prince Sihanouk's Royal Government of National Union, and immediately begin bilateral negotiations leading to a Cambodia settlement like the one that already has given Laos two years of peace.

Such a settlement should include mutual agreements on no reprisals, continued United States-Cambodian relations at the ambassadorial level, and free elections under international supervision. The settlement should be followed by an international conference, in which the United States would join other nations in pledging recognition of Cambodia's present frontiers and respect for her neutrality.

Proponents of the present, failed policy no doubt would point out that such a settlement would not merely mean relinquishing a client, but leaving North Vietnam in control of the sanctuaries. They would also argue that Prince Sihanouk's ability to moderate events inside Cambodia has been greatly eroded by his long absence in Peking.

Both criticisms would be completely valid. But those so concerned now about both Khmer Rouge influence and North Vietnamese involvement in Cambodia should have considered their actions more carefully in 1970.

Perpetuating United States intervention in Cambodia will only further diminish what chances still exist for Cambodia's nationalists to reassert their nation's independence and begin reconstructing her neutrality.

The Administration should recognize not just Prince Sihanouk, but the inevitable, without further delay—and begin negotiating while it still has something left in Cambodia to negotiate. Meanwhile, Congress should appropriate the funds the Administration has requested, on condition they be used only after a settlement is reached, and only for peaceful reconstruction.

As with Watergate, what really keeps the Cambodia crisis going is not a threat to national security, but only the refusal to admit a mistake.

RULES OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, as chairman of the Committee on Interstate and Foreign Commerce, I present to the House a copy of the committee rules for printing in the RECORD under the rule:

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, 94TH CONGRESS

COMMITTEE RULES

Rule 1. *Rules of the House.* The Rules of the House are the Rules of its Committees and its Subcommittees so far as is applicable, except that a motion to recess from day to day is a motion of high privilege in Committee and Subcommittees. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each Subcommittee of the Committee. Each Subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee. Rule XI of the Rules of the House which pertains entirely to Committee Procedure, is incorporated and made a part of the rules of this Committee, which are supplementary to the Rules of the House.

Rule 2. *Time, Place of Meetings.* (a) The Committee shall meet on the fourth Tuesday of each month and at such other times as determined by the Chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(c) If at least three members of the Committee or Subcommittee (whichever is applicable) desire that a special meeting of the Committee or Subcommittee (whichever is applicable) be called by the Chairman or Subcommittee Chairman, those members may file in the offices of the Committee their written request to the Chairman or Subcommittee Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman or Subcommittee Chairman of the filing of the request.

If, within three calendar days after the filing of the request, the Chairman or Subcommittee Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the Committee or Subcommittee (whichever is applicable) may file in the offices of the Committee their written notice that a special meeting of the Committee or Subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee or Subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Committee or Subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee the ranking member of the majority party on the Committee or Subcommittee who is present shall preside at that meeting.

(e) Each meeting of the Committee or any of its Subcommittees for the transaction of business, including hearings and the markup of legislation shall be open to the public except when the Committee or Subcommittee in open session and with a quorum present determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

Rule 3. *Agenda for Meetings.* The agenda for Committee and Subcommittee meetings, setting out all items of business to be considered, shall be furnished to each member of the Committee by delivery to his office at least two (2) calendar days in advance of the meeting.

Rule 4. *Procedure.* (a) The date, time, place, and subject matter of all meetings of the Committee or any of its Subcommittees will be announced at least one week in advance of the commencement of such meetings.

(b) Each witness who is to appear before the Committee or its Subcommittees shall file with the Clerk of the Committee, at least 48 hours in advance of his appearance, fifty (50) copies of a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement, or any part thereof, is waived by the Committee or Subcommittee Chairman presiding.

(c) The right to interrogate the witnesses before the Committee or any of its Subcommittees shall alternate between majority and minority members. Each member shall be limited to five minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of five minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee is operating under the 5-minute rule for the interrogation of witnesses, the Chairman shall recognize in the order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority.

(d) No bill, recommendation, or other matter reported by a Subcommittee shall be considered by the full Committee until two (2) calendar days have elapsed from the time of the action of the Subcommittee. All Subcommittee actions shall be reported promptly by the Clerk of the Committee to all members of the Committee.

Rule 5. *Notices and Agenda*. Except as may be contrary to the Rules of the House, notices and agenda requirements with respect to meetings of the Committees may be waived by two-thirds of those present and voting of the Committee or Subcommittee, as the case may be.

Rule 6. *Quorum*. A majority of the members of the Committee or Subcommittee shall constitute a quorum for the purpose of transacting business but testimony may be taken and evidence received at any meeting at which there are present not fewer than two members of the Committee or Subcommittee in question.

Rule 7. *Proxies*. No vote by any member of the Committee or any of its Subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the Committee or Subcommittee and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of the day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. *Journal, Roll Calls*. The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted on. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or in the apparent absence of a quorum by any one member. No demand for a roll call shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each roll call vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, Clause 2(e) of the Rules of the House.

Rule 9. *Filing of Committee Reports*. If, at the time of approval of any measure or matter by this Committee, any member or members of the Committee give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three (3) calendar days (exclusive of days on which the House is not in session) in which to file such views in writing and signed by that member or members with the Committee. All such views so filed shall be included within and shall be a part of the report filed by the Committee with respect to that measure or matter.

Rule 10. *Subcommittees*. There shall be such standing Subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee and, in addition, a Subcommittee on Oversight and Investigations. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of the other standing Subcommittees and shall maintain regular communication with the standing Subcommittees in order to obtain advice on subjects for investigation. The standing Subcommittees shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigation.

Rule 11. *Powers and Duties of Subcommittees*. Each Subcommittee is authorized to meet, hold hearings, receive testimony, markup legislation, and report to the Committee on all matters refered to it. Subcommittee Chairmen shall set hearings and meeting dates after consultation with the Chairman and other Subcommittee Chairmen with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

Rule 12. *Reference of Legislation and Other Matters*. All legislation and other matters referred to the Committee shall be referred to the Subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the full Committee within five (5) legislative days, consideration is to be by the full Committee.

Rule 13. *Ratio of Subcommittees*. The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each Subcommittee and the Chairman shall negotiate that ratio with the minority party provided that the ratio of majority party members on each Subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. *Recommendations of Congress*. Whenever in the legislative process it becomes necessary to appoint conferees, majority members shall be recommended to the Speaker as conferees as determined by the Chairman of the Committee, and minority members shall be recommended to the Speaker as conferees as determined by the minority. Recommended party representation shall be in the same proportion as that of the Subcommittees, as provided in the preceding paragraph.

Rule 15. *Subcommittee Membership*. (a) Each majority member other than the Chairman of the full Committee or the Chairman of a Subcommittee shall in order of Committee seniority be entitled to membership on two Subcommittees of said member's choice. Proceeding in order of seniority on the Committee, each majority member, other than the Chairman of the full Committee and the Chairmen of the several Subcommittees, shall be entitled to select one Subcommittee position each. The Subcommittee selection process shall then continue in sequence of Committee seniority, including the Chairmen of the several Subcommittees, for succeeding rounds of selection until all Subcommittee positions are filled. The Subcommittee selection process shall be conducted at a meeting of the majority party caucus of the Committee held prior to any organizational meeting of the full Committee. Subcommittee selections of each member shall be recorded by the Clerk as made and shall be available for examination by the members.

(b) Minority Subcommittee membership shall be selected as determined by the minority.

(c) The Chairman and ranking minority member of the Committee shall be *ex officio* members with voting privileges, of each Subcommittee of the Committee of which they are not assigned members.

Rule 16. *Subcommittee Chairmen*. (a) Majority members of the Committee shall have the right, in order of full Committee seniority to bid for Subcommittee Chairmanships. Any such request shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the Committee. If the caucus rejects a Subcommittee Chairmanship bid, the next senior majority member may bid for the position as in the first instance. The Subcommittee Chairmen shall be elected by the full Committee from nominations submitted by the majority party caucus of the Committee.

(b) Subcommittee Chairmen shall manage legislation reported from their Subcommittees on the House floor.

Rule 17. *Committee Professional and Clerical Staff Appointments*. (a) Professional staff members appointed pursuant to the provisions of Clause 6 of Rule XI of the House of Representatives, who are assigned to the Chairman of the Committee and not to the ranking minority party member of the Committee, shall be delegated by the Chairman to one or more of the legislative Subcommittees of the Committee for the purpose of assisting such Subcommittees in the discharge of their assigned legislative responsibilities. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the Subcommittee Chairmen and with the approval of the Subcommittee Chairman or Chairmen involved.

(b) Professional staff members appointed pursuant to Clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the Committee and not to the Chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) In addition to the professional staff appointed pursuant to Clause 6 of Rule XI of the House of Representatives, the Chairman of the Committee shall be entitled, subject to the approval of the majority party members of the Committee, to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointees shall be assigned to such business of the full Committee as the Chairman of the Committee considers advisable.

(d) Subcommittee Chairmen, subject to the approval of the majority party members of the Committee, shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided in the budgets approved for such purposes by the Subcommittees and incorporated into the Committee budget as provided for in Rule 19 of these Rules. Such professional and clerical appointees shall be delegated to the appropriate Subcommittee for the purposes of assisting such Subcommittee in the discharge of its assigned legislative responsibilities and may be removed and their compensation fixed by the Subcommittee Chairman subject to the approval of the majority members of the Committee.

(e) The Chairman of the Subcommittee on Oversight and Investigations subject to the approval of the majority party members of the Committee, shall be entitled to make such appointments to the professional and clerical staff of the Subcommittee as may be provided in the budget approved for such purpose in accordance with Rule 19 of these rules. Such professional and clerical appointees may be removed and their compensation fixed by the Chairman of such Subcommittee subject to the approval of the majority members of the Subcommittee.

(f) In addition to appointments made pursuant to other subsections of this Rule, (1) the Subcommittee Chairman of each of the Committee's Subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such Subcommittee Chairman, and (2) the ranking minority member of each such Subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of Clause 5 of Rule XI of the House of Representatives.

Rule 18. *Supervision, Duties of Staff*. (a)

The professional and clerical staff of the Committee delegated to Subcommittees of the Committee pursuant to Rule 17 shall be subject to the supervision and direction of the Chairman of the Subcommittee to which they are assigned with respect to matters before the Subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the Committee not delegated to a Subcommittee pursuant to Rule 17(d) or to the minority shall be under the supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a Subcommittee Chairman with respect to a matter before such Subcommittee Chairman's Subcommittee shall continue to assume principal staff responsibility during any consideration before the full Committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such Subcommittee.

Rule 19. *Committee and Subcommittee Budgets.* (a) The Chairman of the Committee, after consultation with the ranking minority member of the Committee, shall for each session of the Congress prepare a preliminary budget for the Committee. Such budget shall include necessary amounts for professional and clerical staff, travel, investigation, and miscellaneous expenses under his direction and supervision. The Chairman of each standing Subcommittee, after consultation with the members of the Subcommittee, shall prepare a preliminary budget which shall include funds for professional and clerical staff, travel, investigation, and miscellaneous expenses and which shall be adequate to fully discharge its responsibilities for legislation and oversight. Thereafter, the Chairman of the full Committee shall combine such proposals into a Committee budget, which shall state separately the budgeted amounts for the full Committee and for each of the Subcommittees. Such budget shall be presented to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The Chairman of the full Committee or the Chairmen of the standing Subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the Chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by Committee and Subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 20. *Broadcasting of Committee Hearings.* Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, Clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the Committee or Subcommittee. The coverage of any hearing or other proceeding of the Committee or any Subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the Chairman of the Committee, the Subcommittee Chairman, or other member of the Committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

PROTECTION OF SOCIAL SECURITY BENEFIT INCREASES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 10 minutes.

Ms. HOLTZMAN. Mr. Speaker, I have introduced a bill which will insure that social security recipients do not lose benefits from federally assisted programs, because of increases in social security payments.

Under present law, increases in social security benefits are counted as income for the purposes of participation in other Federal aid programs. Thus a person whose income increases, because of higher social security benefits may lose entitlement to such programs as medicaid, public housing, and food stamps. Others may receive reduced veterans' or supplemental security income benefits.

Because of this treatment, cost-of-living increases in social security benefits, which were intended to allow senior citizens to keep pace with today's rampaging inflation, will produce no additional income for many social security recipients, and will actually lower the income of some.

My bill would rectify this injustice by requiring both State and Federal agencies to disregard completely social security benefit increases for purposes of eligibility for and amount of benefits under federally assisted programs. It would guarantee that social security recipients actually get the benefit increases to which they are entitled and which Congress intended.

We have seen too many instances in which the Federal Government gives benefits with one hand and takes them away with the other. I believe that, when Congress provides increases in social security payments in order to help senior citizens cope with inflation, it does not intend to see those increases nullified or worse by reductions in other benefits. I urge my colleagues to support my bill so that America's elderly will not suffer further from this absurd inequity in the social security law.

FOOD ASSISTANCE FOR CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MINETA) is recognized for 5 minutes.

Mr. MINETA. Mr. Speaker, just yesterday, March 11, a resolution of great importance relative to the conduct of this Nation's foreign policy in Cambodia was adopted by the other House. It is with a sense of urgency that I am today introducing in the House of Representatives the same resolution which was introduced by Senator HATFIELD of Oregon and six cosponsors. This resolution expresses the sense of the House that 50 percent of all Public Law 480 aid being airlifted into Phnom Penh be sent as title II humanitarian aid to be distributed by voluntary agencies.

As we are all too well aware, the military situation in Cambodia has steadily deteriorated in the past week. The capital city of Phnom Penh is now completely surrounded by insurgent forces and is solely dependent on the airlift for all its supplies. Terrible civilian casualties have and continue to be inflicted by both sides.

I concur with the President when he says that we are indeed dealing with a moral question. However, I believe that the most moral choice we can make is to oppose any further military aid to Cambodia. Our only moral obligation is to stop the killing. The way for us to stop the killing is to stop providing the bombs and ammunition that kill.

While I think most of my colleagues agree with me that we should not authorize any more military assistance to Cambodia, the question remains open whether or not we should provide nonstrategic assistance to Cambodia in terms of food and medical supplies to help ease the burden on the people of Cambodia.

These innocent victims of the war are faced with starvation and disease. Their primary and critical concern is survival, regardless of which side controls Phnom Penh.

The administration has on its own increased food shipments to the Cambodian capital city, and increased the distribution of this food by voluntary agencies, including CARE, World Vision, and the Church World Service. It is mandatory that such distribution of food be continued and expanded in order to insure that these vital supplies are given to those who need it the most, rather than going to profiteers; and to guarantee the continued distribution of food and medical assistance in the event of a transfer of power.

The resolution which I am introducing today endorses this approach, and urges that at least half of all U.S. food assistance to Cambodia be distributed through the voluntary agencies.

Mr. Speaker, I include the text of this resolution in the RECORD following my remarks:

H. RES. 300

Whereas rice is being airlifted by the United States into Cambodia, a country ravaged by war; and

Whereas such rice is being made available to Cambodia from commodities previously allocated under the food for peace program; and

Whereas the allocation is currently being made under title I of the Agricultural Trade and Development and Assistance Act of 1954 and is being purchased on a concessional basis by the Cambodian Government for its military personnel and for the sale on the open market; and

Whereas the people who will benefit by the airlift of such rice, other than military personnel, are the few who have the financial means to purchase food in the marketplace; and

Whereas it is the poor in Cambodia who

are starving and suffering from malnutrition; and

Whereas it is the moral obligation and humanitarian responsibility of the United States to alleviate hunger and suffering whenever it can do so: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that not less than 50 per centum of the food commodities which the President has budgeted for Cambodia under title I of the Agricultural Trade Development and Assistance Act of 1954 and which are delivered after the date on which this resolution is agreed to and prior to July 1, 1975, shall be made available in Cambodia for humanitarian purposes under title II of such Act.

Sec. 2. It is further declared to be the sense of the House of Representatives that any such food made available to Cambodia under title II of the Agricultural Trade Development and Assistance Act of 1954 be administered by voluntary agencies already established in Cambodia.

Sec. 3. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President.

FISHERIES DISPUTE WITH ECUADOR AND FOREIGN AID APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fascell) is recognized for 5 minutes.

Mr. FASCELL. Mr. Speaker, the distinguished chairwoman of the Merchant Marine and Fisheries Committee has announced her intention to offer an amendment to the foreign aid appropriations bill to stop Ecuadorian seizures of U.S. fishing boats in international waters claimed by Ecuador. The amendment would allegedly accomplish this by cutting off all funds in the fiscal year 1975 appropriations bill for countries such as Ecuador which seize a U.S. fishing vessel "on account of its fishing activities more than 12 miles from the shore of any foreign country." This language is aimed at closing a loophole in current legislation which allows the President to waive certain punitive aspects of present law when he deems a waiver is in the national interest.

Mr. Speaker, if such an amendment is offered in the form printed in the Congressional Record of March 6, I intend to oppose it for the following reasons:

First. It violates the spirit if not the letter of the House rules by both attempting to set policy in an appropriations bill which should be dealt with in the authorization bill and by addressing a major foreign policy issue without reference to the Committee on Foreign Affairs;

Second. It appears to be technically deficient in that it would cut off aid funds even to a country which seized a U.S. fishing vessel beyond 12 miles from shore for fishing activities precluded by a valid international agreement to which the United States is a party;

Third. It implies an invalid view of the current state of international law with respect to world standards governing territorial and fishing jurisdictions. With our own Senate having voted last year 68 to 27 to extend our territorial limits to 200 miles we are on shaky ground at best to describe countries asserting such limits as pirates;

Fourth. It would be ineffective and perhaps counterproductive. Past U.S. punitive actions have not stopped Ecuador and it is doubtful that the now oil-rich country will seriously think about reversing a 20-year-old policy involving national sovereignty and intense feelings of national pride in order to continue to receive less than $2 million in grant technical assistance of which only $356,000 in fiscal year 1975 funds remain to be obligated. With oil we need and $350 million in foreign exchange reserves a more likely outcome of our bellicose attitude toward a country whose policy many in this country would like to adopt is to further damage our relations and endanger the $350 to $400 million in investments U.S. companies have in Ecuador;

Fifth. It would undercut negotiations now underway to reach an agreement with Ecuador on this problem; and

Sixth. On the eve of the next session of the Law of the Sea Conference in Geneva which is seeking a permanent solution to these problems, we would further polarize the positions of countries present and make even more difficult the task our negotiators face in achieving an agreement satisfactory to our own security and economic interests.

Mr. Speaker, for the reasons I have just outlined, I hope that the House will not further exacerbate our relations with Ecuador for no real gain and at a time when there is hope for both short-term and long-term solutions to our dispute with Ecuador.

ON POTENTIAL FOR AUTOMOTIVE FUEL ECONOMY IMPROVEMENT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, as the House Ways and Means Committee is presently holding hearings on energy, I would like to advise my colleagues of my thoughts on what the Congress can do to promote improvement in fuel economy.

The experts have testified on the technical aspects of engine improvement, and I can add no comment in this area. However, radical improvements in engine design take years of leadtime to be introduced and would not affect fuel economy now. It seems clear that to improve fuel economy by 40 percent by 1980, we must work to change the nature of auto ownership so as to increase the percentage of compacts and subcompacts, while also limiting wasteful options and excess weight in our larger cars, both major variables in fuel economy.

I support the concept of taxes and rebates that the Democratic leadership is advocating to encourage small car ownership. I believe this to be preferable to Federal mandatory sales weighted miles-per-gallon requirements. I do believe that the Democratic program might be supplemented by an annual tax on fuel inefficient automobiles. A $100 to $200 excise tax on a new car will really not affect a person who has already decided to pay thousands for a supersized automobile. But a yearly tax would drive the message home that it does not pay to own a gas-guzzler. This tax could be levied at the time of reregistration or vehicle inspection every year, based on the weight and miles per gallon of the automobile. A movement to smaller cars can mean far surpassing the 40-percent improvement goal. According to the Environmental Protection Agency, a significant increase in compact and subcompact ownership could improve fuel economy by 63 percent.

This yearly tax would also encourage the auto industry to market a more fuel-efficient larger car. And that is definitely possible. The ERA contends that a 10-percent reduction in unnecessary weight in large- and mid-size cars could increase fuel economy by 7 or 8 percent, and "reducing the weight in * * * automobiles without decreasing their performance or useful size is possible through design changes and utilization of lighter weight materials." Mandatory bumper requirements can be met without adding significant weight, and thus a fuel penalty, to automobiles. The fact that the 1974 Opel Manta met the same bumper requirements as the Ford Pinto with bumpers that were 87 pounds lighter points out that Detroit can and should combine safety and fuel economy.

I believe that Detroit must rethink its approach to the whole area of options. In the last 10 years air-conditioning—$425, with a fuel penalty of 9 to 20 percent—and vinyl roofing—adding weight to the vehicle—have been increasingly foisted on the public, often through a device called a delete option whereby the buyer must specify that he does not want certain options. The use of the delete option appears to be an important factor in the increase from 45 percent in 1968 of cars installed with air-conditioning to 74 percent in 1973. Can we believe that market forces and public demand caused, in effect, this mandatory price increase of $425 in a time of inflation?

To encourage the auto industry to market a truly option-free car, I ask your consideration of a high excise tax on options that waste gasoline. Further, I believe that we should consider a mandatory labeling system on cars which includes the gas penalties of options and the tax-adjusted price of those options. We might look forward to the day when "deleting" is no longer a word with unfavorable connotations.

An option which has, in fact, faded from existence in larger cars is the manual transmission. Used correctly, this can give substantial gas savings, up to 7 miles per gallon according to Consumer Reports. While I would not recommend placing an excise tax on automatic transmission, because it is a considerable convenience to drivers and can be improved in its fuel economy, I do suggest that the auto industry at least offer manual transmission on all of its models. They might be surprised at the public's response.

I have confidence that the auto industry can surpass the goal of 40 percent fuel economy improvement by 1980. I hope that my proposals will stimulate discussion on the different ways in which taxing policy can help us solve the energy crisis. But I would like to end by stating that I firmly believe that we can achieve this improvement in fuel economy without any delay in more stringent emission control standards. First, any increase in the price of the automobile due to meeting both clean air and fuel economy standards would be recouped in lower operating costs in the first year of ownership. Perhaps more significant is that emission control devices on cars up to 3,500 pounds actually increase fuel economy. We need not sacrifice cleaner, safer air in our search for better fuel economy.

THE NATIONAL HOME HEALTH CARE ACT OF 1975

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, together with over 50 House cosponsors and a growing number of Senators including Frank Moss, Frank Church, and Hugh Scott, I am today introducing the National Home Health Care Act of 1975.

There is a nationwide scandal in nursing homes, both in the treatment and overcharging of patients. At my request, Senator Frank Moss' Subcommittee on Long-Term Care held two hearings within the last 2 months on the problems in New York, and national hearings were held in Washington. Additional hearings are scheduled.

The abuses disclosed in these hearings should not be allowed to continue anywhere in the country. Those in need of nursing home care must have decent homes available to them; but care must be available to those who are now forced to seek institutionalization, whether in a hospital or a nursing home, only because of the lack of reasonable alternatives. A recent HEW study estimates that between 14 and 24 percent of the Nation's 1,070,000 nursing home patients are "unnecessarily maintained" in institutions because of the lack of alternatives.

One of our priorities in this session of Congress should be to develop alternatives to nursing home care for our elderly and disabled. Today's medicare and medicaid laws restrict benefits a patient may receive at home while extensively covering that patient's far more costly, but often unnecessary, long-term care in an institution.

The National Home Health Care Act of 1975 was drafted after meeting with and inviting the comments of 150 organizations concerned with the health of the elderly and disabled. The bill will provide an option of home health care and correlative services—assistance with household tasks, shopping, walking, transportation to doctor visits, senior centers and nutrition centers, and assistance in rent payments or private home costs—under medicare and medicaid as an alternative for those who would otherwise require nursing home care. Earlier drafts of the bill, H.R. 17590 and H.R. 2389, were introduced for discussion purposes on December 9, 1974, and January 29, 1975. These have been improved for reintroduction with cosponsors today.

To provide such services will cost the Government far less per patient than institutionalization now does. Reports by GAO, the Senate Special Committee on Aging, and all other studies I have seen demonstrate that home health programs—averaging from $180 to $600 per month depending on the level of care—cost substantially less than the $15,000 to $20,000 per year or $1,500 per month or $50 per day it takes to place a patient in a nursing home. These figures are for New York City, but there would be comparable savings across the country.

To guarantee against abuses, and to minimize Government costs still further, I have included in the legislation a review of a doctor's recommendation for benefits to a patient within 30 days. The bill also includes a listing of specific functional criteria—eating, mobility, and so forth—for patients' eligibility, with provision for the Secretary to establish additional criteria. Finally, the bill provides that Government payment of benefits provided to any patient cannot exceed what would have been paid under medicare or medicaid for institutionalization.

The legislation also contains provisions to:

First. Allow medicaid and medicare payments to hospitals and nursing homes for providing home health care—in addition to the bill's provisions for expanded home health and correlative services by traditional home health providers.

Second. Require review of benefits by a flexible three-member panel so as to include social workers, nurses, psychiatrists, psychoanalysts, or other qualified specialists as well as physicians.

Third. Require at least two-panel reviews annually of the need for and level of home health care.

Fourth. Appoint a home health patient ombudsman in the Department of Health, Education, and Welfare with responsibility for program oversight, who must provide a public annual written report.

Fifth. Permit additional services to the home health patient such as physical therapy, nutritional guidance, family and personal counseling, as well as necessary medical equipment such as hospital beds, wheelchairs, salves, oils, powders, and so forth.

Sixth. Insure that no individual under medicare or medicaid will receive more home health care benefits than he or she would have were they institutionalized.

There has been some controversy over one portion of the bill, to wit, section 7, which requires that the child of a person in a nursing home or receiving home health assistance make a contribution to the beneficiary's care to the extent of up to 5 percent of the child's taxable income, based on a sliding scale for the amount of income. This means that a family of four with an income of $15,000 using the standard deduction would pay $500—5 percent of the $10,000 in taxable income—in a year while the Federal payment might be as high as $10,000 to $15,000. An individual making under $4,000 in taxable income and a family under $6,000 would not have to pay.

The bill states that the delivery of health care is in no way conditional upon the payment of the children. In addition, in no case, regardless of income, will the contribution exceed the cost of the care.

Just as parents have certain responsibilities for the care of their children, as legislated last year under the social services amendments, I believe that this obligation also extends from an adult to his or her elderly or disabled parent. My feeling on this is summed up in a remark I remember my mother once made when reading about an abandoned parent:

> That woman raised and cared for seven children; you'd think that seven children could take care of one mother.

I realize, however, that some disagree with me on this question of mandating support while agreeing on other aspects of the bill. Every time I ask for an opinion at a meeting, 70 percent of those voting approve of the provision and 30 percent are opposed. Hearings, where all interested parties will have the opportunity to testify, will determine the outcome of this provision. I am introducing a second identical version of the bill but without the parent support requirement, section 7. Thus, both bills will be available for consideration, one with the section for parent support, one identical save omission of this section.

Mr. Speaker, in addition to introducing my Home Health Care Act, I am joining Senator Moss as the House sponsor of a comprehensive nursing home reform package. Consisting of 10 items, the additional bills will:

First. Provide funds to schools of nursing for the in-service training of nursing home aides and orderlies;

Second. Provide funds to schools of medicine to help establish departments of geriatrics;

Third. Provide funds to schools of medicine for continuing education for physicians in geriatrics and gerontology;

Fourth. Provide training by a registered nurse of geriatric nurse practitioners to provide primary health care in nursing homes;

Fifth. Authorize the training of certain veterans with appropriate medical experience, such as medics, to serve as medical assistants in long-term care facilities;

Sixth. Provide funds to colleges and universities to establish training programs for physician's assistants with particular emphasis on geriatrics and the care of nursing home patients;

Seventh. Create an experimental program to provide for the care of elderly individuals in their own homes;

Eighth. Authorize elderly day care services for individuals enrolled under part B of medicare;

Ninth. Authorize the Secretary of Housing and Urban Development to assist in the development of "campuses for the elderly," providing apartments with central dining, a rest home with nursing supervision, and a skilled nursing facility at one site;

Tenth. Require the nursing home operator to disclose to the State each and any ownership interest in a nursing home.

While this legislation could be included in any comprehensive health insurance bill, it stands on its own if no health package is enacted. There is a need for nursing homes for those incapable of remaining in their own homes even with the supportive services provided by this legislation, but those persons who can remain at home with the necessary supportive services and thereby afforded longer, more productive lives should be given that opportunity.

We must provide our elderly and disabled the privacy, dignity, and peace of mind to which they are entitled—in their own homes, when they do not need the broad range of services that should be available in a properly run nursing home.

I hope the broad congressional support already evident will grow and that early hearings will be held on this legislation so badly needed by our Nation's elderly and disabled citizens.

House cosponsors of the National Home Health Care Act of 1975 include:

HOUSE COSPONSORS OF THE NATIONAL HOME HEALTH CARE ACT OF 1975

Edward I. Koch, Bella Abzug, Joseph Addabbo, Glenn Anderson, Les Aspin, Herman Badillo, Alvin Baldus, Bob Bergland, William Brodhead, George Brown, Charles Carney, Bob Carr.

William Cohen, John Conyers, Dominick Daniels, Charles Diggs, Tom Downey, Robert Edgar, Don Edwards, Joshua Eilberg, Harold Ford, William Ford, Donald Fraser, Ben Gilman, James Hanley.

Mark Hannaford, Mike Harrington, Augustus Hawkins, Ken Hechler, Henry Helstoski, Floyd Hicks, Elizabeth Holtzman, William Hughes, James Jeffords, John LaFalce, Marilyn Lloyd, George Miller.

Parren Mitchell, Donald Mitchell, Morgan Murphy, Ned Pattison, Richard Ottinger, Peter Peyser, Charles Rangel, Fred Richmond, Robert Roe, Ben Rosenthal.

Edward Roybal, Paul Sarbanes, Pat Schroeder, Stephen Solarz, Gladys Noon Spellman, Pete Stark, Fernand St Germain, Gerry Studds, Henry Waxman, Sidney Yates.

CONSUMER INFORMATION HEARINGS CONTINUE

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, the Consumer Affairs Subcommittee, which I am privileged to chair, will hold its second session of consumer information hearings tomorrow, Thursday, March 13, at 10 a.m. in room 2128 of the Rayburn House Office Building.

The first session was held 2 weeks ago and featured representatives from a number of major consumer groups across the country. Thursday's session will deal with the governmental role involving consumers.

The witnesses for the hearing will be Gov. Jeffrey Bucher, of the Federal Reserve Board; the Honorable Lewis Engman, Chairman of the Federal Trade Commission or Mr. Seldon Feldman, Assistant Director for Special Statutes; and Mrs. Virginia Knauer, Presidential Assistant for Consumer Affairs. I have called these hearings in order to get a completely rounded view of all consumer issues. The governmental witnesses will be asked to explain what their agency is doing in the consumer field as well as plans for the future.

At a later date I plan to invite representatives from various business groups to appear before the subcommittee to express their opinion on consumer issues. Mr. Speaker, I want to extend a personal invitation to all Members of the House to either attend the hearings in person or to send a representative of their staff since we will be discussing many of the issues that may come before this body during the 94th Congress.

ANNUNZIO INTRODUCES TRUTH-IN-LENDING AMENDMENTS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I have introduced two bills to amend the Truth in Lending Act. The first bill, the Consumer Leasing Act was suggested as a legislative recommendation of the Board of Governors of the Federal Reserve System in its 1974 annual report to the Congress on truth in lending.

The Board stated in its 1973 report that lease arrangements as alternatives to credit sales in connection with consumer durables were on the increase. These increases continued during 1974 and because of this increase it is necessary to extend the truth-in-lending provisions to consumer personal property leases.

At present, the Truth in Lending Act applies only to leases which contain an option to purchase the leased product by the lessee and in which the purchase price under that option is nominal.

Many consumer leases currently available do not include an option to purchase, and under the terms the lessee is responsible for the value of the property leased at the end of the lease term. These leases place nearly all the burdens of ownership on the consumer lessee without the benefit of title or adequate cost disclosure.

WILL CHANGE LEASE ADS

In its annual report to Congress on truth in lending for 1974, the Federal Reserve Board cited as an example of the lease problem an automobile lessor in Connecticut that advertised rental payments on a new car that were considerably lower than comparable statements under a credit sales arrangement. The advertisement claimed that it was better to lease the car than to purchase it on credit.

However, a close inspection of the full terms of the lease indicated that the lease arrangement was more expensive than the credit purchase. This was partially because of the many fees assessed with the lease. That fee, which was not identified in the advertisement, amounted to a charge equivalent to an annual percentage of more than 23 percent.

The Federal Reserve Board also reported that the lease advertisement did not fully inform the lessee of the extent of his liability for the residual value of the automobile at the end of the lease term.

Since the monthly rental payments may not account for the depreciation in the value of the car during the 2-year lease, the consumer may be obligated for an amount equivalent to an undisclosed balance payment in a credit sale contract. Because such leasing agreements are not covered by the Truth in Lending Act, I have introduced the Consumer Leasing Act. This legislation would require aggregate cost disclosure in lease advertising and at the time the lease is consumated, regardless of whether the lessee has a purchase option under the lease.

This legislation is necessary if a consumer is to intelligently compare the cost of a lease arrangement or a credit sale purchase. My lease disclosure legislation would also correct an important problem for consumers obtaining a lease. Under many leases the consumer is liable for the value of the leased commodity when the value of that commodity falls below a certain level at the end of the lease.

For instance, if an individual leases an automobile for 2 years and at the end of that lease the value of the car is $2,000, but according to automotive value books the current market value of a similar automobile should be $3,000, then the consumer must pay an additional $1,000 to the leasing company. The purpose of this portion of the lease, according to many leasing companies, is to insure that the consumer will maintain the leased commodity in reasonably good condition.

Under present law there is no requirement that such lease liability be disclosed and because the amount of the liability is dependent upon the residual value of the goods leased, the amount of such liability can be considerable. Consequently, at the end of a lease, a consumer may find himself liable for a very large final payment for which he had no early warning. In this case, the lease takes on many characteristics of a credit sale but with an uncertain price that will depend on conditions which exist at the end of the contract.

To correct this problem, my legislation would limit a consumer's liability to no more than two times the amount of the average monthly lease payment. In addition, such liability would have to be clearly disclosed at the beginning of the lease.

CREDIT LIFE INSURANCE BILL

My second bill will correct a problem that has existed far too long in the credit extension field. Under present law, credit extendors are required to include in the annual interest rate formula the cost of life, accident or health insurance, if such coverage is mandatory. Of course, if the coverage is not mandatory, then the cost of the insurance need not be included in the annual percentage rate.

Studies by the Federal Trade Commission have shown that many creditors were achieving penetration rates approaching 100 percent in connection with credit, life and disability insurance sold on an "optional-voluntary" basis. The Commission stated that such high penetration rates indicated that some creditors were circumventing the act's disclosure requirement through practices which lead the borrowers to believe that the purchase of this insurance is necessary to obtain the loan, despite disclosures to the contrary.

The initial Federal Trade Commission findings were made in 1973 but the Commission reports that the penetration rates have not abated during the past year and recommends that legislation be enacted to require premiums for such insurance to be included in the finance charge, despite the fact that insurance may nominally be offered on an optional basis.

The Federal Reserve Board, in its annual report to Congress on truth in lending for 1974 also reports that the Comptroller of the Currency indicates that such an amendment may be necessary.

The Federal Reserve Board is not prepared at this point to recommend such an amendment because it feels that such an amendment would discriminate against credit unions and some other lenders who provide life insurance to the borrower at no additional cost.

BILL OVERCOMES OBJECTION

My bill overcomes that objection by expressly exempting from coverage in the legislation any credit extendor that provides such insurance on a group basis with the insurance purchased prior to the transaction and if there is no additional charge to the borrower.

Since most credit unions operate under this system as well as some banks and other credit extendors, they would be exempt from the provisions of the law as would any companies that now offer such insurance on an individual basis but chose instead to move to the group plan without additional cost to the borrower.

One of the side benefits from my legislation, it is hoped, would be a reduction in credit life costs. For instance, studies have shown that where the lending institution pays the insurance premium rather than charging the borrower, the rates for such insurance are roughly $0.39 per $100 of coverage, which is about half the maximum rate permitted by most States.

While I do not want to take a position on the merits of life, health and accident insurance in connection with credit transactions, I am concerned that too many borrowers are needlessly saddled with such insurance solely because they are afraid that to decline the coverage would risk the possibility of obtaining the credit. This fact was brought home to me quite clearly a few years ago when I was involved in investigations of companies primarily lending to servicemen.

In a vast number of cases I found that servicemen obtaining loans from loan and finance companies were paying for health and accident insurance which would pay for their hospitalization should they be injured during the time the loan was outstanding. Since servicemen are, of course, treated without charge at military hospitals, in these cases they were paying for insurance coverage that was totally useless.

While my legislation would not totally correct such abuses, it would make it much harder for companies to take advantage of borrowers and, of course, any type of disclosure goes a long way toward meeting that objective.

BANKING COMMITTEE UNANIMOUSLY REPORTS ANNUNZIO INSURANCE BILL

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I am happy to report to this body that yesterday the full Banking, Currency and Housing Committee unanimously reported H.R. 2783, legislation that would extend for 4 years the national insurance development program.

This program contains the so-called FAIR plans—fair access to insurance requirements—and the Federal crime insurance.

Under the FAIR plan system, the Federal Government agrees to reinsure insurance companies for riot inflicted losses provided the insurance companies write fire insurance and extend coverage to homeowners and businesses who are unable to obtain coverage through normal commercial channels. This program operates in 28 States including the District of Columbia and Puerto Rico. They are: California, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Virginia, Washington, and Wisconsin.

At the present time some 800,000 policies are in force in the FAIR plan programs for a total coverage of $16.2 billion.

The second portion of the National Insurance Development Act of 1975 deals with Federal crime insurance, a program in which I was the original legislative sponsor.

Federal crime insurance, which is administered through the Department of Housing and Urban Development, was brought into being because businesses and homeowners in a number of areas found it impossible to purchase robbery and burglary insurance from private insurance companies. Red lining was also used by insurance companies to eliminate areas in which crime insurance would be written. Many businesses, particularly small businesses, were forced to close because they could not operate without insurance and homeowners who could not obtain the policies began deserting the cities to live in areas where they could obtain proper insurance coverage.

Crime insurance is now available in 13 States and the District of Columbia. These States are: Connecticut, Delaware, Illinois, Kentucky, Florida, Massachusetts, New Jersey, New York, Ohio, Missouri, Pennsylvania, Rhode Island, and Tennessee. Under the crime insurance program the Governor of a State must certify that such insurance is not available at reasonable rates from private carriers before the Federal policies can be issued.

To date some 20,000 policies have been sold for a total insurance coverage of roughly $130 million.

Mr. Speaker, I have saved the best for last. Both the FAIR plan insurance and the crime insurance program operate at no cost to the taxpayer. No appropriated funds are used to run these programs. Instead all premium income is placed in the national insurance development fund and excess amounts in that fund are invested so as to bring an additional return to the fund.

It is rare that the Government can put together a program that not only helps homeowners and businessmen but at the same time does not burden the taxpayers with additional expenses.

It is my understanding that a request will be made to place H.R. 2783 on the Suspension Calendar. It is imperative that we take quick action on the bill. Although the program will not expire until April 30, I have been notified that insurers in 12 States will begin sending cancellation notices to policyholders under the FAIR plan system on April 1. It can easily be seen the effect these cancellation notices will have on thousands of homeowners. By acting quickly we can forestall these cancellation notices and keep an extremely worthwhile program running smoothly and efficiently.

It should be stated that the administration strongly supports this legislation.

Mr. Speaker, I urge my colleagues to support H.R. 2783 when it comes before this body.

RESPONSE TO POSSIBLE VETO OF THE EMERGENCY EMPLOYMENT APPROPRIATIONS ACT, 1975

(Mr. ALBERT (at the request of (Mr. O'NEILL) asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, I have been informed that the Director of the Office of Management and Budget, Mr. Lynn, will recommend to President Ford that he veto the job-creating Emergency Employment Appropriations Act, which the House will pass this afternoon, because it would provide "excessive stimulus" to the economy which could "regenerate inflation."

In the face of an economy, with more than 7 million unemployed, with the greatest idle productive capacity in more than 30 years, I find this argument about excessive stimulus to the economy to be entirely without merit or support.

I might add that President Ford has himself asked for a substantial portion of the funds that we will provide today, obviously reflecting his growing awareness of the seriousness of rising unemployment. I have not spoken to the President personally about this matter, but I have known him for many years, and I know his great personal feeling for the plight of the unemployed. I am very hopeful that he will understand the great need for, and sign, this measure, which would create about 2 million jobs for the unemployed of our Nation.

LEGISLATION PROVIDING HEALTH BENEFITS FOR UNEMPLOYED

(Mr. DUNCAN of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DUNCAN of Tennessee. Mr. Speaker, I have today introduced legislation to deal with one of the most immediately pressing problems facing our society—the loss of health insurance coverage by our unemployed. The bill I have introduced will provide immediate relief to millions of Americans whose health benefits have expired and also provides a remedy for dealing with this problem in the future without Federal funding.

Mr. Speaker, the newly established Health Subcommittee of the Committee on Ways and Means for the past several days has held hearings on various proposals to assist the unemployed who by reason of their unemployment have lost their health insurance coverage. As the ranking Republican on that subcommittee, I have been interested in the fact that among the witnesses there was no consensus on what should be done to deal with this problem. The administration presented a very detailed and thoughtful analysis of the problem, but unfortunately in my view, failed to provide any guidance on how to best deal with the difficulty faced by about 3 million unemployed.

In my view, it is unrealistic for us to simply refuse to recognize the existence of this problem. It must be faced; it must be dealt with effectively. Unfortunately, nearly all the available solutions are less than ideal and highlight the problems which need to be solved by a national health insurance. For example, several of the bills pending in Congress merely provide for the payment to the last previous employer of an unemployed person of amounts to cover the premiums of the health insurance plan under which the unemployed person was previously enrolled. Obviously, this arrangement perpetuates inequities and promotes poor coverage. On the other hand, it does assume that the unemployed and his dependents are no worse off as far as health coverage is concerned than when he was employed.

Another bill under the subcommittee's review would extend eligibility for part A of the medicare program—hospital benefits—to the unemployed. This proposal insures equity of coverage but probably could not be implemented for 6 months to a year due to the administrative difficulties the medicare program is presently experiencing.

None of the bills we have considered assure easy administration and the kind of enforcement needed to deal with this problem quickly and effectively. In addition, none provide any type of long-term answer.

The legislation I have introduced takes a totally different approach and assures easy and quick results now and a permanent solution to this problem for the future. In short, it provides for the payment of the costs of health insurance premiums to the last previous employer of an insured unemployed person by the Internal Revenue Service when the employer takes action tc continue or restore coverage under his organization's health plan to the unemployed person. The IRS would pay the employer for the premiums covering 1 year. The employer's participation in this disbursement program would be voluntary except that if he failed to participate, he would not be eligible to deduct as a business expense any of the contributions made this year to current employees' health insurance plans. In other words, the bill provides a strong incentive for immediate employer participation in this program. The bill also contains a provision designed to guard against the so-called dual coverage situation. Specifically, it exempts from the above requirement employer participation where the employee is eligible for health insurance coverage through another family member's employer-sponsored health insurance plan. In addition, it applies the fraud penalties of the Internal Revenue Code to any unemployed person who falsifies an application for coverage in this latter regard.

Second, the bill provides a permanent remedy for dealing with the loss of health insurance coverage by the unemployed. It provides that for tax years after 1975, an employer will not be allowed a deduction for contributions to his company's health insurance plan unless the plan includes provisions under which such employers will continue—without requiring any premium payment—coverage for an unemployed former employee and his family for a period of 1 year or until the former employee's entitlement to weekly unemployment compensation expires. It seems to me this is a sound approach and should be considered as a realistic way to deal with the problem in the future. I might add that this type of remedy was recommended by one of the most distinguished witnesses to appear before the subcommittee—Mr. Robert Myers, former Chief Actuary of the Social Security Administration and one of the world's foremost experts on social insurance.

Mr. Speaker, my bill is sound in approach and can be quickly implemented by the Internal Revenue Service to assure that those who are unemployed now and in the future will be able to obtain the health coverage they previously enjoyed. At the appropriate time, I plan to offer it to the Health Subcommittee for consideration.

LEGISLATION TO ALLOW INCOME TAX CREDIT FOR PARENTS PAYING FOR CHILDREN'S HIGHER EDUCATION

(Mr. THONE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THONE. Mr. Speaker, today I am introducing a bill to allow an income tax credit for parents who are paying for their children's higher education. No action was taken on related bills I introduced in the past two sessions of Congress. I am persevering in this effort. The need for this legislation is great and apparent. Hopefully, this is an idea whose time has come.

No investment will pay greater dividends for America than money plowed into education of its young citizens. U.S. census figures show us that the average college graduate earns about $5,500 more in taxable income each year than the average high school graduate.

The tax credit eligibility I am proposing would not be limited to funds spent at 4-year universities. Credit would be allowed for funds spent in both public and private technical colleges and trade schools. Today, the highest rates of unemployment are among the young. The vast majority of the young who are now without a job have only a high school education or less. Employers are still seeking in vain for people skilled in many trades. For example, one of the vocational colleges in Nebraska immediately placed 97 percent of their graduates last year in jobs for which they had been trained.

No costs in America are skyrocketing faster than those for higher education. A 4-year university education now can cost as much as $20,000. There is every prospect that costs for higher education will continue to mount. In view of these costs, the credits I am proposing are exceedingly modest. I am proposing a 100-percent Federal tax credit only on the first $300 per year spent on a student's higher education. A 50-percent credit would be allowed on the next $300. A 10-percent credit would be allowed on the next $400. No credit at all would be allowed for expenditures of more than $1,000 per year for a student's higher education. The maximum credit for any taxpayer would be $490. The credit would be reduced by an amount equal to 2 percent of the amount by which the taxpayer's adjusted gross income exceeds $20,000. Examples: A family with adjusted gross income of $25,000 could receive $390 maximum credit. Those with incomes of $44,500 or more could not receive any tax credits.

These credits would also apply to students who are earning their own way through school.

In drafting this bill, sober thought was given to the condition of the U.S. Treasury and the effect of reducing Federal tax income. It seems conclusive to me that it is in the interest of the U.S. Department of the Treasury to encourage American citizens to obtain the education that will qualify them for financially rewarding careers.

This bill was drafted specifically to give the most benefits to the great bulk of our hardworking citizens who pay most of the taxes in this Nation and are so often forgotten and ignored. Many taxpayers of relatively modest means who are hard hit by inflation were largely ignored in the $21 billion tax cut that recently passed in this House.

Today, there are all kinds of scholarships and special aids to provide for education of the disadvantaged. Those who are rich, of course, need no tax breaks. The educational credits I am proposing are intended to aid the parents who have only their wages or salaries to support them and their offspring in institutions of higher education.

This carefully directed tax relief will

be more effective than giving more Federal aid directly to institutions of higher education. This device requires no cumbersome and costly bureaucratic apparatus and supervision. The tax credit does not involve the Federal Government in determination of which educational institutions are most worthy of support.

Mass education has been one of the most significant single factors in making the United States the most prosperous Nation in the world, in my opinion. The time has come to give Americans incentives for pursuing education beyond high school. This year, I hope the majority in Congress will agree that tax credits for higher education is an idea whose time has come.

The U.S. Supreme Court in a 1923 case involving Nebraska held that—

> Without doubt (liberty) denotes not only freedom from bodily restraint, but also the right of the individual . . . to engage in any of the common occupations of life and to acquire useful knowledge . . .

In 1969, a Massachusetts court ruled that—

> Education is no longer a necessity for the few, but is a necessity for all the young people of America.

Let us make it easier for Americans to acquire an education beyond high school, an education now a necessity of life.

AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I am introducing a bill, H.R. 4696, which seeks to amend the Domestic Volunteer Service Act of 1973. The seven amendments seek to strengthen the ACTION/VISTA program and demand more of a commitment on the part of the volunteers regarding their term of service. At the same time, it calls on the Congress and ACTION to recognize the status of the VISTA volunteer and meet the responsibilities of support services.

Throughout the existence of the ACTION Agency, VISTA workers have been consistently faced with recurring problems over the terms and conditions of service, as well as with shifting responsibilities with regard to the actual nature of their assignments in the field. A review of the legislative history of ACTION reveals these dilemmas quite clearly, and each succeeding addition to the authorizing legislation for the agency has included more and more explicit wording dealing with the support services to be provided to the volunteers, input by the volunteers in agency operations that affect them directly, and refocusing the direction and goals of ACTION clearly on the elimination of poverty.

Now it is time to logically take the next step to resolve these persistent inadequacies in the agency's attitude and policy toward the so-called volunteer: who is recruited by, trained by, hired by, assigned by, supervised by, paid a salary by, and in some cases fired by the ACTION Agency—exactly in the same manner as any Federal employee would be by any duly authorized Federal agency, with the exception of exemption from the civil service system. It is clear that for every intent and purpose except civil service and the subsistence poverty-level wage provisions in the ACTION legislation, "volunteers" are indeed Federal employees, and accordingly should enjoy the rights, benefits, and privileges that are presently enjoyed by the overwhelming majority of such employees.

Therefore, this bill calls for the recognition of VISTA volunteers as Federal employees, with the same rights as all other Federal employees, especially the right to form and support their own organizations to deal with their employer, ACTION, on matters pertaining to the terms and conditions of their service.

The seven amendments included in this bill would:

First. Lengthen the VISTA commitment to a minimum 2-year term of service as opposed to the current 1-year term. This will lend stability and continuity to the program, as well as reduce training costs for new volunteers and increase the commitment of both the VISTA volunteer and the ACTION Agency to the communities to be served;

Second. Strengthen the volunteer councils by requiring a representative election, by popular vote, of the volunteer members. Additionally, volunteer councils will be required to meet not less than once each quarter or four times each year. These provisions will promote the intended purpose of the volunteer councils as originally mandated;

Third. Increase the VISTA volunteer stipend from $50 to $100 per month. This increase is necessary as the stipend has remained the same since the initiation of the VISTA program 10 years ago;

Fourth. Enable volunteers to receive their accumulated stipend at the end of each year of service;

Fifth. Maintain the antipoverty focus of the program by guaranteeing that selection of local VISTA sponsors is not based on the local sponsor's ability to provide transportation and supervisory support for volunteers. Local sponsors who are capable of providing such services should be required to do so, but local sponsors who meet all other criteria for eligibility should not be denied volunteers for their inability to provide such services;

Sixth. Expand the Volunteers' input into the direction of the programs by placing a representative from each of the ACTION programs on the National Voluntary Service Advisory Council. The substance of this amendment was contained in both the Senate and House reports to the ACTION legislation which was passed in the preceding Congress and is now proposed as a specific amendment to emphasize this requirement; and

Seventh. Recognize that VISTA Volunteers are Federal employees with the same rights and privileges accorded to all other Federal employees, including the right to form and assist their own organization for the purpose of bargaining collectively with their employer, in this case ACTION. This has proven to be absolutely essential in order to insure that VISTA Volunteers have a voice in determining the terms and conditions of their service. We must recognize that VISTA Volunteers have always been considered Federal employees for purposes of the Hatch Act and the Federal Tort Claims Act. Let us now recognize VISTA Volunteers as Federal employees for the purpose of upholding their rights as workers in an antipoverty setting.

The intent and purpose of this provision is to strengthen the VISTA program by guaranteeing the VISTA Volunteers a workable environment, where their concerns and rights are recognized and insured by due process considerations.

I hope that Congress as well as the administration and the ACTION Agency will support my bill.

THE STANS' GUILTY PLEAS AND THE 1972 BANKING COMMITTEE INVESTIGATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, today's news reports tell us that Maurice Stans the Secretary of Commerce in the Nixon administration and the chief fundraiser for President Nixon's reelection efforts in 1972, has pleaded guilty to a series of misdemeanor counts involving campaign law violations.

As the House will remember, the Banking and Currency Committee, in August of 1972, launched an investigation of some of Mr. Stans' activities and the fundraising efforts being carried on by the Finance Committee to Re-elect the President. Although we were never able to obtain subpoena powers, the committee did issue reports which detailed the movement of campaign funds from Mexico into the coffers of the campaign committee and ultimately into the bank account of Bernard Barker, one of the persons who was convicted of various offenses in connection with the Watergate affair.

In fact, the reports of the Banking Committee—issued in September and October of 1972—revealed that more than $700,000 in checks, currency and securities had been flown from Houston to the finance committee in April of 1972—just hours before the new campaign law reporting requirements went into effect. Included in this $700,000 were the so-called "Mexican checks" totaling $89,000.

Mr. Speaker, I have always attempted to limit my comments on judicial matters and particularly questions involving sentencing of any individual. Our difficulties with Mr. Stans and his attorneys in the fall of 1972 were monumental and they did everything possible to keep the facts from coming out. Mr. Stans was unquestionably one of the "big boys" in the 1972 campaign and I assume that the prosecutors and the Judiciary have considered carefully the limitation of Mr. Stans' case to these misdemeanor charges. At a minimum, I do hope that the circumstances surrounding Mr. Stans' pleas to misdemeanor counts will include a full and detailed revelation of all of Mr. Stans' activities as an official of the Finance Committee to Re-Elect the President in 1972.

As our committee reports indicated in 1972, there are many questions remaining about the activities which involved the fundraising for President Nixon. It is important, in my opinion, that this side of the story be fully told along with the other aspects of this long, drawn-out Watergate affair.

Mr. Speaker, I think that many of the facts, many of the questions, surrounding Maurice Stans and others would have been revealed fully had the Banking and Currency Committee been allowed to go forward in the fall of 1972 with a full-scale investigation. If our investigation had gone forward with subpena powers, these questions would have been cleared up long ago and I think we would have had an earlier end to the Watergate trauma which has dominated so much of official Washington for so long.

However, I am proud of what we did accomplish in the Banking Committee despite the pressures which were brought by the White House and despite the bitter assaults which were made on the committee by persons such as Maurice Stans in 1972. Some of these pressures and efforts have been detailed in testimony in the official records of committees of both the House and the Senate and in the September 15, 1972, transcript of taped conversations in the Oval Office of the White House.

PROPOSED AMENDMENT TO SURFACE MINING ACT BY HON. GUNN McKAY, OF UTAH

(Mr. McKay asked and was given permission to extend his remarks at this point in the Record.)

Mr. McKAY. Mr. Speaker, I wish to express my support for the Surface Mining Control and Reclamation Act. I believe that, for the most part, the bill strikes a reasonable balance between the need for minimum environmental standards and the need to mine our valuable surface coal resources. I commend the committee for their determination to set needed reclamation standards. I also commend the committee for some of the farsighted provisions in the bill, such as the assistance to be provided schools of mines.

I am still concerned, however, about the total prohibition of surface mining of coal in national forests. I recognize the need for special protection of the Nation's forests. I would hate to see the stripping of land covered with beautiful Alpine forests. On the other hand, not all national forest land is important scenic, recreational, or timber land, and I think it unwise to completely preclude the possibility of surface mining where important environmental values would not be compromised. Accordingly, I support the following amendment to section 522(e) (2) at page 294 of H.R. 25, by inserting italicized wording:

> (2) on any Federal lands within the boundaries of any national forest *where the present use or value of the area to be surfaced mined is primarily related to timber or recreation at the effective date of this Act, but nothing contained in this paragraph shall be construed to otherwise limit the Secretary of Agriculture from designating such lands as unsuitable in whole or in part under the provision of section 522(b), and excepting further* surface operations and impacts incident to an underground coal mine.

The proposed amendment carefully protects all important forest values. Surface coal mining is prohibited where the present use or value of the area to be surface mined is primarily related to timber or recreation at the effective date of the act. In addition, the area could be designated as unsuitable for mining where there could be significant damage to esthetic values and natural systems under section 522. Finally, the strict reclamation requirements would apply to the limited areas where mining might be allowed.

There is about seven billion tons of known coal reserves on national forest land. Some of these lands, likely should not be surfaced mined because of recreational, timber, or scenic values; but this should not mean that all forest lands should be precluded from mining. The Nation's energy needs demand that this could not be locked up where important environmental values would not be compromised by surface mining.

This amendment provides the needed protection for our national forests without a total prohibition. It should be understood that all of national forest is not forest. Half of national forest land is range land and some forest land has no real scenic, recreational, agricultural, or timber value. For example, in a remote area of the Fishlake National Forest in Utah there is a small 1,500 acre tract that contains about 16 million tons of low-sulfur surface coal. The area has fairly flat terrains and the climate is dry. Most of the vegetation is sagebrush, although there are some short pinions and junipers. There is no significant wildlife. This is the type of land which could be surface mined for needed coal without significant environmental damage.

I hope that my colleagues will take the balanced approach which I believe that this amendment offers.

AVOID MINERALS CRISIS

(Mr. McKay asked and was given permission to extend his remarks at this point in the Record.)

Mr. McKAY. Mr. Speaker, I would like to call the attention of my colleagues to a portion of the strip mining bill which I consider particularly far reaching and important. This portion of the bill would provide new incentives for the training of metallurgical engineers, a program I have favored since coming to Congress in 1970.

America is becoming increasingly reliant on the mineral production of foreign nations. If we learned anything from the oil embargo, I think it is that this country should be as self-sufficient as possible concerning required natural resources, and by anticipating a possible shortage of minerals at this time the country can avoid a minerals crisis.

Each year, the United States uses 2 billion tons of mineral fuels, and over 2 billion tons of nonfuel minerals. The value of these minerals exceeds $175 billion. In 1973, the country's demand for minerals exceeded its supply by $8 billion. This trade deficit for minerals could reach $100 billion by the year 2000.

Mr. Speaker, increasing populations in other parts of the world are creating new demands for mineral resources. Increasing this demand are nationalization and multiple-country alignments in mineral-producing countries, similar to the oil cartel, which further complicate the demand for minerals.

I think it is clear that it would be in America's best interest to avoid becoming vulnerable to an embargo of necessary minerals. One avenue is to develop our technology, improving our methods of minerals substitution and secondary recovery. It has been estimated, for example, that all of America's necessity chromium, for which we currently are totally reliant on foreign sources, could be obtained from recycling chrome from the Nation's junkyards.

Mr. Speaker, in order to improve and advance the state of America's mineral technology, the country must accelerate the training of metallurgical engineers. The strip mining bill, which the House plans to consider Friday, provides new incentives for training of this type, setting up grant funds for States with mining schools. These grants would attract new students, stimulate research, and lead to improved mineral recovery and use.

HOUSE ARMED SERVICES COMMITTEE REPORT ON THE MIDDLE EAST

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the Armed Services Special Subcommittee on the Middle East, led by our distinguished full committee chairman, Mr. Price, yesterday issued its report on its factfinding tour made last month. It will, I think, make an important contribution to congressional understanding of the complex problems in the Middle East and of U.S. policy decisions concerning that important area.

Because it is possible that a clear understanding of the subcommittee's recommendations might not have been gained from some of the hurried press coverage of the report that appeared this morning, particularly as regards the subcommittee's discussion of additional military aid for Israel, I would like to bring to the attention of the House at this time the full text of that portion of the report.

Mr. Speaker, it is important to keep in mind that in this particular section the subcommittee was thinking in terms of the economic conditions in Israel, the heavy budget restraints we face here in the United States, as well as the present military balance in the confrontation area, when we urged that a careful scrutiny and an item-by-item judgment be made on any such aid requests. Actually, this would appear to be normal procedure anyway, and it is what the executive branch is already in the process of doing with regard to these requests. I am sure we would all agree that Congress too, would not be doing its job adequately if we were simply to provide a blanket authorization of aid for over $1 billion on any matter without and item-by-item review of the request. So this is not and should not be regarded as anything new or unusual in congressional procedure.

First, here is a portion of the report concerning current Israeli military strength:

II. THE PRESENT MILITARY SITUATION IN THE MIDDLE EAST

The Israeli Defense Forces (IDF), largely as a result of the $2.2 billion aid program voted by Congress last year, have more than made up their losses in the October War of 1973. They now have more aircraft than on October 6, 1973; more tanks; more armored personnel carriers; and a substantial increase in the number of artillery pieces. The Arab forces on the borders of Israel have, as a whole, also increased their strength; but they have not improved their posture to the extent of the IDF.

Therefore, it must be stated that the Israelis are relatively stronger than their Arab neighbors as compared to the balance at the start of the October War and, in addition, are in a posture which makes them unlikely to be susceptible again to surprise attack.

The relative strength of the IDF at the present time, however, has not resulted in a corresponding increase in confidence on the part of the Israelis; and, in fact, Israeli leaders—military and civilian—evidence a deep concern for some of the very real security problems the country is still facing. The combination of events since the end of the October War in 1973 has left the Israelis with a new perception of their situation.

Next follows the specific section dealing with the Israeli military aid request for fiscal year 1976:

ISRAEL'S REQUEST FOR ADDITIONAL MILITARY AID

In 1971, Israel got $545 million in military sales credits from the United States. Beginning in fiscal year 1972, Congress has authorized and appropriated $300 million per year in foreign military sales credits for Israel. In some years the full credit was not actually spent but remains obligated for future equipment deliveries. In fiscal year 1974 the total programed for Israel was $2.5 billion which included the regular $300 million in credits plus the $2.2 billion aid provided after the October War. Of the $2.2 billion, $1.5 billion was eventually designated as a grant.

The $2.2 billion (in emergency security assistance) was to provide for replacement of weapons lost in the October War and the post of delivery and related services, and the subcommittee learned that much of the equipment requested has been delivered to the Israelis.

The accompanying table shows the foreign military sales with Israel since fiscal year 1970.

U.S. FOREIGN MILITARY SALES WITH THE GOVERNMENT OF ISRAEL, ANALYSIS OF CREDIT ACTIVITY, FISCAL YEAR 1970-74 (AS OF DEC. 31, 1974)

[Dollar amounts in thousands]

Fiscal year	Authorized program	Credit values	Credit utilized	Unused credit	Source of financing	Interest rate percent	Repayments	Outstanding indebtedness as of Dec. 31, 1974	Note
1970	$30,000	$30,000	$30,000		D	6.000	$15,000	$15,000	
1971	545,000	350,000	350,000		D	3.000	0	350,000	
		150,000	150,000		D	6.125	52,500	97,500	
		25,000	21,759	$3,241	D	6.250	1,750	20,009	
		20,000			G	(1)			(2)
1972	300,000	150,000	150,000		D	3.000	1,250	148,750	(3)
		150,000			G	(1)			
1973	300,000	100,000	100,000		D	6.250		100,000	(3)
		100,000			G				
		50,000	50,000		D	6.750		50,000	(3)
		50,000			G				
1974	300,000	300,000			G	9.750			(2)
	2,200,000	682,664	97,793	584,871	D	3.000		97,793	(4)
		17,336							
		1,500,000							

[1] One-half percent over prime.

[2] Represents DOD guaranty—No indebtedness to U.S. Government.

[3] Represents combined financing arrangement (Direct and DOD guaranty) outstanding indebtedness applicable to U.S. Government only.

[4] See the following table:

Emergency security assistance to Israel	$2,200,000
Less: U.S. share of U.N. Emergency Force, Middle East	17,336
Total	2,182,664
Less release of Government of Israel from contractual obligation, Presidential determination—	
74-17	1,000,000
74-23	500,000
Total, direct credit value	682,664

In fiscal year 1975 the military aid was $300 million.

Thus, total military aid authorized for Israel, either by grant or credit sale, from fiscal year 1970 through fiscal year 1975 is $3,975 million, of which approximately $70 million has been repaid. Total nonmilitary aid provided to Israel under various programs during those fiscal years is over $900 million.

For fiscal year 1976 Israel is requesting a substantial increase in U.S. aid; it was made clear that Israel would like as much as possible of the aid in the form of a grant.

In fiscal year 1976 Israel is asking for more than $1 billion in American military aid. In addition, the Israeli long-range preparedness program indicates requests for procurements from the United States approaching $1 billion a year will be submitted for the next several years.

The large buildup desired in Israel's forces may reflect, in part, a concern for a greater military capability associated with probable pullback of Israeli forces from some occupied areas. In addition, Israel naturally desires to obtain as much of its long-term military needs as soon as possible.

Israeli leaders expressed forcefully to members of the subcommittee their belief that a strong Israel is in the national interest of the United States as it creates a base for the United States to counteract Soviet influence in the Middle East. Israeli leaders also stressed that the present peace efforts of Secretary Kissinger involve Israel's giving up something tangible; that is, land, for something intangible; that is, a commitment to nonaggression by her Arab neighbors, and to make such an exchange, Israel would have to be in an improved military posture so as to be assured of increased defense capability to make up for the buffer areas lost in the pullback from occupied territories.

There is considerable resistance within the Israeli Government to a withdrawal from occupied lands, not only from the opposition Likud Party, but from elements inside the ruling Labor coalition.

The subcommittee can appreciate the desire of the Israeli Government for a high level of military assistance in view of its experience in the October War. Israel will be dependent on the United States for arms support this year and for some years to come. The subcommittee recognizes that one of the persuasive points in behalf of aid to Israel, as outlined eloquently by Prime Minister Rabin, is that a strong Israel will convince Arab nations that a war option is not available; that is, that they must negotiate to attain the end they seek because defeating Israel through war is not a realistic expectation.

Having said that, however, the subcommittee would recommend to the full committee and to the Congress that in view of the present strength of Israeli forces, in view of the effect on the Israeli economy and in view of the limitations on the United States at a time of unprecedented, large-scale budget deficits, any Israeli request be scrutinized carefully and any judgment be made on an item-by-item basis. If the provision of some items can be delayed, it would be economically beneficial to both nations in a year when both face severe budgetary constraints.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Burgener) to revise and extend their remarks and include extraneous material:)

Mrs. Smith of Nebraska, for 5 minutes today.

Mr. Steiger of Wisconsin, for 10 minutes, today.

Mrs. Heckler of Massachusetts, for 10 minutes, today.

Mr. Findley, for 5 minutes, on March 17, 1975.

(The following Members (at the request of Mr. Early) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 15 minutes, today.
Mr. Drinan, for 20 minutes, today.
Mr. Harris, for 5 minutes, today.
Mr. Udall, for 10 minutes, today.
Mr. Morgan, for 5 minutes, today.
Mr. Murphy of Illinois, for 5 minutes, today.
Mr. Badillo, for 5 minutes, today.
Ms. Abzug, for 10 minutes, today.
Mr. Scheuer, for 60 minutes, today.
Mr. Leggett, for 5 minutes, today.
Mr. Staggers, for 5 minutes, today.
Ms. Holtzman, for 10 minutes, today.
Mr. Mineta, for 5 minutes, today.
Mr. Brademas, for 5 minutes, today.
Mr. Fascell, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Brademas and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,320.50.

Mr. Conyers, and to revise and extend his remarks and include extraneous material during general debate in the Committee of the Whole today.

(The following Members (at the request of Mr. Burgener) and to include extraneous materials:)

Mr. Whalen in two instances.
Mr. Whitehurst.
Mr. Del Clawson.
Mr. Don H. Clausen.
Mr. Anderson of Illinois in three instances.
Mr. Carter in four instances.
Mr. Collins of Texas in five instances.
Mr. Gilman.
Mr. Peyser.
Mr. Steiger of Wisconsin.
Mr. Hyde in five instances.
Mr. Gude in six instances.
Mr. Hillis.
Mr. Pritchard in two instances.
Mr. Steiger of Arizona.
Mr. Burke of Florida in two instances.
Mr. Biester in two instances.
Mr. Grassley.
Mr. Coughlin.
Mr. Kemp.
Mr. Schulze.
Mr. Brown of Michigan.
Mr. Kasten.
Mr. Abdnor in two instances.
Mr. Pressler.
Mr. Treen in two instances.
Mr. Ashbrook in two instances.

(The following Members (at the request of Mr. Early) and to include extraneous matter:)

Mr. Badillo.
Mr. Rosenthal in four instances.
Mr. Mollohan.
Mr. Blouin in three instances.
Mr. Eilberg in two instances.
Mr. Nowak.
Mr. Morgan in five instances.
Mr. Murphy of Illinois.
Mr. McKay.
Mr. Early in two instances.
Mr. Vanik in three instances.
Mrs. Spellman in two instances.
Mr. Obey in three instances.
Mr. Lehman in six instances.
Mr. Clay in 10 instances.
Mr. Gonzalez in three instances.
Mr. Anderson of California in three instances.
Mr. Risenhoover.
Mr. McDonald of Georgia in three instances.
Mr. Hamilton in three instances.
Mr. Drinan.
Mr. Conyers.
Mr. Roybal in two instances.
Mr. Dodd.
Mr. Nix in 10 instances.
Mr. Mineta.
Mr. Dingell.
Mr. Mazzoli.
Mr. Leggett in three instances.
Mr. Downey.
Mr. Edwards of California.
Mrs. Schroeder.
Mr. Young of Georgia.
Mr. Fraser.
Mr. Rogers in five instances.
Mr. Dan Daniel.
Mr. Fascell.
Mr. Mottl.
Mr. Hannaford.
Mr. Perkins.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 332. An act to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a Joint Resolution of the House of the following title:

H.J. Res. 219. Joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes.

ADJOURNMENT

Mr. EARLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, March 13, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

547. A letter from the President of the United States transmitting a proposed supplemental appropriation for fiscal year 1975 for the Federal Mediation and Conciliation Service; to the Committee on Appropriations and ordered to be printed.

548. A letter from the President of the United States, transmitting a proposed supplemental appropriation for fiscal year 1975 to pay claims and judgments rendered against the United States (94–79); to the Committee on Appropriations and ordered to be printed.

549. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to establish an improved program for the benefit of producers and consumers of extra long staple cotton; to the Committee on Agriculture.

550. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to establish improved programs for the benefit of producers and consumers of rice; to the Committee on Agriculture.

551. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting withdrawing the previously submitted statement describing a proposed transaction with the Korea Electric Co.; to the Committee on Banking, Currency and Housing.

552. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction with British Airways, the United Kingdom, which exceeds $60 million, pursuant to section 2(b)(3) of the Export-Import Bank Act of 1945, as amended [12 U.S.C. 635(b)(3)]; to the Committee on Banking, Currency and Housing.

553. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed funding criteria for the consideration of applications for support of projects under section 306 of the Elementary and Secondary Education Act of 1965, as amended, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

554. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed funding criteria for the career education program, Office of Education, pursuant to section 431(d)(1) of the General Education

Provisions Act, as amended; to the Committee on Education and Labor.

555. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed regulations and guidelines governing financial assistance for community service and continuing education programs, pursuant to section 431(d) (1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

556. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed priorities for the funding of proposals under the foreign language and area studies research program, pursuant to section 431(d) (1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

557. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed regulations governing title IV of the Civil Rights Act of 1964, as amended, pursuant to section 431(d) (1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

558. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

559. A letter from the chairman, Little League Baseball, transmitting the annual report and audit of the organization for the fiscal year 1973–74, pursuant to section 12(b) of Public Law 88–378, as amended; to the Committee on the Judiciary.

560. A letter from the national secretary-treasurer, Sons of Union Veterans of the Civil War, transmitting the proceedings of the 93d annual national encampment of the organization, together with the audit of its accounts for the year ended June 30, 1974; to the Committee on the Judiciary.

Received From the Comptroller General

561. A letter from the Comptroller General of the United States, transmitting a report on the procedures for computing objectives for and the management of the strategic and critical materials stockpile by the General Services Administration; jointly, to the Committees on Government Operations, and Armed Services.

562. A letter from the Comptroller General of the United States, transmitting a report on problems in the identification, technological development, and use of geothermal resources; jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Science and technology.

563. A letter from the Comptroller General of the United States, transmitting a report on U.S. ocean interests, together with positions and results of the Law of the Sea Conference at Caracas; jointly, to the Committees on Government Operations, Merchant Marine and Fisheries, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 4221. A bill to amend the Higher Education Act of 1965, as amended, relative to the reallocation of work-study funds, and for other purposes (Rept. No. 94–55). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 304. Resolution providing for the consideration of H.R. 25. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and that acquisition and reclamation of abandoned mines, and for other purposes (Rept. No. 94–56). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 4656. A bill to amend the Truth in Lending Act with regard to the inclusion of life, accident, or health insurance in the finance charge which must be disclosed under such act; to the Committee on Banking, Currency and Housing.

H.R. 4657. A bill to amend the Truth in Lending Act to protect consumers against inadequate and misleading leasing information, assure meaningful disclosure of lease terms and limit ultimate liability in connection with leasing of personal property primarily for personal, family, or household purposes, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. BELL (for himself, Mr. Miller of California, Mr. Ryan, Mr. Stark, Mr. Corman, Mr. Maguire, Ms. Abzug, Mr. Hawkins, Mr. Krebs, Mr. Hannaford, Mr. Roybal, Mr. Emery, Mr. Helstoski, Mr. Carney, Mr. Ambro, Mr. Cleveland, Mr. Richmond, Mr. Solarz, and Ms. Holtzman):

H.R. 4658. A bill to amend the Outer Continental Shelf Lands Act to provide a procedure for congressional disapproval of offshore oil and gas leases; jointly to the Committees on Interior and Insular Affairs, and Rules.

By Mr. BROYHILL:

H.R. 4659. A bill to amend the Clean Air Act to provide a postponement of certain motor vehicle emission standards and to provide for certain related studies and reports, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Florida:

H.R. 4660. A bill to amend title 38 of the United States Code to provide that travel allowances paid to veterans traveling to and from Veterans' Administration facilities shall in no event be less than those paid to employees of the Federal Government traveling on official business; to the Committee on Veterans' Affairs.

H.R. 4661. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

By Mr. PHILLIP BURTON:

H.R. 4662. A bill to amend title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PHILLIP BURTON:

H.R. 4663. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

By Mr. CLEVELAND:

H.R. 4664. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives to improve the economics of recycling waste paper; to the Committee on Ways and Means.

H.R. 4665. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 4666. A bill to amend the Interstate Commerce Act to provide assistance to create employment opportunities in rebuilding the Nation's railroad rights-of-way, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN:

H.R. 4667. A bill to temporarily suspend required emissions controls on automobiles registered in certain parts of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H.R. 4668. A bill to amend the Internal Revenue Code of 1954 to allow a business deduction under section 162 for certain ordinary and necessary expenses incurred to enable an individual to be gainfully employed; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Anderson of California, Mr. Brown of California, Mrs. Burke of California, Mr. Dellums, Mr. Edwards of California, Mr. Hawkins, Mr. Leggett, Mr. Moss, Mr. Roybal, Mr. Ryan, Mr. Sisk, Mr. Stark, Mr. Waxman, and Mr. Charles H. Wilson of California):

H.R. 4669. A bill to extend unemployment insurance coverage to employers employing four or more agricultural workers for each of 20 or more weeks; to the Committee on Ways and Means.

By Mr. DRINAN (for Mr. Brademas, Mr. Corman, Mr. McFall, Ms. Mink, Mr. Moss, Mr. O'Neill, Mr. Pickle, and Mr. Reuss):

H.R. 4670. A bill to amend the Impoundment Control Act of 1974 to provide that no rescission of budget authority proposed by the President shall take effect unless and until the Congress has passed a bill incorporating such rescission; to the Committee on Rules.

By Mr. CARTER:

H.R. 4671. A bill to amend the Occupational Safety and Health Act of 1970 to make the Director of the National Institute for Occupational Safety and Health directly responsible to the Assistant Secretary for Health of the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 4672. A bill to create a temporary program, as an emergency measure during the current period of high unemployment, in order to assure continued health care for unemployed persons and their families; and for this purpose to provide for continuation of coverage under employer programs of health insurance for their employees, and Federal financing from general revenues to meet the cost of such continued coverage; to the Committee on Interstate and Foreign Commerce.

H.R. 4673. A bill to provide for the appointment of additional district court judges and for other purposes; to the Committee on the Judiciary.

H.R. 4674. A bill to authorize additional judgeships for the U.S. courts of appeals; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 4675. A bill to provide that in civil actions where the United States is a plaintiff, a prevailing defendant may recover a reasonable attorney's fees and other reasonable litigation costs; to the Committee on the Judiciary.

By Mr. CRANE (for himself, Mr. Breaux, Mrs. Lloyd of Tennessee, Mr. Cleveland, Mr. Zeferetti, Mr. Moore, and Mr. Ketchum):

H.R. 4676. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. DENT:

H.R. 4677. A bill to amend the Securities Exchange Act of 1934 to prevent control by foreign persons of American companies engaged in vital industries; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNEY:

H.R. 4678. A bill to amend title 38 of the United States Code in order to eliminate the time limitation on the provision of educational assistance to veterans who served on active duty at any time during the Vietnam era or thereafter; to the Committee on Veterans' Affairs.

By Mr. DRINAN (for himself, Ms. Abzug, Mr. Badillo, Mr. Baucus, Mr. Bedell, Mr. Brademas, Mr. Brown of California, Ms. Collins of Illinois, Mr. Conyers, Mr. Corman, Mr. Cornell, Mr. Downey, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Gude, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Koch, Mr. Leggett, Mr. Long of Maryland, and Ms. Meyner):

H.R. 4679. A bill to require the submission of reports to the Congress prior to the issuance of a license for the export of certain arms, ammunition, or implements of war; to the Committee on Foreign Affairs.

By Mr. DRINAN (for himself, Mr. Mikva, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mottl, Mr. Ottinger, Mr. Roe, Mr. Rosenthal, Mr. Simon, Mr. Solarz, and Mr. Stark):

H.R. 4680. A bill to require the submission of reports to the Congress prior to the issuance of a license for the export of certain arms, ammunition, or implements of war; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H.R. 4681. A bill to amend the Controlled Substances Act to provide penalties for persons who obtain or attempt to obtain narcotics or other controlled substances from a retail pharmacy by force and violence, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FORD of Michigan (for himself, Mr. Baucus, Mr. Brodhead, Mr. Harrington, Mr. LaFalce, Mr. Pattison of New York, Mr. Rodino, Mr. Solarz and Mrs. Spellman):

H.R. 4682. A bill to amend the Fair Labor Standards Act of 1938, to require prenotification to affected employees and communities of dislocation of business concerns, to provide assistance (including retraining) to employees who suffer employment loss through the dislocation of business concerns, to business concerns threatened with dislocation, and to affected communities, to prevent Federal support for unjustified dislocation, and for other purposes; to the Committee on Education and Labor.

By Mr. FRASER (for himself, Mr. Blanchard, Mr. Boland, Mr. Fascell, Mr. Ford of Tennessee, Mr. Gude, Mr. Hannaford, Mr. Hawkins, Mr. Maguire, Mr. McHugh, Ms. Meyner, Mr. Mitchell of Maryland, Mr. Moffett, Mr. Obey, Mr. Pattison of New York, Mr. Pepper, Mr. Price, Mr. St Germain, Mr. Simon, Mr. Vander Veen, and Mr. Wirth):

H.R. 4683. A bill to establish an emergency health benefits program for the unemployed; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMERSCHMIDT:

H.R. 4684. A bill to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products; to the Committee on Agriculture.

H.R. 4685. A bill to amend the National School Lunch and Child Nutrition Acts in order to extend and revise the special food service program for children and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs; to the Committee on Education and Labor.

H.R. 4686. A bill to provide that certain rural hospitals shall be exempt for a period of 18 months from the requirements and provisions of title XI of the Social Security Act relating to professional standards review organizations, and from the 1972 amendments to titles XVII, XIX, and V of such act (and the recently approved regulations relating thereto) on utilization review and utilization control under the medicare, medicaid, and maternal and child health programs; and to provide for a 6-month study of alternative methods of utilization review and utilization control for such hospitals; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. HILLIS:

H.R. 4687. A bill to provide for the payment by the Federal Government of health insurance premiums on behalf of unemployed individuals; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 4688. A bill to restore to Federal civilian employees the rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4689. A bill to amend the Internal Revenue Code of 1954 to require that charitable organizations which solicit contributions from the public pay out at least half of their gross revenues in charitable activities and for other purposes; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 4690. A bill to amend the Clean Air Act to provide a postponement of certain motor vehicle emission standards to provide for certain related studies and reports, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LOTT (for himself and Mr. Bowen):

H.R. 4691. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for disability benefits, to liberalize the earnings test, to permit adopted children to qualify for benefits without regard to time of adoption, to eliminate the reconsideration stage in benefit determinations, to provide for the issuance of duplicate benefit checks where the initial checks are lost or delayed, and to provide for expedited benefit payments to disability beneficiaries; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 4692. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation; to the Committee on Agriculture.

H.R. 4693. A bill to give greater assurance that national and regional needs are satisfied in times of shortage of natural gas and petroleum and its products; to the Committee on Interstate and Foreign Commerce.

H.R. 4694. A bill to direct the Secretary of the Treasury to determine if bounties, grants, or export subsidies are paid by foreign countries with respect to dairy products imported into the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 4695. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mrs. MINK:

H.R. 4696. A bill to amend the Domestic Volunteer Service Act of 1973 to improve the administration of certain programs of the ACTION Agency, and for other purposes; to the Committee on Education and Labor.

By Mr. MOORHEAD of California:

H.R. 4697. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4698. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. MORGAN (by request):

H.R. 4699. A bill to authorize appropriations for fiscal years 1976 and 1977 for carrying out the Board for International Broadcasting Act of 1973; to the Committee on Foreign Affairs.

By Mr. TEAGUE (for himself and Mr. Mosher):

H.R. 4700. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Technology.

By Mr. NOWAK:

H.R. 4701. A bill to amend the Internal Revenue Code of 1954 to provide a repayment for part of the Federal excise tax paid on gasoline and special fuels used in taxicabs; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 4702. A bill to amend title 38 of the United States Code to clarify the circumstances under which the Administrator of Veterans' Affairs may pay for care and treatment rendered to veterans by private hospitals in emergencies to the Committee on Veterans' Affairs.

H.R. 4703. A bill to provide reduced retirement benefits for Members of Congress who remain in office after attaining 70 years of age; jointly to the Committees on Post Office and Civil Service, and House Administration.

By Mr. RHODES (for himself, Mr. Myers of Indiana, Mr. Robinson, Mr. Steiger of Arizona, Mr. Whitehurst, Mr. Wiggins, Mr. Winn, Mr. Won Pat, Mr. Beard of Tennessee, Mr. Burleson of Texas, Mr. Frenzel, Mr. Hastings, Mr. Hinshaw and Mr. McClory):

H.R. 4704. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 4705. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit rescue squads to obtain surplus property; to the Committee on Government Operations.

H.R. 4706. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 4707. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 4708. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 4709. A bill to establish a temporary commission to study problems relating to the Nation's economy and to make recommendations for solving such problems; to the Committee on Banking, Currency and Housing.

By Mr. SATTERFIELD:

H.R. 4710. A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during model year 1977 and thereafter; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER:

H.R. 4711. A bill to amend title XVIII of the Social Security Act to include the cost of drugs requiring a doctor's prescription among the medical expenses with respect to which payment may be made under the supplementary medical insurance program; to the Committee on Ways and Means.

H.R. 4712. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits thereunder shall continue through the month of his or her death (or of the insured individual's death in the case of a dependent), instead of terminating with the preceding month, unless the resulting delay in survivor eligibility would reduce total family benefits; to the Committee on Ways and Means.

H.R. 4713. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age beyond which deductions on account of an individual's outside earnings will no longer be made from such individual's benefits; to the Committee on Ways and Means.

By Mr. SIKES (for himself and Mr. Robinson):

H.R. 4714. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mrs. SPELLMAN (for herself, and Mr. Solarz):

H.R. 4715. A bill to amend the Internal Revenue Code of 1954 to remove tax incentives to plant closings; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 4716. A bill to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, to raise the contribution base, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself, and Mr. Devine):

H.R. 4717. A bill to amend titles VII and VIII of the Public Health Service Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4718. A bill to amend the Rail Passenger Service Act to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4719. A bill to amend titles VII and VIII of the Public Health Service Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4720. A bill to revise and extend the program authorized by the Development Disabilities Services and Construction Act; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin (for himself, Mr. Erlenborn, Mr. Karth, and Mr. Kasten:)

H.R. 4721. A bill to amend the Internal Revenue Code of 1954 to provide for the tax-free rollover of certain amounts distributed from pension plans on account of terminations, partial terminations, and the complete discontinuance of contributions under such plans; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 4722. A bill to insure that each admission to the service academies shall be made without regard to a candidate's sex, race, color, or religious beliefs; to the Committee on Armed Services.

By Mr. TEAGUE (for himself, Mr. Mosher, and Mr. Symington):

H.R. 4723. A bill authorizing appropriations to the National Science Foundation for fiscal year 1976; to the Committee on Science and Technology.

By Mr. THONE:

H.R. 4724. A bill to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning; to the Committee on Interior and Insular Affairs.

H.R. 4725. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 4726. A bill to incorporate the U.S. Submarine Veterans of World War II; to the Committee on the Judiciary.

H.R. 4727. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. Alexander, and Mr. Wolff):

H.R. 4728. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit or an income tax deduction for certain expenditures of a taxpayer relating to the thermal design of the residence of such taxpayer; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. Burke of Massachusetts, Mr. Fraser, Mr. Harris, Mr. Ottinger, Mr. Quie, Mr. Treen, Mr. Wirth, and Mr. Wolff):

H.R. 4729. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new passenger automobile based on its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every such automobile, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 4730. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. WHITEHURST (for himself and Mr. Long of Maryland):

H.R. 4731. A bill to amend title 38, United States Code, to provide that remarriage of the widow of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. ZEFERETTI:

H.R. 4732. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. ABDNOR:

H.R. 4733. A bill to provide for the issuance during 1976 of $2 bills bearing the likeness of Mount Rushmore National Memorial; to the Committee on Banking, Currency and Housing.

By Mr. ABDNOR (for himself, Mr. Gilman, Mr. Andrews of North Dakota, Mr. Lott, Mr. Steiger of Arizona, Mr. Thone, and Mr. S[illegible]es):

H.R. 4734. A bill to amend the Emergency Livestock Credit Act of 1974 to provide additional temporary financial assistance to owners of livestock for the purpose of maintaining small farmers and ranchers and thereby preserving a competitive livestock production system; to the Committee on Agriculture.

By Ms. ABZUG:

H.R. 4735. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program a report of costs and a financial statement, both audited by a certified public accountant, reflecting the operation of such nursing home; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California (for himself, Mr. Hannaford, and Mrs. Spellman):

H.R. 4736. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs disease; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of North Carolina:

H.R. 4737. A bill to amend the Vocational Education Act of 1963 to improve the administration of postsecondary vocational education programs, and for other purposes; to the Committee on Education and Labor.

H.R. 4738. A bill to provide for the establishment of the Deacon Jacob Estey National Monument; to the Committee on Interior and Insular Affairs.

By Mr. ASHLEY:

H.R. 4739. A bill to regulate lobbying and related activities; jointly to the Committees on the Judiciary and Standards of Official Conduct.

H.R. 4740. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; jointly to the Committees on the Judiciary and Standards of Official Conduct.

By Mr. BREAUX (for himself, Mr. Brooks, Mr. Sisk, Mr. Johnson of California, Mr. Leggett, and Mr. Young of Texas):

H.R. 4741. A bill to amend the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 with regard to the rice programs established in those acts; to the Committee on Agriculture.

By Mr. BRINKLEY (for himself, Mr. Andrews of North Carolina, Mr. Barrett, Mr. Bedell, Mr. Biester, Mr. Buchanan, Mr. Conte, Mr. Dominick V. Daniels, Mr. Dent, Mr. Derwinski, Mr Evins of Tennessee, Mr. Hanley, Mr. Hefner, Mr. Holland, Mr. Koch, Mr. Lott, Mr. Preyer, Mr. Rose, Mr. Sebelius, Mr. Sisk, Mr. Stephens, Mr. Thone, Mr. Vander Veen, Mr. Whitten, and Mr. Young of Florida):

H.R. 4742. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. BRODHEAD:

H.R. 4743. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles; to the Committee on Ways and Means.

By Mrs. BURKE of California:

H.R. 4744. A bill to amend the Public Health Service Act to provide for research and information projects and programs respecting amniocentesis, to provide for research on other methods of detecting birth defects, to provide assistance for programs of genetic counseling and to provide financial assistance for the performance of amniocentesis on women unable to pay therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRON:

H.R. 4745. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 4746. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 4747. A bill to amend the Social Security Act to provide adequate financing of health care benefits for all Americans; to the Committee on Ways and Means.

By Ms. COLLINS of Illinois (for herself, Mr. Downey, and Mr. Ford of Tennessee):

H.R. 4748. A bill to protect purchasers and prospective purchasers of condominium housing units, and residents of multifamily structures being converted to condominium units, by providing for the establishment of national minimum standards for condominiums (to be administered by a newly created Assistant Secretary in the Department of Housing and Urban Development), to encourage the States to establish similar standards, and for other purposes; to the Committee on Banking, Currency and Housing.

By Ms. COLLINS of Illinois (for herself, Mr. Baldus, Mr. Buchanan, Mr. Dodd, and Mr. Downey):

H.R. 4749. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of medicare for routine Papanicolaou tests for the diagnosis of uterine cancer; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 4750. A bill to establish a policy for the management of oil and natural gas in the Outer Continental Shelf; to protect the marine and coastal environment; to amend the Outer Continental Shelf Lands Act; and for other purposes; jointly to the Committees on the Judiciary, Merchant Marine and Fisheries, Interior and Insular Affairs, and Science and Technology.

By Mr. D'AMOURS:

H.R. 4751. A bill to amend title 5, United States Code, to provide that an employee's accrued annual leave may be granted only upon such employee's request and, absent such request, such accrued leave may not be required to be taken; to the Committee on Post Office and Civil Service.

By Mr. DANIELSON:

H.R. 4752. A bill to amend the definition of "former President" under the Act of August 25, 1958 (Public Law 85-745), and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4753. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 4754. A bill to amend title 39, United States Code, to provide that the postmark on mail matter shall disclose the name of the city or community in which the mail matter is actually mailed, the assigned ZIP code, and the date and time of mailing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FASCELL:

H.R. 4755. A bill to authorize appropriations for fiscal year 1976 for carrying out title VI of the Comprehensive Employment and Training Act of 1973; to the Committee on Education and Labor.

By Mr. FAUNTROY:

H.R. 4756. A bill to amend the act establishing a code of law for the District of Columbia to prohibit the unauthorized use of a motor vehicle obtained under a written rental or other agreement; to the Committee on the District of Columbia.

By Mr. FISH:

H.R. 4757. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. FISH (for himself, Mr. Bafalis, Mr. Bauman, Mr. Bevill, Mr. Buchanan, Mr. Butler, Mr. D'Amours, Mr. Derrick, Mr. Derwinski, Mr. Dickinson, Mr. Downey, Mr. Duncan of Tennessee, Mr. Edgar, Mr. Eshleman, Mr. Florio, Mr. Forsythe, Mr. Fuqua, Mr. Gude, Mr. Guyer, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Hefner, Mr. Horton, Mr. Hubbard, and Mr. Hyde):

H.R. 4758. A bill to provide for additional sentences for commission of a felony with use of a firearm; to the Committee on the Judiciary.

By Mr. FISH (for himself, Mr. Jenrette, Mr. Ketchum, Mr. Koch, Mr. Lagomarsino, Mr. Long of Maryland, Mr. McCollister, Mr. McEwen, Mr. McKinney, Mr. Mann, Mr. Martin, Mr. Mitchell of New York, Mr. Moorhead of California, Mr. O'Hara, Mr. Robinson, Mr. Roe, Mr. Ruppe, Mr. Santini, Mr. Simon, Mr. Solarz, Mrs. Spellman, Mr. Spence, Mr. Steelman, Mr. Symington, and Mr. Taylor of North Carolina):

H.R. 4759. A bill to provide for additional sentences for commission of a felony with use of a firearm; to the Committee on the Judiciary.

By Mr. FISH (for himself, Mr. Thone, Mr. Walsh, Mr. Whitehurst, Mr. Ford of Tennessee, Mr. Charles Wilson of Texas, Mr. Wirth, Mr. Wydler, and Mr. Yatron):

H.R. 4760. A bill to provide for additional sentences for commission of a felony with use of a firearm; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.R. 4761. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

H.R. 4762. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers bill of rights; to the Committee on the Judiciary.

H.R. 4763. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 4764. A bill to provide property tax relief to low-income elderly homeowners through direct reimbursements; to the Committee on Ways and Means.

By Mr. GREEN:

H.R. 4765. A bill to amend the Tariff Schedules of the United States to provide that certain forms of zinc be admitted free of duty; to the Committee on Ways and Means.

By Mr. HANNAFORD:

H.R. 4766. A bill to amend the Fishermen's Protective Act of 1967 to repeal the provision which grants the President authority, on the basis of U.S. national interests, to disapprove the transfer of foreign assistance funds from the intended recipient country because of an unsatisfied claim under this act against such country; to the Committee on Merchant Marine and Fisheries.

By Mr. HILLIS:

H.R. 4767. A bill to extend the program of emergency unemployment compensation under the Emergency Unemployment Compensation Act of 1974 for an additional 13 weeks, and for other purposes; to the Committee on Ways and Means.

By Mr. KEMP:

H.R. 4768. A bill to assure that an individual or family whose income is increased by reason of a general increase in monthly social security benefits will not, because of such general increase, suffer a loss of or reduction in the benefits the individual or family has been receiving under certain Federal or federally assisted programs; to the Committee on Ways and Means.

H.R. 4769. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 4770. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KEMP (for himself, Mr. LaFalce, Mr. Nowak, Mr. Downey, Mr. Murphy of New York, and Mr. Sarasin):

H.R. 4771. A bill to amend section 109 of title 23 of the United States Code to permit the Secretary of Transportation to delegate the responsibility for the preparation of an environmental impact statement to the State affected by a proposed project on a Federal-aid highway system; to the Committee on Public Works and Transportation.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Bergland, Mr. Brodhead, Mr. Brown of California, Mr. Cohen, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Diggs, Mr. Downey, Mr. Edgar, Mr. Eilberg, Mr. Gilman, Mr. Hanley, Mr. Hawkins, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Mr. Hughes, Mr. Jeffords, Mr. LaFalce, Mrs. Lloyd of Tennessee, and Mr. Mitchell of Maryland):

H.R. 4772. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, to amend part A of such title to liberalize the coverage of posthospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care, to require contributions by adult children toward their parents' nursing and home health care expenses under the medicaid program, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Ottinger, Mr. Pattison of New York, Mr. Peyser, Mr. Rangel, Mr. Richmond, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mrs. Spellman, Mr. Stark, Mr. Studds, and Mr. Waxman):

H.R. 4773. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, to amend part A of such title to liberalize the coverage of posthospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care. To require contributions by adult children toward their parents' nursing and home health care expenses under the medicaid program, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Aspin, Mr. Badillo, Mr. Baldus, Mr. Brodhead, Mr. Brown of California, Mr. Carney, Mr. Carr, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Diggs, Mr. Downey, Mr. Edgar, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Fraser, Mr. Gilman, Mr. Hannaford, Mr. Hanley, and Mr. Harrington):

H.R. 4774. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, to amend part A of such title to liberalize the coverage of posthospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Ms. Holtzman, Mr. Hughes, Mr. Miller of California, Mr. Mitchell of New York, Mr. Mitchell of Maryland, Mr. Murphy of Illinois, Mr. Pattison of New York, Mr. Peyser, Mr. Richmond, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Ms. Schroeder, Mr. Solarz, Mrs. Spellman, Mr. Stark, Mr. St Germain, Mr. Waxman, and Mr. Yates):

H.R. 4775. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, to amend part A of such title to liberalize the coverage of posthospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 4776. A bill to amend the Public Health Service Act to provide for inservice training of nursing home personnel; to the Committee on Interstate and Foreign Commerce.

H.R. 4777. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics; to the Committee on Interstate and Foreign Commerce.

H.R. 4778. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of continuing education programs in geriatrics for physicians; to the Committee on Interstate and Foreign Commerce.

H.R. 4779. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of nurse practitioners to provide primary health care in nursing homes; to the Committee on Interstate and Foreign Commerce.

H.R. 4780. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities; to the Committee on Interstate and Foreign Commerce.

H.R. 4781. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants; to the Committee on Interstate and Foreign Commerce.

H.R. 4782. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes; to the Committee on Interstate and Foreign Commerce.

H.R. 4783. A bill to amend title XVIII of the Social Security Act to expand the definition of "provider of service" to include "elderly day care center"; to the Committee on Ways and Means.

H.R. 4784. A bill to authorize the Secretary of Housing and Urban Development to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health-care and related needs of elderly persons in a campus-type setting; to the Committee on Interstate and Foreign Commerce.

H.R. 4785. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home; to the Committee on Interstate and Foreign Commerce.

By Mr. LEGGETT:

H.R. 4786. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

H.R. 4787. A bill to amend title 5, United States Code, to provide that Japanese-Americans who were placed in internment camps during World War II shall be credited for civil service retirement purposes with the time they spent in such camps; to the Committee on Post Office and Civil Service.

H.R. 4788. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4789. A bill to encourage the State to extend coverage under their State unemployment compensation laws to agricultural labor; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 4790. A bill to amend section 1798 of title 38, United States Code, in order to reduce the rates of interest charged for educational loans under such section; to the Committee on Veterans' Affairs.

H.R. 4791. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 4792. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. McCOLLISTER:

H.R. 4793. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. McCORMACK:

H.R. 4794. A bill to amend the Vocational Education Act of 1963 to improve the administration of postsecondary vocational education programs, and for other purposes; to the Committee on Education and Labor.

By Mr. PATMAN (for himself, Mr. Bevill, Mr. Eilberg, and Mr. Horton):

H.R. 4795. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. PATTEN:

H.R. 4796. A bill to amend XVIII of the Social Security Act to provide for the coverage of certain psychologists' services under the supplementary medical insurance benefits program established by part B of such title; to the Committee on Ways and Means.

By Mr. PERKINS (for himself and Mr. Quie):

H.R. 4797. A bill to amend the Vocational Education Act of 1963 to improve the administration of postsecondary vocational education programs, and for other purposes; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 4798. A bill to amend Public Law 93–357, the Emergency Livestock Credit Act of 1974 sec. 2(c) to provide for 100 percent guarantee of loans; to the Committee on Agriculture.

By Mr. POAGE:

H.R. 4799. A bill to amend sections 306 and 308 of the Rural Electrification Act of 1936, as amended; to the Committee on Agriculture.

By Mr. HENDERSON:

H.R. 4800. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RONCALIO:

H.R. 4801. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. ROSE:

H.R. 4802. A bill to authorize the disposal of chemical grade chromite from the national stockpile; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 4803. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for severely handicapped persons and persons in attendance, when the severely handicapped person is traveling with such an attendant; to the Committee on Public Works and Transportation.

By Mr. RUNNELS:

H.R. 4804. A bill to declare that certain land of the United States is held by the United States in trust for the Pueblo of

Laguna; to the Committee on Interior and Insular Affairs.

By Mr. SIKES (for himself and Mr. Duncan of Oregon):

H.R. 4805. A bill to amend the Agricultural Act of 1970 to increase the amount authorized to be appropriated for the forestry incentive program administered under title X of such Act; to the Committee on Agriculture.

H.R. 4806. A bill to amend the Agricultural Act of 1970 to increase the size of a tract which may be affected by the forestry incentive program administered under title X of such act; to the Committee on Agriculture.

By Mr. SISK (for himself, Mr. Brown of California, Mrs. Burke of California, Mr. Corman, Mr. Danielson, Mr. Hannaford, Mr. Hawkins, Mr. Johnson of California, Mr. Ketchum, Mr. Lloyd of California, Mr. Moss, and Mr. Rees):

H.R. 4807. A bill to amend the Public Health Service Act to provide financial assistance to medical facilities for treatment of certain aliens; to the Committee on Interstate and Foreign Commerce.

By Mrs. SMITH of Nebraska:

H.R. 4808. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternate method of valuing certain real property for estate tax purposes; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin:

H.R. 4809. A bill to establish within the Peace Corps a special program to be known as the Vietnam assistance volunteers program; to the Committee on Foreign Affairs.

H.R. 4810. A bill to confer U.S. citizenship on certain Vietnamese children and to provide for the adoption of such children by American families; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 4811. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.R. 4812. A bill to provide Federal payments for employers to encourage them to continue the provision of benefits under employer-sponsored health insurance plans for former employees who are currently unemployed, with tax penalties for employers who refuse to do so, and to amend the Internal Revenue Code of 1954 to impose similar tax penalties in the future upon employers whose employer-sponsored health insurance plans do not include provision for such continuation of benefits; to the Committee on Ways and Means.

By Mr. FORD of Michigan (for himself and Mrs. Spellman):

H.R. 4813. A bill to amend the Fair Labor Standards Act of 1938 to permit certain rates of compensation for rural letter carriers employed by the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. MOORHEAD of California:

H.R. 4814. A bill to provide that certain employers contracting with the Federal Government may compute wages on the basis of a 4-day workweek consisting of 10-hour workdays; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 4815. A bill to amend title 18, United States Code, to permit the deposit of newspapers in letter boxes without the payment of postage; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 4816. A bill to amend titles II and XVIII of the Social Security Act to reduce the basic age of entitlement to medicare benefits from 65 to 62; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 4817. A bill to amend titles II and XVIII of the Social Security Act to reduce from 24 to 12 consecutive months the period for which an individual must have been entitled to disability benefits in order to qualify for medicare on the basis of disability; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 4818. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to eliminate medicare taxes and premiums, and to provide instead that both the hospital insurance program and the supplementary medical insurance program shall be financed from general revenues; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 4819. A bill to amend the Public Health Service Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, the Drug Abuse Office and Treatment Act of 1972, and the Social Security Act, to revise and extend programs of health services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 4820. A bill to amend the Social Security Act to improve and control the cost of the program of old-age, survivors, and disability insurance, the program of grants to States for aid to families with dependent children, and the program of health insurance for the aged and disabled; to the Committee on Ways and Means.

H.R. 4821. A bill to amend the Social Security Act to improve and control the cost of the maternal and child health and crippled children's services program, and the program of grants to States for medical assistance programs; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 4822. A bill to amend title XVIII of the Social Security Act to make technical changes in the method of determining the supplementary medical insurance premium; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BURKE of Florida:

H.J. Res. 307. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. BYRON:

H.J. Res. 308. Joint resolution designating November 11 of each year as Armistice Day; to the Committee on Post Office and Civil Service.

By Mr. GILMAN:

H.J. Res. 309. Joint resolution to authorize and request the President to proclaim April 6, 1975, as a day of observance of the 30th anniversary of the liberation of the survivors of the holocaust; to the Committee on Post Office and Civil Service.

By Mr. LATTA:

H.J. Res. 310. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 311. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. Carter, Mr. Hastings, Mr. Heinz, Mr. Mineta, Mr. Preyer, and Mr. Symington):

H.J. Res. 312. Joint resolution to authorize and request the President to proclaim the second week in April of each year as National Medical Laboratory Week; to the Committee on Post Office and Civil Service.

By Mr. SIKES (for himself, Mr. McDade, Mr. Forsythe, Mr. Lott, Mr. Nix, Mr. Charles H. Wilson of California, Mr. Murphy of New York, Mr. Perkins, Mr. Bafalis, Mr. Eilberg, Mr. Robinson, Mr. Alexander, Mr. Horton, Mr. Price, Mr. Hanley, Mr. Pepper, Mr. Cederberg, Mr. Pike, Mr. Burke of Florida, Mr. Whalen, Mr. Treen, Mr. Goodling, Mr. Rogers, Mr. Fascell, and Mr. Leggett):

H.J. Res. 313. Joint resolution asking the President of the United States to declare the fourth Saturday of each September National Hunting and Fishing Day; to the Committee on Post Office and Civil Service.

By Mr. SIKES (for himself, Mr. Casey, Mr. Frey, Mr. Lehman, Mr. Brinkley, Mr. Ruppe, Mr. Eshleman, Mr. Pickle, Mr. Downing, Mr. Roberts, Mr. Lent, and Mr. Risenhoover):

H.J. Res. 314. Joint resolution asking the President of the United States to declare the fourth Saturday of each September National Hunting and Fishing Day; to the Committee on Post Office and Civil Service.

By Mr. WALSH:

H.J. Res. 315. Joint resolution designating certain election days as legal public holidays, and designating November 11 as Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. RODINO:

H. Con. Res. 178. Concurrent resolution to authorize the printing of the hearing on amnesty; to the Committee on House Administration.

By Mr. BIESTER (for himself, Mr. Bingham, Mr. Heinz, Mr. Hillis, Mr. Regula, Mr. Wydler, Mr. Anderson of Illinois, Mr. Beard of Rhode Island, Mr. Conte, Mr. Coughlin, Mr. Downey, Mr. Fisher, Mr. Florio, Mr. Flowers, Mr. Hammerschmidt, Mr. McHugh, Mr. Mann, Mr. Railsback, Mr. Roe, Mr. Rooney, Mr. Roybal, Mr. Sarasin, Mr. Scheuer, Mr. Walsh, and Mr. Weaver):

H. Res. 294. Resolution to establish a John W. McCormack, Sr. Intern program; to the Committee on House Administration.

By Mr. BROOKS:

H. Res. 295. Resolution to provide funds for the expenses of the investigations, studies, to the Committee on House Administration.

By Mr. CRANE (for himself and Mr. Michel):

H. Res. 296. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

By Mr. KEMP:

H. Res. 297. Resolution creating a select committee to study the impact and ramifications of the Supreme Court decisions on abortion; to the Committee on Rules.

By Mr. JONES of North Carolina:

H. Res. 298. Resolution to direct the Committee on Interstate and Foreign Commerce to undertake an investigation of recent electric utility rates increases and the use of fuel adjustment clause and its effect on consumers; to the Committee on Rules.

By Mr. LONG of Maryland (for himself and Mr. Sarasin):

H. Res. 299. Resolution to amend rule X of the Rules of the House of Representatives to establish a permanent Select Committee on Energy; to the Committee on Rules.

By Mr. MINETA:

H. Res. 300. Resolution expressing the sense of the House of Representatives with respect to food assistance to Cambodia; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. CONABLE, Mr. JACOBS, and Mr. MOLLOHAN):

H. Res. 301. Resolution expressing the sense of the House of Representatives with respect to the missing in action in Southeast Asia and the Paris Agreement; to the Committee on Foreign Affairs.

By Mrs. SULLIVAN (for herself, Mr. FLOOD, Mr. HAMMERSCHMIDT, Mr. MOORE, and Mr. WOLFF):

H. Res. 302. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

By Mr. WAGGONNER (for himself, Mr. MOORE, and Mr. STUCKEY):

H. Res. 303. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 4823. A bill for the relief of D. Eugene Hokanson; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 4824. A bill for the relief of T. Sgt. Elmo M. Miller, U.S. Air Force; to the Committee on the Judiciary.

H.R. 4825. A bill for the relief of M. Sgt. George C. Lee, U.S. Air Force; to the Committee on the Judiciary.

H.R. 4826. A bill for the relief of Lt. Col. Frank A. Moorhead; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 4827. A bill for the relief of Bobby R. Prince; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 4828. A bill for the relief of Mrs. Eleanor D. Morgan; to the Committee on the Judiciary.

By Mr. ROSE:

H.R. 4829. A bill for the relief of Leah Maureen Anderson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

56. By the **SPEAKER**: Petition of a joint session of the Senate and House of Representatives of the Khmer Republic, relative to U.S. aid to the Khmer Republic; to the Committee on Foreign Affairs.

57. Also, petition of the city council, Vallejo, Calif., relative to cable television sports programing; to the Committee on Interstate and Foreign Commerce.

58. Also, petition of Dollie M. Powell, New Orleans, La., relative to redress of grievances; to the Committee on the Judiciary.

59. Also, petition of the Chamber of Commerce, Fort Stockton, Tex., relative to adjournment of Congress for a minimum of 4 months each year; to the Committee on Rules.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 25

By Mr. ANDREWS of North Dakota:

Page 194, line 14, after the word "or" strike out "10" and insert "5".

Page 194, line 15, after the word "less" strike out the period, and insert a comma and add the following words: "except that this reclamation fee shall not apply to lignite coal."

Page 195, line 5, after the word "funds" strike out "Fifty," and insert "One Hundred".

Page 195, after line 14, add the following new subsection to section 401:

"(f) All operators of coal mining operations subject to the provisions of this Act may credit against the reclamation fee imposed by section 401(d), the amount of a reclamation fee paid by him to any State or political subdivision for the comparable reclamation or conservation activities provided for by this title that are conducted by the State or political subdivision."

H.R. 25

By Mr. McKAY:

Page 294, line 22, after the word "forest" insert "where the present use or value of the area to be surface mined is primarily related to timber or recreation at the effective date of this Act, but nothing contained in this paragraph shall be construed to otherwise limit the Secretary of Agriculture from designating such lands as unsuitable in whole or part under the provision of section 522(b), and excepting further".

H.R. 25

By Mr. MAZZOLI:

Page 180, strike out line 21 and all that follows down through "a program" in line 22 and insert in lieu thereof "this title a program."

Page 180, strike out line 24 and all that follows down through "department" on page 181, line 1 and insert in lieu thereof "program subsequent to the enactment of this title and which program."

Page 181, beginning in line 4, strike out "school" and all that follows down through "conducting a" in line 5.

Page 181, strike out line 7 and all that follows down through line 9, and insert in lieu thereof "traction wherein curricula sufficient to prepare a student for a career in mining education, mining research, or mining industry are being carried out and wherein sufficient faculty and students participate to carry out research supported by the funds authorized by this title."

Page 181, beginning in line 21, strike out "school" and all that follows down through "conducting a" in line 22.

H.R. 25

By Mr. RISENHOOVER:

Page 52, line 12, after "Act." insert "Nothing in this Act shall be applicable to the States of Kentucky, Indiana, Maryland, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, and West Virginia, which have heretofore joined together in the Interstate Mining Compact or any other state who joins the Interstate Mining Compact as long as such States have in force and effect a "Mining Lands Reclamation Act."

EXTENSIONS OF REMARKS

AID FOR OUR POLICE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1975

Mr. ANNUNZIO. Mr. Speaker, the Federal Bureau of Investigation recently published its preliminary crime statistics for the first 9 months of 1974. Unfortunately, the statistics confirmed our worst fears; major crime increased 16 percent over a similar period in 1973.

To a victim of crime, statistics that show it is happening to the other guy as well are of little consolation. Now, more than ever, we have to depend upon our law enforcement officials to fight the surging rate of crime.

The job of a law enforcement officer, from the policeman walking the beat in our parks to our patrolman insuring thoroughfare safety, is one of the most difficult in our society. He must constantly be on guard to protect a society from its own ills and conflicts. He did nothing to create the problems of drug addiction, gang thefts, or civil unrest and dissension, yet our policeman is always there to pursue the criminals, right the wrongs, and maintain order.

These all-important operations that our law enforcement officials perform are not always fully appreciated. Actually, a law enforcement officer is often the only visible symbol of authority that the average citizen constantly sees. And when a frustrated individual seeks to revenge himself upon society for real or imagined wrongs, all too often it is the policemen and other law enforcement officials who become the victims. Just last year alone, there were 132 deaths of policemen killed in the line of duty, and tens of thousands more victims of beatings and assaults.

As I said, a policeman represents the law. Because people so often resent authority, more and more often a law enforcement official is met with a cool attitude from the very people he seeks to protect, when he so desperately needs their support in the community.

We in the Congress should be the first to come to the aid of our policemen. We know that the law enforcement profession needs more money and higher salaries as well as increased benefits, both to raise morale and encourage other well-qualified men to continue to join this essential vocation.

I have sponsored three bills this session that I feel would go a long way to make the plight of our policemen a little easier to bear.

H.R. 189, the Public Safety Officers Benefits Act of 1975, would provide important benefits to the survivors of our valiant policemen and public safety officers.

This bill, in establishing a group life and accident insurance policy for public safety officers, would provide a $50,000 gratuity to the survivors of law enforcement officers. It is designed to meet the immediate financial needs of a policeman's dependents, and could provide up to $3,000 in interim emergency benefit payments if it is found necessary to assist a family through this difficult and trying time. I would like to add that this bill covers professional and volunteer firemen. Moreover, H.R. 189 also extends these important benefits to deaths resulting from injuries sustained on or after October 11, 1972.

Since both the House and the Senate have overwhelmingly approved these same gratuity benefits for the last two Congresses, it seems only fitting and equitable to provide coverage for survivors of our unfortunate slain officers subsequent to the time the legislative intent was clear.

I am hoping to see early action on this bill in the House as well as in the Senate. After all, when it is felt that the major causes of death confronting law enforcement officials often result from their exposure to criminals, then our public safety officers need all the protection and insurance we can afford them.

I have also sponsored H.R. 188—legislation that would provide reimbursement of court costs for legal actions involving law enforcement officers. Specifically, H.R. 188 would authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for court costs when the officer is a defendent in a suit arising from performance of official duties.

Sometimes our police are charged with gross negligence or harassment through no fault of their own. If a policeman has to defend himself in court for actions he had to take while performing his duty, it is often at a great financial risk. Our police cannot afford many of the basic necessities of life let alone a costly lawsuit. As our policemen protect us, we need to protect them too.

Finally, the third bill I have sponsored to aid our law enforcement officers concerns itself directly with our protection of these brave men. H.R. 1654, a bill to create a law enforcement officer's Bill of Rights, would provide our policemen many of the basic rights that our other citizens now take for granted. H.R. 1654 would insure the right of a police officer to engage in political activity during his off-duty time, as well as guaranteeing police officers the same civil rights enjoyed by all other citizens. Moreover, it would set up a panel to hear the grievances of police officers who claim their civil rights have been violated, and finally, it would deny Law Enforcement Assistance Administration funds to any community that did not conform to the provisions of this bill in its locality.

I believe all would agree that these are not unfair requests for a policeman to ask from society, and yet these very rights are often cruelly denied our policemen throughout this country.

If things were as they should be, we would not have to pass legislation like these bills at all. We in the Congress should be the first to support the outstanding job our policemen do across the Nation. The passage of H.R. 188, H.R. 189, and H.R. 1654 would draw attention to these fundamental rights for our policemen, and can serve as a further bridge of understanding between our law enforcement officers and the countrymen they try to protect.

LEST WE FORGET—TESTIMONY OF A SOVIET PRISONER OF CONSCIENCE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BINGHAM. Mr. Speaker, for some time now I have been deeply concerned about the plight of Soviet Jews who have been harassed and imprisoned by Soviet authorities simply because they sought to exercise the basic human right to live in the country of their choice. Last year, I adopted a Soviet prisoner of conscience, Boris Azernikov, a 28-year-old dentist whom the Soviet Government sentenced to 3½ years' imprisonment in a strict-regime labor camp on charges of anti-Soviet propaganda and anti-Soviet organization simply for seeking to emigrate to Israel with his father, mother, and sister. During the ensuing months, I was in touch with Boris and his family, the commandant of the camp where Boris was imprisoned, and the Procurator General of the Soviet Union. I am pleased to report that Boris has been freed, after serving 3 years and 3 months of his 3½-year sentence. On March 5, Boris arrived in Israel, finally to taste the freedom for which he has so dearly paid. I am sure my colleagues join me in wishing him a happy and peaceful life with his family.

Shortly after his release from prison, Boris issued a statement describing the harsh conditions which Soviet Jewry must endure and calling upon all of us to continue the struggle on behalf of those who are still "prisoners of conscience." I insert his statement in the RECORD at this point, as an eloquent reminder to all of us that emigration remains a hard-to-win right in the Soviet Union:

COMPLETE TEXT OF STATEMENT BY FORMER PRISONER OF CONSCIENCE BORIS AZERNIKOV WRITTEN IN THE SOVIET UNION ON SUNDAY, FEBRUARY 16, 1975

Today, I am in my sixth day of freedom [i.e. out of prison]. But to my great surprise I have realized that the life of a common citizen differs not so much from life of a prisoner. I have changed one strict regime for another strict regime. I have no feeling of real freedom. Here is the list of "recommendations" given me by the KGB, not to go to any other city but Moscow. In Moscow, I must go only to the official organizations and after fulfilling the formalities, I must return to Leningrad. In Leningrad I have no right to visit my friends and refuseniks. That all means that I cannot visit the city of Kalinin where my grandfather's grave is; I cannot visit Riga where the mother of my best friend Boris Penson, who is still in camp, lives and it means I am completely alone, as it was in camp. During these three and a half years I have lost 20 kilograms—forty-four pounds. We were sent to the camps because of our struggle for free Jewish emigration. But when I left the camp and came to Leningrad I suddenly realized that nothing has changed in principle. Thousands of Jews must still struggle for their natural right—the right to emigrate. These goals for which we have struggled and for which we were imprisoned have not been achieved.

Because of this you must not forget the scores of Jews who are in labor camps and the three million who are in a similar situation, though their camp is larger. And this camp also has borders—the state borders of the USSR.

In the "camps" each additional day is grave. I ask that your struggle for the freedom of emigration must be continued and intensified.

HEALTH CARE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. CARTER. Mr. Speaker, the Nation's unemployment is now estimated at 8.2 percent of our working force.

As if that were not bad enough, we are still in the grip of inflation and fighting to bolster a sagging economy.

Yet, none of the figures are very helpful to us when we seek to measure the impact of these events on the human beings involved: The workers who are out of work, and their families.

These are massive problems, complex problems. I do not claim to have solutions for them. However, I do feel that the bill I am introducing today addresses itself to one part of one problem:

What to do about health insurance for the 7½ million Americans who are now out of work.

While the economists ponder, a process not notable for its production of quick proposals or rapid solutions, these people need help. They need it as rapidly as this Congress can bring it to them.

It is bad enough to be unemployed. It is terrifying to be unemployed and sit, with fingers crossed, hoping against hope that an illness will not strike one's self, or a member of one's family, because the health insurance has lapsed.

There is another aspect to the matter: Some of our health care institutions are very close to financial jeopardy; and private health insurance plans, faced with substantial losses in membership, are slowly reaching the point where they are less able to spread the risk and find their premium structures inadequate to the responsibilities they have assumed.

The need, Mr. Speaker, is to figure out some method for continuing health coverage for the unemployed worker and his family; and to do it without disrupting the health delivery system.

For the most part, the majority of American families—under more normal circumstances—are covered by employer-employee health insurance policies.

My bill proposes that we institute a temporary program which would, during the period of unemployment, continue the worker's insurance coverage for himself and his family. The method I advocate is to build upon our existing unemployment compensation system.

There is, within that system, a working mechanism for identifying eligible claimants and for determining the period of their eligibility for compensation benefits. The State agencies which administer unemployment compensation can logically and easily administer the program.

The cost would be funded from general revenues of the Federal Government, with the premiums paid on the basis of certification of entitlement by the State unemployment compensation agencies.

The measure I suggest would not only cover the costs of hospital care but of medical care as well.

As many of my colleagues know, Mr. Speaker, I am myself a physician.

I am proud that this measure, which I have the honor of introducing, reflects the thinking of the medical profession and of organized medicine itself.

I urge my colleagues to consider this proposal carefully and to remember that the need for such legislation is immediate.

SHRINE OF DEMOCRACY ON CURRENCY AS BICENTENNIAL TRIBUTE

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ABDNOR. Mr. Speaker, today I am introducing legislation providing for the issuance of $2 bills bearing the likeness of Mount Rushmore National Memorial during 1976. I cannot think of a more appropriate time than our Bicentennial year to include the Shrine of Democracy on our Nation's currency.

Our magnificent mountain memorial carved by Gutzon Borglum in the Black Hills of my home State of South Dakota, inspires millions of visitors each year. This shrine, bearing the likenesses of George Washington, Thomas Jefferson, Theodore Roosevelt, and Abraham Lincoln, has been designated by the American Revolution Bicentennial Commission as one of the Nation's focal points for the 200th anniversary celebration of our country.

Similar legislation to the bill I am introducing today has been introduced in previous sessions of the Congress. While some support was generated for the concept there was never enough enthusiasm to secure passage.

Including this reminder of our Nation's heritage of freedom on our Nation's currency is a concept more valid than ever before. It is truly an idea whose time has come.

The text of the bill follows:

H.R. 4733

A bill to provide for the issuance during 1976 of two-dollar bills bearing the likeness of Mount Rushmore National Memorial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall issue, in such form and design as he deems appropriate, United States currency in the denomination of two dollars and bearing the likeness of Mount Rushmore National Memorial.

SEC. 2. The Secretary of the Treasury shall not issue currency authorized by the first section of this Act before January 1, 1976, or after the close of December 31, 1976.

UNITED CHURCH BOARD OF WORLD MINISTRIES STOCKHOLDER PROPOSAL ON SOUTH AFRICA

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. YOUNG of Georgia. Mr. Speaker, I wish to bring to the attention of my colleagues a shareholder resolution recently filed with the Southern Co. by the United Church Board of World Ministries.

Concerning the apartheid practices of South Africa, this stockholder action demonstrates a commitment on the part of religious institutions to demand corporate responsibility. If investors are alert to their company's practices, then American business involvement in South Africa will reflect a perspective of concern for progressive change.

The United Church Board has over 6,000 shares of the Southern Co. in its stock portfolio worth in excess of $60,000 and is in a position to challenge practices which benefit shareholders at the expense of workers in South Africa and the United States.

The resolution follows:

STOCKHOLDER PROPOSAL

Resolved, that the stockholders of The Southern Company request that the Board of Directors establish a Southern System Companies policy which would prohibit the purchase of coal from the Republic of South Africa as long as the government of that country maintains racially discriminatory employment policies and practices through apartheid laws and regulations.

SUPPORTING STATEMENT

We commend management's statement to the 1974 Stockholder's Meeting that The Southern Company is "committed to compliance with the provisions of the equal employment opportunity laws" and maintains Affirmative Action Programs . . . designed to ensure non-discrimination, not only in hiring and promotion, but in all other areas of the business as well.

In an action morally incompatible with these principles, the Company has now entered into a $47,000,000 contract importing 2½ million tons of coal from South African companies. Under ultra-segregationist practices, this coal is produced through the "contract labor" of Black miners who average $30 monthly, less than ¼ of the wages of the White miners placed over them. While the latter have subsidized family housing, most Black miners are compelled to leave their families behind on reservations during their year-long contracts. Regardless of ability, they are relegated to bottom-bracket jobs. By South African law, no Black miner can supervise a White or belong to a recognized trade union. Forbidden citizenship and the vote in South Africa, Blacks have few normal means to improve their lot.

The Southern Company should stop forcing free American miners to compete with coal produced by South Africa's oppressed and drastically underpaid laborers.

TOWARD ECONOMIC RECOVERY AND ENERGY CONSERVATION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ROSENTHAL. Mr. Speaker, the 94th Congress has convened in the midst of the most serious economic crisis since the Great Depression. The cost of living is increasing in excess of 12 percent a year, resulting in a decline in real purchasing power and our standard of living. Unemployment is over 8 percent nationally—and higher in major labor markets—and some are predicting it will go to 10 percent. Economic indicators reveal unusual softness in the economy and portend continuing difficulties.

Despite President Ford's feeble charges of a "do-nothing Congress," I believe that the 94th Congress has an unusual sense of urgency and is responding to the public demand for action. The Congress is an unwieldy institution, composed of 535 Members representing a vast diversity of interests and opinions. Yet, we are on our way to developing a coherent and timely program to deal with recession, unemployment, and our energy problems.

Already, the House has passed a $21.1 billion tax rebate and reduction program which will provide immediate relief for middle- and lower-income taxpayers and stimulate the economy. This legislation also provides for an immediate end to the costliest special interest tax loophole—the oil depletion allowance. The President's efforts to emasculate the food stamp program have been thwarted. Both Houses approved legislation to suspend Mr. Ford's oil tariff increases which would have added $50 to $60 billion annually to our inflationary spiral without offering much promise for meaningful reductions in energy consumption. Democratic Task Forces in both bodies have proposed alternatives to the administration's economic and energy plans and have set target dates for completing legislative action.

The congressional alternative to the President's program is designed to achieve economic recovery and energy conservation without increasing inflation or creating inequities. Top priority is given to economic recovery rather than drastic and arbitrary short run energy reduction targets. The Ford energy program, which relies on inflationary price increases for both imported and domestic fuel oil, would cost already hard-pressed consumers approximatley $50 billion in higher prices and increase unemployment. The congressional program substitutes quotas and a gradual gas tax to decrease energy consumption and prevent across-the-board consumer cost increases, high industry profits, and damage to the environment.

In my view, stimulating the economy and getting people back to work is of prime importance. Toward this end, the House leadership has announced plans to speed up appropriations for job-creating projects and programs throughout the Government.

Along with my colleagues, I will be working for a tax rebate and permanent tax reduction aimed at relief for middle- and lower-income taxpayers; an end to special interest tax loopholes; increased funding for public service jobs; reduced interest rates and the selective allocation of credit to stimulate industrial production and the housing market; extension of unemployment benefits and cost-of-living increases for current and retired Federal employees as well as social security recipients.

While I support most aspects of the task force energy proposals, I believe we can and should go further, and move to place energy decisions where they belong—with the people's representatives and not with private corporations whose only motive is their own profit. Historically, this Nation has turned its natural resources over to private industry. This has been a costly mistake and must be corrected.

UNNECESSARY REGULATIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ASHBROOK. Mr. Speaker, I recently received a copy of a letter that one of my constituents wrote to Senator BROOKE. It is in response to legislation proposed by the Senator that would place a progressively stiff tax on new automobiles based upon their weight.

The arguments raised in this letter make good sense. More and more people are fed up with too much Government, too much regulation, and too much redtape.

Overzealous regulation by the Congress has added excessive nonproductive costs to our economy. More free enterprise and less Government regulation is desperately needed.

Following is the text of the letter to Senator BROOKE:

KENNEY CHEVROLET, INC.,
Johnston, Ohio, February 27, 1975.

DEAR SENATOR BROOKE: I have heard of your proposed Senate Bills 4234 and 4235 which affect the auto industry. Senator, I can't believe that you are serious.

Don't you remember that the heavier cars were efficient operating cars before you and your colleagues started passing laws for so-called emission and safety standards? Don't you realize that government standards have added 615 dollars to the price of an average 1975 car plus reducing gasoline mileage by one-third or more? And Senator, have you considered the fact that the government standards required in 1978 will add 610 dollars to the price of a car over the 1975 price? Isn't it possible that Congress is responsible for a major part of our economic problems and energy shortages? Now to top it all off, you are going to outlaw the cars that Congress brought to near destruction. Senator, where is your common sense?

Haven't you realized that the public doesn't want the additional emission and safety standards. They are removing or disconnecting equipment wherever possible. Senator, the law to reduce the speed limit to 55 mph did more for safety and to conserve energy than all of the hundreds of costly laws Congress passed. Perhaps this is too simple, but did you ever consider how many lives could be saved and how much energy could be conserved if the maximum speedometer on any car was 65 mph? By using less fuel, isn't it logical that the air would be less polluted?

Senator, you stated that large cars are too expensive for the nation to bear. Perhaps it is the Congress that is too expensive for this country to bear. I fail to understand how this country can afford 535 Congressmen that are interested only in their own welfare. Yes, I know you make $42,500 in salary. But I also know that your salary represents about 5 percent of the total cost to keep a Congressman. Why not pass a law to reduce some of your fringe benefits which this country cannot afford? You promote waste not only by the laws you pass but by your way of living. Tell me that 800 limousines in Washington, D.C. are not wasteful. Does being a Congressman give you the right to be wasteful?

Senator, I am very concerned for our country. I think you should be concerned, too. But your legislation shows little evidence of interest in solving our problems. This country was built on free enterprise but you are bringing it to destruction. You cannot continue to regulate everything by law. And you cannot continue to give everything to those who will not help themselves.

The people of this country including the Congress must start working and not just receiving handouts. Let the country operate. Don't strangle it! Please reconsider your proposed laws!

Sincerely,

EDWARD P. KENNEY,
President.

MOSS PROMISES WINDS OF CHANGE IN REGULATING THE REGULATORS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. LEGGETT. Mr. Speaker, my distinguished colleague from Sacramento, JOHN E. MOSS, addressed this week the National Cable TV Association Conference in Washington, D.C.

My constituent, Gene Iacopi of Woodland, Calif., has been active over the years in developing legislative awareness of the cable TV industry and vice versa. Moss, in his address, points up the need for a separate set of regulations for the cable TV industry different from the regulations of those broadcasters who use the public airways.

From Moss' new position as chief of Interstate and Foreign Commerce Committee's Subcommittee on Investigations, there is hope for change.

Moss' message follows:

THE CHANGING CONGRESSIONAL ENVIRONMENT FOR CABLE LEGISLATION

(Remarks of Congressman JOHN E. MOSS)

I am pleased to again have the opportunity to break bread with members of the cable industry. As one who has been actively engaged in public life for some 27 years, I have a commitment to communication. It is my belief that free and unfettered communication is essential to the existence of a democratic society. (For those of a political persuasion other than mine, I would emphasize that I use "democratic" in this context spelled with a small "d".) Because of this belief, I worked for years as Chairman of the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee to achieve enactment of the Freedom of Information Act. This legislation has begun to open up many previously secret processes of the Federal Government.

I also understand the promise of the cable television industry to the future of our nation. In less than 50 years radio broadcasting added a new dimension to our lives. Today, television is a part of our lives and our society and is shaping them both.

Under the pattern established by the Radio Act of 1927, radio and television broadcasters are given a licensed monopoly over frequencies in the electromagnetic spectrum. As a concommitant of that licensed monopoly, we have imposed government regulations of program content in the form of the "equal time" provisions and the Fairness Doctrine. The equal time provisions, of course, require equal treatment by broadcasters of opposing candidates for elective political offices. The Fairness Doctrine requires broadcasters to present contrasting positions on controversial issues of public importance when they present one such position. I regard these Government intrusions into the free exchange of ideas as necessary evils which are made necessary by the scarcity of frequencies in the electromagnetic spectrum and our practice of granting broadcasters monopolies over those frequencies.

Among the great promises I see in cable television with its abundance of channels providing the opportunity for access of contrasting viewpoints is the avoidance of Government regulation of program content such as the equal time requirements and the Fairness Doctrine.

But as with every other great technological development since the Industrial Revolution, the economic, social, and legal frameworks within which your industry must develop have been resistant and slow to change. For example, in 1968 260 new CATV systems began operation. In each succeeding year there have been fewer systems beginning operation. In all of 1974, I understand there were only 43. Twenty-five years after the first cable system began operation less than 15 percent of this Nation's 67 million TV homes have the benefit of cable television. Although our depressed economy is in part responsible for the present plight of your industry, there is every reason to believe that the main cause is the hostile regulatory environment in which that industry must operate. It would appear that any remedy for the problem must be supplied by Congress.

Yet during the time I have been in Congress there have been four unsuccessful efforts made to legislate with regard to cable television. In 1959, the Senate by one vote defeated legislation spelling out the FCC's charter to regulate cable TV. Seven years later in 1966 similar legislation reported out of the House Interstate and Foreign Commerce Committee, of which I am a member, failed to obtain floor clearance from the House Rules Committee.

The following year (1967) the House of Representatives passed a rewrite of the Copyright Act which failed to be enacted by the Senate. Revision of the Copyright Act, as you know, has tremendous significance for the cable television industry. In each of the years since 1967, the Senate has attempted to pass a Copyright bill. Last year it finally succeeded only to have the legislation referred to the House Judiciary Committee which was unable to consider the legislation because of its immersion in proceedings to impeach the President and on confirmation of the nomination of the Vice President.

Today neither the Communications Act which was passed in 1934 nor the Copyright Act which was enacted in 1909 contains one paragraph relating to cable television. Yet under the authority of the Communications Act, the FCC has adopted some of the most complex regulations regarding cable television ever devised by the mind of man. And the Supreme Court of the United States in the *Fortnightly* and *CBS* v. *Teleprompter* cases decided issues essential to the very existence of the cable television industry on the basis of the Copyright Act.

To a large extent the inability of the Congress in the past to act on vital matters such as cable television has been due to lack of adequate staff resources and unthinking observance of archaic traditions and procedures such as the dominant seniority system.

But as you are aware the winds of change are blowing through the corridors of Congress. As one of those minor changes, I have left the chairmanship of the Commerce and Finance Subcommittee, which I had held for eight years, and have been elected by my colleagues to the chair of the Subcommittee on Oversight and Investigations. This Subcommittee has no legislative jurisdiction but is responsible for oversight of all departments, agencies, and programs within the jurisdiction of our parent Interstate and Foreign Commerce Committee. Among the agencies included are the Federal Trade Commission, the Federal Energy Administration, the Federal Power Commission, the Food and Drug Administration, the Environmental Protection Agency, the Consumer Product Safety Commission, the Securities and Exchange Commission, the Department of Commerce, the Federal Railroad Administration, and, of course, the Federal Communications Commission. The Subcommittee is also empowered to conduct such investigations within its area jurisdiction as it determines to be needed.

In the short time I have been chairman of the Oversight and Investigations, I have made a survey of the matters demanding the Subcommittee's attention. Their number and diversity are startling. Among others, the list includes the adequacy of competition in the energy industries, the reliability of information on energy reserves and production, the role and operation of the Federal Energy Administration, the sharp inflation in health care costs and the disparity of those costs in different areas of the Nation, the need for accepted standards in the health professions, competition in the food industry, the Administration's proposed moratorium on environmental and safety regulations, and the effectiveness of passive restraint systems in automobiles.

One of the first studies the Subcommittee will undertake is the role and operation of all the independent regulatory agencies. I see too much evidence that the regulators have tended to hand over to the regulated the true power of regulation. The result of that is the destruction of competition. This country was built not just with free enterprise, and I think it is important to include the competition aspect. In this study particular attention will be given to the need of these agencies for procedural reform and their effect on competition in the industries which they regulate. The FCC will, of course, be included in this study. Although the study of the FCC will not be focused on the Commission's regulation of the cable television industry, that subject certainly cannot be ignored. In addition to the benefits which I expect to flow directly from such study, I hope it will also provide an information base on which the Subcommittee on Communications can draw when it begins to consider cable legislation later in this Congress.

It is my hope that I will again have an opportunity to address you at the beginning of the 95th Congress at which time I will be able to review with you the cable and copyright legislation enacted by the 94th Congress under which your industry is growing and prospering.

Thank you.

STATEMENT ON THE PROPOSED RESCISSION OF FUNDS FOR HEALTH AND EDUCATION PROGRAMS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ROYBAL. Mr. Speaker, I am distressed that the administration's proposed rescissions for health programs and education would totally dismantle many beneficial programs and services in this area and render others ineffective.

One of the primary functions of good government is to alleviate suffering and to promote a high standard of health care. The proposed rescission would affect a wide range of health care programs affecting the physical well-being of all Americans. These measures, for instance, include a rescission of $55 million in funds for the National Institute on Alcohol Abuse and Alcoholism. This rescission ignores the fact that alcohol abuse is America's worst drug problem and third worst health problem. Considering this proposed rescission, then, solely from the standpoint of economic practicality, it is obvious that a lack of funds in this area now will prove costly in the future.

Similarly, $38 million has been cut from the proposed fiscal year 1975 appropriation for the National Heart and Lung Institute, which deals with the crucial problems of diseases of the heart, lungs, blood vessels, and blood. The National Institutes of Health, the Health Resources Administration, and the Mental Health Administration have also received major setbacks in the President's proposed plan.

In my own State of California, the President's proposed cutbacks of 314(d) will hinder efforts to support a sickle cell anemia testing program, the maintenance of clinical facilities for tuberculosis victims, the treatment of venereal disease in local public health departments, and the evaluation of health care services delivery.

I am especially alarmed that the President's rescissions in the field of health care include maternal and child health services. The proposed funding cuts would close 10 pediatric pulmonary centers which assist some 30,000 children. Also seriously affected would be our research and training programs for mentally retarded and physically handicapped children, as well as support for emergency medical services.

The majority of the programs affected by the proposed funding cutback in these areas are programs which have been operating on funding inadequate even in preinflationary times. The President's assertion that he is merely eliminating supplemental funding or overfunding is misleading; in fact, these rescissions are eliminating vital funding to services generally rendered to women and children in the low-income bracket whose only access to preventive medicine is supplied through Federal funding.

I am totally opposed to the rescission of these funds for such vital health programs. Rather than promoting the best efforts of medical research, the President has chosen a false economic measure to cut back Government spending by hurting the innocent victims of disease and jeopardizing health care through substandard financing. This callousness in regard to the humane needs of our society must not be allowed when a massive budget is being proposed for spending on military and defense programs.

Again, in the area of education, elementary, secondary, occupational, vocational, adult education and higher education, and programs for library resources—in short, the full spectrum of the educational process and its institutions, are adversely affected by the President's proposed rescissions. Ironically, the cutback of funds in the area of education is also detrimental to the unemployment rate, since education is considered a labor-intensive field. It has also been suggested that these educational cutbacks will merely transfer the burden of funding from the Federal to the State and local levels, which are largely incapable of meeting the financial needs of these programs.

Educational programs such as Follow Through, Bilingual Education, Ethnic Heritage Studies, and Drug Abuse Education, dealing mainly with poor and disadvantaged children, frequently from minority groups, would all be subject to serious cutbacks under the proposed rescission plan. In California, the State department of education has informed me that the rescissions would "adversely affect a variety of programs plus increase the confusion and anxiety which long have been associated with lateness for the funding of Federal programs."

These reductions in the Federal budget are again misdirected. They are injurious to our most precious resource—the young people of this Nation—without alleviating the budgetary problems raised by inflation. It is time for the Ford administration to reassess its priorities for budget cutbacks in terms of human social needs. We must recognize that Federal moneys now being used to build war machines or grant unending military assistance to Indochina could better be allotted to the vital programs of health, education, and social well-being which are essential to the true prosperity of our Nation.

VETS IS NOT GOOD TO VETERANS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BURKE of Florida. Mr. Speaker, a recent investigation by the Veterans'

Administration of a private employment agency, Veterans Employment and Training Services, Inc.—VETS—of Fort Lauderdale, Fla., which is in my congressional district, revealed that there were many violations of the law and of VA regulations involved in on-the-job training programs originating with VETS.

Since the operation of this firm was not confined to my congressional district, I would like to share with my colleagues who may have veterans in their districts who enrolled with this firm the finding of the Veterans' Administration.

VETERANS' ADMINISTRATION,
Washington, D.C., January 21, 1975.

HONORABLE J. HERBERT BURKE,
House of Representatives,
Washington, D.C.

DEAR MR. BURKE: This refers to your inquiry in behalf of Mr. William P. Holliday, President of Veterans' Employment and Training Services, Incorporated.

V.E.T.S. is an employment agency that has been assisting Florida employers in developing on-the-job training programs for approval for veterans' benefits. The employer is charged a fee and veterans that are enrolled in the programs developed are also charged a fee. Our Regional Office in St. Petersburg received, from the State Approving Agency, several job training programs developed by the V.E.T.S., containing such questionable material that we felt it necessary to investigate their practices and procedures involving Veterans Administration matters.

The preliminary results of our investigation indicated that the scope of the investigation should be expanded to include an audit of each on-the-job training program initiated by the company. The Florida State Approving Agency is reinspecting each such approval.

Mr. Holliday is aware of the joint investigation by the Veterans Administration and the State Approving Agency. He has been informed that our St. Petersburg Regional Office has been instructed not to process further enrollments in V.E.T.S. cases until such time as results of the investigation are known.

As the results of the investigation become known in an individual case, benefits will be authorized if there is a finding that all provisions of the law are met.

We are pleased to hear again of your interest in veterans' affairs.

Sincerely,

RICHARD L. ROUDEBUSH,
Administrator.

VETERANS' ADMINISTRATION,
St. Petersburg, Fla., February 24, 1975.

Hon. J. HERBERT BURKE,
House of Representatives,
Washington, D.C.

DEAR MR. BURKE: This will supplement our letter of October 4, 1974, concerning Veterans Employment and Training Services, Inc., of Ft. Lauderdale, Florida.

As we began receiving an increasing number of complaints and inquiries concerning the operation of V.E.T.S., Inc., we felt it appropriate to ask the Veterans Administration Investigation and Security Service to conduct a full scale investigation. An investigator was dispatched to the Ft. Lauderdale-Miami area and his investigation was accomplished during the months of November and December, 1974.

During his investigation it became apparent that there were many violations of the law and VA Regulations involved in the programs which had their origin with V.E.T.S., Inc. It also became increasingly apparent that V.E.T.S., Inc., would not have been successful in approving these questionable programs without the aid and assistance of someone within the State Approving Agency. The investigation revealed that the local employee of the State Approving Agency was visiting the approved firms in the company of the owners and employees of V.E.T.S., Inc. The State Approving Agency also entered into our investigation and as a result of our cooperative findings, the State employee was removed from his position and subsequently was removed from State employment.

To illustrate some of the discrepancies in the training programs approved by the State Approving Agency which had their origin with V.E.T.S., Inc., we cite the case of Manguarian's Incorporated of Ft. Lauderdale. We received a call from the Personnel Director of Mangurian's of Ft. Lauderdale who stated that he had entered into arrangement with V.E.T.S., Inc., whereby he had 32 veterans working for Mangurian's who were in training programs and their applications had been submitted to the VA. He further stated that these 32 veterans were looking for their payments and demanded to know why the programs had not been approved. We explained to him that there was some serious question about the validity of programs submitted by V.E.T.S., Inc., and that he would be contacted soon by the State Approving Agency for verification of the validity of the training programs at Mangurian's. The Personnel Director seemed most upset with our answer. The State Approving Agency later contacted Mangurian's and they found that the Personnel Director who had called this Regional Office had been replaced and the new Personnel Director informed the State Approving Agency that, in fact, there never had been any approvable training programs at Mangurian's and it had been discovered that the previous Personnel Director had, apparently in conjunction with V.E.T.S., Inc., employees, formulated fraudulent pay and training records for the purpose of securing VA approval of training programs. The new Personnel Director further stated that the fees which their veterans had paid to V.E.T.S., Inc., for the service had been reimbursed by Mangurian's.

The Mangurian's case is merely an example of the numerous programs which were set up by V.E.T.S., Inc., and were not and were never intended to be valid training situations.

When the State Approving Agency learned that there was apparent collusion between their employee and V.E.T.S., Inc., they took prompt action to rectify the situation. To date, they have re-inspected 88 facilities which had training programs formulated by V.E.T.S., Inc. Of the 88, 47 approvals were completely withdrawn, 40 firms were reapproved after substantive revisions resulting from the new inspections, and one program was found to be valid as previously approved.

We now understand that V.E.T.S., Inc., has closed their office and that their telephone is disconnected. We do not know whether V.E.T.S., Inc., plans to remain in the approval business. We have received complaints that employees of V.E.T.S., Inc., are contacting veterans and requesting that veterans pay to V.E.T.S., Inc., the fee previously agreed upon before V.E.T.S., Inc., will release the VA check to the veteran. As you know, on all veterans approved by V.E.T.S., Inc., it was the consistent policy of that company to have the veteran ask the VA to mail checks to 2145 Davie Boulevard, Ft. Lauderdale, which is the address of the V.E.T.S., Inc., office. When we are informed by veterans that V.E.T.S., Inc., is trying to withhold the checks, we are advising the veterans to demand that the check be turned over to them without any conditional release, and that the payment of fees to V.E.T.S., Inc., is a civil matter and bears no relationship with receipt of the VA check.

In summary, our evidence strongly indicates that V.E.T.S., Inc., was engaged in activities in the Ft. Lauderdale-Miami area which were contrary to the best interests of the veterans. Clearly, most of their programs were formulated primarily for the purpose of obtaining funds for themselves and for veterans without regard to the validity of the training situation. The evidence also strongly indicates that V.E.T.S., Inc., had the assistance of an employee of the State Approving Agency in their activities which made it possible for them to carry on these activities. The State Approving Agency has now assigned three highly competent employees to the Ft. Lauderdale-Miami area for the purpose of approving On-the-Job training programs. We at the Veterans Administration exercise no control over who formulates training programs. However, we have complete confidence in the State Approving Agency that all OJT programs, regardless of origin, will now meet the requirements of the law and we anticipate no further problems in this area.

Sincerely yours,

WILLIAM R. BLACKWELL,
Director.

FATHER CORNELIAN DENDE, DIRECTOR OF THE "ROSARY HOUR," DELIVERS A MOVING TRIBUTE TO MRS. ALFREDA W. SLOMINSKI, ERIE COUNTY COMPTROLLER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. KEMP. Mr. Speaker, a few days ago it was my honor and pleasure to give an address at a testimonial dinner honoring one of the truly fine public servants of western New York, Mrs. Alfreda Slominski, Erie County comptroller.

Mrs. Slominski is one of those rare people who has consistently put principle above politics, her community and her country above consensus, and the next generation ahead of just the "next election." Our new comptroller of Erie County, "Alfreda," as she is affectionately called by thousands of Buffalonians, represents America's hard-working taxpayer—that forgotten citizen whose main concern it is to raise a family in concert with a love for God and for this country.

By her actions, her leadership and her unfailing courage, Mrs. Slominski has done much to enhance not only the image of women but the image of politicians as well. In his introduction of "Our Comptroller," Father Cornelian Dende said:

> She is convinced that by the very fact that she is a woman, she has much to contribute to the political life of her community. Her argument might run something like this: "If politics is the art of government (and it is), and if government is public-housekeeping (and it is), then a woman's place is quite logically in politics."

As a longtime member of the business and professional women's clubs of New York State and Buffalo, Alfreda was also honored by the attendance of her many friends in those fine clubs.

Father Dende also mentioned Mrs. Slominski's concern for the taxpayer:

> Now, judging by her past record, I can't imagine Alfreda to be a person who would

run away from a battle. On the contrary, she has been an outspoken champion for fiscal solvency and accountability.

Mr. Speaker, I join Alfreda in the great task of helping restore fiscal responsibility and accountability to government at all levels.

Mr. Speaker, Alfreda Slominski and her husband Richard truly believe that the only safe repository for human freedom rests in men and women concerned enough to take part in the political process and exercise responsibility for their own economic well being.

Mrs. Slominski is a native of Buffalo, N.Y. After obtaining her bachelor's degree and her Juris Doctor from the University of Buffalo she entered politics in 1952 via an appointment to the Buffalo Board of Education. From there she was elected and then re-elected councilman-at-large for the city of Buffalo's common council. In 1969 she became the first woman to be nominated by a major political party for the office of mayor in any U.S. city with a population of more than 500,000. From her position as minority leader of the common council Mrs. Slominski was elected Erie County comptroller on November 5, 1974, and she assumed her duties on January 1 of this year.

Alfreda has always had the wholehearted support and special dedication of the Polish community of western New York. In his remarks, Father Dende, himself of Polish descent, paid a tribute of his own to his dear friend:

> I've watched Alfreda in action these past twelve years of her public life, from the time when as a Citizen-Volunteer she joined the Buffalo Board of Education, during her two terms as member of the Buffalo Common Council, and now as Comptroller of Erie County . . . and I must say she is certainly an "exciting politician" (to say the least) . . . who is always where the action is. . . . She is considered one of the area's hardest working and outspoken political figures. . . . She always does her homework . . . and well. . . . The Polish Community of Buffalo and Erie County is extremely proud of our Comptroller.

Mr. Speaker, I rise in tribute today to this outspoken and dedicated lady, a woman who has championed right for right's sake and restored credibility and dignity to our government. I would like to include here the full text of Father Dende's remarks, followed by a list of those who spent many long hours preparing such a memorable and enjoyable tribute to such a deserving woman, Mrs. Alfreda W. Slominski:

ADDRESS BY FATHER CORNELIAN DENDE IN HONOR OF MRS. ALFREDA W. SLOMINSKI

I feel honored to be a part of this evening's tribute to a wonderful person and an outstanding public servant, our Comptroller, Mrs. Alfreda Slominski.

I've watched Alfreda in action these past twelve years of her public life, from the time when as a Citizen-Volunteer she joined the Buffalo Board of Education, during her two terms as member of the Buffalo Common Council, and now as Comptroller of Erie County . . . and I must say she is certainly an "exciting politician" (to say the least) . . . who is always there where the action is.

She is considered one of the area's hardest working and outspoken political figures. Some even say, a bit "over-dedicated" for a politician. She always does her homework . . . and well. She is convinced that by the very fact that she is a woman, she has much to contribute to the political life of her community. Her argument might run something like this: "If politics is the art of government (and it is), and if government is public-housekeeping (and it is), then a woman's place is quite logically in politics."

Both on the Board of Education as well as in the Common Council, I always pictured her as a "David" confronting the "Goliath" majority. She always was able to stand her ground.

We might ask: what makes her a person "apart" . . . so trusted by the electorate and respected by her opposition? I think it's because she is (and always has been) a person of character and has the qualifications of a true leader.

Now, we know that a person of character is one who has certain principles and maintains these principles regardless of the difficulties and opposition he or she might encounter. Because Alfreda is a person of character and has the courage to stand by her convictions, she is emerging as a leader in our community who is able to restore credibility and reliability in government.

Our democratic process sometimes makes for weakness rather than for strength. A candidate for office usually keeps his finger on the pulse of the electorate. He finds out by survey what they want and then he promises to give it to them . . . generally at the expense of the public treasury. His campaign is directed to the desires of the people, but never to their needs. The result is, the electorate is rarely offered a chance to vote for a real leader.

We need leaders who would fight for ideals. Goodness, patriotism, honesty and loyalty are losing their battles today . . . not by conflict, but by default. Those who are called to be defenders of what is right are not wounded in battle, they often flee. They skirt the issue.

Now, judging by her past record, I can't imagine Alfreda to be a person who would run away from a battle. On the contrary, she has been an outspoken critic of governmental excesses and waste, and a champion for fiscal solvency and accountability.

I might mention here in passing, that the Polish Community of Buffalo and Erie County is extremely proud of our Comptroller. When the history of the Polish Community will be written, I'm sure that the name of Alfreda Slominski will be in prominence. Whether she knows it or not, she is making history at this very moment.

On behalf of those whom I might represent in our community, I offer sincere congratulations on your recent sweeping victory in your bid for the office of County Comptroller. I congratulate your Family: your Husband and two lovely daughters who are justly proud . . . and we congratulate ourselves on having obtained a leader in whom so much faith and confidence can be placed.

I think it was St. Thomas who said: "The best reward for a job well-done, is the ability to do still better work in the future." Each job, each responsibility has prepared you for the next. I'm sure you have a long future ahead of you. May it be one that will bring much satisfaction to you personally, and may it be especially of great benefit to the Community you serve! Thank you!

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MAINTAINING THE INTEGRITY OF A PENSION PROGRAM

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. KASTEN. Mr. Speaker, I would like to register my support for a bill which I am cosponsoring with Mr. STEIGER of Wisconsin. This bill would permit people who are involuntarily separated from their jobs and receive the money in their pension program in a lump sum to reinvest that money in another pension plan without its being taxed in that year. A provision toward that end was included in the private pension reform low that we passed last year. Unfortunately, the provision which we included did not go far enough toward reaching our intended goal.

Mr. Speaker, as you will recall, to facilitate the portability of pensions—or their transfer with the employee as he changes jobs—the pension law provides that money may be distributed from a tax-qualified plan or from an individual retirement account to the plan participant, on a tax-free basis, if the same money or property is reinvested by the participant within 60 days in a qualifying individual retirement account. However, in the case of distributions from a tax-qualified pension plan, the distribution must be a lump-sum distribution to qualify as a so-called tax-free rollover. The pension reform measure also permitted amounts received from a qualified plan to be transferred to another qualified plan with the consent of the individual's new employer through the medium of an individual retirement, or an "IRA" account as they are now popularly known. The only restriction was that in this case, the conduit retirement account must consist of nothing but assets transferred from a qualified plan and the earnings on this amount to prevent a situation where retirement savings might indirectly obtain tax advantages not intended.

Thus, the goal of the rollover feature which we incorporated was to facilitate the transfer of pension benefits from one plan to the other so that they could continue to grow. Unfortunately, the Internal Revenue Service has a somewhat narrow interpretation of this provision.

Mr. Speaker, it has come to my attention back in my home State that the Internal Revenue Service has ruled against an attempt by some of my constituents to transfer moneys they are to receive under their terminated retirement plan and their savings and investment plan into an IRA account. It so happens that they did not meet the specific provision of the law in the opinion of the Internal Revenue Service, although it is my opinion that the intent of the law should apply in their case. I will explain this later. But first, Mr. Speaker, I would like to briefly outline the circumstances surrounding this case.

On December 31, 1974, Lakeside Laboratories in Milwaukee was purchased intact by Richardson-Merrell, Inc. Up until that time it was a subsidiary of Colgate-Palmolive. On January 1—both the retirement income plan into which they contributed approximately one-third of the cost, and a savings and investment plan—were terminated. While those over 55 years of age were given several options to choose from, individuals under age 55 were to receive the entire account in either cash, or in cash and stock.

This all came as a rude shock to my constituents since the benefits they had planned on obtaining from the retirement plan were greatly reduced and second, they were faced with an immediate decision as to what to do with relatively large sums of money—or stock—that they were to receive from their savings and investment plan, funds which the majority of them were banking on to supplement their retirement income.

Mr. Speaker, when my constituents explored the IRA provisions of the law they were initially assured by various lending institutions as well as the local IRS district office that they were eligible to transfer these amounts tax free into an IRA account under the rollover provisions of the pension legislation. However, they were later informed that they did not qualify for this tax treatment because they were not "separated from service." This is drawing the line pretty fine. You see, although they were all working for a new employer, most of them still had their same jobs. I think something should be done about this type of situation.

The legislation that I am cosponsoring would permit individuals whose pension plans are terminated to utilize the tax rollover provisions when they are required to take their pension benefits prior to retirement just as an individual may use the rollover feature if his job is terminated. Mr. Speaker I think this bill is consistent with the original intent behind this feature of the pension law. We try to give tax incentives to encourage voluntary retirement savings. Yet, on the other hand this adverse ruling by the Internal Revenue Service does just the opposite. It would tax the distributions from the terminated plan presently when the individuals are in a higher tax bracket—thus having a deleterious effect on their retirement income.

Mr. Speaker, when we were considering pension reform legislation we were looking for ways to facilitate the portability and preservation of pension benefits. We all recognized the desirable feature of a portability program—that arrangements could be developed whereby an individual could accumulate pension credits from job to job and eventually combine them into qualification for a single pension. However, the complexities of such a scheme were so great that we had to defer on this type of arrangement. But in an attempt to arrive at some portability, the tax-free rollover provisions were included in the measure that we passed. I would hate to see our efforts frustrated by prohibiting the use of this feature when individuals are forced to take their pension moneys prior to retirement because their pension plan is terminated.

UNMANIFEST DESTINY: WHERE DO WE GO FROM HERE?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. FRASER. Mr. Speaker, Zbigniew Brzezinski wears many hats—professor of government and director of the Research Institute on International Change at Columbia University, director of the Trilateral Commission—and he wears them all well. His thoughtful articles on world affairs are thought-provoking and incisive. His "Unmanifest Destiny: Where Do We Go From Here?" appeared in the March 3, 1975, issue of New York Magazine, and I want to place it in the RECORD for the benefit of those who may have missed it.

While I will not attempt to summarize in a few words the thrust of Professor Brzezinski's essay, I would like to emphasize one aspect of it. He writes:

> Finally, it seems to me that we have to recognize that the world that is emerging today is made up of independent nations seeking more equity, and this is, in fact, the world that we have long desired. Its appearance is bound to produce frictions with the richer and more established nations. That is a reality which we cannot avoid. Therefore, rather than turning our backs on it, we should become more involved in getting that new world engaged in shaping a global community. This means our speaking at the United Nations with greater moral authority. This means upgrading the level of our representation at the United Nations, not lowering it. We should participate actively in the discussion of reforms, especially in the new economic world order. We should take the lead in reapportioning voting rights for the new influential members of the global community in the International Monetary Fund and the World Bank. We should even consider creating machinery for global planning and arrangements for long-term transfer of resources, for we have a great deal of expertise in these fields.

Mr. Speaker, this is the direction we ought to be headed in. Zbigniew Brzezinski makes a good pathfinder.

The article follows:

UNMANIFEST DESTINY: WHERE DO WE GO FROM HERE?

(By Zbigniew Brzezinski)

The year 1975 will severely test America's relevance to the changing world. It will test our ability to respond constructively to an unprecedented crisis, or rather three crises—economic, cultural, and international—which are confronting us simultaneously.

The character and dimensions of the economic crisis are familiar enough. Its essential elements—inflation, recession, and monetary instability—need no great elaboration. The economic crisis, however, intersects with a deep cultural malaise in the Western world, a malaise that is pregnant with dangerous political consequences. It involves a sharp break with two basic ideas that, since the eighteenth century, have provided the West, and particularly the United States, with a philosophical framework: the ideas of progress and the preeminence of liberty.

The idea of progress increasingly permeated social affairs with the notion that change is good, that change means improvement. Both liberalism and Marxism have been committed to the idea of progress as the basic organizing premise of the industrialized world. Today the idea is severely challenged (in some places it is in actual disrepute). It is yielding to a notion that progress means decay, that change is bad. As a result, one finds more and more people, especially intellectuals, recommending limited growth or zero growth as a way of arresting change.

The preeminence of liberty, which put a high premium on individual development, spiritual worth, and the legal autonomy of the individual, is now yielding increasingly to the concept of equality, not just equality of opportunity but equality of condition. Material equality, to be achieved through a redistribution of wealth, is becoming a dominant concern. But with declining rates of growth, the pie to be shared will continue to get smaller.

All of this adds up to a profound cultural discontinuity, and this has led to the phenomena of (1) extremism—the search for a radical solution; (2) religiosity—the search for an intimate personal relationship with God; and (3) terrorism—the search for an instant remedy. More fundamentally, discontinuity has produced a dominant outlook of pessimism in large sectors of Western societies, including the United States.

The effect of this pessimism is to challenge confidence, civility, and compromise—the underpinnings of modern democracy—none of which can exist without optimism. The erosion of these core beliefs is destructive because a democracy rests ultimately not on institutions or economic arrangements but on the beliefs of people.

The undermining of optimism has been the democratic system: an overload of participants and demands, and an overflow of information that is difficult for both the public and its legislators to assimilate. As social cleavages become sharper and demands become more difficult to resolve, democracy faces a breakdown in consensus. The condition is made worse by the weakness of our leadership—a weak Congress confronting a weak president.

The international consequences of this crisis are not to be underestimated. Today, democracy appears not only less vital but less appealing. It is hard to think of a period since the American Revolution when the democratic system has had less appeal for the intellectual elite of the world.

The cultural malaise interacts with the third crisis, the dissolution of the international system which, since World War II, dominated world politics. Before World War II, Europe was the vortex of the international system and Britain played the key role in making certain that no one country controlled Europe. The international system was London-financed, in the sense that London banks played the crucial role in maintaining the monetary and economic structure.

After World War II the international system—political and economic—shifted westward; it became United States-protected and

New York-financed. But today even that system is in jeopardy. The year 1973 was the turning point. In some ways 1973 was as important as 1905, the year of the Russo-Japanese War, when, for the first time in history, an Asian power defeated an essentially European power in a political-military contest. So too, in 1973, the year in which the Arabs deployed their oil weapon, the developing world for the first time inflicted a major economic setback on the advanced world.

As a consequence we now find four worlds existing on the international scene. The advanced, essentially democratic, world is still there. The Communist world is still there. But the Third World has split; there is now a world of the *nouveaux riches* of the oil-producing nations and another world of the basket cases of the international community.

The international game among these four worlds today is thus quite different from what it has been for much of the last 25 years. Today the overt competition and the overt animosity are increasingly between the First World and the Third and the Fourth Worlds, with the Second World, particularly the Soviet Union, an indifferent but neutral beneficiary of the competition between the rich and the poor. The Fourth World, though it has suffered from recent economic dislocations, supports the Third World because of their common demand for global equity. They want more participation in the running of the international system, and they are not prepared to accept the system which is largely Atlantic-centered, United States-protected, and New York-financed.

It is the interaction of these three crises which challenges America's relevance to the world. In the economic area, the lack of an adequate American response has worsened the world's economic crisis. The deflationary policies of the United States in 1974 intensified the global recession and threatened to plunge some parts of the world into a genuine depression. This economic posture, or passivity, has produced worldwide anxiety about, even animosity toward, the United States.

The cultural crisis creates the impression that our democracy is inadequate. It suggests that our system of government is not the wave of the future, that it has lost its inner confidence and cannot satisfy the essential social demands.

The international crisis creates pressures within the United States to interpret the change in world affairs as anti-American. This in turn encourages our policy makers to downgrade the United Nations and diminish American representation in international institutions. As a result, next year when we celebrate the two-hundredth anniversary of the birth of our nation—the first country explicitly dedicated to the principles of national independence and self-determination—and when we enter what is likely to be the first year of national independence for all the major regions of the world, we may find America less relevant to that world than at any point in her entire history.

Though the ideological relevance of America is severely threatened, it can be restored. We *can* do something about it. Our need is for a comprehensive response on all three fronts, and our primary objective must be to help shape a true global community, to forge new patterns of relations among the nation-states.

It is essential to tackle head-on the pervasive mood of pessimism which dominates our centers of thought and learning. I myself am convinced that the human condition has been improving and continues to improve. In 1900, for example, only about 1 per cent of humanity lived in tolerable conditions. By 1970, with a vastly larger population, approximately 30 per cent had achieved those standards. Certainly our own society has experienced marked progress in terms of education, social sophistication, and political awareness. But we now have to plan our future much more deliberately than we have done in the past. Our plans must include efforts to maintain economic growth. We may also have to consider ways of adapting what the Europeans call "industrial democracy" to our own social conditions, creating mechanisms for greater social participation in economic decision-making. That will surely strengthen, rather than weaken, our democracy. I also believe that a call on the nation to sacrifice would contribute a great deal to the restoration of optimism, for sacrifice generates optimism. Indulgent, miasmic, and passive behavior stimulates pessimism.

With respect to international economic issues, the essence of our policy should be an unambiguous commitment to a cooperative solution with all willing parties. This means more collaboration with Western Europe and Japan—not peevish chastisements such as the secretary of state recently articulated in an interview in *Business Week*. Such collaboration is needed in order to cope with inflation and recession. I would favor, for example, a heads-of-government meeting to dramatize the issue of interdependence, as well as the establishment of a system of sustained consultation to avoid misunderstandings and conflicts.

A cooperative approach must be similarly pursued in order to solve the question of oil and the recycling of oil dollars. There are still strong indications of a confrontationist approach in the Ford administration, judging from the particularly drastic formulations expressed in recent weeks. Such an approach is counterproductive. We would be much better advised to follow the imaginative ideas expressed in *Foreign Affairs*, which recommended a long-term partnership between oil consumers and oil producers in the recycling of petrodollars and in building a new world monetary system.

The question of military intervention must be faced. If open speculations on that subject by our leading policy makers are designed to be a deterrent, I would argue that they in fact inflame the situation and strengthen the radicals against the conservatives. If, however, the threats are meant seriously and not as a bluff, there are some major questions which advocates of military intervention in the Middle East must ponder:

Who does it? I assume it means the United States alone. If so, from where? There is no obvious place from which the United States could undertake such an intervention without precipitating grave consequences.

Where should it be undertaken? And what shape would seized assets be left in? The process of extinguishing fires that would be set in motion is likely to be time-consuming and detrimental to the world economy.

What would be the impact of military intervention on other oil producers? I suspect that we would see immediate embargoes, but more importantly and enduringly, rapid domestic radicalization of even the oil-producing countries not directly affected. Is this what we want?

What would be the impact on the rest of the Third and Fourth Worlds? At the very minimum there would be a violent anti-American reaction, perhaps sporadic boycotts, compounding the isolation of the United States.

What would be the behavior of the presumed beneficiaries of this action, Western Europe and Japan? Present indications suggest that they do not favor this action, and in all probability they would rush to make their own deals with the other oil producers.

What would be the behavior of the Soviet Union? There surely would be political exploitation of this action, and perhaps even a confrontation.

Once in, how do we get out?

Until these questions are dealt with satisfactorily, our policy makers would be well advised to remain silent about military intervention.

There is a related issue which I believe to be important: the relationship between economic cooperation and the political conflict in the Middle East. The need to solve that conflict is now more acute than ever, not only because of its threat to world peace, but because of its polarizing effect on American relations with the rest of the world. Without an Arab-Israeli settlement, we will not create the kind of confidence on which the resolution of some of the monetary problems with the oil producers depends.

I am doubtful that the administration's current strategy—trying to keep the Soviet Union out of a solution—can succeed. It only increases the Soviet stake in subverting a settlement. And while the Soviet Union lacks the capacity to achieve a settlement by itself, it can prevent a settlement. I am also doubtful that a long-term approach of slowly getting the Arabs and Israelis together will succeed, for this slow approach does not take into account the disunity and impatience of the Arabs, both of which undermine their willingness to accept any gradual compromise solution.

Thus, it would be advisable and timely for the United States to spell out openly what it considers to be the general outlines of a desirable settlement and to indicate that it would be prepared to guarantee it. There is worldwide consensus today on what the essential elements of that settlement ought to be.* Spelling out the general terms of a settlement would generate pressure on its behalf. And this is what moderate Arabs and Israelis actually want, for they argue that unless there is external, particularly American, pressure on behalf of an openly articulated settlement, it is difficult for them, because of their internal problems, to take the lead in promoting it.

Finally, it seems to me that we have to recognize that the world that is emerging today is made up of independent nations seeking more equity, and this is, in fact, the world that we have long desired. Its appearance is bound to produce frictions with the richer and more established nations. That is a reality which we cannot avoid. Therefore, rather than turning our backs on it, we should become more involved in getting that new world engaged in shaping a global community. This means our speaking at the United Nations with greater moral authority. This means upgrading the level of our representation at the United Nations, not lowering it. We should participate actively in the discussion of reforms, especially in the new economic world order. We should take the lead in reapportioning voting rights for the new influential members of the global community in the International Monetary Fund and the World Bank. We should even consider creating machinery for global planning and arrangements for long-term transfer of resources, for we have a great deal of expertise in these fields.

I have deliberately avoided commenting directly on the American-Soviet relationship, because in some ways it is today less central than it was in the days of the overt cold war. Moreover, the role and appeal of the Soviet Union are changing dramatically. Instead of being a symbol of revolution, it is increasingly the symbol of stability and social conservatism in a very turbulent world. This makes the Soviet Union more appealing to some. Apart from being an ideologically motivated power, it is a power which puts a high stress on military might. Abroad, Communist parties, particularly in France and Italy, increasingly appeal to the electorate as the parties of the work ethic and of law and order. It is this changed posture that inclines the Soviet leadership to adopt an essentially passive and selfish approach to global problems. In addition, there are grounds for suspecting that there is a strong debate in the Soviet leadership as to the extent to which the Soviet Union should exploit the difficulties in the international system. This means that we cannot count on American-Soviet cooperation to deal with the problems of which I have spoken. Thus the United States will have to take the lead in shaping a more optimistic global community. But it can do so only if it undertakes certain domestic charges and rearrangements as well.

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*Briefly, its principal components are: recognition of Israel's sovereignty by all parties, and peace treaties establishing normal relations; creation of a demilitarized Palestinian state; reinforcement of frontiers, based largely on those existing in 1967, by security zones; retention of a united Jerusalem but with two capitals in it; and a U.S. guarantee for the above.

First, we must develop an effective executive instrument for world planning. We desperately need a supradepartmental integration of our global policy. It is impossible to conduct such a policy from the vantage point of the Treasury or the State Department. We need not only a virtuoso in charge of our foreign policy; we need a conductor who can orchestrate the symphonic effort. The logical place to locate such an instrument for integrating our global policy would be the vice-presidency.

Second, we have to return to true bipartisanship in the shaping of our foreign policy, which has lately been too partisan and too personal. It has also been deceptive and unpredictable at a time when American moral authority and clarity have been very much needed. It is important that we go back to the post–World War II days of a truly bipartisan foreign-policy process. If we do that, I think we can generate the national unity that is needed.

We confront a profound and wide-ranging historical challenge, but it is a challenge we can manage, provided we understand its historical thrust. If we take the actions I have outlined, we may reasonably entertain a more hopeful outlook on the nature of change in our time and on America's global role.

MEMORIALIZING THE HOLOCAUST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. GILMAN. Mr. Speaker, today I am introducing a resolution authorizing and requesting the President to proclaim April 6, 1975, as a day commemorating the 30th anniversary of the liberation of the survivors of the Buchenwald concentration camp.

This date is also a grim reminder to all peoples of the free world that some 6 million people of the Jewish faith were slaughtered by Hitler and the forces of the Third Reich. The wanton cruelty of that holocaust must not be forgotten.

It is befitting, as an expression of American humanitarian concern and as a reaffirmation of our Nation's firm belief in the tenets of liberty, justice, and equality, that April 6 be commemorated as a national day of observance with appropriate ceremonies and activities.

Accordingly, I urge my colleagues to support and adopt this resolution.

OIL POLICY: THE VENEZUELAN VIEWPOINT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. FASCELL. Mr. Speaker, because of the great interest in Congress in energy matters and the policies of the OPEC countries I want to bring to the attention of the House an article from the February 28, 1975, edition of the British weekly newsletter Latin America. The article describes an exclusive interview which that journalist had with the President of Venezuela, Carlos Andrés Pérez, in which he described his country's long-term objectives:

VENEZUELA: PRUDENT AUDACITY

(President Pérez is determined to use oil to change the rules of the game with the industrialized nations, but he remains acutely aware that its too drastic use could provoke a dangerous reaction from the United States.)

Venezuelan oil will not be used 'as an aggressive weapon', President Carlos Andrés Pérez told LATIN AMERICA this week in an exclusive interview, 'but as a political weapon to convince the developed countries of the need for a global understanding'. On the eve of his departure for the heads of state meeting in Algiers of the Organisation of Petroleum Exporting Countries (OPEC)—following this week's ministerial meeting in Vienna—the Venezuelan President said one of his main aims at Algiers would be to establish a common OPEC position to be maintained at a future global conference in which developing and industrialised countries would participate. The global understanding, he said, should provide for an equilibrium between energy, raw materials and basic products, on the one hand, and the manufactured and capital goods required by developing countries, on the other.

While firm in his determination that global economic relationships should be changed permanently, President Pérez went out of his way to be conciliatory and understanding towards the industrialised world and the problems it faced in coping with the sudden rise in oil prices. 'I truly believe the time has come for a serious dialogue, aimed at building a new institutional order' in the world, he told LATIN AMERICA. As part of this new order, Venezuela would like to see the exploitation and use of oil planned on a global scale, so that it could be shared fairly between all countries.

As far as Venezuela was concerned, Pérez said, the production of oil must take into account the needs of industrialised countries, as much as those of any other countries, but it must be ruled by conservationist considerations, since oil was likely to be even more important in the future as a petrochemical feedstock than as a source of energy. The President said he was fully aware of the 'grave maladjustments caused by the accumulation of non-recycled monetary resources' in industrialised countries, and the consequent dangers for world economic stability. This merely underlined the need for the proposed global economic conference.

Asked whether he agreed with the call for a 'drastic reduction' in Venezuelan oil production made recently by Juan Pablo Pérez Alfonzo, the grand old man of Venezuelan oil politics and virtual founder of OPEC, the President flatly rejected such an 'oil embargo'. It would be impossible, he said, 'without affecting the country's international relations. This would mean breaking undertakings which, if not explicitly agreed, certainly exist.' Venezuela's agreements with traditional clients could not be just 'pushed aside'—but, the president emphasised, 'they are linked with those which developing countries have with us'.

This amounted to a clear recognition that the United States, in particular, could not be pushed too far, and is in line with Henry Kissinger's recent warnings to oil producers. Venezuela's main client for oil would continue to be the United States, President Pérez said, and 'any reduction in oil output would have to take established agreements into account'.

At the same time the President appeared confident that a sufficiently firm degree of unity had been attained within OPEC for oil producers to wring considerable concessions from the industrialised countries—or at least to negotiate on a basis of equality at the conference which Pérez has in mind.

'Despite the hard words and certain threats which were made in haste,' he said, the climate was improving for an exchange of views. In this regard the President had warm words for French policy under President Giscard D'Estaing, nor did he see any prospect of OPEC unity being broken by the United States, or other attempts to establish bilateral agreements with producers. The President described as 'not impossible' the prospect of a reduction in oil prices, but said this could only happen within a general readjustment of prices for raw materials, as well as manufactured and capital goods'.

Asked how Venezuela's policy on gradually reducing its oil output, and of satisfying its traditional customers, could be equated with supplying new markets in Latin America, Europe and Japan, President Pérez said this was possible because the United States was reducing its consumption. Venezuela was therefore diversifying its markets and 'using its oil as an instrument of solidarity with Latin America'. But he denied reports that Venezuela had agreed to sell 100,000 barrels a day to Cuba. Negotiations for the sale of oil to Cuba had not even begun, he said.

On Venezuela's policy within the western hemisphere, President Pérez said good relations with the United States are a 'matter of prime importance'. Venezuela wanted 'a full understanding with our northern neighbour, but we insist that the rules of the game should not be fixed unilaterally'. Furthermore, he added, 'my government believes the hemisphere's problems must not be dealt with bilaterally between the United States and each of the other countries, but multilaterally'. That was why Venezuela's strategy within the hemisphere was to work out a unified policy with the rest of Latin America and the Caribbean, particularly through the establishment of a new Latin American body 'which would permit the countries of our community to identify our purposes and aims in the dialogue with the United States in the Organisation of American States (OAS)'.

The President appeared unabashed by the opposition from Brazil to the *sistema económico latinoamericano* (SELA) which Venezuela, Mexico and Colombia are promoting (*see* last week's issue). He showed great satisfaction at the 'demonstration of vigorous solidarity in the Latin American community', during the recent OAS meeting in Washington which condemned the new United States trade act, and dismissed the sharp divisions of opinion with the OAS displayed at last year's Quito meeting on the subject of Cuba—a problem which, he said, 'had more to do with the political definitions of Latin American governments than with the solidarity and identity over economic questions which is being forged in Latin America'.

The President was, however, quite categorical in saying that 'the OAS is an indispensable and irreplaceable instrument for relations between the United States and Latin America—as well, of course, as the English-speaking countries of the Caribbean'. But, he added, it needed a fundamental restructuring on the basis of equality between Latin America and the United States, and of more concern for economic than political issues.

It would appear, therefore, that President Pérez sees that Venezuela cannot go too far in challenging United States power, and that the OAS is the best instrument Latin America has got for continuing a dialogue which cannot be avoided. SELA seems to be the vehicle chosen to establish a common Latin American economic front—though even with Venezuela's oil wealth, and Mexican and Colombian support, it will be badly weakened unless Brazil joins too.

CALLS FOR CONGRESSIONAL INVESTIGATION OF POTENTIAL PERIL OF PLUTONIUM IN HANDS OF MAD TERRORISTS

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. MOTTL. Mr. Speaker, I would like to call the attention of this House to the very real danger that nuclear explosives may be devised by madmen and terrorists.

It does not take much imagination to perceive what a threat this would pose to our entire civilization.

A recent public broadcasting system telecast clearly demonstrated that such an eventuality is a possibility against which precautionary measures should be taken.

It seems to me that the Joint Committee on Atomic Energy should evaluate this subject, and advise Congress what legislation may be required to safeguard the public from this threat.

I have written the following letter to Senator JOHN O. PASTORE, chairman of the Joint Committee on Atomic Energy.

"HOME MADE" NUCLEAR BOMBS POSSIBLE

DEAR SENATOR PASTORE: "Home made" nuclear bombs are a real and present menace to our civilization.

This fact was driven home by "The Plutonium Connection," a Public Broadcasting System program televised nationally on March 9.

The producers demonstrated that a college student, utilizing readily available information from public libraries, could devise a nuclear explosive capable of causing awesome destruction.

The television program also clearly demonstrated that it is well within the realm of possibility for a determined madman or group of anti-social terrorists to obtain sufficient plutonium to create a nuclear bomb that could be used to blackmail and menace civilization.

The potential peril of plutonium is illuminated by the substance being so toxic that one ten millionth of an ounce can cause death if inhaled. A small quantity of plutonium is all that is required to build a nuclear bomb.

Are we taking proper measures to safeguard plutonium from falling into the hands of possible saboteurs?

I think the threat is sufficiently great to merit careful study by the Joint Committee on Atomic Energy to determine whether the necessary precautions are being taken to safeguard the public.

Sincerely,

RONALD M. MOTTL, *Member of Congress.*

COMMENTS ON THE SEDITION STATUTE IN THE McCLELLAN-HRUSKA BILL, S. 1

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. EDWARDS of California. Mr. Speaker, David Randall Luce is an associate professor of philosophy at the University of Wisconsin. He is the congressional liaison for the Wisconsin Civil Liberties Union and vice chairperson for the National Committee Against Repressive Legislation. I am inserting in the RECORD today Professor Luce's thoughtful comments on the sedition statute of S. 1, the Criminal Justice Codification, Revision and Reform Act of 1974. I ask that the membership consider these ideas when we vote on the revisions to the Criminal Justice Code:

COMMENTS ON THE SEDITION STATUTE IN THE McCLELLAN-HRUSKA BILL, S. 1, "CRIMINAL JUSTICE CODIFICATION, REVISION AND REFORM ACT OF 1974"

(By David Randall Luce)

The words of Oliver Wendell Holmes, Jr., are instructive, "The object of our study," he told a body of law students in 1897, "is prediction, the prediction of the incidence of the public force through the instrumentality of the courts." On this view of the law, "a legal duty so called is nothing but a prediction that if a man does or omits certain things he will be made to suffer in this way or that by judgment of the court; and so of a legal right." Seeking to dispel "the confusion between law and morality," as he termed it, he declared that "if you want to know the law and nothing else, you must look at it as a bad man, who cares only for the material consequences which such knowledge enables him to predict, not as a good man, who finds his reasons for conduct, whether inside the law or outside of it, in the vaguer sanctions of conscience. . . . Manifestly, therefore, nothing but confusion of thought can result from assuming that the rights of man in a moral sense are equally rights in the sense of the Constitution and the law." [1]

There is something positive and refreshing in the amorality of Holmes' philosophy of law. The critic of a proposed sedition statute will be moved by it to eschew "metaphysical" talk of human rights and social justice; he will shun metaphor, he will not call the First Amendment the rock upon which the sovereignty of the people rests, even though he could quote Justice Black, concurring in *Yates* v. *United States*, to good effect: "The First Amendment provides the only kind of security system that can preserve a free government—one that leaves the way open for people to favor, discuss, advocate, or incite causes and doctrines however obnoxious and antagonistic such views may be to the rest of us." [2]

For the critic of the sedition statute will recognize that his interests (which he presumes to be the interests of any citizen in maintaining the processes of self-government) do not necessarily coincide with the interests of the legislator (who acquires a vested interest in maintaining himself in office.) The critic will perceive that if the group against which the sedition statute is directed is small, ineffective, and widely detested, then the legislator who defends First Amendment principle risks placing himself in opposition to the greater part of his constitutents. If the group against which the sedition statute is directed is popular and effective, on the other hand, the legislator who defends First Amendment principle risks losing a part of his electoral base to the opposition. Certainly it is easier to govern, and easier to maintain oneself in office, when the First Amendment is perceived as an obstacle to be gotten around rather than as the very security of the nation.

The critic will therefore appreciate that the very features of the sedition statute that he singles out as especially dangerous and objectionable may be perceived as positive attractions by the legislator. So is it with the sedition statute at hand: Section 1103 of the McClellan-Hruska criminal code bill,[3] bearing the title "Instigating Overthrow or Destruction of the Government."

The extremely broad reach of the statute is its most conspicuous feature. Paragraph (a)defines the offense, paragraph (b) sets the penalty. Paragraph (a) stipulates that a person is guilty of an offense if, with a certain intent—the element of intent is important, and I shall comment on it in due course—he engages in either of two activities: if (1) he incites others to engage in certain conduct, or (2) he is active in an organization which has such incitement among its purposes.

The use of the verb "to incite" by the Justice Department lawyers who initially framed the statute was presumably intended to avoid the difficulty upon which the prosecution of Communists under the Smith Act [4] ultimately foundered: the distinction between the advocacy of ideas in the abstract, which the Court held could not be prohibited,[5] and actual incitement to action, which is subject to regulation.

But what sort of conduct is it, incitement to which renders one liable under the terms of Section 1103? It is "conduct that then or at some future time would facilitate the forcible overthrow or destruction of" the government of the United States or of any state.

It is worth observing that conduct fitting that description may be perfectly legal, may indeed be conduct receiving the express protection of the First Amendment. There is no section in any of the proposed federal criminal code reform bills [6] that defines it an offense to engage in conduct which "then or at some future time" "would facilitate" the forcible overthrow of government. Nor is it an offense under existing law.

Consider the broad range of conduct that appears to fit the description. It can plausibly be argued, for example, that to lobby against effective gun-control legislation is to engage in conduct which "at some future time" "would facilitate" forcible overthrow. The work of revolutionaries would be made easier if they could buy guns and ammunition across the counter without any checks on the use or disposition of the weapons. Effective gun-control legislation would make their work at least a little bit more difficult.

On the other hand, it can be argued that to lobby against sedition laws is to engage in conduct which "at some future time" "would facilitate" forcible overthrow. The work of revolutionaries would be made easier if they could organize their political movement and speak on street corners without government interference. Sedition laws

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Footnotes at end of article.

which would allow us to clap them in jail at the first revolutionary phrase would certainly make their work more difficult.

Of course, this second example brings out a paradox. The verb "to facilitate" must be contrasted not only to verbs like "to cause" and "to bring about," but also to expressions like "to enhance the likelihood of," "to make more probable." It very well may be that a circumstance that makes forcible overthrow more difficult (e.g. strictly enforced sedition laws) at the same time makes forcible overthrow more likely. One can easily suppose that if a victim of injustice or inequity feels it unsafe to publicly cry out his grievance or to seek a remedy in the political process (because of the strictly enforced sedition laws), he will be the more apt to resort to violence.

One should note that quite opposite modes of conduct can equally fit the description of conduct which "at some future time" "would facilitate" forcible overthrow. To develop more rapid and efficient means of communication, for instance, would enable revolutionaries scattered over a wide area to coordinate their activities more effectively. To disrupt existing means of communication, on the other hand, would facilitate the work of revolutionaries by making it more difficult for police agencies to coordinate their activities. Even doing nothing at all "at some future time" "would facilitate," because it neither assists the police agencies nor hinders the revolutionaries.

The description has this extremely broad reach because it is not required (i) that the persons engaging in the conduct be themselves revolutionaries or have some intention of facilitating the forcible overthrow of government or know that their conduct has that effect; nor is it required (ii) that the conduct be engaged in in circumstances in which violent revolution is foreseeable or likely or possible. It is a tribute to the ingenuity of the framers of the statute that the element of intent is confined to those who incite the conduct, and that the element of "clear and present danger" is omitted entirely.

The reach of the statute is broadened even more by the provision that a person having the required revolutionary intent is guilty of an offense if he "organizes, leads, recruits members for, or participates as an active member in, an organization that has a purpose" the incitement just described—namely, inciting others to engage in conduct that "then or at some future time" "would facilitate" the forcible overthrow of government.

Again the ingenuity of the authors quite takes our breath away. It is not required that the organization have a revolutionary purpose, or that it have among its purposes that of facilitating forcible overthrow. It suffices that the organization has among its purposes—and it need not be the sole purpose, or the chief purpose—that of engaging in the proscribed incitement.

Taking the words at their face value, then, it would seem that if the National Rifle Association incites people to lobby against effective gun-control legislation, then it is an organization liable under the statute. And if the American Civil Liberties Union incites people to lobby against sedition laws, then it is also liable. It follows that one who "organizes, leads, recruits members for, or participates as an active member in" either the National Rifle Association or the American Civil Liberties Union comes perilously close to committing the offense defined by the statute.

Perilously close—but we do not yet have the offense. In order to become liable to the fifteen years' imprisonment and the $100,000 fine that Section 1103 provides, an element of intent is required. One must be active in the organization "with intent to bring about the forcible overthrow or destruction of the government of the United States or of any state as speedily as circumstances permit."

Will this requirement of intent allow active members of the NRA or the ACLU to breathe more easily? Does it render them secure against any possible misuse or abuse of Section 1103?

I am afraid it does not render much security to anyone. I observe first that the phrase "as speedily as circumstances permit" adds little to the definition of the required intent. Normally, whenever one resolves to do anything at all, one resolves to do it "as speedily as circumstances permit." This remains true even if circumstances do not permit the action for years and years, or never permit it within the person's lifetime. It may be a part of a revolutionary's credo, for example, that a revolution stands no chance of success, and should not be embarked upon, until 51 percent of the people share the revolutionary goal; and it may be another part of his credo that no more than 5 percent of the people will ever share that revolutionary goal in his lifetime. It follows that he will never commit a revolutionary act and will disapprove of the revolutionary acts of others—but he is committed to revolution "as speedily as circumstances permit."

I observe, secondly, that the definition of the required intent does not include the intent to perform some specific illegal act. The definition lends itself all too easily to an interpretation which would make ideology or political attitude the measure of intent. In practice, an angry speech or a revolutionary slogan or a clenched fist might suffice to convince a jury that the element of intent was present. No member of the NRA or the ACLU—no person at all politically active—should dare to feel secure under the terms of Section 1103, if he has ever gone on record in favor of some radical cause.

This result is desirable or undesirable, of course, depending on one's point of view—I have remarked that the interests of the legislator may differ from those of the ordinary citizen. In general, I think, we have an admirable instrument of intimidation and control in any statute which singles out conduct which may be itself quite harmless, or even socially beneficial, and perfectly legal, even receiving the protection of the First Amendment, and makes it a criminal offense when engaged in with an intent that can be shown by one's speech or other expressive activity. Words can be used to show that other words are criminal.

The "Smith Act" clause in the recommendation of the National Commission on Reform of the Federal Criminal Laws [7]—Section 1103, Paragraph (3) "Advocating Armed Insurrection"—lacks this defect (or this virtue, depending on one's point of view.) The intent must relate to criminal conduct of a specific kind (engaging in armed insurrection); the advocacy must be done in circumstances in which there is "substantial likelihood" the advocacy "will imminently produce" the criminal conduct; and one can be prosecuted for "attempting to advocate" or "conspiring to advocate" only under very special conditions. The ordinary citizen can breathe easily under the terms of that statute.

Section 1103 of the McClellan-Hruska bill may well be termed "Nixon's Smith Act." It is a slightly modified version of Section 1103, "Inciting Overthrow or Destruction of the Government," of S. 1400 (= H.R. 6046), developed by Justice Department lawyers under the supervision of John Mitchell and presented to the public as the Administration's federal criminal code reform bill in March 1973. The changes introduced in the McClellan-Hruska bill, though slight, are actually significant improvements that deserve comment.

Neglecting merely editorial changes, I see four changes of substance: (i) The phrase "overthrow or destruction of the government" in the definition of the required intent, paragraph (a), is qualified by adding the adjective "forcible." (ii) The phrase "or local government" in the definition of the required intent, paragraph (a) of Nixon's bill, is dropped in the McClellan-Hruska version. (iii) Paragraph (a)(2) of Nixon's bill says "organizes, leads, recruits members for, joins, or remains an active member of"; the McClellan-Hruska version omits the "joins." (iv) Where the Nixon bill says "organization," in paragraph (a)(2), the McClellan-Hruska version says "organization or group."

All but the last of these changes serve to restrict the scope of the statute and are therefore—from the point of view of the ordinary citizen—improvements. The first change, which requires that the intent be that of forcible overthrow, is perhaps the most significant. The original Nixon version would allow that the element of intent is present if a person seeks to overthrow or destroy the United States government by purely peaceful means—e.g. by calling a constitutional convention!

The changes do not notably undermine the power of the statute as an instrument of intimidation and social control, however. I have tried to indicate in detail how the wording of the McClellan-Hruska sedition statute would enable the government to "get" just about any organization or politically active individual, provided only that a revolutionary intent can be shown somewhere along the line. Credit for that wording must go to Richard Nixon's lawyers. Credit or blame, that is, depending upon where one's interests lie!

FOOTNOTES

[1] Oliver Wendell Holmes, Jr., "The Path of the Law" (1897), in Holmes, *Collected Legal Papers* (N.Y.: Harcourt, Brace & Co., 1920), 167–202.

[2] *Yates* v. *United States*, 354 U.S. 298, at 344.

[3] "Criminal Justice Codification, Revision, and Reform Act of 1974." Committee Print prepared by the staff of the Subcommittee on Criminal Laws and Procedures, Senate Committee on the Judiciary, and released in October, 1974. Not assigned a number at the time of this writing.

[4] 18 U.S.C. § 2385.

[5] *Yates* v. *United States, supra*, at 324–327.

[6] In the 93rd Congress: McClellan, S. 1, "Criminal Justice Codification, Revision, and Reform Act of 1973"; McClellan, S. 1400, "Criminal Code Reform Act of 1973," the Administration's bill; Hutchinson, H.R. 6046, identical with S. 1400; Kastenmeier, H.R. 10047, "Federal Criminal Code Reform Act of 1973," identical with the recommendation of the National Commission on Reform of the Federal Criminal Laws.

[7] Reform of the Federal Criminal Laws: Hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary, U.S. Senate, Feb. 10, 1971, Part I: Report of the National Commission on Reform of the Federal Criminal Laws, at 232–233.

OIL IMPORT TARIFF

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. GRASSLEY. Mr. Speaker, I voted to recommit the oil import bill to the Ways and Means Committee because I felt Congress should have an opportunity to draft an alternative energy conservation measure, one that would provide the best means of energy conservation at the least cost to the consumer. Congress has shown a willingness to take constructive action to alleviate our present energy shortfall. This country cannot continue to waste fuel.

I do not, however, favor gasoline rationing nor do I believe a 10-cent annual increase in gas taxes for the next 5 years is fair to the consumer. It is up to Congress to arrive at the most equitable way for consumers to conserve energy without paying an exorbitant price for fuel. I voted to recommit this bill to committee in order to give Congress a chance to draft a conservation measure that will be the least expensive for the people of Iowa and the rest of the country and at the same time get this country on the road toward energy self-sufficiency.

RALPH BUXTON—A DISTINGUISHED PUBLIC SERVANT

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today in recognition of an old and dear friend and a dedicated public servant from my northern California area, Mr. Ralph I. Buxton of Ukiah, Calif., who recently retired from the city council after a long and distinguished career in local government.

Ralph was first elected to the Ukiah City Council in 1958, and was reelected in 1962, and again in 1970. He served as mayor of Ukiah in 1965 and again in 1971, and continued serving on the city council until his recent retirement.

During these years, Ralph proved himself to be a real friend of the people by championing the rights of individuals and property owners and striving for the highest standards of economy, efficiency, and integrity in government. While examples of Ralph's achievements and accomplishments are too numerous to list completely, he is and always will be remembered by his fellow Ukiahans for his efforts in improving and updating the city's transportation, public utilities, solid waste disposal, and recreation systems and facilities. I know from my years of personal experience in working with Ralph that he took a responsive and reasonable approach in carrying out his responsibilities.

Ralph Buxton and I were both born in Humboldt County. I am proud to say I have known him all my life. One of Ralph's greatest strengths was his desire and dedication to do the "right thing" as opposed to that which was politically expedient. In taking this approach, he set an example for all those around him to follow, and I know that he enjoyed the highest respect and admiration, not only from those people he served but those who served with him.

While no one would want to deny Ralph the retirement he so richly deserves for the many years of capable and totally dedicated public service he gave to all of us, I know I can speak for all of our mutual friends throughout the Ukiah, Mendocino County, and Redwood Empire areas, when I say we will not forget Ralph's balanced perspective, his wise counsel, and his deep sense of personal commitment to the citizens and the city of Ukiah. I am sure that all of us who represent this area are going to be depending on Ralph as an elder statesman who can keep us on the right track, with continuing advice and counsel, as we serve the people's needs. I, for one, will be calling on Ralph extensively for his advice and assistance.

As most of us who serve in elected positions of responsibility know, freedom rests, and always will, on individual responsibility, individual integrity, individual effort, individual courage, and individual religious faith.

Knowing Ralph Buxton as well as I do, his character, philosophy, and actions, over the years, have reflected his belief in the above-stated principles.

INTRODUCTION OF TWO BILLS REGARDING UNEMPLOYMENT

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. HILLIS. Mr. Speaker, I believe the continued high rate of unemployment warrants congressional consideration of two bills which I have introduced today. If enacted, these measures will offer further assistance to those who have been laid off due to the present state of our economy. The first piece of legislation advocates the extension of the emergency unemployment compensation program for an additional 13 weeks. We are all aware of the high national rate of unemployment which, according to the Department of Labor, is presently ranging around 8.2 percent. Many specific areas in the country have been hit even harder. In several of the counties in my district in Indiana, unemployment is ranging between 10 to 15 percent. The Federal Government should do all it can to continue to assist the unemployed. One of the prime ways assistance can be offered, is to extend the emergency unemployment compensation program.

I also advocate passage of my legislation calling for the Federal Government to pay the health insurance premiums of unemployed individuals who are eligible for weekly benefits under a State or Federal unemployment compensation program. It is my belief that those individuals who have been paying health insurance premiums under a company program should not be required to give up their right to adequate health coverage because they can no longer find employment. Many workers find that they can no longer afford to continue their health insurance payments after being laid off and are therefore forced to discontinue their coverage. At a time when adequate health care costs are high, those individuals who have been enjoying the benefits of a good health insurance program suffer a double jolt when laid off. I do not believe we can deny these workers good health care during this inflationary time.

THE GEORGIA POWER PROJECT: A STRATEGY FOR SOCIALISM—PART I

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. McDONALD of Georgia. Mr. Speaker, during the period of the energy crisis which has been in the news for the past 2 years, a number of organizations and individuals have seized this opportunity to call for nationalization of the entire energy industry as a cure-all to this part of the inflationary spiral caused by deficit spending and big government.

One of the most active groups which has seized on the energy shortage as an organizing tool to promote an end to the free enterprise system and a move to Marxist socialism is the Georgia Power Project.

For the information of my colleagues, I am today bringing them the first part of my report on this group of skilled radical organizers masquerading as a consumer organization:

THE GEORGIA POWER PROJECT: A STRATEGY FOR SOCIALISM—PART I

The Georgia Power Project (GPP) was formed in July, 1972, by a small group of people associated with the Institute for Southern Studies (ISS). A self-admitted socialist organization, this small band of Marxists has been able to manipulate local issues effectively through its command of the mass media and alliances with various Atlanta labor and civil rights organizations.

In a document entitled "The Fight Against the Georgia Power Company" which was distributed at the Citizens Energy Conference in Washington, D.C., in February, 1974, the GPP stated:

"One of the major areas of political struggle in the coming years is undoubtedly going to be the production, distribution and use of energy in this country and the world. Socialists must begin to make themselves a part of the struggles going on around the question of power and energy. Sane, intelligent policies and action around this issue can help make socialism a viable alternative in American life in the next few years."

This Power Project position paper states that this group of Marxists chose the Georgia Power Company as its target first because the company had asked for a rate increase and they recognized that no consumer ever enjoys paying his utility bills; second because the utility, of course, is a monopoly, a word with certain negative connotations they could exploit; and third because "the Company is one of the largest economic forces in the state and is currently embarking upon a massive program of expansion and growth." The expansion of services to its customers, now greatly curtailed, had to be stopped so that consumer dissatisfaction with the power company would increase. The Power Project's plan was to create so much hostility and dissatisfaction with the utility that "anything else" would seem better. And that "anything else" would be socialism.

The Marxists, who of necessity believe that ultimately a "class war" of workers against owners of businesses will arise in this country, established their propaganda line from the start. They stated:

"* * * We felt that the Company was an ideal target for attack. We felt that a campaign around the Georgia Power Company would raise fundamental class-wide questions about public need vs. private profit and private power, corporate abuses and monopoly capital vs. service and socialism. We felt it was a popular, mass oriented issue which allows us to reach out and unite diverse constituencies and interests."

The Georgia Power Project's first efforts were to research the operations of the company and find various statistics capable of misinterpretation in their campaign. The Power Project position paper states that they were able to do this research because of the number of "legal workers" in the group and "because we had access to the resources of the Institute for Southern Studies in Atlanta."

Among the Institute for Southern Studies staffers who have been openly involved with the Power Project are Sue Thrasher, Bob Hall, Jim Trammel, Leah Wise, Chip Hughes (who has returned to New England where he is active with the radical People's Bicentennial Commission) and Stephanie Coffin.

The Georgia Power Project has been able to draw upon the free legal services of a broad range of leftist lawyers, law students and legal workers affiliated primarily with the National Lawyers Guild, a cited Communist Party operation which has added large numbers of "New Left" and Maoist communist members during the past eight years, and the American Civil Liberties Union.

Members of the National Lawyers Guild who have worked with the Power Project include Roger Friedman, Barbara Aiken, Ginny Boult, Al Horn, Mary Joyce Johnson (national vice president of the NLG and a recent visitor to Hanoi), and Doyle Niemann who is also the leading figure of the underground newspaper, the *Great Speckled Bird*. Ginny Boult and Al Horn are also with the ACLU, and the director of the Georgia ACLU, Gene Guerrero, has also been a Power Project member.

The other main connecting link among all the Georgia Power Project main connecting links among these groups is the so-called underground newspaper, the *Great Speckled Bird*. This weekly tabloid serves as a prime communications link for the radicals of Atlanta. Almost without exception, the known members of the Power Project have appeared as staffers on the *Bird*.

In general, the leading members of the Georgia Power Project are Marxists with considerable public records of agitation, many of whom have known each other since the early 1960's when they worked together in Students for a Democratic Society (SDS) or in SDS's southern affiliate, the Southern Student Organizing Committee (SSOC).

Attached to this report are public record documentation of the activities of some of these Power Project Marxists, as well as characterizations of the groups with which they, and the GPP, have worked.

GPP PROGRAM

After preliminary research, the GPP's second stage was to develop a nine-part program which its organizers described as follows:

"The program in summary called for: 1) a reversal of present rate structures of the Company which have residential consumers paying more than their share and a graduated scale whereby the more electricity used the greater the cost; 2) no deposits or service charges for installation of service and an end to involuntary cut-offs of power; 3) the sexual and racial balance of the Company and its contractors must reflect the balance in the work force of the area, i.e. more women and blacks; 4) the Company to use only unionized contractors; 5) an end to Company advertising, an end to Company appliance sales and promotion, and an end to special deals on all electrical buildings; 6) the rate base be strictly limited to costs of production and distribution; 7) review and public control of Company financing; 8) review and control of all Company operations; and 9) worker and consumer representatives on the Company's Board of Directors."

Thousands of copies of this program, designed to bankrupt Georgia Power, install quota systems, obtain union support and give Project members control of company operations, were distributed. In the text which accompanied this program, the following sales pitch for socialism stated:

"The Georgia Power Company represents the brutal power over people's lives which is the hallmark of monopoly capital . . . control over the affairs of many by a wealthy and often irresponsible minority dedicated solely to the maximizing of corporate profit. The system which must be created to deal with this contradiction in our society is socialism and it is our hope that these proposals are the first step toward the transfer of power to the real producers of wealth, the people who work."

The Georgia Power Project's third stage of activity commenced with its intervention in the Public Service Commission's hearings on the company's request for a rate increase. The Power Project was able to generate a great deal of mass media publicity through this intervention.

The Atlanta area media, considering these attacks newsworthy—but without making clear to readers and viewers that the Project was a Marxist organizing effort with an ulterior purpose—provided the GPP with more than adequate coverage. As a result, the average viewer or reader was given the impression that the Power Project was a substantial organization with many members, not a shoestring operation of fewer than two dozen members operating from a post office box and occasional desk space in the Institute for Southern Studies.

With the help of the free publicity, the Georgia Power Project formed alliances with other groups. It worked closely with John Wright of the Atlanta Labor Council which represents the AFL–CIO unions in the metropolitan Atlanta area; and it joined with such radical groups as the National Tenants Organization (NTO) and the National Welfare Rights Organization (NWRO) in objecting to the Power Company's right to buy advertising to tell its side of the story.

In one area the GPP failed. Its organizers had intended to set up and dominate a local coalition of radical, ecology and community groups to provide a broader base for attacks on the Power Company. This coalition was never set up as the most active of the local groups were involved with other issues and were jealous of their independence, seeing little to be gained from placing themselves under Power Project leadership.

Nevertheless, since the members of the Georgia Power Project are also active members in other groups, the GPP has participated de facto in coalitions and united front efforts.

The most recent of these has been the so-called Stop the Coal group who are protesting the Southern Company's contract to import low-sulfur coal from South Africa. The Stop the Coal Coalition includes the African Liberation Support Committee, a Negro Maoist communist organization; the Southern Conference Educational Fund (SCEF), a former Communist Party U.S.A. operation taken over by Maoist communists in 1973; the Black Labor Action Committee; and the Atlanta Labor Action Alliance, associated with the October League, another Maoist communist organization many of whose leaders were active in the Southern Student Organizing Committee or SDS with Project activists.

A fourth stage of Georgia Power Project activity began in 1973 with the planning of the Atlanta Conference on the Energy Crisis, in April. The conference served the dual purpose of tightening the Project's local organizing while selecting new targets for expanding anti-utility and anti-energy industry activities onto a national level. The conference established the Marxists of the Georgia Power Project as among the national leaders and resource groups for this movement for nationalization.

The purpose of the Atlanta conference, as stated in the brochure, was—

"To bring representatives of these consumer, labor, environmental groups and interested individuals together to exchange information on the energy industry—who owns it, what energy exploitation has meant to the people of this country, and how to effectively raise the issue of public control of energy resources."

Among the radical political groups present participating in the workshops and panels were: the Socialist Workers Party (SWP), New American Movement (NAM), October League (OL), Workers World Party (WWP), National Lawyers Guild (NLG), the Highlander Center, Institute for Policy Studies (IPS) (the parent organization of the Institute for Southern Studies), Institute for Southern Studies (ISS), Peoples Appalachian Research Collective (PARC), United Farmworkers Organizing Committee (UFWOC), the Center for United Labor Action (CULA) (a front of the Workers World Party), Environmental Action, the Media Access Project, American Civil Liberties Union, Liberation News Service, Save Our Cumberland Mountains (SOCM) and the Committee to Support the Shell Strike.

(Characterizations of many of the groups with which the Georgia Power Project works follow this report).

At the February 1974, Citizens Energy Conference, sponsored by the Center for Community Change, a left liberal organization heavily subsidized by the Ford Foundation, the Georgia Power Project acted as a major "resource" group for the wide range of communist, socialist and militant groups in attendance. (Characterizations of the major leftist groups involved with the Georgia Power Project at the conference follow this report).

Among the groups attending the Citizens Energy Conference were: the Communist Party, U.S.A.; Council of the Southern Mountains; Institute for Policy Studies, Institute for Southern Studies, Interfaith Committee on Social Responsibility on Investment; Movement for Economic Justice; New American Movement; National Citizens Committee for Broadcasting; National Committee for Public Ownership of Oil and Gas; Scientists and Engineers for Social and Political Action; U.S. Committee for Justice to Latin American Political Prisoners and the Workers World Party.

NOTICE OF HEARING: SUBCOMMITTEE ON CRIME TO CONTINUE GUN CONTROL HEARINGS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. CONYERS. Mr. Speaker, I am pleased to announce that the Subcommittee on Crime of the House Committee on the Judiciary will continue hearings on more than 40 bills which would amend chapter 44 of title 18, United States Code, with respect to firearms. So far, the subcommittee has held 6 days of hearings during which testimony was received from Members of Congress, law enforcement officials, and experts on the relationship between firearms and violence in American society today.

The next hearing will be held on Thursday, March 20, at 10 a.m. in 2237 Rayburn House Office Building. Scheduled to testify are Rex D. Davis, Director of the Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, and members of his staff, who will describe their agency's organization, operation, and responsibilities with respect to administration and enforcement of provisions of the Gun Control Act of 1968.

Those wishing to testify or to submit a statement for the record should address their requests to the Committee on the Judiciary, 2137 Rayburn House Office Building, Washington, D.C. 20515.

PHILADELPHIAN FIGHTS FOR SOCIAL SECURITY REFORM

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. NIX: Mr. Speaker, Joseph Ball, publisher of the Building & Realty Record of Philadelphia, has begun a campaign to reform a provision of the social security law that has caused hardship and anxiety to many older Americans in their hour of need.

Under present law, social security beneficiaries are not given any monthly benefit for the month of their death, even if death occurs on the last day of the month. As Mr. Ball has pointed out, this provision leaves many dependents without their regular income just at the time when their financial burdens are highest.

I have introduced a bill (H.R. 2834) to provide that an individual's entitlement to benefits shall continue through the month of his or her death, except where the consequent delay in survivor eligibility would reduce total family benefits.

I congratulate Mr. Ball for his public-spirited campaign to eliminate this inequity in the present law, and I offer for the Record a related article from the Building & Realty Record:

B&RR Begins Campaign To Right Financial Wrongs to Dependents

"I gave the check back three days after he died. I'm crippled, I can't go outside. I still haven't heard from them for the burial benefits and my disability check hasn't increased. Nothing."

The "them" is the Social Security Administration.

Speaking is Mrs. Elizabeth Hughes of 2905 Waterloo St., Philadelphia, about the problems she has had with "them" since her husband's death on May 31st of this year.

She is not alone.

Bureaucratic red tape may stall payment on checks, but what concerned her most is also a major concern of the majority of widows of moderate means—the law itself.

A law that forces widows such as Mrs. Hughes to return their full month's benefit check even though her husband may have died the last day of the month.

CAN DEATH BE RETROACTIVE? YES!

The Social Security Act terminates benefits "ending with the month preceding the month in which he dies."

No one is covered for the last days or weeks of their lives.

Relatively few survivors complain that since they had to support their spouse that month, and often with added heavy medical bills, they should be entitled to the payments.

When they do, they are often brushed away by an officious "Sorry, that's the law."

People remember. Esther Shankman is 90 years old and bedridden. Her husband died two years ago on the 26th of the month. She lives with her daughter, Phyllis Mirsky of Valley Road and her daughter's invalid husband who is also on Social Security.

When Mrs. Shankman's husband died, the entire family could have used the Social Security check for their daily existence.

Mrs. Mirsky said the bills were high and added she complained at the time that her mother should have been entitled to at least part of the benefits since her father lived till the 26th.

Mrs. Mirsky was answered with the law.

"The law should be changed," she said. "I thought it was wrong. What can you say, it's so impersonal."

THEY TOOK HER CHECK BACK

Mrs. Clara E. Kalbacher of 2943 Longshore Avenue, Philadelphia, whose husband, Frank, died on the 31st of a month said, "I couldn't understand how if he had died six hours later I would have been paid."

However, she understood the law—when they took back her check.

The daughter of Mary E. O'Donnell of 858 East Tioga St., Philadelphia, whose husband, Daniel, also died the end of a month, said, "Geez, that was two days. We were all really hurt and that's when you need it (the money) too."

She added, "It hurts when you're old like that and there are bills and everything."

Most, at least, shortly receive a lump sum burial benefit which helps; but for others the administration double backfires.

Mrs. Lillian Gibbs, of 643 Mayfair Street, Philadelphia, whose husband, Sidney, also died near the end of a month earlier this year, said, "I waited about four months for my payments. We had to borrow money for months to pay bills. We didn't get one penny for four months."

She attributed the mix-up to an apparently inevitable common problem, saying, "I guess it was sitting on someone's desk and they forgot about it."

She may have a point.

But, according to Albert R. Harmon, Assistant District Manager of the central Philadelphia Social Security offices at 600 Arch St., they have "never had a problem with this happening."

Harmon said the laws may confuse some people but added emphatically, "no problem exists." He firmly stated that if there were any complaints, any and all of them would pass through his office and come to his attention.

OFFICIALS TURN DEAF EAR

Either no one is complaining, or, more than likely, the complaints are not filtering up to where action could be taken.

Or, perhaps, it is as the son of Mrs. Mary Lombardi of 3019 Knorr St., Philadelphia, whose husband, Thomas, died earlier this year on the last day of a month says, "I did complain but they turned a deaf ear and said, 'that's the law'."

He said, "I think it's appalling. I consider it to be an injustice." Citing increased bills at the time of a terminal illness as one of the many reasons, he said, "I did complain, but what could I do." The law's the law.

Mrs. Anna Jackson of 3135 Edgemont Street, Philadelphia, also says she complained. Her husband, Bernard, died near the end of July and when the Social Security people called for their money back, she said she told them, "I think it's mean."

Mrs. Jackson further explained by saying, "I had to pay his bills just the same—his medicine and everything. I thought it was unfair."

However, more often than not, people don't seem to complain. Not because they don't feel the weight of the injustice which they readily admit is there, but because it is a time when there is enough agitation and upset without "going out and looking for it," as one person said.

The daughter of Mrs. Jeanne Berger of 8812 Brous Avenue, Philadelphia, whose husband, Albert, died the end of August, said her mother would very much like to see the law changed but, regardless, she didn't complain to the authorities at the time.

She didn't complain, according to her daughter, because it had already happened to some of her mother's friends. Her friends had already experienced the futility of complaining.

EXPENSES CONTINUE—BENEFITS STOP

The impersonality of the whole ordeal with the Social Security officials tends to make many feel the complaint is not worth the heartache.

Lisl Woller's husband, Adolph, died May 29, 1965 and she still remembers how they took the check back.

She went to her local Social Security office to complain. She told them that in her opinion it was not right. She said she told them it was in her husband's last few months that the most expenses were incurred.

She said, "I had doctor bills, hospital bills, everything." Mrs. Woller also said she was told, "I'm sorry, these are our rules."

Answered with this, she said, "I found it confusing," and added, the Social Security official she talked to told her that even if her husband died one minute before the end of the month she would not be entitled to the check.

Mrs. Woller said, "I had so many expenses and just at the time when the person needs so much money they take it back. I could have paid the last bill from the doctor with the money. It's the law but it's wrong."

Being a problem widows seldom face more than once in their lives, so many tend to just forget and say, "the law is the law, right or wrong." And anyway, apparently, if they are complaining, their complaints are not getting to the right ears.

Spokespeople for various Catholic agencies and the Federation of Jewish Charities knew nothing of any existing problem or complaint in this field.

The Federation Walk-In in Northeast Philadelphia does not deal with such problems either but the volunteer worker with whom I spoke, Ben Shapiro, was well aware of the problem. It had happened to him when his father died.

Shapiro says he didn't complain. "What's the use of complaining," he added, "the law's the law."

AMENDMENT TO H.R. 25

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. RISENHOOVER. Mr. Speaker, the House is scheduled to consider the bill, H.R. 25. During the debate on the Surface Mining Control and Reclamation

Act of 1975, I intend to offer the following amendment:

H.R. 25

Page 52, line 12: After "Act." insert "Nothing in this Act shall be applicable to the States of Kentucky, Indiana, Maryland, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, and West Virginia, which have heretofore joined together in the Interstate Mining Compact or any other state who joins the Interstate Mining Compact as long as such States have in force and effect a "Mining Lands Reclamation Act."

Mr. Speaker, the Oklahoma legislature passed a joint resolution urging Congress to provide this exemption.

Many States, including Oklahoma, have viable reclamation laws which are working quite well. The additional imposition of laws and a new bureaucracy to enforce a new strip mining and reclamation act at the Federal level is, therefore, unnecessary.

There is no reason to relieve the legislatures of the various States of the responsibility of caring for their own land, wood and water. Certainly, those representatives within the various States are aware of ecological needs and sound conservation. Especially in Oklahoma, they are meeting the challenge.

As a member of the Committee on Interior and Insular Affairs, I voted against reporting H.R. 25 and wrote a dissent in the report. I invite my colleagues to review my position in that report.

DISCRIMINATORY RESTRICTIONS IMPOSED ON SYRIAN JEWS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. MOAKLEY. Mr. Speaker, for many years, the Jewish Community Council of Metropolitan Boston has been keeping me informed of the problems facing the Jewish people of the world.

Recently, the Task Force on Jews in Arab Countries, a member organization, transmitted to me a fact sheet on discriminatory restrictions imposed on Syrian Jews. They have informed me that "a major television and radio network and a leading newspaper" recently presented serious misinformation about the condition of the Syrian Jewish community. For this reason, I submit this fact sheet to be printed in the CONGRESSIONAL RECORD for the benefit of my colleagues. Following is the fact sheet:

DISCRIMINATORY RESTRICTIONS IMPOSED ON SYRIAN JEWS

The following is an updated listing, based upon eye witness and other reliably confirmed reports, of the numerous discriminatory restrictions to which Syrian Jews are currently being subjected:

Jews are forbidden to leave the country. They are not even permitted to join relatives in the United States, Canada or other countries far from the Middle East.

Jews still require special permission from the secret police to travel more than three miles from their homes.

A nightly curfew is still imposed on the Jews and they are subject to periodic roll calls.

Jews must carry special identity cards on which the word "Musawi" (Arabic for Jewish) is written in large red letters across both sides of the card. Jewish bank accounts are similarly marked in red, as are Jewish homes in the town of Qamishli.

Jews are barred from employment in government offices, public bodies or banks. They have been arbitrarily dismissed from jobs without compensation and their licenses to conduct foreign trade revoked.

Jews are no longer able to obtain drivers licenses or to have telephones in their homes. (The only exceptions are doctors and a handful of merchants given preferential treatment.)

In the past few years only a handful of the many qualified Jewish students have been admitted to Syrian universities. As a result many young Jews are unemployed or eke out a living as peddlers.

Jews are forbidden to sell their homes or other real estate. The government takes over title to property of Jews who die if any heirs are no longer living in Syria. (In the case of Moslem and Christian Syrians, the shares of heirs outside the country are divided among the family members remaining in Syria. It is only in the case of Jews that the government confiscates the property.) As a result, many Jewish families are reduced to poverty.

The Jewish schools have Moslem government-appointed principals and Jewish religious instruction is limited to four hours per week.

Military intelligence and secret police representatives frequently search Jewish homes. Jews are held for interrogations and tortured at the whim of the police.

AMERICAN FISHERMEN CONTINUE TO BE HELD HOSTAGE IN "TUNA WAR"

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. HANNAFORD. Mr. Speaker, I am dismayed that we as a nation continue to tolerate the present international situation which forces our taxpayers to pay ransom for the release of some of our citizens captured while trying to make a living in international waters.

However, this situation has existed for many years. Due to the differences in the recognition of territorial seas between the United States with a 3-mile limit and Ecuador which claims a 200-mile limit, many of our fishing vessels with cargo and crew have been captured in what we recognize as the open seas.

This explosive situation has been intensified recently by the outbreak of violence and threat of life to these captured fishermen who remain hostage to ambiguous international policies.

I believe that this deplorable situation is long overdue for correction. Therefore, I have introduced a bill today to help alleviate part of the present situaion. This bill would, in effect, withhold our foreign assistance to countries such as Ecuador who have captured our fishing vessels and required exorbitant fines for their release.

Mr. Speaker, in order that this situation be better known, I should like to insert into the RECORD a copy of the article "Tuna War Escalates in Ecuador" as appeared in the Washington Post on March 10, 1975:

"TUNA WAR" ESCALATES IN ECUADOR

(By Douglas Watson)

The Ecuadorean navy's arrest Thursday of an American tuna boat's 18 crewmen following a shipboard melee in which shots were fired and blows exchanged was the latest battle in the long-running U.S.-Ecuadorean "tuna war."

It can't compare with the Cambodian or Middle East crisis, but the escalating "tuna war" is anything but a laughing matter to the American tuna industry, the Ecuadoreans or the State Department.

The 23-year-old dispute is over fishing rights in that part of the Pacific Ocean within 200 miles of Ecuador's coast, an area over which the Andean nation of 7 million people claims sovereignty.

The tuna, one of the world's most valuable seafoods, is a large, highly migratory fish. Large schools of tuna can often be found in the disputed waters, which normally supply a substantial portion of U.S. tunafish consumption—1.4 billion seven-ounce cans annually.

Ecuadorean law says that no ships, including an American tuna fleet of at least 130 vessels largely operating out of Southern California, can fish there without buying licenses costing $20,000 to $31,000 per boat, and that the larger boats can't buy licenses at all.

The American tuna boat owners, with a few exceptions, have refused to buy the licenses because they don't recognize Ecuador's claim to a 200-mile territorial limit. They have insisted that international and U.S. laws maintain the "freedom of the seas" in the disputed waters.

The State Department agrees in principle with the tuna industry in not recognizing the Ecuadorean claim, but it has done so much more softly and diplomatically leaving the American tuna men bitterly angry that the U.S. government has not more aggressively supported its citizens.

Despite a demand Friday from the American Tunaboat Association that President Ford dispatch U.S. destroyers to the disputed waters, State Department officials are determined to avoid anything that Latin Americans could call "gunboat diplomacy."

At the same time, State Department sources said, the U.S. government wants to avoid any recognition of Ecuador's claimed sovereignty that would encourage more nations to make similar unilateral claims. Especially, with the international "law of the sea" conference about to resume in Geneva.

The U.S.-Ecuadorean "tuna war" has yet to result in any fatalities. However, between 1955 and 1975 it cost the U.S. government $5.6 million in funds reimbursed to American tuna boatmen for fines and other losses they have suffered when their boats have been seized by the Ecuadoreans.

By law the U.S. government will have to pay several million dollars more in reimbursements as the result of the seizure this winter of seven American tuna boats under a much tougher Ecuadorean law that provides for confiscation of a vessel's entire catch.

The seven American tuna boats were seized between Jan. 25 and Feb. 1 while fishing from 75 to 150 miles off the Ecuadorean coast.

The seven boats had to pay fines totaling $1.7 million—from $71,440 to $529,800 a ship. Their tuna catches were confiscated and the boats were held for at least 27 days. However, by last week, five of the seven American boats and a Panamanian boat also seized had been allowed to leave.

Two American boats were still being held, the Jacqueline A at the Ecuadorean port of Manta, and the Neptune at the port of Salinas. Relations between the captive crew-

Dakota, Bill Archer, Republican, of Texas, Edward P. Boland, Democrat, of Massachusetts, John Buchanan, Republican, of Alabama, Clair W. Burgener, Republican, of California, James C. Cleveland, Republican, of New Hampshire, James M. Collins, Republmen and their Ecuadorean guards were becoming increasingly tense.

The arrest Thursday of 18 Neptune crewmen, including seven American citizens, after a wild fracas, occurred after Ecuadorean guards were forced off the boat and then re-boarded it in much larger numbers with automatic weapons and bayonets. There are conflicting accounts of how the fight started, with each side blaming the other. No one was seriously injured.

The crewmen were released, but on Friday three were rearrested. August Felando, general manager of the American Tunaboat Association, said yesterday that two were acquitted and one was convicted and sentenced to five days in jail and a $400 fine.

The battle aboard the Neptune brought quick demands for a stern U.S. response. The crew gave the U.S. consul a statement urging "U.S. destroyers be dispatched off the coast of Ecuador to protect our people."

Former California Gov. Ronald Reagan wrote in a newspaper column that in response to Ecuador's action, the United States should consider extending its sea claim to 200 miles or the "U.S. government next winter should send along a destroyer with the tuna boats to cruise, say, 13 miles off the short of Ecuador in an updated version of Teddy Roosevelt's dictum of 'talk softly, but carry a big stick'."

If anything, Ecuadoreans feel even more strongly about their nations' claimed sovereignty of the Pacific to 200 miles out from the South American mainland and to within 200 miles of the Galapagos Islands, which means that at some points Ecuador claims nearly all of a 600-mile-wide section of the Pacific.

Ecuador, Chile and Peru first claimed a 200-mile limit in 1952. According to the American Tunaboat Association, in the past 15 years Ecuador has seized 136 American vessels for fishing in its claimed waters without a license.

Over the years, several other Latin American nations, particularly Peru, have also fined fishing boats they have considered transgressors, but by far the most boat seizures have been made by Ecuador.

The U.S.-Ecuadorean "tuna war" had eased in the last couple of years, partly because the tuna weren't visiting the disputed area in large numbers. However, this year the tuna are back and so are the tuna boats.

In the meantime, last year Ecuador passed a much tougher law that not only provided for confiscation of seized boats' catches, but also set much higher license fees and fines and banned any foreign fishing within 40 miles of the Ecuadorean coast or by vessels of more than 600 tons, which include about 14 ships in the American tuna fleet.

The two species of tuna found in the disputed area are the skipjack, which averages about 15 pounds, and the more coveted yellowfin, which averages about 50 pounds.

The tuna travel in schools often a couple of city blocks long, migrating in the eastern Pacific annually back and forth across the Equator so as to stay in warm water.

The American Tropical Tuna Commission, to which the United States and seven other nations—but not Ecuador—belong, regulates the yellowfin season each year to be certain the species is not depleted.

The yellowfin season starts Jan. 1, and this year, boats must be back by March 12 to be entitled under the commission's rules to make a second 30 to 60-day yellowfin fishing trip. After that, they may take no more than 15 per cent yellowfin in their catch of skipjack, usually hauled aboard after being caught in 3,000-foot nets.

Large boats—the Neptune is a 180-foot converted minelayer—costing $3 million to $5 million and with crews averaging 20 men are used to catch the tuna.

The crews are paid in shares of the total catch's sale price. Robert C. Wilson, a Commerce Department fisheries expert, said that in a good year tuna boat captains make more than $50,000 and average crewmen earn $25,000. But the work is hard, continuous and lonely.

The American tuna fleet has vigorously lobbied for what it sees as its fishing rights. The tuna industry has been an influential group.

The American tuna industry succeeded in 1967 in having a revised Fishermen's Protective Act enacted by Congress, providing for full U.S. compensation to owners of tuna boats fined by Ecuador. This means that U.S. taxpayers will be picking up the full tab for the fines, which total more than 10 times what the license fees would have cost if owners of the seven seized boats had paid them. Actually, only five of the seven boats were eligible for licenses, the other two being too large.

The State Department officially says it is up to the tuna boat owners to decide whether or not to buy the licenses. Only a few have. However, representatives of the American Tunaboat Association charged that the State Department unofficially has discouraged the tuna boat owners from purchasing the Ecuadorean licenses. A State Department source maintained that though there once was such unofficial pressure, there hasn't been any recently.

The State Department wants to avoid both "gunboat diplomacy" that could arouse all of Latin America against Uncle Sam and the appearance of caving in to one nation's unilateral claim that could encourage other countries to make similar claims. There also is a growing awareness in this country that something more than this nation's present three-mile claim to sovereignty and 12-mile claim to sea resources off U.S. coasts could be very valuable at a time when there was an increasing hunt for offshore oil and other sea resources.

A State Department official said of the U.S.-Ecuadorean "tuna war" that "this problem has been viewed as part of a larger problem. You can't divorce it from our 'law of the seas' policy."

On March 16 the international "law of the sea" conference will reconvene in Switzerland, with the United States hoping it can make progress there on the Ecuadorean dispute and other disagreements.

Under U.S. law, military aid to Ecuador automatically was to be cut off when the American tuna boats were seized. The United States also sends about $2 million in economic aid to Ecuador annually, but the State Department is not anxious to halt that in retaliation for the seizures.

All parties seem anxious to have the Neptune on its way out of Salinas, but as of Friday the boat still had 150 tons of tuna aboard that the Ecuadoreans insist is theirs. Felando said the Tunaboat Association has sent $65,000 to Eucador to pay for the cargo so the boat could leave.

Meanwhile, the State Department has been holding discussions with the Ecuadorean government "to explore the possibilities for a negotiated solution."

MAUDE COBHAM OELSCHLAGER

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. DOWNEY. Mr. Speaker, I would like to take this opportunity to salute a dynamic woman who, through her leadership of the Woman's Hospital Alumnae Association, has served countless men and women for a quarter of a century. She is Maude Cobham Oelschlager of Lindenhurst, N.Y.

Just last month, after 25 years as president, Mrs. Oelschlager set aside her gavel. She first assumed presidency of the club when it was known as the Phalo Club, the second oldest incorporated women's club in the United States.

During her presidency, Mrs. Oelschlager was active in British War Relief, was a member of the Red Cross Second Reserve Corps, worked in blood donor service, and served at local U.S.O. centers. She was active as a regent in Anne Hathaway Chapter, Daughters of the British Empire. Under her direction, the nurses alumnae raised $25,000 to endow a private hospital room to be used by any alumnae nurse needing hospital treatment. The alumnae association also adopted a resolution to establish a loan plan to help any member in distress.

Mrs. Oelschlager will continue her service as treasurer of the association, truly living by her own motto: "We do not grow old—we get older by not growing."

SPECIAL PROBLEMS OF ASIAN-AMERICANS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ANDERSON of California. Mr. Speaker, Americans of Asian descent, like other ethnic minorities, are facing problems of critical importance in every facet of life, resulting in job discrimination, inadequate public facilities, and government neglect of the special needs of the young and the elderly Asian-American.

This situation is worsened by the fact that the public is under the impression that Asian-Americans have fully realized the "American Dream" and that there is no bigotry or prejudice directed toward them. Nothing could be further from the truth.

Largely because of this erroneous impression, the Asian-American has seen programs instituted toward aiding other ethnic minorities while the needs of his own ethnic group have been largely ignored. Those Americans of Japanese, Chinese, Filipino, Samoan, and Korean descent suffer in this country, due to language barriers, current and historic discrimination, lack of education and vocational training, and social neglect.

In order to better understand this situation, it is necessary to take a close look at each Asian minority as a separate unit, both in a historical perspective, and in the light of the present situation which these minorities face.

JAPANESE-AMERICANS

Historically, Americans of Japanese descent have suffered recurrent bouts of prejudice and repression.

By 1941, the extent of anti-Japanese sentiment in this country had been marked by the enactment of some 500 Federal, State, and local laws and ordinances directed against Japanese aliens, and, in many instances, their American-born citizen children.

The lowest point in the history of America's treatment of Japanese Americans came in 1942, when 110,000 Americans of Japanese descent were arbitrarily denied their constitutional rights, subjected to mass evacuation, and herded into relocation camps to live for the duration of World War II.

Those Japanese Americans who were permitted to enlist in the U.S. Army carved one of the most distinguished battle records of the war. The famed 442d Regimental Combat Team won acclaim as the most decorated military unit for its size and length of service in American history. In addition, the unit won fame as the "Purple Heart Regiment", for its troops suffered more than 300 percent casualties in terms of its original complement of troops.

Despite their heroic efforts in defense of our country, they returned to their homes and farms to find that they had been confiscated.

They returned, not to a well deserved hero's welcome, but rather, to find that Japanese American names had been stricken from community-sponsored plaques and monuments that had been placed to honor the American dead.

They returned to find that life in the internment camps had broken down the heretofore greatest strength of the Japanese American community—family unity.

They found that family discipline, the keystone of Japanese American social control, was lessened by the communal living imposed by incarceration.

The culminating effect of incarceration was the devastation of Japanese-American family life and social control.

We have done much to repudiate the unjust laws and ordinances directed against Japanese-Americans.

We have done much to change the philosophy which brought about and allowed the imprisonment in those camps.

I was pleased to coauthor the measure which repealed the order permitting the tragic incarceration of loyal Japanese-Americans during World War II. The work of former Congressman Chet Holifield and of Congressman MATSUNAGA in bringing this matter to the attention of the American people deserves high praise, and I was pleased to join them in this effort.

Today, however, the Japanese-American, despite great strides in overcoming legal, economic, social, and educational barriers, still faces many problems.

Although recent generations of Japanese-Americans have emphasized education, elderly Japanese average only 8.5 years of schooling.

In addition, those Americans of Japanese descent who immigrated prior to 1925 were faced with laws that prevented them from becoming American citizens. As a result, 54 percent of those who immigrated to this country before that date still suffer the disadvantages that occur to those who are not American citizens.

CHINESE-AMERICANS

Few ethnic groups in our Nation have been forced to suffer more indignity and prejudice than the Chinese-American. Large-scale immigrations of Chinese to this country began during the California Gold Rush of 1848. By 1851, there were 25,000 Chinese living in California.

To ease their fears of the strange new customs they encountered in our country, they banded closely together—retaining their Chinese food, customs, and language. During the first 20 years of Chinese immigration to America, they led lives of hard work and respectability.

Then, during the depression of 1876, after the transcontinental railroad was finished, a scapegoat was needed on whom to blame the sudden occurrence of hard times. The Chinese became that scapegoat.

The Chinese—not Chinese-Americans, because they were denied citizenship—were stoned, robbed, beaten, and massacred. Special taxes were levied to be paid almost entirely by the Chinese. In 1882, Congress passed the first of the infamous Chinese exclusion laws which suspended Chinese immigration for 10 years. When Chinese immigration was reinstituted, only a little more than 100 Chinese a year were allowed into this country.

When obvious prejudice against Chinese-Americans let down after World War II, almost one out of every five Chinese began work as an engineer, doctor, scientist, or teacher. Yet exclusion laws were not even repealed until 1943, after the United States and China had become allies.

Even with the many contributions of Chinese-Americans—ranging from art to acupuncture—discrimination against the Chinese-American remains..

Of all Chinese men, 41 percent earn an annual income of less than $4,000—as compared to 31 percent of the Nation's male population as a whole.

Although the proportion of Chinese males in professional and managerial jobs is higher than for any other population group, this is a misleading statistic. Many Chinese Americans who work in "managerial" professions are actually employed at small, localized businesses, such as restaurants. Thus, their income level is not commensurate with their career classification.

There are 2.8 Chinese families living below the Federal poverty level—$5,040 for a family of four, $5,950 for a family of five, et cetera—for every Chinese family on welfare. The national average is 2.1 families for every one family on welfare.

Nationally, 28 percent of all Chinese elderly live below the poverty level—$2,360 for a single person. In San Francisco, 31 percent are poor and in New York City the rate is a very high 40 percent. Well over half—58 percent—of the Chinese elderly poor live alone, most of whom are males who were consigned to an unmarried, childless status due to immigration patterns.

A fifth of all Chinese housing in the United States is regarded as overcrowded, or as having over 1.5 persons per room. The conditions for the Chinese are worse in New York City, where a third of all housing units for Chinese-Americans are overcrowded. Additionally, a fifth of all Chinese housing in New York and San Francisco is without adequate plumbing.

FILIPINO-AMERICANS

Filipinos were first brought to this country to supply a need for cheap manual labor, especially farm labor. Like his Asian brothers, the Japanese and the Chinese, he was subjected to exploitation.

In the late 1920's, as the Depression approached and as competition for jobs increased, an anti-Filipino sentiment developed which resulted in riots against the Filipino in Watsonville, Exeter, and Tulare, Calif., and in Yakima, Wash.

According to the Filipino-American Position Paper, in Los Angeles, around the turn of the century, the chamber of commerce described Filipinos as:

> The most worthless, unscrupulous, shiftless, diseased semi-barbarians that ever came to our shores.

Again, according to the same paper; in San Francisco, a judge during the same period called Filipinos:

> Savages who were taking the jobs and women away from decent white boys.

Today, the Filipino-American community still faces many problems. Some 40 percent of all employed Filipino American men in the United States are working in low-skilled, low-paying jobs. This is twice the proportion for men in the total population. Forty percent of all Filipino Americans make less than $4,000 a year.

Less than half—49 percent—of all Filipino males have completed high school. Many elderly Filipino Americans of 65 and older have had little formal schooling; the median for that age group is 5.4 years in school.

Nationally, the percentage of Filipino-American males who have completed college, at 15 percent, is slightly higher than the national average of 13 percent. This is due to the impact of recent immigrations of large numbers of highly trained professionals from the Philippines, which has had a similar impact on the female population. Despite this, the proportion of unskilled laborers in the Filipino-American population has remained the same, due to the fact that college enrollment among American-born Filipino youths is very low.

Out of all Filipino-American households, 28 percent are considered overcrowded—over 1.5 persons per room. In Honolulu, 40 percent of the Filipino households are overcrowded, as are 30 percent of the Filipino-American households in San Francisco.

KOREAN-AMERICANS

Due to educational, cultural, and language barriers, the ability and ingenuity of many Korean immigrants has never been tapped.

When the national origin quota was enacted in 1924, the immigration of Koreans to America was limited to less than 750 annually until 1956. After 1962, a significant number of Korean immigrants began to arrive in this country.

Because of the recent arrival of many Korean-Americans, the major problems faced by them are due to a lack of familiarity with the English language, with a resultant difficulty in communications. This problem has hampered the performance of Korean children in school, and has denied many adult Korean-Americans employment opportunities commensurate with their educational level, which is often quite high with new Korean immigrants arriving in this country.

SAMOAN-AMERICANS

Despite their loyalty to their country, their penchant for work, their proficiency in learning and adopting, their strong family oriented society, the Samoan-Americans have found themselves victims of the same neglect leveled towards other Asian immigrants to this country.

The small but growing Samoan-American population, located mainly in Hawaii and California, represents one of the most recent influxes of Asian immigration. As such, the cultural and language problems which usually confront recent arrivals to this country also face the Samoans.

Because of their brief history in this country, as well as the relatively small size of the population, few if any statistics are available on the Samoan-American. However, they suffer from the same type of underemployment that currently faces other Asian-American ethnic subgroups; including finding themselves employed mainly in low income, low paying jobs.

OVERVIEW

Other Asian-American ethnic groups have met with discrimination in this country, and continue to do so. Native Hawaians, Guamanians, and Fijians have all met with many of the same difficulties I have described with other Asian-American ethnic groups.

As recently as 1972, evidence of continued discrimination against the Asian-American was officially documented by a five member task force appointed by the Los Angeles County Board of Supervisors. Their report accused county officials of racial and ethnic bias toward Asian-Americans.

During a 2-year study in Los Angeles County, the task force discovered that Asian-Americans were not being actively recruited and advanced as merited by their skill and ability. The task force recommended the employment of an Asian-American recruitment analyst: the recruiting of minorities in all apprenticeship programs: and increasing the number of apprentices in all departments.

I give my full support for increasing the number of qualified Asian-Americans employed by the county government in necessary positions.

But involvement on the county level alone will not solve the problems of the Asian-American. Due to the magnitude of those problems, the Federal Government has an obligation to provide more employment for the American of Asian descent than it is now providing.

THE AGED

Perhaps the most severe problems faced in the Asian-American community are those that confront the aged.

According to a recent White House Conference on Aging:

> Elderly Asian-Americans are suffering from unpredecented problems that are devastating the lives of these aged people.

Because of the language barrier and the lack of bilingual staff in social service agencies, the elder Asian-American is not acquainted with the available benefits such as old age assistance, social security, health care, housing and recreation. In addition to cultural differences, some Asian-Americans face other circumstances peculiar to their race. For instance, sickle cell anemia affects Samoans and its detection is combined with cultural problems for the Samoan.

When we realize that the suicide rate among elderly Asian-Americans in certain areas is three times that of the national average—when we realize that studies show that 34 percent of the Asian-American elderly have never had a medical or dental examination—it should be obvious that the problems facing the Asian-American aged are, according to the White House Conference:

> Overwhelming to the point that it is impossible for the Asian-American aged to look only to their families for help.

The problems of the aged are particularly acute with the Filipino-American, who is generally older than the national average. While the median age of white Americans is 26.6 years, the median age among Filipino-Americans is 40.9 years. As a result, we can readily see that the American of Filipino ancestry is in greater need of programs designed to meet the special needs that confront the aged.

But, what is the Federal Government doing in the Asian-American community to relieve these problems?

Between 1969 and 1971, grants to communities to aid the aged totaled $32 million. According to the White House Conference:

> Of this $32 million, not one dollar was given to the Asian-American communities for their aged problems.

The reason for this lack of assistance goes back to the myth that Asian-Americans do not need Federal aid. Again, according to the White House report,

> The reasons for this lack of Federal help according to Government officials was that, Asian Americans do not have problems.

Even when limited attempts are made to locate aged Asian-Americans in need of assistance, the results are low due to cultural and language difficulties.

Many aged Asian-Americans include only their native ethnic foods in their diets—foods that are not available under the food stamp program. Special dietary and cultural preferences of older Asian-Americans should be included in the Federal food stamp and commodity assistance programs.

Mr. Speaker, the facts are that elderly Asian-Americans have unique problems unlike those encountered by other groups, and they are problems that must be solved by Federal action.

YOUTH

As in all countries, the hope of the future rests with the younger generation. Yet, in the Asian-American community, the young are not receiving the special attention that should be accorded the leaders of the future.

The Asian-American community, like others in the Nation, has been wracked by drugs, especially the younger section of the population. Overdose deaths in the Asian-American community seem to be caused primarily by amphetamine abuse, rather than by heroin.

In addition, gang violence in both San Francisco's and Los Angeles' Asian concentrations is becoming increasingly common, and has resulted in a number of deaths in the past few years.

EDUCATION

It is of vital importance that Asian-American children receive a quality education in order to meet the needs of rising expectations, yet this has not been the case.

One of the major problems facing Asian-American school children is the language barrier; the New York Chinatown Planning Council estimates that 90 percent of all new arrivals to the United States do not understand spoken English. And, in San Francisco's Chinatown, over 70 percent of the new population lack a knowledge of English.

In Pasadena, Calif., 15 percent of the Japanese-Americans in the school system list Japanese as their first language.

Yet, the myth that Asian-Americans do not have problems still persists. Very often we find that programs are not aimed at helping Asian-Americans. Equally often, we find research has not been conducted to determine the depths of those problems.

In fact, from 1969 to 1971, the Department of Health, Education, and Welfare authorized $30.7 million in research and grants to minority communities for child welfare, rehabilitation, and special health projects; but none of these grants were made available to Asian-American communities.

The Asian-American community has been discouraged and frustrated by the lack of Government empathy. They see Federal programs helping other minorities, but they feel they are neglected. They see that special college programs, designed for minorities from disadvantaged areas, are not available to Asian-Americans. The Government continues to turn its back on the needs of the Asian-American student largely due to the myth that "all Asian-Americans do well in school and thus do not need Government help."

Asian-American youth are attempting to help other youths by developing self-help efforts, but they certainly cannot solve problems of this magnitude without assistance.

CONCLUSION

Federal action is vitally needed to investigate, isolate, and rectify the many inequities and problems experienced by the Asian-American population.

In order to direct Federal action to the special needs and problems of the Asian-American community, Congressmen MINETA, MATSUNAGA, and I have reintroduced H.R. 182, a bill which would create a meaningful and effective Cabinet Committee for Asian-American Affairs.

This measure would establish a high level committee with the specific task of identifying the problems of the Asian-American, developing solutions to those problems, and rectifying the injustices that presently confront Americans of Asian ancestry.

PROPOSED MIGRANT HEALTH BUDGET CUTBACK

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ROYBAL. Mr. Speaker, the administration's proposed 20-percent budget cutback in the area of migrant health will adversely affect the ability of many migrant farmworkers to receive any type of health care. As a result of the proposed cutback, existing health care programs will be drastically reduced by 27 percent, at a time when the costs of delivering health care services have spiraled upward with the ever-increasing rate of inflation. While the costs of health care delivery have increased 36 percent in the past 3 years, funding for the migrant health care programs has remained unchanged. Now, the Ford administration proposes to reduce funds in this vital area.

It is true that the migrant health care programs have confronted serious problems. Migrants cannot receive treatment through medicaid or medicare because they cannot sign the required "intent to reside" statements of full-time residency in a given State. They cannot benefit from those health programs designed for those receiving welfare because they are an active part of our labor force. Recent HEW provisions for "third party" reimbursement of fees have restricted the migrant's access to health care, since he generally cannot afford outside coverage for health services. Randomness in fee-charging among the various States and localities has further handicapped the farmworkers ability to pay medical fees. Only a small segment of the 3 million migrant population has had access to Government funded health care.

Yet, the existing migrant health care programs have been proven effective in making available comprehensive health care services for seasonal and migrant farmworkers and their families. In 1974, 355,000 persons were served by these programs and a projected 20 to 30 percent yearly increase in use of these services is expected. For the majority of the persons served by these programs, no other source of health care is available within their means.

Only the Federal Government can adequately fund these existing programs or foster new ones. With the proposed cutback, it is estimated that most small rural health care centers would be forced to close. Larger centers will have to cut back on the essential services of transportation and outreach facilities. Because of the continuing requirements for third party reimbursement by such agents as insurance companies, those patients with the most ability to pay will receive preferential treatment.

Despite economization measures, migrant health care clinics simply cannot meet their needs without adequate Federal support. Because of inflation, it is essential not only that no decrease in funding be approved, but that a $29 million increase in funding be granted these programs. It is not realistic, as the Ford administration has implied, to count on funding from the States for these programs, since traditionally the State governments have not proved ready to offset the balance of health care costs for those who are not full-time residents. In my own State of California, where the population of seasonal and migrant workers is a significant one, only $100,000 a year has been allocated by the State government for farmworker health services.

In this time of economic crisis, we must continue the efforts we have made to provide a source of health care for that portion of our population living at, or below, the poverty level. We must work to strengthen funding to programs which cannot survive without Federal financial support. Above all, we must seek the development and improvement of migrant health care services and the expansion of those which already exist.

DINGELL AMENDMENTS TO SURFACE MINING BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. DINGELL. Mr. Speaker, on March 6, 1975, the House Interior and Insular Affairs Committee reported H.R. 25—the Surface Mining Control and Reclamation Act of 1975.

I am generally pleased with the bill, but there are several areas where I believe improvement is needed.

First. I intend to offer amendments to place the regulatory functions of the bill in the Environmental Protection Agency.

I am a long supporter of Interior as a land-management and fish and wildlife agency, but in the area of regulation, particularly in energy matters, I find it to be largely ineffective and too closely tied to the coal and oil and gas industry.

Indeed, Interior has indicated that it does not want to regulate surface mining by its insistence that section 502(f) of the bill be deleted or severely weakened. It does not want interim authority to regulate surface mining. Interior wants to wait months to see if the States will do the job. I find this attitude totally unsatisfactory.

Second. I continue to believe that surface mining within the national grasslands should be prohibited.

Third. I believe that mining within 500 feet of any national park, refuge, or similar area should be prohibited.

Fourth. The office established by the bill should be considered an independent Federal regulatory agency for the purposes of the Federal Reports Act.

TAX CREDITS FOR HIGHER EDUCATION

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. COUGHLIN. Mr. Speaker, today I am introducing legislation to help offset the enormous financial burden that low- and middle-income families are bearing in meeting the higher education expenses of their children. This measure would establish tax credits for higher education expenses, and it is cosponsored by 15 of my colleagues from 11 States and territories.

I think that most Americans, as I am, are tired of excuses of monetary expediency that penalize the workingman and his family. Soaring tuition rates, continuing inflation, and the reduction of financial aid opportunities are making it unbearable, and in some cases impossible, for parents to finance their children's higher education. There is no more appropriate or critical time than now for the Federal Government to demonstrate its commitment to the education of our youth and to relieving the economic hardship of low- and middle-income taxpayers.

The bill I am introducing would authorize a tax credit of 100 percent for the first $200 spent on higher education; 25 percent of expenses from $200 to $500, and 5 percent of expenses from $500 but not to exceed $1,500. A maximum tax credit of $325 would be provided to those taxpayers spending $1,500 or more on higher education expenses and whose adjusted gross income is $22,500 per year or less. At higher income levels the credit would be gradually reduced by an amount equal to 1 percent of the adjusted gross income.

This legislation would afford much-needed short-term relief to the overburdened low- and middle-income family, provide short-range benefits in terms of money and jobs to institutions of higher learning being forced to cut back or close down, and improve the long-term economic and tax situation for the country since the college educated earn significantly more money in their lifetimes than those without such education.

In the past, bills similar to this one have twice been passed by the U.S. Senate, but they were later killed in House-Senate conferences. I respectfully submit that it is time that all of us in the Congress carefully reexamine our thinking on bills such as these and recognize the very real need to which they are addressed. There is nothing less at stake than our children's fulfillment and our Nation's future.

Mr. Speaker, I want to thank my colleagues who are joining me in sponsoring this vitally important legislation, and I insert a list of their names in the RECORD:

Mark Andrews, Republican, of North

lican, of Texas, Edward J. Derwinski, Republican, of Illinois, William L. Dickinson, Republican, of Alabama, John J. Duncan, Republican, of Tennessee, Joshua Eilberg, Democrat, of Pennsylvania, Floyd V. Hicks, Democrat, of Washington, Clarence E. Miller, Republican, of Ohio, George M. O'Brien, Republican, of Illinois, Gus Yatron, Democrat, of Pennsylvania.

AMNIOCENTESIS AND BIRTH DEFECTS DETECTION

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mrs. BURKE of California. Mr. Speaker, today I am introducing legislation which provides for research into methods of detecting birth defects and, particularly, for research and information projects and programs relating to amniocentesis.

Amniocentesis is a technique which permits the early detection of potential birth defects by withdrawal of fluid from the amniotic cavity of the mother. The fluid is analyzed for indications of enzyme deficiencies, chromosome disorders—such as Down's syndrome or mongolism—et cetera. Aminocentesis, which is done at 15 to 16 weeks gestation, has been established as a reasonably safe and accurate technique; it has been found to be 98 percent accurate in the detection of birth defects.

The purpose of my bill is to extend the availability of amniocentesis and other techniques for detecting birth defects. Specifically, my bill would accomplish the following in the area of amniocentesis: First, provides funding for research centers on amniocentesis; second, establishes educational programs to inform women of the various uses of amniocentesis, its reliability, and availability; and third, extends the availability of amniocentesis to all women, on a voluntary basis, on a sliding scale formula based upon ability to pay.

The text of my bill follows:

H.R. 4744

A bill to amend the Public Health Service Act to provide for research and information projects and programs respecting amniocentesis, to provide for research on other methods of detecting birth defects, to provide assistance for programs of genetic counseling and to provide financial assistance for the performance of amniocentesis on women unable to pay therefor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XVII—BIRTH DEFECTS

"PROGRAMS RESPECTING TECHNIQUES FOR DETECTING BIRTH DEFECTS

"Sec. 1701. The Secretary may make grants to and enter into contracts with public and nonprofit private entities to conduct (1) research projects (A) respecting the use of amniocentesis, and (B) other techniques for the detection of birth defects, and (2) programs to inform women of the various uses of amniocentesis, the reliability of diagnoses made with it, and its availability.

"GENETIC COUNSELING

"SEC. 1702. The Secretary may make grants to public and non-profit private entities to assist in the cost of establishing and maintaining genetic counseling programs.

"ASSISTANCE FOR AMNIOCENTESIS

"SEC. 1703. To extend the availability of amniocentesis, the Secretary shall by regulation establish a program under which women may, upon application, have all or part of the cost of having amniocentesis performed on them paid by the United States. Payments under the program for the cost of amniocentesis shall, as prescribed by the Secretary, be made (1) on the basis of the financial resources available to the individuals upon whom it is to be performed to pay all or part of such cost, and (2) in such manner as the Secretary shall prescribe.

"VOLUNTARY PARTICIPATION

"SEC. 1704. The participation by any individual in any program or portion thereof under this title shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

"GENERAL PROVISIONS

"SEC. 1705. (a) No grant may be made or a contract entered into under this title unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such manner and shall contain such information as the Secretary may prescribe.

"(b) Contracts may be entered into under section 1701 without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 259; 41 U.S.C. 5).

"(c) The amount of any grant under this title shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1706. There are authorized to be appropriated for fiscal year 1976 and each succeeding fiscal year such sums as may be necessary to carry out this title.

"REPORTS

"SEC. 1707. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1, 1976, and on or before April 1 of each succeeding year a comprehensive report on the administration of this title.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary."

PROPOSED AMENDMENTS TO H.R. 25, SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mrs. SPELLMAN. Mr. Speaker, for the information of my colleagues, I include in the RECORD the amendment I plan to propose to the bill H.R. 25, the Surface Mining Control and Reclamation Act of 1975. The amendment prohibits the opening of any new strip mine on a steep slope above 20 degrees and requires that existing operations must meet section 515(d) requirements until the permanent Federal or State program takes effect, at which time no further steep slope mining will be permitted.

The amendment follows:

Page 210, line 6, strike out "515(b)(19), and 515(d) of this Act." and insert in lieu thereof "and 515(b)(19) of this Act. No such permit shall be issued on or after such date of enactment for surface coal mining operations on a steep slope (as defined in section 515(d)(4)) or on any mountain, ridge, hill, or other geographical configuration which contains such a steep slope."

Page 238, between lines 8 and 9, insert the following:

(4) the proposed surface coal mining operation does not include mining on any steep slope (as defined in section 515(d)(4)) or on any mountain, ridge, hill or other geographical configuration which contains such a steep slope.

And redesignate the following paragraphs accordingly.

FATHER PHILEMON PAYIATIS TO BE HONORED ON 25TH ANNIVERSARY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. WHALEN. Mr. Speaker, this weekend I will have the pleasure of participating in the testimonial dinner which the Greek Orthodox Church is holding in honor of the Very Reverend Father Philemon Payiatis' 25th anniversary of service to the Dayton community.

A native of Greece, Father Payiatis attended on scholarship the Theological Seminary of the Holy Cross and the Brookline Theological School from which he received a bachelor of theology degree in 1950. Following his ordination, Father Payiatis was appointed to Dayton's Greek Orthodox Church "The Annunciation."

In the two and a half decades that Father has served at the church, he has not limited his concerns to his parishioners. Rather, he has included in them the entire Dayton community, working for the welfare of all citizens in civic, as well as religious, endeavors. He has done so as a member of the human relations council and as a member of the board of directors of the Red Cross and Travelers Aid.

His contributions to the religious life of the community range from his participation in radio and television programs to serving as chaplain at the Veterans Administration Center. In addition, as a result of his efforts, the Dayton Board of Education established the policy of excusing children of the Greek Orthodox faith from school on specific religious holidays. Father Payiatis also was one of the innovators of "Keep Christ in Christmas" in Dayton.

Father's activities within the Greek Orthodox Church have spread far beyond his parish and the Dayton area. He has served as a member of the highest organization of the Greek Orthodox Church in the United States, the Archdiocese Council, and on the junior youth commission of the Archdiocese. In recognition of his work, Father Payiatis has received all of the titles the Greek Orthodox Church can bestow on a married priest. He also was chosen to be a member of the delegation of the church to the funeral of His Holiness Patriarche Athenagoras.

It is most appropriate that the community now joins in honoring Father Payiatis. We in Dayton have indeed been fortunate to have been the benefactors of so much of his work, and we are grateful that he is amongst us.

May God continue to bless him and his family.

CONGRESS SHOULD EXAMINE PROPOSED WEAPONS SALES BEFORE THEY OCCUR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. DRINAN. Mr. Speaker, today, 34 of my colleagues are joining me in reintroducing H.R. 3213 which provides for congressional oversight of arms sales by nongovernmental agencies and corporations. Until December 30, 1974, Congress was notified of weapons sales to foreign nations only after the fact. The Foreign Assistance Act of 1974, which was enacted on that date, contained an amendment to the Foreign Military Sales Act directing the President to notify Congress of proposed weapons sales valued at $25 million or more in advance and empowering Congress to disapprove such sales by concurrent resolution. The adoption of this amendment by Congress signified our recognition of the importance of arms sales in the conduct of American foreign policy and our determination to play an active role in the decisionmaking process.

The amendment adopted last December, while significant, applies only to weapons exports carried out directly by the Federal Government under the provisions of the Foreign Military Sales Act. The export of munitions by private corporations and other nongovernmental agencies is regulated by the Mutual Security Act of 1954 (U.S.C. 22; 1934). This statute authorizes the President to control all such munitions sales and provides for the reporting of sales in excess of $100,000 to Congress after the fact. Congress is not provided with prior notification and the power of disapproval as it is with exports carried out under the Foreign Military Sales Act.

H.R. 3213 would close this loophole by establishing effective congressional oversight of weapons sales conducted under the Mutual Security Act. It is obvious that the same arguments which justified our implementation of an oversight procedure for governmental weapons sales apply equally to weapons exports by private companies. Our proposed amendment to the Mutual Security Act, like the Foreign Military Sales Act amendment adopted last year, requires that Congress be notified prior to the issuance of a license to a nongovernmental agency for the export of arms. It also empowers Congress to disapprove the issuance of such a license by concurrent resolution. The legislation does not provide for the exemption of any proposed sale from these oversight procedures on the basis of minimum cash value since it is the destination of exported weapons, rather than their quantity, which is of greatest concern to Congress from the standpoint of foreign policy.

I would hope that the Committee on Foreign Affairs, to which this legislation has been referred, will hold hearings on H.R. 3213 in the near future. It might also be beneficial if the committee undertook to examine the actual effectiveness of the oversight procedure we established with regard to the export of weapons by the Federal Government last year to determine whether additional measures are required.

I reproduce below an editorial which appeared in the Brookline Chronicle-Citizen, a newspaper in my district, which urges Congress to enact H.R. 3213:

ARMS FLOW IS DISGRACEFUL

Accursed are the munitions makers for they shall destroy the earth.

And the revelation by Congressman Robert F. Drinan that in the past ten years the United States has exported more weapons than the rest of the world is perhaps the most unconscionable blot on our record as a nation.

The mass exportation of weapons totally corrupts the human ideals on which this nation was founded, and its continuation in utter disregard of all moral values is intolerable.

Under existing law, Congress must be notified in advance of major weapon sales administered by the Dept. of Defense and other Federal agencies. Congress has the power to disapprove the transaction by majority vote of both House and Senate.

Exportation of munitions by private corporations, however, is controlled exclusively by the President and not subject to the same oversight procedures. The Congressman's legislation would require that Congress be notified prior to the issuance of a license for the import of arms by non-governmental agencies. It would also empower Congress to disapprove the issuance of such a license to an arms exporter.

Congress should be encouraged to enact the measure and then to use all the legal weapons available to it, to stem the disgraceful flow of armaments from this country.

The names of the Members who have cosponsored this legislation to date are listed below. I plan to reintroduce H.R. 3213 on March 19 and would welcome the cosponsorship of additional Members:

COSPONSORS OF H.R. 3213 AS OF MARCH 11, 1975

Ms. Abzug, Mr. Badillo, Mr. Baucus, Mr. Bedell, Mr. Brademas, Mr. Brown of California, Ms. Collins of Illinois, Mr. Conyers, Mr. Corman, Mr. Cornell, Mr. Downey, Mr. Edwards of California, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Gude, Mr. Harrington, Mr. Hawkins, Mr. Heckler of West Virginia, Mr. Helstoski, Mr. Koch, Mr. Leggett, Mr. Long of Maryland, Ms. Meyner, Mr. Mikva, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mottl, Mr. Ottinger, Mr. Roe, Mr. Rosenthal, Mr. Simon, Mr. Solarz, and Mr. Stark.

BAN THE HANDGUN—NO. 5

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BINGHAM. Mr. Speaker, ever since I reintroduced with 18 cosponsors, my bill to ban private possession of handguns and received considerable media coverage, mail on the issue has been rolling in. The letter below speaks eloquently for itself:

NEW YORK, N.Y., *February 20, 1975.*

Representative JONATHAN BINGHAM,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BINGHAM: I am in total support of your humane legislation to control the use of handguns. I hope that you will be able to push the bill to the most sane, rational, and humane limits—that is, the total outlaw of manufacture, importation, sale, transportation, and possession of handguns.

My father was murdered on September 2, 1971 by two men using handguns. My dad was opposed to the possession of handguns, yet his voice was a cry in the darkness. Because no one listened, he was killed.

Let's stop this vicious practice. Make the gun lobby and the American public hear our voices.

Sincerely,

KAREN SCHNEIDER.

CLARENCE WOLF, DENVER'S SOLAR PIPEFITTER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mrs. SCHROEDER. Mr. Speaker, as one who believes that one of our highest national priorities must be the research, development, and utilization of alternative energy sources, I am today happy to announce that I have cosponsored the bill (H.R. 4507) introduced by my colleague from Maryland (Mr. GUDE) to finance solar heating and cooling systems for private homes and multi-family apartments through a low interest Federal loan program. Legislation identical to this bill has also been introduced in the Senate by Mr. GARY W. HART, the junior Senator from the great sunny State of Colorado.

Mr. Speaker, the technology for solar heating and cooling is now available. I believe that the bill that I am today cosponsoring should provide the stimulus and incentive for the many Americans who are interested in solar applications for their households but who have difficulty in finding the finances for the large initial costs of such systems. On the other hand, I would like to note that there are those in this Nation who are pioneering solar energy for their homes and showing the light to others. I am glad to say that one of these pioneers resides in my district, Denver. His name is Clarence Wolf and his accomplishments are noted in the following article from the Colorado Labor Advocate for February 4, 1975:

DENVER RETIRED PIPEFITTER INVENTS SOLAR HEATING SYSTEM FOR HOME USE

(By Bill Payne)

It's not often these days that you meet a real, honest-to-goodness, 14-carat genius but by golly, this week we did and it was an experience. We refer here to retired Pipefitter Clarence Wolf and his home in East Denver.

His invention is on the roof of his house.

It is his solar heating system that works! Clarence says entire system costs him about five thousand to build but that costs in the future would be much less when installed at the time of construction. He says system saves him from 50 to 75 per cent in fuel amounts each month and says future models could do better.

Solar heating plant is simplicity itself. Heat from the sun is converted directly to hot air which is then circulated around the home. He said he has worked on the system since retirement from Local 208 about four years ago and now has a very satisfactory working model. Even if the 50 per cent savings figure holds true for future installations (he thinks it may run higher) that would mean the current supplies of natural gas could go twice as far!

We guess that Clarence is living proof that American know-how and inventiveness is still alive and well in America and the old concept of building a better mousetrap still works. But beyond the success of Clarence's solar heating system and its future applications, is the larger picture of what can be done after retirement. Today, too many make the mistake of sitting down on their fannies and quit producing and there lies the problem.

The most successful people we know are those who really keep busy after retirement. There's enough to be done on this planet to keep everyone going at full blast even after retirement from the active work scene. We think the great secret of life is to be a producer and therein, always pull your own weight. To be wanted and needed is the real measure of success of any man, anywhere. And ladies, before you start sending in those letters of protest on women's lib, we include you too, in the above statement.

HUMANITY—AMERICAN STYLE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. CLAY. Mr. Speaker, an article which recently appeared in the Charlotte Observer points up how the health care system in this country neglects those who are poor. The case in point here is a 23-year-old pregnant black woman in Marion County, S.C. who was unable to find a doctor to deliver her baby.

The woman, Mrs. Shirley Jean Abrams, was first refused assistance by her own doctor since she owed him $350. Financial considerations obviously were more important to Dr. Dan Moorer than caring for human beings. But the sad story does not end there. In a frantic attempt to get medical aid for Mrs. Abrams, the Marion County Rescue League drove her around in an ambulance calling on some 20 doctors who would not deliver her baby because she had no money. Even the Marion County Memorial Hospital refused her admittance because—and this is hard to believe—no doctor had ordered her admitted and obstetric cases are not considered emergencies. Finally, in sheer desperation with no one else left to turn to, Mrs. Abrams gave birth to a baby girl—in the ambulance parked across the street from the hospital with the help of the ambulance attendant. This, Mr. Speaker, is humanity—American style.

In an age of advanced medicine, it is impossible to conceive of such a horrifying incident occurring. One can only speculate about the scruples of these doctors in question and wonder what value they place upon human lives.

I insert for the attention of my colleagues the Charlotte Observer article entitled, "Pregnant Woman Rejected." The article follows:

PREGNANT WOMAN REJECTED

(By Eleanor Flagler and Milton Jordan)

LATTA, S.C.—A 23-year-old woman gave birth to a baby girl in the back of an ambulance in a doctor's office parking lot here after her doctor refused to deliver the baby because she had not paid her $350 doctor bill.

The local hospital, Marion County Memorial, had refused to admit the woman because, a spokesman said, no doctor had ordered her admitted and obstetric cases are not considered emergency cases. The woman, Mrs. Shirley Jean Abrams, had been in labor about 6½ hours when she was taken to the hospital.

The doctor, Dan F. Moorer, 55, Wednesday explained his refusal by comparing medical care with groceries:

"At the super market, you put your money on the counter before you pick up your groceries," he said, implying that medical care should be paid for the same way.

Asked about whether the woman's life might have been in danger, Moorer, who has been a doctor since 1949, replied: "What about my life? I could die too if I started taking labor cases for free. I'd have 500 in a month."

For about seven hours last Saturday, ambulance attendants drove Mrs. Abrams to the hospital and to other local doctors, all of whom refused to take her case.

Finally, they returned a second time to the emergency room of the hospital, where a witness was told that while the hospital could not deliver the baby, it would tie off the umbilical cord and clean the baby for $20 if it were born outside the hospital. Mrs. Abrams, an unemployed domestic worker, did not have the $20, according to a friend who helped deliver the baby.

"I think it's the worst thing that's ever happened in Marion (County)," said Mrs. Lou Pearl Windom, a social worker with the Marion-Dillon County Community Action Agency.

Mrs. Abrams, a tiny woman with a shy wide smile and large brown eyes, was at home Wednesday and recalled the ordeal that began early Saturday morning.

"I felt scared," she remembered. "I was afraid I was going to die. I didn't know what to think. I was so scared."

Mrs. Abrams lives in a rented four-room home with her husband, Leroy, 34, who makes $37 a week selling furniture in a used furniture store. They have two other children, a boy, 2, and a girl, 4.

The Marion County Rescue Squad responded to a call at the house and found itself with a pregnant mother with no place to go.

"They said they wouldn't let me die," Mrs. Abrams said.

She was refused help at Marion County Memorial Hospital because, according to a hospital administrator, Bobby Phillips, "Obstetrics is not an emergency."

About 20 other doctors in Marion where the rescue squad took the woman refused to help her because, according to Dr. Moorer, "Nobody wants a stray labor case, somebody improvident enough to not save the money."

Finally, Mrs. Windom who was called by a friend of ambulance driver Don Jewel, tried to locate a midwife.

"I couldn't find one," Mrs. Windom said, "so I went out to where the ambulance was parked across the street from the hospital."

Describing the scene, Mrs. Windom said everybody was frantic.

"The woman was in pain and the two attendants were upset," she said.

Finally, ambulance attendant Jamie Mozingo delivered May Francis Abrams, weighing 7 pounds 2 ounces, at 6:14 p.m., a little over 12 hours since her mother had gone into labor and seven hours after the ambulance ride began.

OUR GIVEAWAY OIL LEASE POLICY NEEDS TO BE CHANGED

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. LEGGETT. Mr. Speaker, one sure sign of panic is to take an action precipitously on the assurance that it will solve a problem. It is becoming painfully clear that this panic reaction syndrome is governing our offshore oil leasing policy.

What we are doing is leasing our oil lands to private developers without any but the faintest notion of how much oil lies under the leased land. We are doing this, apparently, both as a holdover of a very bad habit from the days of plentiful energy and in response to dire warnings from our good friends in the oil industry who tell us that if we hurry and lease these lands to them they can start producing oil a few years after we start receiving the Alaskan oil.

With very little effort, the Federal Government could explore the unleased oil lands and determine just how much oil is there; we would then have a much clearer picture of what is there and how much it is worth. This procedure would delay production not at all: The oil companies do precisely this after they buy a Federal lease.

It is time we stopped selling "a pig in a poke" and started getting our money's worth. I wish to insert at this point in the RECORD an article by Kenneth Cory on this subject which recently appeared in the Los Angeles Times:

[From the Los Angeles Times, Feb. 2, 1975]

HOW SHOULD OFFSHORE OIL LANDS BE USED?

DON'T SELL LEASES NOW; SURVEY, THEN DECIDE

(By Kenneth Cory)

Suppose you owned 1,000 acres of land, and you had good reason to think it might yield oil. Which would you do: sell the oil rights tomorrow for so much an acre plus small royalties, or wait a while, have tests done to prove how much oil is actually there, and then decide how you're going to handle the oil sale?

That's roughly the question that Americans face with the federal oil lands off the California coast.

In the quest for more oil, we already have learned that we have to balance the nation's energy needs—both short-term and long-term—against the need to conserve resources and to preserve the environment.

Now we need to learn the importance of a third element in that equation—who pays what, who gets what profits, and what the economic implications are of the way the oil is exploited.

These questions are especially pertinent now for Americans, particularly Californians, because the U.S. Department of Interior is preparing for the sale this year of more than 1.6 million acres on the outer continental shelf off California.

Oil spokesmen and their friends in government make it appear urgent that leases be sold quickly to oil companies so that offshore oil can be found and produced.

But I think such a sale of leases is premature. The leasing can and should be postponed for approximately two years, without delaying the production of offshore oil—if that's what we eventually decide to do.

During those two years, government surveyors—rather than the oil companies—can explore and determine the extent of the undersea oil so that the public can decide intelligently whether and how to exploit it.

The differences are that the public would still hold full title to the undersea resources, and their extent would be measured by the U.S. Geological Survey and the Bureau of Land Management, rather than private firms.

In the typical sale of offshore leases by the Department of Interior, the private oil companies first conduct preliminary surveys under permits granted by the Bureau of Land Management (BLM). The government—which is the people's agent for the sale—does practically no preliminary survey work of its own, and does not require the oil companies to submit complete survey information or interpretive data on what lies beneath the water. This information is considered proprietary information, not to be shared with competitors or the Department of Interior.

Thus, in the usual sale of leases, the public—the original owners—is at a distinct disadvantage because it has no really adequate, independent way to judge the value of the oil rights being sold.

Competitive sealed bids are submitted to the BLM on a tract-by-tract basis. Tracts are awarded to the qualified bidder submitting the highest "front money" cash bonus bid, who gets "the exclusive rights to explore for and extract"—to produce, sell and profit from the oil and gas—"for a period of five years and as long thereafter as oil or gas may be produced from the area in paying quantities."

The oil companies themselves determine how long "paying quantities" can be produced. No lease has ever been revoked at the end of the five-year period, or for as long as some exploration or production effort was underway.

Oil production does not begin immediately after the usual sale of leases. Survey and exploration work is subcontracted to specialized exploration companies, and actual production of oil usually begins at least two years, often three to six years after sale of leases.

It is clear from this that there is no need to rush into sale of leases now in the false hope that undersea oil will be produced quickly to alleviate oil shortages in the next two or three years.

And in the 1977–81 period when oil might be expected from the outer continental shelf, other oil sources will become available.

Exxon's Santa Ynez leasehold in the Santa Barbara Channel is scheduled to be producing two years from now, at a rate of 150,000 to 200,000 barrels a day—almost 10% of California's current daily consumption.

The Elk Hills naval petroleum reserve could be producing at a similar rate within two years if we choose to activate it.

Biggest of all the new domestic sources, the Alaska North Slope is scheduled to start producing in 1977 at a rate of 600,000 barrels a day, increasing to 1.2 million barrels a day in 1978 and 2 million by 1979.

All of these new oil supplies could be available before any can be produced from the outer continental shelf off California no matter what approach is taken to the offshore oil.

Postponing the offshore leasing would not necessarily delay production of oil. But it would offer a significant advantage in developing a national energy policy by permitting a government-run survey and inventory of potential oil reserves on public land.

Immediate production of offshore oil is not the real object, then, of the proposed sale of leases this year. What would be the major effect of such a sale?

The main effect of a sale of leases is an economic one—to transfer legal title to the oil resources from public ownership to private corporate ownership. The public relinquishes its rights to optimum future economic return from its resource. The companies gain ownership of the oil—something private companies rarely have these days outside of North America—and the ability to control profits.

A secondary effect is to concentrate economic power in the hands of a few oil giants. In practice, the traditional method of selling leases for cash has limited buyers to the big oil companies, or joint ventures which are combinations of big companies.

The small, independent producers do not have the big sums of money needed as "entry fees" for the offshore oil game.

The Santa Barbara Channel lease sale in 1968 illustrates this economic concentration. Total cash bonuses received from the sale were $602.7 million. Exxon, Standard Oil of California and Atlantic Richfield, either separately or in combinations, paid more than $250 million to win 49 of the 71 tracts sold—or 69% of the number sold. Union, Mobil, Gulf and Texaco in various joint venture combinations won 17 tracts for cash bonuses of $247 million, including $61.4 million for a single tract. Thus, these seven big oil companies won 66 of the 71 tracts, or 93% of those offered.

In a society that professes to value open competition, it is bad economics for the government to promote such a high degree of concentration through the "front money" bonus bidding system.

There are other undesirable results of the system which transfers ownership from the public to private firms without adequate information on the potential resources.

A sound national energy policy is difficult to develop without reliable information on the volume of potential recoverable oil reserves.

The public loses adequate control over the rate of development and production when the oil companies hold the title. The companies can explore and produce—or not—as they see fit, and to enhance their profit. Implementation of any national energy plan thus is in the hands of private corporations.

The public loses leverage for adequate enforcement of environmental safeguards.

The public no longer has the ability to decide whether or not to exploit this particular oil resource at all, and under what conditions. Once the leases are granted, that decision rests with corporate boards of directors.

I think a different contract arrangement should be used if the government and the people decide during the next two years to go ahead with drilling for offshore oil.

Instead of selling leaseholds, there should be net-profit, or profit-participation, contracts for development and production. This is not a revolutionary scheme. In fact, this is the way almost every oil producting nation now handles its petroleum resources.

In Burma and Indonesia, for instance, oil development and production are contracted out to private companies under a formula which gives 70% of the profits to the owning nation, 30% to the company. Other formulas are available, including ones with special incentive provisions. The same companies which would contract for oil rights off Southern California already are operating under these types of contracts elsewhere in the world. The U.S. government is one of the few which still sells oil rights for a "front money" cash bonus, does not have profit-participation contracts, and receives only a nominal royalty of 16⅔% a year.

In contrast, state-owned tidelands oil in the East Wilmington Field at Long Beach uses profit-participation contracting. In this arrangement, there must be sufficient advance information available for all bidders to make reasonably accurate assessments of risk and to make competitive profit-sharing bids.

This, then, is the path the federal government should follow. Postpone the leasing, have government agencies survey the potential oil deposits offshore; then decide how and whether to produce the oil.

No time will be lost if the public then decides to have the oil produced. And the results will be a better basis for national energy planning, stronger environmental control, more competition, and a sounder economic deal for the public.

AMENDMENTS TO SURFACE MINE ACT

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. STEIGER of Arizona. Mr. Speaker, the following amendments will be offered in a vain attempt to make some sense out of the Surface Mine Act. An act that even with these amendments will add an intolerable burden to an already overburdened consumers' energy bill.

The amendments follow:

PREEMPTION OF STATE ROLE

Amendment offered by Mr. STEIGER of Arizona to H.R. 25: Page 211, line 1, strike out all of line 1, page 211, thru line 22 on page 213 and insert the following:

(e) (1) Upon petition by the permittee or the applicant for a permit and after public notice and opportunity for hearing, the regulatory authority may modify the application of the mining and reclamation performance standards set forth in subsections 515(b) (3) and 515(d) if the permittee demonstrates to the satisfaction of the regulatory authority that:

(A) he has not been able to obtain the equipment necessary to comply with such standards;

(B) the surface coal mining operation will be conducted so as to meet all other standards specified in subsection 502(a) and will result in a stable surface configuration in accordance with a mining and reclamation plan approved by the regulatory authority; and

(C) such modification will not cause hazards to the health and safety of the public or significant imminent environmental harm to land, air, or water resources.

(2) Any such modification shall be reviewed periodically by the regulatory authority and shall cease to be effective upon implementation of a State program pursuant to section 503 of this Act or a Federal program pursuant to section 504 of this Act.

(f) The Secretary shall issue regulations, to be effective one hundred and twenty days from the date of enactment of this Act, establishing an interim Federal evaluation and enforcement program. Such program shall remain in effect in each State in which there are surface coal mining operations regulated by a State regulatory authority until the State program has been approved and implemented pursuant to section 503 of this

Act or until a Federal program has been prepared and implemented pursuant to section 504 of this Act. The evaluation and enforcement program shall—

(1) include inspections of surface coal mining operations on a random basis without advance notice to the mine operator, for the purpose of evaluating State administration of, and ascertaining compliance with the mining and reclamation performance standards specified in subsection 502(a). Except as provided in section 521(a)(2), the Secretary shall request the appropriate State regulatory authority to take such enforcement action as may be necessary to correct violations identified during inspections. If the State regulatory authority fails to act within ten days from the date of such request, the Secretary may order any necessary enforcement action pursuant to section 521 and shall order any necessary enforcement action pursuant to section 521(a)(2).

(2) provide that upon receipt of inspection reports indicating that any surface coal mining operation has been found in violation of the mining and reclamation performance standards specified in section 502(a) during not less than two consecutive State inspections or upon receipt by the Secretary of information which would give rise to reasonable belief that such standards are being violated by any surface coal mining operation, the Secretary shall order the immediate inspection of such operation by Federal inspectors and the necessary enforcement actions, if any, to be implemented pursuant to the Federal enforcement provisions of this title. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such persons when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection;

(3) for purposes of this section, the term "Federal inspector" means personnel of the Office of Surface Mining Reclamation and Enforcement and such additional personnel of the United States Geological Survey, Bureau of Land Management, or of the Mining Enforcement and Safety Administration so designated by the Secretary, or such other personnel of the Forest Service, Soil Conservation Service, or the Agricultural Stabilization and Conservation Service as arranged by appropriate agreement with the Secretary on a reimbursable or other basis;

(4) provide that the State regulatory agency file with the Secretary and with a designated Federal office centrally located in the county or area in which the inspected surface coal mine is located copies of inspection reports made; and

(5) provide that moneys authorized by section 712 shall be available to the Secretary prior to the approval of a State program pursuant to this Act to reimburse the States for conducting those inspections in which the standards of this Act are enforced and for the administration of this section.

(g) The provisions of this section shall be applicable to surface coal mining and reclamation operations on lands on which such operations are regulated by a State regulatory authority until a State program is approved in accordance with the provisions of section 503 of this Act or until a Federal program is promulgated in accordance with the requirements of section 504 of this Act.

CONFORMING AMENDMENT

Title V, page 286, Section 521(a)(4), line 24, strike the words "section 502 or"

Purpose: These amendments reduce Federal preemption of State role during interim program.

Anthracite Exemption Deletion

Amendment Offered by Mr. Sam Steiger to H.R. 25: Page 305, line 1, strike all of Section 529, consisting of lines 1 through 24, and lines 1 through 3 on page 306.

Purpose: Eliminates an unjustifiable exemption for anthracite coal mining.

Hydrologic Disturbances

Amendment Offered By Mr. Steiger of Arizona: Page 238, line 7, after the word "designed" insert the phrase: "to the maximum extent practicable"

CONFORMING AMENDMENT

Page 254, line 22, after the word "preserving" insert the phrase: "to the maximum extent practicable"

Purpose: Modifies an absolute term which if strictly enforced, would cripple if not eliminate mining operations by requiring companies to meet standards which cannot be attained by any methods known to man.

Surface Owner Consent

Amendment Offered by Mr. Sam Steiger to H.R. 25: Page 328, line 15, strike all of Section 714 through line 4, page 335 and add the following new section:

"Sec. 714. Nothing in this Act shall be construed as increasing or diminishing any property rights held by the United States or by any other land owner."

CONFORMING AMENDMENTS

Strike section 102(b), page 174, line 23 through line 2, page 175.

Strike section 512(b)(8), page 243, lines 7 through 9.

On page 307, line 24, strike the comma, insert a period, and strike the remainder of the sentence.

Purpose: Deletes a special right of a surface owner to "veto" the mining of Federally owned coal or possibly realize a windfall.

National Forests

Amendment Offered by Mr. Lujan to H.R. 25: Page 294, line 21, strike out all of lines 21 thru 23 and substitute the following:

"(2) on any Federal lands within the boundaries of any national forest: *Provided*, That such prohibition shall not be applicable to surface operations and impacts incident to an underground coal mine: *Provided further*, That the Secretary of Agriculture may set aside the prohibition on surface coal mining operations for a specific area or areas if after due consideration of the existing and potential multiple resource uses and values he determines such action to be in the public interest. Surface coal mining on any such areas shall be subject to the provisions applicable to other Federal lands as contained in section 523;"

CONFORMING AMENDMENT

Line 19, page 296, after "pursuant to the Act," add the following: "With respect to National Forest System lands, the Secretary shall include in permits, leases, and contracts those conditions and requirements deemed necessary by the Secretary of Agriculture. The Secretary of Agriculture shall administer the provisions of such permits, leases, or contracts relating to reclamation and surface use, and is authorized to enforce such provisions."

Purpose: This amendment permits surface mining in National Forests with Secretarial discretion.

Interim Requirements: Regulatory Procedures

Amendment offered by Mr. Lujan to H.R. 25: Page 209, line 19, strike out all of line 19, through line 24, and on page 210, strike out all of lines 1 through 17, and insert the following:

"Sec. 502(a). On and after ninety days from the date of enactment of this Act, no person shall open or develop any new or previously mined or abandoned site for surface coal mining operations on land on which such operations are regulated by a State regulatory authority unless such person has obtained a permit from such regulatory authority. All such permits shall contain terms requiring compliance with the mining and reclamation performance standards set forth in subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(19), and 515(d) of this Act. The regulatory authority shall act upon all applications for such permits within forty-five days from the receipt thereof.

"(b) Within sixty days from the date of enactment of this Act, the State regulatory authority shall review and amend all existing permits in order to incorpoarte in them the mining and reclamation performance standards specified in subsection 502(a). On or before one hundred and twenty days from the date of issuance of such amended permit, all surface coal mining operations existing at the date of enactment of this Act on lands on which such operations are regulated by a State regulatory authority shall comply with such mining and reclamation performance standards with respect to lands from which the overburden and the coal seam being mined has not been removed."

Redesignate the subsections accordingly.

Purpose: This amendment prevents the closing of ongong mining operations due to a failure of the regulatory authority to complete action on a mining permit and without fault of the mine operator.

Citizens Suits

Amendment offered by Mr. Ruppe to H.R. 25; page 281, line 17, after the word "Constitution", add the word "and" and strike the remainder of line 17 and all of lines 18, 19, and 20, and add the following new subsection:

"(C) Any other person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this Act; or"

CONFORMING AMENDMENTS

On page 282, strike all of line 9 except the semicolon and the world "or".

On page 282, line 13, strike the words "or the" and strike line 14 through the word "order" and add the following: "or any rule, regulation, or permit issued pursuant to this Act".

On page 284, line 1, strike the words "the provisions of this Act, or of" and after the word "any" add the word "rule," and insert the word "or" after the word "order".

On page 284, line 2, strike the words "or plan of reclamation issued by the Secretary" and add the words, "issued pursuant to this Act,".

Purpose: The amendment eliminates the result of liability without fault by prohibiting citizens suits against a mine operator who is in complete compliance with his permit. It does not prevent enforcement of the Act because suits may be brought against the regulatory authority which issued a permit alleged to be in violation of the Act.

10 Cents Reclamation Fee

Amendment offered by Mr. Ruppe to H.R. 25: Page 194, line 11, after the world "of", strike out the words "thirty-five" and insert the word "ten". On line 12, place a period after the word "produced" and strike the remainder of the sentence through the period on line 15.

Page 194, line 22, strike the word "unless" and all of lines 23, 24 and 25 on page 194. Strike lines one and two on page 195.

Purpose: This amendment establishes an across-the-board reclamation fee of ten cents per ton of coal produced for a fixed period of ten years. It estimates the Secretary's authority to adjust the fee to reflect cost of living changes.

Indian Lands

Amendment Offered by Mr. Ruppe to H.R. 25: Page 311, line 21, After the word "any" insert the word "Federal".

Purpose: Clarifies the definition of Indian lands to assure that the Secretary of the Interior does not control non-Federal Indian lands.

Alluvial Valleys

Amendment Offered by Mr. Ruppe: Page 238, line 25, strike all of section 510(b)(5)(A), consisting of line 25 on page 238 and lines 1 through 6 on page 239, and insert the following new language:

"(A) not have a substantial adverse effect on farm or ranching operations being conducted on alluvial valley floors where such alluvial valley floors are significant to such farming or ranching operations;"

Purpose: Eliminates the result of the administrator of a regulatory authority preventing mining in some areas because of speculation that the land may be farmed sometime in the future.

Ambiguous Terms

Amendment Offered to H.R. 25: Page 315, line 17, after line 17, add the following new subsection and reletter accordingly:

"(b) In order to provide greater certainty in implementing and administering this Act, the Secretary is authorized to define, pursuant to his general rulemaking authority, such other terms used in this Act as may be susceptible to more than one reasonable interpretation, provided that such definitions are not inconsistent with specific provisions of the Act."

Purpose: This amendment authorizes the Secretary to define ambiguous terms consistent with the provisions of the Act, thus eliminating production losses due to litigation over the definitions of terms within the Act.

AID TO CAMBODIA

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BLOUIN. Mr. Speaker, I wish to call the attention of my colleagues to an editorial from a newspaper in my home district which, I believe, summarizes succinctly and thoughtfully the opinion which I and thousands of Americans across this country share on the issue of continuing aid to Cambodia.

I want to point out that the editorial did not appear in the so-called eastern liberal-establishment press, but in a weekly newspaper published in a predominantly rural area in eastern Iowa. Its author is a highly respected editor and publisher whose insight is recognized by his colleagues and whose editorials are regularly reprinted in other newspapers throughout the Midwest. If the editorial reflects a bias, it reflects the bias of a majority of the American people who have sadly concluded that we can no longer prop up corrupt or ineffective foreign governments which fail to reflect or respond to the will and the needs of their citizens.

The editorial, which appeared in the March 8, 1975 edition of the Maquoketa, Iowa, Jackson Sentinel, follows:

We Should Be Smarter Now

(By Robert Melvold)

President Gerald Ford went on television Thursday evening for a press conference in which he:

(a) advocated that Congress appropriate $222 million to prolong the agony in Cambodia.

(b) viewed with disapproval Congress' decision not to cut the food stamps program for the American people in lower wage brackets.

In advocating support for Cambodia President Ford used all the trite, wornout, fabricated arguments of his predecessor. He viewed with alarm the "wanton" rocket attacks on the Phnom Penh capital of the Lon Nol government.

Whether attacks are "wanton" depends upon who is on the receiving end. The North Vietnamese government considered the Nixon-inspired bombing attacks that hit residential districts of Hanoi as "wanton" while Nixon considered it as a necessary step in an attempt to bring hostilities to a conclusion.

President Ford sidestepped a question of one reporter who asked why it was that the administration sought a détente with the super-Communist powers of Russia and China while they are so obsessed with avoiding a détente with minor powers that are no particular threat to the United States.

The only argument that Gerald Ford didn't use was that he could "see the light at the end of the tunnel."

The smartest thing Congress could do is NOT to vote a dime for Cambodia, Vietnam or Thailand. The Lon Nol administration, less popular with the people than even its predecessor, appears to have been a product of the American CIA. If we owe Cambodia anything it is because President Nixon got them involved at a time when they had hoped to remain relatively neutral and work things out for themselves.

If we owe a debt to Cambodia, let's wait until they have a real peace. Then we might give them some reconstruction aid.

We can be thankful that America was big enough so that the European powers didn't get physically involved in our Civil War, prolonging it another 10 years and tearing up the entire country instead of just a small fraction of it.

ARAB BOYCOTT IS ANTI-AMERICAN

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. EILBERG. Mr. Speaker, the leaders of Jewish, black, Italian, and Polish groups in the Philadelphia area have issued a joint statement urging resistance to foreign demands that U.S. governmental agencies and businesses capitulate to discrimination and boycott pressures.

Issued by Solomon Fisher of the American Jewish Committee; Andrew Freeman of the Urban League; Judge Frank J. Montemuro, Jr., of the Sons of Italy; City Councilman Joseph Zazyczny of the Polish-American Citizens League of Pennsylvania; and Rev. William L. Bentley of the Interfaith Interracial Council of the Clergy, it states:

Acknowledgment that the Army Corps of Engineers—acting on State Dept. instructions—has acceded to Saudi demands that the Corps not assign Jewish personnel to technical projects undertaken in that country requires swift corrective action by Congress and the President. Our government must not endorse or allow a practice of racial, religious or ethnic discrimination against its own citizens by or on the demand of foreign powers. This principle also applies to discriminatory actions by domestic firms as a result of foreign pressures.

Secondly, the Arab Boycott against more than 1,500 American firms which either conduct business with Israel or who employ Jews in management is not only anti-Semitic, it is anti-American. The policy of this country is to oppose discriminatory or restrictive trade practices and boycotts. The Export Administration Act of 1969 specifically opposes restrictive trade practices.

We welcome, therefore, President Ford's warning that his Administration will not permit the lure of Arab petrodollars to impose patterns of discrimination in American business life. We would urge Congress to give President Ford the necessary additional legislative tools to make his pledge more than an empty threat. Accordingly, those firms which adhere to U.S. domestic and foreign policy, which resist unfair competition and which are unwilling to knuckle under to the dictates of other nations now deserve to be protected by that same U.S. policy.

Therefore, Congress and the President should now consider legislation banning foreign investments which require American firms to practice discrimination or maintain third party boycotts based on principles clearly contrary to American law and foreign policy.

VOCATIONAL, OCCUPATIONAL, AND CAREER EDUCATION

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. PERKINS. Mr. Speaker, today I am introducing, with the cosponsorship of Al Quie, a bill to amend the Vocational Education Act of 1963 on behalf of the National Association of State Universities and Land Grant Colleges. That organization is composed of 130 institutions with members in every State of the Union. These institutions are charged with serving their States with resident instruction, research, and public service. Occupational education has been a component of the resident instruction and public service functions since the founding of most of the institutions. Both full-time and part-time students study on these campuses for associate degrees and certificates in such fields as technology, allied health, and business.

More than half of the association's 130 members conduct traditional postsecondary vocational programs, and a number of others conduct programs heavily geared toward occupational training. In addition, there are 115 regional and branch campuses of these member institutions which also conduct vocational programs. Altogether, in excess of 100,000 students study full time in these programs. The number of part-time students is at least double that of full-time students.

The bill I am introducing today on behalf of this association would amend the Vocational Education Act of 1963 to increase the minimum amount of funds States must spend for postsecondary programs from 15 percent to 40 percent of each State's basic Federal grant for vocational education. The States would have the option of retaining a single State administrative agency to administer all the funds under the Vocational Education Act or of designating separate agencies for the administration of the postsecondary education funds and of the secondary funds.

Two principal features of the bill are an objective method for the State agency to distribute postsecondary funds and a requirement that these funds must increase access opportunities in programs of postsecondary occupational education.

State planning would be conducted by the State commissions designated for that purpose pursuant to section 1202 of the Higher Education Act of 1965, as amended by Public Law 92–318. Section 1202 would be revised to specify the substance of planning, rather than to solely require commissions constituted in a specific manner as is provided now by the law.

These planning commissions would be called upon to devise ways of increasing access to occupational education for qualified persons in the States. The commissions would propose to the administrative agencies various methods of enhancing study opportunities and of increasing enrollments and would also propose methods for distributing the money to the institutions in the States. Finally, the planning commissions would evaluate the degree to which the plans have been implemented and the effectiveness of the various ways in which access has been obtained. The results of these evaluations would be reported to the Commissioner.

Mr. Speaker, this bill is the last of the four bills which have been prepared by various national education organizations which Congresseman Quie and I are introducing this year on vocational, occupational, and career education. It is our purpose in introducing these bills to spread these organizations' ideas before the Congress and the public so that they can be discussed and assessed thoroughly and objectively. We believe that this process will lead to the Congress being better prepared this year to write its own legislation in this field.

FOOD STAMP PROGRAM

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. TREEN. Mr. Speaker, if you believe that some of last year's $4 billion expenditure for the food stamp program may have benefited someone other than the very needy, you may find the following police report, recounted in the February 18, 1975, New Orleans Times Picayune, of interest. Incidentally, the rules of the Department of Agriculture limit anyone to purchasing 1 month's ration of food stamps at a time:

Police Report

3907 Louisiana Ave. Pkwy.—Burglars forced open the rear window of the home of Patricia Robinson, 23, about 7:15 p.m. Sunday and took $3,700 in jewelry; $500 in food stamps and $240 in cash, according to Sixth District police.

ARABS' BLACKLIST IS INEXCUSABLE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. LEHMAN. Mr. Speaker, for more than 25 years, the Arabs have excluded American citizens of Jewish background from economic, diplomatic, and military missions to their countries and have sought to boycott American firms which deal with Israel.

After years of official silence, these practices have finally been acknowledged by our Government. I was very pleased to read of President Ford's strong condemnation of these practices.

It is vitally important that the President's words be followed up with action by the executive branch and by the Congress if necessary, to insure that our Government never again agrees to participate in or to close its eyes to discrimination against its citizens by foreign nations.

I would like to include in the Record at this point a fine editorial from the Miami Herald of March 2, 1975, condemning the Arabs' blacklist:

Arabs' Blacklist Is Inexcusable

As we read the 14th Amendment to the United States Constitution and as we understand the civil rights legislation enacted by Congress in the last 20 years, it is flatly illegal for government to abridge the privileges or immunities of citizens of the free and democratic country; nor shall government deprive any citizen of life, liberty or property without due process of law; nor deny to any citizen the equal protection of the law.

President Ford reads it as we do and that explains his statement aimed at the Arab world's campaign to use its new oil wealth in a broad attack against American businesses, organizations and individuals dealing in any way with Israel. What the President said was that such discrimination is repugnant to the American tradition and principles. But Mr. Ford made no reference to Arabs and Jews.

That is unfortunate because there needs to be some plain talk about the Arab blacklist which is so broadly drawn as to include the Dadeland Shopping Center here in Dade County. For years it has been common knowledge within the oil industry that when Aramco advertises for American technicians to work in the Persian Gulf sheikdoms, the ads might just as well say "No Jews Allowed" because those are the facts of the case. The restriction never offended the executives of the major American companies that make up the Aramco organization.

It turns out also that the restriction did not offend the U.S. Defense Department and the Army Corps of Engineers which carefully screened Jewish officers and technicians from assignments in Arab nations where American aid money is used for a wide assortment of public works.

But now the Arabs have gotten themselves in a box. Dressed in their London-made business suits, they present their dollars as purchasers of American banks and manufacturing firms. Yet dressed in their burnoose and caftan, they draw up a list of more than 1,500 names of American business interests and label them, in a sense, nonkosher.

Ford Motor Co., it turns out, has not sold a car or truck to an Arab country in nine years. Coca-Cola is on the Arab blacklist. Yeshiva University is a natural, but why Laurance Rockefeller Associates when the family is so closely involved in production and sale of Arab oil?

During World War I, the British government drew up a list of companies, mainly in neutral Switzerland and Scandinavia, trading with the Germans. British subjects were forbidden to do business with the companies under terms of the Trading with the Enemy Act. Thus was born the "blacklist."

It seems strange, with the Arabs talking peace with Secretary Kissinger, that there exists such a list of American enemies. Maybe President Ford can stop the nonsense.

AMENDMENT TO H.R. 25

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. MAZZOLI. Mr. Speaker, in accordance with rule 23, section 6, of the Rules of the House, I am including the full text of an amendment which I intend to offer to title III, section 301, of H.R. 25, the Surface Mining Control and Reclamation Act of 1975.

Amendment to H.R. 25, as Reported, Offered by Mr. Mazzoli

Page 180, strike out line 21 and all that follows down through "a program" in line 22 and insert in lieu thereof "this title a program."

Page 180, strike out line 24 and all that follows down through "department" on page 181, line 1 and insert in lieu thereof "program subsequent to the enactment of this title and which program."

Page 181, beginning in line 4, strike out "school" and all that follows down through "conducting a" in line 5.

Page 181, strike out line 7 and all that follows down through line 9, and insert in lieu thereof "traction wherein curricula sufficient to prepare a student for a career in mining education, mining research, or mining industry are being carried out and wherein sufficient faculty and students participate to carry out research supported by the funds authorized by this title."

Page 181, beginning in line 21, strike out "school" and all that follows down through "conducting a" in line 22.

Mr. Speaker, my proposed amendment to H.R. 25 is consistent with the spirit and the goals of the bill and of title III.

Title III authorizes the distribution of coal research funds to qualifying institutions of higher education which conduct mining instruction and research programs.

The present language of the provision, however, would deny funding to many institutions which conduct programs of high quality, and which could contribute significantly to the research necessary if we are to meet the environmental goals of this bill.

It is important to note that an amendment similar to my amendment was approved by the Senate after its acceptance by the managers of the bill on both sides of the aisle.

I believe that, if we are going to pass a strip mining bill with a coal research funding provision, and I hope we do, we should give every institution which can contribute to coal research a chance to qualify for funds provided under the act.

Section 301 of title III of the act places two barriers in the path of schools desiring to qualify for these research funds. These barriers can be replaced with less arbitrary but equally high standards.

First, the language of section 301 can be construed as requiring that a qualifying mining education program be a "school of mines, division or department." Second, the provision requires that such a program employ five fulltime faculty members.

The first restriction assumes that it is better for a mining curriculum to be a separate entity within a college or university. Yet this organizational structure does not guarantee a high quality curriculum in and of itself.

The University of Kentucky is a good example. In 1967, the school of mines was dissolved and the mining program transferred to the college of engineering. Things started happening: student participation jumped from 7 students to 85.

In 1972, the University of Kentucky graduated more students—22—entering the coal mining industry than any other school in the country. Student participation remains very high.

By organizing the mining curriculum as an elective program within the college of engineering, the university strengthened—rather than weakened—the program.

So, although the University of Kentucky has had a mining program continuously since 1901, and in 1972 established a new Institute for Mining and Minerals Research in the college of engineering, it would not qualify for funding under the present wording of section 301.

Perhaps the crowning irony is that Kentucky has long been one of the Nation's primary coal producers, and has for several years been the foremost victim of unbridled strip mining.

The second constraint of section 301 is that five fulltime faculty members must be employed by the school. This requirement would disqualify several outstanding schools, including some accredited by the Engineers Council for Professional Development.

According to the Engineering Education Association, which has offices here in Washington, the catalogs of at least three fully accredited schools show that they employ less than five fulltime faculty.

Michigan Tech, the Montana College of Mineral Science and Technology, and the University of Wisconsin at Platteville would apparently not qualify even though they are accredited institutions.

Another three schools barely meet the minimum requirement by having exactly five fulltime faculty.

The vagaries of university funding and the differences in the reliance upon part time and associate faculty among various institutions show how unreliable this standard really is.

Yet, a simple and straightforward amendment can assure that qualified schools—qualified in the educational sense—will also meet the legal qualifications established by this bill. And we can prevent a goldrush on the coal research funds at the same time.

My amendment would accomplish this in two ways. First, it requires that the curriculum of a mining program be sufficient to prepare a student for a career in mining research, mining education, or the mining industry.

Second, it requires that the faculty and students be sufficient to carry out the research authorized under this title.

The Advisory Committee on Mining and Mineral Resources—which already makes the determination of whether a school will qualify under the present language—will also make the determination under these criteria.

If any group is qualified to make determinations about the quality—or lack thereof—of a school's mining program, it is the Advisory Committee, which is composed of the Directors of the Bureau of Mines, the National Science Foundation, and the U.S. Geological Survey, and the presidents of the National Academy of Sciences and the National Academy of Engineering, and four other persons knowledgeable in the fields of mining and minerals research.

Mr. Speaker, it is my hope that the amendment will be adopted, in the interest of the best possible coal research program and in the interest of equity.

END MILITARY AID TO CAMBODIA NOW

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. DODD. Mr. Speaker, the time has come when the United States must admit that is has done all it possibly could to keep the regime of President Lon Nol in power in Cambodia. It no longer matters that we should have withdrawn our support sooner; what matters is that we end military aid to Cambodia now.

President Ford has tried to make this an issue by charging Congress with abandoning an ally. I say that calling the Lon Nol regime an ally is to debase the meaning of the word as it applies to our true allies. We have no defense committment to Cambodia, and none is claimed by the President.

In ending military aid, the United States should make certain that the transition of government take place in an orderly and humane manner. We should continue our efforts to supply the Cambodian people with food and other humanitarian aid.

Today, after 5 years of bombing and napalm, 1 million people have been killed, widespread hunger and starvation afflict the populace, and the countryside is barren.

The greatest gift our country can give to the Cambodian people is not guns but peace. And the best way to accomplish that goal is by ending military aid now.

THE COMPREHENSIVE HEALTH INSURANCE PLAN (1975)

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. CARTER. Mr. Speaker, today I am introducing a bill which was introduced during the last session of Congress as the comprehensive health insurance plan. It deals with one of the most important issues facing the American people—health-care financing.

All too often the onset of major illness or accident brings the threat of financial disaster. I am sure there is not a family or individual in this country who has not worried at one time or another about their ability to pay for large medical bills in the event of major illness. The bill I am introducing today will correct this situation by guaranteeing comprehensive catastrophic health care for every American. This proposal will protect every American from the financial ruin which can accompany illness and injury.

And it goes several steps further. It will provide the same broad health care benefits to every American, regardless of ability to pay, while assuring that the services provided are of high quality.

Moreover, since nearly everyone agrees that prevention is better than cure, but hardly anyone acts as if he believes it, I have designed a new section on preventive medical services. Prevention has greater long-range health value than other kinds of health services and the provision of such services may ultimately result in reducing the cost of all services. As Prof. J. M. McKintosh reported some years ago:

> Palliatives nearly always take precedence over prevention and our health services today are too heavily loaded with salvage.

My proposal reverses this tradition and emphasizes prevention. We intend not only to protect people against the costs of caring for sickness, but to advance, maintain, and promote health to head off sickness.

In reviewing this proposal with its new section on preventive medical services, I want to remind my colleagues that the President has clearly and repeatedly stated his opposition to enactment this year of new spending programs, even though the programs would call for no expenditures during this year. I understand and fully respect the President's position. Yet at a time when there will soon be much discussion of national health insurance, I believe that the Congress should formally have before it this thoughtful proposal, with its new preventive medical services section, so that it may be considered in debate with other proposals which have been developed to consider the cluster of concerns we refer to as our national health-care crisis.

I know that every Member of Congress shares a concern for the health status of the American people, for financial hardship which so often accompanies major illness, for the seemingly unending rise in health care costs, and for other inadequacies in the present health-care system. The proposal I am introducing represents a proper and workable approach to the solution of the Nation's health problems. Before discussing this proposal, I would like to review for all of us the reasons why such a proposal is so necessary.

To begin with, our present system of health care financing is unnecessarily complex and inefficient because it is comprised of a variety of mechanisms for the financing of health care, including self-payment, third-party insurance and categorical programs which provide services free or at reduced costs to certain eligible populations. My proposal is based on the principle that the appropriate and workable method of financing health care costs should be a single uniform system which should be a third-party insurance system. To effect this objective three major problems with the present third-party health financing system must be remedied.

The first glaring problem is that not everyone is covered. In fact, 1 out of 10 Americans has no insurance coverage at all. An additional 10 percent have only limited public coverage under Federal and State programs for low-income and disabled persons. We cannot further tolerate a situation in which over 40 million people have no opportunity to obtain adequate health insurance coverage and thus secure protection against major illness costs.

The second major problem with the third-party health financing system is the inadequacy of the health insurance coverage which is available. Thus, although 80 percent of the population under 65 has some form of private health insurance coverage, their coverage is often deficient. These areas of deficiencies include:

First. Preventive health services, mental health services, and outpatient physician services are often excluded from coverage. Consequently, the health services needed by many Americans are paid out of pocket by the individual rather than by insurance policies;

Second. Policies which provide only limited coverage either by instituting a limit on reimbursement for specific services or a limit on the amount of services which will be paid for by the policy. The result of this inadequate coverage of health care costs is a situation in which policies pay an amount which often bears little relation to the actual charges for such services;

Third. Many policies provide inadequate protection against catastrophic illness. Usually there is no limit on the amount of out-of-pocket expenses which must be paid by a family or individual as part of the cost-sharing structure of a policy. Hence, a family's total liability can reach astronomical proportions even if they do have insurance coverage; and

Fourth. Excessively high administrative costs characterize plans sold to individuals who cannot obtain group coverage. The result is a significant amount of insurance dollars spent on administrative costs which could and should be diverted into payment for direct health care services. In addition, it is inequitable that such individuals should be precluded from purchasing health insurance at reasonable rates simply because they are not a member of a group which can qualify for lower rates.

The third problem with our present third-party insurance system is that it emphasizes certain kinds of care and therefore has created problems in the health delivery system. Four particularly disturbing shortcomings are the lack of incentives to contain costs, the bias against the use of lower cost nonphysician manpower, the bias against comprehensive care providers including HMO's, and the incentive to use as a first resort high-cost inpatient hospital care.

The bill I am introducing today is designed to remedy all of these problems.

The legislation would provide the opportunity for every American to buy comprehensive health insurance at rates which are affordable. One of the methods it employs is the use of the group rate for individuals who are not currently in groups which can obtain coverage at low group rates.

The bill confronts the problem of inadequacy of health insurance coverage by including in the basic mandatory health insurance benefit plan outpatient physical services, mental health services, and preventive health services and providing for reimbursement levels which will be considered sufficient to constitute full payment by the majority of providers.

Finally, this proposal includes a number of provisions which will assure that quality services are provided and that the price of those services is contained.

Under the comprehensive health insurance plan, every American may obtain the same health insurance coverage under one of three plans:

First. The employee health insurance plan—EHIP—will cover all full-time workers under 65 and their families, with the employer paying a minimum of 75 percent of premium costs;

Second. The assisted health insurance plan—AHIP—will cover those persons under 65 who are ineligible for EHIP or who find it economically advantageous to join AHIP. Under AHIP low-income persons will be provided an opportunity to obtain health insurance coverage according to ability to pay; and

Third. Medicare, which will cover all persons over 65 years of age.

Regardless of which plan they are covered under, all Americans will have identical health benefits. These benefits include: Unlimited inpatient hospital services, physician services, prescription drugs, 100 home health visits per year, 100 days of posthospital skilled nursing facility services per year, blood and blood products, routine medical items and services such as prosthetic devices, dialysis equipment and supplies, X-rays, laboratory work, ambulance services, mental health services, outpatient visits to private practitioners, and services at comprehensive community care centers.

Finally, the benefit package includes maternity and well-child care, prenatal care, family planning services and preventive medical services provided at certain ages, including periodic health examinations, growth and systems review, counselling, vision and hearing examinations, dental care, and certain laboratory tests.

Let me further develop this point about prevention. The nature of preventive services—what to do to prevent illness—changes with the nature of health problems.

Until the early decades of this century, the major health problem was communicable diseases. The task of public health was to immunize against illness and to break the chain of infection through environmental and engineering measures, and by isolating and treating infected persons. Based on sanitation, bacteriology and education in personal hygiene, the modern public health program emerged. By the mid-20th century, however, the major public health problem had become chronic diseases, now known to be caused largely by various aspects of a new life style which includes a medley of excesses—food, alcohol, cigarettes, and tension. The means of dealing with chronic diseases depends upon our understanding of personal behavior and modifying self-imposed risks. The question at the present time is how can we incorporate this approach into regular medical care; that is, how can we identify high risk individuals and obtain for them appropriate action?

One way is to revamp health education, a field of endeavor that has proved useful but must be brought up to a higher level in order to deal effectively with the problem of individual knowledge and motivation inherent in modern health maintenance. An important aspect of the "new" health education will be linkage with medical care. Physicians now accomplish this to a limited extent by advising, for example, to lose a "little weight" or to "stop smoking." Systematic and sophisticated counseling in connection with medical care, however, is going to be necessary as a part of preventive medicine.

Knowledge of preventive medicine has now advanced to the point that it is possible to list many specific procedures that should be carried out at various times of life to protect health. These procedures take the form of immunization against communicable diseases, observation of physical and psychological development, followed by action to correct abnormalities in anatomy—for example, obesity—physiology—for example, blood pressure—blood chemistry—for example, cholesterol—and other aspects of physical functioning that may signal the early onset of disease.

These several procedures constitute modern preventive medicine. They involve a health-maintenance attitude on the part of the physician and patient rather than the complaint-response attitude typical of physicians and patients in the past.

The strategy I have devised will apply certain of these procedures at those periods of life when they will be the most appropriate and effective. Thus, I have consolidated preventive services, as follows: maternity and prenatal items and services; normal and high-risk infant care for individuals between the time of birth and 1 year of age; school entry assessment for individuals between the age of 5 and 6 years of age; puberty assessment for individuals between the age of 12 and 14 years of age; adult entry assessment for individuals between the ages of 17 and 19 years of age; young adult assessment for individuals between the ages of 24 and 26 years of age and for every 5 years thereafter until the age of 44; middle-age assessment for individuals 44 to 46 years of age and every 5 years thereafter until the age of 59; and older age assessment for individuals 59 to 61 years of age and every 2 years thereafter.

For example, for normal infants and high-risk infants between the time of birth and 1 year of age, we would provide four visits—six visits for high-risk infants—to physicians or physician-supervised assistants for observation and measurement of growth and development—including a complete immunization schedule—and parent counseling—and other measures—to assure necessary followup of abnormalities and for counseling respecting nutrition, hygiene, behavior, and accidents. And, as another example, for adult entry assessment for individuals between the ages of 17 and 19 years of age we would provide: First, health examinations—including the measurement of height and weight, the taking of a blood pressure, vision, hearing and dental examinations, and such laboratory tests as blood cholesterol, urine-sugar and albumen, culture for gonorrhea—for females—and VDRL; and, second, counseling, including counseling respecting family planning—including genetic problems—cigarettes, alcohol and drugs, nutrition, exercise, and accidents.

Despite the comprehensiveness of the proposal and the preventive medical service and catastrophic benefit packages, the cost of this proposal is not astronomic. A number of cost-control measures have been incorporated in the bill. These include the most reliable method of cost containment, which is consumer cost-consciousness. One of the the plan's basic features is the inclusion of premium and cost-sharing requirements which, while reasonable, are high enough to deter unnecessary overutilization of health resources. Each person and family covered under EHIP, AHIP, and medicare would have a deductible which would have to be met before his or her insurance coverage would pay for costs incurred. This minimum deductible would range from $0 to $150, depending on person's or family's ability to pay.

There would in addition be a separate deductible for outpatient prescription drugs which would range from $0 to $50, and coinsurance rates of 10 to 25 percent. Each person with EHIP, AHIP, or medicare coverage would pay coinsurance until a maximum liability had been reached beyond which all expenses would be paid by the insurance policy. The maximum liability ranges from $150 for a family with an annual income below $2,500 to $1,500 for families with $10,000 or more of income. There would be no deductible or coinsurance for the preventive medical services.

In addition to consumer cost-consciousness there are other measures which will control costs. These include the establishment of fee schedules by a State for the reimbursement of physicians and other providers, the negotiation by the State of prospective reimbursement for hospitals, and the requirement that, where possible, all persons enrolling in any of the plans be given the option of enrolling in an HMO which would provide comprehensive care at a fixed price which is prepaid. The bill also requires all capital investment over $100,000 to be approved by a State-designated planning agency—this will preclude unnecessary building of health facilities which increases everyone's medical care costs. The bill also requires all services provided to AHIP, EHIP, and medicare to be reviewed by professional medical personnel for necessity and quality; unnecessary medical care will not be reimbursed.

The total cost to the Federal Government will be a small price to pay for the benefit of assuring all Americans the opportunity to obtain comprehensive and catastrophic health insurance coverage at affordable rates.

One innovation of this proposal is the provision for a health card, which is a credit card which would be issued to every American enrolled in AHIP, EHIP, or medicare. With this card a person would be permitted to charge health services; the provider would be reimbursed directly from the insurance company which would then bill the patient for any coinsurance due. If large medical expenses were incurred such as those which accompany major surgery, the patient can pay back the insurance company on an installment basis. I believe this is a long-needed reform and essential approach to the financing of health care. Providers will be encouraged to accept Government-set, reasonable reimbursement fees for their services through being guaranteed full payment from the insurance companies if they agree to set their charges at the Government levels. If they want to charge more, they will have to collect the coinsurance plus the extra fee from the patient.

Mr. Speaker, there are many other provisions in this bill which I will not discuss this afternoon due to time constraints. This proposal is a comprehensive piece of legislation which will be considered and debated for months, and I cannot do justice to its many provisions this afternoon.

I would summarize my remarks by indicating that the proposal is based on four basic principles which should govern our approach in the development of national health financing legislation.

The first of these principles is the belief that every American should have an opportunity to obtain the same health benefits, regardless of ability to pay.

The second is that any reform of our present health system should build on the strength and diversity of our existing system.

Third, any proposal to reform the manner in which health care is financed must also encourage more efficient use of our present health resources so as to control costs.

Finally, any system for financing health care should be designed so that everyone will have an incentive to make it work. This includes consumers, providers, insurance carriers, State and local governments and the many other private and public organizations involved in the financing and delivery of health care in this Nation.

I believe this proposal represents a workable and appropriate approach to the crucial problem of assuring opportunity to every citizen for meeting his or her health care needs.

FARMERS HOME ADMINISTRATION "FARM FAMILY OF THE YEAR"

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BAUMAN. Mr. Speaker, on February 27 the Farmers Home Administration held a ceremony in Beltsville, Md., to honor the Maryland and Delaware winners as "FmHA Farm Family of the Year."

The Maryland State winner was the Edgar M. Morris family of Parsonburg, in Wicomico County in the First District. The Morrises have two children, Rebecca, 11, and Tommy, 8, and the success which has made them so deserving of this award contains lessons for all of us.

The Morris family came to the Farmers Home Administration in 1953 as tenant farmers. At that time they owned a few farm animals and nine pieces of equipment with a total net worth of $3,500. Thanks to help from FmHA and local lenders, combined with a lot of hard work and good management, the Morrises now own 193 acres and rent an additional 274 acres. They farm 190 acres of corn, 200 acres of soybeans and have 34,000 broilers. As you might imagine, their present net worth is somewhat in excess of $3,500.

The Morrises' road to financial success has not been easy. During the 1960's there were many years of dry weather and low prices. But the Morrises never gave up, and the faith placed in them by various lending institutions has been vindicated. Edgar Morris has now modernized his farm with the latest types of equipment and practices, such as chisel plowing, limited cultivation and double cropping. He has also modernized the buildings, converting a drafty dwelling into a modern home, as well as providing controlled environmental houses for his broilers.

Financial success has brought an increased enjoyment of material goods as well as increased responsibility. In the past 10 years the Morris family has had to care for an aged parent, have adopted two children and provided a home for relatives' children in times of need.

Mr. Morris is past president of the Wicomico County Farm Bureau, director and grower committee chairman of the Delmarva Poultry Industry, past chairman of the board of managers, Aydelotte Watershed project, church school superintendent, member of the VFW and member of the Environmental Committee. Mrs. Morris is active in the Republican Party and a member of the Peninsula General Hospital Nurses Alumni Association.

The success and growth of the Morris family, from tenant farmers to the owners of a successful, modern operation, while assuming leadership roles in community affairs, is a tribute to hard work, courage and determination. These are qualities which are still held in esteem and can still be put to good use in our rural areas. The success of the Morris family is mirrored in the success of thousands of other farm families who have not been afraid of hard work and have not quit in the face of occasional adversity.

I extend to the Edgar Morris family my own personal congratulations. I am proud to represent them, as I am proud of the hundreds of hard-working farm people in Maryland's First District.

AID TO SOUTHEAST ASIA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. MINETA. Mr. Speaker, it is with an utter sense of despair and frustration that I feel compelled to share my feelings with this distinguished body concerning the Ford administration's request to provide $522 million for military assistance to Cambodia and South Vietnam.

For the past 10 years the American people have been told that we have a moral obligation to finance various wars in Southeast Asia. Mr. Ford's request to save another floundering Southeast Asian regime revives the painful memories of a decade-long war we had hoped to bury with the Paris peace agreement.

Yet in 1975, 2 years after the accolades and the peace prizes, and after political payoffs, and after the return of the American men, we have been asked to ask ourselves the tragically familiar question: Will we save more lives if we stay, or will there be more human beings maimed and destroyed if we leave?

As we scrutinize both the nature and the history of our involvement in Cambodia and Vietnam, and agonize over the questions of "How much more aid will lead to peace?" and "How much will it cost the United States and the Cambodian people in the process?" I feel the utmost necessity for us to respond in the most rational and humane way—not as liberals or conservatives, neither as hawks nor doves, nor as Democrats or Republicans, but as concerned citizens.

President Ford has sternly warned that we will weaken America's credibility if we "deliberately abandon a small country in the midst of its life-and-death struggle." His words clearly resound statements made in August 1965 by the late President Johnson as he justified the U.S. policy to escalate the war in Vietnam:

> Three Presidents—President Eisenhower, President Kennedy, and your President—have committed themselves to defend this small and valient nation. Strengthened by that promise, the people of South Vietnam have fought for many years. Thousands have died, thousands have been crippled and scarred by the war. And we just cannot now dishonor our word, or abandon our commitment, or leave those who believed in us and who trusted us to the terror and repression and murder that would follow:

The obvious differences—another President, a new decade, a new country—cannot eradicate the blatant similarities. Hundreds of thousands of deaths later, after an untold number of injuries, after the devastating destruction of fertile lands in Cambodia, and after billions of U.S. dollars spent for military assistance in Cambodia and Vietnam, we have been asked to respond to this situation with more ammunition for more deaths and destruction. There comes a time when we must recognize the fact that ending the bloodshed means ending the fighting, and that at some point, and that point being the present, we must extricate ourselves from this dilemma.

The record shows that the Congress has never made a commitment to insure the survival of the Cambodian Government. This is evidenced by section 655 (g) of the Foreign Assistance Act passed in 1971 and reaffirmed ever since, stating that aid to Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense." In 1970 as Members of Congress were informed by the Nixon administration that the United States had no treaty obligations with Cambodia, American pilots were simultaneously conducting "secret bombing raids" over this "uninvolved" nation. While the Nixon administration may have unilaterally pledged our support to the Lon Nol regime, this tragic 5-year battle has never been sanctioned by the Congress.

Although the United States has never made a legal commitment to insure the survival of Cambodia, since President Nixon's decision to use this nation as a "staging area" to provide an easy access to North Vietnam, there have been 700,000 persons killed or injured in Cambodia; 10 percent of the population have been killed which is equivalent to 20 million casualties in the United States; 3,389,000 men, women, and children have been forced to evacuate their homes; 250,000 tons of bombs have been dropped; the Lon Nol/Khmer regime has received $1.85 billion in aid.

Yet the administration is asking us to prolong the operating strength of the government forces until the rainy season arrives to open up the doors for negotiation. How many rainy seasons will we have to experience until we realize that every rainy season turns into a dry season that sees the "insurgents" more powerful than ever?

Currently the "insurgents"—the Khmer Rouge—Red Cambodian—or the National United Front of Kampuchea—control 80 percent of the land. Unless we are willing to become involved in this war 100 percent with weapons and personnel, and 78 percent of the American public have expressed their opposition to any further military assistance, the administration must face the fact that to provide aid, is to postpone the inevitable.

Four more months of war will not bring negotiations any closer. Prince Sihanouk, the ousted Cambodian leader currently in Peking, and the National United Front have clearly stated that they will not negotiate with Lon Nol or any of his six key aides. However, they have reportedly expressed their feelings that they will open the lines for communication if the Lon Nol regime is replaced, and that they welcome civil servants, professionals, and peasants to their ranks.

Clearly, the Nixon and Ford administrations have made little attempt to bring this crisis to an end on the negotiating table. In August when Ambassador Dean of Cambodia suggested to the State Department that he or Secretary Kissinger meet the Vice Chairman of the National United Front, Khieu Samphan, the Secretary of State rejected the Ambassador's request. Yet the Ford administration is not as hesitant when it makes a plea for additional funding for weaponry.

There is no question even if the Lon Nol regime were to step down, more war will not expedite a settlement in Cambodia. More military assistance will ensure, however, more casualties, more starvation and illness without any assurance that there will be a lasting peace in that war-torn country.

I concur with the president when he says that we are indeed dealing with a moral question. However, I believe that the most moral choice we can make is to oppose any further military aid to Cambodia, as well as to South Vietnam which will undoubtedly be in the same position a few years from today. Our only moral obligation after such a dark period in our own Nation's history is to stop the killing. The way for us to stop the killing is to stop providing the bombs and ammunition that kill.

The question remains open whether or not we should provide nonstrategic assistance to Cambodia in terms of food and medical supplies to help ease the burden on the people.

Humanitarian aid must be provided with two built-in guarantees. The first is that food and medicine be given to those men, women, and children who need it the most, and the second is that corrupt officials—blackmarketeers—do not profit from the distribution of these critically needed supplies.

In addition, we must not rely on the Lon Nol government to allocate the food and medicine, but we must call upon nongovernmental organizations such as the American Friends Service, the Church of the Brethren, and the American Red Cross to distribute the supplies to the people.

In the meantime, I would urge the Congress to demand that Secretary of State Kissinger to do everything humanly possible to bring this crisis to the negotiating table. We must demand that he or one of his representatives act now to facilitate the resolution of this great human tragedy.

We have learned many lessons from our past involvement in the military and political tragedies of Southeast Asia. If we did not learn that our military involvement was futile, we will once again enter a war of never-ending pain and sorrow. We must acknowledge the human obligation all men and women bear to each other, but we cannot believe once again that to prolong a war is to win it. The realities of Southeast Asia are just too harsh.

CORRECTING OUR UNEMPLOYMENT SITUATION

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. DANIEL. Mr. Speaker, today this body will have before it a bill ostensibly to assist in correcting our very serious unemployment situation in this country.

I do not believe this measure responds to the problem and this is a view held by those more intimately involved than are we here.

In support of this statement, I offer the remarks of Mr. Hampton Powell, president, the Lane Co., Inc., of Altavista, Va., located in the district which I have the honor to represent in the Congress.

In my own case, Mr. Powell was "preaching to the choir," for I have long held as he so eloquently states:

> America was founded on the concept that every individual was to seek an opportunity to provide for himself and his family and to save for the "rainy days" for an old age. This principle was an individual responsibility . . . not that it was the function of the government to provide for the people, but that it was the function of the government to establish a system and create an atmosphere under which the individual could provide for himself.

The full text of Mr. Powell's statement follows and I commend it to my colleagues:

REMARKS BY HAMPTON POWELL

We are concerned about America.

We know that you are, too, and we would like to share a few thoughts with you.

The furniture industry is made up of a large number—approximately 5,000—different companies located mostly in the small towns of this country.

The things we have on our minds today are the things we hear from our employees and from other people in the towns where our plants are located.

The furniture industry is not in a recession at this time, but in a deep depression, with something over 20% unemployment at the last report.

The people in our towns feel that the Executive Branch and the elected leaders in Congress have made an awful mess of things and that nothing is being done to correct the situation.

Not knowing where to turn, they feel helpless and hopeless.

Generally, the people that the government should be cutting down on its spending and living within its income just as they are having to do.

The people have become disillusioned with the government that promises them more and more and winds up taking more and more from them.

They see their hard-earned dollars going for higher and higher taxes, while what is left has less purchasing power because of the runaway inflation that has resulted from years and years of massive government deficit spending.

The people believe our country is on the verge of economic collapse. They are bewildered and afraid.

The people have seen the makeup of our economy change from a production oriented economy to a service oriented economy.

For many years, the percentage of employed population engaged in production of tangible goods has decreased while the percentage of those engaged in service has grown tremendously.

The producing segment of the economy is simply not strong enough to support all of the demands our government has imposed upon it.

For too many years now, our government has talked in terms of giving more and more to those who earn the least, but has ignored the fact that the cost of every government service . . . of every government program . . . ultimately finds its way into the price of everything consumed by every individual. This means that those earning the least and being promised by the government the most are the ones hurt most severely.

The only way in the world for the people to have more is to produce more and let the forces of competition bring down the cost of everything so that more can be distributed to the people.

We have confidence in you as our elected representatives in Congress. We believe that you want to serve the best interests of all the people you represent.

May we suggest that the greatest service you can render the people is to move away from a government-controlled economy and return to the competitive system of free enterprise which made America great.

America was founded on the concept that every individual was to seek an opportunity to provide for himself and his family and to save for the "rainy days" and for old age. This principle was an individual responsibility . . . not that it was the function of the government to provide for the people, but that it was the function of the government to establish a system and create an atmosphere under which the individual could provide for himself.

We have watched our government trying to assume more and more responsibility, engaging in huge deficit spending in almost every year since the end of World War II. The result is a staggering national debt and devastating inflation which hurts every American, and hurts most those who can afford it least.

If our economy is to recover, the incentive to work must be restored.

If our economy is to recover, there must be opportunity to make a profit. Otherwise, there is no incentive to build buildings, buy machinery, and operate businesses to give jobs to people.

We believe that our economy can be restored to health through restoring incentives, increasing productivity, and eliminating the excessive government spending which has prevailed since World War II.

The people have become disillusioned, too, with government interference at every level of life.

Those of us in business are most concerned when we have a responsibility to provide work for our people so that they can buy meat, bread and potatoes to feed their families, and we are unable to give our full attention to running successful businesses and providing jobs for people because so much of our time and energy are consumed in dealing with a multitude of federal regulatory agencies.

We must all bear in mind that it is the consumer who ultimately must pay for every cost added to business by government, and it is the consumer who must pay in added taxes for every cost added on the government's side.

Past experience has taught that restraints and controls, if imposed long enough upon business, ultimately cripple business, make operations unprofitable, force closings of some, and stop the growth of others which could have otherwise increased production and provided work and an opportunity for a greater number of people.

The transportation industry is a good example of the results of excessive and prolonged government controls.

First, the railroads were told they couldn't become involved in another form of transportation—trucking.

The rates which they were allowed to charge for the hauling of everything were established by the government.

After many years of such controls, the railroad industry has been strangled to the point where most of it cannot continue to survive without subsidies of one kind or another. This, of course, adds to the cost of government, and all such costs must ultimately be extracted from the people in one form of tax or another.

Now the trucking industry is faced with regulations that allow trucks to haul certain merchandise to certain destinations at certain rates, but restrict what they can pick up on the return haul. This is wasteful, and certainly not in the best interests of the American public.

If the restraints were lifted and the forces of competition allowed to work, freight rates would be reduced and ultimately the cost to the consumer would be reduced.

The furniture industry today is struggling to stay alive . . . making every effort to keep as many people working as possible . . . and our industry is not in a position to survive the jolts being imposed upon it by the regulatory agents—OSHA, EPA, SPSC, and others.

As an example, our industry has spent a tremendous amount of time and money in the last few years working with the Bureau of Standards and the Consumer Product Safety Commission on standards for upholstery.

Upholstered furniture doesn't hurt anyone. Nearly every injury connected with upholstered furniture is caused by another product that ignites it—a smoldering cigarette. Yet, the cigarette is not under the jurisdiction of the CPSC!

Sixty-five percent of adults are non-smokers, but if the standards now proposed are put into effect, they will be tremendously inflationary for everyone who has to buy upholstered furniture.

Proportionately, the cost of lower-priced furniture would be increased the most, so once again, those who earn the least would be hurt the most.

Now a so-called Consumer Advocacy Agency is being proposed.

Senator Ribicoff of Connecticut, and 38 co-sponsors, have introduced S. 200 which would establish an independent agency with legal power to intervene into the proceedings of virtually all federal regulatory agencies and executive departments as an advocate of "an interest of" consumers, and to appeal their decisions to the federal courts.

We believe any effort to superimpose upon government new bureaus and departments to represent consumers is unnecessary, undesirable, and will disrupt the orderly process of government.

This is not the time to add new regulatory agencies and new spending programs.

Every bit of legislation proposed should be examined in the light of whether it will advance or retard the free enterprise system that will provide the greatest opportunity for the most people.

We had it impresed upon us in a painful way that our sources of energy are limited and must be conserved.

Likewise, our government leaders must face up to the fact that the resources of our people are also limited and that the people cannot afford to pay, through taxes or inflation, for any additional government programs at this time.

In our business, we budget our spending carefully, weighing one program against another in an effort to spend our money in the most productive way possible.

Whenever a new expense is introduced, an existing expense is eliminated in order to keep the budget balanced. If we continued to add expenses without ever eliminating any, our business would be bankrupt.

We call upon you, as the responsible leaders in our Congress, to lead the way in getting sound business methods working in our federal government.

Every year, massive new spending programs have been added or existing programs have been expanded, with no eliminations or decreases to balance the budget. This trend must be reversed.

Perhaps legislation should be introduced which would require the proponents of any new spending programs or of any increases in existing programs to propose corresponding cuts in existing programs so that an equal or greater amount would be cut from the federal budget for every amount added. There is no other way to bring spending under control.

I can think of nothing that would restore the confidence of the American people in their government like the news that the government was going to move immediately to cut its spending and that any new spending introduced in the future would be accompanied by offsetting cuts.

To help restore confidence in government, to help bring inflation under control, to help businesses in this country increase production and provide more work, would like to recommend that you come up with a plan whereby Congress would be able to tell the people of this country that they are determined to cut government spending 1% a month and return to the people all of the money saved by the 1% cut so they can spend it as they see fit.

A positive move of this kind by the government would restore confidence, bring inflation under control, and make it possible for our economy to recover and resume its pattern of growth.

We submit these thoughts for your consideration.

NATIONAL COMMISSION ON THE ECONOMY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ROSENTHAL. Mr. Speaker, I am today reintroducing my legislation to create a temporary National Commission on the Economy.

When I first proposed the establishment of this Commission in July 1974, our gross national product was showing a 1.9-percent decline for the quarter just ended, and the unemployment rate was holding steady at 5.2 percent. The third quarter of 1974 was marked by an astounding 9.1-percent decline in GNP and there has been a significant increase in the jobless rate to 8.2 percent.

The total GNP at the beginning of 1974 was $830.5 billion while the forecast for the same period in 1975 is $789.4 billion. If the estimates hold, this means that in the last 12 months, the GNP has dropped over $40 billion.

In short, Mr. Speaker, while the economic picture in 1974 was dismal, today it is nothing less than desperate.

The New York Times recently reported that leading businessmen, academicians and labor leaders, "aroused by public policies that have generated heightened inflation and a deepening recession," are calling for a national commitment to economic planning. Prompted by their distress, this group of highly prominent Americans recently formed the Initiative Committee for National Economic Planning. It is headed by Leonard Woodcock, president of the United Auto Workers, and Wasily Leontief, Harvard University's Nobel Prizewinning economist.

Mr. Woodcock and the leaders who join with him reflect a growing frustration among many in the United States over the limited economic policy options available to us in Washington. What is apparent here is the deep loss of faith in the Government's ability to recognize and deal with the unique nature of our economic distress.

The committee's proposal to create a new Joint Economic Planning Committee in Congress is supportive of the concept of my bill. Moreover, it expresses even more poignantly the fact that this problem is not going to disappear on its own, and, as I said last July, that normal institutional responses to our economic malaise are no longer adequate. As cochairman of the Initiative Committee, Leonard Woodcock said of the committee's formation:

> We can no longer drift from one disaster to another. . . . If we don't take substantive steps toward planning, the days of democracy are very limited indeed.

The committee noted that the time has come to develop a "truly homegrown, American form of national economic planning."

A fundamental review of our economic policies is long overdue. The fact that severe inflation and recession are still with us, punctuates the need for a reevaluation of our basic economic concepts.

There is ample precedent for the establishment of high-level or "blue ribbon" panels to tackle great national problems not solvable through normal institutional arrangements. The Hoover Commission on Government Organization, the National Advisory Commission on Civil Disorders and the Warren Commission are all examples of extraordinary responses by Government to momentous national problems.

Mr. Speaker, there are many individuals, myself included, who are skeptical of the usefulness of commissions. In this particular instance, however, I believe there is a genuine need for a de novo examination, by the Nation's leading economists, of our economic ills. I have also attempted to create a commission that will be responsive primarily to the legislation branch of government. All too often, we have seen reports and recommendations from study commissions end up in the wastepaper basket of a Presidential assistant. That must not be allowed to happen in this case.

I would also like to point out that in a May 6, 1974, speech before the annual meeting of the Society of American Business Writers, the president of the Bank of America, A. W. Clausen, endorsed the concept of a national commission on the economy as the only way to deal with our staggering economic problems. Mr. Clausen said:

> I have a suggestion that may be worth considering. Back at the turn of the century, in the wake of the financial panic of 1907, the business, financial, and political communities became acutely aware that we needed a new banking system. They recognized that neither Congress nor the Executive Branch had the strength and expertise to construct such a system and make it palatable to the prevailing interest.
>
> So Congress created the National Monetary Commission. Although it was a Congressional body . . . the Commission drew heavily on outside leaders and experts. The Aldrich Commission, as it came to be called gave us the Federal Reserve Act of 1913. As I think you'll agree, it worked . . .
>
> I know that the federal government today is bottom-heavy with special boards and commissions. They are appointed with fanfare, and then they lapse into limbo. Their reports are more often ignored than not.
>
> Yet I can think of no better way to mobilize the leadership of government, business, labor, consumers, the financial community, and other interests than to bring them together in a sort of supra-government council—a summit commission representing all the interests that would have to agree in order to put a new economic policy into effect.
>
> So I propose a new National Economic Commission, to be composed of the national leadership, broadly conceived. It would be unique both in its membership and the power it represented and also in that it would build on the work of the many previous commissions which produced exhaustive studies—which have rarely received the attention they deserved—studies on such subjects as national priorities, money and credit, financial institutions, productivity, and many others. . .
>
> I think it would work, I don't see anything else on the horizon that has a chance. Frankly—and I hesitate to say this—I doubt the capacity of government, even when the President and the majority in Congress are of the same party, to deal effectively with fundamental economic problems without the sort of effort I've proposed.
>
> We have reached a critical juncture. We must either stop inflation or reconcile ourselves to living with it and with its consequences, which include the ever-present threat of a serious recession.

Mr. Speaker, I am inserting at this point, a copy of the bill itself:

H.R. 4709

A bill to establish a temporary commission to study problems relating to the Nation's economy and to make recommendations for solving such problems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Commission on the Economy Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the Nation's economy has slumped to an extent that threatens the economic interests of consumers, workers, and producers;

(2) the current efforts of the Federal Government to improve economic conditions are ineffective; and

(3) in a world of fast-changing economic conditions, new directions must be explored and new institutional arrangements established to meet the economic challenges of the future.

(b) It is the purpose of this Act to establish a temporary commission which will—

(1) identify and evaluate those factors which contribute to our current economic problems;

(2) study the impact of policies and practices of the Federal Government on economic conditions in the United States; and

(3) recommend to the Federal Government and to the private sector specific actions and policies which will produce a vigorous national economy.

ESTABLISHMENT OF THE COMMISSION

SEC. 3. There is established a commission to be known as the National Commission on the Economy (hereafter in this Act referred to as the "Commission").

DUTIES OF THE COMMISSION

SEC. 4. (a) (1) The Commission shall conduct a comprehensive study to determine—

(A) the causes of—

(i) price instability;

(ii) erosion of consumer purchasing power;

(iii) the high rate of unemployment and serious problems of underemployment;

(iv) severe inflationary pressures;

(v) shortages in certain essential commodities, raw materials, and finished products;

(vi) problems relating to productivity; and

(vii) such other economic problems as the Commission determines to have a significant impact on consumers;

(B) the effectiveness of existing organizational and institutional arrangements in the Federal Government for establishing sound economic policies;

(C) the impact on the economy of the major regulatory agencies of the Federal Government;

(D) the adequacy of the data collection practices of the Federal Government as they relate to the formulation of economic policy; and

(E) the impact on the economy of the fiscal and monetary policies of the Federal Government.

(2) In determining the causes of the current economic problems listed in subparagraph (A) of paragraph (1), the Commission shall consider specifically the impact of—

(A) industrial concentration and other forms of centralized private economic control over the sources of production and distribution of goods, services, and capital;

(B) international economic conditions and, in particular, such international developments as the formation of multinational economic communities, the expansion of international trade, and the increasing significance of the monetary and fiscal policies of foreign governments;

(C) the activities of major multinational business firms;

(D) the policies and programs of the Federal Government relating to the matters listed in subparagraphs (A), (B), and (C) of this paragraph;

(E) direct and indirect Federal assistance to industry, including—

(i) tax benefits; and

(ii) patent and similar rights to exercise exclusive control over new technology, know-how, and other information, particularly such rights over new technology, know-how, or other information developed in federally sponsored or federally related research activities;

(F) the relationship between (i) the costs of producing various essential products and services, and (ii) the costs to consumers of acquiring those products and services; and

(G) the advertising practices of large corporations.

(b) Based on the findings and conclusions of the study conducted pursuant to subsection (a) of this section, the Commission shall formulate specific recommendations for such—

(1) Federal legislation;

(2) Federal executive and administrative action; and

(3) action by the private sector;

as the Commission deems appropriate for solving existing economic problems and for preventing such economic problems in the future.

MEMBERSHIP OF THE COMMISSION

SEC. 5. (a) (1) The Commission shall be composed of fourteen members appointed in the following manner:

(A) The President shall appoint four members, two of whom shall be officers or employees of the executive branch of the Federal Government and two of whom shall be qualified private citizens.

(B) The majority leader of the Senate shall appoint five members, two of whom shall be Members of the Senate and three of whom shall be qualified private citizens.

(C) The Speaker of the House of Representatives shall appoint five members, two of whom shall be Members of the House of Representatives and three of whom shall be qualified private citizens.

(2) For purposes of this subsection, a "qualified private citizen" means any individual who—

(1) is not a Member of Congress or an officer or employee of the Federal Government; and

(2) is especially qualified by virtue of education, training, experience, and attainments to serve as a member of the Commission.

(b) If a member of the Commission resigns, dies, or otherwise vacates his position, a successor shall be appointed in the same manner and subject to the same requirements as such member was appointed.

(c) (1) Except as provided in paragraph (2), members of the Commission shall receive compensation at the rate of $100 per day for each day that they are engaged in the performance of their duties as members of the Commission.

(2) Members who are Members of the Senate or of the House of Representatives or who are officers or employees of the executive branch of the Federal Government shall receive no additional compensation on account of their service on the Commission.

(d) All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in performing their duties as members of the Commission.

ADMINISTRATION OF THE COMMISSION

SEC. 6. (a) The members of the Commission shall elect one member of the Commission as Chairman and one member as Vice Chairman.

(b) (1) Except as provided in paragraph (2) of this subsection, eight members of the Commission shall constitute a quorum for the purpose of conducting Commission business.

(2) For purposes of conducting hearings, two members of the Commission shall constitute a quorum.

(c) The Commission may appoint and fix the compensation of such staff personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 57 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(d) The Commission may procure temporary or intermittent services of experts and consultants to the same extent as is authorized for the departments by section 3109 of title 5, United States Code, but at rates not to exceed $75 per day for individuals.

(e) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) may be provided to the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services; except that the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46d) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of the Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission and that the Commission shall not be required to prescribe such regulations.

POWERS OF THE COMMISSION

SEC 7. (a) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems necessary.

(b) The Commission may secure directly from any executive department, agency, or other instrumentality of the Federal Government, such information, suggestions, estimates, and statistics as the Commission deems necessary; and each such department, agency, or other instrumentality shall, to the extent permitted by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(c) The Commission may negotiate and enter into contracts with private business and nonprofit research organization, including educational institutions, to conduct such studies and to prepare such reports as the Commission deems necessary.

(d) (1) The Commission, or any of its members authorized by the Commission to act in behalf of the Commission, may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. The Commission, or any members, employees, or other agents of the Commission designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) Subpenas issued by the Commission, or by an authorized member of the Commission, may be served either upon the witness in person or by registered mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

(3) If a person issued a subpena under the first paragraph of this subsection refuses to obey such subpena or is guilty of contumacy,

any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business may (upon application of the Commission) order such person to appear before the Commission, its members, employees, or agents, there to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process of any court to which application may be made under this subsection may be served in the judicial district wherein the person required to be served resides or may be found.

(e) Witnesses summoned before the Commission, its members, employees, or agents shall be paid the same fees and mileage that are paid witnesses in courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

REPORTS OF THE COMMISSION

SEC. 8. The Commission shall submit to the President and to the Congress the following reports:

(1) A progress report, to be submitted one year after the date of the enactment of the first Act appropriating funds for the Commission, containing—

(A) an account of the activities of the Commission during the preceding year; and

(B) a statement of any specific problems encountered by the Commission in carrying out its responsibilities under this Act which could be solved by Federal executive, administrative, or legislative action.

(2) A final report, to be submitted not later than two years after the date of the enactment of the first Act appropriating funds for the Commission, containing—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) the recommendations of the Commission formulated pursuant to section 4(b) of this Act.

TERMINATION OF THE COMMISSION

SEC. 9. The Commission shall cease to exist thirty days after submitting its final report.

A SPEECH BY MAURICE STRONG

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. GUDE. Mr. Speaker, I would like to bring to my colleagues' attention the remarks of Maurice F. Strong, Executive Director of the United Nations Environment program, on the occasion of the beginning of the intergovernmental meeting on the Mediterranean in Barcelona last January 28. The purpose of this meeting was to formulate an action plan to clean up the Mediterranean and protect it from further pollution. Naturally the primary responsibility in this regard belongs with those nations which border the Mediterranean, but all who are concerned about the future world environment have a stake in the success of this endeavor.

The remarks follow:

REMARKS OF MAURICE F. STRONG

Mr. President, Distinguished Delegates and Observers, Ladies and Gentlemen: It gives me great pleasure to have the opportunity of addressing the opening session of this Conference which promises to mark the beginning of a new era of hope in the history of the Mediterranean Region. May I first say, Mr. President, how much we are all indebted to you for your willingness to assume the important responsibilities of presiding over this Conference; your distinguished leadership augurs well for the success of our endeavours here.

I want also to take this opportunity to pay tribute and express my deep gratitude to all those who have made this Conference possible; firstly, to the Government of Spain, whose warm and generous hospitality in hosting this meeting exemplify the highest traditions for which this beautiful land and its people are so widely renowned and for providing in this historic Mediterranean city, the finest facilities and environment you could wish for our gathering; to the Governments whose common and over-riding commitment to the urgent need for co-ordinated efforts in preserving and enhancing by the participation here of their expert representatives; to the experts and the institutions which have done so much of the professional and technical work on which the substance of our deliberations is to be based; and to the United Nations agencies, notably the Food and Agriculture organization; as well as the International Oceanographic Commission, the United Nations Educational, Scientific and Cultural Organization; the Intergovernmental Maritime Consultative Organization; and the World Health Organization and other Members of the United Nations family, whose co-operation, support and pioneering work over a period of years paved the way for this meeting.

For several thousand years the Mediterranean has occupied a central place in human history. It is the cradle of great religions, ideas, cultures and creativity which have shaped the course of history. It continues today to be the focus of so many of the events on which our future turns and the nations represented here are those whose part in shaping that future will be decisive.

As the region which has been so long the scene of the activities and events which have in large part determined the shape and nature of our modern world, it is perhaps natural that it has also been subjected more intensely and for a longer time to the mounting pressures which human activity places on its rich natural endowment of water, land and living resources.

The Mediterranean is the seat of some of the world's greatest and rapidly growing cities, of much of its industrial development, its natural resource potential, particularly petroleum; it continues to be the world's leading centre for tourism and the network of land and sea routes through which the ever-mounting trade of the region flows is perhaps the most extensive which exists anywhere. Thus centuries of growing human activities have resulted in large-scale deforestation to the point where, in many Mediterranean lands, only small forested areas remain, massive erosion of soil to the point where some Mediterranean Islands have lost an estimated 90 percent of their original topsoil, conversion of formerly fertile lands to great deserts, depletion, often to the point of extinction, of many species of animals and birds on land and fish in the sea; degradation of coastal areas and beaches and the pouring into the sea of an ever-mounting tide of poisonous wastes which have already contaminated many coastal areas and created ever-growing threats to the health of the Mediterranean Sea as a whole.

The ecological balance of the Mediterranean was not widely thought to be seriously disrupted until early in the 1960s. Since then there has been increasing evidence in various parts of the region of the effects of pollution and degradation of beaches and coastal areas. This has been accomplished by a rising tide of awareness on the part of people and governments of the region. Signs of environmental deterioration have been increasingly evident to the millions of holiday-makers, businessmen, traders, scientists and other visitors from outside the region, as well as those who make their homes here. Many of the countries represented here have already instituted significant measures to prevent further environmental deterioration. The scientific institutions of the area have carried out research and studies which provide a promising basis for solutions to the wide range of environmental problems that must be confronted. And a number of international meetings have helped to establish the foundations for the large-scale co-operative effort that must now be mounted.

The principal responsibility for the care and maintenance of the Mediterranean environment rests, of course, with the countries which share the Mediterranean coastline. But many other nations use its waterways and the whole world is deeply concerned with its future. In environmental terms the Mediterranean Region must be seen and dealt with as a single major ecological system consisting of two distinct basins with their own particular characteristics. In political terms, it is embraced by three separate U.N. regions. It is with an awareness of this unique combination of circumstances that the Governing Council of UNEP decided during its first session, and affirmed during its second session, that high priority should be accorded to measures to protect and improve the environment of the Mediterranean Region. At the same time it agreed to allocate funds from the Fund of UNEP out of which $1,000,000 per year has been earmarked to support such measures.

What is now needed—and what this meeting must provide—is an Action Plan to protect the Mediterranean. This should include an agreed set of priorities and objectives for action, a framework and strategy for undertaking a programme of the concrete action that will be required to meet these objectives, and guidance for the allocation of the specific tasks which this will entail to the various institutions and agencies available to carry them out. Of transcending importance is the need for a commitment of the governments represented here to the kind of support and co-ordination which is indispensable to the success of these efforts—indeed even to their initiation.

One of the principal elements in the Draft Action Plan you are being invited to consider is the need to assemble a comprehensive body of knowledge concerning the condition and health of the Mediterranean which will enable problems to be identified and provide a basis for the decisions that must be taken by governments in response to such problems. The basis for additional research that now needs to be undertaken, and the capacity to do it, already exists to varying degrees in the institutions of the region and with which many of the experts participating in this meeting are associated. Priorities for research and the development of the necessary knowledge base have already been identified by the International Workshop on Marine Pollution in the Mediterranean held in Monaco in September 1974. What is now needed is your support of these priorities, and the strategy for carrying out the various tasks this will entail.

This will require a high degree of co-ordination and the creation of a network through which much co-ordination can be effected and the necessary support assured. This will call for agreement on a suitable co-ordinating mechanism.

The research and monitoring portion of the Draft Plan should be conceived of as the regional component of the Global Environmental Monitoring System (GEMS) and should include exchange of expertise and information with the help of the International Referral System (IRS). This Plan should include baseline studies and monitoring of such important pollutants as oil and petroleum hydrocarbons in main waters, metals, DDT and other chlorinated hydrocarbons in marine organisms and studies of the effects of such pollutants on these organisms. It should also include studies of transport of pollution and coastal water quality control.

Of course, a great deal of knowledge concerning the nature and extent of environmental problems of the region already exists and in many cases, immediate actions can be initiated based on existing knowledge. Thus another major element in the Action Plan would be the development of means to encourage and support an integrated approach to planning the further development of the region in such a way as to minimize environmental risks and problems and to promote environmental enhancement. This would include the attempt to identify modes of development which can make best use of the rich natural endowment of the Mediterranean Region without destroying or degrading this endowment. This would include encouragement of work and exchange of information on projects and technologies designed to reduce levels of contamination from municipal sewerage discharges, encouragement of assessment of environmental impact of various development programmes, particularly the creation of new industry and urban areas, the treatment of industrial pollution at its source, better planning and a more qualitative approach to development of tourist facilities and control of offshore development activities, particularly drilling for petroleum. It could also include programmes for use of solar energy, aquaculture, development of environmental, sound methods of fertilizer use and post management, better utilization of water resources, including conservation measures and recycling, to name but a few possibilities.

An important complement to the activities directly affecting the health of the Mediterranean Sea would be those undertaken on land of which UNEP's Programme to restore and improve the productivity of arid lands and prevent further march of the deserts is a significant example.

Another important element in the Action Plan would deal with conventions. This should include the development of a framework convention together with a number of protocol and annexes dealing with particular subjects such as pollution emergencies, dumping from ships and aircraft land-based pollution, pollution related to seabed exploration and exploitation and pollution from ships. Indeed, the work done at this meeting should provide the basis for early completion of agreement on this framework convention and protocols. If so, UMEP and our partners in the U.N. system would be ready to prepare for a plenipotentiary conference to be held as early as next September for this purpose.

It is my fervent hope that during this meeting you will be able to agree on an Action Plan which will enable the United Nations Environment Programme, in co-operation with your governments, specialized agencies of the United Nations and others, to mount the wide range of activities by which the future quality of the environment of the Mediterranean Sea and contiguous land areas may be secured. The task is clearly not simply one of preventing pollution and deterioration, but through sound planning and the concerted and co-ordinated application of the best technologies and techniques available to ensure the improvement and enhancement of the environment of this uniquely beautiful, creative and strategic part of our Planet.

I need not remind you of the long and difficult road that has led to this meeting and the important consequences which will flow from what it does—or fails to do. No other such opportunity will be available in the foreseeable future, no other forum is capable of doing what you must now do. In a very real sense, the hope and the promise for the future of this great region rests on the work you are about to undertake. In it, I pledge you the wholehearted co-operation of our secretariat which is privileged to serve you in this important task and our total commitment to the goals and the purposes which have brought us together here.

AGRICULTURE BILL TO HURT CONSUMERS AND FARMERS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. PEYSER. Mr. Speaker, the Agriculture Committee's passage of H.R. 4296 which raise the price supports on dairy products, as well as the target and loan levels for cotton, wheat, and feed grains, is indefensible in light of present economic conditions. These supports will force citizens to further "tighten their belts" as a result of their dual supporting role in this Government activity as consumers and as taxpayers. The action distorts the market in an effort to help the farmer. But the bill does not, in fact, help the farmer; and it undercuts any efforts to stimulate the economy.

The higher prices in farm products that will result from H.R. 4296 will not help the farmer once market forces begin to operate. Higher prices will force the consumer to seek cheaper substitutes. The net economic effect on the farmers will be to reduce their real income.

With respect to the economy, it is inconsistent for the Government to grant tax rebates that will increase the spending resources of consumers; while simultaneously raising artificial price levels on essential farm products—an action that depletes the spending resources of the same consumers.

I commend to my colleagues the following perceptive analyses of the Agriculture Committee action which will adversely affect all of the citizens of the Nation if the bill is implemented:

[From the Journal of Commerce and Commercial, Mar. 10, 1975]

BACK AT THE OLD STAND

So long as inflation was universally acclaimed to be the nation's Number One headache, those who make it an article of faith to proclaim that farmers are not getting nearly enough for their products were forced to mark time uneasily in the more shadowy recesses of the Capitol. While there was much grumbling about middlemen and speculators, there was also such a reluctance to further fuel the fiery wrath of housewives that for months on end nobody even revived the proposal to prohibit futures trading in Maine potatoes.

Obviously, this state of affairs couldn't last indefinitely. Sooner or later the time-worn scenario would be dug out of the attic, dusted off and everyone would be back at the old stand.

The House Agriculture Committee was plainly back at it last week when it "tentatively" agreed to raise price supports on milk, cotton, corn and wheat and otherwise provide a more comfortable living for the folks down on the farm. And why shouldn't it? Wasn't just about everybody else seizing upon the preoccupation with recession as an excuse for reviving his own pet projects?

* * * * *

Some were, at any rate, and not all of them were American. In London, for example, men of high purpose were meeting in an "International Sugar Colloquium" to decide what should be done about a price level that had gone so high that the world's demand for sugar had been sharply cut.

What was the answer? Let prices find their market level? That would seem the obvious one to us. But it didn't to the leading participants in the colloquium. Stabilization was what was needed, one said, perhaps forgetting that the world now equates stable prices with artificially high prices. "Maximize production," said another, even if it should be necessary to resort to stockpiling.

The world's sad experience with past commodity stabilization agreements should have taught the assemblage the futility of these proposals, but those making them felt as bound to their old scripts in London as the House Agriculture Committee apparently felt bound to its own in Washington. No, there was nothing new under the sun. Crop supports would have to be raised because that had been the practice in the past. There was no other way.

* * * * *

Did the committee's majority see any parallel between the sentiments expressed in London and its decision to raise milk support prices from 80 to 85 per cent of parity? The two situations were almost identical. In milk, as well as in sugar, high prices have forced a big switch into substitutes, with a consequent sharp drop in demand. How would a further rise in consumer prices of dairy products reverse this worrisome trend?

The committee's answer was unfortunately typical. In effect it was this: better a rigid system under which dairy farmers produce primarily for the government at a fixed rate of return than for a market that either can't afford the high prices or just doesn't want all the dairy products being offered at them. It is ironic in a way, for to the extent that most consumers are taxpayers, they will be paying the bill in any case.

Thus Congress will be asked to approve, and Mr. Ford to sign, a measure designed to distort a market almost beyond recognition. The distortion will be at the expense of many for the benefit of a relatively few.

* * * * *

The cases of cotton, wheat and feed grains are somewhat different since all these are now selling above the target price levels specified in the committee bill. Only if they declined below these levels would the government begin paying out the difference between the artificial levels and those prevailing in the market.

But the committee's vote to raise the target price for cotton from 38 to 48 cents a pound, produced an instantaneous reaction in the markets. First, futures shot up about 50 points. Then they went up 100 points, the limit. If they then retreated it was because the market was entertaining some sober second thoughts and considered it unlikely that Congress as a whole would approve an increase of that magnitude. We certainly hope it won't.

Still and all, one never knows. Inflation, energy problems and recession may still be with us, but the old scenario is being ground out again and, like some late, late TV night films, may attract quite an audience for reasons of public nostalgia if for no others. In other words, it is still something to be reckoned with.

[From Newsday, Mar. 10, 1975]

HEADING OFF A NEW FOOD PRICE GOUGE

Farmers are coming off their two most profitable years in history, which won't surprise anyone who does the family food shopping. But farm prices have been trending downward for three straight months now at the wholesale level. Consumers might logically expect a break in supermarket prices soon.

Not if the House Agriculture Committee

has its way. Late last week, the committee voted out an "emergency" bill designed to maintain farm income near today's record level. It proposed dusting off that old chestnut—price supports—to put a "floor" under farm prices. If they fell below "target" levels set artificially high, Uncle Sam and consumers would make up the difference. The cost could top $3 billion a year. The price of a pound of butter could rise by 20 cents.

The only silver lining of today's recession is that prices for items as varied as cars and furniture and clothing have leveled off and even fallen as demand for these products has slackened. If farm profits are falling, well, so are those of virtually every other business. These are not the rosiest of times as 7,500,000 out-of-work Americans can attest.

People have to eat, no matter what, and that makes farming the closest thing there is to a recession-proof business. The idea of "supporting" farm income at a time when so many other Americans have no income to support makes no sense at all.

Of course, most members of the House Agriculture Committee represent farm districts. They are merely trying to serve the best interests of their constituents, who have deluged them with phone calls and letters asking help.

We suggest that consumers at the other end of the food assembly line let their congressmen know what they think about legislation designed to keep food prices artificially high. The time to do so is right now, since the agriculture committee will push for action by the full House on its bill during the week starting March 17.

A BILL OF RIGHTS FOR THE HANDICAPPED

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. **SCHULZE**. Mr. Speaker, one of my constituents from Devon, Pa., has been working for some time now to establish "Faith Village," a facility designed to assist the handicapped and disabled, and to help them to help themselves.

My constituent, Mr. William E. Tubbs, executive director of the Faith Village project, recently sent me three resolutions which have appeared in "Rehabilitation Gazette." I would like to share this material with my colleagues in the House of Representatives and to insert it in the RECORD at this point:

A BILL OF RIGHTS FOR THE HANDICAPPED

"A Bill of Rights for the Handicapped" was presented at the United Cerebral Palsy Association's Annual Conference in Washington, D.C. on May 3, 1973. Hundreds of delegates representing the 300 United Cerebral Palsy affiliates throughout the country signed the Bill indicating their support and commitment to furthering these basic rights. The Bill was approved by the membership on May 4, 1973.

PREAMBLE

We hold these Truths to be self-evident that all Men are created equal, that they are endowed by the Creator with certain unalienable Rights and that among these are Life, Liberty and the Pursuit of Happiness.

The rights of the individual begin with the inherent right to be born with the capacity to grow and develop fully and to have this birthright insured by services which protect the embryonic environment and the entry of the individual into the world.

Those who are denied this birthright or who are handicapped by other causes have the right to be assured the means of achieving maximum growth and development and to enjoy the dignity, respect and opportunities accorded all men by the freedoms and privileges enumerated in the Constitution of the Unitd States.

For the handicapped who cannot obtain the rights of first-class citizenship for themselves, society must provide, preserve and protect the means whereby these rights are assured from earliest infancy throughout life. These means form a particular "Bill of Rights for the Handicapped."

RIGHTS OF THE HANDICAPPED

The handicapped individual has the right to:

I. Prevention of disability insofar as possible through early detection of abnormalities in infancy, immediate and continuing family guidance, and comprehensive habilitative services until maximum potential is achieved.

II. Health services and medical care for the protection of his general well-being and such additional special services as are required because of his handicap.

III. Education to the fullest extent to which he is intellectually capable, provided through the regular channels of American education.

IV. Training for vocational and avocational pursuits as dictated by his talents and capabilities.

V. Work at any occupation for which he has the qualifications and preparation.

VI. An income sufficient to maintain a lifestyle comparable to his non-handicapped peers.

VII. Live how and where he chooses and to enjoy residential accommodations which meet his needs if he cannot function in conventional housing.

VIII. Barrier free public facilities which include buildings, mass or subsidized alternative transportation services and social, recreational and entertainment facilities.

IX. Function independently in any way in which he is able to act on his own and to obtain the assistance he may need to assure mobility, communication and daily living activities.

X. Petition social institutions and the courts to gain such opportunities as may be enjoyed by others but denied the handicapped because of oversight, public apathy or discrimination.

PATIENT'S BILL OF RIGHTS

The American Hospital Association's Committee on Health Care prepared the following definition of a patient's rights and distributed it to member hospitals across the nation.

The patient has the right to:

(1) Considerate and respectful care;

(2) Obtain from his physician complete current information concerning his diagnosis, treatment and prognosis in terms the patient can be reasonably expected to understand;

(3) Receive from his physician information necessary to give informed consent prior to the start of any procedure and/or treatment;

(4) Refuse treatment to the extent permitted by law, and to be informed of the medical consequences of his action;

(5) Every consideration of his privacy concerning his own medical care program.

(6) Expect that all communications and records pertaining to his care should be treated as confidential;

(7) Expect that within its capacity a hospital must make reasonable response to the request of a patient for services;

(8) Obtain information as to any relationship of his hospital to other health care and educational institutions insofar as his care is concerned;

(9) Be advised if the hospital proposes to engage in or perform human experimentation affecting his care or treatment;

(10) Expect reasonable continuity of care;

(11) Examine and receive an explanation of his bill regardless of source of payment;

(12) Know what hospital rules and regulations apply to his conduct as a patient.

A BILL OF RIGHTS FOR THE DISABLED

Whereas, the disabled in the United States, constituting a large minority with a commonality of need and a unity of purpose, seek only to obtain for themselves what all Americans believe to be their birthright—life, liberty and the pursuit of happiness; and

Whereas, impediments and roadblocks of every nature are to be found at every hand, effectively preventing the fulfillment of life's promise for a large proportion of the disabled; and

Whereas, the American people, largely through lack of knowledge and misinformation have not as yet recognized the disabled as fellow human beings with a handicap to which all should make some accommodation, and who deserve equal opportunity as citizens; and

Whereas, the Congress of the United States and the legislatures of the various states, counties and municipalities have not as yet, by legal means, made it possible for the disabled person to attain equal access to those benefits of life enjoyed by the able-bodied, be it resolved:

Health—1. That all disabled persons be afforded the opportunity for full and comprehensive diagnostic, therapeutic, rehabilitative and follow-up services in the nation's hospitals, clinics and rehabilitation centers without regard to race, religion, economic status, ethnic origin, sex, age or social condition.

Health—2. That all disabled persons requiring same be given and trained to use such orthotic, prosthetic or adaptive devices that will enable them to become more mobile and to live more comfortably.

Education—3. That all disabled persons be given every opportunity for formal education to the level of which they are capable and to the degree to which they aspire.

Employment—4. That all disabled persons, to the extent necessary, have the opportunity to receive special training commensurate with residual abilities in those aspects of life in which they are handicapped, so that they may achieve the potential for entry into the labor market in competitive employment.

Employment—5. That all employable disabled persons, like other minorities, be covered by equal opportunity legislation so that equal productivity, potential and actual, receives equal consideration in terms of jobs, promotions, salaries, workloads and fringe benefits.

Employment—6. That those disabled persons who because of the severity of their handicaps are deemed unable to enter the normal labor market, be given the opportunity for special training and placement in limited work situations including sheltered workshops, home-base employment and other protected job situations.

Employment—7. That a nationwide network of tax-supported sheltered workshops be created to offer limited work opportunities for all those severely disabled persons unable to enter the competitive labor market.

Housing—8. That nationwide and local programs of special housing for the disabled be established to permit them an opportunity to live in dignity and reasonable comfort.

Architectural Barriers—9. That federal, state and local legislatures pass laws requiring the elimination of architectural barriers to buildings, recreational, cultural and social facilities and public places. Such legislation should include architectural standards for all new construction.

Architectural Barriers—10. That federal, state, and local legislation be passed establishing standards and a reasonable time for modification of existing sidewalks, buildings and structures for the comfortable use of the handicapped.

Transportation—11. That every community, county or other legally constituted authority establish programs and standards for the creation of special transportation for the disabled including modifications of existing mass transportation systems and the development of new specially designed demand-schedule transportation facilities.

Income Maintenance—12. That every disabled person who because of the nature of his handicap is unable to be self-supporting, be given a guaranteed minimum income not below established federal standards adequate to live in reasonable comfort and in dignity.

Institutional Care—13. That federal, state and local laws be enacted for the benefit of the disabled confined to any form of institution, setting minimum standards of housing, conveniences, comfort, staff and services.

Civil Rights—14. That civil rights legislation, national and local, be amended to include disability as one of the categories against which discrimination is unlawful.

Training—15. That federal and state tax-supported programs of training be established to prepare professional and non-professional personnel for work with the handicapped in the fields of health, education, recreation and welfare.

Research—16. That federal legislation be enacted expending existing and developing new programs of research and demonstration, by grant and contract, in both basic and applied fields, dealing with the problems of disabling conditions and the disabled.

Be it further resolved that these rights, being urgent and critical to the well being of the disabled population of the United States, be given the high priority they justly deserve in the hearts, minds and programs of our nation's leaders.

ARTHUR S. ABRAMSON, M.D.
BERNARD KUTNER, Ph.D.

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CONGRESSIONAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the text of a speech I gave at Union College in Schenectady, N.Y., on March 6, 1975, on the subject of "Congressional Reform":

CONGRESSIONAL REFORM

(Speech by LEE H. HAMILTON, Union College, Schenectady, N.Y., Mar. 6, 1975)

As all the world must know by now (including political scientists at Union College) the United States Congress has just completed its most far-reaching reforms in the last 65 years:

Powerful chairmen have been toppled;

Junior members have attained unprecedented influence (a freshman became a subcommittee chairman the other day for the first time in the history of the Congress);

No rule has been sacrosanct;

The venerable seniority system has been dealt a shattering blow; and

The movement toward a more open, responsive, and accountable Congress has made historic gains.

These reforms occur at a time when Americans are:

Deeply troubled about their government;

Strongly dissatisfied with its performance on crucial issues; and

Unsettled and uneasy about the economy, energy and other problems. Poll after poll has shown that the people do not give their Congress high marks in solving the problems that concern them most.

They want to see their Congress concerned, responsive, modern, and efficient, and meeting the problems of the day.

Congress may never be able to provide the kind of dynamic, comprehensive leadership they want. It is, after all, a body of 535 strong-willed individuals, of vastly differing constituencies and ideologies, overworked, dealing day after day with questions of enormous complexity, and trying always to build a consensus solution. Furthermore, the American people have long regarded the President, not the Congress, as their leader and chief policymaker.

Even so, within limitations, many of us believe that restructuring the Congress can lessen some of the chief obstacles to an effective Congress. The past few months have demonstrated how quickly some of these changes can come about. The significance of the recent reforms is that a solid basis for a better Congress has been laid. I am hopeful that the 94th Congress will be a strengthened and revitalized body.

NEED FOR REFORM

The path to reform has been slow and rocky.

Ninety years ago Woodrow Wilson described the Congress as "government by the chairmen of the standing committees of Congress."

In 1946 there were some minor changes in House procedures but most outdated practices were left intact. The seniority system—according to which committee chairmanships are awarded solely on the basis of length of continuous service on the committee—was left in full force. This system was the result of long-established custom and not House rules. It became entrenched after 1910 as a reaction to what was found to be an overly powerful party caucus.

A glance at the House of Representatives as it functioned, say, fifteen years ago, clearly shows the need for reform.

The U.S. Congress was the only body among the world's parliaments, and our own fifty States, to use the seniority system to select its leadership;

Individuals could remain as chairman for as long as they remained in Congress, often several decades, regardless of health or competence;

Less senior, but often more capable, Members had little opportunity to influence the course of legislation;

Chairmen could block consideration of legislation to which they were opposed, though the majority of Members and the American people may have wanted it;

Chairmen were accountable to neither the country, the Congress, nor the caucus for their actions; and

Since Southerners tended to be elected to office for more terms than Northerners, the South, with its traditionally conservative orientation, was over-represented on committee chairmanships.

The Congressional cliche on the seniority system was "The longer you're around, the better you like it." That explains how the system, faulty as it was, managed to endure so many years.

SECRECY

Fifteen years ago, the business of the Congress was clothed in secrecy most of it totally unnecessary;

Teller votes were used frequently so Members would not have to reveal to constituents how they voted;

Congress even misled the public on employees' salaries, for example, an employee with a published "wage base" of $7,500 was in fact earning over $20,000; and

The crucial meetings of committees and conference committees were held behind closed doors.

BALANCE OF POWER

Because of its own passivity, the Congress allowed the President to assume more and more power, even for functions granted by the Constitution to the Congress.

The Constitution grants Congress the power to declare war. Yet for years the Congress watched Presidents send troops abroad for long periods of time, without a declaration of war.

The Constitution grants to Congress the power of the purse. Yet, the failure of Congress to revise its budget structure contributed to the country's budgetary problems and permitted the President excessive influence over the federal budget.

To political scientists and others, then, the need to reform the Congress was apparent. To members of congress, it was less apparent.

Congress was organized to confer increasing benefits the longer a member was in office, the longer a member was in office the more powerful he was, and momentum to change from within was slow in coming.

A few members during the 1960's publicized the need for reform. One of these was Richard Bolling, a member of the House from Missouri, who believed that a strong party organization—the House Democratic Caucus—would be the best alternative to the seniority system. He also felt that a strong Speakership was important.

91ST CONGRESS (1969–70)

The changes that occurred in the Congress in recent days have been brewing for several years. The first major dents in the old system were made in the 91st Congress, by the Legislative Reorganization Act of 1970.

Both Houses agreed to publish the results of committees' closed-session votes.

House and Senate committee meetings were declared open unless a majority of the committee voted for a closed session. At that point, however, most members still resisted letting the public watch them work. As recently as 1972, fully 40% of all Senate and House committee meetings were still closed, and the public was still excluded from virtually all conference sessions where crucial last-round legislative decisions are made.

Also agreed to in 1970 was a proposal to record House members' names on teller votes.

The seniority system was left untouched, but, significantly, both parties in the House established task forces to study the system.

92D CONGRESS (1971–72)

The 92d Congress saw the momentum pick up to shift power in the House away from the committee chairmen and to the party caucuses and the House leadership.

Under the push of a growing reform movement the Congress made a few tentative moves in the direction of weakening the seniority system:

House Democrats approved a plan instituting a caucus vote, when requested by 10 members, on any nomination for chairman;

The caucus also restricted members to one subcommittee chairmanship each, thereby making available about 30 positions for younger members; and

The Caucus also limited the chairman of a committee to the chairmanship of only one of the full committee's subcommittees.

In theory, longevity was no longer the sole precondition to a chairmanship, but the changes heralded no actual changes in the roster of committee chairmen.

The House was not yet ready to challenge the weight of tradition.

93D CONGRESS (1973–74)

The 93d Congress not only improved its own structure but, spurred by Watergate, also made historic moves to reassert the balance between the executive and legislative branches. The 93d Congress was an authentic reform Congress. It reclaimed much of its constitutional role.

In the head-on collision between two branches of government that occurred during Watergate, the House was able to recapture much of its lost prestige and popularity. For the first time, people saw their elected representatives on television, debating the question of impeachment of a President, and many Americans were impressed. For the average American, Watergate was a crash course in political science and constitutional law.

The concepts of impeachment, pardon, executive privilege, impoundment of appropriated funds, war powers, and more, became topics of popular and everyday discussion. The public became more aware than ever of many of the defects plaguing the government. The House itself emerged from the crucible of impeachment with a new confidence in its own abilities.

At the outset of the 93rd Congress, even before Watergate had become a major issue, House Democrats agreed on a number of important steps to further consolidate Democratic control and improve House procedures. The Democrats decided to:

Conduct an automatic vote on all committee chairmanships in the caucus at the start of each Congress, by secret ballot if requested by one-fifth of members present;

Guarantee all Democrats in the House one major committee assignment;

Grant the majority party more control over the scheduling of House business;

Allow the House to vote on 4 rather than two days each month on noncontroversial bills under the quicker suspension of the rules procedure;

Open all House Committee and subcommittee hearings and bill-drafting sessions to the public unless there is a specific public vote to operate in secrecy; and

Curb the closed rule as used by the Ways and Means Committee to bar floor amendments on tax and other legislation, by permitting 50 Democrats to force the party caucus to consider an amendment. Under this procedure, if the caucus approves the amendment, the Democratic members of the Rules Committee would be directed to allow a vote on it in the House.

These rules changes were approved by the full House in March, 1973.

The 93d Congress not only took measures to amend its internal procedures, but in addition took actions which tended to equalize the balance of power between the executive and legislative branches.

A BUDGET CONTROL ACT STRENGTHENED

The congressional role in the formulation of the Federal budget by providing it with a system for analyzing the national budget and controlling spending.

The Act:

Created budget committees in both the House and Senate,

Developed a mechanism for the Congress to look at the budget as a whole in order to determine spending priorities within total spending ceilings,

Allowed the Congress to determine competing claims for the Federal dollar in a comprehensive and systematic way, rather than the old procedure whereby the Congress acted on various money bills separately, often months apart and in isolation from one another, and

Established a legislative budget office which will give the Congress an independent source of information equal to the President's Office of Management and Budget.

When historians take a look at the record of the Congress in 1973, my guess is that they will judge the War Powers law as one of the more important pieces of legislation enacted because it marks a turning point in the continuing struggle within the American constitutional system to restore the Congress as a co-equal branch of government.

The War Powers law, a product of 3 years of Congressional work, aims at limiting the Presidential power to commit armed forces to hostilities abroad without Congressional approval.

The War Powers law seeks to assure that the most important decision made by government—whether or not to go to war—is a shared responsibility between the President and the Congress, as the U.S. Constitution intends and the standards of democracy require. The merit of the bill is that it compels the President to consult with Congress when committing American forces overseas and to obtain Congressional consent for any prolonged military action. The consultative process will require him to justify his actions to Congress; and it will bring the decision-making process on whether to go to war into the open.

The War Powers law also signals a resurgence of Congressional independence after a long period of acquiescence to the President's war-making power. Beyond the vital Congressional check it contains, the law's significance is that the Congress is reclaiming some of its Constitutional power after a long period of allowing it to be eroded.

The 93d Congress, then, had taken the Congress a long way down the road to genuine reform. Although not widely praised, and probably forever saddled with the title of the "Watergate" Congress, it will nonetheless stand among the better Congresses in American history.

Even before the 93d Congress had drawn to a close, the elections of 1974 added a strong impetus to reform.

1974 ELECTION AND BEYOND

The drive for change and reform came to a climax after Watergate, Vietnam, and the weariness of an electorate with an old system that had gone wrong.

Change came because of an accumulation of rot: The decades of abuses of power, unaccountability, secrecy, poor representation, and unresponsive legislation.

An anti-incumbent mood was common among Americans in 1974 election season. The people signaled their distress with a government that conducts itself in secrecy, spies on its own citizens, and does not tell them the truth about important national issues.

Party labels, though significant, were not as important as the image of integrity. In 1974 a majority voted for the Democrats, not so much for their own virtues, but because they held the Republicans more accountable as the party in the White House for the decline in integrity and the staggering economy.

1974 saw the election of over 100 new members of Congress, 75 of them new Democratic House members. Today almost half of the members of the House have been elected since 1970; 37 of the Senators are serving their first terms.

A month after the election, the Democratic Caucus assembled in Washington to organize the 94th Congress. In the past, the caucus had waited until the actual beginning of a new Congress.

In a precedent-setting session, the Caucus tore through many of the most important House rules, and set the stage for a more open and democratic Congress.

Reforms were designed to give the members of the majority party in the House responsibility for their legislative record in the House:

The Ways and Means Committee lost power;

The Caucus stripped it of its authority to select House Democratic committee positions. Power to make these assignments was shifted to the Steering and Policy Committee. This Committee, a component of the Caucus, is made up of 24 members, half of them appointed by the Speaker, half of them elected by region;

The caucus, rather than Ways and Means, selected committee positions for the new House Budget Committee;

The Ways and Means Committee was enlarged from 25 to 37 members, which weakened the committee's conservative wing;

The party membership ratio on committees was altered in favor of the Democrats. The new ratio was two Democrats to every Republican, plus one Democrat;

House members could no longer serve as chairman of more than one major committee, whether standing, select or joint;

The procedure for electing chairmen was altered, so that if a chairman was defeated, the caucus need not nominate the next senior member, but may nominate whomever it chooses. This change set the stage for the selection of chairmen on other than a seniority basis;

Appropriations subcommittee chairmen had to be elected by the caucus. These chairmen, with their control over the Federal budget, have as much power as many of the full committee chairmen, and more control over their selection was needed;

The House Speaker would nominate all Democrats on the Rules Committee;

Junior Democratic members would be guaranteed at least one principal subcommittee assignment;

Most House Committees would have subcommittees to conduct oversight activities in the field of their legislative jurisdiction;

A majority of the House membership on conference committees would consist of those who generally support the House position on the matter in disagreement;

The minority party on each House standing committee was entitled to increased staffing; and

The Speaker was authorized to refer bills to more than one committee.

After the Democratic caucus, the headlines exploded:

The Democratic Caucus takes command,
Congressional Elders Humbled,
Earthquake in the Congress,
A whiff of rebellion,
The Revolution has come.

THE 94TH CONGRESS

As the 94th Congress convened in January, from the outset it seemed determined to build on the reforms it had begun. Even the traditionally clubby atmosphere of the Senate was affected, though not nearly so drastically as in the House.

CHANGES IN THE SENATE

The Senate Democratic Caucus, with 7 new Democratic Senators, voted to reverse two centuries of tradition and require that all Senate committee meetings be held in open session, except where members specifically voted to close them for national security reasons.

(2) It also voted to require that all conference committees automatically meet in the open unless members vote to close them. The Republican caucus endorsed these proposals, and formal adoption by the full Senate is expected.

Following the lead of the House, Senate Democrats voted to hold secret-ballot elections for all future committee chairmanships whenever one-fifth of the caucus requests it. The change will make it easier to oust a chairman without fear of retribution. This measure was designed only for the future, not for 1975.

Before adopting it, the Caucus approved all current nominees for chairman by the old method of routine voice vote, and the Senate as a whole then ratified them by voice vote.

The 94th Congress witnessed the collapse of the ancient filibuster rule, under which it was all but impossible to cut off debate if a small majority desired to prevent the majority from enacting its programs.

For more than 2 decades, reformers had been fighting the rule that required a ⅔ vote of those present and voting to cut off debate.

In February and early March, 1975, the

Senate has been tied up for over a week by a filibuster which sought to prevent a vote on a measure to ease the filibuster rule. Initially, several Senators proposed a solution which would require a ⅗ majority of those present and voting. Eventually, the Senate adopted a compromise solution under which ⅗ of all Senators (60) are required for a cut-off, regardless of the number present.

It is difficult to assess the effect of the new rule. Certainly it will be easier to end most filibusters. But it will be impossible to end debate if fewer than 60 Senators are present.

So, in the Senate, the rulebook has not been rewritten. No committee chairmen were deposed. The freshmen have minded their P's and Q's. But there have been changes. The power has shifted to the Northern liberals in committee assignments.

The winds of change in the Senate were observable, if not a gale force.

CHANGES IN THE HOUSE

In the House, a modest revolution took place.

The catalyst that finally caused the wall of seniority to crumble was the influence of the new Democratic freshmen, the most reform minded, anti-establishment crop of new members in many years. Most of them were elected on platforms that called for reform of the Congress to restore faith in the system. Many older members joined them in wanting changes.

Before the House convened, the Democratic freshmen—75 strong—formed a caucus of their own and invited key committee chairmen to appear before them and explain why they deserved re-election. Two years before, a similar request by a smaller contingent of new Democrats had been virtually ignored. This time, the chairmen all came, and some of the chairmen of lesser committees, who had not been invited, even volunteered to appear.

In 1971 and 1973, the principle of elected chairmanships had been established, but the most senior members of all committees were able to survive votes of confidence. In 1975, the principle of elected chairmen was applied in earnest.

The Nomination of full committee chairmen led to a struggle between the Steering Committee and the Caucus. The caucus recommended ousting Chairman Patman (Banking and Currency) and Hays (House Administration), but voted to retain Chairman Poage (Agriculture) and Hébert (Armed Services).

When the full caucus met, however, Hébert and Poage were rejected. In the end, Patman was replaced by Fourth-ranked Henry Reuss, while Hays managed to save his seat through intense politicking.

All appropriations subcommittee chairmen, facing caucus votes for the first time, pulled through. Other House subcommittee chairmen were subject to votes of confidence by members of their own committees rather than by the full caucus. Two subcommittee chairmen lost their seats—Harley Staggers on a commerce subcommittee and Lenore Sullivan on a Banking subcommittee.

In these dramatic events, the seniority system was smashed. The caucus had gained a new power, and asserted its will against that of the Steering Committee.

Seniority still plays an important role in the selection of chairmen. It is not, however, the exclusive criterion of leadership. The most senior member still has the first chance at the chairmanship. If he is rejected, the caucus, apparently will give the next chance to the next senior member, and so on down the line.

The revolution did subside as the caucus confirmed all of the chairmen of Appropriations subcommittees. The revolution was hardly, then, a liberal rampage since many of these chairmen would flunk any liberal test.

THE GUIDING PRINCIPLES

In retrospect, one may ask what were the guiding principles of the recent reforms?

Accountability is one such principle. Chairmen are elected by the Caucus and serve at the pleasure of the Caucus. Generally, the reforms reflect a distaste for concentrated and unaccounted-for power, and a bias toward majority rule and accountability.

Spread the action is another such principle. The rules allow junior members a chance at important Subcommittees and limit the number of Chairmanships a Member can hold. The Ways and Means Committee lost power to appoint Democrats to Committees, partly on the theory that that Committee already had too much to do.

Openness is still another guiding principle. Committee hearings are to be open unless a vote of Members favor secrecy.

In addition, there are a number of reforms, not very much publicized, designed to achieve more orderly and efficient procedures, including additional powers granted the Speaker to refer bills and to expedite legislation.

Reforms Still Needed

Many of these basic reforms were long overdue but they have been so long in coming, that, once accomplished, the reformers are not sure what reforms should come next. Some of the reforms are incomplete and still need finishing touches, and I hope that the members' commitment to reform has not run dry. The House should continue to examine itself, evaluate the success of the reforms thus far, and examine the need for other ways to make the Congress more open, efficient and responsive.

The most important reform is to overhaul the Committee structure. Last year a weak reorganization plan was adopted over the stronger plan proposed by the Bolling committee.

A good many other rule changes should also be considered:

Conference committees should be open to the public except where the national security is jeopardized.

At the end of a session, rules on the availability of conference reports 3 days before floor consideration are often suspended. While greater speed in the consideration of last-minute business may be desired, members often vote on bills they have never seen. If the three-day rule is suspended, there should be provision for conference reports to be made available beforehand;

Transcripts of all committee meetings, not only of investigative meetings, should be made available to the public;

The caucus and Congress as a whole need to make certain that committee chairmen follow House rules. In the past, staffing and budget requirements have often been ignored by committee chairmen;

There should be strictly limited reasons, which are acceptable, for voting to close a committee session;

Now a House committee may vote to close its session without stating its reasons;

The House could make it more difficult for a closed rule to be attached to a bill;

Perhaps there should be a limit on the age for committee chairmen;

Action in the Congress, as might be expected, is shifting away from the Caucus and to the legislative committees. The Caucus remains important, as it illustrated by forcing the House to consider the repeal of the oil depletion allowance as a part of the tax reduction bill. But the major legislative activity will now take place in the committees.

In recent weeks the realization in Congress has grown that the Democratic Caucus itself lacks the expertise to develop complex, specific legislative and policy solutions to today's problems, though it can determine the party's general goals.

Many legislative decisions can be left with confidence to the newly reformed committees. With the demise of the seniority system, the changes in House rules, and the committee reorganization, we can count on the committees to assume a more effective role in the development of legislation.

At the same time, there remain many defects in the committee system. A committee can only legislate on the subject matter within its jurisdiction. The committee reform of 1974, though it made many needed changes, left a number of overlapping jurisdictions. Committees still cannot coordinate their actions with those of other committees; there is still the possibility that conflicting legislation on the same subject could emerge from different committees.

As a means of bypassing the defects of both the Caucus and the committee system, the Congress is turning to a new unit: the task force, created by the Democratic Policy Committee in the Senate and the Steering and Policy Committee in the House. Major action on economic and energy issues has recently been taking place in the Economic Task Force.

On the difficult, comprehensive issues, this trend may grow toward creation of task forces to recommend policies to the Caucus and the legislative committees.

SIGNIFICANCE OF CHANGES

Finally, a few comments about the significance of these reforms.

What has emerged, from the upheaval in the United States Congress?

Leadership in the House: Certainly, a House of Representatives has emerged that is more unruly, harder to lead, more resistant to party discipline by its leaders, and more inclined to seize the initiative from the President than most of us would have thought possible even a few weeks ago. Rank and file Democrats will have more to say in shaping legislation.

House leaders will find their job much more complicated. They will have to consult with more members of a wider variety than previously to discern the mood of the House. Speaking for the House, either for public consumption or to make compromises with the White House, will be a more difficult art.

Role of Committee Chairman: Committee Chairmen will have to become Democrats and bow to the majority view, or risk losing their positions. The former dukes of the House have had some of the arrogance knocked out of them. They will no longer be answerable only to themselves. They are put on a notice that they must lead their committees in a fair and democratic manner. No longer do they serve by divine right, but as elected Representatives of the Caucus.

The Power of the South: The Power of the Southern Democrats, who gained disproportionate power from the number of Committee Chairmanships they held, will decline. Patman, Poage, Hébert—all Southerners—were deposed as committee chairmen. Correspondingly, the power of the Northern and Western Democrats will increase.

Role of Political Pressure Groups: In the past, political pressure groups have been relatively discreet, if not reluctant, to lobby on internal Congressional matters. But in these reform battles, including the choice of committee chairmen, groups like Common Cause and National Committee for an effective Congress, played important roles. Their lobbyists were outside the Caucus, in the halls of the Capitol, in certain members' offices, and often on the phone.

Personal Conflicts: One byproduct of the reform may be some nasty personal conflicts. Some observers see, inaccurately I believe, dangers of party dissention, Maneuvering has already begun to succeed Carl Albert as Speaker, for example. My own judgment is that the nation's legislative needs and the political advantages of party unity will quiet, if not abolish, the personal conflicts in the succession struggle. Nonetheless, the dangers of rule by faction cannot be brushed aside. New coalitions and accommodations will have to evolve to enable the Democrats to function responsibly.

Effect on the Nature of the Congress: Will the new Congress be a Run-Away Congress? Will it be too unruly to produce intricate legislation in controversial areas? It is really too early to say, but I don't think so.

The rise of the Caucus and its exercise of power is much more complicated and less predictable than a liberal takeover. After all, the results damaged the liberal leadership of Speaker Albert and Majority Leader O'Neill, as well as the conservative Chairmen.

The House will become more dynamic, but the ideology of the Democrats is still diverse and at times contradictory.

The reforms of recent days do not assure creative legislation. Neither do they assure that the Democrats will be able to unite on an economic or energy program or that the institutional machinery will run smoothly. Do not forget that the filibuster is alive and well, and in 1973 and 1974 was used more than two dozen times.

All of these reforms may sound fairly dull, but without them it would be unlikely that the Democrats could assert leadership in 1975 on the critical issues. How much these reforms will be immediately felt through specific kinds of legislation passed this year remains to be seen. It is much too early to make any predictions.

The chances for progressive legislation have, of course, been improved. There are fewer Republicans and conservative Democrats than in the last Congress, and fewer of them in position of leadership. The demise of the seniority system will cut into the effectiveness of the conservatives. The Republican-Southern Democratic coalition has traditionally worked through the oligarchy of conservative committee chairmen. Such dealings across party lines are now likely to be considerably more difficult, though not impossible.

If the approval of these reforms does not assure that a progressive program will be approved, it does mean that many procedural road blocks will have been removed and that the Democrats will have the power to pass the bills they consider proper.

The recent House vote to end the oil depletion allowance was a direct result of the procedural changes that have transformed the House:

The recording of votes,

The strengthening of the Caucus (which told the Rules Committee what to do on the oil depletion vote),

The weakened clout of the Ways and Means Committee, which has now become more democratic,

And, of course, the new freshmen. All played a role in the approval of repeal of the oil depletion allowance.

For the Democrats, the machinery is now in better working order. There will be difficulties in formulating and passing legislation, as always, but chairmen will hesitate to block any measure the Democrats really want. As one Repubican put it: "The liberals have gained power, but they lost an excuse." The pressure will indeed be on the Democrats to produce good legislation, particularly on the economy and energy, and the public will not stand for excuses. The Congress has regeared its machinery to respond more quickly to the nation's problems. The reforms are designed to give Members of the majority party full responsibility for the legislative record.

CONCLUSION

Many are hailing a new era in the House, an era in which stale, old leadership is replaced by new dynamic leaders, waving the banners of reform. Others, recalling that after the revolt against Speaker Cannon the role of the Caucus proved unworkable, fear "King Caucus" and predict brutal and divisive wars. These extremes are too simple and too extreme.

A revolution has occurred but it occurred gradually. It began four years ago when the Caucus began voting on Chairmen. It has been a selective revolution. Seniority still retains much weight in the selection of chairmen.

The essence of the revolution is that the Caucus has become a source of power and the instrument of discipline in the House.

The bottom question is whether the Congress is capable of exercising national leadership. Most of us in the Congress, including the reformers, and certainly myself, have our doubts:

Regional interests remain strong;

The tendency to avoid the tough choice is almost overpowering;

The ability of the Executive to act decisively has often been shown;

And of course the people still look to the President as the Chief Policy-maker.

I doubt very much if the Congress, reforms or no, can sit in the driver's seat. But I do believe we can preserve and strengthen the balance we have restored in recent years and the Constitutional system will be the stronger for it.

Congress has ended the tyranny of the Committee Chairmen and introduced majority rule. It has elevated openness and accountability. The House and the Nation are sure to gain from this revitalization of democracy.

Americans want to move forward on the problems that concern them. They want to be assured that their leaders are working together to tackle the serious problems confronting us. They do not expect, or want, unanimity on public issues, but at a time when alienation with government and politicians runs deep, they need to be assured that men and women of good will and common objectives are working together to advance the national interest.

I hope the Congress, buttressed now by reform, is prepared for revitalization and effective leadership.

EMERGENCY LIVESTOCK CREDIT NEEDS

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ABDNOR. Mr. Speaker, I introduce for appropriate reference a bill to amend the Emergency Livestock Credit Act. Last July the House passed and the President signed the Emergency Livestock Credit Act. This measure was intended to insure that bona fide family farm type livestock producers and feeders would be able to obtain the financing needed to remain in business in the face of drastically lowered livestock prices and rapidly increasing production costs. Many of us who supported the bill, as well as those who opposed it, were doubtful that an 80 percent loan guarantee at exorbitant commercial rates of interest would be of any real benefit to young men just getting established when the market broke or even to more established operators who have watched the equity they built up over a lifetime erode as market prices dropped. Unfortunately, our fears are being confirmed, and I have been compelled to introduce legislation to amend the act so that it will accomplish its intended purpose. Joining with me as cosponsors are: Mr. Gilman, Mr. Andrews of North Dakota, Mr. Lott, Mr. Steiger of Arizona, Mr. Thone, and Mr. Sikes. This bill is identical to H.R. 3821 in which Mr. Pressler, Mr. Roncalio, and Mr. Santini are cosponsors and to H.R. 3570 which I introduced previously.

Since passage of the 1973 act, numbers of cattle on feed have continued to drop while total beef consumption has climbed to all-time highs. Thus, record production is made up increasingly of lower quality "grass-fed" animals, a vastly larger proportion of which are those which normally would have been held over for future production. It is obvious that as individual slaughter weights go down because of less feeding, more animals must be slaughtered to maintain production, let alone increase it as has been the case. Slaughter of cows—which normally would produce another calf next year—is up 52 percent as compared to a year ago, and it seems inevitable that due to greatly inflated production costs, the historical production cycle will repeat itself with a vengeance unmatched previously.

It has been argued, and rightly so, that there are too many cattle to provide for a break-even market. Cattle numbers must be cut somewhat; but if the historical sequence is once again played out, you can be sure that beef production will fall inordinately low and prices will soar. Furthermore, it is inevitable that many producers will be driven out of business as the market bottoms out, contributing to a much less competitive production system when the market begins to peak at highly profitable levels once again. I know that you have heard tales of impending wholesale bankruptcies in agriculture before, but the simple fact is that never before have livestockmen been struck by the present combination of low prices and vastly increased operating expenses. Aggregate figures assembled by the U.S. Department of Agriculture show that the total value of all cattle and calves in the Nation on January 1, 1975, was just 51 percent of what it was a year earlier. At the same time, bankers in my district are telling me that the operating loans they are being asked to make are just double what they were last year. It is obvious that something has to give. Livestock numbers must be reduced, but it will certainly not be to the benefit of the consumer if production capacity is reduced inordinately low and family farmers are eliminated from the production system.

I include in the Record the text of the bill and a section-by-section analysis:

H.R. 4734

A bill to amend the Emergency Livestock Credit Act of 1974 to provide additional temporary financial assistance to owners of livestock for the purpose of maintaining small farmers and ranchers and thereby preserving a competitive livestock production system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Emergency Livestock Credit Act of 1974 is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: "and who have suffered severe financial losses as a result of low livestock market prices, high cost of feed and other materials necessary to livestock production, or other factors over which such farmers and ranchers had no control."

SEC. 2. Section 2(e) of the Emergency Livestock Credit Act of 1974 is amended to read as follows:

"(e)(1) The interest rate paid by the borrower on any loan guaranteed under this Act shall not exceed 5.5 per centum per annum.

"(2) The Secretary shall pay the difference between the interest rate to be paid by the borrower and the interest rate whch the lender charges on any loan guaranteed under this Act, if the Secretary determines that the interest rate charged by the lender is reasonable, taking into consideration prevailing private and cooperative rates on loans for similar purposes and periods of time in the community in or near which the applicant resides.".

SEC. 3. Section 2(f) of the Emergency Livestock Credit Act of 1974 is amended by striking out "in not more than three years," and all that follows through the period and inserting in lieu thereof the following· "in 20 years, or as soon as the borrower is able to obtain financing sufficient to maintain the level of business described in section 3(a)(3) from any legally organized lending agency without the assistance provided by this Act, whichever occurs first.".

SEC. 4. Section 3 of the Emergency Livestock Credit Act of 1974 is amended—

(1) by striking out subsection (a)(1) and inserting in lieu thereof the following:

"(1) the lender is unwilling to provide, without the assistance provided by this Act, financing to the loan applicant which is sufficient to enable such applicant to maintain the level of business described in paragraph (3) of this subsection;";

(2) by inserting "at the level described in paragraph (3) of this subsection" immediately before the comma at the end of subsection (a)(4)(i);

(3) by striking out the period at the end of subsection (a)(4) and inserting in lieu thereof "; and", and by adding at the end of subsection (a) the following new paragraph:

"(5) there is a reasonable probability of repayment of the loan.";

(4) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The loan applicant shall certify—

"(1) that he will be unable to obtain the financing described in subsection (a)(1) in the absence of the guarantee authorized by this Act; and

"(2) that he will use the proceeds of the loan for the purposes described in subsection (a)(2)."; and

(5) by adding at the end of such section the following new subsection:

"(d) The Secretary shall provide, as a part of each contract of guarantee executed pursuant to this Act, that the guarantee shall not apply to any loss sustained by the lender in connection with any action or proceeding for relief under the Bankruptcy Act which is instituted with respect to the borrower within the period beginning with the date on which the loan is made and ending 180 days thereafter.".

SEC. 5. Section 4 of the Emergency Livestock Credit Act of 1974 is amended to read as follows:

"SEC. 4. For the purpose of protecting the Federal Government's interests in any loan guaranteed under this Act, the Secretary may secure the Government's interest with any property of the borrower which is available, if any, after the legally organized lending agency has secured its interest.".

SEC. 6. Section 5 of the Emergency Livestock Credit Act of 1974 is amended by striking out the first sentence.

SEC. 7. Section 8 of the Emergency Livestock Credit Act of 1974 is amended by striking out "one year" and inserting in lieu thereof "two years".

SEC. 8. The Emergency Livestock Credit Act of 1974 is amended by adding at the end thereof the following new sections:

"SEC. 11. As long as there is a reasonable probability of repayment of the loan, the Secretary shall provide the assistance provided in this Act without regard to the amount of indebtedness or the lack of security of the borrower.

"SEC. 12. The Secretary shall implement the program established by this Act in prompt and efficient manner and may use employees of State and county agricultural stabilization and conservation committees for purposes of administering this Act.".

SECTION-BY-SECTION ANALYSIS

Section 1: Adds language to further clarify which family farmers are eligible. The '74 Act effectively limits eligibility to family farmers but will be further clarified by the language, "and who have suffered severe financial losses as a result of low livestock prices, high cost of feed and other materials necessary to livestock production, or other factors over which such farmers and ranchers had no control."

Section 2: 1) Provides that the borrower shall pay no more than 5.5 percent interest on loans guaranteed. Under the current program, interest rates have ranged from 9–14 percent. Further debt at exorbitant rates of interest will simply not help a producer who is already in financial straits due to the reduced value of his livestock.

2) Authorizes the Secretary of Agriculture to pay the difference between 5.5 percent and the prevailing interest rate for similar loans. The Secretary must find this rate to be no higher than for similar loans without the government guarantee and interest subsidy.

Section 3: Provides that loans guaranteed are payable in a maximum of 20 years but, in any case, must be repaid as soon as the borrower can obtain financing sufficient to maintain his operation without the assistance provided by the Act.

Short term credit provided by the present program is simply not sufficient to sustain a producer who has lost in a matter of months the equity he worked a lifetime to build up. Furthermore, it is only right that the government be relieved of its responsibility if livestock values improve.

Section 4: 1) The current Act requires that the lender certify he is unwilling to provide credit to the borrower without a government guarantee. H.R. 3570 would add the emphasis that federal assistance is to *maintain* the scale of the family farmer's operation. Many producers could liquidate their operations and pay off their debts. Others could liquidate all but a small portion of their operations and continue in business, but, in either case, to do so would render them unable to make a living for their family. It would also contribute to still lower livestock market prices at the present time and to subsequent large increases in the retail cost of meat for two reasons—first, production capacity will be reduced and, secondly, fewer producers remaining in the market will mean less competition.

2) Further clarifies that the assistance of this Act is to *maintain* the borrower's operation, his means of livelihood for his family, and to preserve a competitive production system.

3) Requires that the lender certify there is "reasonable probability of repayment of the loan" pursuant to the provisions of the Act. This is required currently under the Department's operating procedures, but should be clearly specified in law to highlight the fact that the intent is to maintain family farm operations and not to in any way allow banks to transfer to the government their bad debt from producers who are driven into bankruptcy.

4) Requires the borrower to certify he is unable to obtain sufficient financing without assistance and that he will use such financing to maintain his operation. This is assumed under the current program but should be clearly specified in law.

5) To remove any lingering doubts that this may be a "bail out" bill for banks, this section provides that any losses sustained by the lender due to bankruptcy of the borrower within 180 days following the signing of the guarantee agreement shall *not* be covered by the guarantee. This will undoubtedly make it more difficult to interest lenders in providing credit under the program, but if a provision of this sort is required to obtain passage of the bill, that's a risk which will have to be accepted. Again, it must be emphasized that H.R. 3570 is not intended to relieve banks of their unsound loans—it is to keep family farmers employed, to permit them to avoid having to dump their livestock on the market thereby further depressing livestock market prices immediately and leading to much higher retail meat prices later.

Section 5: Provides that the government's risk may be secured by any available equity of the borrower after the lender has secured his risk. The government's risk is still only 80 percent of any losses suffered by the lender, not 80 percent of the loan principal and interest.

Currently the government is taking first security interest in any available property, leaving the lender with only an 80 percent guarantee on what may otherwise be a totally unsecured loan. Permitting the lender to secure his risk as adequately as possible with available collateral will in many cases reduce the potential losses to be guaranteed by the government.

Section 6: Removes the $2 billion authorization limit which has been applied to the total sum—not just to the government's risk—of loans made by private lenders under the program.

The total value of all cattle and calves on January 1, 1975, was just 51 percent of what it was a brief year earlier. In January of 1974 cattle prices had already declined over $10 per hundred weight from their August highs. Thus, with the aggregate worth of the nation's livestock at approximately $21 billion versus about $41 billion a year earlier when it was already considerably less than its peak, it is quite obvious that a $2 billion loan ceiling is unrealistically inadequate.

Section 7: Extends the program 1 year. The current law expires in July.

Section 8: Adds 2 new sections to the law.

1) Specifies that it is the lack of probability of repayment, not some arbitrary standard of indebtedness or lack of security, which constitutes reason for denial of assistance.

2) Directs the Secretary of Agriculture to implement the provisions of the Act as rapidy as possible using Agricultural Stabilization and Conservation Service personnel, wherever necessary, to supplement the Farmers Home Administration, consistent with the emergency nature of the program.

SALUTE TO WALLACE AND BUTZ

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. FINDLEY. Mr. Speaker, the farm editor of the Herald Whig in Quincy, Ill., is the author of a timely commentary on the stature of two great Secretaries of Agriculture, Henry A. Wallace and Earl L. Butz. Here is the text of Mr. Wilkey's comment as it appeared in an issue last week of the Quincy Herald Whig:

[From the Quincy (Ill.) Herald Whig]

WALLACE, BUTZ: GREAT SECRETARIES

(By Keith L. Wilkey)

As we see it there have been two outstanding U.S. Secretaries of Agriculture in this century; one a Democrat and the other a Republican. The Democrat was the late Henry A. Wallace, of Iowa, and the Republican, Indiana's Dr. Earl L. Butz. Others, of course, may disagree.

Both of these outstanding farm leaders were intellectually brilliant. Whether their philosophies were in agreement or not is beside the point. Both grew up on the farm and did all the hard and dirty work that the most obscure farmer does. Both were highly educated.

This combination has been extremely difficult to obtain in farm leadership positions: A man who is a real, hard-working dirt farmer and a professional agriculturist who is an intellectual. Wallace and Butz are the only ones who fit this description.

Both have been articulate rural leaders who could go to Washington—that center of intrigue, bureaucracy and politics at its best and its worst and not only find their way around but cross rapiers with the best of 'em.

Both secretaries have been popular with farmers and both drew criticism from the media. Though agriculture is the largest single industry in the United States, it felt the sting of urban cynicism in President Roosevelt's day just as it does in President Ford's.

Traditionally the secretary of agriculture has been a defeated party office seeker who was considered to be too big to languish on the back streets of defeat and political ignominy. He must be propped up by the party, and when he happened to come from a farm state, what better spot could be found than placing him on the gratuity shelf as head of the department of agriculture?

Not all secretaries were so appointed, however. Some had to be designated to placate fat cat party donors and others to whom the administration was under the strap of obligation. Secretary Ezra Taft Benson (1953–1961) was a case in point.

Orville Freeman (a good secretary) is an example of the defeated candidate. He lost out in his bid for reelection as governor of Minnesota in the Kennedy year of 1960.

Henry A. Wallace's application of economic principles in agriculture drew him closer to farm politics and that in turn pulled him away from a solitary career in genetic science. Wallace went to USDA at age 43.

Butz, on the other hand, saw the culmination of a brilliant career in economic agriculture in the post he now holds. He had slain most of his farm economic dragons when he assumed the USDA post at age 64.

Wallace was not politically-minded when he came to Washington, but was badly infected when he left. Butz held the post of assistant secretary during the Eisenhower years, and had been immunized. Between 1959 and 1972, he became one of Purdue University's most illustrious top men.

Not everyone liked Wallace and not everyone likes Butz. Too many farmers and farm groups expect the secretary of agriculture to give them high prices for their stuff and low costs to produce it. Each commodity group has its own little subsidy or special privilege axe to grind on the whetstone of national finance and special legislation. When they don't get their way, they often become vindictive toward the agriculture secretary.

Wallace and Butz could understand this and didn't let it bug them. More sensitive men became so frustrated by criticism they resigned or filled out their terms baffled and disappointed.

Nothing's perfect. Wallace and Butz stand head and shoulders above the rest. But then this is just our opinion.

CONTEMPT FOR CONGRESS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday the Washington Post carried an excellent guest column by our colleague from Maine, BILL COHEN, on why Congress generates contempt. We are all sensitive to the fact that our public performance rating is at an all-time low. While some of the public criticism of the Congress may be unjustified due to a lack of full understanding of the legislative process, the fact remains that much of the criticism is justified. As Congressman COHEN points out, the root cause of this is "the discrepancy between promises and performance." Our colleague cites several examples of our shortcomings including an excess recess policy, delays and distractions on fashioning an energy program, gutting a comprehensive committee reform plan, and hypocrisy on spending. Our colleague observes that a remedy is available for the sour and cynical public attitude towards Congress, and that is, "the simple reconciliation of our deeds with our words."

At this point in the RECORD, Mr. Speaker, I include the article written by Congressman COHEN and commend it to the attention of our colleagues. The article follows:

WHY CONGRESS GENERATES CONTEMPT

(By William S. Cohen)

"If government becomes a law-breaker, it invites contempt for the laws. . ."

Justice Brandeis' words were a litany to many of us in Congress last year. We recited them, quietly, repeatedly, as we measured the allegations against Richard Nixon to determine if their collective weight tipped the scales in favor of impeachment.

The impeachment inquiry confronted us with allegations of official malfeasance. Guided by Justice Brandeis, we assumed that misconduct at the top of our governmental structure loosens the cement of law at its very base.

But what of nonfeasance, the failure to act in accordance with the expectations of the people? Can non-action in the face of certain imperatives prove as corrosive to our national spirit as improper action?

I raise this question as one who is in the second term as a member of the "people's House" at a time when the people's confidence in Congress is at a low ebb.

Many of us can point to individual representatives and senators who work long and hard hours on legislation and at constituent service, who attend meetings, conferences, dinners, banquets, who make hundreds of speeches on current issues in and out of their districts, cut ribbons at grand openings, and who make many personal sacrifices, including those of a normal family life, to win the right of representation—and reelection.

What, then, accounts for the much-talked-about disaffection with our institution, the pervasive belief that Congress cannot respond to the ills that afflict us?

I suggest that the root cause of the cynicism is that the public is aware of the discrepancy between promises and performance.

For example, Congress recently passed legislation that would have prohibited the President from implementing his energy proposal for a period of 90 days. Presumably, it would labor during this three-month period to produce its own energy plan, which would mitigate the adversities that any energy conservation effort will impose. But in spite of the sense of urgency we in Congress sought to instill in the American people, the House proceeded to take a 10-day recess to enable members to "find out what is on the minds of their constituents."

The irony is obvious. The nation is in the throes of double-digit inflation, perhaps the jaws of double-digit unemployment. The construction and housing industries are virtually collapsed, the UAW is threatening to march 200,000 of its members on Washington—and Congress holds on to the hoax that it is necessary to hear the word first-hand from its constituents.

Congressional cloakrooms clatter with complaints about Penn Central's bankrupt lines, the featherbedding, the death of the work ethic ("What ever happened to a day's pay for a day's work?"). Yet the House has been in session for longer than one hour on only a handful of occasions since January and we have scheduled another two-week recess at the end of March.

Congress complains about a swollen Executive usurping its constitutional functions and, then, its antennae ever sensitive to the probable arrival of difficult decisions, yields its legislative responsibilities whenever it can conveniently do so. Already we are discussing an energy plan that would give the President "stand-by" gas rationing authority. Yet should the President ever deem it necessary to declare rationing, we would be among the first to fall back and question the "advisability or wisdom" of his decision.

The House historically has expressed its contempt for the Senate's practice of attaching nongermane amendments to legislation. Within the past week, however, we proceeded to graft an amendment repealing the oil depletion allowance onto the tax rebate bill, thereby enhancing the chances of Senate delay or filibuster at a time when most agree that the economy is in need of rapid stimulation.

We in Congress have spoken frequently and fervently of the need to modernize the House, to make it more efficient and effective, to slim down our expansive waistline and overlapping layers of jurisdictional fat. But when the opportunity for reform presented itself, we eviscerated the bipartisan Bolling Committee Report, reacting to special interest pressure and the general reluctance of members to release whatever perquisites of power they had accumulated through seniority.

Last year the House ostentatiously refused to accept a scheduled pay raise and received plaudits for its example of sacrifice in hard times. It then quietly accepted a stationery allowance increase—which can be withdrawn as income—without a vote's ever having taken place by the full membership in open debate and discussion.

The hypocrisy is most blatant when the House considers the expenditure of public funds. Certain members will support every spending program presented and then vote against the debt-limit ceiling. This permits them to stand tall in the saddle for social justice while telling their constituents they are trying to rein in irresponsible deficit spending.

Similar examples are abundant and not in need of recitation. As public officials we set the tone of conduct to which others conform. When our working rules of behavior are lax, sluggish, undisciplined or hypocritical, then we are likely to see our habits mirrored in the very people who look to us for instruction and leadership.

The country's mood is sour and cynical. But the remedy is available to Congress without prescription—the simple reconciliation of our deeds with our words.

SOUTH DAKOTAN RECEIVES AWARD

HON. LARRY PRESSLER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. PRESSLER. Mr. Speaker, I wish to call attention to the outstanding service that has been rendered the State of South Dakota by Mr. Evans Nord, a resident of Sioux Falls, S. Dak. Mr. Speaker, as I sit in this Chamber I frequently have thought of how one best serves his country. I have come to the conclusion that each person must do the best that he can in the various walks of life. Indeed, I would even suggest that many citizens such as Mr. Nord perhaps contribute more to keeping our country going than some of us in this Chamber.

It has frequently occurred to me that a man who runs a business and who keeps a part of our economy going, and at the same time manages to raise a fine family and contribute to his community, is perhaps the essence to the quality of life we enjoy in this country.

Mr. Speaker, frequently a Member of Congress or members of society gain recognition for assisting the poor or for carrying on activities for special segments of the American society. Perhaps we have reached a time that we should give more recognition to those middle Americans who consistently labor in doing the work of society and in paying the taxes and bills for all the programs we appropriate here. Evans Nord represents the best of this group of middle Americans who keep our country going.

Mr. Speaker, I ask unanimous consent to include in the CONGRESSIONAL RECORD this article summarizing the accomplishments of Mr. Nord and of his recent honor in being awarded the Sioux Falls Cosmopolitan Club's Distinguished Service Award at the group's 46th annual banquet last Thursday night at the Minnehaha Country Club.

[From the Sioux Falls Argus-Leader]

NORD RECEIVES COSMOPOLITAN DISTINGUISHED SERVICE AWARD

Evans Nord received the Sioux Falls Cosmopolitan Club's Distinguished Service Award at the group's 46th annual banquet Thursday night at Minnehaha Country Club.

Nord, 57, is executive vice president and general manager of Midcontinent Broadcasting Co.

Married and the father of five children, Nord's activities cover a span of years. On his return after World War II, he started and served as first commanding officer of the Naval Reserve Training Center. He served on the Board of Directors of the Junior Chamber of Commerce from 1948 to 1952 and was selected Outstanding Young Man of the Year in 1950.

Nord served as chairman of the Minnehaha County March of Dimes Committee during the polio epidemic of 1949 and 1950. He originated the "Battle of the 'Sioux" which pitted officials from Sioux City against officials from Sioux Falls in an effort to raise money for the March of Dimes. He has served as Chamber president in 1964, United Fund chairman in 1967 and U.S. Savings Bond state chairman in 1969.

In 1960 Nord received the Augustana College Centennial Award and in 1967 the United Community Services Distinguished Services Award. His current community activities include the YMCA Board of Directors, Sioux Valley Hospital Board of Directors, Greater South Dakota and the South Dakota Battleship Commission. During the past year he served as vice chairman of the "Citizens' Committee for Medical Education" which worked successfully for the establishment of a four-year medical school in South Dakota.

The banquet speaker was Msgr. Francis L. Sampson who has served most of his adult life as a chaplain in the U.S. Army.

CLARICE KONTELY: "MY RESPONSIBILITY AS A CITIZEN"

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BROWN of Michigan. Mr. Speaker, this year, as they have for the previous 27, the Veterans of Foreign Wars and its ladies auxiliary are honoring the winners of their Voice of Democracy program, and I am privileged and proud to have had as a constituent the winner for the State of Michigan, Clarice Kontely.

As I am sure most of my colleagues know, the Voice of Democracy program is a national broadcast script-writing program which provides an opportunity for 10th, 11th, and 12th grade students in our public, private, and parochial schools to think, write, and speak up for freedom and democracy.

The theme this year, entitled "My Responsibility as a Citizen," is intended to focus the attention of our youth on the obligations of citizenship and prompt a personal evaluation of their responsibility toward the preserving of democracy as a way of life in our Republic. Approximately 500,000 students from over 7,500 secondary schools participated in this year's 28th annual Voice of Democracy program.

My former constituent and the Michigan State winner, Clarice Kontely, has already demonstrated her concern through her personal involvement in school affairs, having been president of her class, president of the student senate, and an active participant in many other extracurricular activities. Clare, as she prefers to be called, has plans to pursue a career in the electronic media, radio or television, or as she hurtfully related to me, an attorney, the practice of law if she does not succeed with her first chosen career.

Clare has been the winner of many awards for her forensic ability which are too numerous to recite and, unfortunately, just reading the script she has prepared will not permit my colleagues to have the full benefit of her presentation. Nevertheless, I am most pleased to include in these remarks the broadcast script prepared and presented by Clare which brought to her the high honor of the Michigan State winner of the Voice of Democracy contest:

MY RESPONSIBILITY AS A CITIZEN

"I have died in war, so that man may know the meaning of democracy.

"I have built courtrooms to keep my people free, in order that there be equal justice for all.

"I have elevated the philosophy of man, by schooling him in my wisdom.

"I live in the greatest and most magnificent country in the world.

"I am proud.

"For I am an American."

It is with this pride that I realize my responsibility as a citizen.

To get involved is to fulfill the responsibility of citizenship. One of the greatest dangers we face today is the feeling that an individual is powerless to effect change in our world and within the country. But as the late Alfred E. Smith once said, "All the ills of a democracy can be cured by more democracy."

To further illustrate this responsibility to citizenship, I'd like to have you envision an apple tree. In 1776, the seed was planted which gave birth to the newly formed America. The Bill of Rights, as outlined within the Constitution, along with its tenets of democracy and liberty, had firmly embedded themselves and taken root within the lives of every American. Those before me realized this, as they paid for them with dignity, bravery, and even their very lives. We shall be reminded that the dead are summoning us to take up the torch which their hands carried with glory and honor through the great tribulations of war. Since the birth of this country, 6,000,000 men and women have stood in defense of their country's freedom. Like the apple tree which endured many a storm and frosty night in order that it may produce abundant fruit, those 6,000,000 fought to provide the priceless gift of freedom for me.

As I near the age of 18, I become more ultimately aware of my voting privileges. A survey taken in 1973, showed that in the 1972 presidential election, only ½ of all eligible voters bothered to participate. I as a citizen must be willing to utilize these privileges, but I must also be willing to become knowledgeable of current issues, and write to my congressman in order to nurture and stress needed legislation. In accomplishing this, I can see to it that government is more truly representative of the people.

One must also branch out among the community to serve and cooperate with its members. This can be achieved by contributing to charitable organizations, paying my share of the tax burden, and cooperating with civic leaders and law enforcement agencies. I must be willing to work united with the members of my community, for in unity, there is strength, and that philosophy, fellow citizens is the very core of our democratic government.

But in order to perpetuate any reform, in order for the fruits of a democracy to be fully appreciated, I must learn to better myself by utilizing my talents, strengthening my weaknesses, and building my character as a human being. I must become a hard working and perseverent young American with faith in my soul, and the hope of a better America within my eyes.

Not only I, but all responsible citizens of this country must band together and face the challenges of our time. For like I said earlier, we are the very core of government. Implanted within each of us is a seed, which houses the principles of American democracy. If we choose to become involved within the growth cycle, our seed will continue to produce for generations and generations. But if we reject the core, the seed will be wasted, and along with it, freedom and democracy.

Now more than ever, we the citizens living in the greatest country in the world, in the greatest time in history, must be determined to accept our responsibility to citizenship.

Perhaps it is fitting to close with the words of a former statesman, Lymann Abbot, as he once said, "A nation is made great, not by its fruitful acres, but by the men who cultivate them, not by its great forests but by the men who use them; not by its victorious wars, but by the men who fight them. America was a great land when Columbus discovered it, but Americans, you, and I, have made of it, a great nation."

REMEMBER, FIDEL IS A LIAR

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. ASHBROOK. Mr. Speaker, several Senators are again urging that the United States normalize relations with Cuba. In my view such a move would be ridiculous.

Cuba has been a constant source of subversion ever since Fidel Castro seized power. It has trained, equipped, and financed revolutionary movements throughout the Western Hemisphere. I see no reason to normalize relations with a country that is actively engaged in subverting the governments of other Latin American nations.

Furthermore, as a recent editorial in the Orlando, Fla., Sentinel Star has warned, we should remember that Castro is a liar. He rose to power on a promise to throw out the Batista regime and hold elections within a year. Castro's promise, of course, was never carried out. The Sentinel Star comments:

> Nearly 16 years have passed and the Cuban people still are waiting for their Marxist deliverer to let them mark a ballot. Obviously a man who'd lie to his own people isn't to be accepted as a paragon of veracity in world diplomacy.

History shows that Castro cannot be believed. This fact makes me even more skeptical of an attempt to resolve the differences between the United States and Cuba.

Following is the text of the editorial from the March 7 edition of the Sentinel Star:

[From the Orlando (Fla.) Sentinel Star, Mar. 7, 1975]

REMEMBER, FIDEL IS A LIAR

The United States does business with many a Communist government—including the mother country, Soviet Russia—and dealing with Cuba would be no different in principle than commerce with, say, Romania or Poland.

Therefore we have no objection to the suggestion of Sens. Jacob K. Javits, R-N.Y. and Claiborne Pell, D-R.I., that President Ford and Secretary of State Kissinger look into a resolution of differences between Havana and Washington to "normalize relations" soon.

Our only reservations are that any such action be in the U.S. national interest (or at least not do us a disservice) and that we take anything Fidel Castro says with a large grain of salt.

The key to Castro's 1959–60 revolution, remember, was a promise to sweep out the corrupt Batista regime and then hold elections no later than a year after his government assumed power.

Nearly 16 years have passed and the Cuban people still are waiting for their Marxist deliverer to let them mark a ballot. Obviously a man who'd lie to his own people isn't to be accepted as a paragon of veracity in world diplomacy.

A further stipulation should be some kind of enforceable commitment that Castro won't make further attempts to subvert other Latin American countries with his brand of Bolshevik revolution.

SISTER ST. CLARA, BVM

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BLOUIN. Mr. Speaker, I am entering today an article from the February 23, 1975, issue of the Dubuque, Iowa, Telegraph-Herald. It presents an interesting sketch of Sister Mary St. Clara, a member of the Sisters of Charity, BVM, who is recognized as an accomplished home economist and dietician. It is very difficult to say how many individuals and families in the tri-State area around Dubuque eat better, more balanced, nutritional, healthy meals because of sisters' dedication and expertise in her unique apostolate. I know that Sister St. Clara is respected and admired for her many years of service to the homemakers of the area and I think this article is a fitting testimony to that contribution.

The article follows:

[From the Dubuque (Iowa) Telegraph-Herald, Feb. 23, 1975]

HOME EC CAREER BEGINS BY CHANCE

(By Sandy Wood)

Sister M. St. Clara Sullivan, BVM, never wanted to take home economics. When she entered college, she agreed with her parents and brother to try it for a year. But she did so reluctantly, determined to sit in the back of the class and hate it. Luckily, things didn't work out quite like she had planned.

As a matter of fact, tables turned on her. Her crisply-dressed teacher told the class she was glad they were interested in homemaking, because they all could make better homes. Sister St. Clara then saw a goal in the field she had intended to hate. That teacher, she says today, inspired her to obtain a master's degree at Columbia University, and embark upon a career which has included devoting a lifetime of teaching to Clarke College, teaching and advising the entire community through radio and newspaper, and juding Recipe Roundup every year since it began 20 years ago.

During that time, she has seen loads of Recipe Roundup entries, in several categories. Looking back, she has only praise for the entrants.

"What I have noticed over the years," she said, "are improvements in following directions and neatness. Also, now we seem to have so many more entries not only from good Dubuque cooks, but from people out in the area."

As a judge, although she tests the winning recipes, she admits a clever title catches her eye. She says she will never forget the title of the winning recipe in the category she judged last year. It was called "Forgotten Cake."

Sister St. Clara is now in retirement in the city, working part-time in the Alumni Office at Clarke. But the life that has led her there is packed with memories and accomplishments. She does not have to be coaxed to talk about them.

Probably one of her most satisfying accomplishments was the "Clarke Radio Kitchen of the Air," which began back in 1939, Sister St. Clara said, on radio station WKBB, which is now WDBQ.

"I had a brother who was a Jesuit in New Orleans," she said, enthusiastically. "He and a friend really first got things moving for me. They worked with a radio station there."

During a visit with her, she said, they suggested she go on the radio with a cooking program. When she received the okay from WKBB, she cautiously approached the superior at Mount Carmel ("religious orders were not so free in those days"), who was delighted.

The program, which drew an audience of homemakers to what is now Clarke's Music Hall, served both to train students in home economics and journalism and to share recipes with its listeners. Students prepared the dishes on the show's kitchen, which was wheeled out on the stage.

"One of the advantages of that program," Sister St. Clara remembered, "is that it became like a club. The women were so loyal and united."

Highlights of the program are many. One day she particularly remembers.

"I always would say, 'If you have any questions, feel free to call me.' One day, I was hurrying to lock the department so I could get to Holy Hour when the phone rang. When I answered, a voice said, 'Sister, would you please tell me how to prepare wild rice and chestnut stuffing for duck?' Since I was in a hurry and on my way out, I told him if he would send me a self-addressed envelope, I would look it up for him. He said, 'Sister, I'm a blind veteran. If you could tell me what I need, I could get someone to get it for me so I could make my own dinner.' Well," Sister St. Clara said, "I went to work right then."

"People still feel free to call me," she said. "Just the night before last, a woman called and asked me exactly how to prepare pork chops."

While conducting the radio show, Sister St. Clara co-authored, with a University of Dubuque teacher, a homemaker's column for the Telegraph Herald. The show ended in 1969. That year, Sister St. Clara also completed 50 years of teaching at Clarke, 40 years of preparing dieticians, and was named professor emeritus.

During those years at Clarke, she taught "home economics with a stress on homemaking." In 1928, she said, two students walked into the department and said, "We want to be dieticians. How do you go about it?" She found out. About 1930, she became a member of the American Dietetic Association, which qualified her to train students for dietetic internships in ADA-approved hospitals. Several students, who now have gone to various hospitals and clinics, still correspond with her.

In 1952, Sister St. Clara was presented one of the first McCall Mike Awards, given in recognition of public service by a woman in broadcasting. After winning the award, the "Boys Club chef" she said, "asked me if I would take some of the boys on the radio program. We brought them up during Boys' Club week. They broadcast and demonstrated. I never knew what was going to happen. After that, they wanted to take a chefs' course. So the girls taught them. And oh, how I loved those boys. Every now and then I'll be going down the street and some great big fellow who towers over me will stop and say, 'Sister, don't you remember me?' And it will be one of those boys."

Like running into old friends, 81-year-old Sister St. Clara says the achievements that have marked her career just sort of happened upon each other. "I never really went out and searched for them," she said. From the moment the determined college student decided to detest home economics, "one thing has always just led to another."

PUTTING THE FED UNDER FIRE

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. DEL CLAWSON. Mr. Speaker, this morning's Los Angeles Times contains an editorial commentary on a recent action of this House. I commend the editorial for its discernment of the motivation which obviously shone through the most careful and accomplished attempts at obfuscation. The editorial follows:

Putting the Fed Under Fire

The powerful seven-man Federal Reserve Board is an easy political scapegoat. It has great autonomy and broad powers. The work of its members is shrouded in mystery, and they tend to make stuffy speeches. So the Fed governors are often called on the congressional carpet when the economy turns sour.

Lately it has begun happening again. The House of Representatives has passed a resolution that would have the Fed reduce long-term interest rates quickly. The resolution also states the House's desire for Fed Chairman Arthur F. Burns to report frequently on what the board is planning to do about the money supply, credit conditions and interest rates. A similar resolution is taking shape in the Senate.

Many congressmen would like to see the Fed's wings clipped. Its members are now appointed, confirmed and then left largely to their own devices during their fixed tenures. But the legislators would like to start overseeing the board more closely and telling it just what to do.

It is a bad idea. Despite the odds against it, the Fed has not done badly in its work. In fact, it has done better than Congress and the White House in responding quickly to economic troubles with action instead of debates and electioneering. Inflation would no doubt have become even worse in 1973 and 1974 had the Fed not clamped down early on the credit supply. The economy might have boomed longer, and then slowed even more abruptly, than it did.

Now the board is criticized for not expanding the money supply quickly enough. Actually, the Fed is doing its part to make moderate expansion possible. But any expansion depends on borrowers' desire to borrow, and bankers report that demand for loans is down. That makes the complex process work far more slowly.

The House call for action to reduce long-term interest rates is merely foolish. Certainly the goal is worthy, for high rates deny employment to the job seeker, leave the entrepreneur unable to expand his business, and price home buyers out of the market. No doubt every member of the Fed would be happy to see those rates come down. But getting there is not as easy as it sounds.

The Fed can reduce rates in the short-term money markets by increasing the supply of credit until it meets or exceeds demand. That is happening now. The going charge for a three-month loan from one big blue-chip corporation to another is about 6¼%, down from more than 8% a year ago, and other short-term rates are following along—all because of the Fed's actions.

A 30-year mortgage on a house or a factory is something else again, for no sane lender—except a philanthropist—will make a loan below what he figures will be needed to protect himself against inflation and make a little profit, too. That rule applies no matter how much money the Fed prints up and crams into the system. In fact, if it creates too much credit, the lenders will become more nervous about future inflation and raise their rates again.

So Congress should look somewhere else for the scapegoat to blame for high interest rates and the slack economy. The legislators might start right in their own halls, where the massive boom-era Vietnam war deficits were approved, and where acclaim greeted the price and wage controls that later led to shortages, bottlenecks, continued rampant inflation and the resulting slump.

CONYERS DEPLORES INADEQUACY OF PIECEMEAL JOB PROGRAM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. CONYERS. Mr. Speaker, although I shall vote for the emermency employment appropriations the House is considering today, no one should be deluded into believing that such minimal, piecemeal actions will even begin to cope with the awesome problem of unemployment and depression which confronts the United States today.

When the Congress passed the Emergency Jobs Act last December, I pointed out that fully half of the jobs created by that bill would have been needed to give work to the unemployed men and women in Detroit alone. Since that time, the official unemployment rates have continued to skyrocket, but the Government's concern and commitment have not even begun to keep pace. The number of jobless people who are no longer even included in the official unemployment figures by itself exceeds the total number of jobs we are providing for today.

But however inadequate it may be, President Ford is likely to veto this bill with the paltry assistance it provides. And even if the Congress prevails over a presidential veto, very few of the unemployed millions will ever know the difference. Not only is the number of jobs provided by this bill totally inadequate, many of them will probably never even be created because of the temporary nature of this so-called emergency program. Instead of creating a few jobs which will disappear again in a matter of months, this Government must acknowledge and assume its largest obligation; to insure that no man or woman will ever again be without the chance to learn a decent living.

I propose a new and more meaningful definition of the Nation's security that transcends a "security" based only on missiles, tanks, and submarines. America's national security must by definition include job security for our workers, income security for our families, personal security for our city dwellers, nutritional security for the poor and elderly, educational security for our children, and equal opportunity security for everyone. If the Congress would provide for its people with the same devotion it pampers the Pentagon, an increasingly cynical citizenry might become convinced that the Congress does in fact act in the best interests of the Nation.

The goal of full employment, first articulated by the Congress more than 25 years ago, remains unfulfilled while the Federal Government debates what is an "acceptable" rate of unemployment and whether inflation is a more important problem than depression. In fact, no level of unemployment is acceptable, and the only way to put a permanent end to the boom-and-bust economic cycles is to create a Federal job guarantee program in the context of national priorities that will support it. The business of America is not business; the business of America ought to be insuring a high standard of living and quality of life for all.

As anyone who is familiar with America's cities already knows, the burden of unemployment is not borne equally by all the American people. The hardest hit and the least visible to statisticians and lawmakers are the black teenagers, almost half of whom cannot find work. For them, depression is nothing new or unusual; it is a normal condition of their lives which undermines whatever hope remains that they will be able to afford food and shelter, much less the comforts which they see advertised every day as things which the "average American" enjoys. For all our talk about conserving the Nation's scarce natural resources, we continue to mindlessly squander our most precious resources—the health and hope of our youth. Evidence of this shameful waste is provided in the following article by Herrington J. Bryce, of the Joint Center for Political Studies, which appeared in today's Washington Post:

The Crisis in Black Teenage Unemployment

The rate of unemployment among black teen-agers has risen by an astronomical 43 per cent over the last year. Nearly 400,000 black youths (41.1 per cent of their labor force) are pounding the streets looking for work.

It may come as a surprise to many, but the rate of unemployment among black teen-agers has always been intolerably high. Even in good times, say in 1969, when the overall unemployment rate was 3.5 per cent, the black teen-age unemployment rate was 24 per cent. Furthermore, ever since the middle '60s the black teen-age unemployment rate has been more than twice that of their white counterparts. Ever since the 1957–1958 recession, at least a fourth of all black teen-agers have been unemployed.

We did not get to the 41 per cent unemployment rate in one big leap. It should not have been a surprise. Knowing that teen-age unemployment climbs rapidly in a recession, we should have expected it as part of the overall forecast of an 8 plus general unemployment rate. Moreover, during the year the black teen-age unemployment rate worsened steadily month by month, but nobody noticed. It was 34.5 per cent in October, 36.9 per cent in November, 37.7 per cent in December, and then the jump to 41.1 per cent in January. And figures seriously underestimate the gravity of the problem. Black teen-agers are accelerating the pace at which they leave the labor force. Between 1973 and 1974 alone, the number of black teen-agers who left the labor force in disgust and convinced that they could not find jobs more than doubled. These discouraged youths are not counted among the unemployed.

And the problem is not only in the poor sections of our cities. At the close of last year, the unemployment rate for black teen-agers living in the poor sections of our metropolitan areas was 43 per cent compared to 34 percent in the non-poor areas. Even black teen-agers outside of the large cities have an intolerably high rate. More than one fourth of them are unemployed. And most are not eligible for unemployment insurance even under the new expanded program; for many are not part of the experienced labor force, and many quit voluntarily or did not work long enough to qualify.

The unfortunate part about all this is that we have consistently belittled the problem of high black teen-age unemployment. The argument persisted that teen-age unemployment was not all that important. It was the male head of the household who was important. The error in this chauvinism is that nearly 34 per cent of black families as compared to 10 per cent of white families are with a female head and this fact is especially poignant with poor black families; 64 per cent are female-headed.

The point is that black teen-agers contribute significantly to the earnings of their families. While their median income is just over $600 per year, this is just under one-tenth of the income of the average black family. Such a proportion is critical in low-income black families. Furthermore, 20 per cent of low-income black families have more than one wage earner. Who are these other earners? Many are teen-agers.

The situation is substantially different among white low-income families. Poverty in this group relates more to the elderly than it does among blacks where poverty is the plight of people who have children.

It is not only in respect to their contribution to family income that black teen-agers' work is important, but also with respect to their future. Teen-age employment provides work experience, it provides an early opportunity to select professions, to develop proper work attitudes, and to obtain an exposure to new friends. Little wonder that we find that after years of being beaten around in the labor force, blacks develop high labor market turnover rates. We destroy proper work attitudes at the outset.

What can be done? Many call for summer employment for youth. The United States Conference of Mayors is asking for approximately 1.2 million summer jobs for their urban youth. Laudable, but for blacks this misses the point. The seriousness of black teen-age unemployment is year-round. It has been 38 per cent or more during these winter months.

Public service employment? Yes, but the number of jobs to be provided by the current public service employment program is so small that it will not have an appreciable effect even on the adult unemployment rate. Faced with a choice, employers will (as they must) choose adults—not teen-agers.

Many suggest training. But during all the training and placement activities of the '60s the black teen-age unemployment rate was 25 per cent or better. This is not to say that we do not need these programs. We need a more intensified and a more sophisticated effort than those of the 1960s.

Naive as it may seem, I believe that commitment (money and policy) is what it is all about. The fact is that in our economy neither the private nor the public sector has any commitment to full employment. The private sector's commitment is to higher profits. This is frequently attained merely by increasing prices. Sometimes it is attained by firing or furloughing workers which only increases the unemployment rate.

It is true that full employment is a nebulous concept. But it does change priorities. It directs and mobilizes the government to find jobs. Furthermore, when the economy is fully employed blacks, women, teen-agers and unskilled workers do relatively well. Historically, their wages rise faster than those of very skilled workers. They do well because employers, faced with a pressing need to increase their output to meet a rising demand, find it too costly to discriminate or to put unrealistic requirements on who they hire.

Admittedly, education is no panacea—one fifth of all black family heads who are poor had at least a high school education. A black who has finished high school makes no more than a white who finished eighth grade and one who has finished college makes no more than a white college dropout. All this aside, education is important. Most black teen-agers ought to be in school rather than in the labor market.

The sad reality of black teen-age life is that it lacks viable alternatives. White teen-agers also leave the labor force. But they have some place to go. They are enrolling in colleges and in the military in increasing numbers. Many go home to parents who are not economically strapped.

Unfortunately, as the teen-age unemployment rate rises, blacks will have to compete more intensely for entrance into colleges which is a newfound hope. As the supply of potential students and soldiers swells with young whites who are leaving the work force in search of alternatives, there will be a strong incentive for college and military recruiters to screen out blacks either on the basis of qualification or discrimination. The black teen-ager will continue to fall behind.

THE PACIFIC NORTHWEST NATIONAL SCENIC TRAIL

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. PRITCHARD. Mr. Speaker, on January 27, 1975, I introduced H.R. 2153, a bill which designates the Pacific Northwest Trail as a new national scenic trail. This legislation proposes the creation of a new backpacking trail from Glacier National Park, Montana to Olympic National Park, Washington State.

The number of backpackers has been growing at a phenomenal rate and by the late 1960's literally millions of lightweight packs had been sold. It has become apparent that backpacking is no short-lived fad but a resurgence of both the traditional American love for the outdoors and of "lighting out for the frontier." Today, backpacking is widely recognized as one of the least expensive, most democratic, and most satisfying forms of recreation. Unfortunately, this new popularity has often led to overcrowding of campsites and trails. This is why action must be taken now to ease the strain on our overburdened National Trails System.

The National Trails System Act of 1968 made the already well-known Appalachian Trail and the Pacific Crest Trail into the first national scenic trails. These two footpaths follow the crests of the Appalachians in the East and of the Cascades and Sierras in the West. H.R. 2153 would add the proposed Pacific Northwest Trail to the list of "study trails" in the 1968 act.

Unlike the Appalachian or the Pacific Crest Trails, the Pacific Northwest Trail is an east-west route. Stretching more than 1,000 miles from the presently-planned Continental Divide Trail to the Pacific Ocean, this footpath links a tantalizing variety of Northwest country. Most of the way is mountainous. The Rockies, the Selkirks, the Cascades, and the Olympics are only some of the most famous mountains which the hiker will cross. Great rivers such as the Kootenai, the Columbia, the Skagit, and the Hoh charm the westbound hiker. The desert-like lowlands of the Okanogan contrast vividly with the temperate rain forests elsewhere on the trail. On the Olympic Peninsula, glorious alpine scenery is not far from dramatic wilderness beaches. This trail offers more variety than any other in the United States.

Our Northwest history is here for the hiker to discover on his own two feet. The Indian past survives in the legends of the Kettle Range's White Mountain and in the perfectly-preserved 500 year old village which archaeologists are uncovering at Cape Alava. The pioneer period, especially, confronts and fascinates backpackers in the form of log cabins in old clearings and in the memories of old-timers. Whidbey Island can even boast an authentic blockhouse. All across the Northwest there are interesting traces of early travellers—the explorers such as Ross and Thompson; and forgotten trappers, homesteaders, riverboaters, miners, and foresters. To walk the trail is to learn American history the best way, the personal, unforgettable way.

The establishment of the Pacific Northwest Trail will have a beneficial economic impact upon the region. Income will accrue to local merchants, outfitters, and trail crews and many visitors will need campground and motel accommodations. In a region where so many enterprises have risen and fallen over the years, trail-based recreation can offer a modest yet firm boost to local economies.

Ronald Strickland, an avid backpacker, began in 1970 to develop an east-west route in the State of Washington, soon expanding this idea into a proposal for a new national scenic trail across the entire region. Other hikers and conservationists have been enthusiastic about his plan and articles have appeared in outdoor magazines. Regional and national support for the trail has begun to grow.

Toward the end of the 93d Congress I introduced the Pacific Northwest Trail bill in the House. Senators JACKSON and MAGNUSON introduced an identical bill in the Senate. Unfortunately, there was not enough time for hearings during the remainder of the session.

The 94th Congress should act to add the Pacific Northwest Trail to the list of "study trails" under the National Trails System Act. Because H.R. 2153 is a study bill, little money need be appropriated initially and because most of the trail route crosses Federal lands, the eventual cost will be slight. Hopefully, Northwest outdoorsmen will contribute time and effort to trail planning and maintenance on the model of the thousands of Appalachian Trail volunteers. In an era of large-scale Government planning, trail projects such as this are still the province of citizen initiative. Just as sophisticated skills and equipment are not necessary to enjoy the trail, this legislation is also simple and direct. It would create the possibility of a new dream-come-true for millions of hikers—the Pacific Northwest National Scenic Trail.

The following article by Mr. Strickland appeared in Backpacker magazine and I submit it to my colleagues' attention:

YOUR SUPPORT IS NEEDED FOR THE PACIFIC NORTHWEST SCENIC TRAIL

(By Ronald Gibson Strickland)

I proposed that Congress create a Pacific Northwest National Scenic Trail from the Continental Divide to the Pacific Ocean. This trail would join the Appalachian and the Pacific Crest Trails in the National Trail System.

No other region of our country is so well endowed as the Pacific Northwest with magnificent hiking country suitable for a new national trail. And perhaps nowhere else can hikers' pent-up demand for new trails be so well accommodated. Imagine taking a hike from the Continental Divide near fabulous Boulder Pass in Glacier National Park across the Northwest's mountains, deserts and river valleys to Olympic National Park's Pacific Beach. From well above treeline to luxuriant forests, from one inland wilderness area to another, to the most mysterious of all wildernesses—the sea—will someday stretch a dream trail, a passionate walker's trail.

It will be as much as possible a *wilderness* trail with relatively difficult access, relatively few signs and shelters, and relatively great attention given in planning to its walkers' potential wilderness experience.

It will be a trail of superb backpacking—not pale, bland, crowded trail slumming—but adventurous frontier walking. Today there is a great obligation upon those who would create a new national scenic trail to avoid the mistakes of the past. Overcrowding, poor design and location, deterioration of wilderness values and rampant vandalism can all be minimized if enough thought, dedication, and money are devoted to the Pacific Northwest Trail. I strongly believe that creating a new trail to serve the geometrically growing numbers of backpackers need not be a disservice to the country through which that trail passes.

In fact, in addition to its other values, the creation of this trail would help to protect many fine roadless areas that are now in danger of development. The National Trails Act of 1968 provides some direct protection scenic trail. Even more helpful would be for every footpath designated as a national the incentive the Pacific Northwest Trail would provide for federal administrators to emphasize wilderness values in their management of land on either side of the trail, as well.

Since most of the Washington portion of the trail would be on existing paths and tracks, you can already hike it. You may even discover a better route than mine.

Backpackers must assume the burden of leadership in creating America's National Trails System.

FLOOD DISASTER PROTECTION ACT OF 1973

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. MOLLOHAN. Mr. Speaker, during the past two weeks, I have sent letters to each Member of the House of Representatives to alert them to the problems that will be generated for hundreds of thousands of people in this country in the very near future if Congress fails to amend the Flood Disaster Protection Act of 1973.

Some 14,000 communities have been designated by HUD as flood prone. As of December 31, 8,500 of them had not elected to enter the flood insurance program. Under the 1973 law those communities that do not enter the insurance program by a specific deadline will have sanctions imposed on them. That deadline is July 1, 1975, or 1 year after formal notification by HUD, whichever is later.

Here are some of the problems that will be created for the nonparticipating communities:

No Federal assistance can be obtained for "acquisition or construction" in the flood plain.

No commercial bank, savings and loan association or credit union that is federally regulated—that is, practically all financial institutions—can make a loan on property in the flood plain.

Building and development in the flood plain will practically cease. Property values will decline, and the home building market will be severely impacted. We already have problems with the availability of home mortgage money. This law, when fully applicable, will exacerbate those problems.

The "flood plain," by definition, is that area of a community that has a probability of being flooded once every 100 years. This criterion includes thousands of acres of land that is now being used for useful purposes. Downtown Louisville, Ky., a sizable portion of Wheeling, W. Va., portions of New York City, and parts of Alexandria, Va.—these are but a few examples. And, there are many localities where private homes, industrial facilities and commercial installations operate with complete confidence in the so-called flood plain. Often the only developable land in some of these communities is flood prone under the terms of the law.

And now HUD advises that there can be no personal loans, secured by the borrower's reputation, ability to pay, and be used to repair or repaint a house in the flood plain even though the loan is not secured by a lien on the property.

There are many diverse reasons why all affected communities do not enter the program. Not the least of these is the fact that participation requires the enactment of stringent zoning laws and building codes which would have a severe economic impact on some communities and to which there is strong local resistance.

One problem is that flood insurance would become mandatory upon refinancing or sale of an existing property in a participating community. Another problem is that some communities do not have and cannot afford the administrative machinery to enforce and operate the required ordinances.

In other areas, the appropriate jurisdiction does not, under State law, have the authority to enact land use laws or building codes. In others, such laws would be subject to a public referendum.

There are other unique reasons, but not so unique is the public conviction that no one in Washington should tell the local authorities that they must enact certain laws, or suffer a cutoff of Federal funds. The resentment created has, in my opinion, delayed participation even in some areas where it is feasible and advantageous.

Some communities have entered the program under extreme duress. Marietta, Ohio, is a perfect example. Nearly all of downtown Marietta, the oldest city in Ohio, is in the Ohio River flood plain. Recently, the Marietta City Council met to consider enacting the local ordinances required to enter the flood insurance program. All seven city councilmen strongly objected but were caught in a bind. If they did not approve the ordinances, their constituents would suffer the severe sanctions spelled out in the Flood Disaster Protection Act.

So, a "straw vote" was taken—literally. Four "long straws" and three "short straws" were prepared. Councilmen who drew the long straws were required to vote for the ordinances. Those fortunate enough to draw the three short straws voted "nay."

And that is how Marietta, Ohio, came into the flood insurance program by a 4-to-3 straw vote.

To set forth the impact of the sanctions involved in this law, let me cite a few examples:

First, a private property owner wishes to sell his residence. The residence is located in the flood plain as designated by HUD. The community—city or county—in which it is located has not participated in the federally subsidized insurance program. The result is that the purchaser must pay cash for the property or the seller must carry the loan personally. Few sellers are in a position to do this and few buyers have cash.

Second, a community, as a part of its flood plain management program, wants to build a park or recreation area along a river. The Bureau of Outdoor Recreation ordinarily would partially fund the project. But under the new law, BOR could not do this, because the community is not in the flood insurance program.

The Federal Insurance Administration has resisted and continues to resist constructive proposals for making the Flood Disaster Protection Act more realistic and fair. It labels the difficulties as being "imagined" problems.

I suggest that my colleagues ask the City Council of Marietta, Ohio, how "imaginary" these problems are. Or ask local officials in the more than 8,500 communities facing the sanctions what "imaginary" problems are preventing them from participating in the program.

Mr. Speaker, more than 68 of our colleagues know that the sanctions spelled out in the present law are coercive and unrealistic and that the resultant problems faced by their constituents are not imagined. They have joined me in sponsoring legislation to rescind the unduly harsh sanctions in the Flood Disaster Protection Act of 1973.

This measure has been referred to the Subcommittee on Housing and Community Development of the House Committee on Banking and Currency. In view of the very real threat the present law poses for thousands of communities and millions of American citizens, we believe this legislation merits prompt consideration by the Subcommittee on Housing and Community Development.

WISCONSIN PEACE CORPS VOLUNTEER SERVES IN ECUADOR

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. STEIGER of Wisconsin. Mr. Speaker, the spirit of volunteerism is one of the richest resources we as a nation possess. It is the willingness to give of ourselves and of our time for something we believe in that has made us a great nation.

One of the special qualities of the United States and its citizens is the concern for those in other nations and the desire to extend a helping hand to those in need. The Peace Corps has been the exemplification of the commitment to the welfare of others.

A young Peace Corps volunteer from my district, Daniel L. Matthias, of Manitowoc, has recently received attention for his efforts on behalf of farmers in Ecuador. A release from the ACTION agency has spoken of his agricultural extension work, which has helped Ecuadorian farmers to improve the condition of their farms.

Because of the importance of his efforts, he merits the recognition accorded him:

Wisconsin Peace Corps Volunteer Serves in Ecuador

Peace Corps volunteer Daniel L. Matthias of Manitowoc, Wis. thinks that when you've got a better idea, it's good to pass it around—even when it means traveling through miles of rain forest to get your point across.

As a result, his volunteer agricultural extension work in Ecuador has enabled many local farmers to purchase pure-bred Brahman bulls for breeding and to greatly improve the general condition of their farms.

The 23-year-old volunteer grew up on a Manitowoc dairy farm and worked on various farms in the Valders, Wis. area. He graduated from the University of Wisconsin at Platteville in 1973 with a bachelor's degree in animal science.

All of this agricultural experience qualified him for volunteer work at Rancho Ronald, a Peace Corps demonstration farm near the town of Santo Domingo in northern Ecuador. Rented from the German-based Church of the Brethren, Rancho Ronald has turned out to be one of the most successful Peace Corps agricultural projects in the world.

There, a livestock and dairy breeding program and a crop and grass experimentation project are run by nine Peace Corps volunteers. Local farmers and other interested persons are brought in periodically to observe new agricultural methods and better farm management practices. In addition, the ranch has agricultural classes for small farmers and an extension program in which Matthias and four other Peace Corps volunteers are working.

"The cattle program has economically upgraded the lives and increased the production of many local farmers. It is very important for the country to increase its food production—especially protein—since there have already been food shortages. With the population growing at the rate it has, these certainly will get worse," Matthias said.

He is the son of Arland and Irene Matthias of 1303 Ahrens St., Manitowoc. He was a 4-H member and president and a member of the Catholic Youth Organization, Farm Bureau Youth and Future Farmers of America. He was selected as the outstanding youth by the Manitowoc County Farm Bureau and the chapter star farmer by the Future Farmers of America.

In July, 1973, he joined the Peace Corps' agricultural program in Ecuador. Now he spends most of his time traveling in rural areas, talking to farmers about their problems and explaining new animal health programs and pasture management techniques.

He tells them about using better sanitation methods, managing their money and pastures effectively, improving the general health of their animals, ridding cattle of disease and parasites and cutting down the calf mortality rate, which runs about 50 per cent.

After the farms have been improved to a specific standard, the farmers are then eligible to buy pure-bred Brahman bull calves from Rancho Ronald for 6,000 sucres, or about $240.

The Peace Corps ranch was started seven years ago with 94 animals donated by the Heifer Project International of Little Rock, Ark. Today there is a breeding herd of 240 pure-bred Brahman cattle.

Local stock has been much improved by the addition of the Brahman, but experimental work on health problems remains a primary function of the cattle program at Rancho Ronald. The object of the experimentation is to keep the animals healthy by using methods the small farmers can afford. So far, the emphasis has been on sanitation programs, inexpensive methods of treating animals for parasites and vaccinations against black leg, brucellosis and foot-and-mouth disease.

A second function of the Peace Corps heifer project is to determine the best forms of pasture management for Ecuador's rain forests. In that tropical climate, grass grows about 2½ feet every month and quickly becomes low in nutrients and too stalky for the animals to eat. But if pastures are rotated every four to five days so cattle can feed on new grass, the animals can be kept in good health on grass alone. This is especially important to small Ecuadorean farmers because feed is very expensive.

Once experiments are completed and termed feasible, it is Matthias' job to get that information to his farmers. Most often he does this by day-to-day visits to the farmers. At other times he gathers a group of them together for a demonstration visit to the ranch.

In Ecuador, Matthias has two homes. The main one is in Santo Domingo, a town of 40,000, in a house with lights and running water. His other home, when he is out on the road, is near the village of Puerto Limon. There, he lives with a family in a farmhouse without any modern mechanical conveniences, but with the "finest living conditions I have ever seen," he said.

Matthias studied Spanish, the official language of Ecuador, during Peace Corps training. But, he admitted, his progress in the language is a slow and continual process. Sometimes he has learned words "the hard way," he said.

One night, he related, when he was asleep, a member of his Ecuadorean family threw open the door and yelled "ladron!" Since he had no idea what that meant, he looked up the word in his Spanish book and found that it means "robber." He quickly put on his clothes and ran out, but by then, of course, the thief had fled.

Matthias is one of 230 Peace Corps volunteers serving in Ecuador in agricultural, health, education and special placement programs. Around the world about 7,900 Peace Corps volunteers and trainees are serving in 68 developing countries.

SENSATIONALISM AND THE PRESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. CRANE. Mr. Speaker, there has been much discussion in recent years about the alleged bias of large portions of the press. In some instances, the errors have been corrected. In others, they have not.

It is especially heartening when members of the press themselves express concern over the process of misinforming which some of their colleagues unfortunately participate in doing.

It may be the case that what distortions do occur, in many instances, take place not because of a particular bias on the part of the reporter himself but, quite to the contrary, is simply a way in which to create a sensational story and, as a result, capture the attention of potential readers.

Thus, good news is boring, and as the old adage holds, it is news when a man bites a dog, but not the other way around. It is the unusual and bizarre which is sought and one result is that the public's understanding of reality is often altered to suit the purposes of those who veiw the news as a commodity to sell, not as facts to report.

In a thoughtful article concerning "The Sensational Lead," Charles B. Seib, associate editor of The Washington Post, notes that:

> The wire service approach has had an important influence on the electronic media . . . Local television news shows now provide the most graphic evidence of the excesses of head-on competition to sell essentially the same product.

Mr. Seib, who is critical of the sensationalizing of the news inherent in much of what is happening in the mass media today, notes, in comparing today's television news with the competitive "yellow journalism" techniques of an earlier time in newspapers, that,

> The techniques are different, of course. But the local news programs, with their lapel-grabbing and horse-play and occasional news distortions, can't help reminding an old-timer of those free and easy days when the three wire services scrambled for the "play."

The American people deserve more objective, dispassionate reporting from the media than they are now receiving. Hopefully, Mr. Seib's words will be taken seriously by his fellow newsmen.

I wish to share with my colleagues the article, "The Sensational Lead," by Charles B. Seib, which appeared in the Washington Post of February 27, 1975, and insert it into the RECORD at this time.

THE SENSATIONAL LEAD

(By Charles B. Seib)

Several weeks ago I commented here on the distortion of Bishop James Rausch's Red Mass sermon in a United Press International news story and, partly because of that story, in The Post.

That column elicited a number of responses, including one from a journalistic star and old friend, Malcolm "Mike" Johnson, now retired in Connecticut. Johnson won a Pulitzer prize in 1949 for exposing the New York waterfront scandal in the old Sun; his son, Haynes Johnson, himself a Pulitzer winner, is a Post reporter. I knew Mike 25 years ago when we both were reporters for International News Service. He takes exception to my saying that UPI's error was not intentional.

"Don't tell me that UPI didn't know exactly what it was doing. It was just another case of a wire service stretching the facts to the outer limits, and beyond, in order to get a grabbing, sensational lead. Since both of us are fugitives from INS, you know and I know that this is one of the prevalent sins of the wire services. That is one of the reasons that I was very unhappy in the four years I was with INS.

"The trouble, I found, was that reporters were under constant pressure to develop leads with the greatest possible impact. This resulted inevitably in abuses, with the hapless reporters sorely tempted to go beyond the facts, at least by implication. It is common practice by the wire services as part of the frantic, almost insane competition to get the most sensational lead possible and thereby 'take the play' over the opposition. At INS, as you well know, not only were we supposed to do that but also to compress the lead—no matter how complex the story—into one short, pounding sentence, preferably not more than 10 or 12 words. Ridiculous!

"Do I exaggerate? I hope not. I tried to play this game as best I could, albeit reluctantly and resentfully. I ran afoul of the rule in reporting a speech by Douglas MacArthur in Boston, right after his return to the United States after being fired by Truman. I have forgotten what my lead was or what MacArthur said, but it was one of the old egomaniac's typical saber-rattling speeches. Anyway, the opposition, in this case United Press, came up with a headline-grabbing lead, going further than did mine, and thereby took the play in most newspapers. The INS brass was very unhappy. How did I 'miss' the lead?

"This made me furious. 'If you mean why didn't I write a lead like the UP's,' I said, 'it's because MacArthur never said what the UP said he said. I have the text right here, and you won't find any quote to justify the UP lead.'

"I was right about that. The UP had simply stretched it. Still, I could see that the boss was not satisfied. After all, INS had missed the play, and that was what counted. This made me even madder.

"'If as a matter of policy you want your correspondents to disregard the facts and fake leads in order to beat the competition, then give us a written directive to that effect,' I told him. 'Then you can have my resignation and I'll see that you get some publicity for INS as to why I quit.'

"That stopped him, but I am sure that I was never much in his favor after that. It's not surprising that I lasted only four years at INS."

Well, those were the bad old days. I must confess that I was less disturbed than Mike by the rules under which we played; the thrill was in beating the competition, never mind how. Looking back, though, I see that the devil-may-care journalism we practiced then was more dangerous than I realized. That simplistic, gee-whiz reporting, with its phony objectivity, did as much to raise Sen. Joe McCarthy from a bumbling unknown to national menace as the craven behavior of his fellow senators and the White House.

Things are different now. There are only two full-fledged wire services—the Associated Press and UPI (the merged UP and INS), and in fairness it should be said that they have abandoned the worst practices of the past, although in the heat of head-to-head competition they sometimes slip into the old ways.

Unfortunately, those old ways, born of the pressure for speed and impact, still powerfully influence our standards of good newswriting.

The wire service approach has had an important influence on the electronic media, too. Local television news shows now provide the most graphic evidence of the excesses of head-on competition to sell essentially the same product.

The techniques are different, of course. But the local news programs, with their lapel-grabbing and horseplay and occasional news distortions, can't help reminding an old-timer of those free and easy days when the three wire services scrambled for the "play."

THIRD BUDGET RESCISSION BILL—H.R. 4075

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BADILLO. Mr. Speaker, I applaud the action of the House in passing H.R. 4075. The Appropriations Committee's decision, and the House's action to disallow the extravagant cutbacks in aid to the Department of Health, Education, and Welfare which President Ford had proposed in his message of January 30 demonstrate an important commitment. With this action, the House has asserted its authority to reorder the priorities of the administration in order to keep them in closer alinement with the needs of the people.

The rescissions proposed by the President would have had disastrous, disproportionate effects on the urban poor. Reductions in Federal funds authorized for aid to health and education would hit the disadvantaged hardest at a time when the economy is already making existence a harder struggle by the day.

I especially wish to commend the Appropriations Committee on its actions regarding proposed rescissions of funds for education. President Ford's proposed cutbacks would have had disastrous effects on the quality of our Nation's educational system. The desperate need for such assistance to insure quality education for the disadvantaged, the handicapped, those of limited English-speaking ability, and for those who cannot read was recognized last year by the Congress when it passed Public Law 93-380, the Education Amendments of 1974. President Ford's proposed drastic reductions in the funds to be provided for these urgently needed programs would have amounted to a breach of the commitment to support educational quality which he implicitly made by signing the education amendments into law.

The administration's betrayal of its commitment to education would have presented particular problems for the State of New York. The loss of revenue to New York, under the proposed rescissions, would be $38,684,000. The additional loss of $30.6 million from fiscal year 1974 to fiscal year 1975 under title I, Elementary and Secondary Education Act, makes for a total loss of revenue of nearly $70 million. New York State can ill afford such steep reductions.

New York City, moreover, is in desperate need of programs such as those under the Education Amendments of 1974. There are 1.1 million students attending New York City schools, and with anticipated reductions in funds, they would be bearing the brunt of approximately half the total reduction in aid to the entire State. I have received a great deal of mail from New York City residents who are interested in maintaining quality education for their children. Numerous protests have come in regarding the President's proposed rescissions for programs like Follow Through and bilingual education, to name but a few of the worthwhile educational endeavors mandated by Congress.

In New York, a large proportion of Spanish-speaking children makes bilingual education an absolute necessity. The President's reduction in funding would seriously jeopardize the chances of Spanish-speaking children to learn in a language they can understand. For too many years, students who speak languages other than English have been treated as disadvantaged, handicapped or retarded. The administration's cutbacks would severely limit the development of new curricular materials and the training of qualified personnel to teach non-English-speaking children. If we do not make a beginning now for these children, many more will suffer. I am, therefore, quite pleased that the House has not permitted these children to be shortchanged.

I support the third budget rescission bill, also, because it represents the House's refusal to permit funds to be rescinded in the amount of $106,220,000 for alcohol, drug abuse and mental health. The President's rescissions would have reduced New York State's allocation by $500,000, which would have had serious consequences for more than 50 centers serving alcoholics. Increased economic pressures are bound to be expressed in a renewed search for escape routes and outlets. Attention is vital in these areas.

Moreover, according to Governor Carey of New York, the House's action will allow food programs for the elderly to continue and provide meals for an additional 1,000 needy senior citizens.

Furthermore, I applaud the committee for resisting the President's proposal to rescind funds authorized to be appropriated for the National Cancer Institute and the National Heart and Lung Institute. I have always supported such efforts by the Federal Government to stamp out such widespread diseases and shall continue to do so. We must not allow our current economic crisis to cloud our sense of priorities, especially with regard to health, which is so basic and fundamental.

The commitment of the House to health, education and welfare has been reasserted with the passage of the third budget rescission bill. We have demonstrated to the administration that it cannot afford to neglect the essential services so urgently needed by the people of this country, especially the urban poor.

LETTER FROM A CONSTITUENT

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. WHITEHURST. Mr. Speaker, recently I received a letter from a lovely lady in Norfolk, Va., expressing the sentiments of a great many Americans. I believe that her words have a message for all of us, so with her permission, I am taking this opportunity of sharing what she has written with all of my colleagues; we should all take her message to heart:

NORFOLK, VA.,
February 27, 1975.

DEAR DR. WHITEHURST, I had written to you in Nov. expressing my concern about the awful things going on in Wash. Evidently you appreciated my letter, for you had one of your staff members call me (from Wash.) to say you would be in Norfolk shortly and would try to get in touch with me.

I had hoped to be able to meet you and Mrs. Whitehurst, ever since you appeared on Pat Robertson's telecast. I was just not able to get to any of the places where you spoke, in the busy pre-election time.

But you did call me before you left Norfolk for the opening of Congress. You so graciously invited me to visit your office if I got to Wash. You would give me the grand tour.

For me, that is now impossible (please forgive this). I'm arthritic and in 2 months I will be 75 yrs old. Walking is somewhat difficult for me now. When my husband was living I used to visit our beautiful National Capital at least twice a year.

Then, too, it would make me feel sad as I do anyway when I think of the awful things perpetrated by some of the men in the governing body of our Nation.

I grieve when I read the news or watch news broadcasts. I feel as tho some members of Congress think more of power getting for their political party than the need to think and work for our Nation's welfare.

I say again (and I heard Mr. Albert similarly express his sentiment) that the important fact to realize, is that Congress needs to feel and work in unity, in order to wisely and sincerely try to correct the errors that brought things to the sad condition we now have.

Party importance must be put aside and think first as Americans for America.

I believe in you and trust you, for I've tried to keep aware of your work and that is why I voted for you—not because you're of the Republican Party. I truly believe you are working for the best for America and for our district.

I'm so concerned about the future, I'm actually frightened of the future, life is getting so difficult. What is the outlook for us oldsters?

I've already been notified (as has everyone) that our property has been re-assessed and our taxes will be higher and this will be each year. We built our home 41 years ago and I'm hoping that I can stay here until the Lord calls me home. I wonder.

This morning's paper tells us that our electric bills will be increased by $1.92 each month. Oil is so high. Phone calls higher—food and clothing!

In these later years when our bodies need Dr.'s care more often and more medication it's so costly that one puts it off if possible.

Some of us rent out a part of our home & we're taxed for that. It's frightening!

I so well understand now, the worries & fears of my parents experience when I was a child. I was born in Austria, near Vienna, the city of Pressburg which is now Bratislava.

I remember the grownups talking of the wrangling & disagreements in the government & the talk of awful taxes.

It eventually weakened the country especially having to support all the royalty, Barons, dukes, counts & *no*-counts. Oh I could tell you, some of it sad & some laughable.

It finally led to destruction of all those nations, made them easy victims for grabs by dictators like Hitler & the Russians.

My parents left for America in 1907 & we became Naturalized Citizens. We had a hard time but it was worth it. My little Mother was so courageous & she always said America will always be the hope of the world, and to be proud to be part of it.

Please, please you people in Congress get down to earth & work together sincerely and honestly for America, it's the best Country in the world. May God help you all.

My road of life is getting short now & I grieve for what is being in store for our future leaders, our young citizens.

Do forgive this long letter. I just had to speak out of my fears.

May God bless you and guide you all to work to better conditions and keep our dear Country great.

Greetings to Mrs. Whitehurst, I still hope to meet you both some day.

Sincerely,

MRS. OLGA B. PYLES.

THE POLISH CONTRIBUTION TO AMERICAN HISTORY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. NOWAK. Mr. Speaker, during the upcoming Bicentennial observance many groups in our country will be reviewing how they individually and collectively contributed to our Nation's greatness.

In that spirit, the Reverend Philip S. Majka of St. Michael's Church, Annandale, Va., has composed an essay entitled: "The Polish Contribution to American History."

My pride in my own Polish heritage, along with a belief that the nation prospers with improved understanding of the diverse contributions to our common heritage, prompts me to bring the availability of this essay to my colleagues' attention.

I hereby submit the first installment of Father Majka's article, which was published last week in the Am-Pol Eagle, a respected weekly newspaper in my native city of Buffalo, N.Y.

THE POLISH CONTRIBUTION TO AMERICAN HISTORY

(By Rev. Philip S. Majka)

From the very beginning, Polish people have played major roles on the American scene.

Seventeen years before Columbus set sail for a route to the Indies, a Polish sea captain, John of Kolno, reached Labrador and perhaps sailed as far West as the mouth of the Delaware.

In 1609 John Smith founded the first American colony of Jamestown, Va., with the purpose of manufacturing commercial items for export to England. Among the first settlers were recorded names of Stefanski the glassmaker, Mato the shipbuilder, Granza and Korcyowski the soldiers. Within the next decade, fifty more Polish names would be added to their ranks!

Throughout the colony's life, it was constantly being attacked by Indians, John Smith, himself, was captured by them, and as every schoolboy knows, was saved from death at the hands of Powhatan by the love of Pocohantas.

This was Smith's second encounter with the Indian chief, for a few years earlier, he had also been saved from Powhatan, though not as romantically, by the two Polish soldiers.

The Poles contributed greatly to the manufacturing enterprises of the Jamestown colony, but because they were not Englishmen, they were not allowed to vote. In 1619, the Jamestown Poles staged the first strike for civil rights, and the Jamestown legislature quickly agreed to their demands. They were guaranteed their rights in the records of the Virginia Company.

It was written; "Upon some dispute of the Polonians in Virginia, it was agreed that they shall be enfranchised and made free as any inhabitant whatsoever." The Jamestown colony eventually failed, but other settlements in America grew and prospered and the number of Polish people in America increased.

In the 18th Century, the colonists moved inland as men like Daniel Boone led the way. Two of Boone's companions were the Sadowski brothers, sons of a Polish immigrant, who himself was a trail blazer.

Boone and the Sadowskis were to explore the Kentucky wilderness in an expedition that Theodore Roosevelt later described in this way! "Boone and his companions struck out in the tangled mass of rugged mountain and gloomy forest. During the five weeks of severe toil, the vast solitudes of utter loneliness. Then, early in June, the adventurers broke through the interminable wastes and stood on the threshold of the beautful blue grass region of Kentucky."

In 1776 the American Revolution began.

The British acted quickly to crush the revolt. Their prime target was General Washington, and at the Battle of Brandywine, they broke through the colonial lines and swept down on Washington's camp.

Suddenly a small cavalry force led by a young Polish officer, Kazimierz Pulaski, checked the British attack long enough for Washington to escape.

War and leadership were no novelty to Pulaski. A decade earlier in his native Poland, he had led an uprising against Czarist Russia and for almost two years defended the shrine of Czestochowa from attack. But the confederation failed, despite Pulaski's successes, and he went into exile eventually immigrating to America.

During the American Revolution, Pulaski raised a legion of cavalrymen known as the famous "Pulaski Legion." Almost 20 per cent of these men, like Pulaski, were Polish exiles fighting for American freedom.

In 1779 Pulaski, after saving the city of Charlestown from British attack, took part in the seige of Savannah. The colonial army attacked the entrenched British forces, but their battle plans had been betrayed, and Pulaski tried to save the day.

A fellow officer recorded the moment: "Seeing an opening between the enemy's works, Pulaski resolved to charge. He shouted, 'Forward,' and we, 200 strong, rode at full speed after him. Suddenly a cross fire confused our ranks. I looked around and saw Pulaski on the ground. A shot had pierced him. Two days later, he was dead."

Pulaski had achieved his fame prior to his arrival in America, but another Polish hero, Tadeusz Kosciusko, was to achieve his here and then go on to greater glory.

Kosciusko arrived at the outbreak of the revolution and quickly rose to fame as an engineer. His defenses built at Saratoga and West Point, fortifications which are no longer standing, earned him the rank of chief military engineer, and were instrumental in several colonial victories. During the latter part of the war, he fought as a guerrilla in the South, and at the war's end, received honors and recognition from Congress.

Kosciusko returned to Poland where he led the insurrection of 1794 against Russia. Victorious at first, he was finally defeated and captured. Sent into exile, he returned to America for a brief visit, and then spent the rest of his life in Europe, vainly trying to free Poland from her conquerors.

But Poland's conquerors prevailed. Since 1772, Austria, Russia, and Prussia had divided Poland among themselves and tried to stamp out Polish identity. The United States was sympathetic to Poland, and Washington, Jefferson, and other Americans spoke openly for the Polish cause. But Poland was left alone to fight her battles.

In the year 1832, Frederic Chopin was playing in Paris. He would never see Poland again. For once more, Poland revolted, and once more, the revolt was crushed. Chopin and thousands of other Poles went into exile. Hundreds of them looked to the United States for refuge and America welcomed them.

Men like James Fenimore Cooper, deeply moved by their plight, arranged for food, money and shelter. While others like Daniel Webster, helped obtain land grants and federal support.

But America was building a continent, and the exiled found that they would have to accommodate themselves to a new way of life, a life of labor and of causes.

Slavery was the major issue in America, and many Poles were quick to sympathize with the anti-slavery movement. One of the outstanding abolitionists was Ernestine Potowski-Rose, one of the greatest platform speakers of her day, and a woman suffragette.

"Slavery," she once said, "means not to belong to yourself. This is the great abomination of slavery; that it deprives a man of his common rights of humanity."

Another major issue was that of women's right in medicine. Here, Dr. Maria Elizabeth Zakrzewska fought for the right of women to become doctors and to have women doctors. She established several hospitals for women and children and trained a number of women doctors, including the first Negro woman physician in the United States.

"To some, America was a dream, where the oppressed in Poland might find refuge." Such a dreamer was Father Leopold Moczygemba, a Polish priest who dreamt of establishing a New Poland in America. He thought he found his promised land in Texas, and he called it Panna Maria. He sent to Poland for 100 families to join him.

After nine weeks at sea, the families arrived at Galveston, Texas, at the height of a yellow fever epidemic. They set out for Panna Maria immediately. A grueling trip that took the lives of many children and caused others to turn back.

Finally, the survivors reached their goal. only to find tall grass, rattlesnakes, mud, and disease.

"Oh, what we suffered in the beginning," a survivor wrote. "We had no homes, only a few trees and bushes for shelter. The grass was so tall, we could only see a few steps in front of us. Rattlesnakes were everywhere. People were dying of starvation. The cries of the women and children were pitiful."

But Panna Maria survived to become the first Polish colony in the United States. There, the first Polish Catholic Church was built in America. Baptism at times was a problem, according to one notation: "Two snakes were found today in the bowl used for baptismal water. They were quickly dispatched."

In 1861 the United States went to war with itself, and the irony was that its first two victims were Polish.

The first was Thaddeus Strawinski, a confederate soldier who was killed at Fort Sumter. The second was a union officer, Captain Constantine Blandowski who was shot during a skirmish in Missouri.

But they were only the first Polish casualties of the war. At least four thousand Polish troops fought on the union side alone, most of them under two great Polish generals, Joseph Karge and Vladimir Krzyanowski.

Krzyanowski formed a Polish regiment which distinguished itself time after time. But when he was recommended for promotion to general, Krzyanowski was turned down, because, it was said, Congress could not pronounce his name.

But after his heroic defense of Cemetery Hill at the Battle of Gettysburg, Krzyanowski was quickly promoted to the rank of Brigadier General.

LAND REFORM IN THE PHILIPPINES

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. PRITCHARD. Mr. Speaker, land use and land reform are not just timely questions for the United States but also for many countries in the world. The University of Washington is proud to have Dr. Roy Prosterman, a leading land-reform expert and the closest foreign adviser to the Philippine Government on its land-reform program, on its staff. In light of President Marcos' overwhelming referendum victory, I think that my colleagues will find Professor Prosterman's comments interesting as they were reported in a recent article in the Seattle Post-Intelligencer:

[From the Seattle Post-Intelligencer, Mar. 3, 1975]

LAND-REFORM EXPERT ASSAILS MARCOS DELAY

(By Jack Doughty)

America's leading land-reform expert, and closest foreign adviser to the Philippine government on its land-reform program, yesterday strongly criticized the progress of that nation's program.

"After more than two years, land reform is less than one per cent complete," Professor Roy Prosterman, University of Washington, said.

"If President Marcos does not speed up the program—and it takes the man at the top to do that kind of thing—the Philippines may endure a cyclone of revolution in the future."

Prosterman, an adviser to the Philippines by invitation, made his comments in the face of last week's overwhelming referendum victory by Marcos.

Marcos won 90 per cent support for his martial law rule in the election.

"Even if taken at face value, the most the victory proves is that the Filipino people still believe his promises," Prosterman said. "A major promise was emancipation of the tenant. A 90 per cent victory means Marcos has farther to fall in the future if he doesn't meet the expectations of the people."

Goal of the program is to transfer land to 700,000 sharecropper families who pay 25 to 50 per cent of their crop to landowners.

These landless farm families constitute up to 90 per cent of the population in many villages of central Luzon.

Operating out of that region close to Manila, the communist Hukbalahaps and New People's Army have used rural support to threaten Philippine stability since independence in 1946.

Shortly after his Emancipation of the Tenant decree of Oct, 21, 1972, Marcos told this reporter the land-reform program was a key reform of his administration.

"I cannot overstate the fact that everything, in terms of our overall national reforms, hinges on land reform and bringing satisfaction to the landless," Marcos said.

"We have to keep moving and let our people know we are moving. If at any time the peasants feel we are not going to fulfill our promise to them, they will support any ideology presented to them. The communist New People's Army is lurking in the wings ready to pounce at the first sign of hesitation by us to drive on with our new society."

The process between an Emancipation decree and actual transfer of land is slow and painful at best.

Land and land owners (kicking and screaming all the way to the sale) must be identified, preliminary titles must be printed, the land must be valued, and finally the landlord paid off by the Philippine Land Bank, at which point the landlord stops collecting rent.

To date, Prosterman said, only 75,000 tenants have received preliminary titles, only 17,000 are on land that has been valued, and only 4,403 farm families have been emancipated through actual payments to the landlord.

"And that's less than one per cent," Prosterman said, "an extremely discouraging figure."

Prosterman who has just concluded his eighth advisory visit to the Philippines, blamed "red tape that should have been cut months ago, and decisions of some key administrators who are very close to the landlords."

"In recent weeks," Prosterman added, "the government has promised a speedup in land valuation and payment. That's fine if it happens. The Filipinos are, of course, totally free to lie down on any program they want. But I don't think they should enjoy a good press in the U.S. on asserted progress when in fact they have achieved so little."

Prosterman said he was speaking to the kinds of facts which were not revealed by Americans "working with Diem on his make-believe land reform program in Vietnam in the late 1950s."

At the same time, Prosterman believes Philippine land reform can be achieved to the same degree as "Japan's, Taiwan's and South Korea's—if there is political will at the top."

Rice production in those three countries, which have gone through successful land reform, is two to three times as great per acre as in the Philippines.

"Ownership of the land" Prosterman emphasized, "coupled with good government support, motivates the individual to that degree."

"The Philippines can definitely muster the administrative talent and call up the financial resources to do the job, if that's really what President Marcos wants."

The U.S. should help with foreign assistance resources if the program commences to move, Prosterman said.

"At the same time we should make it totally clear that the ball is in Marcos' court. If he flubs it, the Philippines may well become Asia's next tragedy. But it will not become America's."

SOCIAL SECURITY EARNINGS LIMITATION IS AN ANACHRONISM

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BURKE of Florida. Mr. Speaker, today, I introduced legislation to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits. I first introduced this legislation in the 90th Congress on April 6, 1967: Since then I have reintroduced my bill in the 91st, 92d, and 93d Congresses.

In 1935 the thinking behind the earnings limitation may have had some validity, but, in 1975 it is completely outdated and harmful to society, particularly since people over 65 now constitute more than 20 percent of the population. The 1935 legislators were not prepared for the world we have today, and hence they made a mistake. It is time to correct this mistake and stop the hardship it causes many older Americans who need to work in order to live. Social security was intended to provide an income floor for workers when they retired, however, because of the earnings limitation the most needy in our society face a choice at age 64 of continuing to work and losing social security benefits, or of retiring and living on social security alone.

Social security benefits have traditionally been payable as a matter of right and are not based on need as in the case of welfare benefits. But we have a situation where fortunate people who have thrived receive social security benefits while poor people who have not been able to accumulate wealth do not receive social security benefits.

An individual during his working years makes contributions to social security that are related to his earnings. Upon retirement, death, or disability, the individual or his surviving wife and children receive benefits that are again related to his earnings during his working years. This wage relationship to both the taxes imposed and the benefits provided gives the social security program its insurance character which enables the system to pay benefits as a matter of right rather than based on need as in the case of welfare.

However, under the existing law all people age 64 who have paid social security taxes since the law was passed 35 years ago do not receive benefits.

The earnings limitation is essentially a measure of the extent to which an individual is retired. Hence millionaires with no "earned" income under the law are allowed to receive their social security benefits even though they may own oil wells, buildings, and have income from investments, savings, insurance and property. However, the low salaried worker who puts in 20 or 30 years on the job and has only social security benefits to look forward to at retirement frequently finds that with today's inflation he must work to make ends meet. Unfortunately, when he does work he loses his social security check either totally or in part depending on how much he earns.

My point is that if social security checks are a right of millionaires, they should also be a right of poor people and all this nonsense about earned income should be stopped.

The working man is the backbone of our Nation and to rob him of benefits he deserves because he has the initiative to go out and do something to help himself is bad policy. Our Nation has thrived because of this American tradition of being self-sufficient since the earliest days of our history. We should not wait any longer to correct the situation, but we should act in this 94th Congress to remove the earnings limitation from social security beneficiaries.

STEVE NELSON: 50 YEARS SERVICE TO THE SOVIETS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. McDONALD of Georgia. Mr. Speaker, on February 12, 1975, an article entitled "Lincoln Brigade Recalled" by Steve Nelson, identified only as "national commander of the Veterans of the Abraham Lincoln Brigade," appeared on the op-ed page of the New York Times.

The article denounces anticommunism and calls for removal of all U.S. military forces from our Spanish bases when the original 25-year agreement expires in August because the bases are a "deterrent" in the path of "new forces" in Spain which "have gathered to put an end to General Franco's rule."

On February 20, 1975, Nelson's article was inserted as an Extension of Remarks into the CONGRESSIONAL RECORD, again without further identification of Nelson, by Mrs. ABZUG who is either unconcerned or unaware of his activities as a Soviet agent.

As established by the former House Committee on Un-American Activities and the Senate Internal Security Subcommittee in sworn testimony and documented evidence, Steve Nelson was born Steve Mesarosh on January 1, 1903, in Chaglich, Yugoslavia. Nelson, his mother, and two sisters entered the United States illegally in 1920 using false identification papers.

Subsequently in 1922, upon the recommendation of Immigration and Naturalization Service officials, the Mesarosh family entry was regularized.

According to the Daily Worker article of November 10, 1937, which Joseph North dispatched from Valencia, Spain, Steve Nelson joined the Communist Party "on the first anniversary of Lenin's death"—1925—"at the memorial in Philadelphia." It appears that Mr. Nelson perjured himself when he was naturalized in 1928.

In 1931, using a falsified passport, Nelson went to the Soviet Union where he attended the Lenin School in Moscow and was instructed for some 2 years in Communist organizing techniques, espionage, and sabotage. As a Comintern agent, Nelson worked in Shanghai, China, before returning to the United States. While attending the Lenin School, Nelson was seen frequently in contact with members of the Soviet secret police, the OGPU.

By 1934, Nelson was contributing articles to the Party Organizer, official publication of the central committee of the Communist Party, U.S.A. During the Spanish Civil War, Nelson held the rank of lieutenant colonel in the International Brigade of the Loyalist Army, organized under the direction of the Soviet Union, and played a leading role in the American League for Peace and Democracy and the Veterans of the Abraham Lincoln Brigade, both operations of the CPUSA.

For many years a member of the CPUSA national committee, Steve Nelson in the early 1940's headed a Soviet espionage ring which penetrated the radiation laboratory at the University of California at Berkeley to obtain U.S. nuclear secrets. He was observed by Federal agents meeting with Soviet Embassy and consular officials and handing over documents to them.

Nelson was a leading organizer of the underground Communist Party apparatus. A former high-ranking Communist Party official testified that Nelson claimed to have 70 saboteurs planted under his direction in the Westinghouse plants in Turtle Creek Valley near Pittsburgh, Pa., in 1948, "in preparation to military invasion of the United States."

As a director of Communist Party security, Nelson was responsible for strategy against investigation by the FBI and House Committee on Un-American Activities. And as director of industrial espionage, he told his comrades at one closed door meeting:

> Comrades, we have to get all the help in the way of equipment, machinery, tools, and supplies from the suckers in the United States for our new Communist government in China because this will hasten the day of revolution in the United States.

I would point out that on February 22, 1975, the New York Times published this short letter to the editor which set out accurately the Communist origins of the Abraham Lincoln Brigade:

> LINCOLN BRIGADE MEMORIES
>
> To the EDITOR:
>
> Steve Nelson's Feb. 12 Op-Ed article on the Lincoln Brigade was interesting. However, more interesting were the omissions.
>
> Mr. Nelson says nothing, for instance, about how Lincoln Brigade members were recruited. The majority, if not all of them, were recruited by members of the American Communist party and/or the Young Com-

munist League. I can remember being at parties in 1936 when young Y.C.L. girls told me how heroic they would think me if I joined the Brigade "to fight for Spain and its republican Government." I am not implying that all Brigade members were Communists; they were idealistic young men who thought they were striking a blow against fascism.

But Mr. Nelson doesn't talk about their loss of idealism once they got to Spain and found themselves under the command of Soviet party functionaries. He talks about the Brigade's opposition to Hitler and Mussolini. He doesn't say anything, though, about the Brigade's isolationist policy during those months of World War II when Hitler and Stalin were pact buddies. Only after Hitler turned his armies toward the Soviet Union did the Brigade follow the party line and urge all-out support to Britain and Russia.

PHILIP WASSERMAN,
Rockville Centre, N.Y., Feb. 12, 1975.

THE TAX CUT

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1975

Mr. BAUMAN. Mr. Speaker, the Wall Street Journal of March 5, carried a thoughtful article concerning the tax cut legislation which we hustled through the House recently. It points out that at a cost of $21.3 billion in lost revenues and increased deficits, the economy is likely to receive a maximum of $10 billion worth of stimulation. I would contend that even this so-called boost will be wiped out by the inflation which is certain to follow these massive deficits.

As one who declined to go along with the tax cut legislation I commend this article to the thoughtful consideration of my colleagues:

[From the Wall Street Journal, Mar. 5, 1975]

THE HOUSE TAX CUT

Although the House has improved somewhat on President Ford's proposal for immediate tax-cut stimulation for the economy, the Senate has a lot more work to do on it before anyone can pretend that it is barely adequate for the job. The House bill carries a price tag of $21.3 billion, which is not small change. But for that price, the economy will only get about $10 billion worth of stimulation.

The only certain stimulants in the package are on the 1975 cuts on lower and middle incomes, costing an estimated $8.1 billion, and the doubling, to $50,000, the amount of income on which a business pays the lower 22% corporate tax rate, costing Treasury $1.2 billion. The cut in individual taxes would be more beneficial to the economy if it were applied across the board; a reduction in taxes in the lower incomes implies a higher relative tax on the upper incomes, which can only mean a disincentive to the higher incomes to produce. Still, the net effect is clearly stimulative to supply and demand.

But that's all there is. The House knocked $4 billion off the Ford plan to hand out $12 billion in rebates on 1974 incomes, but given the same monetary policy, the remaining $8.1 billion is no stimulant to production. Treasury has to sell $8.1 billion in bonds—$8.1 billion that would otherwise be going into consumption or investment—in order to give $8.1 billion to last year's workers, so that they can put it into consumption or investment. Because future taxes have to be raised to pay the interest on the Treasury bonds, which the market of course takes into account, the whole exercise does more harm than good.

It is especially discouraging that such awful economics could win the support of both a Republican administration and a Democratic Congress. The only thing that it has to offer over the idea of paying people to dig holes and then fill them up is that the bureaucratic cost of supervision is saved. Otherwise, the economic effect is exactly the same.

Nor do we understand why a Republican administration, a Democratic Congress, business and Labor—and especially labor—believe that an increase in the investment tax credit to 10% from 7% will do this economy any good. It's clear why liberals go along with it: Because President Kennedy first proposed it as an alternative to a single cut in the corporate tax rate, the ITC is an acceptable bone to throw to business. But there's never been any evidence that it acts as a positive stimulus to production; it's merely a subsidy to capital accumulation.

The AFL–CIO should be aghast at the implications of a further hike in the investment tax credit; instead, it is actually supporting the idea. Here we have an economy with more than 8% of the work force unemployed, a figure that no doubt will rise, and unemployed fixed capital probably in the range of 20%, and everyone thinks it would be dandy to give business an incentive to buy new machines instead of using old machines and unemployed workers. Again, if the scheme goes through, Treasury will have to go out and sell $3.9 billion in bonds over the next two years. It then uses the proceeds to effectively pay the business community so that it distorts its decision-making away from existing capital and labor in favor of new plant and equipment.

What it all comes down to is that $21.3 billion in tax cuts would give the economy a decent stimulative boost, but not the way the House has arranged matters. If all the individual tax reductions had been applied to 1975 incomes, across the board, and if all the "benefits" to business had come in the form of reduced corporate tax rates, the package would clearly be cost effective.

The Senate now has a chance to straighten things out a bit. But the only advance sign from Chairman Russell Long of the Senate Finance Committee is that the Senate version will carry a higher price tag. Says Sen. Long: "I think it's fine for the House to spread some joy, but they've got to understand we want to spread some, too." But if the Senate merely hands out more goodies, with no more careful thought to how much bang they're going to get for each buck than the House has given, there's going to be a lot less joy in these tax cuts than the politicians are pretending.

SENATE—*Thursday, March 13, 1975*

(Legislative day of Wednesday, March 12, 1975)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Creator and Ruler, who hast given us the gift of life, bless us this day as we go to the work which lies before us.

We thank Thee for work, and for health to do it. Help us to think clearly and act wisely for the common good. Spare us from impatience, from the quick temper, from focusing on faults, and from tongues tuned to criticism. Keep us steadfast in the things that matter. But deliver us from mistaking our will for Thy will. Grant us in all our labors something of the grace, wisdom, and beauty of the Master, in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 13, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, March 12, 1975, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

Mr. GRIFFIN. Mr. President, reserving the right to object, at the request of another Senator, I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 25, Senate Resolution 23, and Calendar No. 30, Senate Resolution 61.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISAPPROVAL OF DEFERRAL OF BUDGET AUTHORITY

The Senate proceeded to consider the resolution (S. Res. 23) disapproving the proposed deferral of budget authority to carry out the comprehensive planning grants program under section 701 of the Housing Act of 1954.

CONGRESS MUST OVERTURN PRESIDENT FORD'S IMPOUNDMENT OF SECTION 701 COMPREHENSIVE PLANNING GRANT FUNDS

Mr. HUMPHREY. Mr. President, today Congress will take a historic step toward restoring the balance of power between the Executive and Congress. For the first time, we will use the authority and procedures provided for in the Congressional Budget and Impoundment Control Act of 1974 to override an attempt by the Executive to unilaterally defer an appropriation made by the Congress for a specific program.

This restoration of "the power of the purse" to the Congress is the most important single step toward restoring the constitutional power of the Congress that has been taken in decades. As a strong believer that this balance is crucial to the preservation of our liberty and the responsiveness of our system of government, I will remember today's action as a landmark of sorts in the years to come.

Today, we will pass Senate Resolution 23, which I introduced with Senator MATHIAS and several additional colleagues on January 21. At this time, 40 Senators have joined us on this important impoundment override resolution.

Senate Resolution 23 will disapprove the President's proposed deferral of $50 million in HUD section 701 comprehensive planning grant money. If allowed to stand, this deferral would mean a cut of 50 percent from the level of funding appropriated by the Congress for this important purpose. It is urgent that we act today to assure full funding of this crucial program.

Mr. President, to permit this deferral would mean the gutting of an important ongoing program that is relied upon by thousands of communities, urban and rural, large and small, all over the country. This would be a severe injustice and would have a devastating impact on their ability to provide effective services to our citizens. As I see it, the $50 million budget savings the President would gain by this proposed impoundment of appropriated funds is a penny-wise and pound-foolish decision.

During the past decade the responsibilities of State, local, and regional government units have increased dramatically. There is no question that these responsibilities will continue to expand in the years ahead. As this occurs, the necessity for better quality and more widespread planning becomes ever more indispensable.

The 701 comprehensive planning and management program has, since its enactment in 1954, has served as a continuing source of Federal assistance for comprehensive planning by States, counties, cities, and regional organizations. It is the only Federal program which allows recipients to plan in a comprehensive manner.

Over the years Congress has enacted a number of specific planning programs for transportation, economic development, health, and the like. However, something is needed to tie all of these narrowly focused planning programs together to allow for planning in a coordinated, comprehensive manner—in a manner that will be most productive, getting the most bang for the taxpayer's buck. It is a budget-saving program in the true sense.

It is a matter of grave concern to me that this country's commitment to urban and rural planning, as a conscious process of government at every level, seems to be weakening, despite the fact that the crisis resulting from unplanned growth and development is deepening throughout the United States, and being brought to our attention in bold type on the front pages of our Nation's newspapers. In terms of the number of dollars expended by this country in community development and housing assistance, the comprehensive planning and management assistance program, 701, has been relatively small. Over the years increasing demands have been made on this relatively static program, and it has not kept pace with either the growth of demand for planning funds from our communities or the intensification of urban and rural problems with which planning must deal.

The number of eligible recipients of these small amounts of funds has continually increased over the years, far outreaching funds available for even past clients. And, this situation gets worse every time the administration recommends the use of 701 funds as a replacement for additional new planning assistance programs—for example, rural development planning, coastal planning, disaster assistance, and the like.

Mr. President, the people have begun to demand a voice in the decisions affecting their environment. They have demanded that proper consideration be given to the economic and social development of this Nation. Planning, therefore, is crucially necessary, if we are going to seriously address ourselves to the many varied programs being proposed for the orderly growth and development of our Nation.

From a congressional point of view, the existence of planning requirements, as a condition of Federal financial assistance, makes eminent good sense. Planning requirements are a form of insurance designed to protect and make most useful the Federal dollars provided for local projects. The planning requirements simply say "These things that we are helping to finance must fit together in a well-thought-through manner and must be of long-range benefit to our citizens." Planning assistance makes this objective achievable.

One of the major reasons for expanding the comprehensive planning program, rather than cutting it as the President proposes, is to assist State and local governments in protecting the investment the Federal Government makes in the wide variety of Federal programs in which they participate.

Comprehensive planning assistance of 701 has had broad and successful application across this country, and I do not believe its track record of accomplishment warrants the proposed gutting. 701 has become a glue to coordinate all functional or more specialized planning and program development. It has provided a coordinated management framework, it helps produce policy and decisionmaking documents and tools, and it has served as a measure for community values.

As a checkpoint of accomplishment, 701 has worked and served as an administrative tool for long-term decisionmaking, and long-term policy and goal formation, and it has saved American taxpayers billions of dollars, by preventing waste and improving the quality of decisions.

As I said before, the 701 program has assisted States, counties, and cities of all sizes. It has fostered regional cooperation throughout the country, both on a metropolitan and nonmetropolitan basis, and it has funded economic development districts, and Indian tribal councils.

Mr. President, I am, of course, most familiar with the importance of 701 planning grants in my own State of Minnesota. But, I am sure that use throughout the Nation follows a similar pattern.

In Minnesota, these planning assistance funds support the activities and staff of the State planning agency, the metropolitan council in the Minneapolis-St. Paul area, the major cities of Minneapolis, St. Paul, and Duluth, the metropolitan planning agencies in Duluth-Superior, Rochester, St. Cloud, and Fargo-Moorhead, and regional development commissions in each of the 12 regions in Minnesota. In all, 21 organizations in Minnesota are affected by the availability of HUD 701 planning assistance funds. Every level of government, every citizen, benefits from the program. Every citizen in Minnesota would be affected adversely by the proposed deferral.

Minnesota has made great progress in establishing areawide regional planning. Regional planning development commissions have now been formed in each region of our State. These regional development commissions represent the beginning of a successful effort by local governments to work together to plan those services which they, as local governments, could not provide individually. The 701 planning assistance funds have provided the initial support that has made this possible. To remove that financial support at this crucial stage in their development would be a serious setback and could be the death knell for this crucial activity.

Many States, and some local governments, have now begun the process of developing land-use plans. In many areas, this has taken place with HUD planning funds. This is the case in Minnesota.

While the State has now enacted legislation to deal with land use, and has appropriated moneys for specific land-use activities, the State planning agency, the metropolitan council in Minneapolis-St. Paul, and the 12 regional development commissions in Minnesota, are all counting heavily on the availability of HUD 701 planning moneys to allow them to continue their important land-use planning activity.

Finally, moneys made available for this planning program to the State planning agency have enabled it to acquire a competent staff to provide technical help to local and regional governments, to assist them in establishing an effective planning program, to help them manage, and to provide them with information, such as population estimates and forecasts. We must pass Senate Resolution 23 and permit this important assistance to continue at least at the present level.

Mr. President, Senate Resolution 23 has received strong support from mayors, Governors, and county officials from throughout the country. I have received hundreds of letters urging me to do all I can to see that my resolution is enacted promptly.

Therefore, I am delighted that both the Senate Budget Committee and the Senate Appropriations Committee have acted favorably and rapidly on this resolution. The unanimous support of the Senate Budget Committee, and strong support in the Appropriations Committee, are clear indications of the essential need for this planning program throughout the country.

Mr. President, I want to publicly thank my colleague from Maryland (Mr. MATHIAS) for his excellent leadership on this issue. Without his able assistance, it is unlikely that we would be able to pass this measure today. I am sure that all those who believe in this program and understand its significance share my gratitude to Senator MATHIAS for his important contribution.

Mr. President, I urge all of my colleagues to join me in supporting this essential program.

DECISION TO SPEND SECTION 701 FUNDS THIS YEAR MAKES LITTLE SENSE

Mr. PROXMIRE. Mr. President, the resolution we are considering today, Senate Resolution 23, commits us to spending another $50 million on comprehensive planning grants in this year of the big budget deficit to no good purpose. The administration was right in asking for a deferral of $50 million in the section 701 comprehensive planning program and we are wrong in overriding their decision. Here are a few reasons why I am convinced we are making a big mistake.

First, there is more than enough money available for comprehensive planning. Despite the fact that the administration's proposal would reduce the obligation of funds under the program from $75 million in fiscal 1974 to $50 million in fiscal 1975 there is no reason in the world why planners and planning agencies would suffer. Let me explain why.

States as well as metro and nonmetro areawide planning groups would receive more than they did last year—that is right—they would get more cold cash despite the recommended deferral than they did in fiscal 1974. How is this possible? Simply because large cities and urban countries and localities would be eliminated from the program, thus saving $29.5 million.

But what happens to the planning effort in these urban areas? Does it go down the drain? Not at all. Cities can easily dip into the massive amounts of new community development block grant money first made available late last year. These urban localities have an enormous $2.2 billion to distribute in fiscal 1975 and a proposed $2.55 billion to parcel out among their various projects in fiscal 1976. If comprehensive planning cannot claim a modest $30 million out of these vast sums why should the Congress give this part of the program such a high priority? General revenue-sharing funds are also available for this sort of program.

Congressman BOLAND in the course of House hearings on the deferral of section 701 funds made the point in this way. He indicated that the city of Boston is going to receive $32,108,000 in community development funds in 1975 and another $28,749,000 in 1976. In 1974 Boston got $150,000 under the section 701 comprehensive planning grant program. Why in the world cannot Boston use part of its new community development money to pay its planners? If the city is not willing to pick up the tab, why should the Congress, but that is exactly what we will be doing if we pass Senate Resolution 23 to disapprove the administration's deferral.

Second, we are virtually committing ourselves to breaking the Housing and Urban Development budget submitted by the administration to the Congress for fiscal year 1976 if we pass Senate Resolution 23. If we approve this legislation, we are forcing HUD to spend $100 million on comprehensive planning grants in fiscal 1975 instead of $50 million this year and $50 million next year. No new budget authority has been requested for the section 701 program in fiscal 1976. The assumption was that the deferral would be adequate to continue the program.

Obviously, we are not going to spend the full $100 million this year and provide no money next year. There will be intense—probably successful—pressures to add $100 million to the fiscal 1976 budget for this program if we override the $50 million deferral. This may seem small potatoes in the face of a budget deficit estimated at a low of $52 billion that could easily go to $69 billion or above. But if we start to treat items of this considerable magnitude with disdain, the deficit will be even more frightening than the most pessimistic among us predicts.

Third, this money does not help the underprivileged or the unemployed. It does not alleviate the economic woes that many of our constituents are facing. It goes to pay the salaries of well educated, articulate planners who make a very good living from their profession. These men have the knowledge and the skill to lobby quite effectively for the section 701 program as many of us can attest to by the mail and the phone calls we have received on this issue. But let us not fool ourselves into thinking that this program combats recession. It does not.

Fourth, there is no hard evidence that these planning dollars are being wisely used. Maybe they are, maybe they are not. But the results simply are not in. There are very substantial questions in my mind as to the effectiveness of these expenditures. Are they simply a way of bolstering city hall payrolls or are they producing results? We should answer these questions before we sink even more dollars into the program, recognizing, of course, that the cities themselves can provide community development funds for the program if it is doing a job in their area.

For all these reasons I am compelled to oppose this resolution despite the fact that it received a strong vote of approval in both the HUD-Independent Agencies Appropriations Subcommittee, which I chair, and the full Appropriations Committee. For me to do otherwise would be fiscally irresponsible.

NEED FOR COMPREHENSIVE PLANNING FUNDS

Mr. JOHNSTON. Mr. President, today the Senate has an opportunity to override the President's deferral of $50,000,000, appropriated by the Congress for comprehensive planning grants to States and localities in fiscal year 1975. Senate resolution 23 disapproves the proposed deferral of budget authority to carry out the comprehensive planning grants under section 701 of the Housing Act of 1954. This is deferral D75-107, transmitted by the President to Congress on November 26, 1974.

The President had originally requested $110 million dollars for section 701 comprehensive planning grants in his fiscal year 1975 budget. The Senate had concurred in this appropriation and following a conference with the House agreed to a final figure of $100 million dollars. The President has not begun actions to defer spending of $50 million of that program, carrying the balance of $50 million over into fiscal year 1976 in which fiscal year he has asked for no additional funding.

This action will have a serious effect on the States, cities, counties and regional governments who need this assistance to plan and manage a myriad of programs in urban and rural areas throughout the country. The 701 comprehensive planning program is the only continuing source of Federal assistance for comprehensive planning for States, counties, cities and regional governments and is crucial for assisting these governments in developing and implementing long-range plans for rational growth in the future.

We have seen urban and regional planning grow rapidly in both breadth and depth over the last 40 years. We have gone from an early period when the state of the art was principally concerned with the spatial composition of cities to the present where the scope of planning has been broadened to include considerations of many social, economic and political factors that affect the process of growth or change as well as the basic physical parameters of form, space and natural resource development capability.

We have seen the emergence of an institutional base for urban planning in this country. It has been encouraged through Federal legislation. The landmark Housing Act of 1954, including section 701, provided the first and still continually evolving program for the assistance of planning activities on the parts of States, local government and metropolitan areas throughout the country. This limited first enactment was amended and expanded through each of the succeeding Congresses and has resulted in a steady refinement of the actual and potential "clientele" eligibile for planning grant-in-aid funds under the original legislation. In addition to each of the Housing Acts and their added scope of responsibilities for comprehensive planning, several other substantive pieces of legislation, including the Federal-Aid Highway Act of 1962, as amended, the Urban Mass Transportation Act of 1966, the Intergovernmental Cooperation Act of 1968, the Clean Water Act of 1972, the Rural Development Act of 1972 and others, have all added considerable impetus to the importance of comprehensive planning and its various interrelated aspects and in fact have required conformance with comprehensive planning. Each enactment reflects the determination of the Congress to bring urban and regional planning more strongly to bear as a tool for governmental problem solving.

The planning structure that has emerged is specifically geared to increasing the decisionmaking capacity of elected public officials. Any legislation that strengthens this structure and positions the planning functions in direct relation to increased political decisionmaking capacity should be endorsed by Congress.

As we have stated before, planning is not an end in itself. It is a means to an end—to the end of more informed and more effective political decisionmaking.

The concerns of planning and of planners are as broad as the concerns of those elected to govern—of the chief executives and the legislative bodies.

Planning assists those who are elected to govern in their establishing goals and targets, in the ordering of priorities, in the mixing of programs and the allocation of resources to achieve identified desired ends, and the evaluation of results. The planner's role is inexorably tied to the development, the application, and the evaluation of public policy and the identification of the public interest.

The administration has suggested that cities and counties would not be adversely affected if these funds were deferred and these same governments could use other Federal funds—such as those in the Housing and Community Development Act of 1974—for the same purpose. In fact large cities, urban counties and localities would not receive financial assistance for planning. The Housing and Community Development Act of 1974 is clear on the distinction between community development planning and comprehensive planning. Block grant funds for community development under title I of that act are in fact limited to the formulation of community development plans—a functional activity. Community development block grant recipients cannot use their funds to do comprehensive planning previously carried out with 701 assistance. Title IV does strengthen the comprehensive planning process, but the impoundment of the 701 funds would not be fully replaced from these other sources.

As a final point, it is critically important that the planning work that is being done across our Nation be done with the deep commitment of government officials. All of the planning reports in the world are of no value unless the recommendations of this work can be implemented. The difficulty in implementation is in part the reason that some people support the deferral of these funds. We should recognize that implementation of large-scale plans is not easy, but it has been done in some areas, and we must continue to do our best. We should use as our model those governments that have been successful in implementing plans—not those governments which have not done so well. Whether or not these funds will have been well invested will depend upon the work that State and local government officials do to bring alive the planner's efforts. I have great faith that our State and local government officials can accept that challenge, and that this Federal expenditure will prove to have been a sound one.

Mr. WILLIAMS. Mr. President, I rise in support of Senate Resolution 23 which would disapprove the President's proposed deferral of $50 million in HUD section 701 comprehensive planning grants. I have cosponsored this measure because I feel that this deferral would severely undermine a successful program which is important to thousands of communities across the Nation.

The funds which are devoted to the 701 planning program are well spent. Unplanned growth has blighted our landscape for the past several decades. Numerous studies have demonstrated that our urban sprawl is tremendously costly, economically and environmentally. It is wasteful in terms of land use and energy consumption. The 701 program provides a vehicle to our communities to combat this kind of waste by planning for orderly growth.

New Jersey, which is the most densely populated State in the Nation, has perhaps suffered more than many areas from urban sprawl. But our State and our communities are making efforts to confront the problems. The demand for 701 funds in my State has been great. In fiscal year 1974, the State's Division of Local Government Services, which has administrative responsibility for the 701 grants to New Jersey's municipalities, received requests for $2.3 million, but only $450,000 was available.

I feel very strongly that we need the kind of tools that the 701 program can provide. This program enables our State and local governments to formulate short-term and long-term policies and goals. A reduction in the funding level for this program would drastically restrict the ability of these units of government to carry out ongoing planning processes.

I urge my colleagues to join me in supporting Senate Resolution 23.

The resolution (S. Res. 23) was agreed to, as follows:

Resolved, That the Senate disapproves the proposed deferral of budget authority to carry out the comprehensive planning grants program under section 701 of the Housing Act of 1954 (numbered D 75-107), set forth in the special message transmitted by the President to the Congress on November 26, 1974, under section 1013 of the Impoundment Control Act of 1974.

DISAPPROVAL OF PROPOSED DEFERRAL OF BUDGET AUTHORITY TO CARRY OUT THE HOMEOWNERSHIP ASSISTANCE PROGRAM

The Senate proceeded to consider the resolution (S. Res. 61) disapproving the proposed deferral of budget authority to carry out the homeownership assistance program under section 235 of the National Housing Act.

Mr. WILLIAMS. Mr. President, Senate Resolution 61 would disapprove the President's proposed deferral of approximately $260 million for the section 235 housing program. In the Housing and Community Development Act of 1974, Congress specifically authorized the use of these funds for the continuation of homeownership assistance to lower income families.

I have cosponsored Senate Resolution 61 because I am convinced that the termination of this program, especially under the current economic climate, is unjustified and shortsighted. There have undeniably been some disappointments in the 235 program. On the whole, however, the program has been quite successful. It has provided an opportunity for thousands of low-income families to own their own homes. The social benefits of this program are immeasurable. It builds housing, and it also brings with it a pride of homeownership and a sense of community responsibility.

The proposed deferral of these funds is particularly untimely. The housing industry is in the midst of a depression. Unemployment in the construction industry is now 15 percent. This represents 664,000 persons across the country. In my home State the estimates of the unemployment rate range up to 30 percent. In December the annual housing starts level dropped to an 8-year low of 868,000 a decline of more than 60 percent since October of 1972. New Jersey has experienced a similar downturn in housing starts, and the construction of new homes is proceeding at a rate which is estimated to be less than one-third of that which is necessary to meet the needs of our citizens.

The National Housing Conference estimates that the funds which the President proposes to defer could produce as many as 240,000 additional units of housing for lower income families. This housing is urgently needed. The release of the section 235 funds can alleviate serious hardship, and it can relieve unemployment and stimulate our economy. I urge my colleagues to support Senate Resolution 61.

HOMEOWNERSHIP ASSISTANCE PROGRAM

Mr. PROXMIRE. Mr. President, as chairman of the Committee on Banking, Housing and Urban Affairs, and the Subcommittee on HUD-Independent Agencies of the Committee on Appropriations, I am glad to speak in support of Senate Resolution 61 to disapprove the proposed deferral of budget authority for the section 235 homeownership assistance program.

Both the Banking, Housing and Urban Affairs, and the Appropriations Committees overwhelmingly approved this resolution. Their approval stems, I think, from two strongly held views concerning this resolution.

The first is the view that homeownership assistance is badly needed at this time in order to generate employment in the depressed housing industry. It is estimated that restoring the homeownership program now will result in some 200,000 new housing starts, requiring 400,000 man years of work. At a time when housing starts have fallen 60 percent below national housing goals and construction unemployment has risen to disastrous levels, a Federal homeownership assistance program can play a major role in returning the housing industry, and the general economy, to good health.

The second strongly held view is that the Congress authorized and appropriated funds for homeownership assistance, and the President, having signed the measures, should therefore carry out the laws.

Mr. President, you will remember that in January 1973, the administration, without consulting the Congress, suspended the homeownership program along with all other major HUD programs. Approximately $264 million in appropriated section 235 funds were impounded at that time.

In August 1974, after 18 months of HUD-imposed housing stagnation, the Congress revised and reauthorized the homeownership program, specifically authorizing the use of the impounded funds during this year. This was a key part of the agreement between the Senate and House conferees.

Yet, in October 1974, despite the new housing law, the President proposed to continue the impoundment of homeownership funds.

Many in the Congress are outraged at the administration's refusal to carry out the housing law. Last week, the House of Representatives refused to agree to the further impoundment of section 235 funds, as requested by the President. Passage of Senate Resolution 61, before us today, would make absolutely clear to the administration that the Congress demands that the housing laws be carried out.

The Executive is already on notice that it is violating the Impoundment Control Act by continuing to impound homeownership assistance funds. According to a recent determination by the Comptroller General, the administration was required to allocate the available section 235 funds last Saturday, March 1. I have contacted Comptroller General Staats regarding this apparent violation of law, requesting action under Public Law 93-344. I have been informed that GAO is in the process of notifying the Office of Management and Budget of this violation. I anticipate early legal action by the Comptroller General to secure implementation of this program, in accordance with procedures established by the Impoundment Control Act.

Senate Resolution 61 supplements and supports the pending action of the GAO. Prompt passage of the resolution would make clear that the Congress expects the homeownership assistance program to be implemented regardless of whether it requires congressional disapproval of a proposed deferral, or nonapproval of a proposed rescission.

Accordingly, I urge the Senate to adopt the measure.

The resolution (S. Res. 61) was agreed to, as follows:

Resolved, That the Senate disapproves the proposed deferral of budget authority to carry out the homeownership assistance program under section 235 of the National Housing Act (numbered D75-48), set forth in the special message transmitted by the President to the Congress on October 4, 1974, under section 1013 of the Impoundment Control Act of 1974.

Mr. TOWER. Mr. President, today the Senate has agreed to two proposals to disapprove the President's request to defer spending until fiscal year 1976. Senate Resolution 23 mandates spending $50 million of section 701, comprehensive planning funds, and Senate Resolution 61 mandates spending about $260 million of section 235, housing funds, until next fiscal year.

My plea today is not to question the substance of these programs. The section 701 program has been very beneficial to cities in Texas and across the country. The section 235 program has met with success under certain circumstances, but no one can doubt it has had its share of problems. No, my plea today goes much further than these two programs and the $300 million expenditure they represent. My plea is that we in the Congress realize what we are doing today.

When the fiscal year 1976 budget was presented to Congress, it anticipated a deficit of $52 billion. This assumed that the Congress would agree with the President's rescission and deferral message sent to us on November 26, 1974. That message provided that about $17 billion, which had already been appropriated, be deferred and rescinded. If we do not agree with this proposal, it is likely that the fiscal year 1976 deficit will be increased by $17 billion, to $69 billion. And the end is not in sight.

I do not say that we should necessarily adopt all the budget cuts that the President proposes. The Congress can itself decide which programs should be cut and by how much.

My fear, Mr. President, is that our intentions will not be translated into action. I really do not know if Congress will discipline this economy by reducing expenditures in different areas. It is very unpopular to cut spending today. The pressures on Senators and Congressmen to spend more in these recessionary times are great. And, as I said before, there is much merit in many of the programs contained in the President's rescission and deferral message. What deeply concerns me, however, is how much the fiscal year 1976 deficit might be.

A deficit of $52 billion is staggering. A potential deficit of $69 billion is shocking. And many economists predict that, depending on what the Congress does on tax and energy legislation, the deficit could approach $50 to $100 billion for fiscal year 1976. This is incomprehensible.

There is no question that individuals and communities will suffer as a result of cuts in Federal programs. I would submit, however, that any discomforts that would be experienced by these cuts are far more palatable than the discomforts we would experience should we incur a deficit of $80 billion or more for fiscal year 1976.

At some time, the deficit will have to be repaid. At some time, we will have to face this issue. What will happen is that we will force the Treasury to go into the capital markets to finance this debt. When this is done, two things will occur. We will rob the private sector of much-needed capital funds which can be used for industrial expansion and housing production. And of those funds that are left, the interest rates will be pushed constantly higher. The alternative is to print more money, which could rekindle inflation the likes of which we have never seen. In my opinion, that is not an acceptable alternative.

Mr. President, I would like to submit for the Record, today's editorial in the Wall Street Journal entitled "Crowding Out." I think it clearly states the gravity of our current economic condition. One of the conclusions reached by the editorial is that should we run a deficit in fiscal year 1976 of $70 to $80 billion, it could severely restrict recovery, particularly in the housing industry. As ranking member of the Banking, Housing and Urban Affairs Committee, I have been and continue to be deeply concerned about the future of our economy. As ranking member of the Subcommittee on Housing and Urban Affairs for several years, I have become intimately concerned about the housing industry in this country. The housing industry is dependent on a strong economy. If the economy suffers, housing production suffers. Unless Congress exercises more control over Federal expenditures, the recovery of our economy will continue to be more of a hope or expectation than a reality.

I ask unanimous consent that the editorial may be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 13, 1975]

Crowding Out

Understanding the economy in 1975, unfortunately for those of us with enough on our minds already, requires an understanding of an esoteric economic debate over something called "crowding out."

Treasury Secretary Simon sounded the first guns in this debate by warning that financial markets cannot finance both the huge federal deficit and the needs of private borrowers. Some economists have described his fear as "hysterical." In a letter to The New York Times, six prestigious liberal economists said the problem would be handled through an "accounting identity." But in recent weeks, independent analyses have been conducted by Norman B. Ture, a Washington-based consulting economist, and Allan H. Meltzer of Carnegie-Mellon University. Each reports that, until he got the numbers down, he could not believe things are as bad as they are.

The crux of the matter is that when the federal government borrows to cover its deficits, it competes with private borrowers who need funds to invest in plant construction and housing. Both government and private needs must be met from the savings pool, which consists of business savings (profits plus depreciation and other "capital consumption allowances"), personal savings and inflows of foreign funds. Allowing for special factors and statistical error, the two totals will always be the same; this is the "accounting identity."

The problem is that if you plug some reasonable 1975 projections into this equation, it is very hard to get the totals to come out equal. This suggests that as the heavy government borrowings come on stream in the second half, the economy may well be in for some type of severe shock now only dimly foreseen. A typical projection, with calendar year 1974 as a base, would look something like this:

[Billion dollars]

Invest.	+	Deficit	Eq. Bus. Sav.	+	Per. Sav.	+	For. Inv.
			1974				
208.9	+	5.9	Eq. 136.5	+	76.7	+	3.6
Total 214.8. Eq. total 216.8.							
			1975				
205	+	70	Eq. 150	+	80	+	10
Total 275. Eq. 240.							

Eq. means equals.

First, a word about the estimates. Private investment may fall off more rapidly, but so may corporate profits. Personal savings may be higher if the savings rate rises but will be lower if personal income falls. The net inflow of foreign funds may increase, but the above estimate already provides a tripling in a year's time. The estimate of a $35 billion gap is essentially a conservative one, and the question is, how will this gap be closed?

Part of the gap—and in a sense the whole debate is over how much—will be filled by the Federal Reserve System's purchase of federal debt by in effect printing up new money. Over the course of a normal year, the Fed will buy federal securities, thus injecting reserves into the banking system and making the money supply grow. It's easy enough to calculate roughly the relationship between the Fed's purchases and money growth. At a 6% growth in the narrowly defined money supply, the Fed would buy about $7 billion in new federal debt. If the Fed closes the gap by buying the whole $35 billion, the money supply would grow by about 30% over a year's time.

Before we go one sentence further, let everyone understand that money growth anything like the latter figure will not only rekindle inflation, but will make interest rates go up, not down. As soon as lenders and borrowers see that kind of money growth coming, they will start to crank higher inflation estimates into their calculations. Mr. Ture expects the Fed to monetize the bulk of the deficit, for example, and talks in terms of a prime rate of 20% by the end of 1975.

If the Fed pursues reasonably moderate money growth, the deficits will still make interest rates rise, though not so astronomically. The normal operations of the market would balance the equation through higher interest rates, discouraging borrowing and encourageing savings and foreign inflows. But with a $35 bililon gap to close, this implies interest rates that still might be high enough to cause severe problems.

A drop in business investment below $205 billion implies a much deeper economic decline than so far predicted. Even the pessimistic predictions of the Council of Economic Advisers looked for a small increase, not decrease, in private investment.

Alternatively, the $80 billion in personal savings is based on a savings rate of 7.9% of a disposable income of $1.049 billion. Over the last 25 years, the savings rate has ranged from 4.9% to 8.2%. To generate an extra $35 billion it would have to leap to an implausible 11%.

Finally, the interest rates necessary to force savings up and investment down by such an amount might themselves be high enough to prevent a recovery. The effect on the housing sector, in particular, is entirely predictable.

The long and short of the analysis is that somewhere between a federal deficit of $50 billion and a federal deficit of $80 billion the string snaps. To maintain the "accounting identity," you are all but forced to assume the economy will unwind in one way or another. You can make the same kind of analysis not through the National Income Accounts as above, but through a different "flow of funds" methodology. Salomon Brothers did this earlier in the year, coming to this conclusion:

"The consequences of a U.S. budget deficit substantially greater than the nearly $50 billion estimated by us for calendar 1975 should be clearly recognized. Such a deficit could be reasonably financed only if the economic contraction this year is much greater than we expect. Otherwise the budget deficit would either lead to a vicious struggle for funds between private borrowers and the government, or the Federal Reserve would have to supply funds without regard to its long-range responsibilities. In any event, a larger than expected deficit would threaten economic recovery, despite the best intentions of government, by crowding out medium to lower rated borrowers, many of whom are already in peril, and mortgage borrowers as well, thus aborting recovery in housing activity."

Last week Walter W. Heller, a valued member of our Board of Contributors, cited the Salomon Brothers analysis as reason not to worry about crowding out. But by now the Salomon Brothers analysts are well aware the deficit for calendar 1975 will be far above $50 billion. The St. Louis Fed puts the calendar year deficit at $62 billion merely on the basis of administration proposals, which included (on a fiscal year basis) $16 billion in expenditure reductions and a tax cut of only $16 billion.

But suppose for a minute that Mr. Heller is right about 1975 and that the gap is filled by a happy combination of events. Suppose money growth is moderate, and the Fed takes up some debt. Falling inflation means lower interest rates, and suppose this effect is powerful enough that non-destructive rates can balance the supply and demand for funds. There still remain two problems.

One is simply that private borrowers will still be crowded out, that private investment will decline. In other words, because of the huge deficits, we have a lower rate of capital formation and thus slower economic growth in future years. Assuming that the deficits cannot be reduced, this is the smallest price we can possibly pay.

The final problem is 1976, or whenever recovery does get under way in earnest. At that point, the investment needs of business and housing will go up, not down. If the government is by then still running $70 billion deficits, this will call for an even more impossible-looking increase on the savings side of the ledger. At that point, high deficits will again threaten to abort the recovery. This destruction of capital formation, excessive monetization of debt and aborting of real growth is essentially what has already happened in Great Britain.

Yet Congress goes its happy way, adding to expenditures, increasing tax cuts, charting bills that discourage saving instead of encourage it, secure in the knowledge that there is a recession on, and in that case Dr. Keynes always assured them that budget deficits are a free lunch. Didn't he?

HOUSING AND PLANNING DEFERRALS

Mr. MATHIAS. Mr. President, I am pleased to join my colleagues in support of the two resolutions before us today, disapproving proposed administration impoundments of funds for comprehensive planning and subsidized housing, Senate Resolution 23 and Senate Resolution 61.

Consideration of these resolutions presents the Senate with an historic opportunity. This will constitute the first exercise of our power, under the terms of the new Budget Reform Act, to disapprove, by a majority vote of one House of Congress, the deferral by the executive branch of the expenditure of funds already authorized and appropriated by prior acts of Congress. As my colleagues well know, this procedure provides a sensible and orderly process for the congressional review of executive impoundments, and is a welcome improvement over the pattern of confrontations and court battles which such executive actions have invited in recent years.

The two programs whose funding would be restored by these resolutions are both of great interest and concern to me: the section 235 subsidized housing program and the section 701 program for comprehensive planning grants to local and regional governments throughout the land. As the ranking Republican member of the Senate Appropriations Subcommittee on HUD, I have been a longtime supporter of both these programs and was, therefore, pleased to join in sponsorship of both these resolutions before us today.

It is my hope that the approval of Senate Resolution 61 will, once and for all, bring about the release of the $264 million of impounded funds for the section 235 subsidized housing program. I have consistently opposed the impoundments which have brought this much-needed program grinding to a halt for the past 3 years. It is especially crucial now, given the depressed state of our housing industry and the extreme shortage of housing units available to lower income families, that these funds be released and the program be resumed without further delay.

The section 701 program is also a terribly important one for all State, regional, and local governments seeking to develop coherent, rational plans for housing and community development.

My continued support for it is not solely based on the theoretical value of planning, but, more importantly, on what this program achieves. It is the only general program which supports planning, coordination and improving governmental management capacities of State, regional, and local units of government. It provides the resources to hold together in a coordinated and comprehensive fashion policies, plans, and programs that have a single focus and are mission oriented.

To a large extent, the 701 program provides the process and opportunity to assess the degree to which specific functional policies and plans are compatible with the general or overall goals and objectives of governments below the Federal level.

It also supports and is supplementary to the Department of Housing and Urban Development's housing and community development programs. For example, it provides the only Federal resources for States to develop comprehensive State development and housing policies and programs. It has played a critical role in my own State of Maryland in establishing the justification for, and State legislation to support, State programs to finance low- and moderate-income housing. Through the requirement of an annual housing element, it provides a framework at the regional level for the development of local housing assistance plans which are a condition precedent to cities and urban counties receiving community block grant entitlements.

The benefit of this program is clearly evidenced in the Washington metropolitan area. In this region, the Metropolitan Washington Council of Governments has developed a fair share housing program which has been used by the local governments in the metropolitan area, and HUD, for distributing available low- and moderate-income housing subsidies within the region. The fair share formula is based on the concept of providing equal housing opportunity for all income groups throughout the region and to provide low- and moderate-income workers the opportunity to live within the communities in which they work.

There is no question in my mind but that the 701 program makes sense; it especially has value in periods of austerity such as we now confront. The whole process of governmental policies and decisionmaking must now, more than ever, be based upon a sound and prudent management of our natural and financial resources. We must avoid duplication and insure that projects and programs are cost effective. It is imperative that we do not reduce our national commitment and available resources to aid and assist State, regional, and local governmental agencies in carrying out these vital planning, coordination and management functions. It is for these reasons, Mr. President, that I have cosponsored Senate Resolution 23 and urge that we act promptly today on this vitally needed resolution to restore the deferred $50 million to the 701 program.

In addition, I would like to commend to the attention of my colleagues a number of communications I have received from State, regional, and local officials in Maryland stressing the importance of this program to their particular areas.

I ask unanimous consent that copies of these letters be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Metropolitan Washington
Council of Governments,
Washington, D.C., December 4, 1974.
Hon. Charles McC. Mathias, Jr.,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mathias: I am writing to solicit your help in connection with a matter which has the gravest potential consequences for the Council of Governments, and, indirectly, for the cities and counties of the Washington Area.

Last Tuesday, as you know, the President sent up a message containing a series of proposed budget rescissions and deferrals amounting to approximately $4½ billion.

Among the programs proposed for partial deferral was the "701" planning program, administered by HUD, which is the major federal program funding this and more than 200 other councils of governments across the country. The President asked that $50 million of the $100 million appropriation for FY 1975 be deferred. We understand that the administration will also propose that the program be carried at the same reduced $50 million level in FY 1976.

If the Senate or House do not quickly adopt a resolution rejecting the proposed $50 million reduction in the 701 appropriation, it will have the most profound implications for our COG. The 701 program has been called the "glue" which holds the programs of councils of governments together. It is one of the few multipurpose federal programs available to us—one of the few which is flexible, and which underwrites regional human services programs. It is, in effect, the COG version of federal revenue sharing.

In our COG, at the present time, the 701 program is helping to underwrite implementation of the Fair Share Housing Program—which has brought our area a bonus of more than 1,500 badly-needed low and moderate cost housing units; it is helping to develop a cooperative and urgently-needed metropolitan growth policy; it is building an areawide consumer protection network, a cooperative regional energy information center, and several programs in the field of environmental protection. It underwrites programs in nine different COG departments.

The proposed deferral would mean a probable cut in our budget of some $300,000. It would severely curtail a number of our programs, including the housing, consumer protection and metropolitan growth programs, for which there are no alternative sources of funding. It would compel us to lay off between 10 and 15 members of our staff. It would be a severe setback for metropolitan cooperation in the Washington Area.

We are writing to you not only to apprise you of this critical information, but to ask whether you would be willing to sponsor a resolution in the HUD Appropriations Subcommittee to put the Senate on record in opposition to this deferral. We understand that such a resolution would have the support of Senator McClellan, Senator Brooke, Senator Stevenson, and others.

The matter is of some urgency because our current HUD grant expires December 31, and failure of the Senate or House to act on the proposed deferral would mean program and staff cutbacks for us beginning almost immediately. I understand, also, that the President has advised the Senate that unless it acts by December 16, he will begin to implement the cuts on that date.

We continue to be grateful for your help and support.

Very truly yours,
Walter A. Scheiber,
Executive Director.

Regional Planning Council,
Baltimore, Md., February 3, 1975.
Senator Charles McC. Mathias, Jr.,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mathias: The Regional Planning Council passed the enclosed resolution at its January 1975 meeting and on behalf of the Council I urge full and timely support of it. Your immediate attention is requested regarding full restoration of the $100,000,000 HUD 701 Planning program budget for F.Y. 1975. These funds are urgently needed if state, areawide, and municipal planning programs in Maryland are to continue to provide planning services to their residents. Passage of Senate Resolution 23 would insure restoration of the proposed $50,000,000 budget cut for F.Y. 1975.

Your concern and attention to this matter is greatly appreciated.

Sincerely yours,
Milton H. Miller, *Chairman.*

Enclosure.

[Regional Planning Council, Baltimore, Md.]

Resolution

Urging full restoration of comprehensive planning funds under section 701 of the Housing and Community Development Act of 1974 for fiscal year 1975 and urging continuing funding for the "701" program in ensuring fiscal years for State, areawide and local planning programs

Whereas, the Regional Planning Council is the areawide planning agency representing and comprised of local governments in the Baltimore Metropolitan Area; and

Whereas, since 1968, the Regional Planning Council has received "701" planning funds from the Department of Housing and Urban Development to aid in the provision of vitally needed planning and management services for communities in the Baltimore Region; and

Whereas, the continuing provision of "701" funds will substantially assist the local governments in the Baltimore Region to carry out these vitally needed planning and management programs; and

Whereas, on November 26, 1974, the President of the United States proposed a deferral of $50,000,000 in the HUD 701 program, a proposal clearly detrimental to the activities of local, regional and state planning agencies; and

Whereas, plans for allocating FY 1975 planning funds by HUD may not only seriously impair the planning programs of all eligible recipients, but may totally eliminate funding for urban counties, cities over 50,000, other cities and localities, thereby threatening to eliminate the planning and management capabilities built up by these municipalities through HUD 701 assistance.

Now, therefore be it resolved, by the Regional Planning Council at its 132nd meeting held on this 24th day of January, 1975 that the Council urges full restoration of the $100,000,000. HUD 701 budget as appropriated for FY 1975 by the Congress of the United States; and

Be it further resolved, that the council urges continuation of HUD 701 funding into FY 1976 with new and sufficient appropriations and continuing HUD allocation of 701 funds in a balanced manner among eligible state, areawide and local recipients in 1975 and thereafter.

Maryland
Department of State Planning,
January 31, 1975.
Hon. Charles McC. Mathias, Jr.,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mathias: I want to thank you for co-sponsoring S.R. 23 on January 21, 1975. The State of Maryland and its many jurisdictions have been using HUD "701" assistance for preparation of basic comprehensive plans, zoning ordinances and subdivision regulations. As local planning has become more sophisticated, these funds have been used for the preparation of functional plans as well as improving management techniques which are vital in directing the affairs of local and State governments.

The $50 million deferral in "701" funds proposed by the Administration would severely limit the work that the State, local units of government and regional planning agencies can perform in preparing plans which have become important tools for decision-makers in guiding development and improving governmental operations.

Again, I am very appreciative of your support on this matter and I truly believe that all the citizens of the State of Maryland owe you a great deal of gratitude for co-sponsoring S.R. 23 and for all the other exemplary services you have rendered to this State.

If I or my staff can give you any additional data which would be helpful in preparing material for the support of your resolution, please do not hesitate to call upon me.

With best regards.

Sincerely,

VLADIMIR WAHBE.

City of Baltimore,
Planning Commission,
January 23, 1975.

Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

FEDERAL "701" PLANNING GRANT REDUCTIONS TO LARGE CITIES AND COUNTIES

DEAR SENATOR MATHIAS: I am enclosing a table showing how the Federal Department of Housing and Urban Development plans to completely eliminate "701" planning grant funds to large cities and counties in response to the President's deferral of $50 million (one-half) of the current F.Y. 1975 appropriation for this program. This table was included in a report from the American Institute of Planners describing the Administration's plans to cut back or eliminate these grants to large cities.

Since these funds were made available to Baltimore and other large cities three years ago, we have hired a large staff and committed both our office and the Mayor's Office to develop planning programs upon which rests the hope of many residents and businesses for improving their city. We are currently preparing an application for over $500 thousand in "701" planning funds to continue such programs as:

(1) neighborhood district planning with citizens organizations

(2) economic development planning with industries and firms

(3) multi-service center development planning with neighborhood organizations and non-profit groups

(4) planning for central business district development and revitalization

(5) management planning in the Mayor's Office

A descriptive summary of our past and proposed use of these funds is attached. If HUD eliminates these planning grant funds for large cities in order to comply with the President's deferral, or if they reduce the amount of funds for cities after Congress restores these funds, we will have serious problems. We will not be able to continue planning programs for neighborhood residents and the City's businesses and industries. We may also be forced to lay-off professional and other staff at a time when unemployment is already too high. Furthermore, this may violate Sec. 401(a) (3) and (4) of Title IV of the "Housing and Community Development Act of 1974" which specifically provides for funding to cities with population in excess of 50,000 and to urban counties as defined in the Act.

I have written to you before to request your support for restoring the deferred "701" funds and appreciate your response and efforts in our behalf. I would urge that you continue to do everything possible to assure the passage of an impounding resolution to restore full funding during the 94th Session of Congress.

I would like to further request your assistance in assuring that Baltimore and other large cities will be able to obtain these grant funds in the future. HUD's deferral plan eliminating large cities is alarming, particularly because HUD is claiming that Community Development Revenue Sharing Funds are available to cities for general planning as a "701" substitute when CDRS funds are clearly not intended for this. HUD has also prepared a "planning rationalization study" which will probably recommend consolidation of other Federal Agency planning grant programs under the HUD "701" grant pro- ning grant programs are not directly avail- gram in F.Y. 76. These other Federal plan- able to cities and we fear that the "701" program will be used to provide funds to state and regional agencies at the expense of large cities.

In addition to asking your support in resolving the F.Y. 75 funding problem, I would appreciate your advising me of HUD plans for future funding under the "701" program as it may affect Baltimore as a large metropolitan area central city. This will be greatly appreciated.

Sincerely,

LARRY REICH, *Director.*

BALTIMORE CITY DEPARTMENT OF PLANNING

SUMMARY OF FISCAL YEAR 1975 "701" FEDERAL PLANNING AND MANAGEMENT FUNDS USE AND FISCAL YEAR 1976 PROJECTED NEED

Program	Fiscal year—		
	1975 grant	1975 spending	1976 need
Utilities and environmental planning. (Involves planning for and coordinating water and sewer projects, environmental impact studies, and capital funding programs.)	$6,716	$14,000	$40,000
Housing strategy planning. (Planning for maximum utilization of Federal and local funds for housing and related services.)	7,733	12,000	12,000
Economic development planning. (Planning for industrial and commercial redevelopment and development projects including utilities, highways, and other services utilizing various funding programs to improve job opportunities and increase the city's tax base. Includes harbor development, industrial development plans for Canton, Russell Street-Carroll industrial area, Fort Holabird industrial park conversion, etc. Also includes community business district improvement programs with local merchants and community associations.)	34,265	36,000	50,000
Mayor's office planning and management program. (This includes funding for the mayor's office of development coordination for operational and funding coordination of major city development projects, many of which are federally supported. It provides for the development of an overall city policy for coordinating city programs with those of the region's local jurisdictions, the State, and with Federal agencies; also funds annual revision of the city's overall development program (ODP).)	89,198	151,000	163,000
Comprehensive planning and management	55,142	107,000	110,000
Municipal information system	$23,409	$20,000	$29,000
Overall program design	10,644	24,000	24,000
Multiservice center planning. (Involves development of facility plans and programs for implementation of neighborhood multiservice centers. Past grants have resulted in the development of approximately 12 such centers and work is underway of 9 more. Several additional ones are being proposed for funding, and in 1976, funds must be provided for a component of this effort which was previously funded under the now defunct Model Cities program.)	19,057	19,000	125,000
Residential district planning. (Provides for the continued placement of professional planners in the community to work with community organizations and elected council members in resolving problems involving the provision of city, State, and Federal programs and services.)	35,506	64,000	70,000
MetroCenter central business district planning. (Provides the staff to coordinate the planning of projects and overall development programs for the central business area of the city and the Region. Projects around the harbor, the State office complex, prospective downtown rapid transit station areas, the University of Maryland complex and other areas are all involved in this program.)	10,853	35,000	40,000
Total	233,725	[1] 332,000	500,000

[1] Includes a carry over of $98,000 of fiscal year 1974 "701" funds for combined use with $233,725 of fiscal year 1975 grant. These funds will all be used in fiscal year 1975 and none will be available to carry foward into fiscal year 1976.

City of Baltimore,
Planning Commission,
Baltimore, Md., January 27, 1975.

Hon. James T. Lynn,
Secretary, Department of Housing and Urban Development, Washington, D.C.

Attention: David O. Meeker, Assistant Secretary for Community Planning and Development, Reduction or Elimination of HUD "701" Planning Grant Funds to Large Cities

It is with some alarm that I have recently been made aware of your proposals to eliminate "701" funding to large cities such as ours to compensate for the deferral of F.Y. '75 funds ordered by the President. I understand that this is being proposed with the presumption that large cities will use Community Development Revenue Sharing Block Grants to fund programs previously supported with "701" funds.

Nothing could be further from the truth inasmuch as the CDRS program is a substitute for previous categorical grant programs for Urban Renewal, Housing Assistance (FHA, FNMA, etc.), Public Housing, Water and Sewer Grants, Open Space, etc., and is not intended as a replacement for general planning. This is clear in the Housing and Community Development Act of 1974 which established a separate Title IV, for the "701" Planning Grant Program and cities have responded by excluding general planning from CDRS applications, particularly to the extent that they have been supported with "701" funds. The prior elimination of Model Cities Funds and impoundment of other categorical grant funds, along with a CDRS formula which discriminates against most large cities, has put great pressure on Baltimore and other cities to use CDRS funds, for those other programs which have had their funding eliminated or held back.

We are currently working with our elected representatives in Congress to have the deferred F.Y. '75 "701" funds restored and I am greatly concerned about this effort on the part of your Department and perhaps the Administration to eliminate large cities from the "701" grant program, either under your deferral plan or a full appropriation. I am further disturbed by reports that HUD, through such efforts as your "planning rationalization study" which would consolidate other Federal Agency Planning Grant Programs under HUD's "701" Program, plans to deal primarily with state and regional agencies as opposed to working directly with the large metropolitan area central cities as you have in the past.

We have no objection to working with the state and regional agencies but it would be unfair to force us to compete for funds allocated to them when their tendency is to use them for their own programs which are much too general and have limited direct application to the problems of cities. Unfortunately, it is a fact of life in the present effort of cities to overcome the problems of suburbanization, that we (the cities) must chart out our own course in dealing with state and regional programs and must play a leadership role in doing this. State and regional agencies are slow and often reluctant to respond to the needs of center cities and we cannot afford to give up our direct funding relationship with HUD while waiting for this problem to be resolved.

I respectfully submit this matter of utmost concern to Baltimore and other large cities with the hope that we will strengthen our direct relationships rather than dilute or weaken them. I am enclosing copies of letters to our Congressional delegation and others on this matter and would appreciate your responding at your earliest convenience. I am working with the Planning and Management Department of A.I.P. and with other concerned organizations on this matter and hope that we might meet with you and members of your staff to personally discuss this alarming situation.

LARRY REICH, *Director*.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I have no desire for further time.

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan desire recognition?

Mr. GRIFFIN. I do not.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri (Mr. SYMINGTON) is recognized for not to exceed 15 minutes.

CONTROLLING THE CANCER OF NUCLEAR PROLIFERATION

Mr. SYMINGTON. Mr. President, 6 years ago, in considering the Treaty on the Non-Proliferation of Nuclear Weapons, we feared a world in which nuclear-armed countries would abound, a world in which the tons of plutonium produced by "peaceful" nuclear plants might be diverted to military uses, a world in which nuclear wars could be triggered in every corner of the globe.

We ratified the Non-Proliferation Treaty in hope of preventing such a world, but today its specter appears closer on the horizon.

Some nations appear less constrained in discussing nuclear arms ambitions than they did 6 years ago. And the states which supply nuclear technology to the rest of the world export atomic reactors and fuel as they do wheat, soybeans, and carrots.

Just 2 weeks ago the Defense Minister of Turkey, reacting to the U.S. arms embargo, boldly announced that his country has "plans to manufacture atom bombs." And not so long ago President Qadhafi of Libya observed:

> Soon the atom will have no secrets for anybody. Some years ago we could hardly procure a fighter squadron. Tomorrow we will be able to buy an atom bomb and all its parts. The nuclear monopoly is about to be broken.

More than 50 countries today have nuclear reactors. Not including the five nuclear powers—United States, U.S.S.R., Great Britain, China, and France—and India, which just recently exploded an atomic device, about 30 countries possess "weapons-quantities" of plutonium or highly enriched uranium which could be used in a bomb development program; and more than half of these have refused to ratify the Non-Proliferation Treaty.

We have been told that these countries lack the scientists and the sophisticated chemical reprocessing facilities necessary for separating fissionable material from reactor fuel waste.

However, we have also learned that the production of nuclear material for bomb-making does not require an elaborate commercial reprocessing plant; that a country intent upon nuclear weapons development could build its own plant, hire foreign scientists and within a year achieve the desired results. Some nations may already have built such facilities and begun to covertly produce and stockpile nuclear explosive devices.

The International Atomic Energy Agency may be able to "detect" possible diversions of nuclear fuel in reactors in 32 countries which have come under its inspection as a result of "terms of trade" set by exporting nations. But the Agency is often unable to inspect other indigenous facilities which could be used to build a bomb. India's nuclear program is a prima facie example of how nuclear explosive efforts can co-exist with "inspected" nuclear programs.

Moreover, the Agency would be unable to prevent "detected" diversions from occurring. A country planning to use Agency-inspected facilities for a weapons-building program might seek to evade Agency detection or simply refuse to allow Agency surveillance to continue.

Only 10 to 20 pounds of plutonium is necessary for making an atomic bomb with the same destructive power as the one dropped on Hiroshima. Yet today, close to 90,000 pounds of plutonium have been produced by commercial nuclear power plants—not including amounts used for the nuclear weapons programs of the Big Powers.

Five years from now some half-million pounds of plutonium may be commercially available throughout the world. As the amount of plutonium grows internationally so does the risk of its diversion from peaceful uses to weapons-development programs.

Worldwide diffusion of nuclear fuel also increases the opportunity for theft by criminal groups. The United States has improved security on its nuclear materials, but there will always remain much uncertainty on the potential strength and sophistication of armed zealots who might attempt nuclear theft.

We should be particularly concerned with the possibility of piracy of nuclear materials while in transport or in a foreign country where security measures might not be so effective as in the United States. And it is not inconceivable that an international black market in stolen nuclear materials—or even complete nuclear weapons—could develop.

Once nuclear fuel has been acquired other "parts" for bomb-making could be purchased through regular commercial sources. Atomic physicist Theodore Taylor has said repeatedly since 1966 that an individual without extensive background in nuclear science could build a nuclear explosive device by following directions found in publicly available documents. Moreover, according to Dr. Edward Teller, a scientist who helped develop the atomic and hydrogen bombs, between 100,000 and 1 million people now have the basic information to assemble nuclear weapons.

Furthermore, in regard to thermonuclear explosives, which would be much more difficult to build than fission explosives, Dr. Taylor has confirmed the following situation. Given appropriate knowledge, some of which is still classified, and the required amounts of nuclear materials, multimegaton thermonuclear explosives could conceivably be secretly assembled and prepared for use.

But perhaps less difficult than building a nuclear bomb would be stealing or "seizing" one.

The United States has some 7,000 "tactical" nuclear weapons stockpiled in European countries and thousands more in other countries around the world and aboard U.S. ships.

Reports during the past year have indicated that some of these weapons may not be well protected against potential nuclear thieves—especially those who may have the armed capability and intelligence information necessary to overcome security systems protecting these weapons.

The mere presence of such large numbers of nuclear weapons around the globe provides an ever-present risk of seizure—not only by criminal groups but host governments themselves. A change in government, or government policy, in a country where U.S. nuclear weapons are stored could lead to a takeover of these weapons. It is no secret that during the Cyprus crisis, which persists to this day, the United States has been concerned with the security of its nuclear arsenals in Greece and Turkey.

Security of nuclear weapons is not only a problem for the United States, also for France, Great Britain, the Soviet Union, the People's Republic of China—or any other country which has nuclear arms. Indeed all nations take the risk that the security and potential use of these weapons may be affected by the political stability of the countries that possess or store them.

It is ironic that the United States, which in the first instance sought to limit membership in the nuclear weapons club, has made possible, through its sharing of atomic technology, additional membership in that fearsome club.

President Eisenhower's Atoms for Peace plan in 1953 has resulted in an expanding web of nuclear cooperation agreements, today involving some 30 countries and two international organizations. France, Canada, Sweden, the Federal Republic of Germany, Great Britain, and the Soviet Union have joined the United States as exporters of nuclear reactors; and Japan, Sweden, and other countries may soon join this group.

Because nuclear export is a booming international business with much competitive bargaining, recipient countries can take advantage of the free market's best deal which often carries with it less stringent safeguards on nuclear material.

After India blew open the door to membership in the nuclear club, by diverting her peaceful technology to the manufacture of atomic explosives, other countries considering nuclear ambitions watched to see what impact this would have on the policies of the nuclear exporting nations.

In less than a month the United States proposed to sell reactors to Egypt and Israel. Yet only a cease-fire separated them from renewed war. Neither country had ratified the nonproliferation treaty, although Egypt had signed it.

Only in response to widespread congressional and public reaction to the proposed reactor agreements did the United States insist upon greater "safeguard" and security measures. Neither Israel nor Egypt has so far accepted the proposal.

Now France has stepped into America's place with her own proposal for selling Egypt a reactor. France is not a member of the Non-Proliferation Treaty. While France insists that a high level of "safeguard" and security conditions have been placed on her deal with Egypt, we hope this is so, for injection of nuclear technology into the Middle East—or any other area of confrontation—is a very risky business.

Iran—which is already buying billions of dollars of U.S. military hardware—has most recently negotiated the purchase of six to eight large nuclear power reactors from the United States; and, according to previous reports, has bought two reactors from France and two from West Germany. By 1985, Iran, reportedly, is planning to have 20 to 25 nuclear plants. This would give her a potential, if she had access to reprocessing facilities, to produce at least 800 or 1,000 atomic weapons per year.

To her credit, Iran along with 83 other countries has ratified the Non-Proliferation Treaty and undoubtedly desires to adhere to that commitment. However, we cannot ignore the fact that should developments imperil security in her region, Iran could feel pressed to consider exercising the option under article X to withdraw from the Treaty. Article X, we might add, has been of concern to many who view it as example of the treaty's inherent weakness.

There are other disturbing scenarios. If India pushes nuclear weapons development, Pakistan may feel impelled to do the same.

Additionally, India may now want to export her nuclear-explosive technology for "peaceful purposes." No doubt it was coincidence that 5 days after the Indian explosion Argentina signed a pact for "nuclear cooperation" with India.

Interestingly, one of the most distinguished journalists of Argentina, Mariana Grondona, writing in the December 18 edition of La Opinion, had this to say:

> Now with India the Atomic Powers are six in number. They would like to remain six. If we came to be the seventh, we would of course like to see no more than seven. The last one to arrive tries to close the door. That is only natural. But why should the door be closed in our face?

And if Argentina, which like India has neither signed nor ratified the Non-Proliferation Treaty, were to develop a nuclear weapons capability, would not her rivals for pre-eminence in South America want the same?

In the Far East, we should note that Japan already has some 70 nuclear power reactors scheduled for operation within the next 10 years—which would mean a potential capabilty to produce thousands of atomic bombs per year. We know that Japan has a "nuclear allergy" and constitutional prohibitions against nuclear weapons development. She is also actively considering membership in the Non-Proliferation Treaty. But if nuclear proliferation continues and the balance of power in East Asia changes, this country might feel pressures to join the nuclear weapons club.

So much for the present and possible future. Now, what can be done to prevent nuclear arms from spreading like a cancer throughout the world?

Coordinated international action is essential. To that end, who will take the lead? If there is not action, and soon, the problem may become irresolvable.

This May the parties to the Non-Proliferation Treaty will be meeting in Geneva to review the treaty's operation. The review conference provides a not-to-be-missed opportunity for the administration to initiate actions designed to cope with these changing realities of the nuclear threat.

Nuclear suppliers might usefully meet in advance of the conference to discuss measures to regulate better the distribution of nuclear materials. Such a meeting should include France and West Germany despite the fact that both remain outside the treaty, for they are becoming major suppliers of nuclear goods.

Universal accession to the Non-Proliferation Treaty and membership in the International Atomic Energy Agency would seem to be a first step toward coping with nuclear weapons proliferation. Toward this end, we should also examine the possible security guarantees that could be given to insecure nations as an alternative to their going nuclear, and encourage the establishment of nuclear-free zones—areas of the world where nations would renounce their intention to make or store nuclear explosive devices.

We should also consider linking certain programs and trade privileges to membership in the Non-Proliferation Treaty and subscription to International Energy Agency "safeguards." Membership could be rewarded not only by "nuclear cooperation," as envisioned by the treaty itself, but by other economic benefits as well.

A proposal for improving the international regulation of fissionable materials—one which has received wide support in the arms control community—calls for an international agreement that nuclear assistance by any State, whether or not party to the treaty, should go only to States which have agreed to accept International Atomic Energy Agency safeguards on all their nuclear programs.

Additionally, countries supplying nuclear fuel should consider a comprehensive plan to serve as enrichment, reprocessing and/or leasing stations for world fissionable materials. These stations could supply limited necessary amounts of fissionable materials in exchange for all reactor fuel waste, or lease nuclear fuel rods on a megawatt/day basis.

A system of leasing is favored by Dr. Harold Agnew, director of the Los Alamos Scientific Laboratory, who suggests that after the contracted number of days the nuclear rods would be returned to the supplying station. Dr. Agnew says:

> If a country simply wants power, then such a plan should present no problem; if they had something else in mind then we should know it at the outset.

We might also seriously consider the pros and cons of at least a temporary, internationally agreed "freeze" on further reprocessing of plutonium, pending the establishment of an effective system of international safeguards.

In addition to more effective controls on the use of nuclear fuel, we should devise an international system of protection for these materials; and, in this regard, consider broadening the function of the International Atomic Energy Agency to include setting security standards and implementing other international actions for nuclear materials security. At the least, the Agency could exercise periodic surveillance over nationally-operated security systems with a view toward recommending improvements in those systems and providing assurances to other nations concerning prevalent conditions of security.

Furthermore, it would be prudent for the United States and any other country which stores nuclear explosive devices in foreign lands to consider the potentiality that they may fall into the hands of criminal groups and be used for blackmail or hostage purposes. We should review our policy of placing thousands of tactical nuclear weapons abroad; we could withdraw the great bulk which are not required for international security purposes, and insure that the rest are adequately protected.

Finally, the nonnuclear countries remind us of article VI of the Non-Proliferation Treaty which requires the nuclear powers to undertake effective measures to put an end to their arms race. Whether measures responsive to this requirement have been taken remains at best an open question.

In the next phase of the Strategic Arms Limitation Talks (SALT), the United States should seek to negotiate reductions in nuclear weapons and restraints in qualitative improvements. If we fail to do this, we will further diminish any hope that other nations will refrain from seeking their own nuclear weapons.

A distinguished former diplomat from a nonnuclear country said recently at a conference in France, sponsored by the Carnegie Endowment and the Arms Control Association:

> If we had known in 1968 how little the nuclear powers would do over the next six years to meet their end of the Non-Proliferation Treaty bargain by controlling their own arms race, I would have advised my government not to sign the Treaty.

Clearly, the performance to date of the Soviet Union and United States in negotiating arms control agreements leaves much to be desired.

At the same time, if we are going to assist nations to take full advantage of the expanding uses of nuclear energy, we must have nothing to fear from its continued diffusion. We cannot allow nuclear "plowshares" to be beaten back into swords.

Now again we are at a critical juncture of history. In 1946, if the Soviet Union had been more cooperative, we could have adopted Bernard Baruch's plan to destroy all atomic bombs and place nuclear technology under strict international control. Today, in a far more complex nuclear world, it may no longer be feasible to achieve complete nuclear disarmament.

What can be achieved, however, are more effective ways to prevent the spread of nuclear weapons. This goal should be placed at least as high as any other on our foreign policy agenda and should be the subject of the highest level of international negotiations.

Toward this end, and in an effort to generate greater awareness and better understanding of the various problems involved in controlling nuclear arms proliferation, the Subcommittee on Arms Control, International Organizations and Security Agreements, of which I am chairman, will be holding special hearings on March 17 and 19.

The hearings will examine some of the issues which are likely to arise at the Non-Proliferation Treaty Review Conference in May, as well as possible U.S. initiatives at the conference and other steps to advance nonproliferation.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina (Mr. MORGAN) is recognized for not to exceed 15 minutes.

CONTINUED ASSISTANCE TO SOUTHEAST ASIA

Mr. MORGAN. Mr. President, I have asked for time this morning to state some views on a very pressing issue that confronts this Nation. I would say for the record and for those who may be listening that this matter is now being discussed in various meetings throughout the Capitol and probably will be for some time to come. But I felt compelled to make my recommendation a part of the record because for several days now the President of our Nation and our very distinguished Secretary of State have been trying to impress upon the people of this Nation, and especially upon Congress, the urgency of rendering additional aid to small countries in Indochina.

The President, who is the leader of our foreign policy, like several Presidents before him, has seen fit to recommend aid to various countries. I have to assume that those gentlemen have far more knowledge on which to base their recommendations than do so many of the editorial writers and commentators that I have heard from time to time.

We all know, Mr. President, that the war still goes on in Indochina, in spite of the fact that the United States has withdrawn its forces and in spite of the Paris Peace Agreement signed more than 2 years ago.

I am convinced that how we handle the question now before us, the question of whether to provide aid necessary to resist the Communist onslaught, is going to have a tremendous impact on our position in the world in the years to come.

When we were still in Vietnam there were those who argued that we should prepare the people of the South to defend themselves and that we should withdraw. Well, we did withdraw, and now one thing seems very clear to me: continued American aid to South Vietnam is essential to enable the South Vietnamese to do the job we have trained them to do—which is to defend their freedom.

A lot of talk has surfaced to the effect that we have fulfilled our obligations and have no responsibility to provide further help. I cannot agree in view of the facts of the situation.

For example, since the Paris Peace Accords were signed, North Vietnamese troops have infiltrated into the south until today this force numbers 300,000—80,000 more than when the Peace Agreement was approved. The North Vietnamese have also expanded their armament stockpiles, built airfields, tripled the size of their armor in the south, while shelling population centers and overrunning 11 district towns which were uncontestably held by the South Vietnamese at the time the cease-fire was agreed to.

Our South Vietnamese allies by contrast, have generally lived up to the Paris Agreement. They have consistently called for implementation of the Paris Accords calling for internationally supervised elections. They have also cooperated fully with the International Commission of Control and Supervision which is supposed to monitor cease-fire violations. The response to their actions has been continued aggression by the North, backed by Soviet SAM missiles, heavy artillery, and other equipment.

Because of continued Communist military aid to the Hanoi regime, North Vietnam, in the years since the Peace Accords were signed, has been able to create, in the words of Maj. Gen. John Murray, former Defense attaché in Saigon, "the strongest, best positioned and best-supported military machine it has ever fielded in South Vietnam."

While we continued to——

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. MORGAN. I will yield after I have completed my remarks, Mr. President.

While we continued to give substantial assistance to South Vietnam in the first 15 months after the peace agreement was signed, the ARVN troops were able to hold onto their territory and outposts. Yet in the last couple of months, due to inadequate supplies, they have had to withdraw from dozens of outposts, while scores of other outposts have been overrun. It would be the height of folly in my opinion after having lost 50,000 men in Vietnam and many of them my friends and neighbors from North Carolina, and spent over $150 billion there to prevent a military takeover by Hanoi, to guarantee the success of aggression because we refused to provide the necessary arms with which to prevent it.

I do not think we should be so quick to forget that we told the South Vietnamese we would assist them if they would fight for themselves. Now for the last 2 years that they have demonstrated that willingness, it appears we are ready to turn our backs on them.

The apparent lack of concern about the future of the South Vietnamese and the Cambodians and their ability to resist is alarming but to tell you the truth it is not really surprising. The national media long ago made up their minds about what ought to happen in Southeast Asia and their coverage has consistently been designed to reinforce their viewpoint. Let me give you an illustration.

One morning this week a professor from one of our universities came by to see me and expressed his opposition to the granting of further aid to Cambodia and South Vietnam. He said that based on what he had seen on CBS television, he was convinced that "our ravaging of these countries is inexcusable." It was rather ironic that he should make such statements to me on this morning, for just a few minutes before I had read a column in the Philadelphia Inquirer by John D. Lofton, Jr., which appeared February 28, 1975. The column was entitled "There Was No Time for Saigon's Side."

Mr. Lofton pointed out in his column that, when Mr. Tran Van Lam, the president of the Republic of Vietnam's Senate, appeared before the National Press Club to present his country's cause for continued military aid, neither the CBS, NBC, or ABC news networks bothered to give any coverage to his plea. It seemed, according to Mr. Lofton, who made inquiries of each network, that they were all too busy covering and I quote again "heavy news" assignments of the day.

Well, let us look and see what "heavy news assignments" preempted the plea made by South Vietnam's counterpart to Henry Kissinger. It appears that CBS was covering the sentencing of the Watergate defendants and "chasing reactions" to the sentencing. They were reporting on a speech in Pittsburgh by convicted Watergate conspirator Jeb Magruder as if we had not heard enough already. And then there was a story about Bebe Rebozo's plans to turn the former Florida White House into a monument to Richard Nixon.

According to Mr. Lofton, on NBC the same night there was a story about a woman in Hesperus, Colo., who owns a coal mine and is fighting with the Government about it.

The rationale behind the NBC blackout of Mr. Lam's talk was that it is normal and not out of the ordinary that an official of a government should make such a pitch for his government.

Yet it was perfectly acceptable to NBC on their Sunday night program "The Loyal Opposition" to present the views of two of my distinguished colleagues, who oppose aid to these countries and who contend that the killing will stop if we withdraw from the picture and permit the Communists to prevail.

It is interesting to me that some Members of the U.S. Congress, including one noted "Dove," who have gone to Southeast Asia during the last few weeks and seen for themselves the determination of our allies, have modified their position and now believe we should honor our commitment to aid the South Vietnamese and Cambodians in their own struggle for freedom. It is tragic that the entire Congress and equally important the American public cannot view firsthand what they did. Perhaps we would see more concern for the plight of two nations fighting for their very existence against ever increasing odds with the prospect of seeing American promises of help proved empty and hollow.

I would also like to examine another tragedy related to the Vietnam conflict—the status of our MIA's. This question only serves to further illustrate the callousness of North Vietnam and her unwillingness to live up to her agreements. Under article 8(b) of the Paris Peace Accords, the parties to the agreement are charged to:

> . . . Help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

The obligations of that language are obvious. Other sections of the Paris Peace Accords may be subject to interpretation, but nothing is vague about article 8(b). In spite of this fact, however, the North Vietnamese have never allowed the United States to examine crash sites or graves in contested territory in either South or North Vietnam. This has frustrated the final accounting necessary to resolve the fates of our missing men.

No doubt Hanoi hopes to exploit this issue for all it can. Hanoi probably expects that it will either extract further concessions from us that it could not win on the battlefield in exchange for information on our MIA's, or that we will in time write off our missing personnel as of little consequence. We must demonstrate that the North Vietnamese are wrong on either count. The United States must demonstrate that we will not permit Hanoi to rewrite the Paris Peace Accords at their pleasure.

There certainly is every reason to believe that a number of our servicemen may still be alive. On various occasions, the enemy issued propaganda releases and photographs of official armed services ID cards of Americans, noting that they had been taken prisoner. After the Paris Peace Accords were signed, however, a number of the names of the servicemen alluded to before were not on the official lists released by Hanoi. The North Vietnamese certainly know whether these men are alive or dead. We must continue to place pressure on them and their Communist allies until they clarify the status of our valiant missing men.

I was disturbed recently when visits by members of MIA groups indicated that there is a wide mistrust by MIA families of officials of our Government with whom they have worked, and I think we, in the Senate, should be ever vigilant.

Mr. President, there have been in recent times a goodly number of editorials on this subject, but there are those who contend that killing is taking place and that this killing would stop if we would only withdraw our aid.

Let me quote from an article written by Mr. Patrick J. Buchanan that appeared in a syndicated column either this week or last week. He said:

> During the 1968 Tet offensive in the city of Hue, the occupying Viet Cong units, death lists in hand, traveled the city street by street and literally decimated the population. There is no reason to believe it would be otherwise for the Nation, and the victims will be those of tens of thousands of officers, soldiers, civil servants, teachers, priests, village chiefs, and senior government officials who made the grave historical error of casting their lots with the United States.

Another editorial in the San Diego Union on the 28th of February had this to say:

> Some of the same members of our Congress who would have us turn our back on our commitment to Southeast Asians would be aghast at the suggestion that we reconsider our commitment to the survival of Israel. That would be an invitation to another war in the Middle East. The hoped-for negotiated settlement there is based on a balanced of a power which the United States has committed itself to maintain.
>
> If such commitment becomes questionable——

The ACTING PRESIDENT pro tempore. The Senator's 15 minutes have expired.

Mr. ROBERT C. BYRD. How much time does the Senator need?

Mr. MORGAN. I would say 15 minutes.

Mr. ROBERT C. BYRD. How much time remains for Mr. MANSFIELD under the order?

The ACTING PRESIDENT pro tempore. Ten minutes remain under the order.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. MANSFIELD's remaining time be allotted to Mr. MORGAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, reserving the right to object, the reason I will not object, I hope it would be with the understanding that the Senator will allow us some reasonable time to respond to some questions on the argument that he has been making here this morning. It is an old argument, but we need to have some questions, I think, raised at a time when we are nearing a decision once again on whether to make still another new commitment to Vietnam. So, with that understanding, I would not object to the request for additional time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MORGAN. Well, Mr. President, I would like to finish my remarks. If I have time I will yield and, if not, I will ask for time and complete it tomorrow morning.

Mr. McGOVERN. Mr. President, then I will have to object to another 10-minute request for time unless there is an understanding that at least half of that time be reserved for colloquy.

Mr. MORGAN. I will be happy to do that——

Mr. ALLEN. Mr. President, will the Senator agree to yield me 1 minute before he yields to the distinguished Senator from South Dakota?

Mr. MORGAN. Mr. President, I will if I get any time to yield.

Mr. GRIFFIN. Mr. President, will the Senator agree to yield to me for 30 seconds so that I can commend him on his statement today?

Mr. MORGAN. Mr. President, if I have any time to yield I would be delighted.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that this colloquy not be charged to the Senator's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, does the Senator now have the time?

The ACTING PRESIDENT pro tempore. The Senator from North Carolina may continue.

Mr. MORGAN. Mr. President, I was reading from an editorial in the San Diego Union dated February 28 of this year. It said:

> If such commitments will become questionable—

Referring to the commitments to the Middle East—

> what becomes of the 20-year standoff between North and South Korea? Why should the Soviet Union be impressed by the North Atlantic Treaty Organization, whose defense of Western Europe is based on a U.S. commitment? Another appropriation of aid for Cambodia and South Vietnam does not mean that either of those countries is going to win the long war that each has been fighting against Communist aggressors. However, it will signal to the Communists that they are not going to win either, and it is a principle which must prevail if there is to be any hope for a negotiated peace in Southeast Asia.
>
> South Vietnam and Cambodia pinned their future on the word of the United States when the Paris Agreements were signed in 1973. We cannot go back on our word to them without causing both our friends and potential enemies to question the defense commitments of the United States which are now the cornerstone of world peace.

Now briefly, Mr. President, from the Omaha World-Herald on March 2, let me read just three or four questions:

> Let us pay some attention to Defense Secretary Schlesinger as he says that the probability is extremely high that Cambodia can survive with American aid. What if they are right, as we hope they are, but a rebellious Congress refuses to spend the emergency aid money to find out? What if we let Indochina go down the drain and then discover that the word of the United States is no longer believed by the other nations of the world? What if the price for turning our backs on Indochina is so high that the foreign policy of the United States unravels in the Eastern Mediterranean, the Mideast, perhaps in Western Europe?
>
> The answers to these questions involve very high stakes. It seems to us that the sums the President is asking for, the amount of military aid involved, is small indeed compared to what America might lose by abandoning those it has supported in Indochina.
>
> Let us suppose that Congress goes along with the President, as we hope it will, but that he proves to have been mistaken. Let

> us assume that the beleaguered governments of Cambodia and South Vietnam have been supplied with the emergency aid but that no negotiations are possible and victory goes to the Communists.
>
> Will the United States have reason to regret its steadfastness. We think not. Our country will have fulfilled its moral obligation at the cost of a few hundred millions in emergency aid.
>
> If we dump the Indochinese at this critical juncture, we can lose much and never know if our help might have saved them.
>
> If we support them, we shall know. They will have a fighting chance. In our opinion, the United States will have done the right thing.

Mr. President, I have other comments, but I am glad to yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I appreciate the Senator yielding to me.

Mr. ALLEN. Will the Senator yield to me for just 1 minute because I would like to make my remarks before the Senators engage in colloquy.

Mr. McGOVERN. The Senator from North Carolina has the floor.

Mr. MORGAN. I agree to yield.

Mr. ALLEN. I just want to express my appreciation for the distinguished Senator's eloquent speech.

One of the greatest Senators ever to serve in the U.S. Senate is the Senator's predecessor, the distinguished Senator from North Carolina, Mr. Ervin.

Naturally, there has been interest and concern as to the caliber and character of Mr. Ervin's successor here in the U.S. Senate. I might say that those concerns can well be placed at rest because I feel that the distinguished Senator, with his patriotism, his dedication, and his sense of honor, certainly prove him to be a worthy successor of the distinguished Senator from North Carolina, Mr. Ervin.

I commend the Senator on his address.

Mr. MORGAN. The Senator from North Carolina is most grateful.

Mr. GRIFFIN. Will the Senator yield to me briefly?

I want to join in commending the distinguished Senator from North Carolina a very thoughtful statement. Even those who might not agree with him 100 percent should recognize the scholarship and the effort here, that well-organized effort which the Senator from North Carolina is making.

I, for one, subscribe to his views and salute him for articulating the position very effectively that he has taken on the floor.

Mr. MORGAN. The Senator from North Carolina is most appreciative.

Mr. McGOVERN. Mr. President, I think the Senator from North Carolina knows that I fundamentally disagree with his whole posture here this morning and have disagreed with that position now for some 12½ years. But without getting into a debate of my own views, I would like to put two or three questions to the Senator that I am wondering if he has thought about.

The Senator makes the argument that one of the reasons we have to continue pouring American treasure and aid into Vietnam and Cambodia is that the other side has violated the Paris Peace Agreement and that our side has kept faith with the agreement.

I wonder if the Senator is aware of the fact that two of the basic provisions in the Paris Peace Agreement were that the government of Saigon was to release all political prisoners, and that as of today our most experienced observers out there tell us that there are some 200,000 political prisoners being held in the jails of Saigon, most of them non-Communist prisoners, many of them students, religious leaders, journalists, teachers, and others who have been critical to the government.

That is one clear violation of the Paris Agreement.

I wonder if the Senator is also aware that the Paris Agreement called for a transitional government to be formed called the Council of Reconciliation that would set the stage for an election and that that council would be composed of three parts, representatives of the Saigon government; representatives of the Vietcong forces, or the so-called provisional revolutionary group; third, of neutralist elements, and that General Thieu asked for a resolution to make neutralism a crime of treason, and then I note it is impossible under those circumstances to implement the Council of Reconciliation.

Does that not seem to the Senator to be a clear case of violation of the terms of the Paris Peace Agreement?

Mr. MORGAN. Mr. President, I would say to the Senator from North Dakota that I do not doubt that he holds those beliefs sincerely.

What I would say to the Senator from South Dakota is that I doubt the validity of the facts in his statement. It is easy to say, Mr. President, that there are 200,000 political prisoners. It is easy for a visitor to go and interview a prisoner in a jail cell and come back and state to the American public that he is a political prisoner.

I noticed last week that some psychiatrist had interviewed prisoners here in this jail in Washington and said that it was unfit to have humans confined in.

It is natural that one would expect those who are in prison, Mr. President, to be critical of those who are confining him.

Ambassador Martin tells us that they have not investigated cases that substantiate their findings. I doubt, Mr. President, the correctness of the facts which I am sure the Senator holds sincerely, but I would add——

Mr. McGOVERN. Senator, I am taking the word——

Mr. MORGAN. If the Senator will allow me to complete my answer, I would say also, Mr. President, if there are some political prisoners there, that the Thieu government is not perfect. But if there are, I would remind the Senator that we held a good many people in camps in this country during World War II, 300,000 Japanese, and many of them were loyal Americans.

We look back on it and we see that is a sorry day in the history of this country.

Mr. President, I do not pretend that the Thieu government is the ideal government. I am sure there is corruption there, as I pointed out to the Senator earlier today, but I also am sure that our Government is not perfect.

What we need to do is work to improve both of them. I am sure that the Thieu government has not cooperated as fully, as competely, with the others in carrying out the Paris Peace Accords as they should, but there is no question about the arms and ammunition and the men that have been supplied by North Vietnam into that area.

Mr. McGOVERN. Well, on that point which the Senator stressed, the flow of external aid to the insurgent side, is the Senator aware there is competent testimony taken by the Foreign Relations Committee——

The **ACTING PRESIDENT** pro tempore. The additional time granted to the Senator from North Carolina has expired.

(At this point in the proceedings, by unanimous consent an order was entered for the transaction of routine morning business, as will hereinafter appear.)

Mr. MORGAN. I was just going to say, Mr. President, I will be glad to continue the colloquy on another morning.

Mr. McGOVERN. Mr. President, if I can be recognized, I would like to just make a couple more points.

The Senator from North Carolina and I were talking at the end of the previous period about the flow of external aid to the enemy side.

We have competent testimony taken by experts who have been out to Southeast Asia many times, who are authorities in the field and have watched the course of that war for many years, who have told us that over the last year the aid coming into the enemy side is somewhere between 10 and 20 percent of the volume of aid supplied by our Government.

Mr. MORGAN. Mr. President, will the Senator yield?

Mr. McGOVERN. The other side has no aircraft, they have no motorized weapons carriers, they have none of the sophisticated equipment we have been flying, helicopters, they are completely outmanned in terms of heavy artillery.

The United States has poured some $7 billion in aid into Cambodia and Vietnam since the Paris Peace Agreement was signed.

I think it is quite clear that while there may be some external aid coming to the enemy forces, the amount of aid we have supplied, as has always been the case in the last 12 or 15 years, is coming in at a considerably larger volume.

I would just like to ask the Senator this question: If we could not turn events to suit our purposes out there with 550,000 American men on the ground, does the Senator really hold out any hope that the continued costly flow of American weapons out there is really, in the long run, going to make any difference, other than to fuel the continued killing of people on both sides?

Mr. MORGAN. Mr. President, in aning. If we could not turn the tide, Senator stated something about competent testimony. I do not know who the witnesses were. The facts the Senator cited do not agree with the information that comes to me from the Defense Department and from the State Department, those in this Government who are charged with the responsibility of knowing. If we could not turn the tide, Senator and Mr. President, with 500,000 men, I think, to a large degree, it is because the troops did not have the full, wholehearted support of their Government back home.

There were critics who said when the Paris Peace Accords were signed that the South Vietnamese could not hold out 6 months, but they have held out 2 years, and they did very well so long as we gave them the amount of aid that our experts in Government felt was necessary.

I do not know who else to look to, Mr. President, if I cannot look to the duly constituted authorities in this country.

I can read the newspapers, I know that, but until the Secretary of Defense and the Secretary of State and my President have been fully discredited, I must look to them for reliable information.

Mr. McGOVERN. Mr. President, I can appreciate the Senator's tendency to rely on the predictions of our top officials, but I would only remind him that our track record of accuracy has not been very good.

Way back in 1963, the first year I was in the Senate, the then Secretary of Defense, who is a brilliant, capable, and patriotic man, said publicly that he was confident the war would be over before Christmas, and that was some 12 years ago.

There have been repeated predictions going clear back to the time when the French were doing the same thing out there we are now trying to do, predictions about light at the end of the tunnel, the Senator knows all the phrases.

I would only suggest to the Senator that sometimes it is worthwhile to check the prophecy of the bureaucracy downtown against the observations of those who have no ax to grind, other than try to get at the truth.

I have the feeling, I can say to the Senator, that what is going on here today on the part of some of our top officials is not geared so much to saving lives in Cambodia and South Vietnam as it is saving faces at the Pentagon and downtown.

Mr. MORGAN. Will the Senator yield?

Mr. McGOVERN. Yes, I yield.

Mr. MORGAN. Mr. President, I do not impute that to the leaders of my country. I would say to the Senator that there were predictions made in 1963, 1964, 1965, and 1966 and I think there were errors of judgment. But I think perhaps one of the many reasons that our predictions did not come true was because of continuing debate in this country that we would cut off aid at a given time, and then the Communists felt that if they could hold out for that given time they would achieve victory.

And I am afraid, Mr. President, that is exactly what is going to happen.

Mr. McGOVERN. Just one more question, if I may.

The Senator made reference to the mission of Congressmen, and I think one Senator who went to Cambodia and Vietnam recently and came back with a modified view. Is the Senator aware of the fact that their total time in Cambodia was 6 hours?

Suppose a visitor were to come to Washington—would the Senator think that even an American coming to Washington for the first time, for 6 hours, would be in a very good position to recommend the future course for this city?

How can an American Congressman arriving in a complicated battlefiield situation such as the siege of Phnom Penh or Saigon come back and advise us on what our course ought to be?

Mr. MORGAN. Mr. President, I answer that by saying that I raised the same question many years ago when Members of Congress went there. Also, in my years as a lawyer, the first thing I did when I was employed to defend a case or represent a client was to go to the scene of the accident or to the scene of the crime, so that when I heard testimony, I could relate that testimony to what I had seen on the site.

I do not think that the Congressmen who modified their position did it solely on the basis of a week's observations. I think they were able to see there what they had been hearing so much about in Congress, and then they were able to discern the truth—to separate the chaff from the wheat, so to speak.

Surely, they were not experts. But I wish all Members of Congress would take the time during the recess to go and look for themselves; and then if they came back and voted against additional military aid to Cambodia and to Vietnam, I would willingly accept their judgment.

Mr. McGOVERN. Mr. President, a minor point: We are going to be asked to vote very shortly on providing additional armament for Cambodia particularly. I hope that every Senator will keep in mind that all that is going to accomplish is to prolong the killing, to prolong the agony, and simply to delay for a few days the inevitable. I hope it will be rejected.

ROUTINE MORNING BUSINESS

The following order was entered during the foregoing colloquy:

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 5 minutes each. I would hope the Senator from Florida would have at least 2 minutes of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

"CAP'N BOB" GRAY

Mr. STONE. Mr. President, yesterday, my predecessor's predecessor as secretary of state of Florida died at the age of 93—the Honorable R. A. Gray, affectionately known as "Cap'n Bob Gray."

Just yesterday, I was adressing a group of junior high school students in the Capitol. The prevalent question was, What is good about this Government; what is good about politics?

The answer is: The life of R. A. "Cap'n Bob" Gray, a man who served in office more than 50 years without the first blemish on his name or character; a man who believed in prompt, effective, courteous service as his motto in office; a man who really originated government in the sunshine, through more than 50 years of never closing the door to his office. In fact, his Christmas cards used to be a picture of Mr. Gray seen from the outside corridor, through the open door; and the message was always, "Greetings from the office with the open door."

He befriended me when I sought the office of secretary of state, and we kept that friendship alive with almost weekly dinners together.

I believe that those, particularly our young people, who ask themselves, "Is there honor in Government?" could well look to the life of this wonderful man for complete reassurance that this is a wonderful Government, a wonderful system, a wonderful country.

Mr. President, I ask unanimous consent to have printed in the RECORD the eulogy published in today's Tallahassee Democrat, by the Honorable Malcolm Johnson, the editor.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

CAP'N BOB GRAY

(By Malcolm Johnson)

R. A. "Cap'n Bob" Gray, 93, died at 2 a.m. today at Tallahassee Memorial Hospital after a brief illness.

Gray was Florida's Secretary of State for 31 years, between 1930 and 1961 when he retired. He had held the post longer than any other Secretary. On learning of his death, former Governor Millard Caldwell, with whom Gray had served on the Cabinet, commented: "Cap'n Bob can be regarded as a first class citizen. He did a good job, he was always dependable. He was a fine public servant."

Gray was born in 1882 on the Gaines Plantation in Grady County, near the Georgia-Florida line, the son of a Methodist preacher.

When he was six months old, his parents, the Rev. and Mrs. W. J. Gray, moved to Florida where his father preached in several communities in Wakulla, Gadsden, and Liberty counties.

Captain Bob attended school in a one-room log schoolhouse. Three quarters of a century later he would recall. "We moved around a lot, usually around Christmas. In the new place, the books were different. My father would say it cost so much to move we couldn't afford the books. I had to study looking over my deskmate's shoulder."

Gray's political career began early as Clerk in the House of Representatives and in the Senate. He was elected to the Legislature from Gadsden County in 1911 and during his first session he successfully sponsored two major measures which still are law. One provided uniform textbooks for Florida schools; and the other set up the "harmless error doctrine" which prohibits overturning lower court judgments for technical flaws.

He was a newspaper manager for a few years in Tallahassee and Live Oak, but went into government for good as Secretary to Governor Park Trammell. When Trammell went to the U.S. Senate in 1917, Gray went to Washington with him as secretary.

In his spare time, he studied law at Georgetown University but his legal education was interrupted for service in World War I as a captain in the War Department offices.

He never became a lawyer, but he was recognized as an authority on the Florida Constitution. He was author of a textbook on Florida civil government which was studied by a generation of pupils in state schools.

He held numerous honorary degrees from universities and colleges, including the LLD degree from Florida Southern College, granted in 1943 and an LLD from the University of Florida in 1964.

Gray was married on December 3, 1903, to

Grace Mullins of Bartow. She died in 1955. They had no children.

Gray was a Mason, having taken both York Rite and Scottish Rite degrees, and a member of the Shrine. He was Past Master of Jackson Lodge No. 1, and a member of the Elks, Woodmen of the World, Grotto, Moose, Knights of Pythias and the Order of the Eastern Star where he served as Worthy Grand Patron.

He was a Methodist and served on the official Board of his Church for 40 years. He was a trustee of Wesleyan College in Macon and served as Chancellor of Florida Southern College in Lakeland.

He was a charter member of the Tallahassee Rotary Club and a past president. He was executive chairman of the Tallahassee Centennial celebration in 1924.

July 30, 1972, was celebrated as "R. A. Gray Day" in Tallahassee, honoring more than 60 years of service to the city and state.

Funeral services are set for 2 p.m. Saturday at Trinity Methodist Church with burial in Oakland Cemetery.

Officiating will be the Reverend Ed Norman of Trinity and Dr. Ed Hartz of Florida State University.

Culley and Sons Funeral Home is in charge of arrangements.

(At this point Mr. BUMPERS assumed the Chair.)

CHANGE OF REFERENCE—S. 1127

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of S. 1127, a bill to amend title VII of the Civil Rights Act of 1964, to make certain changes in the procedures established for determining violations of the provisions of title VII, and that the bill be referred to the Committee on Labor and Public Welfare.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I just observe for the record that it is my understanding that bills relating to this particular title of the Civil Rights Act have been referred in the past to the Committee on Labor and Public Welfare, not to the Committee on the Judiciary, and that the request made by the Senator from Kentucky on behalf of the leadership is in accordance with past practice. So there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BUMPERS). The Chair, on behalf of the Vice President, pursuant to Public Law 91-452, appoints the Senator from Pennsylvania (Mr. HUGH SCOTT) to the Commission on the Review of the National Policy Toward Gambling.

MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (H.R. 4481) making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes, in which it requests the concurrence of the Senate.

The message also announced that the Speaker has appointed Mr. NIX, chairman, Mr. WRIGHT, Mr. GONZALEZ, Mr. UDALL, Mr. BADILLO, Mr. RYAN, Mr. CHARLES WILSON of Texas, Mr. ROUSSELOT, Mr. TALCOTT, Mr. CONLON, Mr. GUYER, and Mr. LAGOMARSINO members of the U.S. Delegation of the Mexico-United States Interparliamentary Group on the part of the House.

The message further announced that the House has agreed to the resolution (H. Res. 241) expressing disapproval of proposed deferral D75-81, as set forth in the message of October 31, 1974, and transmitted to Congress by the President under section 1013 of the Impoundment Control Act of 1974.

The message also announced that the House has agreed to the resolution (H. Res. 242) expressing disapproval of proposed deferral D75-82, as set forth in the message of October 31, 1974, and transmitted to Congress by the President under section 1013 of the Impoundment Control Act of 1974.

The message further announced that the House has agreed to the resolution (H. Res. 243) expressing disapproval of proposed deferral D75-83, as set forth in the message of October 31, 1974, and transmitted to Congress by the President under section 1013 of the Impoundment Control Act of 1974.

The message also announced that the House has agreed to the resolution (H. Res. 244) expressing disapproval of proposed deferral D75-84, as set forth in the message of October 31, 1974, and transmitted to Congress by the President under section 1013 of the Impoundment Control Act of 1974.

The message further announced that the House had agreed to the resolution (H. Res. 245) expressing disapproval of proposed deferral D75-81, as set forth in the message of October 31, 1974, and transmitted to the Congress by the President under section 1013 of the Impoundment Control Act of 1974.

The message also announced that the House has agreed to the resolution (H. Res. 246) expressing disapproval of proposed deferral D75-86, as set forth in the message of October 31, 1974, and transmitted to the Congress by the President under section 1013 of the Impoundment Control Act of 1974.

At 5:07 p.m., a message from the House of Representatives by Mr. Berry announced that the Speaker has appointed Mr. KASTENMEIER, Mr. PATTISON of New York, Mr. HYDE, and Mr. KINDNESS members of the National Commission on Individual Rights on the part of the House.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUDDLESTON) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improving productivity through better management of maintenance operations in Europe, Department of the Army (with an accompanying report); to the Committee on Appropriations.

Report on Rescissions and Deferrals, March 1975

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on fiscal year 1975 rescissions and deferrals, March 1975 (with an accompanying report); to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture and Forestry, the Committee on Commerce, the Committee on Armed Services, the Committee on Labor and Public Welfare, the Committee on Banking, Housing and Urban Affairs, the Committee on Interior and Insular Affairs, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Finance, the Committee on Government Operations, the Committee on Aeronautical and Space Sciences, the Committee on the District of Columbia, the Joint Committee on Atomic Energy, and the Committee on Public Works, jointly, pursuant to order of January 30, 1975.

REPORT OF THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION

A letter from the Secretary, The Foundation of the Federal Bar Association, transmitting, pursuant to law, an audit report of the foundation for the fiscal year ending September 30, 1974 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED RICE ACT OF 1975

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to establish improved programs for the benefit of producers and consumers of rice (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED EXTRA LONG STAPLE COTTON ACT OF 1975

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to establish an improved program for the benefit of producers and consumers of extra long staple cotton (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF THE FARM CREDIT ADMINISTRATION

A letter from the Governor, Farm Credit Administration, transmitting, pursuant to law, the 41st annual report of the Farm Credit Administration and the Cooperative Farm Credit System (with an accompanying report); to the Committee on Agriculture and Forestry.

NATIONAL POWER SUPPLY REPORTS

A letter from the Chairman, Fderal Power Commission, transmiting, for the information of the Senate, a task force report on energy sources research, and an advisory committee report on research and development for the electric utility industry (with accompanying reports); to the Committee on Commerce.

REPORT ON CIGARETTE SMOKING ACT

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report pursuant to the Public Health Cigarette Smoking Act (with an accompanying report); to the Committee on Commerce.

Marine Mammal Protection Research and Development

A letter from the Secretary of Commerce relating to public hearings on Marine Mammal Protection Act research and development (with accompanying papers); to the Committee on Commerce.

Eximbank Loan to British Airways

A letter from the President and Chairman, Export-Import Bank of the United States, submitting, pursuant to law, a statement with respect to a direct credit of $111,900,000 to British Airways, the United Kingdom; to the Committee on Banking, Housing and Urban Affairs.

Eximbank Loan to Korean Electric Co.

A letter from the President and Chairman, Export-Import Bank of the United States, regarding direct credit and guarantee in connection with the export sale of goods and services for the construction of a nuclear powerplant by the Korean Electric Co.; to the Committee on Banking, Housing and Urban Affairs.

Report of the Export-Import Bank

A letter from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report of the actions taken by the Export-Import Bank during the quarter ended December 31, 1974 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Apportionment Schedule of the Consumer Product Safety Commission

A letter from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, a copy of the Commission's fiscal year 1975 apportionment schedule (with an accompanying report).

Mr. JOHNSTON subsequently said: Mr. President, I ask unanimous consent that a communication from the U.S. Consumer Product Safety Commission, relating to the Commission's fiscal year 1975 apportionment schedule, be jointly referred to the Committees on Commerce and Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

Report of the Washington Metropolitan Area Transit Authority

A letter from the Chairman of the Washington Metropolitan Area Transit Authority transmitting, pursuant to law, its quarterly report dated March 1975 (with an accompanying report); to the Committee on the District of Columbia.

Report of the Secretary of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on student enumeration (with an accompanying report); to the Committee on Finance.

Reports of the Comptroller General

Two letters from the Comptroller General of the United States transmitting, pursuant to law, two reports entitled "Improving Productivity Through Better Management of Maintenance Operations in Europe"; and "National Attempts to Reduce Losses from Floods by Planning for and Controlling the Uses of Flood-Prone Lands" (with accompanying reports); to the Committee on Government Operations.

Proposed Legislation by the U.S. Water Resources Council

A letter from the Chairman of the U.S. Water Resources Council transmitting a draft of proposed legislation to revise membership of the United States Water Resources Council (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Department of the Interior

A letter from the Director of the Bureau of Mines transmitting, pursuant to law, a report on the status of the mineral industries (with an acompanying report); to the Committee on Interior and Insular Affairs.

Proposed Legislation by the Department of the Interior

A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to promote a more adequate national program of water resources research and technology development, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Department of the Interior

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a report on a loan application for Buffalo Rapids Irrigation project, District 1, Terry, Mont. (with an accompanying report); to the Committee on Interior and Insular Affairs.

Reports Under the Freedom of Information Act

A letter from the Secretary of the American Battle Monuments Commission; a letter from the Executive Officer of the U.S. Arms Control and Disarmament Agency; A letter from the Chairman of the Civil Service Commission; a letter from the General Counsel of the Federal Home Loan Bank Board; a letter from the Administrator of the National Aeronautics and Space Administration; a letter from the Administrator of the National Credit Union Administration; and a letter from the Administrator of the Veterans' Administration; all reporting, pursuant to law, on the activities of their agencies under the Freedom of Information Act (with accompanying papers); to the Committee on the Judiciary.

Proposed Regulation of the Department of Health, Education, and Welfare

A letter from the Executive Secretary to the Department of Health, Education, and Welfare transmitting, pursuant to law, a copy of a proposed final regulation entitled "Noncommercial Educational Broadcasting Facilities Program" (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Legislation by the Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to provide assistance to local educational agencies which are in the process of eliminating discrimination or minority group isolation among students or faculty in elementary and secondary schools and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Regulation of the Department of Health, Education, and Welfare

A letter from the Executive Secretary to the Department of Health, Education, and Welfare transmitting, pursuant to law, proposed regulations for the State vocational education programs (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HUDDLESTON):

A resolution of the Senate of the State of Massachusetts; to the Committee on Agriculture and Forestry:

"Resolutions Memorializing the Congress of the United States To Remove Restrictions for Obtaining Food Stamps

"Whereas food stamps have become an important element of the budgets of many elderly persons; and

"Whereas the Congress of the United States has seen fit to prevent those persons receiving SSI benefits, so-called, from obtaining food stamps; and

"Whereas the General Court of Massachusetts has an obligation to memorialize Congress for redress of grievances legitimately brought before said body: now, therefore, be it

"*Resolved*, That the General Court of Massachusetts hereby requests the Congress of the United States to amend the appropriate laws, rules and regulations to permit those receiving SSI benefits to receive food stamps; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the presiding officer of each branch of the Congress of the United States and to each member thereof from the Commonwealth."

A concurrent resolution of the Legislature of the State of Arkansas; to the Committee on Banking, Housing and Urban Affairs:

"House Concurrent Resolution Expressing Concern and Opposition to the Proposed Fuel Program as Outlined by the National Administration

"Whereas, the President of the United States presented to the Congress and people of this country a proposed program of dealing with the fuel shortage by establishing a program of increases in fuel prices, and other policies designed to cause a substantial increase in the price of fuel as a means of discouraging use of petroleum fuels; and

"Whereas, the substantial increase in fuel prices that has already occurred is working extreme hardship upon all the people of this country, and especially upon persons living in rural areas who find it necessary to move their farm products and livestock to market by the use of motor vehicles, and is also working hardships upon persons living in rural areas who find it necessary to travel to their jobs in cities and towns on a daily basis; and

"Whereas, the proposed fuel program as outlined by the President will magnify the hardships which have already imposed a terrible burden upon the millions of citizens of this country who depend upon motor vehicles for their livelihood, or for traveling to and from their places of work, and other essential travel; and

"Whereas, it would appear in the better interests of the motoring public that if reduced fuel usage is mandated as a part of national policy, that it would be more desirable to establish an equitable allocation system, limited time operation of retail outlets, or a realistic fuel rationing program, rather than forcing the public to accept too awesome burden of additional increases in fuel prices;

"Now, therefore

"Be it resolved by the House of Representatives of the Seventieth General Assembly of the State of Arkansas, the Senate concurring therein:

"That the Arkansas General Assembly hereby expresses concern and opposition to the fuel program as outlined by the National Administration which is based upon a reduction in fuel usage by substantial increases in fuel prices.

"Be it further resolved that the Arkansas General Assembly respectfully urges the President and the Congress of the United States to consider the establishment of an equitable allocation system, limited time of operation of retail outlets, or a realistic fuel rationing system in lieu of programs that will bring about substantial increases in fuel prices without any assurances that this program will bring about the desired reduction in fuel consumption.

"Be it further resolved that upon adoption of this Resolution, the Secretary of State of the State of Arkansas shall cause copies hereof to be mailed to the President of the United States, to the Speaker of the House of Representatives, and the President of the Senate of the Congress of the United States, and to each member of the Arkansas Congressional Delegation."

A joint resolution of the Legislature of the State of Maine; to the Committee on Finance:

"Joint Resolution Memorializing the Congress of the United States to Oppose the Proposed Limitation on Cost of Living Increases in Federal Income Maintenance Programs

"We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, Social Security, SSI, and Federal Retirement Benefits are currently increased automatically as the Consumer Price Index rises; and

"Whereas, this system has allowed retirees and other persons who live on fixed incomes to cope with the staggering ratio of inflation; and

"Whereas, President Ford has proposed placing a ceiling of 5% on annual cost-of-living increases in Social Security, Railroad Retirement, Supplemental Security Income and Civil Service and Military Retirement programs; and

"Whereas, such a limitation is only slightly more than ⅓ of last year's annual rate of inflation; and

"Whereas, more than 150,000 Maine citizens depend wholly or in part on these programs for their income; and

"Whereas, it is wrong to allow inflation to ravage the small means of persons who because of age or infirmity are less able to fend for themselves; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully urge the Congress of the United States to retain full cost-of-living increases to Social Security, Supplemental Security Income, Railroad Retirement and Civil Service and Military Retirement recipients, and to oppose efforts to place a ceiling on cost-of-living increases to these recipients; and be it further

"Resolved: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Gerald R. Ford, President of the United States, to the Senate and House of Representatives in Congress and to the Members of the United States Congress from the State of Maine."

A joint resolution of the Legislature of the State of Nevada; to the Committee on the Judiciary:

File Number 28

"Assembly Joint Resolution—Memorializing the President of the United States and Congress to implement and enforce existing federal laws dealing with the problem of illegal aliens and to adopt new remedial legislation such as H.R. 982 of the 93d Congress

"Whereas the presence within the United States of illegal aliens in numbers of inordinate magnitude constitutes a significant continuing negative factor in this great nation's economy; and

"Whereas large numbers of unemployed Americans are unable to obtain gainful employment as a direct consequence of jobs occupied by illegal aliens within the United States; and

"Whereas the illegal alien problem is no longer a regional problem concerning only western and southwestern agriculture but is now adversely affecting the economy of the entire nation; and

"Whereas the Immigration and Naturalization Service of the United States Department of Justice is deficient in the manpower and funding needed to combat this nationwide problem; and

"Whereas existing federal law seemingly condones employment of illegal aliens in that knowing employment of illegal aliens does not constitute harboring and thus is not expressly proscribed; and

"Whereas H.R. 982, introduced in the 93d Congress by Congressman Peter Rodino, constitutes the type of remedial legislation that will, if adopted, greatly ameliorate this problem, which is contributing in substantial part to our national unemployment figure; now, therefore, be it

"*Resolved* by the Assembly and Senate of the State of Nevada, jointly, That the legislature of the State of Nevada respectfully memorializes the President of the United States and the Congress of the United States to commence immediate steps to provide adequate moneys for, and to authorize sufficient augmentation of the manpower of, the Immigration and Naturalization Service of the United States Department of Justice, so that the problem of existing and potential damage to our national economy caused by the presence of illegal aliens in the United States may be successfully combated, and to adopt additional remedial legislation such as H.R. 982 of the 93d Congress; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted by the legislative counsel to the President of the United States, to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on the Judiciary:

"House Concurrent Resolution No. 75

"A concurrent resolution memorializing the Congress of the United States to enact House Resolution 982 which provides that it shall be unlawful for an employer to knowingly hire an illegal alien

"Whereas, it has come to the attention of the public that there are an estimated six million illegal aliens holding jobs in this country; and

"Whereas, unemployment in our nation is growing daily, reaching record proportions with no relief in sight; and

"Whereas, such illegal aliens holding jobs in this country are in direct contravention to the immigration laws of the United States and create a tremendous economic burden on the native and naturalized citizens of the United States; and

"Whereas, Congressman Peter Rodino of New Jersey has introduced House Resolution 982 which provides that it shall be unlawful for a United States employer to knowingly hire an illegal alien; and

"Whereas, statistics shows that if House Resolution 982 were to become law, over one million jobs would become available for United States citizens overnight; and

"Whereas, it is the belief of this Legislature, in view of the bleak economic outlook for our country, that jobs should be created whenever possible to help combat the unemployment crisis; and

"Whereas, passage of House Resolution 982 would speak directly to the pressing unemployment situation and would alleviate somewhat the overall financial problems now before us:

"Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That we do hereby memorialize the Congress of the United States to take immediate action towards the final passage of House Resolution 982, authored by Congressman Peter Rodino, which would serve to alleviate the unemployment crisis facing our nation today.

"Be it further resolved, That copies of this Resolution be forwarded to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to members of the Mississippi Congressional Delegation."

A memorial of the Senate of the State of Arizona; to the Committee on the Judiciary:

"Senate Memorial 1003

"A Memorial relating to Veterans' Day; urging Congress to enact legislation returning observance of Veterans' Day to November 11

"To the Congress of the United States:

"Your memorialist respectfully represents:

"Whereas, the Congress of the United States enacted legislation which changed observance of Veterans' Day from November 11, the date of the armistice ending World War I and the traditional day of observance of that historical event; and

"Whereas, the change of Veterans' Day to the fourth Monday in October for the sole purpose of adding a three-day weekend to the holidays of the year is not a sufficient reason for breaking with tradition, memories, sentiments and history, and the reduction which follows in participation in patriotic ceremonies.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

"1. That the President and Congress give their most earnest consideration to the prompt enactment of legislation which would result in the return of Veterans' Day to the traditional day of observance, November 11, of each year.

"2. That the Honorable Wesley Bolin, Secretary of State of the State of Arizona, transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

A resolution of the Pacific Conference of Legislators urging extension of social, education, and employment programs and services to the people of Micronesia; to the Committee on Interior and Insular Affairs.

A resolution of the common council of the city of Buffalo, N.Y., relating to the reordering of national priorities and termination of the B-1 bomber program; to the Committee on the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration:

S. Res. 111. An original resolution continuing through May 31, 1975, the authority of Senate committees to pay compensation and make expenditures for inquiries and investigations, and for other purposes; placed on the calendar.

NOTICE OF MOTION TO AMEND RULE XXV

(Submitted on March 12, 1975)

Mr. GRAVEL submitted the following notice in writing:

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXV of the standing rules.

The purpose of the proposed amendment to Senate Rule XXV is to authorize each member of the Senate to employ additional assistants to work on matters pertaining to committees on which Senators serve. The particulars of the proposed amendment are as follows:

Resolved, That rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraphs:

"8. (a) Each Senator serving on a committee is authorized to hire staff to assist him in his duties as a member of each committee on which he serves as follows:

"(1) A Senator serving on one or more standing committees named in paragraph 2 shall receive, for each such committee, an amount equal to two times the amount referred to in section 105(d)(2)(i) of the Legislative Appropriations Act, 1968, as amended and modified.

"(2) A Senator serving on one or more standing committees named in paragraph 3; select and special committees of the Senate; and joint committees of the Congress shall receive for each such committee an amount equal to the amount referred to in section 105(d)(2)(i) of the Legislative Appropriations Act, 1968, as amended and modified.

"(b) An employee appointed under this paragraph shall be designated as such and certified by the Senator who appoints him to the chairman and ranking minority member of the committee and shall be accorded equitable treatment with respect to access to the records of that committee.

"(c) An employee appointed under this paragraph shall not receive compensation in excess of that provided for an employee under section 105(d)(2)(i) of the Legislative Branch Appropirations Act, 1968, as amended and modified.

"(d) Payments made with respect to individuals appointed to the office of a Senator under this paragraph shall be paid out of the contingent fund of the Senate on vouchers approved by such Senator.

"(e) Individuals appointed, as employees under this paragraph shall be in addition be employees otherwise authorized to be appointed to the office of a Senator.

"9. (a) Each Senator serving as chairman of any subcommittee or ranking minority member of any subcommittee is authorized to hire staff to assist him in his duties as chairman or ranking minority member of that subcommittee as follows:

"(1) A Senator serving as chairman or ranking minority member of a subcommittee shall receive an amount equal to two times the amount referred to in section 105(d)(2)(i) of the Legislative Branch Appropriations Act, 1968, as amended and modified. If a Senator is serving as chairman or ranking minority member of more than one subcommittee of the same committee he shall be entitled to receive funds under this paragraph for only one such subcommittee but the individuals employed with such funds may assist him in his duties as chairman or ranking minority member of all such subcommittees.

"(2) Such amount shall not be lowered unless done so by agreement of the chairman of the committee, the subcommittee chairman and the ranking minority subcommittee member.

"(3) If funds are authorized for the staff of a subcommittee pursuant to section 133(g) of the Legislative Reorganization Act of 1946, or if funds authorized for a committee under such section are allocated to a subcommittee, then the amounts to which the Senators serving as chairman and ranking minority member of that subcommittee are entitled under this paragraph shall each be reduced by an amount equal to the funds so authorized or allocated.

"(b) An employee appointed under this paragraph shall be designated as such and certified by each Senator to the chairman and ranking minority member of each full committee.

"(c) An employee appointed under this paragraph shall not receive compensation in excess of that provided for an employee under section 105(d)(2)(i) of the Legislative Branch Appropriations Act, 1968, as amended and modified.

"(d) Payments made with respect to individuals appointed to the office of a Senator under this paragraph shall be paid out of the contingent fund of the Senate on vouchers approved by such Senator.

"(e) Individuals appointed as employees under this subsection shall be in addition to staff members otherwise authorized to be appointed to the office of a Senator."

HOUSE BILL REFERRED

The bill (H.R. 4481) making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes, was read twice by title and referred to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS:

S. 1173. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternate method of valuing certain real property for estate tax purposes. Referred to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. Hollings, Mr. Kennedy, Mr. McGee, Mr. Moss, Mr. Humphrey, Mr. Hartke, Mr. Stevens, Mr. Tunney, Mr. Gravel, Mr. Hatfield, Mr. Javits, and Mr. Eagleton):

S. 1174. A bill to provide sound physical bases and operational systems for achieving major reductions in the earthquake hazards faced by the population living in regions of the United States of significant seismic risk, and to amend the National Science Foundation Act of 1950 so as to provide for a research program relating to earthquake mitigation, and for other purposes. Referred, by unanimous consent, to the Committee on Commerce; and, if and when reported by that committee, to the Committee on Labor and Public Welfare for not to exceed 30 days.

By Mr. TOWER (for himself and Mr. Bentsen):

S. 1175. A bill for the relief of Carla K. Finch. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (by request):

S. 1176. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations. Referred to the Committee on Foreign Relations.

By Mr. McGEE (for himself, Mr. Abourezk, Mr. Bayh, Mr. Bentsen, Mr. Biden, Mr. Brooke, Mr. Burdick, Mr. Cannon, Mr. Case, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Culver, Mr. Eagleton, Mr. Ford, Mr. Glenn, Mr. Gravel, Mr. Gary W. Hart, Mr. Philip A. Hart, Mr. Hartke, Mr. Haskell, Mr. Hathaway, Mr. Hollings, Mr. Huddleston, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. Leahy, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Stevenson, Mr. Tunney, and Mr. Williams):

S. 1177. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service. Referred to the Committee on Post Office and Civil Service.

By Mr. HRUSKA (for himself, Mr. Curtis, Mr. Fannin, and Mr. Young):

S. 1178. A bill to guarantee all rights under the first amendment to the Constitution to the electronic media and to terminate any discrimination between the print and broadcast media by certain amendments to the Communications Act of 1934 and other provisions of law. Referred to the Committee on Commerce.

By Mr. EASTLAND:

S. 1179. A bill for the relief of Kwan Do Sun. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1180. A bill for the relief of Miss Etsuko Yamamoto. Referred to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 1181. A bill for the relief of Seymour B. Feldman. Referred to the Committee on Post Office and Civil Service.

By Mr. ROTH:

S. 1182. A bill to amend certain provisions of law relating to the leasing of oil and gas deposits of the United States, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE (for himself, Mr. Abourezk, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Brock, Mr. Brooke, Mr. Bumpers, Mr. Burdick, Mr. Robert C. Byrd, Mr. Case, Mr. Church, Mr. Clark, Mr. Culver, Mr. Curtis, Mr. Eagleton, Mr. Eastland, Mr. Goldwater, Mr. Hansen, Mr. Philip A. Hart, Mr. Helms, Mr. Inouye, Mr. Javits, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Moss, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Hugh Scott, Mr. Symington, Mr. Thurmond, Mr. Tower, and Mr. Weicker):

S. 1183. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits threeunder. Referred to the Committee on Finance.

By Mr. DOMENICI:

S. 1184. A bill to amend the Internal Revenue Code of 1954 to provide for the reduction or deferral of liability for the payment of a part of the Federal estate tax on farms the fair market value of which exceeds the value which such property would have if it were continued to be used as farm land. Referred to the Committee on Finance.

By Mr. CURTIS:

S. 1185. A bill to amend section 13(b)(24) of the Fair Labor Standards Act of 1938 to exempt certain employment in residential treatment facilities for children from homes having an unfavorable home environment, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HATHAWAY:

S. 1186. A bill to amend the Outer Continental Shelf Lands Act in order to conduct a comprehensive study of the Outer Continental Shelf, to promote the development of Outer Continental Shelf oil and gas resources, to provide for protection of the environment, to promote competition in the production of oil and gas from the Outer Continental Shelf, to authorize the payment of a portion of the revenue under the act to the coastal States, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JOHNSTON:

S. 1187. A bill to authorize the documentation of the vessel *Bruja Mar* as a vessel of the United States with coastwise privileges. Referred to the Committee on Commerce.

By Mr. BUCKLEY:

S. 1188. A bill to amend title II of the Social Security Act to provide for annual increases in the amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and in a series of steps to lower to age 65 the age after which deductions from benefits are no longer imposed on account of excess earnings. Referred to the Committee on Finance.

By Mr. MANSFIELD (for himself, Mr. METCALF, and Mr. MOSS):

S. 1189. A bill to amend the Public Works and Economic Development Act of 1965 in order to establish a regional impact and development assistance program. Referred to the Committee on Public Works.

By Mr. JAVITS:

S.J. Res. 56. A joint resolution to authorize and request the President to proclaim April 6, 1975, as a day of observance of the 30th anniversary of the liberation of the survivors of the Holocaust. Referred to the Committee on the Judiciary.

By Mr. CURTIS (for himself, Mr. MCCLURE, and Mr. MCGEE):

S.J. Res. 57. A joint resolution to authorize and request the President to proclaim the month of May 1975 as "National Car Care Month." Referred to the Committee on the Judiciary.

By Mr. McCLELLAN:

S.J. Res. 58. A joint resolution proclaiming the week of May 25 to 31 as "National American Institute of Banking Week." Referred to the Committee on the Judiciary.

By Mr. BARTLETT (for himself and Mr. BELLMON):

S.J. Res. 59. A joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 16, 1976, through May 22, 1976. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CURTIS:

S. 1173. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternate method of valuing certain real property for estate tax purposes. Referred to the Committee on Finance.

ESTATE TAX LAW REFORM

Mr. CURTIS. Mr. President, I am introducing today a bill which would effect what I believe to be three necessary reforms to our Federal estate tax law. An identical bill has previously been introduced in the House by Congressman BURLESON as H.R. 1793. The number of the Curtis bill is S. 1173. Briefly, the bill would do three things. First, it would increase the Federal estate tax exemption from $60,000 to $200,000. Second, the bill would increase the estate tax marital deduction. Third, the bill would establish a procedure under which certain real estate devoted to farming, woodland, or scenic open space would be valued for estate tax purposes by reference to its value when used for that purpose rather than by reference to its potential value if utilized for other purposes, such as being subdivided and converted into a housing development.

Let me briefly explain the reasons which prompted me to introduce this bill. For many years, we have had a national policy, which I fully support, of encouraging agriculture generally and family farming in particular. For many years, we have been concerned with the exodus of young people from our farms. Fortunately, this trend has begun to reverse itself and we are now witnessing the movement of more and more young people into agriculture in general and into family farming in particular.

It has come to my attention, however, that family farming is increasingly jeopardized by the application of our current Federal estate tax laws to the estates of deceased farmers and ranchers. The problem is quite simple. Farm land, particularly that which is located near centers of population, is becoming more valuable, because of its potential use for nonagricultural purposes. To combat this problem, many States and localities have adopted special assessment laws for real property used for agricultural purposes.

The bill I am introducing seeks to make the Federal estate tax equally responsive to this important problem. As I indicated, the bill increases the basic estate exemption from $60,000 to $200,000. The $60,000 figure has been a part of the law for more than 30 years and the inflation we have experienced during that period warrants such an increase. This increase would be applicable to all estates, as would the increased marital deduction provision of the bill. An increase in the marital deduction otherwise allowable under present law will give recognition to the importance of husband and wife partnerships in farming and other small businesses.

The third provision of the bill applies only to real property devoted to farming, woodland, or scenic open space. Under this bill, such qualified real property could be valued solely by reference to its value as a farm, woodland, or scenic open space. That value could not be increased to reflect the value of the property for some other use, such as a shopping center, office building, or housing development. Three safeguards in the bill prevent any possibility that this special elective valuation rule will be improperly utilized. First, the property must have been actually used for farming or other qualified purposes during the 5 years preceding the individual's death. Second, the property must continue to be used for such qualifying purposes for 5 years from the date an election to utilize this provision is made. If the property does not continue to be used, or if it is sold by the person who inherited it during that period, the higher value will be used and additional estate taxes will be assessed. Finally, the lower value, if elected for estate tax purposes, would also constitute the heir's income tax basis in the property so he or she would derive no special benefit if the property is later sold.

With these safeguards, the bill will effect three needed reforms in our Federal estate tax law, give recognition to the effects of inflation and the importance of husband and wife partnerships in farming and other small business, and further foster our national policy to encourage family farms. The family farm has long played an important role. Its importance is even greater today. We should not let the Federal estate tax, which produces less than 2 percent of our total Federal receipts, endanger its viability.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2052 of the Internal Revenue Code of 1954 (relating to exemption for purposes of the Federal estate tax) is amended by striking out "$60,000" and inserting in lieu thereof "$200,000".

(b) Section 6018(a)(1) of such Code (relating to estate tax returns) is amended by striking out "$60,000" and inserting in lieu thereof "$200,000".

SEC. 2. The amendments made by the first section of this Act shall apply to the estates of decedents dying after the date of enactment of this Act.

SEC. 3. INCREASE IN ESTATE TAX MARITAL DEDUCTION.—

(a) Section 2056(c) of the Internal Revenue Code of 1954 (relating to limitation of aggregate marital deduction) is amended by inserting after "shall not exceed" in paragraph (1) "the sum of $100,000, plus".

(b) The amendment made by subsection (a) shall apply with respect to decedents dying after the date of enactment of this Act.

SEC. 4. ALTERNATE VALUATION OF CERTAIN REAL PROPERTY.—

(a) Section 2031 of the Internal Revenue Code of 1954 (relating to definition of gross estate) is amended by adding at the end thereof the following new subsection:

"(c) ALTERNATE VALUATION OF CERTAIN REAL PROPERTY.—

"(1) IN GENERAL.—If the executor of an estate so elects, the value of any qualified real property included in the estate shall be determined by its value for the use under which it qualifies, under paragraph (2), as qualified real property.

"(2) DEFINITION OF QUALIFIED REAL PROPERTY.—For the purposes of this subsection, the term 'qualified real property' means real property substantially all of which is, and, for the 60 months preceding the date of death of the decedent, has been, devoted to—

"(A) farming (including the production of agricultural commodities and the raising of livestock),

"(B) woodland (including land use for the commercial production of trees and land used for scenic and recreational purposes), or

"(C) scenic open space.

"(3) ELECTION REQUIREMENTS.—An election under this subsection shall be filed with the Secretary or his delegate at such time and in such form and manner as he may prescribe and shall contain, in addition to any other matter, the name, address, and taxpayer identification number of the person to whom the property passes under the terms of the decedent's will or by operation of law.

"(4) REVOCATION OF ELECTION.—If property valued under paragraph (1)—

"(A) is sold or transferred, by or on behalf of the person to whom the property passed, within 5 years after the date on which the return of the tax imposed under this chapter was filed, or

"(B) is converted substantially to a use not described in paragraph (2) within that 5-year period by that person, the election made under this subsection shall be revoked and the difference between the tax actually paid under this chapter on the transfer of the estate and the tax which would have been payable on that transfer had the property not been valued under paragraph (1) shall be a deficiency in the payment of the tax assessed under this chapter on that estate.".

(b) Section 1014(a) of such Code (relating to basis of property acquired from a decedent) is amended by inserting before the period at the end thereof a comma and the following: "or, in the case of an election under section 2131(c) (relating to alternative valuation of certain real property), the value thereof as determined under such action for the applicable valuation date.".

Sec. 5. The amendments made by section 4 of this Act shall apply with respect to the estates of decedents dying after the date of enactment of this Act.

By Mr. CRANSTON (for himself, Mr. Hollings, Mr. Kennedy, Mr. McGee, Mr. Moss, Mr. Humphrey, Mr. Hartke, Mr. Stevens, Mr. Tunney, Mr. Gravel, Mr. Hatfield, Mr. Javits, and Mr. Eagleton):

S. 1174. A bill to provide sound physical bases and operational systems for achieving major reductions in the earthquake hazards faced by the population living in regions of the United States of significant seismic risk, and to amend the National Science Foundation Act of 1950 so as to provide for a research program relating to earthquake mitigation, and for other purposes. Referred, by unanimous consent, to the Committee on Commerce; and, if and when reported by that committee, to the Committee on Labor and Public Welfare for not to exceed 30 days.

Mr. CRANSTON. Mr. President, I rise to introduce a bill entitled, "The Earthquake Disaster Mitigation Act of 1975."

Mr. President, I wish to state that this request has been totally cleared on both sides.

I ask unanimous consent that a bill I am now introducing entitled "The Earthquake Disaster Mitigation Act of 1975," be referred to the Committee on Commerce, and that if and when reported, it be referred to the Committee on Labor and Public Welfare for a period not to exceed 30 days.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, has this been cleared with the leadership

Mr. CRANSTON. Yes, it has.

Mr. WILLIAM L. SCOTT. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I am introducing this bill on behalf of myself and the distinguished Senator from South Carolina (Mr. Hollings), who is the primary cosponsor. I am pleased that Senator Hollings and I are also joined in sponsoring this legislation by Senators Edward M. Kennedy of Massachusetts, Gale W. McGee of Wyoming, Frank E. Moss of Utah, Hubert H. Humphrey of Minnesota, Vance Hartke of Indiana, Ted Stevens of Alaska, John V. Tunney of California, Mike Gravel of Alaska, Mark O. Hatfield of Oregon, Jacob K. Javits of New York, and Thomas F. Eagleton of Missouri.

The broad geographical representation of cosponsors on the Earthquake Disaster Mitigation Act is a good indication of the growing recognition that earthquakes are not just a California problem. In fact, all 50 States are subject to some earthquake-related hazards and a total of 39 have been identified as being in zones subject to moderate and major damage from earthquake shaking. The combined population of these 39 States is 71.5 million—nearly 35 percent of the U.S. population.

Mr. President, this bill is a revision of similar bills I have introduced in previous Congresses, most recently as S. 1473 and S. 1474 in the 93d Congress. The Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee, chaired by my friend and colleague, Senator Hollings, held 2 days of hearings in May of 1973 on these bills and on a similar bill introduced by Senator Hollings, S. 1444. The expert testimony we received at these 2 days of hearings was especially valuable, and focused attention on the need for a more coordinated and comprehensive Federal earthquake program. The bill I am introducing today, I am confident, goes a long way toward meeting this objective.

The Earthquake Disaster Mitigation Act of 1975 will authorize a 10-year, $50 million a year, program to be carried out principally by the U.S. Geological Survey and the National Science Foundation. Its general goals are to seek a better understanding of the causes of earthquakes, to develop from this understanding an operational system for predicting earthquakes well in advance of their occurance, to issue appropriate warnings to the public, to advance earthquake engineering research and its application to hazardous structures, and to improve the human and community response to earthquakes and the threat of earthquakes.

One thing is certain: We will have future damaging earthquakes. San Francisco will have another 1906 earthquake. Los Angeles will have another earthquake, very likely much worse than the San Fernando earthquake of 1971. Boston, Charleston, and Anchorage will be stuck by future earthquakes. They may strike tomorrow, next week, or in a hundred years, but they will come. Our task is to take effective action now to mitigate the destructive potential of these future earthquakes.

In California, a 1973 State report estimated total losses of $21 billion due to earthquake shaking between now and the year 2000 if we make no changes in our existing policies. As many as 10,360 deaths and 40,360 hospitalized injuries have been projected to result from an 8.3 magnitude earthquake on the San Andreas Fault near San Francisco. In addition, as many as 30,000 deaths could occur in the San Francisco bay area as a result of earthquake-induced dam failures. These figures are obviously not absolute predictions, but they indicate the extent of human suffering and the breadth of the disaster that could befall whole regions if we do not take some effective action now.

Mr. President, I ask unanimous consent that three charts showing, first, property damage from major U.S. earthquakes since 1865; second, lives lost in major U.S. earthquakes since 1811; and third, casualties and damage in the United States from tsunamis since 1900 be printed in the Record at this point.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Table 1—*Property Damage in Major U.S. Earthquakes in Millions of Dollars (Actual), 1865–1971*

Year and locality:		*Damage*
1865	San Francisco, Calif	0.5
1868	San Francisco, Calif	.4
1872	Owens Valley, Calif	.3
1886	Charleston, S.C	23.0
1892	Vacaville, Calif	.2
1898	Mare Island, Calif	1.4
1906	San Francisco, Calif	24.0
	Fire loss	500.0
1915	Imperial Valley, Calif	.9
1918	Puerto Rico (tsunami damage from earthquake in Mona Passage)	4.0
1918	San Jacinto and Hemet, Calif	.2
1925	Santa Barbara, Calif	8.0
1933	Long Beach, Calif	40.0
1935	Helena, Mont	4.0
1940	Imperial Valley, Calif	6.0
1941	Santa Barbara, Calif	.1
1941	Terrance-Gardena, Calif	1.0
1944	Cornwall, Canada-Massena, N.Y	2.0
1946	Hawaii (tsunami damage from earthquake in Aleutians)	25.0
1949	Puget Sound, Wash	25.0
1949	Terminal Island, Calif. (oil wells only)	9.0
1951	Terminal Island, Calif. (oil wells only)	3.0
1952	Kern County, Calif	60.0
1954	Eureka-Arcata, Calif	2.1
1954	Wilkes-Barre, Pa	1.0
1955	Terminal Island, Calif. (oil wells only)	3.0
1955	Oakland-Walnut Creek, Calif	1.0
1957	Hawaii (tsunami damage from earthquake in Aleutians)	3.0
1957	San Francisco, Calif	1.0
1959	Hebgen Lake, Mont. (damage to timber and roads)	11.0
1960	Hawaii and U.S. West Coast (tsunami damage from earthquake off Chile)	25.5
1961	Terminal Island, Calif (oil wells only)	4.5
1964	Alaska and U.S. West Coast (tsunami damage from earthquake near Anchorage—includes earthquake damage in Alaska)	500.0
1965	Puget Sound, Wash	12.5
1966	Dulce, N. Mex	.2
1969	Santa Rosa, Calif	6.3
1971	San Fernando, Calif	553.0
	Total	1,862.1

Table 2.—*Lives Lost in Major U.S. Earthquakes, 1811–1971*

Year and *locality:*		*Lives Lost*
1811	New Madrid, Mo	Several
1812	New Madrid, Mo	Several
1812	San Juan Capistrano, Calif	40
1863	Hayward, Calif	30
1872	Owens Valley, Calif	27
1886	Charleston, S.C	60
1899	San Jacinto, Calif	6
1906	San Francisco, Calif	700
1915	Imperial Valley, Calif	6
1916	Puerto Rico (tsunami from earthquake in **Mona Passage**	**116**
1925	Santa Barbara, Calif	13
1926	Santa Barbara, Calif	1
1932	Humboldt County, Calif	1
1933	Long Beach, Calif	115
1934	Kosmo, Utah	2

1935	Helena, Mont	4
1940	Imperial Valley, Calif	9
1946	Hawaii (tsunami from earthquake in Aleutians)	173
1949	Puget Sound, Wash	8
1952	Kern County, Calif	14
1954	Eureka-Arcata, Calif	1
1955	Oakland, Calif	1
1958	Khantask Island and Lituya Bay, Alaska	5
1959	Hebgen Lake, Mont	28
1960	Hilo, Hawaii (tsunami from earthquake off Chile coast)	61
1964	Prince William Sound, Alaska (tsunami)	131
1965	Puget Sound, Wash	7
1971	San Fernando, Calif	65

TABLE 3.—CASUALTIES AND DAMAGE IN THE UNITED STATES FROM TSUNAMIS, 1900–71

Area	Year	Dead	Injured	Estimated damage (thousands)
Hawaii	1906			$5
American Samoa	1917			[1]
Hawaii	1918			100
Puerto Rico	1918	40		250
Hawaii, California, American Samoa	1922			50
Hawaii	1923	1		4,000
Do	1933			200
Hawaii, Alaska, west coast	1946	173	163	25,000
Midway Island, Hawaii	1952			1,200
Hawaii, west coast	1957			4,000
Hawaii, west coast, American Samoa	1960	61	282	25,500
Alaska, west coast, Hawaii	1964	22	200	104,000
Alaska	1965			10

[1] Damage reported, but no estimates available.

S. 1174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Earthquake Disaster Mitigation Act of 1975".

(b) The Congress hereby finds and declares that—

(1) thirty-nine States are wholly or partly areas of high and moderate seismic risk, including, but not limited to, Alaska, California, Hawaii, Illinois, Massachusetts, Missouri, Montana, New York, Nevada, South Carolina, Utah, and Washington;

(2) a large portion of the population of the United States lives in such areas of seismic risk;

(3) highly developed urban areas such as Anchorage, Boston, Charleston, Los Angeles, Memphis, Salt Lake City, San Francisco, San Jose, Seattle, and their surrounding areas are especially vulnerable to the hazards of earthquakes;

(4) loss of life, destruction of property, and economic disruption caused by future earthquakes can be substantially reduced by implementing improved construction practices, land use controls, earthquake prediction and warning techniques, emergency preparedness plans, and redevelopment practices;

(5) implementation of earthquake mitigation capabilities requires extensive education of the population regarding earthquake phenomena and measures that can be taken to reduce earthquake hazards to individuals and to communities;

(6) there is a scientific basis for hypothesizing that in at least some seismically active regions of the United States major earthquake risk can be moderated by earthquake control;

(7) seismological research in the United States has developed to the point where a determined and well-funded research program in earthquake prediction could provide data adequate for the design of an operational prediction capability to predict accurately the time, place, magnitude, and physical effects of earthquakes within ten years; and

(8) earthquake mitigation procedures reduce public exposure to other natural and man-made hazards, such as extreme winds, accidents, explosions, landslides, progressive collapse, and fire, through the implementation of better land use practices, improved construction methods, and emergency preparedness procedures.

(c) The Congress hereby declares that it is the purpose of this Act to—

(1) support a strong and coordinated national program in earthquake mitigation to reduce the loss of life, property destruction, and economic and social disruption resulting from earthquakes and associated phenomena through the development of—

(A) economically feasible design and construction methods for building earthquake resistant structures of all types, and for the identification and repair of existing hazardous structures;

(B) an operational program for predicting damaging earthquakes and their physical effects in the seismically active regions of the United States;

(C) procedures for integrating data and information about seismic risk with on-going land use planning and regulation activities;

(D) procedures for identifying, evaluating and accurately characterizing seismic hazards in earthquake-prone regions;

(E) improved understanding of the social and economic consequences of individual and community decisions on earthquake-related issues, emphasizing risk control, pre-event planning, issuance of warnings, provision of emergency services, rescue, recovery and redevelopment; and

(F) methods and procedures for the control or alteration of seismic phenomena and their effects on existing structures; and

(2) implement the Earthquake Disaster Mitigation Program by educating the population of the United States about earthquake phenomena and measures to mitigate their effects, assist public officials in developing sound regulations, and assist the professions in developing sound technical procedures.

SEC. 2. (a) The Director of the Geological Survey, in consultation with the National Science Foundation, shall develop and carry out a program of research and implementation in the areas of tectonics, seismology, and geology necessary to achieve the purposes of this Act. Such program shall include, but not be limited to—

(1) development of an operational system for predicting damaging earthquakes in the seismically active regions of the United States;

(2) development and placement of instruments and networks of instruments necessary to collect appropriate data;

(3) seismicity studies throughout the United States;

(4) evaluation of methods that may lead to the development of a capability to modify or control earthquakes in selected regions of the United States;

(5) zonation and microzonation for seismic risk of the entire United States—considering tectonic environment; seismicity; fault location; intensity, location, and return time of expectable earthquakes; and

(6) preparation of seismic risk analyses useful for emergency planning and community preparedness.

(b) In carrying out that part of such program related to research purposes, and in expending a significant portion of the funds appropriated pursuant to this Act for such purposes, the Director shall utilize the services of qualified personnel in institutions of higher education and public entities or organizations (other than the Geological Survey) and private entities or organizations concerned with seismic risk and seismic mitigation research.

SEC. 3. The Director of the National Science Foundation, in consultation with the Geological Survey, shall develop and carry out a program of research and implementation in the areas of engineering, planning and social science necessary to achieve the purposes of this Act, which shall include, but not be limited to—

(1) advancing basic earthquake engineering and earthquake disaster mitigation research;

(2) developing information in engineering seismology as it relates to destructive ground motion and hazards to urban communities;

(3) developing more accurate and reliable methods of earthquake engineering analysis for all types of structures and for a variety of ground conditions;

(4) developing improved methods, based upon the seismological and geotechnical characteristics of the region, of assessing the earthquake risk at all types of locations, especially densely populated areas;

(5) developing more reliable and economical methods of earthquake-resistant design and improved criteria for earthquake-resistant construction, measuring the cost of protection against the benefit of prevented damage and loss of life, with priority given to dams, hospitals, schools, public-utility and public-safety structures, high occupancy buildings, buildings necessary for emergency operations, and other structures especially needed in times of disaster;

(6) developing methods that enhance community preparedness for earthquakes; and

(7) developing procedures for the rehabilitation of damaged areas through—

(A) the restoration of individual physical and emotional health, employment, and standard of living;

(B) the maintenance and restoration of a functioning community; and

(C) the application of such procedures and methods that can decrease community vulnerability to future earthquakes.

SEC. 4. The Director of the Geological Survey and the Director of the National Science Foundation, jointly, shall—

(1) establish an advisory committee composed of representatives of the research community (including the design professions), and Federal, State and private users of the products of this program to review periodically the progress, implementation and coordination of the earthquake mitigation program and to recommend to the Directors, through periodic written reports, appropriate modifications in the conduct or emphasis of the program authorized by this Act;

(2) establish an information dissemination mechanism to make available in a timely manner information developed pursuant to this Act, including instrumental data which may be of interest to other researchers, design and analysis data and procedures which may be of interest to the design professions and to the construction industry, and to report periodically to the Congress, Governors in States of significant seismic risk, and other interested Federal, State and local officials;

(3) prepare and submit within 90 days of the end of each fiscal year an annual report to the Congress describing the progress of the program and achievements in earthquake mitigation;

(4) establish a joint program to evaluate, synthesize and present, through appropriate educational programs, the knowledge developed pursuant to this Act to decrease vulnerability to earthquakes as well as to other natural and man-made hazards in a manner suitable for use by public officials and interested professionals engaged in earthquake disaster mitigation activities; and

(5) assist the States in carrying out their responsibilities under section 201 of the Disaster Relief Act of 1974 by making readily available the results of research conducted pursuant to this Act.

SEC. 5. The Director of the Geological Survey and the Director of the National Science Foundation, or their designees, shall meet periodically and shall take such other steps as may be necessary to ensure that the programs authorized pursuant to this Act are fully coordinated, complementary and responsive to user needs and requirements.

SEC. 6. For the purposes of this Act, the term "United States" when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all the territories and possessions of the United States.

SEC. 7. (a) To carry out the purposes of section 2 of this Act, there is authorized to be appropriated for the fiscal year ending June 30, 1976, the sum of $25,000,000, and for each of the following nine fiscal years, the sum of $25,000,000.

(b) Section 16 of the National Science Foundation Act of 1950 is amended by adding at the end thereof the following:

"(c) To enable the Foundation to carry out its powers and duties under section 3 of the Earthquake Disaster Mitigation Act, there are authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1976, the sum of $15,000,000, and for each of the following nine fiscal years, the sum of $25,000,000.".

By Mr. SPARKMAN (by request):

S. 1176. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated February 27, 1975.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295), is amended—

(1) by redesignating subsection (h) as subsection (i) and by inserting immediately after subsection (g) the following new subsection:

"(h) In addition to amounts authorized before the date of enactment of this subsection, there is hereby authorized to be appropriated to the Secretary of State—

"(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

"(A) for use in Africa, not to exceed $865,000 for the fiscal year 1977;

"(B) for use in the American Republics, not to exceed $2,450,000 for the fiscal year 1977;

"(C) for use in Europe, not to exceed $6,725,000 for fiscal year 1977;

"(D) for use in East Asia, not to exceed $875,000 for the fiscal year 1977;

"(E) for use in the Near East and South Asia, not to exceed $8,005,000, of which not to exceed $3,985,000 may be appropriated for the fiscal year 1976;

"(F) for facilities for the United States Information Agency, not to exceed $3,745,000 of which not to exceed $2,800,000 may be appropriated for the fiscal year 1976;

"(G) for facilities for agricultural and defense attache housing, not to exceed $420,000 for the fiscal year 1977; and

"(2) for use to carry out the other purposes of this Act for fiscal years 1976 and 1977, $71,600,000, of which not to exceed $32,840,000 may be appropriated for fiscal year 1976," and

(2) by striking out paragraph (2) of subsection (i) as so redesignated by paragraph (1), of this Act, and inserting in lieu thereof the following new paragraph:

"(2) not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraphs (1)."

DEPARTMENT OF STATE,
February 27, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of State encloses and recommends for your consideration proposed legislation to amend the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–301) to provide authorization for appropriations for the Buildings Program for fiscal years 1976 and 1977.

The authorized levels sought by this bill are $23,085,000 for the capital program and $71,600,000 for the operating expenses of the program for fiscal years 1976 through 1977 under the combined Regular Dollar appropriation (Acquisition, Operation and Maintenance of Buildings Abroad) and the Special Foreign Currency Program.

The Department of State has been informed by the Office of Management and Budget that there is no objection to this proposal from the standpoint of the Administration's program.

A letter similar in content is being sent to the Speaker of the House.

Sincerely,

ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations.

By Mr. MCGEE (for himself, Mr. ABOUREZK, Mr. BAYH, Mr. BENTSEN, Mr. BIDEN, Mr. BROOKE, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. CLARK, Mr. CRANSTON, Mr. CULVER, Mr. EAGLETON, Mr. FORD, Mr. GLENN, Mr. GRAVEL, Mr. GARY W. HART, Mr. PHILIP A. HART, Mr. HARTKE, Mr. HASKELL, Mr. HATHAWAY, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. KENNEDY, Mr. LEAHY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1177. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service. Referred to the Committee on Post Office and Civil Service.

POST CARD VOTER REGISTRATION ACT

Mr. MCGEE. Mr. President, on September 21, 1971, I first introduced in the Senate of the United States a post card voter registration bill. Now for the third time, 3½ years later and after 8 days of hearings since 1971, 3 cloture votes in 1973, and a decisive 57 to 37 Senate vote for the bill in 1973, I am again introducing a post card voter registration bill.

It should be noted that 51 Senators join me as cosponsors. These 51 Senators represent 74 percent of the 50 States. The Senators who are cosponsoring post card voter registration this year occupy all points in the political spectrum and cut across party lines. In short, post card voter registration is an idea whose time has come. It is my hope and belief that it shall become the law of the land and that the 1976 elections, as a result of this law, will be highlighted by the largest number of new registrations in our history.

A special note of thanks should be made to my colleagues who have joined me on the bill. Especially noteworthy were the efforts made by Senators KENNEDY and CRANSTON to secure cosponsors. In 1971, the post card voter registration bill was introduced with 15 cosponsors. The dramatic increase in the number of cosponsors should provide all of us with an index to the winds of change that are moving through the Congress and the country.

Those changes are not only occurring in the Senate and in the House of Representatives, but are occurring in our home States. Since 1971, four States have adopted post card voter registration. In the last 3 months, another half dozen States are considering post card voter registration in their State legislatures.

In Minnesota, which adopted post card voter registration in 1974, we find that registration in Minneapolis increased in 1974 by about 10 percent over comparable previous election years. In New Jersey, in the first 6 weeks of implementing its post card voter registration law in 1974, we find a threefold increase in the number of registrations compared to 1970, the last comparable offyear. In Maryland, we find that implementation of post card voter registration in Baltimore and Montgomery County increased registration five times.

So, post card voter registration does work. What is more, it costs less than the old systems of registration. And, the strawman of fraud often raised about the post card registration system simply does not exist. Clearly, it is time for the country as a whole to put into operation not only what is good government, but what is best in government.

Very briefly, the post card voter registration bill does the following things:

First, the bill would enable qualified electors to register to vote in Federal elections via post card voter registration forms.

Post card registration forms, containing the appropriate State law registration requirements, would be delivered to postal patrons no later than 30 days immediately prior to any Federal election.

Qualified voters would mail post card registration forms to State or local election officials, who would continue to control the registration process.

State and local election officials would receive from the Federal Voter Registration Administration 100 percent of the cost of processing the cards.

Post card voter registration forms would also be available in ample quantities in post offices and appropriate Federal, State, and local government offices.

Second, the bill would give a financial incentive for the States to adopt the post card registration system for State and local elections. If adopted, the Federal Voter Registration Administration would pay 130 percent of the cost of processing the cards.

This incentive payment would provide local election officials with financial assistance needed to cope with present registration burdens.

Third, the bill would strengthen antifraud efforts.

Federal assistance would be available to State or local officials for fraud prevention.

The bill authorizes action by the Attorney General against the registration of individuals not qualified.

The bill provides criminal penalties for violations.

Fourth, the bill would create a Federal administration to collect, analyze, and publish information concerning elections and to provide assistance to State and local officials concerning the post card registration system.

The need for post card voter registration on a national basis is strikingly apparent. Turnout in our national elections is so appallingly low that one is hard put to decide whether it is a crisis or a mystery. Whatever it is, it is a fact that in 1972, 62 million voting-age Americans did note vote. Of the more than 77 million total votes cast for President, the President received 47 million votes. This means that the President was elected by roughly one-third of the potential voting population.

Since 1960, the percentage of Americans participating in Federal elections has steadily decreased. Moreover, the United States has the worst voting turnout record in the world—less than 55 percent in the last election. Australia votes 94 percent of its voting-age citizens; West Germany, 85 percent; Britain, 80 percent; Japan, 74 percent. Our country is the only country in the world that puts the burden of registration on the citizen rather than the Government.

It needs to be emphasized, however, that the chief thrust of the post card voter registration bill is not that it is a cure-all for increased numbers of people voting. Instead, post card voter registration opens the gate to the process of participation that is so inherent in the act of voting. Critics of post card voter registration often fail to recognize that the question of why people do not vote is not the first question to be asked. Instead, the first question to be asked is why they do not register. The second question that arises, then, is why registrants fail to vote after they register. Of course, the fact is that once they are registered, the chances of participation increase very significantly.

Nine out of ten registered Americans vote, but only six out of ten voting-age Americans vote. Before voter registration laws were adopted in the United States beginning in 1876, 80 percent of our citizens voted. By 1924, however, voter participation had dropped to less than 50 percent.

STATE LAWS OBSTRUCTIVE

Such an abysmal condition in a nation that takes great pride in its democracy exists because the registration laws in the various States are a hodgepodge of obstacles put in the way of the voter. Such obstacles have little, if anything, to recommend them. When one adds to these obstructive registration laws too many election officials who are more concerned about their own convenience than that of the prospective registrant, you have, to put it bluntly, a scheme that results in disenfranchisement on a massive scale.

At best the registration laws in the various States are outmoded and simply inappropriate for a highly mobile population. At worst registration laws can be construed as a deliberate, if not malign, attempt to disenfranchise eligible voters who desperately need entry into the decisionmaking processes of our country. These are those whose income is low, those who belong to minority groups, and senior citizens whose physical ability to get to registration centers has been greatly reduced by age.

To put the matter another way, the effect if not the intent of registration laws is to interfere with the most basic proposition of a free society. That is, we must have full and viable participation in the democratic process. "We the people" does not mean we some of the people. "We the people" does not mean 40 million voting-age Americans left out of the balloting system because they are not registered.

The registration process in State after State is largely the blame for our dismal record. A Gallup poll in December of 1969 stated:

> It was not a lack of interest, but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation.

The League of Women Voters in a study published in 1972 stated:

> Millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system.

The National Municipal League came to a similar conclusion.

REGISTRATION INCONVENIENCES

In some Western States many ranchers must travel over 100 miles to register. Seventy-six percent of the country's voting jurisdictions have no Saturday or evening registration in nonelection months. Pennsylvania closes its registration books 50 days before an election; California, 54 days; Rhode Island, 60 days. In only 23 States is absentee registration permitted. Missouri, until 1973, had six different registration systems for cities, depending on size. Very few States have laws for time off from work to register or, more importantly, to vote. Only 16 States allow registration on weekends, and many of these allow just one weekend a year.

Aside from the inconvenience, to put it mildly, to the applicant, current registration is outrageously expensive. David Dinkins, president of the Board of Elections for New York City, testified before the Senate Committee on Post Office and Civil Service that an intensive voter registration effort sponsored by the city in 1972 cost the city $8 per new registrant. Nothing in the post card voter registration bill contemplates that kind of expense.

Most people who are not registration agents and who have attempted to get people to register to vote—whether at the precinct level, the State level, or the national level—know that the registration process is much more difficult to deal with than the descriptions cited above. But even more, they are outraged by the arguments made by many opponents to post card voter registration. The chief argument of these opponents is the argument of fraud. The fraud arguments are essentially nonsense.

Texas has practiced registration by mail for 30 years and has experienced little or no registration fraud. Randall B. Wood, former director of elections for the State of Texas, testified:

> The old bugaboo of fraud simply could not be raised in Texas very well because the experience over those 30 years had generally disproved that registration by mail was any more susceptible to fraud than any other registration system.

North Dakota has no registration at all and, according to a study by Professor Omdahl of the University of North Dakota, no formal complaint of fraud has been filed in the State since registration was repealed in 1951. Mr. Dinkins testified:

> We do not see fraud as presenting any problem at all. . . . If anything, we can tighten things up a bit.

Post cards are used in Great Britain, and there is no fraud. Fraud does not seem to appear with any significant frequency in those countries where the responsibility of registration is an active charge upon the government and not upon the citizens.

FRAUD ARGUMENT CRITICIZED

Not only is the fraud argument outrageous, it is also tiresome. The fraud argument makes an unchecked assumption about people. The assumption is that people have a predilection for fraud. Thus, some registration officials assume that each applicant is likely to commit fraud, and therefore, must be eyeballed by a registrar. There is nothing to support such an assumption. We do not find fraud a significant factor in our income tax returns which are filed and mailed with an unwitnessed signature. There are any number of transactions we make in this country which involve the use of an unwitnessed signature, and very little fraud is witnessed in these transactions. Checks and job recommendations are cases in point. The point is that if people were as prone to fraud as opponents of the post card voter registration bill hold, society would be in chaos.

Basically, it is profoundly cynical for a public official to look with such suspicion upon the electorate. We do not find the electorate engaging in political burglary and lies involving the most sacred and important part of our system—that is, the election process.

The greatest fraud lies in making an obstacle course out of voter registration and the resultant failure to encourage full voter participation. In any event the post card voter registration bill does not lend itself to fraud. On the contrary, it adds another tool to fraud detection by providing Federal assistance to local officials should the suspicion of fraud arise. If penalties have any bearing on the prevention of fraud, then the post card voter registration bill adds another weapon in the overkill arsenal of local registration agents. The bill provides for a $10,000 fine or 5 years imprisonment or both. But we must ask ourselves why an eyeball system makes for less fraud than does a signature system. If the eyeball system is so great, then we all ought to be taken in front of an Internal Revenue agent when we fill out our income tax forms.

It is the fashion these days to worry over who has jurisdiction over issues, both large and small. That is, who shall decide foreign policy? Who shall decide the fate of tape recordings? The Congress? The courts? The President? In short, who has sovereignty? But the great fact is that the people are finally sovereign. Yet it is meaningless to affirm the people's sovereignty if we deny sovereignty to great portions of our citizens by antiquated voter registration laws.

Mr. KENNEDY. Mr. President, I am pleased to join Senator GALE McGEE as a cosponsor of the far-reaching legislation on post card voter registration being introduced in the Senate.

I particularly commend Senator McGEE for his outstanding leadership and persistence on this measure. It is a solid tribute to his effective leadership that more than half the Senate now joins in sponsoring this important legislation.

Like Senator McGEE, I have been deeply committed to this issue for the past 4 years. In the past Congress, we came close to getting this measure to the President. In fact, the Senate succeeded in breaking a filibuster in 1973 to pass the bill, only to see the bill defeated by a narrow margin in the House of Representatives.

This year, the prospects for successful enactment are the best they have ever been. My hope is that the House and Senate will pass the bill this year by a substantial and veto-proof margin, so that this important reform in voter registration can be in place in ample time for the 1976 elections.

Our current voter registration laws are a scandal and a national disgrace. Every year, millions of voters are forced to run the gauntlet of a registration system that jeopardizes the most basic right of all in a democratic society—the right to vote. Countless potential voters become dropouts from the polls, their right to vote destroyed by the unreasonably burdensome requirements of registration that operate in almost every State.

The defects of the present system are legion—they go by names like early closing deadlines for registration, unreasonable hours for registration, inaccessible registration offices, and too-frequent purges of registration rolls. The burdens are almost endless.

Post card registration can change all that. At a single stroke, it can end the burdens and inequities that now exist in our archaic modern voter registration system.

Obviously, post card registration is not the complete answer to America's serious problem of voter apathy. Many other factors are also present, beginning with Watergate and the serious disillusionment of many citizens with the quality of their Government and other basic social institutions.

We cannot solve all those problems now. But with post card registration we can achieve a major reform, a reform that will be another milestone in the long and difficult effort to open up government to real participation by the people. By ending the morass of voter registration, we can open up the processes of government and make government more responsive to the people.

One last word. In the election held in Northern Ireland in February 1974, amid all the bombs and bullets, amid all the tragic bloodshed and destruction of that violent conflict, fully 76 percent of the eligible voters went to the polls to cast their ballots for their political leaders. In the Presidential election of 1972 in the United States, only 55 percent of the eligible voters went to the polls. Therein lies one dramatic measure of the extent to which our own country falls short of the name democracy. In my view, post card registration can help to close the gap, and I hope the Congress will approve it.

Mr. CRANSTON. Mr. President, I am proud to join today with Senator McGEE in reintroducing the Voter Registration Act.

This legislation, as Senator McGEE has explained in his introductory remarks, will serve to enfranchise millions who have not voted because they were not registered to vote.

At the time of the 1974 general election, 14,496,000 Californians were of voting age. Of that number, 9,650,800 were registered to vote and 6,936,665 actually voted. In other words, less than half of the voting age population of the State of California went to the polls.

Almost 5 million of the Californians who did not go to the polls could not go to the polls because they had not registered to vote. Some were too old or too sick to go out and register. Some were too poor to afford the cost of transportation to a place to register. Some lived in places where public transportation was inadequate between their homes and registration centers.

The bill we are introducing today would give these people and others who have not registered to vote the opportunity to participate more fully in our democratic system of government by providing the alternative of registering to vote by mail.

In the last Congress, we had a tough battle against opponents of post card registration who feared that registration for those who commit fraud.

We successfully convinced a two-thirds majority of our colleagues that those intent upon fraud would commit fraud under any system of registration. Further, we placed in the bill tough penalties for those who commit fraud.

By a vote of 67 to 32, we secured a cloture vote almost 2 years ago. Unfortunately, the bill met with less success in the other body and did not become law in the 93d Congress.

With a national election upon us in 1976—the same year that we renew our commitment to the democratic form of government with the celebration of our country's Bicentennial—I think it is fitting to establish new ways to insure the universal suffrage of the American people. When our country was founded almost 200 years ago, one of the guiding principles was that those who are governed have the right to a choice in the government.

We have fought wars to gain for ourselves and for people of other nations the right to choose how and by whom we are governed. Ironically, this precious right is not now being exercised by many American people. I think that our own reaffirmation of the sacredness of the principle demands that we insure that the American people have every opportunity to exercise their voting rights. One effective way to accomplish this is to pass the Voter Registration Act into law.

In the 1972 general election more than 139 million Americans were old enough to vote. Of that number, only 77,718,550 voted in the Presidential election. We are all acutely aware of the catastrophic results of the Presidential election. We are also painfully aware that confidence was lost in other elected officials.

I think that passage of the Voter Registration Act is a good way to restore the confidence of the American people that their votes are important to the success of the democracy—and that we welcome their active participation in the voting process.

Further, I believe that by expanding the number of participants, we add the judgement of that many more people to the electoral process thereby further safeguarding against the election of those who are not fit for offices of public trust in the first place.

We now have a total of 51 cosponsors on this legislation. May I encourage the other 49 Senators to join in supporting the Voter Registration Act.

VOTER REGISTRATION BY MAIL

Mr. WILLIAMS. Mr. President, I am pleased to join with the distinguished chairman of the Committee on Post Office and Civil Service, Senator McGEE, in sponsoring a bill to establish a national program of voter registration by mail. This bill is identical to the one which passed the Senate by a wide margin last year, but which never received final congressional approval. It is a significant attempt to curb the decline in voter participation that has become characteristic of recent American elections.

Testimony at hearings by the Committee on Post Office and Civil Service in 1973 underscored the fact that voter participation in the United States is among the lowest in the Western World, falling behind Great Britain, West Germany, and Canada. In 1960, some 64 percent of Americans of voting age actually cast their ballots. But by 1972, the proportion had dropped to 55 percent. There were 62 million other Americans who simply did not vote in the election. A poll done by the Daniel Yankelovich firm showed that three-fourths of those who failed to vote in the 1972 election would have done so if they had been registered.

One major reason for our low participation is the maze of obstacles that States have erected in the paths of those who wish to register. State voter registration restrictions are not just inconvenient, but in some cases, are deliberately designed to prevent eligible individuals from participation in the political process.

Stories abound of registrar's offices open only during working hours when few can register, or so inaccessible that only the most determined citizen is willing to devote the energy and expense necessary to avail himself of a basic citizenship right. Woodrow Wilson said that freedom exists only when the citizens take care of their government. In our free and democratic society, we cannot continue to allow our citizens' involvement to be blocked by arbitrary and unreasonable barriers.

The legislation I cosponsor today is of particular importance to me because my own State of New Jersey has clearly shown that voter registration by mail is a responsible, effective method of opening the doors to greater citizen participation in the electoral process.

Since August 1974, when the New Jersey Legislature under the progressive leadership of Gov. Brendan Byrne, enacted a registration by mail law, New Jersey's experience has served as an example of the success of such a program. In the 6 weeks prior to the November 1974 election, 135,935 persons in New Jersey registered to vote. Two out of every three new voters have preferred the mails to in-person registration since the law was enacted. New Jersey officials are confident that this percentage will increase as more people become aware of the new registration procedure and as more registration forms are circulated.

Not only has the number of persons registering to vote in New Jersey risen dramatically but the percentage of registered voters participating in elections has also increased. New Jersey has two State and one national election between each Presidential election. Between 1964 and 1968, each of the off-year elections showed a consistent decline from one election to the next, in the percentage of participating voters. The same pattern of decline occurred between 1968 and 1972. However, in 1974, when the nationwide percentage of those who went to the polls dropped to near 38 percent, the percentage of New Jersey's voters who went to the polls increased over the percentage who voted in 1973.

A survey conducted by the New Jersey Department of State indicates no evidence of voter fraud through the use of registration by mail. This refutes the principal argument of those who oppose this system. In one New Jersey county, 409 persons who had registered by mail were rejected. On election day, the Public Advocate brought a class action against the county board of elections on behalf of the 409 rejected voters. Fifty-four of the rejected voters appeared in court that day and in each case, the judge granted them emergency authorization to vote and found no basis for the action of the board of elections in rejecting their registration forms.

In short, registration by mail in New Jersey operates efficiently and economically. It has insured that a greater number of our citizens are able to participate in the process that governs their lives. What has been successfully instituted to benefit the citizens of New Jersey should be enacted for the benefit of all Americans.

It has been said that if we are not willing to apply new remedies we can expect new evils. It is incumbent upon us to seek new remedies for the decline of citizen participation in our democratic system. Let us take steps to insure that the ability of the American people to influence their government at every level is strengthened. This legislation is one of these steps, and in my judgment, a most important one.

Mr. MONTOYA. Mr. President, an important characteristic that distinguishes a democracy from a more repressive form of government is a democracy's quest for full and viable participation by the country's citizens in the electoral process. Unfortunately, as voter trends indicate, voting participation in the United States has been steadily declining since the adoption of voter registration laws. For example, from 1966 to 1972 the percentage of the eligible electorate that bothered to vote declined from 61 to 55 percent.

As many public opinion polls demonstrate, the single most important cause of the low level of voting participation in the United States is the problem of voter registration. Many eligible voters have encountered discouraging obstacles in trying to comply with various State registration laws, as well as in trying to find a convenient voter registration location. Nine out of ten of those Americans who are registered to vote actually do vote, but less than 6 out of 10 voting age Americans vote.

Hopefully as a solution to this problem, I am pleased to cosponsor with Senator McGee, a bill which will establish a national voter registration system by post cards. The bill will establish uniformity in our registration laws, at least with regard to Federal elections, and in addition, it is likely that States would use the post card system in State and local elections, because the States that comply with the Federal registration standards will receive reimbursement payments.

The cost of this program over the next 5-year period would be approximately $30 million.

A special problem unique to some segments of our population is that, under some electoral laws, voter registration forms are only printed in English. Since the purpose of this bill is to increase voter registration, it would only be logical for the proposed post card system to have non-English forms, as well as forms that are printed in English. In order to have any appreciable effect on this group of people, this aspect of the bill must be mandatory rather than voluntary.

Mr. President, it is imperative that this bill become law before the 1976 Presidential election. To insure that our next President is truly elected by all of the people, I would hope that the Senate will act quickly and in a positive manner on this bill.

Mr. HUMPHREY. Mr. President, it is my great pleasure to join in sponsoring the Voter Registration Act. As an original cosponsor of the first proposed introduced in the 92d Congress, it is gratifying to note that the bill submitted today has garnered 51 cosponsors. My good friend and distinguished colleague, Senator McGee, deserves the highest commendation for his vigilance in pursuing enactment of this proposal, which will make great strides toward full participation by all eligible voters in our political system.

The bill we introduce today is identical to legislation passed by the Senate in the 93d Congress. The vote 2 years ago was 57 to 37. It is my fervent hope that we will be able to move expeditiously to repeat our action, and that our distinguished colleagues in the House will see fit to follow suit.

The Voter Registration Act would establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

It is designed to improve the shockingly low percentage of voter participation in Federal elections over the last half-century. Very simply, it would allow citizens to register to vote by filling out a post card to be mailed directly to local registration agents.

This process would help to remove the remaining obstacles to insuring the right of every qualified citizen to vote in Federal elections, and it would have the beneficial effect of encouraging the States to adopt standard requirements and procedures.

The bill represents an acknowledgment by the Congress that low voter registration figures indicate more than mere apathy on the part of our citizens. These figures also represent the difficulty many of our citizens have in registering to vote.

We must say to our people—to the handicapped, the elderly, college students away from home, to those who live in rural areas away from the courthouse, to every American in every corner of every State: "You have a right to vote, and we want you to vote."

Mr. President, during the debate 2 years ago on this same bill, I said:

> I am still of the old-fashioned idea that there should be no taxation without representation. And there is not any representation unless a person can vote.

I am still old-fashioned 2 years later.

Those of us in public life generally devote a great deal of rhetoric to the subject of participatory democracy. We have worked to open the election system. We like to emphasize the fact that the American political system proves that free people can govern themselves. The Congress and the States have made great strides in expanding the franchise. We have opened the doors of self-government to minorities, to women, to youth. Yet, for one reason or another, a high number of our people have not yet walked through those doors.

A free society cannot require its citizens to vote. But it is imperative that we mandate the abolition of any obstacles to their participation. And that is what this bill seeks to accomplish.

Mr. President, we are approaching the 200th anniversary of the birth of our Nation. Great pains are being taken to remind our citizens of our heritage. I can think of no more fitting way to honor our history and enhance our hopes for the future than by reaffirming our dedication to universal suffrage and our determination to make it a reality.

Speaking on the right of election, an early American said:

> It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt.

Freedom requires that public officials work as relentlessly to insure full participation in our political system as we do to exercise the responsibilities that are bestowed upon us by that system.

We owe our citizens our best efforts. I am confident that we will meet this challenge and enact this important legislation.

By Mr. HRUSKA (for himself, Mr. CURTIS, Mr. FANNIN, and Mr. YOUNG):

S. 1178. A bill to guarantee all rights under the first amendment to the Constitution to the electronic media and to terminate any discrimination between the print and broadcast media by certain amendments to the Communications Act of 1934 and other provisions of law. Referred to the Committee on Commerce.

Mr. HRUSKA. Mr. President, on behalf of myself, my colleagues, the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), and the Senator from North Dakota (Mr. YOUNG), I send to the desk, with the request that it be appropriately referred, a bill to guarantee to the public the rights and benefits conferred by the first amendment to the Constitution by assuring its application to all media—print and electronic—and by amending certain portions of the Communications Act of 1934 and other provisions of law.

The purpose and intent of the bill here introduced are to render the rights, benefits and assurances of the first amendment equally applicable to both printed and electronic media. The bill's purpose and intent are to achieve a "fully free press" and to do away with a partially free press.

This can and should be done without in any way infringing upon the right and necessity of the Government to grant licenses to establish and operate radio and television stations. Without such licenses and the allocation of frequencies made possible by them, there could be no operative broadcasting system in our country. The Government's constitutional capacity to do so is well established. It is not disputed.

The real difficulty arises when the law and regulations venture into undue, harmful and unnecessary Government interference as to substance, content, access by others to the airwaves, and programing generally. More complete comment on the nature, causes and solutions of such difficulties will follow later in these remarks.

Mr. President, the bill is a simple one, insofar as its mechanics is concerned. But it deals with comprehensive, vital and far-reaching aspects of our national life.

Let me emphasize again its objectives and its thrust.

It really builds upon propositions which are firmly entrenched in our consciousness.

It is predicated on the idea that the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the first amendment.

It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. This has its parallel in the right of the reader being paramount to any fancied right of the editor or publisher of the print press. Justice Holmes put it well by writing in one of his dissents: "Speech concerning public affairs is more than self-expression; it is the essence of self-government."

This bill subscribes fully to the purpose of the first amendment as being to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee.

Further, it is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here. That right may not be constitutionally abridged by either Congress or by the FCC.

Mr. President, the point is that the paramount right of the viewers and listeners is not available to them via electronic media today. The public is being denied that "uninhibited market place of ideas in which the truth will ultimately prevail." That denial is by reason of the right of access via the fairness doctrine to broadcasting time which makes such a marketplace impossible to create, let alone preserve.

There does not exist in sufficient degree and fullness that kind of "speech concerning public affairs" and officials which is a part of self-government itself. There is lacking, because of regulation of broadcasting, that "expert scrutiny of Government" to which Mr. Justice Potter Stewart referred in his recent Yale Law School speech. The restrictions placed on broadcasting and penalties for violation thereof have exacted their toll. That part of the press consisting of broadcasting cannot possibly mean today the "organized expert scrutiny of Government."

Those restrictions and regulations tend to convert the broadcasting media into a neutral marketplace of ideas instead of a marketplace of ideas in which the truth will ultimately prevail.

The deficiencies just referred to spring from the so-called fairness doctrine, which is a part of the regulation and limitation placed on broadcasting press.

But there are other burdens placed on it as well which render it far from being a fully free press. They include: First, equal time and station use charges provisions affecting candidates for public office; second, ban on cigarette advertising; third, the requirement that radio and television carry free public service advertisements and fourth, limitations on editorializing and supporting or opposing candidates for public office.

Not a single one of these four restrictions is imposed on the print media. It is earnestly contended that such discrimination is not needed; in fact, it is harmful to the public as well as to the industry.

There can and there should be a fully free press—applicable to all forms of media, broadcasting and print form alike.

In order to secure to the people of the United States the full benefits of the first amendment, it is necessary that there be a repeal of certain regulatory, supervisory, and suppressive statutes now directed at the electronic media—the radio, the television, and the broadcaster.

The necessity is to put electronic media on a parity with the print media—for the very compelling reason that the same principles and applications of the first amendment can and should apply to both.

Such equal applications will redound to the benefit of the public at large because it will result in the widest possible dissemination of information from diverse and antagonistic sources which is held to be essential to the welfare of the public—*Associated Press* case, 326 U.S. 1 (1945).

Such equal treatment will more nearly achieve the purpose of the first amendment than the present system of laws which treat the electronic media as second class citizens, subject to the domination of a bureaucracy which, acting in the name of the public, bases vast, particular, and detailed powers of regulation on the basis of very general, enabling legislation.

Two fundamental concepts must be scrutinized in depth for a proper and judicious consideration of this bill.

First. The Constitution: what it prohibits, what it requires. Notably, of course, its first amendment which prohibits laws "abridging the freedom of speech, or of the press."

Second. National policy as expressed in statute form. Congress has in the past selected and enacted certain alternatives which have been available as being in conformity with the Constitution. In the process of that selection, Congress rejected other alternatives, equally available and equally in conformity with the Constitution.

Careful analysis and review of present laws should be made. As against present conditions, are the choices of legislative courses now operative the wisest and most desirable?

The general enabling law as implemented by the FCC should be examined as to the results it has produced. The inquiry should be: Does the present system "preserve an uninhibited marketplace of ideas in which truth will ultimately prevail?" Or does it actually interfere with the creation and maintenance of that kind of marketplace, in that fears of the penalties of a possible violation of the fairness doctrine actually result in a sterile factual product, devoid of any expression of ideas, experiences, comment, or evaluation?

There is a strong, widely held belief shared by this Senator, that it is this latter counterproductive result which is imposed upon America's viewers and listeners. It is the purpose of this bill and presentation to document that belief. It is our hope that such demonstration will lead to a discard of a number of present statutory and regulatory requirements, which should be replaced by provisions of a forward looking, progressive thrust—one which will truly approximate more complete achievement of a truly, fully free press and its benefits as envisioned by the first amendment.

It is not enough for defenders of the present system to say: The Supreme Court has held that the Government is permitted to put restraints on licensees; and to say further that the existing restraints have been upheld as to Constitutionality by the Supreme Court.

Unhappily that is the attitude of too many proponents of the status quo. They seek thereby to freeze the present pattern notwithstanding many recent developments in technology, in public thinking, and in legal as well as social values.

Mr. President, the Supreme Court has indeed held that the Government is permitted to put restraints on licensees in and it is true that the Court has held as constitutional the restraints presently imposed.

But it is equally true, Mr. President, that the Supreme Court has not held that the Government is required to impose restraints of a definite, certain kind or fashion and no other. There are alternatives as to degree, type, and condition. Congress possesses the right and the option to discard the present provisions, to replace them with new provisions—subject of course to the requirement that the true purpose and objective of the first amendment not be breached.

In fact, if the Congress concludes that the present system actually emasculates and obstructs the goal of the first amendment, it will be under heavy compulsion to engage in serious, expeditious efforts to improve the situation by early, suitable action.

The Supreme Court invited this kind of inquiry in the *Red Lion* case (395 U.S. at 392).

The opinion at that point recited the argument by opponents of the obligation for expression by speakers who need not pay for time and whose views are impalatable to licensees. Those opponents say that if such obligation is imposed." Then broadcasters will be irresistibly forced to self-censorship and their coverage of controversial public issues will be eliminated or at least rendered wholly ineffective."

The Red Lion opinion states on this point:

> Such a result would indeed be a serious matter, for should licensees actually eliminate their coverage of controversial issues, the purposes of the doctrine would be stifled . . .
>
> At this point, however, as the Federal Communications Commission has indicated, that possibility is at best speculative . . . And if experience with the administration of these doctrines indicates that they have the net effect of reducing rather than enhancing the volume and quality of coverage, there will be time enough to reconsider the constitutional implications . . .

Mr. President, the time to reconsider constitutional implications has been reached.

First. The Red Lion decision is 6 years old. A consideration of the many examples of chilling effect and actual deterioration of quality of coverage on controversial issues indicated later in these remarks should prompt action by Congress.

Second. Congress should make inquiry and judgment on its own. It should not rely on the indication of 6 years ago that the possibility of such deterioration or elimination of coverage is speculative. A congressional committee inquiry would provide a better forum for unrestrained, uninhibited disclosure and searching consideration than one before a Commission holding life and death powers over witnesses; a Commission understandably interested in guarding the jurisdiction and powers it enjoys.

The Red Lion opinion goes on to say that if present licensees "should suddenly prove timorous, the Commission is not powerless to insist that they give adequate and fair attention to public issues."

Mr. President, the Supreme Court has spoken in answer to that point more recently and effectively. In 1974, 5 years after Red Lion, it decided the Miami Herald case (418 U.S. 241).

It involved a Florida statute granting a political candidate a right to equal space to reply to criticism and attacks on his record by a newspaper.

The Supreme Court struck it down as violation of first amendment guarantees of a free press.

Granted that the Miami Herald case involved a newspaper. But it is so firm in its tone and forceful in its logic as to invite congressional inquiry to decide whether its first amendment considerations should overcome the basis for the so-called fairness doctrine as applied to broadcasting.

Further comment on this decision is contained later in these remarks.

To summarize briefly: A congressional inquiry in depth is timely—and in fact urgent—on the subject of present law and regulations as to broadcasting:

First. Does the present system "preserve an uninhibited marketplace of ideas" under the fairness doctrine?

Second. Does the present system eliminate or badly impair the volume and quality of coverage on controversial issues, and therefore stifle the purpose of the fairness doctrine and the first amendment?

Third. Are there alternatives to the present system which will better assure the people of America that they will retain their interest in free speech by radio and television, and retain also their collective right to have that medium function consistently with the ends and purposes of the first amendment?

Fourth. Are there better alternatives to retain, as paramount, the rights of listeners and viewers, as opposed to those of the broadcaster or even of the Federal Communications Commission?

Fifth. What implications and applicability to broadcasting are inherent in the Miami Herald case?

Sixth. What is the place of a fully free press in America, as opposed to one half free and the other half not free?

SUMMARY OF BILL

Mr. President, my bill would make a number of significant changes in the present laws affecting broadcasting licensees.

First. It would repeal Section 315 of the Communications Act of 1943, including the equal time and station use charges provisions affecting candidates for public office.

Second. It would eliminate many of the most onerous and least fair requirements imposed on licensees by the so-called fairness doctrine. In my view, matters involving fairness should be ethical, not legal considerations for each member of the electronic and printed press. To mandate ethics by force of law is a breach of first amendment rights.

Third. My bill would end the ban on cigarette advertising on radio and TV which does not apply to newspapers, magazines, billboards, or other forms of communication.

Fourth. It would prohibit the armed services or the Postal Service from discriminating between broadcasting and the press in such a way that radio and TV stations are compelled to carry free public service announcements while local newspapers are paid for advertisements.

Fifth. It would permit all broadcasting stations to engage in editorializing and to support or oppose candidates for public office.

These are the principal features of my bill. I shall touch on them later in greater detail.

HISTORY OF BROADCAST REGULATION

In the past 50 years we have witnessed the development of a modern telecommunications system in this country. Broadcasting today fills a role similar to the press in a free society, yet radio and television broadcasting stations are not accorded the full autonomy or freedom enjoyed by newspapers. Broadcasting, unlike the printed press, is licensed and regulated by the Federal Government.

Regulation of the electronic media began in 1934 when the Congress granted to the Federal Communications Commission broad authority to supervise the broadcasting industry and power to grant, revoke or renew broadcasting station licenses as "public convenience, interest or necessity" might dictate. The historic justification for Government control of broadcasting was that the scarcity of broadcast frequencies within the radio spectrum made it impossible for everyone to utilize the airwaves. Therefore the FCC was empowered to allocate the limited number of available frequencies to certain privileged persons while excluding others from operating broadcasting stations.

"PUBLIC INTEREST" STANDARD OF FAIRNESS

The language of the Communications Act and subsequent interpretations of it by the Commission and the courts have failed to provide a precise definition of the "public interest." The FCC, however, has held to the view that a licensee is a "fiduciary" or "public trustee" charged with the responsibility of operating his broadcasting facilities for the benefit of all. Accordingly, the broadcaster must devote adequate air time to the discussion of problems of public concern in his community of license. The licensee must also present all sides of any given controversial topic discussed, free of charge if necessary. In the view of the FCC, broadcasters who avoid coverage of public issues, who fail to cover these issues adequately and fairly, and who do not offer a reasonable opportunity to spokesmen for views contrary to those held by the licensees, violate their public trust, and may lose their licenses.

Mr. President, this interpretation of the "public interest" standard was formalized by the Commission years ago and later sanctioned by the courts, notably by the Supreme Court in the controversial Red Lion decision in 1969. This FCC policy became known as the fairness doctrine. In my view, this is a misnomer, since the results have not been very fair to broadcasters or to the public.

From the beginning there has been considerable controversy over the meaning and application of the fairness doctrine and the standards that the average broadcaster must meet to avoid the ultimate penalty of forfeiture while pursuing a lawful business enterprise.

Questions have been raised over the doctrine's interpretation. For instance, what is a "controversial issue of public importance." For that matter, what isn't?

SOME EXAMPLES OF "CONTROVERSIAL ISSUES"

The Commission once ruled that cigarette smoking was a controversial issue, so it forced licensees to air antismoking messages to balance the cigarette commercials. At one point station managers, at the FCC's urging, tried to broadcast anticigarette announcements in specified ratios to cigarette advertisements at different time periods of the broadcast day. This regulation led ultimately to the decision by Congress to ban all advertising of cigarettes and little cigars on radio and TV.

One Federal court held that since air pollution is controversial, licensees that carry gasoline commercials must also broadcast messages promoting low-octane gas for low-powered automobiles.

Recently the major television networks declined to carry TV commercials by the Mobil Oil Co. showing that firm's concern for ecology because the networks feared that they and their affiliate stations might have to present free spots produced by environmentalist groups.

I learned from Nebraska broadcasters some of the difficult problems a local licensee can run into under the "fairness doctrine." On one local TV children's program the hostess asked a young guest what he did to keep his teeth healthy. The lad responded that he brushed his teeth twice a day, visited his dentist for regular checkups, and drank fluoridated water. Soon afterwards the station received a letter from a citizens group demanding equal time. The manager agreed reluctantly, and a spokesman appeared a few days later on the same children's show to do "much more a 'commercial' against fluoridated water than what the child did on behalf of it."

I am reminded, too, of the vegetarian group that petitioned Nebraska broadcasters for free public service announcements denouncing meat as the cause of world starvation. Many stations were airing messages produced by the Department of Agriculture where meat is mentioned as one of four basic food groups. Broadcasters in my part of the country have been considering running announcements encouraging people to purchase Nebraska beef in the hope that they would help the State's industry and the economy generally. But a petition from a vegetarian group seeking free broadcast time has made them stop and consider whether they should get involved in such a public service campaign and in the resulting burdensome consequences of the "fairness' doctrine.

As part of President Ford's WIN campaign, many broadcasters around the country planned to run a series of 10-second announcements on ways for Americans to fight inflation. The National Advertising Council prepared a spot campaign for broadcasters featuring money-and-energy-saving tips for housewives based upon some of the White House's suggestion. In no time several Members of Congress were preparing to petition the FCC for equal access to oppose the WIN program if these messages were broadcast. As a result, many broadcasters canceled their antiinflation campaign rather than be forced to carry "Don't WIN" announcements.

A Nebraskan wrote me earlier this year of listening to "rebuttal" night during a period prior to election in Chicago. The announcement by WBBM-TV on the previous evening was one encouraging people to vote. The letter goes on to say:

> The night I was watching was the rebuttal night created by Section 315. For 60 seconds I watched a man on the picture tube tell me and all others watching that it was not (Repeat NOT) our duty, obligation to vote—that the Constitutional rightists were wrong in even suggesting such a thing. . . . It was quite apparent to me that WBBM-TV would not have wasted this 60 second of time on this statement had they not been in fear of retribution by Section 315 . . .

This certainly is within the purview of the Miami Herald opinion when it stated:

> The clear implication has been that any such compulsion to publish that which reason tells them (editors) should not be published is unconstitutional.

Shall a Bureau's notion of what is fair be allowed to override the first amendment?

These are a few examples of the nonsense which the so-called fairness doctrine has brought us.

Other problems are presented, too. What is a reasonable opportunty for contrasting viewpoints? How many different opinions must a licensee put on the air? Who should be given time to present the other side of the issue? When should these spokesmen be able to present their views and how much broadcast time should they receive?

The logical extension of such a doctrine is that anyone and everyone must be assured of automatic free access to the airwaves virtually whenever they please. Yet the Communications Act stipulates that broadcasters are not to be common carriers.

EQUAL TIME AND SECTION 315

Then there is the so-called equal time provision in section 315 of the Communications Act. This corollary of the fairness doctrine provides that if a broadcasting station permits a legally qualified candidate for public office to use its facilities, it must afford equal opportunities to all other candidates for the same office in the use of its facilities. The rule applies to all qualified candidates, or their designated representatives, for all Federal, State and local offices. The rule has been suspended only once, in 1960, when the Congress permitted the televised Nixon-Kennedy debates, although there were efforts to modify or suspend it in the 1964, 1968, and 1972 Presidential campaigns.

Mr. President, most observers agree that the effect of section 315 has been to stifle rather than promote free expression and to prevent rather than encourage exposure of differing points of view. By providing fringe candidates the same opportunities as significant candidates, this provision inhibits extending of free time to major candidates. The voters thus cannot utilize their most effective method of judging among candidates. The equal opportunities rule, like other aspects of the so-called fairness doctrine operates to the detriment of a public seeking to become well informed. This is contrary to the best intentions of its framers. Both rules are counterproductive. Instead of getting varying and diverse views and evaluations of opposing candidates or issues, the public often gets none at all.

WHY "FAIRNESS DOCTRINE" IS NO LONGER VALID

In light of these serious problems, I question the value or necessity of retaining the fairness doctrine on the legislative books.

For one thing, fairness is itself difficult to define and harder to police, without invoking Government censorship and control of programing content. Fairness, like beauty, is in the eye of the beholder.

News departments of the networks or of local broadcasting stations cannot be forced to be fair. The most that can really be hoped for is accuracy and completeness in reporting the news and a higher degree of professionalism. Most newsmen have become more professional and sincerely try to be objective, just as their radio and TV news organizations have grown more sophisticated in coverage of public issues.

Time and technology have eroded whatever basis ever existed for the fairness doctrine. The argument that spectrum scarcity requires fairness regulation is no longer valid. The development of broadcasting has created more than 5,000 channels to be utilized for communications purposes. There are five times as many broadcasting stations as daily newspapers in America—approximately 9,100 AM, FM, and TV stations to slightly more than 1,700 daily newspapers. In recent years the number of operating radio and television stations has grown dramatically while the number of daily newspapers has decreased. Today, in 92 of the top 100 television markets there are 3 or more television stations.

Mr. President, in my home city of Omaha there are four television stations and a dozen radio stations, in addition to one major daily newspaper. Many smaller communities have at least one local broadcast outlet, though they may have no daily newspaper.

A person living in any of these Nebraska communities or in virtually any section of this country can pick up on his radio or television receiver a wide selection of broadcasting stations. With the advent of cable, his choice of available programing has become even greater.

In considering the total media picture, one should not overlook magazines and other periodicals in addition to newspapers, radio, TV, and cable television. The truth is that the public has fully available to it many alternative sources of information and numerous shades of opinion from which it can make its own judgments.

The reason there are not more radio and television stations is economic, not technical. The same, of course, is true for newspapers. Yet no one suggests that fairness obligations should be imposed on newspapers. One State statute which attempted to do that was struck down last term by the Supreme Court in the Miami Herald case.

Even if the scarcity argument is valid, the Government should not be able to compel a broadcaster to surrender his constitutional rights in exchange for the privilege of using a frequency.

The argument that the electronic media must be treated differently than the printed media because the impact of radio and TV is much greater than that of newspapers is also not persuasive. Constitutional guarantees are no less effective because one medium of communication happens to reach more people than another.

Broadcasters, in my opinion, should not be saddled with a legal duty to make time available to spokesmen for contrasting views or controversial public issues. Newspapers are not required to provide balance, to present differing opinions, to give space to political candidates they oppose editorially or even attack in print, and they do not face possible forfeiture for failing to be fair.

This is not to say that the press is or should be above the law. The media, including broadcasters, are still subject to libel laws, obscenity statutes, antitrust regulations and to all other laws affecting commercial business. In addition, broadcasters are federally licensed, and to retain their privilege to broadcast they must operate in the public interest and their performance must be periodically reviewed by the Government.

Because the Commission, in considering a license renewal application, must carefully examine the broadcaster's overall service record during the preceding term, including the station's coverage of public issues and political contest and importance to local communities, there is no need for the FCC to apply the fairness doctrine on a case-by-case basis. It is unhealthy for Federal regulators to keep looking over a licensee's shoulder and make subjective judgments as to whether the broadcaster has been fair on each occasion.

CHILLING EFFECT

The "chilling effect" on broadcast journalism produced by the fairness doctrine has led many critics to suggest that the FCC has the "power to regulate by lifted eyebrow." Fearful of the consequence of a fairness complaint in its license file, or worse, having its license renewal application denied by the Commission, the licensee tends to avoid taking positions on controversial issues. The FCC is cast into the censor's role, even though Congress, when it set up a broadcast regulatory agency, explicitly withheld from the Commission the power of censorship—or as stated in section 326 of the Communications Act the authority to "interfere with the right of free speech by means of radio communications."

As Justice Douglas stated in his concurring opinion in CBS against the Democratic National Committee, a recent fairness case:

> The Fairness Doctrine has no place in our first amendment regime. It puts the head of the camel inside the tent and enables administration after administration to toy with TV or radio in order to serve its sordid or its benevolent ends.

The FCC has not indicated its willingness to do anything about the fairness doctrine or the thicket of complex and arbitrary rules, regulations, policy statements and decisions which have grown up around it. As late as July of 1974, the Commission reiterated its commitment to fairness requirements by stressing once more that it regards strict adherence to the doctrine, including the affirmative obligation on licensees to provide coverage of issues of public importance, as "the single most important requirement of operation in the public interest—the 'sine que non' for grant of a renewal license."

In the absence of action by the FCC, the Congress has a constitutional duty to eliminate those laws which abridge the rights of free speech and free press and to vest in all media the benefits of these constitutional rights.

OTHER DISCRIMINATORY PRACTICES

The Congress should also look into other Federal laws and policies which, in their application, have resulted in unreasonable and unfair discrimination between the broadcast and print media.

There is, for instance, the ban on cigarette advertising over radio and television. Tobacco products are legal and their sale is permitted. They can be advertised in newspapers, magazines, billboards and elsewhere. It was once thought that TV advertising made smoking attractive to many unsuspecting healthy viewers and the ban on such advertising would help to eliminate a dangerous habit. The truth of the matter is that cigarettes and cigars still sell briskly while smoking continues unabated. If the Congress wants to take positive action against this national health problem it should outlaw the advertising of all tobacco products on all media. But there are no persuasive reason for applying restrictions to broadcasters alone.

Serious reservations arise concerning the advertising policies followed by certain organizations of the Federal Government toward the broadcast media.

It is current practice for the armed services and Postal Service to purchase advertising space in newspapers while compelling broadcasters to broadcast free public service announcements. I strongly favor extensive military recruitment campaigns for I believe they help to increase enlistments in the Nation's volunteer army. But it is the better view that if the armed services utilize news media for advertising for manpower recruitment, they should pay for such advertisements, regardless of which media that they use.

There is no valid reason for banning noncommercial broadcasting stations from editorializing as newspapers do and commercial licensees are strongly urged to do as part of their service to the community.

THE PROBLEM FACING LOCAL BROADCASTER

The complicated and cumbersome rules and regulations I have discussed have created an unfortunate situation for broadcasters. The administrative burden of carrying them out falls principally upon local licensees, threatened with possible costly litigation and even forfeiture. Small station operators are especially vulnerable since they lack the manpower and financial resources of the networks to fight fairness complaints.

Enactment of the proposed measure would enable station personnel to devote greater attention to comprehensive coverage of news events and public affairs. Local broadcasters would have greater freedom and flexibility in covering important issues and political candidates, thereby enhancing public enlightment.

SECTION-BY-SECTION SUMMARY

Let me summarize the provisions in this bill, section by section.

First. Section 309 of the Communications Act would be amended to bar the FCC from requiring licensees to set aside broadcast time for particular purposes or persons or from controlling programing content. Broadcasters should have complete control over their programing formats. As licensees they are given a public trust to serve the needs and interests of their communities in a responsible manner, as they deem best. No Government agency should be able to act as a censor or to tell local broadcasters what they can or cannot put on the air or give any person or group an automatic right of free access to the airwaves for any purpose whatever.

Second. Section 312 of the Communications Act would be amended to prevent the Commission from revoking a station's license or construction permit because the licensee did not provide access to candidates for Federal office. Licensees, under the "public interest" standard of the Communications Act, already devote considerable time to coverage of political races which are of greatest interest and significance to their respective service areas. Broadcasters should not have to sell air time to every qualified candidate, no matter when the request is made. Under section 312 licensees are forced far in advance of an election to reserve available time for political candidates who may never use it to the disadvantage of those who may later want to use it. Section 312, in my view, causes a lot of confusion for broadcasters and has worked to the detriment of candidates, and thus to the electorate.

Third. Section 315 would be repealed. It contains the requirements of "equal opportunities" and lowest unit rate charges for uses of station facilities by political candidates. Repeal would encourage the broader discussion of important National, State, and local issues. Candidates would be afforded the benefits of greater use of TV, thereby cutting down significantly on campaign costs. The Commission staff and local broadcasters would be freed of additional administrative problems.

The lowest unit charge provision as now provided by section 315 is unfair and punitive. It places the broadcaster in a position different from the other media with which he must compete directly for advertising revenues. Broadcasting stations have a limited amount of time to sell, whereas newspapers and magazines normally have no restrictions on the amount of space they can devote to advertising.

Fourth. Section 326 barring FCC censorship would be amended to enable licensee to air public issues without being required to provide balance or present contrasting viewpoints.

Fifth. Section 399 of the Communications Act would be repealed. Henceforth noncommercial educational broadcasting stations would be permitted to editorialize and to support or oppose candidates for public office. Licensees would no longer be required to keep recordings of broadcasts containing discussion of public issues.

Sixth. Section 6 of the Federal Cigarette Labeling and Advertising Act would be repealed. Section 3 of the bill would permit the advertising of cigarettes and little cigars on radio and TV.

Seventh. Titles 10 and 39 of the United States Code relating to the Armed Forces and Postal Service would be amended so that when these Government agencies utilize the media for promotional purposes, the broadcasters, like newspapers, would be paid for the advertisements they carry.

TIME FOR RE-EXAMINATION

Mr. President, the measures which I am proposing should remove any vestiges of discrimination between the broadcast and print media that have resulted from Federal laws and policies. If enacted, my bill would eliminate the kinds of problems I described earlier and make it easier for a local broadcaster to run his business and serve his community better without the constant fear of losing his license.

On the eve of our Nation's Bicentennial anniversary it is fitting that the Congress should reexamine and reassess, in light of the first amendment, those rules and regulations of the FCC and other Federal agencies and those sections of the Communications Act of 1934 and of the United States Code governing broadcast licensees. It is appropriate that, as we prepare to celebrate our national heritage of liberty, we should reassert our trust and confidence in our cherished democratic institutions, most notably the free press—both the printed and the electronic press.

I believe that this bill will serve as a worthwhile basis for reexamination of the fairness doctrine and for comprehensive review and reform of those laws affecting the communications media in America.

I trust that the Congress will give prompt and careful consideration to this legislation. I look forward to hearings on these important matters during the 94th Congress.

Mr. President, it is observed that the bulk of this bill is the concern of the Committee on Commerce. However, there are two sections which relate to points of concern of the Committee on Armed Services and the Committee on Post Office and Civil Service.

It may be well, that after reference of this bill to the Committee on Commerce, to suggest that it ask for such subsequent and supplemental reference to the other two committees as it seems wise, at a time following the Commerce Committee report being filed.

Mr. President, this bill has features not contained in—some features which are not contained in—the bill which was introduced by the senior Senator from Wisconsin.

It is not an effort to displace it. My bill is not an effort to run competition with that measure proposed by the Senator from Wisconsin, but rather to supplement it and, hopefully, to strengthen it.

I have asked the Senator from Wisconsin to permit me to become a cosponsor of his bill, and he has graciously consented to do so, for which I thank him.

Mr. President, I ask unanimous consent that the text of the bill which I hereby introduce and send to the desk be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fully Free Press Act of 1975".

AMENDMENTS TO COMMUNICATIONS ACT OF 1934

SEC. 2. (a) Section 309 of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(i) Nothing in this Act shall be understood or construed to require that broadcasting time be set aside for any purpose or purposes or to any person or persons, or to grant to the Commission jurisdiction over the content of any matter broadcast."

(b) Section 312(a) of such Act is amended by inserting "or" at the end of clause (5), striking out the semi-colon and "or" at the end of clause (6) and inserting in lieu thereof a period, and striking out clause (7).

(c) Section 315 of such Act is repealed.

(d) Section 326 of such Act is amended by inserting "(a)" after "SEC. 326", and by inserting at the end thereof the following:

"(b) Nothing in this Act shall be understood or construed to grant to the Commission the power to require any licensee to develop programming specifically designed to provide balance to points of view previously broadcast or to require any licensee to make broadcast time available to spokesmen for contrasting views on controversial issues of public importance presented on his station.

(e) Section 399 of such Act is repealed.

AMENDMENT TO FEDERAL CIGARETTE LABELING AND ADVERTISING ACT

SEC. 3. Section 6 of the Federal Cigarette Labeling and Advertising Act (14 U.S.C. 1335) is repealed.

AMENDMENT TO TITLE 10, UNITED STATES CODE, RELATING TO THE ARMED FORCES

SEC. 4. Section 503 of title 10 of the United States Code is amended by inserting at the end thereof the following: "In any advertising for the purpose of such campaigns such Secretary shall not discriminate between print and broadcast media in a way that would provide compensation to one for its services and not the other."

AMENDMENT TO TITLE 39, UNITED STATES CODE, RELATING TO THE POSTAL SERVICE

SEC. 5. (a) Chapter 4 of title 39 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 413. Advertising

"The Postal Service may use any form of advertising deemed appropriate in order to provide necessary communication with the public. In any such advertising the Service shall not discriminate between print and broadcast media in a way that would provide compensation to one for its services and not the other."

(b) The table of contents of such chapter is amended by inserting at the end thereof the following:

"413. Advertising."

By Mr. ROTH:

S. 1182. A bill to amend certain provisions of law relating to the leasing of oil and gas deposits of the United States, and for other purposes. Referred to the

Committee on Interior and Insular Affairs.

Mr. ROTH: Mr. President, today I am introducing legislation to assure greater efficiency and effectiveness in the Federal Government's practices on leasing public lands for petroleum and natural gas exploration and development and to recognize State's interests in the value of recovered resources.

More specifically, this legislation would amend certain sections of the Mineral Leasing Act of 1920 (30 U.S.C. 181) and the Outer Continental Shelf Lands Act (43 U.S.C. 1331) to First, assure timely exploration and production on public leases; Second, increase the minimum royalties payable for production of oil and natural gas from public leases; Third, provide that at the Government's discretion such royalties shall be payable by the lessee in oil and natural gas for nationwide emergencies, national strategic stockpile or sale to refineries in short supply; Fourth, establish an energy resources and technology trust fund to improve energy research and development programs; and Fifth, include a provision for adjacent State(s) to share in lease rentals and royalties. A section-by-section summary of this legislation is appended as an exhibit.

Mr. President, the Supreme Court of the United States now has under consideration United States against Maine, a case wherein 12 Atlantic Coast States, including my State of Delaware, are contending that they, not the Federal Government, own the seabed rights to minerals, oil and natural gas off their respective coastlines. Should the court uphold the title contentions advanced by these States, major modification in Federal OCS statutory and administrative provisions would be needed.

However, if the Supreme Court adopts the position advocated by the Justice Department that the Federal Government ownership rights in OCS minerals and natural resources are superior to those of the 12 States, the Department of Interior has announced its intention to move forward rapidly in leasing large tracts of Atlantic coast seabed for oil and natural gas exploration and development. It is because of this latter contingency, that I introduce this legislation today and request it be given the earliest possible consideration.

Mr. President, in the past months all Americans have felt the severe impact of this Nation's energy crisis in terms of the cost of our dependence on imported oil and how that cost has weakened our economy both in terms of inflation, recession and unemployment. In the years to come the energy resources on public onshore and offshore lands will play a major role in increasing our supply of domestic oil and natural gas allowing us to become less reliant on foreign sources of energy.

The American people own the bulk of the Nation's remaining fossil fuel resources, including an estimated 35 percent of the oil and gas, 50 percent of the coal and 85 percent of the oil shale. The manner in which these resources are managed in the next few years is critical to our continued strength and independence.

The present system for management of the Nation's energy resources on public lands is not effective, a situation which I believe is due primarily to inadequate management attention by the Department of Interior in their leasing practices with the oil industry. In a recent letter to my office the Comptroller General, reported that only 4.8 million acres of the 72 million total acres of public onshore lands leased to industry by the Interior Department contained producing wells and that of the total 103,500 onshore wells drilled on public leased lands, about 91 percent were nonproducing. When questioned about this situation by the GAO, Interior officials stated that they did not have statistics or studies on why the great majority of onshore wells were nonproducing.

Based on this report, I immediately directed correspondence to the Department of Interior requesting a complete explanation. In summary, the Interior response stated that most of these onshore leases were issued under current legislative authority without competitive bidding on areas considered geologically marginal for profitable oil and natural gas recovery and that, in any event, equipment and supplies necessary for drilling operations were in short supply. In light of this, I was told Interior had concluded that no useful purpose would be served by a requirement that exploration and drilling operations be initiated by the leasee.

I fail to understand how a policy designed to contract away oil, gas, and mineral rights on the public lands for long periods of time with little or no obligation or incentive to develop its resources by the lessee is of any benefit to the public interests. On the other hand, it is quite understandable that many allegations from responsible sources are being advanced that oil companies are withholding producing of oil and gas from leases on public land waiting for improved price and market conditions to develop. I view these allegations with the utmost seriousness since, in my opinion, it would be intolerable for domestic oil already under production leases to be withheld from the market when the American public is being dealt such staggering blows by skyrocketing prices of foreign oil.

Mr. President, the pace at which Federal lands are opened for oil and natural gas recovery can play a key role in determining the overall rate of energy growth, the mix of fuels, and the degree to which the Nation must rely on imported fuels. Environmental values must be protected in the process to assure usefulness of coastal zones and open space to future generations. There is also a question of assuring that a fair return will be provided to the public for these resources.

The legislation I am introducing today seeks to assure that the Department of the Interior carries out its multipurpose responsibilities with respect to Federal lands. It will lay a firm foundation for the Federal Government's development of energy resources on public lands.

Briefly, this measure will increase royalties payable by lessees for oil and gas on public lands. The bill will assure that development of these resources is carried out in a proper fashion by requiring lessees to formulate highly specific work plans. The bill allows royalties to be paid in oil and gas, and allows the Secretary of the Interior to use this oil and gas to meet domestic needs or store them for strategic purposes. The bill creates an energy resources and technology trust fund to finance expanded Federal research, development and demonstration projects, programs to encourage private energy research and development, improved knowledge of mineral resources in the public domain, and an improved energy information system.

Mr. President, the need for immediate consideration of this legislation by the Congress is critical. As I noted earlier, the Department of Interior has made clear its intention to move quickly with a major public land leasing program on the Atlantic Outer Continental Shelf as soon as a decision in United States against Maine is handed down—assuming the court rules against the contentions of title by the 12 Atlantic Coast States. While I support an aggressive program to develop our national supplies of energy and thereby relieve our dependence on foreign petroleum, I view with great alarm the prospect that so large a proportion of our potential future domestic energy resources could be committed to industrial exploitation under so poorly a managed system as that now used by the Interior Department.

The bill I am introducing today would help rectify this problem in several key areas. First, it would raise the royalties paid to the Federal Government from competitive and noncompetitive oil and gas leases on public lands from 12½ percent to 25 percent. This amendment will insure that the Federal Government and adjacent State governments receive an adequate return from energy resources on public lands for the longest period of time.

But increased revenues will be of little help unless development of oil and gas on public lands is carried out in an intelligent fashion. This bill includes provisions to resolve this problem. Section 2 requires the Secretary of the Interior to promulgate regulations requiring each bid submitted to contain a work program for the geophysical exploration and exploratory drilling and the development and production of oil and gas from the leased land, and a detailed schedule as to the time period within which drilling operations shall commence.

This provision will go a long way toward improving not only the way in which resources are developed, but the information the Federal Government has available to it. A report on Outer Continental Shelf Development, Energy Under the Oceans—exhibit II—observed that:

> The overall effect of (a) lack of adequate date for making important decisions for Outer Continental Shelf development seems to be that (the Department of the) Interior reacts to industry initiative rather than acting on the basis of its own "systematic and

efficient plan of geologic study, resource appraisal, and leasing of the Outer Continental Shelf."

The bill I am introducing will resolve this problem by providing the funds to enable the Department of the Interior to make the necessary inventory of the Federal domain.

One major problem encountered during the 1973–74 Arab oil embargo was the lack of a strategic reserve of oil and gas for the United States to use to cushion the impact of the embargo. Without this reserve capacity, we immediately felt the impact of the embargo and our economy was threatened. While we have not experienced a foreign oil embargo during this current winter, the lack of stability in the Middle East and the uncertainty of future demands by the OPEC countries requires that we provide responsive authorities to deal with this potential crisis. The legislation I am introducing will take a major step toward resolving this problem.

The bill authorizes the Secretary of the Interior to require royalties to be paid in oil and gas. While this provision is in the present law, this bill would also authorize the Secretary to either sell royalty oil and gas, or reserve it in the form of strategic reserves or stockpiles to be used in the national or public interest.

Another important facet of this provision is that it empowers the Secretary, upon application from a refinery, to sell royalty oil when he determines that sufficient crude oil is not available on the open market to such a refinery. The Secretary can also prorate royalty oil among such refineries in the area in which the oil is produced. The royalty oil is to be sold at not less than the market price at private sale. These provisions will enable the United States to overcome some of the crude oil supply problems encountered last summer when some refineries were forced to close because of a lack of crude oil supplies.

Additionally, if we are to achieve energy self-sufficiency we must begin now to promote energy research and development in both the public and private sectors to make us less reliant on nonrenewable energy resources. If no new source of funding is provided, other necessary Government activities will suffer or research and development itself will lag.

The bill I am introducing today would help resolve these problems. First, the bill creates a funding mechanism to insure that moneys are available to meet future energy research and development needs. The bill would establish a trust fund in the Treasury known as the "Energy Resources and Technology Trust Fund." The bill requires the Secretary of the Treasury to manage the trust fund and report to Congress each year on its financial condition, although the Secretary of the Interior or the Administrator, ERDA, would recommend the amounts needed from the fund to meet anticipated expenditures.

Moneys would be withdrawn from the trust fund, as provided by appropriation acts, for expenditures to carry out an energy research and development program. This program would be submitted by the Secretary of the Interior to the Congress within 180 days of enactment and require detailed plans for carrying out over a 5-year period, the following programs:

A program for conducting, assisting, and fostering energy research, development and demonstration, coordinated with other public and private energy research and development efforts, in order to provide for alternative sources of energy, with particular emphasis on renewable energy sources, and to provide new and improved technologies for the supply, use and conservation of energy;

A program to encourage widespread early participation by industry in such research, development and demonstration, with particular attention to participation by smaller companies and businesses;

A program to further establish the nature and extent of energy mineral resources located upon or within the public lands of the United States, including the Outer Continental Shelf, together with research and development in geological, environmental and other sciences and technologies relevant to such a program; and,

A program for timely collection, analysis, and publication of information concerning the energy mineral resources of the public lands of the United States and the operations of lessees with respect to the mining thereof.

The bill requires that the trust fund will be used for up to 75 percent of the funding for programs described in a, b, and c above, and 25 percent for the program described in paragraph d. In addition, none of these programs can be carried out until after the expiration of the 30-day period during which time, Congress can examine the plans.

In 1969, the oil spills in the Santa Barbara Channel highlighted the environmental damage that can result from oil drilling along the Outer Continental Shelf. Since that time, several reports have indicated that a major problem has been the failure of the Government agencies to continually supervise the development of oil and gas leases. This bill will resolve this problem by requiring the Secretary of the Interior to report every 6 months on the compliance of lessees with their work plans and drilling schedules to Congress. These reports will have to include information on the number of wells covered, the number in production, the rate of production, the number and identity of wells not producing, reasons for failure to produce, and an assessment of the Secretary regarding the validity of the reasons for not producing. This latter provision will alert the Congress and the public to oil and gas wells that are being withheld from production.

Finally, the bill I am introducing today will add a new section to the Outer Continental Shelf Lands Act to provide that 50 percent of all rentals, royalties, and other sums paid to the Secretary of the Interior of the Navy under any lease shall be paid to the adjacent coastal State. At present, the States only receive income under the Submerged Lands Act. This provision in the bill I am introducing will increase revenues to the States and enable them to carry out effective programs to deal not only with the increased development that results from Outer Continental Shelf oil and gas leasing, but also to undertake studies to identify areas which should be preserved or otherwise protected.

Mr. President, before closing my remarks introducing this legislation it is important that I make one point clear to my colleagues both in the Senate and the House. This bill entitled the Energy Resources Expansion Act is submitted today as an essential first step to bring an efficient management policy and discipline to our current public lands leasing statutes. It is not introduced as a panacea to all the major issues involved in the exploration and development of our Nation's oil and natural gas resources on the Outer Continental Shelf.

The administration's 1975 program to expand substantially the leasing of public lands for oil and natural gas development, especially on the Atlantic Outer Continental Shelf, is of great concern to me and the people I represent in the State of Delaware.

I understand and support the need to develop and initiate as quickly as practicable major programs to increase our Nation's supplies of domestic energy and I fully agree with many initiatives proposed by the President to meet this goal. I do not think, however, that full consideration has been given to all economic, social, and environmental aspects of the proposal to open major oil and gas tracts on the Atlantic Ocean Shelf.

Issues which have not been adequately considered include: a. what are the key features of a comprehensive and balanced national energy program and when can we expect a coordinated plan for implementation to be prepared and initiated; b. what is the role of OCS development in our overall national energy policy; c. what procedures have been developed to assure full and open participation and cooperation in the OCS decisionmaking process at all levels of government and for each citizen; d. is the state of our national economy particularly in terms of technology, capital, materials and skilled and unskilled labor, such that a program of expanded OCS leasing is appropriate and timely; e. have all impacts on the economy and environment of each region, State, and local community adjacent to proposed OCS development been identified and given adequate evaluation and are mechanisms in place to continually monitor changes in these factors as development is undertaken and proceeds; f. have adequate provisions been made, including revenues, to assure development of a balanced coastal zone management capability at the State and local government level to properly evaluate OCS impacts and adjust programs accordingly; and g. have alternative programs to extensive OCS development for increasing our domestic supplies of oil and natural gas for current areas committed to energy production been fully explored such as secondary recovery for public and private onshore tracts?

Mr. President, I am aware that legislative proposals have been introduced to the 94th Congress addressing some of these questions I have raised above. I commend my colleagues for these recommendations and will give them my closest personal attention along with other alternative programs which I have under study.

Mr. President, in order to make the text of my bill available to Senators and other interested parties, I ask unanimous consent that the full text be printed in the Record, along with a section-by-section summary and other pertinent exhibits.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Congress hereby finds and declares that since the energy mineral resources of the United States constitute an increasingly important resource from the use of which the public is entitled to benefit, it is the policy of Congress that the leasing of the oil and gas deposits of the United States shall be so administered as to—

(1) increase the royalties from such leases;

(2) assure orderly exploration and development of such public mineral resources;

(3) protect the environment from undesirable effects of exploration, development, and production operations;

(4) promote competition in development of oil and gas resources; and

(5) provide reserves for national security and other emergency needs.

(b) This Act may be cited as the "Energy Resources Expansion Act".

Sec. 2. (a) Subsection (b) of section 17 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U.S.C. 226 (b)), is amended (1) by designating the existing text as (b) (1); (2) by deleting "12½" and inserting in lieu thereof "25"; and (3) by adding at the end thereof the following new paragraph:

"(2) The Secreetary of the Interior shall issue general regulations implementing the leasing procedure provided by this subsection and section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337). Such regulations shall define the general terms of the lease and shall contain provisions requiring each bid submitted under this subsection or such section 8, on or after the effective date of this paragraph, to contain a work program for the geophysical exploration and exploratory drilling and the development and production of oil and gas with respect to lands covered by such bid, and a detailed schedule as to the time period within which drilling operations shall commence. Such regulations shall further provide for the inclusion within any lease issued hereunder a provision pursuant to which the Secretary shall have the right to require increased production under such lease for purposes of national security or other emergency needs. Such bid shall further contain a verified statement as to the minimum amount of funds intended to be expended by the bidder in carrying out such work program. Such work program, schedule, and verified statement contained in any such bid shall be included as a part of any lease issued on the basis of such bid."

(b) Section 17(c) of such Act of February 25, 1920, as amended, is amended (1) by designating the existing text as (c) (1); (2) by deleting "12½" and inserting in lieu thereof "25"; and (3) by adding at the end thereof the following new paragraph:

"(2) The Secretary of the Interior shall issue general regulations implementing the leasing procedures under this subsection. Such regulations shall define the general terms of the lease and shall contain provisions requiring each application for a lease under this subsection, submitted on or after the effective date of this paragraph, to contain a work program for the geophysical exploration and exploratory drilling and the development and production of oil and gas with respect to lands covered by such application, and a detailed schedule as to the time period within which drilling operations shall commence. Such regulations shall further provide for the inclusion within any lease issued hereunder a provision pursuant to which the Secretary shall have the right to require increased production under such lease for purposes of national security or other emergency needs. Such application shall further contain a verified statement as to the minimum amount of funds intended to be expended by the applicant in carrying out such work program. Such work program, schedule, and verified statement contained in an application shall be included as a part of any lease issued on the basis of such application.".

(c) Section 17(d) of such Act of February 25, 1920, as amended, is amended (1) by designating the existing text as (d) (1); and (2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of this Act, in any case in which the Secretary determines that there has been a substantial failure on the part of any lessee to comply with such work program or drilling schedule contained in any such lease issued on or after the date of the enactment of this paragraph, the Secretary may terminate such lease.".

(d) Section 17 of such Act of February 25, 1920, as amended, is amended by adding at the end thereof the following:

"(k) Notwithstanding any other provision of this Act or the Outer Continental Shelf Lands Act, the Secretary of the Interior is authorized to include in any lease issued pursuant to this Act or the Outer Continental Shelf Lands Act, on the basis of regulations promulgated by him, provisions determined by him to be necessary to promote the maximum efficient recovery of crude oil and gas under sound conservation, economic, and engineering principles, and to provide for increased production for purposes of national security or other emergency needs.

"(l) Notwithstanding any other provision of this Act or any other law, all leases issued pursuant to this Act or the Outer Continental Shelf Lands Act shall contain a condition that in no case shall any such lease be extended beyond its primary term unless oil or gas is being produced in paying quantities.".

(e) Section 36 of such Act of February 25, 1920, as amended (30 U.S.C. 192), is amended to read as follows:

"Sec. 36. (a) All royalty accruing to the United States under any oil or gas lease or permit under this Act or the Outer Continental Shelf Lands Act, on demand of the Secretary of the Interior, or when required in accordance with subsection (c) of this section, shall be paid in oil or gas.

"(b) Upon granting any such oil or gas lease, and from time to time thereafter during such lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the United States, including to increase strategic reserves or stockpiles in the national or public interests, offer for sale for such period as he may determine, upon notice and advertisement or sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever, within his judgment, the interest of the United States demands. In cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale; or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee.

"(c) Inasmuch as the public interest will be served by the sale of royalty oil to refineries not having their own source of supply for crude oil, the Secretary of the Interior, upon application from any such refinery and a determination by the Secretary that sufficient supplies of crude oil are not available in the open market to such refinery, shall, notwithstanding the provisions of subsection (b) of this section, make available to such refinery royalty oil under the provisions of this section for processing or use in such refinery and not for resale in kind, and in so doing may sell to such refinery at private sale at not less than the market price any royalty oil accruing or reserved to the United States under leases issued pursuant to this Act or the Outer Continental Shelf Lands Act. In selling such royalty oil, the Secretary of the Interior may, in his discretion, prorate such oil among such refineries in the area in which the oil is produced. Pending the making of a permanent contract for the sale of any royalty oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price. Any such royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

"(d) Subject to the provisions of subsection (c) of this section and section 9(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) all proceeds received by the Secretary of the Interior pursuant to sales of royalty oil and gas under the foregoing provisions of this section shall be deposited by him in the trust fund established by section 4 of the Energy Resources Expansion Act for use in accordance with the provisions thereof.

"(e) Notwithstanding any other provisions of this Act, nothing in this section shall be construed as altering, modifying, or otherwise affecting any provision of law in effect on the date of the enactment of this subsection earmarking or designating certain revenues due the United States from oil or gas leases for use in connection with other specific programs or purposes.".

Sec. 3. (a) On or before the expiration of the one-hundred-and-eighty-day period following the date of enactment of this Act, the Secretary of the Interior, in consultation with the heads of other agencies of the United States whose responsibilities relate to energy research, development, or conservation, shall prepare and submit to the Congress detailed plans for carrying out, during the five-year period following the date of the submission of such plans to the Congress, the following programs:

(1) a program for conducting, assisting, and fostering energy research, development, and demonstration, coordinated with other public and private energy research and development efforts, in order to provide for alternative sources of energy, with particular emphasis on renewable energy sources, and to provide new and improved technologies for the supply, use, and conservation of energy, including conservation in production, conversion, transmission, and transportation;

(2) a program to encourage widespread early participation by industry in such research, development, and demonstration,

with particular attention to participation by smaller companies and businesses;

(3) a program to further establish the nature and extent of energy mineral resources located upon or within the public lands of the United States, including the Outer Continental Shelf, together with research and development in geological, environmental, and other sciences and technologies relevant to such program, including the environmental effects of the mining of such resources and means by which such effects might be kept within acceptable bounds; and

(4) a program for timely collection, analysis, and publication of information concerning the energy mineral resources of the public lands of the United States and the operations of lessees with respect to the mining thereof.

(b) No program contained in any plan submitted to the Congress pursuant to subsection (a) of this section shall be carried out by the Secretary of the Interior until after the expiration of the thirty-day period (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) following the date on which the plan containing such program was submitted to the Congress under subsection (a) of this section.

(c) Moneys deposited in the trust fund established pursuant to section 4 of this Act shall be available, in accordance with the provisions of that section, for carrying out programs under this section.

(d) Notwithstanding any other provisions of this Act, all functions and duties imposed on the Secretary of the Interior under this section and section 4 of this Act shall, upon the subsequent establishment by the Congress of an agency for research and development in the field of energy, be deemed transferred to that agency.

SEC. 4. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the Energy Resources and Technology Trust Fund (referred to in this Act as the "trust fund"). The trust fund shall consist of such amounts as may be credited to it as provided in this Act or amendments made by this Act.

(b) It shall be the duty of the Secretary of the Treasury to manage the trust fund and (after consultation with the Secretary of the Interior) to report to the Congress not later than the first day of March of each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during each fiscal year thereafter. Such report shall include the recommendations of the Secretary of the Interior as to the amount of revenues needed by the trust fund during the following fiscal year to meet expenditures from the trust fund during such fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(c) It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the trust fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(d) Any obligation acquired by the trust fund (except special obligations issued exclusively to the trust fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(e) The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

(f)(1) Amounts in the trust fund shall be available, as provided by appropriation Acts, for making expenditures to carry out programs under section 3 of this Act.

(2) Of the amounts in the trust fund, 75 per centum thereof shall be available for carrying out programs under paragraphs (1), (2), and (3) of section 3, and 25 per centum shall be available for carrying out programs under paragraph (4) of section 3.

(g) Unless otherwise provided by law, the trust fund shall terminate upon the expiration of the ten-year period following the date of the enactment of this Act. Upon such termination, amounts remaining in the trust fund at the time of such termination shall be credited to miscellaneous receipts.

SEC. 5. The Secretary of the Interior shall, within the six-month period following the date of the enactment of this Act and each six-month period thereafter, report the compliance of lessees with their work plans and drilling schedule plans to the Congress as to the number of oil and gas wells covered by a lease issued by the Secretary of the Interior in existence during the period covered by such report, the number of such wells in production during such period, the rate of production of such wells during such period, the number and identity of such wells not producing during such period, the reasons for such failure to so produce during such period, and the assessment of the Secretary as to the validity of such reasons. Such report shall also include the results of a physical spot check of the wells covered by such report to determine the accuracy of information so reported.

SEC. 6. (a) Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by deleting "12½ per centum" wherever it appears therein and inserting in lieu thereof "25 per centum".

(b) Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended (1) by designating the existing text thereof as subsection (a); and (2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding the provisions of subsection (a) of this section, 50 per centum of all rentals, royalties, and other sums paid to the Secretary or the Secretary of the Navy under any lease on the Outer Continental Shelf issued on or after the date of the enactment of this subsection, which are attributable to that portion of the Outer Continental Shelf adjacent to any State or that portion of the Outer Continental Shelf to which a State by interstate compact has limited itself, shall be paid by the Secretary of the Treasury as soon as practicable after December 31 and June 30 of each year to such State.".

EXHIBIT I

SECTION-BY-SECTION SUMMARY

SECTION 1

Declares that Federal oil and gas deposits shall be administered so as to: (1) increase royalties; (2) assure orderly exploration and development; (3) protect the environment; (4) promote competition in development of resources; and, (5) provide oil and gas reserves for national security and emergency needs.

SECTION 2

Subsection (a)

Amends the Mineral Leasing Act (30 U.S.C. 226) to increase the minimum royalty for competitive oil and gas leases on public lands from 12½ percent to 25 percent. Requires the Secretary of the Interior to promulgate regulations requiring each bid submitted to contain a work program for the geophysical exploration and exploratory drilling and the development and production of oil and gas on the lands covered by the bid, and a detailed schedule as to the time period within which drilling operations shall commence. Authorizes the Secretary to increase production from such leases for purposes of national security or other emergencies.

Subsection (b)

Amends the Mineral Leasing Act of 1920 to increase the royalty for non-competitive oil and gas leases on public lands from 12½ percent to 25 percent. Requires the Secretary to issue regulations requiring each bid submitted to contain a work program for the geophysical exploration and exploratory drilling and the development and production of oil and gas on the lands covered by the bid, and a detailed schedule as to the time period within which drilling operations shall commence.

Subsection (c)

Authorizes the Secretary to terminate leases if it is determined that there has been a substantial failure to comply with the work program or drilling schedule.

Subsection (d)

Adds new section authorizing the Secretary to include in any lease, provisions necessary to promote the maximum efficient recovery of crude oil and gas under sound conservation, economic and engineering principles, and to provide for increased production for purposes of national security or other emergencies. Adds new section providing that all leases issued pursuant to the Act shall contain a condition that in no case shall any such lease be extended beyond its primary term unless oil or gas is being produced in paying quantities.

Subsection (e)

Revises section 36 of the Mineral Leasing Act (30 U.S.C. 192) to provide that all royalties accruing under oil and gas leases, on demand of the Secretary, shall be paid in oil or gas. Authorizes the Secretary to offer for sale all royalty oil and gas accruing or reserved under such leases. Allows the Secretary to retain royalty oil and gas to increase strategic reserves or stockpiles in the national or public interests. Authorizes the Secretary upon application, to sell royalty oil to refineries when he determines that sufficient crude oil is not available on the open market to such refineries. Awards the Secretary discretion to prorate royalty oil among such refineries in the area in which the oil is produced. Requires royalty oil to be sold at not less than the market price at private sale. Proceeds from the sale of royalty oil shall be deposited in the Energy Resources and Technology Trust Fund created in Section 4 of this Act.

SECTION 3

Requires the Secretary of the Interior, after consultation with other energy research, development, or conservation agencies and within 180 days, to submit to Congress detailed plans for carrying out over a 5-year period, the following programs: (1) an energy research, development and demonstration program providing for alternative sources, emphasizing renewable resources, and providing for improved technologies for supply, use and conservation; (2) a program to encourage early participation by industry in such energy R&D; (3) a program improving our knowledge of energy mineral resources on public lands; and (4) a program for timely collection, analysis and publication of information concerning energy mineral resources on public lands. Provides that none of the programs outlined shall be carried out until after 30 days following their submittal to Congress.

SECTION 4

Establishes a trust fund to be known as the "Energy Resources and Technology Trust Fund." Requires the Secretary of the Treasury to manage the Trust Fund and report to Congress each year on its financial condition. Stipulates the report shall include the recommendations of the Secretary of the Interior as to the amount of revenues needed by the Trust Fund during the next fiscal year to meet expenditures. Authorizes the Secretary of the Treasury to invest monies in the Trust Fund not required to meet current withdrawals. Makes available monies in the Trust Fund, as provided by appropriation Acts, for expenditures to carry out programs under Section 3 of this Act. Authorizes 75 percent for funding for paragraphs (1), (2) and (3) of Section 3, and 25 percent for paragraph (4). Provides that the Trust Fund shall terminate after a ten year period.

SECTION 5

Requires the Secretary of the Interior to report every six months on the compliance of lessees with their work plans and drilling schedules plans to Congress; the reports shall include information on the number of wells covered, number in production, the rate of production, the number and identity of wells not producing, reasons for failure not to produce, and an assessment of the Secretary as to the validity of such reasons.

SECTION 6

Adds clarifying language to make certain provisions of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) consistent with this Act. Provides that 50 percent of all rentals, royalties, and other sums paid to the Secretary of the Interior or the Navy under any lease on the Outer Continental Shelf shall be paid to the adjacent coastal state.

EXHIBIT II

ENERGY UNDER THE OCEANS: A TECHNOLOGY ASSESSMENT OF OUTER CONTINENTAL SHELF OIL AND GAS OPERATIONS

(By Don E. Kash and Irvin L. White)

EXPLORATORY INFORMATION

As the government official directly responsible for promoting and regulating the development of OCS natural resources, the Secretary of the Interior must attempt to achieve a number of policy objectives. These include conservation, the prevention of waste, and the protection of the environment. The Secretary and his deputies have limited geological and geophysical data upon which to base a number of important decisions such as tract value, land use plans, and environmental risk and safety. In particular, limited data curtail their ability to administer effectively the OCS leasing system. In this section, the problem of evaluating tract value, safety, and lease planning is defined; alternative information-acquisition procedures are analyzed and evaluated; and some desirable changes are suggested.

Information needs

In advance of a lease sale, BLM and USGS are required to make economic, engineering, and geologic evaluations of each tract being considered for sale. The quality of decisions based on these evaluations is related directly to knowledge of the area being considered. According to the Department of the Interior, "in geologically well-known areas, the resources in a province or lease area can be estimated within an order or magnitude, using previous history and projections of trend and environment."[1] (For a detailed discussion of reserve and resource information, refer to Appendix C.)

As lessees, companies are required by the *Code of Federal Regulations* to furnish well logs, cores, core analyses, paleosamples, well tests, production information, and geophysical surveys to USGS.[2] But this information is available only for tracts already leased and being developed. Thus, Interior can only make relatively well-informed decisions on sales involving drainage tracts. (Drainage tracts are tracts from which oil and gas is being drained by production on adjacent tracts.) Industry is not required to share its exploratory information on unleased tracts with USGS; consequently, government data for these tracts is limited to what government has either gathered itself or purchased from industry.

Determining the value of individual tracts on the basis of inadequate data may be less a problem than evaluation of the safety risk of developing the lease. The competitive bonus bid system provides a market mechanism for pitting bidders with good exploratory data and highly refined interpretative capabilities against each other, but there is no similar built-in method for insuring safety without having adequate exploratory data. (The bonus bid system is discussed at length in Chapter IX.)

The principal vehicle for assessing whether a tract can be developed safely is now the environmental impact statement. (Most industry spokesmen do not believe there is a safety problem, but USGS lists safety as one of the reasons it needs exploration data.) As indicated previously, OCS lease sales are considered to be major federal actions with significant impact on the human environment. Consequently, every tract is evaluated to determine what effects its development might have on the environment.

At the present time, the impact statement evaluation does not include an analysis of geologic characteristics which might increase the probability of a development accident—such as Union's blowout at Santa Barbara or the collapse of a Shell platform in the Gulf. In part, this omission may be due to Interior's lack of data from other than industry sources; but it is also due to Interior's policy of treating industry data, whether obtained from lessees or purchased, as proprietary information which can only be disclosed with specific approval of the area supervisor.[3] This means that these data cannot be made public, not even to meet the environmental protection objectives of NEPA. One effect of this may well be to inhibit the effectiveness of the public review process.

The overall effect of this lack of adequate data for making important decisions for OCS development seems to be that Interior reacts to industry initiative rather than acting on the basis of its own "systematic and efficient plan of geologic study, resource appraisal and leasing of the OCS."[4] Interior itself says that "the current pattern is dependent primarily on industry preference."[5] One effect of this pattern is a conclusion on the part of some observers that Interior and the industry work too closely together. This, of course, can be costly in terms of further undermining public confidence in Interior as a vigorous promoter and protector of the public interest.

Under the present system, industry does nominate tracts to be included in the lease sales, but it nominates tracts within an area specified by BLM in its call for nominations. So long as bonus income continues to be a primary motive for holding lease sales, it will be difficult to employ a tract selection system that doesn't call for some initiative on the part of the potential bidders.

WHAT ARE THE ALTERNATIVES?

Two major variables have to be taken into account in considering alternatives to the present system: the first is the procedure for information acquisition; the second is the timetable. We will discuss four procedures that provide information before the lease sale and one procedure that makes information available following the lease sale:

1. Having the federal government, presumably USGS, collect its own data by contract surveys or with its own ships and equipment;
2. Requiring companies to submit their exploratory data and assessments to USGS on a confidential basis;
3. Having USGS collect some of its own data and continue to purchase some data from industry as it does at the present time;
4. Requiring companies to submit all raw seismic data to USGS on a non-proprietary basis in order to be issued an exploration permit and making all data furnished by lessees non-proprietary; and
5. Following the lease sale, the lease could be retracted and the bonus bid returned if, on the basis of information submitted after the sale, it is determined that the risk of developing the tract is considered to be publicly unacceptable.

Assessment of the alternatives

Interior has reviewed the first three of these alternatives in its response to a series of questions it was asked to answer as a part of the energy policy study being conducted by the Senate Interior and Insular Affairs Committee.

Have Government Collect Its Own Data: In brief, the department saw a number of advantages in having the federal government collect its own data, including:

a. These data could be publicly disclosed in publications, impact statements, and for other public purposes:

b. The Department of the Interior could operate on the basis of a systematic and efficient plan of geologic study, resource appraisal, and leasing program; and

c. "A program of regional geologic study of all of the OCS could be planned and carried out on a systematic time basis for the preparation of geologic and resource analysis maps and topical reports."[6]

The sole disadvantage mentioned by Interior was cost. The estimate given for close-spaced seismic data purchased as a part of a small group was $50–75 per mile. Under existing procedures, however, this data could only be made public if the government were the sole purchaser, so that the cost of non-proprietary data is substantially higher.

But there might well be some adverse effect on the service companies that conduct and sell seismic data as well as on the competitive bonus bid system itself. If close-spaced raw data were publicly disclosed, there would be no reason to pay for it any more. Making the data publicly available in advance of the sale might adversely affect competition. However, at the present time most bidders have access to similar exploratory data, and it is the difference in companies' ability to enhance, display, and interpret the raw data that accounts for real competition.

Footnotes at end of article.

Under this alternative the data available to Interior would be much improved both for safety and effective management; however, it should also be pointed out that, with the best seismic data currently available, resource estimates are still not very accurate. Holes would still have to be drilled to determine the actual value of the lease.

Have Companies Submit Data and Assessments: According to Interior's assessment, there are two major advantages to the alternative requiring companies to submit their exploratory data and assessments to the government on a confidential basis. First, the data would be available for the cost of reproducing it; second, "to the extent that individual companies surveyed and appraised the same areas, the sum of their observations and interpretations would represent a broader spectrum of expert opinion than could be provided by a single organization."[7] But these data still could not be publicly disclosed, although Interior suggests that a possible additional requirement might be to place these data in the public domain after some set time.

A Combination of Government and Industry Data: The advantage of having government supplement data acquired from industry with data it collects on its own is that some of the data could be publicly disclosed. This alternative could also give Interior an opportunity to be more systematic with at least a part of its data-acquisition program.

Have Companies Submit Their Pre-Lease Raw Data: The alternative requiring companies to submit all raw seismic data and treating it and all data subsequently furnished by lessees as non-proprietary is the most far reaching of these alternatives. The Public Information Act of 1968 requiring that government agency records be made available for public inspection might have to be amended for this to be an available alternative. Section 552(b) of the Act exempts several categories, including "geological and geophysical information and data, including maps, concerning wells." The Act does not require that these records be withheld, but present Interior policy, as stated in the *Code of Federal Regulations,* restricts their use: geological and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the supervisor determines that release of such information is required and necessary for the proper development of the field or area.[8]

This restrictive information policy enables the leaseholder to have an information advantage over competitors when bidding on adjacent tracts and limits public disclosure of data used in evaluating tracts.

The specific effect of public disclosure in this case depends, as it does in the first alternative, on when the raw data are to be made public. If disclosure is before the lease sale, in the impact statement, it could affect the competitive bonus bid system. However, if we are accurate in our impression that interpretation rather than raw data is the real point of competition, the effect on lease sales would be minimal.

Treating information submitted to USGS by lessees as non-proprietary would be a major change in policy and surely would generate an energetic negative response from industry. In one sense, the basic question is what rights did the leaseholder purchase? It is clear that he purchased a right to find, produce, and transport oil and gas. It is not clear that he also purchased an exclusive proprietary right to the information which he obtains in the process of exercising his other rights—although it might be argued that this has become a customary right.

Have Companies Submit Data After the Lease Sale: The final alternative, requiring the submission of exploratory information by the successful bidder after the lease sale and before development, is similar to the present requirement for submission of structural interpretations of geological and geophysical data for USGS approval of permits to drill. Although this data would support a review process to assess risk, the timing of the review could introduce uncertainty and bias into the possibility of subsequently rejecting a bid. Importantly, this alternative would neither meet information needs for a public review of the lease sale and other government decisions in managing and controlling OCS development nor satisfy information needs for land use and energy planning.

Summary and policy implications

We have chosen to discuss these five alternatives either because they have been considered by Interior or they raise important issues. Many other combinations could have been discussed. However, our purpose has been to indicate that adopting any of these five alternatives (or an alternative involving combinations or variations of these same component parts) could produce numerous second-order consequences. We have noted only a few of these, such as possible effects on the seismic services industry, competitive bidding, and the level of confidence the public has in Interior and the industry. This is a complex system in which any change, such as having government collect its own data or establishing new rules concerning public disclosure, will produce changes in other parts of the system as well.

Some of the changes, such as publicly disclosing raw seismic data in advance of a lease sale, apparently should not affect the competitive bonus bid leasing system since it appears that every company can obtain raw data of comparable quality. If this is correct, logically raw data could be disclosed and competition could continue on the basis of differing capabilities to enhance, display, and interpret data. But this fails to take into account the symbolic importance which the petroleum industry attaches to this aspect of the competitive system. Decision makers, both public and private, have to be aware that this is the case. But if they are to act responsibly, they have to make their decisions on the basis of a broader set of energy-environment issues.

DESIRABLE CHANGES

It would be desirable to supplement present exploration information collection procedures in two ways:

a. In order to acquire exploratory information for regional land use planning for offshore and onshore facilities, the government should contract its own seismic survey.

(b) Before each lease sale, the government should contract for both seismic and subsoil surveys to provide adequate data for assuring that development can be carried out safely. These data should be public information, and as necessary, both the data and analyses should be included in the environmental impact statement.

* * * * *

By Mr. HARTKE (for himself, Mr. Abourezk, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Brock, Mr. Brooke, Mr. Bumpers, Mr. Burdick, Mr. Robert C. Byrd, Mr. Case, Mr. Church, Mr. Clark, Mr. Culver, Mr. Curtis, Mr. Eagleton, Mr. Eastland, Mr. Goldwater, Mr. Hansen, Mr. Philip A. Hart, Mr. Helms, Mr. Inouye, Mr. Javits, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Moss, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Hugh Scott, Mr. Symington, Mr. Thurmond, Mr. Tower, and Mr. Weicker):

S. 1183. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder. Referred to the Committee on Finance.

DISABILITY INSURANCE FOR THE BLIND

Mr. HARTKE. Mr. President, since becoming a Member of the U.S. Senate I have introduced many bills to serve many purposes and to solve many problems, but the bills of which I am the proudest are those which would help to remedy the difficult problems confronting the blind in their efforts to achieve normal productivity and self-sufficiency.

Over the years I have endeavored to give a voice to the hopes and aspirations of our blind fellow Americans—to the difficulties, discriminations, and disadvantages experienced by them as they strive to lead normal, happy lives and to compete on terms of equality alongside their sighted brothers and sisters. So long as I remain in the Senate, Mr. President, I intend to continue my efforts on behalf of all blind Americans since it is right, and just and since this group, above all, has demonstrated both the will and the capacity to rise from a traditionally subordinate status in society to a new and equal place. Mr. President, the road to equality for the blind has been a perilous one, but they have insisted on marching forward despite the many obstacles which society has erected in their path, often unintentionally.

The bill which I am introducing today with 37 of my colleagues is designed to remove one more of these obstacles, and a substantial one at that. This bill to amend and improve the social security disability insurance program for the blind has already received substantial support in both Chambers of the Congress. In the Senate, Mr. President, the disability insurance for the blind bill has been approved six times. During the 93d Congress no less than 64 of our colleagues cosponsored this legislation and the bill was adopted unanimously.

If adopted, this bill would make it possible for blind people who have worked a year and a half under social security-covered employment to qualify and draw disability benefits so long as they remain blind and regardless of their earnings.

FOOTNOTES

[1] Interior, *Question and Policy Issues,* p. 72.

[2] Title 30, *Code of Federal Regulations,* Section 250 (30 CFR 250).

[3] OCS Order Number 12, Gulf Coast Area.

[4] Interior, *Questions and Policy Issues,* p. 73.

[5] *Ibid.*

[6] *Ibid.*, pp. 73–74.

[7] *Ibid.*, p. 74.

[8] 30 CFR 250.97.

The present law with its more restrictive and discriminatory length of work requirements and its earnings limitations fails to take account of the fact that blind people find it difficult to secure work in a society which has so far not fully opened its doors of opportunity to them. The economic disadvantages of blindness are too often substantial and overwhelming. Employment opportunities available to the blind are usually limited in number and short in duration. Seldom are they able to exercise their full talents and capacities in the labor force but this condition can be remedied by the adoption of the improved disability insurance program.

Presently, those who are blind and receiving social security disability insurance benefits are confronted with the reality that they may lose financially through their efforts at employment. Under the current law, the only true feeling of long-range economic security belongs to those beneficiaries who remain idle rather than productive. This, Mr. President, is clearly not as it should be, and the bill which has repeatedly gained acceptance by our colleagues would correct this inequity by guaranteeing disability insurance benefits to the blind who have worked at least a year and a half.

Mr. President, enactment of this legislation at this time is unquestionably in the best interest of the Nation. The bill as proposed would place maximum encouragement and support behind the efforts of blind persons to be self-supporting. Of course, those who become gainfully employed will pay social security taxes, thus contributing to the fund rather than only draining benefits from it. Also, they will contribute through the payment of income taxes, thus reducing the drain on general revenues. In addition, many of the blind who are recipients of supplemental security income and their families who benefit from various Federal, State, and local welfare programs, will be able to transfer into the improved disability insurance program, thus realizing a cost savings in the welfare category. With the positive incentive factors of the new plan—encouraging employment of the blind—we can anticipate a substantial reduction in welfare payments to the blind over a period of time after enactment of this bill.

Mr. President, for all of these reasons I am today once again introducing my improved disability insurance for the blind proposal, and I commend it to the attention of our colleagues in the Senate. It is my hope, Mr. President, that the 94th Congress can be known as the most important of all Congresses for the blind. It can achieve this distinction if we enact the disability insurance for the blind bill which I am introducing today—a bill which will serve as a true insurance against the adverse effects of blindness.

Mr. President, I ask unanimous consent that the text of my bill together with a factsheet about the bill be printed in the Record at this point.

There being no objection, the bill and fact sheet were ordered to be printed in the Record, as follows:

S. 1183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 214(a) of the Social Security Act is amended by adding "or" after the semicolon at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

"(4) in the case of an individual who has died and who was entitled to a benefit under section 223 for the month before the month in which he died, 6 quarters of coverage;".

(b) Section 215(b)(1) of such Act is amended by striking out "shall be the quotient" and inserting in lieu thereof "shall (except as provided in paragraph (5)) be the quotient".

(c) Section 215(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5) In the case of an individual who is blind (within the meaning of 'blindness' as defined in section 216(i)(1)), such individual's average monthly wage shall be the quotient obtained by dividing (A) the total of his wages paid in, and self-employment income credited to, all of the calendar quarters which are quarters of coverage (as defined in section 213) and which fall within the period after 1950 and prior to the year specified in clause (i) or clause (ii) of paragraph (2)(C), by (B) the number of months in such quarters; except that any such individual who is fully insured (without regard to section 214(a)(4)) shall have his average monthly wage computed under this subsection without regard to this paragraph if such computation results in a larger primary insurance amount."

(d) Section 216(i)(3) of such Act is amended to read as follows:

"(3) The requirements referred to in clauses (i) and (ii) of paragraph (2)(C) are satisfied by an individual with respect to any quarter only if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 and filed application for benefits under section 202(a) on the first day of such quarter, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or (ii) if such quarter ends before he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with such quarter and beginning after he attained the age 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage; or

"(B) he is blind (within the meaning of 'blindness' as defined in paragraph (1) of this subsection) and has not less than 6 quarters of coverage in the period which ends with such quarter.

For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a prior period of disability unless such quarter was a quarter of coverage."

(e) The first sentence of section 222(b)(1) of such Act is amended by inserting "(other than such an individual whose disability is blindness as defined in section 216(i)(1))" after "an individual entitled to disability insurance benefits".

(f) Section 223(a)(1) of such Act is amended—

(1) by striking out the comma at the end of subparagraph (B) and inserting in lieu thereof "or is blind (within the meaning of 'blindness' as defined in section 216(i)(1)),";

(2) by striking out "the month in which he attains age 65" and inserting in lieu thereof "in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i)(1)), the month in which he attains age 65"; and

(3) by striking out the second sentence.

(g) Section 223(c)(1) of such Act is amended to read as follows:

"(1) An individual shall be insured for disability insurance benefits in any month if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 and filed application for benefits under section 202(a) on the first day of such month, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with the quarter in which such month occurred, or (ii) if such month ends before the quarter in which he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with the quarter in which such month occurred and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage, or

"(B) he is blind (within the meaning of 'blindness' as defined in section 216(i)(1)) and has not less than 6 quarters of coverage in the period which ends with the quarter in which such month occurs. For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a period of disability unless such quarter was a quarter of coverage."

(h) Section 223(d)(1)(B) of such Act is amended to read as follows:

"(B) blindness (as defined in section 216(i)(1))."

(i) The second sentence of section 223(d)(4) of such Act is amended by inserting "(other than an individual whose disability is blindness, as defined in section 216(i)(1))" immediately after "individual".

Sec. 2. In the case of an insured individual who is under a disability as defined in section 223(d)(1)(B) of the Social Security Act, who is entitled to monthly insurance benefits under section 202(a) or 223 of such Act for a month after the month in which this Act is enacted, and who applies for a recomputation of his disability insurance benefit or for a disability insurance benefit (if he is entitled under such section 202(a)) in or after the month this Act is enacted, the Secretary shall, notwithstanding the provisions of section 215(f)(1) of such Act, make a recomputation of such benefit if such recomputation results in a higher primary insurance amount.

Sec. 3. The amendments made by this Act shall apply only with respect to monthly benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

Factsheet—Improved Disability Insurance for the Blind

A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

History. The Disability Insurance for the Blind bill, which has passed the Senate six times, was first offered in the 88th Congress by Senator Hubert Humphrey. Senator Vance Hartke introduced the bill in the 90th Congress whereby the House-Senate Conference on Social Security matters made the generally accepted definition of blindness (20/200, etc.) the standard for visual loss under the Disability Insurance Program. Offered again in the 91st Congress, the Committee on Ways and Means adopted a portion of the proposed Disability Insurance for the Blind bill removing recency of quarters earned in Social Security-covered work requirement making 30,000 otherwise ineligible blind persons eligible for disability benefits. In the 93rd Congress the Senate passed the Disability Insurance for the Blind bill as a floor amendment to H.R. 3153.

Provisions. (1) Allows qualification for disability benefits to the person who is blind according to the generally accepted definition of blindness (20/200, etc.) and who has worked six quarters in Social Security-covered work; (2) continues payment of benefits irrespective of earnings so long as blindness lasts, rather than cutting off benefits if the blind person earns as little as $200.00 in a month, as provided in existing regulations.

What will be accomplished. Enactment of the above provisions will establish eligibility for disability insurance benefits to blind persons who have worked a year and a half in employment covered by Social Security. This eligibility will continue regardless of the earned income of the blind person.

Through such an arrangement, all of the negative incentives which now discourage a blind person from seeking employment will be removed. No secure income will be lost to those who attempt to make themselves productive. Those who make the predictable response of seeking and finding employment will pay into Social Security rather than only drawing benefits as is now the case. Those who find employment will also become tax payers rather than tax burdens. Payments to blind persons from Supplemental Security Income and other public assistance programs will be reduced as the earnings of the blind increase.

Why? The provisions of the Disability Insurance for the Blind proposal recognize the severe financial disadvantages which confront those who are blind. Although most blind persons possess the capacity to be productive in the labor force, their efforts to earn their daily bread are frustrated by a system which rewards idleness with financial security—the certainty of the monthly check. Under existing law, each blind person receiving disability insurance benefits must choose between alternatives which are often unpleasant. First, he may elect to continue receiving regular benefit checks, realizing that even a small amount of income earned through work may jeopardize entitlement to the monthly checks. Second, he may elect to seek employment in the hope that this will be financially advantageous, but realizing that an important measure of security is being cast aside by demonstrating employability to the Social Security Administration. Those who choose the second of the alternatives must be prepared to assume the financial burdens which go with living in a sight-structured society—that is, they must be prepared to spend a certain amount of their income in hiring sight for job related activities such as reading or driving. Also they must be prepared to face a world which has not yet accepted the concept that the blind are able to compete equally with the sighted in terms of their capacity to work. Because of typical employer attitudes toward the blind, the jobs which they get are often short-term, insecure, and low paying. The person who is sighted, with an income of $15,000, will, if he becomes, blind, often be employed at less than half that wage. Seventy percent of the employable blind population is either unemployed or underemployed. This legislation will go a long way toward correcting this inequity.

By Mr. DOMENICI:

S. 1184. A bill to amend the Internal Revenue Code of 1954 to provide for the reduction or deferral of liability for the payment of a part of the Federal estate tax on farms the fair market value of which exceeds the value which such property would have if it were continued to be used as farm land. Referred to the Committee on Finance.

ESTATE TAX RELIEF FOR FARM OWNERS

Mr. DOMENICI. Mr. President, today I want to address myself to a problem affecting many citizens of this land—the farm estate tax. The recent rapid increases in the value of land has meant that higher and higher taxes must be faced upon the death of a farmer or rancher.

As Members of Congress, we are contributing to the disappearance of family farms by failing to grant them relief from the Federal estate tax. Since most farms and ranchers are primarily composed of very illiquid assets and frequently operate with sizable loans or mortgage liabilities, cash with which to pay these death taxes may not be available. In increasing numbers, heirs to a farm or ranch are forced to sell the operation in order to pay the taxes.

Mr. President, one of this country's most valuable assets is the family farm. Not only do family farms produce vital food supplies, but they also represent a way of life worthy of support and preservation. Each time a family farm disappears, we suffer the threat of reduced food production capabilities and we lose traditions of farm life. Furthermore, individuals are often forced to migrate to urban areas which are already burdened with jobless and rootless people. It is in recognition of these facts that I am introducing this legislation.

When the value of real property is determined for purposes of the Federal estate tax, the standard used is "fair market value." This standard is most frequently defined as the "price at which property would change hands between a willing buyer and a willing seller." In many cases, the value of land for development purposes such as housing or shopping center construction is much greater than its value as agricultural property. This is particularly true in urban fringe areas or popular recreation areas where an acre may be worth $800 if used for agriculture but worth $4,500 for development. In such cases, the higher value is used for purposes of the Federal estate tax.

Consider the example of a cattle rancher whose property is located in an area which is near an expanding ski facility. As ranch land, his property may be of moderate value, but for development purposes his property may be worth thousands of dollars an acre. Does Congress really intend that the rancher's heirs be forced to sell a sizable portion of the ranch so Federal taxes can be paid? In situations such as I have described, there may be no excess ranch land and selling any part of it, may severely reduce or even destroy its productive capacity. Regardless of what Congress has intended to be the effect of the Federal estate tax, what I have just described frequently is the end result.

Under present Federal estate tax law, each estate is permitted an exemption of $60,000. One purpose for such an exemption is to protect estates from too burdensome an estate tax. However, the amount was set in 1942 and no longer affords adequate protection in situations where estates are composed of large parcels of land.

S. 1184 would provide that farm and ranch property included in an estate would be valued not on the basis of "fair market value" but on the basis of the value of the produce and similar products grown on the property. For example, the value of an orange grove would be based on its capacity to produce oranges, not on its value as a potential housing development or site for an industrial plant.

In order to guard against the possibility that heirs, not interested in the continued agricultural use of estate property, might benefit from my proposal, I have imposed certain conditions on property which would qualify for relief. For example, land qualifying for this special provision must have been farmed for 5 years prior to the decedent's death as well as for 5 years after the death.

The House Committee on Ways and Means has indicated that it will take up the question of general tax reform later this year. I urge that committee to consider my proposal as a means of granting long overdue estate tax relief to the farming and ranching families of this Nation.

By Mr. CURTIS (for himself, Mr. McClure, and Mr. McGee):

S.J. Res. 57. A joint resolution to authorize and request the President to proclaim the month of May 1975 as "National Car Care Month." Referred to the Committee on the Judiciary.

Mr. CURTIS. Mr. President, increasing awareness of the need for preventive maintenance on the automobiles we drive is a dire necessity if there is to be any substantial reduction in the number of lives we lose each year on our Nation's highways.

National Safety Council statistics indicate that 16,600,000 auto accidents occurred in this country in 1973. Statistics are not yet complete for 1974. In those 2 years, a total of 102,000 persons died as a result of those accidents. That is greater than the population figures in thousands of our small towns.

Obviously, we cannot pass a law to stop the occurrence of auto accidents. I only wish we could. What concerns me is our ability to cut down on those statistics by such simple means as routine car maintenance, and our apparent failure to do so.

In a 1969 report on turnpike accidents, the National Safety Council determined that some kind of vehicle defect was considered a factor in 11 percent of all fatal auto accidents.

In a 1971 study conducted in Louisiana, Montana, and North Carolina, the National Safety Council determined that in all auto accidents in those three States defective tires were a factor in 57 percent of the fatal accidents that occurred and were a factor in 30 percent of all accidents; and that defective brakes were a factor in 11 percent of the fatal accidents that occurred, and were a factor in 31 percent of all accidents.

And since auto accidents are not separately investigated, as in the case of air crashes, for example, we can only assume that actual statistics attesting to the responsibility of defective vehicles or defective or worn-out parts of a vehicle in auto accidents would be much higher.

In other words, accidents are occurring and are causing deaths and serious injuries which may well be preventable by routine auto maintenance.

I am today asking that the month of May be designated "National Car Care Month" in order to increase awareness of the impact of preventive auto maintenance on the health and well-being of our country.

If such a resolution would encourage more Americans to take better care of their cars than they do now, then I would feel safer driving on our highways.

So many expensive repairs can be avoided by much simpler maintenance in the first place.

For example, nearly 90 percent of all tire trouble occurs in the last 10 percent of tread wear. All it takes to check the tread is to place a penny in the tread to check wear. It is much better to replace a worn tire before it has a chance to blow out on a busy highway at high speed.

Regular changing of motor oil and of oil and air filters prevents a lot of stalling in major intersections.

In fact, a lot of simple steps will save a lot of worry.

The Automotive Parts and Accessories Association estimates that more than half of all car engines are operating inefficiently. In a recent test of New York City's Bureau of Motor Vehicle Pollution's 25 department cars, two-thirds of the cars required a new air filter; 62 percent needed new spark plugs; and one-third needed new positive crankcase ventilation, PCV, valves.

The obvious benefits beyond the savings of lives and of wear-and-tear on one's car are the savings of money and energy. Cars properly tuned get an average of 8.2 to 25 percent better gas mileage than cars not properly tuned.

Emission control devices are considered a major factor affecting auto fuel economy. If not maintained, such controls can cut gas mileage up to 25 percent.

Misfiring spark plugs can cut mileage by 10 percent. Spark plugs should be checked every 7,500 miles.

Improper front-wheel alinement can cost another three-tenths of 1 percent miles per gallon.

Failure to give immediate attention to burned-out headlights, brake lights, and turn signals can cost untold highway suffering.

By encouraging routine car care, we are encouraging auto safety habits that will benefit all of us.

In terms of the energy crisis, we have learned over the past couple of years that we cannot continue the wasteful energy consumption practices of the past. Transportation accounts for 25 percent of our total energy consumption. Even a small percentage of savings is therefore significant.

It is important to our Nation's health, also, since more than 54 percent of our annual automobile mileage—1.2 trillion miles—is registered in urban areas.

With the postponement of Federal new-car emission regulations, the burden of cutting down pollution shifts from the auto manufacturer to the consumer-commuter.

In terms of the state of our economy, we are wise to do-it-yourself whatever auto maintenance tasks we know how to perform, and to trust reputable auto mechanics to handle those we cannot.

Mr. President, I believe that setting aside a specific month in which all Americans are made more aware of the desirability and need for effective and regular car care may make a lasting impression on the safety of our Nation's highways, on the quality of the air we breathe, and on the value of our hard-earned money.

I ask unanimous consent to have the joint resolution calling for designation of May as "National Car Care Month" printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 57

Whereas latest National Safety Council statistics indicate that 16,600,000 auto accidents occurred in this country in 1973, resulting in 55,800 deaths; and

Whereas 46,200 auto accident fatalities were reported nationwide in 1974; and

Whereas a 1969 report on turnpike accidents estimates 11 per centum of all fatal accidents involve some kind of vehicle defect; and

Whereas auto safety inspection standards are not uniform in all fifty States; and

Whereas car maintenance is as essential a factor in accident prevention as skillful driving; and

Whereas the lag in new-car sales due to the state of the economy this year places greater emphasis on the need for auto maintenance than in the past; and

Whereas awareness of the critical impact of effective car care on the safety of our highways and the conservation of energy will encourage attainment of these goals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May 1975, as "National Car Care Month", and calling upon the people of the United States and interested groups and organizations to observe that month with appropriate activities and efforts to maximize road safety by encouraging conscientious care and maintenance of automobiles.

By Mr. CURTIS:

S. 1185. A bill to amend section 13(b) (24) of the Fair Labor Standards Act of 1938 to exempt certain employment in residential treatment facilities for children from homes having an unfavorable home environment, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. CURTIS. Mr. President, today I am introducing an amendment to the Fair Labor Standards Amendments of 1974—Public Law 93-259. The law contains what I believe is a technical problem that, nonetheless, is jeopardizing the operation of a program in Nebraska of rehabilitative care for children assigned to the program by the duly-established courts in the State.

The Nebraska Center for Children and Youth, operated by the Nebraska Department of Public Welfare, has existed since 1887 to take care of children referred to it by any juvenile court in the State.

Obviously, this is an essential program providing not only rehabilitation for young people needing such attention, but also providing the chance of a meaningful life filled with meaningful goals to youths and children who, in most instances, because of home or socioeconomic background, have not had the chance to become self-directed in a way conducive to adjustment in our society.

Let me briefly describe the operation of the program.

The Nebraska Center for Children and Youth consists of a central unit in Lincoln, Nebr., with residency not in excess of 77, and a number of group homes across the State, which care for a maximum of 8 persons per unit.

The central unit features two main programs. First, there is a cottage life program where children reside with a hired couple in a setting to approximate a home environment when living at home is not feasible. Second, there is a special program called control care utilizing a therapeutic treatment environment to reach youth who act out in protest to home or social injustices.

These programs, as well as the operation of group homes, involve total care—24-hour-a-day supervision, responsibility for health care, attitudinal development, religious, moral and social training, as well as the hundreds of administrative details such care entails.

Obviously, this is not an 8-hour-a-day job for any of the couples or individuals employed by the center.

A problem arises in the interpretation of the Fair Labor Standards Amendments of 1974 which I believe should exempt this agency from paying overtime to persons employed in the cottages at the central facility in Lincoln, Nebr., or in the group homes across the State.

I believe the exemption exists in the intent of the law. I believe my amendment is needed in order to clarify it.

It is the position of the Nebraska Department of Public Welfare that section B, exemption 24, part B gives the State the liberty to employ couples in its cottages at the main campus in Lincoln and in numerous group homes over the State without paying overtime because it meets the requirements of said section.

My amendment would clarify the section to avoid a possible ruling that the word or in section B, exemption 24, part A could be intended to mean and.

There does appear to be a question about interpretation.

Conference Report 93-758 ordered to be printed March 28, 1974, states on page 12, section 17, section 13(b), exemption 24, part A:

> who are orphans or one of whose natural parents is deceased, or . . .

But Mr. James L. Suntum, Administrator of the Wage and Hour Division of the Department of Labor, contends that the or in part A was a misprint.

What we are talking about is a tremendous cost differential that could seriously impair the quality of a program so important to the State.

I think Mr. Robert M. Rudell, administrator of the Nebraska Center for Children and Youth, states the problem most effectively. In a letter to me, Mr. Rudell writes:

> Correspondence to the Administrator of Wage and Hour Division, Department of Labor . . . clearly points out the dollars committed by the people in Nebraska to cottage parents and group home parents. There is a point, however, beyond which we cannot fund programs or in good conscience request the Legislature to support our programs.
>
> Strict interpretations of wage and hour legislation to agencies such as ours presents the possibility of mini-institutions developing over the State. A mini-institution is one where children are cared for on eight hour shifts and a home environment is lost.
>
> In a time when we have in Nebraska greater and greater need for sound treament programs, we find Federal legislation providing us with barriers to sound management objectives.

And Mr. Rudell concludes:

> The law has great potential for hardship to children and youth in Nebraska.

Mr. President, clearly it is not the intent of the law to create such hardship. Clearly, those of us who passed the law did not intend to destroy the possibility of total care for our young people who require it.

This amendment would simply clarify the intent of the law, and would save thousands of dollars in Nebraska, and in other States, that are needed to rebuild the lives of children and youths who, somewhere along the line, found they needed a second chance.

I urge speedy action on this amendment as it involves fiscal planning in agencies across the country.

I ask unanimous consent that the text of this amendment be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(b)(24) of the Fair Labor Standards Act of 1938 is amended—

(1) by inserting after "institution" in the matter preceding clause (A) of such section "or by a State";

(2) by inserting the word "or" at the end of clause (B);

(3) by inserting after clause (B) the following new clause:

"(C) who are enrolled in a residential-treatment or community-based facility to approximate a home environment when living at home is not feasible or appropriate,";

(4) by inserting after "institution" the first time it appears in the matter following clause (C) (as inserted by paragraph (3) of this amendment) a comma and the following "or a facility operated by a State"; and

(5) by inserting after "institution" the second time it appears in such matter a comma and the following: "or from such State".

By Mr. HATHAWAY:

S. 1186. A bill to amend the Outer Continental Shelf Lands Act in order to conduct a comprehensive study of the Outer Continental Shelf, to promote the development of Outer Continental Shelf oil and gas resources, to provide for protection of the environment, to promote competition in the production of oil and gas from the Outer Continental Shelf, to authorize the payment of a portion of the revenue under the act to the coastal States, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HATHAWAY. Mr. President, today I am introducing a bill to assure the orderly development of our oil and gas resources on the Outer Continental Shelf. It is the same bill I introduced last session, and directs more stringent and intelligent Federal planning prior to leasing of our OCS resources.

To insure effective planning, the Federal Government must have access to the most complete data on the extent of the oil and gas resources to be leased. These are publicly held resources, and by requiring that full information on their extent be supplied to the Government prior to leasing, we can be assured that the public receives a fair return for their value. Additionally, we will have more complete knowledge of our domestic energy supplies.

This bill also provides for greater State and public participation in the decision-making process of leasing, and includes a provision for sharing of the revenues between the Federal Government and the adjacent coastal States which will be impacted by offshore oil and gas development. A strong liability provision is included to insure effective oil spill prevention measures and quick cleanup activities and adequate compensation for any oil discharges which might occur.

It is apparent that we must increase all of our available domestic energy sources. One estimate of these Federal resources in the OCS is 58 to 116 billion barrels of oil and 355 to 710 trillion cubic feet of gas. In 1974 production from existing leases constituted 12 percent of U.S. oil production and 15 percent of gas production. Full development of these supplies in the next several years can make a substantial contribution to meeting our energy needs.

We cannot, however, afford to be unwisely rushed into developing these resources at any cost. Drilling and the development of the OCS have a substantial and potentially adverse impact on other important uses of our ocean resources, as well as a significant impact on the several coastal States which will be affected by offshore leasing. A careful balance must be reached between meeting our energy needs and according full protection to other marine and coastal resources and uses.

The Interior and Commerce Committees are about to begin joint hearings on proposed changes in the present leasing of our offshore resources. Meanwhile, the Interior Department is proceeding with its previously announced leasing plans. Strong State and congressional opposition to these plans has resulted in some modification, but this opposition only highlights the continuing need to make substantive changes in the existing law. I urge the committees and the Congress to give the issues involved a full airing, and to proceed expeditiously in passing legislation which will protect the varied interests concerned with OCS development.

Mr. President, at this time I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Outer Continental Shelf Lands Act Amendments of 1974".

The Congress finds—

that it is in the interest of the United States to develop its domestic petroleum resources in order to meet its increasing energy needs, but not at the expense of degrading the environment;

that substantial petroleum resources are located within the lands of the Outer Continental Shelf;

that it is essential for the Federal Government to establish procedures that will allow the development of those resources within a framework of strict environmental safeguards;

that the interest of all United States citizens in these vital matters must be recognized, by providing for public disclosure of information and public participation in the procedures involved in the development of Outer Continental Shelf petroleum resources;

that full and fair competition shall be maintained in all operations on the Outer Continental Shelf lands; and

that a portion of the revenues from such operations shall go to the adjacent coastal States, in return for the efforts undertaken and the environmental risks incurred by these States in the development of Outer Continental Shelf petroleum resources.

Sec. 2. (a) Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333) is amended to read as follows:

"Sec. 9. Disposition of Revenues.—(a) All rentals, royalties, or other sums paid to the Secretary or the Secretary of the Navy under or in connection with any lease on the Outer Continental Shelf for the period beginning June 5, 1950, and ending with the day preceding the date of the enactment of the Outer Continental Shelf Lands Act Amendments of 1974 shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

"(b) All rentals, royalties, or other sums paid to the Secretary or the Secretary of the Navy under or in connection with any lease on the Outer Continental Shelf for the period beginning with the date of the enactment of the Outer Continental Shelf Lands Act Amendments of 1974 shall be deposited in the Treasury of the United States; and of the amount of the revenues so deposited in each fiscal year which are attributable to that portion of the Outer Continental Shelf adjacent to any State or that portion of the Outer Continental Shelf to which a State by interstate compact has limited itself—

"(1) 60 per centum shall be paid by the Secretary of the Treasury to such adjacent State, to be added to its general funds and to be used for what it deems to be in its best interests, except that for the purposes of this clause (A) if the revenues attributable to a State in any fiscal year amount to $50,000,000 or more in royalties, then rentals bonuses, or revenues other than royalties shall not be included, or (B) if the revenues attributable to a State in any fiscal year amount to less than $50,000,000 in royalties, such revenues other than royalties shall be included in such amount as does not exceed $50,000,000 in total revenues attributable to such State; and

"(2) if the revenues attributable to any one State in a single year exceed $25,000,000, the share of the excess payable to that State under clause (1) shall be reduced in accordance with the following table:

"Amounts	Percentages
From $25,000,000 to $35,000,000	45
From $35,000,000 to $45,000,000	30
From $45,000,000 to $50,000,000	20
On excess over $50,000,000	10

"(c) Any moneys paid to the Secretary or the Secretary of the Navy under or in connection with a lease but held in escrow pending the determination of a controversy as to whether the lands on account of which such moneys are paid constitute part of the Outer Continental Shelf shall, to the extent that such lands are ultimately determined to constitute said part of the Outer Continental Shelf, be distributed—

"(1) in accordance with subsection (a) if paid before the date of the enactment of the Outer Continental Shelf Lands Act Amendments of 1974, and

"(2) in accordance with subsection (b) if paid on or after the date of the enactment of such amendments.".

(b) Nothing contained in this Act or in the amendments made by this Act shall be construed to alter, limit, or modify in any manner any right, claim, or interest of any State in any funds received before the date of the enactment of this Act and held in escrow pending the determination of any controversy as to whether the submerged lands on account of which such funds are received constitute a part of the Outer Continental Shelf.

(c) Nothing contained in this Act or in the amendments made by this Act shall be construed to alter, limit, or modify any claim of any State to any right, title, or interest in, or jurisdiction over, any submerged lands.

SEC. 3. The Outer Continental Shelf Lands Act is further amended by redesignating sections 15, 16, and 17 as sections 25, 26, and 27, respectively, and by inserting after section 14 the following new sections:

"SEC. 15. STUDY OF OUTER CONTINENTAL SHELF.—(a) Within one year following the date of enactment, the Secretary shall, in consultation with the Council on Environmental Quality, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies, conduct a comprehensive study and collect all relevant data on areas of the Outer Continental Shelf potentially available for exploitation of oil and gas resources, but not yet leased pursuant to this Act. Such study shall include consideration of the following:

"(1) basic geological and geophysical data relating to the presence of oil or gas;

"(2) biological data on marine plant and animal life, sensitivity of all species to changes in the marine environment, and existing pollution conditions;

"(3) oceanographic and meteorological data, including waves, winds, currents, tides, water depth, topographical conditions, and probable behavior of oilspills from given points;

"(4) transportation data, including shipping, pipelines, and any other facilities; and

"(5) other resource use data, including commercial fishing, sports fishing, and boating.

"(b) In conjunction with this study, the Secretary shall consult with other agencies of the Federal Government, including the Department of Commerce and the Department of Defense, to determine other present or projected uses for Outer Continental Shelf areas, and shall cooperate with these agencies in developing use patterns which are not in conflict and which do not impede the production of oil and gas from these areas.

"(c) No leasing shall be conducted on any area of the Outer Continental Shelf until the study of that area required under this section has been completed.

"SEC. 16. DESIGNATION OF LEASING AREAS.—(a) On the basis of the study pursuant to section 15, the Secretary shall—

"(1) Designate priority development areas in the submerged lands of the Outer Continental Shelf, for purposes of leasing pursuant to this Act. These shall be areas in which there is determined to be the greatest potential for development of oil and gas resources and the least risk of environmental damage resulting therefrom.

"(2) Designate areas of critical environmental concern, in which leasing shall be prohibited due to risk of environmental damage, including damage to commercial and recreational activities.

"(b) Before designating any area as available for leasing pursuant to this Act, the Secretary shall—

"(1) make an evaluation of the oil and gas resources available in that area, and shall include in making such evaluation the following:

"(i) information which he directs to be gathered in surveys conducted by the Department of the Interior, using best available techniques, including seismic exploration and subsoil surveys;

"(ii) all data pertaining to that area held by State and local governments and other Federal Government agencies;

"(iii) all data pertaining to that area obtained by private companies under exploratory permits issued by the Department of the Interior: *Provided*, That the Secretary shall require submission, in complete and comprehensible form, of such information held by private companies at the time that an area is placed under consideration for leasing, and shall notify the companies to that effect: *Provided further*, That the Secretary shall have authority, for purposes of this subsection, to sign and issue subpenas for the production of relevant books, papers, charts, and other documents or materials, and, in case of refusal to obey a subpena served upon any person under the provisions of this subsection, the Secretary may request the Attorney General to seek the aid of the district court of the United States for any district in which such person is found to compel such person, after notice, to appear and produce documents before the Secretary: *Provided further*, That no private company shall be permitted to conduct further exploration or to bid for or hold a lease in the designated area unless it submits the requisite information to the Secretary;

"(2) make available to the public all information obtained under subsection (1): *Provided*, That, except as otherwise provided by law or by this Act, individual company data obtained under that subsection shall be kept confidential for a period of one year, except that such information may be disclosed to other persons empowered to carry out this Act solely for the purpose of carrying out this Act or when relevant in any proceeding under this Act;

"(3) hold public hearings in any coastal area where such leasing may have an environmental or commercial effect and provide an opportunity at such hearings for comments from State and local government officials, environmental groups, commercial interests, and other interested persons, on both the area to be designated and the terms of leases to be issued thereon, and make transcripts of such hearings available to the public; and

"(4) obtain the consent of the Governor or Governors of the State or States in which such coastal area or areas are located.

"SEC. 17. ADDITIONAL LEASING REQUIREMENTS.—(a) The Secretary shall make public at least sixty days prior to entering into any lease pursuant to this Act—

"(1) the terms of such lease; and

"(2) information which he has obtained under section 16(b)(1) with respect to oil and gas resources available in the area covered by such lease, in usable and summary form.

"(b) Bids for leases and supporting materials shall be made available to the public upon request.

"(c) The Secretary is authorized to include in any lease issued pursuant to this Act such special conditions as he determines necessary as a result of information obtained pursuant to section 16.

"(d) After consultation with State and local officials and other interested persons in the affected area, the Secretary may stipulate as a condition of entering into any lease that priority shall be given to meeting the needs of that area for oil and gas produced under such lease.

"(e) In order to obtain maximum feasible production of oil and gas from leases issued pursuant to this Act, the Secretary shall—

"(1) prior to entering into any new lease, set standards for drilling and production under that lease, including agreements on timetables and commitment of resources;

"(2) prior to renewing any existing lease, determine that oil and gas is being produced in paying quantities under that lease, or set standards for production within a stipulated period of time not to exceed two years: *Provided*, That failure to comply with these standards shall result in forfeiture of the lease at the end of that period of time;

"(3) conduct a survey and evaluation of the capacity of all wells currently classified as 'producing, shut-in' by the United States Geological Survey, and order production within one year if he determines that production from such a well is technically and geologically feasible and would not violate any environmental requirement imposed by law or regulation: *Provided*, That failure to comply with such order shall result in forfeiture by the lessee of acreage containing such well classified 'producing, shut-in'.".

"SEC. 18. PROMOTION OF COMPETITION.—(a) No lease shall be issued pursuant to this Act unless it has been determined by the Federal Trade Commission and the Department of Justice that issuance of such lease will not involve a violation of the antitrust laws. Such determination shall be made within thirty days after receipt of the request for a ruling. The Federal Trade Commission and the Department of Justice shall prepare a detailed memorandum giving the basis of the determination and shall make such memorandum available to interested parties upon request.

"(b) Within one hundred and eighty days after the date of enactment, the Secretary shall prepare and publish a report with recommendations for promoting competition and maximizing revenues from the leasing of Outer Continental Shelf lands, and shall include a plan for implementing recommended changes. Such report shall include consideration of the following—

"(1) royalty bidding system as compared to the bonus bidding system;

"(2) evaluation of alternative bidding systems not covered under present law;

"(3) measures to ease entry of new competitors; and

"(4) measures to increase supply to independent refiners and distributors.

"SEC. 19. AUTHORITY OF ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY.—(a) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Interior, is authorized to prescribe such regulations as he determines necessary for protection of the environment from operations conducted (including equipment used therein) under leases pursuant to this Act. Such regulations shall include—

"(1) requirements for the use of best available technology, including replacement of existing equipment where necessary;

"(2) provisions for inspections by the Administrator at any time to determine proper compliance with such regulations;

"(3) requirements that a thorough inspection be conducted by the Administrator semiannually;

"(4) provisions for inspections by officials of the State or States affected by operations under a particular lease; and

"(5) requirements for submission of a contingency plan to be implemented in the event of a discharge of oil.

"(b)(1) Any holder of a lease pursuant to this Act and any other person subject to any regulation issued under subsection (a) who fails or refuses to comply with the provisions of any such regulations shall be liable to a fine of not more than $5,000 for each such violation. Each day on which such violation occurs shall be a separate offense. The Administrator may assess and compromise such penalty. No penalty shall be assessed until the holder or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon on compromise, the gravity of the violation and the demonstrated good faith of the holder, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the Administrator.

"(2) Willful noncompliance with the provisions of any regulations issued under subsection (a) by a holder of a lease pursuant to this Act or by any other person subject to any such regulation shall be considered a crime punishable by a term of no more than one year in prison.

"(c) In addition to the penalty provided in subsection (b), the Secretary may (1) suspend all or part of operations on any lease for violations of regulations prescribed pursuant to subsection (a), and (2) terminate any lease for repeated serious violations.

"Sec. 20. Requirements for State Development of Certain Lands.—(a) In the interests of protecting the navigable waters of the United States no State shall authorize or provide in any way for any construction or development of any kind on or in any land beneath navigable waters, as defined in section 2(a)(2) of the Submerged Lands Act, until it has prepared a report including the following:

"(1) the environmental impact of the proposed action,

"(2) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(3) alternatives to the proposed action,

"(4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

"(5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any such report, the responsible State official shall consult with and obtain the comments of the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Chairman of the Council on Environmental Quality with respect to any environmental impact involved. Copies of such report and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the State agency review processes.

"(b) Nothing in this section shall preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce any standard, limitation, or standard of performance which is more stringent than any required under this Act.

"Sec. 21. Liability.—(a) Notwithstanding the provisions of any other law, and except when the discharge was caused solely by an act of war, the owner or operator of any onshore or offshore facility (including, but not limited to, pipelines, terminals, platforms, and drilling rigs) or vessel engaged in the extraction, production, transportation, or storage of oil from the Outer Continental Shelf lands, in conjunction with the Outer Continental Shelf Lands Liability Fund established under this subsection, shall be strictly liable without regard to fault for all damages, including cleanup costs, sustained by any person or entity, public or private, as the result of discharges of oil from such facility or vessel. Damages shall include, but not be limited to, injury to persons; spoiling of beaches and coastal communities; destruction and injury of sea birds; fouling of boats, fishing gear, piers, and quays; damage to fish, shellfish, and larvae, including loss of income from harvesting of same; risk of fire in harbors and other enclosed waters; and loss of income from tourism.

"(b) Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the damage was caused by the negligence of such party.

"(c) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

"(d) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or State law.

"(1) The owner or operator of a vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed, and financial responsibility for the $14,000,000 shall be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(p)). The fund shall be liable for the balance of the claims that are allowed up to $100,000,000.

"(c) The Outer Continental Shelf Lands Liability Fund is hereby established as a nonprofit corporate entity that may sue and be sued in its own name. The fund shall be administered under regulations prescribed by the Secretary. The fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

"(f) There shall be collected from the owner of the oil as produced at the wellhead a fee of 5 cents per barrel. The collection shall cease when $100,000,000 has been accumulated in the fund, and it shall be resumed when the accumulation in the fund falls below $100,000,000. The owner of the oil shall be required to maintain a device suitable for measuring the amount of oil conveyed, for purposes of collecting this fee.

"(g) The collections under paragraph (f) shall be delivered to the fund. Costs of administration shall be paid from the money paid to the fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the fund.

"(h) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

"Sec. 22. National Petroleum Reserve.—(a) The Secretary shall, on all lands leased pursuant to this Act, require the establishment and maintenance on a pro rata basis of reserve operating capacity which is able if necessary to produce within ninety days an amount of oil equal to one-fourth of the amount of crude oil imported into the United States during the calendar year 1972.

"(b) For the purpose of this section the Secretary shall—

"(1) require regular reports from each holder of a lease pursuant to this Act with respect to the quantities and location of oil reserves located on such lease and such reports shall be available for public inspection;

"(2) make necessary inspections of leased areas and facilities thereon to determine the accuracy of such reports and other necessary information; and

"(3) perform such drilling and other exploratory work in areas offered for lease as is necessary to determine oil resources available.

"Sec. 23. Outer Continental Shelf Operations Advisory Board.—(a) There is established in the Department of the Interior an Outer Continental Shelf Operations Advisory Board. The Board shall be composed of the Secretary or his designee, who shall be Chairman, and ten members appointed by the President, one from the Environmental Protection Agency and the others to represent appropriate State, interstate, and local government agencies in coastal areas, experts in the fields of operations in the Outer Continental Shelf, private industry involved in such operations and organizations or groups demonstrating an active interest in such operations and the environmental effects thereof.

"(b) The Board shall meet at the call of the Chairman or a majority of the members thereof. A majority of the members shall constitute a quorum for the purpose of establishing official positions of the Board.

"(c) The Board shall—

"(1) review the provisions of this Act and the regulations pursuant thereto;

"(2) monitor the enforcement of such provisions and regulations;

"(3) make recommendations to the Secretary for any necessary changes in such provisions or regulations; and

"(4) hold public hearings whenever and wherever appropriate in carrying out its functions.

The Secretary shall forward all such recommendations to the Congress, along with his recommendations with respect thereto, at least annually.

"(d) Members of the Board from Federal departments and agencies and from State and local governments shall receive no additional compensation for their services as members of the Board. Members of the Board selected from the private sector, while serving on business of the Board, shall receive compensation at rates fixed by the Secretary but not exceeding $100 per day, if service on the Board would result in loss of income which would otherwise be earned. All members of the Board, while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Secretary shall make available to the Board such office space and facilities, and such secretarial, clerical, technical, and other assistance and such information and data in his possession or under his control, as the Board may require to carry out its functions.

"Sec. 24. Extension of Boundaries.—Within one year following the date of enactment, the President shall take appropriate action to delineate, adjudicate, and extend all boundaries for the purposes of this Act. This shall include procedures for settling any outstanding boundary disputes, including international boundaries between the United States and Canada and between the United States and Mexico, and establishing boundaries between adjacent States, as directed in section 4 of this Act.".

AMENDMENT OF FREEDOM OF INFORMATION PROVISIONS OF TITLE 5, UNITED STATES CODE

SEC. 4. Section 552(b) of title 5 of the United States Code, is amended by inserting "or" after the semicolon at the end of clause (7), by striking out the semicolon and "or" at the end of clause (8) and inserting in lieu thereof a period, and by striking out clause (9).

By Mr. BUCKLEY:

S. 1188. A bill to amend title II of the Social Security Act to provide for annual increases in the amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and in a series of steps to lower to age 65 the age after which deductions from benefits are no longer imposed on account of excess earnings. Referred to the Committee on Finance.

Mr. BUCKLEY. Mr. President, nearly all working Americans are now required to pay into the old age insurance fund established by the Social Security Act. This program was consciously designed as a contributory insurance program, not as a welfare program financed from general revenues. In justice, participating individuals should have the right to their full benefits when they reach age 65, as they have been led to believe by their Government, and they should be able to supplement this income if they are able to do so, without suffering any loss of benefits.

Yet, the earnings limitation of present law function as a "means test" for determining whether one can receive the full benefits to which he or she is entitled. An individual loses $1 of social security payments for every $2 earned over the limit of $2,250. An estimated 2 million elderly citizens and their families are effectively denied additional earned income by this provision.

This unfair situation is compounded by the fact that income from pensions, dividends, and interest are not counted in computing the earnings level. Thus, the burden of this provision falls most heavily on elderly lower income workers, as well as many middle-income citizens, who must continue working or seeking new jobs in order to supplement their social security benefits.

Furthermore, America needs many of the skills and the accumulated wisdom which our senior citizens possess. The present law discourages them from making these skills and this wisdom available to society. The legislation which I am introducing today would eliminate the injustices and disincentives created by the earnings limitation.

The bill I introduce today would phase out the earnings limitation over a 7-year period. It would raise the earnings limitation for elderly social security recipients by $300 a year every year, irrespective of cost-of-living increases, while at the same time progressively reducing the age at which there is no longer any earnings limitation from the present age of 72 to the age of 65 by 1082.

Thus, by 1982 an individual who elects to begin receiving reduced benefits at age 62 will be able to earn more than $4,300 in additional income without losing any of his social security payments, and a person who is 65 or older will no longer have any limitation on the additional income he can earn.

Such a gradual phasing out of the earnings limitation will soften the budgetary effects of its elimination. And since FICA taxes are paid on these additional wage earnings, the budgetary impact will be further reduced.

Mr. President, enactment of legislation such as this is long overdue, particularly in this age of severe inflation. I introduced essentially the same proposal in 1973. Other Members have introduced similar proposals before and since then. The time has come for the Congress to correct this injustice and to guarantee our senior citizens on social security the benefits and opportunities which are rightfully theirs.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(f)(8)(A) of the Social Security Act is amended by adding at the end thereof the following new sentence: "If, by reason of the preceding sentence, the Secretary is not required to compute and publish in the Federal Register on or before November 1 of any calendar year, he shall nevertheless compute and publish in the Federal Register on or before November 1 of such year (if such November 1 occurs in 1975 or thereafter) a new exempt amount which shall be effective with respect to taxable years in like manner as if such new exempt amount had been computed under the preceding sentence by reason of the occurrance of a cost-of-living computation quarter giving rise to an increase in benefits effective with the preceding month of June."

(b) Section 203(f)(8)(B) of such Act is amended—

(1) in clause (i), by inserting "$300 plus" immediately after "(i)", and

(2) in clause (ii) by inserting "$300 plus" immediately after "(ii)".

(c) The amendments made by the preceding provisions of this section shall be effective in the case of determinations by the Secretary of Health, Education, and Welfare of exempt amounts under section 203 (f)(8) during the calendar year 1975 and succeeding calendar years.

SEC. 2. (a) Subsections (c)(1) and (d)(1) of section 203 of the Social Security Act are each amended by striking out "the age of seventy-two" and inserting in lieu thereof "the exempt age (as defined in subsection (j))".

(b)(1) Subsection (f)(1) of section 203 of such Act is amended by striking out "in which such individual was age seventy-two or over" and inserting in lieu thereof "in or after the month in which such individual attains the exempt age (as defined in subsection (j))".

(2) Subsection (f)(3) of section 203 of such Act is amended by striking out "age 72" and inserting in lieu thereof "the exempt age (as defined in subsection (j))".

(c) Subsection (h)(1)(A) of section 203 of such Act is amended—

(1) by striking out "the age of 72" and inserting in lieu thereof "the exempt age (as defined in subsection (j))", and

(2) by striking out "age 72" and inserting in lieu thereof "the exempt age (as defined in subsection (j))".

(d) Section 203 of such Act is further amended by striking out subsection (j) thereof (including the heading to such subsection) and inserting in lieu thereof the following new subsection:

"ATTAINMENT OF EXEMPT AGE

"(j) For purposes of this section—

"(1) the term 'exempt age' means (A) with respect to months after December 1975 and prior to January 1978, age 70, (B) with respect to months after December 1977 and prior to January 1980, age 68, (C) with respect to months after December 1979 and prior to January 1982, age 66, and with respect to months after December 1981, age 65; and

"(2) an individual shall be considered to have been of exempt age during the entire month in which he attains such age."

(e) The amendments made by the preceding provisions of this section shall be effective with respect to months after December 1975 and taxable years in which any month after December 1975 is included.

By Mr. JAVITS:

S.J. Res. 56. A joint resolution to authorize and request the President to proclaim April 6, 1975, as a day of observance of the 30th anniversary of the liberation of the survivors of the holocaust. Referred to the Committee on the Judiciary.

30TH ANNIVERSARY OF THE LIBERATION OF BUCHENWALD

Mr. JAVITS. Mr. President, I introduce a joint resolution to proclaim April 6 as a day of observance to mark the 30th anniversary of the liberation of the survivors of the Nazi concentration camps. It was on April 6 in 1945 that Allied soldiers liberated the survivors of Buchenwald exposing to the world the shameful genocide perpetrated against the Jews of Europe by the Third Reich.

Today we mourn the 6 million Jews exterminated in the death camps and consecrate our thoughts to those who survived the holocaust. As displaced persons, a great many of the survivors found their way to Palestine to try to forget the horrors of the past and to live in dignity in their Jewish homeland. Yet 30 years later those survivors living are still in grave danger threatened by renewed war and by terror. Some who lost their parents in Buchenwald have lost their children in Ma'alot at the hands of Arab terrorists.

We must condemn all atrocities equally vigorously, as we commemorate the liberation of the survivors of the Nazi holocaust.

By Mr. BARTLETT (for himself and Mr. BELLMON):

S.J. Res. 59. A joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 16, 1976, through May 22, 1976. Referred to the Committee on Commerce.

Mr. BARTLETT. Mr. President, today, Senator BELLMON and I are introducing a resolution authorizing the President of the United States to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Okla., in May of 1976.

The IPE is held every 5 years in Tulsa and is for the purpose of exhibiting machinery, equipment, supplies, and other products used in the production of oil and gas. It is the largest such exhibition in the world. In addition, it brings together buyers and sellers of these products and promotes foreign and domestic trade and commerce.

The exposition affords the United States the opportunity to display to other countries of the world our advances in petroleum development and technology. These countries have been most receptive to the exposition and a large attendance has made it a consistent success.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 2

At the request of Mr. PROXMIRE, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 2, a bill to amend the Communications Act of 1934 in order to recognize and confirm the applicability of and to strengthen and further the objectives of the first amendment to radio and television broadcasting stations.

S. 5

At the request of Mr. CHILES, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 5, the Federal Government in the Sunshine Act.

S. 548—WITHDRAWAL

•At his own request, the Senator from Louisiana (Mr. JOHNSTON) was withdrawn as a cosponsor of S. 548, a bill to amend the Federal Food, Drug, and Cosmetics Act to include a definition of food supplements, and for other purposes.

S. 697

At the request of Mr. HUMPHREY, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 697, to improve agricultural yields in the production of soybeans through the establishment of a Soybean Research Institute jointly supported by the United States and the People's Republic of China.

S. 755

At the request of Mr. HANSEN, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 755, the postal supervisors bill.

S. 772

At the request of Mr. TALMADGE, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 772, the Beef Research and Consumer Information Act.

S. 775

At the request of Mr. CHILES, the Senator from Tennessee (Mr. BAKER) and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of S. 775, a bill to limit the categories of questions which may be asked in decennial censuses.

S. 824

At the request of Mr. JAVITS, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 824, the Japan-United States Friendship Act.

S. 969

At the request of Mr. HARTKE, the Senator from California (Mr. TUNNEY) was added as cosponsor of S. 969, a bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months.

S. 978

At the request of Mr. ROBERT C. BYRD, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 978, a bill to authorize the financing of parkways from the Highway Trust Fund, and for other purposes.

S. 1009

At the request of Mr. STONE, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of the bill (S. 1009) to amend title 13 of the United States Code to require the compilation of current data on total population between censuses and to require the use of such current data in the administration of Federal laws in which population is a factor.

S. 1170

Mr. HUMPHREY. Mr. President, yesterday I introduced S. 1170, a bill to amend the Arms Control and Disarmament Act. It had been my intention to introduce this legislation with the distinguished Senator from Wisconsin (Mr. NELSON). Through inadvertence, his name was left off of the bill. I now ask that he be added as an original cosponsor. I regret this error.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 39

At the request of Mr. DOLE, the Senator from South Dakota (Mr. ABOUREZK) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of Senate Joint Resolution 39, to designate the week of March 17–23, 1975, as "National Lead Poisoning Prevention Week."

SENATE JOINT RESOLUTION 54

At the request of Mr. CLARK, the Senator from Maryland (Mr. MATHIAS) and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors of Senate Joint Resolution 54, designating National Food Day.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. DOLE, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of Senate Concurrent Resolution 5, to urge the President to establish a Council on the Missing in Action.

SENATE RESOLUTION 9

At the request of Mr. CHILES, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Resolution 9, amending the rules of the Senate relating to committee meetings.

SENATE RESOLUTION 12

At the request of Mr. CHILES, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Resolution 12, amending the Standing Rules of the Senate providing for open meetings of conference committees.

SENATE RESOLUTION 112—SUBMISSION TO REFER A BILL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. TOWER (for himself and Mr. BENTSEN) submitted the following resolution:

S. RES. 112

Resolved, That bill (S. 1175) entitled "A bill for the relief of Carla K. Finch", now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with such bill in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practical date, giving such findings of fact and conclusions thereon as will be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or as a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 113—SUBMISSION OF A RESOLUTION CONCERNING ABUSES IN NURSING HOMES

(Referred to the Committee on Labor and Public Welfare.)

Mr. CHURCH (for himself, Mr. MOSS, Mr. WILLIAMS, Mr. RANDOLPH, Mr. MUSKIE, Mr. KENNEDY, Mr. MONDALE, Mr. HARTKE, Mr. PELL, Mr. EAGLETON, Mr. TUNNEY, Mr. CHILES, Mr. CLARK, Mr. FONG, Mr. HANSEN, Mr. BROOKE, Mr. PERCY, Mr. STAFFORD, Mr. BEALL, Mr. DOMENICI, Mr. BROCK, and Mr. BARTLETT) submitted the following resolution:

S. RES. 113

Whereas, total nursing home revenues for this year reached $7.5 billion of which more than 50 percent is public money;

Whereas, the Subcommittee on Long-Term Care and the U.S. Senate Committee on Aging are issuing a 12-volume report and have concluded on the basis of a 5-year study, that 50 percent of the nursing homes in the United States are substandard with one or more life threatening conditions;

Whereas, the New York Times and other media have brought to light major scandals in that State's nursing homes, which are now receiving the attention of 13 or more investigative agencies;

Whereas, investigations of nursing homes are underway in a great many other States, including New Jersey, Connecticut, Michigan, California; and Attorneys-General from 8 States have contacted the Subcommittee for information and advice;

Whereas, the U.S. General Accounting Office has uncovered widespread Medicaid fraud in the State of Illinois;

Whereas, Federal grand juries are at work in New York and possibly elsewhere;

Whereas, the Securities and Exchange Commission, the Internal Revenue Service and the Federal Trade Commission are investigating nursing homes;

Whereas, the primary responsibility for regulation lies with the Department of Health, Education, and Welfare;

Whereas, no information exchange or clearing house has been established at the Federal level to coordinate these State and Federal investigations;

Whereas, it would be virtually impossible for any single agency to fulfill this function; and

Whereas, an innovative approach is needed to foster quality of care, while at the same time dealing with violations and shortcomings: Now, therefore, be it

Resolved, That—

(a) it is the sense of the Senate that the President submit to the Congress an action plan which would provide a suitable multiagency plan for (1) maintaining close watch over State and Federal investigations and actions related to nursing home abuses, (2) reporting to local, State, and Federal law enforcement and health care officials on possible linkages between scandals or problems in or among the State or localities, and (3) dealing not only with criminal violations or policy failures, but also for developing better care and cost controls consistent with incentives for continuing good care; and

(b) once the action plan (described in paragraph (a)) is implemented, the multiagency task force shall report to the Congress regularly on its progress and shall continue such reports until the Congress is satisfied that the multi-agency efforts can be terminated.

Mr. CHURCH. Mr. President, I introduce for appropriate reference a Senate resolution to call upon the President to submit a suitable multiagency plan for maintaining close watch over State and Federal investigations and actions related to nursing home abuses.

This resolution has been prepared in consultation with Senator FRANK MOSS, chairman of the Subcommittee on Long-Term Care for the Senate Committee on Aging. Senator Moss has been in the forefront of congressional efforts to provide quality care for chronic illnesses of the elderly for more than a decade. Today's resolution springs directly from the investigation he is now conducting in regard to reports of widespread irregularities and questionable practices in New York. He is joining me in introducing this resolution, while in the House of Representatives, a companion bill is being introduced by Representative EDWARD KOCH, who has played such a vigorous role in challenging alleged profiteering and poor care in nursing homes under the New York medicaid program.

In addition, the Senate resolution being introduced by Senator Moss and by me is cosponsored by every member of the Senate Committee on Aging.

In recent months the Subcommittee on Long-Term Care has issued an introductory report and three supporting papers which have documented striking failures in public policy concerning nursing home care for nearly 1 million older Americans.

These publications have also provided very disturbing evidence about numerous examples of abuses—financial, personal, and others.

Throughout our Nation, Federal, State, and local authorities are now conducting major investigations into alleged wrongdoings.

By way of example, the Securities and Exchange Commission, the Internal Revenue Service, and the Federal Trade Commission are investigating nursing homes.

Responsibility for developing regulations for enforcement and standards of care is within the Department of Health, Education, and Welfare.

There is, however, very little effective coordination and communication among these agencies.

And, it is this problem that our resolution is designed to deal with. It would require the President to establish a multiagency task force—composed of representatives from Federal agencies with a direct interest in issues relating to long-term care—to keep the Congress and law enforcement officials informed about investigations relating to nursing home abuses. The resolution also calls upon the President to prepare an action plan for responding to criminal or policy violations. Moreover, the administration would develop proposals for providing improved care and appropriate cost controls, but consistent with maintaining quality care.

The reasons for taking this approach, it seems to me, are compelling.

First, the executive branch is well equipped from a personnel standpoint to undertake this mission. In fact, several agencies are already performing the functions outlined in my resolution.

What is needed, though, is a coordinated approach with an appropriate sense of direction. And the President is ideally situated to provide leadership for implementing these two objectives.

Second, these efforts can help to eliminate unnecessary duplication and overlap of functions.

Third, this resolution would give the administration sufficient flexibility to determine what organizational approach would be administratively feasible and workable. A statutory enactment, on the other hand, could conceivably hamstring the executive agencies by restricting their latitude and freedom of movement.

Finally, the need for a comprehensive and coordinated action plan is absolutely essential for coming to grips with the many serious problems confronting nursing home patients.

For these reasons, I urge the adoption of this resolution.

Mr. TUNNEY. Mr. President, I am pleased today to join my colleagues in cosponsoring a resolution to ameliorate abuses in nursing homes. The establishment of a coordinated Federal effort hopefully will reduce the affliction of thousands of senior citizens.

We are all shocked at horror stories of mistreatment and neglect revealed at hearings of the Senate Special Committee on Aging. Additionally, the Los Angeles Times reports the mysterious deaths of a number of senior citizens in Los Angeles County nursing homes. Numerous cities are now engaged in investigations of the nursing homes in their vicinity.

This resolution proposes the first federally coordinated effort to stem policy failures and to develop better care and cost controls of the industry. The President is mandated to develop an action plan to insure the cooperation of HEW, Justice, IRS, SEC and FTC in maintaining close watch over State and Federal investigations and actions related to nursing home abuses and in coordinating diverse State and local efforts.

All of these Federal agencies must get involved. Over 1 million senior citizens are now living in nursing homes. More than half of the $7.5 billion bill for nursing home care is being paid by Federal and State governments through medicare and medicaid funds. Despite the growing number of people in such facilities, and despite the tremendous Federal subsidy for their care, satisfactory institutional care or alternatives to institutional care in many cases have not been provided. In fact, the majority of those in nursing homes, as well as those faced with the prospect of such extended care, often suffer severe psychological distress because of the dread associated with nursing homes in the United States today.

Through the implementation of this Federal action plan to draw on local initiatives and investigations, I am hopeful that solutions will be found to the eight major problem areas isolated by the special committee as blighting the typical nursing home:

First. Poor food: Items in need of refrigeration are left in the open for hours. The food is old, and most meat reaches the staff's tables and not those of the patients. Meals are served from dirty trays, encrusted with the debris of previous meals. The weekly menu which the inspector sees rarely resembles the foodstuffs the patients receive.

Second. Unsanitary conditions: Reports abound of filth, disease-causing conditions including overflowing laundry rooms, urine-soaked bathrooms, patients left to sit in their own fecal wastes.

Third. Negligence: Many patients are left, unattended, unable to feed themselves or care for themselves. Unable to travel to a bathroom, a patient may be catheterized for the convenience of the staff.

Fourth. Hazards: Poor construction, cluttered conditions add to fire danger and confine movement of nonambulatory and wheelchair patients. Many fire-escape doors are locked from the outside, providing no exit during emergencies. Practice fire drills are rarely conducted.

Fifth. Inadequate medical care: Some doctors have been known to check on their nursing home patients by telephone, ordering medication without ever seeing them. Some patients go months without medical, dental, or other necessary care.

Sixth. Misappropriation and theft: Patients' pocket money, social security checks, and other valuables are "ripped off." It is not uncommon for a patient to endorse a check and to never see the funds which he has turned over.

Seventh. Profiteering: Under certain State-approved financing schemes, providers are encouraged to claim to have upgraded services in order to receive higher rates, while no certification which verifies such upgrading occurs.

Eighth. Inadequate control of drugs: Dangerous drugs are not kept under lock and key as prescribed by law. Patients are frequently sedated into a semistupor to be kept "out of the hair" of the staff. Prescriptions for deceased patients are filled and used for those surviving.

Too many of these problems have come about because, until now, many of them were invisible, not even detected at either the State or Federal level. The resolution being introduced today will insure, once and for all that nursing homes will come under intensive public scrutiny, and that a coordinated Federal assault will be made on the horrors that now prevail in some nursing homes.

SENATE RESOLUTION 114—SUBMISSION OF A RESOLUTION RELATING TO A LOAN BY THE U.S. RAILWAY ASSOCIATION TO THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD

(Referred to the Committee on Commerce.)

Mr. **DOLE** submitted the following resolution:

S. RES. 114

Whereas, the Chicago, Rock Island and Pacific Railroad provides essential services to important industries of 13 Midwestern States;

Whereas, the disruption of those services would have a significant impact on the economic and employment situations in those States;

Whereas, it is in the best interests of those affected to provide for a continuation of such services in the most efficient and least expensive manner possible;

Whereas, various legislative proposals have been introduced which would address the need for an overall long-range solution to the problems of this and other of our nation's railroads;

Whereas, the Rock Island is under new management and has been extended no previous government financial aid; and

Whereas, one-time loan assistance is deemed to be a fair, reasonable, and preferred immediate alternative for insuring the operational stability of the Rock Island as a private entity until such time as it may complete its own, more permanent consolidation, or as Congress may develop a comprehensive reorganization plan which includes that system: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Railway Association should make a loan in an amount not to exceed $30,000,000 to the Chicago, Rock Island and Pacific Railroad pursuant to the provisions of section 211 of the Regional Rail Reorganization Act of 1973.

Mr. DOLE. Mr. President, I think all of us here are aware of the impending financial crisis with the Rock Island Railroad. Moreover, we have only recently completed a discussion of the plight of our Nation's rail lines generally, directly addressing the immediate needs of the Northeast system.

As one of the connecting lines to that network, the Rock Island is, under existing law, eligible for financial assistance to avoid reorganization procedures under section 77 of the Bankruptcy Act. Such eligibility is specifically provided in section 211 of the Regional Rail Reorganization Act of 1973.

There are three prerequisites which must be met before a loan can be made by the Railway Association Board. That is, they must find that: First, the money is necessary to prevent insolvency; second, the business affairs of the recipient line will be conducted in a reasonable and prudent manner; and third, the railroad has offered such security as is deemed necessary to reasonably protect the interests of the United States.

That is what the law says, and naturally, we could not expect the USRA to make any commitment which would be contrary to that law. In the case of Rock Island, it should be pointed out that the board has had no particular problem with the first two stipulations, and that it is only the railoard's "ability to repay" which has been at issue—giving rise to the initial denial.

What I am seeking to do with this resolution is to place emphasis on the word "reasonably" as it pertains to protection of Government interests. It just seems to me, that is, that that term contemplates some degree of flexibility, and that in the case of Rock Island, the USRA Board should extend the benefit of the doubt that is apparently present—and approve the loan request on reconsideration.

Coming on the heels of a somewhat controversial authorization to the Penn Central conglomerate in excess of 10 times the amount being sought by Rock Island, I fully expect my colleagues to question my motivations here and remind me that I was one of the 30 Senators who voted against that aid measure.

For that reason, I want to make it clear that I do not consider this gesture inconsistant with my previous stand, and would in fact, vote against any similar proposal made for Rock Island's benefit.

However, there are certain things about this resolution and the entire Rock Island situation that make it distinguishable in my mind—and prompt me to support their receipt of assistance.

First and foremost, this resolution does not have the effect of special legislation. It is not an authorization; it is not an appropriation; and it is not a grant or guarantee or any other type action involving a giveaway of taxpayers' money. In fact, such a measure would be neither necessary nor appropriate since the law already provides for the type of loan in question.

All we would be doing by agreeing to this resolution is saying to the Railway Association Board, which I understand is meeting tomorrow evening to finally decide this matter:

> We, the Senate, recognize the difficulties facing Rock Island, and believe that the situation merits your approving their loan application if you can find—not absolutely, but within the margins of reasonable doubt—that they can, with this money, improve their operating position to the point of becoming self-sustaining, as their management submits.

There are some points in Rock Island's favor which I think deserve mention here, and which I would hope the USRA has been considering in its deliberation on the loan question. These are, principally, that Rock Island has not come to us asking to be "bailed out" before; they have also seen their problem coming for a long time, and have attempted to cope with it through a merger with the Union Pacific; and their new management has not really had a chance to get their feet on the ground.

To elaborate on these—this is the first time—although it began last fall—that Rock Island has sought financial assistance. Moreover, they have been frustrated in their consolidation efforts for over 10 years. And finally, they should be given a chance to "make it" on their own until the merger they have been seeking can be consummated.

In short, I am not suggesting that the USRA should necessarily disregard its findings with respect to the Rock Island's ability to repay, but that they should give every consideration to the whole intent of the legislation which provides the loan authority: that of assuring the continuation of essential services provided by the qualified railroads.

I have heard the arguments about parallel lines, duplication of services, overcompetition, and the general lack of need for the routes operated by the Rock Island. But that logic somehow does not get through to the Kansas wheat farmer who is concerned about the prospect of trucking his product an extra 50 miles to an alternate railhead.

I have stood back and winced as we have poured dollar after dollar—hundreds of millions, in fact—into the Northeast lines, and am just saying now that the Rock Island means every bit as much to the State of Kansas as Penn Central does to one of our New England States. Regardless of my basic attitude about "coming to the rescue" of corporations on the verge of bankruptcy, therefore, if serving the "public good" is supposed to be a justification for the law which provides the loan authority, I want to make certain that the Midwest is given fair and equal treatment when it comes to decisions on where the money goes.

Mr. President, again I want to stress that this resolution does not represent an appeal for preferential treatment or a special handout to a faltering railroad. It only urges reasonable consideration of the merits of an application for a loan, not to exceed $30 million, to be awarded pursuant to existing statutory authority—and with the firm intention that it be ultimately paid off.

In my opinion, if this "one-shot" deal succeeds in sustaining the Rock Island on an interim basis until it can achieve permanent operational stability—through provisional merger, reorganization, or whatever—then it will have been a good investment in our transportation system. If an exttnsion of credit turns out to be just that, and is in fact repaid—with the result that nationalization of an industry will have been avoided, then it will have been a worthy investment in the preservation of the free enterprise system.

SENATE CONCURRENT RESOLUTION 25—SUBMISSION OF A CONCURRENT RESOLUTION REGARDING DELIVERY OF OIL AND NATURAL GAS FROM ALASKA

(Referred to the Committee on Interior and Insular Affairs.)

Mr. BAYH. Mr. President, I am today introducing for myself and the distinguished minority whip, Mr. GRIFFIN, a concurrent resolution regarding the delivery of oil and natural gas from Alaska to the contiguous 48 States.

The purpose of the resolution is to secure for the Congress greatly needed information regarding administration plans for oil and natural gas delivery systems which will have to supplement the oil pipeline now under construction in Alaska if planned development of all oil and natural gas sources in Alaska and Naval Petroleum Reserve No. 4 are to go forward.

We cannot overstate, Mr. President, the importance of oil and natural gas in Alaska and Pet-4 to our national goal of reducing our dependency on foreign energy supplies.

It is estimated that recoverable oil reserves on the North Slope of Alaska amount to at least 10 billion barrels, with projections that that estimate can be revised upward significantly once large-scale production is actually begun. Delivery of 2 million barrels of that oil per day by 1980 means that the North Slope alone should be able to provide at least 10 percent of projected domestic oil consumption at that time.

Estimated reserves in Pet-4 are presumed to be at least as extensive as those on the North Slope. While more precise estimates will also have to wait until production is actually begun, we can readily see that the combination of oil reserves on the North Slope and in Pet-4 constitute a vital step in our progress down the path toward energy dependence.

Gas reserves on the North Slope are estimated to be in excess of 26 trillion cubic feet, which means that as much as 10 percent of all our known domestic gas reserves could be on the North Slope.

While this amply demonstrates the importance of these reserves, Mr. President, it does not answer a host of questions which have been and are being raised about the means by which these energy resources will be delivered to American industry and consumers.

Obviously, we do know that the North Slope oil is scheduled to be shipped via the trans-Alaskan pipeline now under construction.

But how many people have recognized that meeting the planned delivery schedules for North Slope oil via that pipeline depends on providing a delivery system without extensive delay, for North Slope natural gas?

The fact is that while gas produced with the oil can be reinjected into the ground at the outset of production, this technique cannot be used indefinitely without disrupting efficient production of the oil. In other words, unless a decision is reached on the delivery system for the natural gas in ample time to permit construction of that delivery system so that gas production may be coordinated with oil production, there is a real danger that the capacity of the Alaskan oil line will be underutilized in the early 1980's—at the very point when we will most need North Slope oil.

Thus it is clear that meeting production schedules for North Slope oil depends on a decision and commitment to construct a delivery system for the North Slope natural gas.

The question of how best to deliver North Slope gas to the contiguous 48 States is now before the Federal Power Commission and the Department of the Interior. But it is a question which will likely be brought before the Congress, as was the decision on the delivery system for the oil.

I favor the proposal by a consortium of pipeline companies to bring that gas to the contiguous 48 States via Canada with equitable distribution to all regions of the country at the least cost. That proposed pipeline would also enable Canada to deliver some of its gas in the northern part of its country to its own markets.

I must emphasize, Mr. President, that sharing the gas pipeline capacity is in the best interests of both countries, as it saves on duplicative construction costs and enables Canada and the United States to concurrently develop their own energy resources for their own countries.

While such a pipeline would be mutually beneficial, its construction would require some formalized understanding between our two countries, assuring each country of the unimpeded delivery of its own energy supplies to its own citizens. Such an agreement could also cover existing oil and gas delivery systems by which Canadian energy supplies cross the United States en route to Canadian markets.

While I am convinced a natural gas delivery system through Canada's MacKenzie River Valley is the most economical and most equitable way to bring U.S. gas to U.S. markets, we must recognize that there is a competing proposal. That proposed route would bring the gas to southern Alaska in a pipeline paralleling the oil line already under construction. At that point the gas would be liquified for tanker shipment to the west coast, where it would be converted back into gas for eventual consumption. This plan not only would mean higher prices to American industry and consumers, it would also aggravate the regional imbalance in overall domestic resources created by the earlier decision to build the trans-Alaska oil line with tanker shipment of the oil to the west coast.

Almost as important as making the correct decision on how to deliver the natural gas from Alaska, is the question of when and how that decision will be made. It has been estimated that if the entire regulatory process is followed, and all judicial appeals used, that the decision might not be reached for up to 10 years. I hope that estimate is wrong; a decade of delay is unacceptable. But we must recognize that significant delay is possible and the Congress may have to step in and help make that decision.

An entire new set of questions have been posed recently in a closely related issue, with the President's announced intention of producing up to 2 million barrels of oil a day from Pet-4 within the next decade. The President made no mention of what consideration has been given to delivering that oil to the contiguous 48 States. There are several possibilities:

Since this is offshore production, delivery could be entirely by tanker fleet if technological and cost problems could be solved. But that would mean delivering all of this oil to the west coast, doubling the supply generated by the North Slope and doing nothing for those parts of the country east of the Rockies that were discriminated against in the original decision to build the trans-Alaska pipeline.

In a similar vein, the Pet-4 production could be piped onshore and then transported by pipeline to southern Alaska, paralleling the route of the line under construction with subsequent tanker shipment. This, too, aggravates the supply imbalance.

The third possibility makes the most sense—construction of a trans-Canadian oil pipeline to carry oil from the North Slope and/or Pet-4, with the trans-Alaska pipeline still operating to capacity with its own mix of North Slope and Pet-4 production. This approach, Mr. President, would be in the national interest since it would bring U.S. oil to those parts of the country—the Midwest and East—that are most dependent on foreign energy sources.

It is in recognition of the foregoing issues surrounding the delivery of natural gas from the North Slope, and the potential need for a second oil pipeline, that the Senate adopted title III of Public Law 93-153, the act that authorized construction of the trans-Alaska oil pipeline. That title requested the President to begin negotiations with Canada on the possibility of building a natural gas and/or oil pipeline through Canada. It also directed the Secretary of the Interior to study the feasibility of such lines.

In both instances reports were to be provided to the Senate and House Committees on Interior and Insular Affairs. The President was to report on all aspects of the negotiations with Canada and the Secretary of the Interior was to file periodic reports on his study, with a final report due from the Secretary 2 years after the enactment of Public Law 93-153 in November of 1973.

It is now almost 16 months since that law was signed and no reports, from either the President or the Secretary, have been received.

The sad fact, Mr. President, is that despite all the talk about dealing with our domestic energy requirements and reducing our costly and dangerous reliance on foreign oil, the administration has failed to comply with a specific mandate to advise the Congress on the issues regarding delivery systems for Alaskan oil and gas, itself a key to our national energy goals.

In order to focus appropriate attention on the very important questions which must be resolved if we are to make maximum efficient use of domestic energy resources in Alaska and Pet-4, the Senator from Michigan (Mr. GRIFFIN) and I are introducing this concurrent resolution which requests the administration to report to the Congress within 90 days on:

First. The status of negotiations with the Government of Canada pursuant to title III of Public Law 93-153;

Second. The alternatives under consideration for the delivery of oil from Naval Petroleum Reserve No. 4 to the contiguous 48 States;

Third. Estimates of when a decision must be reached on the system for delivering natural gas from Alaska in order to assure completion of that system in time to prevent any delay in achieving the maximum efficient rate of oil production on Alaska's North Slope;

Fourth. The nature of agreements which must be reached with the Government of Canada to guarantee the unimpeded shipment of oil and natural gas through our respective countries; and

Fifth. Any recommendations for legislation to permit the earliest, responsible use of all the Nation's energy reserves in Alaska and in Naval Petroleum Reserve No. 4, with due attention to necessary delivery systems of oil and natural gas.

It is only with timely and adequate information that the Congress can properly fulfill its responsibilities in dealing with our national energy requirements. The absence of such information in regards to the situation on natural gas and oil from Alaska and Pet-4 is impeding our effectiveness in guaranteeing that those energy supplies are available to the American people at the proper time on an equitable basis.

This resolution is designed to elicit the necessary information so that we might, in turn, explore those areas in which legislation may be appropriate to facilitate the national goal of reducing our dependency on foreign energy sources. Solving our energy problems requires an effective partnership between the executive and legislative branches. We regard this resolution as a constructive step in that partnership.

Mr. President, I request unanimous consent to include the full text of the resolution in the RECORD at this point.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 25

Whereas the President and others have advocated early production of as much as two million barrels of oil a day from Naval Petroleum Reserve Number 4, and

Whereas the pipeline under construction for the delivery of oil from the North Slope of Alaska to Valdez could not accommodate the additional production in Naval Petroleum Reserve Number 4, and

Whereas it is consistent with sound national energy policy to equitably distribute domestic energy reserves, and

Whereas such equitable distribution of oil from Alaska can best be achieved by building any new delivery system via Canada to points in the contiguous 48 states which will not be served by the oil shipped from Valdez to the West Coast, and

Whereas alternative proposals have been submitted for the delivery of natural gas from Alaska to the contiguous 48 states, and

Whereas the proposed natural gas delivery system that will serve the greatest number of Americans would be built via Canada, and

Whereas title III of Public Law 93-153 requested the President of the United States to enter negotiations with the Government of Canada on these and related issues, and

Whereas discussions with Canada have been held pursuant to Public Law 93-153, but no official report has been provided to the Congress despite provisions of the law that such reports should be made to the Senate and House Committees on Interior and Insular Affairs, and

Whereas Public Law 93-153 further directed the Secretary of the Interior "to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets" and to provide periodic reports to the Senate and House Committees on Interior and Insular Affairs with a final report to be submitted by November 16, 1975, and

Whereas no such reports have been submitted, and

Whereas early resolution of these issues is essential to the national goal of reducing our dependency on foreign sources of energy.

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States hereby requests the President of the United States to supply the Congress with a comprehensive report, within 90 days of the enactment of this resolution, to include:

(1) The status of negotiations with the Government of Canada pursuant to title III of Public Law 93-153;

(2) The alternatives under consideration for the delivery of oil from Naval Petroleum Reserve Number 4 to the contiguous 48 States;

(3) Estimates of when a decision must be reached on the system for delivering natural gas from Alaska in order to assure completion of that system in time to prevent any delay in achieving the maximum efficient rate of oil production on Alaska's North Slope;

(4) The nature of agreements which must be reached with the Government of Canada to guarantee the unimpeded shipment of oil and natural gas through our respective countries; and

(5) Any recommendations for legislation to permit the earliest, responsible use of all the Nation's energy reserves in Alaska and in Naval Petroleum Reserve Number 4, with due attention to necessary delivery systems of oil and natural gas.

TRANS-CANADA GAS PIPELINE

Mr. GRIFFIN. Mr. President, along with the Senator from Indiana (Mr. BAYH), I have today cosponsored a resolution, the objective of which is to speed up efforts to bring natural gas and additional oil supplies from Alaska to the lower 48 States.

My support for the trans-Alaska oil pipeline was based, not only on the need to get the oil to market as fast as possible, but also to expedite efforts to bring natural gas from the North Slope to the Midwest and other parts of the country. As I stated in a speech before the Senate on November 13, 1973:

> The quickest means of initiating natural gas production from the North Slope is to begin construction of the trans-Alaska oil pipeline.

In March 1974, the Senator from Indiana and I, along with 23 of our colleagues, wrote to Interior Secretary Rogers Morton urging approval of a trans-Canada route for delivering natural gas. We believe that route is the best way for distributing gas equitably to all regions of the country.

While the process of approving a route is complex, nearly a year has passed since an application was filed with the Federal Power Commission and the Department of the Interior for approval of a trans-Canada route. Even if construction were to begin today, natural gas could not start flowing until the early 1980's.

Curtailments of natural gas deliveries have approximately doubled this winter over last to more than 2 trillion cubic feet. Although the Alaska gas will not make up for all of the current and projected shortages, it will be of great help. The proven reserves at Prudhoe Bay alone account for nearly 10 percent of all the proven gas reserves in the United States.

Apart from natural gas, there is also the question as to how oil supplies from Naval Petroleum Reserve No. 4 will be transported to the lower 48 States. The President's recommendation to open these reserves for commercial production could provide another 2 million barrels of oil per day in addition to the 2 million from the North Slope.

Since the trans-Alaska pipeline now under construction does not have the capacity to carry this additional oil, another pipeline or other form of transportation will be required. When Congress approved legislation authorizing construction of that pipeline, it also directed the administration to study the possibility of building other oil and gas pipelines across Canada.

It is essential for Michigan and other States to have fair access to Alaska's oil and gas reserves. At the present time Michigan is not only suffering from a crisis in the auto and housing industries but also from the decreasing availability of necessary energy supplies.

In the past year, there have been sharp cutbacks in new powerplant construction projects. And the likelihood of reduced imports of Canadian oil will only exacerbate the problem.

Now is the time to step up our efforts to resolve our energy differences with Canada and to remove any other regulatory barriers that could seriously delay delivery of these much-needed oil and gas supplies.

This resolution should facilitate these efforts and I hope it will receive prompt consideration.

AMENDMENTS SUBMITTED FOR PRINTING

STANDBY ENERGY AUTHORITIES ACT—S. 622

AMENDMENTS NOS. 104 THROUGH 124

(Ordered to be printed and to lie on the table.)

Mr. FANNIN submitted 21 amendments intended to be proposed by him to the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, to implement U.S. obligations under international agreements to deal with shortage conditions, and to authorize and direct the implementation of Federal and State conservation programs consistent with economic recovery.

AMENDMENT NO. 128

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (S. 622), supra.

AMENDMENT NO. 131

(Ordered to be printed and to lie on the table.)

Mr. HASKELL submitted an amendment intended to be proposed by him to the bill (S. 622), supra.

TAX REDUCTION ACT OF 1975—H.R. 2166

AMENDMENT NO. 125

(Ordered to be printed and referred to the Committee on Finance.)

Mr. TOWER (for himself, Mr. BUCKLEY, Mr. FANNIN, Mr. GARN, Mr. HELMS, Mr. LAXALT, and Mr. THURMOND) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 2166) to amend the Internal Revenue Code of 1954 to provide for a refund of 1974 individual income taxes, to increase the low-income allowance and the percentage standard deduction, to provide for a credit for certain earned income, to increase the investment credit and the surtax exemption, and for other purposes.

AMENDMENT NO. 126

(Ordered to be printed and referred to the Committee on Finance.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill (H.R. 2166), supra.

AMENDMENT NO. 127

(Ordered to be printed and referred to the Committee on Finance.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to the bill (H.R. 2166), supra.

AMENDMENT NO. 129

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (H.R. 2166), supra.

RESCISSION OF CERTAIN BUDGET AUTHORITY—H.R. 3260

AMENDMENT NO. 130

(Ordered to be printed and to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill (H.R. 3260) to rescind certain budget authority recommended in the message of the President of November 26, 1974 (H. Doc. 93-398), and as those rescissions are modified by the message of the President of January 30, 1975 (H. Doc. 94-39), and in the communication of the Comptroller General of November 6, 1974 (H. Doc. 93-391), transmitted pursuant to the Impoundment Control Act of 1974.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, March 20, 1975, at 10:30 a.m., in room 2228, Dirksen Senate Office Building, on the following nomination:

Harold R. Tyler, of New York, to be Deputy Attorney General, vice Laurence H. Silberman, resigning.

Any persons desiring to offer testimony in regard to this nomination, shall, not later than 24 hours prior to such hearing, file in writing with the committee a request to be heard and a statement of their proposed testimony.

The hearing will be before the full Judiciary Committee.

ANNOUNCEMENT OF HEARING ON NOMINATIONS FOR THE FEDERAL ELECTIONS COMMISSION

Mr. PELL. Mr. President, the Subcommittee on Privileges and Elections of the Committee on Rules and Administration will hold a public hearing on nominations for the Federal Elections Commission.

The hearing will be held tomorrow, Friday, March 14, 1975, beginning at 10 a.m., in room 301, Russell Senate Office Building. The nominees have been invited to appear. Others who wish to testify or submit a statement for inclusion in the hearing record should contact Ray Nelson, staff member of the Rules Committee, at 202-224-0298.

NOTICE OF HEARINGS ON S. 1, THE CRIMINAL JUSTICE REFORM ACT OF 1975

Mr. McCLELLAN. Mr. President, for the information of the Members and the public, I wish to announce that the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary will open hearings on S. 1, the Criminal Justice Reform Act of 1975, which is the bill to codify, revise, and reform the Federal criminal laws.

Hearings are scheduled for March 21, beginning at 9:30 a.m., in room 2228, Dirksen Senate Office Building. Additional information on the hearings is available from the subcommittee in room 2204, Dirksen Senate Office Building, telephone AC 202-224-3281.

NOTICE OF HEARINGS

Mr. JACKSON. Mr. President, on behalf of the Committee on Interior and Insular Affairs, I would like to announce that oversight hearings will be held by the committee on the implementation and administration of the Emergency Petroleum Allocation Act. Government and private witnesses will be invited to testify. The hearings will convene on April 21 and 28 at 10 a.m., in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS BEFORE THE SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS

Mr. HATHAWAY. Mr. President, on March 24 and 25, the Subcommittee on Alcoholism and Narcotics, of which I am chairman, will be conducting hearings on the reauthorization of the Drug Abuse Office and Treatment Act of 1972 and related issues. Both days of hearings will take place at 9:30 a.m. in room 4232, the Labor and Public Welfare Committee room, in the Dirksen Senate Office Building.

Anyone with an interest in these hearings should contact Mr. Angus King, counsel to the subcommittee, in room A-605—telephone 224-8386.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 24

At the request of Mr. WILLIAMS, the Senator from New York (Mr. JAVITS) was added as a cosponsor of amendment No. 24, intended to be proposed to the bill (S. 425), the Foreign Investment Act of 1975.

AMENDMENT NO. 72

At the request of Mr. HOLLINGS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of amendment No. 72 intended to be proposed to the bill (H.R. 2166), the Tax Reduction Act of 1975.

ADDITIONAL STATEMENTS

TEN CALIFORNIA WOMEN HONORED

Mr. CRANSTON. Mr. President, the Los Angeles Times newspaper has traditionally recognized 10 outstanding southern California women each year as "Women of the Year." The awards presentation ceremony, however, has not taken place since 1971, owing to construction of the new Times Mirror Building and remodeling of the Harry Chandler Auditorium where the ceremonies are held.

This year, the tradition was reinstituted as 10 Times honorees for 1975 were presented with a silver cup "For Outstanding Achievement" on March 11. The awards went to: Marjorie Borchardt, for volunteer work with senior citizens; Fawn M. Brodie, noted historical biographer; YVONNE BRATHWAITE BURKE, U.S. Congresswoman from California's 28th District; Lynne Cox, long-distance swimmer; Jan Hornbeck, interior designer; Joan Dempsey Klein, Superior Court judge; Sister Mary Esther McCann, administrator of Daniel Freeman Memorial Hospital; Mary Tyler Moore, actress; Helen Reddy, singer and feminist; and Eleanor Walsh Wasson, for community volunteer service.

Mr. President, these women are a group that all of us can learn by; their achievements are an inspiration to anyone seeking to excel. Each has reached her position and rank through her own long and sustained effort.

Mr. President, the accomplishments of these women are noteworthy also, I believe, because they reflect the remarkable progress the women's movement has made in this country. Many of the Times women have achieved their success in fields until recently wholly foreclosed to their participation: medicine, the law, politics, and industry. Even more significant, five of these women have reached the top in their careers only in the last 5 years—since the women's movement began to coalesce.

Of course, we must not lose sight of the work that is left, even as we stop to appreciate the strides that have been taken. Women are still discriminated against in jobs and pay, as creditors and homeowners, as social security beneficiaries and widows. I remain very much concerned that equitable treatment of women and minorities be promoted as widely as possible, and I intend to continue to press for legislation in the 94th Congress to hasten the time when we can truly say we are a nation of people equal under the law.

Mr. President, I ask unanimous consent that there be printed in the Record the full article from the Los Angeles Times of March 11, 1975.

There being no objection, the article was ordered to be printed in the Record, as follows:

Silver Cups Presented for Special Achievement

(By Lynn Simross)

An audience of 500 distinguished Southern California women—many of them prizewinners themselves—gathered in the Times Mirror Building Monday to honor the 10 women named as 1975 Times Women of the Year. It was the 23rd time for the traditional silver-cup ceremony that began in 1950.

Presented as The Times honorees for 1975 were: Marjorie Borchardt, for volunteer work with senior citizens; Fawn M. Brodie, noted historical biographer; Yvonne Brathwaite Burke, U.S. Congresswoman from California's 28th District; Lynne Cox, long-distance swimmer; Jan Hornbeck, interior designer; Joan Dempsey Klein, Superior Court judge; Sister Mary Esther McCann, administrator of Daniel Freeman Memorial Hospital; Mary Tyler Moore, actress; Helen Reddy, singer and feminist, and Eleanor Walsh Wasson, for community volunteer services.

"More and more women are making their mark on society," said Times Publisher Otis Chandler in his introductory speech. "I think all women, career and noncareer, now find that they can address themselves to the issues that challenge them and bring about important changes."

Mrs. Norman Chandler, assistant to the chairman of the board, Times Mirror, gave each woman a silver cup inscribed "For Outstanding Achievement," as the 10 joined a roster of 223 previous winners.

In 1950 Mrs. Chandler inaugurated the special awards, which have not been given since 1971 because of construction of the new Times Mirror Building and remodeling of the Harry Chandler Auditorium, where the ceremonies were held.

Yvonne Brathwaite Burke, a native Angeleno and an awardee, heralded the efforts of women in all walks of society in a speech made before the presentation. Rep. Burke told the guests that "women will be called upon as never before" in the years ahead.

"As a group," she said, "women possess the largest reservior of unused capacity, for they have been unemployed and underemployed more than the rest."

Listing strides made by women leaders Golda Meir and Indira Gandhi in the past crises of their countries, and lauding Monday's swearing-in of Carla Anderson Hills as Secretary of Housing and Urban Development, Rep. Burke said, "I think we are starting to make significant progress."

Calling 1975 "a paradoxical time," Rep. Burke said that "women offer the most because society has advanced them the least." She quoted from a song she said had been sung at women's suffrage meetings a hundred years ago, and drew large applause when she concluded with the last stanza:

"Instead of speech-making to satisfy wrong,

"All will join the glad chorus to sing freedom's song.

"And if the millenium is not a pretense,

"We'll all be good brothers a hundred years hence."

Times Editor Bill Thomas introduced members of The Times staff, who in turn introduced the 10 award-winning women: Columnists Jack Smith, Jim Murray and Art Seidenbaum; Associate Editor Jean Sharley Taylor; Book Editor Digby Diehl; Calendar Editor Wayne Warga; Home Magazine Editor Carolyn Murray; Society Editor Jody Jacobs; Entertainment Editor Charles Champlin, and Editorial Cartoonist Paul Conrad.

Said Smith, who was suffering from laryngitis, "Only a Times Woman of the Year could have gotten me out of bed today." Smith introduced Judge Joan Dempsey Klein, whom he said had "sat on the bench literally and figuratively for 10 years."

In accepting her award, Judge Klein, who said she "had never been at a loss for words," told the group she felt the award was a "most significant thing for those women who have succeeded in their fields, but more importantly because it would provide incentive for younger women coming along in their professions."

Murray, in presenting long-distance swimmer Lynne Cox, noted that he "couldn't walk" as far as Lynne had swum.

"I was told as a child growing up in Ogden, Utah, that California was the fleshpots of Egypt," said Mrs. Fawn Brodie, following her introduction by Diehl. "Later on, in New England, I was taught California was an intellectual desert. Although I still don't know about the first, I find the second is palpably absurd."

Seidenbaum introduced Sister Mary Esther as "a woman whose office is across from a cemetery, but her business is human life." Said Sister Mary Esther in receiving the award, "It recognizes me, my community, the Sisters of the Order of St. Joseph, my family, my associates." Attending in honor of Sister Esther were Cardinal Timothy Manning and Monsignor Clement Connolly.

Carolyn Murray thanked Jan Hornbeck "for a moment of space, touched by her design," and the designer said she was "all aflutter" at the "fabulous honor."

Warga called Helen Reddy a "household name" and quoted Ms. Reddy from a previous interview. "I represent an attainable goal," said the feminist vocalist. "I am showing women they can make it in the world and still be true to themselves."

Ms. Reddy smilingly told the group she was "shocked receiving such an honor from a newspaper which has never given me a good review."

Eleanor Walsh Wasson, introduced by Jody Jacobs, was "overwhelmed" and thanked "all the people who have made it possible on this joyous day."

"Marjorie Borchardt," said Mrs. Taylor, "is a woman who looks toward the creative future." Mrs. Borchardt hoped "to share the great honor with all the older people of the world, and my husband Ben who aided and abetted me."

Champlin had a few words of advice for the movies and television in his introduction of Mary Tyler Moore. They could still use a Be Fair to Women Week. If either medium gives us a heroine, she is apt to be a supercop or an amazon with approximately the same claims on reality as Little Orphan Annie or Broom Hilda."

Actress Moore said 1975 was "a great era for being a woman."

Said Yvonne Burke in accepting her award from Conrad, who called her "no ordinary legislator," "People ask me 'how do I survive?' and I tell them that I have a special umbrella made up of my parents, my husband and a staff that's hard-working."

Guests and honorees met at a champagne reception following the ceremony. Judge Klein sipped from her new silver cup and laughed with her family. Helen Reddy spent most of her time signing autographs. Mary Tyler Moore left early—she had to go back to work, taping a pilot program for her show.

In citing the achievements of the more than 200 eminent Southern California women who have been honored in other years, Chandler said their "outstanding achievements have added immeasurably to the quality of our lives. Their accomplishments span a diversity of worthy endeavor, in the arts, government, science, religion, education, industry and community service." And he acknowledged their "common attribute, that of untiring devotion to their aspirations."

1950

Mrs. Fletcher Bowron, Mrs. Rollin Brown, Florence Chadwick, Pearl Chase, Mrs. Roger Goodan, *Dr. Etta Jeancon, *Ida Koverman, Alice Taylor, *Abigail von Schlegell, Mrs. Spencer Tracy, Camilla Wicks.

1951

*Maureen Connolly Brinker, Mrs. John A. E. Bullis, Mrs. Norman Chandler, Irene Dunne, Mrs. Gabriel C. Duque, *Ann Hodge, *Annette Honeywell, *Mrs. Louis K. Sims.

1952

Mrs. Margaret Martin Brock, Adaline C. Guenther, Dr. Arlien Johnson, Mrs. Faie Joyce, Mrs. Valley Knudsen, Justice Mildred L. Lillie, Pat Keller McCormick, Eleanor Pinkham, Mrs. Harold C. Ramser, June C. Wayne.

1953

*Mrs. Alvia Brockway, Mrs. Richard M. Nixon, Paula Jean Myers Pope, Rosalind Russell, Elinor Remick Warren, Margaret J. Wherry, Frances E. Willis.

1954

Jacqueline Cochran, *Mrs. E. L. Doheny, Dr. Eleanor Hempel, Dr. Paula Horn, Mrs. Albert Leland, Mary Martin, Mrs. John E. Mock, *Elizabeth Ornduff, *Mrs. James Rathwell Page.

1955

Dr. Ruth A. Boak, *Mrs. Nelbert Chouinard; Louise Brough Clapp, *Hedda Hopper, *Sister Frederica Horvath, S.S.S., Dorothy Kirsten, Marion Pike, Rosemarie Reid, Mrs. Henry Salvatori, Ruth Patricia Shellhorn.

1956

Mrs. Lemuel E. Bancroft, *Dorothy Woodhead Brown, Mrs. Whitley Collins, Frances Goodrich, Dr. Elizabeth Mason Hohl, Kathryn Hulme, Peggy Slater, *Barbara Steele, Lillian Steuber, Julia Hayward Thomas.

1957

Mary Bowling, *Mrs. Ida Mayer Cummings, Madelyn Martin Davis, *Maggie Ettinger, Mrs. Harry Francis Haldeman, Stella Hanania, *Mrs. Leiland Atherton Irish, Dr. Clara Szego Roberts, Dr. Louise Seyler, Dinah Shore.

1958

Jean Goodwin Ames, Lucille Ball, Ketti Frings, Lulu K. Hassenplug, *Dorothy Marshall, Mrs. Alexander B. Ripley, Mrs. William French Smith, Jr., Greta Andersen, Mrs. Earnest C. Watson, Rosalind W. Wyman.

1959

Mary Costa, *Dorothy M. Donahoe, Edith Head, Ynez Johnston, Maggie Pexton Murray, Harriet Hilliard Nelson, Jacquelin Perry, M.D., Catherine J. Robbins, Mrs. Norman F. Sprague, Jr., *Mrs. John Vruwink.

1960

Doris Day, Mrs. Richard Dillon, Dr. Charlotte Elmott, Patricia Galvin, Marilyn Horne, Mrs. Rudolph Steuart Liebig, Jessie Marmorston, M.D., Laurel van der Wal Roennau, Agnes M. Underwood, *Mrs. John Cree Wilson.

1961

Dame Judith Anderson, Dorothy D. Corey, Barbara Gray, Frances Holmes, M.D., Gail Patrick Velde, Mrs. Barnard Morse, The Rev. Mother M. Regina, I.H.M., Mrs. Richard R. Van Hagen, Rose Mary Woods.

1962

Agnes Blomquist, Dr. Mary Brazier, *Dr. Lily Bess Campbell, *Artie Mason Carter, Mary Mairs Chapot, Bette Davis, Mrs. Freeman Gates, *Dr. Maria Goeppert Mayer, Judge Kathleen Parker, *Princess Conchita Pignatelli, Mary Sheridan.

1963

*Katherine Carr, *Doris Marks Dreyfuss, Mrs. Lupe Negrete, Marilyn Neeley, Mrs. Frank Roger Seaver, Dr. Joanne Simpson, Dr. Olga Taussky Tood, Mrs. Guy W. Wadsworth Jr., Roberta Wohlstetter.

1964

Mrs. George S. Behrendt, Glenn C. Janss, Mary Jane Farell, Dorothy M. Ford, Marcia Israel, Ella Lee, Lotte Lehman, Mrs. Warner E. Marsden, Dr. Helene Eastman Martin, Mildren E. Mathias, Debbie Reynolds, Sharon Stouder.

1965

Julie Andrews, Anna Bing Arnold, Dr. E. Margaret Burbridge, Evelyn K. Davis, Ariel Durant, Marian Gallaher, M.D., Cecilia DeMille Harper, Joyce Hoffman, *Ettie Lee, Margaret Millar, Helene Ryons Nix, Joyce Treiman.

1966

Ella Fitzgerald, Billie Jean King, Florence E. Linn, Corita Kent, Jacqueline Piatigorsky, Lutah Maria Riggs, Stella Russell, Marjorie J. Vold, Betty Yorty.

1967

Shana Alexander, Carol Burnett, Agnes Ferrel, Sue Gossick Darley, Ruth Handler, Mary B. Henry, Janet Hoit, Jill Kinmont, Maralin Niska, Dr. Rosemary Park, Mrs. Gregory Peck, Mrs. Reese Hale Taylor.

1968

Mrs. John Connell, Joan Didion, Greer Garson, Marija Gimbutas, Patricia Reilly Hitt, Shirley M. Hufstedler, Mrs. Harry Lewis, Debbie Meyer, Mrs. James F. Nelson, Caroyln Raskin, Nanacy Reagan, Mrs. George Vernon Russell, Carmen H. Warschaw.

1969

Sharon Sites Adams, Mrs. Sidney F. Brody, Dr. Isabelle Buckley, Donna Caponi Young, Marge Champion, Anne Douglas, Claire Falkenstein, Ruth Gordon, Ellen Stern Harris, Ann Shaw, Shirley Verrett.

1970

Vikki Carr, Elizabeth L. Cless. Loraine Miller Collins, Dr. Marianne Frostig, Goldie Hawn, Mrs. Lester T. Hibbard, Dr. Sylvia Earle Mead, Mrs. George Seaton, Martha Wilkinson Kirouac, Mrs. Richard H. Wolford.

1971

Laura Baugh, Karthryn F. Fink, Mrs. Bob Hope, Barbara Jones, Carole King, Ali MacGraw, Mrs. Walter F. O'Malley, Cathy Rigby Mason, Pat Russell, Vivian Strange Whitney.

(NOTE.—Asterisks denote deceased.)

SKETCHES OF 1975 WOMEN OF THE YEAR

Marjorie Borchardt, a native Californian, has spent the past 25 years as a volunteer worker for senior citizens locally, nationally and internationally. She began by organizing the West Los Angeles Community Council for Senior Citizens in the early 1950s. In 1955 came the Senior Citizens Assn. of L.A. County; next, the Allied Senior Citizens Clubs, Calif., in 1961; finally, in 1963, the International Senior Citizens Assn., the only nongovernmental organization concerned with aging that is affiliated with the United Nations. Mrs. Borchardt, who holds BA and MA degrees in economics from UC Berkeley, worked as a San Francisco social worker and taught high school before marrying Benjamin Borchardt, now a retired management consultant. Marjorie Borchardt served from 1969 through 1971 on the planning board for the White House Conference on Aging and is currently head of ISCA.

Fawn M. Brodie, professor of history at UCLA, is widely known for her perceptive historical biographies, the latest a penetrating study of the life of Thomas Jefferson, published last spring. Fawn Brodie, born in Ogden, Utah, received a BA degree from the University of Chicago in English literature and served as a research assistant to the Committee for International Studies at Princeton before beginning her writing career and coming to UCLA. She has written numerous articles, has edited two books and coauthored one (with her husband Bernard, a political scientist who also teaches at UCLA), and has written four biographies: "No Man Knows My History," the life of Joseph Smith and the development of the Mormon church, "Thaddeus Stevens, Scourge of the South"; "The Devil Drives: The Life of Sir Richard Burton"; and the Jefferson biography. She and her husband have a daughter and two sons.

Yvonne Brathwaite Burke of Los Angeles is now serving her second term in Congress, having become, in 1972, the first black woman ever elected from California to the House of Representatives. Her latest achievement is her recent election to a seat on the House Appropriations Committee. Before becoming a member of Congress, Mrs. Burke was a lawyer in California for 10 years and served six years in the state Assembly. In 1972, she was cochairman of the Democratic National Convention. Her congressional programs include: an amendment to the Trans-Alaskan Pipeline Bill providing equal opportunity for minorities (passed in 1973); sponsor of a mass transit study that became law as part of the Amtrak Improvement Act of 1974. The wife of William Burke, head of a local health care firm, Yvonne Burke became the first congresswoman to have a baby (November, 1973) wnile in office.

Lynne Cox, an 18-year-old who moved from New Hampshire to Los Alamitos with her parents, two sisters and a brother six years ago, has made an impressive mark in long distance swimming since she came to California. On Feb. 5, she became the first woman to swim the grueling Cook Strait between New Zealand's North and South islands, recording a mark of 12 hours, 2½ minutes. In the summer of 1973, Lynne Cox swam the English Channel faster than any other person had ever completed the difficult course from England to France. She had set the record in July, 1972, on her first try, only to have it broken three weeks later. Her 1973 mark of 9 hours, 36 minutes still stands. She has swum the Catalina Channel here twice, first when she was 14. The second time, last September, she broke her brother David's record by 2 minutes.

Jan Hornbeck, a native of Oklahoma, is an interior designer who pioneered the field of office furnishings and design. She came to Los Angeles in 1941 after attending the Chicago Academy of Fine Arts and began working as a design-studio artist for Barker Bros. Following World War II, she moved to Dallas where she was associated with Nieman-Marcus and became interested in the design of executive offices. Jan Hornbeck returned to Los Angeles to open her own studio and design firm, and in 1959 became associated with Times Mirror, sharing design credits for 15 years with Charles Kratka's interior planning and design firm. Other interior designs she has created include offices for Occidental Life Insurance in Honolulu and the Port Authority Building in Guayaquil, Ecuador. A member of the Committee of Professional Women for the Southern California Symphony-Hollywood Bowl Assn. and of the Pasadena Chapter of the American Society of Interior Designers, she is married to builder Thomas G. Gage. They have two daughters.

Joan Dempsey Klein, a fifth-generation Californian, was elected to the Los Angeles Superior Court in November, 1974, after serving as a municipal court judge since 1963. Prior to taking the bench, Judge Klein served eight years as a trial lawyer in the state attorney general's office. Joan Dempsey Klein is an outspoken advocate of women's rights and of juvenile justice reforms and is active in alcoholism rehabilitation programs. She graduated from UCLA law school in 1955, having already earned a BA in physical education from Cal State San Diego before deciding to study law. Judge Klein was elected presiding judge of the municipal court in 1973, the same year she was named Municipal Court Judge of the Year by the California Trial Lawyers Assn. She and her husband, lawyer Conrad Klein, are the parents of five children.

Sister Mary Esther McCann, who entered the order of Sisters of St. Joseph of Carondelet in 1929, has spent many years serving Western communities in hospital administration. Born in San Francisco, she is president of the board and executive director of Daniel Freeman Memorial Hospital in Inglewood. A trained medical technologist and hospital administrator, Sister Mary Esther is a delegate to the Assn. of Western Hospitals, will serve on the board of the California Hospital Assn. and is president of the Inglewood Soroptimist Club. She is a past president of the California Conference of Catholic Health Facilities and president of Catholic hospital associations in Idaho, Washington and Arizona while serving as administrator of Carondelet order hospitals in those states. Sister Mary Esther came to Daniel Freeman 10 years ago as assistant administrator. Last year she became the first woman to receive a Lions International District 4 L–3 award.

Mary Tyler Moore has been entertaining 30 million people every Saturday night for the past five years with her TV production, the Mary Tyler Moore Show. Her company, MTM Enterprises Inc., which is headed by her husband, Grant Tinker, also produces the popular Bob Newhart Show and Rhoda. Before starring in her own show, Mary Tyler Moore, who was born in Brooklyn, N.Y., but moved to California at age 10 with her parents, played Dick Van Dyke's TV wife and appeared in several movies, among them "Thoroughly Modern Millie" in 1967. Last March, Mary Tyler Moore served as the narrator of a CBS documentary, "We the Women," and this season is directing some episodes of her show. She is involved in charity work with the Cleveland Amory Fund for Animals and Rancho Los Amigos, a hospital for bedridden children. She has a teen-aged son from her first marriage.

Helen Reddy, an Australian who became a U.S. citizen last year, has been named one of the three best-selling record artists for the past two years. An avowed feminist, Helen Reddy received a Grammy award in 1973 for her recording of "I Am Woman," a song that has become the unofficial theme song of the Women's Liberation Movement. Ms. Reddy has entertained at several California women's prisons and donates 30% of her earnings to political and charitable causes, including $250,000 to the new Cedars-Sinai Medical Center. She began her entertainment career as a child, appearing with her parents on their Australian radio show, and by age 15 she was performing full time as an actress-singer in Australia. She came to the United States in 1966 and played obscure clubs in Chicago and New York before moving to Los Angeles in 1968. She has a daughter from a former marriage and a son with her husband Jeff Wald, her manager.

Eleanor Walsh Wasson is known throughout California for her work as coordinator of volunteer services for the UCLA Center for Health Services, a position from which she has just retired after 20 years. Mrs. Wasson has served as president of the American Society of Directors of Volunteer Services, directed the Beverly Hills Community Chest, headed the Southern California Mental Hygiene Society and served as a member of the steering committee of former Gov. Earl Warren's Continuing Committee on Mental Health. She came to Los Angeles from Salt Lake City with her lawyer husband, George F. Wasson Jr., and began her career in volunteerism as a nurse's aide during World War II. The Wassons have two daughters. Mrs. Wasson is the coordinator of the annual Arrowhead Seminar on Dimensions of New Awareness.

LIGHT RAIL TRANSIT BENEFITS

Mr. CURTIS. Mr. President, I ask unanimous consent that a statement by the Senator from Ohio (Mr. TAFT) and an attachment thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR TAFT

I ask unanimous consent to have printed in the RECORD a column from the Columbus Dispatch, by Mr. Kevin Phillips, relating to the great promise which Light Rail holds for addressing America's urban transportation problems. Mr. Phillips discusses the recent excellent study of Light Rail by Mr. Stewart Taylor. In that study, Mr. Taylor points out the major role which Light Rail plays in European urban transportation systems—systems which are generally far superior, in terms of service, to those we possess in the United States.

Dayton, Ohio—one of the most progressive communities in the Nation—has recently become the first American city to apply for an UMTA grant to build a Light Rail system. Dayton is leading down a track which many other American cities will follow, once the advantages of Light Rail are known as well as they should be. Mr. Phillips, The Columbus Dispatch, and Mr. Taylor have done the people a service by bringing the advantages of Light Rail more clearly before the public.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Columbus (Ohio) Dispatch, Mar. 4, 1975]

LIGHT RAIL TRANSIT BENEFITS ARE AIRED

(By Kevin P. Phillips)

Few European cities tolerate American-style downtown traffic paralysis—proliferating auto jams, parking lots, inefficient buses and subways that are both crime-ridden and prohibitively expensive. To avoid these problems, many foreign urban planners have turned to light rail transportation (electric trams of one, two or three connected cars) as a solution midway between the inadequacy of buses and the massive disruption and cost of subways.

Their success—and the utility of a similar approach in many U.S. cities—is laid out by Stewart F. Taylor in a new study just published by Washington's Heritage Foundation.

Taylor was recently named chairman of the Advisory Committee of the National Conference on Light Rail Transit, jointly sponsored by the Urban Mass Transportation Administration, the National Research Council, the University of Pennsylvania and the American Public Transit Association.

A slight caveat is in order. What works splendidly in Stuttgart, Germany, or Zurich, Switzerland, may not work in Anytown, U.S.A. Too many of our cities are in the grip of social disintegration and some big-city neighborhoods can be traversed safely only in an armored car.

But with this caveat, I believe Taylor presents a generally convincing case for light rail transit. First, he explains the weakness of the alternatives. Right now. U.S. public transportation is essentially the bus, which provides exclusive service in all but 15 cities and performs 68 percent of all transit service in terms of passengers carried. But although the bus is cheap and flexible to operate, use has fallen 51 percent in the last quarter century.

Passenger complaints focus on congestion and delay at rush hours and preference for alternative travel methods. Buses will continue to be important, with growing emphasis on dial-a-rides and jitneys, but they cannot form the central component of a modern rapid transit system.

As for subways, they are extremely expensive, requiring major capital outlays and downtown dislocation. Only the largest cities can support them and even there, rapid transit usage has fallen 24 percent in the last two and a half decades.

Meanwhile, costs are mounting so quickly that new or planned systems—in Washington, Atlanta, Baltimore and elsewhere—may never be completed. However, not many U.S. cities have the level of rush-hour traffic that demands subways.

A 1966 Harvard University study found that peak-hour, one-direction traffic per corridor exceeded 13,000 in only seven cities in the U.S. and in all but one (Los Angeles) conventional rapid transit is in operation or under construction. Light rail systems would suffice to handle the load anywhere else.

The greatest merit of light rail transit is flexibility—it is less expensive than subways, can handle many more passengers than buses and can be integrated with a metropolitan area's subway and bus systems so that each component does the job it can do best and most cheaply. Thus their popularity in Europe.

In his appendix, Taylor includes a worldwide survey of light rail technology from Sydney, Australia, to Central Europe—the area of principal concentration.

Inasmuch as most Central European cities were rebuilt after World War II, planners had a chance to start from scratch—and they chose wisely.

Few American metropolitan areas have the planning flexibility needed to maximize the benefits of light rail transit. Taylor could usefully do a second study on this aspect of the problem.

HAS THE DEPARTMENT OF DEFENSE EXCEEDED CONGRESSIONAL AUTHORITY?—PROGRESS REPORT

Mr. McINTYRE. Mr. President, on January 16, 1975, I addressed my colleagues on the subject of certain practices of the Department of Defense in the management of Defense contracts which may be either in violation of the law or in violation of established reprograming procedures as agreed upon with the Congress. My remarks appear on page 579 of the CONGRESSIONAL RECORD of that date.

I have received replies from both the Assistant Secretary of Defense (Comptroller) and the Comptroller General dated February 24, 1975, which provide information concerning such practices. I request unanimous consent that copies of both letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit I.)

Mr. McINTYRE. Mr. President, I was not satisfied with the two replies and addressed a letter dated February 24, 1975, to the Comptroller General requesting that he review the details of the OSD letter and undertake certain actions which had been suggested in his letter of the same date. I request unanimous consent that a copy of my letter also be printed in the RECORD at the conclusion of my remarks.

Final resolution of this matter is still pending but because of the importance and widespread interest in this subject I consider it desirable to report on the progress of these actions to my colleagues and to other agencies of the Government as well as to industry.

I will continue to pursue this matter to its conclusion and at that time report to the Senate on all significant facts and suggestions as to any actions which might be appropriate.

(See exhibit II.)

EXHIBIT 1

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., February 24, 1975.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Research and Development, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have been asked by the Secretary of Defense to respond to your letter of January 6, 1975, in which you ask three specific questions and request our views on the practice of Defense contractors using their own funds in excess of government contractual liability when government funds are exhausted, with the expectation that they will be reimbursed from funds anticipated to be provided by the Congress in the next fiscal year.

Your first two questions concern the Anti-Deficiency Act, R.S. 3679, and provide an opportunity to describe how the situation with which you are concerned arises. With respect to your first question, but for certain possible exceptions not here relevant, there is no authority for the Department of

Defense to tacitly or explicitly authorize the obligation of government funds in excess of amounts authorized and appropriated. Your second question, asks what the R.S. 3679 implications are. As the following discussion indicates, since the government is not obligated to reimburse the contractor until funds are appropriated and allotted to the contract, we believe there are no R.S. 3679 implications.

The situation in which a contractor uses its own funds in excess of government contractual liability when the government funds are exhausted can arise basically in one of two ways. It can happen under a standard "limitation of funds" clause such as ASPR 7–402.2(c) (Enclosure 1) authorized in the Armed Services Procurement Regulation for use in incrementally funded cost reimbursement type research and development contracts. It can also arise under a somewhat different concept under the Limitation of Government Obligations ("LOGO") Clause used primarily by the Air Force.

The Army's UTTAS contract is illustrative of the former situation. That contract contains the standard limitation of funds clause, ASPR 7–402.2(c). Under this clause the contractor is required to notify the government in a timely fashion if he expects to exhaust the government funds then allocated to the contract prior to the expiration of the period set forth in the schedule, and to estimate the amount of additional government funds which would be required to continue performance for the remainder of said period. The contractor's obligation to perform under the contract is limited to the amount of government funds which have been allotted to the contract, and the government's obligation to reimburse the contractor for costs incurred is limited to the amounts already allotted to the contract. If additional funds are not allotted to the contract upon written request by the contractor, the contracting officer will terminate the contract. The clause further provides that when and to the extent the amount allotted to the contract has been increased, any costs incurred in excess of the amount previously allotted shall be allowable.

It thus appears entirely clear that adherence to the procedures of this clause will preclude any obligation on the part of the government to reimburse the contractor should he incur costs in excess of amounts of government funds then allotted to the contract. The fact that under the clause the government may reimburse him for corporate expenditures incurred at his own risk should additional government funds later be allotted to the contract does not detract from the clear impact and intention of this clause to assure that the government is not obligated beyond amounts properly allocated to the contract.

Under the UTTAS contract, the government was advised by the contractor in general accordance with the clause that there were insufficient funds to complete the FY 1975 planned scope of work. After an exchange of correspondence the Army advised the contractor:

(1) That additional FY 1975 funds are not available for obligation to the contract and the contracting officer is not authorized to make any commitment concerning the reimbursement for cost incurred in excess of the total amount from time to time allocated to the contract.

(2) That any cost incurred by the contractor in excess of the total amount allocated to the contract be incurred at the contractor's own risk.

(3) That any additional appropriations in FY 76 and FY 77 are at the discretion of the Congress.

(4) That all "conditions" proposed by the contractor were unacceptable.

Adherence to the provisions of the ASPR limitation of funds clause precludes the obligation of government funds which would violate R.S. 3679. Any incurrence of cost under this clause by the contractor in excess of the amounts allocated to the contract is entirely at the contractor's own risk and does not obligate the government to reimburse such costs. Absent such obligation there is no violation of R.S. 3679.

The LOGO Clause was a direct by-product of the funding problems encountered by the Air Force in programs such as the C–5 in which the contracts did not provide for advance agreement with respect to the annual funding requirements of an incrementally funded RDT&E effort. Under the LOGO Clause, the parties agree, in advance, upon the yearly amounts that will be needed to successfully complete the effort called for by the contract. [Enclosure 2, B–1 LOGO, para. (c)]. The government is not obligated in advance, however, to make such planned amounts available to the contractor, for the funding plan is expressly subject to the availability of funds, *id.*, and the Government's liability under the contract at any point in time is limited to the amount cumulatively allotted to the contract as of that date. [Para. (b)]. The clause further provides, in contradistinction to the standard Limitation of Cost clause, ASPR 7–402.2, that unless the Government (1) fails to fund in accordance with the agreed upon Funding Plan, or (2) prospectively revises downward any yearly increment of the Funding Plan, contractor expenditures in excess of the allotted yearly amounts will not permit the contractor to cease or slow work, or to seek any other adjustment in the terms of the contract. [Para. (g)]. The clause creates, thus, the very real possibility that the contractor will have to finance a portion of the effort for a given fiscal year, i.e., the effort performed in accordance with the contractual schedule after the Funding Plan allotments have been exhausted.

The clause does not, however, firmly bind the contractor, in perpetuity, to the amounts negotiated at the outset of the program. Recognizing that unforeseen problems will arise in any RDT&E effort, the clause provides that after the first two years of effort the contractor may notify the Government, on or before the date specified in paragraph (c), that "the costs . . . he *has* incurred or expects to incur in the performance of this contract for any fiscal year will exceed the planned cumulative obligations through that year" as specified in the Funding Plan. [Para. (d)] (emphasis added). The parties then will negotiate an appropriate increase in the Funding Plan to cover the contractor's needs. The notification dates set forth in paragraph (c) are sufficiently advanced to permit the inclusion of the additional amounts in the budget request for the fiscal year in which the additional funds will be needed. This language clearly contemplates adjustments encompassing past as well as future anticipated overruns of the Funding Plan. This conclusion is buttressed by the fact that it would be incongruous to assume that a cost-reimbursable contract would contemplate firm fixed-price increments, without adjustment, without so expressly stating.

The clause also provides (as, in essence, standard limitation of cost clauses do) that, with respect to yearly overruns, should the Government increase its Funding Plan allotments, the contractor may apply the increased funds to prior incurred costs, to the extent that such costs are otherwise allocable and reasonable. [Para. (k)]. This provision is clearly "subject to the availability of funds" and would not absolve the contractor for the duty to perform all work called for by the schedule for that fiscal year provided that funds were allotted to the contract in accordance with the Funding Plan. If the contractor applied available funds to a prior year's exposure, the overrun from that year would, in effect, be transposed to the end of the succeeding year. This process would repeat itself until the adjustments provided for in paragraphs (c) and (d) have, in effect, "zeroed out" both the overrun and the contract's resultant financial exposure.

There are any number of permutations and combinations of events that could impact the operation of the LOGO clause. Even in the absence of overruns, for example, funds insufficient to support the contractual Funding Plan could be appropriated. In such event, the contractor would be entitled to an equitable adjustment. [Para. (h)]. Or, with the contractor exposed at the conclusion of a given fiscal year, the program could be terminated, in which event the contractor would be required to absorb the exposure as a business loss. [Para. (k)]. Or, the funds appropriated, while adequate to finance contractor costs for the impending fiscal year, may be insufficient to cover the prior year overrun negotiated into the Funding Plan pursuant to paragraph (c). As with the initial example above, the contractor would be entitled to an equitable adjustment under the contract for the upcoming fiscal year. [Para. (h)].

The Government liabilities under the LOGO Clause are at most contingent in nature. The entire Funding plan is "[s]ubject to the availability of funds" [Para. (c)]. The Government's liability, by agreement can never "exceed the total of the amounts allotted" under the contract. [Para. (b)]. Should the contract be terminated at the close of a fiscal year in which the contractor has incurred financial exposure, the Government would be under no duty to seek appropriations to cover that exposure, for "[i]t is specifically recognized by the contractor" that the LOGO provision permitting recoupment of prior year overruns through future increases "does not constitute an undertaking by the Government that it will increase its allotments" under the Funding Plan. [Para. (k)]. And, because a contractor's right to an equitable adjustment in the event of inadequate future appropriations does not arise until appropriations have been made for the fiscal year in which the upward recoupment adjustment in the Funding Plan has been made, there is no obligation to "pay" for prior incurred exposure until that year is funded. [Paras. (c), (d), (k)]. The provision for an equitable adjustment in the event of reduced funding for that fiscal year prevents the obligations for that year from exceeding appropriations.

The Air Force's LOGO clause has not, as yet, been the subject of litigation. There has been litigation under the limitation of funds clause. A major difference between the two clauses is that under the latter clause a contractor is permitted to stop work when funds allotted to the contract have been exhausted, whereas he is required to continue to work under the LOGO Clause. We do not regard this distinction as material insofar as contractor entitlement is concerned, for the risks are clearly set forth in the contract and assumed by the contractor. While it is always difficult to predict the outcome of litigation, particularly in the abstract without regard to the relevant facts and circumstances, as a general matter we do not believe a contractor's claims would be successful. Based on the litigation that has occurred, the following principle would seem to apply: Where a contract places the risk of excess expenditures upon a contractor, and the Government as the other contractual party is not the contributing factor to such expenditures, a contractor is not entitled to reimbursement for these excess costs.

The information requested by your third question concerning programs involved during the current fiscal year is shown below.

Estimated contractor commitments in excess of Government liability

($ in Millions)

System:	
Navy NATO PHM	None
Air Force B-1 Bomber	15.2-(LOGO)
Army UTTAS	21.6
Army AAH	7.9
Air Force A-10 Aircraft	1.6-(LOGO)
Air Force Advanced Medium STOL Transport	29.8-(LOGO)
Air Force Airborne Warning and Control System	11.4-(LOGO)
Air Force Advanced Airborne Command Post	8.0-(LOGO)

We believe that the actions of the Department of Defense in this area have been legal and proper and do not circumvent the reprogramming procedures. However, we do not believe that the practice of contractors using their own funds in situations comparable to those indicated above, should be either widespread or encouraged. In this regard, I am advising the services that such practices should be further curtailed and in the future will not be pursued without prior notification to the Secretary of Defense.

Sincerely,

TERENCE E. MCCLARY,
Assistant Secretary of Defense.

Enclosures.

[Enclosure 1]

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

PART 4—COST-REIMBURSEMENT TYPE RESEARCH AND DEVELOPMENT CONTRACTS

7-400 Scope of Part. This Part sets forth uniform contract clauses for use in cost-reimbursement type research and development contracts as defined in 7-401.

7-401 Applicability. As used throughout this Part, the term "cost-reimbursement type research and development contract" shall mean any contract (other than a letter contract, notice of award, or modification not affecting new procurement) which (i) is entered into on a cost, cost-sharing or cost-plus-a-fee basis as covered in 3-405, and (ii) is for experimental, developmental, or research work.

7-402 Required Clauses. The following clauses shall be inserted, as required, in all cost-reimbursement type research and development contracts.

7-402.1 *Definitions.* In accordance with 7-103.1, insert the clause therein.

7-402.2 *Limitation of Cost or Funds.*

(a) The following clause shall be used in fully funded cost-reimbursement type research and development contracts which do not provide for cost-sharing. The words "exclusive and any fee", occurring twice in paragraph (a) of the clause, may be deleted in any contract not providing for the payment of a fee.

LIMITATION OF COST (1966 OCT)

(a) It is estimated that the total cost to the Government for the performance of this contract, exclusive of any fee, will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If, at any time, the Contractor has reason to believe that the cost which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the Schedule, or if, at any time, the Contractor has reason to believe that the total cost to the Government for the performance of his contract, exclusive of any fee, will be greater or substantially less than the then estimated cost hereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase; *unless* the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(End of clause)

(b) The following clause shall be used in fully funded cost-reimbursement type research and development contracts which provide for cost-sharing. The contract schedule shall include a cost-sharing formula agreed upon by the parties prior to execution of the contract. This formula shall provide for the ratio of cost-sharing with regard to both the originally established total estimated cost and any increase thereto, pursuant to (b) of the clause.

LIMITATION OF COST (COST-SHARING) (1973 MAY)

(a) It is estimated that the cost to the Government for the performance of this contract (exclusive of any fee) will not exceed the estimated cost to the Government set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost to the Government plus the share of the cost of performance agreed to be borne by the Contractor, as set forth in the Schedule. If, at any time, the Contractor has reason to believe that the costs which he expects to be incurred in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated total cost to the Government and to the Contractor then set forth in the Schedule, or if, at any time, the Contractor has reason to believe that the total cost for the performance of this contract (exclusive of any fee) will be greater or substantially less than the then estimated total cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving his revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost to the Government set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Terminations clause) or otherwise to incur costs in excess of the estimated total cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated total cost has been increased shall have specified in such notice a revised estimated total cost which shall thereupon constitute the estimated total cost of performance of this contract. The increase in such estimated total cost shall be allocated in accordance with the formula set forth in the Schedule governing such increases. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost to the Government of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost to the Government set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated total cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated total cost prior to such increase shall be allowable to the same extent and in the same percentage as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost to the Government set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(End of clause)

(c) The following clause shall be used in incrementally funded cost-reimbursement type research and development contracts which do not provide for cost sharing.

LIMITATION OF FUNDS (1966 OCT)

(a) It is estimated that the cost of the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost.

(b) the amount presently available for payment and allotted to this contract, the items covered thereby, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is contemplated that from time to time additional funds will be allotted to this contract up to the full estimated cost set forth in the Schedule, exclusive of any fee. The Contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total amount actually allotted to the contract.

(c) If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incured, will exceed seventy-five percent (75%) of the total amount then allotted to the contract, the Contractor shall notify the Contracting Officer in writing to that effect. The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. Sixty (60) days prior to the end of the period specified in the Schedule the Contractor will advise the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the Contractor, terminate this contract pursuant to the provisions of the Termination clause on such date. If the Contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge his obligations hereunder for a period extending beyond such date, he shall specify the later date in his request and the Contracting Officer, in his discretion, may terminate this contract on that later date.

(d) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the total amount from time to time allotted to the contract, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the amount allotted to the contract, unless and until the Contracting Officer has notified the Contractor in writing that such allotted amount has been increased and has specified in such notice an increased amount constituting the total amount then allotted to the contract. To the extent the amount allotted exceeds the estimated cost set forth in the Schedule, such estimated cost shall be correspondingly increased. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the amount allotted to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the total amount then allotted to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted to the contract has been increased, any costs incurred by the Contractor in excess of the amount previously allotted shall be allowable to the same extent as if such costs had been incurred after such increase in the amount allotted; *unless* the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(e) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the amount allotted in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the amount allotted.

(f) Nothing in this clause shall affect the right of the Government to terminate this contract. In the event this contract is terminated, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(g) In the event that sufficient funds are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled to that percentage of the fee set forth in the Schedule equivalent to the percentage of completion of the work contemplated by this contract.

(End of clause)

(d) The following clause shall be used in incrementally funded cost-reimbursement type research and development contracts which provide for cost-sharing.

LIMITATION OF FUNDS (COST-SHARING) (1966 OCT)

(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost to the Government set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost to the Government plus the share of the cost of performance agreed to be borne by the Contractor, as set forth in the Schedule.

(b) The amount presently available for payment by the Government and allotted to this contract, the items covered thereby, the Government's share of the cost thereof, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is contemplated that from time to time additional funds will be allotted to this contract up to the full estimated cost to the Government set forth in the Schedule, exclusive of any fixed fee. The Contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total amount actually allotted by the Government to the contract.

(c) If at any time the Contractor has reason to believe that the costs he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the total of the amount then allotted to the contract by the Government plus the Contractor's corresponding share, the Contractor shall notify the Contracting Officer in writing to that effect. The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. Sixty (60) days prior to the end of the period specified in the Schedule the Contractor will advise the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the Contractor, terminate this contract pursuant to the provisions of the Termination clause on such date. If the Contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge his obligations hereunder for a period extending beyond such date, he shall specify the later date in his requests, and the Contracting Officer, in his discretion, may terminate on that later date.

(d) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the amount from time to time allotted by the Government to the contract, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the total of the amount then allotted to the contract by the Government plus the Contractor's corresponding share, unless and until the Contracting Officer has notified the Contractor in writing that the amount allotted by the Government has been increased and has specified in such notice an increased amount constituting the total amount then allotted by the Government to the contract. To the extent the total of the amount allotted by the Government plus the Contractor's corresponding share exceeds the estimated cost set forth in the Schedule, such estimated cost shall be correspondingly increased. Any increase in such estimated cost shall be allocated in accordance with the formula set forth in the Schedule covering such increases. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the amount allotted by the Government to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the total amount then allotted by the Government to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted by the Government to the contract has been increased, any costs incurred by the Contractor in excess of the total of the amount previously allotted by the Government plus the Contractor's corresponding share shall be allowable to the same extent and in the same percentage as if such costs had been incurred after such increase in the amount allotted; *unless* the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(e) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the amount allotted by the Government in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the amount allotted.

(f) Nothing in this clause shall affect the right of the Government to terminate this contract. In the event this contract is terminated, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(g) In the event that sufficient funds are not allotted to this contract by the Government to allow completion of the work contemplated by this contract, the Contractor shall be entitled to that percentage of the fee set forth in the Schedule equivalent to the percentage of completion of the work contemplated by this contract.

(End of clause)

(e) In the foregoing clauses, the period of "sixty (60) days" and the percentage of "seventy-five percent (75%)" may be varied from thirty (30) to ninety (90) days and seventy-five percent (75%) to eighty-five percent (85%). The words "Task Order" or other appropriate designation may be substituted for the word "Schedule" wherever that word appears in the clauses. Where a contract is of the installment type, the clauses may be appropriately modified.

[Enclosure 2]

B–1 AIRFRAME CONTRACT—SCHEDULE

PART XXI—LIMITATION OF GOVERNMENT OBLIGATIONS

(a) It is estimated that the cost to be reimbursed the Contractor for the performance of this contract will not exceed the target cost set forth in the Schedule Part hereof entitled "Consideration and Payment," and the Contractor agrees to use its best efforts to perform the work specified in the Schedule and all obligations under this contract within such target cost.

(b) This contract shall be funded on an incremental basis. The Government shall not be obligated to provide funds at a more rapid rate than described in (c) below, as it may be revised from time to time. The Government's liability under this contract at any time, shall not exceed the cumulative total of the amounts then allotted hereunder and the Contractor shall not be entitled to any adjustment in delivery schedule, target cost or target fee or any other provision of this contract attributable to the Contractor's incurring of obligations in excess of said amount.

(c) Subject to the availability of funds, the Government contemplates that funds for this contract will be allotted in planned Fiscal Year Allotments in the amounts set forth in Column II of Funding Plan set forth below. It is further contemplated that each total planned Fiscal Year Allotment will be allotted from time to time within each fiscal year, and that the initial increment for each fiscal year will be allotted on the date indicated in Column III below. The amount allotted for each increment within a planned Fiscal Year Allotment and the period of performance it is estimated the increment will cover are set forth in Paragraph (j).

FUNDING PLAN

Fiscal year I	Total planned fiscal year allotment II	Date of allotment of initial increment of planned fiscal year allotment III	Latest date to request adjustment of planned fiscal year allotment IV
1970–71 [1,2]	108, 400, 000	Aug. 1, 1970	Award date.
1972 [1,2]	265, 300, 000	Aug. 1, 1971	Do.
1973 [1,2]	311, 000, 000	Aug. 1, 1972	Mar. 1, 1971.
1974 [1]	225, 557, 000	Aug. 1, 1973	Mar. 1, 1972.
1975 [1]	121, 000, 000	Aug. 1, 1974	Mar. 1, 1973.
1976 [1]	64, 800, 000	Aug. 1, 1975	Mar. 1, 1974.
1977	42, 788, 000	Aug. 1, 1976	Mar. 1, 1975.
1978	14, 000, 000	Aug. 1, 1977	Mar. 1, 1976.
1979	6, 860, 000	Aug. 1, 1978	Mar. 1, 1977.

[1] Fiscal years 1970–74 and 1975 include allotment for acquisition of identified BFE.

[2] Fiscal years 1970–72 and 1973 include allotment for unidentified BFE.

(d) The respective amounts indicated in the funding plan for fiscal years 1970, 1971 and 1972 are firm for the purpose of this clause. If at any time on or before the applicable date set forth in Column IV of paragraph (c) above the Contractor has reason to believe the costs which he has incurred or expects to incur in the performance of this contract for any fiscal year will exceed the planned cumulative obligations through that fiscal year as specified in (c) above, the Contractor shall notify the Contracting Officer in writing to that effect. Upon such notification the parties will negotiate the amount of additional funds that will be required for the timely performance of the work under the contract; provided that such notification is received on or before the date indicated in Column IV of the funding plan. The results of such negotiation shall be reflected in an amendment to this contract revising the appropriate amounts set forth in the funding plan.

(e) The failure of the Government to allot an initial increment of a planned Fiscal Year Allotment by the date specified above and/or the failure to timely allot subsequent increments within a planned Fiscal Year Allotment shall be deemed to be a failure to act within the meaning of the "Government Delay of Work" clause of the General Provisions.

(f) Upon issuance of Change Orders hereunder pursuant to the "Changes" clause of this contract, the Government shall (A) allot funds to the amount estimated to be necessary for the performance of the work called for thereunder in the current fiscal year if such fiscal year is fully obligated on the date of the issuance of the Change Order and (B) identify the estimated amount necessary for the work called for thereunder for all fiscal years other than those referenced in (A) above and amend the funding schedule in (c) above to provide for the addition of such amounts to the planned Fiscal Year Allotments affected by the change.

(g) Subject to (e) above and (h) below, the limitation of Government liability as set forth in this clause shall not be authority for the Contractor to cease or slow the performance of work under this contract and may not be used as the basis for extending schedules or otherwise altering performance requirements under this contract.

(h) The Contracting officer may prospectively revise the funding plan in (c) above to allot funds in lesser amounts; provided, that any equitable adjustments resulting from such revisions shall be negotiated in accordance with the procedures in the "Changes" clause.

(i) Nothing contained in this clause shall affect the right of the Government to terminate this contract under the "Termination" clause.

(j) For the purpose of paragraph (c) of this clause there is obligated for payment under this contract the amount of $108,400,000 which is estimated to cover costs of performance through 31 July 1971. Thirty days prior to the aforesaid date or agreed substituted date, the Contractor shall advise the Contracting Officer in writing as to the estimated amount of additional funds within the Fiscal Year Allotment which will be required for the timely performance of the contract and the further period for which such additional funds will be sufficient to cover costs for performance of this contract. The amount of additional funds and the period of performance for which such funds will be sufficient will be negotiated between the parties; provided, however, that until such time as the appropriation act for the Department of Defense for the then current fiscal year has been enacted into law, the Government shall not be obligated to allot any amount in excess of the specific limitations contained in any applicable joint resolution continuing appropriations for the current fiscal year.

(k) Subject to the availability of funds, any costs incurred in excess of the amount allotted hereunder at any time shall, to the extent that such costs are reasonbale and allocable, be allowable costs in the event that and to the extent that the Government subsequently increases its allotments hereunder. It is specifically recognized by the Contractor, however, that this paragraph (k) does not (i) constitute an undertaking by the Government that it will increase its allotments hereunder, and/or (ii) waive the requirement for seasonable notification as contemplated by paragraph (d) hereof.

(l) All provisions of this Part shall continue to apply up to completion of this contract.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., February 24, 1975.
Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Research and Development, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of January 7, 1975, asked us to review the legal implications of current practices of the Department of Defense (DOD) in tacitly or explicitly authorizing contractors to spend funds in excess of Government contractual liability, with the expectation on the part of the contractors of reimbursement either from subsequent year appropriations or through claims procedures. You further requested that the matter be considered by our staff and field offices, and that our findings be reported to you. By letter dated January 6, 1975, you had also requested the views of DOD in this matter.

We solicited views and comments from DOD and have been advised by the Assistant Secretary of Defense (Comptroller) that detailed information is being sought from the various military departments and that a report will be forthcoming as soon as possible. We have also asked our Regional Offices to review the status of all major weapon systems in development within their respective areas of responsibility, and to report on their findings.

We recently advised Mr. Hyman Fine of your staff that we would be unable to gather, analyze, and compile all of the requested information to meet a February 15 deadline. It was then suggested that we provide this interim report to advise on the status of our work and to present whatever legal comments we might have. It is to be emphasized at the outset that authoritative comment is impossible in the absence of detailed factual data. Consequently, the following discussion is primarily conceptual except insofar as specifically indicated.

The governing legislation for Fiscal Year 1975 is Pub. L. 93–365, 88 Stat. 399 (DOD Appropriation Authorization Act) and Pub. L. No. 93–437, 88 Stat. 1212 (DOD Appropriation Act). The Research, Development, Test, and Evaluation (RDT&E) appropriations are lump sum appropriations for each of the military departments, available for obligation until June 30, 1976. Pertinent figures from title II, Pub. L. No. 93–365, and title V, Pub. L. No. 93–437, are set forth below (in millions):

	Authorization	*Appropriation*
Army	$1, 878. 397	$1, 779. 339
Navy	3, 153. 006	3, 006. 914
Air Force	3, 389. 517	3, 274. 360

Your letter to DOD cited four major weapon systems whose FY 1975 costs have already exceeded the amounts approved by the appropriations committees—Army Utility Tactical Transport Aircraft System (UTTAS), Army Advanced Attack Helicopter (AAH), Navy/NATO Patrol Hydrofoil Missile (PHM), and Air Force B–1 Advanced Strategic Bomber. Justification amounts approved for these programs, taken from the various committee reports, are set forth in the following table (in millions):

Program:	*Authorization*	*Appropriation*
UTTAS	$54. 06	$52. 66
AAH	60. 8	60. 78
PHM	15. 7	15. 733
B–1	454. 973	444. 973

We understand that the contracts involved in most if not all cases are cost-reimbursement contracts of the cost-plus-incentive-fee type. In this type of contract, a target cost and target fee are negotiated initially, along with a fee adjustment formula. The actual fee, determined after performance, depends on the relationship of total allowable costs to the target cost. See Armed Services Procurement Regulation (ASPR) § 3-405.4 (1974). The initial target estimates form the basis for recording obligations against the applicable appropriation for purposes of section 1311 of the Supplemental Appropriation Act, 1955, as amended, 31 U.S.C. § 200 (1970), which provides in part—

"(a) * * * no amount shall be recorded as an obligation of the Government of the United States unless it is supported by documentary evidence of—

"(1) a binding agreement in writing between the parties thereto, including Government agencies, in a manner and form and for a purpose authorized by law, executed before the expiration of the period of availability for obligation of the appropriation or fund concerned for specific goods to be delivered, real property to be purchased or leased, or work or services to be performed; * * *"

We approved this method of recording obligations in 34 Comp. Gen. 418, 420–21 (1955).

The contracts are funded "incrementally," that is, appropriations are requested and provided in fiscal year installments based on the estimated needs for a given year. Current policy and guidelines are found in S. Rep. No. 93–385, 93d Cong., 1st Sess. 112–115 (1973). Incremental funding used in RDT&E is to be distinguished from the "full funding" concept used in military procurement programs, wherein funds are requested and provided at the initial stage of procurement actions on the basis of the entire estimated cost of the procurement, regardless of the anticipated fiscal year timing and rate of obligations. See DOD Directive No. 7200.4 (October 30, 1969).

We understand further that the contracts in several cases (e.g., UTTAS, AAH) are awarded to two or more contractors to develop prototypes, with the procuring department to select ultimately a single contractor for the award of the production contract. On page 17 of the January 6, 1975, issue of Aviation Week & Space Technology (Vol. 102, No. 1) it is reported that Boeing Vertol and Sikorsky Aircraft Division, the UTTAS competitors, intend to provide company funding to meet FY 1975 shortages.

Informal discussions with DOD personnel indicate that DOD has advised contractors in the appropriate cases that FY 1975 funding has been exhausted, and that contractors expressing the desire to continue programs with company funds must do so at their own risk. DOD has apparently told the contractors that it will seek sufficient FY 1976 funds to provide reimbursement, but that there can be no guarantee that such funds will be appropriated.

To deal with the overrun situation, DOD has developed Limitation of Cost/Funds (LOC/LOF) clauses, which ASPR § 7–402 requires to be inserted in all incrementally funded cost-reimbursement research and development contracts. The clause used in the UTTAS and AAH contracts is the Limitation of Funds clause set forth in ASPR § 7–402.2 (c), as follows:

"LIMITATION OF FUNDS (1966 OCT)

"(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost.

"(b) The amount presently available for payment and allotted to this contract, the items covered thereby, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is contemplated that from time to time additional funds will be allotted to this contract up to the full estimated cost set forth in the Schedule, exclusive of any fee. The Contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total amount actually allotted to the contract.

"(c) If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the total amount then allotted to the contract, the Contractor shall notify the Contracting Officer in writing to that effect. The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. Sixty (60) days prior to the end of the period specified in the Schedule the Contractor will advise the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the Contractor, terminate this contract pursuant to the provisions of the Termination clause on such date. If the Contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge his obligations hereunder for a period extending beyond such date, he shall specify the later date in his request and the Contracting Officer, in his discretion, may terminate this contract on that later date.

"(d) Except as required by other provisions of this contract specifically cited and slated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the total amount from time to time allotted to the contract, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the amount allotted to the contract, unless and until the Contracting Officer has notified the Contractor in writing that such allotted amount has been increased and has specified in such notice an increased amount constituting the total amount then allotted to the contract. To the extent the amount allotted exceeds the estimated cost set forth in the Schedule, such estimated cost shall be correspondingly increased. No notice, communication or representation in any form or from any person other than the Contracting Officer shall affect the amount allotted to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the total amount then allotted to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted to the contract has been increased, any costs incurred by the Contractor in excess of the amount previously allotted shall be allowable to the same extent as if such costs had been incurred after such increase in the amount allotted; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

"(e) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the amount allotted in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the amount allotted.

"(f) Nothing in this clause shall affect the right of the Government to terminate this contract. In the event this contract is terminated, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

"(g) In the event that sufficient funds are not allotted to this contract to allow completion of the work contemplated by this contract, the Contractor shall be entitled to that percentage of the fee set forth in the Schedule equivalent to the percentage of completion of the work contemplated by this contract."

We do not yet know if the other contracts in question contain this clause. Further, it appears that there are variations occasionally used by some of the departments. Even if the clause were inadvertently omitted, however, we believe it might be held to be incorporated into the contract by operation of law. See *G.L. Christian and Associates* v. *United States,* 312 F. 2d 418, 424 (Ct. Cl.), cert. den'd, 375 U.S. 954 (1963). Thus, for purposes of this discussion, we assume that all contracts contain the cited clause or a substantially identical version.

The purpose of the LOF clause is to—

"* * * give the Government unilaterally an effective tool to prevent the overexpenditure of appropriated funds by establishing the estimated cost as the limit of the Government's obligation to make payment, but providing a method whereby the Government may at its election increase the estimated cost and authorize the contractor to continue performance." *Weinschel Engineering Co., Inc.,* 1962 BCA para. 3348 (1962).

In brief, once the funding limitation is reached, a contractor is under no obligation to continue performance, and the Government is under no obligation to fund overruns unless the contractor has given timely notice and the Contracting Officer notifies the contractor in writing that the amount allotted to the contract has been increased. Absent this written notification, the contractor continues at his own risk.

In connection with contractor's use of claim procedures, we reviewed overrun cases before the Armed Services Board of Contract Appeals and the Court of Claims. However, most of these cases—which are mentioned below—appear to involve the refusal to allot additional available funds to the contract rather than the exhaustion of appropriations (although this is not always clear from the facts stated), and are thus not necessarily controlling. It is not clear whether such cases may be viewed as giving some indication of the types of factors that might be relevant in determining the validity of the contractor's claim where appropriations have been exhausted.

The LOC/LOF clause has been strictly enforced where the contractor fails to give timely notice of an overrun. *General Electric Co.* v. *United States,* 412 F.2d 1215 (Ct. Cl. 1969); *Acme Precision Products, Inc.,* 61–1 BCA para. 3051 (1961). In *Weinschel Engineering Co., supra,* the Board denied recovery where the contractor had continued to perform using its own funds, after funds earmarked for the project had been exhausted, but failed to notify the Contracting Officer until after the overrun had been incurred, although other Government officials had knowledge of the overrun. The Board stated:

"* * * A Contractor has no right to usurp the Government's prerogative to control the expenditure of public funds by violating the Limitation of Cost clause and continuing to incur costs after the funds 'earmarked' for the project have been exhausted."

A contractor may be entitled to recover overrun costs despite failure to comply with the Limitation clause, if the overrun was reasonably unforeseeable, *General Electric Co.* v. *United States,* 440 F.2d 420 (Ct. Cl. 1971), *Magnavox Company,* 74–1 BCA para. 10495 (1974); or if the Government urged continuation of performance, *Consolidated Electrodynamics Corp.,* 1963 BCA para. 3806 (1963). In *Thiokol Chemical Corp.,* 60–2 BCA para. 2852 (1960), overrun costs were allowed despite noncompliance with the LOC clause where the Government had accepted and used the items involved and where the Board found that the "Government here would never have permitted appellant to discontinue performance of the contract."

Prior funding of overruns will not alone be sufficient to override the Limitation clause. *United Shoe Machinery Corp.,* 68–2 BCA para. 7328 (1968). But such prior funding was relevant in *Clevite Ordnance, Division of Clevite Corp.,* 1962 BCA para. 3330 (1962), and the contractor recovered where he had been assured by the Government that the overrun would be funded when new appropriations became available.

We have included the above comments in general terms because we are not in a position to determine which situation might be applicable without detailed factual knowledge of such areas as the nature of the overrun in any given case, the extent of compliance or noncompliance with the LOF clause, and the precise circumstances surrounding the contractor's decision to provide company funding. It is apparent from the foregoing that a contractor's claim will depend on a series of complex factual interrelationships of the nature indicated, to be developed through testimony at an adversary proceeding. While the outcome of such a claim cannot be predicted without such factual knowledge, at the very least it may be concluded that recovery cannot be categorically foreclosed.

As pointed out, a primary goal of contract funding procedures is to prevent the overobligation of appropriated funds. The statutory restraints in this respect are Revised Statutes § 3679, as amended, 31 U.S.C. § 665 (1970) (the "Antideficiency Act") and Revised Statutes § 3732, as amended, 41 U.S.C. § 11 (1970), set forth in part below:

31 U.S.C. § 665(a):

"No officer or employee of the United States shall make or authorize an expenditure from or create or authorize an obligation under any appropriation of funds in excess of the amount available therein; nor shall any such officer or employee involve the Government in any contract or other obligation, for the payment of money for any purpose, in advance of appropriations made for such purpose, unless such contract or obligation is authorized by law."

41 U.S.C. § 11(a):

"(a) No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the Departments of the Army, Navy, and Air Force, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year."

Under DOD's approach of recording obligations for the instant contracts on a target price basis for purposes of 31 U.S.C. § 200, described hereinabove, the obligations so recorded would not exceed amounts made available for the contracts during fiscal year 1975. However, we do not believe that the recording of obligations is the sole factor relevant in assessing possible violations of 31 U.S.C. § 665(a) and 41 U.S.C. § 11(a). Thus, in 42 Comp. Gen. 272, 275 (1962), we stated with regard to the generally accepted purport of 31 U.S.C. § 665(a) and 41 U.S.C. § 11(a):

"These statutes evidence a plain intent on the part of the Congress to prohibit executive officers, unless otherwise authorized by law, from making contracts involving the Government in obligations for expenditures or liabilities beyond those contemplated and authorized for the period of availability of and within the amount of the appropriation under which they are made; to keep all the departments of the Government, in the matter of incurring obligations for expenditures, within the limits and purposes of appropriations annually provided for conducting their lawful functions, and to prohibit any officer or employee of the Government from involving the Government in *any contract or other obligation for the payment of money for any purpose, in advance of appropriations made for such purpose;* . . ." (Emphasis added.)

There is for consideration, therefore, the question as to whether a Contracting Officer may "commit" the Government to reimburse a contractor in advance of appropriations becoming available in the next fiscal year. We have not objected to contracts entered into subject to the availability of appropriations in certain circumstances, as long as the contract made it unequivocally clear that no Government liability could arise until the appropriations became available. 21 Comp. Gen. 864 (1942); 39 Comp. Gen. 776 (1960); B–17198, August 18, 1971. But in the type of situation we consider here, the contractor's performance in FY 1975 might, in view of the Board of Contract Appeals and Court of Claims decisions discussed hereinabove, impose elements of liability upon the Government within the meaning of the cited statutes. As noted, we are not in a position to assess the likelihood of such a result in the instant matter absent additional factual information.

Pursuant to the consent of Mr. Fine of your staff, we are furnishing a copy of this letter to the Committee on Armed Services, House of Representatives. As soon as we have gathered and analyzed the remaining information we have yet to receive, we will report further to both committees.

Sincerely yours,

R. F. Keller,
Deputy Comptroller General of the United States.

Exhibit 2

February 24, 1975.

Hon. Elmer B. Staats,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

Dear Mr. Comptroller General: Reference is made to your letter B–163058 of February 24, 1975, and letter from the Assistant Secretary of Defense, Comptroller of the same date, copy of which has been provided to your office. These letters treat with the legal implications of the practices of the Department of Defense involving the authorization of the expenditure of funds by contractors in excess of contractual liability.

Request that you review the details of the OSD letter and complete the actions indicated in the last two paragraphs of your letter involving the gathering and analysis of remaining information needed to provide the Committee with a more comprehensive reply. This should include your findings, comments, and any recommendations for actions which you deem appropriate for the Congress. This information should be provided by March 14, 1975.

Will you also proceed in an expeditious manner with a detailed examination of contractor and Department of Defense records involved with the eight weapon systems identified in the DOD letter to determine the facts as they relate to the subject issue. The result of these investigations should be provided separately as quickly as possible for each of the weapon systems.

Sincerely,

Thomas J. McIntyre,
Chairman, Subcommittee on Research and Development.

AUTOMOBILE EMISSION CONTROLS AND COMMON SENSE

Mr. GOLDWATER. Mr. President, from time to time, it is my pleasure to get a letter from a constituent that is so well written, so well thought out, that there is a natural desire to share it with my colleagues.

Mr. Earl Bartholomew, of Carefree, Ariz., has written such a letter. It concerns automobile emissions and common sense.

Anyone wishing to examine the problems of automobile emissions in a rational, calm way could do no better than to read Mr. Bartholomew's letter. He makes a very strong case for a moratorium on stricter emission controls.

He shares with me the belief that our goals in automobile engines should be increased performance and reduced emissions. It is my belief that the technology can be developed to accomplish these aims simultaneously. When we defy simple engineering facts of life, we can damage vital industries without attaining our objectives.

Mr. President, I ask unanimous consent to have Mr. Bartholomew's letter together with its enclosures printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Carefree, Ariz., *February 21, 1975.*

Hon. Barry M. Goldwater,
U.S. Senate,
Washington, D.C.

Dear Senator Goldwater: This letter is concerned with the effect of governmental regulation of the automobile industry on the present economic and energy crisis, a discussion that seems particularly appropriate at this time in view of the President's request for a five-year freeze of present regulations on exhaust emissions and a forty percent increase in gasoline mileage of new cars by 1980.

My entire active life was devoted to improvement of the efficiency, durability and environmental acceptability of automotive engines, together with development of fuels for their operation. The work was responsible for substantial advances in all of the areas. It is understandable that such a program would become interested in the objectives of the Environmental Protection Agency (EPA) and the regulations promulgated for attainment of its goals.

Although having deep concern about preservation of the environment for the benefit of present and future generations, I became convinced that the announced schedule of governmental regulations applicable to exhaust emissions of automobiles, in their increasing stringency, ultimately would become counter-productive, wreck the automotive industry and hasten a petroleum crisis whose dire consequences were beyond prediction.

At retirement a few years ago, I concluded that, after transfer of technical and educational responsibilities to able younger personnel, I should become and remain a member of the "silent majority." However, with our largest industry prostrate, hundreds of thousands of its employees idle and the effects permeating most other segments of the economy, I cannot in good conscience continue such a passive course while our country continues its descent into economic stagnation. The decision is reinforced by the depressing effect of these developments on two of Arizona's principal industries—semiconductors and copper. The final determinant was two news items in recent issues of The Wall Street Journal, which are reproduced on a separate attached sheet.

The technology relating to exhaust emissions is extremely complex. Lack of appreciation of this fact by well-meaning people without technical background, but in a position to make decisions and formulate regulations capable of causing tremendous dislocations and economic consequences, is responsible for much of our present situation. Accordingly, for whatever value it may have to you in meeting your responsibilities in this area, I shall try to set down, in concise layman's language, the principal factors and relationships that are involved.

Three means are available for reducing the amount of pollutants exhausted into the atmosphere, viz:

A. Better preparation of the mixture of air and fuel delivered to the engine cylinders through more precise metering of fuel in the carburetor, better mixing of fuel and air, and more nearly uniform distribution of fuel to the cylinders.

B. Reduction of the amount of fuel burned through

a. Decrease of engine size,

b. Improvement of efficiency with which fuel energy is converted to power within the cylinders (for example, from increased compression ratio), or both.

C. Burning of combustible pollutants in the exhaust system.

In my experience, very large reduction of exhaust emissions can be achieved by better preparation of the air-fuel mixture—down to 10 to 15% of the levels prevailing before the attack on the pollution problem was started. Controls and adjustments can be almost eliminated. If carburetors and manifolds are properly constructed, the low emission levels delivered by new engines are continued indefinitely in service. Of at least equal importance, little or no engine cost penalty is involved and fuel consumption is not increased. Usually *less* gasoline is needed. Lowering of engine compression ratio with consequent boost of gasoline consumption is not required.

Pressure of the EPA on automobile manufacturers to reduce emission levels below those obtainable by design of carburetors and manifolds is a primary cause of the present depression in the automobile industry and of the bleak future prospects. It is contributing largely to the petroleum crisis and, if continued, will exacerbate the problem. Moreover, it is counter-productive with respect to control of air pollution. Such unfortunate consequences are ascribable to the following technical and economic relationships:

1. As efforts are made to reduce emissions below the aforementioned 10 to 15% levels, the law of diminishing returns acts to make each successive increment of improvement more difficult and expensive to achieve. This well-known law applies to all scientific endeavor, as exemplified by attempts to produce zero vacuum or temperature, or to attain 100% efficiency in chemical processes.

2. Struggle to eliminate the aforedescribed residual emissions involves successive additions of complex and expensive apparatus having a host of controls and adjustments, all of which increase the possibility of malfunction with consequent higher emission levels than if the gadgets had not been installed.

3. The additional components necessitate design measures that result in higher gasoline consumption—a characteristic of cars made during the past few years that has been expensively discovered by their buyers.

4. Increasingly severe limitations on exhaust emissions imposed by the EPA are forcing car manufacturers toward universal use of catalytic mufflers. Because of incompatibility of tetraethyl lead in gasoline with the platinum catalyst used in the mufflers, unleaded fuel must be used. Since its antiknock quality is lower, reduction of engine compression ratio has been necessary, with consequent loss of power and fuel economy. Even further reduction of compression ratios has been required inasmuch as combustion chamber deposits (commonly called "carbon") from unleaded gasoline cause greater knocking. Thus larger and even less thermally efficient engines must be installed for equal power performance. (Alternatively, smaller engines having former compression ratios and delivering more miles per gallon could be employed that would match the power performance of engines with catalytic mufflers).

5. Catalytic mufflers cause increased consumption of petroleum in still another way. Manufacture of the required lead-free gasoline necessitates the use of severe refining processes which consume more crude oil per gallon of motor fuel produced. Accordingly, owners of recently built cars are forced to pay a higher price per gallon for gasoline of a particular level of antiknock quality and to buy more gallons to travel a given distance. When, in the worsening energy crisis, every effort should be directed toward minimizing consumption of crude oil, EP regulations are forcing wasteful increase. Unless already scheduled regulations are repealed or their implementation delayed, crude oil wastage will mount in proportion to increase in registration of new cars.

6. From the foregoing discussion it must be obvious that EPA regulations beyond technical justification are a catastrophe. Now comes a statement (Attached clipping from the January 28 issue of The Wall Street Journal) by an EPA official that catalytic converters "emit sulfates that may eventually cause more health risks than the converters prevent". Tnis fiasco will have cost motorists billions of dollars because of research and engineering expense incurred by automotive manufacturers, large additions to the cost of cars, and huge investments of oil companies in equipment for refining and distributing the required special gasoline. Once more are illustrated the dislocations and wastage of resources resulting from bureaucratic pressure and regulations applied without adequate technical background or analysis of economic consequences.

The question properly arises: How do the aforediscussed conditions affect the sale of automobiles? Anyone who has much contact with car owners is likely to say quite adversely. My own acquaintances who have bought recently-built cars are unhappy about their low gasoline mileage, sluggish performance, poor idle, after-running and Christmas-tree appearance of EPA mandated apparatus.

Those who are fortunate enough to have cars made before EPA engineering reached the present level of absurdity are determined to drive them as long as possible. On national television newscasts, they see fuel tanks of new cars being filled from hoses fitted with non-standard small nozzles and know that pumps having the required small nozzles are not to be found everywhere they may wish to travel, particularly in Canada and Mexico. Some have told me they would not trade their older cars for new ones on an even basis.

A letter from a reader of The Arizona Republic, published in the February 15, 1975 issue of that paper and copied herein on a separate sheet, summarizes succinctly the public attitude toward currently produced automobiles. We now are witnessing the greatest buyers' strike in American history.

The President has called for development of automobiles by 1980 that will yield 40% more miles per gallon of fuel. Nothing in the energy program is as important as achievement of this objective. It can be reached under pollution regulations no more stringent than required to insure the minimum practical levels of emission discussed hereinbefore. To this end the President has asked the Congress to freeze the present emission limits for a period of five years.

If future cars produce no greater weight of pollutants per gallon of fuel burned (a performance that is to be expected), the improved fuel economy will be accompanied by a reduction in weight of exhaust emissions proportional to the decrease of fuel consumption. This very substantial real gain certainly would be preferable to hoped-for but illusory benefits from additional proliferation of gadgetry.

In view of the conditions and relationships discussed above, I hope you will support the President's proposal for freezing existing pollution standards relating to automobiles, as well as that pertaining to improvement of fuel economy.

Sincerely yours,

EARL BARTHOLOMEW.

P.S. In the controversy concerning air pollution, the media frequently presents news reports which are technically unsupported claims, figments of the imagination or purely political propaganda. For those not having extensive technical background, it often is difficult, if not impossible, to differentiate such spurious from authentic information. In the hope that the above discussion will be accepted as having real substance and objectivity, and for that reason alone, I take the liberty of advising that, as a young man, I was on the faculty of the Engineering School at Harvard University. For thirty-eight years I was general manager and director of the technical staff of one of the largest, best equipped and most competently staffed research laboratories in metropolitan Detroit. I was granted many patents for developments relating to automotive engines and their fuels.

During the last decade in Detroit, my attention was concentrated almost entirely on air pollution caused by automobiles. In recognition of that work, I was awarded the Horning Memorial Medal by the Society of Automotive Engineers.

I have no obligation to any company, and no compensation is due me, at present or in the future, from any company. I assigned all patent rights without claim of subsequent compensation.

[From the Wall Street Journal, Jan. 28, 1975]

Catalytic converters used on most new cars to control hydrocarbon and carbon monoxide pollution emit sulfates that *may eventually cause more health risks than the converters prevent, an EPA official said.*

[From the Wall Street Journal, Feb. 10, 1975]

Chrysler Corp. will abandon the U.S. heavy-truck market Feb. 21. It *blamed changing government standards for the trucks.*

[From the Arizona Republic, Feb. 15, 1975]

BROUGHT ABOUT OWN DOWNFALL

I couldn't help noticing the front-page story describing the auto workers' demonstration in Washington. Although well-intended, I believe their efforts were misdirected.

Periodically, for the last 20 years, the auto workers have won substantial wage and benefit increases, generally by shutting down one or more of the auto companies for a period of time. The end result is the same basic transportation unit of 20 years ago at double the price. It is equipped with a gas-guzzling engine, choked down with pollution gear.

The American buying public is now telling auto management, the auto workers, and the Environmental Protection Agency, "Get the price of your auto down, the junk off, and we'll buy it, thereby creating all the jobs you need."

All the demonstrations and politicians and union leaders' fiery speeches aren't going to change the basic right of a prospective buyer to assess a product's value against its price.

It's suggested that the three above-mentioned auto groups get their heads together and get after it.

JOHN AHMANN,
Kearny.

(Underlining is the author's).

PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Foreign Military Sales Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million. Upon such notification, the Congress has 20 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent that there be printed in the RECORD the notification I have just received.

There being no objection, the letter was ordered to be printed in the RECORD, as follows.

WASHINGTON, D.C.,
March 7, 1975.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Foreign Military Sales Act, as amended, we are forwarding under separate cover Transmittal No. 75–12, which contains information concerning a proposed Letter of Offer in excess of $25 million.

Sincerely,

H. M. FISH,
Lieutenant General, USAF, Director, Defense Security Assistance Agency and Deputy Assistant Secretary (ISA), Security Assistance.

TRANSMITTAL NO. 75–12: NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE FOREIGN MILITARY SALES ACT, AS AMENDED

(a) Prospective Purchaser: Kuwait.

(b) Total Estimated Value: $41.9 Million.

(c) Description of Articles or Services Offered: 2 C–9B aircraft, support equipment and spares.

(d) Military Department: Navy.

(e) Date Report Delivered to Congress: March 10, 1975.

THE INVISIBLE GOVERNMENT

Mr. DOLE. Mr. President, I commend to my colleagues an article in the March 17, 1975, issue of Newsweek magazine entitled, "The Invisible Government," by William S. Banowsky, who is the president of Pepperdine University and the Republican national committeeman from California.

I and many of my colleagues share a basic belief that human problems ought to be dealt with at the simplest level of society which is adequate to the task. At the root of this approach is a conviction that the individual ought to be left as free as possible to direct his own affairs, that where government action is necessary, it ought to be government action at the level closest to the problem and that the highest level of government ought to be called in only as a last resort, to deal with those problems beyond the capacity of lower levels of government to treat.

The corollary of this belief is a sense that big government is, at best, a necessary evil and in some of its particulars, at least, more evil than necessary.

Those of us who think so, however, seem on occasion to have forgotten that government has been big so long that many of our citizens take it—and the demands it makes upon them—for granted. It is no longer necessarily self-evident that big government is something to be avoided.

Big, in other words, is not obviously bad.

There is a need to reassert and to redescribe the rationale against big government. It is not its size that alarms us, but its power, as Mr. Banowsky points out in his Newsweek article. Those who criticize the expansion of big government do so not in a negative way, but for the sake of the expansion of individual freedom.

That is our case. It is, I am proud to say, the orientation of my party. And, I am pleased to say, it has been the general subject of a growing number of thoughtful articles coming to my attention in recent days. I commend Mr. Banowsky's contribution to this debate to the attention of all of my colleagues and ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE INVISIBLE GOVERNMENT

(By William S. Banowsky)

For years, we have heard warnings—usually from conservatives—about the evils of big government. Now these warnings have been given a new credibility. Millions of Americans, growing uneasy about this awesome concentration of power that controls much of our lives, see it as a threat to our civil liberties.

If you think this is just the latest jerk of the knee by yet another alarmist, stop and consider the implications of the recent disclosures about the FBI and CIA. The popular thing to do, of course, is blame everything on Nixon. But isn't it time we stopped kidding ourselves? Only professional Nixon-baiters and rabid partisans can really believe the CIA's intervention in domestic affairs and the FBI's promiscuous snooping were merely the work of one man's evil genius.

Nixon didn't design the system; he merely made creative use of it. But the potential for abuse was already there. It still is. It is not specific past abuses of power, but rather the almost unlimited potential for future abuse which ought to unsettle us.

Self-righteous politicians can condemn the FBI, CIA, IRS and other departments, bureaus, agencies or commissions which were enlisted in the crusade against the "enemies list." They can appoint special commissions and prosecutors and, no doubt, find a few more officials to put behind bars. But so long as we deal merely with the effects rather than the cause we miss the real danger.

FORBIDDING ACRONYMS

The 3 million civilian employees of the Federal government work in numerous agencies which form a kind of invisible government. By its very nature, every bureaucracy develops a spontaneous momentum, generating its own growth and power. Insulated from public scrutiny, these unelected and, for the most part, unappointed civil servants are nameless and faceless. Most of them are decent, competent people. But, as we have seen, the majority simply carry out orders. Somewhere between them and the American people they serve the line of accountability has been blurred.

I am less disturbed about the few "bad apples" within the system that I am with the system itself and its isolation from the people. In the total American work force, one out of six civilian employees is now on a government payroll.

But it's not the *size* nor even the *cost*, but the *power* of the entrenched bureaucracy that is most alarming. And power is not just the Pentagon, with its missiles, planes and tanks. Power is the Department of Health, Education and Welfare. HEW occupies 57 buildings in Washington. If power is where the money is, we should take notice that HEW's proposed 1976 budget is $118 billion, one-third of the total Federal budget. In the past ten years, the Pentagon's power has dropped from 41 percent to 26 percent of the budget, HEW has gone from 25 percent to 34 percent.

Similar power is at HUD, OMB, EPA, SEC, FCC, FTC, ICC. One could go on and on. The initials are forbidding acronyms for anonymity. How many know what they stand for, let alone the powers vested in all the alphabet agencies?

EMPATHY FOR BUSINESSMEN?

Because Americans retain a healthy skepticism of police power, we can all relate to the FBI and CIA abuses. And everyone, of course, fears the IRS. What citizen thinks himself a match for the skilled IRS auditor, armed with the legal authority and resources of the United States and empowered to conduct a microscopic examination of our finances?

But it's much harder to empathize with the plight of the "big businessmen." Where is the ACLU campaign against OSHA (the Department of Labor's Occupational Safety and Health Administration Agency)? OSHA's power extends over virtually every businessman in the country. An anonymous informant, even a business competitor, may unleash agents (according to OSHA's pamphlet) "without delay, at any reasonable times" (not necessarily during work hours) to search "all pertinent materials." No court order or search warrant is required, not even evidence of probable violations.

More frightening is HEW's new medicare and Medicaid monitoring agency, the Office of Professional Standards Review. The OPSR can inspect and computerize the private medical records of any American treated by a doctor or admitted to a hospital. If these powers had existed in 1972, a White House political operative might have secured Tom Eagleton's medical records to mount an attack against the Democratic nominee.

The confirmation of FBI files on senators and congressmen is treated as news. Yet reports have circulated in Washington for years that such files existed—*before* Richard Nixon was elected President—and now we know these reports were true. The media reported about CIA involvement in domestic affairs as if this were a revelation, although in 1967 we learned of the CIA's subsidy and partial control of the National Student Association, and of vast CIA foundations and publishing enterprises.

So what else is new?

Hopefully, it is that Americans will realize that our present system of checks and balances has proven impotent in controlling the bureaucracy. Since Republicans habitually denounce big government, it is grimly ironic that a Republican Administration taught us to fear government "more than ever." We shiver at the awesome power of Nixon's White House staff. Yet the machinery of government remains in the hands of anonymous bureaucrats protected by Civil Service so that neither their positions nor their actions are subject to the electoral process. The whole system remains ripe for future abuse.

REGULATE THE REGULATORS

We know that the FBI was used for political ends during the Johnson Administration. We could appoint an expensive commission to see if the IRS ever investigated someone at the request of LBJ, or if any regulatory commission harassed any corporations whose chiefs supported Goldwater, or if any ambassadors were appointed because they contributed to the Johnson-Humphrey campaign.

But I don't believe the nation needs an interminable series of Watergate-style investigations. What we need are new checks and balances to harness the bureaucracy. Let Congress revise the laws that give these agencies so much power and let it scrutinize them more carefully.

The threat to our civil liberties did not originate with Richard Nixon, and it has not disappeared with his exile. The people and their representatives must start regulating the regulators.

EASTERN NEW MEXICO UNIVERSITY-ROSWELL'S HIGH SCHOOL EQUIVALENCY PROGRAM NO. 1 IN NATION

Mr. MONTOYA. Mr. President, I am proud to announce that Eastern New Mexico University-Roswell's High School equivalency program was recognized, in September 1973, by the Executive Systems Corp. as the top such program in the Nation.

The program is federally funded, and is for young people of ages 17 to 22 years old who are of migrant farm worker background. The program is sponsored by the Office of Economic Oportunity in 14 universities throughout the country.

There is a declining need for migrant farmworkers. This program was established to aid young people in receiving a sufficient education so as to enter other fields. The purpose of the program is the successful completion of high school and the placement of students into a job or training program. In 1972–73 the Roswell campus had a success ratio of 94 percent in attempting to accomplish this goal.

In addition, this program brings into the community almost a half million dollars annually.

The program's success at Roswell can be credited to a dedicated, able staff. The staff members are John Gillis, dean: David Gomez, assistant director: George Hunter, counselor and recruiter; Mary Tupps, English instructor: Judy Blome, literature instructor: Alton Howse, mathematics instructor; and Mary Bagwell and Sue Wunhan, secretaries.

In 1973–74 the new staff members were Berna Sue Wrinkley, science: James Patterson, social studies: Pat Trembly, recruiter and vocational counselor: and Charles Yslas, reading specialist.

I ask unanimous consent that materials related to this program be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

ENMU-R HIGH SCHOOL: LOCAL PROGRAM NO. 1 IN NATION

(By Marilyn Holmes)

Eastern New Mexico University-Roswell's High School Equivalency program was recognized this week by the Executive Systems Corporation, consultant to the Office of Economic Opportunity in Washington, D.C., as the top such program in the nation, ENMU-R dean John Gillis announced today.

The federally funded program for young migrant workers or family members is sponsored by the OEO in 14 universities throughout the nation.

The program was placed on the Roswell branch campus here five years ago because of availability of facilities, HEP director Dewey Johnson of Roswell explained.

SUCCESS RATIO

The Roswell campus has a success ratio for 1972–73 of 94 per cent of its HEP students either achieving high school equivalency degrees or in being placed in jobs resulting from program instruction.

The nearest percentage among other universities was 88 per cent success factor in three universities including an Executive Systems Corporation sponsored program in Puerto Rico, University of Texas at El Paso in El Paso, Tex.; and the University of the Pacific in Stockton, Calif.

Other universities hosting HEP programs include Southern Colorado State College, Pueblo, Colo.; University of Miami at Miami, Fla.; Lamar University, Beaumont, Tex.; University of Wisconsin, Milwaukee, Wis., Pan American University, Edinburg, Tex.; University of Nebraska, Lincoln, Neb.; University of Houston, Houston, Tex.; University of Oregon, Eugene, Ore.; California Polytechnic, San Luis Obispo, Calif.; and Washington State University, Pullman, Wash.

"FINE STAFF"

"The credit for the program's success should be given to the fine staff which is dedicated to accomplishing its goals," Gillis said.

Other staff members involved in the program last year include David Gomez, assistant director; George Hunter, counselor and recruiter; Mary Tipps, English instructor; Judy Blome, literature instructor; Alton Howse, mathematics instructor; and Mary Bagwell and Sue Winham, secretaries.

New staff members added for the program for 1973–74, beginning Sept. 1 this year include instructors Berna Sue Wrinkle, science; James Patterson, social studies; Pat Trembly, recruiter and vocational counselor, and Charles Yslas, reading specialist.

1,446 STUDENTS

The program for the 1972–73 year was funded for $265,000, and processed 1,446 students during the year for the highest number of students served in all of the nation's programs.

Johnson explained that numbers of students served depend on recruiting efforts of the individual program staff members.

Because of the Roswell campus success record, it will have the only program funded for a 75 student capacity this year resulting in two staff members added to the program, the director explained.

Other programs are funded for an average 50 student classload during the year.

"NO. 1"

"When the Roswell campus accepts a federal program, we expect to do the best job possible with the taxpayers' money," Gillis said. "And according to every measureable statistic, Washington considers our program number one.

"We have had as our main purpose in the program the successful completion of high school and placement of the student into a job or a training program," he said.

"The HEP program is not designed as a social program, but as a program which would make productive citizens out of unemployed young people," he added.

He explained that the program brings into the community "almost a half million dollars annually."

Students, who must be a migrant farmworker background and of ages 17–22 years old, are placed into academic and vocational work until they are able to pass GED requirements.

After receiving certification from the State Department of Education, the students then are aided by HEP staff in job placement.

Recruitment for the Roswell campus is done mainly in New Mexico, Texas, Arizona and Oklahoma, Johnson explained.

This year funding and sponsorship for the program has been transferred from OEO to the Department of Labor.

Johnson explained that HEP programs were established because of an increasing decline in need for migrant farm workers. The programs were established to aid young people to receive education sufficient for them to enter other fields.

WHAT DOES H-E-P INCLUDE?

Special classes geared to passing the GED Examination, special tutors and counselors. The H-E-P student will participate in all campus activities, go on field trips, live in regular accredited campus housing. The H-E-P student will get free room and board, books, medical examination, etc., and transportation to and from the H-E-P college at the beginning and end of his or her stay in the program, plus a trip home for Christmas. H-E-P students will get $10 a week educational allowance while enrolled in the program.

H-E-P Students will learn the types of traning available which may interest them: whether it be vocational courses at E.N.-M.U.R; training back in their home areas; relocations in another state; or entry into college.

The daily schedule calls for four 50 minute morning classes, with a 15 minute break at mid-morning, and two afternoon classes divided by another 15 minute break. During the time after school, students are encouraged to return to classes where they require special help to get extra attention from the teachers.

At least one day of each week, the classes are shortened to 40 minutes, with five classes in the morning and one in the afternoon. This allows everyone to participate in activities such as physical education, vocational guidance, field trips, films or guest speakers.

Every Friday, all six classes are held in the morning and the afternoon is spent on a recreational activity. Students and staff alike enjoy getting to know each other better while bowling, skating, or watching a movie together.

INFLATION-PROOFING THE U.S. DEBT

Mr. BUCKLEY. Mr. President, last week I submitted a bill, S. 987, to reform United States the taxation and borrowing system to eliminate the windfall profit the Federal Government now enjoys at the expense of the U.S. taxpayer as a consequence of the inflation caused by the Government.

Nowhere is the effect of inflation on the public more severe than in the system of Government borrowing. The private citizen lending the Federal Government money and receiving a Series E savings bond in return is subjected to long-term losses in interest, because the average rate of inflation has exceeded the interest he earns on the bond. To add insult to injury, he is compelled to pay additional taxes on the purely fictitious "income" he has earned.

A useful analysis of the issue of inflation-proofing the Federal debt has been published in the Wall Street Journal written by Dr. Ernest J. Oppenheimer, a New York-based financial consultant. The author makes a compelling case for the necessity of inflation-proofing Federal debt instruments; I ask unanimous consent that a copy of Dr. Oppenheimer's essay be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

INFLATION-PROOFING THE U.S. DEBT

(By Ernest J. Oppenheimer)

The U.S. government is embarking on its biggest peacetime borrowing program in history. The magnitude of this endeavor is apparent from the fact that the U.S. Treasury is requesting an increase in the debt ceiling in excess of $100 billion. The manner in which this mammoth borrowing operation is handled is bound to have a major impact on our economy. One of the most critical issues concerns the determination of interest rates and their relationship to the future purchasing power of money.

Under a free market system of allocation of resources, the law of supply and demand would long ago have determined interest rates that would have fully reflected the chronic inflation that has beset the U.S. economy during the past three decades. However, ever since the 1930s, the federal government has pursued a deliberate policy of manipulating interest rates in favor of borrowers, notably the government itself.

The procedures involved are as simple as the consequences are devastating. The government has used its power to create money and credit for the purpose of influencing interest rates. In effect, if the government wants to lower interest rates, all it need do is create more money and credit. This government money is created by fiat, not from savings. As this fiat money flows into the general stream of economic activity, it undermines the purchasing power of all the money already outstanding. It is a form of disguised tax on real savings, or an expropriation of property without due process of law.

If this process is allowed to go on unchecked or is accelerated, the savings function is increasingly undermined and may collapse completely. The end-result of this phenomenon is illustrated by what happened in Germany during the hyper-inflation of 1922–23, when printing presses were working feverishly to create new money and all existing monetary values were wiped out. The political consequences of this phenomenon were at least as dangerous as the economic ones, for the emergence of totalitarianism was closely linked to the destruction of the savings of the German people.

It is clear therefore that insofar as the government follows the procedure of financing the proposed debt through fiat money, it will seriously weaken the whole economic system by causing future rates of inflation in excess even of the unacceptable levels reached in the recent past. On the other hand, if the full $100 billion of new federal borrowings are to come from the private sector, it would require a major inducement for people to increase their propensity to save.

RECALLING ABE LINCOLN

The necessary procedure for accomplishing this objective is to structure the debt instruments in such a manner as to immunize them against future inflation. The savers must be assured that the purchasing power of the funds they make available to the government in the form of loans will not deteriorate over time through inflation. Simple justice demands no less. The government should not expect to be able to repeat the pattern of the last three decades, when it borrowed on terms that resulted in the loss of tens of billions of dollars in purchasing power to its creditors. As Lincoln so wisely put it, you cannot fool all of the people all of the time.

Regarding future rates of inflation, it may be stated categorically that no one can possibly know what they will be. On the basis of historical evidence we can say that the more heavily the government goes into debt and the more fiat money it creates, the higher the rate of inflation will be. Contrariwise, the more responsibly the government handles its affairs, the lower will be the rates of inflation. Therefore, let us provide the government the funds it needs on terms that will maximize its benefits if it acts responsibly and reduces inflation. We can accomplish this by linking the par value of the loans to a cost-of-living index. There is nothing like this direct impact on the pocketbook of the profligate spender to keep him in check.

Let us assume the government issues $10 billion of 50-year bonds with an annual interest coupon of 3%. On each interest date, the government would calculate the rate of inflation or deflation during the preceding year and adjust the par value accordingly. If the rate of inflation during the first year was 10%, then the adjusted par value would be $1,100. The 3% interest is then calculated on that basis, providing investors with a payment of $33 per bond in the first year. In contrast, if there had been a 10% rate of deflation, the adjusted par value would be $900 and the interest payment $27 per bond.

At the end of the 50-year term, the cumulative rates of inflation and deflation would determine the final settlement. For example, if the purchasing power of the dollar had been cut in half, then each bondholder would get $2,000 per bond. On the other hand, if the purchasing power of money had doubled in the interval, bondholders would get $500 per bond. The important point to remember is that investors would have in effect a guaranty that the money they make available to the government today will have the same purchasing power 50 years from now. And the government would realize that it no longer gains any advantage from manipulating the money supply or other factors in such a way as to produce inflation, which is nothing but a disguised form of bankruptcy designed to deprive creditors of their property, as Adam Smith pointed out so poignantly.

Thus the most important gain is intangible yet very real, namely the restoration of justice to the dealings between the government and its people. The past 30 years have been grossly unfair to all those who have been prudent and saved their money. Their losses have been the gains of the profligate spenders, notably the government. As the great Greek philosophers pointed out over 2,000 years ago, a government must deal justly with its people if it is to survive. Classical economists were fully aware of this reality and considered economics to be an applied branch of moral philosophy. Unfortunately, many modern economists have disregarded this profound truth and have largely divorced economics from moral considerations. It is high time we reversed this trend.

The government, itself, would derive some major tangible benefits from the plan: Its current interest payout would be substantially less than from comparable bond issues without the cost of living linkage. For example, the most recent long-term government bonds have an interest rate of 8½%, or almost triple the level suggested here. One can assume that 5½% percentage points of this rate represents an inflation premium. As we all know from recent history, this amount did not even cover half of the rate of inflation prevailing in 1974. On the other hand, should we ever have a rate of inflation of less than 5½%, the government would be paying more than it should. This has the undesirable effect of motivating the government to follow inflationary policies.

LENGTHENING INDEBTEDNESS

Another tangible advantage to the government is that on the basis proposed here it would be in a position to lengthen the maturity of its indebtedness, which is highly desirable under present circumstances. Government statistics indicate that over half of the federal debt held in private hands will mature within the next 12 months. All of this money has to be refinanced, in addition to the tens of billions of dollars of new money that the government seeks to raise. This short term nature of the bulk of the federal debt has highly inflationary implications, for it is a form of near-money. The lengthening of the federal debt is therefore essential as part of the overall program against inflation.

The government and the American people would have another very important gain from this procedure, namely the knowledge that there is nothing magical about government intervention in the economy as a cure-all. In the final analysis, somebody has to work hard to grow the food, produce the goods and perform the myriad services that constitute the essence of economic realities. The government's role is largely that of a consumer and redistributor of wealth. The less wealth the government consumes and redistributes the more will be available to the creators of that wealth.

Moreover, if Congress wants to take a constructive role in this enterprise of placing our monetary system on a sound footing, it should take the initiative in passing appropriate tax legislation to exempt the inflation adjustment of interest rates or par values from taxation. An objective analysis of the facts shows that the inflation adjustment represents an offset to the loss of capital. It is totally unrealistic and unfair to consider it income or a capital gain. For example if the purchasing power of the dollar is cut in half so that it takes $2 to purchase goods and service formerly available for $1, it is clearly unreasonable to tax this inflation adjustment as if it were income. In actual fact, such a tax is in effect a deprivation of property without due process of law, specifically prohibited by the Constitution.

The procedure of linking government securities to rates of inflation is so simple and sound that one may wonder why it has not been implemented before in this country. The British classical economist Alfred Marshall, in fact, pointed out about 100 years ago that money alone cannot fulfill the function of a stable long-term standard of value. He recommended a procedure analogous to the one suggested here as an essential step for preserving the free enterprise system. Thirty years of chronic inflation have demonstrated beyond doubt the validity of Marshall's analysis.

MARCUS WEBB—WINNER OF VETERANS OF FOREIGN WARS VOICE OF DEMOCRACY SCHOLARSHIP AWARD

Mr. GOLDWATER. Mr. President, the young people of our country have been the recipients of much notoriety over the past several years. Often this takes the form of criticism regarding their devotion to the ideals upon which our country was founded. They are often depicted as people without direction who have strayed from those principles that many of us hold dear.

Tuesday night I had the privilege of hearing a young man speak out on the obligation that an American citizen owes to his country, not just the legal obligations of citizenship but the moral obligation that a citizen faces. This young man is Marcus Webb of Alexandria, Va., winner of the Veterans of Foreign Wars of the United States Voice of Democracy Scholarship Award.

Mr. President, this young man put the lie to fears that our younger generation may not be capable of taking over the leadership positions of our Nation in the years to come. His speech is one I feel deserves the attention of every Member of the Senate and of all who have had a concern for the young men and women of our country. I ask unanimous consent that the speech of Marcus Webb be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech of Marcus Webb

The United States demands very little from its citizens: pay your taxes, obey the laws, register for military service. But a good American knows that he owes America more than meeting legal obligations. An American citizen has a moral obligation to America.

Now. All this about Americans being cynical and disillusioned is ridiculous. Americans are the most idealistic people in the world. Americans believe in freedom; democracy; equality.

Good citizens have always worked to make those ideals into realities. All real Americans have always fought to keep those ideals alive and secure. During the American War for Independence, Patrick Henry spoke out for American liberty. Thomas Jefferson worked for American democracy. George Washington fought for American freedom.

These men showed what it's like to be a real American: patriotism in service of American ideals. Following their example is my most important responsibility as an American citizen.

Now a lot of people think that opportunities for one person to help his country are like miracles in the Bible: it may have been possible a long time ago, but not today. Now that's not true.

A patriotic citizen today can start by knowing and respecting our history, our traditions. He must respect our flag, our National Anthem, and the beliefs they stand for. Ridicule of patriotism is disloyal. The pseudo-sophisticates who think that patriotism is corny and passe might as well be citizens of the moon.

Now another thing: active patriotism also includes political activity. The Democratic System lets citizens take sides and decide issues. When citizens vote in elections, they take the American dream of government by the people and make it work.

Now a real citizen must be an active patriot in smaller ways, too. Citizens can keep American ideals alive every day in their homes and where they work. Honesty. Fairness. Integrity. A good citizen helps America most by trying to live up to those ideals in his daily life.

Now there's something which all good citizens must always be ready to do: defend America. If a foreign power threatens our safety, defend America. If apathy and subversion at home threatens our strength, defend America. If dishonesty and disloyalty threatens our democracy, defend America! Our military protects us from foreign threats, but a good citizen is America's only defense against defeat from within.

No real American ever did his duty grudgingly. A real American is willing to sacrifice . . . and eager to serve. Fighting for America's freedom—living for America's ideals: this is a citizen's greatest service.

America's future is in the hands of her citizens. They will protect her. Tomorrow and tomorrow, Americans will work to keep America strong; fight to keep America free; strive to keep America great. American ideals will live on.

As an American, I feel proud to face the challenge of American citizenship. I'll give my best effort. America deserves it.

"THE PLUTONIUM CONNECTION"

Mr. MONTOYA. Mr. President, a television program produced by WGBH in Boston was broadcast on Sunday, March 27, over the public broadcasting network.

The program, entitled "The Plutonium Connection," is part of the NOVA series, a weekly show dedicated to explaining some scientific issue or problem.

In broad terms, the theme of Sunday's program was that it would be possible for terrorists to acquire plutonium and fashion it into a crude, but effective, atomic bomb.

There is wide disagreement over whether a small band of terrorists actually could produce a home-made weapon. The position of certain officials within the now defunct AEC was that it would be impossible, that a terrorist band would need its own Manhattan Project in order to accomplish this task. Others who doubt the possibility of producing homemade weapons draw a loose analogy with an effort to build a homemade automobile engine. While contending that it would be easier to build such an engine than to construct an effective atomic bomb, they point out that the technology for constructing an automobile engine is readily available but that no one actually builds them at home.

Other experts take a different position. One of these is Dr. Ted Taylor who was one of the most creative and successful weapon designers at the Los Alamos Scientific Laboratory in the 1950's. He contends that a basement bomb is within the technical capability of a small band or group.

I cannot judge between the two positions, but I can say that reasonable steps ought to be taken at once to prevent, as far as possible, the likelihood of such a bomb being built and used for potential blackmail.

As a first step, I believe the NRC ought to give consideration to restricting access to information now available in its public document room which might be of assistance to any terrorist group. I refer specifically to the practice of making available to anyone who requests them on the floor plans of nuclear installations where plutonium is stored. Plutonium is considered by some to be the element which terrorist groups might choose if they wished to assemble their own bomb.

I appreciate the responsibilities which the NRC has to make available to the public information which demonstrates that the public health and safety will not be damaged by the normal operation of nuclear reactors or fuel storage or reprocessing plants. But I also believe that protecting the public health, as it is conceived in a broad sense, requires that plutonium not fall into the hands of those who misuse it. In order that the problem might receive a little public discussion, I have sent a letter to Chairman Anders requesting that the Nuclear Regulatory Commission be prepared on March 18 and 19 when it comes before the Legislation Subcommittee of the Joint Committee on Atomic Energy to justify its present practice of making available to the public floor plans of nuclear installations and other information. I ask unanimous consent that the contents of this letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

March 10, 1975.

Mr. William Anders,
Chairman, Nuclear Regulatory Commission,
Washington, D.C.

Dear Commissioner Anders: I know that you and your staff are aware of the television program, entitled "The Plutonium Connection," which was broadcast Sunday night over the Public Broadcasting System. Surely that show has raised legitimate questions in the minds of many viewers as to what the Nuclear Regulatory Commission is doing to assure that would-be thieves, be they terrorists or black-market operators, are frustrated in their efforts to steal plutonium or other special nuclear materials.

One of the specific points raised by "The Plutonium Connection" is that detailed floor plans of plutonium fuel fabrication and processing facilities are available for ready public inspection at your H Street Office.

While I can appreciate your desire and your responsibility to make as much information as possible concerning nuclear facilities available to the public, I question whether the release of information such as these floor plans contributes in any real sense to public confidence that the public health and safety is being protected by the Nuclear Regulatory Commission. If a terrorist were to use such information to plan and successfully execute a theft, the public health and safety would have been jeopardized rather than protected.

I know that the National Security Council is presently considering whether any information now in your Public Document Room ought to be removed, and I understand that this report is expected to be ready at the end of the month. In the meantime, I would appreciate it if you would be prepared on March 18th and 19th to explain to the Subcommittee the Commission's current justification for including in the public document room detailed floor plans of nuclear fuel fabrication and processing facilities.

Sincerely,
Joseph M. Montoya,
Chairman, Legislation Subcommittee, Joint Committee on Atomic Energy.

THE STANTON COMMISSION REPORT

Mr. BUCKLEY. Mr. President, on Tuesday, March 11, the United Press International wire service carried a story which read, in part, as follows:

> The Georgetown University Center for Strategic and International Studies today recommended the virtual abolition of the U.S. Information Agency (USIA) and called for the Voice of America (VOA) to be established as a new independence agency . . .
>
> The recommendation was announced by Dr. Frank Stanton who was chairman of the Center's panel on information, education and cultural relations which has studied U.S. Government international information and cultural programs over the last 10 months . . .

I have received a copy of the report in question, and while I have not yet had time to examine it in every detail I can, on the basis of what I now know, state the following:

The abolition—"virtual" or otherwise—of the U.S. Information Agency would be a serious setback for our Nation and for the free world. That there are problems in our current overseas cultural and information policies and programs is evident. But just as evident is the fact that these problems will not be solved by the dismembering of the only governmental agency with the history, the personnel, the will, and the ability to coordinate and carry out these vital programs.

The Stanton panel report states, quite correctly in my view, that there has been a communications revolution in the world during the recent past. But the panel then draws precisely the wrong conclusions from this fact and calls for a piecemeal rather than a coordinated approach to public diplomacy, including an "independent" Voice of America. Just what this new Voice of America will be independent from is not made clear in the report.

The proposed Board of Overseers for this "independent" Voice of America would include as a permanent member one member of the State Department and the head of a newly created agency, Information and Cultural Affairs, an agency which, the report tells us, "would require a rather delicate but wholly feasible relationship with the Department of State." I am not certain as to what the phrase "delicate but wholly feasible relationship" means, but it certainly suggests that the new agency would certainly not be independent of State Department guidance. It appears likely that in practice if not in theory, the State Department would be the dominating influence on the panel. The independence of this Voice of America will be subject to question here and abroad. On the other hand, if it is not intended to be truly independent, why remove it from the U.S. Information Agency? The report seems to suggest that the only answer to that question is that by the time the Stanton panel's recommendations are implemented there will not be a U.S. Information Agency. This seems to me to be an example of avoiding the basic question which is: Do we really want to abolish the USIA in the first place?

Mr. President. I propose to make a more detailed and specific critique of the Stanton Commission report, including in it minority views, dissenting from the report, which are not included—for reasons unclear to me—in the body of the report. As for now, I simply want to state that I find the general content of the Stanton report disturbing and one warranting a very serious examination by the Congress. I would, however, like to quote from remarks made by Representative John Slack of West Virginia, Chairman of the House Appropriations Subcommittee dealing with the State Department and related agencies, who recently stated, in part:

> The U.S. Information Agency is at this time a well-organized, solidly managed agency staffed by career professionals. The efforts of this Agency as now administered serve important national objectives of the United States. In fact, I have on other occasions expressed to this Chamber my confidence in our overseas information and cultural programs because of my high regard for the efficient and conscientious manner in which they are carried out by the dedicated men and women of the USIA. . . .

I believe, Mr. President, that Representative Slack's views are shared by a majority of those who have some knowledge of our overseas information program.

Mr. President, I ask unanimous consent that the full text of Representative Slack's remarks be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE U.S. INFORMATION AGENCY AND THE VOICE OF AMERICA

(Mr. Slack asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Slack. Mr. Speaker, I have been disturbed by press reports that a panel headed by Dr. Frank Stanton is urging that the U.S. Information Agency be broken up and its functions dispersed. If newspaper accounts are accurate, the Stanton report, which has not yet been released, will recommend that part of USIA—those elements concerned with U.S. foreign policy be carved off and given to a new bureau in the State Department. The Voice of America is to be separated from the Agency and made independent, and the remainder of USIA would be combined with the Cultural Affairs bureau of State into a new semiautonomous, AID-type organization whose director would report to the Secretary of State.

As chairman of the Appropriations Subcommittee dealing with the State Department and related agencies, it has been my responsibility to conduct hearings on the USIA and the Bureau of Educational and Cultural Affairs of the State Department. Their management and operation have been subject to rigorous scrutiny. As a long-time member of this committee I have for many years personally studied and followed our Government's overseas information, educational and cultural programs and their contribution to our Nation's diplomatic objectives. I have inspected USIA's operations and programs overseas at firsthand, and I have become increasingly convinced that a coherent public diplomacy—promoting understanding, support, and respect abroad for the United States and its policies—is an essential element in the conduct of our foreign policy.

The U.S. Information Agency is at this time a well-organized, solidly managed agency staffed by career professionals. The efforts of this Agency as now administered serve important national objectives of the United States. In fact, I have on other occasions expressed to this Chamber my confidence in our overseas information and cultural programs because of my high regard for the efficient and conscientious manner in which they are carried out by the dedicated men and women of the USIA.

Now it is proposed that this Agency be broken up, its functions and its trained personnel be divided and scattered. According to the news stories, USIA would be stripped of its press officers and media services whose present job it is to interpret and support American foreign policy overseas. These people and this function would be submerged in an enlarged bureau of public affairs within the State Department. It is only realistic to assume that the job of explaining U.S. policies to foreign audiences would have a much lower priority under the proposed scheme than it does now under USIA. I question the wisdom of this change, for I believe we are going to need all the support and understanding abroad that we can get. This is one field where I think that USIA will try harder and is better prepared to do the job than the vast bureaucracy of the State Department.

I am not sure what is to be gained by splitting off the Voice of America from its parent organization and making it independent. I am aware that some people would like the Voice to become a sort of CBS of the international airwaves, independent of Government control, but if its broadcasts do not support U.S. policy I do not see why the American taxpayer should be asked to pay for them. And if it is supposed to continue to operate under Government policy controls, then why break it off from USIA where it has worked successfully for more than 20 years? Apart from change for the sake of change, I do not see what these proposals would accomplish other than to disrupt and dismantle what is now an efficient, effective operation.

Now I am not opposed to change when it is indicated by logic and when the result would seem to be an improvement over the present situation. One approach of the Stanton panel has, in my opinion, considerable merit. I have long believed that the cultural and educational programs of the State Department and USIA should be consolidated in Washington just as they are overseas. The direction and planning of these programs should be unified and coordinated in Washington; after all, they are administered and carried out by USIA Foreign Service officers abroad.

But I am troubled by the assumption that "information" and "culture" are somehow separable and distinct and should not be used together. I particularly question the idea that the task of explaining U.S. policies should be totally divorced from the effort to promote mutual understanding. The two, in my opinion, should not be divorced; they are complementary and supportive of one another. I mentioned earlier that our public diplomacy must be coherent, but I question whether this can be achieved if our efforts are to be divided among three separate agencies.

Finally, as chairman of the Appropriations Subcommittee concerned with our overseas information and cultural programs, I would point out that fragmenting the function, staff, and resources of these activities into three different agencies makes the task of effective congressional oversight vastly more difficult. How much more easily and how much more efficiently could the committee carry out its oversight responsibilities if these programs were consolidated into one agency?

But apart from my own committee duties,

I am most concerned with preserving and strengthening our Nation's overseas communciations capability is an essential arm of U.S. diplomacy. At this juncture, both détente and the need for collective action on the part of the allied nations place the highest premium on persuasion and on the ability to conduct a meaningful dialog with other nations. This is precisely the function of USIA. To fragment this effort would be a serious disservice to the national interest. Do we really want to cut up the USIA? Inevitably, it would result in confusion, disruption, and disarray in our public diplomacy at a time when these efforts are most needed and should be at their best.

It is my conviction that the best solution is a strong, consolidated, separate agency with close policy ties to the Department of State. Its mission should be to carry out all overseas informational, cultural, and educational activities of the U.S. Government. This would best serve the national interest at a time when such activities are more complex and important than ever.

$30 BILLION TAX CUT ESSENTIAL

Mr. HUMPHREY. Mr. President, on March 10 I testified before the Senate Committee on Finance, which was conducting hearings on their forthcoming tax cut legislation. In addition to relating to them the advantages of my Tax Relief Act of 1975, a primary purpose of mine was to inform the committee of the need for, and economic soundness of, a $30 billion tax cut. I wish to highlight some of the main points I brought out.

I see four major reasons supporting a large tax cut. The first basic fact is that we are dealing with a huge economy, a $1½ trillion economy. Thus, a $30 billion tax cut now is essentially equivalent to the $12 billion tax cut Congress legislated back in 1964 when considered relative to the size of the economy.

The second reason is that the economy is sinking day-by-day into the worst economic slump in over 35 years. The February employment figures confirm this, despite the official rate remaining at 8.2 percent. A large portion of the 580,000 decline in the labor force represents people who have become so discouraged that they are no longer seeking a job. Taking account of these discouraged people, as well as part-time people who seek full-time employment, we actually have a total unemployed-underemployed figure of 10.5 million people or a rate of around 11 percent.

The third point is that we must shorten the length of this recession, which even with strong action will continue to linger on particularly in the form of too high unemployment levels. Closely related to this, and the fourth reason, is that the output of goods and services this Nation is losing due to recession is staggering. There are two figures for the short term and the longer term, which should be implanted in everyone's memory banks.

By not operating at 4-percent unemployment, the tremendous waste of human and capital resources taking place in 1974, 1975, and 1976 is going to cost this Nation $600 billion. The longer term estimate comes from the administration which states that the GNP, in 1974 dollars, will fall some $1½ trillion below potential between now and 1980. As I said in my testimony, that is like saying "we are willing to let this year's entire output of goods and services go down the tubes." I strongly urge my colleagues to always compare the size of a tax cut or the deficit to these amounts of goods and services which are lost to America forever.

Two other points I stressed concerned the deficit and its impact on inflation. First, the $53.5 billion deficit for fiscal 1976 is caused primarily by the recession, not excessive Government spending. If we were operating at full employment, we would be enjoying a $17 billion surplus in fiscal 1975 and a $12 billion surplus in fiscal 1976.

Second, I want to make it clear that in the present situation of great excess capacity, idle resources, and reduced private demands, a large deficit will not be inflationary. This was supported by such witnesses before the Joint Economic Committee as Philip Klutznick, Henry Ford II, Albert Rees, Walter Heller, and many others.

The $30 billion of tax relief I have proposed consists of a $10 billion rebate and a $20 billion reduction in 1975 tax liabilities. The rebate consists of a 12-percent rebate on 1974 income tax liabilities, with a $100 minimum and a $250 maximum. Because of the ceiling and phase-down features, 85 percent goes to those with less than $20,000 of adjusted gross income.

The $20 billion consists of $17.5 billion of reduced withholding taxes as well as $2.5 billion from increasing the investment tax credit to 10 percent for all businesses, including utilities. By increasing the low-income allowance, the standard deduction and the personal exemption, which results in much the same impact as the Ways and Means bill, I hope to restore the value of those features which have been steadily eroded by the severe inflation of the last 2 years. The heart of my bill is a refundable tax credit for workers equal to 1.5 percent of their wages up to $14,100 income. This bill eventually reduces the burden of the regressive social security tax while not harming the trust fund since it is financed by general revenues.

I feel that these provisions are not only economically sound, but equitable in that 75 percent goes to those making $20,000 or less.

Finally, I believe that the timing of these provisions are a real advantage. I call it the 30–20–10 combination which provides an optimal combination of initial and sustaining stimulus. This year $30 billion of tax relief is given, which becomes $20 billion next year without the rebate. Continuing into 1977 and beyond is $10 billion of permanent relief which I believe will be made possible by tax reform measures to be passed in the next 2 years.

Mr. President, I ask unanimous consent that the text of my testimony before the Senate Committee on Finance be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Senator Hubert H. Humphrey

Mr. Chairman, I welcome this opportunity to appear before you and your distinguished colleagues on the Senate Finance Committee. This Committee is presently considering tax relief legislation which is absolutely vital to help revive this Nation's economy and I applaud you for your efforts to act on this matter as quickly as possible.

Today I want to focus my remarks on two areas. First, the reasons why the tax cut stimulus must be quite large, and in particular larger than that proposed by both the Administration and the House Ways and Means Committee. My second purpose is to outline the provisions and advantages of my Tax Relief Act of 1975.

As many of you know, I am not a "Johnny-come-lately" to the tax cut area. Last December, on the floor of the Senate, I said: "The time has come for Congress to reverse the Administration's efforts to stop inflation by creating a major recession. The most important thing we can do to achieve this is to cut taxes for consumers by $10 billion as soon as possible." Exactly one month later, my statement in the Record read: "We must get America back to work. To accomplish this objective, to reserve the recessionary momentum in our economy, and to provide some relief to those who are suffering in the present economic nightmare, I am today introducing legislation to immediately cut taxes by $21 billion." And today, not quite two months later, I come before you to argue that this economy now needs a $30 billion tax cut.

Now I am well aware that this represents a substantial escalation. But it is not an escalation that I came by lightly. First, I looked at the facts. Everyone knows that the economic figures released in each of the last three months have shown the economy falling deeper and deeper into its worst recession since the 1930's. The amount of stimulus must be geared to the economy's condition, a topic I will discuss in some detail in a few moments.

Second, and I wish to stress this, I have listened to the views, projections, warnings, etc., of an extremely qualified and diverse group of individuals who have testified before the Joint Economic Committee in the last six weeks. These annual hearings on the President's budget have been quite an economics education, one which I wish all my colleagues could share. What I say today is in essence built upon this excellent testimony from government officials, economists, labor leaders and businessmen who, may I add, were of both Republican and Democrat persuasions.

From the outset I have maintained that a tax cut must be chosen on the basis of four principles:

It must be large enough to have a stimulative impact on a $1½ trillion economy,

It must target most of its benefits to low and moderate income taxpayers,

It must be simple to implement so that it can be passed and take effect quickly, and

It must not erode the long-run revenue capacity of the tax system.

My testimony today will consider each of these principles in the order just stated.

As I said earlier, I firmly believe that a tax cut of the magnitude of $30 billion for 1975 is urgently needed. This figure is not only the largest before the Congress right now but the largest proposed tax reduction in this Nation's history. I understand the concern of many of my colleagues when they see or hear such a figure. I want them, and the Members of the Committee, to know that I advocate this large amount only after a careful weighing of all the economic evidence.

The first simple fact is that we are dealing with a huge economy—a $1½ trillion economy. As a result, a $30 billion tax cut only amounts to 2.1 percent of our total output of goods and services. Interestingly, the tax cut Congress passed in 1964, when unemployment was 5.2 percent, was also about two percent of that year's GNP. So relative to the size of the economy, I am not advocating a larger tax cut than the one legislated 11 years ago.

Since Federal taxes are the basic foundation for this Nation's government operations, it is also instructive to view the tax cut in relation to the size of government, as measured by its purchases of goods and services. Once again, the percentages for both the 1964 tax cut and the proposed $30 billion tax cut for 1975 are remarkably similar, with this year's figure being smaller: 1964—10.2 percent, 1975-9.7 percent. So the $30 billion tax cut proposal is proportionately not much larger than the 1964 tax cut, and remember, the current recession is a great deal worse.

The second reason we must have a large tax cut is that the economy is sinking day-by-day into the worst economic slump in over 35 years. I take no comfort in the fact that the unemployment rate remained at 8.2 percent in February. Quite to the contrary, the latest employment figures show a continually slumping economy. Total employment dropped 535,000 bringing the drop since September to 2.4 million, the largest five-month decrease since World War II.

In addition, the labor force declined by 580,000. This dramatized a point that I have been trying to stress over the last month, namely that discouraged workers should be included as part of a true unemployment figure. Surely, a large number of these dropouts simply felt that a job was not available to them at this time.

I also include in my total unemployment figure part-time workers who desire to work full time. Adding these three together, 7.5 million officially unemployed, 1.8 million part-time employed, and over a million discouraged workers, we get a total unemployed-underemployed total of about 10.5 million people. In short, the rate most accurately reflecting the situation in our labor market is over 11 percent, three percentage points higher than the official rate.

The fact that it was a statistical quirk that kept last month's unemployment rate the same and that we can expect higher future rates was agreed to by Mr. Shiskin, the BLS Commissioner. He told the JEC last Friday that the February employment figures provided no evidence that the worst recession since the depression was coming to an end. The White House was in agreement as their statement said that the February figures "indicate continuing significant weakness in labor markets."

The recession's impact can be viewed in yet another way. Over the course of this year, well over 20 million Americans will experience some unemployment. When dependents are counted, the lives of some 45-50 million Americans, nearly one-fourth of our population, will experience the anxiety and deprivations of this recession in a very direct manner.

Surely the cost of being unemployed cannot be accurately portrayed in statistics or in terms of some trade-off against price increases. It goes much deeper than that. When you're working, you're producing and you're self-sufficient. When you're laid off, the cause of most of the recent increase in unemployment, you don't only lose a job and a secure income. As I said before, you are being told you are not needed. This violates the promise of America, a promise embedded in a law of the land, the Employment Act of 1946. As Chairman of the Joint Economic Committee, which was created by that Act to ensure "maximum employment," I pledge to do everything responsible to fulfill that promise for our citizens.

I wish I could now brighten my countenance and tell you that these gloomy statistics are short-lived and the economy will soon be dramatically turned around. But if I'm to stick by the facts, I can't do that. The simple fact is that it is going to take quite some time to turn the economy around and get it operating at levels which will restore economic growth and reduce unemployment.

Therefore, the third reason we need a $30 billion tax cut is to shorten the duration of the recession and the accompanying period of outrageously high unemployment. As you recall, the Administration itself projects unemployment averaging 8.1 percent in 1975, about 8 percent in 1976, and well above 7 percent in 1977. In view of the most recent unemployment statistics which show a fall in employment, it's clear that the Administration's projections are totally unrealistic and under their present policies the Nation faces unemployment rates of around 9 percent over the next few years. The Nation cannot face such high rates of prolonged unemployment.

Allow me to quote that Henry Ford II told the Joint Economic Committee about such prospects. "In my judgment, the American people will not and should not accept policies that would lead to nearly 7 percent unemployment as late as 1978, as the Administration has projected." Philip Klutznick, the Chairman of the Research and Policy Committee of the Committee for Economic Development, had similar views, saying: ". . . the scenario depicted by these figures is neither inevitable nor tolerable. It virtually accepts stagnation as the basis for policy planning."

The final blow comes in terms of the output lost under these circumstances, which is the fourth point supporting a large tax cut. By their own estimates, the Administration states that the GNP, in 1974 dollars, will fall some $1½ trillion below potential between now and 1980. That's like saying we're willing to let this year's entire output of goods and services go down the tubes. I can't even comprehend being able to accept such a prospect.

My fellow colleagues, I submit to you that a $30 billion tax cut pales in comparison to this tremendous loss to our economy. There is a lot of talk about the Nation not being able to "afford" a large tax cut and its resulting higher deficit, but I am sorry to say that I do not hear enough talk on the fact, the clear fact, that the Nation cannot afford such a loss of output. We are all aware of the need for many industries to expand in the coming years, particularly utilities and those in the energy area. I can assure you that this Nation will be in a real energy crisis and face severe shortages in the near future unless we restore real economic growth this year and take measures to maintain it thereafter.

Having mentioned the deficit, I wish to say a few words about it since there is much confusion concerning its size and impact. The main point is that the $53.5 billion deficit for fiscal 1976 is caused by the recession, not excessive government spending. For example, if we maintained the level of unemployment of 1974, about 5½ percent, the Federal Government would collect about $40 billion more in tax revenues than we will actually collect. The deficit will also be larger because the Federal Government will spend over $20 billion for income support for the unemployed. These two facts account for the large deficits, which means that very little of the current deficit is due to new Federal spending unrelated to the recession.

Looked at another way, if we were operating at 4 percent unemployment, we would not have to worry about a deficit at all but would enjoy a $17 billion surplus in fiscal year 1975 and a $12 billion surplus in fiscal year 1976 according to the Administration's own estimates.

So, I just cannot buy, and I hope my Senate colleagues will not either, all the talk about being horrified by the size of the deficit. Let us rather be horrified about, and take action on, the tremendous waste of human and capital resources presently taking place. Looking at the short-term loss of output we are in the midst of right now, this waste is going to cost this Nation, by not operating at 4 percent unemployment over the 3 years 1974, 1975, and 1976, the staggering sum of $600 billion. The size of the deficit should always be compared to the amount of goods and services which are lost to America forever.

Gardiner Ackley, former Chairman of the Council of Economic Advisers, summed up the significance of the deficit's size quite well:

"The fact is that only once in the past quarter century (in 1967 and 1968) has the size of Federal deficits been other than insignificant—*except* when, as now, tax revenues were depressed by recession and high unemployment. And the only *legitimate* complaint about the size of U.S. deficits in periods of recession is that they have been too small. The deficit is too small right now. That is why we need a large tax cut."

I hope that I have now brought the deficit into proper perspective relative to the size of the economy and the lost output due to recession. The other area to examine, which also spreads a lot of fear, is what does the impact of such a large deficit do to prices.

Let me make the answer short and clear. In the present situation of great excess capacity, idle resources and reduced private credit demands, a large deficit will not be at all inflationary. I will again let witnesses before the JEC support the case for me. These three men are highly respected and from quite different positions of responsibility:

Philip Klutznick: "It is difficult to agree with the Administration's apparent premise that the preferred pattern of economic revival should be one of relatively slow growth in real economic activity over the next two years (averaging around 5 percent), with an accelerated rate of expansion later in the decade. It would make much more sense to encourage a more rapid economic revival in the near-term future—when the economy will still be far below capacity levels and inflationary risks from rising demand will be relatively small—and then to aim for more moderate expansion rates once the economy moves closer to high employment."

Henry Ford II: "As long as our economy has so much unemployment and so much unused capacity, there is little risk that lower taxes and a bigger money supply will lead to still higher prices rather than more real growth. Timing is crucial. They way to get recovery without sowing the seeds of future inflation is not to take weak action to stimulate the economy, but to take vigorous action quickly, and to end it just as quickly when the need has passed."

Albert Rees: "Even if appropriate monetary and fiscal policy combined with the natural recuperative forces of the economy produces an upturn in economic activity in the second half of 1975, I would expect the rate of inflation still to be declining at the end of the year. The slack and excess capacity that are checking the rise in prices will not be immediately removed by an upturn—in the great majority of industries slack will persist for some time into the recovery."

To sum up, if we want to truly combat inflation, economic growth, not recession, is the answer. Such growth inevitably brings with it productivity increases which in turn will lower unit labor costs, costs which have skyrocketed due to the unprecedented decreases in productivity over the last 7 quarters. Recession does fuel inflation. Thus, those committed to fighting inflation should also lend their support to stimulating the economy toward a healthy economic growth path.

Up to this point, I have not even mentioned the specific provisions of my bill. This is because I feel so strongly that the first priority must be to get a large enough tax cut. After this point is agreed upon, then the specifics of the tax package can be considered. Let me now briefly describe the provisions of my bill and the distribution of its tax relief.

The rebates that individuals will receive under my bill will be based on the following structure. The rebate will be 12 percent of 1974 income tax liabilities, with a $100 minimum and a $250 maximum. The maximum rebate is reduced by $1.50 for every $100 of adjusted gross income between $20,000 and $30,000. Thus, the rebate to those with income levels over $30,000 will be $100. The ceiling and phase-down features allow one-third of the rebate to go to those with less than $10,000 of adjusted gross income, while 85 percent of the rebate goes to those with less than $20,000 incomes.

The $17½ billion reduction in withholding taxes on 1975 incomes occurs through four provisions. The combination of provisions, which were carefully drawn up to adhere to the four principles I cited earlier are as follows:

First, reduce taxes for low-income taxpayers by $2.5 billion, by increasing the low-income allowance from $1,300 to $2,000. This would help the lowest income level taxpayer.

Second, reduce taxes $1.2 billion for those who do not itemize their deductions, by increasing the standard deduction from the present 15 percent of adjusted gross income, with a maximum deduction of $2,000 to 17 percent and a maximum of $2,500. In addition to aiding low and middle income taxpayers, this change would also have the advantage of simplifying tax filing.

Third, reduce taxes $4.3 billion for individuals at all income levels by increasing the present personal exemption from $750 to $850. This change would focus benefits on the middle-income taxpayer who has also been hard hit by inflation.

Those three provisions have much the same impact as the Ways and Means bill. The slight difference is that the increase in the exemption provides somewhat more relief to middle and upper income groups. The major difference under my bill, which makes it larger than the Ways and Means bill, is the following tax credit provision.

Fourth, reduce taxes $10 billion for workers through a refundable tax credit equal to 1.5 percent of wages up to $14,100 income. That is the figure on which tax is paid under social security. This change would benefit all workers up to the maximum level of payroll taxes and be financed from general revenues.

A fifth provision is to expand business investment sectors by increasing the investment tax credit from 7 percent to 10 percent for all businesses, including utilities.

Taken together, these provisions of The Tax Relief Act constitute a $20 billion package which provides relief to all taxpayers. I feel that it is not only equitable, but economically sound, in that the bulk of the tax relief, 75 percent, goes to those making $20,000 or less. However, I also feel that a strength of my bill is that it does provide a modest rate of relief to higher income taxpayers as well, for they too have been pulled into higher tax brackets by inflation and, therefore, deserve some adjustment in their taxes.

The exact way in which this package provides tax relief to various income groups is shown in table 1 which is attached at the end of this testimony. To be more specific, and to indicate exactly how much more disposable income a family of four will have in 1975 under the withholding tax cuts in my bill, table 2 shows these additional disposable income amounts for families at different income levels.

For example, a family at the $10,000 level will have $277 more income in 1975, a reduction of nearly one-third in their taxes. The table also shows the great amount of relief provided to the average family at the $5,000 income level, which will not only have no taxes to pay but actually receives some money through the refundable tax credit.

Finally, table 3 provides the final summary of what the average family, at different income levels, can expect to receive in increased disposable income in 1975 if my bill is enacted.

A family of four with a $10,000 income which would have received $104 under the President's program, will have at its disposal an additional $381 in 1975 under my bill.

I am sure you will agree that these provisions are quite simple and could be implemented quickly since four of the five are simply extending current provisions in the tax law. The only "novel" provision is a tax credit of 1½ percent on the first $14,100 of earned income, which, as the Chairman well recognizes, is simply a modification of his work-bonus proposal, having a lower rate but higher base. In effect, this returns to workers a part of their social security payroll taxes. Without disturbing the social security system, since it is financed by general revenues, it effectively reduces the burden of the regressive payroll tax and concentrates the tax relief in the bottom half of the income distribution.

The final principle my bill meets is that it will not erode the long-run revenue capacity of the tax system. This raises the whole question of timing which is crucial to the tax bill Congress passes. Virtually all of the JEC witnesses have argued that the tax cut should include permanent provisions in addition to the rebate. This advice came not only from well-known liberals like Charles Schultze, Gardiner Ackley and George Perry, but also from such very responsible conservatives as Paul McCracken and Hendrik Houthakker.

I fully agree with the need for a permanent tax cut, both to sustain the recovery once it begins and also to correct for the inflation-induced tax increases of the last two years which have increased people's money income, pushed them into higher tax brackets while their deduction and exemption amounts have been eroded. Nevertheless, in order to protect against any possibility of eroding the revenue raising capacity of the tax system, my bill says that all of the provisions will end December 31, 1976. I do foresee, however, that tax reform measures which I expect to occur in the next two years will allow for the increases in the low income allowance, standard deduction and exemption levels to become permanent. In other words, the two credit provisions will terminate at the end of 1976 for sure, while I expect the other three provisions to be permanent increases.

Thus, my overall tax relief-stimulus scenario goes as follows. In 1975, $30 billion of urgently needed tax stimulus will be provided. This will be followed in 1976 by $20 billion which, because of the termination of the tax credits, will go to a level of $10 billion in 1977 and thereafter. This 30–20–10 combination seems to provide an optimal combination of initial and sustaining stimulus, as well as providing appropriate adjustments in the deduction and exemption levels.

I have presented such a lengthy statement because I feel so strongly that this country is in an economic crisis and that there are strong, compelling economic arguments which indicate the need for a large tax cut, both this year and continuing into 1976. I want the Senate to enact a measure that will stop Art Okun's dire statement from becoming a reality: "It becomes ever more likely that the history books will record this episode as a depression rather than a recession."

This does not have to be the case if Congress, in the next few weeks, takes the appropriate action. And that final action starts with this Committee. I am sure that the distinguished members of this Committee will respond to this great challenge and responsibility and help make 1975 the turning point on the road to sustained prosperity and full employment.

TABLE 1.—DISTRIBUTION OF WITHHOLDING TAX REDUCTIONS BY ADJUSTED GROSS INCOME CLASS

Adjusted gross income classes	Amount of tax[1] Present law	Amount of tax[1] Revision	Tax reduction[1] Amount	Tax reduction[1] Percent distribution	Percentage reduction in tax
Under $5,000	$1.7	$0.01	$1.6	9.2	96.0
$5,000 to $10,000	12.0	7.9	4.1	23.1	34.2
$10,000 to $15,000	21.2	17.2	3.9	22.2	18.6
$15,000 to $20,000	23.8	20.3	3.6	20.0	14.9
$20,000 to $25,000	20.8	18.7	2.1	11.8	10.1
$25,000 to $50,000	34.1	32.1	2.0	11.4	5.9
$50,000 and over	29.9	29.5	.4	2.3	1.4
Total	143.6	125.9	17.6	100.0	12.4

[1] Dollar amounts in billions.

Source: Brookings Institution.

TABLE 2.—DISTRIBUTION OF WITHHOLDING TAX SAVINGS FOR FAMILY OF 4

Adjusted gross income	Present tax	Tax under Humphrey plan	Total tax saving	Tax saving as percent of present tax
$5,000	$98	−$72	$170	173.5
$7,000	402	129	273	67.9
$10,000	867	590	277	31.0
$15,000	1,699	1,400	299	17.6
$20,000	2,660	2,349	311	11.7

Source: Brookings Institution.

TABLE 3.—*Total Tax Savings for Family of 4*

Adjusted gross income:	*Total tax savings*
$5,000	$270
$7,000	373
$10,000	387
$15,000	503
$20,000	561

NEED FOR INDEPENDENT SOCIAL SECURITY COMMISSION REINFORCED

Mr. FONG. Mr. President, reports on social security by two panels during the past several weeks have considerably strengthened my view that there needs to be an independent, bipartisan, permanent National Social Security Commission as proposed in Senate Joint Resolution 5 which I have previously introduced with cosponsorship by Senators

FANNIN, TOWER, THURMOND, BROCK, DOMENICI, and HANSEN.

The most recent of these reports was that released last Friday by the Advisory Council on Social Security. Three weeks earlier there was an important report on social security financing with special reference to long-range actuarial estimates by a special Finance Committee panel of actuaries and economists.

In both reports, there were recommendations for additional studies of the type that would be carried out on a continuing basis by the National Security Commission proposed in Senate Joint Resolution 5 .

I strongly urge that every Member of the Congress give careful attention to findings by the Finance Committee panel and the Advisory Council. No less important should be careful noting of the extensive problems which these groups recognized as incapable of adequate review within the short period of time each group had for its work.

Because of the tremendous size of the social security system and the varied ways in which it has impact on every American, it is inevitable that there will always be major problems deserving of careful study by qualified experts. It is precisely for this reason that I believe creation of a permanent, bipartisan National Social Security Commission is so important to the American people and would be extremely useful to the Congress.

One of the major recommendations by the Advisory Council affords a good example of the kind of problem that needs most thorough study and the kind that deserves much fuller exposure to public opinion and independent expert review than is possible with any short-term ad hoc review council or committee.

I have reference to the Advisory Council's recommendation that there be a gradual shift in medicare financing from the social security tax to general revenues and the application of social security tax funds so freed to the old age, survivors, and disabilities cash benefits program. This proposed abandonment of the contributory principle for financing medicare has already aroused heated critical comments even from those who strongly favor some general revenue financing of social security as a whole.

In my judgment such a radical departure from the past is one which should be studied very, very carefully—with studies and analyses made of all the alternatives and variables. Only when these alternatives are laid out for Congress, should any departure be considered from the earnings contribution financing of medicare or any other benefit program under social security.

Other recommendatons by the Advisory Council deserve equally thorough analysis of a kind which I fear no group of men and women can give in so short a time as the Advisory Council had—no matter how capable or dedicated its membership may be.

SOCIAL SECURITY COMMISSION MEMBERSHIP

Because they reflect the kinds of background which should be requisites of persons named as members to the National Social Security Commission, and because their work deserves personal recognition, it is appropriate that the Finance Committee panel members, and both members and consultants for the Advisory Council on Social Security be named in these remarks.

The Finance Committee study panel consisted of:

Chairman William Hsiao, Ph. D., associate professor of economics at Harvard University and former Deputy Chief Actuary of the Social Security Administration.

Peter A. Diamond, Ph. D., associate professor of economics at Massachusetts Institute of Technology and a fellow, Econometric Society.

Meyer Melnikoff, F.S.A., senior vice president and actuary of the Prudential Insurance Co. of America and a member of the Pension Research Council at the Wharton School of the University of Pennsylvania.

Ernest J. Moorhead, F.S.A., a consulting actuary who had had employment with several insurance companies and has served as president of both the Society of Actuaries and the Academy of Actuaries.

Edmund S. Phelps, Ph. D., professor of economics at Columbia University, a fellow, Econometric Society, and a member of the board of editors of the American Economics Review.

Walter Shur, F.S.A., executive vice president of the New York Life Insurance Co. and the author of several papers published in the transactions of the Society of Actuaries, including a paper on the financing of Federal retirement systems.

Membership and consultants for the Advisory Council on Social Security were as follows:

MEMBERSHIP OF THE COUNCIL

Chairman W. Allen Wallis, chancellor of the University of Rochester, and a former Special Assistant to President Eisenhower.

Stanford D. Arnold, secretary-treasurer, Michigan State Building and Construction Trades Council, AFL–CIO.

John W. Byrnes, attorney; former U.S. Representative from Wisconsin and former ranking minority member of the House Ways and Means Committee.

Rita Ricardo Campbell, Ph. D., senior fellow, Hoover Institution, Stanford University; former member of President's Committee on Health Services Industry.

Edward J. Cleary, secretary-treasurer, New York State Building and Construction Trades Council, AFL–CIO.

Rudolph T. Danstedt, assistant to the president of the National Council of Senior Citizens.

Edwin J. Faulkner, president, Woodmen Accident and Life Co.

Vernon E. Jordan, Jr., executive director, National Urban League. Mr. Jordan was unable to participate in the council's work and was represented by Thomas E. Mitchell, Washington, D.C., deputy director, Washington Bureau, National Urban League.

Elizabeth C. Norwood, assistant research director, Eastern Conference of Teamsters.

John J. Scanlon, executive vice president and chief financial officer, retired, American Telephone & Telegraph Co.

J. Henry Smith, chairman of the board, Equitable Life Assurance Society of the United States and fellow, the Society of Actuaries.

J. W. Van Gorkom, president, Trans. Union Corp.

Arnold R. Weber, Ph. D., vice chairman, dean, Graduate School of Industrial Administration, Carnegie-Mellon University; former Assistant Secretary, Department of Labor; former Associate Director, Office of Management and Budget.

CONSULTANTS TO THE COUNCIL

Philip Cagan, Ph. D., professor of economics, Columbia University.

Hugh Conway, Ph. D., economist, Office of the Secretary of Labor.

Martin Feldstein, Ph. D., professor of economics, Harvard University.

Robert Kaplan, Ph. D., professor of industrial administration, Carnegie-Mellon University.

Robert J. Myers, professor of actuarial science, Temple University; former Chief Actuary, Social Security Administration and fellow, the Society of Actuaries.

Sherwin Rosen, Ph. D., professor of ecnomics, University of Rochester.

Charles E. Trowbridge, senior vice president and chief actuary, the Bankers Life; former Chief Actuary, Social Security Administration, and fellow, the Society of Actuaries.

Howard Young, consulting actuary; special consultant to the president, United Auto Workers.

Persons such as the foregoing have precisely the kind of qualifications envisioned in Senate Joint Resolution 5 which states that members of the commission shall be individuals of recognized standing and distinction who have demonstrated capacity to discharge the great responsibilities which the resolution place upon them.

ADVISORY COUNCIL RECOMMENDS FULL-TIME REVIEW BOARD

I was especially impressed that the Advisory Council on Social Security recommended a permanent, continuing review mechanism for the social security system.

While the proposed mechanism differs from that in my Senate Joint Resolution 5, the Advisory Council's conclusion undoubtedly reflected its own experience in trying to do a thorough job under terms of the present Social Security Act. I can think of few stronger recommendations for action along the lines of Senate Joint Resolution 5.

It is especially appropriate in this connection for me to emphasize that I am not absolutely wed to the precise form and language for a National Social Security Commission which appears in Senate Joint Resolution 5.

My purpose when I first introduced this proposal in 1973 was to see that effective action is taken to reassure the American people that social security is being constantly examined in their interest by a responsible agency independent of the Social Security Administration. This still remains my primary goal.

I do believe that such a commission should be bipartisan. I feel it should report frequently to the President, the Congress, and the people. I am convinced that the method of appointing members set forth in Senate Joint Resolution 5 is highly desirable. The important matter, however, is that there be a constant independent overview of social security.

The language of the Advisory Council's report calls for "a general study of social security . . . by a full-time non-Government body, covering such matters as funding against pay as you go, possible effects of social security on capital formation, productivity, the proper size of the trust funds, the incidence of payroll taxes, and other basic questions."

Except for my belief that a governmental agency would probably be better, I believe the Advisory Council and I are in basic agreement on the important issue—full-time, thorough independent review of social security.

The drawback in any short-time intermittent review was given additional emphasis by the Finance Committee's Panel on Social Security Financing in its statement:

> In view of limitation of time, the Panel concentrated its study on the structure of the retirement benefits and its impact on the financing of the program. Other benefit formulas such as survivor benefits may deserve an equally thorough study.

"MAGNITUDE OF SOCIAL SECURITY REQUIRES CONSTANT OVERVIEW

In my repeated calls for creation of the independent National Social Security Commission, I have reiterated that social security in many respects is the biggest business in America.

Old age, survivors, and disability cash insurance payments and health insurance benefits to approximately 30 million people during 1975 will exceed $70 billion. Over 90 percent of the American people are covered. Everyone directly or indirectly participates in its financing.

The importance of independent review of the system by experts serving an ombudsman role on behalf of all the people is made clear by these statistics.

The implications of social security, however, go far beyond the dollars in benefits and the taxes paid to provide such benefits. The system affects all efforts of individual Americans and groups to provide financial security for themselves. It has an impact on private pensions, individual insurance and savings, health care patterns, and on employment and retirement practices in our Nation.

At no time has there been an authoritative review of all these elements which affect social security or are affected by it.

I believe it is high time that we look deeply and regularly at these questions.

HOW SENATE JOINT RESOLUTION 5 WOULD CHANGE LAW

Under Senate Joint Resolution 5, the National Social Security Commission would have a continuing responsibility to study, investigate, and review the Federal old age, survivors, and disability insurance program and the health insurance programs which operate under authority of the Social Security Act.

At present, the Social Security Act provides for such an overview by the Advisory Council on Social Security, but only on an intermittent, part-time basis. Under our resolution, the Advisory Council would be replaced by the full-time National Social Security Commission.

It is unfair to the American people, the Congress, and the President to rely for such important studies on an advisory council which holds a limited number of meetings during 1 year out of 4, as is now the case.

Social security is too big, too important, to be the object of only part-time review. Nor is it desirable that such review should be in the hands of the Federal department charged with administration of the social security program.

If the interests of the people are to be fully safeguarded, a constant overview of social security is needed, independent of its administrators—not on a part-time, intermittent basis, but with full-time surveillance. This is the intent and purpose of the National Social Security Commission to be created by Senate Joint Resolution 5.

The importance of the Commission's work, as recognized in the resolution, is underscored by the manner of appointment of its nine members and the provision that the Commission shall be bipartisan.

The Commission chairman and four members would be appointed, on a bipartisan basis, by the President with the advice and consent of the Senate. Two members each, with no more than one from a single political party, would be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives.

This is another way in which the Commission would differ from the currently authorized Advisory Council on Social Security, whose membership is named by the Secretary of Health, Education, and Welfare.

The Commission membership unquestionably should include men or women recognized as authorities in the fields of actuarial science, economics, and other appropriate disciplines.

The National Social Security Commission, in short, should be a blue-ribbon panel capable of imaginatively and effectively responding to both specific and broad ramifications of social security. It should be independently staffed by persons able to give continuous expert attention to such ramifications.

The Commission must, of necessity, give recognition to the fact that with a program as big as social security there are changing trends which affect its operation and the needs of people whom it would serve.

Through the National Social Security Commission we would provide a new and important assurance to all the people that these trends will be given consideration. Its objective will be to give constant attendance to ways in which social security may fulfill its maximum promise for the benefit of all America.

MANAGING THE CHANGE TO METRIC

Mr. PELL. Mr. President, next week the American National Metric Council will conduct, here in the Nation's Capital, its first annual conference and exposition.

The conference, I believe, will be a significant event in the steady progress being made in the United States toward conversion to metric measurements. The theme of the conference is "Managing the Change to Metric," and the program is described as "A Report to the Nation on the Status of Metric Implementation."

I bring this conference to the attention of the Senate, because I believe many of my colleagues will be interested, and perhaps somewhat surprised, to learn the extent to which metric conversion is already taking place in the United States.

The conference, to be held Monday through Wednesday, March 17 through March 19, at the Washington Hilton, will include participation by representatives of many major U.S. corporations which already have made a commitment to convert to metric measurements, including Rockwell International, Sears, Roebuck, General Motors; experts on metric education and industrial training; authorities responsible for planning the metric conversion underway in Canada, Great Britain, Australia, and South Africa; officials of the executive branch of the Federal Government; representatives of organized labor; and Members of Congress.

The American National Metric Council is a voluntary group working under the auspices of the American National Standards Institute. It has done an excellent job of providing coordination, information, and assistance in response to the rapidly accelerating interest in metric conversion in this country.

I commend the conference and its proceedings to my colleagues.

ANSWER OF THE FEDERAL REPUBLIC OF GERMANY GOVERNMENT TO THE INTERPELLATION OF THE CDU/CSU CAUCUS

Mr. BUCKLEY. Mr. President, last year I placed in the RECORD a statement by the West German Christian Democratic Union/Christian Socialist Union Caucus concerning their views on the Conference on European Security and Cooperation. This is a vital subject, because it affects the entire political future of Europe. No single West European nation is more directly affected than the Federal Republic of Germany because of its special status in European political affairs.

I have recently received a copy of the official response of the Federal Republic of Germany. The arguments raised by both the opposition parties—the CDU/CSU coalition and the Federal Government of Germany raise many issues of significance, and I therefore ask unanimous consent that the document be printed in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

ANSWERS OF THE FEDERAL GOVERNMENT TO THE INTERPELLATION OF THE CDU/CSU CAUCUS CONCERNING THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE)

From the Federal Minister for Foreign Affairs, October 10, 1974—011—300.12:

1. General Observations

1.1 The Federal Government sees in the Interpellation of the CDU/CSU Caucus a welcome opportunity to comment on the formulation of goals and on the status of the "Conference on Security and Cooperation in Europe" (CSCE).

1.2 The Federal Government fundamentally affirms:

The constructive cooperation of the Federal Republic of Germany with the CSCE is in accord with its interests. It acknowledges the goal of this Conference in creating, through the joint efforts of the participating states, a broader foundation for cooperation between East and West to serve peace and security in Europe and to promote lasting agreement among the states and peoples represented at the Conference.

The Federal Government sees in this Conference a forum in which it, together with its friends and allies, can make valid a concept of detente and cooperation which will serve their mutual security and well-being. This concept includes the unification of Western Europe. It is similarly compatible with the goal of the Federal Republic of Germany of overcoming the division of Germany and of diminishing its painful consequences to the people.

The Federal Government is always guided in its contribution to the Conference by its preeminent interest in strengthening the cohesiveness of Western Europe and of the Atlantic Alliance. It regards the solidarity of the Alliance partners as an essential presupposition to the success which it anticipates from multilateral East-West negotiations of this kind. The Federal Government accords special importance to the combined efforts of the member nations of the European Community in the CSCE. Because of the frequency and similarity of their voting pattern in the realm of political cooperation, the member nations maintain the same positions on essential questions at the Conference. The E.C. Commission is involved in the formulation and representation of these positions wherever required.

1.3 Thirty-five states are negotiating at the CSCE. The resolutions of the Conference are reached according to the principle of consensus. A resolution is, therefore, reached only if it is acceptable to each participating state. The Conference cannot be expected, therefore, to eliminate differences of system between East and West. Results of the Conference will often only be possible as considered compromises on concrete questions.

1.4 In full recognition of the information needs of the German Bundestag and of the public, the Federal Goyernment is subject to certain limtations in the answer to the Interpellation of the CDU/CSU Caucus: the negotiations are still in progress and have not yet led to agreement on the final Conference documents. They are subject to established rules of procedure which must be observed to ensure confidentiality of the deliberations and recognition of the results thus far as partial and provisional. The Federal Government can only do justice to its responsibility, considering its undiminished position at the Conference and the confidence and cooperation of its friends and allies, if it respects the limits thereby imposed upon it. Detailed briefing of the Bundestag by the Federal Government, therefore, should take place, as in the past, in the Committee for Foreign Affairs.

1. (a) What are the Conference objectives and present negotiating positions regarding the essential political issues on the part of the Federal Government, our Allies (EC, NATO), the other Western nations?

2. (b) What changes evolved in the course of the negotiations?

2. (a) What are the CSCE objectives and present negotiating positions of the Soviet Union and—if deviating—of the GDR and the other Warsaw Pact states?

2. (b) Did the Conference rounds in Helsinki and Geneva so far reveal any changes in the Soviet Union's former objectives?

2. Goals of the Conference.

2.1 The mutual goals of the CSCE participating states are set forth in the "final Recommendations of the Helsinki Consultations." They were worked out in intensive preparatory negotiations and adopted by the Foreign Ministers of the participating states at the beginning of July 1973 in Helsinki.

2.2 The final recommendations of Helsinki comprehend a broad spectrum of issues which include: a declaration about the fundamental principles of the mutual relationship of the participating states; confidence-forming measures in the military realm; cooperation in economics, science, technology, and environment, as well as in improvement of human contacts, of the exchange of information, culture, and education. The Helsinki final recommendations define corresponding mandates for the working bodies of the CSCE and lay out valid frameworks of negotiation for all participating states.

2.3 The Federal Government has not altered its concern to deal exhaustively with the issues established in the final recommendations at Helsinki and thereby to strive for practical results which accord with its concept of detente and cooperation. This concept rests on the peaceful comprehension of the association of the states and their peoples which is shared by the German Federal Republic and its friends.

The declaration of principles to be made by the Conference is especially to be taken into consideration. The Federal Government regards this declaration as a political and moral acknowledgement by the participating states of definite rules of behavior which form a well-balanced whole and should establish criteria about existing differences in socio-political systems. International law that is already universally valid should be taken into consideration, although no new international law should be created, nor should the declaration be granted the function of compulsory codification of international law that is already valid.

The Federal Government is of the view that a Conference whose goal is the promotion of security and cooperation in Europe will fulfill its task only if it appropriately takes into consideration the military aspects of security within this geographical area. The situation here is not altered by the fact that measures for reduction of troops and disarmament questions are not on the agenda but are rather the subject of special negotiations.

In the realm of economics, in scientific-technical cooperation as well as in environmental protection, the Federal Government views as highly desirable agreement on the rules, according to which cooperation among the participating states can develop to their general advantage on the basis of mutuality with regard to the differing socio-political systems.

The Federal Government has always made clear that attention to human rights, improvement of human contracts, and the freer exchange of ideas and information across the borders constitute essential elements of detente between East and West. Peaceful and fruitful cooperation can exist only if peoples can meet freely and unimpededly.

Altogther the Federal Government is guided by the consideration that closer cooperation and improved communication will contribute to the strengthening of trust, which is indispensable for the assurance of peace.

The Federal Government knows itself to be in accord with its friends and allies in its position as outlined here. This position is also shared to a high degree by non-aligned countries.

2.4 Declarations by the Soviet Union and other members of the Warsaw Pact convey the impression that these states mainly expect from the CSCE the beginnings of a regional, European, international law in which the principle of "inviolability of borders" is to play a dominant role.

In addition, they display a considerable interest in improved economic cooperation. In the course of the Conference they have also shown an increasing readiness toward discussions about humanitarian questions and in achieving an improvement in communications. However, the fear of these states that improved cooperation and communication could become means of influence on their own governmental structures limit this interest and readiness; moreover, it misjudges the meaning of cooperation and communication as an enduring and irreversible process of detente.

2.5 Needless to say, each of the 35 participating states wishes to bring the general goals of the Conference into accord with its own interests. In the speeches delivered by the Foreign Ministers during the first phase of the Conference in July of the previous year, these interests became apparent. On this occasion, the Minister of Foreign Affairs also made basic statements about the specific interests of the German Federal Republic. A comparison of these statements with the explanations of the Interpellation shows that the Federal Government and the opposition are motivated by the same principles on important questions.

1. (c) What are the experiences of the Federal Government concerning cooperation of the European Community—member states and Commission—during the preparation and conduct of the Conference, and what conclusions is the government drawing from these experiences for the future shaping of European Political Cooperation (EPC)?

1. (d) What are the government's experiences regarding cooperation of the European Community with the other Alliance members, in particular the United States, during the preparation and conduct of the Conference, and what conclusions is it drawing from these experiences for the future shaping of European-American partnership?

3. Coordination

3.1 In 1971, the EC states created within the framework of their foreign policy cooperation two working groups that were concerned steadily and exclusively with the Conference material:

The CSCE Subcommittee of the EPC for Fundamental and Behavioral Questions as well as for the agenda issues security ("basket I") and communications ("basket III"), in that case

The CSCE *ad hoc* group of the EPC for Cooperation in Economics, Science/Technology, and Environmental Protection, in which the EC Commission participated from the beginning.

Both working groups prepared resolutions of the Political Directors (Political Committee) and of the Foreign Ministers of the Nine for the CSCE. Moreover, an ongoing poll on the Conference issues takes place in Geneva among the CSCE delegations of the EC nations. The representative of the EPC presidency (in the first half-year of 1974, this was the delegation of the German Federal Republic) also begins to speak on general political questions to the working groups at the Geneva Conference on behalf of the Nine.

3.2 It was also possible to achieve appropriate participation of the EC Commission at the CSCE. Within the framework of their competencies their representatives were able to begin to speak at the Conference itself. The East European countries availed themselves of the opportunity.

3.3 CSCE issues are also topics of deliberation by the NATO Council and its subcommittees, and consultations among the Nine precede these deliberations at the CSCE. In accordance with established practice among the delegations from nations of the European Community, an ongoing vote takes place among the delegations from the NATO countries in Geneva.

3.4 Altogether in preparation of the CSCE and in the negotiations themselves, partners of the Atlantic Alliance and the nine member nations of the European Community have displayed striking unity, and CSEC voting among working groups of both organizations is close and constructive. Voting within the circle of the NATO member states is an exemplary demonstration of the functioning of the consultation and voting mechanism of the European-American partnership. The resulting reinforcement of Western solidarity is a meaningful gain already manifested by participation in the CSCE.

3. What is to be the quality of international law and the political quality of the final documents of the Conference according to the will of the Federal Government and according to the will of the other Western participating states?

4. (a) What are the political and international law qualities to be accorded to the final documents according to Soviet intentions and—if deviating—to those of the governments of the other Communist states?

4. (b) Does the Soviet Union continue to aim at according above all the "principles guiding relations between the CSCE participating states" a binding international quality or a political-diplomatic importance of such impact as to permit the emergence of a regional international law confined to Europe?

4. Binding Force of the Final Documents.

4.1 According to the will of the Western participating states, the recommendations, resolutions, declarations, as well as other final documents to be revised in the present phase of the Conference and voted on in Phase 3 are to be concerned with political-moral declarations of intention. The final documents will therefore create no new regional international law, but this does not diminish their importance. Their significance as political-moral declarations of intention explains the special care expended on the formulation of each single sentence by the Federal Government and all other participants.

4.2 The East European states originally intended to conclude the declaration of principles as an agreement and to permit only this document to be duly signed. In the communique following the session of the "Conferring Political Committee" of the Warsaw Pact of April 1974, the discussion is about "documents" to be signed at the highest level. It seems, therefore, that the East European States also could accept Conference resolutions as politically and morally binding, yet they—now as before—adhere to according the declaration of principles, either with or without the validity of international law, stressed status.

4.3 The Federal Government and its friends and allies are of the view that the same political-moral effect must emanate from all Conference statements. It is out of the question that any one single resolution of the Conference be subordinated to or superposed or others. Each participating state is nonetheless still at liberty to accord special importance to certain resolutions. Such one-sided estimates change nothing, however, in the equality of weight of each Conference resolution, and most particularly nothing is changed in the equivalency of the principles and of the necessity of their being interpreted in their total context (compare 6.5).

5. (a) What has the Federal Government done to maintain the Western interpretation of the treaties with Moscow, Warsaw, Prague and the inner-German treaty vis-a-vis the CSCE policies of the Soviet Union which is now trying to enforce Eastern interpretation of these treaties on a multilateral level?

5. (b) What has the Federal Government done to draw attention of Allied and friendly states at the Conference to the paramount importance of a reliable guarantee of the modus-vivendi nature of the treaties for the fundamental interests of the divided German people?

5. Eastern Treaties, Basic Treaty, and CSCE

5.1 The treaties with the Soviet Union, Poland, and the CSSR as well as the treaty concerning the bases of relations between the Federal Republic of Germany and the GDR differ in form as well as in content from the documents to be completed by the CSCE. This applies particularly to the declaration of principles.

The above-mentioned treaties, apart from their specific contents, are bilateral treaties and thus valid under international law. The CSCE resolutions, on the other hand, will have no treaty character; therefore they will not be accorded the status of international law.

Those treaties intend to regularize fundamentally bilateral relations between the Federal Republic of Germany and of the Soviet Union, Poland, of the CSSR, as well as of the GDR; and thereby to create the bases for further development of these relations in the most different realms—in the case of the Soviet Union, of Poland, and of the CSSR, existing historical, political, and legal actualities are taken into consideration in determining the bilateral relationship; in the case of the GDR, the special situation in Germany and the national goals of the Federal Republic of Germany are taken into consideration. The CSCE deliberations, on the other hand, should promote security and cooperation in Europe on a general and multilateral basis and, through agreement about concrete measures, should serve detente.

Without detriment to this difference, it is in the nature of the case that the CSCE declaration of principles will contain a series of concepts and formulations already contained in the treaties mentioned. Such inclusion must be in a manner carefully considered to preserve the interests of the Federal Republic of Germany on the subject of interrelations among participating states. Therefore the Federal Government will agree to no text in the declaration of principles which uses concepts in a sense other than that used in the treaties considered decisive for our policy of bilateral reconciliation with the East. The results of CSCE must be in accord with the Eastern treaties and the treaty about the bases of relations with the GDR. That is to say, the results could not stand in contradiction to the political goal of the Federal Republic of Germany in its striving toward a situation of freedom in Europe in which the German people regain their unity in free self-determination.

5.2 The Federal Government is in agreement with its partners and allies in this view and has their full support.

6. How does the Federal Government in this context assess the fact that, with a breach of confidentiality of the Geneva talks, the organ of the Communist Party of the Soviet Union, "Pravda," of April 23, 1974 published the following formula—which the 35 CSCE states had allegedly agreed on as a tentative and confidential formula—on the "principle of inviolability of borders:"

"The participating states consider all bilateral borders as well as those of all European states as inviolable (njerushimyj). Therefore they will refrain from any assaults (postjagatelstwa) on these borders now and in the future. Accordingly, they will also refrain from any claims or actions aimed at conquering (zachwat) and usurping (usurpazia) part or all of the territory of any participating state."

7. (a) How does the Federal Government now intend to ensure that the interpretation of the treaties of Moscow, Warsaw, Prague, and of the inner-German Basic Treaty which keeps the German question open and permits every German government to pursue a policy aimed at maintaining national unity and reinstating the unity of the state of Germany without committing a breach of contract, will not be undermined by an absolute and unrestricted formulation of the principle of the "inviolability of borders?"

7. (b) How does the Federal Government intend to ensure in particular that the proviso effect of essential internally binding documents which according to our authentic interpretation are inextricably tied up with the terms of settlement of the bilateral treaties concluded with Moscow, Warsaw and the other part of Germany and which were of vital importance for the approval by our legislative bodies as regards their compatibility with the basic law, the treaties on Germany of 1952/54 as well as with the rights and responsibilities of the Four Powers for Germany as a whole and Berlin, will not be impaired by this contrasting principle enforced by the Soviet Union?

7. (c) How does the Federal Government furthermore intend to ensure that its policy of maintaining and strengthening Berlin's indissoluble ties with the Federal Republic of Germany which the basic law commands and the Four Power Accord on Berlin permits, as well as the German legal position on the status of Berlin which is in keeping with the basic law and has been reconfirmed by the verdict of the German Federal Constitutional Court on the Basic Treaty, dated July 31, 1973, cannot be attacked in the future as a violation of the quoted multilateral principle of "inviolability of borders"—according to Soviet formulation?

8. Has it been ascertained that the principle of international law on the admissibility of peaceful change

(a) will occupy a position in accordance with its positive meaning for inner-German and inner-European detente in the catalogue of principles guiding relations between European states

(b) will be maintained beyond doubt in connection with the principles of renunciation of force and self-determination of peoples

(c) is not subjected to the Soviet interpretation of the principle of "sovereignty of states?"

6. Inviolability of Borders and Peaceful Change

6.1 The Federal Government, in light of its detailed knowledge of the negotiations, is neither in a position to reveal prematurely texts of negotiations nor to take a detailed position on such publicly quoted texts. Under the present circumstances, the Federal Republic of Germany sees itself justified in concluding only that the formula as quoted by and accredited to Pravda in the Interpellation does not reproduce accurately the registered Geneva text in its present form.

The actually registered formula on the inviolability of borders is, as with all previously registered texts, only tentative and can only be considered finally binding when all participating nations have agreed on all Conference documents. The Federal Government has, in addition, submitted a formal proviso. It stipulates that before any final agreement, the principle of the right of self-determination must be acceptably formulated, and agreement must be reached on the statement concerning enduring admissability of peaceful and consenting border changes ("peaceful change"), both as to its exact wording as well as in its placement in the catalogue of principles.

The discussion concerning this has not yet been closed; hence the proviso has not yet been suspended.

6.2 The Federal Government is committed, as were previous administrations, to the policy of renunciation of force, a policy it has always followed and which has been formulated in a series of internally binding documents. It proceeds, as did its predecessors, from the foregone conclusion that this policy includes the renunciation of border changes through the use and threat of force. On this basis, the Federal Government is simply consistent in its clear recognition of the principle of inviolability of borders. It remains, therefore, in full agreement with a policy directed toward the preservation of the national unity of the German people and to the restitution of the political unity of Germany by peaceful means.

Accordingly, the Federal Government was not only able to sign the Moscow Treaty but to decide to participate in the CSCE. Let it be remembered that in the treatment of the topic "security" by the preparatory conference in Helsinki, particular attention was given to the question of the renunciation of force and of the inviolability of borders, and resulted in the Catalogue of the Ten Principles, as set forth in the final recommendations of Helsinki. There the principle of inviolability of borders immediately follows renunciation of force. The next principle to follow, on the other hand, concerning the territorial integrity of states, removes the ban on the threat and use of force.

6.3 The enduring admissability of peaceful and consenting border changes corresponds to the ban on border changes by force or threat of force. The Federal Government regards as indispensable unequivocal clarification on this issue in the Declaration of Principles. Such clarification is requested in the national German interests as well as in the interests of the process of European unification.

The Federal Government wishes in this context to stress that its demand for a reconcilation of the statements about the inviolability of borders by means of clarification concerning the possibility of peaceful border changes applies also within the framework of what was agreed upon with the Soviet Union in the Treaty of August 12, 1970.

6.4 It must be guaranteed that the Declaration can be interpreted neither in contradiction to the existing treaties, including in particular the German Treaty, nor in contradiction to the still-existing rights and responsibilities of the four powers with respect to Berlin and Germany as a whole.

6.5 Similarly, a clarification is necessary to insure that the principles are equivalent and that each principle be interpreted in context with the others.

9. (a) Which suggestions concerning enforcement of the principles mentioned in the catalogue of "basket I" have been introduced into the negotiations or been endorsed by the Federal Government or by Allied governments, by non-allied states, by the states of the Warsaw Pact?

9. (b) How is the Swiss proposal of a compulsory arbitration body to settle international differences assessed by the Federal Government, by Allied states, by non-allied states, by the states of the Warsaw Pact?

7. Proposals for Enforcement of the Principles.

7.1 In the view of the Federal Government and its allies, after the Conference it will be the task of the participating states themselves to apply the principles in their daily practice, and that a common institution is not needed for this purpose. The political will of the single states will be decisive for adherence to the Conference resolutions in the interest of detente, security, and cooperation.

7.2 The Federal Government supports the concept of peaceful regulation of differences, and to this extent fundamentally greets the Swiss proposal about the obligatory settlement of conflict with sympathy and understanding. The most recent world political crises have shown anew how essential a generally recognized and functioning system is to peaceful settlement of conflict. Whether the time is already ripe for the acceptance of these proposals at the Conference can be shown only in the next course of the Geneva negotiations; this applies in particular to the section of the Swiss proposal referring to the obligatory settlement of non-judiciable conflicts.

10. (a) What has the Federal Government done to point out in Geneva that genuine detente and cooperation in Europe presuppose that the human rights are guaranteed in all states of Europe?

(b) What has the Federal Government done to point out at Geneva that preservation of the priority of human rights in the interpretation and application of the principle of sovereignty, above all in the relationship between the two states in German, is in the interest of the entire West and of a lasting guarantee of peace?

(c) Has it been ascertained that the conception of the free part of Europe of the principle of human rights prevailing in these states will be fully adhered to in the Geneva negotiations on the catalogue of principles (basket I) and on the guarantee of freedom of people, ideas, and information (basket III)?

11. (a) How does the Federal Government intend to enforce the West's main demand for guarantee of human rights for all Europeans, in particular free movement of people, ideas, and information at the CSCE?

(b) How does the Federal Government ensure together with the Western Allies that the concrete agreements on the free movement of people, ideas, and information will not be restricted again in basket III—as the Communists are demanding—for example through one general or several preambles which subject these agreements to the principle of a "sovereignty" internally conceived and practiced as an absolute sovereignty and of the reference to "non-interference" and "Observation of national legislation and customs" derived from that conception of "sovereignty?"

(c) Is the Federal Government willing to approve a seemingly positive conclusion of the Conference even on the basis of unsatisfactory results regarding the guarantee of human rights for all Europeans, in particular the right to freedom of information?

12. (a) Which concrete proposals has the Federal Government submitted or endorsed in order to promote realization of human rights in all of Europe and in particular in Germany and for all Germans?

(b) Is the Federal Government—if it has not already done so—willing to bring up the topic of permanent and institutionalized human rights violations at the inner-German and in the GDR at the Conference?

8. Humanitarian Questions

8.1 The Federal Government already supported in Helsinki all efforts directed at securing an appropriate place in the Catalogue of Principles for the protection of human rights and basic freedoms. In the final recommendations from Helsinki, the West succeeded in presenting respect for human rights as an equivalent principle. In working out the formulation of this principle in the Declaration itself, the Federal Government and its allies take care that the protection of human rights is expressed in conformity with its great importance to international relations.

8.2 The solution of humanitarian questions and improved communications on all levels are an independent factor for the West in the process of European détente. At the CSCE we seek to establish standards of behavior which, despite all the dissimilarity of fundamental standpoints, make possible practical improvements for people now and in the future. If in this sense the Conference achieves these concrete agreements which we have striven toward and anticipated, important beginnings will have been created for a relaxation of East-West relations. Not least of all, it should benefit those Germans who personally and whose dependents must feel that the division of Germany through the measures of one side can lacerate deeply and painfully into the personal realm of the individual.

8.3 Without wishing to anticipate the end results, the Federal Government mentions several examples of such improvements which may be expected after the present state of negotiations:

Proposals for uniting families, visits of relatives, and wedding ceremonies should be favorably examined and the procedure hastened; the individual rights of those proposing marriage should be protected, and the fees should be moderate. Formalities for entrances and departures should be simplified; freedom of movement of travelers should be improved.

Newspapers, magazines, and books should be imported and distributed to a greater extent, and subscriptions should be permitted. Working conditions for journalists and their technical assisting personnel should be facilitated by the issuance of visas for multiple entrances and departures. The importation of technical materials, transmission of information, and working conditions in general should be improved.

In the cultural and scientific realm contacts—among other things—between cultural agents, artists, and scientists as well as public access to cultural and scientific establishments should be facilitated.

8.4 If the Federal Government supports the enforcement of essential demands, above all in the humanitarian realm, it always has in view, needless to say, effects yielded for the benefit of people. It will, therefore, attentively observe how relations in Germany improve after the CSCE. It is essential that it measures the success of detente in the first place according to the degree of improvements to the thus-affected Germans.

13. (a) What are the notions and concrete proposals concerning the "confidence-building measures in the military area" (basket I,2) of the Federal Government, of our Allies, of the non-allied states, and of the states of the Warsaw Pact?

(b) How does the Federal Government together with its Allies intend to approach the connection between political and military security?

(c) Does the Federal Government endorse the view that there is a connection between negotiations on the CSCE on the one hand and those on MBFR and other military East-West discussions on the other with regard to their time-frame and substance?

9. Military Aspects of Security

9.1 The Federal Government has always maintained the position that the problems of military security and the dangers of military confrontation in Europe should not be excluded from the CSCE. The result of the Conference must take into account that political and military security complement each other; hence military aspects must be concretely considered in the total outcome. The Federal Government therefore regards, as do its partners in NATO and EC, "confidence-building measures" as an essential factor in the efforts of the Conference toward security and cooperation in Europe.

9.2 The neutral and non-allied states accord great importance to the military aspects of security. They expect from the Conference unequivocal agreements about confidence-building measures.

9.3 The Soviet Union and its allies still take a restrictive position on the handling of confidence-building measures.

9.4 The final recommendations from Helsinki gave the Conference the task of working out proposals about advance notification of major military maneuvers and exchange of observers. In addition, the question of notification in advance of major troop movements should be examined. A text was just registered concerning the exchange of observers at maneuvers on a voluntary basis.

9.5 Our main concern with the advance notification of maneuvers is to exclude variations in treatment by conference participants in Europe.

It is therefore important to establish a unified European realm of useage for advance notification of major military maneuvers. The Federal Government uses its influence to establish a procedure of exchange of such advance notification which will be satisfactory to all participating nations.

9.6 There exist factual and detente-political points of contact between the negotiations at Vienna about MBFR and CSCE. Both projects, which began at approximately the same time, differ in regard to concrete substance, list of participants, and organizational procedure.

The goal of the MBFR negotiations is reduction of military confrontation and the establishment of a more stable military force in Europe; in Central Europe only the troops of NATO and the Warsaw Pact are affected.

The CSCE is meantime concerned with aspects of security from general political points of view. The results of the Conference within this framework should also serve gradually to diminish mistrust in the military area.

There are no negotiations at the CSCE about the military potential of the Warsaw Pact or of any other participating nation; the military force in Central Europe is much more the subject of the MBFR negotiations. The Federal Government has repeatedly stressed that it views with concern the strengthened armament build-up by the East.

14. (a) Does the Federal Government consider as necessary and feasible comprehensive economic skeleton accords or agreements with East European states at the CSCE which are outside of the areas of competence transferred to the European Community? If so, what could be their content?

(b) If the agreements being worked out within the frame of "basket II" should be concluded, what precedent or other effect would they have on the European Community's full competence on foreign trade matters effective January 1, 1975?

(c) Is the Federal Government willing to resist any further restriction of the area of application of the GATT in its relations with East European states? Does the Federal Government think it possible that all East European states might be persuaded to join the GATT? Has the question been considered as an Agenda Item within "basket II?"

(d) Have members of the COMECON shown their willingness at the Conference to adjust their foreign-economic policies to the international standard?

(e) Does the Federal Government share the view that in addition to the existing all-European means of communication in the ECE, further institutionalized contacts should be established? If so, why?

(f) Will the Federal Government use its influence in the European Community to the effect that granting of most favored nation status to the Soviet Union by the European Community is contingent upon prior Soviet accession to worldwide cooperation in trade and traffic (GATT, CIV/CIM, IATA and others) or upon unequivocal and lasting political concessions in favor of human rights and self-determination?

10. Economics.

10.1 In Agenda point II of the Conference, no legally binding agreements will be made, but rather declarations, resolutions, and recommendations for the further conduct of the states involved will be passed.

Decisions reached in all areas within the competency of the European community will be standard for the participating countries of the European Community, just as until now all rules and procedures provided for the Community were standard. Similarly the Nine in related sectors of economic cooperation, as well as in other areas which do not yet or only partially belong to the competence of the Community and in which the East European countries are prepared to draw on the consequences of the CSCE experiences, will strive toward a close vote on the proceedings and make certain that no bias arises which might affect negatively the further development of the European Community.

10.2 In the resolution proposal by the Nine to the topic "trade," the community at the CSCE declared their readiness to negotiate in general form with all Conference participants, hence also with the East European state-controlled economies. The Council of the European Community accordingly determined on September 17, 1974, to make as soon as possible a concrete proposal for concluding trade agreements with the single state-controlled economies. The European Community thereby strengthened its will toward a joint external trade policy and made clear that it is prepared to conduct mutually beneficial trade with the state-controlled economies on a contractual basis.

10.3 The Federal Government supported Poland, Rumania, and Hungary in joining GATT. A further result of its efforts is the authorized participation of Bulgaria in the GATT multilateral trade negotiations and the intention of this country to join the agreement arrived at in GATT about international textile trade. The realm in which GATT is valid for trade relations of the Federal Republic of Germany with the East European state-controlled economies has therefore not been limited, but on the contrary has been extended. Moreover, the admission to GATT is dependent upon the agreement of all contractual parties. The CSCE is therefore no suitable forum for discussion of the question of accession to membership.

10.4 The problems of East-West cooperation in the realm of economics stem from the existing differences of the systems, which require special measures for the development of relations of mutual respect within the differing economic systems. The East European state-controlled economies have made known that they are prepared for measures which should lead to greater cooperation. The Federal Government expects that further progress at the CSCE in this direction will be achieved, especially from the efforts of the Nine and of the other Western participants to persuade the East European state-controlled economies toward an approximation of the international standard in trade contacts and economic information.

10.5 Since no agreements are made at the CSCE, the granting of preferential treatment by the European Community to the East European state-controlled economies at the Conference is neither possible nor anticipated. The contractual granting of preferential treatment must remain reserved for later negotiations, in particular those of countries belonging to the European Community with the East European state-controlled economies. The Nine are endeavoring to achieve acceptance of a relevant reference to trade in the final document of the CSCE. Moreover, it will be made clear that preferential treatment can be granted only on the basis of the principle of "Mutuality of Advantages and Obligations" which is supported by all Western countries in the realm of Point II of the agenda (Cooperation). The other side would accordingly have to demonstrate equal accomplishments in the economic realm.

15. (a) How does the Federal Government assess Soviet demands for the establishment of a permanent all-European consultation and control body?

(b) Does the Federal Government consider the transferral of CSCE follow-up missions to already existing international organizations (such as the ECE) and/or special commissions as feasible?

11. Results of the Conference.

11.1 The Federal Government shares the concerns of the opposition concerning the creation of a CSCE organ which should at the termination of the Conference protect general political competencies, believing it necessary first of all to gather experiences as to how and in what degree the resolutions, recommendations, and declarations of the CSCE operate in the conduct of participating nations among each other. The Federal Government therefore gives preference to the concept shared by its partners that, after a considerable interval, a panel of experts should investigate to what extent the determinations made by the CSCE were realized overall and how to proceed.

11.2 It is to be expected that there will be meetings of experts concerning the Conference resolutions on single topics in the realm of cooperation, and such meetings should be anticipated. The Federal Government believes it feasible in the implementation of these so-called technical results of the Conference to involve the already-existing international organizations as much as possible and feasible. For many aspects of the Agenda point II (economic cooperation), the Economic Commission of the UN for Europe (ECE) should be given primary consideration.

16. (a) Does the Federal Government consider the present negotiating results sufficient to warrant convocation of a final Conference for the signature of the final documents before the Conference goes into summer recess?

12. Final Phase.

12.1 Since the results of the negotiations were not sufficient before the summer break, there was no occasion for the Federal Government and its friends and allies to investigate at this time the demand raised by different sides after the close of the Conference.

12.2 The CSCE still has to master a comprehensive work program during the publication phase, which is due again in September. A deadline for the close of this phase, hence of the Conference altogether, cannot be predicted.

12.3 The Federal Government will also assist constructively in bringing the Conference to an end without interruption or unnecessary delay, and with the care appropriate to the goal of the Conference. It anticipates that in this manner satisfactory results will be achieved which, as already stated, can be realized in concrete instances often only as measured compromises. The Federal Government can influence the course of negotiations, but it cannot determine them. All 35 participating states have the right to present and represent their views on the basis of the Helsinki Final Recommendations. This applies not least to the non-allied and neutral states whose contributions have provided important stimuli in the course of the Conference thus far.

12.4 If the Conference leads to a harmonious result that is satisfactory to all participants in all factual areas, the Federal Government believes possible a final act at the level of heads of state or, as the case may be, of heads of government.

THE PENSION PINCH

Mr. CHURCH. Mr. President, all Americans have been affected, in one form or another, by the 12.2-percent inflationary rate during the past year.

But older Americans have been especially hard hit, in large part, because most are struggling on limited incomes.

In addition, some of the steepest increases in prices have been concentrated in areas where the elderly have their greatest expenditures: food, housing, medical care, and transportation.

These four items typically account for about $4 out of every $5 in an aged family's budget.

They also constitute basic necessities for most older Americans.

Next week the Senate Committee on Aging, of which I am chairman, will resume hearings on "Future Directions in Social Security."

One question to be examined in great detail is the impact of inflation upon the elderly.

This issue deserves immediate attention in the highest councils of Government because many older Americans now find themselves in an impossible financial situation.

Rising prices continue to erode their purchasing power. At the same time, massive layoffs make it almost impossible to find a job to supplement their limited incomes.

An article by Columnist Jack Anderson in the March 9 Washington Post describes in very human terms the retirement income crisis now affecting millions of older Americans throughout our Nation.

This account, it seems to me, should be read by every Member of the Senate.

For this reason, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 9, 1975]

THE PENSION PINCH

(By Jack Anderson)

The most pathetic victims of the economic squeeze are the elderly, who are described in a confidential Senate study as the nation's "most economically disadvantaged age group."

Their story is best told in human terms. From geriatric ghettos across the country, they have written to us about their troubles:

A Miami couple, in their early 70s, dreamed of retiring on a comfortable pension after a lifetime of hard work. Inflation has now stretched their pension check so thin that they can no longer afford the basic necessities.

A 73-year-old Cumberland, Md., woman can't squeeze enough money from her $89 monthly pension to buy eyeglasses and teeth—"the first things that go wrong," she wrote, "as a person gets older."

A devoted Chicago husband scrapes together his retirement pennies to buy an occasional slice of his wife's favorite imported cheese—the only luxury he permits himself.

A Bluefield, W. Va., widow was compelled to give away her beloved pet cat because she simply can't afford to feed him.

A Greenville, Miss., woman summed up the feelings of many senior citizens in these poignant words: "The elderly people, who worked all their lives, gave and gave to the government and now they are made to feel like worthless people."

Not only are a higher percentage of senior citizens already "living in poverty," according to the Senate study, but the job pinch hits them harder than any other age group. During hard times, for example, older workers usually are released ahead of younger workers and remain longer in the unemployment lines.

The confidential background study, prepared by the Senate Committee on Aging, shows that the jobless rate for workers over 45 almost doubled during the last six months of 1974. Yet "these figures really understate the true dimensions of the joblessness picture for older workers," the document says.

Not counted in the statistics, for example, are those "who have dropped out of the labor force after prolonged and fruitless searches for work."

Others simply have been retired prematurely. For most of them, this means starvation Social Security benefits, with little supplemental outside income. "Even when benefits from other federal programs are considered," states the study, "only one out of three couples and one of six other beneficiaries have a second pension."

Their plight has worsened, of course, as the skyrocketing inflation rate has outdistanced Social Security payments. Under federal law, Social Security benefits are supposed to keep up automatically with the consumer price index. But the study declares grimly: "In the four areas where the elderly have their greatest expenditures—housing, food, medical care and transportation—the increases equalled or exceeded the overall consumer price index."

Yet President Ford's response has been to slash rather than expand federal help for the elderly. Here are his heart-wrenching proposals:

He wants to hold down Social Security increases below the Consumer Price Index. The law mandates a projected 8.7 per cent rise in Social Security payments; the President would reduce this to five per cent. For 31 million Americans, many of them already subsisting on inadequate diets, this would mean an average $80 less a year.

The President would like to reduce Medicare outlays by nearly $1.3 billion in fiscal 1976. For ailing senior citizens, the cost of a 30-day hospital stay could jump from $92 to $375. The shocking fact, states the report, is that "the elderly now pay more in out-of-pocket payments for medical care than the year before Medicare became law."

Ford is also trying to cut $9 million from federal programs which help senior citizens to live in their own homes. This would force thousands into cold, clinical institutions.

He hopes to trim another $8 million from training programs, which are critically needed to alleviate the shortage of trained personnel serving the aged.

He has asked Congress to slash $25.4 million from the nutrition program for the elderly. This is perhaps the cruelest statistic of all, which would mean malnutrition for thousands.

The President wants to withhold the entire $12 million appropriation for the Older American Community Service Employment program to provide jobs for older workers. Yet in the past six months, the number of workers over age 54 who have been thrown out of their jobs has jumped 52 per cent.

He also sought to increase the charges for food stamps, which would have forced as many as half of the elderly recipients to drop out of the program. But providently, Congress has already rejected this proposal.

After studying President Ford's plans for the elderly, Sen. Frank Church (D-Idaho) said: "The President is either unaware or doesn't care sufficiently about the problems of senior citizens today—so many of whom are confronted with unpaid heating bills, foodless days, costly prescriptions and poverty."

A footnote: The confidential study will be used by the Senate Committee on Aging as background for hearings later this month. Proposals will be considered to make the Social Security Administration an independent, nonpolitical agency; to prohibit the mailing of political announcements with Social Security checks; and to separate Social Security transactions from the regular federal budget. The committee will also focus on the impact of inflation on the elderly.

PUBLIC SERVICE JOBS

Mr. JAVITS. Mr. President, on February 7, Senator WILLIAMS and I introduced S. 609, the Emergency Public Service Employment Extension Act of 1975, with 16 cosponsors, a bill to extend for 1 year through fiscal year 1976, the emergency jobs program conducted under title VI of the Comprehensive Employment and Training Act of 1973, as added by Public Law 93–567, the Emergency Jobs and Unemployment Assistance Act of 1974.

Our objective is to provide standby authority for the maintenance of 1 million public service jobs in fiscal year 1976 through title VI, the nationwide program, and title II of the Comprehensive Employment and Training Act, which is limited to areas that have 6.5 percent or more unemployment for 3 consecutive months.

Since June 1974, $553.0 million in title II funds, and $878 million in title VI funds have been allocated to State, city, and county prime sponsors under CETA. Commendably, the President has requested a supplemental appropriation of $1.6 billion for title VI—which together with the $875.0 million will reach the full authorization for that title. The Senate and House Appropriation Committees are expected to act favorably on that request.

The Department of Labor estimates that by the end of March, there will be approximately 110,000 persons in jobs under title VI, and an additional 80,000 in jobs under title II. By mid-May, 110,000 persons will be placed in jobs under title VI and 197,000 in jobs under title II. The administration intends to use the $1.6 billion in additionally requested fiscal year 1975 title VI funds, along with the $400 million requested by the administration for title II for fiscal year 1976, to maintain through fiscal year 310,000 public service jobs.

A very interesting article, entitled "200,000 at Work in Federal Job Program," appeared in the New York Times on Tuesday, March 11, assessing the accomplishments and problems of the public service job programs to date.

The article concludes generally that "the program has been welcomed in most communities as at least a means of taking the edge off the rate of unemployment" and cites a number of individual cases where the public employment program has been beneficial to members of the ranks of the formerly unemployed.

The article further suggests that while there have been some delays, the program is gathering momentum and that some of the delays may be attributed to the desire of State and local prime sponsors to fulfill the objective of the act by providing meaningful, and not "make work" or "dead-end" jobs.

Importantly, the article does indicate a number of possible problem areas, such as the extensive use of funds to rehire laid-off public employees, political use of funds in some cases, and the need for greater allowances for the purchase of equipment and materials.

These and other questions regarding implementation of the act will be appropriate subjects for oversight during forthcoming hearings in the Committee on Labor and Public Welfare with respect to S. 609 and related measures. There have already been a number of field hearings on this subject in New Jersey and in New York City, and a hearing is scheduled in Buffalo, N.Y., for March 17. I am hopeful that there will be a national hearing in the next few weeks.

Mr. President, I ask unanimous consent that a copy of the article "200,000 at Work in Federal Job Program," by Ernest Holsendolph, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 11, 1975]

200,000 AT WORK IN FEDERAL JOB PROGRAM

(By Ernest Holsendolph)

WASHINGTON, March 10.—Cities around the nation are making steady but uneven progress implementing the $1-billion public service employment program signed into law Dec. 31, 1974.

Estimates by the United States Department of Labor indicate that nearly 200,000 people have been hired under the program, which represents an attempt to blunt the high rate of unemployment that has idled about 7.5 million.

Cities and communities have used the program to catch up on maintenance, to do work long postponed because of fiscal problems, and in some instances—as in New York—desperate city administrators have had to use the public service personnel to fill gaps left by furloughed city employes.

Criticized by some local politicians as a pittance, when contrasted with the large number of jobless persons around the nation, the program has been welcomed in most communities as at least a means of taking the edge off the rate of unemployment.

And just last week, President Ford called for an appropriation of $2-billion above the present budget to pay for summer jobs for youth, and an extension of 310,000 jobs under the public service job program. The emergency jobs authorized in December are scheduled to expire Dec. 31, 1975, unless Congress appropriates additional funds.

Senator Jacob K. Javits, Republican of New York, has called for a million public service jobs, and House Democrats have been seeking a $5.9-billion increase in the jobs program, as well as public works projects.

Priscilla Harris was only one of about 25,000 jobless people in Atlanta, but for her and 400 Atlantans now employed under the program, the jobs are more than welcome.

She sat on the floor recently, at work in the maintenance shop of the city of Atlanta, setting floor tile. Several men watched as she worked, warming the tiles with a torch, then putting them in place just so.

"Get out of here, I'm busy," she shouted at the spectators half seriously.

Mrs. Harris, who is in her early 30's, had been jobless since she was laid off last July by the city Housing Authority, before getting her $7,000 job on the maintenance crew, which had formerly been all male. She is the sole support of her four children.

The public service employment program has been applied in a variety of ways around the country with uneven results—although Washington had intended it to be a shot of quick relief.

In Atlanta, which has filled about 400 of the 435 jobs allocated to it, the new personnel include maintenance people like Mrs. Harris, as well as technicians with doctorates who have been assigned to Federal agencies.

ATLANTA MOB SCENE

Harold E. Oliver, the administrator of Atlanta's program, was himself hired under it. The former manpower consultant has also hired four counselors, all with master's degrees in fields ranging from sociology to business administration.

Atlanta initiated its program in a well-publicized, near disastrous way. Thousands of excited, unemployed persons overran the city staff, breaking glass doors in the civic center, when the program was announced in January.

More than 3,700 applications were taken. Since then, people have been hired by telephone to avoid some of the usual but time-consuming procedures such as personal interviews.

"We tell them this is an adult program, a job program and not a give-away," said Mr. Oliver. "Either they show up and work, or get terminated."

He said that only 10 terminations have been recorded since Feb. 10, with four of those involved going on to other jobs.

New York uses more cumbersome hiring methods, including screening of job requests from the agencies "to be sure the work is meaningful," and personal interviews. Only 8,500 people have been placed in 17,000 authorized jobs in an area where 338,000 persons are looking for employment. The openings are unlikely to be filled before July, officials say.

SOMETHING VIABLE TO DO

With the city facing planned layoffs of municipal employes that could total 18,000 by July 1, the great majority of positions being filled are with the city. They include bookkeepers, accountants, maintenance personnel—and a crew assigned to the Metropolitan Transit Authority to remove graffiti from the subways and buses.

"Given our situation here we must do more than 'make work'," said Deputy Mayor Paul Gibson Jr. "We must make sure that each person hired has something viable to do."

An emerging pattern shows that financially pressed cities like New York, Newark and Cleveland have relied on the new program to take up the slack where regular city employes have had to be furloughed or terminated to meet municipal budgets.

On the other hand, New Orleans—which until last week had not hired a single one of its 22,000 unemployed because of red tape—plans to farm out all of its 814 public service positions to non-profit private agencies, such as the Urban League, the Y.M.C.A. and the Committee on Alcoholism and Drug Abuse.

"The idea was to get around the slow civil service procedures here," said Henery E. Braden 4th, director of city manpower programs. "But the process of getting around the city's procedures has held us up until now," he said last week, as he announced 702 openings with the outside agencies.

ENTERTAINMENT PROGRAM

Most other cities examined in a check by The New York Times showed that programs have been implemented from 50 per cent to 90 per cent.

In Portland, Oregon, workers were engaged in such public projects as clearing trails in the 6,000-acre Forest Park and putting together a "food bank" for needy people.

In Los Angeles, unemployed entertainers were auditioning for public service jobs as part of a team of 75 actors, dancers, and puppeteers who will entertain in schools and parks.

More than 450 painters, poets and musicians applied for an arts program in Seattle that will institute "dance therapy" for the handicapped, and teach poor and delinquent youths to express themselves in cultural ways.

San Francisco and New York also plan to start programs for artists and entertainers, reminding many observers of extensive art projects financed by the Government during the great Depression.

Atlanta's tan marble city hall was built and decorated with funds from the Works Progress Administration in 1937, according to a plaque.

In cities where fiscal emergencies have led to the hiring of public service workers to do some of the work of furloughed municipal employes, city governments have been involved in battles with unions.

A DESPERATE SITUATION

Forced to lay off 1,200 workers in January when voters defeated a tax increase for the third time, the city of Cleveland and local unions are now arguing in the courts. The city used most of its entitlement of $7.1-million to rehire waste collectors and truck drivers along with 72 policemen and 49 firemen.

"We are hit so hard we have no choice," said Vladimir J. Rus, director of Cleveland's Human Resources and Economic Development Agency. "What would the city do if we didn't rehire the 1,200 city employes? It's a desperate situation."

Cities, counties and states that act as sponsors of the public service employment programs have used a variety of ways to locate job recipients. Atlanta, to its regret, used a general call to show up at one center, New York hires through 26 neighborhood manpower centers and a jobs-for-veterans agency; others have used records on file with state employment agencies.

In Philadelphia, according to charges by investigators, it has been helpful to be on good terms with Mayor Frank L. Rizzo's

Democratic organization to get a public service job.

"There's no question that there's been political influence," says City Controller William G. Klenk 2d, whose office has been investigating what The Philadelphia Daily News calls "jobola."

LABOR DEPARTMENT INQUIRY

The local affiliate of Americans for Democratic Action charged that 10 of the first 133 persons hired under a public job program related to the public service program were Democratic commitee members and that 10 others were related to committee members.

The uproar over the charges of political influence caused the Labor Department to hold up $8-million for the newest public service program until last month, pending an investigation. The Department later released the money, while continuing its investigation and insisting on the right to monitor the interviewing and hiring process.

Except for a more modest controversy in Atlanta earlier, where a nephew of the city's public safety commissioner, Reginald Eaves, was found raking leaves on the campus of Morris Brown College as part of the program there, few charges of political influence have surfaced.

Under the law, individuals seeking public service employment, must have been out of work at least 30 days. Preference is given to Vietnam veterans and to persons who have been jobless for 15 weeks or more.

LIVING OFF SAVINGS

Most people being hired have been out of work even longer. Gregory Jones, a 25-year-old carpenter now working on a maintenance crew in Atlanta, said he had been without a job for six months.

"The money for construction projects went, then the construction industry went, and then my job with the lumber company went," said Mr. Jones, a native of Red Bank, N.J.

Tony De La Garza Jr., a 27-year-old American Indian, who said he had made a comfortable living installing and repairing household appliances, struggled for 18 weeks to make ends meet from savings as he tried to support his family of six.

The Texas native, who now is a painter on a city crew in Atlanta, said that he had been ineligible for unemployment insurance and was determined to avoid going on welfare.

"I never dreamed I'd be one out of 3,000," he said, referring to his lucky draw out of the massive number of applicants at the civic center crush in January.

'I HOPE IT LASTS'

John Long, 32, of Pittsburgh was unemployed for a year until he got his $7,300-position as an orderly with Mayview, a local state mental hospital. "After the year is up I'm going to try to get a permanent job at Mayview—I'm taking the civil service test."

Sheila Curran, a former Providence, R.I., teacher who has not worked in a year and a half, felt a special urgency to find a job because her husband is unemployed too.

She is now a program planner with Warwick Community Action, Inc., helping to devise programs for poor youngsters. "I hope it lasts," she said.

City administrators interviewed around the nation said they hoped for a number of changes in the program—the most important being some guarantee that it would continue beyond Dec. 31, as asked by President Ford last week.

"I know it's a temporary program," said New York's Deputy Mayor Gibson. "But we would be in real trouble if there was a sudden shut-off, rather than a phase-out."

Most political observers indicated that with an election year so close, a cut-off of funds was unlikely, unless there is an unanticipated sharp improvement in the employment situation.

TYPEWRITERS NEEDED

Local leaders say they hope that Congress will see fit to make wage scales under the jobs program more flexible. Under existing law, there is a ceiling of $10,000 per job, and a maximum average pay rate of $7,800 per year in each local program.

Localities may supplement the Federal money as a means of paying a higher scale, but the hard-pressed cities say they cannot afford to do this, except for a handful of supervisors.

Finally, city administrators say they hope Congress will make some allowance for the purchase of equipment and materials. The present program provides money only for wages and salaries, even though some cities say they need typewriters, shovels, uniforms and other items.

These steps, they say, will help the cities tailor the program to their particular needs. Said Pittsburgh's manpower director, Joseph Rodgers:

"What is generated in Washington and what is generated in the city are often separated by a gap, and we have a tough time bridging that gap."

Meanwhile, most regional administrators of the United States Department of Labor seem to agree with William Harris, program director out of the Dallas office, who said:

"I think we got the money out there pretty fast, compared with most other programs. Just about everybody is underway and making progress at the pace they have chosen.

"We have had to do it and clear the lines, with Congress talking about a broader $5- or $6-billion program."

ON NEGOTIATING WITH THE SOVIET UNION: LESSONS FROM AN EXPERT

Mr. ALLEN. Mr. President, all Americans pray for a new era of world peace and stability and we have been led to believe that such an era is possible, because of the détente policy between our great country and the U.S.S.R. No one, least of all me, desires anything less than international stability, but I must point out that international negotiations should be, in fact, must be, conducted with an air of realism.

The realistic side of negotiations with the Soviet Union were stressed in a recent address by Mr. Robert B. Hotz, editor in chief of the magazine Aviation Week & Space Technology. Upon his acceptance of the Lyman Memorial Trophy in October 1974, Mr. Hotz delivered a lecture entitled, "One Horse—One Rabbit," which has not received the attention is deserves.

Mr. Hotz points out the pitfalls in negotiating with the Soviet Union, and as a practiced negotiator himself as well as an observer of our country's efforts in this regard, one must ponder the lessons Mr. Hotz has gained over the years. Hotz says:

> The simple fact of life is that the Soviets desperately need our help and if we don't give it to them there is no way in the world they can keep up with us across the board, from agriculture to ABM's.

Further on he notes:

> It is time we cut out all the sweet talk and settled down to some tough realistic and firm negotiations that are in our best interests as well as the Soviets. We should ring the bell publicly on their SALT I violations; toss out their ground rules for SALT II negotiations; and offer them equitable trade and realistic defense posture to defend their own realm without threatening ours. Faced with the blunt choice that offers them the choice of a technological and economic race they cannot win or equitable trade and an adequate defense of their homeland, they would have to give some serious thought to changing their stance.

Mr. President, the distinguished editor concludes by maintaining that in order to effectively pursue a realistic negotiating position vis-a-vis the Soviet Union, the United States and its citizens will have to develop a more perceptive understanding and appreciation of our country's strength and, importantly, develop a stronger will to push American national interests.

Mr. President, I ask unanimous consent that the address of Mr. Robert B. Hotz be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ONE HORSE—ONE RABBIT

(By Robert B. Hotz)

Everything has a price and your chairman of the Lyman Award Committee and my companion of many a Moscow campaign, Jerry Hannifin, made it clear to me that the deliverance of a Lyman Memorial lecture was required before I could take this trophy home. So partly in tribute to his leadership of our delegation on forays into the Soviet Union and partly because our future relations with this ethnic conglomerate are a very important facet of our nation's future, I would like to share with you some of my experiences and thoughts on dealing with the Soviet Union. Winston Churchill once said—"There are no experts on Russia—only varying degrees of ignorance." And this is very true. However, for the past 20 years my staff and myself have been studying Soviet aerospace by a variety of methods, some of which seem equally confusing to the Russians and the Central Intelligence Agency. Included are a half dozen personal visits to the Soviet Union during which I watched their air shows, met almost all of their top aircraft and engine designers, and some of their cosmonauts and space scientists, flown more than 12,000 miles on Aeroflot, visited design bureaus and production factories and drank a lot of vodka and Armenian cognac. I see some other veterans of these expeditions in the audience and they can testify to the rigors of the toasting rituals.

For some years now it has been apparent to leadership in this country that the cold war was a dangerously outmoded concept that threatened not only whatever prospects for peace there might be in the world but also posed a grave threat to the basic institutions of our government. The harder we fought the cold war the more the tendency to become a mirror image of our opponents. It may be that the Nixon-Kissinger détente has provided an opportunity to conduct future relations between the U.S. and the USSR on a different plane. However, if that is correct then we must pursue these negotiations with far more realism, self interest and determination than has been evident during the initial phase of détente. The way we have conducted negotiations with the Soviets in the past decade reminds me of an old Milwaukee wurstmacher's recipe for Rabbit sausage.

When the customers complained that his "rabbit sausage" tasted more like horsemeat he defended his product on the ground that the recipe was "50-50—one horse and one rabbit."

If you think this is an exaggeration listen to Boris Panushkin, head of the Soviet publishing trust. After pirating U.S. books and magazines including Aviation Week for 30 years without any payment or regard for copyright law, the Soviets recently agreed to join the International Copyright Federation, primarily as a means of suppressing publication of their dissident authors abroad. In explaining the new policy to American publishers, Gospodin Panushkin solemnly announced the USSR would no longer reprint U.S. publications without permission or payment, "except when it was necessary for educational purposes." He then noted that the USSR was now prepared to pay ten per cent of the standard subscription price to get U.S. publications legally. After offering ten cents on the dollar Mr. Panushkin concluded, "this shows we are willing to meet you half way." One rabbit one horse.

Another example is the great ruble ripoff that is perpetrated on thousands of American tourists every year. Outside Russia the ruble is worth about 40 cents. Inside Russia it is worth whatever the Politburo says. They have been steadily uprating the value of the ruble against the dollar until they now say a ruble is worth one dollar and thirty cents. In the same breath they value the Cuban peso, which outside Cuba is normally only good for lighting cigars, twenty per cent higher than the U.S. dollar. This is one reason why U.S. correspondents covering that glorious Nixon-Brezhnev summit meeting last summer had to pay $105. a day for an Intourist hotel room not quite as good as an ordinary $20. a day motel room in Iowa.

A few months ago there was a great razzle dazzle meeting in Moscow to stimulate an increase in the U.S. tourist trade which the Soviets need badly to fill their skimpy coffers of hard currency. Nobody in the U.S. delegation even raised the question of the inequitous ruble rip-off. The conference did break up on another Russian rabbit sausage deal though. The Russians are in the stone age of innkeeping. They built the world's largest hotel—the 2,000 room Rossiya off Red Square. But they built it in five sections, and among other things forgot to connect the sections internally. Anyway, they want U.S. hotel chains to build three modern hotels in Kiev, Leningrad and Moscow and run them for Intourist. But the Russians were willing only to sign the construction contracts and said they would discuss the management contracts only after the hotels were finished. The U.S. hotel men were too smart for that and walked out. The Russians will be back because they need the hotels desperately. But you can't blame them for trying such an outrageous proposition after the ruble rip-off, the wheat deal and Salt I.

Another example of Soviet style reciprocity was the trip of U.S. science writers to the USSR. Conducted under the auspices of the State Department, the agreement called for each U.S. writer not only to pay all his expenses in the USSR but also to pay all the expenses for a Soviet writer to visit U.S. science centers.

You all found out about the great grain robbery at the supermarket counters last year but isn't it incredible that they almost pulled it off again this year? And I have not seen much coverage in the great metropolitan dailies on the fact that the Soviets have refused to provide the crop statistics required by another one of those U.S.-USSR agreements, or that the Soviets refused to allow an official U.S. team to visit the virgin lands of Khazakstan where much of the harvest failures occur even though the agreement calls for on site inspection. If the Soviets won't allow on site inspection of their wheat crop do you think they will ever hold for on site inspection of their nuclear or missile sites?

Now let's look a little closer to home and examine some facets of our relations in the airline business, aerospace and Salt.

When Aeroflot first began to press for a Moscow-New York service in the early 1960s, I wrote an editorial asking "Is This Route Necessary?" Six years later the answer is emphatically "no." Once again we traded the Russians things they badly wanted for no tangible advantage to us. Pan American has lost a good deal of money flying the Moscow route with no fiscal help from the U.S. government. This and a lot of other so called "national interest" routes are one of the reasons for Pan American's fiscal plight.

But the deal was worse than just money. Pan Am can't sell tickets in Moscow, have an office where ordinary Russians can enter or even put up a sign anybody can see. All foreign airlines operating out of Moscow are confined to upper floor rooms in the Metropole Hotel—strictly out of bounds for ordinary Russians. Aeroflot counters that it has only a second floor office in New York. That's true. But it's on Fifth Avenue and in one of their favorite positions—on top of the Czechs who have the first floor.

Aeroflot controls all outgoing traffic from Moscow and routes business to other airlines only when all its flights are full. It even tried to block the U.S. Embassy in Moscow from shipping freight via Pan Am. Even though normal traffic wouldn't sustain the New York service, Aeroflot was so desperate to record good traffic statistics that it smuggled thousands of ticket blanks into U.S. and Canada, in violation of the bilateral agreement, and padded the flights with freeloaders. When caught red-handed by the CAB, Aeroflot paid a $40,000 fine and promised to stop.

A year ago when we were in Moscow, Aeroflot was desperately trying to use the Brezhnev visit to Washington to pry loose even more concessions from the Nixon-Kissinger detente. When we pointed out that Moscow-New York traffic was so thin it barely supported Aeroflot's bi-weekly frequency let alone the daily service they wanted, Sergei Pavlov head of Aeroflot's international division said, "That's unimportant. You have a market and we have a country—let's get together." They also wanted to trade traffic rights to Leningrad where less than 100 people are free to buy an airline ticket of their choice, for traffic rights to San Francisco where millions can exercise that right, plus rights beyond to a trans Pacific route. That even went beyond the one horse one rabbit recipe.

For the 12 years that the Soviets thought they were leading in the world in space exploration they rudely rebuffed all of the many U.S. proposals for co-operative ventures in space. When it finally dawned on them after Apollo how far behind they were falling in manned space flight they changed their tune and began negotiating what is now the Apollo-Soyuz mission or as some Houston wags say, the great wheat deal in the sky.

There is a legitimate purpose in the ASTP mission in developing a common docking system for space rescue. Some day somebody will have to use that system to rescue a space crew from orbit. And it will be worth every nickel it costs. But the question is "whose nickel?" The U.S. is engineering and paying for the docking system and adapter module. It will do all the docking maneuvering with the Apollo. The Soviets will provide a stable, we hope, and passive Soyuz target. For this the Soviets will try to convince their people and the rest of the world that they had achieved parity with us in manned space flight. Well that's all right. Let them try. But that wasn't their real goal in promoting the mission. They wanted to tap into the mainstream of U.S. Apollo manned space flight technology and wipe out their ten year deficit. Fortunately that isn't going to happen. But it was a near miss in the early euphoria of the Nixon-Kissinger detente. Some of the NASA hierarchy have been pretty pusillanimous about resisting Soviet pressure for total secrecy on the program. Some timid NASA souls get very upset when the Soviets objected to a detailed design story we ran on the Soyuz spacecraft. However, after scaring NASA the Soviets pondered the series and apparently the more they looked at it the better they liked it. In about three months a very similar detailed story on Soyuz appeared in their own Aeronautics and Cosmos magazine.

Rather than getting upset and stricken with secrecy every time the Russians object to some open discussion of their program, I think it would be appropriate for NASA to remind the Soviets that we have conducted the most successful space program in the world in a completely open atmosphere while their super-secret space program has run into a steady series of catastrophes.

The Soviet space program is so compartmentalized by secrecy and bureaucracy that they don't even know yet what their problems really are. This was demonstrated last year when we visited the cosmonaut training center at Star City and asked Vladimir Shatalov the commandant some design questions about a reentered Soyuz test vehicle they had on display. Shatalov had a unique record of three successful Soyuz flights but he didn't answer the questions. "You think I am being evasive, but I am not," he told us. "I know from talking to Slayton and Stafford that your astronauts participate in the design and building of spacecraft. But in the Soviet Union cosmonauts do not. They give us the spacecraft and say 'Fly it.' I just don't know the answers to your questions."

The Soviets have learned a lot from the Apollo-Soyuz program about management, operational procedures, command and control systems and data accumulation and reduction systems, but that's no great harm because they couldn't really apply it to their space program without changing their whole political system.

They recently tried the same technology tap technique to our airplane business. The Soviet policy of super secrecy and isolation has left them trailing the rest of the world by at least ten years in commercial transport technology. Peter Dementiev, Minister of Aircraft Production, frankly admitted it to us when he laid on an unprecedented schedule of visits to design bureaus and production plants last year.

"We have a good aircraft industry," he said. "It has served our country well in its hours of need and we are still making progress. But we have been isolated and now find we are not making progress as fast as the rest of the world and have fallen so far behind we must have help. Boeing and Pratt & Whitney are the best in the world. We should not be too proud to learn from them."

They are now trying to siphon out of the United States the 20 years of knowledge and hardware that has given this country world leadership in the airline transport business for three decades. They started out with a pitch to buy wide body jets which Aeroflot needs very badly. Not only is their own TU-154 in deep technical trouble but they simply don't have any capability for the wide-body transport generation. Very quickly the pitch to buy aircraft was turned into phase one, with phase two a pitch to buy all of the technology for basic new aircraft design, get U.S. companies to build and equip production facilities, train Soviet workers to operate them for a few years, and then give the front door key to Peter Dementiev.

They also want software of all descriptions. They offered Boeing ten million dollars for their basic design manuals. They want powered control system technology from Douglas and Lockheed, big fan engine technology from Pratt & Whitney and whole traffic control systems from Raytheon, Sperry and IBM. For nearly a year Soviet aerospace delegations roamed freely throughout the U.S.

aerospace industry trying to make deals without any security or policy control by the U.S. government.

Now there are some harder and more realistic looks being taken at the national value of these exports and some firm policy guidelines and screening procedures organized. The Soviets got a flat no on the aircraft plant deal and the Poles got a reject on their semiconductor plant program. But the Soviets are not discouraged. They are still dangling the bait of 747 and 1011 purchases which would pose no great threat since the Soviets do not have the capability to copy them in our lifetime. But they have not given up on the plant deals and will come back at us again and again in various combinations and packages.

This brings us to the question, "Can we deal with the Russians and is the game worth the stakes?" I think the answer to both questions is, "Yes, but".

You can do it as long as you understand how the Russians play the game and the stakes they are playing for.

You can do it if you have something they really need.

You can do it if you have the determination to hold out for your goals and have no inhibitions against matching the Russians' rudeness in the clinch. If you walk out on the negotiations a few times it just proves to them you are really serious about your position. All too often Western negotiators offer concessions simply to end the endless arguments and get any kind of agreement.

You can do it if you have the strength and the will to use it to defend your vital national interests.

In the era of Nixon-Kissinger détente, U.S. Government policy was to give the Soviets almost everything they asked for. Our negotiators were afraid to get tough for fear they might upset détente. Some fatuous agriculture official even justified the great grain robbery on the grounds that it "helped détente".

The first Salt negotiations were typical of that era and its one-sided results. The Soviets were genuinely scared by our advanced ABM technology. They were willing to give up a lot to stop it in its tracks. Instead of pressing for any real concessions from the Soviets we conceded them not only a significant numerical superiority in ICBMs and throw weight but also were so naive as to write the treaty in language that left the Soviets a number of significant technical loopholes to legally violate its intent. We thought that our technological superiority in multiple warheads would overbalance the Soviets' numerical superiority. And so it did.

But the ink was barely dry on the treaty and the champagne toast bubbles had barely burst, when the Soviets unveiled a massive development program to overcome our advantage and MIRV their new generation of ICBMs. In addition they used the treaty language loopholes to put larger missiles into their old silos by using a cold launch pop-up technique similar to the submarine launched Polaris. They are developing a fully land mobile ICBM.—A point that was left out of the agreement at the Soviets' specific request and they are now actively interfering with our satellite and electronic means of checking their activity—another specific violation of the Salt treaty.

I think it is time to ring the bell on the Soviet violations of Salt I and develop a far tougher and more realistic stance for the upcoming arms negotiations in Moscow. One problem is that most of our negotiators are technically illiterate and think weapon characteristics are insignificant details. One of the principal Salt I negotiators told his military adviser: "You must understand we are negotiating agreements on broad principles, don't bother me with hardware details."

The Soviets have made it very clear what worries them most now that they have disposed of our ABM technology. It is the B-1 Bomber, the Trident submarine launched missile, and the air launched ICBM being developed by the Air Force. If we scrap any of these programs as a Salt II bargaining chip we deserve the fate that will eventually over take us.

Fortunately I detect a significant change in the detente atmosphere in the direction of more realism, toughness and assessment of national interest.

Senator Scoop Jackson scored a notably victory in his stubborn demand that the Soviets relax their emigration policies before they would get favorable tariff trade treatment. It shows the Soviets can be moved when they want something badly enough and you are willing to stand firm.

Secretary of Defense Schlesinger has brought a new realism to both the U.S. Salt stance and the standards for export of technology.

NASA is finally beginning to press for a more open Soyuz-Apollo program although not nearly hard enough.

And even the State Department has rebuffed Aeroflot's most outrageous demands.

We are now operating from a position of towering strength relative to Soviets militarily, technically and economically and we have the means to maintain that position. It would be a fatal national tragedy if we frittered it away for the sake of agreements that are valid only as long as they are useful to the Soviets.

The simple fact of life is that the Soviets desperately need our help and if we don't give it to them there is no way in the world they can keep up with us across the board from agriculture to ABMs. Look at the record.

We started five years late in space and now are at least ten years ahead.

We started about even in ICBM development and are now way ahead with MIRV and MARV guidance technology, solid propulsion, command and control systems, warhead efficiency.

We didn't build a new fighter for nearly 20 years and their Foxbat and Flogger dazzled the world in the early 1970s. But we are now reaching two generations beyond them with the F14, 15, 16 and 17 fighter programs.

In electronic countermeasures and smart weapons, from which a target can't escape, we are a long generation ahead.

It is time we cut out all the sweet talk and settled down to some tough realistic and firm negotiations that are in our best interests as well as the Soviets. We should ring the bell publicly on their Salt I violations; toss out their ground rules for Salt II negotiations; and offer them equitable trade and a realistic defense posture to defend their own realm without threatening ours. Faced with a blunt choice that offers them the choice of a technological and economic race they cannot win or equitable trade and an adequate defense of their homeland, they would have to give some serious thought to changing their stance.

But to effectively pursue that kind of policy the people of this country need a far more perceptive understanding and appreciation of our own unique strengths and a far stronger will to push for our own national interests. The lack of this is a Russian ace in the hole that they bank on for the long run. And that ladies and gentlemen may be the fatal flaw in our future as a nation.

THE FOLLY OF THE RECENT ECONOMIC TREND

Mr. BROCK. Mr. President, Russell Baker wrote an article in the New York Times looking at the folly of the recent economic trend. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE DAY THE SHAH WAS SHY

(By Russell Baker)

For this I need dim lights and cobwebs. It is the interior of one of those magnificent walnut-paneled clubs, but there is a sense of opulence gone to dust. The rooms are empty, except for an occasional spider nestled under the ear of a marble Minerva and, at the great oaken bar, a bartender, old and greenish-gray, who has given up polishing the glasses. It is not the end of the world in here, but the end feels very near.

I move through a gloomy mist. The bartender watches my approach without hope, for I am not a member of the club and he knows that no one else can afford a beer, which now costs $50-million a glass.

Only three men in the world can still afford a glass of beer. They are Nelson Rockefeller, King Faisal and the Shah of Iran. They are, in fact, the only men left on earth who can afford anything now that the law of supply and demand has been so long repealed.

Under the new law, prices go up as demand goes down, and they have gone so high that only these three consumers are left to keep the great engines of business turning. Last year, for example, General Motors made only one car, but was able to show its usual good profit margin by selling it to King Faisal for $4.6-billion.

I pass the bartender without speaking. The King and the Shah are in the library. They are reminiscing about the day last winter when Aristotle Onassis was priced out of the market. Onassis had needed a new pair of pants. His tailor, having sold only two pairs of pants the preceding year, told Onassis he would have to double the price to stay in business. Onassis, not having the $850-million which the pants would have cost, dropped out of the pants market, and hasn't been heard of since.

The tailor raised the price of pants to $1.5-billion in response to the fall in demand.

"I am glad I don't have to buy pants," King Faisal is saying as I drift up behind him.

The Shah is worried about Rockefeller. "Rockefeller needs pants in the worst way," he says to the King.

"I know," murmurs the King. "Those bags at the knees are disgraceful."

"Not only that," says the Shah. "The pants are also worn out in the seat."

It is easy to see why the Shah is alarmed. If Rockefeller cannot buy pants, he, the Shah, will become the last pants consumer on the planet, and the tailor will have to raise his pants price to $3-billion to maintain his customary profit level.

"Frankly," says the King. "I do not believe Rockefeller has enough money left to buy a pair of shoestrings."

"That may be why he's been wearing those wooden shower clogs for the past month," says the Shah.

I have had news for them. I give it to them straight. "Rockefeller went to the store for milk this morning, learned that the price had risen to $1.3-billion and couldn't pay. Rockefeller has been driven out of the market."

They blanch, for now there are only two of them left.

The King nudges the Shah as one good fellow to another. "Why don't you go buy a quart of milk so they don't have to double the price?" he suggests.

The Shah smiles at the King. What is he thinking? Could the King, too, be approaching the end of his rope? At this moment, a phone rings dustily. It is the telephone company asking for the King.

The King listens. The telephone company wants to improve his service but cannot unless it has additional revenues to offset losses arising from the fact that it has only two subscribers left in the world. The telephone company has, therefore, decided to increase his rate for his convenience, from $60-billion to $90-billion a year.

The King buckles at the knees and belt. "Out of the market are you?" asks the Shah. "Then I am the last consumer on earth."

Alone the Shah decides to fly home to his beloved peacock throne. Placing a $50-million coin in the pay phone, he calls Pan American. They are delighted to book him, but since they have had no passengers for the past two years they have had to raise the fare to $400-billion.

The Shah is $10-billion shy. The headlines that evening are grim. "Shah Shy!" they scream. There is nobody left on earth who can afford to buy anything, which means that all prices will have to double at once.

MAURITIUS' INDEPENDENCE DAY

Mr. HARTKE. Mr. President, on March 12, one of the greatest friends of the United States, Mauritius, celebrated her Independence Day.

Recently, this valiant island in the Indian Ocean, suffered a disaster in the form of a cyclone which virtually destroyed the sugar crop. Over the years, Mauritius has struggled to make a better life for the some 900,000 inhabitants by developing a diversified economy. Still, it is estimated that 60 percent of the people are engaged in agricultural pursuits, increasing the impact of the cyclone.

Because of the heavy losses of sugar, the Government of Mauritius has encouraged rapid industrialization and foreign investment.

In 1844, a U.S. consulate was opened in Mauritius and in 1969 it was elevated to an embassy. During many of our space shots and explorations, Mauritius served as a base for research aircraft and search and rescue missions.

Because Mauritius imports most of its foodstuffs as well as most of its consumer goods, her imports always exceed her exports leaving a deficit balance of payments. However, with a large sugar quota Mauritius has accepted our Peace Corps volunteers, who, although small in number, have made an impact on the people throughout the island.

To the Prime Minister, Sir Seewoosagur Ramgoolam, the Government and the people of Mauritius, I wish them a speedy recovery from the cyclone damage, peace, and prosperity on this Independence Day.

THE FREE MARKET SYSTEM

Mr. BROCK. Mr. President, one basic assumption of the many economic schools of thought is that our economic policies rely on the free market system. A commentary by Nicholas von Hoffman looks at this assumption quite critically and warns that we possibly could lose those few vestiges of that free market that are left if care is not exercised in formulating future economic policies. I ask unanimous consent that Mr. von Hoffman's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO UNDERSTAND THE FREE MARKET SYSTEM, YOU HAVE TO * * *

(By Nicholas von Hoffman)

While he may have been mistaken about some things, there is a new appreciation of John Maynard Keynes' remark that "the ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed, the world is ruled by little else. Practical men, who believe themselves to be quite exempt from any intellectual influence, are usually the slaves of some defunct economist." So we shouldn't be disappointed that our leading people are slow to give up ideas that are rapidly proving to be fallacious.

A few, like Harvard's Wassily Leontief, are quoted as saying, "Policy today is completely at a dead end," but more are like his colleague, professor Otto Eckstein, who seems to prefer to hold on to the past and hope for the best. "We either work our way out of this mess in 1975 or we are in real trouble," says Eckstein, who has great influence in Washington. "If policy does not meet the challenge next year, we'll have to change the economic system." (New York Times, Dec. 29).

Before we do that, however, we're going to have to change our understanding of the system. That understanding is presently based on the proposition that we are operating in a free-market economy, and, therefore, when things go bad, all we need do is restore the market to health.

To persuade yourself that this is indeed a free-market system you need to turn your brain into a pretzel. That is what academic economists have done, argues Richard Goodwin in The New Yorker magazine (Jan. 6). He compares the intellectual contortions of conventional economists and their faith in the existence of the market system to the Ptolemaic explanation of how our solar system works.

To account for the fact that some stars seemed to change speed and others to reverse direction, "astronomers constructed a model of the universe in which stars and planets moved around each other while moving around the earth; circles within circles within circles; cycles and epicycles—all rotating in one grand design," writes Goodwin.

The complexity and obscurantism of the Ptolemaic universe did account for the motions of the heavenly bodies, but an astronaut would have a rough time using such a map to get to the moon. So also can it be said that the mental acrobatics of our economic thinkers describe the workings of our society, but it isn't going to help a lot of people who are out of work to find jobs. In fact the accepted understanding in higher places at the moment is that the jobless rates will never go down to what they once were.

Goodwin writes that what we are really doing is moving rapidly toward a state capitalism, "in which the people as taxpayers are compelled to support these private industries they did not, or could not, support as consumers . . . (hence) . . . our most important economic institutions . . . have been able to break free of the market itself, and constitute themselves as private economy . . ." As Goodwin points out, there is no sense in buttressing the market system if major chunks of our economy have excluded themselves from it, and yet that is the thrust of much of our present policy making.

Most of us, of course, have been reared to regard a free-market economy more as an attribute of virtue than as an instrument of great utility. Whatever markets may do for the soul, they're also the only mechanism we have for establishing price, and it is through prices that we can determine costs.

In nations like Russia they try to administer prices and costs, assigning an arbitrary value to them, but with millions of different kinds of items being produced, the results are confusion, shortages, misallocations and, most ironically for a socialist state, great difficulty in planning anything.

As we withdraw great chunks of our own economy from the market and therefore from the price and cost system, we begin to encounter the same difficulties the Russians have. How do we respirate an administered price industry like automobiles without paying more than we should? Or, as Goodwin asks, how do we judge the efficiency of a corporation like AT&T?

To rescue us from the current slump there are all sorts of proposals on the table for allocating money, but can we know what we are doing when we can't measure the resources we're allocating to price-less "private economies?" Increasingly we are without the means to reach our own economic goals, so that Goodwin is correct in warning us that we may finish not by allocating abundance, but by rationing scarcity.

NEEDED: A FOOD AND AGRICULTURAL POLICY

Mr. HUMPHREY. Mr. President, I would like to point out a very informative article in the March/April issue of Challenge magazine entitled, "The Perils of Wheat Trading Without a Grains Policy," by Prof. Carl Schramm, Johns Hopkins University.

The article begins with a discussion of the Soviet grain purchases in 1972. It indicates that the Department of Agriculture knew early in 1972 that the Soviet Union was likely to experience a serious crop failure. While this information was shared with the grain exporters, farmers did not learn of this situation until about the time that the transactions were publicly announced.

The article also charges that three traders understated actual demand so that even the Government was not aware of how much trading was taking place on the commodities market.

The question to be considered is What have we learned from these transactions? Have we taken the necessary precautions to protect our supplies and prevent severe market fluctuations?

This article concludes:

> A grains policy is needed to coordinate both diplomatic and domestic agricultural goals, a policy that has been painfully absent in the past.

I have suggested that what we need is a national food and agricultural policy to assure our farmers a fair return and adequate supplies of food and fiber for our consumers.

The United States is in a unique position in the world as the major food surplus nation. Our country has the right land and technology for even greater production increases in the future.

The article points out the need for improved marketing information so that all of the actors in the market can behave more economically.

The foreign policy food implications are outlined including various strategies for providing U.S. food assistance. It is clear that any policy has pitfalls and particularly in a tight market situation. What is also clear is that the United States can hardly overlook countries which are in need of food. We can debate approaches, but the central lifesaving characteristics of food cannot be denied.

This article provides a great deal of food for thought and, while I would not necessarily support all its conclusions, it should be reviewed carefully. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PERILS OF WHEAT TRADING WITHOUT A GRAINS POLICY

(By Carl J. Schramm)

To meet the needs of a world warring with famine, we need to replace haphazard management of U.S. grain resources with a comprehensive grains policy.)

In 1972, one momentous event made painfully clear a number of contradictions between America's domestic agricultural policies and its diplomatic goals. That event was the Russian wheat deal. Over one-fifth (11.2 million tons) of the 1972 American Crop was sold to the Soviets at bargin prices, resulting in such shortages in the domestic wheat and flour markets that the price of a loaf of bread nearly doubled.

HOW THE TRADE WAS MADE

The wheat deal was conceived by Henry Kissinger, who saw grain trading with the Russians as a key component of détente and a potential boon to our balance of payments. In Moscow on April 18, Secretary Butz proposed an agreement to the Russians which would permit them to purchase $750 million with of grain during the next five years and would provide all necessary funding through the U.S. Commodities Credit Corporation, to be refinanced by U.S. banks. The Russians repudiated the Butz offer even though they admitted that their 1971 wheat crop had been disastrous and that the 1972 harvest was not shaping up well. President Nixon renewed the offer at the April summit, but again it met with little interest. Throughout the spring, the Soviets had been actively buying grain futures in world markets, and by June 1 had spoken for every available bushel of export wheat in the world. When the prospects for their domestic crop disintegrated, the Russians finally sent a trading party to the United States. On July 8, after a week of negotiations, President Nixon announced the signing of a Soviet-American trade agreement. The pact provided up to $750 million of U.S.-financed purchasing over a five-year period. The administration assumed that the purchases would be rather evenly spread over five years, but, as it turned out, the Soviets exercised almost the entire option in the first year.

Had any other government been dealing with the Russians, it would have been responsible for delivering the grain, and the diplomatic agreement would also have been the sales agreement. In the United States, however, grain is generally sold by private interests, with the government's role limited to approving sales and issuing export licenses. On June 28, the day after the Russians arrived in Washington to begin negotiations, they also began meeting with representatives of six of the largest grain-trading firms: Continental Grain, Cargill, Garnac, Cook, Bunge, and Louis Dreyfus. These firms control vast reserves of American grain and over 90 percent of all U.S. grain exports. Of the six, only Cook Industries is publicly owned. Four of the six are held by foreign interests, one Argentinian, two French, and one Swiss.

This confused sharing of responsibilities for foreign export between the government and the grain traders has traditionally led to special regulations and practices which protect the interests of the traders at the expense of farmers, taxpayers, and consumers. In the aftermath of the 1972 Russian trade, the inherent policy conflicts and the collusion among the State Department, the Department of Agriculture (USDA), and the grain exporters all came to the surface. The 1972 sale compromised the public interest in at least three areas.

Control of information. The USDA constantly monitors world crops through a complex system of agricultural attachés, observers at key grain markets, and satellite photographs; thus it knew that the Russian wheat crop was going to be a massive failure as early as February 1972. Yet, farmers were not alerted to the impending Russian demand for U.S. grain, while the traders were. In one instance, Undersecretary of Agriculture Clarence Palmby quit his government post and joined Continental on June 7. Prior to his move, Palmby had been in charge of setting up the Russian trade and coordinating the intelligence reports on the status of Russian crops. Acting on the USDA information, the traders secured commitments for vast amounts of wheat in the futures markets well in advance of the Russian agreement. If farmers had had the same information, futures prices would have risen much earlier in the year; farmers in Oklahoma and Texas who harvested wheat in June sold at around $1.40 per bushel, whereas farmers in Minnesota and the Dakotas who harvested in August and September, after the deal was announced received $2.60 per bushel.

Market manipulation. In addition to acquiring inside information, it appears that the traders also manipulated the market by providing false reports to the USDA's Commodities and Exchange Authority, which regulates commodities markets. In order to prevent speculation and market cornering, the government requires traders to file daily reports on all transactions as well as their net long- and short-term positions, and weekly reports on their grain holdings. During the summer of 1972, three companies provided daily and weekly reports that grossly understated actual demand. As a result, even the government was not aware of how much trading was occurring on the commodities market.

Subsidy speculation. Since domestic farm prices are often higher than price levels abroad, the government has subsidized exports to make world markets attractive to American farmers. Traditionally, the subsidy represents the difference between the world prices determined at Rotterdam and the cash price in the United States. During the summer of 1972, even though government policymakers knew from their attachés that there was no wheat on the world market, the subsidy was continued. In fact, some of the highest subsidies in history, as much as 47 cents per bushel, were paid at a time when the U.S. domestic price should have been the world price. Moreover, traders made additional profits through a complex system of registering commodities for export in anticipation of sales. Any sale can be exported under any of the trader's registrations. Of course, the exporters continued to open registrations throughout the summer of 1972 as the price continued to rise. Although the Office of Management and Budget finally discontinued the subsidies, over half the wheat sold to Russia was shipped under late registrations. The minimum cost of this arrangement to the taxpayers has been estimated at $400 million.

AMERICA'S INABILITY TO COPE WITH INCREASED DEMAND

While the Russian wheat deal of 1972 might make for an interesting study of government and corporate collusion, an even more important problem is how ill-equipped the government is to deal with massive demand for U.S. grain. Although Congress and the USDA enacted regulations to prevent a recurrence of the 1972 trade, the inadequacy of these new measures became clear when the Russians again sought a large amount of U.S. grain in the fall of 1974. The government's initial reaction was to permit the trade; President Ford ordered it stopped, but the USDA finally authorized a 1.2 million ton deal, all within a space of five days. In earlier years of great surplus and relatively low world demand, such stop-start decision making may have sufficed. But now, when demand for limited resources is increasing, that kind of policymaking is wasteful.

To make matters worse, the food shortage is growing. In sub-Sahara Africa, the greatest drought in recorded history is causing the starvation of millions. Moreover, the world's ability to produce grains may be temporarily but substantially reduced due to major climatic changes in the great wheat-producing regions of North America and the Soviet Union. Derek Winstanley, who developed an empirical model of world weather cycles, has predicted that, during the next fifteen years, U.S. agricultural output will decrease by at least 10 percent annually. Such a reduction represents about 40 percent of all export grain available to world markets in 1974. Another factor compounding the demand for wheat is a constantly growing world population. And, as Lester Brown and Erik Eckholm pointed out (see the September/October 1974 issue of *Challenge*), world food reserves (the annual carry-over) are at a fifteen-year low, and thus are an insignificant buffer.

The implications of the food crisis are especially profound for the United States, because America alone has excess-food-producing capabilities. The Soviets have had problems with agricultural reforms since the 1920s, failing in every attempt to open new land and to become self-sufficient. The other grain exporters—Canada, Argentina, and Australia—have neither the uniquely rich farm reserves of the United States nor its technological capacities and high-yield seed stock.

Taken by itself, the 1972 Soviet wheat deal is a lesson in how the public interest can be compromised at the hands of the grain traders with the acquiescence of government. But in a world warring with famine, the shortages created by the 1972 transaction are but a harbinger of things to come unless there is a fundamental reordering of both our domestic production and foreign marketing systems. Nothing short of a comprehensive grains policy is required. Even if, by some miracle, the world food shortage does not become as severe as predicted, the United States will continue to be the leading exporter of feed grains. A grains policy is needed to coordinate both diplomatic and domestic agricultural goals, a policy that has been painfully absent in the past.

WHY A FEDERAL GRAINS POLICY?

The control of farm output to meet both domestic and foreign needs requires that an immense amount of information on foreign agricultural conditions be centrally gathered, coordinated, and analyzed. The federal government alone is capable of analyzing the structure of domestic and world demand; and only it can develop a farm strategy to minimize overproduction of certain grains and maximize output of others in light of such long- and short-term input constraints as fertilizer, labor, and capital. Decisions on what to plant are often made by farmers on the basis of narrow regional crop reports and localized projections. This system fragments decision making on the mix of crops and perpetuates the production of overages in some crops and shortfalls in others at a time when the nation and the world can ill afford wasted agricultural resources. Only government control of market information and the marketing process itself can bring farm production to its highest possible level. Marketing decisions should not be left to firms whose interests cannot be expected to parallel national goals; yet, as mentioned above, several firms held by foreign nationals exercise significant power in both domestic commodities marketing and the sale of American grains to foreign purchasers.

THE INELASTICITY OF DEMAND

The principal basis for a comprehensive grains policy is a realistic appreciation of the nature and extent of world demand for U.S. foodstuffs. Grains, especially wheat, are the most efficiently produced usable sources of calories (it takes 6.5 pounds of corn to produce one pound of meat). Of the many grains grown in the United States for human consumption, wheat stands out as the one in most demand, both domestically and internationally. Compared with other grains, it is most easily stored, is the most nutritious and easily digested, and is accepted in every culture and preferred by most. Moreover, the United States is uniquely blessed with the natural resources for growing wheat. For these reasons, wheat must become the focus of U.S. policies to meet the challenge of world hunger.

It must be recognized that little can be done to reduce demand, either domestically or worldwide. While great savings in grain could be achieved by moving the U.S. diet away from meat, previous attempts to substitute other protein sources, such as soybeans, have been unnecessary. Similarly, as the recent inflation in grocery costs has convincingly demonstrated, the mix of items in consumer market baskets has changed little relative to the rapid price increases. And, as implied in the earlier discussion only a decline in the growth rate of world population will bring an end to the food crisis. Given the fact that demand for grain is not responsive to a change in price, it appears that increased production is the only realistic answer.

THE DOMESTIC FRONT—SUPPLY

Basic to any strategy for increasing supply is accurate and timely data on grain in the field, weather conditions, the quantity of successfully harvested grain, and the amount of grain in storage. Currently, the USDA receives crop data from county agents and storage data from commodities brokers. Not only is such information subject to manipulation, but the data are reported infrequently (monthly) and are gathered using rather shabby sampling techniques. The net result is that little advanced planning is possible regarding storage of excess grains, transport of crop to processors or ports, the price behavior of domestic grain markets, or the quantity and mix of grains available to the foreign market. Thus, a major priority of a U.S. grains policy should be government assumption of a primary and final responsibility for gathering and analyzing data on the state of domestic food production.

Backed with the necessary data, a grains policy must provide strategies for increasing production. The government could operate through central control—that is, it could direct farmers to plant certain crops in specified quantities and localities—or it could use a market approach based on a system of incentives to produce the optimum mix of grains for domestic and international consumption. Due to the uncertainties of agricultural production, some combination of the control and marketing approaches will probably be the most effective.

To increase production, our farm sector will need more capital, equipment, land, and possibly labor. The federal government has already backed away from its land bank program, which kept farmland fallow. But the government can turn over to farmers on a lease basis hundreds of thousands of acres now held in federal reserves throughout the country. It is certain that enough land resources exist nearly to double our grain output within three years.

Beyond increasing the gross amount of agricultural output, wheat production might be stepped up by regulating the mix of that output, either by increasing the supply of wheat at the expense of rye, corn, barley, or sorghum, or by increasing the output of all grain and carefully regulating the mix. The first move would involve reducing the amount of grains used for the production of meat. It should be recognized that such a decision would not alter the nutritional quality of the American diet in any way. As shown in the table below, the average American's consumption of all cereals has increased by 250 pounds in the last eight years, nearly every ounce of which represents increased meat consumption. However, the second approach—a controlled increase in the output of all grains—is probably the most realistic. Since corn, sorghum, and barley will continue to have a role as both human cereal and feed grain, domestic demand for them will remain high.

PER CAPITA CEREAL CONSUMPTION

[In pounds]

	1964–66 average	1972–74 average	Percent increase
United States	1,600	1,850	16
U.S.S.R.	1,105	1,435	30
European Community	[1] 900	[1] 1,000	17
Japan	[1] 530	[1] 620	17
China	420	430	2
Developing countries (excluding China)	[2] 370	395	[2] 7

[1] Figures for the cereal consumption of the European Community, and to a lesser extent of Japan, are reduced somewhat by the extensive use of noncereal grains for livestock feeding. Japan's figure is also reduced by the fact of extensive direct imports of meat, thus cutting the livestock consumption of cereals.

[2] The 1964–66 figure was depressed in the averages by India's 2 bad crop years in that period. The percent increase to 1972–74 thus exaggerates an increase that was in fact minimal.

Source: U.S. Department of Agriculture.

We must also increase the efficiency of our transport and storage systems. Because facilities such as grain elevators and rail heads were constructed at a time when the export market was much less important than it is today, they were not generally built near overseas shipping points. Now up to one-third of our agricultural output is exported—and more than one-half of an expanded harvest might be. Just how inadequate our facilities are was shown to us by the 1972 wheat deal. It took fourteen months to move that purchase from the U.S. interior to gulf coast ports, and the move tied up rolling stock and track throughout the country, adding inflationary pressure to all goods that move by rail. Clearly, we need central planning of a new transportation system to move grain from the interior to our ports. In addition, rather than subsidizing domestic transport costs for grain shipped abroad, as it now does, the federal government might take steps to encourage the growing of certain crops in areas closest to appropriate shipping centers. For example, Oklahoma and Texas might be devoted entirely to wheat production, since they are closer to gulf ports than other wheat-growing states, such as South Dakota.

Moreover, a basic requirement for increasing the supply of grain and stabilizing both domestic and world markets is the expansion of our grain inventory—and the facilities to store it.

MARKET REGULATION

At present, farmers either sell their crops for cash at the time of harvest (cash markets), agree to sell specified crops to a contractor in advance of production (commodities contract markets), or sell the crops they will harvest in the future through a broker at present-fixed prices. It is only in the latter (commodities futures markets) that the federal government exercises any controls, and these are limited to policing measures to protect investors from unscrupulous marketing practices. Obviously, achieving the nation's international and domestic goals requires a more active government role in market regulation.

Eliminating inefficiencies in the domestic grain markets should be a primary goal. The most obvious flaw is that investors, farmers, and food processors operate commodities markets without all the available knowledge of the conditions of production and demand. By simply increasing the dissemination of information it already possesses on world and domestic supply and demand, the government can enable all actors in the market to behave more economically; and the commodities market could substantially reduce brokerage expenses as well as the high cost of market speculation, which currently exists despite government prohibitions.

As a second domestic goal, the United States should assert itself in the commodities market. Most of the trading in U.S. commodities markets is done by six giant, diversified, private, and, for the most part, foreign-held companies, about whose nature and mode of operation little is known. Yet, each was involved in the Russian wheat deal of 1972, and three handled the entire 1974 trade for the Russians. During the 1972 trade, the companies entered into agreements to sell U.S. wheat to the Russians without the federal government's awareness either of the existence of the transactions or of their magnitude. Consequently, over one-fifth of the crop was sold before the federal government knew the extent of Russian interest in our wheat.

After the debacle of 1972, the USDA instituted new reporting regulations for wheat traders dealing in foreign sales. But these require no more than *voluntary* reporting of sales agreements to the government before they are actually signed. As a further step to guard against an exporter raid on the U.S. granary, Congress provided for a Commodities Futures Trading Commission scheduled to become effective on April 21, 1975. As of this writing, however, the five commission members, who *before* April 21 are meant to register over twenty thousand commodities brokers and set up regulations for trading in over thirty currently unregulated commodities, have yet to be appointed by the President, and the commission has yet to hire the first of its five hundred authorized employees.

A final marketing strategy would be to lower prices in international grain markets. By producing sufficient quantities of wheat and other grains for export, the United States can reduce the price of food for importing nations. While such a policy might require reinstating the system of export subsidies to underwrite the expenses of American farmers, a strategy to lower world prices is necessary both to help food importers satisfy their demands and to prompt the other exporting nations to produce more grain more efficiently.

GRAIN AND FOREIGN POLICY

Since the 1972 Russian wheat deal, grain, especially wheat, has had the potential of becoming the most important weapon in our diplomatic arsenal. Of course, grain has always had a rôle in our foreign policy. The first major exports of America wheat and corn were made to Europe both before and after our involvement in World War I. Similarly, the United States supplied the European and Asian allies with food during World War II. Food aid has continued in the Food for Peace program administered by the State Department. Throughout the history of these programs, food has been used as a form of benign support for friendly countries. During the cold war period, food was employed as a mildly persuasive gift to countries, taking a nonalignment posture. But foodstuffs have never assumed an important role as a negative sanction in American foreign policy. Even during the oil embargo last spring, when the eleven members of the Organization of Petroleum-Exporting Countries—eight of whom rely heavily on U.S. wheat—imposed limitations on oil shipments to the United States, Secretary of State Kissinger confirmed that we would not retaliate by refusing to sell them grain. Uncertainties inherent in farm production militate strongly against the use of food as a critical bargaining item in diplomatic strategies. Moreover, the specter of imposed starvation is repugnant to Americans, with their image of generosity to the world's poor.

While a diplomatically neutral posture may have been tenable in the past, priorities will have to be established concerning which countries to feed, and the ramifications of denying wheat to some nations while supplying others will have to be anticipated. There is no other alternative: there is consensus among observers of the world food situation that, even with a doubling of U.S. wheat production in the next three years, there will not be enough U.S. wheat to go around. While seemingly the most equitable, a band-aid approach of supplying insufficient amounts of grain to all countries which need it will probably be the least efficient means to save the maximum number of human lives, and the need to make decisions on how to allocate American grain must be confronted. One method proposed by William and Paul Paddock in *Famine—1975! America's Decision: Who Will Survive* is based on the triage used in military medicine. This system attempts to maximize the number of survivors by imposing three criteria: can't be saved; walking wounded; and can be saved by immediate attention. If used to allocate grain, this approach suggests that those countries which would face widespread starvation despite imports should be counted among the "can't be saved" group. According to *Famine—1975!* "to send food to these countries is like throwing sand in the ocean." The second group of countries, the "walking wounded," can survive on their own food resources for the most part. The third category includes nations in which the imbalance between population and food resources is great but manageable, and thus short-term birth-control programs coupled with American food aid could bring these countries through a food crisis intact. The problems of definition in this approach should be obvious: It is perfectly conceivable that a country which theoretically "can't be saved" could indeed be rescued if we were to deny help to a number of "can be saved with immediate attention" countries and concentrate our resources on that one nation. Triage is not a new concept. Indeed, it can be argued that all U.S. foreign assistance programs, including even the Marshall Plan, involve a triage of sorts. In reality, triage reflects an attempt to place essentially political decisions in the hands of statisticians, demographers, and agronomists. But knowing the caloric intake of the average Indonesian is not going to solve the problem of who gets the grain.

Other strategies have been proposed for distributing U.S. foodstuffs in the event of a world shortage. One might be to favor certain nations that have been allies and/or have maintained close ties with the United States in the past. Another rationale might be to rely on the world grain market, selling our wheat to the highest bidders. Obviously, each of these strategies has its limitations. One ignores future dimensions in foreign policy while the other increases future indebtedness to the United States, which by itself leads to political instability. The choice of a method, whatever it may be, will not be a neutral one. We cannot provide grain for everyone, and the political problems inherent in this constraint must be recognized so that strategies can be mapped to fit long-range diplomatic goals.

While political problems are inevitable, a U.S. grains policy should seek to reduce the highly visible American role of provider through a multilateral agreement aimed at spreading the responsibilities for feeding the world's hungry among wheat-exporting and wheat-importing nations alike. As part of the agreement, all food reserves might be turned over to the United Nations or some other international body that could serve as a neutral arbiter in the distribution of the world's surplus grain. Such an approach is needed both to stimulate a worldwide moral commitment to increase production and to reduce those aspects of competition among the grain-producing nations that are wasteful in today's world market.

A STUDY BY THE LIBRARY OF CONGRESS ON OIL DEPLETION ALLOWANCE

Mr. HOLLINGS. Mr. President, for myself and Senator KENNEDY, I call to the attention of my colleagues a study prepared by the Library of Congress on the oil depletion allowance. This study demonstrates that as a result of the recent increase in oil price the domestic U.S. oil industry will reap $6.4 billion in aftertax windfall profits in 1975. $2.4 billion of this rise is attributable to the 22 percent oil depletion allowance.

The study released was prepared by the Economics Division of the Congressional Research Service of the Library of Congress. It was based on an analysis of expected windfall profits for the domestic oil industry as a whole, using price and production data. The $4 billion profit figure is the aftertax "windfall" profit resulting from the increase in oil price alone. The study assumes a base price of $4.25 per barrel before the recent price rise, and a 1975 price of $5.25 for "old" oil and $11 for "new" oil. The figure is a windfall profit because it is in addition to the profits the industry would be earning if oil were still selling at $4.25 a barrel.

According to a breakdown of the $6.4 billion figure in the study, in addition to the $4 billion in aftertax profits from the price increase, $1.3 billion in tax savings resulted from the operation of the 22 percent depletion allowance on the $4.25 base price, and another $1.1 billion tax saving resulted from the application of the depletion allowance to the price spread between the $4.25 base and the 1975 "old" and "new" oil prices.

The study also compared the aftertax windfall profit at 1975 prices to the value of the percentage depletion allowance at a $4.25 base price:

At $4.25 a barrel, the study estimated the value of the depletion allowance at 40 cents a barrel;

For all oil—average price of $7.50 a barrel in 1975—the windfall profit is worth $1.70 a barrel, or more than four times the value of the depletion allowance on $4.25 oil; and

For "new" oil, the windfall profit is worth $3.50 a barrel, or almost nine times the value of the depletion allowance on $4.25 oil.

Let me emphasized the conclusion of the study that after-tax profits deriving from price increases are far more important than percentage depletion as an incentive for producing oil, and that even if percentage depletion is repealed, producers will still be realizing large after-tax increases in their profits.

I also point out that the aftertax profit figures in the study were calculated on the basis of the conservative assumption that the oil industry pays the full 48 percent corporate tax rate on its profits. The 48 percent rate is the tax rate on corporations specified in the Internal Revenue Code, but is nonsense, and as everyone knows, the effective tax rate paid by the domestic oil industry is far lower, of the order of 25 percent.

A 1971 industry study revealed that the industry paid a tax rate of only 22 percent. In addition, a more realistic base price of oil—the price before the recent increases—would be $3.50 a barrel, not $4.25 a barrel.

Attached is a separate table, computing windfall profits on the basis of a 25 percent effective tax rate for the domestic oil industry and a $3.50-a-barrel base price. According to the table, the real windfall from current price alone is actually $8.2 billion, or more than double the $4 billion figure in the Library of Congress study.

The study also discussed the impact of repeal of the percentage depletion allowance on independent producers. It noted that for a producer of 3,000 barrels per day—which is the definition of "small" independent producers that oil State Senators are trying to use in the current Senate debate—yearly oil receipts would range from $5.7 million—on old oil—to $12 million—on new oil. Even at that level of production, the study said, the aftertax windfall profit without the depletion allowance would still be $1.2 million based on a $7.50 average price, and the depletion allowance itself would be worth an extra $552,000 in profits.

Five to twelve million dollars in annual receipts hardly qualifies independent producers for the "small business" label that supporters of the oil producers are promoting in the Senate. The Senators noted that, according to recent Treasury figures, only 0.2 percent of all businesses in the Nation have annual receipts over $5 million a year.

In addition, the study cited data indicating the independent nonintegrated domestic producers are even more profitable than either the big international oil companies or the integrated domestic producers. According to the study, the average increase in net income for the first nine months of 1974 was 50.2 percent for five integrated international oil companies, 96.1 percent for 16 domestic integrated producers, and 122 percent for 11 nonintegrated domestic producers.

Thus it demonstrated beyond a reasonable doubt the huge bonanza that high oil prices are bringing to all producers, large and small alike. They said that the bonanza would still be there even if the depletion allowance is repealed. In light of the enormous price and profit windfall available to "small" independents, there was no justification whatever for a permanent exemption for any independent producers, regardless of size.

The case for independents is based on greed, not need. Thanks to the astronomical increase in the price of oil, the independents have already found their pot of gold at the end of the rainbow. It would be an outrage for Congress to let the pot overflow by retaining the oil depletion allowance.

Our amendment will repeal the 22 percent depletion allowance immediately for major producers, and phase it down to zero by 1979 for producers of 3,000 barrels a day or less. We intend to add the amendment to the tax cut legislation which passed the House of Representatives last week and is now awaiting action by the Senate.

I ask unanimous consent that a chart and the study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OIL PROFITS AND OIL PRICES

Price per barrel	Value of percentage depletion (billions)	Value of after-tax windfall without depletion (billions)	Total windfall (billions)
$3.50	$1.067		
$4	1.235	$1.023	$2.258
$5	1.570	3.069	4.639
$6	1.752	4.180	5.932
$7	1.883	4.980	6.863
$8	2.014	5.780	7.794
$9	2.145	6.579	8.724
$10	2.276	7.379	9.655
$11	2.407	8.179	10.586

Basis: $3.50 per barrel base price 25 percent effective tax rate. No price decontrol.

Percentage Depletion Allowances for Oil and the Profit Picture in the Oil Industry—1974–75, With Special Reference to the Independent Producers

I. PROFITS AND PRICING (1975)

The proposed repeal of the 22% percentage depletion allowance for oil and gas is generally estimated to produce about $2.5 billion in additional tax receipts. The value of this allowance would be expected to rise, however, if old oil is decontrolled and the percentage depletion retained on the full price. In this case, the value could rise to $3.5 billion for oil alone.

Although oil industry profit data for 1975 is not generally estimated by size of producer, it is possible to estimate expected windfall profits for the industry as a whole from price and production data.

At the end of 1973, oil price ceilings (for controlled oil) were around $5.25 a barrel. In the summer of 1973 oil prices were around $4.00 a barrel. In this analysis we estimate the windfall in one case based on the spread between $5.25 a barrel and current prices and in another as the spread between $4.25 a barrel and current prices.[1]

Presently there is a two tier pricing system. Of estimated annual production of 8.7 million barrels a day approximately 5.3 million is controled (at an average price of $5.25 a barrel) and 3.4 million is uncontroled generally selling at $11 a barrel. If we measure the windfall profit as the difference between average price of $7.50 a barrel (assuming an effective income tax rate of 38 percent on the windfall) and $5.25 a barrel we derive a windfall of $4.4 billion for 1975.[2]

The value of percentage depletion (in tax savings) on the old $5.25 price may be figured at roughly 50¢ a barrel or about $1.6 billion and the value of percentage depletion on the windfall at roughly 24¢ a barrel or $760 million.[3] These figures suggest an estimate of percentage depletion at current prices of $2.4 billion. (This figure differs from the $2.5 billion estimate quoted above but does not include depletion on natural gas.)

These figures suggest that the net increase in after tax profit to producers will be $2.0 billion with no change in the price structure and repeal of percentage depletion.

It may be argued, however, that the $5.25 a barrel price ceiling represents a windfall in any case. Consider for example that the actual prices in the summer of 1973 were much lower and that in prior years the price of oil was closer to $3.50 a barrel. (As of November 1973, the average old crude price was $3.91, and was $3.45 in 1972.[4])

If we use the spread between the current price and $4.25 a barrel as a measure of the windfall, the following calculations may be made. For new oil the price spread is $6.75 a barrel with an after tax profit of $5.2 billion. For old oil the $1.00 spread provides an after tax windfall of $1.2 billion for an industry total of $6.4 billion.

The value of percentage depletion for $4.25 a barrel is 41¢ a barrel or about $1.3 billion (consistent with prior year estimates of the revenue impact of percentage depletion). The value for the new oil price spread is 70¢ a barrel or $870 million. The value for the old oil spread is 10.5¢ or $203 million. This gives the total of $2.4 billion.

Thus, after tax profit of $6.4 billion reduced by increased tax liability due to repeal of percentage depletion of $2.4 billion shows a profit of $4.0 billion assuming repeal of percentage depletion anad no change in prices.

In comparing prices as an incentive with percentage depletion as an incentive, it is perhaps more proper to ignore what current depletion is worth and focus on the value of percentage depletion at lower prices. If the $5.25 figure is used percentage depletion is worth about 50c a barrel. The after tax windfall if one assumed there was no depletion allowed above $5.25 a barrel is $1.20 a barrel, or slightly over twice the former value. However, for new oil where an incentive mechanism would be expected to be important, the average after tax windfall is $3.00 or six times the value of percentage depletion. (This would also represent the relative total value if all oil is decontrolled.)

If $4.25 is taken as a more realistic measure of the pre-windfall price, the former value of percentage depletion would be about 40c a barrel. For all oil the after tax profit would be on the average about $1.70 a barrel or over four times the former value of percentage depletion. For new oil again, the after tax windfall would be $3.50 or almost nine times the former value of percentage depletion. (This would also represent the relative total value if all oil were decontrolled.)

This analysis suggests that after tax profits deriving from price increases are far more important than percentage depletion as an incentive for producing more oil. It is clear that even if price controls are retained and percentage depletion is repealed, producers under even the most favorable assumptions will be realizing larger after tax increases in profit and thus substantially increased cash flow.

If prices are deregulated in some fashion then the relative size of the value of percentage depletion will grow and so will after tax windfall profits. For example, if the $5.25 price is used the windfall will be $11.3 billion after tax assuming percentage depletion is retained. Percentage depletion then has a value of over $3.5 billion and repeal would reduce the after tax windfall to $7.8 billion. If the $4.25 a barrel price is used the after tax windfall will be $13.3 billion and repeal of percentage depletion will reduce it to $9.8 billion.

It should be noted again that the effective tax rates used in this analysis are probably higher, perhaps substantially so, than in actual practice and act to understate the value of windfall profits.

II. INDEPENDENT PRODUCERS—PRICES AND PROFITS (1974)

The relative impact of prices and percentage depletion on the independents is difficult to determine. However, there is some data available for the change in profits between 1973 and 1974. It should first be noted that sales of 3,000 barrels a day will range from $5.7 million to $12.0 million. Using the data computed above assuming a $5.25 normal, for a producer whose average price is the same as the U.S. average the after tax windfall would be $1.2 million assuming percentage depletion is not available on the windfall. However, the former value of percentage depletion was only about $552 thousand.

It would be generally expected that independent producers of oil would be in a better position than other segments of the oil industry. First, the increase in the price of imported oil has not created a windfall to the international oil companies since those increases are being absorbed by the petroleum exporting countries. Therefore, domestic producers would be expected to have a relatively larger increase in profits as compared to international companies.

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[1] The windfall would be expected to accrue to producers on domestic (not foreign) oil. The choice of a base price is necessarily arbitrary, particularly in the context of a domestic price determined by foreign prices. The Administration apparently uses a price of around $5.20 for its windfall profits tax proposal while the Ways and Means Committee task force uses $4.95. The average price of crude to refiners according to Standard and Poor's was $3.73 in 1973 and $3.40 in 1972. Adjusting this latter figure for 1975 price levels indicates a price of around $4.40.

[2] Throughout this paper an effective income tax rate on the windfall of 38 percent is assumed if percentage depletion is retained and 48 percent if it is repealed. Because of the generally rapid write-off of capital costs in oil production there is good reason to believe that these rates would be substantially lower. To gain some perspective, the industry itself estimated an effective rate of domestic Federal income taxes on domestic profits of 22 percent in 1971, which was considered too high by some critics of their study. It is estimated that outside of depletion, 70 cents of each investment dollar is written off immediately through dry hole and intangible drilling costs and another 10 cents recovered through depreciation (including rapid methods) and eligible for the investment tax credit. The implication is that the size of after-tax windfall in this paper is quite conservative.

[3] Depletion is figured at an average of 20 percent for old prices and 22 percent for the windfall price.

[4] Standard and Poors. Old crude oil prices-mid-continent 36° to 36.9°.

Secondly, all of the windfall has occurred in oil production. Thus, the independent producers would be expected to be better off than the integrated companies and the refiners.

Finally, it has been argued that a much larger portion of the sales of the independent producers is uncontrolled oil. Congressman Green stated that 75 percent of the oil production of small producers is unregulated while 80 percent of the oil production of the majors is regulated.[5]

The following tables provide statistics on net income for three groups comparing the increase in 1974 profits (through September) over 1973 levels. The first group includes the five integrated international oil companies. The second includes the larger domestic integrated companies. The third consists of companies which are engaged in production, or the independents. The source of data is from Standard and Poor's oil stock price report. The only companies excluded from the indtpendents (of those listed) are those where data through September was not available. While these data do not cover a full year they do provide some basis for comparing the increase in profits.

If we aggregate the international companies we find that the average increase was 50.2 percent. If we aggregate the large integrated domestic producers we find an average of 96.1 percent. This finding is consistent with our expectations of a smaller relative increase for companies engaged in foreign production.

The aggregation of the independents shows an increase of 75.5 percent (excluding the two companies with deficit) falling between the international and domestic integrated companies.[6] However, if we drop out Coastal States Gas which is not really primarily an oil producers we find the average for the independents rising to 82 percent. Finally, if we drop out the three companies which are significantly larger among the independents (Coastal States Gas, Louisiana Land and Superior) we find the average rising to 122 percent, higher than either the international companies or the integrated domestic producers. While these companies do not include very small independent producers, the findings suggest that smaller producers are enjoying larger increases in profit.

TABLE 1.—NET INCOME OF INTEGRATED INTERNATIONAL COMPANIES

[Millions of dollars, 9 mo]

	1973	1974	Percent change
Exxon	1,656.00	2,280.00	37.7
Gulf	570.00	815.00	43.0
Mobil	571.20	903.80	58.2
Standard (California)	560.46	877.74	56.6
Texaco	838.92	1,428.16	70.2

Source: Standard and Poor's.

TABLE 2.—NET INCOME OF LARGE INTEGRATED DOMESTIC COMPANIES (SELECTED)

[Millions of dollars, 9 mos]

	1973	1974	Percen change
Amarada Hess	113.88	134.05	17.7
Ashland	84.30	113.00	34.0
ARCO	178.30	377.70	111.6
Cities Service	93.40	168.40	80.3
Continental	153.37	329.80	115.0
Getty	82.42	222.36	169.8
Kerr-McGee	44.10	93.15	111.2
Marathon	72.92	129.58	77.7
Murphy	34.60	55.62	60.8
Phillips	143.70	345.20	140.2
Shell	253.30	462.30	82.5
Skelly	27.17	77.77	186.2
Standard (Indiana)	389.80	795.50	104.1
Standard (Ohio)	62.50	97.30	55.7
Sun	154.86	323.85	109.1
Union	129.13	232.50	80.1

Source: Standard and Poors.

TABLE 3.—NET INCOME OF INDEPENDENT PRODUCERS

[Millions of dollars, 9 mos]

	1973	1974	Percent change
Aztec	1.72	5.01	191.3
Coastal States Gas	30.80	46.76	51.8
Equity Oil	.73	2.30	215.1
Felmont Oil	1.96	3.81	94.4
Forest Oil	[1] .20	2.37	
General Crude	11.18	24.66	120.6
Hamilton Bros	2.56	4.54	77.3
Inexco	3.61	6.45	78.7
Louisiana Land	49.52	84.06	69.7
Mesa	16.16	[1] .42	
Reserve Oil & Gas	4.38	10.85	147.7
Sabine	3.87	7.13	84.2
Southland Royalty	4.62	10.70	131.6
Superior	30.46	46.65	51.6
Transocean	1.77	5.35	202.2

[1] Deficit.

Source: Standard and Poor's.

III. CONCENTRATION OF INDUSTRY ARGUMENT AND THE IMPACT OF CAPITAL GAINS

The domestic crude oil industry is concentrated, though not as much so as some other major industries (such as the auto industry, the aluminium industry or the steel industry). A recent Federal Trade Commission Report showed that the top 4, 8 and 20 oil companies accounted for 31, 51 and 70 percent respectively of domestic crude production.[7]

It is difficult to estimate what may happen to the structure of the concentration in the oil industry. Increased costs of drilling to find more scarce resources and the possibility of international oil companies investing greater shares of capital into domestic production as foreign production becomes less attractive may suggest that crude oil production will become more concentrated. To the extent that the repeal of percentage depletion reduces the windfall on domestic production and narrows the gap between profit on domestic and foreign production repeal could act to counteract this possibility. However, it does not close the gap completely (and particularly does not on new oil) so that it would not be expected to be a decisive factor. Retaining percentage depletion for small producers but not large ones might also be expected to reduce such a trend, although again it seems unlikely to be a decisive factor.

The argument has been made that percentage depletion acts to increase concentration in the industry in the refining and marketing sectors.[8] It is argued that since percentage depletion is tied to the price of crude oil it is to the advantage of companies which are vertically integrated to set high prices for crude (given a certain degree of self-sufficiency) and reduce the profits in refining operations, making it difficult for independent refiners to compete. However, in the short term the crude oil price is unlikely to be determined by anything other than the foreign price (or price controls) and this factor would seem less important.

A particular issue which has been raised regarding the repeal of percentage depletion is whether it might not encourage small producers to sell out to the majors since they will no longer be eligible for depletion, and will still be eligible for favorable capital gains tax treatment.

It would appear on the face of the argument that there could be only two reasons for such action.

First, the owner might wish to sell out because his income will be taxed at a higher rate lowering the present value of his asset. However, this argument would appear a fallacious one. All other things being equal, the present value of depletion deductions would be reduced by the same relative amount to both the present owner and prospective purchasers, and he would be offered a lower price for his asset. Similarly, a rise in price whether mitigated by repeal of percentage depletion or not would have the same effect on present value. In other words, the repeal of percentage depletion would be expected to be neutral as regards the decision to buy or sell. In other words, to the extent that special capital gains treatment induced sales in the past, that inducement is attributable to the capital gains provision and not percentage depletion.

The second reason may be that the operator wishes to obtain capital to finance further drilling. To the extent that repeal of percentage depletion reduces the value of his asset he may be unable to sell for as much as in the past. To the extent that the rise in prices increases the value he may be able to sell for more. Percentage depletion repeal would reduce the increased profits from these windfalls. However, the price rises are greater than the loss from percentage depletion so that his cash flow would be greater. If he did not sell in the past to obtain cash flow, there seems no particular reason to do so in the present circumstances.

FOUNDATIONS' STOCK GOES UP AS THEIR STOCKS DECLINE

Mr. **HARTKE**. Mr. President, Fred M. Hechinger, a distinguished writer for the New York Times, wrote an article about the difficulties encountered these days by the grantmaking foundations. It was headlined "Foundations' Stock Goes Up as Their Stocks Decline."

Mr. Hechinger also wrote that Congress had been "obsessed by fears of radical dissent" and viewed foundations as a "slush fund of subversion" during the 1960's. I dispute this premise. We did, in the Tax Reform Act of 1969, impose some restrictions on the operations of foundations, most of which today are endorsed by individual foundations and their national spokesman, the Council on

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[5] Congressional Record. February 27, 1975. p. H1153.

[6] If the two companies with deficits are aggregated into the total the increase is 59.5 percent for all independents and 57.9 percent for independents excluding the three largest.

[7] Federal Trade Commission. "Investigation of the petroleum industry." Senate Committee on Government Operations, Committee Print, July 12, 1973.

[8] *Ibid.*

Foundations. By the same token, experience has shown that some provisions of the Tax Reform Act probably went too far.

These conclusions are based on information developed at hearings of the Subcommittee on Foundations, which I have the honor to chair.

Having registered my demurrer with Mr. Hechinger, I must say that he has quite accurately reported the state of foundations today as developed in our hearings. He has accurately quoted the Senate's subcommittee and its reports even though he has said it was a report of the House.

Mr. Hechinger's observations about our report, the information we developed and the status of foundations are interesting and, aside from those points, quite accurate. It does, in fact, dramatize the very valid point that foundations today are suffering because of economic conditions. That, in turn, is bad news for the country because it means that less of the charitable needs are being met by private foundations.

Mr. President, I ask unanimous consent that the text of the article from the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 15, 1975]

FOUNDATIONS' STOCK GOES UP AS THEIR STOCKS DECLINE

(By Fred M. Hechinger)

In the nineteen-sixties, with official Washington obsessed by fears of radical dissent, many members of Congress viewed the foundation as a sinister, dollar-bloated slush fund of subversion. Now, in the mid-seventies, fear that foundations were growing too big and powerful is rapidly giving way to concern that they may soon be too small and impotent.

"Foundations offer an alternative" to dependence on government to support research and innovation as such—and "they should be welcomed and encouraged," says a 1974 report by the House subcommittee on foundations. The tone is quite different from that of the anti-foundation days of the sixties.

"You must not wait until the crunch of declining foundation income is upon us," pleaded Vernon Jordan Jr., executive director of the National Urban League, in trying to persuade the taxcollectors to be kind to the foundations.

All this is in sharp contrast to the popular folklore that pictures the foundations as vast hoards of money, with only one problem—how to get rid of their riches. Foundation executives pleading for lower taxes as they did during Senate hearings last November must have seemed as plausible to many people as the Rockefeller family's applying for food stamps.

Shock waves nevertheless went through the education world when the Ford Foundation, the giant of private philanthropy—its peak assets 10 years ago stood at $4-billion—announced recently that it was in financial trouble. Disclosures that the foundation's assets had declined by $1-billion within a year—down to $2 billion—and that disbursements would be slashed by more than $100-million a year during the next four years to stave off ultimate liquidation—had the ring of Santa Claus threatening to turn into Scrooge or go out of business altogether.

HARDER HIT THAN OTHERS

The Ford Foundation admittedly is in somewhat worse straits than some other foundations. For years it deliberately overspent its income from investments by a wide margin, confident that a rising stock market would make up the difference in the long run.

Though particularly hard hit by the plummeting Dow Jones index, by its own past largesse and by perhaps too much reliance on growth stocks, Ford is nevertheless an accurate indicator of the wider problem. The Council on Foundations reported that a sample of 22 of the nation's major foundations suffered an average loss of 23 per cent.

The problem has been compounded by the Tax Reform Act of 1969, which has imposed on the foundations financial burdens that seemed negligible in the economic climate of the sixties but have turned into a threat in the present recession.

Foundation spokesmen admit that Congressional action was necessary to eliminate the abuses of tax privileges long engaged in by a growing number of tax shelters disguised as foundations.

Moreover, some spokesmen for even the wealthy legitimate foundations occasionally succumbed to the temptation to play God and to offend grant applicants as well as government representatives with a bearing of arrogance and omniscience.

The new law imposed these new requirements of foundations:

¶A 4 per cent tax on all income from investments.

¶A requirement that they spend each year either their total income or a percentage of their assets as fixed by the Treasury; whichever figure is higher.

¶Regulations that make it more advantageous for donors to contribute to private charities than to add to the endowment of foundations or create new ones.

Since 1969 the foundation death rate has far exceeded new births. A 12-state study by the Foundation Center shows that in 1968 a total of 1,228 new foundations were established while 71 went out of business; in 1972, new foundations totaled 128 and 605 died.

It is estimated that there are 25,000 bona fide foundations, but only 2,100 have assets in excess of $1-million. Total foundation assets last October were $30-billion, and the estimated pay-out in grants for 1973 was $2.3-billion.

As long as corporate dividends are holding up—as they did last year—no serious across-the-board cutbacks in grants, on the order of those predicted by the Ford Foundation, are expected. But if dividends follow the slide in market values, the effect on foundation grants could be disastrous.

How important are the foundations to education? Although private philanthropy—deeply ingrained in American tradition—is crucial to the social health of the United States, the foundations constitute a rather small slice of the philanthropic pie. Total annual charitable giving now amounts to about $25-billion, but its largest part, almost 75 per cent, is disbursed by individuals, with 12 per cent more coming from bequests. Corporations contribute just below 4 per cent. That leaves slightly less than 10 per cent to the foundations, amounting in 1973 to $2.3-billion.

What gives extraordinary importance to the foundation part of private giving is that it is disbursed with a far more expert eye for long-range social needs. The best of the foundations have traditionally tried to make their money extend, or at least nudge, the frontiers of progress, often against the conservative opposition of the day.

SOME PAST OPPOSITION RECALLED

As early as 1876 the Peabody Education Fund braved public opposition when it devoted its grants to "aid the stricken South." A few years later the Rockefeller-supported General Education Board supported better schooling for poor children, both black and white, while also fighting the spread of hookworm. The response was ridicule and contempt.

The reasons why foundations run into opposition today are not hard to find. In recent years they have supported many educational innovations that traditionalists considered a threat.

Foundations pushed for increased use of television in classrooms, leading to the charge that they wanted to replace teachers with machines. Foundations were the first to finance the introduction of paraprofessionals as teachers' aides, against strong initial opposition by the system. Foundations subsidized voter registration, the black colleges, educational opportunities for minority students. Foundations gave extensive aid to those fighting for school integration and, at times of conflict, sided with those among the poor and disfranchised who were asking for a greater voice and more power in running local schools and other institutions.

Such activities aroused opposition not only in Congress but also within educational circles. For example, Albert Shanker, president of the American Federation of Teachers, recently charged that too much foundation work today "has sharp political overtones."

"Clearly," said Mr. Shanker, "if public tax moneys are to be used for worthwhile social projects, they should be controlled by government officials accountable to and removable by the people."

In the view of some people, however, exclusive reliance on government subsidy is favored primarily by those who have sufficient lobbying influence to affect government spending.

FINANCING SOURCES COMPARED

John Ryan, president of Indiana University, in testifying before the Senate Subcommittee on Foundations, noted that higher education today was a $30-billion enterprise, with $2.24-billion contributed by charity.

"To give you some feel for the importance of that figure," Mr. Ryan said, "it might be well to point out that support from the Federal Government from all agencies and for all purposes, including research, amounted to only 15 percent. Furthermore, the Federal share was and is for the most part targeted on needs and services identified by the government, while charitable support is for the most part available to meet the needs defined by the institutions themselves." Foundation support, Mr. Ryan concluded, provides "the margin for excellence."

Others cite history to underscore the importance of nongovernment financing. In 1920 Prof. Robert H. Goddard met with ridicule when he pleaded for funds to help him build rockets that would make possible man's conquest of the moon. Support from the Smithsonian Institution and the Daniel and Florence Guggenheim Foundation allowed him to engage in research that subsequently led to the multicharge rocket and did eventually lead to the moon.

In 1910, the conservative American medical Establishment was shocked when Abraham Flexner, with a grant from the Carnegie Foundation for the Advancement of Teaching, exposed the profession's shortcomings, recommended the scrapping of 80 per cent of all existing medical schools and laid the foundations for modern medical education.

In the fifties similar grants enabled Dr. James B. Conant to shake up and help reform American high schools.

Given the present precarious situation of those in need of foundation support, what is the outlook?

Not all foundations have been hit as hard as the Ford Foundation. Some, which did not overspend during the recent fat years, may now be able to take a larger risk. Homer C. Wadsworth, president of the Cleveland Foundation, the country's oldest community foundation, said that even though its assets had slipped by more than 24 per cent, its spending for 1975 would be increased by 25 to 30 per cent. He said this "is the time to spend."

Foundations are also being urged to give support to experimental programs, particularly in education, that aim at reducing costs while maintaining or improving quality. For example, the Hill Family Fund has begun a program to improve the colleges' recruiting of students and to make institutional fund-raising more effective.

Other programs relevant to the recession are subsidizing new college initiatives toward sharing their use of facilities and staff.

Still, the picture is far from bright. "For the next five years and probably for longer than that," said Harold Howe 2d, the Ford Foundation's vice president for education and research, "the foundation will be forced to do less for education," reducing particularly the infusion of "venture capital" in support of "bright ideas."

What worries some people most is that programs supporting minorities—students in schools and colleges as well as community-oriented action—will be caught in the pinch.

Among the answers, in the view of some foundation experts, are the following:

First, maximum reliance on "counter-cyclical" thinking, overspending in times of need, in the hope of replenishing in times of plenty.

Second, Congress and the Treasury may have to reassess the wisdom of holding the foundations rigidly to the rules written at the peak of the Wall Street boom.

Finally, in the view of many observers, there may be a greater need for foundations, the Government and corporations to plan, at least temporarily, for joint action to prevent important programs and educational institutions from going under.

WOMEN WORKERS ARE HARD HIT BY THE RECESSION

Mr. WILLIAMS. Mr. President, on March 7, 1975, the U.S. Department of Labor, Bureau of Labor Statistics, issued the unemployment statistics for the month of February. While the overall unemployment rate remained at the same level as January 1975, 8.2 percent, it remained so only because the number of "discouraged workers," who are not counted by the Bureau of Labor Statistics, was greater than the number of Americans who had lost their jobs.

I wish to point out for the record what these statistics mean for millions of American working women who are among the hardest hit by the recessionary impact. Little attention has been directed by the media, by the Bureau of Labor Statistics or by the Joint Economic Committee of Congress to their current condition.

The February 1975 statistics show that there are presently 29,700,000 American working women. In the third quarter of last year, just 5 short months ago, there were 30,500,000 working women. This is a decrease of 800,000 women in the working force; 800,000 more women who are out of work. And women are continuing to lose jobs at an alarming rate. During the month of January 1975 alone the number of working women dropped by 213,00.

The unemployment rate for women remains at a record high. This February, the rate was 7.6 percent for white women. Last February, this rate was only 4.7 percent. The unemployment rate for black and other minority women is a staggering 10.9 percent, up from 7.9 percent for February of last year.

As depressing as these figures are, they do not show the staggering loss of potential and opportunity among American working women. Wages for women are still low. In 1973, the median wage for women workers, including college-educated working women, was a mere $6,335 a year. This contrasts to a 1973 median wage for men of $11,186. In addition, the gap between men's and women's wages appears to be widening, not decreasing. In 1955 when the Department of Labor first started compiling these statistics, women's wages averaged 63.9 percent of men's wages. In 1973, women's median earnings were 56.6 percent of men's median earnings. This is the lowest percentage level since 1955.

Coupled with the increase in unemployment among women is an increase in sex-based discrimination complaints.

The number of actionable charges filed with the Equal Employment Opportunity Commission alleging sex discrimination in employment has risen from 15,505 charges in 1973 to 18,664 charges in 1974. Since the Equal Employment Opportunity Commission received 50,879 actionable charges in 1974, this means that almost a third of the charges filed complained of sex discrimination in employment.

In addition, as the recession cuts deeper into the fabric of our society, women workers often find themselves the first ones let go. Many women are seeing their recently made employment gains in traditionally male occupations reduced or eliminated by the recession. For example, the construction trade, which many women have been attempting to break into, now has an unemployment rate of 15.9 percent. The unemployment rate in manufacturing, where 30 percent of the work force is female, showed its ninth consecutive increase and currently stands at a record 11 percent. Even those in a traditional women's field—clerical work, where 78 percent of the work force is female—are suffering a staggering setback. Between January 1975 and February 1975, 213,000 clerical workers lost their jobs. Clearly, the problem among women workers is a serious one.

Women span all categories of the unemployed. They are among the job losers laid off due to a decrease in the work demand. They are job entrants, entering the labor force for the first time, yet unable to find a job. They are job re-entrants—women who reentered the work force by the present economic trend of recession and inflation and who now cannot find a job.

Women workers rarely work for pin money. In fact, it is doubtful that a large percentage of working women ever did. Congressional documentation of exploitation of women workers is not a new phenomenon. Congress enacted legislation to protect working women from unscrupulous employers in the first part of this century. Exploitation of working women still exists, although the method of combating the problem has changed. Women workers no longer seek separate status or separate protective legislation. They now seek what is justly due them: Equalization of their status with their male counterparts—equal job opportunities, equal pay, and equal responsibility.

Mr. President, if there is anything to be learned by the present economic crisis, it is that the problems of women workers cannot be categorically lumped together and deemed less critical than other groups in the work force.

Statistics show that 42 percent of the white working women are either single, widowed, divorced or separated. Among black and other minority working women, it is 53.4 percent. Many of these women are not only supporting themselves but are also supporting dependent children.

An additional 16 percent of the white women workers are married to husbands who make less than $7,000 a year, which is below the Bureau of Labor Statistics' low standard of living for a family of four. Among black and other minority women this figure is even higher—20 percent of the working black and minority women have husbands who make less than $7,000 a year.

Therefore, it can be seen that 58 percent of the white working women and 73.4 percent of the black and other minority working women are working out of economic necessity alone. Many other women work in order that their families can retain a foothold in middle class.

In short, women workers are dispersed throughout the economy and should not be considered as secondary or unimportant workers. When a woman loses her job, one more American is faced with unemployment; one more group of dependents is deprived of support; one more worker must subsist on unemployment benefits.

In fact, the woman worker who loses her job has a more difficult time than her male counterpart. Her unemployment insurance is calculated as a percentage of her salary. Since her salary is substantially lower than her male counterpart, her unemployment insurance check is also substantially lower.

Individual employers should be especially careful not to increase the economic burdens on the American working women by discrimination whether intentional or unintentional, if and when a reduction in the work force is necessary.

OUTRAGE, TAXES, AND OPTIMISM

Mr. BROCK. Mr. President, an article recently appeared in the Sarasota Herald-Tribune. I ask unanimous consent that this article to be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

OUTRAGE, TAXES AND OPTIMISM

A new study says the item which rose the fastest in the American family budget during the last six years was taxes.

Federal, state and local taxes, lumped together, went up 65 percent—while the general cost of living climbed 40 percent during the same period, 1967–73.

We have been told before that government employees are doing better for themselves than the taxpayers who support them. Whether state and local employees of the people have likewise feathered their own nests is dubious, because they don't have the same congressional backing and gimmickry to do it. But they are probably trying.

The study on the rise in taxes was made by the Conference Board, an institution which devotes itself to research on business management and economics. What it may think of the business-of-government management during this period is not revealed, but perhaps the figures speak for themselves.

However, in a spirit of sweet Christmas charity, perhaps it should also be recorded that Americans are still not the worst taxed in the world. Saturday Review/World magazine, in its year-end issue, presents an interesting—and at times convincing—"inventory of hope". One of the hopeful is Lewis Foy, chairman of the board of Bethlehem Steel, who, while warning readers not to be complacent, finds a great many good things about the United States, among them this:

"Our total tax burden per capita (the percentage of our income that we pay out in all taxes—income, sales, property, etc.) is 28 percent; it's the second lowest among 13 leading industrial countries; in four of those countries the burden is over 40 percent."

This, of course, is grounds for optimism only if peeling off even 28 percent of all we earn to support a government is supposed to be pleasant.

Many Americans, viewing the tax-eating habits of some 20 million of their fellows on government payrolls, continue to wonder why so much governing is necessary, by so many, and at such fees. There may be an answer, but we doubt if it's in a statistical comparison with those who have it even worse.

The real optimism lies among U.S. citizens who have not given up hope, as some sadly cynical Europeans have done, but maybe a dividing line lies somewhere between the 28 percent was now hand over and the 40 percent or so that some others do.

We have never had a real taxpayers' strike in this country. But how did you like that Arthur Burns quote the other day about Christmas shopping? To look at Washington department stores, he said, you could tell that nobody in the District of Columbia thought there were hard times going on! Now that's a Christmas thought for your New Year's planning.

HUMPHREY CRITICIZES DELAY IN IMPLEMENTING THE COMMODITY FUTURES TRADING COMMISSION ACT

Mr. HUMPHREY. Mr. President, I am perplexed and dismayed at the delay which has taken place in nominating Commissioners to the new Commodity Futures Trading Commission.

Some weeks ago names were floated about as possible Commissioners. To date no official nominations have been made by the President.

A great deal of work went into developing this legislation over the last year. The commodity traders have expressed concern over the lack of direct experience on the part of the persons being considered for these responsible positions and the delay in making the selections.

This is important legislation which should be implemented with care.

On October 10, after the legislation had been approved, I urged the President to submit "at the earliest possible date" his nominees for the five-member Commission to assure prompt implementation of the legislation.

I also said that I would ask the Senate Agriculture and Forestry Committee, on which I serve, to hold public hearings on all nominees in view of the "extensive and important powers" vested in the new Commission.

I referred to the bill as "truly a landmark piece of legislation," with the changes to the Commodity Exchange Act "the most significant regarding futures trading regulation since the enactment of the Grain Futures Act of 1922."

The volume of trading in these markets has grown tremendously in recent years, to a point today where it is estimated to be nearly a half-trillion dollar business annually.

With such phenomenal growth comes greater concern about how such markets should be permitted to operate in order to protect adequately those involved in such operations as well as the general public.

The administration has shown little urgency in implementing this important legislation. This delay is unconscionable, unbelievable and inexcusable.

The work that these Commissioners will have to perform is extremely complex and important in the trading of commodity futures.

The Congress worked on this legislation for over a year and received detailed testimony from many witnesses. And yet the administration has dragged its feet for nearly half a year in getting started.

With a scheduled start-up of April 21, how can we do our job in reviewing nominees? Does the administration really expect the Commissioners to be able to do an adequate job in getting started and registering persons and companies before the April 21 deadline?

I hope that the administration will get these nominations to us without further delay. Their performance to date in implementing this legislation is disgraceful.

JOSEPH L. MANDELLA—A HANDICAPPED CRUSADER

Mr. HARTKE. Mr. President, Joseph L. Mandella was known and loved by everyone that came in contact with him over the years. He was a crusader for increased benefits for the handicapped, and served in many capacities with the Eastern Paralyzed Veterans Association.

Injured in the European theater in 1945, he was a paralyzed veteran who became involved. Here is a partial list of the areas which Joe Mandella challenged: transportation systems—subways, buses, livery service, passenger railroads, airports and air travel—housing, recreation facilities, convention facilities, parking facilities, gasoline allocations, and most important, enforcement of the rights of those disabled.

The enforcement of laws was Joseph Mandella's constant concern. He was never satisfied with a piece of legislation which existed only on paper. He persistently pursued Federal, State, and local public officials to insure adequate enforcement power to the laws.

The number of people he touched was extraordinary, and his influence will be felt in publicly funded structures and transportation modes for generations to come.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published by the Eastern Paralyzed Veterans Association entitled, "Handicapped Crusader—A Reminiscence", by Terence Moakley, president of EPVA.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HANDICAPPED CRUSADER—A REMINISCENCE

(By Terence Moakley)

On the occasion of the death of a devoutly loved cousin, the American novelist Henry James wrote: "She lives as a steady unfaltering luminary in the mind rather than as a flickering wasted earth-stifled lamp." So, too, will the memory of Joseph L. Mandella linger brightly with all who knew him. Joe, who served Eastern Paralyzed Veterans Association in a variety of positions—most recently as our Associate Director in the area of transportation and Architectural Barriers, passed away on January 17, 1975, after a courageous bout with cancer. Personally, I consider it a rare honor to be able to write a few words about a man who was so well liked, and who accomplished so much for the good of us all.

It is hard to put Joe's personality into words. I guess the best possible word to describe him would be "warm." He had a job to do and he was completely serious about doing that job. But when he was giving a report complete with all the familiar abbreviations of federal and state agencies and the numerous "relative to's," he flashed that hearty smile now and then. While many of us rarely understood everything that Joe was saying (not due to any fault on his part, but rather to our own ignorance) you can believe that we cherished an abiding respect for him and for his tireless efforts. His accomplishments in the fields of Architectural and Transportation Barriers will make like better for all the handicapped of our nation for many years to come. This kind of far-reaching achievement demands respect and Joe surely had that, not just from us, but from legislators, heads of public and private agencies, and other disabled citizens.

But Joe had another side too, and this was his ability to laugh at himself. Most of us need this ability now and then, but Joe had it in full measure. We used to kid Joe about his love of the Xerox copier machine. It seemed that each time Joe wrote a letter or a proposal, he would make 25 copies and mail one to the head of every imaginable agency; naturally, he earned the affectionate nickname of "Joe Copy." But all of us at Eastern Paralyzed Veterans Association understood perfectly that Joe's numerous copies were a measure of the important individuals in the fields of architecture, housing, transportation, etc., whom he knew and influenced. Joe could laugh at his nickname and so could we, but nevertheless, the accomplishments were realized one after another.

Joe Mandella was no "Johnny-come-lately" to Eastern Paralyzed Veterans Association's affairs. Injured in the European theater on April 2, 1945, Joe was hospitalized at Halloran General on Staten Island and was a founding member of the Eastern Paralyzed Veterans Association in 1947. In fact, Joe was deeply involved in those early Eastern Paralyzed Veterans Association days, serving the organization as its Secretary for a period of time. Later on, Joe became one of the first to take out a Life Membership when this program was conceived. Also during those years immediately after his injury, Joe attended college for several years, and then ventured into the "nine-to-five" world. He labored in a variety of positions, as an electrician for Servomechanisms, Inc., from 1950 to 1958, as an electronics technician for Republic Aviation Corp. from 1959 to 1964, as a Research and Development Technician for General Alarm Corp. from 1965 to 1967, and as an officer manager for the Hawk Tool Corp. from 1967 to 1968. Before returning to his intense involvement with Eastern Paralyzed Veterans Association in February of 1969, Joe Mandella had literally paid his dues in the nine-to-five world.

Joe served Eastern Paralyzed Veterans Association as its Architectural Barriers Coordinator and later as an Associate Director from 1969 until his recent untimely death, and it was when he began his efforts in this field that changes started to happen. How deeply was he involved? Here is just a partial list of the areas which Joe challenged: transportation systems (subways, buses, livery service, passenger railroads, airports and air travel), housing, recreation facilities, convention facilities, parking facilities, gasoline allocations, and most important, disabled rights and their enforcement. The last of these—the enforcement of laws—was Joe's constant enemy. Never satisfied with a piece of legislation which existed on paper only, Joe relentlessly pursued legislators and public officials to insure that amendments would be added to federal, state, and local laws to provide enforcement of disabled rights. It was a frustrating job for Joe, but he always hung in there.

His early efforts began to bear fruit in 1971 with the passage of two important laws: Intro 1 in New York City, which provided for 32" wide bathroom doors in all residential structures, and amendments to the New York State Building Construction Code, which allocated apartments for the handicapped in construction of residential buildings. 1972 was another good year, as Joe was involved with the passage of laws in both New York and New Jersey which provided access to all new public buildings and facilities constructed with public monies. During that same year, Joe was a party to the passage of legislation in New York City providing for special parking privileges for New York City residents, whether or not they attend school or are employed. Throughout 1971 and 1972, Joe became earnestly involved in the transportation problems of the disabled, working with the design of the experimental "Prattaxi" and obtaining a policy statement from AMTRAK concerning provisions for the disabled/elderly in both new and old rolling stock, stations and terminals.

In 1973, Joe really began to push hard for enforcement of disabled legislation, particularly focusing on PL 90–480 which mandated barrier free construction in all structures and facilities funded with federal monies, and PL 91–453 which extended the 1964 Urban Mass Transportation Act to include provisions for the disabled/elderly. The problem with these laws was that local agencies interpreted them to their discretion and in many instances, accessibility was left on the drawing board. These laws remain virtually unenforceable but, thanks to Joe's efforts, there are many individuals, disabled and able bodied alike, who are aware of their shortcomings and working for their improvement. Also in 1973, Joe assumed chairmanship of the Architectural Barriers Committee and the Transportation Committee of the newly instituted New York City Mayor's Office for the Handicapped, and worked with the PATH system concerning specifications for the barrier free Newark (New Jersey) International Airport.

Joe's main thrusts in 1974 concerned passage of the New York State Human Rights Law which provides equal civil rights protection from discrimination in public accommodations based upon race, creed, color, natural origin, sex, age, and disability, and the enactment of our country's first gasoline allocation exemption program in New York State.

This survey of Joe's involvement can never do him justice. Missing are his accomplishments in his home county, Nassau (and there are many), his liaison and assistance with groups and individuals in neighboring states and communities (such as the New Jersey Easter Seal Society), and his contact and participation with numerous groups and countless seminars, hearings, conferences, etc., all over the country and in Washington, D.C. The number of people he touched was extraordinary, and his influence will be felt in publicly—funded structures and transportation modes for generations to come. It is a cliche which is used too often but which is so true—he will be sorely missed. Joe is survived by his parents and two sisters of Westerly, Rhode Island, his wife Evelyn, and his sons, Joe, Jr. and Jason.

INTENTION TO INTRODUCE LEGISLATION ON HEALTH INSURANCE FOR THE UNEMPLOYED

Mr. BENTSEN. Mr. President, on January 30, I introduced the first congressional legislation to provide health insurance coverage to unemployed workers. My bill, S. 496, would have made workers eligible for unemployment compensation also eligible for enrollment in medicare, part A. The object was to protect the unemployed from heavy medical expenses after their private coverage had terminated.

Several days later, the Finance Committee received testimony from a number of witnesses, some of whom strongly supported the bill, others who believed it would present some problems of administration and equity. I recognized those problems when I introduced the legislation, and I indicated at the time I was willing to alter the structure of the program if a different procedure could be used to implement it. I also recognized, as did all of the witnesses, the gravity of the problem and the need to do something, with millions of Americans joining the unemployment rolls and with insurance coverage generally expiring for the unemployed and their dependents within 90 days.

In testifying before the House Ways and Means Committee on my proposal, I told its members that my proposal was not "etched in stone" and that I welcomed constructive comments concerning how the proposal could be more effectively implemented.

Since that time, I have been in contact with the chairman of the Health Subcommittee on Ways and Means, Congressman ROSTENKOWSKI, of Illinois. We have jointly agreed on a new measure which we believe eliminates most, if not all, of the administrative problems posed by S. 496. It is my intention to introduce this measure, along with Congressman ROSTENKOWSKI, during the first part of next week.

Briefly, our measure will provide that all health insurance carriers must include provisions in their group policies which will entitle laid off workers eligible for unemployment compensation to the same insurance coverage available to those still working, and without cost to the worker. Those employees currently unemployed would also have protection by requiring employers to reinstate them in the plan currently in effect for the other employees of that employer. This latter provision would be financed by a 1-percent tax on all health insurance premiums under group contracts to go into a special trust fund created for that purpose.

It is not my intention now to detail all of the provisions of the new legislation, only to say that its chief virtue is that it is workable and can go into effect immediately upon enactment. This approach would be much easier to administer and require fewer new employees than any such proposal advanced.

Above all, we want to secure passage of legislation that could be put into place rapidly, with a minimum of administrative burdens. Testimony received during the hearings in both the House and the Senate revealed that none of the measures currently before Congress could be counted on to do that particular job.

In addition, we wanted to protect the unemployed while minimizing the inequities inherent in any emergency legislation. I do not believe we can justify using general revenues to finance broad health benefits for one group and minimal benefits for another. By avoiding the use of general revenues and spreading the financial burden among persons who have health insurance, rather than among the general taxpayers, we distribute the costs according to the levels of coverage and insure that the burdens will be fairly shared.

I am pleased that we have been able to work with the House Ways and Means Committee to develop this new legislation, and I look forward to an early resolution of this matter in both Houses of Congress.

EXPORT-IMPORT BANK LOAN TO CONSTRUCT KOREAN NUCLEAR POWER FACILITY

Mr. PROXMIRE. Mr. President, I ask unanimous consent to print in the RECORD a letter from Mr. William J. Casey, President of the Export-Import Bank of the United States, formally withdrawing a proposed loan guarantee to finance a nuclear power generating facility in Korea.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES,
Washington, D.C., March 12, 1975.
Hon. WILLIAM PROXMIRE,
Chairman, Senate Committee on Banking, Housing and Urban Affairs, Dirksen Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I respectfully submit a copy of my letter to the President of the Senate for your consideration.

After careful consideration, the Export-Import Bank has decided to withdraw its earlier submission to Congress of a statement outlining its proposed extension of financial assistance for the export of U.S. goods and services to be used in the construction of a nuclear power-generating facility in Korea. Eximbank will carefully review the report to be made to the Congress by the President pursuant to section 14 of the Export Administration Act Amendments of 1974, prior to making any final decision on resubmission of this transaction to Congress.

Sincerely,

WILLIAM J. CASEY.

EXPORT-IMPORT BANK OF THE UNITED STATES,
Washington, D.C., March 12, 1975.
The PRESIDENT OF THE SENATE,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On February 26, 1975, pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, Eximbank submitted a statement to the U.S. Senate notifying it that Eximbank was prepared to extend a direct credit and guarantee in connection with the export sale of goods and services for the construction of a nuclear power plant by the Korean Electric Company.

In order to give further study to this credit in the light of the report on the adequacy of laws and regulations providing safeguards against nuclear proliferation which is required by Section 14 of the Export Administration Act Amendments of 1974 and which is now in preparation, Eximbank hereby withdraws such notification. Eximbank will resubmit a statement notifying the Senate when it is prepared to proceed with the credit and guarantee. It is understood that when Eximbank resubmits such statement, the 25-day period referred to in Section 2(b)(3) of the Export-Import Bank Act will begin again on the date of such resubmission.

Sincerely,

WILLIAM J. CASEY.

FOOD FOR PEACE

Mr. CLARK. Mr. President, on Monday, March 9 the Senate Foreign Relations and Agriculture Committees received the administration's proposed food for peace—Public Law 480—program allocations for fiscal year 1975.

The administration should be commended for increasing U.S. food assistance and, in the process, putting to rest reports that it would ignore the limits on "political" food assistance that Congress established in the Foreign Assistance Act of 1974. That amendment allows only 30 percent of concessional sales—title I of Public Law 480—to be allocated to countries not on the United Nations' list of nations most seriously affected by the threat of famine and current world shortages.

However, the Public Law 480 allocation table for fiscal year 1975 reflects a number of problems that have been predicted for some time. Many people have expressed real concern that the increase in food assistance announced earlier this year came too late to help the hungry because of the considerable difficulty in shipping the food within the few remaining months of this fiscal year. The State Department itself noted this problem in a letter accompanying the tables:

> While the Administration will make every effort to ship all Title I allocations this fiscal year, particularly to countries suffering food shortages, we cannot ensure that this will be the case. It is probable, in our view, that actual shipment charged against the FY '75 budget will not correspond exactly with the allocations set forth in the enclosed table.

With that caveat in mind, I ask unanimous consent to have printed in the RECORD the proposed allocation table for Public Law 480, fiscal year 1975.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1975, PUBLIC LAW 480 ALLOCATIONS

[In millions of dollars]

	Food	Other	Total	Total grain	Thousand MT, wheat	Rice
Title I:						
MSA's:						
Bangladesh	181		181	750	550	200
Cambodia	81		81	189		189
Cambodian reserve	50		50	125	20	105
Guinea	6		6	20	10	10
Haiti	4		4	25	25	
Honduras	9		9	35	25	10
India	165		165	800	700	100
Madagascar	13		13	30		30
Pakistan	70		70	400	400	
Sri Lanka	24		24	138	138	
Tanzania	8		8	20		20
Unallocated [1]	68		68	276	195	81
Subtotal, MSA's	679		679	2,808	2,063	745
Non-MSA's:						
Chile	52		52	300	300	
Egypt	101		101	575	575	
Indonesia		43	43			
Israel	9		9	50	50	
Jordan	7		7	40	40	
Korea	74		74	195		195
Syria	28		28	110	75	35
Vietnam	13	41	54	75	75	
Unallocated	6		6	30	25	5
Subtotal, non-MSA's	290	84	374	1,375	1,140	235
Total title I allocations	969	84	1,053	4,183	3,203	980
Fiscal year 1974 carry-in	(56)		56	85	85	
Title II [2]	361		361	[2] 1,161	712	20
Grand total	1,330	84	1,470	[2] 5,429	4,000	1,000

[1] Includes ($1,500,000) for residual school lunch program; Jamaica transferred from title II to title I.

[2] Includes 429,000 MT feedgrains under title II.

PUBLIC LAW 480—TITLE II LEVELS, FISCAL YEAR 1975

[In thousands]

	MTGE	CCC
Africa	353	$86,276
Asia	555	168,316
Supporting assistance	31	8,840
Latin America	196	62,298
Subtotal	1,135	325,730
Uncommitted	98	26,470
Subtotal	1,233	352,200
Rice reserve	100	42,800
Total	1,333	395,000

PUBLIC LAW 480 TITLE II, PROJECTED SHIPMENTS BY COUNTRY, FISCAL YEAR 1975

	MT	MTGE	CCC (thousands)
AFRICA			
Algeria	8,550	11,372	$2,202
Botswana	6,355	8,913	2,145
Burundi	2,305	2,670	693
Cameroon	3,898	5,161	840
Central African Republic	1,335	1,769	39
Chad	361	291	138
Congo	3,519	4,295	820
Dahomey	652	869	234
Ethiopia	11,247	11,598	1,604
Gabon	1,744	2,150	508
Gambia	3,369	3,454	774
Ghana	5,720	5,705	2,239
Guinea	1,847	2,408	2,013
Ivory Coast	2,323	2,673	668
Kenya	2,584	3,019	1,367
Lesotho	6,928	10,764	2,116
Liberia	1,767	2,478	501
Malagasy Republic	715	905	262
Malawi	440	478	91
Mali	28,495	27,843	6,503
Mauritania	5,971	6,281	1,894
Mauritius	6,919	8,698	1,999
Morocco	34,639	43,572	10,861
Niger	32,674	32,287	5,984
Nigeria	11,675	14,110	2,100
Rwanda	7,386	7,951	1,688

PUBLIC LAW 480—TITLE II, PROJECTED SHIPMENTS BY COUNTRY, FISCAL YEAR 1975

	MT	MTGE	CCC (thousands)
Senegal	6,814	7,362	1,50$^{1}_{6}$
Seychelles	344	405	11$_{1}$
Sudan	20,519	26,566	8,00$_{8}$
Sierra Leone	4,463	4,142	2,17$_{2}$
Somalia Republic	20,036	18,686	3,37$_{2}$
Swaziland	1,087	1,275	71$_{0}$
Tanzania	35,180	35,285	9,61$_{3}$
Togo	5,140	6,786	1,32^{7}
Tunisia	10,578	13,599	5,19^{7}
Uganda	170	170	22^{5}
Upper Volta	10,264	12,413	2,531
Zaire	3,307	4,484	1,098
Zambia	127	137	129
Subtotal	311,947	353,024	86,276
ASIA			
Afghanistan	8,360	8,505	3,510
Bangladesh	3,040	3,040	657
Bhutan	9	9	15
British Solomon Islands	454	573	143
Cyprus	6,261	6,404	897
Egypt	59,282	64,325	18,732
Gaza	2,288	2,568	710
India	283,402	283,730	96,538
Indonesia	26,368	28,185	8,885
Israel	3,385	4,096	1,078
Jordan	5,125	6,478	1,663
Korea	30,026	39,864	7,792
Lebanon	78	78	146
Malaysia	950	1,264	245
Nepal	3,095	3,604	1,491
Pakistan	12,352	12,282	4,621
Philippines	29,803	40,565	9,661
Sri Lanka	16,925	18,472	4,510
Turkey	17,262	18,805	4,205
Yemen, Y.A.R.	12,135	12,038	2,817
Subtotal	520,600	554,885	168,316
Cambodia	3,411	4,208	1,124
Laos	10,072	12,965	2,950
Vietnam	13,088	13,932	4,766
Subtotal	26,571	31,105	8,840
LATIN AMERICA			
Barbados	143	190	36
Bolivia	8,551	8,306	4,085
Brazil	27,459	33,568	8,263
British Honduras	528	581	104
Chile	11,113	11,320	4,560
Colombia	29,634	33,216	11,796
Costa Rica	1,785	1,421	1,074
Dominica	49	66	14
Domincan Republic	14,352	16,797	4,986
Ecuador	10,077	11,417	3,504
El Salvador	2,911	2,997	1,040
Guatemala	13,362	13,330	4,592
Guyana	381	488	115
Haiti	7,986	8,925	2,512
Honduras	6,295	6,851	2,555
Jamaica	9	9	15
Nicaragua	4,672	6,164	1,550
Panama	4,243	5,286	1,931
Paraguay	588	685	421
Peru	29,599	33,792	9,125
Trinidad and Tobago	86	111	25
Subtotal	173,823	195,520	62,298
Grand total	1,032,941	1,134,534	

Mr. CLARK. Mr. President, as the figures indicate, 30 percent of concessional sales is earmarked for political purposes. However, the Public Law 480 category marked "Other" holds particular significance. It involves nonfood products such as cotton and tobacco, and an analysis of the tables raises a disturbing point—the cotton and tobacco sold under title I were not included when the administration calculated the amount of total political assistance to be sure it did not violate the law's 30-percent requirement.

The intent of Congress is clear—to insure that this country's food assistance helps the people most in need. The administration appears to be circumventing the intent of Congress by suggesting that unlimited quantities of nonfood products such as cotton and tobacco can be sold for political purposes without violating the 30-percent restriction on such assistance. While nonfood products are only 5 percent of this year's program, they have been up to 15 percent of food for peace in the past and the precedent that this allocation attempts to set could have far-reaching implications in the future.

The exclusion of nonfood items from the allocations formula was an issue at the February 18 Senate Agriculture Committee hearings on the food for peace program. Mr. Thomas Enders of the State Department discussed it then, and amplified the Department's position in response to a letter I sent his office after the hearings.

I ask unanimous consent that the correspondence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Senate Agriculture Committee hearings, Feb. 18, 1975]

Senator CLARK. You mention that non-food "is a very small percentage (of PL 480) in historical terms". Records show, however, that since its inception, over 15 percent of the Food for Peace program has been non-food items. These levels may be resumed at any time.

I am concerned that you have not applied the 30/70 priority formula to items such as cotton and tobacco. You argue that the amendment which establishes the 30/70 limitation applies to "concessional food aid". However, whenever PL 480 funding levels are announced, non-food items remain an indistinguishable part of our food aid program.

Q. The intent of Congress in amending the Foreign Assistance Act seems clear—a 30 percent limitation on Title I of PL 480. Do you think that the intent of Congress was to limit political assistance to 30 percent of Title I excluding tobacco and cotton?

A. We expect that non-food Title I allocations this year will be less than 10 percent of total Title I. While the inclusion of non-food under PL 480 dates from the inception of the Agricultural Trade Development and Assistance Act in 1954, and thus predates the "Food for Peace" title that has come to be attached to it, I believe it is appropriate to reduce the proportion of non-food assistance in years of larger than average food needs.

I think it important to note, however, that there is not always a trade-off between food and non-food aid and that in some circumstances our ability to supply non-food items can assist countries to make the food purchases they require. Public Law 480 now requires that the Secretary of Agriculture determine that commodities are in excess of domestic needs, adequate carryover and anticipated commercial exports before they can be made available for food aid. In both FY 1974 and again this year there were strict quantitative limitations on the amounts of foodgrains that could be allocated under PL 480. The supply situation has not been as tight for nonfood commodities. Thus situations may arise in which the only way to provide adequate financial assistance to a food short country is to ship non-food commodities. Such shipments, under some circumstances, can enable recipient countries to devote more of their own resources to commercial food imports.

Section 55(a)(5) refers to concessional food aid. I have understood the objective of that amendment to be the largest possible PL 480 program this year and one in which countries with particularly severe balance of payments problems receive priority treatment with respect to food aid. Prior to the President's decision on the overall level for PL 480 this year, there were discussions between officials of the Administration and members of the Congress. The exclusion of non-food aid from the 30/70 formula was discussed. The final decision on the PL 480 level reflects those discussions and I believe it meets the intent of Congressional sponsors of Section 55 (a) (5).

Mr. CLARK. Mr. President, I appreciate the candid assessment and explanation which are offered, but it seems to avoid the central question. The purpose of the 30-percent limitation was to restrict the political use of food for peace to allow larger contributions for humanitarian purposes. This fiscal year, $1.47 billion worth of commodities is available for distribution under Public Law 480. The law provides that a maximum of 30 percent of the concessional sales—title I of food for peace—can go to countries not threatened by famine. By excluding nonfood products from the formula, more food can be used for diplomacy—at the expense of hungry people.

To assure that nonfood products are included within the restriction, I am introducing a measure which will hold all concessional sales to the formula established by Congress in the Foreign Assistance Act of 1974.

VOICE OF DEMOCRACY CONTEST

Mr. BURDICK. Mr. President, Miss Janet Sims, of Enderlin, N. Dak., has won first place in the Veterans of Foreign Wars sponsored Voice of Democracy contest for the State of North Dakota.

Janet is to be commended for her winning speech and her active participation in community and school affairs. Her speech is a reflection of her love and respect for our great Nation.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MY RESPONSIBILITY AS A CITIZEN

Being a citizen is certainly a right, but in a deeper sense, it is truly a privilege. After all, as full-fledged citizens, we are not deprived of our fundamental rights: freedom of speech, freedom of assembly, freedom of religion, and the right to petition the government to correct unjust actions. What do these freedoms consist of? Freedom is often misunderstood as privileges without limitations or restrictions: in other words, doing just as one pleases. Along with freedoms come duties or obligations. When children are not taught to follow rules, they will most likely disregard regulations later in life. They will live along the side lines, hesitant, cowardly, and selfish, ready to enjoy the benefits that others provide. The sense of responsibility is rather the realization that one has certain duties and obligations to fulfill to the best of one's ability. It involves a recognition of definite laws or principles of behavior and understanding of the distinction between right and wrong, and good and better.

The spirit or responsibility is one of generosity, determination, and perseverance. It gives freely of its time and energy and is never spent out, because it is identified with the will to serve.

What citizenship? Citizenship means full membership in a country. It signifies something much more than just a dictionary meaning. One could read a whole book on being a responsible citizen, but the reading would be worthless unless the ideas discussed were put into practice.

In the days when the Romans ruled, the fact of being a "Roman citizen" was a source of individual pride second to none. We, too, should develop this sense of pride in our country.

Do we take our citizenship for granted? Do we realize how fortunate we are to be guaranteed of certain rights?

The establishment of a goal is the key to successful living. The most important step toward achieving responsibility is to first define it. To be responsible we must all be leaders, setting good examples. An effective leader has such qualities as confidence, energy, concern, a good set of morals, and above all, faith.

When does the sense of responsibility begin? It begins in the home with the parents' influence. If the parents are loyal and honest, their children will most likely radiate their likeness. The seeds of confidence are planted long before a child goes to school. It begins with the successful performance of limited tasks. Parents must see that certain values exist in the home: respect, pride, cooperation, and sharing. Good citizenship goes farther, though, out of the home and into the community and country.

In your community, take part in church and school doings, social affairs, organizations and clubs, and so on. Being an active member keeps you well-informed of the community's operations and goals, not only to be informed, but to help the community.

Most important, be loyal and true to your country. Have faith in your nation's leaders, even in crucial times, regarding such things as wars, energy crises, and scandalism. These problems implore an increasing need for all people to unite into one body to solve them. We gain from this atmosphere of unity an inner strength, a sense of belonging, as well as of responsibility to others.

"Life must be revealed not as a dubious and pointless struggle but as a magnificent privilege, a torch that must burn as brightly as possible before it is handed on to the next generation."[1]

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business having expired, morning business is concluded.

ORDER THAT NO ROLLCALL VOTES OCCUR BEFORE 1:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no rollcall votes occur today before the hour of 1:30 p.m. I have cleared this with Mr. FANNIN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator.

STANDBY ENERGY AUTHORITIES ACT

The PRESIDING OFFICER (Mr. BUMPERS). Under the previous order, the Senate will now resume the consideration of the unfinished business, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement United States obligations under international agreements to deal with shortage conditions.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURDICK. I ask unanimous consent that Barry Meyer, Leon Billings, and Richard Grundy be accorded the privilege of the floor during the consideration of S. 622.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

SENATE RESOLUTION 111—ORIGINAL RESOLUTION REPORTED CONTINUING AUTHORITY OF SENATE COMMITTEES TO PAY COMPENSATION AND MAKE EXPENDITURES

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 111) which was ordered placed on the Calendar:

S. RES. 111

Resolved, That, subject to the provisions of section 3, the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate, from March 1, 1975, through May 31, 1975, the compensation of employees and other expenses of standing, select, and special committees of the Senate, and subcommittees thereof, which would have been payable on and after March 1, 1975, if Senate resolutions referred to and under consideration by the Committee on Rules and Administration had been agreed to by that date, such payments to be charged to such resolutions, if and when agreed to by the Senate. If any such resolution fails to be agreed to, payments made under this resolution shall be charged to this resolution.

SEC. 2. Subject to the provisions of section 3, all functions, duties, powers, and authority which were conferred on any standing, select, or special committee of the Senate by Senate resolutions agreed to during the second session of the 93d Congress and which would otherwise expire on February 28, 1975, are hereby continued through May 31, 1975.

SEC. 3. Compensation and expenses paid for each committee under authority of this resolution during the period March 1, 1975, through May 31, 1975, shall not exceed three-twelfths of the aggregate amount (or annualized aggregate amount, if for less than 12 months) authorized by Senate resolutions for such committee for the 12-month period ending February 28, 1975. Of the total amount made available under this resolution for each committee, the chairman of such committee is authorized to allocate such amounts as he deems appropriate for subcommittee of his committee for which funds are provided by separate sections of the resolution of his committee under consideration by the Committee on Rules and Administration for the 12-month period ending February 29, 1976, to be used for the purposes set forth in such sections.

Mr. CANNON. Mr. President, I send a resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 111) continuing through May 31, 1975, the authority of Senate committees to pay compensation and make expenditures for inquiries and investigations, and for other purposes.

The PRESIDING OFFICER. Is there objection to its immediate consideration?

Mr. WILLIAM L. SCOTT. Reserving the right to object, I would like to ask the distinguished chairman of the Committee on Rules and Administration whether this matter has been cleared with the leadership on this side of the aisle.

Mr. CANNON. Mr. President, the resolution was approved by Senator GRIFFIN, the minority whip, who is also a member of the committee, and by Senator HATFIELD. the ranking minority member of the committee, and I was instructed by the committee to report the resolution.

We have not been able to complete the work on the committee staff resolutions and, in addition to that, we have the matter of the so-called Gravel resolution to add additional staff, which is to be considered at a later time.

This resolution would simply permit the payment of the staff people, and permit the committees to operate on a continuing basis as they finished out the last month, the month of February. If it is not approved by Friday, some of the subcommittees would not be able to pay their committee staff people. I will say that by way of explanation.

Mr. WILLIAM L. SCOTT. Mr. President, with the assurance of the chairman that it has been cleared with Senator GRIFFIN, the minority whip, and the ranking Republican on the committee, I withdraw my reservation.

Mr. CANNON. Mr. President, the continuing resolution goes until the last of May for the authorization for the committees. I have, pursuant to direction of the Rules Committee, agreed that as soon as we have completed our recounting of the votes in the New Hampshire election, the Rules Committee will hold a hearing on the Gravel resolution, and then as soon as we can, and at least we will try within 2 weeks thereafter, to file a report on the Gravel resolution, and also solve the matter relating to the committee staffs, so that we would be able to report permanent resolutions rather than going ahead on a continuing resolution basis.

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[1] Clark, General Mark W., "What It Takes to Be a Leader," *Reader's Digest,* July 1967, p. 162.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CANNON. Yes.

Mr. MANSFIELD. I am delighted with the statement just made by the distinguished chairman of the Committee on Rules and Administration that after the vote count on the New Hampshire difficulty is resolved, it would then be the intention of the Rules Committee—he has stated this to me privately as well as publicly today—that we go into the matter of the Gravel, et al resolution; and that within a matter of 2 weeks a decision would be reached on it.

Mr. CANNON. We would report back to the Senate and make every effort to report back within a period of 2 weeks thereafter.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. CANNON. Yes, I am delighted to yield.

Mr. WILLIAM L. SCOTT. Mr. President, I, too, would like to commend the Senator for his action, for his indication that there will be a measure reported by the Rules Committee—the majority leader said within 2 weeks after the resolution of the New Hampshire situation.

Of course, I am in a different position from the majority leader. I am one of the younger Members of the Senate in point of service, and I am concerned about the lack of help on the professional staffs of the committees, and I hope that the distinguished chairman can bring some relief.

It is a general concern. A group of us met together, who have come into the Senate in the last three classes, and we were unanimous in seeking some form of relief. It is almost a case of the haves and have-nots, and I am one of the have-nots.

I thank the distinguished Senator.

Mr. CANNON. I thank my distinguished colleague. But I think I, in all fairness, should point out to him that he turned back last year in excess of $180,000 of his clerk hire fund so that he would have been able to employ additional people to assist him had he so desired. As a matter of fact, he turned back, I think, one of the highest percentages of turnback in the entire Senate, having turned back 42 percent of his clerk hire money, indicating that he only used 58 percent of the clerk hire fund allocation to him.

But I can assure him that we are considering this problem, and we will consider it in detail in connection with the so-called Gravel, et al resolution, and we will report to the Senate with our recommendations.

Mr. WILLIAM L. SCOTT. Mr. President, if the Senator will yield further, undoubtedly I will turn back money this year. I would hope to be able to do it, and, as the distinguished Senator knows, I am one of the fiscal conservatives here in the Senate, and I hope to continue in that vein.

But we both serve on the Committee on Armed Services, and, as the Senator knows, when we have executive sessions in the Armed Services Committee, the committee staff can be present but the Senators' staff members cannot be present, and this creates a problem for us.

We need additional committee staff help for the junior Senators. I am quite satisfied with the clerk hire allowance, more than satisfied with it, but it is the committee staff.

Now, I am not familiar with the wording of the resolution. I hope it can be worded in such a way that this will come—whatever help we get will be—on the committee staff rather than on the staff from our own office, because our own office staffs sometimes are not privy to what is going on in the committee, and we could better be served by the committee staff.

Mr. CANNON. Well, I will say to my colleague I am one of the ranking members on Armed Services, having been on there 17 years, and I likewise do not have a member of my own personal staff who attends the executive sessions. I try to do that myself, and to carry out that responsibility. I do not have a staff member assigned to myself who attends the executive sessions, because we have a very competent Armed Services Committee staff, and I rely on them.

If I may, to my distinguished colleague, to show that he, in turn, is very frugal with the taxpayers' money, I would like to say the distinguished Senator from Montana last year turned back $106,000 of his staff allowance or 28 percent. So he, too, was very frugal with the taxpayers' money in carrying out his duties in the Senate.

Mr. MANSFIELD. I just asked a question for my private information. I did not intend that it should be public. [Laughter.]

Mr. CANNON. I am sorry if I misinterpreted that.

Mr. MANSFIELD. That is all right.

Mr. CANNON. But I would say to my colleague from Virginia, he mentioned that he is a fiscal conservative—and, rightly so—but I would simply say if the co-called Gravel resolution were implemented, as it has now been introduced, it could have the effect of adding 1,201 persons to the payroll of the Senate staff and committee system, and it could cause the Government in excess of $32 million if it were fully implemented.

Now, to give that as some sort of a comparison, the entire committee staff structure last year spent approximately $23 million for the entire committee staff structure, so we can see that rather than being fiscally conservative, if the Gravel resolution were fully implemented, it could more than double the amount of money spent and, at the same time, could add 1,200 people to the payroll.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. CANNON. Yes, I yield to my distinguished colleague.

Mr. ALLEN. I wonder if the distinguished chairman of the Rules Committee has possibly overlooked a hidden expense there that those 1,200 added staff members might add. No self-respecting staff member would come up with a suggestion of a program of possibly less than $10 million each, would the chairman think, and that, multiplied by 1,200, would add an astronomical amount to the expense of the Senate, would it not?

Mr. CANNON. If that were the case it certainly would add an astronomical amount. But I would say to my colleague, as I have assured my distinguished colleague from Virginia, that the Rules Committee has assured, and is assuring, the Senate that we will hold a hearing on the resolution, and we will expect the advocates to come in and testify, and we are equally sure that there will be some opponents to the resolution who will testify. But, mind you, there may be—the Senator has made a good point, that we hope to give full consideration to the matter, and to try to solve the very difficult problem that one has as a junior member on a committee when he does not have help to look to to advise him in connection with the matters under consideration.

Mr. ALLEN. Mr. President, if the Senator will yield further, would it not also be necessary to add additional office space and parking space at a cost of about $25,000 per space?

Mr. CANNON. May I say to my colleague I would not be so much concerned about the parking space as I would be about the office space because it would require, just about require, us to double the amount of office space that we have up here now. Normally that would take anywhere from 4 to 7 years to plan for it and have construction accomplished. We are right now adding on to one of the new Senate Office Buildings—we have taken over two additional apartment buildings, in addition to the complex where the old Capitol Hill Hotel was—and we are converting office space over there because it is at such a premium.

The Rules Committee has that very difficult problem, as my colleague knows, serving on the committee, and we are having a most difficult time now making office space available for the Senators who require such space to house their own staffs at the present time.

As a matter of fact, I saw in the press recently a picture where one Senator had two desks and some of his people working out in the hall. Of course, that would be complicated.

Mr. ALLEN. Mr. President, will the Senator yield for one further question? On the matter of the Gravel resolution which has come over under the rule, when the distinguished chairman of the committee agreed to see that this resolution had a hearing before the Rules Committee, was it agreed on the other side that the resolution coming over under the rule would not be considered prior to the hearing before the Rules Committee?

Mr. CANNON. Yes, that agreement was entered into, and Senator GRIFFIN and Senator HATFIELD and I were present with some of the proponents.

Mr. ALLEN. I thank the Senator.

Mr. CANNON. And we, as I stated earlier, assured them that we would, just as soon as we possibly can and, in any event immediately after the conclusion of the counting of the disputed votes in the New Hampshire election, hold a hearing, and we would do our very best to make a report on the resolution to the Senate within a 15-day period thereafter.

My distinguished colleague and valuable member of the Rules Committee is now here, Senator GRIFFIN, in the Chamber. He attended that meeting.

Mr. GRIFFIN. Mr. President, may I inquire how does the resolution happen to be before us? It was not on the calendar, was it?

Mr. CANNON. No. I just submitted the resolution. As the Senator will recall, we discussed the resolution yesterday, agreed on the terms of it, and polled the remaining members of the committee, and I offered it and asked unanimous consent for its immediate consideration, and represented that the Senator was present and that the resolution met with his approval and with Senator HATFIELD's approval. If the Senator has changed his views——

Mr. GRIFFIN. The chairman of the Rules Committee will recall, there was discussion about an amendment of the resolution.

Mr. CANNON. The resolution was prepared accordingly and I stated for the record that it carries the continuing resolution to the last day of May, which we agreed on rather than the initial instruction from the committee which was to the end of June.

We agreed yesterday in the meeting we would make the continuing resolution only until the end of May so that we would have added incentive to try to speed up our work on the hearing on the Gravel resolution.

Mr. GRIFFIN. Well, this Senator has no objection to the resolution. I am only weighing the responsibilities that it seems are on the leadership to have matters of this kind considered in an orderly way.

Mr. CANNON. Well, if the Senator has any reluctance about considering it now——

Mr. GRIFFIN. It would take all of the Members by surprise who did not happen to be in our small meeting, I know some have some concern about it.

Mr. CANNON. Well, if the Senator wishes, I am perfectly willing to ask that it be temporarily set aside.

I simply point out to the Senator that unless it is acted upon by tomorrow, some of the committee staff——

Mr. GRIFFIN. I agree, I am well aware of that.

I rather believe that would be the better thing to do so that we can at least give Members an opportunity. If we wanted to have a time agreement, for example, that perhaps would be a good thing to do when it is taken up again.

Mr. CANNON. I am perfectly willing to agree to any particular time that the Senator desires. If he prefers it go over for consideration until tomorrow morning, I would have no objection to that.

Mr. GRIFFIN. I rather believe that we should do that. I am very concerned that we would be doing this without giving other Senators who have an interest even an opportunity to know the matter was taken up.

Mr. CANNON. Mr. President——

Mr. MANSFIELD. Will the Senator yield?

Mr. CANNON. Mr. President, I ask unanimous consent that the resolution be temporarily set aside.

Mr. MANSFIELD. Will the Senator yield?

The PRESIDING OFFICER. Without objection, the resolution will be set aside temporarily.

Mr. GRIFFIN subsequently said: Mr. President, because I think this carries out the understanding that was entered into between the chairman of the Rules Committee and the majority leader and myself in the course of the earlier colloquy, I ask unanimous consent that the resolution reported by Mr. CANNON be printed, and the resolution be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 622

Mr. McINTYRE. Mr. President, I ask unanimous consent that John Cross of the Select Committee on Small Business have privileges of the floor during debate on S. 622.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if I could have the attention of the distinguished acting Republican leader, in view of the pileup of work which is occurring, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be 1 hour's allocation on the resolution (S. Res. 111), the time to be equally divided between the chairman of the committee and the ranking Republican member of the committee or his designees, and that there be no morning hour, that we get immediately to this matter tomorrow morning after the two leaders have been recognized, and I hope the two leaders will yield back their time.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD subsequently said: Mr. President, I withdraw the previous unanimous-consent request.

The PRESIDING OFFICER. The Senator from Montana withdraws the previous unanimous-consent request regarding the resolution from the Committee on Rules.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

THE JUDICIARY

The second assistant legislative clerk proceeded to read sundry nominations in the judiciary.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I make the same request.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be notified not only of the nominations agreed to by the Senate this afternoon, but also all previous confirmations which have not been so directed.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARY W. HART). Without objection, it is so ordered.

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United

States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

Mr. **BUMPERS.** Mr. President, I ask unanimous consent that the following be granted the privilege of the floor during the consideration of S. 622: Charles Bangert, Bernard Nash, Jacqueline Loveless, and Richard Arnold.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BUMPERS.** Mr. President, there has been a good deal of discussion in the past week on the prospects for a compromise between Congress and the President over energy policy. If there were real prospects for a compromise between the administration and Congress which would lead to the adoption of a sensible and comprehensive energy program, no one would be happier than my colleagues and I.

Unfortunately, the President's decision to delay further tariffs and the decontrol of old oil until May 1 more nearly resembles a "stay of execution" than a "compromise." I commend the President for this display of mercy. If the President had not delayed the imposition of further tariffs and the decontrol of old oil, petroleum costs alone would rise by over $27 billion annually. Even the brief reprieve the President has given the American consumer is not without a price tag. The $1-per-barrel tariff imposed on February 1 will increase the price of energy for the American people $13 million each day: $4 million a day more for imported oil; $3 million a day for uncontrolled domestic oil; and $6 million a day for natural gas and coal whose prices follow the price of the imported oil.

I hope that neither Congress nor the American people fall prey to the false sense of security the President's action may induce. For this administration is committed—as a matter of ideology and economic philosophy—to an energy policy based wholly upon price, tax and tariff increases.

The administration has in the past opposed practically any Government action to conserve energy and to increase domestic supply which is not based upon massive price increases to the American consumer.

I deeply regret the absence of any concrete sign that the administration has changed its view on this fundamentally policy issue of "rationing by price."

In my view the administration's commitment to prohibitive energy pricing is fundamentally wrong. It is contrary to all efforts over the past four decades to bring economic and social justice into the marketplace. The President's "rationing by price" program places all of the burden and all of the sacrifice on the poor, and on middle- and low-income groups.

Although the President's program will raise gasoline prices 20 cents a gallon, further increase electrical bills, and increase home heating oil costs by 25 percent, it will not burden the wealthy or upper-income groups. They will not have to sacrifice or make cruel choices. They simply pay the price. In the battle for energy self-sufficiency the privileged may literally avoid the draft.

But what of the average American? What about the poor people in this country and those families who are trying to subsist on fixed incomes during a period of runaway inflation and deepening recession?

Will they be able to pay the price the President's program would exact? Can they buy their way out of the burdens, the sacrifice, and the cruel choices?

The answer is obvious. Middle- and lower-income Americans must pay the price. They must drastically alter and stretch limited family budgets. They must forego aspirations and lower their standard of living. They must try to pay higher electrical and gasoline bills by paying less for groceries, clothes, and other essentials. It is this insensitivity to the economic impact of unemployment, inflation and skyrocketing energy prices, that has led the administration to a drastic set of energy taxes, tariffs and price increases.

Congress should not accept an administration position that makes no economic sense and which impacts cruelly on the poor and on the average American family.

In my view, the Congress should always be willing to happily and freely enter any negotiations with the administration on energy price, tax, and tariff policy with a clear understanding that:

Congress does not intend to support a price, tax, and tariff program that is opposed by virtually every economist and energy expert in the country;

Congress should not and should make it clear that it does not intend to establish domestic oil prices at a level of $3 above the OPEC cartel price;

Congress should make it clear that it does not intend to let the cartel control our energy economy by decontrolling all domestic energy prices; and

Congress should make it clear that it does not intend to legislate in an atmosphere of panic created by the threat of administratively imposed tariffs and huge petroleum price increases.

Last week the Committee on Interior and Insular Affairs ordered favorably reported three major energy bills. Two of these measures—S. 622, which is now under consideration, and the surface mining control bill, which the Senate of the 94th Congress adopted yesterday—were passed in the last Congress and vetoed by the President. The third measure, the Petroleum Price Increase Limitation Act—S. 621—is new. It is a response to the President's announced intent to decontrol all oil prices. S. 621 will insure that any effort to decontrol oil prices will be submitted to Congress for review and subject to the right of the Congress to disapprove. In addition, the Interior Committee has scheduled hearings before the Easter recess on S. 740, the National Energy Production Board Act of 1975.

Some of these bills, providing emergency standby authorities to the President and long overdue surface mining regulation, received early action because Congress and the President agree on the objectives the legislation seeks to accomplish. Other bills have received early action because Congress and the President disagree on the means for resolving our energy problems. Title II of S. 622 lays the foundation for a new national energy conservation policy by mandating Federal and State programs to reduce energy consumption without fueling inflation or swelling unemployment. S. 740 would create a National Energy Production Board to mobilize the massive effort required to increase domestic energy supplies in the shortest possible time, consistent with environmental concerns and the interests of State and local governments.

Mr. President, prior to this statement, I had agreed to yield to the Senator from Wyoming, who is apparently absent from the Chamber at this time. I yield to the Senator from Washington.

ENERGY CONSERVATION

Mr. **JACKSON.** Mr. President, in my opening statement on S. 622 yesterday, I outlined the major provisions of title I, which establishes standby authorities to deal with severe energy shortages, and of title II, which directs the implementation of State and Federal energy conservation programs. I would like to comment further on title II, Mr. President, because these programs provide a rallying point for all of those in Congress who oppose the President's "rationing by price" policies, but recognize that our Nation's energy consumption can and must be curtailed, as soon as possible, in a way which does not damage prospects for economic recovery.

The programs to be initiated under title II will result in significant energy savings—the energy equivalent of over 800,000 barrels per day of crude oil within a year and a million barrels per day by 1977 according to the estimates of the Federal Energy Administration's Comprehensive Energy Plan and the Project Independence Blueprint. These programs will begin the process which will substantially improve efficiency in energy use and build it into the fabric of the U.S. economy. Most important, the achievement of these goals does not depend on the imposition of the indiscriminate and ruinous increase in the price of energy which is the heart of the administration's energy program. In contrast to the administration program, this is a real conservation program which will not force the poor to conserve while the rich are exempted; it is a program in which the burdens will be lighter because everyone will share them.

The legislation would require the Administrator of the Federal Energy Administration, in cooperation with the relevant centers of expertise in the Federal Government, to promulgate regulations which specify standards and establish model Federal programs for a broad range of areas where the opportunities for energy conservation are significant.

Each State would submit to the Administrator a State energy conservation program which selects an appropriate set of conservation measures from among the Federal model programs and adapts them to the economic, climatological, geographic, and other unique characteristics and conditions prevailing in the State. Reasonable and attainable targets and objectives for each State energy program would be determined by the Administrator to guide States in the selection of conservation measures to be applied in each State. The authority to manage these State programs, which would be supported by Federal grants, would be delegated to State government.

The list of opportunity areas for energy conservation is based on the results of the Federal Energy Administration's detailed efforts, represented by the comprehensive energy plan mandated by the Federal Energy Administration Act and the Project Independence Blueprint. These assessments of energy options, prepared by the FEA at the cost of several million dollars, have been all but forgotten by an administration which seems as hypnotized by the illusion of price elasticities which are totally unsupported by any real historical data as it is blind to the clear and substantial evidence that its energy price policies promise certain economic disaster in 1975.

The conservation programs embodied in title II of S. 622 recognize the very real impediments to new investment in energy efficiency by the very large number of consumers who have already been hard hit by inflation and recession. These Americans have taken what steps they can to conserve in response to the price increases initiated during the 1973 oil embargo. They are looking to the Federal Government for leadership. I find it incredible that all this administration has to offer to them is another round of energy price increases as substantial as the increases of 1973–74. In opposition to this uncritical reliance on price rationing of energy, S. 622 offers realistic and equitable programs based on real analysis.

The provisions of title II offer consumers, not higher prices, but real, concrete programs designed to assist them in reducing both their energy consumption and their fuel bills. The energy savings estimated for these conservation measures are not based on price elasticities invented to achieve a "good round number." They are based on substantial FEA analytical effort to investigate the potential for energy savings in specific subsectors of the economy.

The central question to be faced in analyzing the administration's energy proposals is the choice between which a conservation policy implemented gradually over the long term, during which the important sectors of the economy—businesses, industry, individual consumers—are given time to adjust and a sledge-hammer price increase delivered at a time when the economy is in the throes of a severe recession. A prisoner of its own ideological rigidity, the administration has painted itself into a dangerous corner. S. 622 offers a way out which is based on the administration's own analysis. I urge them to take it.

RECESS FOR 1 HOUR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 1 hour.

The motion was agreed to, and at 1:14 p.m. the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GARN).

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASE). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I yield 15 minutes to the distinguished Senator from Nebraska, wtih the understanding that the floor will be yielded back at the completion of his remarks.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHNSTON. Mr. President, will the Senator yield for a unanimous-consent request?

The PRESIDING OFFICER. Does the Senator yield?

Mr. HRUSKA. Yes, indeed.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that my staff man, Paul Haygood, be accorded the privilege of the floor during the consideration of S. 622.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Remarks made by Mr. HRUSKA at this point in the proceedings are printed under Introduction of Bills and Joint Resolutions.)

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

Mr. BUMPERS. Mr. President, we are ready to consider amendments to S. 622. The distinguished Senator from Ohio has an amendment that he would like to present at this time, and I would like to ask unanimous consent for not more than a 30-minute time limitation to the amendment.

Mr. HANSEN. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, will the Senator withhold briefly?

This is not on the bill or on all amendments but just on this particular amendment, and I would hope it would be possible, in the interest of advancing the work of the Senate, to be able to arrive at some consideration of amendments and legislation in general because we have a pretty heavy schedule ahead of us.

For example, we have health bills, a bill affecting the Trust Territory, a decontrol moratorium on energy, and we have appropriations for foreign operations—probably to be reported next week on Cambodia; appropriations for emergency jobs, hopefully to be reported next week; a health bill to be taken up next week, additional authority for a wage-price commission to be reported this week; a monetary policy resolution to be reported early tomorrow morning, and a tax rebate bill which will take some time; and I would hope that it would be possible to give consideration to a time limitation on these amendments as they come along so that it would be possible thereby to expedite the work of the Senate, especially if it goes out on a vacation a week from this coming Monday.

Furthermore, I would like to get to the tax bill when it is reported, but I think as long as we are with this bill at the present time we will have to stay with it until it is disposed of one way or the other.

So would the Senator consider it on an amendment-by-amendment basis?

Mr. HANSEN. Mr. President, let me say first to the distinguished majority leader that no one has been more gracious and more considerate than he has been, nor has anyone been fairer and more considerate than has been the majority whip.

I do not propose to take any time at all. I am not going to debate it. I will not hold up the vote at all, but I want to make the point that the Committee on Finance, despite the fact that it was precluded from meeting officially while the Senate was in session, has been meeting unofficially, and only when word came over there that we had gone into recess was it able then officially to meet, which it is continuing or I presume—well, it may be, I think it would be fair to say, that it is continuing now in meeting on an unofficial basis.

I am not criticizing the chairman of the Finance Committee. He has my full sympathy, but I must point out to Senators that there are those of us who are members both of the Interior Committee and the Finance Committee, and for whatever may be the reasons—and I am not criticizing those who are scheduling legislation before the Senate—the fact is that there are a number of important bills being considered, and certainly this is one that I think demands my presence on the floor.

Now, as quickly as I finish I will be ready to vote, but I will object to any time limitation. I do not have any speeches to make, but I just want to make clear what the situation is, and the fact that despite our best efforts, those of us who are members of both committees, to try to attend and to be as conscientious as we can be, and to try to be as knowledgeable as we can be, we have been placed in an impossible situation. So I do object.

Mr. MANSFIELD. Mr. President, I seek recognition.

I can appreciate what the distinguished Senator from Wyoming has said vis-a-vis the position in which he finds himself.

But I would point out that it is not unusual that every Senator at some time or other finds himself in exactly the same position, and the leadership is charged by the Senate with seeing that the legislation is considered on an expeditious basis, and the only reason why I joined with the distinguished Senator from Arkansas was to try to bring about consideration on an expedited basis because of the way the schedule is piling up.

Mr. HANSEN. If the distinguished majority leader will yield, Mr. President, let me observe, as I said earlier, I would be glad to vote right away. I do not intend to participate in the argument, but I do object to any time limitation.

Mr. McINTYRE. I call up my second amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

On page 77, after line 22, insert the following new subsection:

"(b) Any rule, regulation or order and any other action taken pursuant to subsection (a) of this section which involves the allocation of petroleum within the domestic jurisdiction of the United States shall conform to the objectives and limitations specified in the Emergency Petroleum Allocation Act of 1973 and the Federal Energy Administration Act of 1974 and be subject in its promulgation and operation to the administrative and judicial review procedures established for orders or regulations issued pursuant thereto."

SEC. 2. On page 77, line 23, strike "(b)" and insert in lieu thereof "(c)".

Mr. McINTYRE. Mr. President, it was not long ago that Congress passed and sent to the President the Emergency Petroleum Allocation Act of 1973. Later we passed a standby authorities bill that was designed to deal with problems created by an oil embargo against the United States, but President Nixon vetoed that bill.

Now, with this new bill, S. 622, we are going to give the power to the President to protect, as much as possible, the United States from an embargo and aid our allies and friends. I think we need this act, but I want to be sure that the President cannot use these new powers to circumvent the Emergency Petroleum Allocation Act or the Federal Energy Administration Act.

So this amendment would add a new subsection to section 113 of the bill, and it would be an amendment to the International Allocation Authority clause. It would make certain, it would make sure, that the intent of the Emergency Petroleum Allocation Act be followed whenever we join in an international allocation scheme or plan.

Now, Mr. President, I have two amendments to this bill. The first, an amendment to the International Allocation Authority clause, would make sure that the intent of the Emergency Petroleum Allocation Act be followed whenever we join in an international allocation scheme.

This is a clarifying amendment to insure that actions taken by the President are consistent with the goals we previously set for him under the Allocation and FEA acts.

We went to a lot of trouble and took a lot of time detailing our priorities under the two acts and we should make sure that S. 622 follows the goals we laid out.

Section 113 of the bill provides that the President of the United States is authorized, and I quote, "by rule, regulation or order" such action "as may be necessary" to perform the obligations the United States assumed under the IEP, the international energy program.

Necessarily, this will involve reallocation of substantial quantities of crude petroleum and petroleum products otherwise available within the United States for allocation under the Emergency Petroleum Allocation Act of 1973.

Indeed, section 113 is explicit in relating the President's authority to petroleum supplies "destined directly or indirectly" for import into the United States or which are "produced in the United States."

It provides that "rule, regulation, or order" issued to implement the IEP can control the international allocation of such domestic supplies, and I emphasize domestic supplies, "in such amounts and at such prices as he may specify."

So, to sum it up, to sum up the intent and the purpose of this amendment, Mr. President, this provides an overriding Presidential authority to impose on the complex domestic allocation scheme under the EPAA, a wholly new scheme of allocation and of pricing which need not conform to the same objectives. There is not, but there should be, in the opinion of this Senator, the requirement that the "international" allocation program subscribe to the same objectives or be subject to the same limitations as the existing domestic program.

This requires amendment of section 113 to conform it to the continuing programs of the EPAA.

I strongly recommend to the manager of the bill that this amendment be accepted in amplification of the present spirit of those two acts I have mentioned in my opening remarks.

Mr. BUMPERS. Mr. President, the committee has reviewed and considered the amendment of the distinguished gentleman from New Hampshire to be a very appropriate one. It clears up that section of the bill. I think it clarifies it, and I think in a meaningful and helpful way, and it is acceptable to us.

Mr. MORGAN. Mr. President, I ask unanimous consent that my assistant, Mr. Dennis Whitley, be allowed privilege of the floor during consideration of Senate bill 622.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the amendment be considered by voice vote.

Mr. FANNIN. Mr. President, may I be heard?

Mr. President, although I do not have objections to the amendment of the distinguished Senator from New Hampshire, I will say that the language in section 113 is objectionable to the Senator from Arizona. Since this change affects in no way the objection I do have, I do not have an objection to the amendment. We must make changes in section 113 and will have amendments to it. So if our proposals affect the distinguished Senator from New Hampshire, we will have to take that into consideration at that time.

Mr. McINTYRE. Mr. President, did I understand the distinguished Senator to say amendments may be offered to the bill, may impinge on the amendment now to be accepted?

Mr. FANNIN. That is the information I did want to give to the distinguished Senator from New Hampshire.

Mr. McINTYRE. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. McINTYRE. Mr. President, I call up my first amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 97, after line 3, insert the following new subsection:

"(n) No provision of this Title is intended to, nor shall it be construed to grant any defense, create any immunity, or affect in any way the rights of any person suffering legal wrong because of any act or practice relating to the subject matter of this section which took place prior to the enactment of this Act."

Mr. McINTYRE. Mr. President, this amendment that I propose would amend section 121 of the bill by inserting a new subsection. The point of this new subsection is this: To make certain that the actions that have already been taken by various government agencies together with the international oil companies that may have been in violation of the Federal Energy Administration Act do not receive a ratification or an OK from this Congress.

This section provides that the government and the industry may set up agreements to carry out the planning and allocation plans of the international energy program. Whenever we have had agreements such as these in the past, they have meant establishing an oil industry committee with antitrust immunity, to plan and carry out action for common sharing of supplies, facilities, and customers.

And, it should be added, for consideration of prices.

There were quasi-governmental groups set up during the Iranian crisis of 1951–53 and the Middle East crisis in 1957.

While the strict provisions of this part of the bill should provide possibly strong enough safeguards to make sure that we do not see rapid price escalations from possible misuse of the contemplated voluntary agreements, I believe that further safeguards may be necessary.

This bill provides that the Defense Production Act of 1950, as amended, will be available for 60 days after the enactment of this bill for voluntary programs.

The IEP has already been working under this act's section 708 for some time. In December 1974, for instance, a consultation took place under the auspices of the State Department and the FEA with a group of oil companies that resulted in a voluntary agreement. Those meetings were closed—were closed.

This bill, if we pass it without this new subsection "n", could result in our putting a seal of approval on that meeting and subsequent meetings that were held without public knowledge.

Therefore, rather than commit the Senate of the United States and the Congress to approving what has already taken place, I suggest that we add this subsection clarifying our intent.

I know that the Judiciary Committee, the Interior Committee and others have worked on this section, and agree with it, and it is my understanding that the administration does not oppose this, so I ask that it be incorporated in this bill.

I urge the Senate to agree to the amendment.

Mr. BUMPERS. Mr. President, again, this is an amendment which provides that the antitrust exemptions as set out in the bill shall operate prospectively and not retroactively.

The committee is in full accord with the distinguished Senator's amendment and I think it will serve to maybe alleviate some of the apprehensions people had about that particular section.

It is acceptable to the committee.

Mr. FANNIN. Mr. President, on the minority side, we have no objections, and I have no objection to the amendment. I feel that there are many other matters involved in the final determination of how this section will fit in, which will make a difference, but we will be glad to cooperate.

Mr. McINTYRE. I thank the distinguished Senator from Arizona.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments?

AMENDMENT NO. 85

Mr. GLENN. Mr. President, I call up amendment No. 85 which is cosponsored by Senator BAYH, Senator FORD, and Senator MAGNUSON.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

Strike all from page 65, line 15, down through page 67, line 2.

On page 67, line 3, strike "(d)" and insert in lieu thereof "(c)".

Mr. GLENN. Mr. President, I ask unanimous consent that Terry Freundlich, of my staff, be permitted the privilege of the floor through the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, the amendment that I propose would strike the provision, section 107(c), of the bill which relates to State-owned and State royalty oil.

It has been offered as an amendment and was adopted by the full committee.

Briefly, it provides that so long as a two-tier price system is maintained for crude oil, States would not be permitted to charge unregulated "new oil" prices for crude in which they have an interest.

Without this amendment the price would rise from $5.25 on the current pricing up to about $11 a barrel, the international cartel price.

The volume of old oil to which the provision applies would be limited to 20,000 barrels per day in any one State. Even so, the Interior Committee staff estimates that the provision would cost American consumers about $200 million a year.

We can verify $177 million from 1973 production figures. Other States have smaller amounts of production and these increases would automatically be passed on to the American consumers. The ultimate price increase would be between $210 and $215 million.

In support of the existing provision, it was argued in committee that the revenues generated for the few oil-producing States are much needed by those States and I do not dispute that contention.

Indeed, all States need money these days and that is the reason we have a revenue-sharing program. However, I can see no reason why such revenues should not be raised through the normal mechanism of State taxes and loans as is customarily the practice.

To require consumers to absorb yet another increase in their fuel bills for the benefit of these producing States seems to me to be entirely unfair. The effect is to give those States the benefit of the oil cartel's price at the expense of the general public.

This line of argument last year persuaded the former Federal Energy Office to remove the State and local governments' exemption from price controls. In issuing regulations revoking the exemption, the office stated:

> The FEO believes that the . . . revenues obtainable through the sale of crude oil at uncontrolled prices would represent, in effect, windfall revenues for those state and local governments having crude oil interests at the expense of the adverse impact on the overall objectives of the Emergency Petroleum Allocation Act.

Section 107(c) of S. 622 would restore that exemption with its accompanying windfall to a maximum of 20,000 barrels per day per State.

If there are any questions, I will be glad to yield.

Mr. BUMPERS. Will the Senator yield?

Mr. GLENN. Yes.

Mr. BUMPERS. How many States will be affected by the bill as presently written without the Senator's amendment? How many States would derive benefit from 20,000 barrels per day?

Mr. GLENN. From the best figures we have, I believe there would be 10 States affected, the five major producing States alone accounting for $177 million in additional costs based on 1973 production.

Mr. BUMPERS. Does the Senator have a list of those States?

Mr. GLENN. I do. Alaska, California, Louisiana, New Mexico, and Texas are those on which we based the $177 million figure. That is from a staff study. I believe copies of that were included with the statements which are on all the desks now. There are an additional five States which would have lesser amounts than the 20,000 barrels, and those would be Oklahoma, Colorado, Wyoming, Mississippi, and Montana, all with smaller amounts.

Mr. BUMPERS. Has the distinguished Senator made a computation of what the total cost will be in the increased price of oil in all of the participating States?

Mr. GLENN. We can verify from the five States an absolute $177 million increase in price. With the smaller amounts from the other five States that I mentioned—Oklahoma, Colorado, Wyoming, Mississippi, and Montana—added in, the total cost would come out somewhere in the range of $210 million or maybe $215 million a year, but not over $225 million. This would be added directly to the cost of the consumers of this country at a time when they already are hard hit with fuel prices.

Mr. BUMPERS. To be sure that the Senators are fully aware of how the bill reads and what the amendment proposes to do, we have two-tier oil pricing in the country, one for old and one for new. Is that correct?

Mr. GLENN. That is correct.

Mr. BUMPERS. The bill as it is presently written will allow any State which owns oil to get the higher price of something over $10 a barrel as opposed to the $5.25 price of old oil. So each State which is entitled to participate would receive an additional $5 and something for 20,000 barrels of production a day. Is that correct?

Mr. GLENN. The Senator from Arkansas is correct. Perhaps I should have gone into the two-tier price system in more depth. However, with the idea of moving the debate along, I omitted that discussion. So-called old oil, domestically produced, is regulated at $5.25 a barrel. As the bill now stands State or municipally owned oil would be considered as new oil to a maximum of 20,000 barrels per day. This provision would escalate the price of such oil immediately to the cartel price, which is about $11 a barrel right now.

Mr. BUMPERS. That would be in addition to the royalties that any State is now receiving on State-owned oil?

Mr. GLENN. The Senator is correct.

Mr. BUMPERS. I thank the Senator.

Mr. JOHNSTON. Mr. President, the Committee on Interior and Insular Affairs considered this matter on three separate days, and I might say in some detail. Some members of the committee might even say ad nauseam. The point is the matter got a full and complete hearing. The issue here, Mr. President, is one of those delicate questions of Federal-State relationships, one where it is not easy to draw the line between the interest of one and the other. It is an argument that goes back as far as McCulloch against Maryland, an old Supreme Court case close to the birth of this Nation, when the law was first being formed.

The question is what is the interest of a State? Is a State ripping off the Federal Government, as my colleague from Ohio says, when it charges what it will according to the market interest for something that it owns? Contrariwise, is the Federal Government ripping off the State when it regulates that which is owned by the State?

It is not an easy argument to resolve clearly one way or the other.

Indeed, Mr. President, when we first passed the Petroleum Allocation Act back in 1973, I believe, authorizing the FEA to control these prices, the FEA initially did not control one single barrel of State-owned oil. The FEA resolved that question initially. Not 20,000 barrels in favor of the State but 100 percent of a State's production was left to the State to be resolved.

Some 90 days later, the FEA saw it differently and went 100 percent the other way.

When the matter came up for extension of this act in the Interior and Insular Affairs Committee 1 year ago, as I recall, this matter was brought to the committee for consideration at that time, pointing out that the initial position of the FEA not to regulate any State-owned oil had been changed, and that that matter should be considered by the committee before we extended the act.

At that time the committee said, "Let us defer the matter" because there was an overriding interest in extending the act on that first consideration.

It is only at this time that the committee has first had the chance to consider this matter of where is the proper dividing point between the State and Federal interest.

I might say, Mr. President, the State of California has over 120,000 barrels a day of State-owned oil. They wanted to exempt the whole thing. As a matter of fact, they brought one suit against the FEA to do so. My State has over 52,000 barrels. The State of Montana has a large amount, and several other States have oil which they would like to charge the market value for.

The committee sought on three different days, and, as I say, with argument in some depth and at some length, to strike a balance. That balance was not struck at the point that I would like it struck, but at a point that the committee chose—20,000 barrels a day.

Mr. President, I think that that balance, in the judgment of the committee, deserves to be maintained by this Senate.

Mr. TOWER. Will the Senator from Louisiana yield?

Mr. JOHNSTON. Yes.

Mr. TOWER. Let me go into another aspect of this. What does the revenue derived by the State of Louisiana for the sale of these petroleum resources go for, primarily?

Mr. JOHNSTON. It goes for education. It goes for all of the State matters. In my particular State, with the per capita income, they need the help a great deal. I might say the amount we would recoup from this would not even pay for the cost of the services we provide for offshore oil for which we get no recompense. It would be used for the people, in effect.

Mr. TOWER. I was glad to hear the Senator's comment on that because in Texas the money derived from the sale of oil, from land sales, rentals and royalties, goes into the fund that supports higher education in my State. Of course, the cost of higher education has escalated considerably. This source of revenue is very badly needed.

We have several State governments, including some of those that are oil producers, that find themselves in financial straits now and unable to meet some of their commitments, and with great requirements for expanding the expenditure on education.

In effect, what this bill would do so far as my State is concerned would be to draw money from the support of higher education in my State. The ultimate result is that we come to Washington and ask for more aid for higher education. So I do not see any useful purpose in doing it this way.

Mr. JOHNSTON. The Senator is correct.

Mr. GLENN. Mr. President, will the Senator yield for a comment?

Mr. JOHNSTON. In a moment. I want to reply to something the distinguished Senator from Ohio said.

The thrust of my distinguished colleague's objection to this is that it is a ripoff to the consumers, that we are putting great cost on their backs.

The fact is that, in my judgment, not 1 cent of additional cost will go to the consumers of this country. Why? Because the cost per gallon of gasoline, according to our calculations, is seven-hundredths of 1 cent. We have a glut on the market right now of gasoline, and I cannot conceive of how a gas company would raise its price of gasoline by a full cent because its costs are increased seven-hundredths of 1 cent.

Roughly 100,000 barrels of oil would be exempt under this, according to the Library of Congress—some 107,000. The increased cost that the Library of Congress estimated at $5 a barrel would be approximately $500,000 per day. Forty percent of that average barrel goes into gasoline, and that figures out to seven-hundredths of 1 cent per gallon.

I ask my distinguished colleague, first, is that not approximately correct, in his judgment?

Mr. GLENN. Seven-hundredths of 1 cent? Is that what the Senator is referring to?

Mr. JOHNSTON. Yes.

Mr. GLENN. I do not have figures on the seven-hundredths of 1 cent per gallon, but I do know that when we take the figure of somewhat more than $200 million per year, which would be the cost to the American people, that figure comes out in the neighborhood of $1 per year for every man, woman, and child in this country.

In answer to the comment of the Senator from Texas a moment ago——

Mr. JOHNSTON. If I may interrupt my distinguished colleague, gasoline is not charged by the year by the person but by the gallon. If it is seven-hundredths of 1 cent per gallon, how much is the oil company going to increase that cost?

Mr. GLENN. The Senator from Louisiana may be correct as to the seven-hundredths of a cent per gallon. I do not know. But I do know that when you compute the cost of fuel at some $6 per barrel, with the amount coming out of the affected States, it comes to somewhere around $200 million. This can be broken down as to what part comes out of gasoline, to which the Senator is referring, what part goes into other distillates—heating oils, and so forth—but, I emphasize, those figures should all be totaled in order to give a clear picture. I do not see how the Senator from Louisiana can separate this down into those component parts to have it look small. The provision must be considered in its entirety, as to the cost to the people of the United States. I have attempted to do that by taking the $6 increase per barrel across the board. I do not have the breakdown figures. We could get them, but I think they would be inconsequential and nonmeaning.

Mr. JOHNSTON. I think they are, as a matter of fact, inconsequential on a per-gallon basis, and that is what we are talking about here. What is the consumer going to have to pay? Is the consumer really going to have to pay anything for this? The fact is, no. It is spread over such a large base that I think there will be some slight diminution of profits of Exxon, Gulf, Texaco, and so forth, on down the line. But it even will be inconsequential to them; even inconsequential to the oil companies which will have to absorb it. But where is the proper balance between what the interest of the State is? Is it 100 percent exempt, as the FEA has said, or is it zero exempt, as they said 90 days later?

The Committee on Interior and Insular Affairs said, after 3 days' debate, "Let's draw that line at 20,000 barrels a day"—not the whole loaf to either the interests of the State or the interests of the National Government, but I think a proper interest for federalism and for the federal system on which this country is founded.

I hope that the Senate will reject the amendment.

Mr. BUMPERS. Mr. President, I have discussed this amendment both in the committee and with the distinguished Senator from Ohio and my distinguished colleague from my neighboring State to the south, and I must confess that at this moment I do not know how I am going to vote on this amendment.

I come from a State that has a very small amount of oil production, about 45,000 barrels a day. But I come from a State which has had difficulty in its educational system, for example, because we have not always had the amount of money we would like to have to educate our children. As Governor of my State for 4 years, I can tell the Senate that I intend very strongly to be sympathetic to the Senator from Louisiana's point of view, because I know that States have a difficult time balancing their budgets, providing their children with the kind of education they want them to have.

Last year, I appointed an educational task force in my State to study the whole broad spectrum of the kind of education our children were getting. One of the things they reported—and I think it is incontrovertible—was that the amount of money spent for a child's education determines pretty much the quality of his education.

In one school district in our State which happens to be blessed with virtually all the bauxite in America—from which aluminum is made—and where all aluminum mills in Arkansas are located, we spend about five times more on each student than we do in some of the small rural school districts of north Arkansas. As I say, there is a difference.

We are talking here about a precedent, which is what troubles me. Some States have indeed been blessed with a tremendous amount of natural resources. Are we going to decontrol natural gas and allow so many cubic feet of natural gas to go to the State from which it is produced, if they own the gas?

How about my distinguished friends in the West—Montana, Wyoming, Colorado, Utah? All those States have great quantities of shale oil, which will soon be developed in this country—coal which will soon be mined.

Mr. JOHNSTON. Will the Senator yield?

Mr. BUMPERS. I yield.

Mr. JOHNSTON. Is the Senator aware that in those great States of the West, with all these mineral resources produced on federally owned land, they get 37½ percent of the revenues from that production? Most of them are on federally owned land. So that in the lease of shale oil in Colorado, for example, which just took place, with some $200 million paid, the State of Colorado got 37 percent of that, or about $75 million. If we are going to have precedents, I say that is a good one.

Mr. BUMPERS. I might add that we are also going to share the fees that we collect on coal in those States, to go back to those States and help reclaim that land, or for any other use to which they want to put it.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield.

Mr. JOHNSTON. Is a depletion allowance granted on bauxite?

Mr. BUMPERS. I believe there is a small depletion allowance, substantially less than the 22.5 percent on oil. I believe it is 5.5 percent.

Mr. President, I am not standing here to debate. I suppose I am standing here to try to resolve this in my own mind by making these observations.

It troubles me to take issue with my distinguished colleague, for whom I have such great respect. I say this: The State of Louisiana has borne the brunt of all offshore drilling that has taken place in this country, and I think that that particular State and one or two others are entitled——

Mr. TOWER. Not quite all of it. There is a lot off Texas. [Laughter.]

Mr. BUMPERS. Those States which have borne the brunt of that offshore drilling are entitled to some consideration for the impact on the communities onshore that go with the offshore drilling.

Had this bill been confined, I would have no difficulty whatever, I think, in supporting it. I may support it anyway. But I simply say that there is a precedent here, and I have trouble with it simply because I do not know where it is going to lead us.

Mr. GLENN. Mr. President, I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I voted "present" when this matter came up in the committee, because I wanted to check the precedents regarding the sale of State-owned property during World War II and the Korean war—when we had price controls. I have been advised that in the sale of our school timberlands, owned by the State, in each instance—World War II and the Korean war—they did cover those sales under the overall Price Control Act.

I think that is the problem we face, and I am concerned about the precedent in making an exception, in trying to regulate prices, the economy as a whole.

I share completely the comments of the able Senator from Arkansas, the problem of the abutting States. It involves the Gulf States and California primarily, and it will involve Alaska. In our Outer Continental Shelf bill, we did provide special impact aid and assistance to the States involved, as a result of the fine work of the distinguished Senator from Louisiana. I think he made a very good case, and we will be taking up that bill again. It was passed in the Senate, and I will give him full support in providing for a proper sharing of the burden on the part of the Federal Government in connection with its offshore operations.

My only concern here is the question of how we are going to handle property that is sold, disposed of, placed into the economy, which is owned by the States. Should it be exempted from price controls? As I say, the precedent we checked this morning makes it clear that we made no exceptions in the past in connection with those sales. So I shall support the amendment.

Mr. GLENN. Mr. President, I appreciate the comments of the Senator from Washington.

The only other point that I think has not been replied to is the statement of the Senator from Texas about the dependence of the Texas educational system.

I have lived some years in Texas. I am fully aware of the situation there with regard to funding for the educational system, which is an excellent system. I can only say that the dollar per person per year costs imposed upon the public by this bill is inequitable. In the State of Ohio, for example, there are almost 11 million people and we would like to have that $11 million for our educational system. Because of the windfall profits for a few States, we feel the present provision is unfair.

Unless there are further comments from the other side, I would ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, on this question of precedent, if we could have the same precedents that we have, for example, on 37.5 percent from the oil and gas produced on interior States and the coastal States, the oil producers would be delighted. But the fact of the matter is there is a whole patchwork of precedents out there and one can pick the one he wants and if one can graft it onto his State, he is in very good shape for his State. Mr. President, this is not a question of precedent, this is a question of drawing a line and striking a compromise, striking it, frankly, on the side of the National Government, the Federal Government, and not on the side of the States.

I have repeatedly asked my friend from Ohio how it is that he is going to pass along a seven-hundredths of 1-cent-per-gallon cost to the people of Ohio. I suggest that that cost would be passed along to the Exxons and the Gulfs and the oil companies in this country.

Mr. BUMPERS. Will the Senator yield for an observation?

Mr. JOHNSTON. Certainly.

Mr. BUMPERS. I point out that in my candid opinion, seven-hundredths of 1 cent, based on their past conduct, is more than ample excuse for them to raise the price of gas 1 cent in this country.

Mr. JOHNSTON. I am not going to defend the pricing policies of oil companies, except to say that it is a well-known fact that there is a glut of gasoline on the market right now and there is pressure to reduce the price of gasoline, rather than to increase it. I submit that seven-hundredths of 1 cent per gallon is not going to break the people of this Nation, is not going to be felt by the people of Ohio, and, indeed, is not going to be absorbed, not even 1 cent of it, by the consumers of this Nation.

Mr. GLENN. Will the Senator yield for a question?

Mr. JOHNSTON. Yes.

Mr. GLENN. The Senator has the figures of seven-hundredths of a cent per gallon on gasoline. Does he have the figures on home heating oil, on tractor oil, on diesel fuel, all these other figures that go into making this approximately a dollar per person increase a year? I do not think that we can yet separate out one tiny portion that will apply only to automobiles and use it as a basis for opposition to this amendment. Does the Senator from Louisiana have figures on other uses of crude oil?

Mr. JOHNSTON. That is a percentage applied to gasoline. We can have the same kind of percentage applied to home heating oil—I suppose seven-hundredths of 1 cent per gallon on home heating oil—an infinitesimal amount, I believe, and one that will not be passed along to the users of whatever it is—whether diesel oil, home heating oil, gasoline, lubricating oil, whatever it is. It simply is not that great.

I think the balance has been struck properly, Mr. President, and at the appropriate time, I intend, as soon as the Senator from Ohio has finished his comments, to move to table the amendment.

Mr. TOWER. Mr. President, I was delighted to hear my distinguished friend from the State of Washington say that we should not make any exceptions and that products sold by States during World War II and the Korean war were subject to price controls. I am sure that with that rationale, he will probably support the amendment. Should the question of the depletion allowance and the phasing out of the depletion allowance come up, I am sure that all people who have this view of no exceptions will want to support amendments that will remove the depletion allowance for timber, for antimony, for zinc, for lead, for ceramics, for everything else that carries a depletion allowance. So I shall remember this point when the depletion allowance comes up, because I think we should apply it to everything and not just to an item that is in short supply.

Of course we have a glut of gasoline now. We have inventories. But over the long pull, we foresee short supply from the standpoint of domestic self-sufficiency. It occurs to me that there could not be a worse time to impose narrow proscriptions on what limited incentives are available to the oil and gas industry for oil exploration and production than now.

I remember that I stood on this Chamber floor about 6 years ago and said to one of my good friends from New England that one day the Arabs are going to tell us, "You can have oil or Israel, but not both." That prophecy came to pass.

The fact of the matter is that if we take away incentives, if we keep proscribing the industry, if we maintain the two-tiered price structure and do not do away with it, we are going to deny ourselves expanded production.

Now, the domestic price does not inevitably surface to the world price or the OPEC price. As a matter of fact, I think slightly cheaper oil and gas would be produced in this country through domestic incentives than we import from abroad, if we maintain all of our incentives and if we consider that a thousand cubic feet of natural gas from Texas at $1 is probably a much better bargain than the same thing in the form of LNG from Algeria for $2. Every time we produce an additional domestic barrel of oil or million cubic feet of gas, we replace a comparable amount that is coming in from abroad.

I think the fundamental in the amendment offered by the Senator from Ohio—for whom I have towering respect, if I may use a little pun, and regard, and we gloried in his presence in our great State and wish he had stayed there and run for office there——

Mr. GLENN. I am happy I moved, I thank the Senator.

Mr. TOWER. But the fact of the matter is, the spirit of the amendment offered by the Senator from Ohio is, I think, pretty much consonant with the spirit of this entire bill, which is to proscribe incentives to the domestic exploration and production of oil and gas which we so badly need. At a time when we talk about Project Independence, at a time when we talk about reducing our dependence, we, in two successive days, pass two bills, one designed to inhibit the strip-mining of coal or place it on a noncompetitive basis with other fuels; and, on the next day, we consider legislation that would be a disaster—a disaster, Mr. President—to our efforts to expand domestic exploration and production of oil and gas in this country. I hope that not only will the amendment of the Senator from Ohio be defeated, I hope that this whole bill will go down the tube.

Mr. JOHNSTON and Mr. GLENN addressed the Chair.

Mr. JOHNSTON. Did the Senator have further remarks to make?

Mr. GLENN. Yes, I do.

Mr. President, with regard to the remarks of the Senator from Texas, I can only say that the current provision has nothing to do with exploration, it has nothing to do with the production of new oil. This refers to old oil, which, in this special instance, would be given a classification of new oil and thus hike the price from $5.25 to over $11 per barrel.

Any oil that a State or a municipality had, that would come under this 20,000-barrel-per-day classification, could be sold as new oil at the unregulated price. Thus this has nothing to do with exploration and discovery of new oil or the incentives to go out and produce new oil. This is only upgrading the old oil to the new oil cartel price, which would result in this over $200 million windfall profit.

Mr. TOWER. Mr. President, I was talking in somewhat general terms. I understand the thrust of what the Senator from Ohio has said. I do not even believe in price controls on old oil, and I think if they would remove it from tertiary and secondary recovery, we could add another 500,000 barrels in production daily. That is half of what we are trying to cut off in imports from the OPEC countries.

Mr. TUNNEY. Mr. President, I rise in support of Senator GLENN's amendment.

The cost of electricity to homeowners in my State has more than doubled and in some cases nearly tripled in the last few years, primarily because of increases in the price of oil used in generating electricity.

Many homeowners now face utility bills greater than their monthly mortgage payments. If we adopt the President's strategy of all at once allowing the price of our energy which is domestic in origin to be determined by the price of the energy which we import, millions of Americans may be forced to abandon the homes they obtained through years of hard work.

Deregulating the price of certain State-owned old oil is tantamount to allowing the camel to stick his nose under the tent. How long will it be before some other interest group successfully petitions Congress for further piecemeal decontrol?

Mr. President, I believe that our Government should not permanently interfere with the pricing mechanism as it affects oil, natural gas, or any other product or service. Over a period of years, planned, phased-in decontrol of energy pricing is desirable from the standpoint of both consumers and producers. I am persuaded that no public official, no matter how well intentioned, can over a long period of years substitute his or her judgment for that of the marketplace without causing substantial economic dislocations and reductions in personal freedom.

In the short run, however, decontrol of old oil in a piecemeal fashion or on an all-at-once basis would be extremely disruptive to our economy. It would touch off a new burst of inflation, increase the unemployment rate to ever-higher levels and dangerously delay the time when the economy can begin to recover.

I am pleased that the Senator from Ohio (Mr. GLENN) has chosen as his maiden effort this fight on behalf of the consumer interest. It is a good and important fight, and I am thankful for the opportunity to stand with him in defense of the consumer.

Mr. President, I urge the adoption of the Glenn amendment.

The PRESIDING OFFICER. If there is no further discussion, the question is on agreeing to the amendment.

Mr. JOHNSTON. I move to table the amendment.

Mr. GLENN. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll on the motion to lay on the table the amendment of the Senator from Ohio.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Maine (Mr. MUSKIE) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Pennsylvania (Mr. SCOTT) is necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent due to illness.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Ohio (Mr. TAFT) would each vote "nay."

The result was announced—yeas 33, nays 63, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—33

Allen
Baker
Bartlett
Bellmon
Bentsen
Brock
Bumpers
Burdick
Byrd, Robert C.
Cannon
Cranston
Curtis
Dole
Domenici
Eastland
Fannin
Goldwater
Gravel
Griffin
Hansen
Helms
Johnston
Long
McClure
McGee
Montoya
Randolph
Scott,
  William L.
Sparkman
Stennis
Stevens
Tower
Young

NAYS—63

Abourezk
Bayh
Beall
Biden
Brooke
Buckley
Byrd, Harry F., Jr.
Case
Chiles
Church
Clark
Culver
Eagleton
Fong
Ford
Garn
Glenn
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Laxalt
Leahy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Morgan
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Stafford
Stevenson
Stone
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams

NOT VOTING—3

Muskie
Scott, Hugh
Taft

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Ohio (Mr. GLENN.)

The amendment was agreed to.

Mr. ABOUREZK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JOHNSTON. I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER (Mr. CASE). Is there objection? The Chair hears none, and it is so ordered.

Mr. BUMPERS. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator is certainly entitled to order.

Let us have a little order; let us have a lot of order.

Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 102, between lines 15 and 16, insert the following:

SEC. 130. (a) ENTITLEMENTS.—Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(i) Insofar as any regulation promulgated and made effective under subsection (a) of this section shall require the purchase of entitlement, or the payment of money through any other similar cash transfer arrangement aimed at equalizing the cost of crude oil domestic refiners, such regulation shall exempt those refiners whose total refining capacity (including the refining capacity of any person who controls, is controlled by, or is under common control with such refiner) did not exceed on January 1, 1975, one hundred thousand barrels per day from said requirement: *Provided*, That nothing herein shall be taken to restrict the right of any small refiner as defined in section 3(4) of this Act to receive payments for entitlements or through any other such cash transfer arrangement.".

(b) The amendment made by subsection (a) of this section shall be effective for payments due, pursuant to any regulation referred to in such section, with respect to crude oil receipts and runs to stills occurring on or after February 1, 1975.

Mr. JOHNSTON. Mr. President, the amendment that I have introduced is intended to preserve the competitive viability of small crude oil refiners, who, without this amendment, will be required to pay out enormous sums of money under the FEA so-called "entitlements program."

As the members of this body are well aware, section 4(b)(1)(D) of the Emergency Petroleum Allocation Act directs that oil allocation regulations preserve and enhance competition in the oil industry, particularly with regard to small refiners. However, under the entitlement program, most of the entitlement subsidies—some 65 percent in the last 2 months—have ended up going to some of the largest and most profitable oil refiners in the Nation. Meanwhile, some 50 small refiners, about half the small refiners in the country, are projected to pay out some $25,000,000 a month, $300,000,000 a year.

Representatives of the small refiners forced to purchase entitlements have attempted for months to obtain adequate relief from FEA. The Department of Justice formally recommended an exemption from the program for all small refiners. Forty-two Senators and over eighty Representatives contacted Secretary of the Interior Morton to urge him to provide such an exemption. Nevertheless, FEA has implemented only a temporary phase-in program and a case-by-case exceptions process. Yet of some 40 applications for exception relief in the past 3 months, only eight decisions providing relief for small refiners have been issued, and these offered only partial relief and for a limited time. The recipients must return to the FEA and start all over again shortly. No businessman can rationally plan his operations or capital investment in such an environment. Indeed one can hardly imagine a situation more likely to discourage refinery expansion, or to deter aggressive competition by small refiners.

To solve these problems, and to restore some stability to small refiner operations, 22 Senators introduced S. 861, which would amend the Emergency Petroleum Allocation Act by requiring any entitlement program to exempt those refiners with daily capacity, measured as of January 1, 1975, under 100,000 barrels per day from having to buy entitlements. The bill further provides that this exemption is not to restrict the right of small refiner sellers of entitlements to receive their full payments. Hence, it is the intent of the bill and of this amendment, which incorporates most of the substance of S. 861, to grant relief to small refiner purchasers, but not to reduce the amounts that small refiner sellers would otherwise receive under the program.

The exemption as originally offered sought to affect entitlement payments with respect to crude oil receipts on or after January 1, 1975. FEA has since indicated that this will create administrative problems in the operation of the program. The amendment I offer therefore, while incorporating most of the substance of S. 861, moves the effective date forward to February 1, 1975, which means relief will be provided with respect to entitlement payments due April 30, 1975. FEA officials have assured me that if this section is enacted by early April they can adjust their entitlement list for that month accordingly.

Hearings were held on S. 861 before the Senate Interior Committee last week, at which time we heard from both FEA and small refiners. Extensive comments were also filed at that time. It is my firm belief, based on these hearings, that buyers of entitlements with refinery capacity of 100,000 barrels per day or less as of January 1, 1975 desperately need this exemption. I therefore urge the adoption of this amendment to S. 622 to effect such relief.

Mr. CHURCH. Mr. President, I am pleased to join with my distinguished colleague from the State of Louisiana (Mr. JOHNSTON) in support of this amendment to exempt small refiners from the Federal Energy Administration's crude oil entitlement program. On February 26, 1973, I introduced legislation similar to the amendment which the Senator from Louisiana offers today. I am pleased to note that Senator JOHNSTON, along with 20 other Senate colleagues, joined with me in offering that proposal, S. 861, the Small Refiners Relief Act.

In passing the Emergency Petroleum Allocation Act, Congress granted to the President specific temporary authority to deal with the shortages initially precipitated by the Arab oil embargo. The President was further directed to promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and refined petroleum products.

Congress, however, made its intent clear in section 4(b)(1)(D) of the Emergency Petroleum Allocation Act of 1973 that allocation and pricing regulations were to provide for "preservation of an economically sound and competitive petroleum industry, including the priority needs to restore and foster competition and to preserve the competitive viability of small refiners."

These small refiners provide the competitive edge in an otherwise highly concentrated industry, dominated by the large vertically integrated multinational oil corporations. Very often, it is the small refiner that provides jobbers and independent marketers their only source of products and often at a list price below those of the major brand name companies. Through the provisions of the mandatory allocation program, these savings are then passed along to the consumer.

To comply with the requirement of the Mandatory Allocation Act that crude oil costs be "equitable" and that competition be preserved, the President, acting through the Federal Energy Administration, created the entitlements system.

However, the entitlements program has not been altogether satisfactory.

Those small refiners who must purchase entitlement tickets, including as many as 40 to 50 percent of all small refiners, may end up paying as much as $25,000,000 per month for the right to refine controlled crude oil which many have been processing even before the allocation program came into being.

While the nature of the Federal Energy Administration's entitlement program is extremely complex and while its goal is laudable, the harsh fact remains that unless the impact of this program is somehow tempered, the additional costs to many small refiners will force these businesses to reduce or terminate their refining operations. Such an unfortunate circumstance will come at a time when the President has expressed the need for the Nation to establish new refineries.

The Justice Department recognized the importance of this competition when it filed formal comments on the entitlements program in September 1974. The Department, at that time, urged an exemption for small refiners as essential to preserve their competitive potential.

This amendment, like the bill which I earlier introduced, would not only exempt potential small refiner "buyers" of entitlements, but it would also allow those small refiners, who are able to sell entitlements, the right to do so. In this way, this amendment seeks to protect the entire small refiner industry and thereby to enhance their competitive position.

I urge adoption of this measure.

Mr. JOHNSTON. I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I have a perfecting amendment.

The PRESIDING OFFICER. Will the Senator send the amendment to the desk?

The clerk will state the amendment.

The assistant legislative clerk read as follows:

After the word "exempt" insert the words "the first 30,000 barrels per day of."

Mr. EAGLETON. Mr. President, while I sympathize with the purposes of the proposed amendment as offered by the distinguished Senator from Louisiana to exempt small refiners from the requirements of the entitlement program, I am concerned about the departure from the generally accepted definition of a small refiner. In the past, the criterion has been a capacity not in excess of 30,000 barrels a day. The proposed amendment would increase this to 100,000 barrels per day, not exactly my idea of a small refinery.

I am also troubled by the impact of this proposed amendment on the marketing sector of the industry. Oil jobbers and retailers already face serious problems in trying to compete with other marketers whose cost of product is lower. As a matter of fact, that is what the entitlement program was supposed to correct—to more or less equalize the cost of crude oil to domestic refiners. Many of the marketers with whom I have discussed this amendment are concerned that an exemption to the entitlement program of the magnitude proposed would greatly compound the marketers' problems.

Mr. President, I am proposing perfecting language to exempt only the first 30,000 barrels per day of refiners whose capacity does not exceed 100,000 barrels per day from the entitlement program, and I believe this will provide the kind of relief these refiners need and at the same time retain the accepted criterion of what is a small refinery. As I understand it, this position is consistent with the views of the Independent Refiners Association and it is consistent with the Federal Energy Administration's special rule 3 as it existed last November. That rule, since modified, exempted from the entitlement program any refinery with less than 30,000 barrels per day capacity and allowed larger refineries to exempt their first 30,000 barrels. It was the Federal Energy Administration's modification of that rule and its opposition to its reinstatement that really led to the offering of the amendment being proposed. My perfecting language, in essence, would return us to special rule 3, which had broad support in the industry and avoids entering a new area of exemptions, the impact of which is little understood.

I am persuaded that if perfected by the language I have proposed, this amendment would resolve the problems now being experienced by small refineries without creating new problems for the marketing sector of the industry. I hope the perfecting language will be acceptable to sponsors of the pending amendment.

Mr. JOHNSTON. Will the Senator yield?

Mr. EAGLETON. I am pleased to yield to the Senator.

Mr. JOHNSTON. As the Senator knows, we have had some conversations about where the line should be drawn and in the committee hearings the Independent Refiners Association thought that line should be drawn at 100,000 barrels a day.

I can understand the sentiment of the Senator's feeling that it ought to be drawn at 30,000 barrels a day rather than at 100,000, but I am wondering if we cannot strike a compromise here at 50,000 barrels and not make everyone happy but at least achieve some balance to take care of most refining capacity.

Mr. EAGLETON. That would be in the nature of balancing unhappiness.

Mr. JOHNSTON. That is correct.

Mr. EAGLETON. I think that is a rational proposal by the distinguished Senator from Louisiana.

So, Mr. President, if I may, I will withdraw the present perfecting amendment and send another perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

After the word "exempt" insert the words "the first 50,000 barrels per day of."

Mr. JOHNSTON. Mr. President, with that amendment I have no objection and I will accept the perfecting amendment.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment of the Senator from Missouri.

The perfecting amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Without further amendment, the question is on a third reading.

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 103

Mr. MATHIAS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes an amendment No. 103.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and it will be printed in the RECORD in full.

The amendment is as follows:

AMENDMENT NO. 103

On page 74, beginning with line 12, delete the text of subsection 112(b), ending on page 76, line 3, and insert in lieu thereof the following new subsection:

"(b) (1) The district courts of the United States shall have exclusive original jurisdiction of cases or controversies arising under this title, or under regulations or orders issued thereunder, notwithstanding the amount in controversy; except that nothing in this subsection or in subsection (7) of this section affects the power of any court of competent jurisdiction to consider, hear, and determine any issue by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this title) raised in any proceeding before such court. If in any such proceeding an issue by way of defense is raised based on the constitutionality of this title or the validity of agency action under this title, the cases shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code.

(2) (i) Except as otherwise provided in this section, exclusive appellate jurisdiction is vested in the Temporary Emergency Court of Appeals, a court which is currently in existence, but which is independently authorized by this section. The court, a court of the United States, shall consist of three or more judges to be designated by the Chief Judge of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Temporary Emergency Court of Appeals, and may, from time to time, designate addi-

tional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Except as provided in subsection (d)(2) of this section, the court shall not have power to issue any interlocutory decree staying or restraining in whole or in part any provision of this title, or the effectiveness of any regulation or order issued thereunder. In all other respects, the court shall have the powers of a circuit court of appeals with respect to the jurisdiction conferred on it by this title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases over which it has jurisdiction under this title. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

(ii) Appeals from the district courts of the United States in cases and controversies arising under regulations or orders issued thereunder shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

(3) In any action commenced under this title in any district court of the United States in which the court determines that a substantial constitutional issue exists, the court shall certify such issue to the Temporary Emergency Court of Appeals. Upon such certification, the Temporary Emergency Court of Appeals shall determine the appropriate manner of disposition which may include a determination that the entire action be sent to it for consideration or it may, on the issues certified, give binding instructions and remand the action to the certifying court for further disposition.

(4)(i) Subject to paragraph (ii), no regulation of any agency exercising authority under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that the issuance of such regulation was in excess of the agency's authority, was arbitrary or capricious, or was otherwise unlawful under the criteria set forth in section 706(2) of title 5, United States Code, and no order of such agency shall be enjoined or set aside, in whole or in part unless a final judgment determines that such order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence.

(ii) A district court of the United States or the Temporary Emergency Court of Appeals may enjoin temporarily or permanently the application of a particular regulation or order issued under this title to a person who is a party to litigation before it. Appeals from interlocutory decisions by a district court of the United States under this paragraph may be taken in accordance with the provisions of section 1292(b) of title 28, United States Code; except that reference in such section to the courts of appeals shall be deemed to refer to the Temporary Emergency Court of Appeals.

(5) The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside in whole or in part any provision of this title, or any regulation or order issued thereunder, shall be postponed until the expiration for a writ of certiorari is filed with the Supreme Court under subsection (6) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court.

(6) Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code. The Temporary Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Temporary Emergency Court of Appeals, shall have exclusive jurisdiction to determine the constitutional validity of any provision of this title or of any regulation or order issued under this title. Except as provided in this section, no court, Federal or State, shall have jurisdiction or power to consider the constitutional validity of any provision of this title or of any such regulation or order, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title authorizing the issuance of such regulations or orders, or any provision of any such regulation or order; or to restrain or enjoin the enforcement of any such provision.

(7) The provisions of this section apply to any actions or suits pending in any court, Federal or State, on the date of enactment of this section in which no final order or judgment has been rendered. Any affected party seeking relief shall be required to follow the procedures of this title.

Mr. MATHIAS. Mr. President, from the very first day that the Senate began considering extending governmental power to deal with energy emergencies, whether of price or supply, I have taken an active part. These debates have been numerous and protracted but I believe they have been worthwhile.

Last year we held Cost of Living Council oversight hearings in the Separation of Powers Subcommittee of the Judiciary Committee and I came away from those hearings convinced of the need to tighten administrative and judicial procedures under what has been described as "emergency" legislation, and I believe that much was accomplished, and that a workable formula for review of administrative decision-making was, in fact, established.

On February 7, 1975, S. 622 was introduced in the Senate. Entitled the "Standby Energy Authorities Act," S. 622 provides for standby authority to ration crude oil, residual fuel oil, and any refined petroleum product, to impose certain energy conservation plans and to require allocation of materials to expand domestic production. Unfortunately, the judicial review section of the bill departs from the successful approach of the past in a way that does not well serve either the Federal Energy Administration or the public.

My amendment focuses on this departure and provides a system more appropriate for this standby authority. I am guided by considerations relating to the nature of S. 622's authority and the need for a prompt and efficient means of obtaining judicial review of action taken under this authority. These considerations argue persuasively in favor of a system comparable to that provided for in the Emergency Petroleum Allocation Act of 1973, as amended.

I might also add that I have been in touch with the FEA and that they support this amendment.

My amendment will serve both the public and those in Government who are charged with protecting the public interest. Mr. President, I hope that this amendment can be adopted by the Senate at this time.

By way of background, it is useful to recognize congressional action on judicial review provisions in the context of recent legislation which has sought to deal with this Nation's energy crisis. In the past 5 years, the Economic Stabilization Act of 1970, as amended—"Stabilization Act" (Public Law 92-210, December 22, 1971 and Public Law 93-28, April 30, 1973), the Emergency Petroleum Allocation Act of 1973, as amended—"Allocation Act" (Public Law 93-159, November 27, 1973), and the Federal Energy Administration Act of 1974—"FEA Act" (Public Law 93-275, May 7, 1974) have been passed and have granted authority to the President to take action in response to the energy supply and pricing problems facing this country.

The Stabilization Act and the Allocation Act are discussed together, since they are basically similar in purpose with respect to petroleum products and have identical judicial review provisions.

The Stabilization Act conferred on the President authority to deal with economic problems facing the Nation in late 1971, including inflation, unemployment, and deterioration of the Nation's competitive position in the world market. Price and wage control authority and authority to allocate petroleum products were given to the President with congressional recognition that such matters would require prompt action by the President—section 202.

The Allocation Act conferred on the President temporary authority "to deal with the shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system"—section 2(b). The broad allocation and pricing authority contained in section 4(a) of the act conferred substantive powers on the executive branch to deal promptly with an emergency situation.

Provisions for judicial review of such exercises of authority under both acts reflected congressional acknowledgment of the exigent conditions to which a response was required. In both acts, original jurisdiction is vested in the district courts of the United States, with appellate jurisdiction in a Temporary Emergency Court of Appeals—"TECA"—created by the Stabilization Act and continued under the Allocation Act. The TECA is comprised of judges designated from the Federal court system—that is, Federal district court and court of appeals judges—by the chief judge of the TECA.

Under the Stabilization and Allocation Acts, district courts have latitude in granting relief to persons seeking relief from a regulatory program. Section 211 of the Stabilization Act contains the circumstances under which the district courts and the TECA may grant relief. I believe that this judicial review mechanism has provided a fair, prompt, and efficient means for reviewing regulatory action taken pursuant to the Stabilization and Allocation Acts. As to this particular point, I can speak with some personal experience, having appeared on behalf of the State of Maryland in both the district court in Maryland and in the TECA.

In contrast to the Stabilization Act and the Allocation Act, the passage of the Federal Energy Administration Act responded not to the need for emergency authority to deal with existing or anticipated energy shortages, but instead, to the need to create an Administration from which the executive branch functions authorized by various energy-related laws could be administered. Stated another way, the FEA Act is a procedural vehicle intended to consolidate previously existing substantive authority in one agency and does not, in itself, contain substantive regulatory authority.

In keeping with this difference in purpose, the FEA Act employed a different mechanism for providing judicial review of rulemakings and controversies arising under the FEA Act. Section 7(i)(2)(A) provides:

> (2)(A) Judicial review of administrative rulemaking of general and national applicability done under this Act, *except that done pursuant to the Emergency Petroleum Allocation Act of 1973*, may be obtained only by filing a petition for review in the United States Court of Appeals for the District of Columbia within thirty days from the date of promulgation of any such rule, regulation, or order, and judicial review of administrative rulemaking of general, but less than national, applicability done under this Act, *except that done pursuant to the Emergency Petroleum Allocation Act of 1973*, may be obtained only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within thirty days from the date of promulgation of any such rule, regulation, or order, the appropriate circuit being defined as the circuit which contains the area or the greater part of the area within which the rule, regulation, or order is to have effect. (Emphasis added.)

In addition, the district courts of the United States have exclusive original jurisdiction in all other cases and controversies arising under the FEA Act—section 7(i)(2)(B). However, as is apparent from section 7(i)(2)(A), any rulemaking done pursuant to the Allocation Act is exempted from the judicial provisions of this section and is governed by the above-mentioned judicial review provisions of the Allocation Act.

As proposed in S. 622, the Standby Energy Authorities Act will vest substantive authority in the executive branch to ration petroleum products, to impose mandatory energy conservation programs and to allocate materials needed to expand domestic production. It will constitute, then, another piece of legislation granting substantive authority to the President, who will be acting through his Federal Energy Administrator. As proposed, S. 622 will, in essence, merely incorporate the judicial review mechanism embodied in the FEA Act; that is, the U.S. Court of Appeals for the District of Columbia circuit will be called upon to review rulemakings of national applicability, the other courts of appeal will hear cases challenging "regional" rulemakings and the district courts will hear the remaining cases.

I believe that the system of judicial review contained in the Allocation Act is most appropriate for review of executive actions taken under the proposed Standby Energy Authorities Act.

It is clear that S. 622 is comparable to the Allocation Act and Stabilization Act in that it confers substantive authority on the executive branch to respond to "acute energy shortage conditions" which threaten the United States—Section 101(c)—as contrasted with the procedural nature of the FEA Act. Exercise of such authority as would be conferred by S. 622 would necessarily require quick and efficient implementation, in many instances, in order to respond effectively to the problems at hand. Thus, it appears especially inappropriate to adopt in toto provisions of the one energy-related legislation not granting substantive regulatory authority; that is, the FEA Act. A far more preferable solution would be to adopt the approach the Congress has twice turned to in formulating legislation to respond to our energy problems—the judicial review provisions found in the Allocation and Stabilization Acts.

The success of the judicial review mechanism created by the Allocation and Stabilization Acts is well illustrated by the prompt and efficient review available in the district courts and, in particular, the TECA.

Unlike the various circuit courts of appeals, the TECA has built up a considerable expertise by virtue of its review of Cost of Living Council actions under the Stabilization Act and FEA actions under the Allocation Act. The TECA is familiar with the complexities of the oil industry and FEA's regulatory system and thus is able to handle efficiently FEA-related litigation.

It is of considerable importance to an emergency program to have a prompt judicial determination on the legality of a program, since the uncertainty that accompanies protracted litigation on a program can substantially inhibit the effectiveness of its operation. Additionally, if a program is determined to be in excess of agency authority, prompt resolution of the program's invalidity will allow the agency to restructure its response to the emergency condition which prompted the original program.

In this respect, the TECA holds a substantial advantage over the circuit courts of appeals, especially the District of Columbia circuit, where the majority of rulemaking review cases would fall under S. 622 as presently drafted. Since the TECA is a court of limited jurisdiction, the number of appeals processed is substantially less than that of the circuit courts of appeals. The average time for disposition of a case by a circuit court of appeals is 8 months. The average time for the TECA is 100 days. A good example of the TECA's promptness in reviewing an FEA program is the recent attack on the FEA's crude cost equalization program. A complaint was filed on January 23, 1975, in the U.S. District Court in Toledo, Ohio. On March 4, 1975, the TECA will hear oral argument on a refiner's appeal on the failure of the district court to enjoin the application of the crude cost equalization program to it. A decision anytime before the end of March would represent a complete disposition of the suit in approximately 60 days.

FEA programs are by necessity extremely complex and potentially could result in inconsistent adjudications if subject to review by the various circuit courts. In that event, the Supreme Court, itself overworked, would be required to reconcile these differences on an expedited basis, thereby displacing other matters requiring the Court's review. The TECA, on the other hand, reduces the need for such reconciliation by providing one body of consistent law under which both the agency and the public can operate with some sense of certainty and provides a prompt and consistent resolution of the validity of agency programs, with resort to the Supreme Court only in cases of exceptional importance.

Under the FEA Act's scheme for judicial review, one who seeks review of a rulemaking of national applicability is required to file a petition for review in Washington, D.C.—the District of Columbia circuit—regardless of where that person lives or works or in what manner he is affected by the rulemaking in question. This could prove a substantial burden on a small business or private individual. Under the Allocation Act scheme for judicial review, a case may be brought in a local district court and the appellate review by TECA may be held in the area where the suit was initiated. So, for example, in *Condor Operating Company* v. *FEA*, Nos. 5-10, 5-11 (TECA 1975), the suit was brought in the western district of Texas, San Antonio, Tex., and the appeal was heard by the TECA in Dallas, Tex.

If Senators examine this amendment, I am sure that its merits will be clear. Use of the Allocation Act's judicial review mechanism for S. 622 is the best method of achieving a prompt and efficient means for review of regulatory programs issued pursuant to the Standby Energy Authorities Act. Furthermore, because these regulatory programs are likely to arise under exigent circumstances, they cannot be inhibited by the uncertainty of protracted litigation, a possibility which can only be avoided by insuring that the matter of judicial review, while allowing for full and fair consideration of the issues, also makes possible a resolution of the issues in a prompt and efficient manner. In this respect, the mechanism for judicial review found in the Allocation Act is infinitely superior to that presently incorporated in S. 622.

Mr. BUMPERS. Mr. President, this amendment was not considered by the committee and I must confess that I am not in a position to speak for the committee.

The natural tendency, as a former attorney, to shorten the judicial procedures from decisions of the administrator in this case are normally laudable and I personally, again, am a little ambivalent on it.

It is personally acceptable to me to shorten the procedures, and if I understand from the distinguished Senator's remarks, it is to simply negate the necessity of going through the normal judicial procedures to go as quickly as possible to an emergency court, would that be correct?

Mr. MATHIAS. I would say to the Senator that he is correct in that we provide some relief speed and orderliness to the judicial review process.

Mr. BUMPERS. Well, as I understand it the decisions of the administrator will be governed by the Administrative Procedure Act as modified by section 112(a).

Mr. MATHIAS. Yes, what we are doing is really going back to the work of the Senate last year when we provided by statute for efficient administrative proceedings and the recourse we had to those administrative proceedings provided in the law last year rather than to the more lengthy procedures, general procedures, under the Administrative Procedure Act.

Mr. BUMPERS. As I say, I cannot speak for the full committee, but it is my personal thought that I probably would support the distinguished Senator's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The Senator from Arizona.

Mr. FANNIN. Mr. President, I am not going to oppose the amendment, because I do think it has some virtues as far as procedure is concerned.

I just asked the distinguished Senator from Maryland why it is necessary to have line 4 on the first page, notwithstanding the amendment in controversy.

This is a procedure that is followed often on legislation. I am just questioning the advisability of including it, because we do have by law the limitations that are involved in order that every case will not be carried to a Federal court.

I would just like to have the Senator's thoughts on why this is necessary.

Mr. MATHIAS. The Senator raises a very valid point, but the language is necessary from this point of view: If the Energy Administrator is involved in a controversy of any amount, perhaps insignificant in dollars, nonetheless a precedent might be established which would affect the entire energy program. This is a national program and, therefore, the administration would like to have the ability to litigate each one of these cases in Federal court.

Mr. FANNIN. Does the Senator think that because a smaller amount is involved, it would not merit the particular individual or firm in controversy to go to the extent and be subjected to all the court procedures necessary in the provisions of this bill?

Mr. MATHIAS. The administration takes the view that, in the old phrase, it is not the money, it is the principle of the thing.

Mr. FANNIN. How many cases is this going to add? Does the Senator have any idea as to what cases will now be brought into Federal court?

Mr. BUMPERS. Mr. President, if I may intervene, I might be able to resolve this small problem between my distinguished colleagues.

Section 28 of the United States Code, 1337, provides that all cases arising under statutes which regulate commerce are not subject to the jurisdictional amounts. So this amendment is really a restatement of the law as it is now.

Mr. MATHIAS. I thank the Senator from Arkansas. He is, of course, correct. So this restates it.

Mr. FANNIN. I do not question the conclusion of the distinguished Senator from Arkansas. I know this matter has been considered previously, and if this is the present law, why is it repeated?

Mr. MATHIAS. We felt that it was for clarity here, to make it perfectly clear that under these administrative procedures, they would deal with any amount and that there would be no limitations.

Mr. FANNIN. As I stated, I am not going to object to the amendment, but I did want a clarification as to why that language had been inserted. I appreciate the statement made by the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. BUMPERS. One additional observation I might make, or one question, perhaps: If there were a jurisdictional amount that any aggrieved person had to allege as damages in order to get into Federal court, where would he go if his damages were less than that amount? I do not know where he would go, if he did not go to Federal court, to redress his grievance.

Mr. FANNIN. I would think he might have other means of redressing his grievance.

Let us look at it from the standpoint of the necessity to go to court to redress a grievance: When we talk about dealing with a Federal agency, I do not think that with a smaller amount, the Federal agency, if there happened to be a controversy, would want to take a person or a company into Federal court. I could see many ways in which a controversy could be settled without going into Federal court.

Mr. BUMPERS. As I understand the Senator from Maryland's amendment, it is to provide that anybody who feels aggrieved by a decision of the administrator can go immediately into the Federal courts rather than through the administrative procedures. Up to that point, if he disagrees with the administrator, it is my opinion that he has no place to go except Federal court. He cannot haul the administrator into State court.

Mr. FANNIN. I am not disagreeing with what might happen in that regard. We are not attempting to load down the Federal courts or any other courts. If this would be an encouragement for individuals to go to court and for the administrator not to consider their lack of alternatives without going to tremendous expense, I would think that would be involved.

I am not going to oppose the amendment, but if it is present law, I do not see the necessity for it being here.

Does this mean that the person does not have to exhaust his administrative remedies first? That is the question I was trying to get answered.

Mr. BUMPERS. I think the Senator from Maryland should answer the question, but it is my opinion that that is precisely what it does.

Mr. FANNIN. I have no objection to the amendment, other than I feel that the language is superfluous and unnecessary.

Mr. HANSEN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MATHIAS. I yield.

Mr. HANSEN. Mr. President, I ask unanimous consent that Rick Harrid, a member of Senator BAKER's staff, may have the privilege of the floor during the debate and any votes on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARTLETT. Mr. President, I ask unanimous consent that a member of my staff, Thomas Deery, have the privilege of the floor during the votes and consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I wish to engage in a colloquy with the distinguished floor manager of the bill or the distinguished chairman of the full committee, whoever desires to respond.

As I see our Nation's energy situation, we have both a long-range problem and a short-range problem. In the long run, it is imperative that our country develop alternative and subsequent sources of energy. Then we will not be subject to economic blackmail by any nation or any group of nations, friend or foe. In the short run, we must conserve energy in order to cut down on the tremendous imbalance of payments that has accompanied our increasing importation of foreign oil. We must conserve energy now, we must do it drastically. We cannot postpone the issue.

It is my understanding that we use approximately 17 million barrels of petroleum daily in this country. About 7 million barrels of that is imported, and about 10 million barrels is of domestic origin. I ask the distinguished floor manager of the bill if that is not approximately correct.

Mr. BUMPERS. That is correct.

Mr. TALMADGE. Of the 17 million barrels daily that we use in this country, how much is used to produce gasoline?

Mr. BUMPERS. As of right now, about 6.3 million barrels per day.

Mr. TALMADGE. In other words, a little more than a third—something less than 40 percent?

Mr. BUMPERS. That is correct.

Mr. TALMADGE. Does the Senator have accurate statistics as to how much of that gasoline is used for pleasure, or joyriding, and not used for business?

Mr. BUMPERS. I do not know whether it could be broken down between joyriding and business, but 42 percent of that is work-related, which means that 58 percent of the gasoline in this country could be worked on for conservation purposes.

Mr. TALMADGE. In other words, about 58 percent of all the gasoline consumed in this country is nonwork-related and nonjob-related?

Mr. BUMPERS. That is correct.

Mr. TALMADGE. It seems to the Senator from Georgia that one of the most important things we need to do is to zero in on the utilization of that 58 percent of all the gasoline consumed in the United States of America that is not job-related. Does the Senator from Arkansas agree with that?

Mr. BUMPERS. Wholeheartedly.

Mr. TALMADGE. Would it not be a good idea if in this legislation we mandated drastic conservation measures? The best starting point I can think of would be to require rigid enforcement of the 55-mile-per-hour speed limit law. When I get on the highways in my State or anywhere else and am driving along at 55 miles an hour I find automobiles passing me as though I were stopped on the highway. I have found, from the operation of my own automobile, that I can get anywhere from a 10- to a 20-percent decrease in gasoline consumption by slowing down to 55 miles an hour. What provision of the bill mandates rigid enforcement of the 55-mile-an-hour speed limit?

Mr. BUMPERS. I would not presume to read the act to the distinguished Senator from Georgia, but, touching on his question, subsection (2) of section 202, page 105 of the bill, reads:

> For purposes of this section, the term "energy conservation plan" includes but is not limited to plans to establish:

Then there is a whole host of things that come under the energy conservation plan.

Subsection (F) under that subsection reads:

> Programs to insure better enforcement of the fifty-five-mile-per-hour speed limit.

Under subsection (H):

> Standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend.

Mr. TALMADGE. To whom is that authority delegated?

Mr. BUMPERS. This is given to the President.

Mr. TALMADGE. To the President of the United States. And what is the penalty if the States refuse to enforce and refrain from enforcing that 55-mile-an-hour law?

Mr. BUMPERS. They are then preempted by the Federal Energy Administration, and the energy conservation plan for any State which does not come into compliance will be administered by the Federal Energy Administration.

Mr. TALMADGE. Preempted from what? Suppose the Governor of Georgia arbitrarily and capriciously refuses to enforce the 55-mile speed law. What is the penalty on the State of Georgia or any of the other 49 States?

Mr. BUMPERS. We did not provide in this bill for a penalty or impose a mandate on the President to put a penalty on States which did not enforce the 55-mile-an-hour speed law, but we did call for a 6-month study of how we might force the enforcement of that speed limit.

Mr. TALMADGE. Does not the Senator from Arkansas think some penalty should be provided? The Governors are not going to enforce an unpopular law unless there is some penalty for refraining from doing so.

Mr. BUMPERS. It is provided that the highway trust fund or the share that any State would normally receive could be withheld in some amount if the highway speed limit is not enforced.

Mr. TALMADGE. Is that in the bill?

Mr. BUMPERS. Yes, it is.

Mr. TALMADGE. Is it made mandatory in the bill?

Mr. BUMPERS. No.

Mr. TALMADGE. It is left discretionary with the President of the United States?

Mr. BUMPERS. Yes.

Mr. TALMADGE. During the embargo, filling stations were closed on Sundays. This reduced some of the pleasure riding on weekends. Would it not be a good idea to have a similar provision in this bill or some other authority as may be necessary to close service stations?

In my State, many people ride around the State and go up in the mountains on weekends. It is desirable and pleasurable, but they are using a lot of fuel that could be conserved.

As a matter of fact, 2 weeks from last Sunday, I returned from Georgia and arrived at National Airport at 5 p.m., then I drove to the Kennedy Center, arriving there at 5:30 p.m. I ran into the worst traffic jam I have seen in Washington in my 18 years in the Senate.

If service stations were closed on Sunday, it would conserve fuel and would eliminate all joyriding. In addition, it would create a badly needed sense of emergency in this country whereby the people themselves would conserve gasoline. What is in the bill along that line?

Mr. BUMPERS. It might improve our religious habits, even.

Mr. TALMADGE. I think it would. [Laughter.]

Mr. BUMPERS. The same section I was reading a moment ago provides, under subsection (C), "reasonable restrictions on hours for public buildings."

At first blush, that would appear to mean buildings that are owned by the States and by the United States. That is what we normally think of as public buildings. But under the commerce clause, that would extend to any building that is used for the public. Presumably, under this language, the President would have the right to set up criteria which would include closing service stations on Sunday.

Mr. TALMADGE. Is that mandatory or permissive?

Mr. BUMPERS. It is permissive with the President, at this point.

Mr. TALMADGE. In other words, he could do it or fail to do it, in his discretion?

Mr. BUMPERS. I believe that is correct.

Mr. TALMADGE. It seems to me that we should also give some thought to the proliferation of credit cards with which people buy gasoline now and pay later. In World War II, the use of credit cards was restricted in order to conserve energy. I have noticed that whenever people have a charge account in stores, they tend to buy a great deal more than they would if they had to pay for it out of their pockets.

That is particularly true on our college campuses and high school campuses today. The Senator can go to any one of them and see countless acres of automobiles there. Most of the drivers of those automobiles have gasoline courtesy cards with which they charge purchases to their families, and their parents get the bill at the end of the month. If those credit cards were canceled and they had to pay for that gasoline out of their allowance, and if individuals had to pay for gasoline with cash at the time they bought it, it seems to me it would conserve a great deal of energy. Did the committee give any thought to that?

Mr. BUMPERS. That was not discussed. I wish to say from a personal standpoint that the Senator's suggestion would save the Senator from Arkansas $200 or $300 a month.

Mr. TALMADGE. I have no doubt about it.

Mr. BUMPERS. If we could get the President to accept that.

Mr. TALMADGE. Is that authorized in the bill?

Mr. BUMPERS. It is not, but this is not an all-inclusive or an exclusive list.

Mr. TALMADGE. Does the bill delegate to the President power to act if he sees fit to act in that direction?

Mr. BUMPERS. Yes, it does.

Mr. TALMADGE. In other words, the Senator's bill is all inclusive, so that the President can take such action as may be necessary to conserve energy by the means I have outlined and ultimately, if it were necessary, as a last resort and a last resort only, to allocate fuels or even ration fuels. Is that correct?

Mr. BUMPERS. That is correct.

Mr. TALMADGE. I hope that the President of the United States and others that he may appoint who would be his subordinates would give some thought to a few simple things which would conserve tremendous amounts of fuel under present conditions. We simply cannot afford to spend $25 billion a year for imported energy in this country. This figure will rise every year. There is no way on Earth that we can earn the foreign exchange to pay for it.

Unfortunately, in Washington, simple ideas often get short shrift. If it is not complex, no one seems to listen. But it seems to the Senator from Georgia that the simplest way to conserve energy, and conserve energy now—beginning tomorrow or as soon as this act becomes law—is to enforce the 55-mile-per-hour speed limit, to close the service stations on weekends, and possibly cancel the use of gasoline courtesy cards until we can develop alternative sources of energy. In my view, those three simple things alone would do far more to conserve energy than the complicated mechanism of trying to price gasoline so high that people cannot afford it, as the President has proposed.

I hope that the Senator, as a distinguished member of the committee having jurisdiction, will urge those simple ideas on the executive branch of Government. Hopefully, they will be adopted and acted upon.

I thank the Senator for yielding in this colloquy.

Mr. BUMPERS. If I may, Mr. President, I should like to comment, with just one final thought, on the comments of the distinguished Senator from Georgia.

The Senator from Georgia and I both served on the so-called Pastore committee, the committee that the majority leadership of the Senate, appointed to study the very problems he has so eloquently articulated here. Virtually all of those things which he has just mentioned—Sunday closings, enforcement of the 55-mile-an-hour speed limit—were considered as suitable alternatives, once a determination could be made as to where savings ought to occur first, to make sure that we do not reduce our consumption in the wrong place and further exacerbate unemployment and inflation. It is my thought that the Committee on Interior and Insular Affairs, of course, intended to give the most serious consideration to these things in the President's program, which he is going to submit back to the Congress for approval. I thought the energy report of the Pastore committee was an excellent one, because it did not come up with any arbitrary or capricious figure that we should start conserving imported oil overnight.

The Senator's points, I think, are all well taken and I hope that this body will move in those areas that he mentioned that are not specifically covered in this act.

Mr. TALMADGE. I thank the distinguished Senator. What I have suggested, to my mind, would not cost a single job in the United States of America. At the same time, it would conserve enormous amounts of fuel.

Mr. WILLIAM L. SCOTT. Will the Senator yield at that point?

Mr. TALMADGE. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, I am in general sympathy and in general agreement with what the distinguished Senator from Georgia is attempting to do to conserve energy. I agree with the 55-mile speed limit concept that was attached as a part of our highway act last year, and to deny funds to States that did not enforce the 55-mile-an-hour limit or did not pass a State law to that effect.

However, when the Senator talks about Sunday closing, I believe it goes further than the distinguished Senator indicated in his remarks. Tourism in Virginia is our second most-important industry and I feel sure that it is an important industry in the State of Georgia.

Mr. TALMADGE. It is, to be sure, but it is not absolutely necessary, in my judgment.

Mr. WILLIAM L. SCOTT. Well, it gives employment to a great number of people in my State.

Mr. TALMADGE. I know it does. We cannot conserve precious fuel, however, if everyone can fill his tank any time he wants to and ride around the country endlessly.

Mr. WILLIAM L. SCOTT. I believe there are alternatives. I believe the answer to this is to obtain more energy as well as to conserve what we have.

Mr. TALMADGE. I agree, but that is in the long range. I am talking about the short range.

Mr. WILLIAM L. SCOTT. Yesterday we passed a bill which will deny us energy which we would otherwise have. I am speaking of the strip-mining coal bill. Coal is our most abundant source of energy, and I am told that it will put thousands of people out of work in my State.

Mr. TALMADGE. I agree with the Senator from Virginia, that coal is our most abundant source of energy, but he cannot burn coal in his gas tank today.

Mr. WILLIAM L. SCOTT. The Senator is correct, and we cannot burn the natural beauty and esthetic values that yesterday's bill was addressed to. I am saying there is room for a difference of opinion.

Mr. TALMADGE. The Senator from Virginia and I do not have a difference of opinion. I share his view that coal must be used in abundance in future years. But the problem now is to conserve energy today. For example, we cannot gasify coal today in abundance. We cannot liquefy coal today in abundance. Hopefully, the time will come when we can.

I agree that coal is the greatest natural energy resource we have. We are extremely fortunate in that the United States of America possesses about a third of the known reserves of coal in the world. I think we have to get on with a program of coal liquefication and gasification as an alternative to imported energy.

Mr. WILLIAM L. SCOTT. I think we can use coal today to generate electricity.

Mr. TALMADGE. We can indeed. I concur in that. There is no difference between the Senator from Virginia and the Senator from Georgia.

Mr. WILLIAM L. SCOTT. The bill we passed yesterday would deny us the right even to mine much of the coal we have. It will throw a lot of people out of work, I am told.

Mr. TALMADGE. That is a bill that was passed yesterday. I am talking about one that is pending on the Senate floor today.

Mr. WILLIAM L. SCOTT. Mr. President, if the Senator will yield further.

Mr. TALMADGE. I yield.

Mr. WILLIAM L. SCOTT. I am saying that the two are connected.

Mr. TALMADGE. I agree.

Mr. WILLIAM L. SCOTT. I am saying we should conserve our existing supply of energy, but we should not curtail our mining of energy that we now have available to use.

Mr. TALMADGE. The Senator from Georgia shares completely the view of the Senator from Virginia in that regard.

Mr. WILLIAM L. SCOTT. I thank the Senator for yielding.

Mr. TALMADGE. I thank the Senator from Virginia.

Mr. FANNIN. Mr. President, I wish to commend the distinguished Senator from Georgia for the statement he has made. I share his great concern over what is going to happen in this country, and I know that he is very interested, being a member of the Committee on Finance. With the much greater imbalance of payments that we have because we are importing a vast amount, as he stated—7 million barrels of petroleum product a day—we have a very serious situation. I feel that we should even go beyond what the distinguished Senator has advocated. I have an amendment that I am going to call up at this time.

The amendment was proposed in the President's energy package. It is title XII of the National Appliance and Motor Vehicle Energy Act. I think the public is entitled to know, and I think the Senator would agree with that.

Mr. TALMADGE. I thank the distinguished Senator for his comment, and I know how long and how diligently the distinguished Senator from Arizona, both as a member of the Committee on Finance and as a member of the Senate Committee on Interior and Insular Affairs, has worked in this field.

He is not a Johnny-come-lately in this matter, because he has understood for many, many years the problem that has confronted our Nation. He is one of the Senate's best-informed Members on the natural resources of America. I applaud him for the efforts he has made and I thank him.

Mr. FANNIN. I thank the distinguished Senator from Georgia, who has worked for many, many years on these problems. This is not something that is new to him, either. He has worked on the Committee on Finance and the Committee on Agriculture, and has been a leader, not only here in Washington but around the Nation. Many times, he has spoken to different groups and brought to their attention very forcefully the problems that we face. He has done that with a straightforward position, recognizing exactly what we are to contend with if we do not take the action that he advocates. I certainly appreciate the fact that he is continuing his efforts in this regard.

Mr. TALMADGE. I thank the distinguished Senator.

I yield the floor, Mr. President.

AMENDMENT NO. 116

Mr. FANNIN. Mr. President, I call up amendment No. 116.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. FANNIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the conclusion of the bill, add the following new title:

TITLE XIV

SHORT TITLE

SEC. 1401. This title may be cited as the "National Appliance and Motor Vehicle Energy Labeling Act of 1975."

FINDINGS AND PURPOSE

SEC. 1402. (a) The Congress finds—

(1) that the fuel resources of the Nation used in the production of energy are not inexhaustible;

(2) that significant environmental degradation often accompanies production of energy, presenting a danger to the health and welfare of the Nation's population;

(3) that avoidable inefficiencies exist in the production and consumption of energy;

(4) that increased efficiency in energy production and use can result in resource conservation and improved environmental quality; and

(5) that, while primary responsibility for the efficient utilization of energy rests with the manufacturers of energy-consuming major appliances and motor vehicles and the purchaser and users of these products, Federal action is essential to encourage the manufacture, purchase, and use of major appliances and motor vehicles all of which are either manufactured, sold, or used in interstate commerce or affect such commerce, that promote the efficient utilization of enenrgy and minimize the waste of energy.

(b) The Congress declares that it is the policy of the United States to promote the efficient utilization of energy. To that end, it is the purpose of this title to provide information to the public on the energy consumption characteristics of major appliances and motor vehicles so that consumers by comparing such characteristics when purchasing such major appliances and motor vehicles may select those that can effect savings in energy consumption.

DEFINITIONS

SEC. 1403. (a) The term "manufacturing" means (1) any person engaged in the manufacturing or assembling of new products, as defined in subsection (d) of this section, in the United States or in the importing of such new products, for sale or resale, and (2) any person whose brand or trademark appears on the product who owns such brand or trademark and has authorized its use on such product, if the brand or trademark of the person actually manufacturing or assembling the product does not appear on the product.

(b) The term "appliance" means any item of equipment which provides heating, cooling, cleaning, washing, drying, entertainment, or other services by converting energy in the form of fossil fuels or electricity into thermal energy or work and is generally used in or around a permanent or temporary household or residence, or in a commercial establishment.

(c) The term "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway but excludes military vehicles designed for combat use or other vehicles designed for use in experimental work.

(d) The term "product" means any appliance or motor vehicle.

(e) The term "energy efficiency" means the energy use of a product relative to its output of services, as determined through test procedures contained or identified in a Specification.

(f) The term "energy use" means the energy resources used by a product under conditions of use approximating actual operating conditions insofar as practical, as determined through test procedures contained or identified in a Specification.

(g) The term "consumer" means the first person who purchases a new product for purposes other than resale.

(h) The term "class of product" means a group of products whose functions or features are similar, and whose range of energy use and/or energy efficiency may be of interest to consumers.

(i) The term "Specification" means a final Energy Conservation Specification or amendment thereto promulgated under section 1406 of this Title.

(j) The term "Label" means an article of printed matter accompanying a product or printed material appearing in a catalog from which a product may be purchased by order.

(k) The term "commerce" means commerce (1) between a State and any other place outside thereof or (2) which affects commerce between a State and any place outside thereof.

(l) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, territories and possessions of the United States, or the Trust Territory of the Pacific Islands.

(m) The term "United States" when used in the geographic sense means all of the States as defined in subsection (l).

FUNCTIONS

SEC. 1404. (a) The President is authorized to develop and promulgate Energy Conservation Specifications for the following classes of products: motor vehicles, room and central air conditioners, refrigerators, freezers, clothes washers, dishwashers, clothes dryers, kitchen ranges and ovens, water heaters, and comfort heating equipment. Additional classes of appliances which use a significant amount of energy and which have an actual or potential range of energy efficiency from which consumers can choose may be added to the products enumerated in this subsection by the President pursuant to rulemaking procedures as set out in section 553 of title 5 of the United States Code.

(b) In carrying out the functions authorized under this Title the President may consult with appropriate Federal agencies, affected manufacturers, distributors, retailers, consumer and environmental organizations and other interested parties.

SEC. 1405. (a) Each Specification promulgated under this Title shall include but need not be limited to:

(1) A description of the class of product covered by the Specification.

(2) The range of energy efficiency and energy use data for that class of product as provided in section 1206 of this Title.

(3) Listings or descriptions of test methods to be used in measuring the energy efficiency and/or energy use characteristics of the class of product. Such test methods shall be methods the President determines are reasonable, technologically practicable, and appropriate.

(4) A prototype Label and directions for displaying the Label. The Specification shall require that the Label be prominent and readable, and be visible to the consumer at time of purchase. The Specification shall specify the information that shall be included on the Label to assist the consumer in comparing, by cost or amount of energy used or otherwise, the energy efficiency and/or energy use characteristics of a particular product with all others in its class. The Label shall also include the Energy Conservation Mark specified in section 1409.

(5) A statement covering the information on the energy use and/or efficiency characteristics of the product which is to be included in any product advertisement pursuant to section 1408 of this Title.

(b) Wherever feasible the test methods listed or described in the Specification pursuant to subsection (a)(3) of this section shall be those described in existing nationally recognized voluntary standards or international standards.

PROCEDURE FOR PROMULGATION AND AMENDMENT SPECIFICATIONS

SEC. 1406. (a) Specifications shall be promulgated and amended pursuant to the provisions of section 553 of title 5 of the United States Code. Interested persons shall be given thirty days after publication in the Federal Register of the notice of intent to promulgate or amend a Specification to submit written comments on such Specification or such other time as the President determines is in the public interest.

(b) A Specification or amended Specification shall be effective sixty days after publication in the Federal Register, unless the President finds that an earlier or later effective date is in the public interest, or unless the range of energy efficiency and/or energy use for the product group which is the subject of the Specification is not known at the time of publication.

(c) If the range of energy efficiency and/or energy use for a product group is not known at the time of publication of the applicable specification, the specification shall direct each manufacturer of a product in the product group to forward to the President within forty-five days after publication, or within such other period as the President determines is in the public interest, test data obtained through the test methods prescribed in the specification for each such product. On the basis of the information received from such manufacturers and without further opportunity for public comment, the President shall publish a range of energy efficiency and/or energy use values as an adjunct to the specification. A specification for which ranges are established pursuant to this subsection shall become effective sixty days after publication of the adjunct unless the President finds that an earlier or later date is in the public interest.

(d) Specifications and amendments to specifications shall not apply to individual products, the manufacture of which was completed prior to the effective date of the specification or amendment.

(e) Any final voluntary energy conservation specification promulgated under the Department of Commerce voluntary labeling program prior to the effective date of this title and in accordance with the procedural requirements of this section shall be deemed to be a specification promulgated and effective under this title.

REQUIREMENTS OF MANUFACTURERS

SEC. 1407 (a) Each manufacturer of a product or products for which a specification and effective date has been promulgated under this title shall provide a label that meets and is displayed in accordance with the requirements of that specification.

(b) Each manufacturer of a product or products for which a specification has been promulgated under this title shall notify the President, not later than sixty days after the date of such specification becomes effective, of the models in current production and starting serial numbers of those models, covered by the specification.

(c) If requested by the President the manufacturers shall provide within thirty days of the request the data from which the information included on the label and required by the specification was derived. Data shall be kept on file by the manufacturer for two years after that product is no longer manufactured unless otherwise provided in the specification. Pursuant to regulations issued by the President the use of independent test laboratories or national certification programs available to any manufacturer is authorized for obtaining required information for the purposes of this title.

(d) When requested by the President, the manufacturer shall supply at his expense a reasonable number of products to any laboratory designated by the President for the purpose of ascertaining whether the information set out on the Label, as called for by an applicable Specification, is accurate. Any reasonable charge levied by the laboratory for such testing will be borne by the United States.

(e) A Specification may require the manufacturer or his agent to permit a representative designated by the President to observe and inspect tests performed on products under the terms of this Title.

(f) Each manufacturer of a product for which an applicable Specification has been promulgated by the President shall annually at a time specified by the President supply to the President relevant energy efficiency and/or energy use data on each currently manufactured product covered by a Specification.

(g) Manufacturers shall use Labels reflecting revised energy efficiency and/or energy use ranges on all affected products manufactured after the expiration of sixty days following the publication of a revised table of ranges. Such ranges may be revised by the President only on an annual basis.

ADVERTISING

Sec. 1408. Any manufacturer, distributor, wholesaler, importer, or retailer of products for which a Specification has been promulgated and is effective who advertises or causes to be advertised the energy characteristics of any such product through any communications medium must include in such advertisement all information on the product required by the Specification applicable to such product. This section shall not apply to printed material appearing in a catalog from which a product may be purchased by order.

ENERGY CONSERVATION MARK

Sec. 1409. There shall be developed an Energy Conservation Mark which shall be registered in the United States Patent Office under section 4 of the Act of July 5, 1946 (60 Stat. 429; 15 U.S.C. 1054) for use on each Label described in a Specification.

CONSUMER EDUCATION

Sec. 1410. Governmental agencies as directed by the President shall in close cooperation and coordination with appropriate industry trade associations and industry members including retailers, and interested consumer and environmental organizations carry out a program to educate consumers relative to the significance of the labeling program.

PREEMPTION

Sec. 1411. It is hereby declared to be the express intent of Congress that this title supersedes any and all laws and regulations promulgated thereunder of the States or political subdivisions thereof insofar as they may now or hereafter provide for the disclosure of energy use or consumption, energy efficiency, efficiency ratio, or annual operating cost of any product if there is in effect and applicable any specification with respect to such product.

GENERAL PROVISIONS

Sec. 1412. (a) The President is authorized to issue such regulations, including recordkeeping, reporting requirements, and the use of foreign laboratories or programs in other countries for testing required under the title on a reciprocal basis or otherwise, as he deems necessary to carry out the provisions of this title.

(b) The President may delegate any authority conferred upon him by this title to any officer, employee, agency, or instrumentality of the United States.

(c) Trade secrets or other matter referred to in section 1905 of title 18 of the United States Code obtained under the provisions of this title shall be considered confidential for the purposes of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title when relevant in any proceeding under this title.

SUBPENA

Sec. 1413. The President may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, records, papers, and other documents and may administer oaths. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of contumacy by, or refusal to obey a subpena served upon any person subject to this title, the President may request the Attorney General to seek an order from the district court of the United States for any district in which such person is found or resides or transacts business requiring such person to appear and give testimony, or to appear and produce documents.

ANNUAL REPORT

Sec. 1414. The President shall prepare and submit an annual report to the Congress on April 1 of each year concerning the administration of this title.

EXPORTS

Sec. 1415. This title shall not apply to any product if (1) it can be shown that such product is manufactured, sold, or held for sale for export from the United States (or that such product was imported for export), unless such product is in fact distributed in commerce for use in the United States, and (2) such product when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such product is intended for export.

IMPORTS

Sec. 1416. Any product offered for importation in violation of section 1417 shall be refused admission into the United States under regulations issued by the President except that the President may, by such regulations, authorize the importation of such product upon such terms and conditions (including the furnishing of a bond) as may appear to him appropriate to ensure that such product will be properly labelled as required by this Title, or will be exported or abandoned to the United States.

PROHIBITED ACTS

Sec. 1417. It shall be unlawful for any person to:

(a) Offer for sale in, sell in, introduce into or deliver for introduction into commerce, or import for sale or resale, any new product manufactured after the effective date of a Specification applicable to such product unless there is provided with such product a Label meeting the requirements of the applicable Specification, including any requirements as to manner of display;

(b) Offer for sale in, sell in, introduce into or deliver for introduction into commerce, or import for sale or resale, any new product manufactured after the effective date of a Specification applicable to such product if the label required to be provided with such a new product contains misleading or inaccurate information concerning energy use and/or efficiency;

(c) Remove any label required to be provided with a new product pursuant to a Specification promulgated under this Title before sale to the consumer;

(d) Advertise any product in violation of the provisions of section 1408;

(e) Fail to or refuse to permit access to, or copying of, records or fail to or refuse to make reports or provide information required to be supplied under section 1406(c) or 1407 or any other provision of this Title within the time limits provided, if any; or

(f) Fail to or refuse to comply with requirements of section 1407(d) or (e) of this Title.

ENFORCEMENT

Sec. 1418. Whoever violates any provision of section 1417 shall be subject to a civil penalty of not more than $10,000 for each violation. Civil penalties assessed under this Title may be compromised by the President, taking into account the nature and degree of the violation and the impact of the penalty upon a particular respondent.

INJUNCTIVE ENFORCEMENT AND SEIZURE

Sec. 1419. (a) The United States district courts shall have jurisdiction to restrain any violation of section 1417. Such actions may be brought by the Attorney General in any United States district court for a district wherein any act, omission, or transaction constituting the violation occurred, or in such court for the district wherein the defendant is found or transacts business. In any action under this section process may be served on a defendant in any other district in which the defendant resides or may be found.

(b) Any product which is not labeled as prescribed by an applicable Specification promulgated under this Title when introduced into or while in commerce or while held for sale after shipment into commerce shall be liable to be proceeded against on libel of information and condemned in any United States district court within the jurisdiction of which such product is found. Proceedings in cases instituted under the authority of this subsection shall conform as nearly as possible to proceedings *in rem* in admiralty. Whenever such proceedings involving substantially similar products are pending in courts of two or more judicial districts, they shall be consolidated for trial by order of any such court upon application seasonably made by any party in interest upon notice to all other parties in interest.

JUDICIAL REVIEW

Sec. 1420. (a) Any person who will be adversely affected by a Specification or amendment thereto promulgated under this Title when it is effective may at any time prior to the sixtieth day after such Specification or amendment thereto is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review thereof. A copy of the petition shall be forthwith transmitted by the clerk of the court to the President or other officer designated by him for that purpose. The President thereupon shall file in the court the record of the proceedings on which the standard or regulation was based as provided in section 2112 of title 28 of the United States Code.

(b) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the Specification in accordance with chapter 7 of title 5 of the United States Code and to grant appropriate relief as provided in such chapter.

(c) The judgment of the court affirming or setting aside, in whole or in part, any such Specification shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(d) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

SEPARABILITY

Sec. 1421. If any provision of this Title or the applicability thereof is held invalid the remainder of this Title shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

Sec. 1422. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Title. Appropriations to carry out the provisions of this Title may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

Mr. FANNIN. Mr. President, I wish to explain the amendment.

As I stated, this language was proposed in the President's energy package as title XII, the National Appliance and Motor Vehicle Energy Labeling Act. It addresses the problem of energy wasted by inefficient appliances.

Statisticians tell us that cars, trucks, and other motor vehicles consume roughly 45 percent of all the petroleum used in this country. Major home appliances—such as air conditioners, water heaters, refrigerators, dishwashers, and stoves—account for one-third of residential energy use. Of course, not all brands and models use energy with equal efficiency. With these modern conveniences contributing in such large measure to our national energy consumption, there should be a basis for comparison. It is high time the American consumer was given the opportunity to make an informed choice between similar products based on how much they will add to his electric bill, or cost him at the gas pump.

My amendment would make that kind of choice possible by authorizing the President to promulgate conservation specifications for these products and require labeling to show how each product measures up to specifications. Virtually every class of motor vehicle and major home appliance sold in this country would be displayed on every item, plainly visible to the customer. Americans could buy not only on the basis of how much an item costs at the cash register, but on the basis of how much it will cost to operate as well.

Americans are more than ever aware of the need for conservation, and are willing to do their part to conserve energy. Failure by the Congress to enact measures such as this one, which would enable people to conserve, is irresponsible and plainly anticonsumer.

Mr. President, we have many sources of energy and we only yesterday were discussing the coal situation in this country. I certainly share in the statement made by the distinguished Senator from Virginia, that we did take a move backward yesterday. But we took that move. We are facing now a conference and I hope we can do something about the legislation that was passed. I feel it was disastrous legislation, but I am offering, today, something that is just in the opposite direction.

Additionally, Mr. President, in the areas of energy research we have great hopes for coal gasification and coal liquefaction, as was stated by the distinguished Senator from Virginia and as acknowledged and further elaborated on by the Senator from Georgia. But we have not, as yet, perfected an economical way of carrying through the processing of this coal to provide either the liquid or the gaseous products. So we will continue that research. I certainly am very proud that Congress has provided a means of doing so.

We have great hopes for geothermal sources of energy. We have successful geothermal operations in some parts of the country, especially at Geyserville in northern California.

To give an idea as to what that means, the city of San Francisco uses a few thousand megawatts a day, and soon they will be furnishing from this one operation, the amount of electricity that is being utilized in San Francisco. So it is a great step forward.

But still, what are we doing about the great number of appliances that we have in operation throughout this Nation, and what are we doing about letting the public know whether or not they are buying an efficient appliance?

They are all conscious, now, talking about the mileage on cars, talking about what is being done as far as pollution is concerned, and how this is costing additional money. All I am doing in this proposal, Mr. President, is define what is involved and get the definition of what would be covered.

The term "appliance" means any item of equipment which provides heating, cooling, cleaning, washing, drying, entertainment, or other services by converting energy in the form of fossil fuels or electricity into thermal energy or work and is generally used in or around a permanent or temporary household or residence, or in a commercial establishment.

In other words, we are trying to cover almost all of the appliances, whether commercial or domestic, that are utilized by the people of this country.

The term "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway but excludes military vehicles designed for combat use or other vehicles designed for use in experimental work.

The term "product" means any appliance or motor vehicle.

So I feel that we have a clear classification and a clear understanding of the legislation, as to what would be involved specifically.

The President, in this bill, is authorized to develop and promulgate energy conservation specifications for the following classifications of products: motor vehicles, room and central air conditioners, refrigerators, freezers, clothes washers, dishwashers, clothes dryers, kitchen ranges and ovens, water heaters, and comfort heating equipment. Additional classes of appliances which use a significant amount of energy and which have an actual or potential range of energy efficiency from which consumers can choose may be added to the products enumerated in this subsection by the President pursuant to rulemaking procedures as set out in section 553 of title 5 of the United States Code.

Mr. President, what we are talking about is making it possible to conserve the different products being utilized by people throughout this Nation, the fossil fuel products, the products that have a great connection with the economy of our country and with the comfort and pleasure of the people of our country. Here we have an opportunity to conserve, for instance, natural gas and electricity.

When we talk about conservation of natural gas, we hope to get in this bill, though not in this particular amendment, a provision that would deregulate natural gas, because we are running out of natural gas, Mr. President. That is something that we must recognize. Many of the people of this country cannot utilize their appliances which may be gas now. If they move into an area where there is not natural gas, in many instances, they cannot get that service. This is something of great magnitude, if we consider that billions of dollars' worth of appliances could be made obsolete and not usable if we run out of natural gas in a certain area of the country.

People may think that is a wild statement, but it could be a reality, unfortunately, someday, because we are overutilizing our products, especially those which use natural gas because of its low price. A mistake was made many years ago when the Federal Power Commission took over the regulation of natural gas, and as a result of it we stopped utilizing coal. In many instances, we have stopped utilizing oil and have replaced it with natural gas. Many conversions have been made.

What my amendment does is encourage changing around. We will have other amendments that further encourage this changeover back to coal, where, in many instances, they were years ago.

In carrying out the functions authorized under this title the President may consult with appropriate Federal agencies, affected manufacturers, distributors, retailers, consumer and environmental organizations, and other interested parties.

In other words, what we are trying to do is bring everyone into this picture, and get the cooperation of everyone and coordinate this effort so that we can do something about the utilization of these vital fuels that many times are in very short supply, and getting into shorter supply.

I feel that we can specify exactly what an appliance will do; it is very easy to place upon a range, for instance, the energy efficiency in use of that product. This is all provided for in the legislation, with provision for listings or descriptions of test methods to be used in measuring the energy efficiency and/or energy use characteristics of the class of product. Such test methods shall be methods the President determines are reasonable, technologically practicable, and appropriate for all of this class of merchandise.

The label is supposed to include information to assist the consumer in comparing, by cost or amount of energy used or otherwise, the energy efficiency and/or energy use characteristics of a particular product with all others in its class. The label shall also include the energy conservation mark specified elsewhere in the amendment.

Mr. President, we see many advertisements each day, and hear them on the radio, that say "This car will get so many miles per gallon," but then you get another number of miles per gallon in use. This label requirement would be absolute, with the manufacturer being held responsible for the statements that are made.

A statement covering the information on the energy use and/or efficiency characteristics of the product which is to be included in any product advertisement is required.

Wherever feasible the test methods listed or described in the specification shall be those described in existing nationally recognized voluntary standards or international standards.

Mr. President, the reason why I am going into detail on this is that I do feel it is highly essential that everyone understand it. In other words, all the Members of our body will understand that this is a procedure that can be policed without a great deal of difficulty. It is not going to require additional cost of any great magnitude. Certainly there will be tests which should be made, and those testing operations will result in savings to the customer, because if an appliance is tagged, it will create a competitive condition.

In other words, I do not say that they should utilize this in their advertising. In fact, we cover that in the amendment.

If the range of energy efficiency and/or energy use for a product group is not known at the time of publication of the applicable specification, those specifications will be made available to the public, and they will also be available to other manufacturers that would be involved, in competition or otherwise. The specification shall direct each manufacturer of a product in the product group to forward to the President within 45 days after publication, or within such other period as the President determines is in the public interest, test data obtained through the test methods prescribed in the specification for each such product.

These requirements of the manufacturers are detailed. I do not think I should take the time to read every detail. We hope that the Members of the Senate will understand that this has been very thoughtfully carried through. There has been a great deal of effort put forth in the wording of this particular amendment, so that it will be something that can be lived with for a great number of years.

Mr. President, there is latitude, but still there are very specific requirements. It is not the desire to in any way favor one article or another, or one manufacturer or another, but any manufacturer involved in advertising.

I would just like to elaborate on that for a moment.

Any manufacturer, distributor, wholesaler, importer, or retailer of products for which a specification has been promulgated and is effective who advertises or causes to be advertised the energy characteristics of any such product through any communications medium must include in such advertisement all information on the product required by the specification applicable to such product. This section shall not apply to printed material appearing in a catalog from which a product may be purchased by order.

This is a safety measure, to be sure that the manufacturer has met the requirement of making clear to the buying public exactly the performance of his particular item of sales; that is, the appliance or automobile, whatever might be involved.

There is to be developed, too, an energy conservation mark which shall be registered in the U.S. Patent Office for use on each label described in a specification.

Then, too, Mr. President, in order that this will work more beneficially and advantageously, there will be a consumer education program provided for in the legislation. Governmental agencies as directed by the President shall, in close cooperation and coordination with appropriate industry trade associations and industry members including retailers, and interested consumer and environmental organizations, carry out a program to educate consumers relative to the significance of the labeling program.

Mr. President, I do feel that the amendment is all-encompassing, covering many of the requests that have been made by Members of this body, and would be extremely helpful to this legislation.

The President shall prepare and submit an annual report to Congress on April 1 of each year concerning the administration of this measure. So we do have control over what is being done. And something that is very important, in order that we can be competitive on the world market.

This title shall not apply to any product if: first, it can be shown that such product is manufactured, sold, or held for sale for export from the United States—or that such product was imported for export—unless such product is in fact distributed in commerce for use in the United States; and second, such product when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such product is intended for export.

The reason for that, Mr. President, is that we are in competition with other countries of the world that do not require certain specifications that are required here in this country. Many times, in order to be competitive, perhaps products that are less costly are going to be needed to meet the competition. So that is very important.

But when imports are coming in, any product offered for importation in violation of section 1417 shall be refused admission into the United States under regulations issued by the President except that the President may, by such regulations, authorize the importation of such product upon such terms and conditions—including the furnishing of a bond—as may appear to him appropriate to ensure that such product will be properly labeled as required by this title, or will be exported or abandoned to the United States.

The reason for this is that certainly manufacturers in this country are entitled to protection. We do not want low cost imports, inferior in quality, to be sold in this country to establish competition to the products that are being made in accordance with the provisions of this amendment.

So, Mr. President, I feel that we have an amendment that would be extremely helpful, and would add considerably to the importance of this legislation. I trust that the distinguished manager of the bill will be willing to accept the amendment. I realize it is a very long amendment, but I would appreciate any comments that he may have.

Mr. BUMPERS. Mr. President, the amendment offered by the distinguished Senator from Arizona, designated as title 12 of the so-called energy omnibus bill, has been introduced here and referred to the Committee on Commerce, where hearings have been held. Our distinguished colleague from California (Mr. TUNNEY), who is chairman of the subcommittee that is considering this legislation, has held hearings and will soon be ready to report it out. He is here, and I would like to yield to him.

Mr. TUNNEY. I thank my colleague, the floor manager of the bill.

I would hope that the Senator from Arizona would be prepared to withdraw this amendment.

I understand full well why he is moving it at this time—because of the great concern that he has that we develop a national energy program as soon as possible to meet our national needs—and the President's bill which relates to appliance and motor vehicle labeling is a very worthy suggestion, a legislative proposition that deserves the closest scrutiny by the Senate.

However, the Commerce Committee is at the present time holding hearings on this legislation. We have already conducted 3 days of hearings, as I recall, that I chaired.

We have had witnesses from the Environmental Protection Agency, from the Council of Environmental Quality Administration, we have had witnesses from industry testifying as to what they think is needed and the modifications that have to be made in the various proposals that have been suggested.

I can assure the Senator from Arizona that I, for one, am very interested in seeing an energy labeling proposal come out of the Commerce Committee within the next 2 or 3 weeks.

I introduced a bill on energy labeling 2 years ago and had the interesting situation develop where the administration opposed the legislation for mandatory labeling and the very same administration witnesses came before our committee this year and supported the legislation.

So we are working on it and I can assure the Senator we will get this bill to the floor within the next month. At that point if the very distinguished senior Senator from Arizona has any problems with it and he feels that the approach the Commerce Committee has taken is not consistent with the approach he feels ought to be adopted, if the administration feels that there ought to be amendments offered to legislation that the Commerce Committee passes out, it would seem to me that would be the appropriate time to offer those amendments rather than using what I would call rather violent surgery at this particular point in time and using a transplant method of surgery to accomplish a result which I do not think is going to be in the best legislative interests of this body.

Mr. FANNIN. Mr. President, may I respond?

Mr. TUNNEY. I yield to the Senator.

Mr. FANNIN. I wish to express my appreciation to the distinguished Senator from California.

I understand that some of the provisions in this amendment are being considered by the Commerce Committee. As the Senator from California well knows, many times we have provisions in approved legislation that are later considered in other legislation. I do feel that this is germane.

When the Senator speaks of surgery and what is involved in this bill, I know that this particular amendment is one that has been considered by the Commerce Committee before. We certainly realize that it is very important. We are talking about a time problem and I am very hopeful that this amendment can be included in this particular piece of legislation. But also, if there is additional coverage, then it might be in the bill the Senator is referring to coming out of the Commerce Committee.

But we have been discussing this particular subject and I know the Commerce Committee has had legislation concerning it for many months. In fact, I think when we first started discussing this, when we were on Senate Resolution 45 about 4 years ago, we talked about coming out with this type of legislation. We discussed it in other legislation even last year.

But we have waited since the spring of 1971 and still we do not have the legislation.

So rather than take a chance, though I certainly realize that the Senator is assuring us to the greatest of his ability, and I trust the Senator implicitly, I feel that we have an obligation to include in this bill what we think would be most beneficial and helpful in solving the energy problem facing us today.

Mr. TUNNEY. Will the Senator yield?

Mr. FANNIN. I am glad to yield.

Mr. TUNNEY. Do I have the time or does the Senator from Arizona have the time?

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. TUNNEY. I would like to say to my distinguished colleague that I can understand the spirit in which he offers this amendment.

I would point out two things as a prelude to a tabling motion that I am going to make if the Senator from Arizona feels that he cannot withdraw the amendment.

First, this legislation, or a bill on energy labeling, it was appliance labeling actually, passed the Senate last year and it was not considered by the House of Representatives because of a problem that they had in their Commerce Committee and Interstate and Foreign Commerce Committee in scheduling dates for hearings. As a result of that, no action was taken on the appliance labeling section of the amendment that the Senator from Arizona has introduced.

But we do have in the Senate a track record for moving this kind of legislation and we want to move it and we want to move it quickly.

Secondly, I would point out that on February 5, 1975, Senator SCOTT, when he introduced the administration's energy package, asked for a unanimous-consent agreement, which was granted, to refer various elements of the program to various committees and the energy labeling component of the administration's package was sent exclusively to the Commerce Committee, not to the Interior Committee and the Commerce Committee, but to the Commerce Committee, and we have moved expeditiously.

I have chaired the hearings. We intend to move this legislation out, as I said, within a month's time, and I would just hope that the Senator, on the basis of the undertakings I am making on the floor of the Senate today, would find his way clear to withdraw the amendment.

If the Senator feels he cannot, I will be required to move to table.

Mr. FANNIN. Will the Senator yield?

Mr. TUNNEY. Yes, I yield.

Mr. FANNIN. I think if the Senator will refer to page 45, the table of contents of S. 622, the bill we have before us now, the Senator will see that we have included items that could be challenged by several committees. As the Senator is very well aware, there is seldom a piece of legislation that comes on this floor that does not pose a question of jurisdiction of whether or not it should be in this committee or that committee.

I think the importance of this particular amendment, and what it covers is what must be considered.

In other words, if we say that we are going to table any amendment that comes up, which might be under consideration in some other committee, I think we could probably table a third of the table of contents that we have in this bill.

So I hope that the Senator will reconsider what he has said, because I know that in his great State of California this would be very important.

The Senator from Arizona happens to have been in the appliance business, purchased many carloads of appliances from manufacturers in California and is very familiar with what is involved as far as the manufacturer is concerned in his State, and the importance that this bill has to his particular State.

So I would hope that the Senator might permit an up and down vote on the amendment. This is all that I think would be necessary. Then at the time that the legislation he is referring to comes on the floor, I would certainly support any additions or any changes that would be beneficial.

As was brought out by Senator SCOTT some time ago, this was lifted from that particular legislation referred to.

But we could just take any number of these items in the table of contents and have the same argument as the Senator from California is making.

Mr. TUNNEY. Well, I see that I cannot get my distinguished friend to change his mind.

I understand why the Senator feels that he has to do what he is doing. I just say that I think it is a poor way to legislate.

We have the administration's bill before our committee. Testimony indicated that there are going to have to be significant changes not only in the administration's proposal, but the proposal I introduced as a separate bill.

We are at the present time working with the administration, we are working with the industries that are involved, we are working with other Senators, attempting to come up with a legislative package which will be most beneficial to consumers and industry alike.

It does seem to me that with that kind of work and the many hours of hearings we have under our belt, with the many hundreds of hours of negotiations that are ongoing now with the administration and with industry and consumer groups, it just does not make sense to attempt to short-circuit this procedure by having the administration's proposal accepted on the floor as it was introduced.

Therefore, Mr. President——

Mr. FANNIN. Mr. President——

Mr. TUNNEY. Yes.

Mr. FANNIN. I would just like to say to the distinguished Senator from California, I certainly applaud his efforts on the legislation and the additional stipulations that will be involved in the bill that he is referring to.

But I just cannot agree that the jurisdiction of the content of this particular amendment is the sole propriety of the Commerce Committee.

The Finance Committee, as far as that is concerned, and the Interior Committee, both have been involved in the different subjects of this particular amendment.

So I think we will always have this argument to contend with. I think the Senator will agree. If we could simply have an up or down vote on this amendment——

Mr. TUNNEY. Fine.

Mr. FANNIN. We will be moving along.

Mr. TUNNEY. Fine.

Mr. FANNIN. On that basis.

Mr. TUNNEY. I understand.

Mr. President, I would like to ask first a unanimous consent for floor privileges for Michael Pertschuk, Barry Hyman, Lynn Sutcliffe, Art Pankopf, Mal Sterrett, and Dan Jaffe of the Commerce Committee during consideration of this legislation.

The PRESIDING OFFICER. Are they staff members?

Mr. TUNNEY. Members of the Committee on Commerce.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I move to table the amendment of the distinguished Senator from Arizona.

The PRESIDING OFFICER. The question is on the motion to table——

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I withdraw amendment No. 116.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I am authorized to propound the following unanimous-consent request, after having discussed the unanimous-consent request with various Senators on this side of the aisle and with various Senators on the other side of the aisle, including the leadership on the other side of the aisle. I shall make it all in a package before the Chair puts the request.

Mr. President, based on the understanding that if the consent request is agreed to, there will be no session of the Senate tomorrow so as to allow the Committee on Finance to work on the tax bill without interruption by rollcalls, quorum calls, votes, et cetera; with the further understanding that the tax bill will be taken up in the Senate on Monday, if it is reported prior to that time and if it is ready for floor action by Monday; if, in the alternative, it is not, that it be taken up no later than Tuesday of next week; with the understanding also that if the requests are agreed to, further action on S. 622 will be postponed until after the Senate returns following Easter; and with the further understanding that S. 622 will be the pending business when the Senate returns; I ask unanimous consent that further debate on S. 622 be limited to 8 hours, to be equally divided between and controlled by Mr. JACKSON and Mr. FANNIN; that time on any amendment in the first degree be limited to 1 hour; that time on any amendment in the second degree be limited to 30 minutes; that time on any debatable motion or appeal or point of order be limited to 20 minutes; all of which are to be equally divided and controlled in accordance with the usual form; that no nongermane amendment be in order; that the agreement be in the usual form; that S. 622 be laid aside upon the agreement to these requests; and that it be made the pending order of business upon the convening of the Senate following Easter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That when the Senate reconvenes following Easter, it shall resume the consideration of S. 622, the so-called "Standby Energy Authorities Act," and that debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any amendment in the second degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the author of the amendment in the first degree, and that debate on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 8 hours, to be equally divided and controlled, respectively, by the Senator from Washington (Mr. JACKSON) and the Senator from Arizona (Mr. FANNIN): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators for their cooperation. I ask that S. 622 now be laid aside in accordance with the understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I think I should state that there may be further rollcall votes today—not on S. 622, but on one or two other matters. Therefore, I ask the Senators simply to keep that in mind until they hear further.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO FILE REPORTS ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs have authority to file reports on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE REPORTS DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess over until Monday, all committees may be authorized to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess over until Monday, the Secretary of the Senate be authorized to receive messages from the other body and from the President of the United States, and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE OR THE ACTING PRESIDENT PRO TEMPORE TO TAKE ACTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess over until Monday, the Vice President of the United States, the President pro tempore, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD, DESIGNATING PERIOD FOR ROUTINE MORNING BUSINESS, AND CONSIDERATION OF SENATE RESOLUTION 111

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the two leaders or their designees have been recognized under the standing order, Mr. GRIFFIN be recognized for not to exceed 15 minutes, to be followed by the junior Senator from West Virginia for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 10 minutes, with statements limited therein to 2 minutes each, at the conclusion of which the Senate will proceed to the consideration of Senate Resolution 111, which is the continuing resolution dealing with moneys for committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 66

Mr. ROBERT C. BYRD. Mr. President, upon the disposition of Senate Resolution 111, I ask unanimous consent that the Senate proceed to the consideration of S. 66, a bill to amend title 8 of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training, and that this program for Monday will be in effect, provided the tax bill has not been reported and ready for Senate floor action on Monday; further provided that, in any event, as was stated earlier, and which I believe is already a part of the earlier consent request, the tax bill will be taken up no later than Tuesday, if it is reported and ready for floor action by that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDESIGNATION OF NOVEMBER 11 AS VETERANS DAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 34, S. 331.

The **PRESIDING OFFICER.** The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 331) to redesignate November 11 of each year as Veterans Day and to make such day a legal public holiday.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment in line 3, strike out "1977" and insert "1978" in lieu thereof, so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective January 1, 1978, section 6103(a) of title 5, United States Code, is amended by striking out—

"Veterans Day, the fourth Monday in October."

and inserting in lieu thereof—

"Veterans Day, November 11.".

Mr. ROBERT C. BYRD. Mr. President, I would like the RECORD to show that I support this bill and I am voting in favor of it.

The **PRESIDING OFFICER.** The RECORD will so show.

Mr. HRUSKA. Mr. President, the Senate now moves to consider S. 331, a bill which has as its purpose the restoration of November 11 of each year as Veterans Day. This matter was favorably reported by the Judiciary Committee on March 12.

A nearly identical measure passed the Senate on October 11 of last year. Unfortunately, the other body was unable to act on the earlier bill before adjournment of the 93d Congress.

The desire for this bill has resulted from the confusion and resentment caused by passage of the Monday holiday law in 1968, Public Law 90-363. That legislation established a uniform holiday schedule and, among other things, moved the Federal celebration of Veterans Day from November 11 of each year to the fourth Monday in October.

Since enactment of the Monday holiday law, 42 States have moved to restore the observance of Veterans Day to its traditional date. Two States had never changed to conform with Federal law.

Last year, the Judiciary Committee determined, on balance, that the overwhelming majority of Americans want November 11 to be the recognized date for this important event. Although a Monday observance of Veterans Day provides American families with a 3-day weekend, the committee was convinced that a departure from the traditional commemoration has resulted in an unfortunate lessening of participation in Veterans Day events throughout the Nation. The committee concluded, therefore, that passage of this bill, bringing Federal law again into conformity with a vast majority of our States, would aid substantially in the preservation and furtherance of this event which is important to so many of our citizens.

This bill has the full support of the major veterans organizations: The American Legion, Veterans of Foreign Wars, Veterans of World War I, Non-Commissioned Officers Association, Disabled American Veterans, and American Veterans of World War II, Korea and Vietnam.

S. 331 was amended in the Judiciary Committee to extend by 1 year—to January 1, 1978—the effective date of this legislation. Thus, Veterans Day would be celebrated as a Monday holiday for the last time in 1977. A delay of an additional year was considered advisable by the committee in order to accommodate those who arrange Veterans Day events, as well as the calendar industry, whose printing schedule does not permit a high degree of flexibility. The committee believes this will promote convenience and reduce the confusion that may result from this important change.

It is my hope that favorable action can be taken on this important legislation to a point of early enactment.

Mr. HATHAWAY. Mr. President, let me say at the outset that I do not want my opposition to this bill to be construed as being unpatriotic in any way in view of the laundry list of veterans organizations that backed this change in the holiday schedule.

I am a veteran of World War II and a member of the American Legion and the Veterans of Foreign Wars, which I understand support this bill.

Although I can be very sympathetic with their plea, this is the same plea at the time we originally changed over to the Monday holiday law.

The same plea was made not only with respect to the November 11 so-called Armistice Day, but with respect to Memorial Day, as well.

Actually, there is nothing really magic about November 11 in terms of honoring the veterans of our wars, and I presume that Armistice Day is for that purpose. It marks the armistice of World War I. But there are other American veterans, both living and dead, who fought in wars that ended on many different dates:

The American Revolution on January 20, 1783; the War of 1812 on February 17, 1815; the War Between the States, May 29, 1865; the Spanish-American War on December 10, 1898; World War II, which ended on September 2, 1945; the Korean war, which ended July 27, 1953; and the end of the war in Vietnam on January 27, 1973.

So, of eight major wars we have had in our history, one did end with the armistice signed November 11, but all of the others on different dates.

The major concern I have with this bill is the fact that we do not need this date to be celebrated on November 11. It can just as easily be celebrated on Monday as well as all other holidays, save with the exception of Christmas and New Year's.

As I mentioned at the outset of my remarks, veterans organizations are also concerned about changing Memorial Day from a Monday holiday back to the May 30 date which we had before.

I am afraid that once we enact this legislation, the veterans organizations will be back again saying, "Well, you did it for us for Armistice Day, how about Memorial Day"; and after that the DAR, or some other organization will be saying, "What about George Washington's Birthday, let us change that back to February 22"; and all of the interest groups that were putting pressure on us years ago when we changed over to the Monday holiday law will be back in again pointing to this as an example, "If the Senate changed Veterans Day to November 11, why do they not do it for us with respect to our holidays?" Then we are going to destroy the entire Monday holiday law altogether.

I think that Monday holiday law really makes a lot of sense. People enjoy the long weekends. I would think that the vast majority of workers throughout this country would be opposed to this in view of the fact that they are going to lose another long weekend that they have enjoyed in the past.

There are fewer work interruptions. There are fewer traffic deaths. Certainly, in this time when we are considering our energy shortages, I think it is important to note the energy waste that we are going to have by having a startup and a closing in the middle of the week, which we will have if we change this from a Monday holiday law.

There are statistics which conclusively indicate that midweek holidays present the greatest threat to the Nation's motorists.

A report by the Department of Commerce shows that taking the danger rating for a typical nonholiday as 1, the danger rating of a midweek holiday is 1.83 as compared with a danger rating of only 1.18 for a 3-day holiday weekend.

We are killing in excess of 50,000 people a year on our highways. I think this is a significant factor to be considered with respect to the bill that is now pending before us.

Finally, let me say that all of the pros and cons of Monday holidays were thoroughly debated and considered during a very extensive hearing prior to the enactment of the law in 1966.

Just to rebut the point that some 40 States have already indicated that they want this changed back to November 11, I think we have seen time and time again where State legislatures have been pressured into doing things that we would not have been pressured into doing. The fact that we have an occupational health and safety law is a result of the fact that State legislatures never could pass such a law because of the undue pressures put upon them.

I think it is obvious to us at this stage of our history that it is much easier to put pressure on a State legislature than the National Legislature. The fact that some 40 States have adopted this I do not think is significant. The National Legislature took the lead with respect to the Monday holiday law. I think we should retain that lead and keep the law intact without any exceptions.

The **PRESIDING OFFICER.** The question is on agreeing to the committee amendment.

The amendment was agreed to.

The **PRESIDING OFFICER.** The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 331) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

[Disturbance in the galleries.]

The PRESIDING OFFICER. The galleries will be in order. Visitors in the galleries are guests of the Senate. The clerk will suspend until the Sergeant at Arms restores order in the galleries.

The clerk may proceed.

The call of the roll was continued.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER VACATING ORDER FOR ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to vacate the order for routine morning business on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT THERE BE NO ROLLCALL VOTES ON MONDAY PRIOR TO THE HOUR OF 3:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be no rollcall votes on Monday prior to the hour of 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 11 a.m. on Monday following a recess. After the two leaders or their designees have been recognized under the standing order, Mr. GRIFFIN will be recognized for not to exceed 15 minutes, after which Mr. ROBERT C. BYRD will be recognized for not to exceed 15 minutes, at the conclusion of which the Senate will proceed to the consideration of the continuing resolution providing funds for committees.

On the disposition of that resolution, the Senate will take up S. 66, the Public Health Service bill. Other matters that have been cleared for action on the Calendar by Monday may come up, some of which or all of which may be by unanimous consent.

Action on the tax cut bill, if reported and ready for Senate floor action on Monday, would supersede action on either of the two measures that I have already outlined.

In any event, there will be rollcall votes on Monday. The tax cut bill will be taken up no later than Tuesday provided it has been reported by the Finance Committee and is ready for floor action on Tuesday.

The Senate will not be in session tomorrow, thus giving the Committee on Finance, especially the Committee on Finance, an opportunity to work on the tax cut bill without interruption by rollcalls, quorum calls, and votes, and also giving other committees an opportunity to work on legislation for floor action at the earliest opportunity.

Under the circumstances, there is little else the Senate could accomplish by coming in tomorrow. It also happens that some of the Members on both sides of the aisle who are actively interested in the energy bills, are, additionally, members of the Finance Committee, which is working to report the tax bill. They cannot be in both places—on the floor and in Finance Committee—at the same time. So, the Senate will recess until Monday.

RECESS UNTIL 11 A.M. MONDAY, MARCH 17, 1975

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 11 a.m. on Monday next.

The motion was agreed to; and at 5:51 p.m., the Senate recessed until Monday, March 17, 1975, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 13, 1975:

DEPARTMENT OF JUSTICE

Ralph B. Guy, Jr., of Michigan, to be U.S. attorney for the eastern district of Michigan for the term of 4 years.

William B. Cummings, of Virginia, to be U.S. attorney for the eastern district of Virginia for the term of 4 years.

John E. Clark, of Texas, to be U.S. attorney for the western district of Texas for the term of 4 years.

Donald W. Wyatt, of Rhode Island, to be U.S. marshal for the district of Rhode Island for the term of 4 years.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

THE JUDICIARY

J. Smith Henley, of Arkansas, to be U.S. circuit judge for the eighth circuit.

Stanley S. Brotman, of New Jersey, to be U.S. district judge for the district of New Jersey.

HOUSE OF REPRESENTATIVES—*Thursday, March 13, 1975*

The House met at 12 o'clock noon.

Rev. Walter C. Karaveckas, St. Casimir Church, Pittsburgh, Pa., offered the following prayer:

Almighty God, who art all good, holy, and just, look upon this assembly of men who come here to represent the people of this Nation. Bless and guide them in their work. Moreover, we humbly beg Thee, Almighty God, to look upon the small nation of Lithuania and her great people who have been deprived of their independence. Help them not to lose hope and courage in their continuous struggle for freedom. Please, God, may the Lithuanian people be strengthened in their faith in Thee, in their love for their country, and hope to live once again as a free people. Continue to bless them in their current suffering and anxiety. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 23. Concurrent resolution to authorize the printing of additional copies of "The Congressional Program of Economic Recovery and Energy Sufficiency."

PERMISSION FOR COMMITTEE ON ARMED SERVICES AND THREE SUBCOMMITTEES TO SIT DURING 5-MINUTE RULE TODAY

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services, and three of its subcommittees: The Research and Development Subcommittee; the Seapower Subcommittee; and the Military Personnel Subcommittee be permitted to proceed this afternoon with their hearings on H.R. 3689, the fiscal year 1976 Department of Defense appropriation authorization request, during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

WITHDRAWING REQUEST TO EXTEND REMARKS NOTWITHSTANDING EXCESS COST

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to withdraw a request I made on yesterday to extend my remarks in the Record and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,320.50.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

FOREIGN ASSISTANCE APPROPRIATIONS

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I would like to reemphasize a point I have made previously, but I do believe it is worth repeating. When we consider our priorities, we cannot overlook the fact that hospitals are being built abroad with our money, while we are asked to restrain ourselves from building any more hospitals in this country. Our money is being spent overseas to build roads, yet in this country we have millions of dollars in impounded highway funds, our roads are being left to decay. Roads that are in need of improvement in my own State of Indiana are being left as is.

I will not vote for the Foreign Assistance Appropriations Act for the fiscal year 1975. I have long opposed aid to foreign lands that enjoy budget surpluses. You say we have a commitment to these foreign countries to lend a helping hand. Yet, do we not have a commitment to the people of our own country? Should we be forced to sacrifice for the sake of another far and distant land? We are asked to provide $3.5 billion in new budget authority. There is not one of us here today that does not realize how well we could put this money to use right here in the United States. Much of this money will go for military purposes—billions of dollars that only perpetuates the arms proliferation and serve no human purpose.

We are asked to send additional funds to Indochina. Each day in the morning newspaper I see the faces of war-torn and the suffering in that distant corner of the world. The government is almost ready to fall. Yet, as I have pointed out before, these funds will not relieve these suffering faces—they are for ammunition.

Especially in the critical times of today, we need to use these funds here in this country. For these reasons, Mr. Speaker, I will vote no when asked on the Foreign Assistance Appropriations Act for fiscal year 1975.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT FRIDAY TO FILE REPORT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Friday to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MONTHLY LIST OF GAO REPORTS

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports for February 1975 contains a synopsis of reports prepared by the General Accounting Office staff covering such items as food labeling, housing for the elderly, buying food for the military, and other reports. This information is available upon request and it would be helpful to all Members to have the full listing which I submit for publishing in the Extensions of Remarks of the Record.

SUBCOMMITTEE ON CRIMINAL JUSTICE ANNOUNCES HEARINGS

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, the Subcommittee on Criminal Justice will hold 2 days of hearings on the pending amendments to the Federal Rules of Criminal Procedure. These amendments were transmitted to the Congress by the Supreme Court last April. They will become effective as transmitted on August 1, 1975. If Congress is to have any input, it must act soon.

The first hearing will be held on Monday, March 24, at 10 a.m. in room 2141, Rayburn House Office Building. Representatives of the Justice Department and the American Bar Association are scheduled to testify.

The second hearing is scheduled for Wednesday, March 26, at 10 a.m. in room 2226, Rayburn House Office Building. Representatives of the Center for Law and Social Policy and the Judicial Conference of the United States are scheduled to testify.

Persons who wish to testify on the pending amendments to the Federal Rules of Criminal Procedure are invited to contact the subcommittee staff in room 2137, Rayburn House Office Building, telephone 202—225-0406.

MURDER OF OUR FOREIGN SERVICE OFFICERS

(Mr. KETCHUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KETCHUM. Mr. Speaker, I am frankly sick and tired of the way in which representatives of the United States are being treated throughout the world. It is high time that someone here spoke up and denounced those countries which permit the wholesale kidnaping and murder of American diplomats. In the last 2 years, it seems that "open season" has been declared: In 1973, our Ambassador in Khartoum, Cleo Noel and his Deputy Chief of Mission, Curtis Moore were killed by terrorists; in 1974, our vice consul in Mexico, John Patterson was kidnaped and murdered; our Ambassador in Cyprus, Roger Davies was murdered in cold blood; the latest death is that of our consular agent in Argentina, John Patrick Egan, also kidnaped and murdered. Now we hear the leftwing government in Portugal advise Ambassador Carlucci that he had better leave that country since his safety cannot be guaranteed.

It is an absolute disgrace that all we can offer these men's families is a flag and our sympathy. We must insure that no more Americans fall victim to guerrilla warfare. I suggest that all American foreign aid be suspended to any nation where our diplomats have been killed or threatened. Moreover, I believe our personnel should be withdrawn from those nations which are unable to provide civilized protection for foreign diplomats. The United States must no longer tolerate the murder of its Foreign Service officers. Let us make every effort to restore some concern for national honor, and to protect those who serve us abroad.

COMMUNICATION FROM PRESIDENT OF INTERPARLIAMENTARY UNION

The SPEAKER laid before the House the following communication from the President of the Interparliamentary Union:

Interparliamentary Union,
U.S. Group.

Hon. Carl Albert,
Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker: We submit to you the following Members as the House Delegation to the Spring Meeting of the Interparliamentary Union at Colombo, Sri Lanka (April 1–5): Mr. Hamilton of Indiana; Mr. Casey of Texas; Mr. Byron of Maryland; Mr. Jones of Oklahoma; Mr. Jarman of Oklahoma; Mr. Derwinski of Illinois; and Mr. McClory of Illinois.

Mr. Speaker, we hope that this list meets with your approval.

Sincerely,

John Jarman,
President.

APPOINTMENT AS MEMBERS OF NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

The SPEAKER. Pursuant to the provisions of section 1202, title 12, Public Law 91-452, the Chair appoints as members of the National Commission on Individual Rights the following members on the part of the House: The gentleman from Wisconsin, Mr. Kastenmeier; the gentleman from New York, Mr. Pattison; the gentleman from Illinois, Mr. Hyde; and the gentleman from Ohio, Mr. Kindness.

CALL OF THE HOUSE

Mr. COHEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 48]

Addabbo
Anderson, Ill.
Andrews, N.C.
Ashley
Beard, Tenn.
Bolling
Bonker
Conyers
Corman
Diggs
Dingell
Dodd
Esch
Fraser
Gibbons
Hagedorn
Hébert
Heckler, Mass.
Hefner
Hicks
Jarman
Jones, Ala.
Kemp
McKay
Mathis
Mills
Mitchell, Md.
Moorhead, Pa.
Mosher
Murphy, N.Y.
Peyser
Pike
Riegle
Rogers
Rosenthal
Rousselot
Satterfield
Stokes
Talcott
Teague
Udall
Waxman

The SPEAKER. On this rollcall 390 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FURTHER LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I rise to announce the schedule for the remainder of the week.

Today we have the foreign aid bill before us, and we hope to be able to complete it today. We will follow tomorrow with the strip mining bill. For those who are curious about tomorrow's session, let me say that the last time we had the strip mining bill up, there were 4 days of debate on it. After having talked with the chairman, I announce that there is no possible way that it can be done in a day, and there is no sense in going into a night session tomorrow for that purpose. Therefore, it will be carried over until Monday, with the great possibility that we will be able to complete it on Monday.

As to tomorrow, will there be any rollcall votes? We can anticipate that there will be a rollcall on the rule. After the 2 hours of general debate, we will go into the 5-minute rule; and there could be rollcalls on amendments. However, after having talked with the chairman of the committee and after talking with the gentleman from Arizona (Mr. UDALL), who is handling the strip mining legislation, it is our wish that the committee will rise tomorrow at 5:30. I give the House this notice in order that Members may make their plans for the weekend.

Mr. MICHEL. Mr. Speaker, would the majority leader yield for a question?

Mr. O'NEILL. I yield to the gentleman from Illinois.

Mr. MICHEL. The gentleman mentioned that the committee will rise tomorrow at 5:30. In the event that there are not that number of amendments offered tomorrow by 4:30 or 4 o'clock and if there were no more Members to be recognized for amendments, could we have assurance that under any given set of circumstances a final resolution of the strip mining bill would not take place until the Monday following or some succeeding day, depending upon how many more were needed?

Mr. O'NEILL. I have discussed this with Mr. UDALL and I can assure the gentleman than if we finish amendments, the committee will rise and any rollcall on recommittal and final passage will be put over until Monday, under any circumstances.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I appreciate the urgency of the pending legislation. However, on the other side of the coin, we have a special sensitivity with respect to religious holidays with their traditions and customs.

March 17, as the Members know, is St. Patrick's Day, a day of festivities for Irishmen and their friends all over our land and traditionally that is a holiday in the House. In light of this the leadership is imposing a hardship on the membership in asking us to legislate on that day when so many of us have commitments in our districts. There is always a great demand back in our local districts to participate in this anniversary of St. Patrick. In my particular home district which encompasses a good deal of New York City, St. Patrick's Day is one of the city's preeminent holidays. For many years the traditional St. Patrick's Day Parade down Fifth Avenue has provided a unique opportunity for New Yorkers of every ethnic and religious origin to be unified in a spirit of celebration and comradeship. The people of my congressional district from schoolchildren, to senior citizens, to civil servants and fellow legislators and all other "Irishmen" join in the festivities and it is a special chance for me to be with all of them in celebration. An opportunity which I value dearly.

So I would urge the leadership to bear that in mind and postpone temporarily consideration of legislation on St. Patrick's Day.

Mr. O'NEILL. Mr. Speaker, I am delighted to hear the gentleman from New York state that. The gentleman from New York spoke to me about that previously.

I understand the feeling of the gentleman from New York with regard to St. Patrick's Day. As I say, he had mentioned this to me previously, and at that time had made reference to the fact that St. Patrick was of Italian descent. At that time the gentleman from Indiana (Mr. BRADEMAS) entered into an historical debate as to whether St. Patrick was of Italian lineage, or of Greek lineage. As to that, I do not really know. But let me say that we as descendants of the Irish are very grateful to St. Patrick, and I am going to start my celebrating very early Friday evening, but I will be back on Monday.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I am happy to yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, in light of the observations made by our distinguished majority leader, I take this moment, Mr. Speaker, to say that it is with great pride that I announce that the President of the United States, our distinguished former colleague in this body, is going to celebrate St. Patrick's Day on the campus of the Fighting Irish at the University of Notre Dame.

Mr. O'NEILL. Mr. Speaker, may I say, while we are on this subject of holidays that I appreciate that the gentleman from New York (Mr. BIAGGI) is so actively interested in Columbus Day when that day occurs, because the gentleman claims that Columbus discovered America. However, there are those of us of Irish descent who claim that St. Brendan arrived here in America in the year 400.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I will be delighted to yield to the gentleman from New York.

Mr. HORTON. Mr. Speaker, I would like to ask the majority leader a question. Many of us have made plans for Friday, and I might say that I have a very heavy schedule in my district for tomorrow. The last 2 weeks I did not make any commitments, and if I had known this on Thursday of the past week I would not have scheduled these commitments for this Friday. Necessarily, I have to go back to my district this Friday.

My question is this: Is there any way that the Members can have any assurances as to whether we will have legislation on a Friday so that the Members can arrange their schedules accordingly? This is an important bill that is coming up tomorrow, and I would like to be here, but I cannot because of commitments that I have made in my district, and I had no way of knowing this last week.

Mr. O'NEILL. Mr. Speaker, may I say in response to the inquiry of the gentleman from New York that we have discussed this on many occasions on the floor, and it was the decision and the will of the Members of this Congress, aided and abetted by the press of America late last year and early this year, that we work a schedule of 5-day weeks for a period of 5 weeks, and then report to the people in our home districts.

There always seems to be some concern as to whether we should or should not report to the people at home. The Members will have the opportunity to consider that decision when the resolution comes from the Senate, as to whether we go home for Easter. So the Members will have the right to vote on that at that particular time.

We have said that we will meet every Friday we possibly can. There has been some difficulty in doing this by virtue of the fact that the committees are taking time in getting legislation out.

I might add that I announced last week that there would be a Friday session this week, and I am announcing it again today. Although we will announce the schedule for next week on tomorrow, let me say that we are also going to have a Friday session next week.

I also announce at this particular time that if the Members have ever checked the records of the 94th Congress with those of the 93d, the 92d, and the 91st Congresses they will see that we are far ahead on the actual activity that has taken place.

The answer is that it is the intention of the leadership on this side, and I am sure of the leadership on the gentleman's side, to work every Friday that we possibly can as long as we hope we can invoke the system of working 5 consecutive weeks and then taking a week off. We can expect a Friday session every week.

Mr. HORTON. It does not make any sense to me to work on Friday and then do nothing on Monday and Tuesday. This week we did not do anything on Monday and Tuesday.

Mr. O'NEILL. Monday was District day and there was no District legislation. On Tuesday, the following day, the sponsors of two of the four pieces of legislation asked us to take them off. They had worked out an agreement that they would come up at a future time. These things are always subject to change. We try to expedite the business of the House, and in doing this we have to take cognizance of the feelings of the chairman of the committee and those of the sponsors of the legislation and the leadership on the gentleman's side besides.

Mr. HORTON. I would hope that the leadership would take into consideration that some Members have to go home on Friday to meet with their constituents, and that perhaps we could have some definite arrangement with regard to Fridays so we can make plans.

Mr. O'NEILL. I would say to the gentleman we are going to meet next Friday, and I hope we take into consideration when the resolution comes along about a week from now the delegation from California, the delegation from Oregon, and the delegation from Washington who do not have the opportunity to get home and meet with their people like the gentleman from New York does. The answer is there will be a Friday session tomorrow; there will be a Friday session next week.

The SPEAKER. The time of the gentleman has expired.

PRINTING OF "THE HISTORY AND OPERATION OF THE HOUSE MAJORITY WHIP ORGANIZATION (94TH CONGRESS)"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up the concurrent resolution (H. Con. Res. 146) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 146

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document with photographs a revised edition of the booklet entitled "The History and Operation of the House Majority Whip Organization (94th Congress)"; and that ten thousand additional copies shall be printed for the use of the House majority whip.

Mr. BRADEMAS. Mr. Speaker, in respect of this particular resolution, I would simply say that this is a document that has proved extremely useful for distribution to foreign visitors to this country, particularly parliamentarians, to political scientists, and indeed to those who visit the Capitol and are particularly interested in how the whip organization operates.

The amounts that would be provided under this document are, considering the size of the whip organization, modest in number. I would hope very much that the resolution is agreed to.

Mr. BAUMAN. Mr. Speaker, I wonder if the gentleman from Indiana would yield for a few caustic comments?

Mr. BRADEMAS. I would be delighted to yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman.

I just want to thank the gentleman for having provided me with a copy of this document after this matter came up last week. I had some interest in this document because I noticed the number of copies to be printed this year had doubled over that of last year. I calculated that if these 11,500 copies are distributed to the Members of the majority party, they will each get 40 copies, which they probably can take home nights and study. It is an interesting document and it has some handsome pictures, including that of the gentleman from Indiana.

Then I calculated that if this document is distributed to members of the majority whip organization, each would receive about 300 copies, a copious amount.

But I am under no illusions about the possibility of in any way holding this up. A roll call would produce defeat for my position. I would observe for the RECORD that the Republican whip organization has a similar document but we printed it ourselves, in good old Republican fashion at no expense to the taxpayers, and if the gentleman's subcommittee needs plans for that kind of money saving project, perhaps he can look to this side of the aisle.

Mr. BRADEMAS. I thank the gentleman from Maryland for his contribution.

The SPEAKER. Without objection, the previous question is ordered on the concurrent resolution.

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1975

Mr. PASSMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4592) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1975, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Kansas (Mr. SHRIVER) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4592, with Mr. PRICE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from Louisiana (Mr. PASSMAN) will be recognized for 1 hour, and the gentleman from Kansas (Mr. SHRIVER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we do have some very talented new Members in this House and I would like to bring to their attention that this foreign aid bill is the unfinished business of the 93d Congress. This legislation should have been on the statute books on June 30, 1974.

Mr. Chairman, I would like to make it abundantly clear, so there will be no misunderstanding, that we are providing only for an additional 90 days funding for foreign aid. Foreign aid has been funded under various continuing resolutions for 8 months and 25 days, so this bill provides money only to finish out this fiscal year. If there should be amendments to increase the bill in any area, I ask that they please take into account that the committee has worked very hard to bring out an honest bill and I believe we can justify every reduction that we have made.

Some material in the report, unless considered objectively, could be considered self-defeating but it has been my policy ever since I have been chairman of this committee to write a comprehensive report in order to give the Members every bit of information possible about foreign aid. We have even listed by name in our report the amount that each of the 128 recipient nations has received, so if we ever need to refer to that it is provided for the Members.

We have tried to bring the Members a balanced bill and we hope the Members will not oppose it simply because they think we have withheld information which every Member of this House and every American taxpayer should have.

Now, may I say also, Mr. Chairman, we have foreign aid funds in other bills which we are not considering today; for instance, the Public Law 480 program is not in this bill but handled under the agriculture bill.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the gentleman for yielding.

I notice in the committee report there is an appropriation of $490 million for military assistance. Does my distinguished friend, the gentleman from Louisiana, approve of this?

Mr. PASSMAN. What is the question again, please?

Mr. CARTER. We have $490 million in this for military assistance to foreign countries. Does my good friend in the well approve of this?

Mr. PASSMAN. I might point out we have one of the lowest amounts ever put in a foreign aid bill for military assistance for fiscal year 1975.

Of the budget request of $1,207 million, the committee only provided $490 million.

Mr. CARTER. If the gentleman will yield further, certainly in the food and nutrition assistance, I would agree.

Mr. PASSMAN. I think many will consider it overfunded and not underfunded.

Mr. CARTER. If the distinguished gentleman will yield further, I would say in the line of military assistance we are absolutely arming the world, and have one country fighting another. We have seen in past years Pakistan and India both buying our weapons. We have seen others in South and Central America fighting with our weapons against one another. I think this is deplorable. I think it should be stopped.

Mr. Chairman, I realize the gentleman from Louisiana is doing a good job.

Mr. PASSMAN. May I say to the distinguished gentleman from Kentucky, our committee is trying to cut down the request to what is needed, rather than what is desired.

Mr. CARTER. If my good friend, the gentleman from Louisiana will yield further, the time to end military assistance to foreign countries is now.

Mr. PASSMAN. Now, Mr. Chairman, I hope that we do not lose one single vote on this bill. Every single Member of the House can vote for this bill with a clear conscience.

I can say that I spent many hours trying to find what they have in the pipeline that is available for new projects, rather than just continuing old projects.

We have tried to bring in a balanced bill. I believe we should bring to the attention of the House, Mr. Chairman, that in this bill and in the pipeline there are funds appropriated and obligated from prior years, including Public Law 480. There is estimated to be disbursements in 100 nations of the world. What is more surprising, there are about 11,000 projects going on around the world, including the U.N. If we go into the U.N. alone the United Nations development program has 6,905 projects.

They will absorb a good deal of this money in travel and administrative expenses just to supervise that many projects scattered all over the world. With all these projects, there is not one request for rescission or deferral, whereas in the United States we have rescissions and deferrals in every State of the Union.

I might go further and state that if the Members want to look at the budget for 1976, not one new start is requested for public works in the United States under the 1976 budget. Yet, in this bill, the Members are going to find many new starts. That is why, Mr. Chairman, this committee reduced the budget requests by 41 percent.

There are sections in this bill where we made a reduction exceeding 50 percent. If the Members will actually go back to the statistics, I think they will find evidence which will support every reduction we made in the bill.

I will hurriedly run through the bill. At one time we had in this bill an item known as the development loans fund and the technical aid program. Now, those two items were merged into five new categories called food and nutrition, population planning and health, education and human resources development, selected development problems, and selected countries and organizations. These five new categories have a lot of appeal, but these people have built up such a fantastic pipeline they can never spend it. When we consider all the funds for these five categories, including this pipeline, reflows and new money, it amounts to $1,600,000,000.

It is not fair to let these peoeple just build up this kind of pipeline under the disguise of obligations while we are having a recession in the United States.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, may I ask if the bill is going to have other funding in that bill for the UNDP? I understand it is cut below the administration request and does involve a commitment we have.

Mr. PASSMAN. The specific question is why we reduced it.

Mr. DERWINSKI. Why and how much was the cut? How much is the cut in the request for UNDP?

Mr. PASSMAN. It all depends on what the gentleman would consider a cut. The authorization for international organizations was $165 million. In fiscal year 1974 they had $125 million. Under the continuing resolution they had $125 million. We appropriated $115 million. Of that, $15 million is for UNICEF and $100 million is for population, but we have to go back further to understand how much money they will have available with the pipeline.

Mr. DERWINSKI. Mr. Chairman, I will ask the question at a later time.

Mr. PASSMAN. If the gentleman would do that, I will get into it as we go along.

Mr. Chairman, when we look at the five titles under development assistance the committee is recommending $498,000,000.

But, we found, in addition to the new appropriation, there would be a total of $261 million flowing back in in loan repayments and recoveries for new obligations.

Then if we add in the pipeline, a total of $1.6 billion is available for expenditure in fiscal year 1975.

Now if we look at the international organizations item, the 1974 appropriation was $125 million. The continuing resolution is $125 million. The committee is recommending $115 million. The pipeline provides an additional $26.2 million.

Under the international organization's arrangement, those who administer the program are not privileged to appear before our committee. We have no justification whatsoever of testimony from those who actually administer the program. They have to pick out some person down in the Department of State to come up and justify the funds. In many instances in the past, those who justified the funds had to later admit that they were wrong and they had to repudiate their own testimony. We know not when or how much each project is going to get. I do not believe there is a Member in the House and I do not believe there is a Member in the Senate who can tell us about one project on the face of the Earth funded by the UNDP.

There are 6,905 separate projects under the UNDP. It is impossible for this committee or any other committee to examine even a small percentage of those projects, much less the total of them.

Next is the American schools and hospitals abroad. Last year the Congress appropriated $19 million. The amended budget request called for $19 million. The committee is only recommending $17.5 million.

For the National Association of the Partners of the Alliance, the request is zero. The appropriation last year was $750,000. The AID Agency said $250,000 was sufficient and that is the amount we are putting in.

Under the Indus Basin Development Fund, grants in 1974, we provided $9 million. This year they requested $14.5 million. Your committee gave them the same amount they had last year, and that is $9 million. In addition to that, they are going to borrow $200,000.

The contingency fund was separated into 2 parts with an authorization of $45 million. The committee is recommending $35 million, a reduction of $10 million.

The International Narcotics Control program was funded at a $42,500,000 level for 1975. The continuing resolution is $42,500,000. The committee is recommending $42,500,000 when you include $15,000,000 in unobligated balances.

Under assistance to Portugal and Portuguese colonies, the amended budget request was $25 million. The committee felt that $20 million would be adequate at this time.

For administrative expenses, AID, the appropriation was $40 million in 1974. The request this year was $45 million. With the reducing program, the committee felt $40 million would be adequate for fiscal 1975.

I will repeat this quite often. In presenting this bill, remember you are only funding foreign aid for 90 more days. It has already been funded for 9 months. So this is just to finish out the fiscal year that is coming to an end.

I should say to the Members at this time that under the continuing resolution we provided $3,501,000,000 for foreign aid.

Under the bill we are considering at this time, the level is $3,498,420,000. We are $3,400,000 under the continuing resolution.

Next we have Indochina postwar reconstruction assistance. There is no appetite on the face of the Earth greater than that of AID; there is no way they can be satisfied. They are as fine as any people I have ever met, but they are dedicated to seeing how many projects they can find and how much money they can spend. Even though I am in sympathy with some of the problems around the world, I think the time has come where we had better give some thought to American projects and bring these other projects under control.

The budget request was $939,800,000. Our committee is only recommending $440 million. Please keep in mind that the continuing resolution permits an obligation level of $499 million. Also, a great deal of the money has already been obligated.

Let us take a look at Cambodia. Under this bill and the authorization they were permitted to obligate $100 million. However, they overdrew their limit in Public Law 480 by $20 million. Therefore, they had to limit the amount they could spend out of this item to $80 million.

Now, if we take out what is obligated and what will be needed for operating expenses, it simply means that Vietnam will only get about $300 million. And a good deal of this has already been obligated.

As we move into the amounts for the Middle East, Mr. Chairman, I think I should reiterate that we all know we are living in a very tense world. I think we all realize it is highly important that we have peace in the Middle East, and that we have friends in parts of the Middle East. The committee looked at the budget request for the Middle East long and carefully. We deliberated it, we discussed it among ourselves, and we finally reached the conclusion that this is one place where no cuts should be made.

So the $100 million for the Middle East fund which is mostly for Syria, the committee recommends the full amount.

With respect to supporting assistance, the committee recommends the full amount.

We earmarked $324.5 million for Israel and $250 million for Egypt. So we have provided the full amount in line with the budget request, hoping that Mr. Kissinger and those who are working with him on this trip can bring about some kind of peace.

Let us take up the military assistance program. I think most of us agree—those of us who have studied the requests and studied the history of military assistance around the world—and will recognize that the time is overdue for bringing this military assistance program under control. At least as far as the nations which have tremendous surpluses in their foreign exchange accounts, we should let them pay cash for their military needs.

Let me cite one example, if I may. That is Indonesia—and I like those people out there—but let us get down to actual facts. The fact is that in Indonesia they have discovered a tremendous amount of new wealth. I checked only this morning, and I found out their income from petroleum last year was $5,300 million. I found out that their income from copper was substantial.

But this is what shocked me: I looked into their foreign exchange account. They have $1,500 million as a surplus in their foreign exchange account as of the end of 1974. I started putting the budget requests together for Indonesia and I found when we put all the pieces together that they have requested $220 million for Indonesia.

If that makes sense, then I am not intelligent enough to comprehend how we should run our business.

Moving on, Mr. Chairman, we come to military credit sales. The appropriation was $325 million for fiscal year 1974. Under the continuing resolution, it is $325 million. The committee is recommending $300 million in military credit sales. We are earmarking $300 million for Israel out of the total credit ceiling.

That does not mean that we are giving all of the funds in the bill to Israel, because under the formula by which the military credit sales program functions, they may find a bank or some lending institutions that will make them a loan of $10 million at the going rate of interest. Then out of this fund they put up 10 percent, so it is possible to generate military credit sales up to $872 million.

For each $1 we allocate here, there can be financed up to $10, so when we earmark $300 million to Israel, we are not depleting this fund.

Now we take up the Peace Corps. We gave them $77 million in fiscal year 1974. The continuing resolution is $77 million. The committee is recommending $77 million.

The Director of ACTION said that this was adequate. He was very gratified, and he said he could go along with it.

The next item is assistance to refugees in the United States, known as the Cuban program. The committee is recommending $90 million. We appropriated $129 million in 1974, but this is more or less fixed by law. Whatever it requires to meet our commitment there, we are going to meet it.

I will say that the gentleman from Florida (Mr. CHAPPELL) certainly took over this one. It would have been much lower if he had not made a very good case, but he made a very good case for increasing it, and the committee went along with him without any opposition.

Under migration and refugee assistance, the committee is recommending the same amount as the authorization and that is $9,420,000.

Under assistance to refugees from the Soviet Union; the continuing resolution provides $10 million, the authorization is $40 million. We are recommending the entire $40 million because we would assume that later on there may be an influx of the Soviet refugees out of that country.

Let us move briefly to the international financial institutions.

Over a period of years this bill has been fragmentized. I think many of our people downtown realized that finally bilateral foreign aid was going to be difficult to get through the Congress. Therefore, they set up what they refer to as the international financial institutions.

Last year we gave them $50 million in special fund. This year they asked for $50 million. In January they sent in a budget amendment for an additional $120 million.

We gave them the entire $50 million but we denied the budget amendment.

Under the International Development Association there was an implied commitment on my part and on the part of other members of the committee to give them the third installment of $320 million. Therefore, the committee is recommending $320 million.

No, I believe they want $375 million for 4 years.

Let me explain to the Members how very tough these IDA terms are.

The terms are 50 years. Not one penny of interest is paid on the loans for 50 long years. No. 2, there is a 10-year grace period.

If we want a foreign aid program then let us get back on a bilateral foreign aid program because I can tell you of all the tens of millions of dollars in loans that we have made for the past 22 years under the Development Loan Fund and its predecessor agencies, less than 1 percent are delinquent, and for many nations who are repaying the loans they are no longer getting any additional funds.

Mr. Chairman, it is difficult to cover a bill as complex and as diverse as this bill is in just a short while. I have been speaking rather rapidly because I at least wanted to get the story before the Members.

We owe an obligation to the American taxpayers. We have a public debt now of a half a trillion dollars, $500 billion. If one adds to that the statutory obligations that we are paying out now, and in subsequent years, for services previously rendered and allocated, and where we receive no resources, it is 2 trillion.

When one takes into account that we are having to cancel a lot of projects in the United States, and there are a lot of deferrals and they are rescinding a lot of prior approved projects then we need to reduce foreign aid.

I hope the Members will take into account subsequently that these are the reasons that we have reduced the budget request by 41 percent.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield for a question? May I return to just one point, which is something that disturbs me. That is the cut the committee made in funds to the UNDP. As I read the report, our contribution to UNDP has been cut to approximately $70 million from a budget request pledged of $90 million. That leaves us considerably less than even the minimum U.S. contribution to the U.N. program. I was wondering what justification there might be for this cut.

Mr. PASSMAN. I think I can answer the gentleman's question. From little acorns big trees grow. The more we give them, the more they spend, and the more places they find to hide this money.

We found in 1973 they had an anticipated program level of $341 million. In 1974 they jumped it up to $368 million. In 1975 they jumped it up to $442 million. So it is always increasing.

These people are based in New York and we are not privileged to have them appear before our committee and justify the request. They send some person from the State Department.

We have lost control of this. The UNDP has 6,905 projects scattered all over the world. If we ask them a question, they do not know what we are talking about. What we want to do is make these people give us some information so that possibly we can subsequently ask those who are going to administer the program to come before our committee and answer our questions.

Mr. DERWINSKI. Is there any precedent for having U.N. officials appear before a committee of the Congress to justify a budget request made by the executive branch?

Mr. PASSMAN. I do not want United Nations officials. I want the head of the UNDP who says, "We give this Nation $5 million and this nation $3 million and this Nation $4 million." We want that man to come down and tell us what the work projects are and what they are accomplishing. That will give us an opportunity to get this matter under control. When we analyze the programs we see that one is just as loose as the other.

Let me assure the gentleman I have a great deal of respect for his views. So I ask him and the Members to please let us try to bring this under control.

Mr. DERWINSKI. I know when I have met a master of eloquence.

Mr. PASSMAN. I hope I have answered the gentleman.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, is there some place—I know it is not in this particular report but I am asking the gentleman if there is some place where the Members can see laid out in one particular place all the military aid and all the humanitarian aid and all the foreign aid and all the international bank programs by subject matter by country? Is there such a place, and, if so, where is it? This Member would like to be able to relate to the whole program and I do not know how I can find that information.

Mr. PASSMAN. It would be physically impossible for us to bring in here all the documents necessary to answer the gentleman. I think we have given the Members more information than has been asked for. We have 128 nations which have been the recipients of our generosity to a total amount of $164 billion since the program started. What we propose in the future is to continue to give the Members this information in as great detail as we possibly can.

If the gentleman will tell me actually what he wants I will get it for him.

Mr. WYDLER. The gentleman misunderstands me. I am not looking for all the information on each program. What I am looking for is totals. I know the gentleman has been most helpful on this in the past. He has put together for the information of the Members of the House the totals of all foreign aid programs through the years for each country and sent it to us and so on, but just for this 1975 fiscal year I would like to see if it is available somewhere, all the amounts given in foreign aid programs, brought together and shown to the Members. For example I would like to have it shown how much our country has given each other country in the world of all kinds of foreign aid, including military and economic and in general categories and in humanitarian and through the International Bank. Is it in this report?

Mr. PASSMAN. I may say to the gentleman if he will turn to pages 8 and 9 he will see we have listed there by country every nation on the face of the Earth in which we have had a foreign aid program. This gives exactly what we have totaled up for the gentleman. If we get into a country, it is rather difficult to tell the gentleman how much represents this type aid and how much represents that type aid, but we give the gentleman the information I believe he is asking for on pages 8 and 9.

Mr. WYDLER. No; that is not what I am asking for. I have seen this and it is helpful, but they show what has been given from the beginning of the program until today. I am asking for just 1975. Can we go to some particular place and find the information for the fiscal year 1975? Can we find how much, for example, in aid we have given Israel, in military aid and all kinds of various aid programs, can we find that all in one particular place so we can see what it is? Is that information available somewhere?

Mr. PASSMAN. Yes. It is not available in one total, but inasmuch as the gentleman has mentioned our one very dear ally, Israel, we have given her $324.5 million for supporting aid, $300 million in military credit sales of which $100 million of it will be forgiven, $40 million for relocation of refugees, and some additional under American schools and hospitals.

I think the gentleman would want to know about all nations that are getting aid under this bill and he wants it all in one place. That is impossible. We indicate what the requests are by country, I think, on page 16. What the gentleman has asked for is just about answered there. Has the gentleman found that?

Mr. WYDLER. I have page 16. Is that what the gentleman is referring to?

Mr. PASSMAN. There are several pages in there. I think what the gentleman has asked for is in the report.

I do not know how we can make it any more complete. I might say, this is how the line item builds. They indicate in their justification that they want to spend this money here in the military, but it is on an illustrative basis; they have to make their allocations after we make the appropriation. In some instances, they say they accept it and in some instances they ask for more.

The full committee must have liked the bill. There was not one indication that they wanted to raise or lower it.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I think the gentleman has made a very effective presentation.

I would like to ask this further question on the UNDP. The gentleman may recall that at the time it was agreed that the U.S. share of the regular U.N. budget was decreased there was an implied commitment by the executive branch that we would at the same time increase our share of the special funds constituting the special U.N. funds; but, in fact, we have decreased our share.

I just wonder if that is the way we ought to proceed when some sort of quid pro quo arrangement has been arrived at in respect to this feature of the budget.

Mr. PASSMAN. Let me say to the gentleman that the bill is so complex, so divergent, most Members spend 2 or 3 hours a year on it, I spend 300 hours. We have people downtown that spend thousands of hours trying to cook up some excuse for this or that appropriation when they write this bill. It must be obvious. This morning there must have been 10 people in my office. I thought they would all start crying. They said, "You wrecked this program. You killed that program."

Mr. SEIBERLING. Would the gentleman take another question?

Mr. PASSMAN. Yes.

Mr. SEIBERLING. I certainly commend the subcommittee and the committee for giving the full request of the International Development Association; but I notice that the Inter-American Development Bank was cut from the request and the Asian Development Bank also. Of course, that may send some sort of erroneous or adverse message to our friends in Latin America.

Mr. PASSMAN. The Inter-American Development Bank has been provided an adequate amount of funds. I might say that Latin America draws from many other programs handled in this bill.

We can go to all the other parts, and if we look under the different spigots for Latin America, we will find that there is approximately $6 billion backed up in the pipeline.

Mr. SEIBERLING. I thank the gentleman.

Mr. SHRIVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend our able subcommittee chairman for his remarks this afternoon, and for his long hours of hard work on this bill. The gentleman from Louisiana has shown extraordinary dedication for many years in bringing this bill to the floor with substantial reductions below the budget requests of administrations of both political parties.

Over the past two decades, almost $15 billion has been cut from foreign aid budget requests. This represents a great savings to American taxpayers. I might add that if our subcommittee recommendations had prevailed over the years, these savings would be even higher.

The bill we are considering today totals $3½ billion—a very sizable sum. However, this represents a reduction of $2½ billion—or more than 40 percent—below the fiscal 1975 budget request. It is also $2.3 billion below the 1974 level, and slightly lower than the current continuing resolution level.

I will not take a great deal of time here this afternoon in discussing the details of the bill; the Chairman has already provided that breakdown.

By the time we can hope for final congressional action on this bill, we will be nearly 9 months into fiscal year 1975. At that time, approximately 75 percent of the funds requested in this bill for title I Foreign Assistance Act activities will already have been obligated under a series of continuing resolutions.

That means that three-fourths of the funds in this bill for development assistance, for Indochina postwar reconstruction, for security supporting assistance, for the Middle East special requirements fund, and for the military assistance grant program will have been obligated, although the amounts vary according to category.

Nevertheless, we will hear a lot of debate this afternoon on the various items in this bill and on the wisdom of continuing a foreign aid program at all. This is as it should be, as we have many new Members who were not here last December when Congress passed the authorizing legislation for most of these programs.

I understand there will be amendments proposed to increase the funding levels for several of these accounts. In my opinion, adoption of amendments adding funds to this bill could well mean the defeat of the entire bill.

I am well aware that there are critical humanitarian needs around the world which will not be addressed with the funds we have recommended. I am also well aware that there are critical humanitarian needs here at home which are not being addressed due to the economic picture in the United States.

On the other hand, looking long-range at the role of the United States in an interdependent world, do we want to be the Congress which turns our backs to the hopelessness and suffering of millions of people in developing countries? Is a turn toward economic isolationism in our own best interests? Do the new Members of this House, in particular, want whatever freshness they have brought to these halls to be turned only inward, ignoring our own need for economic cooperation with nations which control resources necessary for production and jobs here at home?

I do not argue for a continuation of our foreign aid program as we have seen it in the past. The world situation has changed. In addition to the industrial countries and the developing countries, we now have a group of "new rich" countries fully capable of taking care of their own development needs and those of some of their poorer neighbors. Every effort should be made to encourage them to ease the economic hardships of less endowed nations which are suffering greatly due to worldwide inflation.

But the United States cannot expect to have much of a base on which to convincingly encourage such changes in the world economic order if we withdraw completely to deal with our own problems. Some continued U.S. presence and U.S. leverage is needed.

It was with these ideas in mind that our subcommittee, not one of the members of which is a strong foreign aid supporter, recommends the funding level of $3.5 billion, or one percent of the Federal budget, for these foreign assistance programs. In doing so, we have attempted to concentrate these resources on programs which can have some impact on our own national interests in the world.

I want now to address the particular need today for this house to give our Secretary of State the leverage he needs in his current attempt to secure a more peaceful climate in the Middle East.

It may be said that some of the humanitarian and development programs are being cut back in this bill so that full funding can be given to the Middle East peace programs such as the Middle East special requirements fund and security supporting assistance, most of which goes to Israel, Egypt, Jordan, and Syria.

Nothing can be described as being more in the interest of humanitarian concerns that the quest for peace in the Middle East. If other programs are delayed in the interim, that is as it must be. We cannot do everything at once, either at home or abroad.

We believe the levels we have recommended are reasonable and prudent given the economic and fiscal problems here at home and our needs as a nation abroad. The bill represents more than a year of deliberation by our subcommittee. It will provide for a low-profile foreign aid program for the 3 months remaining in the 1975 fiscal year.

Let me emphasize again, this bill appropriates only for the balance of this fiscal year—in other words, April, May, and June—90 days.

There is something within this appropriation to appeal to the likes and dislikes of most everyone. For those interested in assisting the nations of the world in population control—there is $100 million recommended. For those who feel we should do more for Israel and peace in the Middle East—the bill calls for $300 million in military credit sales for Israel $100 million of this is a grant and a $324 million grant under supporting assistance for Israel.

The bill also earmarks $250 million supporting assistance for Egypt and $77 million for Jordan and, incidentally, Syria will be the recipient of some of the supporting assistance called for in this recommendation. So we are, by this means, supporting our Secretary of State in his efforts toward a negotiated settlement of problems in the Middle East.

For those who feel that we should continue our interest in international organizations and programs, the bill provides $115 million. I know there is considerable interest in American schools and hospitals abroad. This year we have not earmarked sums for specific institutions, but the amount of $17.5 million is in the bill for American schools and hospitals abroad.

The United States continues its interest by providing additional sums for our participation in the Indus Basin development project, the program for irrigation and electricity for India and Pakistan. We participate along with other donors such as Australia, New Zealand, the United Kingdom, Canada, and West Germany, in this development program.

Thirty million dollars is recommended for the Disaster Relief Fund with expectation that the refugees of Cyprus will receive some $20 million of this amount.

The committee is recommending for postwar reconstruction in Indochina the amount of $440 million which is about half that which was requested. But, it is intended to help meet the needs of refugees, and victims, and orphans whose lives have been disrupted by the war. It is to provide essential imported commodities which those economies need to survive and to help to reconstruct the physical damages of years of war. All in all, it is a reasonable approach to our humanitarian responsibility in a world that is growing smaller and smaller each year.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, in an era of increasing interdependence, we as a people are more and more affected by the results of global problems, such as shortages in food and energy. Events in developing countries thousands of miles away, which 10 years ago would have been of only passing interest to us, today may mean the difference between prosperity and hard times. We know now that a crop failure in Asia can result in higher bread prices in Milwaukee, a shortage of oil in Africa may result in higher copper prices in Schenectady, and a famine in Latin America can mean higher gas costs in New York.

Even if it were not for the fact that our own prosperity depends, in a very real way, on the economic health of much of the rest of the world, we have a tremendous stake in the economies of Africa, Asia, and Latin America. Americans today have investments of over $20 billion in these developing countries, and that figure is rising rapidly.

In addition, Mr. Chairman, we Americans have always been a generous people. When the Chicago Council on Foreign Relations conducted a Harris poll of the American people last December, they found that 86 percent of the American people feel that an important goal of American foreign policy should be the improvement of living standards in less developed countries; 79 percent of the American people support our giving foreign economic assistance, if they are sure that it would help the people of the recipient nations; and 74 percent of the American people are willing to go without meat 1 day each week in order to send more food to help nations with food shortages.

It is difficult to understand, given this overwhelming sentiment of the American people, as well as the clear economic interest which our economy has in the growth of the developing countries, why we should hear the Appropriations Subcommittee calling for massive cutbacks in U.S. foreign aid. Although we have been generous with aid to the less-developed countries of the world, it is important that we not exaggerate the volume of our aid. Since 1968, total U.S. economic assistance to developing countries has dropped dramatically, when viewed in constant dollars.

That means that the real volume of U.S. foreign economic assistance has not been growing, as some claim, but rather falling off. The administration's request would continue this decline, but the recommendations of the Appropriations Committee would have it fall off dramatically. All of this, while we are becoming increasingly dependent on these developing countries for raw materials.

Perhaps the cuts most difficult to understand in this bill are for food assistance and international organizations. The Appropriations Committee asks us to cut U.S. food aid to less than half the amount authorized. This money is used to assist farmers in countries with food shortages, so that they may increase their yields, and feed their own people.

U.S. voluntary contributions to such international organizations as the U.N. Development Program and the U.N. Children's Fund, are combined with the contributions of other countries to help the people of developing countries help themselves. The UNDP provides technical assistance to the poorer countries so that they may increase their own prosperity, while the Children's Fund helps those least able to help themselves; the young children of the poorer countries. The Appropriations Committee asks that we cut these programs by 40 percent from their authorized levels.

Mr. Chairman, I call on my colleagues to look closely at the effects which this bill, if approved without amendments, would have on the poor and hungry of Asia and Africa, on the efforts of many countries to lift themselves out of poverty, and on our own economy in the long run.

Mr. Chairman, I would like to say a personal word.

I do not know how many Members of this House have seen undernourished children with their own eyes or have seen children so malnourished that they could no longer absorb any food at all. They have to be fed intravenously before their bodies can accept food. There is no way of describing what this is, what famine is, to people like us in these United States, thank God. However, when one has seen it and when we think of cutting what needs to be given to these children, it becomes incomprehensible.

We are only asked to give the crumbs that fall from our table. It is not a big cut in what we have. It is the crumbs from our table.

Mr. Chairman, I think we were told many years ago what our responsibility was in that regard.

I thank you, Mr. Chairman.

Mr. SHRIVER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I want to commend the gentlewoman from New Jersey (Mrs. FENWICK) for her excellent speech here on the floor of the House.

I certainly can answer her by saying that I have seen the eyes of hungry people and malnourished people throughout the world. I have been on this committee longer, I guess, than anyone but the chairman.

I am not one for going to capitals of the world, but I have been out in the field. I have been to leper colonies. I have been to projects that I started up in the boondocks of Liberia for midwives. I have worked on food programs all over the world and have tangled on the floor of this House many, many times to get more money for food and for the humanitarian programs in this bill.

I would suggest that the gentlewoman from New Jersey go back and read the stories that have appeared in the Washington Post in the last 10 days on the food for peace program. Read how some of this is being wasted, and the kind of ball games that are going on in our food for peace programs.

Believe me, I am more than a little concerned. I am concerned about the taxpayers' dollar. I am concerned about that man who works in the shop, who has three or four children, and cannot afford to send them to college. He is breaking his back out there, and here we are taking his tax money and sending it all over the world. A lot of it is being abused.

I think there is enough money in this bill. Believe me, if one goes back and checks the great debates that we have had, going back to my first debate on this, he will know that I will not have to show my credentials. I fought the present President, Jerry Ford, and Mel Laird, and all the others on this foreign aid program, on many occasions.

By the same token, however, I want to be very careful. I want to make certain that none of this money in this bill is being wasted. I think this is a good bill.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am happy to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank the gentleman from Massachusetts very much for yielding.

I want to speak about the delivery of food. We know that in many cases the food has not been handled as we would wish, and I think it is the obligation of this Nation to its taxpayers and to the people who are supposed to be receiving the food to be concerned with the method of delivery. However, I have seen the Catholic Relief Services, the Lutherans, CARE, World Vision, and other handing out, without any question of any graft or corruption or waste, 20 tons of food a day which is handed to the refugees.

When one sees what they are doing with what we give them, certainly we should try to increase the proportion that is given through these magnificent agencies. But when one sees women with dying children in their arms, I will say this: Nobody is more careful about the taxpayers' pay envelopes than I am, but I am sure that they would wish us to do this. In fact, every poll reveals that 70 or 80 percent of the people wish us to help.

It is our obligation, I say to the gentleman from Massachusetts (Mr. CONTE), to make sure that it is properly delivered, but we cannot avoid the obligation.

Mr. CONTE. Mr. Chairman, I agree with the gentlewoman from New Jersey. As I just finished telling the gentlewoman from New Jersey, I also have seen the food programs in Hong Kong with the Catholic Relief Organization under Monsignor Romenello, also known as the Noodle King. This was when the refugees were coming over the border, spilling over the border at 100,000 people a day. I have been through the Lutheran food programs, and all the others, but I just wanted to point out to the gentlewoman that if she would read the Post in regard to the Food for Peace program, and read about some of the abuses, that the gentlewoman would agree with me, that we have to keep a better eye on these programs.

Mr. FRASER. Mr. Chairman, if the gentleman will yield, if I understand the problem that we are faced with here, we are not dealing with the food-for-peace appropriation.

Mr. CONTE. No, that is Public Law 480.

Mr. FRASER. We are dealing with the other programs.

Mr. CONTE. Yes.

Mr. FRASER. One of the things that concerns me is the very large cut in the U.N. voluntary contributions. The information I have is that if we leave the figure as it is the United States will rank 60th among the nations of the world in relation to our GNP in the proportion of money we give to the development programs of the U.N. I see this as a disintegration of American policy, and I wonder if this is a mistake? If the United States cannot hold firm and support something like the U.N. development program then we might as well get out of the world, and say we have abandoned any responsible leadership, and that we just want to retire and concentrate on our own domestic worries which are considerable.

But I think we can do better.

Does not the gentleman from Massachusetts agree that the cut in the International Organizations is pretty large?

Mr. CONTE. It is, and I am concerned about it. The thing that came up in the executive session when we were marking up the bill was that we had been going under a continuing resolution for such a long period of time, for some ten months, and—I wish the gentleman from Minnesota would correct me if I am wrong, I am trying to find this in my prepared statement—the figure for the International Organization Program——

Mr. FRASER. I think the figure is $115 million.

Mr. CONTE. It is $115 million for the International Organization Programs?

Mr. FRASER. Yes, that is right.

Mr. CONTE. And the chairman claims that there is $94.2 million in the pipeline. Is that correct?

Mr. FRASER. I am sure the gentleman from Massachusetts knows that the pipeline is a very elusive matter. The Defense Department always carries billions and billions of dollars in its pipeline, and if we were to apply that same reasoning there we would have to cut off defense appropriations until the Defense Department had used up all that was in the pipeline.

I might add that funds in the pipeline are a valuable thing to have because it means that we are spending the money carefully.

Mr. CONTE. I would go along with the gentleman from Minnesota for a reasonable request.

The whole trouble with this bill—and let us speak frankly—as the gentleman knows, we will probably pass the bill here and then the Senate will pass a bill over there, and then we will get together in conference and then we will come out with a compromise figure in conference. I stand, as the gentleman from Minnesota knows, with his position, and my feelings on the international organizations run along with the gentleman's thinking.

Mr. FRASER. I might add, Mr. Chairman, that the judgment of the gentleman from Massachusetts has been as sound as that of anybody in this House in these areas of responsibility. I know the gentleman is deeply concerned, and I wonder if the gentleman feels that there is some way we can change these provisions of the bill.

Mr. CONTE. I think that before the

day is over we could sit down and work out something.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield, let me say that we have tried very hard to write a balanced bill. It may seem a little small in some of the areas, but when you put all of the pieces together then it grows into staggering sums.

I would like to make this observation: In the Children's Fund for 1974, they have $15 million. The budget for 1975 was $15 million, and under this legislation they continue to spend $15 million. This is one program where we make no reduction.

Mr. CONTE. Mr. Chairman, I want to say that I understand the problem, as the gentleman from Minnesota knows, and I recognize that this agency has done a tremendous amount of good work. I do not want to violate my committee's position, but perhaps before the day is over we might be able to reach some sort of a compromise, or something looking toward a compromise, on this matter.

Mr. FRASER. I thank the gentleman for yielding.

Mr. CONTE. Mr. Chairman, I would like to begin by congratulating the distinguished chairman of our committee, the gentleman from Louisiana (Mr. PASSMAN). It has been a long and tortuous route to the floor for this bill, and It is largely through the unflagging dedication and hard work of our chairman that we are here today.

I believe that most of my colleagues know my record on foreign assistance. The foreign assistance program is an integral foreign policy instrument and I have supported that program throughout my years of service in this House.

Mr. Chairman, I believe that this is one of the best foreign assistance appropriations bills that I have seen, considering the current state of our economy.

The bill which you have before you may be called austere, but we are in need of austerity. This bill provides for a total of approximately $3.5 billion in new obligated authority. This amount is $2.3 billion less than last year, and $2.4 billion below the administration's request. In fact, it is even slightly below the continuing resolution under which the foreign assistance program is currently operating.

Mr. Chairman, I would like to briefly outline some of the features of this bill in order to demonstrate that it is a bill worthy of every Member's support.

For development assistance, which is where some of the most valuable work of our foreign assistance program is conducted, the committee proposes $498 million in new budget authority. Now this may look like a meat ax has been taken to it, because it is $87 million below last year's level. But I remind my colleagues that there are sums amounting to $256 million in transfers, receipts, reimbursements, and recoveries in this category. When these are included, you end up with a program for development assistance which is $169 million above last year's. Certainly not extravagant by any means, but adequate to maintain the program at or above last year's level.

Under the category of assistance to Portugal and its colonies in Africa, the committee recommends $20 million. At my request, and with the support of my colleagues, $10 million of this has been earmarked specifically for the colonies—$5 million for the Cape Verde Islands, and $5 million for Mozambique, Angola, and Guinea-Bissau.

This money has been earmarked in order to insure that assistance goes to the African colonies. Without such earmarking, it is likely that all of the funds in this paragraph would go to Portugal itself, and none to its colonies.

The need for assistance is particularly acute in the Cape Verde Islands. These islands suffer from a 5-year drought, with no relief in sight. Assistance is particularly needed now, as the Portuguese Government becomes increasingly unable and reluctant to support the colony at the needed level.

Mozambique, Angola, and Guinea-Bissau are also in need of assistance. Years of insurgent warfare have left the economies of the colonies nearly prostrate. In addition, Mozambique recently suffered a severe flood requiring substantial relief.

The colonies are rich in natural resources and it would be good policy to provide developmental assistance now, so that a history of mutual cooperation between us will exist when independence occurs.

Mr. Chairman, like many of my colleagues, I have been reading of recent events in Portugal with some alarm. But after talking to people at the Iberian desk at the State Department. I think it is more important than ever to provide assistance to Portugal.

My colleagues will remember that during the last Middle East war, when some of our allies in Europe would not let us overfly their countries to resupply Israel, we were able to use the facilities in the Azores. For this reason. I feel that it is imperative that we maintain our good relations with the Portuguese Government by providing this assistance.

Mr. Chairman, we have also provided for substantial sums for the Middle East in security supporting assistance and the Middle East special requirements fund. These funds represent a substantial commitment to the maintenance of peace in the Middle East.

We have also provided funds for the assistance of refugees from the Soviet Union and other countries.

In short, Mr. Chairman, the bill deals with the many responsibilities which we face as a leader of nations. These funds will help us as we strive to maintain world security while assisting the developing countries to take their rightful place in the world political and economic community.

I might add a warning to those of my colleagues who have expressed an intention to increase parts of this bill.

The United States is currently in a period of severe economic crisis. Yesterday this body passed a $5.9 billion bill for emergency employment assistance. At a time when we face these problems at home, we must temper our foreign assistance program to fit the domestic situation.

The members of the committee have reported out a bill which has been cut to reflect that situation.

Mr. Chairman, the bill before you meets our foreign commitments and our humanitarian concerns. I urge my colleagues to adopt this bill.

Thank you.

Mr. PASSMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman.

Mr. Chairman, the Appropriations Committee and the Foreign Operations Subcommittee under the leadership of its distinguished chairman, the gentleman from Louisiana (Mr. PASSMAN) have put together a responsible foreign aid bill. We have cut much of the fat out of the foreign aid bill and are presenting to the Members what can fairly be said to be a lean foreign aid program. The total bill is 41 percent less than the administration's budget request. It is 40 percent less than the fiscal year 1974 foreign aid program. It is even somewhat under the continuing resolution figure.

Cuts in the foreign aid are found throughout the bill. Economic assistance has been cut 39 percent under the administration request. Grant military aid has been cut 59 percent below the administration request. Funds for multilateral development banks are 48 percent below the administration request. We would be hard put to find any other appropriation bill that has been so sharply cut, relatively, below the administration budget.

At the same time the bill has been able to provide the aid that Israel needs to remain strong and secure. The bill includes $665 million for Israel through security supporting assistance, foreign military credit sales, and assistance for Soviet refugees. For those who might think this is too much money for Israel, let me remind them that Israel's adversaries have been getting much more foreign aid from many donors, including the United States. I estimated in the course of recent hearings on foreign aid that the amount for Israel in this bill is approximately one-third of what the three confrontation Arab countries, Syria, Jordan, and Egypt, have been getting in aid from all various sources, including the United States, the Soviet Union, and the Arab oil producers. We have given what was requested for Israel and this is full funding of the request by the administration for Israel.

The largest part of the development assistance is allocated to aid to help the developing nations grow more food.

One of my chief reservations about aid at this particular time concerns aid to India. India is limited to $50 million in bilateral economic aid under this bill but will probably also receive $54 million for 306,000 tons of food aid under the Food for Peace program and several hundred million dollars in aid from international financial institutions, such as IDA.

In my separate views on India, I urge India and its aid donors to emphasize a different approach to development. Developing nations must emphasize light or intermediate capital in order to give small farmers and the rural poor—the majority of the populations of India and of most developing countries—the tools to increase their productivity in agriculture and in other activities.

Emphasis on light capital, or intermediate technology, would enable India to make use of its greatest resource—the idle time of hundreds of millions of Indians. India's development strategy of the past, which foreign aid has encouraged, has emphasized heavy industry and large capital projects. Combined with India's over $2 billion in annual defense expenditures, these development policies have prevented the hundreds of millions of India's poor people from gaining access to the simple tools and resources, the intermediate technology, that would enable them to increase their standards of living.

Intermediate technology is what Gandhi urged decades ago, when he advocated cottage industries. He was very specific on this. Mrs. Gandhi has lost sight of what is necessary for India. If India does not take a very different approach, there is no hope of India's escaping from the morass of poverty and hunger in which its people find themselves now. Not all the wealth of the United States nor that of the oil producing countries, even if concentrated in India, could provide productive employment of India's people under its current development strategy. What I am saying for India can be said also for other developing countries.

I wish to commend again the distinguished chairman of the Foreign Operations Subcommittee, the gentleman from Louisiana (Mr. PASSMAN), who has shown his detailed knowledge of the foreign aid program in his management of this bill.

Mr. SHRIVER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SCHULZE).

Mr. SCHULZE. Mr. Chairman, at the time we are considering a foreign assistance bill which would appropriate $5.9 billion for foreign assistance and related programs, I believe it is appropriate to call to the attention of my colleagues some very interesting figures. The U.S. estimated financial reserves, including holdings of gold, dollars, and other monetary reserves, is $16.1 billion. Considering this with our budget deficit and our deteriorating balance-of-payments situation, and comparing our financial reserves to those of various other nations, should give us pause for thought.

According to the U.S. News and World Report of March 3, 1975, there are 15 nations with substantial financial holdings. These nations and their reserves are as follows:

[In billions]

West Germany	$32.7
United States	16.1
Saudi Arabia	14.3
Japan	13.5
Switzerland	9.0
France	8.9
Iran	8.3
Netherlands	7.0
United Kingdom	6.9
Italy	6.9
Venezuela	6.8
Spain	6.5
Canada	5.8
Nigeria	5.6
Brazil	5.5

We will note that Saudi Arabia, an OPEC country, has financial holdings of an estimated $14.3 billion. It is listed as the nation with the third greatest financial reserve. Saudi Arabia has a total outstanding indebtedness to the U.S. Government on financial credits of $40.9 million as of June 30, 1974. It should be remembered, in addition, that Saudi Arabia participated in the oil embargo of last year.

It is reported that Venezuela, another oil producing country, has a financial reserve of almost $7 billion. Also, Venezuela had an outstanding debt of $213.7 million on U.S. credits as of June of last year.

Another OPEC nation, Iran, has an estimated financial reserve of $8.3 billion. It is incredible to me that this nation owes our government approximately $1,107 million.

France is another of the 15 nations in the world with the most substantial financial holdings. In addition, France has a principal and interest due and unpaid to the United States from World War I of over $6.5 billion. She also owes the United States $349.1 million for credits extended. This at a time when France has seen fit to pledge an estimated $2.8 billion in credits to Russia. France leads the list of countries in the amount of credit committed to Russia.

The United Kingdom has a financial reserve of about $6.9 billion. She has an unpaid balance in principal and interest due the United States from World War I of well over $9 billion. This is in addition to $3,651.1 million in outstanding indebtedness for U.S. Government credits. She is also second among nations in credits pledged to the Soviet Union.

West Germany is currently the only nation which has a greater financial reserve than the United States. It is important to note that West Germany has granted $1.5 billion in credits to the Soviet Union. The Federal Republic of Germany has an outstanding indebtedness on U.S. Government credits of $68.5 million.

With these facts in mind, I am now calling upon the President to withhold any funds available under the Foreign Assistance and Related Programs Appropriation Act of 1975 to any country with a financial reserve of $5.5 billion or more until such time as said country has repaid its debt to the United States, or up to 10 percent of its financial reserve holdings.

In offering this suggestion, I am not calling upon the underdeveloped or underprivileged nations to sacrifice or forego their funds. The total financial assets of those countries in the aforementioned list with the exclusion of the United States is $137.7 billion. These nations cannot be categorized as "have-nots." I am only suggesting that those nations which have financial commitments to the United States, and which have the wherewithal to meet their obligations, be required to do so prior to receiving further assistance.

Given our projected budget deficit and our balance-of-payments situation, I do not believe that we are asking too much in requiring that these wealthy nations—nations which have participated in the recent oil embargo and which have pledged credit to other nations—meet their long-standing obligations.

Mr. SHRIVER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, just yesterday this House adopted an emergency jobs appropriations bill totaling almost $6 billion. A substitute bill for half that amount was rejected as inadequate. Today we are being asked to approve a foreign assistance bill totaling almost $3.5 billion. That is over $9 billion in just 2 days.

Now I recognize the urgent need for many of these programs, particularly aid to Israel. However, I also recognize a rather urgent problem developing with the level of our deficit this year and next. And I wonder, how long can we keep this up? A colleague in the Senate the other day noted that every $10 billion in deficit we approve means a loss of 500,000 housing starts and 1 million jobs. He based this estimate on the effect of Government borrowing on the capital market. Every time we go in the hole, that is, every time we increase the deficit, we are making a decision to eliminate a certain number of prospective new jobs in the private sector, by robbing the market of needed capital. The irony of the situation surely cannot escape public notice. At the same time we go into the hole to create public service jobs, or any other purpose, we are adding to the problem of unemployment by restricting the creation of jobs in the private sector.

As another of my colleagues once said, "the hurrider I go, the behinder I get."

I submit that the time has come for us to face reality. We cannot continue to buy friends abroad at the expense of jobs at home. We cannot ship dollars overseas when we do not even have them here. To be sure, some of the dollars in this bill are desperately needed. But for every dollar going for a good cause, there seem to be two going the other way. We have already provided a grand total of $270 billion in foreign aid.

There are many good features to this bill which I support and would vote for if presented individually, that is, aid to Israel.

Mr. Chairman, we cannot afford this bill. What is more, it does not make sense the way it is written. I am going to vote nay, and I urge my colleagues to do the same.

Mr. PASSMAN. Mr. Chairman, I wonder if the distinguished gentleman from Kansas could yield more time? I have one further request.

Mr. SHRIVER. Mr. Chairman, I yield 6 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, at the appropriate time I will offer an amendment to restore to this appropriation the amount that was authorized by both the House and the Senate for family planning, health, and population control programs. The amount authorized was $165 million, of which $15 million was for the health programs, leaving $150 million for population control. The amount that is appropriated in this bill is only $115 million, of which $100 million goes for the population control programs.

There are four urgent reasons why this amendment should be approved:

First, the population crisis is becoming more urgent than ever before in the developing countries. Every year 75 million more people, the equivalent of the population of Pakistan, are added to the world, and 60 million of these are in underdeveloped countries. More than 40 percent of the population of Asia, Africa, and Latin America is under age 15. They are the potential parents of the next two decades and unless this built-in momentum for population growth is checked now, the world could reach 8 billion people by 2000. This population increase would practically cancel out the beneficial effects of all the rest of the economic assistance program and leave individuals poorer and hungrier than before.

Second, at last, as a result of a decade of spadework and the important World Population Conference in Bucharest in August 1974 and the Food Conference in Rome in November 1974, the developing countries have recognized the urgency of the population problem. It was agreed, by a consensus of 136 governments, that every couple in their reproductive years has the right to information and means to control the size of their families. Overall, it is estimated that this will cost about $1 per capita or about $1 billion annually, most of which must be supplied by the developing countries themselves, but U.S. help on a matching basis is also necessary.

Third, last year AID funds for population were cut back to $112.5 million, at the very time that requests for funding from less developing country governments and qualified private agencies were increasing. This cut was maintained over 9 months of fiscal year 1975 with a serious impact on the program. Some of the health, family planning, and population control projects that would be eliminated in the poorest nations, if the present cut stands, are:

International Planned Parenthood, $2 million.

U.N. Population Fund, $5 million.

World fertility survey, $1 million.

International fertility research, $1 million.

Additional contraceptive supplies, $5.5 million.

And as examples for health and family planning programs that would be cut:

Kenya, $500,000.
Laos, $375,000.
El Salvador, $735,000.
Haiti, $144,000.
Honduras, $168,000.
Bangladesh, $1,130,000.
Pakistan, $356,000.

It makes no sense at all to eliminate these programs because without checks on population growth, the need for other kinds of humanitarian assistance such as food, clothes, housing, will grow at a much faster rate.

Fourth, the people themselves in developing countries are learning about family planning and beginning to use the methods and techniques that have been proved effective. Birth rates have fallen markedly in countries like Chile, Costa Rica, Egypt, Fiji, Hong Kong, the Republic of Korea, Mauritius, Puerto Rico, Singapore, Trinidad and Tobago, and Taiwan where family planning services were fully provided. On the other hand, in countries like Algeria, Brazil, Ecuador, Ghana, Mexico, Venezula, and Syria where family planning and contraceptives were not available, birth rates did not fall, in fact they increased somewhat. Where once educational programs were needed to alert people to the problem, today the demand for family planning in many areas is growing faster than AID can meet it. Let me quote the testimony of the Church World Service representative from Bangladesh last December before the Senate Select Committee on Nutrition and Human Needs:

> Mr. Jost. Our experience in the village area where we are working in providing contraceptives and advice, along with other medical assistance, is that when we began our family planning clinic and began asking every single woman or man who came to the clinic if they would like to practice family planning, would like advice and supplies to help them do so, we had an overwhelming response from more than 66 percent of the people in this village area.
>
> They said, "Yes, we would like to practice family planning, can you help us?"
>
> It indicates to me there is large unmet demand in Bangladesh for information and methods of contraception.
>
> We can talk about the problem of the resistance of traditional culture to family planning and so forth; but, before we get to the point of having to deal with those problems we already have a large unmet demand for contraception and family planning.
>
> Oral contraceptives are selling on the black market in Bangladesh for 10 times the price they are supposed to be sold. There is a large unmet demand for these devices.
>
> I think that AID presently has a program to attempt to supply this gap.
>
> Certainly there is a lot that needs to be done, at the moment, to provide the means so that whatever motivation the people have can be met. Then the additional programs can go forward, and increase their demand to reduce the size of their families.

Finally, I would like to conclude with a brief word about Gen. William H. Draper, Jr., who, as many of my colleagues know, was a persuasive and dedicated advocate of this program. Working tirelessly and without pay at an age when many would have retired in comfort, he alerted U.N. agencies and many foreign governments as well as this Congress to the population problem, just as he had earlier worked for and built support for the Marshall plan in Europe and the economic rehabilitation of Germany and Japan. He died December 26 at the age of 80 but the work that he did in the population field should continue for the benefit of all peoples.

Mr. Chairman, I know of no program that is more cost effective than this. If we can be successful in reducing substantially the population increases in undeveloped countries, we are going to decrease the amount of demand upon us to prevent starvation, misery, the lack of adequate clothing and housing. We are going to reduce very inequitable situations that are going to bring about tremendous pressures on the world in the future deriving from some countries in the western world possessing great wealth and increasing their consumption of resources, while the underdeveloped countries of the world experience the problems of starvation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PASSMAN. Mr. Chairman, I yield 1 additional minute to the gentleman, and I ask the gentleman if he will yield.

Mr. OTTINGER. I yield to the gentleman.

Mr. PASSMAN. I would like to ask the gentleman, if we placed in his hands positive facts that they do not need the money, they cannot spend it wisely, will the gentleman consider the facts?

Mr. OTTINGER. I will, of course.

Mr. PASSMAN. I said "facts." I said if we can present to the gentleman positive facts that they have more money than they need, that they have more money than they can spend, that they have more money than they can obligate, will the gentleman listen?

Mr. OTTINGER. I will, of course, listen to the distinguished chairman, and I congratulate him on the fine job he has done with respect to this bill.

Mr. PASSMAN. I hope the gentleman will listen when I respond to his argument.

Mr. OTTINGER. I most certainly will.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Do we have scientific statistics on what level of total world population the natural resources of the world can sustain and when will we reach that population level?

Mr. OTTINGER. I do not have such figures available to me right here and now, but I know we are considered to be pushing very close to that limitation at the present time.

Mr. MYERS of Pennsylvania. May I ask the gentleman further, is the gentleman supporting additional funds which can in any way be used for abortion clinics?

Mr. OTTINGER. No. The Congress, in its wisdom, has an absolute prohibition against any funds in the aid bill for abortion. That money is not being spent in that way.

Mr. MYERS of Pennsylvania. Mr. Chairman, I thank the gentleman.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I had not planned to speak on this bill but I listened to my colleagues come before the House and expound their views, almost all of them—in fact, all of them—in support of this legislation and I felt compelled to respond—I wish we had by now adopted the suggestion that we televise the proceedings of the House of Representatives, because I think that if the people of America could see the speakers here today and could hear the arguments made in favor of more foreign aid, they probably would be rubbing their eyes in disbelief.

The former Senator from North Carolina (Mr. Ervin), recently retired, used to say "figures do not lie, but liars do figure." The truth of the matter is that this particular report is filled with very interesting figures, read in the light of our national economic problems. And here we are, at this particular moment in debate, with less than 50 Members present, debating $3½ billion, which is almost half of the amount, for instance, we appropriated yesterday for the creation of public service jobs in this country.

But contemplate the problems in this country, with a national debt of more than $500 billion, with a national deficit predicted to be at least $52 billion, more realistically $80 billion with 8 percent unemployment, and we are asking the American taxpayers, who have footed the bill for more than 28 years, to give away another $3½ billion of their taxes.

Look at what it says in this report, on page 9: Total net disbursements to foreign nations by the United States, 1946–47, $164,065,600,000. That is what we gave as a principal sum. We did not have this money to give away, so we had to borrow it. What did the borrowing cost? The committee has done us a service in telling us how much it cost the taxpayers in net interest during the same period.

It cost us $105,731,600,000 in interest alone to borrow the money we have given away, money that we did not have. So here we are again today considering appropriating $3½ billion in foreign aid. And again, it is money we do not have.

We have been told of the urgency and the need for this appropriation, but on page 11 of the report it is admitted clearly by the committee that the unexpended balances remaining in the foreign aid pipeline, already authorized and not spent, are $27,162,092,000. That is money unexpended, already appropriated—$27 billion plus.

So we are told that, in view of the problems we face in this country, pushing 9-percent unemployment and facing a huge deficit which is causing double-digit inflation, almost all of the citizens of the United States, according to some of the polls that have been quoted here today, are in favor of appropriating this amount of money; appropriating sums for countries in the Mideast that are raising our oil prices, for countries in South America that are hijacking our boats, and for other countries who are aiding our enemies to fight against us. I do not believe that is what the American people want.

Mr. Chairman, one of our former colleagues, who came from Iowa, sometimes used the phrase—and it was quite true—"Uncle Sucker," not "Uncle Sam." Yes, we are humanitarian, but the American people have done more than enough. The backs of the taxpayers of this country are bent to the point that they look like a lady's hairpin; perhaps in these days I should say, "a gentleman's hairpin." They are just bent double, and they cannot take much more.

I will say to my colleagues who are so willing to give away the wealth and the substance of our people that we should consider just what we are doing. We should think perhaps not only of what we are doing for others, but what we are doing to the citizens of the United States.

I hope that when the final votes are taken and all of these "goodie" amendments are finished, we will see an endorsement of the committee's cuts and the eventual defeat of this bill. It would not hurt a thing to let the foreign aid program lie fallow for the remaining months of this fiscal year and for several years to come. We should think over what we have done to this country in the name of international "do-goodism." There must be an end to it.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank my colleague for yielding.

I understand the main point the gentleman has made is that if we vote this bill down today, that would not stop the ongoing humanitarian programs this bill is supposed to provide?

Mr. BAUMAN. Mr. Chairman, I am sure, with the continuing resolution already passed, that would provide for the continuation of spending at a level of $3½ billion, so probably it would not disrupt anything. There are huge unexpended balances that could be used for many purposes.

Mr. ROUSSELOT. So if Members are concerned, as most of us are, about the problem of finding a place where we might cut our very inflated Federal budget and if the polls are correct that well over 60 percent of the American people say, "Why don't you cut this program off?" when do we start paying attention to these citizens? For those worrying about present ongoing programs they would still go on as a result of the $26 billion in the pipeline. It would be a clear sign to the American people that we as a Congress are trying to be more responsive and are looking homeward to take care of our problems in this country instead of continuing this overgenerous way we have treated the rest of the world.

Mr. BAUMAN. Mr. Chairman, the gentleman is absolutely correct.

There has been a great deal of concern expressed about the ability of the world to provide a food supply to support its population. I think we ought to consider the ability of our population to support the world.

Mr. SHRIVER. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. Symms).

Mr. SYMMS. Mr. Chairman, I would like to direct a question to the distinguished chairman of the committee. What I am interested in is the Export-Import Bank.

I wonder if the gentleman could explain to me where some of this money is going and how much of it, if any, is going to Communist countries. I notice there is a little bit in the report about this, but I would like to have it for the Record.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield, I will address my remarks to one Communist country, and that is Russia.

The Export-Import Bank approved $468 million in credits to Russia, but that generated immediately $1,000 million in sales and all the commodities financed are U.S. commodities.

Mr. SYMMS. Mr. Chairman, what I am getting at is this:

I just returned from a trip to Southeast Asia, and I learned that trucks built in Russia were pouring down the Ho Chi Minh Trail, and what they call Highway 1. It is so busy it looks like the Shirley Highway.

So I am just wondering if some of this money has not gone to build the truck factory in Russia for the manufacture of those trucks.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield further, I would like to respond.

Since the implementation of the Export-Import Bank, it has provided 4 million jobs. In America today, the Export-Import Bank is providing 1 million jobs. The Export-Import Bank has paid into the U.S. Treasury $900 million. In addition to that, those who have taken the jobs have paid in millions in income taxes, and the manufacturers who made the profits have paid in millions in income taxes.

Mr. SYMMS. Mr. Chairman, I thank the gentleman, but what I am getting at is this: Is it possible that some of this money that has gone to the Export-Import Bank and has been lent to Russia has helped manufacture the trucks that are hauling materials into South Vietnam?

Mr. PASSMAN. Of course, what they do with those trucks I do not know. However, the Export-Import Bank was created to finance American manufactured commodities and in no sense foreign manufactured commodities.

Mr. SYMMS. The point is that the factory is still on the Kama River in Russia, is that correct, built by an American company?

Mr. PASSMAN. I believe in the instance the gentleman is referring to there is the manufacture of those commodities. I believe I should refer the question to the President of the Export-Import Bank and ask him to answer the question.

Mr. SYMMS. In the remaining 1 minute, Mr. Chairman, the thing that bothers me is how we seem to be giving money to people or giving them credits when they are in direct competition with us in the war effort or at least where we are fighting wars by proxy all around the world.

I think this is the thing the gentleman from Maryland (Mr. Bauman) so aptly stated when he said if the American taxpayers see this and understand how we are doing it, he was sure they would come to the conclusion that our foreign policy was and is pathologically irrational, as we cannot decide what side we are on.

Mr. PASSMAN. Mr. Chairman, I yield myself 1 minute.

Every industrialized nation on the face of the Earth has an Export-Import Bank, or the equivalent, to finance exports. America is the only nation with an Export-Import Bank that does not receive a subsidy.

This is one of the most profitable operations for the American Government that we have. It is the one agency that makes billions and billions of dollars of profit for the employees, for the manufacturers, for the banks, and for the U.S. Treasury.

When you make a loan of $1 to Russia and have them spend $3 and you are going to get it back in gold or dollars, then the more you let them have, the better I like it, because I want to bring the dollars home.

If anyone is going to say that we should only select the few nations we like to which to sell our goods and thereby make a profit, I do not know where we will wind up. However, I can assure the gentleman as to the Export-Import Bank that if he studies the record, he will be just as enthusiastic as I am.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. Yes, I yield to the gentleman from Kansas.

Mr. SHRIVER. As I can recall the concept of producing jobs is one of the main purposes of the Export-Import Bank. I know that many jobs have been created because the Bank loans money for the sale of commodities produced in the United States, whether for sale over the world and in many countries. It has been a very helpful, useful tool.

Mr. PASSMAN. I thank the gentleman for his comment. As we all know, we do have very restrictive legislation on this matter of what they can or cannot do. It is pinned down very firmly in the legislation.

Mr. SHRIVER. I thank the gentleman, Mr. Chairman.

Mr. PASSMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, I have two brief questions. The first concerns a matter about which the distinguished chairman and I had colloquy before.

Do I understand that there will be no unreimbursed grant-in-aid programs to Saudi Arabia in this bill?

Mr. PASSMAN. That is correct. There are no funds in this bill for Saudi Arabia.

Ms. HOLTZMAN. I thank the chairman.

Second, I would like to compliment the distinguished chairman on the language on page 8 of the committee report which attacks economic boycotts based on discriminatory factors such as race or religion. I would like to ask whether there is anything in this bill that would permit any Federal agency to discriminate against Americans on a basis of religion, race, national origin or sex in terms of hiring practices or in terms of contracts entered into in order to carry out the provisions of this bill?

Mr. PASSMAN. Mr. Chairman, in reply to the inquiry of the gentlewoman from New York, let me say that it is my understanding that in most basic authorized legislation we have such a provision and, if not, at least we are making legislative history here. That is the way it should operate. I do not believe that any of our agencies ought to do business with nations who practice or indulge in such methods as so as to impose a burden upon a lot of our Americans.

Ms. HOLTZMAN. Is it true that under this bill no Federal agency could discriminate against Americans in terms of fulfilling any of the provisions of this agreement?

Mr. PASSMAN. If there is any way to prohibit it, I will do my part.

Mr. LONG of Maryland. Mr. Chairman, if the gentlewoman will yield, I might point out that the subcommittee voted for this unanimously at the suggestion of the gentleman from Wisconsin (Mr. OBEY).

Mr. PASSMAN. If the gentlewoman will yield further, I believe the gentlewoman from New York likes the language but believes it should be a little broader, or a little more inclusive?

Ms. HOLTZMAN. That is correct. I am concerned about revelations that Federal agencies have refused to hire or refused to assign Jews to U.S. projects in Arab countries. It seems to me unconscionable for agencies of the U.S. Government to discriminate against Americans, whether at the behest of a foreign government or for any reason.

Mr. SHRIVER. Mr. Chairman, I have no further requests for time.

Mr. PASSMAN. Mr. Chairman, I yield the remainder of my time to the distinguished gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I rise in support of the amendment involving the funding for population programs to the requested administration level.

I was the author of the 1970 Family Research and Planning Act that now provides family planning services for some 3.5 million women who desperately need it.

In our domestic programs, Mr. Chairman, there is absolutely no Federal program of any kind that has the cost-benefit implications as do our family planning programs here in the United States.

There is no domestic program that we now have that will have such an impact on our country in 10 or 15 years from now, or that will have the impact on the quality of life around the world at the beginning of the next century or will provide such assistance to the countries in the world that are engulfed with runaway population rates, and of bringing such increasing population growths under control, or that will bring in time some sort of balance between food and population; resources and population; energy and population

We have learned to our sorrow that our world is a finite planet, that there are limits to food, energy, and resources, and that we must bring our population under control. The very tensions and anxieties we are wrestling with in the Middle East are to a large extent the results of the mounting pressures of population and dwindling resources, and the response to them carried out by government in trying to get the necessary additional arable land so as to support these growing populations.

There is no dollar expenditure we can make that will help create a world of peace a decade or two decades from now as will the international population control effort.

Let me just read a few sentences from a message from President Ford to the World Population Conference in Bucharest last summer:

> The rapid growth of the human race presents one of the greatest challenges of man's ingenuity that we have ever encountered. We already know a great deal about the causes of growth, but we know very little about the best ways to deal wtih its consequences. That must remain one of our primary mutual concerns for the remainder of this century.

Mr. Chairman, this amendment would simply appropriate that amount authorized by the House last December: $15 million for health programs and $150 million for population control. There are four reasons the amendment should be approved.

First. The population crisis is more urgent than ever before, especially in the developing countries. World population is increasing by 75 million every year, 60 million in the developing countries alone; 40 percent of the population in the developing countries is under age 15. The world could reach a population of 8 billion by the year 2000, cancelling out the effects of the rest of the economic assistance program.

Second. At the World Population Conference last August in Bucharest, the developing countries finally realized and admitted the seriousness of this problem, and they agreed—136 countries—that every couple in their child-bearing years has the right to information and the means of family planning. The cost will be about $1 billion annually, most of which is being covered by the countries themselves, but AID must help.

Third. AID funds for population were cut last year to $112.5 million, having very detrimental impact on the program. If the funding level in the bill is approved, not only will there be no expansion on the program, current healthy programs—Bangladesh, Pakistan, Laos, Kenya, et cetera—would have to be eliminated. The effect would only be an increase in the demands for other kinds of humanitarian assistance. Without effective population control in the developing countries, this assistance is pretty much meaningless.

Fourth. Family planning is working. In countries where family planning services are being provided on a comprehensive basis—Chile, Costa Rica, Egypt, Fiji, Hong Kong, Korea, Puerto Rico, Taiwan, et cetera—birth rates have fallen markedly. In other countries—Algeria, Brazil, Mexico, Syria, et cetera—where family planning is not available, birth rates have increased.

One might ask: Why is there so much money in the pipeline? The committee report says there was a pipeline of $203 million undisbursed funds as of June 30, 1974. That was a year ago. The pipeline has been reduced to about $150 million now. It takes time for a program to gear up: GAO estimates 18 months; the population pipeline is less than that.

What about wasted funds?

The committee report says that funds spent on the purchase and distribution of contraceptives themselves is a waste, and that money should be spent on educating the people. It takes more than education to prevent pregnancy, and the wellpublicized black market price of oral contraceptives in Bangladesh should testify to the need for the supplies themselves in these countries, rather than just films and posters.

Mr. FORD of Tennessee. Mr. Chairman, I plan to vote for passage of the foreign assistance appropriations of 1975; $324.5 million of the security supporting assistance funds in this measure is earmarked for Israel. It is my opinion that the security supporting assistance program is absolutely essential to maintaining peace in the Middle East and a moral obligation the United States must continue. Israel is our only consistently dependable ally in the Middle East and a bulwark against Russian penetration of that area. We must continue to provide an umbrella of financial strength for this courageous country so that it can continue to deal with confidence in the negotiations so important to world peace. This measure also contains funds that tant international programs such as the will provide for many extremely impor- food for peace program, famine and disaster relief, international narcotics control, the U.N. Children's Fund and the U.N. Environment Fund.

The consensus of the recent World Food Conference was that the key to erasing world food shortages lies with developing agricultural technology in the third world. I recognize that failure to continue the food and nutrition programs which offer this necessary assistance will result in more tragedies such as the severe famine we are now witnessing in the African Sahel.

The United States has traditionally played a responsible role in world economic and social development. Our technological and financial assistance in these programs significantly aids our efforts in maintaining world peace.

I do, however, want to make clear my objections to the $800 million earmarked for military assistance and military credit sales. That is $800 million I would prefer to see spent to aid our unemployed and our elderly. It is because of the overriding humanitarian goals this appropriations bill represents that I am supporting it.

Mr. VANIK. Mr. Chairman, I rise to express support for this appropriations bill. What we have today is an opportunity to bring greater stability and the possibility of peace to the Middle East.

The funds earmarked for Israel in the bill are $324.5 million in supporting assistance, $300 million in military sales credits of which repayment of $100 million shall be forgiven, and $40 million to help resettle Soviet Jewish refugees. This is a wise and prudent investment in the cause of peace. For it should be clear that the Arab States will never enter into a peace agreement with a weak Israel, one they feel they could defeat militarily. It is also true that a weak Israel will be unable to take the risks involved in negotiating with her adversaries. Israel desperately needs the funds authorized to maintain her defense, to assist her strained economy, and to ease her unprecedented economic burdens.

It is Israel's citizens who have shouldered the massive burden of their own defense. They are the highest taxed people in the world, and they have the highest per capita external debt. The Yom Kippur war consumed the equivalent of Israel's entire gross national product for a year in 3 weeks. New taxes and compulsory loans, combined with a stringent set of economic controls, have been imposed so that Israel could pay these staggering costs.

Some relevant statistics demonstrate the difficult straits in which the heroic people of Israel must live today. If one includes local taxes and social security, along with income taxes and compulsory loans, Israelis contribute over 63 percent of their gross national product to their government. Compare this to 31 percent in the United States. The Israeli tax rate is so steep that an Israeli will pay 80 percent in taxes on every dollar over $500 per month. A $500 per month salary is taxed at a 40 percent rate which does not include compulsory loans nor additional emergency taxes. Inflation in Israel since the war has exceeded 40 percent, and the buying power of the average citizen has been further decreased by the aboliiton of subsidies of food products.

The burden of defense of this beleaguered democracy has been crushing. This year, Israel will be forced to spend nearly $4 billion for defense. But this is small in comparison to the flood of petrodollars being turned into arms. This is creating an imbalance of power between Israel and her Arab adversaries, who now bristle with the most sophisticated Soviet, United States, British and French weaponry. The Arab States outnumber Israel—by wide margins—in artillery, arms, aircraft and manpower. Israel's citizen army relies on morale and organiaztion to make up the difference, but there are limits to what kind of imbalance can be sustained before the Arab nations go to war again.

For the people of Israel, it is clearly a time of unparalleled challenge. At this very moment, crucial second-stage disengagement negotiations with Egypt are being conducted by Secretary of State Kissinger. Israel is being asked to give up the Abu Rodeis oil fields, from which she secures more than half her oil, and the strategic Mitla and Gidi passes, which control not only the Sinai but the very approaches of Israel's urban centers. To make the strategic sacrifices now proposed, Israel will require not only assurances from Egypt, but assurance from our own country that she will be able to maintain the capability to deter future Arab aggression.

Mr. Chairman, a favorable vote on the Foreign Assistance Appropriations Act will provide encouragement to the people of Israel at this trying time and a significant step toward peace.

Mr. BEDELL. Mr. Chairman, it is only with the greatest reluctance that I rise to in effect speak against the recommendations of the Appropriations Committee. We all appreciate how hard they work over there, and I have nothing but respect for the efforts of the distinguished gentleman from Louisiana (Mr. PASSMAN). I know he is trying to save the taxpayers some money. And I do not have to be told about the budget deficit or about the state of the U.S. economy. I too favor saving money, Mr. Speaker. But I do not believe in gutting important U.N. programs to do so, and, make no mistake about it, that is what we are being asked to do here.

The Appropriations Committee recommends $115,000,000 for voluntary contributions to international organizations, and points out that this is $38,900,000 below the budget estimate. But these are not the real figures with which we have to deal. Mr. Speaker, this body worked its will in December of last year when, by a very large majority, it voted out the foreign aid authorization. That authorization called for a voluntary contribution of $165,000,000 to international organizations. This appropriation would strip away $50,000,000 of that authorization, over 30 percent. This is more than just a cut. If we allow this appropriation to stand as it is, we would be saying that we really don't care any more about U.S. participation in the U.N., that it is not important, that we might as well get along without it. I am not prepared to do this.

Why is it that whenever we want to save money we go after the U.N.? The amounts spent there are so small compared to the total U.S. budget. In 1974 the total budget for the U.N. and specialized agencies came to $637,378,000. This amounted to 2/1,000 percent of the U.S. budget. I am afraid the answer to the question of why it is so easy to cut our voluntary contribution to the U.N. is that there is no natural constituency to defend it. None of the money comes back to us directly in the form of government programs. To be sure, the people of my district do not directly benefit from it, neither do the people of Mr. PASSMAN's district. In hard times it is sometimes difficult to explain U.N. expenditures to the people who elected you.

But since the U.N. has no natural constituency, it is up to us, the Members of Congress, to defend it. We are in a position to know the good it does. We know the burden which the U.N. is bearing. We know from bitter experience that the United States cannot shoulder the burdens of this planet by itself. The poor of the world need help. The resources of the countries of the earth need to be marshalled to deal with the problems, and the U.N. is the only organization I know of that is capable of doing this.

So, Mr. Chairman, I rise to the defense of the United Nations. I do not by any means agree with everything it does. In fact, I am in strong disagreement with some of its actions. But I know one thing for sure—

The U.N. is only as strong as its member states want it to be. If the United States starts to withdraw its support by cutting its voluntary contribution, we will be gradually strangling the U.N. If the mightiest nation on Earth does not demonstrate its belief in the U.N., then that organization will die. I do not intend to stand idly by and watch that happen. I am going to vote for appropriation of the full amount of authorized funds. I urge my colleagues to do the same.

Mr. BIESTER. Mr. Chairman, the Appropriations Committee this week recommended funding levels substantially below those authorized by Congress for fiscal year 1975. Among those programs for which funding has been drastically reduced are food and nutrition, international population and health, and international organizations and programs.

Mr. Chairman, I believe that cuts of the magnitude recommended by the Committee on Appropriations seriously impair America's ability to contribute adequately to the many pressing problems of the less developed world. Thus, I rise to support very strongly attempts by various Members to restore funding to appropriate levels.

Let me briefly address each of the three program areas which have suffered serious—in some cases—debilitating cuts. First, and in the long run perhaps most important, is a one-third cut in funding for population programs, from an authorized $150 million down to $100 million.

Ultimately, all efforts to improve the quality of life in less developed nations throughout the world hinge on the ability of those nations to stabilize and keep within manageable limits rapidly burgeoning populations. Over the past several years, substantial progress has been made in various Latin American, African, and Asian nations with Agency for International Development assistance. Moreover, an impressive effort was made at the World Population Conference in Bucharest, Romania, last year to focus world attention on this severe challenge to the well-being of mankind. The Conference encouraged the development of specific programs capable of meeting that challenge. The United Nations must play a leading role in helping less developed nations to meet their population planning goals. I sincerely believe that for the U.S. Congress to cut back so severely on funding for population programs would be a very serious mistake. It would signal the lack of adequate American commitment to help meet one of the world's most fundamental problems.

Throughout the globe, governments of less developed states find themselves in an impossible situation. Rates of growth and development are more than outstripped by rates of population growth. Only with adequate population planning can less developed nations ever hope to break free of the bonds of poverty, despair, and degradation which grip the bulk of their population. I urge my colleagues to vote to restore population planning funds to a realistic level of $150 million.

A severe cut of 53 percent has also been recommended in food and nutrition programs. A cut of this magnitude will have a serious and immediate negative impact on our ability to assist the peoples of the less developed world to help themselves. The Agency for International Development is engaged in technical assistance projects aimed at improving agriculture techniques and increasing food production in an effort to assist less developed states to become more self-reliant.

To cut food and nutrition funding from the authorized level of $500 million down to less than half that amount, simply makes many of those AID programs an impossibility, and condemns many states to continued heavy reliance on external help. At its worst—and we should not forget this grim but basic fact—our action in cutting food and nutrition funding means increased malnutrition and increased debilitating disease in some of the world's poorest countries. Those of us who have known the joy of watching our own children grow and develop should be well able to imagine the horror and bitterness of African and Asian parents who must watch their children's minds and bodies stunted and impaired by the lack of proper or adequate food.

Finally, Mr. Chairman, let me urge the House to consider the impact of cutting our funding for international organizations and programs from an authorized $159.3 million down to $115 million.

An appropriation for international organizations of $115 million would result in a reduction of $38.9 million in funds available for the United Nations Development Program. Combined with a prohibition on use of any 1975 funds for completion of our 1974 pledge and anticipation of a similar prohibition on split-year funding for fiscal year 1976, an appropriation of this level would allow $71.1 million for UNDP in fiscal 1975.

America's contribution to the development arm of the United Nations—the part of that organization closest to the cutting edge of many of the world's most vexing problems of long-term development—would compare to $105.5 million from the countries of the European Community, excluding Denmark.

In terms of our gross national product, a contribution at the $71.1 million level would put the United States about 60th among contributors—below such small countries as Afghanistan and Equatorial Guinea.

Mr. Chairman, I fully realize that the United Nations does not particularly enjoy widespread popularity at this moment. Some of the criticism of the U.N. may be justified. But regardless of temporary political considerations which make attacks on the U.N. an easy political maneuver, I think we should realistically face the impact of this funding cut. It would seriously impair the ability of the United Nations Development Program to promote the kinds of projects which do make a difference in the world, which do help to create the kind of world in which violence is less likely, in which the quality of life for peoples in the less developed world is markedly improved. I urge my colleagues to restore funding for international organizations and programs.

Mr. KOCH. Mr. Chairman, I think that the Members will be interested in knowing why the Honorable Alfred L. Atherton, Jr., Assistant Secretary, Bureau of Near Eastern and South Asian Affairs, Department of State, testified before the House Foreign Operations Subcommittee in support of full funding for Israel. And so I would like to place in the Record at this point an extract of the statement of Mr. Atherton given on Tuesday, February 4, 1975, before my committee:

> Mr. Atherton. I would like to elaborate a little bit in response to the Congressman's question with respect to Israel because I think there is one point that has not been brought out in this hearing and I think it is important to bring it out.
>
> As I understand it, the basic concept behind security supporting assistance in particular we should keep in mind particularly countries that are bearing an extraordinary defense burden. I don't think anyone can question that this is the case with regard to Israel where 40 percent of the national budget goes for defense, 30 percent of GNP is defense related, and in 1974 defense imports alone amounted to $1.8 billion.
>
> We have in the past considered this basically as a budget support program to help compensate for the heavy defense expenditures that Israel bears.
>
> Having said that, we have always, I think, had a very good experience in terms of Israeli use of these funds.
>
> The programs that have been worked out, such as the commodity import program, have been good programs. They have been well managed programs. Our experience has always been that the money has been well spent. It has been spent in this country, but I think we ought to keep in mind the basic consideration that these are requirements of an extraordinary nature because of the extraordinary defense requirements which are a result of the unfinished conflict in the Middle East.

I think it would be helpful also to have the additional exchange on that same day which I had with Mr. Atherton which follows:

> Mr. Koch. Am I correct that it is a matter of U.S. policy which has been expressed by the President and the Congress that it is in the national interest of the United States to support Israel and to make certain that it can defend itself militarily? Is that a fair statement?
>
> Mr. Atherton. I think that is a very fair statement, Mr. Congressman.
>
> Mr. Koch. Having taken that position, we have undertaken to assist Israel economically and militarily to achieve this. Is that fair?
>
> Mr. Atherton. Yes, sir.
>
> Mr. Koch. In some cases with respect to other countries we have given them arms totally without charge.
>
> Mr. Murphy. Yes, sir.
>
> Mr. Koch. Many countries.
>
> Mr. Murphy. Yes, sir.
>
> Mr. Koch. We have not required them to reimburse us at all.
>
> Mr. Murphy. Correct.
>
> Mr. Koch. Isn't it a fact, however, that with respect to the arms provided Israel over the years that a vast amount of those arms have been paid for, whether by long-term loans or short-term sales, but in fact paid for?
>
> Mr. Atherton. I think over the years that is correct.
>
> ### CRITERIA FOR ASSISTING ISRAEL
>
> Mr. Koch. In determining how you would assist a country, you could decide that we would not grant any economic assistance; but that we would provide arms with no requirement for reimbursement. That is one way of handling it; isn't that so?
>
> Mr. Atherton. Yes.
>
> Mr. Koch. Didn't you tell us that Israel is compelled to spend 40 percent of its total budget on arms in order to maintain itself militarily?
>
> Mr. Atherton. Forty percent for total defense expenditures.
>
> Mr. Koch. And if that 40 percent were given outright by the United States—I'm talking about the military hardware and isn't it a fact that it would not be necessary to have the economic assistance that we are talking about today?
>
> Mr. Atherton. I think that is clearly true. Forty percent would be something in the neighborhood of over $4 billion.
>
> Mr. Koch. So we have decided instead of that to require that Israel pay back the military aid and we will assist them economi-

cally in grants and long-term loans. Isn't that a fact?

Mr. ATHERTON. Yes; in general I think that is correct. There is a balance between the two.

Mr. KOCH. This is current policy. There has been a decision made that it is in the interest of the United States to do that. Is that not so?

Mr. ATHERTON. Yes.

Mr. Chairman, I believe, and that belief is shared by an overwhelming number of Members in this House and Senate and by the President and Vice President of the United States that military and economic assistance to Israel is in the national interest of the United States as well as a moral imperative.

Mrs. LLOYD of Tennessee. Mr. Chairman, we have today been called upon to make a most difficult decision regarding this Nation's ability to continue to provide massive financial assistance to foreign nations. I oppose the continuation of the foreign assistance program. I cannot support the giveaway of nearly $3½ billion to other countries while we face severe economic problems at home. We no longer have the capability to meet both domestic and international needs solely from our limited national resources.

Since the end of World War II, we have poured $172 billion into foreign aid. The results of some of these programs are little short of miraculous. The Marshall plan rebuilt a destroyed Europe and stabilized the governments of U.S. allies in the Mediterranean.

However, in recent years, our aid has too often been readily accepted by nations who have consistently opposed U.S. interests. Foreign aid has been the basis for drawing this Nation into long and bloody conflicts under the guise of protecting "our investments." Many nations in receipt of foreign assistance have lined the pockets of corrupt leaders with U.S. taxpayers' dollars while doing nothing to meet their internal needs. U.S. assistance has come to be regarded as the norm by some nations who refuse to tax themselves so that they might stand on their own.

So long as there is desperate need in this Nation—elderly citizens who must choose between food and shelter, workers unable to support their families, sickness and illiteracy—I will not support the expenditure of our tax dollars on foreign needs.

I deeply regret that by voting against this bill I am in the position of voting against assistance to Israel, a nation which has borne the brunt of its own defense. Israel is a nation determined to fight for its existence, a fight which, without the outside interference of the Soviet Union, it would easily win. In light of these circumstances, I feel that continued U.S. assistance to Israel is fully justified and deserved. I would support such a proposal if offered independent of this bill. Since this is not the case, I must reluctantly vote against continuation of the Foreign Assistance Act of 1975.

Mr. OBERSTAR. Mr. Chairman, I will reluctantly support H.R. 4592 but only because the very necessary and worthwhile programs of economic aid are inextricably tied to the military aid provisions; and the Members of this body will not have an opportunity to register their opposition to the military portion of the bill by means of a separate vote.

I must object most strenuously to the nearly $2 billion in military, security, and political aid contained in this bill when it is unlikely that any of this money will be used to feed one child, to build one road, supply one hospital, or hire one teacher. The United States has a very real responsibility to provide economic aid to assist the struggling nations in their efforts to pull themselves out of the despair and deprivation of hunger and poverty. The American people have always supported such programs, but more and more of our people, not to speak of those abroad, are getting the distinct impression that U.S. aid means U.S. guns. If this impression prevails, we will, in short order, see the end of the valuable economic and social programs this appropriation supports.

I wish to raise particular objection to the policy, encouraged by the military aid provided in this bill, that has led to our supplying arms to both sides of several conflicts. We then witness the absurd spectacle of having one friend shooting at another friend with both sides using U.S. arms.

With the exception of the military aid this bill provides for Israel, which I fully support, I wish to make it clear that I do not support the military, security, and political aid provided in this bill. This aid does not, with a few exceptions, effectively further any U.S. interest in the world nor does it further long-range world peace and stability.

In the future I would hope that each Member would have an opportunity to be heard on this matter by means of a separate vote on the economic and military portions of this bill.

Mr. DRINAN. Mr. Chairman, last December I expressed to this House my reluctance in voting for passage of the Foreign Assistance Act of 1974. Today, I rise once again to voice my objections to the foreign assistance appropriation bill (H.R. 4592), while declaring my intention to vote in favor of the legislation at the conclusion of debate.

The legislation before us today appropriates nearly $3.5 billion to finance the numerous programs of foreign assistance conducted by the United States in fiscal 1975. The majority of these programs, in my opinion, serve to enhance the cause of world peace and to provide humanitarian assistance to people less fortunate than ourselves. To the extent that American foreign assistance fulfills these objectives, I strongly advocate its continued funding.

Probably the single most important component of the Foreign Assistance Act of 1974 and of the appropriation bill before the House today is the so-called "Middle East package" which comprises more than $1 billion in military and economic assistance for Israel, Egypt, and Jordan. The $624 million in the bill appropriated for military and economic aid to Israel is vital to the security of that embattled nation. This represents a continuation of our long-standing commitment to the survival of Israel which we have upheld through more than $4.5 billion in aid since 1948. The bill also appropriates a minimum of $35 billion to assist the resettlement of Soviet Jews in Israel. The financial aid provided by the United States is instrumental in the continuation of this humanitarian endeavor. I am hopeful that the Soviet Government will reconsider its recent decision to reduce Jewish emigration so that these resettlement funds can be put to use.

The Middle East package also contains $250 million appropriated for economic aid to Egypt. This constitutes our first substantial assistance to that nation since 1967. By providing this aid along with $77.5 million in economic aid to Jordan, the United States can increase its influence with those Arab nations which must join with Israel in negotiating a lasting settlement in this troubled area of the world.

Finally, the Middle East package contains a special requirement fund of $100 million which can be spent on refugee resettlement, U.N. peacekeeping missions, economic development of occupied territories, or other worthy projects at the discretion of our Government. On the whole, the Middle East package appears to constitute a responsible and constructive approach to our sincere efforts to bring a just and lasting peace to the Middle East.

The foreign assistance appropriation bill also provides more than $400 million to developing nations for programs in food, nutrition, population planning, health, education, and other social services. The appropriation for food and nutrition does not include funding for Public Law 480, the so-called "food for peace program," which is covered by the Agriculture Department appropriation. I believe that this most basic form of humanitarian assistance should be significantly expanded, and I intend to vote to increase Public Law 480 funding at the appropriate time. I will also support amendments offered on the floor today to increase the level of humanitarian assistance in the pending appropriation bill.

I will not take the time to describe the numerous other foreign aid programs which are funded by H.R. 4592. They include a contingency fund for famine and disaster relief, the Peace Corps, and the Cuban refugee resettlement program. This legislation also appropriates funds to various multilateral organizations to which the United States belongs. Programs operated under the auspices of the United Nations, including the U.N. Development program, the U.N. Children's Fund, and the U.N. Relief and Works Agency, receive more than $115 million. Substantial contributions to the International Narcotics Control program, the Inter-American Federation, the Asian Development Bank, and the International Development Association are also included. All of these programs provide vital economic assistance to developing nations and deserve our strong support.

All of the appropriations contained in this bill, which are described above, have considerable merit. I remain deeply disturbed, however, over the great emphasis in our foreign policy on military aid. In particular, I deplore the use of American tax revenues to buy weapons for totalitarian governments throughout the world. The bill before us appropriates

$490 million for military aid to 48 foreign nations and an additional $300 million for foreign military credit sales. The recipients of this assistance include a number of regimes which violate civil liberties, suppress dissent, and maintain power through terror and brutality.

It is difficult for me to understand why the United States should provide arms to the present governments of South Korea, the Philippines, Spain, Portugal, Haiti, Chile, and several other nations earmarked for military aid under this legislation.

I also do not know why Venezuela, one of the world's chief oil producers, needs American foreign military aid when it is saturated with petrodollars. Finally, given our expressed desire to reduce tensions and bring a lasting peace settlement to the Middle East, I find it incredible that this bill includes military aid for Jordan, Lebanon, and Saudi Arabia. Lebanon, one of Israel's most aggressive enemies, has been the source of recent atrocities perpetrated upon Israeli civilians. Saudi Arabia, which, like Jordan, joined in waging war against Israel just 2 years ago, has more money from oil sales than it knows how to spend.

I cannot in good conscience support the extension of such aid by the United States. As the gentleman from Wisconsin (Mr. OBEY) points out in his dissenting views in the committee report, military aid provided by the United States tends to stimulate regional arms races, perpetrate totalitarian governments, and embroil us in the internal politics of foreign nations. Unlike our humanitarian foreign aid programs, it does not further the principles of peace and democratic self-government which this Nation has traditionally upheld.

It is time that the United States ceased its policy of handing out weapons to virtually any government which asks for them as a means of gaining its friendship and support. In providing such aid, we may have won some friends, but we have undoubtedly lost others, and we have tarnished our image and lowered our credibility in the eyes of the world. Moreover, I am not certain that dictators who imprison their political opponents, deny freedom of expression, and enrich themselves through rampant corruption are the kind of friends worth having.

This appropriation bill contains far too much money for military aid but, as I mentioned previously, it also provides funds for vital peacekeeping and humanitarian efforts in the Middle East and throughout the world. For that reason, I will cast my vote in favor of H.R. 4592. I hope that before we consider the foreign assistance appropriation for fiscal 1976, Congress will mandate a shift in priorities so that our foreign aid programs will adhere in the future to the principles of peace, freedom, and humanitarian generosity which they were intended to serve.

Mr. HUGHES. Mr. Chairman, with all due respect to Chairman PASSMAN and the members of the Committee on Appropriations who worked diligently to make the foreign assistance programs for fiscal year 1975 palatable, I must nonetheless register a firm disapproval to the manner and method under which we are asked to expend these billions of dollars.

To begin with, I disapprove of the way in which this legislation has been presented. I am being asked to, in effect, ratify the commitment of 75 percent of these moneys which have already been expended under a series of continuing resolutions.

When I asked for the opportunity to serve in the Congress, I pledged to take a long, hard look at our foreign assistance programs. All I am getting today is a choice of vote the whole $3.5 billion dollar package up or down.

I believe that my constituents sent me here to ask questions. Questions about the setting of priorities; including the rationale for spending billions overseas when we have millions of Americans out of work at home.

We have in this bill money both for armaments and postwar reconstruction. We have assistance for Egypt and for Israel. Fifty countries, in fact, will receive military assistance under this aid program. Five countries would receive security support assistance and three others Indochina postwar reconstruction assistance totaling $440 million.

I suspect that it was just the approach to foreign aid spending that we are being confronted with today that led to our arming both sides in the ongoing Turkey-Greek conflict over Cyprus.

This House, Mr. Chairman, should permit the widest possible debate on foreign aid commitments with each Member having the opportunity to decide item by item whether to vote these funds.

I am assured that in rejecting this appropriation measure as presented, we will not be prevented from lending assistance to friends and allies—such as the nation of Israel—and for providing emergency relief overseas, such as for the starving people of the world.

A modified bill reflecting the disapproval of a majority of Members could be presented in the near future for reconsideration. I would hope, as well, that procedures might also be amended to permit a more careful consideration of the commitment of funds.

With a potential $100 billion-plus deficit staring us in the face by fiscal year 1976, we must change our way of doing business. I hope and pray that our new budget procedures will help put our fiscal house in order.

To conclude, Mr. Chairman, I am simply not willing in good conscience to spend these billions of taxpayer dollars in the manner which this appropriations bill contemplates today.

Mrs. HOLT. Mr. Chairman, I am deeply disturbed by the applications of H.R. 4592, the $3.5 billion foreign aid bill. Is there never to be an end to this? The American people are thoroughly disgusted with the policy of shoveling their money to approximately 100 other countries, some of which are actually hostile to the United States.

At a time when Americans are experiencing serious economic problems, the continuation of such a foreign aid program is intolerable.

Many of the foreign aid grants have no comprehensible relationship to our national interests, and for this reason I have voted against most foreign aid programs to come before the Congress since I have been here.

The current foreign aid bill has some good features, such as appropriations to support our foreign policy objectives in the Mid East. I could have supported some of the appropriations if they had been standing alone, but the entire package is unacceptable to me.

It is worth noting that American aid has already enabled Israel to rebuild its armed forces to a strength exceeding that which prevailed before the 1973 war, so we have shown our commitment to a balance of power there.

There are very convincing facts showing that we probably should not have any new foreign aid appropriations in this fiscal year. The recipient countries and institutions have an unspent balance of $27 billion from the appropriations of previous fiscal years.

The United States has provided foreign aid totaling $164 billion since the end of the Second World War, but we can no longer afford to carry the whole world on our backs.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired.

The Clerk will read.

The Clerk read as follows:

ECONOMIC ASSISTANCE

Food and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, $234,000,000: *Provided*, That in addition to the amounts provided for loans to carry out the purposes of this paragraph, such amounts as are provided for under section 203 shall also be available for loans, together all such amounts to remain available until expended.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: Page 2, line 10, strike out "$234,000,000" and insert in lieu thereof "$375,000,000".

Mr. FRASER. Mr. Chairman, at the World Food Conference in Rome the United States took a leading role in pledging support to help deal with the problem of growing worldwide food shortages and to help undeveloped countries, Third World countries, achieve a higher level of food production insofar as we were able to be of assistance to them.

This year the administration asked for an increase in the already authorized funds for food and nutrition. Last year we passed a 2-year authorization for food and nutrition, but partly because of the commitment we were making at the Rome Conference the administration asked for an added amount to enable the United States to carry out its pledge and its commitment to try to be of more effective help in meeting the No. 1 problem in the world today, and that is the problem of food.

The subcommittee has taken the heart out of the administration proposal. That is what we are seeking to redress with this amendment today.

On the floor of the House when the foreign aid authorization was before us, we authorized a total of $500 million to be appropriated this year to help in dealing with problems of rural development, food production, and nutrition. What this committee did in this report today was not only to cut it in half, but to cut it below half. They cut it down to $234 million, which is even below the level of the continuing resolution. This gives us the full measure of the depth of the cut made in the recommendation that is before us.

We are going to have debate in this House—we have had some already—over our responsibilities in the troubled areas in Southeast Asia. But if there is any one place where we ought to have a convergence of views, it ought to be on carrying out our commitments made in public forums by the United States, the largest food-producing nation in the world, that we would extend a helping hand to the billions and billions of people who live in lands where food is not raised in adequate amounts to enable them to get a reasonable diet each day.

I know that our country is in economic distress, but so are other countries in Western Europe and Japan, and yet we are falling below them in the relative effort in helping the Third World. We are practically at the bottom when we measure our effort in relation to our gross national product. We rank below Britain, Japan, Norway, Sweden, Denmark, West Germany, the Netherlands, France, Canada, and right down the line. If we cannot be leaders in dealing with insurgencies, we ought to be leaders in the works of peace.

I would urge the committee today to give favorable consideration to a restoration of a part of the cut. We could, under our amendment, put the figure back to $375 million which would still represent a $125 million reduction from the authorization which this House voted when we passed the Foreign Assistance Authorization Act.

I am not always a supporter of the administration on foreign policy, but I think when they requested an increase for this No. 1 problem in the world that they were right. We supported them on the Committee on Foreign Affairs, and I think we have a responsibility as an important nation in the community of nations to do our share.

I urge that we adopt the amendment which would provide a figure of $375 million, still a significant cut below the authorization level which we have already enacted.

Mr. OBEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am new to this subcommittee and I am frank to admit that there is a great deal in this bill which I do not understand but I want to support this amendment. I think it is a valuable amendment and a constructive amendment.

However, I do want to correct some of the impressions which I think have been left by those who are offering the amendment. They have made some statements which would indicate that this committee has gutted the administration request for additional food and nutrition assistance. And while I am for this amendment, that statement does not quite represent the facts in this case. The facts are simply these. In fiscal year 1974, the first year of the new food and nutrition assistance program, AID had available a total of $330 million—$284 million in new obligational authority and $46 million in other items. Of that amount AID obligated only $306 million, which left an unused balance of $24 million. For fiscal year 1975 AID will have available for these purposes $363 million, $234 million in NOA and $129 million in other money. This gives AID, in fact, $32 million more than was available last year and $56 million more than it actually obligated last year.

One might ask why, if it gives them more money than they had last year, do I support the amendment? I support it for a very simple reason. What I simply want us to do today is to make sure that everybody understands what we are doing and also I want people to be fair to the chairman of the subcommittee. We will not be in actuality increasing the amount of money available for food assistance in this fiscal year if we adopt this amendment because it cannot be spent in this fiscal year. What we will be doing—and I am for doing it—is adding money to pipeline funds so that for instance, if we run the next year's foreign aid program on a continuing resolution for 8 or 9 months as we did this year, we will have a higher amount which can be spent next year for food assistance, and I suspect we will probably need it in the next few years.

I think it is a good reason to support the amendment. I think it also provides additional ability to plan intelligently for use of this money and indicates to other countries our firm commitment to provide that money. That is why I am for it and I urge others to vote for it also, but I do not want people to believe that this bill actually has gutted what the administration offered to the Congress this year, because in terms of what can actually be spent in this fiscal year the committee's recommended amount is not a bad amount.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

So many times we have heard people say: "Please do not confuse me with facts because I have already made up my mind."

Please listen to what I am going to say. The Rome conference dealt more with Public Law 480 and in addition to what we are discussing today we have $1.6 billion in Public Law 480 agricultural programs.

Now, let us go directly to the amendment. This is only a part of the five categories that we find listed in the report. Part of this item is for loans. Part of it is for grants.

Mr. Chairman, we are trying very hard to give this House a balanced bill. This is one item that is overfunded already.

Now, let me make my case. The administration asked for considerably more than we allowed in the continuing resolution. In the continuing resolution, there was $284 million. That is what we had the previous year.

Our committee is recommending $234 million, but there is an additional cash inflow from prior year funds in the amount of $128,700,000, new money that is coming back in in the way of repayment of loans, and so forth. That does not go into the Treasury, but feeds back into this program.

Then we take step 3. We find that there is a pipeline of $269,800,000; so if we look at the total, following the committee's recommendations, we will find that actually there is cash available of $362,700,000. Then the total amount available for disbursement would be $632,500,000.

Now, under the committee's proposal this exceeds by $56,400,000 the amount of obligations made in 1974.

The agency has obligated for the first 8 months of this fiscal year, $207 million. Under the committee's recommendations they would have to obligate an additional $155 million in 120 days. It cannot be obligated wisely, Mr. Chairman.

Now, putting it another way, the average monthly obligation has been $26 million per month for the first 8 months. Under the committee's recommendations, they would have to obligate $36 million per month to get this money behind some kind of obligation. Now, let us be realistic about this thing. If we want to stick with the facts, the sponsor of this amendment would turn around and support me, not be against me. I make this statement and I shall leave the figures in the record, because they are accurate.

No wonder we have a public debt of over half a trillion dollars. We cannot satisfy all these appetites all over the world. We are spending money that we do not have for things we do not need, trying to be everything to everybody, at the expense of unborn generations, on borrowed money.

Mr. Chairman, let us come down out of the clouds and be realistic, before we completely destroy the economy of America.

Do we realize that in the budget the total requests of new funds for foreign aid and assistance exceeds $15 billion, when we pull all these pieces together.

I hope we vote this amendment down with a voice that can be heard all the way to the State Department and the White House.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would not attempt to match the eloquence or the wisdom of our colleague and the distinguished chairman of this subcommittee, the gentleman from Louisiana (Mr. PASSMAN); but I must say that the administration must have understood at the time they made the request about the pipeline and the funds therein and about the loans that were being repaid.

As has been pointed out, the administration requested $546.3 million to help less developed countries meet the looming world food crisis. The Congress in December authorized an appropriation of $500 million. The House Appropriations Committee would provide only $234 million, a 53-percent reduction below the authorized level.

The practical effects of such a cut will be to reduce sharply our ability to help the peoples of the developing world to increase their food production, with consequent results of increased malnutrition, outright starvation, and dependence on external food assistance such as Public Law 480. Most immediately, such a cut would make it virtually impossible for AID to go forward with any of its planned new technical assistance projects for food and nutrition this fiscal year. In accord with congressional direction, AID has been developing such projects with other countries so that the focus of benefits would be on the poorer people. Moving in these "new directions" takes time. It is these projects for which funds have not yet been provided this fiscal year and to which the cut would deny funds. Indeed, it is in the least developed countries with the poorest people, most in need of assistance, where the impact of the cut will be greatest.

Part of the argument made in favor of the cut was that the fiscal pipeline would soften or eliminate the actual impact. This arises from a complete misunderstanding of the nature of the fiscal pipeline. It will not alter the impact of the cuts. The fiscal pipeline on February 28, 1975, was $256 million. This is the sum obligated in fiscal year 1975 and all previous fiscal years not yet finally disbursed by the U.S. Treasury and so recorded. It consists of funds obligated for contracts entered into for services and goods underway, with bills due and payable or to become so in the months ahead. It is not a pipeline of available funds.

There follows an illustrative list of projects, both loan and grant, which AID had planned to fund, prior to this proposed cut. The list is only partial. No firm decisions have been reached on precisely which few projects might survive such a cut.

FOOD AND NUTRITION

PLANNED LOANS

Tanzania, Agricultural Sector, $12 million.

Liberia, Intergrated Rural Development, $4.5 million.

Bolivia, Rural Electrification, $5.6 million.

Colombia, Fisheries, $2.5 million.

Colombia, Credit Unions, $6.0 million.

Haiti, Farm to market (feeder) roads, $5 million.

Philippines, Agricultural Research, $5 million.

PLANNED GRANTS

Honduras, Agricultural Cooperative, $.125 million.

Bangladesh, Agricultural Research, $.919 million.

Guatamala, Cooperative Development, $.150 million.

Haiti, Rural Community Development, $.520 million.

Nicaragua, Agricultural Planning, $.122 million.

Philippines, Local Development, $.207 million.

Philippines, Bicol River Basin Development, $.165 million.

North Cameroon, Seed Multiplication, $.835 million.

Central African Republic, Seed Multiplication, $.375 million.

Colombia, Rural Cooperatives, $.2 million.

I am quite confident the request was made in light of these things in order to meet critical problems that are problems for our country as well as for suffering people in many places around the world.

It was my privilege to serve as one of the U.S. delegates to the Sixth Special Assembly of the United Nations in New York where we dealt with some of these problems. The speech of the Secretary of State there was very well received as he pointed out for all of us the utter interdependence of the producing nations and the consuming nations, of the developing nations and of advanced industrial countries such as our own.

It is not just for humanitarian purposes that I urge adoption of this amendment although the distinguished gentlewoman from New Jersey has already pointed out that some 75 or 80 percent of the American people do support this kind of aid and we have the peoples' endorsement of this kind of help to other people who are in such desperate need. For humanitarian purposes I would urge adoption of this amendment, but also, I urge it in support of the President and the Secretary of State, who requested it, and of their foreign policy aimed at our national interests. I would support it not only in terms of what good it will do the people who are in desperate need in other places, but also for what it can mean to our country, which does have to live in this world and which is even now suffering problems caused in substantial part by the conditions this assistance would seek to help to meet. Nor should we be unmindful of the fact that 85 percent of the money AID spends goes to American firms and institutions, which provide goods and services under contract to AID. This money helps to provide jobs here at home and to strengthen many of our finest universities, such as Auburn and Tuskegee in my own State, even as they help the people of developing countries toward a better life.

Mr. Chairman, I consider this as something in the national interest of the United States and something American compassion requires of us. I urge adoption of this amendment.

Mr. QUIE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think it is a mistake to cut back on the administration's request on food and nutrition development assistance. To give the Members an idea of where the Committee on Education and Labor has gone—without my support—let me tell you about the increase in the school lunch program. Over $618 million additional has been mandated to be spent to help the parents who can afford to pay for the lunches of their children. The vast increase in cost is not for the poor who get free and reduced cost lunches, but those who can afford to pay.

If we turn around then and say that we are not even going to help the people in Asia, Africa, and Latin America, who need to improve their agriculture so that they can feed themselves at the level the administration asks, we certainly have our humanitarian concerns out of order.

There is no way possible we are going to adequately feed the world with Public Law 480, or that we are going to produce enough in this country to feed the world. The only way problems of world hunger, famine, and malnutrition are going to be taken care of is if we who have some technical knowledge can assist. I can understand why the Appropriations Committee would want to cut some parts of the foreign aid appropriations bill but cutting in this area is certainly unwise.

The gentleman from Minnesota is not offering the full amount of administration request. He is just amending it to where it is obvious that this amount can be utilized in providing for the needs of developing countries to produce the food for themselves. I recognize that there may be a possibility that our increased production in this Nation will cause us to have more grain than we can utilize in the 1975 marketing year, but that is no reason to pull back in helping other countries produce for themselves if we are really concerned about world hunger.

I recognize the problems of the budget and the necessity to hold back expenditures as you have attempted to do in a foreign aid bill, but this is not the place to cut when thousands of people all over the world are crying out for food and the ability to produce for their needs in the years to come. At the same time, various agencies of this Nation, especially church agencies, are helping feed the people in other nations of the world. We can see these agencies giving goods and trying to bring help as representatives of kind hearted individuals around this Nation, but just feeding the people now is not going to satisfy their needs. What we need to do is help them produce for themselves and improve their nutrition.

There is not sufficient money in Public Law 480 or any other program to feed the fast growing and malnourished people of the world.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, let me say, if I can speak a little lower and a little slower than I have previously, that under the committee recommendation they are going to have $56,400,000 more than they obligated last year. Because of the repayment of previous loans and other reflows, they get another $128 million flowing back to be added to the $234 million.

This brings it up to $362 million, which is $56 million more than they obligated last year. In addition to that, they could transfer 15 percent out of any of these categories. They cannot possibly spend all of the money wisely before June 30. Even under the committee's recommendation, they would have to increase the obligations from $26 million to $36 million per month just to spend what we give them.

Does this make sense to the distinguished gentleman?

Mr. QUIE. I say to the gentleman that I doubt the State Department would have requested this kind of money if it were impossible for them to spend it.

When we see the amount that was appropriated last year, we do not expect them to stay on any stable basis. We expect them to increase dramatically if we are going to help people to provide the food for themselves.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. PASSMAN. When the gentleman returns to his seat, please read our report. The gentleman is going to find in the pipeline all segments of aid in excess of $27 billion.

That is what you get into when you just keep appropriating and appropriating and taking the word of the State Department. They do not know as much about this program as I do about surgery.

Do not believe what the State Department says, do not take their figures, because many times this Congress gives them the information they use to try to justify the money.

Mr. SHRIVER. Mr. Chairman, I rise in opposition to the amendment.

One argument that has been given in support of this amendment is that the amount we have recommended somehow flies in the face of the administration's plans to increase the food supply through the Food for Peace program. Actually, the Food for Peace program is growing. It is not included in this amount. It is not in this particular bill. It comes out of another appropriation.

This year, for 1975, there was $776 million for the Food for Peace program. We are talking here about the remainder of this fiscal year, 1975 fiscal year. Next year, Food for Peace has been requested in the amount of $1,336 million. This is in addition to the amount of money that is supplied by the AID program for food and nutrition. As Mr. Passman clearly pointed out, AID would have a total of $632 million, considering the reflows and the pipeline. That is adequate, particularly this year, when we are trying to get a little closer to balancing the budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Fraser).

The question was taken; and on a division (demanded by Mr. Passman) there were—ayes 30, noes 41.

Mr. FRASER. Mr. Chairman, I demanded a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Population planning and health, Development Assistance: For necessary expenses to carry out the provisions of section 104, $115,000,000: *Provided*, That in addition to the amounts provided for loans to carry out the purposes of this paragraph, such amounts as are provided for under section 203 shall also be available for loans, together all such amounts to remain available until expended: *Provided further*, That not more than $100,000,000 appropriated or made available under this Act shall be used for the purposes of section 291 during the current fiscal year.

Mr. SLACK. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-nine Members are present, not a quorum.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call will be considered as vacated.

The Committee will resume its business.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Ottinger: On page two, line 17, delete "$115,000,000:" and insert in lieu thereof "$165,000,000:"
>
> On page two, line 22, delete "$100,000,000" and insert in lieu thereof "$150,000,000".

Mr. OTTINGER. Mr. Chairman, this amendment restores the funds that were voted by Congress and signed by the President for population planning and population control. The Committee on Appropriations cut by 33 percent the $50 million that was authorized by the Congress for fiscal year 1975 to $100 million.

Since the amount appropriated for fiscal year 1975 may well apply to most of fiscal year 1976 under a continuing resolution, which has been the usual practice in the past, it is desirable now to appropriate the full $150 million that was authorized by both Houses of Congress and signed into law.

Population and family planning programs supported by the foreign assistance program are beginning to have a marked effect in many countries. For example, AID programs have helped to bring about declines of over 10 births per 1,000 population in the birth rates in South Korea, Taiwan, and Singapore in Asia; Barbados, Chile, Costa Rica, Trinidad, and Tobago in Latin America; and Mauritius in Africa; and declines of 5 to 9 births per 1,000 population in Sri Lanka and West Malaysia in Asia; Jamaica and Panama in Latin America; and Egypt and Tunisia in Africa. These programs should not be cut back now or deprived of the supplies that are needed.

The World Population Conference in Bucharest in August 1974 stimulated many governments to initiate new programs or expand existing ones. Today, AID has urgent requirements for much more than the $150 million for population program assistance in the developing countries. This includes support of the United Nations fund for population activities, which has also received requests from governments of double the budget in 1974 and double the present budget of $80 million.

Our efforts to prevent starvation in developing nations and to help them become self-sufficient will come to naught unless we respond adequately to the need for population program assistance.

The distinguished subcommittee points out in its report that there is money in the pipeline for these programs. The committee report on this bill at one point states:

> . . . it was recently estimated by the Agency that undisbursed funds for the population program would amount to $203 million as of June 30, 1974.

This is misleading. The figure for "undisbursed funds" is necessarily larger than the figure for "unexpended funds," in that disbursements by the U.S. Treasury lag accrued expenditures by a substantial amount, estimated by AID to be in excess of $50 million. Vouchers not yet paid by AID are considered undisbursed even though money was long since expended by the grantee.

Second, funds are put into the foreign assistance pipeline on a periodic basis. AID pipeline levels are maximal just after the close of the fiscal year and fall to a much lower level during the middle of the fiscal year. This periodic nature of obligations is necessarily amplified when Congressional appropriations are delayed until late in the fiscal year.

It is estimated that AID's population program pipeline of unexpended funds as of March of this year or as of the present date, March 1975, is less than $130 million. It conforms well with the Government Accounting Office recommendation that the pipeline should normally not exceed a 1- to 2-year expenditure rate.

Furthermore, with less than 22 percent of program funds now in the pipeline, AID's population program has a smaller proportion of funds in pipeline status than any other of AID's major programs.

The committee report also states: "It was also estimated that $5,000,000 would become available during fiscal year 1975 from deobligations from other projects." I would submit to the Committee that this is misleading, because it implies that the $5 million would reduce AID program appropriations. But the money recovered from deobligations revert to the General Fund, and are not available for reuse by the population program.

I would point out to the committee that within the authorization act it is made absolutely clear that none of the funds authorized or appropriated——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Ottinger was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, I repeat that within the authorization act it is made absolutely clear that none of the funds authorized or appropriated may be used for the purposes of abortion. That issue is not within this bill.

I have been told that there is considerable concern by certain members of the subcommittee that the funds presently available are not capable of absorption by the countries to which they would go, and that there are stockpiles of substantial quantities of contraceptive devices in many countries involved in this program. I would point out that a country has to keep in stock at least 1 year of supplies in order to keep the supplies flowing to the people who need it in the underdeveloped countries.

The underdeveloped countries also have underdeveloped transportation systems. One cannot expect that the countries in Africa and Asia will have any better transportation systems than, say, the Penn-Central Railroad in this country.

So that the feeling of the experts on this is that there is no excessive amount of supplies presently in the stockpiles.

I understand there are certain members of the subcommittee who would like to see more funds spent for education than for additional supplies. But the information I have is that in many of the countries today education is adequate, and that there is actually a greater demand than we are able to supply to these countries—particularly so in Bangladesh, where there is actually a black market on contraceptive devices. Certainly, we should not push education and at the same time reduce the necessary supplies for that would wreak havoc; we should rather have a balanced program.

I very strongly urge the committee to restore the funds that were authorized in the wisdom of this Congress, and signed into law by the President of the United States.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. OTTINGER).

(By unanimous consent, Mr. PASSMAN was allowed to proceed for 2 additional minutes).

The CHAIRMAN. The gentleman from Louisiana is recognized for 7 minutes.

Mr. PASSMAN. Mr. Chairman, I hate to oppose all the amendments offered by my good friends and I want to accommodate them as far as I can without increasing this bill. I know what the pressure is that they are under, and that it is difficult to say "no" to such pressures.

Let us discuss population planning.

I do not have all the answers, but I can give the Members some very valuable statistics and they are from the records.

What this committee is recommending for fiscal year 1975 for family planning in this one item is $100 million. The $15 million is for the health program.

Now we find that there is a backup in the pipeline of $203 million. Let me tell the Members the reasons why we have a backup in the pipeline of $203 million. About 2 or 3 years ago the other body placed in their legislation mandatory language urging the agency to spend the funds and making it mandatory that they spend this money.

They tried awfully hard. They started on a weak program. But even though they had to obligate this money for population, they just could not find any place to spend it wisely. There is a lot in this program for condoms and pills but we have to have an education program along with these materials.

As I look at the bill, I find they want $37.6 million for fiscal year 1975 for condoms and pills, compared to $19 million the previous year. They have doubled this item.

In some areas of the world the children use the condoms for balloons because they do not know what they are for.

Let me say, Mr. Chairman, unless we have an education program, all of these other goods will not do any good.

During the first 8 months of this fiscal year they could only obligate $60 million. Under the amount we are recommending they would still have to find some way to spend $40 million in the next 120 days. It is impossible for these people to wisely enter into contracts for $40 million in 4 months when they could only get rid of $60 million in the previous 8 months.

Putting it another way, they would have to increase their monthly obligations by 25 percent to be able to get this money into the pipeline.

The Members know as well as I do when we overfund these agencies, they are going to try to hide this money because they do not want to come back and say the following year, "You overfunded us."

Take into account that the World Bank, the United Nations, the International Development Association, nonprofit organizations and many others all have family planning programs. They are all competing in this field. I believe, Mr. Chairman, that the time has come when we ought to put some sense in all of these programs, and if these people cannot justify the funds we should not accommodate them and appropriate the money.

I ask the Members to believe me. They do not need this money, and if we give them the additional money, we are going to force them to waste it. If there is any question about the statements I made, any question in anyone's mind, I wish he would ask it. Let us see if we can clear it up.

I hope my colleagues will oppose this amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, are the figures which I gave inaccurate, that the unexpended funds as of this date, March 1975, are not in fact $203 million but are in the neighborhood of $130 million?

Mr. PASSMAN. We have to take the figures they gave us,

Mr. OTTINGER. I am asking something different.

Mr. PASSMAN. The AID agency gave us a figure when it was finalized of $203 million as of June 30, 1974.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask some questions that the good chairman suggested we direct to him.

First of all, the gentleman raised a question a moment ago, and properly so: "Was this bill the concern of our taxpayers?" I can assure the gentleman it is the concern in many parts of the country where the polls show many people wish we would terminate this program on the basis that it no longer has any value. And especially as the gentleman's report shows there is something over $26 billion in the pipeline, we could in fact this year in this time of economic difficulties and recession clearly forego the necessity of continuing this program.

I noticed in the Washington Star an article by Judith Randal, since we are talking about items of necessity, we find an interesting quote:

> (By Judith Randal)
>
> "A few months after Dr. Reinert T. Ravenholt, director of the Agency for International Development's family planning office, told me that AID was distributing gaily colored patterned condoms as part of its efforts to solve the population problem ('they've been a big hit in Japan, why not in Africa and India?'), I ran into him again—this time, ironically, at a cocktail party preceding hunger hearings last summer.
>
> "His enthusiasm for the condoms seemed to have cooled a little, but a new one had taken its place. To hear Ravenholt tell it, a simple sterilization operation for women with an instrument called a laparoscope was going to reduce the birth rate in overpopulated poor countries dramatically, because the procedure could be done quickly and AID was seeing to it that the surgeons would be paid."

Does this program provide for that kind of funding?

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield, it has not been my purpose to terminate this program. It has been my purpose to try to bring in a balanced bill and to make reductions where we could.

Mr. ROUSSELOT. My question is: Why is the cost not lower? The gentleman was talking about the taxpayers' money. My question to him is: In this time of critical financial problems at home, why do we continue a program that the overwhelming proportion of the American people, if the polls are right, believe should be drastically cut or terminated?

Mr. PASSMAN. If the gentleman will yield further, the American people do want it cut drastically, and this the committee has done. I am not too sure we are not behind the American people in that, but we spent 300 hours on this bill over a period of 9 months in trying to understand it, and for the first time we have tried to pick up every item in the pipeline separately and then pick up the appropriation and so we have drastically cut it.

Mr. ROUSSELOT. I am not questioning the number of hours the gentleman spent on this program in committee and the time in trying to analyze the bill. I still do not believe I have an answer to my question. The question the gentleman from Louisiana raised related to concern about taxpayers' dollars, and how that money is being spent. How much of that is being spent on items the majority of the American people appear, as shown by the vast number of polls each of us has taken in our own districts and as shown in the national polls, believe have no real value.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Louisiana.

Mr. PASSMAN. The committee has cut the bill drastically and I think this is the minimum amount that can be appropriated so they can carry on a satisfactory program. In some areas of this bill we have cut as much as 60 percent. In other areas we have not cut at all. If we take overall, we have cut it 41 percent.

When we consider these amendments, remember that we are only appropriating for 90 days. We have already voted out and approved a continuing resolution until March 25. In these expiring days, if we load this bill down with amendments, we are just going to spend millions unnecessarily.

Mr. ROUSSELOT. Three months left, that is almost a billion dollars a month.

Mr. HAYS of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is very rarely that I disagree with my dear friend from Louisiana, especially about foreign aid. As I said many times, if it were not for him, we would not be in it; but I think the gentleman has done good work, because I am praising him for a minute. I think the gentleman does a good thing in cutting this bill very drastically.

There is only one section where I quarrel with him and that is on the family planning section. Let me say something to this House. All of the problems that we have in the world can be traced back to one thing, if we want to look at it realistically, and that is right in this year of 1975 there are just too many people. That is why we are being asked to send a billion dollars worth of grain a year to India and a hundred million here and $50 million there, because people are starving. If there is any kind of investment that the American taxpayer can make, it seems to me, that is going to save him money down the road, because we are noted that when people are starving we are going to do something, we are not just going to sit there, it is in helping these underdeveloped nations and some of the others control the absolutely fantastic growth of the population beyond the means of the country to support it.

I would not take the floor criticizing the gentleman's bill or anything else, but I think when we start cutting this program, we are asking to increase the whole thing down the road.

Now, what is the situation in the United States of America? We do not have enough steel; that is, we do not have enough iron ore. We do not have enough oil. We do not have enough lead. We do not have enough—I could name product after product. The only thing we have enough of is food and that is because we have developed the mechanized techniques of growing it. Many of the other nations in the world do not have enough food to feed the population they have now.

Let me just conclude by telling you a story that I encountered a good many years ago when I visited Egypt and I was supposed to have a 15-minute conference with Mr. Nasser, the President of the country, and my subcommittee. We spent about 3 hours with him. The thing I remember most in that conversation, Mr. Nasser said to our committee—and if you ever look at a map of Egypt, it looks like a lot of territory, but if you fly over Egypt, it is about like a pencil strip when seen from an airplane and that is all there is to it, just a narrow strip.

Mr. Nasser said, "The problem I have as President of this country is that every time the sun comes up in the morning I have 1,500 more mouths to feed than I had when it came up the morning before, a net gain of births over deaths."

You do not have to know new math to multiply 1,500 times 365, but that figure is now obsolete because the figure now is 2,500 instead of 1,500. The Aswan Dam, which is the biggest irrigation project in the world, will not irrigate enough land to feed the people who have been born since the Aswan Dam was started until the time of its completion. In other words, they are on a treadmill, running as hard as they can and going backward.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I have a lot of respect for the distinguished gentleman from Ohio, and I seek his advice often. I go to him for counsel.

I want to assure the gentleman that I am an enthusiastic supporter of the family planning program. What we are trying to do is to bring it under control.

Under Senate language, they made it mandatory that they spend money where they had no program, so what we are trying to do is get a balance between contraceptives and education. I can assure the gentleman that I am supporting all the way the family planning program, but we want to bring it under control.

They had to discharge a director the other day because he got it so fouled up he did not know what he was doing.

Mr. HAYS of Ohio. I appreciate the gentleman's statement, and I am sure he is sincere. I would hate to presume to give the gentleman any advice, but the gentleman was talking about the 900 hours he spent examining this bill, and I am sure he did——

Mr. PASSMAN. It was 300 hours, not 900.

Mr. HAYS of Ohio. Whatever number of hundreds it was, it was a lot. In other words, the focus of the Congress today—and I think the gentleman knows that from all the changes that have been made—is on oversight. If the gentleman will say to me he is going to spend some hours looking this program over and making sure that they are spending the money, and that he will get some more money and then watch how they spend it and see that they spend it, and get in there and see how they are spending it, I think that will be some of the best time the gentleman can spend, not only for himself, but for his constituents, for the country and for the world at large.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. PASSMAN and by unanimous consent Mr. HAYS of Ohio was allowed to proceed for 2 additional minutes.)

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. HAYS of Ohio. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, I assure the distinguished gentleman from Ohio that I have been doing that. That is why we made the reduction, because the information we got indicated that with full steam ahead, under the mandatory language of the Senate, these people were forced to obligate funds without sound projects. During the first 8 months of fiscal year 1975—and this year is coming to an end—with the $100 million we provided in this bill, this family planning program actually only obligated $60 million, which means that under the committee bill they are going to have to find some way to put in the pipeline the additional $40 million in 120 days.

Mr. HAYS of Ohio. I think that the argument here is whether they have efficient people doing the business. When I became chairman of the Subcommittee on State Department, which has authorizing authority, some years ago, we found that in the building division they were putting in a Foreign Service officer every 2 years who did not know a piece of real estate from a swamp. We changed that and now we have some experts on real estate working in the foreign buildings division.

We just got through taking testimony from them, and they will be before the Appropriations Committee in a couple of weeks. In 1976 fiscal year, they are not spending a dime out of the Treasury. The whole thing comes out of proceeds of sale of property they did not need. In 1977 fiscal year, they are going to spend $17 million out of about $70 million, because the rest of it will come out of proceeds of sales.

What am I saying? I am saying that they have in that department now, in the last 8 or 10 years, efficient management who is doing the job. What I think the gentleman is saying to me is that they do not have that in family planning. I am saying, let us appropriate the money and let us carry on the business the way it ought to be done.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield further, I hope the gentleman will support the committee's recommendations in this instance. He can rest assured that what we are trying to do now is to correct the errors of the past. This is a new program, and we tried to fund it too fast and approved a lot of inefficient projects.

Give us an opportunity to bring this plan under control, and next year the gentleman will like what we are doing.

Vote down the amendment, please.

Mr. CHAPPELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to reiterate what the Chairman has said here. I am in favor of the program as much as anyone, but if we want to waste some money, we will vote to increase this appropriation.

In my opinion, all the money that can possibly be spent efficiently is already in this bill. I will be the first to help increase it at a time when it is proven that more money is needed and can be used efficiently and properly; but I urge, particularly at this time in our own economic dilemma, that we do not increase this bill by adopting this amendment. I urge the defeat of this amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me just join the chairman of the subcommittee and the gentleman from Florida on this question. I supported the previous amendment because I thought there was a good economic reason for it, I thought there was a good reason on the merits. I am for spending every dime for family planning abroad that we can usefully provide. I think it is absolutely essential, in the long run. There is no question about it. But the facts, as presented to the committee, were simply that they could not use that amount of money this year. I guarantee the Members that if more money can be used next year, I will be supporting, either in the regular committee bill or through an amendment on the floor, whatever amount is necessary if the program can use the money.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the chairman.

Mr. PASSMAN. Mr. Chairman, I tried to keep the debate on this bill just as clean as possible. There are some illegal practices going on in this family planning program abroad, things we will not permit here in America.

Let me repeat, the Agency could obligate only $60 million in 8 months, how in the world can they possibly spend the $40 million we put in the bill in just 120 days? Do not add on top of that. All you are doing is to force these people to enter into bad contracts. That has been so thoroughly illustrated, until they had to fire the administrator of this program a few weeks ago.

Mr. du PONT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am happy to rise in support of the gentleman's amendment to add the family planning money back into the bill. I think the remarks of the gentleman from Ohio (Mr. HAYS) were very much on target. He cited some statistics that I think are indeed very accurate. When we go to the dinner table tonight, there are going to be 200,000 more people in the world than there were when we went to the dinner table last night. I ask the very simple question: How are we going to feed them? Maybe the American farmer can feed them. He likes to think so, and I hope he can. I would like to help him feed them. But the fact of the matter is that unless we do something about population growth, we are going to have this problem getting worse and worse.

I was a congressional adviser to the U.S. delegation at the World Food Conference in Rome last November, and I can tell the Members that we were playing games there, because nobody there faced up to the problem of what population growth is doing to our problems around the world.

Let me give you an example. Let us take the country of India, 600 million people. In 10 years it is going to be twice as big as that.

In the last 20 years, India has doubled its crop yield. They have started double-cropping in terms of getting 2 yields per year out of their crops. They have almost doubled their land acreage under irrigation; they have almost doubled the land on which they grow crops. And yet they are still falling behind. They are still unable to feed the new mouths that are born into the country of India, even with all this increased technology.

Mr. Chairman, I will say to the Committee I do not think there is any better investment than spending money on programs of this kind. If we look at the LDC's, the less developed countries, we will discover that they are importing large amounts of grain, and we will discover that they are going to have to triple their imports in the next 25 years just to feed the new people, let alone raise the standard of living of the people who are already there.

So, Mr. Chairman, I think it is a good investment.

I would like to close with perhaps the most important point of all, and that is this: We can say this about the domestic family planning program or the international family program: It is the only program that I know of in the social services field which is funded by the Federal Government that has a positive cost-benefit ratio. We get $3 for every $1 we put in. I think that is the kind of program we ought to be backing.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. du PONT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me suggest that I agree with every single word the gentleman has uttered. I would just remind the gentleman, however, that this Committee on Appropriations not only has to look at what our policy ought to be but we have to look at the dollars that are there. We are simply told they cannot obligate and expend all the money we are giving them now.

We do not argue with the case the gentleman makes at all; we simply point out they cannot use the money.

Mr. du PONT. Mr. Chairman, I will agree with the gentleman from Wisconsin that there is a problem in that regard. I will admit that. But I will also say that that is not permanently the case.

The program has had some problems, as the chairman of the committee has pointed out. I think that they will be able to utilize the funds, and, even more importantly, to get back to something the gentleman said when he talked about policy, we have a policy in this world of trying to solve the world's hunger problem, and the only way to implement that policy is through the Family Planning program.

If the United States at this particular moment in history decides to cut back 33 percent of the Family Planning program, we would be punching the policy in the nose, and that is moving in exactly the wrong direction.

Mr. OBEY. Mr. Chairman, will the gentleman yield further?

Mr. du PONT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, as I have indicated, I think virtually every member of this subcommittee will be back on the floor in the consideration of the regular bill next year asking for more funds if they can use them. I will provide a billion dollars for them if they can use it.

Mr. du PONT. Of course, by next year the gentleman is going to say, "We have given you so much percent more than last year, so how can you ask for more?"

Mr. OBEY. Not this gentleman. I will give them very dime they tell us they can use. I will vote to give it to them if they can use it.

Mr. du PONT. Mr. Chairman, all we are asking is that we put the program back to where it was in the prior fiscal year. I think that is the appropriate thing to do.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I happen to believe that overpopulation is the greatest problem this world faces next to war. Population growth is soaking up practically all of the what little economic progress is being made in the underdeveloped world.

If we had a program that I thought would work, I would vote for any sum of money that is proposed. In fact, I would put the whole AID program into population control if I thought it would work.

The great problem, however, with population control is not planning, so far as I can see. It is not the contraceptive devices that are in short supply; they are in abundance. The great problem is motivation to control birth rates. It is motivation on the part of the leaders of countries, it is motivation or lack of motivation on the part of the people.

We are not going to get a population control program that will work until the average peasant in India understands the need for controlling the number of his children in terms of his own personal life. No one has been able to get that understanding over to him yet.

Furthermore, we must get the understanding over to the leaders of these countries that population control is important for their countries. There are so many national governments that want more and more people, believing that numbers somehow carry prestige and power and importance to their countries.

I believe that, in the countries that for the most part are overpopulated and are becoming more and more overpopulated, the leaders are either indifferent toward population planning or are actually hostile to it.

I think that before we vote any more money the negotiations by our State Department ought to be in terms such as these: "If you want more aid, show positive evidence that you are willing to bring your birth rate under control, and then come back and ask for the money that will implement a sound program."

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, may I state again that we arrive 10 mnoths late. We are not talking about a full year funding. We are only talking about 90 days.

First we tried to go too far too fast with a brand-new program. We forced these people to waste money.

During the first 8 months, they could only obligate $60 million. Under the committee bill they have to somehow or other find some place to spend $40 million for 120 days. They cannot do it wisely.

The AID people themselves, if they are truthful, will tell you that they cannot intelligently enter into contracts to absorb this money.

There is an opportunity to work these things out and come in, in subsequent years with a program that is solid and that people know something about.

We all believe in family planning, but we should do it on an orderly basis. We should take the contraceptives and the educational program and move them together, not try to do the entire job with just contraceptives.

Mr. Chairman, I hope the Members will support the committee because we tried to do a good job for them.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words.

I think we have seen a sad day here. I think it is sad that this great Nation which, with Canada, provides 94 percent of all the exported food in the world, has turned its back on an increase in the appropriation for food.

I think it is sad that we should now be debating aid in this very crucial era of responsibility. We speak often in this House of the prestige and power of our great Nation, but I think it is best expressed in concern for the people of this world who are our brothers and sisters and in sensible action that will carry out that spirit.

This is what we are failing to do here today. We are turning our backs on something that has been part of our Nation's policy since we were born. Before we had foreign aid, we had citizens in Akron, Ohio, voting to support flood victims in Cuba. There is a long history of concern for other people in this country, and we are turning our backs on that tradition here today.

Mr. Chairman, I hope very much that this practical and sensible program which expresses concern for people will receive the support it must have.

Mr. SCHEUER. Mr. Chairman, will the gentlewoman from New Jersey yield?

Mrs. FENWICK. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I want to applaud the remarks of the gentlewoman from New Jersey and support the amendment to bring adequate funding to our Government policy of supporting family planning programs around the world.

This is a message that our President sent to the Family Planning Conference in Bucharest. I would like to just read two sentences:

> The policies and programs you recommend to solve the problem of worldwide population could affect the peoples of all of our nations as well as generations yet unborn. I send my wishes for the greatest success in your deliberations and pledge that the United States will work unceasingly with you in reaching solutions that are most sound and right. Gerald R. Ford.

Here is another long speech given before the Population Conference by our Secretary of the Department of Health, Education, and Welfare, Caspar Weinberger, in total support of the population effort of the developing countries.

You heard from the gentleman from Maryland that the developing countries are insensitive to population. That is not my understanding, and I have been actively involved in population efforts since I first came to Congress. I was the author of our major bill in 1970.

About 30 nations whose population represents about 60 percent of the population of undeveloped countries have active family planning programs going on now.

About two-thirds of the remainder are on the point of engaging in national family programs. I think it would be a disaster in terms of a signal we would send around the world that the United States was cutting back drastically with a meat-ax approach its involvement in helping nations around the world control their galloping populations.

It is perfectly clear that the third-world countries are engaged in proposals to have basic resources transferred from the west, white, rich developed countries, to the underdeveloped, poor, southern, yellow, and brown world. This is basically the result of the world's incredible exponential rate of population growth.

We have heard of the demagogery in virtually every one of the U.N. agencies. During the 2 years I spent out of the Congress I did a mission for Brad Morse, our former colleague, who is now Under Secretary General of the United Nations involving several of the specialized agencies of the United Nations. We in the developed Western World are being demagoged by all of these countries; they are pressing hard for a basic transfer of resources at the international level.

The only way we can avoid these erroneous pressures in the future is if we can help them to contain their explosive population growth.

If we think we are being demagoged in the U.N. now, just wait another 10 or 20 years, wait until the year 2000 when the world population hits eight billion, as it will at the present rate of population growth, and then see what our credibility is in the international family of men.

There is no more urgent problem in the world today than the growing conflict between declining food supplies and excessive population growth. According to present statistics, as I mentioned moments ago, the world's present population will double to nearly 8 billion people by the year 2010. There is no way to stop this. We can only blunt its progress by supporting a dynamic and effective international population and family planning effort. In the 10 years since the United States began providing such assistance, the program has grown rapidly—from $35 million in fiscal year 1968 to a proposed level of $137.5 million for fiscal year 1975. Each year the Congress has shown keen interest in and support of this program by earmarking ever increasing amounts of funds for population programs.

If the House sustains the proposed cut in the population assistance program, we will condemn millions of unborn children to a future of poverty and possibly starvation. Moreover, a reduction of this magnitude is an unconscionable reversal of House policy and actions in recent months. Congress has issued a mandate for expanded development assistance. Foremost among the items in the mandate was expansion of population programs.

At a time when major breakthroughs are appearing on the horizon and the prospect of success is readily apparent in a number of countries such as Pakistan, the Philippines, and Indonesia, we are telling them to go it alone; that we are no longer concerned for their future. Worse yet, we are telling the world in general that we are no longer prepared to cooperate with the major international effort now underway. We will prevent the start-up of new programs in social science research, information, education, and communications, and we will stunt the growth of major international programs of such organizations as the United Nations Fund for Population Activities. Indeed, today the UNFPA has requests in excess of $160 million, double its present budget of $80 million. If this cut stands, our proposed contribution of $20 million to the UNFPA will be drastically reduced to $15 million. We cannot let this happen.

Our bilateral support for international demographic studies and individual country programs will rapidly decline. Without measuring the impact of past efforts we can only hope for the future. Nearly $7 million in grants to American universities throughout the United States and some $9 million in contributions to international and private American organizations could not be made. Major initiatives for American investment in contraceptive production will inevitably be postponed or even canceled.

Congress took the initiative in passing legislation that started this program. It is our responsibility to insure that it continues at a level adequate to meet the rapidly expanding demands for family planning services throughout the world.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DRINAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from New York (Mr. OTTINGER).

Mr. Chairman, I recognize the arguments that have been made by the distinguished Subcommittee on Appropriations, but the fact of the matter is that this will be a reduction of $20 million below our fiscal year 1974, and that the $115 million that is proposed is, as a matter of fact, a reduction of $30 million below what the administration recommended in the budget.

Every year, Mr. Chairman, this Congress appropriates without any controversy well over $200 million for identical purposes for American people. It is very clear in the authorization bill on this matter that there can be no abortion under these programs. It is also very clear that there can be no coercion of persons in foreign nations.

This is a whole new question after the World Conference on Population in Bucharest in August 1974. There 136 governments agreed to help solve this enormously complex problem, and I hope we will do that.

I urge my colleagues to vote "yes" on the Ottinger amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would like to point out that the AID people tell me they have a request for double the amount that was put in the authorization. They were able to persuade the Committee on Foreign Affairs that they could use the money, and they were able to persuade the Senate Committee on Foreign Relations that they could use the money, and the President signed the bill.

It is true this bill is for just 3 months, but our past experience is that we have such a difficult time passing a foreign aid bill, and that we have been proceeding continuously on continuing resolutions. Therefore, the amount we authorize today is likely to survive for a considerable time by way of continuing resolutions.

I do hope that we fund this vital program at the higher level.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regretfully oppose this amendment. The need for population planning programs in the developing nations of the world is great. Population increases have the power to erase all of the other good works which our foreign assistance program has accomplished.

Let me read a statement from the World Bank:

> It took more than 1,800 years for the world population to increase from 10 million to 1 billion. The second billion required about a century and a quarter, and the third only 30 years. It has now taken only 15 years for the fourth billion people. If the present growth rates are to continue, the current population of more than 3.6 billion would double in 35 years, and by the end of the century it would be increasing at the rate of a half billion every eight years.

These are startling facts, Mr. Chairman. Therefore, why should I stand here and oppose this particular amendment? First of all, I think that we all agree that something has to be done about the population explosion. But let us make sure that our money is spent wisely.

The gentleman from Delaware (Mr. DU PONT) said that for every dollar spent, we would get $3 in return.

Let me give the Members an example of the program in my own State of Massachusetts, at Harvard University, that we looked at. This program is top-heavy with administrators. It costs—listen to this—$30,000 per student from underdeveloped nations of the world. It costs $30,000 per student to educate these students. And only five students trained so far at Harvard have gone back to their own countries. The rest of the students stayed at Harvard because they did not want to go back to their underdeveloped countries. This is where our money is going.

Let me read from a report from AID in regard to this program. This report tells us how one AID-assisted family planning clinic in Nepal, which in a whole year had found only 174 men willing to undergo a vasectomy, was suddenly able to have one doctor sterilize 215 women in only 2 weeks.

More specifically it hints strongly that Uncle Sam has been less than reluctant to be associated with projects that could easily label him "Uncle Male Chauvinist Pig."

These practices would be condemned as illegal and immoral at home. We should not be supporting such practices abroad. And here they are, sterilizing women in Nepal.

Let us look into this program. There is enough money to carry on the program for 3 months. I am for family planning. But let us give those who are in this program an opportunity. The gentleman from Ohio (Mr. HAYS) has said we should set up an oversight committee in the subcommittee to go into this at every stage. If, as the chairman has said, they are using family planning to buy a great deal of material and not using the material, then let us do away with that and get into another phase of family planning that will be productive.

I hope the amendment will be defeated.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Chairman, did the gentleman get the papers I sent to him yesterday about what they were doing illegally and it should be stopped?

Mr. CONTE. Yes, I received them, and found them most illuminating.

Mr. PASSMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> United Nations Environment Fund: For necessary expenses to carry out the provisions of section 2 of the United Nations Environment Program Participation Act of 1973, $5,000,000.

Mr. SYMMS. Mr. Chairman, I offer an amendment to page 4, line 5, after "301."

Mr. PASSMAN. Mr. Chairman, regular order. We have already read through that paragraph. The Clerk has read through line 14.

The Clerk read through that and we are on line 14.

The CHAIRMAN. The Clerk has read through line 14. Therefore the amendment offered by the gentleman from Idaho comes too late.

The gentleman from Idaho will have another amendment at line 14 if he cares to offer it. Is the gentleman offering the amendment?

Mr. SYMMS. Mr. Chairman, I will offer it later.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Indus Basin Development Fund, loans: For expenses authorized by section 302(b)(1), $200,000, to remain available until expended: *Provided*, That no other funds appropriated or made available under this Act shall be used for the purposes of such section during the current fiscal year.

Mr. CHARLES WILSON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask a question.

Mr. Chairman, on line 24 of page 4 and following there is a restrictive proviso included which says:

> *Provided*, That no other funds appropriated or made available under this Act shall be used for the purposes of such section during the current fiscal year.

It is my understanding that these limitations apply only to the augmentation of regular U.S. contributions to the Indus River Basin Development Fund and in case the United States chose to assist Pakistan in the repair of the Tarbela Dam which was badly damaged in a flood last year they could not restrict such a system.

Mr. PASSMAN. It was not the intent of the committee to prohibit a consideration of this item. May I say to the gentleman that I do not believe the members of the committee would oppose any of these people using the money to repair the dam, providing it was previously justified to the Congress through a letter to the respective committees.

Mr. CHARLES WILSON of Texas. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Famine or disaster relief assistance: For necessary expenses to carry out the provisions of section 639, $30,000,000: *Provided*, That of the funds appropriated under this paragraph, $20,000,000 shall be allocated to Cyprus.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Biaggi: Page 5, line 16 strike "30,000,000" and substitute the following: "35,000,000."

Page 5, line 17 strike "20,000,000" and substitute the following: "25,000,000."

Mr. BIAGGI. Mr. Chairman, I rise to offer an amendment to H.R. 4592, the Foreign Assistance Appropriations Act of 1975. My amendment merely seeks to restore the full $25 million figure provided to Cyprus for disaster and famine relief in the authorizing legislation passed last December.

I find it regrettable that the Appropriations Committee has requested a cut of $5 million from these urgently needed funds. The tragedy of Cyprus has not diminished from 3 months ago and neither should the $25 million commitment we promised to the Cypriot people at that time.

It has now been over 7 months since Turkey invaded the island of Cyprus. Despite the fact that all U.S. aid was cut off to Turkey on February 5, she remains in firm control of the island. Her 35,000-man occupation army controls as much as 40 percent of the island. More importantly, Turkey controls between 70 and 80 percent of the island's industrial and farm production—60 percent of the island's manufactured goods—and two-thirds of Cyprus lucrative tourist trade through their occupation of her two main tourist centers, Kyrenia and Famagusta. In addition according to correspondence which I recently received from the Cyprus Minister of Finance the number of unemployed Cypriots has increased from 4,000 to 25,000 since the war and occupation began last summer.

The other main economic and social problem confronting Cyprus are refugees. Current estimates of the number of refugees on the island range from 180,000 to 200,000. These are figures of human misery for these refugees include thousands of families, uprooted from their homes—and oftentimes separated. These are people homeless—penniless—and in many cases starving. The bulk of the $25 million I am seeking for Cyprus would go to provide emergency medical, agricultural, and housing relief for these refugees. They are people which this Nation and the world cannot turn our backs on.

My amendment calling for $25 million for Cyprus was overwhelmingly accepted by both the House and Senate last December. I feel the importance and urgency of this amendment remains as strong today as it did then. Yet there may still be some here who see only the fact that I am seeking to add moneys to a bill which may be already overpriced. Yet are we really considering only a money issue or are we instead actually seeking to save a nation from economic ruin? This is the question you must ask before voting.

The people of Cyprus have grown weary of more than a half a year of fighting, occupation, and persecution at the hands of the ruthless Turkish nation. The cut-off of aid provided the first glimmer of hope for peace. The passage of this amendment today will provide them with new hopes that their most immediate economic and social problems can be solved. Therefore the need for this amendment cannot be emphasized enough. Yet, in the final analysis it will be a vote of conscience—affirming the fundamental commitment of this Congress and this Nation to assisting the peoples of the world in times of dire need.

As we prepare to vote consider the plight of the Cypriot people—consider the jarring effects which the invasion and occupation has had on their everyday lives and finally consider the importance of this $25 million to rebuilding the nation of Cyprus. I am convinced of the soundness of this amendment and I urge support for it.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Louisiana.

Mr. PASSMAN. I commend the gentleman from New York for his approach to this matter. We considered this in the committee. We feel certain matters of justice must be met.

I wonder if the gentleman would ask unanimous consent to adjust his amendment so as not to increase the amount, but just earmark the $25 million for Cyprus. Would the gentleman be agreeable to this?

Mr. BIAGGI. Would the gentleman from Louisiana repeat that?

Mr. PASSMAN. Yes. Instead of increasing the amount, increase the amount we earmarked for Cyprus, it would accomplish the same thing.

Mr. BIAGGI. Yes. I would be delighted to amend the amendment to earmark $5 million more out of the $30-million figure to be marked for Cyprus.

Mr. PASSMAN. Yes, that is correct.

Mr. BIAGGI. I thank the gentleman for his approach.

Mr. Chairman, I ask unanimous consent to so modify the amendment.

Mr. BAUMAN. Mr. Chairman, I have no objection to the amendment, but we get a little bit sloppy here. I would like to hear exactly what the gentleman proposes.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, is it the gentleman's intent to ask unanimous consent that his amendment be amended to provide that the dollar amount will read $30 million, provided, however, that the funds applied under this program, $25 million, shall be allocated to Cyprus?

Mr. BIAGGI. It is my intent. It is the intent of the chairman of the committee.

The CHAIRMAN. The Clerk will report the amendment as it has been modified.

The Clerk read as follows:

Amendment offered by Mr. Biaggi: Page 5, line 17, strike "20 million," and substitute the following: "25 million."

The CHAIRMAN. Is there objection to the modification?

Mr. ROUSH. Mr. Chairman, reserving the right to object, I should like to inquire of the chairman of the committee, the gentleman from Louisiana (Mr. Passman), what this does to programs that have previously been considered by the subcommittee. Is this just the earmarking of these particular funds for Cyprus?

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield, it increases the amount earmarked for Cyprus by $5 million. I might point out there is a carry-in of $5,252,000 in addition to the $30 million we are recommending, so that really $10,252,000 would be available for the rest of the world even after we earmark the $25 million.

Mr. ROUSH. Mr. Chairman, I am going to withdraw my reservation of objection, but I must say that I have some misgivings in doing this in this manner. I think we should have met the issue forthrightly.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. OBEY. Mr. Chairman, reserving the right to object, would the chairman of the committee answer a question? It is my understanding that there have been $5 million in funds already obligated for other portions of the world, which means, in effect, there would only be $5 million of the appropriation——

Mr. PASSMAN. We do have another $5 million in the contingency fund also.

Mr. OBEY. Mr. Chairman, I will not object, but I would really suggest that this is not a very wise policy. While I will not object procedurally, I am opposed to the amendment.

Mr. Chairman, I withdraw my reservation of objection.

Mr. LONG of Maryland. Mr. Chairman, reserving the right to object, there are a number of other places in the world that are afflicted by famine and disaster, in Africa, in the Asian subcontinent, in Cambodia, and elsewhere. Is it my understanding that this means only $10 million for disaster relief?

Mr. PASSMAN. If the gentleman will yield, there is also $5 million available under the contingency fund. This $30 million is only one other part. What the gentleman's amendment does is to increase it from $20 to $25 million, earmarked for Cyprus.

Mr. LONG of Maryland. I understand. Does this mean only $10 million altogether, $5 million here and $5 million for all the rest of the world?

Mr. PASSMAN. If the gentleman puts

it that way, I will have to answer in the affirmative that about $10 million remains unobligated.

Mr. LONG of Maryland. Mr. Chairman, this seems to me to be disproportionate, and I object.

Mr. PASSMAN. I am very sorry the gentleman objects, but if he is objecting, he objects.

The CHAIRMAN. Objection is heard.

The question is on the original amendment offered by the gentleman from New York (Mr. Biaggi).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 113. It is the sense of the Congress that excess foreign currencies on deposit with the United States Treasury, having been acquired without the payment of dollars, should be used to underwrite local costs of United States foreign assistance programs to the extent to which they are available. Therefore, none of the funds appropriated by this title shall be used to acquire, directly or indirectly, currencies or credits of a foreign country from non-United States Treasury sources when there is on deposit in the United States Treasury excess currencies of that country having been acquired without payment of dollars.

POINT OF ORDER

Mr. CHARLES WILSON of Texas. Mr. Chairman, I raise a point of order on section 113.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CHARLES WILSON of Texas. Mr. Chairman, this provision is subject to a point of order for several reasons.

Rule XXI, clause 2, prohibits the inclusion of any legislation in a general appropriation bill "changing existing law." According to the annotations to rule XXI, clause 2, this applies both to the enactment of law where none exists—Hinds Precedents IV, 3812, 3813—or a proposition to repeal existing law—Cannon's Precedents VII, 1403.

Section 113 clearly is an attempt to legislate where no authorization exists. In addition, on its face, it does not reduce expenditures, and it is a well established precedent of this House that such a provision should come officially from the committee having jurisdiction, and not as an integral part of an appropriation bill—Hinds' Precedents IV, 3927.

The fact that section 113 was contained in last year's Foreign Assistance Appropriation Act does not exempt it from a point of order as being legislation—Cannon's Precedents VII, 1445, 1656.

Not only does section 113 contain substantive legislation not considered by the authorizing committee, but it also has the operative effect of repealing certain provisions and modifying other provisions relating to use of foreign currencies contained in section 612 of the Foreign Assistance Act. Section 612 currently delegates to the President certain functions relating to use of excess currency. Subsection 612(d), in particular, provides the President with the authority to encourage recipient countries to release excess currencies for mutually agreed programs. As section 113 is intended to restrict executive discretion by limiting use of foreign assistance dollars in excess currency countries, notwithstanding the provisions of section 612 of the Foreign Assistance Act, it constitutes a modification in policy rather than a matter of administrative detail. Further, it repeals the discretionary authority of section 612 (b) which permits the use of dollars in lieu of excess currency, upon the proper certification of an administrative official. As such, the provision is subject to a point of order—Cannon's Precedents VII, 1403.

Mr. Chairman, this point of order should be sustained both because section 113 contains new legislation not provided for in the authorization and because it repeals the existing authority contained in section 612 of the Foreign Assistance Act.

The CHAIRMAN. Does the gentleman from Louisiana (Mr. Passman) desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, this was placed in the bill last year. I ask for a ruling.

The CHAIRMAN. Does the gentleman concede the point of order?

Mr. PASSMAN. We are asking for a ruling, Mr. Chairman.

The CHAIRMAN (Mr. Price). The sense-of-Congress provision is clearly out of order on an appropriation bill, There is ample precedent for such a ruling. The Chair sustains the point of order.

The CHAIRMAN, The Clerk will read.

The Clerk read as follows:

Sec. 115. It is the sense of the Congress that the President should immediately enter into negotiations with each member of the Organization of Petroleum Exporting Countries which has any outstanding debt arising from any loan under the Foreign Assistance Act of 1961, any sale under the Foreign Military Sales Act, any loan under the Export-Import Bank Act of 1945, or any other loan made by the United States, in order to accelerate the repayment of each such debt. The President shall report to the Congress not later than June 30, 1975, concerning any negotiations entered into under this section.

POINT OF ORDER

Mr, FRASER. Mr. Chairman, I raise a point of order against section 115 of the bill on the same grounds that the point of order was raised against section 113.

The CHAIRMAN. Does the gentleman from Louisiana (Mr. Passman) desire to be heard on the point of order?

Mr. PASSMAN. Mr. Chairman, I ask for a ruling.

The CHAIRMAN (Mr. Price). The Chair will reaffirm the ruling that he made on section 113. The sense of Congress expression is clearly legislation on an appropriation bill.

The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

Sec. 505. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there further points of order against the remainder of the bill?

If not, are there any amendments?

AMENDMENT OFFERED BY MR. ALEXANDER

Mr. ALEXANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Alexander: Page 21, immediately after line 14, insert the following new section:

Sec. 506. No funds made available under this Act may be obligated or expended for any country which is in default, for 90 days or more, of any payment of principal or interest due on any loan or credit received from the United States.

Mr. PASSMAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Louisiana reserves a point of order against the amendment.

The Chair recognizes the gentleman from Louisiana (Mr. Alexander).

Mr. ALEXANDER. Mr. Chairman, since World War II it is estimated that the United States has provided economic and military assistance to foreign nations and international organizations, in one form or another, amounting to a net total of over $164 billion. And since we have had a surplus in the administrative budget only six times since the end of World War II, it has been estimated that an additional cost of over $105 billion in interest has been incurred to borrow the money we have given other countries.

As of June 30, 1974, foreign nations, individuals, and international organizations owed the United States some $32.5 billion according to Treasury Department statistics.

Of the 158 nations and 17 organizations that owe the United States, 110 of the countries and 7 of the organizations are at least 90 days overdue in their payments. Delinquent debts at the end of fiscal year 1974 totaled in excess of $562 million.

The purpose of my amendment is to cut off any funding under this bill to those nations who are delinquent, 90 days or more, in their payment of principal or interest due on any loan or credit received from the United States until such nations have become current and remain current in their debt repayments.

Mr. Chairman, for too long we have carried the bad debts of foreign countries on our books, including the debts of many nations who can well afford to pay.

We must temper our sense of responsibility to humanity with a dedication of duty to the American taxpayer.

I urge my colleagues to support this amendment, a policy that certainly represents the best interest of our people, and which, like most foreign commitments to repay American loans, is long overdue.

Country	Total net foreign assistance provided fiscal years 1946-74 (estimated)	Outstanding principal indebtedness and principal and interest due and unpaid 90 days or more as of June 30, 1974, on U.S. Government foreign loans and credits (in dollars or dollar equivalents)	
		Principal outstanding	Principal and interest due and unpaid 90 days or more
Afghanistan	$446,500,000	$82,764,042	$2,823
Albania	20,400,000	NA	NA
Algeria	391,900,000	109,246,178	2,396
Argentina	354,000,000	336,645,615	1,044,609
Australia	334,100,000	345,025,104	272,027
Austria	1,220,100,000	46,475,185	181
Bahamas	5,800,000	12,599,729	57,299
Bangladesh	518,600,000	20,202,918	--------
Barbados	1,700,000	NA	NA
Belgium	1,734,000,000	71,293,574	121,682
Belize	6,900,000	42,116	6,125
Bermuda	32,500,000	24,459,926	--------
Bolivia	640,700,000	241,504,506	1,689,827
Botswana	32,900,000	8,719,911	13,678
Brazil	3,014,000,000	1,869,543,224	84,593
Brunei	14,400,000	20,104,126	--------
Berundi	10,500,000	NA	NA
Burma	160,600,000	49,537,547	3,687
Cambodia	1,704,100,000	NA	NA
Cameroon	49,200,000	38,480,896	13,052
Canada	174,500,000	175,227,357	248,298
Central African Republic	8,700,000	1,866,846	--------
Chad	14,500,000	52	--------
Chile	1,148,300,000	1,049,338,721	19,148,088
China, Republic	5,902,200,000	[1] 607,579,345	93,149,972
Colombia	1,379,100,000	879,936,301	13,869,657
Congo (B)	5,200,000	NA	NA
Costa Rica	189,000,000	82,249,700	584,484
Cuba	45,500,000	39,234,123	58,342,708
Cyprus	30,100,000	1,007,081	1,573
Czechoslovakia	189,500,000	4,870,385	6,833,203
Dahomey	15,400,000	954,860	4,228
Denmark	916,000,000	52,863,891	259,292
Dominican Republic	509,000,000	241,838,595	1,053,271
East Germany	800,000	110,732	--------
Ecuador	302,400,000	115,268,957	587,520
Egypt	750,600,000	494,657,995	47,455,318
El Salvador	150,700,000	65,514,836	152,532
Ethiopia	492,800,000	100,012,970	14,318,976
Finland	—32,300,000	46,142,166	--------
France	7,246,800,000	349,873,666	90,965
Gabon	9,800,000	1,881,621	--------
Gambia	6,500,000	10,575	--------
Ghana	244,400,000	190,270,089	175,253
Germany	3,710,400,000	73,235,383	254,280
Greece	4,041,300,000	275,917,468	18,220,771
Guatemala	341,800,000	68,919,677	170,252
Guinea	107,300,000	58,182,681	1,032,317
Guyana	84,600,000	34,285,491	4,555
Haiti	134,600,000	31,621,281	248,973
Honduras	150,800,000	52,940,176	101,603
Hong Kong and Macao	47,000,000	13,858,881	38
Hungary	12,900,000	1,835,381	700,167
Iceland	48,000,000	19,203,800	898
India	7,632,200,000	3,574,280,805	15,579,509
Indochina (undis.)	1,542,500,000	NA	NA
Indonesia	1,930,200,000	1,127,143,952	137,841
Iran	2,227,700,000	1,131,318,928	39,152,815
Iraq	86,500,000	10,335,732	538
Ireland	65,800,000	88,815,618	13,299
Israel	4,666,700,000	1,522,372,500	1,056,451
Italy	5,517,200,000	257,869,031	5,424,420
Ivory Coast	103,100,000	51,388,200	70
Jamaica	139,700,000	56,905,250	13,176
Japan	3,346,200,000	541,429,038	483,338
Jordan	1,080,200,000	91,138,734	13,925
Kenya	116,900,000	27,908,989	875
Korea	11,934,100,000	1,068,461,275	2,218,030
Kuwait	8,700,000	10,000,159	--------
Laos	2,282,000,000	58,850	49,695
Lebanon	$142,800,000	$18,696,958	$3,432
Lesotho	17,200,000	NA	NA
Liberia	234,400,000	114,566,835	29,787
Libya	219,600,000	147,241	13,919
Malagasy Republic	15,700,000	4,435,773	--------
Malawi	30,400,000	8,990,133	155
Malaysia	125,100,000	53,634,709	387,734
Mali	49,700,000	2,792,652	40,896
Malta	43,800,000	171,345	--------
Mauritania	14,200,000	301,045	--------
Mauritius	11,300,000	NA	NA
Mexico	459,300,000	433,703,260	2,776,755
Morocco	820,000,000	476,420,324	2,573,553
Nepal	203,600,000	3,445,429	183,242
Netherlands	2,132,600,000	121,943,015	215,605
New Zealand	56,100,000	54,776,588	14,721
Nicaragua	234,500,000	101,381,820	159,020
Niger	40,600,000	2,672,538	--------
Nigeria	432,100,000	102,612,851	1,170,211
Norway	1,255,600,000	124,206,495	296,656
Pakistan	4,677,200,000	2,283,051,358	18,091,171
Panama	342,900,000	168,618,797	6,225,849
Paraguay	150,700,000	55,929,258	1,780,453
Peru	566,500,000	228,665,957	1,415,661
Philippines	300,600,000	360,898,211	48,078,728
Poland	535,200,000	106,058,263	--------
Portugal	486,900,000	90,455,668	11,017
Romania	76,900,000	38,355,288	--------
Ryukyu Islands	404,300,000	NA	NA
Rwanda	8,700,000	NA	NA
Saudi Arabia	127,600,000	41,401,458	23,138
Senegal	11,500,000	1,095,690	33,666
Seychelles	500,000	NA	NA
Sierra Leone	51,600,000	12,213,661	135,590
Singapore	59,000,000	45,227,445	413,220
Somali Republic	75,600,000	15,960,592	2,052,000
Southern Rhodesia	1,100,000	43,579	43,579
South Yemen	2,900,000	NA	NA
Spain	2,474,100,000	642,876,658	262,420
Sri Lanka (Ceylon)	210,000,000	121,799,502	1,507,896
Sudan	138,900,000	33,003,775	--------
Surinam	7,500,000	3,230,683	16
Swaziland	7,200,000	1,956,275	--------
Sweden	230,000,000	24,805,996	206
Switzerland	61,300,000	48,560,449	64,768
Syrian Arab Republic	56,700,000	13,068,466	4,268,114
Tanzania	88,400,000	40,479,056	41,536
Thailand	875,400,000	112,633,588	20,273,423
Togo	23,300,000	600,000	--------
Trinidad and Tobago	49,400,000	17,346,727	11,935
Tunisia	754,200,000	319,357,995	84,648
Turkey	6,326,800,000	1,519,038,910	87,238,793
Uganda	42,800,000	11,285,549	2,046
United Kingdom	6,382,700,000	3,677,364,314	422,952
U.S.S.R	1,033,400,000	1,115,487,823	--------
Upper Volta	33,600,000	163	--------
Uruguay	196,600,000	88,267,310	1,399,997
Venezuela	298,200,000	220,034,484	3,351,285
Vietnam	22,504,400,000	139,803,782	865,798
West Indies	15v100,000	NA	NA
Western Samoa	3,700,000	26,749	--------
Yemen Arab Republic	50,700,000	2,090	--------
Yugoslavia	2,527,800,000	585,728,969	38,494
Zaire	543,900,000	128,992,058	43,849
Zambia	38,000,000	18,984,809	6
Papua and New Guinea	29,600,000	30,500,136	97
CENTO	51,100,000	NA	NA
Other Oceania	10,400,000	NA	NA
Trust Territory of Pacific Islands	526,800,000	284	206
Worldwide regional	21,304,500,000	--------	--------

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[1] By agreement, the Republic of China is not at this time being called upon to make payments on portions of 4 loans made to the Republic of China prior to 1947 when the seat of government was on the mainland. These loans relate to assets no longer under control of the Republic of China.

NA—not available.

Note: Total net foreign assistance fiscal years 1946–74 statistics from pp. 8-9, committee report on foreign assistance and related programs appropriations bill, 1975. Delinquent debt statistics (col. 2 and 3) provided by Department of the Treasury, OASIA, Office of International Financial Analysis.

Mr. Chairman, I yield to the gentleman from Louisiana.

POINT OF ORDER

Mr. PASSMAN. Mr. Chairman, I insist on my point of order.

Mr. Chairman, I am very much in sympathy with the intent of the amendment, and I hope what the gentleman from Arkansas proposes can in some way be accomplished. However, I want to call the attention of the Members, Mr. Chairman, to the fact that it goes beyond the scope of the bill because it tries to limit expenditures and funds being expended which could have been appropriated in other fiscal years, plus the fact that this bill does not limit expenditures.

Second, legislation on an appropriation bill requires an additional duty to determine what countries are in default for 90 days.

I ask for a ruling, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Arkansas (Mr. ALEXANDER) desire to be heard?

Mr. ALEXANDER. Yes, Mr. Chairman.

I suggest that this has nothing to do with an authorization bill, that it is merely a condition within which the appropriation should operate, and is clearly within the rules, which makes this amendment germane to the bill which is being considered here as an appropriation bill.

The CHAIRMAN. The Chair is ready to rule.

The text of the amendment explicitly restricts use of funds made available under this Act. Therefore, it is clearly within the scope of the act. It imposes no new duty on any official. The information which is required is readily available.

The Chair overrules the point of order.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

I would like to go along with the gentleman's amendment. I think it is a very fair amendment, but let me say this: Either we want to pass the bill or defeat it for every country is behind. There is no doubt about it. They just wrote off a debt from India which was over $1 billion.

Therefore, I think that instead of carving up this bill, let the amendment go, and if any Members want to oppose the bill, they should vote against the bill. It is a question of either voting against the bill or for the bill. This amendment is another way of killing the bill.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I point out to the gentleman that there is a clear distinction between a grant and a loan. This amendment only applies to loans.

On previous occasions where we have clearly made grants to other countries, we knew what we were doing.

We are talking about loans in this bill. If we were talking about a condition for receiving additional loans which countries could pay back or if we made grants to other countries, I would support that policy. I always will.

Mr. CONTE. The gentleman is making it retroactive.

Mr. ALEXANDER. My amendment applies to money under this bill only.

Mr. CONTE. How about if a loan is in default and we go in with a new loan, as I say, India? Is that knocked out?

Mr. ALEXANDER. From this bill? India would be knocked out under a loan, but not with respect to a grant.

Mr. CONTE. Under a loan, that is right. What I am saying is that 99 percent of them are in arrears on loans.

I think that if the gentleman wants to kill the bill, this is a good way to do it. I think the cleaner way to do it is just by voting against the bill.

Mr. ALEXANDER. If the gentleman will yield further, why would we not just make a grant if they have not paid anything back to the United States in 15 years? It is incredible to make a loan to a country that we know cannot pay back. Why not just make a grant to start with, so that we can collect some of the $32 billion.

Does the gentleman know that the country of Iran, one of the most wealthy nations in the world today, owes us $39 million and will not pay it? Saudi Arabia also owes this country money.

Let me say this: I am well aware of it, and I opposed a lot of these loans. I also opposed Ambassador Moynihan in his $1.5 billion loan to India. But, unfortunately, we do not have the say about that. I say this: that 99 percent of them are in arrears on their loans, and even when there is a 10-year grace period, and they are three-quarters of a percent loans.

Mr. CONTE. If the Members want to kill the bill then vote against it at the end, but do not let us clutter it up with amendments such as this.

I ask that the amendment be defeated.

Mr. PASSMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Arkansas (Mr. ALEXANDER).

Mr. Chairman, this is the equivalent of offering an amendment to abolish all sections and titles of the foreign aid bill and all countries immediately that we are trying to help. Israel would be one nation we would have to cut off. Greece would have to be cut off. Egypt would have to be cut off.

I say that this is the wrong approach to it. I certainly hope the amendment will be voted down.

Mr. SHRIVER. If the gentleman would yield, we would have to cut off all of the South American countries.

Mr. PASSMAN. Yes, we would have to cut off most of the South American countries.

Mr. CONTE. Would the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I would ask the gentleman how about Israel, would they have to be cut off?

Mr. PASSMAN. Israel would have to be cut off immediately, because they are over the 90-day period.

That is not really considered a serious arrearage when they are only 90 days behind, because sometimes a letter can get lost or a check would be delayed for 90 days.

I hope the amendment will be voted down.

I am in sympathy with the idea, but not the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. ALEXANDER).

The question was taken; and on a division—demanded by Mr. ALEXANDER—there were—ayes 20, noes 54.

Mr. ALEXANDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: On page 21, following line 14, add the following new section:

SEC. 506. Notwithstanding any other provision of this Act, each appropriation contained in this Act (including each appropriation which is extended, renewed, or otherwise effectuated by any other amendment to this Act), is hereby reduced by an amount equal to 10 percent of the amount which, but for this section, would be so appropriated.

Mr. SHUSTER. Mr. Chairman and members of the Committee, this is a very simple amendment which only cuts 10 percent out of this bill in each area, for each appropriation.

I certainly want to commend the committee today for significantly reducing the request which was put before them. I think they made significant reductions.

But I think this Congress should act to impose its very proper will upon this legislation. When we recognize that Americans' circumstances have changed dramatically since the authorizations for foreign aid were passed last year, I think it is not asking too much that this House take 10 percent more out of this $3½ billion.

Mr. Chairman, 10 percent is only about $350 million. There still will be over $3 billion left in this appropriation, and I suggest that there is not a manager or an administrator worth his salt in the Federal Government; there is not a bureaucrat who deserves his pay who cannot squeeze another 10 percent out of his budget. It is responsible for this House to exercise austerity, to demand discipline from our own Government when we face so many serious problems across this land.

Just yesterday we heard of the millions of Americans who were suffering, over 7 million unemployed. Indeed, we should not forget for 1 minute the senior citizens who are suffering. Why? cannot senior citizens make their pension dollars stretch far enough? They cannot because of inflation. What is the fundamental cause of inflation? It is deficit spending by this Federal Government. We are going to add to that deficit spending here today, that already exorbitant deficit spending, by piling more billions of dollars upon it.

This is a very modest amendment. I would point out that for every dollar which the Federal Government does not go to the marketplace to borrow to make up its deficit, that is a dollar which remains in the private sector which can be invested and spent to help the very real problems of recession facing us.

Mr. Chairman, this modest $350 million—what would that do for America if it were left in the private sector? Three hundred fifty million dollars in the private sector would generate about 175,000 new housing starts. That would create about 350,000 real jobs for Americans.

Mr. Chairman, that same $350 million would provide financing for Americans to go out and purchase economical, small American cars, which would reduce gasoline consumption and in the process create about 30,000 American jobs. So we can strike a blow against our recession here at home. We can, by demanding this additional austerity, cause our Government servants to become more efficient and better managers.

I urge the support of this modest amendment, recognizing that it is time that we, this Congress, reorder our priorities by giving away fewer tax dollars abroad and place greater emphasis on solving our problems here at home.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

I wish to compliment my colleague, the gentleman from Pennsylvania, on his statement, a very reasonable statement. In light of the fact that we are asking the American people to tighten their belts, I think it is only fair that a reduction of 10 percent be imposed in this bill, as we have asked the American people to impose upon themselves in their own budgets. So I think certainly the gentleman should be complimented for his statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment because we are appropriating only for 90 days and we have already authorized the funding for the first 9 months. If this amendment should be adopted, in some instances the prior obligations would exceed the amount that the bill would provide.

Let me draw to the attention of the members of the Committee one more time that we are arriving in this Chamber 10 months late with this bill. This is an unwise amendment. It cannot be administered even if it could be justified, and it cannot be justified.

This committee has cut the budget request by 41 percent. We recognized we had to cut this foreign aid bill down to size and so we worked deliberately and untiringly and unceasingly to bring in the tightest foreign aid bill that has ever been presented on the floor of the House. We cut it by an average of 41 percent. In some items we cut it as much as 60 percent. The total reduction in this bill below the budget request is $2,448,040,000.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I certainly commend the gentleman for cutting 41 percent out of this bill. But I ask the gentleman if he feels the committee can act with such great precision when it deals with bills and with millions of dollars, that indeed the committee can be sure that if 41 percent is right, a modest additional 10 percent is not? How can the gentleman be so sure that is wrong?

Mr. PASSMAN. If the gentleman has some statistics, if he has some in-depth studies I do not know anything about and if the gentleman will furnish those figures to us, and if that furnishes more information than I got out of the 300 hours I spent on the bill, I will be glad to have that information. Of course, I believe the gentleman is sincere, but he has not studied this legislation and he is not on our committee.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield further?

Mr. PASSMAN. No, I am on my own time.

I am asking the membership to vote down this amendment because in some instances we have already allowed the agencies to fund beyond the amount of money that would be available, because we are appropriating for only 90 days. I hope the Committee will vote down this amendment. Some of the very urgent items would be cut too much.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I agree with the gentleman in the well. The committee did an excellent job. This bill was $5,946,460,000. It is now $3,498,420,000. There were attempts on the floor today to increase it another $252 million. We beat down those amendments.

When Frank Bow was alive and was here, we used to have the 5- and 10-percent across-the-board cuts offered during the Johnson administration. I used to take the floor and say that if the Members would come in with certain items and with certain specific cuts I would be glad to go along, but a 10-percent cut across the board endangers many worthwhile programs such as nutrition and others.

If the Members propose specific cuts, fine and dandy, but I cannot go along with a 10-percent across-the-board cut.

Mr. PASSMAN. Mr. Chairman, I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The question was taken; and on a division (demanded by Mr. SHUSTER) there were—ayes 25, noes 71.

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to H.R. 4592, the foreign assistance appropriations bill for fiscal year 1975. As my colleagues know, the bill reported by the House Appropriations Committee provides for an appropriation of $3.5 billion in new obligational authority for foreign aid programs.

In Congress there has been a lot of talk about budget control, but congressional action has not supported this talk. Faced with record deficits, it is inconceivable to me that this House could continue to vote for the giveaway of American tax dollars for foreign assistance which no way helps the overburdened citizen footing the bill, especially when there is $26 billion already in the pipeline, unspent. Real benefits of the program have not been visible to many constituents in my district and it appears that an increasing number of American taxpayers hold the same view. At a time when our domestic needs and economic problems are so great, even the reduced appropriation recommended by the committee is excessive.

The foreign assistance program must be totally restructured to reflect the best interests of the American people as an instrument of constructive foreign policy. The taxpayers of this country cannot be expected to support several foreign governments in addition to their own government. I urge my colleagues to join me in demonstrating that Congress is ready to assume its proper constitutional responsibility to control spending by voting against this appropriation bill, H.R. 4592.

Mr. PASSMAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4592), making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1975, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the pasage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 201, not voting 19, as follows:

[Roll No. 49]

YEAS—212

Abzug
Addabbo
Ambro
Anderson, Ill.
Annunzio
AuCoin
Badillo
Baucus
Beard, R.I.
Bell
Bergland
Biaggi
Biester
Bingham
Blanchard
Boland
Bolling
Bonker
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Mich.
Buchanan
Burke, Calif.
Burke, Mass.
Burton, John
Burton, Phillip
Cederberg
Chappell
Chisholm
Clay
Cohen
Collins, Ill.
Conable
Conte
Cornell
Cotter
Coughlin
Daniels,
  Dominick V.
Danielson
Dellums
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Fenwick
Findley
Fish
Fisher
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fraser
Frenzel
Gilman
Gradison
Green
Gude
Guyer
Hall
Hamilton
Hanley
Harkin
Harrington
Harris
Hawkins
Hays, Ohio
Hébert
Heckler, Mass.
Heinz
Helstoski
Hillis
Holtzman
Horton
Howard
Hyde
Jeffords
Johnson, Calif.
Johnson, Pa.
Jordan
Koch
Krebs
Krueger
LaFalce
Leggett
Lehman
Lent
Lloyd, Calif.
Long, La.
Long, Md.
McClory
McCloskey
McDade
McEwen
McFall
McHugh
McKinney
Macdonald
Maguire
Mahon
Matsunaga
Meeds
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nedzi
Nix
Nowak
Oberstar
O'Hara
O'Neill
Ottinger
Passman
Patman
Patten
Pepper
Peyser
Preyer
Price
Quie
Railsback
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Rodino
Roe
Rooney
Rosenthal
Rostenkowski
Roybal
Ruppe
Russo
Ryan
St Germain
Santini
Sarbanes
Scheuer
Schneebeli
Schulze
Seiberling
Shriver
Simon
Sisk
Smith, Iowa
Solarz
Spellman
Stanton,
  J. William
Stanton,
  James V.

Stark
Steiger, Wis.
Stokes
Stratton
Symington
Thompson
Traxler
Tsongas
Udall
Ullman
Vander Jagt
Vander Veen
Vanik
Walsh
Waxman
Whalen
Wiggins
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Tex.
Zablocki
Zeferetti

NAYS—201

Abdnor
Adams
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baldus
Barrett
Bauman
Bedell
Bennett
Bevill
Blouin
Bowen
Brinkley
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carr
Carter
Casey
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conlan
Crane
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Downing
Duncan, Tenn.
Edwards, Ala.
Emery
English
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fithian
Flowers
Flynt
Fountain
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Grassley
Hagedorn
Haley
Hammerschmidt
Hannaford
Hansen
Harsha
Hastings
Hayes, Ind.
Hechler, W. Va.
Henderson
Hicks
Hightower
Hinshaw
Holland
Holt
Howe
Hubbard
Hughes
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Jenrette
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Lagomarsino
Landrum
Latta
Levitas
Litton
Lloyd, Tenn.
Lott
McCollister
McCormack
McDonald
Madden
Madigan
Mann
Martin
Mazzoli
Melcher
Milford
Miller, Ohio
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moss
Mottl
Murtha
Myers, Ind.
Natcher
Nichols
Nolan
Obey
Patterson, Calif.
Pattison, N.Y.
Perkins
Pickle
Pike
Poage
Pressler
Pritchard
Quillen
Randall
Riegle
Risenhoover
Roberts
Robinson
Rogers
Roncalio
Rose
Roush
Rousselot
Runnels
Sarasin
Satterfield
Schroeder
Sebelius
Sharp
Shipley
Shuster
Sikes
Skubitz
Slack
Smith, Nebr.
Snyder
Spence
Staggers
Steed
Steiger, Ariz.
Stephens
Stuckey
Studds
Sullivan
Symms
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Treen
Van Deerlin
Vigorito
Waggonner
Wampler
Weaver
White
Whitehurst
Whitten
Wilson, Charles H., Calif.
Young, Alaska
Young, Fla.

NOT VOTING—19

Beard, Tenn.
Boggs
Carney
Conyers
Corman
Fulton
Hefner
Jones, Ala.
Lujan
McKay
Mathis
Mills
Moorhead, Pa.
Neal
O'Brien
Steelman
Talcott
Wylie
Young, Ga.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mrs. **Boggs** for, with Mr. **Hefner** against.

Mr. **Corman** for, with Mr. **Mathis** against.

Mr. **Carney** for, with Mr. **Beard** of Tennessee against.

Mr. **Moorhead** of Pennsylvania for, with Mr. **Wylie** against.

Mr. **Jones** of Alabama for, with Mr. **Fulton** against.

Mr. **Young** of Georgia for, with Mr. **Lujan** against.

Until further notice:

Mr. **McKay** with Mr. **Conyers**.

Mr. **O'Brien** with Mr. **Neal**.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and that in revising my remarks, I may include certain extraneous and tabular matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4592, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS ACT, 1975

Mr. HARKIN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers in the engrossment of H.R. 4592.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WINNER OF VOICE OF DEMOCRACY CONTEST

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary sponsors a Voice of Democracy contest in the secondary schools across the Nation.

I take much pride in the fact that the winner of the statewide competition in Mississippi is a young man from my congressional district, Mr. Lee Childress, and was our entry in the national contest where he made a fine showing. Lee is the son of Mr. and Mrs. Edward Childress of Clarksdale, Miss., and a junior at Clarksdale High School.

At this time when our Nation, its Government, and entire political process is under criticism from within and abroad, I feel it is particularly fitting to call to the attention of my colleagues Lee's expressions, which we all need to take to heart.

Mr. Speaker, I am highly honored indeed to present Lee's speech entitled, "My Responsibility as a Citizen," for the RECORD, for to such fine youngsters we can trust the future direction of our Nation.

Lee has my congratulations and best wishes during the years ahead. The speech follows:

MY RESPONSIBILITY AS A CITIZEN

Ring that bell! Ring that bell! What a great time to ring the Liberty Bell and let the world know of my citizenship in America, the land of the free and the brave.

As we think of personal responsibilities as citizens, let us ask ourselves, "What are my responsibilities?" As a citizen of America, I have a freedom unknown in other countries. I have local, state, and national protection. I have freedom of choice in worship, education, and civic affairs. These privileges are my heritage, and I must not take them lightly. I must always try to protect the rights of others. I must never infringe on rights of other people. One cannot learn that responsibility too young. When I am not mindful of rights of others, I have failed in a basic responsibility of citizenship.

My God-given heritage is my real assurance of citizenship and it has been through my parents, teachers, ministers and friends that I have learned the great values which gave life full meaning and purpose. Honesty, justice, integrity, faith, compassion and love are just a few to mention that must be taken seriously to add to the quality of being a good citizen. As George Washington said in his first address to congress in 1790, "Knowledge is in every country the surest basis for happiness." My prime reponsibility is to attain an education that will help me, as a citizen, maintain an intellectual, stable, progressive and enduring country. Just imagine what one man's knowledge could do in the field of medicine! or toward correcting some of the evils of society!

In a few years I will have the responsibility of casting my vote. As a good citizen, I must be ready for the privilege of keeping government in the hands of the people. As a prospective voter, I must study the records and qualifications of all candidates. Are they people of honor, integrity, and ability? Will they serve the best interests of all people, or will they be captivated by wealth, power, and influence? It is time for all to show more concern for the country, its needs, ideals and solving problems, rather than being stalled by political angles.

In order to be a more effective citizen, I must study the framework of local, state, and national government. I must have the courage and the know-how to voice my convictions, always remaining loyal to the welfare of America and always concerned for others. I must be mindful of the fact that the security I enjoy every day—freedom in every phase of living—must be guarded carefully, I must strive in every way to keep the democratic rights of self government.

The flag of the United States is a daily symbol of the freedom I enjoy. It is not enough to display the flag on occasions. I must study its meaning and guarantee of freedom and security.

War services may never be asked of my generation, but if the alarm sounds, I must be ready and willing to serve.

Plans are being made for the Bicentennial, a great birthday of American rights and history. This is a fitting time for us to study the birth of our freedom and to rededicate ourselves to the great task of protecting this freedom all over the land. It is my responsibility to take stock of freedom, cherish it in daily life, and try to extend my concern for the rights of others.

The greatness of our past has built the road for our future. It is time for Americans all to unite and get this country on an even keel. I can make this commitment now by assuming my responsibility as a loyal, educated, and dedicated citizen.

LITHUANIAN INDEPENDENCE

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood), is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, on February 16, 1918, the Lithuanian nation declared its independence. This was a goal for which the Lithuanian people had been striving throughout a long period of Russian domination, 1795–1915, followed by German occupation during the First World War. After two decades of independence, Lithuania again fell under Russian domination when it was occupied by the Red Army in the Second World War. It was declared a constituent republic of the U.S.S.R. on August 3, 1940. Following the German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. Since then it has been considered by the Soviet Union as a component republic.

The United States has never recognized the Soviet incorporation of Lithuania or the other two Baltic States, Estonia and Latvia.

Lithuania was one of the first countries to experience the aggression of both Hitler and the Soviet Union. When the outbreak of the Second World War seemed imminent, Lithuania attempted to maintain a policy of absolute neutrality, but was gradually engulfed nevertheless. The first loss occurred when Klaipedia (Memel) was yielded to Germany on March 22, 1939, in the face of an ultimatum and the threat of German armies.

Next, a mutual assistance treaty was forced upon Lithuania by the Soviet Union on October 10, 1939. Lithuania was required to grant air bases to the Soviet Union and to admit Soviet garrisons in spite of a Soviet-Lithuanian treaty of nonaggression which had been signed in Moscow on September 28, 1926. On June 15, 1940, the Soviets demanded immediate formation of a "friendly" government and occupied the country. In July 1940 a rigged election produced a congress which requested the incorporation of Lithuania into the Soviet Union. On August 3, 1940, at this request, Lithuania was declared a constituent republic of the U.S.S.R. by the Supreme Soviet in Moscow.

It is estimated that during this first Soviet occupation, Lithuania suffered the loss of about 45,000 people, as many Lithuanians fled and others were arrested or deported. For example, some 30,000 members of the Lithuanian intellegentsia were deported to Siberia on the night of June 14, 1941, and 5,000 political prisoners were executed when the Soviet forces hastily retreated under German attack.

In a second phase, repeating the history of the First World War, German occupation replaced the Soviet. Only a few days after the German attack on the Soviet Union on June 22, 1941, Nazi forces overran Lithuania. During their occupation the Germans inaugurated a colonization policy and several thousand German families were settled in Lithuania. Moreover, almost all Lithuanian Jews were executed by the Nazis.

When the tide of the war turned against Germany, Lithuania returned not to independence but to Soviet domination. Vilnius, which the Soviets recognized as part of Lithuania instead of Poland, was retaken by the Soviet Army on July 13, 1944. Soon all of Lithuania was occupied.

LITHUANIA UNDER COMMUNIST DOMINATION

News from the Baltic States has been very sparse since their incorporation into the Soviet Union, for the borders of Lithuania, as well as of Latvia and Estonia, have been kept sealed against the outside world and each other. Until 1959, when Vilnius was opened, no Western observers were allowed in Lithuania. The rest of the country is still closed. This is often attributed to military reasons, observers noting that the Baltic coast is ideally situated for missile bases.

As would be expected, Communist literature claims great accomplishments for Lithuania in industry, agriculture, education, and culture. The Communists appear to have concentrated their efforts on industrialization and on collectivizing agriculture. However, the few who have been able to escape report a lack of freedom and the imposition of Communist methods which exists throughout the Communist world.

Because of Soviet policies, there has been a considerable change in the composition of the population of Lithuania. When the Soviets retook the country in 1944, some 80,000 Lithuanians fled to Western Germany. Another 60,000 were found in Eastern Germany and deported to Siberia. During 1945 and 1946 an additional 145,000 Lithuanians were deported. Still another massive deportation occurred when some 60,000 Lithuanians were deported in March 1949 in answer to passive resistance of the farming population to the collectivization of agriculture.

It is reported that since Stalin's death the attempt to disperse the Baltic peoples has been changed, and that about a third of those deported have been permitted to return home. Most of the others, it is believed, perished in the meantime.

Throughout most of the world, the last two decades may be called years of freedom. The last remaining former colonies are being recognized as independent and are being admitted to the United Nations. The Soviet Union joins the free world in congratulating them and applauding their independent statehood. However, it remains silent, grim and intransigent about ever withdrawing from formerly independent countries it has occupied since World War II, such as the Baltic Republics, among which is Lithuania.

I should like to call your attention to the Soviet Constitution imposed upon Lithuania, which guarantees religious freedom together with other freedoms. It is now 2 years that the Soviets have greatly intensified their policy of terror in Lithuania against the faithful and all readers of religious literature, even of those several publications printed with Soviet sanction. The most rabid terror is directed against the readers of chronicles of the Catholic Church in Lithuania, which contains nothing but simple statements of bare facts, namely, of Soviet violations of their own constitution regarding the freedom of religion. In Soviet-enslaved Lithuania and in the Soviet Union only the bravest dare react against violation of the constitution and they are the only ones who are punished for venturing to speak of them publicly and to protest them.

This is the daily way of life in the old and honorable nation and state of Lithuania, while the rest of the civilized world is granting independence to peoples barely emerging into nationhood.

I trust that the time is not far distant when humaneness, truth, justice, and freedom will prevail and flourish once again in Lithuania, and for her courageous and gallant people.

Mr. Speaker, I here include with my remarks a resolution adopted on February 9, 1975, at the observance of Lithuanian Independence Day under the auspices of the Lithuanian-American Society, and community, at the Washington Hotel in Washington, D.C.:

RESOLUTION

Voted at the observance of the Lithunanian Independence Day, held under the auspices of the Lithuanian American Society and Community on February 9, 1975, at the Washington Hotel in Washington, D.C.:

Washingtonians, Marylanders, and Virginians gathered for the observance of the Lithuanian Independence Day, send their fraternal greetings to the People of Soviet-occupied Lithuania and vouch their unwavering support for the restoration of Lithuania's sovereignty and political freedom violated by the Nazi-Soviet conspiracy against peace and humanity.

The late Secretary of State Dulles in his testimony before the Kersten Committee of the 83rd Congress on November 30, 1953, reassured the Congress and the people that "we are not prepared to seek illusory safety for ourselves by a bargain with (captive peoples') masters which would confirm their captivity. . . . We have not forgotten the Atlantic Charter . . . 'to see sovereign rights and self-government restored to those who have forcibly been deprived of them'." Testifying on the eve of a summit meeting with the Soviet leaders, Secretary Dulles stated: "We do not look upon the conference table as a place where we surrender our principles, but rather as a place for making our principles prevail. That is our resolve . . . backed by the Congress and by the people of the United States." As noted in the Geneva communique, President Eisenhower had, indeed, raised the matter of the restoration of political sovereignty and self-government for the Baltic States.

The 89th Congress of the United States in a joint resolution No. 416 unanimously voted by the House on June 21, 1965, and by the Senate on October 22, 1966, urged the Government to direct the attention at the United Nations "and at other appropriate international forums" to the denial of self-determination for the peoples of Estonia, Latvia and Lithuania, and to bring the force of world opinion to bear "on behalf of the restoration of these rights to the Baltic peoples."

Thus, the United States had faithfully adhered to the traditional policy of nonrecognition of the Soviet annexation of the Baltic States, and to "the rule of reason, of justice and of law" in international relations, as stated by the Roosevelt Administration on July 23, 1940.

During the past several years the Administration allowed itself to be drawn into a Soviet-inspired "Conference on European Security and Cooperation" whose sole objective is to obtain international recognition of "the present frontiers in Europe" as fixed by the Nazi-Soviet conspirators and overlooked by short-sighted irresolution of Western postwar leaders. This European conference is to reaffirm the alleged respect for frontiers in the words formerly solemnly subscribed by the Soviet Union in its peace, friendship, non-aggression, and definition of aggression treaties with Estonia, Finland, Latvia, Lithuania, Poland, and other members of the League of Nations.

We urge President Ford's Administration to effectively honor the policy regarding the Baltic States announced in 1940 and repeatedly reaffirmed and supported by Congress and the American public opinion, and through sustained diplomatic efforts to convince the Soviet Union that its true security lies in the friendship and trust of its neighbors between the Gulf of Finland to the Black Sea, and that a true detente depends on the abandonment of imperialism and colonialism in Europe by the Soviet Union, and on the restoration of the independence of Lithuania, Latvia and Estonia.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois (Mr. DERWINSKI) who every year is present when we have this Lithuanian Day.

Mr. DERWINSKI. Mr. Speaker, I commend the gentleman from Pennsylvania for discussing again this subject in this House, and also I commend to the attention of the gentleman the importance for those of us who feel as we do about the enslaved nations in Eastern Europe for seeing to it that it remains the policy of our country not to recognize the illegal occupation of the Baltic States by the Soviet Union.

Mr. FLOOD. That is true. We have the consulate of Lithuania in Washington and the consulates of Latvia and Estonia in New York. We never fail to mark this day.

Mr. MORGAN. Mr. Speaker, it is my great pleasure to join with my colleagues in commemorating the 57th anniversary of the Declaration of Independence of Lithuania.

The proud people of Lithuania have struggled to maintain their identity throughout history. After a long period of foreign occupation, Lithuania regained its freedom in 1918 and adopted a Constitution which guaranteed freedom of speech, assembly, and communication to its people, with the power of legislation vested in a Parliament. Our Nation recognized the independent Republic of Lithuania on July 27, 1922. Unfortunately, however, that country was occupied during World War II by Soviet armies and on August 3, 1940, was declared a "constituent republic" of the Soviet Union.

We all remember the attempted flight to freedom of Simas Kudirka and other expressions of the continuing desire of the Lithuanian people for freedom and the preservation of their identity. Mr. Speaker, I know that Lithuanians throughout the world are commemorating this Independence Day, and I want them to know that the aspirations of the Lithuanian people will not be forgotten.

Mr. HELSTOSKI. Mr. Speaker, with the approaching 200th anniversary of our Nation's birth we grow more aware of the fact that this country has been endowed by the founders with the freedoms which other nations so deeply desire but find so hard to attain.

Fifty-seven years ago, on February 16, 1918, the modern Republic of Lithuania was established as a free and independent nation. Now, on February 16, 1975, Americans of Lithuanian origin and descent commemorated that anniversary which was so short-lived by a young and ambitious nation. Lithuania has enjoyed her independence for only 22 years when, in 1940, the Soviet Union invaded and oppressed Lithuania, and other Baltic State countries and forcibly annexed them into the Soviet Union.

I rise, Mr. Speaker, to join my distinguished colleagues in observing this 57th anniversary of these brave people who have demonstrated a determined spirit and a passionate desire to attain freedom and independence as well as religious freedom and the restoration of basic human rights endorsed by all nations of the free world. However, the Soviet Union remains silent about withdrawing from the territories she annexed into her sphere of influence, formerly independent countries it has occupied since World War II, among them the Lithuanian lands.

This old and honorable nation has been subjected to constant harsh and inhuman treatment, but their oppressors have found the courageous spirit of the Lithuanian people cannot be suppressed and their determination to attain the goal of self-recognition and freedom is deep rooted and long lasting.

The struggle for freedom and independence is typical of struggle of all freedom-loving people everywhere, and strongly emphasizes for us, the free Americans, that the price of freedom is eternal vigilance against the continuous aggression of Communist Russia which has been a threat to all free nations of the world.

Mr. Speaker, at this point of my remarks, I would like to share with my colleagues a Resolution adopted by the Lithuanian-Americans of New Jersey on the subject of Lithuanian commemoration of the 57th anniversary of the Lithuanian independence.

The resolution follows:

RESOLUTION

We, Lithuanian-Americans of New Jersey at a meeting held on February 16, 1975, commemorating the 57th anniversary of the establishment of the Republic of Lithuania in 1918, unanimously adopt the following resolution:

Whereas in 1918 the Republic of Lithuania was established by the free exercise of the right of self-determination by the Lithuanian people; and

Whereas by the Peace Treaty of July 12, 1920 Soviet Russia officially recognized the sovereignty and independence of Lithuania and voluntarily renounced forever all sovereign rights and claims by Russia over Lithuanian soil and her people; and

Whereas from 1920 to 1940 Lithuania was a fully independent and sovereign nation, a member of the League of Nations, and a signatore of numerous international treaties with the Soviet Union; and

Whereas the Soviet Union during June 15–17, 1940 invaded and occupied Lithuania by overwhelming force of arms, and subsequently, forcibly annexed the Lithuanian Nation into the Soviet Union; and

Whereas the Soviet Union has systematically conducted a policy of colonization, ethnic dilution and Russification within Lithuania; and

Whereas the United States Government maintains diplomatic relations with the government of the Free Republic of Lithuania and consistently has refused to recognize the seizure of Lithuania and forced incorporation into the Soviet Union; and

Whereas the people of Lithuania to this very day are risking and sacrificing their lives in defiance of the Communist regime in seeking political and religious freedom; and

Whereas the 89th U.S. Congress unanimously passed House Concurring Resolution 416 urging the President of the United States to direct the question of the Baltic Nations status at the United Nations and other international forums, focusing attention on the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic people; now, therefore be it

Resolved that we, Lithuanian-Americans urge the President of the United States, members of Congress, and the United States Department of State to publicly reaffirm the United States Policy of non-recognition of the forceful annexation of the Baltic States by Soviet Russia, and to maintain that policy during all negotiations with the Soviet Union, especially, those concerned with the new Detente policy; and further

Resolved, to request the President of the United States to vigorously implement House Concurring Resolution 416 to the fullest extent; and further

Resolved, that copies of this resolution be forwarded this day to appropriate government officials.

LITHUANIAN-AMERICAN COMMUNITY OF THE U.S.A., INC., NEWARK CHAPTER.

Mr. ESCH. Mr. Speaker, recently I had the privilege of addressing the Independence Day commemoration of the Detroit Lithuanian Organizations Center. The master of ceremonies of the program was Mr. Saulius Kaunelis and the program included a speech by Dr. John Genys, American Lithuanian council representative, as well as an outstanding presentation of folk dances and songs. It was a most meaningful remembrance for all of us—those of Lithuanian descent, as well as other American citizens—of our responsibility to never forget Lithuania and that she still remains today a proud and independent country.

At this time, I would like to include in the RECORD my own personal remarks which I made during the program:

LITHUANIAN INDEPENDENCE DAY SPEECH OF CONGRESSMAN MARVIN L. ESCH, FEBRUARY 16, 1975

I am honored to be with you here today. As in past years, we observe two important events on this date—the 57th commemoration of the Lithuanian Declaration of Independence and the 724th anniversary of the founding of the Lithuanian State.

Very shortly, Americans will be observing a similar event—our 200th year of independence. In celebrating our bicentennial, we will repeat a hundred times in a hundred ceremonies across the country the words of our Declaration of Independence—that man enjoys certain inalienable rights, that to secure those rights governments are instituted among men, deriving their just powers from the consent of the governed. As we repeat these words, we would do well to remember that they apply to all men throughout all time.

It is for this reason that Lithuanians across the country gather together and celebrate this day—to remind us all that freedom and liberty are not exclusive rights to be enjoyed only by some.

In observing this day, you also remind us that Lithuania is not a make-believe country, a kind of mythical unicorn that is more fantasy than fact. To the contrary, Lithuania has had a long and honorable history dating back to 1209 A.D.—nearly 300 years before the discovery of this country. It is a nation that has continually had to fight against foreign domination and which, during its periods of independence has demonstrated a devotion to the principals of freedom and democracy.

Even under the heavy yoke of Russian oppression we see their determination to be free.

We see it in the defiant courtroom speech of the sailor Simas Kudirka following his unsuccessful attempt to escape to the free world in 1970.

We see it in the martyrdom of Romas Kalonta in 1972.

We see it in the petitions signed by 17,000 Lithuanians asking for United Nations consideration of the plight of their homeland.

And this is surely only the tip of the iceberg, much of what goes on being hidden behind the veil of Russian secrecy and censorship.

As we meet here today to reiterate our goals, I think we also have an obligation to act to attain those goals. Both I as a public official and you as citizens have responsibilities in this regard.

For myself, I have a responsibility to speak out wherever and whenever possible against the incorporation of Lithuania by the Soviet Union and to ensure that our Government maintains a policy of non-recognition of that incorporation.

As a public official, I have a responsibility to try and strengthen this country's radio programming in the Baltic area. As you know, this year cultural programming for Lithuania has been started by Radio Liberty. No broadcasts by Radio Free Europe have been beamed to this area, and we should push them to do so, as the radio waves are one of the few and surely most effective ways to bring the truth to the Lithuanian people.

Our Government must work to force the Soviet Union to allow separated families to be reunited and to remove travel restrictions to Lithuania. It is interesting to note, for example, that while a Soviet citizen would enjoy an unlimited welcome in Detroit, American citizens are restricted to only five days in Vilnius.

As elected officials, we must work to remove the unusually high gift tariff on parcels to Lithuania, particularly as many of these parcels contain basic necessities. This should be brought up every time we have trade discussions with the Soviet Union.

As individual citizens, I think you also have responsibilities to Lithuania. I mention these not for your edification, as your very presence here today is evidence that you enthusiastically accept those responsibilities. Rather I mention them because I want you to know that your actions and your persistence have had an effect. It is your continued efforts that have kept the question of Lithuania alive in world opinion.

It was your consistent pressure applied to Congressmen and Senators that was responsible for initiation of Radio Liberty broadcasts to Lithuania.

It was your loud protests, letters, and pressures that persuaded the Soviet Union to free Simas Kudirka.

I sincerely believe that you have sent the Soviets a message—a message that is augmented by Czechoslovakia in 1968 and more recently with the riots in Poland. It is a message that, as Seymour Fried has said in his *Forgotten People*, "nations may be satellites, but people are not."

I, therefore, commend you all for continuing to send this message, and urge you to keep doing so in every way you know how. And I particularly urge you to continue to let your elected representatives know how strongly you feel. I can assure you that we are listening to what you are saying.

I know from experience as a Congressman that it is sometimes difficult to continue giving of your time and energy to an issue whose ultimate solution seems so far away. I, unfortunately, cannot stand here today and assure you that Lithuania will be free in ten years, or 20 years, or even in 50. But I do stand here to say that we can never stop trying to reach that goal no matter how distant it may seem.

Thank you very much.

Mr. ROE. Mr. Speaker, in response to a communique that I have received from Dr. Kazys Bobelis, National President of the Lithuanian American Council, Inc., it is indeed a privilege and honor to join with our colleague, the Honorable DANIEL J. FLOOD, of Pennsylvania, in today's tribute to our people of Lithuanian heritage and commemoration of Lithuania's independence day in the House of Representatives.

May I respectfully refer you to my extension of remarks on Thursday, February 20, in solemn observance of the 57th anniversary of this declaration of independence of Lithuania reaffirming our dedication to the human justice principles adopted by the congressional resolution of the 89th Congress and restated in the House concurrent resolutions which I, along with many of our colleagues, have joined in sponsoring; namely, House Concurrent Resolution 140, expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; and House Concurrent Resolution 141, expressing the sense of Congress with respect to the incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics?

Thank you for the opportunity to participate in this congressional recognition of the desperate need for remedial action on behalf of the courageous people of Lithuania in the U.S.S.R. to achieve national sovereignty and insure their rightful place in international communion with all nations and all peoples throughout the world.

Mr. McHUGH. Mr. Speaker, February 16, 1975, marked the 57th anniversary of the Declaration of Independence by the Lithuanian people.

In 1915, Russian domination of Lithuania came to an end when the nation was overrun by German armies. The defeat of Germany, coupled with the Russian Revolution enabled Lithuania to pressure the German Government and in 1917, the German Government authorized the 200-delegate Lithuanian Congress. This Congress proposed an independent Lithuania and elected a 20-member Council. On February 16, 1918, the Council proclaimed an independent Lithuania based on the democratic principles of liberty and freedom for its people. The enjoyment of liberty was cut off 22 years later in 1940, when the Soviet Union annexed the young Republic of Lithuania and incorporated her. The United States recognized the independent Lithuanian Government on July 27, 1922, but has never recognized the incorporation of Lithuania and other Baltic States into the Soviet Union.

Today, I am proud to join with my colleagues in commemorating the 57th anniversary of Lithuanian Independence and in honoring the Lithuanian people who have never wavered in their devotion to the cause of liberty and the hope that their nation will again be a free and independent nation.

Mr. STRATTON. Mr. Speaker, I rise today to commemorate the anniversary of the establishment of the Republic of Lithuania. Fifty-seven years ago, on February 16, 1918, the modern Republic of Lithuania was established as a free and independent nation when the Lietuvos Taryba or Council of Lithuania met in Vilnius and declared the existence of their state, free of ties to all other sovereignties.

Lithuanians enjoyed that brief flicker of freedom for only 22 years when Soviet tanks and troops swept across their borders and began a reign of terror and repression which continues to this day.

Mr. Speaker, the faith and spirit of the Lithuanian people has not diminished one bit all these 35 years of bondage. Their courage has inspired freedom-loving people the world over, and their hopes are certainly not forgotten by Lithuanians residing here in America.

We in this body have reaffirmed our steadfast support for Lithuania over the years, and this expression of support has surely strengthened the resolve of our brave friends in Lithuania.

Our efforts on behalf of Simas Kudirka, which resulted in his subsequent release from a Soviet prison and his return to American shores, demonstrates the effect which expressions of support from this body can produce. We must not let that support waver or wane.

Kudirka's words, while fighting for his own release before a Soviet court, are an inspiration to all of us who yearn to again see a free Lithuania, glorying in the bright light of liberty:

> I have nothing to add to what I have already said, only one wish, more specifically, a request to the Supreme Court and the government of the Soviet Union: I ask that you grant my homeland, Lithuania, independence.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RETURN VETERANS DAY TO NOVEMBER 11

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Missouri (Mr. RANDALL) for 10 minutes.

Mr. RANDALL. Mr. Speaker, yesterday I filed with the Clerk a motion to discharge the Committee on Post Office and Civil Service from further consideration of House Joint Resolution 11, a resolution which would redesignate November 11 as Veterans Day. Under the rules of the House this discharge petition would bring House Joint Resolution 11 to a vote as soon as a majority of 218 sign the petition.

I took this action in order to fulfill a pledge which I have made repeatedly over the years to the constituents in our own congressional district. I suspect many other Members have made similar commitments. I told our veterans this past year and the year before that I would do everything I could to get this legislation to the floor of this House in the year of 1975. So, accordingly, on the first day of the 94th Congress, on January 14 I introduced this legislation to accomplish that result and I made a special effort to be certain this resolution would be House Joint Resolution 11, because it is concerned with the 11th day of November, which has a great historical significance to our Nation's veterans.

Mr. Speaker, it seems to me we should recall that the first worldwide conflict that our country ever engaged in happened to end on the 11th hour of the 11th day of the 11th month. At that moment, all guns were silenced. No other date, no matter what date we might pick for whatever purpose can ever claim the significance of November 11. So I have taken this action for this reason and for the reason that for over 50 years we have observed the celebration on November 11.

November 11 is observed around the world as a day of prayer for peace and as a tribute to the men who had given the supreme sacrifice in World War I. In 1920 France and England chose this same date and honored their unknown soldier. The United States in the following year of 1921 on November 11 reserved a place in Arlington Cemetery, as is carved in stone, to honor an American soldier "known only to God."

On another November 11, several years subsequent, an unknown soldier from World War II, and an unknown soldier from the Korean conflict, were laid to rest alongside their fellow unknown from World War I.

In 1928 Congress passed a resolution designating November 11 as a day of annual tribute to our veterans. Then in 1938 another congressional resolution made it a national holiday and finally on November 11, 1954, a bill was enacted changing the description of that day from Armistice Day to Veterans Day.

Let us remember that England, France, and many other nations continue to observe November 11 as a day of tribute to those who fought in the name of peace.

Unfortunately, however, in America, today, the official national observance of Veterans Day takes place on the fourth Monday of October. This situation, as we all know, came about because of an enactment we passed here in this body and joined by the other body back in 1968. I guess it was a case of bowing to commercial interests, because Congress proceeded to create some other holidays so that they would very conveniently fall on Monday. That is a pleasing thing, a 3-day weekend.

Now, Mr. Speaker, I have no objection, of course, to people enjoying themselves on a 3-day weekend. I have always supported legislation to increase and enhance the opportunities for leisure activities; however, I believe that our Congress has an obligation and a responsibility to the Nation's moral health, just as much as it does to its physical and psychological health. By changing the observance of Veterans Day to the fourth Monday in October, Congress yielded to pressures from commercial interests and, thereby relinquished its responsibility to the Nation's moral well-being. The change has taken away much of the traditional and historical significance of Veterans Day. It had true significance and historical perspective as long as it was observed on the day the guns were actually silenced. That has now been diminished.

Mr. Speaker, I hope that enough of us abhor this development, to change the day of observance back to November 11. I think the record will show that the majority of the American people agree with this point of view. If there is any doubt about that, let us look at the record. There are 40 States of the 50 States which have already returned their official observances of Veterans Day to November 11. Two States never changed their official observance date.

This situation prompted a national veterans' organization official to observe that "unless Congress changes the Federal act, it appears that the time will soon come when Federal employees will be our only citizens who celebrate Veterans Day on a date other than November 11."

In filing this discharge petition, Mr. Speaker, let me say I bear no brief against the distinguished chairman and the members of the Committee on Post Office and Civil Service. My action is taken solely because of the poor record of this Chamber on this issue in the past. Literally hundreds of Members over the past year or two have sponsored legislation to redesignate November 11 as Veterans Day in the 91st, 92d, and 93d Congresses. Yet these measures have died without affirmative action being taken upon them at the end of the past three Congresses. In the last Congress, we literally lost an excellent opportunity, because the other body did pass legislation to redesignate November 11 as Veterans Day. Yet that enactment died in the Veterans' Affairs Committee of our body.

I hope things will be different this year, Mr. Speaker.

This is not a complicated issue. It is one that should not really require very extensive hearings or much study. That is the reason why a discharge petition is appropriate to quickly bring this bill to the floor.

I urge every Member who has signed a discharge petition in the past and that includes approximately 150 who are still Members, to sign this discharge petition. I invite all of the new Members of the House to let this be the first discharge petition they sign. If you do, each signatory will be helping return to the American veterans the traditional day of honor and to the American people this long-cherished national symbol of their dedication to peace.

ABUSE OF CONFIDENTIAL INFORMATION BY FBI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BADILLO) is recognized for 60 minutes.

Mr. BADILLO. Mr. Speaker, recently Attorney General Levi appeared before the House Judiciary Subcommittee on Civil and Constitutional Rights to present testimony on the operations of the FBI, specifically on the question of the maintenance of certain files on public officials and other citizens of the United States. At that time, the Attorney General acknowledged that there had been various abuses of certain files containing confidential information about the private lives of Members of Congress and other public officials. The Attorney General stated that he had taken initial steps to insure that such abuses would not recur. However, Mr. Levi repeatedly stressed the need for "guidelines" to more clearly define how and under what circumstances the FBI would collect and use such information.

The Justice Department is now working on the development of such internal guidelines. I hope that not much more time will pass before the Congress will have an opportunity to review those guidelines. I, for one, do not believe that any internal guidelines, no matter how well-intentioned, will sufficiently provide the guarantees our society must have to protect its freedoms. I believe that the Congress must be prepared to enact legislation to effectively deal with this problem.

At this point, Mr. Speaker, I wish to insert in the RECORD the full text of the Attorney General's statement and a recent article by Tom Wicker of the New York Times which clearly states the issues involved in this critical area of concern to so many Americans:

[From the New York Times, Mar. 2, 1975]

"BIG BROTHER" AT HAND

(By Tom Wicker)

Daniel Schorr has reported for CBS News that President Ford fears current investigations will uncover several assassinations of foreign officials by the Central Intelligence Agency. Mr. Schorr's report followed testimony by Attorney General Edward Levi that the late J. Edgar Hoover, as Director of the Federal Bureau of Intelligence, had kept and used files of derogatory information on public personalities, and allowed the F.B.I. to be used by various Presidents for domestic political purposes.

Mr. Levi only confirmed what had long been generally believed, although there may be more shocking details to come, since some of Mr. Hoover's "OC" ("official and confidential") files were moved to his house at the time of his death in 1971. The confirmation, nevertheless, leaves Congress little choice but to close the legal gaps through which Mr. Hoover and at least three Presidents—Kennedy, Johnson and Nixon—misused the F.B.I. and the power that inevitably accrues to its director.

Mr. Levi told a House subcommittee that he and Justice Department officials were developing a set of "guidelines" to prevent such abuses in the future—for example, President Johnson's use of the F.B.I. to seek information on campaign aides of his opponents in the 1964 Presidential election, or Mr. Hoover's dissemination of derogatory information gathered by an F.B.I. agent on a Member of Congress who attacked Mr. Hoover.

But internal guidelines—surely the F.B.I. already has some, at least officially—are not enough, particularly since Mr. Levi's testimony concerned only a narrow range of activity, but suggested how widespread and dangerous the use of the F.B.I. probably has been, either by Mr. Hoover or by his Presidential overlords. Guidelines can and obviously have been ignored, they can be changed as men and circumstances change; they can even be used as a front, to profess innocence while camouflaging guilt.

And although Congressional sloth, and fear of Mr. Hoover—well grounded, as Mr. Levi confirmed—contributed much to make these abuses possible, improved Congressional oversight cannot completely rectify the situation. A huge, secretive investigative agency can't be supervised in that much detail, particularly by a changing body of politicians with hundreds of other interests and problems. Nor can either guidelines or Congressional oversight, helpful as both might be, control Presidents or the relationship between a President and a Director of the F.B.I.

Similar House and Senate committees belatedly investigating the "intelligence community," including the F.B.I., will have to devise better means to protect themselves and the American people from secret police tactics wielded at so high a level. What Mr. Levi confirms that Mr. Hoover did should be made a crime, as it should be a crime, impeachable and indictable, for a President to order the F.B.I. to take actions Congress could specifically define as illegal—whether or not he attempts to stretch the cloak of "national security" to cover them.

These committees face a more complex problem in dealing with the subject of Mr. Shorr's report. That the White House did not deny that report suggests what can be unequivocally confirmed here—that President Ford does believe that close investigation of C.I.A. covert operations abroad would disclose activities — including assassinations—that would shock the American people, stain the reputations of numerous past presidents, and raise difficult problems of international relations. That is why in appointing his "blue ribbon" panel to investigate the C.I.A., he carefully limited its inquiry to domestic activities, and chose a group of men he could rely upon not to go on an inch past that limit into the area of covert operations abroad.

Senator Frank Church also sees the primary task of his committee to investigate the intelligence community as one of determining to what extent agencies like the F.B.I. and the C.I.A. have contributed to the growth of "Big Brother government, and the implicit threat that this represents to the freedom of the people." But his committee has ample jurisdiction to look into C.I.A. covert operations, and he intends to do so, primarily with an eye to controlling or preventing them in the future, rather than exposing those of the past.

In fact, the line between covert action abroad and "Big Brother government" at home may not be so distinct as Mr. Ford seems to think. Watergate, the burglary of Daniel Ellsberg's psychiatrist, the concocting of fake cables in the White House, have shown how C.I.A. "covert" techniques and personnel can be imported into domestic politics. If those techniques include assassination, why might not that too someday be seen as a necessary tool for "national security" right here at home? The mentality that can order or condone murder for political purposes abroad need not be greatly warped to order or condone murder for political purposes at home, particularly when the instrument to carry it out is ready at hand.

STATEMENT BY THE HONORABLE EDWARD H. LEVI, ATTORNEY GENERAL OF THE UNITED STATES

Mr. Chairman and Members of the Committee:

I have been asked to appear here today to discuss the information-gathering practices and the files of the Federal Bureau of Investigation with respect to public officials, members of Congress, and citizens generally.

I realize that some time ago the Committee invited the Deputy Attorney General and the Director of the Bureau to testify on these subjects. With your agreement, their appearance was deferred until today so that I might join them in presenting the description of past practices, the present situation, and our thoughts for the future. What I have to say is to a considerable extent the result of a collaborative effort. The Director will present a statement to supplement my testimony and both the Deputy Attorney General and the Director will assist in responding to questions.

After but three weeks of being Attorney General, I do not have the depth of knowledge possessed by the Deputy Attorney General and the Director. The Deputy Attorney General has personally reviewed many of the files which will be mentioned in this testimony, as has the Bureau's Office of Inspection. There has obviously not been sufficient time for me to do this, but I have personally examined some of the files considered most relevant in the effort to consider future guidelines or controls.

I should like to emphasize most strongly at the outset both my personal and official concern for the issues which are involved. These issues are close to the basic duties of the Attorney General to protect the society and the safety of our fellow citizens.

During the hearings on my confirmation I made a commitment to examine the practices of the Bureau in collecting information on individuals, including Congressmen. I assumed the obligation to develop guidelines, after appropriate consultation, on the acquisition, retention, and use of this information. While I have been Attorney General for only a brief period and the important issues with which I have been confronted have been many, I have given the highest priority of my time and effort to the subject matter of these hearings and to the development of standards or rules which may minimize the possibilities for abuse. My testimony today is in the nature of a report on the beginning steps in this endeavor.

The testimony is divided into three parts. First, I will set forth briefly the jurisdictional bases for the authority of the Bureau to engage in investigative activity. Second, I will endeavor to describe the practices of the Bureau in acquiring information about public officials, Congressmen, and other citizens.

In this connection, I will also describe in categories the "Official and Confidential" files that were retained by Director Hoover in his office suite. I am giving this emphasis to a discussion of these "Official and Confidential" files because I know there have been rumors and concern about them as being "dossiers," having a potential chilling effect on civil liberties and the political process.

Third, I want to share with you the results of our review of the practices of the Bureau and to give you my present judgment as to the types of abuses which past incidents suggest may require further safeguards.

I. INVESTIGATIVE JURISDICTION OF THE FBI

The basic authority of the Federal Bureau of Investigation is drawn from section 533 of Title 28 of the United States Code. Under that statute, the Bureau is assigned the responsibility to "detect . . . crimes against the United States." It is pursuant to this provision of the statute that the FBI performs most of its work—namely, investigating persons or incidents when there is reason to believe that a federal crime has been or is likely to be committed so that the violators can be prosecuted or the crime prevented. While this provision of the statute vests in the Bureau general investigative authority over criminal violations, there are other statutes, such as the Congressional Assassination, Kidnapping and Assault Act (18 U.S.C. 351), which vest in the Bureau specific responsibilities to investigate violations.

Under 28 U.S.C. 533, the Bureau is also authorized to investigate matters where no prosecution is contemplated. Paragraph (3) of that section authorizes the Bureau "to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." It is pursuant to this paragraph and the constitutional authority of the President that particular non-criminal investigative responsibilities have been assigned to the Bureau. For example, under several Executive Orders, the FBI is vested with the responsibility to conduct background security checks prior to appointment of individuals to sensitive positions. The Bureau has also been directed or authorized by Presidential statements or directives to gather information about activities that jeopardize the security of this Nation. Thus, as reported in *United States* v. *United States District Court,* 444 F. 2d 651 at 659, on May 21, 1940, President Roosevelt sent a confidential memorandum to the Attorney General authorizing investigative agents "to secure information by listening devices directed to the conversation or other communications of persons suspected of subversive activities against the Government of the United States including suspected spies."

The President further directed the Attorney General "to limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens." Such Presidential statements or directives, of course, have to be considered as conditioned by the developing constitutional law on the powers of the President, and also have to be seen in the setting of legislative enactments and court decisions on the appropriate procedures for investigation.

Executive Order 10450 approved April 27, 1953, and since amended, requires investigation by the FBI of employees and applicants in the Executive Branch of the Federal Government on loyalty grounds as did Executive Order 9835, which it replaced. Under Executive Order 10450, the Bureau is also assigned the duty to disseminate to the heads of other departments and agencies and to the Civil Service Commission any information which has been received by the Bureau that bears on an employee's loyalty, character, or integrity. The order is specific on a variety of items deemed relevant. Thus, if a civil servant in the Department of Agriculture comports himself in a fashion that falls within the scope of the criteria of Executive Order 10450, and the FBI becomes aware of it, the Bureau is required to advise the proper official at the Department of Agriculture and the Civil Service Commission. I should point out the Executive Order applies only to employees of the Executive Branch.

If information received involves a question of loyalty on the part of an employee of an agency of the Executive Branch of the Government, the FBI would then conduct the investigation. If information received by the FBI pertains only to the employee's suitability, the Bureau conducts no investigation.

However, the unsolicited data received by the Bureau is forwarded to the employing agency and the Civil Service Commission. In addition, the Bureau also conducts investigations under Executive Order 10450 at the request of the employing agency when such agency has developed information bearing on the loyalty of the employee.

During the fiscal year of 1974, 367,656 security forms were received by the FBI for processing under Executive Order 10450 and 935 investigations were conducted by the FBI under Executive Order 10450 and present time, we do not have statistics on the total number of reports on government employees passed by the FBI to other agencies of the Executive Branch under Executive Order 10450.

In brief summary, then, the Bureau's investigative authority gives it responsibility to investigate violations of Federal law, to conduct background investigations for government employment, and to gather information bearing on our Nation's security.

II. FILES COMPILED BY THE FBI ON PUBLIC OFFICIALS, CONGRESSMEN, AND PRIVATE INDIVIDUALS

The Bureau currently maintains a total of approximately six and one-half million files and 55 million index cards that cross-reference these files. (These numbers do not include what is commonly referred to as identification records which consist of arrest, conviction and fingerprint records. They are maintained in a separate system.) Ordinarily each file is contained in one file jacket which can vary in volume from one page to hundreds of pages. Each file typically involves a single subject matter. For example, if a Senator is the victim of seven separate assassination threats, seven separate files are opened.

The FBI maintains the same kinds of files on members of Congress as it does on other American citizens. We have prepared for the Subcommittee's information an appendix entitled "FBI Information-Gathering Practices with Respect to Members of Congress." The following discussion of the types of FBI files on members of Congress would apply equally to any public official; or indeed to any citizen.

The files maintained by the Bureau on Members of Congress fall into five categories.

The first category covers instances in which individual Congressmen or Senators are the *victims* of criminal activity. The most common examples of this type of material are files on extortion demands and assassination threats. These extortion demands and assassination threats files represent fully 79 per cent of the files relating to Senators (700 files) and 30 per cent of those relating to Congressmen (219 files). In addition, less than one per cent of the files on Senators (six files) and House Members (four files) contain "Victim—Security" designations. Only when a member of Congress is threatened by an extremist group is the file designated "Victim—Security."

Second, the Bureau maintains files on Congressmen or Senators who are the target of a Federal criminal investigation. These criminal investigative files comprise about three per cent of the files on Senators (30 files) and about eight per cent of the files relating to House Members (55 files). In addition, about one per cent of the Senate files (seven files) and slightly over two per cent of the files relating to House Members (17 files) carry "Subject—Security" designations, and include investigations relating to possible violations of the security laws, the laws prohibiting disclosure of classified information, and Foreign Agents Registration Act, and so forth.

The third category encompasses files relating to background investigations—commonly known as "full field investigations"—on those Congressmen or Senators who have been appointed to or considered for Executive Branch positions or other positions for which a background check is required. These files represent almost two percent of those relating to Senators (18 files) and slightly more than seven percent of those relating to members of the House (53 files).

Fourth, the Bureau maintains files—carrying the designation "Laboratory Cases"—covering requests for FBI laboratory work in cases received from other law enforcement agencies in which individual Senators or Congressmen are the victims. For example, a Chief of Police requested an examination of certain materials found on the exterior of a Senator's home which had been vandalized. These files represent two percent of the files relating to Senators (14 files) and House Members (16 files).

Finally, the Bureau maintains files involving correspondence with or about the Congressman. These files represent approximately 12 percent of the files relating to Senators (108 files) and approximately 50 percent of those relating to House Members (358 files). Typically, the files include correspondence with individual Congressmen or Senators relating to matters which are of interest to them. For example, a Congressman will write to the Bureau requesting crime statistics or the Director's views on capital punishment, juvenile delinquency, or legalized gambling. The correspondence files also contain information volunteered by American citizens in the nature of "allegations" against individual members of Congress. In some cases, these "allegations" may involve the member's personal life such as morals or drinking habits.

If one totals all the files on current members of Congress in the five categories which I have mentioned, the number of files is 1,605—883 relating to members of the Senate, and 722 pertaining to members of the House of Representatives. It may be important to clarify that the files are cross-referenced by index cards. Thus, if a Congressmen's name appears in one file, the FBI's Files and Communications Division may prepare an index card so the information in this file can be retrieved expeditiously.

I should add that the legislative liaison section of the FBI maintains a record of its contacts with members of Congress and other information of the sort typically held by legislative liaison offices of other government agencies. This information is recorded on index cards. The cards are not themselves regular FBI files, nor does the regular FBI file index refer to them. They ordinarily contain biographical material of the same sort that is listed in a "Who's Who" entry or indeed in the Congressional Directory. In addition, the cards generally record the liaison section's correspondence with or concerning members of Congress, notations of informal FBI contacts with members of Congress, and public record material such as statements members have made concerning their positions on issues in which the Bureau has an interest.

I should also point out that some cards contain information retrieved from the Bureau's regular files. Information of that sort is retrieved and recorded when, for example, a member of Congress has inquired about an investigation or is a victim of a crime. A partial review of the cards kept by the legislative liaison section indicated that they generally do not contain derogatory information concerning the personal life or morals of members of Congress. The partial review did, however, turn up one instance in which a derogatory allegation received by the Bureau in official correspondence concerning an individual who is no longer in the Congress was listed on a card. In this instance, the information was identified as being unsolicited and unsubstantiated.

I should now like to go back to the question, which I know has been a major concern, of how the Bureau ought to handle the unsolicited allegations concerning the members of Congress received by the Bureau. I have heard recommendations that the Bureau should be prohibited from retaining any unsolicited allegations if the allegations do not relate to conduct or activities within the FBI's criminal investigative jurisdiction. As Director Kelley has indicated in his public statement on this matter, if an unsolicited allegation received by the Bureau does not come within its investigative jurisdiction over criminal violations, a letter stating this is sent to the individual who made the allegation. But under current procedure, both the letter containing the allegation and the FBI's response are then retained and filed by the Bureau.

I realize there are policy considerations which argue in favor of retention of the unsolicited material allegations which on their face do not come within the Bureau's jurisdiction at the time they are received but which may come within the jurisdiction at a later time because of additional facts or circumstances. A vitriolic allegation concerning a Congressman can become of importance later on if the Bureau subsequently receives an anonymous extortion or assassination threat against the Congressman. There are other examples not difficult to imagine in which the allegation, as part of a developing later picture, because relevant and significant. If an investigative agency destroys material it has received and later it is claimed that the material should have alerted the agency to all kinds of serious problems, that criticism may be impossible to evaluate. The criticism indeed may be justified; the destruction of the information may have been improperly motivated. Nevertheless, I suggest a procedure could be devised and authenticated to screen materials to be retained, or to periodically review materials from this standpoint.

But whatever the ultimate decision on this is, I believe an overriding issue is not retention or return or destruction, but rather what the FBI does with respect to allegations either inside or outside of its jurisdiction. These allegations are unsubstantiated charges. Are they kept secure by the Bureau from improper use or dissemination? I realize this question will not arise if the information is destroyed, but this seems to me to be too easy a circumvention of the central and broader inevitable question as to which the quality of the Bureau and appropriate guidelines and protective rules should give a reassuring answer.

It is at this point that I believe I must refer to a past practice of the Bureau with respect to certain files, not with reference to their subject matter, but to their location. The review of FBI files on individual Congressmen disclosed certain files—marked "Official and Confidential" or simply "OC"—that were retained by Director Hoover in his office suite. These files were removed from Mr. Hoover's office suite following his death and taken to an adjoining office occupied by the then Associate Director of the FBI.

The "OC" files dated back to the 1920's. In late 1941, Mr. Hoover reorganized the confidential files maintained in his office suite; he described them as including "various and sundry items believed inadvisable to be included in the general files of the Bureau." He directed that many of the materials then in his office suite be transferred either to the office of the then Assistant FBI Director in charge of the Administrative Division (who had responsibility for files and other crime records generally), or to what was then known as the National Defense Division. The material transferred to the National Defense Division included confidential memoranda on undercover employees, including those working on the war effort; confidential informants;

national security surveillances; and similar items.

Mr. Hoover directed that the materials to be retained in his office suite following these transfers "be restricted to confidential items of a more or less personal nature of the Director's and items which (Director Hoover) might have occasion to call for from time to time, such as memoranda to the Department on the Dies Committee, etc." The official and confidential files maintained in Mr. Hoovers' office suite represented 164 file jackets or folders. They cover a period from the 1920's to shortly before Mr. Hoover's death in 1972. Of the 164 files, one had no date, and 131 contained entries limited to one decade—that is, all of the material in the folder was entered in a single decade. Most of the files were compiled between 1940 and 1960. A breakdown of the relationship of these files to various time periods is as follows: in the 1920's—1; in the 1930's—5; in the 1940's—55; in the 1950's—25; in the 1960's—28; in the 1970's—17.

Some of the files covered two decades. There were four files covering the two decades of the 1930's and 1940's; seven in the 1940's to the 1950's; eight in the 1950's to the 1960's; and three in the 1960's to the 1970's.

The remaining 10 folders covered the time periods of three or more decades: five covered three decades, four spanned four decades, and one file covered five decades. Of the 164 OC files, 106 pertain to individuals, three to organizations, and 55 to miscellaneous matters. The three pertaining to organizations all relate to the Communist Party.

We have also broken down the OC files by subject matter into the following areas: policy matters; administrative matters; materials pertaining to Mr. Hoover or the FBI; references material; internal personnel matters; protection of sources or sensitive information; public figures or prominent persons; and matters which appeared to be of particular personal interest to Mr. Hoover. Details concerning these categories are as follows:

(1) Policy Matters.—There were 21 folders that pertain to policy matters, covering such broad areas as an agreement with the Secret Service concerning Presidential Protection; Presidential directives regarding the role of the FBI in the security field; conversations between Mr. Hoover and a President-elect regarding the role of the FBI in his forthcoming Administration; letters to and from the White House regarding expansion of FBI legal attache posts abroad; and a statement outlining FBI policies regarding civil rights and domestic violence prepared in 1947 for Mr. Hoover's use in addressing the President's Committee on Civil Rights.

(2) Administrative Matters.—There were 40 folders considered to fall within the category of administrative matters. Some examples are as follows: memoranda regarding an Attorney General's decision with respect to supervision of the FBI by an Assistant Attorney General, the Bureau's recommendations for improved security measures at the Capitol; letters to Mr. Hoover from an individual declining employment in the FBI; memoranda between the Bureau and the Department concerning reimbursement for funds expended for Department of Justice applicant investigations; and a memorandum concerning the briefing of the President by Mr. Hoover and the Attorney General with respect to certain intelligence activities by hostile nations within the United States.

(3) Matters Pertaining to Mr. Hoover or the FBI.—Encompassed within this category are thirteen folders that include such things as memoranda regarding efforts on the part of various people to have Mr. Hoover replaced as Director; information concerning an alleged smear campaign against Mr. Hoover; derogatory remarks about him; and so forth.

(4) Reference Materials.—There were four folders in this category containing information concerning materials developed indicating foreign influence in certain domestic extremist movements; a compilation of data concerning the 1964 riots; organized crime matters; and a report of incidents involving explosives and incendiary devices.

(5) Internal Personnel Matters.—There were four folders considered to fall within the category of internal personnel matters. They deal with such things as the poor attitude of an FBI employee; handwritten letters from former FBI agents concerning internal matters within the Bureau; and so forth.

(6) Protection of Sources or Sensitive Information.—Fifteen folders comprise this category. Specific examples of this type of information include: the possible defection and redefection of an individual; material on FBI counterintelligence activities; technical devices and techniques; and telephone surveillances involving sensitive coverage in the national security area.

(7) Public Figures or Prominent Persons.—There were 48 folders considered to fall within this category. By and large, the material in these folders contained derogatory information concerning individuals. It does not necessarily follow that the derogatory information pertained to the individual named on the caption of the folder; in some instances a folder would contain only a record of a contact between Mr. Hoover and a public figure during which derogatory information concerning *another* individual was discussed. Some of the derogatory material was developed as a result of official investigations by the Bureau; some was furnished by another government agency; and some was furnished by informants. Included in the public figures or prominent persons category were Presidents, Executive Branch officers and 17 individuals who were members of Congress. In the latter category, two of the individuals are still in the Congress. Fifteen of the folders relating to Congressmen were in Director Hoover's OC files; and the other two were in confidential files which as mentioned above were maintained by the then Assistant Director in charge of the Administrative Division.

Some of the OC files relating to Congressmen contain summaries of materials in the regular FBI investigative files specially prepared for meetings which Mr. Hoover had with those Congressmen. Some of the Congressional OC files contain indications of how the material was used. There is a document in one file indicating that derogatory material was improperly disseminated. In this instance an FBI agent forwarded derogatory information to Mr. Hoover concerning a Congresman who had attacked the Director. The file contains a document which indicates that Mr. Hoover disseminated the derogatory information to others in the Executive Branch. We cannot, however, always know what action, if any, was taken with respect to these files. In the case of instances of use of the resources of the FBI by Executive officials outside the Bureau—a subject which I will discuss in a moment—the files indicate that, on several occasions, the Bureau was directed to maintain no records with respect to the actions they had been requested to take.

(8) Items of Personal Interest to Mr. Hoover.—There were 19 folders considered to fall within this category. These files include such things as an internal memorandum reporting information from a source that a reporter intended to "expose the incompetency" of an official of an intelligence agency in 1941, and other miscellaneous correspondence to and from individuals.

I do not know why these files were retained in the suite of offices of the Director of the Federal Bureau of Investigation. The range of items in the OC files includes many routine, mundane and totally innocuous materials. I believe it can be concluded that the OC files maintained by Director Hoover do not, except in very limited instances, warrant the term "dossiers" in the pejorative sense.

Looking toward the future, I would be disturbed at the thought of an FBI Director maintaining files on specific individuals in his own personal offices with the unavoidable consequence that the files would be generally suspected of being "dossiers," with various connotations as to purpose or use. Even though the number of OC files on individuals or organizations is relatively small—particularly since they were gathered over such a long period of time—the potential effect of the mere knowledge that such files were kept in the Director's office is, I think, obvious. Director Kelley and I both agree that such files should not be so maintained. No such files have been maintained by Director Kelley during his tenure as Director of the Federal Bureau of Investigation.

III. INSTANCES OF MISUSE OF THE RESOURCES OF THE FEDERAL BUREAU OF INVESTIGATION

Moving beyond the OC files, our review disclosed a small number of instances in the past where the resources of the FBI were misused by the Executive Branch. The fact that they have occurred should require us to ensure that measures are taken to preclude or at least minimize the possibility of repetition.

These few abuses were not unique to any particular Administration or to any political party. In order to consider what measures may be appropriate, we have endeavored to characterize the types of abuses to which the Bureau has been susceptible in the past.

(1) *Use of the resources of the FBI to gather political intelligence*

Our review disclosed a few documented instances in which the Bureau at times during the course of an election campaign, was requested to provide—and did indeed provide—information which could be used as political intelligence information. In one instance, this involved a check of FBI files on the staff of a campaign opponent.

(2) *Improper use of the FBI in connection with the political process*

In a few instances recorded in Bureau files, an incumbent President caused the FBI to gather intelligence relating to a political convention under circumstances that, although cast in legitimate law enforcement terms, could—and some would say should—have been suspected of being politically motivated.

(3) *Use of the FBI to report on certain activities of critics of an administration's policies*

The FBI's files document a few instances in which an incumbent President caused the Bureau to report on certain activities of Members of Congress who were opposed to and critical of his policies.

(4) *Use of information in the FBI files to respond to or discredit critics*

Again, the Bureau files document a very small number of instances in which derogatory information legitimately obtained by the Bureau was disseminated to other members of the Executive Branch to enable them to discredit their critics.

(5) *Use of the FBI in connection with other legitimate law enforcement activities*

There was one documented instance where the FBI was used to conduct an inquiry for what might be described as political purposes relating to an investigation properly conducted by other Executive Branch officials.

Our review of the files on these matters indicated three common threads that occur throughout. First, the initiation of the improper request was usually from a White House staff member—purporting to act in the President's name—to a counterpart subordinate official in the FBI. There are relatively few documented instances of abuse involving the direct participation of a principal—either a President or the FBI Director—although the principals in certain cases were probably knowledgeable of the action. Second, many of the improper requests for information or activity were cast in terms of "national security" or other legitimate law enforcement purposes. Finally, the instances in which the Bureau was improperly used could have been avoided had former officials of the FBI not been reluctant to utilize available "safeguards." These safeguards are mainly two: first, the availability of the Attorney General as a "lightning rod" to deflect improper requests—and in some of the instances covered this would have been an important protection for the Bureau; and second, the FBI Director's right, in these kinds of circumstances, of direct recourse to the President—the nominal "source" of the improper request—to verify (a) his knowledge that the request had been made, and (b) his judgment that the request was a legitimate one which he would wish to authorize.

The development of measures to preclude or minimize the possibilities for abuse is not an easy task, and I consider that our work in preparing appropriate guidelines is at its beginning, not at its end. We will need a great deal of consultation and undoubtedly help on measures which might be taken. I am sure, of course, we all realize that it is the inherent integrity and quality of the Bureau itself which have been and must be the most important guarantee. But some abuses have occurred and we must attempt to find the best remedial steps which will protect the Bureau in its proper mission.

While we are at the beginning of our research for and consideration of those steps, there is one obvious measure which I have thought it important to put into effect at once.

I have instructed the Director of the Bureau to report to me immediately any requests or practices which in his judgment are improper or which, considering the context of the request, he believes present the appearance of impropriety. The Director has, in turn, instructed Bureau personnel to report any untoward requests or behavior to him.

There is one other measure that the Department of Justice has supported for some time—legislation that would impose criminal sanctions on Federal employees who improperly disseminate information about individuals from FBI files. Similar legislation, H.R. 61, has been introduced by the Chairman of this Subcommittee. I believe that legislation in this area is important. That is, of course, the direction of the new privacy laws but they do not cover this situation.

Beyond these two measures, there are obviously other steps that are required and should be considered. We should consider the possibility of an Executive Order which will limit the authority in the White House to make requests directly to the Bureau to a few highly placed White House officials. This is because it is characteristic of a significant number of past abuses that they have involved requests by personnel at the White House to the Bureau. I believe that a proper Executive Order can be drafted which will ensure greater accountability. This would by no means be a panacea, but it would be an added protection which may be helpful and should be explored.

We shall also give consideration to the scope and effect of the Executive Order which requires the Bureau to report to heads of Executive departments and the Civil Service Commission unverified allegations on a variety of items which may be relevant to the character of a government employee. The meaning of this order has undoubtedly changed over the course of the years because of intervening case law. But in addition I think we must take into account the need to protect against the tendency of practices in one area becoming contagious in another area. In this sense, the requirement to report in the Executive area has a relevance to the acceptance, perhaps too easily, of the practice to retain information sent in on members of the Legislative Branch.

The preparation of adequate guidelines remains the major task before us. These guidelines will have to speak to the appropriate investigatory areas and the scope of the Bureau's investigating practices in relation to the jurisdiction and authority which has been conferred upon the Bureau. I tried to set forth that jurisdiction and authority earlier in this testimony. They extend to the detection and investigation of crimes against the United States where there is reason to believe these crimes have been committed or are likely to be committed, to conduct investigations for government employment, to gather information important to national security. This is a broad charter but not an unlimited one. I believe we are all in agreement that criteria are required to further define the appropriate scope of the Bureau's work and this relates of course also to the question of retention and disclosure of information. The Bureau operates under the supervision of the Department of Justice of which it is a part. The guidelines therefore must, in addition, speak to the effectiveness of this supervision.

Mr. Chairman, I assume we all realize that no agency of government, since it is a human agency, if looked at with the critical eye of hindsight and history over many years, can be totally free of flaws. An examination of these mistakes or tendencies must be seen in perspective. We have examined them to provide that vigilance which is always required, and to safeguard the future. In his nineteen months as Director of the Federal Bureau of Investigation, Clarence Kelley has succeeded in keeping the Bureau out of partisan politics, I trust the steps we have already taken and those which we must devise together will be helpful to the proper and important role of the Bureau.

GOVERNMENT AND THE ECONOMY—FULL INFLATION BY 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Collins), is recognized for 15 minutes.

Mr. COLLINS of Texas. Mr. Speaker, Congress has never moved as fast as we are today, and history will prove that we are moving in the wrong direction. I feel like my voice is but a very weak whisper. There are about as many people that will hear my message in the country as there are on the floor of the House today.

Here in Congress we do not seem to realize what our excessive spending programs will eventually do to our country. There are a few economists around the country and a few businessmen who understand the impact of excessive Government spending.

This is a strong and rich country. The United States of America can take a lot of punishment. It will probably be 1978 before the full impact is felt. But by 1977, you will all see inflation getting out of hand.

We have started out on a program where we are having the Government as the dominant primary force in the economy. I recall the words of the man who had been with General Motors who served in a Cabinet position here in Washington about a decade ago. As I recall, it was Charlie Wilson who said "What is good for General Motors is good for the country." For this statement he was blasted and nailed to the wall but there is much truth in what he said. When business is healthy the country will be healthy, and it all begins with a healthy business climate. The adverse business position today is living truth that when a big business is hurt, such as the automobile industries, that the whole country begins to hurt.

Everytime there is a vote here in Congress, it means more Government spending. Instead of curtailing Government activities, we are moving in the opposite direction. Take our Commerce Committee. We have 30 professional staff members which seems adequate to me. In the past, though, we have supplemented this with a budget of $900,000. The majority party in our committee worked out the budget and approved next year's budget of $2,800,000. This means three times as much committee. I just heard that Ways and Means Committee has increased from $195,000 to $3 million. These staffers will make work by introducing more bills, starting more Government programs and finding more ways to harass business. In our committee the members were hesitant to call for a record vote because they were nice guys. I later told my colleagues what I thought and I quoted Leo Durocher who made the famous quote, "Nice guys don't win ball games." I had two Members remind me that the quote went further. Durocher also said that "Nice guys come in last."

Since I have been in Congress I have been impressed with the character and the ability of my colleagues. But I believe we are too reluctant to speak out against anyone's favored spending bill. We heard as this session began that the budget was headed for a $52 billion deficit. As we begin to add the extras, it is becoming obvious that we will probably have a $100 billion deficit.

A billion sounds like a million, and what is a hundred when the figures are all on paper anyway.

This morning a broker from home called me up and said:

> Jim, you must read a great editorial in the Wall Street Journal.

He said it really outlined the facts. It was a most enlightening editorial but the Wall Street crowd talk to themselves.

I believe that a large part of the responsibility for this country's confused economic thinking rests on the shoulders of our business leaders. They read the Wall Street Journal, they discuss this matter among themselves either over a steak at lunch or in their parlor car as they commute back home. They might send in a check to support a good candidate for political office, but by and large, they have been sitting on their big fat duffs as far as electing sound money advocates to office.

A couple of Sunday afternoons ago I read a copy of an interesting speech made by the president of a large oil company. I wrote him a three page handwritten letter and asked him what he had done about seeing to it that we had sound thinking economics voiced here in Congress. I asked if he had ever knocked on doors or worked in behalf of a conservative candidate. I asked if his company had a program where they had discussions among their company employees so that at least they could understand the energy situation. I never got an answer.

Last year in the oil discussion, I found the service station owners were the worse critics of the companies. I found that most of the stockholders in a company, and they are the ones that own the company—had very little understanding of the reinvestment or of the inflationary impact on the oil business. I find that most of the major oil companies executives try to hide under a rock and keep the lowest profile possible.

I remember one of the best conversations I ever had in my life. It was back when I was a Democrat. I told my friend Harry Bass, "Harry, I have about five things I think you Republicans ought to be doing." He told me:

> I get tired of what you guys think we ought to be doing, what are you doing about it yourself?

I saw a financial statement emphasizing inflation. A graph showed that the purchasing power of the dollar had declined from $3 in 1945 to $1 today. That means that from the end of World War II, the dollar has dropped to where it buys only 33 cents, which reminds me of the fellow down at the neighborhood hardware store who says, "Friends you ain't seen nothing yet."

What does a $100 billion deficit mean to this country. It means that the Government of this country will be getting most of the funds that used to go to help business grow. Everybody that is working for a living making furniture, making clothing, running a TV repair shop, sitting at a typewriter in the office, or working as an accountant are all having to work to pay for this heavy Government load.

The value of the national currency goes down and down from heavy national spending. If anyone wanted to see how it worked they can check the value of the German mark during the 1920's. It will take a bushel basket of paper money to buy a loaf of bread the way we are spending and devaluating the dollar.

There is another side to congressional overspending. Lack of private capital will push business downhill and in many cases into bankruptcy. As the Government takes more of our GNP, it leaves less money for business to operate. Here is a specific situation. In order to increase productivity, we need more and better machinery. In this country today only 25 percent of business machinery was purchased in the past 5 years. Compare this to Germany, France, and Japan where over 50 percent of business machinery has been purchased in the past 5 years.

Where will business be able to get capital to provide for increased cost of inflationary inventory. Where will business get capital to provide for inflationary larger accounts receivable. Where will business get capital to replace machinery where the depreciation reserve covers only one-half of the replacement costs.

It is up to businessmen to be more active. The voice and experience of business has little influence in Congress. That is because so many businessmen have so few Congressmen who will listen to their advice.

But we should remember that the taxes come from business. Half of the profits that a corporation makes are paid back as corporation income taxes. The corporation pays a worker salary and with this money the worker pays taxes. The corporation pays salaries and withholds social security from the worker's check and matches that with more social security taxes which makes up about 13 percent of a payroll as a tax. Business pays excise taxes. When a businessman dies, they pay estate taxes. Taxes are what make this business of Government run and yet this excess Government congressional spending will make it most difficult within 3 years for a private enterprise economy to be financed.

Congress should get back on a balanced budget. Let private industry put the money to use in building permanent jobs.

SAN ANTONIO—A CITY REDEEMED—IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, the great historian of the frontier movement, Walter Prescott Webb, discerned that there were certain elements that made frontier life possible—that these were land, wood, and water. It was the absence of wood that made life difficult on the western frontier; and it was the scarcity of water that radically altered the nature of the frontier, and necessitated changes in every facet of life, from farming techniques to the very laws governing society.

So, too, there are essentials in today's world—and among those essentials is energy—energy for heat, for cooking, for transportation, for industrial processes of every kind. Our society cannot exist without abundant energy. San Antonio, like other elements of our society, has to secure the resources essential to modern life, if it is to remain a great city. San Antonio must, like any city west of the invisible line of the old western frontier, secure water for its future existence; and like any city in the world, must also have the energy required to heat its homes, cook its meals, make its electricity, and drive its vehicles.

San Antonio has survived a great energy crisis; but it has not secured its future. This is therefore still a critical time in the life of this old and great city.

San Antonio's task is to determine what its future energy needs are, and how those needs are going to be met. For this, there has to be a sober and realistic assessment of the future. I think that this is a process that should be directed by the local city council.

The city of San Antonio should devise a means to assess the amounts of energy that are going to be required in the future. Then there should be an evaluation of the available resources to meet those needs. This process needs to be carried out in a sober, public dialog, so that the people of the area can know what the real needs are, and what the alternatives are for meeting those needs.

I realize that planning of this kind is generally undertaken by a utility planning department. But with the present state of public confidence, people are simply not willing to accept what they are told are the right answers; they also want to know what the wrong answers are, and why the planners think that their conclusions are good. If it should be estimated that some fuel other than gas is needed to run the electric generators in the future, then people have a right to know why that estimate is being made. They are not willing to buy alternate technology without asking some hard questions.

It is necessary in San Antonio to reestablish a bond of confidence between the people and the utility that serves them. A public dialog on future energy requirements and alternatives is one way of meeting the need to build that essential bond.

It is entirely possible that San Antonio will not be able to use natural gas for boiler fuel after 1982, when the present fuel contract expires. Already, in anticipation of this, the city's utility has changed over its new electric plant construction for coal, in one unit that will go into service a year or two hence. A unit planned for the coming decade would be nuclear. I think it is a fairly reasonable question for people to ask why both plants were not coal fueled; or possibly why it might not be possible to reduce electric consumption to the point that future plant construction could be reduced; or why it might not be possible to use some third or fourth energy source. I do not argue that the decisions are right or wrong; I only say that San Antonio might enjoy a more secure future by creating a planning process that makes the utility and its customers partners—as they should be, since the customers are supposed to be the owners of the utility anyway.

This kind of partnership is essentially the working of a political process. That is why I suggest that the city council of San Antonio take the responsibility for it. Beyond that, the council acts in behalf of those citizen-owners, in dealing with the city public service board. In this representative role, the job of the city council is to bring the people and their utility together. To do that, the city council cannot passively assume that the planning decisions of the utility are invariably correct, as was the case in the past; the council must now assure itself that those answers are correct—and moreover, that those answers will enjoy the support of the people who must pay the cost of carrying out the plans implicit in those decisions. Certainly this is not a task that any city's elected officials would enjoy; but in the case of San Antonio, it is a task that I believe is essential for the redemption of public trust in their own utility—and a necessity if that utility is going to be enabled to do its proper job in the coming years. It is not always comfortable to open windows, or cast light in darkened corners—what you feel or what you see, as a consequence of fresh light and air, might not be a pleasant surprise. But if honest reality is not always pleasant, it is reality, and that is the basis for making any informed judgment.

FISCAL YEAR 1975 CONCESSIONAL FOOD AID ALLOCATIONS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, the Foreign Assistance Act of 1974 provides under section 55(a)(5) that not more than 30 percent of concessional food aid should be allocated to countries other than those which are most seriously affected by current food shortages. The State Department recently supplied information concerning the executive branch plans for allocating food aid abroad in fiscal year 1975. Because of congressional and public interest in this matter, I am placing in the CONGRESSIONAL RECORD the following letter from the State Department and accompanying table of fiscal year 1975 Public Law 480 allocations:

DEPARTMENT OF STATE,
Washington, D.C., March 7, 1975.

Hon. THOMAS E. MORGAN,
Chairman, Foreign Affairs Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The President has approved a PL 480 budget that provides for expenditures up to $1.47 billion for commodity costs during FY 1975.

Section 55(a)(5) of the Foreign Assistance Act of 1974 states in part that "not more than 30 percent of concessional food aid should be allocated to countries other than those which are most seriously affected by current food shortages".

The Administration will allocate FY 1975 Title I food aid in conformity with Section 55(a)(5). Of the budget ceiling of $1.47 billion commodity cost, we estimate Title II costs at $361 million. $56 million represents commodities programmed in FY 1974 but not shipped until this year and therefore charged against the FY 1975 budget. Approximately $84 million of non-food commodities will be programed under Title I. The balance is $969 million. Of this amount, not more than $290 million (30 percent) will be allocated to countries not on the United Nations' list of most seriously affected countries. The larger portion, $679 million, will be allocated to countries on the UN's list or for which there is agreement that the country or program is consistent with the intent of Section 55(a)(5).

I enclose a table setting forth the Administration's Title I allocations for this fiscal year. We have not in all cases informed recipient governments of these allocations. Nor have we completed internal US Government actions or third country consultations on all transactions. Within the terms of Section 55(a)(5) the allocations are subject to change.

The unallocated wheat and rice under the MSAs will be programed as soon as possible. We are exploring the possibility of a larger allocation to Sri Lanka—the MSA with the largest uncovered FY-75 deficit at the present time—and a program with Mozambique.

The PL 480 program is subject to both a budget ceiling and commodity availabilities. Agreements are signed on the basis of commodity levels approved and the anticipated purchase price at time of signing. The PL 480 budget ceiling was set on the basis of average price estimates for commodities. For Title I wheat and rice, the principal commodities, the average price estimates used were $175 and $425 per ton respectively. It is possible that: 1) total commodity cost expenditures will be less than $1.47 billion, if average prices prove lower; or 2) the amounts which can be programmed will be less, if average prices prove higher.

PL 480 programming is charged to the fiscal year in which shipments occur. Normally there is some carrying from one fiscal year to the next, either because of logistical difficulties or because of the decision of a recipient nation to delay shipment until after June 30. While the Administration will make every effort to ship all Title I allocations this fiscal year, particularly to countries suffering food shortages, we cannot ensure that this will be the case. It is probable, in our views, that actual shipments charged against the FY 1975 budget will not correspond exactly with the allocations set forth in the enclosed table.

Sincerely,

ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations.

FISCAL YEAR 1975 PUBLIC L AW 480 ALLOCATIONS

	Millions of dollars			Total grain	Wheat (thousand MT)	Rice
	Food	Other	Total			
TITLE I						
MSA's:						
Bangladesh	181		181	750	550	200
Cambodia	81		81	189		189
Cambodian reserve	50		50	125	20	105
Guinea	6		6	20	10	10
Haiti	4		4	25	25	
Honduras	9		9	35	25	10
India	165		165	800	700	100
Madagascar	13		13	30		30
Pakistan	70		70	400	400	
Sri Lanka	24		24	138	138	
Tanzania	8		8	20		20
Unallocated [1]	68		68	276	195	81
Subtotal MSA's	679		679	2,808	2,063	745
Non-MSA's:						
Chile	52		52	300	300	
Egypt	101		101	575	575	
Indonesia		43	43			
Israel	9		9	50	50	
Jordan	7		7	40	40	
Korea	74		74	195		195
Syria	28		28	110	75	35
Vietnam	13	41	54	75	75	
Unallocated	6		6	30	25	5
Subtotal non-MSA's	290	84	374	1,375	1,140	235
Total title I allocations	969	84	1,053	4,183	3,203	980
Fiscal year–1974 carry-in		(56)	56	85	85	
Title II [2]	361		361	[2] 1,161	712	20
Grand total	1,330	84	1,470	[2] 5,429	4,000	1,000

[1] Includes ($1,500,000) for residual school lunch program Jamaica transferred from title II to title I.

[2] Includes 429,000 MT feedgrains under title II.

MURPHY URGES FORD'S ACTIVATION OF NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MURPHY) is recognized for 10 minutes.

Mr. MURPHY of Illinois. Mr. Speaker, it appears that investigations by Congress and the Executive into abuses by intelligence agencies will extend beyond a discussion of the infringement of individual rights. Recent reports of the Central Intelligence Agency's role in assassination plots against Cuban Premier Fidel Castro and Dominican Republic dictator Leonidas Trujillo are shocking allegations that must be substantiated or disproved by those who are knowledgeable of the events.

During the last few years, our intelligence agencies considered themselves above reproach and, in certain cases, above the law. These agencies demanded and received an almost child-like reverence from the American public and most agency criticisms were dismissed as unjustified and, in a sense, un-American. We have seen a distortion of legitimate intelligence functions and, as a result, a violation of constitutionally-guaranteed individual rights.

The FBI is a case in point. In a November 24, 1974 New York Times editorial, John M. Crewdson commented on the Justice Department's motto "Don't embarrass the bureau." Crewdson explained:

> A happy bureau was a responsive and productive bureau. An unhappy bureau could, without seeming at all malevolent, tie up a particular investigation in so much red tape that it would never be completed.

The Justice Department did not oversee the FBI that was within its jurisdiction any more than Congress did.

There are reports of files on thousands of Americans, the use of wiretap information to embarrass politically or destroy personally, and the activities of the Internal Revenue Service as a political arm of an administration desperate to stay in power.

While such reports are disturbing and embarrassing, they should not be surprising. One cannot hand over extraordinary powers to Government agencies and expect these agencies to follow the law without any additional guidance, direction, or counsel from the lawmakers and law enforcers.

The Organized Crime Control Act of 1970 granted broad investigative and prosecuting powers to the executive to fight organized crime and racketeering. Recognizing the sweeping changes brought about by the law and fearing the effect of a misuse of these powers, the authors of the legislation established a National Commission on Individual Rights in title XII of the law.

Section 1202 of title XII specifies the Commission's responsibilities:

> It shall be the duty of the Commission to conduct a comprehensive study and review

> of federal laws and practices relating to special grand juries authorized under Chapter 216 of Title 18, United States Code, dangerous special offender sentencing under Section 3575 of Title 18, United States Code, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action. The Commission may also consider other Federal laws and practices which in its opinion may infringe upon the individual rights of the people of the United States. The Commission shall determine which laws and practices are needed, which are effective, and whether they infringe upon the individual rights of the people of the United States.

Title XII was not an extraneous part of the Organized Crime Control Act of 1970. I submit that it was an essential part of the legislation.

The Commission was to be composed of 15 members—4 members appointed by the House Speaker, 4 appointed by the President of the Senate, and 7 members—including the Commission Chairman—appointed by the President of the United States. Both House and Senate complied in 1971 and named a total of eight Commission members. President Nixon and, to this date, President Ford chose to ignore their responsibility under title XII of the Act.

The legislation became public law October 15, 1970, but not one Commission meeting has been held or one report issued since that time. The Commission was encouraged to make interim reports and recommendations to Congress and the President but was required to report every 2 years. A final Commission report was due in 1978.

I wrote to President Ford today urging him to make his appointments to this Commission without delay. I noted that the Nixon administration's refusal to name seven appointees denied government agencies the oversight, guidance, and direction the Commission was empowered by law to give. But, more importantly, the existence of the Commission and its ongoing investigations of agency activities might have uncovered abuses by past administrations and prevented the excessive Government interference of the seventies.

Upon leaving the FBI as Acting Director in 1973, William Ruckelshaus argued the need for effective oversight of FBI activities but he insisted that:

> This essential review and check should come from both the executive and legislative branches of government.

I could not agree with this appraisal more.

There must be congressional oversight of intelligence agencies but a worthwhile and comprehensive review necessarily involves input from the executive branch. The National Commission on Individual Rights provides just such a joint review of all agencies which might infringe upon our personal freedoms.

I first introduced House Resolution 209 on February 19, 1975. I reintroduced the resolution on Tuesday with 33 sponsors. A list of the sponsors and the wording of the resolution are as follows:

COSPONSORS OF HOUSE RESOLUTION 209

The Honorable Bella Abzug (D-N.Y.), the Honorable Herman Badillo (D-N.Y.), the Honorable Cardiss Collins (D-Ill.), the Honorable Don Edwards (D-Calif.), the Honorable Harold E. Ford (D-Tenn.), the Honorable Gilbert Gude (R-Md.), the Honorable Michael Harrington (D-Mass.), the Honorable Henry Helstoski (D-N.J.), the Honorable Elizabeth Holtzman (D-N.Y.), the Honorable John J. LaFalce (D-N.Y.), the Honorable Richard Ottinger (D-N.Y.), the Honorable Frederick W. Richmond (D-N.Y.), the Honorable Dan Rostenkowski (D-Ill.), the Honorable Stephen J. Solarz (D-N.Y.), the Honorable James V. Stanton (D-Ohio), the Honorable James Symington (D-Mo.).

The Honorable Frank Annunzio (D-Ill.), the Honorable George E. Brown (D-Calif.), the Honorable Robert W. Edgar (D-Pa.), the Honorable Joshua Eilberg (D-Pa.), the Honorable Benjamin A. Gilmar (R-N.Y.), the Honorable Mark W. Hannaford (D-Calif.), the Honorable Augustus Hawkins (D-Calif.), the Honorable Floyd V. Hicks (D-Wash.), the Honorable Edward I. Koch (D-N.Y.), the Honorable Romano L. Mazzoli (D-Ky.), the Honorable Edward W. Pattison (D-N.Y.), the Honorable Robert A. Roe (D-N.J.), the Honorable Paul Simon (D-Ill.), the Honorable Gladys Spellman (D-Md.), the Honorable Fortney H. Stark (D-Calif.), the Honorable Paul E. Tsongas (D-Mass.), the Honorable Timothy E. Wirth (D-Colo.).

RESOLUTION

Whereas this Congress in order to meet the unprecedented threat to our society by organized criminal elements enacted the Organized Crime Control Act of 1970 establishing investigatory and prosecutorial powers never before granted to the executive department including the creation of special grand juries, and of immunity upon application of a United States attorney; and

Whereas the Organized Crime Control Act of 1970, cognizant of the scope and novelty of these and other sweeping powers relating to wiretapping created by the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90–351, created by the same legislation the National Commission on Individual Rights; and

Whereas the National Commission on Individual Rights was created by Congress to conduct a contemporaneous, continuing, and comprehensive study and review of these new powers relating to special grand juries, wiretapping, electronic surveillance, and the accumulation of data on individuals by Federal agencies among others, and the Commission may also consider other Federal laws and practices which in its opinion may infringe upon the individual rights of the people of the United States; and

Whereas the Commission is empowered and mandated by that Act to determine which of the newly granted powers and practices are needed, which are effective, and whether they infringe upon the individual rights of the people of the United States; and

Whereas the National Commission on Individual Rights is to be composed of fifteen members, four appointed by the Speaker of the House of Representatives, four appointed by the Senate, and seven by the President of the United States; and

Whereas the President of the Senate appointed four members on December 14, 1971; and

Whereas the Speaker of the House of Representatives appointed four members on December 13, 1971, and further appointed four members on February 7, 1973; and

Whereas the President has not appointed any member to this Commission: Now, therefore, be it

Resolved, That it is the sense of the House that the National Commission on Individual Rights be formed immediately.

THE GEORGIAN QUESTION BEFORE THE FREE WORLD

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 30 minutes.

Mr. WAGGONNER. Mr. Speaker, for many years I, as many other Members of this body, have been interested in the principle of self-determination for nations. This principle is a part of our national heritage and has reflected the fundamental policy of the United States during many successive administrations. Our Nation's adherence to these principles, despite the vicissitudes of power politics, has remained constant. I may cite only as an example the wide support in the Congress for continuing de jure U.S. recognition for the independence of Lithuania, Latvia, and Estonia until they ultimately regain their independence from the Soviet Union.

I also think it fitting at the close of the month of February for us to mark the 33d anniversary of an important, inspiring document from the small nation of Georgia, which is, along with the Baltic States, incorporated against its will into the U.S.S.R. On February 7, 1922, Ambroise, the Patriarch of the ancient Georgian Orthodox Church, sent a moving appeal to the civilized countries which were then participating in the International Conference of Genoa at which Soviet Russia was also represented. After sending this appeal the Patriarch was incarcerated by the Soviet Secret Police. The appeal of Patriarch Ambroise is as relevant today as it was in 1922, not only for the Georgian nation, but for every nation which aspires to freedom and national independence. A copy of Patriarch Ambroise's appeal, which is found in "The Georgian Question Before the Free World" by Constantin Kandelaki, follows my remarks at this point:

> In April 1922, as we have said, the International Conference of Genoa with the participation of representatives from Soviet Russia, took place. The Russian delegation claimed to be representing Georgia also. This possibility greatly upset Georgian representatives abroad, as well as the country itself. Diplomatic steps were taken by the National Government in defense of its country's rights, and it was upheld in this undertaking by an appeal from all Georgian political parties existing underground in Georgia. The Head of the Georgian Church, the Patriarch of the whole of Georgia, *Ambroise,* sent a letter to the Conference. This letter showed remarkable courage—for the Patriarch although living under the all-powerful control of the *Tcheka*—expressed the unanimous feeling of all levels of society in the country against the forces of occupation (the Patriarch was thrown into prison where he remained for a long time).
>
> We quote below in its entirety this historical document:
>
> "To civilized humanity represented at the Genoa Conference, AMBROISE, Servant of God, Spiritual Leader and Patriarch of the whole of Georgia, for the love of Christ, sends greetings.
>
> "Even in pre-Christian times—at the foot of the Caucasus, between the Black Sea and the Caspian—people of Kartvel origin created a State, small in size, but strong in spirit and gifted with creative capacities, which became known in history under the name of Georgia and which, for centuries was the only pioneer of Christian culture and European humanitarian principles in Asia Minor.
>
> "Towards the end of the XVIIIth century, the Georgian nation, weakened by its struggle against external enemies, placed itself voluntarily under the protection of a coun-

try of the same religion—Russia—hoping that this protection would safeguard its national and political existence. These objectives being clearly stated in the treaty concluded in 1783 between Irakly, king of Georgia and the Empress Catherine of Russia.

"But unfortunately, our country, deceived in its expectations was, for 117 years, the object of cruel despotism and intolerable oppression on the part of Russian bureaucratisms.

"That is why, in 1917, immediately after the dissolution of the artificial unity of the Russian Empire, the Georgian people proclaimed its independence and started at once to rebuild its political, national and intellectual existence.

"Although its work was hampered by external and internal enemies, the Georgian nation proved its creative capacity and energy to such a degree that, after three years, civilized Europe recognized its rights by offering it a place among independent sovereign States.

"It is evident that this could not be tolerated by Russia, former master of Georgia, and a country which has always oppressed small nations.

"Russia therefore dispatched against Georgia an army of invasion and occupation and, on February 25th, 1921, imposed once again on the little martyred country a humiliating yoke worse than she had ever known before in her centuries of history.

"It is true that the occupying forces are now trying to prove to everyone, abroad, as well as in their own country, that they have liberated the Georgian people and made them happy, but I, its spiritual leader and at the moment its only true Pastor, in whose hands lie the most intimate fibres of the nation's heart, who receives at first hand her lamentations and tears, well know how happy she is!

"We can well affirm, without exaggeration, that the incoherent experiments undergone by the Georgian nation in recent years, will inevitably bring her to physical degeneration and moral degradation.

"The nation's heritage, sprung from the blood and bones of our ancestors, has been divided amongst foreign invaders. These same invaders are tearing away from the people its means of existence, acquired at the price of sweat and blood, — shipping them abroad with astonishing speed; the people's own language is being destroyed and desecrated, its national culture handed down from its ancestors is being trodden upon; finally, all that the nation holds most sacred is being besmirched—her religious Faith itself: under the false pretense of freedom of conscience, she is not even allowed to express freely her religious feelings.

"Her clergy is outrageously persecuted, her Church, which for centuries constituted the main strength of the grandeur and power of the national Georgian State, is to-day deprived of all its rights, to such an extent that it is no longer able to procure, by its work, application and qualifications, the permanent means for its very existence.

"In a word, — the Nation is in misery and mourning, but has not even the material possibility of raising her voice.

"Under these conditions, we consider it our archipastoral duty to make the following statement before civilized humanity:

"We, as representative of the Church of God, do not take part in comparative estimates and regulations of the various forms of political life, but we cannot but hope for our Nation the advent of an order which would contribute better to its material rebuilding and spiritual development, and, for this reason, we ask:

"1.—that the Russian troops of occupation be withdrawn at once from Georgian territory and the heritage of the Georgian people be guaranteed against any violation, enforced tutelage and foreign depradation.

"2.—that the Georgian nation be given the possibility to organize its own life freely, as she sees fit, by establishing the forms of its political and social existence that best suit her aspirations, customs and national culture.

"We firmly trust that the honourable Conference whose aims are to settle the great problems of humanity, and establish justice and freedom in the world, will not disregard the essential claims of little Georgia, which we have stated here, and will deliver her from the humiliating bondage and the regime of violence of which she is the victim.

"May God bless you, your generous intentions and your work."

Signed, the very humble AMBROISE,
Patriarch of Georgia.

February 7th, 1922. Tiflis.

CONSUMER CREDIT COUNSELING SERVICE FILLS AN IMPORTANT NEED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, with our country in one of the most critical economic periods in our history, Americans are more and more finding themselves faced with their own personal financial problems. In short, the economic problems that beset our Government and big business ars also finding their way into the homes of virtually every American family.

For many Americans, the only answer to their economic problems is to declare bankruptcy. Personal bankruptcies have increased at such an alarming rate that nonbusiness voluntary bankruptcies now account for more than 90 percent of all bankruptcies. There are alternatives to bankruptcy and fortunately for a number of communities, Consumer Credit Counseling Service is providing alternatives to those who feel that bankruptcy is the only route.

At present there are some 145 Consumer Credit Counseling Services in operation in the United States and Canada, serving over 153 communities directly through satellite offices. These services are affiliated with the National Foundation for Consumer Credit which is headquartered here in Washington.

FUNDED BY VARIED MEANS

A typical cross-section of the counseling centers shows that they are supported by a joint effort of credit, insurance, banking, legal, and retail groups in the community, with cooperation from social services, labor unions, service organizations, and other groups interested in the consumer or social side of the program.

Generally, 50 percent of the families that come to Consumer Credit Counseling Service for help are put on a prorated payment basis and liquidate their indebtedness. Less than 2 percent of these families go into bankruptcy.

Here is just a brief list of what Consumer Credit Counseling Service provides:

First. Reduces the number of personal bankruptcies by providing sound alternate programs;

Second. Minimizes the garnishment and assignment of wages and salaries;

Third. Relieves employers of the annoying and expensive participation in these procedures;

Fourth. Assists individuals and families in credit difficulties by recharting their financial program, returning their accounts to current status, preventing loss of credit standing;

Fifth. Restores self-reliance and confidence in family well-being; at the same time strengthening the economic fiber of the community;

Sixth. Reduces absenteeism, accident risks and generally increases worker efficiency and self respect; and

Seventh. Educates consumers, including the consumer of tomorrow, in the intelligent use of credit.

It should be pointed out, Mr. Speaker, that all of the Consumer Credit Counseling Services are operated on a "not for profit" basis.

Typical of the counseling services is the Family Financial Counseling Service of Greater Chicago, Inc. This group was established in 1965 to meet three important goals: First, it provides solutions other than bankruptcy through counseling by carefully trained and qualified counselors to families overinvolved in debt; second, in acute cases where indebtedness is unmanageable and threatens disruption of the family, FFCS obtains the cooperation of creditors and establishes a workable program for orderly debt liquidation within the ability and needs of the family; and third, it provides educational programs and workshops for families, personnel managers and creditors to encourage productive family money management.

The purpose of the FFCS is to strengthen wise practices in the family handling of money and credit and to rehabilitate with the proper financial counseling those families whose spending practices have made them a problem to themselves, to their employers, to their creditors, and to the community.

NO CHARGE TO EMPLOYERS

Consumer education seminars are offered on a no-charge basis to employers and community groups. The purpose of these seminars is to provide employees and community residents with ways and means of getting the most out of their income. For every family that is placed on a debt repayment program, the agency serves at least two families who need financial counseling only.

The debt repayment program lasts an average of 14 to 24 months, in which not only is debt liquidation achieved, but the family is also taught financial planning and management by counselors who are trained in the field of consumer credit and family expense budgeting. Each year the FFCS serves thousands of families and individuals who are reached through seminars and lectures. Through its debt repayment program, more than a million dollars a year has been repaid to the credit community under FFCS programs.

In about 40 percent of the repayment cases, FFCS conducts negotiations with the creditors to establish proration repayment programs and distribution of family income by FFCS. The cost of administering these programs is defrayed from three sources. A portion is covered by withholding 10 percent of the payments remitted to creditors as their claims are repaid. There is also a nominal client charge for those families receiving major debt management services. A maximum charge of $2.50 is paid weekly by those families which can afford the fee. Charges to families may range from 25 cents weekly to $2.50 weekly. In real hardship cases, the fee is waived entirely. As a tax-exempt organization, FFCS also receives contributions from the Chicagoland community.

Mr. Speaker, groups such as Family Financial Counseling Service of Greater Chicago and the other counseling centers throughout the country are constantly facing a financial battle to keep their operations open. In some localities counseling services are partially funded by the Federal Government or are associated with municipal authorities or local charitable institutions. Some receive funds from communitywide charity drives such as United Way or United Fund Campaigns. However, in this economic situation which our country now faces, there have been cutbacks in funding for many consumer credit counseling centers. If funding is reduced to too low a level many of these worthwhile organizations could be forced to close their doors, leaving thousands of families across the country with no place to go for the extremely important service provided by these organizations.

MORE DEDUCTIONS NEEDED

One of the most important sources of the funds received by these service centers is through the deduction program under which creditors allow consumer credit counseling service to withhold 10 percent of repayment funds as a fee for providing services. It is my feeling, Mr. Speaker, that if more credit extendors joined this program it would go a long way toward solving the problems of credit counseling centers and I highly recommend such action to all companies that deal with consumer credit in any form.

Mr. Speaker, it is highly significant that the problems of the Consumer Credit Counseling Service have been endorsed by many businesses and organizations including the AFL–CIO. Because of the outstanding work done by Consumer Credit Counseling Service, it is imperative that their operation not only be continued but expanded, so that every community in the country will benefit from their services. In conclusion, let me point out that I strongly recommend this outstanding service which is designed to help fellow human beings.

FULL-SCALE GENERAL ACCOUNTING OFFICE AUDIT OF THE FEDERAL RESERVE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 5 minutes.

Mr. PATMAN. Mr. Speaker, today I am introducing an additional bill identical to H.R. 4316, 4317, 4318, and 4319, which provides for a complete General Accounting Office audit of the Federal Reserve System. This bill has 12 cosponsors, which brings the total number of cosponsors to 99. I think the number of cosponsors on this legislation points up the strong feeling in the House of the need to pass effective legislation for an audit of the Federal Reserve System, and I am hopeful that we will be able to move this legislation in the House at the earliest possible date.

In preparation for this, I plan to hold hearings in the Domestic Monetary Policy Subcommittee of the Banking, Currency and Housing Committee within the next few weeks.

A complete list of the 99 cosponsors follows by State:

Arizona: Morris Udall.

California: George Danielson, Harold Johnson, George Miller, Charles Wilson, Tom Rees, Andrew Hinshaw, Edward Roybal, Leo Ryan, Fortney Stark, Yvonne B. Burke, Ronald Dellums, John Moss, Glenn M. Anderson, Augustus Hawkins, Lionel Van Deerlin, Mark Hannaford.

Colorado: Tim Wirth, Pat Schroeder.

Connecticut: Ron Sarasin, William Cotter, Anthony Moffett.

Florida: Dante Fascell.

Georgia: Dawson Mathis, Andrew Young, Larry McDonald.

Hawaii: Patsy Mink, Spark Matsunaga.

Illinois: Melvin Price, Frank Annunzio, Cardiss Collins, Ralph Metcalfe, Morgan Murphy.

Indiana: Dave Evans.

Iowa: Berkley Bedell.

Kentucky: John Breckinridge.

Louisiana: John Breaux.

Maryand: Gladys Spellman, Parren Mitchell.

Massachusetts: John J. Moakley, Michael Harrington, Gerry Studds, Robert Drinan, Paul Tsongas.

Michigan: Robert Carr, James O'Hara, Bob Traxler, John Dingell.

Minnesota: Joseph Karth, Donald Fraser, Bob Bergland.

Missouri: Leonor K. Sullivan, William Randall, Richard Ichord.

New Jersey: Robert Roe, Dominick Daniels, Henry Helstoski, Peter Rodino, Andrew Maguire, Joseph G. Minish.

New York: Frederick Richmond, Edward Pattison, Bella Abzug, Stephen Solarz, Benjamin Gilman, Leo Zeferetti, Mario Biaggi, Charles Rangel, Richard Ottinger, John LaFalce, Tom Downey, Benjamin Rosenthal, Elizabeth Holtzman, Herman Badillo, Lester Wolff, John Murphy.

North Carolina: Robert Jones, Stephen Neal.

Ohio: Charles Carney, Wayne Hays, Louis Stokes.

Pennsylvania: Joseph Vigorito, Joseph Gaydos, Robert Edgar, Robert Nix.

South Carolina: John Jenrette, Mendel Davis.

Tennessee: Marilyn Lloyd.

Texas: Bob Eckhardt, Henry Gonzalez, Robert Krueger, Wright Patman.

Virginia: Dan Daniel.

Washington: Mike McCormack.

West Virginia: Harley O. Staggers, Robert Mollohan, Ken Hechler.

Wisconsin: Clement Zablocki.

District of Columbia: Walter Fauntroy.

THESE PUZZLING BUT LEAPING INCREASES IN MEDICAL AND HOSPITAL MALPRACTICE INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, one of the most rapidly mushrooming problems today driving up the cost of medical care and inflating family medical budgets is the unprecedented and prodigious increase in the cost of malpractice insurance to physicians and health care facilities.

Seemingly overnight this situation has grown from a miniscule concern to a clear and present danger to the delivery of health care and services in America as we know and enjoy them today.

Nationwide rates for this coverage are not only doubling but bounding upward at a rate of three, four, and even five times a year. Some insurance firms say they simply cannot afford to continue malpractice coverage and, as a result, thousands and thousands of physicians and medical facilities are being stripped of protection which they must have.

Alarmingly the cost of this insurance has risen so rapidly that even now we cannot calculate what the cost impact will be in the near future on the public which, ultimately, must bear the cost.

Why are these increases necessary? Well, one answer, that of an insurance company, is given in an article by Robert Kollar which appeared last week in the Nashville Tennessean which I include in the Record at this point:

3,000 Doctors Facing Protection Loss in 1976

(By Robert Kollar)

At least 3,000 doctors in Tennessee face the loss of their medical malpractice insurance within a year as the result of a decision announced yesterday by Shelby Mutual Insurance Co. to discontinue the coverage in Tennessee.

Jack Ballentine, executive director of the Tennessee Medical Association, said he was notified by telephone of the company's decision to get out of the business by April 1, 1976.

"This is a hard blow because it means that 75% of the 4,000 doctors that belong to the association face the possibility of losing their insurance, and it is going to be hard to find another carrier," Ballentine said.

Ballentine said malpractice insurance premiums for doctors went up sharply this year (from 159% to 325%) but I never expected this," he said.

"This is the most critical thing that has ever happened to our doctors. Ultimately, it will effect every doctor in Tennessee," he said.

"Health care is beginning to suffer because of this malpractice insurance crisis—especially in rural areas. There are a lot of rural doctors close to retirement who will simply get out of the business," he said.

"A man just can't practice without protection. He just can't open his doors," Ballentine added.

Joseph Clinard, resident vice president for Shelby Mutual, said yesterday his company had no choice but to get out of the field.

"Our losses have been so heavy we could not continue it," he said.

"Judgments have been getting bigger and bigger and the number of losses and the cost of defending a malpractice suit have been going up," he said.

"Recently, we have been averaging one lawsuit being filed every working day, and in January we had 37 new suits filed statewide.

"We have been getting our brains beat out, and we just couldn't continue."

Clinard said Shelby Mutual is getting out of the field everywhere, including its home state of Ohio.

Other states include North Carolina, Virginia, Michigan and Tennessee.

He said 355 suits were filed in Tennessee in 1974, and that they would probably average about $250,000 each.

"Doctors just can't understand the companies are losing money on these claims. If we weren't, we would stay in the business," he added.

Clinard said even if legislation were passed that would take some of the burden off insurance companies, he feels his company would not get back into the business.

"We made a decision to get out and I guess we'll stick by it," he said.

Mr. Speaker, the insurance companies allege that these increases are due to skyrocketing jury awards in malpractice cases and a heavy increase in the incidence of these cases.

Unfortunately, I do not believe we have the information necessary to verify this claim. It may be absolutely accurate but there is some evidence to suggest that the case made by these firms may be overstated.

In this regard I would like to place in the RECORD at this point a second article by Mr. Kollar which also appeared recently in the Nashville Tennessean which appears to demonstrate that unlike auto insurance, it makes no difference how good a record a hospital has when the malpractice rate increases are applied:

Verdicts Against Hospitals Small

(By Robert Kollar)

The insurance industry, which claims it is losing vast sums of money from hospital malpractice insurance claims, has paid only $15,750 in jury verdicts during the past four years in Davidson County.

Courthouse records show 99 suits totaling $12,626,683 have been filed against hospitals in Davidson County since Jan. 1, 1971.

Of these, only two were settled by jury trial—the settlements together totaling $15,750.

Forty-five others were dismissed or compromised and settled out of court. No records are available on the amount of out-of court settlements.

More than half the suits filed, 54, still are pending, and they account for $7,636,000, well over half the total amount asked in the suits.

Insurance claim it is the large number of suits still pending—that is, the unsettled claims—that has them running scared and what prompted them to seek—and get—substantial increases in malpractice insurance premiums this year.

The minimum increase is 150%, but some hospitals are experiencing increases up to 500%. The basic cost per hospital bed for malpractice insurance premiums jumped from $39.50 in 1974 to $110 this year.

Meharry Medical College (Hubbard Hospital), which did not have a single claim filed against it in 1974, saw its malpractice insurance terminated by Argonaut Insurance Co., and raised 500% this year under a new insuror.

During the past four years five claims were filed against Meharry. Two were dismissed two were settled out of court and one is pending. The five suits totaled $555,000

During the four years these hospitals were sued in the following amounts:

Vanderbilt Hospital, 26 times for $3,843,500.

Hospital Corp. of America (Donelson and Park View hospitals and Miller Clinic), 22 times for $2,223,683.

Baptist Hospital, 20 times for $2,113,000.

Nashville Memorial Hospital, seven times for $1,742,500.

St. Thomas Hospital, 14 times for $1,859,000.

Madison Hospital, three times for $170.

Nashville General Hospital, twice for $120,000.

Riverside Hospital and Westside Hospital were not sued.

There were 21 suits filed in 1971; 21 in 1972; 29 in 1973; 24 in 1974, and so far this year, four totaling more than $600,000.

Although no figures are available on claims settled out of court, one adjuster said the highest claim he ever has paid was $70,000, and said this was a rarity.

He said most "routine" claims are settled for $2,000 or less.

Insurance companies claim the settlements are getting larger, but the adjuster said, "Dollar-wise the settlements have been running about normal. I see no change. Judgments, what there have been, have been about what was expected." The adjuster asked not to be identified.

"Rates are going up primarily because of the number of claims going up and the increased cost of settling the claims," he said.

Records in Circuit Court Clerk George Rooker's office show that a $150,000 suit filed in 1971 against Baptist Hospital was settled for $3,000.

In another suit filed against Vanderbilt Hospital for $100,000 in 1971, a jury awarded the plaintiff $15,000, but the amount later was reduced to $14,250 on the agreement of both parties.

Earlier this year Argonaut Insurance Co. gave notice to the Tennessee Hospital Association that it either was canceling malpractice coverage or already had canceled it on 41 Tennessee hospitals.

Some hospital officials feel the drastic increases and the cancellations are unwarranted.

Speaking about the 41 hospitals, J. D. Marler, senior vice president of the Tennessee Hospital Association, said:

"These hospitals had good records, and some of them have never had a claim filed against them."

"These policies were not canceled because of an unfavorable loss ratio with malpractice claims," he added.

So serious has the problem become, that both the THA and the Tennessee Medical Association, which represent 4,000 doctors in the state, are drafting legislation to be presented to the General Assembly within two weeks.

Doctors are facing a situation even more critical than the hospitals. Some are unable to get malpractice insurance at all and those who can get it must pay inflated premiums.

"Tennessee, as are many other states, is facing a crisis in insuring hospitals and doctors, and something must be done now, and we intend to seek legislative action," Marler said.

Some proposals being considered for presentation to the legislature include:

A plan of arbitration of small claims to reduce the number of suits.

A workman's compensation-like system to set liability limits for specific alleged errors.

Deductible insurance, possibly with a $5,000 deductible provision.

Self-insurance by hospitals with re-insurance with a private carrier.

There also is a move to put a lid on the amount of claims for which a person can sue.

Mr. Speaker, what can be done about this alarming situation?

It seems to me the Congress has a responsibility here and so do the States. There is also a tremendous responsibility here for the insurance industry.

The insurance industry appears to be shirking its public responsibility in a most irresponsible way. It is fully aware of the problem because its members have defined the problem and they are raising rates and canceling coverage. A more responsible position, one that is demanded, I believe, would be for the industry to set about to come up with a remedy for the situation which goes beyond simply protecting its own economic self-interest. They have the tables, the computers and the graphs. They know what is needed and certainly if they feel there is need for public participation in this effort they have demonstrated in the past they know full well how to approach the Congress.

Second, I believe the appropriate congressional committee should open full and extensive hearings on this issue. There are several jurisdictions possibly involved here, including the Ways and Means Committee on which I serve. There is no reason why hearings could not be conducted by each committee with jurisdiction.

Mr. Speaker, there is need for speed in this matter. However, I am sure if we approach this problem in a spirit of cooperation with all concerned then it, too, can be quickly and amiably resolved to the satisfaction of the provider, the insured and in the best interests of the public.

HEARINGS ON ILLEGAL ALIEN PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, this is to announce that my Subcommittee on Immigration, Citizenship, and International Law will hold 1 day of public hearings next Wednesday to consider my bill H.R. 1276, a bill which would require specific authorizations of appropriations for the Immigration and Naturalization Service in administering the Immigration and Nationality Act.

This hearing will be held in room 2226 at 10 a.m.

This legislation is directly related to the illegal alien problem in this country and this authorization legislation would enable the Judiciary Committee to consider in great detail the manpower requirements of the Immigration Service to combat this serious problem.

Many of the witnesses who have appeared during our hearings on the illegal alien legislation—H.R. 982—in the last few weeks have stressed the need for the consideration of authorization legislation by the Judiciary Committee with respect to the Immigration and Naturalization Service.

The Department of Justice and public witnesses have been invited to testify on this legislation.

INTRODUCTION OF LEGISLATION TO PROVIDE LOAN FOR ROCK ISLAND RAILROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 10 minutes.

Mr. ENGLISH. Mr. Speaker, I am today introducing legislation to provide the Rock Island Railroad with a $100 million emergency loan to help the company maintain its vital services in mid-America.

The Rock Island Line is a primary carrier of foodstuffs from America's agricultural heartland. Its collapse would lead to immediate disaster in the communities that rely upon it for service, and to a long-range slump in rural America with a corresponding rise in food prices in the consuming States as farmers struggled to find alternative means of shipping their produce.

Mr. Speaker, there has been a dangerous trend to subsidize Eastern railways while allowing those in less populous parts of the country to fall by the wayside. I believe it is high time that the Congress recognized that it is wiser to keep a functioning railroad on its feet than it is to get into the railroad business as a nation.

I am hopeful that the House of Representatives will give prompt consideration to this emergency legislation, and will help keep the Rock Island running.

Mr. Speaker, the Oklahoma Legislature recently passed a resolution memorializing the U.S. Congress to assist the Rock Island in getting the loans it needs to continue its operation. I insert a copy of this resolution, and a copy of the tex of the bill I am introducing to be printed in the RECORD at this point:

H.R. 4398

A bill to authorize the Secretary of Transportation to make a loan of $100,000,000 to the Chicago, Rock Island, and Pacific Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF PURPOSE

SECTION. 1. It is the purpose of this Act to encourage the continued employment of the current labor force and to foster the preservation and development of a transportation system capable of meeting the national needs by providing Federal loan assistance to the Chicago, Rock Island, and Pacific Railroad Company which needs such assistance—

(1) to avoid reorganization proceedings under section 77 of the Bankruptcy Act (11 U.S.C. 205);

(2) to continue its operations without interruption; and

(3) to allow such company to acquire, construct, and maintain the facilities and equipment necessary to avoid such reorganization proceedings and continue its operations.

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) the term "additions and betterments or other capital expenditures" means expenditures for the acquisition or construction of property used in transportation service, chargeable to the road, property, or equipment investment accounts, in the Uniform System of Accounts prescribed by the Interstate Commerce Commission;

(2) the term "Company" means the Chicago, Rock Island, and Pacific Railroad Company;

(3) the term "expenditures for maintenance of property" means expenditures for labor, materials, and other costs incurred in maintaining, repairing, or renewing equipment, road, or property used in transportation service chargeable to operating expenses in accordance with the Uniform System of Accounts prescribed by the Interstate Commerce Commission;

(4) the term "operating expense" means the day-to-day operating expenses of the Company, including the normal and usual payroll expenditures for the Company; and

(5) the term "Secretary" means the Secretary of the Department of Transportation.

AUTHORIZATION

SEC. 3. (a) The Secretary, in accordance with the provisions of this Act and such rules and regulations as he may prescribe, is authorized and directed to make a loan no later than 30 days after the date of the enactment of this Act to the Company in an amount not to exceed $100,000,000.

(b) There are authorized to be appropriated to the Secretary, $100,000,000 to carry out the provisions of this section.

TERMS AND CONDITIONS

SEC. 4. (a) Prior to making the loan required by section 3 of this Act, the Secretary shall—

(1) require that application for such loan be made by the Company in such form and with such content as he shall prescribe to reasonably protect the interests of the United States;

(2) obtain satisfactory assurances from the Company that no more than $9,100,000 of such loan will be utilized to meet operating expenses and that the remainder of such loan will be utilized for additions and betterments or other capital expenditures or expenditures for maintenance of property; and

(3) obtain satisfactory assurance from the Company that the Company will be able to repay such loan no later than 15 years after the date on which it is made.

(b) Such loan shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the rate which he determines to be the prevailing rate in the private market for similar loans.

MODIFICATIONS

SEC. 5. The Secretary may approve any modification of any provision of the loan made under this Act, including the rate of interest, time of payment of interest or principal, security, or any other term or condition, upon agreement of the Company and a finding by the Secretary that such modification is equitable and necessary or appropriate to carry out the purposes of this Act.

RULES AND REGULATIONS

SEC. 6. The Secretary shall issue such rules and regulations as are appropriate to carry out the purposes of this Act.

ENFORCEMENT

SEC. 7. The Secretary shall insure that the Company complies with the provisions of this Act and any rules, regulations, or conditions imposed by the Secretary pursuant to this Act. In the event of any failure to comply with such provisions, rules, regulations, or conditions, the Secretary may take such enforcement action as he deems appropriate including a declaration that the obligation of the Company is immediately due and payable as a claim of the United States without regard to any other provision of the loan or of this Act.

REPORTS

SEC. 8. The Secretary shall, within one year after enactment of this Act, report to the President and to the Congress with respect to his activities pursuant to this Act, including an evaluation of the financial conditions of the Company. Such report shall also include recommendations, if any, for additional legislative action.

AUDIT

SEC. 9. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access to such information, books, records, and documents as he determines necessary to effectively audit financial transactions and operations carried out by the Secretary in the administration of this Act. The Comptroller General shall make such reports to the Congress on the results of any such audits as he determines necessary.

INTERSTATE COMMERCE COMMISSION APPROVAL

SEC. 10. The Company shall not be required to comply with the provisions of section 20a of the Interstate Commerce Act (49 U.S.C. 20a) with respect to the loan made by the Secretary under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. In addition to the amount set forth in section 3(b) of this Act, there are authorized to be appropriated such sums as may be necessary to carry out this Act.

HOUSE CONCURRENT RESOLUTION NO. 1012

A concurrent resolution relating to the Rock Island Railroad; memorializing the Congress of the United States to make it the sense of Congress that the loan application of the Rock Island Railroad on file with the United States Railroad Association be approved; and authorizing distribution

Whereas, railroad transportation is a key ingredient to the economic success of industries vital to the people of the State of Oklahoma; and

Whereas, the Rock Island Railroad presently maintains service to 154 communities, and 28 counties with over 1,000 miles of track in the State of Oklahoma; and

Whereas, the Rock Island Railroad is the third largest carrier in the State of Oklahoma and enables the shippers of the state to avail themselves of rail transportation to markets not only in the United States but to ports for the world markets in agricultural and industrial goods; and

Whereas, the Rock Island Railroad for the year of 1974 handled a gross tonnage of 5,661,007 tons which originated or terminated in the State of Oklahoma; and

Whereas, due to deferred maintenance, the equipment and particularly the roadbed and tracks have reached a serious point of deterioration which in turn has decreased the normal efficiency attendant to rail transportation; and

Whereas, during the past harvest season this carrier suffered over 200 derailments on mainline traffic, thus furthering their depletion of revenues; and

Whereas, in this period of energy crises the One Hundred Million Dollars ($100,000,000) loan is small compared to the import of the higher cost of transportation which would result if traffic of this carrier were diverted to other modes.

Now, therefore, be it *Resolved* by the House of Representatives of the 1st session of the 35th Oklahoma Legislature, the Senate concurring therein:

SECTION 1. That it is the firm conviction of the people of Oklahoma that the Congress of the United States make it the sense of Congress that the loan application of the Rock Island Railroad currently on file with the United States Railway Association be approved.

SEC. 2. That duly authenticated copies of this Resolution signed by the Speaker of the House of Representatives and attested by the Chief Clerk shall be transmitted to the President Pro Tempore of the United States Senate and to both United States Senators from the State of Oklahoma and to the Speaker of the House of Representatives of the United States and to teach member of the House of Representatives from the State of Oklahoma.

INFLATION AND THE COMMON DEFENSE

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, I have been contacted by Mr. John J. Stang, commander in chief of the Veterans of Foreign Wars of the United States. I am sure my colleagues are aware of the vital role the VFW plays in our society. It is an organization which merits the support of all here present.

Mr. Stang has directed the VFW's director of national security and foreign affairs, Col. Phelps Jones, USA, retired, to prepare a paper "Inflation and the Common Defense."

Mr. Speaker, I include this piece by Colonel Jones in the RECORD at this time.

The article follows:

INFLATION AND THE COMMON DEFENSE

Nearly fifty years ago when the world, and America's role in it were very different, President Calvin Coolidge sought to block a modest War Department request for pursuit planes with the remark that "we should buy one plane and let the pilots take turns."

By a supreme paradox, rising costs in the mid-1970s may cause us figuratively, if not literally, to approach Calvin Coolidge's laconic nonsolution.

The inordinately hurtful effect of inflation on today's armed forces goes far beyond visible and obvious inroads on the purchasing power of individuals, families, and most privately-owned corporations.

The United States Air Force, from 1974 to 1975, will spend one billion dollars more to fly one million hours less.

The United States Navy will soon have less than 500 ships in the fleet for the first time since 1939.

The United States Army is receiving far fewer tanks, personnel carriers, and artillery shells (but for three examples) than the "no margin" force structured by the late General Creighton Abrams required as a "bare bones" minimum.

The Marines, dependent on the Navy for a wide range of support activities and equipment, have inevitably lost fighting capacity as both the amounts of support and equipment contract due to needed dollars falling off sharply.

Now to those in our larger society who view defense expenditures as a purposeless, self-inflicted misdirection of funds badly needed for other social needs, none of the foregoing will be alarming.

To the great majority of attentive Americans, however, our inflation-enfeebled status raises security risks never before contemplated in modern American history.

We need skilled, responsive, and combat-ready land, sea, and air forces to:

(a) Deter an unlikely, yet not totally implausible, strategic attack upon the "lower 48," Alaska, and Hawaii;

(b) Keep the sea lanes open during war or peace for the unimpeded movement of people and materiel; and

(c) Support alliances and other agreed commitments abroad by being able both to respond to aggression in place and to reinforce, as needed, attacks against our forces and our allies.

For Fiscal Year 1975, the Administration, to meet the foregoing security imperatives in administering a defense budget of $86 million. Reports indicate the FY 76 defense request will be about $95 billion, and looking further down the road, we should anticipate a FY 77 request of more than $100 billion.

These figures, in a simple arithmetic sense, are all record highs. Why then, as Congressman Mahon asked some months ago, does "peace cost more than war?"

The uneasy "peace" we enjoy today does cost more than the Vietnam War *arithmetically*, but, and this is the crucial "but," by every other more relative measurement, both the overall cost of defense and the dollar cost of equipment and research and development *within* the total defense budget are at shockingly low levels and are getting worse.

Some examples:

(a) In current (FY 75) dollars, and excluding retirement pay, defense expenditures stand at a pre-Korean War level;

(b) Active duty military strength, also, is at its lowest level (2.2 million) than at any time since 1950. *Defense-related employment in industry follows almost exactly the active duty strength profile;*

(c) In constant (FY 75) prices, defense purchases from industry are at $36 billion today; last year the figure was $42 billion; the 1956–65 average was $48 billion;

(d) Net U.S. public spending (Federal-State-local) reveals how priority has shifted away from the common defense.

CURRENT DOLLARS (BILLIONS)

	1953	1975	Percent change
National defense	$50	$86	+71
Social and economic programs	40	400	+1,000

Over the past 22 years the cost of social and economic programs has grown at a rate of 14 times that of national defense.

(e) In 1953, Defense expenditures were 10% of the total U.S. private sector output; today the comparable figure is less than 4%;

(f) The Vietnam War "peace dividend" was "declared" more than four years ago when Federal social and economic programs "crossed" defense expenditures. Today we are spending about $86 billion for defense and nearly $190 billion on social and economic programs;

(g) As a percentage of U.S. GNP, defense expenditures (6%) are at a 25-year low;

(h) The manpower profile (millions of people) follows:

U.S. LABOR FORCE CHANGES

	1961–68	1968–75	1961–75
Defense (including industry)	+2.2	−3.2	−1.0
All other	+7.1	+15.0	+22.1
Total	+9.3	+11.8	+21.1

(i) 1. More than four years ago Soviet military manpower "crossed" the U.S. total. Today's figures: USSR, 4.1 million under arms; the U.S., 2.2 million;

2. About three years ago, the Soviets (in constant FY 72 dollars) passed the U.S. in defense expenditures. Today, *again in 1972 dollars*, we see the USSR at $85 billion; the U.S. at $68 billion.

Now, none of the foregoing "arithmetic" would assume the transcendent importance that it holds if the world was a different kind of place. Already, "détente" has been shown to have finite limits if, in fact, it does not turn out to be a chimera.

The intentions, bellicose or otherwise, of the Soviet Union, and, less critically but still importantly, the Peoples Republic of China can never be precisely gauged; their strategic and tactical capabilities, however, are steadily increasing while ours, and those of our allies, are contracting.

Manpower costs in the U.S. armed forces stand at about 56% of our budget; in the larger USSR expenditure, about 25% goes for "people" costs. The Soviets then have a "muscle edge" in how they spend the larger residue (75%) of their larger budget as opposed to our comparable figure of 44% of our smaller budget.

The most perceptive intellects of our country have warned us of our peril. The late Dean Acheson and Charles (Chip) Bohlen have called for a powerful and responsive American military posture to deter Soviet adventurism. Foy Kohler, long time Ambassador to the USSR, made the telling point that the Soviets openly speak of military victory even in the nuclear age. Not for them is the arcane and inhibiting fear of "destabilizing" the strategic balance. Abroad, London's respected "Jane's" and the "Institute for Strategic Studies" in successive, and independent reports, on maritime, airpower, and NATO matters have dispassionately described the American slide from a position of clear predominance to a posture of being visibly and undeniably the second strongest power in the world.

For the past fifteen years, and most vividly for the past three years, the Sino-Soviet split has permitted American diplomacy a measures of flexibility in seeking to keep power balanced globally. This American flexibility has not gone unnoticed in either Moscow or Peking. Brezhnev is reported to be gravely ill. Mao tse Tung is old and power is changing hands in China. There are today first hints that a Sino-Soviet rapprochement may be in the offing. Should it happen—and unlike open societies—totalitarian states can literally shift basic policy overnight, without preparation or consensus-building, our total strategic position would suffer a tremendous reverse without a shot being fired. To cite but a few examples: (a) Soviet and PRC strategic targeting would no longer be, in part, against one another, but could more completely target the west; (b) Soviet divisions would be freed for employment in Europe; and (c) Chinese forces would, likewise, be freed to be positioned against neighboring states in Asia.

As to "inflation," the two Communist giants have an "advantage" (of sorts) over mixed market, monetized western states. Prices are administered, production quotas are set, and oil is available for export and not needed for import. Of course, market and personal freedom are denied to achieve this "advantage."

Furthermore, if past is prologue, undeniable and unacceptable infringements on U.S. and allied security interests could arise at widely scattered points in the "Third World" either singly or simultaneously. The *in extrimis* "strangulation" advanced as an hypothesis by Secretary Kissinger with respect to Middle Eastern oil could happen. Other commonly agreed and perceived threats could arise with precious little strategic warning. Unlike academicians, those charged with on-going security responsibilities cannot barricade themselves in libraries where they can, with 20/20 hindsight, revise earlier prescriptions, come out "right," and even give themselves a modicum of self-congratulation for being intellectually flexible. Our security managers in both the Executive Branch and the Congress often only have one chance to be "right," and, on war-or-peace issues, relevant information is predictably incomplete or contradictory.

In sum, it strains neither credibility nor historical analogy to compare the security situation of the United States today to that confronting Britain in 1937–38. If, for whatever reason, we elect to become a second rate power, the responsible way, as has been stated separately and poignantly by Secretary Schlesinger and Admiral Zumwalt, is to consciously elect such an outcome and not have it occur as an unexamined by-product of inflation. The 94th Congress should be required to address this real issue and draw the appropriate conclusion. In so doing, it appears fair to remind them that they better be right the first time because there may not be a second chance if we, figuratively, "but one plane and let the pilots take turns."

MEANY CITED FOR BROTHERHOOD

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the National Conference of Christians and Jews recently presented its National Brotherhood Citation to my good friend George Meany, who has made such a notable contribution to our society as president of the American Federation of Labor-Congress of Labor Organization.

I would like to call Mr. Meany's remarks on the occasion of the March 4 presentation to the attention of our colleagues. They are pertinent not only to the cause of brotherhood but to the economic crisis in which we find ourselves. I include the text at this point:

REMARKS OF AFL–CIO PRESIDENT GEORGE MEANY

I am delighted to be here and, of course, deeply honored to receive the annual Brotherhood Award of the National Conference of Christians and Jews.

I'm particularly honored to be introduced and presented here tonight by the Vice President of the United States, who I have known for many, many years. I have been reading about him lately. I see where he is trying to bring the United States Senate into the 20th Century. And I would say, if he was scarred a little bit in the attempt, not to worry about it. They are very honorable scars.

I take this Award—not for myself—but in behalf of the organization I have the honor to head, the AFL–CIO—in behalf, really of the American labor movement which, I believe, perhaps immodestly, is the most effective human rights movement in this country.

You know—in the final analysis—human rights rest on human dignity—on a common recognition of the worth of the human personality.

If we lose that sense of self-worth—of dignity, we become careless of the rights of others and we fail to claim our own rights as well. Before we know it, we have passively acquiesced in our own enslavement.

It is not surprising, therefore, that totalitarian governments must rob their citizens of dignity.

The business of dictatorship is to dictate—to control all the way—including the thought processes of its victims. In carrying on its business, it destroys the dignity of all those under its control by telling them that they are not whole human beings in themselves—that they are fulfilled as persons only through service to the State—or only through subservience to an ideology or doctrine. Their own humanity is not sufficient—they need Big Brother—be he named Adolph, Josef or Leonid.

But dictatorship is not the only enemy of human dignity. Poverty, hunger, disease, unemployment—these are also things that demean human personality. These are also the things that make people feel less than whole.

That is why a man who is out of work—a man who cannot properly feed or clothe or shelter his family does not feel like a whole man—and the same goes for women who bear like responsibilities.

And, I believe, the labor movement has done more than any other single force in American life to enhance the economic security of the great mass of America's working people. I also believe it has done more than any other segment of our society to build the broad base of dignity that supports the human rights we often take for granted.

In this sense, the labor movement is a human rights movement—no less than the National Conference of Christians and Jews or the NAACP.

And yet, much of what we do in the field of human rights does not carry a human rights label. It is a natural by-product of our day-to-day role in the world of work.

For example, we do not recruit to the ranks of organized labor on the basis of race, creed, sex or ethnic background. We do not have quotas in the labor movement.

We don't ask a man where he comes from or what his political views are before he joins a union. All we want to know is—does he work here and what kind of work does he do and—if he works for a living, we feel he belongs in the union.

And, despite all of the anti-union propaganda that has been beamed into the black community, the latest studies show that black workers are more prone to join a union than are white workers.

And, no wonder—the earnings of unionized black workers are, on the average, substantially higher than among their non-union counterparts.

I contend that when you substantially raise a man's earnings—especially if he is a poor man—you don't just put more meat on his table—you help him hold his head a little higher.

And that is what the labor movement is in the business of doing—helping people hold their heads a little higher. Helping people become more human in the highest sense—and therefore more conscious of their human rights.

But, these days—we must admit—our job is getting more difficult each day—and you all know the reason.

It is not because we have stopped trying. It is because the policies of the Administration that has been in power in Washington since January, 1969 have thrown this nation into an economic crisis worse than anything we have known since the Great Depression of the 1930s.

Unemployment is feeding on unemployment. 8.2 percent of our workforce is jobless—according to the official figures, which very much understate the problem.

But, while the official overall rate is 8.2 percent, it was 13.4 percent for blacks in mid-January. It was 14.3 for the unskilled and 13.1 for the semi-skilled. It was 20.8 for teenagers and 41.1 for black teenagers.

Now, I submit—contrary to what Arthur Burns may think—that these are not just statistics. This is a human tragedy. Millions of disadvantaged Americans who began to make real progress in the 1960s are now being thrust back to where they were ten or fifteen years ago.

I believe that we are sitting on social dynamite. As the recession deepens—and all signs point in that direction—racial and social tensions are bound to rise, posing a threat to the real accomplishments of organizations like the National Conference of Christians and Jews and so many others that have labored so hard to eradicate bigotry and prejudice from the land.

I did not come here to present the AFL–CIO's program to deal with the economic crisis—although I do want you to be aware that we have one. We think it is a better one than the President has offered—and, certainly, it is more comprehensive than what the Democrats have offered.

The point I want to make is that all of us who are deeply concerned about human rights and human relations must turn our attention to the economy—because if it continues to go downhill—it can become the breeding ground of ugly social impulses and emotions—among them the ancient curse of anti-Semitism.

I am not an alarmist but I do read history—and we know from history, that anti-Semitism seems to intensify in times of severe economic and social stress.

Today, we have an additional danger. Not only does our deteriorating domestic economy provide an all-too-rich soil for scapegoating and demagoguery but, we are faced—on the international scene—with powerful waves of anti-Semitism emanating from the Middle East.

And, make no mistake about it—the Arab fanatics are not just anti-Israel or anti-Zionist. They are anti-Jewish. They are plain, old-fashioned anti-Semites in the spirit of Adolph Hitler.

But, the most outrageous thing is that the venom with which they have poisoned their own societies they now seek to inject into our society.

I think President Ford is to be commended for speaking out so clearly against the Arab blacklist. The idea that any foreign investors would discriminate against Americans who are Jewish or who do business with Israel is a monstrous abomination.

But, what is worse is the fact that there are American Governmental agencies that cooperate in this despicable practice.

Imagine! The Army Corps of Engineers admits that it goes along with the demands of the Arab States that no Jews be sent into their countries.

And, then we learn that our Department of Agriculture—you know Earl Butz' Department of Agriculture—you know Earl Butz—holds a 6.5 percent interest in the Intra Investment Company of Beirut, Lebanon—a company that boycotts banks that give economic assistance to the Israelis.

I think we have to go farther than the President's statement. I think we have to let the whole world know that in the United States of America, that in our country, human rights still take priority over the dollar.

I think we should tell the Arabs that any would-be investors from any country who subscribes to the blacklist are henceforth barred from doing business in the United States.

There is some business we don't need.

Throughout the world today there is great confusion about what the United States of America stands for—or whether we stand for anything at all.

In the American Congress, a very strange discussion is taking place. It has to do with whether we should give South Vietnam the remaining $300 million of the $1 billion originally authorized for military assistance. In other words, should we keep our commitment. According to many experts, the survival of the country may be at stake.

Many voices are raised against further aid. The Thieu regime is too repressive, they say. It is also too corrupt. It is intolerant of press criticism. It manhandles demonstrators. It even sometimes arrests union leaders and Buddhists. Its elections are not nearly as democratic as ours.

I can understand these criticisms—although I don't agree with the conclusions some people come to. But, what I can't understand is how the same people who want to cut off aid to South Vietnam because its government is too repressive—turn around and argue for 6 percent U.S. credits for the Soviet Union—where there are No demonstrations, No unions, No elections—and the most degrading form of corruption—the complete monopoly of all power—political, economic and military—by a single ruling clique over the lives of every single person within the Soviet Union.

Incidentally, on the issue of governmental corruption in high places, we here in the United States should guard against any feeling of excessive self-righteousness.

We should give some thought and contemplation to our own recent experience with corruption at the very highest level.

If the stupid Watergate break-in had not accidentally come to light—how far would the Fascist mentality that prevailed in the White House have carried us down the road to repression of individual human rights—to harassment and control of the press—to the manhandling of demonstrators and all the rest of those evils of dictatorial regimes which we so readily deplore?

How much of a step would it have been from the promulgation of an enemies list to the complete monopoly of power over the social, economic and political life of our nation?

The air has been filled recently with talk of detente. That's a lovely word. I couldn't find it in the American dictionary, but, it's in the French dictionary. Detente not only with the Soviet Union and China but with the East European puppet regimes. Trade with these countries from the United States is aid to them. Yet, which of these governments comes anywhere near being as democratic as South Vietnam?

So, as you look at our policies in Southeast Asia—where the first bitter fruits of a false detente can be tasted—and as you look at our policies toward the Soviet Union—where our guiding moral principle—and "moral" has to be in quotes—is "no interference in their internal affairs", not even in defense of human rights—and then as you look at our our policies in the Middle East—where we are supplying various Arab governments with fancy aircraft, nuclear reactors—and God knows what else—what other goodies Henry hands out—at the same time those Governments remain pledged to destroy Israel, the only democratic state in the Middle East—as you look over all these policies, is it any wonder that nobody knows anymore what this country believes in—or what it stands for?

It used to be thought that we had a clear commitment—a vested interest—in the growth and expansion of democratic societies throughout the world. It used to be thought that this commitment was not just a matter of sentimental idealism but was based on a recognition that totalitarianism—whether of the left or the right—posed an ever-present threat to our own way of life.

One doesn't hear much of this kind of talk any more. It is buried under mountains of propaganda about détente and peaceful coexistence. And, in this climate, talk about democracy and human rights becomes an embarrassment. It makes people feel uncomfortable. It makes them feel awkward.

Frankly, I think that this is a terrible thing. We have come to a sorry pass in the history of this great experiment in democratic self-government whose 200th anniversary we shall soon celebrate.

There is no doubt in my mind but that this world-wide confusion about the credibility, the commitment and the cardinal purposes of the United States in world affairs today is a major factor contributing to the financial and political instabiliy that has shaken so much of the Western world and threatens to alter the international balance of power with frightful consequences.

But, while the immediate future looks glum, in the long run, I am not a pessimist. Increasingly, thoughtful Americans are beginning to realize that the pendulum has swung too far in the direction of wistful delusion.

A new realism is bound to set in—and with it—a new set of policies. The greatest enemies of genuine détente will prove to be—not the so-called Cold Warriors like George Meany, but the inability of the Soviet Union—given the system by which it is governed—to renounce its fundamental ambitions and values.

Those ambitions and values may be temporarily accommodated by some of our businessmen who are at home wherever there is a buck to be made—whether in Texas or Siberia—but we, in the labor movement, cannot make that cozy accommodation.

We can not survive as a trade union movement, except where there is democracy. Human rights are the very life blood of our movement.

Take away the freedom to speak, the freedom to associate, the freedom to assemble, the freedom to criticize the government, if you please, the freedom to strike—take these away and you can perhaps still run a corporation but you can't run an institution such as a trade union dedicated to the welfare of the ordinary citizen who works for wages—NO WAY! Come to think of it, when and where workers lose these freedoms, somehow all the other segments of society are likewise adversely affected.

This is why—no matter what Administration is in power, or who the Secretary of State may be—the Trade Union movement has—and must have—a continuing and consistent commitment to human rights and democratic values.

Ten years ago on the 7th of this month, an event took place in Selma, Alabama, which will not soon be forgotten.

On that "Bloody Sunday", hundreds of people who were peacefully demonstrating for voting rights were set upon by Alabama Highway patrolmen and brutally beaten.

That was a horrible day in our history. But, six months later—on August 6, 1965, President Lyndon Johnson signed the Voting Rights Act into law.

Many people sacrificed life, limb and security on behalf of the cause of civil rights in the 1960s. But the point is, their sacrifice was not in vain. They actually WON. And, because of their victory, Selma seems far off today—a long, long time away.

The American labor movement was part of that struggle—as you would expect. Not enough people know, however, that labor's influence on Capitol Hill was probably the most important single factor in winning the passage of that 1965 Voting Rights Act.

So, when you hear people talking about "powerful big labor"—yes, we have power—but we like to think that we use our "labor power" on behalf of human rights.

And, we say—FLAT OUT: What we want for ourselves as American workers, we want for all the people of this world—the entire human family.

All peoples—not just Americans—should have the rights that were won in Selma, Alabama—ten years ago—the rights we are still fighting to protect and expand.

All people should have these rights—and, if saying that is interfering in the internal affairs of other countries, then I would take my stand with Aleksandr Solzhenitsyn, who said:

". . . All Internal Affairs have ceased to exist on our crowded Earth! The salvation of mankind lies only in making everything the concern of all."

In this spirit of brotherhood, I thank you again for your annual award, which I am proud to accept on behalf of the AFL–CIO.

COUNTY COMMUNITY DEVELOPMENT PLANS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am very pleased that Mayor Stephen P. Clark, of Dade County, Fla., is chairman of the National Association of Counties' Development Steering Committee, which has jurisdiction of all matters pertaining to urban and rural development, economic development, and housing.

Last fall, when the House and Community Development Act of 1974 was enacted, it was acclaimed for its approach to boosting the long-range prospects for the housing market and offering a new Federal approach to solving the problems of our urban communities. The legislation replaced Federal judgment on local development with the judgment of the people who live and work in a community.

Under the very able leadership of Mayor Clark, the County News for February 17, 1975, describes the far-reaching approach to implementation of the Housing and Community Development Act and other Federal legislation designed to assist local governments increase their ability to coordinate housing activities with other plans and existing or future community facilities.

Mr. Speaker, I believe my colleagues would be very pleased to note Naco's plans, and I include the entire text of the article, "Community Development," at this point in the RECORD:

COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT STEERING COMMITTEE

(By Stephen P. Clark, Chairman, NACo Community Development Steering Committee, Mayor, Dade County, Fla.)

(Scope: All matters pertaining to urban and rural development, economic development and housing.)

Primary objective: Full funding of the Housing and Community Development Act of 1974, the Rural Development Act of 1972 and programs administered by the Economic Development Administration.

NACo has long supported an expanded role for counties in HUD-funded development programs and on Aug. 22, when President Ford signed the Housing and Community Development Act of 1974, this became a reality.

Title I of the new act consolidates seven categorical programs (urban renewal, model cities, open space, water and sewer, neighborhood facility loans, public facility grants and rehabilitation loans and grants) into a single community development block grant program.

The purpose of the new legislation is to assist local governments in dealing with the critical social, economic and environmental problems which face them through the development of viable urban communities.

Eighty-four counties are potentially eligible for a direct annual entitlement under the legislation. The amount of the entitlement is based on their ratio of population, poverty (counted twice) and housing overcrowding. Receipt of these funds is not automatic, however, as the potential urban counties must initially be qualified by HUD; they are required to submit an application. Urban county qualification is based on two criteria: (1) a population of at least 200,000 (minus) any city of 50,000) and (2) passing an essential powers test.

As recently as August 1974, the House Committee on Banking and Currency made the following statement regarding urban county eligibility: ". . . In all likelihood, not more than 10 counties would qualify under the definition (in the act) in the first year. . . . "NACo's most recent information estimates five to six times as many counties will qualify.

Achieving urban county status has required, in some cases, alterations in state enabling legislation and, in others, maximum cooperation with smaller municipalities within the county. One of the responsibilities of the Community Development Steering Committee will be identifying any impediments which could impair or prohibit potential urban counties from participating in the program.

In addition, because all counties are eligible to apply for community development funds, the committee will discuss and explore those issues of particular concern to non-entitlement counties in order to facilitate their maximum involvement in this important program.

The most immediate issue facing all counties in the area of community development is funding. The proposed fiscal '76 budget requests $2.55 billion. Although this represents a $50 million increase in authority over fiscal '75, it is a reduction of $400 million over what was authorized for fiscal '76 in the act. The budget request, if unaltered, will reduce all urban counties' anticipated second-year funding level while the participation of non-urban counties will be substantially limited.

NACo Action Strategy: NACo will work closely with members of the House and Senate Appropriations Committee and other interest groups in Washington to achieve a community development funding level in fiscal '76 at the authorized level of $2.95 million. In addition, NACo will identify potential problems for county participation and will work with individual counties and the staff of the Department of Housing and Urban Development in resolving those problems as quickly as possible.

HOUSING

The Housing and Community Development Act of 1974 reauthorized and extended the rural housing programs administered by the Secretary of Agriculture and created a major new housing assistance program: the Section 8 leased housing program. The fiscal 1976 budget anticipates 600,000 units of Section 8 housing to be financed in the 18 months ending June 30, 1976.

In addition, the act established, for the first time, a strong linkage between the allocation of subsidized housing assistance funds and receipt of community development monies. No grant can be made for community development unless the application submitted by the unit of government includes a local housing assistance plan that accurately surveys the condition of the housing stock in the community and assesses the housing assistance needs of lower-income persons residing, or expected to reside, in the community. The plan must also specify a realistic annual goal for the number of dwelling units or persons to be assisted and indicate the general location of proposed housing for lower-income persons.

Once a local government's housing assistance plan is approved by the Department of Housing and Urban Development, all applications for housing assistance under any federal subsidized housing program must be reviewed for consistency with the plan. The secretary of HUD is required to notify the chief executive officer of the local government that an application is under consideration and to provide the local government with the opportunity to object to the application if it is not consistent with the plan. This provision gives local governments increased ability to coordinate housing activities with other plans and existing or future community facilities.

NACo Position: NACo strongly endorses the expanded opportunity for county government to coordinate housing activities within its jurisdiction. In addition, NACo also believes that the federal government, through its fiscal and monetary policies, should follow a national housing policy which ensures adequate housing construction and investment programs in a partnership between government and the private sector. Such a federal policy should provide the necessary federal assistance and incentive, such as adequate long-term mortgage financing and incentive tax benefits, to support production of new housing, and the conservation and rehabilitation of existing housing stock. Special subsidized programs should be utilized to assist those who are unable to obtain adequate housing on the open market.

RURAL DEVELOPMENT

The Rural Development Act of 1972 was designed to bring new life to rural America. It is composed of a variety of grant and loan authorities to assist business and industrial development, together with the provision of essential community facilities. Unfortunately, the act has never been fully implemented due to restrictive funding.

The fiscal '76 budget provides some encouragement. The Administration has requested $150 million for rural water and sewer grants. While this is only half of the $300 million authorized annually for rural water and sewer grants by the 1972 act, it definitely is a change in the Administration's previous attitude. Obtaining full funding of this act, especially for the water and sewer grants, will continue to be the number one priority of NACo's Rural Development Coalition.

The 1975 level for rural water and sewer grants was also $150 million. However, this amount included only $30 million in new funds, plus $120 million that had been appropriated and frozen in 1973 and again in 1974.

No other funds are budgeted for the other programs authorized by the Rural Development Act, except for $10 million for rural industrial development grants.

In 1975 Congress enacted and the President approved $3.5 million for rural fire protection improvement grants. The 1976 budget message proposes a rescission of the 1975 funds and further proposes to terminate this program in fiscal '76. Other grant programs authorized by the Rural Development Act of 1972 that have never been funded include an annual authorization of $30 million for rural waste disposal planning and an annual authorization of $10 million for comprehensive planning. The Administration is not requesting funds in fiscal '76 for these programs.

NACo Position: NACo policy strongly urges that 1) the Rural Development Act of 1972 be fully funded, 2) funds distributed under the act go directly to counties and other local governments, rather than through the states in the form of special revenue sharing for the states.

Action Needed: All counties (both urban and rural) should pass resolutions supporting full funding of the Rural Development Act and specify how the programs could help in the development of their county. This must be a high priority for all counties.

COMMUNITY DEVELOPMENT (CONSTANCE WHITAKER)

Chairman: Steve Clark, Dale County, Florida.

Chairman for Urban Development: Tom Donelon, Jefferson Parish, Louisiana.

Chairman for Rural Development: Robert Harbison, Cullman County, Alabama.

Chairman for Housing: Tracy Owen, King County, Washington.

Chairman for Regionalism: Todd Hollenback, Jefferson County, Kentucky.

ECONOMIC DEVELOPMENT

In September 1974, the President signed a bill extending the Public Works and Economic Development Act of 1965 for two years. The legislation provides for grant and loan programs administered by the Economic Development Administration to more than 1,400 counties designated as "redevelopment areas" due to high and persistent unemployment.

For the first time in three years the President's budget does not propose to terminate or phase out the programs administered by EDA. Instead, $290 million in budget authority is requested for fiscal '76, an increase of $43 million over fiscal '75.

The fiscal '76 budget also proposes to transfer $125 million for the new EDA Job Opportunities Program to the Department of Labor. Congressional approval will be necessary for the transfer. NACo is concerned that this proposed transfer will seriously delay getting the funds into communities with persistent unemployment problems. It also raises serious questions about the Administration's commitment to tie jobs to expanded public works programs.

Public Works projects have proven to be an important stimulus to the economy and in solving the nation's persistent unemployment problems. Expanded funding of the programs administered by the Economic Development Administration, as well as implementation of other public works programs, can provide this needed stimulus and compliment the present employment programs.

Action Issue: The basic issue will be continued support and expanded funding for EDA. In the type of economic conditions facing the country, EDA may be one of the major agencies for getting funds out to the areas most in need.

WHO WE WORK WITH IN WASHINGTON

On issues relating to the implementation of the various federal programs within the purview of the Community Development Steering Committee, NACo will work closely with the departments of Housing and Urban Development, Agriculture and Commerce.

Funding issues are particularly important in each of our program areas, and NACo will work primarily with the Senate and House Appropriations Committees headed by Sen. John L. McClellan (D-Ark.) and Rep. George H. Mahon (D-Texas).

On issues of a more substantive nature, we will deal with the following Congressional Committees: on housing and community development, the Banking, Housing and Urban Affairs Committee chaired by Sen. William Proxmire (D-Wisc.); and the Banking, Currency and Housing Committee chaired by Rep. Henry Reuss (D-Wisc.). Because both Public Works committees have subcommittees which deal specifically with economic development, NACo will work closely with Sen. Joseph M. Montoya (D-N.M.). Rural Development issues fall under the jurisdiction of the agriculture committees, each of which have subcommittees on this area. The chairman of the rural development subcommittees are: Sen. Dick Clark (D-Iowa) and Rep. Charles G. Rose (D-N.C.). In addition, Clark and Rose are Co-Chairmen of the Congressional Rural Caucus which NACo works with on a variety of issues affecting rural areas.

WESTINGHOUSE SCIENCE TALENT SEARCH

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am delighted that Miss Kathleen Reese Albe, a student at Coral Gables Senior High School, was among the 40 high school seniors chosen to come to Washington, D.C., to attend the 5-day science talent institute held February 26 through March 3. Miss Albe and the other outstanding students who have distinguished themselves in their achievements in mathematics and science study, were honored at a congressional buffet luncheon held in the Rayburn House Office Building, last Thursday.

This talent search is sponsored by two great institutions. Westinghouse Electric Corp., a leader in scientific research and engineering, provides the awards and makes the science talent search possible through the Westinghouse Education Foundation as a contribution to the advancement of science in America.

Science Service, the nonprofit institution for the popularization of science, administers the science talent search. Its trustees are nominated by the National Academy of Sciences, the National Research Council, the American Association for the Advancement of Science, the E. W. Scripps Estate and the journalistic profession. It administers the Search Through Science Clubs of America.

Miss Albe, a winner of a $250 award, plans to study medicine or chemistry, and she has my every good wish for her continued success in her college career. I know the State of Florida public education officials and Miss Albe's teachers share my wishes.

Mr. Speaker, I commend to the attention of my colleagues, Miss Albe's biography which appeared in the program on the science talent search:

Kathleen Reese Albe, 17, of 1290 Mariola Court, Coral Gables, chose the field of molecular genetics and a phenomenon called transduction for her Science Talent Search project. Transduction occurs when a virus infects a cell and introduces new, stable genetic elements into the cell. The processes she studied are related to those in recent studies linking viruses to human and animal cancers. A student at Coral Gables Senior High School, Kathy is a member of the science club, Junior Classical League, Spanish National Honor Society, and the National Honor Society. She plans to study medicine or chemistry and hopes to attend Washington University in St. Louis, Missouri. Last summer she worked at the University of Miami School of Medicine. Besides her interest in science, she lists biking, swimming and playing the piano as hobbies. Kathy is the daughter of Mr. and Mrs. James Patrick Albe.

RULES OF THE HOUSE COMMISSION ON INFORMATION AND FACILITIES

Mr. BROOKS. Mr. Speaker, the House Commission on Information and Facilities held its organizational meeting on Thursday, February 26, 1975 and adopted rules under which it will operate during the 94th Congress.

Pursuant to rule XI, section 2(a) of the rules of the House, I am submitting a copy of the Commission's rules for publication at this point in the Record:

House Commission on Information and Facilities

RULE I

The rules of the House of Representatives shall govern the commission and its subcommittees or task forces. The rules of the commission, insofar as they are applicable, shall be the rules of any subcommittee or task force of the commission.

RULE II

The meetings of the commission shall be held at such times and in such places as the chairman may designate, or at such times as a quorum of the commission may request in writing, with adequate advance notice provided to all members of the commission. Subcommittee or task force meetings shall not be held when the full commission is meeting.

RULE III

Five members of the commission shall constitute a quorum, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence. A majority of the members of a subcommittee or task force shall constitute a quorum of such subcommittee or task force except that two shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE IV

A member may vote by proxy on any measure or matter before the commission and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date on which it was signed and the member to whom the proxy is given. Each proxy authorization shall state, and shall be limited to, the specific measure or matter to which it applies; and, unless it states otherwise, it shall apply to any amendments or motions pertaining to that measure or matter. Unless limited by its terms, a proxy shall remain valid until revoked or until superseded by a proxy bearing a later date. A proxy may contain more than one authorization.

RULE V

The chairman may—

(1) name standing or special subcommittees and task forces, and

(2) designate the chairman of each subcommittee or task force.

The chairman of the commission shall be an *ex officio* member of all subcommittees or task forces. He is authorized to vote on subcommittee or task force matters; but, unless he is a regular member of the subcommittees or task force, he shall not be counted in determining a quorum other than a quorum for the purpose of taking testimony. Any member of the commission shall have the privilege of sitting with any subcommittee or task force during its hearings or deliberations, but no such member shall vote on any matter before such subcommittee or task force.

RULE VI

All meetings and hearings conducted by the commission or its subcommittees or task forces shall be open to the public except where the commission, subcommittee or task force, as the case may be, by a majority vote orders an executive session.

RULE VII

So far as practicable all witnesses appearing before the commission shall file advance written statements of their proposed testimony, and their oral testimony shall be limited to brief summaries. Brief insertions of additional germane material will be received for the record, subject to the approval of the chairman.

RULE VIII

An accurate stenographic record shall be kept of all testimony. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the chairman.

RULE IX

Each member of the commission shall be provided with a copy of the hearings transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks.

RULE X

Testimony received in executive hearings shall not be released or included in any report without the approval of a majority of the commission.

RULE XI

The chairman shall provide adequate time for questioning of witnesses by all members.

RULE XII

Television and radio coverage of open hearings of the commission, or any subcommittee or task force, shall be allowed unless a majority of the members of the commission, subcommittee or task force disapprove. Television and radio coverage of any portion of hearings of the commission, or of a subcommittee or task force, as may include testimony of a witness shall not be authorized if such witness objects to such television or radio coverage: *Provided* that such witness shall be afforded the opportunity to make such objection, if any, to the commission, subcommittee or task force at a time when the proceedings are not being covered by television or radio.

RULE XIII

No commission report shall be made public or transmitted to the Congress without the approval of a majority of the commission except that when the Congress has adjourned, subcommittees or task forces may by majority vote and with the express permission of the commission submit reports to the commission and simultaneously release same to the public: *Provided*, that any member of the commission may make a report supplementary to or dissenting from the majority report. Factual reports by the commission staff may be printed for distribution to commission members and the public only upon authorization of the chairman of the full commission.

RULE XIV

There shall be kept a complete record of all commission proceedings and action. A clerk of the commission, or a designated member of the commission staff, shall act as recording secretary of all proceedings before the commission and shall prepare and circulate to all members of the commission the minutes of such proceedings. Minutes circulated will be considered approved unless objection is registered prior to the next commission meeting. The records of the commission shall be open to all members of the commission.

RULE XV

The chairman of the commission shall have the authority to appoint and terminate employees of the professional and clerical staff of the commission and of subcommittees and task forces; such employees shall be appointed without regard to political affiliation and solely on the basis of fitness to perform their duties.

RULE XVI

Selection of witnesses for commission hearings shall be made by the commission staff under the direction of the chairman. A list of proposed witnesses shall be submitted to the members of the commission for review sufficiently in advance of the hearings to permit suggestions by the committee members to receive appropriate consideration.

RULE XVII

The information contained in any books, papers, or documents furnished to the committee by any individual, partnership, corporation, or other legal entity shall, upon the request of the individual, partnership, corporation, or entity furnishing the same, be maintained in strict confidence by the members and staff of the commission, except that any such information may be released outside of executive session of the commission if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation, or entity: *Provided*, That the commission by majority vote may authorize the disclosure of the identity of any such individual, partnership, corporation, or entity in connection with any pending hearing or as a part of a duly authorized report of the commission if such release is deemed essential to the performance of the functions of the commission and is in the public interest.

CONYERS CRITICIZES AMERICAN POLICY TOWARD SOUTHERN AFRICA

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, American policy toward southern Africa is predicated on support for repressive minority regimes in order to guarantee a steady supply of raw materials for American industry, as well as a stable and profitable environment for American capital investment. The people of Rhodesia, Namibia and South Africa hear the United States proclaim its dedication to freedom and self-determination while the governments which oppress them enjoy American aid and support.

The December 1974 issue of the Black Scholar contains a cogent analysis of U.S. African policy written by our distinguished colleague, the Honorable JOHN CONYERS, JR., of Michigan. In addition to exploring the various ways in which American policy supports racism in Africa, Congressman CONYERS discusses the implications of National Security Study Memorandum 39 which has guided U.S. policy toward Africa since 1970. The same issue also includes excerpts from NSSM 39, including the policy option adopted by President Nixon which recommended "selective relaxation of our stance toward the white regimes."

Congressman CONYERS' article, "The U.S. Growing Support for Racism in South Africa," follows:

THE UNITED STATES GROWING SUPPORT FOR RACISM IN SOUTH AFRICA

(By JOHN CONYERS, Jr.)

On October 31, 1974, The United States vetoed a resolution in the Security Council which would have expelled the minority regime in South Africa from the United Nations. Two weeks later, South Africa again received U.S. support, although this time American backing was insufficient to prevent the expulsion of South Africa from the U.N. General Assembly. These actions confirmed the continuing support of the United States for the major proponent of racist repression in the international community today. With American endorsement, the white government of South Africa will persist in its policy of apartheid, allowing the repression of 19 million blacks by 3.5 million whites to change as the minority sees fit—if at all.

Commenting on the American veto in the Security Council, U.S. Ambassador John Scali stated that the U.N. is a deliberative body and that the expulsion of South Africa would only exacerbate the position of its black majority. He went on to say that, in view of the "new voices of conciliation in South Africa," the United States will continue to communicate and cooperate with the minority South African regime, presumably with the hope that American influence will help to promote peaceful change, in southern Africa.

But such futile expectations ignore South Africa's flagrant and consistent violations of the most fundamental principle embodied in the United Nations Charter: "Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." During the past twelve years, the U.N. General Assembly and Security Council have denounced South African racism on 48 separate occasions. But the effect of American policy has been to support in practice the policy of apartheid which it condemns in principle.

Whatever the *post hoc* justifications for the American veto, the truth is that the United States government mistakenly considers the status quo in South Africa to be in America's "national interests." The U.S. claims to oppose interference in the domestic affairs of any nation, whatever its policies, but recent revelations of American "destabilization" of the Allende government in Chile demonstrate the emptiness of such pious proclamations. In fact, the amorality of U.S. policy toward South Africa has been publicly documented by the disclosure of a previously secret National Security Study Memorandum.

This study, NSSM 39, indicates that the National Security Council, headed by then National Security Advisor Henry Kissinger, recommended a policy of "selective relaxation of our stance toward white regimes." Prepared at the direction of President Nixon in 1969, the 100 page document clearly states that the "strategic, economic, and scientific" interests of the United States would be best served by the perpetuation of racist and colonial regimes in southern Africa. The study, and all the policy options it proposed, totally ignored the moral responsibility of the United States to condemn and oppose a government which has always violated the canons of freedom and equality to which we claim to be committed.

In early 1970, President Nixon adopted "Option Two" of the five options presented in NSSM 39. "Option Two" assumed that "the whites are here to stay (in southern Africa) and the only way that constructive change can come about is through them. There is no hope for blacks to gain the political rights they seek through violence, which will only lead to chaos and increased opportunities for the Communists." Therefore, the United States should denounce apartheid, mildly increase economic aid and verbal support for black African countries and, at the same time, "relax political isolation and economic restriction on the white states," thereby making the assumptions of Option Two nothing more than self-fulfilling prophecies.

For the black nations of Africa, this "tilt" in American policy meant a drop in U.S. A.I.D. assistance from $176 million in Fiscal Year (FY) 1971 to $135 in FY 1974. The total for FY 1975 will be only $169 million, still below the pre- "tilt" level, despite the impact of world-wide inflation and the compelling need for emergency aid to the drought and famine stricken Sahel region.

On the other hand, for South Africa and Portugal, the major colonial powers in southern Africa, "Option Two" has meant increased trade with the United States and greater access to sophisticated communications equipment, advanced military training, herbicides particularly effective for defoliation, and aircraft equally well suited for military or civilian purposes. In short, the United States has been willing to export its military prowess to preserve the stability of the South African government, no matter what the consequences for its black majority. The same callousness has characterized American policy toward Portugal and its African colonies which, until recently, it dominated with an iron hand.

Before considering the bankrupt basis of American policy toward southern Africa, it is important to appreciate the magnitude of the U.S. commitment to racist repression—by South Africa at home and in its illegal occupation of Namibia, and by Portugal in its colonial rule in Guinea-Bissau, Angola, and Mozambique.

Between 1967 and 1972 alone, the United State exported more than $22 million worth of communications equipment to South Africa, including radar and electronic search and detection apparatus. During the same years, South Africa also obtained more than $270 million in dual purpose aircraft and $10 million worth of herbicides. Although these exports were ostensibly for peaceful purposes, such a claim strains credulity and contradicts the reports of competent observers. For example, newspapers in Great Britain and elsewhere consistently reported the use of U.S. manufactured aircraft in repeated raids on liberation forces in the Portuguese colonies, and the Sunday Times of London reported in July, 1972, that South Africans were aiding Portugal and its policy of chemical warfare in Angola and Mozambique.

Apparently unwilling to rely solely on South Africa's military assistance to Portugal, the United States also exported approximately $1 million in herbicides directly to Portugal. Between 1968 and 1972, the U.S. also exported more than $15 million in aircraft to the colonial regimes in Angola and Mozambique, as well as more than $92 million in dual purpose aircraft, including Boeing 747's for troop transportation, directly to Portugal.

During the same period, the U.S. provided military training for over one hundred Portuguese military officers, most of whom were fighter pilots, in the guise of maintaining "normal relations with Lisbon." Although the U.S. government has denied that such training was specifically intended for counter-insurgency operations, no restrictions were placed on how the training could be used, despite the fact that combat flying missions were essential to Portuguese efforts to thwart liberation movements in its African colonies.

The 1963 U.N. arms embargo against South Africa prohibited contacts between the South African military and military leaders of U.N. member countries, including the United States. Yet meetings between Pentagon officials and representatives of the South African armed forces occur despite our purported adherence to the embargo. For example, South Africa's Minister of Information, Dr. Cornelius Mulder, and Vice Admiral Ray Peet, the senior officer responsible for International Security Affairs and the Indian Ocean, met with officials in the Pentagon in January, 1974. Further meetings, scheduled for this past December, were cancelled only when the secrecy surrounding them was breached.

By providing such military aid—in violation of the 1963 U.N. embargo—the United States has become a willing accessory in the immoral and illegal policies of both South Africa and Portugal. The U.S. has provided the means for these regimes to perpetuate and intensify their racial repression, disregarding its rhetorical support for United Nations policy and the goal of a free international community. Without American aid, the people of Namibia, Guinea-Bissau, Angola, and Mozambique might not have been deprived of the opportunity to determine their own destinies. But instead of leading the international opposition to colonialism in Africa, the United States has helped to prop up the minority white regimes by permitting and even encouraging an infusion of American private investment.

In 1971, false cries of "national security" persuaded the Congress to violate U.N. sanctions against the illegal white regime in Rhodesia in order to purchase chrome for military use—even though there was already a surplus in American stockpiles which the Army was prepared to sell. Similarly, the current U.S. policies of "cooperation and communication" are but lofty excuses to justify continued support for, and investment in, South Africa. It is hardly coincidental that the investments of General Motors in South Africa increased by two-thirds from 1973 to 1974.

American corporate investment in and trade with South Africa have been facilitated by a U.S. decision to relax constraints on loans by the Export-Import Bank which, for instance, enabled Portugal to buy helicopters and small aircraft from the Rockwell International Corporation in 1972. In the same year, Rockwell, one of the largest arms manufacturers in the United States, also signed an agreement with a French company to produce the Crotale missile system, if (as expected) it is adopted by the U.S. Army. This ground-to-air missile system is to be developed jointly by South Africa and France—the major exporter of military hardware to South Africa. The production of these missiles will both benefit the South African economy and strengthen the ties between American corporate interests and the white minority regime.

In short, the United States has actively supported racism and colonialism in southern Africa. The U.S. has violated the U.N. arms embargo as well as its own self-proclaimed support for human dignity and self-determination. With the approval and assistance of the government, more than three hundred American firms operate in South Africa, taking callous advantage of the cheap labor supply which apartheid assures them. Private American investment in South Africa already amounts to $1 billion and constitutes fully one-third of the total capital investment on the entire continent. Whatever the rationalizations which are offered, U.S. support for South African racism and colonialism is obviously necessary to protect the investments of the same American corporate interests which also wield such great influence on U.S. domestic policy.

NSSM 39 makes it clear beyond any doubt that American policy toward southern Africa is based on material rather than moral considerations: "our tangible interests form a basis for our contacts in the region, and these can be maintained at an acceptable political cost." Presumably, these political costs include the indignation of all people, American or otherwise, who reject the sacrifice of moral principle to material self-interest. These "tangible interests" are essentially the profits and investments of American corporations. Elevating them in preference to the human dignity of millions of black Africans dramatically illustrates the bankruptcy of American foreign policy. Equating the national interest with the private interests of 300 American corporations testifies eloquently to the power of corporate wealth in Washington.

American support for South Africa cannot be justified by strategic or military necessity. It is undeniably true that South Africa is rich in mineral resources essential to the American economy, but there are alternative sources throughout black Africa which could already have been developed if American capital investments had not been so concentrated in South Africa. Nigeria is already the second largest exporter of oil to the United States, and it has vast gas resources and petro-chemical production capacities which have not yet been developed.

If American investment were re-directed away from South Africa, the United States would not merely end its support of racism, but would also contribute significantly to the economic development and well-being of the rest of Africa. Instead, millions of private American dollars flow into the South African economy—already an affluent society for its ruling white minority—while millions of black Africans are threatened by starvation.

The South African government has tried to touch a sensitive nerve among Washington policy-makers by warning that the "growing presence" of Soviet ships in the Indian Ocean somehow threatens American security. Not surprisingly, American military officials are quick to support such contentions, especially if they help justify unnecessary expenses such as the $18 million appropriated in December to expand a naval base on the island in Diego Garcia in the Indian Ocean.

For example, Rear Admiral Charles Grojean of the Office of Naval Operations told the Senate Subcommittee on Military Construction that the number of Soviet ships occupying these waters "is a threat to U.S. interests, if the United States does not continue to oppose the threat." Yet during these same hearings, CIA Director William Colby testified that Soviet vessels have been "relatively small and inactive." According to Colby, the "growing presence" of Soviet ships is only commensurate with their "normal growth pattern" elsewhere, but "would increase to some substantial degree" if the U.S. established a naval base of "some size." It is absurd, therefore, to contend that American security depends substantially on who has how many ships stationed in the Indian Ocean. And it is less than rational to argue that this imagined threat can only be met by continuing to prop up a racist regime in South Africa.

The challenge posed to the United States by South Africa is neither economic nor military. It is essentially a moral challenge: Is the United States prepared to continue sacrificing the legitimate human rights and aspirations of the twenty million blacks living in South Africa and Namibia to the convenience and profit of American corporate interests? To reverse American policy, there must first be a clear declaration by the Congress and the President that the South African government is an international pariah and that it will no longer receive any American support, whether direct or indirect, whether economic, diplomatic, or military.

In addition, there are a number of actions which the Congress can and should take to terminate American economic ties with South Africa. For example, all United States government installations, military or scientific, in South Africa should be closed immediately. The NASA satellite tracking station has already been closed, and NSSM 39 concludes that the remaining Air Force tracking station "is no longer required for research and development of missiles." And even if such an installation were strategically useful, that could not begin to justify continued complicity in South Africa's immoral racial and colonial policies.

Also, in its trade relations with the United States, South Africa should no longer enjoy Most Favored Nation status which gives South Africa all the tariff concessions and trading privileges enjoyed by any other nation, regardless of its policies. An important trade bill was stalled in Congress for many months by demands that the Soviet Union liberalize its emigration policies before being granted Most Favored Nation status. In this and in other instances, moral considerations have intruded into U.S. international economic policies, and there can be no justification for ignoring them in the case of South Africa.

But the most pressing need is for a thorough and critical re-examination of American corporate investments in South Africa. U.S. corporations are not sovereign nations; they are created under laws written to protect and enhance the public interest. Legislation must be enacted, therefore, to reverse a tradition of foreign policy which prefers corporate profits to moral responsibility.

Two approaches have been presented to the Congress, both of which I have sponsored and supported in order to stimulate the necessary reappraisal of American economic involvement in South Africa. The first is embodied in a bill introduced with my support by Congressman Charles Diggs of Michigan, Chairman of the House of Representatives' Subcommittee on Africa. The Diggs resolution, co-sponsored by 61 other Representatives, would require American companies doing business in South Africa to meet the same standards of fair and nondiscriminatory employment practices which apply to their domestic economic activities. This legislation is designed to help insure that American corporations do not profit from the discriminatory employment and manpower policies which are at the heart of apartheid. If enacted, however, its actual consequences are difficult to predict, because they would depend on the extent to which the South African government is prepared to modify its economic policies in order to retain American corporate investments.

It is possible that the imposition of fair employment standards could compel significant changes in racial policies by a South African regime anxious to protect the benefits of substantial private American investment. It is equally likely, however, that South Africa would respond either by exempting American firms from compliance with South African law, or by amending its laws to a point sufficient to convey only the appearance, but not the reality, of reform. In any event, there might also be a problem with enforcing legislation such as the Diggs resolution because South Africa has recently prohibited disclosure of information relating to foreign investments in its economy.

If the Diggs resolution were passed and subsequently ignored by South Africa, American firms would be forced to withdraw from South Africa completely because they would be unable to meet fair employment standards. Other legislation has also been introduced which would achieve the same purpose more directly by requiring the liquidation of all American business interests in South Africa, Namibia, Rhodesia, and the remaining Portuguese colonies. This was the approach adopted by the Congressional Black Caucus in 1972, when we endorsed a bill introduced by Congressman Ronald Dellums (a co-sponsor of the Diggs resolution), which also required American businesses to pay reparations for their support of apartheid and repression.

Such a blanket prohibition would divorce the United States from South Africa, once and for all, publicly and privately. But because this approach would be costly to corporate interests well-represented in Washington, forced liquidation would obviously prove difficult to enact. Supporters of American investments also argue that this policy would deprive South African workers of the higher wages and better working conditions offered by American employers. To the extent there are such differences, however, they are only marginal, and they benefit only a small fraction of the minority of blacks in the South African labor force.

These progressive proposals are clear alternatives to our current policies of empty posturing and secret support for racist repression in southern Africa. The first two steps I have recommended—the closing of American installations and the withdrawal of Most Favored Nation status—should be undertaken immediately, and the merits of either conditioning or precluding U.S. investment in South Africa deserve more serious consideration than they have received to date. While these specific alternatives are being examined, the United States must first make the moral commitment to equality, liberation, and human dignity on which American policy toward all of Africa must be predicated.

American support for the racist policies of South Africa is just one facet of a general foreign policy posture which is consistently insensitive to the rights and aspirations of independent Africa. On many questions in addition to South Africa, the United States has lined up against the preponderant sentiment of the 36 independent black African nations expressed at the United Nations. The U.S. has undermined the movement for black liberation in Rhodesia by continuing to buy Rhodesian chrome in open violation of a U.N. embargo. And America has offered little more than hollow promises to the people of the Sahel who are starving while white America enjoys the highest standard of living in history.

Both diplomatically and economically, U.S. policy toward Africa has been characterized by neglect or by support for repressive minority regimes. Of the total of $4.1 billion appropriated for all economic assistance programs in FY 1973, only $257 million was allocated to Africa. American foreign policy and foreign aid have done less to promote international development than to support reactionary dictatorships in Africa and throughout the world. It is for this reason that I have voted against funds for the Department of State and, with Congressman Dellums, against the U.S. foreign assistance program.

An increasing number of Congressmen are

coming to realize that these programs are not worthy of support and that the "power of the purse" offers the best opportunity to restructure and re-orient them in more humane directions. The Congress has the power, and therefore the responsibility, to create a foreign policy for the United States which is fully sensitive to the moral imperatives of our times.

UNFOUNDED ATTACK ON "FIFTH ESTATE"

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, I have received a letter from the Fifth Estate responding to what the organization terms an unfounded attack by a Member of Congress, and I hereby submit the letter and its enclosure for inclusion in the Record.

The letter follows:

Feb. 24, 1975.

Dear Ron: In the Congressional Record of February 20th, Rep. Larry McDonald levies a series of charges against the Organizing Committee for a Fifth Estate, the Center for National Security Studies, and the Committee for Public Justice. Normally, we would not bother to reply to such unfounded charges, however these charges were not made in a vacuum. Rep. McDonald's charges against three groups involved in monitoring U.S. intelligence and police operations were made the same day that William Colby, the Director of Central Intelligence, levied a broadside attack against all CIA and intelligence community critics.

While we cannot speak for the other organizations attacked by Rep. McDonald, we do know that the charges made against the Fifth Estate and its members are inaccurate, malicious, and outright lies. The central question to focus on concerning these charges is, "from what intelligence agency did Rep. McDonald get such false information, and why was it used in an attempt to silence CIA critics?" Did William Colby open some of the domestic intelligence files in order to coordinate his attack with that of Rep. McDonald? Did Clarence Kelley open some of the FBI files, complete with their infamous unsubstantiated rumors, in order to attack groups which have actively investigated FBI misconduct? Both the Fifth Estate and the American people have the right to know where the false information contained in Rep. McDonald's charges came from, and how and why it was made available to him.

Some of the charges made by Rep. McDonald must be answered by the Fifth Estate, not for the personal satisfaction of those attacked as much as for clearing the public record. Other charges, especially the McCarthyite tactic of charging communist influence in the Fifth Estate due to members participation in the anti-war movement, won't be dignified with a counter-point. Let it suffice to say that if Rep. McDonald can prove that any member of the Fifth Estate is a member of a communist organization, he should make that charge in a forum where he will have to prove it as facts. Since we know that he cannot prove such a charge, Rep. McDonald will have to keep his remarks confined to the sanctity of the Congressional Record where he is immune from a lawsuit.

The history of the Fifth Estate is a matter of public knowledge, and the Organizing Committee for a Fifth Estate has published and circulated annual reports for the last two years which outline our growth and development. These documents are made available, free upon request, to any individual or organization requesting them. Unlike the government intelligence bureaucracies, the Fifth Estate has no secrets concerning its membership, policies, goals, and work.

We have made no attempt to hide the fact that we came out of the experience of the anti-war movement, a movement that changed the course of American political history. We are proud of the fact that members of the Fifth Estate openly used legitimate and non-violent means to oppose the Indochina War, a war that continues today with American tax dollars and military equipment.

Aside from the inaccuracies concerning the formation of the Fifth Estate, Rep. McDonald quotes the *Berkely Barb* as quoting Doug Porter, a Fifth Estate coordinator, stating that the Fifth Estate was in possession of stolen documents. In Mr. Porter's interview with Mr. Long, he stated that the Fifth Estate *does not* engage in the theft of documents, nor do we encourage the theft of documents. The story sensationalized on Mr. Porter's statement that the Fifth Estate was in possession of the stolen documents commonly known as the "Pentagon Papers" and the "Media Papers." It is the policy of the Fifth Estate not to engage in the same sort of covert operations that is the trademark of government intelligence operations, and that policy remains in effect today.

Rep. McDonald's attack on Fifth Estate members is quite disturbing. His charge that Mr. Fellwock was stopped from making a revelation concerning National Security Agency operations in Vietnam because he was "'tripping' on LSD" is totally false, as is the statement that Mr. Fellwock spent the summer of 1971 "moping and doping." In 1971, Mr. Fellwock was active in Operation Medic, a project designed to coordinate the efforts of anti-war organizations and District of Columbia human resources in providing medical attention to the thousands of anti-war activists who were visiting Washington.

It was in this period that Mr. Fellwock's associates, aware of his intelligence background, encouraged him to adopt a nom-de-plume in order to protect himself from potential harassment from government intelligence agencies. It was in this vein, the intense political repression of the Nixon Administration, that the name Winslow Peck was first adopted by Mr. Fellwock. Mr. Fellwock continued to work with Operation Medic through the period of the Children's March for Survival, where he ran a sickle cell anema testing station, until he began research on U.S. intelligence agencies in the summer of 1972.

Another major point regards Rep. McDonald's charge that Tim Butz was an organizer for Kent State University Students for a Democratic Society. As James Michner's book "Kent State: What Happened and Why" shows, Mr. Butz was a member of the Student Senate and the leader of several campus organizations, but never a member of SDS.

This attack on the Fifth Estate is, in our mind, an attempt to drive a wedge between us, our supporters and advisors. Cheap redbating, unconfirmed rumors, and distortion of the facts have no place in an open society, they are the tools of scared and defeated individuals and causes.

The members of the Fifth Estate advisory board know us as individuals and as a working organization. They have volunteered their time and energies in order to support the effort to create an independent citizen's effort to monitor the intelligence community. This effort began before the current furor over domestic spying began, and it will continue to grow as more acts of government misconduct become known.

We would like to finally note that Rep. McDonald's office did not bother to verify any of the charges or alleged facts with us prior to his statement. We are not above criticism, in fact we welcome criticism and discussion of our work as a healthy and vital element of our growth. Mr. Colby and Rep. McDonald's attacks on intelligence community critics were not criticisms however, they were attacks that show the intelligence community is intimidated by an informed American public which is the cornerstone of any democratic system.

Tim Butz,
Margaret Van Houten,
Perry Fellwock,
Doug Porter.

Questions and Answers

What is the fifth estate?

The Fifth Estate is a non-partisan, nonprofit, alternative intelligence community serving the American public. The Fifth Estate spies on Big Brother.

Why has the Fifth Estate been formed?

The Fifth Estate has been formed in response to the continuing development of an Orwellian society in the United States and the world. Technofascism—the correct term for the Orwellian society—is rapidly replacing the rights Americans are supposed to have with all-seeing, all-knowing security systems. Such systems are being experimented with by all functions of government; including the military, the criminal justice system, and especially the intelligence community. The experimental development of technofascism includes such things as the White House Horrors, Watergate, military spying on civilians, CIA clandestine activities, FBI (and local police) infiltration, media management, social science engineering, censorship, attacks on privacy, government and corporate secrecy, hegemic control of advances in technology, and institutionalized racism and sexism. Today technofascism in all its interventionist and repressive forms is the greatest single threat to independence and freedom in the world.

How does the Fifth Estate oppose technofascism?

The Fifth Estate is combating the growth of the Orwellian society through research, educational activities, expose, litigation and campaigns to marshal public opinion. Our opposition is presently built upon a strategy of resistance on four broad political fronts, each corresponding to the primary elements of technofascism. The Fifth Estate will be demanding an end to policies, operations, and practices of our government which support clandestine intervention, domestic repression, excessive secrecy, and technological hegemony by the power elite.

Why does the fifth estate demand and work for an end to clandestine intervention and domestic repression?

History shows that clandestine intervention (dirty tricks) by our government and corporations into the sovereign affairs of other countries has done little more than to create an image of us as "Ugly Americans." Generally speaking, our national security has been improved by these operations.

Before the clandestine operations of the CIA and other agencies involve us in yet another catastrophe (like Bay of Pigs or the Indochina War) these operations must be exposed, restrained, terminated, and prevented from reoccurring in the future.

History also demonstrates that our government's foreign policies and practices often come home to become domestic policies and practices. Individuals long accustomed to clandestine operations overseas will carry on similar actviities in the United States, *if political atmosphere allows them to do so.*

Overseas intervention and domestic repression are two sides of the same coin; two manifestations of the same problem—technofascism. The repressive activities of the intelligence community, military services, criminal justice systems and other governmental and corporate agencies must be fully exposed and terminated by the American people.

It is our hope that the Fifth Estate will serve as a lens focusing the American public effort to resist further development of technofascism.

Why is the Fifth Estate opposed to excessive secrecy?

An atmosphere of government openness and citizen access must be created in America if we are to maintain our status as free citizens in a democratic society. What little secrecy is necessary for the maintenance of society must be pragmatically decided upon by the entire public and not just an elite few.

Secrecy is the greatest single weapon available to the forces of technofascism. Fortunately, secrecy is a double-edged sword. Without it, technofascism can not endure, much less grow. We believe that it is the duty of all citizens to struggle against secrecy in government, corporations, and the way we live our lives.

Why does the Fifth Estate seek an end to technological hegemony by the power elite?

There must be greater citizen access to advanced technology if that technology is to be used for the benefit of all humanity. Technology must not be used to rain destruction on smaller nations, and to fill dossiers on our friends, families, and neighbors. As long as advanced technology is controlled by an elite few, technofascism is being advanced and promoted.

How does the fifth estate operate as an alternative intelligence community?

The Fifth Estate is primarily responsible to the independence and freedom of American citizens and the rest of humanity. The American public is the prime consumer of information disseminated by the Fifth Estate and the prime sponsor for activities of the Fifth Estate. Information gathered by the Fifth Estate goes through a traditional intelligence cycle consisting of: collection, production, analysis, dissemination, and operations. The difference between the Fifth Estate and traditional intelligence organizations is that our responsibility lies with the American people, not the American power elite.

Who is the Fifth Estate gathering information on?

The Fifth Estate collects information on three primary targets—the military services, the intelligence community, and the criminal justice system. We are also interested in the corporate structures that support these functions of government.

The Fifth Estate collects information from both public and private sources. We do *not* engage in clandestine (illegal) collection of information. The information collected is available to researchers, journalists, scholars and other concerned citizens.

What do you mean by the production part of the intelligence cycle?

The production process of the Fifth Estate involves efficient management of information from collection to action as well as resource management. At all steps in our intelligence cycle, we heed the philosophy of the Fifth Estate, which is that we are responsible to the American people.

Every step in our cycle is subject to criticism and change by Fifth Estate advisors, sponsors, associates, and the American public at large.

How does the Fifth Estate analysis differ from that of agencies serving the power elite?

Our analysis is a collective product of the Fifth Estate. Compartmentalization of knowledge is eliminated through the development of a collective analysis. Our analysis is done from a political (rather than technical) perspective determined by the Fifth Estate's responsibilities to the American people.

How does the Fifth Estate disseminate information?

Education is the major tactic of the Fifth Estate. Only through education will the American people develop the actions necessary to resist the growth of technofascism.

Our vehicles for dissemination include contacts with the mass media, publications of various organizations (the Fifth Estate is non-partisan), as well as our own publications. Currently we publish a quarterly journal, a syndicated column, and pamphlets on special subjects. Eventually the Fifth Estate may produce a mass publication.

What kind of operation does the Fifth Estate engage in to resist technofascism?

Actions taken by the Fifth Estate are determined by what the political reality is in the struggle against technofascism. Actions may involve expose, public education, litigation, and campaigns designed to focus public effort against technofascism. The Fifth Estate does not engage in lobbying for specific legislation, although we have and will supply information to legislators on request.

The Fifth Estate will do whatever is necessary to oppose the growth of technofacism. However, we will not engage in adventuristic clandestine activities.

Who participates in the Fifth Estate?

There are three levels of involvement with the Fifth Estate: advisors, sponsors, and campus and community action/research groups.

Advisors to the Fifth Estate are persons who are outspoken critics of governmental and corporate policies who are lending their expertise to the Fifth Estate. These advisors may differ on specific issues, but these differences only serve to broaden the perspective of the Fifth Estate.

Sponsors to the Fifth Estate are well known Americans who have lent their moral, political, and financial support to the Fifth Estate.

The core of the Fifth Estate are campus and community based action/research groups. Individual groups may use the name "Counter-Spy" or "Fifth Estate" as a symbol of the fact that they are part of an alternative intelligence community.

How will the Fifth Estate relate to other organizations?

Many of our advisors and associates are members of organizations engaged in resisting some aspects of technofascism. While we have no official connection with these organizations, co-operation does exist around specific issues. We will continue to relate to similarly oriented organizations as long as the relationship does not violate our basic philosophy of being responsible to the American people. Above all, the Fifth Estate is non-partisan and will not endorse any political stance that does not involve resistance to technofascism.

How is the Fifth Estate organized?

The Fifth Estate is a community of autonomous organizations serving local and national constituencies. Decision making within this network is done by consensus of all groups—the Fifth Estate is not a hierarchial organization. The Washington office (and, in the future, regional offices) serve as resource centers for local organizations.

Is the Fifth Estate a government front?

Although many former intelligence workers are involved with the Fifth Estate, we are in no way connected to the government. We encourage all citizens to investigate our activities. Our organizational histories, and other records are open for public inspection. Beyond that we merely ask that you listen to our words and watch our actions.

We invite your comments and criticisms of our efforts.

Does the Fifth Estate exist in other countries?

The American Fifth Estate encourages the citizens of other countries suffering from developing technofascism to organize resistance to this development. The Fifth Estate is not opposed to international affiliation which does not violate our philosophy or organizing principles. Technofascism is a global problem and eventually global answers to this problem will be found. Our primary responsibility, however, is to building resistance to technofascism within America.

Isn't the Fifth Estate serving the interest of governments who are enemies of America?

It is important to remember that the reason for excessive secrecy by our government is not to prevent other governments from having information but to prevent the American public from having this information. Other governments know what our government and corporate structures are doing. The American public does not. The Fifth Estate is not an agency of any foreign power. Counter-Spy's are only agents of the American public.

RETIREMENT BENEFIT OPPORTUNITIES FOR FEDERAL EMPLOYEES

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I am today introducing legislation which will significantly expand the retirement benefit opportunities for Federal employees without adding a further burden to the Federal budget. My bill sets up a mechanism for the creation of supplemental employee retirement accounts—SERA. These are tax-deferred accounts into which the Federal employee can contribute a portion of his salary to be saved for retirement. In most respects SERA accounts will parallel the individual retirement accounts established last year by the Employee Retirement Income Security Act of 1974. The employee can pay into his account, which will be maintained for him by the Civil Service Commission, up to 15 percent of his annual pay or $1,500, whichever is less. The funds in his account are tax deferred until they are withdrawn. They can be withdrawn at any time by the employee, although at that point they would become subject to the same taxes and penalties which apply to individual retirement accounts. This would permit withdrawals in the event of financial emergencies.

If the money is retained in the account until retirement, the employee at that point would have the choice of withdrawing it in a lump sum, or buying an annuity with it under a program established by the Civil Service Commission. The program will be self-sustaining, administrative costs coming out of the proceeds of the funds' investments. Thus SERA accounts will serve as a retirement supplement for Federal workers.

The SERA program will be available to all Federal employees covered by the civil service retirement system, but it will be of particular interest to two groups of Federal workers.

First are the supergrades. The salary compression problem and the additional problems this has caused supergrade employees are matters of public record. Congress has seen fit to ignore these problems—despite the fact that the monetary cost of resolving them would be slight—at the cost of sagging morale and increasing recruitment problems at the highest levels of government. This has been graphically portrayed by Washington Star columnist John Cramer in a recent column:

THEY WON'T TAKE A CUT TO $36,000

(By John Cramer)

At risk of again being called "senile," as one highly articulate letter writer branded me after an earlier column on this subject, I return once more to that recent Comptroller General's report on the 14,700 GS-15-through-18 federal career officials whose pay is frozen—in some cases since 1969—at $36,000.

The CG's basic point is that the freeze, imposed by a Congress which refuses to lift it, increasingly cripples government by denying it good management.

The earlier column focused on the large number of pay-frozen officials who have left government for better-paying jobs—or attractive retirement pensions.

I'll use part of this one to let the CG explain, again in his own words, government's truly enormous problems in recruiting first-class replacements for the departed. His report said:

A candidate refused to be considered for HEW's position of director, Office of Child Development. because she was making $50,000 in the private sector.

In April 1974, 21 physicians refused $36,000 offers for supervisory research positions in the National Institutes of Health.

Numerous private actuaries declined the GS-18 position of chief actuary of the Social Security Administration because of the $36,000 salary. As of November 1974, the position remained unfilled after being vacant for 18 months.

A scientist declined to accept a GS-16 position in the Congressional Research Service because his university offered him $42,000 to stay.

An exceptional candidate declined the Department of Interior's $36,000 position of deputy assistant secretary for minerals and mining to accept a position with a private consulting firm paying between $50,000 and $75,000.

Several super-grade positions in the Federal Trade Commission have frequently remained vacant for months, in part because of the non-competitive federal salaries for highly specialized positions.

The National Aeronautics and Space Administration has had numerous highly qualified individuals interested in top management positions only to have them reject the job offers after considering the salaries. In almost every case, when NASA did attract a top-level man, he had independent means.

When the Federal Energy Office began staffing top-level jobs there were numerous refusals—36 in one period of a few weeks—because of the disparity between federal and private salaries.

The CG quoted the 1974 American Management Association report saying that industrial management salaries increased a cumulative total of 36.8 percent between 1969 (when the $36,000 ceiling first was imposed) and the end of 1974.

Also quoted was a 1974 report by a private consulting firm, saying: "For the past 10 years, managerial salaries have increased an average of 7 to 8 percent every year in good times and in bad. It's likely that 1975 will show increases of about 10 percent."

And the American Compensation Association was quoted as saying that non-federal executive salaries went up 9 percent in 1974, with proposed increases for 1975 averaging 9.4.

Additional facts from the CG's report:

The $36,000 ceiling now applies to all GS-16-through-18 super-grade rates except the bottom two steps of GS-16, and extends into the top 3 steps of GS-15.

The percentage of pay-frozen supergraders climbed from 18 in January 1971 to 92 in October 1974.

With continuing inflation, the 1969 purchasing power of $36,000 had declined by December 1974 to $25,020, with a further decline to $21,942 predicted by January 1977.

The other group which this new program will particularly benefit is the "temporary" Federal employee, the individual, most likely an expert in a particular field, who leaves private industry to join the Government only for a limited period of time. Unable to build up meaningful civil service benefits in a short time, and possibly cut off from continuing private plan benefits, this individual may end up sacrificing considerable retirement income in order to serve his country. A SERA account provides him with an opportunity to supplement that retirement income by deferring part of his present salary. Under rules similar to those for individual retirement accounts, this account can receive funds from other retirement plans or pay funds to other plans when the employee leaves Federal service without tax penalty. Thus the short-term Government worker can keep his retirement benefits intact as he moves in and out of Government service.

I might point out in closing that my proposal is by no means unique. Presently some 22 States have similar arrangements available for State employees and, in fact, one of the inputs into the development of my bill was similar legislation proposed for the State of Maryland. Let me make clear that I do not believe this bill to be a final answer to civil service and particularly supergrade retirement problems. It is by no means that. Rather I think it can serve as an additional self-supporting program, which will be of assistance to Government employees in planning for their retirement.

MERCHANTS OF DEATH IN STARS AND STRIPES

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LEGGETT. Mr. Speaker, recently attention has been called to the fact that U.S. arms sales have been soaring above the rooftops. A trend is definitely evident, as these figures show:

Foreign military sales in millions

Fiscal year:	
1970	$921
1971	1,644
1972	3,272
1973	3,866
1974	8,263

In the first 7 months of fiscal year 1975, we have already sold $4.6 billion in arms, and the prospects are that the figure will grow even beyond the fiscal year 1974 total of $8.2 billion.

In the fine tradition of bearers of ill tidings, I will give the good news first; these sales, a large part of which are going to OPEC members, are good for our balance of payments.

Now the bad news.

Without ranking them in order, I believe that there is a consensus that Indochina, Cyprus, and the Middle East are the most serious trouble spots in the world today. If our policy is truly to promote peace in these areas, it is hard to discern it; over $6.5 billion, or 79 percent of our total arms sales last year went to countries in the Middle East. Add to that the $452 million in arms sales to Greece and Turkey, and we find that almost seven-eighths of our total arms sales are going to the world's hottest spots. Someone needs to inform the Pentagon that oil is for spreading on troubled waters, not fires.

Taken alone, the targets of what is apparently an aggressive sales program by the Department of Defense would be enough to give a reasonable man pause. There is, however, the further consideration of the effect these rapidly increasing sales have on our own military preparedness. We sell tanks, yet the Army tells us that it is critically short of tanks; we sell TOW antitank missiles, while the Marines tell us they do not yet have a full complement of such weapons; and we have already contracted to sell overseas the F-14 fighter, an airplane so new it is not yet in the active inventory of the U.S. Air Force.

I am extremely concerned that we are selling our most advanced weapons systems, our front line of defense, around the world without even the most rudimentary congressional oversight. These sales contracts are solicited, negotiated, signed, sealed, and delivered in many cases without our ever having found out what was happening; in no case that I am aware of has the Congress been consulted or even informed of any long-term policy or policy changes regarding foreign arms sales. It is not far-fetched to say that we are watching a Frankenstein's monster run amok, and with about as much control over it as the good doctor had over his creation.

It is time we stopped and took inventory. We must refuse to countenance the development of weapons supported by the argument "it will be good for sales" when those sales lead to wars which create a demand for still more weapons for still more wars. While it may be true that conflicts of national interests among nations are inevitable, these conflicts should not be settled by each side having recourse to its U.S.-supplied arms.

If the executive branch plans to continue to fail to exercise judgment in its licensing of foreign arms sales, Congress must step in and lend some sanity to this loony practice.

FIVE YEARS OF AMERICAN WAR POLICY IN INDOCHINA IS NOW EXPOSED

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, recently our colleague in the Senate, Senator NUNN, made public some information we have been trying to get for a long time; that is, administration estimates as to the amount of aid the other side of the Vietnam conflict is receiving from its benefactors in the Communist bloc. Senator NUNN deserves the thanks of all of us for making available this valuable tool for analyzing our policy in that area vis-a-vis the "threat" posed from the other side.

As soon as I received these figures, I sat down to make my own analysis of what policy they represented, both on our part and on the part of the other side. What I found was that, since 1970, Communist aid was directed toward economic assistance by more than 2 to 1 in every year but one. Conversely, U.S. aid was directed to military assistance by roughly the same proportion in every year for which there are comparative figures, and the administration appears to be trying for that mark again with its $300 million supplemental request. I present my figures here for my colleagues' analysis:

UNITED STATES AID TO SAIGON

[Figures in millions of current dollars]

Fiscal year	Economic	Military	Total	Percentage Economic	Percentage Military
1970	517	1,432	1,949	27	73
1971	488	1,526	2,014	24	76
1972	504	1,985	2,489	20	80
1973	542	2,270	2,812	19	81
1974	550	1,010	1,560	35	65
1975	[1] 500	700	1,200	42	58
1975 [2]	[1] 500	1,000	1,700	33	67

COMMUNIST AID TO NVN/PRG

Fiscal year	Economic	Military	Total	Percentage Economic	Percentage Military
1970	735	205	935	78	22
1971	755	315	1,070	71	29
1972	465	750	1,215	38	62
1973	670	330	1,000	67	33
1974	1,295	400	1,695	76	24

[1] Estimated.
[2] With supplemental.

These figures show quite clearly that it is the United States which has been the major flywheel for continuing military conflict in Vietnam. All of Secretary Kissinger's protestations about "peace with honor" and a "decent interval" for our withdrawal are exposed as so much rhetoric when it becomes time to put our money where our mouth is.

This must stop, and it must stop right now. The American people are daily indicating their overwhelming desire that we end our involvement in this seemingly endless bloodbath. The awful number of people killed since the Paris accords will have to weigh on Henry Kissinger's conscience, for any "commitment" we have to continue this carnage was one made without the consent of the American people, and they have shown us that they feel no such commitment.

The defeat of the President's supplemental request will be a strong signal to the administration that, now that we have the facts, we will no longer acquiesce in war policy in the name of peace. History will no doubt judge us harshly for allowing ourselves to be duped into such a policy for so long; but it may add a kind footnote if we show that, once we knew exactly what we were being asked to do, we refused to do it any more.

I include the following:

[From the New York Times, Mar. 9, 1975]

A GALLUP POLL FINDS 8 OUT OF 10 OPPOSE MORE AID FOR INDOCHINA

Nearly eight of every 10 American adults oppose the Ford Administration's proposal to provide South Vietnam and Cambodia an additional $522-million in military aid, according to a recent Gallup poll.

The request, which has drawn opposition in Congress, was disfavored by 78 per cent of those polled, essentially because of a "fear of reinvolvement on a major scale," the research organization said.

Recent surveys have shown that "the American public has a distinct aversion to getting involved in any armed conflicts," the report said.

As an example, the Gallup organization said, fewer than one in 10 Americans favor military intervention in the event of another war between Israel and the Arab nations, even though Americans support the Israelis by more than five to one.

Sentiment against the additional military assistance for South Vietnam and Cambodia was found to be broadly based, with little variation of opinion detected on the basis of the age, sex, educational level or political party affiliation of those polled.

Of the 1,566 persons aged 18 and older questioned in 350 localities about the proposed spending, 78 per cent voiced opposition, while 12 per cent backed it. Ten per cent offered no opinion.

Democrats rejected the plan, eight to one, with 10 per cent undecided. Among Republicans, the sentiment was 72 per cent against 18 per cent in favor, and 10 per cent undecided. Independents were 78 per cent against, 13 per cent in favor, and 9 per cent undecided.

The survey was conducted during the week end of Feb. 7–10, after President Ford's appeal on Jan. 28 that Congress appropriate $300-million in military support for Saigon and $222-million more for Cambodia in the fiscal year ending this June 30.

DEPARTMENT OF DEFENSE AFFIRMS INDOCHINA LIMITATION

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, many of us were concerned last month about allegations that some of our military pilots were being sent back into combat in Southeast Asia. The rumors to that effect circulating on the west coast brought many queries into my office, and other Members may have had similar experience.

I checked out those stories carefully with the Air Force. As far as I can determine, there is no substance to these allegations. I can find no evidence that any of our men are being assigned to missions which would violate the prohibition we wrote into law against "combat activities by U.S. military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, and Cambodia."

I was also concerned, however, about a far broader issue. That is whether the administration believes it has authority to conduct combat activities in Indochina—whether the Case-Church amendment which we enacted several times is still considered binding. I posed this fundamental question to Secretary of Defense Schlesinger in a letter last month. I asked him what authority he thought the administration had to send our men into combat there, and whether he thought the war powers resolution superseded the legislative restrictions on Indochina combat.

The answer I got from the General Counsel of the Department of Defense did not go very far in analyzing the issues involved, but it did make clear that the Departments of State and Defense "are of the opinion that the war powers resolution does not supersede the Case-Church legislation." They also say they do not think new legislation is needed to maintain the statutory prohibition on conduct of combat activities by U.S. forces in North Vietnam, South Vietnam, Cambodia, and Laos.

In sum, while the response was not very dynamic, it does put the administration on record again as stating that our statutory prohibition is still in force and the resolution does not supersede it. I think this will come as considerable solace to our constituents across the land, who react with shock to any intimation that we might become involved in the Indochina fighting again.

In order that all of you may have the benefit of my exchange of correspondence with Mr. Schlesinger, I would like to include it in the RECORD at this point along with a letter to one of my constituents on the same subject:

FEBRUARY 19, 1975.

Hon. JAMES R. SCHLESINGER,
The Secretary of Defense, the Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: There has been recently, as you are aware, a flurry of rumors about the possibility of reinvolvement of U.S. military forces in Indochina combat. There have been allegations that military pilots were being sent to Southeast Asia for missions that would violate our statutory prohibition against combat activities by U.S. forces in North and South Vietnam, Laos and Cambodia. There was also last week's flap in the news about the Air Force supply personnel being sent to South Vietnam to monitor the flow of spare parts being provided the Vietnamese.

I have received many queries about these reports, as I am sure have most members of the Congress. Our constituents are vitally concerned about possible American reinvolvement in Indochina combat. Indeed, the specter of such a possibility seems to be almost a raw nerve, sensitive to any allegations, running just beneath the surface of the political consciousness of many of our citizens.

I have been assured by the Air Force Office of Legislative Liaison that military pilots are not being assigned to combat missions in Vietnam, Cambodia or Laos. I am concerned, however, about the fundamental issue of exactly what legal authority exists for U.S. military forces to conduct combat activities in Southeast Asia.

More specifically, I would like to know whether you believe the War Powers Resolution supersedes legislative restrictions on Indochina combat, such as the Case-Church amendment, and provides authority for commitment of U.S. forces to combat activity in Indochia without prior Congressional approval. I need to determine what new legislation would be needed to authorize U.S. forces to conduct combat activities in Indochina, or alternatively, whether new legislation is needed to maintain the statutory prohibition on the conduct of combat activities by U.S. forces in North Vietnam, South Vietnam, Cambodia and Laos.

I would appreciate it if you would provide me in detail your views on these questions.

Very sincerely,
ROBERT L. LEGGETT,
Member of Congress.

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, D.C., February 28, 1975.

Hon. ROBERT L. LEGGETT,
House of Representatives,
Washington, D.C.

DEAR MR. LEGGETT: Secretary Schlesinger has asked me to reply to your letter of February 19, 1975, concerning the relationship of the War Powers Resolution to the Case-Church Amendment.

The first question you raise as to whether the War Powers Resolution supersedes the Case-Church legislation was asked approximately a year ago by Senators Fulbright and Church. Enclosed are xeroxed copies of a letter from Secretary Kissinger to Senator Fulbright dated December 6, 1973 and of a letter from this office to Senator Church dated December 12, 1973, stating that the Departments of State and Defense are of the opinion that the War Powers Resolution does not supersede the Case-Church legislation.

In response to your second question as to whether new legislation is needed to maintain the statutory prohibition on the conduct of combat activities by US forces in North Vietnam, South Vietnam, Cambodia and Laos, our view is that new legislation is not needed. In this connection, your attention is called to the fact that the original Case-Church Amendment (P.L. 93–50) was subsequently re-enacted six additional times. See P.L. 93–52, section 108; P.L. 93–126, section 13; P.L. 93–155, section 806; P.L. 93–189, section 30; P.L. 93–238, section 741; and P.L. 93–437, section 839. The last two of these Public Laws are the Department of the Defense Appropriation Acts for FY 1974 and 1975, respectively. Notwithstanding the fact that no further re-enactment of this prohibition accordingly appears to be needed, in view of the apparent Congressional interest in reaffirming the prohibition the general provisions of the Department of Defense Appropriation Act for the Fiscal Year 1976 as proposed by the Administration in the Appendix to the Budget contemplates the re-enactment of this prohibition for the Fiscal Year 1976. (p. 345).

Sincerely yours,

Martin R. Hoffmann.

December 12, 1973.

Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: In response to your letter of December 4, 1973, the view of the Department of Defense is that the War Powers Resolution was not intended to supersede section 108 of the Continuing Resolution Authority for FY 1974 (P.L. 93–52), as amended, section 307 of the Second Supplemental Appropriation Act, 1973 (P.L. 93–50), or section 13 of the Department of State Appropriations Authorization Act of 1973 (P.L. 93–126). Further, the question of intent is academic in light of the subsequent enactment of section 806 of the Department of Defense Appropriation Authorization Act, 1974 (P.L. 93–155), and the pendency of Presidential approval of the Enrolled Enactment of the Foreign Assistance Act of 1973, which contains a similar provision in section 30 thereof.

With reference to your statement about having seen reports, allegedly emanating from Pentagon sources, suggesting otherwise, I am enclosing for your information pertinent extracts on that point from Secretary Schlesinger's News Conference of November 30, 1973.

Sincerely yours,

L. Niederlehner,
Acting General Counsel.

The Secretary of State,
Washington, D.C., December 6, 1973.

Hon. J. W. Fulbright,
Chairman, Foreign Relations Committee, U.S. Senate

Dear Mr. Chairman: You asked on November 30 whether the Department believes that the War Powers Resolution supersedes the legislative restrictions such as the Case-Church amendment on engagement by United States military forces in hostilities in Indochina (P.L. 93–50, P.L. 93–52 as extended by P.L. 93–118 and 93–124, P.L. 93–126, and P.L. 93–155).

It is our opinion that the War Powers Resolution does not supersede or otherwise modify those legislative restrictions. I understand that this is consistent with the weight of Congressional interpretation of this Resolution.

Warm regards,

Henry A. Kissinger.

February 26, 1975.

Ms. Martha Bunce,
Yuba City, Calif.

Dear Ms. Bunce: I am writing in response to your recent letter concerning Herb Caen's column in the San Francisco Chronicle of January 20th about military pilots traveling to Southeast Asia on a Pan Am flight.

I have checked this story carefully with the Air Force. I have been personally assured that they are not assigning any pilots to missions that would be in violation of our statutory prohibition against "combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos and Cambodia."

I have also been told that military pilots could have been aboard airline flights for rotation to assignments in East Asia which would not be in violation of the law. The Civil Aeronautics Board has granted a special exemption allowing DoD to transport military personnel on official orders to overseas locations via scheduled airline flights, rather than contract flights, between December 1, 1974 and March 31, 1975. Thus it is possible that military pilots could have departed San Francisco airport on official orders and in civilian clothes in early January, headed for areas as Thailand, Guam or Okinawa, along the lines of the Herb Caen column.

In any event, the key question is whether any of our military personnel are being assigned to missions that violate the law. There is some dispute about exactly what the phrase "combat activities" means. The Air Force has been interpreting it to exclude reconnaissance, and they have been flying some reconnaissance missions over Vietnam that some of us consider of dubious validity. However, the Air Force has assured me that strike or other flights that would obviously be "combat activities" are not being conducted. I feel that I have no choice but to accept the validity of this assurance unless or until I get concrete information to the contrary.

You may also have heard that the Air Force has 17 supply personnel in South Vietnam. According to DoD, they are needed to oversee the transfer and movement of spare parts being provided to the Vietnamese Air Force. They began arriving January 31st and are expected to leave within three to four weeks.

I hope this information helps to allay your concern about the potential reinvolvement of United States forces in "combat activities" in Indochina. Please rest assured that we here will investigate as fully as possible any allegations to that effect and do our utmost to ensure that our statutory prohibition remains in force and is observed.

Very sincerely,

Robert L. Leggett,
Member of Congress.

[From the San Francisco Chronicle, Jan. 20, 1975]

Pacific Tell and Tell

Here we go again? If you've been reading the fine print (and the large) and listening to the rumors, you have to figure the U.S. is getting deeply involved again in the Vietnam-Cambodia fighting—in the same old "secret" way. Scrap of evidence on the local front: Earlier this month, a Pan Am 747 left S.F. for the Far East with almost every seat taken, mostly by men—and since 747s seldom fly full in January, there had to be an explanation. There is: The men are military pilots, members of three U.S. squadrons, traveling to Southeast Asia in civilian clothes, per official orders. They looked unhappy and are. "We don't like this a damn bit," in the words of one pilot, who added the forlorn cliche, "We just wish the public knew what was going on" . . . Since this story will be denied by the military, as usual, it won't be easy.

INTERIOR COMMITTEE VOTES OUT AN ELK HILLS BILL

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, an Elk Hills bill has been approved by the Interior Committee. The following explains the bill.

H.R. 49 authorizes the Secretary of the Interior to establish national oil and gas reserves on public lands and to submit proposed plans to Congress for development and production of oil and gas from such reserves in any of the contiguous 48 States. The bill directs the Secretary to consult with the Defense Department before taking over any of the naval petroleum reserves in the lower 48 States. These are NPR No. 1—Elk Hills—and NPR No. 2—Buena Vista—in California, and NPR No. 3—Teapot Dome—in Wyoming. Of these only Elk Hills has appreciable amounts of oil and gas remaining. Navy estimates up to 1.5 billion barrels of crude oil plus a considerable amount of natural gas reserves in Elk Hills.

The bill requires the proposed production plans from any of these reserves must be submitted by the Secretary to Congress and to lie before Congress for 60 days. Such plans cannot be implemented if either body of Congress adopts a resolution disagreeing with the proposal. While the subcommittee does not attempt to spell out a detailed plan of production, we are sensitive to the need of protecting the public interest in the development of many reserves, but particularly from Elk Hills.

Twenty-one percent of the oil and gas in Elk Hills is owned by Standard Oil of California which has a unit plan contract with Navy. The balance—79 percent—is owned by the Federal Government. Under an operating contract existing between Navy and Standard of California, the latter was designated as the operator of the field. However, the terms of this contract permit cancellation and on February 14 Standard notified Navy that they were exercising their right of cancellation. Whether Navy or another Federal agency manages Elk Hills, a new operating contract must be negotiated with another company.

The committee in order to protect independent refiners in California requires that oil and gas produced and sold from a reserve must be offered through competitive bids, for a year's duration, and in amounts to assure equal opportunity for small and large refiners alike. In addition, the bill requires that pipelines be operated as common carriers outside of the Elk Hills or other reserves if they convey oil or gas produced on the reserve.

Navy testified that production from Elk Hills could begin in 60 days and be brought up to 160,000 barrels per day in less than 1 year and to a peak of 300,000 barrels per day within 30 months. Testimony by others suggested the maximum rate of production could be raised much quicker.

Availability of drilling rigs, pipe and other necessary supplies could be expedited by the administration through priority orders under the Defense Procurement Act as is being done with the Alaskan pipeline construction.

H.R. 49 authorizes and directs the Secretary of the Interior to explore NPR No. 4 in Alaska and to report annually to Congress on the findings. The bill also declares that no plan for production from this Alaskan reserve could be implemented until Congress takes further action. The committee believes that it is necessary to explore the Alaskan reserve to determine the amounts of oil and gas available but we do not believe it is timely or wise to permit leasing or any other form of development except exploration. Transportation of any oil or gas from this Alaskan reserve would have to await future construction of a new pipeline or a connection with the proposed Alyeska line. Either is 4 to 6 years in the offing. Meanwhile, the committee believes production from Elk Hills or other reserves in the contiguous 48 States could proceed.

Finally, testimony by Navy and others revealed that draining problems exist at Elk Hills. In our judgment the Nation's need for domestic production of oil and gas is of primary importance to alleviate shortages and assist our balance of payments.

Hearings were held on the following dates:

In the 93d Congress: December 18, 1973, December 20, 1973, December 21, 1973, January 17, 1974, January 22, 1974, January 25, 1974, January 28, 1974, January 29, 1974, February 4, 1974, February 5, 1974, February 28, 1974, March 14, 1974, March 15, 1974.

In the 94th Congress: February 6, 1975, February 21, 1975.

February 28, 1975, discussion and markup in subcommittee.

March 13, 1975, markup in full committee, recorded vote 32 to 0.

Text of H.R. 49 as approved by the committee:

That in order to develop petroleum reserves of the United States which need to be regulated in a manner to meet the total energy needs of the Nation, including but not limited to national defense, the Secretary of the Interior is authorized to establish national petroleum reserves on any reserved or unreserved public lands of the United States (except lands in the National Park System, the National Wildlife System, the Wild and Scenic Rivers System, the National Wilderness Preservation System, areas now under review for inclusion in the Wilderness System in accordance with provisions of the Wilderness Act of 1964, and lands in Alaska other than those in Naval Petroleum Reserve #4).

SEC. 2. No national petroleum reserve that includes all or part of an existing naval petroleum reserve shall be established without prior consultation with the Secretary of Defense, and when so established, the portion of such naval reserve included shall be deemed to be excluded from the naval petroleum reserve.

Upon the inclusion in a national petroleum reserve of any land which is in a naval petroleum reserve on the date of enactment of this act, any equipment, facilities, or other property of the Department of the Navy used in operations on the land so included and any records, maps, exhibits, or other informational data held by the Secretary of the Navy in connection with the land so included shall be transferred from the Secretary of the Navy to the Secretary of the Interior who shall thereafter be authorized to use them to carry out the purposes of this Act.

The Secretary of the Interior shall assume the responsibilities and functions of the Secretary of the Navy under any contract which now exists with respect to activities on a naval petroleum reserve to which the United States is a party.

SEC. 3. (a) The oil and gas in the national petroleum reserves in the contiguous forty-eight states established pursuant to this section may be developed under terms and conditions prescribed by the Secretary of the Interior. The Secretary of the Interior shall use competitive bidding procedures with prior public notice of not less than 30 days of the terms and conditions for any contract, lease, or operating agreement for development and production of oil and gas from a national petroleum reserve. Such terms and conditions and also plans for the development of each area of the national petroleum reserves shall be published in the Federal Register, but shall not become effective until sixty days after final notice has been published and submitted to the Congress (not counting days on which either the House of Representatives or the Senate is not in session for three consecutive days or more) and then only if neither the House of Representatives nor the Senate adopts a resolution of disapproval. Each proposed plan of development and each amendment thereof shall explain in detail the method of development and production proposed, shall provide for disposal and transportation of the oil consistent with the public interest, and shall give full and equal opportunity for development of or acquisition of, or exchange for, the oil and gas by qualified persons including major and independent producers or refiners alike. Each proposed plan of development by the Secretary shall also explain the relative need for developing the oil and gas resources in order to meet the total energy needs of the Nation, compared with the need for prohibiting such development in order to further some other public interest.

(b) Any oil or gas produced from such petroleum reserves, except such oil or gas which is either exchanged in similar quantities for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across ports of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of Dec. 30, 1969; 83 Stat. 841) and, in addition, before any oil or gas subject to this section may be exported under the limitations and licensing requirement and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quality or quantity of oil and gas available to the United States and are in the national interest and are in accord with the Export Administration Act of 1969.

(c) The Secretary of the Interior is authorized to enter into contracts for the sale of oil and gas which is produced from the National Petroleum Reserves and which is owned by the United States. Such contracts shall be issued by competitive bidding, they shall be for periods of not more than one-year's duration, and in amounts which in the opinion of the Secretary will not exceed those which can be effectively handled by the purchasers.

(d) The Secretary of the Interior is hereby authorized and directed to explore for oil and gas on Naval Petroleum Reserve No. 4 and he shall report annually to Congress on his plan for exploration of such Reserve: *Provided*, That no development leading to production shall be undertaken unless authorized by Congress.

(e) Any pipeline which carries oil or gas produced from the national petroleum reserves shall be subject to the common carrier provisions of Section 28(r) of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. Section 185), regardless of whether the pipeline crosses public lands.

SAVE MILLIONS: REDUCE CHAUFFEURED LIMOUSINES

(Mr. NEAL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. NEAL. Mr. Speaker, today I have again introduced legislation cosponsored by 49 of my colleagues which would drastically reduce the use of chauffeured limousines within the legislative, executive, and judicial branches of Government.

The bill would save the American taxpayers $13 million a year without causing diminished effectiveness of Government, although entailing some little inconvenience, perhaps, for chauffeured Washingtonians of high and not so high estate.

The limousine bill essentially would accomplish four things:

First, it would reduce from an estimated 800 to about 27 the number of Government officials in the Washington area who are provided chauffeur driven cars.

Second, with the exception of the 27, it would end the practice of chauffeuring Government officials from their homes to their jobs, and vice versa. That practice is forbidden by present law, but unfortunately it is violated many times each day right here in Washington.

Third, it would provide that when cars are needed for official business, such as coming to Congress to testify on a bill, the needed transportation could be provided by an agency pool; but no car could be assigned to the exclusive use of any official other than the 27 listed as exemptions. Those eligible for chauffeur-driven cars would be the President, the Vice President, members of the Cabinet, the U.S. Delegate to the United Nations, the Chief Justice, the Speaker of the House, the President pro tempore of the Senate, and the majority and minority leaders and whips of both the House and the Senate.

Fourth, the bill would set an example for the American people, who rightfully are not disposed to endure personal sacrifice as long as the Government is squandering money and fuel.

Ordinary citizens no longer believe that public officials are entitled to a lifestyle far above that of ordinary citizens. To place them in the back of chauffeured limousines is an act of arrogance which breeds public contempt for all Government officials, most of whom have to fight traffic just like everybody else. Moreover, it seems to me that obedience to the law is especially incumbent upon those who write, administer, and enforce the law.

While Congress itself has many faults, it is relatively free of limousine abuse. If Congress followed the policy of the executive branch, all 535 Members, their administrative assistants, and the staff directors and chief clerks of every congressional committee would be chauffeured around like potentates.

There is no better time than now to tighten up on this bureaucratic extravagance. With unemployment above 8 percent, and the budget deficit expected to be more than $52 billion, surely the American people have a right to expect that the White House staff, members of the Home Loan Bank Board, Under Secretaries, Assistant Secretaries, and Assistants to the Assistant and Under Secretaries will give up their exclusive chauffeur-driven cars and limousines.

LEGISLATION TO PROVIDE FOR A MORATORIUM OF PRINCIPAL AND INTEREST PAYMENTS ON FEDERAL LOANS TO INSTITUTIONS OF HIGHER EDUCATION

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, many institutions of higher education throughout our country are being confronted with a variety of urgent and serious concerns, one of which is a matter of economic survival. Due to inflation and the recession, many colleges find that they do not generate enough revenues to maintain payments on previous financial obligations. Our continuing declining economy is also affecting the enrollment prospects for many of these institutions.

In order that our smaller colleges and universities survive this very austere period in our Nation's history, I have introduced legislation today that would provide for a moratorium of principal and interest payments on Federal loans to institutions of higher education. Rather than witness the fall of these institutions, I ask that my colleagues favorably consider the postponement of payment on Federal loans where circumstances indicate the institution is in a crisis situation. I do not seek forgiveness of any financial obligations. My bill provides for a 3-year moratorium of payments on Federal loans that were secured under title III or title IV of the Higher Education Facilities Act of 1963 and under title IV of the Housing Act of 1950.

This legislation does not represent a long range solution of financial difficulties or declining enrollment, but it does provide temporary relief as these institutions take initial steps to resolve their difficulties instead of being forced to close their doors. Mr. Speaker, we cannot abandon our institutions of higher education at a time when they require our utmost understanding and assistance, and I urge the favorable consideration of this bill I introduced today, H.R. 4863, the text of which follows:

H.R. 4863

A bill to provide for a moratorium of principal and interest payments on Federal loans to institutions of higher education

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) during the period which begins on the date of the enactment of this Act and ends 3 years thereafter, no institution of higher education which is in serious financial distress and applies to the Commissioner at such time, in such form, and with such information and assurances as the Commissioner may require in order to carry out the Commissioner's functions under this Act, shall be required, with respect to any obligation on any loan to such institution under title III or title IV of the Higher Education Facilities Act of 1963, or under title IV of the Housing Act of 1950, to make payments, which would otherwise be due during such period, of accrued interest and principal, except that nothing in this Act shall affect the accrual during such period of interest on such loan, or the obligation to make payments of accrued interest and principal with respect to such loan at the end of such period.

(b) No application under this section shall be approved unless it includes such information, terms, and conditions as the Commissioner finds necessary and reasonable to enable the Commissioner to carry out the Commissioner's functions under this Act, and unless the applicant agrees to disclose such financial information as the Commissioner determines to be necessary to determine the sources or causes of its financial distress and other information relating to its use of its financial resources.

Sec. 2. For purposes of this Act—

(a) the term "institution of higher education" means such an institution as defined in section 401(c)(f) of the Higher Education Facilities Act of 1963,

(b) the term "serious financial distress" means such term as defined in regulations of the Commissioner, and

(c) the term "Commissioner" means the Commissioner of Education.

CONGRESSMAN MURPHY COMMEMORATES ST. PATRICK

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the Record.)

Mr. MURPHY of New York. Mr. Speaker, St. Patrick's Day is a time of great pride and satisfaction for me and for all Irishmen. It is also a joyous celebration for Irish and non-Irish alike throughout the world.

St. Patrick's actual birthdate is unknown, but it is believed to have been approximately A.D. 380. His childhood was marked by tragedy, as he was kidnapped by Irish outlaws and sold as a slave when only 16. However, his dedication to religion and his determination to help others prompted him to escape to Gaul and there become a priest.

His priesthood soon led him back to his own land where he devoted his career to the problems of the Irish people. His work in helping the spiritually lost and curing the physically ill earned him in the year A.D. 432 the position of bishop, the first such honor in Ireland's history. It was only 1 year later that St. Patrick was named the apostle to Ireland.

During his more than 20 years as bishop, St. Patrick contributed significantly to the building of a strong foundation for Christianity. A major accomplishment was the founding of 365 churches, most of whose priests he personally ordained. But his greatest accomplishment was the extending of a deep and personal concern and total devotion to the people of his land.

Today, the commemoration of St. Patrick is one of the most universal feasts and one which unites all those who are Irish by heritage or in spirit. For St. Patrick remains a vibrant symbol for that which is Irish. The customs and traditions—indeed, the contribution of the Irish to America has surely been the fulfillment of his spirit in this land. The strengthening of family life, the Christian ethic, the pride and vitality of this people have immeasurably enriched this Nation.

These very qualities are required today to reconcile the tragic divisions which separate countryman from countryman in Northern Ireland. St. Patrick's Day is an appropriate occasion not only to salute the Irish-Americans for the unique cultural heritage with which our own Nation has been gifted. But it is a timely occasion to reaffirm those bonds which unite all Irishmen in the spirit of St. Patrick to a new birth of unity and peace.

AGE DISCRIMINATION CHALLENGED

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, the effort to eliminate all forms of discrimination has been led many times by Government employees. In this particular case, Irving W. Bevans, a GS–5 employee of the Veterans Administration is claiming age discrimination citing the law in Public Law 93–259: "All personnel actions affecting employees * * * shall be free from any discrimination based on age." I think the following article from the Federal Times will prove interesting reading to those of us who have fought discrimination at all levels.

[From the Federal Times, Feb. 5, 1975]

VA Employee Challenges Age Discrimination Statute

Washington.—An employee has challenged the concept that a worker cannot claim age discrimination unless he is 40 to 65 years old.

Local 1151 of the American Federation of Government Employees in New York is backing a suit filed by Irving W. Bevans, a GS–5 employee of the Veterans Administration.

Bevans claims he was denied a promotion because he was too old to be a Vietnam veteran. He is 38.

Harry H. Zucker, Local 1151 president, said that "the government, undoubtedly will contend that employees only may seek relief based on age discrimination if they are 40 to 65 years old."

Zucker uncovered a statement contained in a House Education and Labor Committee report which indicated that such a limitation existed.

He said the government may use this as a reason for requesting dismissal of Bevans' suit.

He added that the language of the statute involved—Public Law 93–259—was clear on the question of age discrimination:

"All personnel actions affecting employees . . . shall be free from any discrimination based on age," Section 15(a) of that law reads.

"Let's emphasize the word all," he said.

Anticipating that federal attorneys may try to use the House committee report in their arguments, he said:

"To allow free and unfettered excursions into committee reports and the so-called legislative history where the language of the statute is clear not only creates a body of law, which is now you see it, now you don't, but is in contravention of the provisions of Article 1 Section 7 of the Constitution which sets forth the method for legislating.

"Since when do we legislate by committee reports?," he asked.

Bevans had applied for a contract representative job at the VA regional office in New York City during mid-1974.

He said there were 58 such positions available and that he qualified but was not chosen.

Zucker said that Bevans was "too old to be a Vietnam veteran, and since the VA seemed only interested in that group of citizens, Bevans was denied promotion on account of age."

The suit was filed in the U.S. District Court of Southern New York on January 17.

Zucker will appear as a "friend of the court" on behalf of Bevans.

The government has 60 days from the date of filing to appeal.

AMENDMENTS TO H.R. 25

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, several of my colleagues and I plan to offer a number of strengthening amendments aimed at making this bill at least minimally effective.

The following amendments, numbered 1 through 7, are set forth to qualify for the necessary time to present them to the House during the amending process for H.R. 25:

Amendment No. 1

Page 210, line 6, strike out "515(b)(19), and 515(d) of this Act." and insert in lieu thereof "and 515(b)(19) of this Act. No such permit shall be issued on or after such date of enactment for surface coal mining operations on a steep slope (as defined in section 515(d)(4)) or on any mountain, ridge, hill, or other geographical configuration which contains such a steep slope."

Page 238, between lines 8 and 9, insert the following:

"(4) the proposed surface coal mining operation does not include mining on any steep slope (as defined in section 515(d)(4)) or on any mountain, ridge, hill, or other geographical configuration which contains such a steep slope."

And redesignate the following paragraphs accordingly.

Amendment No. 2

Page 266, after line 3, insert the following new subsection:

"(4) with respect to underground mines opened after the date of enactment of this Act, to the maximum extent physically and technologically possible and consistent with the safety of miners, incorporate practices of backstowing or returning to mine voids, all mine wastes and coal processing plant tailings;"

And redesignate the following paragraphs accordingly.

Amendment No. 3

Page 256, line 11, after the period, insert the following:

"No coal mine wastes such as coal fines and slimes shall be used as constituent materials in the construction of any coal mine waste dam or impoundment."

Page 267, line 2, after the period, insert the following:

"No coal mine wastes such as coal fines and slimes shall be used as constituent materials in the construction of any coal mine waste dam or impoundment."

Amendment No. 4

Page 336, line 8, insert the following new section:

Sec. 718. (a) In those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by surface coal mining operations and the Federal Government is not the owner of said mineral estate, the application for a permit shall include the written consent by the owner or owners of the surface lands involved and any person who holds an interest in such surface including but not limited to the lessees of said surface.

(b) In those instances where the mineral estate proposed to be mined by the surface mining operations and the surface is owned by the same person and there exists an interest in the surface in the form of lease or permit, the application for a permit shall include the written consent of the permittee or lessee of the surface lands involved to enter and commence surface coal mining operations on such land.

(c) No owner shall evict a lessee for the purpose of authorizing surface mining without a minimum of one year's notice and without providing just compensation for any improvements of said lessees. If the owner and said lessees are unable to reach just agreement on just compensation, the district court in which the said surface area is located shall have jurisdiction without regard to the amount in controversy or diversity of citizenship to consider and decide any action filed by lessees to determine such compensation.

Amendment No. 5

Page 263, line 15, after the word "cut", strike all through the word "met'" on line 22, inclusive.

Amendment No. 6

Page 294, line 21, strike the words "boundaries of any national forest" and insert the following: "the National Forest System".

Amendment No. 7

Page 256, line 12, strike subsection (14) inclusive, and insert in lieu thereof the following subsection:

"(14) segregate all acid-forming materials, toxic materials, and materials constituting a fire hazard and promptly bury, cover, compact, and isolate such materials during the mining and reclamation process to prevent contact with ground water systems and to prevent leaching and pollution of surface or subsurface waters;"

GENESIS OF THE AD HOC ADVISORY GROUP: FOUR CENTURIES OF STRUGGLE

(Mr. BENITEZ asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BENITEZ. Mr. Speaker, in the course of this session the Joint Advisory Group on the Improvement of Commonwealth Status for Puerto Rico, appointed by the President of the United States and the Governor of Puerto Rico, will, I trust, submit to this Congress a bill drafted to clarify and formalize a compact of permanent union between Puerto Rico and the United States. The Puerto Rican membership of that group has already prepared, at the request of the mainland members, a draft which identifies the main changes and readjustments we hope to incorporate in the present arrangement. The draft undertakes to fully achieve the commitment that—

> The people of Puerto Rico constitute an autonomous body politic organized by their own, free and sovereign will and in common agreement with the United States under the juridicial structure and official name of the Free Associated State (Commonwealth) of Puerto Rico.

This autonomy rests upon the fundamental principles of common citizenship, common defense and security, common trade, common currency, and common identification with the basic values of democratic life which have been the guidelines of a fruitful association of 76 years.

The San Juan Star of Sunday, March 9, carried in brilliant synthesis the history of the Commonwealth movement over the last four decades. The author, Earl P. Hansen, is a distinguished professor of social sciences, explorer, and writer presently living in Puerto Rico. I believe the Members of this House will appreciate a background which traces the contributions of President Roosevelt, Rexford G. Tugwell, and Earnest Gruening, three outstanding men who, together with Luis Munoz Marin and other leaders of Puerto Rico, helped create this reality of the present and this hope for the future which we call the Estado Libre Asociado de Puerto Rico or Free Associated State of Puerto Rico.

The article follows:

Genesis of the Ad Hoc Advisory Group: Political Status Is Now Debated More Hotly Than Ever in Puerto Rico

(By Earl Parker Hanson)

Nations have done various things to solve the problems arising from the fact that colonialism—since it no longer pays dividends—is now obsolete and must be abolished. The British dished out independence in wholesale lots, at times on terms and in shapes manufactured in London without consulting the recipients. The collapse of the Caribbean Federation, the things that happened in Rhodesia, and the present troubles in the Beewee (British West Indies)) island of Anguilla, indicate that things didn't always work out as well as they might. France set out to integrate her overseas possessions as parts of Greater France—more or less in the manner in which many Puerto Ricans today envision statehood—but the Algerian troubles and the war in Vietnam (which we took over when France couldn't handle it any longer) show that that procedure also had its faults. During the 1960s, the Dutch granted their colonies an autonomy which, in several ways, goes far beyond even that now requested by the Ad Hoc Advisory Group on Puerto Rico. I have yet to read about its misfiring anywhere, and I am willing to bet that if you want to meet a lot of loyal Dutchmen you need only to go to the self-governing former colonies of Surinam and Curacao.

Today, within the framework of "self-determination," the three kinds of status mentioned above—old stuff by now in modern world affairs—are debated more hotly than ever in Puerto Rico.

The island's first Federal Relations Statute (then called its "Organic Act"), after coming under the American flag as a result of the land-grabbing expedition called the Spanish-American War, was the "Foraker Act" of 1900. It granted the Puerto Ricans freedom of speech, press, and religion, plus a virtually unadulterated form of colonialism. The governor—always a mainlander appointed by the federal government to carry out its wishes—ran the island; the Puerto Ricans had no voice to speak of in the management of their own affairs. But some such matters as appointing Puerto Ricans to jobs the governor tended to go along with the political party momentarily in power. Politics therefore became a major local industry.

But there were problems about political issues. Since the voters knew that the candidates lacked power to deliver on promises to improve people's lives, the parties concentrated (and divided) on political status, on changes from colonialism to statehood or independence, or something in between which would give the Puerto Ricans a measure of power in the management of their own affairs. Since the voters had grave doubts about the ability of the politicos to deliver on even those subjects of impassioned oratory, thousands settled for getting at least something out of their political allegiances by charging $2 per vote which, in those halcyon days, bought quite a lot of rice, beans, and moonshine rum illicitly distilled in the trackless mangrove swamps.

From the beginning of U.S. rule, Puerto Rico was granted a free market in the United States and exemption from federal taxation. Uncle Sam also returned to the island the customs receipts collected at local ports by the U.S. Customs Service, as well as excise taxes charged by the United States on such things as rum shipped to the mainland. While those provisions—plus, later, grants-in-aid—helped the island to survive, even though its budget in the early 30s was about $22 million as compared with today's approximate $1 billion, they also helped U.S. corporate interests to take over large parts of Puerto Rico's pitifully few productive enterprises, especially in sugar, tobacco, and sweatshop needlework, exporting profits together with the products, and leaving behind only ridiculously small taxes and starvation wages. The takeover by mainland corporations came to be greatly accelerated after World War I.

Aided by North American programs for public health and sanitation, the population now began to grow "explosively," and soon outstripped the ability of the absentee-corporation-dominated economy to support large parts of it with any wages at all.

In 1917, when the United States entered World War I and needed Puerto Rico's strategic location—and the loyalty of its people—more than ever before, the Foraker Act was replaced by the new "Jones Act." While retaining most of the "colonial" aspects of the 1900 document, the new law empowered the Puerto Ricans to elect their own two-chamber legislature, though the U.S.-appointed governor retained the veto-power by which he made the legislature virtually his rubber stamp. Moreover, the Jones Act offered U.S. citizenship to the Puerto Ricans, exempting those very few who, legally and voluntarily, stepped before magistrates to declare that they'd be damned if they wanted to become citizens of the Colossus of the North.

The gimmick in the new civic status was (and is) that the Puerto Ricans, since they pay no federal taxes and are represented in Congress only by a resident commissioner who has a voice but no vote, cannot vote for the president and vice president. Even today they can do so only by moving to one of the federated states and establishing residence there. In 1968, when the presidential candidates were Humphrey, Wallace, and Nixon, I was quite content that, 13 years earlier, by establishing residence in San Juan, I had voluntarily relinquished my right to vote for any of those three.

As everywhere else, the world depression—when the United States was ruled by the liberal, anti-colonial New Deal—marked a turning point in Puerto Rico's affairs. Roosevelt and his associates did a lot of good here, only to have things boomerang on them in a distressing fashion.

First came the Puerto Rico Emergency Relief Administration (PRERA) which spent $1 million per month to keep people from dying of starvation. While it was working, a committee of distinguished Puerto Ricans, headed by Dr. Carlos Chardon, the then-chancellor of the University, was invited to Washington to draft a plan for their island's economic and social salvation. The resulting "Chardon Plan," which included, among other things, land reform, rural rehabilitation, industrialization, slum clearance, and rural as well as urban electrification, was adopted as the basic program for a new federal organization, the Puerto Rico Reconstruction Administration (PRRA), which went to work with a will in 1935 and did much good. Unfortunately, however, things began to blow up within a little more than a year.

The local Establishment, consisting of the entrenched absentee interests, the few Puerto Rican millionaires they had created, and the local Republican (statehood) Party which ruled through a bizarre coalition with the Socialist Party, was of course bitterly opposed to the PRRA and pulled every imaginable trick, clean or dirty, to hamper its work. That had been expected and caused little worry for Secretary of the Interior Harold Ickes, whose department ran the PRRA and actually governed Puerto Rico. However, just as things in Puerto Rico were beginning to get better—and undoubtedly also because of that fact—the "Nationalists," led by Pedro Albizu Campos and comprising a minute part of the population, began to shoot people, including Col. E. Francis Riggs, the U.S.-appointed chief of Puerto Rico's police.

That distressed Ickes and his associates and they decided to fix "the Puerto Ricans" by persuading Sen. Millard Tydings, Democrat of Maryland to introduce a nice, liberal bill in Congress, permitting the islanders to hold a referendum on independence, promising them to let them have it if the vote went that way. "Let them have it!" was the proper term. There are many kinds of independence, just as there are many kinds of colonialism, and the kind which Washington offered Puerto Rico under the Tydings Bill was spelled out in terms of the island's economic and social ruin!

The bill was not passed but Puerto Rico's reaction to it exasperated and baffled the Washington people even more than had the murder of Col. Riggs. For once, the island's people were more or less "together" and the howl of indignation against the measure, as a show of "bad faith" on the part of the Washington government, straddled all party lines—which almost never happens in party-riddled Puerto Rico. Ickes et al didn't quite know what to do about that hullaballoo except to decide that "the Puerto Ricans" weren't behaving like good boys and girls. They were ungrateful, that's what they were!

And then, to prove the point and top things off, all hell began to break loose in the PRRA which was a far cry from the colonialism of the Foraker Act in that it was based on a plan drafted by Puerto Ricans, was staffed by Puerto Ricans even in the top positions, and was doing much good for the island's people.

Somehow, Ernest Gruening, a famous American Liberal who ran the PRRA in his then-capacity as Ickes' director of territories and island possessions, hated and feared the idea of Puerto Rico's independence and did all in his power to stamp it out. Suspecting, quite correctly, that a number of PRRA employes were in favor of independence, he proceeded to expose them through star-chamber methods, and then to fire them from federal employment on the ground that they engaged in "political activities." That, again, baffled many Puerto Ricans who had been assured by a number of responsible Washington officials including Roosevelt, that they could have independence whenever a majority of Puerto Ricans proved that they wanted it.

But the PRRA's legal division, insisted-upon by that fanatically honest Scotsman, Harold Ickes, came eventually to set off the major explosion. Several Puerto Rican lawyers were employed in that division, but they were little more than clerks. The sprawling organization was filled with federal lawyers who were everywhere and loused up everything. Most of them were young graduates of Felix Frankfurter's Harvard Law School which prided itself on being "socially conscious" and had adopted the saying: "If you want a job with the federal government, go down to Washington and turn left." Nobody high or low, could do a thing without clearing it through those inexperienced eager-beavers, who took their ponderous time, delayed actions again and again, and changed decisions at will. This was a new kind of colonialism which made mere figureheads out of distinguished Puerto Ricans.

Feelings boiled up, indignation meetings were held, and a number of highly placed Puerto Ricans—led by Carlos Chardon who was the regional administrator of the PRRA—resigned their jobs in protest. The organization continued for some years to do good work, but no longer as a "Puerto Rican" effort. After the great blowup, it was primarily a federal money-spending machine.

But despite his diligent efforts, there was one political leader for independence whom Gruening couldnt fire—for the simple reason that he didn't have a job in the PRRA. Years later, after Luis Munoz Marin had become world-famous, I was asked about him by a couple of FBI men who were making a security check because the Department of State considered offering him an important diplomatic post. I told them what I had once—at the time of the great turmoil told Secretary Ickes: that Munoz was by far the best and most important friend the United States had in Puerto Rico; but I also laughed at the FBI men and said that the whole business was nonsense because Munoz had never been known, and would never be known, to accept any job to which he hadn't been elected by the people of Puerto Rico.

Reared in Washington and New York, Luis loved the United States. A poet, intellectual, and brilliant political tactician, he had a devoted following on the island, whose members shared his then-view on independence as a status to be attained in a friendly, peaceful fashion, "as a matter of mutual convenience to the people of Puerto Rico and those of the United States." His influence far outdistanced his official position, which was that of a senator in the insular Legislature and a member of the Liberal Party.

Unable to get at him directly, Gruening picked a violent quarrel with him, whereupon—such is the devilish nature of colonialism—a number of his friends dropped him, or sneaked around corners when, for some reason, they felt that they had to talk to him. Much to nobody's surprise, it wasn't long before the head of the Liberal Party, Antonio Barcelo, the maternal grandfather of the present mayor of San Juan who plunks for statehood and apparently the governorship, kicked Munoz out of the party. There was rejoicing in Washington because that was the end of Munoz Marin. A politician without a party is nobody, and in a colony no party can afford to take in a man who is persona non grata with the ruling country.

But the Washington people didn't know Munoz. Penniless, discredited, and abused, he gathered his remaining friends, organized a new "Popular Democratic Party," took it to the election of 1940, and won control of the government. It was a remarkable campaign, if only in that Munoz told the people that political status was not an issue. He urged them not to sell their votes and promised, if elected, to carry out a massive campaign to improve their lives.

The local Establishment, and thousands of other people in Puerto Rico and Washington, laughed at him. That was not the way things could be done in Puerto Rico. But when the election returns came in, they fainted. The "Populares" had won control of the legislature and Munoz became president of the Senate. In many ways he also became the undisputed boss of Puerto Rico, wielding an influence which far outranked even that of the governor. The election of 1940 was Puerto Rico's revolution against colonialism under the United States. What followed, including the work of the present ad hoc committee, was a continuing process of consolidation and cleaning up.

While campaigning, the Populares had drafted—and used as campaign material—a number of bills of social-economic importance, aimed directly at the Establishment. Before the election, all the candidates swore publicly to enact them into law if they won control of the Legislature, virtually daring the federal government to have its governor veto them. They won the election, got the Legislature, passed the revolutionary bills for the people's benefit, and now put the entire business squarely up to Uncle Sam!

But by now the bewildered New Deal, having failed with the Tydings Bill and PRRA, was ready to go along with almost any liberal measures the Puerto Ricans might ask for. The governor, Gen. Blanton H. Winship, ret., a thorough Southern gentleman with impeccable manners who, rather than being classed like his predecessors as "good," or "bad," had the unique distinction of being the most stupid American governor the island had ever had, was by this time happily replaced by Adm. William Leahy who, in 1941, was succeeded by Rexford Tugwell, a man with noble ideas about human freedom. Tugwell signed the new legislature's passel of revolutionary new bills and played an important role, as a political scientist, in teaching the poets, dreamers, and intellectuals who formed the backbone of the Popular Democratic Party how to organize and manage a government. One look at Puerto Rico's current bureaucracy makes one suspect that he overdid things a bit, but he played an invaluable role in the island's transformation.

The new government's activities to create jobs through economic development were in large measure "state socialism." Sugar lands, legally expropriated by the thousands of acres from the vast holdings of absentee corporations, were put to various uses, among them the creation of large "proportional benefit farms," run by the government, whose profits were distributed among the workers. To prime the pump for a tourist industry, the government built what is today the Caribe Hilton Hotel, spending on it exactly the same amount which the United States had once paid Russia for all of Alaska; no wonder the Soviet Union now claims that that deal was a gyp! Under a profit-sharing deal with the Hilton firm as manager, the hotel soon became what it may still be: the world's most profitable single hotel property. The government operated the cement factory which had been built by the PRRA at Catano, and, since private capital was not forthcoming, built and operated four other factories for various purposes. The government also went in heavily for electrification, building new generating plants, distributing juice all over the island through a network of new transmission lines and expropriating private power companies. The reactionary opposition went wild with rage and frustration. But there was little it could do about it except scream and fill all the newspapers with attacks on Munoz of varying veracity.

About that time the idea began to take hold that it would be nice for the Puerto Ricans to elect their own governor, responsible to the island's people, instead of putting up much longer with one appointed by, and hence responsible to the federal government. Tugwell was not only for it but claimed credit for it in his book, "The Stricken Land." However, as one of the earliest embattled New Dealers, and as a man who—having never had a trace of a sense of humor—never knew much about handling people, he was so cordially disliked in Congress that there was no chance of that body passing a law for Puerto Rico's benefit as long as he was governor.

Accordingly—and generously—Tugwell resigned in 1946 and persuaded Truman to appoint Jesus Pinero as the first Puerto Rican ever to become governor under the American flag. A long-time supporter of Munoz Marin, Pinero had served some years as resident commissioner in Congress, where he was well liked.

The next long step from the former Colonialism was taken during Pinero's term when Congress passed a law, not only permitting the Puerto Ricans to elect their governor, but also permitting the latter to appoint the heads of the police force and the Department of Education. In such manner the islanders gained control of their own police and educational systems which had previously been managed by federal administrators toward the end of forcibly "Americanizing" the Puerto Ricans. I have no record of what was said and thought about the move by the Washington bureaucrats whose jobs were affected by it, but I doubt if their reactions were joyful. Bureaucrats don't like to have even small parts of their jobs taken from them and given to "inferior" people. (One of the evils of colonialism is the fact that the representatives of the ruling power almost always, and inevitably, look down on the subjects whom they rule.)

In 1948, Munoz Marin was overwhelmingly elected as Puerto Rico's first governer to attain his position through that democratic process. His inaugural parade and ceremony, on Jan. 2, 1949, was the greatest, most joyful, most enthusiastic celebration in Puerto Rico's history—before or since Colonialism was obviously on the way out!

About that time, the government began to change its mind about "socialism." Government-operated factories were peculiarly vulnerable to labor trouble and, while they provided jobs, they also (except the cement factory) provided serious financial losses. The factories were therefore sold to Luis Ferre and a new policy was inaugurated under which non-Puerto Rican capital for manufacturing was to be attracted by such incentives as exemption from local taxes for some years, help in technical matters, and construction of factory buildings which the new companies could rent for a while before being expected to buy. The policy worked astonishingly well, especially because, by handling their money in certain fashions, the incoming enterprises could also avoid paying federal corporate-profit taxes which were far higher than those of Puerto Rico from which they were temporarily exempt. The island's economy so began to change from the agricultural to what is today industrial, with agriculture in a rather sorry mess.

Munoz and his associates now, also, began to change their minds about the independence he had once advocated. Could a sovereign "Republic of Puerto Rico" survive economically? Too many "independentistas" had taken it for granted that they could attain sovereignty while keeping all the financial advantages of their relations with the United States. Munoz had been quick to notice that the Philippines, before attaining independence on July 4, 1946, had asked for retention of their free American market but had been told that, as a matter of policy, it was impossible for the U.S. to grant free trade to one nation while making all the others pay duty. After losing its free market in the United States, where would a Republic of Puerto Rico find others, and how many factories, making things largely for sale in the mainland, would stay here?

In the event of statehood, the island would have to pay heavy taxes to the United States, with virtually no natural resources—such as Alaska has in abundance—from which to meet them. Industries whether locally or mainland owned, would have to pay high federal corporate taxes while federal income taxes, piled on top of the Puerto Rican, would becomes a considerable hardship. Cultural matters also entered into consideration. It was, and is, hardly conceivable that Puerto Rico could become a federated state unless English became the official language, a catastrophe which, if it happened today, would force half of the island's legislators and judges, and two-thirds of its teachers, to resign their jobs.

As a result of such thinking, the next step in Munoz's long-range thinking was what is now known as "commonwealth" status—to give the islanders self-government in their internal affairs, under a constitution of their own, while retaining their association with the United States.

Accordingly, largely as a result of the labors of Dr. Antonio Fernos Isern as resident commissioner, and with a surprisingly small amount of objection and squabbling, Congress passed Public Law 600 on July 3, 1950. Termed "in the nature of a compact" which recognize the principle of "government by consent," the law gave the Puerto Ricans the power to govern themselves in their internal affairs, under a constitution of their own devising. Beyond those terms, the earlier relations with the United States were left unchanged.

The law was accepted overwhelmingly in a popular referendum (over which the advocates of statehood and independence naturally screamed bloody murder), and the Puerto Ricans went to work to draft their constitution. There was a slight amount of squabbling in Washington before it was accepted by Congress—the most serious demand—that the constitution should never be amended except with congressional permission—being withdrawn as a result of some rather picturesque but unmentionable maneuvering, and Puerto Rico officially became on July 25, 1952, a commonwealth, called a "Free Associated State" in Spanish.

The choice of the date is interesting. July 25, 1898, was the date on which, in the course of the Spanish-American War. Gen. Nelson Miles landed on Puerto Rico's south coast and immediately "captured" the city of Ponce, without a casualty and by invitation of the citizenry. For decades, those stirring events had been commemorated as an annual Puerto Rican holiday—under what name, I never found out. But the celebration of "occupation day" is a ticklish business in a colony, while its elimination would have stirred up a considerable political brouhaha as being "anti-American." Munoz therefore, by adopting July 25 as the starting date for commonwealth status, simply changed "occupation day" to "liberation day."

Public Law 600 was in effect an amendment of certain parts of the Jones Act, retaining a number of provisions of that and the Foraker Act which, in turn and in the thinking of many Puerto Ricans, retained many traces of colonialism. The problem, according to the thinking in the top ranks of the Popular Democratic Party, was to do away with those traces while remaining associated with the United States," by "improving" commonwealth status.

On the Commonwealth's 10th anniversary, July 25, 1962, Munoz Marin—then still governor—announced that, through correspondence with President Kennedy, he had arranged for a three-step program for the solution of the Puerto Rican "problem." The first was the creation of a United States-Puerto Rican commission on status to study all aspects—financial, political, social, and cultural—of the three kinds of possible relationships between the two societies. The second step, after the results of the study had been made public for guidance, was to be a plebiscite on the three political formulae, the understanding being that votes for commonwealth were to be for a status to be "improved" through later actions. Finally, the United States and Puerto Rico would each appoint an "ad hoc" committee to work out the implementation of whatever status won the plebiscite, including the improvement of commonwealth if that proved victorious.

The joint commission was established, did its work well, and published a multivolume report with full details, stating that all three kinds of status were good, and it was up to the Puerto Ricans to decide which they wanted. The next step was the plebiscite of July 23, 1967, about which the advocates of statehood and independence issued loud screams of "No Fair!", "Fraud!" and "Swindle!" but which was won by more than 60 per cent by (improved) commonwealth status. President Johnson sent an immediate message of interest and stated that he was ready to appoint the federal ad hoc committee, to work on commonwealth status, as soon as the Puerto Ricans had appointed their body.

Now, not only in the natural course of events but with a friendly government in Washington and with Puerto Rican elections more than a year off, was the obvious time for the Puerto Rican committee to be appointed and get to work. But Roberto Sanchez Vilella, of the Popular Democratic Party, had been elected governor in 1964 and, for some obscure reason, he didn't do any appointing. Charitably minded people explain that he was too caught up in his domestic and official affairs to tend to that one, single, most important job of his governorship, but there are unverified rumors of his being thwarted by political shenanigans in his party, in which he was victim rather than villain.

Unfortunately, much to the surprise of everybody, the next election, that of 1968, was won by Luis Ferre and his newly-organized New Progressive Party, which stood solidly for statehood and was certainly not going to send a mission to Washington to ask that Puerto Ricans be allowed to vote for the president and vice president, but nothing concrete seems to have resulted from its work.

Not until the Popular Democratic Party won the election of 1972, and Rafael Hernandez Colon become governor, was the local ad hoc committee of seven appointed, while President Nixon appointed the corresponding federal body, the two to work together as the Ad Hoc Advisory Group on Puerto Rico, headed by Munoz Marin of Puerto Rico and the Hon. Marlow W. Cook—then senator from Kentucky—as cochairmen. The principal aim of the body was officially expressed as follows: "to implement the express desires of the people of Puerto Rico freely made in the plebiscite of 1967, this Ad Hoc Advisory Group will be charged further to develop the maximum of self-government and self-determination within the framework of Commonwealth—a common defense, a common market, a common currency, and the indissoluble link of United States citizenship."

The word "indissoluble" undoubtedly annoyed the advocates of independence as a definite rejection of their thesis, and may well have had something to do with their recent mass meeting in New York's Madison Square Garden, to say nothing of the many recent bombings which are plausibly ascribed to them, but the general reaction—as expressed in the press—to the organization's creation and work, is somewhat surprising. There is lots of stuff about "Ad Hoc" in the papers, without anybody explaining what the term means or, as far as I have been able to see, saying a kind word about it. One columnist after another announces—Angel Gabriel fashion—that the entire business is a sham, that the group's work is headed for inevitable failure, that its 14 members are wasting their time and the public's money, while even straight news accounts use occasional bits of sly sarcasm to slant things in a negative fashion.

While I am one of those remarkable journalists who have their own secret and reliable sources of information, in this case—since I see no chance of anybody following the footsteps into which my dedication and ingenuity have led me—I don't mind revealing my source. Know what I did to find out about Ad Hoc? I went to the San Juan office of the Ad Hoc committee, that's what I did! I talked to the charming and intelligent Licenciada Colorado and her equally charming and intelligent secretary whose name I didn't catch—man, am I slipping!

Mrs. Colorado was entirely frank and open in talking about the committee's work. She laughted at the columnists who have proclaimed the death of Ad Hoc, saying: "We're still very much in business." She talked about the incariably friendly relations between the Puerto Rican and Washington groups, gave me a step-by-step account of what has been done to date and remains to be done, and furnished me with Xerox copies of all the documents I was interested in. I could have had a lot more, though the file of what I already have is quite a big piece to digest.

What I got from Mrs. Colorado is an account of a plan, business-like and systematic, worked and carried out, step by logical step, and now nearing the end of its implementation. As soon as the Puerto Rican group was appointed, it first held public hearings at which even Luis Ferre testified, and then worked out 15 specific points to be discussed with the Washington group, each dealing with something that the federal government has been doing on the island but which might well be handed over to the Puerto Ricans by way of strengthening their self-government. The nature of those points can, and will, provide material for much didn't go to Washington without a specific list of what they planned to discuss there.

Since many of the points listed—and, indeed, the entire procedure—must have seemed strange to the federal people involved, especially after the pace of years since 1967, the Puerto Ricans asked them, first of all, to work out a series of questions asking specifically—in technical as well as philosophical and political terms—what each of the 15 points (and all of them together) meant and implied. The result was the famous 28 questions, intelligently framed but revealing large areas of ignorance, not only about what Munoz's group was driving at, but also about Puerto Rico itself. They were answered systematically, carefully, in detail, in a document which reveals not only much of Puerto Rico's physical, political, and cultural realities, but will go down in local history as a cogent statement of what thousands of Puerto Ricans are today hoping for by way of "emancipation" as a poor but culturally-distinct people.

After a number of unofficial as well as official meetings—all of them apparently very friendly—the two groups decided to separate for a while to give the Puerto Ricans a chance to draft a new federal-relations statute which would incorporate their 15 points a procedure unprecedented in the annals of colonialism. The Ad Hoc Advisory Group went to work through weeks of silence, with several commentators announcing smugly that it wasn't doing a thing, and others complaining that it wasn't doing it publicly; with people, radio, television and press picking up every word of discussion. Mrs. Colorado explained to me, quite correctly, that "writing a new federal relations statute is a hard and serious business. You can't do it in a week and you can't do it with the media, the public and a hostile press looking over your shoulder."

At the time of the present writing (Feb. 22) the first draft of the proposed, new act has been completed, published, and begun to be subjected to the scrutiny of public hearings, in line with democratic procedures it will soon become the subject of a referendum in which the island's people can accept or reject it—and over which the advocates of statehood or independence will undoubtedly again scream bloody murder. Finally it will go to Washington where the Congress may or may not enact it into law—with or without amendments.

While all the earlier business was going on, co-Chairman Cook sought the opinions of officials of the various federal agencies whose work on the island would be affected by the proposed changes, and in most cases taken over, wholly or in part, by the Commonwealth. As was to be expected when bureaucrats are asked how they'd feel about having even parts of their jobs handed over to somebody else, the replies were unethusiastic, though a few letters contain speculations about possible consequences which may well prove valuable as guidelines. Only one man, Benjamin L. Brown of the U.S. Department of Labor, allowed his abysmal ignorance of what was going on to lead to an outburst of sarcasm which hurt the dignidad of the Puerto Rican section of the Committee but must have delighted the politicians who spread the evangel of statehood.

All this time, too, representatives of the New Progressive Party seem to have been busy in Washington, talking to whomever they could reach, lobbying undercover against the ad hoc group and everything it stands for. In an article in the STAR entitled "Ad Hoc's Death Is Apparent!" Mrs. Elena Mellado de Hunter mentions local politics as one of several reasons for the effort's demise. After discussing the negative replies of the federal officials to Cook's letters which, she assures us, will help to sway Congress against the bill in question, she says: "Second: Politics, whether we agree with it or not, is very much an issue here. The NPP is leveling all its influence in Washington against the ad hoc group."

Of all the columnists and commentators who have been shooting at the ad hoc group, Mrs. Hunter is by far the most imaginative. In the article mentioned above, she mentions "ELA" (Commonwealth status), and says "it is a colonial status and a hundred ad hoc committees will not change that predicament. You can add to it, you can trim it and otherwise alter it, but colonialism is its very essence."

While I wonder just what Mrs. Hunter means by colonialism, I am also aware that the political advocates of statehood or independence wouldn't have a leg to stand on if they didn't insist—blindly and continually—that Puerto Rico, with all the changes that have taken place and are taking place, is still a colony of the United States. One of the tragedies of the island's political life is the fact that "status" is still the principal—and actually the only—issue dividing the parties. At election-time it is impossible to tell whether they truly labor or high ideals regarding relations with the United States or are primarily struggling—since such is the nature of politicians the world over the ages through—to win the contest for the purpose of getting control of the budget.

In 1958—at his request—I tried to explain Puerto Rican politics to the genial Mikhail Menshikov, then the Soviet ambassador to the United States. After talking about the bewildering mixture of "status thinking" with local political maneuverings, I said: "Here in Puerto Rico a man can't cast a protest-vote against the party in power without having his vote regarded as being for either statehood or independence, neither one of which he may want."

That delighted the ambassador, who grinned and said: "I see! You have a one-party political system here too, don't you?" I had to admit he was right, with the exception that the "one party" may change from time to time. But the French, 50 million of whom can't be wrong, have a saying for that kind of thing: "Plus ca change plus c'est la meme chose."

The more it changes, the more it's the same thing!

EXPLANATION OF THE PRIVATE CALENDAR

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of, the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House calendars, the Private Calendar is the one to which all private bills are referred. Private bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only five were private laws. But, their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress—1885-87—the first Congress for which complete workload and output data is available—passed 1,031 private laws, as compared with 434 public laws. At the turn of the century, the 56th Congress passed 1,498 private laws and 443 public laws—a better than 3-to-1 ratio.

Private bills were referred to the Committee of the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62d Congress changed this procedure by its rule XXIV, clause 6, which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932 and then adopted in its present form on March 27, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that act banned the introduction or the consideration of four types of private bills: First, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream; or, fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82d Congress passed 1,023 private laws, as compared with 594 public laws. The 88th Congress passed 360 private laws and 666 public laws.

Under rule XXIV, clause 6, the Private Calendar is called the first and third Tuesdays of each month. The consideration of Private Calendar bills on the first Tuesday is mandatory unless dispensed with by two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House as in Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matter so stricken out shall not again be included in an omnibus bill during the session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved into their component bills, which are engrossed separately and disposed of as if passed severally.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the official objectors system the House has established to deal with our great volume of private bills.

The majority leader and the minority leader each appoint three Members to serve as Private Calendar objectors during a Congress. The objectors are on the floor ready to object to any private bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or question about a particular private bill, he can get assistance from the objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. Those rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. The agreement is as follows:

> Reaffirming the policy initially adopted on June 3, 1958, the Members of the Majority and Minority Private Calendar Objectors Committees have today agreed that during the 94th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) calendar days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the objectors for three (3) calendar days.
>
> It is agreed that the majority and minority clerks will not submit to the objectors any bills which do not meet this requirement.
>
> This policy will be strictly observed except during the closing days of each session when House rules are suspended.
>
> The agreement was entered into by: the gentleman from Massachusetts (Mr. Boland), the gentleman from Ohio (Mr. James V. Stanton), and the gentleman from Minnesota (Mr. Oberstar); and the minority objectors: the gentleman from Maryland (Mr. Bauman), the gentleman from California (Mr. Rousselot), and the gentleman from Ohio (Mr. Wylie).

I feel confident that I speak for my colleagues when I request all Members to enable us to give the necessary advance consideration to the private bills, by not asking that we depart from the above agreement unless absolutely necessary.

CONSENT CALENDAR AGREEMENT

(Mr. ALEXANDER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, the members of the Consent Calendar Committee have agreed, for the 94th Congress, upon the following policies and procedures:

First. Generally, no legislation should pass by unanimous consent which involves an aggregate expenditure of more than $1 million;

Second. No bill which changes national policy or international policy should be permitted to pass on the Consent Calendar but rather should be afforded the opportunity of open and extended debate; and

Third. Any bill which appears on the Consent Calendar, even though it does not change national or international policy, or does not call for an expenditure of more than $1 million, should not be approved without the membership being fully informed of its contents.

If it is a measure that would apply to a majority of the Members of the House, in which case the minimum amount of consideration that should be given such a bill would be clearance by the leadership of both parties before being brought before the House on the Consent Calendar. Such a bill would be put over without prejudice one or more times to give an opportunity to the Members to become fully informed as to the contents of the bill.

It must be pointed out to the membership that it is not the objective of the objectors to obstruct legislation or to object to bills or pass them over without prejudice because of any personal objection to said bill or bills by any one member or all of the members of the Consent Calendar Objectors Committee, but rather that their real purpose, in addition to expediting legislation, is to protect the membership from having bills passed by unanimous consent, which in the opinion of the objectors, any Member of the House might have objection to.

The members of the Consent Calendar Committee request that the chairmen of the standing committee of the House having responsibility for bringing legislation before the House take into account the contents of this statement before placing the bill on the Consent Calendar. While it is not absolutely necessary for the sponsors of the bill appearing on the Consent Calendar contact the objectors, to avoid the bills being put over unnecessarily, it is a good practice to do so.

The committee members welcome the practice of getting in touch with them at least 24 hours in advance of the time the legislation is called up on the regular call of the Consent Calendar. In many instances, such courtesy on the part of the sponsors will clear away questions which the objectors may have and consequently make for expeditious handling of the legislation.

This agreement was entered into by the gentleman from Arkansas (Mr. ALEXANDER), the gentleman from Wyoming (Mr. RONCALIO), and the gentleman from North Carolina (Mr. ROSE); and by the minority objectors, the gentleman from Pennsylvania (Mr. JOHNSON), the gentleman from Florida (Mr. FREY), and the gentleman from California (Mr. HINSHAW).

DR. ARTHUR MELL JACKSON, JR.

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, I wish to note the passing of a good man and an active civic leader, Dr. Arthur M. Jackson, Jr., of East St. Louis, Ill. Dr. Jackson died on Tuesday, March 4, 1975, at the age of 59.

Dr. Jackson distinguished himself not only in the medical profession but also in the field of education. For 18 years he served as a member of the board of education of School District No. 189 in East St. Louis, Ill. For 3 of those 18 years he served as president of the school board. Dr. Jackson was an original member of the southwestern council for higher education for Southern Illinois University, and he also served on the pilot committee for the establishment of Southern Illinois University at Edwardsville, Ill.

Dr. Jackson was a dear personal friend and a great community leader. He will be deeply missed by all who knew him.

At this point in the RECORD, I would like to include the following editorial from the East St. Louis Monitor of Thursday, March 6, 1975:

> DR. ARTHUR MELL JACKSON, JR.
>
> The sudden and regrettable death of Dr. Arthur M. Jackson, Jr. Tuesday removes from the East St. Louis community one of its most valued citizens.
>
> Dr. Jackson was a positive community contributor in every sense of the word. While the practice of medicine was his principal vocation, Arthur Mell, as he was popularly known, found the time to render outstanding service to his community in a wide field of activities.
>
> He served as a member of the School District 189 Board of Education for 18 years and virtually everyone agrees that he was an exceptional and outstanding public official. Dr. Jackson lent his time, effort and resources to the progress and betterment of his fellow citizens. His life was replete with instances of giving aid and assistance to others less-fortunate.
>
> Dr. Jackson ascribed to the Hippocratic Oath some 35 years ago, upon his graduation from Meharry Medical College, and never once did he violate it.
>
> He was a good man—in fact, a great human being. He will be sorely missed.

OPPOSITION TO REDUCED QUORUM REQUIREMENT

(Mr. YOUNG of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong opposition to the February 19 decision of the Democratic caucus to amend the House rules reducing the quorum requirement for committee business from a majority to only one-third of the committee's membership.

During the 93d Congress, the Select Committee on Committees, of which I was a member, spent a year and a half drafting extensive jurisdictional and procedural reforms in the House rules. After prolonged delays, the House debated the committee reform amendments and subsequently passed a drastically watered-down version which it called reform. These few feeble steps toward modernizing the House were almost immediately weakened during the early days of the 94th Congress when the overwhelming Democratic majority voted to reinstate proxy voting in committees, and to allow closed conference committee meetings by vote of either Chamber's representatives.

Not only is the majority party not content with repealing those reforms, they are now determined to give carte blanche for absenteeism and irresponsible legislative drafting. The combination of proxy voting and a one-third quorum requirement could actually mean that a single Democrat on a subcommittee could run its meetings, draft legislation, conduct markup, and report a bill to the full committee—even with three Republicans present and opposing him.

On an eight-member subcommittee, with five Democrats and three Republicans, three members would constitute a quorum under the proposed Democratic rule change. If the chairman and two Republicans showed up, a quorum would exist and the chairman could then proceed to dictate legislation involving billions of dollars—even though he was the only Democrat present.

This is not only irresponsible legislative procedures, it conflicts with the Constitution. Article 1, section 5 clearly states that "a majority of each house shall constitute a quorum to do business." In furtherance of this constitutional requirement, Jefferson's Manual states in section XXVI:

> A majority of the committee constitutes a quorum for business.

The present House rule XI, which the Democrats have decided to change, states:

> No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.

Mr. Speaker, how can the Democrats possibly justify any departure from the constitutional and parliamentary requirements which have held for almost 200 years? How can we justify writing new rules that allow one member of a subcommittee or as few as three or four members of a full committee, armed with proxies of absent Members, to make legislative decisions? Our most important legislative drafting is done, for the most part, in subcommittee and committee, and the most important substantive issues are resolved at this level. Changing the quorum requirement will devastate the foundations of responsible legislative process and make a mockery of it.

I urge my colleagues in the House to think long and hard about the implications of this caucus proposal.

SENATE MOVES TO RESTORE VETERANS DAY

(Mr. YOUNG of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, I note with pleasure that the Senate Judiciary Committee has reported S. 331, redesignating November 11 of each year as Veterans Day and making such day a legal public holiday. Hopefully, the Senate will soon approve this worthwhile legislation and this approval will spur speedy House action.

Restoration of the November 11 observance of Veterans Day has been a priority legislative goal of mine ever since the Congress approved the Monday Holiday Act which changed the date of observance to October. November 11 is fixed in the hearts and minds of Americans as the day on which we pay homage to the deeds and sacrifices of the fine men and women of our armed services. Despite the arbitrary action of Congress in shifting Veterans Day observances to the last Monday in October, a good many States—including my own State of Florida—have continued the traditional November 11 observance, with substantial veterans and public support.

Just the other day, the Veterans of Foreign Wars testified before the House Veterans' Affairs Committee as to its desire for restoration of the November 11 holiday, and many, many other veterans groups have gone on record for the same goal.

Mr. Speaker, I urge my colleagues on the Commerce and Health Committee to give immediate consideration to my bill, House Joint Resolution 21, restoring Veterans Day observance to November 11, and thereby bring the House into the same progressive stance as the Senate on this important legislation.

PROPOSED AMENDMENTS TO STRIP MINING BILL

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I plan to offer the following amendments to titles I and II of H.R. 25 tomorrow when the strip mining bill is considered by the House. These amendments are set forth to qualify for the necessary time to present them to the Committee of the Whole:

Amendment No. 8

Page 173, line 14, strike all of subsection (d) and insert therein the following:

"(d) while responsibility for regulation of coal surface mining rests with the States, the absence of effective regulatory laws and effective enforcement in many States may require that the Federal Government assume responsibility;

"(e) effective regulation of surface coal mining operations by the States and by the Federal Government in accordance with the requirements of this Act is an appropriate and necessary means to prevent the adverse social, economic, and environmental effects of such mining operations;"

Amendment No. 9

Page 174, line 4, insert the following new subsection:

"(f) there are a substantial number of acres of land throughout major regions of the United States disturbed by surface and underground mining, on which little or no reclamation was conducted, and the impacts from these unreclaimed lands impose social and economic costs on residents in nearby and adjoining areas as well as continuing to impair environmental quality;"

Redesignate the following paragraphs accordingly.

Amendment No. 10

On page 180, between lines 8 and 9, insert the following new subsection:

"(d) the Director shall not use either permanently or temporarily any person charged with responsibility of inspecting coal mines under the Federal Coal Mine Health and Safety Act of 1969, unless he finds, and publishes such finding in the Federal Register, that such person or persons are not needed for such inspections under the 1969 Act."

THE WORLD PEACE TAX FUND ACT

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, today, I and 17 of my colleagues are introducing a tax reform bill we believe essential to restore a degree of integrity and good sense to our distorted tax system.

The World Peace Tax Fund Act amends the Internal Revenue Code to establish conscientious objector status for taxpayers identical to that established presently under our selective service laws. Under this act, any person who felt they could not, in good conscience, contribute to military expenditures would have the option of having that portion of their taxes generally routed to the military sent instead to peace-related activities.

We are living in a time when many citizens realize that our wealth, our taxes contribute to a world of war and suffering. Our wealth and good fortune, which should alleviate misery in those parts of the world where it exists, thus, too often helps create misery where little existed before.

Our drive for security has brought us to an increasing reliance on military arms. Yearly our income taxes contribute larger sums to armaments; until now the amount realized through income taxes almost equals the amount requested for the military budget.

Contributions to such war and armament funds goes directly against the consciences and religious beliefs of many citizens, and thus our income tax laws act as an abridgment of first amendment rights guaranteed under our Constitution. Furthermore, we must recognize that in a world of modern armaments the military relies more on our money than on our persons. Those who must bear witness by their religious and conscientious precepts against war now can not do so without breaking the law, or by subjecting themselves to poverty. The passage of the World Peace Tax Fund Act would remove this dilemma now facing many well-meaning and law-abiding citizens who find themselves in distress over current militarism.

Today our tax system grants many generous—and even complete—tax exemptions based on economic incentives. Surely, support of moral and peaceful incentives are qualities which this Congress has largely ignored save for a few exceptions cited in the section on precedents for this bill. This measure would not create an exception from tax as in the case of economic tax exemptions; these peaceful tax expenditures would be controlled by the Government as our present tax expenditures are not. Restoring tax balance in moral as well as economic matters is an essential concern of this Congress.

At this time I would like to insert into the Record a summary of the legislation and other related material:

Summary

The World Peace Tax Fund Act proposes that the Internal Revenue Code of 1954 contribution to military spending for Federal taxpayers who are conscientiously opposed to participation in war, and that a Fund be established to receive and distribute to qualified peace-related activities the portion of such individuals' tax payments that would otherwise go to military spending. The remainder of qualifying individuals' income, estate, and gift taxes would be transferred to the general fund of the U.S. Treasury, to be spent only for non-military purposes.

The Act gives relief to those citizens conscientiously opposed to participation in war, who are presently forced to violate their beliefs by participating in war through tax payments. There is considerable precedent for such relief. The Selective Service System has long recognized and accommodated the beliefs of conscientious objectors. Tax exemptions have been provided for certain religious groups to avoid violation of their religious and conscientious beliefs.

The requested tax relief for conscientious objectors will not open the "floodgates" to similar relief for other groups. The conscientious objector's request for tax relief is exceptionally compelling because it is motivated by the widely-held and long-established fundamental religious and moral mandate—"Thou shalt not kill."

The Act provides taxpayers, who are conscientiously opposed to war and who might otherwise feel compelled to undertake illegal tax resistance, with a means of making a meaningful contribution to world peace consistent with their obligations of citizenship. It is particularly important that the Act extends the opportunity for conscientious objection to women and to men not eligible for conscientious objector status under the Selective Service System.

The amendments to the Internal Revenue Code of 1954 provide that a qualified taxpayer may elect to have his or her Federal income, estate, or gift tax payment transferred to a special trust fund, the World Peace Tax Fund. The amendments also explain how a taxpayer qualifies to have his or her tax paid to the Fund. Other sections of the Act provide for the creation of the World Peace Tax Fund, and for the appointment of a Board of eleven Trustees to administer the Fund. The Fund is modelled after the National Highway Trust Fund and the National Airport and Airway Trust Fund. The act provides that the General Accounting Office shall annually determine and publish the percentage of the Budget of the United States which was spent for military purposes in the fiscal year just ended. This percentage will be used to determine the portion of the qualifying taxpayer's tax which shall be received by the Board shall submit a budget to Congress for approval and appropriation, providing for channeling of these monies to specified peace-related activities. Monies not appropriated from the Fund for expenditures budgeted by the Board shall remain available for use in subsequent years by the Board, subject to Congressional appropriation.

Many persons in this country are conscientiously opposed to participation of any kind of nature in war. For some religious determinations this is a fundamental part of the religious beliefs of the members. For example, the Handbook of the Pacific Yearly Meeting of the Religious Society of Friends urges its members:

"To recognize that the military system is not consistent with Christ's example of redemptive love . . . (and) to consider carefully the implication of paying those taxes, a major portion of which goes for military purposes."—page 28 of 1962 Rev. Ed.

Freedom of conscience, whatever that conscience might be, is an integral part of our scheme of government. The Supreme Court of the United States, in March of 1965, quoted a statement made in 1919 by Harlan Fiske Stone, who later became Chief Justice of the Court:

"Both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep is its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a settled policy of violation of the conscience of the individual will not in fact ultimately lose it by the process."—Stone, The Conscientious Objector, 21 Col. U.Q. 253, 269 (1919).

Although not all persons who are conscientiously opposed to participation of any kind in war base their convictions on religious training and belief, conscientious objection to war appears to be well recognized as an integral part of the religious beliefs of many people. Speaking of the struggle for religious liberty in this country, Chief Justice Hughes referred to:

"The large number of citizens of our country, from the very beginning, who have been unwilling to sacrifice their religious convictions, and in particular, those who have been conscientiously opposed to war and who would not yield what they sincerely believed to be their allegiance to the will of God . . ." *United States* v. *Macintosh*, 283 U.S. 605, 631 (1931).

Certainly to require significant participation in war, against the religious conscience of these people, would violate the spirit of the first amendment protection for the free exercise of religion. (See *West Virginia State Board of Education* v. *Barnett*, 319 U.S. 624 (1943); *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (1963); *Contran, Tyrrell* v. *United States*, 200 F. 2d 8 (9th Cir. 1953), *cert. denied* 345 U.S. 910.

Conscientious objection to war and military training is deeply imbedded in the traditions of this country. For example, the ratifying conventions of each of the six states that recommneded the adoption of a Bill of Rights in ratifying the new Constitution approved specific amendments as a part of their recommendation; Virginia, North Carolina, and Rhode Island included a provision guaranteeing the right of conscientious objection. (See Elliot, *Debates on the Adoption of the Federal Constitution*, Vol. 3, p. 659, Vol. 4, p. 244 Vol. 1, p. 334—36 (reprint of 2nd ed. 1937).

A similar provision was suggested but rejected by the Maryland convention. (See Elliot at 553). It is not surprising, therefore, that one of James Madison's proposed amendments presented to the first session of the first Congress included the following language: "but no person religiously scrupulous of bearing arms shall be compelled to render military service in person." *Annals of the Congress of the United States*, 343 (Gales and Seaton, 1934).

During the debates on the proposed amendment, it was suggested that the right be conditioned "upon paying an equivalent." To this suggestion Mr. Sherman of Connecticut remarked:

"It is well known that those who are religiously scrupulous of bearing arms are equally scrupulous of getting substitutes or paying an equivalent. Many of them would rather die than do either one or the other." *Annals* at 750.

A motion was then made to drop this clause altogether; the motion failed and the clause was included in the list of proposed amendments sent to the Senate for approval. The Senate omitted this provision and it never became a part of our Bill of Rights. Although no record of the Senate debates was taken at the time, the opposition to the proposal in the House would indicate that the Senate preferred to leave the matter to legislation instead of a Constitutional Amendment. *Annals* at 751.

PRECEDENT

There is sound precedent for such legislation giving tax relief to protect religious and conscientious beliefs. Section 1402(e) of the Internal Revenue Code provides an exemption from payment of self-employment taxes for duly ordained, licensed or commissioned ministers and members of religious orders, or for Christian Science Practitioners upon their filing an application that they are conscientiously opposed to, or because of religious principles, they are opposed to participation in an insurance plan like that provided by the Social Security Act. Section 1402(h) of the Internal Revenue Code similarly relieves members of qualified religious faiths, primarily the Amish, of the duty to pay the Social Security tax. By this Code provision, enacted in 1965, Congress acknowledged and accommodated the conscientious objection of the Amish to participation in insurance plans. The tax exemptions provided by section 1402(e) and 1402(h) of the Internal Revenue Code were modeled after the exemption of conscientious objectors from the draft.

By exempting individuals conscientiously opposed to participation in insurance plans from payment of Social Security taxes, Congress clearly extended the principle of Congressional accommodation of conscientious beliefs from the area of the draft to the area of taxation. Thus Congressional precedent for tax relief to accommodate the beliefs of conscientious objectors to war is firmly established. Congress has recognized both the right of a tax exemption to avoid participation in a program to which the taxpayer is conscientiously opposed.

The tax treatment asked for conscientious objectors is less exceptional than that presently granted by sections 1402(e) and 1402 (h) of the Internal Revenue Code. Those sections allow individuals "conscientiously opposed" to Social Security insurance to be entirely exempted from payment of a portion of their tax. In contrast, the World Peace Tax Fund Act does not propose exemptions from payment of a portion of the conscientious objector's tax. Under the Act, a conscientious objector is still required to pay his entire tax. The Act merely provides that an appropriate portion of the tax may be diverted from military spending to non-military peace related activities.

Like the exemption from payment of the Social Security tax, the proposed tax accommodation for conscientious objectors is based on religious and conscientious belief. The conscientious objector to war has a compelling justification for the special tax status he seeks. His concern is fundamental. He asks not to be forced to join in the deliberate killing of his fellow men. His desire not to participate in war and killing through any means, including taxation, is based upon a widely acknowledged religious and moral principle. Observance of the principle is essential to the integrity of the individual. By forcing the conscientious objector to war to contribute to military spending, Congress presently forces him to violate his conscience and severely denies his right of religious freedom.

The contemplated tax treatment of conscientious objectors does not establish a precedent for individual earmarking of tax dollars. Trustees appointed by the President with the advice and consent of the Senate will receive, for subsequent channeling to appropriate peace-related activities, a portion of the Fund's monies. This portion represents the sum of all qualifying individuals' income, estate, or gift tax payments, multiplied by the percentage of last year's Federal budget devoted to military spending. The spending decisions of the Trustees require Congressional approval and appropriation. Congress retains power over spending of the conscientious objector's taxes. The taxpayer who qualifies as a conscientious objector can only decide that his tax dollars will not be spent for one specific purpose—military spending. Distribution of monies by the Board to qualified peace-related organizations finds precedent in the qualified distribution requirements for private foundations under Section 4942 of the Code.

EFFECTIVENESS

Individuals conscientiously opposed to war will be excused from tax contribution to military spending and thereby from a significant form of participation in war. The tax dollars diverted from military spending will be used to promote world peace. It is recognized that because of the nation's tax collection and budgeting process, the creation of the World Peace Tax Fund may not markedly reduce the money available for military spending. A serious curtailment of military spending would result only if a great many taxpayers participated in the Fund, thereby calling for a major shift in national priorities. The military will get the funding it requests until the success of the Fund helps persuade taxpayers and Congress to reduce the priority of military spending.

At present, many conscientious objectors are so determined to change this country's priorities that they have refused to pay their taxes. As an alternative to forcing conscientious objectors to pursue this difficult and unpopular course, this bill offers the conscientious objector a way of making a positive contribution to world peace in place of contributing to military spending. The Fund will provide a constructive means of citizen's protest for its contributors. The Fund will draw the attention of every taxpayer to the percentage of American tax dollars going to military spending. It will encourage Congress to recognize this percentage by publication of the Fund's annual reports. At present, for the most part, no effort is being made by the government to separate military spending from other spending. Individual taxpayers, in making out their annual returns, will be forced to decide whether or not they can conscientiously contribute to military spending. Those who become conscientious objectors for tax purposes will be voicing a significant vote against military policy. The bill provides that the number of contributors to the Fund, the amount of money contributed, and the expenditures of the Fund shall be published and reported to Congress each year.

The Fund itself will be self-sufficient. It is expected that the commitment of the Fund's Trustees to world peace and their appointment by the President with the advice and consent of the Senate will make the Fund self-policing so that contributors and other taxpayers and Congress will have faith in it, and it will accomplish the goals set for it. The operating expenses of the Fund will be paid out of the money the Fund receives from taxpayers. Because the Fund will encourage people who presently refuse to pay their taxes, to pay these taxes, the administrative costs of the Fund will be offset by the additional tax payments which the Fund is expected to generate.

CONSTITUTIONALITY

(1) *Uniformity*. The proposed legislation conforms with the requirement of Article I, Section 8, Clause 1 of the Constitution which provides "All duties, imports and excises shall be uniform throughout the United States." The requirement of uniformity has been read to require geographical uniformity, *Knowlton v. Moore*, 178 U.S. 41 (1900); *Brushaber v. Union P. R. Co.*,—U.S. 1 (1916); *Fernandez v. Wiener*, 326 U.S. 340 (1945).

(2) *First Amendment*. The first amendment provides "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." The proposed tax payment accommodation of the religious beliefs of conscientious objectors is a mitigation of a general requirement for the purpose of allowing the free exercise of religion. This is not an establishment of religion.

Despite the constitutionality of the proposed amendments, it might be argued there is an overriding public interest which forbids accommodation. But in *In Re Jenison*, 375 U.S. 14(1963) the Court relying on *Sherbert v. Verner* vacated a ruling of the Minnesota Supreme Court, which held that jury duty, a primary duty of all citizens, was superior to a religious belief which forbade judging others and therefore forbade jury duty. After *Jenison* it is possible to argue that it is unnecessary to balance the public interest against the individuals' interest to determine whether an exception to the general law should be made to accommodate the free exercise of religion. Rather Congress or the courts could simply determine if an accommodation is necessary to allow free exercise of religion and if so, grant it.

(3) *The due process* clause. The due process clause of the fifth amendment requires that tax statutes be reasonable and apply to a reasonable class. However, the standards of reasonableness applied to tax statutes are more lenient than those applied generally; only clearly arbitrary tax classifications will be struck down. *Flemming v. Nestor*, 363 U.S. 603(1960); *Smart v. U.S.* 222 F. Supp. 65 (1963); *Leeson v. Celebrezze*, 225 F. Supp. 527 (1963). Therefore it is unlikely that the classification proposed by these amendments would be found unreasonable, especially since the classification is the same which has long been accepted as reasonable for draft exemption purposes.

STATEMENT OF CONGRESSMAN BOB CARR ON THE FLOOR OF THE HOUSE DEMOCRATIC CAUCUS

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, on March 12, the House Democratic Caucus took a historic stand on foreign policy. In adopting the resolution offered by my distinguished colleague, Mr. Carr of Michigan, the caucus assumed a leadership role in extricating this Government's military involvement in Indochina. Because Mr. Carr's floor speech so eloquently outlined the history of our involvement, its effects on our people, and the rationale for the caucus' action, I would like for it to become a part of the official Record:

Statement by Congressman Bob Carr on the Floor of the House Democratic Caucus Introducing His Resolution

We are meeting this morning to decide on a resolution to reject sending any more military aid to Cambodia or South Vietnam this year. It is not only appropriate we do so, it is imperative we do so.

The President of the United States, along with his Secretary of State, has asked the Congress to prolong the fighting in war torn and ravished countries. He has asked us to deepen the miseries of battle in the internal struggle of countries of slight security interest to the United States. The resolution we are considering here would abate the fighting.

When a similar resolution was adopted by House Democratic Caucus on January 2, 1973, it eventually brought about a moratorium on the bombing of Cambodia. It was a first step then and proved most effective when the issue was taken to the floor.

We once again have the opportunity to assume that kind of leadership role and it is essential that the Democratic Party in Congress speak out. This action has precedent and it has clout.

With the signing of the Paris Peace Accord two years ago, the American people were led to believe that U.S. involvement in Indo-China had finally come to an end. If the Democratic members of this Congress are to live up to that agreement, they should go on record and demonstrate to the American people that the shaping of U.S. foreign policy does not belong solely to President Ford and Henry Kissinger.

When the Congress passed the Foreign Assistance Act in 1971, it was specifically stated that the aid to Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense." The 93rd Congress also appropriated $700 million to Vietnam and $200 million to Cambodia in FY 1975. Now, that money spent, and the Government it was to save faltering, the Administration is asking for $222 million for the *next three months*.

Our people need jobs. They need shelter and energy. They need basic nutrition and health care. They *do not* need to send their tax dollars to governments that do not even have the support of its own people.

And yet the same tired arguments that locked this country into a 20-year quagmire in Vietnam are being used to escalate our involvement.

For instance, we are being told that our commitment is being tested and that the whole world is watching. Well, the whole world is watching—not to test our commitment but to test our sanity. For this is a unilateral action with its basis on the same murky foundations as our incredible folly in Vietnam. The Government we are helping Lon Nol fight is recognized by over 60 other countries.

If we really want to help the *people* of Cambodia and the *people* of South Vietnam, is it not wiser to end the killing? Since most credited analysts of foreign policy admit that the Lon Nol regime cannot survive, won't the granting of further aid only prolong the fighting and, with it, the killing?

Last night the Senate Sub-committee on foreign aid voted 4 to 3 to grant the request. With the exception of one defection, it was a party vote. Now, the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs (both with Democratic majorities) and, indeed, the people who gave us our mandate just four months ago, are waiting for the House Democratic Caucus to act this morning. In light of that fact, and in light of the fact that leadership is not forthcoming from Mr. Ford, we must express the sense of the caucus as the cutting edge of our policy on this matter.

Again, it is not only appropriate that we reject this proposal for aid, it is imperative. The whole world, and particularly the people we represent, are watching.

THE BLACK CONTRIBUTION TO FILMMAKING

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, I would like to bring to the attention of the House of Representatives an event which recently took place in my district which I feel is an historic recognition of the contributions made by blacks to the cultural achievements of this society.

As the highlight of Black History Month, the community, through the efforts of the Cultural and Ethnic Affairs Guild of the Oakland Museum Association, celebrated the second annual inductions into the Black Filmmakers Hall of Fame.

On February 16, 21 black pioneers of the film industry received the Oscar Micheaux Awards, a major national tribute to black film stars, writers, producers, directors, composers, and others whose enormous contributions to black history and the film industry itself helped pave the road for the successes of today's black film stars.

This year's honorees were Ruby Dee, Abbey Lincoln, Eddie "Rochester" Anderson, Robert Earl Jones, Eartha Kitt, Butterfly McQueen, Frederick O'Neal, Sidney Poitier, Lena Horne, Fredi Washington, Joel Fluellen, Allen C. Hoskins, Producer-Director William Alexander, the Farina of "Our Gang," Composer-Instrumentalist Quincy Jones, Cinematographer Joseph Wilcots, and Screenwriter Louis Peterson.

Posthumous awards were presented to Duke Ellington, Lorraine Hansberry, Rex Ingram, Hall Johnson, and Hattie McDaniel.

Such current stars as Don Mitchell, Ted Lange, Denise Nichols, Esther Rolle, Paul Jones, Paula Kelly, Judy Pace, Ron O'Neil, Clifton Davis, Earl "Fatha" Hines, Nichol Brothers, Max Julien, and Vonetta McGee.

This year's Oscar Micheaux Awards dinner and program were enormously successful. More than 750 persons attended the preaward banquet, and more than 3,500 jammed Oakland's beautiful Paramount Theater to witness the stars and the presentation of awards. The program was emceed by Diahann Carroll, William Marshall, and James Watson, Jr. The spirit and the purpose of the event were well encapsuled in these impromptu remarks made by actor Sidney Poitier as reported in the San Francisco Chronicle:

> When I started in this business, on my first film there was one other black man on the lot and he was the shoeshine boy. I stand beside you today not as the product of Sidney Poitier, but all those other black artists whose lives were frustrated by those studios. It takes a very strong man to persevere. The door has only recently been opened, but I'm glad to say that stepping through are some awfully strong men and women.
>
> "I got an award once called the Academy Award," he said referring to his Oscar for "Lillies of the Field," the first for a black actor. Poitier held up his Oscar Micheaux plaque and declared, "This is the Academy Award."

The Oscar Micheaux Award is named in honor of the black director and producer who made films for 30 years for showing in black communities.

The Black Filmmakers Hall of Fame is part of a larger program of the Oakland Museum which also includes an exhibition of black scorers, arrangers, and composers for film and a film lecture series dealing with important contributions by blacks to that portion of the entertainment industry.

I am pleased to commemorate this outstanding event by placing these remarks in the Congressional Record. The Cultural and Ethnic Affairs Guild of the Oakland Museum deserves the thanks and praise of the entire Nation for placing the spotlight on the cultural achievements of these pioneering individuals. We all look forward to their future presentations and programs.

THE NEED FOR A FEDERAL CLEARINGHOUSE TO COORDINATE ALL NURSING HOME INVESTIGATIONS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, together with 45 of my colleagues, I am today introducing a resolution calling on the President to provide a multi-agency plan for maintaining close watch over State and Federal investigations and actions related to nursing home abuses; reporting to local and State law enforcement and health care officials on possible linkages between scandals or problems in or among the States or localities, and developing plans for dealing not only with criminal violations or policy failures, but also for developing better care and cost controls which provide incentives for continuing good care. The agency would make regular reports to the Congress.

This resolution is the companion measure to an identical sense of the Senate resolution being introduced today by Senators Frank Church and Frank Moss, respective chairmen of the Senate Special Committee on Aging and Subcommittee in Long Term Care, and 20 other Senators.

The Senate Subcommittee on Long Term Care's recent reports and hearings have generated a great deal of additional public concern for nursing home problems. This concern has been manifested in numerous local, State, and Federal inquiries. In New York State alone there are now 13 separate agencies studying these issues.

This multiplicity of investigations by different agencies quite often leads to duplication of effort and general inefficiency. This is particularly true at the present time because there is no agency coordinating such investigations.

House cosponsors of the resolution include Representatives Abzug, Addabbo, Badillo, Beard of Rhode Island, Brademas, Brown of California, Carr, Carney, Collins of Illinois, Conyers, Daniels of New Jersey, Diggs, Dodd, Edwards of California, Fascell, Fenwick, Fraser, Gilman, Harkin, Harrington, Holtzman, McHugh, Meyner, Mikva, Mottl, Murphy of New York, Nix, Ottinger, Pepper, Randall, Rangel, Richmond, Rodino, Roe, Rosenthal, Roybal, St Germain, Scheuer, Schroeder, Solarz, Spellman, Stratton, Symington, Waxman, and Yates.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. McKay (at the request of Mr. O'Neill), for today, on account of death in the family.

Mr. Hefner (at the request of Mr. O'Neill), for today and Friday, March 14, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL, to address the House today for 10 minutes and to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Burgener) and to revise and extend their remarks and include extraneous material:)

Mr. Collins of Texas, for 25 minutes, today.

Mr. Fish, for 35 minutes, Friday, March 14, 1975.

Mr. Don H. Clausen, for 5 minutes, today.

Mr. Ashbrook, for 15 minutes, today.

(The following Members (at the request of Mrs. Meyner) and to revise and extend their remarks, and include extraneous matter:

Mr. Gonzalez, for 15 minutes, today.

Mr. Morgan, for 5 minutes, today.

Mr. Evans of Indiana, for 5 minutes, today.

Mr. Murphy of Illinois, for 10 minutes, today.

Mr. Waggonner, for 30 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Patman, for 5 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Eilberg, for 5 minutes, today.

Mr. English, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Koch, and to include extraneous matter during debate and 5-minute rule on the foreign aid bill.

Mr. Benitez, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $973.

Mr. Brooks and to include extraneous matter.

Mr. Rousselot, to revise and extend and include extraneous matter immediately preceding the vote today on H.R. 4592.

Mr. Badillo, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $973.

(The following Members (at the request of Mr. Burgener) and to include extraneous matter:)

Mr. Broomfield.

Mr. Winn.

Mr. Findley.

Mr. Gilman in two instances.

Mr. Frenzel in three instances.

Mr. Quie.

Mr. McCollister.

Mr. Ashbrook in two instances.

Mr. Kemp.

Mr. Whitehurst.

Mr. Erlenborn.

Mr. Abdnor.

Mr. Butler.

(The following Members (at the request of Mrs. Meyner) and to include extraneous material:)

Mr. Gonzalez in three instances.

Mr. Anderson of California in three instances.

Mr. James V. Stanton in two instances.

Mr. Brademas in six instances.

Mr. Murphy of New York in two instances.

Mr. Obey in two instances.

Mr. Won Pat.

Mr. Early in two instances.

Mr. Brooks.

Mr. Annunzio in two instances.

Mr. Hall in two instances.

Mrs. Schroeder in five instances.

Mr. Murtha.

Mr. Breaux.

Mr. Lehman in two instances.

Mr. Waggonner.

Mr. Biaggi in 10 instances.

Mr. Edwards of California in two instances.

Mr. Florio.

Mr. Hubbard in two instances.

Mr. Litton.

Mr. Mazzoli.

Mr. Murphy of Illinois.

Mr. Rangel in two instances.

Mr. Roe in three instances.

Mr. Moss.

Mrs. Spellman.

Mr. Evins of Tennessee in three instances.

Mr. Downey.

Mr. Rees.

Mr. McHugh.

Mr. Blouin.

Mr. Corman.

Mr. McDonald of Georgia in two instances.

Mr. Dingell in three instances.

Mr. Wirth.

Mr. Yates.

ADJOURNMENT

Mr. HARKIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Friday, March 14, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

564. A letter from the President of the United States, transmitting an amendment to the request for supplemental appropriations transmitted in the budget for fiscal year 1976 reducing the request for the Bureau of Reclamation (H. Doc. 94–80); to the Committee on Appropriations and ordered to be printed.

565. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide assistance to local educational agencies which are in the process of eliminating discriminating or minority group isolation among students or faculty in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

566. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to promote a more comprehensive national program of water resources research and technology development to reorganize certain functions in the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

567. A letter from the Acting Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of December 31, 1974, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

568. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of an order entered in the case of an alien found admissible to the United States, pursuant to section 212(a) (28) (I) (ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a) (28) (I) (ii) (b)]; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 163. Resolution to amend the Rules of the House of Representatives to change the name of the Committee on Foreign Affairs to the Committee on International Relations; with amendment (Rept. No. 94-57). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce.

H.R. 4005. A bill to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act. (Rept. No. 94-58). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 310.

Resolution providing for the consideration of H.R. 4296. A bill to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 85 percent of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes. (Rept. No. 94-59). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 4830. A bill to provide for the expansion and improvement of the Nation's airport and airway system, to provide for delegation of certain airport development functions to States and airport sponsors, to permit financing of airway facilities maintenance from the Airport and Airway Trust Fund, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ASPIN:

H.R. 4831. A bill to prohibit the expenditure of Federal funds for commissary stores operated for the uniformed services; to the Committee on Armed Services.

By Mr. BOWEN:

H.R. 4832. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. BOWEN (for himself, Mr. Cochran, Mr. Ginn, Mr. Jeffords, Mr. Montgomery, and Mr. Sisk):

H.R. 4833. A bill to amend the Internal Revenue Code to encourage the continuation of family farms, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOKS (for himself, Mr. Moss, Mr. Rosenthal, Mr. Fuqua, Mr. James V. Stanton, Mr. Harrington, Mrs. Collins of Illinois, and Mr. Horton):

H.R. 4834. A bill to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of Government employees, and for other purposes; to the Committee on Government Operations.

By Mr. BROOMFIELD:

H.R. 4835. A bill to amend the act of September 30, 1950 (Public Law 874, 81st Congress) to provide for the phasing out of certain entitlements of local educational agencies based upon the number of children of persons who reside or work on Federal property; to the Committee on Education and Labor.

By Mr. BROWN of California for himself, Mr. Ortinger, Mr. Dominick V. Daniels, Mr. Dellums, Mr. Richmond, Mr. Winn, Mr. Solarz, Mrs. Spellman, Mr. Yates, Ms. Schroeder, Mr. Scheuer, Mr. Stark, Mr. Badillo, and Mr. Edwards of California):

H.R. 4836. A bill to amend the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

By Mr CEDERBERG:

H.R. 4837. A bill to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products; to the Committee on Agriculture.

By Mr. CHAPPELL:

H.R. 4838. A bill to amend title 13 of the United States Code to require the compilation of current data on total population between censuses and to require the use of such current data in the administration of Federal laws in which population is a factor; to the Committee on Post Office and Civil Service.

By Mr. DON H. CLAUSEN:

H.R. 4839. A bill to expedite construction starts on approved public works projects, and to eliminate certain procedural requirements in order to reduce delays and accelerate certain public works programs and projects; to the Committee on Public Works and Transportation.

By Mr. CLEVELAND:

H.R. 4840. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to permit donations of surplus supplies and equipment to older Americans; to the Committee on Government Operations.

H.R. 4841. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to State and local public recreation agencies; to the Committee on Government Operations.

By Mr. CONTE:

H.R. 4842. A bill to amend title XVIII of the Social Security Act to conform the timing of premium determinations thereunder with the automatic benefit increase provisions in title II of the act, and to provide for studies of malpractice insurance problems among physicians and hospitals; jointly to the Committees on Ways and Means, and Science and Technology.

By Mr. COUGHLIN (for himself, Mr. Andrews of North Dakota, Mr. Archer, Mr. Boland, Mr. Buchanan, Mr. Burgener, Mr. Chappell, Mr. Cleveland, Mr. Collins of Texas, Mr. Derwinski, Mr. Dickinson, Mr. Duncan of Tennessee, Mr. Eilberg, Mr. Hicks, Mr. Miller of Ohio, Mr. O'Brien, and Mr. Yatron):

H.R. 4843. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in higher education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Andrews of North Dakota, Mr. Archer, Mr. Burgener, Mr. Cleveland, Mr. Collins of Texas, Mr. Derwinski, Mr. Dickinson, Mr. Duncan of Tennessee, Mr. Eilberg, Mr. Lagomarsino, Mr. O'Brien, Mr. St Germain, Mr. Treen, and Mr. Yatron):

H.R. 4844. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for certain expenses of elementary or secondary education; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS (for himself, Mrs. Meyner, Mr. Hicks, and Florio, Mr. Helstoski, Mr. Mazzoli, Mr. Melcher, Mr. Charles H. Wilson of California, Mr. Yatron, Mr. Derwinski, Mr. Zeferetti, Mr. Ford of Michigan, Mr. Davis, Mr. John L. Burton, Mr. Rodino, Mr. Carney, Mr. Thompson, Mr. Minish, Mr. Young of Alaska, Mr. Eilberg, Mr. Edgar, Mr. Won Pat, Mr. Forsythe, Mr. Peyser, and Mr. Winn):

H.R. 4845. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for amounts paid or incurred for repairs or improvements of, additions to, their principal residences; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS (for himself, Mrs. Meyner, Mr. Hicks, and Mr. Solarz):

H.R. 4846. A bill to amend the Interna-Revenue Code of 1954 to allow individuals deduction for amounts paid or incurred for repairs or improvements of, or additions to, their principal residences; to the Committee on Ways and Means.

By Mr. du PONT:

H.R. 4847. A bill to designate the Federal office building located in Dover, Del., as the J. Allen Frear Building; to the Committee on Public Works and Transportation.

By Mr. ESHLEMAN:

H.R. 4848. A bill to direct the Secretary of Labor to conduct a study of the provisions of State unemployment compensation laws relating to availability for work or refusal to accept work; to the Committee on Education and Labor.

H.R. 4849. A bill to require the Secretary of Health, Education, and Welfare to conduct a survey of the various Federal-State programs of aid to families with dependent children in order to determine whether the work requirements of such programs are being properly enforced; to the Committee on Ways and Means.

By Mr. EVANS of Indiana;

H.R. 4850. A bill to provide employment opportunities for unemployed and underemployed persons and to promote safe and efficient service by rail, and for other purposes; jointly to the Committees on Education and Labor and Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.R. 4851. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law and for other purposes; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 4852. A bill to amend title 38, United States Code, in order to entitle veterans to 45 months of educational assistance for all educational programs under chapter 34 of this title; to the Committee on Veterans' Affairs.

By Mr. GINN (for himself, and Mr. Levitas):

H.R. 4853. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUDE:

H.R. 4854. A bill to amend title 5, United States Code, to provide a supplemental retirement income program for Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HELSTOSKI:

H.R. 4855. A bill to amend section 9441 of title 10, United States Code, to provide for the budgeting by the Secretary of Defense, the authorization of appropriations, and the use of those appropriated funds by the Secretary of the Air Force, for certain specified purposes to assist the Civil Air Patrol in providing services in connection with the noncombatant mission of the Air Force; to the Committee on Armed Services.

By Mr. HENDERSON (for himself, Mr. Long of Maryland, Mr. Martin, Mr. Mikva, Mr. Miller of California, Mr. Mitchell of New York, Mr. Murtha, Mr. Nichols, Mr. Oberstar, Mr. Pattison of New York, Mr. Price, Mr. Rees, Mr. Riegle, Mr. Rinaldo, Mr. Sarasin, Mr. Sisk, Mr. Stokes, Mr. Waggonner, Mr. Charles H. Wilson of California, Mr. Wirth, and Mr. Wolff):

H.R. 4856. A bill to amend title 38 of the United States Code in order to provide mortgage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. HENDERSON (for himself, Mr. Baucus, Mr. Bell, Mr. Blanchard, Mr. Preaux, Mr. Breckinridge, Ms. Burke of California, Mr. Carney, Mr. Carr, Mr. Dominick V. Daniels, Mr. Downey, Mr. Fascell, Mr. Fauntroy, Mr. Fish, Mr. Fisher, Mr. Ford of Michigan, Mr. Gilman, Mr. Ginn, Mr. Hinshaw, Mr. Howard, and Mr. Kemp):

H.R. 4857. A bill to amend title 38 of the United States Code in order to provide mortgage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. HOWARD:

H.R. 4858. A bill to amend the Coastal Zone Management Act of 1972 to authorize and assist the coastal States to study, plan for, manage, and control the impact of energy resource development and production which affects the coastal zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER (for himself, and Mr. Fraser):

H.R. 4859. A bill to amend title 18 of the United States Code to establish an Office of the U.S. Correctional Ombudsman; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 4860. A bill to temporarily suspend required emissions controls on automobiles registered in certain parts of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McDADE:

H.R. 4861. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax from $60,000 to $200,000; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mr. Teague, and Mr. Hannaford):

H.R. 4862. A bill to establish a National Energy and Conservation Corporation AMPOWER), and for other purposes; jointly to the Committees on Interior and Insular Affairs, and Science and Technology.

By Mrs. MINK:

H.R. 4863. A bill to provide for a moratorium of principal and interest payments on Federal loans to institutions of higher education; jointly to the Committees on Education and Labor, and Banking, Currency and Housing.

By Mr. MURPHY of New York:

H.R. 4864. A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MYERS of Pennsylvania:

H.R. 4865. A bill to amend title 39, United States Code, to prohibit certain franked mailings by Members of the Congress and certain officers of the United States, other than mailings related to the closing of their official business, after such Members or officers have left office; to the Committee on Post Office and Civil Service.

By Mr. MYERS of Pennsylvania:

H.R. 4866. A bill to amend the investment credit provisions of the Internal Revenue Code of 1954 to provide an incentive for the production of passenger automobiles with fuel consumption rates of 20 miles per gallon or more; to the Committee on Ways and Means.

By Mr. NEAL (for himself, Mr. AuCoin, Mr. Baldus, Mr. Baucus, Mr. Bedell, Mr. Bennett, Mr. Bonker, Mr. Brinkley, Mr. Burgener, Mr. Carr, Mr. Conyers, Mr. Cotter, Mr. Coughlin, Mr. D'Amours, Mr. Downey, Mr. Eckhardt, Mr. Evans of Indiana, Mrs. Fenwick, Mr. Findley, Mr. Hannaford, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia Mr. Holland, Mr. Gilman, and Mr. Jenrette):

H.R. 4867. A bill to limit the use of limousines; to the Committee on Government Operations.

By Mr. NEAL (for himself, Mr. McDonald of Georgia, Mr. Moorhead of California, Mr. Mottl, Mr. O'Hara, Mr. Ottinger, Mr. Pattison of New York, Mr. Pressler, Mr. Reuss, Mr. Richmond, Mr. Riegle, Mr. Rinaldo, Mr. Ruppe, Mr. Santini, Mrs. Schroeder, Mr. Simon, Mr. Solarz, Mr. Stark, Mr. Studds, Mr. Tsongas, Mr. Vander Veen, Mr. Whitehurst, Mr. Winn, and Mr. Wirth):

H.R. 4868. A bill to limit the use of limousines; to the Committee on Government Operations.

By Mr. PIKE:

H.R. 4869. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, to amend part A of such title to liberalize the coverage of posthospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit the payments of rent under such a program for elderly persons who would otherwise require nursing home care, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. PRICE:

H.R. 4870. A bill granting the consent of Congress to the Midwest Interstate Nuclear Compact, and for related purposes; to the Committee on the Judiciary.

By Mr. QUIE (for himself and Mr. Bergland):

H.R. 4871. A bill to allow the distribution in interstate commerce of goods produced by prison inmates who are paid not less than the prevailing minimum wages as determined for purposes of the Walsh-Healy Act; to the Committee on Education and Labor.

By Mr. RAILSBACK (for himself, Mr. Carr, and Mr. Hammerschmidt):

H.R. 4872. A bill to amend the Internal Revenue Code of 1954 to raise the estate tax exemption from $60,000 to $185,000; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Kastenmeier, Mr. Beard of Rhode Island, Mr. Boland, Mr. Philip Burton, Mr. Cornell, Mr. Fish, Mr. Mikva, Mr. Moakley, Mr. O'Brien, and Mr. Steelman):

H.R. 4873. A bill to regulate lobbying and related activities; jointly to the Committees on the Judiciary, and Standards of Official Conduct.

By Mr. RANGEL:

H.R. 4874. A bill directing the Secretary of Agriculture to conduct certain studies with regard to the world food shortage, and authorizing him to investigate ways to increase the availability of fertilizer for food production; to the Committee on Foreign Affairs.

By Mr. RINALDO:

H.R. 4875. A bill to amend the Interstate Commerce Act to provide assistance to create employment opportunities in rebuilding the Nation's railroad rights-of-way, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 4876. A bill to assist low- and middle-income owners of residential structures in purchasing and installing energy conservation improvements; to the Committee on Banking, Currency and Housing.

By Mrs. SMITH of Nebraska:

H.R. 4877. A bill to redesignate November 11 of each year as Veterans Day and to make such day a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H.R. 4878. A bill to provide for the evacuation of Cambodian refugees; to the Committee on Foreign Affairs.

By Mr. STARK (for himself, Mr. Burke of Massachusetts and Mr. Rangel):

H.R. 4879. A bill to amend the U.S. Housing Act of 1937 to require that future increases in social security benefits be excluded in determining the eligibility of an individual or family for admission to or occupancy of low-income housing and the amount of the rent payable for accommodations in such housing, and to require a similar exclusion under other Federally assisted housing programs; to the Committee on Banking, Currency and Housing.

By Mr. STRATTON:

H.R. 4880. A bill to amend the Regional Rail Reorganization Act of 1973 to permit the National Railroad Passenger Corporation to make a determination of public convenience and necessity with respect to certain railroad property abandonment; to the Committee on Interstate and Foreign Commerce.

By Mrs. SPELLMAN:

H.R. 4881. A bill to amend the Public Health Service Act to provide for a national program of medical injury compensation insurance; to the Committee on Interstate and Foreign Commerce.

By Mr. SKUBITZ:

H.R. 4882. A bill to prohibit the importation into the United States of any fresh, chilled, or frozen cattle meat during a 180-day period; to the Committee on Ways and Means.

By Mr. VANDER VEEN:

H.R. 4883. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles; to the Committee on Ways and Means.

H.R. 4884. A bill to amend Public Law 89-651 with regard to any prosthetic or orthotic device; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 4885. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the estate tax exemption from $60,000 to $120,000; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 4886. A bill to regulate lobbying and related activities; jointly to the Committees on the Judiciary, and Standards of Official Conduct.

By Mr. ABDNOR (for himself and Mr. English):

H.R. 4887. A bill to amend the Emergency Livestock Credit Act of 1974 to provide additional temporary financial assistance to owners of livestock for the purpose of maintaining small farmers and ranchers and thereby preserving a competitive livestock production system; to the Committee on Agriculture.

By Mr. ADDABBO (for himself, Mr. Badillo, Mr. Baldus, Mr. Bergland, Mr. Bingham, Mr. Carney, Mr. Corman, Mr. Delaney, Mr. Downey, Mr. Hanley, Ms. Holtzman, Mr. Koch, Mr. Nolan, Mr. Ottinger, Mr. Richmond, Mr. Russo, Mr. St Germain, Mr. Scheuer, Mr. Solarz, Mr. Steed, and Mr. Yatron):

H.R. 4888. A bill to amend the Small Business Act to make loans available for small businesses suffering economic injuries as the result of the disruption of operations and services of public utilities; to the Committee on Small Business.

By Mr. BEVILL:

H.R. 4889. A bill to amend the Immigration and Nationality Act to provide penalties for certain persons who employ, or who refer for employment, aliens who are in the United States illegally, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 4890. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 4891. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for services furnished by physicians' assistants, and to amend title II of such act to provide that a beneficiary's entitlement to old-age, survivors, or disability insurance benefits shall continue through the month of his or her death; to the Committee on Ways and Means.

By Mr. JOHN L. BURTON (for himself, Mr. Davis, and Mr. Goldwater):

H.R. 4892. A bill to provide sound physical bases and operational systems for achieving major reductions in the earthquake hazards faced by the population living in regions of the United States of significant seismic risk, and to amend the National Science Foundation Act of 1950 so as to provide for a research program relating to earthquake mitigation, and for other purposes; to the Committee on Science and Technology.

By Mr. CASEY:

H.R. 4893. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of professional standards review organizations to review services covered under the medicare and medicaid programs; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. CASEY (for himself, Mr. Abdnor, Mr. Del Clawson, Mr. Dominick V. Daniels, Mr. Derwinski, Mr. Dingell, Mr. Duncan of Tennessee, Mr. Emery, Mr. Forsythe, Mr. Goldwater, Mr. Hanley, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Hinshaw, Ms. Holtzman, Mr. Ketchum, Mr. Mottl, Mr. O'Brien, Mr. Ottinger, Mr. Pepper, Mr. Ryan, Mr. Sikes, Mr. Teague, Mr. Symington, and Mr. Charles Wilson of Texas):

H.R. 4894. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. Beard of Rhode Island, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Coughlin, Mr. Dodd, Mr. Flood, Mr. Giaimo, Mr. Hicks, Mr. Hyde, Mr. Matsunaga, Mr. Mazzoli, Mr. Milford, Mr. Poage, Mr. Rodino, Mr. St Germain, Mr. Sisk, Mr. Slack, Mr. Treen, Mr. Charles Wilson of Texas, Mr. Winn, and Mr. Wolff):

H.R. 4895. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CORNELL:

H.R. 4896. A bill to amend title 38 of the United States Code to promote the care and treatment of veterans in State Veterans' homes; to the Committee on Veterans' Affairs.

By Mr. DELLUMS (for himself, Mr. Rosenthal, Mr. Kastenmeier, Ms. Abzug, Mr. Mitchell of Maryland, Mr. Diggs, Mr. Conyers, Mr. Edwards of California, Mr. Moakley, Mr. Stark, Mr. Carr, Mr. John L. Burton, Mr. Pattison of New York, Mr. Fauntroy, Mr. Helstoski, Mr. Hawkins, Mr. Harrington, and Mr. Brown of California):

H.R. 4897. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to a participation in war may elect to have his income, estate, or gift tax payments spent for nonmilitary purposes; to create a trust fund (the World Peace Tax Fund) to receive these tax payments; to establish a World Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. Hightower, Mr. Jarman, Mr. Jones of Oklahoma, Mr. Risenhoover, Mr. Russo, and Mr. Steed):

H.R. 4898. A bill to authorize the Secretary of Transportation to make a loan of $100 million to the Chicago, Rock Island, & Pacific Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH (for himself, Mrs. Boggs, Mr. Brown of Michigan, Mr. Brown of California, Ms. Burke of California, Mr. Carter, Mr. Cleveland, Mr. Corman, Mr. Derwinski, Mr. Drinan, Mr. Duncan of Tennessee, Mr. Eilberg, Mr. Fauntroy, Mr. Fish, Mr. Flood, Mr. Ford of Tennessee, Mr. Frenzel, Mr. Gude, Mr. Guyer, Mr. Harrington, Mr. Hechler of West Virginia, Ms. Heckler of Massachusetts, Mr. Helstoski, and Ms. Holtzman):

H.R. 4899. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

By Mr. ESCH (for himself, Mr. LaFalce, Mr. Mazzoli, Mr. Mosher, Mr. Rangel, Mr. Richmond, Mr. Riegle, Mr. Roybal, Mr. Schneebeli, Mr. Sisk, Mr. Stark, Mr. Symington, Mr. Thone, Mr. Vander Jagt, Mr. Waxman, Mr. Whitehurst, Mr. Charles Wilson of Texas, Mr. Bob Wilson, Mr. Charles H. Wilson of California, Mr. Winn, and Mr. Yates):

H.R. 4900. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

By Mr. ESCH (for himself, Mr. Brademas, Ms. Abzug, Mr. Rinaldo, Mr. Scheuer, Mr. Sebelius, Mr. Carr, Mr. Steiger of Wisconsin, Mr. Price, Mr. Biester, Mr. Coughlin, Mr. Lent, Mr. Mann, Mr. Conte, Ms. Spellman, Mr. Blanchard and Mr. Hawkins):

H.R. 4901. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

By Mr. FLORIO:

H.R. 4902. A bill to amend title II of the Social Security Act to increase to $7,500 the amount of outside earnings which (subject to further increases under automatic adjustment provisions) is permitted an individual each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. FORD of Tennessee:

H.R. 4903. A bill to provide emergency relief with respect to home mortgage indebtedness, to refinance home mortgages, to extend relief to the owners of homes who are unable to amortize their debt elsewhere, and for other purposes, to the Committee on Banking, Currency and Housing.

By Mr. FORSYTHE:

H.R. 4904. A bill to amend title 39, United States Code, to prohibit the Postal Service from providing photocopying equipment for public use in postal facilities; to the Committee on Post Office and Civil Service.

By Mr. GILMAN:

H.R. 4905. A bill to establish an Office of Assistant Secretary of Labor for Veterans Employment; jointly to the Committees on Education and Labor, and Veterans' Affairs.

By Mr. KEMP:

H.R. 4906. A bill to amend the Internal Revenue Code of 1954 to accelerate capital formation essential to expanding jobs within the nongovernment sectors of the economy; to the Committee on Ways and Means.

Mr. HECHLER of West Virginia:

H.R. 4907. A bill to amend the Clayton Act to preserve and promote competition among corporations in the production of oil, natural gas, coal, oil shale, tar sands, uranium, geothermal steam, and solar energy; to the Committee on the Judiciary.

H.R. 4908. A bill to amend the Clayton Act to prohibit undue concentration in the energy-producing industries, and for other purposes; to the Committee on the Judiciary.

H.R. 4909. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; jointly to the Committees on the Judiciary, and Standards of Official Conduct.

H.R. 4910. A bill to amend the Clayton Act to provide for additional regulation of certain anticompetitive developments in the petroleum industry; jointly to the Committees on the Judiciary, and Interstate and Foreign Commerce.

By Mr. JEFFORDS:

H.R. 4911. A bill to amend section 316 of the Consolidated Farm and Rural Development Act, as amended, authorizing the Secretary of Agriculture to renew operating loans and for other purposes; to the Committee on Agriculture.

By Mr. KINDNESS:

H.R. 4912. A bill to provide for a 3-year moratorium on the requirement of an environmental impact statement for Federal-aid highway projects; jointly to the Committees on Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. KREBS (for himself, Mr. Ambro, Mr. Baucus, Mr. Carr, Mr. Coughlin, Mrs. Collins of Illinois, Mr. Downey, Mr. Fascell, Mr. Fulton, Mr. Kasten, Mr. Hannaford, Mr. Harris, Ms. Holtzman, Mr. Lloyd of California, Ms. Meyner, Mr. Mottl, Mr. Ottinger, Mr. O'Brien, Mr. Richmond, Mr. Roe, Mr. Sarbanes, Mr. St Germain, Mr. Thompson, Mr. Yates, and Mr. Zeferetti):

H.R. 4913. A bill to amend title II of the Social Security Act to provide that a beneficiary shall (if otherwise qualified) be entitled to a prorated benefit for the month in which he (or the insured individual) dies; to the Committee on Ways and Means.

By Mr. KREBS (for himself, Mr. AuCoin, Mr. Burgener, Mr. Duncan of Tennessee, Mr. Cleveland, Mr. Derwinski, Mr. Eilberg, Mr. Ford of Tennessee, Mr. Grassley, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Melcher, Mr. Mitchell of Maryland, Mr. Mollohan, Mr. Murtha, Mr. Preyer, Mr. Lent, Mr. Rodino, Mr. Roybal, Mr. Sisk, Mr. Studds, Mr. Stark, Mr. Winn, and Mr. Young of Florida):

H.R. 4914. A bill to amend title II of the Social Security Act to provide that a beneficiary shall (if otherwise qualified) be entitled to a prorated benefit for the month in which he (or the insured individual) dies; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 4915. A bill to amend title 10 of the United States Code in order to permit the enlistment in the armed forces of individuals over 35 years of age; to the Committee on Armed Services.

H.R. 4916. A bill to provide financial assistance for research activities for the study of acupuncture; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 4917. A bill to regulate commerce and assure the availability of air transportation at the lowest reasonable cost to consumers by defining inclusive tour charter trip and advance-booking charter trip; by authorizing reduced rate transportation for the handicapped, the elderly, and the young; and for other purposes; to the Committee on Public Works and Transportation.

H.R. 4918. A bill to amend title II of the Social Security Act to provide that where a person in good faith went through a marriage ceremony with an insured individual, but (because of a legal impediment) such marriage was invalid, such person (if living with such individual at the time of his death or of application for benefits) shall be considered the wife, husband, widow, or widower of such insured individual for benefit purposes notwithstanding the existence of another person who is the legal wife, husband, widow, or widower of such individual; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mr. AuCoin, Mr. Brown of California, Mr. Carney, Mr. Dominick V. Daniels, Mr. Edwards of California, Mr. Ford of Michigan, Mr. Hannaford, Mrs. Keys, Mr. Nix, Mr. Pattison of New York, Mr. Richmond, Mr. Rodino, Mr. Roybal, Ms. Schroeder, Mr. Seiberling, Mr. Solarz, Mr. Stark, Mr. Wirth, and Mr. Won Pat):

H.R. 4919. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities designed to achieve conservation and nonuse of energy and materials, and for other related educational purposes; to the Committee on Education and Labor.

By Mr. O'NEILL (for himself, Mr. Beard of Rhode Island, Mr. Boland, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Conte, Mr. Cotter, Mr. D'Amours, Mr. Dodd, Mr. Drinan, Mr. Early, Mr. Giaimo, Mr. Harrington, Mr. Jeffords, Mr. McKinney, Mr. Macdonald of Massachusetts, Mr. St Germain, Mr. Sarasin, Mr. Studds, and Mr. Tsongas):

H.R. 4920. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes. jointly to the Committees on the Judiciary, Merchant Marine and Fisheries, and Government Operations.

By Mr. PATMAN (for himself, Mr. Danielson, Mr. Karth, Mr. Price, Mr. Bergland, Mr. Richmond, Mr. Jenrette, Mr. Bedell, Mr. Breaux, Mr. Carr, Mr. Staggers, Mr. Pattison of New York, and Mr. Hannaford):

H.R. 4921. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches; to the Committee on Banking, Currency and Housing.

By Mr. RISENHOOVER (for himself, Mr. Jarman, and Mr. Steed):

H.R. 4922. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation of a potential resource development; to the Committee on Interior and Insular Affairs.

By Mr. RISENHOOVER (for himself and Mr. Steed):

H.R. 4923. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the McGee Creek project, Okla., and other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.R. 4924. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors and disability insurance system; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Preyer, Mr. Symington, Mr. Scheuer, Mr. Waxman, Mr. Hefner, Mr. Florio, Mr. Carney, Mr. Wirth, Mr. Carter, and Mr. Heinz):

H.R. 4925. A bill to amend the Public Service Act and related laws to revise and extend programs of health revenue sharing and health services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSH:

H.R. 4926. A bill to amend the act establishing the Indian Dunes National Lakeshore to provide for the expansion of the lakeshore and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STEIGER of Wisconsin:

H.R. 4927. A bill to amend section 6096 of the Internal Revenue Code of 1954 to permit cancellations of the dollar checkoff to the Presidential Election Campaign Fund; to the Committee on Ways and Means.

By Mr. THONE:

H.R. 4928. A bill to guarantee all rights under the first amendment to the Constitution to the electronic media and to terminate any discrimination between the print and broadcast media by certain amendments to the Communications Act of 1934 and other provisions of law; jointly, to the Committee on Interstate and Foreign Commerce, Armed Services, and Post Office and Civil Service.

By Mr. TRAXLER:

H.R. 4929. A bill to establish a fuel stamp program which will provide fuel stamps to certain low-income households to help meet fuel costs incurred by such households; to the Committee on Interstate and Foreign Commerce.

H.R. 4930. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternate method of valuing certain real property for estate tax purposes; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 4931. A bill to provide implementation of the Federal Trade Commission Act to give increased protection to consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 4932. A bill to amend section 611 of the Federal Aviation Act of 1958, relating to the control of aircraft noise, in order to prohibit any special consideration for commercial supersonic aircraft; to the Committee on Public Works and Transportation.

By Mr. WOLFF (for himself, Ms. Abzug, Mr. Addabbo, Mr. Ambro, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Ms. Chisholm, Mr. Delaney, Mr. Downey, Mr. Gude, Ms. Holtzman, Mr. Koch, Mr. LaFalce, Mr. McHugh, Mr. Nowak, Mr. Ottinger, Mr. Pattison of New York, Mr. Pike, Mr. Rosenthal, Mr. Scheuer, Mr. Richmond, Mr. Solarz, and Mr. Zeferetti):

H.R. 4933. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes; to the Committee on Public Work and Transportation.

By Mr. McCOLLISTER:

H.J. Res. 316. Joint resolution to authorize and request the President to proclaim the month of May 1975, as National Car Care Month; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL of New York:

H.J. Res. 317. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children, and for other purposes; to the Committee on the Judiciary.

By Mr. SPENCE (for himself, Mr. Bafalis, Mr. Beard of Tennessee, Mr. Burgener, Mr. Burlison of Missouri, Mr. Collins of Texas, Mr. Robert W. Daniel Jr., Mr. Dan Daniel, Mr. Davis, Mr. Derrick, Mr. Devine, Mr. Derwinski, Mr. English, Mr. Goldwater, Mr. Holland, Mrs. Holt, Mr. Ichord, Mr. Jarman, Mr. Kemp, Mr. Lott, Mr. Lujan, Mr. McCloskey, Mr. Mathis, Mr. Montgomery, and Mr. Nix):

H.J. Res. 318. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. SPENCE (for himself, Mr. O'Brien, Mr. Robinson, Mr. Runnels, Mr. Schulze, Mr. Sebelius, Mr. Walsh, and Mr. Won Pat):

H.J. Res. 319. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. VANDER VEEN:

H.J. Res. 320. Joint resolution asking the President of the United States to declare the month of January as National Polka Month; to the Committee on Post Office and Civil Service.

By Mr. FLOWERS (for himself and Mr. Mann):

H.J. Res. 321. Joint resolution to amend the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America"; to the Committee on the Judiciary.

By Mr. DERWINSKI (for himself, Mrs. Holt, Mr. Long of Maryland, Mr. Madden, Mr. Moakley, and Mr. Russo):

H. Con. Res. 179. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. FLORIO:

H. Con. Res. 180. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. DOWNEY:

H. Res. 305. Resolution relating to food assistance for Cambodia; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Beard of Rhode Island, Mr. Brademas, Mr. Brown of California, Mr. Carr, Mr. Carney, Mrs. Collins of Illinois, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Diggs, Mr. Dodd, Mr. Edwards of California, Mr. Fascell, Mrs. Fenwick, Mr. Fraser, Mr. Gilman, Mr. Harkin, Mr. Harrington, Ms. Holtzman, Mr. McHugh, Ms. Meyner, and Mr. Mikva):

H. Res. 306. Resolution expressing the sense of the House of Representatives that the President should submit an action plan to correct abuses in nursing homes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Mottl, Mr. Murphy of New York, Mr. Nix, Mr. Ottinger, Mr. Pepper, Mr. Randall, Mr. Rangel, Mr. Richmond, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. St Germain, Mr. Scheuer, Ms. Schroeder, Mr. Solarz, Mrs. Spellman, Mr. Stratton, Mr. Symington, Mr. Waxman, and Mr. Yates):

H. Res. 307. Resolution expressing the sense of the House of Representatives that the President should submit an action plan to correct abuses in nursing homes; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H. Res. 308. Resolution directing the House Commission on Information and Facilities to provide for radio and television coverage of proceedings in the House Chamber during the first session of the 94th Congress; to the Committee on Rules.

By Mr. SLACK:

H. Res. 309. Resolution disapproving the deferral of certain budget authority (D 75-94) relating to the Department of Commerce, National Oceanic and Atmospheric Administration, proposed in the President's special message of November 26, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974, and subsequently revised in the supplementary message of January 30, 1975, transmitted under section 1014(c) of such act; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Michigan:

H.R. 4934. A bill for the relief of Custer Development Corp. of Battle Creek, Mich.; to the Committee on the Judiciary.

By Mr. BURGENER:

H.R. 4935. A bill for the relief of Earl Gilbert Larry Collins, Vern C. Parton, Alexander L. Adams, and John Kimm; to the Committee on the Judiciary.

By Mr. PHILLIP BURTON:

H.R. 4936. A bill for the relief of Petros Karaolanis; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 4937. A bill for the relief of Flora Purim; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.R. 4938. A bill for the relief of Maj. Charles H. Lyon III, U.S. Army; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 4939. A bill for the relief of Manuel Bonotan; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 4940. A bill for the relief of Sylvia Dix; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 4941. A bill for the relief of Oscar H. Barnett; to the Committee on Interior and Insular Affairs.

By Mr. SIKES:

H.R. 4942. A bill for the relief of Eugene T. Castleberry, Sr.; to the Committee on the Judiciary.

By Mr. HOWARD:

H.J. Res. 322. Joint resolution authorizing and directing the President to declare Aleksandr I. Solzhenitsyn an honorary citizen of the United States of America; to the Committee on the Judiciary.

FACTUAL DESCRIPTION OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the Congressional Record of March 10, 1975 (pages 5921–5922):

H.R. 2500. January 30, 1975. Judiciary. Declares that a certain individual may be issued a visa and admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 2501. January 30, 1975. Judiciary. Authorizes the Secretary of the Treasury to pay a sum of money to a certain individual in full satisfaction of his claims against the United States.

H.R. 2502. January 30, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2503. January 30, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2504. January 31, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowners.

H.R. 2505. January 31, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowners.

H.R. 2506. January 31, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowner.

H.R. 2507. January 31, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowner.

H.R. 2508. January 31, 1975. Agriculture. Amends the Food Stamp Act of 1964 by prohibiting increases in the portion of income to be paid for food coupons.

H.R. 2509. January 31, 1975. Judiciary. Declares that no Federal district court shall have jurisdiction to hear, nor shall the Supreme Court have jurisdiction to review, any case arising out of any State statute, ordinance, rule or regulation relating to voluntary prayer in public schools and buildings.

H.R. 2510. January 31, 1975. Post Office and Civil Service. Requires the Postal Service to keep the Postal Rate Commission currently informed on Postal Service Operations.

Sets salary levels for the Postmaster and Deputy Postmaster.

Requires an annual authorization of appropriations by Congress for the Postal Service.

Authorizes the Commission to hold hearings to review Postal Service operations, determine rates and fees, and make decisions on services.

H.R. 2511. January 31, 1975. Ways and Means. Creates a national system of health insurance. Establishes a Health Security Board in the Department of Health, Education, and Welfare to administer such health insurance program.

Repeals the Medicare provisions of the Social Security Act and all health benefit plans for employees of the Federal Government. Amends various other provisions of the Social Security Act and the Public Health Services Act.

H.R. 2512. January 31, 1975. Foreign Affairs. Authorizes the President to make grants to land-grant universities to enable them to offer assistance to land-grant type universities in agriculturally developing nations.

Establishes an International Land-Grant University Advisory Board to assist the President in carrying out the purposes of this Act.

H.R. 2513. January 31, 1975. Ways and Means. Repeals the percentage depletion allowance for oil and gas wells except certain wells producing natural gas and geothermal deposits.

H.R. 2514. January 31, 1975. Interstate and Foreign Commerce. Establishes a National Commission on Regulatory Reform to study and make recommendations on the activities and effect on the economy of certain Federal regulatory agencies.

H.R. 2515. January 31, 1975. Education and Labor. Amends the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically disabled because of such disability.

H.R. 2516. January 31, 1975. Post Office and Civil Service. Makes certain widows and widowers whose remarriages occurred prior to July 18, 1966, eligible for civil service retirement survivor annuities.

H.R. 2517. January 31, 1975. Agriculture. Redefines food product, under the Federal Meat Inspection Act, to exclude margarine containing animal fat. Repeals the application of the term adulterated to margarine containing animal fat where any of the raw material used therein is in whole or in part a filthy, putrid, or decomposed substance.

H.R. 2518. January 31, 1975. House Administration. Prohibits Members of Congress who have been defeated, or have resigned or retired, from traveling outside the United States at Government expense.

H.R. 2519. January 31, 1975. House Administration. Prohibits Members of Congress who have been defeated, or have resigned or retired, from traveling outside the United States at Government expense.

H.R. 2520. January 31, 1975. House Administration. Prohibits Members of Congress who have been defeated, or have resigned or retired, from traveling outside the United States at Government expense.

H.R. 2521. January 31, 1975. Armed Services. Authorizes cost-of-living increases in annuities payable under the Retired Serviceman's Family Protection Plan. Entitles widows and widowers who remarry at age 60 or thereafter to continued benefits under the Plan.

H.R. 2522. January 31, 1975. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to States and certain gateway cities for the purpose of providing programs in education, job training, counseling and orientation for the benefit of immigrants.

Authorizes travel grants to new immigrants and their families to enable them to accept employment in a distant State.

H.R. 2523. January 31, 1975. Veterans' Affairs. Allows a veteran to receive educational benefits for a period of time not to exceed thirty calendar days, if such veteran is involved in transferring between consecutive school terms from one approved institution to another approved institution.

H.R. 2524. January 31, 1975. Veterans' Affairs. Stipulates that the widow of a veteran shall be eligible for insurance benefits, under the National Service Life Insurance Act of 1940, upon the termination of a subsequent remarriage or situation of a notorious adulterous cohabitation.

H.R. 2525. January 31, 1975. Interior and Insular Affairs. Directs the Secretary of Health, Education, and Welfare to make grants and provides scholarships to Indians enrolled in health-related training programs. Authorizes the Secretary to expend funds to meet Indian health care needs, to provide hospitals and other health facilities, and to supply unmet needs for safe water and sanitary waste disposal facilities. Requires the Secretary to contract with urban Indian organizations to assist such organizations to establish and administer health programs to benefit urban Indians.

H.R. 2526. January 31, 1975. Interior and Insular Affairs. Directs the Secretary of Health, Education, and Welfare to make grants and provide scholarships to Indians enrolled in health-related training programs. Authorizes the Secretary to expend funds to meet Indian health care needs, to provide hospitals and other health facilities, and to supply unmet needs for safe water and sanitary waste disposal facilities. Requires the Secretary to contract with urban Indian organizations to assist such organizations to establish and administer health programs to benefit urban Indians.

H.R. 2527. January 31, 1975. Foreign Affairs. Limits the assessed and voluntary contributions of the United States to the United Nations and its affiliated agencies to an amount not to exceed an amount which bears the same ratio to the total budget of the United Nations as the total population of the United States bears to the total population of all the member states of the United Nations.

H.R. 2528. January 31, 1975. Ways and Means. Amends the Internal Revenue Code to permit individuals to deduct from gross income losses incurred from the sale or exchange of property which, for a certain period, has been owned by the taxpayer as his principal residence.

H.R. 2529. January 31, 1975. Ways and Means. Amends the Social Security Act to authorize payment to married couples of Old-Age and Disability Insurance benefits which have been computed on the basis of their combined earnings record.

H.R. 2530. January 31, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction from gross income all the ordinary and necessary expenses paid or incurred by an individual during the taxable year for the use of mass transportation facilities in traveling between such individual's principal residence and principal place of employment.

H.R. 2531. January 31, 1975. House Administration. Establishes an American Folklife Center in the Library of Congress.

H.R. 2532. January 31, 1975. Government Operations. Authorizes the Administrator of General Services to assign surplus Federal property to the Secretary of Commerce for disposal of such property to States and local areas threatened by unemployment as a result of the closing of Federal facilities. Requires that such property be used by the transferees for economic development purposes.

H.R. 2533. January 31, 1975. Ways and Means. Amends the Internal Revenue Code to include in the term "medical care" meals and lodging while away from home primarily for receiving medical care.

H.R. 2534. January 31, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make loans to certain cities and counties for the establishment of nonprofit clinics for the spaying and neutering of dogs and cats.

Requires the use of professional and paraprofessional peronnel by the clinics. Authorizes the Secretary of Health, Education, and Welfare to make grants for the purpose of training paraprofessionals.

H.R. 2535. January 31, 1975. Judiciary. Subjects matters relating to Federal property, loans, grants, benefits and contracts to existing Federal agency rulemaking procedures.

Direct Federal agencies to pay the costs incurred by certain persons as a result of participating in agency proceedings, under specific circumstances.

Limits the scope of the defense of sovereign immunity in court actions to which a Federal agency or employee is a party.

Establishes procedures for the enforcement of standards for grants administered by Federal agencies.

H.R. 2536. January 31, 1975. Judiciary. Prohibits the shipment in interstate commerce of dogs and other animals intended to be used to fight dogs or other animals for purposes of sport, wagering or entertainment.

Makes it unlawful to promote or in any way assist in the promotion of such animal fights.

H.R. 2537. January 31, 1975. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity. Permits the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity.

H.R. 2538. January 31, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2539. January 31, 1975. Ways and Means. Amends the Internal Revenue Code to exclude limited amounts received as dividends or interest on deposits in a savings institution.

H.R. 2540. January 31, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2541. January 31, 1975. Ways and Means. Amends the Internal Revenue Code to tax unmarried individuals at the same rate as married individuals filing jointly.

H.R. 2542. January 31, 1975. Armed Services. Revises the method of computing retired or retainer pay for members or former members of the uniformed services to reflect current active duty pay rates. Defines uniformed services to include regular and reserve components of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service.

H.R. 2543. January 31, 1975. Ways and Means. Amends the Internal Revenue Code to increase the estate tax exemption, and to increase the estate tax marital deduction.

Permits the executor of an estate to elect an alternate valuation of certain lands used for farming, woodland or scenic open space.

H.R. 2544. January 31, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to make certain Federal lands available to State and local governments for park and recreation purposes.

H.R. 2545. January 31, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to establish a national cemetery in Nevada.

H.R. 2546. January 31, 1975. Veterans' Affair. Authorizes and directs the Administrator of Veterans' Affairs to construct a Veterans' Administration hospital in the State of Nevada.

H.R. 2547. January 31, 1975. Science and Technology. Authorizes continuation of experimentation with earth resources remote sensing satellite systems.

H.R. 2548. January 31, 1975. Interstate and Foreign Commerce. Amends the Securities Exchange Act of 1934 to redefine the term of office of the Commissioners of the Securities and Exchange Commission, authorize reappointment of Commissioners, and define the conditions under which a Commissioner may be dismissed.

Requires the Commission to submit to Congress for review any budget request or estimate, or proposals or legislation which are submitted to the President or the Office of Management and Budget, and to furnish Congress with any documents under its control when requested by Congress.

H.R. 2549. January 31, 1975. Agriculture. Amends the Food Stamp Act of 1964 by prohibiting increases in the portion of income to be paid for food coupons.

H.R. 2550. January 31, 1975. Ways and Means. Suspends for 90 days the authority of the President to increase tariffs on petroleum or petroleum products.

H.R. 2551. January 31, 1975. Agriculture. Amends the definition of "rural area" in the Consolidated Farm and Rural Development Act and the Housing Act of 1949 in order to permit towns of twenty-five thousand or fewer inhabitants to qualify for loans and grants under those Acts.

H.R. 2552. January 31, 1975. Armed Services. Amends the Military Selective Service Act by reinstituting the draft for a two-year period commencing July 1, 1975, and ending June 30, 1977.

H.R. 2553. January 31, 1975. Interior and Insular Affairs. Amends the Mineral Leasing Act of 1920 to authorize the Secretary of the Interior to issue certificates of public convenience and necessity to aid in construction of certain pipelines. Allows certified pipeline carriers to exercise the power of eminent domain in the United States district courts to acquire rights-of-way for coal pipelines.

H.R. 2554. January 31, 1975. Interior and Insular Affairs. Revises the Act establishing the Big Thicket National Preserve in Texas to provide for an orderly transfer of all right and title to real property in the designated area.

H.R. 2555. January 31, 1975. Merchant Marine and Fisheries. Amends the Marine Protection, Research, and Sanctuaries Act of 1972 to require that effective visual markings be used to identify areas where wastes are dumped as a condition for issuance of an ocean dumping permit.

H.R. 2556. January 31, 1975. Post Office and Civil Service. Directs the Secretary of Commerce to take a mid-decade sample population survey in 1975 and every ten years thereafter in addition to the decennial census.

Requires the Secretary to submit for congressional approval the questionaires to be used in the decennial census and mid-decade surveys.

Authorizes the Secretary to conduct special censuses as requested by State and other local government units.

Increases the penalties for unlawful disclosure of census information.

H.R. 2557. January 31, 1975. Post Office and Civil Service. Declares that letters sent to Members of Congress shall be carried in the mails at no cost to the sender.

H.R. 2558. January 31, 1975. Post Office and Civil Service. Revises the organizational structure of the United States Postal Service.

Abolishes the Board of Governors of the Postal Service and transfers the functions of the Board to the Postmaster General. Authorizes the President to appoint, with the advice and consent of the Senate, the Postmaster General.

H.R. 2559. January 31, 1975. Post Office and Civil Service. Makes the requirement of the Occupational Safety and Health Act that the head of each Federal agency establish and maintain an occupational safety and health program applicable to the United States Postal Service.

H.R. 2560. January 31, 1975. Veterans' Affairs. Entitles any person who served as a member of the local Security Patrol Force of Guam, while such patrol force was under the command of an officer of the Armed Forces of the United States during World War II, to hospital and domiciliary care and medical services, if such service was for more than 90 days or if such person was injured during the course of such service.

H.R. 2561. January 31, 1975. Armed Services. Authorizes the President to appoint Alexander P. Butterfield to the grade of colonel on the retired list of the Regular Air Force.

H.R. 2562. January 31, 1975. Judiciary. Specifies the tax treatment of a certain individual under the Internal Revenue Code.

H.R. 2563. January 31, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2564. January 31, 1975. Judiciary. Authorizes the Secretary of the Treasury to pay a sum of money to a certain individual in full satisfaction of his claims against the United States.

H.R. 2565. January 31, 1975. Judiciary. Authorizes classification of certain individuals as children for purposes of the Immigration and Nationality Act.

H.R. 2566. February 3, 1975. Judiciary. Prohibits any civil officer of the United States or any member of the Armed Forces from using the Armed Forces to exercise surveillance of civilians or to execute civil laws.

H.R. 2567. February 3, 1975. Agriculture. Revises eligibility requirements and the portion of income to be paid for food coupons under the Food Stamp Act of 1964. Authorizes the use of food coupons for the purchase of prepared meals which are delivered to disabled individuals by a public agency or nonprofit organization.

H.R. 2568. February 3, 1975. Judiciary. Grants automatic, general amnesty to any person who during the period of United States involvement in Indochina, violated the Military Selective Service Act or committed certain military crimes. Establishes an Amnesty Commission to grant general amnesty to individuals who violated Federal, State, or local law in the course of protesting against United States involvement in Indochina and to review denials of honorable discharges.

Authorizes the district courts to restore the United States citizenship of war resisters who renounced such citizenship.

Grants jurisdiction to the district courts to hear actions brought to redress the deprivation of rights granted by the general amnesty.

H.R. 2569. February 3, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Service Act, to enter into contracts and make grants for the establishment and operation of voluntary Tay-Sachs disease screening, counseling, and information services.

H.R. 2570. February 3, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Service Act, to enter into contracts and make grants for the establishment and operation of voluntary Tay-Sachs disease screening, counseling, and information services.

H.R. 2571. February 3, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Service Act, to enter into contracts and make grants for the establishment and operation of voluntary Tay-Sachs disease screening, counseling, and information services.

H.R. 2572. February 3, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to prohibit the making of unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls.

H.R. 2573. February 3, 1975. Post Office and Civil Service. Declares that persons living in rural areas who do not receive postal delivery service shall be provided with the use of a rent-free postal lock box.

H.R. 2574. February 3, 1975. Judiciary. Amends the Immigration and Nationality Act to make it unlawful to knowingly hire or refer for employment an alien not lawfully admitted into the United States. Sets forth criteria for certain aliens illegally in the United States to have their status adjusted to that of permanent residents. Requires that employees of the Department of Health, Education, and Welfare disclose to the Immigration Service the names of illegal aliens who are receiving assistance under the Social Security Act. Extends the penalties for falsification of entry documents to documents which authorize a stay in the United States.

H.R. 2575. February 3, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to grant releases from any of the terms, conditions, or restrictions contained in the deed of conveyance under which the United States conveyed certain property to the city of Algona, Iowa.

H.R. 2576. February 3, 1975. Ways and Means. Excludes general and cost-of-living increases in Old-Age, Survivors and Disability Insurance benefits under the Social Security Act from income for the purpose of determining and individual's eligibility for any Federal or federally funded State program.

H.R. 2577. February 3, 1975. Agriculture. Prohibits increases in the portion of income to be paid for food coupons under the Food Stamp Act of 1964.

H.R. 2578. February 3, 1975. Agriculture. Prohibits increases in the portion of income to be paid for food coupons under the Food Stamp Act of 1964.

H.R. 2579. February 3, 1975. Post Office and Civil Service. Abolishes the United States Postal Service. Repeals the Postal Reorganization Act. Re-establishes the Post Office Department as an executive department of the Federal Government.

H.R. 2580. February 3, 1975. Ways and Means. Amends the Internal Revenue Code to revise and consolidate the provisions of the Code with respect to small business. Establishes a Committee on Tax Simplification for Small Business to suggest changes in the Code with respect to small business. Requires the Secretary of the Treasury, with the assistance of the Office of Small Business Tax Analysis to be created within the Office of the Secretary, to submit to the House Committee on Ways and Means and the Senate Committee on Finance, recommendations for structural changes in the Code relating primarily to small business.

H.R. 2581. February 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Permits an owner of rental property as an option to amortize expenditures for the restoration of rental housing.

H.R. 2582. February 3, 1975. Education and Labor. Amends the Civil Rights Act of 1964 by eliminating the right of persons aggrieved to intervene in a civil action brought by the Equal Employment Opportunity Commission or the Attorney General in a case involving a government, governmental agency, or political subdivision. Eliminates the power of a Commission member or any other person to bring a charge of discrimination on behalf of an aggrieved person, against an employer for unlawful employment practices. Makes various procedural changes for the handling of complaints under the Equal Employment Opportunity provisions of the Act.

H.R. 2583. February 3, 1975. Ways and Means. Requires Congressional approval of all tariffs, fees, or quotas imposed by the President on petroleum imports.

H.R. 2584. February 3, 1975. Education and Labor. Authorizes appropriations for fiscal year 1976 for Federal financial assistance to programs under the Comprehensive Employment and Training Act of 1973.

H.R. 2585. February 3, 1975. Public Works and Transportation. Authorizes the Army Chief of Engineers to permit certain filling and construction in a portion of Upper New York Bay in New Jersey.

H.R. 2586. February 3, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate as married individuals filing jointly.

H.R. 2587. February 3, 1975. Interior and Insular Affairs. Regulates surface coal mining operations through a permit program administered by the Administrator of the Environmental Protection Agency. Requires applicants to meet minimum environmental performance standards. Allows States to establish surface mining control programs at least as stringent as minimum Federal standards.

Establishes funding for mineral resources research programs and for reclamation of abandoned mine sites. Authorizes the Secretary of Labor to extend unemployment assistance to individuals left jobless as a result of surface mining requirements.

H.R. 2588. February 3, 1975. Education and Labor. Extends coverage of the Age Discrimination in Employment Act of 1967 to those persons over sixty-five years of age.

H.R. 2589. February 3, 1975. Education and Labor. Extends the coverage of the Age Discrimination in Employment Act of 1967 to those persons over sixty-five years of age.

H.R. 2590. February 3, 1975. Ways and Means. Amends the Internal Revenue Code to exempt cooperative housing corporations, condominium management associations, and residential real estate management associations from taxation on certain types of income.

H.R. 2591. February 3, 1975. Judiciary. Applies the exemption from lottery prohibitions granted to newspapers published in a State which conducts a lottery to newspapers in an adjacent State which conducts such a lottery.

H.R. 2592. February 3, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2593. February 3, 1975. Education and Labor. Ways and Means. Amends the Employees Retirement Income Security Act of 1974 by requiring private pension plans to provide joint and survivors annuity benefits to a participant's surviving spouse even if such participant dies before the earliest retirement age.

H.R. 2594. February 3, 1975. Public Works and Transportation. Terminates the Airlines Mutual Aid Agreement.

H.R. 2595. February 3, 1975. Judiciary.

Amends the Immigration and Nationality Act to waive exclusion and deportation on the grounds of certain offenses related to marihuana.

H.R. 2596. February 3, 1975. Judiciary. Prohibits the required use of polygraph tests in certain employment situations. Prohibits employment related reprisals based on an individual's refusal to take a polygraph test.

H.R. 2597. February 3, 1975. Agriculture. Prohibits increases in the portion of income to be paid for food coupons under the Food Stamp Act of 1964.

H.R. 2598. February 3, 1975. Interstate and Foreign Commerce. Prohibits the Consumer Product Safety Commission from making a ruling or order restricting the sale or manufacture of firearms or ammunition.

H.R. 2599. February 3, 1975. Education and Labor. Authorizes the Commissioner of Education to make grants to State educational agencies and institutions of higher learning for teacher training, pilot and demonstration projects and comprehensive school programs in the area of health education and health problems.

H.R. 2600. February 3, 1975. Education and Labor. Authorizes the Commissioner of Education to make grants to State educational agencies and institutions of higher learning for teacher training pilot and demonstration projects and comprehensive school programs in the area of health education and health problems.

H.R. 2601. February 3, 1975. Education and Labor. Authorizes the Commissioner of Education to make grants to State educational agencies and institutions of higher learning for teacher training pilot and demonstration projects and comprehensive school programs in the area of health education and health problems.

H.R. 2602. February 3, 1975. Post Office and Civil Service. Revises the procedure for crediting service under the National Guard Technicians Act of 1968 for Federal employees benefits and retirement purposes.

H.R. 2603. February 3, 1975. Judiciary. Requires court orders for the interception of communications by electronic and other devices, for the entering of any residence, for the opening of any mail and for the inspection or procurement of telephone, bank, credit and other records. Requires reports to Congress and to the Administrative Office of the United States Courts concerning orders requested, denied, and approved.

H.R. 2604. February 3, 1975. Judiciary. Requires court orders for the interception of communications by electronic and other devices, for the entering of any residence, for the opening of any mail and for the inspection or procurement of telephone, bank, credit and other records. Requires reports to Congress and to the Administrative Office of the United States Courts concerning court orders requested, denied, and approved.

H.R. 2605. February 3, 1975. Ways and Means. Amends the Internal Revenue Code to increase the investment tax credit with respect to certified development property in Appalachia and other designated economic development regions.

H.R. 2606. February 3, 1975. Post Office and Civil Service. Redesignates the dates for observance of Memorial Day and Veterans Day.

H.R. 2607. February 3, 1975. Veterans' Affairs. Entitles veterans of the Vietnam era to veterans' benefits on the same basis as such benefits are granted to World War II and Korean conflict veterans.

H.R. 2608. February 3, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2609. February 3, 1975. Veterans' Affairs. Removes the time limitation within which programs of educational assistance for veterans must be used by such veterans. Restores to eligibility those veterans who failed to use their benefits within the required time limit.

H.R. 2610. February 3, 1975. Ways and Means. Amends the Internal Revenue Code to increase the maximum deduction from gross income for retirement savings.

H.R. 2611. February 3, 1975. Post Office and Civil Service. Requires the Postal Service to provide free mail delivery service to the extent practicable to persons residing in rural areas.

H.R. 2612. February 3, 1975. Agriculture. Prohibits increases in the portion of income to be paid for food coupons under the Food Stamp Act of 1964.

H.R. 2613. February 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction from gross income amounts paid by the taxpayer during the taxable year for the special education or training of a dependent who is physically or mentally handicapped.

H.R. 2614. February 3, 1975. Education Labor. Directs the Secretary of Agriculture to purchase beef and beef products to be used, under the Older Americans Act of 1965, for providing nutritional services for the elderly.

H.R. 2615. February 3, 1975. Interstate and Foreign Commerce. Authorizes appropriations to the Secretary of Commerce for the promotion of tourist travel in the United States for fiscal years 1976–1978.

H.R. 2616. February 3, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize grants to States and localities to assist the establishment and operation of emergency communications centers, and to make the national emergency telephone number 911 available in such areas.

H.R. 2617. February 3, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize grants to States and localities to assist the establishment and operation of emergency communications centers, and to make the national emergency telephone number 911 available in such area.

H.R. 2618. February 3, 1975. Post Office and Civil Service. Abolishes the Commission on Executive, Legislative and Judicial Salaries established by the Federal Salary Act of 1967.

H.R. 2619. February 3, 1975. Ways and Means. Revises the eligibility requirements for Disability Insurance benefits for blind persons under the Social Security Act.

H.R. 2620. February 3, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to study the feasibility of a national park, recreation area, or wilderness area in the Ridgelands east of San Francisco Bay in California.

H.R. 2621. February 3, 1975. Agriculture. Revises the conditions for receiving and repaying a loan under the Consolidated Farm and Rural Development Act.

H.R. 2622. February 3, 1975. Agriculture. Amends the Consolidated Farm and Rural Development Act to increase the per diem, transportation, and travel expense allowance of Farmers Home Administration county committeemen.

H.R. 2623. February 3, 1975. Interior and Insular Affairs. Amends the Land and Water Conservation Fund Act of 1965 to establish a passport program to permit disabled persons to obtain free or reduced admission rates at certain national parks and recreation facilities.

H.R. 2624. February 3, 1975. Judiciary. Incorporates the American Political Items Collectors.

H.R. 2625. February 3, 1975. Judiciary. Amends the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a ten-hour day in the case of a four-day workweek.

H.R. 2626. February 3, 1975. Public Works and Transportation. Authorizes local nongovernmental groups to contribute to the share of funding (now provided by State or local governments) in joint projects with the Federal government to protect United States shores.

Removes those restrictions on Federal aid for the restoration and protection of privately-owned shores which exceed the restrictions on public shores.

H.R. 2627. February 3, 1975. Ways and Means. Amends the Tariff Schedules of the United States to reduce the duty on aspen wood for wood particle board.

H.R. 2628. February 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited deduction from gross income certain losses from shoreline erosion.

H.R. 2629. February 3, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2630. February 3, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2631. February 3, 1975. Judiciary. Declares that a certain individual may be issued a visa and admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 2632. February 3, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2633. February 4, 1975. Interstate and Foreign Commerce. Armed Services. Ways and Means. Banking, Currency and Housing. Increases domestic energy supplies and availability by expanding the Naval Petroleum and Oil Shale Reserves capacity. Amends the Natural Gas Act to remove restrictions on producers and sellers of natural gas. Removes restrictions on the pricing of utility rates.

Directs the Federal Energy Administrator to require the use of coal at powerplants and similar facilities. Amends the Clean Air Act to extend compliance deadlines for certain environmental standards.

Authorizes the President to impose tariffs on petroleum imports. Establishes programs designed to reduce energy demand and consumption. Authorizes the President to allocate or ration petroleum.

H.R. 2634. February 4, 1975. Ways and Means. Amends the Second Liberty Bond Act to increase the temporary debt limitation of the United States and extend it to June 30, 1975.

H.R. 2635. February 4, 1975. Government Operations. Amends the Privacy Act of 1974 by eliminating various exemptions now contained in the Act and by revising the provision dealing with an individual's right to request corrections in files pertaining to him.

H.R. 2636. February 4, 1975. Ways and Means. Amends the supplementary security income provisions of the Social Security Act by: (1) authorizing emergency and temporary grants; (2) eliminating the third-party payee requirement for certain recipients; (3) revising the method of determining income for the purposes of the program; (4) revising certain eligibility requirements; (5) authorizing cost-of-living increases in benefits; (6) entitling recipients to food stamps on a permanent basis; and (7) entitling recipients to a hearing on State actions concerning claims for social services.

H.R. 2637. February 4, 1975. Ways and Means. Amends the supplementary security income provisions of the Social Security Act by: (1) authorizing emergency and temporary grants; (2) eliminating the third-party payee requirement for certain recipients; (3) revising the method of determining income for the purposes of the program; (4) revising certain eligibility requirements;

(5) authorizing cost-of-living increases in benefits; (6) entitling recipients to food stamps on a permanent basis; and (7) entitling recipients to a hearing on State actions concerning claims for social services.

H.R. 2638. February 4, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2639. February 4, 1975. Interior and Insular Affairs. Declares certain land in North and South Dakota to be held in trust by the United States for the Standing Rock Sioux Tribe.

H.R. 2640. February 4, 1975. Banking, Currency and Housing. Amends the Emergency Home Purchase Assistance Act of 1974 to raise the limitation on the total amount of mortgages which can be purchased by the Secretary of Housing and Urban Development, and to authorize the Secretary to purchase certain mortgages on cooperative and condominium units, and multifamily residences which were previously excluded by the Act.

H.R. 2641. February 4, 1975. Judiciary. Establishes a Federal minimum death and dismemberment benefit to be paid to Federal, State, or local law enforcement, corrections and firefighting personnel or their surviving dependents.

H.R. 2642. February 4, 1975. Veterans' Affairs. Extends hospital and medical care to certain persons who served during World War I or World War II in foreign armed forces that were allies of the United States.

H.R. 2643. February 4, 1975. Veterans' Affairs. Extends hospital and medical care to certain persons who served during World War I or World War II in foreign armed forces that were allies of the United States.

H.R. 2644. February 4, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowners.

H.R. 2645. February 4, 1975. Interior and Insular Affairs. Designates a segment of the Delaware River flowing between New York and Pennsylvania as a component of the National Wild and Scenic Rivers System.

H.R. 2646. February 4, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to establish within the National Cemetery System the Fort Mitchell Regional Veterans' Cemetery in Alabama.

H.R. 2647. February 4, 1975. Banking, Currency and Housing. Authorizes the Secretary of Housing and Urban Development to make direct low-interest loans to assist homeowners and other owners of residential structures in purchasing and installing more effective insulation and heating equipment.

H.R. 2648. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against tax or a limited deduction from income equal to the ordinary and necessary expenses paid during the taxable year for the improvement of the thermal design of the principal residence of the taxpayer.

H.R. 2649. February 4, 1975. Banking, Currency and Housing. Prohibits the sale, alienation, or commitment of gold by the Secretary of the Treasury without prior approval by Act of Congress.

H.R. 2650. February 4, 1975. Interstate and Foreign Commerce. Armed Services. Ways and Means. Banking, Currency and Housing. Increases domestic energy supplies and availability by expanding Naval Petroleum and Oil Shale Reserves capacity. Amends the Natural Gas Act to remove restrictions on producers and sellers of natural gas. Removes restrictions on the pricing of utility rates.

Directs the Federal Energy Administrator to require use of coal at powerplants and similar facilities. Amends the Clean Air Act to extend compliance deadlines for certain environmental standards.

Authorizes the President to impose tariffs on petroleum imports. Establishes programs designed to reduce energy demand and consumption. Authorizes the President to allocate or ration petroleum.

H.R. 2651. February 4, 1975. Post Office and Civil Service. Repeals certain restrictions on the private carriage of letters.

H.R. 2652. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction from gross income limited amounts paid by the taxpayers during the taxable year for education or training at an institution of higher education or trade or vocational school on behalf of the taxpayer, his spouse, or any qualified dependent.

H.R. 2653. February 4, 1975. Ways and Means. Repeals the Presidential Election Campaign Fund Act.

Repeals that provision of the Internal Revenue Code authorizing an income tax checkoff to finance presidential election campaigns.

H.R. 2654. February 4, 1975. Ways and Means. Interstate and Foreign Commerce. Amends the Social Security Act by abolishing the Professional Standards Review Organizations which were established to review services covered under the Medicare and Medicaid programs.

H.R. 2655. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow a credit against taxes for certain amounts deposited by a taxpayer in an educational savings plan for himself or a dependent to pay expenses of post-secondary education.

H.R. 2656. February 4, 1975. Agriculture. Amends the Food Stamp Act of 1964 to permit households to use food coupons to purchase seeds, plants, and fertilizer from retail establishments engaged primarily in the sale of seed and feed.

H.R. 2657. February 4, 1975. Interstate and Foreign Commerce. Revises the programs for nurse training assistance, under the Public Health Service Act, extends such programs through fiscal year 1977, and authorizes the Secretary of Health, Education, and Welfare to make financial distress grants to public or nonprofit private schools of nursing, special project grants for such schools, and traineeships grants under the student loan program.

H.R. 2658. February 4, 1975. Interstate and Foreign Commerce. Requires the Secretary of Health, Education, and Welfare to appoint a Committee on Uniform Adoption Regulations to review current conditions, practices, and laws relating to adoption and to propose to the Secretary uniform adoption regulations. Directs the Secretary to make grants to States for allocation to State agencies and to public and private nonprofit adoption agencies to assist such agencies in meeting the cost involved in the adoptive placement of children.

H.R. 2659. February 4, 1975. Agriculture. Rules. Amends the Food Stamp Act of 1964 by requiring the Secretary of Agriculture to submit to Congress proposed increases in the portion of income to be paid for food coupons. Prohibits proposed increases from becoming effective if either House of Congress disapproves of the increase.

H.R. 2660. February 4, 1975. Post Office and Civil Service. Includes as creditable service for purposes of the civil service retirement system certain periods of service of civilian employees of nonappropriated fund positions conducting off-duty special services recreation and morale programs of the Armed Forces.

H.R. 2661. February 4, 1975. Post Office and Civil Service. Directs the Secretary of Defense to provide a special services program to promote the morale and welfare of Armed Forces personnel. Directs the Secretaries of the military departments to employ special services personnel to carry out the special services program.

Sets pay and retirement regulations for special services employees.

H.R. 2662. February 4, 1975. Government Operations. Expands the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

H.R. 2663. February 4, 1975. Government Operations. Expands the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

H.R. 2664. February 4, 1975. Government Operations. Expands the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

H.R. 2665. February 4, 1975. Armed Services. Authorizes recomputation of retired pay for members and former members of the Armed Forces who are 60 years of age or older or who are retired because of a physical disability.

H.R. 2666. February 4, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to construct a Veterans' Administration hospital in the southern area of New Jersey.

H.R. 2667. February 4, 1975. Judiciary. Amends the Civil Rights Act of 1964 and other civil rights legislation to prohibit discrimination on the basis of sex, marital status, affectional, or sexual preference.

H.R. 2668. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against the income tax for each personal exemption and a limited credit for the expenses of commuting or business-related highway travel.

Increases the excise tax on gasoline, diesel and special motor fuel, and repeals the deduction from income of State and local taxes on certain motor fuels.

H.R. 2669. February 4, 1975. Armed Services. Prohibits changes in the classification of any member of the Armed Forces who is in a missing status unless (1) the President has taken all reasonable measures to account for all such members and to enforce certain provisions of the Paris Peace Accord of January 17, 1973; and (2) the next of kin of such member have not filed an objection to the reclassification.

Directs the Committee on Armed Services of the House of Representatives to study the existing law pertaining to reclassification of members who are in a missing status.

H.R. 2670. February 4, 1975. Banking, Currency and Housing. Establishes the Reconstruction Finance Corporation to make loans and loan guarantees to business concerns which would otherwise be unable to obtain needed financing.

Authorizes the Corporation to issue notes, debentures, bonds, and other such obligations which will be fully guaranteed by the United States.

H.R. 2671. February 4, 1975. Foreign Affairs. Limits the assessed and voluntary contributions of the United States to the United Nations and its affiliated agencies to an amount not to exceed an amount which bears the same ratio to the total budget of the United Nations as the total population of the United States bears to the total population of all the member states of the United Nations.

H.R. 2672. February 4, 1975. House Administration. Establishes a Voter Registration Administration within the General Accounting Office for the purpose of administering a voter registration program.

H.R. 2673. February 4, 1975. House Administration. Requires that the nomination and election of the President and Vice-President be made by direct vote of the people. Establishes a national presidential primary election.

Sets forth the conditions which must be met before political parties and candidates can participate in the national presidential primary election.

Creates a National Presidential Elections Commission to regulate the elections required by this Act.

H.R. 2674. February 4, 1975. House Administration. Prohibits Members of Congress who have been defeated, or have resigned or retired, from traveling outside the United States at Government expense.

H.R. 2675. February 4, 1975. Judiciary. Postpones the effectiveness of Federal Court orders with respect to school busing until all appeals from such orders have been taken or if no appeals are taken until the time for such appeals has expired.

H.R. 2676. February 4, 1975. Judiciary. Prohibits the shipment in interstate commerce of dogs intended to be used to fight other dogs for purposes of sport, wagering or entertainment.

H.R. 2677. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to prohibit the payment of employment taxes by certain employers more than once per calendar quarter.

H.R. 2678. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer an additional personal exemption and withholding exemption for each dependent who is mentally retarded.

H.R. 2679. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the personal exemption and the amount of a withholding exemption for a taxpayer. Increases the gross income level requirement for filing a return and the gross income level which allows a later joint return to be deemed filed as of the date of the separate return or returns filed for the same tax year.

H.R. 2680. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to prohibit a deduction from gross income of expenses for the advertising of alcoholic beverages.

H.R. 2681. February 4, 1975. Foreign Affairs. Amends the Foreign Assistance Act of 1961, the Agricultural Trade Development Act and Assistance Act of 1954, and all agreements of the United States with the Organization of American States to repeal economic sanctions against Cuba.

H.R. 2682. February 4, 1975. Education and Labor. Banking, Currency and Housing. Establishes a National Employment Relocation Administration in the Department of Labor. Establishes programs of Federal assistance to employees who suffer employment loss through economic dislocations, to businesses threatened with dislocation, and to affected communities.

Requires prenotification to affected employees and communities of dislocation of businesses. Provides Federal assistance for job placement and retraining of employees.

H.R. 2683. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate as married individuals filing jointly.

H.R. 2684. February 4, 1975. Judiciary. Standards of Official Conduct. Requires candidates for Federal office, Members of the Congress, and certain officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 2685. February 4, 1975. Judiciary. Standards of Official Conduct. Requires candidates for Federal office, Members of the Congress, and certain officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 2686. February 4, 1975. Judiciary. Allows the Secretaries of the Army, Navy and Air Force to remit or cancel certain overpayments made to a retired member during the time that such member was on temporary duty assignment to the Federal Aviation Administration, Operation Grid Square.

H.R. 2687. February 4, 1975. Public Works and Transportation. Adds three hundred and thirty-seven miles to the Interstate Highway System between Buffalo, New York, and Grantsville, Maryland.

H.R. 2688. February 4, 1975. Public Works and Transportation. Adds three hundred and twenty miles to the Interstate Highway System between Buffalo, New York, and Morgantown, West Virginia.

H.R. 2689. February 4, 1975. Judiciary. Lowers the minimum age qualification for serving as a juror in Federal courts from twenty-one to eighteen years of age.

H.R. 2690. February 4, 1975. Post Office and Civil Service. Redesignates Veterans Day as November 11.

H.R. 2691. February 4, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants and enter into contracts to maintain and expand nurses training programs, to assist in meeting the costs of comprehensive public health services, and to plan and develop various other health-related programs. Directs the Secretary of Health, Education, and Welfare to establish, within the National Institute of Mental Health, a National Center for the Prevention and Control of Rape and to appoint several committees for the study of various diseases.

H.R. 2692. February 4, 1975. Ways and Means. Amends the Social Security Act to include routine, annual, physical examinations under the services covered by the medicare supplementary medical insurance program.

H.R. 2693. February 4, 1975. Ways and Means. Authorizes the Secretary of the Treasury to create a volunteer program to provide tax counseling assistance to the elderly.

H.R. 2694. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to exempt from the income tax cooperative housing corporations and condominium housing associations.

H.R. 2695. February 4, 1975. Government Operations. Directs the Secretary of the Treasury to compensate States and units of local government for the loss of property tax revenues due to the tax-exempt status of property owned or occupied by foreign powers or international organizations.

H.R. 2696. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence.

H.R. 2697. February 4, 1975. Foreign Affairs. Prohibits assistance under the Agricultural Trade Development and Assistance Act to any country which the President determines is not making reasonable and productive self-help efforts to stabilize population growth, and thereby reducing the need for assistance under the Act.

H.R. 2698. February 4, 1975. Banking, Currency and Housing. Small Business. Amends the National Housing Act and the Small Business Act to transfer without change from the Small Business Administration to the Department of Housing and Urban Development the function of providing catastrophe assistance to victims other than small business concerns, and the function of providing assistance to certain organizations operated in the interest of handicapped individuals.

H.R. 2699. February 4, 1975. Education and Labor. Repeals the Occupational Safety and Health Act of 1970.

H.R. 2700. February 4, 1975. Banking, Currency and Housing. Amends the National Housing Act to prohibit the foreclosure by the Secretary of Housing and Urban Development or any agency of the United States on any multifamily property covered by a mortgage insured under the Act until after the Secretary has conducted a study of mortgage default trends and made recommendations to Congress on how such trends may be cured or avoided while regarding the financial interests of the United States and the needs of low- and middle-income families in multifamily housing.

H.R. 2701. February 4, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to establish a fuel stamp program to assist certain low-income elderly households to meet fuel costs.

H.R. 2702. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to revise the income tax law with respect to capital gains, depreciation, State and local obligations, foreign corporations, oil and gas wells, farm losses, and the minimum tax for tax preferences.

Revises the estate and gift tax law with respect to the gain realized on property transferred by death or gift.

H.R. 2703. February 4, 1975. Judiciary. Prohibits the shipment in interstate commerce of dogs intended to be used to fight other dogs for purposes of sport, wagering or entertainment.

Makes it unlawful to promote or in any way assist in the promotion of dog fights.

H.R. 2704. February 4, 1975. Foreign Affairs. Amends the Foreign Assistance Act of 1961 to authorize additional appropriations for military assistance to Cambodia for fiscal year 1975.

H.R. 2705. February 4, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2706. February 4, 1975. Agriculture. Prohibits the importation of any dairy product into the United States unless it has been inspected and found to be wholesome and unless the foreign farms and plants in which such products were produced comply with all inspection, grading and other standards prescribed by the Secretary of Agriculture.

H.R. 2707. February 4, 1975. Agriculture. Prohibits the importation of any dairy product into the United States unless it has been inspected and found to be wholesome and unless the foreign farms and plants in which such products were produced comply with all inspection, grading and other standards prescribed by the Secretary of Agriculture.

H.R. 2708. February 4, 1975. Agriculture. Prohibits the importation of any dairy product into the United States unless it has been inspected and found to be wholesome and unless the foreign farms and plants in which such products were produced comply with all inspection, grading and other standards prescribed by the Secretary of Agriculture.

H.R. 2709. February 4, 1975. Government Operation. Interstate and Foreign Commerce. Establishes a Consumer Protection Agency within the executive branch to represent the interests of consumers before Federal agencies, to receive and act upon consumer complaints, and to gather and disseminate information on consumer products and services.

Requires Federal agencies considering policies or regulations which may affect the interests of consumers to notify the Agency, and to consider the interests of consumers.

Establishes the Office of Consumer Affairs to develop and coordinate programs and policies relating to the interests of consumers.

Creates a Consumer Advisory Council to evaluate the effectiveness of Federal programs relating to the interests of consumers.

H.R. 2710. February 4, 1975. Interstate and Foreign Commerce. Revises the programs for nurse training assistance, under the Public Health Service Act, extends such programs through fiscal year 1977, and authorizes the Secretary of Health, Education, and Welfare to make financial distress grants to public or nonprofit private schools of nursing, special project grants for such schools, and traineeship grants under the student loan program.

H.R. 2711. February 4, 1975. Judiciary. Establishes a one-year statute of limitations for civil actions brought against State law enforcement officers alleged to have deprived a citizen of his rights, privileges, or immunities as secured by the constitution or laws of the United States.

H.R. 2712. February 4, 1975. Merchant Marine and Fisheries. Extends the boundary of the United States fishery zone to a line drawn two hundred miles from the inner boundary of the territorial sea or along the five hundred and fifty meter depth line.

H.R. 2713. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to permit private foundations in their annual reports to exclude the name and address of certain recipients of charitable gifts made to indigent or needy persons.

H.R. 2714. February 4, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2715. February 4, 1975. Education and Labor. Allows the distribution in interstate commerce of goods produced by prison inmates who are paid not less than the prevailing minimum wages as determined for purposes of the Walsh-Healy Act.

H.R. 2716. February 4, 1975. Ways and Means. Amends the Internal Revenue Code by increasing the Federal estate tax exemption.

H.R. 2717. February 4, 1975. Agriculture. Amends the Food Stamp Act of 1964 by making optional the present requirement that States deduct the cost of food coupons from public assistance payments and distribute the coupons with such payments.

H.R. 2718. February 4, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to require to the extent that natural gas sion, except to the extent that natural gas is required to maintain natural gas service to existing residential and small commercial users, to prohibit any interruption or curtailment of natural gas and to assure the availability of natural gas to meet agricultural requirements.

H.R. 2719. February 4, 1975. Interior and Insular Affairs. Amends the National Trails System Act to authorize a joint feasibility study by the Secretaries of Interior, Agriculture, and Transportation, for the establishment of certain bicycle trails.

H.R. 2720. February 4, 1975. Interior and Insular Affairs. Authorizes and directs the Secretary of the Treasury to credit to the Cherokee Nation Trust Fund account $13,629,378.50 in full payment for all claims of the Cherokee Nation with respect to the acreage shortage in the grant of land under the Treaty of New Echota of December 19, 1835.

H.R. 2721. February 4, 1975. Public Works and Transportation. Establishes a program, under the Secretary of Commerce, of Federal aid to State and county road and highway authorities for the replacement of unsafe or inadequate rural, non-Federal aid highway bridges which are important to the area they serve.

H.R. 2722. February 4, 1975. Agriculture. Prohibits the importation of any dairy product into the United States unless it has been inspected and found to be wholesome, and unless the foreign farms and plants in which such products were produced comply with all inspection, grading and other standards prescribed by the Secretary of Health, Education, and Welfare.

H.R. 2723. February 4, 1975. Government Operations. Authorizes Federal payments to county governments to compensate for the tax immunity of Federal lands within their boundaries.

H.R. 2724. February 4, 1975. Interior and Insular Affairs.

Authorizes the Secretary of the Interior to enter into an agreement with the Governor of Michigan for the establishment of the Father Marquette National Memorial in Michigan.

H.R. 2725. February 4, 1975. Interior and Insular Affairs.

Declares that certain lands be held in trust by the United States for the Keweenaw Bay Indian Community.

H.R. 2726. February 4, 1975. Interior and Insular Affairs.

Designates certain lands in the Isle Royale National Park in Michigan as wilderness.

H.R. 2727. February 4, 1975. Interstate and Foreign Commerce.

Amends the Federal Trade Commission Act to exempt from the antitrust laws, under certain circumstances, exclusive territorial agreements made pursuant to a contract for the distribution or sale of a trademarked private label food product.

H.R. 2728. February 4, 1975. Post Office and Civil Service.

Revises regulations regarding creditable service for civil service retirement purposes with respect to National Guard technicians.

H.R. 2729. February 4, 1975. Post Office and Civil Service.

Redesignates Veterans' Day as November 11.

H.R. 2730. February 4, 1975. Veterans' Affairs.

Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2731. February 4, 1975. Ways and Means.

Amends the Internal Revenue Code to reduce the Federal excise tax on beer for certain qualified breweries.

H.R. 2732. February 4, 1975. Ways and Means.

Amends the Internal Revenue Code to allow as a limited credit against the income tax amounts paid for qualified investments in certain property or businesses in specified development areas.

H.R. 2733. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the percentage standard deduction.

H.R. 2734. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to prohibit a credit for any income, war profits, or excess profits taxes paid during the taxable year to any foreign country with respect to income derived from any oil or gas well located in a foreign country.

H.R. 2735. February 4, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to conduct annual investigations into the cost of travel to and from Veterans' Administration facilities for the purposes of setting the authorized allowance rate and the basis used for such determination.

H.R. 2736. February 4, 1975. Interstate and Foreign Commerce. Directs the Administrator of the Federal Energy Administration to require the allocation of scarce energy-producing materials and equipment if certain conditions are found to exist by the Administrator.

H.R. 2737. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to permit taxpayers to designate a certain amount of their income tax to be used to reduce the public debt.

H.R. 2738. February 4, 1975. Agriculture. Adjusts the prices established under the Agriculture and Consumer Protection Act of 1973 for wheat and feed grains to reflect any change during the calendar year in the index of prices paid by farmers and to reflect any change in the national average yield per acre.

H.R. 2739. February 4, 1975. Ways and Means. Redefines "income" for the purposes of determining eligibility for, and the amount of, Old-Age, Survivors, and Disability Insurance benefits and Supplemental Security Income benefits under the Social Security Act. Increases the amount of outside income which an individual may receive without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2740. February 4, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to grant releases from any of the terms, conditions, or restrictions contained in the deed of conveyance under which the United States conveyed certain property to the city of Elkhart, Kansas.

H.R. 2741. February 4, 1975. Judiciary. Incorporates the Army and Navy Union of the United States of America.

H.R. 2742. February 4, 1975. Interior and Insular Affairs. Authorizes the Secretary of Agriculture and the Secretary of the Interior to permit weather modification activities and the collection of hydrometeorological information in areas of the national wilderness preservation system or other Federal lands.

H.R. 2743. February 4, 1975. Interior and Insular Affairs. Authorizes the Secretary of Agriculture to convey certain lands in California to the Madera Cemetery District.

H.R. 2744. February 4, 1975. House Administration. Directs the Architect of the Capitol to enter into agreements with the States of Maryland and Virginia to withhold State income taxes from employees under the jurisdiction of the Architect who voluntarily agree to such withholding.

H.R. 2745. February 4, 1975. Post Office and Civil Service. Authorizes the allowance of creditable service for civil service retirement benefits to Federal employees and Members of Congress who have performed service in the employment of a State, or political subdivision thereof, in the carrying out of any program authorized and financed by Act of Congress, if certain specified conditions are met.

H.R. 2746. February 4, 1975. Agriculture. Prohibits increases in the portion of income to be paid by the elderly for food coupons under the Food Stamp act of 1964.

Extends the period during which supplemental Security Income recipients are ineligible for food coupons.

H.R. 2747. February 4, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to establish a national cemetery in South Carolina.

H.R. 2748. February 4, 1975. Judiciary. Authorizes the compensation, under regulations established by the Attorney General, of persons injured by certain violent criminal acts.

H.R. 2749. February 4, 1975. Public Works and Transportation. Designates a portion of the site of the Anthony J. Celebrezze Federal Building in Ohio as the George Washington Square.

H.R. 2750. February 4, 1975. Ways and Means. Amends the Internal Revenue Code to replace the income averaging provisions with a limitation on the tax on certain income which is received during the taxable year, but which is attributable to other taxable years.

H.R. 2751. February 4, 1975. Banking, Currency and Housing. Public Works and Transportation. Amends the Public Works and Economic Development Act of 1965 to establish a program to assist in urban industrial development. Authorizes the Secretary of Commerce to make grants and loans to central cities for the establishment of urban land banks. Authorizes industrial development loans to businesses to aid in financing projects within central cities.

H.R. 2752. February 4, 1975. Banking, Currency and Housing. Prescribes procedures and standards governing the disclosure of customer financial records by financial institutions to governmental agencies.

H.R. 2753. February 4, 1975. Judiciary. Prohibits any civil officer of the United States or any member of the Armed Forces from using the Armed Forces to exercise surveillance of civilians or to execute civil laws.

H.R. 2754. February 4, 1975. Judiciary. Prohibits any civil officer of the United States or any member of the Armed Forces from using the Armed Forces to exercise surveillance of civilians or to execute civil laws.

H.R. 2755. February 4, 1975. Armed Services. Authorizes recomputation of retired pay for members and former members of the Armed Forces who are 60 years of age or older or who are retired because of a physical disability.

H.R. 2756. February 4, 1975. Armed Services. Directs the Secretary of the Army to pay persons who served as a Philippine Scout during World War II, or their survivors, the difference between Philippine Scouts' pay and the pay for other members of the Army during the time of their service. Requires recomputation of Philippine Scouts' retired pay to conform it to that of other members of the Army.

H.R. 2757. February 4, 1975. Interstate and Foreign Commerce. Prohibits or restricts the ownership or control by foreign interests of certain issuers of securities, corporations, real estate, or natural resources deemed to be vital to the economic security and national defense of the United States. Establishes the National Foreign Investment Control Commission to supervise and regulate foreign investments in domestic interests.

H.R. 2758. February 4, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay service pensions to certain World War I veterans, their widows, and their children.

H.R. 2759. February 4, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2760. February 4, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits. Revises the method of calculating the amount of allowable outside earnings.

H.R. 2761. February 4, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2762. February 4, 1975. Ways and Means. Revises the eligibility requirements for Disability Insurance benefits for blind persons under the Social Security Act.

H.R. 2763. February 4, 1975. Interior and Insular Affairs. Amends the Land and Water Conservation Fund Act of 1965 to authorize additional appropriations for preservation of outdoor recreation resources. Revises procedures for providing financial assistance to States.

Amends the National Historic Preservation Act of 1966 to establish a historic preservation fund from revenues collected from mining leases and leases on the Outer Continental Shelf.

H.R. 2764. February 4, 1975. Interior and Insular Affairs. Amends the Land and Water Conservation Fund Act of 1965 to authorize additional appropriations for preservation of outdoor recreation resources. Revises procedures for providing financial assistance to States.

Amends the National Historic Preservation Act of 1966 to establish a historic preservation fund from revenues collected from mining leases and leases on the Outer Continental Shelf.

H.R. 2765. February 4, 1975. Interstate and Foreign Commerce. Amends the Clean Air Act to impose certain procedural requirements, including notice and hearing requirements, on decision making by the Administrator of the Environmental Protection Agency with respect to State implementation plans under the Act.

H.R. 2766. February 4, 1975. Interstate and Foreign Commerce. Amends the Clean Air Act to define the term "indirect source".

Sets forth criteria to be adhered to by the Administrator of the Environmental Protection Agency in approving State air quality implementation plans and in modifying ambient air quality primary standards.

H.R. 2767. February 4, 1975. Interstate and Foreign Commerce. Amends the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, and to raise the contribution base.

H.R. 2768. February 4, 1975. Interstate and Foreign Commerce. Prohibits the shipment or sale in interstate commerce of nonreturnable beverage containers for which no reasonable refundable money deposit is required.

Directs the Secretary of Health, Education, and Welfare to define the term "nonreturnable containers".

H.R. 2769. February 4, 1975. Interstate and Foreign Commerce. Prohibits the shipment or sale in interstate commerce of nonreturnable beverage containers for which no reasonable refundable money deposit is required.

Directs the Secretary of Health, Education, and Welfare to define the term "nonreturnable containers".

H.R. 2770. February 4, 1975. Interstate and Foreign Commerce. Revises the Public Health Service Act to include Guam in the definition of the term State for the purposes of inclusion in the programs authorized under the Act.

H.R. 2771. February, 4, 1975. Judiciary. Amends the Immigration and Nationality Act by waiving the visa requirements for certain aliens visiting Guam for not more than 15 days.

H.R. 2772. February 4, 1975. Judiciary. Merchant Marine and Fisheries. Interior and Insular Affairs. Science and Technology. Amends the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to prepare plans for the leasing of tracts and development of energy resources on the Outer Continental Shelf within the context of a national energy policy. Authorizes research and development programs in conjunction with plan preparation.

Establishes strict liability for damages in connection with oil spills and discharges from operations on the Outer Continental Shelf.

Authorizes the Secretary of Commerce to make grants to affected coastal States to ameliorate environmental, social and economic impacts of energy development.

H.R. 2773. February 4, 1975. Judiciary. Specifies the tax treatment of a certain corporation under the Internal Revenue Code.

H.R. 2774. February 4, 1975. Judiciary. Specifies the tax treatment of a certain individual under the Internal Revenue Code.

H.R. 2775. February 4, 1975. Judiciary. Declares that a certain individual shall be deemed to have fulfilled the service eligibility requirement for Armed Forces retired pay.

H.R. 2776. February 4, 1975. Judiciary. Declares a certain individual eligible for naturalization under the Immigration and Nationality Act.

H.R. 2777. February 4, 1975. Judiciary. Declares that a certain individual shall be considered a natural-born alien child for the purposes of the Immigration and Nationality Act.

H.R. 2778. February 4, 1975. Judiciary. Declares that a certain individual shall be considered a United States national for the purposes of the Immigration and Nationality Act.

H.R. 2779. February 4, 1975. Judiciary. Authorizes the Secretary of the Treasury to pay a sum of money to certain individuals in full satisfaction of their claims against the United States.

H.R. 2780. February 4, 1975. Judiciary. Directs the Secretary of Agriculture to reconvey a patent to a certain individual.

H.R. 2781. February 4, 1975. Agriculture. Directs the Secretary of Agriculture to convey a quit-claim deed, without consideration, to a certain nonprofit corporation.

H.R. 2782. February 4, 1975. Interior and Insular Affairs. Declares that a certain oil and gas lease shall be deemed to be in full force and effect.

H.R. 2783. February 5, 1975. Banking, Currency and Housing. Amends the Housing and Urban Development Act of 1968 to extend the duration of the Federal riot reinsurance program and the Federal crime reinsurance program.

H.R. 2784. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to increase the investment credit and the additional first-year depreciation allowance, and to revise the inventory adjustment for certain small businesses.

H.R. 2785. February 5, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowners.

H.R. 2786. February 5, 1975. Education and Labor. Establishes accreditation criteria to be observed by public or private associations and agencies which accredit post-secondary educational institutions and upon which the Federal Government relies in determining whether to grant Federal educational funding.

H.R. 2787. February 5, 1975. Education and Labor. Establishes in the Office of Education a National Student Financial Assistance Data Bank to provide information on available financial assistance to students at institutions of higher education.

H.R. 2788. February 5, 1975. Judiciary. Requires establishment of a system for the redress of law enforcement officers' grievances and acceptance of a law enforcement officers' bill of rights by the States and local government units as a condition to receiving grants under the Omnibus Crime Control and Safe Streets Act of 1968.

H.R. 2789. February 5, 1975. Armed Services. Revises the eligibility requirements for participation in the Armed Forces Survivor Benefit Plan to include permanently and totally disabled former members of the Armed Forces.

H.R. 2790. February 5, 1975. Veterans' Affairs. Authorizes and directs the Administrator of Veterans' Affairs to certify to the Secretary of the military department concerned the names of former members of the Armed Forces who apply to participate in the survivor benefit plan, are determined to have a total disability which is permanent in nature and a result of a service-connected disability, and are not otherwise entitled to retired or retainer pay.

H.R. 2791. February 5, 1975. Veterans' Affairs. Extends the maximum period of veterans' eligibility for educational benefits from thirty-six months to forty-five months.

H.R. 2792. February 5, 1975. Agriculture. Terminates all price-support programs for tobacco. Prohibits the payment of export subsidies for the export of tobacco to any foreign country.

H.R. 2793. February 5, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2794. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to impose a minimum tax on the income of certain individuals and corporations.

H.R. 2795. February 5, 1975. Merchant Marine and Fisheries. Directs the Secretary of Commerce to carry out national aquaculture development program. Defines aquaculture as the culture and husbandry of aquatic organisms.

H.R. 2796. February 5, 1975, Banking, Currency and Housing. Amends the Council on Wage and Price Stability Act to authorize the Council to promulgate wage and price guidelines, to require written notice in advance of wage and price increases and to delay such increases, and to hold hearings and subpena witnesses and information with respect to wage and price increases.

H.R. 2797. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to increase the personal exemption, to increase the percentage standard deduction, to decrease the tax rates for certain income brackets, and to increase the investment tax credit.

H.R. 2798. February 5, 1975. Interstate and Foreign Commerce. Prohibits the use of gasoline or diesel fuel for the transportation of public school students to any public school other than the closest public school within the pupil's school district.

H.R. 2799. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to revise the evidence and the burden of proof necessary to avoid imposition of the accumulated earnings tax on a corporation. Increases the minimum credit on corporate accumulated income.

H.R. 2800. February 5, 1975. Government Operations. Requires that Federal expenditures not exceed Federal revenues during any fiscal year, except in time of war or period of economic necessity, as declared by Congress.

H.R. 2801. February 5, 1975. Ways and Means. Amends the Trade Expansion Act of 1962 by requiring Congressional approval of all tariffs imposed by the President on petroleum imports.

H.R. 2802. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to require a repayment of a certain amount of the Federal excise tax paid on gasoline used in taxicabs.

H.R. 2803. February 5, 1975. Judiciary. Establishes the National Prison Standards Administration to develop and promulgate rules to assure the maintenance in prisons of the minimum standards set forth in this Act. Creates, as an independent agency, a Board of Parole. Establishes minimum parole standards.

H.R. 2804. February 5, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to offer reinsurance to any insurer or pool against liability for damages arising from medical malpractices. Directs the Secretary to conduct a comprehensive study of the problems that arise from medical malpractice litigation.

H.R. 2805. February 5, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amounts of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits.

H.R. 2806. February 5, 1975. Foreign Affairs. Authorizes for expenditure by the President an Emergency North Atlantic Treaty Organization Contingency Fund to strengthen the military capabilities of Treaty signatories.

H.R. 2807. February 5, 1975. Banking, Currency and Housing. Amends the Council on Wage and Price Stability Act to authorize the Council to promulgate wage and price guidelines, to require written notice in advance of wage and price increases and to delay such increases, and to hold hearings and subpena witnesses and information with respect to wage and price increases.

H.R. 2808. February 5, 1975. Interior and Insular Affairs. Authorizes the donation of the Franklin D. Roosevelt residence in New York to the United States.

H.R. 2809. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to impose a tax, based upon weight, upon every new automobile manufactured or imported.

H.R. 2810. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to increase the personal exemption, to increase the percentage standard deduction, to decrease the tax rates for certain income brackets, and to increase the investment tax credit.

H.R. 2811. February 5, 1975. Post Office and Civil Service. Authorizes the postage free mailing of absentee ballots and other absentee voting material.

H.R. 2812. February 5, 1975. Banking, Currency and Housing. Establishes the Homeowners Loan Corporation and authorizes such Corporation to issue bonds.

Authorizes the Corporation to acquire mortgages and other liens secured by real estate in exchange for its bonds in any quarter during which the foreclosure rate reaches a predetermined level.

Authorizes the Corporation to make cash advances to a homeowner whose mortgagor will not accept the Corporation's bonds.

Authorizes the Corporation to exchange bonds and advance cash to recover property lost through foreclosure within two years prior to such exchange or advance.

H.R. 2813. February 5, 1975. Post Office and Civil Service. Authorizes reduced second-class postal rates for certain State conservation publications.

H.R. 2814. February 5, 1975. Merchant Marine and Fisheries. Directs the Secretary of Commerce to carry out a national aquaculture development program. Defines aquaculture as the culture and husbandry of aquatic organisms.

H.R. 2815. February 5, 1975. Armed Services. Prohibits any change in the status of a member of the Armed Forces who was classified missing during service in Southeast Asia until there has been full compliance with the Paris Peace Accord of January 1973.

Directs the Senate Committee on Armed Services to study the method whereby the status of a member of the Armed Forces is changed from missing to dead.

H.R. 2816. February 5, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to study the feasibility of establishing the Bartram Trail in Alabama, Florida, and Georgia, as a national scenic trail.

H.R. 2817. February 5, 1975. Ways and Means. Amends the Trade Act of 1974 to remove Western Hemisphere countries from the class of countries excluded from the generalized system of preferences established by the Act because of participation in action with an arrangement of foreign countries which has the effect of withholding supplies of vital commodity resources from international trade or of raising the price of such commodities to an unreasonable level.

H.R. 2818. February 5, 1975. Judiciary. Amends the Civil Rights Act of 1964 to prohibit court ordered assignment of teachers or students to schools for reasons of race, sex, religion or national origin. Prohibits conditioning Federal grants for educational purposes on such assignment.

H.R. 2819. February 5, 1975. Education and Labor. Amends the Equal Education Opportunities Act of 1974 to prohibit any agency of the Federal Government from requiring educational institutions, as a prerequisite to the receipt of Federal funds, to provide such agency with access to records which concern race, religion, sex or national origin except when unlawful discrimination has been alleged.

H.R. 2820. February 5, 1975. Agriculture. Establishes, under the Agriculture and Consumer Protection Act of 1973, the loan rate for cotton at not less than 40 cents per pound and, under the Agricultural Act of 1949, the established price for cotton at 48 cents per pound.

H.R. 2821. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to require an automatic cost-of-living adjustment in the income tax rates, the amount of the standard deduction, personal exemption, and the depreciation deduction.

H.R. 2822. February 5, 1975. Education and Labor. Amends the Higher Education Act of 1965 by eliminating for purposes of eligibility for a Basic Student Grant the assets of the student and his family as criteria in determining the expected family contribution.

Increases the adjusted family income level under which interest benefits for student loans are allowed.

Increases appropriations for the Federal Work-Study Program. Lowers the normal Federal share of the compensation of work-study students.

Revises the criteria for selection of students for the Work-Study Program.

H.R. 2823. February 5, 1975. Interior and Insular Affairs. Regulates surface coal mining operations through a permit program administered by the Secretary of the Interior. Requires applicants to submit plans for reclamation of mined areas. Establishes an Abandoned Coal Mine Reclamation Fund for the reclamation of previously mined areas on a priority basis.

Allows States to establish surface mining control programs at least as stringent as minimum Federal requirements.

Directs the Secretary of the Interior to appoint an advisory committee on coal mining research.

H.R. 2824. February 5, 1975. Public Works and Transportation. Amends the Appalachian Redevelopment Act of 1965 to (1) authorize appropriations for the current and future fiscal years, (2) increase the mileage of highway construction authorized, and (3) extend the provisions of the Act to September 30, 1981.

H.R. 2825. February 5, 1975. Veterans' Affairs. Specifies that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 2826. February 5, 1975. Ways and Means. Amends the Tariff Schedules of the United States to suspend temporarily the import duty on tungsten ore and other materials in chief value of tungsten.

H.R. 2827. February 5, 1975. Interior and Insular Affairs. Creates an Abandoned Coal Mine Reclamation Fund to be administered by the Secretary of the Interior. Includes provisions for the acquisition and reclamation of abandoned mined lands. Authorizes the Secretary of Agriculture to enter into agreements with owners of lands affected by mining operations to provide for conservation of soil and water resources of such lands.

H.R. 2828. February 5, 1975. Interstate and Foreign Commerce. Requires, under the Federal Food, Drug, and Cosmetic Act, that any public eating place serving colored oleomargarine or colored margarine must prominently display a notice to that effect in the public eating place, on the menu, and on each individual serving.

H.R. 2829. February 5, 1975. Agriculture. Provides that under the Agricultural Act of 1949 the price of milk shall be supported at not less than 85 percent of the parity price therefor.

H.R. 2830. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from the gross income of an individual a limited amount of interest or dividends received from certain savings institutions.

H.R. 2831. February 5, 1975. Judiciary. Imposes penalties for the robbery or attempted robbery of any narcotic drug from any pharmacy.

H.R. 2832. February 5, 1975. Post Office and Civil Service. Designates the birthday of Martin Luther King, Jr., as a legal public holiday.

H.R. 2833. February 5, 1975. Post Office and Civil Service. Declares that correspondence sent to Members of Congress shall be carried in the mails at no cost to the sender.

H.R. 2834. February 5, 1975. Ways and Means. Amends the Social Security Act to require that Old-Age, Survivors, and Disability Insurance benefits be paid for the entire month during which a beneficiary dies.

H.R. 2835. February 5, 1975. Agriculture. Prohibits the importation of any dairy product into the United States unless it has been inspected and found to be wholesome, and unless the foreign farms and plants in which such products were produced comply with all inspection, grading and other standards prescribed by the Secretary of Agriculture.

H.R. 2836. February 5, 1975. Ways and Means. Amends the Social Security Act to extend medicare hospital coverage to include drugs. Establishes a Formulary Committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

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H.R. 2840. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from the gross income of an individual a limited amount of interest or dividends received from certain savings institutions.

H.R. 2841. February 5, 1975. Interstate and Foreign Commerce. Establishes an Office of Rural Health within the Department of Health, Education, and Welfare to be headed by a Director who shall be a qualified health care professional, appointed by the Secretary. Authorizes the Director to make grants, contracts, loans, and loan guarantees for projects to examine existing models of rural health care delivery, to determine their applicability and transferability to other rural areas, and to assist in the study, planning, development, experimentation, and demonstration of rural health care delivery models.

H.R. 2842. February 5, 1975. Judiciary. Establishes, under the Omnibus Crime Control and Safe Streets Act of 1968, a Federal death benefit to be paid to the survivors of law enforcement officers killed in the line of duty.

H.R. 2843. February 5, 1975. Public Works and Transportation. Authorizes the Secretary of the Army to investigate, plan and construct projects for the control of streambank erosion.

H.R. 2844. February 5, 1975. Veteran's Affairs. Excludes monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 in computing income for the purposes of determining eligibility for, and the amount of, veterans', or widow's pensions, or parents' compensation under the Veterans' Pension Act of 1959.

H.R. 2845. February 5, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay a pension to eligible veterans of World War I or to the widow of children of such veteran. Establishes maximum incomes at which point no pension is to be paid.

H.R. 2846. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to revise and consolidate the provision of the Code with respect to small business. Establishes a Committee on Tax Simplification for Small Business to suggest changes in the Code with respect to small business. Requires the Secretary of the Treasury, with the assistance of the Office of Small Business Tax Analysis to be created within the Office of the Secretary, to submit to the House Committee on Ways and Means and the Senate Committee on Finance recommendations for structural changes in the Code relating primarily to small business.

H.R. 2847. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to increase the personal exemption and the amount of a withholding exemption for a taxpayer. Increases the gross income level which allows a later joint return to be deemed filed as of the date of the separate return or returns filed for the same tax year.

H.R. 2848. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to permit as a limited deduction payments by an individual to a qualified pension fund.

Permits an individual to create as a qualified individual retirement account, a trust, custodial account, or other similar arrangement.

Imposes an excise tax on the assets of a qualified individual retirement account.

H.R. 2849. February 5, 1975. Post Office and Civil Service. Designates the last Monday in April as American Business Day and makes it a legal public holiday.

H.R. 2850. February 5, 1975. Judiciary. Allows the Attorney General of a State to bring a civil action under the Federal antitrust laws on behalf of the citizens, or any political subdivisions, of that State or the State itself.

H.R. 2851. February 5, 1975. Public Works and Transportation. Authorizes the Administrator of General Services to provide space in the Old Post Office Building, located in the District of Columbia, to tenants approved by the Chairman of the National Endowment for the Arts.

H.R. 2852. February 5, 1975. Judiciary. Establishes a United States Amnesty Commission (1) to review applications for amnesty from prosecution for violation of laws concerning draft registration, military induction, desertion, and refusal of duty; and (2) to make recommendations to the President concerning the disposition of such applications for amnesty.

H.R. 2853. February 5, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

Redefines wages and employment for the purpose of determining eligibility for supplemental security income benefits.

H.R. 2854. February 5, 1975. Merchant Marine and Fisheries. Authorizes the Secretary of Commerce to make loans to commercial fishermen whose vessels or equipment have been damaged or destroyed by foreign fishing vessels.

Authorizes the Secretary to cancel repayment of such loan if his investigation reveals that the damage was caused solely by the foreign vessel, or to require repayment with interest when the owner of the United States vessel was partially or entirely at fault.

H.R. 2855. February 5, 1975. Interior and Insular Affairs. Declares that certain land in Nevada is to be held in trust by the United States for the Paiute-Shoshone Tribe of the Fallon Indian Reservation, Nevada.

H.R. 2856. February 5, 1975. Interior and Insular Affairs. Authorizes the Director of the Bureau of Mines to provide financial assistance to small, independent mine operators engaged in mineral exploration and development.

H.R. 2857. February 5, 1975. Public Works and Transportation. Designates the Federal office building to be located in Carbondale, Illinois, as the "Kenneth J. Gray Federal Building."

H.R. 2858. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to permit certain individuals to average their income over a specified number of taxable years when such income has declined by a certain amount.

H.R. 2859. February 5, 1975. Interstate and Foreign Commerce. Establishes a National Commission on Regulatory Reform to study and make recommendations on the activities and effect on the economy of certain Federal regulatory agencies.

H.R. 2860. February 5, 1975. Merchant Marine and Fisheries. Establishes the limit of the United States fishery zone at two hundred miles from the inner limit of the territorial sea.

Extends the jurisdiction of the U.S. over fish which originate in United States inland waters to wherever such fish range in the oceans except that jurisdiction does not extend into the fishery or territorial waters of another country.

H.R. 2861. February 5, 1975. Ways and Means. Requires the President to promulgate a program to systematically reduce imports of crude oil, residual fuel oil, and petroleum products.

H.R. 2862. February 5, 1975. Judiciary. Prohibits any civil officer of the United States or any member of the Armed Forces from using the Armed Forces to exercise surveillance of civilians or to execute civil laws.

H.R. 2863. February 5, 1975. Government Operations. Directs the Secretary of Health, Education, and Welfare to appoint a certain number of investigators to investigate allegations of fraud or misuse of Federal funds in programs conducted by the Secretary.

H.R. 2864. February 5, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to convey all interest in coal deposits to the owners of record of certain lands in Fayette County, Alabama.

H.R. 2865. February 5, 1975. Judiciary. Establishes criteria for the imposition of the death penalty.

H.R. 2866. February 5, 1975. Agriculture. Amends the Consolidated Farm and Rural Development Act to authorize loans to farming, ranching, or oyster producing operations after a natural disaster strikes such operations.

H.R. 2867. February 5, 1975. Interstate and Foreign Commerce. Directs the Secretary of Commerce to maintain records containing the identity of any foreign investors who acquire a significant control of a United States business concern. Establishes the Foreign Investment Review Administration in the Department of Commerce through which the Secretary shall carry out this Act.

H.R. 2868. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to disallow the percentage oil and gas depletion deduction, to disallow the option to deduct intangible drilling and development costs, and to disallow the foreign tax credit with respect to any oil or gas well located outside the United States.

H.R. 2869. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to eliminate the percentage depletion allowance for oil and gas wells.

H.R. 2870. February 5, 1975. Interstate and Foreign Commerce. Public Works and Transportation. Authorizes appropriations for the Federal regulatory agencies for fiscal years 1976, 1977, and 1978.

H.R. 2871. February 5, 1975. Post Office and Civil Service. House Administration. Reduces retirement benefits for Members of Congress who remain in office after attaining seventy years of age.

H.R. 2872. February 5, 1975. Post Office and Civil Service. Directs the Civil Service Commission to develop and administer a Government employee health benefits plan.

H.R. 2873. February 5, 1975. Judiciary. Amends the Clayton Act by declaring it unlawful for a company engaged in the production of petroleum or natural gas to acquire an interest in, own, or control a company engaged in the production or sale of coal, oil shale, uranium, nuclear reactors, geothermal steam or solar energy.

H.R. 2874. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to allow a credit against taxes for certain amounts deposited by a taxpayer in an educational savings plan for himself or a dependent to pay the expenses of postsecondary education.

H.R. 2875. February 5, 1975. Merchant Marine and Fisheries. Amends the Coastal Zone Management Act of 1972 to establish a national policy with respect to the beach resources of the United States. Declares that the public shall have a free and unrestricted right to use beaches as consistent with State and national conservation policies.

Authorizes the Secretary of Commerce to make grants to States to protect the public's right to use the beaches. Vests jurisdiction in Federal district courts to hear cases involving the public right to use beaches.

H.R. 2876. February 5, 1975. Agriculture. Prohibits the importation of cattle; fresh, chilled, or frozen beef; preserved beef or veal; milk; cream; butter; oleomargarine and butter substitutes; cheeses; or any beef or dairy products until the Secretary of Agriculture certifies that such imports do not pose a danger to the economic well-being of the Nation's meat and dairy producers, and the Nation's quality and health standards for foods for domestic consumption.

H.R. 2877. February 5, 1975. Interstate and Foreign Commerce. Amends the Internal Revenue Code to impose a tax upon certain passenger automobiles based on their horsepower rating.

Amends the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the manufacture of passenger motor vehicles which do not comply with certain limitations with respect to weight, fuel economy, and horsepower.

H.R. 2878. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to permit two taxpayers eligible to file a single return jointly to pay as tax the lesser of their tax liability computed either as single individuals or as married individuals filing separately or jointly.

H.R. 2879. February 5, 1975. Small Business. Permits the head of any executive agency to terminate any fixed-price contract between that agency and a small business concern for contract termination.

H.R. 2880. February 5, 1975. Post Office and Civil Service. Enumerates procedures to be followed for resolving labor disputes within the United States Postal Service. Prohibits Postal employees from being reduced in rank or pay because of membership in certain organizations or presenting a grievance to Congress.

H.R. 2881. February 5, 1975. Post Office and Civil Service. Repeals that section of the Postal Reorganization Act of 1970 which allows Postal Service employees to join or refrain from joining labor organizations without fear of penalty or reprisal.

H.R. 2882. February 5, 1975. Armed Services. Revises the schedule of deductible payment by patients for medical care and services under the health benefits program for spouses and children of members of the Armed Forces.

H.R. 2883. February 5, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 2884. February 5, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to offer reinsurance to any insurer or pool against liability for damages arising from medical malpractice. Directs the Secretary to conduct a comprehensive study of the problems that arise from medical malpractice litigation.

H.R. 2885. February 5, 1975. Ways and Means. Interstate and Foreign Commerce. Revises the administration and functions of the Professional Standards Review Organizations under the Social Security Act. Limits and specifies the circumstances under which the data amassed by a Professional Standards Review Organization may be disclosed.

H.R. 2886. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income limited amounts received as compensation for service as a full-time law enforcement officer in the employ of the United States, or a State or local political entity.

H.R. 2887. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income pensions or annuities received by policemen or firemen or their dependents or survivors, for services performed in the employ of a Federal, State or local government.

H.R. 2888. February 5, 1975. Post Office and Civil Service. Redesignates Veterans' Day as November 11.

H.R. 2889. February 5, 1975. Merchant Marine and Fisheries. Interior and Insular Affairs. Amends the Coastal Zone Management Act of 1972 to suspend Federal oil and gas leasing in coastal zone areas until final approval of State coastal zone management programs by the Secretary of the Interior.

H.R. 2890. February 5, 1975. Rules. Banking, Currency and Housing. Amends the Congressional Budget Act of 1974 (1) to provide that Federal revenues and outlays shall not exceed Federal revenue and budget outlay limits with specified exceptions, and (2) to require that when they are introduced, all bills or joint resolutions contain a "fiscal note" disclosing the fiscal impact of the bill on Government finances.

Limits the rate at which the Federal Reserve Board may increase the money supply.

H.R. 2891. February 5, 1975. Ways and Means. Amends the Supplemental Security Income provisions of the Social Security Act by (1) mandating benefit increases; (2) prohibiting benefit decreases as a consequence of increases in other social security benefits; (3) adding a supplementary housing benefit; (4) revising the basis upon which mandatory minimum State supplementation is calculated; (5) revising administrative procedures for paying benefits; and (6) redefining "eligible spouse."

Amends the Food Stamp Act of 1964 by allowing certain Supplemental Security Income recipients to elect to receive food stamps.

H.R. 2892. February 5, 1975. Judiciary. Merchant Marine and Fisheries. Interior and Insular Affairs. Science and Technology. Revises the Outer Continental Shelf Lands Act to establish a policy for the development and management of oil and natural gas on the Outer Continental Shelf designed to protect the marine and coastal environment.

Directs the Secretary of the Interior to establish a comprehensive exploratory program to develop potential oil and gas leases. Directs the National Oceanic and Atmospheric Administration to assume lead responsibility in preparation of environmental impact statements.

Revises bidding and lease administration procedures.

Authorizes the Secretary of Transportation to report on pipeline safety and operation on Federal lands and the Outer Continental Shelf.

H.R. 2893. February 5, 1975. Education and Labor. Extends the Library Services and Construction Act through September 30, 1978.

H.R. 2894. February 5, 1975. Public Works and Transportation. Modifies the Keystone Reservoir Project on the Arkansas River to provide that previous owners receive priority in the leasing of lands acquired for such project.

H.R. 2895. February 5, 1975. Ways and Means. Amends the Internal Revenue Code to prohibit the payment of employment taxes by certain employers more than once per calendar quarter.

H.R. 2896. February 5, 1975. Interior and Insular Affairs. Amends the Mineral Leasing Act of 1920 to authorize the Secretary of the Interior to issue certificates of public convenience and necessity to aid in construction of certain pipelines. Allows certified pipeline carriers to exercise the power of eminent domain in the United States district courts to acquire rights-of-way for coal pipelines.

H.R. 2897. February 5, 1975. Interstate and Foreign Commerce. Prohibits the United States Consumer Products Safety Commission from restricting the manufacture or sale of firearms, firearm ammunition or components or firearm ammunition.

H.R. 2898. February 5, 1975. House Administration. Establishes an American Folklife Center in the Library of Congress.

H.R. 2899. February 5, 1975. Ways and Means. Amends the Social Security Act as it relates to Old-Age, Survivors and Disability Insurance by (1) eliminating the waiting period for disability benefits; (2) increasing the amount of outside income which an individual may earn while receiving benefits; (3) revising the eligibility requirements for adopted children; (4) revising the procedure for making administrative determinations of entitlement to benefits; (5) authorizing the replacement of lost, stolen or undelivered benefit checks; and (6) giving Disability Insurance beneficiaries the same right to expedited benefit payments as Old-Age and Survivors Insurance beneficiaries.

H.R. 2900. February 5, 1975. Banking, Currency and Housing. Authorizes the Secretary of Housing and Urban Development to make periodic assistance payments to mortgagees holding mortgages on behalf of owners of newly constructed homes in order to reduce the interest rate on the homeowners' mortgage payments to seven percent.

H.R. 2901. February 5, 1975. Government Operations. Amends the Federal Property and Administrative Services Act of 1949 by directing executive agencies to furnish excess Federal property to grantees of Federal funds under certain circumstances.

H.R. 2902. February 5, 1975. Ways and Means. Amends the Social Security Act to eliminate deductibles and coinsurance fees under Medicare. Extends Medicare supplementary medical insurance coverage to include eye and dental care, hearing aids, all prosthetic devices, drugs and immunizations.

Amends the Internal Revenue Code to eliminate hospital insurance taxes.

Amends the Social Security Act to eliminate Medical taxes and premiums.

H.R. 2903. February 5, 1975. Interior and Insular Affairs. Prohibits the United States from bringing any action to recover any public lands which have been held by adverse possession under claim of title for a continuous period of not less than 20 years.

H.R. 2904. February 5, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to fund up to fifty percent of the cost of (1) converting existing open canals in or adjacent to urban areas to covered conduits; or (2) providing for safety fencing of large lands.

H.R. 2905. February 5, 1975. Interior and Insular Affairs. Designates the proposed Manzano Mountain Wilderness in New Mexico as the Manzano Mountain Wilderness, to be administered by the Secretary of Agriculture.

H.R. 2906. February 5, 1975. Interior and Insular Affairs. Designates certain lands in New Mexico as the Sandia Mountain Wilderness, to be administered by the Secretary of Agriculture.

H.R. 2907. February 5, 1975. Interior and Insular Affairs. Modifies the boundary of the Cibola National Forest in New Mexico.

H.R. 2908. February 5, 1975. Interior and Insular Affairs. Repeals and terminates the effect of the Act of May 10, 1926, which provided for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes.

H.R. 2909. February 5, 1975. Interior and Insular Affairs. Authorizes and directs the Secretary of the Interior to conduct a study of the feasibility and desirability of administering the Vietnam Veterans Chapel located near Eagle Nest, New Mexico, as a unit of the National Park System.

H.R. 2910. February 5, 1975. Ways and Means. Substitutes a "Pay-As-You-Go, Social Security and Prosperity Insurance" for the present Old-Age, Survivors, and Disability Insurance program under the Social Security Act. Revises eligibility requirements and benefit amounts. Imposes a uniform tax on personal and corporate incomes to be collected by the Internal Revenue Service to fund the program.

Directs the Secretary of the Treasury to prepare and offer for sale "United States Social Security bonds."

H.R. 2911. February 5, 1975. Judiciary. Prohibits the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns except as authorized by the Secretary of the Treasury or by members of the Armed Forces and law enforcement officers.

H.R. 2912. February 5, 1975. Veterans' Affairs. Entitles veterans of the Mexican border period or World War I and their widows and children to pensions on the same basis as veterans of the Spanish-American War and their widows and children. Increases the pension rate for these veterans and their survivors.

H.R. 2913. February 5, 1975. Education and Labor. Amends the Federal Coal Mine Health and Safety Act of 1969 with respect to Black Lung disability benefits to (1) require that miners or former miners be on the committee on coal mine health research established by the Act; (2) specifically define the term "total disability" with respect to coal miners; (3) delete the requirement for a chest X-ray in a claim for benefits by a miner who worked in an underground coal mine for fifteen years or more; and (4) allow for a valid claim even in the absence of medical evidence.

H.R. 2914. February 5, 1975. Agriculture. Establishes a repayment procedure for loans made by the Secretary of Agriculture under the Consolidated Farm and Rural Development Act.

H.R. 2915. February 5, 1975. Interstate and Foreign Commerce. Amends the Uniform Time Act of 1966 to provide that daylight savings time shall begin on the last Sunday in February and end on the first Sunday in November each year.

H.R. 2916. February 5, 1975. Government Operations. Repeals that section of the State and Local Fiscal Assistance Act of 1972 which limits the uses to which revenue sharing funds may be put by units of local government.

Amends the Act by redefining Federal adjusted gross income.

H.R. 2917. February 5, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to create a Federal Oil and Gas Corporation. Authorizes the corporation to acquire rights to develop natural gas or oil on certain lands and to acquire refining and transportation facilities. Directs the Corporation to offer refined oil and gas products to consumers at fair and reasonable prices.

H.R. 2918. February 5, 1975. Judiciary. Requires that all authorizations of appropriations for the Justice Department, for any fiscal year beginning after June 30, 1975, be specifically made by Act of Congress.

H.R. 2919. February 5, 1975. Public Works and Transportation. Terminates the Airlines Mutual Aid Agreement.

H.R. 2920. February 5, 1975. Judiciary. Increases the penalties for depriving or promising employment or other benefits made possible by an Act of Congress on account of race, creed, color or political activity. Makes it illegal to deprive an individual of any benefit made possible by any Act of Congress on account of political activity, race, color or creed.

H.R. 2921. February 5, 1975. Interstate and Foreign Commerce. Authorizes and directs the Secretary of Health, Education, and Welfare, subject to the consent of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation, to take such action as is necessary in order to utilize the facilities of the United States Public Health Service Owyhee Indian Hospital located on the Duck Valley Indian Reservation for the purpose of providing nonemergency medical care to non-Indians living within a fifty mile radius of such hospital.

H.R. 2922. February 5, 1975. Ways and Means. Revises the eligibility requirements for Disability Insurance benefits for blind persons under the Social Security Act.

H.R. 2923. February 5, 1975. Ways and Means. Sets forth standards whereby certain industrial or commercial enterprises which establish new facilities in designated "rural job development areas" may be certified as eligible for benefits by the Secretary of Agriculture.

Amends the Internal Revenue Code of 1954 to provide such certified industries (1) tax credits for investments in depreciable property; (2) a method of calculating depreciation deductions for property of such industries; (3) a definition of net operating loss carry-overs for such industries; and (4) loss carry-overs for such industries; and (4) a special deduction for certain salary expenses incurred in training employees.

H.R. 2924. February 5, 1975. Interior and Insular Affairs. Declares that certain lands are to be held in trust by the United States for the Kiowa, Comanche, and Apache Indian Tribes of Oklahoma upon payment of the original cost of the land.

H.R. 2925. February 5, 1975. Interior and Insular Affairs. Authorizes the Conveyances of certain lands of the United States to the city of Lawton, Oklahoma, to develop for public use as an outdoor recreation complex.

H.R. 2926. February 5, 1975. Judiciary. Standards of Official Conduct. Requires candidates for Federal office, Members of the Congress, and certain other officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 2927. February 5, 1975. Ways and Means. Amends the Tariff Schedules of the United States to suspend until June 30, 1976, the duty on catalyst of patinum and carbon used in producing caprolactum.

H.R. 2928. February 5, 1975. Merchant Marine and Fisheries. Amends the Coastal Zone Management Act of 1972 to authorize financial assistance to coastal States to assess impacts associated with the development of Federal energy resources in the Outer Continental Shelf area. Authorizes grants to States for interstate coordination of coastal zone planning.

H.R. 2929. February 5, 1975. Merchant Marine and Fisheries. Interior and Insular Affairs. Amends the Coastal Zone Management Act of 1972 to suspend Federal oil and gas leasing in coastal zone areas until final approval of State coastal zone management programs by the Secretary of the Interior.

H.R. 2930. February 5, 1975. Merchant Marine and Fisheries. Interior and Insular Affairs. Amends the Coastal Zone Management Act of 1972 by prohibiting temporarily certain Federal activities which may affect a State's coastal zone unless the Governor of the concerned coastal State has given his approval.

H.R. 2931. February 5, 1975. Science and Technology. Authorizes appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management.

H.R. 2932. February 5, 1975. Science and Technology. Authorizes appropriations to the Environmental Protection Agency for environmental research, development, and demonstration programs.

H.R. 2933. February 5, 1975. Government Operations. Directs the Administrator of General Services to assist Federal agencies with respect to records creation, maintenance, use, and disposition. Directs the Administrator to make inspections and formulate rules regarding Federal records.

Establishes a Records Review Board to review orders issued by the Administrator.

Grants the Administrator custody and control over the National Archives Building and its contents.

H.R. 2934. February 5, 1975. Ways and Means. Interstate and Foreign Commerce. Amends the Social Security Act to include radiation therapy among those services covered by the Medicare program.

H.R. 2935. February 5, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior and the Secretary of Agriculture to use aircraft and motorized vehicles to protect, manage, and control wild free-roaming horses and burros.

Authorizes the Secretary to sell or donate excess horses or burros to individuals or organizations.

H.R. 2936. February 5, 1975. Armed Services. Authorizes recomputation of retired pay for members and former members of the Armed Forces who are 60 years of age or older or who are retired because of a physical disability.

H.R. 2937. February 5, 1975. Armed Services. Prohibits any change in the status of a member of the Armed Forces who was classified missing during service in Southeast Asia until there has been full compliance with the Paris Peace Accord of January 1973.

Directs the Senate Committee on Armed Services and the House Committee on Armed Services to study the method whereby the status of a member of the Armed Forces is changed from missing to dead.

H.R. 2938. February 5, 1975. Judiciary. Authorizes the Secretary of the Treasury to pay a sum of money to a certain individual in full satisfaction of his claims against the United States.

H.R. 2939. February 5, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2940. February 5, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 2941. Jebruary 5, 1975. Judiciary. Declares that a certain individual shall be considered a returning resident alien for the purposes of the Immigration and Nationality Act.

H.R. 2941. February 5, 1975. Judiciary. Declares that a certain individual shall be deemed to have met the requirement for a senior Air Force Reserve Officers Training Corps Scholarship, and authorizes payment to such individual for the amount he would have received if selected for such scholarship.

H.R. 2943. February 5, 1975. Judiciary. Authorizes the Secretary of the Treasury to pay a sum of money to the estate of a certain individual in full satisfaction of that individual's claims against the United States.

H.R. 2944. February 5, 1975. Interior and Insular Affairs. Validates certain mining claims and directs the Secretary of the Interior to issue patents for the lands included in such mining claims.

H.R. 2945. February 5, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 2946. February 5, 1975. Judiciary. Waives the statute of limitations and declares that a certain individual shall be considered to have filed a timely application for veterans death compensation.

H.R. 2947. February 5, 1975. Judiciary. Specifies the tax treatment of a certain individual under the Internal Revenue Code.

H.R. 2948. February 5, 1975. Judiciary. Authorizes the Secretary of the Treasury to pay a sum of money to a certain corporation in full settlement of its claims against the United States.

H.R. 2949. February 5, 1975. Judiciary. Relieves a certain individual of liability to the United States for reimbursement expenses paid to him due to administrative error when accepted employment with the U.S. Army.

H.R. 2950. February 5, 1975. Judiciary. Authorizes the Secretary of the Treasury to pay a sum of money to a certain individual in full settlement of his claims against the United States.

H.R. 2951. February 5, 1975. Judiciary. Relieves a certain individual of liability to the United States for reimbursement expenses paid to him due to administrative error when he accepted employment with the U.S. Army.

H.R. 2952. February 5, 1975. Judiciary. Authorizes the Secretary of the Treasury to pay sums of money to certain individuals in full settlement of their claims against the United States.

H.R. 2953. February 5, 1975. Judiciary. Declares that a certain individual shall be considered to have been retired from the Navy for physical disability and entitled to retired pay.

H.R. 2954. February 6, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Services Act, to make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services, to make grants and enter into contracts for research related to family planning and population, and to make grants for migrant health centers, community health centers, and home health services. Directs the Secretary to appoint various Committees to study certain health related problems and diseases.

H.R. 2955. February 6, 1975. Interstate and Foreign Commerce. Extends the funding of the Developmental Disabilities Services and Facilities Construction Act through fiscal year 1976. Requires all special project grants under such Act to be authorized by the Secretary of Health, Education, and Welfare. Stipulates that the Federal share of all costs incurred by the States for planning, administration, and services for disabled persons, including construction costs, shall be 75 percent of the total.

H.R. 2956. February 6, 1975. Interstate and Foreign Commerce. Revises the Public Health Services Act to increase the level of appropriations that the Secretary of Health, Education, and Welfare may make for programs to assist in the construction of teaching facilities for the training of health personnel, to contribute to the student loan funds of such schools, to establish traineeships in schools of public health, and to provide assistance to individuals from disadvantaged backgrounds. Increases appropriations for the National Health Service Corps Scholarship Training programs. Establishes the Medical Residency Training Program.

H.R. 2957. February 6, 1975. Interstate and Foreign Commerce. Revises and extends programs of assistance for nurse training under the Public Health Service Act. Authorizes the Secretary of Health, Education, and Welfare to make grants for advanced nurse training and nurse practitioner programs.

H.R. 2958. February 6, 1975. Interstate and Foreign Commerce. Revises the National Health Service Corps program to provide the Secretary of Health, Education, and Welfare with criteria to be used in processing applications for assistance from medically underserved areas. Extends the appropriations for such program. Increases and extends the level of appropriations under the National Health Service Corps Scholarship Training Program and provides a formula for repayment of loans for those individuals who fail to fulfill their service obligations under such program.

H.R. 2959. February 6, 1975. Pubic Works and Transportation. Transfers responsibility for establishing standards and regulations pertaining to the control and abatement of aircraft noise from the Federal Aviation Administration to the Environmental Protection Agency.

H.R. 2960. February 6, 1975. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to require civilian aircraft to be marked in such a way as to be readily identifiable by persons on the ground when such aircraft are flying at low altitudes.

H.R. 2961. February 6, 1975. Small Business. Authorizes supplemental compensation, in addition to any payments made under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, to small businesses which are displaced by the acquisition of real property for a project undertaken by a Federal agency or with Federal financial assistance.

H.R. 2962. February 6, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Service Act, to enter into contracts and make grants for the establishment and operation of voluntary Tay-Sachs disease screening, counseling, and information services.

H.R. 2963. February 6, 1975. Agriculture. Creates the Federal Grain Insurance Corporation, as an agency of and within the Department of Agriculture, to insure producers of grain dealing with a member of the Corporation against loss due to the failure of such member to make proper payment for such grain.

H.R. 2964. February 6, 1975. Armed Services. Revises the characteristics of military discharge certificates to provide for a "Discharge from Service." Sets forth conduct calling for such discharge.

Establishes procedures whereby any commissioned or warrant officer may be discharged for substandard performance of duty.

H.R. 2965. February 6, 1975. Judiciary. Sets forth penalties for the kidnaping of a minor child by a parent.

H.R. 2966. February 6, 1975. Education and Labor. Establishes an Office of Child and Family Services within the Office of the Secretary of Health, Education, and Welfare to administer this Act. Establishes a Child and Family Services Coordinating Council to coordinate Federal activity in the field. Requires the Secretary to develop program standards for child care services and a uniform minimum code for facilities used for child care services.

Authorizes the Secretary to make grants for child and family services programs and for the training of professionals and paraprofessionals in the child development field. Authorizes the Secretary to insure mortgages for child and family services facilities.

H.R. 2967. February 6, 1975. Education and Labor. Establishes an Office of Child and Family Services within the Office of the Secretary of Health, Education, and Welfare to administer this Act. Establishes a Child and Family Services Coordinating Council to coordinate Federal activity in the field. Requires the Secretary to develop program standards for child care services and a uniform minimum code for facilities used for child care services.

Authorizes the Secretary to make grants for child and family services programs and for the training of professionals and paraprofessionals in the child development field. Authorizes the Secretary to insure mortgages for child and family services facilities.

H.R. 2968. February 6, 1975. Education and Labor. Establishes an Office of Child and Family Services within the Office of the Secretary of Health, Education, and Welfare to administer this Act. Establishes a Child and Family Services Coordinating Council to coordinate Federal activity in the field. Requires the Secretary to develop program standards for child care services and a uniform minimum code for facilities used for child care services.

Authorizes the Secretary to make grants for child and family services programs and for the training of professionals and paraprofessionals in the child development field. Authorizes the Secretary to insure mortgages for child and family services facilities.

H.R. 2969. February 6, 1975. Education and Labor. Establishes an Office of Child and Family Services within the Office of the Secretary of Health, Education, and Welfare to administer this Act. Establishes a Child and Family Services Coordinating Council to coordinate Federal activity in the field. Requires the Secretary to develop program standards for child services and a uniform minimum code for facilities used for child care services.

Authorizes the Secretary to make grants for child and family services programs and for the training of professionals and paraprofessionals in the child development field. Authorizes the Secretary to insure mortgages for child and family services facilities.

H.R. 2970. February 6, 1975. Education and Labor. Establishes an Office of Child and Family Services within the Office of the Secretary of Health, Education, and Welfare to administer this Act. Establishes a Child and Family Services Coordinating Council to coordinate Federal activity. Requires the Secretary to develop program standards for child care services and a uniform minimum code for facilities used for child care services.

Authorizes the Secretary to make grants for child and family services programs and for the training of professionals and paraprofessionals in the child development field. Authorizes the Secretary to insure mortgages for child and family services facilities.

H.R. 2971. February 6, 1975. Merchant Marine and Fisheries. Amends the Fish and Wildlife Act of 1965 to authorize the Secretary of Commerce to make low-interest loans, whose maturity is not to exceed ten years, to areas of the commercial fishing industry facing imminent economic disaster.

H.R. 2972. February 6, 1975. Ways and Means. Amends the Social Security Act to permit officers and employees of the Federal Government to elect coverage under Old-Age, Survivors and Disability Insurance. Sets forth the procedures by which Federal employees may elect such coverage.

H.R. 2973. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited credit against the income tax expenses paid during the taxable year by an individual for home garden tools.

H.R. 2974. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against the income tax for each ton of post-consumer waste paper processed in the United States by the taxpayer during the taxable year into new commercially marketable pulp paper, paperboard, or other similar products.

H.R. 2975. February 6, 1975. Interior and Insular Affairs. Designates certain lands in the Mingo National Wildlife Refuge, Wayne and Stoddard Counties, Missouri, as wilderness, to be administered by the Secretary of the Interior.

H.R. 2976. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction from gross income limited amounts paid by the taxpayer during the taxable year on behalf of his qualified dependents for expenses at an institution of higher education.

H.R. 2977. February 6, 1975. Interior and Insular Affairs. Directs the Secretary of the Interior to sell certain oil and mineral rights to Florida.

H.R. 2978. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income certain amounts received by a volunteer fireman for serving as a member of the firefighting or rescue unit.

H.R. 2979. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to impose a tax, based upon weight, upon every new automobile manufactured or imported.

H.R. 2980. February 6, 1975. Banking, Currency and Housing. Authorizes the Secretary of Housing and Urban Development to make direct low-interest loans to assist homeowners and other owners of residential structures in purchasing and installing effective insulation and heating equipment.

H.R. 2981. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against the income tax for amounts paid for the purchase and installation of qualified heating equipment or insulative materials in the taxpayers' principal residence.

H.R. 2982. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer to deduct as an expense during the taxable year expenditures for the purpose of making any facility owned or leased by the taxpayer for use in connection with his trade or business more usable by handicapped and elderly individuals.

H.R. 2983. February 6, 1975. Ways and Means. Interstate and Foreign Commerce. Requires skilled nursing and intermediate care facilities participating in Medicare and Medicaid programs under the Social Security Act to publish a statement of the rights and responsibilities of their patients.

H.R. 2984. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to exempt from the tax on self-dealing, a government official who receives a limited payment or reimbursement for expenses incurred in travel to points outside the United States.

H.R. 2985. February 6, 1975. Judiciary. Amends the Federal Criminal Code by repealing the antiriot provisions.

H.R. 2986. February 6, 1975. Judiciary. Revises the process for granting testimonial immunity to Federal witnesses and holding witnesses in contempt by granting discretionary powers to Grand Jury members.

Requires that Grand Juries be advised of their rights and duties upon impanelment. Authorizes self-initiated independent inquiries by Grand Juries. Stipulates certain rights of Grand Jury witnesses and requires that witnesses be apprised of such.

H.R. 2987. February 6, 1975. Ways and Means. Amends the Social Security Act by including the services of optometrists under the Medicare supplementary medical insurance program.

H.R. 2988. February 6, 1975. Ways and Means. Amends the Social Security Act to maintain the Medicare inpatient hospital deductible at its 1974 level.

H.R. 2989. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited credit against the income tax an amount determined by the rate of inflation

Increases the personal exemption under the Code.

H.R. 2990. February 6, 1975. Interstate and Foreign Commerce. Directs the Federal Power Commission to review and modify plans submitted by natural gas pipelines for curtailing sales to specific customers and authorizes the Commission to direct transfers of available supplies of natural gas in order to meet regional needs.

H.R. 2991. February 6, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to establish a temporary freeze on the price of domestic crude oil, residual fuel oil, and refined petroleum products.

H.R. 2992. February 6, 1975. House Administration. Prohibits Members of Congress who have been defeated, or have resigned or retired, from traveling outside the United States at Government expense.

H.R. 2993. February 6, 1975. Veterans' Affairs. Extends education benefits for eligible veterans from thirty-six months to forty-five months.

H.R. 2994. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to increase the percentage depletion allowance for coal and lignite.

H.R. 2995. February 6, 1975. Ways and Means. Revises the administration of the Social Security Act by requiring that hearings regarding claims arising under the Old-Age, Survivors, and Disability Insurance and Medicare provisions of the Act be presided over by an administrative law judge and conducted on the record. Requires that the claimant be given notice and an opportunity to be heard.

H.R. 2996. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to include as a tax exempt organization nonprofit corporations that provide either reserve funds or insurance of shares and deposits for credit unions.

H.R. 2997. February 6, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 2998. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer who has attained the age of sixty-five to take a credit against his income tax for real property taxes paid by him, or for the amount of his rent constituting such taxes.

H.R. 2999. February 6, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income the sale or exchange of property which for a certain period has been owned and used by the taxpayer as his principal residence.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

60. By the SPEAKER: petition of the Industrial Arts and Vocational Education Association of Philadelphia, Pa., relative to the proposed rescission of funds for vocational education; to the Committee on Education and Labor.

61. Also petition of Michael K. Stone and others, Yale University, New Haven, Conn., relative to U.S. aid to Vietnam and Cambodia, to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 25

By Mr. DINGELL:

(To section 201 of title II)

On page 180, between lines 8 and 9 insert the following new subsections:

"(d) The Office shall be considered an independent Federal regulatory agency for the purposes of sections 3502 and 3512 of title 44 of the United States Code.

"(e) No employee of the Office or any other Federal employee performing any function or duty under this Act shall have a direct or indirect financial interest in surface or underground coal mining operations, except that this prohibition shall not apply to any employee solely because such employee owns not more than 100 shares of stock of companies listed on any securities exchange registered with the Securities and Exchange Commission pursuant to section 6 of the Act of June 6, 1934 (48 Stat. 885; 15 U.S.C. 78f). Whoever knowingly violates the provisions of the above sentence shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment for not more than one year, or both. The Director shall (1) within sixty days after enactment of this Act publish regulations, in accordance with 5 U.S.C. 553, concerning the preparation, filing, and review of statements by such employees of their financial interests and supplements thereto, and (2) report to the Congress on March 1 of each calendar year on the actions taken and not taken during the preceding calendar year under this subsection."

By Mr. DINGELL:

(Sec. 201. title II:)

On page 177, lines 4 and 5 strike "in the Department of the Interior," and insert therein "in the Environmental Protection Agency,".

On page 177, strike all on line 22 and insert therein the following: "(c) Except as specifically provided elsewhere in this Act, the Director shall—".

(Sec. 701, title VII:)

On page 309, strike all on lines 8 and 9 and insert therein the following:

"(1) 'Secretary' means (A) in titles III and IV and sections 522(b), 523(b) thru (e) of title V, sections 701(10), 702(b), 710, 713, and 714 of title VII of this Act, the Secretary of the Interior; (B) in title I, sections 201(b) of title II, section 518 of title V, section 705, 708, 711 of title VII of this Act, the Administrator of the Environmental Protection Agency; (C) in sections 501 thru 517, 521, 522(a), 525, 526, 529 of title V, sections 701 (11), (12), (13), (16), and (18), and 703 of title VII of this Act, the Director of the Office of Surface Mining Reclamation and Enforcement; and (D) in sections 520 of title V, sections 702(c), 706, and 712 of title VII of this Act, each of them;"

(To section 522(e) of title V:)

On page 294, line 10, strike "Subject to valid existing rights no" and insert therein the word "No"; and

On page 294, strike all on line 21 through the semicolon on line 23, and insert therein the following:

"(2) on any lands within the boundaries of national forests or national grasslands: *Provided*, that the prohibition in this subsection shall not prevent (A) such mining within any of these lands where the deeds conveying the surface lands to the United States reserved the coal and specifically provide for the surface mining thereof, or (B) the surface operations and impacts incident to an underground coal mine: *Provided further*, That in no event shall such mining operations be exempt from the requirements of this Act;".

On page 295, line 12, strike the work "or"; on line 17 change the period to a semi-colon and insert thereafter the word "or"; and between lines 17 and 18 insert the following new paragraph:

"(6) within three hundred feet from the outside boundaries of the Federal lands referred to in paragraphs (1) and (2) of this subsection."

By Mr. McDADE:

(Section 401 of the committee amendment in the nature of a substitute is amended as follows:)

Page 193, strike out lines 20 through 21 and insert in lieu thereof the following:

"(3) appropriations made to the fund, or amounts credited to the fund, under subsection (d)."

Page 193, beginning on line 24, strike out "and enforcement and collection of the fee as specified in subsection (d)".

Page 194, strike out line 9 and all that follows down through and including line 2 on page 195 and insert in lieu thereof the following:

"(d)(1) In addition to the amounts deposited in the fund as specified in paragraphs (1) and (2) of subsection (b) there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated, such amounts as are necessary to make the income of the fund not less than $200,000,000 for the fiscal year ending June 30, 1975, and for each fiscal year thereafter.

"(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund amount to $200,000,000 for each of such fiscal years, as provided in paragraph (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act. Moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purposes of this title."

By Mr. REGULA:

(Title IV, section 401(d):)

Page 195, line 2, strike the period at the end of the sentence and add: "; *Provided, however*, That any operator of a coal mining operation who is liable under any law of the United States for payments to any Federal fund for the reclamation of coal-mined land may take as a credit against the amount of such payment due in any year the amount of any reclamation fee (either for existing mining operations or for abandoned mined lands) or severance tax paid to the State during the year. Such credits shall not exceed the amount payable to the United States in any year.

"(1) The term 'reclamation fee' includes any fee, license, permit, or other charge for the purpose of reclaiming, rehabilitating, revegetating, reforesting, or otherwise repairing land affected by coal mine operations.

"(2) The term 'severance tax' includes any tax, fee, or levy charged for or applied to the extraction or severance of coal from the ground."

EXTENSIONS OF REMARKS

TRIBUTE TO "SOAP" OWENS

HON. DICK CLARK

OF IOWA

IN THE SENATE OF THE UNITED STATES

Thursday, March 13, 1975

Mr. CLARK. Mr. President, I would like to take note today of the retirement of one of Iowa's outstanding citizens, Edris H. Owens, of Newton, Iowa—"Soap," as he is known to thousands of Iowans. Rarely has an individual had a greater impact on the economic and political life of a State. Under Soap's leadership, the United Auto Workers Union in Iowa has grown over the past two decades to become one of the most dynamic organizations in the State. As the head of Iowa's United Auto Workers, Soap has not only advanced the economic well-being of his members at the bargaining table, but also has advanced the causes of human rights and justice for all people.

In these times of public cynicism and apathy toward government, it is especially important to recognize an individual who has contributed so much to the cause of increasing public involvement and awareness in political affairs. He always has been willing to lend a hand to many causes and organizations—often without personal recognition for the assistance he gives.

In addition to the many official positions he has held, Soap found time to volunteer his time and talents to community and public affairs. He has served on or held positions on a variety of organizations and boards: Advisory Board of the Newton Community Chest, adviser to the Newton Community School District board of directors, commission to nominate potential Iowa supreme court judges, Democratic Committee for the Fourth Congressional District of Iowa, executive secretary of the Iowa Democratic Party, and chairman of various Presidential campaigns in Iowa, to name a few.

But even to cite all of these activities cannot accurately describe the character and qualities of Soap Owens. But there was one incident that comes close. In 1971, when the protest over the tragic involvement in Vietnam had reached a peak all across the country, there was a rally of students at Iowa State University in Ames. Many public officials addressed the rally that day with speaker after speaker attempting to convince the audience of newly enfranchised voters that they were as committed against the Vietnam war as were the students. However, to the surprise of those young people, the most moving and convincing speech was given not by a politician but by a labor leader unknown to most of them. The sincerity and conviction against the war conveyed in Soap Owens' speech was one of the most moving appeals for reason and human dignity that I have ever heard. But that was typical of Soap Owens.

Although I know that Soap Owens will continue to play an active part in civic and community affairs and people will continue to call on his valued advice and counsel, it is important that we pay tribute today to his long distinguished career on the occasion of his retirement.

BATAVIA DEPOT MUSEUM: A COMMUNITY EXPERIENCE

HON. TIM L. HALL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. HALL. Mr. Speaker, I join with others from the 15th District of Illinois in congratulating the citizens of Batavia on the April 12–13 opening of the Batavia Depot Museum. Theirs was a project of community endeavor which has resulted both in the preservation of a unique feature of the community and in the creation of a memorial dedicated to that community's noteworthy past. In view of the current interest in Congress in appropriating Federal money for the preservation of abandoned railroad stations, I feel that Batavia's example of local initiative merits the widest possible exposure.

In 1855 the Chicago, Burlington & Quincy built a station on Batavia's east side. Over the years this station served as a vital link between Batavia and Chicago. A number of years ago, however, the C.B. & Q. discontinued local service to Batavia. The wood-frame station was abandoned.

It remained in a state of neglect until a neighboring town sought its acquisition. At that point 20 Batavia businessmen, led by Phil Elfstrom and Art Swanson, contributed $50 a piece to gain title to the structure. But the saga still was not over. As Jeffrey Schielke noted in the January 15, 1975, issue of the Herald:

> After the building was bought by local hands, it was allowed to remain standing at its original site along the Burlington tracks at Van Buren and Webster Streets. Coming here to help preserve the depot was a host of volunteer hands including apprentice carpenters and painters, a roofing party made up of professional roofers and the Veterans of Foreign Wars Post 1197, and many local citizens with an interest. The results of toil by this assortment of hands gave the building a new roof, a new bright exterior color, and general upkeep of repairs.
>
> When voters of the area approved the formation of the park district in 1969 the new taxing body united with the historical society in exploring possible development of the building as a historical museum and community center. The dreams of this concept went unawakened until 1972 when discussion at a park board meeting brought about the formation of a citizen's "blue ribbon" committee to study possible uses of the depot. After an extensive study, the

committee [composed of Dave Sawitoski, Walter Kauth, Marlene Rotolo, Skip Greviskis, Harold Patterson, Paul Johnson, Phil Becker, Charylsue Ambel, Robert Phelps, Robert Riley, Phil Talbot, Nancy Allen, Ruth Burnham, Dan Holbrook, Sue Waterfield and Gerald Ruble] made the recommendation of moving the building downtown where it could be used as a museum and skating facility warming house near the pond site.

Mr. Speaker, it was estimated that $31,000 would be needed to move the station to a more advantageous site and renovate it so that it would be safe and suitable for a museum. A finance committee, made up of Phil Becker, Phil Carlson, Lucile Gustafson, Robert Riley, Jeffery Schielke, Donna Dallessasse, Robert Madjak, Hanna Graves, Mary Snow, William Lisman, and Phil Elfstrom, was organized to receive contributions to a depot museum fund. In a spirit of community responsibility the Furnas Foundation, Inc., donated an initial $5,000 and then pledged to match all other funds collected until the goal was reached. The Shumway Foundry contributed $2,000. Other citizens gave smaller amounts.

On October 10, 1973, 2,000 spectators watched as the depot was moved to a new site—donated by the city of Batavia—on the west side of the Fox River adjacent to the pond at Houston and Water Streets. The Batavia Park Board assumed responsibility for the building's reconstruction and maintenance.

The actual reconstruction has been a truly cooperative community project. Hundreds of local citizens have joined in cleaning, polishing, repairing, and painting. For its part the Batavia Historical Society has donated its extensive holdings of books, letters, memorabilia, and artifacts to the new museum. This collection, reflecting as it does Batavia's history, contains items associated with such diverse subjects as windmills and Lincolnia. Patricia Verdebar, the depot museum's part-time curator—whose salary is paid through a local tax levy—is already at work preparing special exhibits.

In a recent letter to my office Dr. Lucile Gustafson, president of the Batavia Historical Society, pointed out:

> The Batavia Depot Museum is not just a joint venture of the local Park Board and the Batavia Historical Society but a community accomplishment of a people who are proud of their historical past and consequently of themselves.

I heartily agree.

A SALUTE TO GEORGIA

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, March 13, 1975

Mr. TALMADGE. Mr. President, an outstanding and patriotic young Georgian, Mr. Ronnie Ted Shiflett, of Rome, has composed a poem saluting our State.

As our Nation approaches the Bicentennial Celebration, I believe such expression should be encouraged among young people, and I am sure the Senate will agree that this particular piece of work is meritorious.

I ask that it be printed in the Extensions of Remarks.

There being no objection, the poem was ordered to be printed in the Record, as follows:

The State Called Georgia

(By Ronnie Ted Shiflett)

There is a state down in the South,
Where weeping willows grow;
It is the state called Georgia,
The state that I love so.

And in North Georgia, where I was born,
Are many rocky hills;
And mountain streams flowing cool and clear,
Down through the valley fields.

And in South Georgia where the cotton grows,
Are many woods of pine;
And sandy beaches beside the ocean,
Which sparkle all the time.

So if I ever leave the South,
To wander as some men do;
I'll never forget where I was born,
To Georgia I'll be true.

SEVAREID SAYS "WE ARE SEEING THE DEATH RATTLE OF A FAILED FOREIGN POLICY"

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. EVINS of Tennessee. Mr. Speaker, the brilliant television commentator Eric Sevareid, on a recent Walter Cronkite newscast on Columbia Broadcasting System, made some very perceptive and penetrating observations concerning the administration request for more than $500 million in additional foreign aid for South Vietnam and Cambodia.

The commentary speaks for itself, and because of the interest of my colleagues and the American people in this most important matter, I place the Sevareid commentary in the Record herewith.

Mr. Sevareid's observations follow:

Remarks by Eric Sevareid

There is a theory among some psychologists and anthropologists that man requires enemies as well as friends in order to feel like a whole man. That seemed to be the case with former President Nixon, and he chose individuals as his enemies. President Ford, whose political needs are more pressing than his psychic needs, has chosen an institution—the Congress from whence he comes. In advance, he is holding Congress responsible if the economy continues to slide downhill. In advance, he is holding Congress responsible if the Cambodian regime collapses and, some time in the future, the South Vietnamese regime.

The wisdom of this strategy in regard to the economy is dubious, since the President's persuasive powers with the people are rather weak and the congressional majority against him is very strong. For depressions or ill-fated wars, Americans habitually hold chief executives responsible. Both the wisdom and the candor of this policy in regard to Indochina are dubious. What we are seeing is the death rattle of a failed foreign policy. Administration rhetoric can fairly be described as demagoguery. Were it not more than the budget could tolerate, a new agency could be useful—the commission for the preservation of the meaning of words.

Secretary Schlesinger has suggested America might be regarded in the world as a perfidious ally if we stop propping up Indochina. The President and the Secretary of State are now talking about condemning Cambodia if we fail to continue with aid. We must not yield, says Mr. Kissinger, to the mood of the moment. But it is not a mood and it is not of the moment. It is a conclusion by a majority of Americans and their congressmen, that our interventions in Indochina have failed and must be cut short—a conviction growing out of years and years of blunders and false promises of lights at the end of tunnels.

We are told, on the one hand, that Cambodia is on the verge of total defeat; on the other, that by hanging on a bit longer, the Communists may agree to an acceptable negotiated peace in that civil war. Few congressmen believe that the latter can be true if the former is true.

What should have been happening all this time is the identification of the real repository of blame—the ineffective Cambodian regime. To now name the American Congress as the profane vessel is to stir into hot coals the dying ashes of our terrible domestic quarrel about Indochina.

Present Administration tactics are comprehensible only in one light, and a rather dim light: that Cambodia has been written off; that the sight of that place going under, with Congress nailed as the executioner, will make it much easier to get the full billion earmarked this year for South Vietnam. Its prospects are better for twisting slowly, slowly, in the wind.

A CASE AGAINST GLOOM

HON. WILLIAM L. SCOTT

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, March 13, 1975

Mr. WILLIAM L. SCOTT. Mr. President, in this week's issue of U.S. News & World Report, the March 17 issue, on page 84, there is an editorial entitled, "A Case Against Gloom." This editorial discusses some comforting reading about the country. It refers to a book, "The Real America," by Ben J. Wattenberg and indicates that Mr. Wattenberg is a serious social and economic analyst who has supported his views by statistics, public opinion polls, and market, industry and academic surveys. He attempts in his book to combat the rhetoric of our time of failure, guilt, and crisis and to substitute for it evidence of growth, progress, and success. He refers to the national income in this country, after inflation, doubling within one generation; to fringe benefits in employment advancing from $23.4 billion in 1960 to $79.7 billion in 1972; to college enrollments growing from 3.5 million in 1960 to 8.6 million in 1973, and to the United States becoming "the first massive majority middle-class society in history." Then, Mr. President, he raises a question as to what this middle class is doing with its money and indicates that family spending is for education, for health, for recreation, and housing rather than cosmetics, alcohol, and jewelry. He concludes by saying that the Americans in the future will continue to complain about their lot but will go right on progressing.

I believe this is an excellent editorial. The emphasis is placed at the proper place—on the good things that are happening in our country and I ask unanimous consent that the editorial in its entirety be printed in the RECORD. I believe my colleagues and others will find it to be well worth reading.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A Case Against Gloom

(By Howard Flieger)

Want to thaw the chill of late winter with some comforting reading about this country and its 213 million people?

You might try a book by Ben J. Wattenberg—*The Real America* (published by Doubleday)—which was completed late last year and seems even more timely now.

In no sense is Mr. Wattenberg a "cockeyed optimist." He is a serious social and economic analyst who has plunged into a sea of statistics—the U.S. Census, public-opinion polls, market, industry and academic surveys and such. He comes up laughing at the doomsayers. To quote his conclusion:

"The dominant rhetoric of our time is a rhetoric of failure, guilt and crisis.

"The evidence of the data is the evidence of progress, growth and success."

What's "progress"? Mr. Wattenberg defines the word as meaning "a condition that is better by far than what it replaces after accounting for any side effects."

For a sampling of his examples:

"Real family income, after inflation, has doubled in a generation."

Fringe benefits—job equities that don't show up in pay envelopes—advanced from 23.4 billion dollars in 1960 to 79.7 billion in 1972, and they're still growing.

By official definition, a fifth of all Americans were living in poverty in 1959. Now the total is half that.

Between 1960 and 1970 people on the bottom rung gained .6 per cent in their income, while those on the top rung lost 2.2 per cent. But don't feel sorry for the well-to- do. In 1952 there were 202,000 households with incomes of $25,000 or more. Twenty years later there were 4,225,000.

Mr. Wattenberg doesn't confine progress to material gains. His data show:

College enrollment in 1960 was more than 3.5 million. By 1973 it had reached 8.6 million, and is estimated to exceed 10 million by 1980. Furthermore, about 60 per cent of today's college students come from families in which the head of the household never completed one year of college. Among blacks, the figure goes up to 80 per cent.

The number of women in the professions has gone up sharply, and there has been a "great increase" in the percentage of women in the total labor force.

Americans now start working later, put in fewer hours and retire earlier.

Mr. Wattenberg's analyses are sure to be controversial. For one thing, he sideswipes the various "libs"—women's, black's, consumer's—because, he suggests, they either don't recognize their gains or they deliberately fuzz them to keep causes going.

The author's own conclusion is that while the hand-wringers have been deploring the sad state of America, we have become "the first Massive Majority Middle Class society in history"—something of a marvel.

What is this new middle class doing with its hard-earned money? It's not being frittered away, as you might think. Figures in the book show the faster rises in family spending are on education, health, recreation and housing. Among the slower risers are cosmetics, alcohol, jewelry. Says Mr. Wattenberg:

"The point is that given a vast increase in discretionary income over the last decade, the broad spending trends have been commonsensical and worthwhile."

The hero of this fascinating book: the American people—"smarter, wiser, calmer, shrewder, tougher and more forgiving than their critics of the let and of the right."

Mr. Wattenberg, digesting all the data of two decades, sketches his hero as resourceful, adaptable, independent—and a chronic complainer. His guess for the future: Americans will continue to complain about their lot—and go right on progressing.

NATIONAL CAR CARE MONTH

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. McCOLLISTER. Mr. Speaker, the proper care and maintenance of the more than 100 million cars in this country is important to everyone. Well maintained cars are safer and do less environmental damage. It is in the best national interest to encourage car owners to invest in proper maintenance of their automobiles.

I am introducing today a resolution asking that the month of May be designated "National Car Care Month" in order to increase awareness of the tremendous advantages of preventive auto maintenance. Senator CARL CURTIS is introducing a companion resolution in the Senate.

Preventive maintenance, of course, can often result in lower repair bills in the long run—"you can pay me now or you can pay me later" as the television ad says. But beyond that, properly maintained cars perform as they are designed to perform, satisfying every mechanical requirement for clean air and safe operation.

The mechanical condition of cars is not the only cause of highway crashes, of course. But a 1971 study by the National Safety Council determined that more than half of the fatal car crashes in three sampled States were caused by defective tires and another 11 percent of the fatalities were the result of defective brakes. The number of accidents caused by failing shock absorbers, poor windshield wipers or other mechanical malfunctions can only be added to these impressive statistics showing the necessity of improved car maintenance. Certainly, a large portion of the more than 100,000 persons who have died in traffic crashes within the past 2 years would be alive today had the avoidable crashes caused by poorly maintained automobiles been prevented.

Proper maintenance would have an important and salutory effect in achieving our air pollution standards. An estimated 40 percent of our air pollution is caused by cars, and that figure ranges as high as 90 percent in some of our larger cities. Our Federal regulations presently control the design and production of emissions control systems, but not their maintenance—that will be accomplished only after the EPA develops adequate tests implemented through periodic motor vehicle inspection programs. The Automotive Parts and Accessories Association has estimated that more than half the cars in this country are operating inefficiently. A recent test in New York City found that most of the cars operated by the Bureau of Motor Vehicle Pollution themselves were operating inefficiently; two-thirds requiring a new air filter, 62 percent needing new spark plugs, and one-third needing new PCV valves. Properly maintained cars can increase both mileage, contributing to solution of our energy shortage, but also produce fewer pollutants.

This is not the kind of problem that requires a new bureaucracy to monitor and enforce the responsibilities of car owners to properly maintain their cars. We have too much of this already. A public education campaign to promote public awareness of the benefits of proper car maintenance, however, is clearly in order. I urge my colleagues to accord this resolution speedy approval.

FARMERS EXPRESS CONCERN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. HUBBARD. Mr. Speaker, the legislative as well as the executive branch has urged our farmers to produce record crops during the coming year.

In urging all Members of the House to please consider giving every benefit possible to our farmers, I want to share with you two letters from a group of farmers in Carlisle County, Ky. The sense of urgency is better expressed by them through these letters, than I could ever express, to wit:

We would like to take this opportunity to inform you of a meeting in Carlisle County of concerned farmers.

The topic of their meeting was grain prices and their free market system. The farmers attending this meeting felt that if the government continues to halt their grain sales overseas and to monitor all export sales that their market would be lost for all feed grain and soybeans. The farmers felt that if the government wants them to produce for all-out production that we must have a guarantee of open markets and a fair return on their investments.

We are in agreement that if we produce the amount of bushels of grain that USDA calls for, we will have a large surplus and depressed prices.

A resolution was drawn up and states that if the government does not lift all export controls and guarantees us a free market with no controls, and a cost production price plus a reasonable profit, we will be forced to cut back production twenty percent (20%).

The farmers who have signed this letter request that you make it known to the Congress their situation and that unless we have our request, we will cut back production to meet demand.

We should like to hear from you as soon as possible because it is near planting time.

Mr. George H. Moyers, Mr. Wayne Moyers, Mr. Leon Thomas, Mr. Perry Ivey, Mr. C. P. Forgey, Mr. Wilson Young, Mr. Ralph Timmons, Mr. Harold Ivey, Mr. Dan Thomas.

I am writing to express my concern about the importation of beef, pork and dairy products into the United States, which has a depressing effect on the price we receive for our products.

I ask and urge you to support me in restricting the importation of these products. I also would like for the products that are being imported to be labeled as foreign products on the retail package, and shown whether or not they have been inspected for quality and purity.

We are asking for a free market with no controls and a cost of production price, plus a reasonable profit.

Mr. Melvin R. Samples, Mr. George H. Moyers, Mr. Wayne Moyers, Mr. Leon Thomas, Mr. Perry Ivey, Mr. Wilson Young, Mr. Ralph Timmons, Mr. Harold Ivey, Mr. Dan Thomas.

LOUISIANA YOUTH SEMINAR

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. WAGGONNER. Mr. Speaker, the challenges and demands that we as Americans face today are many. And tomorrow there will be more goals and expectations. In order to meet these future challenges and expectations we as a country must invest much time and talent in our young people.

In my home State of Louisiana, the Louisiana Youth Seminar does just that. This leadership conference for high school students is not just another conference. It is a week-long leadership training workshop which offers to high school leaders the opportunity to learn about our political system, about school-community relations, about the organization of a productive school club, and much more. The program was founded by past high school and college leaders who felt that there was a need to offer to all high school students an overall, basic leadership training session. It is conducted annually by a staff of college student leaders who meet with the delegates for 1 week on the campus of the sponsoring university.

Celebrating its fifth year anniversary this July, the Louisiana Youth Seminar has received high acclaim from educators, administrators, and past high school leaders throughout the State in its brief history.

In what is a stimulating and competitive experience, this seminar dedicates itself to developing leadership, dependability, patriotism, and interpersonal communication skills in those who will be our leaders of tomorrow. As one past delegate described what she learned from the program:

> Not only have I learned how to communicate, organize, and work under pressure, but how to accept people in a way I have never experienced before.

I always make a special effort to personally congratulate those young people who through their own initiative and actions single themselves out as fine, productive members of society. In the case of the Louisiana Youth Seminar, I have to congratulate all of the delegates who have been and will be selected to attend this year's seminar. Their past achievements and their leadership potential have brought them into the limelight, and they are to be commended upon their attainment of this honor.

In this increasingly complex and confused world, I'm mighty proud that the State of Louisiana is concerned about our youth, and I salute the Louisiana Youth Seminar for its efforts and accomplishments.

KOPEL SPEKTOR—ANOTHER SOVIET PRISONER OF CONSCIENCE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. BINGHAM. Mr. Speaker, yesterday I inserted in the Record a statement by Boris Azernikov, a young man whom Soviet authorities permitted to emigrate to Israel only after serving a long and arduous sentence in a strict regime labor camp. Today, I wish to insert into the Record information about a young man who is just beginning his journey down the same rough road which Boris had to travel to earn a right which almost all nations but the Soviet Union recognize as a natural right—the right to emigrate.

The young man whom I would like to bring to your attention today is Kopel Spektor, a 28-year-old student from Chernovitsy in the Ukraine. He was arrested and tried in December 1974 on the charge of "parasitism," and sentenced to 2 years in a labor camp. His case is particularly distressing because his arrest occurred after he and his family had received permission to emigrate to Israel. Arrest, trial and imprisonment, after permission to emigrate has been granted, reportedly is highly unusual. Based on the information I have, I can see no grounds for this highly capricious and reprehensible step that the Soviet authorities have taken. Therefore I have "adopted" Kopel as my prisoner of conscience, and will do all I can to lighten his burden while in prison and shorten his sentence.

At this point I would like to insert in the Record a brief statement regarding the circumstances of Kopel's imprisonment.

Kopel Spektor

Kopel Spektor first applied for an exit visa to Israel on February 4, 1972 and received a denial on May 29th. A second application filed together with his elderly parents, David and Frima Spektor, was refused because of Kopel's military service from 1965 to 1967. The family was told they were required to wait yet another year before reapplying.

Finally, on June 18, 1973, Kopel and his parents were notified that permission was granted for them to emigrate to Israel. They each paid the prescribed fee of 900 rubles, made all the necessary arrangements for departure and handed in their internal passports. The following month while Kopel, David and Frima were at the Chernovits OVIR office to pick up their visas, an official of the OVIR informed that there was a "mistake" and that Kopel had not been granted a visa.

Bewildered, the parents decided to stay in the hope that they would be able to leave with their son shortly. After living ten months without internal passports and without means of support, David and Frima were forced to leave the Soviet Union expecting their son to follow.

Kopel, in the meantime, refused to apply for a new internal passport claiming that he had renounced his Soviet citizenship. As a result, he was threatened with imprisonment for "parasitism" because he was unable to gain employment.

On January 3, 1975 David Spektor received a letter from his brother, still in the Soviet Union, that Kopel had been put on trial in December and was given a two year sentence on "parasitism" charges. He was immediately transferred to a labor camp in the Ukraine.

BAN THE HANDGUN

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. YATES. Mr. Speaker, as a sponsor of legislation seeking the same goals as H.R. 3086 sponsored by my friend and colleague Congressman Abner J. Mikva of Illinois, I would like to bring to the attention of the House the Chicago Sun-Times editorial on March 12, in favor of strong legislation banning the handgun.

The Sun-Times editorial is hardhitting, factual and very poignant. It states Chicago Police Department statistics indicating that, of 669 men, women and children murdered by firearms in Chicago in 1974, 490 were killed by handguns. It further declares:

> The failure of Congress to respond to these facts with a strong handgun law is a disgrace.

I commend the Sun-Times for its editorial and I call upon all Members of the House of Representatives to heed its message.

At this point in the Record, I would like to insert the text of the editorial:

Ban the Handgun

In the dry but appallingly eloquent language of statistics, the Chicago Police Department has demonstrated anew the need for strong federal legislation to curb the availability of handguns.

In 1974, 970 men, women and children were murdered here. Never before in the city's history had so many so died. Of the 970, the police reported Monday, 669 were killed by firearms, and in 490 of those cases a handgun was the murder weapon.

The department's report also indicates that, following a nationwide pattern, the murders were crimes of passion that might never have occurred if a weapon had not been immediately available. The report noted that 396 of the murder victims were killed by friends, neighbors or acquaintances.

The failure of Congress to respond to these facts with a strong handgun law is a disgrace. Law-enforcement officials, including Police Supt. James M. Rochford, want such a law. So do big-city mayors, including Mayor Daley. And so do ordinary citizens, who have a basic right to walk the streets of their own neighborhood without the fear of winding up on a slab or in a hospital bed.

No law can eliminate murder or the fear of murder. But a good handgun law can reduce both. Such a law has been proposed by Rep. Abner J. Mikva (D-Ill.) It would bar the

sale, manufacture and distribution of handguns, exempting military personnel, law-enforcement officers and members of bona fide gun clubs. Unless Congress wishes to evade its responsibility for more needless fear, death, injury and suffering, it will pass the Mikva bill without delay.

WORLD BANK TO FOCUS ON SMALL FARMER

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. GUDE. Mr. Speaker, I would like to include in the Record an article that appeared in the Washington Post on March 9 entitled "World Bank to Focus on Small Farmer". The article points out that the World Bank is shifting its emphasis from aiding large agricultural projects to assisting small farmers.

In developing countries, 40 percent of the land is cultivated by small farmers, and 80 percent of the poor live in rural areas. This is the area of real need.

The Government tends to believe large mechanized agriculture is the only way to increase production. However, large farms are often not practical for poorer countries. The capital cost is too high, and they use too little manpower. Furthermore, they may be less efficient than smaller farms. The average per acre production in the United States for the year 1972 was 3,185 pounds per acre, as opposed to 3,515 pounds in Egypt, and 3,320 pounds in Taiwan. The Government needs to recognize the needs of poorer countries as often being different from our needs. The most successful development is often one which can work within the structure of the country.

The article follows:

World Bank to Focus on Small Farmer

By Dan Morgan

Washington Post Staff Writer

The World Bank has announced that it will double its lending for rural development in the next five years and shift the emphasis of its assistance in poorer countries.

The five-year plan bears the unmistakable imprint of President Robert S. McNamara, who has been guiding the bank away from its past priority of aiding industrial development and big agricultural projects such as irrigation.

Between now and 1979, the bank plans to spend $3 billion on "new style projects"—ones which provide a comprehensive program of credits, seeds, fertilizer, water, as well as health service and basic education for small farmers.

These farmers cultivate 40 per cent of the land in developing countries.

More than 80 per cent of the poorest people in developing countries live in rural areas.

The bank's agriculture and rural development program would reach a total rural population of 100 million, of whom 60 million would be in the poverty group.

Bank officials said last week that the net effect of the program could be to shift some wealth and political muscle to segments of populations in poor countries which often have been without either.

Montague Yudelman, director of the bank's agriculture and rural development department, said, "Many governments are aware of having large pockets of rural poverty," and "concerned with the rural development issue."

He said the bank did not want to "impose its own views on anybody." One bank official said that while governments know rural development can shift power, they also know that not shifting such power can also be "explosive."

The bank's policy paper on agriculture, released yesterday, conceded that the cost of providing credit to small farmers can be substantially higher than it is to larger ones.

However, it noted that small farmers are often more efficient, and bank officials said that they are often better credit risks than large landlords who have been known to use their political influence to avoid paying debts.

Bank sources said there had been considerable debate in development circles about the approach favored by McNamara. Some argued that the bank should continue to invest in projects offering the best hope for increased food output because of the threat of widening food deficits in poor nations.

But the policy paper argues that such an approach would not necessarily reach the masses of rural poor.

Between fiscal years 1975 and 1979, the bank plans to spend $7.2 billion for agriculture and rural development, a sharp increase over previous years.

Of that money, $3 billion will be for projects to benefit small farmers. This kind of lending will double by fiscal year 1979, reaching $1 billion a year by then.

The policy paper said that the investment needed to produce a 5 per cent a year increase in the output of the world's small impoverished farmers is between $70 billion and $100 billion.

The bank's own investment through 1979 covers only 10 per cent of what is needed, but it is anticipated that governments will invest a similar amount in the projects that are benefiting their countries.

TIME IS RUNNING OUT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. MAZZOLI. Mr. Speaker, the President has asked Congress for an additional $222 million in military aid for Cambodia. Declaring that "time is running out," he warns that Congress must approve this emergency aid package to Cambodia if that country is to survive the current Communist offensive.

I grieve for the battered and war-torn people of Cambodia. But, as I stated on January 10 and have reiterated several times since, I cannot support increased military aid for Cambodia or Vietnam.

Recently, a congressional delegation made a factfinding tour of southeast Asia. The Members returned to Capitol Hill with differing views.

Some still saw the "light at the end of the tunnel" and favored full U.S. military aid to Cambodia and Vietnam.

And, yet others came away adamantly opposed to the grant of any part of the aid package. This split illustrates vividly the intricacy and complexity of the problem.

Several Members of Congress—both those who were on the tour and those who were not—are calling for the resignation of Lon Nol, Cambodia's leader. The theory is that his stepping aside will remove an obstacle to a negotiated settlement of the conflict.

Perhaps this is so. Nevertheless, I do not believe speculation about Lon Nol should determine future U.S. policy in Cambodia. With or without him, military aid is wrong and should not be approved by Congress.

War—as a means of settling Southeast Asian problems—is a bankrupt policy. And, our supplying the means for furtherance of the war is likewise a bankrupt policy.

However, even while I oppose our supplying military aid to Southeast Asia, I cannot be blind to the needs of the Cambodians and Vietnamese who have been so ravaged and drained by this never-ending war.

Humanitarian aid is desperately needed for these gentle people. I hope Congress can find a way to deliver food, clothing, medical and technical aid to those who most need it; and that the delivery of this humanitarian aid is handled speedily.

It is time, in my judgment, Mr. Speaker, for the United States to change its policies toward this war-torn corner of the world. The first such change of policy should be to end military aid to Vietnam and Cambodia.

THE EMPLOYMENT RETIREMENT INCOME SECURITY ACT OF 1974

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. EARLY. Mr. Speaker, I have received a great many inquiries regarding the Employment Retirement Income Security Act from my constituents in the last few months. Because of the complex nature of the Act, I am including the following brief summary which explains, in layman's terms, the act and its implications:

The Employment Retirement Income Security Act of 1974

Highlights

The new law establishes:

Procedures for qualifying and registering plans with the Department of Treasury and Labor.

Stringent standards for plan fiduciaries, including a broad definition of fiduciary and detailed prohibited transactions.

Reporting requirements regarding conditions and operations of all employee benefit funds (pension, welfare, etc.) to both the Departments of Treasury and Labor.

Requirements regarding disclosure to plan participants of plan contents, participants' rights and procedures.

Minimum participation (eligibility), vesting, and funding standards.

A system of insurance of nonforfeitable (vested) benefits, and contingent employer liability to the insurance corporation in event of plan termination.

A role for the Department of Labor, the new pension insurance corporation, and participants in the qualifying and registration procedures.

Regulatory authority in the Departments

of Treasury and Labor with obligation to coordinate regulations and reporting.

Coverage of all employee benefit plans which seek tax qualification or which are subject to jurisdiction under the Commerce Clause.

Means by which individuals not covered by a retirement plan may set up their own plans and obtain preferential tax treatment.

New limits on deductibility of contribution to retirement plans.

Excise penalties and equitable remedies as additional methods to enforce prohibited transaction rules and the minimum eligibility, vesting and funding requirements of the labor and revenue codes.

Effective dates related to the specific titles and provisions of the Act.

COVERAGE

Excluded from the plenary coverage of the Act are:

(1) governmental plans;

(2) certain church plans;

(3) non-U.S. plans primarily for aliens;

(4) workmen's compensation and unemployment compensation plans.

(5) unfunded plans which provide benefits in excess of the Internal Revenue Code limitations on contributions and benefits.

Excluded from all but the reporting and disclosure requirements are:

(6) unfunded plans maintained by the employer primarily to provide deferred compensation for select management or highly compensated employees.

Excluded from the participation, vesting, funding and plan termination insurance requirements are:

(7) plans established by labor organizations (under Sec. 501(c)(5) of the Internal Revenue Code) which do not provide for employer contributions, and

(8) plans established by fraternal or other organizations (under Sec. 501(c)(8), (9); (18)) which do not provide for employer contributions.

Specifically excluded from the funding standards are:

(9) profit-sharing, stock bonus, and other individual account plans (except for money purchase plans), and

(10) certain qualified level premium individual insurance contract plans, and

(11) plans that have not after the date of enactment provided for employer contributions.

Also excluded from coverage under plan termination insurance are:

(12) individual account plans (e.g.: profit-sharing stock bonus, and money purchase pension plans), and

(13) plans that have not after the date of enactment provided for employer contributions, and

(14) plans established by professional service employers and which have fewer than 26 active participants, and

(15) plans established exclusively for "substantial owners".

ADMINISTRATION AND PROCEDURE

Jurisdiction regarding registration of plans (other than welfare plans) is generally shared by the Internal Revenue Service (through the new Office of Employee Plans and Exempt Organizations) with the Department of Labor.

The plan which seeks qualification for tax benefit purposes first files with the IRS information regarding the funding, vesting and participation standards of the plan and notifies the plan participants of such action.

In the period prior to qualification, upon petition by a group of participants, the Secretary of Labor may intervene with the IRS in behalf of the participants regarding the vesting, funding or participation provisions of the proposed plan. In addition, the employer, the employees, the Labor Secretary, or the Pension Benefit Guaranty Corporation may petition the U.S. Tax Court to obtain a declaratory judgment in regard to a plan qualification.

If the IRS finds a plan qualified, it is to certify this fact to the Department of Labor, which must accept this certification as conclusive evidence of initial compliance with participation, vesting, and funding standards.

When a plan does not seek IRS qualification for tax purposes, the Secretary of Labor can through the Federal courts require compliance with the participation, vesting and funding standards of the bill.

Plans which are qualified under the tax law are to be audited by the I.R.S. Generally, the Department of Labor is to limit its involvement to matters dealing with individual benefits.

The Act gives authority to the Secretary of the Treasury to write regulations on participation, vesting and funding except that the Secretary of Labor is directed to prescribe regulations in a few select areas. The two departments are to coordinate their activities, and any regulations prescribed by one department are to be binding on the other.

DISCLOSURE TO PARTICIPANTS

The administrator of a pension or welfare plan is responsible for providing to participants and beneficiaries:

(1) a "summary plan description" (written in a manner calculated to be understood by the average plan participant) within 120 days after the effective date (or 90 days after an individual becomes a participant); and

(2) an undated summary plan description every 5th year, unless there have been no amendments, in which case every tenth year; and

(3) a summary description of any material modification of the plan within 210 days after the end of such plan year; and

(4) a copy of the statement of assets, liabilities, receipts, disbursements and other material necessary to fairly summarize the "annual report" within 210 days after the end of each plan year; and

(5) upon written request and within 30 days, a copy of the plan description, annual report, bargaining agreement, trust instrument, or other plan documents for which a reasonable charge may be made; and

(6) the information in (5) in the principal office of the administrator and certain other places; and

(7) upon written request (but not more than once every year) and within 30 days, a statement of total pension benefits accrued and the time and amount of vesting; and

(8) a statement as to a terminated vested participant's benefits and rights within a prescribed period after the end of the plan year in which such participant terminated.

REPORTING

The administrator of a pension or welfare plan is to file with the Secretary of Labor:

(1) an annual report within 210 days after the end of the plan year which is to contain an audited financial statement, a certified actuarial report and other scheduled financial items on forms the Secretary may require (E.G., a balance sheet and income statement, party-in-interest transactions, transactions exceeding 3% of the plan's assets, loans and leases in default, etc.); and

(2) a plan description within 120 days after the later of the plan's adoption or the effective date of the Act, and an updated summary at least every 5 years; and

(3) a summary plan description at the time furnished to participants; and

(4) a description of modifications and changes in the plan within 60 days after such change.

The administrator of a plan other than a welfare plan is to file with the Secretary of Treasury:

(1) an annual registration statement within a time prescribed by the Secretary and is to contain information on the names and Social Security numbers of terminated participants with deferred vested benefits; and

(2) a notice of a change in status of a plan (e.g.: merger, termination, change in names, etc.), and

(3) an annual return containing such financial and other information as the Secretary may prescribe and to be filed within a period prescribed by the Secretary, and

(4) an actuarial statement of valuation before 30 days prior to a merger, consolidation, or transfer of a plan's assets or liabilities; and

(5) an actuarial report containing a statement of valuation, an actuarial opinion, and such other information as the Secretary may prescribe to be filed in a time and manner prescribed by him (at least once every 3 years).

The administrator of a plan covered under plan termination insurance is to file with the Pension Benefit Guaranty Corporation an annual report which includes a statement disclosing the occurrence of any "reportable event".

The Secretaries of Labor and Treasury and the Corporation are directed to coordinate the timing and content of the various reports required to be filed with each agency. Reports involving fewer than 100 participants would be simplified.

FIDUCIARY RESPONSIBILITY AND TRUST REQUIREMENT

All assets of an employee benefit plan are to be held in trust by one or more trustees subject to certain exceptions (e.g., insurance contracts). The Secretary of Labor may exempt welfare plans from this requirement.

In addition every plan must be maintained pursuant to a written instrument which provides for one or more "named Fiduciaries" who jointly and severally have authority to control and manage the operation of the plan.

An individual is subject to the fiduciary rules if the individual is a trustee, a "named fiduciary" a person to whom a "named fiduciary" delegates duties or if the individual—

Exercises any discretionary authority or control respecting management or disposition of a plan's assets, or

Renders investment advice for a fee of other compensation, direct or indirect, with respect to any moneys or other property of such plan, or

Has any discretionary authority or discretionary responsibility in the administration of such plan.

Fiduciaries are required to discharge their duties with respect to the fund solely in the interest of the participants and their beneficiaries and with the care, skill, prudence and dilegence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matter would use in the conduct of an enterprise of a like character and with like aims.

A fiduciary is specifically required to diversify the investments (except in the case of employer securities purchased by profit-sharing, stock bonus, or thrift and savings plans) so as to minimize the risk of large losses unless under the circumstances it is prudent not to do so.

A fiduciary (and a "disqualified person" under the Internal Revenue Code) is specifically prohibited from letting the following transactions occur in regard to a plan:

Dealing with the plan's assets for his own account.

Acting in any plan transaction on behalf of a party adverse to the interests of the plan or participant.

Receiving personal consideration from any party dealing with the plan in connection with a plan transaction.

Transferring property to any party-in-interest.

Permitting the acquisition of property from any party-in-interest.

Extending or receiving credit from a party-in-interest.

Furnishing of goods, services, or facilities by a party-in-interest.

Acquisition of employer securities exceeding the new limitations (generally 10% of the assets of the plan).

A fiduciary may, however, engage in certain otherwise prohibited transactions; he may, e.g., receive benefits from the plan so long as the benefits are consistent with the terms of the plan, permit loans to participants if they generally benefit the plan, receive reasonable compensation for services rendered, etc. The list of exceptions to otherwise prohibited transactions can be expanded by agreement of the Secretaries of Labor and Treasury when to do so would (1) be administratively feasible, (2) be in the interest of the plan, and (3) protect the rights of participants and beneficiaries.

A fiduciary is personally liable to the plan for any breach of fiduciary duty while a disqualified person (who is generally a party-in-interest) is subject to an excise tax penalty.

Trustees may allocate their responsibilities and other fiduciaries may allocate or delegate their responsibilities; however, a fiduciary remains liable for the illegal acts of a co-fiduciary if he knowingly participates in or conceals such illegal acts.

Plans are protected against loss by reason of fraud or dishonesty by requiring fiduciaries who handle funds to be bonded.

PARTICIPATION

An employee benefit plan (other than welfare plans) is not to require as a condition of participation an age greater than 25 or a period of service longer than 1 year (3 years for plans which provide for immediate 100% vesting) whichever is the later. Certain pension plans may exclude from participation employees who are within 5 years of normal retirement age. A "year of service" is defined as a 12-month period during which the employee has not less than 1,000 hours of employment.

VESTING—NONFORFEITABLE BENEFITS

Every employee benefit plan (other than a welfare plan) is to meet one of three minimum vesting rules.

1. Ten Year Service Rule—100% vesting after 10 years of service.

2. Graded 15-year Service Rule—25% vesting after 5 years of service; then 5% additional vesting for each year of service from year 6 through 10, then 10% additional vesting for each year of service from year 11 through year 15, so that an employee is 100% vested after 15 years of service.

3. Rule of 45—50% vesting after 5 years service or, if later, when age plus service equals 45, such percentage increased by 10% each year until 100% is reached; additionally a participant under the Rule of 45 must be 50% vested after 10 years of covered service, such percentage increasing by 10% for each additional year of covered service, so that an employee is 50% vested after 10 years and 100% vested after 15 years regardless of his age.

A plan is permitted to change its vesting rule at any time if a provision is made that accrued vested benefits not be reduced for participants at the time of change. In addition, any participant with at least 5 years of service may elect to remain under the pre-amendment vesting schedule with respect to past and future benefit accruals.

A year of service for vesting purposes is defined as at least 1,000 hours of employment in a 12-month period. A participant is to accrue benefits for each year of participation (after the first year) in which at least 1,000 hours have been worked. A plan is required to meet one of three benefit accrual rules except that benefits for past service must be at least one-half of the minimum.

Once accrued benefits become vested, they cannot be reduced or forfeited on account of "bad boy" clauses or other conditions (with limited exceptions). A plan must provide for a "buy-back" permitting recapture of forfeited vested benefits (where vesting is less than 50%) if the plan provides for such forfeiture when the participant withdraws his own mandatory contributions.

Present rules regarding plans which coordinate with Social Security benefits are changed. The benefits of a terminated participant are to be calculated without taking into account increases in Social Security benefits after the date he terminates.

Another study (to be completed within 2 years) which could impact on vesting requires the Department of Labor to determine the feasibility of issuing regulations to insure that employees under Federal procurement and other contracts be protected against forfeiture of pension rights.

The Act requires that a plan pay all benefits (including deferred vested benefits) in a joint and survivor form at age 65 or, if earlier, the normal retirement age under the plan. A pre-retirement survivor option is also to be available to participants attaining early retirement age.

FUNDING

All covered pension plans must make annual minimum contributions equal to normal cost plus 30 year (for single employer plans) or 40 year (for multi-employer plans) amortization of unfunded accrued liabilities for all plan benefits. Plans may amortize liabilities existing on the effective date over 40 years. Experience gains and losses are to be amortized over no more than 15 years for single employer plans and 20 years for multi-employer plans. An alternative method for meeting the minimum funding standard is provided for certain plans using accelerated funding methods which lead to a high degree of benefit security for participants.

An enrolled actuary is to be retained by the plan administrator on behalf of the participants to evaluate the plan's funding status (at least every 3 years) and to offer his opinion as to whether the required figures represent his best estimate of anticipated experience under the plan.

The amortization period may be extended by the Secretary of Labor if certain conditions are met. The IRS may also grant a waiver of the funding requirements on a year by year basis (up to 5 waivers in a 15 year period) if certain hardship conditions can be demonstrated. A failure to meet the minimum funding requirements may result in an excise tax being levied on the employer.

TERMINATION INSURANCE

There is established within the Department of Labor a Pension Benefit Guaranty Corporation, to consist of the Secretaries of Labor (Chairman), Treasury, and Commerce. The Corporation is to guarantee the payment of vested benefits (up to $750 a month) to participants of plans which terminate.

A 7-member Advisory Committee, appointed by the President, is established.

Annual premiums for the first 2 years are to be $1 per plan participant for single employer plans and 50c per plan participant for multi-employer plans. Plans may elect a second annual premium based on a percentage of unfunded insured benefits and total insured benefits, but such premium may not be less than 50c per participant for single and 25c per participant for multi-employer plans.

Later, the Corporation may revise the premium rates and create new rates based on (1) number of participants, or (2) unfunded insured benefits, or (3) total insured benefits. Such revisions must be approved by Congress.

The employer remains liable up to 30% of net worth for any unfunded insured vested benefits of a terminated plan. The Corporation is to establish contingent liability insurance covering this employer liability. Conditions of coverage are to be defined by the Corporation and include payment of the contingent liability premium for five years. Coverage may be elected from the date of enactment with premiums set and collected on a retroactive basis. The Corporation is to explore the possibility of providing contingent liability insurance through the insurance and banking industries.

Employer liability is to be payable over a period of time specified by the Corporation A lien with the same effect as a tax lien is imposed at such time as the employer neglects or refuses to make payments on demand.

In the case of a voluntary termination the "date of termination" agreed to by the employer and the Corporation is the date on which the plan's benefits and assets are valued, the employer's liability is established (but with the net worth of the employer determined up to 120 days before such date), and the lien is imposed. The benefits guaranteed on such date are the vested benefits under the plan up to the lesser of $9,000 per year or 100% of the high 5-year compensation.

Benefit increases within 5 years of a plan termination are insured 20% for each year they were in effect prior to termination.

The Corporation must also provide assistance to individuals with respect to evaluating the desirability of using various "portability provisions" (e.g. individual retirement accounts) under the Act.

INDIVIDUAL RETIREMENT ACCOUNTS

An employee whose employer doesn't have any qualified pension, profit-sharing, or similar plan is entitled to set up his own plan

Contributions up to the lesser of 15% of compensation or $1,500 may be contributed to an individual retirement account, annuity, or bond program and may be excluded from the employee's gross taxable income Earnings on these accounts are to be tax free Distributions from such accounts because of retirement after age 59½ or disability at any age are to be taxed as ordinary income.

A 10% excise tax is levied on premature distributions.

The employee and the trustee (who must be a bank or other qualified person) must guard against the fund engaging in certain prohibited transactions. These plans may not purchase life insurance, but certain endowment type contracts to the extent of their non-life insurance elements are permissible investments.

CONTRIBUTIONS FOR THE SELF-EMPLOYED

The present contribution limit to self-employed (H.R. 10) plans is increased from $2,500 to $7,500 (or 15% of earned income if less).

LIMITATIONS ON BENEFITS AND CONTRIBUTIONS

Pension, profit-sharing, 403(b) annuity, self-employed, and all other tax qualified plans are now subject to certain overall benefit and contribution restrictions. Generally, a pension plan may not provide benefits greater than $75,000 per annum. Contributions on behalf of an individual to a profit-sharing or other defined contribution plan is limited to the lesser of $25,000 or 25% of compensation. All plans of the employer are combined for the purpose of testing the limitations. A lower limit equivalent to 140% of the limit under one plan is applicable when an individual is a member of both a defined benefit and defined contribution plan. The above dollar limitations are to be increased with the cost of living.

ENFORCEMENT

Criminal sanctions may be imposed on persons who willfully violate the reporting and disclosure provisions of the Act or who use coercive force to interfere with employee rights under the Act.

Violations of the funding standards and prohibited transaction rules may result in the imposition of excise tax penalties. A plan may also be disqualified if it does not meet certain other requirements of the Internal Revenue Code.

In addition to the above, the Secretary of Labor or any participant or beneficiary may bring a civil action to enjoin any act which violates any provision of Title I and to recover denied benefits. Dollar assessments and the removal of fiduciaries are but two examples of the types of penalties that may result from such civil actions.

EFFECTIVE DATES

Participation and vesting:

New plans, plan year beginning after enactment.

Existing plans, plan year beginning after 12/31/75.

Accrual of certain supplementary benefits may be deferred until expiration of contract but not later than 12/31/80.

Funding:

New plans, plan year beginning after enactment.

Existing plans, plan year beginning after 12/31/75.

Collectively bargained plans, at expiration of contract but not later than 12/31/80.

Reporting and Disclosures: 1/1/75, but Labor Secretary to issue regulations immediately.

Fiduciary Standards: 1/1/75.

Termination Insurance:

Single employer plans—

Benefits to be paid for plans terminated after 6/30/74.

Employer liability and other provisions, on enactment.

Multi-employer plans 1/1/78, but Secretary may use discretionary authority to pay benefits before then.

Pre-emption of State Laws: 1/1/75.

Individual Retirement Accounts: 1/1/75.

Limitation on Benefits and Contributions: Plan years beginning 1/1/76.

THE INTRODUCTION OF LEGISLATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. FLORIO. Mr. Speaker, today I have introduced legislation making it a sense of Congress that the U.S. delegation to the European Security Conference should not agree to the recognition by the European Security Conference of the Soviet Union's annexation of Estonia, Latvia, and Lithuania and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic nations by the Soviet Union.

The history of the Baltic nations striving for freedom and independence has been eloquently stated many times in the Halls of Congress. The Baltic nations, its people, and our American citizens with origins and relatives from this region, have not forgotten the sovereignty and the fruits of freedom that they once enjoyed and prospered under.

It is a cruel fate of history that these nations and their proud people, who worked so hard for their freedom, were invaded by the authoritarian forces of the Soviet Union and Nazi Germany and eventually were forcibly annexed by the Soviet Union which have dictated their lives ever since.

Our Nation, which has been recognized throughout the world as a champion fighting for freedom and independence, must continue to demonstrate to the people of the world and especially to the people of the Baltic nations our firm desire and determination to allow all people the choice to determine their own destiny. If the United States permits the European Security Conference to adopt an official act to justify the Soviet Union's action of forcibly annexing nations and people into its domain, we will be doing a disservice to the basic principles this Nation was founded on and prospered under. More importantly, we will destroy the desires and motivations the Baltic people have in their hopes to regain the freedom and independence they justly deserve.

KISSINGER MISLEADS U.S. CONGRESS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. ASHBROOK. Mr. Speaker, it is now plainly evident that Secretary of State Henry Kissinger deceived the U.S. Congress in his testimony regarding a Soviet-American trade agreement. Kissinger's deception took place last fall, when he misled the Congress into believing there were assurances from top Soviet leaders when, in fact, he knew there were none.

In mid-October Kissinger informed Senator JACKSON that a compromise had been worked out with the Soviet Union. On October 26, however, Kissinger received a letter from Soviet Foreign Minister Andrei Gromyko denying any such compromise. Kissinger did not bring this letter forward at the December 3 hearing of the Senate Finance Committee. In fact, Kissinger's testimony led everyone to believe that he had received personal assurances on the compromise from top Soviet leaders. Then, when the Soviet Union refused to go along with the "compromise," Kissinger put the blame on Congress.

I am disgusted by Kissinger's conduct in this affair. Our Nation cannot afford a Secretary of State who misleads the U.S. Congress.

Following is Clark Mollenhoff's column, "Watch on Washington," which describes Kissinger's deception in more detail:

[From the Knoxville News-Sentinel, Feb. 23, 1975]

KISSINGER IS CHARGED WITH MISLEADING U.S. CONGRESS

(By Clark Mollenhoff)

WASHINGTON, D.C.—Secretary of State Henry Kissinger has virtually destroyed his credibility with Congress by "forgetting" to disclose the contents of a letter when he was testifying about a Soviet-American trade agreement.

Following flat charges by Sen. Henry Jackson (D-Wash.) and Sen. Adlai Stevenson (D-Ill.) that Kissinger "deceived" and "mislead" Congress, the State Department has admitted that the letter from Soviet Foreign Minister Andri Gromyko to Kissinger was relevant to his testimony and "probably should have been produced at that time."

Robert McCloskey of the State Department, however, insists that "it was not a deception or an active misrepresentation."

Seeking to put Kissinger's withholding of the letter in the best possible light, McCloskey declared that "it was simply a sin of omission.

"Secretary Kissinger has said he simply forgot to mention the letter, and we admit now that it should have been mentioned," McCloskey said.

PUT IT ASIDE

McCloskey said that it had been Kissinger's intention to call the letter to the attention of Jackson and others.

"Although Henry said he was going to show it to Senator Jackson, and that there should be a complete disclosure to Congress, some of his associates said it should not be disclosed," McCloskey said.

McCloskey said Kissinger had never had any intention other than to disclose the Gromyko letter.

"He put it aside and simply forgot to mention it when he was before the Senate Finance Committee," McCloskey said. "There was no intent to deceive the committee."

Jackson's staff points out that the Gromyko letter directly contradicted assurances that Kissinger had given Jackson on a compromise on the 1972 Soviet-American trade agreements.

In October, 1972, more than 70 senators introduced legislation limiting most-favored-nation status to those that permitted their citizens the right and opportunity to emigrate. The legislation was aimed at persuading the Soviet Union to change its policies requiring Soviet Jews to pay up to $30,000 as an education tax to obtain an emigration visa. It was pointed out that with Russian salaries averaging $150 a month, emigration of anyone with substantial education was virtually impossible.

CHRONOLOGY OF EVENTS

The importance of Kissinger's deceptions is pointed out by Jackson's staff in this chronology of events:

October 18, 1974: In an exchange of letters with Jackson, Kissinger conveyed assurances based on discussions with Soviet authorities that harassment of visa applicants would cease and that the number of visas would "rise to correspond to the number of applicants."

As its part of the compromise, Congress would adopt an amendment to the trade bill to conditionally waive the restriction on Most-Favored-Nation status.

October 26, 1974: Gromyko handed Kissinger a letter which denied there was any agreement with the Soviet Union. This letter contradicted the assurances that Kissinger had given Jackson and others in his October 18 letter. Kissinger recognized it as altering the situation and had conversations with his aides on the importance of notifying Jackson and others.

December 3, 1974: Kissinger testified before the Senate Finance Committee, urged passage of the trade bill with the waiver authority included, and did not produce the October 26 letter from Gromyko.

Sen: Vance Hartke (D-Ind.) asked: "Are the assurances then made from Mr. Brezhnev, Mr. Gromyko and Mr. Dorbynin?" "That is correct," Kissinger replied.

December 18, 1974: The Soviet News Agency Tass released the text of the Oct. 26 Gromyko letter to Kissinger, and the State Department issued an immediate statement that this private communication did not change the understandings referred to in the Secretary's letters to Jackson.

January 14, 1975: Kissinger announced that the Soviet Union would not put into force the 1972 trade agreements, and blamed Congress for what he considered a serious setback for Soviet-American trade relations.

Jackson snapped back that Congress had been seeking a compromise in good faith with assurances from Kissinger that it was acceptable to the Soviet Union; and that his withholding of the relevant letter was at the root of any misunderstanding.

"MISLED THE CONGRESS"

Stevenson charged that Kissinger "misled the Congress" into believing there were assurances from top Soviet leaders when he knew there were none. "Then, instead of defending the U.S., Secretary Kissinger blamed Congress and defended the Russians," Stevenson said.

The State Department explanations that Kissinger simply "forgot" to tell Congress was incredible to both conservatives and liberals in the Senate and House.

If it was a deliberate deception it was difficult to exaggerate its importance, for it involved the rights of millions of people and billions of dollars in trade arrangements. If Kissinger had truly "forgotten" to produce such a vital document when testifying, there was something dangerously wrong and haphazard about his diplomatic system, in the view of critics who now include the right, left and center.

MORE EFFECTIVE AUTO EMISSION CONTROLS AT HIGH ALTITUDES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation which would amend the Clean Air Act of 1970 to provide for more effective auto emission controls at high altitudes. This amendment would substantially improve the air pollution situation in the urban areas of the Rocky Mountain States.

An unforeseen result of the 1970 act is that auto emissions in Denver, Colo., are 50 to 100 percent greater than they need be, and at least five or six other major urban centers above the 4,500-foot altitude level suffer the same fate. It has been shown that vehicles fitted with emission control devices that function efficiently at sea level run extremely fuel-rich at higher altitudes and actually emit up to twice the amount of pollutants that a well-tuned car at sea level emits. Low-cost adjustments in the carburetor and ignition calibrations of a car can easily eliminate excessive, high altitude emissions, yet such adjustments are prohibited by the 1970 act. For cities such as Denver, Salt Lake City, Alberqueque, this results in the literal waste of millions of gallons of gasoline, and the incongruous situation whereby cars with emission control devices emit more pollutants than they would without the devices. I find it highly ironic that several States, including Colorado, are forced by the Federal Government to accept more pollutants in the air than they would otherwise have. It is obviously impossible for high-altitude States to meet Federal ambient air standards if the devices required to help meet those standards actually cause twice the pollution, simply because they cannot be adjusted to the proper setting for the higher altitudes.

My bill, aimed at eliminating this needless pollution and waste of fuel, contains several important features:

The bill would require that all motor vehicles and engines covered by the 1970 act comply with emission standards at that altitude, up to 7,000 feet, at which the vehicle is sold to an ultimate purchaser. Thus, under my bill, a car at 6,000 feet could inexpensively be made to emit no more pollutants than a car at sea level

Second, the bill I am introducing today would direct the Administrator of the Environmental Protection Agency, upon the request of a Governor of any State, to either himself authorize or allow designated State agencies to authorize specific modifications of the auto emission system by manufacturers and dealers where he determines that such modifications are necessary to make emissions systems comply with the requirements of this act. In the past, officials of the EPA have been unsure of what clear-cut authority was provided to them in this area under the current law. Last November, the EPA ventured ahead and asserted their authority in one aspect of this situation by ruling that, beginning with the 1977 model, no cars may be sold at high altitudes that have not demonstrated that they meet emission standards at that altitude. My bill would not only underscore this regulation, but would further clarify the Administrator's authority with regard to adjustments to be made by dealers on existing vehicles. Under regulations which would be prescribed by the Administrator, this bill would allow the manufacturer of any motor vehicle or engine made after model year 1969 to provide to automobile dealers, upon request, the technical assistance and equipment needed by the dealer to make appropriate altitude adjustments to emission control systems. This retroactive measure will allow auto dealers to correct improper adjustments now, and will assist the average car owner who may not be driving the latest model car. I feel that these regulated procedures insure sufficient safeguards against penalties for "tampering" with the devices.

A third feature of my bill provides that, if a 1-year suspension of the 1977 motor vehicle emission standards—recently announced by EPA—does go into effect, the Administrator may then grant States an additional year to meet ambient air quality standards. For those States where the automobile accounts for a preponderant percentage of air pollution, it is virtually impossible to meet the 1977 air standards if the stricter automobile standards do not go into effect until 1978.

Finally, my bill would authorize the expenditure of $750,000 for research on high altitude emission problems and their solution. These funds will provide the Administrator of the EPA with the research knowledge necessary to promulgate meaningful regulations on this problem.

The Clean Air Act of 1970, a sound and vital law, has laid the groundwork for the actions needed to abate air pollution, but has also resulted in some unforeseen consequences to high altitude cities. This bill proposes to correct those unnecessary disparities.

Accordingly Mr. Speaker, I am asking the Commerce and Health Committee to take this matter up at the earliest practicable date. In addition, I plan to offer this legislation again after the Easter recess so that the Members who represent high altitude areas may have the opportunity to cosponsor this legislation.

SAMUEL WILLIAMS' ILLUSTRIOUS CAREER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. EDWARDS of California. Mr. Speaker, the Chairman of the Committee of Bar Examiners for the State Bar of California, Mr. Samuel Williams, will be ending his term of office next month. I sincerely believe that he deserves our thanks and public recognition for the great public service he has performed in this capacity over the past year.

Mr. Williams has served the public throughout his career, first as a probation officer in Los Angeles, then as deputy attorney general for the State of California, and later as staff attorney for the McCone Commission, which was commissioned by the Governor of California to investigate the Los Angeles riots in 1965. His service includes membership on the Board of Police Commissioners for the City of Los Angeles from 1973 to the present, serving as president of that important body since last year. He is also a member of the District Attorney's Advisory Council for the City of Los Angeles, an active member of the Los Angeles County Bar Association and the American Bar Association, and a fellow of the American Bar Foundation. He is a member of numerous other professional organizations.

He has served as a member of the committee of bar examiners since 1971 and as chairman since early last year. He has been a member of the administrative disciplinary committee since 1969 and was chairman of the important regulatory division during 1973 and 1974. Since 1972, he has also been a member of the board of managers of the National Conference of Bar Examiners.

All members of the California Bar, as well as the public, owe him a great debt for helping to insure that the high standards of the California Bar, both professional and ethical, are and will continue to be maintained. He is an individual who realizes the special obligations of the legal community toward the public. We in the legislature owe him our hearty appreciation. For, without an active and competent bar, the policies and rules of an ordered society for which we strive might go unrealized.

Samuel Williams has dedicated his life toward the proper administration of justice. He has taken it upon himself to do more than required by any office of the court, and has offered his expertise and dedication in a variety of efforts to insure that our society of laws—of freedoms existing within an orderly society—can continue. Without individuals such as Samuel Williams, a self-regulating bar could not exist. Without individuals like him, who are willing to volunteer a great deal of time and who are willing to use their substantial intelligence and expertise in behalf of the public good, the legal profession would be less equipped to serve the public. All of us would suffer. We owe Samuel Williams not only our gratitude, but our admiration.

HOMEOWNER PROTECTION PROPOSED

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. FORD of Tennessee. Mr. Speaker, I have introduced today the Homeowners' Loan Act of 1975 which is designed to prevent wholesale mortgage foreclosures if the current economic recession deepens.

There are approximately 35 million owner-occupied one-to-four unit homes in this country most of which are mortgaged. These owner-occupied dwellings represent the single greatest lifetime investment of many families. Should present economic reverses be exacerbated, thousands of low- and middle-income families would suddenly be faced with the loss of their considerable investment and their shelter.

As a member of the Subcommittee on Housing of the Committee on Banking, Currency and Housing, I am keenly aware of the needs of both homeowners and the housing industry. The situation before us today is one requiring diligence and foresight. We must enact, as soon as practicable, standby legislation which will avert a crisis for homeowners, not react to one when it develops.

The Homeowners' Loan Act of 1975 is just such a bill. It re-establishes authority to set up the Homeowner's Loan Corporation—HOLC—if the rate of mortgage foreclosure on owner-occupied residential homes reaches a disaster point. The legislation defines this disaster point as the point at which the national mortgage foreclosure rate reaches a level of one-half of 1 percent on all properties. Such a rate of foreclosure would result in approximately 100,000 home foreclosures a year. As of December 31, 1974, according to the quarterly index compiled by the Federal Home Loan Bank Board, the foreclosure rate was about one-quarter of 1 percent. However, the mortgage delinquency rate—the number of individuals whose mortgage payments were in arrears and who were in danger of foreclosure—was estimated to be approaching 1.5 percent.

In view of this situation and the continuingly downward trend of the economy, it is important that safeguards be taken. Standby legislation setting up the HOLC, should it be necessary, is the most desirable approach.

During the Great Depression, thousands of families lost their homes until the Federal Government stepped in, establishing the HOLC. In its 18 years of existence, 1933 to 1951, it helped over 800,000 families save their homes. Moreover, because the HOLC financed its own operations by issuing federally guaranteed securities, it cost the taxpayers nothing. In fact, when the HOLC ceased functioning, it had accumulated a net profit of over $14 million.

Mr. Speaker, the new HOLC, as provided for in this bill, would do three things: first, it would help persons who are unemployed and whose incomes have been significantly reduced, pay their mortgages for a period of up to 18 months; second, it would give the HOLC the authority to buy home mortgages in danger of foreclosure and refinance them over a 30-year period at a 6 percent interest rate; and finally, it would empower the HOLC to assist certain homeowners whose homes have already been foreclosed in regaining them.

Mr. Speaker, the Bureau of Labor Statistics has informed us that the present rate of unemployment is 8.2 percent—more than 7 million Americans are out of work. In some industries and sections of the country the unemployment rate exceeds 25 percent. Regrettably, there is no end in sight to this deplorable state. I can not stand idly by when the potential for widespread devastation is so great. Therefore, I come before you today, urging my colleagues to give their enthusiastic support to this measure whose only purpose is to be prepared for darker days.

The people of this country are bearing the already heavy burden of today's economic woes. Let us not add to their difficulties by refusing to anticipate foreseeable ills with proven solutions right at hand.

COMMENTS FROM THE LOUISVILLE COURIER-JOURNAL AS TO CONGRESSIONAL ACTIVITIES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. HUBBARD. Mr. Speaker, in line with proposed House Resolution 239, I now respectfully ask that we, the Members of Congress, strongly consider the advisability of taking the scheduled recess in March.

The attitude of many of our Nation's citizens is stated very well by a recent editorial appearing in the Courier-Journal of Louisville, Ky., sent to me by Mr. F. E. Merkel, of Louisville.

YOUR TAX REBATE WILL BE A LITTLE LATE THIS SESSION

It's all very well for Senator Mondale to ask why the Senate may have to drop the anti-recession tax bill and begin a two-week holiday on March 21. He's biased. He isn't running for president, teaching a university course back home, running a real estate agency or even very adept at clocking the progress of stewardesses up a crowded airliner aisle—the activities that set congressmen apart from most ordinary beings.

It's the grinds in Congress with their narrow focus on the nation's laws, world peace and domestic economy, who've put us where we are.

What do the Mondales of this society know of the beauty of a Las Vegas desert night, the charm of a taxicab race up Miami Beach, or the stirring cries of a Bahamian bellboy who's just learned how congressmen tip? No poetry like that in the Mondale world.

Adam Clayton Powell once explained his own classy resort-hopping as the fulfillment of his constituents' dreams. They felt good, he said, knowing that someone from the ghetto had it made. Similarly, the rest of us should get a vicarious thrill out of a Congress which began its year late, marked time for a fortnight in February and is really rushing just now to prepare for the March recess. And such thrills will come regularly, as Congress takes 10 days for Memorial Day, 11 for the Fourth, the entire month of August and four or five other holidays this year.

This nation is clearly safer with its legislators well-rested, with little more to worry about than Blue Tuesdays and charter memberships in the "Thank God It's Thursday" club.

FIFTY-SIXTH ANNIVERSARY OF THE AMERICAN LEGION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. ANNUNZIO. Mr. Speaker, March 15 marks the 56th anniversary of the founding of the American Legion. Delegates from the First American Expeditionary Force founded the Legion on March 15, 1919, in Paris, France. The Preamble to the Constitution of the American Legion states:

> For God and country we associate ourselves together for the following purposes: to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the great wars; to inculcate a sense of individual obligation to the community, State and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

The members of the American Legion have been successful in making their noble ideals become a working reality, and through these efforts, the American Legion has maintained the high standards it set for itself 56 years ago in Paris. This is indeed a proud accomplishment. Legionnaires all over the country have accepted the challenge of sponsoring and conducting activities featuring community service, youth development, and educational advancement.

Sponsorship of Boy Scout troops, 4-H clubs, Boys' State and Boys' Nation are all included in the Legion's program of youth development. The Legion also conducts an annual national high school oratorical contest and the winner receives a college scholarship. The purpose of the contest is to inspire a deeper knowledge and understanding of the Constitution of the United States on the part of high school students.

The Legion has long been active in seeking out resources to aid students in advancing their education. An annually revised handbook published as a part of the American Legion's education and scholarship program, containing sources of career and scholarship information for not only children of veterans, but for all youngsters.

Mr. Speaker, in commemorating this 56th anniversary of the founding of the American Legion, mention should be made of the continuing dedication of the Legion to the adjustment of the veterans to civilian life, restoring his health and usefulness to society, maintaining his dignity, and assuring the welfare of the veteran's widow and children.

The American Legion admirably served the veterans of our wars with its sponsorship of the GI bill of rights and the Korean GI bill. By thus serving the veteran, the Legion serves America, for our men and women returning to American communities from military service face special problems and pressures. In addition, financial aid to former service men and women increases their opportunities to contribute, in turn, to their communities and to America.

The dedicated members of the American Legion have not only protected the interests of our Nation abroad, but have also contributed greatly to the strength of our Nation at home. On this 56th anniversary of the founding of the American Legion, I congratulate the Legionnaires of Illinois and all over the Nation on their magnificent record and extend my best wishes for their success as they continue their outstanding record of service.

KOSSUTH DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. BIAGGI. Mr. Speaker, I would like to join with my Hungarian-American friends, and all of America, in celebrating Kossuth Day. Lajos Kossuth was an editor and public leader in Hungary during the mid-19th century. He struggled for the independence of his motherland from the Austrian Empire, and when Hungary declared her independence, Kossuth became head of the fledging government.

Though Hungary was eventually reconquered, the efforts of Kossuth and his fellows forced the Austrians to make Hungary an equal partner in the empire, thus the formation of the Austro-Hungarian Empire. Kossuth, himself, fled to the United States where he received a hero's welcome.

Kossuth Day is celebrated by Hungarians everywhere as a symbol of the Hungarian love of liberty. This love is ironic in view of the present state of affairs in Hungary, itself. Once, in 1956, freedom-loving Hungarians tried to break the chains of Communist oppression, but this gallant effort went for nought.

Let us all pause in honoring the memory of Lajos Kossuth, and remember the wretched plight of Hungary in our age. Hungary's ill fortune should serve as an example to all freedom-loving peoples that more than love is needed to maintain a free society. Let America, and all the free world, guard well their liberty lest it melt away under the glare of those who would enslave us.

EVANS INTRODUCES BILL TO PROVIDE JOBS AND AID RAILROADS

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. EVANS of Indiana. Mr. Speaker, I am introducing today legislation to both provide needed jobs to our unemployed workers and assistance of a specific nature to our railroads.

My bill would amend the Emergency Jobs and Unemployment Assistance Act of 1974 to authorize an additional $500 million for the purpose of employing for 1 year more than 50,000 maintenance of way workers to rehabilitate railroad track and roadbeds through the Nation.

As others have pointed out before, our railroads are a vital lifeline connecting businesses and consumers in all parts of the Nation. Our railroads serve over 45,000 communities across the country, handle 60 percent of shipments by manufacturers, and transport 70 percent of our coal which is used domestically.

But the lifeline is suffering from a serious case of hardening of the arteries. Most railroads are now restricted to reduced rates of speed, many as low as 10 miles per hour, because of dangerous and poorly maintained track conditions. Reports filed by the railroads with the Interstate Commerce Commission reveal that last year alone, 43 railroads deferred maintenance projects in the amount of $2.6 billion.

The result of this deferral has not only been slower runs on the lines, but over 5,500 train accidents during the 10-year period from 1963 to 1972 due to broken rails.

During 1973 alone, 3,800 train accidents occurred which were attributed to track defects.

Just as it is clear that our railroads need track upgrading, so it is also obvious that our unemployed workers need jobs. Unemployment in Indiana surpasses the national average of 8.2 percent, with a rate of 9.1 percent—nearly a full percentage point more.

Indiana is not alone in the dubious distinction of having a higher than average unemployment rate. Twenty-five other States are similarly above average.

The program I am proposing would not be make-work, which so many taxpayers justifiably find objectionable. This work is needed in order to bring life back into our railroads. In fact, the Federal Rail Administration estimates that $686 million could be used for this employment in 1 year alone.

To avoid any chance that a railroad would receive assistance which it does not require, the bill contains a caveat, and that is that no railroad may receive assistance under my bill if the Secretary of Transportation determines that this Federal aid will take the place of other railroad funds in connection with work that could otherwise be performed by the carrier. In other words, if a railroad is financially healthy, and has the dollars to perform the maintenance work, no Federal assistance for employment of maintenance workers would be available to it.

The bill also provides for a loan program in the amount of $2 billion at 3-percent interest to enable the railroads to purchase the necessary materials for the track upgrading, such as crossties, rails, and the like.

I understand that this amount can be allocated from funds currently earmarked for transportation purposes, so that the loan program would not heap additional budget deficits over the deficits we already have.

I believe my bill is a good idea. I am not wedded to all of the specific provisions in the bill, and would gladly consider modifications in keeping with the purpose of the bill, which is to get our railroads moving and our workers on jobs.

I am inserting below the text of the bill for the information of my colleagues:

H.R. 4850

A bill to provide employment opportunities for unemployed and underemployed persons and to promote safe and efficient service by rail, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Maintenance Improvement and Employment Act of 1975".

SEC. 2. Section 601 of the Comprehensive Employment and Training Act of 1974 is amended by striking out $2,500,000,000" and inserting in lieu thereof "$3,000,000,000".

SEC. 3. The Emergency Jobs and Unemployment Assistance Act of 1974 is amended by the addition of the following Title IV.

"TITLE IV—EMERGENCY RAIL EMPLOYMENT

"SEC. 401. (a) To carry out the purposes of this title, the Secretary of Transportation, in accordance with the provisions of this title and notwithstanding any provisions to the contrary, is authorized from funds appropriated and made available under this title to provide financial assistance to common carriers engaged in transportation by railroad, as defined in the Railway Labor Act (45 U.S.C. § 51), for wages of persons employed in programs and projects to maintain and improve their rights-of-way and structures, including mainline tracks, side tracks, adjacent thereto, roadbed, culverts, fills, tunnels and other structures.

"(b) The Secretary shall provide financial assistance for any program or project under this title only upon application by the carrier under regulations to be prescribed by the Secretary.

"(c) The Secretary shall not provide financial assistance for any program or project under this title unless it is determined under regulations or to be prescribed by the Secretary that the program or project (1) will not result in the displacement of currently employed workers (*including partial* displacement such as reduction in the hours of overtime work or wages or employment benefits), and (2) will not result in the substitution of Federal for other funds in connection with work that could otherwise be performed by the carrier during the 12 months following application by the carrier.

"(d) All persons employed under the program or project shall be considered employees of the carrier working under any applicable labor contracts and subject to the same managerial control as all existing employees of the carrier: *Provided however*, That persons employed under such program or project shall not attain interests entitled to protection or the imposition of protective arrangements under the Interstate Commerce Act (49 U.S.C. § 5) or any other provision of law.

"(e) The provisions of Title I shall apply as to eligibility: *Provided however*, That to the extent the carrier had employees on furlough at the date of enactment, such employees shall be first employed.

"(f) Persons employed under such program or project shall receive benefits and be paid wages in accordance with the terms of applicable labor agreements existing between the railroad applicants and the Railroad Labor Brotherhoods at the time funds authorized by paragraph (a) are expended.

"(g) The Secretary may require reports or by other means insure that assistance authorized under this title is expended by the carrier consistent with its application.

"Sec. 402. There is authorized to be appropriated the sum of $500,000,000 to carry out the provisions of this title.

"Sec. 403 (a) The Secretary of Transportation is authorized, on such terms and conditions as he may prescribe, to make loans on behalf of the United States to common carriers engaged in transportation by railroads, as defined in the Railway Labor Act (45 U.S.C. § 51), to be used for equipment, materials, and supplies necessary for rehabilitating, maintaining, and improving their rights-of-way and structures, including mainline tracks, side tracks adjacent thereto, roadbed, culverts, fills, tunnels, and other structures. The maturity date of any loan including all extensions and renewals thereof, shall not be later than thirty years from its date of issuance.

"(b) Any loan by the Secretary under this Act shall be made within 1 year of enactment; shall not be terminated, canceled, or otherwise revoked; and shall be conclusive evidence that such load complies fully with the provisions of this Act.

"(c) Before making any loan pursuant to this Act, the Secretary must consider whether the prospective borrower is responsible and whether adequate provision will be made for repaying the loan. The Secretary may not make a loan under this Act unless he finds that:

(1) the loan is needed to provide employment opportunities for unemployed and underemployed persons;

(2) the loan will provide funds for needed rehabilitation, maintenance and improvement of the Nation's railroads; and

(3) the activity to be financed will promote the efficiency of rail operations.

"(d) The Secretary may prescribe, as he deems necessary and appropriate, rules and regulations for the administration of this Act.

"(e) The rate of interest to be charged the borrowers shall not be more than 3 per centum per annum. The aggregate unpaid principal amount of loans made by the Secretary under this Act may not exceed $2,000,000,000.

"(f) Loans authorized under this Act shall be for programs and projects to be performed by the carrier during the 12 months following the carrier's application."

AMENDMENT TO H.R. 25

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. WIRTH. Mr. Speaker, tomorrow I plan to offer, for myself and Mr. Blouin of Iowa, the following amendment to H.R. 25, when it comes before the consideration of the House.

The following amendment is set forth to qualify for the necessary time to be considered when H.R. 25 is considered on the floor of the House:

Page 294, line 21, strike the words: "boundaries of any national forest", and insert the following: "the National Forest System,".

JAMES J. MASEK

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. STANTON. Mr. Speaker, one of the genuine pleasures of public service is meeting men and women who have devoted their lives to serving the needs of other people. Occasionally, the efforts of these individuals manage to find their way into the headlines. More frequently, however, these men and women labor in relative obscurity—their reward being, not the roar of the crowd, but the personal satisfaction of a job well done.

One such person, who I wish to commend to my colleagues, is Mr. James J. Masek of Cleveland, Ohio. Mr. Masek retired on March 1, 1975, after 40 years of teaching in the Cleveland public school system. During 12 of these years, he served as chairman of the social studies departments at Lincoln and Lincoln West High Schools. As an educator, Mr. Masek endeared himself both to the hundreds of students he taught and the community he served. The respect and esteem in which he was held as an educator is evidenced by the fact that for 24 years he was continuously reelected to serve on the Cuyahoga Heights Board of Education. For 9 of those years, he served as board president.

One would think that 40 years as a teacher and educational administrator would be service enough for any one man. But James Masek is no ordinary man. In addition to his educational responsibilities, Mr. Masek served 38 years as news editor of the Neighborhood News, and 27 years as suburban correspondent for the Cleveland Plain Dealer. Among his many other civic duties, Mr. Masek was for 10 years civil defense director of Cuyahoga Heights, secretary of the charter review committee, chairman of the Newburgh Heights war memorial committee, and president of the southeast air pollution committee.

Mr. Masek served with distinction during World War II as a lieutenant in the U.S. Navy. His tour of duty included 23 months of combat aboard the USS *Catskill* which was involved in the invasions of Okinawa and the Philippine Islands. He was a recipient of three battle stars.

Mr. Masek was awarded outstanding citizenship awards in 1948 and again in 1970 by the Blazek Post for his services to his community and its schools. He has recently been recognized by Thomas E. Ferguson, auditor of the State of Ohio, for outstanding community service.

James Masek never found himself being written about in the newspaper headlines or being talked about on the local news programs. He labored on behalf of his community, as most Americans do, under the veil of anonymity. To those who meet him, to those he taught, and to those with whom he worked, James Masek, however, was someone special. His life and his work are typical examples of what has made this country strong. As a Clevelander, I can say with pride that I represent him. I wish to join with his family, neighbors, and friends in expressing my gratitude upon his retirement for his efforts on behalf of and his contributions to Cleveland. Somehow, however, I suspect men like James Masek never really do retire; they just find new problems to tackle.

THE GEORGIA POWER PROJECT: A STRATEGY FOR SOCIALISM—PART II

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. McDONALD of Georgia. Mr. Speaker, today I am presenting the second part of my report on the Georgia power project, one of the most active groups using the energy crisis as an organizing tool to promote Marxist socialism in this country.

GEORGIA POWER PROJECT CALLS FOR "MUNICIPALIZATION"

In 1974 the Georgia Power Project came up with a new euphemism for a socialist takeover of the Georgia Power Company, "municipalization." A GPP brochure states:

". . . Georgia Power has said it will ask for increases every year for the next five years, and the Project needs to be there. It must spread the word about utility abuses and how people can fight the power monopoly. The Project has new initiatives in mind . . .

"One exciting new initiative is municipalization. The Project is currently researching the possibility of a municipally-owned power system for the City of Atlanta. Such a system appears to have the following advantages: (1) lower cost of money; (2) availability of revenues for rate reduction, tax relief, or expanded city services; (3) recapture of revenues from MARTA's electric subways; (4) retention of revenues from nonresidents' use of electricity within the city; (5) local control of the system and its policies."

One can imagine how attractive such a proposal might seem to certain city officials—new city jobs to allocate as patronage, new contracts to let—opportunities for union organizing, too.

The GPP has said, "We must continue our work into alternative financial, management, worker and consumer arrangements for the Company. It is not enough to expose, denounce and vilify the Company, we need to have something to offer besides rhetoric."

One such "alternative"—alternative to the free enterprise system, that is—was revealed in a lawsuit in Federal District Court in Atlanta, filed by the Power Project and its closely affiliated ally, the Great Speckled Bird.

This court action, being handled by the GPP's National Lawyers Guild friends, seek to establish in the courts a new constitutional right, a right certainly never foreseen by the Founding Fathers. Claiming that the Georgia Power Company, since it is a state regulated utility, acts under color of state law, the GPP concludes. "This means that

Georgia Power must act in accordance with the Fourteenth Amendment and cannot deprive any customer of electricity . . . without due process of law." The GPP lawyers further base their claim on 42 U.S.C. § 1983 "which prohibits anyone 'acting under color of state law' from depriving 'any person of life, liberty or property without due process of law.'"

This is another ploy in the effort to bankrupt the utility. The necessity of holding full legal hearings before cutting off service to those who do not pay their bills would cost the utility hundreds of thousands of dollars in legal fees, plus losses while the proceedings were underway.

Analysis would indicate that ultimately the Marxists and Marxist-Leninists of the Georgia Power Project will assert that consumers have a "constitutional" right to free electricity in a completely socialist society—a condition which socialists usually call communism.

Recently one of the Georgia Power Project lawyers, David Schlissel, has been quoted as denying the fact that the Project is socialist. Perhaps Mr. Schlissel has not read the Power Project's 1974 position paper of any of the literature produced during the past two and a half years in which the GPP statement of principles clearly states the socialist politics and intentions of the group.

Perhaps he has not read the section of the position paper which says:

". . . We need to be up-front about our politics and beliefs, but non-sectarian in our approach."

And perhaps Mr. Schlissel and his comrades in the Georgia Power Project would like to explain the elaborate interlocking associations and alliances that it has made with the Maoists of the Stop the Coal Coalition, with assorted communist factions like the October League, with the National Lawyers Guild and the gray shadowy complex of the Institute for Policy Studies and its southern satellite.

Perhaps it is time for being "up-front" about the Institute for Southern Studies; and the leadership role it has played in forming the theoretical planning of GPP strategies.

The Institute for Southern Studies' sneering remarks about the energy shortage representing "the decay of stale political and economic ideologies" also are not up-front. Perhaps the arrogant ideologues of the "new order" realize that open condemnation of the American republic and the free enterprise would reveal their true biases and lose them support.

THE INSTITUTE FOR SOUTHERN STUDIES AND THE GEORGIA POWER PROJECT

Dropping its pretense to non-partisanship with its friends in the Atlanta radical community, the ISS placed a want ad in the Great Speckled Bird on October, 1972, which read:

"Institute for Southern Studies, a radical research organization, needs volunteers to research military spending and corporate power structures in the South. . . .

In its position paper, "The Fight Against the Georgia Power Company," the Power Project admitted that its success was in large part due "to the resources of the Institute for Southern Studies in Atlanta."

ISS staffers who have worked in the Power Project include Sue Thrasher; Bob Hall, editor of the ISS journal, Southern Exposure; Jim Tramel; Leah Wise and Stephanie Coffin.

In an editorial in the Summer/Fall issue in 1973 of Southern Exposure, ISS stated:

"There are some remarkable parallels between the Watergate scandals and the energy crisis—the two biggest front-page stories in recent months. Both are the politics of fear and intimidation, . . .

"But the Watergate and energy crisis need not be depressing experiences. On the contrary, they represent the decay of stale political and economic ideologies, the crumbling of systems which have failed to provide real 'order' or to satisfy real 'demands.' There is tremendous opportunity for people with imagination and organizational know-how to fill the resulting vacuum with alternative systems and styles. . . .

"One of the best places we know of for organizing around alternatives is the electric utility industry, a 'natural' monopoly that is closely linked with the energy crisis and with control of southern economic development by a few northern banks. Everybody hates their local power company, but few realize the incredible sums of money that public ownership of these companies could yield for community prosperity and economic development. Perhaps it's time to revive some of the populist slogans and channel that feeling people have of not being in control of anything into a campaign around public control of utilities—and then, maybe, the railroads, and then. . . ."

It will be obvious to even the most naive person that these radical manipulators have been working to fulfill their goals. It is up to an informed public to stop them.

Mr. McDONALD of Georgia. The following statements have been compiled from GPP handouts, brochures, and public position papers:

We are socialists, working toward a time when the Company will be run and managed by its workers and consumers.—Power Politics newsletter.

We believe that the long term solution to the problems now facing us in the production, distribution and consumption of energy to be socialism—direct worker and consumer control of the energy industries which dominate our life and society.—Georgia Power Project, 1973.

One of the major areas of political struggle in the coming years is undoubtedly going to be the production, distribution and use of energy in this country and the world. Socialists must begin to make themselves a part of the struggles going on around the question of power and energy. Sane, intelligent policies and action around this issue can help make socialism a viable alternative in American life in the next few years.

* * * * *

The Company and their attorneys began making innuendos about our socialist program. . . . To these charges and others (like radio interviewers) we responded by affirming our socialist intentions.

* * * * *

Most of all we need to organize more and more people. We need to be up-front about our politics and beliefs, but non-sectarian in our approach. . . . We must be willing to work with people of very different backgrounds and orientation so that the total effort can be more successful. We must learn patience and discipline.—Georgia Power Project position paper, "The Fight Against the Georgia Power Company," 1974.

NO JOY ON THE FARM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. OBEY. Mr. Speaker, within the next couple of weeks the House will be considering emergency farm legislation in an attempt to alleviate somewhat the problems facing this country in agriculture.

In an effort to convey to my colleagues just what the effect of our economy and soaring inflation is having on our Nation's farmers, I am inserting two articles which I believe portray some of the realities of farm life. Our Nation's farmers were truly the first hit by increased costs for production and we can no longer turn away from a problem which today has reached disastrous proportions.

The two articles follow:

[From the Milwaukee Journal, Jan. 15, 1975]

NO JOY ON THE FARM

(By David M. Skoloda)

Mr. and Mrs. James Herison are entering their third winter of economic crisis on their 200 acre dairy farm about 10 miles northwest of Kewaunee.

The outlook for them and thousands of other dairy farmers in the state is not bright. Barring government intervention, milk prices are due to fall in early 1975 even though prices already are below cost of production. With supply lines choked with manufactured products and consumption of fluid milk dropping, there is little reason for optimism for rapid recovery in the dairy industry that is the basis of the Wisconsin agricultural economy.

The Herfsons' problems started two years ago, when wet weather hindered their crop production and left them short of feed for their cattle. They sold 22 head in late 1972 and had 72 remaining.

More recently, they reduced their herd to 55 adult females to conserve on costly feed.

Mrs. Herison took a job last year at an Algoma woodworking company to help with family finances but she was laid off just before Thanksgiving. While she was working, all the returns from the farming operation were reinvested in the farm and including three children, the family lived on her salary, she said.

"IT'S RIDICULOUS"

Since she was laid off her husband has taken a job hauling hay in addition to the regular farm work. "He's working awfully hard. It's ridiculous what we are doing to try to hang onto our farm," she said.

Herison, 33, and his wife have been farming for about 15 years. Their ability to continue will depend largely on the willingness of their creditor to refinance their operating expenses in 1975, she said.

Howard Richards, president of the Intermediate Farm Credit Bank, St. Paul, said that he did not foresee unavailability of credit for the "average or better" producer but "if the farmer is below average he is in trouble."

Such are the conditions that face many Wisconsin farmers in 1975. Cash crop farmers generally are in better position than livestock farmers because of the demand for their crops in a world suddenly short on supplies due to crop failures and increasing demand. They are better off, that is, if they had a crop. Many farmers lost crops last year due to drought and early frosts.

RECEIVED LESS

The importance of Wisconsin's dairy industry income is shown in a Wisconsin Statistical Reporting Service report. While the index of prices received by Wisconsin farmers for all products had declined 11% in November, compared with the same month the year before, there was no change in the same index for the entire US, it showed.

Legislation passed just before Congress adjourned to raise the dairy price supports to 85% of parity would help farmers, but even if President Ford signed the bill the increased prices would not meet costs of production for many farmers.

Higher dairy price support levels would

give dairymen confidence to stay in business and also help farm related businesses by spurring investment in such things as tractors and buildings, according to dairymen.

One farm community banker said that farm loan activity this winter was "nil." This is the time of year when farmers usually are making plans for equipment purchases or other farm improvements.

Dairy leaders cited government spending on emergency employment programs as justification for increased assistance for dairy farmers, too.

LOSS TO IMPORTS

Government decisions in the dairy industry can make a huge difference in farm income, Charles Farr, dairy economist with the Wisconsin Federation of Co-operatives, estimated that $200 million was lost in 1974 by Wisconsin dairy farmers as a result of the government authorization to import large amounts of cheese last year.

Roger Biddick, former chairman of the State Agriculture Board and a livestock feeder and seed producer from Livingston, said that costs of seed, fertilizer and insecticides will be up substantially in 1975.

Donald Haldeman, Norwalk, president of the Wisconsin Farm Bureau Federation, said there might not be sufficient supplies of fertilizer.

He said that farmers would go all-out on production this year and while they wouldn't produce a surplus there likely would be enough production to lower grain prices.

Steve Pavich, president of the Wisconsin National Farmers Organization, said that farmers would have to organize to help themselves because the events of 1974 had shown that "they cannot depend on anyone else to get the job done."

"How much longer farmers can continue to absorb increasing costs and decreasing prices, I don't know," he said.

FEAR DRY YEAR

Gilbert C. Rohde, Greenwood, president of the Wisconsin Farmers Union, said that if 1975 was another dry year the effects would be even worse than 1974, when many farmers were making it through on a reserve of feed.

"It seems like the officials who should be concerned are so far removed from the conditions out here that nothing is being done," Rohde said.

Donald E. Wilkinson, state agriculture secretary, said he believed that the family farm structure of Wisconsin agriculture would help Wisconsin farmers to survive the period of low prices.

Farmers will be watching closely the new Congress' attitude toward export controls on grain. They fear that an increasingly urban oriented Congress will be inclined toward controls as a move to appease consumers. Farmers warn that such a move could be disastrous for them and for the nation's balance of payments position.

The key question in 1975 will be whether the Midwest drought of 1974 was just a one year deviation from a long pattern of weather favorable to crop production, or whether it was the beginning of a period of unfavorable growing seasons. Another prolonged drought or other harmful weather could deal a knockout to a hard pressed livestock industry dependent on plentiful supplies of feed grain.

[From the Telegraph Herald, Oct. 23, 1974]

LIFETIME DREAM DENIED: HIS SON SHUNS FARM FOR WORK IN FACTORY

NASHVILLE, Ill.—Like his father, Casimer Kozuszek worked all his life to leave something for his sons: The family dairy farm. But his sons won't have it. Inflation milked it dry.

"The feed is too high and milk wasn't high enough," 66-year-old Kozuszek says. "I sold out because my boys were supposed to take over but there wasn't enough money and I'm getting too old."

Kozuszek sold his herd of dairy cows at auction in September. He still lives on the farmland, but no longer as a farmer. His son, who would have run it, works in a factory.

His voice accented by traces of his ancestral Poland, Kozuszek talks in plain terms: Dollars and cents.

"In 1950, '51 and '52, corn was 85 cents a bushel and milk was more than $6 a hundredweight. Now corn is $3.80 a bushel and milk is still only a little over $6."

When Kozuszek sold his herd, milk for cheese and other commercial products brought only $6.39, though this month the price reached $7.50.

"Everything else is too high," he says. "Two years ago baling wire was $9. This year $23. Seven years ago a tractor cost $9,000. Now the same tractor is $18,000."

The Agriculture Department predicts that by 1980 half the nation's family-run dairy farms will vanish, the herds auctioned to large producers.

The Kozuszek farm was never a big operation: 50 cows, 190 acres. But until recently it was a living. Clarence Kozuszek, 21, wanted to take over.

"Yes, I would, if it would have been profitable," he says. "We weren't coming out ahead, you know. We were just paying for the bills and that's it."

Now Clarence earns $3.80 an hour on the night shift at a factory.

"It's a lot easier," he says. "There you work for what you get. On a dairy farm you work all day long and all night and you'll have nothing to show for it. You don't know what's going to happen from day to day. If you can't make a living on the farm you have to do something else."

The trouble with farming, as the Kozuszeks see it, is that farmers won't work together. "They are going to have to organize like everybody else, like union labor. If they don't they are going to go broke," says Casimer.

FORESTRY INCENTIVES PROGRAM IS A GOOD INVESTMENT

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. LITTON. Mr. Speaker, I would like to take this opportunity to express my personal thanks to the members of the Appropriations Committee in recognizing the need for the forestry incentives program and by meeting this vital need with their unanimous support of substantial funding for FIP in 1975. In this regard, I particularly compliment Chairman WHITTEN. As chairman of the Subcommittee on Agriculture Appropriations, and as a noted conservationist in his own right, Chairman WHITTEN recognized that to do away with this FIP program, by allowing the President's proposed rescission to stand, would have meant the plowing under of 150,000 tree seedlings desperately needed by future generations of homeowners confronted by a depressed housing and construction industry.

This program was signed into law in late 1973 and it has received wide support across the Nation. I am amazed that the administration would seek to kill the program entirely by the back door device of rescission rather than come before the Committee on Agriculture and make the case that it has defects. The reason that they chose not to take this approach is that their own experts realize that the forestry incentives program is a soundly conceived program, which merits continuation.

This program got off to a start last February 1974, gathered a full head of steam and has exceeded first year expectations. Over 1,400 counties were designated as eligible to participate in FIP. Two major forest practices were offered, with Federal cost-share assistance between 50 to 75 percent made available to eligible nonindustrial private forest landowners holding forest land tracts less than 500 acres in size.

Present estimates indicate that more than 17,000 landowners were assisted with needed forestry measures on 325,000 acres under FIP in 1974, 139 million trees were planted on 198,000 acres and an additional 127,000 acres received needed timber stand improvement measures.

This Federal investment of over $9 million, is estimated to have generated 350,000 to 400,000 man-days of gainful and useful employment, the great majority of which occurred in rural areas. In addition, many small equipment operators, agriculture suppliers, and forestry firms aided and assisted in this venture and thus our rural areas have been helped now as they will be in the future with the new forests that are growing.

The private business sector in these rural areas provided a great deal of the heavy equipment services needed to prepare the land and plant the trees. Private forestry consultants prepared management plans and provided contractor services and crews to carry out many of the needed forestry timber stand improvement measures. I submit that this record is outstanding considering the short period of time that FIP had in 1974 to be effectively implemented by the States.

Of equal importance is that the thousands of small forest owners who have 200 million acres of land and who want to participate in this program need to know that they can count on this program to help them convert idle and deteriorated land to a multiple use, valuable forest resource. The real goal of the program is the contribution it will make by providing an adequate supply of lumber, plywood, and other wood products for future homeowners in our growing cities and suburbs. This is not a program that stops at the edge of the farmer's woodlot. It will help all of our people in many ways. It will improve watersheds, it will improve wildlife, and it will assure forest products in good amounts at reasonable prices.

I would like to add at this point, that on March 6, 1975, the Chief of the Forest Service, when testifying before the Committee on Appropriations, stated that this program "was successfully implemented in cooperation with the Agricultural Stabilization and Conservation Service and the State foresters."

In view of these accomplishments, I

would like to urge the funding of this program in 1976.

I would urge the committee to act promptly to assure State foresters that these funds will be available and that continuity of the reforestation efforts can be assured. For one reason, nursery stock seed must be sown this year for planting in 1976. This is essential if the States, and the private business sector furnishing FIP services are to properly plan and carry out the FIP in the most effective manner.

BLAIRSVILLE SESQUICENTENNIAL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. MURTHA. Mr. Speaker, recording and remembering key events of history can be of great importance. Personally, of course, it often brings back memories of days, people, and events who have passed through and affected our lives. On a larger scale, history reminds us of the great progress of the Nation and our people, the struggles of our ancestors, and the lessons of days gone by.

On March 25, a very important celebration will occur in Blairsville, Pa. A special meeting of the Borough Council on that day will coincide with the 150th anniversary of the incorporation of Blairsville as an official borough in the Commonwealth of Pennsylvania.

Situated along the Conemaugh River and the old Huntingdon, Cambria and Indiana Turnpike, the history of Blairsville is illustrative of the development of our Nation.

In transportation, Blairsville passed from wagons and stage lines to the Pennsylvania Canal, and eventually by 1850 to the Pennsylvania Railroad.

In education, Blairsville had Indiana County's first high school and the first college and ladies seminary.

In America's development and maturity, Blairsville was a prime stop on the underground railroad offering harbor and hope to runaway Civil War slaves from the South.

In recent years, this community of 4,411 persons has continued to be a modern-day leader. In Indiana County the borough had the first sewage treatment plant, first community-owned swimming pool, and only public housing for the elderly.

And over the years, Blairsville has hosted its share of important persons including Vice President George Dallas, Mrs. Ann Royal, and the Polish diplomat Casimir Pulaski.

Blairsville has always been special in my family because my great-grandfather lived there for many years. A Civil War veteran who later lost an arm while serving as a missionary in the old West, my great-grandfather had a church in Blairsville and later in Home, Pa., before dying in 1926. So Blairsville has always been fondly remembered by my family.

Mr. Speaker, I know that the real strength of Blairsville rests with the residents of that borough and their ancestors. I personally know many of these individuals. I know the community is marked by its hard-working, conscientious citizens. The future is bright as the past has been remarkable for this community because of their greatest resource—their residents.

I know, Mr. Speaker, that the entire U.S. House of Representatives joins with me in honoring the Borough of Blairsville on its sesquicentennial and in sending along our best wishes on marking this occasion to: Joseph Kasperik, president of the borough council; Mr. Frank Frattura, mayor; Mr. Joseph Cameron, police chief; Mr. Louis J. Canzano, fire chief; and Mr. Arthur B. Bailey, borough manager.

I believe the strength of America rests with its individual citizens, and the past and present history of Blairsville and its people show me that this community and America has many great days ahead.

NEW YORK AGAINST THE SST

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. WOLFF. Mr. Speaker, I am pleased and honored to announce today the unified support of the Democratic congressional delegation from the State of New York for my bill to stop the SST from landing in our country until all noise and other environmental problems have been cleared up.

In addition to cosponsoring my legislation, the delegation has also cosigned a letter from our good friend and colleague, the Honorable JOSEPH ADDABBO, to the chairman of the Port Authority of New York and New Jersey, urging that body to reject the Concorde SST on environmental grounds.

As Mr. ADDABBO so cogently states, and I quote:

> The Concorde SST generates sufficiently more low frequency noise (causing houses near the airport to rattle) and also emits greater amounts of carbon monoxide and unburned hydrocarbon pollutants which therefore affects the safety and welfare of the public.

Further, Mr. ADDABBO urges, and his colleagues from New York concur:

> In view of the fact that this plane does not comply with either the air noise or air pollution [levels] permissible under our standards, you [the Port Authority] should not grant permission to land at our airports in our area, and [should] oppose the issuance of an Environmental Impact Statement at the hearings to be held by the FAA.

For the information of our colleagues in the House, the FAA will sponsor hearings on the SST here in Washington on Monday, April 14, and in New York on Friday, April 18. Contact Mr. Steve Newman of the FAA at 202 426-3396 if you wish to testify.

I am also very pleased to announce today the support of my distinguished colleague from across the aisle, Mr. GUDE of Maryland, who has agreed to cosponsor our legislation, and to work with members of the Maryland District, and Virginia delegations in combating the SST flights scheduled to shatter the peace and tranquility of the lovely countryside near Dulles.

Mr. Speaker, in the past several weeks I have inserted in the RECORD a series of statements, articles, and position papers on the SST, one of the noisiest, and certainly the most uneconomic aircraft ever built. Consequently, I will not take up the House's valuable time today by repeating the problems with the SST, but will submit for inclusion in the RECORD a Concorde factsheet which I hope my colleagues will find helpful.

In addition, I will include with my statement a short position paper by the distinguished atmospheric chemist, Dr. Harold Johnston, of the University of California at Berkeley, who has contributed previously on this topic. Dr. Johnston deals specifically with the DOT's report on the SST and its negative effects on the ozone layer, and I know the House will find his comments both constructive and a matter of grave concern.

Let me close my remarks today by noting my dismay that the Administrator of the Environmental Protection Agency, Mr. Russell Train, seems to have taken it upon himself to act as an unofficial commercial attaché for the British, if reports I read in the newspapers are true.

Incredible as it may seem, Mr. Speaker, the man charged with protecting the environment of the United States is going around making speeches on the economic difficulties of the British, and asking the American people to endure what he admits are the unacceptable environmental characteristics of the SST in order to avoid some diplomatic embarrassment.

Mr. Train's own report on the SST clearly states that the technology exists to make this aircraft meet the noise and pollution standards being required of American aircraft, and I am at a loss to explain the logic of Mr. Train's actions, especially when viewed in the light of his many battles to safeguard our environment in the face of heavy opposition.

Let me add one final thought: The British Airways report to the Government of England notes that if all goes well with the Concorde, they will take away from existing carriers as much as $4 million a year in first-class passenger service.

In view of the present cries for help we now hear from American carriers, who want a return to the subsidy system for empty seats that once held sway in the 1950's. I can see little excuse for our Government championing competition from an airplane which cannot meet our own legal standards.

If the British and French want to fly this noisy aircraft, let them, Mr. Speaker. But let us make sure that the Concorde stays where it belongs—on the other side of the ocean.

Mr. Speaker, I will now submit for the

Record a copy of my bill, the Concorde factsheet, and the commentary by Professor Johnston:

H.R. 4933

A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful to operate a supersonic aircraft, manufactured in the United States or in a foreign nation, for a commercial flight at supersonic or subsonic speeds in the navigable airspace of the United States until—

(1) the Congress, by law, approves findings by the Administrator of the Environmental Protection Agency that the operation of such supersonic aircraft in the navigable airspace of the United States will not have detrimental physiological or psychological effects on the environment; and

(2) the Secretary of Transportation shall have made affirmative findings, and submitted a written report thereon to the Congress, that the operation of supersonic aircraft in the navigable airspace of the United States meets all noise, environmental, and safety standards prescribed under the Federal Aviation Act of 1958, as amended, with respect to the operation of aircraft in the navigable airspace of the United States; and

(3) the Congress is satisfied that the Federal Aviation Administration shall have adopted noise standards for supersonic aircraft equal to the standards for subsonic aircraft as contained in Federal Aviation Regulation Part 36, prior to making affirmative findings on noise as set forth above.

Concorde Fact Sheet

GENERAL INFORMATION

Aircraft jointly manufactured by Britain and France. Selling price of $62 million each, today's dollars. To date, 16 authorized, and covered by US EPA's "waiver" on noise standards; 9 sold, 5 to Britain, 4 to France. Speed, 1300 mph (twice present subsonic fleet). 100 to 125 passengers, all first class. NY/London flight time of 3½ hours (Boeing 747 takes 7 hrs.) Uses 146,000 lbs. fuel per 3,000 miles, or 2 to 3 times the amount per passenger than subsonic fleet.

U.S. FLIGHTS RECOMMENDED BY FAA

Following EPA's "waiver" of first 16 Concorde production run, FAA recommends 1976 regular commercial service of 4 flights per day to and from JFK, 2 flights per day to and from Dulles. If full Concorde "fleet" becomes operational, FAA estimates 50 flights daily in and out of JFK. 1975 "test series" of 20–30 flights being requested for JFK, perhaps as early as May.

NOISE POLLUTION

US jets are being required to meet Federal Aviation Regulation, Part 36 noise levels which average 107 EPNdB (perceived noise decibel measurement). US fleet is required to retrofit and undergo other fuel and engine modifications to meet FAR 36. The EPA "waiver" exempts Concorde's present fleet, and unknown number of Russian TU–144s. The Concorde will average 9 EPNdB higher than FAR 36. CRS estimates this means 200% more perceived noise to human ear. The present JFK EPNdB limit is 112, and will be exceeded by 20–30%. Despite its "waiver" recommendation, EPA report, pg. 25, states FAR 36 levels ". . . can be achieved under current and available technology for the initial production run of the Concorde and TU–144." Sonic boom already prohibited by FAA.

	Concorde	707	DC-8	747	Lockheed 10-11
Takeoff EPNdB	117.8	113.0	117.0	115.0	95
Sideline	113.1	102.0	103.0	101.9	95
Approach	114.9	118.5	117.0	113.6	102
Average	115.3	111.2	112.3	110.2	97

VIBRATION

FAA report, pg. 42, says Alaska Concorde tests show SST produces up to 500% more household (interior) vibration than present jets, because of low frequency sound. Takes comfort in noting level is still below U.S. Bureau of Mines structural damage threshold.

FAA, noting Concorde must hold 3½ to 5 mile straight shot at runway on landing, estimates minimum of 380,000 JFK area residents will be subjected to noise levels rated "normally unacceptable" by HUD regulations, thus requiring special approval by Secy's of HUD.

ATMOSPHERIC POLLUTION

On the average, Concorde exceeds EPA emission standards (which U.S. planes must meet by 1979) by almost 250%. The 4 flights per days in and out of JFK will by themselves increase total aircraft emission pollution at JFK by 4.4% daily, the 2 flights per day in and out of Dulles will increase emission pollution there by 8.3%. Prime offenders are Carbon Monoxide (CO) and Nitrogen Oxide (NOx) . . . see chart below. FAA admits that "worst case" of 50 flights in and out of JFK daily would hike pollution 28% total, and 41% for CO, 15% for NOx. According to figures in DOT report of January, NOx in particular could seriously affect the ozone layer. Scientists not on government payroll charge that DOT/FAA figures show that large operating fleet of present Concorde design would cause thousands of cases of skin cancer in U.S. at "best", and at "worst," actually destroy the ozone layer itself. Full reports from the National Academy of Science are due soon on atmospheric problems. FAA admits that full fleet would have to undergo serious fuel and engine modification, pgs. 57–8, ". . . to ensure the emissions in the stratosphere would not cause a significant disturbance of the environment." FAA says present SST fleet must cut emissions up to 600% to be acceptable in large numbers.

	Concorde	707	DC-8	747
CO	804	202	120	187
NO_x	106	30	48	126

Note: Pounds per takeoff and landing cycle.

ECONOMIC CONSIDERATIONS

British Airways report to its government says "best case" hopes would divert some $4 million in first class business annually to Concorde on the NY to London run alone. U.S. formerly subsidized U.S. carriers for empty seats, and is under pressure from Pan Am, presently, to do so again. British Airways report also notes British government subsidy of some $60 million (in 1974 dollars) will be necessary on an annual basis even if all goes well. Misc. notes: Friends of the Earth estimates that fuel for three trans-Atlantic Concorde flights would produce enough fertilizer to feed 20 million people for one day.

FINAL WORD FROM EPA

Page 42, "It would appear to be only prudent to recognize the possibility that many more than 20 current SSTs will operate, and to provide suitable regulations to protect the environment . . . In any event, even 20 or fewer current SSTs landing at and taking off from a small number of (U.S.) airports, or the same airport, can represent a significant noise impact in the environs of those airports. Therefore, suitable regulations are required to protect the public against the encroachment of such noise."

Position Paper

(Dr. Harold S. Johnston, professor of chemistry, University of California, Berkeley, reviews, "The Effects of Stratospheric Pollution by Aircraft," by A. J. Grobecker, S. C. Coroniti, R. H. Cannon, Jr., December 1974.)

A mere 125 Concorde (or Tupolev) SSTs flying only 4.4 hours per day would increase skin cancer cases in the United States by 5,000 per year, according to U.S. Department of Transportation's Report of Findings on "The Effect of Stratospheric Pollution by Aircraft" released January 20, 1975. In the U.S. Congressional debates concerning support for 500 Boeing SSTs, James McDonald (1971) testified that these aircraft could increase U.S. skin cancer cases by 5,000 to 10,000 per year, and this argument was one feature in the rejection of the Boeing SST. The U.S. Climatic Impact Assessment Program according to the recent Report of Findings, concludes that 500 Concordes would increase U.S. skin cancer cases by 20,000 per year, far more than expected by McDonald for 500 Boeing SSTs. However, the Department of Transportation finds large aircraft (such as the Boeing SST) flying at 20 km to cause 4.5 times more ozone reduction by way of nitrogen oxide pollution than an equal number of Concordes.

In 1971 Johnston estimated that 1.8 megatons per year of NO_x inserted at 20 kilometers (the expected pollution from 500 Boeing SSTs as described in 1971) would reduce ozone 23 percent as a global average. For this rate of NO_x insertion, the Department of Transportation Report of Fndings estimates a 13.5 percent ozone reduction as a worldwide average, a 17.5 percent ozone reduction over the northern hemisphere, and a 35 percent increase in U.S. skin cancer cases (The DOT report did not have the statistics on skin cancers in other parts of the world; hence the emphasis on cases in the U.S.). Within the recognized uncertainties in these estimates, the DOT value of 13.5 percent and the 1971 value of 23 percent are to be regarded as good agreement.

In the Report of Findings, released on January 20, 1975, the Department of Transportation emphasized that:

1. 30 Concordes would not cause noticeable "Climatic effects", but they did not openly state that, according to their own figures, these 30 Concordes would increase U.S. skin cancer cases by 1200 per year.

2. Further harmful effects can be avoided if NO_x emissions are reduced by 1980 by a factor of 6 and within another decade or two by a factor of 60 below the current Concorde level; the report did not clearly state that the abandoned Boeing SST would not have had these low emission engines, nor does the current Concorde.

By virtue of the emphasis on small "climatic" effects by a small number (30) of Concordes and by very great optimism that No_x emissions can be reduced by a factor of 60, the DOT Report of Findings initially created the illusion that SSTs caused less environmental impact than previously charged. On the contrary, the technical portions of the Report of Findings fully confirm the environmental impact statements made in 1971, namely, fleets of a few hundred SSTs can reduce global ozone by a significant amount and cause a large increase in skin cancers and probably cause damage to other biological system.

NO MORE MILITARY AID TO CAMBODIA

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. DOWNEY. Mr. Speaker, the Cambodian government of President Lon Nol cannot be saved. The only answer to the desperate situation in Cambodia is to seek a cease-fire.

Five years ago, Cambodia was a peaceful and prosperous nation. Today its people are starving and the country stands in ruins. The war has done little but ruin Cambodia, slaughter Cambodians, and blacken this country's name.

In 5 years, this war has killed more than 700,000 people—10 percent of the population—and has left nearly 3½ million people homeless. Half a milion refugees, threatened by starvation and disease, have moved into Phnom Penh—a city of 2 million. The capital has been kept alive solely by an American airlift.

This airlift, which has been flying in 600 tons of ammunition a day, has been expanded to include 545 tons of food for the city's hungry. The airlift is expected to cost more than $11 million, excluding the cost of the ammunition and food.

Lon Nol's government is simply not capable of organizing a coherent defense against the insurgents. In recent weeks the government has lost battle after battle. Two weeks ago the Khmer Rouge captured the towns of Oudong, once Cambodia's royal capital, and Peam Reang, a key town on the Mekong River. Their gains expose the capital to increased artillery barrages and endanger Pochentong Airport, now the city's lifeline.

Government casualties have been running at a rate of 5,000 per month. Each day the Khmer Rouge moves closer to Phnom Penh.

The noose around Phnom Penh grows tighter. Last week, rocket attacks struck at Pochentong Airport and other attacks reached the center of the capitol itself. At several points, these attacks forced interruptions in the U.S. airlift. The attacks have killed more than 100 people since the first of the year and wounded hundreds more. Government troops have been unable or unwilling to attack Khmer Rouge guns.

The Khmer Rouge has seized almost complete control of the Mekong. Government forces lost seven beachheads last week.

In recent weeks the Lon Nol regime has proven itself to be corrupt and incompetent. Cambodian Army officers can be seen relaxing around plush hotels while rebels storm the countryside. The wealthy of Phnom Penh continue to give lavish dinner parties while in the poorer quarters of the city parents and children beg for food. The Government has shown favoritism in the distribution of rice, while prices of food in the marketplace have risen 250 percent.

The Ford administration persists, nonetheless, with its request for $222 million in supplemental military aid. In support of its request the administration has resorted to a variety of arguments. Recently the Assistant Secretary of State for East Asian Affairs argued that Cambodia "cannot be viewed as an isolated spot of small import." In language reminiscent of the old domino theory, the Assistant Secretary stated that Cambodia "must be viewed in the larger context of Indochina which, in turn, affects Southeast Asia and Asia as a whole, which again affects the rest of the world."

No one outside of the United States has ever suggested this to be true. Throughout this long ordeal, the "rest of the world," particularly our allies, has been silent. Indeed, our allies probably look forward to the day when the United States will free itself of Indochina and will once again be able to turn its principal attention to them. The Atlantic alliance will only be strengthened by the end of our Indochina involvement.

The administration has also argued that we have a "commitment" to Cambodia. To what commitment does it refer? Surely not one made by Congress. Section 655(g) of the Foreign Assistance Act, which states that aid to Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense," was passed by the Congress in 1971 and reaffirmed since. It was also signed by the President. Moreover, article 20 of the Paris agreements provides that "the internal affairs of Cambodia and Laos should be settled by the people of each of these countries without foreign influence." Any promises of American support have been made secretly by the administration.

To the administration's further charge that this is a case of "foreign" aggression, I must reply that Prince Sihanouk and his Communist allies are indisputably Cambodian. To label them as "foreign" is simply inaccurate. Cambodia is now in the midst of a civil war.

Finally, the administration has warned that if we leave, there will be a "bloodbath." But to warn of a new bloodbath is no justification for extending the current bloodbath.

It has also been argued that the administration's request will supply the Cambodians with enough aid to hold out until monsoons swell the Mekong, swamp the rebels, and allow supplies to get through. In fact, the Mekong will not crest until September or October and military analysts in Phnom Penh now believe the Communists are so entrenched that they could keep the river closed right through the rainy season.

Moreover, the problem in Cambodia is not ammunition or equipment—the things that American money can buy—but lack of manpower. Some units are as much as 50 percent under strength. Yet, at the same time, the government has refused to call up thousands of draft-age students who have been sitting out the war.

We have come to the point where we must cease being concerned about supporting continued military actions and start focusing our attention on the need to alleviate the terrible suffering and bloodshed which has occurred. It does not make sense to spend $222 million on ammunition which cannot be delivered where children are starving and the people of Cambodia are desperate for peace. We must not prolong the agony which $1.75 billion of U.S. funds has aided over the past 5 years.

It is time that we allow the peaceful people of Cambodia to rebuild their nation. Instead of providing more military aid, let us somehow help them on the road to restoring their shattered homeland.

A NEIGHBORLY THING TO DO

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. ERLENBORN. Mr. Speaker, among the foremost victims of inflation have been retired persons whose income have remained static, or nearly so, while living costs have risen dramatically. A lot of people have bemoaned their plight.

In Illinois, some people are doing something practical to help these senior citizens—something practical and a little more than that.

They have formed the VIP Council of Northern Illinois, a not-for-profit corporation which offers to every organization, private, community or governmental, and any individual an opportunity to help.

This VIP friendship project started with D. Ray Wilson, editor and publisher of the Daily Journal in Wheaton, Ill. He has enlisted the support of local merchants—who give discounts—and the support of sponsors of plays, concerts, athletic events and the like—who give free admissions.

Besides economic, cultural and recreational advantages such as these, the VIP friendship project does something else. It engenders a neighborly attitude within the community. The retired persons are glad to know that somebody cares. The donors and promotors are glad to find somebody to care about.

The VIP friendship project has no need for a newsletter to tell people about its activities and its plans. Publisher Wilson has promised to devote one page per month to the project, a page to tell about events of interest to VIP's.

Mr. Wilson has been careful not to make this simply a newspaper promotion. Instead, he has enlisted organizations—park districts, mostly—in 23 communities in DuPage County. Retired persons may get information at any of these places; and they may get VIP membership cards which entitle them to benefits.

Mr. Speaker, we are getting to be so big as a nation that we tend to forget how to be neighborly, how to extend a helping hand and a smile to older people who have contributed so much to the world we live in. The VIP Council of Northern Illinois is a voluntary effort to revive these virtues.

THE HONORABLE ELIZABETH KEE

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. STAGGERS. Mr. Speaker, on occasions like this, when we contemplate with sadness the passing of a comrade whose whole life has been a blessing to humanity, there come to mind some random words from Wordsworth:

How divine a thing a woman may be made.

> The reason firm, the temperate will,
> Endurance, foresight, strength and skill,
> A perfect woman, nobly planned,
> To warn, to comfort, and command.
>
> A light to guide, a rod
> To check the erring, and reprove.
> Thou dost preserve the stars from wrong;
> And the most ancient heavens, through
> Thee, are fresh and strong.

The Kee dynasty, man, wife, and son, presided over the destinies of the great coal empire of West Virginia for four decades. In that period they freed the men who go down into the bowels of the Earth to bring vital energy to the service of industry from bondage to absentee capitalists and their allies, the railroads. In that period the occupation of mining coal emerged from a sort of medieval subservience to a highly respected and well-paid calling. Today the 20th century lives among the lofty peaks and the winding gorges which have been carved out of the rich deposits of energy laid down in the Paleozoic era some million years in the past. It is an accomplishment due, in great measure, to the Kees.

Of the three who were elected year after year to the post of Congressman from that district, it would be no disparagement of the others to suggest that the wife and mother was the guiding light. She was a woman quite worthy of the strong words of the poet. She was well aware of the importance of coal in sustaining the economic progress of modern American civilization. And she was determined that those whose lives were spent among the fortunate areas where coal may be found should share in its cultural benefits. Her native intelligence was armed with requisite training in the arts and mores of a good life, and she worked ceaselessly to make sure that her friends and neighbors on a district scale should participate in the rewards of honorable and worthwhile toil.

I am honored to have been an associate of Mrs. Kee for a number of years, and to have benefited from the aura of her presence on the legislative scene. She has been a blessing to West Virginia. We honor her, and cherish her memory in our hearts. To her grieving son and other members of her family we offer our respectful condolences and our assurance that her light will shine brightly in all the crannies of her loved State for years to come.

IMMIGRATION AND NATURALIZATION SERVICE FANNING FIRES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. BADILLO. Mr. Speaker, the following article by Frank del Olmo appeared in the Los Angeles Times on February 23, 1975. The renewed interest in "illegal immigration" again coincides with the hysteria of an economic depression. There are growing fears of a new witch hunt in the Spanish-speaking community. The Immigration and Naturalization Service is fanning the hysteria that is developing by publicizing their fantastically inflated figures of illegal immigration. Attorney General Silberman and INS Commissioner, Leonard F. Chapman testified on February 4, 1975, before the House Subcommittee on Immigration, Citizenship, and International Law that they believed there were between 4 and 12 million illegal immigrants in the United States and 80 percent—3.2 to 8.6 million—of them were of Mexican descent. According to the Bureau of Census the 1970 census showed 4.5 million Mexican Americans in the United States. This figure was later revised because of a drastic undercount of 38.8 percent and the 1973 figure for Mexican Americans has been revised to 6.3 million. If the INS figures are accurate the entire Southwest population of Mexican Americans must be illegal aliens. Obviously the INS figures are inaccurate and the Mexican American population in the United States has reason to fear fresh turmoil from the INS. The article follows:

WHY CITIZEN CHICANOS FEAR TURMOIL

(By Frank del Olmo)

For more than 50 years—from 1905 or 1907 when she left her native Mexico, until 1962 when she died—my grandmother lived in this country as an illegal alien.

All but one of her many children were born in this country, and every one of them went on to become substantial citizens. But Doña Josefina herself simply never got around to becoming a citizen or, to the best of my knowledge, even registering as a resident alien. I think she always lived with the lingering hope that she would someday return to Mexico, like many other immigrants of her generation.

She did not enter the United States illegally. For when my grandmother and her first husband crossed the border, somewhere in Arizona, this nation still had a virtual open door for immigrants from Latin America. Historically, there had always been free interchange back and forth across the 2,000 miles of border between the United States and Mexico.

Immigration was unobstructed, and actually encouraged, as long as the young industries of the sparsely settled Southwest—agriculture, mining and the railroads—needed a plentiful supply of cheap labor.

It was only in the 1920s, after passage of the first immigration laws which set quotas on immigration from Europe, that the first efforts were made to limit immigration from Mexico and the rest of the Western Hemisphere nations. The debates over these proposals—which were often tinged with racist rhetoric—followed massive immigration from Mexico during the bloody revolution of 1910–17.

No laws were passed setting numerical quotas on Western Hemisphere immigration until the 1960s, but in fact the gates slowly began to close in the 1920s. There were more bureaucratic procedures and requirements to be met by immigrants, and in 1924 the U.S. Border Patrol was established.

While most Chicanos may not be familiar with the history of Mexican immigration to this country, most do know the story of their own families. These family histories are what pose such an emotional dilemma for Mexican-Americans whenever we must face up to the issues posed by illegal immigration from Mexico and the rest of Latin America in the present day.

But we also have a very pragmatic reason to be wary of many of the suggested "solutions" to illegal immigration these days. Most Chicanos know that when measures have been taken in the past against unwanted immigrants, Mexican-Americans have been affected by the turmoil and even caught up in it.

The first major crackdown on Mexican immigration occurred in the 1930s. Federal and local officials in many parts of the Southwest decided that one way to deal with the unemployment and rising welfare costs caused by the Depression was to "repatriate" thousands of Mexican-American families.

While some Mexicans were simply rounded up and forcibly deported during these years, many others left voluntarily, hoping to find their old homeland more hospitable than their adopted one. In the majority of cases, immigrants were coerced into leaving or "encouraged" to do so.

A common method of encouraging repatriation was to threaten an end to relief assistance unless a family agreed to leave. Another was for an agency, like Los Angeles County, to pay train fare to the border for whole trainloads of Mexican-American families.

Like refugees, *Los Repatriados* usually took with them only a few important belongings. They also took with them many children who were United States citizens.

Estimates of the number of Mexican-Americans repatriated at that time range from 90,000 to 200,000. Estimates for California vary from 50,000 to 75,000, with half of them from the Los Angeles area.

The movement of immigration was reversed again in World War II. While the sons and daughters of earlier Mexican immigrants served in the armed forces and worked in defense plants, thousands of Mexican *braceros* were recruited by the U.S. government to fill manpower needs on the farms and railroads of the Southwest.

But with the braceros came thousands more illegal aliens, men encouraged by their compatriots' stories of high wages and ready employment in this country. In the first dozen years of the bracero agreement, illegal alien arrests in the United States rose incredibly, from 40,000 in the 1940–44 period to 3.4 million by 1950–1954. More than 98% of the illegal aliens in the latter period came from Mexico.

The climax in this wave of illegal immigration was Operation Wetback in 1954, the most massive and highly organized effort in U.S. history to deport illegal immigrants. A "special mobile force" of 300 immigration officers carried out the operation with the assistance of local law enforcement agencies. Their efforts were concentrated in Southern California and Texas, but also reached cities like Chicago, St. Louis and Kansas City. About 1,700 aliens a day were deported at its peak, and by the end of 1954 more than 1 million aliens had been expelled, the most ever in a single year.

Operation Wetback left the Mexican-American community, smaller and more quiescent than it is today, alienated and fearful. Many Chicano activists of today—who were older than I was then—tell me they can still recall the sense of unease felt in many Mexican-American barrios in those days.

The massive deportation drive was preceded by the same kind of negative publicity and public debate about illegal immigration we are seeing and hearing now. There were reports of aliens contributing to high crime rates, welfare costs and unemployment in a time of post-Korean War recession.

The historical parallels to the present day are obvious. Many Chicanos are wondering aloud if a new repatriation drive or Operation Wetback will soon be upon us. I hope not, for with the changes that have occurred in the Chicano community over the last decade, any such campaign would probably be met with stiff resistance, both political and perhaps physical.

This is not to say Chicanos would try, or should try, to obstruct legislation like the Rodino bill or other proposals designed to bring illegal immigration and its attendant problems under control. We should be very critical of any such legislation, however, demanding that it be carefully written and applied humanely and judiciously.

1975 FIFTH ANNIVERSARY LOUISIANA YOUTH SEMINAR

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. BREAUX. Mr. Speaker, over the past several years, I have been pleased to be present and speak before the Louisiana high school delegates assembled to participate in the annual Louisiana Youth Seminars, a statewide program which promotes training in leadership, programing, and interpersonal communication techniques.

This year marks the seminar's fifth anniversary and I am happy to join with many others in congratulating those who keep making this event one of the most outstanding youth leadership programs of its kind.

The Louisiana Youth Seminar was founded 5 years ago in an attempt to offer Louisiana high school students a general forum for education in leadership skills. The weeklong seminars have been extremely successful in developing these abilities in students by providing a spirited, thought-provoking, and stimulating experience. The hundreds of past delegates who have attended the seminars attest to the fact that this program represents one of the few common grounds for discussing pertinent events and activities, for practicing productive and practical techniques of organizing, and for gaining a clear knowledge of the workings of the American political system.

This year's seminar will be held at the University of Southwestern Louisiana in Lafayette, La. USL's past record of being an excellent educational institution which continually strives to bring to Louisiana students the finest in educational experiences makes a perfect setting for the delegates to get the most out of the seminar.

I look forward to participating in the fifth Annual Louisiana Youth Seminar and witnessing the remarkable accomplishments of the student participants. I highly commend this program to anyone interested in leadership training and personal development at its best, along with the University of Southwestern Louisiana for its sponsorship of this worthy event. I also extend my best wishes to the Louisiana Youth Seminar organization for many more years of success.

THE NEED FOR A COMMITMENT TO FULL EMPLOYMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. RANGEL. Mr. Speaker, the mayor of New York City recently made some comments on the economy and how the high rate of unemployment is prolonging this crisis. Mayor Beame very astutely pointed out that with unemployment in our urban areas hovering over the 8.2 percent national average, immediate action is needed to turn this intolerable trend around. In his remarks before a conference on the urban crisis, Mayor Beame stated that the initiative must originate from Washington.

Many of us in Congress recognize the fact that Federal legislation must be enacted that would help to ease the burden upon many Americans during these times of economic uncertainty. The Congressional Black Caucus has supported the full-employment concept as a viable means of turning the economy around. H.R. 50, known as the full-employment bill, was introduced by the gentleman from California (Mr. HAWKINS). This bill would provide a job to every American who wants to work. The full-employment bill must be adopted quickly in order that we can get people off the unemployment rolls and back to being gainfully employed.

At this time I would like to submit the text of Mayor Beame's remarks for my colleagues' review. His statement incorporates the ideas which the Congressional Black Caucus has been articulating in this regard and illustrates once again the need for swift congressional action.

The statement follows:

> I am pleased to be here at this very important conference on our nation's unemployment problems. Both Hunter College and Queens College are to be commended for sponsoring these discussions.
>
> It is a privilege to extend the warm welcome of the City of New York to all the distinguished leaders of government and the academic world who are here today. We are meeting on a most important topic—full employment.
>
> Full employment, in the technical sense of the phrase, is a consummation of our economy devoutly to be wished, but almost never realized.
>
> In terms of reality, we're talking about unemployment on a massive scale. And, all the indications are that it will get somewhat worse before it starts to get better again.
>
> The City's stake in full employment is substantial:
>
> There would be no shortfall in City government revenues, State and Federal aid would be easier to get, labor negotiations would be more fruitful for our working people, the welfare case load would go down, and the economy of the private sector in the City would grow by leaps and bounds.
>
> It's difficult to quantify these various benefits. But we can say that because of New York City's high unemployment rate, a rate which is higher than the national rate, the City's economy is suffering a loss of some $3 billion in workers' wages alone.
>
> The unemployment statistics in New York City at the present time are quite shocking. Consider these:
>
> The City's unemployment rate jumped in December from 7.4% to 8.5%, with a jobless total of 270,000.
>
> All indications are that the unemployment rate kept rising in January, perhaps as much as another percentage point, with the total number of people out of work exceeding 300,000.
>
> This is borne out by the fact that 110,000 initial claims were filed in New York City for unemployment benefits in the four-week period from December 30th through January 25th.
>
> In the week from January 26th through February 1st, preliminary figures show that 26,000 more initial claims were filed for unemployment benefits, an increase of 49% over the claims filed in the same week a year ago.
>
> The time for mere discussion is long passed. For some months now, other city mayors and I have been urging immediate action to solve this problem of unemployment, which is a Federal responsibility and not a local one.
>
> We are being squeezed by a national recession whose cause was largely a Federal failure to act in time, whose repercussions are beyond our local control, and whose solutions must come from Washington.
>
> As far back as August and September, even when the President was limiting his receptivity to ideas on how to stop inflation, my position was that Federal action was needed not only to check inflation, but also to check the recessionary trends—including unemployment—which were already quite obvious in our big cities.
>
> The Federal tight money policy was bad, because it was further crippling a construction industry which was even then suffering a 20% unemployment rate.
>
> It further added to the burden of hard pressed local governments by driving up the cost of borrowing for capital projects, leading to their postponement and further intensifying the problems of the construction industry.
>
> The housing policy of not providing Federal subsidies for housing for more than two years increased our slums and housing abandonments.
>
> It was a foolish policy which further depressed the construction industry and aggravated living conditions for millions of our citizens.
>
> The Federal spending policy of cutting back assistance to urban centers was bad, because the provision of essential services in a time of national inflation of prices and a national recession of revenues was becoming too much of a burden for local communities.
>
> In other words, Federal tight money, housing and spending policies would not only *not* stop inflation, but it would actually accelerate recessionary trends.
>
> These policies also simply transfer Federal responsibilities to local governments and impose additional burdens on local taxpayers.
>
> I have proposed a program which calls for an easier money policy, quick implementation of the new Federal Housing Act, immediate changes in the present revenue-sharing formulas to eliminate discriminat-

ing features of those formulas, and the Federal government's assumption of the financing of all local welfare and medical assistance programs.

I believe it's necessary for the Federal government to establish policies which will help the nation reach full employment.

Maybe full employment will not solve all our urban problems. But, without full employment, there's little chance of solving many of them.

I know this conference will deal with these problems, and I look forward to the light this conference will shed on our present economic condition.

Thank you.

FOUR CLEVELANDERS HONORED BY WEST SIDE IRISH-AMERICAN CLUB

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. STANTON. Mr. Speaker, it is a pleasure for me to call the attention of this House to four Greater Clevelanders who are now being honored by the West Side Irish-American Club.

Receiving the high honor of Irish Mother of the Year is Mrs. Anna Rita Kilbane, wife of Mr. James Kilbane, and mother of three.

Queen of the club this year is Mary Ellen Togher, a John Marshall High School senior. Being honored as Woman of the Year is Mary McCluskey, mother of four, and active member of the club. Man of the Year for 1975 is Michael Roddy, who recently retired after 25 years with the East Ohio Gas Co., and who, also, has been long active in civic and social organizations.

Four young ladies compose the Queen's Court, and they are Corine Ginley, Mary McCafferty, Micki Miller, and Veronica Togher.

As a tribute to these fine individuals, I would now like to insert into the Record the announcements made by the club at the time of their selection. A newspaper article on Mrs. Kilbane also follows.

QUEEN, 1975 MARY ELLEN TOGHER

The pretty 17-year-old daughter of John and Julia Togher has been an active member of the West Side Irish-American Club's Drill Team since 1971. She is a former member of the Club's Majorettes and also of St. Patrick's School Drill Team (West Park). Mary Ellen is also a long-time dancing student in the Betty Scott's School of Irish Dancing for which she has won many awards.

As a senior at John Marshall High School, she is a member of the National Honor Society, a member of the lawyerettes, and is also a teacher's aide. After graduation Mary Ellen plans to attend college. However, at present, she still lives at home with her parents, brothers, Billy and John, and sisters, Veronica and Bernadette.

It is with much pride and joy that we bestow on Mary Ellen Togher the title of the 1975 Queen of the West Side Irish-American Club.

Queen's Court—Corine Ginley, Mary McCafferty, Micki Miller and Veronica Togher.

WOMAN OF THE YEAR, 1975—MARY MCCLUSKEY

Mary is a long-time member of the West Side Irish-American Club, marching with the Club's drill team for sixteen years, eight of which she was both the teacher and leader. She has served as secretary of the Gaelic League and is active in the Pioneer's Dramatic Group.

Mary has loved and studied Irish music and customs since early childhood, dancing with the Gaelic League Society Dancers, along with her sister, Norine, and her brothers, Frank and Tom. She comes by this naturally, as her parents, Tom and Nora Hastings, came from County Mayo, Ireland. Her father was one of the founders of the West Side Irish-American Club and co-founder of its Fife and Drum Corps and its Bagpipe Band. He marched with the Club on St. Patrick's Day for thirty years.

Joe McCluskey, Mary's husband, a native of County Antrim, Northern Ireland, is a former member of the Club's Fife and Drum Corps, and is active in the Gaelic Athletic Association. Today, they are proud to watch their children march down the avenue. One daughter, Mary, is a member of the Pom-Pom Unit; and the other, Christine, is a member of the Majorettes. Sons, Tommy and Kevin, are still too young to participate, but are anxiously looking forward to it.

Mary McCluskey, we salute you on being chosen as the first West Side Irish-American Club's Woman of the Year. May the road rise up to meet you and may the wind be always at your back.

MAN OF THE YEAR, 1975—MICHAEL RODDY

Michael Roddy's affiliation with the West Side Irish-American Club goes back to 1949, the same year he came to Cleveland from his native home in Boyle, County Roscommon, Ireland. As a club member, he has always been a willing worker, whether it was at the annual picnic, dances, or other club functions.

Since 1967, Mike has been the Club's Sergeant-at-Arms and a member of the Executive Board. He is also a delegate-at-large to the Greater Cleveland Feis Society, a member of the Gaelic Society, and a strong supporter of the Gaelic Athletic Association.

Mike has recently retired, after twenty-five years with the East Ohio Gas Company. He now can be found at home with his genial wife, Pauline, who hails from Belfast, Northern Ireland. They live in Lakewood, along with their son, Michael, Jr., who graduated in 1973 from Biscayne College in Miami Beach, Florida, with a BA degree. This summer, the Roddys are planning a trip to Ireland to view the places of their childhood and to renew old friendships.

We are proud to salute you, Michael Roddy, as the West Side Irish-American Club's 1975 Man of the Year.

LAKEWOOD'S ANNA RITA KILBANE, "IRISH MOTHER OF THE YEAR," HAS GREEN MANIA, FLYING FEET

Sure 'n begorra. Irish eyes in Lakewood have a lot to smile about now.

Mrs. James J. Kilbane, 1237 Chase Ave., has been named the 1975 "Irish Mother of the Year" by the 11 organizations which make up the United Irish Societies of Greater Cleveland. She will be feted March 17 during Cleveland's gala St. Patrick's Day Parade.

It's a fitting tribue to a woman who says she has a "green mania" and goes all out for her Irish heritage. "If you've ever done Irish dancing, you'd keep it going," said Mrs. Kilbane, a friendly woman with a round, smiling face.

Mrs. Kilbane, 51, has done a lot of dancing in the four decades she has been a member of the West Side Irish-American Club. And she has transmitted her love to daughters Nancy, 27, Maurita, 22 and son James, 19 all active in Irish affairs.

"She really deserves it," said Maurita, a nurse at Lakewood Hospital. "She has done a lot of work for the club."

Anna Rita Dever Kilbane, born in Cleveland, is the first American-born "Mother of the Year" named by the societies. But her parents, James and Bridget Dever, hailed from Achill Sound, County Mayo, Ireland, and soon she was immersed in the culture of their native land.

By no accident, Anna Dever married a man from Achill Sound, and appropriately, she met him at an Irish picnic in March at the old Euclid Beach. James Kilbane, a plumber, came to Cleveland in 1938.

Mrs. Kilbane, the youngest "Mother of the Year" ever chosen during the 12-year history of the award, started marching with the ladies drill team of the west side club when she was 14. She is the current secretary of its Ladies Auxiliary of which she was once president.

Her daughters were the first two leaders of the club's majorette unit. And son James, a St. Edward High School graduate and Lakewood cadet policeman, started in the club's fife and drum corps at age six, and is now a member of its drum section.

The festivities for Mrs. Kilbane, secretary to the graduate studies dean at St. John's College will begin March 14 and continue into the wee hours of St. Patrick's Day. Parades, dances, and dinners are on the agenda for a family that loves Irish music and dancing and has entertained famous Gaelic singers Liam Clancy and Tommy Makem on their stops in Cleveland.

Nancy, working on her master's degree in nursing in Denver is expected home for the celebration. And she will return to a house painted green both inside and out filled with Irish plaques and hymns, all part of the Kilbane's "green mania."

NEED FOR COOPERATION TO ACHIEVE COMPREHENSIVE ENERGY PROGRAM

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. ABDNOR. Mr. Speaker, in the referral to the Ways and Means Committee of the 90-day oil tariff delay bill, H.R. 1767, and the President's veto message, I believe our action helps to keep open the channels of communication and cooperation between the Congress and the administration in trying to achieve a much needed and effective comprehensive energy program. As we in the Congress are all painfully aware, we have delayed far too long in implementing a coherent energy policy. With the current prices of OPEC oil and with their intent to keep prices high, the United States cannot afford to continue to export its monetary reserves.

In 1970 the United States spent approximately $2.7 billion for foreign oil. Last year we spent over $24 billion. It is estimated we will spend approximately $28 billion next year. Therefore, although there is currently a reported surplus of oil on the world markets, the principle of supply and demand is not bringing down world prices. Since the United States imports over 35 percent of its petroleum, it is vitally necessary that the United States conserve its usage of petroluem products. It is also incumbent upon us to develop alternate sources of energy for future use for there is not an endless supply of petroleum in the world.

Another reason for my support of this referral to the Ways and Means Committee is the fact that the administration has attempted to keep its pledge to meet assurances given to myself and other rural Congressmen. The President's statement that farmers and ranchers could be refunded for the increase in the cost of off-the-road use of gas and fuel relative to his program is a necessity to our farmers and ranchers who cannot pass along these price increases. Although I disagree with the President's plan to phase out this provision and although details have not been completed, it is necessary that the principle of this provision not become lost in possible confrontations between Congress and the administration.

I also received assurances that something would be done to reduce the effect of higher fuel bills on those who live in relatively colder climates as compared to those whose climatic conditions demand substantially less fuel for heat. Although no formula was made, the President promised to tilt the effects of his proposal toward gasoline and away from fuel oil. Even though only three other States use as much or more gasoline per capita as South Dakota, it still would be easier for us to reduce our unnecessary driving than to reduce the necessary heating of our homes.

Essential driving, which accounts for much of South Dakota traveling, is still a problem and the administration has not as yet made any proposals. However, as Chairman ULLMAN's plan does provide for a basic allotment for essential travel, I am sure this will be one of the many points discussed in compromise plans between Congress and the President. I will continue to bring to the attention of the President and the Ways and Means Committee rural America's needs in these essential areas. In connection with this, I recently hosted a meeting for Members of Congress and their staffs concerning the effects of energy proposals on agriculture and rural America. Farmland Industries, the National Council of Farmer Cooperatives, the Assistant Secretary of the Federal Energy Administration, who is the agriculture liaison for FEA, and the staff director of the Democratic Task Force on Energy and the Economy, expressed their views on the effects of various energy proposals on rural America. I am hopeful we can continue to conduct meetings of this nature in order to resolve problems before they become insurmountable obstacles.

The President has agreed, at the request of the majority leaders of both the Senate and House, to delay $2 of the $3 import fee for 60 days while Congress and the President work on compromise proposals. The President has also agreed to postpone until May 1, 1975, his plans to decontrol old oil. I do not agree with all facets of the President's program, or the program announced by Mr. Wright of the Democratic Task Force on Energy and the Economy, or that proposed by Chairman ULLMAN of the Ways and Means Committee. However, contained in these proposals is a possible solution to our energy problems. Therefore, in view of the need for action on an energy program, and in the interests of compromise, I supported the referral of H.R. 1767 to the Ways and Means Committee as the surest and perhaps only method by which any solution will be achieved.

GRASSROOTS BICENTENNIAL

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. BLOUIN. Mr. Speaker, I know that there is a great deal of discussion about the American Bicentennial which we will officially mark next year in this country. There are many, many proposals for various ways in which we might celebrate this historic event—some grand designs, master plans, and expensive construction projects. Many of these plans are fitting, indeed, but it is even more encouraging to me to discover that the spirit of the Bicentennial is very much alive at the grassroots level as well. I discover this fact time and time again as I return to the Second District of Iowa or have contact with people from the district. Many of these local plans have a simplicity and dignity which captures the spirit of this Nation's founding far better than the massive construction projects planned and executed by well-intentioned but somewhat distant bureaucrats. I offer, as an example, this summary of Bicentennial plans being made by the people of Cedar County in Iowa. The article originally appeared in the March 6, 1975, edition of the Tipton, Iowa, Conservative and Advertiser and I believe my colleagues will find it as interesting as I did.

The article follows:

MANY GROUPS CONTINUE PLANS FOR BI-CENTENNIAL YEAR IN COUNTY

(By Mrs. Dorothy J. Stout)

"To start with, it's hard to know where to begin," said Bill Penningrowth, Chairman of the Cedar County Bi-Centennial committee. He was referring to the tremendous task of contacting key people from the organizations of our county. In spite of this, about 35 enthusiastic citizens gathered at the courthouse Feb. 23 to discuss a game plan for '76.

They represented the following groups and cities: Cedar County Historical society, West Branch Chamber of Commerce, West Branch Study club, 19th Century club, Child Conservation League, DAR, Tipton Woman's club. Tipton Federated club, Trinity Lutheran Ladies and Am-Vets of Lowden.

Also the Lowden Historical society and Commercial club, Cedar County Extension service, Tipton Fire department, Cedar County Fair Board, Tipton Chamber of Commerce, Garden club, Aeolian club, Tipton schools and the towns of Durant and Lowden. They will carry the message back to those who stayed home.

Did you realize July 4th falls on Sunday next year? The Rev. Kehrli saw this as a chance for an ecumenical service of worship. Dr. Doering said the Tipton Chamber of Commerce will co-operate in every way with a celebration to reflect the anniversary. He also remind us that Monday, July 5, would also be a holiday, a long week-end.

We are always trying to get youth involved, and Ken Muller, county extension director, spoke to this need. He prefaced it by a story of the time he was planning to come to work in Tipton. His neighbor, it seems, had been on National Guard duty here at the time of the Cedar County "Cow War." "You don't want to go down there, where there's hard heads on every corner!" Muller, by all appearances, has survived. He suggested a tree planting project would be in order. Would you believe 1776 of them?

Laying down her busy knitting needles, Polly Kemp chatted with animation about the observance in the schools. Although there has not been much participation in the past in essay contests in Tipton, sometimes there are contests sponsored by other groups and students should be aware of them. Some courses were suggested, but as everyone knows who has tried it, scheduling of courses is a very tricky problem. Fred Schwengel told her of historical music records available from the Capitol Historical society; he is currently president of this organization. Supposing you were a housewife of Revolutionary days and had to decide if you should sell your produce to the British for "good money" or the Colonials for less worthy tender? What to do? This subject, as well as eleven others, has been put together and is available, from the National Geographic Society.

John McKirihan, Tipton high school humanities teacher reminded us how fortunate we are to be close to some of the larger cities of Iowa and colleges and universities. A few years ago Tipton high school held a symposium which drew on outside speakers and performing groups. We might try this again, he said, "using children from the county schools as participants, and not just spectators. It could reflect music, art and religion of the past 200 years."

When discussion began on the Mormon micro-filming project, it was pointed out by Don Stout that Cedar was a forethinking county. The records of the courthouse have already been filmed and stored in a safe place. Family histories, either in manuscript or chart form, as well as vital statistics on the family page of the Bible, may be filmed. There will be no invasion of privacy. All records would be filmed at a given time and returned to the custodian at once. Joyce Hamiel found there are not many mortuary records available before 1910.

Several of the ladies who work in Floral hall at fair time were pleased to hear the floors may be repaired, making it easier to walk on and clean them. It was not until construction was progressing that they decided to floor the building with yellow pine at a cost of $250. Other offers of help have come from the Tipton City council in the way of equipment and the Tipton shop class which Principal Ron Salmonson said might provide some labor.

The octagonal dimension of Floral hall is what makes it unusual. John Witmer told us there are a couple of octagonals in the Muscatine area.

Wherever there is a chance of federal funding, competition is keen. Our application of Floral hall to the National Register of Historic Sites may not be approved. It will be several months before decisions will be made.

So popular has been the 1974 Review of the Cedar County Historical society which featured Rochester wildflowers, that the Society is considering a second printing. Members of this group, assisted by the Lowden Historical society, are busy with their own bi-centennial project, the cataloguing of all the county cemeteries. Bill Hartz reports extensive work has already been done with much yet to be accomplished.

Although the Rochester cemetery is visited by many out of state folks, Mayor Wenndt, Lowden, felt some people in this area might not know the location. The cemetery is approximately ¼ mile east of river bridge. A saw mill located on south side of black top road (Old No. 1) marks the start of the gravel road that leads to the site.

Enthusiasm for this preservation has been enormous. To see an area, which is in part, what our forefathers saw, to gaze on wild flowers such as the abundant shooting stars, to go back in time as we view its wild beauty, this has great appeal. Unfortunately, even though they die when transplanted, many people still attempt to dig up plants. To discourage this, access will be restricted, except for funerals. Next to plant hunters, the lawn mower is the enemy of the prairie grass and flowers, it destroys nature which cannot cope with the onslaught of man.

Dr. David Lyon and Dr. Paul A. Christiansen of Cornell college will help with information for the overlay which will tell visitors "when every blooming thing is." Dr. Lyon has agreed to check at close intervals for this data.

The Cedar county supervisors, the County Conservation board, and the Rochester township trustees are all cooperating in this.

Willingness to help fund these two projects has already been expressed. Contributions on an individual and organizational basis will be gratefully accepted.

Penningroth will present the cemetery project to the State Bi-Centennial committee in Des Moines March 27. The fact, that to our knowledge no other prairie site has applied, may be helpful. March 3, he, and other interested parties, attended a meeting in Waterloo which will give help to people who are formulating their bi-centennial plans.

As you read the papers, you will note people everywhere are getting into the "Act of '76." The Iowa Local Historical Museum association will hold a workshop April 3 at which time, Mrs. Fry, state heritage chairperson of the Bi-centennial committee will speak.

Historically speaking, we always end up at West Branch. There the Hoover Foundation is planning to hold guided tours in the "summer of '76" for the complex. A van of Bi-Centennial exhibits will tour the county.

Still needed for the committee is a finance chairman and a souvenir chairman.

Don Stout accounted the events of the 1876 celebration. Only one event marred the festivities. A cannon was prematurely fired, injuring two men. At the announcement, a man from West Branch questioned: "I wonder who will fire the cannon this time?"

The next meeting will be early due to religious observances. It will be held at 2 p.m. March 16 in the courthouse. Full participation is requested.

Remember this: Millions of Americans life span, did not, or will not, include the thrill of a nation's centennial year. Let's make it count!!!

U.S. ROLE AS WORLD CARETAKER AND PEACEMAKER QUESTIONED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. EVINS of Tennessee. Mr. Speaker, the current issue of Liberty Lowdown, a confidential report published by the Liberty Lobby, points to changes in U.S. foreign policy and the involvement of this Nation in four major conflicts in the past 67 years.

This report takes the position that neutrality has its virtues and that the role of "planet caretaker" opens the door to involvement in conflicts between other nations.

Because of the interest in this matter by my colleagues and the American people, I place excerpts from the report by Liberty Lobby in the RECORD herewith.

The excerpts follow:

NEUTRALITY—THE DIFFERENCE BETWEEN WAR AND PEACE

During its first 138 years, the U.S. was involved in only *three* wars against foreign countries—all minor in scope and all for reasons of national interest. In just the next 67 years, U.S. troops have been embroiled in *four* major conflicts (three in the last 35 years alone), all because of a change in foreign policy. That policy is based on the premise that the U.S., as the world's richest, most powerful nation, must accept the role of peacemaker and planet caretaker. This policy of intervention is about to drag the U.S. into another area of conflict—the Mideast.

George Washington, in his *Farewell Address*, cautioned against the dangers of involvement in foreign squabbles. During his own administration, he had subscribed to a policy of non-intervention . . . which policy succeeding Presidents followed for a century and a quarter. LIBERTY LOBBY's first publication, which is still available, is the text of that famous address. LIBERTY LOBBY has unwaveringly advocated his policy of non-intervention.

Then, early in the 1900's, President Woodrow Wilson, upon urging by the international bankers, and contrary to traditional U.S. policy and interests, took sides in a European conflict and began sending arms and supplies. In a few short years, American youth were sailing overseas to fight a war "to make the world safe for democracy."

In 1919 Congress voted against U.S. participation in the League of Nations. This took the U.S. out of a direct role in settling disagreements between foreign countries, and once again America was on the sensible course of neutrality.

When Italy invaded Ethiopia in 1935, Congress passed and President Franklin Roosevelt signed an effective Neutrality Act. Its heart and strength is stated thus:

"Upon the outbreak or during the progress of war between, or among, two of more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any port of such belligerent states, or to any neutral port for transshipment to, or for the use of, a belligerent country."

This Act was amended in 1937, but in essence the provisions ensuring neutrality remained in effect.

FIRST WEAKENING

The first deviation from strict adherence to neutrality occurred when the Act was amended in 1939, permitting trade with belligerents on a cash-and-carry basis. This severely weakened the Neutrality Act. Arms and supplies began flowing to the countries on one side of the conflict and thus the U.S. was drawn closer to total involvement.

After a bitter debate, Congress, in November 1941, narrowly voted to repeal Secs. 2, 3 and 6 of the Act, prohibiting material sales to foreign belligerents, American ships in foreign waters and arming American merchant ships. The remaining sections of the Neutrality Act are ineffectual, relegating the Act to a worthless status.

THE BASIC ISSUE

In the realm of foreign policy, there are no guidelines in a foreign crisis—no rational policy to dictate U.S. action. The internationalists who aim to bring the U.S. into their one-world plan intentionally strive to befuddle Americans. These internationalists pour out a stream of conflicting advice, fomenting misunderstanding. Attention is drawn away from the basic issue—What is Good for America. It is not a matter of liberalism vs. conservatism in foreign policy . . . or Semitism vs. anti-Semitism, Catholicism vs. Protestantism or communism vs. socialism in foreign policy.

The crux of the foreign policy matter is NATIONALISM vs. INTERNATIONALISM. The question is, which best serves the Nation's interests? Will the U.S. be better off by getting involved in the affairs of other nations . . . or maintaining a "hands off" policy?

PRESENT POLICY

Since people are so brainwashed by internationalist propaganda, they have come to believe that America *has* to take one side or the other in any quarrel between foreign groups! Other areas of involvement find Americans working through various federal and private agencies to "help" other countries with their problems. The attitude of "aid" is being thoroughly ingrained into American thinking. It is no longer a question of whether aid should be given, but how much. With this foreign aid philosophy prevailing, an internationalist foreign policy is seldom seriously questioned.

The prime area involving foreign policy now is the Mideast. For years, due to alien Zionist influence, America has unwaveringly supported Israel, to the dismay of the Arab countries. The 1973 Israel-Arab conflict brought on the oil embargo, and for the first time American citizens began to question this U.S. policy.

Under the present policy, another Mideast outbreak is certain to precipitate another oil embargo; will likely draw American troops into the conflict; plus inviting U.S.-U.S.S.R. confrontation. On the home front, Executive Orders will certainly be implemented, placing American property and lives in the hands of a small favored clique. The U.S. can only lose a Mideast war.

A SANE FOREIGN POLICY

In the last four wars involving the U.S.—which resulted from our aggressive interventionist policies—hundreds of thousands of lives were needlessly lost, hundreds of billions of dollars squandered and the Nation's natural resources severely drained. Our economy has been raped and today teeters on the brink of total collapse.

When will Americans realize that it is simply impossible to continue the role of world caretaker and adequately satisfy the needs of U.S. citizens? It is foolhardly to think that any country—even the U.S.—has sufficient human and natural resources to put out the many fires that flare up worldwide, supply the everyday needs of "welfare" countries and still have enough left to satisfy domestic demands.

Profound problems have resulted from the internationalist foreign policy of the past 58 years. Today, the only sane course is to return to a nationalist course—doing what is "good for America" . . . a policy of America first!

CROWDING OUT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. FRENZEL. Mr. Speaker, once again the Wall Street Journal has served up an editorial full of timely observations. In today's issue, the editorial entitled "Crowding Out" contains some of the most thoughtful comments that I have read recently on the subject of deficits and their first cousin, Federal borrowing. The piece is timely and deserving of our attention. The editorial follows:

CROWDING OUT

Understanding the economy in 1975, unfortunately for those of us with enough on our minds already, requires an understanding of an esoteric economic debate over something called "crowding out."

Treasury Secretary Simon sounded the first guns in this debate by warning that financial markets cannot finance both the huge federal deficit and the needs of private borrowers. Some economists have described his fear as "hysterical." In a letter to The New York Times, six prestigious liberal economists said the problem would be handled through an "accounting identity." But in recent weeks, independent analyses have been conducted by Norman B. Ture, a Washington-based consulting economist, and Allan H. Meltzer of Carnegie-Mellon University. Each reports that, until he got the numbers down, he could not believe things are as bad as they are.

The crux of the matter is that when the federal government borrows to cover its deficits, it competes with private borrowers who need funds to invest in plant construction and housing. Both government and private needs must be met from the savings pool, which consists of business savings (profits plus depreciation and other "capital consumption allowances"), personal savings and inflows of foreign funds. Allowing for special factors and statistical error, the two totals will always be the same; this is the "accounting identity."

The problem is that if you plug some reasonable 1975 projections into this equation, it is very hard to get the totals to come out equal. This suggests that as the heavy government borrowings come on stream in the second half, the economy may well be in for some type of severe shock now only dimly foreseen. A typical projection, with calendar year 1974 as a base, would look something like this:

[Billion dollars]

1974: Invest. + Deficit Eq. Bus. Sav. + Per. Sav. + For. Inv. 208.9 + 5.9 Eq. 136.5 + 76.7 + 3.6.

Total 214.8 Eq. total 216.8.

1975: 205 + 70 Eq. 150 + 80 + 10.

Total 275. Eq. 240.

Eq. means equals.

First, a word about the estimates. Private investment may fall off more rapidly, but so may corporate profits. Personal savings may be higher if the savings rate rises but will be lower if personal income falls. The net inflow of foreign funds may increase, but the above estimate already provides a tripling in a year's time. The estimate of a $35 billion gap is essentially a conservative one, and the question is, how will this gap be closed?

Part of the gap—and in a sense the whole debate is over how much—will be filled by the Federal Reserve System's purchases of federal debt by in effect printing up new money. Over the course of a normal year, the Fed will buy federal securities, thus injecting reserves into the banking system and making the money supply grow. It's easy enough to calculate roughly the relationship between the Fed's purchases and money growth. At a 6% growth in the narrowly defined money supply, the Fed would buy about $7 billion in new federal debt. If the Fed closes the gap by buying the whole $35 billion, the money supply would grow by about 30% over a year's time.

Before we go one sentence further, let everyone understand that money growth anything like the latter figure will not only rekindle inflation, but will make interest rates go up, not down. As soon as lenders and borrowers see that kind of money growth coming, they will start to crank higher inflation estimates into their calculations. Mr. Ture expects the Fed to monetize the bulk of the deficit, for example, and talks in terms of a prime rate of 20% by the end of 1975.

If the Fed pursues reasonably moderate money growth, the deficits will still make interest rates rise, though not so astronomically. The normal operations of the market would balance the equation through higher interest rates, discouraging borrowing and encouraging savings and foreign inflows. But with a $35 billion gap to close, this implies interest rates that still might be high enough to cause severe problems.

A drop in business investment below $205 billion implies a much deeper economic decline than so far predicted. Even the pessimistic predictions of the Council of Economic Advisers looked for a small increase, not decrease, in private investment.

Alternatively, the 80 billion in personal savings is based on a savings rate of 7.9% of a disposable income of $1,049 billion. Over the last 25 years, the savings rate has ranged from 4.9% to 8.2%. To generate an extra $35 billion it would have to leap to an implausible 11%.

Finally, the interest rates necessary to force savings up and investment down by such an amount might themselves be high enough to prevent a recovery. The effect on the housing sector, in particular, is entirely predictable.

The long and short of the analysis is that somewhere between a federal deficit of $50 billion and a federal deficit of $80 billion the string snaps. To maintain the "accounting identity," you are all but forced to assume the economy will unwind in one way or another. You can make the same kind of analysis not through the National Income Accounts as above, but through a different "flow of funds" methodology. Salomon Brothers did this earlier in the year, coming to this conclusion:

"The consequences of a U.S. budget deficit substantially greater than the nearly $50 billion estimated by us for calendar 1975 should be clearly recognized. Such a deficit could be reasonably financed only if the economic contraction this year is much greater than we expect. Otherwise the budget deficit would either lead to a vicious struggle for funds between private borrowers and the government, or the Federal Reserve would have to supply funds without regard to its long-range responsibilities. In any event, a larger than expected deficit would threaten economic recovery, despite the best intentions of government, by crowding out medium to lower rated borrowers, many of whom are already in peril, and mortgage borrowers as well, thus aborting recovery in housing activity."

Last week Walter W. Heller, a valued member of our Board of Contributors, cited the Salomon Brothers analysis as reason not to worry about crowding out. But by now the Salomon Brothers analysts are well aware the deficit for calendar 1975 will be far above $50 billion. The St. Louis Fed puts the calendar year deficit at $62 billion merely on the basis of administration proposals, which included (on a fiscal year basis), $16 billion in expenditure reductions and a tax cut of only $16 billion.

But suppose for a minute that Mr. Heller is right about 1975 and that the gap is filled by a happy combination of events. Suppose money growth is moderate, and the Fed takes up some debt. Falling inflation means lower interest rates, and suppose this effect is powerful enough that non-destructive rates can balance the supply and demand for funds. There still remain two problems.

One is simply that private borrowers will still be crowded out, that private investment will decline. In other words, because of the huge deficits, we have a lower rate of capital formation and thus slower economic growth in future years. Assuming that the deficits cannot be reduced, this is the smallest price we can possibly pay.

The final problem is 1976, or whenever recovery does get under way in earnest. At that point, the investment needs of business and housing will go up, not down. If the government is by then still running $70 billion deficits, this will call for an even more impossible-looking increase on the savings side of the ledger. At that point, high deficits will again threaten to abort the recovery. This destruction of capital formation, excessive monetization of debt and aborting of real growth is essentially what has already happened in Great Britain.

Yet Congress goes its happy way, adding to expenditures, increasing tax cuts, charting tax bills that discourage saving instead of encourage it, secure in the knowledge that there is a recession on, and in that case Dr. Keynes always assured them that budget deficits are a free lunch. Didn't he?

MANDATORY PENALTIES FOR GUN MISUSE NEEDED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. FINDLEY. Mr. Speaker, more than 13,000 murders were committed in the United States by guns in 1972, the latest year for which FBI data is available.

In order to attack the root of the problem without penalizing the law-abiding citizen, I am introducing today a bill which would impose stiff mandatory penalties on those who use a gun to commit a crime. I would make the illegal use of firearms a Federal crime.

My bill would require a separate mandatory 1- to 10-year jail sentence for anyone convicted of using a gun to commit a crime, and prohibit the courts from making the sentence run concurrently with any sentence for other offenses.

I have also asked the Consumer Product Safety Commission to deny a petition which would ban the public sale of handgun ammunition to the public. A few weeks ago, I urged the Commission to extend the time for public comment on the petition.

It is clear that the prohibition of handguns and ammunition would do much harm and probably little good. The way to discourage the illegal use of handguns is to create stiff penalties for their misuse—such as those in my bill. The Commission should deny the petition on ammunition simply because it is unreasonable and unworkable, and Congress should enact this bill.

The bill follows:

A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, or

"(3) uses a firearm to commit any felony, or carries a firearm unlawfully during the commission of any felony, which use or carrying for said purpose is unlawful according to the law of the State in which it occurs, shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony.".

SEC. 2. Section 924 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) Whoever acquires any firearm in violation of any law of the United States, a State, or a political subdivision thereof, shall be imprisoned not less than one year nor more than ten years. Notwithstanding any other provision of law, the court shall not suspend the sentence of a person convicted under this subsection or give such person a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term imposed with respect to the illegal acquisition of such firearm."

INTRODUCTION OF A BILL

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. BROOMFIELD. Mr. Speaker, Public Law 81–874 authorizes Federal financial assistance for the maintenance and operation of local school districts in which enrollments are affected by Federal activities. Section 3(c) of this law authorizes appropriations for payments to eligible local school districts which provide public education to children who live on Federal property with a parent employed on Federal property (section 3(a) children); and to children who either live on Federal property or reside with a parent employed on Federal property—section 3(b) children.

The bill I am introducing today relates only to section 3(b) of this law, category B, as it is commonly called. The purpose of my bill is to phase out payments to school districts based upon the number of students of taxpaying Federal employees working on Federal property. It seems to me inappropriate and irresponsible for the Congress to continue to make payments for this category of students. Neither logic nor the economy justifies it.

At a time when Federal appropriations for elementary and secondary education are generally insufficient to fully serve all educational needs, it is essential that we establish funding priorities in public education. Clearly, there should be programs that have higher priority justification than payments under section 3(b) of Public Law 81–874.

It is unfair and discriminatory to provide financial assistance for local educational agencies for students who reside with a parent employed on Federal property. Children of taxpaying Federal workers should be treated the same as the children of non-Federal workers. Federal workers pay taxes on the same basis as non-Federal workers.

In addition to being unfair and discriminatory, it is inequitable to reimburse school districts on the basis of the number of children of taxpaying Federal workers enrolled. Why should taxpayers in areas without Federal workers be forced to subsidize part of the cost of public education in areas with taxpaying Federal workers? Is it equitable for the Federal Government to pay large sums of money to wealthy school districts who often can reduce their property tax rates at the expense of other school districts equally deserving and some even desperately in need of the funds simply on the basis of whether or not they have among their taxpayers Federal employees?

Let me be more specific on this point. In 1974, Montgomery County, Md., which ranks third in per capita income nationally and second in median family income, received $6,148,000 for category B children—students of taxpaying Federal employees—and $84,818 for category A children—students of nontaxpaying Federal employees. It is estimated that Montgomery County, Md., will receive $7,043,848 for category B children and $96,750 for category A children in 1975. Fairfax County, Va., which is fourth in median income nationally, received $12,679,382 for category B children and $1,215,886 for category A children in 1974. The estimated amount Fairfax County, Va., will receive for category B children in 1975 is $13,543,284 and for category A children the estimate is $1,449,149. Arlington County, Va., which has the No. 1 rating nationally in per capita income, was given $1,937,164 for category B children in 1974 and $208,179 for category A children. The estimated amount Arlington County, Va., will receive in 1975 is $1,978,747 for category B children and $195,604 for category A children.

These three counties are suburbs of Washington, D.C., and are among the wealthiest counties in the United States. Most of the Federal employees living and paying taxes in these counties commute to their jobs in the District of Columbia.

I do not accept either the "tax loss" theory or the "service burden" justification for category B Federal payments. The service burden of providing education for children of Federal workers is no greater than for children of non-Federal workers. In fact, Federal employees represent a total financial asset to the school district rather than a liability, even in those instances where the Federal property upon which they work is in the school district and exempt from taxation. The presence of Federal property has offsetting assets. Federal activity in an area generally stimulates other economic activity, increases the average income of the people in the area, and creates demand for additional nongovernmental services.

This program of impact aid to school districts has gone far beyond its intended purpose, especially as it relates to category B students. Because of legislative amendments resulting in greater eligibility, it has become a costly pork barrel. The 1975 appropriation provides $636,016,000 to fund this program and the entitlements for 1975 are estimated at $1,053,100,000, including $268,000,000 for low-rent housing pupils. Of the $636,016,000 appropriated for 1975, it is estimated $355,000,000 will be paid for category B students. Of the $574,416,000 appropriated for this program in 1974, $314,000,000 went to subsidize category B students.

Our last five Presidents, representing both the Democrat and Republican parties, have been strongly opposed to section 3(b) of Public Law 81–874.

Since its inception in 1950, this has been a highly popular program of funding with those school administrators whose school districts and Members of Congress whose congressional districts receive the financial benefits of the program. In 1974, school districts in about 410 congressional districts received funds from this source. This wide participation of congressional districts in the fruits of the program may be a factor in its massive growth and continuation, but the program must be justified on its merits.

The large number of congressional districts receiving school funding from this program can be misleading. The funds are by no means uniformly distributed and most congressional districts get very small amounts. Of the total payments of $574,416,000 in 1974, 10 percent of the estimated 410 congressional districts receiving payments received $255,751,000. Or, 10 percent of the congressional districts receiving funds from this source received 44.5 percent. Consequently, the taxpayers of some congressional districts on the receiving end of this program are contributing more than they get and are subsidizing districts more affluent with Federal employees.

I realize the adverse effect instant cutoff of all payments for category B might have on some schools, especially those receiving large amounts. To alleviate this, my bill provides for the phasing out of payments. This will give school districts sufficient time to find alternate sources of replacement revenue.

More and more Americans are becoming concerned about the spending habits of their Federal Government. The phasing out of payments on the basis of 3(b) of Public Law 81–874, as my bill provides, will be an excellent example of responsibility in Federal Government spending.

The bill follows:

H.R. 4835

A bill to amend the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) to provide for the phasing out of certain entitlements of local educational agencies based upon the number of children of persons who reside or work on Federal property

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress (hereinafter in this Act referred to as the "Act") is amended by adding at the end thereof the following new paragraph:

"(2) (A) In making determinations under paragraph (1) of this subsection, the Commissioner shall—

"(i) for the fiscal year ending June 30, 1976, reduce by 25 percent the number of children counted with respect to any local educational agency;

"(ii) for the fiscal year ending September 30, 1977, reduce by 50 percent the number of such children counted; and

"(iii) for the fiscal year ending September 30, 1978, reduce by 75 percent the number of such children counted.

"(B) No determination may be made by the Commissioner under this subsection, for the purpose of computing the amount to which a local educational agency is entitled under this section, for any fiscal year beginning after the close of September 30, 1978.".

(b) Section 3(b) of the Act is amended—

(1) by inserting "(1)" immediately before "For the purpose";

(2) by redesignating paragraph (1) through paragraph (3), as subparagraph (A) through subparagraph (C), respectively;

(3) by striking out "(A)" the first place it appears therein and inserting in lieu thereof "(i)";

(4) by striking out "(B)" the first place it appears therein and inserting in lieu thereof "(ii)"; and

(5) by striking out "July 1" each place it appears therein and inserting in lieu thereof "October 1".

SEC. 2. (a) Section 3(d) (1) (B) (iii) of the Act is amended by striking out "clause (3) of subsection (b)" and inserting in lieu thereof "subsection (b) (1) (C)".

(b) Section 3(d) (1) (B) (iv) of the Act is amended by striking out "clauses (1) and (2) (A) of subsection (b)" and inserting in lieu thereof "subsection (b) (1) (A) and subsection (b) (1) (B) (i)".

(c) Section 3(d) (1) (B) (v) of the Act is amended by striking out "clause (2) (B) of subsection (b)" and inserting in lieu thereof "subsection (b) (1) (B) (ii)".

(d) Section 3(d) (2) (C) (i) of the Act is amended by striking out "(b) (3)" and inserting in lieu thereof "(b) (1) (C)".

(e) Section 3(e) of the Act is amended by striking out "subsection (b) (2) (A)" and inserting in lieu thereof "subsection (b) (1) (B) (i)".

INTRODUCTION OF NONCONTIGUOUS AREA CABLE TELEVISION STATION LEGISLATION

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. WON PAT. Mr. Speaker, the proposed legislation will clarify the question of copyright liability of cable television systems located in any State, territory, trust territory, or possession not within the boundary of the 48 contiguous States. This legislation is needed unless and until copyright legislation dealing with all cable television systems is enacted.

Ordinarily, a cable television system takes broadcast television signals out of the air, or receives them via microwave and moves them along its lines to subscribers. The Supreme Court has held that cable systems taking signals off the air or receiving them via microwave do not violate the present copyright law. *Fortnightly* v. *United Artists Television, Inc.,* 392 U.S. 390 (1968); and *TelePrompTer Corp 1. Columbia Broadcasting System,* 415 U.S. 394 (1974).

However, Fortnightly and TelePrompTer do not directly address the unusual situation that exists in areas beyond the boundary of the 48 contiguous States. The distance in the cases of, for example, Guam and Alaska, requires some television programs to be taped off the air within the 48 contiguous States and then physically transported over long distances to the cable system. Cable systems in these distant areas provide the exact service as do their counterparts within the 48 contiguous States, except that the means of obtaining all or some of the programs is different. These distant cable systems have been subject to lawsuits by copyright holders who claim a distinction between the service provided by cable systems that receive signals off the air or by microwave and those that tape programs.

It appears that the lawsuits brought thus far have been settled by the various parties involved; but the need for clarifying legislation still exists. The simple reason is that existing agreements or settlements:

First. Have not removed the fear of lawsuits and have thus intimidated some systems from requesting permission from the Federal Communications Commission to provide additional programs to their subscribers;

Second. Bind only the particular parties to the settlements;

Third. Do not cover all the television programs transmitted by the cable systems in question;

Fourth. Do not eliminate the need for a multitude of separate negotiations with copyright holders, many of whom are unknown to the systems;

Fifth. Do not eliminate the potential for cumulative demands for payment, resulting in excessive fees that would undermine the economic viability of the systems—this problem is particularly acute in light of the unequal bargaining position of the systems compared to that of the networks and other copyright holders;

Sixth. Do not require all copyright holders to give consent or to negotiate.

None of these problems is now faced by systems located in the 48 contiguous States.

The systems in noncontiguous areas recognized the principle of reasonable copyright payments and supported the passage of S. 1361 in the Senate. S. 1361 subjected cable television, for the first time, to payment of specified copyright fees under a compulsory license. The compulsory license would be the equivalent of copyright consent without the necessity of obtaining consent for each program from each copyright holder. In other words, copyright holders, by virtue of having authorized television stations to broadcast their material, would be deemed to have also consented to cable carriage.

S. 1361 included the so-called Stevens amendment which provided for compulsory licenses and copyright payments by systems in most noncontiguous areas. If S. 1361 had been enacted into law, the proposed legislation would be unnecessary. Because of the uncertainty as to the applicability of Fortnightly and TelePrompTer or other untested copyright liability theories, systems in noncontiguous areas may stand on a different footing than systems located within the boundary of the 48 contiguous States. Unless and until legislation such as S. 1361 is passed, the proposed legislation will insure that cable systems in noncontiguous areas are not treated differently under our copyright laws from those located elsewhere. It is contemplated that the proposed legislation would be superseded by any legislation enacted providing for compulsory licenses and copyright payments for cable systems including those in noncontiguous areas that tape television programs.

The proposed legislation is similar to other remedial legislation passed by the Congress to resolve inequities resulting from court decisions which specifically applied to one party and not others conducting business under similar circumstances, for example, Public Law 87–331. That law was passed to permit the pooling of funds received from a television network by the National Football League. Such pooling had been barred by a court decision determining the arrangement to be violative of the antitrust laws, a decision which did not run against the American Football League. Legislation was passed in order that the situation with respect to pooling would be the same for the two leagues.

The proposed legislation is not intended to confer any greater rights in the systems affected than those enjoyed by systems in the 48 contiguous States. Thus, systems taping programs in the noncontiguous areas would be subject to any applicable Federal Communications Commission rules or regulations, including requirements for certificates of compliance and any other regulatory provisions the Commission may apply, for example, as to the number and classification of stations carried and the protection that must be afforded local stations.

H.R. —

A bill for the amendment of the copyright law, title 17 of the United States Code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title 17 of the United States Code, entitled "Copyrights", is hereby amended by adding new section 101 (f) to read as follows:

(f) For all the purposes of the provisions of this Title dealing with infringements of copyright, including criminal prosecution pursuant to section 104 of this Title, a person shall not infringe or have infringed the copyright in any work protected under the copyright laws of the United States who,

(1) for the purpose of transmission on a noncontiguous area cable television system, has made or shall cause to be made, or has transmitted or shall cause to be transmitted, a videotape of a television program or programs broadcast by one or more television stations licensed by the Federal Communications Commission; and when after the enactment of this subsection:

(i) the videotape is transmitted no more than one time, without deletion of any material including commercials, on any such system; and

(ii) an owner or officer of such facility erases or destroys, or causes the erasure or destruction of such videotape; and

(iii) subject to the provisions of subparagraph (2) of this subsection, on or before the end of each calendar quarter, an owner or officer of such system executes an affidavit attesting to the erasure or destruction of all such videotapes made or used during the preceding quarter; and

(iv) said owner or officer places or causes said affidavit, or the affidavit received pursuant to Section 101(f) (2) (ii) of this Title, to be placed in a file, open to public inspection, at such system's main office in the community where the transmission is made or in the nearest community where such system maintains an office.

(2) Nothing herein shall prevent any such system, pursuant to written contract, from transferring the videotapes to another such system provided that:

(i) said written contract is placed in the file, open to public inspection, required hereunder; and

(ii) the last such facility transmitting the programs shall comply with the provisions of Section 101(f) (1) (ii)–(iv) of this Title, and shall

(iii) provide a copy of the affidavit required hereunder to each such system making a previous transmission of the same videotape.

(3) As used in this subsection, the following terms and their variant forms mean the following:

(i) a "transmission" is the distribution by a noncontiguous area cable television system of a videotape to its subscribers and is the equivalent of the carriage of broadcast signals for all the purposes of the rules and regulations of the Federal Communications Commission.

(ii) a "noncontiguous area cable television system" is a facility located in any state, territory, trust territory, or possession not within the boundary of the forty-eight contiguous continental states, that receives signals transmitted or makes or obtains videotapes of programs broadcast by one or more television broadcast stations licensed by the Federal Communications Commission and delivers such signals or programs by wires, cables, or other communications channels to subscribing members of the public who pay for such service.

(iii) A "videotape" is the reproduction of the images and sounds of a program or programs, including commercials, broadcast by a television station licensed by the Federal Communications Commission, regardless of the nature of the material objects, such as tapes or motion pictures, in which the reproduction is embodied.

JOBS FOR VETERANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. GILMAN. Mr. Speaker, I rise today to introduce a bill that would create within the Department of Labor, an Assistant Secretary of Labor for Veterans Employment.

As you know, Mr. Speaker, the entire Nation at this time is highly concerned with the continuous rise in unemployment. The national unemployment rate for January of 1975 was 8.2 percent, the highest point recorded over the entire post-World War II period. And if that is not ominous enough, the latest projections from the Secretary of Treasury himself is a startling 9 percent by the end of the year.

As alarming as that sounds, it is a fact that many veterans are suffering an even greater rate of unemployment. The unemployment rate among young Vietnam-era veterans has always been higher than that for nonveterans.

The reason for this is uncertain. Perhaps, a disproportionate number of veterans are from minority groups, unskilled, disabled, or otherwise handicapped in their job hunting. But, what is certain, even if the cause is not, is that by the end of 1974 the unemployment rate for veterans in the 20 to 24 age group was 15.6 percent, compared to 10.4 percent for nonveterans in that same age group. In January of 1975, that figure soared to 19.7 percent versus 11.6 percent for nonveterans aged 20 to 24.

The unemployment situation is even more critical for disabled veterans. A report recently completed for the Manpower Administration of the U.S. Department of Labor concluded that disabled veterans under 30 had a disproportionately high rate of unemployment, with the highest rate of unemployment to be found among young, nonwhite and single disabled veterans with less than 12th grade educations.

To alleviate this situation, the Labor Department report calls for "persistent and skilled job development and job placement efforts * * * on behalf of disabled veterans," while commenting that even with Government assistance efforts unemployment will remain at a high rate among disabled Vietnam-era veterans.

Statistically demonstrated trends among severely disabled veterans under 30 are: first, very high unemployment; second, employment in jobs at low end of pay scale, or paid a lesser wage for equal work done by nonhandicapped persons; and third, many "have become so discouraged by lack of work or work opportunities that they have dropped out of the job market entirely."

Since Public Law 93–508 provided, among other things, that the Secretary of Labor shall establish "definitive performance standards" to determine if the provisions of laws to assist veterans are being met, it is only appropriate that there be an office within the Department to administer that oversight responsibility, with the added stature of an assistant secretaryship to demonstrate the importance that this Congress attaches to this critical unemployment situation.

This bill has the support of the American Legion and the DAV, and I urge the support by all of my colleagues. I insert the full text of the bill at this point in the RECORD:

H.R. 4905

A bill to establish an office of Assistant Secretary of Labor for Veterans Employment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and declares—

(1) that while unemployment has threatened the health and welfare of millions of Americans in recent months, it has caused particularly widespread and egregious hardships among America's young Vietnam era veterans, reaching a level of 19.7 percent for veterans 20 to 24 years of age;

(2) that the difference between the employment rates of veterans and nonveterans appears to be widening, despite various educational and employment efforts by Federal and State governments; and

(3) that in order to insure that the best efforts of the Federal Government be made to alleviate and to eventually eliminate this unacceptable inequality, there should be created in the Department of Labor an office of Assistant Secretary for Veterans Employment.

SEC. 2. Section 2 of the Act of April 17, 1946 (29 U.S.C. 553), is amended—

(1) by striking out "five offices" and inserting in lieu thereof "six offices"; and

(2) by inserting immediately before the period at the end of such section the following: ", and one shall be an Assistant Secretary of Labor for Veterans Employment".

SEC. 3. Such Assistant Secretary shall be compensated at the rate provided for Level IV of the Executive Schedule under section 5315 of title 5, United States Code.

BICENTENNIAL FEVER SPREADS ACROSS UNITED STATES

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. BUTLER. Mr. Speaker, as a member of the American Revolution Bicentennial Administration Policy Board, I would like to share the following article with my colleagues. The article is entitled "Bicentennial Fever Spreads Across United States" which appeared in the Washington Post on February 16, 1975, by Margot Hornblower. The article gives a good example of the types of projects that are happening in the United States and the different groups that are participating in the Bicentennial:

BICENTENNIAL FEVER SPREADS ACROSS UNITED STATES

(By Margot Hornblower)

In Sitka, Alaska, population 3,370, a small museum is putting together an exhibit on the life of Tlingit Indians in 1776 with a grant from the National Endowment for the Arts.

In Tallahassee, Fla., the state Bicentennial commission has designed a trail linking and marking 100 historic Florida sites from St. Augustine to the Kennedy Space Center.

In Alexandria, Va., a decrepit Greek revival building has been restored to house a Bicentennial center and an exhibit on the settling of Northern Virginia by tobacco farmers.

Across the United States, in big cities and small towns, people are writing books, mounting exhibits, restoring houses, reenacting battles, organizing conferences, planting trees, setting up child care centers and planning festivals and fireworks, all in honor of the nation's 200th anniversary in 1976.

With the Bicentennial year only 10 months away, the ferment of activity is swinging into full gear. The critics are still around—those who say we're doing too much or too little is being done, that there is nothing to celebrate or that the celebrating is the wrong way.

The odds are against them in what is shaping up to be an enormous, spontaneous, democratic, colorful and confusing explosion of Bicentennial energy.

There are Bicentennial coordinators and projects in almost every agency of the U.S. government. There are Bicentennial commissions with organized programs in the 50 states and the District of Columbia; in Puerto Rico, Guam and American Samoa; in about 2,400 cities, towns and counties across the United States; on 10 Indian reservations and in 22 foreign countries from Australia to Israel.

Thousands of corporations, unions, volunteer organizations, foundations, schools and universities, religious groups and ethnic groups are sponsoring Bicentennial projects.

If one were to add up the money spent by federal, local and foreign governments, by corporations and by nonprofit organizations, the total price tag for the Bicentennial would be in the hundreds of millions of dollars.

A huge last-minute effort to pull together all the disparate elements of the Bicentennial will be staged at the Washington Hilton next week. More than 1,000 federal, state and local officials, corporate executives and religious and educational group members have been invited to report on their programs in a national conference to answer the question, "What is the Bicentennial?"

Since planning first began for the commemoration about 10 years ago, the rhetoric associated with the Bicentennial has been expansive.

Only two months ago, President Ford declared in a speech: "I see the Bicentennial of 1976 as a rebirth as well as a birthday—a rediscovery of our strength and our potential. It will strengthen our resolve to fulfill the promises of our forefathers. It will fortify our determination to continue to build a freer, more just, more humane society."

Such pronouncements, made by other presidents and politicians too, have led to great expectations, and consequently to great disappointments among those who have followed the tortured history of Bicentennial planning.

The American Revolution Bicentennial Commission, set up by President Johnson in 1966, expended money and manpower on promoting a mammoth world's fair at Philadelphia and a $1.25 billion project for Bicentennial parks in every state.

Both projects were eventually abandoned, and the commission itself was dismantled after charges that it had succumbed to political partisanship and commercial exploitation. It was succeeded in December, 1973, by a streamlined federal agency, strictly controlled by a congressional board, whose job is to coordinate Bicentennial activity in and out of government.

The demise of the Philadelphia exposition left what some critics say is a void of leadership and focus for the 200th anniversary, but what federal and local Bicentennial officials call "a richly diverse mosaic" of projects in a "community-by-community celebration."

Even so, said John W. Warner, head of the American Revolution Bicentennial Administration (ARBA) "People think of the Bicentennial in terms of a major locality. They want to know, 'Where do I dump the kids in the car and go?' "

Warner, a former Secretary of the Navy who took over the new Bicentennial agency last April, describes the Bicentennial as "a chain reaction of tens of thousands of individual celebrations—large and small—planned and carried out by citizens in every part of America."

Such a profusion of individual celebrations may be fun, interesting and even educational for the millions of participants—but will they amount to a "rebirth as well as a birthday?"

This question bothers Warner and it bothers two other individuals who have formed their own organizations to plan for the Bicentennial, John D. Rockefeller 3d and Jeremy Rifkin.

Rockefeller and his personally funded "Bicentennial Project Group" are pushing the idea of a "Bicentennial era" that would last from 1976, the anniversary of the signing of the Declaration of Independence, through 1989, the anniversary of the adoption of the Constitution.

He calls for a "Second American Revolution" that would address such problems as: How do we make our cities more livable? How can we best protect and enhance our environment? How can we assure the rights of all our citizens? What should be the nature of our economic system and the role of government?

Jeremy Rifkin, head of the nonprofit People's Bicentennial Commission, also calls for a new revolution based on social reform. The comparison with Rockefeller ends there. The basis of Rifkin's revolution would be to "destroy the power of the Rockefellers, Mellons and Duponts."

He calls for "a rededication to the democratic principles of the Declaration of Independence, the Constitution and the Bill of Rights." He declares this would involve breaking up the monopoly of large corporations and redistributing the country's wealth.

Rifkin, a young man with a flair for publicity, has received extensive press coverage for his group. PBC claims affiliates in 25 states. It has an annual budget of $200,000 raised from foundations, individual contributions and government grants. The group publishes a regular newspaper, educational materials and distributes radio and TV programs.

It is impossible to estimate how much the Bicentennial will cost—no one even knows everything that is going to happen. Total federal expenditures are difficult to estimate, since many projects now labeled "Bicentennial," such as the $50 million National Air and Space Museum being built on the Mall, have been on the works for years.

Combining estimates from ARBA and the Library of Congress, it seems the U.S. government, through its dozens of agencies, is spending roughly $100 million a year on bicentennial activities for fiscal years 1974 and 1975 and 1976.

Most of the U.S. projects are financed out of regular agency budgets through a rearranging of priorities.

With a staff of 140, ARBA spends $8 million a year to develop, coordinate and encourage programs in state and local Bicentennial commissions. In addition, ARBA administers about $22 million in matching grants for state commission projects.

The agency has computerized descriptions of more than 6,000 local bicentennial projects that will be organized into a master calendar beginning in March.

Spending in other U.S. agencies ranges from the National Park Service's $100 million (over four years) for improvements to 23 Bicentennial Park areas to the Labor Department's $75,000 for a "profusely illustrated" book on history of the American Worker.

The Park Service has built new roads, enlarged visitor centers, restored battlefields and prepared dramatic history demonstrations at sites from Ft. Stanwix, N.Y., to Yorktown, Va.

In the District of Columbia the Park Service is spending $8.7 million for a 45-acre park on the Mall called "Constitution Gardens" and $8.6 million on the National Visitor Center at Union Station.

The Defense Department's $16 million Bicentennial budget includes a project to tour the country with 16 tractor-trailers full of exhibits on military history.

The Smithsonian Institution will spend $11 million on 13 major exhibitions, a summer-long Festival of American Folklife on the Mall and four major scholarly works including a 20-volume Encyclopedia of North American Indians.

The National Endowment for the Humanities is sponsoring a television series chronicling two centuries of American history through the Adams family. The National Endowment for the Arts is financing 13 American orchestras to commission and perform new works by American composers.

The Library of Congress, with a Bicentennial staff of six historians and a Ford Foundation grant of $500,000, is publishing 25 volumes of Letters of the Delegates to Congress, 1774–1789.

State and local activities are even more numerous and varied than U.S. projects.

As expected, such centers of colonial activity as Boston, Philadelphia and New York are mounting prodigious celebrations.

But, as Warner remarked after a visit to open an agricultural museum in Stuttgart, Ark., and a mining museum in Centennial, Wyo. "The absence of historic linkage to the American Revolution has proved no deterrent to the participation of most communities."

Louisiana, Texas and Michigan rank second, third and fourth after Massachusetts in the number of communities with Bicentennial commissions and programs.

There are local endeavors of local significance: Greensburg, La., is restoring an old jail for a museum; the Bicentennial steering committee of Moody, Tex., is planning a genealogical study of Moody families; Macomb Township, Mich., has a plan to paint its mailboxes red, white and blue.

And there are extravaganzas with regional or national dimensions: Philadelphia's $13 million "Living History Center," Los Angeles' "Pacific 21" mini-world's fair, and New York City's plan for "the nation's largest single display of fireworks" on July 4 in Central Park.

Corporations, whether out of pure public spiritedness or a zeal to cash in on the best public relations opportunity in 200 years, are sponsoring millions of dollars' worth of Bicentennial activities.

Banks, retail outfits, insurance companies and manufacturers are organizing projects on their own or in partnership with local governments. Many view the Bicentennial as a chance to restore historic districts, build parks and monuments and attract tourist dollars to the local economy.

Boston businesses for example have pledged $5 million to that city's projects, from visitor centers to ethnic festivals. The Masonite Corp. is funding a $10,000 environmental awareness program in Mississippi elementary schools.

The Bicentennial, as the creation of historians, government bureaucrats, schoolchildren, social reformers and public relations executives, will reflect the America of the 1970s in its materialism as well as its idealism.

Merchandise already has begun to flood the market in what critics call the "Buycentennial." Red, white, and blue dishes, clothes, jewelery, cars, furniture, food, flowers—they will all be there to satisfy the tourist's craving for souvenirs.

The private sector has no corner on the market. ARBA has made $2.2 million so far from the sale of its historical medals, produced by the U.S. Mint in bronze, silver and gold.

The federal agency hopes to make another $3 million to $5 million by licensing private firms to produce "officially recognized" mementos. Already licensed are firms marketing flags, jewelry, paperweights and desk sets.

State and city Bicentennial commissions have followed suit with their own medallion and licensing programs.

Churches, unions, professional organizations, volunteer clubs and ethnic groups have found Bicentennial work to do. The Catholic Church is sponsoring a conference on the meaning of "liberty and justice for all". The Camp Fire Girls is holding forums on "the basic principles upon which the nation was founded."

There is an Afro-American Bicentennial Corporation, a Women's Coalition for the Third Century, an American-Irish Bicentennial Committee.

In Texas, 115 colleges and universities have organized projects. The University of Pennsylvania is establishing a "Bicentennial College for the study of colonial culture." Amherst and Williams colleges are re-enacting an 1859 baseball game with period uniforms.

So much activity across the country is bound to create a lot of movement. Jurisdictions like New York, Boston, Philadelphia and Washington, D.C., are worrying about the impact of an unprecedented number of tourists. Local governments are wrestling with problems of inadequate hotel space, public transportation and police protection.

The Washington Center for Metropolitan studies predicts massive transportation woes when an estimated 550 million to 876 million visitors travel to Bicentennial activities up and down the East Coast.

An intergovernmental committee in the metropolitan Washington area estimates that Bicentennial tourists will require up to $30 million in government expenditures for public services.

The U.S. Travel Service predicts the Bicentennial will attract 30 million international visitors requiring expanded visitor services in different languages.

That the Bicentennial will be an unprecedented tourist attraction, that it will cost a lot of money, that it will involve millions of Americans, so much is undisputed.

"This country very definitely needs some fun," said John Warner recently. "The Bicentennial will provide it. But let's make certain that we provide that substance, that tenor, that character—something at the other end of the spectrum from fun—to this once in a lifetime opportunity."

EXTEND U.S. JURISDICTION OVER CERTAIN OCEAN AREAS TO 200 MILES FOR THE PROTECTION OF OUR DOMESTIC FISHING INDUSTRY

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. EARLY. Mr. Speaker, at this time I would like to insert in the Record my remarks before the Subcommittee on Fisheries and Wildlife in support of legislation to extend U.S. jurisdiction over certain ocean areas and fish. I believe this bill is essential for the survival of our domestic fishing industry, and as a cosponsor, I am committed to urging all of my colleagues in the House to support this effort. My testimony follows:

Testimony

Mr. Chairman, the protection of the domestic fishing industry is an issue of vital importance. Our fishing industry, which has provided food and jobs for thousands of people over its illustrious past, is in serious danger of collapsing in the face of unrestrained foreign competition. Only with fast and effective help can this industry continue to occupy a prominent position in the American economy. In an effort to provide that help, I am happy to join with Congressman Studds and several other of my distinguished colleagues in the House in cosponsoring the "Interim Fisheries Zone Extension and Management Act of 1973."

Although the domestic fishing issue is one of acute importance for the entire nation, I would like to take this opportunity to stress its particular importance in regard to the state of Massachusetts, my home state.

Massachusetts, as I am sure you are all well aware, has had a long and deep association with the fishing industry. This association is symbolized by the "Sacred Cod," a wood carving which hangs in the House Chamber of the Massachusetts State House.

From the earliest days of America, Massachusetts men have been men of the sea. In colonial days, the fishing industry played such an important role in the region's economy that the merchant class came to be known as the "Codfish Aristocracy." Despite the markets that were lost and the equipment that was destroyed in the American Revolution, peacetime saw the local fishing industry triple in size over a period of about twenty years.

In the decades that followed, such cities as Boston, New Bedford, and Gloucester developed into major fishing ports. Such was the commitment of Gloucester to the industry that over ten thousand of its citizens lost their lives in fishing accidents. With the arrival of the twentieth century, Boston became the number one fishing port in the nation, taking advantage of the largest fishing pier in the country to jump into that position. Although no longer in the top national spot, Boston, followed closely by New Bedford and Gloucester, remains first in New England.

For each of these cities, and others, scattered along the Massachusetts coast, the fishing industry has constituted a lifeblood providing jobs and a way of life for a large proportion of its citizens. Furthermore, for those living in Massachusetts, and even for those living elsewhere in America, the coastal fishing industry has provided an important and popular type of food. Finally, the coastal fishing industry has contributed much to the heritage of these seaside communities.

But what is happening now to the Massachusetts fishing industry? In a nutshell, many of the gains accumulated in a two hundred year history have been erased by developments over the past fifteen to twenty years. Although there has been no shortage of statistics regarding the problems of the coastal fisheries, please permit me to point put several particularly telling statistics:

One. In 1950, the total catch by Massachusetts fishermen amounted to 591,188 thousand pounds. By 1972, this figure had fallen to 248,035 thousand pounds, a decline of almost sixty percent.

Two. In 1960, U.S. fishermen accounted for 88.0 percent of the total catch on the Georges Bank, located off the coast of Massachusetts. By 1974, this figure had fallen to 10.4 percent.

The relationship between the two sets of figures could not be more clear. The decline in the Massachusetts fishing industry can be directly attributed to the increase in foreign fishing in the area. Whereas once the coastal waters of Massachusetts were the almost exclusive domain of American fishermen, now fishermen from Russia, East Germany, Poland and elsewhere have come into the region in large numbers.

The supply of fish, like the supply of any economic resources, is limited, and declining rapidly in light of overfishing. Consequently, fishermen in the coastal cities of Massachusetts have been forced to let their boats remain idle and their processing plants remain closed.

The solution to this problem is really quite simple. Steps must be taken to make the coastal fisheries of Massachusetts and America available once again to American fishermen. The limited supplies of fish in these waters should first and foremost benefit American fishermen and the American fishing industry. By extending the fishing zones of the United States to two hundred miles, as this legislation purports to do, much could be accomplished towards this end.

In conclusion, the fishing industry has had a long and cherished association with the state of Massachusetts providing food, jobs, and a heritage for millions of its citizens. It would be truly unfortunate if this vital industry were to die simply due to the failure of the Congress to act.

CONGRESSMAN ANNUNZIO INTRODUCES H.R. 195 TO EXTEND FULL INCOME SPLITTING BENEFITS TO ALL SINGLE PERSONS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. ANNUNZIO. Mr. Speaker, in recent months tax equity, as well as tax reduction, has been a subject of much concern to the people of this Nation and to this Congress. As soon as possible after an emergency tax reduction bill is enacted and an energy tax program is put into effect, it is expected that the Ways and Means Committee will begin to consider major tax reform. In anticipation of such consideration, I have introduced H.R. 195 which is designed to correct the unfair situation whereby single persons are subject to a heavier tax burden than are married persons.

The tax inequities suffered by single persons may be traced to changes made to the Internal Revenue Code in 1948. At that time Congress granted to married couples the benefit of income splitting which provided that married couples could file a joint tax return and in effect divide their combined income equally between them. As a result, the tax liability of married persons was reduced.

The purpose of the income splitting provision was to equalize the tax treatment of married persons in community-property States with those in non-community-property States. While that objective may have its merits, an important effect of the income splitting provision was to subject single persons to a higher tax burden than married persons. After income splitting was adopted, the differential between a single taxpayer and a married taxpayer with equal income could be as much as 41 percent.

Some relief was granted single persons in 1951 when the filing status called "head of household" was created but the relief was limited to a very specific type of single person. To qualify, a person had to maintain a household which was also the principal place of residence for a dependent. In 1954 the "head of household" definition was expanded to include single persons who supported a parent in a separate home. Also in 1954, a new filing status termed "surviving spouse" was adopted and provided limited relief for widows and widowers with dependent children. In spite of these changes, however, there were still large numbers of single persons who paid as much as 41 percent more in taxes than married persons with the same income.

In 1969 Congress reduced the tax rates applicable to single persons so that the tax liability of a single person would never be more than 20 percent in excess of that paid on the joint return of a married person with the same amount of income. I do not believe that reducing this inequity by one-half is sufficient. Fairness requires that the unequal tax treatment of single persons be completely corrected.

The proposal which I have introduced as H.R. 195 would extend full tax benefits of income splitting to all single persons. It would do so by establishing a uniform tax rate structure for all taxpayers regardless of whether they are married filing a joint return, a widow or widower, divorced, or single. Only married persons filing separate returns and estates and trusts would be subject to a different tax rate schedule.

There are more than 35 million single Americans. This group is comprised of widows, widowers, and divorced persons, as well as those who have never married. The penalty this group pays each year is equal to approximately $1.6 billion. I do not believe this is a fair penalty to levy against persons simply because they do not have a spouse.

Consider, for example, the fact that under present law a single taxpayer with taxable income of $10,000 a year will have a Federal income tax liability of $2,090. A married taxpayer with the same taxable income pays only $1,820. The difference in tax liability is $270. At a taxable income level of $20,000, the single person's "penalty" is equal to $850. This is a high cost to pay simply because one has chosen to remain single or because a spouse has been lost.

There is no reason why Congress should continue to fail to act to correct the tax inequity I have just described. There are only six other countries which tax their single persons more heavily than married persons: Russia, three of her satellites, Spain, and the Netherlands.

One of the prime issues of this period in American history is the removal of discrimination from our system of laws and taxation. Certainly discrimination based on marital status is as unfair as any discrimination based on color, creed, national origin, age, or sex and should be corrected without delay. Tax liability should be determined by reasonable exemptions and deductions which reflect real differences in conditions, responsibilities, and ability to pay. The unfair treatment of single persons must be stopped.

I urge my colleagues to join with me in support of this proposal.

MORE SURFACE MINE AMENDMENTS

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. STEIGER of Arizona. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following amendments:

AMENDMENT OFFERED BY MR. RUPPE TO H.R. 25

IMPOUNDMENTS

Page 256, strike lines 1 through 11 and substitute the following:

"(13) With respect to the use of existing or new impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes, incorporate the best engineering practices for the design, location and construction of water retention facilities and construct or reconstruct such facilities to insure that the construction will be so designed to achieve necessary stability with an adequate margin of safety to protect the health and safety of the public; that leachate will not pollute surface or ground water, and that no mine waste such as coal funes and slimes determined as unsuitable for construction constituents by sound engineering methods and design practices are used in the construction of water impoundments, water retention facilities, dams, or settling ponds; provided that the Secretary shall consult with the Corps of Engineers and the Secretary of Agriculture with respect to standards developed under this paragraph."

CONFORMING AMENDMENT

Page 266, strike lines 16 through page 267, line 2 and substitute the following:

"(5) With respect to the use of existing or new impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes, incorporate the best engineering practices for the design, location and construction of water retention facilities and construct or reconstruct such facilities to insure that the construction will be so designed to achieve necessary stability with an adequate margin of safety to protect the health and safety of the public; that leachate will not pollute surface or ground water, and that no mine waste such as coal funes and slimes determined as unsuitable for construction constituents by sound engineering methods and design practices are used in the construction of water impoundments, water retention facilities, dams, or settling ponds; provided that the Secretary shall consult with the Corps of Engineers and the Secretary of Agriculture with respect to standards developed under this paragraph."

PURPOSE

This amendment removes the Corps of Engineers from a role of authority in a program fundamentally administered by the Secretary of the Interior, thus removing conflicting jurisdictional factions.

AMENDMENT OFFERED BY MR. STEIGER TO H.R. 25

VARIANCE PROVISIONS

Page 259, strike line 17 through page 263, line 2 and substitute the following:

(c)(1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in this subsection.

(2) In cases where an industrial, commercial (including commercial agricultural), residential, or public facility (including recreational facilities) development is proposed for the postmining use of the affected land, the regulatory authority may grant a variance to the requirements for regrading, backfilling, and spoil placement as set forth in subsection 415(b)(3) or 415(d)(2) where—

(A) after consultation with the appropriate land use planning agencies, if any, the proposed development is deemed to constitute an equal or better economic or public use of the affected land, as compared with the premining use;

(B) the granting of such proposed variance is essential to obtaining the equal or better economic or public use;

(C) the applicant presents specific plans for the proposed postmining land use and appropriate assurances that such use will be—

(i) compatible with adjacent land uses;

(ii) obtainable according to data regarding expected need and market;

(iii) assured of investment in necessary public facilities;

(iv) supported by commitments from public agencies where appropriate;

(v) practicable with respect to private financial capability for completion of the proposed development;

(vi) planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use; and

(vii) designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

(D) the proposed use would be consistent with adjacent land uses, and existing State and local land use plans and programs;

(E) the regulatory authority provides the governing body of the unit of general purpose government in which the land is located and any State or Federal agency which the regulatory agency, in its discretion, determines to have an interest in the proposed use, an opportunity of not more than forty-five days to review and comment on the proposed use;

(F) a public hearing, if requested after appropriate notice, is held in the locality of the proposed surface coal mining operation prior to the grant of any permit including a variance; and

(G) all other requirements of this Act will be met.

(3) In granting any variance pursuant to this subsection the regulatory authority shall require that—

(A) the reclaimed area is stable;

(B) no damage will be done to natural water courses; and

(C) all other requirements of this Act will be met.

(4) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as it deems to be necessary.

(5) All variances granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

PURPOSE

This amendment modifies the variance provisions for certain post-mining uses and equipment shortages.

AMENDMENT OFFERED BY MR. RUPPE TO H.R. 25

ALLUVIAL VALLEY FLOORS

Strike out all of line 22 through line 24, and on page 239, strike out all of lines 1 through 21, and insert the following:

"(5) the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would not have a substantial adverse effect on croplands or haylands overlying alluvial valley floors where such croplands or haylands are significant to the practice of farming or ranching operations."

RECOMMENDATIONS ON ENERGY POLICY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. LEHMAN. Mr. Speaker, yesterday, the Florida congressional delegation met for very informative discussions with representatives of the Florida Petroleum Marketers Association.

The Florida Petroleum Marketers Association has developed a number of recommendations on national energy policy and these recommendations certainly deserve our full consideration.

I would like to insert at this point in the RECORD a summary of the recommendations on national energy policy prepared by the Florida Petroleum Marketers Association:

RECOMMENDATIONS ON THE NATIONAL ENERGY POLICY

The Florida Petroleum Marketers Association, composed of 250 independent wholesale marketers, is of the unanimous opinion that the country, the petroleum industry, and its independent welfare could best be served by a return to the free, competitive market without undue laws and regulatory rules and regulations governing the production, refining, marketing, and pricing of petroleum and natural gas.

To accomplish these goals, the Association recommends these following recommendations on establishing a national energy policy:

1. That no mandatory controls be enacted to control the importation of petroleum products through an Import Quota System and a reduced allocation percentage in the marketplace to consumers. Such action would only reduce supply artificially and would not directly affect demand.

2. That no increased duties, tariffs, or excise taxes on crude oil should be included in the program because they;

(a) are even more inflationary than end-use tax,

(b) do nothing to stimulate increased production of domestic energy, and

(c) may quickly lose their conservation effect.

3. Decontrolling crude and natural gas prices and letting supply and demand establish the market price.

4. Immediate removal of the Entitlements Program which, through price manipulation, favors certain sections of the country and petroleum companies at the expense of other large sections of the country and petroleum companies who invested heavily in domestic production.

5. That any increase in cost of refined petroleum products be shared proportionately product by product according to refinery runs and the law of supply and demand. Any disproportionate share of the cost placed upon gasoline would be detrimental to the economy and citizens of Florida and its tourists. Florida currently ranks 20th in total net energy consumed in transportation, 45th in petroleum consumed in household heating, and 50th in total net energy consumed. (See attached.)

6. Adopting any appropriate new energy policy will create disruptions, such as rising product prices or increasing forward integration by crude oil owners. To preserve the competition provided by independent branded and non-branded petroleum marketers (a basic objective of the Emergency Petroleum Allocation Act of 1973) during these disruptions, *refinery product price controls and an allocation program must be maintained* during a transitional period while returning the industry to a free, competitive market. The allocation regulations should, however, be *simplified* with a market share system that protects individual marketers as well as the several different wholesale and retail level classes.

7. End user rationing should under no circumstances be a part of the program because it would involve a burdensome bureaucracy and be highly inequitable to many individuals.

8. Establish a strong mandatory conservation program to reduce demand and the country's dependence upon imported product and domestic supply encompassing the following:

(a) By mandatorily converting electric generating plants to coal.

(b) By promoting research and development seeking technological advances that will improve the desirability of coal as a fuel.

(c) That the Federal Government encourage fuel economy through some form of tax charges and/or credits on vehicles based on their fuel consumption.

(d) Requiring conservation through enforcement of speed laws.

(e) Required minimum insulation in new homes and tax credits for improved minimum insulation in older homes.

(f) Reduced commercial lighting, heating, and cooling.

IMPORT QUOTAS AND GASOLINE ALLOCATION

Mandatory import quotas and a gasoline allocation system could be used to reduce oil consumption by one million barrels per day—but at great inconvenience to all. In the first four months of 1974 an allocation system was in effect. Dealers sold all the gasoline allocated to them. But lines were long; stations closed early; customers were irritated; dealers were harried; and total gasoline consumption was reduced by only 4%—or 270,000 barrels per day—from prior levels.

The embargo allocation system had several adjustments or exceptions that made it more workable by increasing allocations to several groups. First, the 1972 volume base was increased about 10% to adjust for the two-year increase of vehicle registrations. Second, high priority customers, such as farmers and the military, were allowed 100% of their needs, and nearly all commercial and industrial allocations were based on stated current needs, rather than on historical usage. Third, some additional gasoline was set aside for the states to allocate in emergency situations. The net result was that gasoline sales fell only about one-half as much as one would expect looking at the official allocation percentages of 75–80%, and industry gasoline sales fell only 4% from the prior year.

With gasoline consumption currently averaging 6.6 million barrels per day, a one-million barrel per day reduction should be possible with an across-the-board 85% allocation. But an across-the-board allocation is not feasible. Twenty-five percent of the gasoline is for non-passenger car use—mostly by farmers and truckers. The remaining 75% is 20–25% discretionary and 50–55% essential. The discretionary covers social and recreational travel. The essential is for business, shopping, services, etc. Abruptly curtailing essential uses would further depress the economy.

Reducing gasoline availability for passenger cars by 20–25% would reduce oil consumption by one million barrels per day. But the bigger results would be chaos at the service stations and economic hardships. We believe a broader energy conservation program is essential. All forms of oil and all forms of energy must be covered by the program.

TWO-TIER PRICING AND ENTITLEMENTS AND THEIR EFFECT ON FLORIDA

The FEA, through releasing prices on new and stripper well crude and establishing a price of $5.25 per barrel for old crude, established a two-tier pricing program. To further complicate the pricing mechanism and the equalization of product supply, FEA established the Entitlements Program which very simply takes domestic crude from those companies that invested in the U.S. and gives it to the companies that traditionally bought foreign products at low prices before the Arab Embargo. The distribution of old oil is based upon a national ratio of old crude to new crude and those producers with old crude above the ratio must "sell" to those companies with a ratio below the national average. This program benefits primarily the New England states, which traditionally imported cheap foreign residual and No. 2 fuel oil.

This Entitlements Program is costing domestic companies "rich" in old domestic crude an average of one cent per gallon on refined products. In the case of Florida, which receives a very high percentage of its products, primarily gasoline and No. 2 fuel oil, from companies "rich" in domestic old oil, the cost to Florida consumers is in excess of four million dollars monthly or nearly 50 million dollars annually. This conservative estimate is based upon monthly average gasoline sales of 400 million gallons. This results in a subsidy to New England consumers by the consumers in Florida.

SHIFTING OF INCREASED REFINERY COSTS AND ITS EFFECT ON FLORIDA

Current FEA regulations permit refinery discretion in shifting increased refinery costs due to taxes, tariffs, and crude to gasoline rather than fuel oil. However, it is believed that major suppliers will not use this authority because they are committed to high levels of gasoline production. In general, these FEA rules permit refiners to "shift" a disproportionate share of costs to gasoline. Should this be done by the refiners, it would be extremely costly to Floridians who consume an average of 714 gallons of gasoline per capita yearly, compared to an average of 126 gallons of fuel oil per capita annually.

Mr. Frank Zarb, Director, FEA is currently recommending that FEA issue a new pricing regulation that would mandatorily require a cost "tilt" toward gasoline. (This in spite of President Ford's statement on January 13 . . . "Furthermore, the burden of the conservation taxes on oil will be shared by all petroleum users, not just motorists.") Mr. Zarb is recommending that gasoline prices go up by *at least* twice the amount a refiner increases the price of No. 2 oils. Should this come about, it would cost Floridians an additional $4 million monthly for each .01¢ increase in gasoline prices. For example, should there be a gasoline tax increase of 10 cents per gallon (10 to 5 ratio) it would cost consumers in Florida an extra $40 million monthly or $480 million annually for gasoline over the present $48 million annually being paid by Florida consumers as a result of two-tier pricing and the Entitlements Program. All this for the subsidy of consumers of New England who traditionally imported low-cost fuel oil and are now having to pay the $12 per barrel cartel costs. New England has a yearly 521 gallon per capita use of petroleum for transportation compared to a yearly 588 gallon per capita use of fuel oil. New England ranks 9th in total use of energy compared to 5th for the South Atlantic Region. Florida, as a state, ranks last, or 50th in the total per capita use of energy. Any "tilting" would certainly not be to the advantage of Florida consumers.

DEFENSE DEPARTMENT PLANS TO ELIMINATE SUPPORT OF COMMISSARIES ON MILITARY BASES

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. WHITEHURST. Mr. Speaker, as most of my colleagues are aware, the Department of Defense has announced plans to eliminate support of commissaries on military bases. The Department proposes to require the commissaries to reimburse the Treasury for 50 percent of all direct costs beginning October 1, 1975, and 100 percent of such costs after October 1, 1976.

Let me say that I am very much opposed to any such drastic reduction in Federal support for commissaries. Fringe benefits such as commissaries have a symbolic significance to the military that overrides their dollar value many times. Their continuation represents a symbolic expression of national appreciation for the sacrifices that almost every military person has been called upon to make during the course of his career.

The commissaries are particularly important to military retirees who served their country for many years at low pay, and whose retirement pay has not been recomputed as it should be.

The withdrawal of funds would cause a definite price rise in the commissaries, placing a real penalty on both retired and active duty military personnel, particularly in a time of inflation and rising prices in every area of our economy.

I believe it would be not only inequitable but a breach of faith on our part to refuse to support the commissaries any longer. Commissary stores already reimburse the Government for heat, light, water, and other utilities. The Department of Defense would now pass on to the consumer, in addition, the charges for transportation of store items and the cost of both military and civilian personnel operating the commissaries. The rise in prices would likely result in a significant drop in sales and possibly even the eventual closing of these facilities. Additionally, this lessening of Federal support would necessitate a reduction in force of a large number of civil service personnel in order to adjust to the anticipated lower volume of sales.

On January 23, 1975, I wrote to Secretary Schlesinger to express my concern, and on February 19, I introduced H.R. 3363, which directs the Secretary to operate and maintain the commissary stores which were open on January 1 of this year, and which would also provide appropriations for all direct costs, including the cost of the civilian and military personnel who man them.

While I would agree that the defense budget should be cut along with those of the other agencies, I do not believe that the commissaries are the place to begin.

I hope that my colleagues will join me in keeping the commissaries open for our retired and active duty military personnel; I believe we have a responsibility to do so.

OF CHILDREN AND CHICKEN COOPS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. CORMAN. Mr. Speaker, the Oxnard School situation is clearly typical of all school districts and is the reason it is important to solve the problem of school integration. The problem will not really be solved as long as we continue to place the burden on the shoulders of Federal judges. There must be an understanding of the roots of the problem and of the tremendous value to society a solution to this problem will be. That understanding must be attained by school boards, teachers, parents, and the general public if we are to avoid the conflicts so often present in school desegregation matters. I, therefore, bring to my colleagues' attention a recent editorial from the Los Angeles Times:

[From the Los Angeles Times, Jan. 26, 1975]

OF CHILDREN AND CHICKEN COOPS

The minutes of the Oxnard school board, uncovered by two enterprising attorneys, leave no doubt that the board willfully and deliberately set about the segregation of its students and perpetuated the policy of discrimination for many years.

That record answered the last questions of a federal appeals court. The original judgment of District Judge Harry Pregerson was reinforced, and the wisdom of his earlier integration order was confirmed.

But what if the minutes had remained forgotten, these board decisions of 30 and 40 years ago hidden from view? Would the appeals courts have been satisfied with something less?

The answer is that we simply do not know, because the U.S. Supreme Court has not yet dealt definitively with the form of segregation that generally exists outside the South.

It is a relatively easy matter to conclude that the dual school systems of the South or the overt segregation of Oxnard is a deprivation of constitutional rights.

It seems equally clear to us that a situation in a school system that shows marked segregation is cause enough for judicial intervention, regardless of the roots of that segregation, if those in authority have done nothing to correct the inequity.

In Oxnard, three elementary schools had enrollments made up 95% or more of minority students while all the other elementary schools had enrollments made up 75% or more of Anglos. Pregerson found that sufficient to take action. We think he was right. But the District Court of Appeals did not, and asked for evidence that the school board had in some way shown an intent to further segregation. We think that unnecessary.

The evidence that finally was accumulated is a shocking reminder of how some people viewed these matters only a few years ago. For the Oxnard boards of the 1930s, the Mexican-American children were "Mexicans," the whites were "Americans." And converted chicken coops were good enough for teaching the "Mexicans."

Seen in the light of our better understanding today, that was an outrage.

But so also is the sophisticated gerrymandering of district and school attendance lines that just as surely maintains separation of the races, reinforces housing patterns once guided by restrictive covenants.

The nation will not excise this debilitating prejudice until it acts with equal vigor against the unspoken injustices that are recorded in no board minutes.

REVEREND DUVERNOY'S OPEN LETTER ON ISRAEL

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. REES. Mr. Speaker, with the increased interest over the current negotiations in the Middle East, I wanted to submit a statement by the Rev. Claude Duvernoy, who is an Israeli Christian theologian living in Jerusalem. I was especially interested in his remarks concerning actions of the United Nations in its dealings with the Palestine Liberation Organization and Yassir Arafat.

This open letter was published recently in the Los Angeles newspaper Heritage.

AN OPEN LETTER TO DR. WALDHEIM

SIR: May I ask you to spare a few moments to read this letter from an Israeli Christian theologian who has been living in Jerusalem since 1962 and for whom the recent happenings at the U.N. General Assembly have been even more appalling than the contemptible Munich diplomacy of 1938.

It is quite clear that Arafat and Co. would not have enjoyed such a monstrous success had they not murdered women and children, hijacked and destroyed civilian aircraft, had they not practiced that most despicable of crimes: the murder of hostages.

In short, crime *does* pay at the so-called United Nations.

Anti-Semitism, too. For it is sheer anti-Semitism to proclaim, for instance, that the Jews are desecrating the beauty and character of Jerusalem, their Biblical capital. It is sheer anti-Semitism to assert that they are harming Christian and Moslem institutions and interests. It is only since June 1967 that the three Abrahamic religions are for the first time enjoying equality of respect and rights, with free access to all the Holy Places.

Look around this ancient city, Sir, and see for yourself. What mars her beauty? The reconstruction of the Jewish Quarter fully respects the character and beauty of the Old City.

But when the Jewish Quarter was destroyed by the Arab Legion, after the 1948 fighting, not a single voice of protest was raised by diplomats, Church leaders or UN personnel. All the synagogues of the Quarter were razed and turned into stables for donkeys. No one protested.

Who is desecrating the Old City today? I would ask you to go and look at the marvellous Golden Gate, which means so much to Jews and Christians alike, and see how the Moslem authorities have turned it into the junk yard of the Mosque.

To suggest that archaeological excavations along the Wall are being carried out in order to destroy the places holy to Islam is lunacy. But that is what Unesco has decided.

There is in Jerusalem a beautiful Garden, with a unique Tomb—the Hill of Golgotha venerated by the entire Protestant world. Under the Hashemite regime, this hallowed ground was desecrated by the construction of a bus station. Who cared? Who protested?

A few weeks ago, some 40 nations had the elementary courage and dignity to refrain from supporting the murderous claims of the Arafat-Feisal-Gaddafi-Amin gang. May I humbly suggest that these same democracies quit the "Manhattan Circus," establish themselves in less polluted surroundings and leave the murderers and their backers to themselves.

You could take the initiative in this, Dr. Waldheim, or at least resign. As an Austrian, you cannot possibly wish to remain with an institution which bows to the orders and desires of the heirs of the Nazis.

Yours respectfully,
The Rev. CLAUDE DUVERNOY, D.D.

NEED FOR RECONCILIATION BETWEEN LEGISLATIVE AND EXECUTIVE BRANCHES ON FEDERAL EDUCATION LEGISLATION

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

• Mr. QUIE. Dr. Samuel Halperin, Director of the Institute for Educational Leadership and formerly Deputy Assistant Secretary for Legislation with the Department of Health, Education, and Welfare, in a recent issue of The Christian Science Monitor, has done a great favor for those of us concerned with the Nation's Federal education programs.

He has put into sharp perspective some of the real and vexing problems which have most concerned those of us who care deeply about the Federal role in education, and it seems to me that we should pay close attention to the suggestions Dr. Halperin makes.

I would commend the article to my colleagues in both House and Senate who serve on the education subcommittees; to those in the executive branch with whom we seek to reach accord on matters of legislative difference; and to those in educational interest groups who are concerned with making the legislative process work more effectively.

I should also like to point out and applaud Dr. Halperin's excellent leadership in helping bring together our education leaders and key Government officials through the educational staff seminars and in other ways, as well:

Top Education Need: Restored Confidence—Relations Have Become Strained Between Politicians, Educators

(By Samuel Halperin)

WASHINGTON.—The United States' first priority in educational affairs is the restoration of public confidence in our educational processes—in their integrity and efficacy. And we can expect little progress in overcoming our national educational deficit until a credible federal role in education has been restored.

It was only a few short years ago that the situation was entirely different. Then, educational spokesmen could come before political decisionmakers and proclaim: "Give us the tools [legislation and financial backing] and we will do the job."

Then politicians confidently would assure educators that they believed in them; that they were the "keystone in the arch of freedom."

LOUD COMPLAINTS

But today, the dialogue between politicians and educators ranges from nonexistent to acrimonious.

Education today is not a significant national priority. And elected officials feel free to condemn many of the best efforts of educators as "disasters" and the administrators themselves as "dolts." For their part, the educators complain long and loud that there is a disastrous fall-out in political as well as popular support for schooling.

At the national decisionmaking level relationships between the executive and legislative branches are sorely strained. The same can be said of the relationships between educational interests and the government as well as among the various educational associations themselves. Periodic ruptures are the rule, not the exception.

TRUST EVAPORATED

Only the presence of a handful of able and well-motivated leaders in the Congress and in national educational associations keeps alive any semblance of mutual interest and common destiny.

At the risk of overstating the case, let me cite some examples of this painful and debilitating state of affairs among those who should be the leaders not the destroyers of educational progress:

Fundamental trust largely has evaporated. Incumbents describe their counterparts in other agencies, education associations, and branches of government as devious or even dishonest.

FUZZY PICTURE

Top educators in the executive branch are perceived as not possessing sufficient clout. Instead of coequal branches of government (executive and legislative) negotiating together about what needs to be done, association officials and congressmen make "music" together while the executive branch seems to hear a different tune—or no music at all.

There is no clear perception of what the federal role in education should be. The picture appears equally fuzzy to educators, legislators, and members of the executive branch. For example: Should federal resources be used to promote equity, capital building, innovations, or diversity? Should the focus be on one particular segment of the population or on all in equal amounts?

The consequences of this triple breakdown—of clear national purpose, of fundamental trust, and of parity among the branches of government—result in frustration, petulance, arrogance, waste, demoralization, none of which is good for educational affairs in this great nation.

STUDIES MANDATED

What happens because of this?

Congress legislates new authorizations that vastly exceed appropriations—a frustration for all concerned. Often the promises are followed by no action.

Congressional appropriations committees regularly reorder the priorities written into law by authorizing committees. Dozens of special studies are mandated by Congress, but staff and funds seldom are provided for carrying out the studies.

Further, Congress demands that the executive branch be diligent in the monitoring of programs in the field and then (often with the encouragement of educational interests) cuts executive branch staff and travel funds to such a low level that failure is inevitable.

Congressional leaders regularly call for accountability and cost-effectiveness, while simultaneously slashing funds for evaluation and fundamental research about teaching and learning.

When the executive branch fails to perform up to congressional expectations, often the result is prescriptive and even punitive legislation. Timing, too, is a problem. Before the education community can understand, much less implement, guidelines and regulations, they are changed and new guidelines are given.

Personnel problems are equally debilitating. Top education bureaucrats, despairing of progress, come and go, seldom lasting the length of a single congressional session. New executive appointees, with bursts of ardor to "straighten out the mess," reorganize their agencies, which had just been reorganized in this annual or semi-annual ritual.

Even funding cycles are not in harmony. The vagaries of appropriations seldom mesh with the funding patterns of state or local educational agencies. This causes a loss of rational planning and almost guarantees wasteful end-of-the-year, off-the-top-of-the-head spending.

What can be done to restore public confidence in those who make the vital decisions affecting our nation's educational institutions?

NO "QUICKIE" ANSWERS

To be sure, there are no "quickie" answers.

What is needed first is a realization on all sides that the present situation is intolerable. That all parties have contributed to the breakdown and should participate in the healing. And that finger-pointing and accusations are counterproductive.

Mutual concessions and mutual labors must prevail.

However, improved institutional mechanisms can emerge only when effective dialogue has been restored. When a sense of common destiny has been reestablished.

Congressional leaders in education must meet regularly with their executive branch counterparts. The White House must stop considering such meetings as "traffic with the enemy." Congress must be more compassionate and helpful in trying to understand the problems of the executive agencies whose job it is to carry out congressional mandates. Similarly, the executive must heed both the letter and the intent of the law.

OPERATIONAL STYLE

Hence, accommodation and honest negotiation must replace confrontation and recrimination as the operational style of our principal educational leaders. Then, and only then, can there come about a creditable federal role in education.

NATIONAL MEDICAL INJURY COMPENSATION INSURANCE

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mrs. SPELLMAN. Mr. Speaker, a crisis in health care of such magnitude that the Federal Government must respond has been created by recent increases in the cost of medical malpractice insurance. The cry for such a response is being heard from citizens in my own State of Maryland and across the Nation. In Maryland, a dispute between the State Insurance Commissioner and the St. Paul Fire and Marine Insurance Co. resulted in the announcement by the insurance company that it was withdrawing from the medical malpractice insurance field in the State of Maryland. About 90 percent of the physicians in the State are covered by this company. To date, the insurance commissioner and the State Medical Society has succeeded only in extending coverage until April of this year. The crisis of these burdensome insurance rates and the effect it may have on patient care shows no sign of abating.

Today, I am introducing a bill to establish a Federal system of compensation for injuries received in the course of medical treatment. The crisis could be abated in that under my bill any person who received such an injury would automatically be compensated for the unreasonable delay entailed by having to prove that his doctor had been negligent or involve himself in the difficult task of bringing a malpractice suit. This approach to medical injures is a clearly desirable alternative to the existing tort system of malpractice law from the standpoint of doctors and patients alike.

However, until recently, Federal involvement regarding medical malpractice has been limited to factfinding and the convening of those involved in the medical malpractice problem to help them deal with the immediate problem of the availability of medical malpractice insurance. The problem which became apparent in the early seventies and reached crisis levels by the end of 1974 did, indeed, bring the Department of Health, Education, and Welfare into the picture. Secretary Weinberger, noting that a number of carriers of medical malpractice insurance were threatening to pull out of certain States, urged that insurance companies "take no precipitous action which would deny coverage to physicians." However, more needs to be done. Many have come to realize the need for the scope of the legislation I am offering today.

Specifically, my bill, the National Medical Injury Compensation Insurance Act of 1975, would establish a no-fault system of compensation similar to workman's compensation. It would cover injury sustained during the delivery of health care. Under the bill, the Secretary of Health, Education, and Welfare would enter into contracts with health care providers, both professionals and institutions, who choose to participate the program. The providers would pay an annual premium to a Medical Injury Compensation Fund and would in turn receive no-fault coverage for their patients as well as Federal medical malpractice insurance for themselves.

For the duration of the provider's participation in the program, any of his patients who sustained an injury as a result of the provider's health services would be entitled to file a claim with a Medical Injury Compensation Insurance Administration in HEW. If his injury were deemed treatment-induced, he would be compensated for medical expenses, injury-related income loss, and pain or inconvenience. The program would, however, be a secondary insurance program; that is, any benefits the patient received from the compensation plans like health insurance, sick leave plan, or workman's compensation would be deducted from the benefits due under this program. Determinations would be made by the Secretary—who would be empowered to subpena any relevant witness or materials. If appealed by the patient, determinations would be reached through an administrative hearing or, thereafter, by judicial review in the Federal courts. If he chose to do so, the patient could still seek redress through medical injury compensation benefits. However, the initiation of one process—either the no-fault or the malpractice process—would disqualify the claimant from seeking recovery through the other. Participating providers who were sued would be covered by Federal malpractice insurance for damages awarded the plaintiff.

Mr. Speaker, similar legislation has been offered in the Senate by Senators Inouye and Kennedy. Together, we hope this type of legislative approach on a Federal level can help meet the crisis of patient care and exorbitant cost of medical malpractice insurance which affects physician and patient alike.

DINGELL AMENDMENTS TO H.R. 25

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. DINGELL. Mr. Speaker, H.R. 25, as reported by the House Interior and Insular Affairs Committee is in many respects a good bill. However, it has flaws which the House must correct.

First. When the House considered this legislation in the 93d Congress it agreed to my amendment which prohibited all surface coal mining in areas of the national park, the national wildlife refuge, and the wilderness systems; and prohibited surface coal mining in the national forest and wild and scenic river systems, except where such mining exists on the date of enactment, and except where the deeds conveying the lands to the United States reserved the coal and permitted such mining, with the added proviso that such mining would be subject to the regulatory requirements of the bill.

The conferees rewrote this section to permit the continuance of existing mining operations in the national parks, wildlife refuge, and wilderness system, and to permit all mining based on "valid existing rights." That clause effectively negates the prohibition.

The conferees also opened up the national grasslands to all surface mining.

Mr. Speaker, H.R. 25 contains the conference approach. It permits surface coal mining in wilderness, wildlife, and recreation areas and in the national grasslands.

Indeed, I may vote against the bill if this provision is not changed on the House floor.

I intend to offer an amendment to close this loophole and bring the section back to the version adopted by the House in the 93d Congress. I hope the committee will accept my amendment, so that I and my colleagues can support the bill.

Second. I will also offer an amendment to preclude surface coal mining within 300 feet of the outside boundaries of these Federal areas.

The bill now provides such protection to dwellings—incidentally I understand the term "owner" in section 522(e)(5) of the bill to include lessees and tenants, as well as the fee owner—public buildings, public parks, roads, and so forth, but not these Federal areas. Thus, the bill would permit surface coal mining right up to the boundary of a national park or wilderness area, even in cases where it purports to prohibit mining within such areas. This is not adequate protection for these Federal areas.

Third. I will offer a technical amendment to insure that the new Office of Surface Mining Reclamation and Enforcement will have its forms and questionnaires approved by the General Accounting Office, rather than the Office of Management and Budget. The GAO is now doing this for a number of regulatory agencies pursuant to provisions we adopted in the 1973 Alaska-pipeline legislation.

Fourth. I will offer an amendment concerning the holding of any financial interests in coal mines by employees administering this Act.

In 1879, Congress enacted 43 U.S.C. 31, which states:

> The Director and members of the Geological Survey [of the Interior Department] shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

According to a March 3, 1975, report by the Comptroller General—FPCD-75-131—entitled "Effectiveness of the Financial Disclosure System for Employees of the U.S. Geological Survey," the Geological Survey has uniformly interpreted the above statute to mean that—

> No USGS employee may own an interest in oil or mining enterprises.

Despite this, the GAO found, page 5:

> A supervisory mining engineer has owned stock since 1968 in seven mining companies (four operating in the United States and three in foreign countries).
>
> A supervisory petroleum engineer in New Mexico has owned oil and gas interests in New Mexico and Texas since 1971.
>
> An administrative geologist owned stock in 12 companies with oil or mining interests.
>
> A supervisory petroleum engineer, empowered to suspend oil company operations on leased lands if operations were not properly conducted, has owned stock in Mobil Oil Company, Standard Oil of California, and Standard Oil of New Jersey since 1971.

In essence, the GAO found that the Interior Department is not effectively enforcing the 1879 law or the President's 1965 Executive Order 11222 on financial disclosure by Government employees, in part because the law and order have no teeth. Incidentally, Congress has applied the 1879 law to the Bureau of Land Management (43 U.S.C. 31) and adopted a similar law (30 U.S.C. 6) for the Bureau of Mines.

I plan to offer an amendment which will prohibit employees administering this bill from having a financial interest in coal mining operations, with one limited exception. It would let an employee hold up to a total of 100 shares of stock in companies having interests, direct or indirect, in coal mining operations if such companies' stock is listed on a securities exchange registered with the Securities and Exchange Commission. The amendment would require that the Director of the new Office of Surface Mining Reclamation and Enforcement enforce this requirement and file an annual report to Congress on such enforcement. My amendment would also provide a penalty for knowing violations of this prohibition.

If the Congress in 1879 believed such a prohibition essential then, imagine what it would believe today in the light of recent scandals.

I want to prevent future scandals. Federal employees administering this law could hold stocks, et cetera, in many corporations, but not those with coal mining interests. I think this is appropriate.

Fifth. I plan to offer an amendment placing some, but not all, of the responsibilities of this bill in the Environmental Protection Agency. For example, my amendment would let Interior administer titles II and III of the bill, as well as those provisions relating to Indian lands. It would place the new Office in EPA and give the new Director the responsibility for regulating surface mining, but make it clear that the penalty provisions of the title V shall be administered by the head of EPA. Some sections of the bill, such as the citizen suit provisions, would apply to EPA, Interior, and the new Office.

I have requested that my amendments be printed in the Record. I urge your support.

WHY DEFICITS ARE DESTROYING JOBS, NOT CREATING THEM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. KEMP. Mr. Speaker, the House of Representatives voted yesterday to fund a massive $5.9 billion public service jobs program.

I opposed that bill. I did so because, among other reasons, of my firm belief that out of control borrowing by the Federal Government to finance these deficit nonbudgeted programs—will "crowd out" or preempt the private credit and capital so necessary to housing markets and construction in general.

When Government borrows from the capital markets, it crowds out the mortgage money. Capital is diverted away from mortgages for home, commercial, and industrial construction. The result is depressed construction and rising unemployment. That unemployment starts first among those actually engaged on the sites, then works its way backward through the manufacturers of materials used in construction—from electrical wire to nails.

Senator William Proxmire of Wisconsin, the chairman of the Senate Committee on Banking, Housing and Urban Affairs, pointed out last August 22 the effect of this "crowding out" phenomenon. For every $10 billion taken in Federal borrowing, approximately 500,000 new housing starts cannot begin for lack of mortgage funds. That results in the direct loss of over 1 million jobs and the indirect loss of over 2 million more.

By comparing those statistics to the bill considered yesterday—spending nearly $6 billion for public service jobs—we can see how much that $6 billion drain from the capital markets will hurt employment. It will prevent about 300,000 job starts from getting off the ground this Spring, resulting in direct unemployment of about 600,000 and indirect unemployment of an additional 1.2 million—1.8 million altogether.

It simply does not make sense to jeopardize, then destroy, 1.8 million tax-generating productive jobs to create—at even the best, most optimistic estimate—900,000 tax-consuming, essentially unproductive jobs.

This crowding out effect was the subject of an informative editorial in the Wall Street Journal of today. That editorial reads as follows:

Crowding Out

Understanding the economy in 1975, unfortunately for those of us with enough on our minds already, requires an understanding of an esoteric economic debate over something called "crowding out."

Treasury Secretary Simon sounded the first guns in this debate by warning that financial markets cannot finance both the huge federal deficit and the needs of private borrowers. Some economists have described his fear as "hysterical." In a letter to The New York Times, six prestigious liberal economists said the problem would be handled through an "accounting identity." But in recent weeks, independent analyses have been conducted by Norman B. Ture, a Washington-based consulting economist, and Allan H. Meltzer of Carnegie-Mellon University. Each reports that, until he got the numbers down, he could not believe things are as bad as they are.

The crux of the matter is that when the federal government borrows to cover its deficits, it competes with private borrowers who need funds to invest in plant construction and housing. Both government and private needs must be met from the savings pool, which consists of business savings (profits plus depreciation and other "capital consumption allowances"), personal savings and inflows of foreign funds. Allowing for special factors and statistical error, the two totals will always be the same; this is the "accounting identity."

The problem is that if you plug some reasonable 1975 projections into this equation, it is very hard to get the totals to come out equal. This suggests that as the heavy government borrowings come on stream in the second half, the economy may well be in for some type of severe shock now only dimly foreseen. A typical projection, with calendar year 1974 as a base, would look something like this:

BILLION DOLLARS

1974: Invest. + Deficit Eq. Bus. Sav. + Per. Sav. + For. Inv./208.9 + 5.9 Eq. 136.5 + 76.7 + 3.6. Total 214.8. Eq. total 216.8.

1975: 205 + 70 Eq. 150 + 80 + 10. Total 275. Eq. 240.

Eq. means equals.

First, a word about the estimates. Private investment may fall off more rapidly, but so may corporate profits. Personal savings may be higher if the savings rate rises but will be lower if personal income falls. The net inflow of foreign funds may increase, but the above estimate already provides a tripling in a year's time. The estimate of a $35 billion gap is essentially a conservative one, and the question is, how will this gap be closed?

Part of the gap—and in a sense the whole debate is over how much—will be filled by the Federal Reserve System's purchases of federal debt by in effect printing up new money. Over the course of a normal year, the Fed will buy federal securities, thus injecting reserves into the banking system and making the money supply grow. It's easy enough to calculate roughly the relationship between the Fed's purchases and money growth. At a 6% growth in the narrowly defined money supply, the Fed would buy about $7 billion in new federal debt. If the Fed closes the gap by buying the whole $35 billion, the money supply would grow by about 30% over a year's time.

Before we go one sentence further, let everyone understand that money growth anything like the latter figure will not only rekindle inflation, but will make interest rates go up, not down. As soon as lenders and borrowers see that kind of money growth coming, they will start to crank higher inflation estimates into their calculations. Mr. Ture expects the Fed to monetize the bulk of the deficit, for example, and talks in terms of a prime rate of 20% by the end of 1975.

If the Fed pursues reasonably moderate money growth, the deficits will still make interest rates rise, though not so astronomically. The normal operations of the market would balance the equation through higher interest rates, discouraging borrowing and encouraging savings and foreign inflows. But with a $35 billion gap to close, this implies interest rates that still might be high enough to cause severe problems.

A drop in business investment below $205 billion implies a much deeper economic decline than so far predicted. Even the pessimistic predictions of the Council of Economic Advisers looked for a small increase, not decrease, in private investment.

Alternatively, the $80 billion in personal savings is based on a savings rate of 7.9% of a disposable income of $1,049 billion. Over the last 25 years, the savings rate has ranged from 4.9% to 8.2%. To generate an extra $35 billion it would have to leap to an implausible 11%.

Finally, the interest rates necessary to force savings up and investment down by such an amount might themselves be high enough to prevent a recovery. The effect on the housing sector, in particular, is entirely predictable.

The long and short of the analysis is that somewhere between a federal deficit of $50 billion and a federal deficit of $80 billion the string snaps. To maintain the "accounting identity," you are all but forced to assume the economy will unwind in one way or another. You can make the same kind of analysis not through the National Income Accounts as above, but through a different "flow of funds" methodology. Salomon Brothers did this earlier in the year, coming to this conclusion:

"The consequences of a U.S. budget deficit substantially greater than the nearly $50 billion estimated by us for calendar 1975 should be clearly recognized. Such a deficit could be reasonably financed only if the economic contraction this year is much greater than we expect. Otherwise the budget deficit would either lead to a vicious struggle for funds between private borrowers and the government, or the Federal Reserve would have to supply funds without regard to its long-range responsibilities. In any event, a larger than expected deficit would threaten economic recovery, despite the best intentions of government, by crowding out medium to lower rated borrowers, many of whom are already in peril, and mortgage borrowers as well, thus aborting recovery in housing activity."

Last week Walter W. Heller, a valued member of our Board of Contributors, cited the Salomon Brothers analysis as reason not to worry about crowding out. But by now the Salomon Brothers analysts are well aware the deficit for calendar 1975 will be far above $50 billion. The St. Louis Fed puts the calendar year deficit at $62 billion merely on the basis of administration proposals, which included (on a fiscal year basis), $16 billion in expenditure reductions and a tax cut of only $16 billion.

But suppose for a minute that Mr. Heller is right about 1975 and that the gap is filled by a happy combination of events. Suppose money growth is moderate, and the Fed takes up some debt. Falling inflation means lower interest rates, and suppose this effect is powerful enough that non-destructive rates can balance the supply and demand for funds. There still remain two problems.

One is simply that private borrowers will still be crowded out, that private investment will decline. In other words, because of the huge deficits, we have a lower rate of capital formation and thus slower economic growth in future years. Assuming that the deficits cannot be reduced, this is the smallest price we can possibly pay.

The final problem is 1976, or whenever recovery does get underway in earnest. At that point, the investment needs of business and housing will go up, not down. If the government is by then still running $70 billion deficits, this will call for an even more impossible-looking increase on the savings side of the ledger. At that point, high deficits will again threaten to abort the recovery. This destruction of capital formation, excessive monetization of debt and aborting of real growth is essentially what has already happened in Great Britain.

Yet Congress goes its happy way, adding to expenditures, increasing tax cuts, charting tax bills that discourage saving instead of encourage it, secure in the knowledge that there is a recession on, and in that case Dr. Keynes always assured them that budget deficits are a free lunch. Didn't he?

I commend this editorial to the attention of all my colleagues, especially those who thought they were actually creating jobs when they voted for the public service jobs bill yesterday.

Federal spending does not create jobs. It erodes the base upon which constructive and productive jobs can be created.

I again want to quote Senator PROXMIRE:

> One of the most persistent myths held by almost everyone in and out of the Congress is that if we cut the mammoth increases in Federal spending, then automatically and without question unemployment will increase.
>
> This myth—and it is just that, a myth; it is not true—has probably been as responsible as anything else for the skyrocketing growth of government over the past few years. The idea has been that every time the Federal Government spends another 10 or 20 thousand dollars it creates another job.
>
> The fact that that is not true should be apparent to anyone who can add. In the past 5 years the Federal budget has exploded from $184 billion to more than $805 billion. That colossal increase in spending should have resulted in a corresponding expansion in jobs and a reduction in unemployment. Did it?
>
> It is true the work force increased and employment in the economy grew. But far less than it should have. Unemployment grew much more in proportion than jobs did. Indeed after a break-neck expansion of Government spending we find unemployment which was 3.4 percent 5 years ago, now at 5.3 percent.
>
> I predict that if we reduce the rate of increase in Federal spending, and do it in the right areas—being sensitive to the employment consequences of our action—that unemployment will not worsen as a result of the slower rate of growth in Federal spending.
>
> Here is why: This year the Government will run a $10 billion deficit. It will borrow $10 billion and in doing so put more pressure on high interest rates to stay high or go higher.
>
> If we cut spending by $10 billion and balance the budget, the Federal Government will not borrow that additional sum, and interest rates will begin to move down.
>
> Will that provide more jobs? Yes indeed.

CONGRESSMAN TIM L. HALL ADDRESSES SENIOR CITIZEN CONFERENCE

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. MURPHY of Illinois. Mr. Speaker, our colleague from Illinois, TIM L. HALL, recently addressed a senior citizen conference sponsored by the Administration on Aging of the Department of Health, Education, and Welfare and the Mayor's Office for Senior Citizens in Chicago.

Congressman HALL serves on the Select Education Subcommittee which recently completed hearings on the extension of the Older Americans Act. His February 23 speech to the 500 conference participants discussed what the Federal Government has done to assist our senior citizens as well as what remains to be done. I want to share his remarks with our colleagues. The speech follows:

ADDRESS OF CONGRESSMAN HALL

I very much appreciate the opportunity of being with you tonight. I know your sense of disappointment over Congressman John Brademas not feeling well enough to be your speaker. Congressman Brademas is the senior citizen's best friend in the House of Representatives. Of course, while I am not the expert Mr. Brademas is, I am very proud to serve on the Education Subcommittee he chairs.

I want to commend Bob Ahrens who has been doing a magnificent job as director of the mayor's office for senior citizens. I was most impressed with the testimony Bob gave our subcommittee last month on the extension of the Older Americans Act.

I am confident those of you participating in this conference will come away with some new tools and some new insights which will assist you in your professional development as specialists and administrators in the field of aging.

I am also very pleased to have the opportunity to meet and talk with people who deal on a daily basis with the problems of aging.

We share a common concern—a desire to lift the level of life for more than 21 million of our fellow Americans who are 65 years and older.

The topic I have been asked to speak on tonight is "Renewing the Older Americans Act," which is most appropriate since Chairman Brademas and my colleagues on the Education Subcommittee are in the process of doing just that.

Before I get to the specifics of the Older Americans Act, I would like to share with you my view of the major forces at work which will do much to shape the renewal of the Older Americans Act, as well as other measures affecting the lives of elderly Americans.

I believe it is fair to say that during the last few years Congress has developed considerable legislative momentum concerning social service programs for the elderly. The 92nd and 93rd Congresses will probably be recorded as two of the greatest Congresses for the Nation's senior citizens.

Let me briefly cite some of the achievements. Take retirement income as an example. We all know inflation hits hardest at the elderly poor living on a fixed income. It literally takes food from their mouths.

In the past 5 years, Congress has approved social security benefit increases totalling 68.5% with the most recent increase of 11% for 1974. And let me remind you, two years ago Congress wrote into the Social Security Act provisions to automatically increase benefits as the cost of living increased.

Also in the list of accomplishments of the past Congresses is the passage of the supplemental security income program. With the creation of SSI, millions of elderly, blind and disabled Americans became eligible for increased payments.

Congress has also made some significant improvements in the pension fund area. Today, there are some 24,000 private pension plans with assets between $130 billion and $150 billion covering almost half of the Nation's industrial workforce.

And yet in the year immediately preceding the passage of the pension reform bill, over 19,000 workers lost all or part of their vested or guaranteed benefits due to the termination of insufficiently funded plans. The Pension Reform Act will, I believe, mean as much to the American worker as the passage of legislation to provide workmen's compensation.

I think we must also note the benefits many senior citizens have received from the expansion of the original Older Americans Act, as well as the creation of several new programs. Indeed, since 1971, appropriations for the Older Americans Act have grown by more than $213 million.

As most of you know, it was during this same period Congress created the successful nutrition programs as part of the 1972 amendments. The nutrition program presently provides on the average more than 220,000 nutritious meals per day, five days a week in local community centers and in homes for shut-ins.

But, as good as the record is, you and I have a great deal more to do if we are to ensure that our Nation's senior citizens realize the rich promise of their "golden years" and live out their lives in dignity.

Just consider some of these figures:

One quarter of the 21 million Americans aged 65 and over are living in poverty.

Another 5 million cannot afford the Bureau of Labor statistics "Intermediate Family Budget" which is an inadequate $5,200 annually for two people.

Nursing home facilities which serve over 1 million senior citizens are often exorbitantly expensive and many are of deplorable conditions.

Medicare covers only 42% of the hospitalization costs of Americans aged 65 and over.

Property taxes have increased 39% in the last four years ravaging the budgets of elderly homeowners living on fixed incomes.

Not all of the problems facing older Americans are a result of benign neglect. For it distresses me deeply to report the plight of millions of senior citizens across the country is currently being compounded by the misguided economic policies of the Ford administration. Indeed, this is the other major force to which I referred at the beginning of my remarks which may significantly influence the extension of the Older Americans Act.

I am certain you are all aware of the incredible burden that this administration is asking our Nation's elderly to bear.

As our Nation endures its worst economic crisis in 35 years, the administration is proposing to throw an even heavier burden on the shoulders of the most vulnerable members of our society who already pay a significant price both in economic and in human terms.

The economic proposals embodied in the President's 1976 budget not only spell hardship for older Americans but for all of us as well. The budget errs gravely in giving far too much weight to the danger of further inflation and not nearly enough weight to the consequences of four more years of intolerably high levels of unemployment.

It is truly ironic that President Ford is presiding over the deepest recession since the Great Depression and he is now offering a budget designed to give us the slowest possible recovery. As the well-known columnist, Joseph Kraft, noted, "it is a case of planned stagnation."

What other conclusion could be reached from an economic proposal which projects unemployment remaining above 6% until 1979 and an inflation rate for 1975 even higher than 1974? Allow me to briefly discuss some of the administration's proposals which could have a particularly devastating impact on the lives of our Nation's elderly.

First, the President announced last November he was proposing to "save" $650 million as part of his fight against inflation by increasing the cost of food stamps, indeed, this proposal alone, if it had been adopted, would have meant disaster to millions of older Americans who depend heavily on food stamps.

Imagine for a moment the impact of this program on the elderly poor. An elderly couple with, say, $270.00 in adjusted gross income can now pay $64 and receive food stamps worth $84—a bonus of $20; under the Ford plan, they would be required to put up $81 to receive that same $84 worth of stamps—a bonus of only $3.

It is difficult to find words to express the astonishment and disappointment my colleagues and I felt when we learned of this plan to gut one of the most successful social service programs Congress has ever authorized. I am glad to report, however, Congress has recently blocked this proposal with a legislative injunction that received an overwhelming veto-proof margin in both the House and the Senate.

The administration has also attacked the social security benefits received by more than 30 million Americans, many of whom are obviously senior citizens.

It is ironic, indeed, that while Congress had the foresight to build an automatic cost of living escalator into the Social Security Act as protection from the ravages of inflation, President Ford is now asking us to reduce the expected 8.7% cost of living increase in fiscal year 1975 to 5% in the face of tremendous price increases. In cold economic terms, the President's proposal to rescind the automatic escalator would:

Increase the average monthly benefit for a retired couple from $310 to only $325, instead of $337.

Increase the average monthly benefit for an unmarried elderly person from $186 to only $195, instead of $202.

The President's recently announced energy conservation plans also contain a potential setback for many senior citizens. If his proposal to place a $3 per barrel tax on imported oil and decontrol all domestically produced petroleum is adopted, millions of older Americans will be forced to absorb significant increases in the cost of essential fuels—or do without.

Consider the plight of many elderly people who depend heavily on their cars to take them to hospitals, markets, and shopping areas.

Similarly, the cost of home heating fuels would go up dramatically. A person using a modest 500 gallons a year can expect to pay about $55 more a year to stay warm. Although these increases may not seem significant to some of us, for many older persons, the combination of small social security increases and increased costs for almost everything spell nothing short of disaster.

I hasten to add, however, that the administration's energy proposal received a serious setback when the House voted earlier this month and the Senate this past week voted to suspend for 90 days the proposed tariff on imported crude oil. Clearly, Congress will not accept solutions to our energy problems which demand an intolerable and inequitable human price.

Finally, just last month we witnessed another attack on social security programs for the elderly. Under the powers granted to him by the congressional budget and Impoundment Control Act of 1974, the President has proposed a $79 million slash in funds for older Americans programs. Imagine for a moment the disastrous impact of this proposal:

A 33% cut from the $150 million Congress approved for the title VII nutrition program for the elderly.

A $9 million reduction of the original $105 million Congress approved for the State and community grants programs under title III of the Older Americans Act.

A request not to spend the entire $8 million allocated for training under title IV.

A request to rescind the entire $12 million that Congress approved for older workers employment programs.

Fortunately, the same law which gives the President the power to request these spending cutbacks also provides that unless both bodies of Congress agree to the request in 45 days the money must be made available for obligation. And I say here tonight, ladies and gentlemen, that such an unconscionable proposal will not receive the support of Congress.

I am sure that it comes as no surprise when I tell you that President Ford's 1976 budget request for older Americans act programs mirrors the drastically reduced levels of spending he proposed with his budget cuts for 1975 program expenditures.

The 1976 Older Americans Act spending level is held at the same $203 million level proposed for 1975.

In view of Mr. Ford's tragically misguided economic proposals and the equally tragic economic plight of millions of senior citizens, Congress must move quickly and decisively on many fronts to protect the welfare of our nation's senior citizens.

In addition to the efforts I have already mentioned, I am pleased to report that the Subcommittee on Select Education, which has jurisdiction over older Americans legislation, has already started the renewal process for the Older Americans Act. Starting on January 29th, the subcommittee held 4 days of hearings on the renewal of the older Americans comprehensive amendments of 1973.

Indeed, I feel that with the valuable insights the subcommittee gained from these hearings, we will shortly be in a position to introduce a bill to extend the older Americans legislation. Among the issues that we will be seriously considering in the renewal legislation are:

1. Increasing the support for State and community grants.
2. Increasing the support for aging research, training, and multi-disciplinary centers of gerontology.
3. Revitalizing title V of the Older Americans Act, the multipurpose senior centers.
4. Transferring the older Americans volunteer programs administered by the Action Agency back to the Administration on Aging.
5. Increasing support for the older worker employment programs.
6. Changing the allotment formula used in the allocation of funds to States.
7. Allowing cities of a certain size to automatically become area agencies.
8. Easing the limitation on the amount of Federal funds that can be used to cover the costs of local administration.

Clearly, we have much to do, and we need help—your help—and the help of your friends and associates, as well as the help of millions of older Americans whom we serve.

I urge you to write your friends across the country encouraging them to support our cause. Further, you should write your Congressman urging prompt and effective action on the extension of the older Americans legislation.

Let me close then with some words of a distinguished citizen of Illinois, the late Adlai E. Stevenson:

> What a man knows at fifty that he did not know at twenty is, for the most part, incommunicable. The knowledge that he has acquired with age is not the knowledge of formulas or forms or words, but of people, places, action—a knowledge not gained by words but by touch, sight, sound, victories, failures, sleeplessness, devotion, love,—the experience and emotions of this earth and one's self and a little reverence for the things you cannot see. . . .

The kind of wisdom, the kind of understanding, the kind of reverence which characterizes the older people of our society is much too precious in this great and wealthy land of ours to be either wasted—or, perhaps, worse, ignored.

So we have much to do, you and I, to help make real for all our nation's older citizens the rich promise of American life.

I look forward to working closely with you in that effort.

OBSERVATIONS ON NUCLEAR ENERGY

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. MOSS. Mr. Speaker, I commend to the attention of the House the very fine address made recently before the American Association of Electric Companies by my colleague on the Joint Committee on Atomic Energy, the distinguished Senator from California, John V. Tunney.

The Senator's remarks, which depict his general thoughts and observations on nuclear energy, follow:

REMARKS OF SENATOR JOHN V. TUNNEY

I am very pleased to be with you this morning. As a two-month veteran of the Joint Committee on Atomic Energy, I must admit that my purpose in being here is more to gain knowledge and insight from you than to impart it.

When discussing energy, I feel it is impossible to be myopic by narrowing the discussion down to the consideration of only one form of energy, whether it be nuclear or petroleum. In order to assess our situation adequately and the options available, we must examine the broad spectrum of energy sources as well as the projected rate of energy demand.

By the year 2000, it is estimated that the United States will be consuming about 187 quadrillion Btu's of energy annually. In order to give you a sense of perspective on this figure, it is necessary to bear in mind that we will be consuming around 80 quadrillion Btu's this year. In other words, just to maintain our energy growth patterns, by the year 2000 we will need over twice as much energy as we are using today.

While our energy demands continue to grow, our energy supplies are rapidly dissipating. The National Academy of Sciences, in fact, has recently reported that we may have only a 25 to 30 year supply of oil and gas. The only conventional energy sources which are not as gravely threatened are coal and uranium.

Needless to say, the United States must not only reduce its rate of energy consumption, but it must also search for new ways in which to utilize them.

To this end, we must push ahead with the development and commercialization of solar and geothermal energy.

We must increase our research into the liquefaction and gasification of coal to fill the void created by the disappearance of oil and gas.

We must upgrade our efforts to prove the technological feasibility of clean fusion power and to bring it on line as quickly as possible.

With optimum funding, I am hopeful that we will be able to realize these objectives by the end of this century.

Until that time, however, it will become increasingly necessary to depend upon coal and nuclear fission for our energy demands. In California particularly, however, a heavy reliance on coal may not be possible because of the severe pollution problems we face.

Today the United States has 53 operating nuclear power plants. These plants provide around 7% of our electrical energy needs. As oil and gas prices continue to rise and coal is diverted to non-electric uses, our reliance on nuclear energy promises to become even more economical than it is today. By the year 2000 it is projected that we will have over 1000 nuclear powerplants, providing over 50% of our energy needs.

While I am fully aware of the fact that commercial nuclear reactors have been operating in this country for over 20 years without a major accident, I am also aware of the growing public concern about nuclear safety. The recent shut-down of 23 boiling-water reactors because of a crack in one of the energy core cooling system pipes only intensifies the public anxiety. The public is concerned about the fact that nuclear power plants are shut down for about a third of their operating life due to routine maintenance, malfunctions and abnormal occurrences. They are concerned about the fact that the emergency core cooling system has only been tested by computer and has failed those tests. It is not enough for the utilities to point to their 20-year accident free record. Even if our chances for nuclear accident are only one in a thousand reactor years, that means that by the year 2000 we could face the possibility of a reactor accident once a year. If nuclear energy is going to expand to meet our growing demands—and I believe it should—it will only be able to do so if the public perceives that it is safe. To this end, both the utilities and the Federal government must increase their vigilance on safety. The Federal government must also increase its research and development of methods and facilities to test and upgrade nuclear plant safety systems.

As we are all aware, the nuclear industry has recently canceled more than half of its planned nuclear powerplants. Two reasons have been cited for this action: The lack of capital funds and the uncertainties surrounding the disposal of nuclear wastes. Both of these problems must be confronted by Congress. The commerce committee has legislation currently before it which would provide bonding to guarantee financial solvency to utilities. The committee plans to act on this legislation, as well as other such proposals, before summer. In addition, legislation to provide an investment tax credit for utilities has been proposed.

Another problem which increases the financial hardship for the utilities involves the amount of time and redtape required to obtain an operating license. At present, it takes as long as 10 years for a nuclear plant to get off the drawing board and into commercial operation. I understand that for one utility, the price of constructing additional nuclear plant capacity increased from $500 million to $2 billion in less than 5 years. None of this was due to a change in plant design or materials used. During the 5-year period, inflation regulatory delays and materials availability had quadrupled the cost of the plant. While I do not believe we should reduce public input into the licensing procedure, I do think that we should carefully examine the possibility of reducing redundant steps which have nothing to do with public participation or safety requirements, but which could reduce the time and, therefore, the money involved in getting plants on line.

The storage of high-level nuclear wastes continues to be a problem which we have not been able to solve. ERDA has proposed the construction of a retrievable surface storage facility which would contain these highly radioactive wastes for up to 100 years, but no permanent system for disposal has been found. I am extremely concerned about this matter, as I am sure you are, and I believe that ERDA must increase its efforts to find long-term solutions to the waste-storage problem rather than focusing only on short-term options.

Another matter which has not been sufficiently addressed yet is the question of nuclear theft and sabotage. While at present we have only 53 nuclear power plants operating, this figure will grow to more than 1,000 by the year 2000. The spent fuels from these plants will have to be transported over long distances to reprocessing plants and through the other stages of the fuel cycle.

These spent fuels will contain significant amounts of plutonium and U233, both of which are weapons grade materials which could be fashioned into a bomb. It is imperative that the Congress and the agencies responsible take every step to insure that the chances for theft or sabotage are reduced to zero.

One of the nuclear programs that I have the most questions about is the liquid metal fast breeder reactor.

The price tag for commercialization of the breeder is now estimated at $10.6 billion which is more than a five-fold increase since its inception ten years ago. With almost fifteen years to go before projected commercialization of the breeder, I can't help but shudder at the thought of how much it could end up costing. And when it finally is completed, will the utilities be able to afford it? Just to build the projected number of conventional light water reactors by the year 2000 could cost the utilities more than $782 billion.

Aside from the question as to whether the utilities can afford the breeder and the reprocessing facilities and waste disposal facilities that go along with it, a bigger question may be—can society afford the breeder? I don't have to tell any of you here that the breeder would produce more deadly plutonium than it could use. The problems of sabotage and theft would be greatly exacerbated as the excess plutonium makes its way from the breeder to a reprocessing plant and then to either a storage facility where it would have to be kept from human contact for over half a million years or to another nuclear power plant for use as fuel.

On the matter of the breeder, I am inclined to agree with Phillip Handler, President of the National Academy of Sciences, when he says, "Before such a program is implemented, it must be examined in the most intimate detail and the public must be satisfied that the risk to future generations is of an acceptable order; that the latter is the case is not self-evident at this time."

The breeder, of course, is only one program that is before the Joint Committee. Other issues that will be confronted this year include the Price-Anderson Act and plutonium recycle, both of which I intend to look at very closely.

As I mentioned earlier, I have been on the committee for just two months and as such I can use all of the help and expertise I can get. Today, I have tried to give you an idea of my initial thoughts with regard to nuclear energy. I not only welcome, but actively solicit your thoughts, not only on the breeder, Price-Anderson, safety, waste management, and the question of safeguards against theft and sabotage, but on other aspects of nuclear energy as well.

MAINLAND CHINA: IDEOLOGY IN COMMAND

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. ASHBROOK. Mr. Speaker, now that the first flush of excitement is over in openings that were made to Red China, a number of visitors are returning from that land with insights that mainland China may not be quite the grand accomplishment that some have described. Lord and Mrs. Michael Lindsay, both of whom have taught Chinese affairs, have pointed out that the Communist regime is a totalist one. It is a regime that puts ideology into every aspect of life. It is a regime that is attempting to destroy traditional Chinese values including the importance of the family.

Another visitor, William Bowen, president of Princeton University, has recorded some of his thoughts on his trip to mainland China in an article in the Princeton Alumni Weekly. He details a system of higher education that is "the least healthy, the most troubled" institution in society. From his comments there also comes a strong view of the subordination of all aspects of life to politics and ideology.

One incident that President Bowen explains seems to say much of the poverty of Red China. In reading the account, we should remember that the commune they visited was probably one of the showcase ones, and therefore the peasants there would have more possessions and food than peasants at other communes. We also should remember that more than 80 percent of mainland China's population live in rural areas on communes. An excerpt from the article follows:

> At a commune outside Canton, Bowen was invited into the home of an ordinary peasant, which housed him, his wife, and his three sons, who were unmarried and between the ages of 25 and 29. "We sat in a bare room on what were essentially wooden saw-horses," Bowen recounted. "The man said he would like to comment about his material possessions, to show how much better off he was than in the old days. He told us the family had a sewing machine, two bicycles, three chests (in which clothes are kept), and three wristwatches. Later, he asked us to have tea with him, and we were all served cups of hot water. At first we were not entirely sure what we were supposed to do, but our interpreter, observing our hesitation, said 'please have some hot water.' Afterwards, it was explained to us that people sometimes cannot afford tea, and then 'having tea' is having hot water."

At this point I include in the Record the text of the article entitled "President Bowen in China: A visitor's impression of the People's Republic" from the January 28, 1975, issue of the Princeton Alumni Weekly:

PRESIDENT BOWEN IN CHINA

After a three-week visit to the People's Republic of China last November, Princeton President William G. Bowen came away feeling that "Chinese universities are, in many respects, depressing to one who believes in the values for which Western universities stand." As a member of a delegation of 13 American university presidents and educators—the first such group to represent the broad spectrum of U.S. higher education rather than a specific field—he toured the entire coast from north of North Korea to Hong Kong. The trip was sponsored jointly by the National Committee on U.S.-China Relations and the Chinese government to promote educational exchange between the two countries.

Discussing his impressions of the People's Republic with students and faculty one evening last month in McCosh 10, Bowen said that "ideological pressures have been and are intense—and the universities have probably felt them more strongly than any other sector of the society. Apparently, the decision has been made to sacrifice a fair amount of ordinary education, particularly at the advanced levels, in exchange for an effort to deal with what were thought to be elitist tendencies that were developing prior to the Cultural Revolution. Many members of our group felt that the universities were the least healthy, the most troubled, institutions in the society; and that was a discouraging conclusion for us to reach."

The delegation saw virtually every kind of educational organization to be found in Mainland China. It visited six major universities, two factory-run universities, a middle school (roughly equivalent to a combined junior and senior high school), three elementary or nursery schools, and a "children's palace." It was taken to a May 7 Cadre School outside Peking, one of the places officials are sent for what the Chinese themselves describe as "ideological remolding." The group visited a school for the training of acrobats in Shenyang, the Institute of Physics and the Academy of Science in Peking, and a major observatory in Nanking. Also on the itinerary were factories, communes, hospitals, talks with government officials, banquets, artistic performances, as well as the by-now familiar tourist attractions.

What was not on the schedule—and thus something of a coup for the delegation—was an hour-and-a-half-long interview with Vice Premier Teng Hsiao-p'ing, a man who was publicly humiliated during the Cultural Revolution but is now considered most likely to be the successor to Premier Chou En-lai. The Americans stressed at the outset the importance they attached to longer visits for scholars. Bowen recalled, "He replied that some people in and out of China were saying relations between China and the U.S. had cooled since the Shanghai communiqué, that he felt it was not so, and that our presence there was meant to say it was not so. He then said there was the problem of Taiwan, which will affect relations at the governmental level, but that he could see no reason it should stand in the way of further progress in academic exchanges.

"We asked him about economic policy, the context in which education must operate in China, and where the country is heading. He chose instead to talk at some length about the long-term evolution of economic policy in China, emphasizing the priority given to agriculture as a means not only of feeding people but of raising the capital needed for light industry, and with light industry in turn used to raise the capital for heavy industry. He talked about steel production and the differences between the U.S. and China in that area and what rough targets for China must be, and he then tried to reconcile the emphasis on self-reliance, so important in China now, with the desire to take knowledge from other countries."

When the conversation turned to international affairs, Bowen recounted, "Teng Hsiao-p'ing began by saying that the world was troubled and not as tranquil as it might be, that there was plainly the threat of war, that the main difficulty was with the two superpowers—the U.S. and the USSR—but that obviously one was much more threatening and dangerous than the other—with clear reference to the Soviet Union. Then there was a good deal of discussion about the problems which the Soviet Union seemed to pose for the world and for the U.S., and about the importance of the U.S. being aware of the ambition of the Soviet Union and of protecting ourselves from what was described to us as a very serious threat.

"As for atomic weapons, said the Chinese had a few atom bombs but they were nothing! If they were to try to engage in a race with the Soviet Union as far as atomic weapons are concerned, he noted, 'we would all need to prepare to meet our God.' Instead, he said, they dig tunnels and grow millet and keep the rifles ready. We then discussed détente and arms limitations, about which he was very pessimistic."

Throughout his China trip, Bowen tried to talk to people actively involved in economic planning. As an economist and an educator, he explained to PAW, "I felt it would be helpful to view the educational system within the larger context of manpower and economic planning. Generally our hosts were very accommodating, anxious to let us do what we wanted, but in this respect we were not successful. Nor were we able to find anyone teaching economic planning in any of the universities we visited. It was very strange. Obviously, economic planning is being done—steel, for example, is being moved from the northeast to other areas of the country—yet over and over again, I was told that nobody worked on things like quantitative economics, linear programming, or input-output analysis. You have to wonder what the effects on the future will be.

"I have been told that other visitors have had the same difficulty in talking to economic planners. One line of speculation is that the planning work now going on is elementary, very decentralized, and that it would be awkward or even embarrassing for the Chinese really to be pushed hard on what was being done. So they may be reluctant to have their level of sophistication in this area probed by people who themselves have at least some knowledge of the subject. But this is merely speculation."

Bowen encountered a similar evasiveness when he inquired about salary differentials between ordinary workers and those who had received technical training at a factory-run university in Shanghai. "You could just feel the tension in the room rise," he said. "The answer I got was that people did not go to the universities in order to earn more money. I said that I had not suggested that they do, but I was interested as a point of fact in what the salary relationships were before and after. I was then told that the policy is not to have salary differentials based on whether one did manual work or mental work. I said I understood that, but I was still interested in what the actual salary levels were. We went on in this vein for about 15 minutes, and that was it." Later, he was told that "there are differentials, but they are not very large."

Pursuing the question of wage differentials further, Bowen learned that the Chinese make enormous use of what people in industrial relations call "red circle rates." As he explained, "This is a rate that a person once earned on a particular job, and then—when salary structures are changed, and the job no longer calls for as high a pay as it used to—a red circle is put around the original rate and the person continues to receive it. In the universities, for instance, salaries seem to range from about 50 yuan [$25] per month for new teachers to something in the order of 330 yuan [$165] per month for professors—an enormous differential. The title 'professor' isn't given any longer since the Cultural Revolution, but the people who had the title before still retain it and are paid at their old levels.

"In the communes, by point of contrast, there is an elaborate system of workpoints, which are assigned as a function of the technical skill and physical labor required to do a job, and also one's attitude," he said. The communes, too, are franker about the value of economic incentives. At one commune, Bowen asked if the land tax varied with the value of the farm's output rather than simply with the number of acres (there is no income tax in China). "I was told emphatically that it does not, and that if such a tax were allowed to vary with output, it would discourage production, which would not be good."

In general, Bowen found the Chinese economy to be extremely decentralized, with each province largely responsible for its own needs, particularly with regard to food and clothing. Accordingly, he said, "They minimize the extent to which it is necessary to worry about transfers of resources from one area to another. That results in some inequities, I suspect, and it no doubt results in some inefficiencies, but there is also much to be said for decentralization as one way of trying to cope with the planning problem. They do seem to be meeting their nutrition and clothing needs quite well."

China today has about 130 million students in primary schools (ages 7–12), 34 million in middle schools (ages 12–17), and 400,000 in universities (usually a three-year program). "That is a dramatically different educational pyramid from anything we know," Bowen pointed out. By comparison, the U.S. has about 37 million in elementary school, 18 million in high school (those numbers would have to be adjusted to about 29 million and 26 million to fit the Chinese primary-middle divisions), and more than 8 million in the universities. China's college enrollment is roughly equivalent to that of Ohio or Michigan. Bowen remarked, "These figures say—and they are consistent with many other sorts of impressions—that university education is seen to be much less important in China than it is here. This is true, I believe, both for some very good reasons related to differences in levels of real income and stages of economic development, and for some reasons which may not be so good."

In talking with university people in China, Bowen was repeatedly told that "we are still in an *experimental* stage." He found that the universities, almost all of which were closed during the Cultural Revolution, have built back up to nearly half the enrollment they had before 1966. Since few professors were actually fired, despite the heavy criticism many received from the Red Guard, current student-faculty ratios average 2–3:1. Faculty members devote much of their time to reworking the curriculum, rewriting textbooks, and trying to bring course content in line with present political views, particularly the campaign against Confucius and Lin Piao. "There is a lot of team teaching," Bowen said, "partly as a result of the tremendous concern that the old ideology not be allowed to seep back in."

The new ideology is strongly opposed to basic research as we would define it. Although Chinese professors are called upon to do what they refer to as research, we would regard it as applied work. A mathematician in Shanghai, for instance, told Bowen that he was extremely involved in abstract mathematics before the Cultural Revolution but he had come to see that it was not what he should be doing; he had just finished computing the train schedule between Shanghai and Nanking. The head of the architecture department in Nanking, one of the few academicians Bowen met who had studied in the U.S., said much of his time went to designing buildings and doing other practical tasks for the city. In Canton, Bowen met a biologist engaged in research related to insect control.

Even the one example Bowen found of what we might call fundamental research had obvious practical ramifications. At Chungshan (formerly Sun Yat-sen University), a neurophysiological group headed by a 1961 graduate of New York University was investigating the process by which acupuncture anesthesia works. "Research was being done linking the circulatory systems of two rats, acupuncturing one rat and then observing the effect on the second rat, to test the proposition that various hormonal activities are started by the acupuncture which can then travel through the circulatory system," Bowen reported.

He discovered that the emphasis on applications is equally strong in the humanistic fields: "There is now a greatly increased interest in ancient Chinese literature, which is being used in the campaign to criticize Confucius. The work of the legalists of his time is studied and annotated in enormous detail—all to make a political point. This work is just as 'applied' to a particular social purpose as that dealing with insect control."

Since the Cultural Revolution, no one is allowed to go directly from middle school to the university. Everyone must first spend at least two years working in a factory, commune, or the like. "The concern," Bowen said, "is to prevent new elites from arising and, therefore, in education to discourage the children of cadres, high party people, and military officers from filling up the universities and simply replicating themselves." To that end, preference in college admissions is given to the children of workers and peasants.

Each university assigns quotas to the various communes, factories, and districts around the country. "Individuals are then nominated to fill these positions," Bowen said, "on the basis of assessments at the local levels of how good their work has been, how correct their political orientation is, and how suitable university experience seems to be for them. The administrators are very reluctant to admit that academic ability enters into the selection process, but I think here the ideology and reality conflict. We were not told this in so many words, but what seems to happen is that more people are nominated than can be accommodated; then representatives from the university go down and confer at the district level, and at that stage some kind of judgment about the individual's capability to do the work is made.

"The question I kept asking various university people was how under this system of admission one can attract the few Einsteins of this world. I have no reason to believe that the Chinese system does not produce people who are effective in the work place, who get along well with other people, who have leadership ability—and of course that is important in any society. But I am not at all sure what is happening to the Einsteins. I kept saying that they might find someone who is very bright but who may be a miserable worker, and who may have no interest in Confucius—what is going to happen to that person? I was told over and over again that no such people exist!"

Unlike the Soviet Union, the focus of Chinese education is not on building up science and engineering, but on training political leaders to continue the revolution. "They are very determined not to follow the Soviet model," Bowen noted. "They feel the Russians went off the track in overemphasizing science and technology. They want to be free of the domination of a technocratic elite." At the moment, there is no graduate education in China. While Bowen was told that plans exist for its resumption in due course, no one could provide any details. The head of the Institute of Physics, Bowen recalled, "made a point of saying that new blood and new ideas are important and that the staff is aging. This is a serious problem for the future."

Bowen also found that the role of students in running and reforming the universities has decreased in recent years: "In several cases, we were told that whereas students had at one time been members of the revolutionary committee [the governing body], and perhaps one still was, there were no students on the standing committee, because they were too busy, had too many other things to do, and sometimes didn't know enough—all the same reasons we give in this country. Still, I am sure students do participate actively, certainly at the departmental level, in discussions of what they are learning, and they feel completely free to criticize their professors, especially if they are not sufficiently revolutionary. Students exert great pressure on the faculty to adhere to the correct line.

"As to student life, the next Princeton undergraduate who complains that the dormitories are too crowded will have some new data with which to contend! The normal arrangement seems to be six to eight students per room, all double-decker beds."

Asked what the U.S. might learn from Chinese education, Bowen replied: "There is an enormous emphasis now on combining theory and practice. One hears constantly that they used to train too many people who knew only what could be learned from books, had no contact with society, etc. I suspect that that was true there, as in this country, with at least some people. There is merit, I believe, in encouraging people in the universities to be more familiar with the world and the society around them. We haven't always done that as well as we might.

"The so-called 'educational revolution' going on in China now is two revolutions; one, it is a revolution directed at what many of us would agree are general problems in education—rote learning, the need to teach people to analyze rather than just parrot back what they have learned. In this regard, the Chinese have moved toward open book examinations and term papers, things we have been doing. We could agree very readily that this part of the 'educational revolution' made a lot of sense. But it is also in good part a tremendous effort to reimpose a political orthodoxy, and I feel very differently—very negatively—about that."

The contrast between China's universities, on the one hand, and the middle and primary schools, on the other, was quite striking. "The elementary schools seemed to be thriving enterprises," Bowen said. "People were much more confident about what they were doing." The course material, however, was as strongly political as that offered at the universities. For example, instruction in English, which is the major foreign language taught there, uses translations of the writings of Chairman Mao rather than the writings of English-speaking people.

The lower schools feature an enormous amount of performing, singing, and dancing. "It is obviously enjoyed greatly; it is an opportunity to put on brightly colored costumes, and it is done very professionally and with great poise," Bowen observed. "Whether one wants to call that creativity is another question. There is a tremendous 'sameness' about what one sees. Several of our group noted that exactly the same dances were being done at the nursery school level and at the adult level."

In all of the arts, a heavy emphasis is given to the glories of the People's Liberation Army. Bowen, who was taken to see the newest movie, *Shining Red Star*, remarked that he could detect in it "no nuance or subtlety at all." The main obstacle to creativity in China, he felt, is "the great pressure to portray everything and everyone as entirely good or bad, when in fact most human beings are some mixture of the two—which is reflected in most great works of art and literature."

Eventually, Bowen speculated, the Chinese may become bored with the kind of entertainments that seem to enthrall them now. "The enormous progress that has been made does not alter the fact that life there is drab," he said. "So anything out of the ordinary—anything that is not drab—is likely to be exciting by contrast." Living standards, of course, are much higher in the cities than in the countryside (and China has eliminated the problem of urban migration that plagues many developing nations by assigning large numbers of people to live in rural areas). The main department store in Shanghai, which Bowen visited offered a wide range of consumer goods, including sewing machines, bicycles, radios, and television sets—but these items represent major purchases for most Chinese. A bicycle, for example, costs about 150 yuan [$75], or nearly four times the monthly wage of a typical single worker.

At a commune outside Canton, Bowen was invited into the home of an ordinary peasant, which housed him, his wife, and his three sons, who were unmarried and between the ages of 25 and 29. "We sat in a bare room on what were essentially wooden saw-horses," Bowen recounted. "The man said he would like to comment about his material possessions, to show how much better off he has than in the old days. He told us the family had a sewing machine, two bicycles, three chests (in which clothes are kept), and three wristwatches. Later, he asked us to have tea with him, and we were all served cups of hot water. At first we were not entirely sure what we were supposed to do, but our interpreter, observing our hesitation, said 'please have some hot water.' Afterwards, it was explained to us that people sometimes cannot afford tea, and then 'having tea' is having hot water."

Perhaps the most extraordinary experience Bowen had during his trip occurred on his last day in China. As he later related the episode to a meeting of the Executive Committee of Princeton's Alumni Council, it happened while the group was going to visit a commune about 40 miles outside Canton: "We were traveling in a caravan of eight cars, two of us to a vehicle, plus drivers and interpreters. I should point out that there are no private automobiles in China—the importance of this fact will become evident later on. I was in car number two with Harold Enarson, the president of Ohio State.

"Suddenly, as we were driving along this country road, a woman of about 25, with a brightly colored handkerchief in her hand, dashed right in front of our car. She came within a hair of being killed, for our car skidded to a stop no more than six inches away from her. She then raced up to my side of the car—the windows were down because of the heat—and tried to hand me an envelope. She kept shouting, 'Chairman Mao, Chairman Mao' in very clear English. Like a flash, the interpreter grabbed the envelope from her and put it in the glove compartment of the car. By that time, car number three had stopped, and its interpreter came over and took the woman, not roughly, but firmly, moving her away and telling our driver to go on.

"Before the envelope disappeared into the glove compartment, I had glimpsed Chairman Mao's name plainly written on it in English, along with a lot of Chinese characters. I waited to see what our interpreter would say to us about this, and the answer was nothing, not one word. Harold Enarson and I looked at each other in the back seat and, through hand signals and the like, conferred about what we should do. We decided not to push at this point, but to inquire later. When we got to the commune, I sort of hung back and watched the car very carefully to see what would happen to the letter. Our interpreter took it out of the glove compartment and carried it over to the chief interpreter from Peking, who quickly put it in his pocket. When we asked him later what was happening, all we were told was that the woman simply wanted the letter delivered to the commune. I replied, 'But I heard her say Chairman Mao's name, very distinctly.' He then said he had been in car three and had not heard what she said, but his understanding was that she wanted only to communicate with the commune.

"One can only speculate about an experience like that. It seemed to a number of us more likely that the woman had some kind of a problem, real or imagined, and she thought that if she could only get the message to Chairman Mao, everything would be all right. Surely, these powerful visitors, whoever they were, being driven around in all these cars, could get in touch with Chairman Mao. We would have understood and accepted that kind of an explanation. Whatever the case, none of our guides was willing to explain the matter to us. Perhaps no one wanted to do anything that someone else might conclude was a wrong decision. Yet there does seem to be a general tendency for people in China to seek to avoid individual acceptance of responsibility for making that kind of a judgment in a situation no one could have foreseen. It's a little chilling, but that's the feeling you get."

WHAT IS GOING ON?

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. LEHMAN. Mr. Speaker, 1 year ago, south Florida residents were lined up for blocks outside of gasoline stations, waiting sometimes for hours for their turn at the pumps.

Today, there is a flood of gasoline in south Florida, as the following article from the Miami Herald of March 9, 1975 details.

Last year during the gasoline shortage, I spoke of the need for a full investigation of the oil companies. Clearly, an investigation is still needed to explain how we have gone so rapidly from a shortage of gasoline to a flood.

We have got to find out what is going on.

SUDDENLY A GLUT OF GASOLINE

A flooded gasoline market, prompting price wars at service stations in some parts of the country, is the result of major oil companies' forcing large supplies on dealers, spokesmen for station operators in South Florida and elsewhere in the nation have charged.

Retail gasoline-station operators in other parts of the country said in a UPI survey that, despite publicly proclaiming a need for conservation, oil companies are pressuring them to sell more gasoline by staying open at unprofitable hours.

South Florida station operators are being forced into the same situation, "Maybe more so," according to William Schemer, a director of the Allied Gasoline Retailers Association.

Schemer said Saturday that local stations "are being pushed to sell more gasoline to a public that has cut back on its driving, and to stay open longer hours to do it."

"They have more gasoline in this area now than they know what to do with," Schemer added. "So they're starting small gasoline wars that cut a dealer's profit while at the same time increasing the prices they (oil companies) charge him."

Schemer said that dealers seeking to double sales volume by cutting pump prices won't succeed because "the volume isn't there anymore—people have stopped unnecessary driving, to save money for other things."

In Dade County, scattered price wars can be found, Schemer said, with regular gasoline down to 45.9 cents a gallon. He added, however, that most dealers are "hanging in there at 49 and 52 cents a gallon to eke out a profit."

Charles Powers, a Vero Beach dealer, said sales at his station are so good that he is "pumping half again as much gas as at this time last year, due to motoring tourists."

Dealers elsewhere in the country claim that oil companies are continuing to make high profits while individual dealers are being forced to sell at cost or below cost to unload gasoline surpluses.

"There's a surplus. Period," said John Lichtblau, an independent petroleum consultant.

Lichtblau said oil refineries are producing at 80–85 percent of capacity, compared to the normal 95 percent.

The UPI survey showed a wide variation of pump prices across the nation, with regular gasoline selling from 47 cents a gallon to 57 cents. Regular hit a "freak low" of 41.9 cents per gallon in Minnesota last week.

The surplus is being blamed on two other factors: reduced consumption by the motoring public and President Ford's announced intention to impose a $3-a-barrel duty on imported oil.

Dealers claim longer station hours won't increase volume significantly, with consumption at a lower level now.

The American Petroleum Institute has said gasoline stocks are 10 percent higher than they were last year, hitting 244 million barrels—the highest since April 1971.

Some dealers also have accused oil companies of keeping prices high at franchise stations and selling surplus gasoline to independent stations, which then undercut major-brand stations.

"It is pretty obvious that the major brands are not able to sell through artificially high prices," said Jack Houston, executive director of the Georgia Association of Gasoline Retailers. "It appears the suppliers are marketing out the back door."

Robert Jacobs, an official with the Indiana-Illinois Gasoline Dealers Association, said big oil companies are "publicly endorsing President Ford's appeals to sell less gas but privately they're putting the muscle on dealers, telling them to lower pump prices or face the possibility of being cut off from supplies in the future."

A TRIBUTE TO GROVER COBB

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. WINN. Mr. Speaker, last week the State of Kansas and the broadcasting industry lost a good friend. Grover Cobb, the senior executive vice president of the National Association of Broadcasters, was more than just an advocate and spokesman for his industry. He was a devoted family man and sports fan, as well. Liked by everyone he knew, Grover will be missed.

At this time, I would like to insert in the RECORD an editorial by Mr. Thad Sandstrom, vice president of WIBW radio station in Topeka, Kans. I feel he has expressed so well the feelings of the many people who knew Grover.

The editorial follows:

WIBW EDITORIAL

When I arrived for my first radio job as an announcer at KSAL in Salina in 1943, the name Grover Cobb was a legend. Grover had started as an announcer at KSAL in 1939 while a student at Kansas Wesleyan. He went off to fight in the war, but the folks still talked about Grover Cobb. Later while I managed KSEK at Pittsburg, Grover was General Manager of KVGB at Great Bend.

In 1951, Grover Cobb took the lead in calling together a group of Kansas radio broadcasters to talk about the need to form a state broadcasters association. The rallying cry—broadcasts of KU and K-State football and basketball games. There was no economically practical way in 1951 to beam a broadcast from Lawrence or Manhattan to the outreaches of Kansas at Pittsburg, Great Bend, Garden City and Colby. Everybody nodded in agreement when someone said we needed to make Ben Ludy, General Manager of WIBW, the first president of the Kansas Association of Radio Broadcasters. But everybody knew in his heart that the first president should have been Grover Cobb. He served as president later—putting the good of the association ahead of personal goals.

Grover loved life. He loved the broadcasting business. He loved Kansas. He loved his family—his wife, Fan, and seven children—four boys and three girls. He loved sports, too. Grover, with his sidekick, Bob Hilgendorf, used to travel all over the nation broadcasting the NCAA Basketball Championships on radio whether KU or K-State played or not. We've always suspected the reason was not so much because Grover thought the folks in Great Bend needed to hear the NCAA finals as it was that he wanted to see the game.

Grover's interest in the Kansas broadcasters association lead to his election in 1964 to the Board of the National Association of Broadcasters. He became Chairman of the Board in 1967. Who would dream that a radio broadcaster from a small town of Great Bend, Kansas, would rise to the Chairman of the Board of the major trade association of the broadcast industry—which speaks for radio and television stations large and small—as well as for all the major networks? Grover Cobb did just that.

He was lured away from Great Bend in 1969 by an offer from the Gannett Company of Rochester, New York, to manage their broadcast properties. But soon the NAB beckoned again. The call of service to the broadcast industry was one Grover could not resist. Off he went to Washington in 1971 where be became Senior Executive Vice President of the National Association of Broadcasters. He was the broadcasting industry's chief spokesman on Capitol Hill as an advocate of free broadcasting. An efficient organizer, he was persuasive and effective. If he had been a lawyer, he surely would have been another Perry Mason for he was an excellent debater. If he had been a preacher, he might well have been a Billy Graham for he had the ability to hold an audience with his speeches.

The name Grover Cobb probably doesn't mean much to most WIBW listeners and viewers. But to the men and women at the management level of the broadcast industry, the name is gospel. Grover had a history of heart attacks. But you couldn't hold him down. In true western Kansas style, he died with his boots on in Washington Friday morning. He was 53. Grover suffered a heart attack while attending a meeting with the Chairman of the Federal Communications Commission discussing deregulation of radio broadcasting. Ironically, one of those at the meeting was Dick Painter, a broadcaster from Mankato, Minnesota, who used to work for Grover at Great Bend. He was at Grover's side when the end began. They'll bury Grover Cobb at Great Bend. Some of the biggest names in broadcast management from across America will be there. The industry is going to miss him. Free Broadcasting in America is better today because of the things Grover Cobb stood for and did.

MUHAMMAD ALI PLEDGES AID TO SAHEL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. RANGEL. Mr. Speaker, drought and famine continue to cause tens of thousands of deaths in the Sahel region of Africa. The United States and other industrialized nations have failed and continue to fail to meet their moral responsibility by providing adequate humanitarian relief to the 8 million people who face starvation in the Sahel. Pleas for help fall on deaf ears.

Muhammad Ali, the heavyweight boxing champion of the world, announced recently that all his future winnings will be donated to the needs of the poor. An estimated $500,000 from his upcoming title fight is being earmarked for aid to the threatened people in the Sahel. It is my hope, and his, that this commitment will spur both our Government and concerned private citizens to respond to the desperate situation in the Sahel.

The following article from the New York Times of March 6, 1975, reports on Ali's announcement of the pledge made at United Nations headquarters:

[From the New York Times, Mar. 6, 1975]

ALI TO AID AFRICAN DROUGHT VICTIMS

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., March 5.—Muhammad Ali skipped breakfast and lunch today, which he said put him in the right mood to talk about helping the hungry African people living in the drought-stricken Sahel.

The world heavyweight boxing champion came here today to announce that 50 cents of every ticket sold to watch his March 24 title fight against Chuck Wepner on closed-circuit television will be given to Sahelian relief. The gift, said Don King, promoter of the fight in Cleveland, could come to $500,000 and will be divided evenly between the United Nations Fund and Africare, the relief agency working in the countries bordering the Sahara. About 100,000 persons have died and 8 million are endangered by the drought that has hit Chad, Gambia, Mali, Mauritania, Niger, Senegal and Upper Volta.

Ali drove here this morning from his training camp in Deer Lake, Pa. After meeting with Secretary-General Kurt Waldheim, he said that missing a few meals was a reminder of the suffering of the hungry Africans.

Three weeks ago, Ali announced that he would donate all profits from future bouts to minority needy groups. The money he was donating to Africa, he said at a news conference here, was no more than a grain of sand. But giving it would make him feel less guilty when he gets into his new Rolls-Royce and drives up to his 16-room Chicago mansion. Ali, who made $5 million in his last fight, the knockout of George Foreman that restored his championship, estimated his earnings from the Wepner bout at $1.5-million.

Billions more are needed for Africa, he said, but it is up to the big powers—to President Ford, Secretary Kissinger and other "big powers" to help.

"They should tell the farmers that it is against the law to destroy food," the fighter said.

Asked if the visit to the United Nations had inspired one of his poems, he stared at the ceiling for a minute and then offered a two-liner: "Wars of nations are fought to change maps. But wars on poverty are fought to map changes."

ALTERNATIVES TO PRISON

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. BADILLO. Mr. Speaker, the following article by Colman McCarthy appeared in the Washington Post on March 2, 1975. I strongly support its two main premises; we must have alternatives to prisons and equal justice for all, regardless of economic or racial characteristics. As most of us realize, the scales of justice are fair, but they certainly seem a lot fairer to upper income individuals. My experiences at Attica and other prisons have taught me this in rather dramatic situations.

The article follows:

ALTERNATIVES TO PRISON

(By Colman McCarthy)

When sentencing time came for John Ehrlichman, he stood before Judge John Sirica and asked, through his lawyer, to be sent to an Indian reservation rather than to prison. The judge offered no comment on this request. Instead, he sentenced Ehrlichman, along with John Mitchell and H. R. Haldeman, to 2½ to 8 years in prison.

The merits of Ehrlichman's plea aside, the nature of his request—for an alternative to prison—is on the minds of many others. In Phoenix recently, a federal judge sentenced four prominent businessmen—convicted price fixers—to do "public penance" by working six months for the Salvation Army and two other charitable groups. The judge said that traditional sentences would be like "spitting in a blast furnace." In October 1974, a federal judge in New York sentenced three officials of Weis Securities, Inc., to spend five hours a week for one year "to work with and render assistance to underprivileged people." The convicted officials violated the Securities Exchange Act, crimes that helped cause their firm to collapse. In February in Mineola, N.Y., an ex-judge received an unconditional discharge following a perjury conviction. The presiding judge said a jail stretch—it could have been seven years—"would serve no useful purpose." The judge (as reported in The New York Times account) said of the convicted ex-judge: "Whatever additional penalties society may choose to heap upon him shall be insignificant compared to the knowledge which the defendant possesses."

Anyone who has been in prison or is at all familiar with the degradation that men and women experience in them, must feel elation that these three judges reached such humane decisions. If it were only as simple as that. Questions about sentencing and alternatives to prison are intertwined with innumerable other questions, all of them raised by people—judges, criminals, victims, jailers, lawyers, politicians—who know, first, that justice is not always just and, second, that elements of law, crime, punishments, deterrence and rehabilitation are often undefinable.

In the outcome of the above cases, for example, several questions are obvious: are the middle-class and white judges as merciful to poor black criminals as they were to these "respectable" criminals? How do the victims of the Phoenix price-fixers or the collapsed securities firm feel about losing their money and seeing the criminals on the street again, as though nothing happened? What about the convicts doing time for the same crimes, or lesser ones, who won't be out for years?

As knotty as these and other questions may be, more than a few citizens and groups are at work preparing for the day when alternatives to prison will be routine, not exceptional. The discussion is involving a range of people from powerful jurists to convicts trying to make it in halfway houses. In the recent book, "Criminal Sentences: Law Without Order," Judge Marvin E. Frankel writes: "My basic premises about sentencing include a firm conviction that we in this country send far too many people to prison for terms that are far too long . . . The United States probably has the longest sentences by a wide margin of any industrialized nation. It is my belief that prison terms ought to be much shorter. Also, that some considerable percentage of those we send to prison ought not to be so confined. This means that alternatives to prisons—for example, probation, work release, halfway houses, fines—must be employed more, and that creative thought must be devoted to expanding and improving the varieties of alternatives."

One of the varieties in Washington, D.C., is the idea of the halfway house. According to Jean Walker, a probation officer in the city's Superior Court and a member of a group called Criminal Justice Reform for Women, "in terms of saving the taxpayer money, the halfway house is much less expensive than jailing, and in terms of recidivism the success rate is much higher. Yet, progress is slow. It would be faster if enlightenment came from two directions: from the public, which has to be informed that alternatives do work. Second, reforms must come down from the top: through city councils, legislatures, correctional agencies, from officials who will institute progressive programs and then have the courage to stick with them."

Authorities commonly state that with traditional imprisonment everyone loses: the prisoner loses his freedom and society loses its money to maintain the system. In "After Conviction," an instructive book by Washington lawyers Ronald L. Goldfarb and Linda R. Singer, the argument is made for "an alternative system that does not rely fundamentally on imprisonment and prison institutions. Until that mentality is accepted, we feel that all discussions about reform are topsy-turvy. Once we presume the existence and use of prisons and the consequent enslavement of men, then every amenity is a fight, every improvement a big deal: having women staff in men's institutions and men's staff in women's institutions, allowing sexual cohabitation between prisoners and their wives, permitting freer access to mail and phone privileges—such basic things should be presumed, but in the context of a prison system they are considered presumptions. Everything normal is a concession from the idea of imprisonment."

Statistics are not kept on the number of criminals who receive alternative sentences—serving the poor, working for charities—but if the number increases as more jurists and penologists accept the idea (or are forced to accept it by legislatures), it may seem initially that a few people are "getting off light." This springs from a vengeful notion of justice, one that refuses to recognize what is almost universally known: that the majority of those sent off to be "rehabilitated" return again for more rehabilitation. If prisons aren't working, then the idea of alternatives must begin somewhere. It might be unfair that the first to benefit may be the educated and middleclass—as in the Phoenix and New York cases—but this injustice is a minor one compared to abuses that are being corrected. It is also a diminishing injustice, because as proof keeps coming in that the alternatives are working, more judges will be inclined to use them. In the current literature of penal reform, what was once considered radical is gradually being accepted as reasonable. In a recent Los Angeles Times article, entitled "Long Sentences (Are) No Solution" Manuel Real, a California judge, writes: "Rehabilitation and punishment are not incompatible. Both must exist in a viable realistic, humane system of corrections."

THE NATIONAL SOCIALIST LIBERATION FRONT: NEW MARXIST TERRORIST GROUP

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. McDONALD of Georgia. Mr. Speaker, yet another revolutionary Socialist group dedicated to the overthrow of the Government by terrorist methods has appeared. Its documents and publications state the group is a "political, revolutionary army" which intends to bring about a "national Socialist revolution" by means of "armed struggle."

This organization, the National Socialist Liberation Front—NSLF—states it is now in process of arming itself for confrontations with the police and eventually the U.S. Army. It has already moved to take violent action against members of rival Marxist revolutionary groups. On February 2, 1975, tear gas grenades exploded at a Los Angeles rally demanding the reopening of the Rosenberg case and the exoneration of the two convicted Communist atom spies. Two days later, bombs exploded at the Los Angeles headquarters of the Trotskyist Communist Socialist Workers Party and at a bookstore run by the Maoist Communist October League. Responsibility for these actions was taken by people claiming to be members of the NSLF.

According to its own journals and publications, the NSLF emerged some 9 months ago as an action-oriented splinter group from the National Socialist White People's Party—NSWPP. NSLF indicates it has cadre groups operating now in New Mexico, Los Angeles, San Francisco, San Diego, Boston, Detroit, and St. Louis. NSLF operates openly from the New Order Bookshop, 11101 Garvey Avenue, El Monte, Calif. 91734, 213/443-1464, and from P.O. Box 241, El Monte. The core group in the formation of the NSLF is believed to have been taken from the 61 Californians who were expelled from the NSWPP in August 1974.

In common with some other socialist factions, such as Stokely Carmichael's All African People's Revolutionary Party, the NSLF interprets Marx's theories of class war against the capitalists along racial and ethnic lines. In its official quarterly publication, Siege, the NSLF states, "The organization revolves around a militant strategy of armed guerrilla struggle against the Jewish power structure," and names the police as targets for NSLF violence because "The police enforce the system's laws and will never allow us to wage war against the blacks and the Jews."

NSLF is led by a "Captain" Joseph Tommasi, a former NSWPP organizer. Others named in NSLF literature as involved in the group include Damon C. Vashon of Louisville, Ky., who recently moved to the Los Angeles area to manage the New Order Bookshop; Frank Braswell, Pennland, N.C.; and Jim Long, presently serving 9 months in Chino, Calif., for possession of explosives.

NSLF literature indicates it is seeking contacts with prisoners in the California correctional system. Logically, targets for NSLF contact would include in-prison groups like the Aryan Brotherhood and the Polar Bear Party.

The House Committee on Internal Security report, "Revolutionary Target; the American Penal System," described the Aryan Brotherhood as an "all-white inmate organization" allied with another inmate gang, the Mexican Mafia, "based on mutual hatred of the blacks and a common desire to control the drug traffic." The report states the Polar Bear Party "followed the racist philosophy of the Aryan Brotherhood," described itself as a "politically oriented group," and had been in contact with the Maoist Communist Venceremos Organization, the violent group which spawned the terrorist Symbionese Liberation Army.

While it is not yet clear what is the growth potential for the NSLF, its rhetoric and organizing theory is clearly designed to attract alienated extremists familiar with the New Left. Under the heading, "By Any Means Necessary: Building the Revolutionary Party," the NSLF socialists write:

> Political power stems from the barrel of a gun. Winning the hearts and minds of the people takes intense organizing activity and a willingness on the part of the people to get involved and be organized. Both at this time do not exist. Since a mass movement cannot be "pulled off" in America because of the anti-mass movement nature of the American people (which stems from their ever growing apathy), the only recourse for National Socialist Revolutionaries is to go underground and build their own armed struggle to wage war against the state.* * *
>
> As National Socialist Revolutionaries we must always keep in mind that nothing we do against the system can ever be conceived as "adventuristic." Militant struggle is the key to heightening contradictions. It not only strikes concrete blows against the state but also builds revolutionary consciousness among those involved in the struggle, which is what must happen before we can attempt to build our "outside power bases from which to operate while building a popular base of support." * * *
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> We cannot effect political change by projecting a phony, bureaucratic, Prussian image and constantly spouting unrealistic daydreams, such as imagining the masses would ever wish to emulate Stormtroopers. It just won't happen. All revolutions, the actual assumption of power, are instigated by the efforts of a tiny few. * * *
>
> NSLF believes that it is necessary to begin development of an armed struggle immediately. We now understand the futility of maintaining the fight for social change within the framework of civil debate. Instead of trying to educate and organize people who don't see it our way, we write them off as enemies and neutralizers of the National Socialist Revolution. * * * We now confine the outreach to the small group of Movement people we consider potentially militant NS revolutionaries. NSLF feels that since these NS already know the "system sucks" all they need is a revolutionary example in order to move into armed struggle themselves.
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> NSLF will lead these National Socialists through a series of rigidly defined steps from the "lowest levels" of armed struggle to the "highest levels." The "levels" are determined by the violence of the weapons used. Rocks and "trashing" are on one level, molotov cocktails are higher and bombs higher still. The highest level is, of course, guns. This tactic of "levels" includes no political guidelines or flexibility and almost completely disregards mass participation. Levels are defined solely in terms of the weapons used. A mass action involving hundreds using only rocks is defined as a lower level of struggle than a bombing carried out by a few.
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> Leadership in the struggle has to do with making things happen. Leadership is the people who are doing it, cutting through diversionary debate, smashing forms and familiarities that hold us back, and through developing and acting on a clear line of how we move to win, redefining the context, content, and meaning of the NS Movement and the Revolution. That's what we call seizing the time!
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> NSLF is building an underground army. We must spread our efforts to trouble spots in the country exploiting racially troubled areas and establishing bases of support. At these times, we will continue to fan the fires as long as we can using this chaos to launch armed attacks against the enemy. Since our militance is obviously going to lead to a military confrontation (probably with the ever growing black U.S. Army), maybe not for the next few years, then the fact that most of the Movement has no consistency of armaments makes us fools. * * * Therefore we should state publicly that we believe, we support, and are preparing for armed struggle; for that is what we must do to effect political change.
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> In times of revolution, just wars and wars of liberation, we must love the angels of destruction and disorder as opposed to the devils of conservatism and law and order. * * * We will not make our most eloquent statements in courtrooms and at press conferences, but in the streets of Jew-Capitalist America!
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> The choice of weapons belongs to him who moves; and NSLF moves into the streets and we have made our choice of weapons and tactics. The weapon of CRITICISM will never equal the criticism of weapons. NSLF prefers a paralyzed enemy to a well-criticized one.

The NSLF is highly antagonistic toward law enforcement organizations. NSLF states, under the heading "Big Brother and the Holding Company or Police State, USA,":

> We do not wish for "Law and Order," for law and order means the continued existence of this rotten rip-off Capitalist Jew System. We wish for anarchy and chaos which will enable us to attack the system while her Big Brother Pigs are trying to keep the pieces from falling apart. We wish for a situation so confused and mixed-up that we can go after those bastards responsible for the anti-White policies and attacks against our people which now exist. Such chaos would allow us to so intensify our assaults that we could very well plunge the entire system to its death. For us to support those (the police) who maintain the "rules the wise men make for the fools" is absurd and suicidal. * * *
>
> The FBI and all cops have only one purpose: to maintain the existing order. For any of "our" people to support this situation is completely suicidal and contrary to National Socialist Revolutionary interests.

The statement ends with the slogan, "Build the National Socialist Revolution through armed struggle."

As can be clearly seen from the excerpts above, the NSLF has a considerable familiarity with the New Left Marxist rhetoric. Slogans taken from the writings of Mao Tse Tung litter the NSLF bulletins and journal—"fan the flames," "build the (National) Socialist Revolution through armed struggle," "political power stems from the barrel of a gun," "seize the time," et cetera.

It appears that the National Socialist Liberation Front intends to combine the barbaric totalitarianism of Hilter's national socialism with the ruthless brutality of Mao Tse Tung communism.

For these reasons, the National Socialist Liberation Front is a potential threat to the internal security of the United States; and I urge the appropriate committees of the House and the executive branch to take investigative action on this matter.

CONGRESS WARNED TO GUARD AGAINST "A FOREIGN POLICY OF SNOW JOBS"

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1975

Mr. EVINS of Tennessee. Mr. Speaker, the Washington Post's Sunday edition carried an article by Joseph Kraft entitled "The Administration's 'Cambodian Gambit' ", which discusses in some detail the matter of administration requests for more than $500 million in further assistance to South Vietnam and Cambodia.

Mr. Kraft in his column raises the question of what commitments were made by Secretary of State Henry Kissinger to the South Vietnamese that do not appear in the Paris Treaty of 1973, which stipulates on its face that the United States can provide aid to South Vietnam—an option, and not a commitment, obviously.

This matter of commitments made by Secretary Kissinger and the administration around the world is causing much concern in the Congress and in the minds of the American people—Congress should indeed be advised of any secret commitments that may have been made. As columnist Kraft observes:

> The Congress has to remain on guard against a foreign policy of snow jobs.

Because of the interest of my colleagues and the American people in this most important subject, I place the column by Mr. Kraft in the RECORD herewith. The column follows:

THE ADMINISTRATION'S 'CAMBODIAN GAMBIT'

(By Joseph Kraft)

Let Cambodia go with a bang, not a whimper. Blame the "catastrophe" on the Congress. Then get a blank check for aid to South Vietnam and a more defensive congressional posture on all other foreign policy issues.

That, in a nutshell, is the administration strategy for the current crisis in Southeast Asia. It is a strategy that should not survive even casual analysis of the military situation in Cambodia and the diplomatic and political conditions in South Vietnam.

In Cambodia the picture is clear. The regime of President Lon Nol is in trouble because the capital, Phnom Penh, has been cut off from supplies by land and sea. It cannot be saved unless the Mekong River supply route is reopened.

Secretary James Schlesinger and other senior Defense Department officials agree that it is up to the Cambodians, not the Congress, to reopen the supply route. "Mike Mansfield can't lead the supply column," one of these officials said. "Neither can Carl Albert. There's just nothing the Congress can do about opening the supply route to Phnom Penh."

Given the clear responsibility of the Cambodians, why would anybody even venture to pin the blame on the Congress? The answer emerges in the question Dr. Kissinger asked himself at his Tuesday news conference. "What," he mused, "will be the consequences if Vietnam and Cambodia did fall?"

"I believe," he answered, "that if Vietnam falls as a result of an American decision to cut off its aid, this will have over a period of time the most serious consequences." In other words, the problem is not saving Cambodia, it is keeping up aid to Vietnam. Indeed, the American ambassador to Saigon, Graham Martin, has been arguing inside the State Department that the administration should let Cambodia go, the better to maintain commitments to South Vietnam.

But what are these commitments? President Ford in his press conference Wednesday, and in other statements, has repeatedly cited "the obligation" incurred under the Paris treaty of 1973. But the Paris terms stipulate the United States has an option to resupply Saigon—not a commitment.

Perhaps President Nixon and Dr. Kissinger did make some kind of commitment in order to get Saigon to the Paris bargaining table in 1972. But if so, we should all know about it. Indeed, Congress should make it a first order of business to find out if there are any secret commitments.

In any case, if there is an aid commitment to South Vietnam, it is like so many of the commitments made in recent times. It is a commitment made without adequate reference to the Congress—certainly not to the changed character of the Congress.

The requirement now is that the Congress square its present existence with whatever commitment has been made to Vietnam. That is not an open-and-shut case.

In South Vietnam, unlike Cambodia, there is a strong nationalist resistance. Millions of Buddhists, Catholics, refugees and ordinary workers and peasants abhor the North Vietnamese Communists. Thanks to their efforts, the Communists have been held off for years.

But the resistance effort is declining. The reason is that most of the nationalist forces have been pushed into opposition by President Nguyen Van Thieu. His regime has shown itself to be corrupt, arbitrary and ineffective. If there is a mutual commitment to maintain resistance, President Thieu and his entourage have long since defaulted on it by the sheer incompetence of their government.

So if the Congress is asked to fulfill a bargain it did not make, it can reasonably insist on a counterpart. It can demand that President Thieu live up to the terms of the Paris agreement and form a tripartite regime with dissident nationalists and the local South Vietnamese left-wingers. That is the only kind of regime which will not wither away after the fashion of the Lon Nol government. In fact, without such a broad-based government in Saigon, there is no point in more American aid.

What all this means is that there is no reason for the Congress to go on the defensive now. There are hard questions to be asked, serious doubts to be resolved. Until the country is told how Cambodia is going to be saved, what commitments have been made in Saigon and to whom, there is no need for the Congress to yield to the President and his ministers.

No doubt there is a serious question as to how far the Congress should go in trying to fine-tune foreign policy. But as long as the President is prepared to con the country, as in the Cambodian gambit, the Congress has to remain on guard against a foreign policy of snow jobs.